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POSTED CITY SECRETARY
DALLAS, TX

BOARD OF ADJUSTMENT (PANEL A)

**June 18th, 2024, Briefing at 10:00 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, Room 6ES and Videoconference**

**Video Conference Link: <https://bit.ly/boa-0618>
Telephone: (408) 418-9388, Access Code: 325527**

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> by the close of business Monday, June 17th, 2024. In Person speakers can register at the hearing.

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

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> antes de cierre de oficina el Lunes, 17 de Junio, 2024. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

AGENDA

- | | |
|--|--|
| I. Call to Order | David A. Neumann, Chairman |
| II. Staff Presentation/Briefing | |
| III. Public Hearing | Board of Adjustment |
| IV. Public Testimony | |
| V. Miscellaneous Items – | |
| | <ul style="list-style-type: none">• Approval of Panel A Minutes, May 21st, 2024 |
| 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)

BDA234-071(BT)	607 W. Davis Street REQUEST: Application of Houshang Jahvani for (1) a special exception to the landscaping regulations.	1
BDA234-073(CJ)	2112 Botham Jean Boulevard REQUEST: Application of Rob Baldwin for (1) a special exception to the landscaping regulations.	2
BDA234-076(CJ)	5503 Monticello Avenue REQUEST: Application of Michele Stephens for (1) a special exception to the 20-foot visibility obstruction regulations at the drive approach, and for (2) a special exception to the visibility obstruction regulation at the intersection of a street and alley.	3
BDA234-077(CJ)	3216 Peoria Avenue REQUEST: Application of Joel Perales for (1) a special exception to the fence height regulations.	4
BDA234-078(BT)	8334 Plainview Drive REQUEST: Application of Bulfrano Macedo for (1) a variance to the maximum allowed lot coverage.	5
BDA234-080(BT)	5419 E. Grand Avenue REQUEST: Application of Rob Baldwin for (1) a special exception to the parking regulations.	6

HOLDOVER

None

INDIVIDUAL CASES

None



BOARD OF ADJUSTMENT

Panel A Minutes

May 21st, 2024

DRAFT

Council Chambers

24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Rachel Hayden	
Kathleen Davis	
Jay Narey	
Philip Sahuc	

ABSENT: [1]

Michael Hopkovitz	

Chairman David A. Neumann called the briefing to order at **10:00 A.M.** with a quorum of the Board of Adjustment present.

Chairman David A. Neumann 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 speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, April 16th, 2024, Meeting Minutes.

Motion was made to approve Panel A, April 16th, 2024, Public Hearing Minutes.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Jay Narey and Phil Sahuc
		Against:	-	0	

CONSENT ITEMS

1. 3139 McDermott Avenue

This item was moved to Individual Cases
 BDA234-053(CJ)

BUILDING OFFICIAL’S REPORT: Application of Krystina Paige for **(1)** a variance to the side-yard setback regulations at 3139 MCDERMOTT AVE. This property is more fully described as Block 1802, Lot 18, and is zoned PD-595, which requires side-yard setback of 5-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 0-foot side-yard setback, which will require (1) a 5-foot variance to the side-yard setback regulations.

LOCATION: 3139 McDermott Ave.

APPLICANT: Krystina Paige

REQUEST:

- (1) A request for a variance to the side yard setback regulations.

STANDARD FOR A VARIANCE:

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

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) **necessary to permit development of a specific parcel of land** that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Is not restrictive in slope but is restrictive in lot area and shape; The minimum lot area for residential use in the R-5(A) zoning district is 5,000 sqft and the subject site is approximately 2,395.8 sqft with a lot width of approximately 25', therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 2,395.8 of square feet.

This lot is zoned PD 595/R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: R-5(A) (Single-Family Zoning District)
- North: R-5(A) (Single-Family Zoning District)
- South: R-5(A) (Single-Family Zoning District)
- East: R-5(A) (Single-Family Zoning District)
- West: R-5(A) (Single-Family Zoning District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Krystina Paige property located at 3139 McDermott Avenue focuses on one request relating to the side yard setback regulations.
- A request for a variance to the side yard setback regulations of 0-feet is made to construct and/or maintain a single-family residential structure at 3139 McDermott Avenue.
- The subject site is currently vacant.
- Zoning District PD 595/R-5(A) requires a minimum side yard setback of 5-feet.
- As gleaned from the submitted site plan, the proposed home is set to encroach into the 5-foot required side yard setback at 3139 McDermott Avenue.
- Based upon staff’s analysis of the surrounding properties, properties adjacent to the east side of the subject site and across the street, from a street view, are larger in width and depth than the subject site.
- The applicant has stated the variance request was made so that the proposed structure can conform to the existing conditions of the neighborhood since being divided into a smaller, more narrow lot.

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

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

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.

- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 0-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200’ Radius Video: [BDA234-053 at 3139 McDermott Ave.](#)

Timeline:

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the hearing date and panel that will consider the application; the April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

- For: Krystina Page, 3139 McDermott, Dallas TX 75215
- Against: Jessica Owens, 3131 Tuskegee St., Dallas, TX 75215

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-053, on application of Krystina Paige, **GRANT** the 5-foot variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	1	Kathleen Davis

2. 3601 W. Lawther Drive

This item was moved to Individual Cases

BDA234-055CJ)

BUILDING OFFICIAL’S REPORT: Application of Rob Baldwin for **(1)** a special exception to the single-family regulations at 3601 W. LAWATHER DR. This property is more fully described as Block B/4400, Lot 1, and is zoned R-1ac(A), which limits the number of dwelling units to one. The applicant proposes to construct and or maintain accessory dwelling unit (For Rent), which will require (1) a special exception to the single-family zoning use regulations.

LOCATION: 3601 Lawther Dr.

APPLICANT: Rob Baldwin

REQUEST:

- (1) A special exception to the single-family zoning regulations for a rentable single-family residential accessory dwelling unit.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE AN ACCESSORY DWELLING UNIT (FOR RENT):

Section 51A-4.209(b)(6)(E)(iii)(aa) of the Dallas Development Code specifies that 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.**

Section 51A-4.209(b)(6)(E)(iii)(cc) In granting this type of special exception, the board shall require the applicant to 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.

STAFF RECOMMENDATION:

Special Exception:

No staff recommendation is made.

BDA History

No BDA history found within the last five years.

Square Footage:

The lot contains 45,738 of square feet or 1.5ac.

The lot is zoned R-1ac(A) with a minimum lot size of 43,560 square feet.

Zoning:

- Site: R-1ac(A) Single Family District
- North: R-1ac(A) Single Family District
- South: R-1ac(A) Single Family District
- East: R-1ac(A) Single Family District
- West: R-7.5(A) Single Family District

Land Use:

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

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin for the property located at 3601 W. Lawther Dr. focuses on one specific request. The request focuses on a variance to the single-family zoning use regulations for a single-family residential accessory dwelling unit (FR).
- The applicant proposes to construct an accessory dwelling unit (FR), which will require a special exception to the single-family use regulations.
- The Dallas Development code, for single-family zoning, allows one dwelling unit per lot.
- According to the applicant's application, the accessory structure will be utilized as rentable dwelling unit.
- The single-family use regulations of the Dallas Development Code state that 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.

- The applicant has the burden of proof in establishing that the accessory dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an accessory dwelling unit (FR) 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 require owner-occupancy on the premises and annually register the rental property with the city's single family non-owner occupied rental program.
- Moreover, the applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect neighboring properties.
- Granting the special exceptions to the single-family use regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-055 at 3601 W. Lawther Dr.](#)

Timeline:

- March 21, 2024: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board's docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers

For: Rob Baldwin, 3904 Elm St Suite B, Dallas TX 75226

Against: No Speakers

Motion

I move that the Board of Adjustment, in request No. BDA 234-055, on application of Rob Baldwin, **GRANT** the request to construct and maintain an additional dwelling unit on a site developed with a single-family structure as a special exception to the single-family use regulations in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring properties.

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

Compliance with the most recent version of all submitted plans are required.

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

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Rachel Hayden, Jay Narey and Phil Sahuc
		Against:	-	0	

3. 8206 Inwood Road
 BDA234-056(CJ)

BUILDING OFFICIAL’S REPORT Application of Rob Baldwin for (1) a special exception to the fence-height regulations at 8206 INWOOD RD. This property is more fully described as Block 5674, Lot 23, and is zoned R-16(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot 6-inch-high fence in a required front yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

LOCATION: 8206 Inwood Rd.

APPLICANT: Rob Baldwin

REQUEST:

(1) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exception (1):

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-16 (A) (Single Family District)
- North: R-16 (A) (Single Family District)
- East: R-7.5 (A) (Single Family District)
- South: R-16 (A) (Single Family District)
- West: R-16 (A) (Single Family District)

Land Use:

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

Square Footage:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application Rob Baldwin, for the property located at 8206 Inwood Road focuses on 1 request relating to the fence height regulations.
- The applicant proposes to construct and maintain and 6-foot-6-inch-high fence in a required front yard facing Inwood Road, which will require a 2-foot-6-inch special exception to the fence height regulations.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 6-foot-6-inch-high fence around the back and along a portion of the front yard of the property at 8206 Inwood Road.
- The applicant has stated that the proposed 6-foot-6-inch fence will be an addition for privacy and security.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Inwood Road with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage and front yards on Inwood Road.
- 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.

- Granting the special exceptions to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 11, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: No Speakers

Against: No Speakers

Motion

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

BDA 234-056 – Application of Rob Baldwin, for a special exception to the fence height standards in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jay Narey				
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Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

4. 5717 Walnut Hill Lane
 BDA234-058(KMH)

BUILDING OFFICIAL’S REPORT: Application of Megan Ratcliff for (1) a special exception to the fence height regulations at 5717 Walnut Hill Ln. This property is more fully described as Block 4/5515, Lot 8B, and is zoned R-10(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct and/or maintain a 6-foot high fence in a required front-yard, which will require (1) a 2-foot special exception to the fence height regulations.

LOCATION: 5717 Walnut Hill Ln.

APPLICANT: Megan Ratcliff

REQUEST:
 (2) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

BDA History:

No BDA history

Square Footage:

This lot contains 18, 898.52 of square feet.
 This lot is zoned R-10(A) which requires a minimum lot size of 10,000 square feet.

Zoning:

- Site: R-10(A)
- North: R-10(A)
- East: R-10(A)

South: SUP and R-1ac(A)
West: R-10(A)

Land Use:

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes. There is a school, Heritage School of Texas, and a congregational facility just south of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Megan Ratcliff for the property located at 5717 Walnut Hill Lane focuses on one specific request relating to the fence height regulations.
- The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes. There is also a congregational facility as well as a school just south of the subject site.
- The applicant proposes to construct and maintain a 6-foot high fence in a required front yard. The proposed fence is expected to be a wrought iron fence with ornamental picket gates.
- As gleaned from the submitted elevations, the fence panels measure approximately 6-feet in height.
- The applicant has stated that the proposed is imperative as she lives on a busy street and wants the fence for privacy and security reasons. The applicant also states that the fence is in keeping with other fences in the immediate area as there are other homes that have 6 to 8-foot fences.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Walnut Hill with fences and/or some form of vegetation serving as a screening mechanism.
- 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 applicant has the burden of proof in establishing that the special exception to the fence height regulations will not adversely affect the neighboring properties.
- Granting the special exception relating to the fence height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- [BDA234-058 at 5717 Walnut Hill](#) 200’ Radius Video

Timeline:

March 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services 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 April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Board Attorney, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: No Speakers

Against: No Speakers

Motion

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

BDA 234-058 – Application of Megan Ratcliff, for a special exception to the fence standards in the Dallas Development Code is granted subject to the following condition:

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Jay Narey				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

5. 1931 Danube Drive
BDA234-061(BT)

BUILDING OFFICIAL’S REPORT: Application of Ricardo Alonso for **(1)** a variance to the front-yard setback regulations at 1931 Danube Dr. This property is more fully described as Block 26/5873, Lot R and is zoned R-7.5(A), which requires a front-yard setback at Danube Dr. and Southerland St. of 25-feet. The applicant proposes to construct and/or maintain a single-family dwelling and provide a 20-foot front-yard setback at Southerland St., which will require **(1)** a 5-foot variance to the front-yard setback regulations.

LOCATION: 1931 Danube Dr.

APPLICANT: Ricardo Alonso

REQUEST:

(3) A request for a variance to the front-yard setback regulations.

STANDARDS OF REVIEW 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:

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

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or

easement; or

(v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Variance:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in shape as it is an irregularly shaped lot, it is also a corner lot which requires two front yard setback requirements; therefore, it cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not self-created nor is it a personal hardship.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single Family District)
- North: R-7.5(A) (Single Family District)
- East: SUP 236 Cedar Crest Golf Course
- South: SUP 236 Cedar Crest Golf Course_
- West: R-7.5(A) (Single Family District) and one MF-2(A) (Multifamily District)

Land Use:

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

Square Footage:

This lot contains of 14,074 square feet (0.323 of an acre)
 This lot is zoned R-7.5(A) which requires a minimum lot size of 7,500 square feet
 Total proposed 2-story single family dwelling is 2052 square feet under roof

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Ricardo Alonso for the property located at 1931 Danube Dr. focuses on 1 request relating to a variance to the front-yard setback regulations.
- The applicant is requesting a variance to the front-yard setback regulations. The applicant is proposing to construct and maintain a residential structure and provide a 20-foot front yard setback at Southerland St., which will require a 5-foot variance to the front-yard setback regulations.

- The subject site along with surroundings properties to the north, are all developed with single-family homes, south and east are all developed with Cedar Crest Golf Course and to the west, majority single-family homes with one multifamily lot adjacent to the subject.
- It is imperative to note that the subject site is a corner lot, and has minimum to no street frontage on Danube Dr.
- Per staff’s review of the subject site, it has been confirmed that the single family structure of the property is proposed.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

200’ Radius Video: [BDA234-061 at 1931 Danube Dr](#)

Timeline:

- March 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services 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 April 26, 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:
 For: No Speakers
 Against: No Speakers

Motion

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

BDA 234-061 – Application of Ricardo Alonso for a variance to the front-yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

Maker:	Jay Narey				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

INDIVIDUAL CASES

5. 2514 Hillside Drive
 BDA234-052(CJ)

BUILDING OFFICIAL’S REPORT: Application of Jeff Clardy for **(1)** a variance to the off-street parking regulations at 2514 HILLSIDE DR. This property is more fully described as Block H/2794, Lot 5, and is zoned CD-2 (tract 1), which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require **(1)** a variance of 4-feet to the off-street parking regulations.

LOCATION: 2514 Hillside Dr.

APPLICANT: Jeff Clardy

REQUEST:

(2) A request for a variance to the off-street parking regulations.

STANDARDS OF REVIEW 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:

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

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

1. Variance to the off-street parking regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Is contrary to the public interest as no letters of opposition have been received.
- B. Is not restrictive in area, shape or slope; The lot area for of the subject site is approximately 8,755.56 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Is not a self-created or personal hardship.

BACKGROUND INFORMATION:

BDA History:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 8,755.56 of square feet.

This lot is zoned CD-2 (tract 1) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: CD-2 (tract 1) (Lakewood Conservation District)
- North: CD-2 (tract 1) (Lakewood Conservation District)
- South: CD-2 (tract 1) (Lakewood Conservation District)
- East: CD-2 (tract 1) (Lakewood Conservation District)
- West: CD-2 (tract 1) (Lakewood Conservation District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- The application for the Jeff Clardy property located at 2514 Hillside Drive focuses on 1 request relating to the off-street parking regulations.
- A request for a variance to the off-street parking regulations of 4-feet is made to construct and/or maintain a single-family residential structure at 2514 Hillside Drive.
- The subject site is zoned CD-2(tract-1) which requires a parking space must be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is in an enclosed structure and if the space faces upon or can be entered directly from the street or alley
- As gleaned from the submitted site plan, the proposed home is set to encroach 4-feet into the 20-foot required off-street parking setback at 2514 Hillside Drive.
- It is imperative to note that the subject site has single street frontage on Hillside Drive.
- The subject site is currently developed with a single-family structure.
- The Transportation Engineering Program Administrator provided comments stating that there are no objections if certain conditions are met; “the applicant must provide a site plan to scale, showing location of proposed garage and dimensions of alley to determine if proposed condition provides adequate maneuvering in and out of garage.”

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

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

- be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (f) 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.
 - (g) 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.
 - (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (j) the municipality considers the structure to be a nonconforming structure.
- Granting the proposed 4-foot variance to the off-street parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - 200’ Radius Video: [BDA234-052 at 2514 Hillside Dr.](#)

Timeline:

- March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
 - an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner,

Chief Arborists, Zoning Senior Planner and Transportation Engineer

May 2, 2024: Transportation Engineering Program Administrator provided engineering review comments.

Speakers:

For: Jeff Clardy, 9246 Biscayne Blvd., Dallas TX 75218

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 234-052, on application of Jeff Clardy, **GRANT** the 4-foot variance to the off-street parking regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the most recent version of all submitted plans are required.

Maker:	Philip Sahuc				
Second:	Rachel Hayden				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

6. 7023 Oriole Drive
 BDA234-067(CJ)

BUILDING OFFICIAL’S REPORT: Application of Shelby Longoria for **(1)** a variance to the front-yard setback regulations; for **(2)** a special exception to the fence opacity regulations; and for **(3)** a special exception to the fence height regulations at 7023 ORIOLE DR. This property is more fully described as Block 9/4921, Lot 1, and is zoned PD-67 (tract 4), which requires a front-yard setback of 25-feet; 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; and limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 6-foot 7-inch front-yard setback, which will require **(1)** a 18-foot 5-inch variance to the front-yard setback regulations; to construct and/or maintain a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require **(2)** a special exception to the fence regulations;, and to construct and/or maintain a 6-foot-high fence in a required front-yard, which will require **(3)** a 2-foot special exception to the fence regulations.

LOCATION: 7023 Oriole Dr.

APPLICANT: Shelby Longoria

REPRESENTED BY: Tommy Mann & Daniel Box

REQUEST:

- (4) A request for a variance to the front-yard setback regulations.
- (5) A request for a special exception to the fence opacity regulations; and
- (6) A special exception to the fence height regulations.

STANDARDS OF REVIEW 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:

- (J) **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.
- (K) 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
- (L) **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.

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

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

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence opacity regulations when in the opinion of the board, **the special exception will not adversely affect neighboring property.**

STAFF RECOMMENDATION:

Variance to the front yard setback regulations

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Is contrary to the public interest as no letters of opposition have been received.
- D. Is not restrictive in area, shape or slope; The minimum lot size for residential use in zoning district R-7.5(A) is 7,500 sqft. The lot area for of the subject site is approximately 10,497.96 sqft, is not sloped and is not irregularly shaped, therefore, the property can be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- E. Is not a self-created or personal hardship.

Special Exceptions (2):

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

BACKGROUND INFORMATION:

Zoning:

- Site: PD 67/R-7.5 (A) (Single Family District)
- North: PD 67/R-7.5 (A) (Single Family District)
- East: PD 67/R-7.5 (A) (Single Family District)
- South: PD 67/R-7.5 (A) (Single Family District)
- West: PD 67/R-7.5 (A) (Single Family District)

Land Use:

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

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Shelby Longoria property located at 7023 Oriole Drive focuses on 3 requests relating to the front yard setback regulations, fence height regulations and fence standards regarding opacity.
- The applicant is requesting a 18-foot 5-inch variance to the front-yard setback regulations
- Zoning District PD 67/R-7.5(A) requires a 25-foot front yard setback

- As gleaned from the site plan, the existing home is encroaching into the 25-foot required front yard setback at 7023 Oriole Drive.
- The applicant has stated that the variance request was made so that the existing structure can conform to the existing conditions of the neighborhood and since having two front yard restricts the subject sites buildable area.

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

- That granting the variance to the front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Secondly, the applicant proposes to maintain and 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations.
- Lastly, the applicant is requesting a special exception to the fence standards regulations regarding opacity
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence around the circumference of the property at 7023 Oriole Drive.
- The fence is material is wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage and two front yards due to block face continuity on Oriole Drive and Linnet Lane.
- Per staff’s review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations relating to height and opacity will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity regulations with a condition that the applicant complies with the submitted site plan and

elevations, would require the proposal to be constructed as shown on the submitted documents.

- 200’ Radius Video: [BDA234-067 at 7023 Oriole Dr.](#)

Timeline:

March 21, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 10, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

April 24, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the hearing date and panel that will consider the application; the April 26 , 2024, deadline to submit additional evidence for staff to factor into their analysis; and May 10, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

May 2, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the May public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

Speakers:

For: Daniel Box, 2728 N. Harwood, Dallas TX 75201
Cash M’Elroy, 6301 Lemmon Ave # 202, Dallas TX 75219
Adrienne Brown, 6811 Robin Rd., Dallas TX 75209

Against: Jonathan Maples, 6525 Oriole Dr., Dallas TX 75209

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 231-067, on application of Shelby Longoria, **GRANT** the 18-foot 5-inch variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Philip Sahuc				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 234-067, on application of Shelby Longoria, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with opacity and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	4-1				Motion to grant
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Phil Sahuc and Rachel Hayden
		Against:	-	1	Jay Narey

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 234-067, on application of Shelby Longoria, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with height and fence location requirements illustrated in the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				

Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Phil Sahuc, Rachel Hayden and Jay Narey
		Against:	-	0	

****Recess at 2:39 pm – 2:50 pm****

****Recess at 3:15 pm – 3:30 pm****

****Recess at 4:20 pm – 4:30 pm****

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman moved to adjourn the meeting at 4:46 p.m.

Maker:	Rachel Hayden				
Second:	Philip Sahuc				
Results:	5-0 unanimously				Motion to adjourn

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

 Date

 Required Signature:
 Dr. Kameka Miller-Hoskins, Chief Administrator
 Development Services Dept.

 Date

 Required Signature:
 David A. Neumann, Chairman
 Board of Adjustment

 Date

FILE NUMBER: BDA224-071 (BT)

BUILDING OFFICIAL'S REPORT: Application of Houshang Jahvani for (1) a special exception to the landscaping regulations at 607 W. Davis St. This property is more fully described as Block A/3428 Lot 2A, and is zoned PD-830 Subdistrict 6, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

LOCATION: 607 W. Davis St.

APPLICANT: Houshang Jahvani

REQUEST: A special exception to the landscape regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPING AND TREE MITIGATION:

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that **strict compliance with the requirements of this article will unreasonably burden the use of the property**; the **special exception will not adversely affect neighboring property**; and **the requirements are not imposed by a site-specific landscape plan** approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

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

STAFF RECOMMENDATION:

Special Exceptions (1):

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

The arborist division has no objection to the proposed alternate landscape plan for the property because we believe that strict compliance with the requirements of Article X will unreasonably burden the use of the property and the design will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

- Site: PD-830 Subdistrict 6
- North: PD-830 Subdistrict 6 & PD-830 Subdistrict 4
- East: PD-830 Subdistrict 6 & PD-160
- South: PD-830 Subdistrict 6
- West: PD-830 Subdistrict 6

Land Use:

The subject site is currently developed with a convenience store and gas station and the proposed one story retail addition. The surrounding area mainly consists of retail and single family structures.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the landscape regulations.
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain and retail food mart resulting in the need for a landscape special exception.
- The original development was approved with an alternate landscape plan under BDA978-150 which was deficient from Article X (1994 amendments) requirements. The site had been modified in recent years with a reduction of some landscape area and paving expansion along Fouraker Street. Davis Street was improved by the City of Dallas with new street and sidewalk improvements and the introduction of three trees in the right-of-way in designated tree wells. One tree near Davis Street was lost to storm damage and one additional tree is proposed to be removed for the new building addition.
- Article X (2018 amendments) requires the provision of 1 large/medium tree per 40 feet of street frontage (6 trees per frontage) with a street buffer zone on both streets, and a residential buffer zone of a minimum of 6.5' wide along Fouraker Street. The narrow street and existing driveway and infrastructure conditions are not supportable to compliance for Fouraker Street or Davis Street.

- The property requires 10 landscape design option points. The plan provides for 5 points for foundation planting conditions.
- Along Fouraker Street, a new 5.5' wide right-of-way dedication places all existing and new landscaping inside the dedicated area. An additional 2' right-of-way dedication was placed along Davis Street. Infrastructure, visibility triangles, and infrastructure restrict planting.
- Granting the special exception to the landscape and tree mitigation regulations with a condition that the applicant complies with the submitted site and landscape plan, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-071 607 W. Davis St](#)

Timeline:

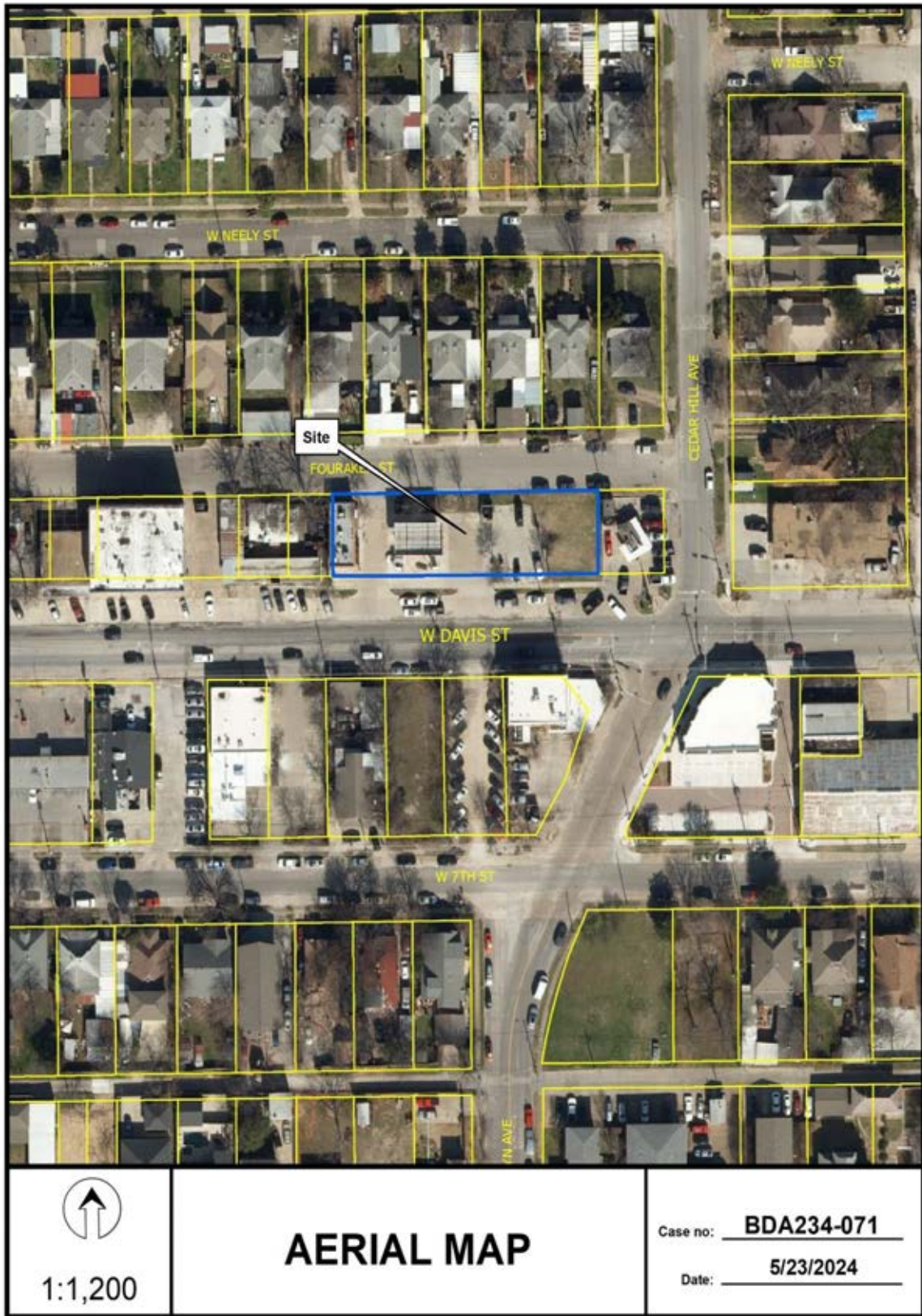
April 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

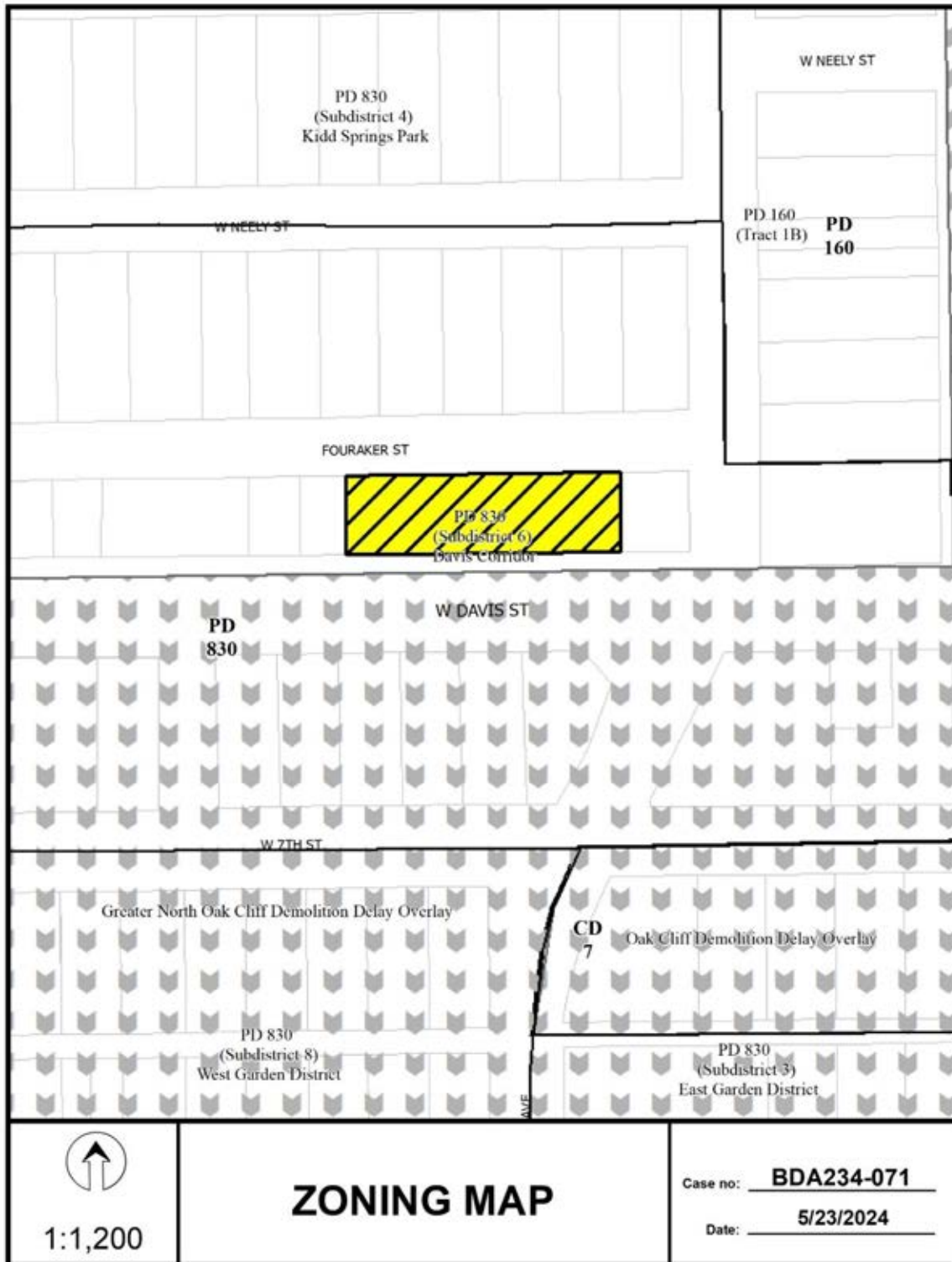
May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

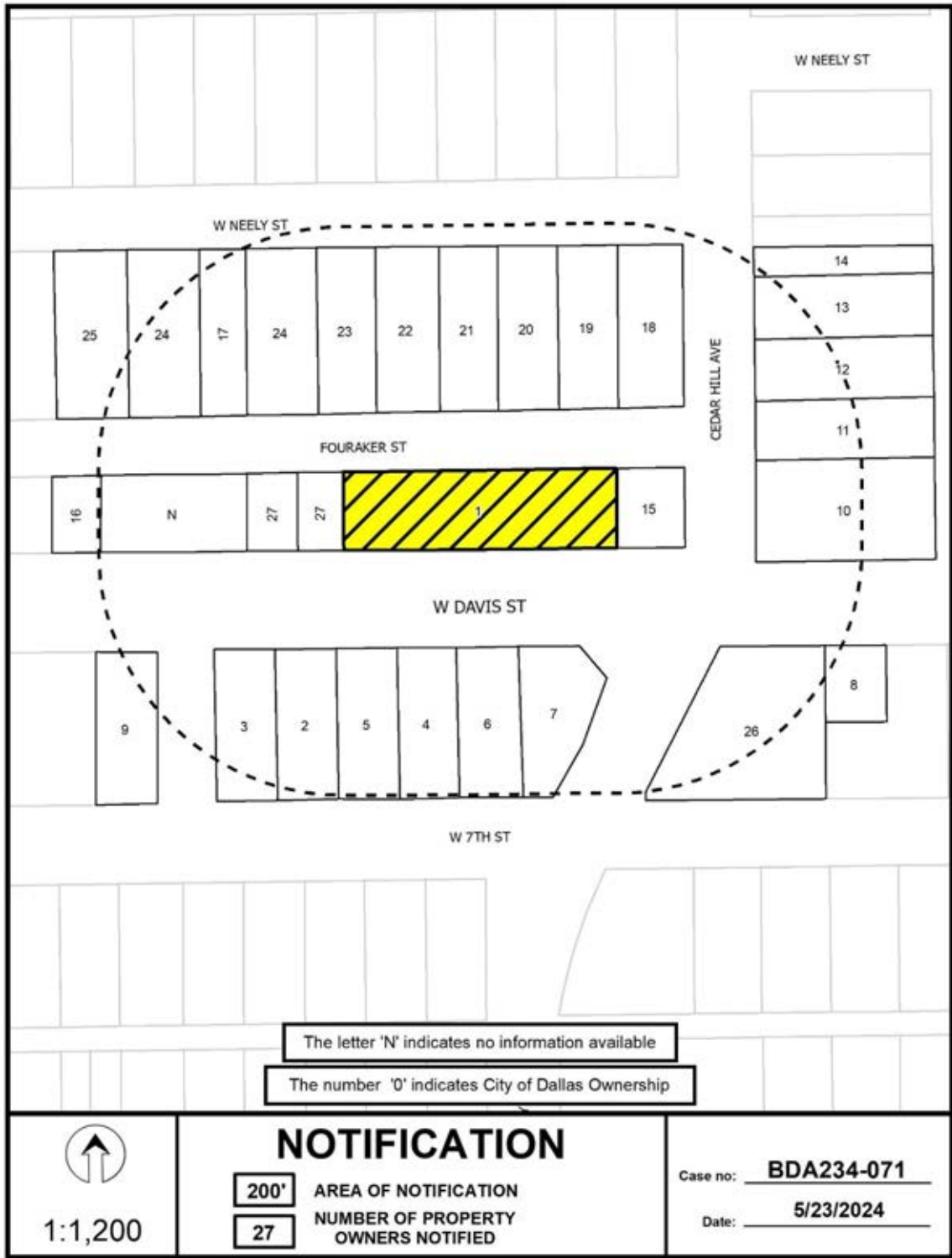
May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.







05/23/2024

Notification List of Property Owners

BDA234-071

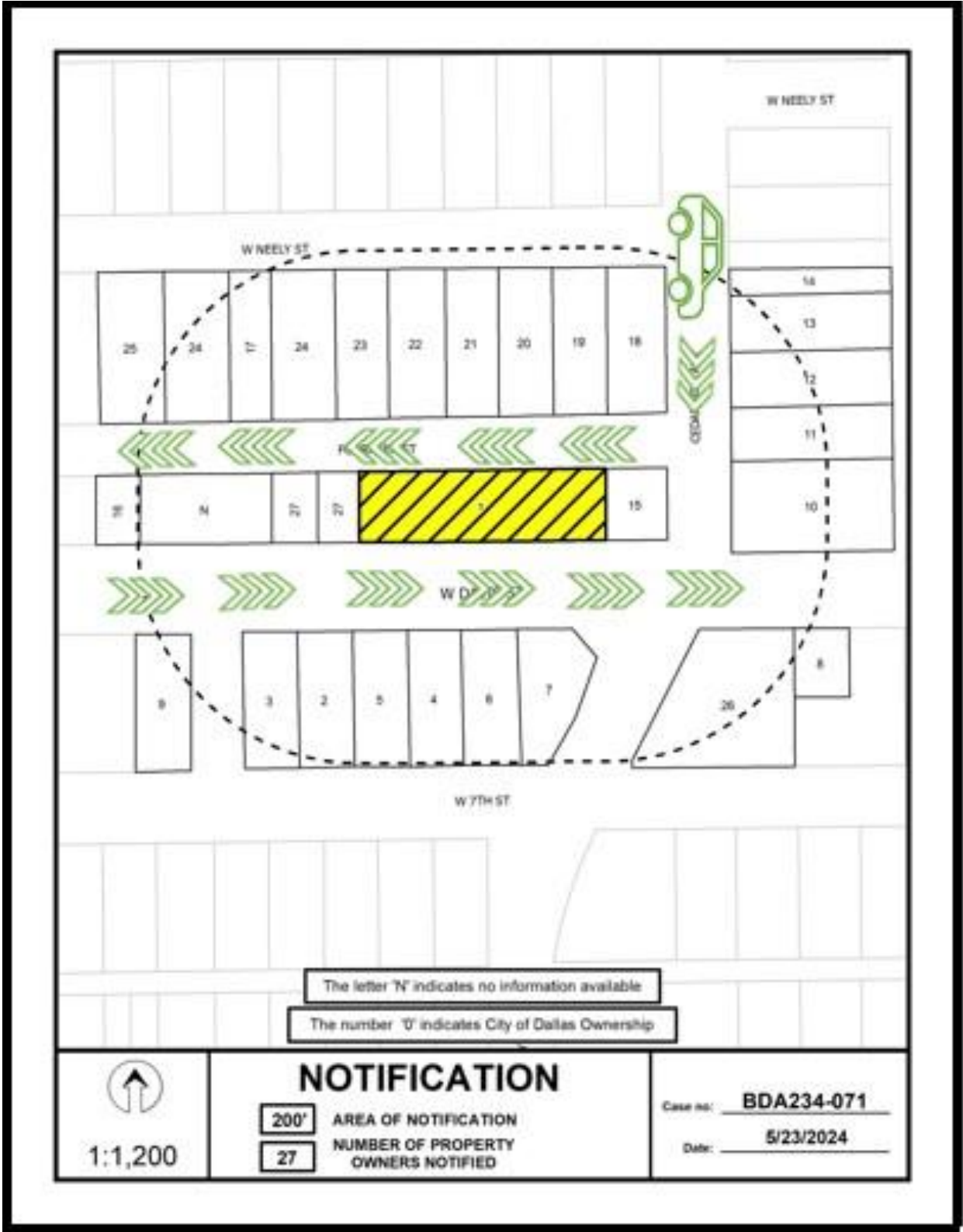
27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	619 W DAVIS ST	TIN DIK ENTERPRISES INC
2	629 W 7TH ST	Taxpayer at
3	634 W DAVIS ST	Taxpayer at
4	624 W DAVIS ST	GAYTAN JOSE SR &
5	626 W DAVIS ST	RANGEL FRANCISCO JAVIER
6	617 W 7TH ST	Taxpayer at
7	614 W DAVIS ST	Taxpayer at
8	520 W DAVIS ST	CLIFTON DEBI
9	642 W DAVIS ST	L & K GROUP LLC
10	519 W DAVIS ST	WEST DAVIS ASSOCIATES
11	610 CEDAR HILL AVE	CARMODY DAVID E &
12	612 CEDAR HILL AVE	GAYTAN JOSE &
13	616 CEDAR HILL AVE	VASQUEZ JUAN
14	618 CEDAR HILL AVE	CUELLAR MARTHA
15	601 W DAVIS ST	GAYTAN JOSE & MARIA
16	639 W DAVIS ST	Taxpayer at
17	630 W NEELY ST	BARTOLOMEI MARCO
18	600 W NEELY ST	CARRANZA MARIA
19	604 W NEELY ST	SANCHEZ LEONOR
20	608 W NEELY ST	GUERRERO JOSE G &
21	612 W NEELY ST	SERRANO MANUEL
22	616 W NEELY ST	MUNOZ GUADALUPE &
23	620 W NEELY ST	ROBLEDO ALBERTO & MARIA N
24	624 W NEELY ST	JENNIFER OWENS LLC
25	636 W NEELY ST	MENDEZ PEDRO D &
26	550 W DAVIS ST	FUENTES JOSE CO INC

05/23/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	625 W DAVIS ST	MOORE DOUGLAS RICARDO

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the **BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)** will hold a hearing as follows:

DATE: TUESDAY, JUNE 18TH, 2024

BRIEFING: 10:00 a.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa-0618>

HEARING: 1:00 p.m. via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa-0618>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-071(BT) Application of Houshang Jahvani for **(1)** a special exception to the landscaping regulations at **607 W. DAVIS ST.** This property is more fully described as Block A/3438, Lot 2A and is zoned PD-830, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require **(1)** a special exception to the landscape regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. 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-A-Register> **by the close of business Monday, June 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing.** 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)

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-071 **RECEIVED**
APR 18 REC'D
BY: DISTRICT 6

Data Relative to Subject Property: _____ Date: _____
 Location address: 607 W DAVIS STREET Zoning District: PD 83C
 Lot No.: 2A Block No.: 413438 Acreage: 0.343 Census Tract: _____
 Street Frontage (in Feet): 1) 230' 2) 230' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): TAN DIK ENTERPRISES, INC
 Applicant: HOUSHANG JAHVANI Telephone: 214-718-9469
 Mailing Address: 2121 N. JOSEY LANE, #200 Zip Code: 75006
CARROLLTON TX
 E-mail Address: JAHVANI@HOTMAIL.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 SPECIAL EXCEPTION
TO LANDSCAPE

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:

NOT ENOUGH SPACE FOR LANDSCAPE

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

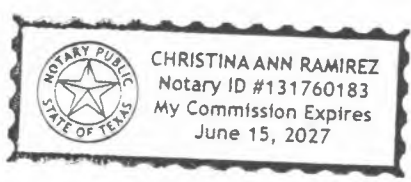
Before me the undersigned on this day personally appeared HOUSHANG JAHVANI
 (Affiant/Applicant's name printed)

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 5th day of April, 2021

[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 HOUSANG JAHVANI

did submit a request for (1) a special exception to the landscaping regulations
at 607 W. Davis St

BDA234-071(BT) Application of Houshang Jahvani for (1) a special exception to the landscaping regulations at 619 W. DAVIS ST. This property is more fully described as Block A/3438, Lot 2A and is zoned PD-830, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



REFERRAL FORM FOR BOARD OF ADJUSTMENT

APPLICANT HOUSHANG JAHVANI OWNER SHAM SUDDOHA
 ADDRESS 607 W DAVIS ST. STATE TEXAS ZIP
75201 24 BLOCK A/3438 ZONING

<u>Variance</u>	<u>Special Exception</u>
<input type="checkbox"/> Yard setback	<input type="checkbox"/> Fence height and standards
<input type="checkbox"/> Lot width	<input type="checkbox"/> Visibility triangle obstructions
<input type="checkbox"/> Lot Depth	<input type="checkbox"/> Parking demand
<input type="checkbox"/> Lot Coverage	<input checked="" type="checkbox"/> Landscaping
<input type="checkbox"/> Floor area for accessory structures for single family uses	<input type="checkbox"/> Additional dwelling unit for a single-family
<input type="checkbox"/> Height	<input type="checkbox"/> Carport
<input type="checkbox"/> Minimum width of sidewalk	<input type="checkbox"/> Non-conforming use
<input type="checkbox"/> Off-street parking	<input type="checkbox"/> Other
<input type="checkbox"/> Off-street loading	
<input type="checkbox"/> Landscape regulations	
<input type="checkbox"/> Other	

Please list the City of Dallas Development Code(s) this project is non-compliant with:
51A-10.125, 51A-10.126

Description: The site is being improved with additional floor area triggering landscaping. The changes also amend landscaping code that was approved by the Board of Adjustment by a previous case (619 W Davis, BDA 978-150).

Alternative resolutions discussed/offered:
Revert amendment to BDA 978-150.

Referred by: Philip Erwin Contact: 214-948-4117 Date: 1/26/24

FOR INTERNAL USE ONLY

Board of Adjustment Prescreen Checklist

Intake

Reviewer: *JVora* Date: *2/22/24*

Referred By: _____

Applicant: *Sudduha Sham* Ph #: _____ email: _____

Property Address: *607 W. Davis*

Zoning: *PD830, Sub. 6* Lot: *2A* Block: *A/3438* Acres: *0.343*

Conservation/Historic District: _____

Land Use: _____ Is use allowed? Yes No

County Plat? *Yes* *No* *-Pending replat.* Legal Build Site: _____

Street frontage: 1.) *230'* 2.) *230'* 3.) _____ 4.) _____

Corner lot: _____ Double frontage: *yes*

Utilities/Easements/Dedications/Thoroughfare: _____

Permit: *S223-087*

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Front yard setback:	_____ MIN.	_____	Lot coverage:	_____ MIN.	_____
Side yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Lot size:	_____ MIN.	_____
Parking:	_____ MIN.	_____			

Accessory/Additional dwelling

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Side yard setback:	_____ MIN.	_____	Sq ft.:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____

Notes:
Affidavit incomplete, App incomplete, entity ownership
Reason for request, & block map.



Appeal number: BDA 234-071

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

at: 805 Berkshire Rd Southlake TX 76092
(Address of property as stated on application)

Authorize: HOUSHANG JAHVANI
(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)

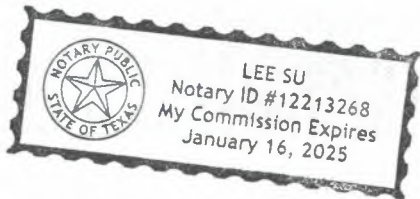
- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: LANDSCAPE EXCEPTION

Suddha Sham [Signature]
 Print name of property owner or registered agent Signature of property owner or registered agent
 agent Date 6th February 2024

Before me, the undersigned, on this day personally appeared
with Texas Driver License ID- 13960963

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 6th day of February, 2024



[Signature]
 Notary Public for Dallas County, Texas
 Commission expires on _____



Appeal number: BDA 234-071

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

at: 805 Berkshire Rd, Southlake, TX 76092
(Address of property as stated on application)

Authorize: HOUSHANG JAHVANI
(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)

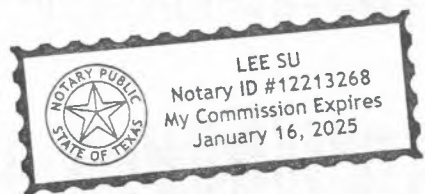
Specify: LANDSCAPE EXCEPTION

Sudduka Sham _____
Print name of property owner or registered agent Signature of property owner or registered

agent Date Feb 6th 2024

Before me, the undersigned, on this day personally appeared
with TEXAS DRIVERS LICENCE ID # 13960963

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 6th day of
Feb, 2024



Notary Public for Dallas County,
Texas

Commission expires on _____



AFFIDAVIT

Appeal number: BDA _____

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

at: _____
(Address of property as stated on application)

Authorize: _____
(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: _____

Sudduha Sham
Print name of property owner or registered agent
agent Date Feb 6th 2024

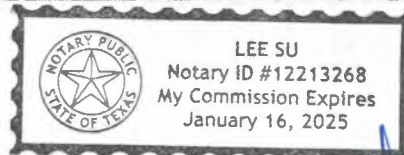
[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared
with Texas Driver's licence ID# 13960963

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 6th day of

Feb, 2024



Commission expires on _____

[Signature]



AFFIDAVIT

Appeal number: BDA _____

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

at: _____
(Address of property as stated on application)

Authorize: _____
(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: _____

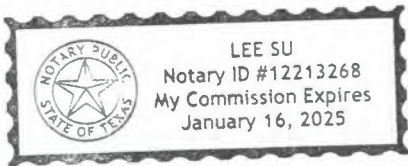
Sudduha Sham _____
 Print name of property owner or registered agent Signature of property owner or registered agent

agent Date 6th February 2024

Before me, the undersigned, on this day personally appeared
With Texas Driver Licence ID # 13960963

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 6th day of
February, 2024



Commission expires on 1-16, 2025

BDA 234-071



Posting of Notification Sign

Address 407 W. Davis St

Appeal Number: BDA 234-071

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

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

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

Footage of each street frontage: 230', 230'

Number of acres: 0.343

Number of signs received: 2

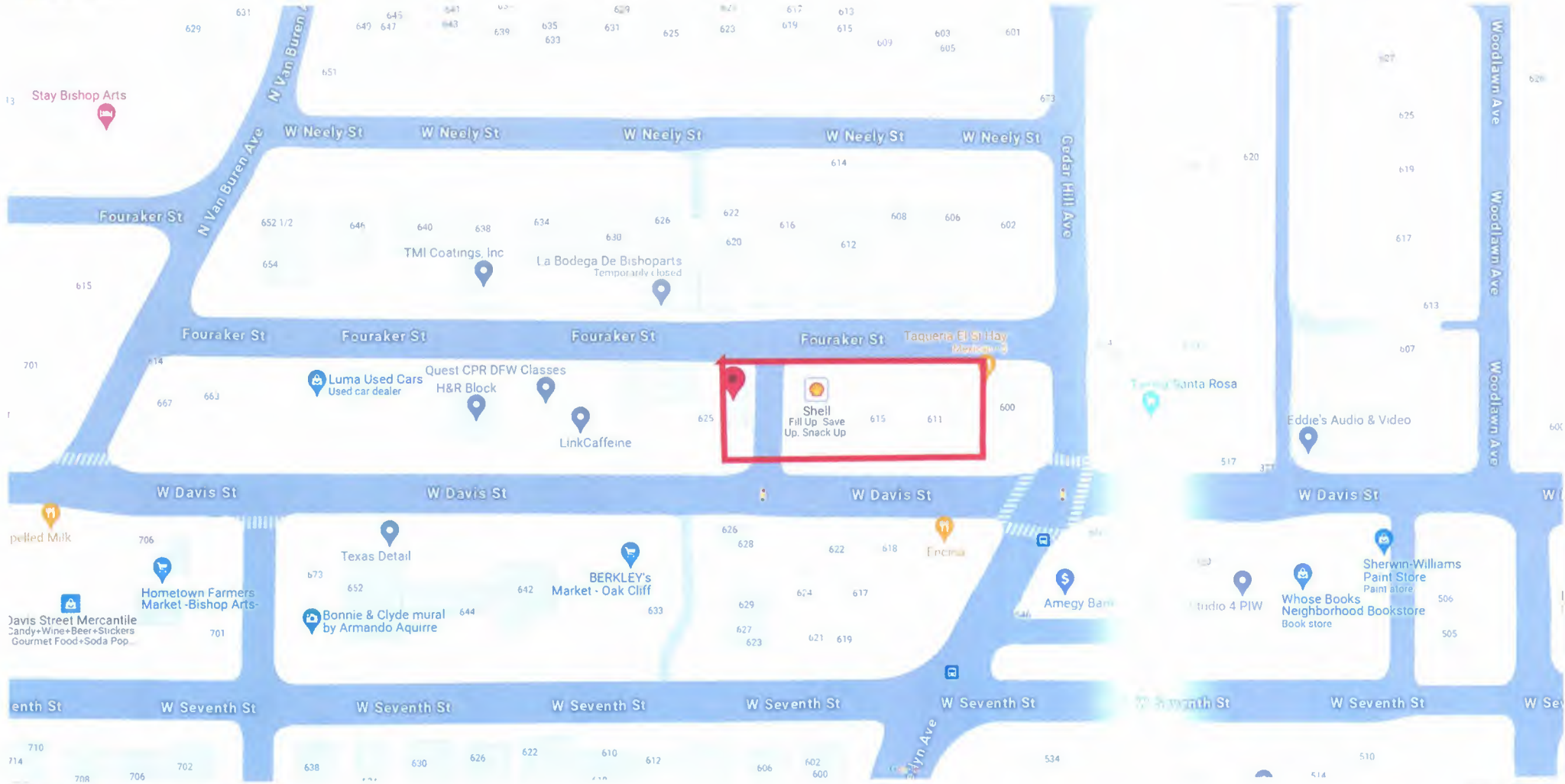
Signature of applicant or person receiving signs

4-18-24

Date

619 WEST DAVIS STREET

Google Maps 619 W Davis St



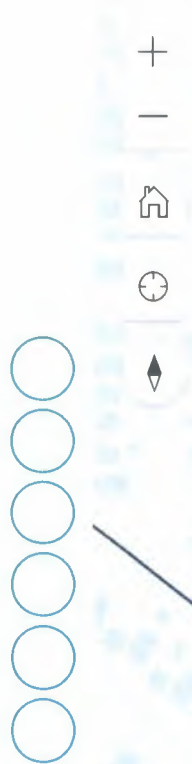
619 W Davis St

Building



619 W Davis St, Dallas, TX 75208

BDA234-071



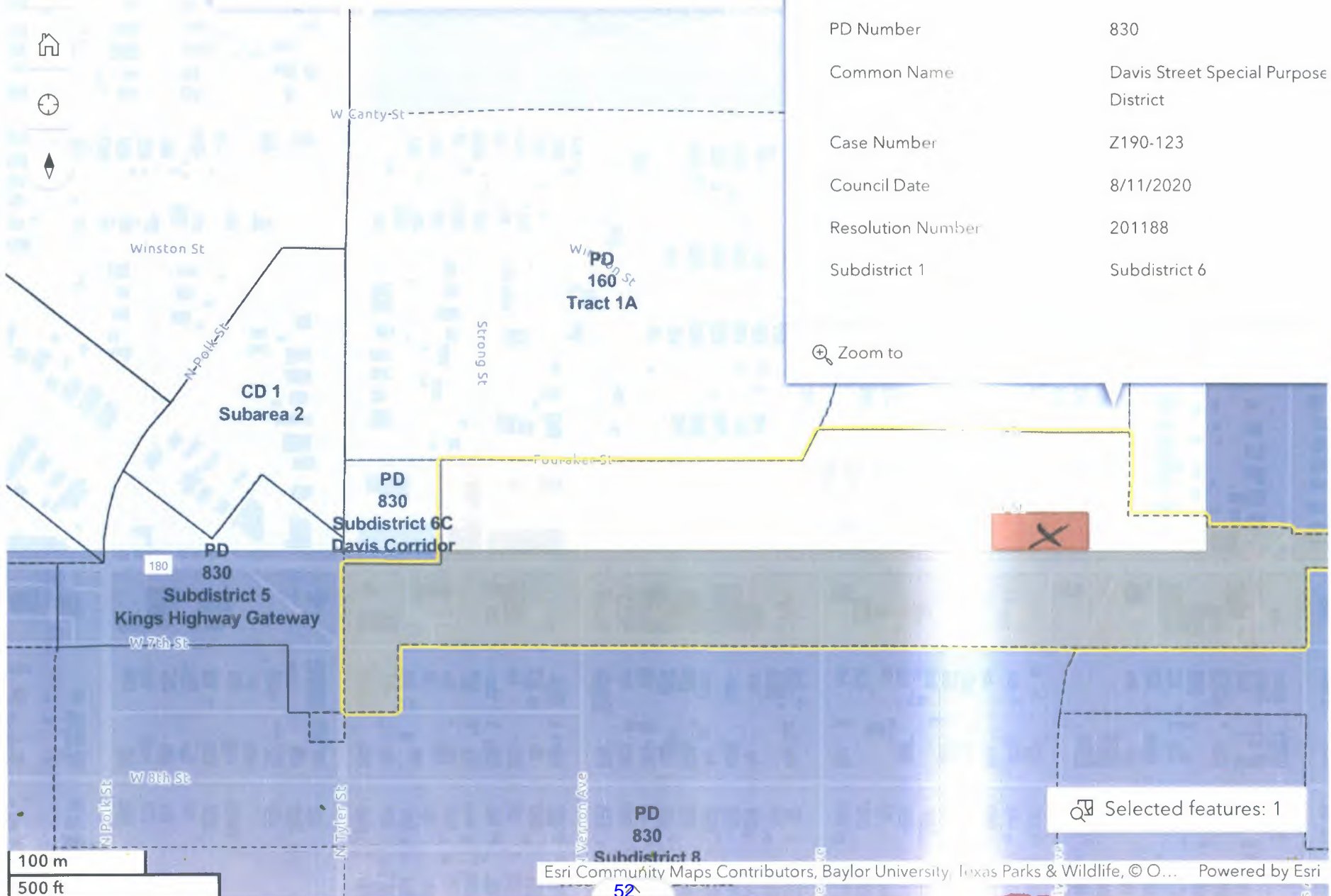
619 W DAVIS ST, DALLAS

Search result

PD (Planned Development) Subdistricts

Zone District	PD
PD Number	830
Common Name	Davis Street Special Purpose District
Case Number	Z190-123
Council Date	8/11/2020
Resolution Number	201188
Subdistrict 1	Subdistrict 6

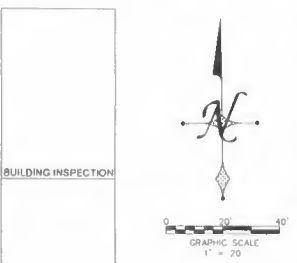
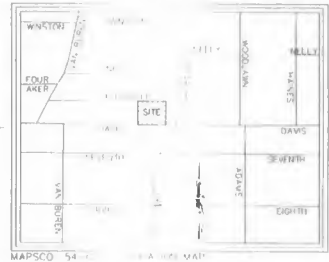
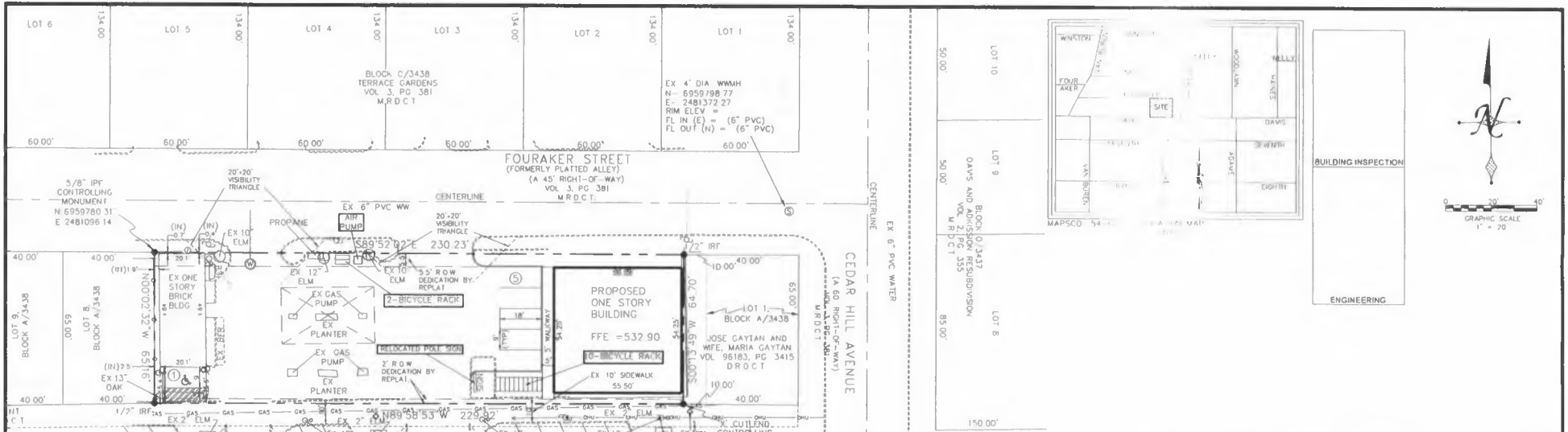
Zoom to



100 m
500 ft

Selected features: 1

BDA-234-071



SITE PLAN SUMMARY

LOT AREA: 0.343 ACRES (14,939 SQ. FT)
 ZONING: TD-HS0 SUB DISTRICT 6 (DAVIS CORRIDOR)
 LOT AREA: 40,848
 PROPOSED BUILDING AREA: 980 S.F.
 MAX. A BUILT-UP AREA: 3,000 S.F.
 MAX. BUILDING FLOOR AREA: 3,980.00 S.F.
 COVER AREA RATIO: 0.27/1
 REQUIREMENTS: PARKING SPACE PER 200 S.F. BUILDING AREA = 20
 PROVIDED: 14 (6 ON SITE, 10 ALONG STREET), AND 12 BICYCLE SPACES (EQUAL TO 3 PARKING SPACES)
 NET DEVELOPMENT PARKING SPACE REDUCTION: 1
 MIN. # PLANT REQUIRED: 2
 MIN. # PLANT PROVIDED: 12 (EQUAL TO 3 PARKING SPACES)
 LANDSCAPE PARKING SPACE REQUIRED: 1
 LANDSCAPE PARKING SPACE PROVIDED: 1
 TREE SPECIFICATIONS:
 MIN. # TREE (1) TREE FOR EACH 40' OF FRONTAGE: 6 TREES ALONG DAVIS STREET AND 6 ALONG FOURAKER STREET = 12
 PROVIDED: 6 TREES ALONG DAVIS STREET AND 6 ALONG FOURAKER STREET = 12
 NOTES:
 1. 5' SIDEWALK ALONG BOTH SIDES OF FOURAKER STREET

CITY OF DALLAS BENCHMARKS

1- BENCHMARK # 54-C-4S Standard WDBM on concrete curb of storm sewer drop inlet southeast corner of intersection of Davis Street and N. Van Buren Avenue. N- 6,959,639.590 E- 2,480,718.380 Elevation=530.74'
2- BENCHMARK # 54-C-2 Square on concrete curb northwest corner of intersection of Cedar Hill Avenue, and Sixth Street N- 6,961,261.368 E- 2,481,416.380 Elevation=522.84'

Owner/Developer:
TIN DIK ENTERPRISES, INC.
 SHAM SUDDUHA
 619 W DAVIS STREET DRIVE
 DALLAS, TX. 75208
 214-663-0767
 shagor33@hotmail.com



CONTRACT NO. _____
 CONTRACTOR _____

REVISIONS			
REV NO	DATE	DESCRIPTION	BY
JAHVANI CONSULTING ENGINEERS, INC. TBPE FIRM REGISTRATION NO. F-10188			
PLAT NO	BLDG PERMIT NO	WWW TRACKING NO	DEV ENGINEERING TRACKING NO
S223-087	2308081057	WW23-XXX	DP23-XXX
DIMENSION CONTROL PLAN / SITE PLAN			
607 WEST DAVIS STREET ADDITION			
607 WEST DAVIS STREET			
DEVELOPMENT SERVICES			
CITY OF DALLAS, DALLAS COUNTY, TEXAS			
REVIEW	DRAWN	DATE	FILE NUMBER SHEET
HJ	HJ	JANUARY 2024	411Q 80 C05.01

BDA234-071

SHIPPED DATE: 6-20-98 RECEIVED DATE: 9-2-98

CITY OF DALLAS PLAT BOOKS

ANNEXED SURVEY G. S. LEONARD A. OVERTON ORD. NO. ABST. 780 1011

ADDITION _____

BLOCKS C H 3436-3439 SCHOOL DISTRICT DALLAS

SCALE 100 FT. EQUALS 1 INCH



BDA234-071

FILE NUMBER: BDA234-073(CJ)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a special exception to the landscaping regulations at 2112 Botham Jean Blvd. This property is more fully described as Block G/889, Lot 1A and is zoned PD-317 Sub area 3 (IM), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

LOCATION: 2112 Botham Jean Blvd.

APPLICANT: Rob Baldwin

REQUEST:

(1) A request for a special exception to the landscape regulations.

DEVELOPMENT STANDARD FOR A SPECIAL EXCEPTION TO LANDSCAPE REGULATIONS:

SEC. 51A-10.125. MANDATORY LANDSCAPING REQUIREMENTS.

(b) **Other uses.** Lots containing a use other than single family or duplex must comply with the following requirements:

(1) **Street buffer zone.**

- (A) Urban streetscape.
- (B) Right-of-way.
- (C) Required planting.
- (D) Buffer zone reduction

(3) **Interior zone.**

- (A) Surface parking lots in industrial districts.
- (B) Surface parking lots.

(4) Additional provisions.

(B) Site trees.

SEC. 51A-10.126. LANDSCAPE DESIGN OPTIONS.

(b) Design options.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that **strict compliance with the requirements of this article will unreasonably burden the use of the property**; the **special exception will not adversely affect neighboring property**; and **the requirements are not imposed by a site-specific landscape plan** approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

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

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history

Square Footage:

- This lot contains 110,119.68 of square feet.
- This lot is zoned PD 317 Zoning District – Subdistrict 3 (IM) which has no minimum lot size.

Zoning:

Site: PD 317 Zoning District – Subdistrict 3 (IM)
North: PD 317 Zoning District – Subdistrict 3 (IM)
East: PD 317 Zoning District – Subdistrict 3 (IM)
South: PD 317 Zoning District – Subdistrict 3 (IM)
West: PD 317 Zoning District – Subdistrict 3 (IM)

Land Use:

The subject site and surrounding properties to the north, south, east and west are developed with uses permissible in Planned Development 317 – Subdistrict 3 (IM).

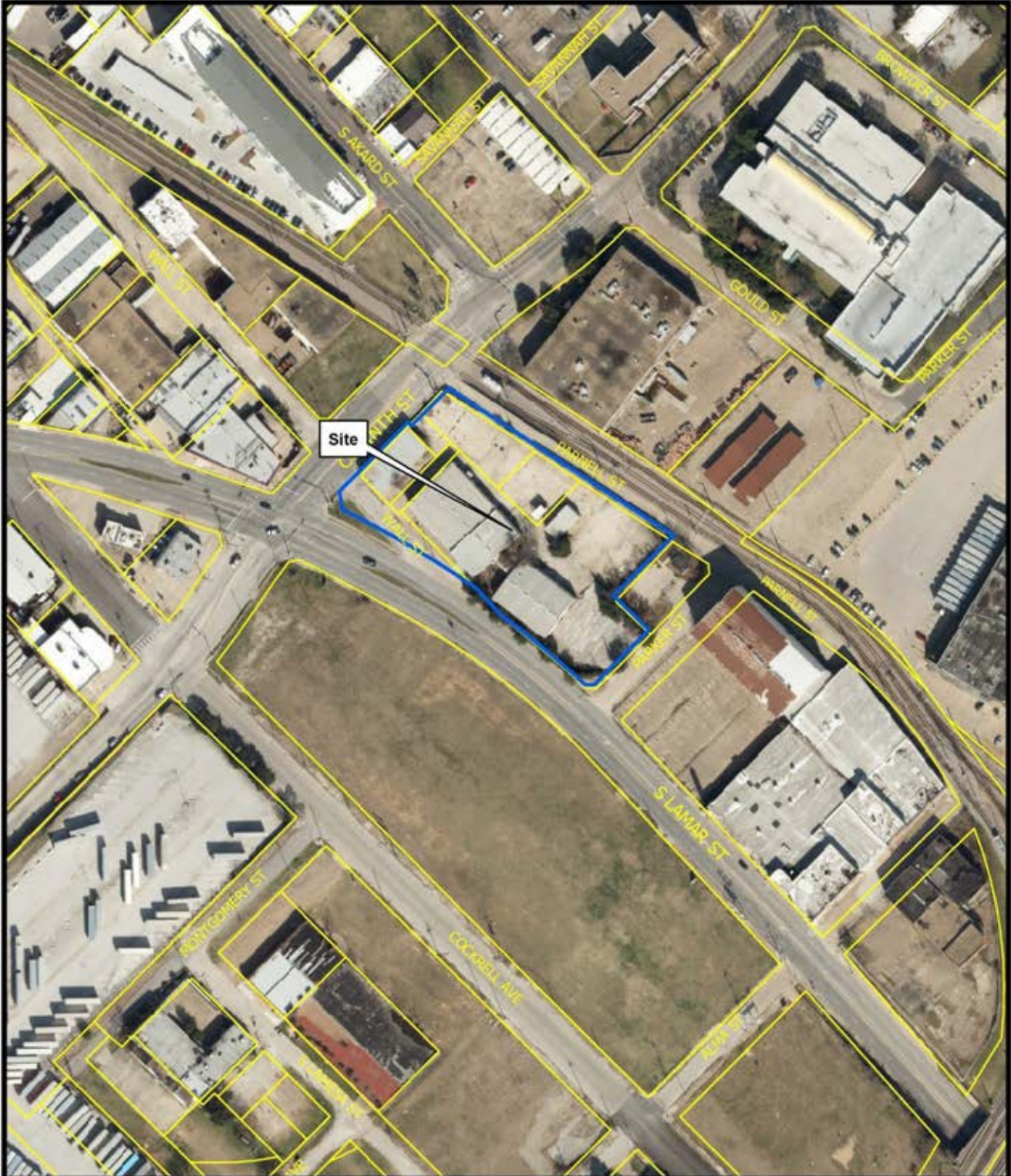
GENERAL FACTS/STAFF ANALYSIS:

- The application of Rob Baldwin, for the property located at 2112 Botham Jean Boulevard focuses on one request relating to the landscape regulations.
- The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan which will require a (1) special exception to the landscape regulations.
- The applicant is seeking a special exception to the landscaping requirements of Article X. The applicant requests approval of an alternate landscape that does not fully conform to Article X requirements.
- The applicant is proposing sidewalks and a solid wood fence, instead of a landscape buffer, along Parnell Street. Parnell Street functions as a service street.
- It is imperative to note that the subject site has four street frontages: Botham Jean Boulevard, Parker Street, Parnell Street and Corinth Street.
- The arborist division has no objection to the proposed alternate landscape plan for the property because we believe that strict compliance with the requirements of Article X will unreasonably burden the use of the property and the design will not adversely affect neighboring property.
- The Dallas Development Code states that all lots containing a use other than single-family or duplex must comply with the provisions set forth SEC. 51A-10.125. Mandatory Landscape Requirements and SEC. 51A-10.126. Landscape Design Options
- The applicant has the burden of proof in establishing that the special exception(s) to the landscape regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the landscape regulations with a condition that the applicant complies with the submitted site plan/landscape plan, would require the proposal to be constructed as shown on the submitted documents.

- (200' Radius Video): [BDA234-073 at 2112 Botham Jean Blvd.](#)

Timeline:

- April 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- May 23, 2024: The applicant submitted documentary evidence to the board.
- June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer
- June 5, 2024: The Chief Arborist provided staff with Arborist Report.

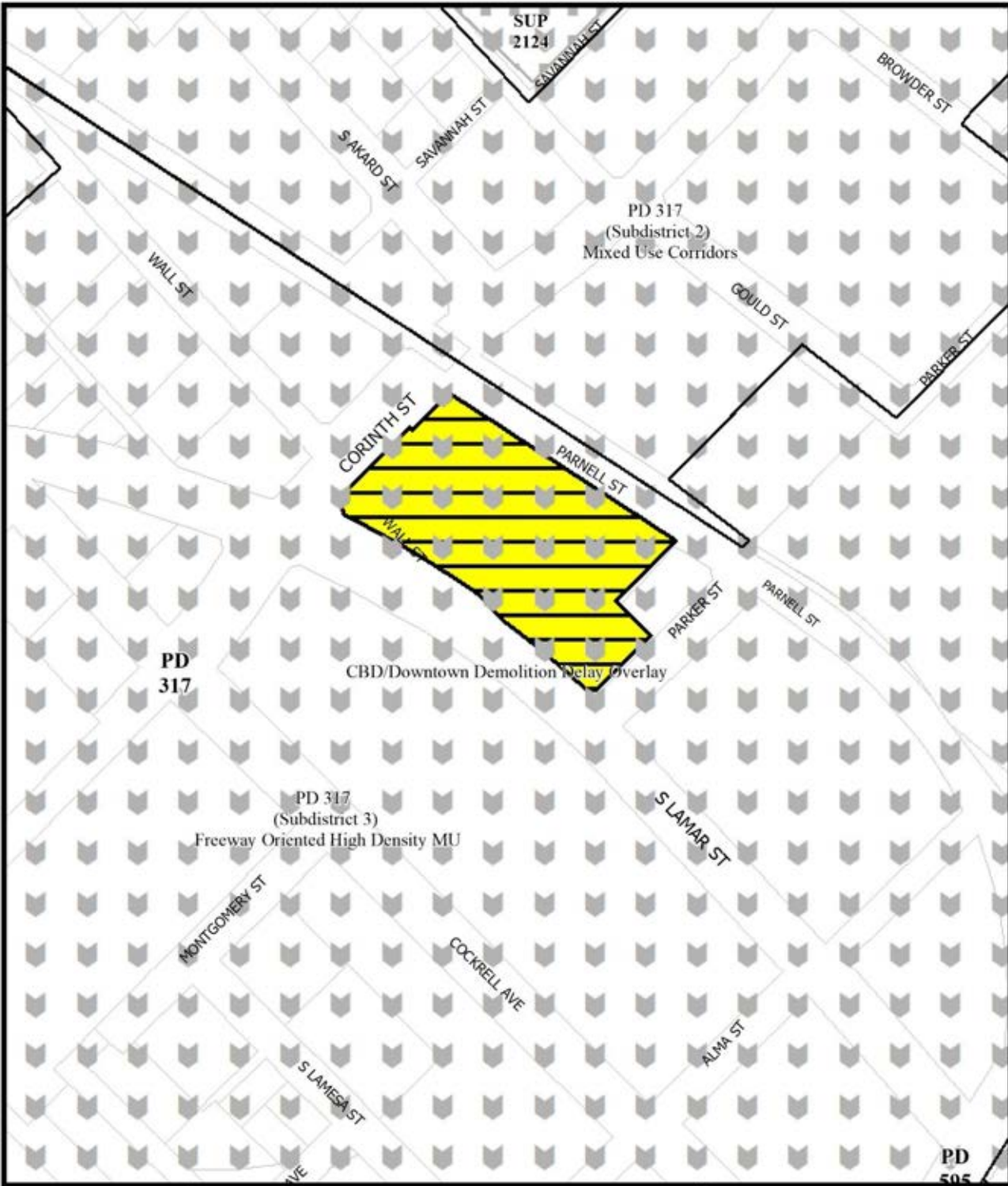


1:2,400

AERIAL MAP

Case no: BDA234-073

Date: 5/30/2024

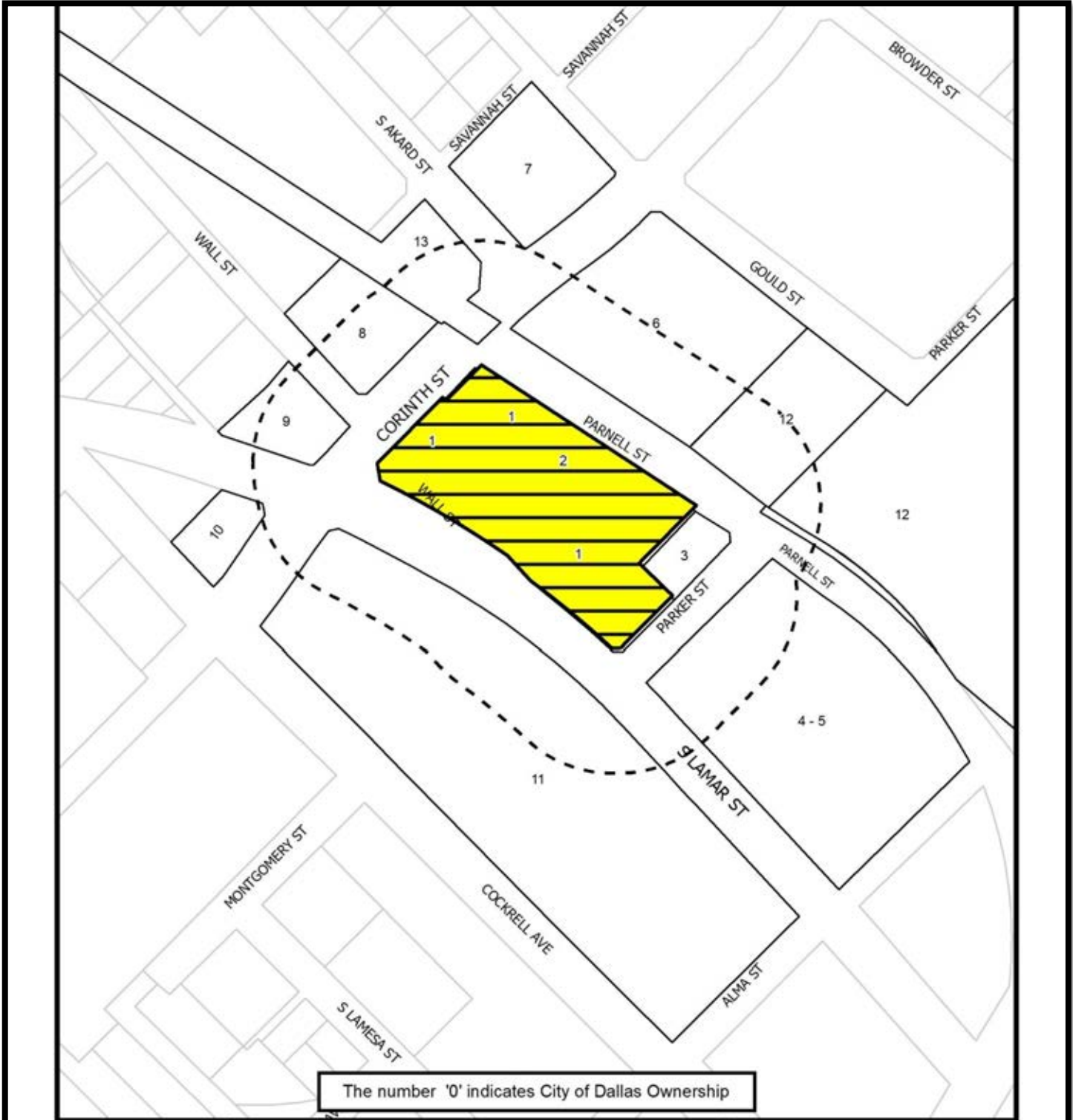


1:2,400

ZONING MAP

Case no: BDA234-073

Date: 5/30/2024



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
14 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-073**

Date: **5/30/2024**



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

14

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-073**

Date: **5/30/2024**

05/30/2024

Notification List of Property Owners

BDA234-073

14 Property Owners Notified

Label #	Address	Owner
1	2107 PARNELL ST	POPEYES TEXAS PARTNERS LLC
2	2117 PARNELL ST	POPEYE TEXAS PARTNERS LLC
3	1115 PARKER ST	DALLAS AREA RAPID TRANSIT
4	2200 PARNELL ST	DALLAS TERM RY & UN DEPOT
5	1115 ALMA ST	MAGNOLIA GOODSON ROAD LTD &
6	1300 CORINTH ST	CCH LAMAR PARTNERS I LP
7	2001 GOULD ST	CEDARS PROSPECT LLC
8	2004 WALL ST	UPPER ROOM DALLAS
9	2015 WALL ST	TONY COLLINS ART INC
10	1011 CORINTH ST	1011 SOUTH CORINTH I LP
11	2101 BOTHAM JEAN BLVD	EVERGREEN PLAZA PARTNERS LLC
12	1400 PARKER ST	STANDARD FRUIT & VEG CO
13	555 2ND AVE	DART
14	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

14

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-073

Date: 5/30/2024

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 18TH, 2024

BRIEFING: 10:00 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa-0618>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa-0618>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-073(CJ) Application of Rob Baldwin for (1) a special exception to the landscaping regulations at 2112 BOTHAM JEAN BLVD. This property is more fully described as Block G/889, Lot 1A and is zoned PD-317 Sub area 3 (IM), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. 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-A-Register> by the close of business Monday, June 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. 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

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:
BDAreply@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA-234-073
RECEIVED
Date: APR 19 2024
Zoning District: PD-317, Subdistrict 3
Census Tract: 48113020402

Data Relative to Subject Property:

Location address: 2112 Botham Jean Boulevard
Lot No.: 3AR Block No.: G/889 Acreage: 2.528 acres
Street Frontage (in Feet): 1) 230' 2) 412' 3) 118' 4) 554' 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Cedars Corinth Owner, LLC
Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226
E-mail Address: rob@baldwinplanning.com
Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226
E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Approval of an Alternate Landscape Plan.

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: Parnell Street functions as an access drive to a DART utility building. The proposed project does not take or provide any access to Parnell Street. Given the right-of-way configuration, there is room for a sidewalk or a landscape buffer. The City's Transportation Department has indicated their preference for a sidewalk along Parnell Street. We agree that a sidewalk is more appropriate in this situation. We are asking for the ability to screen our use from Parnell Street, and adjacent DART tracks with a solid wooden fence and provide the sidewalk rather than install a landscape buffer on a street that functions as a service street.

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

Affidavit

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

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

Subscribed and sworn to before me this 13 day of March, 2024



[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 JOEL PERALES

did submit a request for (1) a special exception to the fence height regulations
at 3216 Peoria

BDA234-077(CJ) Application of Joel Perales for (1) a special exception to the fence height regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned as both R-5(A) and CS, which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct a 6-foot 6-inch high fence in a required front-yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Posting of Notification Sign

Address: 2112 Botham Jean

BDA Number 234-073

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

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

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

Feet of each frontage: 230' - 412' - 118' - 554'
-or-

Number of acres: 2.528

Number of signs received: 5

March 15, 2024

Date

Mickie Stog

Signature of applicant



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234-073

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

at: 2112 ms 2242 Botham Jean Boulevard
(Address of property as stated on application)

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

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

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

Specify: Alternate Landcape Plan

ARTHUR FERRISS
Print name of property owner or registered agent

Arthur Ferriss
Signature of property owner or registered agent

Date 3/13/24

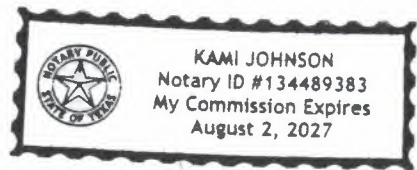
Before me, the undersigned, on this day personally appeared Arthur Ferriss

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 13th day of March, 2024

Kami Johnson
Notary Public for Dallas County, Texas

Commission expires on 8/2/2027





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 234 073

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

at: 2112 7MS 2242 Botham Jean Boulevard
(Address of property as stated on application)

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

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

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

Specify: Alternate Landcape Plan

ARTHUR FERRISS
Print name of property owner or registered agent

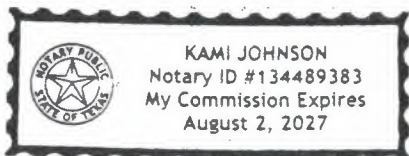
Arthur Ferriss
Signature of property owner or registered agent

Date 3/13/24

Before me, the undersigned, on this day personally appeared Arthur Ferriss

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 13th day of March, 2024



Kami Johnson
Notary Public for Dallas County, Texas

Commission expires on 8/2/2027

BLOCKS 887 1/2 TO 897

899

900

106

902



BLOCKS 887 1/2 TO 897

DA23A-013

CITY OF DALLAS PLAT BOOKS

ANNEXED _____ ORD. NO. _____
SURVEY JOHN GRIGSBY ABST. 495

ADDITION JOHN J. EAKINS SANTA FE

BLOCKS 889

SCALE 50 FT. EQUALS 1 INCH

D.C. 4-3-80

SCHOOL DISTRICT DALLAS

FILED: 1-27-1885



Examined by Surveyor

April 21, 1986

BDA 234-073

ANNEXED _____ ORD. NO. _____

CITY OF DALLAS PLAT BOOKS

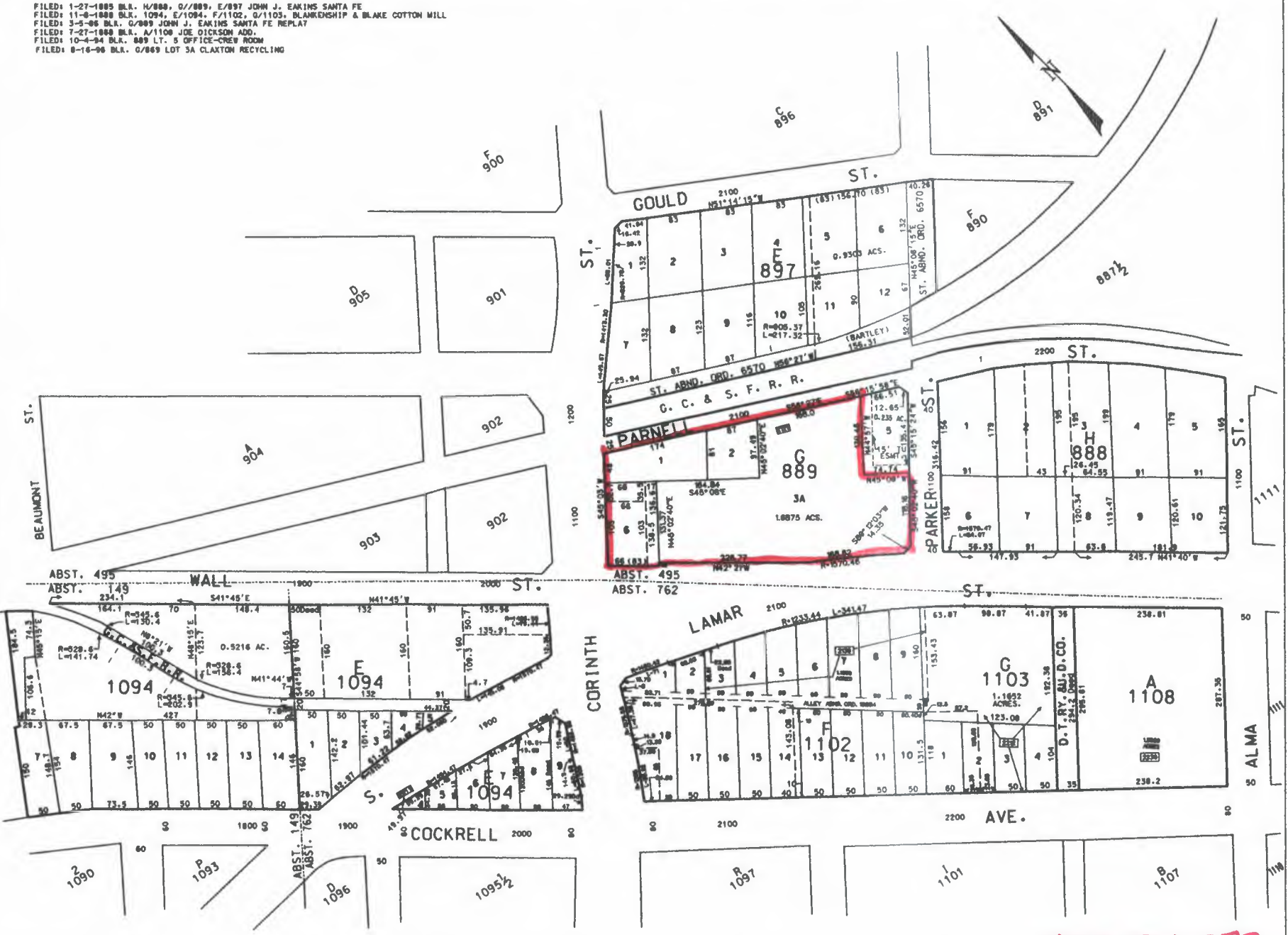
H G E E F G A
BLOCKS 888, 889, 897, 1094, 1094, 1102, 1103, 1108
SCHOOL DISTRICT DALLAS

J. N. BRYAN 149
SURVEY JOHN GRIGSBY ABST. 495
HENRY C. LONG 762

ADDITION _____
SCALE 100 FT. EQUALS 1 INCH

GRS 12-10-97

FILED: 1-27-1885 BLK. H/888, Q//889, E/897 JOHN J. EAKINS SANTA FE
FILED: 11-8-1888 BLK. 1094, E/1094, F/1102, Q/1103, BLANKENSHIP & BLAKE COTTON MILL
FILED: 3-5-86 BLK. G/889 JOHN J. EAKINS SANTA FE REPLAT
FILED: 7-27-1888 BLK. A/1108 JOE DICKSON ADD.
FILED: 10-4-84 BLK. 889 LT. 5 OFFICE-CREW ROOM
FILED: 8-16-86 BLK. G/869 LOT 3A CLAXTON RECYCLING



BDA234-073



BDA 234-073

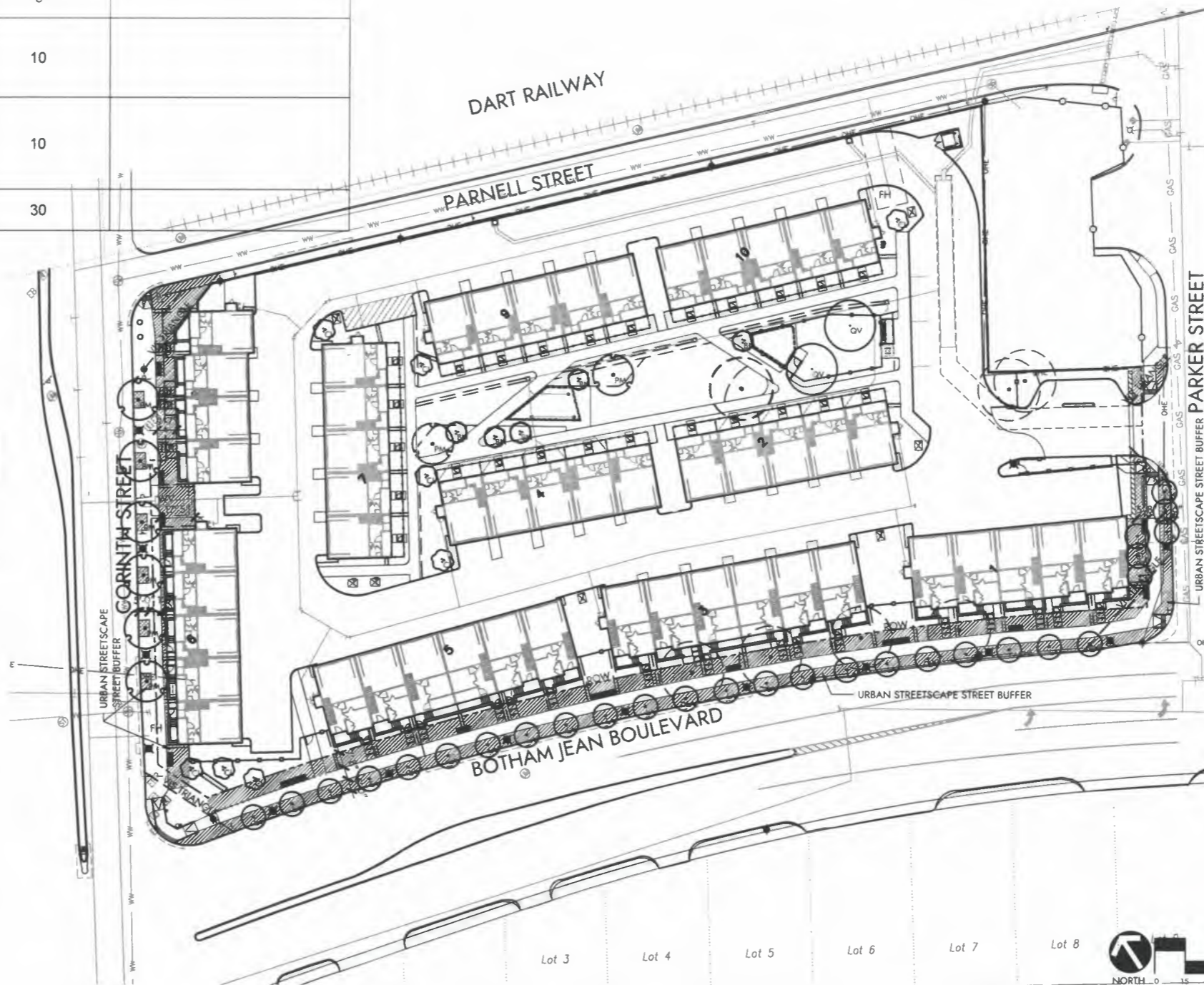
CITY OF DALLAS - ARTICLE X LANDSCAPE REQUIREMENTS

Category	Property	Requirement	Provided	Remarks
Mandatory Provisions				
Street Buffer Zone		1 / 40 lf		
Botham Jean Blvd 10' Avg / 5' Min	428lf	11	22	Small Trees Provided @ 2:1 due to OHE
Parker Street 7.5' Avg / 5' Min	118lf	3	6	Small Trees Provided @ 2:1 due to OHE
Corinth Street 10' Avg / 5' Min	238lf	6	6	Large Trees
Site Trees (1/ 4,000 sf)	107,932sf	27	51	
Design Options				
Lot Size	107,932sf / 2.48ac	20 pts		
1) Plant material bonus D) Additional large or medium tree			5	
5) Building facade: Opt 1 foundation planting			5	
6) Pedestrian uses: Opt 1 Urban Streetscape, i Benches ii Pedestrian Street lamps	Benches @ 1/60lf frontage Streetlights @ 1/60 lf frontage		10	
9) LID, C Water Wise Plants, ii 80% of landscape areas iv Low-water consumption turf grass	Total non-turf landscape area = 17,500sf Non water-wise plant area = 2,100sf Water Wise Plant area = 15,400 (88%) Zoysia used for all turf grass		10	
Total Points Provided			30	

NOTE:
Project site is located in PD 317 Subdistrict 3.
Reference Planting Plan and Schedule for additional detail.
LP101, LP401, LP501, & LP601

CITY OF DALLAS
ARTICLE X TREE MITIGATION

Category		
Total Mitigation Required Ref LC101		91 in / \$17,628
Mitigation Trees Provided		
Canopy Trees	10 @ 3"	30"
Ornamental Trees	41 @ 2"	82"
Total Trees Provided		112"
Remaining Mitigation Balance		0 in @ \$193/in = \$0



ARCHITECTURE DEMAREST
2320 Valinda Street, Studio B
Dallas, TX 75207
Tel: 214.748.6655
www.architecturedemarest.com

GARRISON/JONES
LANDSCAPE ARCHITECTS
400 N. Ervay Street
#132815
Dallas, Texas 75201
www.garrison-jones.com

CEDARS TOWNHOMES
LARKSPUR
DALLAS, TEXAS

ISSUE FOR CONSTRUCTION - [2023.09.01]

Client/Project: PROJECT NUMBER: 22-038

Revision	DATE
08/09/23 PERMIT REVISIONS	08/09/23
09/01/23 JFC	09/01/23
10/25/23 PERMIT REVISIONS	10/25/23
11/01/23 ASI 1	11/01/23
11/15/23 PERMIT REVISIONS	11/15/23

Issued: 07/01/2023

Author: [Signature] Checker: [Signature]
Drawn By: [Signature] Reviewed By: [Signature]

Permit Seal: [Seal]



Title: **LANDSCAPE PLAN**

Scale: 1" = 30'-0"

Revision: [Blank]

Drawing No.: **TRACT 1 LC103**

BDA23A-073

Memorandum



Date June 6, 2024
To Kameka Miller-Hoskins, PhD
Interim Chief Planner/Board Administrator
Subject BDA #234-073 2112 Botham Jean Boulevard Arborist report

Request

The applicant is seeking a special exception to the landscaping requirements of Article X as provided in PD 317 Subdistrict 3. A new development seeks approval of an alternate landscape plan to except the street front conditions for Parnell Street with a narrow right-of-way. The request would eliminate a 7.5' average street buffer zone with trees in favor of the placement of an 8' tall screening fence adjacent to a sidewalk.

Provision

The proposed landscape plan has shown the ability to comply with the PD landscaping requirements with the main exception of the Parnell Street frontage. The main focus of landscaping is faced along Corinth Street, Botham Jean Boulevard and the short stretch of Parker Street. Parnell Street runs alongside the DART Railway with limited passage. An 8' tall screening fence is proposed along Parnell Street for screening and safety purposes. The fence design has been submitted for permit review.

The applicant obtained an administrative waiver for front yard regulations by the Director and street facing frontage requirement relief by the CPC as allowed under PD 317. The landscaping regulations may not be relieved by either the waiver or relief procedures.

Deficiency

- The Parnell Street frontage requires a 7.5' wide average (5' wide minimum) street buffer zone with 1 large/medium tree per 40 feet of frontage. The SBZ is removed for the placement of a driveway/fire lane.
- No additional landscape or design standard features are provided along Parnell Street.

Recommendation

The arborist division has no objection to the proposed alternate landscape plan for the property because we believe that strict compliance with the requirements of Article X will unreasonably burden the use of the property and the design will not adversely affect neighboring property.

Philip Erwin
Chief Arborist
Development Services



May 21, 2024

Kameka Miller-Hoskins, Ph.D.
Chief Planner/Board Administrator
Board of Adjustment
City of Dallas | DallasCityNews.net
Development Services
1500 Marilla
Dallas, TX 75201

Re: BDA234-073

Dear Dr. Hoskins,

This firm is representing Cedars Corinth Owner, LLC in their request for a special exception to the landscaping requirements for their property located at 2112 Botham Jean Boulevard. This property, located in The Cedars, falls under the landscaping provisions of PD-317. Specifically, we are requesting an exception to allow a solid eight-foot-tall wooden fence along the street frontage on Parnell Street instead of the required landscape buffer yard.

The property is currently being redeveloped from industrial use to a multifamily development, which is permitted under PD-317. Parnell Street presents unique challenges as it runs along the back of the property, is very narrow, and is immediately adjacent to an active DART railroad track. Although technically a public street, Parnell Street primarily serves to provide access to a DART utility facility. The proposed project will not utilize Parnell Street for access; all residences will back onto this street. In essence, Parnell Street functions more like an alley. Additionally, when the DART crossing gates are lowered on Corinth Street, the entrance to Parnell Street is behind the crossing arms, further limiting its accessibility.

The zoning requirements of PD-317 mandate that all street frontages must have dwelling units facing the street and be located between five and seven feet from the property line. Given the layout of the project and the unique characteristics of Parnell Street, we requested an exemption from the requirement for homes to face Parnell Street. This request was approved by the City Plan Commission on August 18, 2023. The current request for a special exception is consistent with this previous approval.

3904 Elm Street Suite B · Dallas, TX 75226 · 214-824-7949

Furthermore, Parnell Street is narrow, and there are no plans or requirements to widen it. There is a sidewalk along our northern property line adjacent to Parnell Street, which we intend to maintain to facilitate pedestrian connectivity in the area. The City's Transportation Department supports keeping this sidewalk. We believe that a solid fence adjacent to the sidewalk and Parnell Street is a reasonable and practical design choice, providing the necessary screening while respecting the existing infrastructure and usage of the street.

We respectfully request your support for this special exception to the landscaping requirements. Please let me know if you have any questions or if I can provide further assistance.

With kind regards,

A handwritten signature in blue ink, appearing to read 'Robert Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin

SITE PLAN

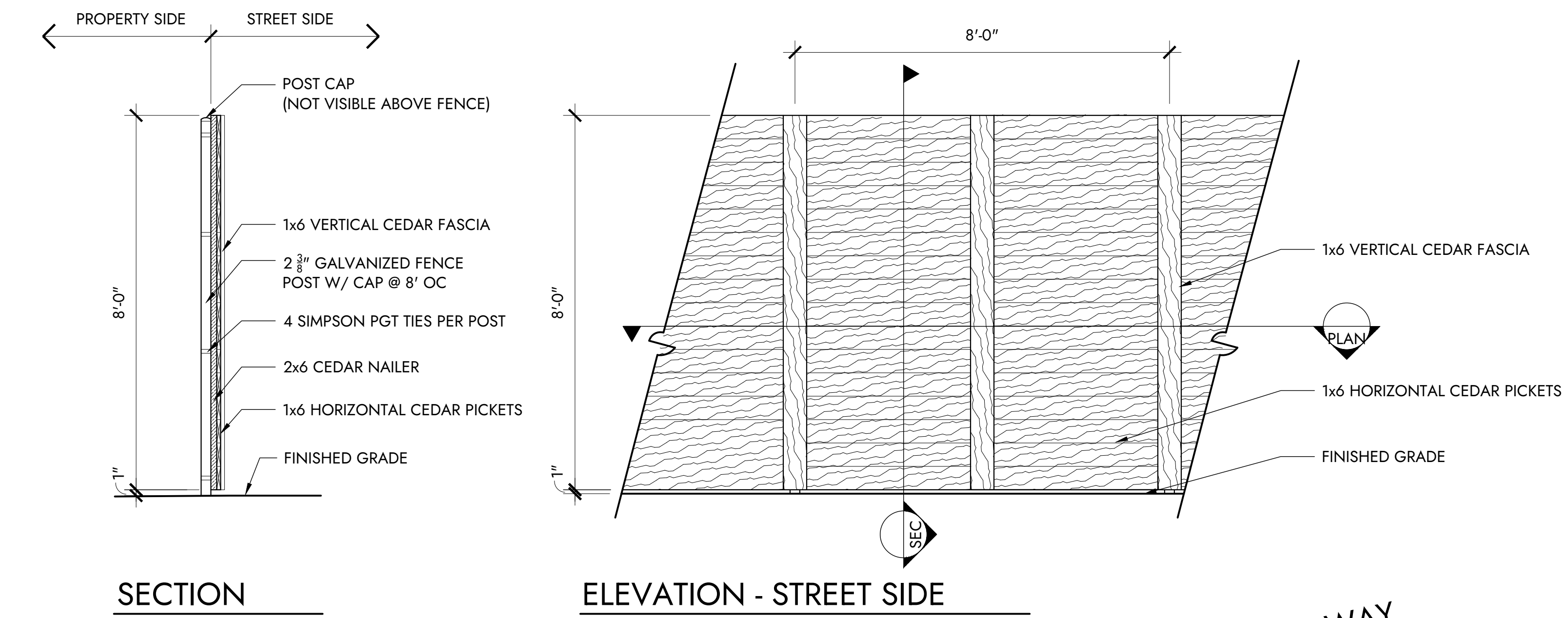
CITY OF DALLAS - ARTICLE X LANDSCAPE REQUIREMENTS

Category	Property	Requirement	Provided	Remarks
Mandatory Provisions				
Street Buffer Zone		1 / 40 lf		
Botham Jean Blvd 10' Avg / 5' Min	428lf	11	22	Small Trees Provided @ 2:1 due to OHE
Parker Street 7.5' Avg / 5' Min	118lf	3	6	Small Trees Provided @ 2:1 due to OHE
Corinth Street 10' Avg / 5' Min	238lf	6	6	Large Trees
Site Trees (1/ 4,000 sf)	107,932sf	27	51	
Design Options				
Lot Size	107,932sf / 2.48ac	20 pts		
1) Plant material bonus			5	
D) Additional large or medium tree			5	
5) Building facade: Opt 1 foundation planting			5	
6) Pedestrian uses: Opt 1 Urban Streetscape, i Benches ii Pedestrian Street lamps	Benches @ 1/60lf frontage Streetlights @ 1/60 lf frontage		10	
9) LID, C Water Wise Plants, ii 80% of landscape areas iv Low-water consumption turf grass	Total non-turf landscape area = 17,500sf Non water-wise plant area = 2,100sf Water Wise Plant area = 15,400 (88%) Zoysia used for all turf grass		10	
Total Points Provided			30	

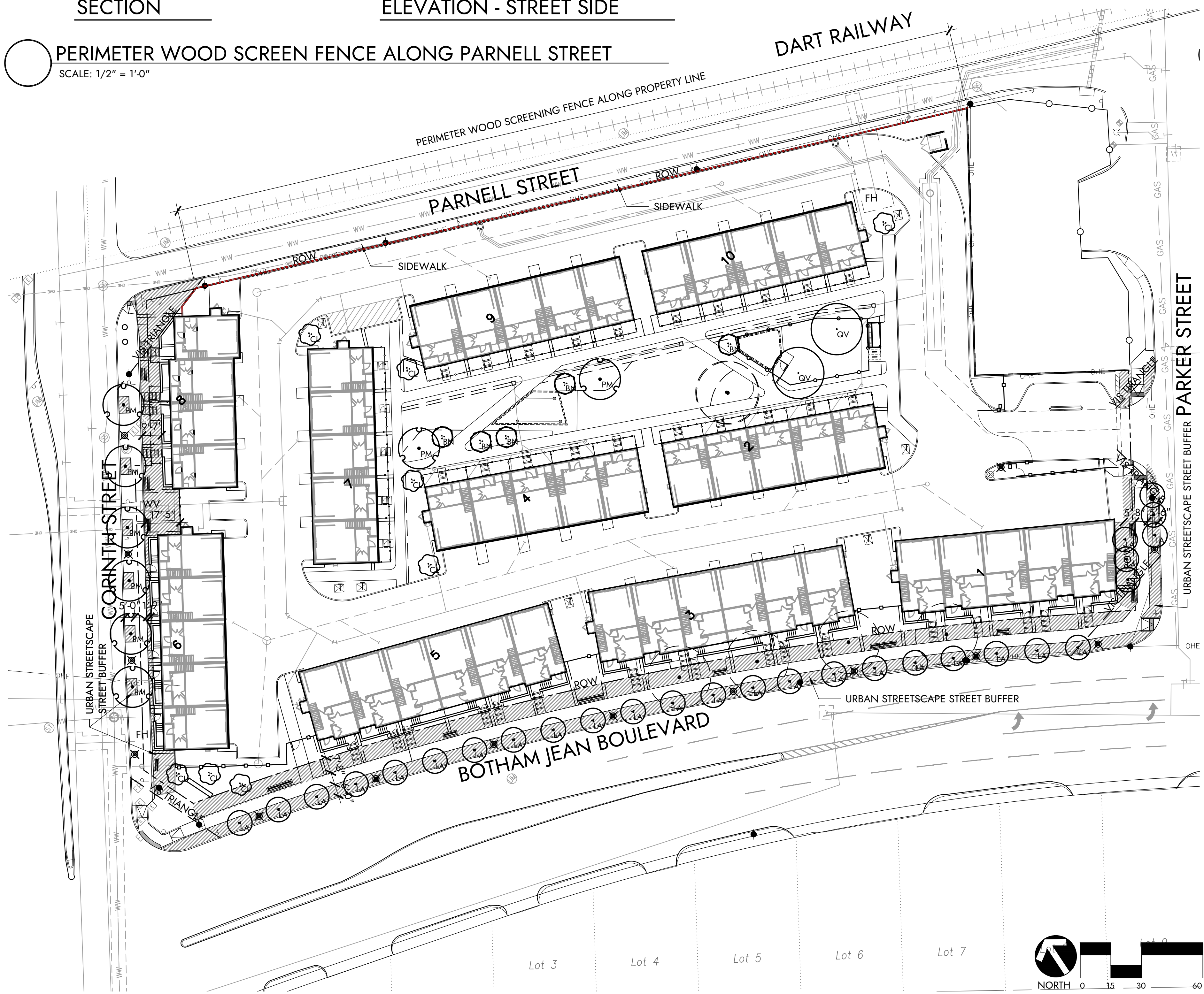
NOTE:
Project site is located in PD 317 Subdistrict 3.
Reference Planting Plan and Schedule for additional detail.
LP101, LP401, LP501, & LP601

**CITY OF DALLAS
ARTICLE X TREE MITIGATION**

Category		
Total Mitigation Required Ref LC101		91 in / \$17,628
Mitigation Trees Provided		
Canopy Trees	10 @ 3"	30"
Ornamental Trees	41 @ 2"	82"
Total Trees Provided		112"
Remaining Mitigation Balance		0 in @ \$193/in = \$0



PERIMETER WOOD SCREEN FENCE ALONG PARNELL STREET
SCALE: 1/2" = 1'-0"



ARCHITECTURE DEMAREST
2320 Valdina Street, Studio B
Dallas, TX 75207
Tel: 214.748.6655
www.architecturedemarest.com

**GARRISON/JONES
LANDSCAPE ARCHITECTS**
400 N. Ervay Street
#132815
Dallas, Texas 75201
www.garrison-jones.com

CEDARS TOWNHOMES
LARKSPUR
DALLAS, TEXAS

Client/Project
PROJECT NUMBER: 22.038

ISSUE FOR CONSTRUCTION - [2023.09.01]

Revision	YYYYMMDD
A	08/09/23 PERMIT REVISIONS
B	09/01/23 IFC
C	10/25/23 PERMIT REVISIONS
D	11/01/23 AST 1
E	11/15/23 PERMIT REVISIONS
	03/22/24

Issued: _____
Author: _____
Checked: _____
Drawn By: _____
Reviewed By: _____

Permit-Seal

Title: **LANDSCAPE PLAN**

Scale: 1" = 30'-0"

Drawing No. **TRACT 1
LP100**

FILE NUMBER: BDA234-076(CJ)

BUILDING OFFICIAL'S REPORT: Application of Michele Stephens for **(1)** a special exception to the 20-foot visibility obstruction regulations at the drive approach; and for **(2)** a special exception to the visibility obstruction regulation at the intersection of a street and alley, at 5503 MONTICELLO AVE. This property is more fully described as Block H/2176, Lot 1 and is zoned CD-9 (R-7.5(A)) which requires a 20-foot visibility triangle at the driveway approach and requires a 20-foot visibility triangle at the intersection of a street and alley. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(1)** a special exception to the visibility obstruction regulation at the drive approach; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require **(2)** a special exception to the 20-foot visibility obstruction regulation at the intersection of a street and alley.

LOCATION: 5503 Monticello Ave.

APPLICANT: Michele Stephens

REQUEST:

- (1) A special exception to the 20-foot visibility obstruction regulations at the drive approach.
- (2) A special exception to the 20-foot visibility obstruction regulations at the intersection of a street and an alley.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exceptions (2):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

No BDA history

Square Footage:

- This lot contains 7,230.96 of square feet.
- This lot is zoned Conservation District #9 / R-7.5(A) which has a minimum lot size of 7,500 square feet.

Zoning:

Site: Conservation District #9 / R-7.5(A)
North: Conservation District #9 / R-7.5(A)
East: Conservation District #9 / R-7.5(A)
South: Conservation District #9 / R-7.5(A)
West: Conservation District #9 / R-7.5(A)

Land Use:

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

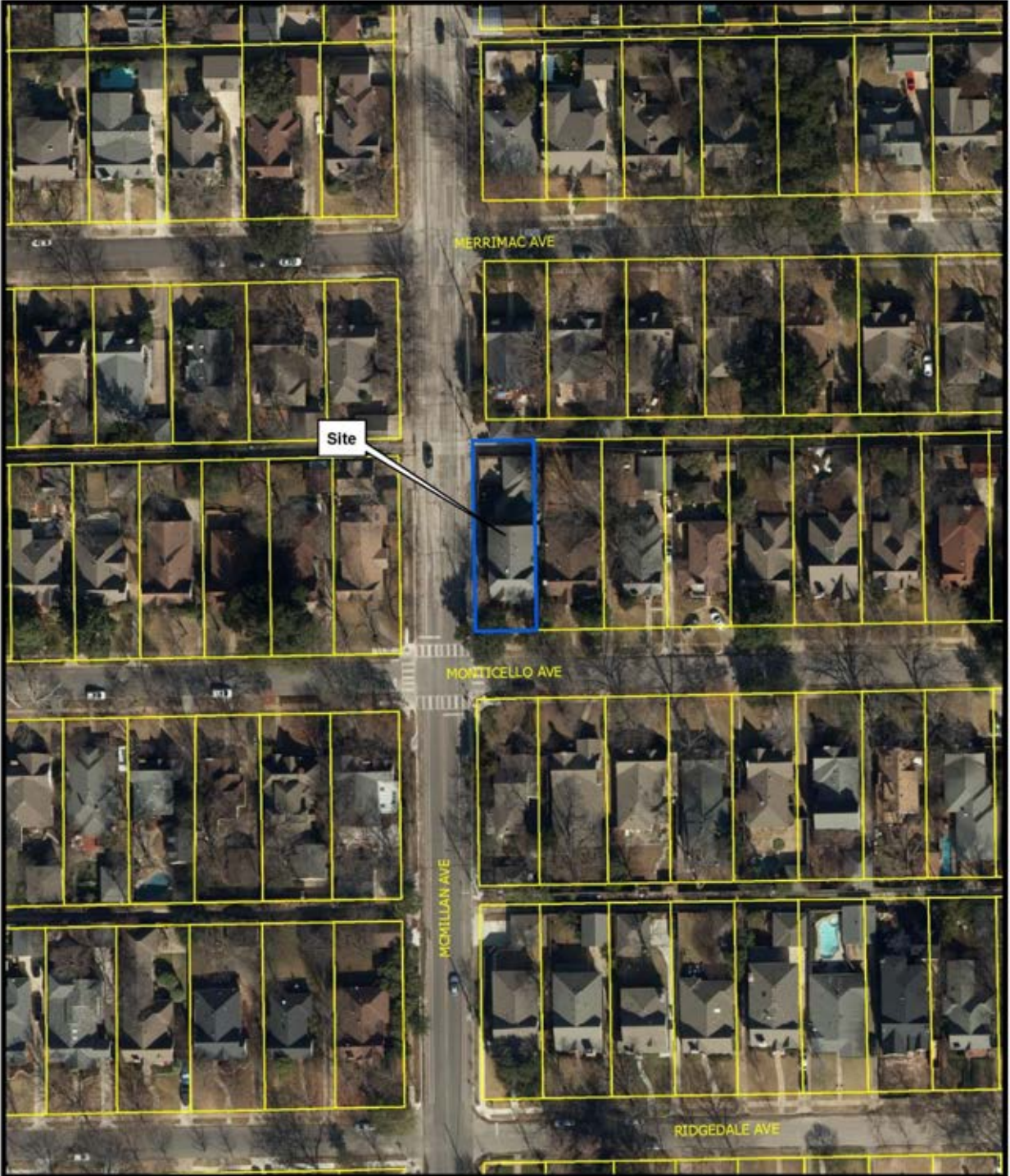
GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Michele Stephens property located at 5503 Monticello Avenue focuses on 2 requests relating to the visibility obstruction regulations.
- The applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require a special exception to the 20-foot visibility obstruction regulations at the drive approach.
- Secondly, the applicant is proposing to maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle where the alley and street intersect, which will require a special exception to the 20-foot visibility obstruction regulation at the intersection of a street and alley.
- The subject site along with properties to the north, east, south, and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot high fence along the side of the home where McMillan Avenue runs.
- The proposed fence is material is board on board wood.
- It is imperative to note that the subject site is a corner lot, and it has double street frontage on Monticello Avenue and McMillan Avenue.
- The front yard of the subject site is along Monticello Avenue and the side yard of the subject site is along McMillan Avenue.
- The applicant has stated that the request for special exception has been made for safety reasons. The applicant is seeking to replace the existing 6-foot fence with a new board on board 6-foot fence.
- Based upon staff's analysis of the surrounding properties, there are a few homes along McMillan Avenue with fences and gates in the required side yard and/or some form of vegetation serving as a screening mechanism.

- Per staff’s review of the subject site, it has been confirmed that the proposed fence will replace the existing 6-foot fence and be placed in the same location.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations regarding visual obstruction will not constitute a traffic hazard.
- Granting the special exceptions to the fence standards relating to visibility obstruction regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA234-076 at 5503 Monticello Ave.](#)

Timeline:

- April 25, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:
- an attachment that provided the hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

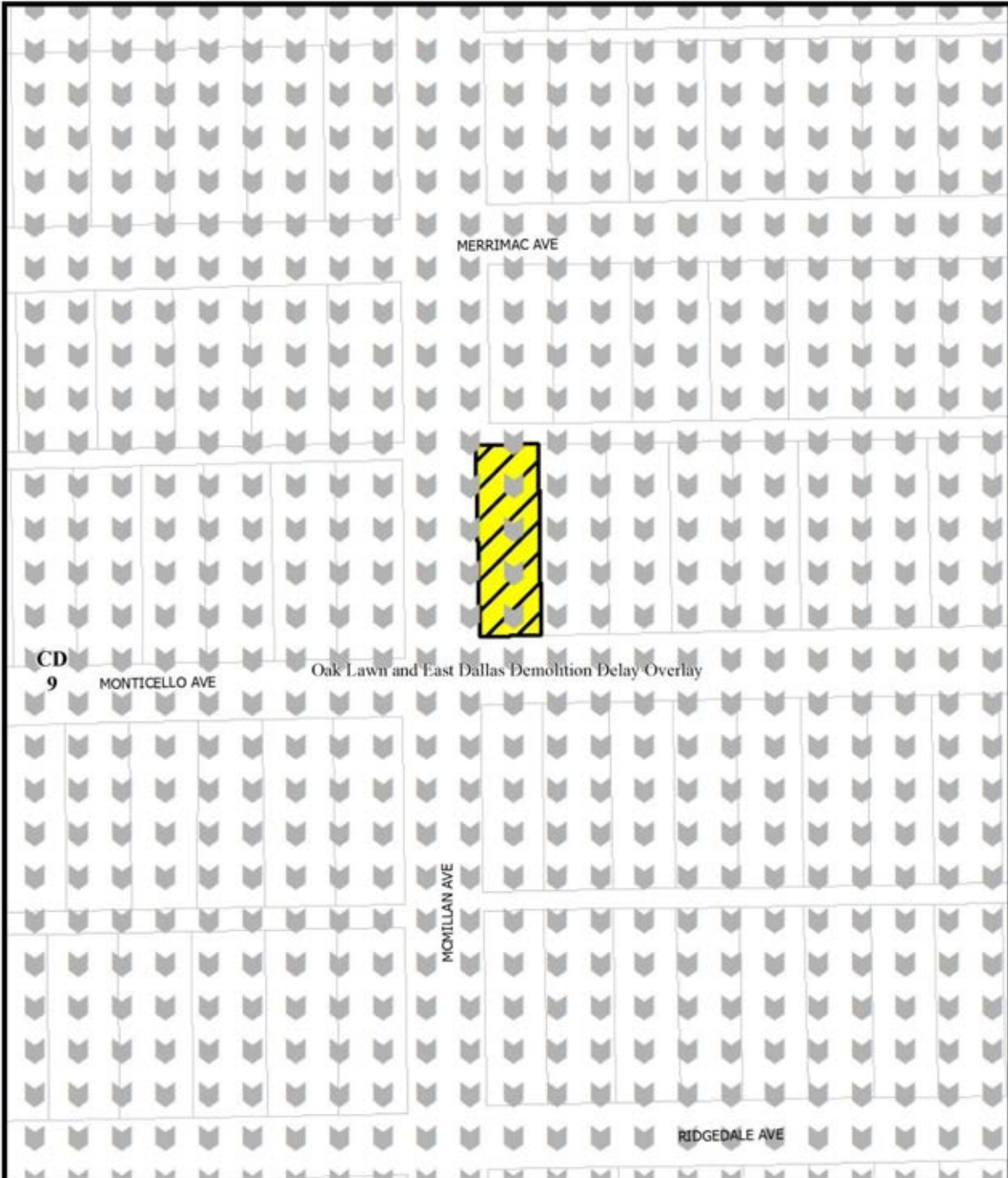


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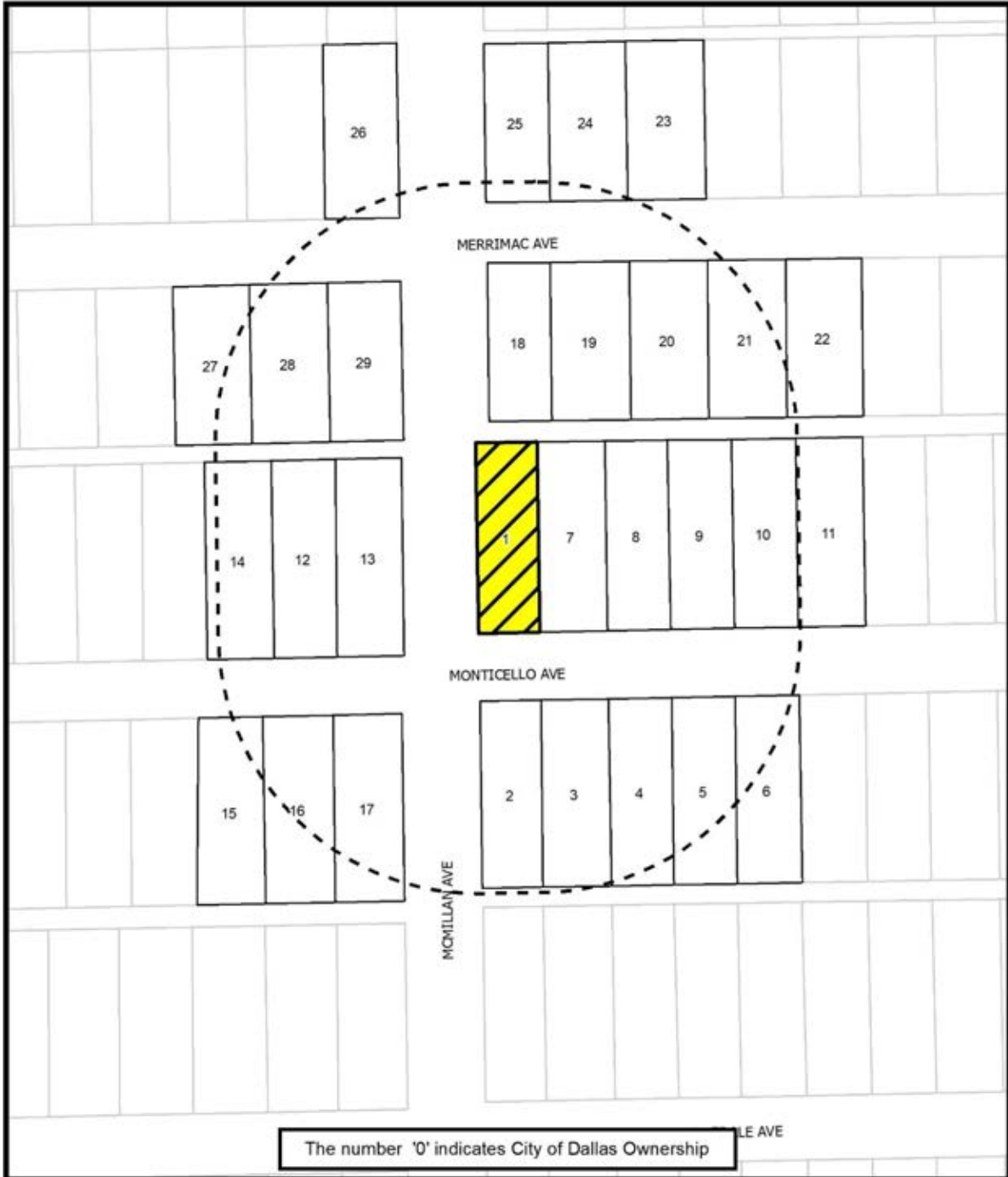
AERIAL MAP

Case no: BDA234-076

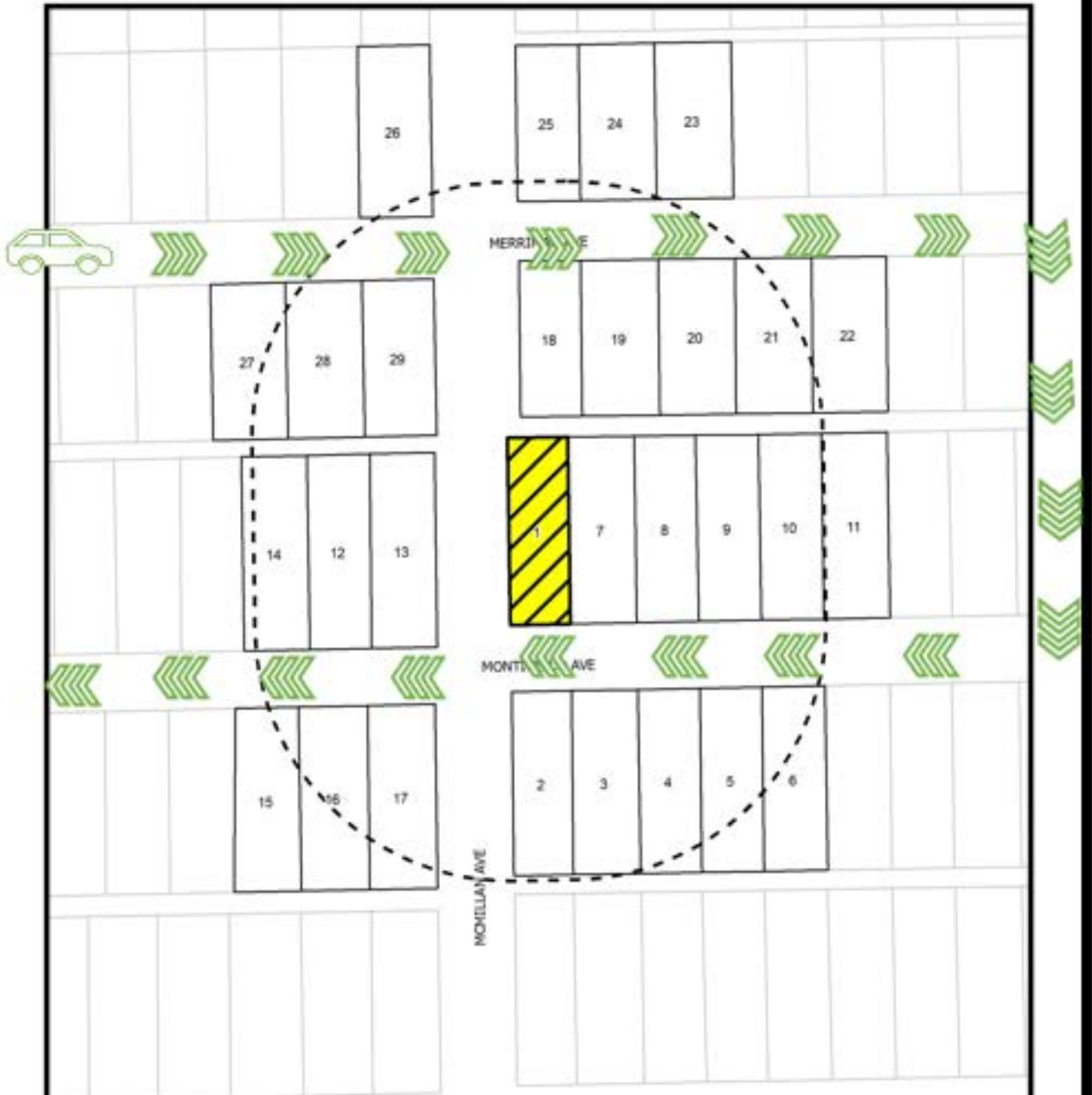
Date: 5/28/2024



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA234-076</u> Date: <u>5/28/2024</u>
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 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA234-076
	200' AREA OF NOTIFICATION 29 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/28/2024



The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
29 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA234-076
 Date: 5/28/2024

Notification List of Property Owners

BDA234-076

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5503 MONTICELLO AVE	STEPHENS MICHELE A
2	5502 MONTICELLO AVE	Taxpayer at
3	5506 MONTICELLO AVE	DUNLAP TAVNER & VICTORIA
4	5510 MONTICELLO AVE	SCHLEUNING SARAH &
5	5514 MONTICELLO AVE	COSPER DUSTIN
6	5518 MONTICELLO AVE	DISTASO JOHN C & KIMBERLY
7	5507 MONTICELLO AVE	PODRAZA RUSSELL J &
8	5511 MONTICELLO AVE	HUMES ANNE
9	5515 MONTICELLO AVE	NEWLAND DAVID A
10	5519 MONTICELLO AVE	CULLEN CHARLENE <u>TOY</u>
11	5523 MONTICELLO AVE	SILVA ELIZABETH &
12	5455 MONTICELLO AVE	SMITH JUDSON M & EMILY H
13	5459 MONTICELLO AVE	MOSCHETTO PROPERTIES LLC
14	5451 MONTICELLO AVE	BECKMANN ROBERT
15	5450 MONTICELLO AVE	HEDRICK CHARLES H &
16	5454 MONTICELLO AVE	GERAGHTY EDWARD
17	5458 MONTICELLO AVE	WATRAS WILLIAM J & RHONDA T
18	5502 MERRIMAC AVE	FONTAINE JAVIER LA &
19	5506 MERRIMAC AVE	PATEL LAUREL M &
20	5510 MERRIMAC AVE	ALMOND COURT LLC
21	5514 MERRIMAC AVE	REAGAN MARTHA W
22	5518 MERRIMAC AVE	HOLLEMAN VIRGINIA F
23	5511 MERRIMAC AVE	CORKERY EILEEN
24	5505 MERRIMAC AVE	FISCHER NOELLE MCDONALD &
25	5501 MERRIMAC AVE	PRICE CHERYL LYNN
26	5451 MERRIMAC AVE	STAHL LOUIS &

05/28/2024

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5442 MERRIMAC AVE	RHODES CHRISTOPHER S & ELIZABETH
28	5446 MERRIMAC AVE	MERRIMAC AVE REVOCABLE TRUST
29	5450 MERRIMAC AVE	LOUDER TIFFANY

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table><tr><td style="border: 1px solid black; padding: 2px;">200'</td><td>AREA OF NOTIFICATION</td></tr><tr><td style="border: 1px solid black; padding: 2px;">29</td><td>NUMBER OF PROPERTY OWNERS NOTIFIED</td></tr></table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA234-076</u> Date: <u>5/28/2024</u>
200'	AREA OF NOTIFICATION					
29	NUMBER OF PROPERTY OWNERS NOTIFIED					

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 18TH, 2024

BRIEFING: 10:00 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa-0618>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa-0618>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment:

BDA234-076(CJ) Application of Michele Stephens for (1) a special exception to the 20-foot visibility obstruction regulations at the drive approach, and for (2) a special exception to the visibility obstruction regulation at the intersection of a street and alley at 5503 MONTICELLO AVE. This property is more fully described as Block H/2176, Lot 1 and is zoned CD-9 (R-7.5(A)) which requires a 20-foot visibility triangle at the driveway approach and requires a 20-foot visibility triangle at the intersection of a street and alley. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (1) a special exception to the visibility obstruction regulation at the drive approach; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at the intersection of a street and alley.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. 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-A-Register> by the close of business Monday, June 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. 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

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner at (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT RECEIVED

Case No.: BDA 234-076 USE ONLY APR 25 2024
Date: 4/24/24 BY: _____

Data Relative to Subject Property: 5503 Monticello Avenue

Location address: 5503 Monticello Avenue, Dallas, TX 75206 Zoning District: Conservation District 9

Lot No.: Lot 1 Block No.: H/2176 Acreage: .0000 .166 Census Tract: _____

Street Frontage (in Feet): 1) 50 2) 145 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Michele A. Stephens and John L. Crawley

Applicant: Michele A. Stephens Telephone: 214-683-5451

Mailing Address: 5503 Monticello Ave., Dallas, TX Zip Code: 75206

E-mail Address: michelestephens0407@gmail.com

Represented by: Self/Michele A. Stephens Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of Visibility Triangle

20' visibility triangle for drive approach
20' visibility triangle for alley Requesting fee waiver

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 replacing an existing fence with mechanical gate. Including the visibility triangle will necessitate permanently removing the mechanical gate along McMillan Avenue, as well as the fence along the alley. This will lower the property value, add a security risk, and diminish the use of our back yard.

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

Affidavit

Before me the undersigned on this day personally appeared Michele A. Stephens

(Affiant/Applicant's name printed)

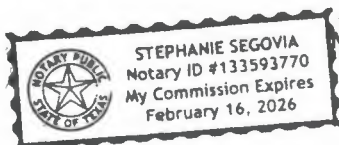
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted, Michele A. Stephens
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22nd day of February, 2024

S. Segovia

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 MICHELE A STEPHENS

did submit a request for (1) a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations
at 5503 Monticello Ave.

BDA234-076(CJ) Application of Michele Stephens for (1) a special exception to the 20-foot visibility obstruction regulations at the drive approach, and for (2) a special exception to the visibility obstruction regulation at the intersection of a street and alley at 5503 MONTICELLO AVE. This property is more fully described as Block H/2176, Lot 1 and is zoned CD-9 (R-7.5(A)) which requires a 20-foot visibility triangle at the driveway approach and requires a 20-foot visibility triangle at the intersection of a street and alley. The applicant proposes to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (1) a special exception to the visibility obstruction regulation at the drive approach; and to construct and/or maintain a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at the intersection of a street and alley.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 234-076

I, JOHN L. CRAWLEY, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5503 MONTICELLO AVENUE, DALLAS, TX 75206
(Address of property as stated on application)

Authorize: MICHELE A. STEPHENS
(Applicant's name as stated on application)

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

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

Specify: Special exception to the visibility triangle for existing fence replacement along McMillan Avenue.

JOHN L. CRAWLEY
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

agent Date _____

Before me, the undersigned, on this day personally appeared

John L. Crawley

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

knowledge. Subscribed and sworn to before me this 27th day of

February, 2024



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 08/01/2028

City of Dallas Zoning Map 2.2

The City of Dallas DEV GIS Department

Zoom to Search X

Search result

5503 MONTICELLO A... X Q X

5503 MONTICELLO AVE, DALLAS, 75206

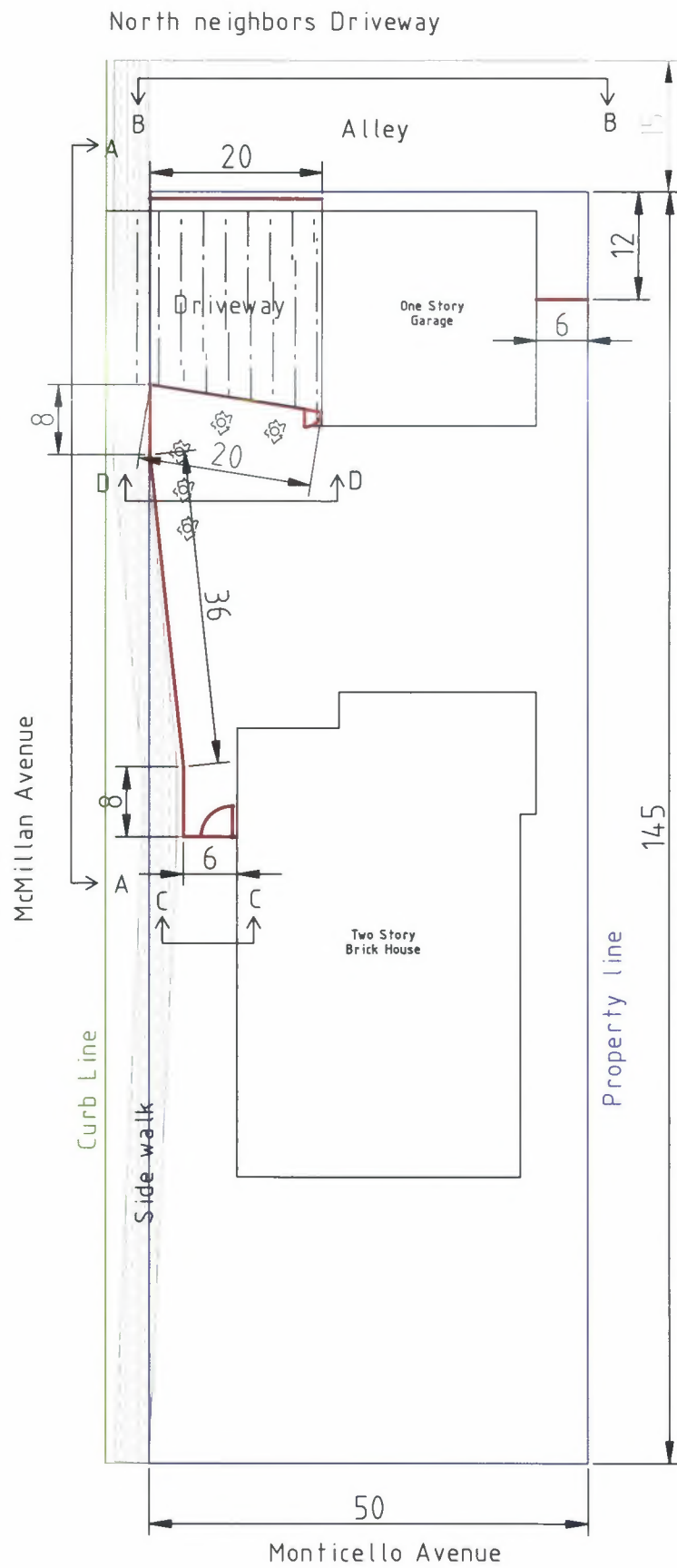
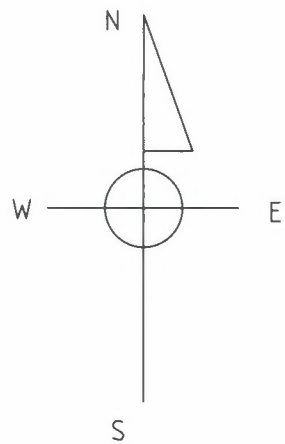
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1,000 ft

Esri Community Map Contributors Texas Parks & Wildlife © OpenStreetMap Microsoft Esri TomTom Garmin SafeGraph Powered by Esri

BDA234-076

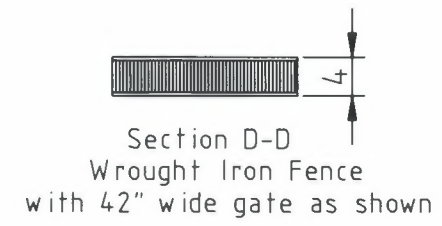
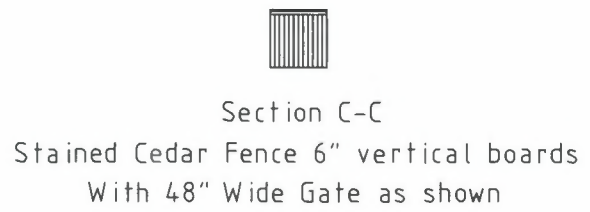
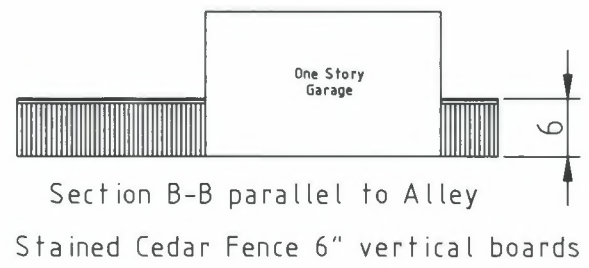
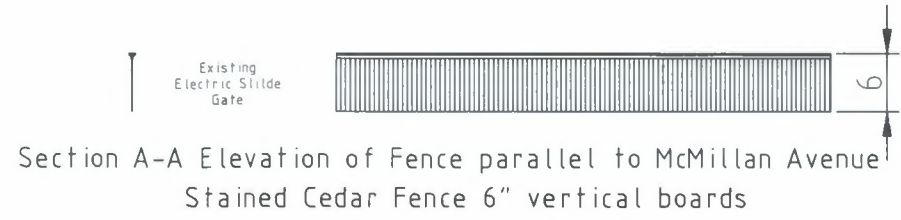


BDA 234-076

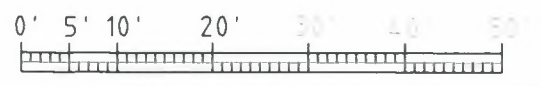


Plan View

Existing Trees



Elevation Views of Replacement Fences



Printed on 11" x 17" landscape @ 20'

5503 Monticello Avenue
Dallas, TX 75206

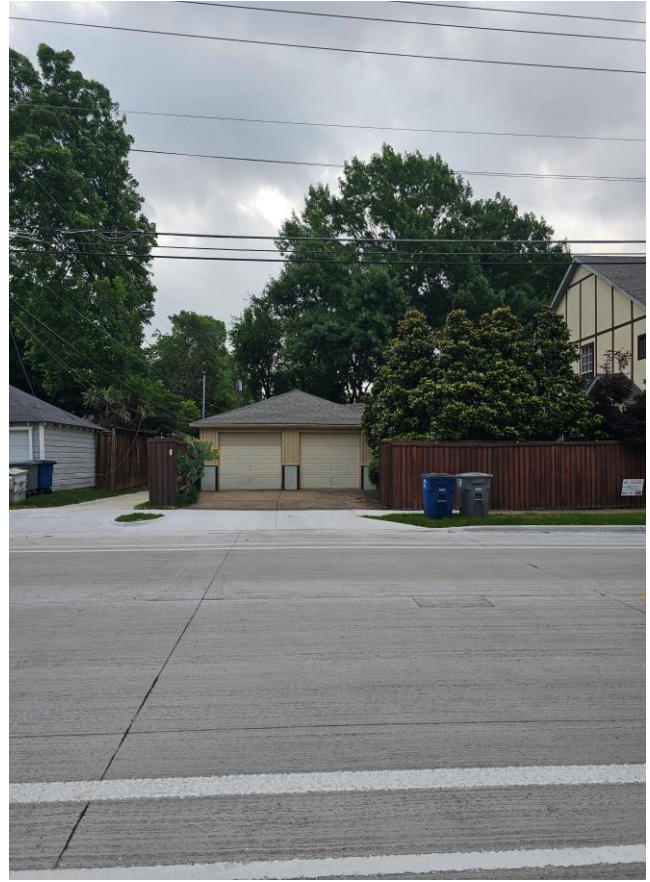
Request for Fence Permit

BDA234-076

BDA 234-076 5503 Monticello Avenue



Driveway approach from McMillan

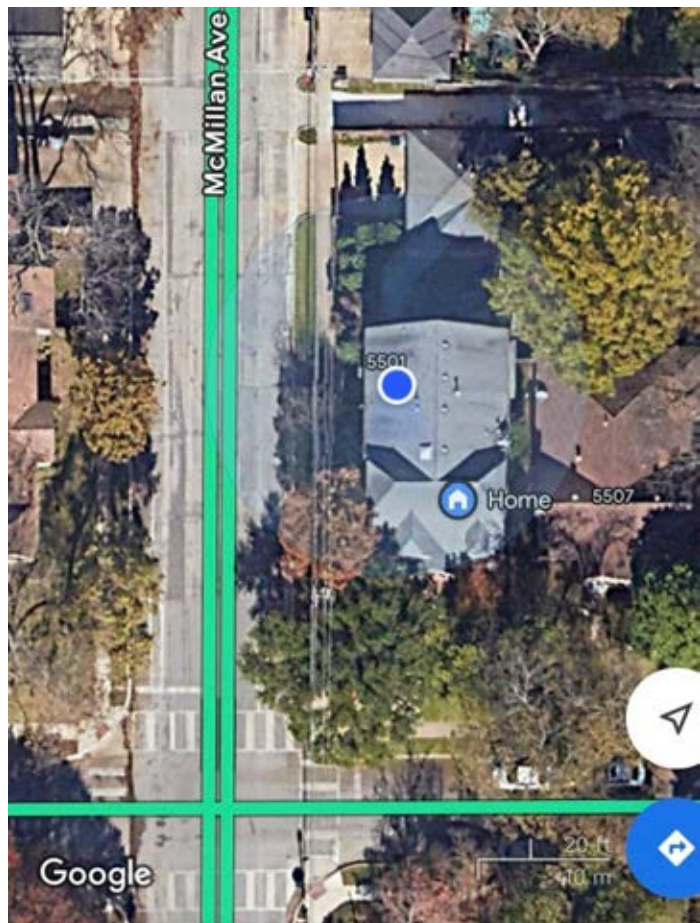


Driveway approach from McMillan

Applicant proposes to replace an existing aging fence in the same place as the existing site plan. The fence has been in this location for approximately 20 years. The current owner (applicant) purchased the property in June 2011. Applicant requests an exception to the visibility triangle at both the drive and alley approach. Accommodating the triangle would necessitate removal of the mechanical gate at the drive approach and the fence along the alley approach. Would also necessitate removing 3 mature magnolia trees to accommodate the 20' triangle on the right hand side.

- We believe granting the requested visibility triangle exception, which would maintain the fence position as is, would not be a safety hazard to pedestrians or cars on McMillian Avenue
 - o Backup cameras in cars allow sightlines prior to the car being on the sidewalk or in the street
 - o We have a fisheye mirror to allow further visibility
 - o There is a 4-way stop sign at McMillan and Monticello (approximately 100 feet from our driveway approach on McMillan), which means cars are going slower than the 30 mph speed limit (further reducing risk of collision at our driveway)
 - o McMillan is a low traffic count street – 1800 daily traffic count (vs. Greenville at 15,000)
 - o In 13 years of ownership of this property, we have had no issues or safety risks realized.
- Neighbors were contacted via text message, email and personal discussion. None opposed our proposed work to replace the existing fence.

Aerial view of property and 4 way stop intersection at McMillan and Monticello Avenues



Car's rearview camera view of sidewalk and street (drive approach) – driver can see pedestrians as circled below, prior to the car being on the sidewalk



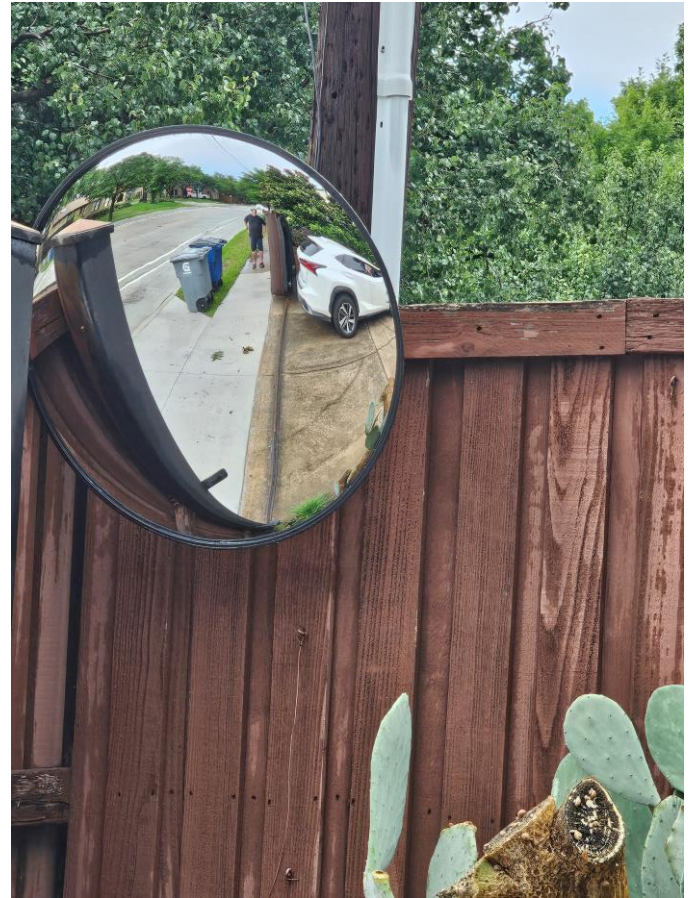
From car's position noted above, this is the pedestrian's and approaching car's view – north side



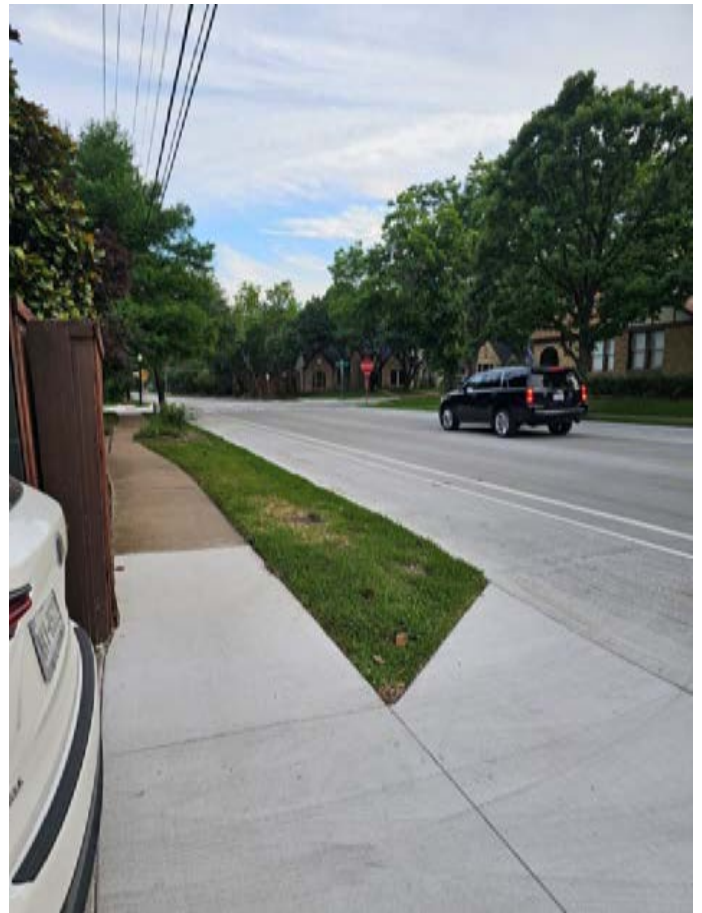
Pedestrian's view – south side



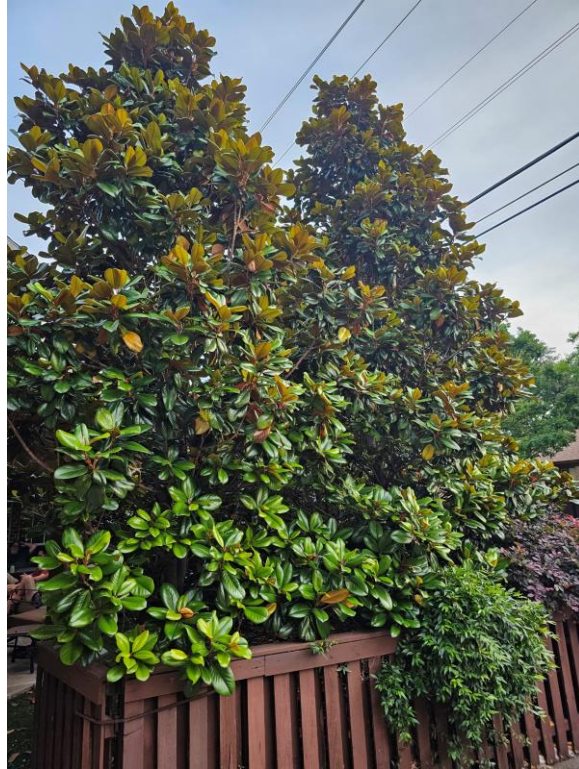
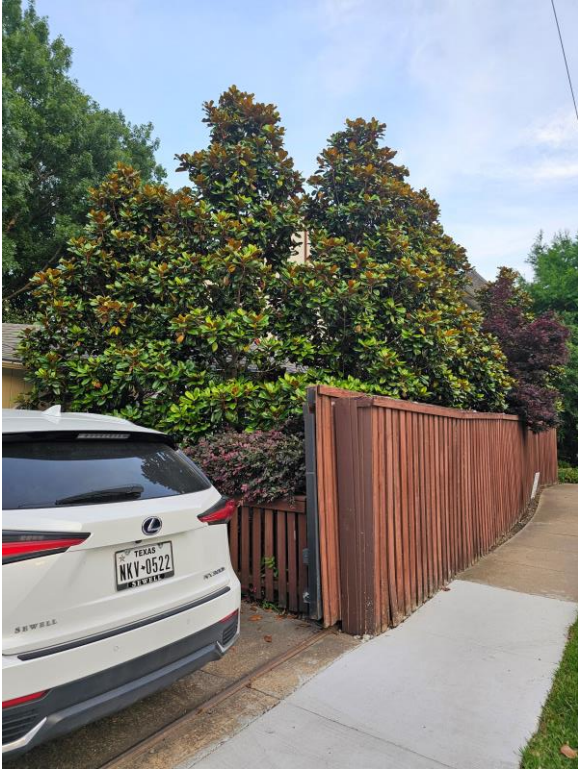
Fisheye mirror enhances visibility, providing additional safety precaution



Stop sign at McMillan & Monticello
Avenues; approximately 100 feet from
drive approach



Mature Magnolia Trees would need to be removed to accommodate 20' vis triangle



Support from Conservation District 9 (M Streets)

On 2/8/24 – Development office approved all aspects of our scope of work as being compliant with the CD 9 regulations (Ashlie Jones) pending approval of the exception to the visibility triangle.

Support from our neighbors

100% of neighbors we spoke to are in favor of our proposal and signed a letter of support. We discussed our proposal with 23 of the 29 (79%) in the list of property owners provided by the Board of Adjustments.

FILE NUMBER: BDA234-077(CJ)

BUILDING OFFICIAL'S REPORT: Application of Joel Perales for **(1)** a special exception to the fence height regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned as both R-5(A) and CS, which limits the height of a fence in the front yard to 4- feet. The applicant proposes to construct a 6-foot 6-inch-high fence in a required front-yard, which will require **(1)** a 2-foot 6-inch special exception to the fence regulations.

LOCATION: 3216 Peoria St.

APPLICANT: Joel Perales

REQUEST:

(1) A request for a special exception to the fence height regulations.

STANDARD OF REVIEW FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

Special Exceptions (1):

No staff recommendation is made on this or any request for a special exception since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring properties nor will it constitute a traffic hazard.

BACKGROUND INFORMATION:

BDA History:

BDA234-033 at 3216 Peoria Street

- A **SPECIAL EXCEPTION** to the fence height regulations.
 - The applicant proposed to construct and/or maintain a 6-foot-high fence in a required front yard, which will require (1) a 2-foot special exception to the fence regulations on Peoria St.
- A **SPECIAL EXCEPTION** to the fence standards regulations regarding opacity.

- The applicant proposes to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence regulations on Peoria St.
- A **SPECIAL EXCEPTION** to the 20-foot visibility obstruction regulations.
 - The applicant proposes to construct and/or maintain a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation. on Peoria Street.
- Requests denied by Panel A, April 16, 2024

Square Footage:

- This lot contains 27,878.4 of square feet.
- This lot is zoned R-5(A) which has a minimum lot size of 5,000 square feet.

Zoning:

- Site: R-5 (A) (Single Family District)
- North: R-5 (A) (Single Family District)
- East: IM (Industrial Manufacturing Zoning District)
- South: R-5 (A) (Single Family District)
- West: R-5 (A) (Single Family District)

Land Use:

The subject site and surrounding properties to the north, east and south are developed with single-family uses. Properties to the east are developed with industrial manufacturing uses.

GENERAL FACTS/STAFF ANALYSIS:

- The application, for the Joel Perales property located at 3216 Peoria Street focuses on one request relating to fence height regulations.
- The applicant proposes to maintain and 6-foot-6-inch high fence in a required front yard, which will require a 2-foot 6-inch special exception to the fence height regulations.
- The subject site along with properties to the north, south, and west are all developed with single-family homes. Areas to the east are developed with industrial manufacturing uses.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a 6-foot 6-inch high fence around the circumference of the property at 3216 Peoria Street.
- The fence is material is partially wood, wrought iron and concrete.

- It is imperative to note that the subject site is a mid-block lot, and it has single street frontage on Peoria Street.
- Based upon staff’s analysis of the surrounding properties, there are a few homes along Peoria Street with fences and gates in the required front yard and/or some form of vegetation serving as a screening mechanism.
- Per staff’s review of the subject site, it has been confirmed that the fence surrounding the circumference of the property is existing and not proposed.
- 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 applicant has the burden of proof in establishing that the special exception to the fence regulations relating to height will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200’ Radius Video: [BDA234-077 at 3216 Peoria St.](#)

Timeline:

April 26, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

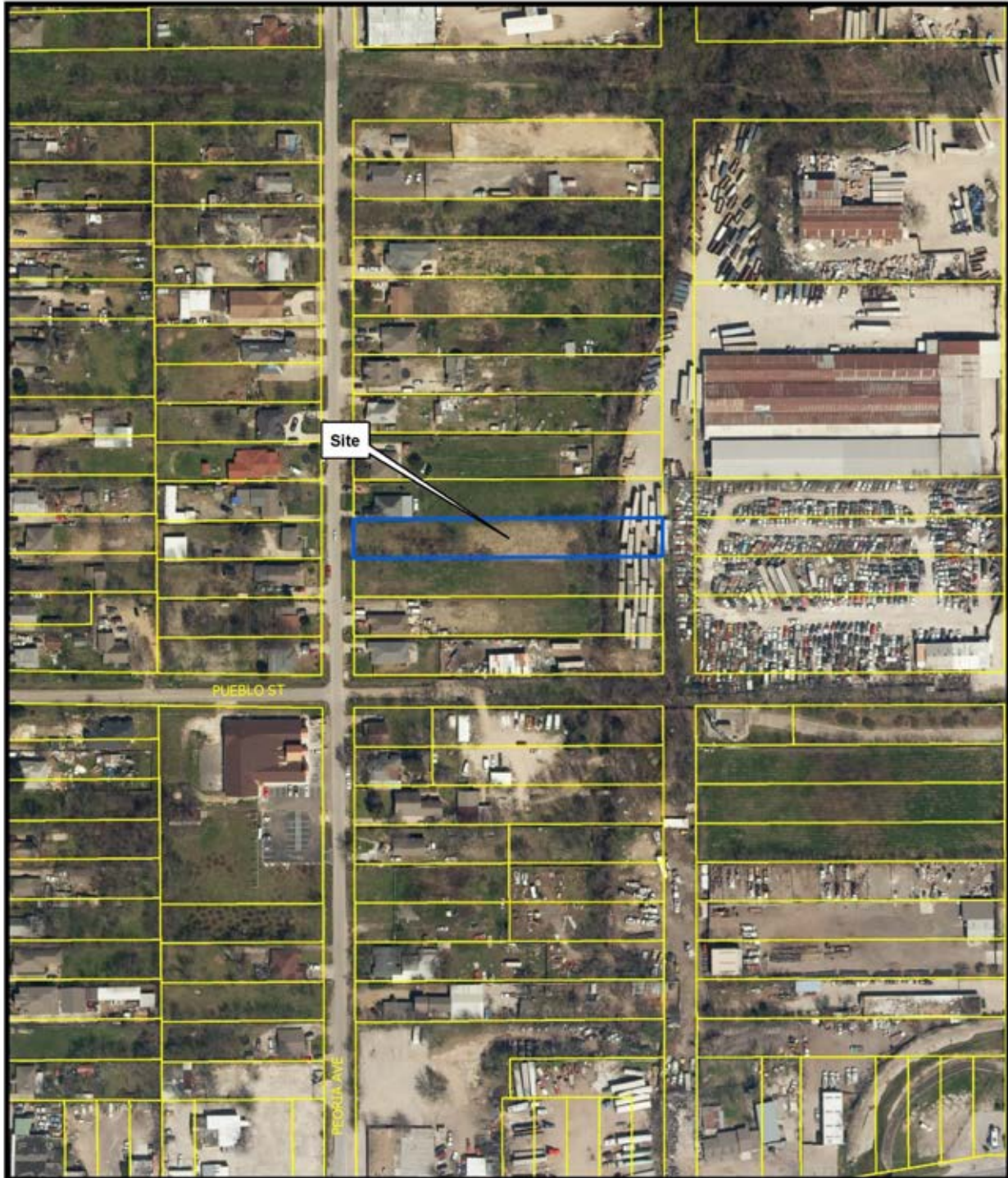
May 17, 2024: The Development Services Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 3, 2024:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer

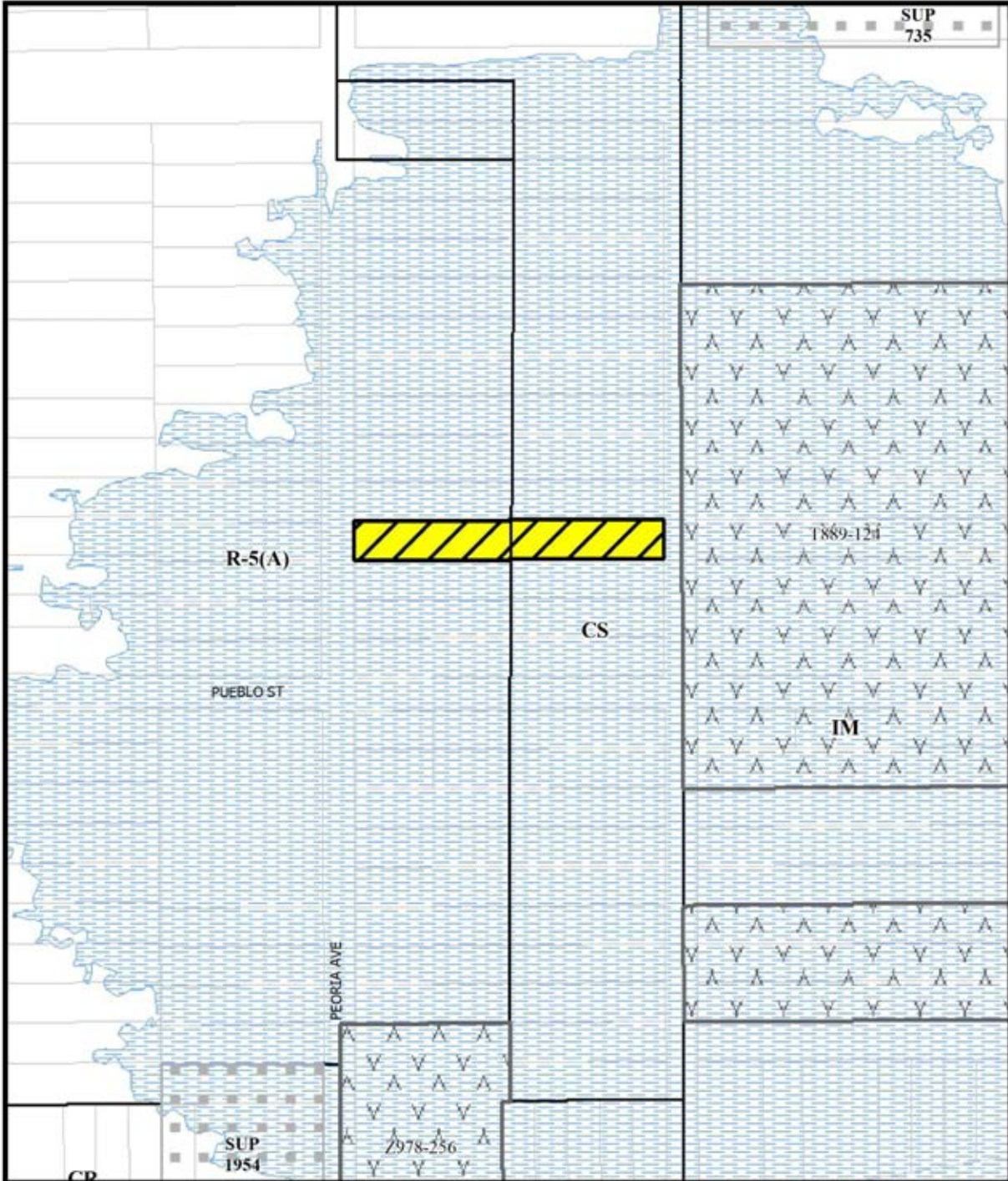


1:2,400

AERIAL MAP

Case no: BDA234-077

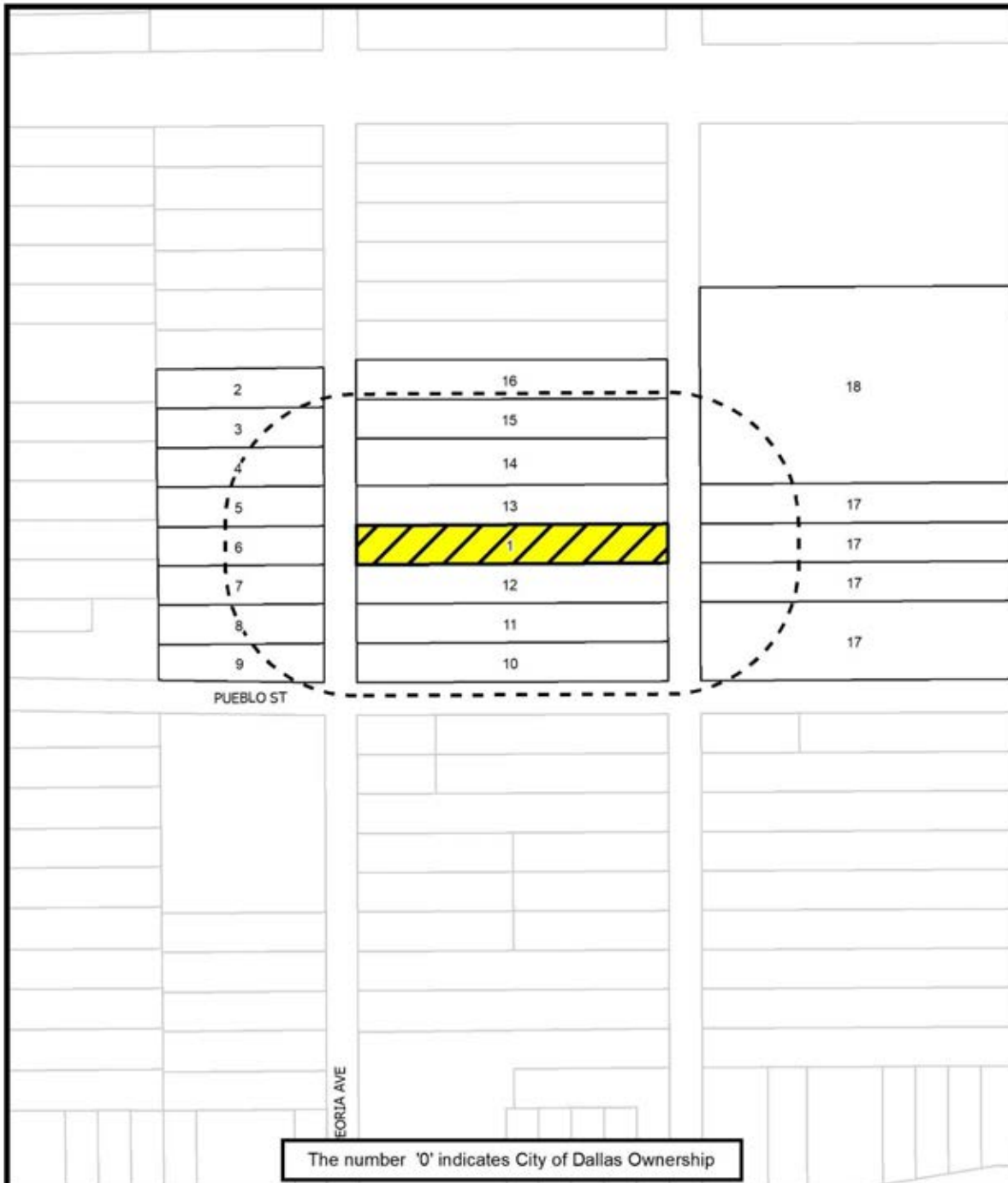
Date: 5/30/2024



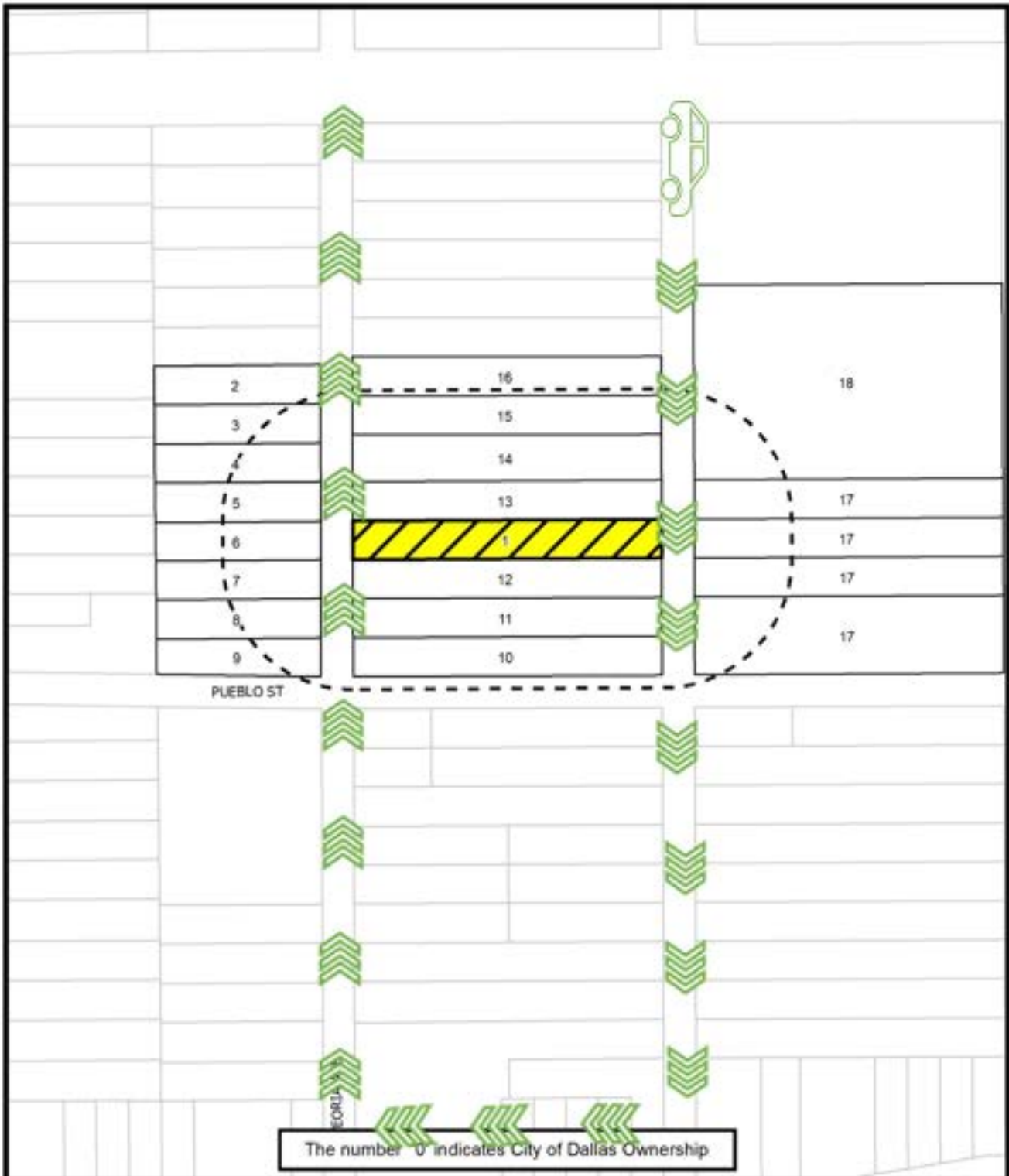
1:2,400

ZONING MAP

Case no: BDA234-077
 Date: 5/30/2024



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA234-077</u> Date: <u>5/30/2024</u>
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

18

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-077**

Date: **5/30/2024**

1
05/30/2024

Notification List of Property Owners

BDA234-077

18 Property Owners Notified

Label #	Address	Owner
1	3216 PEORIA AVE	PERALES JOEL
2	3303 PEORIA AVE	GONZALEZ YOLANDA C
3	3231 PEORIA AVE	CARMONA ANTONIO
4	3227 PEORIA AVE	CORREA ISMAEL &
5	3223 PEORIA AVE	PEREZ JUAN JOSE &
6	3217 PEORIA AVE	VIGIL FLORENCIO ARMIJO &
7	3211 PEORIA AVE	AGUILAR JAIME & LIDIA
8	3205 PEORIA AVE	ACOSTA ROSA O
9	3203 PEORIA AVE	ACOSTA ROSA &
10	3202 PEORIA AVE	FLORES DAVID M SR
11	3206 PEORIA AVE	MARTINEZ BLANCA
12	3212 PEORIA AVE	ORTIZ NANCY A &
13	3222 PEORIA AVE	VIERA CARLOS G &
14	3226 PEORIA AVE	GALINDO JOSE
15	3230 PEORIA AVE	SIERRA SANTOS
16	3302 PEORIA AVE	ROSTRO MARCOS &
17	3203 PLUTO ST	MORADO VICTOR
18	3303 PLUTO ST	SZARKOWSKI RICHARD &



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA234-077**

Date: **5/30/2024**

NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 18TH, 2024

BRIEFING: 10:00 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa-0618>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa-0618>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-077(CJ) Application of Joel Perales for (1) a special exception to the fence height regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned as both R-5(A) and CS, which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct a 6-foot 6-inch high fence in a required front-yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. 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-A-Register> by the close of business Monday, June 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. 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

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Cambria Jordan, Senior Planner (214) 948-4476, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:

BDAreply@dallas.gov

Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:

<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 23 **RECEIVED**
APR 26 REC'D
BY: S(A)

Data Relative to Subject Property: _____ Date: _____
 Location address: 3216 Peoria Ave. Zoning District: _____
 Lot No.: 4 Block No.: 217159 Acreage: 0.64 Census Tract: _____
 Street Frontage (in Feet): 1) 60 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Joel Perales.
 Applicant: Joel Perales Telephone: (214) 288-3620
 Mailing Address: 3214 Odessa st. Zip Code: 75212
 E-mail Address: joelperales1011@gmail.com
 Represented by: Blas Garza Telephone: (214) 927-8556
 Mailing Address: 1419 Memory Ln. Zip Code: 75217
 E-mail Address: garzablas71@yahoo.com.

Affirm that an appeal has been made for a Variance or Special Exception of
Special Exception 2'-6" Height.

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:
Home Protection

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 Joel Perales
 (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 26 day of April, 2021

[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 JOEL PERALES

did submit a request for (1) a special exception to the fence height regulations
at 3216 Peoria

BDA234-077(CJ) Application of Joel Perales for (1) a special exception to the fence height regulations at 3216 PEORIA AVE. This property is more fully described as Block 21/7159, Lot 4 and is zoned as both R-5(A) and CS, which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct a 6-foot 6-inch high fence in a required front-yard, which will require (1) a 2-foot 6-inch special exception to the fence height regulations.

Sincerely,

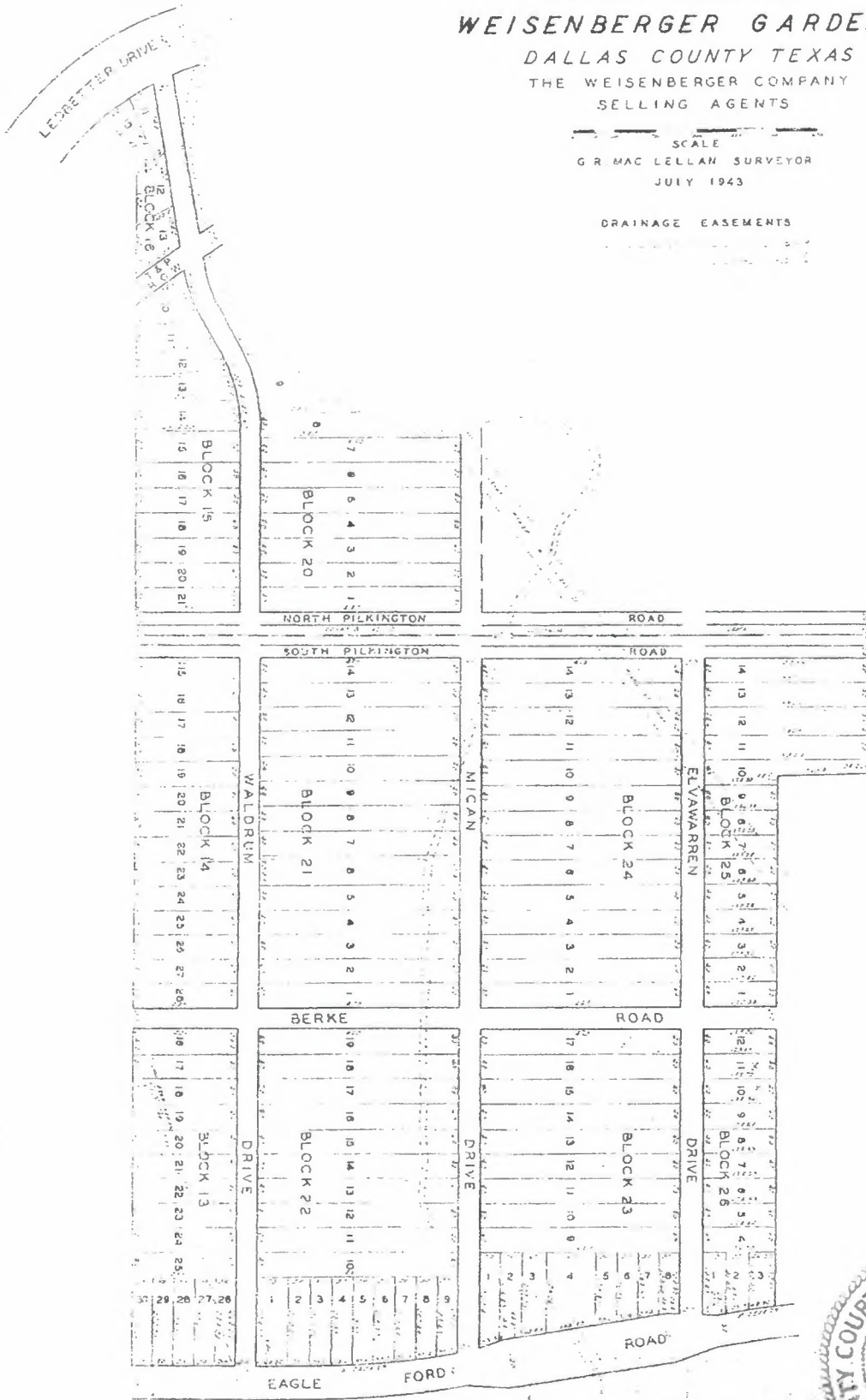


Andrew Espinoza, CBO, MCP, CFM, CCEA

SECOND INSTALLMENT
WEISENBERGER GARDENS
 DALLAS COUNTY TEXAS
 THE WEISENBERGER COMPANY
 SELLING AGENTS

SCALE
 G. R. MAC LELLAN SURVEYOR
 JULY 1943

DRAINAGE EASEMENTS





Posting of Notification Sign

Address 3211e Pecora Ave.

Appeal Number: BDA 234-077

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

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

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

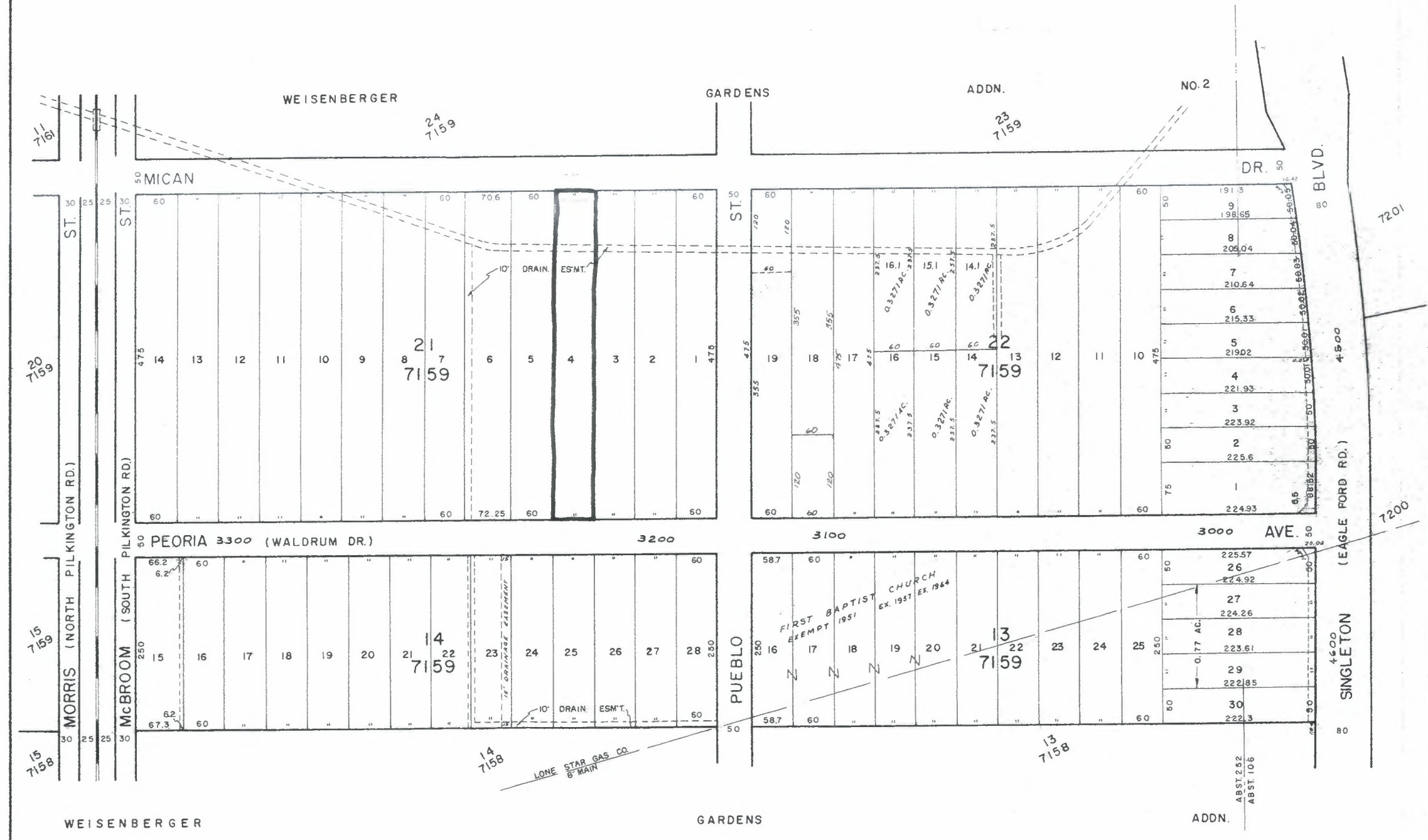
Footage of each street frontage: 120'

Number of acres: 0.65

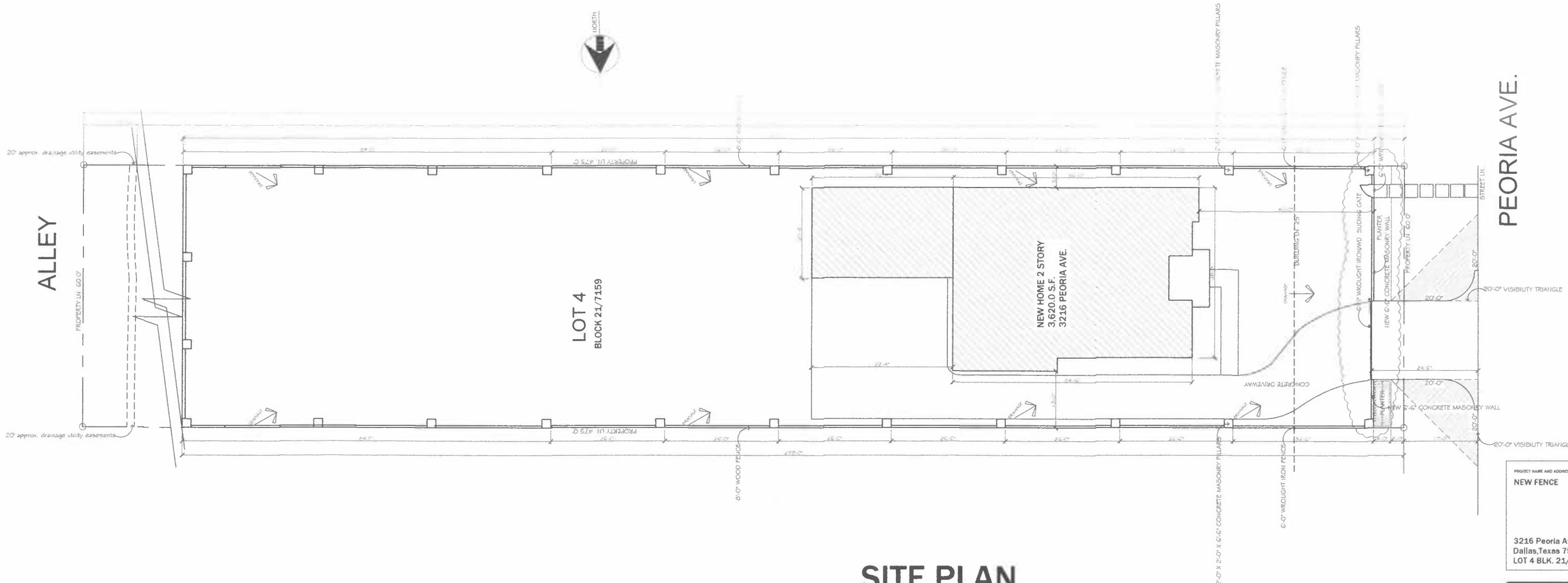
Number of signs received: 1

Sal Park
Signature of applicant or person receiving signs

4/26/2024
Date



BOA 234-077



ALLEY

LOT 4
BLOCK 21/7159

NEW HOME 2 STORY
3620.0 S.F.
3216 PEORIA AVE.

PEORIA AVE.

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

PROJECT NAME AND ADDRESS
NEW FENCE

3216 Peoria Ave.
Dallas, Texas 75212
LOT 4 BLK. 21/7159

#	DATE	SUBMISSION
	03-19-24	ISSUE FOR PERMIT

GARZA
CONSTRUCTION
CONSULTANTS

1419 MEMORY LN. DALLAS, TEXAS
75217
PH 214 9278556
garzablas71@yahoo.com

SITE PLAN

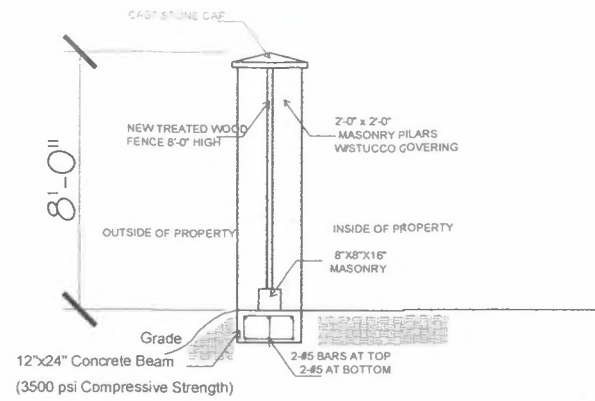
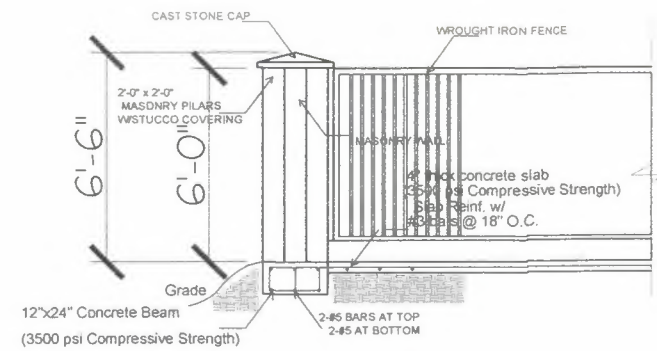
S-1
JOB NO SHEET

BDA234-077

DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE. THE CONTRACTOR AND THE OWNER ARE ULTIMATELY RESPONSIBLE TO CONFIRMING AND CORRELATING DIMENSIONS AT THE JOB SITE. THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THIS PROJECT.

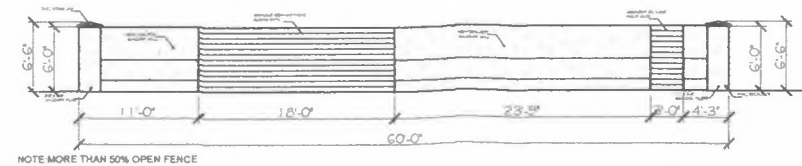
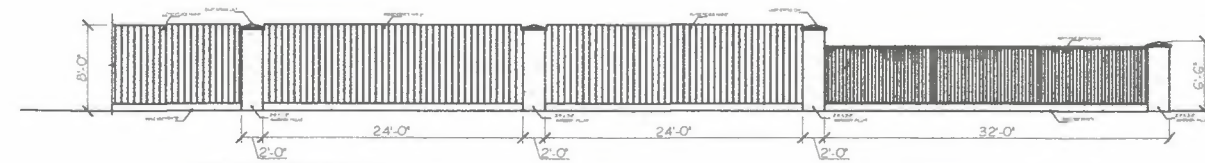
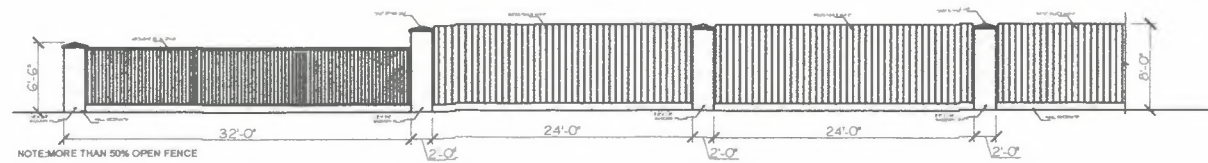
- GENERAL NOTES:**
1. THE CONTRACTOR SHALL COORDINATE THE FOUNDATION PLAN WITH ARCHITECTURAL DRAWINGS FOR OPENINGS, NOTES, INTERIORS, AND RELATED ITEMS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD BEFORE CONCRETE IS PLACED.
 2. THE CONTRACTOR SHALL VERIFY FROM THE CONSTRUCTION THAT THE NEW CONSTRUCTION WILL NOT COMPETE WITH ANY EXISTING UTILITY. IF CONFLICTS ARE FOUND, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT AND SHALL STOP WORK UNTIL AN ALTERNATE SOLUTION TO THE CONFLICT IS FOUND.
 3. TYPICAL DETAILS AND NOTES SHALL APPLY UNLESS SPECIFICALLY SHOWN OR NOTED OTHERWISE. CONSTRUCTION DETAILS NOT SHOWN BUT SPECIFICALLY NOTED SHALL BE SHOWN AS DETAILS SHOWN FOR SIMILAR CONDITIONS.
 4. DUE TO THE NATURE OF CONSTRUCTION, IT IS NECESSARY TO STOP WORK AT VARIOUS POINTS DURING THE CONSTRUCTION TO VERIFY THE QUALITY OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE QUALITY OF THE CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE QUALITY OF THE CONSTRUCTION.
 5. SITE GRADING AND DRAINAGE AROUND THE FOUNDATION SHALL BE MAINTAINED AT ALL TIMES IN SUCH A MANNER THAT SURFACE DRAINAGE WILL NOT COLLECT UNDER OR ADJACENT TO THE FOUNDATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE QUALITY OF THE CONSTRUCTION.
 6. THE CONTRACTOR IS ULTIMATELY RESPONSIBLE FOR THE WARRANTY OF THE CONSTRUCTION.

- FOUNDATION NOTES:**
- A. THE FLOOR SLAB SHOULD BE PLACED ON A MINIMUM OF 2.5 FEET OF COMPACTED AND TESTED FILL DUE TO THE HEAVY LOADS OF THE FLOOR.
 - B. IT IS RECOMMENDED THAT THE EXISTING SOIL BE EXPOSED TO A DEPTH OF 6 INCHES BELOW THE BOTTOM OF ALL FOUNDATION ELEMENTS. PRIOR TO PLACING ANY ADDITIONAL FILL MATERIAL, WE RECOMMEND THAT ALL EXPOSED SURFACES BE GRADED TO A DEPTH OF ABOUT 1/8 TO 1/4 INCH, MOISTURE CONTENT TO A MINIMUM OF 10 PERCENT (ASTM STANDARD FACTURE TEST), AND COMPACTED TO 95 PERCENT OF THE MAXIMUM DRY DENSITY.
 - C. OVER EXCAVATIONS SHOULD EXCEED A MINIMUM OF 2 FEET BEYOND ALL SIDES OF THE FOUNDRY FOOTINGS OR BEAMS.
 - D. WE RECOMMEND THAT PROTECTIVE EXPOSED SURFACE FROM TO BACKFILLING AND THE COMPACTION OF STRUCTURAL FILL OPERATIONS BE OBSERVED AND DOCUMENTED BY A GEOTECHNICAL ENGINEER OR QUALIFIED REPRESENTATIVE OF THE GEOTECHNICAL ENGINEER.
 - E. ALL FILL SHALL BE SPREAD IN LAYERS NOT EXCEEDING EIGHT (8) INCHES, WATER-CURABLE, AND COMPACTED. MOISTURE CONTENT AT THE TIME OF COMPACTION SHALL BE WITHIN 2 PERCENT OF OPTIMUM MOISTURE CONTENT. COMPACTION OF THE FILL SHALL BE ACCOMPLISHED TO OBTAIN A DENSITY OF NOT LESS THAN 95 PERCENT OF MAXIMUM DRY DENSITY.
 - F. A MINIMUM OF 2 MIL POLYETHYLENE VISIBER BARBER (PVB) SHOULD BE PLACED ON TOP OF THE PREPARED SURFACE SUBGRADE TO MINIMIZE MOISTURE MIGRATION THROUGH THE SLABS. THE INTEGRITY OF THE PVB MUST BE MAINTAINED DURING FILL CONSTRUCTION. A 1/2 INCH TO 3/4 INCH PINK CUSHION LAYER CONSISTING OF FINE SAND CAN BE PLACED BELOW THE PVB FOR LIVING PURPOSES.
 - G. MATERIALS (UNDESIGNED SATISFACTORY ADDED TO ALL OR TRENCH FILLING MATERIALS ARE CLASSIFIED AS: 1.5% CAL. 50/100, 2.5% 10/20, 5.0% 20/40, 10.0% 40/60 AND 100.0% IN ACCORDANCE WITH THE UNIFIED SOIL CLASSIFICATION.



WALL SECTION "A"
Scale : 3/8" = 1'-0"

WALL SECTION "B"
Scale : 3/8" = 1'-0"



PROJECT NAME AND ADDRESS:
NEW FENCE

3216 Peoria Ave.
Dallas, Texas 75212
LOT 4 BLK. 21/7159

#	DATE	SUBMISSION
	03-19-24	ISSUE FOR PERMIT

GARZA CONSTRUCTION CONSULTANTS

1419 MEMORY LN. DALLAS, TEXAS 75217
PH 214 9278556
garzablas71@yahoo.com

STRUCTURAL WALL SECTION FRONT AND SIDE VIEW

A-1
JOB NO. SHEET

BDA234-077

FILE NUMBER: BDA234-078 (BT)

BUILDING OFFICIAL'S REPORT: Application of Bulfrano Macedo for (1) a variance to the lot coverage regulations, at 8334 Plainview Dr. This property is more fully described as Block 2/8526, Lot 3 and is zoned A(A), which allows a 10% maximum lot coverage. The applicant proposes to construct and/or maintain a single-family dwelling and provide 23% lot coverage, which will require (1) a 13% variance to the lot coverage regulations.

LOCATION: 8334 Plainview Dr.

APPLICANT: Bulfrano Macedo

REQUEST: A request for a variance to the lot coverage regulations.

STANDARDS OF REVIEW FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE:

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code.
- (ii) 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.

- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure

STAFF RECOMMENDATION:

Variance: Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that:

- A. Granting the variance in this application would not be contrary to public interest as no letters of opposition has been received.
- B. The lot is restrictive in size 10,271 sq. ft. (0.235 of an acre) and not large enough to meet the minimum (three acres) for A(A) residential use as required in the Dallas Development Code. For these reasons, the lot cannot be developed in a manner commensurate as other parcels of land in the same zoning district.
- C. The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons.

BACKGROUND INFORMATION:

BDA History found in the last five years BDA223-075

- 10-foot variance to the side-yard setback regulations was GRANTED by Board of Adjustment Panel A on August 15, 2023.
- 23-foot variance to the rear-yard setback regulations was GRANTED by Board of Adjustment Panel A on August 15, 2023.

ZONING:

Site: A(A) (Agricultural District)
North: A(A) (Agricultural District)
East: A(A) (Agricultural District)
South: IR (Industrial/research District) & MU-1 (Mixed Use District)
West: A(A) (Agricultural District)

LAND AND USE:

The subject site is vacant and all surrounding properties are developed with single-family homes.

SQUARE FOOTAGE:

This lot contains 10,271 sq. ft. (0.235 of an acre). Minimum three acres for A(A) zoning.

Proposed 1-story single family structure w/carport is 2,413 sq. ft. under roof (23% lot coverage)

GENERAL FACTS/STAFF ANALYSIS:

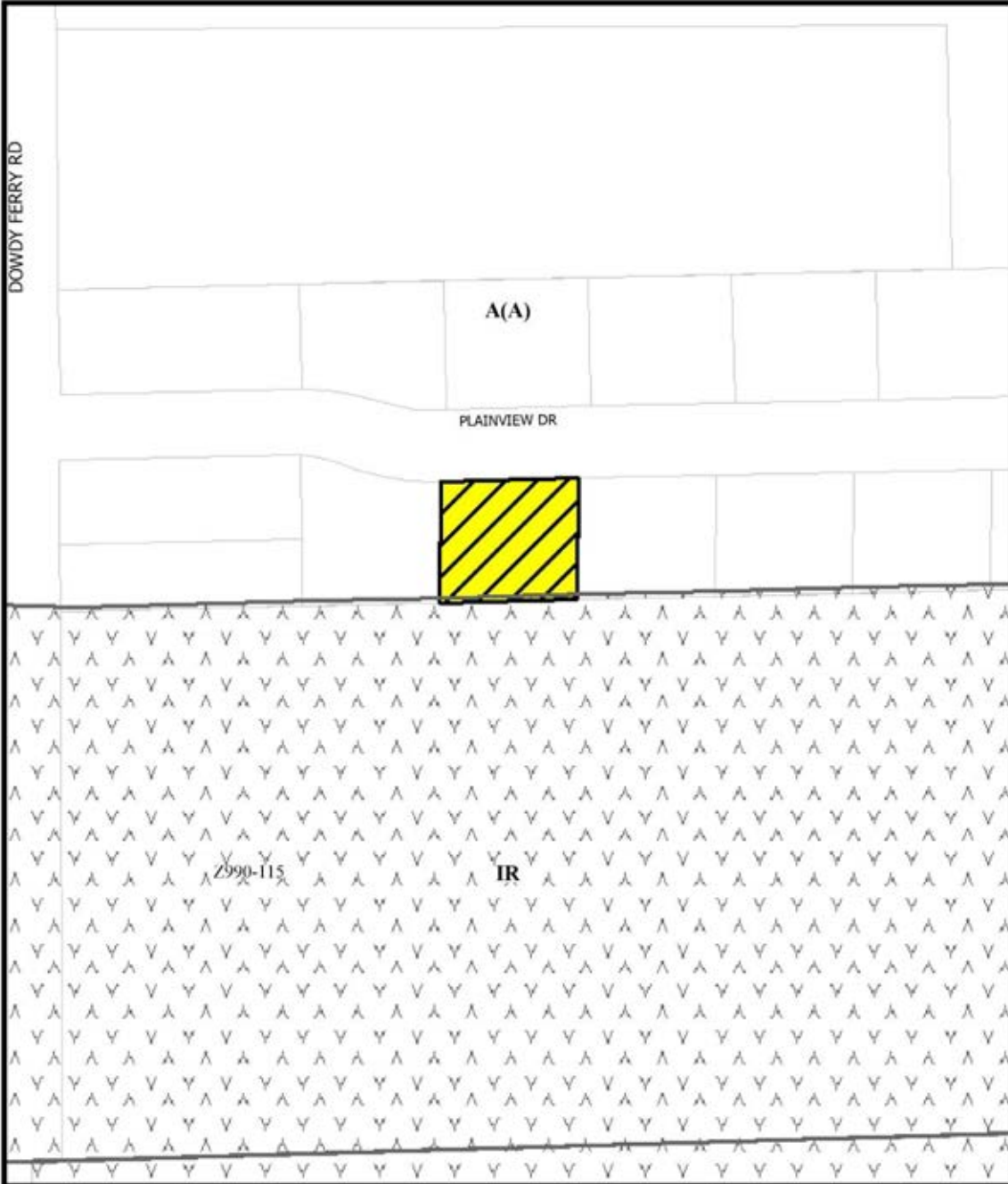
- The application of Bulfrano Macedo for the property located at 8334 Plainview Dr. focuses on 1 request relating to a variance to the lot coverage regulations.
- The applicant is requesting a variance to the lot coverage regulations. The applicant is proposing to construct and maintain a residential structure and provide 23% lot coverage, which will require a 13% variance to the lot coverage regulations. Traditional single-family development lots are allowed up to 40% lot coverage.
- The applicant previous request of a 10-foot variance to the side-yard setback regulations was GRANTED by Board of Adjustment Panel A on August 15, 2023.
- The applicant previous request of a 23-foot variance to the rear-yard setback regulations was GRANTED by Board of Adjustment Panel A on August 15, 2023.
- This lot is zoned A(A) which requires a minimum lot size of three acres (130,680 sq. ft.), similar lot sizes in the area average 10,000 sq. ft. +/-
- The subject site along with surroundings properties to the north, east and west are all developed with majority single-family homes.
- Additionally, to the south some properties are developed with IR and MU-1 uses.
- Per staff's review of the subject site, it has been confirmed that the proposed single-family structure will be constructed on a vacant lot.
- The applicant has the burden of proof in establishing the following:
 - 1) That granting the variance to the lot coverage 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.
 - 2) The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - 3) The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.
- Granting the variance to the lot coverage regulations with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- 200' Radius Video: [BDA234-078 8334 Plainview Dr](#)

TIMELINE:

- April 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 15, 2024: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- May 17, 2024: The Development Services 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 May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 3, 2024: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA234-078</u> Date: <u>5/30/2024</u>
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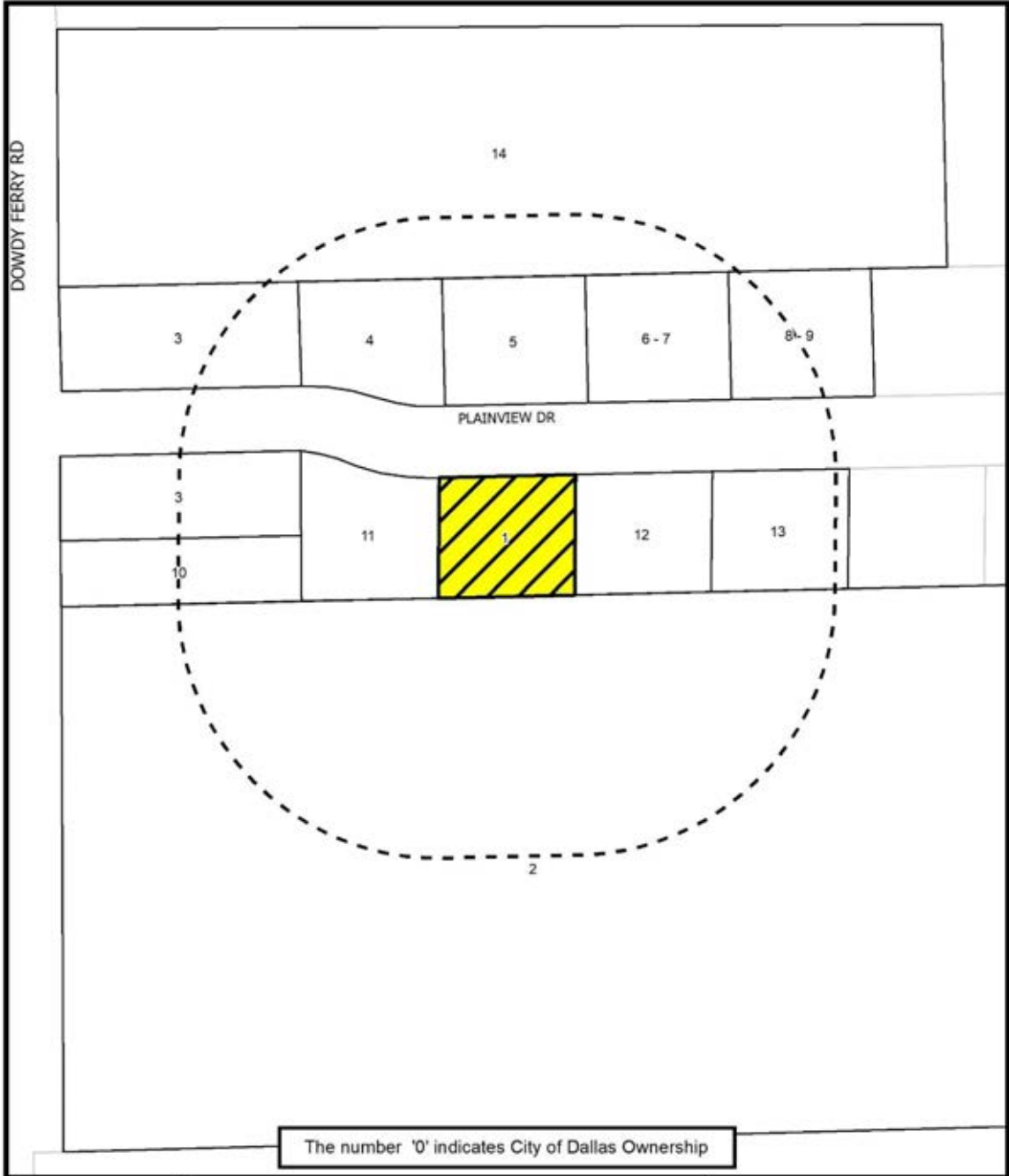


1:1,200

ZONING MAP

Case no: BDA234-078

Date: 5/30/2024



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <u>BDA234-078</u>			
	<table border="1"> <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
200'	AREA OF NOTIFICATION				
14	NUMBER OF PROPERTY OWNERS NOTIFIED				

05/30/2024

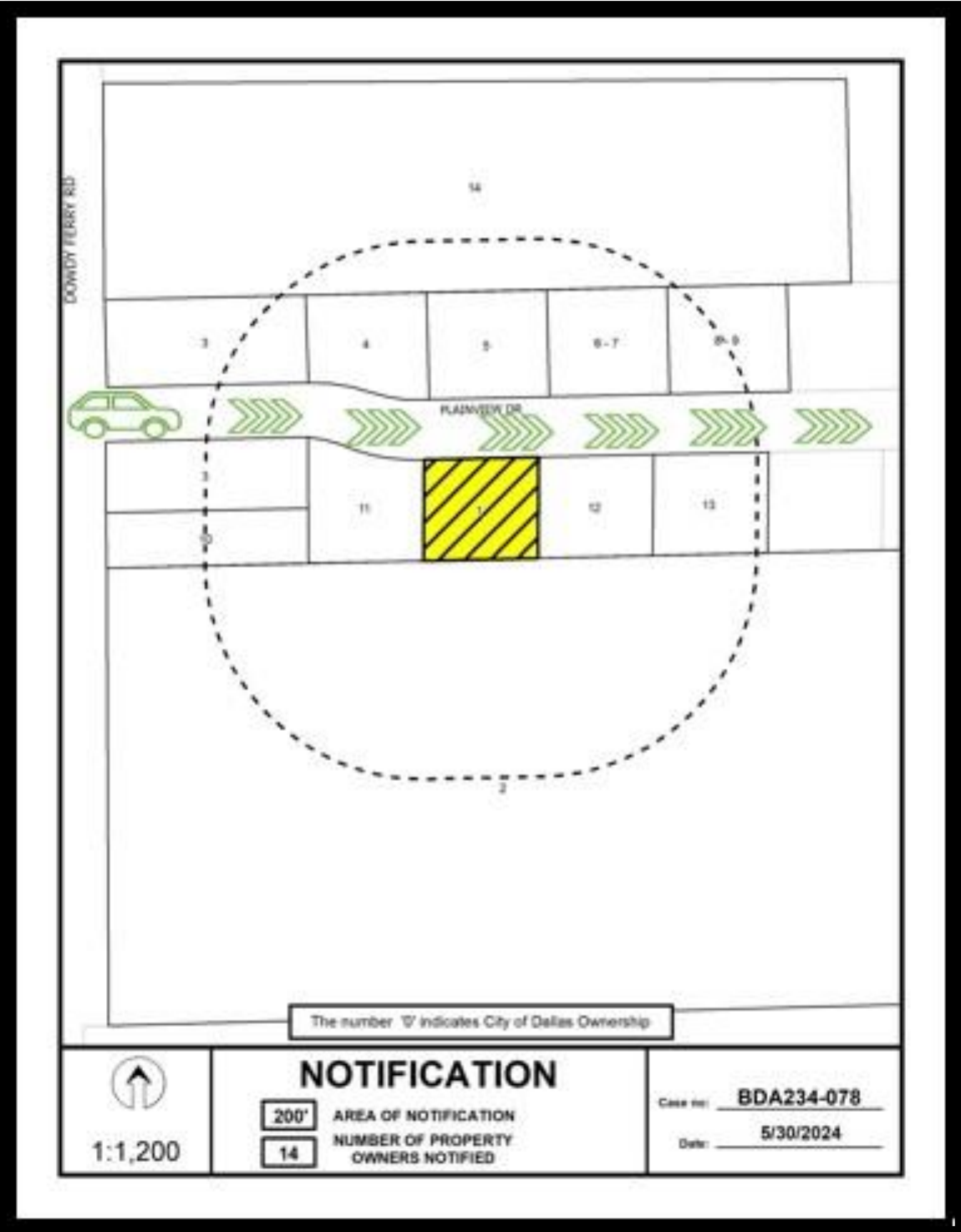
Notification List of Property Owners

BDA234-078

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8334 PLAINVIEW DR	MACEDO BULFRANO
2	2040 DOWDY FERRY RD	2040 DOWDY FERRY ISF LLC
3	2000 DOWDY FERRY RD	CORTEZ FABIOLA
4	8331 PLAINVIEW DR	MARKER BRUCE C & ANGIE L
5	8335 PLAINVIEW DR	PALACIOS MARCOS
6	8337 PLAINVIEW DR	BROWN RICHARD
7	8337 PLAINVIEW DR	BROWN RICHARD AND DONNA
8	8339 PLAINVIEW DR	BROWN RICHARD
9	8339 PLAINVIEW DR	BROWN RICHARD AND DONNA
10	2028 DOWDY FERRY RD	OLVERA ERNESTO
11	8332 PLAINVIEW DR	JARAMILLO BENEDICTO &
12	8336 PLAINVIEW DR	ASEGUERA CARLOS A
13	8340 PLAINVIEW DR	BRANSON ALLINE
14	2020 DOWDY FERRY RD	GONZALES ISRAEL

200' Radius Route Map



NOTICE OF PUBLIC HEARING

BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A)

NOTICE IS HEREBY GIVEN that the BOARD OF ADJUSTMENT OF THE CITY OF DALLAS (PANEL A) will hold a hearing as follows:

DATE: TUESDAY, JUNE 18TH, 2024

BRIEFING: 10:00 a.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street <https://bit.ly/boa-0618>

HEARING: 1:00 p.m. via Videoconference and in 6ES, Dallas City Hall, 1500 Marilla Street. <https://bit.ly/boa-0618>

The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

BDA234-078(BT) Application of Bulfrano Macedo for (1) a variance to the maximum allowed lot coverage at 8334 PLAINVIEW DR. This property is more fully described as Block 2/8526, Lot 3, and is zoned A(A), which allows a 10-percent maximum lot coverage. The applicant proposes to construct and/or maintain a single-family residential structure with 2413 square feet of floor area, which will require (1) a 1386 square foot variance (23%) to the maximum allowed lot coverage.

You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAREPLY@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

Note: Any materials (such as plans, elevations, etc.) included within this notice may be subject to change.

The Board of Adjustment hearing will be held by videoconference and at 6ES at City Hall. 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-A-Register> by the close of business Monday, June 17th, 2024. All virtual speakers will be required to show their video in order to address the board. In Person speakers can register at the hearing. 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)

Speakers at the meeting are allowed a maximum of five (5) minutes to address the Board.

Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner at (214) 948-4502, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

PLEASE SEND REPLIES TO:
BDAREPLY@dallas.gov
Letters will be received until 9:00
am the day of the hearing.

PLEASE REGISTER AT:
<https://bit.ly/BDA-A-Register>



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 234-078 **RECEIVED**
 Date: 4/26/24 **APR 26 2024**
 BY: [Signature]

Data Relative to Subject Property: Previous BDA 223-075
 Location address: 8334 Plainview Dr. Zoning District: A(1)
 Lot No.: 3 Block No.: _____ Acreage: .235 Census Tract: 0116.02
 Street Frontage (in Feet): 1) 105 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Bulfrans Macedo
 Applicant: Bulfrans Macedo Telephone: 214-533-5563
 Mailing Address: 766 Pemberton Hill Rd Zip Code: 75217
 E-mail Address: bulfranom@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 the maximum allowable lot usage. Current max allowable usage is set at 10%. request to allow 23% lot usage as noted on the site plan.

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:
Previously approved site plan and rear/side yard setbacks show a 23% lot usage (BDA223-075 KMH)

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.

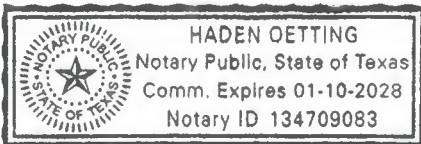
Affidavit

Before me the undersigned on this day personally appeared Bulfrans Macedo
 (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 25 day of April, 2024

[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 BULFRANO MACEDO

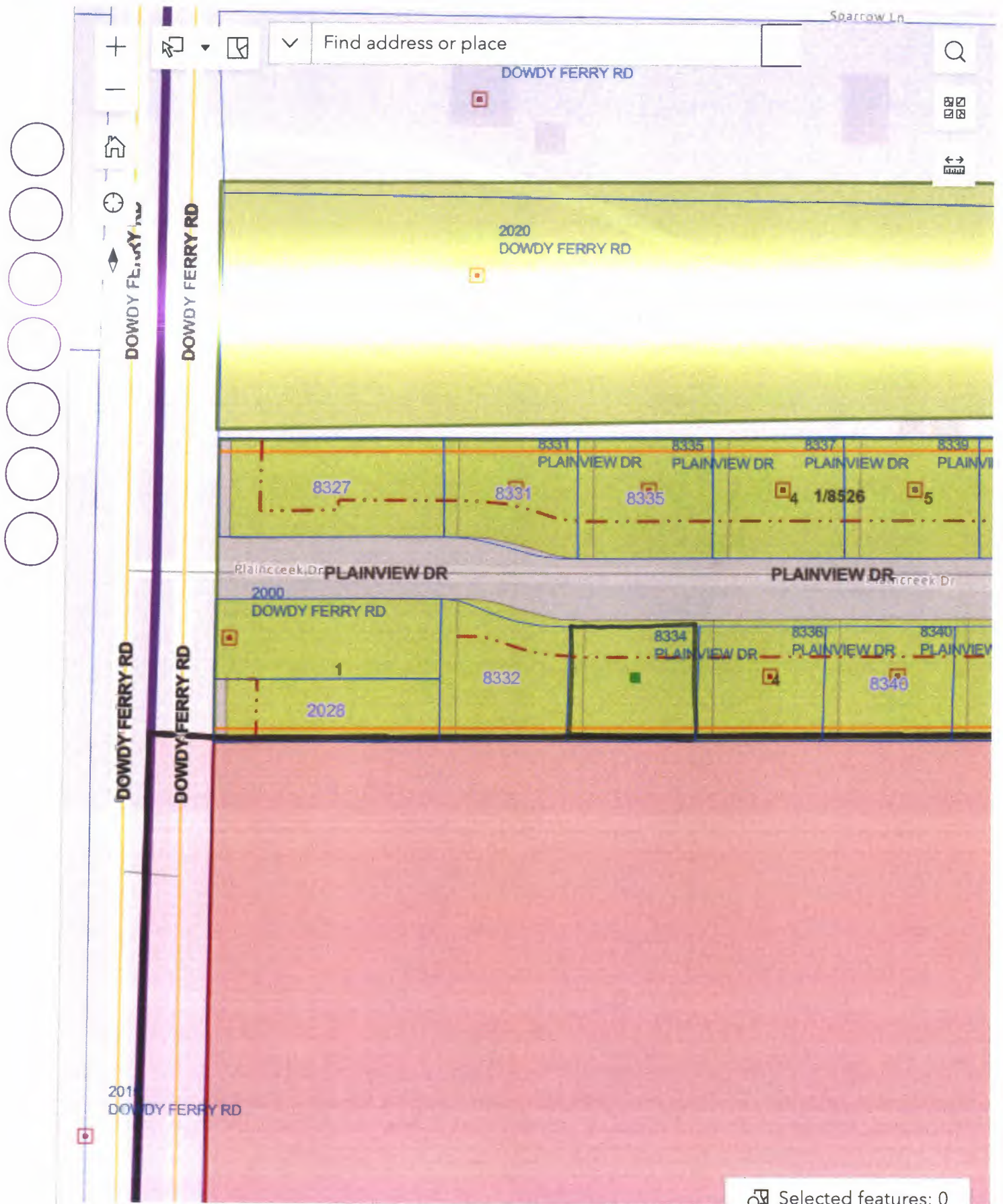
did submit a request a variance to the maximum allowed lot coverage of 10%
at 8334 Plainview Drive

BDA234-078(BT) Application of Bulfrano Macedo for (1) a variance to the maximum allowed lot coverage at 8334 PLAINVIEW DR. This property is more fully described as Block 2/8526, Lot 3, and is zoned A(A), which allows a 10-percent maximum lot coverage. The applicant proposes to construct and/or maintain a single-family residential structure with 2413 square feet of floor area, which will require (1) a 1386 square foot variance (23%) to the maximum allowed lot coverage.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



50 m
100 ft

BDA234-078

SHIPPED DATE: _____ RECEIVED DATE: _____

CITY OF DALLAS PLAT BOOKS

ANNEXED MAY 14, 1962 ORD. NO. 9240
SURVEY JOHN R. FONDRON ABST. 476

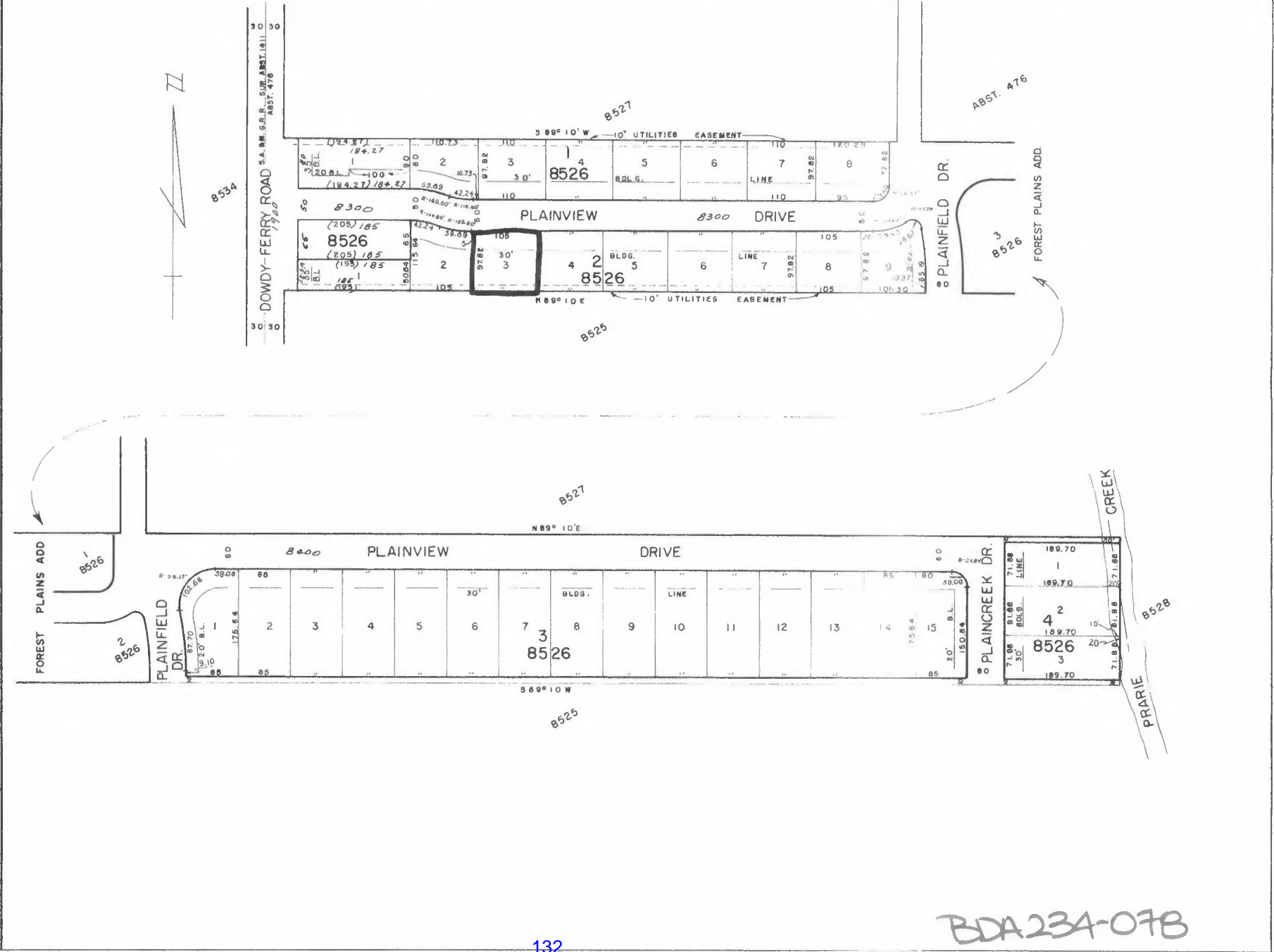
ADDITION FOREST PLAINS

BLOCKS 1 THRU 4
8526 & 8526

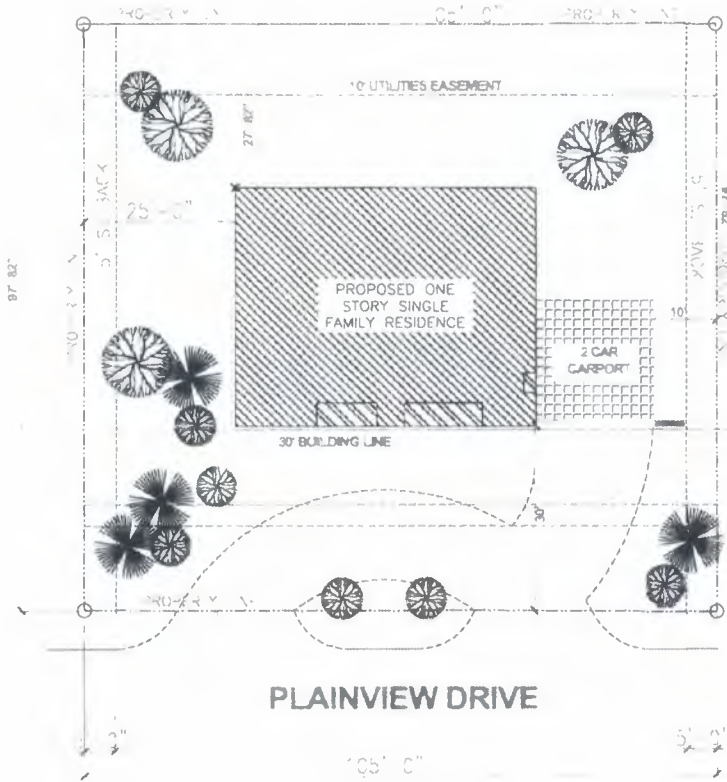
SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT DALLAS

FILED 8-24-58



BDA234-07B



1 SITE PLAN
C2.00



BDA

**PLANS APPROVED
SUBJECT TO
BOARD ACTION**

8/15/23
DATE

[Signature]
ADMINISTRATOR

PROJECT AREA CALCULATIONS

PROPOSED LIVING AREA (AC)		TOTAL FINISHED AC
FIRST FLOOR	1,902 S.F.	1,902 S.F.
		TOTAL UNDER ROOF
		2,413 S.F.
		FOOTPRINT
		2,413 S.F.

UNCONDITION AREA		LOT USAGE	
COV. PORCH	92 S.F.	FOOTPRINT	2,413 S.F.
COV. PATIO	12 S.F.	LOT SIZE	10,270 S.F.
COV. PORCH	07 S.F.	NON ROOF AREA	7,857 S.F.
COV. CARPORT	400 S.F.	% OF LOT	23 %

1 VICINITY MAP
A1.00 FOR REFERENCE ONLY

ADDRESS

**8334 PLAINVIEW DRIVE
DALLAS TX 75217**

**FOREST PLAINS
BLK 218226 LOT 3**

DATE

05/24/2023

SCALE

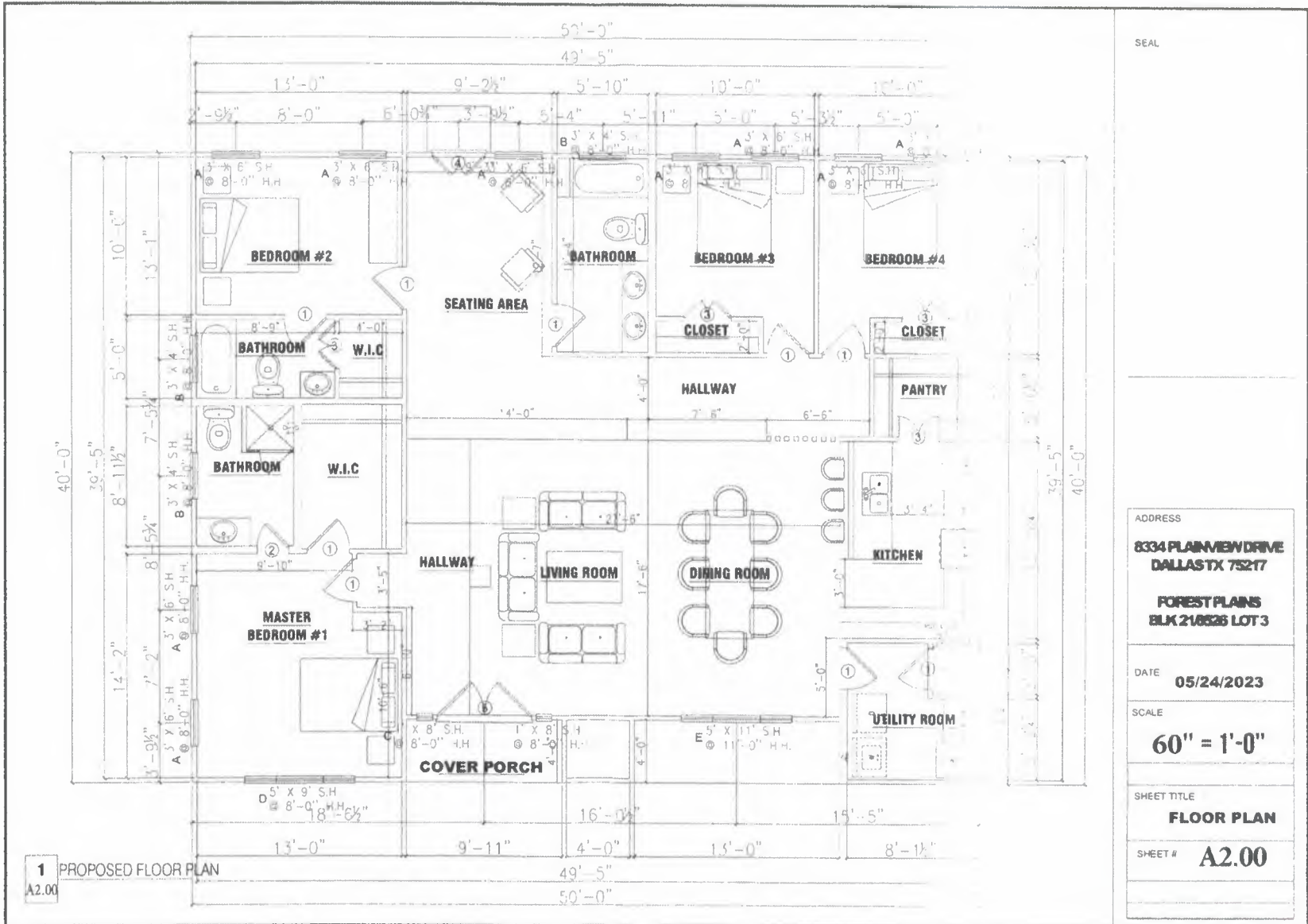
25" = 1'-0"

SITE PLAN

A1.00

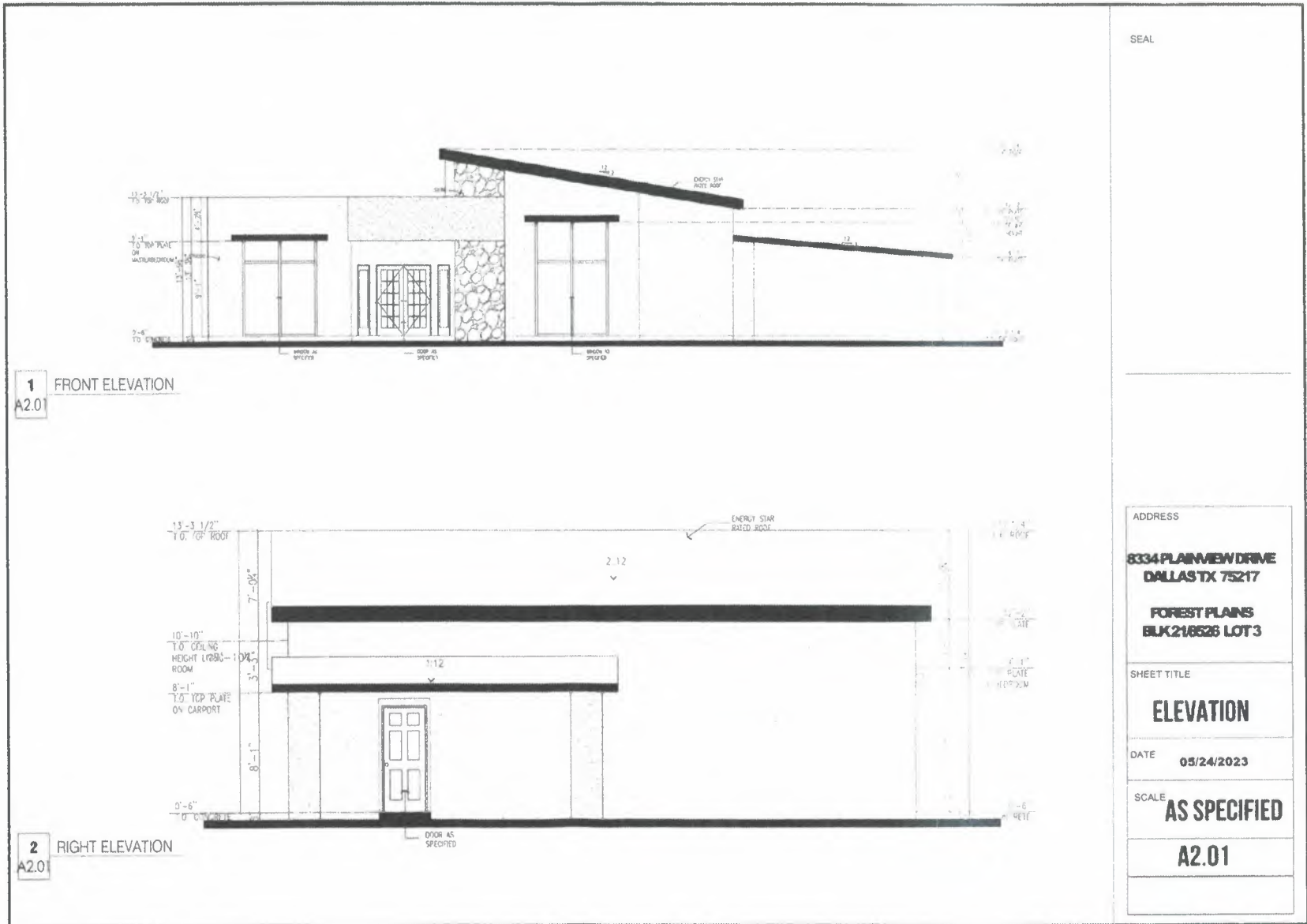
BDA 2023 075

BDA 234-078



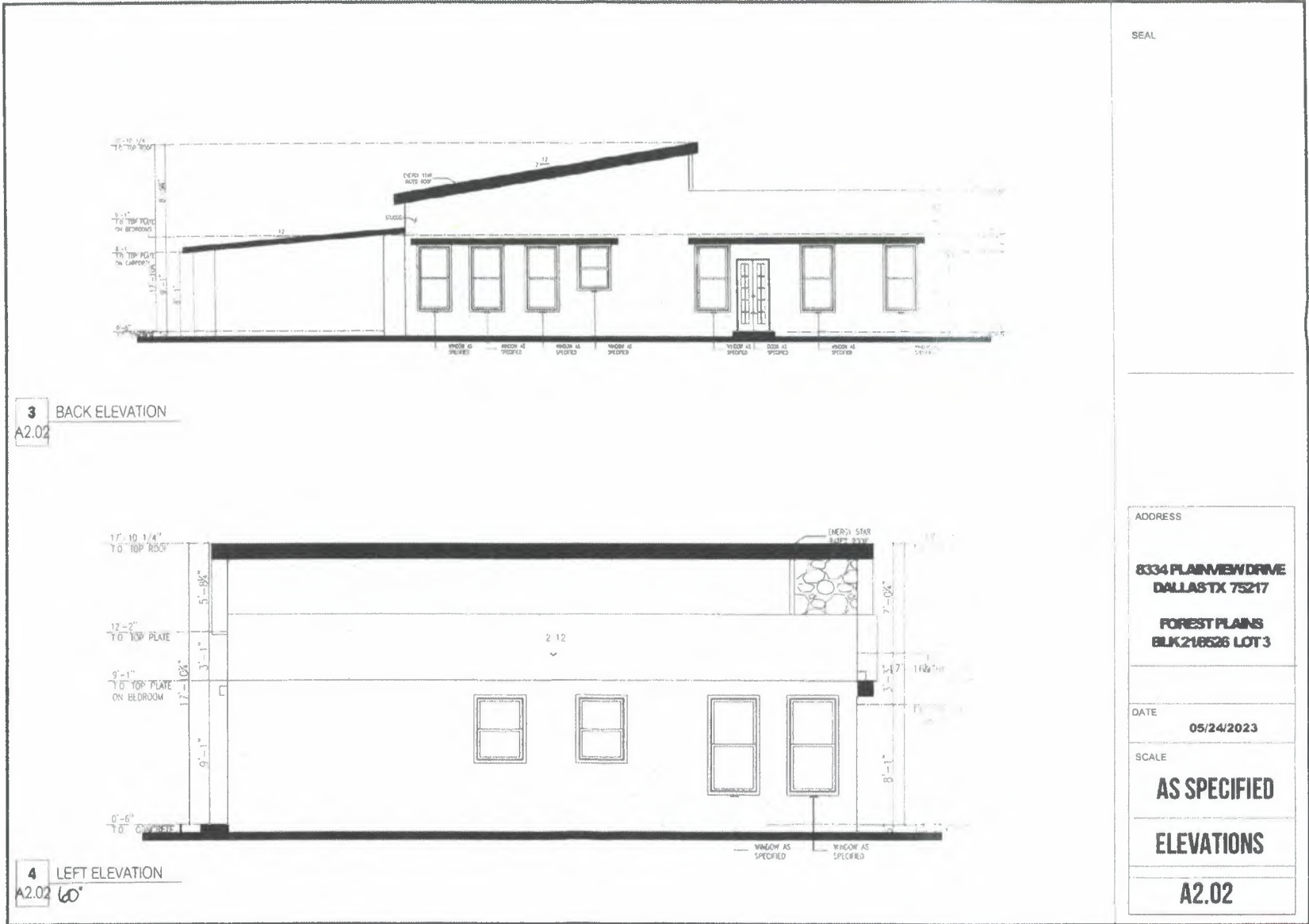
BDA 233-075

BDA 234-078



BDA 233-046

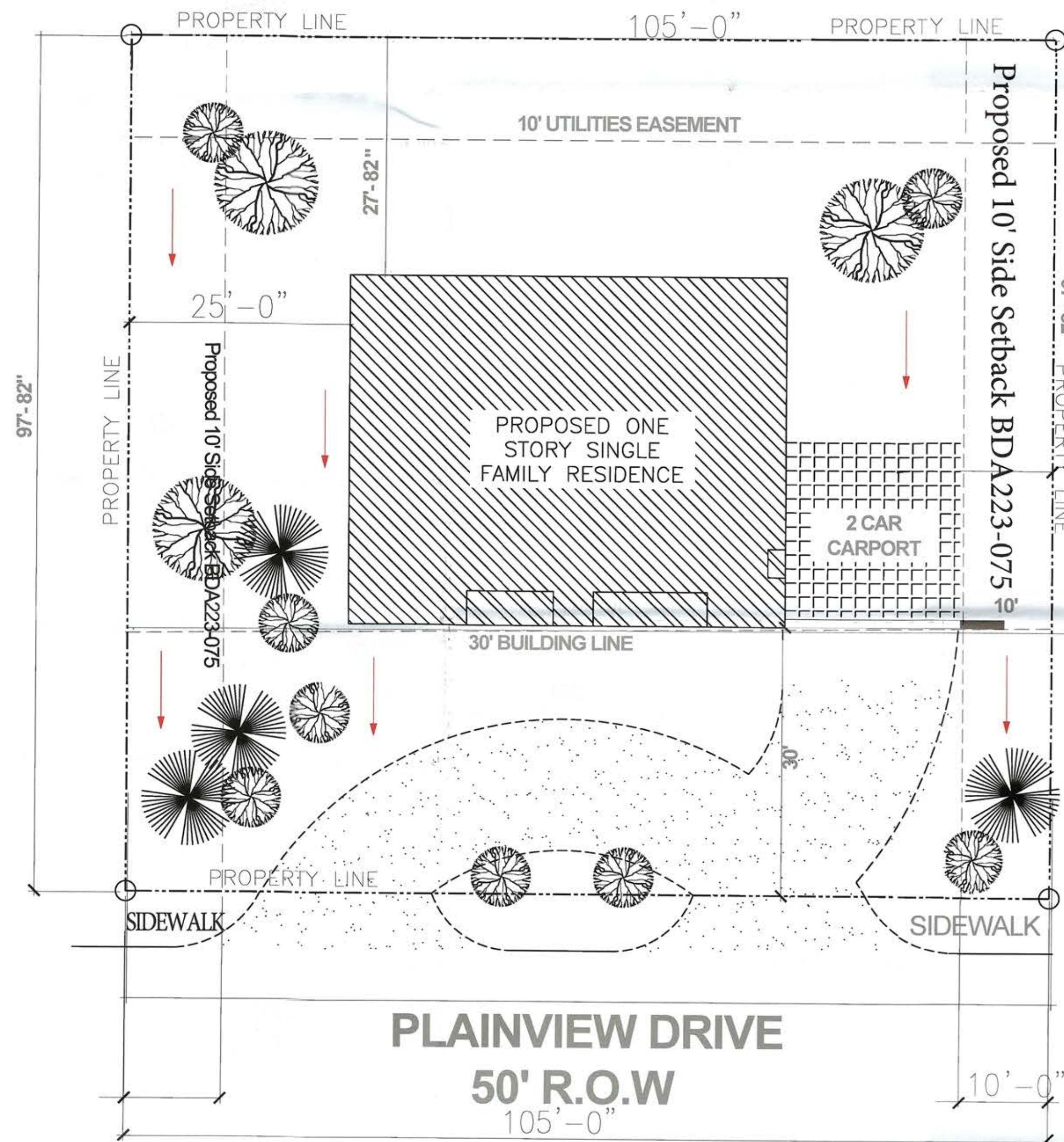
BDA 234-078



~~BDA223-078~~

BDA234-078

SEAL



PROJECT AREA CALCULATIONS

PROPOSED LIVING AREA (AC)		TOTAL FINISHED AC
FIRST FLOOR	1,902 S.F.	1,902 S.F.
		TOTAL UNDER ROOF
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		FOOTPRINT
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COV. PATIO 12 S.F.	LOT SIZE 10,270 S.F.
COV. PORCH 07 S.F.	NON ROOF AREA 7,857 S.F.
COV. CARPORT 400 S.F.	% OF LOT 23 %

1 VICINITY MAP
A1.00 FOR REFERENCE ONLY



1 SITE PLAN
C2.00

ADDRESS
**8334 PLAINVIEW DRIVE
DALLAS TX 75217**
**FOREST PLAINS BLK
218526 LOT 3**

DATE
05/24/2023

SCALE
1" = 10'

SITE PLAN

A1.00

FILE NUMBER: BDA234-080 (BT)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for (1) a special exception to the parking regulations at 5419 EAST GRAND AVE. This property is more fully described as Block A/1610, SW ½ of lot 5 and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a non-residential structure for a personal service use, and provide 12 (10 per delta credits) of the required 16 parking spaces, which will require (1) a 4-space special exception (25% reduction) to the parking regulation.

LOCATION: 5419 East Grand Ave.

APPLICANT: Baldwin Associates - Rob Baldwin

REQUEST: Special Exception to the parking regulations

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

Section 51A-3.111(a) of the Dallas Development Code specifies that the board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, **that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.** Except as otherwise provided in this paragraph, the maximum reduction authorized by this section is 25% or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in **SEC 51A-4.704(b)(4)(A).**

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the parking regulations since the basis for this type of appeal is when in the opinion of the board, the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Square Footage:

This lot contains 4,175 of sq. ft.

This lot is zoned RR which has no minimum lot size.

Zoning:

Site: RR (Regional Retail District)
North: LO-1 (Limited Office District) & PD-539
South: RR (Regional Retail District)
East: RR (Regional Retail District)
West: LO-1 (Limited Office District) & PD-135

Land Use:

The subject site is developed with a personal service use. The areas to the north, south, east, and west are developed with restaurant, retail and office uses.

BDA HISTORY:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the parking regulations of a 4-space variance (25% reduction) is made to construct and/or maintain a nonresidential structure.
- The subject site is currently vacant.
- Zoning RR requires one parking space for each 200 square feet of floor area for personal service use.
- Granting the proposed 4-space variance (25% reduction) to the parking regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

200' Radius Video: [BDA234-080 5419 East Grand Ave](#)

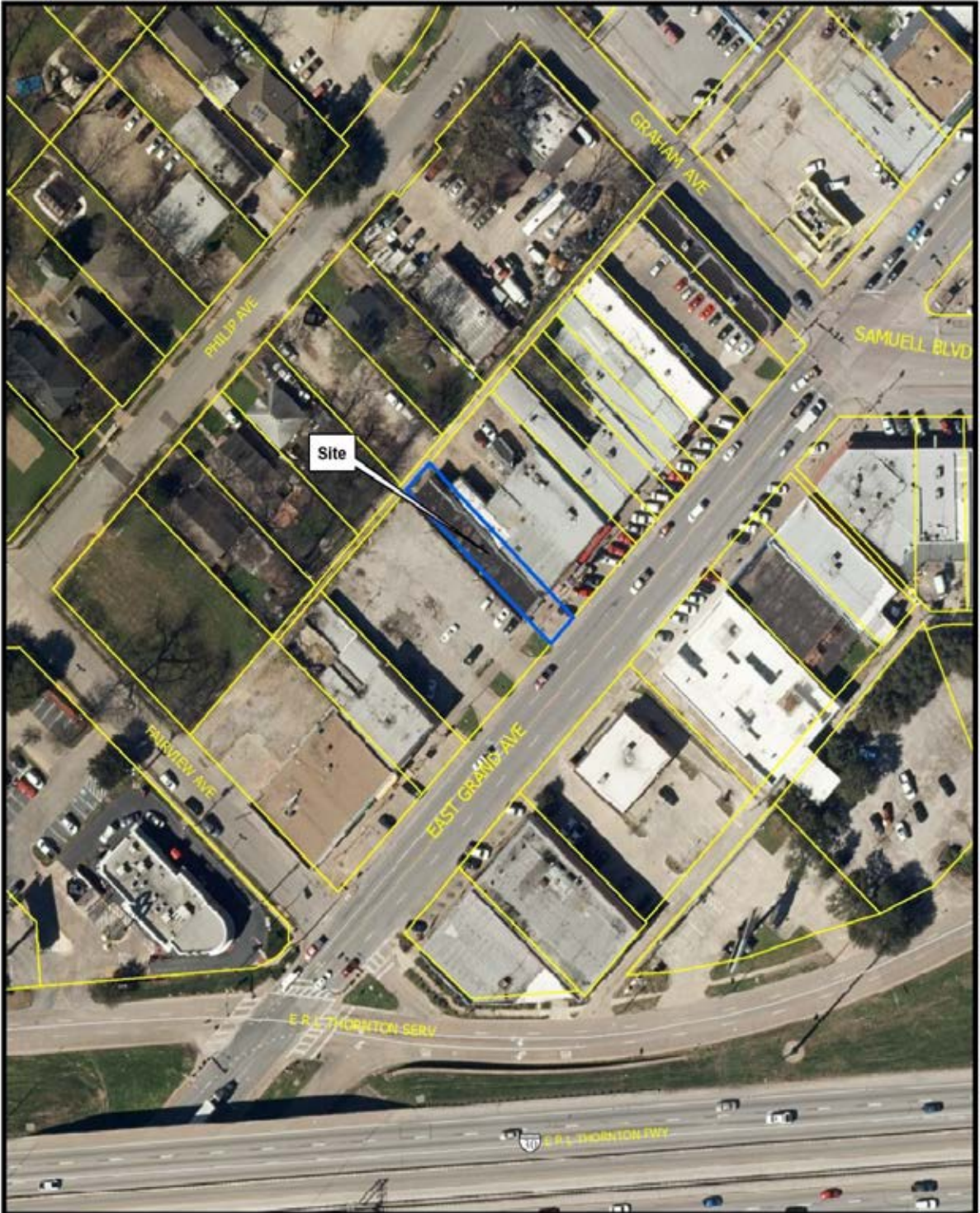
Timeline:

- April 19, 2024: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
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- May 17, 2024: The Development Services 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 May 24, 2024, deadline to submit additional evidence for staff to factor into their analysis; and June 7, 2024, deadline to submit additional evidence to be incorporated into the board’s docket materials.

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

June 3, 2024:

The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, Project Coordinator, Board Secretary, Conservation District Chief Planner, Chief Arborists, Zoning Senior Planner and Transportation Engineer.

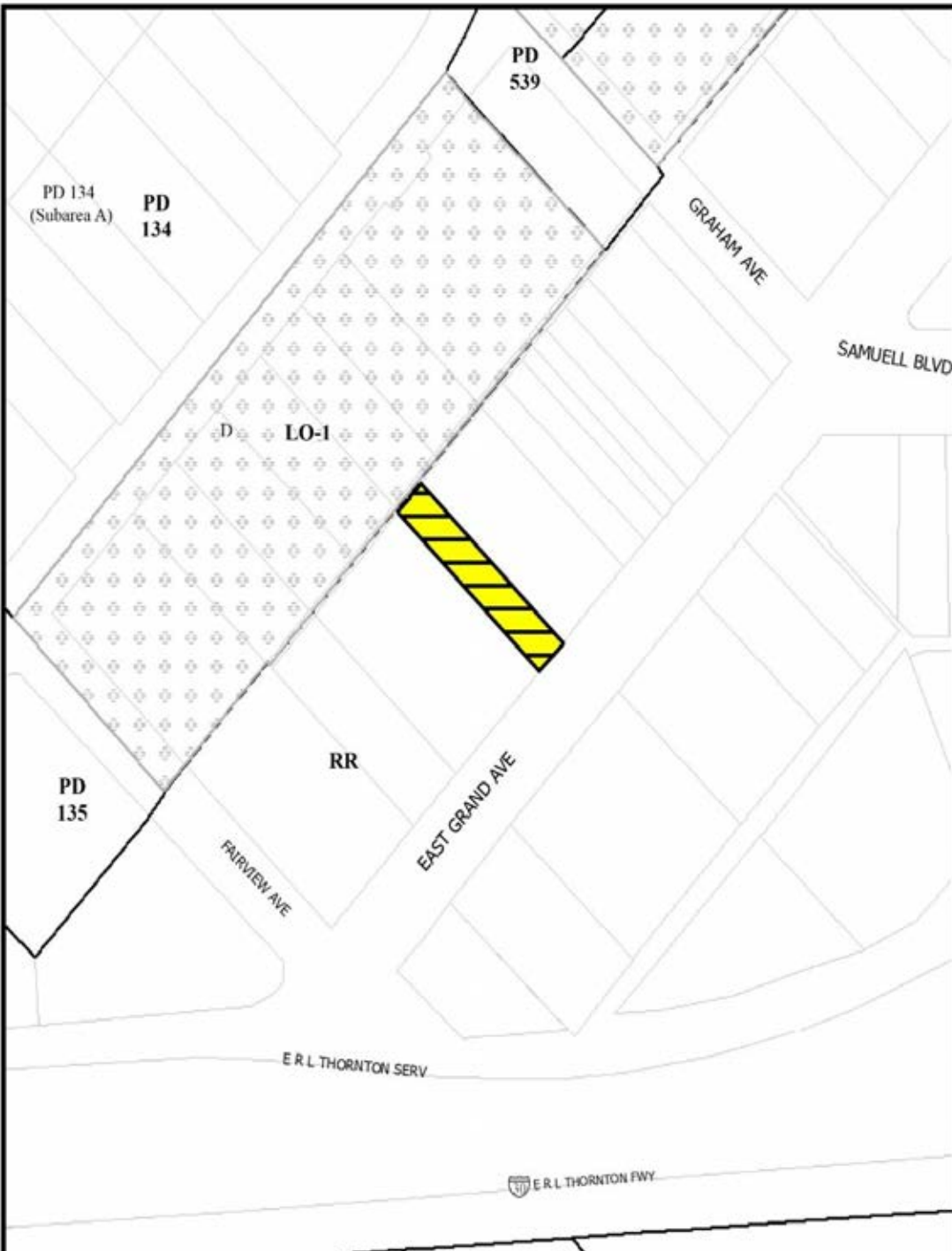


1:1,200

AERIAL MAP

Case no: BDA234-080

Date: 5/31/2024

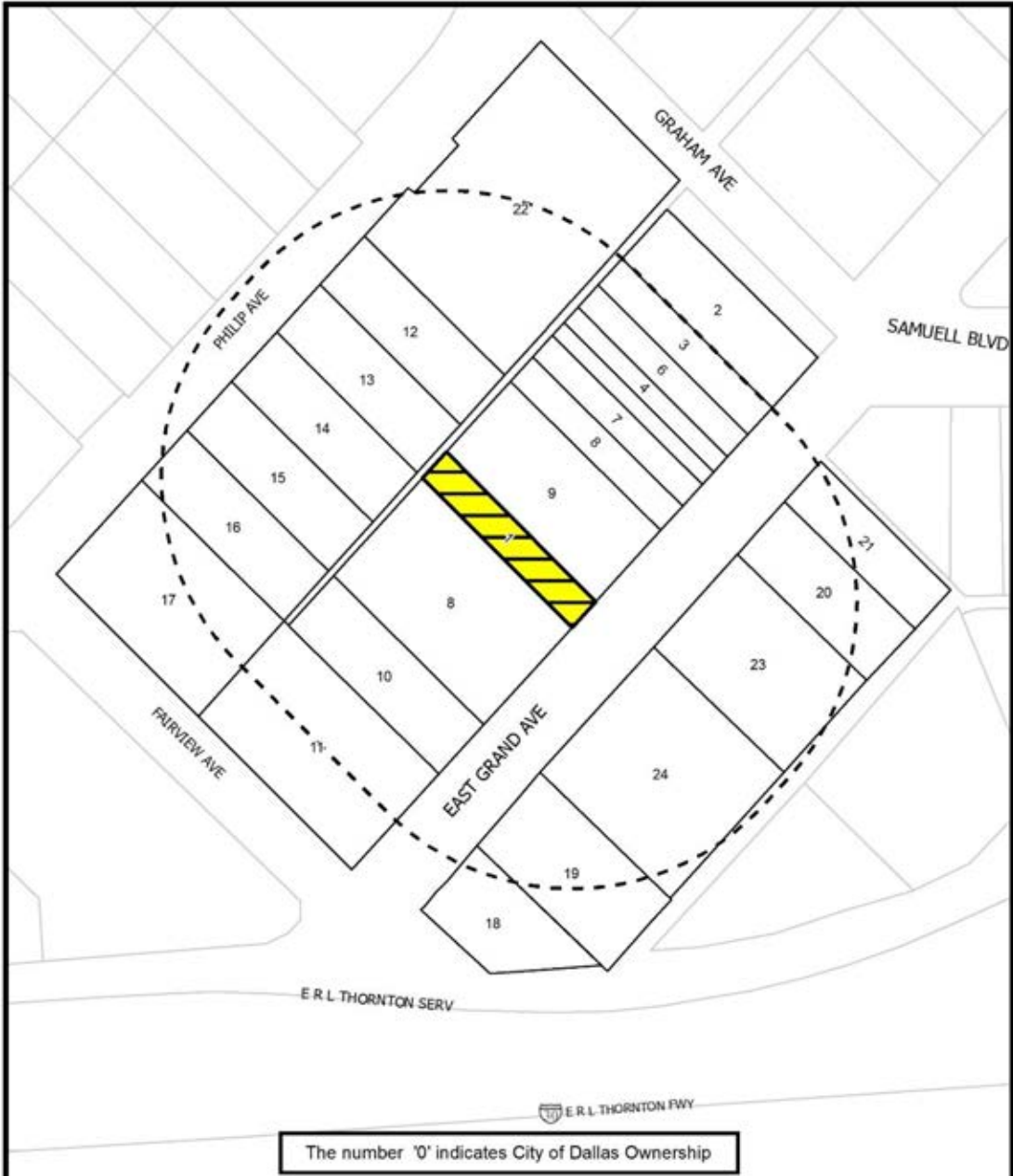


1:1,200

ZONING MAP

Case no: BDA234-080

Date: 5/31/2024



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;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA234-080</u> Date: <u>5/31/2024</u>
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24	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/31/2024

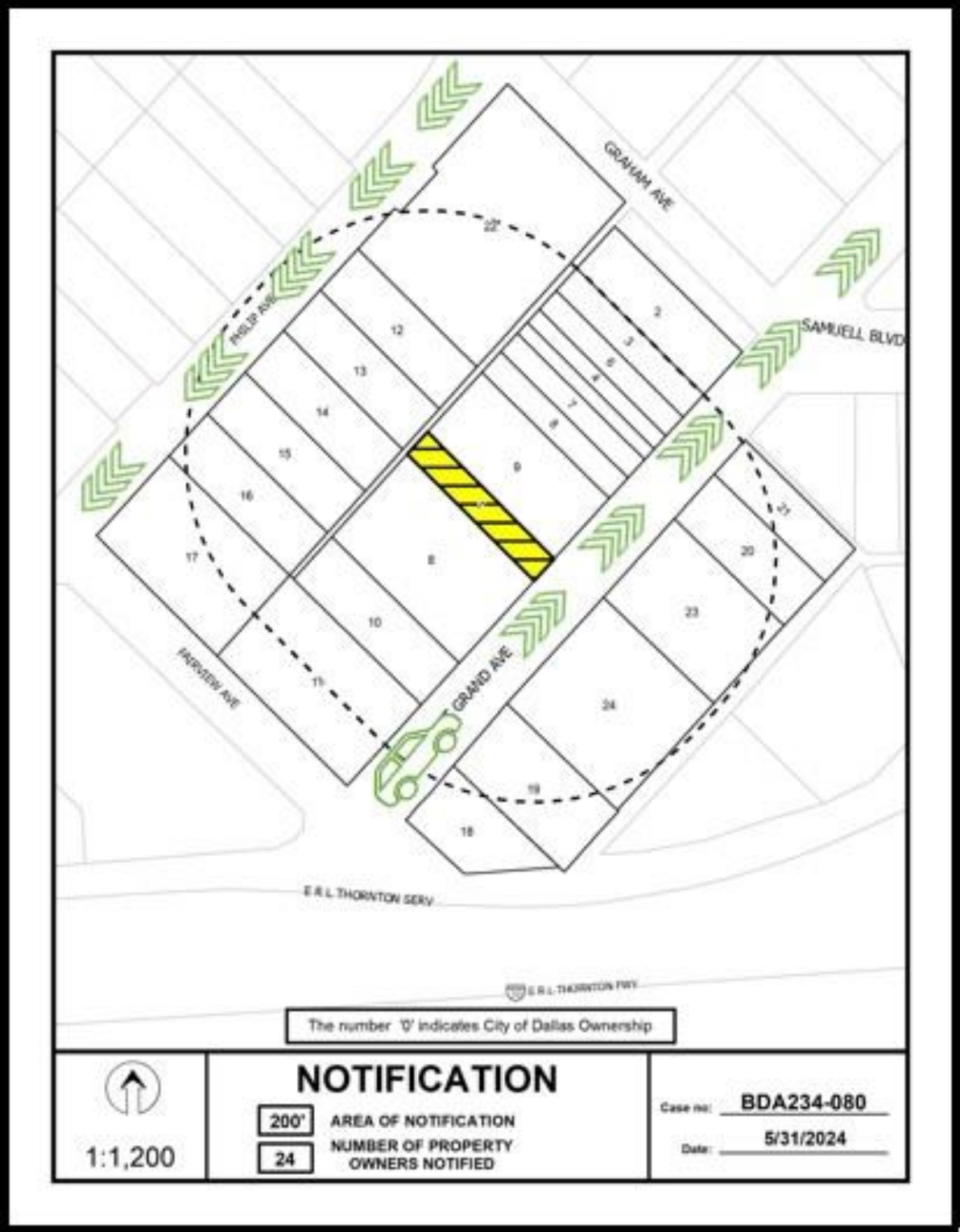
Notification List of Property Owners

BDA234-080

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5419 EAST GRAND AVE	4842 EAST GRAND LL
2	5439 EAST GRAND AVE	Taxpayer at
3	5437 EAST GRAND AVE	SUSAN ROSHAN DDS PLLC
4	5433 EAST GRAND AVE	BUENA NOCHE I LLC
5	5433 EAST GRAND AVE	ALCANTARA MA FLORA
6	5435 EAST GRAND AVE	BENITEZ JOSE &
7	5431 EAST GRAND AVE	EASTGRANDE LLC
8	5429 EAST GRAND AVE	MORGAN PARK LTD &
9	5423 EAST GRAND AVE	Taxpayer at
10	5409 EAST GRAND AVE	LEVIN MARVIN L
11	5401 EAST GRAND AVE	BENITEZ JOSE & MARIA DOLRES
12	5426 PHILIP AVE	SANCHEZ ANDRES & JAIME
13	5420 PHILIP AVE	SANCHEZ JAIME &
14	5416 PHILIP AVE	BUENA NOCHE I LLC &
15	5412 PHILIP AVE	PENATE GAYATRI DEZI MEZA &
16	5410 PHILIP AVE	MANANDHAR PRABIN &
17	5404 PHILIP AVE	KARBUN PARTNERS LLC
18	5400 EAST GRAND AVE	Taxpayer at
19	5408 EAST GRAND AVE	Taxpayer at
20	5432 EAST GRAND AVE	Taxpayer at
21	5438 EAST GRAND AVE	Taxpayer at
22	5434 PHILIP AVE	SANCHEZ JAIME &
23	5421 E R L THORNTON FWY	FINANCIAL OPERATING INC
24	5416 EAST GRAND AVE	RSR HOLDINGS LLC &

200' Radius Route Map



NOTICE OF PUBLIC HEARING

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The purpose of the hearing is to consider the following appeal(s) now pending before the Board of Adjustment.

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You have received this notice because you own property within 200 feet of the above property. You may be interested in attending the Board of Adjustment hearing to express your support for or opposition to the application. You may also contact the Board of Adjustment by email to BDAreply@dallas.gov. Letters will be accepted until 9:00 am the day of the hearing. If you are unable to attend the hearing. If you choose to respond, it is important that you let the Board know your reasons for being in favor of or in opposition to the application. The Board members are very interested in your opinion.

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Additional information regarding the application may be obtained by calling Bryant Thompson, Senior Planner (214) 948-4205, or Mary Williams, Board Secretary at (214) 670-4127. Si desea información en español, favor de llamar al teléfono a Mary Williams al (214) 670-4127.

Board of Adjustment, Development Services
320 E. Jefferson Blvd. Rm 210, Dallas, TX 75201

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BDAreply@dallas.gov
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am the day of the hearing.

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Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

BDA RECEIVED
FOR OFFICIAL RECORD
MAY 10 REC'D
BY: _____

Data Relative to Subject Property: _____

Date: _____

Location address: 5419 East Grand Avenue

Zoning District: RR

Lot No.: SW 1/2 Lot 5 Block No.: A/1610 Acreage: 0.1

Census Tract: 48113002400

Street Frontage (in Feet): 1) 27' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 4842 East Grand, LLC

Applicant: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas

Zip Code: 75226

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

Represented by: Rob Baldwin, Baldwin Associates

Telephone: 214-824-7949

Mailing Address: 3904 Elm Street, Suite B - Dallas

Zip Code: 75226

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

MS

Affirm that an appeal has been made for a Variance X, or Special Exception , of Variance of 8 off street parking spaces (or 42%) to allow the property to be occupied by a Personal Service use. Special exaption of 4 (or 25').

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

The property was developed in 1925 and has no off-street parking. The owner would like to lease this space as a Personal Service use as this portion of East Grand was historically a retail corridor. The property is under 30' wide and almost entirely covered with a building.

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

Affidavit

Before me the undersigned on this day personally appeared _____

Rob Baldwin

(Affiant/Applicant's name printed)

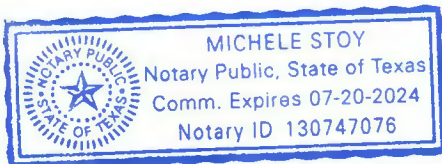
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: _____

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 3 day of April, 2024

Michele Stoy
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Rob Baldwin

did submit a request for (1) a special exception to the parking regulations
at 5419 East Grand Ave.

BDA234-080(BT) Application of Rob Baldwin for (1) a special exception to the parking regulations at 5421 EAST GRAND AVE. This property is more fully described as Block A/1610, part of lot 5 (25-foot Southwest portion), and is zoned RR, which requires parking to be provided. The applicant proposes to construct and/or maintain a 3277 square feet nonresidential structure for a Personal service use, and provide 12 of the required 16 parking spaces, which will require (1) a 4-space special exception (25% reduction) to the parking regulation.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 234 080

I, Naser Nayeb, Manager/Director for 4842 East Grand, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5419 East Grand Avenue
(Address of property as stated on application)

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

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

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

MS Specify: Special exception
~~Variance~~ of the required off-street parking requirements to allow a personal service use in the
existing commercial building.

NASER NAYEB
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

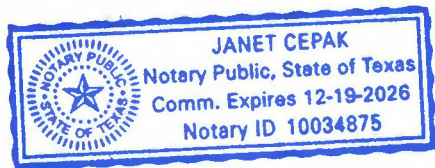
Date 3/27/2024

Before me, the undersigned, on this day personally appeared Naser Nayeb

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 27 day of March, 2024

[Signature]
Notary Public for Dallas County, Texas



Commission expires on 12-19-2026



Appeal number: BDA 234-080

I, Naser Nayeb, Manager/Director for 4842 East Grand, LLC . Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5419 East Grand Avenue
(Address of property as stated on application)

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

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

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

Other Appeal (specify below)

MS

Specify: Special exception
Variance of the required off-street parking requirements to allow a personal service use in the
existing commercial building.

NASER NAYEB
Print name of property owner or registered agent

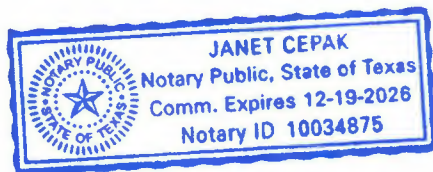
[Signature]
Signature of property owner or registered agent

Date 3/27/2024

Before me, the undersigned, on this day personally appeared Naser Nayeb

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 27 day of March, 2024



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 12-19-2026



Posting of Notification Sign

Address: 5419 East Grand Ave

Appeal Number: BDA 234-080

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

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

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

Footage of each street frontage: 27'

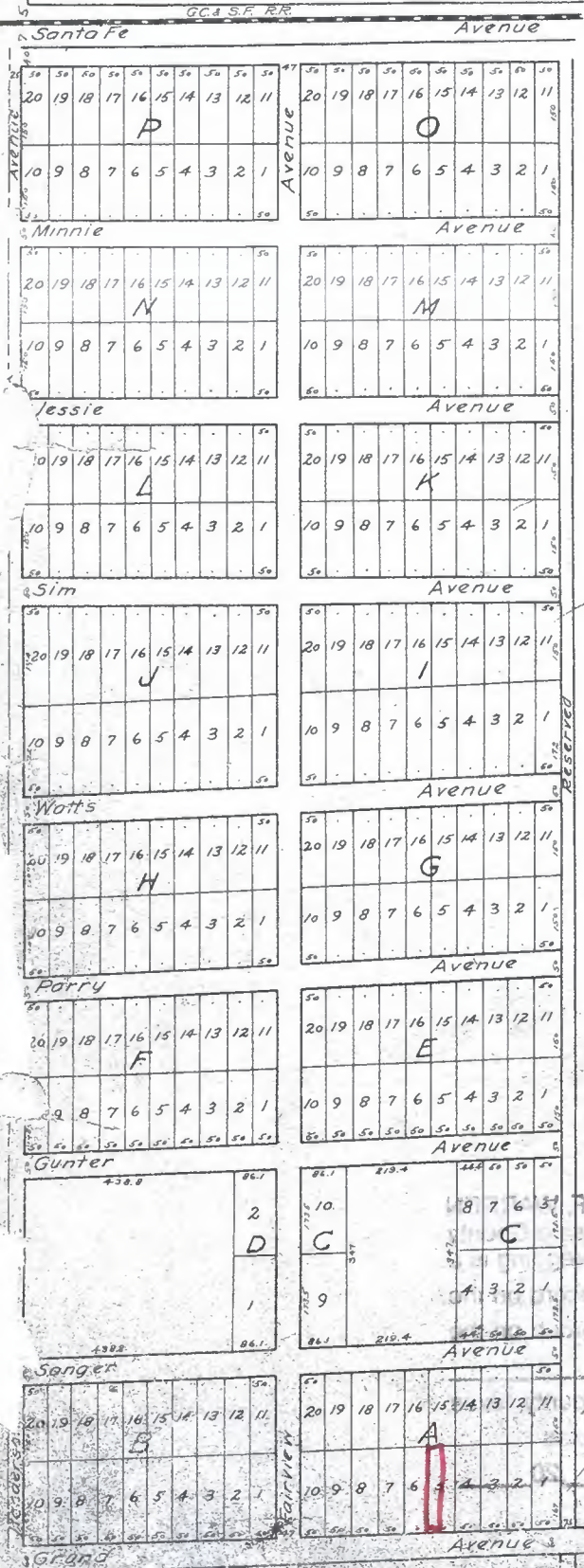
Number of acres: 0.1

Number of signs received: 1

Mickelle Storz
Signature of applicant or person receiving signs

4-3-24
Date

MAP OF
"EAST-WE-GO"
 an addition to the city of Dallas, Texas, as surveyed, by J.S. Thatcher, C.E.
 Scale 200'-1"



THE STATE OF TEXAS
 COUNTY OF DALLAS

We, Alex Camp, P. H. Kleber and wife, Eliza A. Kleber and Rhodes S. Baker, by and through his attorney and agent in fact, W. A. Rhea, Jr., all of Dallas County, Texas, and Chas. S. Vidor, of Galveston County, Texas, by and through his agent and attorney in fact, C. F. Garlington, do certify that the above plat is a true and correct map of "East-We-Go" an Addition to the City of Dallas, Dallas County, Texas; and we do hereby dedicate the Streets as shown thereon for the use of the Public forever.

Witness our hands this 30th day of July

1906.

Alex Camp, P. H. Kleber, Eliza A. Kleber, Rhodes S. Baker, by W. A. Rhea, Jr., his Attorney in Fact.
 Chas. S. Vidor, C. F. Garlington, his Agent and Attorney in Fact.

THE STATE OF TEXAS
 COUNTY OF DALLAS

Before me, J. H. Power, a Notary Public in and for Dallas County, Texas, on this day personally appeared Alex Camp, P. H. Kleber and his wife, Eliza A. Kleber, W. A. Rhea Jr and C. F. Garlington all known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and in the capacity therein expressed. And the said Eliza A. Kleber, wife of the said P. H. Kleber, having been examined by me privily and apart from her husband and having the same fully explained to her, she the said Eliza A. Kleber acknowledged said instrument to be her act and deed and declared that she had willingly signed the same for the purposes and consideration therein expressed and did not wish to retract it.

Given under my hand and seal of office this 30 day of July A.D. 1906.

J. H. Power, Notary Public
 (L S) In and for Dallas County, Texas.

I hereby certify that the above and foregoing map was filed for record September 19th, 1906 at 9:45 o'clock A.M. and was recorded by me this September 20th A.D. 1906.

Frank R. Shanks, County Clerk
 By W. L. Cobb, Deputy.



DA234-080

Board of Adjustment Prescreen Checklist

Reviewer: _____ Date: 4/5/24

Referred By: _____

Applicant: Michele Story Ph #: _____ email: _____

Property Address: 5419 East Grand

Zoning: RR Lot: SW 1/2 of lot 5 Block: A/1610 Acres: _____

Conservation/Historic District: _____

Land Use: _____ Is use allowed? Yes No

County Plat? Yes No Legal Build Site: _____

Street frontage: 1.) / 2.) _____ 3.) _____ 4.) _____

Corner lot: _____ Double frontage: _____

Utilities/Easements/Dedications/Thoroughfare: _____

Permit: _____

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Front yard setback:	_____ MIN.	_____	Lot coverage:	_____ MIN.	_____
Side yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Lot size:	_____ MIN.	_____
Parking:	_____ MIN.	_____			

Accessory/Additional dwelling

	<u>Required</u>	<u>Proposed</u>		<u>Required</u>	<u>Proposed</u>
Side yard setback:	_____ MIN.	_____	Sq ft.:	_____ MIN.	_____
Rear yard setback:	_____ MIN.	_____	Height:	_____ MIN.	_____

Notes:

Variance of off street parking for Personal Service use.
~~4,171~~ sqft. - 1 p 200 sqft Floor area. = 21 req.

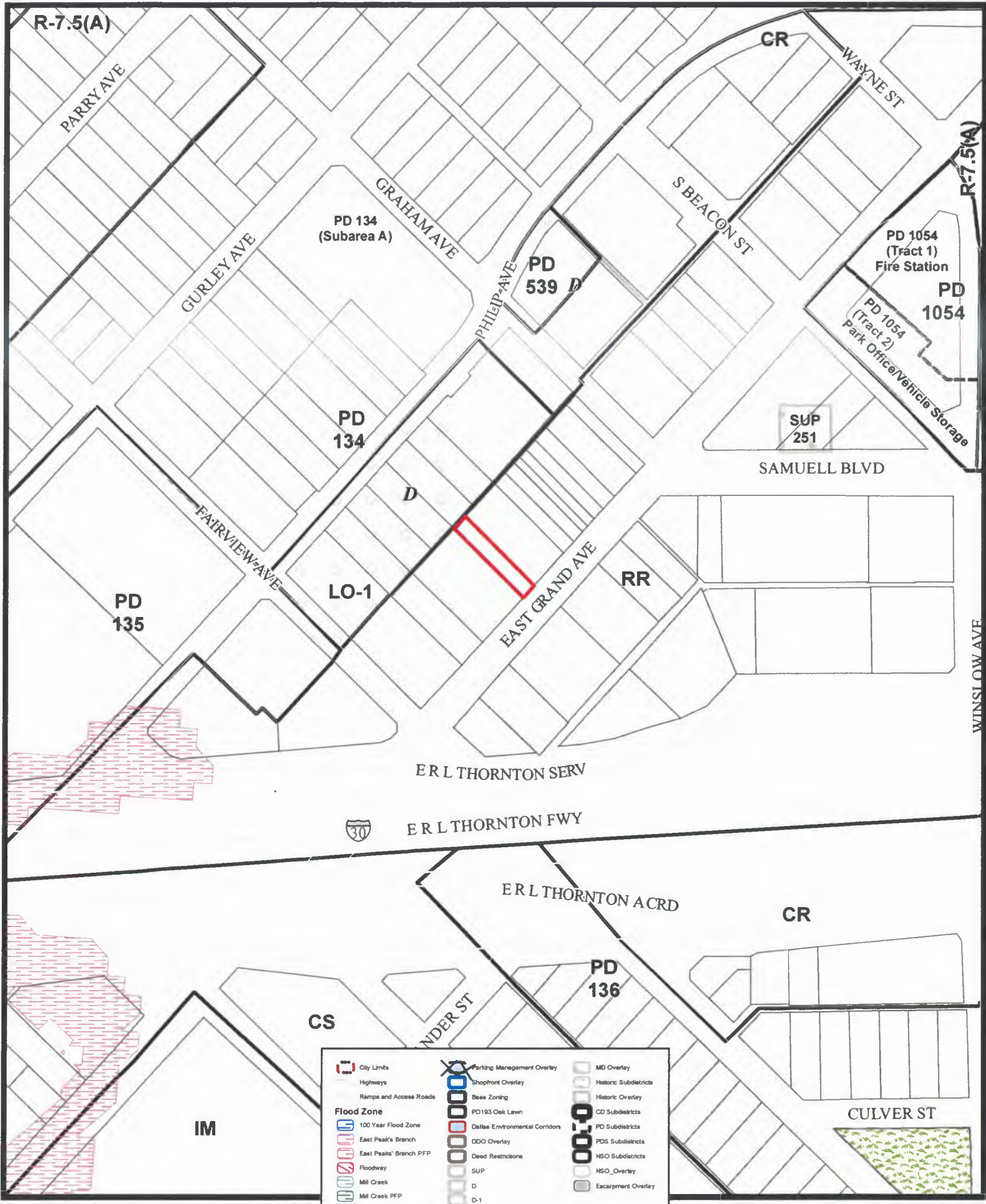
Proof of Delta credits.

needs = 16
 provided = 10

BDA234-080

7/21/2023

provided = $2 \div 16 = .25$ % 38% - Special exception to 4 spaces

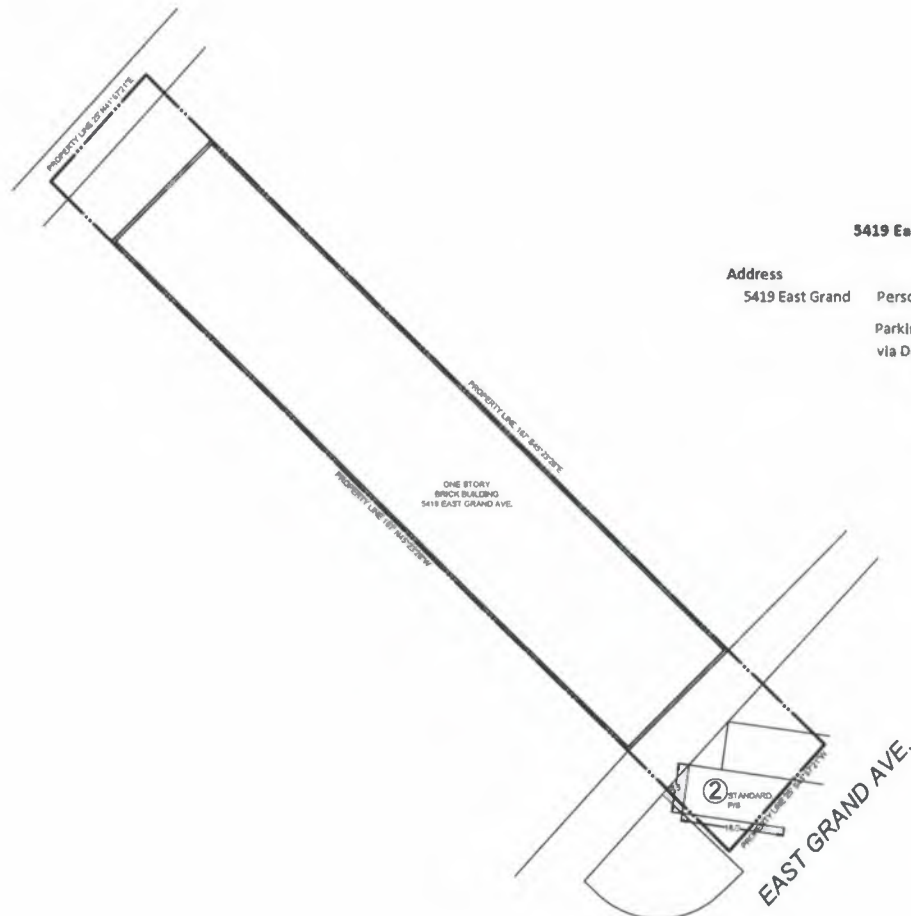


1:2,400

	City Limits		Parking Management Overlay		MD Overlay
	Highways		Shopfront Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
	Flood Zone		PD 193 Oak Lawn		CD Subdistricts
	100 Year Flood Zone		Dallas Environmental Corridors		PD Subdistricts
	East Peak's Branch		DDO Overlay		PDS Subdistricts
	East Peak's Branch PFP		Deed Restrictions		NSO Subdistricts
	Floodway		SUP		NSO_Overlay
	Mill Creek		D		Escarpment Overlay
	Mill Creek PFP		D-1		
	Peak's Branch		CP		
	Peak's Branch PFP		SP		
	X Protected by Levee				
	Parks				
	Hight Map Overlay				

154

Case ID: **BDA234-080**
 Printed: 3/20/2024



VICINITY MAP
NTS



5419 East Grand Avenue SW Lot 5 Block A/1610

Address	Use	SF	Parking Ratio	Provided Parking	Required Parking
5419 East Grand	Personal Service	3,277	200	2	16
	Parking provided via Delta Credits			10	
	Total	3,277		12	16

Special Exception of 4 parking spaces (25%)

03/21/2024
PROJECT NUMBER
CASE NUMBER

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.725.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

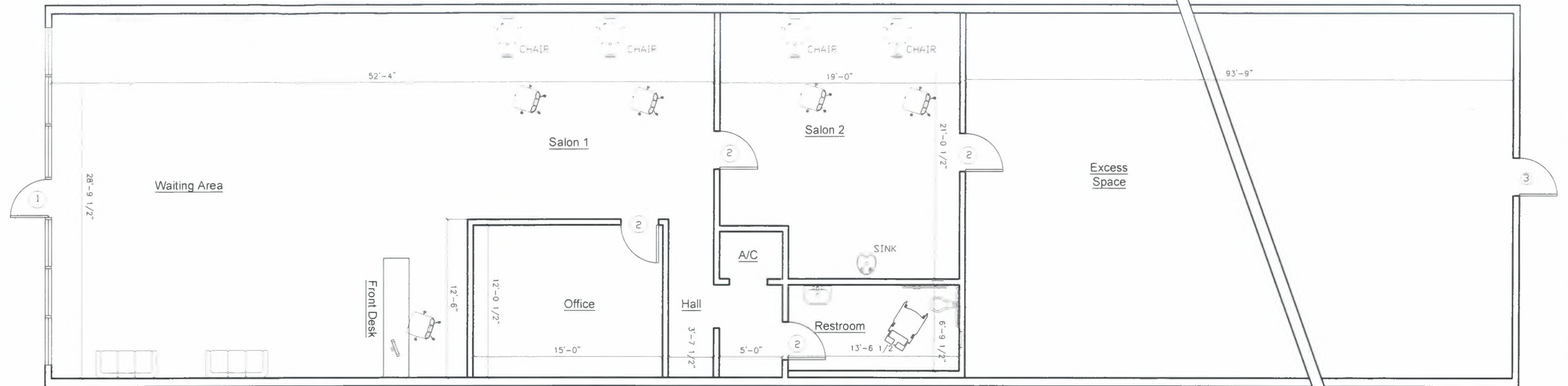
Baldwin Associates

**5419 East Grand
DALLAS, TEXAS**

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



BDA 2BA-080



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

AREA	
EXISTING AREA	= 4,171 SQ.FT
TOTAL AREA	= 4,171 SQ.FT

REVISIONS			
REV NO.	DATE	DESCRIPTION	BY
F&L Design and Construction LLC			
PLAT NO.	BLDG PERMIT NO.	DEV ENGINEERING TRACKING NOS.	
MISFITS TATTOO COLECTIVE			
5419 E. EAST GRAND			
FLOOR PLAN			
CITY OF DALLAS, DALLAS COUNTY, TEXAS 75223			
REVIEW BY	DRAWN BY	DATE	FILE NUMBER SHEET
FL	FL	01/09/2024	A1.1

CONTRACT INFORMATION	
CONTRACT NO.	DATE
CONTRACTOR	
CONTRACT NO. (IF APPLICABLE)	DATE
CONTRACTOR	
CONTRACT NO. (IF APPLICABLE)	DATE
CONTRACTOR	