



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

245-043

Date:

FOR OFFICE USE ONLY

FEB 17 2024

RECEIVED

Data Relative to Subject Property:

Location address: 3034 Birmingham Ave Dallas, TX 75215 Zoning District: PD-595

Lot No.: 17 & 18 Block No.: 21 Acreage: 0.116 Census Tract:

Street Frontage (in Feet): 1) 39' 2) 130' 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Rick Smith & Jennifer Smith

Applicant: Rick Smith / Nine Four Eleven LLC Telephone: 214-649-3258

Mailing Address: 518 N Highway 67 Cedar Hill Texas Zip Code: 75104

E-mail Address: Nine4eleven@gmail.com

Represented by: Jazzmyn Poirier Telephone: 425-215-3737

Mailing Address: 880 W Euless Blvd Zip Code: 76040

E-mail Address: Poirier.consultingco@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception of requesting five feet to the side yard setback. (PS)

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

We are requesting a variance due to the limited space in the alley behind the property. The alley is too narrow to meet the current setback requirements for a driveway, which makes it impossible to fully utilize the lot under the current zoning regulations. To resolve this issue, we are requesting a Zero Lot Line variance. This would allow us to bypass the setback requirements and proceed with the construction plans as intended.

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

Rick Smith

(Affiant/Applicant's name printed)

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

Respectfully submitted:

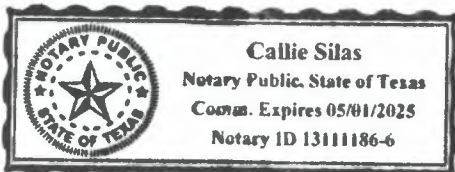
[Signature]

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of October, 2024

Callie Silas

Notary Public in and for Dallas County, Texas





CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 245-043

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

at: 3034 Birmingham Ave, Dallas, Texas 75215
(Address of property as stated on application)

Authorize: Rick Smith / Nine Four Eleven, LLC.
(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: We are requesting a variance due to the limited space in the alley behind the property. The alley is too narrow to meet the current setback requirements for a driveway, which makes it impossible to fully utilize the lot under the current zoning regulations. To resolve this issue, we are requesting a Zero Lot Line variance. This would

allow us to bypass the setback requirements and proceed with the construction plans as intended.

Jennifer Smith and Rick Smith
Print name of property owner or registered agent

[Signatures]
Signature of property owner or registered agent

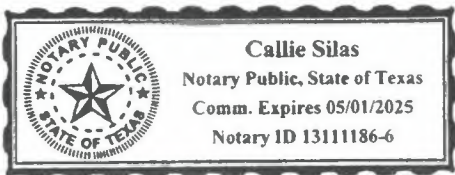
agent Date 02-01-2025

Before me, the undersigned, on this day personally appeared
Jennifer Smith + Rick Smith

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

knowledge. Subscribed and sworn to before me this 1st day of

February, 2025



Callie Silas
Notary Public for Dallas County,
Texas

Commission expires on
05/01/2025



CITY OF DALLAS

March 20, 2024

Rick & Jennifer Smith
518 N Hwy 67
Cedar Hill, Tx 75104

RE: Legal Building site determination for **3034 Birmingham, Lots 17 & 18, Block 21/1373**

Dear Mr. & Ms. Smith:

This is in response to your request for a determination regarding a legal build site on a parcel located at the above address.

Per the Sanborn map, a building has existed since 1952. The city's records do not indicate any use has been on the property other than single family residential. Therefore, a new residence can be constructed on this site as it has been determined to be a legal building site. Construction of the new residence will have to meet all current ordinance requirements including, but not limited to, building codes, setbacks, lot coverage, and building height.

This letter does not constitute a building permit or certificate of occupancy, nor does it imply that a building permit or certificate of occupancy will be approved without complying with all applicable rules and regulations. The City of Dallas does not provide letters certifying that a property or development complies with all applicable rules and regulations. If you have any further questions, please contact me at 214-948-4634.

Respectfully,

A handwritten signature in blue ink that reads "Greg Franklin".

Greg Franklin
Senior Planner
Development Services Department

CC: Jason Pool, Development Services Administrator
Tenisha Lester, Zoning Chief

BDA245-043

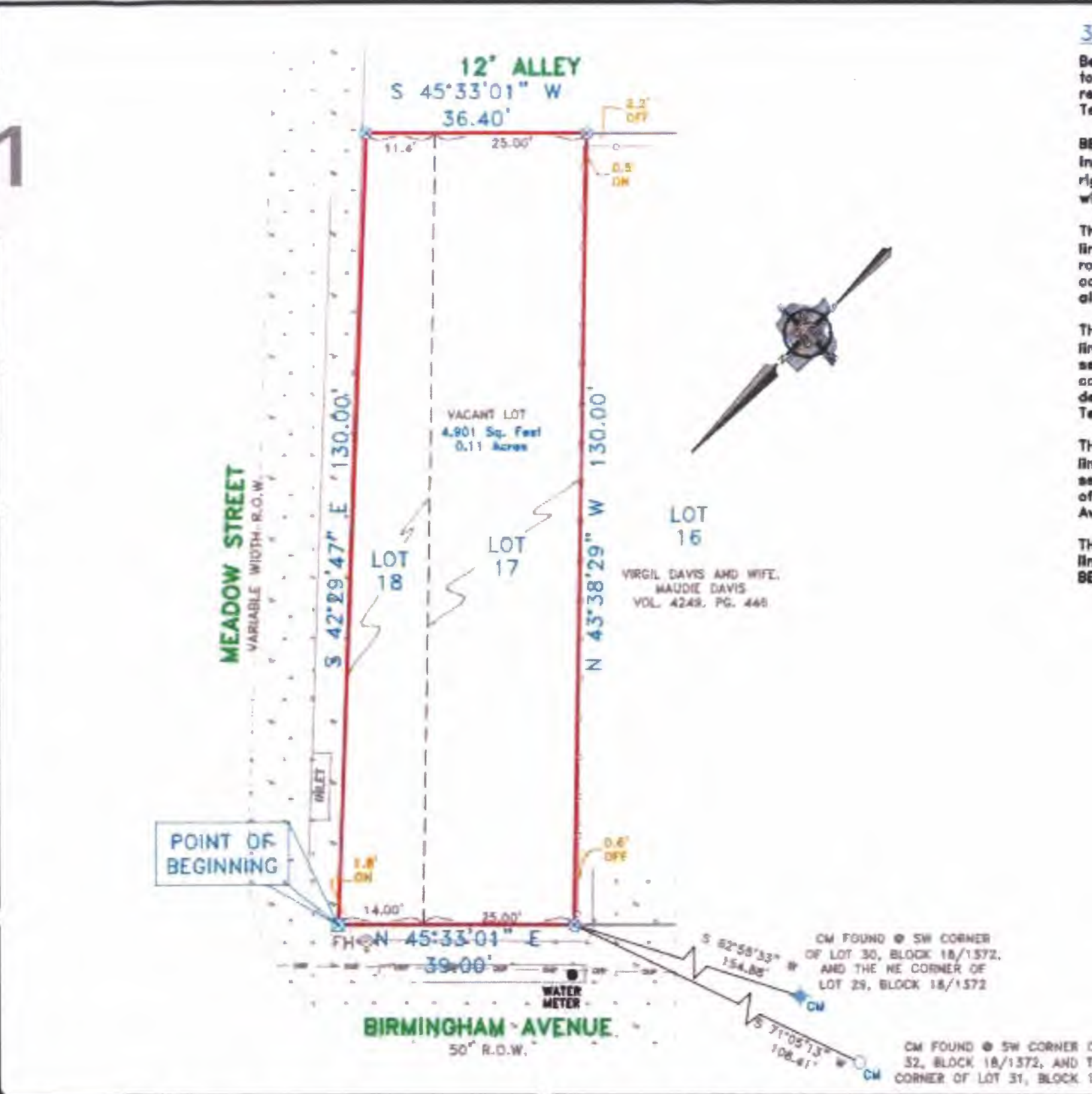


Carlisle
TITLE

LEGEND

○ 1/2" ROD FOUND	□ FENCE POST FOR CORNER
○ 1/2" IRON ROD SET WITH YELLOW CAP STAMPED 'CBG SURVEYING'	CM CONTROLLING MONUMENT
⊗ "X" FOUND/SET	AC AIR CONDITIONER
⊕ PK NAIL FOUND	PE POOL EQUIPMENT
⊗ 5/8" ROD FOUND	● POWER POLE
↑ TRANSFORMER PAD	△ OVERHEAD ELECTRIC
■ COLUMN	— — IRON FENCE
▲ UNDERGROUND ELECTRIC	—X— BARBED WIRE
—OHP— OVERHEAD ELECTRIC POWER	— — EDGE OF ASPHALT
—OES— OVERHEAD ELECTRIC SERVICE	—▲— EDGE OF GRAVEL
—CL— CHAIN LINK	—□— CONCRETE
—WF— WOOD FENCE 0.5' WIDE TYPICAL	—▨— COVERED AREA
—DSWF— DOUBLE SIDED WOOD FENCE	

EXCEPTIONS:



3034 Birmingham Avenue

Being Lot 17 and 18, in Block 21/1373, of WINCHESTER PLACE, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 106, Page 155, of the Map Records of Dallas County, Texas, and more particularly described by metes & bounds as follows;

BEGINNING at a "X" cut in concrete for corner, said corner being in the intersection along the Southeast Line of Birmingham Avenue (50 foot right-of way) and along the Southwest Line of Meadow Street (variable width right-of way);

THENCE South 42 degrees 29 minutes 47 seconds East, along the Southwest line of said Meadow Street, a distance of 130.00 feet to a 1/2 inch iron rod set with a plastic yellow cap stamped 'CBG SURVEYING' for corner, said corner lying along the Southwest line of said Meadow Street, and being along the Northwest line of a 12 foot alley;

THENCE South 45 degrees 33 minutes 01 seconds West, along the Northwest line of said 12 foot alley a distance of 36.40 feet to a 1/2 inch iron rod set stamped 'CBG SURVEYING' for corner, said corner being the East corner of that of land conveyed to Virgil Davis and wife, Maudie Davis, by deed recorded in Volume 4249, Page 446, Deed Records, Dallas County, Texas;

THENCE North 43 degrees 38 minutes 29 seconds West, along the Northeast line of said Davis tract a distance of 130.00 feet to a 1/2 inch iron rod set stamped 'CBG SURVEYING' for corner, said corner being the North corner of said Davis tract, and being along the Southeast line of said Birmingham Avenue;

THENCE North 45 degrees 33 minutes 01 seconds East, along the Southeast line of said Birmingham Avenue a distance of 39.00 feet to the POINT OF BEGINNING and containing 4901.00 square feet or 0.11 acres of land.

NOTES: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.J.R.M. No. 48113C0345J this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Carlisle Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat herein is a correct and accurate representation of the property lines and dimensions as so indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Accepted by: _____
Date: _____ Purchaser
Purchaser

Drawn By: CM

Scale: 1" = 20'

Date: 10/04/18

GF NO.: GA-1821258

Job No. 1821092

CBG
SURVEYING & ENGINEERING
20205 Millard Street, Ste. 200
Dallas, TX 75228
Phone 214-949-9415
Fax 214-949-2216
www.cbgsurvey.com



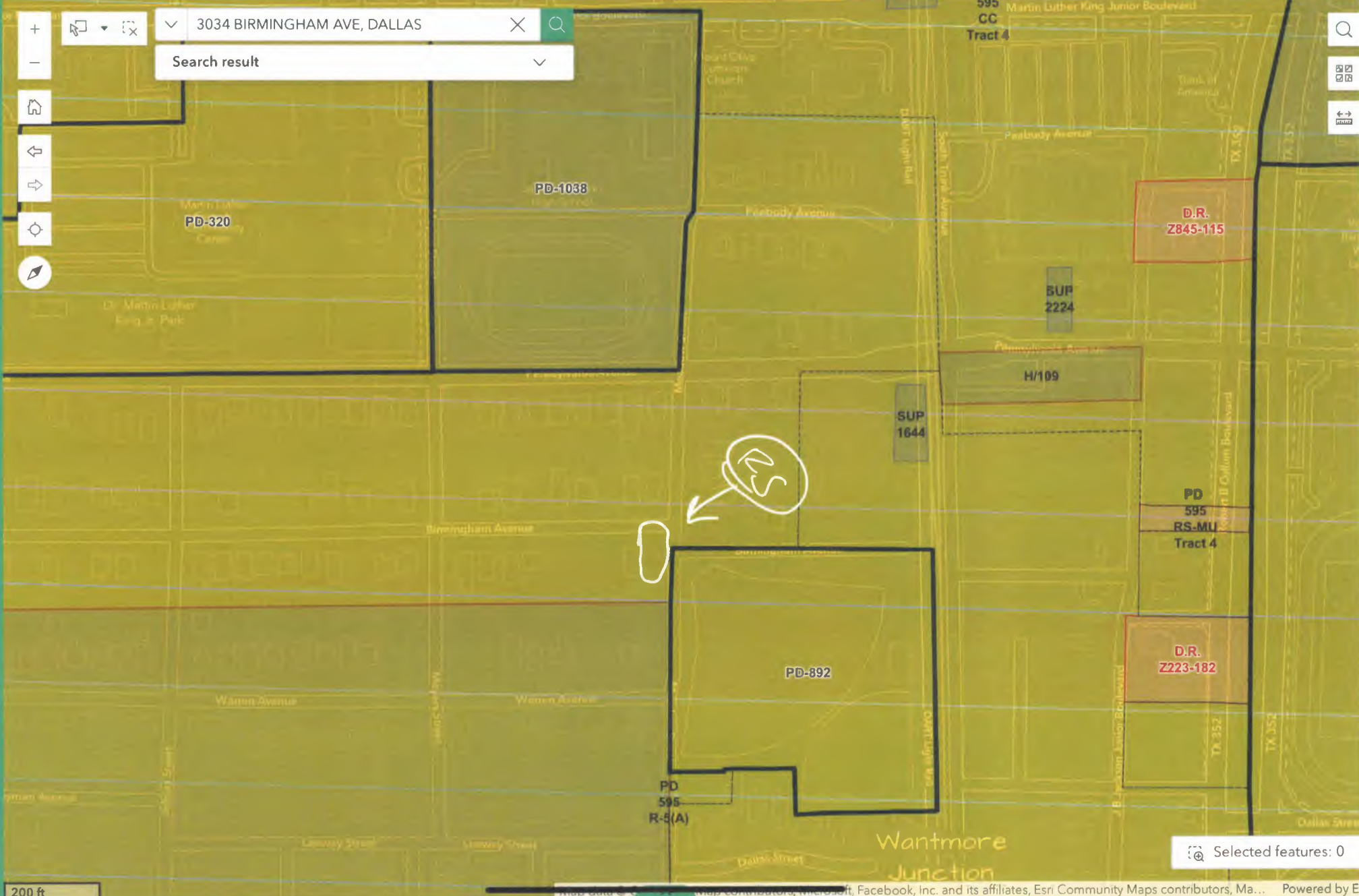
BDA245-043

City of Dallas Zoning Map 2.3 The City of Dallas DEV GIS Department

Links Help Report Issue

3034 BIRMINGHAM AVE, DALLAS
Search result

Map navigation controls: zoom in (+), zoom out (-), home, pan (arrows), compass, and other tools



Selected features: 0

200 ft scale bar

BDA245-043

SHIPPED
DATE: 5-9-72
ANNEXED
SURVEY

RECEIVED
DATE: 7-11-76
ORD. NO.

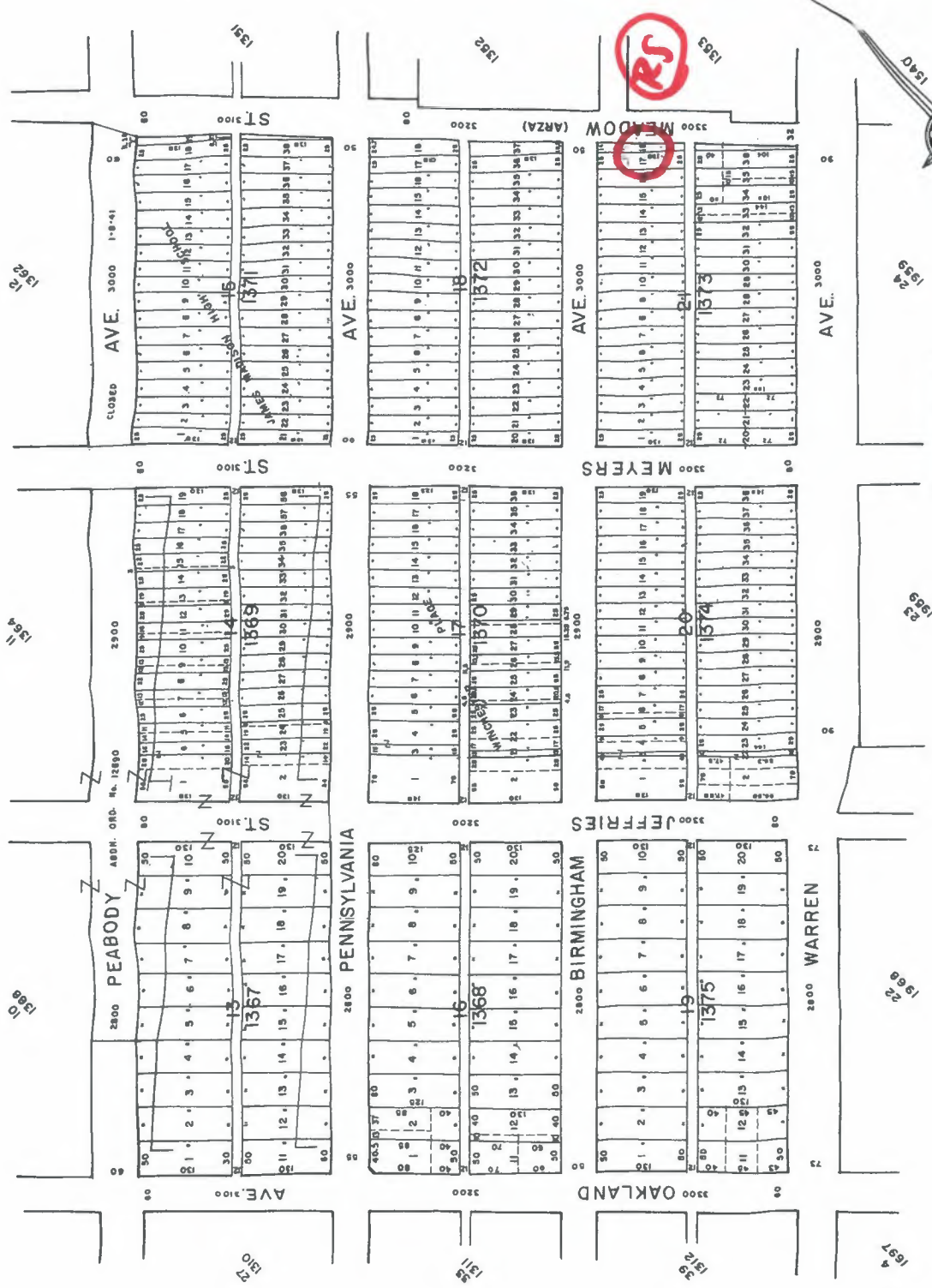
CITY OF DALLAS PLAT BOOKS

BLOCKS
1367 - 1375
SCHOOL DISTRICT DALLAS

ADDITION
SCALE 100 FT. EQUALS 1 INCH

ABST.

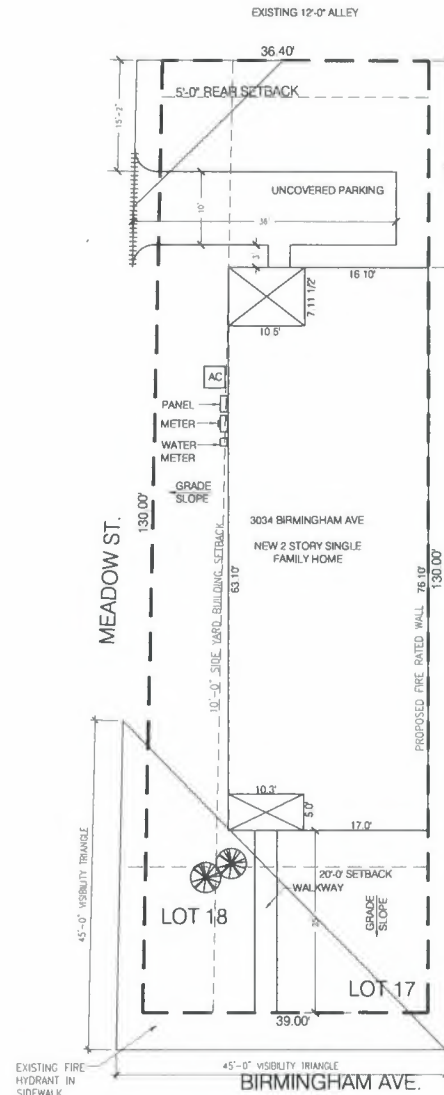
FILES: 4-11-78



BDA245-043

SITE INFO	
SITE AREA	4,901sqft
FOUNDATION	2,095sqft
LOT COVERAGES	42%

- GENERAL NOTES**
1. WATER METER MAY NOT BE LOCATED IN DRIVEWAY OR APPROACH
 2. KEEP 20'-0" VISIBILITY TRIANGLES AT ALLEY CLEAR
 3. SIDEWALKS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT
 4. FENCE WILL REQUIRE A SEPERATE 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 EASEMENTS 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 SHALL VERIFY MINIMUM SQUARE FOOTAGE ALLOWED ON THE PROPERTY
 11. UTILITY AND DRAINAGE EASEMENTS MUST REMAIN OPEN AND UNOBSTRUCTED. HO ENCROACHMENTS PERMITTED
 12. WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJOINING PRIVATE PROPERTY
 13. FIREPLACE MAX ENCROACHMENT 2' INTO SETBACK UP TO 12sqft TOTAL. FIELD VERIFY WITH ANA.
 14. WATER COURSE ARROWS DENOTE WATER FLOW, DRAINAGE TO BE DESIGNED BY GRADER
 15. S&T 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 OF BUILDING
 18. PERMIT MUST BE APPROVED BEFORE ANY SITE WORK IS STARTED.
 19. PERMIT MUST BE APPROVED BEFORE ANY SITE WORK IS STARTED
 20. UNLESS NOTED OTHERWISE GENERAL CONTRACTOR TO VERIFY FINISHED SLAB HEIGHT ABOVE FINISHED GROUND FLOOR FOR ACCURATE DRAINAGE PER CODE

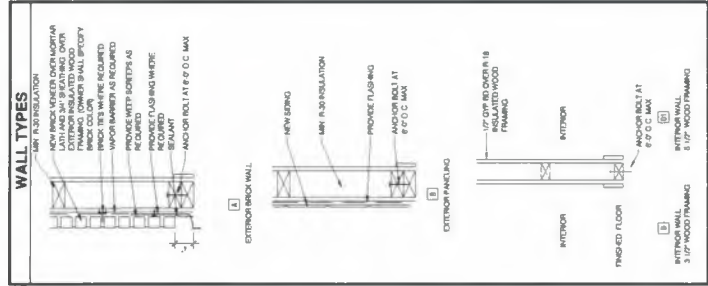


01 PROPOSED SITE PLAN
 Scale: 1/8" = 1'-0"

BDA245-043

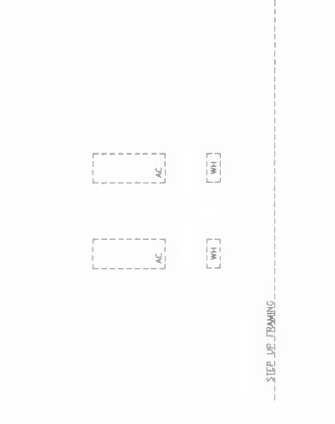
GLASS NOTE:

- UNLESS NOTED OTHERWISE, GLASS FOR ALL EXTERIOR WINDOWS AND DOORS SHALL BE CLEAR GLASS - 1/4" CLEAR GLASS UNLESS NOTED OTHERWISE.
- U-FACTOR = .29
SH-GLAZING COEFFICIENT = 0.54
OR AS APPLICABLE TO THE GLASS TYPE
- AT EACH EXTERIOR WINDOW, C.C. TO PROVIDE GLASS, PROVIDE A 3/4" CLEARANCE BETWEEN THE GLASS AND THE FRAME.
- ALL WINDOW MARKINGS AND DOORS INSTALL SHALL BE LISTED AND COMPLIANT WITH ANI
- ENSURE ALL NEW WINDOWS AND DOORS ARE PROPERLY INSTALLED



CLASS NOTE:

- UNLESS NOTED OTHERWISE, GLASS FOR ALL EXTERIOR WINDOWS AND DOORS SHALL BE CLEAR GLASS - 1/4" CLEAR GLASS UNLESS NOTED OTHERWISE.
- U-FACTOR = .29
SH-GLAZING COEFFICIENT = 0.54
OR AS APPLICABLE TO THE GLASS TYPE
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- ENSURE ALL NEW WINDOWS AND DOORS ARE PROPERLY INSTALLED



01 FLOOR PLAN - LEVEL 1

WINDOW SCHEDULE

NO.	SIZE	TYPE	FINISH	OPERATION
101	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
102	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
103	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
104	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
105	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
106	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
107	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
108	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
109	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
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112	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
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118	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
119	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
120	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT

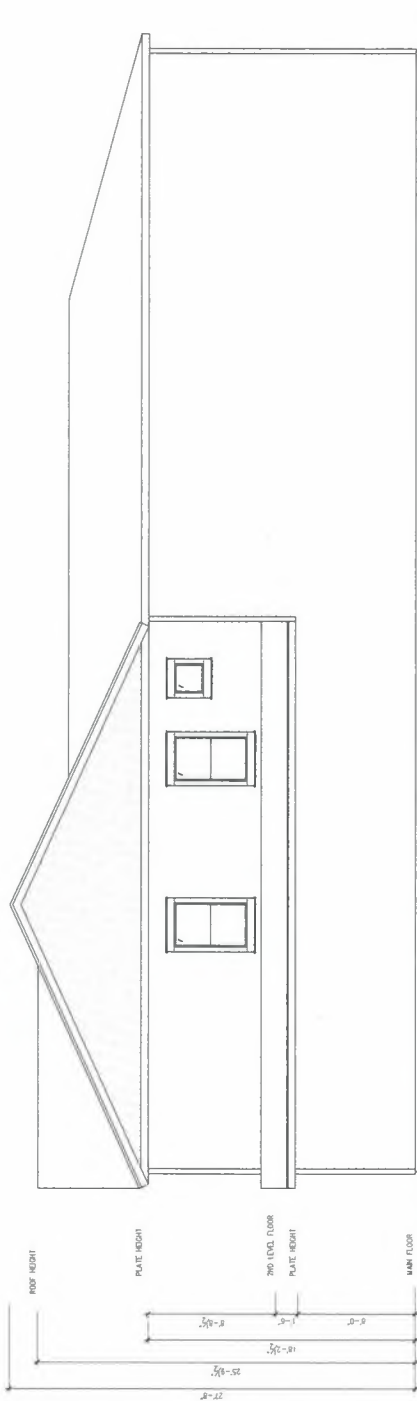
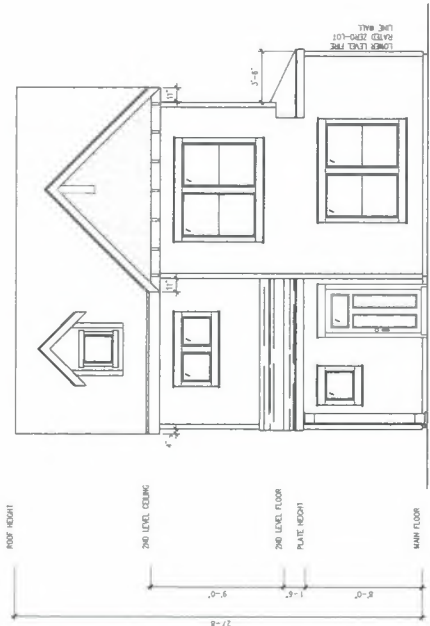
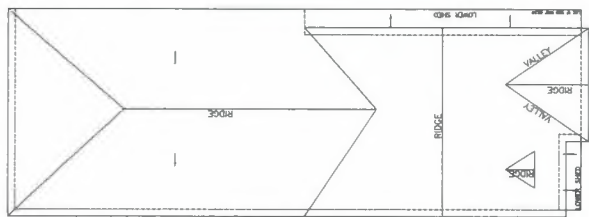
DOOR SCHEDULE

NO.	SIZE	TYPE	FINISH	OPERATION
101	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
102	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT
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120	3'-0" x 7'-0"	ALUMINUM WHITE	SINGLE HING. STYLE	7'-0" HEADER HEIGHT

01 FLOOR PLAN - LEVEL 2

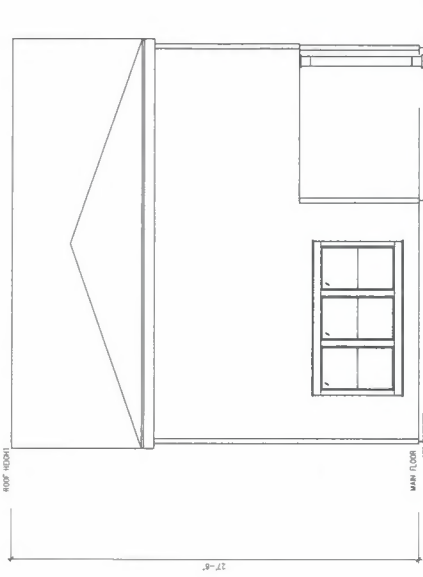
BDA245-043

DATE	COMMENTS	SUBMITTAL
12/04/2024	VARIANCE SUBMITTAL	

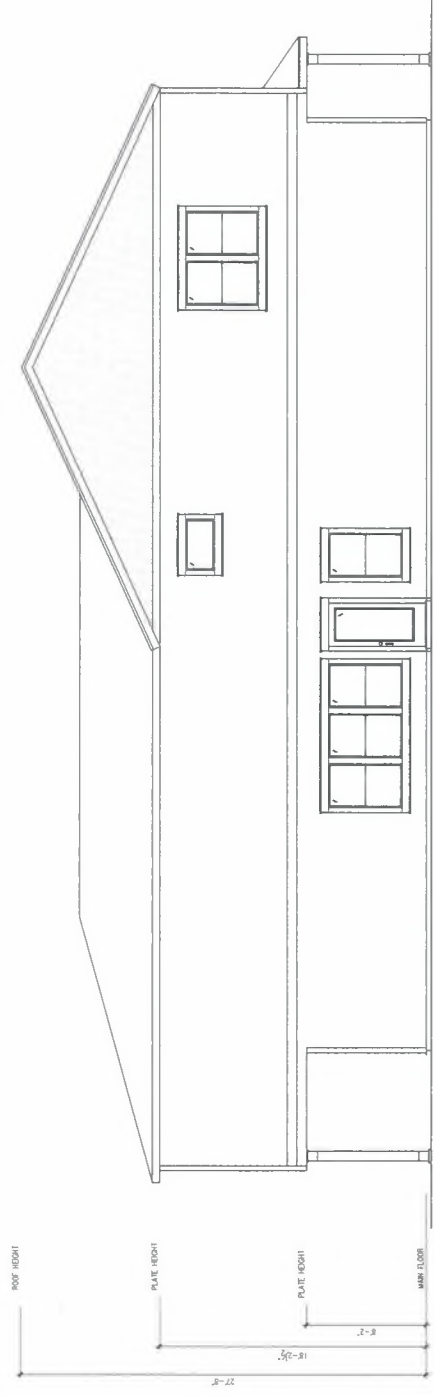


BDA245-043

DATE	12/04/2024	SUBMITTAL
COMMENTS	VARIANCE SUBMITTAL	



03 EXTERIOR ELEVATION: REAR
 SCALE: 1/4" = 1'-0"



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

BDA245-043