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CITY SECRETARY  
DALLAS, TEXAS



City of Dallas

BOARD OF ADJUSTMENT (PANEL C)

Public Notice

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POSTED CITY SECRETARY  
DALLAS, TX

July 17th, 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/071723C>  
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-C-Register> or call (214) 670-4127, by the close of business Friday, July 14<sup>th</sup>, 2023.

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en <https://bit.ly/BDA-C-Register> o llamando al (214) 670-4127, antes de cierre de oficina el Viernes, 14 de Julio, 2023.

**AGENDA**

- I. **Call to Order** Robert Agnich, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
  - Approval of Panel C Minutes – June 22<sup>nd</sup>, 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]

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**UNCONTESTED CASE(S)**

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<b>BDA212-106(GB)</b>	817 N. Clinton Avenue <b>REQUEST:</b> Application of Cassandra Russell for a variance to the off-street parking regulations.	1
<b>BDA223-059(GB)</b>	4112 Delano Place <b>REQUEST:</b> Application of Baldwin Associates for a variance to the parking regulations.	2
<b>BDA223-064(KMH)</b>	4106 South Better Drive <b>REQUEST:</b> Application of Gregory Michaelson for a variance to the side yard setback regulations.	3
<b>BDA223-067(GB)</b>	402 N. Good Latimer Expwy. <b>REQUEST:</b> Application of Baldwin Associates for a special exception to the parking regulations.	4
<b>BDA223-068(KMH)</b>	906 Kessler Pkwy. <b>REQUEST:</b> Application of Jennifer Hiromoto for a special exception to the fence height regulations, and for a special exception to the fence standards regulations.	5
<b>BDA223-069(GB)</b>	1414 Dragon Street <b>REQUEST:</b> Application of Santos Martinez for a special exception to the parking regulations	6

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**HOLDOVER**

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<b>BDA223-053(GB)</b>	7217 Brookshire Circle <b>REQUEST:</b> Application of Steve Lakin for a special exception to the fence height regulations.	7
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**INDIVIDUAL CASES**

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None.



BOARD OF ADJUSTMENT

Panel C Minutes

June 22, 2023

**DRAFT**

6ES Briefing Room  
[24957316190@dallascityhall.webex.com](mailto:24957316190@dallascityhall.webex.com)

Robert Agnich, Vice-Chair

**PRESENT: [5]**

Robert Agnich, VC	
Rodney Milliken	
Jared Slade	
Judy Pollock	
TC Fleming	

**ABSENT: [0]**

Roger Sashington	

Vice-Chair Agnich called the briefing to order at **10:32 A.M.** with a quorum of the Board of Adjustment present.

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

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

**PUBLIC SPEAKERS**

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

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

**MISCELLANEOUS ITEMS**

Approval of the Board of Adjustment Panel C February 23, 2023 public hearing minutes.

**Motion was made to approve Panel C February 23, 2023 public hearing minutes.**

Maker:	Judy Pollock				
Second:	Robert Agnich				
Results:	5-0 unanimously				
		Ayes:	-	5	Robert Agnich, Judy Pollock, TC Fleming, Rodney Milliken, and Jared Slade
		Against:	-	0	

**UNCONTESTED ITEMS**

**1. 304 S. Beacon Street  
BDA223-047(GB)**

**BUILDING OFFICIAL’S REPORT:** Application of Baldwin Associates for a variance to the front yard setback regulations at 304 S. Beacon Street. This property is more fully described as tract 2, block 698, and is zoned D(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide an 11-foot front yard setback, which will require a 14-foot variance to the front yard setback regulations.

**LOCATION:** 304 S. Beacon Street

**APPLICANT:** Baldwin Associates

**REQUEST:**

A request for a variance to the side yard setback regulations of 14 feet is made to construct a single-family home. The applicant is proposing to construct and/or maintain a single-family residential structure and provide a 11-foot side yard setback, which will require a 14-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:

- (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 is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the D(A) zoning district in that it is restrictive in area because the site is a corner 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 single-family home to be constructed commensurate with neighboring properties.

- **ZONING/BDA HISTORY:**

- ❖ BDA212-07. Request: Variance to the front yard setback regulations
- ❖ Approved on August 18,2022

**Zoning:**

Site: D(A)

**Land Use:**

The subject site is vacant. 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 front yard setback regulations of 14 feet is made to construct a single-family home.
- The subject property is located at the corner of S. Beacon and Sante Fe.
- The subject property is zoned D (A).
- The subject property is situated on a corner lot.
- The applicant is requesting a variance to the front yard setback regulations located on S. Beacon Street. A variance is not required for Sante Fe.
- 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 front yard setback would be limited to what is shown on this document.

**Timeline:**

- March 30, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this

request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

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

June 07, 2023: The applicant submitted documentary evidence. Exhibit A

**Speakers:**

For: Rob Baldwin, Baldwin Associates (Did not speak)

Against: No Speakers

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-047, on application of Baldwin Associates, **GRANT** the 14-foot variance to the front yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

**BDA223-047** —Application of Baldwin Associates for the 14-foot variance to the front yard setback regulations in the Dallas Development Code, is **granted** subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Rodney Milliken				
Second:	TC Fleming				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, TC Fleming, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

**2. 2513 N. Fitzhugh Ave.**

**\*This case was moved to Individual Items**  
 BDA223-049(GB)

**BUILDING OFFICIAL'S REPORT:** Application of Ruth Solorzano for a variance to the rear yard setbacks. This property is more fully described as lots 2,3, & 4, block 2/2001, and is zoned CR, which requires a front yard setback of 20-feet where there is adjacency for new construction. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear yard setback regulations.

**LOCATION:** 2513 N. Fitzhugh Avenue

**APPLICANT:** Baldwin Associates



**REQUEST:**

A variance to the rear-yard setback regulations. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-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:

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

**State Law/HB 1475 effective 9-1-21**

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

**STAFF RECOMMENDATION:**

- Approval
  1. Rationale: Granting this variance would not adversely affect the neighboring properties.
  2. Condition: If the board grant the variance the applicant would have to comply with the approved site plan.

• **ZONING/BDA HISTORY:**

There has not been any BDA history for this property within the last 5 years.

**Zoning:**

Site: CR

**Land Use:**

The subject site is developed with commercial uses . The areas to the north, south, east, and west are developed commercial and residential mixed uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- A special exception to the rear yard setback regulations. The applicant proposes to construct a non-residential structure and provide a 3-foot rear yard setback, which will require a 17-foot variance to the rear yard setback regulations.
- The subject property is located at 2513 N. Fitzhugh Avenue
- The subject property is zoned CR
- The subject property is situated on a corner lot.
- The applicant is requesting a variance to the rear yard setback regulations.
- The applicant has the burden of proof in establishing the following:

**In general.**

- a) 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;
- b) 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
- c) 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.
- d) If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

**Timeline:**

- April 04, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 05, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 2023,

- deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and 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 Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

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

As of June 9, 2023, no letters received in favor nor opposition for this case.

Speakers:

For: Ruth Solorzano, 2023 Custer Dr, Dallas TX 75216

Against: Jules Palmer, 3004 Durango Court, Richardson, TX

**Motion**

I move that the Board of Adjustment, in Appeal No. BDA 223-049, on application of Ruth Solorzano **GRANT** the 17-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.

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

Compliance with the revised submitted site plan is required.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	4-1				
		Ayes:	-	4	Judy Pollock, TC Fleming, Rodney Milliken, Jared Slade
		Against:	-	1	Robert Agnich

**INDIVIDUAL CASES**

**3. 7217 Brookshire Circle**

BDA223-053(GB)

**BUILDING OFFICIAL'S REPORT:** Application of Steve Lakin for a special exception to the fence height regulations at 7217 Brookshire Circle. This property is more fully described as Block 6/6586, Lot 2 and is zoned R-16 (A), which limits the height of a fence in a required 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:** 7217 Brookshire

**APPLICANT:** Steve Lakin

**REQUEST:**

A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot-high fence in a front yard, which will require a 2-foot special exception to the fence regulations.

**STANDARD FOR A SPECIAL EXCEPTION:**

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

Staff does not provide a recommendation for special exceptions.

• **ZONING/BDA HISTORY:**

**Zoning:**

Site: R-16 (A)

**Land Use:**

The subject site is developed with a single family home. Areas to the North, South, East, and West are developed with single-family uses.

**GENERAL FACTS/STAFF ANALYSIS:**

- A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot fence which will require a 2-foot special exception.
- The subject property is located at 7217 Brookshire Drive
- The subject property is zoned R-16 (A).
- This property is governed by a zoning district that allows fences in a required front yard to be no more than 4 feet.
- No special exception would be necessary if the proposed fence was 4 feet or under.

If the Board were to grant this special exception, and impose the submitted site plan as a condition, the applicant would be required to construct the fence according to the approved site plan.

**Timeline:**

April 06, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

May 03, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, June 09, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June 22, 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 Specialists, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

June 02-06, 2023: Received letters from neighbors within the notification area

Speakers:

For: Steve Lakin, 400 Donley Ct, Southlake, TX 76092  
Peter Kofoed, 7217 Brookshire Dr., Dallas TX 75230  
Kristie Kofoed, 7217 Brookshire Dr., Dallas TX 75230

Against: Jennifer Lavender, 7127 Brookshire Cir., Dallas TX 75230  
Mary Lavender, 12247 Montego Plaza, Dallas TX 75230  
John J. Barto, 7107 Brookshire Cir., Dallas TX 75230  
Susan White, 7115 Brookshire Cir., Dallas TX 75230  
Liane LaBarba, 7121 Brookshire Cir., Dallas TX 75230

It was moved for the Board of Adjustment to suspend the rules of evidence to allow for only 1 set of 3 pages to be submitted to the Board by Chair Agnich.

Passes unanimously

**Motion**

I move that the Board of Adjustment in Appeal No. BDA 223-053, an application of Steve Lakin, to **HOLD** this matter under advisement until July 17, 2023.

Maker:	Robert Agnich				
Second:	Rodney Milliken				
Results:	5-0				
		Ayes:	-	5	Robert Agnich, TC Fleming, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

**4. 4001 Turtle Creek Blvd.**  
BDA223-051(GB)

**BUILDING OFFICIAL'S REPORT** Application of ROBERT REEVES for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the front yard setback regulations at 4001 TURTLE CREEK BLVD. This property is more fully described as Block 1/2062, Lot 11 and is zoned PD-193; sub area R-7.5, which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a 10 foot high fence in a required front yard, which will require a 6 foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct and maintain a single-family residential accessory structure and provide a 10 foot 6 inch front yard setback, which will require a 14 foot 6 inch variance to the front yard setback regulations.

**LOCATION:** 4001 Turtle Creek Blvd

**APPLICANT:** Robert Reeves

**REQUEST:**

The applicant is requesting the following:

1. **special exception to the fence height regulations**
2. **a special exception to the fence standards**
3. **a variance to the front yard setback regulations.**

The applicant proposes to construct a 10-foot-high fence in a required front yard, which will require a 6-foot special exception to the fence regulations, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single-family residential accessory structure and to provide an 10-foot front yard

setback , which will require a 14-foot variance to the front 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:

- (G) 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.
- (H) 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
- (I) 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.

**STANDARD FOR A SPECIAL EXCEPTION:**

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**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 PD193 zoning district in that it is restrictive in shape.
- Staff concluded that granting the variance and special exception in this application would not be contrary to public interest.
- 
- **ZONING/BDA HISTORY:**
  - ❖ BDA167-058. Request: Special Exception to the fence height regulations
  - ❖ Approved on 05/19/2017
  - ❖ Condition: compliance with the approved site plan

**Zoning:**

Site: PD193

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The applicant is requesting the following:
  1. **special exception to the fence height regulations**
  2. **a special exception to the fence standards**
  3. **a variance to the front yard setback regulations.**
- The site zoned PD193
- The applicant was issued a building permit for a swimming pool on August 06,2021
- 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 front yard setback would be limited to what is shown on this document.

**Timeline:**

April 06, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.



April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

May 05, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the June 09, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and 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 Planners, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, City of Dallas Code Staff, and the Board Attorney.

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

June 06, 2023: The applicant provided documentary evidence. Please see Exhibit A

June 09, 2023: Received two letters of opposition. Please see Exhibit B and C

Speakers:

For: Robert Reeves, 3807 Vinecrest Dr., Dallas TX 75229  
Stephen Worsham, 4011 Turtle Creek Bld., Dallas TX 75219  
Rick Schene, 3332 Miro, Dallas TX 75204  
James Hughes, 4143 Buena Vista Dr, Dallas TX 75204  
Bryan Gonzales, 5727 Gaston Ave # 217, Dallas TX 75214  
Sam Artz, 8331 Nunley Ln., Dallas TX 75231  
Michael McCabe, 4001 Turtle Creek Blvd, Dallas TX 75219  
Mark Webb, 5612 Sundaca, The Colony, TX 75056 (did not speak)

Against: No Speakers

**Motion # 1-1**

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the 11-foot variance to the front 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.

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

Compliance with the submitted site plan is required.

Maker:	Jared Slade			
Second:	Judy Pollock			

**Motion # 1-2**

Motion to **WITHDRAW**

Maker:	Jared Slade			
Second:	Judy Pollock			

**Motion # 1-3**

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the 14-foot 6-inch variance to the front 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.

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

Compliance with the submitted site plan is required.

Maker:	Jared Slade			
Second:	Judy Pollock			
Results:	4-1			
		Ayes:	- 4	Judy Pollock, Rodney Milliken, Robert Agnich and Jared Slade
		Against:	- 1	TC Fleming

**Motion # 2-1**

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan is required.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	3-2				<b>Motion Fails</b>
		Ayes:	-	3	Judy Pollock, Rodney Milliken, Jared Slade
		Against:	-	2	Robert Agnich, TC Fleming

**Motion # 2-2**

I move that the Board of Adjustment in Appeal No. BDA 223-051, on application of Robert Reeves, **HOLD** this matter under advisement until July 17<sup>th</sup>.

Maker:	Robert Agnich				
Second:	Jared Slade				

**Motion # 2-3**

Motion to **WITHDRAW**

Maker:	Robert Agnich				
Second:	Jared Slade				

**Motion # 2-4**

Motion to reconsider Board Member Jared Slade motion to approve the request for fence openness.

Maker:	Robert Agnich				
Second:	Jared Slade				
Results:	5-0				
		Ayes:	-	5	Judy Pollock, TC Fleming, Rodney Milliken, Robert Agnich and Jared Slade
		Against:	-	0	

**Motion # 2-5**

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	4-1				
		Ayes:	-	4	Judy Pollock, Rodney Milliken, Robert Agnich and Jared Slade
		Against:	-	1	TC Fleming

**Motion # 3**

I move that the Board of Adjustment, in Appeal No. BDA 223-051, on application of Robert Reeves, **GRANT** the request of this applicant to construct and/or maintain a 9-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	4-1				
		Ayes:	-	4	Robert Agnich, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	1	TC Fleming

**ADJOURNMENT**

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **5:46 P.M.**

\*\*\*Recess: 3:14 p.m.; Resume: 3:29 p.m.\*\*\*

\_\_\_\_\_  
Required Signature:  
Mary Williams, Admin Specialist II  
Development Services Dept.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Required Signature:  
Nikki Dunn, Board Administrator  
Development Services Dept.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Required Signature:  
Robert Agnich, Vice-Chair  
Board of Adjustment

\_\_\_\_\_  
Date

**FILE NUMBER:** BDA212-106(GB)

**BUILDING OFFICIAL'S REPORT** Application of CASSANDRA RUSSELL for a variance to the off-street parking regulations at 817 N. CLINTON AVE. This property is more fully described as Block 11/3458, part of lot 9 and 10 and is zoned CD-1, which requires a parking space be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require a variance of 4-foot to the off-street parking regulations.

**LOCATION:** 817 N. Clinton Avenue

**APPLICANT:** Casandra Russell

**REQUEST:**

This is a request for a variance to the off-street parking regulations. The applicant proposes to construct and/or maintain single family residential structure with a setback of 16-feet, which will require a variance of 4-foot to the off-street parking regulations.

**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:

The applicant’s request is not contrary to the public interest, nor is the applicant’s request is a self-created hardship.

• **ZONING/BDA HISTORY:**

**Zoning:**

Site: CD-1  
North: CD-1  
South: CD-1  
East: CD-1  
West: CD-1

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- This is a request for a variance to the off-street parking regulations. The applicant proposes to construct and/or maintain single family residential structure with a setback of 16 feet, which will require a variance of 4 foot to the off-street parking regulations.
- The subject property is located at 817 N. Clinton Avenue
- The subject property is zoned CD-1
- The intended use for this property is a single-family residence.

**Timeline:**

May 11, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

June 13, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, and the Development Services Senior Engineers

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

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)

Has no objections

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

Recommends denial  
(see comments below or attached)

No comments

COMMENTS:

*Does not appear that the alley would be  
obstructed by a parked vehicle*

BDA 212-106(GB)

BDA 223-053(GB)

BDA 223-059(GB)

BDA 223-064(KMH)

BDA 223-067(GB)

BDA 223-068(KMH)

BDA 223-069(GB)

**David Nevarez, PE, PTOE, DEV - Engineering**

Name/Title/Department

**6/29/2023**

Date

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



June 14, 2023: The applicant submitted documentary evidence. See Exhibit A

Exhibit A

# BDA212-106

## Off street parking regulations:

Section 51(A)-4.301(a)(9) of the Dallas Development Code states that 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 a street or alley.

Proposal to **expand** the existing structure (aka shed) that is currently at the rear of the property and create an enclosed garage, and attach it to the existing single-family home at **817 N. Clinton Ave, Dallas, TX 75208** due to my **pie-shaped** (irregular) lot.

What is a pie-shaped (irregular) lot you ask?

1 of 6

---

Not this kind of pie-shape from Eno's Pizza Tavern:



Or this kind of pie-shape from Emporium Pie's:



2 of 6

Out of the 34 lots you see on this certified subdivision plat, only 3 (.08%) are pie-shaped (irregular) lots. My inability to adhere to the 'Off street parking regulations' (due to my pie-shaped (irregular) lot ) is causing me a hardship which requires a variance from the Board of Adjustments.



3 of 6

My pie-shaped (irregular) lot is smaller than most of the neighboring lots. The average lot size is approximately 7,000 square feet (see chart below). My pie-shaped (irregular) Lot 9 and part of Lot 10 were approved/created long ago and gave me the irregular shape.

ADDRESS	SQ. FT.	GARAGE (FEET)
810 N. Clinton	6,740	Detached, alley access
814 N. Clinton	7,686	n/a
817 N. Clinton	6,403	n/a
818 N. Clinton	7,151	Detached, front access
822 N. Clinton	7,476	Detached, front access
823 N. Clinton	6,100	*Carport, front access
826 N. Clinton	7,390	n/a
827 N. Clinton	7,631	Detached, front access
829 N. Clinton	7,716	Detached, front access
834 N. Clinton	7,368	n/a
835 N. Clinton	7,475	Detached, front access
838 N. Clinton	7,405	Detached, front access
839 N. Clinton	7,516	n/a
842 N. Clinton	7,297	Detached, front access
843 N. Clinton	7,450	*Carport, front access

ADDRESS	LOT AREA	LOT TYPE	STRUCTURE(S)
844 N. Clinton		7,320	Detached, front access
847 N. Clinton		7,459	*Parking lot
850 N. Clinton		7,640	Detached, front access
900 N. Clinton		7,689	Detached, front access

3- Yes, other lots DO have garages, but those lots are much larger and have garage access through the front. I cannot access through the front due to the narrowness of my shared driveway; my car would hit the house with garage access via the front, so the decision has been made to put the access to the garage in the alley (or rear).

Other homes in the area within a mile radius with garage access via the alley (rear):

ADDRESS	LOT AREA	LOT TYPE	STRUCTURE(S)
1146 N. Winnetka		7,050	Detached, alley access



ADDRESS	STREET	LOT SIZE	GARAGE SPEC
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1142 N. Winnetka 7,050 Detached, alley access



ADDRESS	STREET	LOT SIZE	GARAGE SPEC
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1107 N. Clinton 7,500 Detached, alley access

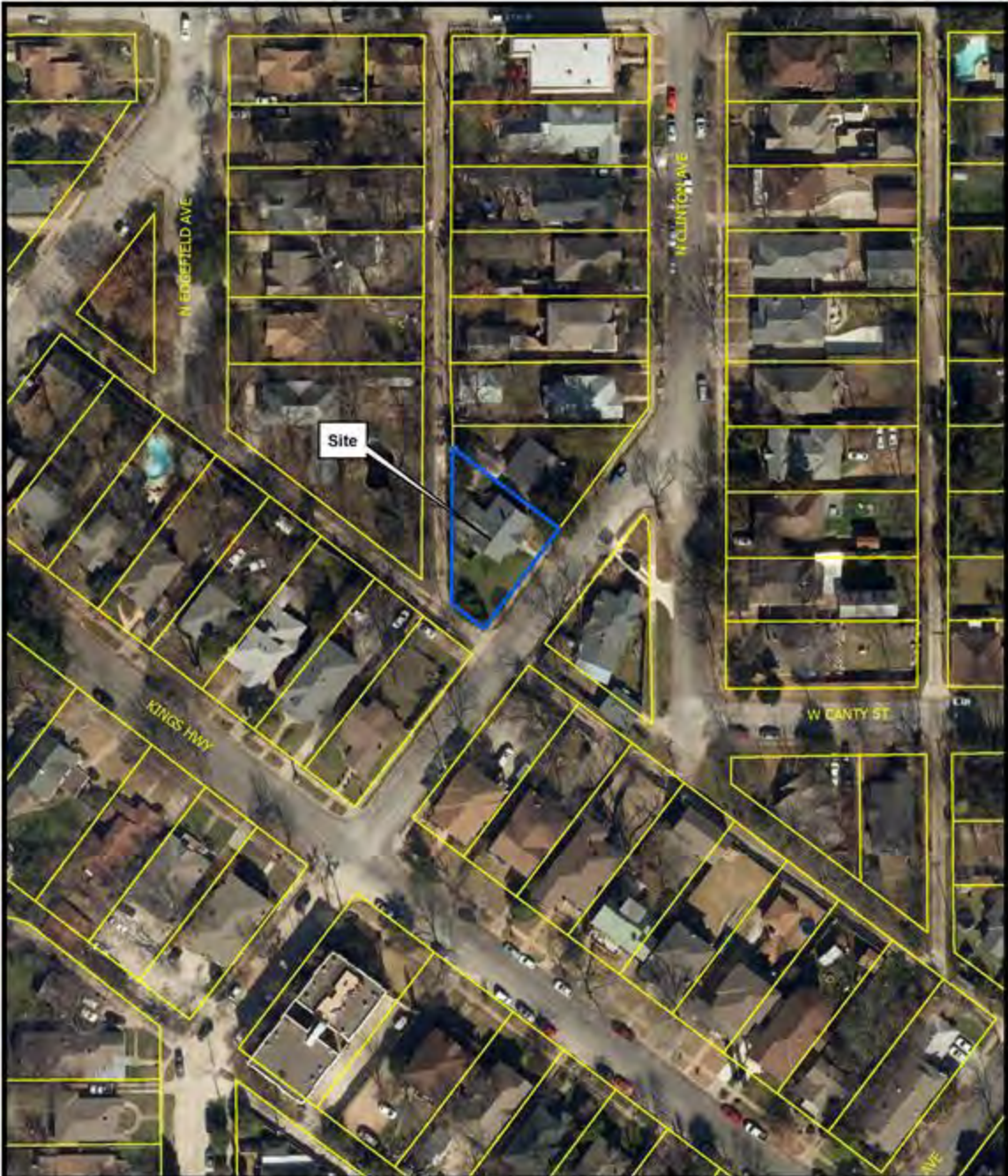


ADDRESS	STREET	LOT SIZE	GARAGE SPEC
---------	--------	----------	-------------

1108 N. Edgefield 7,750 Detached, alley access



6 of 6



1:1,200

# AERIAL MAP

Case no: BDA212-106

Date: 10/21/2022







 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> <span style="border: 1px solid black; padding: 2px;">200'</span> AREA OF NOTIFICATION  <span style="border: 1px solid black; padding: 2px;">27</span> NUMBER OF PROPERTY OWNERS NOTIFIED         </p>	Case no: <u>BDA212-106</u> Date: <u>10/21/2022</u>
------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------

## *Notification List of Property Owners*

### *BDA212-106*

#### *27 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	817 N CLINTON AVE	RUSSELL CASSANDRA
2	834 N CLINTON AVE	WILSON KATHERINE S
3	830 N CLINTON AVE	JOHNSON JARED & CLAIRE
4	826 N CLINTON AVE	826 CLINTON LLC
5	822 N CLINTON AVE	Taxpayer at
6	818 N CLINTON AVE	SEARS JAMES S
7	814 N CLINTON AVE	BATTLE EDUARDO A & SUZANNE
8	1303 KINGS HWY	FRANCIS KYLE & JENNY
9	1305 KINGS HWY	HAINKIN LLC
10	1311 KINGS HWY	THOMAS KELSY
11	1315 KINGS HWY	KINGS HIGHWAY 1315 PROPERTY LLC
12	1317 KINGS HWY	BELCHER WILLIAM F &
13	1323 KINGS HWY	MENDEZ TOM &
14	823 N CLINTON AVE	JOHNSON DAVID M
15	827 N CLINTON AVE	ORNELAS NORMA
16	829 N CLINTON AVE	GLASOW CHRISTINE A
17	835 N CLINTON AVE	Taxpayer at
18	839 N CLINTON AVE	KELLY JANIE ELIZABETH
19	824 N EDGEFIELD AVE	BROOKS PATTY B & ESPEN S
20	820 N EDGEFIELD AVE	SHEPHERD CLAYTON
21	814 N EDGEFIELD AVE	P & E BROOKS HOLDINGS LLC
22	812 N EDGEFIELD AVE	BROOKS PATTY & ESPEN
23	810 N CLINTON AVE	MCMILLAN WILLIAM
24	1223 KINGS HWY	CULAK ROBERT C &
25	1225 KINGS HWY	Taxpayer at
26	1231 KINGS HWY	ROSENMAN RHONDA B ETAL

\*REVISED



**APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT**

Case No.: BDA 212-100 FOR OFFICE USE ONLY

Data Relative to Subject Property: \_\_\_\_\_ Date: FOR OFFICE USE ONLY

Location address: 817 N. Clinton Ave Zoning District: CO-1

Lot No.: Pg 10 Block No.: 11/3458 Acreage: .146 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 94 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment:

**Cassandra Russell**

Owner of Property (per Warranty Deed): \_\_\_\_\_

Applicant: Cassandra Russell Telephone: 210-843-6478

Mailing Address: 817 N. Clinton Ave, Dallas, TX Zip Code: 75208

E-mail Address: CR56768@yahoo.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 \_\_\_\_\_  
Request for a special exception/ variance to the parking setback requirement

The dimensions are for an ~16' proposed concrete drive that leads to a proposed 21' x 15' garage

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:

Renovating or removing the existing structure on the property to accommodate for a garage

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 Cassandra Russell

(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 1 day of May, 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 CASSANDRA RUSSELL

did submit a request for a variance to the off-street parking regulations, ~~and for a variance to the side yard setback regulations~~

at 817 N CLINTON AVENUE

BDA212-106. Application of CASSANDRA RUSSELL for a variance to the off-street parking regulations at 817 N CLINTON AVE. This property is more fully described as Bloc 11/3458, part of lot 9 and 10 and is zoned CD-1, which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain single family residential structure with a setback of 16 feet, which will require a variance of 4 foot to the off-street parking regulations.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



City of Dallas Sustainable Development & Construction GIS, SDC GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Sustainable Development & Construction, City of Dallas GIS Services, City of Dallas, Department of Transportation, Department of Public Works

Printed: 9/26/2022

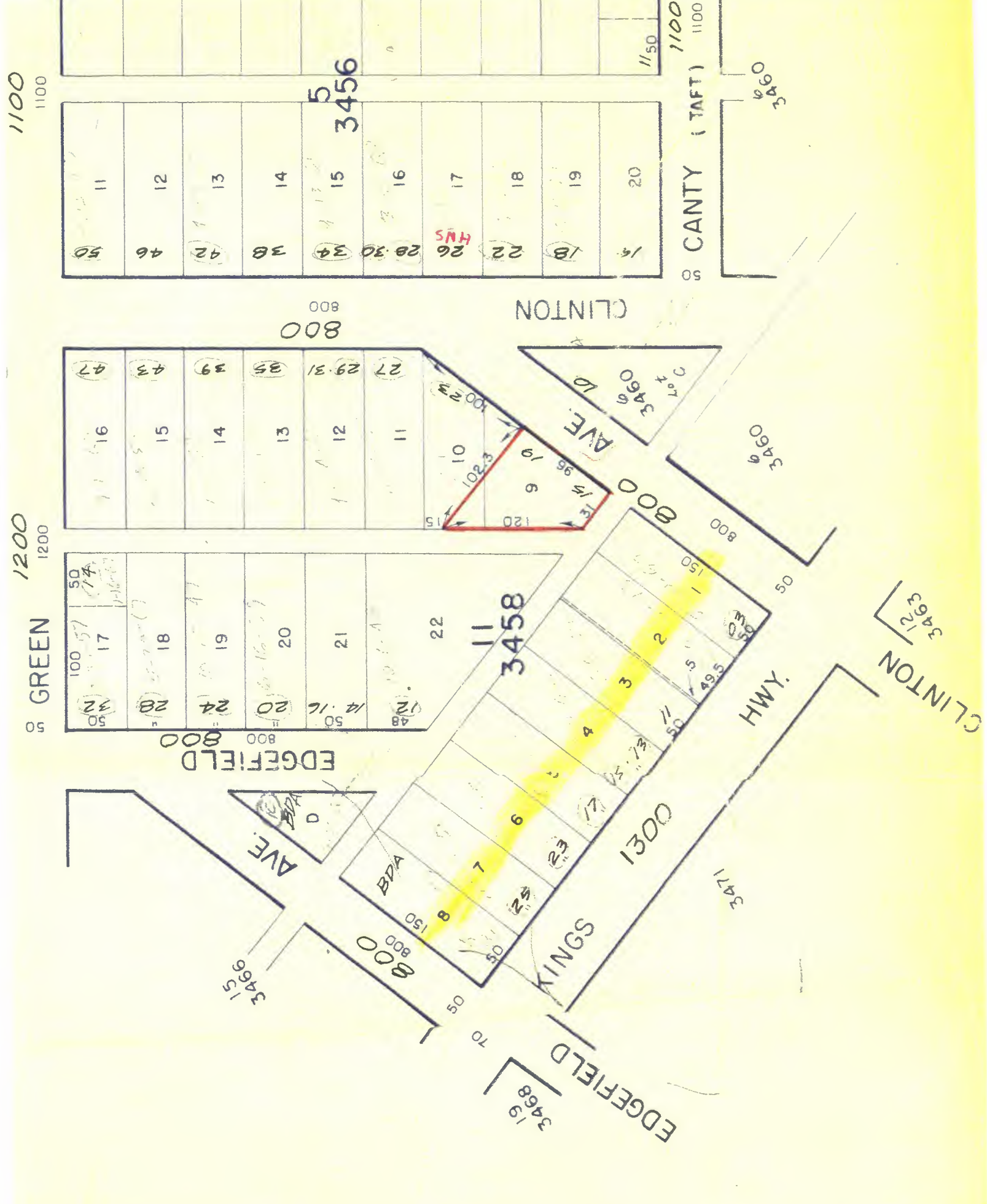
- |                       |                  |                            |                               |
|-----------------------|------------------|----------------------------|-------------------------------|
| City Limits           | SUP              | PDS Subdistricts           | Pedestrian Overlay            |
| Dallas Tax Parcels    | NSO Overlay      | Height Map Overlay         | CP                            |
| Deed Restrictions     | NSO Subdistricts | Shop Front Overlay         | SP                            |
| Dry Overlay           | MD Overlay       | Parking Management Overlay | Turtle Creek Setback Corridor |
| D                     | CD Subdistricts  | Base Zoning                | Demolition Delay Overlay      |
| D-1                   | PD Subdistricts  | SPSP Overlay               |                               |
| Historic Overlay      | PD193 Oak Lawn   |                            |                               |
| Historic 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)



1:564

BDA 212-104



1100  
1100

1200  
1200

50 GREEN

EDGEFIELD

AVE.

EDGEFIELD

KINGS

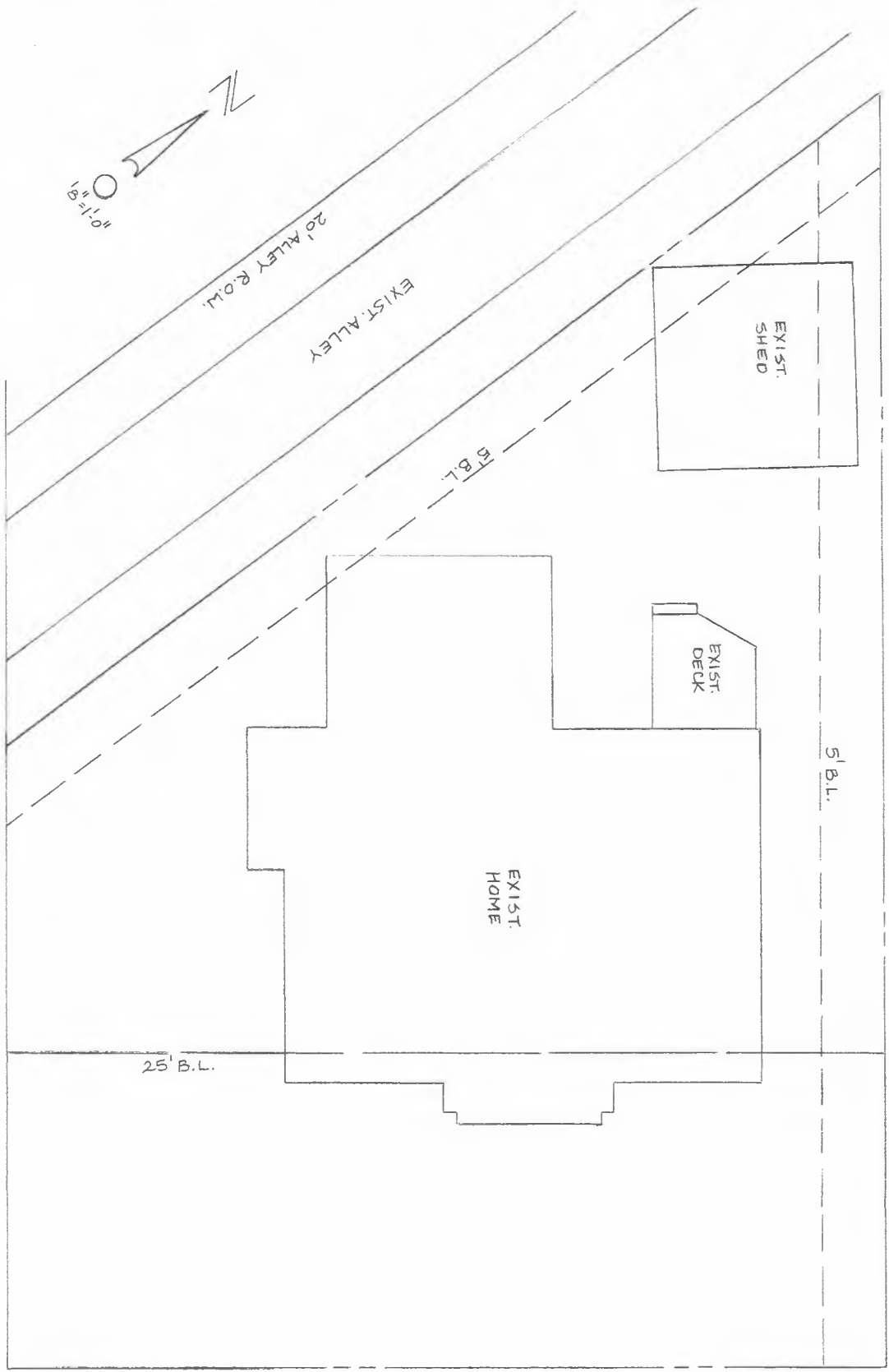
HWY.

CLINTON

CLINTON

50 CANTY (TAFT)

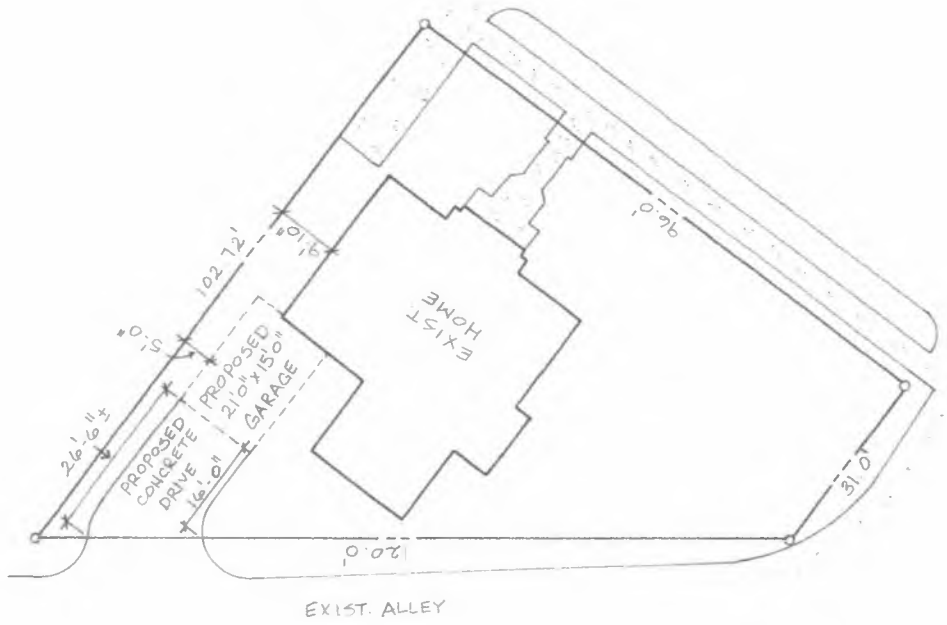
5  
3456



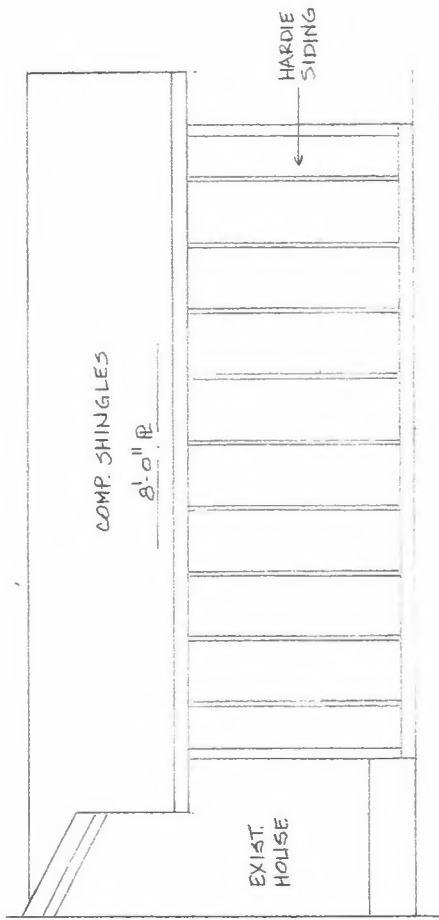
**EXISTING PLAN**  
**817 N. CLINTON AVE.**



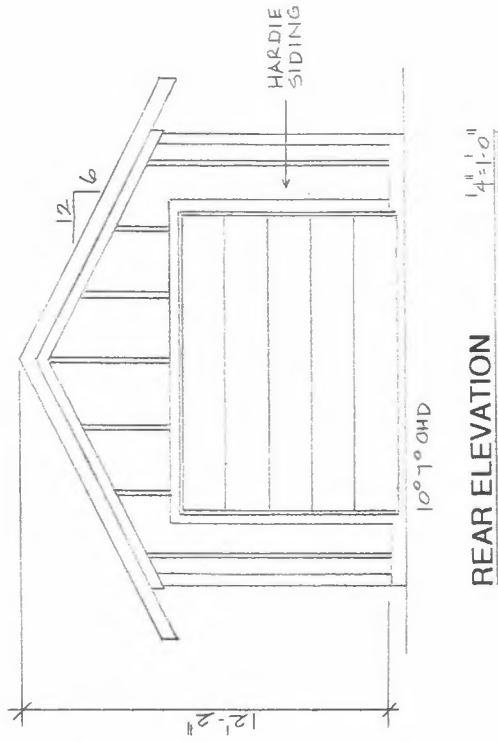
**PROPOSED PLAN** 1/2"=20'-0"  
817 N. CLINTON AVE.



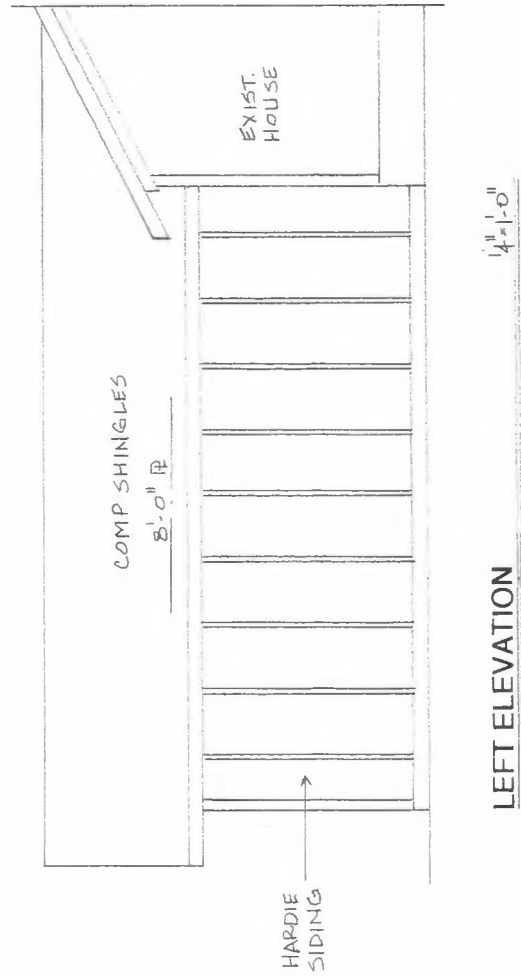




RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

**FILE NUMBER:** BDA223-059(GB)

**BUILDING OFFICIAL'S REPORT** Application of BALDWIN ASSOCIATES for a variance to the parking regulations at 4112 DELANO PL. This property is more fully described as Block B/657, Lot 1/2 of lot 16 and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for office use and provide 2 of the required 4 parking spaces, which will require a 2-space variance (50% reduction) to the parking regulation.

**LOCATION:** 4112 Delano Place

**APPLICANT:** Baldwin Associates

**REQUEST:**

This is a request for a variance to the parking regulations. The applicant proposes to construct and maintain a nonresidential structure for office use and provide 2 of the required 4 parking spaces, which will require a 2-space variance (50% 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:

The applicant’s request is not contrary to the public interest, nor is the applicant’s request is a self-created hardship.

• **ZONING/BDA HISTORY:**

**Zoning:**

Site: CR

**Land Use:**

The subject site is developed with a structure that will be used for an office. Areas to the North, South, East, and West are developed with mixed-uses, residential 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 an office use and provide 2 of the required 4 parking spaces, which will require a 2-space variance (50% reduction) to the parking regulation.
- The subject property is located at 4112 Delano Place.
- The subject property is zoned CR.
- The intended use for this property is an office.

**Timeline:**

- April 26, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- June 13, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
  - an attachment that provided the public hearing date and panel that will consider the application; the June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis;

and the Friday, July 07, 2023, deadline to submit additional evidence to be incorporated into the Board's docket materials

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

June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, and the Development Services Senior Engineers

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

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)

- 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 212-106(GB)
- BDA 223-053(GB)
- BDA 223-059(GB)
- BDA 223-064(KMH)
- BDA 223-067(GB)
- BDA 223-068(KMH)
- BDA 223-069(GB)
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COMMENTS:

*On street parking is readily available*

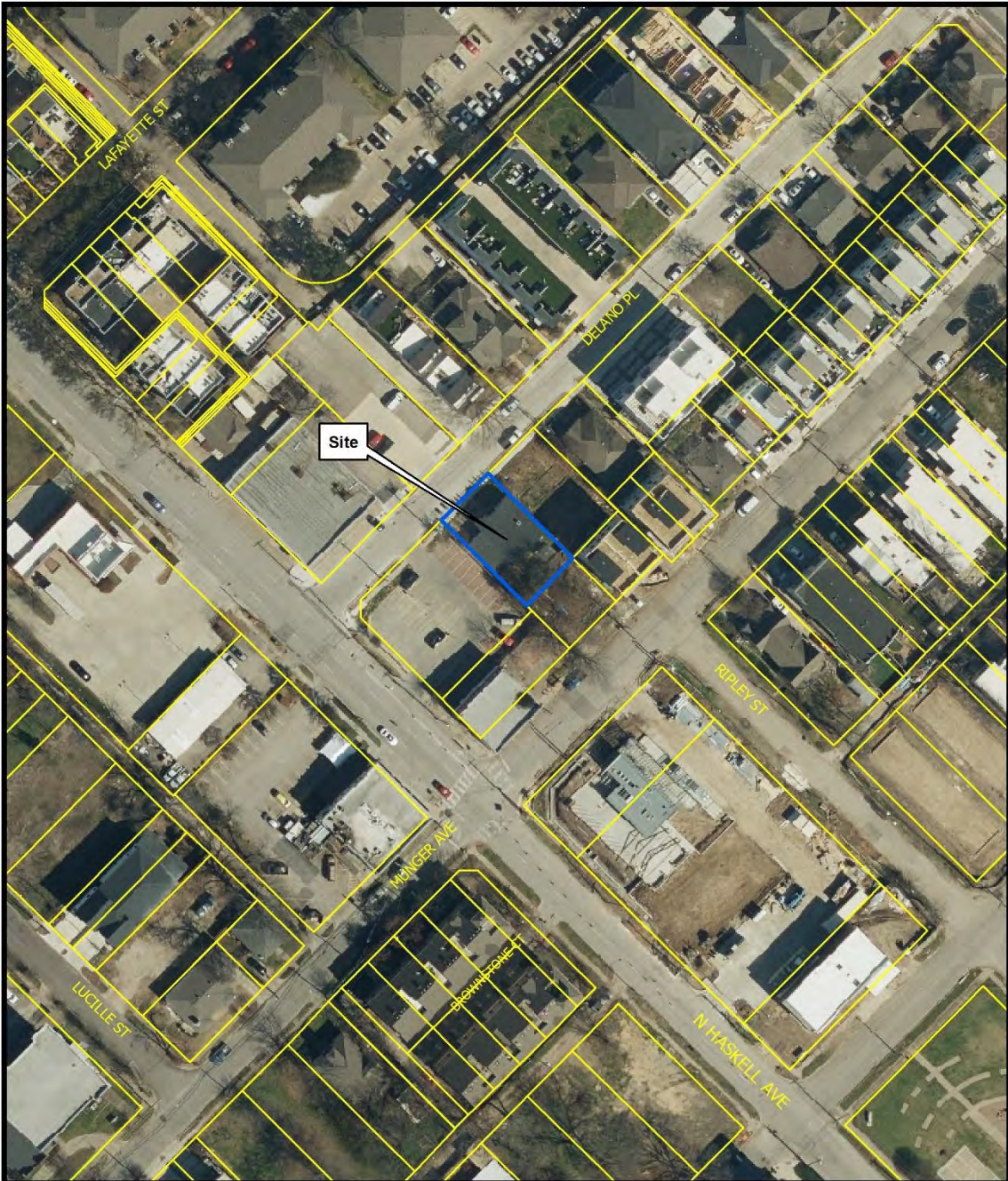
***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

***6/29/2023***

Date

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

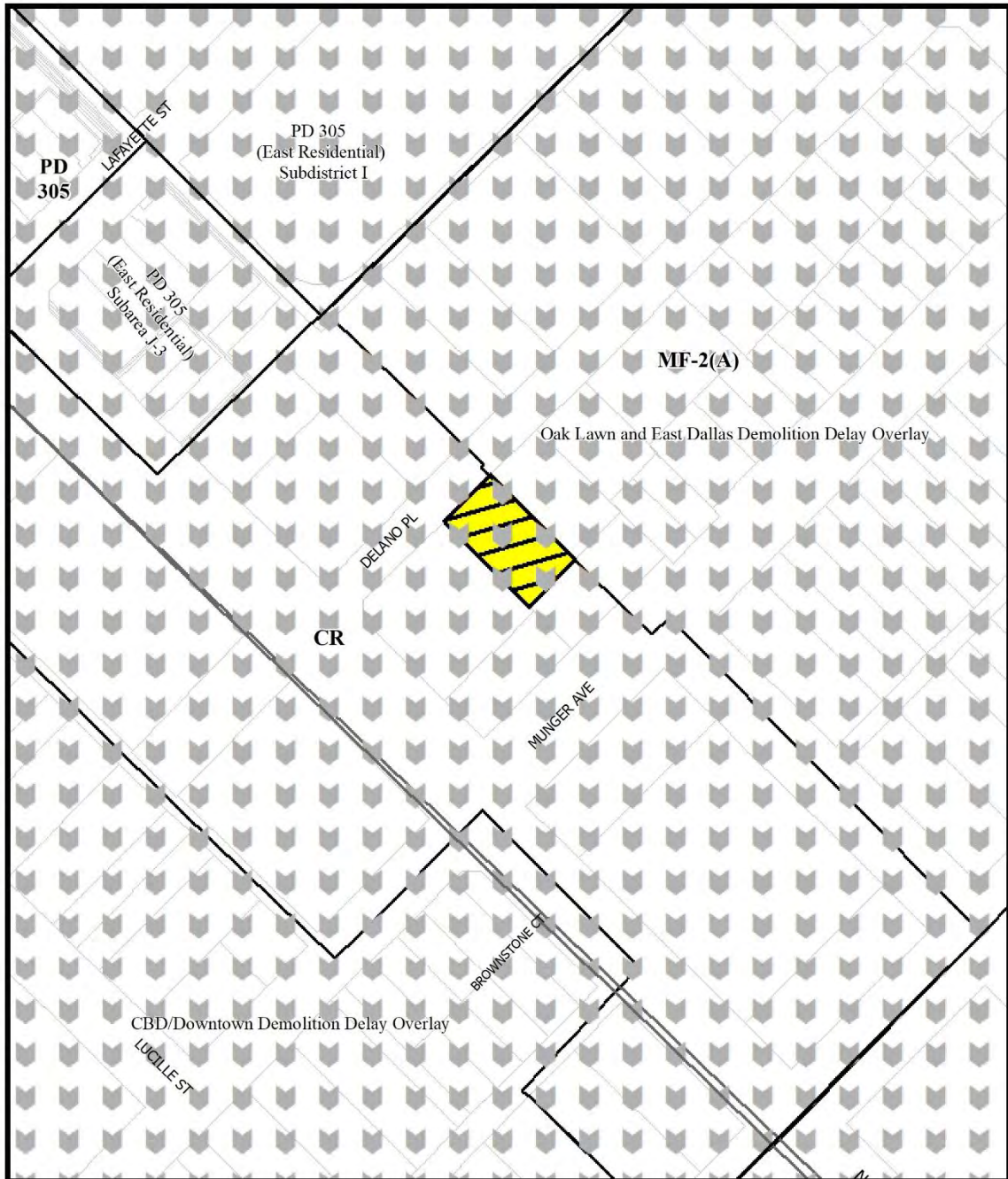


1:1,200

# AERIAL MAP

Case no: BDA223-059

Date: 7/6/2023



1:1,200

# ZONING MAP

Case no: **BDA223-059**

Date: **7/6/2023**



1:1,200

## NOTIFICATION

**200'** AREA OF NOTIFICATION  
**43** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-059**

Date: **7/6/2023**



07/06/2023

## ***Notification List of Property Owners***

***BDA223-059***

### ***43 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4112 DELANO PL	RELAX & WAX AUTHENTIC
2	1915 N HASKELL AVE	WOODARD BRETT & PAMELA
3	1812 N HASKELL AVE	WINHAVIR LP
4	4210 MUNGER AVE	RUPAR JAMES &
5	4208 MUNGER AVE	TRIMMER WILLIAM H JR
6	4206 MUNGER AVE	SWEDAN HAIAN
7	4204 MUNGER AVE	DAVIS DALVIN A
8	4200 MUNGER AVE	AHA RESIDENTIAL INVESTMENT LLC
9	1924 N HASKELL AVE	DELUNA AMERICO JAVIER JR
10	1914 N HASKELL AVE	SCHWARTZ HYMIE TRUST &
11	4111 DELANO PL	Taxpayer at
12	4203 DELANO PL	DALLAS HOUSING AUTHORITY
13	4109 MUNGER AVE	BLACK WATER REAL ESTATE LLC
14	4114 DELANO PL	ATKIN PROPERTIES LLC
15	4115 MUNGER AVE	JUMPSTART INVESTMENTS LLC
16	4202 DELANO PL	SALAZAR REYMUNDO JAVIER
17	4117 MUNGER AVE	Taxpayer at
18	4117 MUNGER AVE	TRAN MAY & STEVEN &
19	4207 MUNGER AVE	PINNEBOG INVESTMENTS
20	4211 MUNGER AVE	SCAGLIONE ANDREW PAUL
21	4213 MUNGER AVE	CIMO OLIVIA GILLIAN
22	1919 N HASKELL AVE	GOODWILL INDUSTRIES OF DALLAS INC
23	1901 N HASKELL AVE	MONTGOMERY PETROLEUM INC
24	1904 N HASKELL AVE	1904 OWNERS LLC
25	2026 N HASKELL AVE	Taxpayer at
26	2020 N HASKELL AVE	POLESE DANIEL C



# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-059 USE ONLY

Data Relative to Subject Property: Permit 2206211017

Date: 4/26/23 USE ONLY

RECEIVED  
APR 26 REC'D  
B

Location address: 4112 Delano Place Zoning District: CR

Lot No.: 1/2 of 16 Block No.: B/657 Acreage: 0.09 Census Tract: 48113000801 and 48113000801

Street Frontage (in Feet): 1) 48.3 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Relax & Wax Authentic Brazilian Wax Inc., a Georgia corporation

Applicant: Rob Baldwin 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 Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas, Texas Zip Code: 75226

E-mail Address: rob@baldwinplanning.com ; michele@baldwinplanning.com

Affirm that an appeal has been made for a Variance  or Special Exception  of a 50% variance to the required parking  
Provide 2 of the required 4 parking 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:

The owner plans to use this location as an office. Due to the CR zoning, O/S/W and residential uses are not allowed.

Due to the size of the lot and existing structure, size of the front yard and the handicap space requirement, it is only possible to fit 2 parking spaces on the lot. Bicycle racks are provided.

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

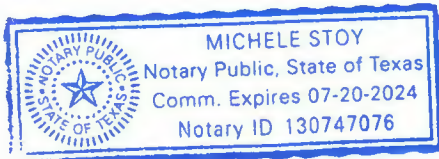
Before me the undersigned on this day personally appeared Rob Baldwin  
(Affiant/Applicant's name printed)

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 18 day of April, 2023

Michele Stoy  
Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a variance to the parking regulations

at 4112 DELANO PLACE

BDA223-059. Application of BALDWIN ASSOCIATES for a variance to the parking regulations at 4112 DELANO PL. This property is more fully described as Block B/657, Lo 1/2 of lot 16 and is zoned CR, which requires parking to be provided . The applicant proposes to maintain a nonresidential structure for an office use and provide 2 of the required 4 parking spaces, which will require a 2 space variance (50% reduction) to the parking regulation.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-059

I, Relax & Wax Authentic Brazilian Wax, Inc, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4112 Delano Place  
(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)

X Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Specify: 50% variance to the required parking

Luana Abou Ghauche  
Print name of property owner or registered agent

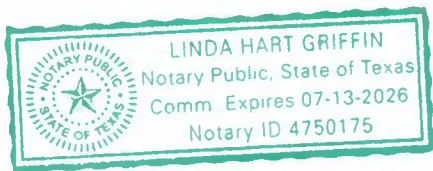
[Signature]  
Signature of property owner or registered agent

Date April 19, 2023

Before me, the undersigned, on this day personally appeared Luana Abou Ghauche

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

Subscribed and sworn to before me this 19<sup>th</sup> day of April 2023



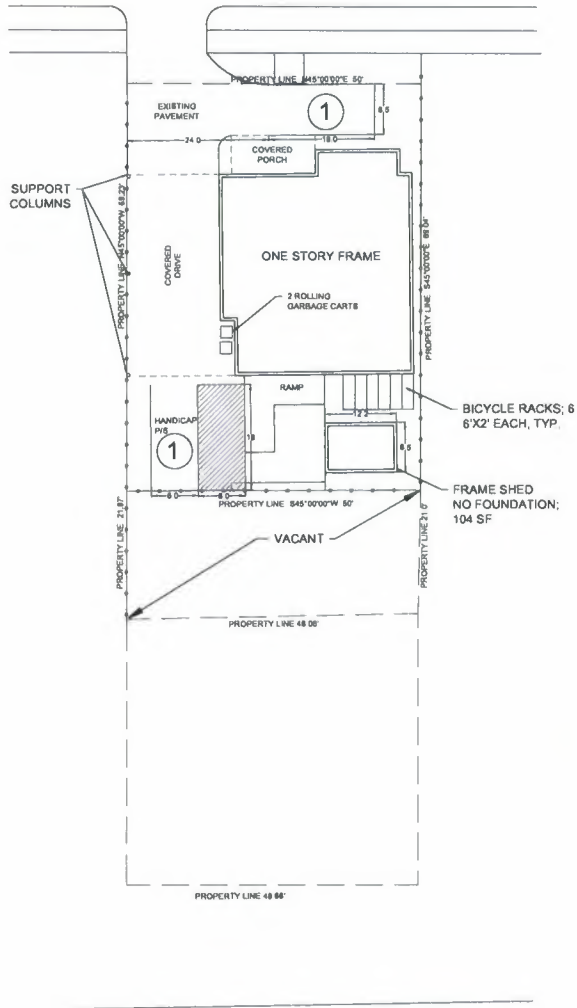
[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 7-13-2026



VICINITY MAP  
NTS



DELANO PLACE



SITE PLAN DATA			
4112 Delano Place			
EXISTING ZONING		CR	
USE		Office	
EXISTING BUILDING		1068	
EXISTING DETACHEO BLDG/No Foundation		104	
LEGAL		1/2 of Lot 16 Block B/657	
LOT SIZE		0.09 acres / 4,259 sq. ft.	
PARKING DATA			
USE	RATIO	SPACES REQUIRED	SPACES PROVIDED
Office	1 per 300	4	2
TOTAL PARKING			2

MUNGER AVE

1 PARKING EXHIBIT  
SCALE: 1" = 10'-0"

BDA223-059

02/21/2023  
PROJECT NUMBER  
CASE NUMBER

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

Baldwin Associates

4112 DELANO  
CITY OF DALLAS, TEXAS

**FILE NUMBER:** BDA223-064 (KMH)

**BUILDING OFFICIAL'S REPORT:** Application of Gregory Michaelson for a variance to the side yard setback regulations at 4106 South Better Dr. This property is more fully described as Block 1/6150, Lot 5 and is zoned R-16(A), which requires a side yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations.

**LOCATION:** 4106 South Better

**APPLICANT:** Gregory Michaelson

**REQUEST:**

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

**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.

**State Law/HB 1475 effective 9-1-21**

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in one of the site's two side yard setbacks.

**BDA HISTORY:**

No BDA history within the last 5 years.

**Zoning:**

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

**Land Use:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

- A request for a variance to the side yard setback regulations of 5-feet is made to construct and maintain single family residential structure.
- On March 28, 2023, On Group (Contractor Company) applied for a building permit for an addition to the single-family dwelling. The permit was issued on March 28, 2023.
- The single-family residential structure lies within the 10-foot required side yard setback.
- It appears that the single-family residential structure was built in compliance with the plans submitted for the approved building permit.

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

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

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

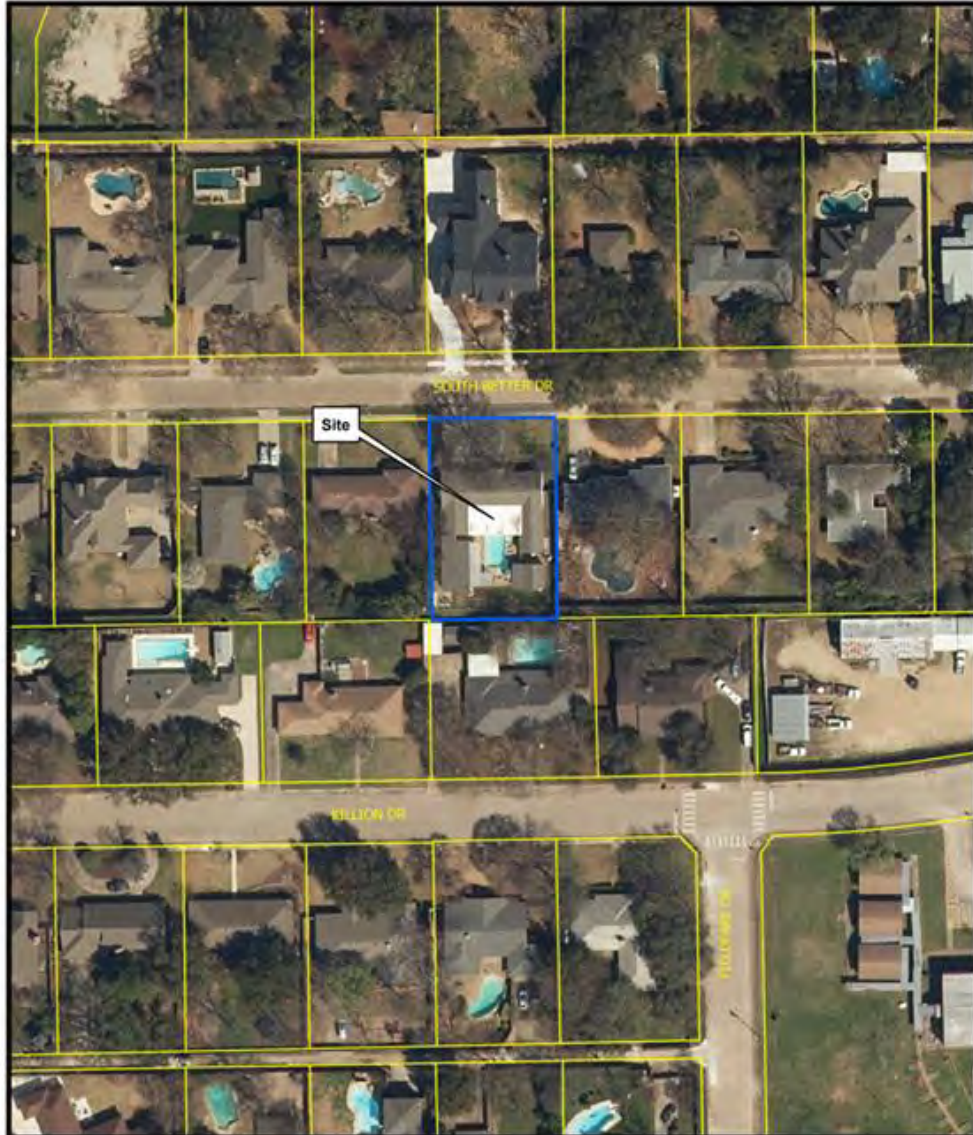
- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss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

## **Timeline:**

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



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



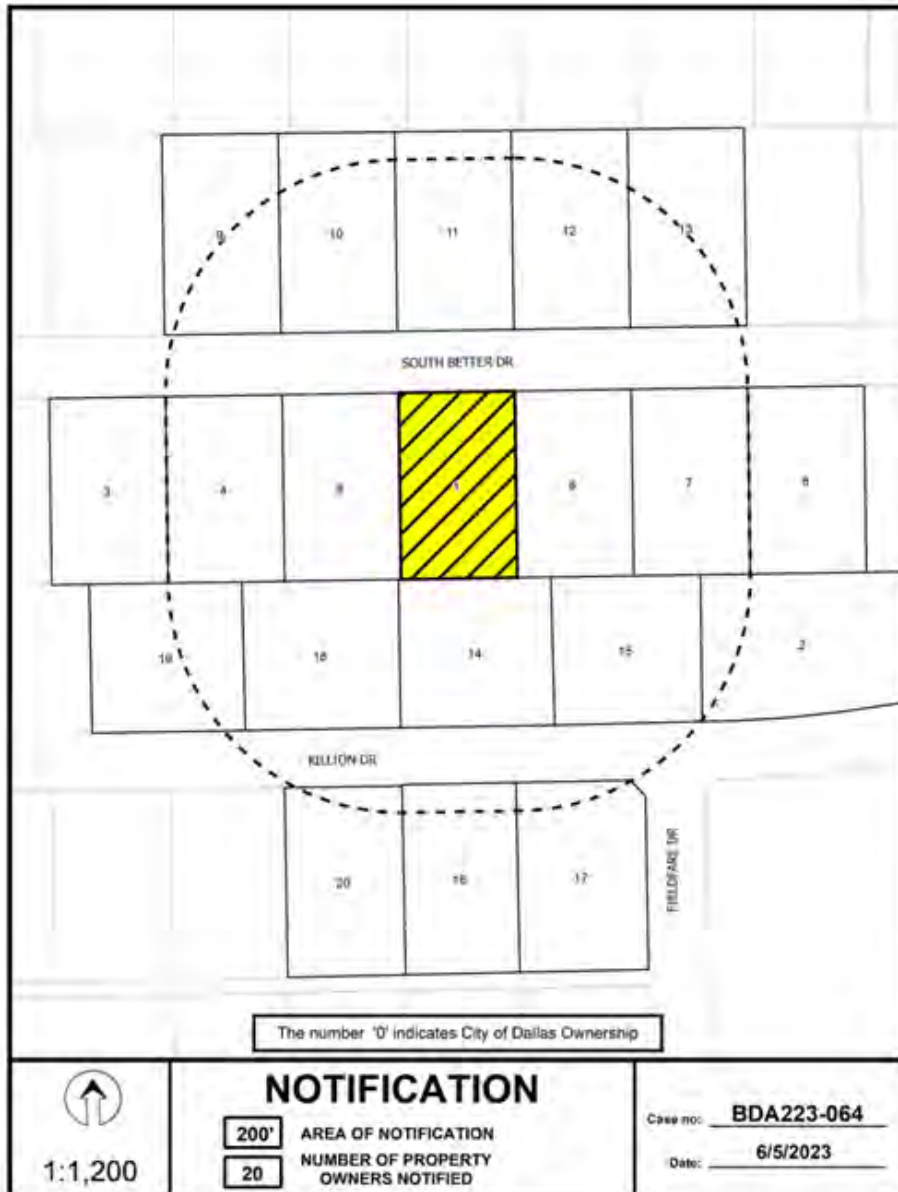
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# AERIAL MAP

Case no: BDA223-064

Date: 6/5/2023





REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)

- 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 212-106(GB)
- BDA 223-053(GB)
- BDA 223-059(GB)
- BDA 223-064(KMH)
- BDA 223-067(GB)
- BDA 223-068(KMH)
- BDA 223-069(GB)
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COMMENTS:

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***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

***6/29/2023***

Date

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

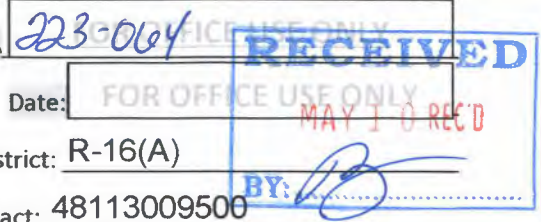


# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-064



Data Relative to Subject Property: \_\_\_\_\_

Date: \_\_\_\_\_

Location address: 4106 S Better Drive

Zoning District: R-16(A)

Lot No.: 5

Block No.: 16150

Acreage: .367

Census Tract: 48113009500

Street Frontage (in Feet): 1) 100'

2) \_\_\_\_\_

3) \_\_\_\_\_

4) \_\_\_\_\_

5) \_\_\_\_\_

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Gregory Michaelson & Morgan Michaelson

Applicant: Gregory Michaelson

Telephone: 541-250-9996

Mailing Address: 4106 S Better Drive, Dallas TX

Zip Code: 75229

E-mail Address: g.michaelson04@gmail.com

Represented by: \_\_\_\_\_

Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance X, or Special Exception    of the R-16(A) side yard setback requirement reducing one existing side yard setback to 5' to accomodate a single family dwelling addition of approximately 252sqft for a garage extension and powder room addition.

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:

City of Dallas Permit Office employee Ryan Taylor approved the submitted plans and granted a permit (#2303281070) for an addition to existing SFD. Because of the approved and issued permit applicant has spent approximately \$37,800.00 pursue the addition (plans, materials, labor, etc.), including significant trenching which has disturbed applicants yard. This variance is necessary to complete the project and not granting a variance would cause unnecessary hardship on applicant due to significant monies spent as a direct result the permit approval. This hardship was not self-created and granting the variance to move forward will not infringe on the quiet enjoyment any neighbor's property, yard, or access to their property or yard.

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 Gregory Michaelson

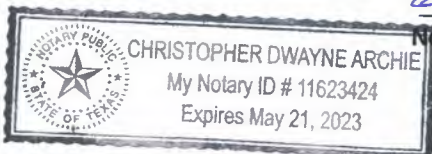
(Affiant/Applicant's name printed)

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 3 day of May, 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 Gregory Michaelson

did submit a request for a variance to the side yard setback regulations  
at 4106 South Better

BDA223-064. Application of Gregory Michaelson for a variance to the side yard setback regulations at 4106 SOUTH BETTER DR. This property is more fully described as Block 1/6150, Lot 5 and is zoned R-16(A), which requires side yard setback of 10 feet . The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

  
CITY OF DALLAS  
AFFIDAVIT

Appeal number: BDA 223-064

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


at: 4106 S Better Drive, Dallas, TX 75229  
(Address of property as stated on application)

Authorize: Gregory Michaelson  
(Applicant's name as stated on application)

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

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

Specify: Variance to the R-16(A) side yard setback requirement, reducing one existing side yard setback to 5' to accommodate a permitted single family dwelling addition of approximately 252sqft for a garage extension and powder room addition.

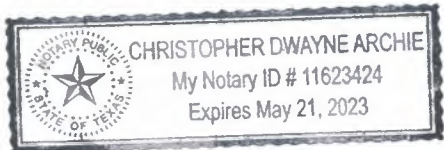
Morgan Michaelson  
Print name of property owner or registered agent        
Signature of property owner or registered agent


Date May 3rd 2023

Before me, the undersigned, on this day personally appeared Morgan Michaelson

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

Subscribed and sworn to before me this 3 day of MAY, 2023



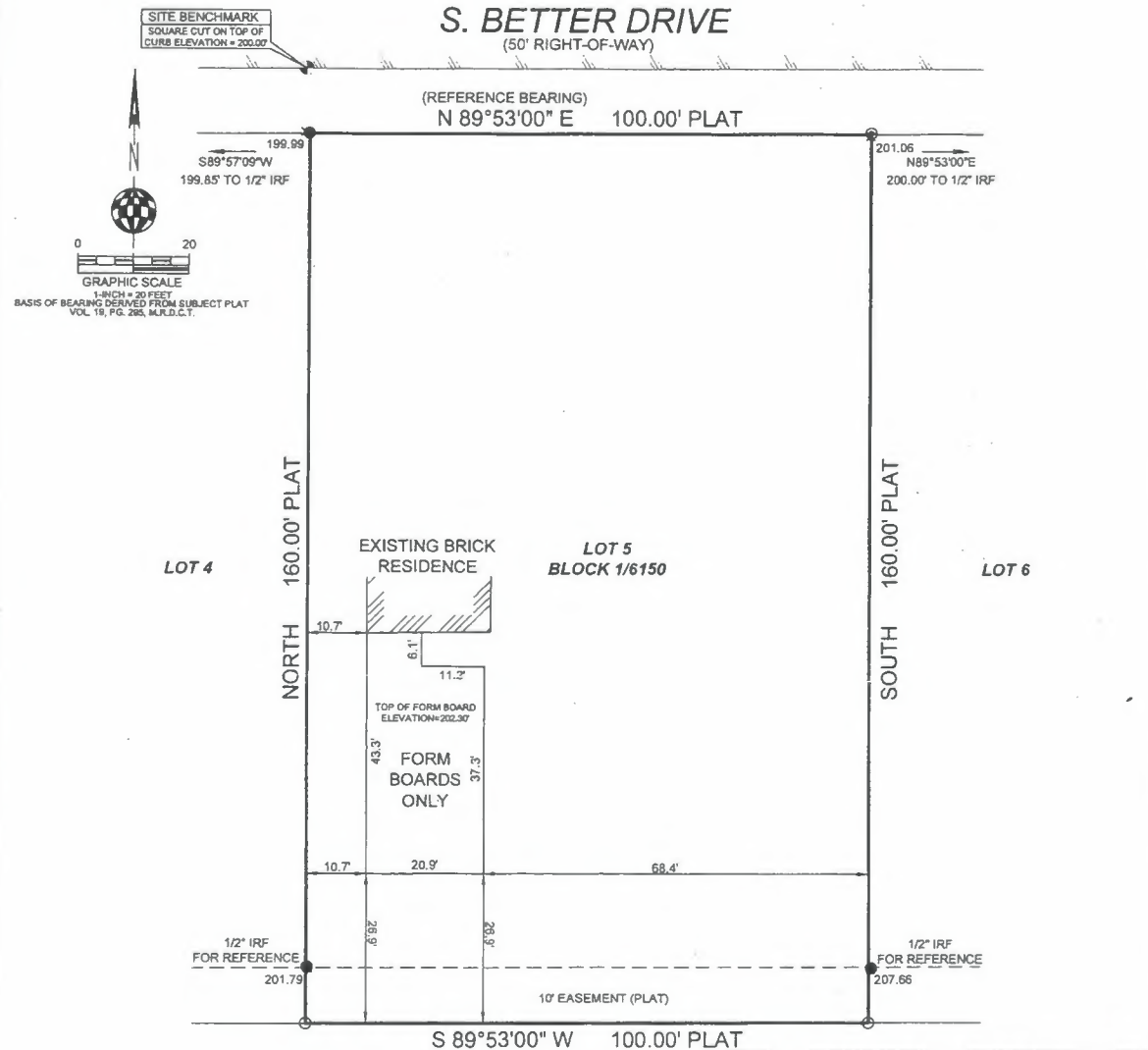
  
Notary Public for Dallas County, Texas

Commission expires on 05/21/2023



**FORM BOARD SURVEY: 4106 S. BETTER DRIVE**

Being Lot 5, Block 1/6150, of Midway Hills, Section Two, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof, recorded in Volume 19, Page 295, of the Map Records of Dallas County, Texas.



MIDWAY HILLS NO. 8  
VOL. 553, PG. 1800  
M.R.D.C.T.

- NOTES**
- 1) This survey was performed without the benefit of an abstractor, therefore, no search of record easements was performed on subject property.
  - 2) The purpose of this survey is to locate the existing forms. Other improvements not shown.
  - 3) All elevations shown hereon are assumed and relative to each other only.

NOTE: All 1/2 IRS are 1/2-inch Iron rods with yellow plastic caps stamped "RPLS 5310".

**LEGEND**

1/2" IR FOUND	3/4" FOUND	TELE. BOX	BOLLARD POST	UTILITY POLE	OHU - OVERHEAD UTILITY LINE	COVERED AREA	CONCRETE	BUILDING LINE
1/2" IR SET	3/4" SET	CABLE BOX	SEPTIC COVER	WATER METER	CLIP WIRE ANCHOR	ASPHALT	GRAVEL	EASEMENT
5/8" IR FOUND	1" IR FOUND	ELECTRIC BOX	SAN. SEW. MH.	GAS METER	BARBED WIRE FENCE	FIRE LANE STRIPE	BRICK	BOUNDARY
3/4" IR FOUND	1" IR FOUND	BRICK COLLAR	IRRIGATION VALVE	A.C. PAD	BRICK FENCE	STONE	WOOD DECK	HIGH BANK LINE
66-D NAIL FOUND	PORT FOR CORNER	STONE COLLAR	WATER VALVE	TRANS. BOX	CHAINLINK FENCE	STONE RET. WALL	WOOD DECK	FEMA FLOOD LINE
PK NAIL SET	CON. MONUMENT	STORM DRAIN MH.	FIRE HYDRANT	POOL EQUIP.	WOOD FENCE	CON. RET. WALL	BUILDING WALL	
1/2" IP FOUND	3/4" IP FOUND	SAN. SEW. CO.	LIGHT POLE		PIPE RAIL FENCE	STUC. RET. WALL	TILE	HANDICAP SPACE

This survey was performed exclusively for the parties shown hereon and is licensed for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright law and International treaties. All rights reserved. Do not make illegal copies.

*John S. Turner*  
JOHN S. TURNER RPLS 5310

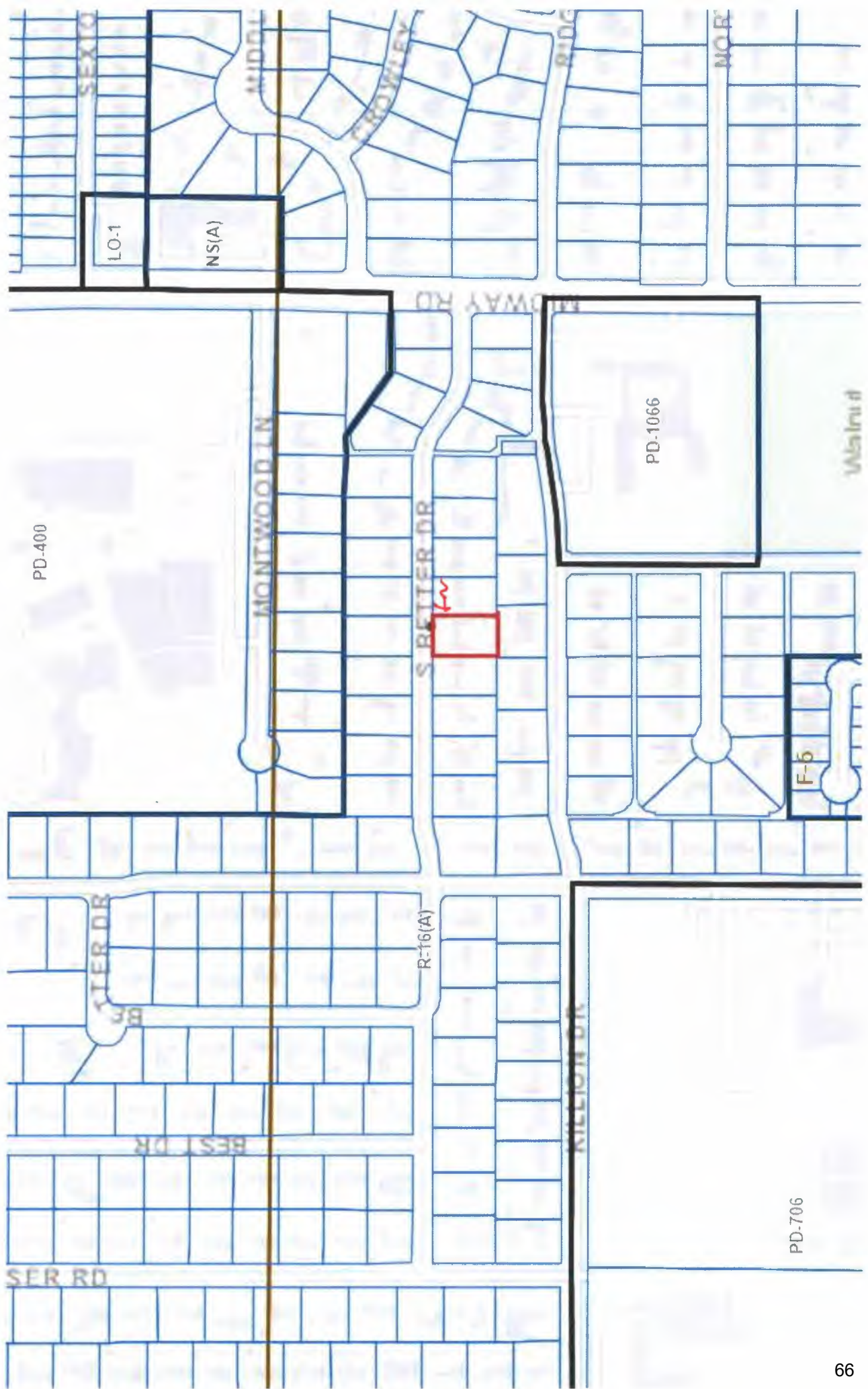


**A&W SURVEYORS, INC.**  
Professional Land Surveyors  
TEXAS REGISTRATION NO. 100174-00  
P.O. BOX 870029, MESQUITE, TX. 75187  
PHONE: (972) 881-4875 FAX: (972) 881-4854  
WWW.AWSURVEY.COM

JOBS 18-1855 DRAWN BY: 505  
DATE: 06-07-2018  
CERTIFY TO: PAT RYAN

*"A professional company operating in your best interest!"*

BDA 223-064



BDA 223-0604

# Permit # 2303281070

Issue Date: 03/28/2023

Sustainable Construction and Development | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

**Address:** 4106 SOUTH BETTER DR 75229

**Land Use Description:** SINGLE FAMILY DWELLING

**Work Description:** ADDITION TO SFD

**Value Of Work:** \$0.00

**Owner Or Tenant:** GREG MICHAELSON  
4106 SOUTH BETTER DR  
DALLAS, TX, 75229

**Applicant:** OMRI NAGAR

**Contractor:** ON GROUP

**Business Address:** 5005 GALLERIA DR, STE 2120, DALLAS, TX 75244

**Telephone:** 310/484-9487 **Fax:**

Lot:	5	Block:	1/615C	Zoning:	R-16(A)	PDD:	SUP:
Historic Dist:		Consv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:		Stories:		New Area:	252	Lot Area:	16088
Type Const:	VB	Sprinkler:	None	Occ Code:	R3	Occ Load:	Total Area: 252
Inches Of Removed Trees:							

ALL WORK SUBJECT TO FIELD INSPECTOR APPROVAL

This document is issued on the basis of information furnished in the application and is subject to the provisions of all governing ordinances, which must be complied with, whether or not herein specified.

THIS DOCUMENT SHALL BE POSTED AT WORK SITE AND IS SUBJECT TO CANCELLATION UPON NOTICE.

BDA223-064 67



March 16, 2023  
Project No. 123-321

Mr. Greg Michaelson

Via E-Mail:

**Re: FOUNDATION DESIGN  
PROPOSED RESIDENCE ADDITION  
4106 S. BETTER DRIVE  
BLK 1/6155 LOT 5  
DALLAS, TEXAS 75229**

Mr. Michaelson:

The foundation for the house addition located at the above referenced address was designed using the analysis, methods, outlined in "Designing Floor Slabs on Grade", Second Edition, published by the Aberdeen Group, distributed by the American Concrete Institute (ACI). These methods are compatible with the design requirements and guidelines of the latest editions of the Uniform Building Code (UBC), the Concrete Reinforcement Steel Institute (CRSI) and the 2021 edition of the International Residential Code (IRC).

The soil data for this foundation design were obtained from the published soil information in the Soil Conservation Services, Dallas County, Texas. The allowable soil bearing pressure was assumed to be 1,600 pounds per square foot.

It is always strongly recommended that the homeowner maintain a positive drainage away from the foundation. The subgrade should be sloping away from the foundation at a minimum rate of 2" inches per foot. Additionally, the homeowner should be advised to water around the foundation. A guideline for moisture maintenance around the foundation is attached.

We trust the information is sufficient to your present use. Please call if you have any questions.

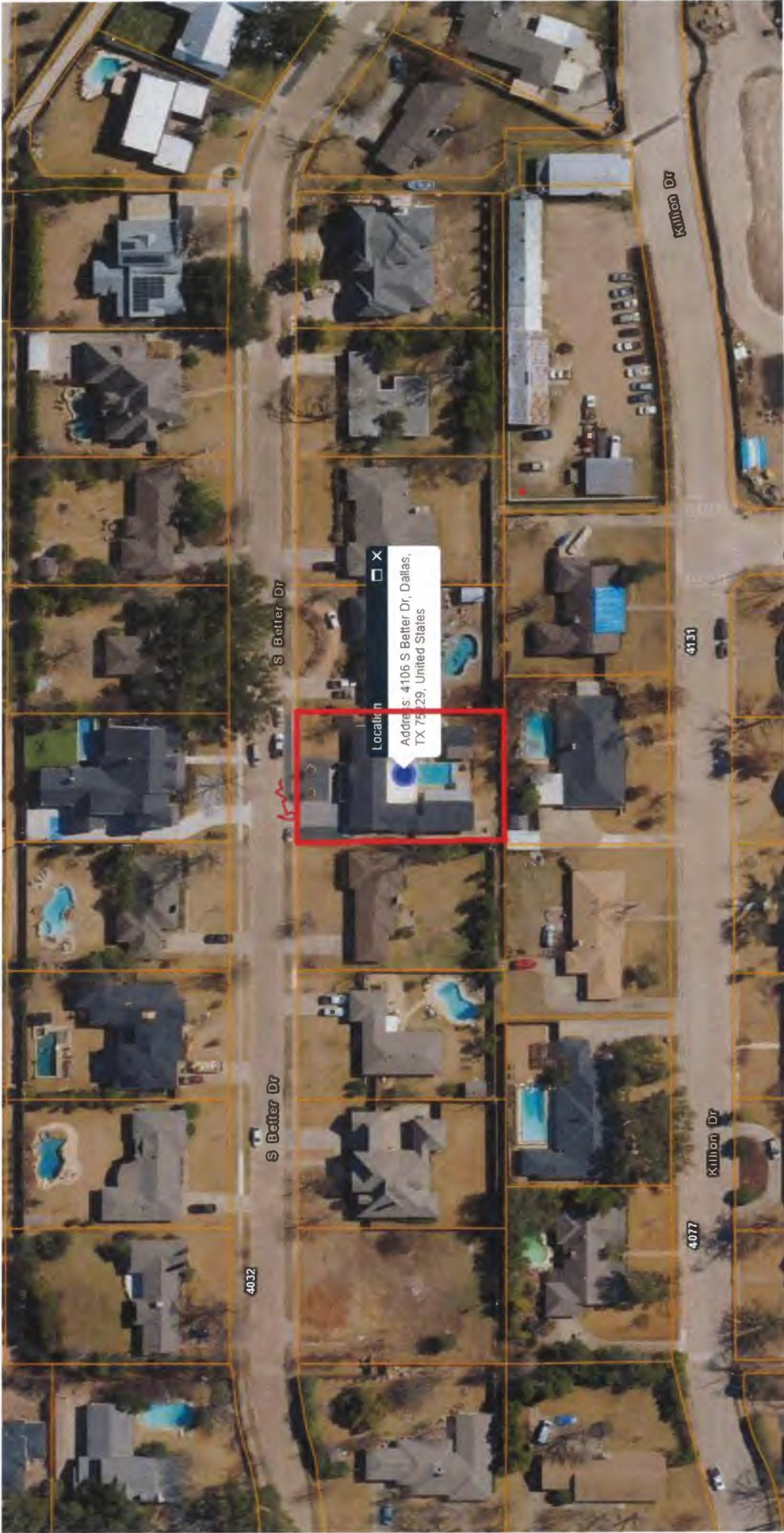
**Syntec Engineering Group, Inc.**  
Structure Inspection Services  
Firm Registration No. F8610

Ralph B. Mansour, P.E.

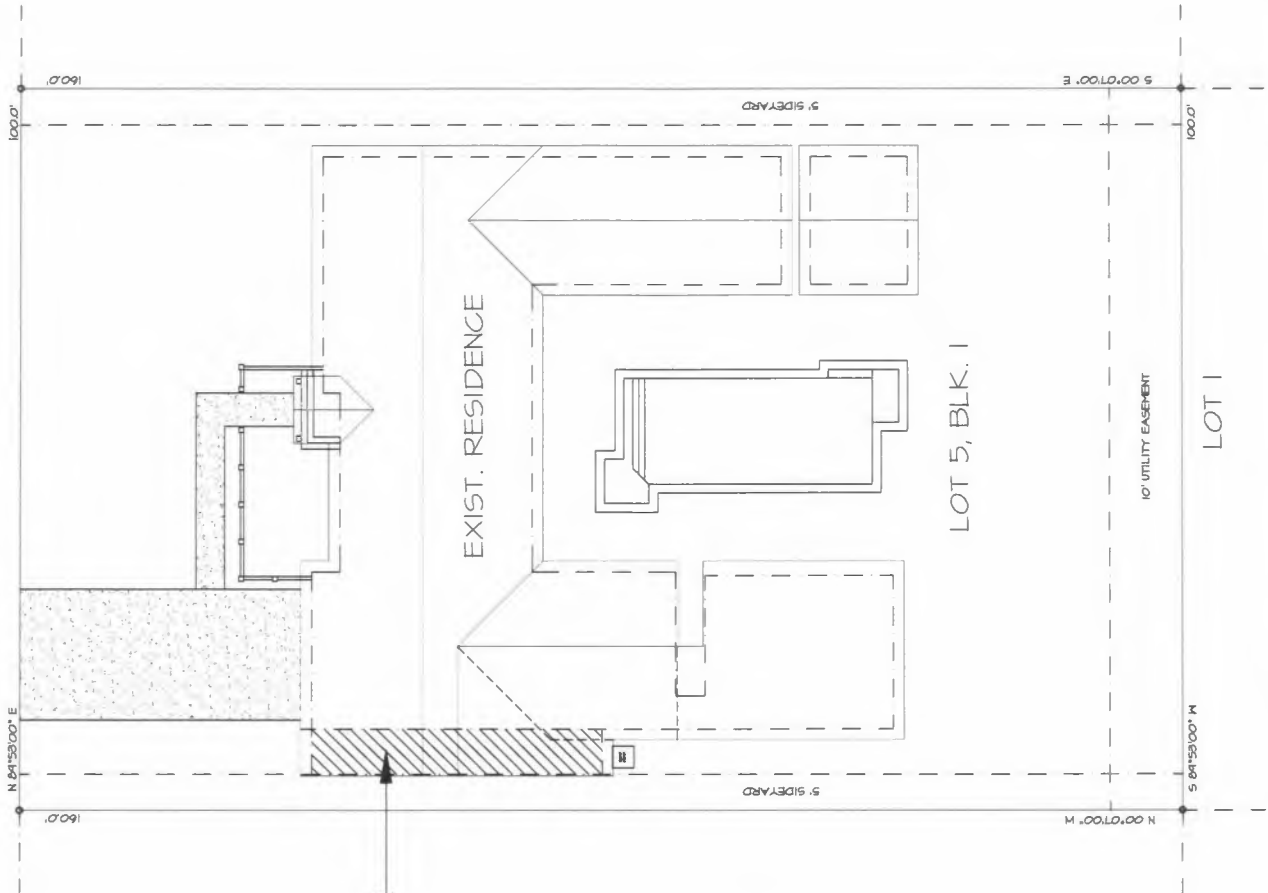


3/16/2023

Blue Prints: S-1



BETTER DRIVE  
 50' R.O.M.



NEW ADDITION

LOT 4

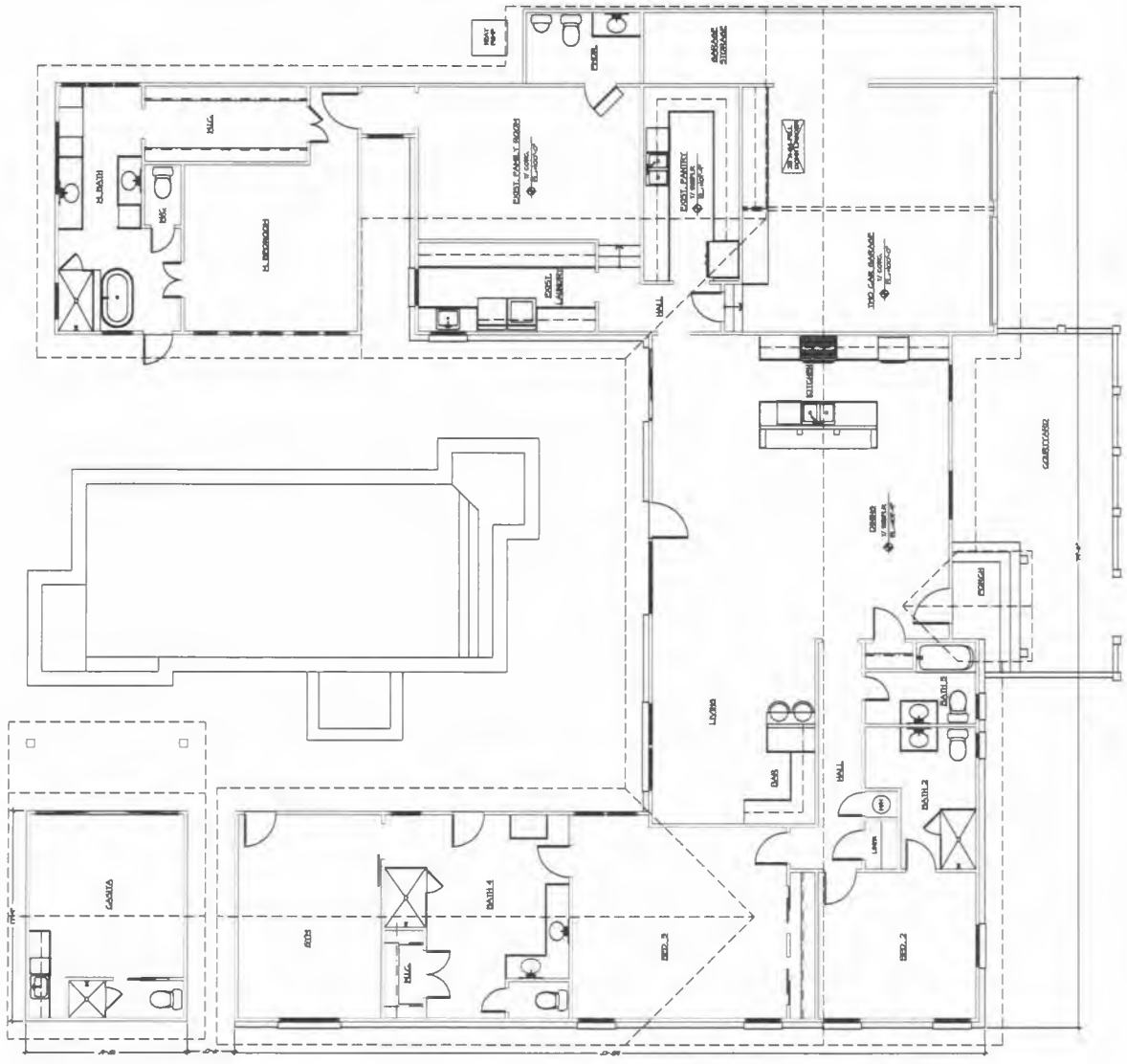
LOT 6

LOT 5, BLK. 1

LOT 1

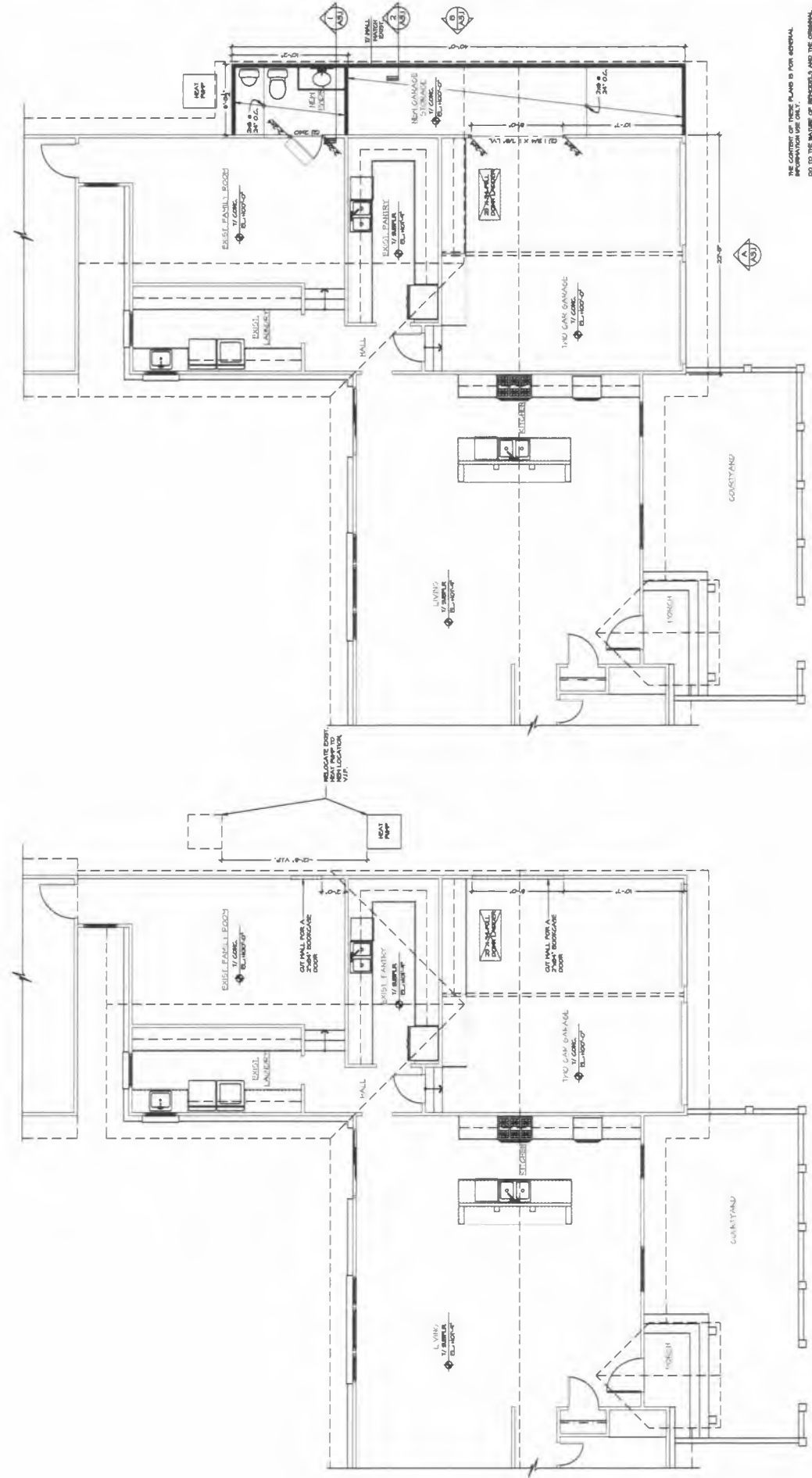
SITE PLAN  
 SCALE 1" = 10'-0"  
 NORTH

BDA 223-064



NEW FLOOR PLAN

BDA223-004



THE CONTENT OF THESE PLANS IS FOR GENERAL INFORMATION USE ONLY.  
 DO NOT TAKE ANY ACTION BASED ON THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED AND DOES NOT INCLUDE THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN SERVICES PROVIDED AND DOES NOT INCLUDE THE CONSTRUCTION OF THE PROJECT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS.  
 DO NOT SCALE DIMENSIONS

EXISTING WALLS ARE SHOWN AS  
 NEW WALLS ARE SHOWN AS  
 WALLS TO BE REMOVED ARE SHOWN AS

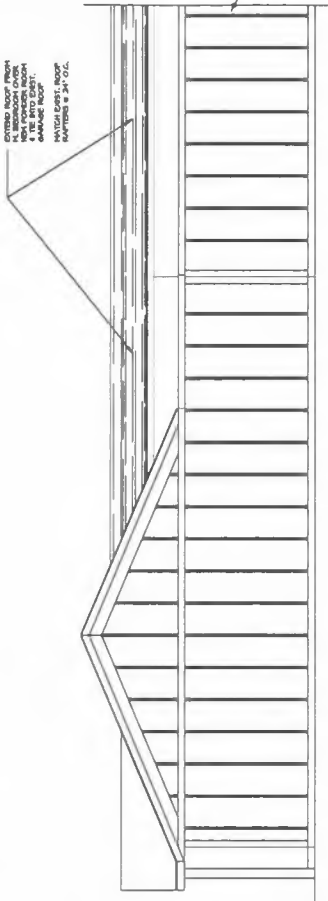
NEW FLOOR PLAN W/ FRAMING  
 SCALE 1/4" = 1'-0"

EXISTING FLOOR PLAN W/ DEMO  
 SCALE 1/4" = 1'-0"

BOA 223-064

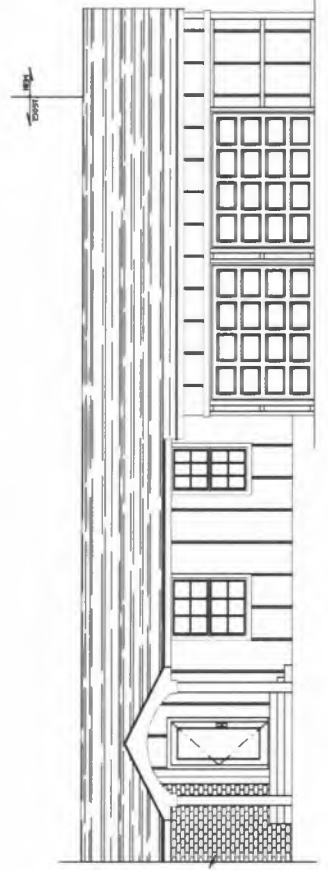






ELEVATION A

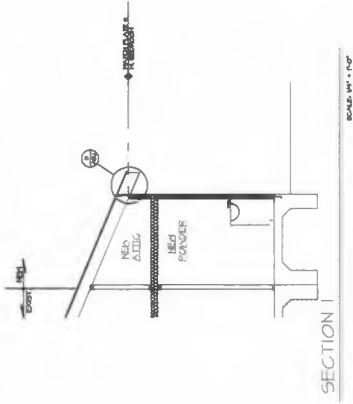
SCALE: 1/4" = 1'-0"



ELEVATION B

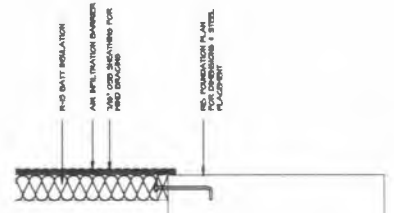
SCALE: 1/4" = 1'-0"

EXTEND ROOF FROM  
 NEW EXTERIOR WALL  
 MATCH EXIST. ROOF  
 SLOPE & 3/4" O.C.

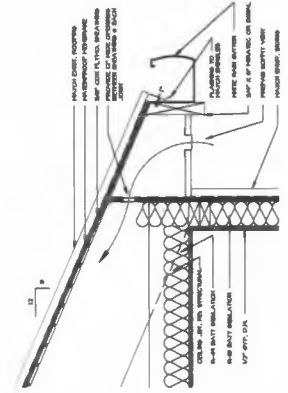


SECTION I

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



2 TYP. WALL SECTION  
 1/4" = 1'-0"



3 TYP. EAVE SECTION  
 1/4" = 1'-0"

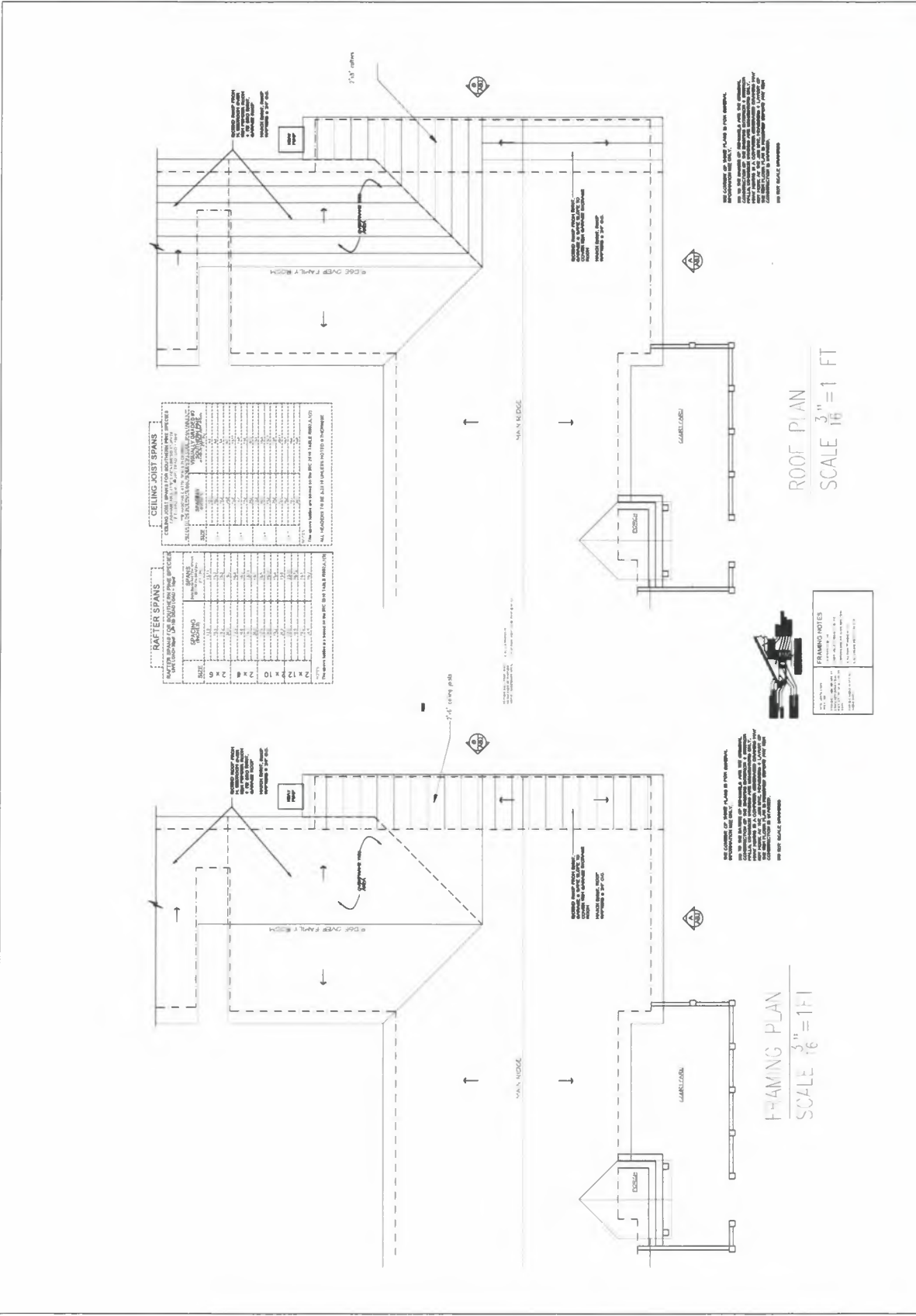
**BDA 223-00A**

**SYNTEC  
ENGINEERING  
GROUP INC.**  
17001 N. STEINBOCKS FREEDWAY # 600  
FARMERS BRANCH, TEXAS 75224  
PHONE: 714.526.1777  
FAX: 714.526.1777  
EMAIL: info@syntecengineering.com

**PROJECT 1:**  
PROPOSED RESIDENCE ADDITION  
**ADDRESS:**  
4108 S. BETTER DRIVE  
DALLAS, TEXAS 75229  
**OWNER:**  
**ADDRESS:**

**REVISIONS 1:**

  
3/15/2023  
JOB NO. 182634  
DATE 3/15/2023  
COPYRIGHT 0000 ©



BOA 223-06A

**SYNTEC  
ENGINEERING  
GROUP INC.**

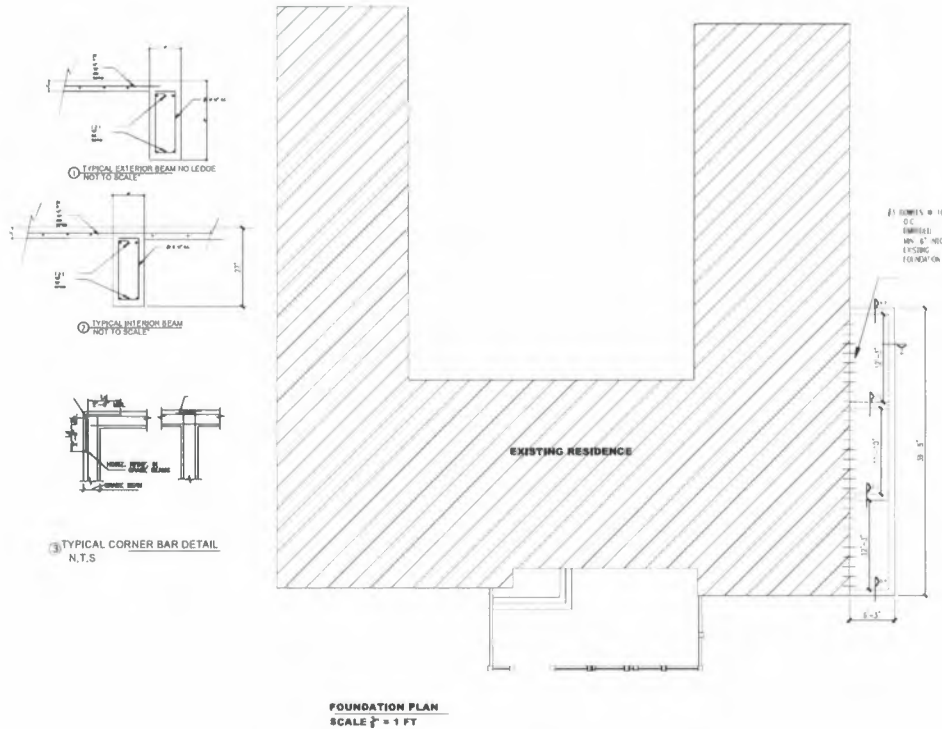
12801 N. STEMMONS FREEWAY # 805  
FARMER'S BRANCH, TEXAS 75234  
PHONE: 214-326-1777  
FAX: 214-326-1778  
EMAIL: [rsn@syntecengineeringgroup.com](mailto:rsn@syntecengineeringgroup.com)

**PROJECT :**  
PROPOSED RESIDENCE ADDITION

**ADDRESS:**  
4106 S. BETTER DRIVE  
SUK 18150 LOT 5  
DALLAS, TEXAS 75220

**OWNER:**

**ADDRESS:**



**DESIGN SPECIFICATIONS AND GENERAL NOTES**

**General Information:**

The foundation design is based on the soil conservation web site.

**Design Specifications:**

**Slab:** Slabs to be 4" thick, unless otherwise (u.r.o) See Plan for Reinforcement  
**Beams:** All beams are to be 10" wide by 27" deep (u.r.o)  
**Anchor Bolts:** The wood sole plate at exterior walls shall be anchored to the foundation with 1" diameter anchor bolt spaced at 6" (maximum) of center. There shall be a minimum of two bolts per plate sections. These bolts shall extend a minimum of 7" into the foundation and should be project above the foundation to allow for the installation of the sole plate washer and nuts (approximately 2-1/2"). In the locations where an anchor bolt encounters clearance issues and in cases where a bolt has been omitted or disabled four powder actuated fasteners driven through the sole plate into the foundation may be substituted. In place of the anchor bolt, unless city code requires anchor bolts at exterior wall. Sole plate power driven fasteners or concrete nails may be used in lieu of anchor bolts. Where these systems have been tested and approved by the IRC 2018. Interior bearing walls. Sole plate on monolithic slab foundation shall be positively anchored with approved fasteners. Sills and sole plates should be protected against decay and termites where required by Section R318 and R319 of the 2018 International Building Code. Cold formed steel framing shall be installed to the wood sill plates or anchored directly to the foundation as required in Section R505.3.1 and R602.1.1.

**CONCRETE NOTES**

ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE PREVAILING AND LOCAL CODES AND CODES OF GOOD STANDARD PRACTICE.  
ALL CONCRETE SHALL BE HARDROCK CONCRETE WITH A MINIMUM COMPRESSIVE STRENGTH OF 3500 PSI AT 28 DAYS. IT SHALL ATTAIN AT LEAST 2200 PSI STRENGTH AT THE TIME OF REMOVING THE FORMS.  
REINFORCING STEEL SHALL BE DESIGNATED, DETAILED, FABRICATED AND PLACED IN ACCORDANCE WITH THE LATEST THE CONCRETE SHALL HAVE A MINIMUM SIZE OF COARSE AGGREGATE 1 INCH IN DIAMETER. PORTLAND CEMENT SHALL CONFORM TO ASTM C-150, A.C.I. MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES (A.C.I. 318) AND THE C.P. 811 RECOMMENDED PRACTICE FOR PLACING REINFORCED CONCRETE. ALL CONCRETE WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST A.C.I. "BAR" LATEST EDITION.

IN CASE OF CONFLICT BETWEEN THE STRUCTURAL AND THE ARCHITECTURE PLANS FOLLOW THE ARCHITECTURAL PLANS

**REVISIONS :**


*Ralph Nassour*  
3/15/2023

JOB NO.: 133331  
DATE: 3/15/2023  
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BDA 223-064

**FILE NUMBER:** BDA223-067 (GB)

**BUILDING OFFICIAL'S REPORT** Application of BALDWIN ASSOCIATES for a special exception to the parking regulations at 402 N GOOD LATIMER EXPY. This property is more fully described as Block 7/0284, Part of lots 1 and 2 and all of lot 3, and is zoned PD-298 subarea 5, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13-space special exception (23% reduction) to the parking regulation.

**LOCATION:** 402 N. Good Latimer Expressway

**APPLICANT:** Baldwin Associates

**REQUEST:**

A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13-space special exception (23% reduction) to the parking regulation.

**STANDARD FOR A SPECIAL EXCEPTION SEC 51A-4.311:**

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

- D. The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
- E. The availability of public transit and the likelihood of its use.
- F. The feasibility of parking mitigation measures and the likelihood of their effectiveness.

**STAFF RECOMMENDATION:**

Approval, based on expert trade discipline not having any objections.

- **ZONING/BDA HISTORY:**

No BDA history within in the last 5 years.

**Zoning:**

Site: PD298 Subarea A  
North: PD298 Subarea A  
South: MU-3  
East: PD298 Subarea 11  
West: CA-2 (A)

**Land Use:**

The subject site is developed with 1 building. Areas to the North, South, East, and West are developed with mixed uses. There is a Dart Rail station directly across from the building.

**GENERAL FACTS/STAFF ANALYSIS:**

- A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13-space special exception (23% reduction) to the parking regulation.
- The subject property is located at 402 N. Good Latimer Expressway
- The subject property is zoned PD298 Subarea A
- The intended use for this property is a restaurant, which requires 69 parking spaces.

## **Timeline:**

- May 11, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- June 13, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
  - an attachment that provided the public hearing date and panel that will consider the application; the June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, and the Development Services Senior Engineers
- June 29, 2023: The engineering department submitted a review comment sheet.

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)

- 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 212-106(GB)
- BDA 223-053(GB)
- BDA 223-059(GB)
- BDA 223-064(KMH)
- BDA 223-067(GB)
- BDA 223-068(KMH)
- BDA 223-069(GB)
- 
- 
- 
- 
- 
- 
- 

COMMENTS:

*DART stop and pay parking lots are adjacent to site*

***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

***6/29/2023***

Date

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

June 23, 2023: The applicant submitted documentary evidence. See Exhibit A



## Exhibit A

---

### Baldwin Associates

June 23, 2023

Glahanna Bridges  
Senior Planner  
City of Dallas  
Planning & Urban Design  
320 East Jefferson Boulevard  
Dallas, TX 75203

RE: BDA223-067 at 402 North Good Latimer Expressway

Dear Ms. Bridges,

Please find additional information below and attached regarding the above-referenced special exception request for a parking reduction at 402 North Good Latimer Expressway, specifically for the proposed restaurant use of 6,900 square feet. The current code requirement mandates 69 parking spaces for this establishment. However, I believe there are compelling reasons to reduce the required off-street parking in this particular instance.

The subject property, which is currently undergoing extensive remodeling to convert the existing building into a restaurant while preserving certain portions of the structure, has historically been operated as an office, with 10 on-site parking spaces available. In addition, the property benefits from 10 delta credits, bringing the total on-site parking provision to 19 spaces, thereby satisfying part of the parking requirement.

Moreover, the property is conveniently situated across the street from the existing Deep Ellum DART station. Although restaurant uses do not currently qualify for an administrative DART proximity parking reduction, the proposed establishment's proximity to the station presents a significant opportunity to leverage public transportation and alternative modes of transportation.

Furthermore, we have secured a remote parking agreement with the entity that owns the adjacent surface parking lots. Under this agreement, an additional 27 parking spaces will be made available to accommodate the parking needs of the restaurant. With the inclusion of these remote parking spaces, there is a minor deficit of 13 spaces (59 spaces required and 46 spaces provided), representing a 23% reduction from the code requirement.

It is important to note that the future relocation of the Deep Ellum Station, as part of the D2 rail line plans, will position it just one block north of the subject property, at the corner of

3904 Elm Street Suite E • Dallas, TX 75226 • 214-824-7949

---

Good Latimer and Florence. The distance between the corner of Good Latimer and Floyd Street (where the property is located) and the future station is approximately 560 feet, which remains well within a comfortable walking distance. This accessibility to public transportation further diminishes the necessity for an extensive number of on-site parking spaces.

In the event that visitors or employees still choose to drive, the remote parking lots will be available to accommodate their parking needs. Additionally, there is a large commercial parking lot directly across the Good Latimer and Gaston intersection to the west, offering over one hundred and thirty (130) spaces. Furthermore, approximately 16 on-street parking spaces are conveniently located in the immediate area along Good Latimer ROW. Another option is the commercial parking lot shared with the remote parking lot on the north side of Floyd Street, which clearly indicates a daily fee of \$3.00. Additionally, Google Streetview shows that there are already twenty-eight (28) vehicles parked on-street on Floyd Street, with ample room for more vehicles and no visible meters. Furthermore, the Epic on Gaston and Good Latimer has a spacious parking garage available for patrons. Valet service will be provided at our remote lots, and the final location of the valet stand will be subject to approval during the permitting review process.

To enhance transportation options further, the Deep Ellum Foundation has established Flow Zones in the area to accommodate rideshare operations. These Flow Zones, including those on Floyd Street adjacent to the subject property, as well as on Good Latimer and Swiss Avenue in the immediate vicinity, provide 4 to 5 passenger loading spaces. This initiative reduces the need for excessive parking spaces and extends the reach of the DART rail service to nearby Deep Ellum. It is worth noting that rideshare services in this area would not only benefit our proposed restaurant but also other nearby establishments, including restaurants and the tenants and occupants of the Epic office building located southwest of the subject property.

To supplement the information provided, we have attached photographs that identify the on-street parking and commercial parking lots mentioned throughout this letter.

Considering the aforementioned circumstances and available alternatives for parking, we firmly believe that the requested reduction of 13 spaces, amounting to 23% of the code requirement, is a reasonable and justifiable request. The information presented supports the criteria outlined in 51A-4.311(a) for granting a special exception.

Thank you,



Rob Baldwin



View of the subject property from west of the site on Gaston Avenue



Location of indented parking along Good Latimer Expressway (red numbers for the number of spaces)



Commercial parking lot west of subject site



Commercial parking lot on Floyd Street

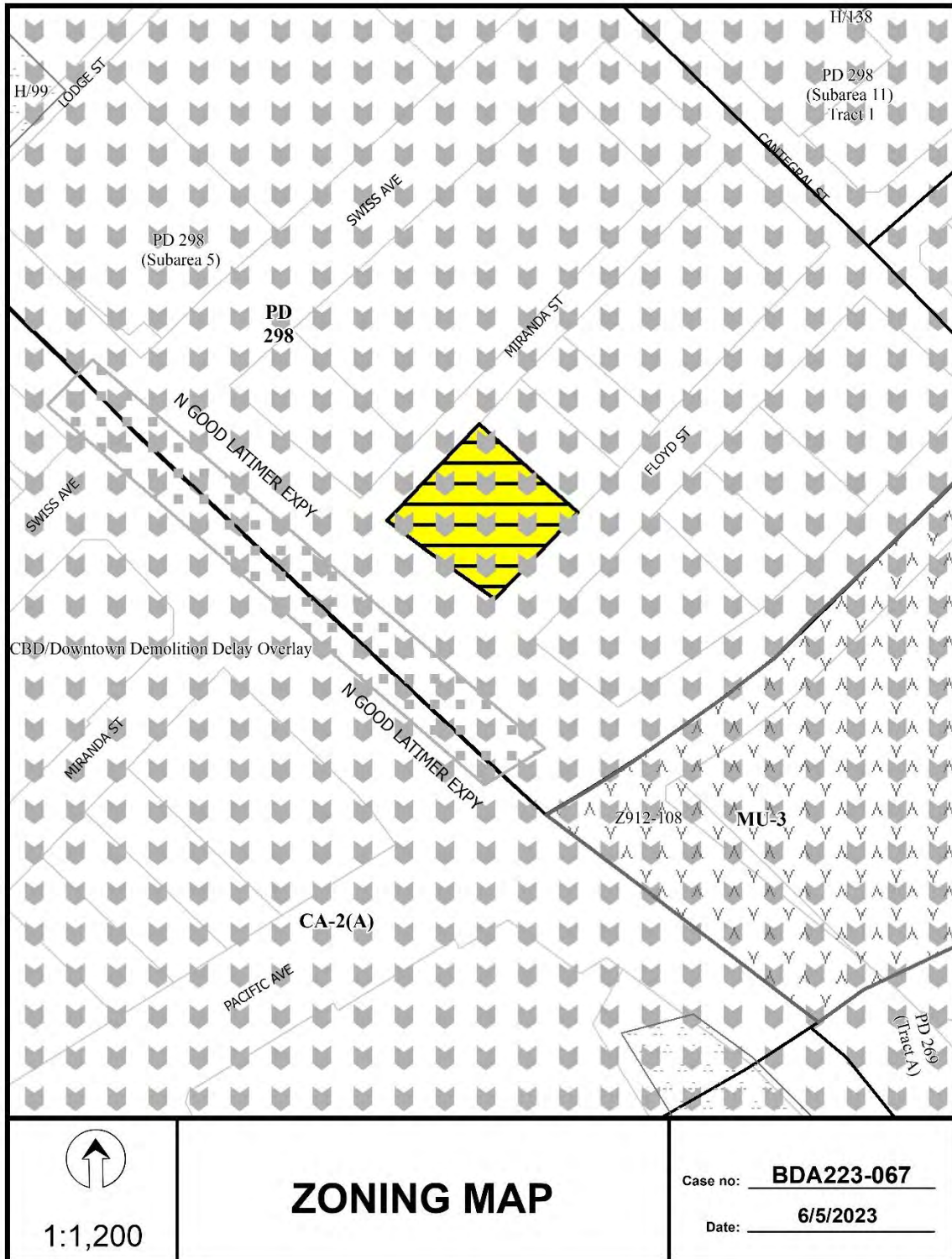


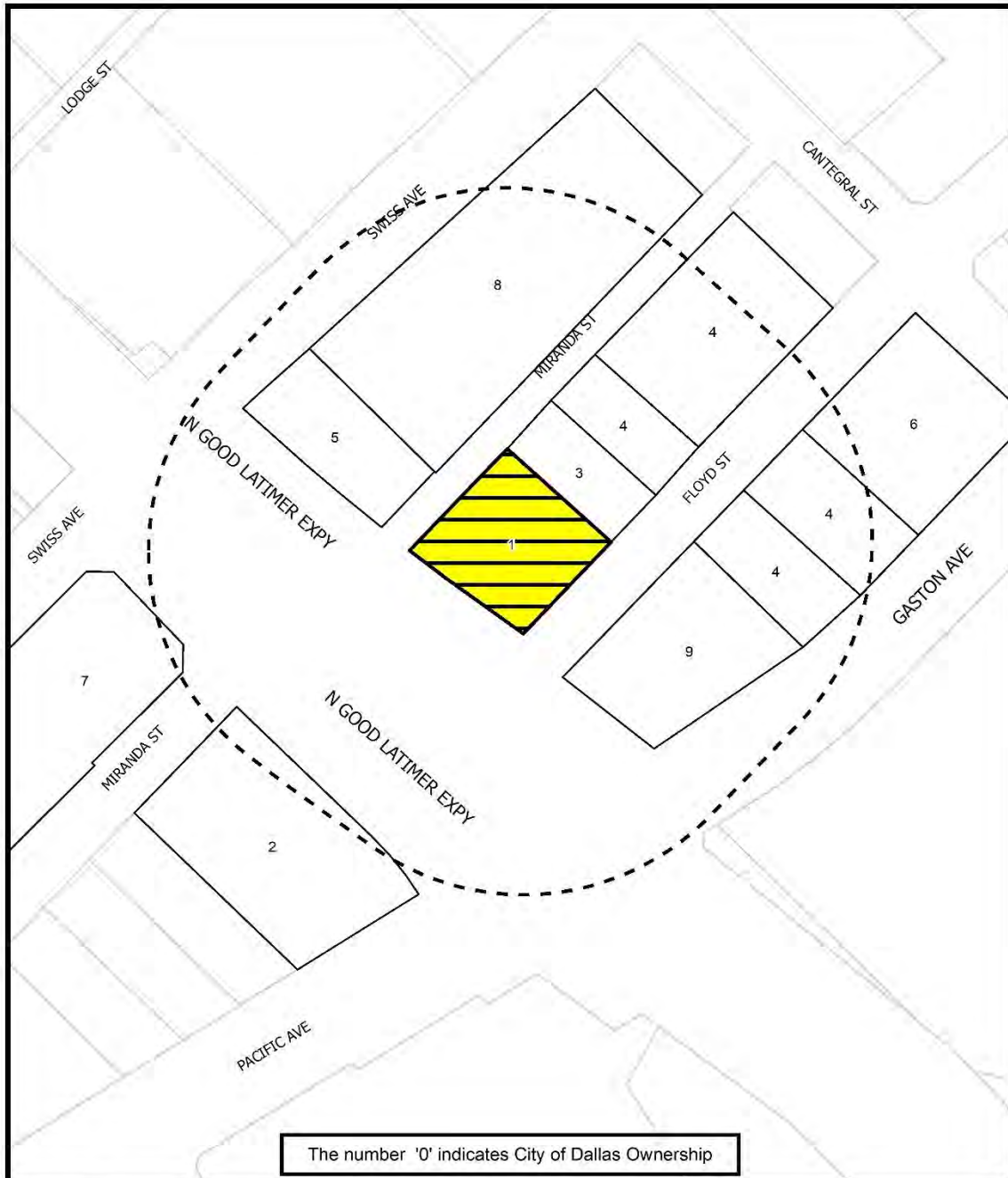
1:1,200

# AERIAL MAP

Case no: BDA223-067

Date: 6/5/2023





1:1,200

## NOTIFICATION

**200'** AREA OF NOTIFICATION  
**9** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-067**

Date: **6/5/2023**

06/05/2023

## ***Notification List of Property Owners***

***BDA223-067***

### ***9 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	402 N GOOD LATIMER EXPY	SHARED HOUSING CENTER
2	2529 PACIFIC AVE	PACIFICO PARTNERS LTD
3	2615 FLOYD ST	GREENWAYCP 2601 LP
4	2619 FLOYD ST	GREENWAY-CP 2601 LP
5	2606 SWISS AVE	DALLAS AREA RAPID TRANSIT
6	2633 GASTON AVE	GASTON2633 AMG LLC
7	505 N GOOD LATIMER EXPY	BB DALLAS LLC &
8	2614 SWISS AVE	CAMPBELL J W &
9	2615 GASTON AVE	GREENWAY CP 2601 LP





# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

2023 RECEIVED  
 FOR OFFICE USE ONLY  
 MAY 11 11 REC'D  
 BY: [Signature]

Case No.: BDA

Data Relative to Subject \_\_\_\_\_

Date: \_\_\_\_\_

Location address: 402 N. GOOD LATIMER EXPY, Dallas, TX 75204 Zoning District: PD 298 SUBAREA 5

Lot No.: 3 & PT 1&2 Block No.: 7/284 Acreage: .27 Census Tract: 0022.00

Street Frontage (in Feet): 1) 110.86' 2) 99.84' 3) 111.08' 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Greenway-CP 2601, L.P., a Texas limited partnership

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

Mailing Address: 3904 Elm St., Ste B Dallas, TX Zip Code: 75226

E-mail Address: rob@baldwinassociates.com

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

Mailing Address: 3904 Elm St., Ste B Dallas, TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of a 17.39% parking reduction, a reduction of 12 spaces, (13 requested spaces / 69 required spaces = 17.39%) 23%

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

Our client would like to develop the subject property with a restaurant use, a total of 6,900 sf, which requires 69 parking spaces. Currently the property is developed as a office use, requiring 21 spaces, only 10 of which are provided, which assumes 10 delta credit spaces available, bringing the new required parking to 58 spaces. By reconfiguring the on-site lot and adding 12 bike spaces, there will be 16 packed spaces and 1 handicapped space on site, a total of 19 spaces. In addition, an additional 27 spaces can be provided via remote parking agreements between two lots, making the total parking provided 46 spaces, (19 on-site spaces + 27 remote parking spaces), resulting in a deficit of 12 spaces, (58 required – 46 provided)

We are requesting a special exception to Chapter 51A-4.210 (24) Restaurant without drive-in or drive through service (C) Off street parking requirements where the parking ratio is 1 space per 100 square feet.

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

### Affidavit

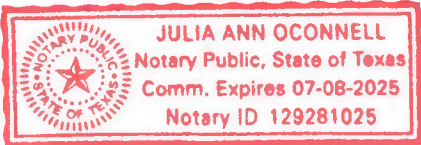
Before me the undersigned on this day personally appeared Rob Baldwin

(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 21<sup>ST</sup> day of April, 2023



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a special exception to the parking regulations  
at 402 N GOOD LATIMER

BDA223-067. Application of BALDWIN ASSOCIATES for a special exception to the parking regulations at 402 N GOOD LATIMER EXPY. This property is more fully described as Block 7/0284, Part of lots 1 and 2 and all of lot 3, and is zoned PD-298 subarea 5, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13 space special exception ( 23% reduction) to the parking regulation.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA

  
CITY OF DALLAS  
AFFIDAVIT

Appeal number: BDA 223-067

I, Greenway-CP 2601, L.P., a Texas limited partnership, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 402 N. Good Latimer Expressway, Dallas, TX 75204  
(Address of property as stated on application)

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

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

         Variance (specify below)

X          Special Exception (specify below)

         Other Appeal (specify below)     

Specify: A special exception of <sup>13</sup>~~12~~ parking spaces, a <sup>23</sup>~~17.39~~% parking reduction.

Todd Petty, Vice President of the general partner  
Greenway-CP 2601, L.P., property owner  
By: GIC 2601 GP, LLC, its general partner

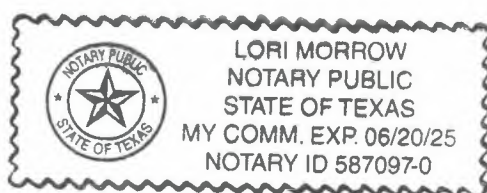
  
Signature of property owner or registered agent

Print name of property owner or registered agent

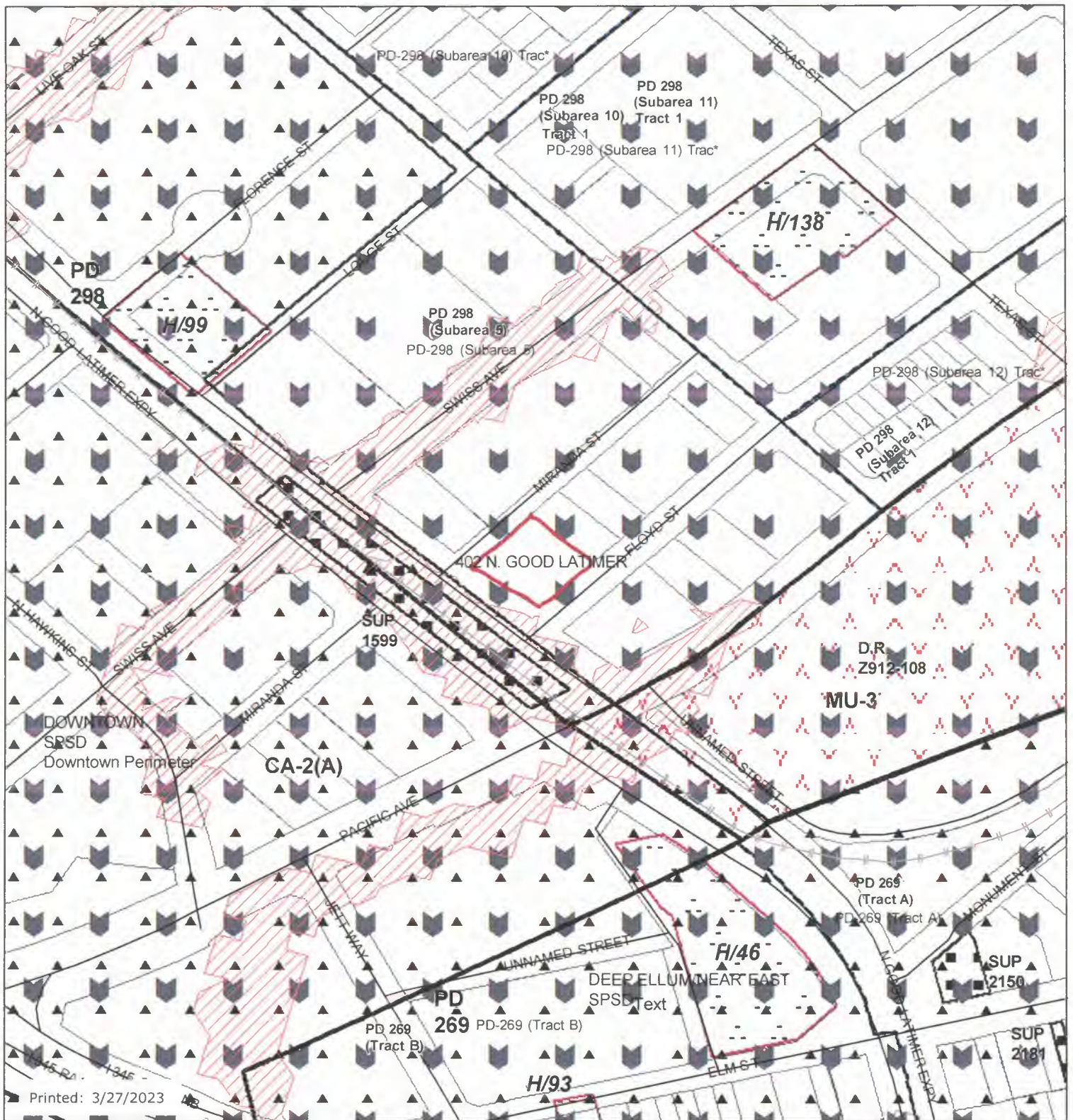
Date 4.6.2023

Before me, the undersigned, on this day personally appeared Todd Petty, as Vice President of GIC 2601 GP, LLC 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 6<sup>th</sup> day of April, 2023.

  
Notary Public for Dallas County, Texas



Commission expires on \_\_\_\_\_



- City Limits
- Railroads
- Floodplain
- Mill Creek
- Certified Parcels
- Base Zoning
- Demolition Delay Overlay
- SPSP Overlay
- Deed Restrictions
- SUP
- Historic Overlay
- 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)

BDA223-1067

1:2,400

<b>BDA 223-067 - Parking Analysis - 402 N. Good Latimer</b>	<b>16-Jun-23</b>
-------------------------------------------------------------	------------------

<b>Parking Required</b>	
<b>Building Square Feet</b>	<b>6,900</b>
<b>Total Required for Restaurant, 1:100</b>	<b>69</b>
<b>Bicycle Parking Reductions</b>	<b>(2)</b>
<b>Total Parking Required</b>	<b>67</b>

<b>Parking Provided</b>	
<b>Delta Credits</b>	<b>10</b>
<b>Onsite Parking - Packed</b>	<b>17</b>
<b>Remote Parking Agreement: To Be Drafted:</b>	
2615 & 2619 Floyd St. - By Remote Parking Agreement	16
2636 Swiss Ave. - By Remote Parking Agreement	11
<b>Total Parking Provided</b>	<b>54</b>
<b>Parking Excess/(Shortage)</b>	<b>(13)</b>
<b>BDA Parking Reduction %</b>	<b>23%</b>

Per Kim Hamilton

BDA 223-067 - Parking Analysis - 402 N. Good Latimer

Lot	Spaces	Deltas/BDA Reduction	Total	GLS 2625 Floyd	VP 2601 Gaston	Cash Cow 402 N. Good Latimer	Remaining
2615 Floyd	19	0	19	0	13	6	0
2619 Floyd	28	0	28	18	0	10	0
2625 Floyd	14	84	98	98	0	0	0
2601 Gaston	0	19 + 6 BDA	25	0	25	0	0
2621 Gaston	36	0	36	0	36	0	0
2617 Gaston	28	0	28	0	28	0	0
402 N. Good Latimer	17	10	27	0	0	27	0
2636 Swiss Ave.	20	0	20	0	0	11	9
<b>Total</b>	<b>162</b>	<b>119</b>	<b>281</b>	<b>116</b>	<b>102</b>	<b>54</b>	<b>9</b>
<b>Parking Required</b>				<b>116</b>	<b>102</b>	<b>67</b>	<b>285</b>
<b>Parking Provided</b>				<b>116</b>	<b>102</b>	<b>54</b>	<b>272</b>
<b>(Shortage) Excess</b>				<b>0</b>	<b>0</b>	<b>-13</b>	<b>-13</b>

Parking Provided	272	(GLS-116 + VP-102 + CC-54)
Parking Required	285	(GLS-116 + VP-102 +CC-67)
<b>(Shortage)</b>	<b>-13</b>	BDA Parking Reduction Ask

**Vice Park – Required Parking**

10,725 SF / 100 per SF = 107 spaces

Less 5 bike spaces

**Equals 102 Required Parking Spaces**

**Vice Park – Provided Parking**

2601 Gaston – 25 (19 deltas + 6 BDA prkg reduction)

2621 Gaston – 36

2617 Gaston – 28

2615 Floyd – 13

**Total Provided for Vice Park - 102 spaces**

**Green Light Social – Required Parking**

12,200 SF / 100 per SF = 122 spaces

Less 6 bike spaces

**Equals 116 Required Parking Spaces**

**Green Light Social – Provided Parking**

2625 Floyd – 98 (14 on-site spaces + 84 deltas)

2619 Floyd – 18

**Total Provided for GLS– 116 spaces**

**Cash Cow – Required Parking**

6,900 SF / 100 per SF = 69 spaces

Less 2 bike spaces

**Equals 67 required Parking Spaces**

**Cash Cow – Provided Parking**

402 N. Good Latimer – 27 spaces (17 on-site spaces + 10 Deltas)

2615 Floyd - 6

2619 Floyd – 10

2636 Swiss - 11

**Total Provided for Cash Cow– 54 spaces**

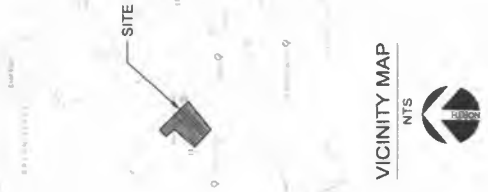
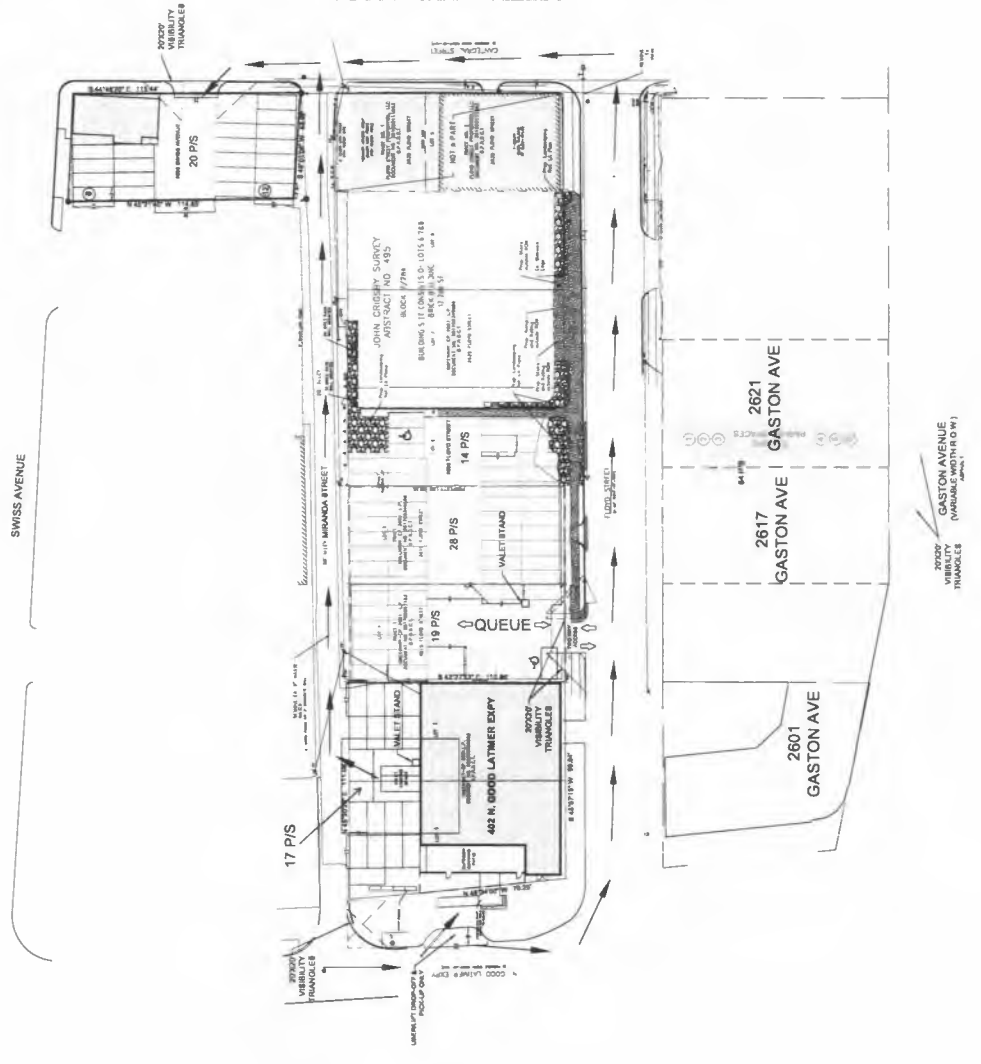
**Parking shortage (13)**

06/16/2023

BDA223-067

402 N GOOD LATIMER EXPY  
PARKING EXHIBIT  
SCALE: 1" = 30'-0"

59 1



VICINITY MAP  
NTS

**FILE NUMBER:** BDA223-068(KMH)

**BUILDING OFFICIAL'S REPORT** Application of Jennifer Hiromoto for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 906 Kessler Pkwy. This property is more fully described as Block 4700, Lot 1-A, and is zoned R-7.5(A), which limits the height of a 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 a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the lot line, which will require a special exception to the fence opacity regulations.

**LOCATION:** 906 Kessler Pkwy

**APPLICANT:** Jennifer Hiromoto

**REQUEST:**

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

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:**

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

**STAFF RECOMMENDATION:**

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

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



## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	R-7.5 (A) (Single Family District)
<u>North:</u>	R-7.5 (A) (Single Family District)
<u>East:</u>	R-7.5 (A) (Single Family District)
<u>South:</u>	R-7.5 (A) (Single Family District)
<u>West:</u>	R-7.5 (A) (Single Family District)

### **Land Use:**

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

### **BDA History:**

No BDA history within the last 5 years.

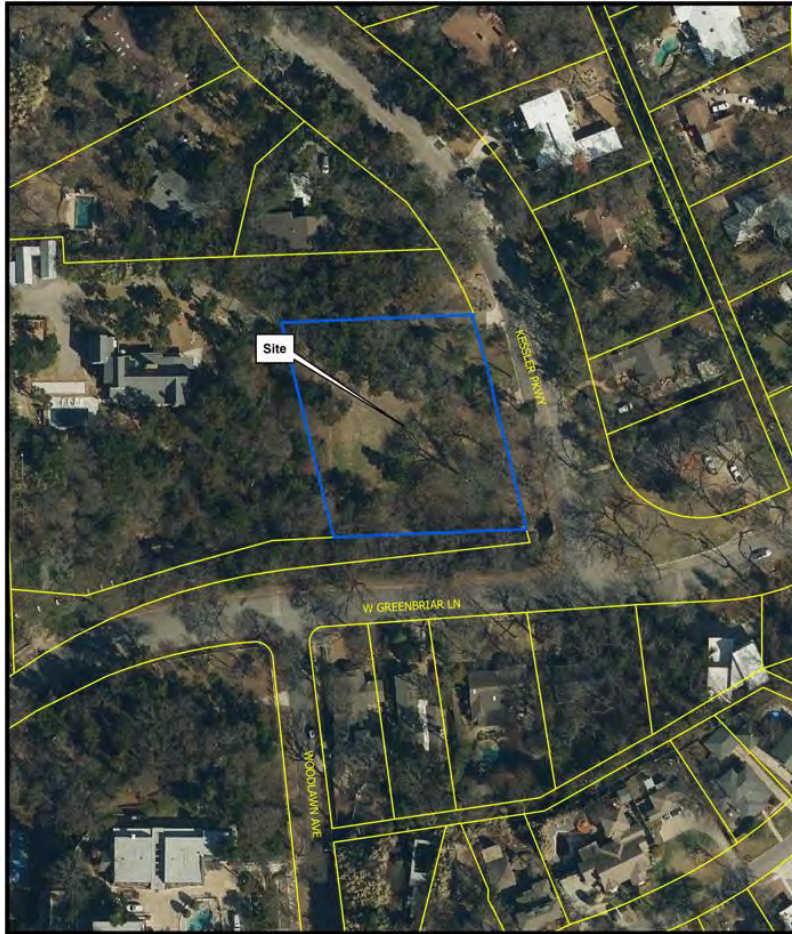
## **GENERAL FACTS/STAFF ANALYSIS:**

- The purpose of this request is for a special exception to the fence regulations of 2-foot focuses on constructing and/or maintaining a 6-foot high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-7.5 (A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing a 6-foot high fence in the required front yard along Kessler Pkwy.
- The proposed fence is a picket style fence with Austin stone veneer walls to match the house. It also imperative to note that the proposed fence will consist of a pedestrian gate and columns.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.

- Granting these special exceptions to the fence standards relating to height up to 6-feet and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

**Timeline:**

- May 11, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 13, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 22, 2023: The applicant provided documentary evidence.
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- June 30, 2023: The Development Services Engineer submitted a review comment sheet marked “no objection” (**Attachment A**)

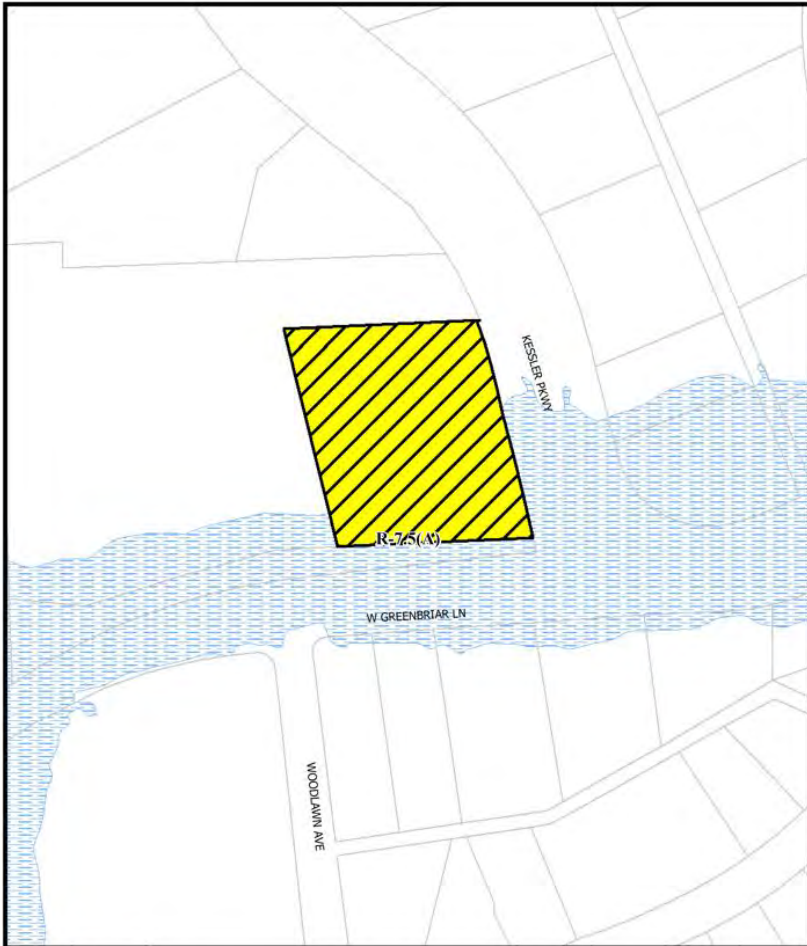


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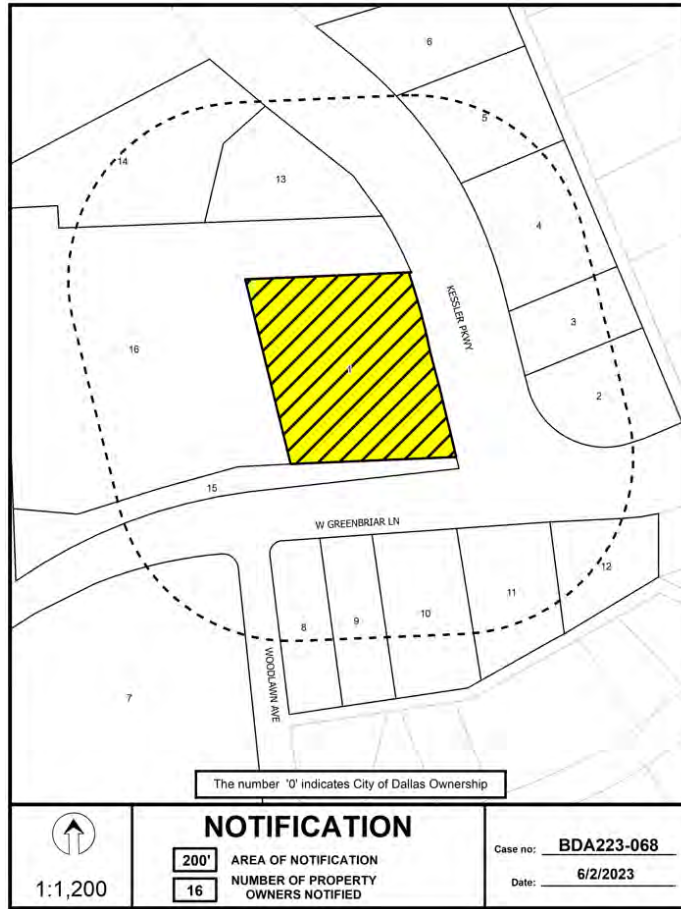
### AERIAL MAP

Case no: **BDA223-068**

Date: **6/2/2023**



 1:1,200	<b>ZONING MAP</b>	Case no: <b>BDA223-068</b> Date: <b>6/2/2023</b>
------------------------------------------------------------------------------------------------	-------------------	-----------------------------------------------------



REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)

- 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 212-106(GB)
- BDA 223-053(GB)
- BDA 223-059(GB)
- BDA 223-064(KMH)
- BDA 223-067(GB)
- BDA 223-068(KMH)
- BDA 223-069(GB)
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COMMENTS:

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***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

***6/29/2023***

Date

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



June 22, 2023

City of Dallas Board of Adjustment  
320 E. Jefferson Boulevard, Room 210  
Dallas, TX 75203

RE: BDA223-068, 906 Kessler Boulevard

Dr. Miller-Hoskins and Honorable Boardmembers,

I am representing the property owners in their application for a fence height and fence openness special exception for 906 Kessler Boulevard. The property is zoned R-7.5(A), which limits fence height in a front yard to a maximum of 4-feet. The location of the proposed fence will be along the front property line, which is up to 30 feet from the pavement line of Kessler Parkway. This is an unusual residential street with a 100-foot right-of-way width but only two travel lanes of pavement. The proposed fence will not detract from the secluded residential atmosphere. The proposed solid panels are limited to wing walls flanking the vehicular gate and the pedestrian gate. Otherwise, the fence panels will be open, steel materials with stone columns.

One fence taller than 4-feet is observed to the southwest of the property at the southwest corner of Greenbriar and Woodlawn Avenue. Along Kessler Boulevard, many nearby properties have dense landscaping to screen their properties. Our landscape architect has prepared the attached rendering of the fence to show how the fence will complement the house under construction and be compatible with the surrounding area. We believe the proposed fencing will not adversely affect neighboring properties.

Neighboring property owners were contacted by mail on May 17th, 2023 to advise them of our application prior to the posting of the notification sign. Additionally, these property owners were also contacted or attempted to be contacted by the homeowners and all verbal responses were supportive.

We hope you can support this request. I will be in attendance at the hearing should you have any further questions or concerns.

Thank you,

Jennifer Hiromoto

10233 E. Northwest Highway # 38586 Dallas, TX 75238



Harris Residence





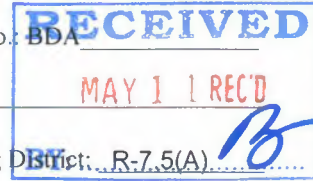
City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

BDA 223-068

Case No.: BDA

Date:



Data Relative to Subject Property:

Location address: 906 Kessler Parkway

Zoning District: R-7.5(A)

Lot No.: 1-A Block No.: 4700 Acreage: 0.93 acres Census Tract: 42.01

Street Frontage (in Feet): 1) 218 ft 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Frank A. Harris, Jr. and Melinda E. Harris

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: PO Box 38586 Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 2' to the fence height regulations to allow a 6' fence in the front yard setback and to the fence standards regarding less than 50% openness

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

The proposed fencing and gates will be on the property line, which is approximately 30-feet from the curbline of Kessler Parkway. The proposed fence will be an open-style wrought-iron fence with masonry/stone columns. The approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

Affidavit

Before me the undersigned on this day personally appeared Jennifer Hiromoto (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.

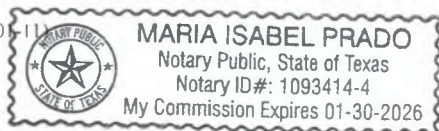
Respectfully submitted: Jennifer Hiromoto (Affiant/Applicant's signature)

Subscribed and sworn to before me this 11th day of May, 2023

Maria Isabel Prado (Notary Public signature)

Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that Jennifer Hiromoto

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

at 906 Kessler Pkwy

BDA223-068. Application of Jennifer Hiromoto for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 906 KESSLER PKWY. This property is more fully described as Block 4700, Lot 1-A, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-068

I, Frank A. Harris, Jr., Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 906 Kessler Parkway  
(Address of property as stated on application)

Authorize: Jennifer Hiromoto, Buzz Urban Planning  
(Applicant's name as stated on application)

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

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

Specify: Fence height & openness H1

\_\_\_\_\_

Frank A Harris Jr  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 4/24/2023

Before me, the undersigned, on this day personally appeared Frank A Harris Jr

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 24 day of April, 2023

[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 2/22/2025



AFFIDAVIT

Appeal number: BDA 223-068

I, Melinda E. Harris, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 906 Kessler Parkway  
(Address of property as stated on application)

Authorize: Jennifer Hiromoto, Buzz Urban Planning  
(Applicant's name as stated on application)

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

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

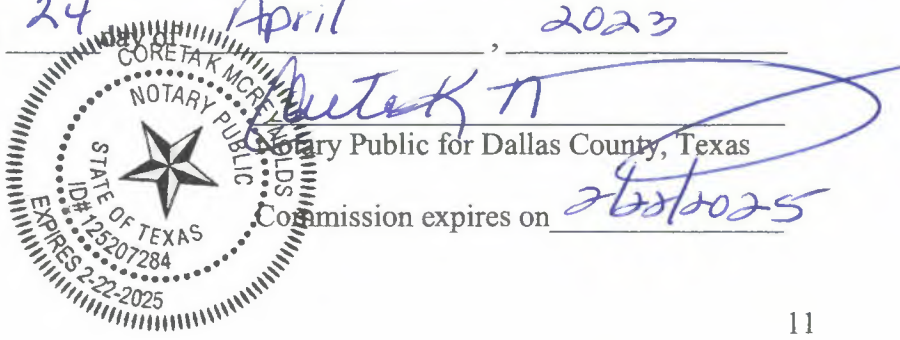
Specify: Fence height & openness H

MELINDA E. HARRIS [Signature]  
 Print name of property owner or registered agent Signature of property owner or registered agent  
 Date 04/24/2023

Before me, the undersigned, on this day personally appeared Melinda E Harris

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 24 April, 2023





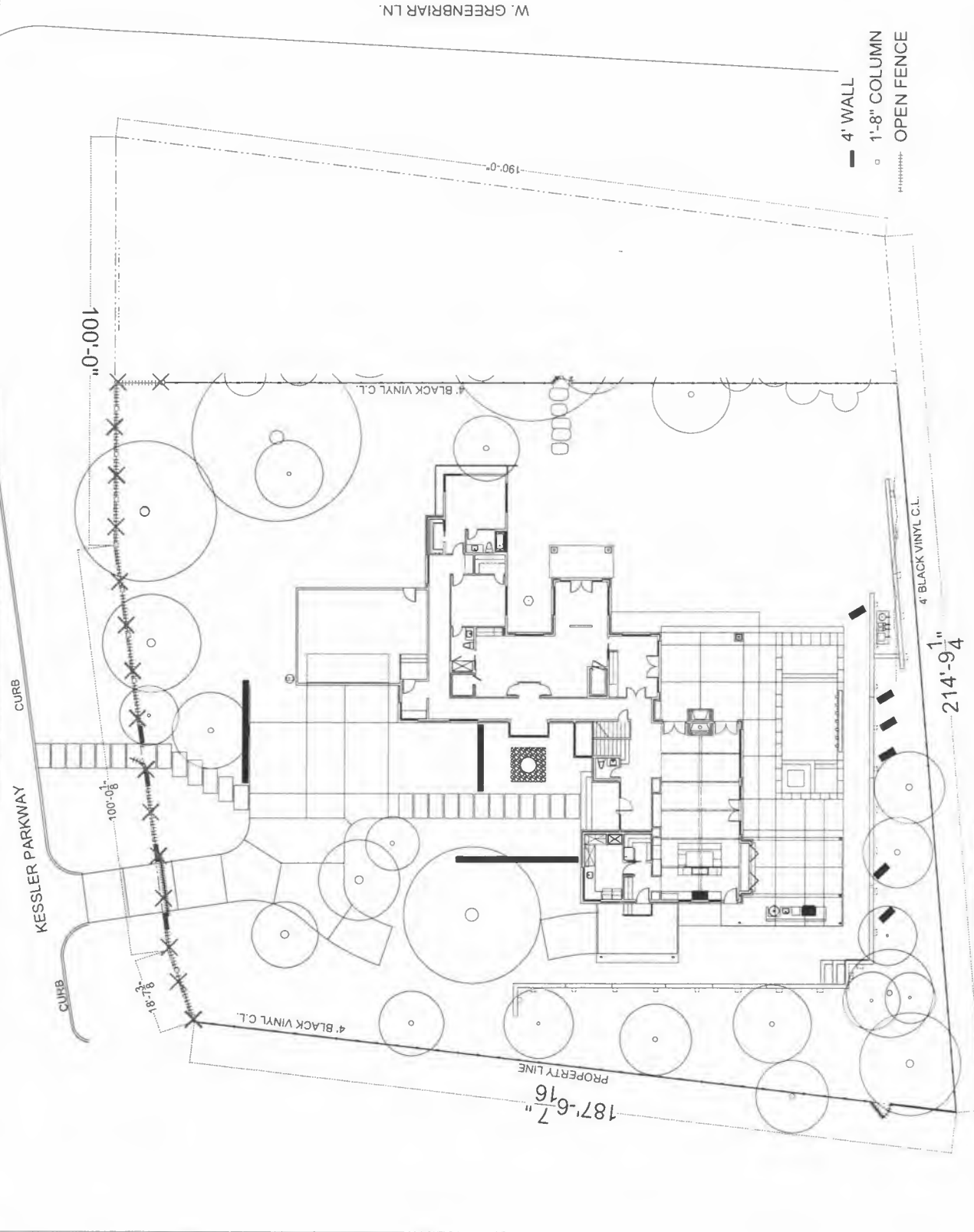
City Limits  
Floodplain

- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- Certified Parcels
- Base Zoning

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



BDA 223-068

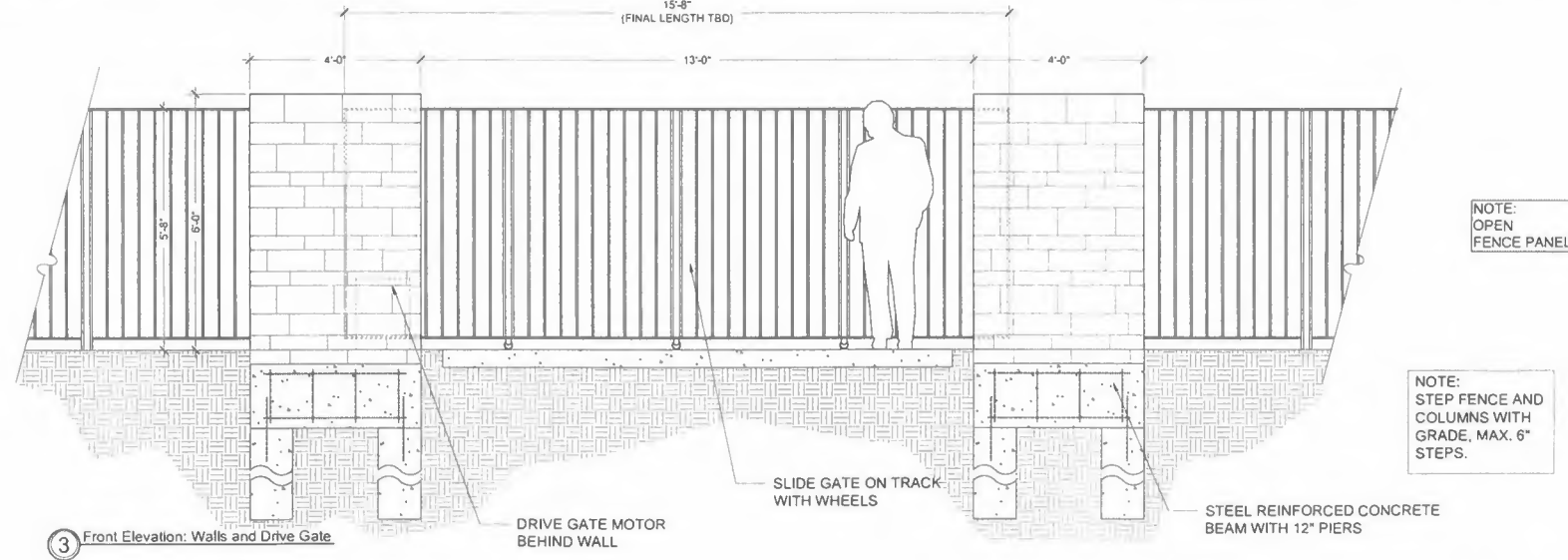
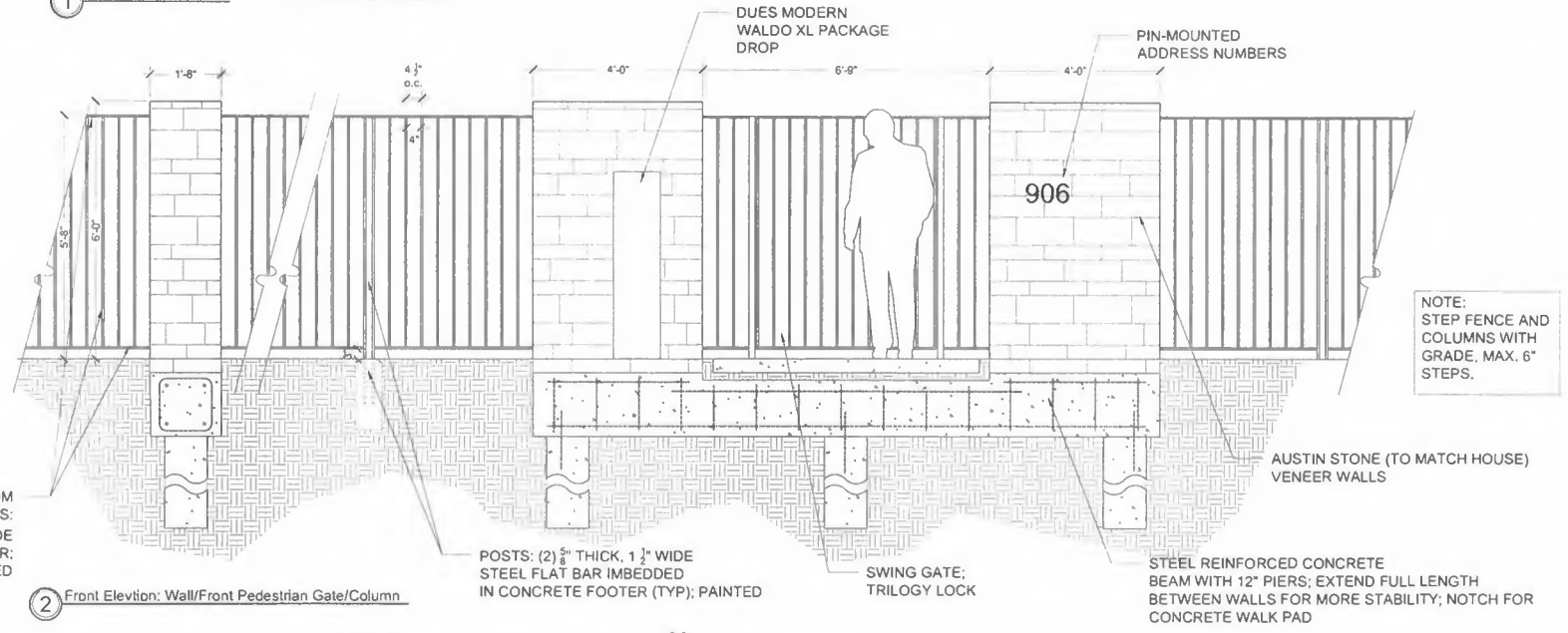
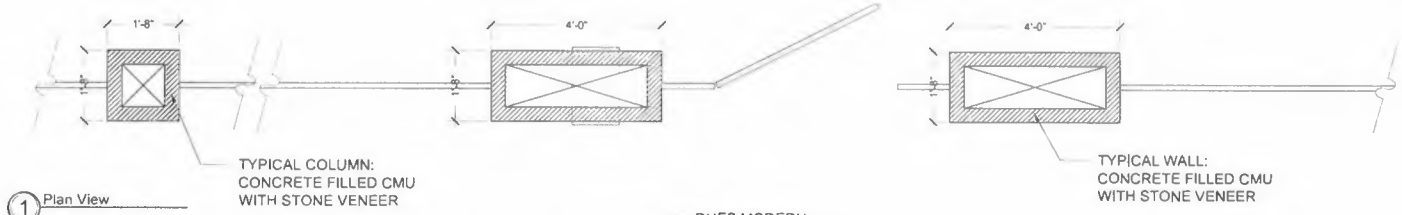


BDA 223-008

**FOR CONSTRUCTION**

This plan retaining the intellectual property of Bonick Landscaping Inc. This plan can not be copied, reproduced or implemented in part or in whole without the prior written consent of Bonick Landscaping Inc.

**Harris Residence**  
906 Kessler Parkway, Dallas



Issue/Revision


North

Scale: 1/2" = 1'-0"  
Wall/Fence/Gate 6' HT.

**L3-11.2**

BDA 223-0118

**FILE NUMBER:** BDA223-069 (GB)

**BUILDING OFFICIAL'S REPORT** Application of SANTOS MARTINEZ for a special exception to the parking regulations at 1414 DRAGON ST. This property is more fully described as Block 16/6846, part of lot 1, and is zoned PD-621 subarea 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5-space special exception (10% reduction) to the parking regulation.

**LOCATION:** 1414 Dragon Street

**APPLICANT:** Santos T. Martinez (La Sierra Planning Group)

**REQUEST:**

A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5-space special exception (10% reduction) to the parking regulation.

**STANDARD FOR A SPECIAL EXCEPTION SEC 51A-4.311:**

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



- D. The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
- E. The availability of public transit and the likelihood of its use.
- F. The feasibility of parking mitigation measures and the likelihood of their effectiveness.

**STAFF RECOMMENDATION:**

Approval

Rationale: if certain conditions are met per Traffic Engineering expert trades.

- **ZONING/BDA HISTORY:**

No BDA History within the last 5 years.

**Zoning:**

Site: PDD 621 (SD 1)  
North: PDD 621 (SD 1)  
South: PDD 621 (SD 1)  
East: PDD 621 (SD 1)  
West: PDD 621 (SD 1)

**Land Use:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5-space special exception (10% reduction) to the parking regulation.
- The subject property is located at 1414 Dragon Street
- The subject property is zoned PDD 621 (SD 1)
- The intended use for this property is a restaurant, which requires 51 parking spaces

## **Timeline:**

- May 12, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- June 13, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application
  - an attachment that provided the public hearing date and panel that will consider the application; the June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, and the Development Services Senior Engineers
- June 29, 2023: The applicant provided 8 letters of support and documentary evidence. See Exhibit A
1. 154 Leslie
  2. 123 Manufacturing Street
  3. 400 Dragon
  4. 1400 N. Riverfront
  5. 1404 N. Riverfront
  6. 1430 Dragon
  7. 1900 Market Center
- June 29, 2023: The engineering department submitted a review comment sheet. Exhibit B

## Exhibit A



To Miss Nikki Dunn,

We at RP Valet have noticed a significant drop-off in the amount of cars parked at our venue (Dec on Dragon) that we service over the past few years. With rideshare options becoming more popular, we have noticed our average weekly cars parked per day has dropped from 28 cars at its peak to now 17 cars. We have generous amounts of parking to take care of cars easily.

Thank you so much,

A handwritten signature in black ink, appearing to read "Mo Ghomi". The signature is stylized with overlapping loops and a long horizontal stroke at the end.

**Mo Ghomi**  
Dallas MTV, LLC.  
2911 Turtle Creek Blvd. Ste. 300  
Dallas, TX 75219  
Office: 214-523-9009

Dallas MTV, LLC. and RP Valet 2911 Turtle Creek Blvd, Suite 300 Dallas, TX 75219  
[info@rpvaletparking.com](mailto:info@rpvaletparking.com) P. 214.523.9009 M.O.D. 214.697.2007



June 29, 2023

Ms. Nikki Dunn  
Chief Planner  
City of Dallas  
320 E. Jefferson Room 210  
Dallas, TX 75203

RE: BDA 223-069; 1414 Dragon

Dear Ms. Dunn,

The property owner is requesting a special exception to five required parking spaces for the address listed above. They satisfied their parking requirements with a packed parking agreement and a remote parking agreement.

Since they have been issued an original certificate of occupancy, the property owner has purchased the adjacent lot. Within Planned Development District 621, on street parking can be used to satisfy required parking if it is located adjacent to the main use. By purchasing this property, we can utilize the six (6) spaces in front of the building for this use. This leaves five (5) spaces remaining to satisfy our required parking.

We have attached support letters from surrounding property owners. Our restaurant is only open for dinner service so there are no conflicts with surrounding businesses during the day. We have also managed parking with a valet company since the restaurant opened. They have prepared a letter regarding their observations on parking demand. The utilization of ride sharing services has impacted the need for the full amount of parking spaces served for this use.

We believe the request for a special exception of five spaces does not create a negative impact on adjacent properties.

Please let me know if you may have any questions regarding this request.

Sincerely,

Santos T. Martinez  
Authorized representative for  
Property owner

**Exhibit B**

**REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)**

- 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 212-106(GB)
- BDA 223-053(GB)
- BDA 223-059(GB)
- BDA 223-064(KMH)
- BDA 223-067(GB)
- BDA 223-068(KMH)
- BDA 223-069(GB)
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**COMMENTS:**

*Supporting parking data requested for review.*

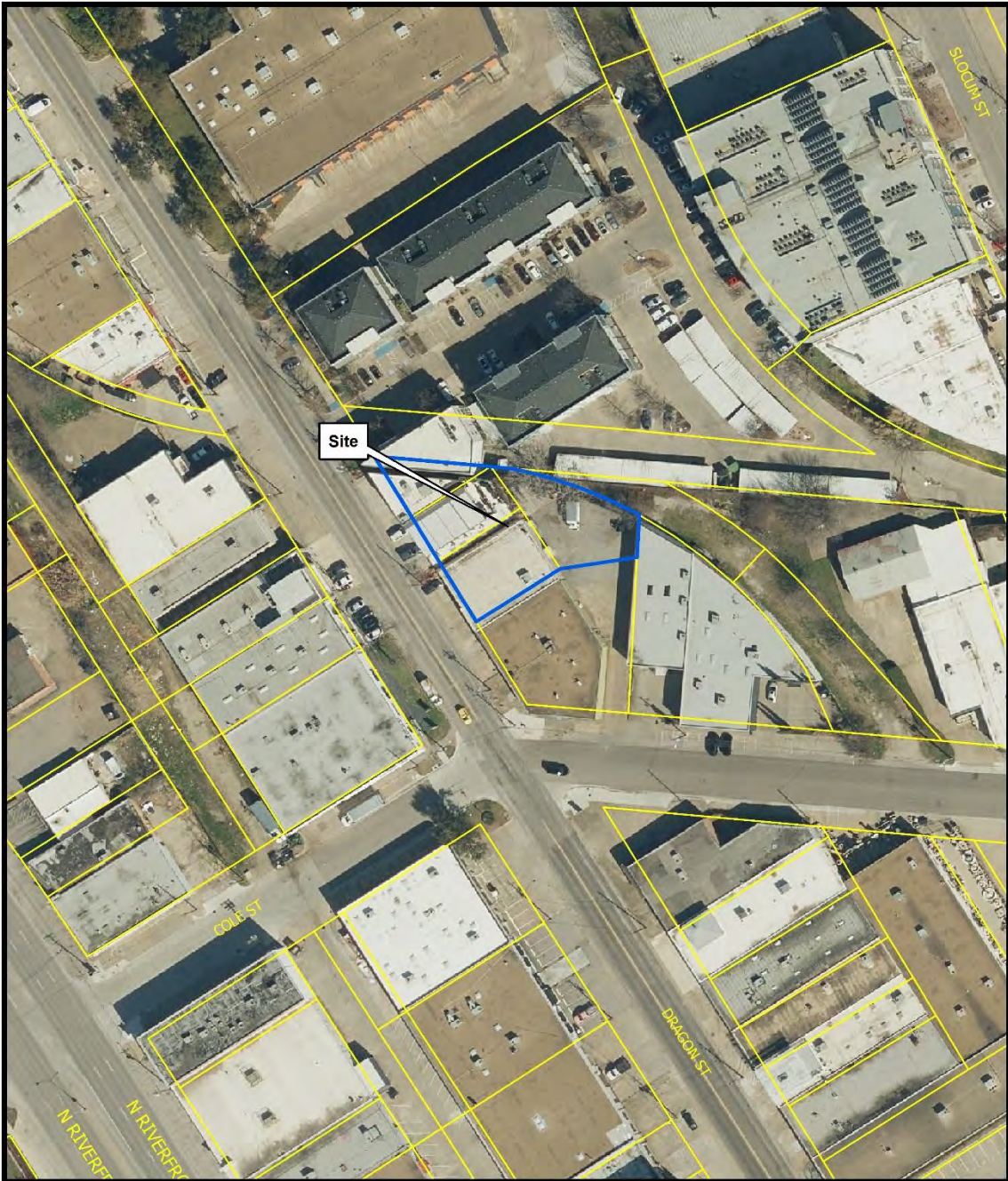
***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

***6/29/2023***

Date

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

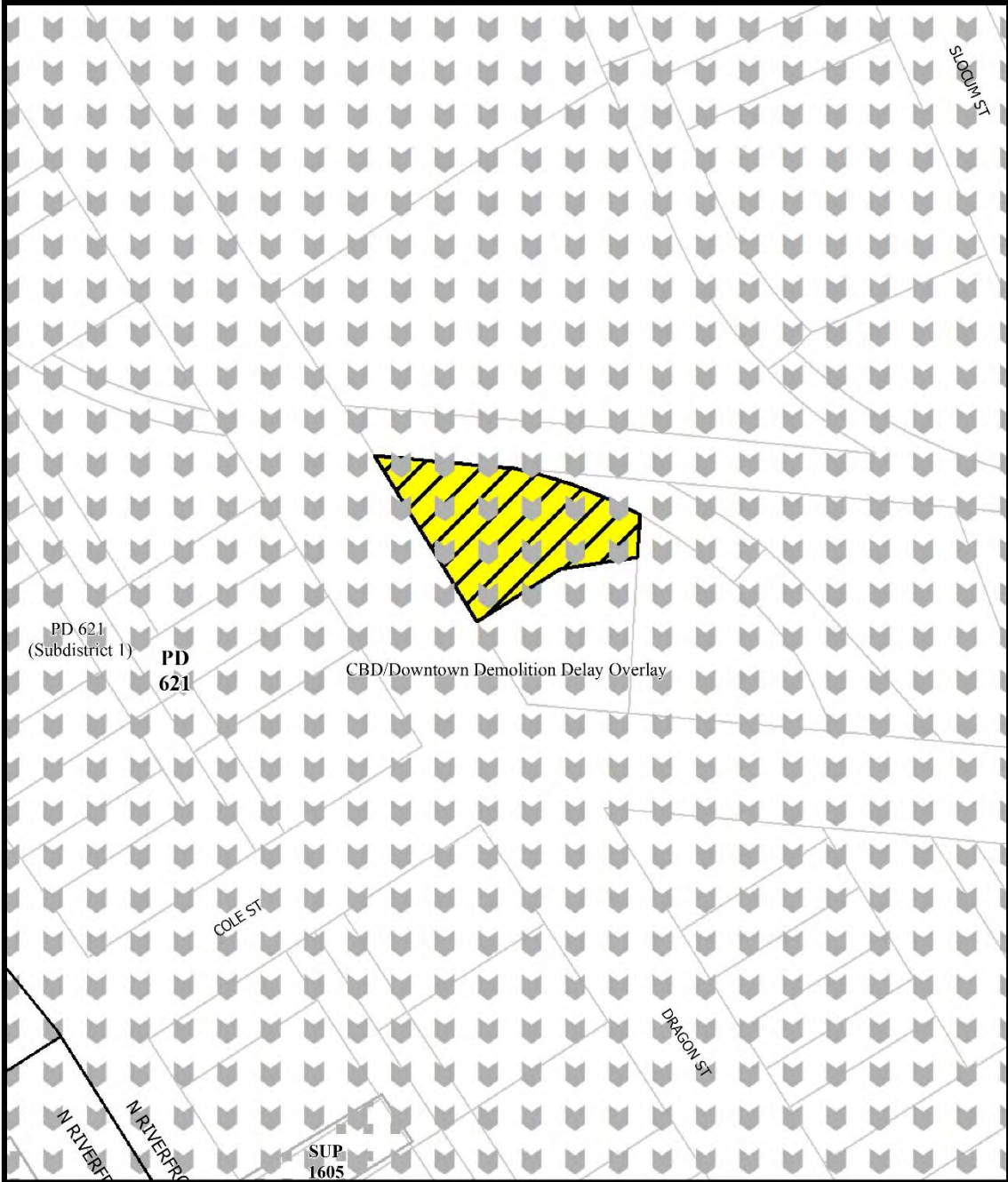


1:1,200

# AERIAL MAP

Case no: BDA223-069

Date: 6/2/2023



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA223-069</u> Date: <u>6/2/2023</u>
------------------------------------------------------------------------------------------------	---------------------	-----------------------------------------------------



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA223-069</b>
	<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;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>6/2/2023</b>



06/02/2023

## ***Notification List of Property Owners***

***BDA223-069***

### ***21 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1414 DRAGON ST	RUTT CAPITAL LLC
2	1410 DRAGON ST	RUTT CAPITAL LLC
3	1403 SLOCUM ST	DRAGON PPROPERTY FUND LTD
4	1333 SLOCUM ST	RADICAL SLOCUM ACQUISITION II LP
5	1327 DRAGON ST	1327 DRAGON STREET LLC
6	1435 DRAGON ST	DRAGONFLY ACQUISITIONS LLC
7	1425 DRAGON ST	Taxpayer at
8	1419 DRAGON ST	1419 DRAGON LLC
9	1413 DRAGON ST	ARTERIORES NEXT DOOR LLC
10	1411 DRAGON ST	Taxpayer at
11	1403 DRAGON ST	JAG DRAGON PROPERTIES LLC
12	1330 DRAGON ST	HMI DALLAS LLC
13	1400 DRAGON ST	D C ENTERPRISES INC
14	315 COLE ST	STANZEL RICHARD C &
15	327 COLE ST	CHIRNSLEY LLC
16	1430 DRAGON ST	DRAGON PROPERTY FUND LTD
17	1431 DRAGON ST	DRAGONFLY ACQUISITIONS LLC
18	300 COLE ST	AZIMI MASOUD ET AL
19	300 COLE ST	STANZEL INVESTMENTS LLC
20	1400 DRAGON ST	DRAGON PROPERTY FUND LTD
21	1500 DRAGON ST	Taxpayer at



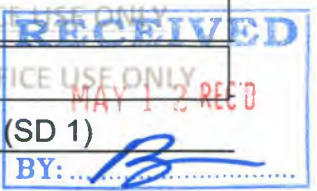
# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

229-009



Data Relative to Subject Property: \_\_\_\_\_

Date: \_\_\_\_\_

Location address: 1414 Dragon

Zoning District: PDD 621 (SD 1)

Lot No.: pt 1 Block No.: 16/6846 Acreage: .11 Census Tract: 100.03

Street Frontage (in Feet): 1) 85 2) 0 3) 0 4) 0 5) 0

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Rutt Capital LLC

Applicant: Santos T. Martinez (La Sierra Planning Group) Telephone: 214 684 2775

Mailing Address: 3904 Elm Street Dallas, TX Zip Code: 75205

E-mail Address: Santos@LaSierraPl.com

Represented by: Santos T. Martinez (La Sierra Planning Group) Telephone: 214 684 2775

Mailing Address: 5737 Quay Dr. NE Rio Rancho, NM Zip Code: 87144

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance  or Special Exception  of five parking spaces to the required parking standards for a restaurant use

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:  
Property owner has purchased the adjacent property. They legally own the parking in front and behind the adjacent building but are short five spaces. They seek a special exception for these five 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.

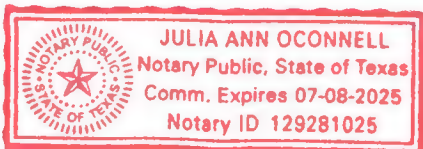
### Affidavit

Before me the undersigned on this day personally appeared SANTOS T. MARTINEZ  
(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 28 day of April, 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 SANTOS MARTINEZ

did submit a request for a special exception to the parking regulations  
at 1414 DRAGON

BDA223-069. Application of SANTOS MARTINEZ for a special exception to the parking regulations at 1414 DRAGON ST. This property is more fully described as Block 16/6846, part of lot 1, and is zoned PD-621 subarea 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5 space special exception (10% reduction) to the parking regulation.

Sincerely,

  
Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 2023-0029

I, Rutt Capital LLC, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1414 Dragon  
(Address of property as stated on application)

Authorize: Santos T. Martinez (La Sierra Planning Group)  
(Applicant's name as stated on application)

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

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

Specify: special exception to the required parking regulations for five parking spaces

Rutt Capital, LLC.  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 5/1/2023

Before me, the undersigned, on this day personally appeared Brian Rutt

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

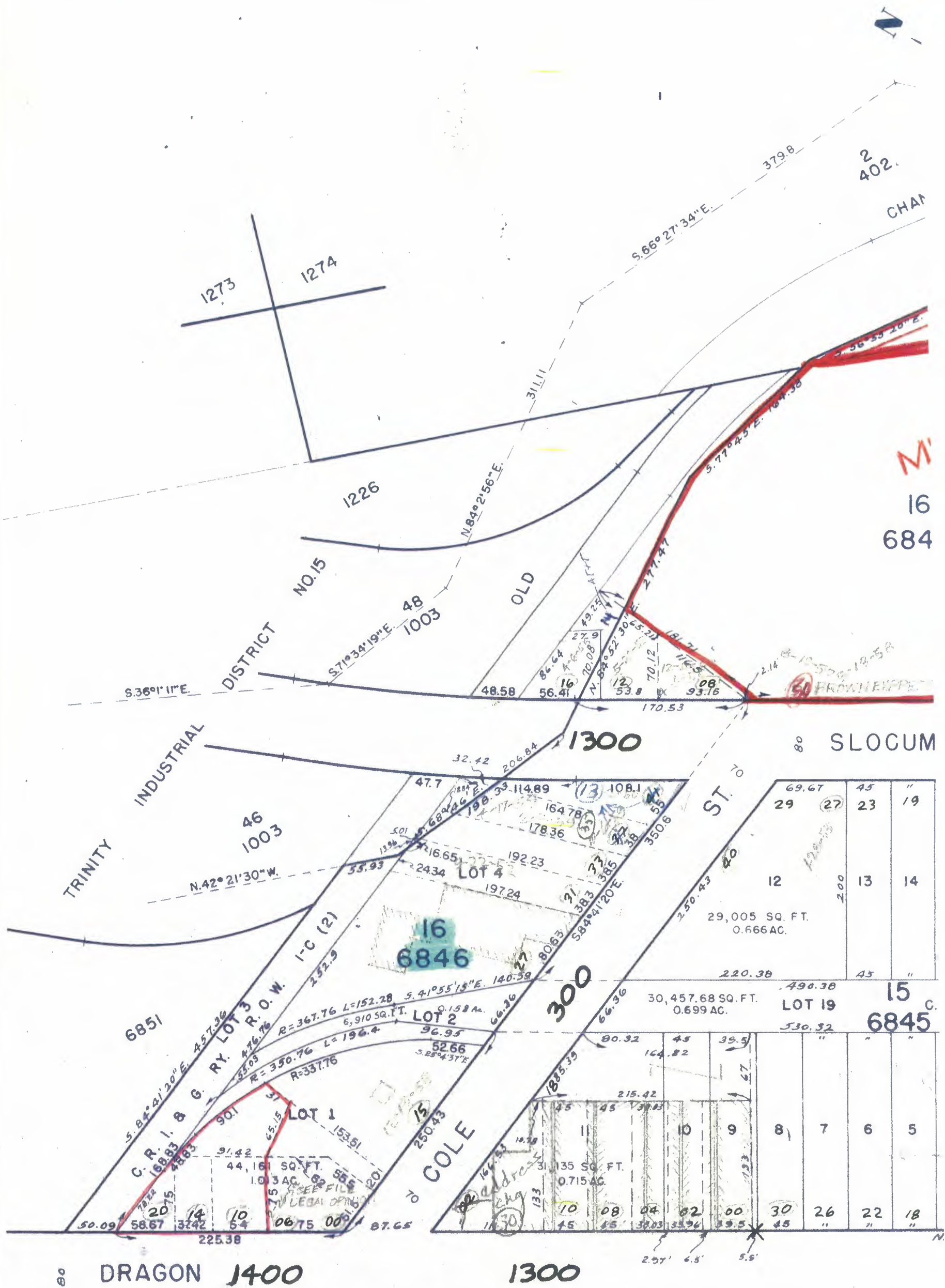
Subscribed and sworn to before me this 1 day of May, 2023

Yu-En Liu  
Notary Public for Dallas County, Texas

Commission expires 03-02-2027

[Signature]

RECORDED 11-22-48



80 DRAGON 1400

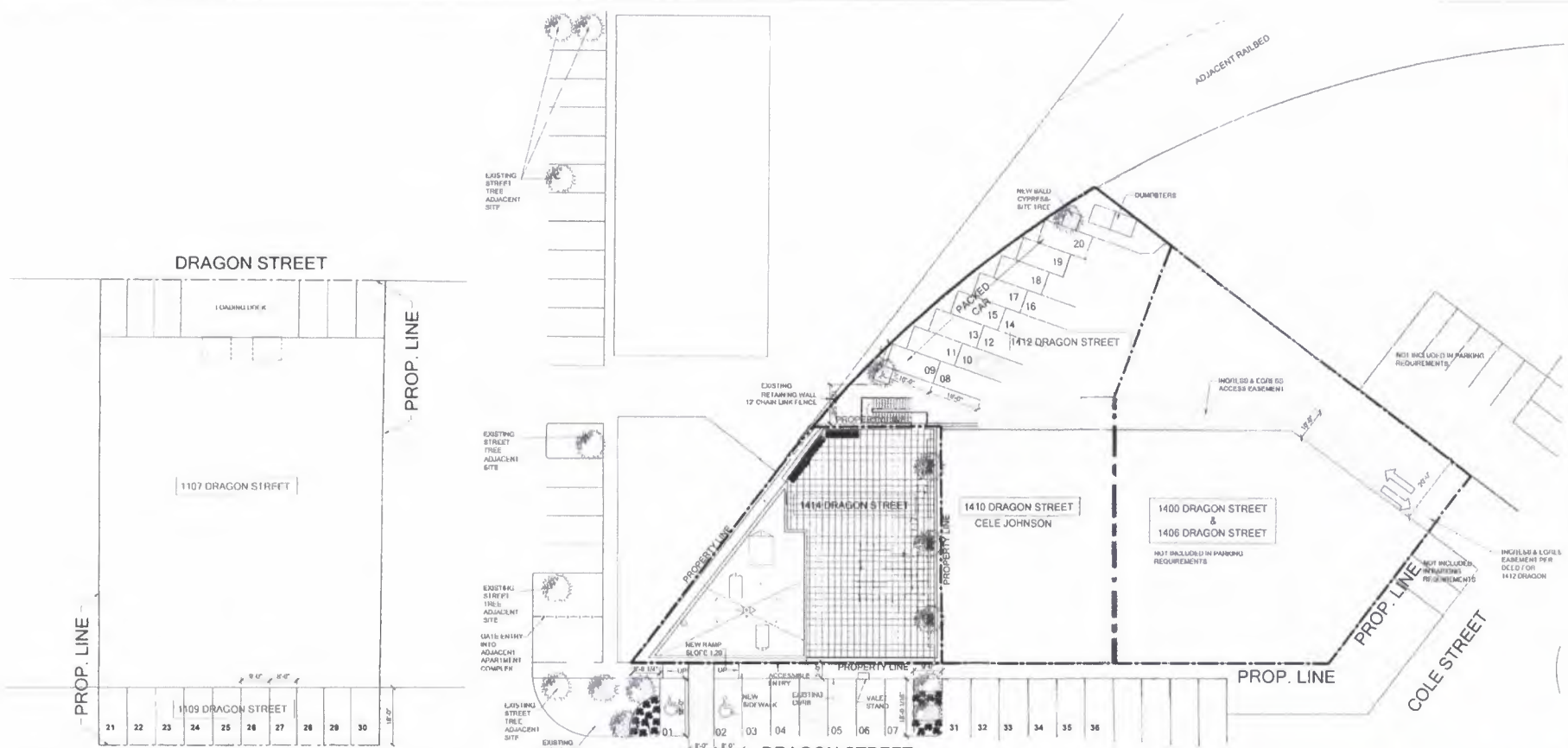
1300

TRINITY 6 6836

INDUSTRIAL 5 6835

BDA 223-0109

d.e.c  
 1414 DRAGON STREET  
 DALLAS, TX 75207  
 ISSUE FOR CONSTRUCTION



02 REMOTE PARKING PLAN SCALE: 1/8" = 1'-0"

01 PARKING ANALYSIS SCALE: 1/8" = 1'-0"

LOCATION	OWNER'S NAME	LAND USE	AREA (SF)	PLANNED	9:00 AM TO 5:00 PM	5:00 PM TO 8:00 AM
1414 DRAGON STREET	6 x 6 #100	RESTAURANT	5383 s.f.	NOV	0 SPACES	7 SPACES
	#200	181 FLOOR OFFICE/STORAGE WAREHOUSE	821 00 FT	1 900	1 SPACES	0 SPACES
1418 DRAGON STREET	none	OSW	4,080 00 FT LOT	1 900	6 SPACES	6 SPACES
1412 DRAGON STREET	none	PARKING	8,824 30 FT LOT	0	0 SPACES	18 SPACES
1108 DRAGON STREET	none	PARKING	1,817 90 FT LOT	0	0 SPACES	16 SPACES
<b>TOTAL</b>					<b>7 spaces</b>	<b>38 spaces</b>

MAXIMUM PARKING REQUIRED AT A TIME = 51 spaces  
 TOTAL PARKING PROVIDED ON SITE = 7 SPACES  
 PARKING PROVIDED ON ADJACENT 1412 DRAGON = 18 SPACES  
 TOTAL REMOTE PARKING PROVIDED 1108 DRAGON = 16 SPACES  
 TOTAL DELTA SPACES = 40 SPACES  
 TOTAL PROVIDED PARKING = 46 spaces

LOCATION	OWNER'S NAME	LAND USE	AREA (SF)	PLANNED	9:00 AM TO 5:00 PM	5:00 PM TO 8:00 AM
1414 DRAGON STREET	6 x 6 #100	RESTAURANT	5383 s.f.	NOV	0 SPACES	7 SPACES
#200	181 FLOOR OFFICE/STORAGE WAREHOUSE	821 00 FT	1 900	1 SPACES	0 SPACES	

SHUTTLE SERVICE/  
 WALKING PATH: 01111111111111111111 1405 PLS 1



REVISIONS

No.	Date	Rev.

Drawn: [Signature]  
 Checked: [Signature]  
 Approved: [Signature]

PARKING ANALYSIS

Date: 11-04-2014

0.11

BDA 223-069

**FILE NUMBER:** BDA223-053 (GB)

**BUILDING OFFICIAL'S REPORT:** Application of Steve Lakin for a special exception to the fence height regulations at 7217 Brookshire Circle. This property is more fully described as Block 6/6586, Lot 2 and is zoned R-16 (A), which limits the height of a fence in a required front-yard to 4-feet. The applicant proposes to construct and maintain a 6-foot high fence in a required front-yard, which will require a 2-foot special exception to the fence height regulations.

**LOCATION:** 7217 Brookshire

**APPLICANT:** Steve Lakin

**REQUEST:**

A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot-high fence in a front yard, which will require a 2-foot special exception to the fence regulations.

**STANDARD FOR A SPECIAL EXCEPTION:**

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

Staff does not provide a recommendation for special exceptions.

- **ZONING/BDA HISTORY:**

No BDA History within the last 5 years

**Zoning:**

Site: R-16 (A)

**Land Use:**

The subject site is developed with a single family home. Areas to the North, South, East, and West are developed with single-family uses.

## **GENERAL FACTS/STAFF ANALYSIS:**

- A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot fence which will require a 2-foot special exception.
- The subject property is located at 7217 Brookshire Drive
- The subject property is zoned R-16 (A).
- This property is governed by a zoning district that allows fences in a required front yard to be no more than 4 feet.
- No special exception would be necessary if the proposed fence was 4 feet or under.

If the Board were to grant this special exception, and impose the submitted site plan as a condition, the applicant would be required to construct the fence according to the approved site plan.

### **Timeline:**

- April 06, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- May 03, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, June 09, 2023, deadline to submit additional evidence to be incorporated into the Board’s docket materials
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June 22, 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 Specialists, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.



**Please find the staff review comment sheet below:**

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING JULY 17, 2023 (C)

<input type="checkbox"/> Has no objections	<input type="checkbox"/> BDA 212-106(GB)
<input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached)	<input checked="" type="checkbox"/> BDA 223-053(GB)
<input type="checkbox"/> Recommends denial (see comments below or attached)	<input type="checkbox"/> BDA 223-059(GB)
<input checked="" type="checkbox"/> No comments	<input type="checkbox"/> BDA 223-064(KMH)
COMMENTS:	<input type="checkbox"/> BDA 223-067(GB)
<hr/>	<input type="checkbox"/> BDA 223-068(KMH)
<div style="border: 1px solid black; height: 200px; width: 100%;"></div>	<input type="checkbox"/> BDA 223-069(GB)
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	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

**David Nevarez, PE, PTOE, DEV - Engineering**  
Name/Title/Department

**6/29/2023**  
Date

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

June 02-06, 2023: Received letters from neighbors within the notification area. See Exhibit A

June 22, 2023: The Board of Adjustments decided to hold this case over.

Exhibit A

From: [REDACTED]  
To: [BD@reply](#)  
Cc: [REDACTED]  
Subject: BOA 223-053  
Date: Friday, June 2, 2023 8:59:18 AM  
Attachments: [EmailSocialBanner\\_ab14e0fb-17d4-495e-b3c3-3d4e0b29ad8e.png](#)  
[emailbanner-fortworth2023-01\\_4b8f6890-2111-4e73-9cc7-2e8c45bc7f59.png](#)

**External Email!**

Good Morning,  
How do I present my protest for a fence variance for BOA 223-053. A taller fence near the curb will cause a serious sight line issue for safety of people walking or riding their bikes on our street.

My cell phone number is [REDACTED]  
Thanks you,  
Sue White  
7115 Brookshire Circle 75238



Sue White  
Principal

101 Turtle Creek Blvd  
Dallas, TX 75207

Direct: [REDACTED]  
Mobile: [REDACTED]



This communication, along with any documents, files or attachments, is intended only for the use of the addressee and may contain legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of any information contained in or attached to this communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy the original communication and its attachments without reading, printing or saving in any manner. Thank you.

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

22 cell [redacted]

Peter & Kirstie Kofoed

7217 Brookshire Drive, Dallas TX  
15 April 2023

Dear Neighbors,

We have just completed our home construction and are so excited to have finally moved in. We love this neighborhood and are so happy to finally be living here. The city approved the plan for our pool and for safety reasons we need a secure fence. The city requires us to go before the board of adjustments for approval of the fence. We are requesting permission to build a six foot tall wood fence. The pickets will be side by side vertical pickets with a top cap and lower kick board. We plan to coordinate landscaping with our neighbors next door.

We have attached a copy of the fence design and location on the property. The Board of adjustments would like our neighbors' input to our fence request. We have added room at the bottom of this letter for your responses. Please fill it out and drop off at our house or you can email directly to the board at the address provided below.

Thanks very much and hope to meet all of you soon,

Peter & Kirstie Kofoed

Name Shawn Mammen  
Address 7229 Brookshire Dr. Dallas TX 75230

Agree yes disagree (Please explain why) \_\_\_\_\_

Comments We think this is a great addition to the street and are happy to support their request.

Email Diana Barkume (City of Dallas, Board of Adjustment) - Shawn Mammen

diana.barkume@dallascityhall.com

2 → Cell # [REDACTED]  
Peter & Kirstie Kofoed  
7217 Brookshire Drive, Dallas TX  
15 April 2023

Dear Neighbors,

We have just completed our home construction and are so excited to have finally moved in. We love this neighborhood and are so happy to finally be living here. The city approved the plan for our pool and for safety reasons we need a secure fence. The city requires us to go before the board of adjustments for approval of the fence. We are requesting permission to build a six foot tall wood fence. The pickets will be side by side vertical pickets with a top cap and lower kick board. We plan to coordinate landscaping with our neighbors next door.

We have attached a copy of the fence design and location on the property. The Board of adjustments would like our neighbors' input to our fence request. We have added room at the bottom of this letter for your responses. Please fill it out and drop off at our house or you can email directly to the board at the address provided below.

Thanks very much and hope to meet all of you soon,

Peter & Kirstie Kofoed

Name Jennifer Lavender

Address 7127 Brookshire Circle

Agree  Disagree (Please explain why) X

Comments My house is directly across the street from the subject property + would face the unsightly barrier of a tall fence. Even a 4' fence is an affront + hideous.  
Email Diana Barkume (City of Dallas, Board of Adjustment)

diana.barkume@dallascityhall.com

From: [REDACTED]

Sent: Monday, June 5, 2023 11:26 AM

To: Barkume, Diana <diana.barkume@dallas.gov>

Subject: Fence response for 7217 Brookshire Dr, Dallas, TX 75230

**External Email!**

Hi Diana,

This email is in regards to the adjustment approval for our neighbor's fence at 7217 Brookshire Dr, Dallas TX 75230, Peter and Kirstie Kofoed.

We live next door at 7225 Brookshire Dr, Dallas, TX 75230, our names are Katie Gengler and Shaun Mammen.

The fence that Peter and Kristie Kofoed are requesting is a great idea. We feel that it will improve the street, fit well with the neighborhood, and safely protect their property.

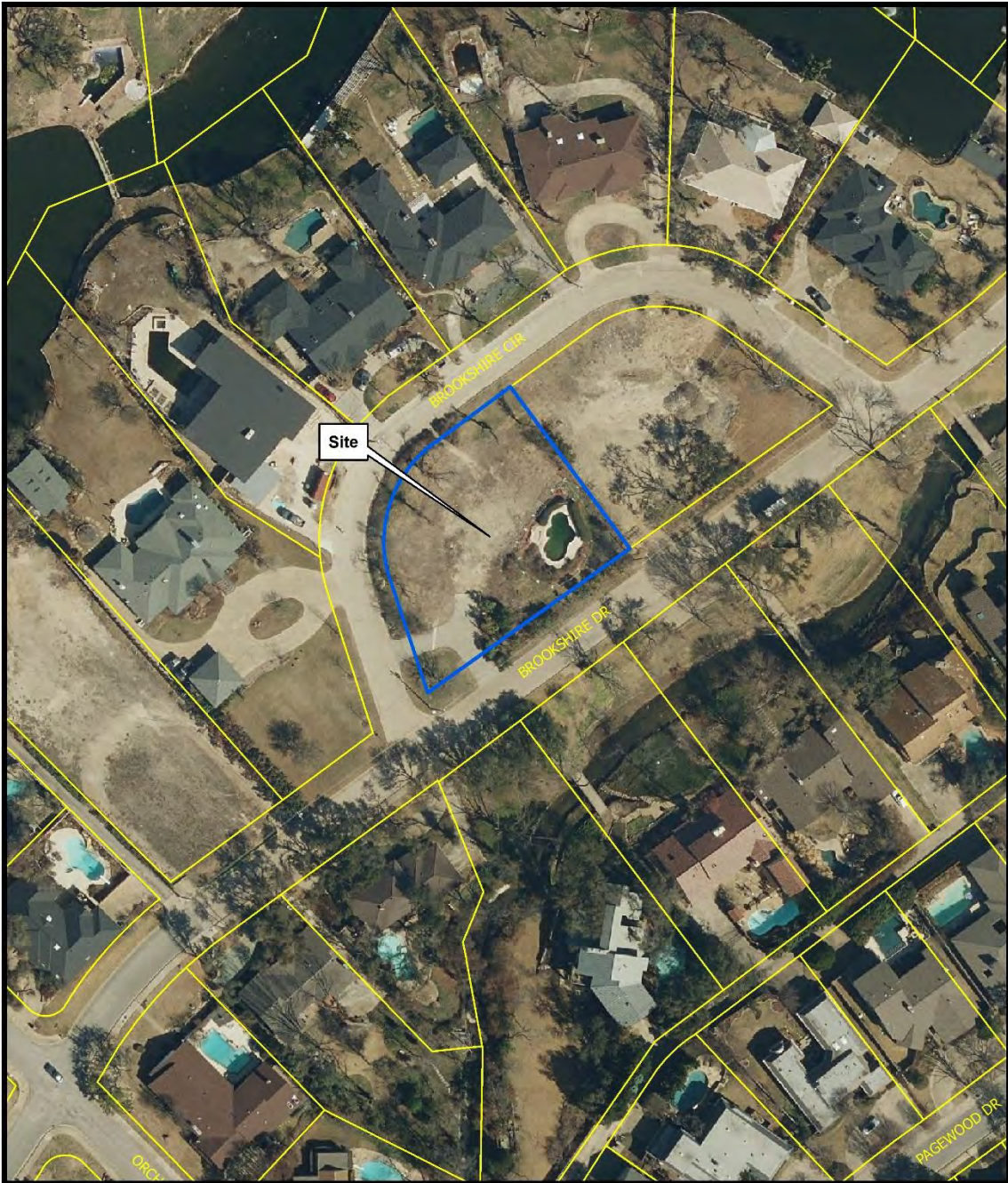
We have no issues with the proposed fence and are grateful that they are spending their personal resources to make our street safer.

Please don't hesitate to reach out if you have any questions.

Katie Gengler  
[REDACTED]

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

^ Hide message history

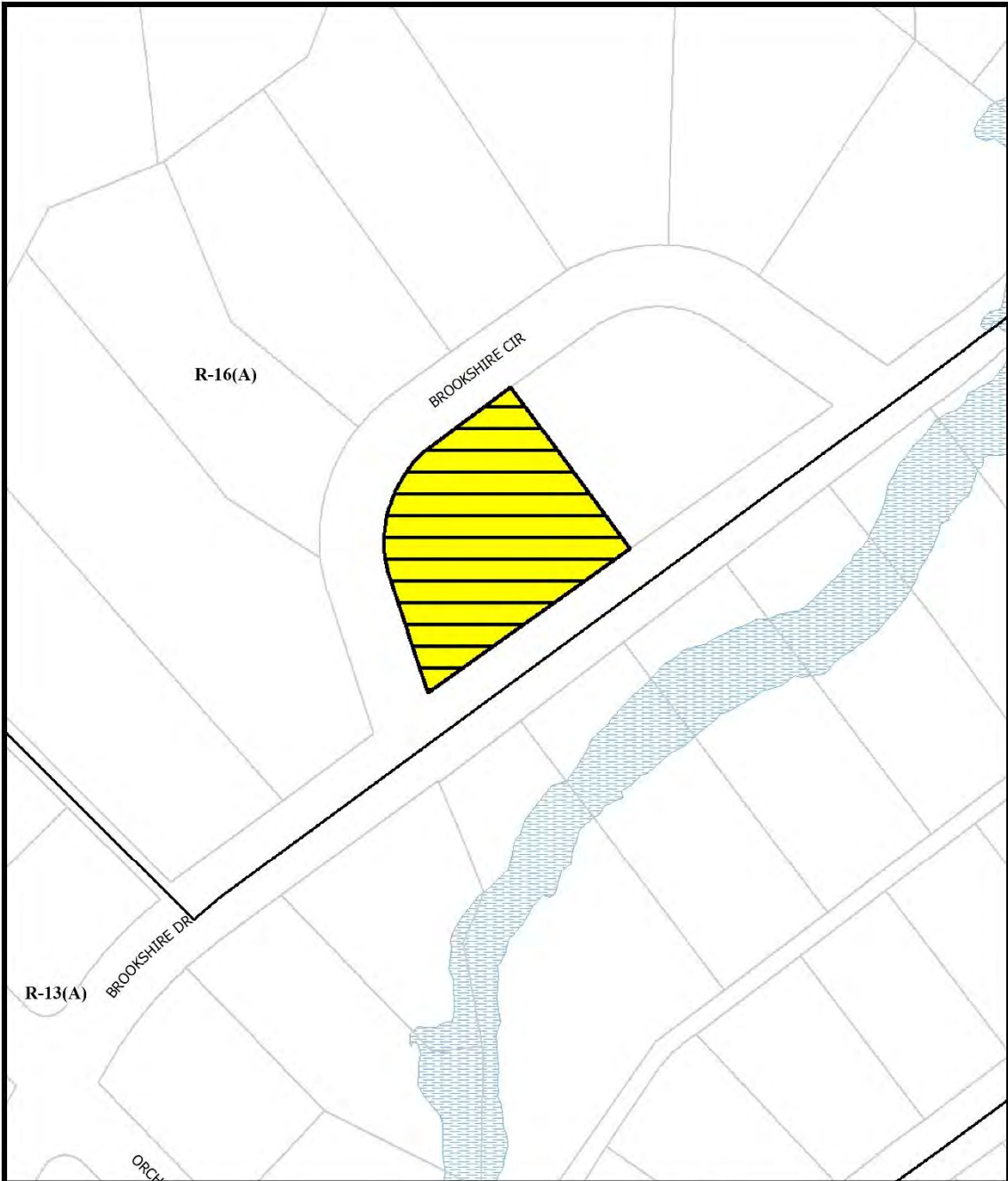


1:1,200

# AERIAL MAP

Case no: BDA223-053

Date: 5/25/2023

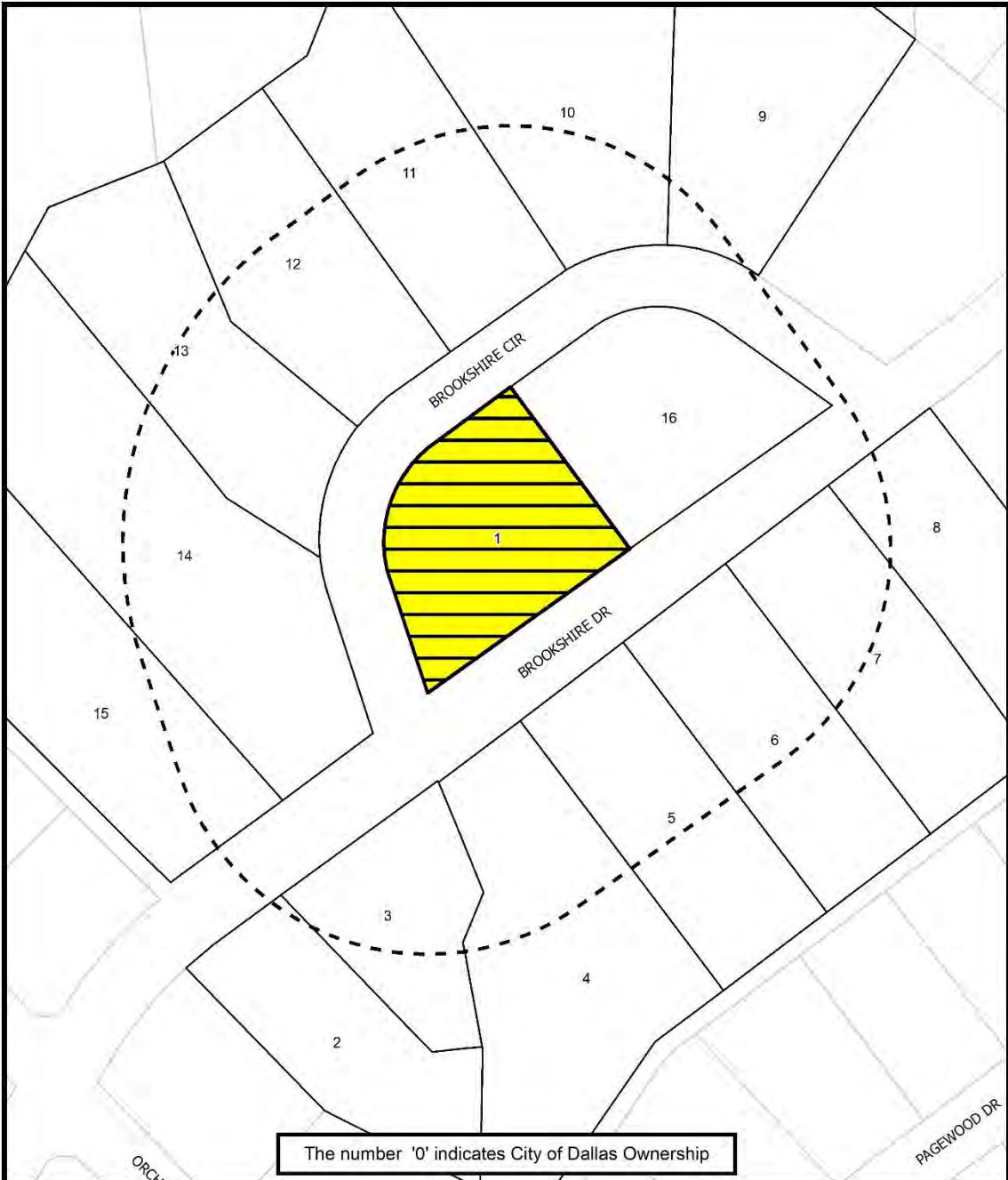


1:1,200

# ZONING MAP

Case no: BDA223-053

Date: 5/25/2023



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA223-053</b>
	<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;">16</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>5/25/2023</b>



06/01/2023

## ***Notification List of Property Owners***

***BDA223-053***

### ***16 Property Owners Notified***


<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7127 BROOKSHIRE DR	KOFOED PETER
2	7140 BROOKSHIRE DR	KORNGUT IRWIN S & DEBRA A KORNGUT
3	7148 BROOKSHIRE DR	UNELL STANTON M
4	7204 BROOKSHIRE DR	SANDERS BETTY
5	7214 BROOKSHIRE DR	LOROCCO PAUL & LOUISE
6	7224 BROOKSHIRE DR	ROSEMAN JOSHUA S & DANA
7	7234 BROOKSHIRE DR	STROYNOWSKI RYSZARD A &
8	7244 BROOKSHIRE DR	WU MIN SHENG TRUSTEE &
9	7139 BROOKSHIRE CIR	JAGODA JO KURTH
10	7133 BROOKSHIRE CIR	CHEN WEIDONG
11	7127 BROOKSHIRE CIR	LAVENDER JENNIFER LEIGH
12	7121 BROOKSHIRE CIR	LABARBA JASON & LIANE H
13	7115 BROOKSHIRE CIR	WHITE SUSAN L
14	7107 BROOKSHIRE CIR	BARTO JOHN J & CHARLOTTE L
15	7141 BROOKSHIRE DR	INGERTO CRAIG W & RACHEL B
16	7134 BROOKSHIRE CIR	RENNI DESOTO INVESTMENTS LLC

C

# Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

## APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

APPROVED  
BY: 

Case No.: BDA 223-053 ONLY

Date: 4/6/23 ONLY

Data Relative to Subject Property: \_\_\_\_\_

Location address: <sup>902</sup> 7217 Brookshire Drive Zoning District: R-116(A)

Lot No.: 1 Block No.: C/GS86 Acreage: .56 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 190 2) 224 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

### To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Peter Koford, Kristie Koford

Applicant: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 Donley CT Southlake, TX Zip Code: 76092

E-mail Address: SteveLakin@AOL.COM

Represented by: Steve Lakin Telephone: 817 874-9676

Mailing Address: 400 Donley CT Southlake, TX Zip Code: 76092

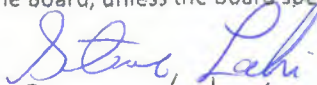
E-mail Address: SteveLakin@AOL.COM

Affirm that an appeal has been made for a Variance \_\_\_\_\_ or Special Exception  of 6 FT WOOD CEDAR Fence on Back side of house 10' off Brookshire Circle due to pool and pool safety, requesting 2ft special exception

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:

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.

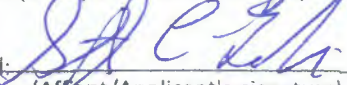
Affidavit


  
Steve Lakin

Before me the undersigned on this day personally appeared \_\_\_\_\_

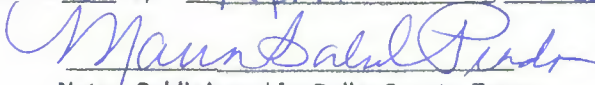
(Affiant/Applicant's name printed)

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)

 MARIA ISABEL PRADO  
Notary Public, State of Texas  
Notary ID#: 1093414-4  
My Commission Expires 01-30-2026

Subscribed and sworn to before me this 6th day of April ~~2023~~ 2023 mp.

  
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 \_\_\_\_\_

Vertical lines for handwritten notes.

Chairman

Building Official's Report

I hereby certify that STEVE LAKIN

did submit a request for a special exception to the fence height regulations  
at 7217 Brookshire

BDA223-053. Application of STEVE LAKIN for a special exception to the fence height regulations at 7217 BROOKSHIRE CIRCLE. This property is more fully described as Block 6/6586, Lot 1, and is zoned R-16(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 223-053

I, Kirstie S. Kofoed, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7217 Brookshire Drive, Dallas TX 75230  
(Address of property as stated on application)

Authorize: Steve Lakin  
(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: Install 6ft wood fence on backyard, side yard  
& front yard

Kirstie S. Kofoed  
Print name of property owner or registered agent

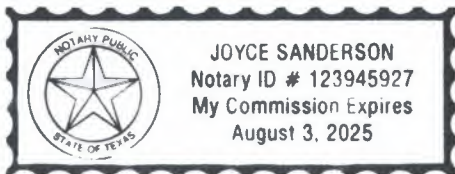
Kirstie S. Kofoed  
Signature of property owner or registered agent

Date 4/6/23

Before me, the undersigned, on this day personally appeared Kirstie S. Kofoed

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 6<sup>th</sup> day of April, 2023



Commission expires on Aug. 3, 2025  
[Signature]

C



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-053

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

at: 7217 BROOKSHIRE DR DALLAS, TX 75230  
(Address of property as stated on application)

Authorize: STEVE LAKIN  
(Applicant's name as stated on application)

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

       Variance (specify below)

X Special Exception (specify below)

       Other Appeal (specify below)

Specify: INSTALL 6' WOOD FENCE ON  
PROPERTY BACK YARD, SIDE YARD, + FRONT YARD

PETER KOFOED  
Print name of property owner or registered agent

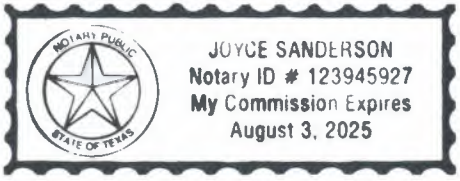
Peter Kofoed  
Signature of property owner or registered agent

Date 4/6/23

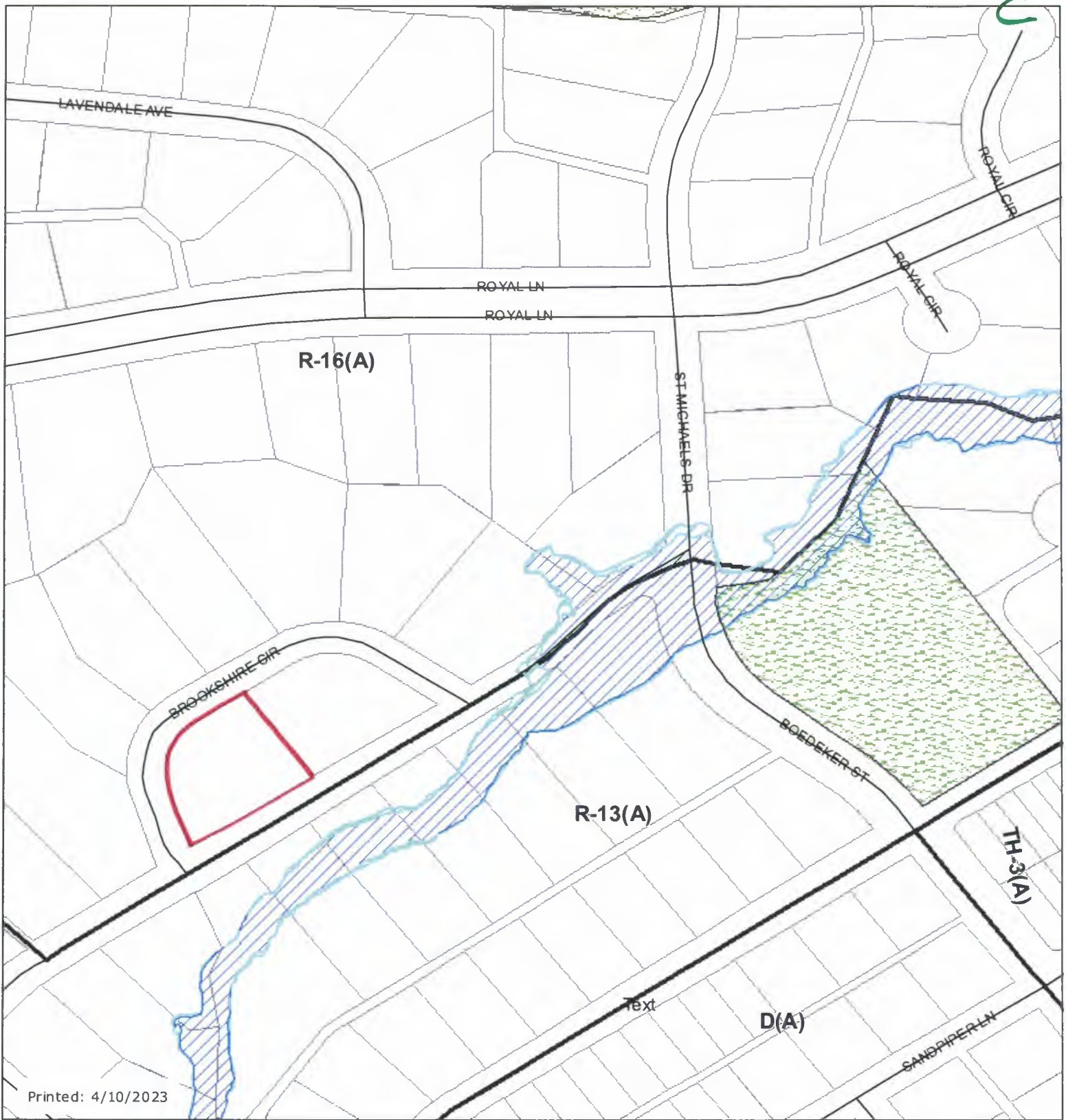
Before me, the undersigned, on this day personally appeared Peter Kofoed

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 6<sup>th</sup> day of April, 2023



Commission expires on Aug 3, 2025  
[Signature]



Printed: 4/10/2023

-  City Limits
-  Floodplain
-  0.2 Pct Annual Flood Hazard
-  1 Pct Annual Chance Flood Hazard
-  Parks
-  Certified Parcels
-  Base Zoning

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



142 1:2,400

CITY OF DALLAS PLAT BOOKS

ADDITION HILLCREST HAVENS NO. 2

ORD. NO. 5126

ANNEXED MAR 23 1953

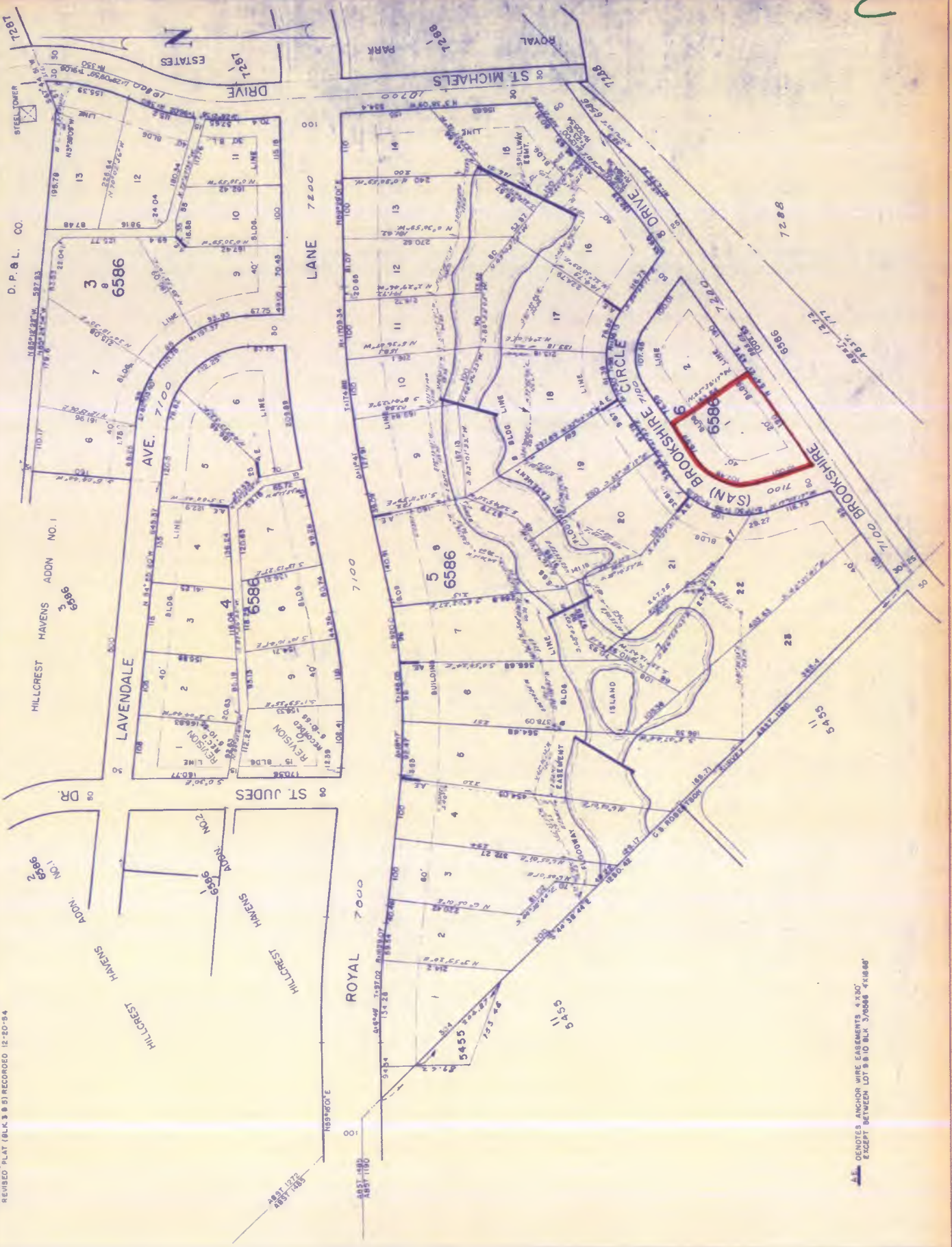
SURVEY M. J. SANCHEZ

ABST. 1272

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

RECORDED 9 9 54  
REVISED PLAT (BLK. 8 & 9) RECORDED 12 20 54



ALL DENOTES ANCHOR WIRE EASEMENTS, 4 X 30'  
EXCEPT BETWEEN LOT 8 & 10 BLK 5465 & 414888

**PROPERTY DESCRIPTION**

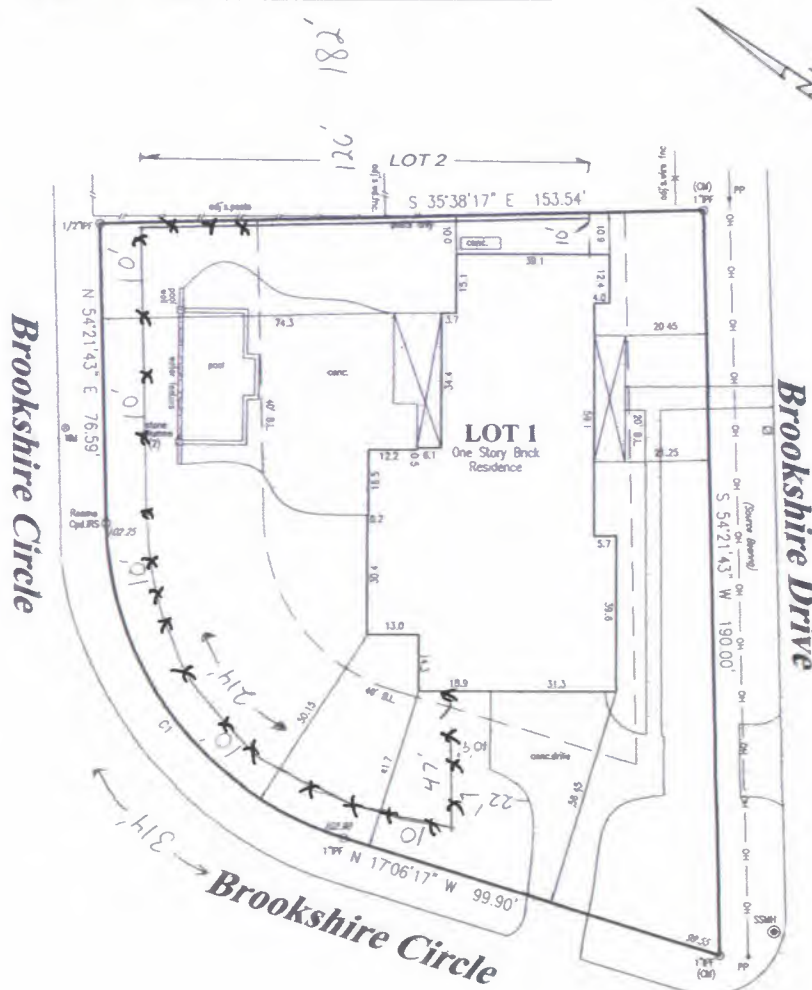
Address: 7217(7127 per Dallas Central Appraisal) Brookshire Circle, Being Lot 1, in Block 6/6586, of Hillcrest Havens Addition Second Installation, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plot thereof recorded in Volume 25, Page 43, of the Map Records, of Dallas County, Texas



**Roome**  
Land Surveying

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	86.13'	107.48'	100.64'	N 18°33'41" E	71°29'54"



Brookshire Circle

Brookshire Drive

LOT 1  
One Story Brick Residence

LOT 2

Side Fence 126'  
Back yard Fence 214'  
Lot Front 47' w/gate  
Right Front 10' w/gate  
X-FENCE LOCATION

**NOTES:** (1) Source bearing is based on recorded plot unless otherwise noted (2) (CM) = Controlling monument (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C 0195K of the F.E.M.A Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated July 7, 2014 (Zone X) This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plot. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

**CERTIFICATION**

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

Date 4/4/2023 Revised \_\_\_\_\_ Job No. ES705877  
Title commitment/Survey Request File No \_\_\_\_\_





CUSTOM DESIGNED FOR

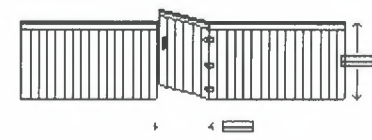
Kofeod Fence design

Fence  
Wood side by side pickets  
6 ft high

\* NO OPENINGS  
Solid Fence



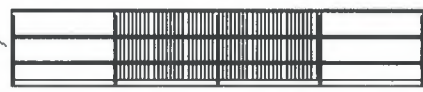
Street View



Gate sections  
4ft wide / 6ft high

inside yard view

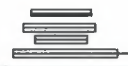
galvanized  
2" poles



2x4 horizontal boards

2x6 kickboard

1/8 inch = 1 foot



BDA 223-053