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CITY SECRETARY
DALLAS, TEXAS



City of Dallas

230332

POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL B)

**April 19, 2023, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES Council Briefing Room and Videoconference**

* The Board of Adjustment hearing will be held in 6ES at City Hall and by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://bit.ly/BDA-B-Register> or contact the Development Services Department at 214-670-4127 **by the close of business Tuesday, April 18, 2023. All virtual speakers will be required to show their video in order to address the board.** Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/041923B>

AGENDA

- I. **Call to Order** Cheri Gambow, Vice-Chair
- II. **Board Training / Staff Presentation / Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items –**
 - Approval of Panel B Minutes – March 22, 2023
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

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

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

EXECUTIVE SESSION NOTICE

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

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

UNCONTESTED CASE(S)

BDA223-030(GB)	5916 Swiss Avenue REQUEST: Application of Noori Abdul-Ghani for a variance to the floor area for structures accessory to single family uses regulations.	1
BDA223-034(ND)	7202 La Vista Drive REQUEST: Application of Grayson Wafford for special exceptions to the fence height standards regulations.	2
BDA223-038(ND)	5215 Morningside Avenue REQUEST: Application of Tim Myrick, represented by James Barnes, for a variance to the rear yard setback regulations.	3
BDA223-039(ND)	9226 Club Glen Drive REQUEST: Application of Jennifer Hiromoto for a special exception to the fence height standards regulations.	4
BDA223-040(ND)	6830 Desco Drive REQUEST: Application of Naga Kishore Vankayala for a variance to the side yard setback regulations.	5

HOLDOVER

BDA223-004(ND)	202 Beckleymead REQUEST: Application of Deeper Life Bible Church represented by Peter Kavanagh for a variance to the side yard setback regulations and for a special exception to the landscape regulations.	6
BDA223-023(GB)	6010 Prestonsire Lane REQUEST: Application of David Hosseiny for a special exception to the single family use regulations.	7

INDIVIDUAL CASES

None



City of Dallas

Board of Adjustment: Variances and Special Exceptions

April 17, 18, & 19, 2023

Matt Sapp – Board Attorney
Daniel Moore – Asst. City Attorney

ROLES



- The Applicant's Role is to initiate the application and satisfy the Burden of Proof.
- The Staff's Role is to effectively prepare the application for review, it is not to bolster an application.
- The Board's Role is to absorb information brought before it by the Applicant and supporting / opposing parties.
- The Board **may** ask questions to elicit information and better understand the application.
- The Board's Role is to apply the applicable standard and balance all the relevant evidence to come to its conclusion.





What are Variances and Special Exceptions?

Variances

- Desired improvement is not allowed by the code
- Allows an applicant to deviate from the zoning regulations to avoid UNDUE HARDSHIP

Special Exceptions

- Does NOT require a showing of UNDUE HARDSHIP
- Resolves any locational problems associated with improvement



Variations 51A-3.102(d)(10)



The Board **MUST** grant variations from the front, side, or rear yards, lot width, depth, or coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or loading, or landscape regulations provided that:

- 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.



What is Same Zoning?



“ (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”

- Same Zoning refers to the same zoning classification as set forth in Chapter 51A-4.101 of the City Code.
 - i.e. If a Subject Property is located in a R-7.5(A) Single Family District then the Board must compare it with other properties in R-7.5(A).
- Same Zoning does NOT refer to the 200 feet area around the subject properties
- Same Zoning does NOT refer to the Neighborhood.



Variations 51A-3.102(d)(10)(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”

Element (B) may be substituted with HB 1475.





The Board **MAY** consider the following grounds when determining whether a variance as applied to a structure is necessary to permit development:

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



What is a Self-Created Hardship?



“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.”

Court have found that :

- board abused its discretion when it denied a variance to the side yard setback to allow the construction of a swimming pool where the back yard was not an option because there was a 60-foot drop.
- board was correct to deny variance that would have allowed applicant to enclose her back yard with screen due a sun and insect allergy because allergies were a personal hardship and not connect with the configuration or uniqueness of the **applicant's** land
- board was correct to deny height variance because hardship was personal because it arose from design choices and was not related to the area, share, or slope of the lot



Special Exceptions



- Chapter 51A authorizes over 50 special exceptions to specific prohibitions
- State law authorizes the Board to grant the special exception based on the standard and factors established by city ordinance
- Common types of special exceptions the board deals with are:
 - Fence standards
 - Accessory dwelling units (rentable)
 - Additional dwelling units (non-rentable)
 - Off-street parking requirements



Special Exceptions: Fence Standards



- 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.
- The standard gives the board the ability to determine what qualifies as neighboring property.
- Notice is mailed to property owners within 200 feet of the subject property, that does not necessarily mean that they are the only properties to be considered “neighboring property”



Special Exceptions: Additional v. Accessory



- Additional Dwelling Unit
- The board of adjustment may grant a special exception to authorize an additional dwelling unit in any district when, in the opinion of the board, the additional dwelling unit will not: be used as rental accommodations; or adversely affect neighboring properties
- Accessory Dwelling Unit
- The board of adjustment may grant a special exception to authorize a rentable accessory dwelling unit in any district when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties



Special Exceptions: Off-Street Parking



- The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required if the board finds that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.
- The standard gives the board the ability to determine what the parking demand is and what qualifies as traffic hazards, traffic congestion, and adjacent or near by streets.



Notice



- Advertise notice in the *Dallas Morning News*
- Mail notice to all property owners within 200 feet of the boundary of subject property
- Notification sign must be posted on the property in an easily visible location from the street within 14 days of filing the application and remain up until a final decision is made



Possible Outcomes



- Approved: Appealable to the district court within 10 days.
- Denied *WITHOUT* Prejudice: Immediately eligible to reapply to the BDA. Appealable to the district court within 10 days.
- Denied *WITH* Prejudice: Then prohibited from bringing before the BDA for 2 years. Appealable to the district court within 10 days.
- Holdover: If a case is voted to be held over then notice is not sent out for the 2nd Board meeting. However, constructive notice is given at the initial Board meeting.





City of Dallas

Questions?

BOARD OF ADJUSTMENT

Panel B Minutes

March 22, 2023

DRAFT



6ES Briefing Room
24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Michael Kanowski	
Joe Cannon	
Sarah Lamb	
Andrew Finney	

ABSENT: [0]

11:00 A.M. The Board of Adjustment staff conducted a briefing on the Board of Adjustment's, **March 22, 2023 docket.**

Vice-Chair Gambow called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

We had no speaker for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B January 18, 2023 public hearing minutes.

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

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

PUBLIC TESTIMONY:

Speakers: No Speakers

CONSENT ITEMS

1. 6010 Prestonsire Lane
 BDA223-023(OA)

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

LOCATION: 6010 Prestonsire Lane

APPLICANT: David Hosseiny

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain an approximately **1,237** square feet square additional dwelling unit structure on a site developed with single-family dwelling unit.

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION

Zoning:

Site: R-10 (A) Single Family District
North: R-10 (A) Single Family District
South: R-10 (A) Single Family District
East: R-10 (A) Single Family District
West: R-1ac(A) Single Family District

Land Use:

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

Zoning/BDA History:

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

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

GENERAL FACTS/STAFF ANALYSIS:

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

The site is zoned an R-10(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

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

The Dallas Development Code defines:

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

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

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

According to DCAD records, the “main improvement” for the property at 6010 Prestonsire Lane is a structure built in 2020 with 3,756 square feet of total living area with the following “additional improvements”: a 575-square-foot attached garage a 496-brick veneer, a 32-brick veneer and concrete pool. The submitted site plan depicts a proposed 1237 square feet additional dwelling unit.

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

As of March 10, 2023, 1 letter has been submitted in support or no letters have been submitted in opposition to the request.

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

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

Timeline:

December 12, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.

Speakers:

For: David Hosseiny 6010 Prestonshire, Dallas TX 75220

Against: No Speakers

Motion

I move that the Board of Adjustment **hold** this matter under advisement until **April 19, 2023**.

Maker:	Sarah Lamb				
Second:	Joe Cannon				
Results:	4-1 unanimously				
		Ayes:	-	4	Cheri Gambow, Joe Cannon, Sarah Lamb, Andrew Finney
		Against:	-	1	Michael Karnowski

2. 5253 Bonita Avenue
 BDA223-026(GB)

BUILDING OFFICIAL’S REPORT: Application of Shannon Lombardi for a variance to the front yard setback regulations at 5253 Bonita Avenue. This property is more fully described as Block 7/1973, Part of Lot 15 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 10-foot front yard setback, which will require a 15-foot variance to the front yard setback regulations.

LOCATION: 5253 Bonita Ave

APPLICANT: Shannon Lombardi

REQUEST:

- A request for variance of a 15 foot along the Laneri Ave to the front yard setback regulations to construct and maintain a two-story single-family structure with an approximately 1,409 square foot building footprint, part of which is to be located 10 feet from one of the site's two front property lines (Bonita and Laneri). The corner lot property is currently undeveloped with two 25 foot front yard setbacks; Bonita is the shorter front yard and Laneri is the longer front yard.

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:

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Denial.

Rationale:

Staff has not received evidence that compared the size and development on parcels with the same zoning to prove the hardship or commensurate nature of the request. Therefore, staff cannot establish whether the subject site is restrictive in area, shape, or slope, and thus cannot be developed in a manner commensurate with other properties within the same zoning district.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is undeveloped and zoned R-7.5(A). The areas to the north, south, east, and west are developed with residential uses.

Zoning/BDA History:

- I. June 26, 2022, the application (case number BDA-212-023-panel B) for a variance to the front yard setback was denied without prejudice.

GENERAL FACTS /STAFF ANALYSIS:

- This request focuses on constructing and maintaining a single-family dwelling unit that is situated along a front yard (Laneri Avenue). The lot is situated at the intersection of Bonita Avenue and Laneri Avenue, which provides two front yards, one along each corridor. Since the subject site is zoned an R-7.5 Single Family District, a 25-foot front yard setback must be maintained along both frontages to ensure continuity of the block.
- In a single-family district, a corner lot with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. In this case, Laneri Avenue provides the longer frontage and would be treated as a side yard. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain an unobstructed front yard to comply with block continuity.
- A site plan has been submitted denoting the proposed single-family dwelling located five feet from the front property line along Laneri Avenue and containing gross site area of 4,748 square feet. The portion of the single-family structure fronting along Bonita Avenue is not proposed to encroach into the front yard setback and will provide a front yard setback of the required 25 feet. While the portion of the structure along Laneri Avenue will encroach into the required 25-foot front yard setback and proposes to provide a front yard setback of five feet.
- The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary (No variance would be necessary if the Laneri Ave frontage were a side yard) to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- According to DCAD records there are no improvements listed for property addressed at Bonita Ave
- The subject site is flat, rectangular in shape (100' x 50') and is 4,748 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. the applicant has not provided evidence that reflects the decrease in buildable lot area due to the double frontage.

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

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

Additionally, the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

Timeline:

January 19, 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.

February 08, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

February 21, 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 February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Chief Planner/Board Administrator, the Board of Adjustment Senior Planners (Giahanna Bridges and Oscar Aguilera), the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, Development Services Senior Engineers, and the Board Attorney. No review comment sheets were submitted in conjunction with this application.

February 26, 2023: The applicant emailed additional documentary evidence which will be considered Attachment A which includes illustrations of the setbacks and pictures of properties with similar setback.

Speakers:

For: Shannon Lombardi 5253 Bonita Ave, Dallas TX 75206

Against: No Speakers

Motion

I move that the Board of Adjustment **grant** the 15-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 and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 223-026—Application of Shannon Lombardi for the 15-foot variance to the front yard setback regulations in the Dallas Development Code, as amended, is granted subject to the following condition:

Compliance with the submitted revised site plan is required.

Maker:	Sarah Lamb			
Second:	Joe Cannon			
Results:	4-1 unanimously			
		Ayes:	- 4	Michael Karnowski, Joe Cannon, Sarah Lamb, Andrew Finney
		Against:	- 1	Cheri Gambow

HOLDOVER ITEMS

3. 202 Beckleymeade Ave.

BDA223-004(OA)

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

LOCATION: 202 Beckleymeade Avenue

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

REQUEST:

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

UPDATE (3-22-23):

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

STANDARD FOR A VARIANCE:

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

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

- necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code. The applicant provided the Dallas County assessment of the property. The property is assessed at **\$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure.**

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

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

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

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

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

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

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

The applicant provided the Dallas County assessment of the property and an estimate for the proposed demolition and to reconstruct a new wall. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure. Therefore, the applicant demonstrated how the variance is necessary to permit development of the subject site or whether the property differs from other parcels of land by (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) single-family district zoning designation.

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

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site

cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 single-family zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 single-family zoning classification.

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

Timeline:

- October 24, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- December 8, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- December 14, 2022: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the December 23, 2022, deadline to submit additional evidence for staff to factor into their analysis; and the January 6, 2023 deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- December 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.
- January 18, 2023: The Senior Planner wrote the applicant a letter of the board’s action to hold this meeting to the March 22, 2023, public hearing; the February 27, 2023’s deadline to submit additional evidence for staff to factor into their analysis; and the March 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials
- February 27, 2023: The applicant provided additional evidence (**Attachment A**).
- February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans

Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

Speakers:

For: Peter Kavanaugh 1620 Handley Dallas, TX

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-004, **hold** this matter under advisement until **April 19, 2023**, with instruction to add special exception for landscape regulations.

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

4. 10227 Gaywood Rd.
 BDA223-011(OA)

BUILDING OFFICIAL’S REPORT: Application of Saul Mejia for a special exception to the fence standards regulations at 10227 Gaywood Road. This property is more fully described as Block E/5517, Lot 11A and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9-foot-high fence in a required front yard, which will require a 5-foot special exception to the fence standards regulations.

LOCATION: 10227 Gaywood Road

APPLICANT: Saul Mejia

REQUEST:

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

UPDATE (3-22-23):

On January 18, 2023, the Board of Adjustment Panel B held this case to the March 22, 2023, public hearing date to give time to the applicant to gain consensus from the neighborhood.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special

exception to the fence standards when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

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

GENERAL FACTS/STAFF ANALYSIS:

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

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The subject site is zoned an R-1ac(A) Single Family District where a 40-foot front yard setback is required. However, this property must comply with a 50' front yard setback established by the recorded plat.

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

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

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

As of March 10, 2023, 32 letters has been received in support and 13 letters in opposition of this request.

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

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

Timeline:

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

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

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

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

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

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

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

February 23, 2023: The applicant provided additional evidence.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

Speakers:

For: Garreth Sarosi 5909 Berkshire Ln, Dallas TX 75225
(Did not speak) Ariane Stern 4651 Irvin Simmone Dr, Dallas TX 75229

Against: Robert Feldman 5358 Meaders Ln, Dallas TX 75229
Elizabeth Winslow 10111 Gaywood Rd, Dallas TX
Jay Hartnett 10243 Gaywood Rd, Dallas TX 75229
Elaine Everitt 5106 Kelsey Rd, Dallas TX
Maggie Murchison 10131 Gaywood Rd, Dallas TX
Munir Harbor 10151 Gaywood Rd, Dallas TX 75229
Cynthia Feldman 5358 Meaders Ln, Dallas TX 75229

Did not Speak: Harianne Wallenstein 10122 Gaywood Rd, Dallas TX
John & Chris Cousins 5233 Palomar Ln, Dallas TX
Deborah Hartnett 10243 Gaywood Rd, Dallas TX
Eric Maas 10311 Gaywood Rd, Dallas TX 75229

Motion

I move that the Board of Adjustment in Appeal No. BDA 223-011, **deny** the special exception requested by this applicant to construct and/or maintain a nine-foot-high fence **with prejudice**, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

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

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting at 2:56 p.m.

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

 Date

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

 Date

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

 Date

FILE NUMBER: B223-030 (GB)

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

LOCATION: 5916 Swiss Ave

APPLICANT: Noori Abdul-Ghani

REQUESTS:

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

STANDARD FOR A VARIANCE:

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

- (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, subject to the following condition:

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

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

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

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

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

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

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The subject property is a two-story single family residential structure that is zoned PD 63 within the Swiss Ave Historic District Subdistrict A. In this district an accessory structure cannot exceed 25 percent of the floor area ratio of the main structure. The proposed

accessory dwelling unit is 37.2 percent of the 4068 square foot floor area of the main structure, which will require a 498 square foot variance to the floor area regulations.

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

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

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

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

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

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

Timeline:

February 07, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

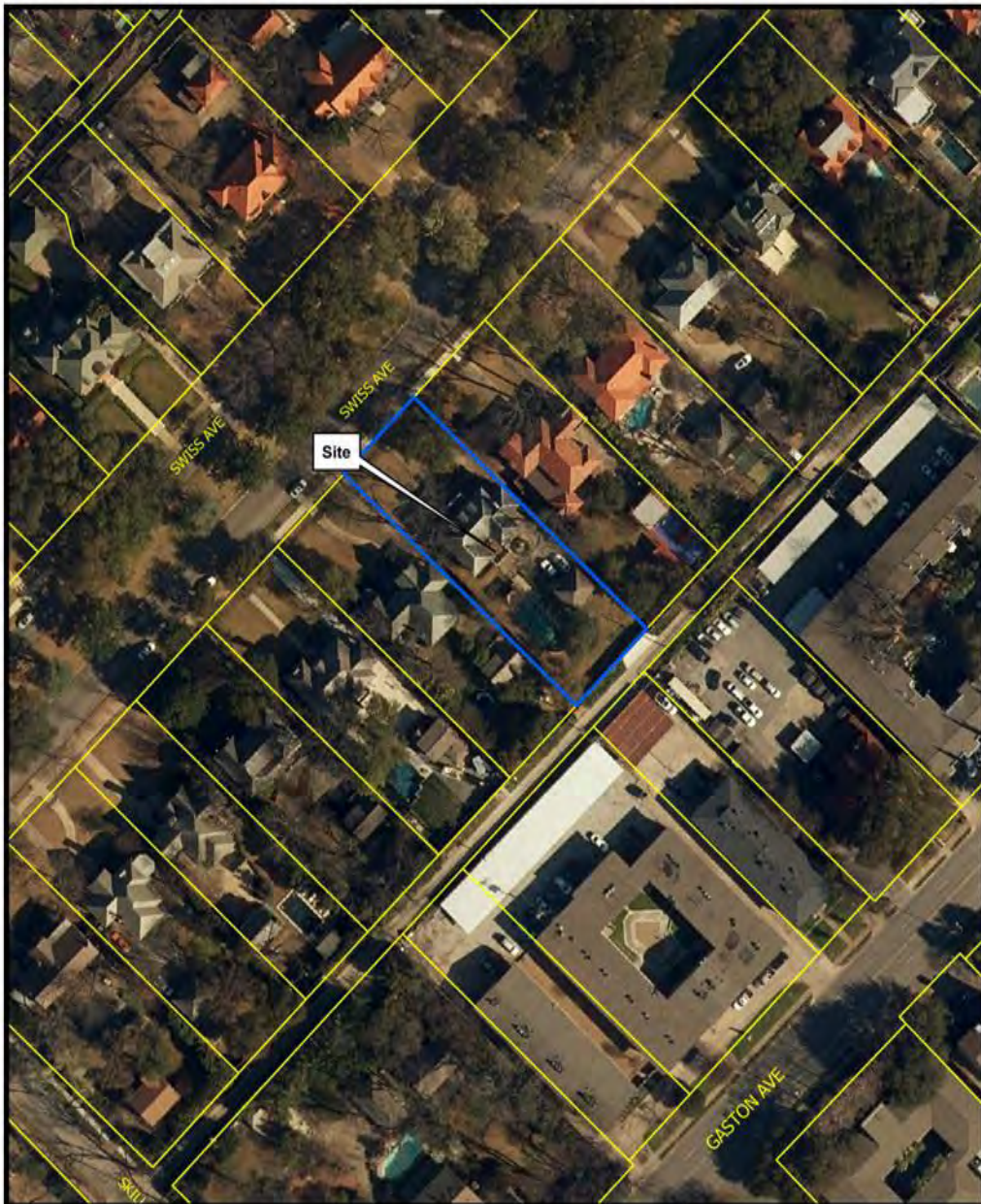
March 06, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.

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

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the March 24th deadline to submit additional evidence for staff to factor into their analysis; and the March 28th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Chief Arborist, City Engineer, and the Assistant City Attorney to the board. No review comment sheets were submitted in conjunction with this application.





1:1,200

AERIAL MAP

Case no: BDA223-030

Date: 3/10/2023



The number '0' indicates City of Dallas Ownership

 1:1,200	<h3 style="text-align: center;">NOTIFICATION</h3> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-030</u> Date: <u>3/10/2023</u>
200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

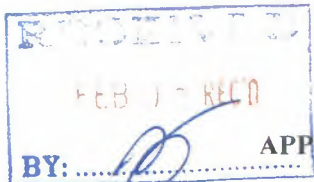
Notification List of Property Owners

BDA223-030

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5916 SWISS AVE	Taxpayer at
2	5901 SWISS AVE	BROCK GREGORY & ALICE
3	5907 SWISS AVE	CHANEY WILLIAM CALVIN & ANNA CLARE BUIE
4	5915 SWISS AVE	BRYANT JOHN W & JANET E
5	5921 SWISS AVE	GORDON JEFFREY S & KELLY P
6	6001 SWISS AVE	COLEMAN MARSHA M
7	5909 GASTON AVE	BODY WORK CO LTD
8	5921 GASTON AVE	HOUNG FRANK &
9	6006 SWISS AVE	BELMORE ERNEST &
10	5928 SWISS AVE	CHRISTENSEN STEVEN J
11	5922 SWISS AVE	TRENT STEVE & KATHERINE
12	5908 SWISS AVE	MENDENHALL CASSANDRA MADRID
13	5902 SWISS AVE	GONIWIECHA RACHEL E
14	5822 SWISS AVE	ASHFORD BRYAN &
15	6011 GASTON AVE	B & C POWER INC
16	5923 GASTON AVE	POWER CRAIG PATRICK TR

B



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-030
Date: ~~1/20/23~~ 2/7/23 *NA*
Zoning District: PD-63 H/I overlay

Data Relative to Subject Property:

Location address: 5916 Swiss Ave
Lot No.: 36 Block No.: 3/1882 Acreage: .456 Census Tract: 0014.00
Street Frontage (in Feet): 1) 80' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alexandra Barsk and Noori Abdul-Ghani
Applicant: Noori Abdul-Ghani Telephone: 214-609-6717
Mailing Address: 5916 Swiss Ave, Dallas TX 75214 Zip Code: 75214
E-mail Address: noori.abdulghani@gmail.com
Represented by: _____ Telephone: _____
Mailing Address: _____ Zip Code: _____
E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 25% maximum allowed floor area of an accessory structure. 1515 square feet accessory dwelling unit. NOT FOR RENT

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
Building an extension to fit our needs onto the main structure is not feasible due to Historic District requirements. Landmark Commission encouraged us to take additional floor area by extending the carriage house instead. Landmark Commission has approved these plans and supports the development.

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.

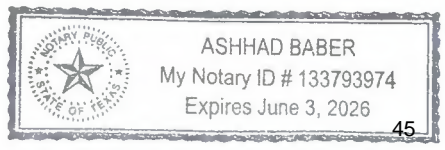
Affidavit

Before me the undersigned on this day personally appeared Noori Abdul-Ghani
(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 20th day of January, 2023
[Signature] Ashhad Baber
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

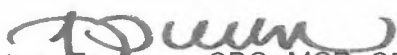
Building Official's Report

I hereby certify that NOORI ABDUL-GHANI

did submit a request for a variance to the floor area ratio regulations
at 5916 Swiss

BDA223-030. Application of NOORI ABDUL-GHANI for a variance to the floor area ratio regulations at 5916 SWISS AVE. This property is more fully described as Block 3/1882, Lot 36 and is zoned PD-63 with an H/1 overlay, which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and maintain a single family residential accessory structure with 1515 square feet of floor area (37.2% of the 4068 square foot floor area of the main structure), which will require a 498 square foot variance to the floor area ratio regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-030

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

at: 5916 Swiss Ave, Dallas TX 75214
(Address of property as stated on application)

Authorize: Noori Abdalghani
(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 floor area regulations

Alexandra Barsk
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

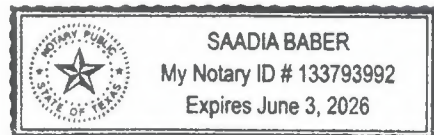
Date 02/09/23

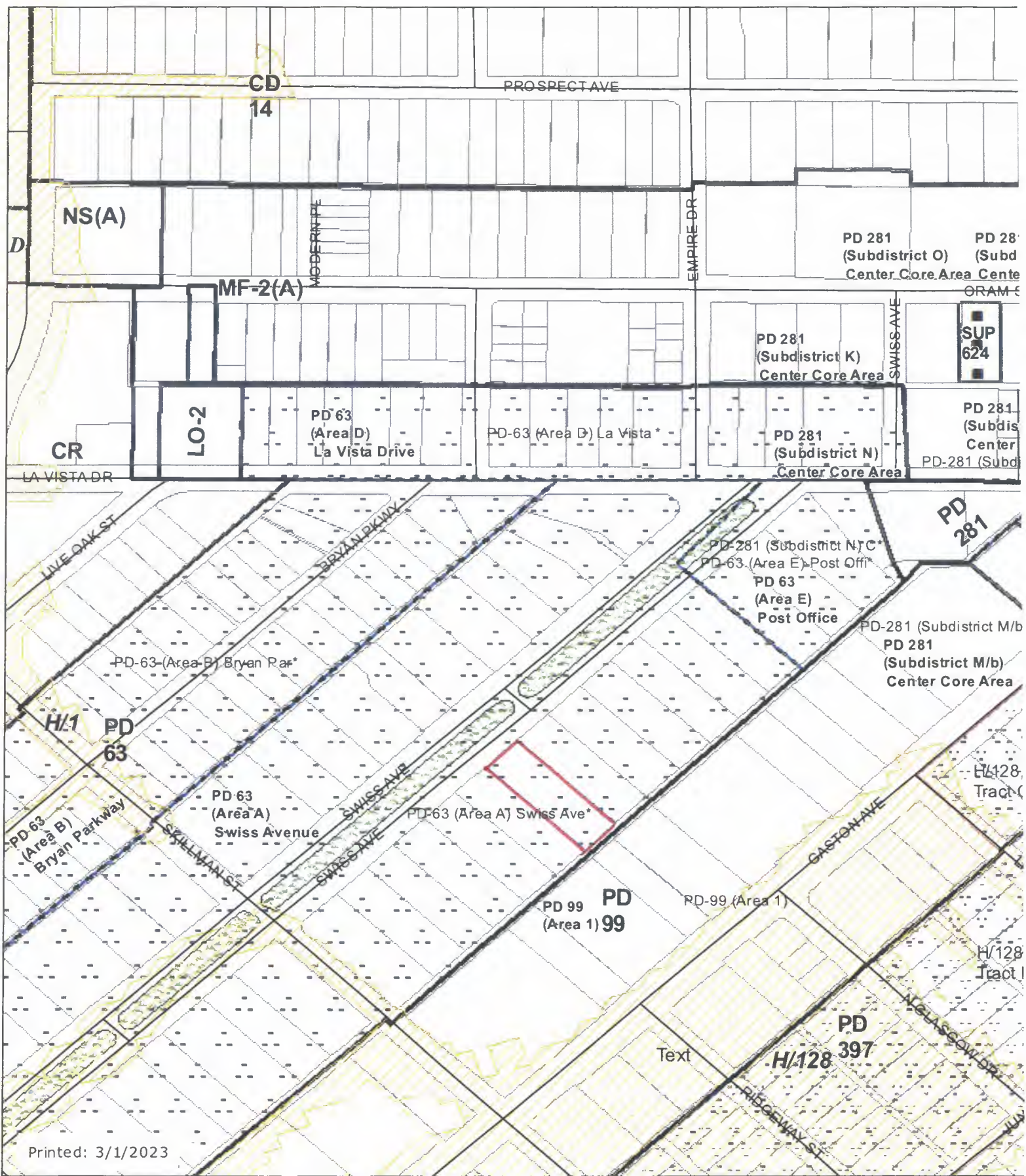
Before me, the undersigned, on this day personally appeared Alexandra Barsk

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 9th day of February, 2023

[Signature]
Commission expires on 06/03/2026





Printed: 3/1/2023

- City Limits
- Floodplain
- Peak's Branch
- 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

CITY OF DALLAS PLAT BOOKS

ANNEXED SURVEY R. RAY

ORD NO

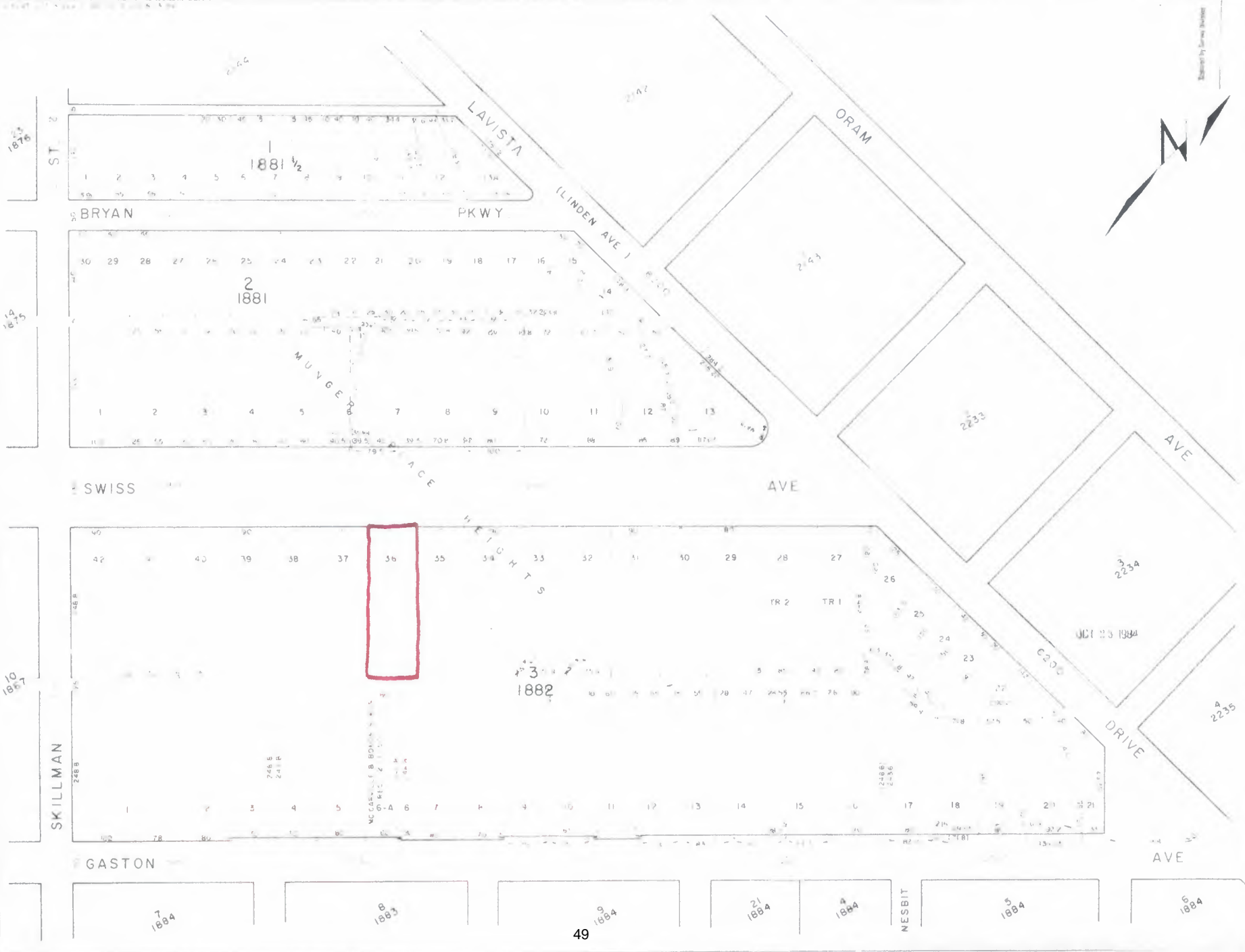
ARST 1242

ADDITION

SCALE 100 FT EQUALS 1 INCH

BLOCKS 1881 1882

SCHOOL DISTRICT DALLAS

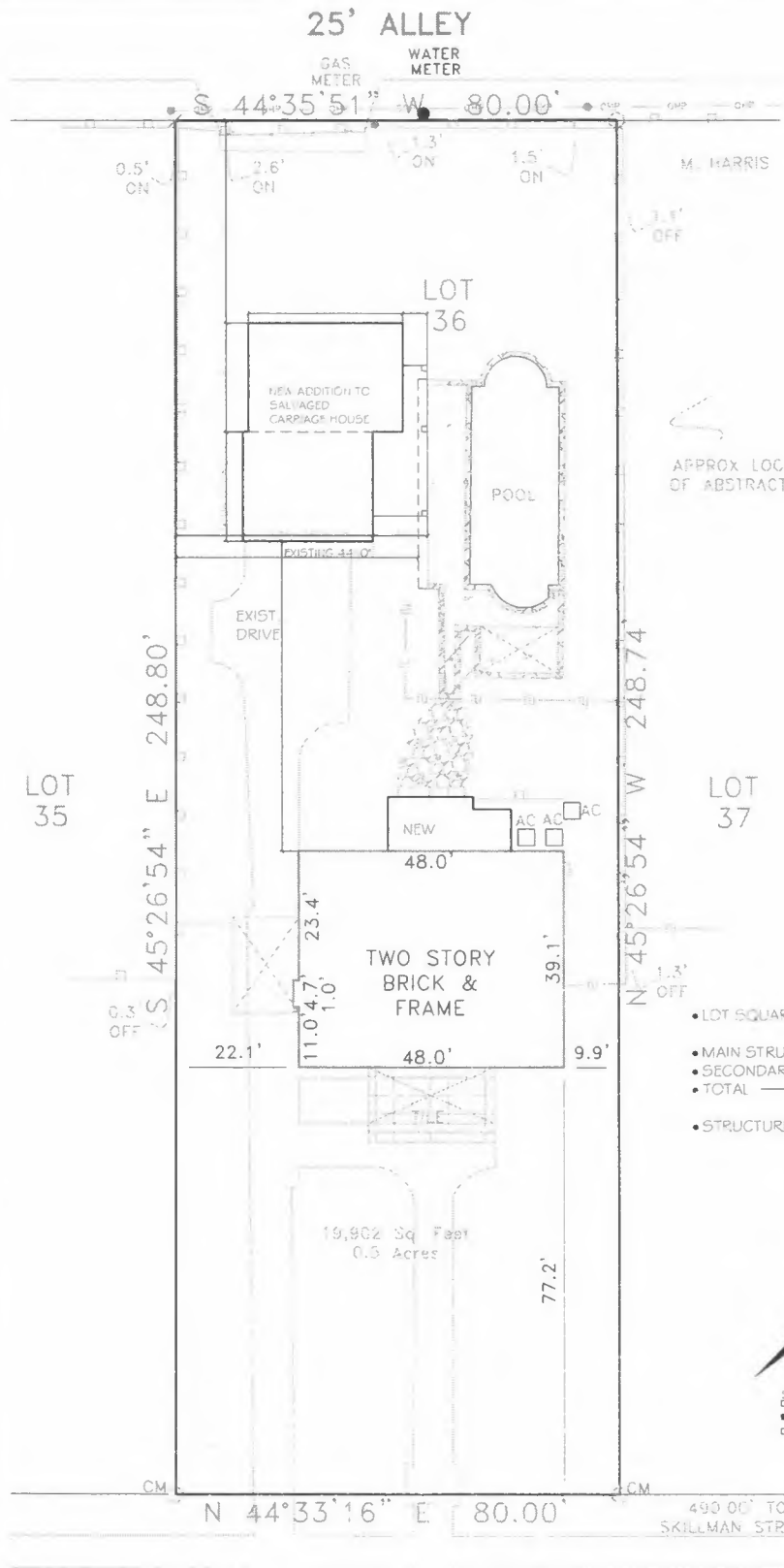


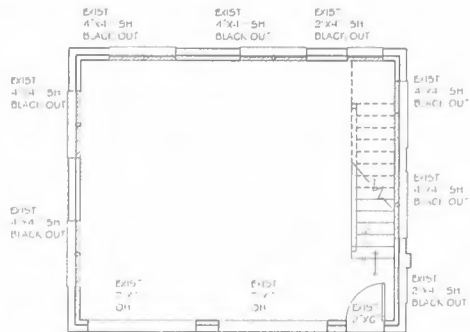
SITE PLAN

5916 Swiss Avenue

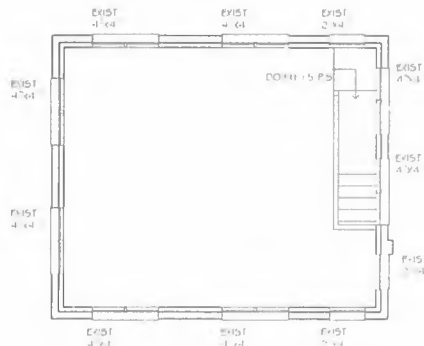
Being Lot 36, in Block 3/1882, of MUNGER PLACE HEIGHTS ADDITION, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 2, Page 280, of the Map Records of Dallas County, Texas.

- LEGEND**
- 1/2" ROD FOUND
 - × 1/2" ROD SET
 - 1" PIPE FOUND
 - ⊗ "X" FOUND/SET
 - ⊕ 5/8" ROD FOUND
 - + POINT FOR CORNER
 - FENCE POST FOR CORNER
 - CM CONTROLLING MONUMENT
 - AC AIR CONDITIONER
 - PE POOL EQUIPMENT
 - TE TRANSFORMER PAD
 - COLUMN
 - POWER POLE UNDERGROUND ELECTRIC
 - △ OVERHEAD ELECTRIC
 - TELE TELEPHONE PEDESTAL
 - BL BUILDING LINE
 - AE AERIAL EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - GM GAS METER
 - WM WATER METER
 - LP LIGHT POLE
 - UE UTILITY EASEMENT
 - OHP— OVERHEAD ELECTRIC POWER
 - OES— OVERHEAD ELECTRIC SERVICE
 - — — CHAIN LINK
 - □ — WOOD FENCE 0.5' WIDE TYPICAL
 - □ — IRON FENCE
 - × — BARBED WIRE
 - □ — DOUBLE SIDED WOOD FENCE
 - — — EDGE OF ASPHALT
 - — — EDGE OF GRAVEL
 - CONCRETE
 - COVERED AREA
 - BRICK
 - STONE





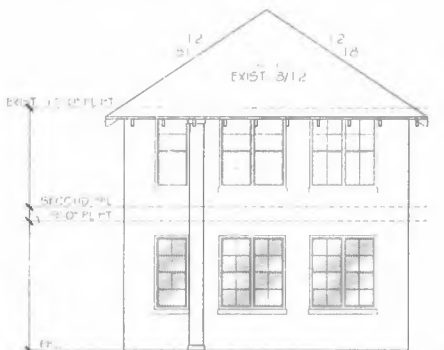
A5-BUILT FIRST FLOOR SCALE: 1/4" = 1'-0"



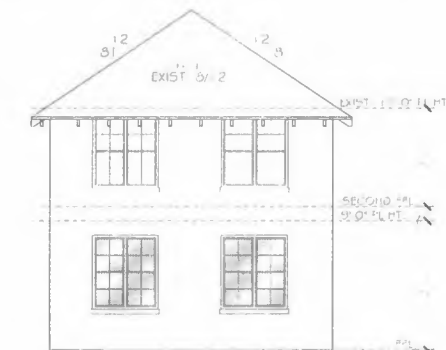
A5-BUILT SECOND FLOOR SCALE: 1/4" = 1'-0"



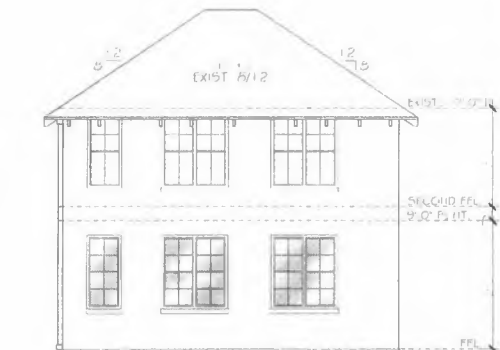
A5-BUILT FRONT ELEVATION SCALE: 1/4" = 1'-0"



A5-BUILT RIGHT ELEVATION SCALE: 1/4" = 1'-0"



A5-BUILT LEFT ELEVATION SCALE: 1/4" = 1'-0"



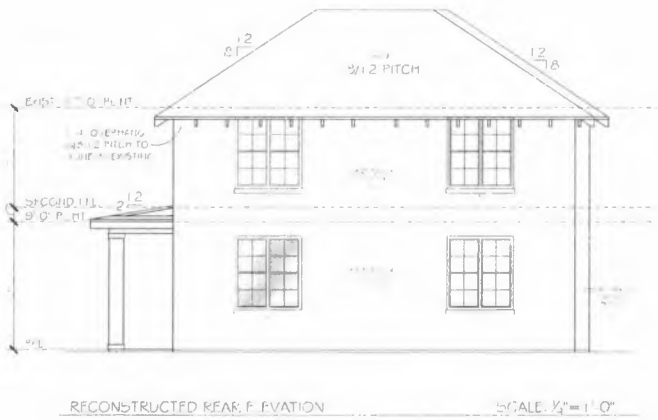
A5-BUILT REAR ELEVATION SCALE: 1/4" = 1'-0"

ADVANCE YOUNG
 ARCHITECTS
 1001 S. 11th Street
 Phoenix, AZ 85024
 www.ayyoung.com

Mr. & Mrs. Noor Abdughani
 5916 Suisse Avenue
 Phoenix, AZ 85022
 Murali Rouse Regra-Adabon
 Dallas, Texas

A I A I R
 205 W. Baring Creek Pl. A
 Unit 104C, Phoenix, AZ 85023

A Maria
 Designs, Inc.
 CARRIAGE HOUSE
 4115/2922
 ONF

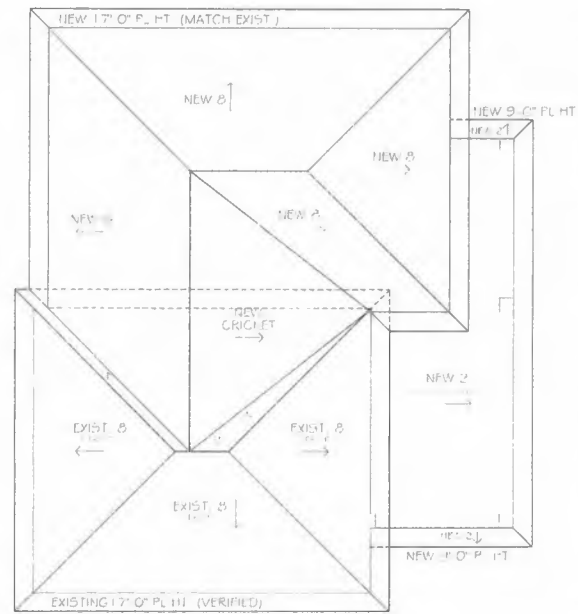


ADVANCE
BYOUNG
ARCHITECTS
11111
11111
11111

Mr. & Mrs. Noon Abdulghani
5916 Swiss Avenue
10' x 10' BLOCK
Major Floor Plan, Section
Detail, Trap

A L A I R
11111
305 S. Spring Creek Pkwy.
Unit C Oak Park, TX 75025

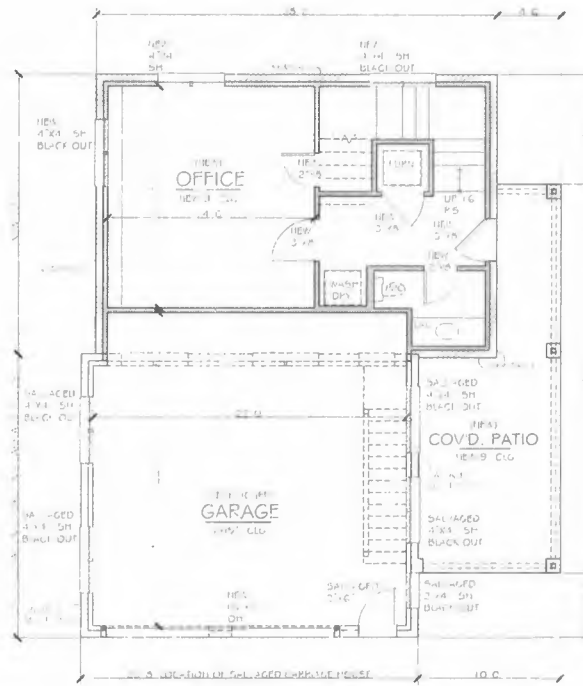
A M
Design, Inc.
CARRIAGE HOUSE
4/13/2022
THREE



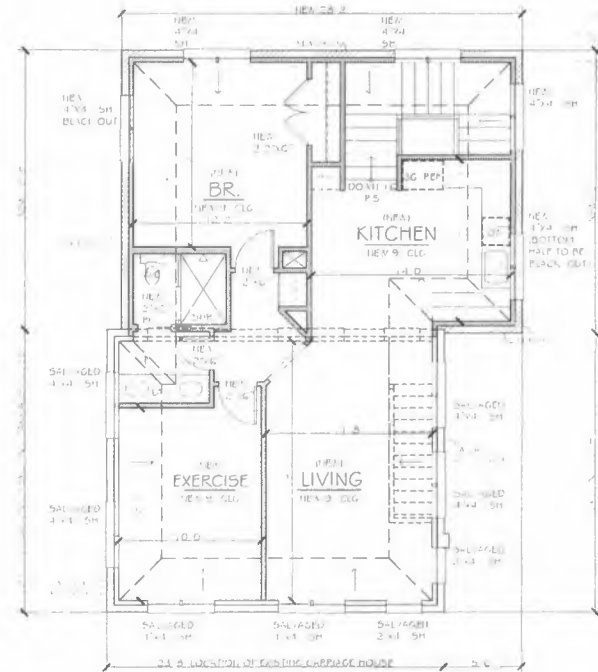
ROOF PLAN 1/8" = 1'-0"

NO.	DESCRIPTION
1	EXISTING COMPOSITION ROOF TO MATCH NEW COMPOSITION ROOF

AREAS	SQFT
NEW HOME OFFICE, STAIRS & BATH	190
EXISTING GARAGE	(371)
ADDITION TO GARAGE	61
NEW COVID PATIO	207
EXISTING GUEST QUARTERS	(419)
ADDITION TO GUEST QUARTERS	189



RECONSTRUCTED CARRIAGE HOUSE FIRST FLOOR SCALE: 1/4" = 1'-0"



RECONSTRUCTED CARRIAGE HOUSE SECOND FLOOR SCALE: 1/4" = 1'-0"



Mr. & Mrs. Noor Abdulgham
 5916 Swiss Avenue
 07746 Basking Ridge, NJ
 908-791-1234
 www.vanceyoung.com

305 A. Spring Creek Place
 Unit 10-C Parsippany, NJ 07054



CARRIAGE HOUSE
 418-3032
 TWO

FILE NUMBER: BDA223-034(GB)

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

LOCATION: 7202 La Vista Drive

APPLICANT: Grayson Wafford

REQUESTS:

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

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) Single Family District

North: R-7.5(A) Single Family District

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

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

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over 4' in height in the required front yard.
- The following additional information was gleaned from the submitted site plan:
 - the site plan shows the fence to be approximately 8 feet in height located on the front property line or less than 5' from the pavement line.
- The Board of Adjustment Senior Planner conducted a field visit to determine if the fence would adversely affect neighboring properties.
- As of April 04, 2023, no letters have been received in opposition or support of this request.
- The subject site is zoned an R-7.5 (A) Single Family District where a 30-foot front yard setback is required.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four-feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

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

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

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

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

March 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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



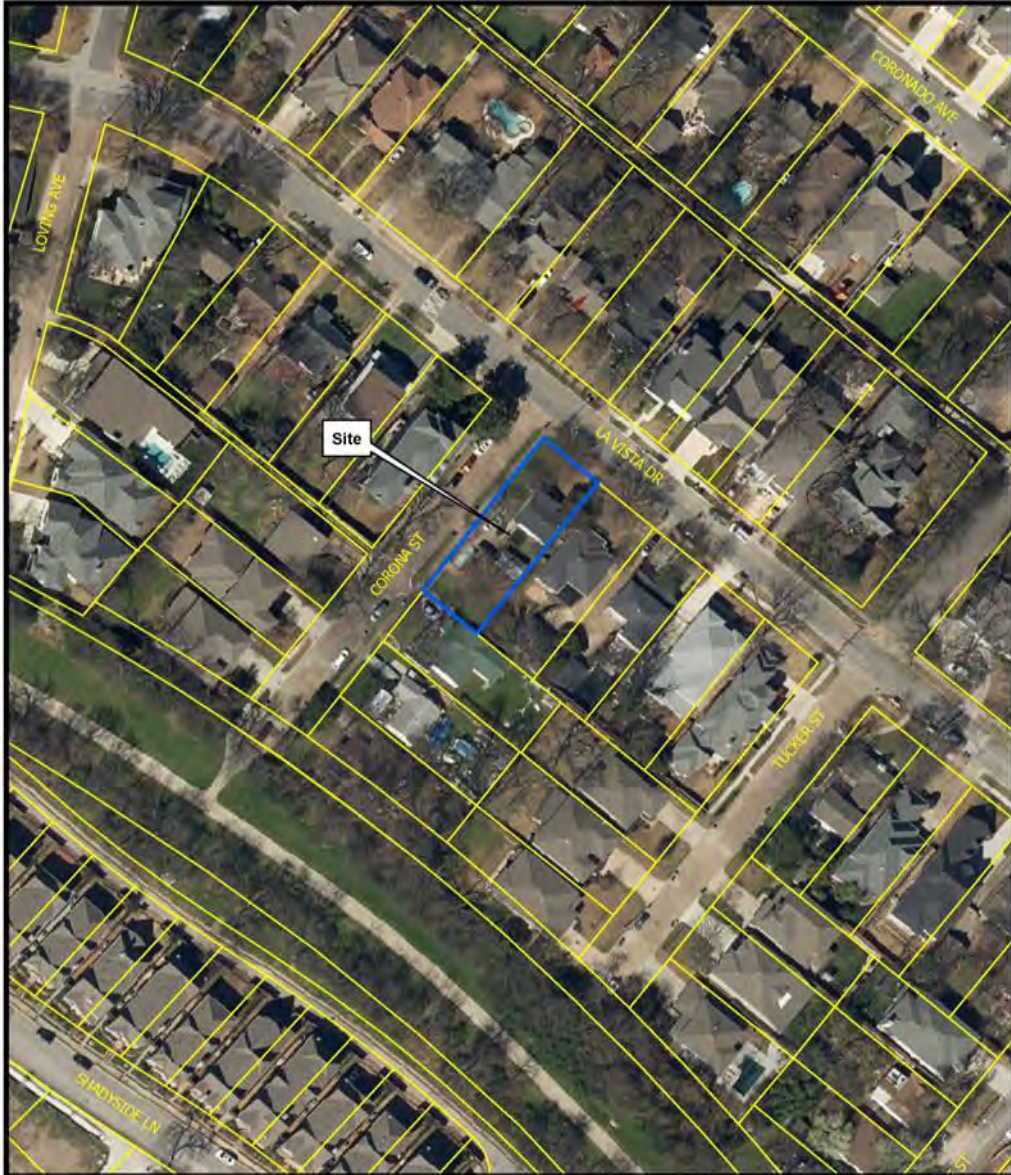
 1:1,200	NOTIFICATION		Case no: BDA223-034
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">29</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/14/2023



1:1,200

ZONING MAP

Case no: BDA223-034
 Date: 3/14/2023



1:1,200

AERIAL MAP

Case no: BDA223-034

Date: 3/14/2023

03/13/2023

Notification List of Property Owners

BDA223-034

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7202 LA VISTA DR	BESPOKE CUSTOM DESIGN LLC
2	7221 LA VISTA DR	SCURRIA LARRY & JAMIE M
3	7215 LA VISTA DR	MARTINEZ ALEXIS & GIANNA
4	7211 LA VISTA DR	CULPEPPER STEPHANIE K &
5	7207 LA VISTA DR	POYNTER AUSTIN L &
6	7203 LA VISTA DR	ROBINSON STEPHANIE &
7	7210 LA VISTA DR	MCCORMICK BRAD BENNETT & ANJA LUDEWIG
8	7214 LA VISTA DR	Taxpayer at
9	7218 LA VISTA DR	JONES MATTHEW & MOLLY
10	1811 TUCKER ST	FOXMAN BRADLEY
11	1807 TUCKER ST	ANDRING BRICE NICHOLAS &
12	1803 TUCKER ST	GANNON JOHN &
13	1810 CORONA ST	COZBY BILLIE
14	1806 CORONA ST	HENDERSON ROBERT LEE
15	1802 CORONA ST	MENDEZ ELIGIO & LUCIA
16	7200 EAST GRAND AVE	JOPLIN MARY C
17	7126 LA VISTA DR	HOGUE ROBERT G & PATRICIA M
18	7122 LA VISTA DR	LINE JOHN E & SHELLY D
19	7118 LA VISTA DR	GOODIN GREGORY B & EMILY B
20	1810 LOVING AVE	MENZIES CHRISTOPHER G
21	1806 LOVING AVE	PIPPEN JOHN & PATRICIA
22	1803 CORONA ST	VYDASHENKO NIKOLAY &
23	1807 CORONA ST	SHAFIR MIKE &
24	1811 CORONA ST	800 BRITTON PLACE REVOCABLE
25	7123 LA VISTA DR	REED HOLLY
26	7127 LA VISTA DR	YETTS CHRISTOPHER A

03/13/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7131 LA VISTA DR	WILDER TERRI S
28	7206 LA VISTA DR	HALL CASEY &
29	401 S BUCKNER BLVD	DART

B --



City of Dallas

RECEIVED
FEB 15 2023
BY: [Signature]

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-034
Date: ~~02/14/2023~~ 2/15/23 *CGW*

Data Relative to Subject Property:

Location address: 7202 La Vista Drive Dallas, TX 75214 Zoning District: R7.5(a)
Lot No.: 19 Block No.: C/2729 Acreage: .18 Census Tract: _____
Street Frontage (in Feet): 1) 55.17 2) 149.65 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bespoke Custom Design, LLC - Grayson Wafford
Applicant: Grayson Wafford Telephone: (214) 404-8272
Mailing Address: 12116 Fieldwood Lane Dallas, TX Zip Code: 75244
E-mail Address: bespokecdllc@gmail.com
Represented by: _____ Telephone: _____
Mailing Address: _____ Zip Code: _____
E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception x, of Fence height rule to be increased to 8' within the Corona front yard set back - MAXIMUM 4' VARIANCE
FENCE TO BE LESS THAN 50% OPENING WITHIN THE FRONT YARD SET BACK
FENCE ONLY ALLOWED NEARBY DRIVEWAY TREASURE ON DRIVE APPROACH *CGW*

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:
Variance to the front yard set-back along the Corona property line was granted on April 20, 2022 by ruling in Case BDA 212-030. The front yard set-back was reduced from 25 feet to 4 feet as a result of this ruling. This application is for Special Exception to build a Board on Board fence inside the new setback. The fence will be 5 feet from the property line, and conform to Visibility Triangle Guidelines for the rear neighbor driveway.

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

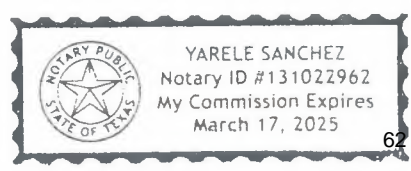
Before me the undersigned on this day personally appeared GRAYSON WAFFORD
(Affiant/Applicant's name printed)

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 15th day of February, 2023

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that GRAYSON WAFFORD

did submit a request for a 4 foot special exception to the fence height regulations, and for a special exception to the fence standards regulations, and to construct a nonresidential structure in a required visibility obstruction triangle, ~~which will require a special exception to the visibility obstruction regulations.~~
at 7202 La Vista

BDA223-034. Application of Grayson Wafford for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 7202 LA VISTA DR. This property is more fully described as Block C/2729, Lot 19 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 an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a 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



Printed: 3/1/2023

- City Limits
- Public Schools
- Floodplain**
- 0.2 Pct Annual Flood Hazard
- 1 Pct Annual Chance Flood Hazard
- Parks
- Certified Parcels
- Base Zoning
- Deed Restrictions
- SUP
- Dry Overlay
- D
- CD Subdistricts

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



CITY OF DALLAS PLAT BOOKS

ANNEXED 11-26-29
SURVEY A. I. NANNY

ORD NO
ABST 1094

ADDITION

SCALE 100 FT EQUALS 1 INCH

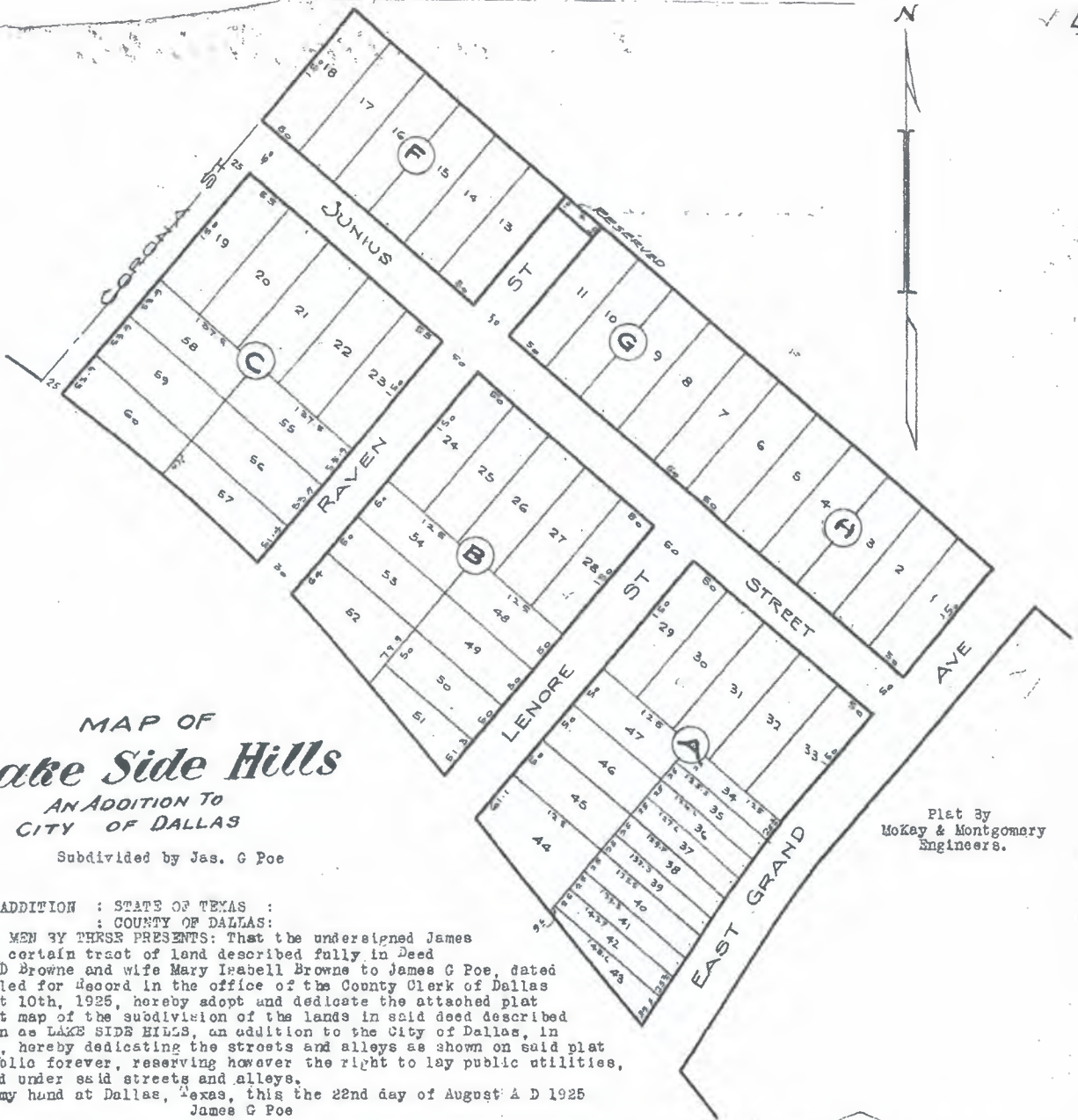
BLOCKS 2727-2739

SCHOOL DISTRICT DALLAS

A. J. TOOLE SUBD. OF SECTION 10, BLOCKS
SUND. B.L.M. DIST. 34 & E. 112783



OCT 22 1927



**MAP OF
Lake Side Hills**

AN ADDITION TO
CITY OF DALLAS

Subdivided by Jas. G Poe

Plat by
Mokey & Montgomery
Engineers.

120000
LAKE SIDE HILLS ADDITION : STATE OF TEXAS :
TO MAP : COUNTY OF DALLAS :

KNOW ALL MEN BY THESE PRESENTS: That the undersigned James G Poe, owner of that certain tract of land described fully in Deed executed by Clayton D Browne and wife Mary Isabell Browne to James G Poe, dated August 1st, 1925, filed for record in the office of the County Clerk of Dallas County, Texas, August 10th, 1925, hereby adopt and dedicate the attached plat as a true and correct map of the subdivision of the lands in said deed described to be hereafter known as LAKE SIDE HILLS, an addition to the City of Dallas, in Dallas County, Texas, hereby dedicating the streets and alleys as shown on said plat to the use of the public forever, reserving however the right to lay public utilities, service lines, in and under said streets and alleys.

Witness my hand at Dallas, Texas, this the 22nd day of August A D 1925
James G Poe

STATE OF TEXAS :
COUNTY OF DALLAS : Before Me, the undersigned authority, a Notary Public in and for Dallas County, Texas, on this day personally appeared James G Poe, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this the 22 day of August A D 1925

R P McGuire
Notary Public, Dallas County, Texas.

Henry May
DEPUTY

Filed for Record Sept. 26, 1925, 12:30 P M .. D C WHITELEY, COUNTY CLERK

BY L R HICKCOX, DEPUTY

RECORDED OCT. 6, 1925, D C WHITELEY, COUNTY CLERK, DALLAS COUNTY, TEXAS.....

BY



--00--

STATE OF TEXAS }
COUNTY OF DALLAS }

I, JOHN F. WARREN,

County Clerk in and for said County

and State, do hereby certify that the above and foregoing is a true and correct copy of the instrument filed for record on the

26 day of Sept. 1925 and day recorded on the 5 day of Oct. 1925 in Volume 3

Page 463 of the Records of Dallas County, Texas

WITNESS my hand and seal of office at Dallas, Texas

this 6 day of July, 20 21.

JOHN F. WARREN, COUNTY CLERK
DALLAS COUNTY, TEXAS

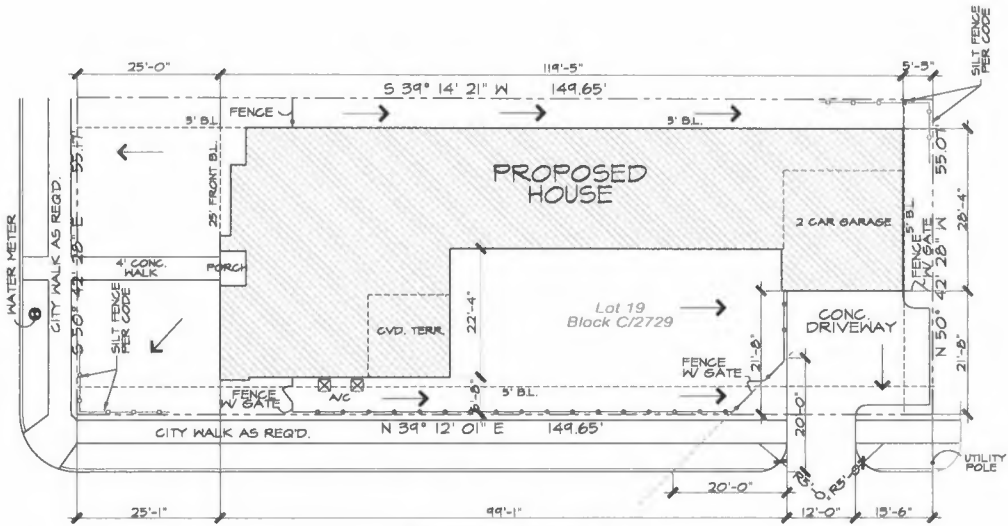
By



Deputy

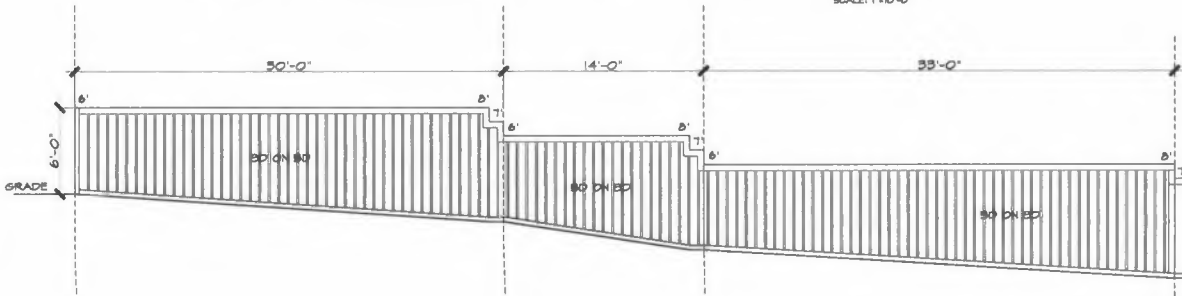


7202 La Vista Drive
(50' ROW)



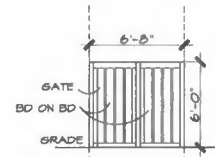
PLOT PLAN

SCALE: 1" = 10'-0"



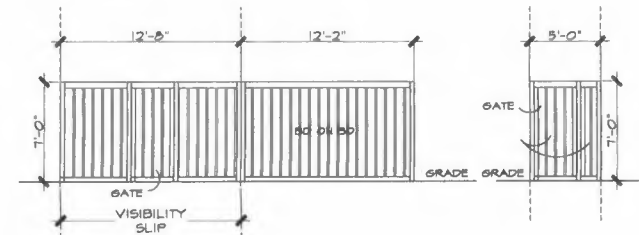
PROPOSED FENCELINE ON CORONA ST.

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



FRONT FENCE

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



REAR FENCE

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

REAR FENCE



DATE: 8/28/21
 Red Line
 NAME: teds/a
 REVISIONS:
 5/15/23
 8/1/23
 2/28/25

IKEMIRE ARCHITECTS L.L.C.
 Bespoke Custom Design LLC
 Lot 19 Block C/2729 Lakeside Hills Add.
 7202 La Vista Drive, Dallas, TX
 14000 BALLANTINE DRIVE, SUITE 2000 BALLANTINE, TX 75134-3400 FAX: 972-242-1837

SP1
 2 of 8
 JOB # 231039

FILE NUMBER: BDA223-038 (ND)

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

LOCATION: 5215 Morningside Ave.

APPLICANT: Tim Myrick
Represented by Nick George

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

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

- **ZONING/BDA HISTORY:**

No BDA history in the past five years.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the rear yard setback regulations of 4 feet is made to maintain a single family residential accessory structure.
- The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.
- The subject site is flat and rectangular in shape (130' x 65') and is 8,450 square feet in area.
- The height of this detached accessory structure (garage) exceeds 15 feet.
- The proposed accessory structure appears to be 22' in length and 20' in width.
- No variance would be necessary if the height of the garage was 15 feet or less and if the rear yard was not adjacent to an alley.
- The applicant submitted a document and photos to this submission to be utilized as attachments to this case.
- The applicant has the burden of proof in establishing the following:
 - (10) To grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that:
 - (A) In general.
 - (i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
 - (ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- If the Board were to grant the variance request, and impose the submitted site plan and elevation as a condition, the structure in the rear yard setback would be limited to what is shown on this document– which in this case is a garage that would be located 4 feet from the rear yard setback.

Timeline:

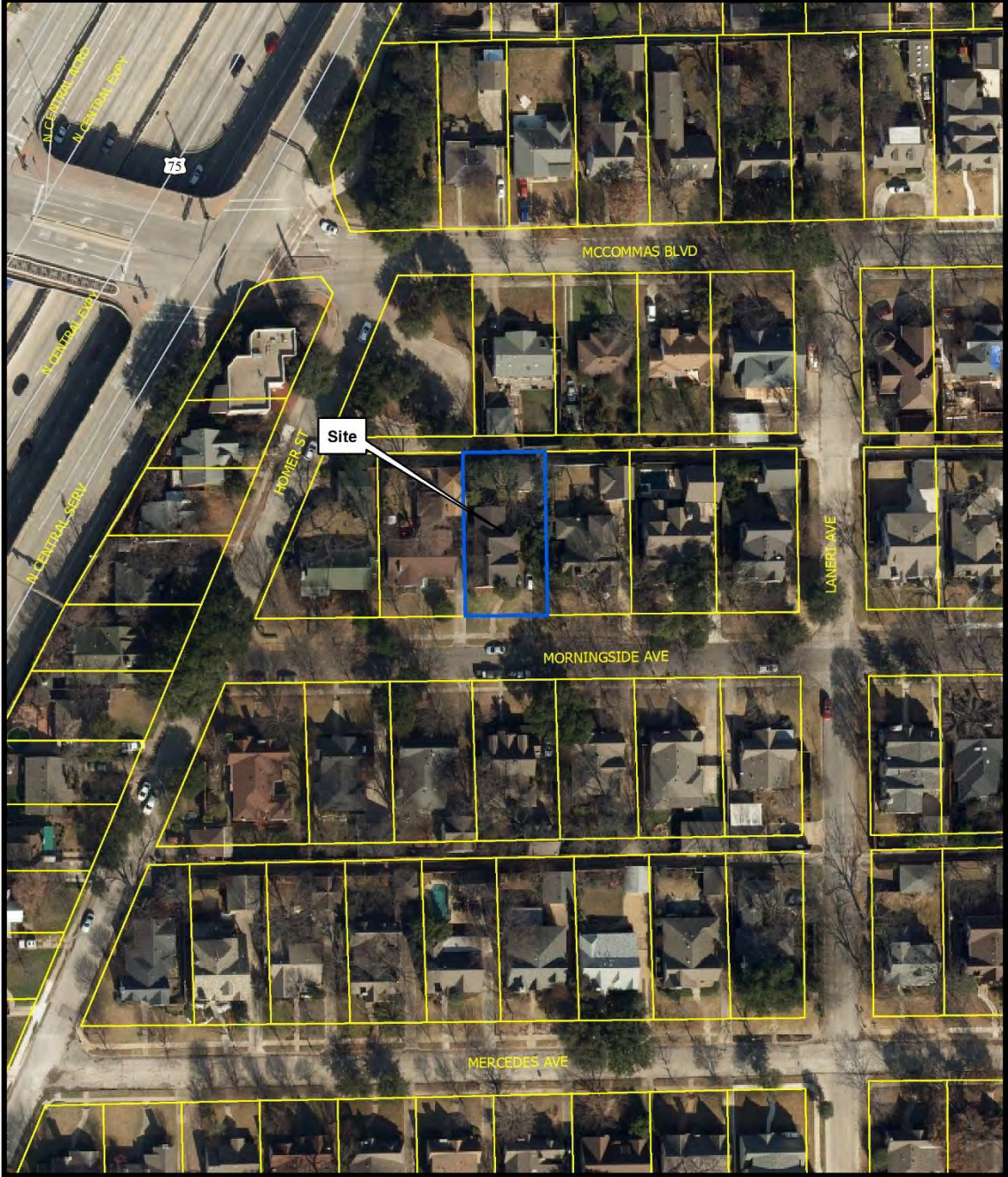
February 17, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

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

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

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

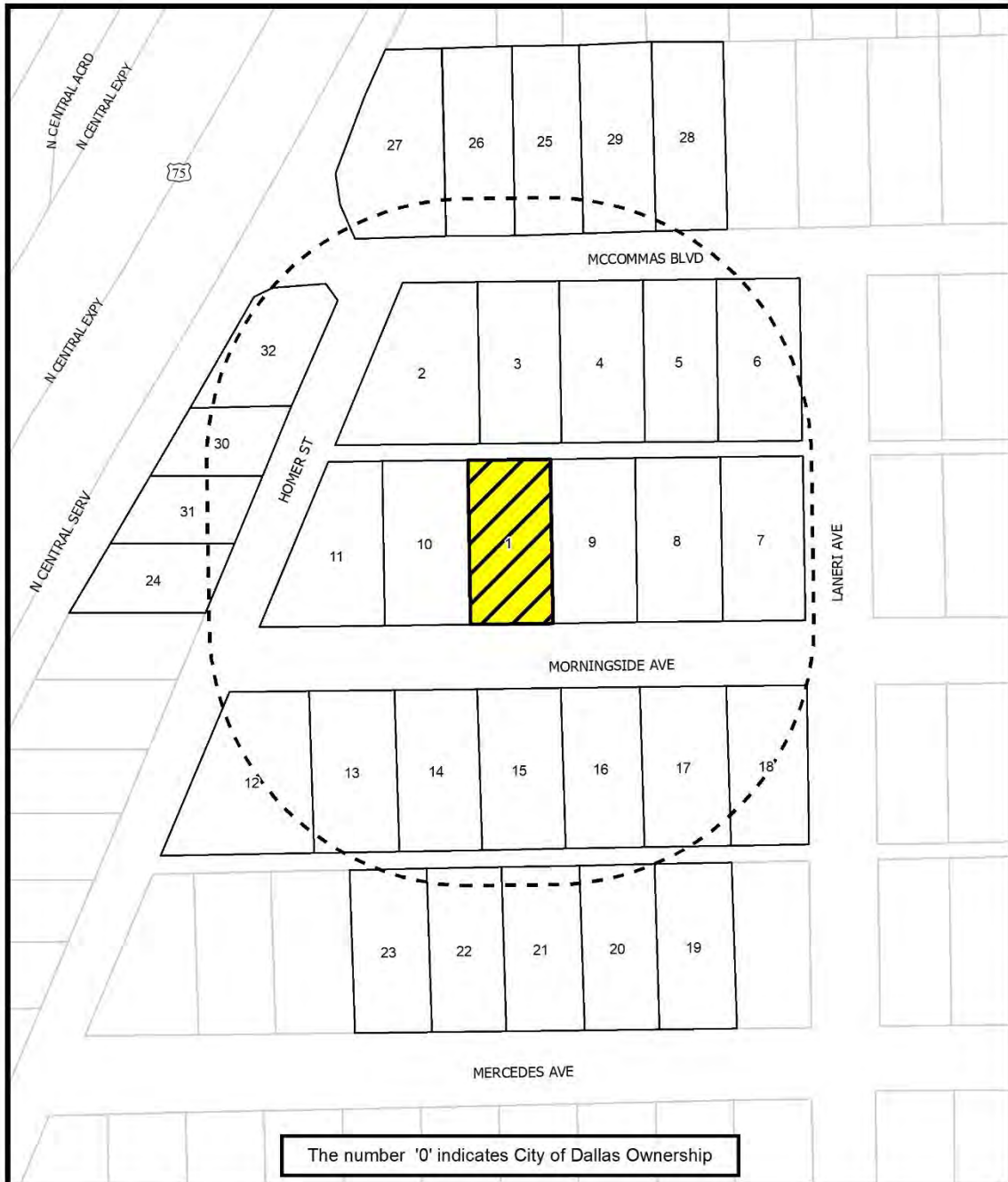


1:1,200

AERIAL MAP

Case no: BDA223-038

Date: 3/14/2023

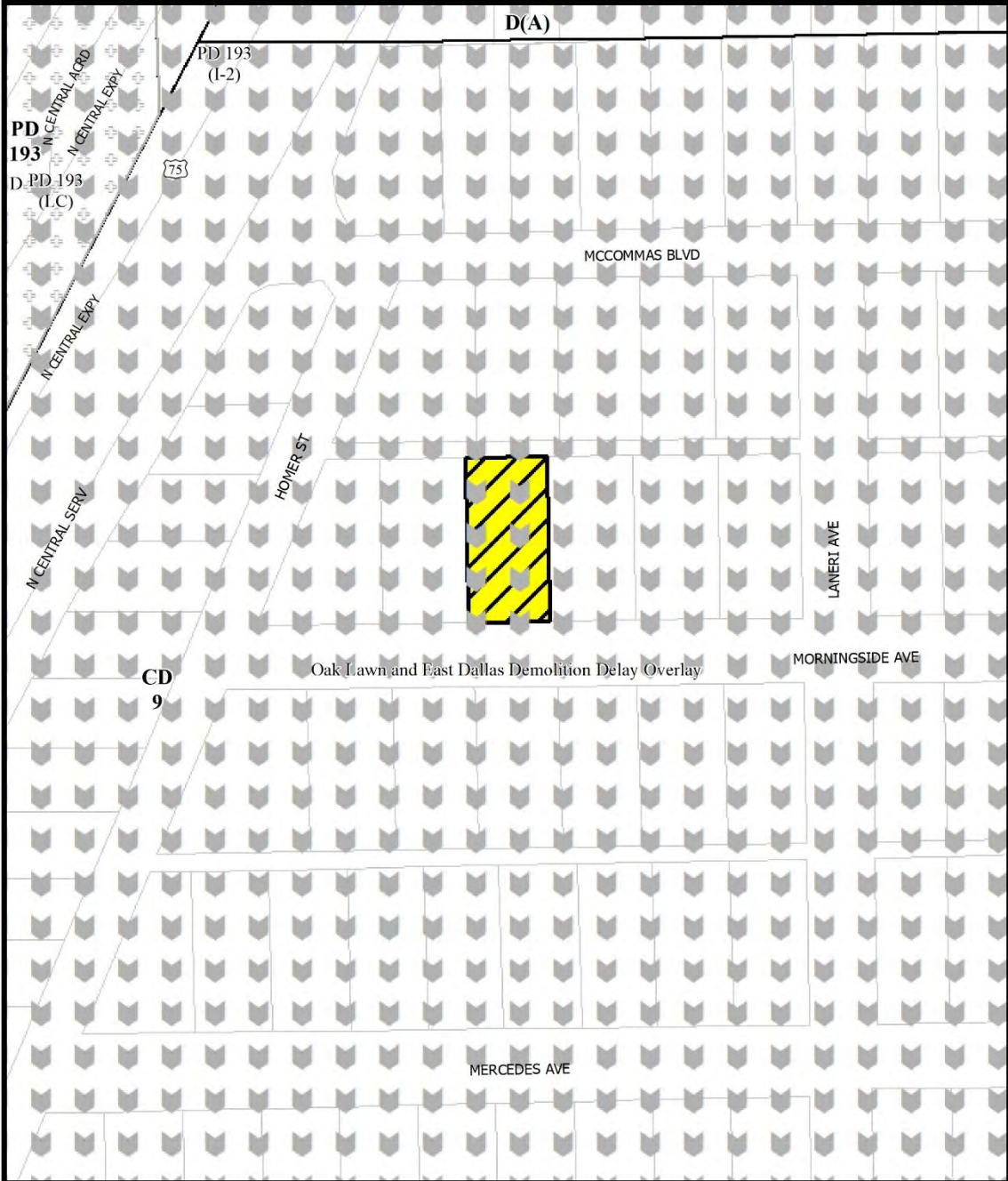


1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
32 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-038**
 Date: **3/14/2023**



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA223-038</u> Date: <u>3/14/2023</u>
--	---------------------	--

03/14/2023

Notification List of Property Owners

BDA223-038

32 Property Owners Notified

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

03/14/2023

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

B

Development Services



RECEIVED
FEB 17 REC'D

Case No.: BDA 223-038

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

Data Relative to Subject Property: [Signature]

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

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

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): TIM MYRICK

Applicant: TIM MYRICK Telephone: 214 215 3725

Mailing Address: 5215 MORNINGSIDe AVE Zip Code: 75206

E-mail Address: TIMMYRICK214@GMAIL.COM

Represented by: JAMES BARNES Telephone: 727 355 4797

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

E-mail Address: 29JSPARK@GMAIL.COM

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

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

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

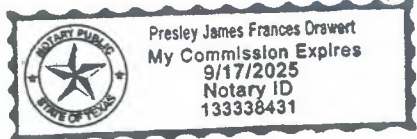
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

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

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



Subscribed and sworn to before me this 5 day of February, 2023

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



Appeal number: BDA 223-038

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

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

Authorize: JAMES BARNES
(Applicant's name as stated on application)

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

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

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

Timothy Myrick
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 2-15-2023

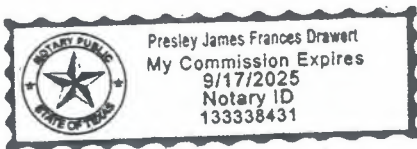
Before me, the undersigned, on this day personally appeared Timothy Myrick

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

Subscribed and sworn to before me this 15th day of February, 2023

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 9/17/2025





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-038

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

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

Authorize: JAMES BARVES
(Applicant's name as stated on application)

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

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

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

Scott Jordan
Print name of property owner or registered agent

Scott Jordan
Signature of property owner or registered agent

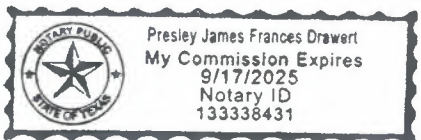
Date 2-15-2023

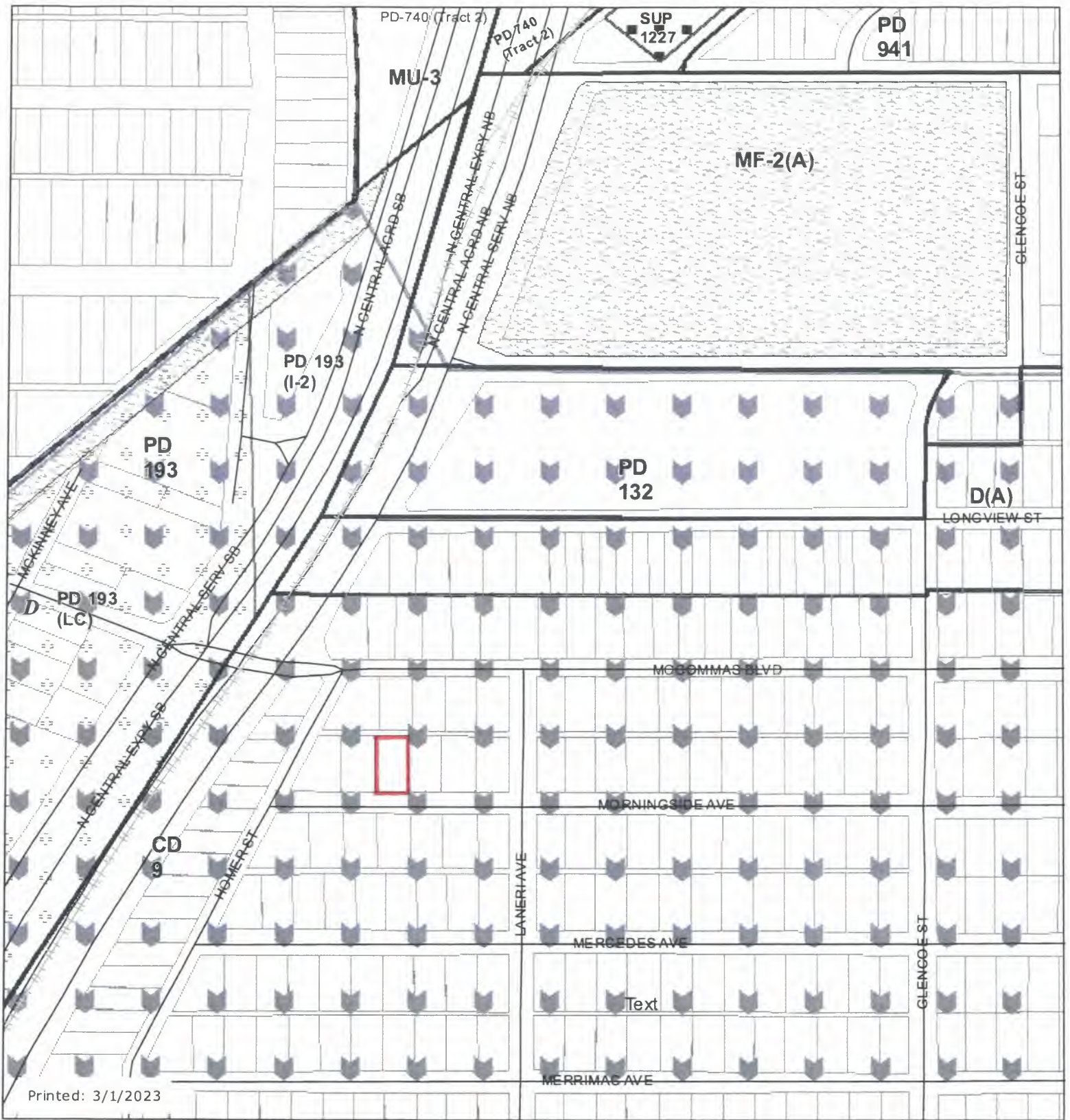
Before me, the undersigned, on this day personally appeared Scott Jordan

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

Subscribed and sworn to before me this 15th day of February, 2023

Commission expires on 9/17/2023





Printed: 3/1/2023

- City Limits
- Railroads
- Parks
- Certified Parcels
- Base Zoning
- Demolition Delay Overlay
- PD 193 Oak Lawn
- SUP
- Dry Overlay
- D
- PD Subdistricts
- PDS Subdistricts

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

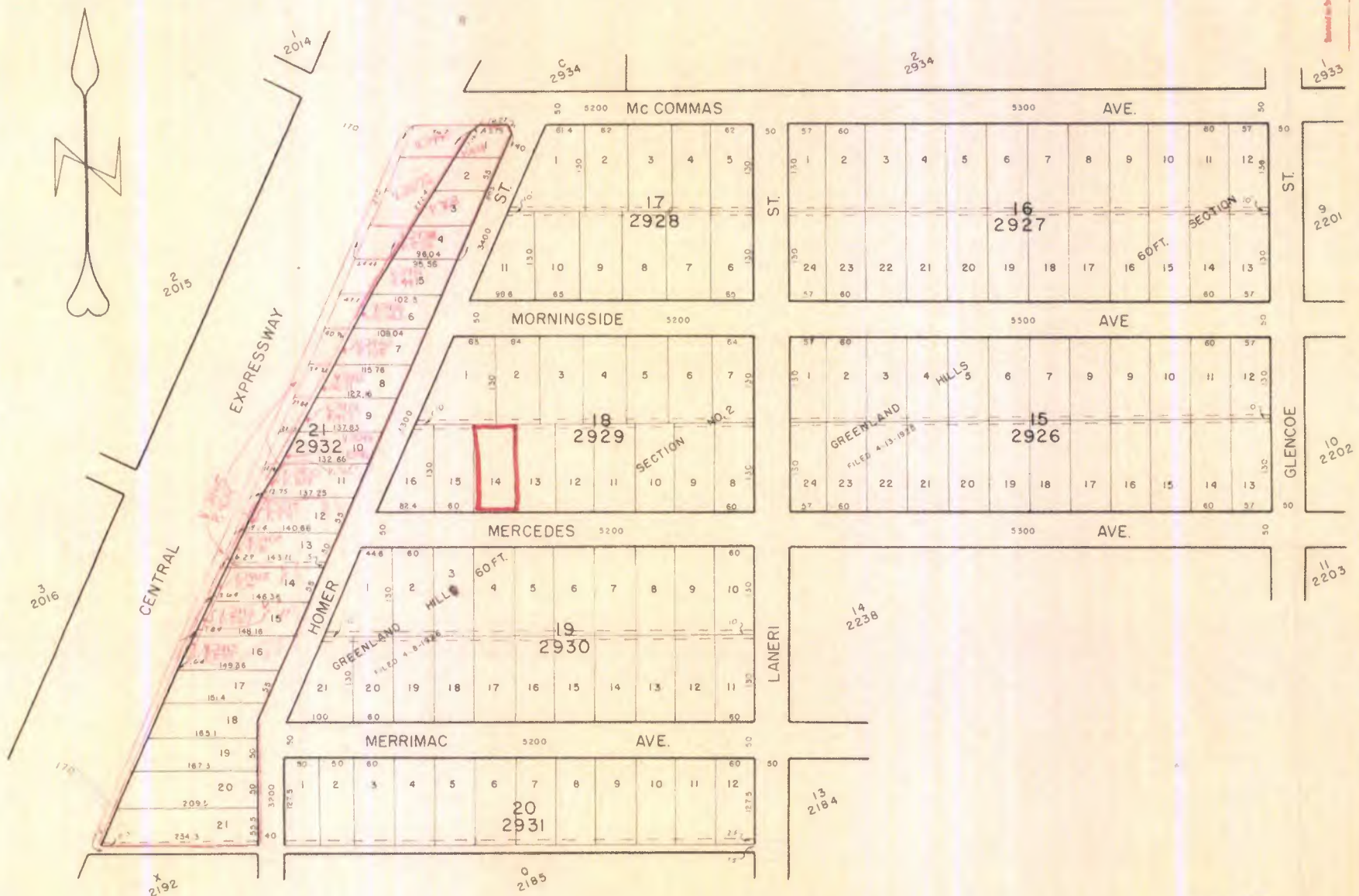


CITY OF DALLAS PLAT BOOKS

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

ADDITION _____
SCALE 100 FT EQUALS 1 INCH

BLOCKS 15 21
2926-2932
SCHOOL DISTRICT DALLAS



100-2-1975

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

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

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

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

- First: The right to build and operate and permit the extension and operation of a street railway line up the streets as shown on such plat;
- Second: All storm sewers, sanitary sewers and water pipes and mains laid in said street and the reservation stripe shown on said plat, and also reserves to itself, its successors and assigns, any sanitary sewers or storm sewers laid across any of the lots in said addition, hereby reserving the right to ingress and egress to repair any such sewers;
- Third: No structure shall be erected on or over the ten foot reservation strips as shown on said plat of this addition, nor shall same be fenced or planted, and access to said reservation strips for laying, erecting or repairing water, sewer and gas pipes and telegraph and telephone poles and stringing wires thereon is hereby reserved, and said strips are to be kept open for ingress and egress for such construction repairs and the reading of meters.
- Fourth: However, in the case of the reservation strip shown on said plat to be approximately 28.3 feet in width and lying directly adjacent on the east to the E & T C right of way and running in a northeasterly direction along said right of way approximately 1174.4 feet, this provision for the accommodation of public utilities, etc. shall only apply to the east 10 feet of said reservation strip, remaining portion of approximately 18.2 feet by 1174.4 feet in size being by said corporation hereby reserved as its private property and same in fee simple for future sale, dedication for park purposes or development or any other future use by said corporation, its successors or assigns, as it or they, may see fit.

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

WITNESSED BY: E R HALLEY, Secretary

Greenland Hills Realty Company
By Frank L McNeny, President.

STATE OF TEXAS :
COUNTY OF DALLAS :
Before me, the undersigned authority, on this day personally appeared Frank L McNeny, President, Greenland Hills Realty Company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as an act and deed of said corporation and in the capacity therein stated.

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

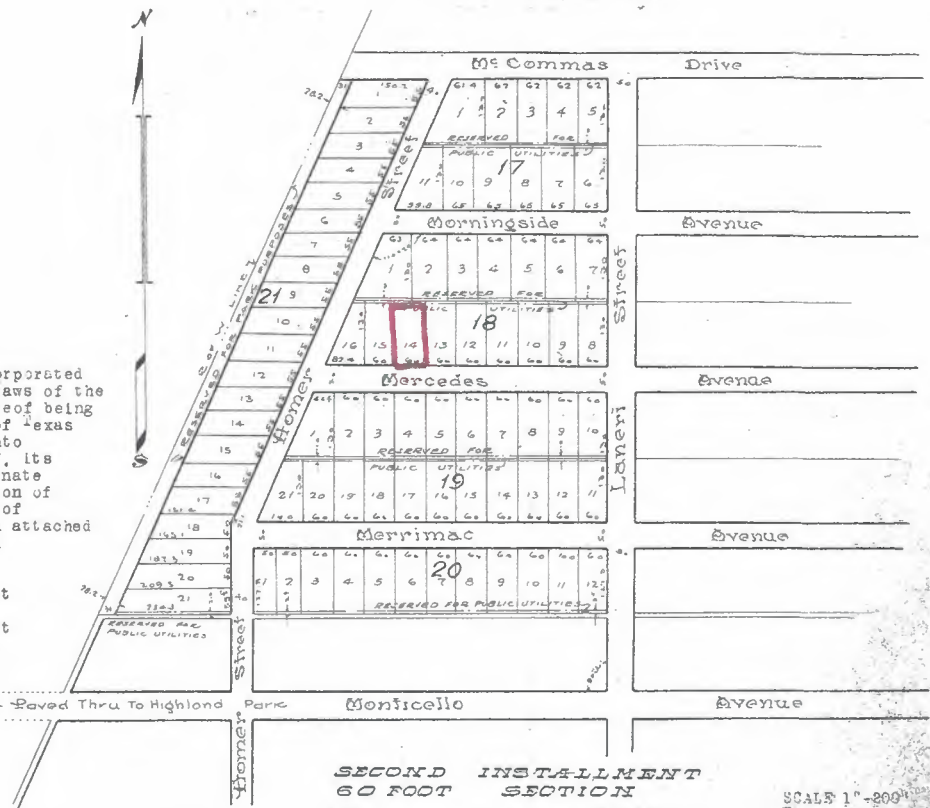
Ella Daly
Notary Public, Dallas County, Texas.

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

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

BY

Henry J. May
DEPUTY



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

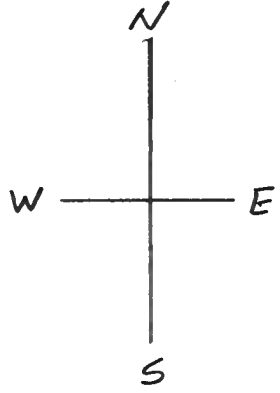
SCALE 1" = 200'
February 1926
Myers & Hayes
Engineers

McNeny & McNeny, Sole Owners
No. 2800 B-2



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

ALLEY 10'



LOT 9
 CITY BLOCK 17

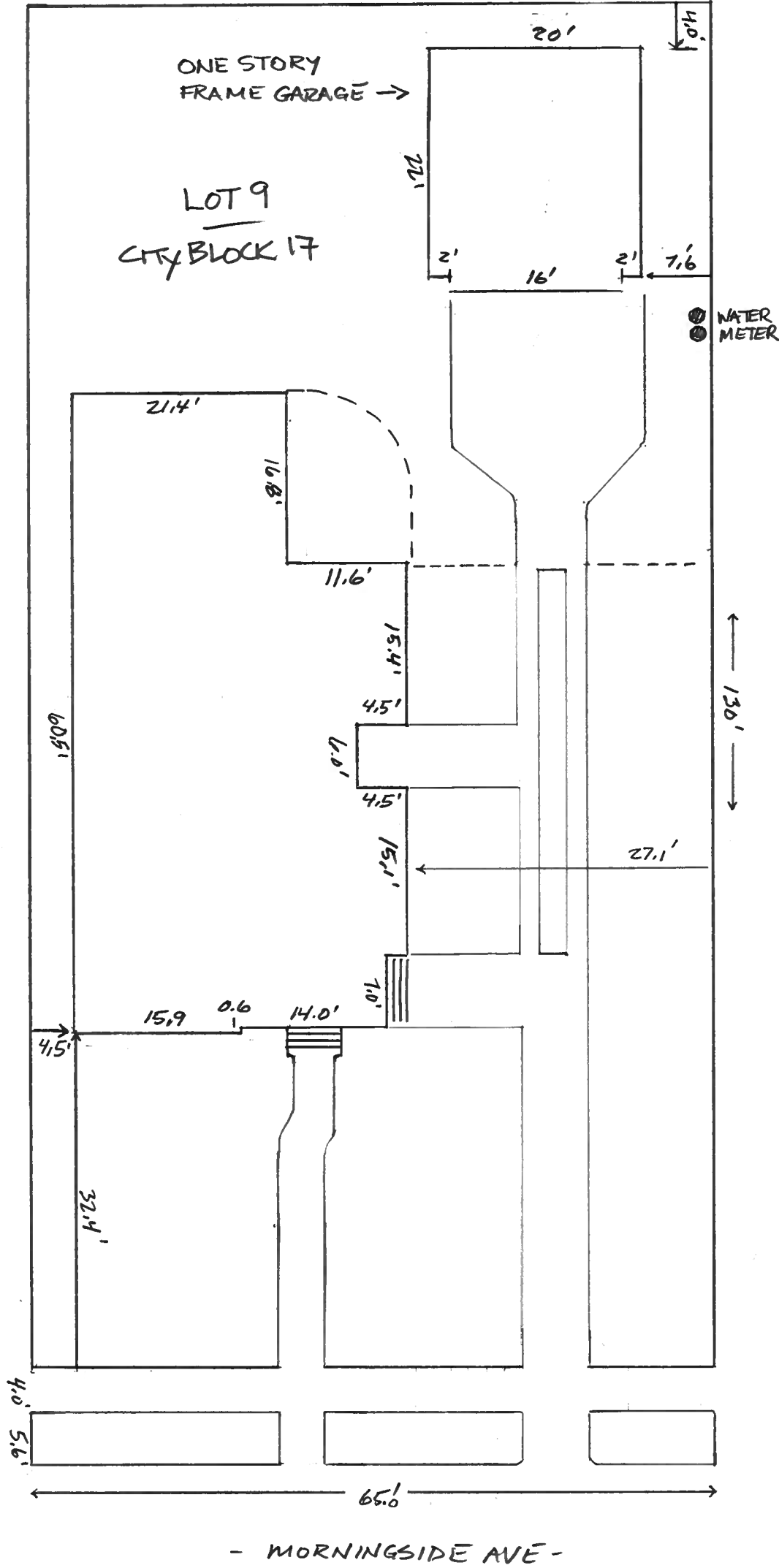
ONE STORY
 FRAME GARAGE →

WATER
 METER

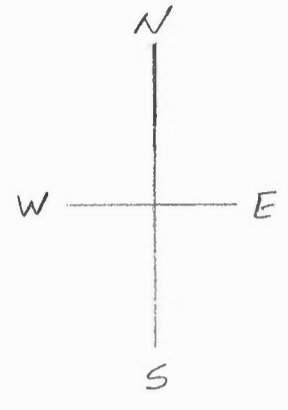
WATER
 METER

LOT 10

LOT 8

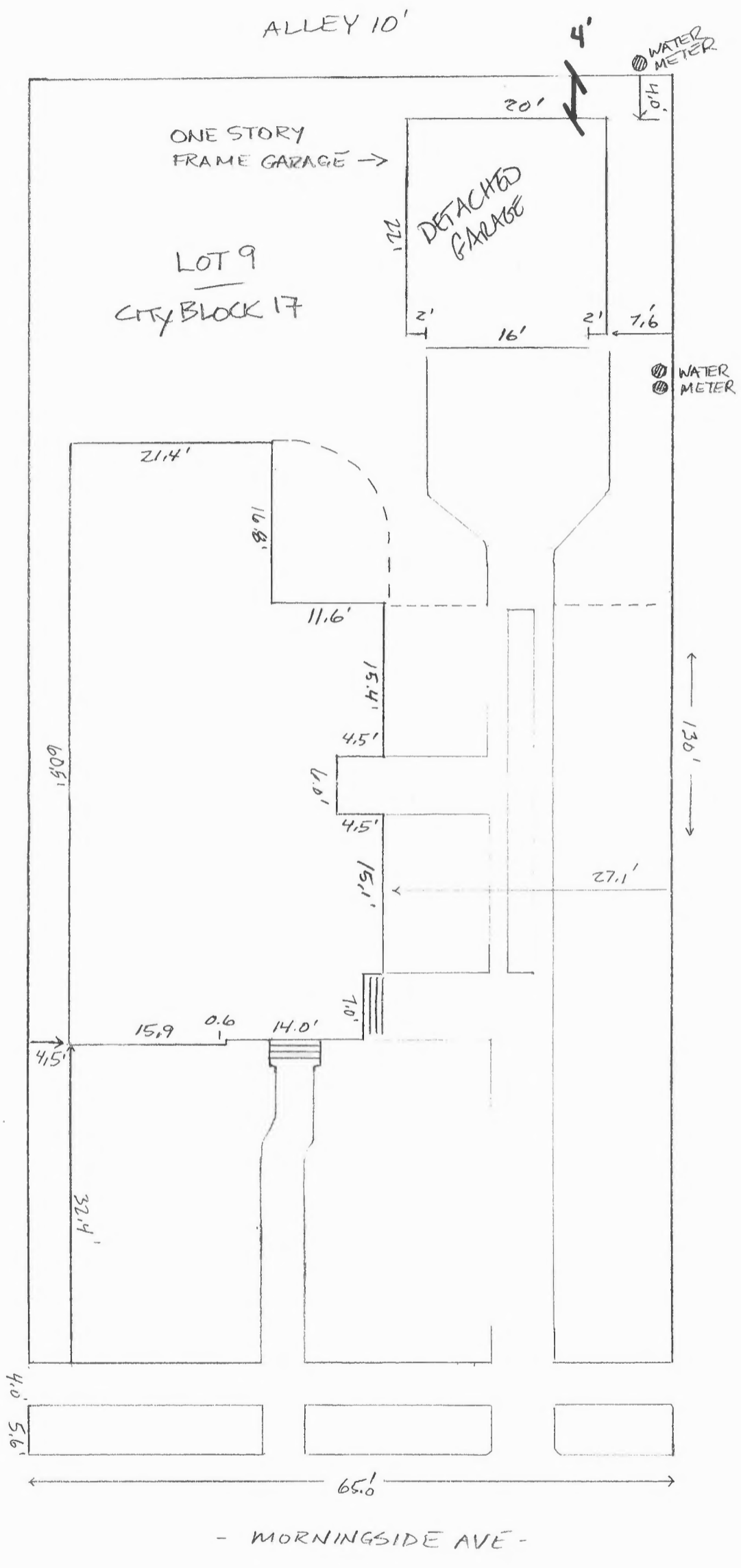



SITE MAP
LOT 9, CITY BLOCK 17,
SCALE 3/4" = 10.0
FEB 20, 2023

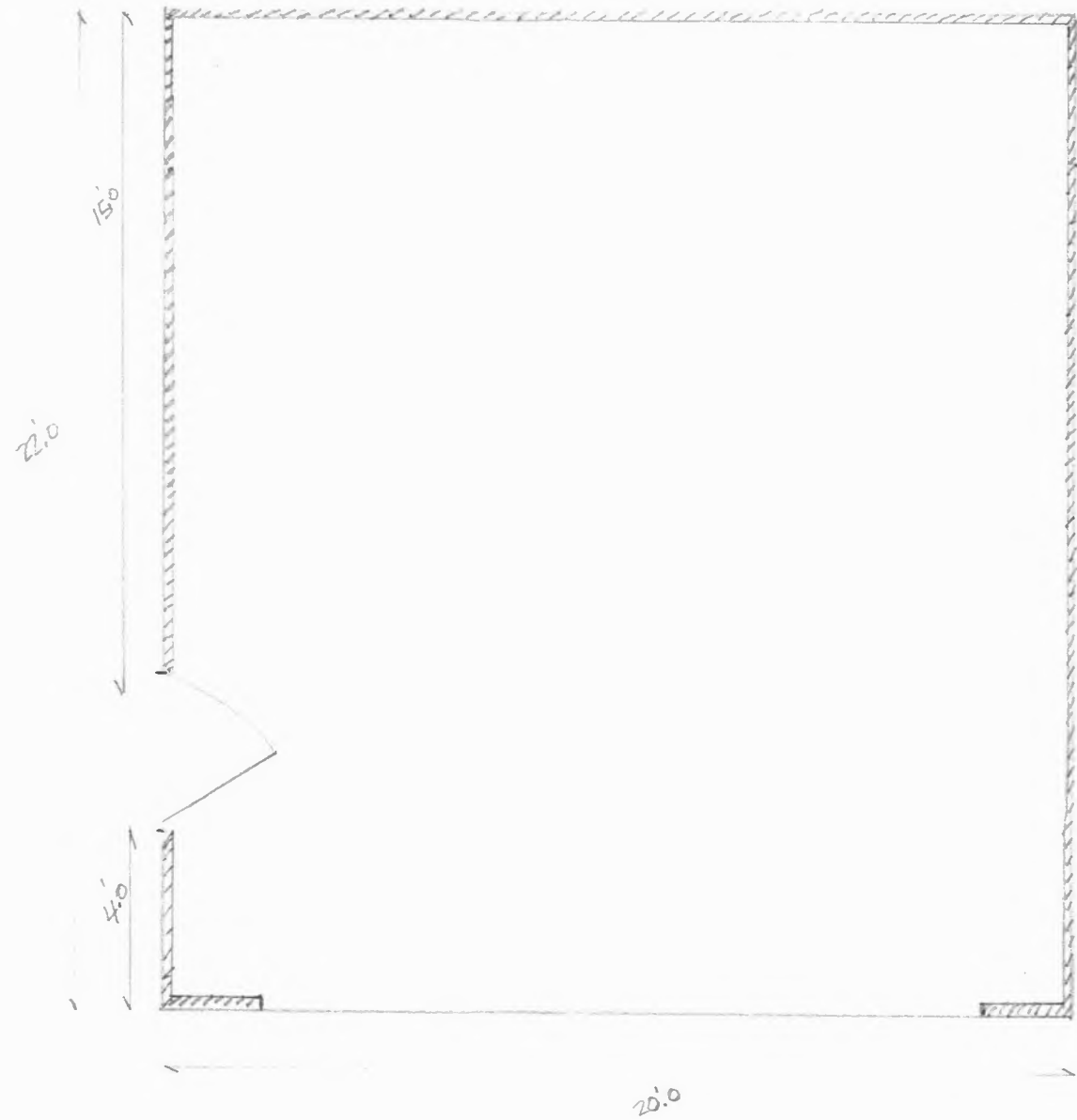


LOT 10

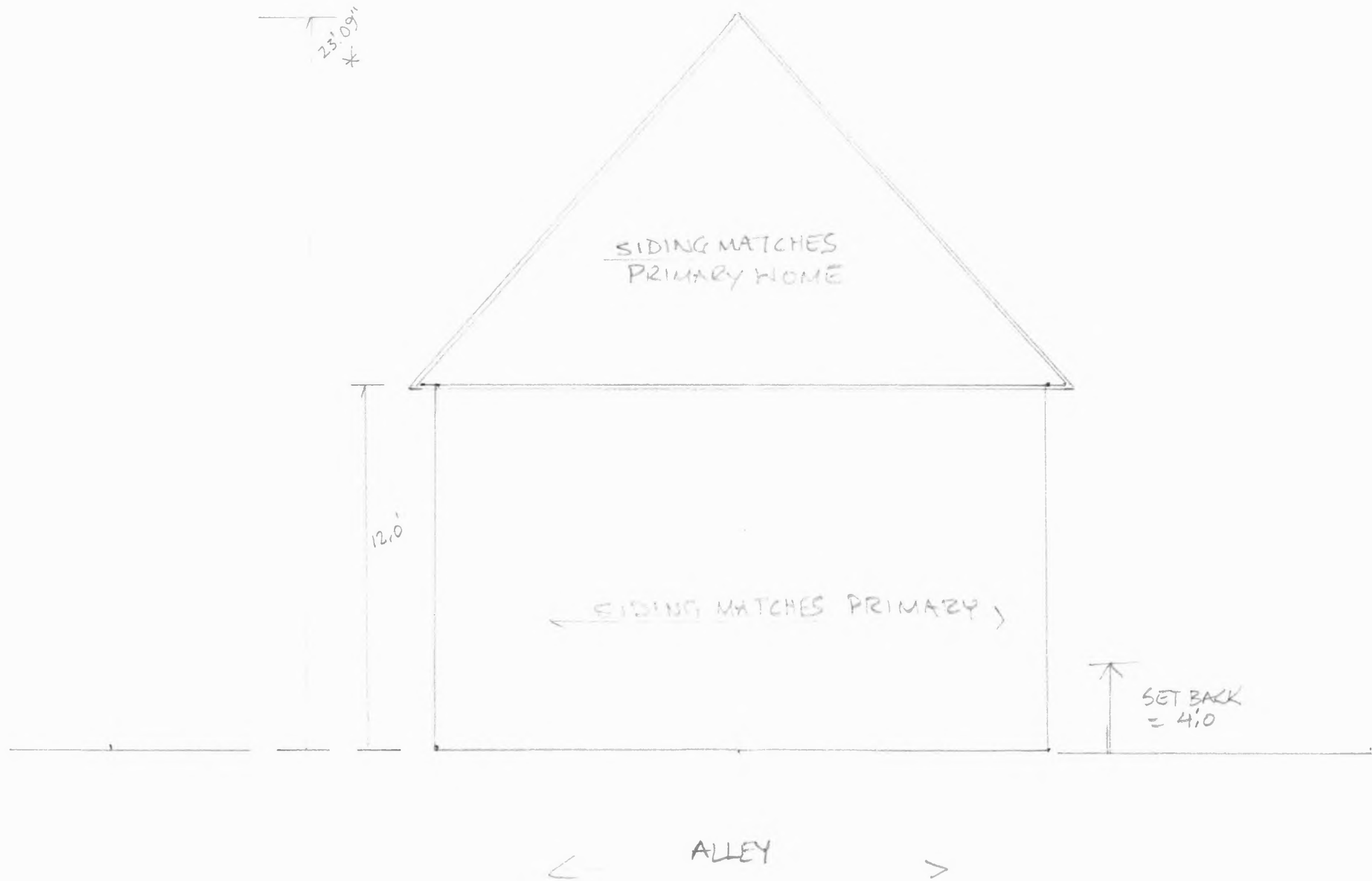
LOT 8



LEGEND
NEW WALLS 

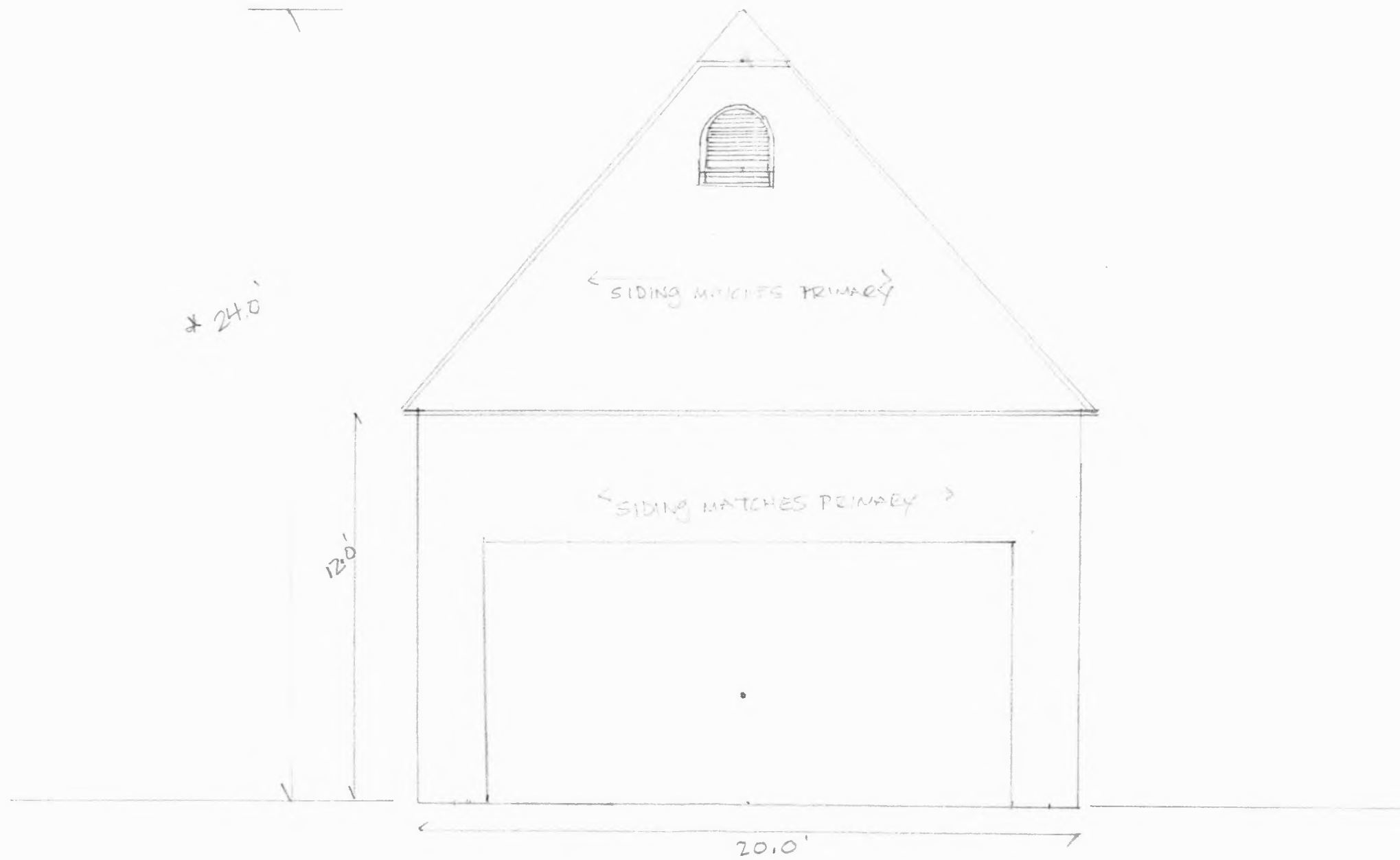


FLOOR PLAN (GARAGE)
LOT 9, CITY BLOCK 5215 (17)
SCALE 1/4" = 1.0'
JAN 27, 2023



NORTH ELEVATION (BACK)
 (17)
 LOT 9, CITY BLOCK 5215
 SCALE 1/4" = 1.0' (GARAGE)
 * ROOF LINE MATCHES HOME

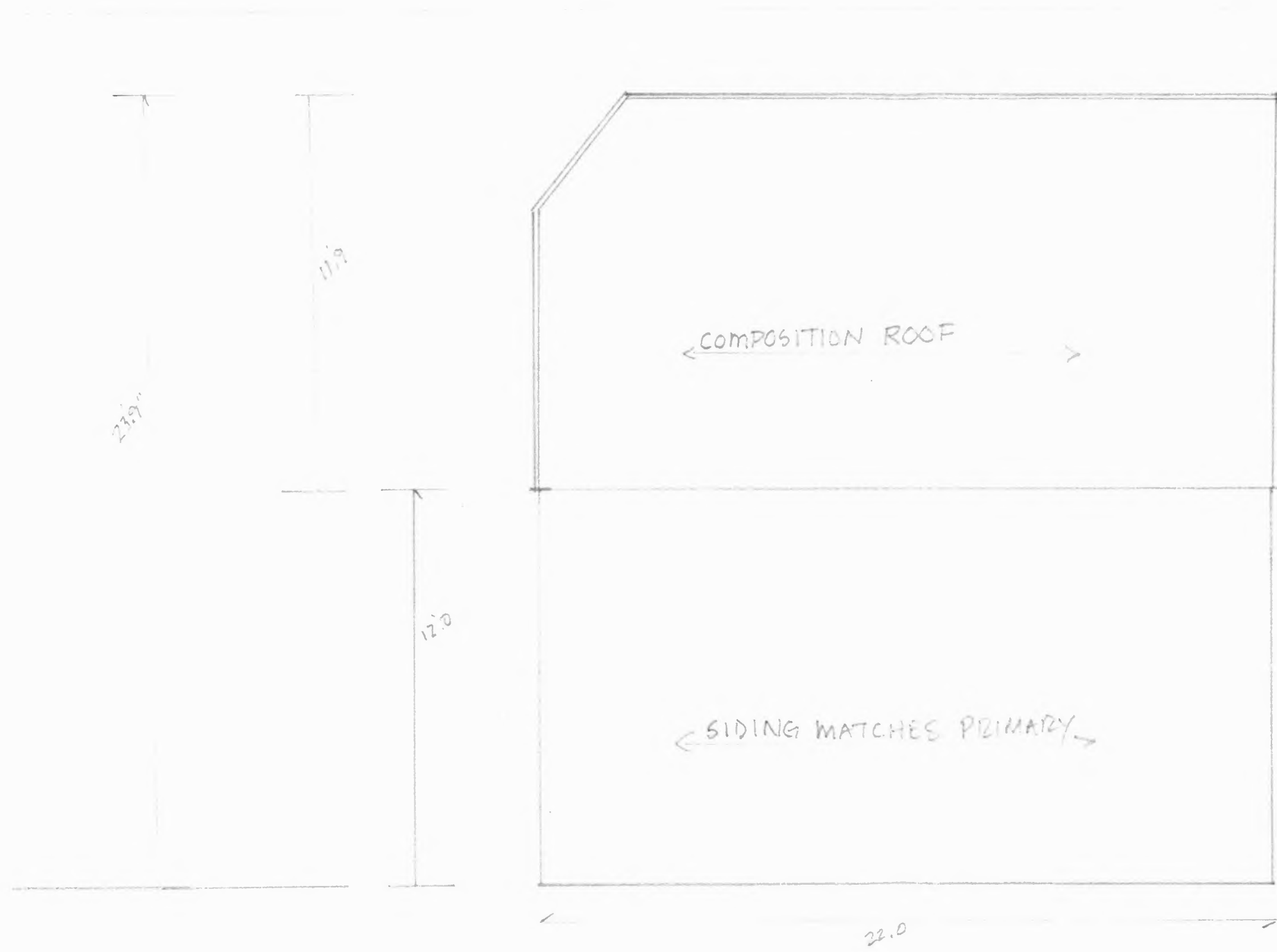
JAN 27, 2023



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



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



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

FILE NUMBER: BDA223-039(ND)

BUILDING OFFICIAL'S REPORT Application of Jennifer Hiromoto for a special exception to the fence standards regulations at 9226 Club Glen Dr. This property is more fully described as Block B/8155, Lot 17 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6-foot 4-inch high fence in a required front yard, which will require a 2-foot 4-inch special exception to the fence height standards regulations.

LOCATION: 9226 Club Glen Dr

APPLICANT: Jennifer Hiromoto

REQUEST:

A request for a special exception to the fence standards regulations for 2-foot 4-inches is made to construct a 4-foot wrought iron fence on a 2-foot masonry retaining wall and masonry columns at a maximum height of 6-foot 4-inches in the required front yard on the subject site developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the fence standards regulations of 2' 4" focuses on constructing and maintaining a 6' 4" high wrought iron fence with masonry columns in the required front yard on a site developed with a single-family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The subject site is zoned an R-7.5(A) Single Family District where a 25-foot front yard setback is required.

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

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

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

Timeline:

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

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the March 29, 2023, deadline to submit additional evidence for staff to factor into their analysis; and April 7, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.

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

March 30, 2023:

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

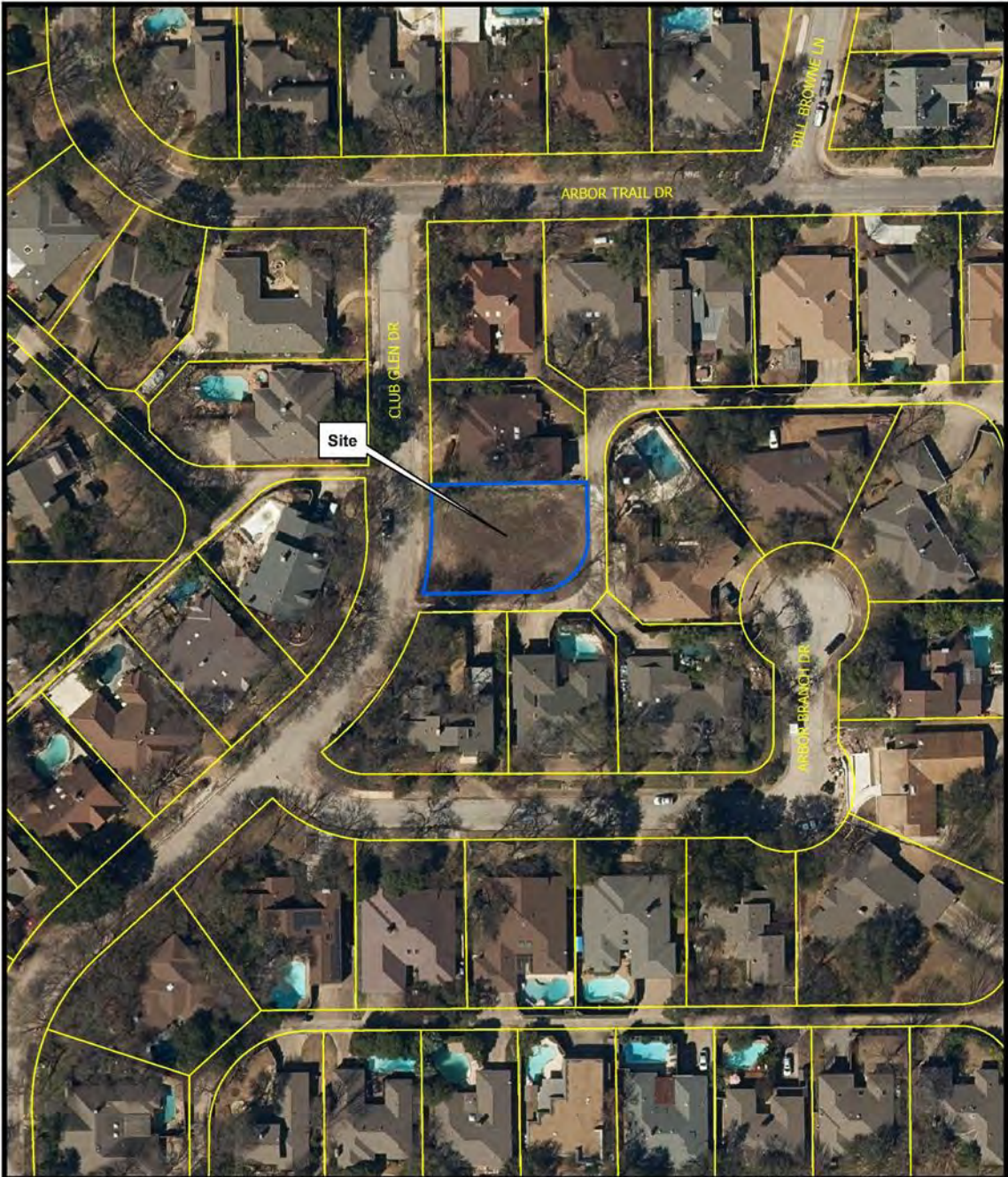


1:1,200

ZONING MAP

Case no: BDA223-039

Date: 3/14/2023

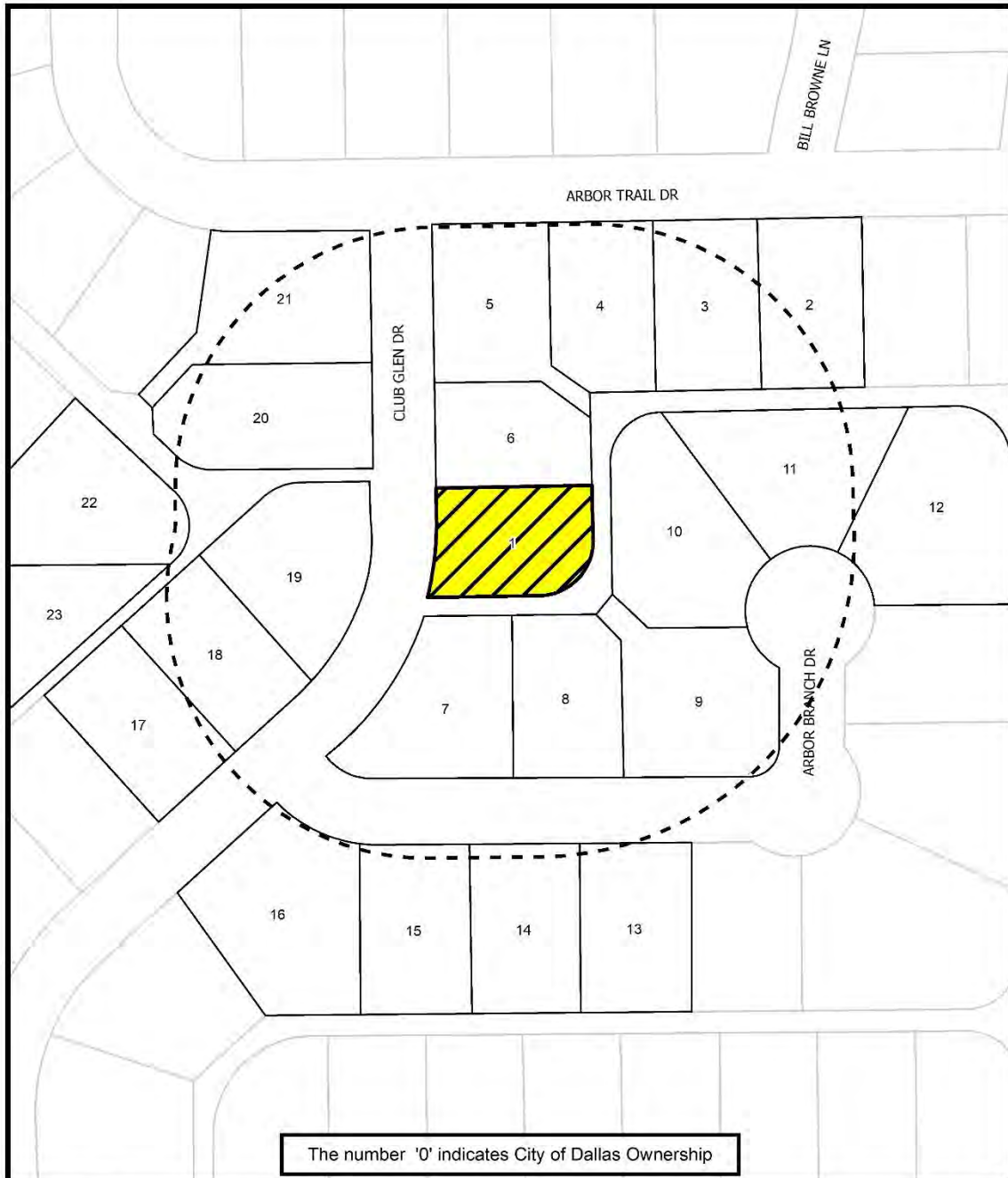


1:1,200

AERIAL MAP

Case no: BDA223-039

Date: 3/14/2023



 1:1,200	NOTIFICATION		Case no: BDA223-039
	<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;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/14/2023

03/14/2023

Notification List of Property Owners

BDA223-039

23 Property Owners Notified

Label #	Address	Owner
1	9226 CLUB GLEN DR	INCE BRANT CONRAD SR &
2	9234 ARBOR TRAIL DR	GALLEGOS JOSEPH &
3	9230 ARBOR TRAIL DR	ROMBERG LORI CHRISTINE &
4	9226 ARBOR TRAIL DR	NELSON ALEXANDER & JILLIAN
5	9222 ARBOR TRAIL DR	MOSLEY SAMUEL C
6	9230 CLUB GLEN DR	INCE BRANT C & KRISTIE C
7	9207 ARBOR BRANCH DR	WOLF WHITNEY B &
8	9211 ARBOR BRANCH DR	FLINN RONDA
9	9217 ARBOR BRANCH DR	TAYLOR RICHARD BRYAN &
10	9229 ARBOR BRANCH DR	MURRAY DEAN W
11	9235 ARBOR BRANCH DR	SCHORN ROBERT ERIC & AMY PAYTON
12	9234 ARBOR BRANCH DR	BASDEN BRENT E & ERIN S
13	9214 ARBOR BRANCH DR	MELTON JACK F & MARTHA R
14	9210 ARBOR BRANCH DR	KIRKPATRICK HASKELL M III & SHARON CO TRUSTEES
15	9206 ARBOR BRANCH DR	MARES NANCY J LIFE ESTATE
16	9202 ARBOR BRANCH DR	MCCLUER RANDALL & BARBARA
17	9219 CLUB GLEN DR	ARRANT BLAKE
18	9223 CLUB GLEN DR	MILAN DAVID J &
19	9227 CLUB GLEN DR	JOHNSON GREG WILLIAM & ELISABETH BOWLES
20	9231 CLUB GLEN DR	SHANKS JOHN & KELLE
21	9235 CLUB GLEN DR	MEIERHOFER ADAM &
22	9118 ARBORSIDE DR	DEEM JAMES & KATHARINE
23	9114 ARBORSIDE DR	BONAHOOM KEVIN M &

B

RECEIVED
FEB 17 REC'D
BY: *[Signature]*



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-039

Date: 2/17/23

Data Relative to Subject Property:

Location address: 9226 Club Glen Drive Zoning District: R-7.5(A)
Lot No.: 17 Block No.: B/8155 Acreage: 0.23 acres Census Tract: 136.08
Street Frontage (in Feet): 1) 84 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Brant Conrad Ince and Kristie Carole Ince

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' 4" to the fence height regulations to allow a 6' 4" fence in the front yard setback

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 will be similar in height and appearance to other fences in the area. The fencing will be a 4' wrought iron fence on a 2' masonry retaining wall and masonry columns at a maximum height of 6' 4". The proposed fencing will not adversely impact surrounding 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 17th day of February, 2023

(Rev. 08-01-11)



Maria Isabel Prado
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Jennifer Hiromoto

did submit a request for a special exception to the fence height regulations
at 9226 Club Glen Dr

BDA223-039. Application of Jennifer Hiromoto for a special exception to the fence height regulations at 9226 CLUB GLEN DR. This property is more fully described as Block B/8155, Lot 17 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot 4 inch high fence in a required front yard, which will require a 2 foot 4 inch special exception to the fence regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-039

I, Brant Conrad Ince, Sr., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9226 Club Glen Drive
(Address of property as stated on application)

Authorize: Jennifer Hiromoto
(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

Brant Conrad Ince, Sr.
Print name of property owner or registered agent

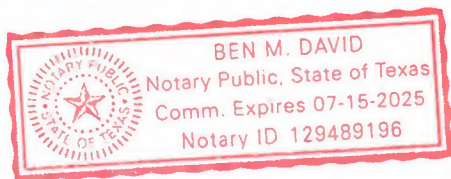
[Signature]
Signature of property owner or registered agent

Date February 14, 2023

Before me, the undersigned, on this day personally appeared Brant Ince Sr.

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 14th day of February, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 7-15-25



AFFIDAVIT

Appeal number: BDA 223-039

I, Kristie Carole Ince, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9226 Club Glen Drive
(Address of property as stated on application)

Authorize: Jennifer Hiromoto
(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

Kristie Carole Ince
Print name of property owner or registered agent

Signature of property owner or registered agent

Date February 14, 2023

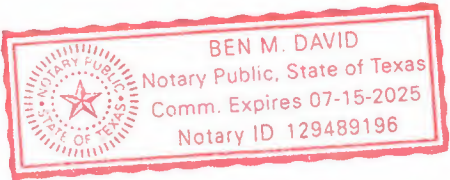
Before me, the undersigned, on this day personally appeared Kristie Ince

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 14th day of February, 2023

Notary Public for Dallas County, Texas

Commission expires on 7-15-25





Printed: 2/8/2023

-  City Limits
-  Certified Parcels
-  Base Zoning

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



1:1,200

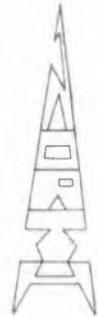
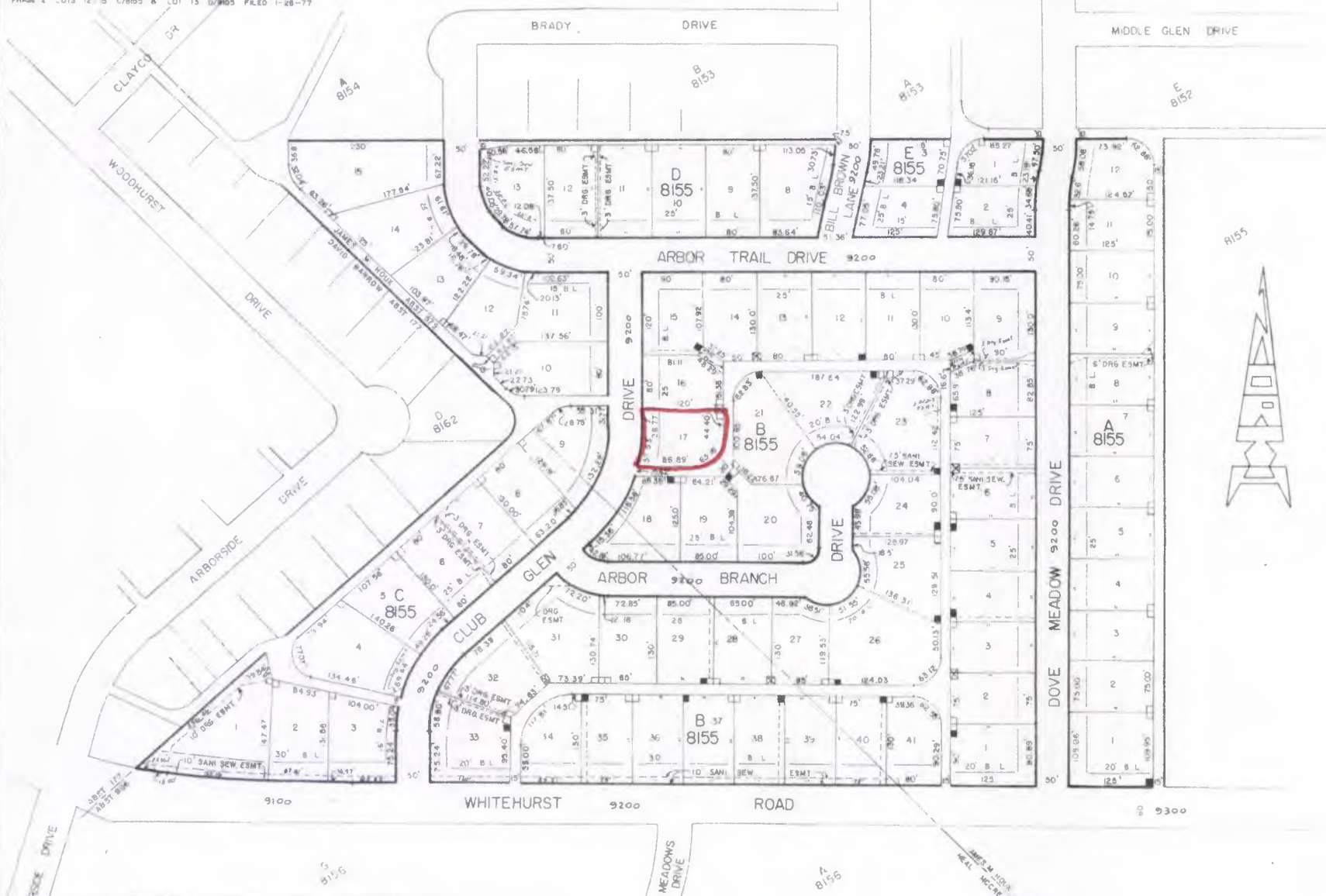
CITY OF DALLAS PLAT BOOKS

ANNEXED FEB 17, 1968 ORD NO 7562
SURVEY JAMES M HOUX ABST. 579
NEAL MCCREARY 996

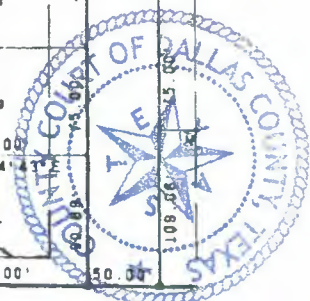
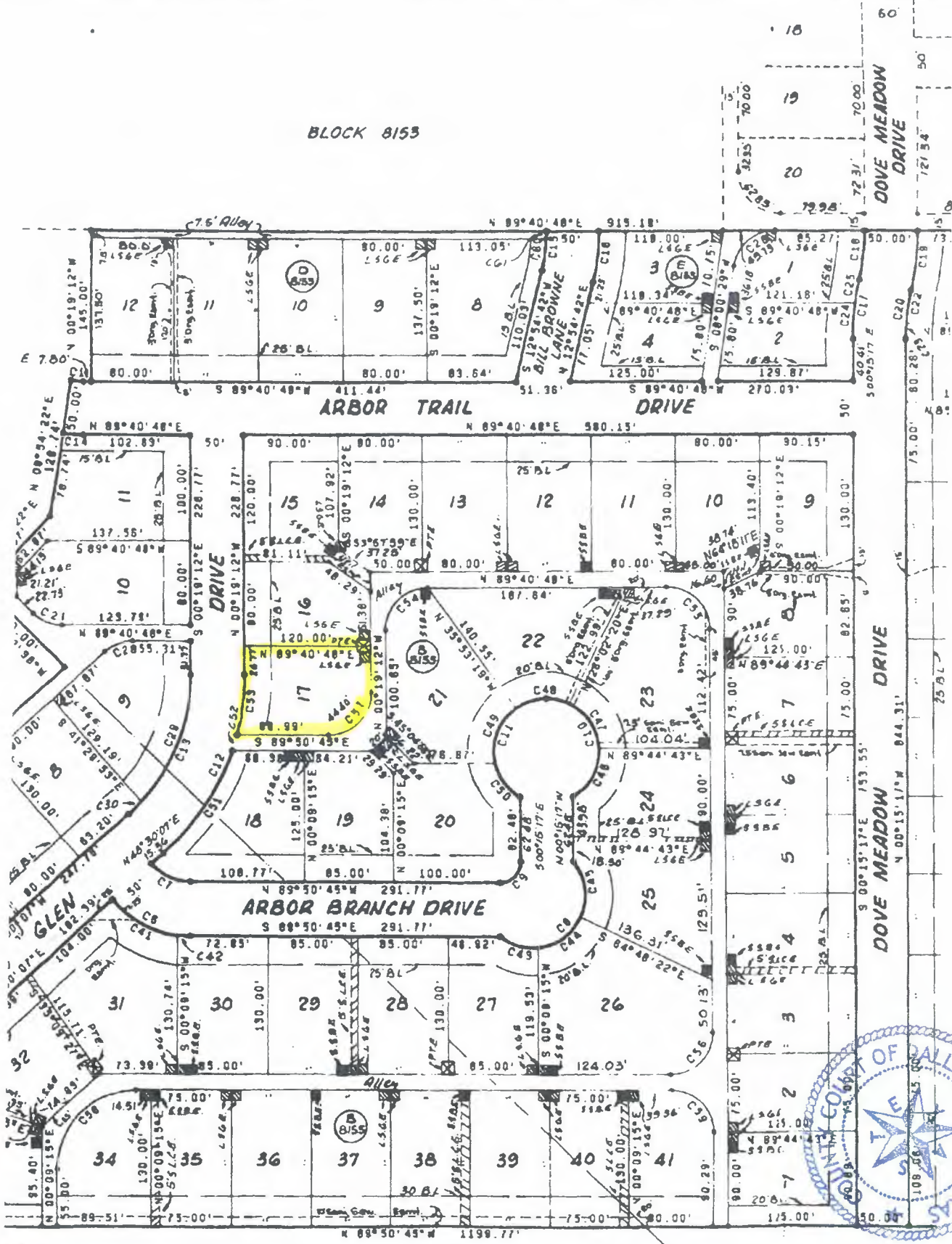
ADDITION FOREST MEADOWS NO 6
SCALE 100 FT. EQUALS 1 INCH 0.06114.83

BLOCKS A,B,C,D,E 8155
SCHOOL DISTRICT RICHARDSON

FILED 1-28-77
PHASE 2 - LOTS 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



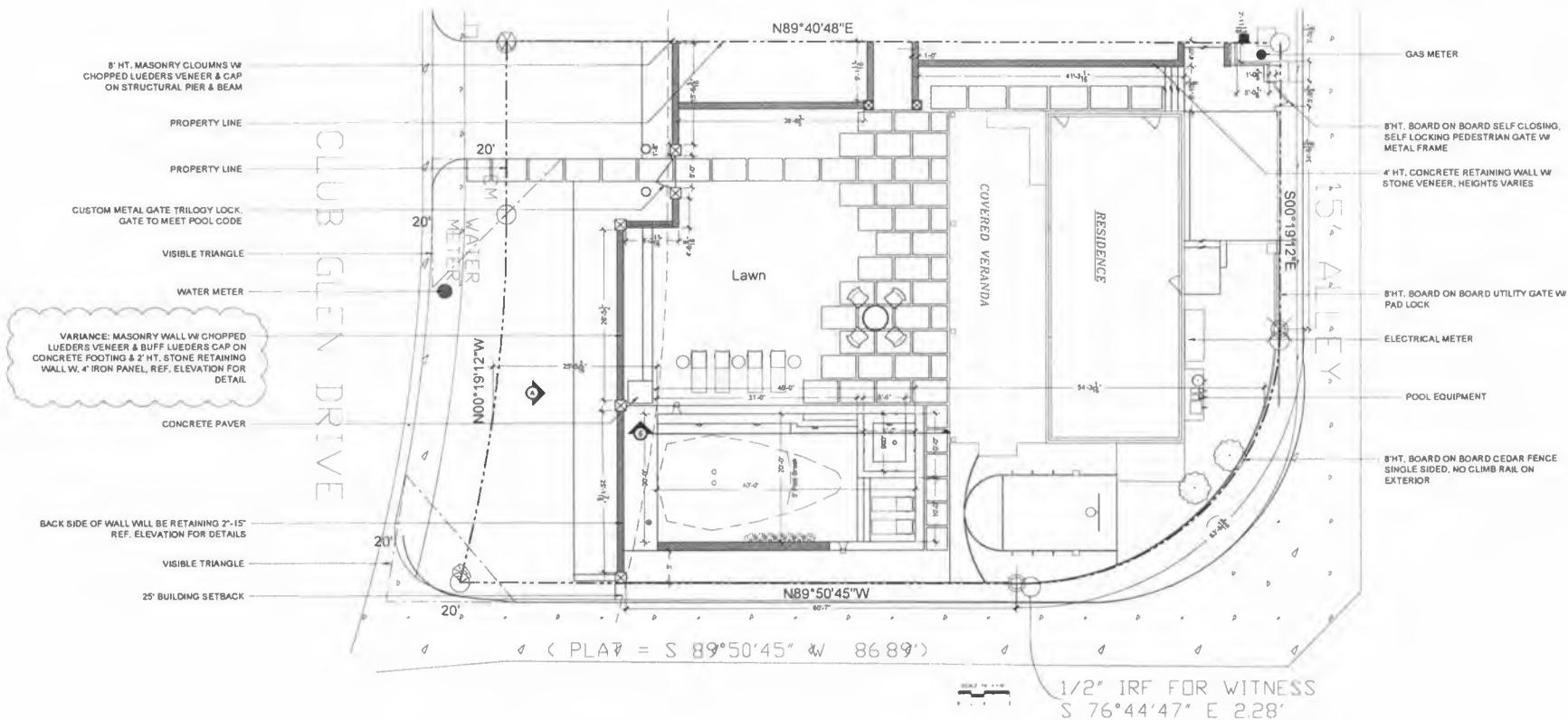
BLOCK 8153



FOR CONSTRUCTION


This plan remains 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.

Ince Residence
9226 Club Glen



Issue/Revision
For Permit 11/18/2021
Rev. 01/04/2022
Rev. 12/01/2022 Wall Height
Rev. 02/09/2023

North



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

Pool Permit Plan
P-1

This plan remains 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.

Ince Residence
9226 Club Glen

Issue/Revision
2021.07.14
IFC 11/03/2021
Rev. 01/04/2022
Rev. 12/01/2022 Wall Height
Rev. 02/08/2023

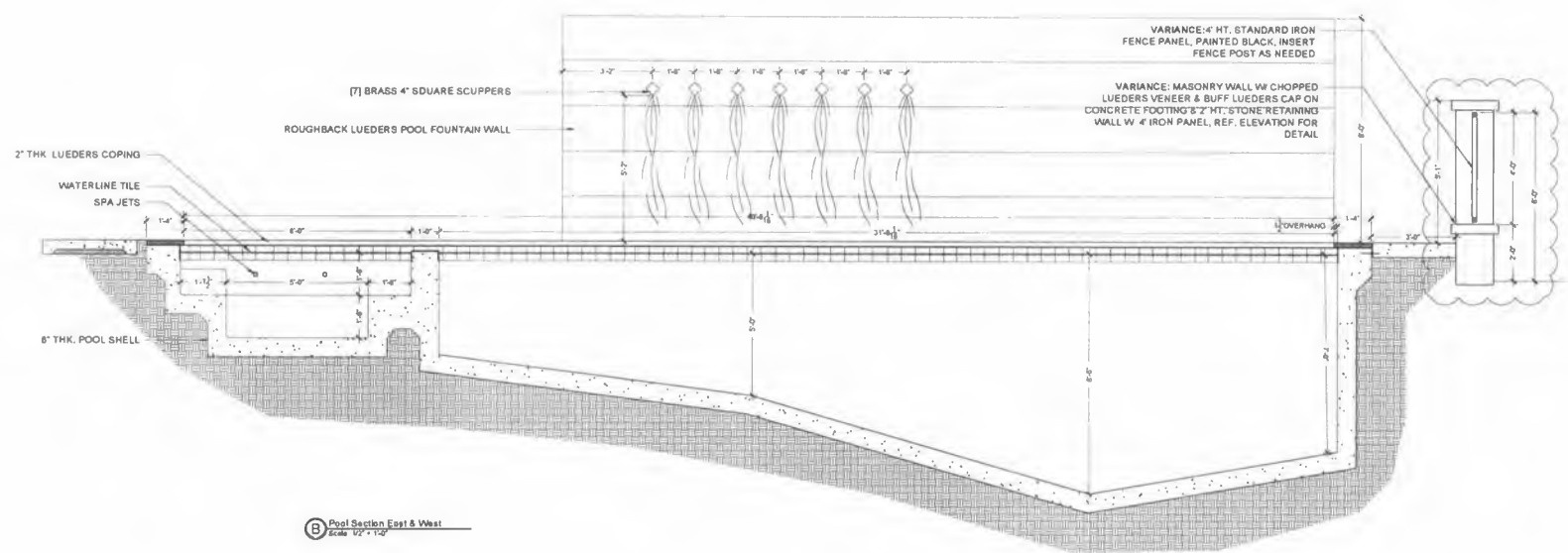
North



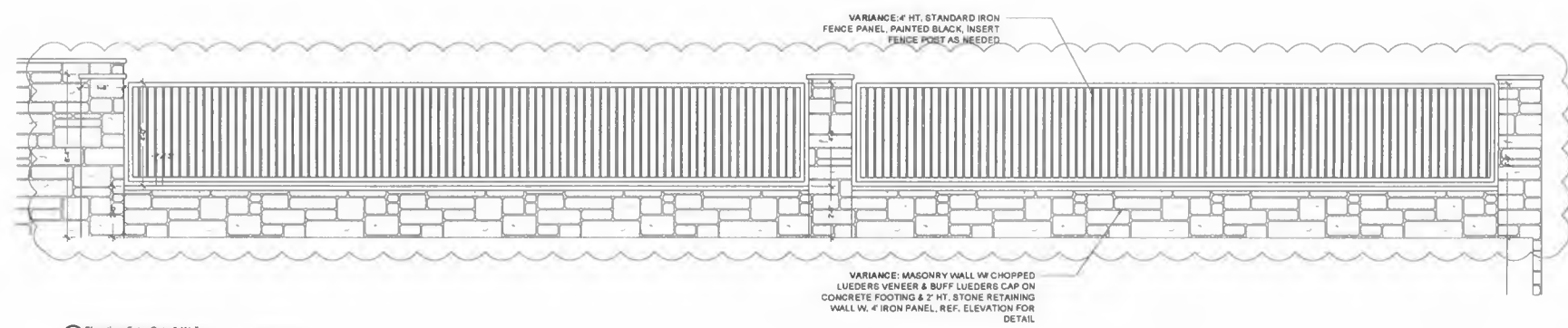
Scale: 1/8" = 1'-0"

Detail Sheet

DE-2



B Pool Section East & West
Scale: 1/2" = 1'-0"



A Elevation, Entry Gate & Walls
Scale: 1/2" = 1'-0"

FILE NUMBER: BDA223-040 (ND)

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

LOCATION: 6830 Desco Dr.
APPLICANT: Naga Kishore Vankayala

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

- **ZONING/BDA HISTORY:**

No BDA history for the last five years.

Zoning:

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

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 10 feet is made to construct and/or maintain a single-family home.
- The subject property is located at the corner of Desco Dr. and Hillcrest Rd.
- The subject property is zoned r-7.5 (A) with a NSO 12 Overlay.
- The subject site is flat, rectangular in shape (180' x 100') and is 18,000 square feet in area.
- The subject site is in a base zoning district with an overlay which requires a more restrictive setback than it's base zoning district. In addition, to the restrictive setback, further restriction on the exterior setback is imposed due to a 10 foot right-of-way easement in the side yard on Hillcrest which serves as the line of which the NSO setback is measured from.
- This property is governed by a zoning district and an overlay. Where this is a discrepancy in setback requirements the most restrictive zoning will apply which is the overlay.
- No variance would be necessary if there was not a 10 foot right-of-way easement in the side yard on Hillcrest.
- The applicant has the burden of proof in establishing the following:
 - (A) In general.
 - (i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
 - (ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - (iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a home structure that would be located 15 feet from the site’s easement line (Hillcrest).

Timeline:

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

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

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

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

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

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



1:1,200

AERIAL MAP

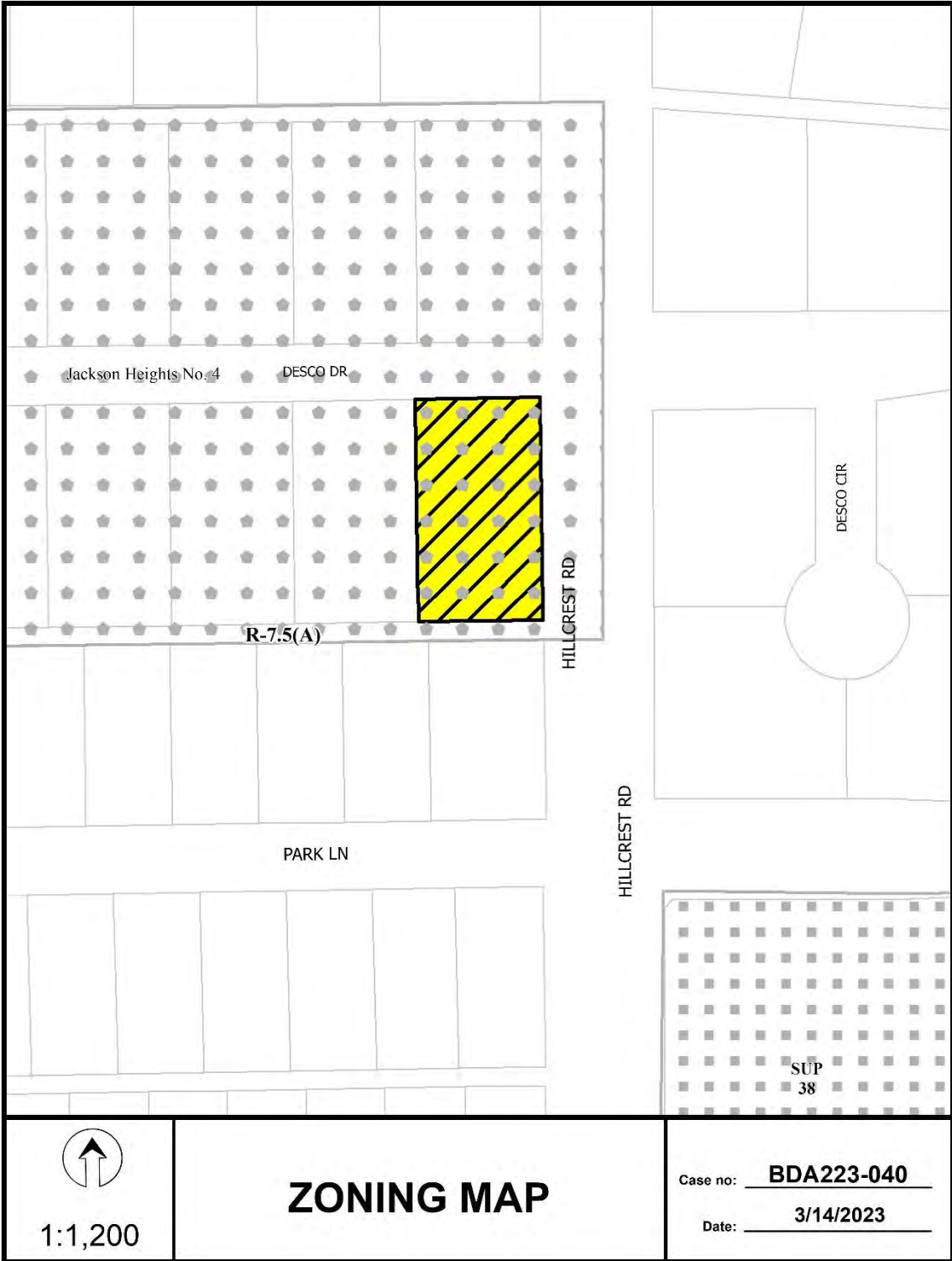
Case no: BDA223-040

Date: 3/14/2023



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA223-040 Date: 3/14/2023
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					



03/14/2023

Notification List of Property Owners

BDA223-040

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6830 DESCO DR	VANKAYALA NAGA KISHORE &
2	6908 DESCO DR	PATTERSON MARLENE L FAMILY TRUST
3	6912 DESCO CIR	MAGNUSON JOSEPH & EMILY
4	6907 DESCO DR	VELIS JIMMY D & VICKIE
5	6815 PARK LN	SCHULLER DAN
6	6819 PARK LN	OLERIO HOMES LLC
7	6825 PARK LN	Taxpayer at
8	6833 PARK LN	SMOLENSKY FERNANDO & MARGARITA
FALLENA		
9	6831 DESCO DR	HAYDEN MATTHEW C &
10	6823 DESCO DR	KNIGHT JONATHAN C & KYLE S
11	6815 DESCO DR	RAMANAN BALA & SHIVRAJ
12	6822 DESCO DR	HOOD MICHAEL L & SYLVIA S
13	6814 DESCO DR	SCHNEIDER BRENDA B &
14	6806 DESCO DR	JJB FAMILY TRUST



Development Services

B

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPEAL RECEIVED TO THE BOARD OF ADJUSTMENT

FEB 17 REC'D

Case No.: BDA

223-040

Data Relative to Subject Property:

Date:

2/17/23

Location address: 6830 DESCO DR, DALLAS Zoning District: NS012

Lot No.: 1 Block No.: D/5474 Acreage: 0.41 Census Tract:

Street Frontage (in Feet): 1) 50 2) 101 3) 180 4) 5) 15

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Naga Kishore Vankayala

Applicant: Naga Kishore Vankayala Telephone: 703 220 1108

Mailing Address: 6830 DESCO DR, DALLAS Zip Code: 75225

E-mail Address: VNAGA KISHORE @ GMAIL.COM

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance or Special Exception of 5' Side setback of the property. Provide a 5' side setback

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:

Taking 5' as R.O.W from my property and the proposed new building will be in consistent with other properties in neighborhood

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

Naga Kishore Vankayala

(Affiant/Applicant's name printed)

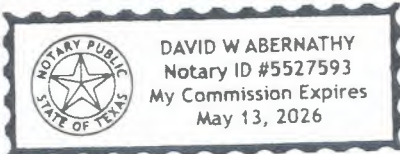
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of Feb, 2023

David W Abernathy
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 Naga Kishore Vankayala

did submit a request for a variance to the side yard setback regulations of NSO12 overlay
at 6830 DESCO

BDA223-040. Application of Naga Kishore Vankayala for a variance to the side yard setback regulations at 6830 DESCO DR. This property is more fully described as Block D/5474 Lot 1 and is zoned R-7.5(A) NSO 12 overlay, which requires side yard setback of 15 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-040

I, ADZ LAKSHMI MUDADLA, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6830 DESCO DR DALLAS TX 75225
(Address of property as stated on application)

Authorize: NAQA KISHORE VANKAYALA
(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: 108 foot side setback variance.

ADZ LAKSHMI MUDADLA
Print name of property owner or registered agent

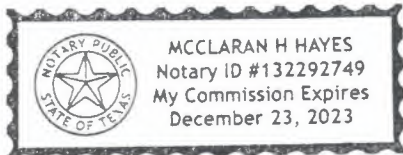
H. A. Lakshmi
Signature of property owner or registered agent

Date February 17th, 2023

Before me, the undersigned, on this day personally appeared Adi Mudadla

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

Subscribed and sworn to before me this 17 day of February, 2023



McClaran Hayes

Commission expires on 12/23/2023



Printed: 2/23/2023

-  City Limits
-  Parks
-  Certified Parcels
-  Base Zoning
-  SUP
-  NSO_Overlay

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



CITY OF DALLAS PLAT BOOKS

ANNEXED MAY 16, 1945 ORD NO 3626
SURVEY FINCH P SCRUGGS

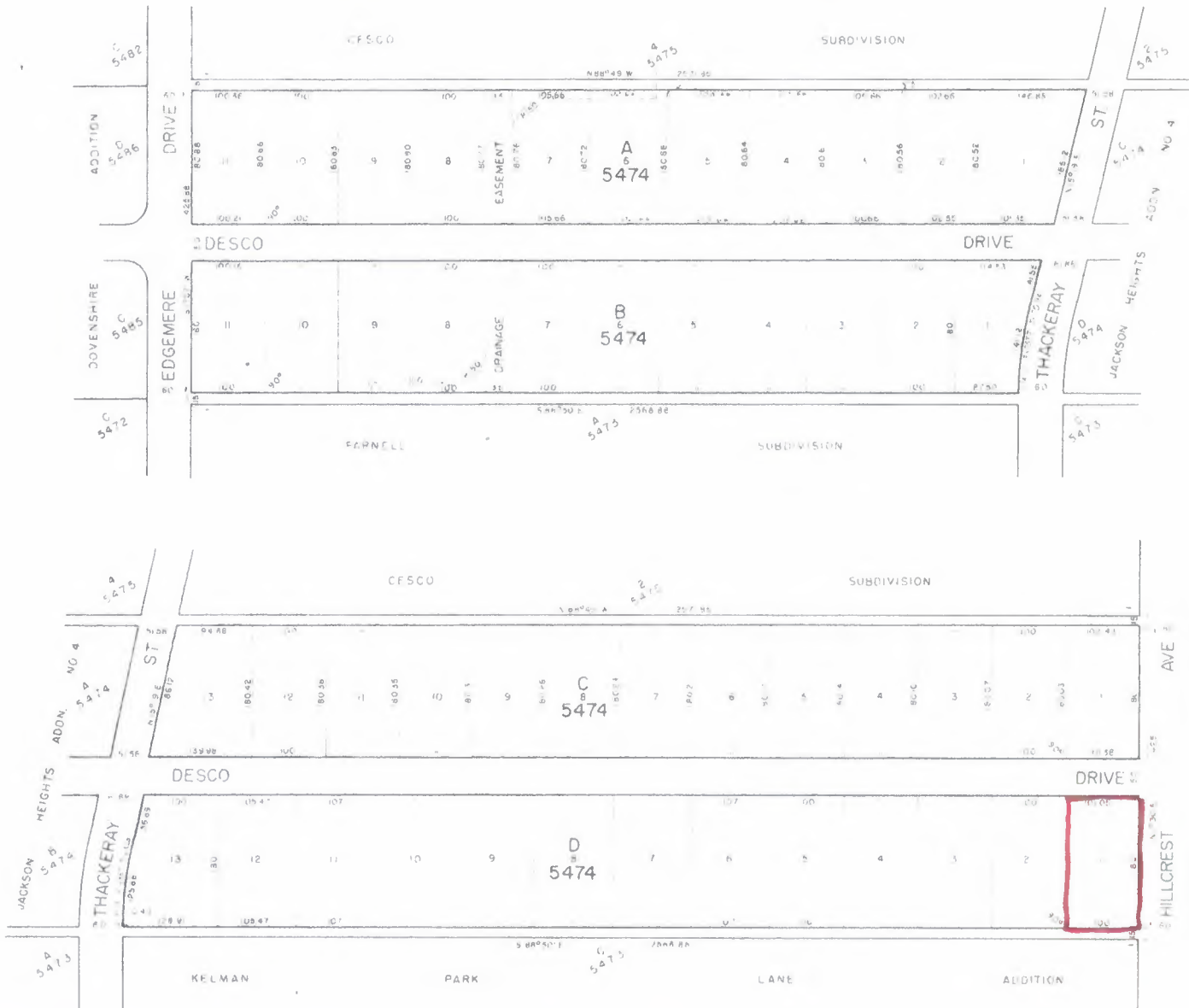
ADDITION JACKSON HEIGHTS NO 4

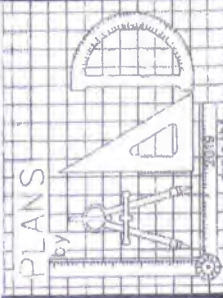
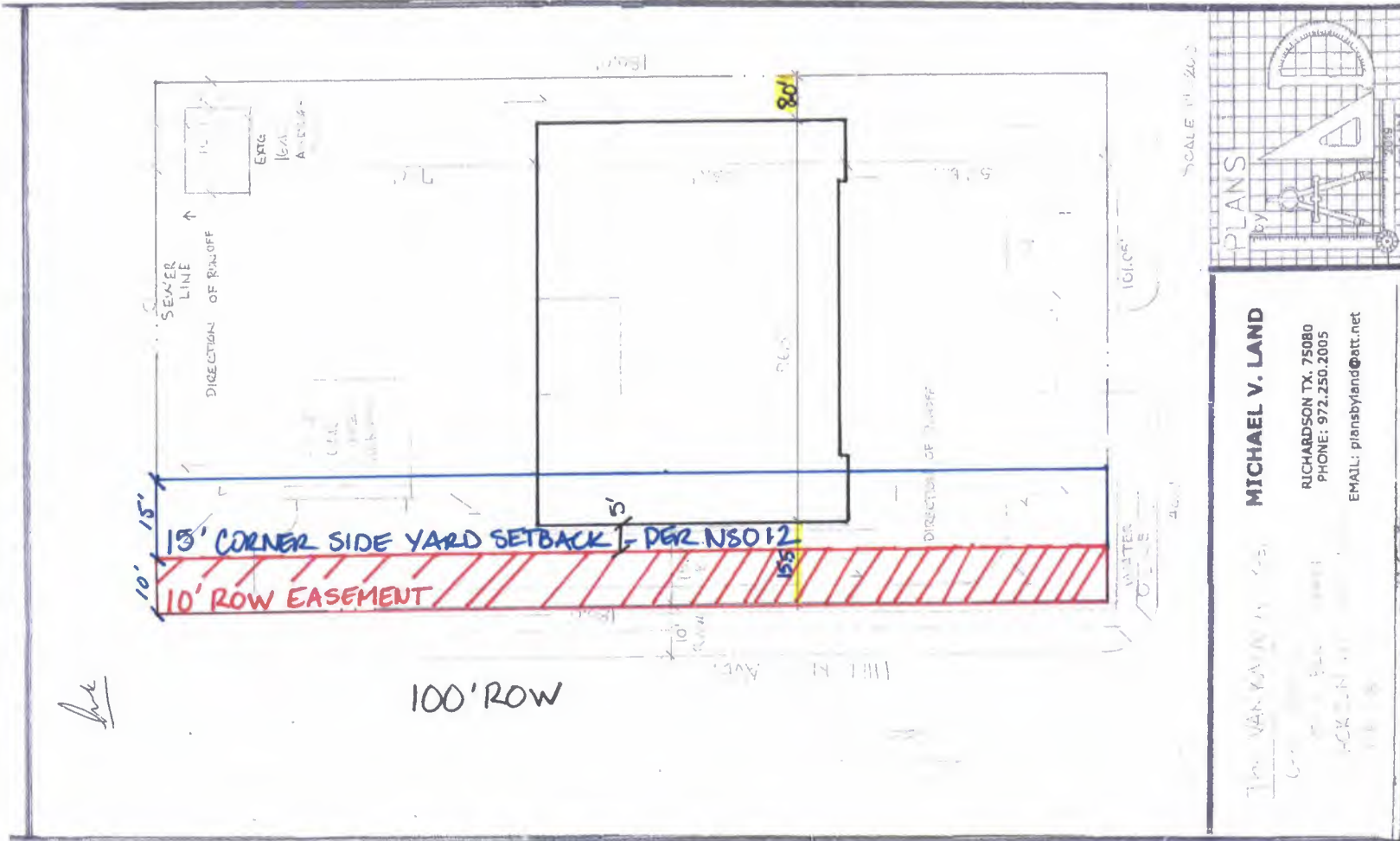
A-B-C-D
BLOCKS 5474

ABST 1332

SCALE 100 FT EQUALS 1 INCH

SCHOOL DIST DALLAS





MICHAEL V. LAND

RICHARDSON TX, 75080
 PHONE: 972.250.2005
 EMAIL: plansbyland@att.net

Mr. VAN YAN ...
 ...
 ...

FILE NUMBER: BDA223-004(GB)

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

LOCATION: 202 Beckleymeade Avenue

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

ORIGINAL REQUEST:

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

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

UPDATE (3-22-23):

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

Update (04/05/2023):

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

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval

Rationale:

- Staff concluded that the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code. The applicant provided the Dallas County assessment of the property. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure.
- **Updated Staff Recommendation:** Staff recommends approval. The original standard has not changed nor has the applicant provided new information. The applicant updated the request to add a request for a special exception to the landscaping regulations.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

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

GENERAL FACTS /STAFF ANALYSIS:

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

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

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

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

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

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

The applicant provided the Dallas County assessment of the property and an estimate for the proposed demolition and to reconstruct a new wall. The property is assessed at \$1,293,600 and the cost to reconfigure the structure to meet the 10' setback is estimated at a value of \$689,984.00 or 53 percent the value of the structure. Therefore, the applicant demonstrated how the variance is necessary to permit development of the subject site or whether the property differs from other parcels of land by (a)the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) single-family district zoning designation.

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

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same R-7.5 single-family zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 single-family zoning classification.

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

Timeline:

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

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

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

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

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

January 18, 2023: The Senior Planner wrote the applicant a letter of the board’s action to hold this meeting to the March 22, 2023, public hearing;

the February 27, 2023's deadline to submit additional evidence for staff to factor into their analysis; and the March 10th deadline to submit additional evidence to be incorporated into the Board's docket materials

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

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Development Services Chief Planner, the Assistant City Attorney to the Board, and the Senior Planner.

BOARD OF ADJUSTMENT ACTION JANUARY 18, 2023

APPEARING IN FAVOR: Peter Kavanaugh 1620 Handley Dallas, TX
 Olu Balogun 1228 Mt. Olive Ln. Dallas, TX
 Dr. Matthias Manuel 11700 Luna Rd. Dallas, TX
 Tito Olaleye 920 Mellville Dr. Plano, TX
 Akinwumi Akinniyi 1516 Vista Verde Denton, TX

APPEARING IN OPPOSITION: No Speakers

MOTION: **Cannon**

I move that the Board of Adjustment in Appeal No. BDA 223-006 **hold** this matter under advisement until **February 21, 2023**.

SECONDED: **Karnowski**

AYES: 5 – Cheri Gambow, Michael Karnowski, Joe Cannon, Matt Shouse, TC Fleming

NAYS: 0

MOTION PASSED 5-0



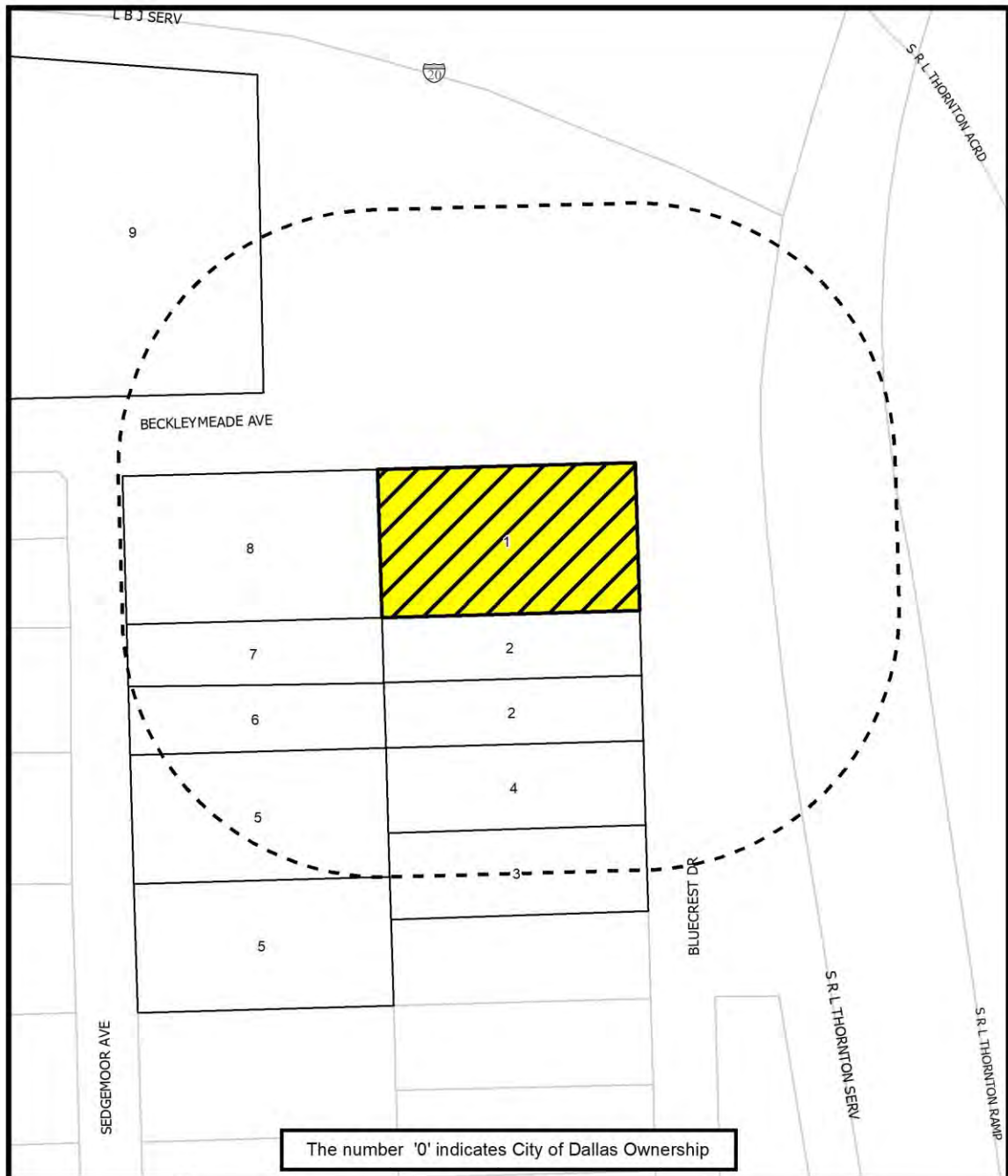


1:1,200

AERIAL MAP

Case no: BDA223-004

Date: 12/27/2022



The number '0' indicates City of Dallas Ownership

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

12/19/2022

Notification List of Property Owners

BDA223-004

9 Property Owners Notified

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

RECEIVED
MAR 24 REC'D
BY: B. Thomas



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-004

Date: 3/24/23

Data Relative to Subject Property:

Location address: 202 Beckleymeade Zoning District: R-7.5

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

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

To the Honorable Board of Adjustment :

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

Applicant: Deeper Life Bible Church Telephone: _____

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

E-mail Address: _____

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

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

E-mail Address: PeterK@ZoneSystems.com

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

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The structure was built with a seven (7) foot side yard setback.
The Church wished to use the structure as built.
The Church acquired the structure in its current location on the lot.

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

Affidavit

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

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

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

Subscribed and sworn to before me this 23rd day of March, 2023

(Rev. 08-01-11) [Signature]
Notary Public in and for Dallas County, Texas



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-004

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

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

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

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

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

Specify: Variance of 3 feet on south side yard
Special Exception of 3 feet to side yard Landscape Buffer

Thompson Aderemi [Signature] 03/23/2023
Print name of property owner/agent Signature of property owner/agent Date

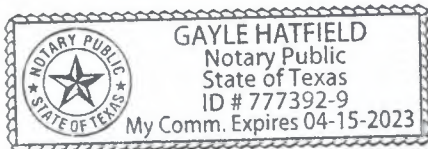
Before me, the undersigned, on this day personally appeared Thompson Aderemi

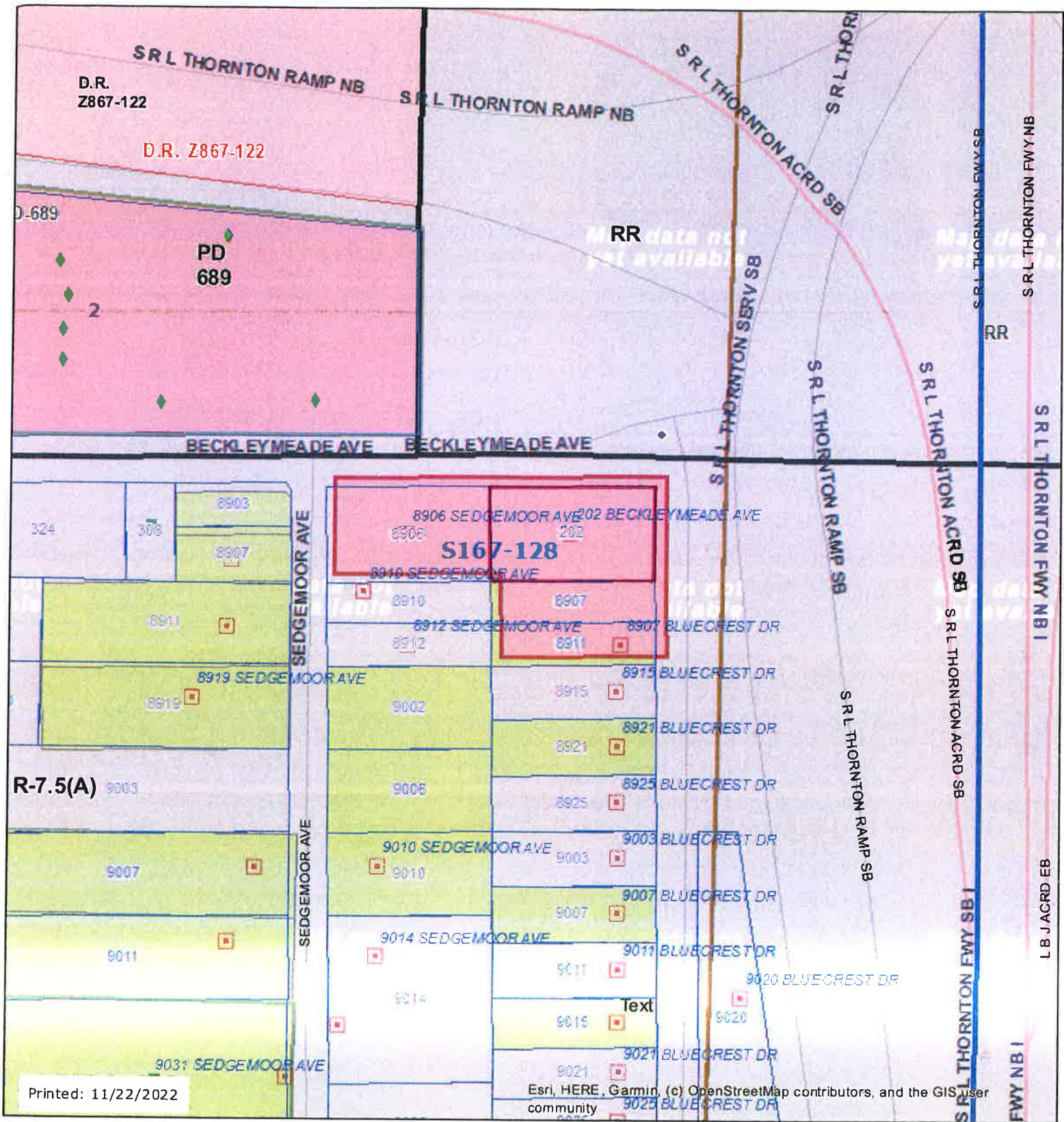
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 23rd day of March, 2023

Gayle Hatfield
Notary Public for Denton County, Texas

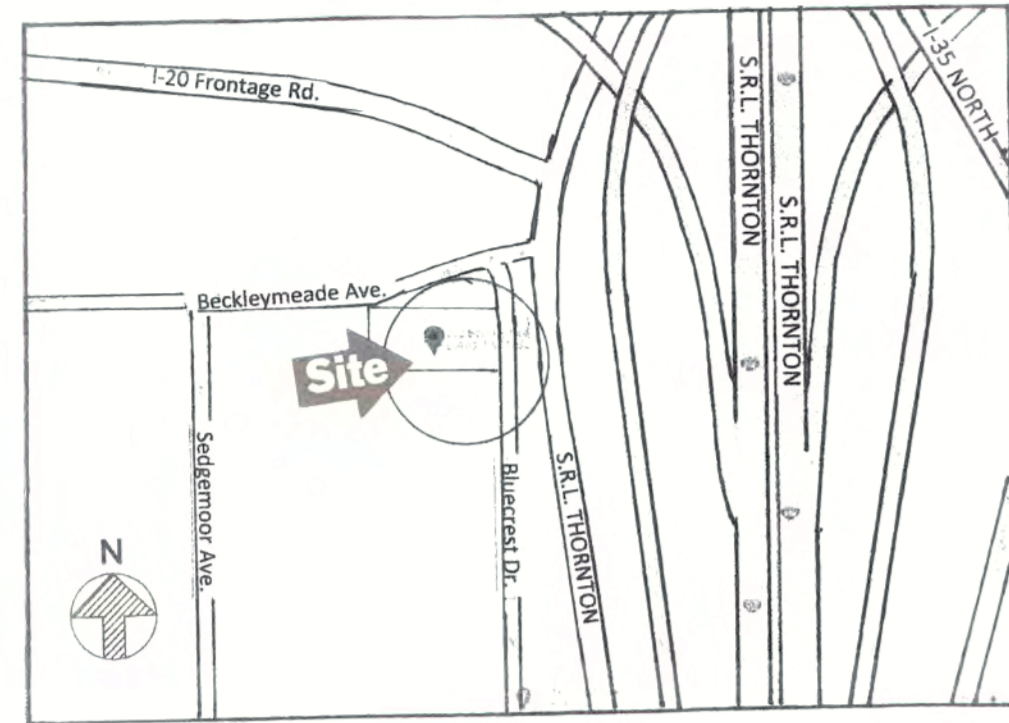
Commission expires on 4/15/2023



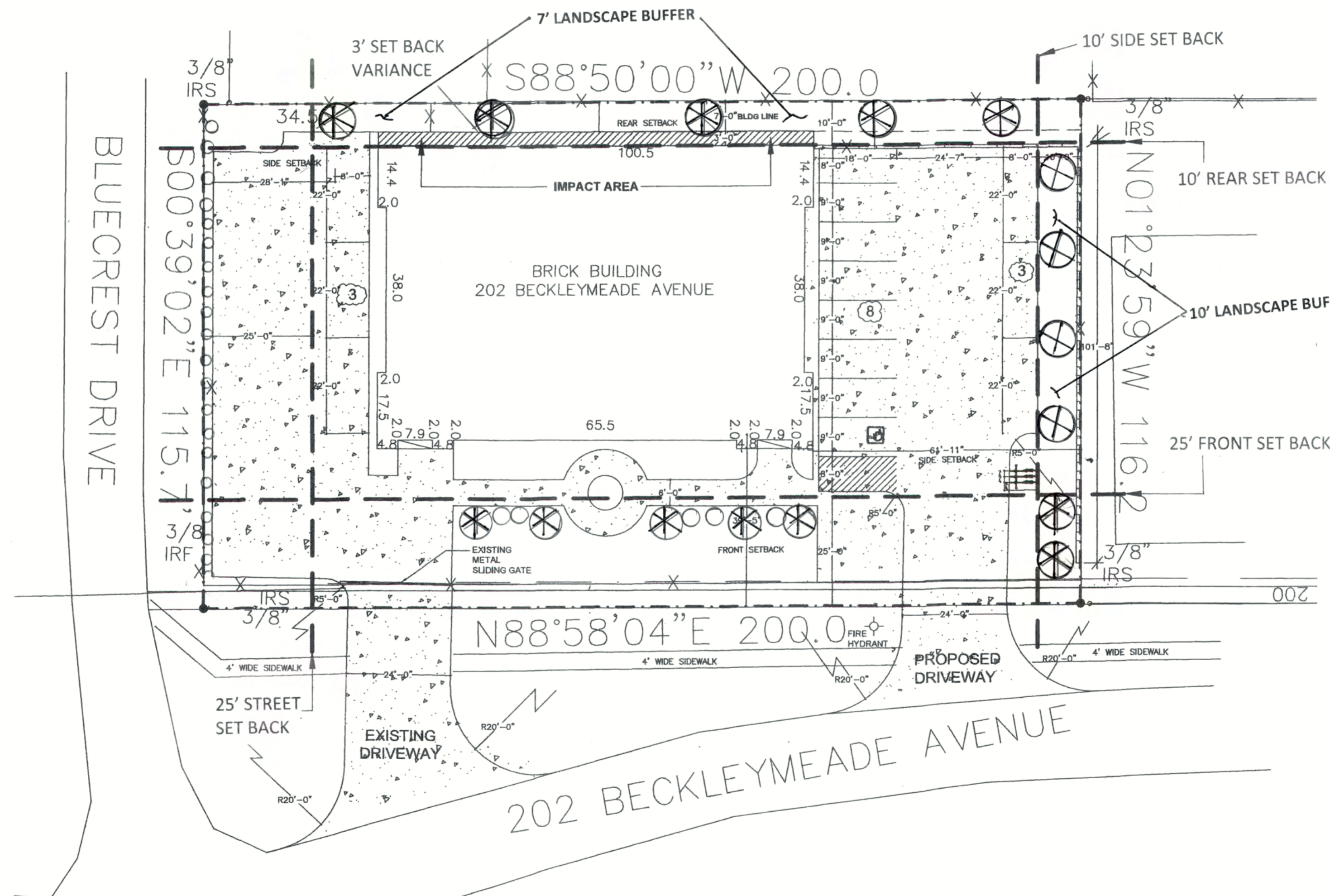


This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)





LANDSCAPE LEGEND		
QTY.	SYMBOL	DESCRIPTION
12		6' CRAPE MYRTLE
4		TEXAS RED OAK
22		5 GAL. YAUPON HOLLY



LANDSCAPE PLAN

202 BECKLEYMEADE AVE
DALLAS, TX

OWNER
DEEPER LIFE BIBLE CHURCH

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

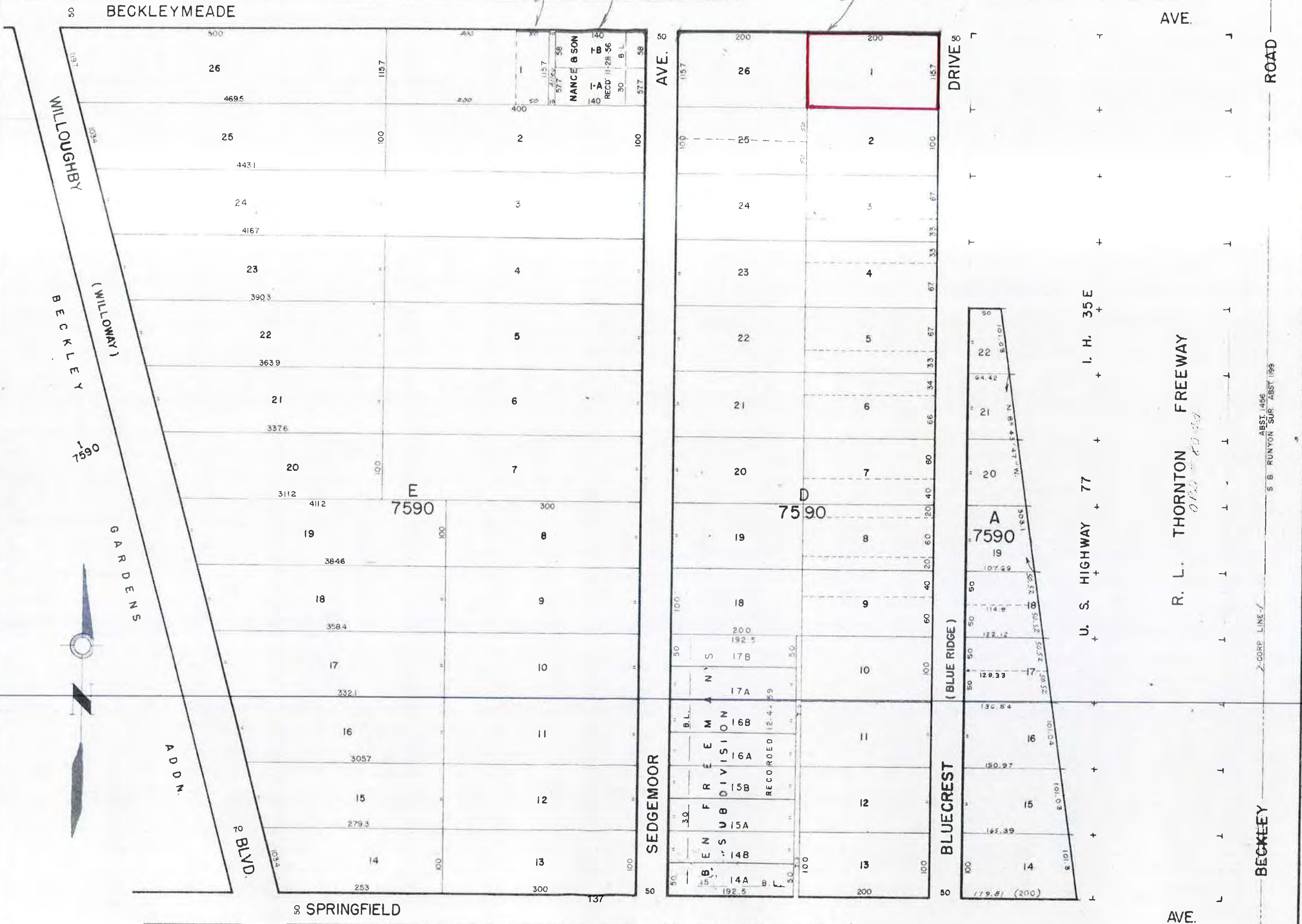
SCALE: 1" = 20'

RECORDED 8-6-43

STREET EASEMENT
V. 96108 PG 02586
TRACT #2 TRACT #1

7575

STREET EASEMENT
V. 96046 PG 1708



WILLOUGHBY

BECKLEY (WILLOWAY)

GARDENS

ADDN. BLVD.

NANCE & SON
REC'D 11-28-36

BLUE RIDGE

BLUE RIDGE

BLUECREST

BECKLEY ROAD

R. L. THORNTON FREEWAY

U. S. HIGHWAY 77

I. H. 35E

ABST. 1456
S. B. RUNYON SUR. ABST. 1699

ABST. 1199



7590

E 7590

D 7590

A 7590

SO SPRINGFIELD

AVE.

SO

50 AVE.

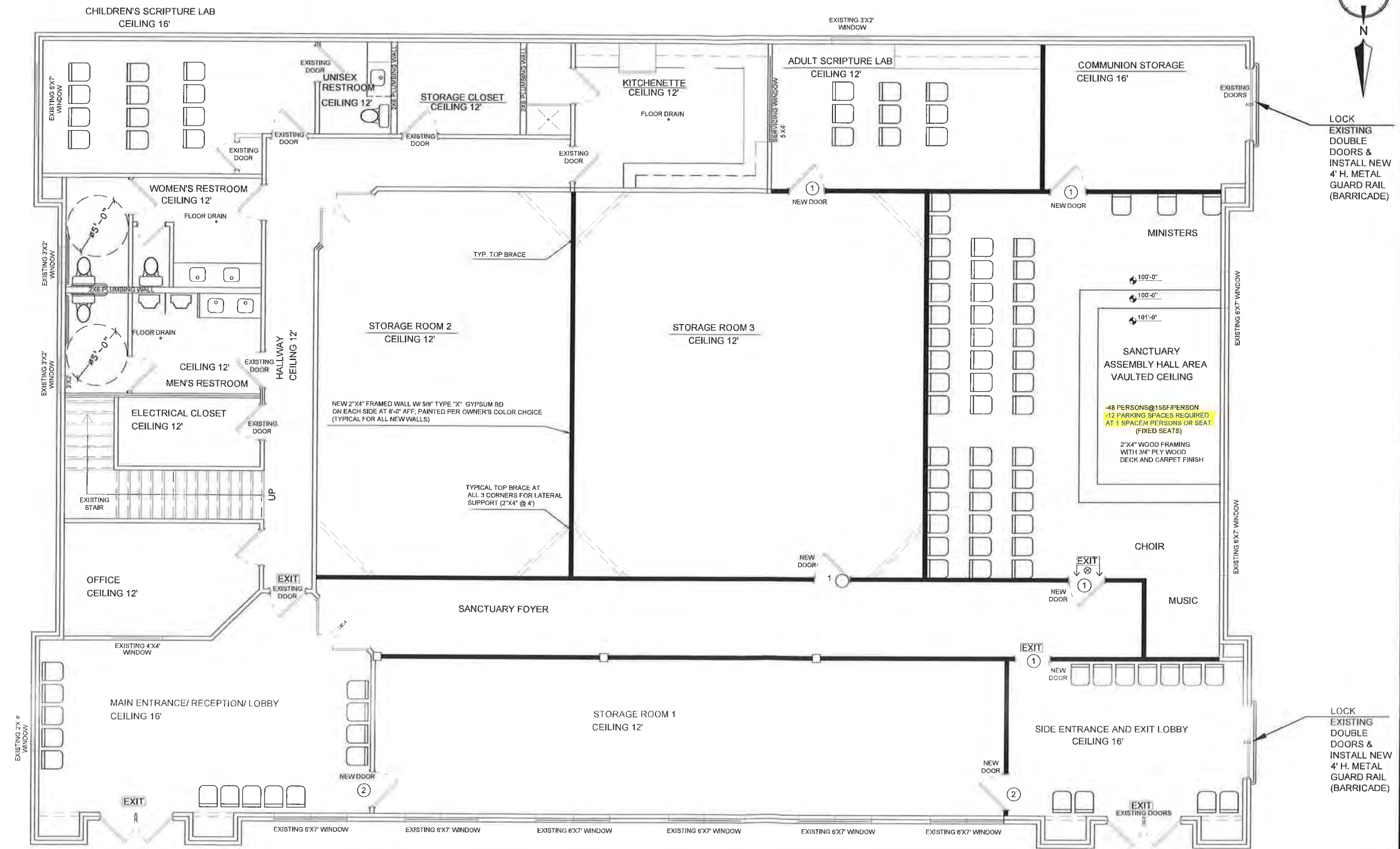
DRIVE 58

AVE.

ROAD

BECKLEY

AVE.



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

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

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

202 Beckleymeade Avenue,
 Dallas, TX

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

SHEET NUMBER
A9.0

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

PROPOSED SEATING PLAN

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

FILE NUMBER: BDA223-023(GB)

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

LOCATION: 6010 Prestonshire Lane

APPLICANT: David Hosseiny

REQUEST:

A request for a special exception to the single-family use regulations is made to construct and maintain an approximately **1,237** square feet square additional dwelling unit structure on a site developed with single-family dwelling unit.

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION

Zoning:

Site: R-10 (A) Single Family District
North: R-10 (A) Single Family District
South: R-10 (A) Single Family District
East: R-10 (A) Single Family District
West: R-1ac(A) Single Family District

Land Use:

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

Zoning/BDA History:

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

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

GENERAL FACTS/STAFF ANALYSIS:

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

The site is zoned an R-10(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

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

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

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

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

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

According to DCAD records, the “main improvement” for the property at 6010 Prestonshire Lane is a structure built in 2020 with 3,756 square feet of total living area with the following “additional improvements”: a 575-square-foot attached garage a 496-brick veneer, a 32-brick veneer and concrete pool. The submitted site plan depicts a proposed 1237 square feet additional dwelling unit.

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

As of March 10, 2023, 1 letter has been submitted in support or no letters have been submitted in opposition to the request.

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

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

Timeline:

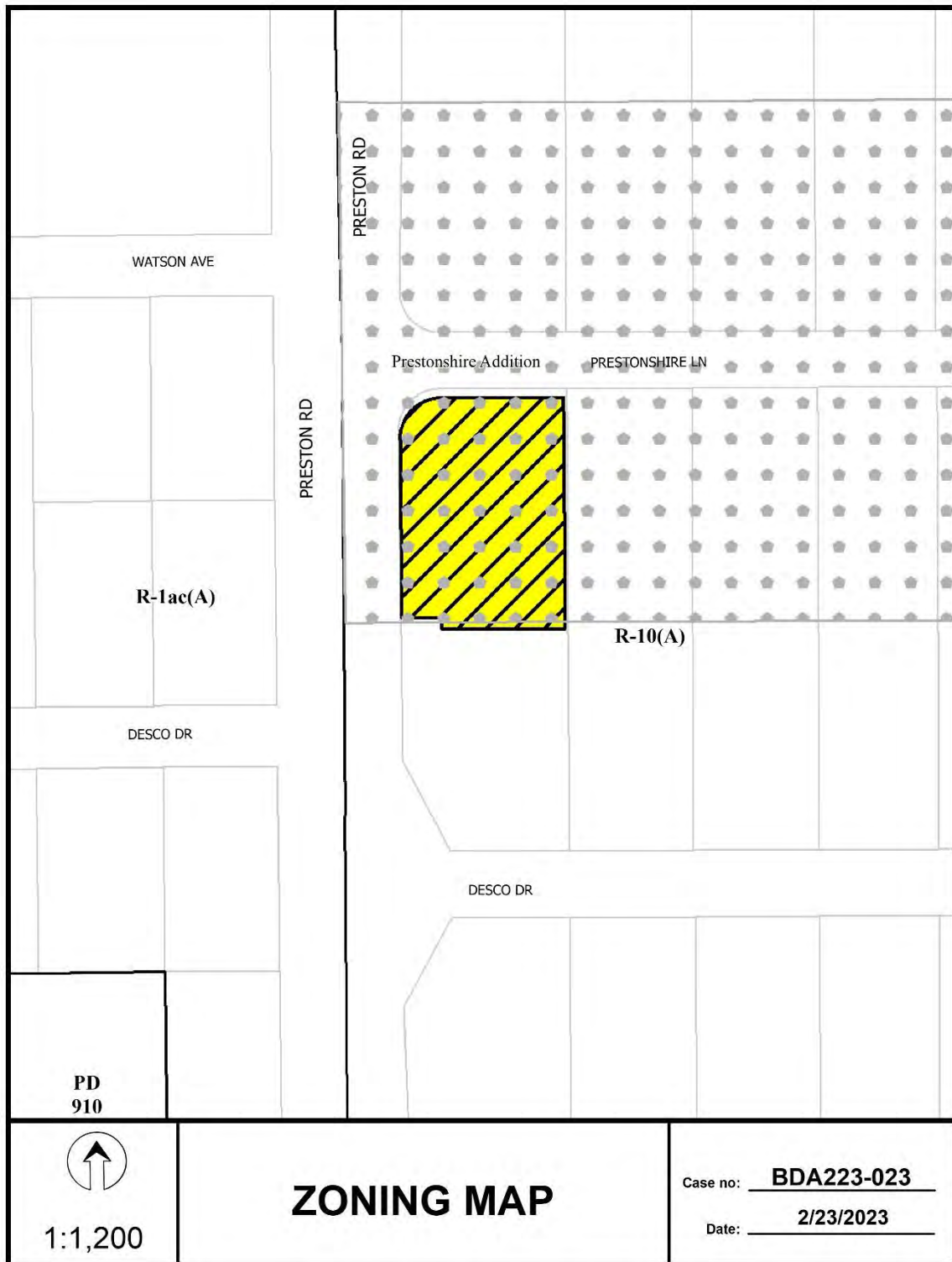
December 12, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

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

- an attachment that provided the public hearing date and panel that will consider the application; the February 27, 2023, deadline to submit additional evidence for staff to factor into their analysis; and March 10, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

February 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the January public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorneys to the Board, and the Senior Planners.



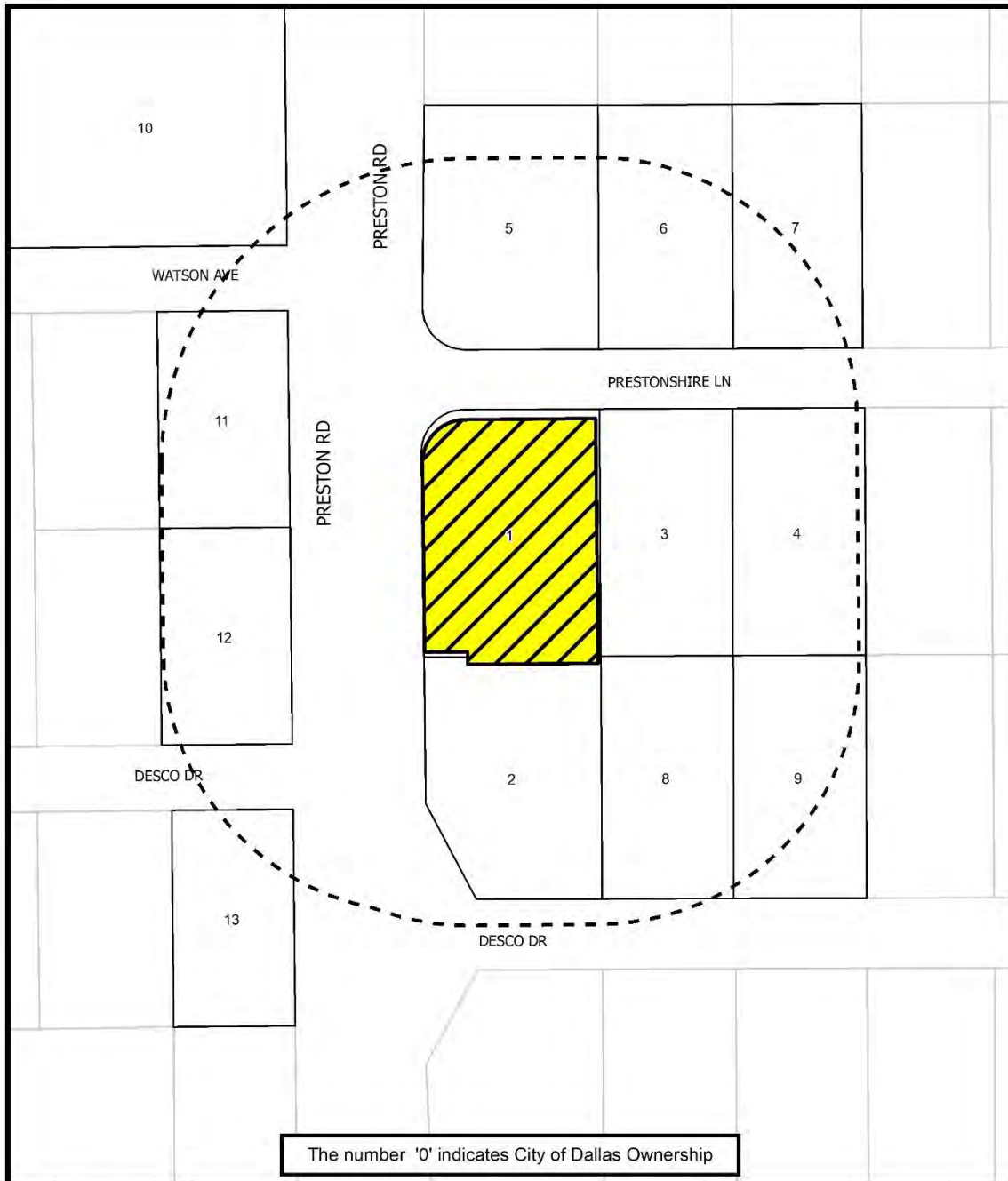


1:1,200

AERIAL MAP

Case no: BDA223-023

Date: 2/23/2023



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-023</u> Date: <u>2/23/2023</u>
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

02/23/2023

Notification List of Property Owners

BDA223-023

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6010 PRESTONSHIRE LN	HOSSEINY DAVID & SHAHNAZ
2	6011 DESCO DR	JACKSON LEE F & MARGARET OLDHAM
3	6018 PRESTONSHIRE LN	VANPELT PAULINA
4	6026 PRESTONSHIRE LN	BENSYL WILLIAM R & CATHERINE N
5	6011 PRESTONSHIRE LN	EMERICK CRAIG L
6	6019 PRESTONSHIRE LN	LANDIS TODD & AUNGSUMALIN
7	6027 PRESTONSHIRE LN	BOYD RICHARD M
8	6019 DESCO DR	ANDERSON ROBERT & AMY
9	6027 DESCO DR	GUNNIN MARK C & JENNIFER
10	9323 PRESTON RD	PACKER MILTON
11	5946 WATSON AVE	ATILAS LUIS R
12	5947 DESCO DR	TANANBAUM KENNETH
13	5946 DESCO DR	MURRAY JOHN

REC'D
BY: *DB*



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

dmk
Case No.: BDA 223-023 ~~2212071108-SFD-ADD~~
dmk
Date: ~~12/22/2022~~ 1/13/23

Data Relative to Subject Property:

Location address: 6010 Prestonshire, Dallas TX 75225 Zoning District: _____
Lot No.: 1 Block No.: A/5482 Acreage: 0.56 AC Census Tract: _____
Street Frontage (in Feet): 1) 133 Feet 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): David Hosseiny & Shahnaz Hosseiny

Applicant: David Hosseiny Telephone: 214-455-8214

Mailing Address: 6010 Prestonshire, Dallas, Texas Zip Code: 75225

E-mail Address: Dave@dmhhome.com

Represented by: David Hosseiny Telephone: 214-455-8214

Mailing Address: 6010 Prestonshire, Dallas Texas Zip Code: 75225

E-mail Address: Dave@dmhhome.com

Affirm that an appeal has been made for a Variance or Special Exception of
Doweling, for mother in law unit to live and be closed to family
She is elderly person who needs daily help, and she is 85 years old.

dmk
~~Variance for High~~
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:
This newly platted site adjacent to our house for last 17 years.
We are asking board of adjustment to grand the building permit
and have this unit to get build and we can have safe mind and make sure
she will be in good hand last part of her life

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

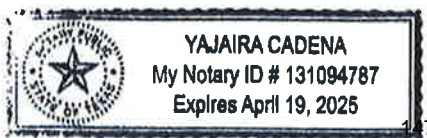
Before me the undersigned on this day personally appeared David Hosseiny
(Affiant/Applicant's name printed)

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 12 day of December, 2022

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that DAVID HOSSEINY

did submit a request for a special exception to the single family regulations
at 6010 PRESTONSHIRE

BDA223-023. Application of DAVID HOSSEINY for a special exception to the single family regulations at 6010 PRESTONSHIRE LN. This property is more fully described as Block A/5482, Lot 1 and is zoned R-10(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit (not for rent), which will require a special exception to the single-family zoning use regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-023

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

at: 6010 Prestonshire, Lane, Dallas, Texas 75225
(Address of property as stated on application)

Authorize: David Hosseiny
(Applicant's name as stated on application)

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

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

Specify: Accessory unit next to our house,

Shahnaz Hosseiny
Print name of property owner or registered agent

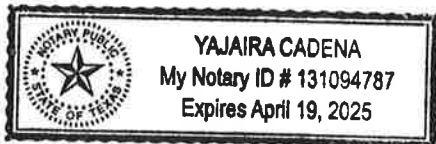
[Signature]
Signature of property owner or registered agent

Date Jan 5, 2023

Before me, the undersigned, on this day personally appeared Shahnaz Hosseiny

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 5 day of January, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 04-19-2013

CITY OF DALLAS PLAT BOOKS

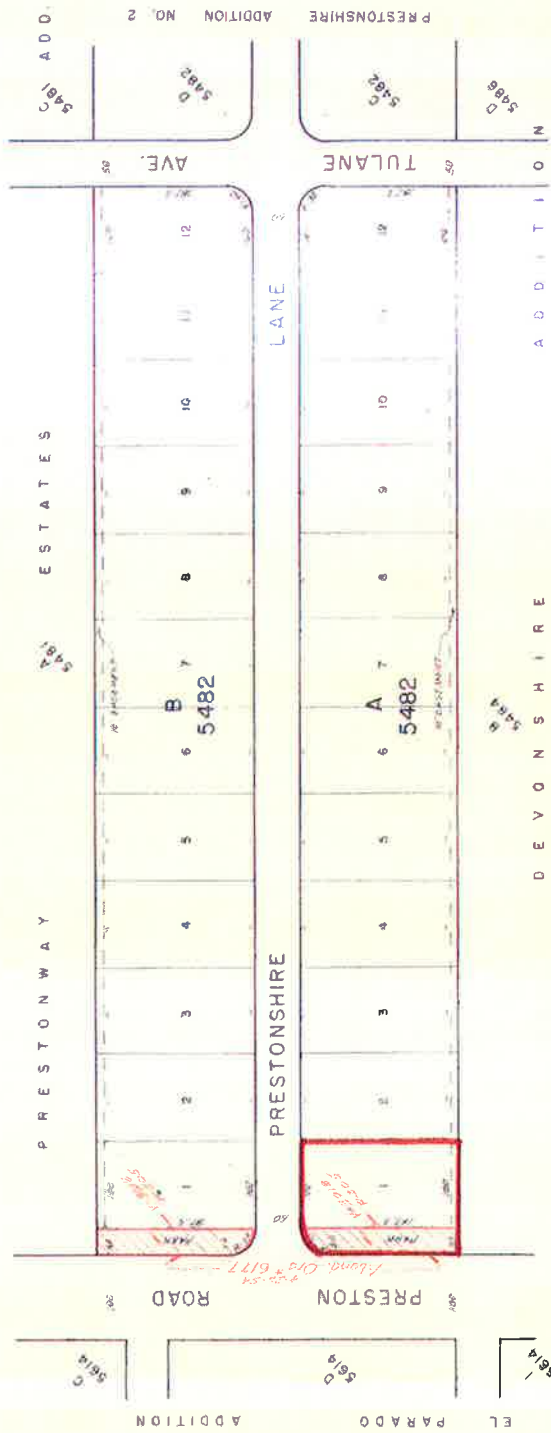
ANNEXED MAY 16, 1945
 SURVEY APRIL 16, 1945
 FINCH P. SCRUGGS

3626
 PRESTON HOLLOW
 ABST. 332

ADDITION PRESTONSHIRE
 BLOCKS 5482
 SCHOOL DIST. DALLAS

SCALE 100 FT EQUALS 1 INCH

9-16-47





VIZUAL
ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, LLC
JOHNNY LIMONES
1500 N. RIVERFRONT
DALLAS, TEXAS 75201
P: 214.515.2108
E: JOHNNY@VIZUALARCHITECTURE.COM
WWW.VIZUALARCHITECTURE.COM

PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225



CITY APPROVAL STAMP

VICINITY MAP



PROJECT NOTES

SITE AREA: 13,500 SF
 BUILDING FOOTPRINT: 1,237 SF
 ADJ. TO 8% OF MAIN BUILDING
 ADJ. BUILDING AREA
 GARAGE: 3E
 LEVEL: T, 1237 SF
 TOTAL GARAGE: 1,237 SF
 LEVEL: T, 1,148 SF
 TOTAL NET: 1,148 SF

AREA SQUARE...

ROOM NAME	LEVEL	AREA
ADU LEVEL 1	T.O.C. 1ST	1048 SF
FORNCH	FLOOR 1ST	18 SF
	FLOOR	1237 SF
Grand Total:	2	1237 SF

CURRENT REVISION

NOTE
PERSPECTIVES ARE CONCEPTUAL AND DO NOT
REPRESENT FINAL PRODUCT



153

SHEET INDEX	SHEET NAME
AA.1	EXTERIOR ELEVATIONS
AB.1	EXTERIOR ELEVATIONS
AC.1	EXTERIOR ELEVATIONS
AD.1	EXTERIOR ELEVATIONS
AE.1	EXTERIOR ELEVATIONS
AF.1	EXTERIOR ELEVATIONS
AG.1	EXTERIOR ELEVATIONS
AH.1	EXTERIOR ELEVATIONS
AI.1	EXTERIOR ELEVATIONS
Grand Total:	13

SHEET INDEX	SHEET NAME
AA.1	EXTERIOR ELEVATIONS
AB.1	EXTERIOR ELEVATIONS
AC.1	EXTERIOR ELEVATIONS
AD.1	EXTERIOR ELEVATIONS
AE.1	EXTERIOR ELEVATIONS
AF.1	EXTERIOR ELEVATIONS
AG.1	EXTERIOR ELEVATIONS
AH.1	EXTERIOR ELEVATIONS
AI.1	EXTERIOR ELEVATIONS
Grand Total:	13

ARCHITECT

VIZUAL ARCHITECTURE LLC
 400 N. SAINT PAUL ST. SUITE 1050
 DALLAS, TEXAS 75201
 CONTACT: JOHNNY LIMONES
 P: 214.515.2108
 E: JOHNNY@VIZUALARCHITECTURE.COM

PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225

PROJECT SCOPE
 THIS IS A NEW SINGLE FAMILY RESIDENCE.

COVER SHEET/
INDEX

A0.1

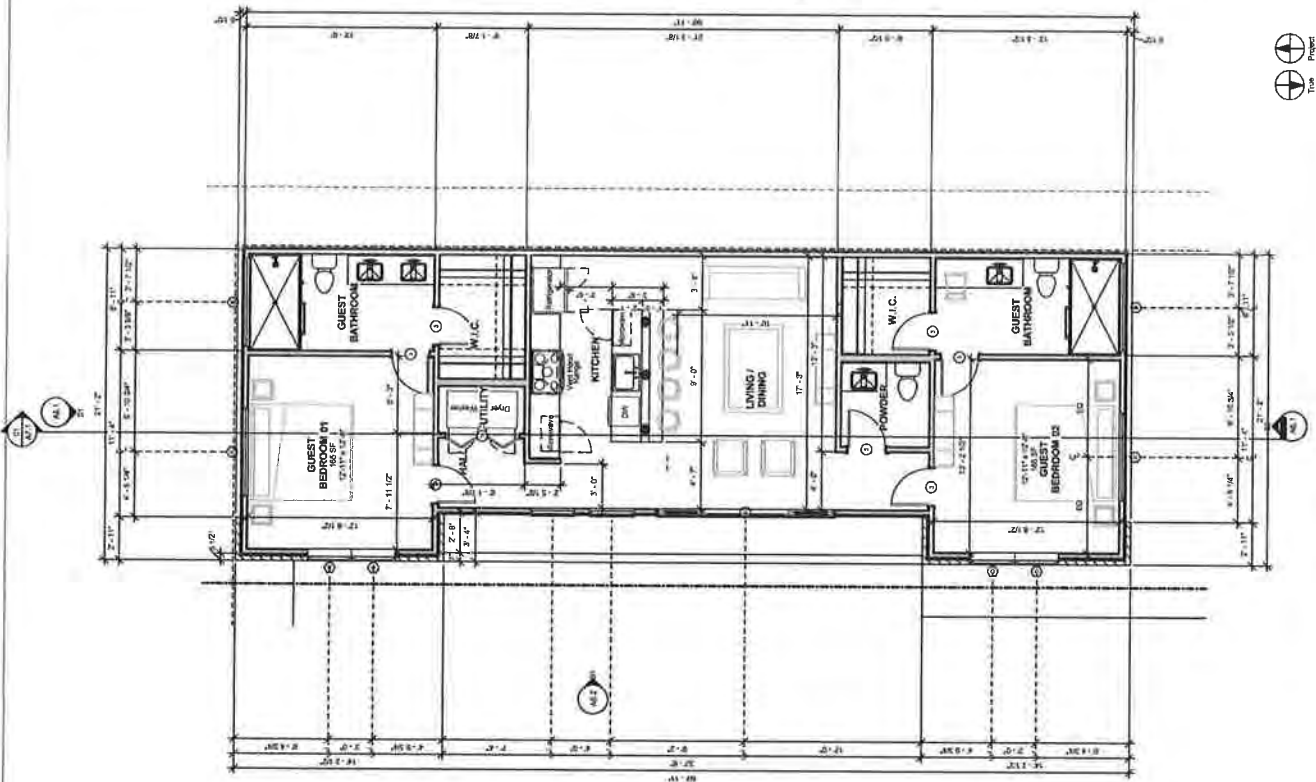
Project #
Date

2020
12-1-20

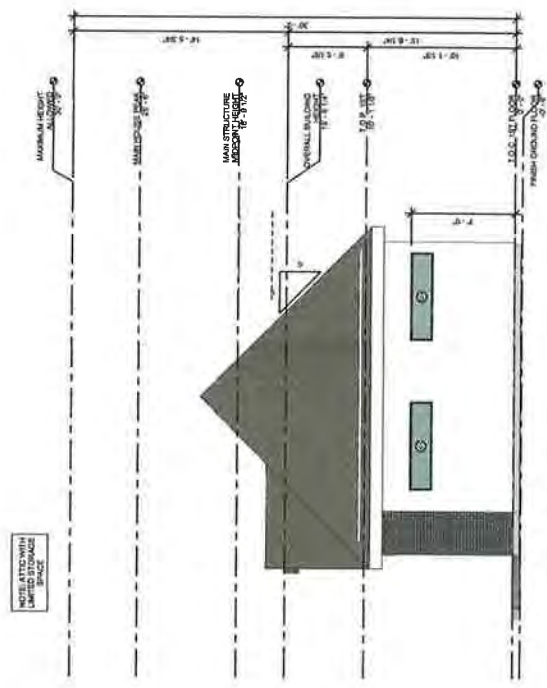


GENERAL NOTES

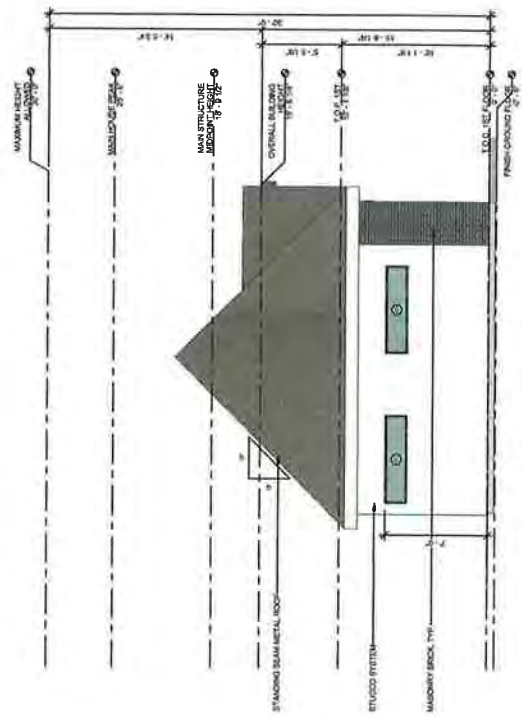
1. ALL WORK TO CONFORM TO APPLICABLE CODES AND REGULATIONS, UNLESS OTHERWISE INDICATED.
2. DO NOT SCALE DRAWINGS. ANY DIMENSIONS WITHIN THE DRAWINGS TO BE CONSIDERED AS APPROXIMATE UNLESS OTHERWISE INDICATED.
3. THESE DOCUMENTS ARE PREPARED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND PRACTICES OF THE ARCHITECTURAL PROFESSION. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND UNDERSTANDING THE SCOPE OF WORK AND THE LIMITS OF THE DESIGN. CONTRACTORS SHALL VERIFY ALL MEASUREMENTS AND CONDITIONS BEFORE BEGINNING WORK.
4. OBTAIN ALL NECESSARY PERMITS, APPROVALS AND INSURANCE FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL EXISTING UTILITIES AND STRUCTURES AT ALL TIMES DURING CONSTRUCTION.
6. DIMENSIONS ARE GENERALLY TO THE FACE UNLESS OTHERWISE INDICATED.
7. ALL WORK SHALL BE DONE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE INDUSTRY STANDARDS.
8. THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
9. CONTRACTOR TO FELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
10. ALL CLEARANCES ARE REQUIRED FOR ALL WORK.
11. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND CONDITIONS OF THE EXISTING STRUCTURE AND UTILITIES. CONTRACTORS SHALL VERIFY ALL MEASUREMENTS AND CONDITIONS OF THE EXISTING STRUCTURE AND UTILITIES BEFORE PROCEEDING WITH ANY WORK.



01 1ST FLOOR
SCALE: 1/8" = 1'-0"



02 RIGHT ELEVATION
 SCALE 1/8" = 1'-0"



01 LEFT ELEVATION
 SCALE 1/8" = 1'-0"

SHIPPED DATE: 6-10-94 RECEIVED DATE: 7-16-94

CITY OF DALLAS PLAT BOOKS

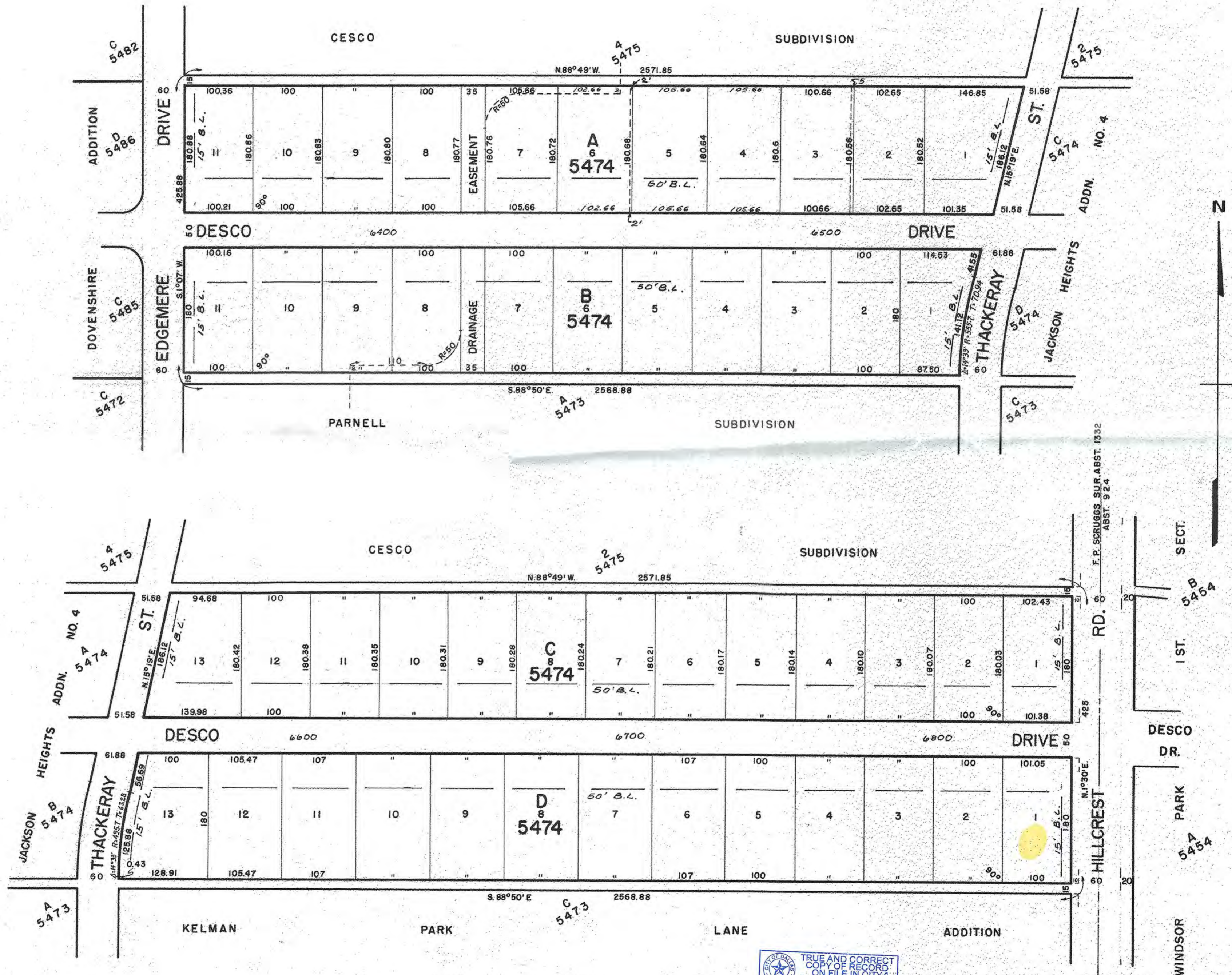
ANNEXED MAY 16, 1945 ORD. NO. 3626
SURVEY FINCH P. SCRUGGS ABST. 1332

ADDITION JACKSON HEIGHTS NO. 4

A-B-C-D
BLOCKS 5474

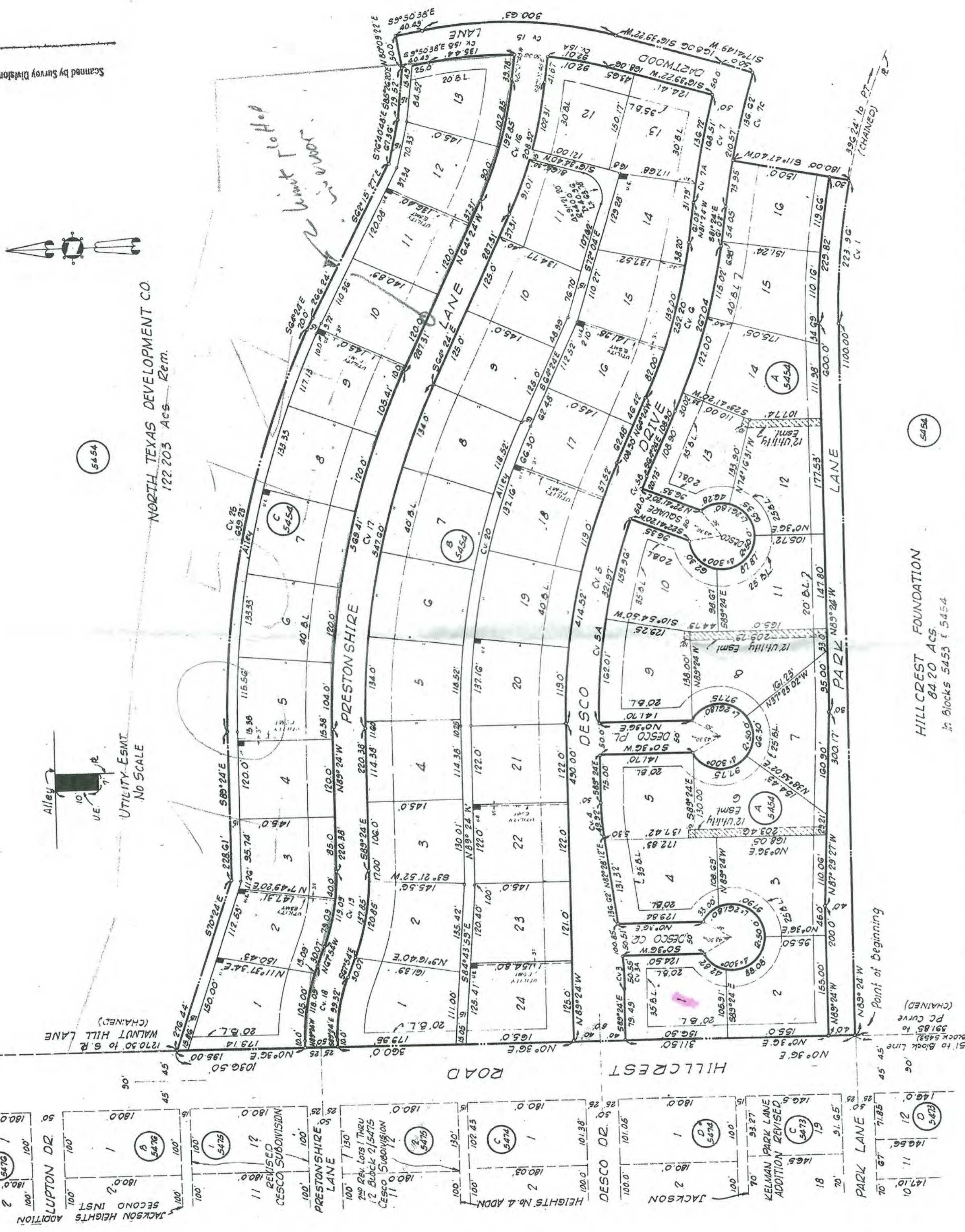
SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS



TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYOR'S OFFICE
BY: *Jimmy Buller*
DATE: 2-10-2023

Scanned by Survey Division



NORTH TEXAS DEVELOPMENT CO.
122.203 Acs Rem.

Alley
UTILITY ESMIT
NO SCALE

HILLCREST FOUNDATION
84.20 ACS.
in Blocks 5453 & 5454

NOTE: Excluding Hillcrest Road and Park Lane, dwellings on corner lots may front on either side as long as a 30 foot minimum front building line is maintained, provided facing of house conforms with deed restrictions.

NOTE: Restricted access from lots siding on Hillcrest Road and to lots backing on Park Ln.

FILED 2 18 63
VOL 51 - 163

REVISED
**WINDSOR PARK
FIRST SECTION**

L. G. COPPEGE
MAPS
RECORDS' BLDG.

PART OF LENT MARTIN SUR. ABST. NO. 924
PART OF CITY OF DALLAS BLOCK NO. 5454
G. O. YAMINI, TRUSTEE, OWNER
MEADOWS BLDG. DALLAS, TEXAS
GADDY & LOVEN ENGINEERS
720 NO. BUCKNER DALLAS 18, T. EXAS
JANUARY 1963
Scale 1"=100'
CITY PLAN FILE NO. 62-269-A-12

LOCATION	CURVE NO.	INNER	OUTER	LOCATION	CURVE NO.	INNER	OUTER
PARK LANE	1	117.11	140.00	DESCO DR	7C	57.54	107.00
DESCO DR	3	112.34	115.28	WINDSOR PARK LANE	15	20.50	26.50
DESCO DR	3A	87.07	100.55	PRESTONSHIRE LANE	16	40.00	45.00
DESCO DR	4	100.55	112.34	PRESTONSHIRE LANE	17	125.50	130.00
DESCO DR	5	100.55	112.34	PRESTONSHIRE LANE	18	25.00	25.00
DESCO DR	5A	100.55	112.34	PRESTONSHIRE LANE	19	25.00	25.00
DESCO DR	7	100.55	112.34	PRESTONSHIRE LANE	20	25.00	25.00
DESCO DR	7A	100.55	112.34	PRESTONSHIRE LANE	21	25.00	25.00

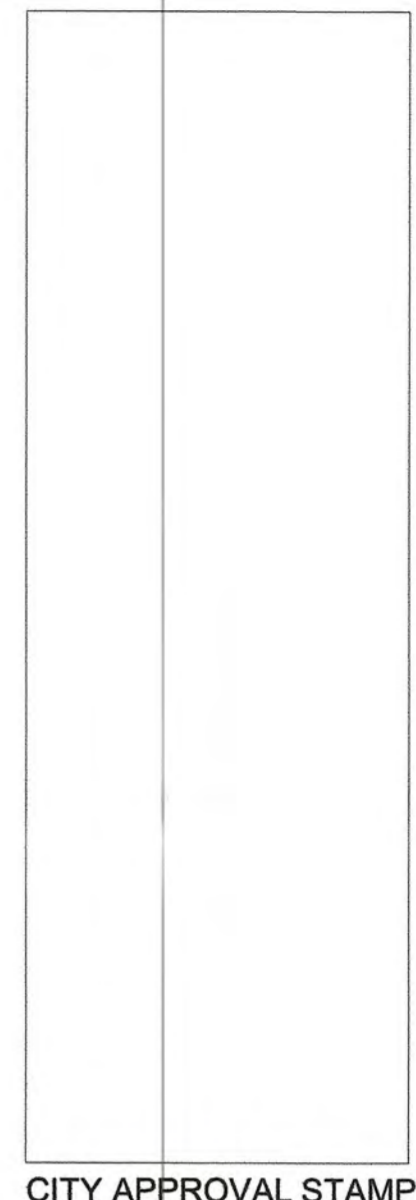
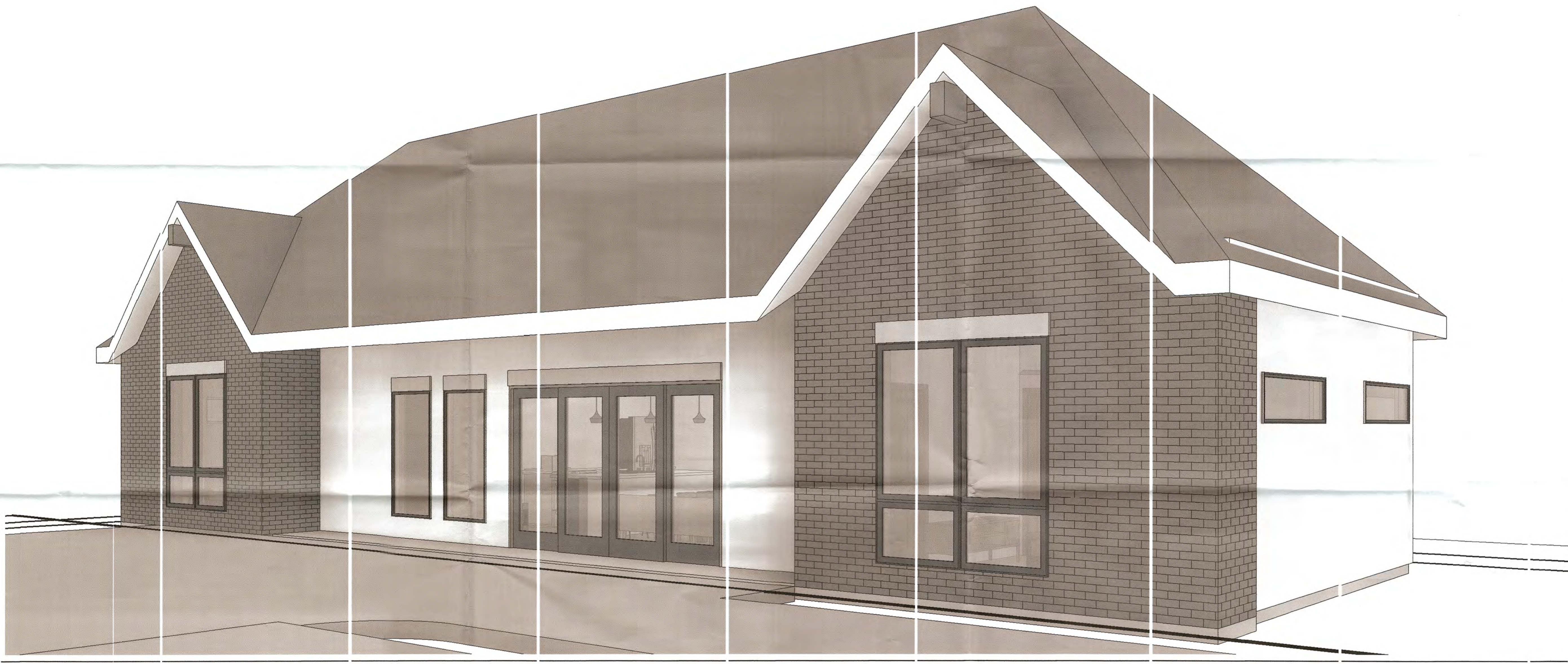
TRUE AND CORRECT
COPY OF RECORD
FILED IN OFFICE
BY: [Signature]
DATE: 02/10/2023



VIZUAL ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, L.L.C.
JOHNNY LIMONES
214.515.2106
johnny@vizualarchitecture.com
www.vizualarchitecture.com

PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225



VICINITY MAP



PROJECT NOTES

SITE AREA: 24,378.69 SF
0.55 ACRE
BUILDING FOOT PRINT: 1,237 SF
(HOUSE AND GARAGE)
ADU : 24.9% OF MAIN BUILDING
MAIN BLDG 4,960 SF
ADU BUILDING AREA
GROSS SF
LEVEL 1: 1,237 SF
TOTAL GROSS: 1,237 SF
NET SF
LEVEL 1: 1,148 SF
TOTAL NET: 1,148 SF

AREA SQUARE...

ROOM NAME	LEVEL	AREA
ADU LEVEL 1	T.O.C. 1ST FLOOR	1148 SF
PORCH	T.O.C. 1ST FLOOR	89 SF
Grand total: 2		1237 SF
		1237 SF

#	SHEET INDEX	SHEET NAME
A0.1	COVER SHEET/ INDEX	
A0.2	SCHEDULES/ CODE ANALYSIS	
A0.3	WINDOW/ DOOR SCHEDULE	
A1.1	SITE PLAN	
A2.1	FLOOR PLAN	
A2.2	ROOF PLAN	
A3.1	REFLECTED CEILING PLAN/ELECTRICAL	
A4.1	FOUNDATION PROFILE	

#	SHEET INDEX	SHEET NAME
A: 5.1	PLUMBING PLAN	
A: 6.1	EXTERIOR ELEVATIONS	
A: 6.2	EXTERIOR ELEVATIONS	
A 7.1	BUILDING SECTIONS	
A: 8.1	WALL SECTIONS	
Grand total: 13		

ARCHITECT
VIZUAL ARCHITECTURE LLC
400 N. SAINT PAUL ST. SUITE 1050
DALLAS, TX. 75201
CONTACT: JOHNNY LIMONES
P: 214.515.2106
E: JOHNNY@VIZUALARCHITECTURE.COM

PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225
PROJECT SCOPE
THIS IS A NEW SINGLE FAMILY RESIDENCE.

NOTE:
PERSPECTIVES ARE CONCEPTUAL AND DO NOT
DEPICT FINAL PRODUCT.

CURRENT REVISION

COVER SHEET/
INDEX
A0.1

Project # 220626
Scale 12' = 1'-0"



VIZUAL ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, LLC.
JOHNNY LIMONES
214.515.2106
johnny@vizualarchitecture.com
www.vizualarchitecture.com

PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225

S 89°25'27" W 100.00'

INDICATES TO PROVIDE SILT FENCE FOR EROSION CONTROL DURING CONSTRUCTION

N 00°34'35" W 9.85' (DEED 10.00')

S 89°25'25" W 33.00'

S 00°34'35" E 187.50'

LOT 1A, BLOCK A/5482

EXISTING ONE STORY SINGLE FAMILY RESIDENCE

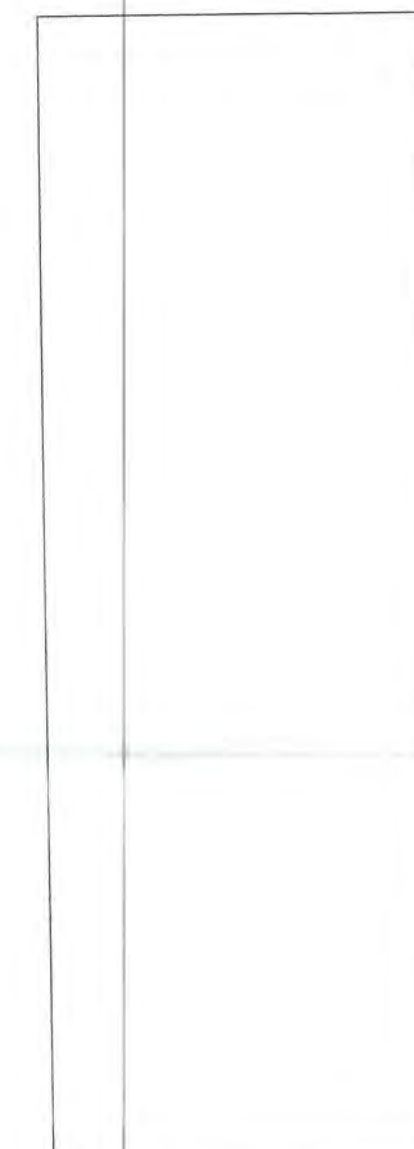
ADDITION

N 00°34'35" W (DEED)

N 89°25'25" E 100.00'

PRESTONSHIRE LANE 50' RIGHT-OF-WAY

N 44°15'05" E 46.81'
R=33.00'
L=52.03



CITY STAMP APPROVAL

SITE NOTES

1. WATER METER MAY NOT BE LOCATED IN DRIVEWAY OR APPROACH
2. KEEP 20' X 20' VISIBILITY TRIANGLES AT ALLEY CLEAR
3. SIDEWALKS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT
4. FENCE WILL REQUIRE A SEPARATE PERMIT.
5. POOL DESIGN SHALL REQUIRE A SEPARATE PERMIT.
6. SITE IMPROVEMENTS SUBJECT TO FIELD INSPECTORS APPROVAL
7. GENERAL CONTRACTOR TO VERIFY ALL OR ANY DEED RESTRICTIONS BEFORE ANY SITE WORK IS STARTED.
8. GENERAL CONTRACTOR TO VERIFY ALL OR ANY SETBACKS BEFORE ANY SITE WORK IS STARTED.
9. GENERAL CONTRACTOR TO VERIFY ALL OR ANY EASEMENTS BEFORE ANY SITE WORK IS STARTED.
10. GENERAL CONTRACTOR TO VERIFY MINIMUM SQUARE FOOTAGE ALLOWED ON THE PROPERTY.
11. UTILITY AND DRAINAGE EASEMENTS MUST REMAIN OPEN AND UNOBSSTRUCTED. NO ENCROACHMENTS PERMITTED
12. WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY
13. FIRPLACE MAXIMUM ENCROACHMENT 2' INTO SETBACK UP TO 12 SF TOTAL. FIELD VERIFY.
14. WATER COURSE ARROWS DENOTE WATER FLOW. DRAINAGE TO BE DESIGNED BY GRADER.
15. SILT FENCE TO BE INSTALLED PER CITY REQUIREMENTS. GENERAL CONTRACTOR TO CONFIRM DRAINAGE AND CONSTRUCTION ACCESS.
16. PROVIDE MINIMUM REQUIRED TREES PER CITY ORDINANCE.
17. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECT PLACEMENT

PROJECT NOTES

SITE AREA: 24,378.69 SF
0.55 ACRE
BUILDING FOOT PRINT: 1,237 SF
(HOUSE AND GARAGES)
ADU: 24.8% OF MAIN BUILDING
MAIN BLDG 4,960 SF
ADU BUILDING AREA

GROSS SF
LEVEL 1: 1,237 SF

TOTAL GROSS: 1,237 SF

NET SF
LEVEL 1: 1,148 SF

TOTAL NET: 1,148 SF

CURRENT REVISION

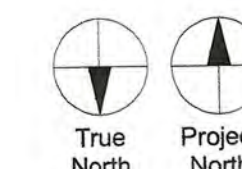
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SITE PLAN
A1.1

PDA 223-023
Project #
Scale As inc

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





VIZUAL
ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, LLC.
JOHNNY LIMONES
214.515.2108
johnny@vizualarchitecture.com
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PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225

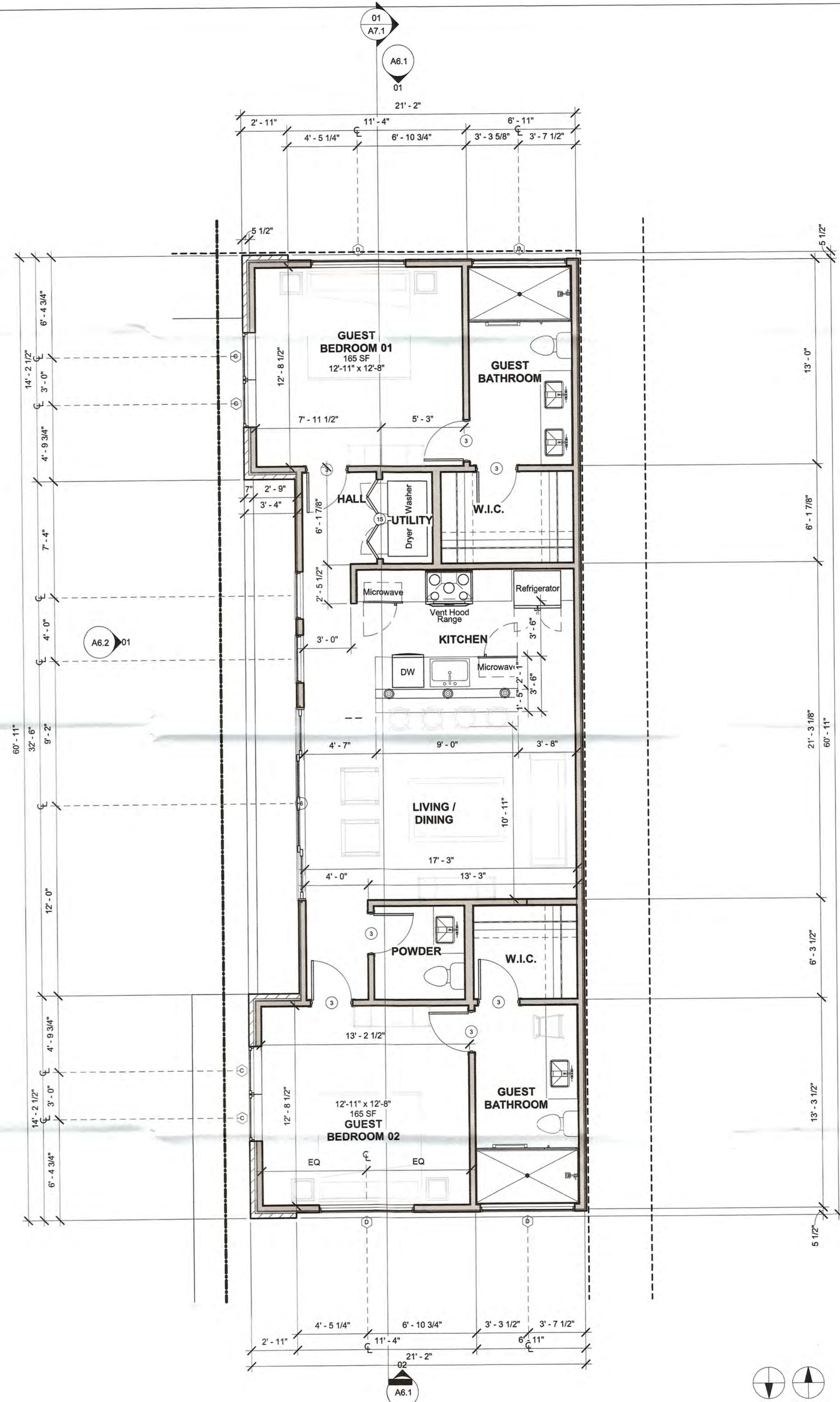
CURRENT REVISION

FLOOR PLAN

A2.1

BDA223-023

Project # 220626
Scale As indicated

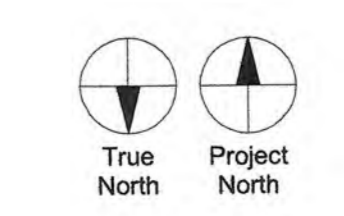


CITY STAMP APPROVAL

02 A6.2

GENERAL NOTES

1. ALL WORK TO CONFORM TO APPLICABLE BUILDING CODES REGULATIONS AND ORDINANCES HAVING JURISDICTION.
2. DO NOT SCALE DRAWINGS. ANY DISCREPANCY WITHIN THE DRAWINGS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER.
3. THESE DOCUMENTS ARE ABBREVIATED IN CONTENT. THE CONTRACTOR AND SUBCONTRACTORS ARE RESPONSIBLE FOR REVIEWING AND UNDERSTANDING SCOPE, SITE VISITS, AND ANY VERIFICATION OF SCOPE DETAILS, EXISTING CONDITIONS, ETC., PERTAINING TO SCOPE OF WORK SHOWN HERE.
4. OBTAIN ALL NECESSARY PERMITS, CERTIFICATES, INSPECTIONS, AS REQUIRED BY THE CITY AND OTHER GOVERNMENTAL AGENCIES HAVING JURISDICTION.
5. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION.
6. DIMENSIONS ARE GENERALLY TO THE FACE OF STUD.
7. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND INDUSTRY STANDARDS.
8. THE STRUCTURAL ENGINEER MUST BE CONSULTED FOR ALL CONSTRUCTION DETAILS.
9. CONTRACTOR TO FIELD VERIFY BUILDING ELEVATIONS AND EXISTING UTILITIES.
10. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
11. BEFORE PROCEEDING WITH ANY WORK OR ORDERING ANY MATERIAL, THE CONTRACTOR AND/OR SUBCONTRACTOR SHALL VERIFY ALL MEASUREMENTS AND LOCATIONS OF BUILDING COMPONENTS AND THEIR INTERRELATIONSHIP AT THE BUILDING SITE, AND SHALL BE RESPONSIBLE FOR THEIR



01 1ST FLOOR
SCALE: 1/4" = 1'-0"



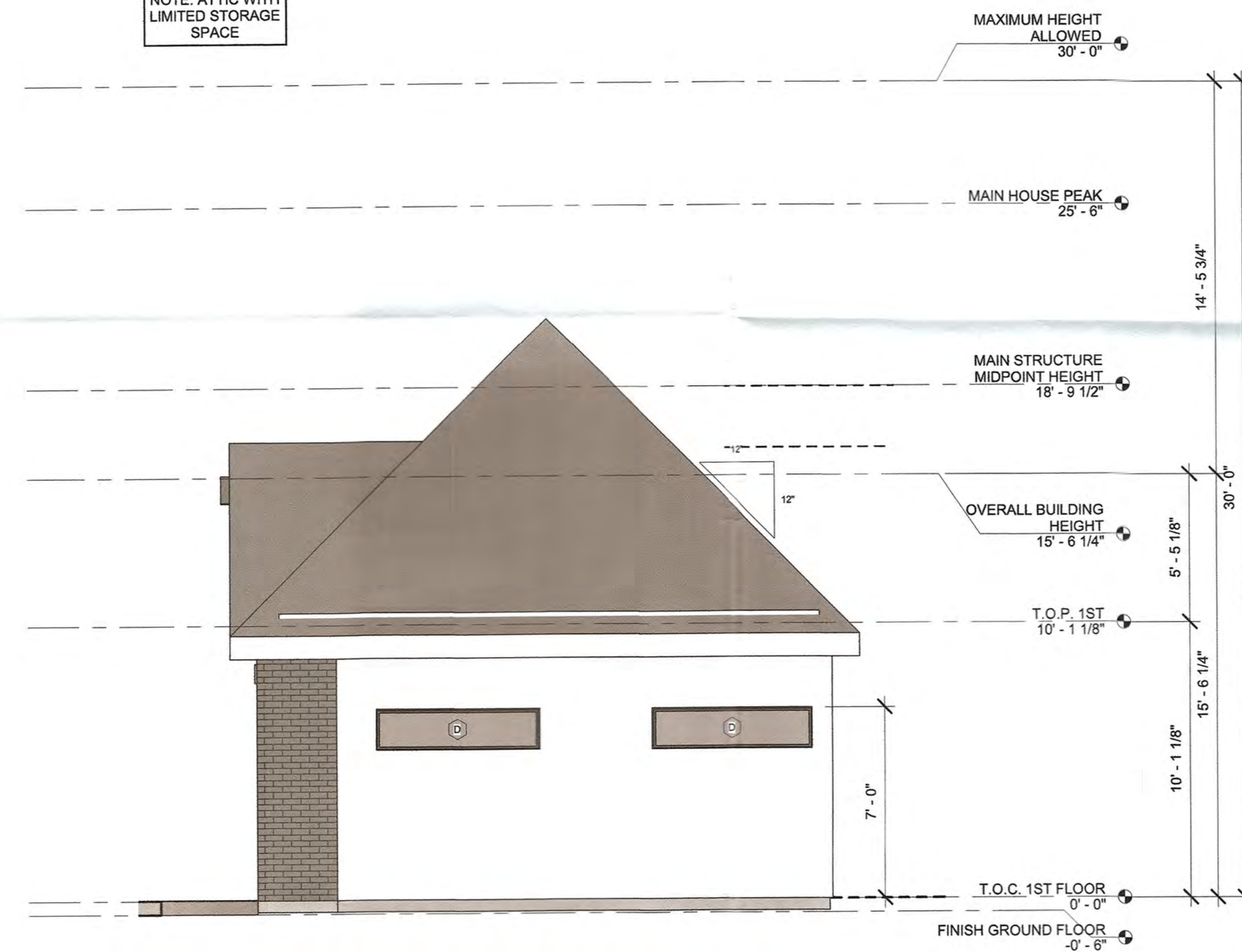
VIZUAL
ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, LLC.
JOHNNY LIMONES
214.515.2100
johnny@vizualarchitecture.com
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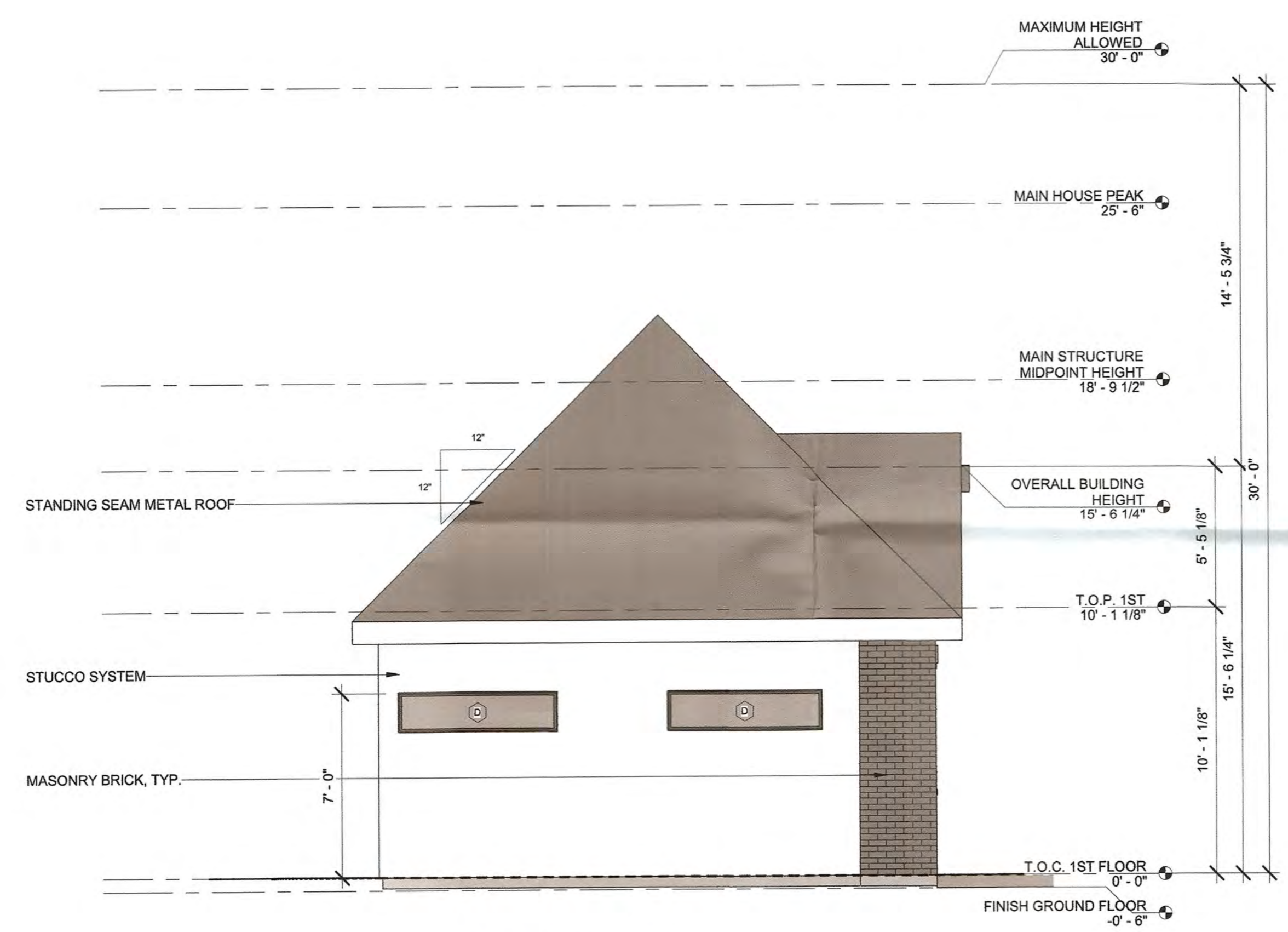
PRESTONSHIRE ADDITION
6010 PRESTONSHIRE LANE
DALLAS, TEXAS 75225

CITY STAMP APPROVAL

NOTE: ATTIC WITH LIMITED STORAGE SPACE



02 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



01 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

CURRENT REVISION

EXTERIOR ELEVATIONS

A6.1

BDA 223-023

Project # 220626
Scale 1/4" = 1'-0"

