

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JANUARY 22, 2020
AGENDA

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Neva Dean, Assistant Director
Sarah May, Interim Board Administrator/Chief Planner

PUBLIC TESTIMONY

Minutes

Board of Adjustment 2018-2019 Annual Report

MISCELLANEOUS ITEM

Approval of the November 20, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
Board of Adjustment 2018-2019 Annual Report	M2

UNCONTESTED CASES

BDA189-134(SM)	11021 Royalshire Drive REQUEST: Application of Christina Roa, represented by Dustin Smith, for a variance to the front yard setback regulations	1
BDA190-004(OA)	1930 Hi Line Drive REQUEST: Application of Gretchen Awalt, represented by Brad Williams of Winstead PC, for a special exception to the parking regulations	2

BDA190-007(OA)	8258 San Fernando Way REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the fence height regulations	3
BDA190-010(OA)	5528 Kiwanis Road REQUEST: Application of Jacqueline Jones for a special exception to the single-family regulations, and variances to the side and rear yard setback regulations	4
BDA190-011(SM)	7302 Fisher Road REQUEST: Application of Will Strickler for a special exception to the fence height regulations	5
BDA190-012(OA)	3230 Edd Road REQUEST: Application of Juan Carlos Guerrero, represented by Elias Rodriguez of Construction Concepts Inc., for special exceptions to the fence height regulations and visual obstruction regulations	6

REGULAR CASES

BDA190-002(OA)	5502 Merrimac Avenue REQUEST: Application of Javier La Fontaine for a special exception to the visual obstruction regulations	7
BDA190-005(SM)	3907 Mount Pleasant Street REQUEST: Application of J. Jesus Ortiz for variances to the front and side yard setback regulations; special exceptions to the single family regulations and to provide an additional electrical meter; and for special exceptions to the visual obstruction regulations, fence height regulations, and fence standards regulations	8

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]

FILE NUMBER: BDA189-134(SM)

BUILDING OFFICIAL'S REPORT: Application of Christina Roa, represented by Dustin Smith, for a variance to the front yard setback regulations at 11021 Royalshire Drive. This property is more fully described as Lot 4, Block 3/5500, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and/or maintain a structure and provide a 10-foot front yard setback along Royalshire Drive and Rex Drive, which requires two 25-foot variances to the front yard setback regulations.

LOCATION: 11021 Royalshire Drive

APPLICANT: Christina Roa
Represented by Dustin Smith

REQUEST:

A request for a variance to the front yard setback regulations of 10 feet is made to construct a two-story single family structure with a total 5,600 square feet of floor area, an attached carport, and an attached three-car garage, which is proposed to be located 25 feet from both of the site's two front property lines or 10 feet into the 35-foot front yard setbacks on Royalshire Drive and Rex Drive on an undeveloped site.

STANDARD FOR A VARIANCE¹:

The applicant has the burden of proof in establishing the following standards have been met in consideration of granting the above request.

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:

1. 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;

¹ Reference Section 51(A)-3.102(d)(10) of the Dallas Development Code.

2. 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
3. not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that while the subject site is a relatively flat and rectangular, it is different from most lots in the R-16(A) zoning district in that it is more restrictive in developable area due to having two, 35-foot front yard setbacks when most lots in this zoning district have one 35-foot front yard setback and because the lot area is less than the minimum lot area required in the R-16(A) zoning district which requires a minimum lot area of 16,000 square feet.
- The applicant has also submitted a document (Attachment B) indicating that the proposed 5,600-square-foot home is commensurate to 13 other homes in the same R-16(A) zoning district that have average home size of approximately 6,667 square feet.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

There have been two related board or zoning cases near the subject site within the last five years.

:

1. BDA 178-048, Property at 11021 Royalshire Drive (subject site) On June 20, 2018, the Board of Adjustment Panel C denied a request for a variance to the front yard setback regulations of 25 feet without prejudice. The case report stated the request was made to construct and maintain a two-story single family home structure with a total “slab area” of approximately 5,800 square feet or with a total “home size” of approximately 6,100 square feet, part of which was to be located 10 feet from one of the site’s two front property lines (Rex Drive) or 25 feet into this 35-foot front yard setback.
2. BDA 167-076, Property at 6143 Royalton Drive (Property located one block south of subject site) On August 14, 2017, the Board of Adjustment Panel C denied requests for variances to the front yard setback regulations made to construct and maintain a single family structure in the front yard setbacks on one of the site’s two front property lines (Azalea Drive). The case report stated the request was made to construct and maintain a single family structure, part of which would be located 14’ from the site’s front property line) or 21’ into the 35’ front yard setback along Azalea Lane.

GENERAL FACTS /STAFF ANALYSIS:

The purpose of this request for a variance of 10 feet to the front yard setback requirements is to construct a 5,600-square-foot two-story single family structure, an attached carport, and an attached three-car garage, which are proposed to be located a minimum of 10 feet from both of the site’s two front property lines or 25 feet into the 35-foot front yard setback on Rex Drive on an undeveloped site.

The subject site is located at the southwest corner of Royalshire Drive and Rex Drive and is in an R-16(A) Single Family zoning district, which requires a minimum front yard setback of 35 feet and a minimum lot size of 16,000 square feet. Due to the orientation of the of the lots on this block, the subject site has two front yard setbacks². First, because

² Reference §51A-4.401(b)(1) of the Dallas Development Code for front yard provisions for residential districts.

the site is a corner lot in a single family district, the shorter frontage on Royalshire Drive is a front yard. Second, because there are other lots with front yards on the same block and on the south line of Rex Drive, the subject must also provide a front yard setback on Rex Drive.

Additionally, although the subject site is flat and rectangular in shape, it is also 15,800 square feet in area, according to the submitted application, which is less than the minimum lot size requirement in the R-16(A) zoning district which requires a minimum 16,000 square feet in lot area.

As of December 31, 2019, no letters have been submitted in support of or in opposition to the request.

If the board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setbacks would be limited to what is shown on this document– which is a structure that would be located 25 feet from both the site’s front property lines or 10 feet into both 35-foot front yard setbacks.

TIMELINE:

- October 2, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- December 5, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- December 9, 2019: The Interim Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the December 27th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

December 20, 2019: The applicant's representative submitted revised plans and a letter (see Attachments A and B).

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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

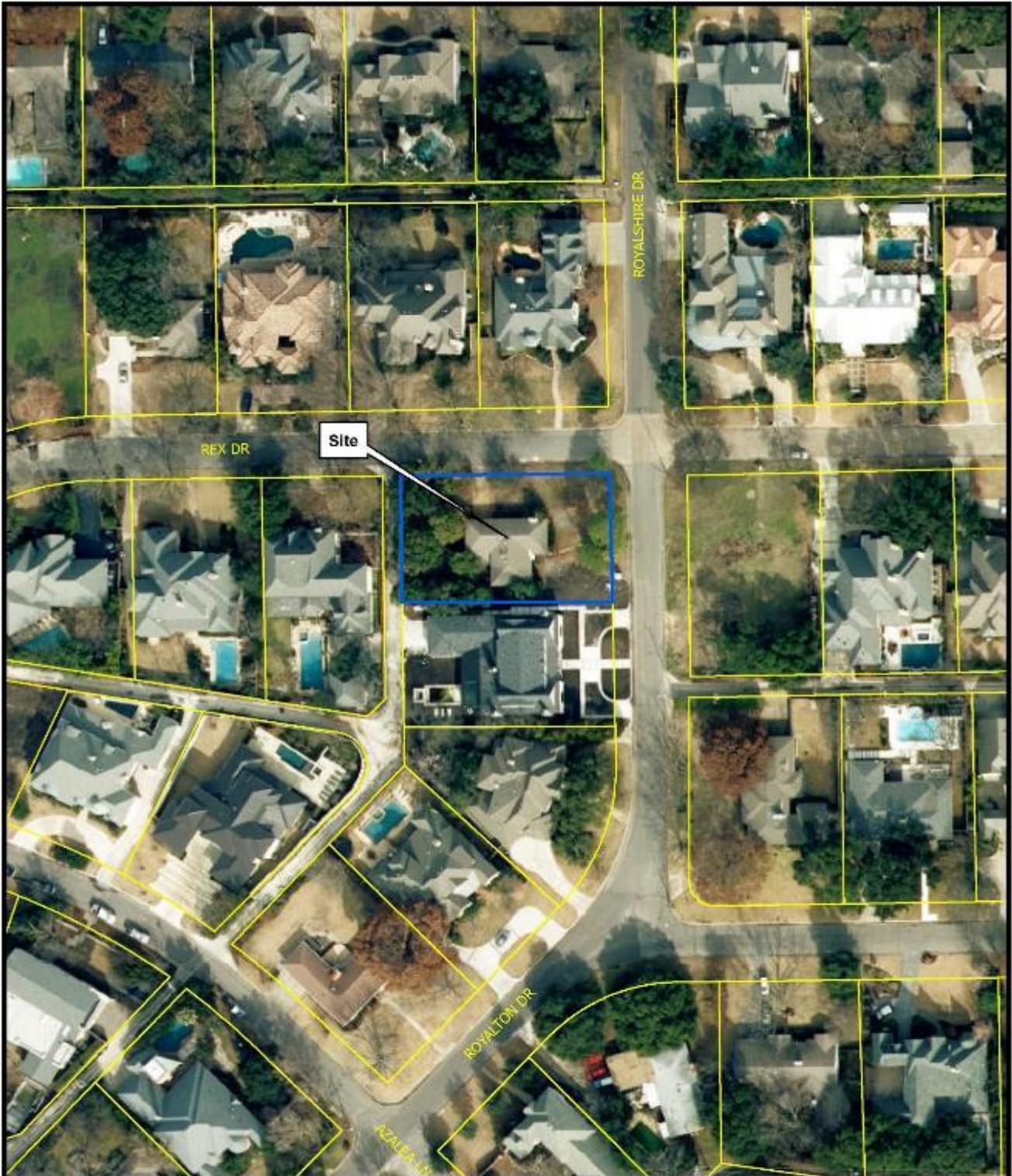


1:1,200

ZONING MAP

Case no: BDA189-134

Date: 12/23/2019



1:1,200

AERIAL MAP

Case no: BDA189-134

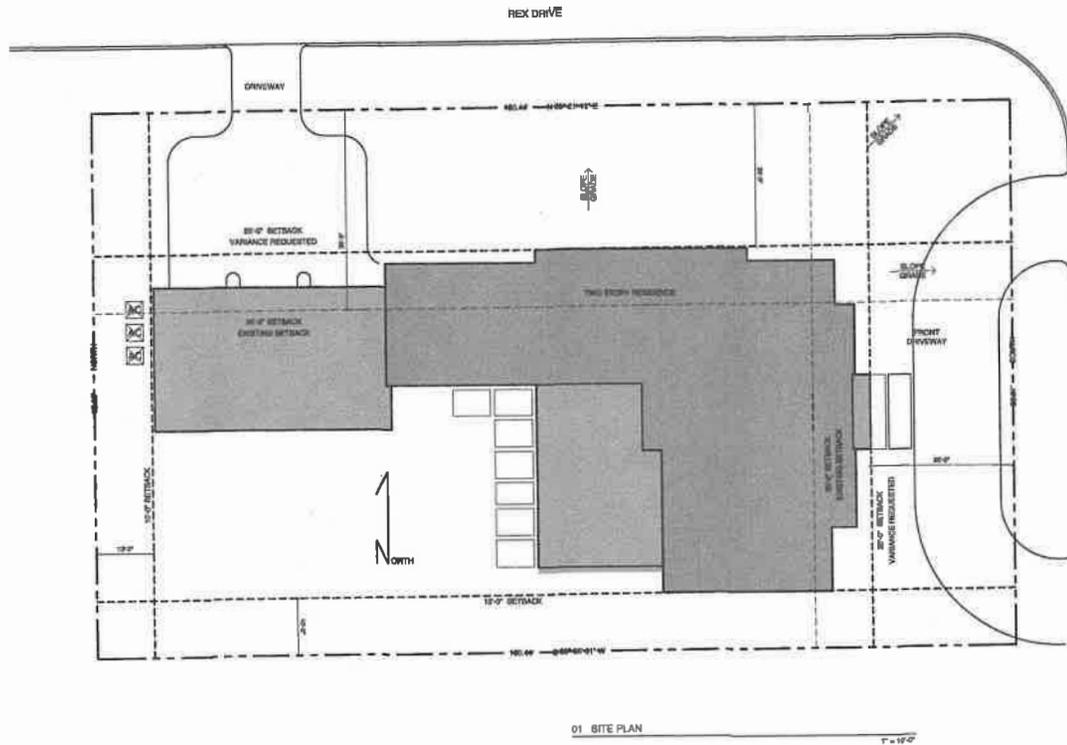
Date: 12/23/2019

CITY OF DALLAS - GREEN PHASE II NOTES

1. LAVATORY FAUCETS TO HAVE AN AVERAGE FLOW RATE OF 2.0 GPM OR LESS
2. ALL SHOWER HEADS TO HAVE AN AVERAGE FLOW RATE OF 2.0 GPM OR LESS
3. ROOF TO HAVE ENERGY STAR QUALIFIED COMPOSITION SHINGLES
4. DISHWASHER TO HAVE ENERGY STAR UNIT USINGS 0 GALLONS PER CYCLE
5. DRIP IRRIGATION EMITTERS TO BE IN ALL LANDSCAPE BEDDING AREAS
6. ALL AIR FILTER TO HAVE A MINIMUM REPORTING VALUE EQUAL TO OR GREATER THAN 8
7. AIR HANDLERS TO BE SIZED TO MAINTAIN AIR PREESSURE AND AIR FLOW
8. ALL PENETRATIONS AND CRACKS TO BE SEALED. HOUSE TO BE AIR TIGHT
9. ALL EXTERIOR DOORS TO BE STRIPPED AND SEALED
10. MAXIMUM LAMP WATTAGE FOR INCANDESCENT BULBS TO BE 100 WATTS. COMPACT FLOURESCENT TO BE 32 WATTS
11. 70% OF THE NON-ROOF AREA HAS VEGITATIVE LANDSCAPE OR PERMEABLE PAVING FOR WATER RUN-OFF ON IMPERMEABLE PAVING
12. R402.4 AIR LEAKAGE < 4 ACH @ 50 PASCALS
13. WALL INSULATION VALUE - R-20
14. FENESTRATION U-FACTOR / SHGC < 0.35 / 0.25
15. CEILING R-VALUE > R-35
16. FOAM ENCAPSULATION IS TO BE USED AN ALTERNATE TO THE RADIANT BARRIER DUCT INSULATION REQUIREMENT

GENERAL NOTES

1. EXAMINE AND BECOME FAMILIAR WITH ALL CONTRACT DOCUMENTS IN THEIR ENTIRETY. SURVEY THE PROJECT AND BECOME FAMILIAR WITH THE EXISTING CONDITIONS AND SCOPE OF THE WORK. ALL COSTS SUBMITTED SHALL BE BASED ON THOROUGH KNOWLEDGE OF ALL WORK AND MATERIALS REQUIRED. VERIFY WITH THE OWNER OR THE ARCHITECT ANY DISCREPANCY AND/OR UNCERTAINTY AS TO WHAT MATERIAL OR PRODUCT IS TO BE USED.
2. ALL CONSTRUCTION SHALL COMPLY WITH THE LATEST ADDITION OF THE BUILDING CODES AS WELL AS ANY AMENDMENTS AND/OR ORDINANCES THAT APPLY TO THIS CONSTRUCTION. ANY NON-CONFORMING DOCUMENTS DISCOVERED BY THE CONTRACTOR OR HIS AGENTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND THE ARCHITECT.
3. THESE DRAWINGS DO NOT CONTAIN COMPLETE SPECIFICATIONS, DETAILS AND INFORMATION REQUIRED FOR THE COMPLETE CONSTRUCTION OF THIS PROJECT. ADDITIONAL INFORMATION SHALL BE OBTAINED FROM THE OWNER. STRUCTURAL FRAMING AND FOUNDATION DESIGNED BY OTHERS.
4. UNLESS SHOWN ON THE DRAWINGS, ALL MECHANICAL WORK SUCH AS, BUT NOT LIMITED TO ELECTRICAL, PLUMBING, HEATING, AIR CONDITIONING, VENTILATING, ETC., ARE TO BE ESTABLISHED AND DESIGNED BY OTHERS (THAN THE ARCHITECT). ALL SITE WORK AND LANDSCAPING IS TO BE ESTABLISHED AND DESIGNED BY OTHERS (THAN THE ARCHITECT).
5. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES REQUIRED FOR SAFE EXECUTION AND COMPLETION OF WORK, AND FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
6. ANY ERRORS, OMISSIONS OR INCONSISTENCIES ON THE DRAWINGS OR VARIATIONS OR AMBIGUITIES BETWEEN THESE DRAWINGS AND THE ACTUAL SITE AND CONSTRUCTION CONDITIONS AND/OR REQUIREMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ARCHITECT IN WRITING AND RESOLVED AND DOCUMENTED IN WRITING BEFORE CONTINUING THE WORK IN QUESTION. FAILURE TO NOTIFY THE OWNER AND THE ARCHITECT IN SUCH EVENT WILL CONSTITUTE ACCEPTANCE OF ANY RESULTING OBLIGATIONS OR RESPONSIBILITIES WITH REGARD TO DELAYS, COSTS, CODE COMPLIANCE, AND LEGAL REMEDIES RESULTING FROM THIS OR RELATED WORK.
7. THE CONTRACTOR SHALL VERIFY ALL MEASUREMENTS AT THE SITE AND BE RESPONSIBLE FOR THE ACCURACY AND CORRECTNESS OF THE SAME. NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
8. STRUCTURAL DRAWINGS (BY OTHERS THAN ARCHITECT) SHALL BE WORKED TOGETHER WITH ARCHITECTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS TO LOCATE DEPRESSED GLASS, SLOPES, DRAINS, REGLETS, BOLT SETTINGS, ETC. ANY DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE OWNER, ENGINEER, AND ARCHITECT FOR RESOLUTION BEFORE PROCEEDING WITH THE WORK OR RELATED WORK.



PROJECT INFORMATION

SINGLE FAMILY RESIDENCE
11521 ROYALSHIRE DRIVE
DALLAS, TX 75220

SQUARE FOOTAGE BREAKDOWN

FIRST LEVEL, AC 8F	3,000 SF
FIRST LEVEL, COV PORCH	20 SF
FIRST LEVEL, COV PATIO	680 SF
FIRST LEVEL, 3 CAR GARAGE	1,000 SF
FIRST LEVEL, TOTAL FOOTPRINT	4,700 SF
SECOND LEVEL, AC 5F	2,800 SF
TOTAL AC 6F	5,800 SF
TOTAL PROJECT 8F	7,300 SF

ARCHITECTURAL DRAWING INDEX

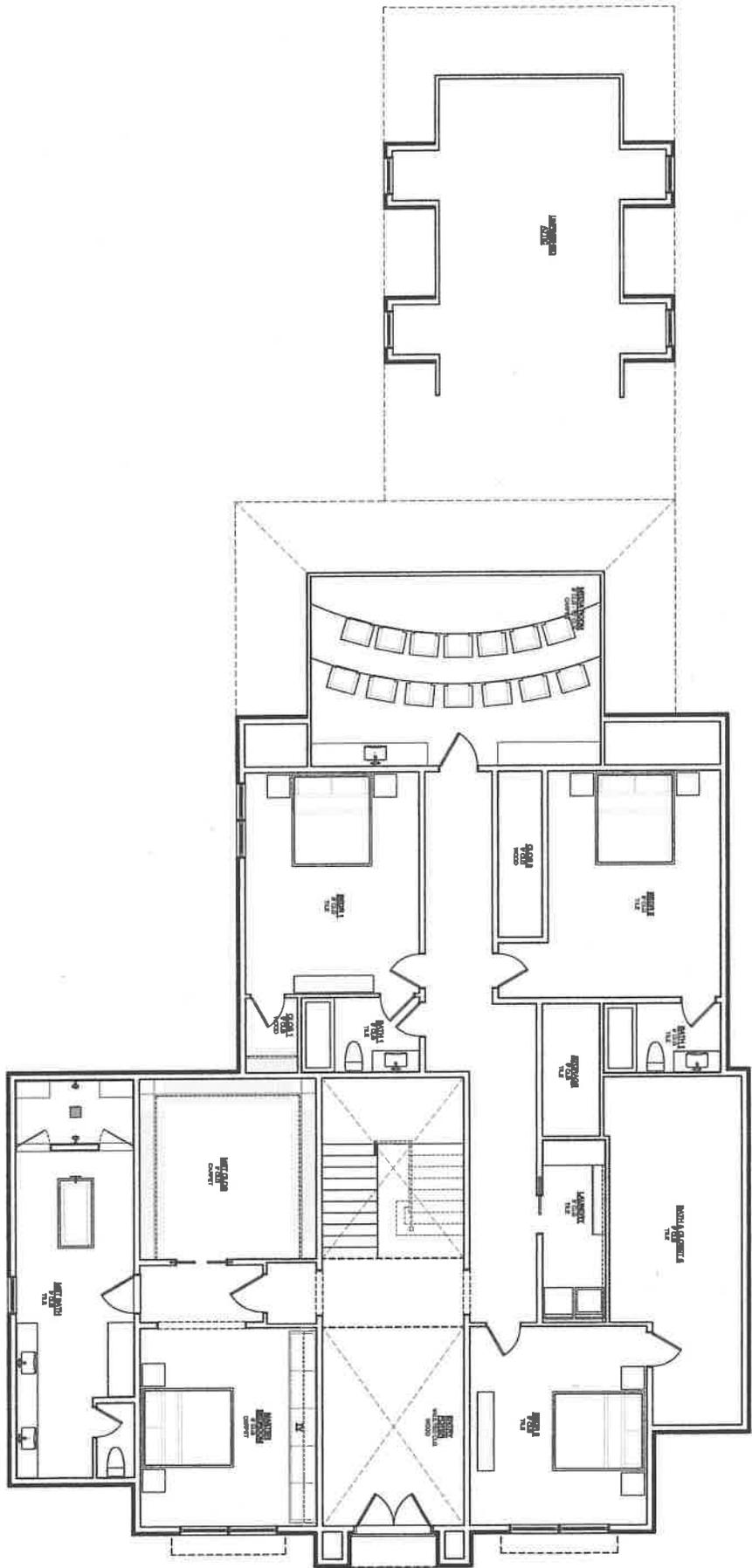
A0.00	= SITE PLAN, PROJECT INFO
A1.01	= FIRST LEVEL FLOOR PLAN
A1.02	= SECOND LEVEL FLOOR PLAN
A1.03	= ROOF PLAN
A1.04	= ACCESSORY BUILDING PLANS
A2.01	= EXTERIOR ELEVATIONS
A2.02	= EXTERIOR ELEVATIONS
A4.01	= SECTIONS
E1.01	= ELECTRICAL PLAN, BOTH FLOOR

LUX CUSTOM HOMES - PRIV RESIDENCE
 11521 ROYALSHIRE DRIVE
 DALLAS, TX 75220

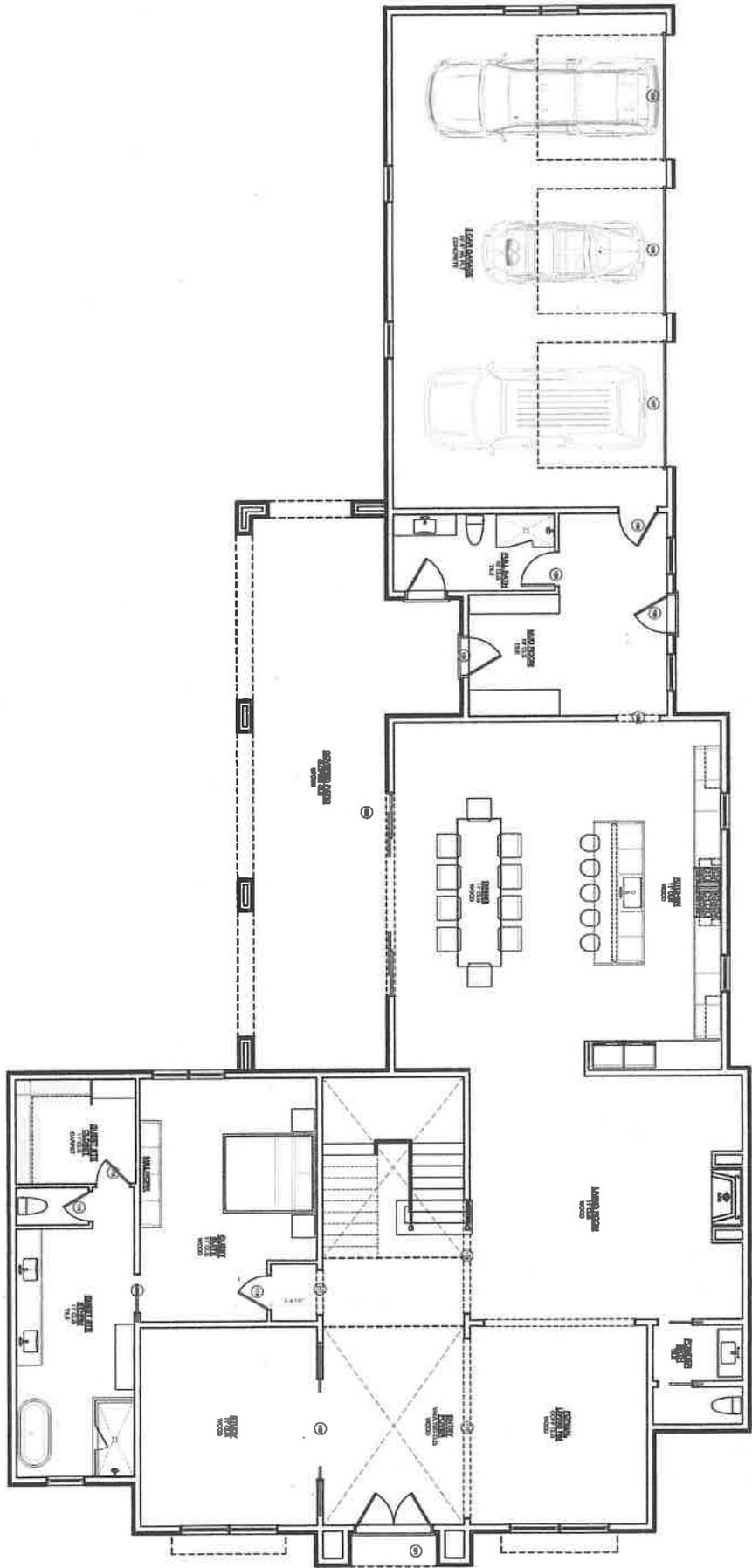
LUX CUSTOM HOMES
 ARCHITECTS
 PLLC

CUSTOM HOME

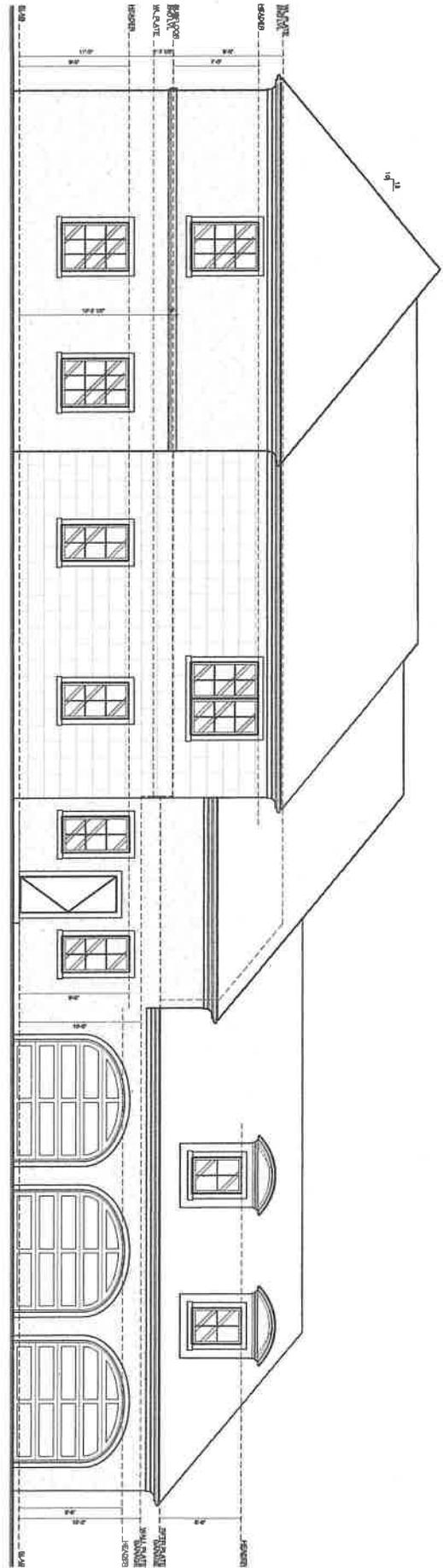
A0.00



01. ARCHITECTURAL FLOOR PLAN, 2ND LEVEL
 1/8" = 1'-0"

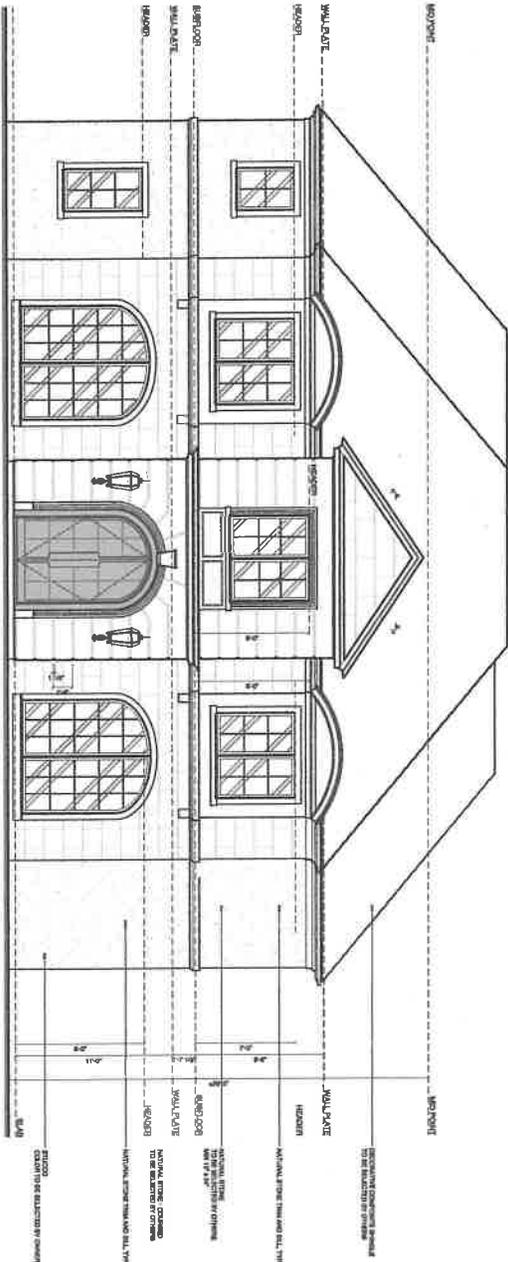


01. ARCHITECTURAL FLOOR PLAN - 1ST LEVEL
 1/8" = 1'-0"



02 NORTH ELEVATION - SIDE ENTRY

1/4" = 1'-0"



01 EAST ELEVATION - MAIN ENTRY

1/4" = 1'-0"

11021 Royalshire Dr. - Supporting Information

-City of Dallas - BOARD OF ADJUSTMENTS

Subject Site: 11021 Royalshire Dr., Dallas TX 75230
Lot No. 4, Block 3-5500

Zoning Classification: R-16 (A)
Census Tract: 133.00
Lot size: 15,500 sq.ft. (.356 acres)

Appeal Request: Variance of 10' to the current 35' Front Yard Setback on Rex Dr. & Royalshire Dr.. This change would make the new setbacks 25' along both street frontages.

Appeal Reasoning: Hardship is caused by two 35' front yard setbacks on this lot due to block face continuity and have created restrictions to the amount of buildable area and is not commensurate with comparable properties sharing the same zoning classification.

Supporting Documentation

The reason we are asking for a variance in the first place is because our lot, while commensurate in overall square footage to the vast majority of neighboring lots (roughly 15,000 sq.ft), is NOT commensurate in buildable square footage. Due to our double front yard setbacks, our lot has roughly 6,000 sq.ft (40% of lot) of buildable square footage as opposed to the average of 9,000 sq.ft. (60% of lot) of comparable lots in our same zoning district.

Even if both of our variances are granted, we will still have less buildable square footage than our neighbors, however, our goal is to build an asset to this community and we feel that by gaining 10' in variances to both of the 35' front yard setbacks along Rex Dr. And Royalshire Dr., we can still build a beautiful home on our corner lot and still maintain the continuity of both street frontages.

Property Address	Zoning District	Lot Size (sq.ft)	Structure (sq.ft)
11015 Royalshire	R-16(A)	15,600	6,492
6207 Rex Dr	R-16(A)	15,800	6,553
6214 Rex Dr.	R-16(A)	16,000	7,412
6215 Rex Dr.	R-16(A)	16,000	7,390
6132 Rex Dr.	R-16(A)	15,600	6,749
6223 Rex Dr.	R-16(A)	16,000	6,097
6139 Royalcrest	R-16(A)	15,250	6,228
6222 Royalcrest	R-16(A)	15,800	6,132
6022 Azalea Ln	R-16(A)	16,000	6,733
6429 Azalea Ln	R-16(A)	16,500	7,388
6636 Willow	R-16(A)	16,000	6,083
11429 Parkchester	R-16(A)	16,000	6,198
6306 Royalton	R-16(A)	16,000	7,222
AVERAGE SIZE	R-16(A)	15,888	6,667
11021 Royalshire (Proposed Plans)	R-16(A)	15,800	5,600

The average lot size of comparable homes in Zoning R-16(A) is 15,888 sq.ft. while my lot is only **15,800 sq.ft.**

The average structure size on comparable lots is **6,667 sq.ft.** while my proposed structure is only **5,600 sq.ft.**

The subject site is flat, rectangular in shape (160' x 95'), and according to the submitted application is 0.356 acres (or approximately 15,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.

This request for a variance to the front yard setback along Rex focuses on constructing and maintaining a two-story, single family home structure with a total “slab area” of approx **4,700** square feet with a total “home size” of approx **5,600** square feet.



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-134

Data Relative to Subject Property:

Date: 10-2-19

Location address: 11021 Royalshire Dr. Zoning District: R-16(A)

Lot No.: 4 Block No.: 3-5500 Acreage: .356 Census Tract: 133.00

Street Frontage (in Feet): 1) 160' 2) 97' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LUX CUSTOM HOMES TX, LLC/Christina ROA

Applicant: Christina Roa Telephone: (301) 922-5367

Mailing Address: 6463 Joyce Way, Dallas, TX Zip Code: 75225

E-mail Address: luxcustomhometx@gmail.com

Represented by: Dustin Smith Telephone: (469) 955-3955

Mailing Address: 6463 Joyce Way, Dallas, TX Zip Code: 75225

E-mail Address: dustinsmith1@gmail.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 25' increase to the current setback on Rex Drive so that the new setback becomes 10' instead of the current 35'

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:

Two 35' Front yard set-backs due to block face continuity are causing restrictions to proposed site plan & is not commensurate with properties in the same zoning district

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

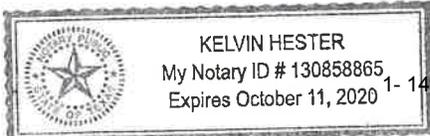
Before me the undersigned on this day personally appeared Christina Roa
(Affiant/Applicant's name printed)

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: Christina Roa
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1st day of October, 2019

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

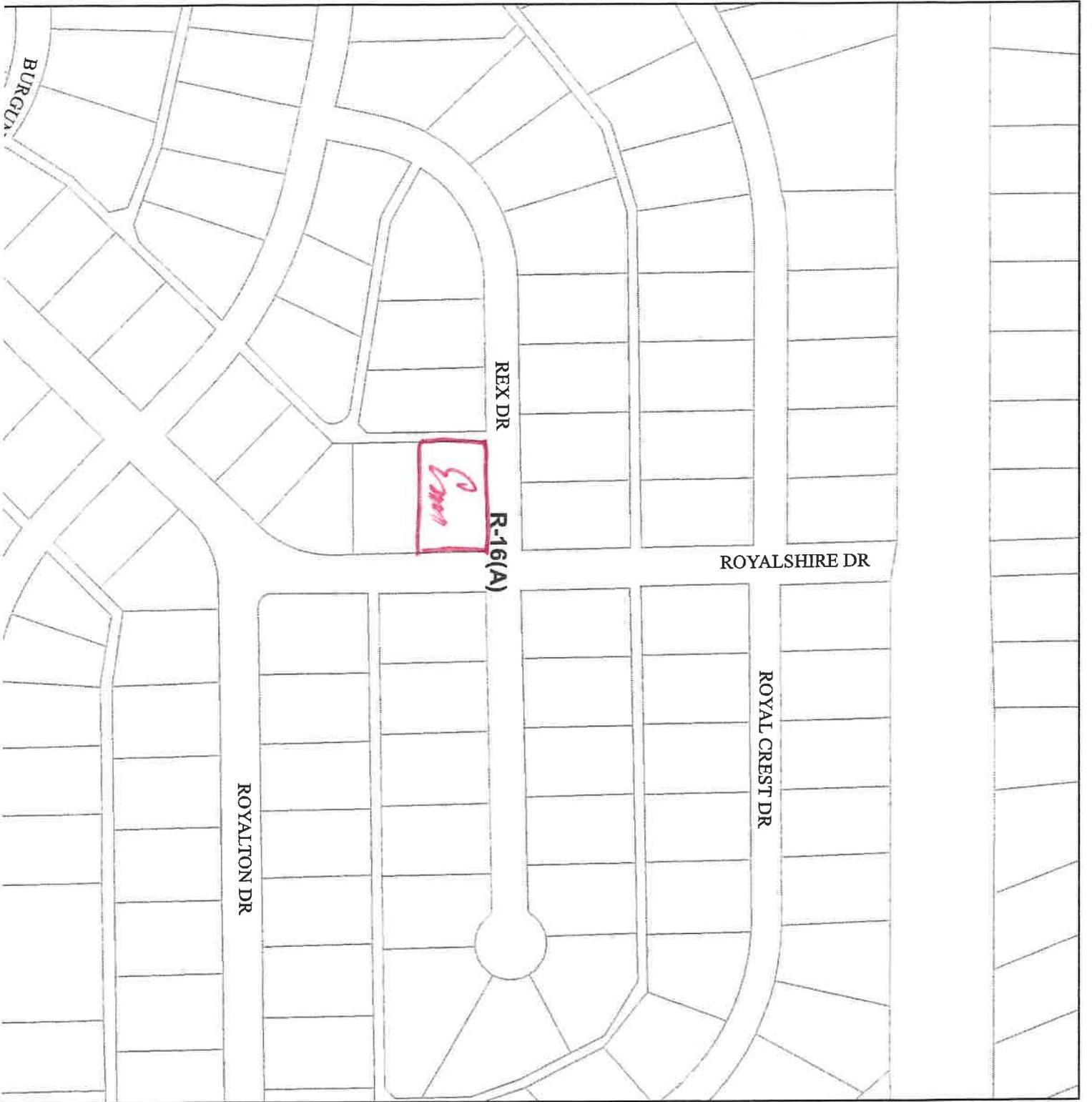
Building Official's Report

I hereby certify that CHRISTINA ROA
represented by Dustin Smith
did submit a request for a variance to the front yard setback regulations
at 11021 Royalshire Drive

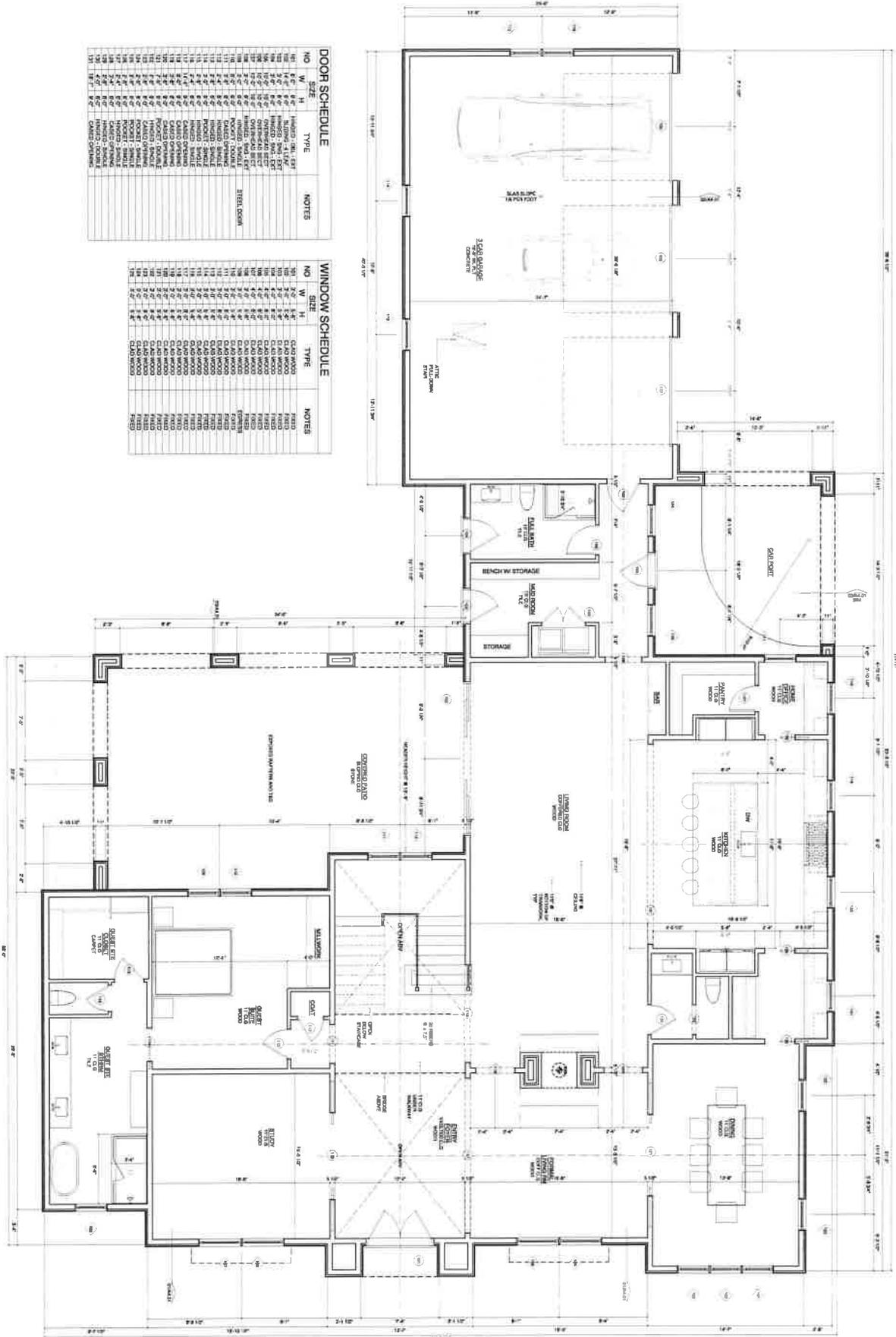
BDA189-134. Application of CHRISTINA ROA represented by Dustin Smith for a variance to the front yard setback regulations at 11021 ROYALSHIRE DR. This property is more fully described as Lot 4, Block 3/5500, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback, which will require a 25 foot variance to the front yard setback regulations.

Sincerely,


Philip Sikes, Building Official







01 ARCHITECTURAL FLOOR PLAN - 1ST LEVEL

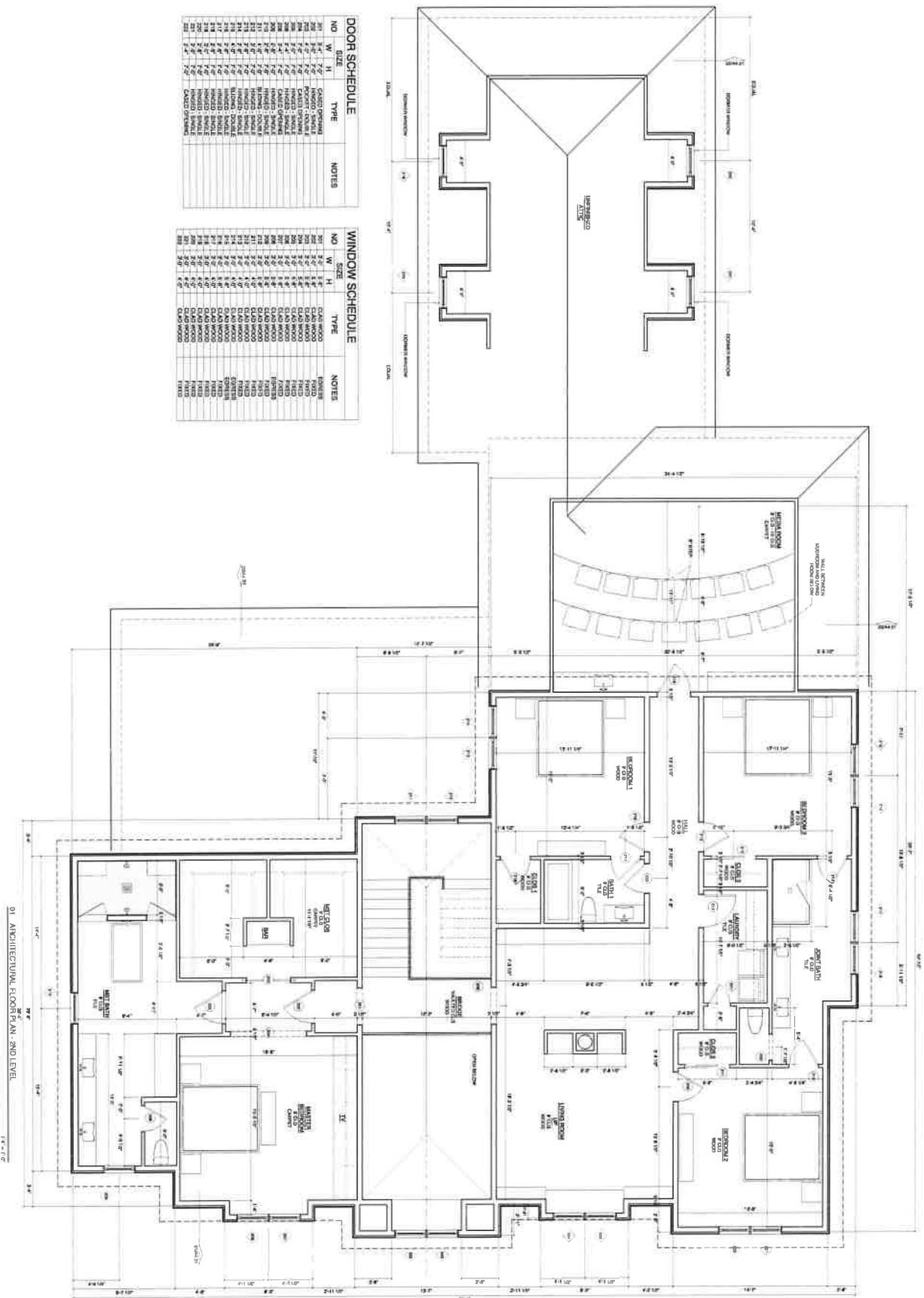
1/4" = 1'-0"

DOOR SCHEDULE

NO	W	H	TYPE	NOTES
101	8'-0"	8'-0"	HINGED - 1/2" LST	
102	8'-0"	8'-0"	HINGED - 1/2" LST	
103	8'-0"	8'-0"	HINGED - 1/2" LST	
104	8'-0"	8'-0"	HINGED - 1/2" LST	
105	8'-0"	8'-0"	HINGED - 1/2" LST	
106	8'-0"	8'-0"	HINGED - 1/2" LST	
107	8'-0"	8'-0"	HINGED - 1/2" LST	
108	8'-0"	8'-0"	HINGED - 1/2" LST	
109	8'-0"	8'-0"	HINGED - 1/2" LST	
110	8'-0"	8'-0"	HINGED - 1/2" LST	
111	8'-0"	8'-0"	HINGED - 1/2" LST	
112	8'-0"	8'-0"	HINGED - 1/2" LST	
113	8'-0"	8'-0"	HINGED - 1/2" LST	
114	8'-0"	8'-0"	HINGED - 1/2" LST	
115	8'-0"	8'-0"	HINGED - 1/2" LST	
116	8'-0"	8'-0"	HINGED - 1/2" LST	
117	8'-0"	8'-0"	HINGED - 1/2" LST	
118	8'-0"	8'-0"	HINGED - 1/2" LST	
119	8'-0"	8'-0"	HINGED - 1/2" LST	
120	8'-0"	8'-0"	HINGED - 1/2" LST	
121	8'-0"	8'-0"	HINGED - 1/2" LST	
122	8'-0"	8'-0"	HINGED - 1/2" LST	
123	8'-0"	8'-0"	HINGED - 1/2" LST	
124	8'-0"	8'-0"	HINGED - 1/2" LST	
125	8'-0"	8'-0"	HINGED - 1/2" LST	
126	8'-0"	8'-0"	HINGED - 1/2" LST	
127	8'-0"	8'-0"	HINGED - 1/2" LST	
128	8'-0"	8'-0"	HINGED - 1/2" LST	
129	8'-0"	8'-0"	HINGED - 1/2" LST	
130	8'-0"	8'-0"	HINGED - 1/2" LST	
131	8'-0"	8'-0"	HINGED - 1/2" LST	

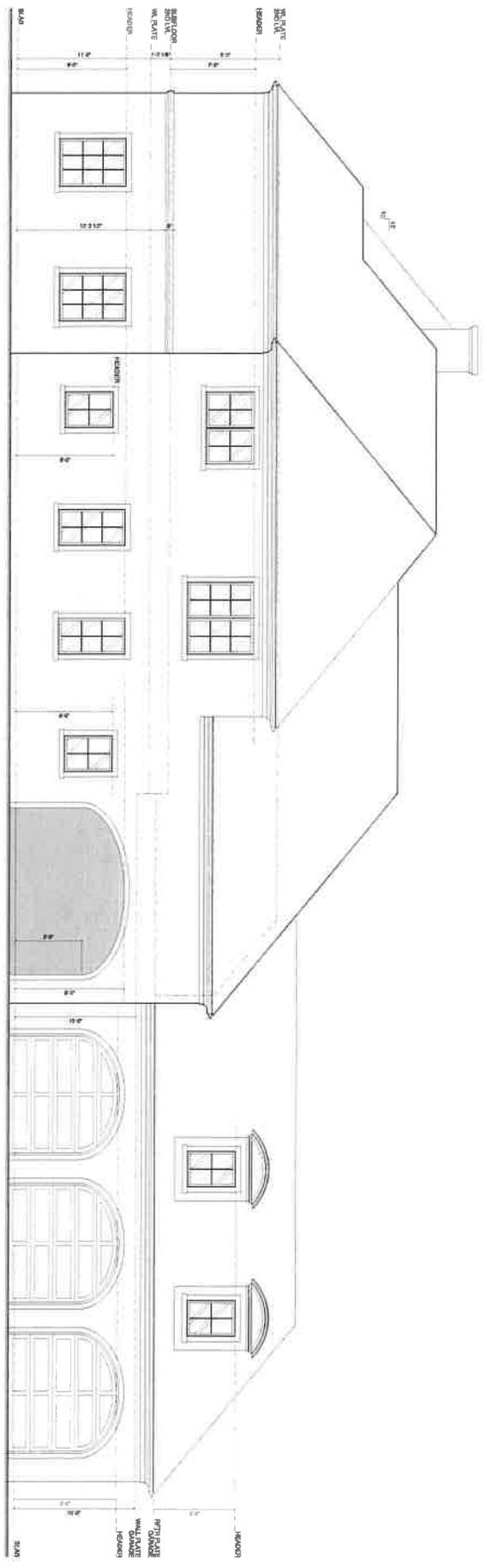
WINDOW SCHEDULE

NO	W	H	TYPE	NOTES
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103	8'-0"	8'-0"	CAS WOOD	FRONT
104	8'-0"	8'-0"	CAS WOOD	FRONT
105	8'-0"	8'-0"	CAS WOOD	FRONT
106	8'-0"	8'-0"	CAS WOOD	FRONT
107	8'-0"	8'-0"	CAS WOOD	FRONT
108	8'-0"	8'-0"	CAS WOOD	FRONT
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110	8'-0"	8'-0"	CAS WOOD	FRONT
111	8'-0"	8'-0"	CAS WOOD	FRONT
112	8'-0"	8'-0"	CAS WOOD	FRONT
113	8'-0"	8'-0"	CAS WOOD	FRONT
114	8'-0"	8'-0"	CAS WOOD	FRONT
115	8'-0"	8'-0"	CAS WOOD	FRONT
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118	8'-0"	8'-0"	CAS WOOD	FRONT
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122	8'-0"	8'-0"	CAS WOOD	FRONT
123	8'-0"	8'-0"	CAS WOOD	FRONT
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125	8'-0"	8'-0"	CAS WOOD	FRONT
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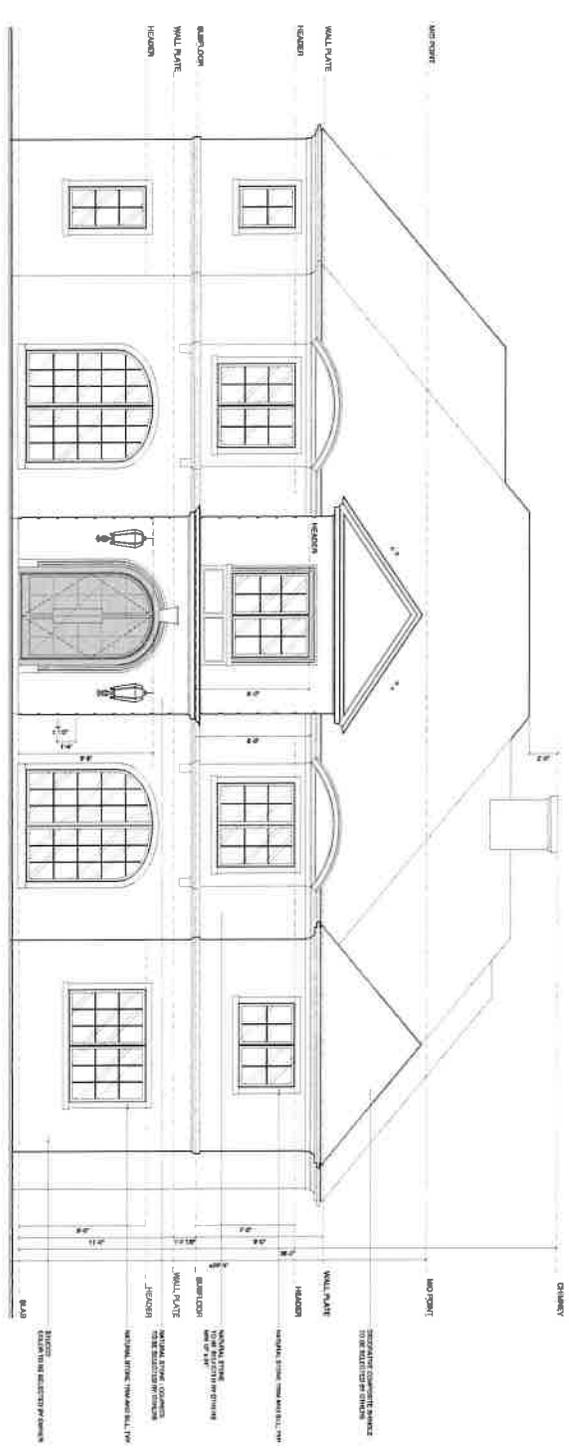


DOOR SCHEDULE				
NO	W	H	TYPE	NOTES
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204	2'-0"	7'-0"	DOOR	
205	2'-0"	7'-0"	DOOR	
206	2'-0"	7'-0"	DOOR	
207	2'-0"	7'-0"	DOOR	
208	2'-0"	7'-0"	DOOR	
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213	2'-0"	7'-0"	DOOR	
214	2'-0"	7'-0"	DOOR	
215	2'-0"	7'-0"	DOOR	
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218	2'-0"	7'-0"	DOOR	
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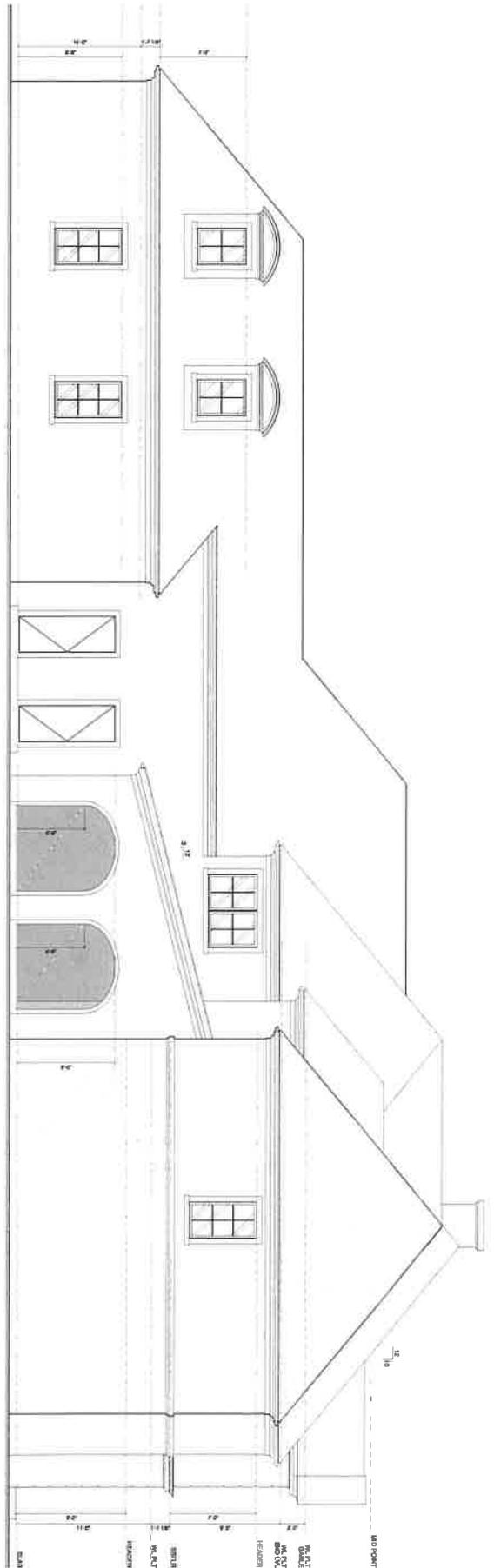
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224	2'-0"	7'-0"	CASUAL WINDOW	
225	2'-0"	7'-0"	CASUAL WINDOW	
226	2'-0"	7'-0"	CASUAL WINDOW	
227	2'-0"	7'-0"	CASUAL WINDOW	
228	2'-0"	7'-0"	CASUAL WINDOW	
229	2'-0"	7'-0"	CASUAL WINDOW	
230	2'-0"	7'-0"	CASUAL WINDOW	



02 NORTH ELEVATION - SIDE ENTRY

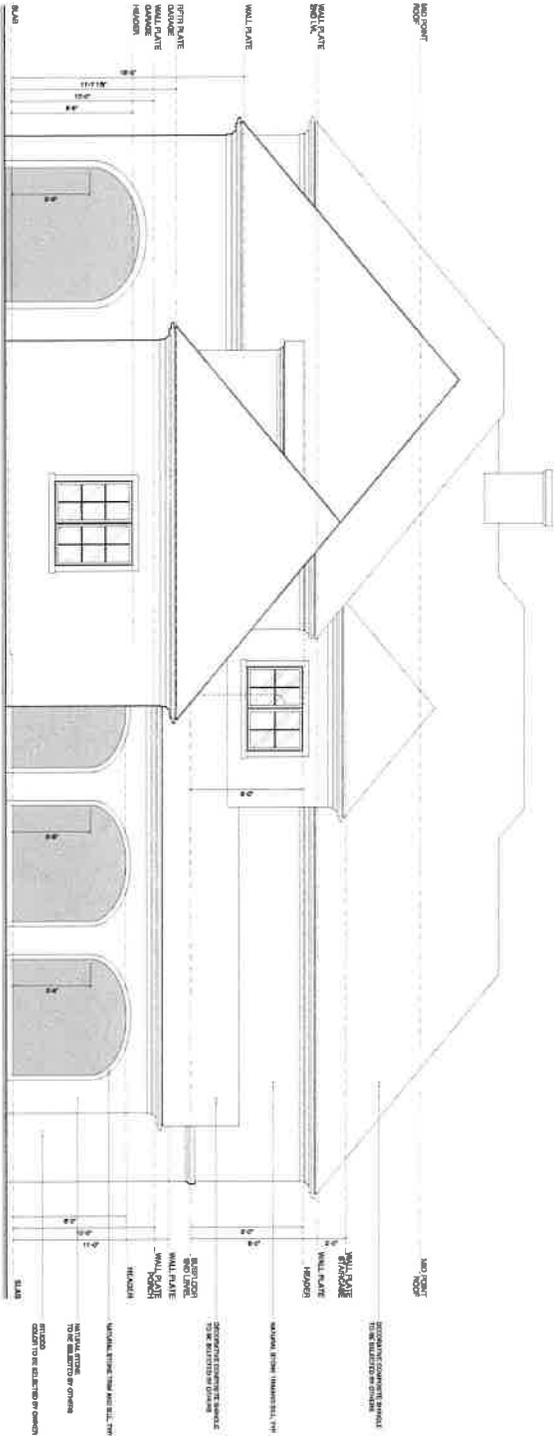


01 EAST ELEVATION - MAIN ENTRY



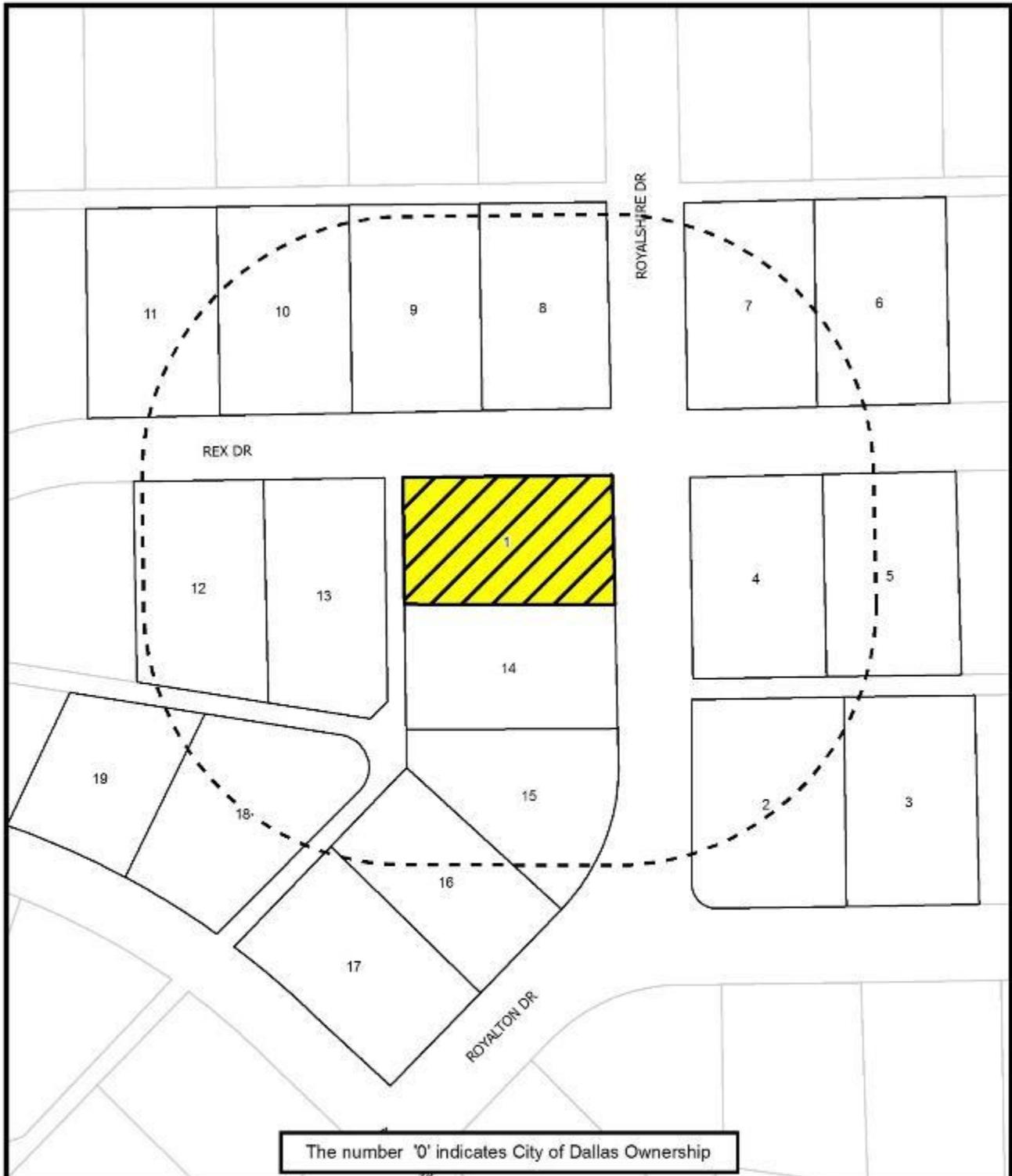
02 SOUTH ELEVATION - SIDE ENTRY

1/4" = 1'-0"



01 WEST ELEVATION - MAIN ENTRY

1/4" = 1'-0"



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 19 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Case no: <u>BDA189-134</u> Date: <u>12/23/2019</u>
--	---	---

12/23/2019

Notification List of Property Owners

BDA189-134

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11021 ROYALSHIRE DR	LUX CUSTOM HOMES TX LLC
2	11000 ROYALSHIRE DR	BAUER KATHERINE
3	6215 ROYALTON DR	JONES JEANNE KAY
4	6206 REX DR	FAGAN HUGH & AIMEE
5	6214 REX DR	METZ MATTHEW L & MARY A
6	6215 REX DR	WEST MIKE & TERRI
7	6207 REX DR	BONN JOHN E & ROBIN M
8	6163 REX DR	JAYARAMAN VIDYASAGAR &
9	6155 REX DR	GRAY STEVEN DIRK & DEBORAH K
10	6147 REX DR	COWART RICHARD WARREN
11	6139 REX DR	DETIENNE MARY L
12	6132 REX DR	STOLER ROBERT C
13	6142 REX DR	COBEN CHAD E & AMBER M
14	11015 ROYALSHIRE DR	DUNN JOSHUA JETT
15	6155 ROYALTON DR	WEINSTEIN GREG M
16	6151 ROYALTON DR	GOLDSMITH REGINALD M &
17	6143 ROYALTON DR	MEYER JASON BRENT & KAREN
18	6069 AZALEA LN	WEINREB KAREN S
19	6063 AZALEA LN	HEXT GREGORY & KIMBERLY

FILE NUMBER: BDA190-004(OA)

BUILDING OFFICIAL'S REPORT: Application of Gretchen Awalt, represented by Brad Williams of Winstead PC, for a special exception to the parking regulations at 1930 Hi Line Drive. This property is more fully described as part of Lot 5, Block 37/7888, and is zoned PD No. 621 (Subarea 1H), which requires parking to be provided. The applicant proposes to construct and/or maintain a mixed use residential and retail structure for a multifamily use, a restaurant without drive-in or drive-through service use, and a general merchandise or food store greater than 3,500 square feet use, and provide 1,014 of the required 1,329 parking spaces, which will require a 315-space special exception (23.7% reduction) to the parking regulations.

LOCATION: 1930 Hi Line Drive

APPLICANT: Gretcehn Awalt
Represented by Brad Williams of Winstead PC

REQUEST:

A request for a special exception to the off-street parking regulations of 315 spaces is made to construct a mixed-use development structure that will contain a total of 838 dwelling units, 5,514 square feet of restaurant, and 5,238 square feet of retail uses and provide 1,014 of the 1,329 required off-street parking spaces.

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

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment 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 and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction

authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or

(B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 315 spaces shall automatically and immediately terminate if and when the multifamily, general merchandise or food store greater than 3,500 square feet, and restaurant without drive-in or drive-through service uses are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that he has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 621 (Planned Development)
North: PD No. 621 (Planned Development)
East: PD No. 621 (Planned Development)
South: PD No. 621 (Planned Development)
West: PD No. 621 (Planned Development)

Land Use:

The subject site is proposed to be developed with a mixed-use development structure that will contain a total of 838 dwelling units, 5,514 square feet of restaurant, and 5,238 square feet of retail. The areas to the north and east are developed with the Trinity Trail; the area to the west and south are developed with a hotel, multifamily, and commercial parking lot uses.

BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 315 spaces focuses on constructing a mixed-use development structure and providing 1,014 of the 1,329 required off-street parking spaces.
- PD No. 621 requires the following off-street parking requirement:
 - Multifamily: one and one-half spaces per dwelling unit;
 - Restaurant: one space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided; and
 - General merchandise or food store greater than 3,500 square feet: one space per 275 square feet of floor area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed multifamily, restaurant, general merchandise or food store use does not warrant the number of off-street parking spaces required; and
 - The special exception of 315 spaces (or a 24-percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the board were to grant this request and impose the condition that the special exception of 315 spaces shall automatically and immediately terminate if and when the multifamily, general merchandise or food store greater than 3,500 square feet, and restaurant without drive-in or drive-through services uses are changed or discontinued.

Timeline:

October 24, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

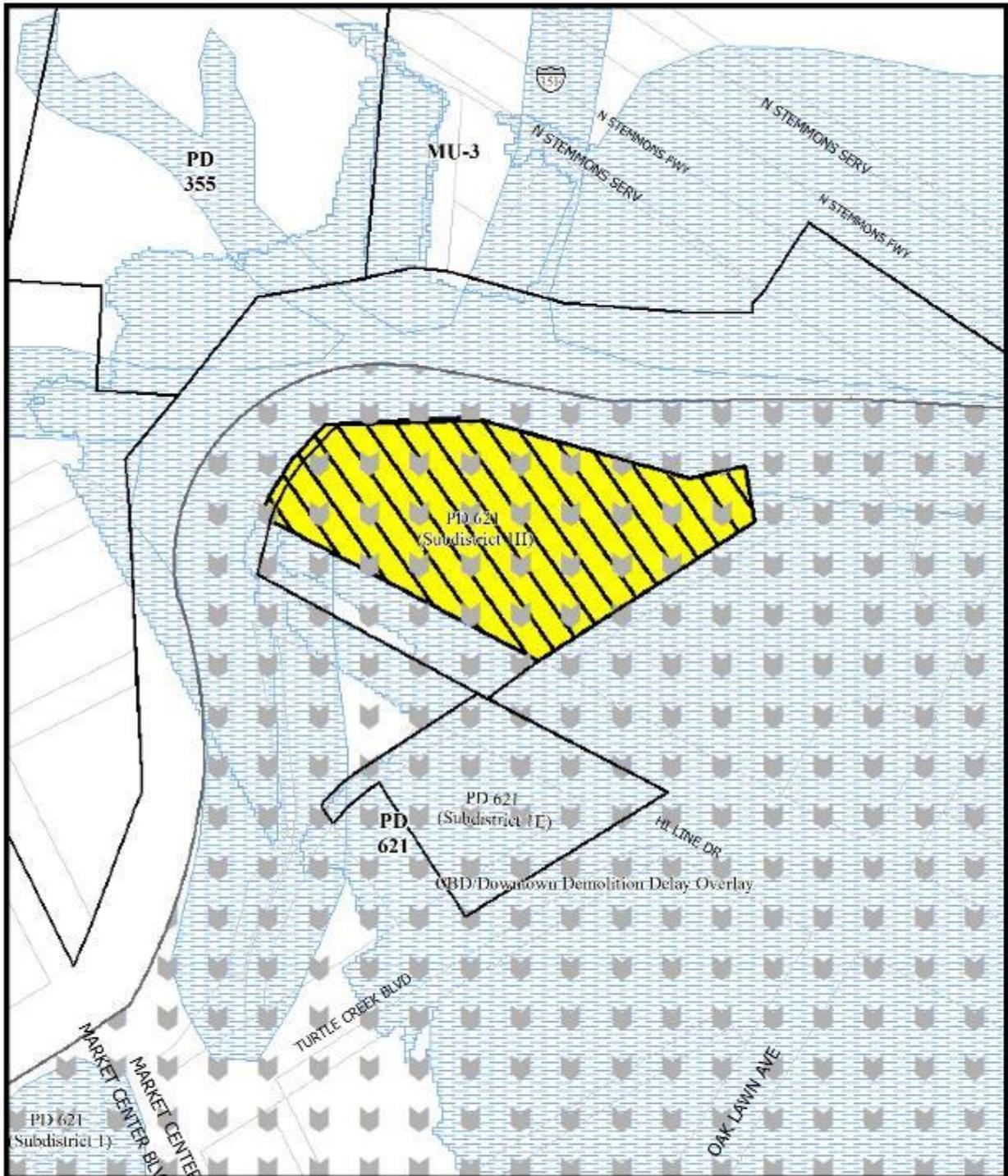
December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 17, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 26th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

December 30, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections" (Attachment A).

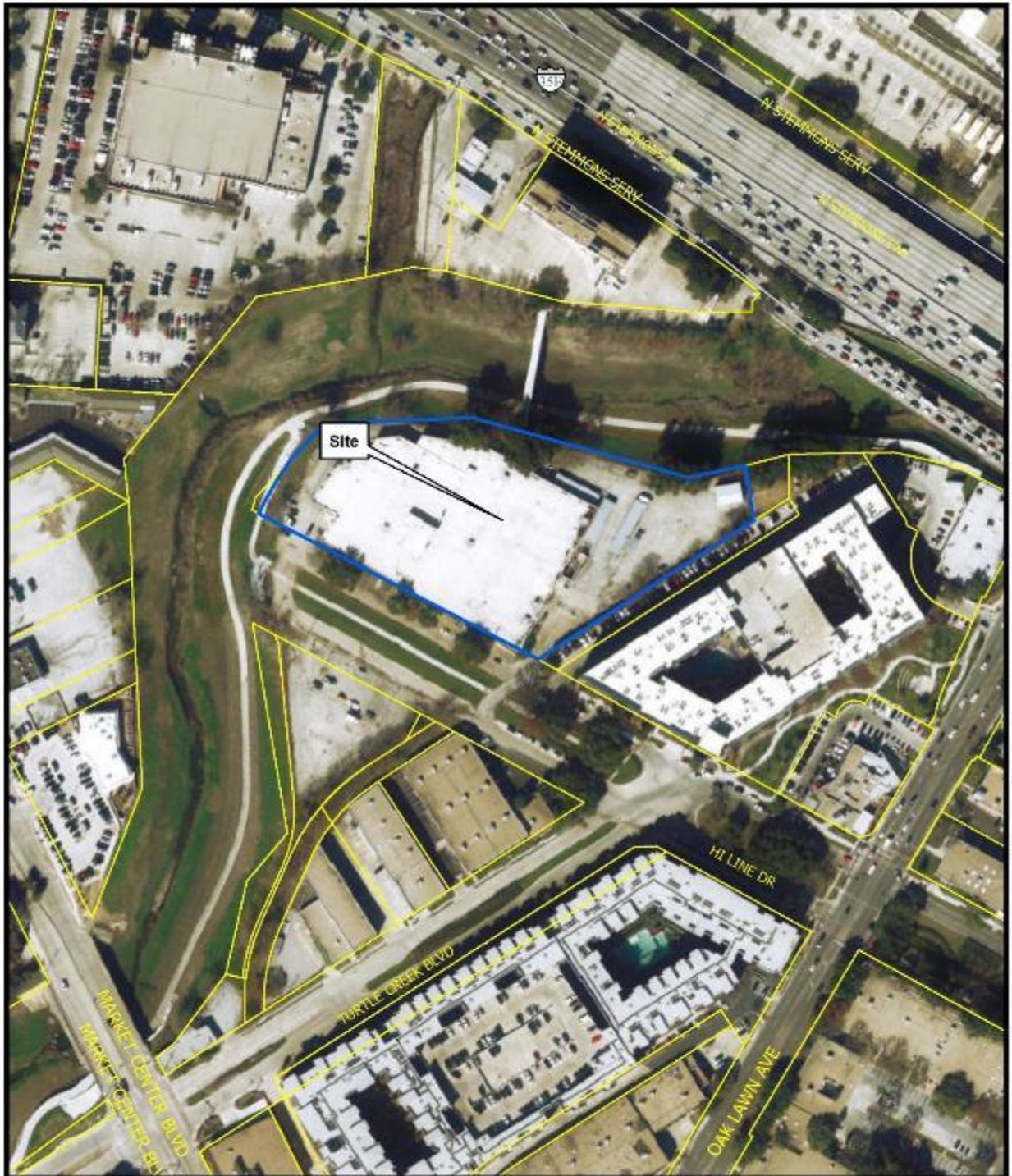


1:2,400

ZONING MAP

Case no: **BDA190-004**

Date: **12/13/2019**



1:2,400

AERIAL MAP

Case no: **BDA190-004**

Date: **12/13/2019**

BDA 190-004
ATTACHMENT A pg 1/2

500 Winstead Building
2728 N. Harwood Street
Dallas, Texas 75201

214.745.5400 OFFICE
214.745.5390 FAX
winstead.com

bwilliams@winstead.com

214.745.5264 DIRECT

December 26, 2019

Via Email

Oscar Aguilera
City of Dallas
1500 Marilla Street, Rm. 5BN
Dallas, TX 75201
oscar.aguilera@dallascityhall.com

Re: BDA190-004, Parking Special Exception (the "Request");
1930 Hi Line (the "Property")

Dear Oscar:

As you know, the Request is for a special exception to the minimum off-street parking requirements for a mixed-use development on the Property (the "Project"). The Project will consist of 838 dwelling units (932 bedrooms); 5,514 square feet of restaurant; and 5,238 square feet of retail, more or less. The Board of Adjustment (the "Board") is authorized to grant a special exception to the required off-street parking if the Board finds that: (1) the parking demand generated by the use does not warrant the number of off-street parking spaces required, and (2) the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. Sec. 51P-621.110(2)(D); Sec. 51A-4.311

A parking demand study for the Project prepared DeShazo Group was submitted with the Request (the "Parking Study"). According to the Parking Study, the anticipated parking demand for the multifamily use within the Project will be 1 space per bedroom, which generates a total parking demand of 1,014 parking spaces (a reduction of 315 spaces). This anticipated parking demand for the Project does not warrant the number of off-street parking spaces otherwise required in PD 621. In addition, there is no evidence that granting the Request will create a traffic hazard or increase congestion on adjacent or nearby streets. The Parking Study also provides helpful and favorable information responsive to the six factors the Board is directed to consider when evaluating the Request. As such, the Request meets the minimum standards for approval and should be granted.

The Request is further justified by the relatively high required parking for multifamily uses within PD 621 and the specific nature of the proposed multifamily use within the Project. PD 621 requires 1.5 spaces per dwelling unit for the multifamily use. Sec. 51P-621.110(b)(L).

Oscar Aguilera
December 26, 2019
Page 2

Required parking for the multifamily use under Chapter 51A, however, is only 1 space per bedroom with a minimum of 1 space per unit. Sec. 51A-4.209(b)(5). Granting the Request would bring the required parking for the Project more in-line with current Chapter 51A standards. In other words, granting the Request will result in substantially the same amount of required parking for the Project as would otherwise be required in many other parts of the City where multifamily is allowed.

Finally, the multifamily use within the Project is a truly urban housing product consisting of over 85% one-bedroom and studio units that average 700 square feet and 500 square feet, respectively. These units are designed for and marketed toward one-person households with only one or no car. As such, the anticipated parking demand for the multifamily use in this Project is less than a typical Dallas multifamily project, which is more likely to have two-person and multiple-car households based on a unit mix with fewer or no studio units and more two-bedroom units. The one-space per bedroom demand assumed for the Project in the Parking Study is therefore appropriate, and the Request should be granted.

Please share this letter with the Board and consider the same in formulating your recommendation on the Request. Please also let me know if you have any questions.

Sincerely,



Brad R. Williams
Attorney for Applicant

cc: Gretchen Awalt, Applicant (gawalt@ironstate.net)
Tommy Mann, of the Firm (tmann@winstead.com)

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **JANUARY 22, 2020 (B)**

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 189-134

BDA 190-002

BDA 190-004

BDA 190-005

BDA 190-007

BDA 190-010

BDA 190-011

BDA 190-012

COMMENTS:

**The special exception should
automatically and immediately
terminate if and when the multifamily
residential use provides a combination
of dwelling units that is less than 942
bedrooms.**

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

12/30/2019

Date

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-004

Data Relative to Subject Property:

Date: 10-24-19

Location address: 1930 Hi Line Drive Zoning District: PD 621 (1H)
Lot No.: Pt 5 Block No.: 37/7888 Acreage: 3.78 Census Tract: 0100.00
Street Frontage (in Feet): 1) 483.5 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Urby Dallas Fee Owner L.P., a Delaware limited partnership

Applicant: Gretchen Awalt Telephone: 201-963-5200

Mailing Address: 50 Washington Street, Hoboken, New Jersey Zip Code: 07030

E-mail Address: gawalt@ironstate.net

Represented by: Brad Williams, Winstead PC Telephone: 214-745-5264

Mailing Address: 2728 N. Harwood St., Suite 500, Dallas, TX Zip Code: 75201

E-mail Address: bwilliams@winstead.com; tmann@winstead.com

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

Reduce the required off-street parking for multifamily use by 315 spaces. Sec. 51P-621.110(b) (2)(D). Required parking: 1,329 Reduced parking: 1,014 Total Reduction of 315 spaces.

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

According to the Parking Demand Study prepared by DeShazo Group, dated October 15, 2019 (Exhibit A), the existing code required parking of 1.5 spaces per dwelling unit exceeds the anticipated parking demand for the proposed multifamily use on the property and the requested special exception is warranted.

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

Affidavit

Before me the undersigned on this day personally appeared Gretchen Awalt
(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 21st day of October, 2019

(Rev. 08-01-11)

FILOMENA ANDRIUOLO
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JULY 25, 2020

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

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

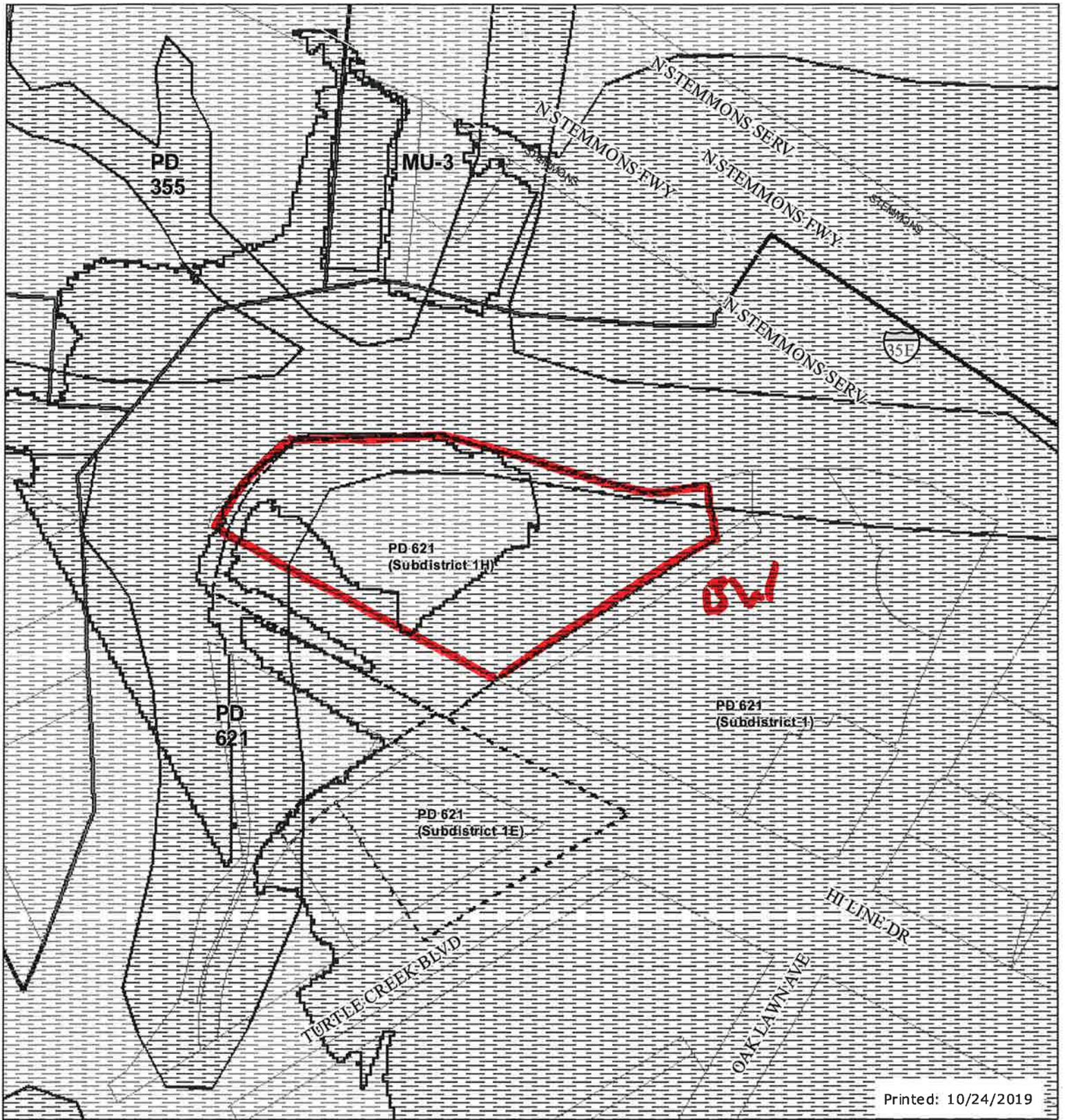
Building Official's Report

I hereby certify that Gretchen Awalt
represented by Brad Williams
did submit a request for a special exception to the parking regulations
at 1930 Hi Line Drive

BDA190-004. Application of Gretchen Awalt represented by Brad Williams for a special exception to the parking regulations at 1930 HI LINE DR. This property is more fully described as Pt of Lot 5, Block 37/7888, and is zoned PD-621 (Subarea 1H), which requires parking to be provided. The applicant proposes to construct a mixed use residential and retail structure for a multi-family, a restaurant without drive-in or drive-through service use, a general merchandise or food store 3500 square feet or greater use, and provide 1014 of the required 1329 parking spaces, which will require a 315 space special exception (23.7% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 10/24/2019

Legend

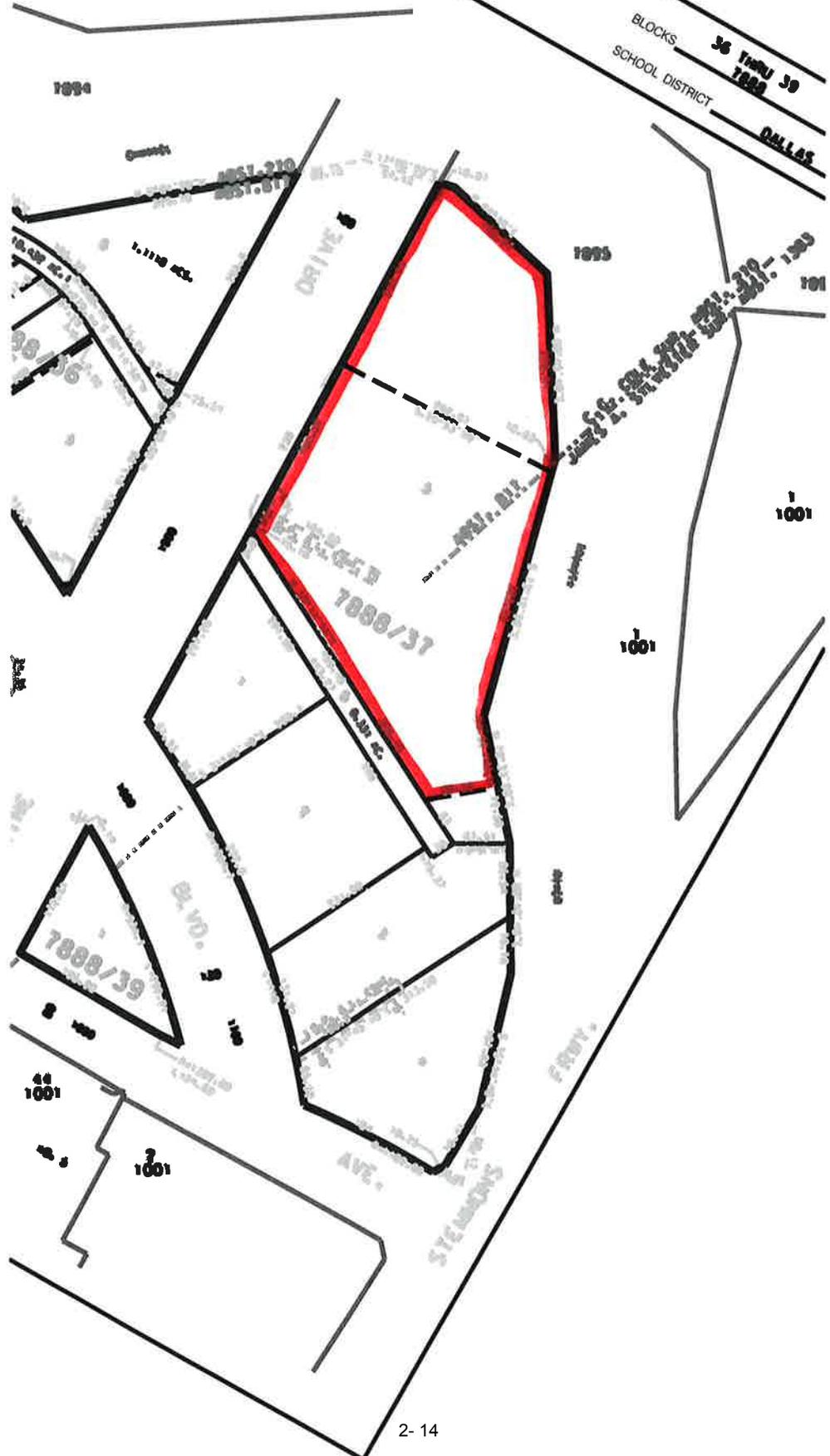
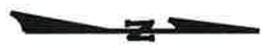
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Sub districts |
| School | Certified Parcels | D | PD Sub districts |
| Floodplain | Base Zoning | D-1 | PDS Sub districts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Sub districts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | NSO_Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Escarpment Overlay |
| Parks | SUP | Historic Overlay | Parking Management Overlay |
| | Height Map Overlay | Historic Overlay | 2018 Cont Overlay |

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



DALLAS PLAT BOOKS
CITY INDUSTRIAL DISTRICT NO. 13
SCALE 100 FT. EQUALS 1 INCH

BLOCKS 36 thru 39
1880
SCHOOL DISTRICT DALLAS



SW1

**PARKING DEMAND UPDATE FOR
THE URBY MULTIFAMILY DEVELOPMENT
1930 HI LINE DRIVE
IN DALLAS, TEXAS**

Prepared for:

Ironstate Development
50 Washington Street
Hoboken, New Jersey 07030

Prepared by:

DeShazo Group, Inc.
Texas Registered Engineering Firm F-3199
400 South Houston Street Suite
330 • Union Station Dallas,
Texas 75202
Phone (214) 748-6740

October 15, 2019



Traffic. Transportation Planning. Parking. Design.

Texas Registered Firm – 3199

DeShazo #11180



Traffic. Transportation Planning. Parking. Design.



October 15, 2019

Technical Memorandum

To: Ms. Gretchen Awalt — *Ironstate Development*
From: DeShazo Group, Inc.
Date: October 15, 2019
Re: **Parking Analysis for the Urby Multifamily Development: 1930 Hi Line Drive in Dallas, Texas**
DeShazo Project No. 19107

INTRODUCTION

The services of DeShazo Group, Inc. (DeShazo) were retained by **Ironstate Development** to analyze the parking needs for a proposed three-phase multifamily development, the Urby, located at 1930 Hi Line Drive in Dallas, Texas. The site is bounded by the Trinity Strand Trail to the north and west, Hi Line Drive to the southwest, and the Dunhill Design District buildings to the southeast. **DeShazo Group, Inc.** (DeShazo) is an engineering consulting firm providing licensed engineers and analysts skilled in the field of traffic/transportation engineering and parking design and demand analysis for over 39 years.

The proposed Urby at 1930 Hi Line Drive will contain a total of 838 dwelling units (932 bedrooms), a 5,514-square-foot restaurant, and 5,283 square feet of retail. The Urby is meant to be an urban high-rise residential development with market-rate units to serve residents working in the redeveloping Dallas Design District and nearby areas.

The property is subject to direct application of zoning regulations stipulated in Section 51A and Planned Development (PD) District 621—The Old Trinity and Design District—of the Dallas City Code.

*Parking Analysis for the
Urby Multifamily Development
Page 2*

TABLE 1
Development Plan for Urby

Unit Type	Quantity	% of Total	Unit SF	Bedrooms	Total Bedrooms
Studio	287	34.2%	500	1	287
One Bedroom	447	53.3%	700	1	447
Two Bedroom	104	12.4%	950	2	208
Restaurant			5,514		
Retail			5,283		
Total	838	100%	565,997		942

A proposed total parking supply of 1,014 spaces would provide 1.21 parking spaces per dwelling unit (or, 1.08 parking spaces per bedroom) for the overall project. (This assumes 942 spaces for residents and 72 spaces for the restaurant and retail.) The current City of Dallas PD 621 requirement for residential parking is 1.5 spaces per dwelling unit.

This memorandum summarizes the projected parking demand for the proposed development based upon application of parking characteristics derived from DeShazo’s professional judgment and experience from a number of residential parking demand studies conducted throughout the Dallas metropolitan area. This study will be provided to City of Dallas staff for technical review. The findings of this study are intended to provide the technical basis for a request to reduce the parking requirements for the proposed development.

CODE PARKING REQUIREMENT

DeShazo Group studied the parking requirements of PD 621 since the proposed Urby is located in that planned development district. The Code Parking Requirements are summarized in **Table 2**.

TABLE 2
PD 621 Parking Requirement

Use	Default Parking Requirement as per PD 621 (Spaces)	City of Dallas Code Reference
838-Unit Residential Project	1,257	1.5 spaces / unit
5,283 SF Retail	19	1 Space / 275 SF PD 621.110 (b)(1)(J)
5,514-SF Restaurant	53	1 Space / 105 SF 51P-621.110(b)(1)(O)
Total Parking Required	1,329	

DeShazo Group calculated the shared parking requirement for the Urby based upon use and time of day. Section 7(b)(4)(D) for the City of Dallas Planned Development District states: “PD 621”: “The number of off-street parking spaces that must be provided for the developments is the largest number of spaces required under any

of the five time of day columns.” The shared parking calculations are shown in **Table 3**. The time of day with the highest calculated total was the evening with 1,323 vehicles.

TABLE 3
Shared Parking Table for PD 621

Use	Morning	Noon	Afternoon	Late Afternoon	Evening
Residential (1,257)	1,006	754	880	880	1,257
	80%	60%	70%	70%	100%
Restaurant (53)	11	53	16	16	53
	20%	100%	30%	30%	100%
Retail (19)	11	14	13	12	13
	60%	75%	70%	65%	70%
Total	1,028	821	909	908	1,323

UNIQUE PARKING CHARACTERISTICS

The Urby is located in Dallas’s Design District, a 292-acre mixed-use neighborhood near Downtown Dallas. The area near the Urby is full of art galleries, show rooms, high-rise residences, cafés and restaurants. The City of Dallas Development Code recognizes factors such as: alternative modes of transportation in the Design District such as ride-sharing companies (e.g., Uber, Lyft), synergy, and carpooling that may reduce parking demands. Given the trends and characteristics of the Design District, it is reasonable to anticipate a significant number of the restaurant and retail patrons to the as well as guests of Urby residents will use alternative modes of transportation. *Note: This District allows a request of up to a 50% parking reduction (special exception).*

PARKING DEMAND ANALYSIS

DeShazo Group has studied numerous multifamily communities and found that the composition of single- and multiple-bedroom dwelling units varies from one development to the next based upon market demands, etc. Because of this, the DeShazo studies have determined the parking demand ratio for multifamily use is most accurate and consistent when summarized on a per-bedroom basis—in lieu of the commonly used per-unit basis, which does not consider the mixture of unit types.

DeShazo has conducted numerous parking demand studies for multifamily developments that are designed with an urban character and target business-professional tenants. A mean peak parking demand of 0.91 spaces per bedroom has been repeatedly observed in these DeShazo studies.

Table 4 provides a summary of a number of parking demand studies conducted at various representative properties. During this data collection, all vehicles parked on site and (where applicable) on nearby streets that may be reasonably associated with the subject property were included in the study. All parking accumulation data were collected between the hours of 12:00 AM and 5:00 AM on weekdays in order to capture the overall peak demand when the maximum number of residents are parked on site.¹

¹ Based upon hourly parking characteristics published in studies by the *Urban Land Institute* and the *Institute of Transportation Engineers* and documented in private studies by DeShazo, multifamily residential parking demand is highest (i.e., 100% of peak) on weekdays between the hours of 12:00 AM and 4:00 AM (and, 12:00 AM-5:00 AM for urban study sites).

Table 4. DeShazo Multifamily Parking Demand Historical Database

Name of Property (Location)	Date of Study	D.U. (Total Bedrooms)	Percent Occupied	**Parked Vehicles	Pkg. Demand per Occupied Bedroom
The Meridian (State Thomas)	9/04/97	132 (171)	96%	143	0.84
Uptown Village 1&2 (Dallas)	12/06/02	496 (585)	88%	495	0.96
The Vintage (Dallas)	10/02/97	160 (207)	96%	181	0.87
The Heights (State Thomas)	12/06/02	368 (431)	92%	364	0.92
The Cliffs (Dallas)	4/17/98	224 (296)	273*	252	0.97
The Gate (Dallas)	4/17/98	462 (882)	758*	582	0.81
The Lakes (Dallas)	4/17/98	768 (1,018)	858*	801	0.98
The Park (Dallas)	4/17/98	—	476*	409	0.90
Mockingbird Station (Central Dallas)	2/11/02	235 (235)	89%	216	1.03
Phoenix Midtown (Central Dallas)	12/06/02	449 (621)	534*	479	0.90
Live Oak Lofts (Deep Ellum)	4/17/00	—	112*	111	0.99
Turtle Creek Villas (Turtle Creek)	12/02/02	331 (575)	89%	429	0.84
Legacy Village-Phase I (Plano)	11/08/04	255 (318)	98%	315	1.01
Cityville-Live Oak (Central Dallas)	09/14/07	238 (297)	95%	259	0.92
Cityville-Greenville (Central Dallas)	09/14/07	(182)	95%	160	0.93
Cityville-Fitzhugh (Central Dallas)	09/14/07	226 (288)	97%	257	0.92
AML Breckinridge Point (Richardson)	8/14/08	440 (743)	87%	597	0.92
Jefferson Place (Irving)	9/15/11	440 (664)	98%	528	0.81
Mission at La Villita (Irving)	9/15/11	360 (564)	94%	451	0.85
Chisholm Place (Plano)	9/15/11	142 (219)	98%	197	0.92
Post Sierra (Frisco)	2/1/2012	269 (356)	91%	313	0.97
Post Katy Trail (Dallas)	10/3/2013	227 (284)	97%	245	0.89
Post Eastside (Richardson)	10/3/2013	419 (555)	97%	515	0.93
Post South Lamar (Austin)	10/3/2013	298 (389)	98%	382	1.00
Post Midtown (Houston)	10/3/2013	673 (815)	95%	704	0.91
Post Hyde Park (Tampa)	10/3/2013	462 (777)	96%	663	0.89
AVERAGE:					0.91

* Only occupied bedrooms data provided.

** Includes all on-site and on-street parking facilities within close proximity to the site, where applicable.

COMPARISON OF DEMAND WITH CODE REQUIREMENT

Our parking analysis, based upon our historical study data of 0.91 spaces per bedroom, indicates that the actual parking demand for the Urby will be 857 spaces (942 Bedrooms x 0.91) compared to the Code Requirement of 1,257 spaces, a reduction of 400 spaces or 31.8 percent.

Results provided in **Table 4** validate that the mean observed parking demand is generally equivalent to 0.91 parking space per occupied bedroom at each location. (NOTE: Since the parking demand measured in this study is a rate of parking spaces per occupied bedroom, the occupancy of each individual property is taken into consideration in the calculation. In other words, no further adjustments are needed relative to occupancy.)

DeShazo acknowledges that, during on-site parking data collection, it is not feasible to definitively distinguish residents versus guests. However, DeShazo's default ratio of 1.0 space per bedroom is a peak demand ratio based upon data obtained during the time of the day when the highest overall parking demand is expected to occur. Presumably, only a small proportion of these parked vehicles, if any, are associated with guest parking; however, any guest parking that may exist is included in the data sample. Though the proportion of guest parking may be higher during other hours of the day, the overall net parking demand remains less than 1.0 parking space per bedroom.

Published Parking Data

Published parking demand data from the Institute of Transportation Engineers (ITE) that is calculated in parking spaces per occupied bedroom; is displayed below. **Table 5** provides an excerpt of published multifamily parking demand data from the *ITE Parking Generation Manual, 5th Edition (2019)*.

Table 5. Data Excerpts from Published Technical Data

Land Use	Day	No. Of Studies	Location/Area	Average Peak Parking Demand Rate
Low-/Mid-Rise Apartment (ITE Land Use Code: 221)	Weekday	35	Suburban	0.75 vehicles per <u>Bedroom</u>
	Weekday	50	Urban	0.48 vehicles per <u>Bedroom</u>
	Saturday	1	Urban	0.69 vehicles per <u>Bedroom</u>
<OTHER (FOR REFERENCE)> **				
High-Rise Apartment (ITE Land Use Code: 222)	Weekday	14	Central City	0.60 vehicles per <u>Bedroom</u>

* Where information was provided (i.e., select data points only)

** The studies that comprise the data on the last two rows predate year 2000

Based upon the observed parking demand rates per bedroom, the ITE data provided is considered to support the DeShazo finding of less than 1.0 space demand per bedroom.

Guest Parking

ITE parking demand data is inclusive of all parked vehicles and therefore is assumed to incorporate the parking demand of resident guests. However, no guidance is provided by ITE to estimate the guest parking demand.

Published data from the Urban Land Institute (*Shared Parking, 2nd Edition, 2005*) provides detailed parking demand characteristics for guests of multifamily residential uses. The projected parking demand is 0.15 per dwelling unit at the peak demand period (less during off-peak periods). **Table 6** summarizes the projected hourly parking demand profile of multifamily guest parking.

Table 6. Residential Guest Parking Demand (Spaces/D.U.)

Hour (beginning)	Weekday	Weekend
6:00 AM	0.00	0.00
7:00 AM	0.02	0.03
8:00 AM	0.03	0.03
9:00 AM	0.03	0.03
10:00 AM	0.03	0.03
11:00 AM	0.03	0.03
12:00 PM	0.03	0.03
1:00 PM	0.03	0.03
2:00 PM	0.03	0.03
3:00 PM	0.03	0.03
3:00 PM	0.03	0.03
4:00 PM	0.03	0.03
5:00 PM	0.06	0.06
6:00 PM	0.09	0.09
7:00 PM	0.15	0.15
8:00 PM	0.15	0.15
9:00 PM	0.15	0.15
10:00 PM	0.15	0.15
11:00 PM	0.12	0.12
12:00 AM	0.08	0.08

(Source: Urban Land Institute/Institute of Transportation Engineers)

Based upon DeShazo’s observations and professional judgment, the following alternative strategies will provide sufficient guest parking (assumes parking for residents is secured).

1. If the site is located within a mixed-use development providing abundant, publicly available, shared parking spaces, then no additional residential-guest parking is needed.
2. If the site is developed as a single-use development, or is not an integrated mixed-use, and is in close proximity to ample on-street (public or private) or other available public parking, then no additional residential- guest parking is needed.
3. If the site provides a minimum of 1.0 space per bedroom, but 20%, or more, of the spaces are unsecured and accessible by guests, then no additional residential-guest parking is needed.
4. If the site does not offer any of the above provisions for residential guests parking, then 0.15 additional spaces per dwelling unit should be provided for guest use.

It is presumed from the information provided to DeShazo Group that Strategy 1 applies for this development.

RECOMMENDATIONS

The purpose of this study is to analyze and summarize DeShazo’s observed parking needs for the multifamily uses that are designed with an urban character and target business-professional tenants, such as the Urby at 1930 Hi Line Drive in Dallas, Texas, and—as warranted based upon the applicable development codes—provide a basis and justification to seek a variance from those requirements.

The amount of the reduction is directly affected by the proportion of one-bedroom units proposed within the project. Hence, it is DeShazo's recommendation that the parking criterion to be applied be based upon a per-bedroom rate in lieu of the customary per-unit ratio.

This analysis supports a parking supply ratio of 1.0 parking space per bedroom for select multifamily developments. DeShazo performed parking demand surveys of various representative apartment communities during peak resident parking demand periods. An average parking demand of 0.91 parking spaces per bedroom was observed, but the parking supply rate of *1.0 parking space per bedroom* is recommended by DeShazo to account for parking inefficiencies and a modest surplus.

Based upon DeShazo's professional expertise in parking demand analyses and experience with developments of similar qualities, a minimum residential parking supply of *1.0 parking space per bedroom* or 942, coupled with 72 additional spaces to serve the restaurant and retail uses yields a total parking supply of 1,014. This will provide adequate parking to serve the proposed development, and no additional parking spaces should be needed due to shared parking being utilized between the residential and retail uses.

DeShazo Group recommends that a Special Parking Exception be pursued for 315 spaces, reducing the required parking supply from 1,329 spaces to 1,014.

CONCLUSION

A reduction of three hundred fifteen (315) off-street parking spaces is warranted based upon the considerations specified in the Dallas Development Code Section 51A-4.311(a)(2).

(A) The extent to which the parking spaces provided will be remote, shared, or packed parking.

The parking reduction is fully a function of specific parking demand characteristics for multifamily urban residential buildings. This analysis does not rely upon remote or packed parking.

(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.

The projected parking demand takes into consideration the needs of a fully-occupied multifamily residential building. In determining an appropriate parking demand, DeShazo consulted parking demand data published on ITE's *Parking Generation*, 5th Edition (2019), and DeShazo's professional judgment and experience from similar parking analyses in the Dallas/Fort Worth area.

(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.

The subject site is zoned a transit-oriented mixed-use zoning district as per §51P-621.102.1(b)(2). This request is based upon the subject site's independent projected parking demands and not upon any special zoning adjustments.

(D) The current and probably future capacities of adjacent and nearby streets based upon the City's thoroughfare plan.

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides convenient site access to the surrounding roadway network.

(E) The availability of public transit and the likelihood of its use.

Victory Station, Medical/Market Center Station, and Southwestern Medical District/Parkland Station are transit stations that are located close to the proposed Urby development.

▪ **Victory Station**

Bus Transit Option – (9 minute trip) A pedestrian can walk southeast along Hi Line Drive and then catch Bus 749 which will travel to Victory Station.

Bicycle Option – Travel one mile (a 6-minute ride by bicycle) from 1930 Hi Line Drive down High Line to Victory Avenue and turn right at American Airlines Center.

▪ **Medical/Market TRE Station**

Bus Transit Option – A pedestrian can walk 3 minutes southeast along Hi Line Drive to a Bus Stop at Hi Line and Oak Lawn, then catch Bus 749 which will travel 7 minutes northwest to Medical District at Medical District and IH 35E. It is then a three-minute walk to the Medical/Market Center Station.

Bicycle Option – Travel two miles (12 minutes by bicycle) on Hi Line Drive to Turtle Creek Boulevard to Market Center Boulevard to Wycliff Avenue to Medical District Drive, then turn right, right, and left and arrive at Medical Market TRE Station.

▪ **Southwestern Medical District/Parkland Station**

Bus Transit Option – Pedestrian can walk 6 minutes southeast along Hi Line Drive to a Bus Stop at Hi Line and Oak Lawn, catch Bus 749 which will travel northwest, then north for 14 minutes to the Southwestern Medical District/Parkland Station.

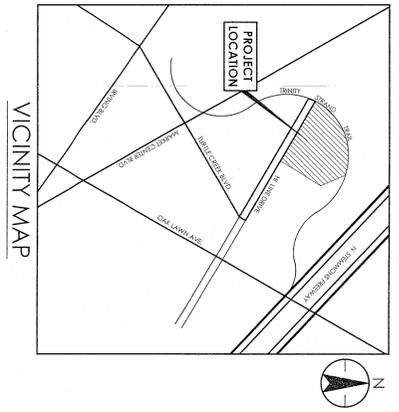
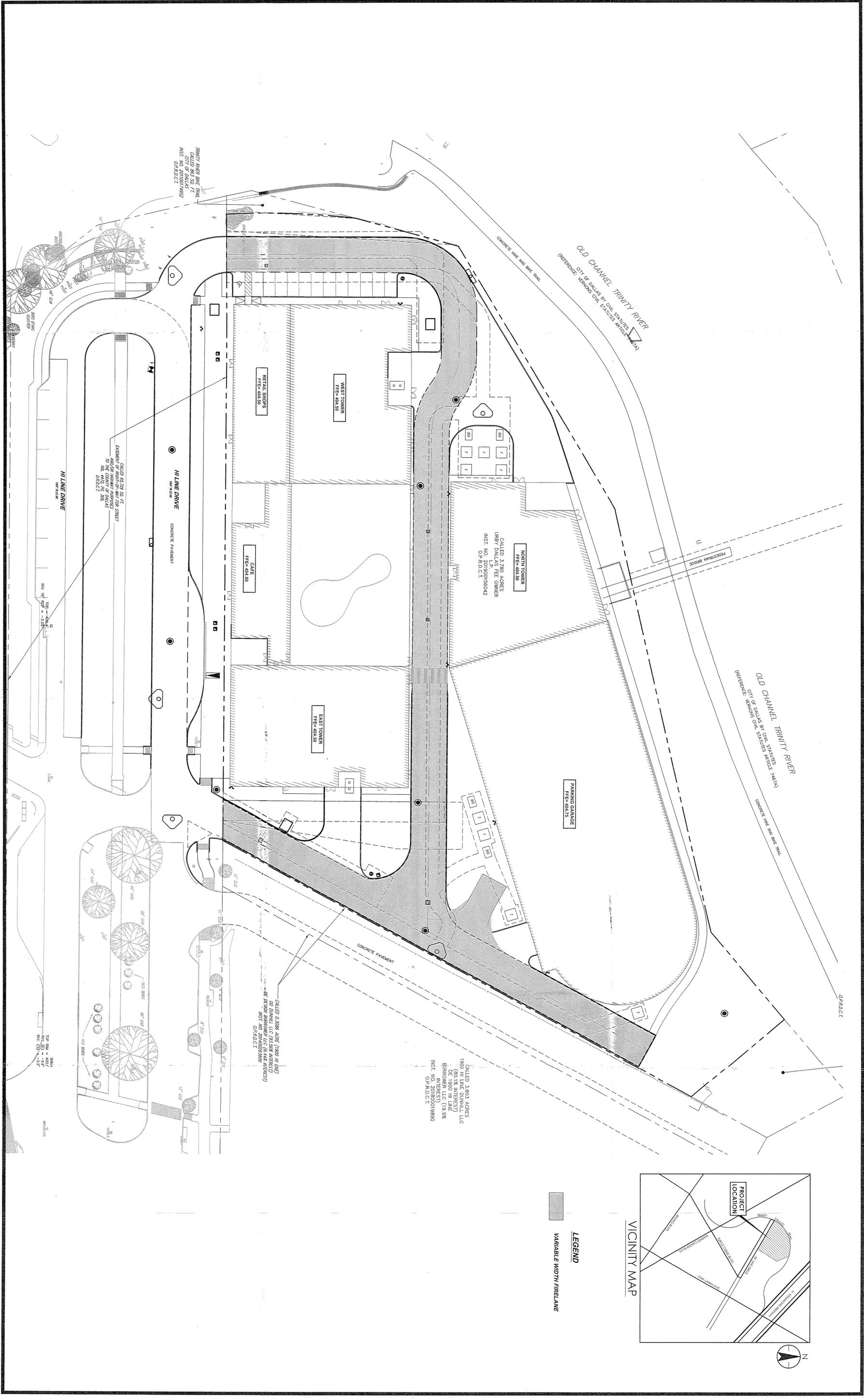
Bicycle Option – Travel 1.8 miles (13 minutes by bicycle) on Hi Line Drive to Turtle Creek Boulevard, proceed to Market Center Boulevard, to Harry Hines Boulevard, to Medical District Drive and to Tex Oak Avenue. Then turn right on Lofland Boulevard/Parkland Boulevard and arrive at Southwestern Medical District/Parkland Station.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

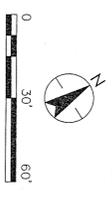
The parking reduction is justified by specific parking demand characteristics for the urban multifamily residential development and the one-bedroom is consistent with the current multifamily standard under Chapter 51A. No other parking mitigation measure is considered significant in the evaluation of the property's parking needs.

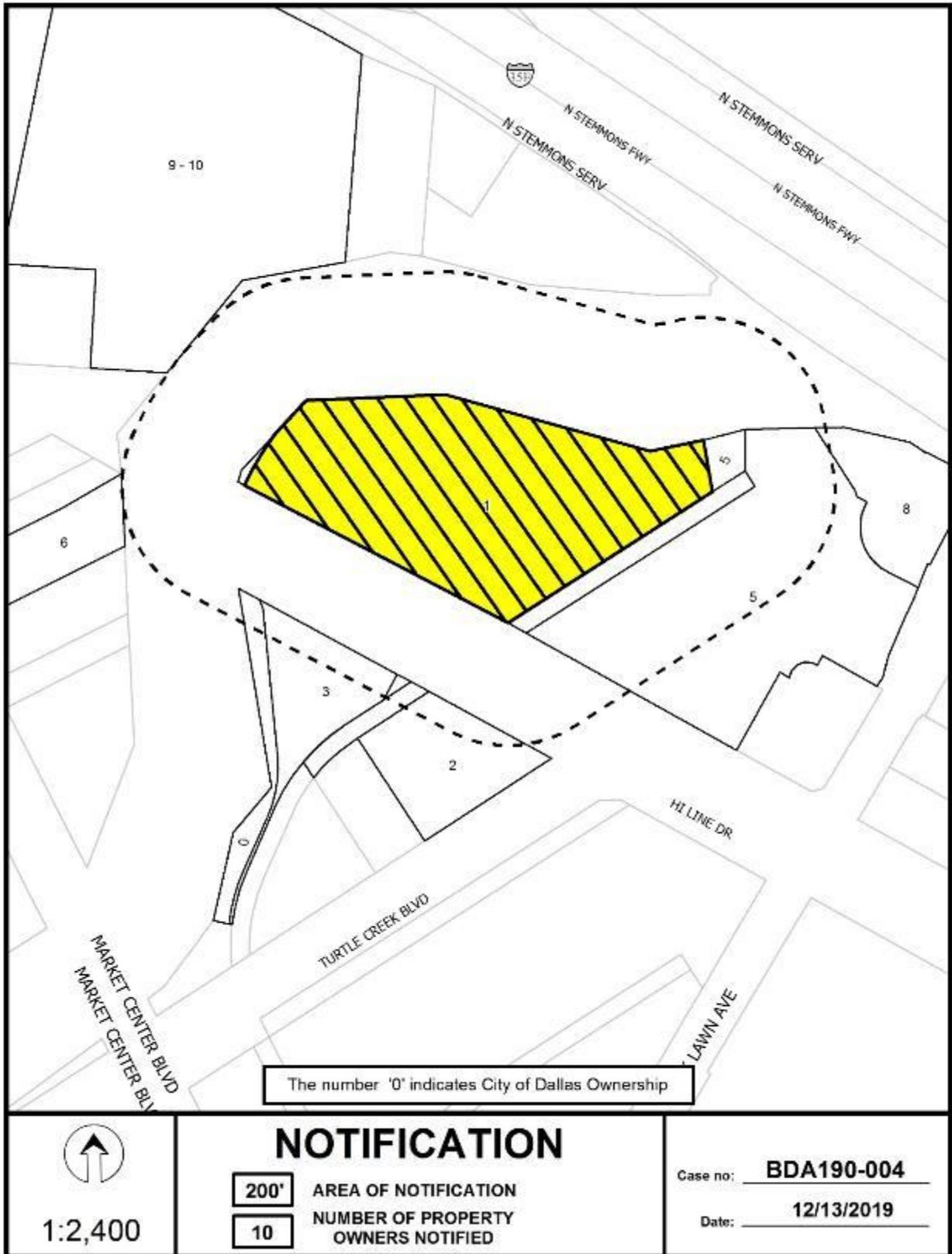
It is DeShazo's professional opinion that the requested special parking exception is not contrary to the public interest. The planned development will create neither a traffic hazard nor restrict the parking operations during typical peak hours.

END of MEMO



LEGEND
 VARIABLE WIDTH FIRELANE





12/12/2019

Notification List of Property Owners

BDA190-004

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1930 HI LINE DR	URBY DALLAS FEE OWNER LP
2	1909 HI LINE DR	DD DUNHILL HOTEL LLC
3	1935 HI LINE DR	FEIZY PROPERTIES LTD
4	1923 HI LINE DR	SOUTHWESTERN BELL
5	1922 HI LINE DR	1900 HI LINE DUNHILL LLC &
6	2006 MARKET CENTER BLVD	SHENDELMAN CHUNG
7	1900 HI LINE DR	DD DUNHILL LLC
8	1707 OAK LAWN AVE	RECO PROPERTIES LLC
9	2021 N STEMMONS FWY	MEDIEVAL CASTLE INC
10	2021 N STEMMONS FWY	MEDIEVAL CASTLE INC

FILE NUMBER: BDA190-007(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the fence height regulations at 8258 San Fernando Way. This property is more fully described as Lot 14, Block 9/5260, and is zoned PD No. 575 (Subarea 1), which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and/or maintain a nine-foot four-inch high fence in a required front yard, which will require a five-foot four-inch special exception to the fence regulations.

LOCATION: 8258 San Fernando Way

APPLICANT: Rob Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the fence standards regulations related to height of five feet four inches is made to remodel, construct and maintain a four-foot rail metal fence with seven-foot two-inch high stone fence columns with decorative lighting, four-foot six-inch high metal posts and a nine-foot four-inch arbor in the required front yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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

Zoning:

Site: PD No. 575 (Subdistrict I) (Planned Development)

North: PD No. 575 (Subdistrict I) (Planned Development)

South: PD No. 575 (Subdistrict C) (Planned Development)
East: PD No. 575 (Subdistrict E) (Planned Development)
West: PD No. 575 (Subdistrict I) (Planned Development)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of five feet four inches focuses on constructing and maintaining a four-foot high rail medal fence with six-foot five-inch stone fence columns with decorative lighting, four-foot six-inch high metal posts and a nine-foot four-inch high arbor in the required front yard on a site developed with a single family home.
- The property is located in PD No. 575 (Subdistrict I) zoning district which requires a minimum front yard setback of 80 feet.
- The subject site is located at the southwest corner of San Fernando Way and Breezewood Drive. This site has one front yard setback on San Fernando Way.
- Section 51A-4.602(a)(2) of 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 submitted a site plan/elevation of the proposal in the front yard setbacks with notations indicating that the proposal reaches a maximum height of nine feet four inches.
- The following additional information was gleaned from the submitted site plan/elevation:
 - The proposal is represented as being approximately 150 feet in length parallel to San Fernando Way and approximately 80 feet perpendicular to San Fernando Way on the northwest and the northeast sides of the site in this front yard setback.
 - The proposal is represented as being located approximately at the front property line or approximately 22 feet from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north,

south, east, and west of the subject site) and noted no other fences that appear to be above four feet in height located in a front yard setback.

- As of December 31, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of five feet four inches will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding four feet in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

Timeline:

November 4, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

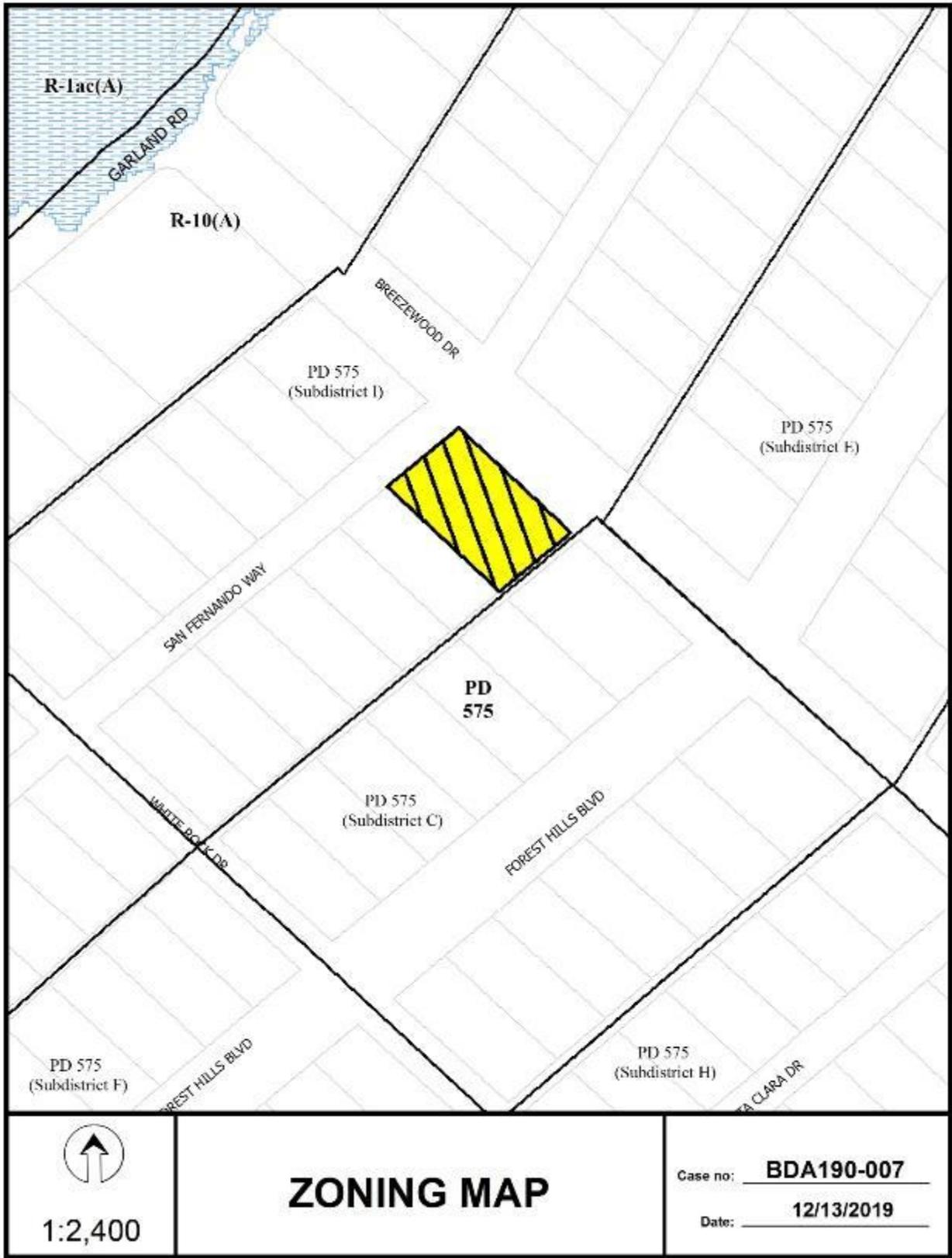
December 17, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 26th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the

Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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

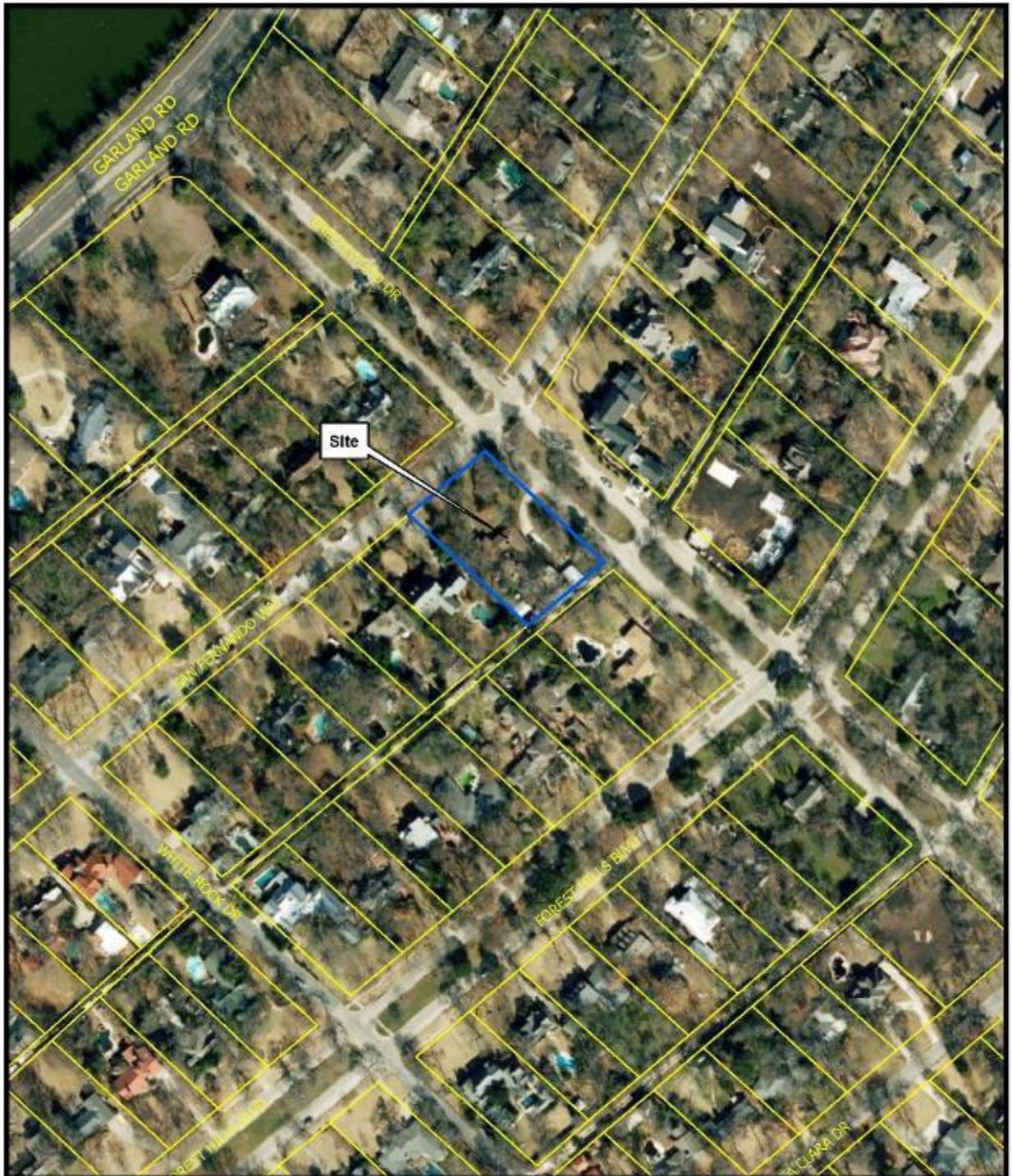


1:2,400

ZONING MAP

Case no: **BDA190-007**

Date: **12/13/2019**



1:2,400

AERIAL MAP

Case no: BDA190-007

Date: 12/13/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-007

Date: 11/4/19

Data Relative to Subject Property:

Location address: 8258 San Fernando Way Zoning District: PD 575 Sub. I

Lot No.: 14 Block No.: 9/5260 Acreage: 0.86 acres Census Tract: 81.00

Street Frontage (in Feet): 1) 150 ft 2) 250 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Marshall and Lee Ann Hunt

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 fence 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:
The property has an existing fence along both street frontages that is 4' tall. The requested arbor on the San Fernando frontage is proposed to be 9'4" tall. The proposed arbor will not have an adverse impact on neighboring properties, as some other homes also have similar decorative fencing.

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.

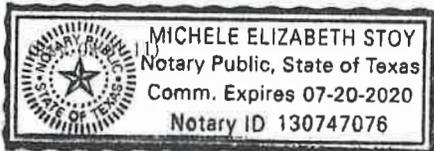
Affidavit

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

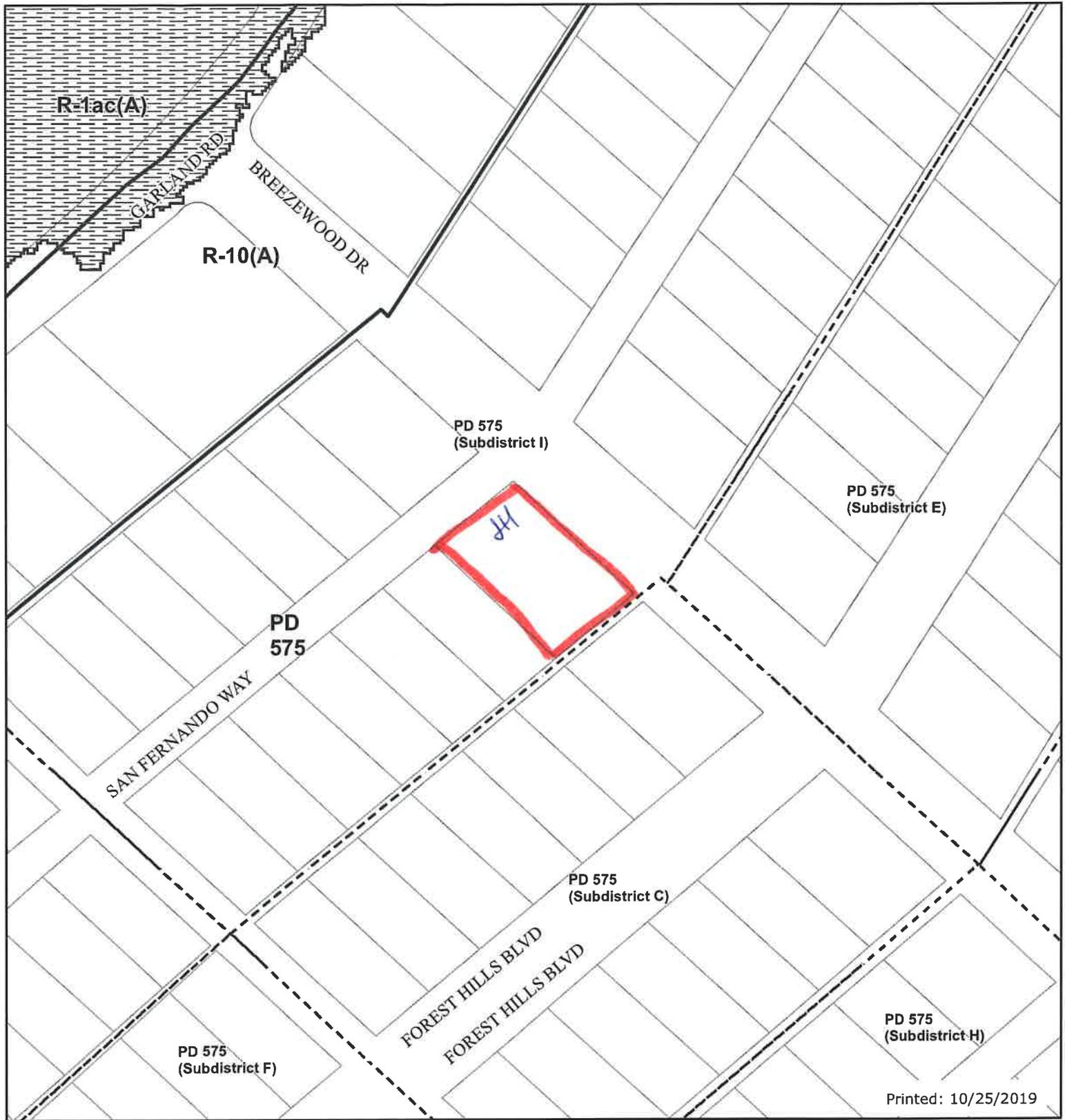
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 30 day of October, 2019



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



Printed: 10/25/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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

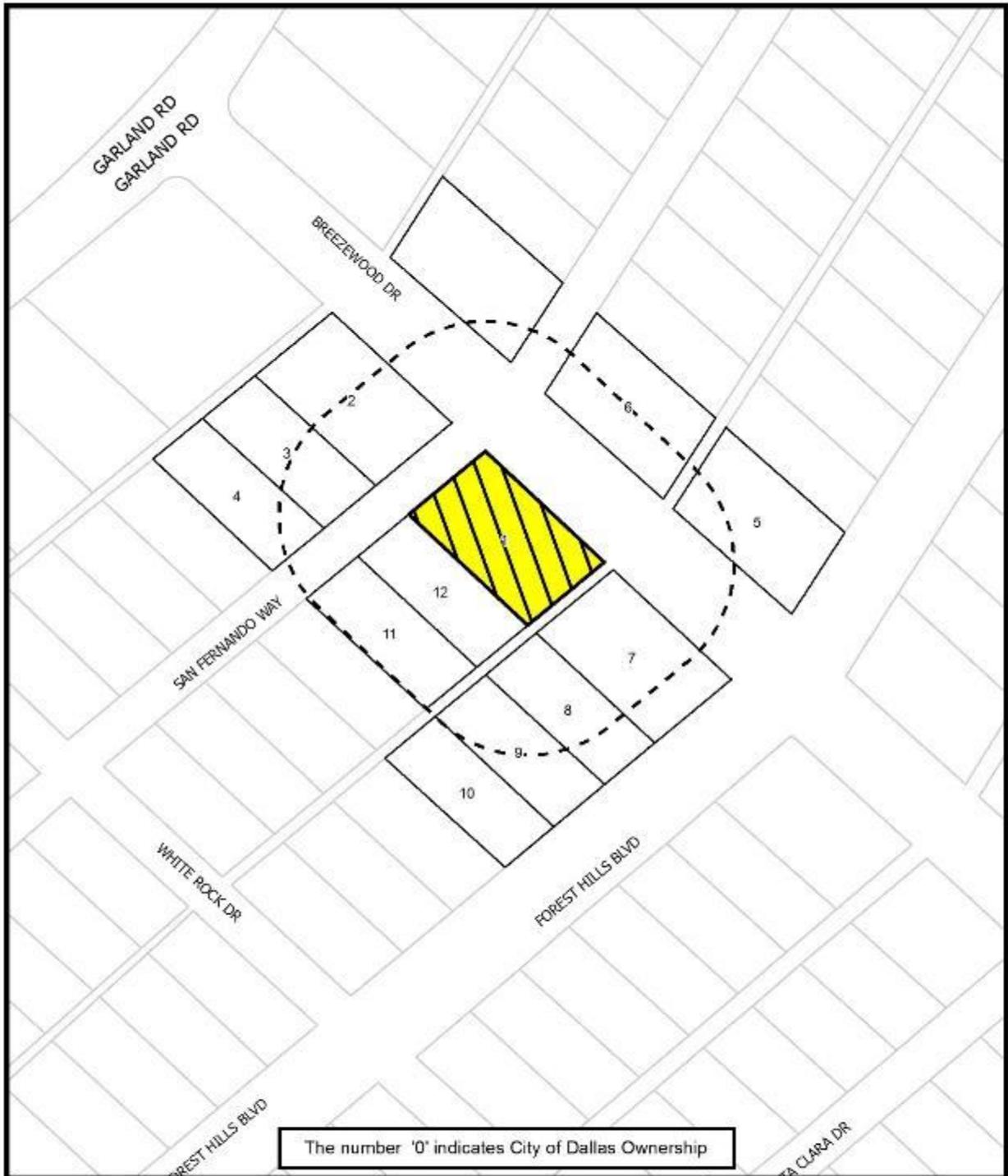


Forest

ALONG THE SHORES LAKE

20





The number '0' indicates City of Dallas Ownership

 1:2,400	<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;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA190-007 Date: 12/13/2019
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/12/2019

Notification List of Property Owners

BDA190-007

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8258 SAN FERNANDO WAY	HUNT MARSHALL & LEE ANN
2	8255 SAN FERNANDO WAY	BRUNING KAREN H & EDWIN J
3	8247 SAN FERNANDO WAY	BALENTINE RONALD G
4	8239 SAN FERNANDO WAY	REEVES RICHARD H &
5	8311 FOREST HILLS BLVD	WESTERBERG ROBERT J & LINDA R
6	8310 SAN FERNANDO WAY	FAULK ROBERT & MELINDA
7	8249 FOREST HILLS BLVD	SANFORD CHRISTA BROWN &
8	8247 FOREST HILLS BLVD	BEVERS JOSEPH III
9	8239 FOREST HILLS BLVD	ALLEGRO JERRY A & NANCY H
10	8231 FOREST HILLS BLVD	ZELLMER PETER D
11	8238 SAN FERNANDO WAY	BELZ JEFFREY DWAIN
12	8246 SAN FERNANDO WAY	KLEMBARA DENNIS L &

FILE NUMBER: BDA190-010(OA)

BUILDING OFFICIAL'S REPORT: Application of Jacqueline Jones for 1) a special exception to the single family regulations, and variances to the 2) side and 3) rear yard setback regulations at 5528 Kiwanis Road. This property is more fully described as Lot 6, Block 10/8711, and is zoned PD No. 226, which 1) limits the number of dwelling units to one, 2) requires a rear yard setback of 10 feet, and 3) requires a side yard setback of 10 feet. The applicant proposes to construct and/or maintain 1) an additional dwelling unit, which will require a special exception to the single family zoning use regulations; 2) provide a two-foot side yard setback, which will require an eight-foot variance to the side yard setback regulations; and 3) provide a seven-foot six-inch rear yard setback, which will require a two-foot six-inch variance to the rear yard setback regulations.

LOCATION: 5528 Kiwanis Road

APPLICANT: Jaqueline Jones

REQUESTS:

The following requests have been made on a site that is developed with a one-story main single family home/dwelling unit structure:

1. A request for a special exception to the single family use regulations is made to construct and maintain a non-rentable additional dwelling unit;
2. A request for a variance to the side yard setback regulations of eight feet is made to maintain an existing accessory structure which is located two feet from the west side property line or eight feet into this west 10-foot side yard setback.
3. A request for a variance to the rear yard setback regulations of two feet six inches is made to maintain an accessory structure seven feet six inches from the rear property line or up to two feet six inches into the required 10-foot rear yard setback.

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

Section 51-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board,

the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

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

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (single family regulations):

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

STAFF RECOMMENDATION (side yard and rear yard variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD No. 226 zoning district by its restrictive area due to being sloped and smaller in lot

size that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same PD No. 226 zoning district.

- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed accessory structure on the subject site is commensurate to 27 other lots having one or more garage or accessory structures in the same PD No. 226 zoning district. Attachment A also notes the average lot size of 27 lots in this district is 28,819 square feet while the subject lot is only 14,025 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 226 (Planned Development District)
North: PD No. 226 (Planned Development District)
South: PD No. 226 (Planned Development District)
East: PD No. 226 (Planned Development District)
West: A(A) (Agricultural District) & R1/2ac(A) (Single Family District ½ acre)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (single family regulations):

- This request for a special exception to the single family use regulations focuses on maintaining an additional dwelling unit on a site developed with a one-story single family home.
- The site is zoned PD No. 226 where the Dallas Development Code permits one dwelling unit per lot.
- PD No. 226 states that only uses allowed on the property are single family and related accessory uses. The placement of mobile homes on the property is prohibited.
- 51-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas

Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties .

- The submitted site plan denotes the locations of two building footprints, the larger of the two is an existing single family structure and the smaller of the two is denoted as “garage/residence above existing garage”.
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the “line of new second floor above existing garage” structure, specifically its collection of rooms/features shown on the floor plan.
- According to DCAD records, the “main improvement” for property addressed at 5528 Kiwanis Road is a structure built in 1986 with 1,761 square feet of total/living area with the following “additional improvements”: 420-square-foot brick veneer enclosed garage.
- According to the submitted site plan, the main structure contains 2,181 square feet and the accessory structure contains 774 square feet.
- If the board were to approve this request, the board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- If the Board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “garage/residence” as an additional dwelling unit.

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- This request focuses on maintaining an existing accessory structure two feet from the west side property line or eight feet into this west 10-foot side yard setback as shown on the submitted site plan.
- Structures on lots zoned PD No. 226 are required to provide a minimum side yard setback of 10 feet.
- It appears from the submitted site plan that approximately 40 percent of the accessory structure is located 10 inches in the site’s west 10-foot side yard setback.
- The subject site is sloped, smaller than the average lot within the PD No. 226, and according to DCAD is 14,837 square feet in area. The site is zoned PD No. 226 where lots are typically 28,819 square feet in area, according to Attachment A.

- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed accessory structure on the subject site is commensurate to 27 other lots having one or more garage or accessory structures in the same PD No. 226 zoning district. Attachment A also notes the average lot size of 27 lots in this district is 28,819 square feet while the subject lot is only 14,025 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 226 zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 226 zoning classification.
- If the board were to grant this side yard setback variance request and impose the submitted site plan as a condition, the structures in the side yard setbacks would be limited to what is shown on this document.

GENERAL FACTS/STAFF ANALYSIS (rear yard variance):

- This request focuses on maintaining an accessory structure seven feet six inches from the rear property line or up to two feet six inches into the required 10-foot rear yard setback.
- Structures on lots zoned PD No. 226 are required to provide a minimum side yard setback of 10 feet.
- A site plan has been submitted denoting an existing accessory structure seven feet six inches from the rear property line.
- It appears from the submitted site plan that approximately three percent of the accessory structure is located two feet six inches in the site's 10-foot rear yard setback.
- The subject site is sloped, smaller than the average lot within the PD No. 226, and, according to DCAD, is 14,837 square feet in area. The site is zoned PD No. 226 where lots are typically 18,169 square feet in area.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed accessory structure on the subject site is commensurate to 27 other

lots having one or more garage or accessory structures in the same PD No. 226 zoning district. Attachment A also notes the average lot size of 27 lots in this district is 28,819 square feet while the subject lot is only 14,025 square feet.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the rear yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 226 zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 226 zoning classification.
- If the board were to grant this rear yard setback variance request and impose the submitted site plan as a condition, the structures in the rear yard setbacks would be limited to what is shown on this document.

Timeline:

November 11, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

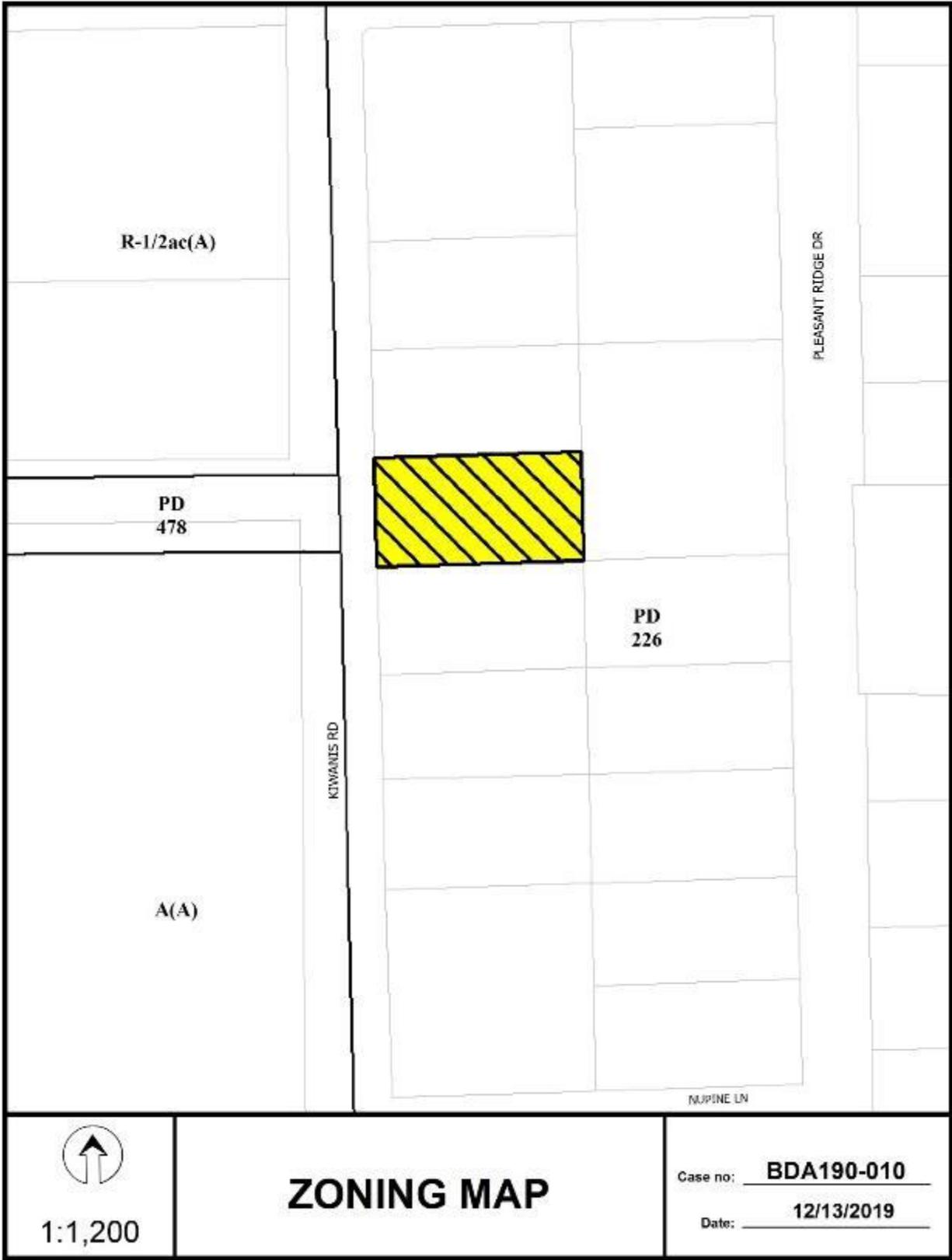
December 18, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 26th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and

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

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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



1:1,200

ZONING MAP

Case no: BDA190-010

Date: 12/13/2019



1:1,200

AERIAL MAP

Case no: BDA190-010

Date: 12/13/2019

5528 KIWANIS RD

- 1) Zoning is PD 226 – limits the number of dwelling units to one and requires a rear yard setback of 10 feet and requires a side yard setback of 10 feet. However, it does allow for the exception for a caretaker dwelling unit. The purpose of the secondary dwelling is to allow my parents, one of whom is disabled and scooter dependent for mobility, to move into my home where they would reside in the primary structure. The secondary dwelling would be used as a caretaker’s quarters.
- 2) Average lot size in this division is 28819, my lot size is 14, 025 sq feet with a 30’ set back in the front. The majority of homes in this division and all those on Kiwanis have a garage while mine does not. There was not sufficient room to build in front or on the side, therefore decision was made to place at the rear of the property.
- 3) The ground where the home is located is not level and slopes downward, making it more difficult to build toward the front of the property therefore placing the dwelling unit toward the rear of the property was the best option.

ADDRESS	STREET	LOT SIZE (SQ FT)	STRUCTURE SIZE	
5306	KIWANIS	18442	2 attached garages	
5231	KIWANIS	36808	attached garage (addition)	
5235	KIWANIS	36808	1 attached garage	
5240	KIWANIS	22252	1 attached garage	
5313	KIWANIS	36808	1 attached garage	
5314	KIWANIS	14100	1 attached garage, storage bldg	
5317	KIWANIS	36808	2 attached garages	
5321	KIWANIS	36808	1 attached garage, storage bldg	2 detached garages
5322	KIWANIS	27878	1 attached garage	
5328	KIWANIS	27453	Detached garage, detached carport	
5410	KIWANIS	13956	1 attached garage	
5416	KIWANIS	13837	1 attached garage	
5420	KIWANIS	13759	1 attached garage	
5421	KIWANIS	36808	1 attached garage	
5425	KIWANIS	42340	1 attached garage	
5428	KIWANIS	31525	1 attached garage, storage bldg	

5504	KIWANIS	29390	1 attached garage	
5509	KIWANIS	81979	1 attached garage	
5516	KIWANIS	14475	1 attached garage	
5519	KIWANIS	62726	1 attached garage, Outbuilding	
5534	KIWANIS	14687	1 attached garage	
5538	KIWANIS	14465	1 attached garage, storage bldg	
5550	KIWANIS	28050	1 attached garage, storage bldg	
5602	KIWANIS	14736	1 attached garage	
5610	KIWANIS	14305	1 attached garage	
5706	KIWANIS	28883	1 attached garage	
5710	KIWANIS	28052	1 attached garage	
		28819.92593		

Shadow and Pleasant Ridge PD 226

pg 3/6

DCAD ID: 00871100100060000

BDA190-010
ATTACHMENT

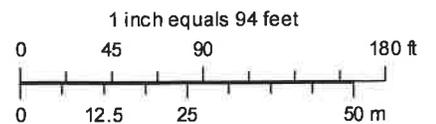
Date of copy: 12/26/2019



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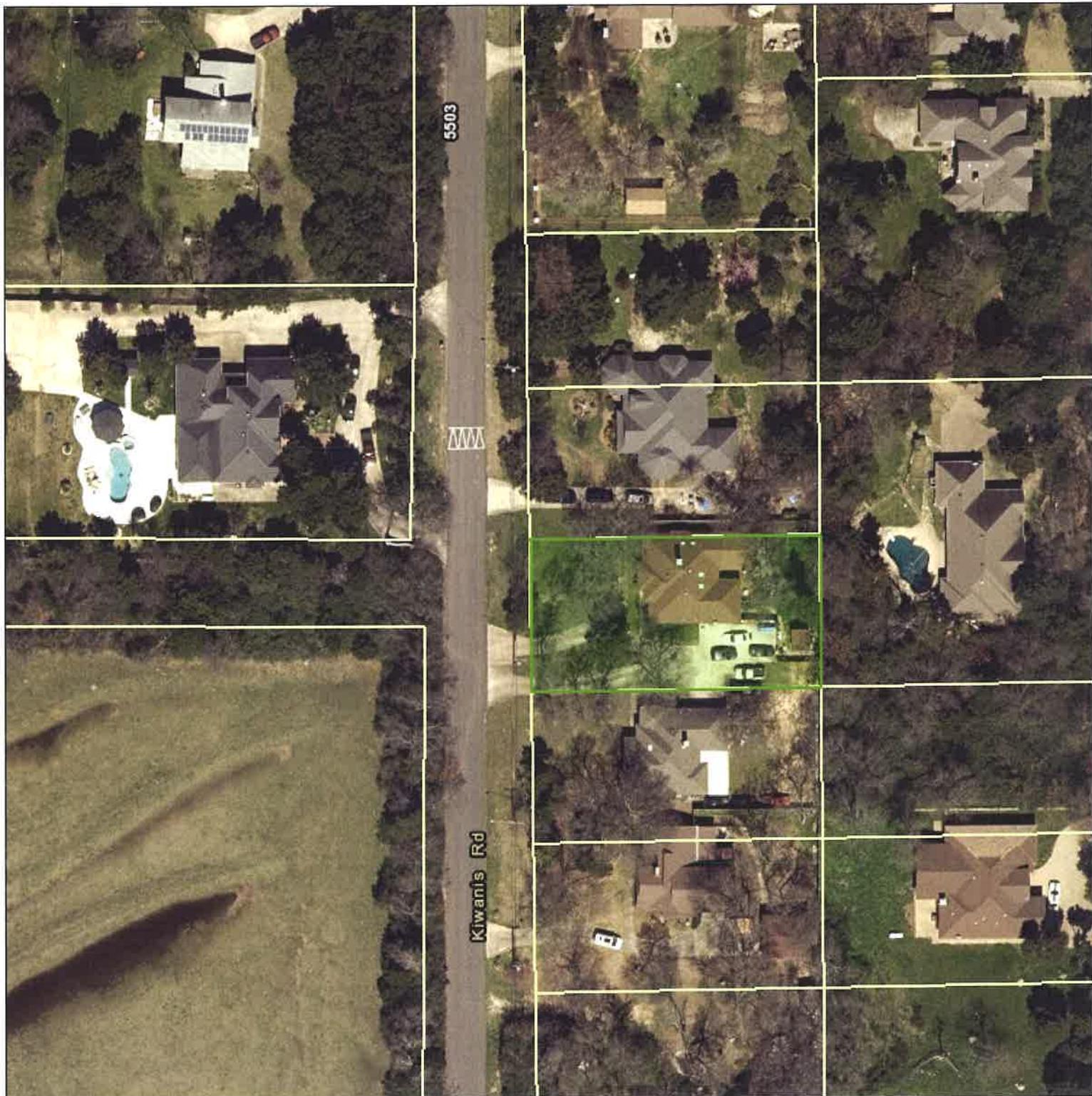
Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1342
www.dallasdcad.org



Kiwanis Rd PD 226

BDA 190-010
ATTACHMENT A
PS $\frac{4}{6}$
Date of copy: 12/26/2019

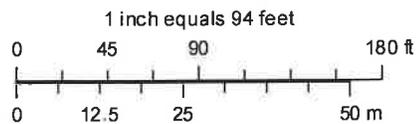
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Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
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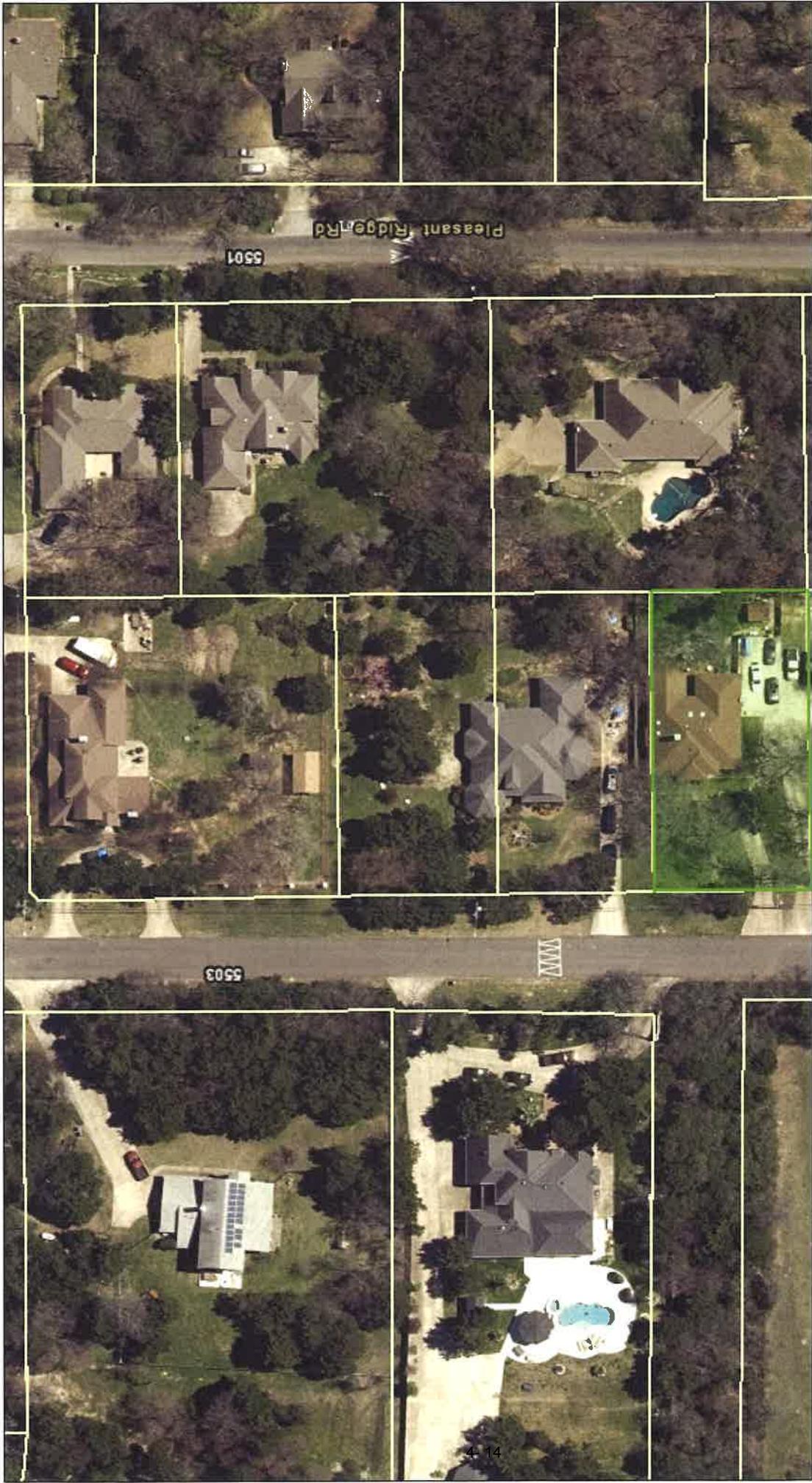
BDA 190-010
ATTACHMENT A

Pg 5
6

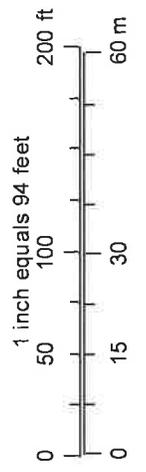
Date of copy: 12/26/2019

Kiwanis Rd

DCAD ID: 00871100100060000



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Kiwanis Rd PD 226

BDA190-010
ATTACHMENT A
PS 6/6
Date of copy: 12/26/2019

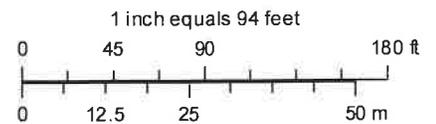
DCAD ID: 00871100100060000



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Dallas Central Appraisal District
2949 N Stemmons Freeway
Dallas, TX 75247-6195
(214) 631-1342
www.dallasdcad.org



RECEIVED
NOV 12 2019
BY: _____



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-010

Data Relative to Subject Property:

Dallas

Date: 11-12-19

Location address: 5528 Kiwanis Rd TX 75236 Zoning District: 7D226

Lot No.: 6 Block No.: 10/8711 Acreage: 0.34 Census Tract: 1165.21

Street Frontage (in Feet): 1) 90.88 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jacqueline Jones

Applicant: Jacqueline Jones Telephone: 214-457-4448

Mailing Address: 5528 Kiwanis Rd Dallas, TX Zip Code: 75236

E-mail Address: jaxym@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 2nd structure located @ 5526 Kiwanis Rd Dallas, TX 75236

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:

additional structure, garage with an above living area to be used as caretaker living quarters. Main structure to be inhabited by elderly parents, one of whom is scooter dependent

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 Jacqueline Jones
(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: Jacqueline Jones
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 8th day of October, 2019

DAVID LEE RAMIREZ
Notary ID #126598020
My Commission Expires June 8, 2022
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 Jacqueline Jones

did submit a request for a special exception to the single family regulations, and for a variance to the side yard setback regulations, and for a variance to the rear yard setback regulations

at 5528 Kiwanis Road

BDA190-010. Application of Jacqueline Jones for a special exception to the single family regulations, and for a variance to the side yard setback regulations, and for a variance to the rear yard setback regulations at 5528 KIWANIS RD. This property is more fully described as Lot 6, Block 10/8711, and is zoned PD-226, which limits the number of dwelling units to one and requires a rear yard setback of 10 feet, and requires a side yard setback of 10 feet. The applicant proposes to construct and maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations, and to construct and maintain an additional dwelling unit and provide a 2 foot side yard setback which will require a 8 foot variance to the side yard setback regulations, and to construct and maintain an additional dwelling unit and provide a 7 foot 6 inch rear yard setback, which will require a 2 foot 6 inch variance to the rear yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 11/12/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 4-18 Front Overlay |
| | | Height Map Overlay | |

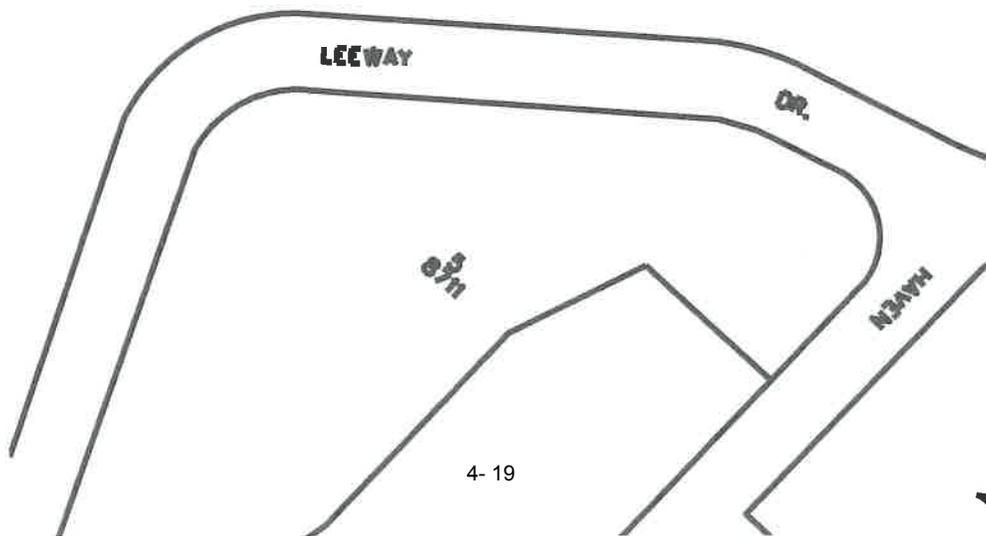
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



872



②



LEGAL DESCRIPTION

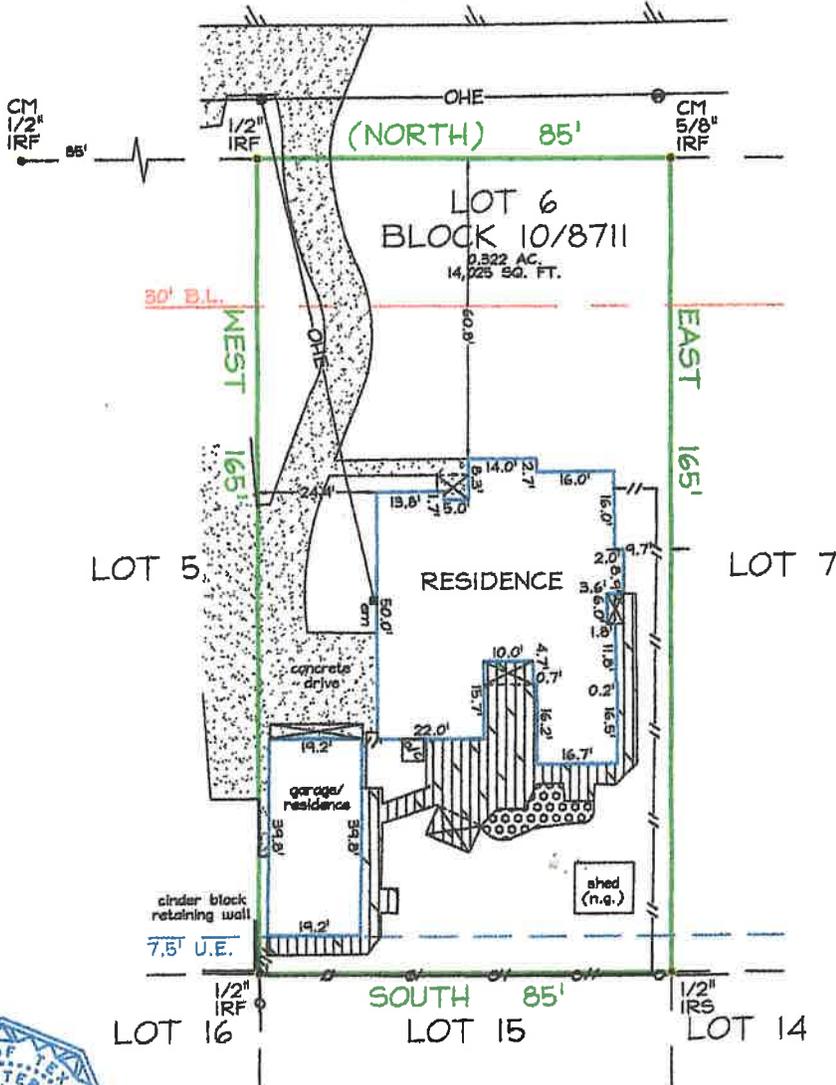
Texas Registered Engineering Firm # F-5531 and Surveying Firm # 10091800

Lot 6, Block 10/8711, Red Bird Addition #7, an Addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 20/201, Page 251-A, of the Plat Records of Dallas County, Texas.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 4819C0470 K, dated July 7, 2014, this property does not lie within a 100-Year Flood Hazard Area.

Scale: 1" = 30'
 Tech: CF
 Field: JG
 Job No: 19101N438
ADDITIONAL BUILDING LINES/EASEMENTS PER CITY ZONING ORDINANCES & SUBDIVISION RESTRICTIONS/COVENANTS MAY AFFECT SUBJECT PROPERTY
 BUILDING LINES/EASEMENTS PER PLAT UNLESS OTHERWISE NOTED

KIWANIS ROAD
 (BLUE CUT ROAD PER PLAT)
 (50' R.O.W.)



Address: 5526 KIWANIS ROAD

Date: 10/29/2019

I hereby certify that this plat is true and correct to the best of my knowledge and belief as surveyed by me or under my direct supervision. This survey was done without a title search and shows only easements on the recorded subdivision plat and does not include other easements of record which may affect this property.

DATE:
 ACCEPTED BY:

Purchaser

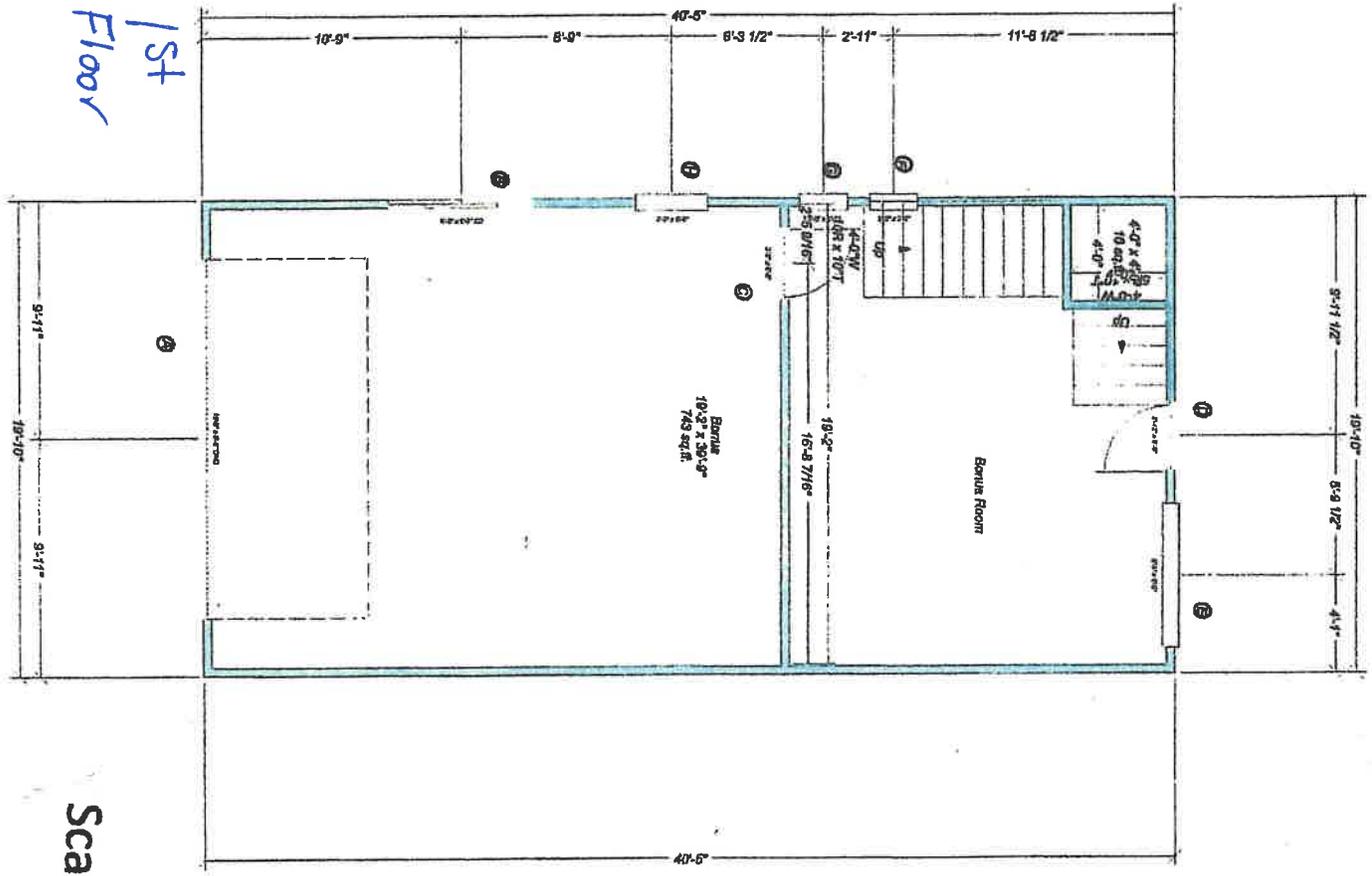
Purchaser

FULLER ENGINEERING & LAND SURVEYING, INC.

LEGEND

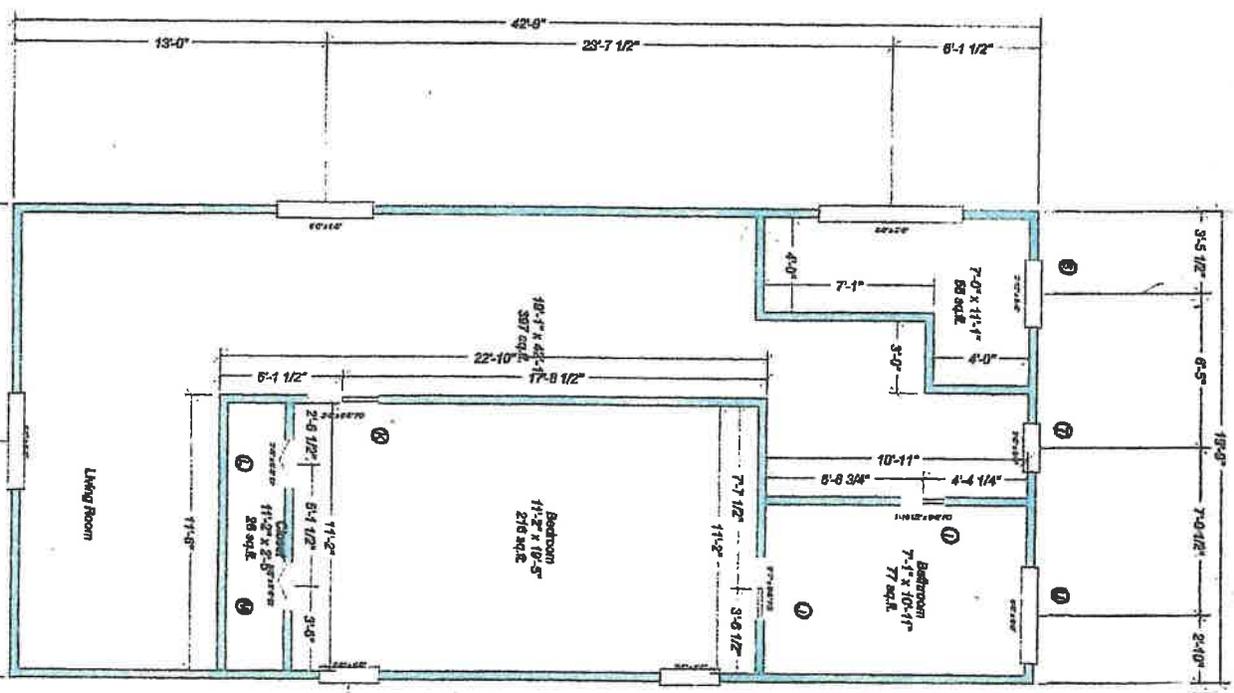
- | | | | |
|--------------------------------------|------------------------------|---------------------------------------|------------------------|
| B.L. = Building Line | I.P.F. = Iron Pipe Found | ⊗ = Water Meter | —//— = Wood Fence |
| C.M. = Control Monument | I.R.F. = Iron Rod Found | P.O.S.E. = Public Open Space Easement | —○— = Chain Link Fence |
| D.E. = Drainage Easement | I.R.S. = Capped Iron Rod Set | R.O.W. = Right of Way | —□— = Iron Fence |
| D.U.E. = Drainage & Utility Easement | O.H.E. = Overhead Electric | ⊙ = Power Pole | —x— = Wire Fence |
| M.E. = Maintenance Easement () | Record Data | U.E. = Utility Easement | —em— = Electric Meter |
| ET = Electric Transformer () | Beating Base | ⊠ = Gas Meter | |

1st Floor

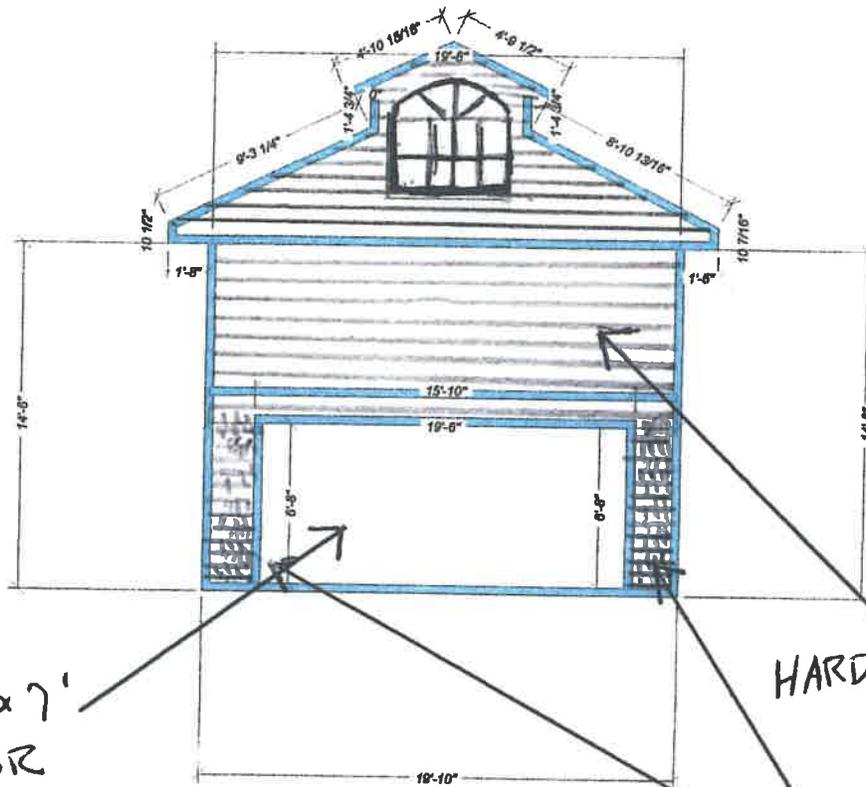


Scale 1/8

2nd Floor



<p>LOVIOLETTE ENTERPRISES 7130 WATER SUPPLY RD. TEMPLE, TEXAS 76502 512-744-3746 elliothna@yahoo.com</p>	<p>5528 KIWANIS ROAD DALLAS, TEXAS 75236</p>	<p>BUILDING PLAN DATE DRAWN BY 09/11/19 EL</p>	<p>4-2</p>
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15'x7'
DOOR

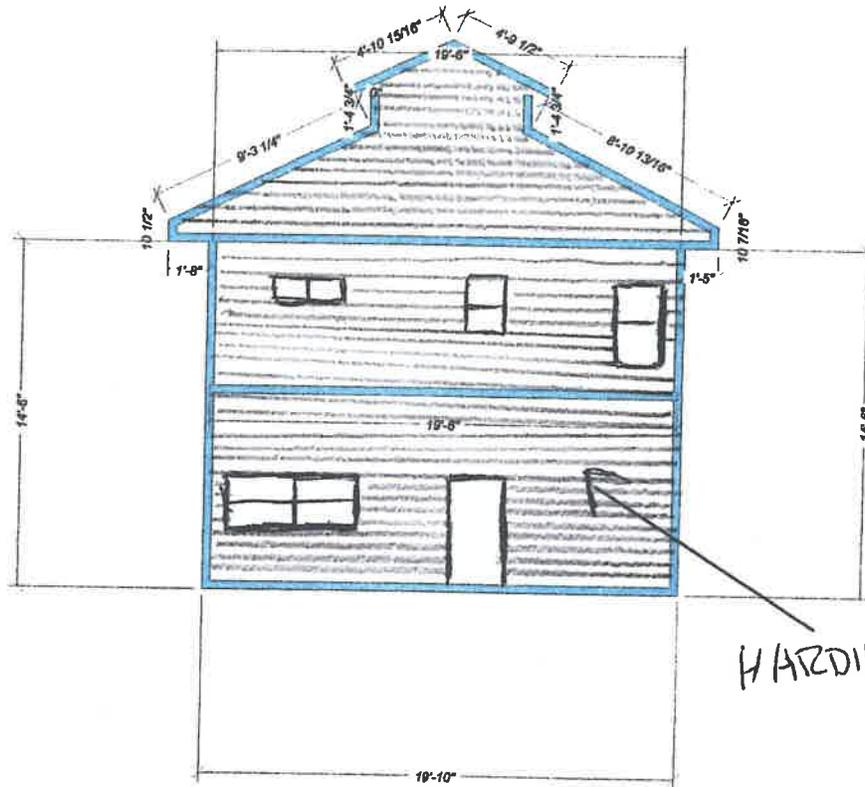
HARDIE PLANK

BRICK FACADE

WEST ELEVATION

SCALE - 1/8

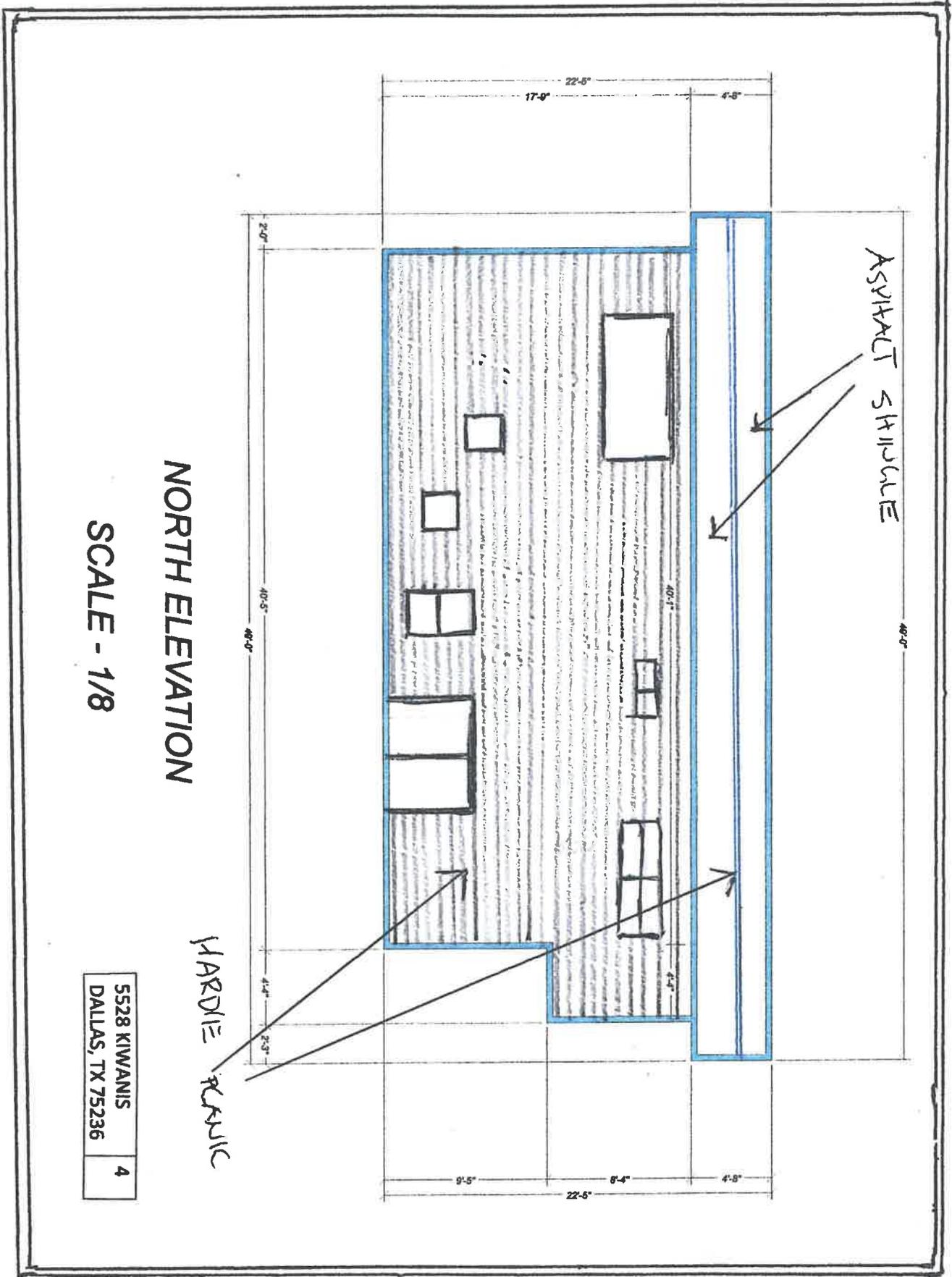
5528 KIWANIS DALLAS, TX 75236	1
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EAST ELEVATION

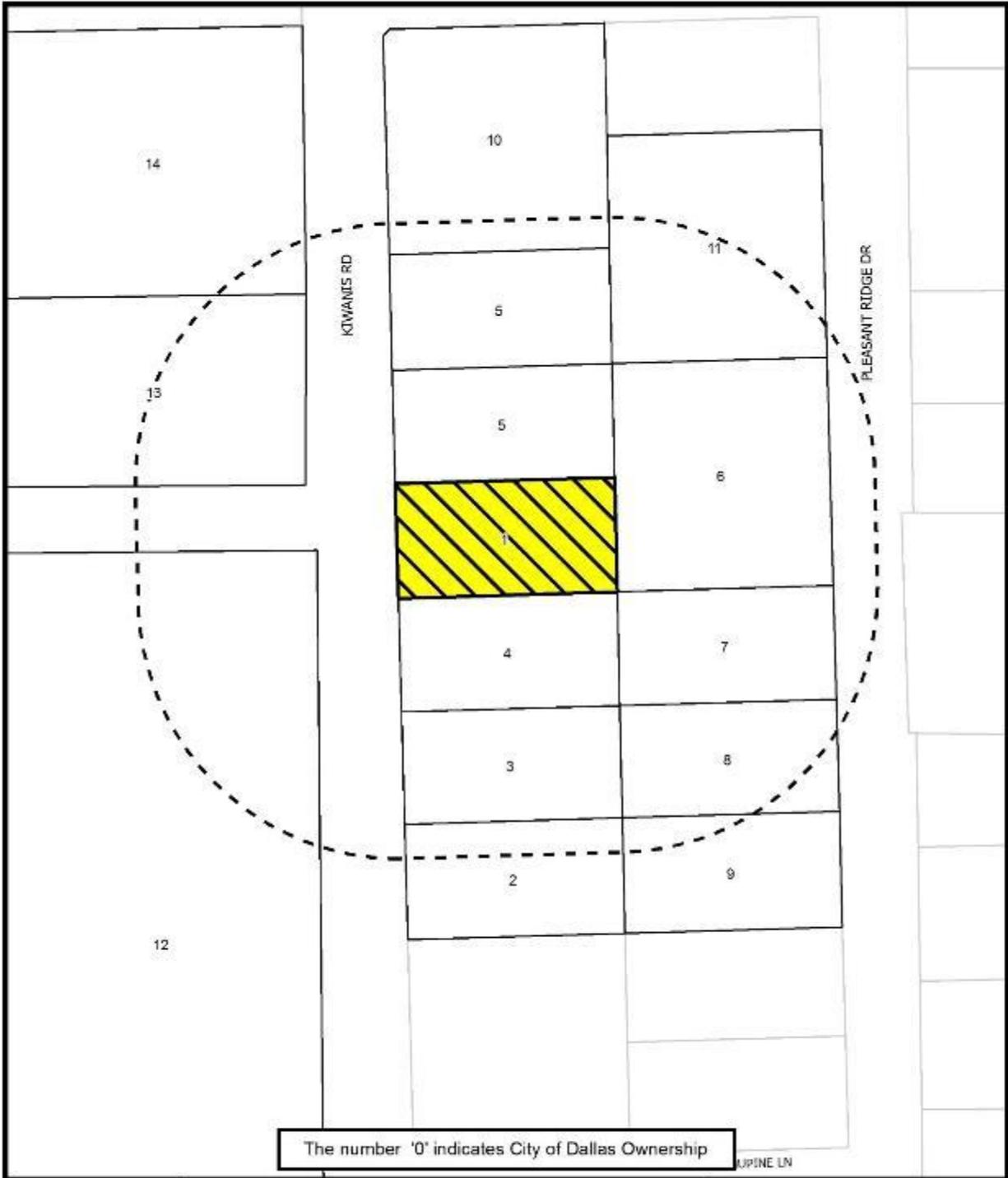
SCALE - 1/8

5528 KIWANIS DALLAS, TX 75236	3
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NORTH ELEVATION

SCALE - 1/8



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-010</u> Date: <u>12/13/2019</u>
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/12/2019

Notification List of Property Owners

BDA190-010

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5528 KIWANIS RD	JONES JACQUELINE Y
2	5544 KIWANIS RD	WILLIAMS CRAIG &
3	5538 KIWANIS RD	WILLIAMS CRAIG & SANDRA
4	5534 KIWANIS RD	MARTINEZ JOSE ISABEL & SANDRA
5	5516 KIWANIS RD	MILES IDELL & BEVERLY
6	5523 PLEASANT RIDGE DR	MAUND MICHAEL EDWARD &
7	5527 PLEASANT RIDGE DR	YANEZ FRANCISCO R
8	5539 PLEASANT RIDGE DR	HERNANDEZ CLAUDIA F MARTINEZ
9	5543 PLEASANT RIDGE DR	HERNANDEZ CLAUDIA F MARTINEZ
10	5504 KIWANIS RD	LUCIO JULIAN JR &
11	5511 PLEASANT RIDGE DR	BOMGARDNER TIMOTHY A &
12	5601 KIWANIS RD	BRACKEN FRANK SHERIDAN
13	5519 KIWANIS RD	HUERTA ANGELICA & AUGUSTO
14	5509 KIWANIS RD	NIBLO WILLIAM HALTON &

FILE NUMBER: BDA190-011(SM)

BUILDING OFFICIAL'S REPORT: Application of Will Strickler for a special exception to the fence height regulations at 7302 Fisher Road. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and/or maintain a six-foot high fence in a required front yard, which will require a two-foot special exception to the fence regulations.

LOCATION: 7302 Fisher Road

APPLICANT: Will Strickler

REQUESTS:

A request for a special exception to the fence height regulations of two feet is made to construct a fence with a maximum height of six feet in the required 40-foot front yards on Fisher Road and Dalgreen Road on a site being developed with a single-family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)

Northeast: R-1ac(A) (Single Family District)

Southeast: R-1ac(A) (Single Family District)
Southwest: R-16(A) (Single Family District)
Northwest: R-1ac(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

There have been no recent related board or zoning cases recorded in the vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the fence height standards is to construct a fence with a maximum height of six feet within both the required 40-foot front yards on Fisher Road and Dalgreen Road on a site being developed with a single-family home. The proposed fence consists of five-foot tall tubular steel picket fence panels with six-foot tall masonry columns, two five-foot tall tubular steel picket vehicular gates, and one five-foot tall tubular steel picket pedestrian gate as shown on the submitted site plan and fence elevation. The majority of the fence is proposed to be located approximately at the front property lines or approximately 10 feet from the Dalgreen Road pavement line and approximately 25 feet from the Fisher Road pavement line.

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned R-1ac(A) which requires a 40-foot front yard setback.

Staff conducted a field visit of the site and surrounding area and noted several other fences along Fisher Road and Dalgreen Road are located in front yard setback and appeared to be above four feet in height.

As of December 31, 2019, no letters had been submitted in opposition to the requests for special exceptions to the fence standards regulations. The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height regulation of two feet will not adversely affect neighboring property.

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

Timeline:

November 13, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 5, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.

December 9, 2019: The Interim Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the December 27th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

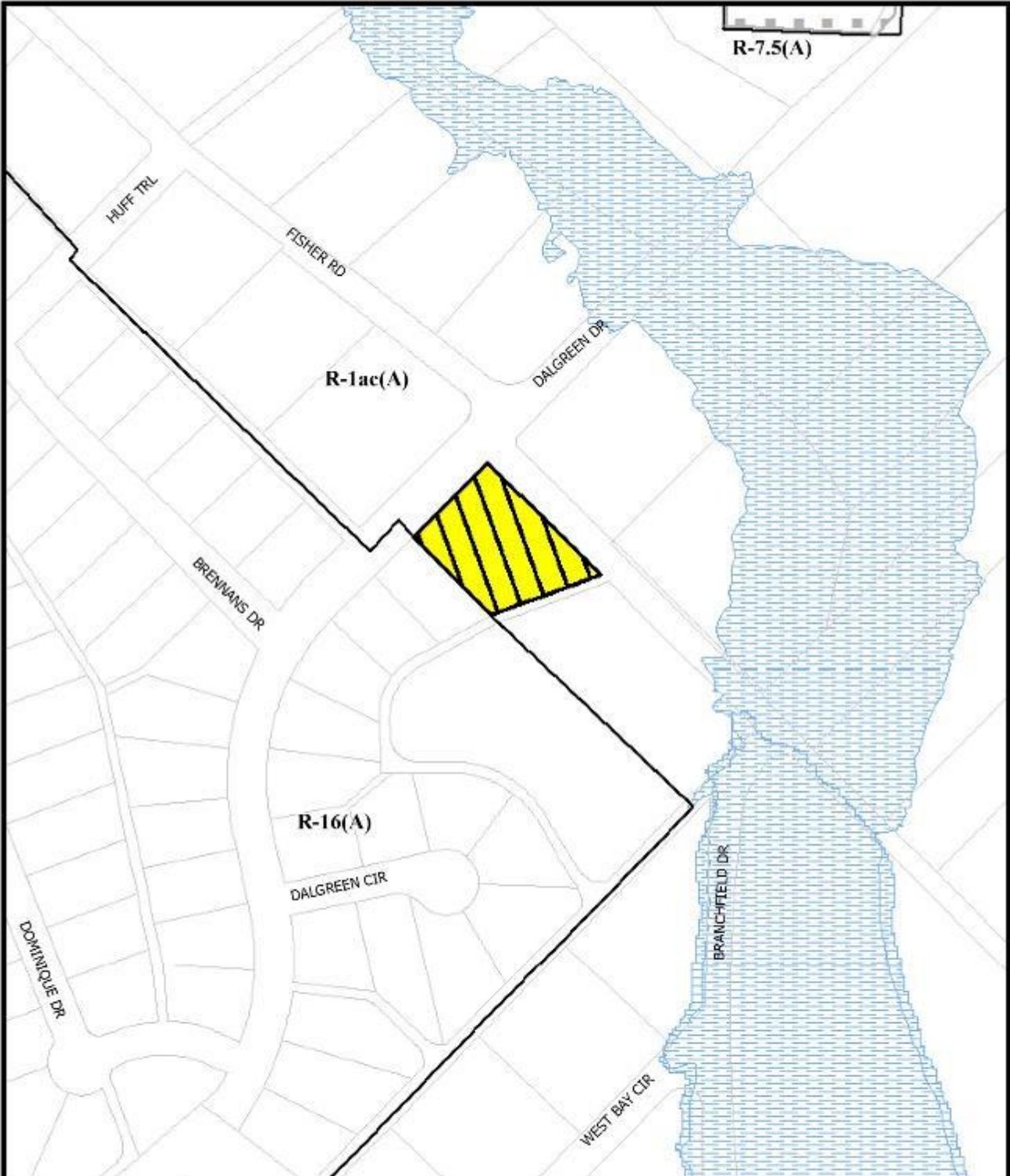
- a copy of the application materials including the Building Official’s report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

December 26, 2019: The applicant submitted a letter to the board with eight letters of support he received from neighbors (see Attachment A).

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction

Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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

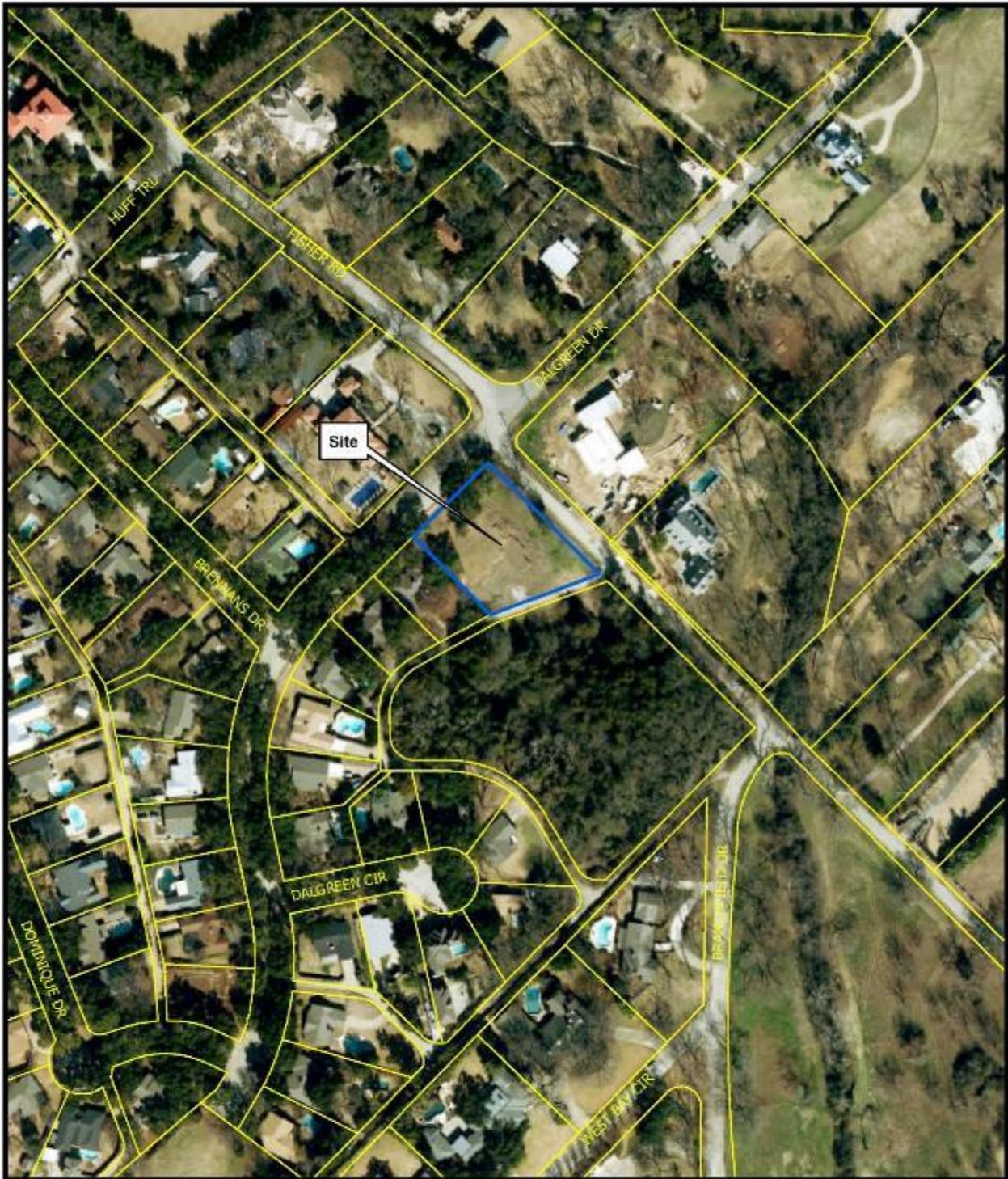


1:2,400

ZONING MAP

Case no: BDA190-011

Date: 12/13/2019



1:2,400

AERIAL MAP

Case no: BDA190-011

Date: 12/13/2019

BDA: 190-011

Applicant: Will Strickler

Property Address: 7302 Fisher Road

This 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:

Given our lot's layout and sewer easement restrictions, we had to position our house towards the back of the lot, creating a large front yard along Fisher Road. One of the things that influenced our decision to buy the lot was its size and the ability to have a large yard for our family. Therefore our front yard will be utilized much more than other front yards. We would like to install a fence sufficient in height to create a safe environment for our two young children (ages 2 and 6 months). In addition, because we are situated along Fisher Road, our fence design will conform with surrounding properties' fence designs in terms of both height and style. As shown in Exhibit C, there are numerous properties surrounding our home with front yard fences of similar height (5'+ in height) and styles to the fence proposed in our plan.

We have also been in contact with our neighbors to obtain their support of our proposed plans. Enclosed as Exhibit A is correspondence we provided our neighbors, along with copies of our plans, and enclosed as Exhibit B are signed acknowledgements provided by our neighbors confirming their support for our application for special exemption relative to this appeal.

EXHIBIT A

December 4, 2019

Dear Neighbor:

We are building our new home at 7302 Fisher Rd. (SW corner of Fisher Rd. and Dalgren Dr.). We are writing this letter in hopes of obtaining your support in connection with our pending appeal seeking an exemption/variance to install a 6 foot tall fence around our property's perimeter (absent an exemption, the perimeter fence height cannot exceed 4 feet).

Given our lot's layout and sewer easement restrictions, we had to position our house towards the back of the lot, which creates a large front yard along Fisher Rd. One of the things that influenced our decision to buy our lot was its size and the ability to have a large yard for our family.

To create a safe environment for our two kids (currently 6 months old and 2 years old, respectively) to play, we plan to install an iron picket fence along our property's perimeter with brick columns every 15-30 feet. The fence follows all current city code requirements for location, setbacks and material design, and our exemption/variance request relates solely to the fence height – city code requires fences (as well as any columns) located in a front yard setback to be no taller than 4 feet, while we are seeking a 2 foot special exemption to increase the maximum height of our fence (and columns) to no more than 6 feet tall.

If approved, we plan to install a 5' tall iron picket fence along our property's perimeter with 6' tall brick columns every 15-30 feet. We have enclosed our site plan and proposed fence/gate elevation drawings for your reference. The official appeal language is set forth below:

BDA 190-011 -- Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

Our appeal is set for hearing on January 21, 2020.

If you do not have any objections to our plan and appeal, please sign and return the enclosed acknowledgement – a pre-stamped and addressed envelope is enclosed for your convenience (you can also send a scanned copy via e-mail to [REDACTED] and [REDACTED]). Alternatively, if you have any questions or concerns, please do not hesitate to reach out to us – our contact information is below.

Thank you in advance for your consideration; we look forward to joining the neighborhood!

Will Strickler

[REDACTED]
[REDACTED] (mobile)

Jamie Lauren Strickler

[REDACTED]
[REDACTED] (mobile)

Current home/mailling address: [REDACTED]

EXHIBIT B

**ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST**

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, Lauren Carroll, live at 3966 Balgreen Dr., Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s): Lauren Carroll Date: 12/7/19

_____ Date: _____

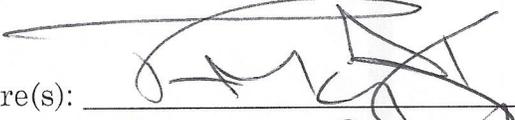
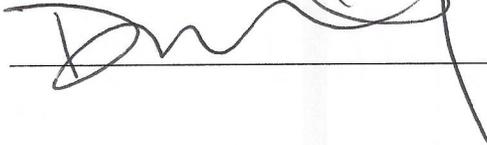
ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, Travis McRoberts/Danise McRoberts, live at 3962 Dalgreen Dr., Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s):  Date: 12/8/19
 Date: 12/8/19

ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, MICHAEL M. SMITH, live at
7329 BRENNAN DR., Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s): *Michael M. Smith* Date: 12/15/19

_____ Date: _____

ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, BRENDA COACH, live at 7325 BRENNANS DR., Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s): Brenda Coach Date: 12/15/2019

_____ Date: _____

ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, Rene Larrave and Pamela Larrave, live at 7305 Fisher Rd., Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s):  Date: 12/11/2019
 Date: 12/11/2019.

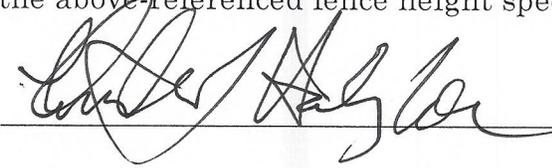
ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, Kimberly & Mark Coleman, live at _____, Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s):  Date: 12/9/19

Date: _____

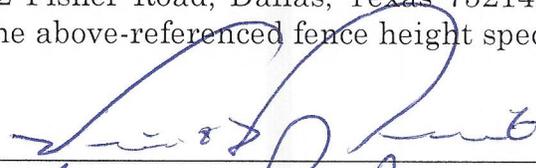
ACKNOWLEDGMENT IN SUPPORT OF SPECIAL EXEMPTION/VARIANCE
REQUEST

Re: Appeal No. BDA 190-011

Application of Will Strickler for a special exemption to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exemption to the fence regulations.

I, Vincent & Michelle POSCENTE, live at 7227 FISHER ROAD, Dallas, Texas 75214.

This acknowledgement is to affirm my support for the above-referenced fence height special exemption request filed by Will and Jamie Strickler relative to the property located at 7302 Fisher Road, Dallas, Texas 75214. I do not have any objection or opposition to the above-referenced fence height special exemption request.

Signature(s):  Date: 12.12.19

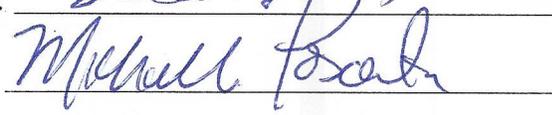
 Date: 12-12-19

EXHIBIT C

Neighbor Fence Heights and Pictures

7242 Fisher Road



Details: Iron picket fence/stone columns – 6' tall fence, 7' tall columns and gate.



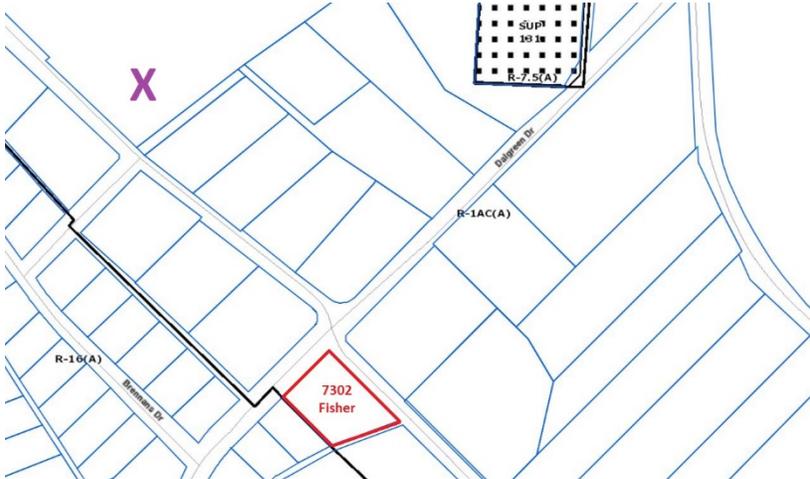
7232 Fisher Road



Details: Iron/aluminum picket fence/stucco columns – 6’ tall fence, 6’ tall columns, 7’ tall gate.



7161 Fisher Road



Details: Solid stone wall/iron picket gate – 7-8’ tall wall, 8’ tall gate.



7207 Fisher Road



Details: Iron/aluminum picket fence/stone columns – 5’ tall fence, 6’ tall columns and gate.



4021 Dalgren Drive



Details: Iron picket fence/wood solid fence/stone columns – 6'-8' tall wood fence, 6' tall iron fence, 7' tall columns and gate.



4030 Dalgren Drive



Details: Iron/aluminum picket fence/stone columns – 6’ tall fence, 7’ tall columns.



4415 Lawther Drive



Details: Iron/aluminum picket fence/solid wood fence/stone columns – 6-8' tall fence, 8' tall columns.



4047 Dalgreen Drive



Details: Iron picket fence and gate/chain-link fence/stone columns – 5.5’ tall fence, 5’ tall columns.



7305 Fisher Road



Details: Solid stucco fence/iron picket gate – 4-5' tall fence, 4' tall gate.



7317 Fisher Road



Details: Wood picket fence/stone columns – 5' tall fence and gate, 6' tall columns.



4353 Lawther Drive



Details: Chain-link fence and iron/aluminum gate – 5’ tall fence, 6.5’ tall gate.



4343 Lawther Drive/7415 Fisher Road



Details: Iron/aluminum picket fence and gate – 6’ tall fence, 7’ tall gate.



4331 Lawther Drive



Details: Iron/aluminum picket fence/stone columns – 6’ tall fence, 6.5’ tall columns



4321 Lawther Drive/7501 Fisher Road



Details: Iron/aluminum picket fence/brick columns – 6’ fence, 6.5’ columns, 7.5’ tall gate.



RECEIVED
NOV 13 2019
BY:



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-011

Date: ~~11-12-19~~ 11-13-19

Data Relative to Subject Property:

Location address: 7302 Fisher Rd Zoning District: R-1(A)

Lot No.: 1 Block No.: A/2998 Acreage: .744 Census Tract: 80.00

Street Frontage (in Feet): 1) 240 2) 158.75 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Will Strickler and Jamie Lauren Strickler

Applicant: Will Strickler Telephone: 214 354 4533

Mailing Address: 5301 Monticello Ave Zip Code: 75206

E-mail Address: wstrick17@gmail.com

Represented by: n/a Telephone: n/a

Mailing Address: n/a Zip Code: n/a

E-mail Address: n/a

Affirm that an appeal has been made for a Variance , or Special Exception , of 2' to the 4' Frontyard Fence requirement & provide A Fence Height of 6'

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:

There are fences of similar height, material and location found throughout my neighborhood and along Fisher Rd.

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

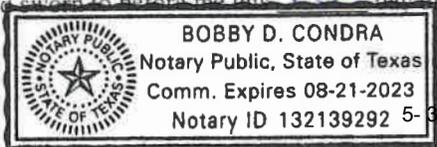
Before me the undersigned on this day personally appeared Will Strickler
(Affiant/Applicant's name printed)

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: Will Strickler
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 12 day of November, 2019

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Will Strickler

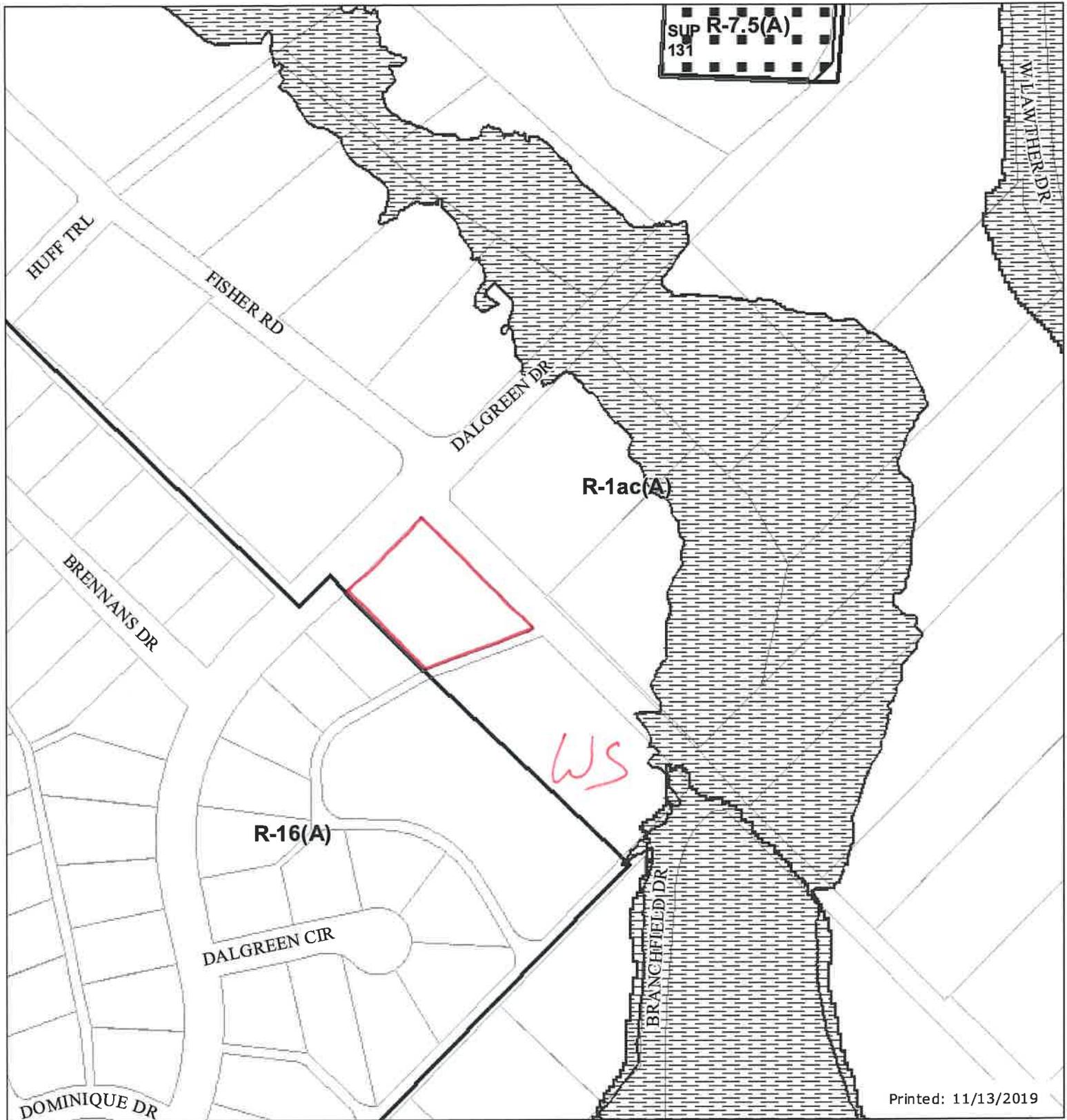
did submit a request for a special exception to the fence height regulations
at 7302 Fisher Road

BDA190-011. Application of Will Strickler for a special exception to the fence height regulations at 7302 Fisher Rd. This property is more fully described as Lot 1, Block A/2998, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 11/13/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shaded Front Overlay |
| | | Height Map Overlay | |

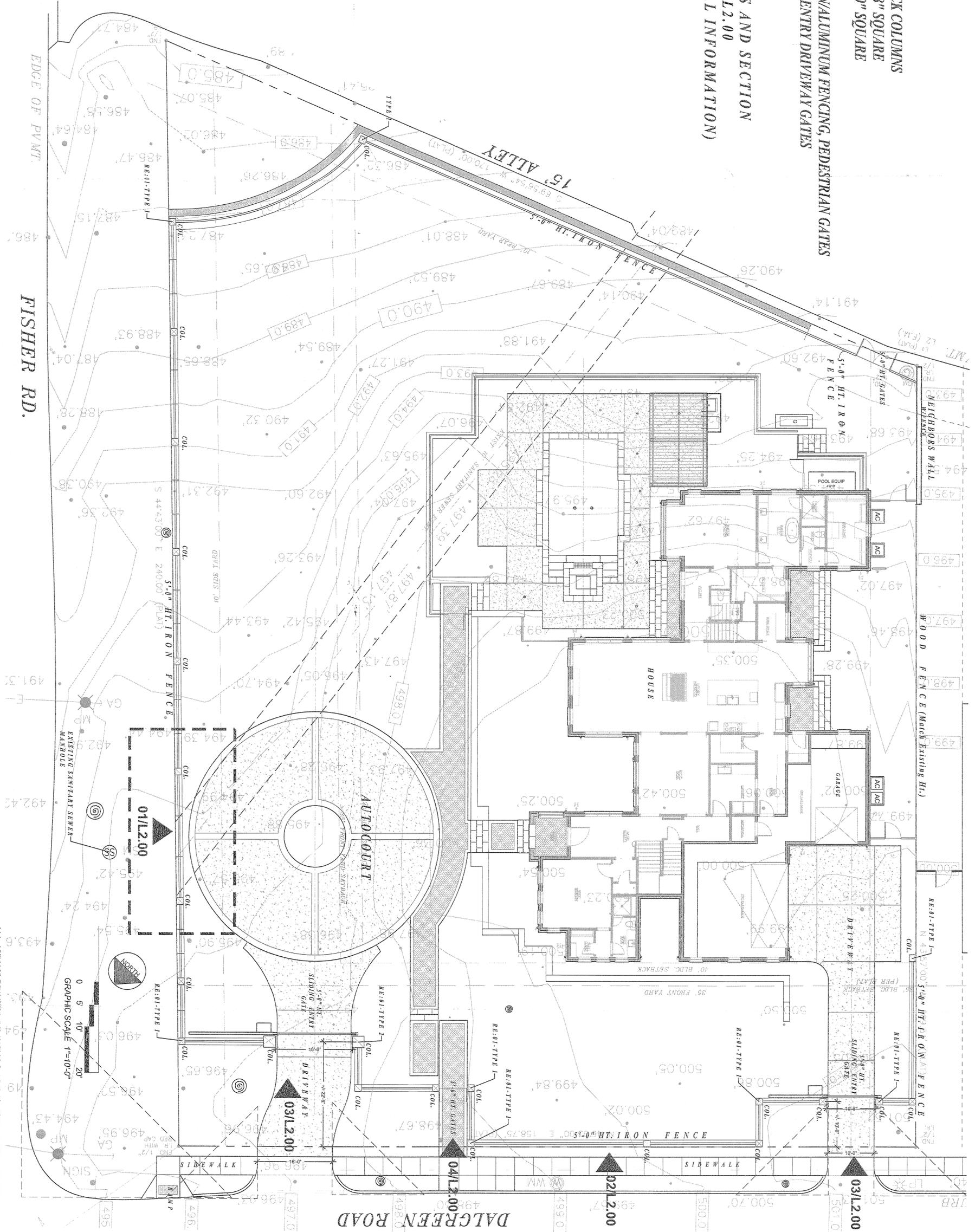
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



LEGEND:

- 6'-0" HT. BRICK COLUMNS
TYPE 1 - 18" SQUARE
TYPE 2 - 30" SQUARE
- 5'-0" HT. IRON/ALUMINUM FENCING, PEDESTRIAN GATES
AND SLIDING ENTRY DRIVEWAY GATES

NOTE:
 SEE ELEVATIONS AND SECTION
 DETAILS SHEET L2.00
 (FOR ADDITIONAL INFORMATION)



**BOA
 SUBMITTAL SET**



JOHN H. ARMSTRONG, ASLA
 REVISIONS
 Nov. 8, 2018 Currents Fencing and Gate Plan
 Varmed Submittal

Armstrong Berger
 Landscape Architecture • Planning • Construction Management
 2611 Main Street
 Irving, TX 75039
 Phone: 972.440.0000
 Fax: 972.440.0000
 www.armstrongberger.com

**STRICKLER
 RESIDENCE**
 7302 Fisher Road
 Dallas, Texas

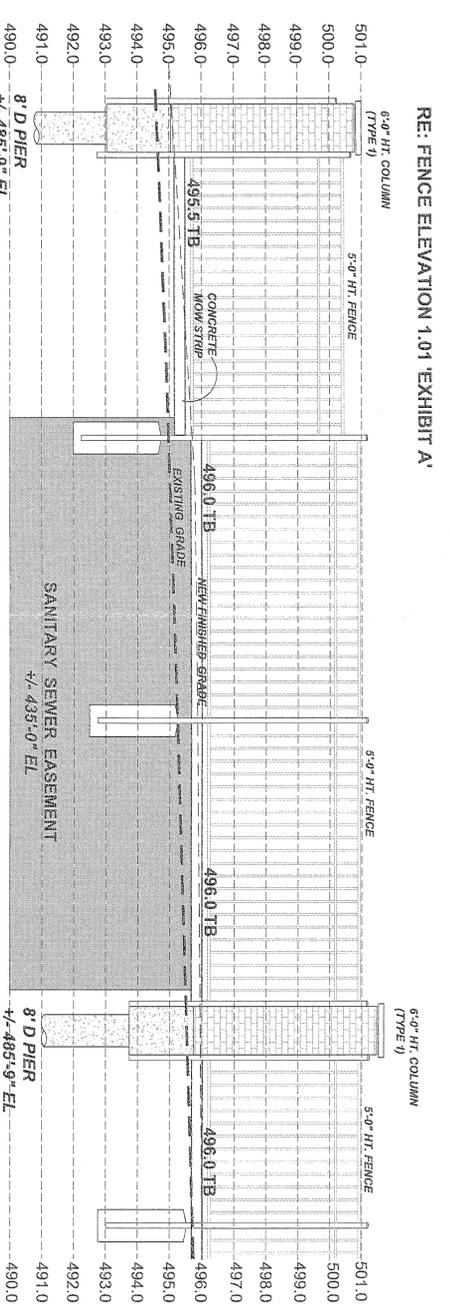
SITE
 DRAWING TITLE

**PERIMETER
 Fencing and Gates**

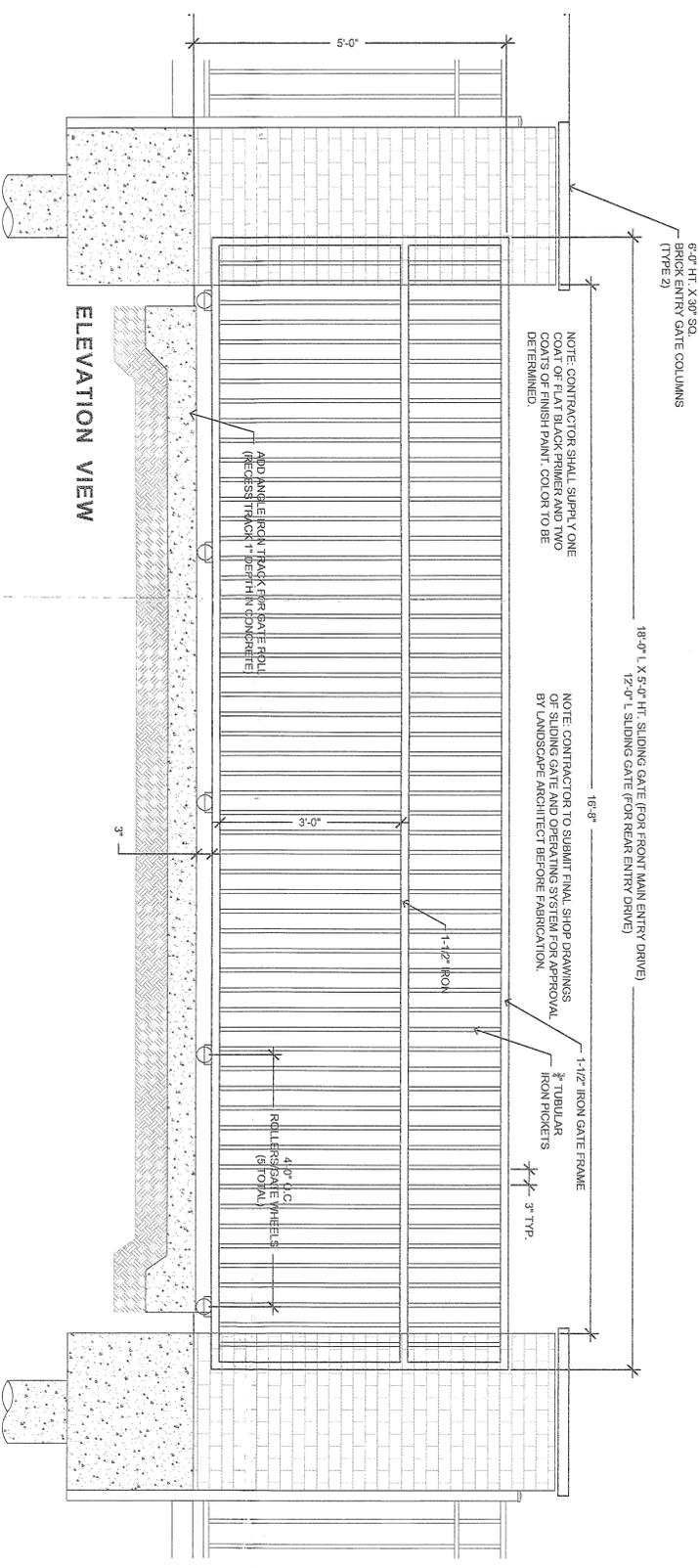
ISSUE DATE: May 2018
 DRAWING SCALE: 1"=10'-0"
 PROJECT NUMBER: 18038
 DRAWN BY: JHH
 REVIEWED BY: JHH/JHA
 APPROVED BY: JHA
 DRAWING NUMBER

**L1.01
 EXHIBIT 'A'**

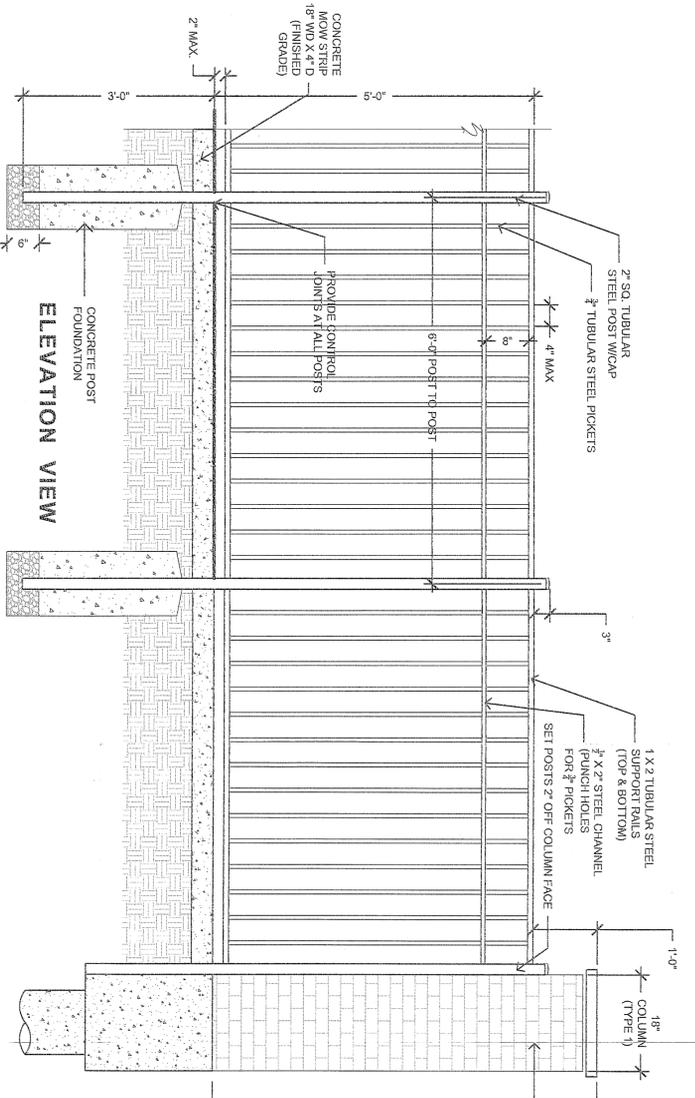
ALL 12"x18" PRINTED DRAWINGS ARE 1/2 THE NOTED WRITTEN SCALE



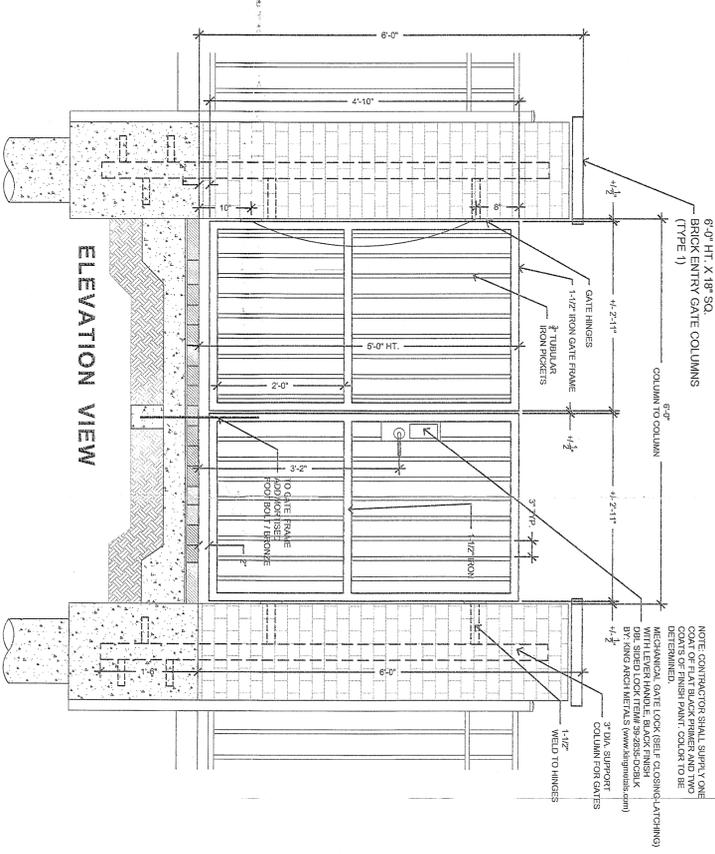
01 SECTION / ELEVATION - LOCATION 1
SCALE: 3/8" = 1'-0"



03 SECTION / ELEVATION - MAIN ENTRY DRIVE GATES
SCALE: 3/4" = 1'-0"



02 IRON FENCE SECTION/ELEVATION DETAIL (TYPICAL)
SCALE: 3/4" = 1'-0"



04 SECTION / ELEVATION - PEDESTRIAN GATES
SCALE: 3/4" = 1'-0"

NOTE:
SEE LAYOUT PLAN L1.00 FOR
LOCATION OF ALL DETAILS
SHOWN ABOVE.

ARMSTRONG - BERGER
LANDSCAPE ARCHITECTS - PLANNERS
CONSTRUCTION MANAGER
This document and the proposed landscaping for this project are the property of Armstrong - Berger. It is to be used only for the project and site for which it was prepared. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Armstrong - Berger. ©2019

SEE 18" COLUMN DETAIL THIS SHEET
NOTE: CONTRACTOR SHALL SUPPLY ONE COAT OF FLAT BLACK PRIMER AND TWO COATS OF FINISH PAINT. COLOR TO BE DETERMINED.
VERIFY ALL FINAL POST LOCATIONS IN THE FIELD BEFORE FABRICATING FENCE SECTION. SEE SITE PLAN FOR LOCATION.

BOA
SUBMITTAL SET
SEAL



JOHN H. ARMSTRONG, ASLA
REVISIONS
Nov. 06, 2010 Site Model Elevation Sections
Version 01

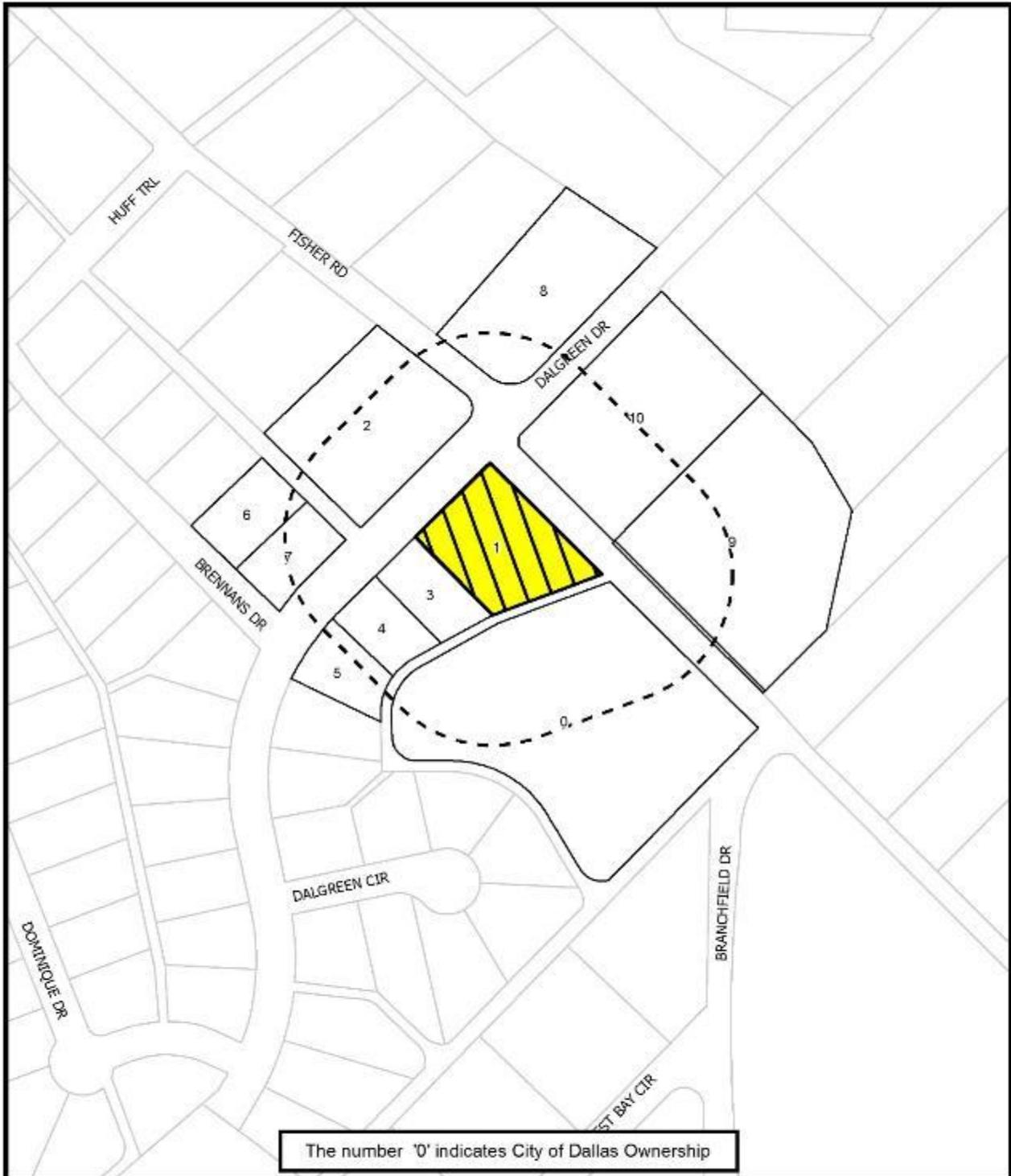
Armstrong Berger
Landscape Architecture • Planning • Construction Management
2401 West Loop West, Suite 1000, Dallas, Texas 75201
Tel: 214.751.1000 Fax: 214.751.1001
www.armstrongberger.com

STRICKLER
RESIDENCE
7302 Fisher Road
Dallas, Texas

DRAWING TITLE
SITE
WALL ELEVATION
DETAILS

ISSUE DATE: May 2018
DRAWING SCALE: See Details
PROJECT NUMBER: 18038
DRAWN BY: JHH
REVIEWED BY: JHH/JHA
APPROVED BY: JHA

DRAWING NUMBER
L2.00
EXHIBIT 'B'



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA190-011 Date: 12/13/2019
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/12/2019

Notification List of Property Owners

BDA190-011

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3970 DALGREEN DR	STRICKLER WILL & JAMIE LAUREN
2	7242 FISHER RD	STALCUP BRETT &
3	3966 DALGREEN DR	CARROLL DAVID S
4	3962 DALGREEN DR	MCRBERTS TRAVIS & DENISE
5	3958 DALGREEN DR	NEUMANN WILLIAM L &
6	7325 BRENNANS DR	COACH BRENDA S
7	7329 BRENNANS DR	SMITH MICHAEL M
8	4021 DALGREEN DR	RICH ALAN B &
9	7317 FISHER RD	CHASE STEPHEN & LYDIA
10	7305 FISHER RD	LARRAVE RENE & PAMELA

FILE NUMBER: BDA190-012(OA)

BUILDING OFFICIAL'S REPORT: Application of Juan Carlos Guerrero, represented by Elias Rodriguez of Construction Concepts Inc., for special exceptions to the fence height regulations and visual obstruction regulations at 3230 Edd Road. This property is more fully described as Lot 3, Block 1/8782, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to four feet and requires a 20-foot visibility triangle at the intersections of streets and driveway approaches. The applicant proposes to construct and/or maintain a 10-foot 6-inch high fence in a required front yard, which will require a six-foot six-inch special exception to the fence regulations, and to construct and/or maintain items in a visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 3230 Edd Road

APPLICANT: Juan Carlos Guerrero
Represented by Elias Rodriguez of Construction Concepts Inc.

REQUESTS:

The following requests have been made on a site that is being developed with a single family home:

1. A request for a special exception to the fence standards regulations related to the fence height of six feet and six inches is made to construct and maintain a four-foot six-inch high tubular metal fence with stone columns that vary in height from five to 10 feet with a nine-foot tall wood/metal gate in the required front yard on a site developed with a single-family home.
2. A request for special exceptions to the visual obstruction regulations are made to locate and maintain portions of the aforementioned metal fence, stone columns, and a wood/metal gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Edd Road.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence standards regulations):

No staff recommendation is made on this or any request for a special exception to the fence standards 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.

STAFF RECOMMENDATION (visual obstruction regulations):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan and elevation is required.
2. The site must comply with city driveway width standards.

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests if the aforementioned conditions are imposed as part of the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located and maintained in the visibility triangles do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

Site: R-1/2ac(A) (Single family district ½ acre)
North: A(A) (Agricultural District)
East: R-1/2ac(A) (Single family district ½ acre)
South: R-1/2ac(A) (Single family district ½ acre)
West: R-1/2ac(A) (Single family district ½ acre)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):

- The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus on constructing a four-foot six-inch high tubular metal fence with stone columns that vary in height from five to 10 feet and a nine-foot tall wood/metal gate in site's front yard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The subject site is zoned R-1/2ac(A) which requires a 40-foot front yard setback.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a fence that is over four feet in height in the required front yard on a site developed with a single-family home.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 140 feet in length parallel to the street and approximately 40 feet perpendicular to this street on the sides in this required front yard, located on the front property line or approximately 12 feet from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted no other fences that appear to be above four feet in height and located in a front yard setback.
- As of December 31, 2019, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of six feet six inches will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding four feet

in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

- The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus on constructing and maintaining portions of the aforementioned metal fence, stone columns, and a wood/metal gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Edd Road.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single-family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in R ½ ac(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of a four-foot six-inch high tubular metal fence with stone columns that vary in height between five and 10 feet and a nine-foot high iron gate are located in the 20-foot visibility triangle on the north side of the driveway that intersects with Edd Road.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing how granting this request to maintain the proposed items in the two 20-foot visibility triangles on both sides of the driveway that intersect with Edd Road do not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20-foot visibility triangles formed on each side of the driveway that intersects with Edd Road to that what is shown on these documents, the aforementioned metal fence, stone columns, and a wood/metal gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Edd Road.

Timeline:

November 14, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

December 17, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 26th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

December 30, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.





1:2,400

AERIAL MAP

Case no: BDA190-012

Date: 12/30/2019

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **JANUARY 22, 2020 (B)**

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

COMMENTS:

BDA 189-134

BDA 190-002

BDA 190-004

BDA 190-005

BDA 190-007

BDA 190-010

BDA 190-011

BDA 190-012

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

12/30/2019

Date

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

RECEIVED
NOV 14 2019
BY: col



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-012

Date: Nov 14, 2019

Data Relative to Subject Property:

Location address: 3230 Edd Road Zoning District: R-1/2ac(A)

Lot No 3 Block No.: 1/8782 Acreage: 2.124 Census Tract: 017102

Street Frontage (in Feet): 1) 140' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Juan Carlos Guerrero

Applicant: Juan Carlos Guerrero Telephone: 214-583-7517

Mailing Address: 3230 Edd Road Dallas TX Zip Code: 75253

E-mail Address: guerrero.plumbing@gmail.com

Represented by: Elias Rodriguez Construction Concepts Telephone: 972/998-6456

Mailing Address: 317 E. Jefferson Blvd Dallas TX Zip Code: 75203

E-mail Address: energyinspector@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception , of Height of stone entry gate and columns - Higher than 4' 6" 6" to the required 4' Fy Fence req. & provide A 10' 6" Fence 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:

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.

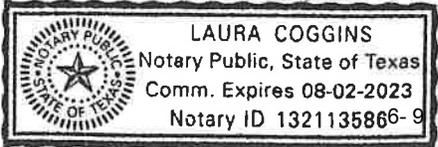
Affidavit

Before me the undersigned on this day personally appeared Juan Carlos Guerrero
(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: Juan C Guerrero
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 14th day of November, 2019



Laura Coggins
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

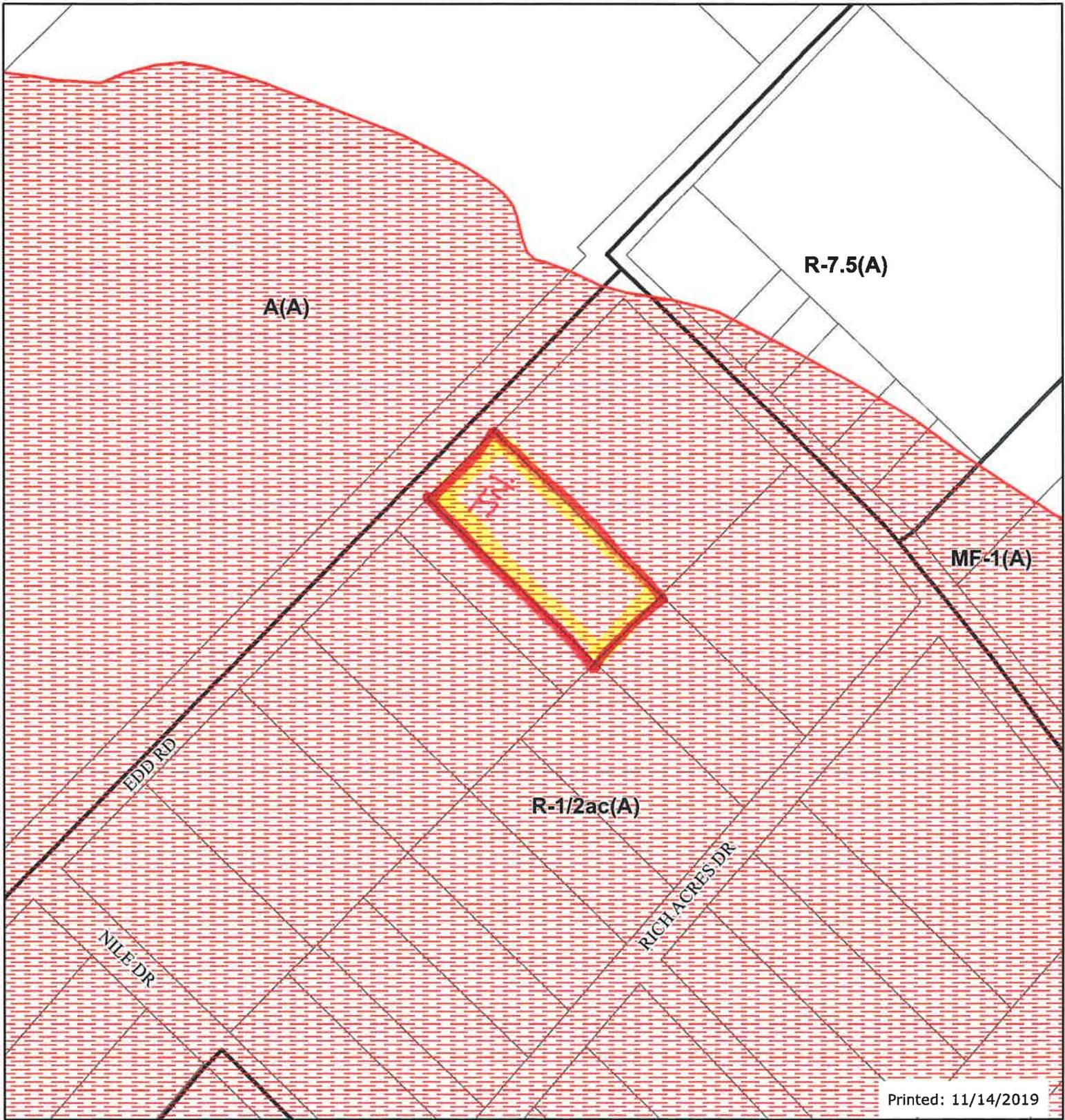
Building Official's Report

I hereby certify that Juan Carlos Guerrero
represented by CONSTRUCTION CONCEPTS INC
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 3230 Edd Road

BDA190-012. Application of Juan Carlos Guerrero represented by CONSTRUCTION CONCEPTS INC for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 3230 EDD RD. This property is more fully described as Lot 3, Block 1/8782, and is zoned R-1/2ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a 10 foot 6 inch high fence in a required front yard, which will require a 6 foot 6 inch special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 11/14/2019

Legend

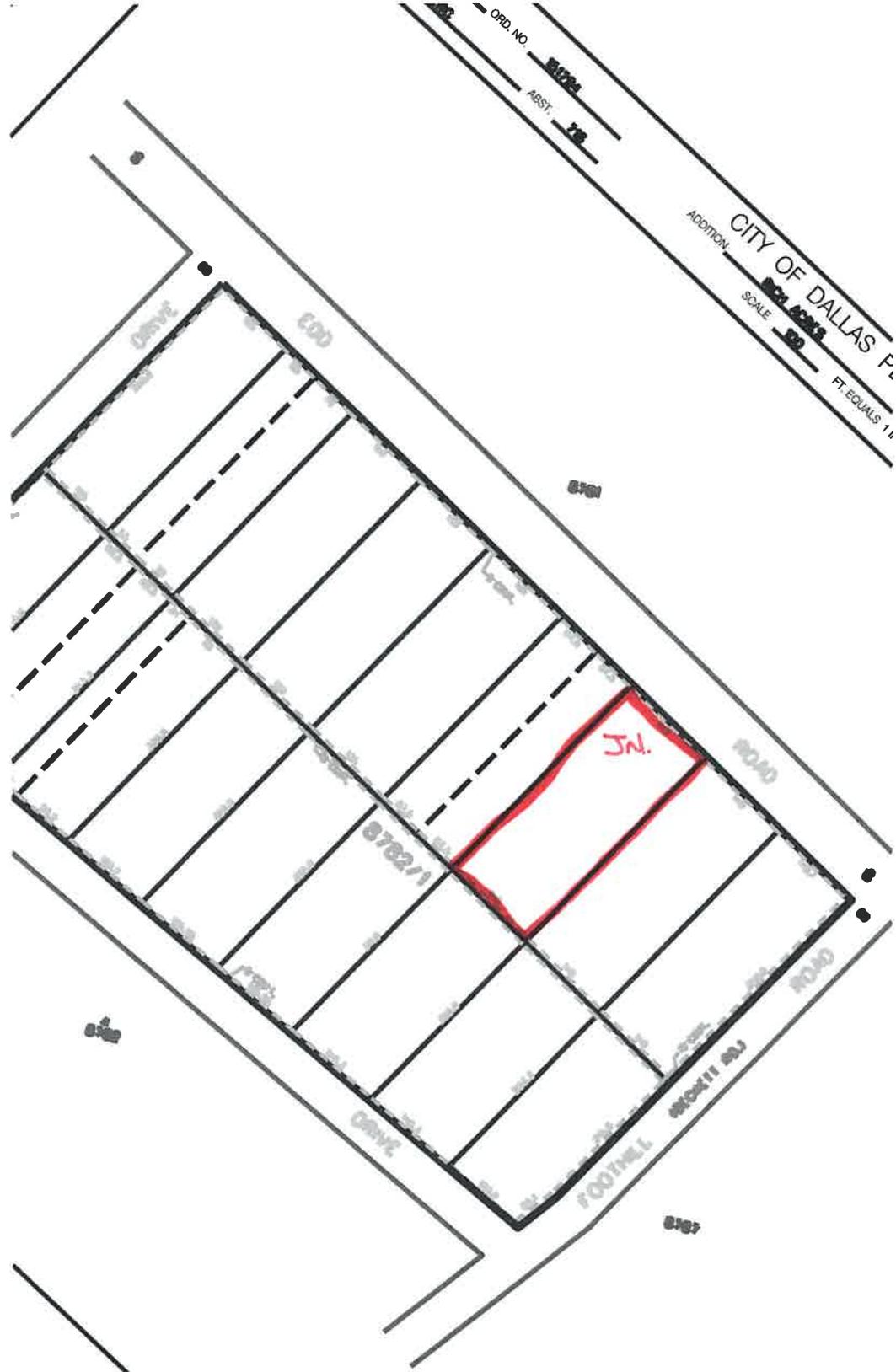
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 6-Slip Front Overlay |
| | | Height Map Overlay | |

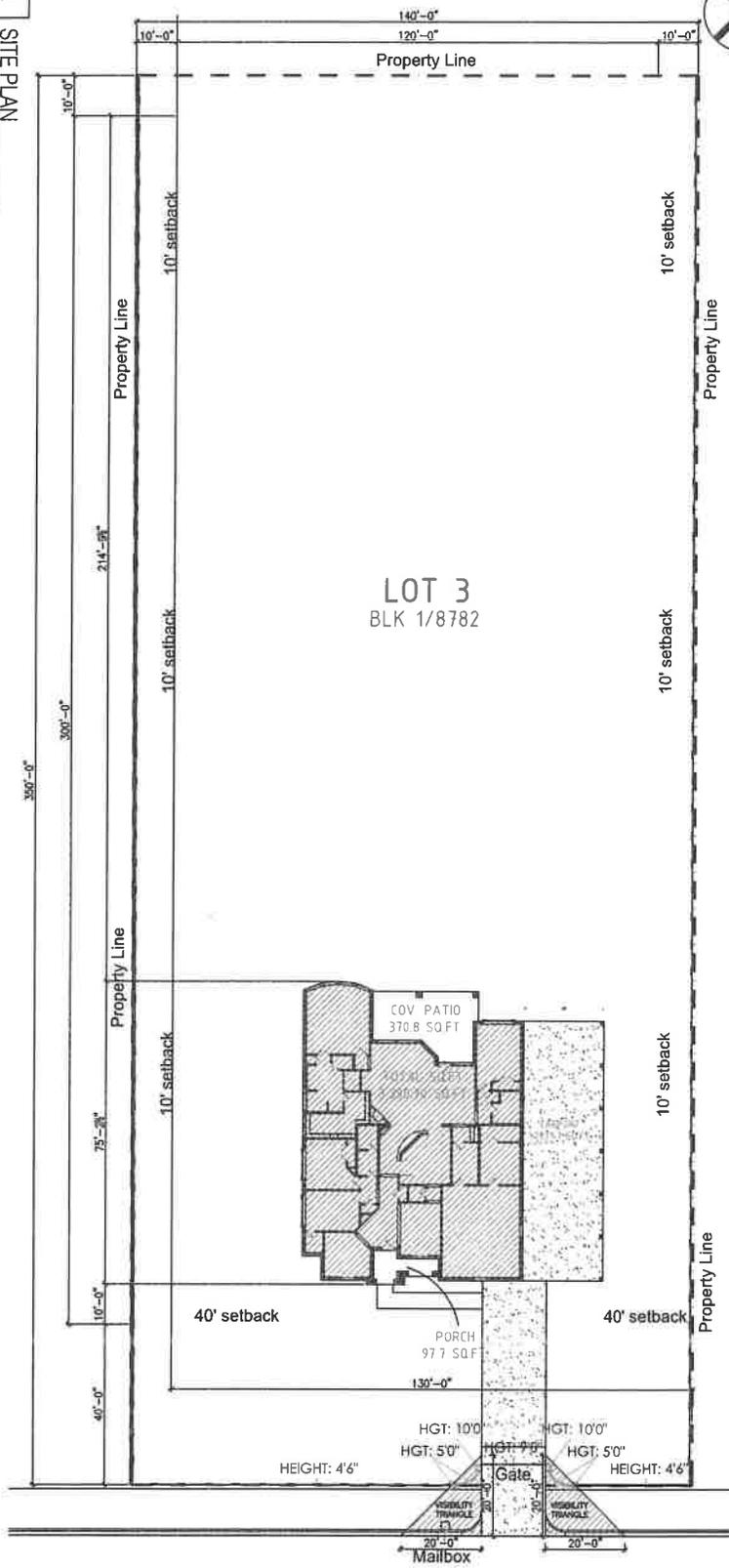
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



ORD. NO. 81704
ABST. 78

CITY OF DALLAS PLANNING DEPARTMENT
ADDITION
SCALE 1" = 400'
FT. EQUALS 120'





2 SITE PLAN
SP
1"=30'

ZONING DISTRICT - SINGLE FAMILY R-1/2a(c)(1)
VICINITY MAP
NTS

SQUARE FOOTAGE	
PROPOSED AREA	3,390.7 SQ FT
PROPOSED COVD PORCH	97.7 SQ FT
PROPOSED COVD PATIO	370.8 SQ FT
PROPOSED EXHIBIT	1,283.1 SQ FT
TOTAL	5,142.67 SQ FT
FOOTPRINT BUILDING	5,142.67 SQ FT
PERCENT LOT COVERED	10.5%

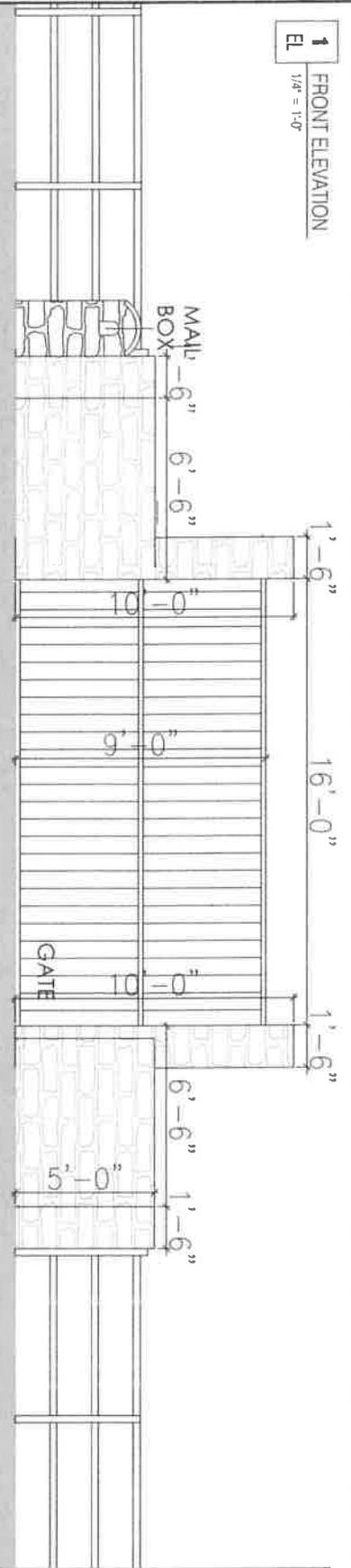
3230 EDD ROAD	
PARCEL ID	00000000000000000000
ACCOUNT NUMBER	00000000000000000000
HELIUM/HELIUM/DOD	00000000000000000000
SITE ADDRESS	3230 EDD ROAD
MAP GRID	444.1 (DALLAS)
ACQUIRE TYPE	RESIDENTIAL
LEGAL DESCRIPTION 1	BLK 1/8782 LOT 3
LEGAL DESCRIPTION 2	N/A
OWNER NAME	QUIJERO, JUAN CARLOS
OWNER ADDRESS	3230 EDD ROAD
OWNER CITY	DALLAS
OWNER STATE	TX
OWNER ZIP	75201
OWNER ZIP - 4	75201

EDD ROAD

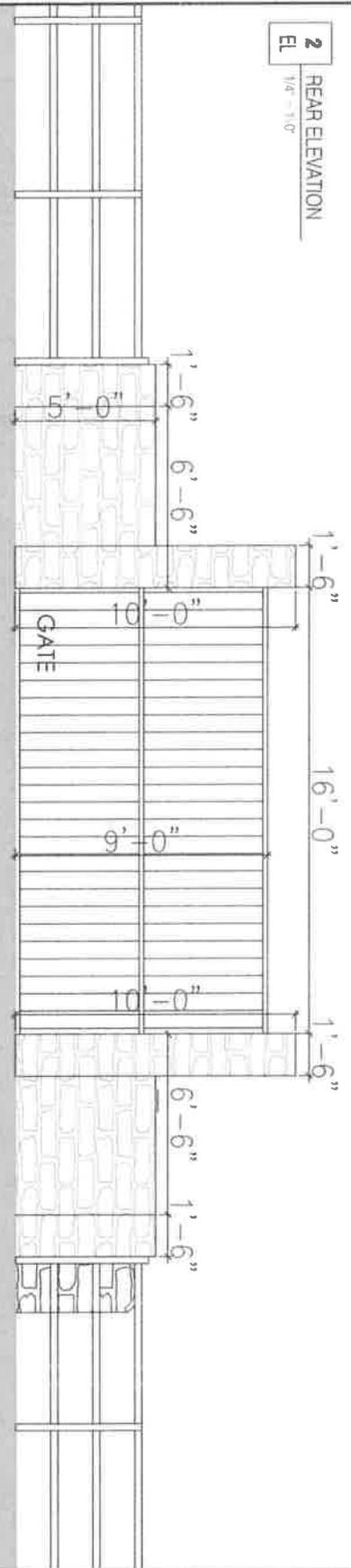
<p>Project Name & Address 3230 EDD RD DALLAS, TX 75201</p>	<p>Project SITE PLAN</p> <p>Sheet</p>	<p>Date 11/13/19</p> <p>Scale 1"=30'</p> <p>Drawn By ASM</p>	<p>1.0</p>
<p>THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF THIS JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD OBTAIN COMPLETE ENGINEERING SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. NOTE: ALL FEDERAL, STATE, AND LOCAL CODES AND RESTRICTIONS TAKE PRECEDENCE OVER ANY PART OF THESE PLANS.</p>			
<p>GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, CONSTRUCTION CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.</p>			
<p>CONSTRUCTION CONCEPTS INC. "Planning and Designing a Better Tomorrow"</p> <p>317 E. JEFFERSON BLVD. DALLAS, TX. 75203 TEL. (214) 946-4300 FAX. (214) 948-9544</p>			

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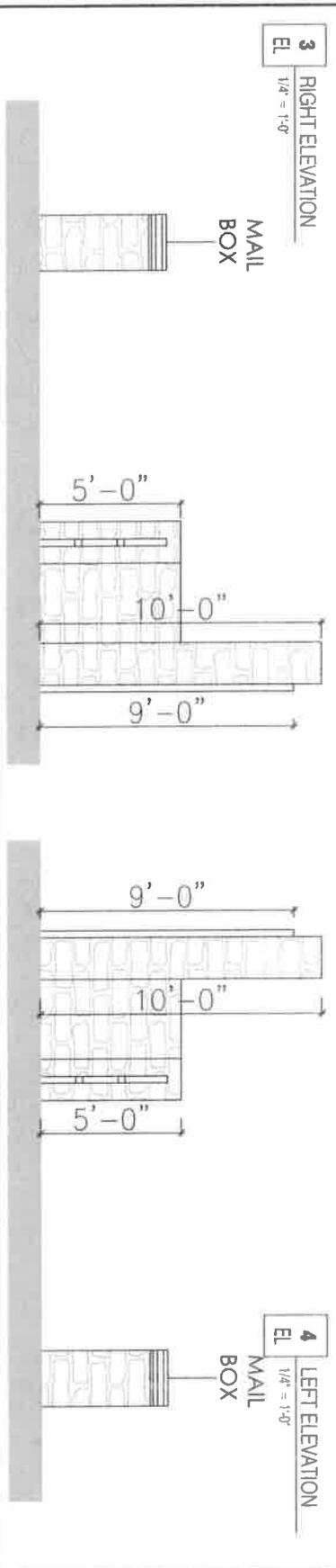
1
FRONT ELEVATION
EL 1/4" = 1'-0"



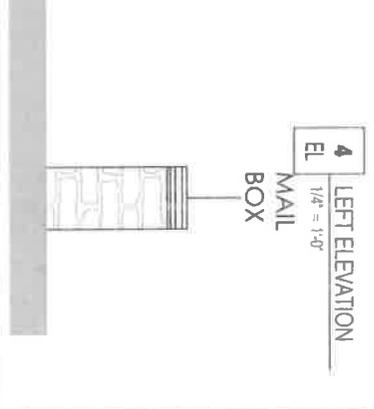
2
REAR ELEVATION
EL 1/4" = 1'-0"



3
RIGHT ELEVATION
EL 1/4" = 1'-0"



4
LEFT ELEVATION
EL 1/4" = 1'-0"



Project	Sheet
Date 11/13/19	3.0
Scale	
Drawn By ASM	

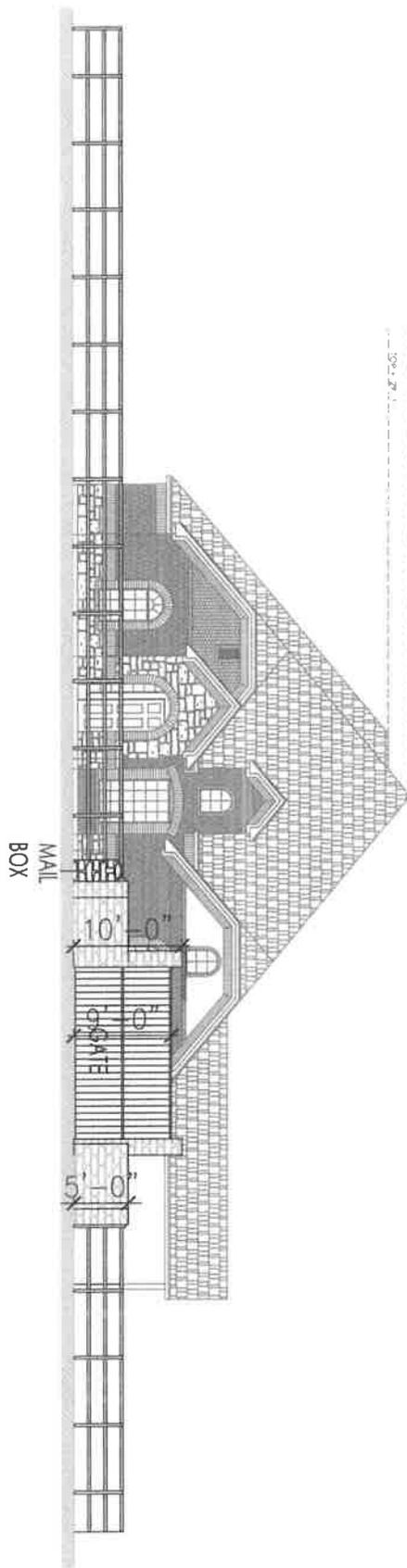
Project Name & Address
3230 EDD RD
DALLAS, TX.
75253

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DALLAS, TX. 75203
TEL (214) 946-4300
FAX. (214) 948-9544



1 FRONT ELEVATION
ELV 3/2" = 1'-0"

Project	Sheet
Date 11/13/19	2.0
Scale	
Drawn By ASM	

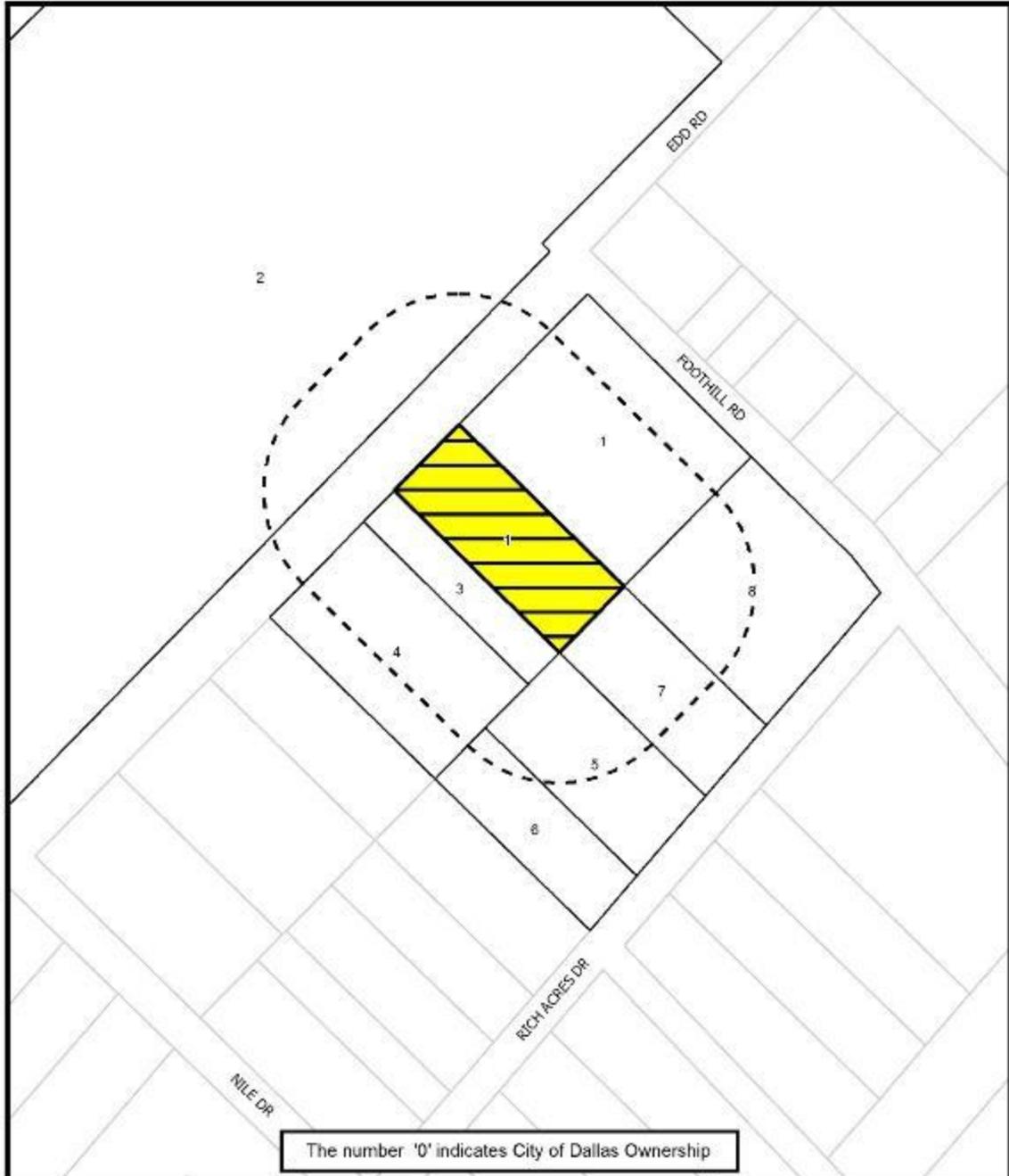
Project Name & Address
3230 EDD RD
DALLAS, TX
75253

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DALLAS, TX. 75203
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FAX. (214) 948-9544



 1:2,400	NOTIFICATION	Case no: BDA190-012
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">8</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 12/30/2019

12/30/2019

Notification List of Property Owners

BDA190-012

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3210 EDD RD	GUERRERO JUAN CARLOS
2	13020 FOOTHILL DR	SALAZAR ERNESTO JR
3	3240 EDD RD	SHORT WILLIAM AMOS
4	3310 EDD RD	SUSTAITA SEBASTIAN
5	3241 RICH ACRES DR	ABBOTT BETTY J
6	3307 RICH ACRES DR	MARTINEZ ARMANDO
7	3231 RICH ACRES DR	SEGOVIA ABEL & MARTHA
8	3221 RICH ACRES DR	FRANKLIN HOWARD LEE

FILE NUMBER: BDA190-002(OA)

BUILDING OFFICIAL'S REPORT: Application of Javier La Fontaine for a special exception to the visual obstruction regulations at 5502 Merrimac Avenue. This property is more fully described as Lot 1, Block 5/2197, and is zoned CD No. 9, which requires 20-foot visibility triangles at the intersection of streets and driveway approaches. The applicant proposes to construct and/or maintain items in required visibility triangles, which requires a special exception to the visual obstruction regulations.

LOCATION: 5502 Merrimac Avenue

APPLICANT: Javier La Fontaine

REQUESTS:

A request for a special exception to the visual obstruction regulations is made to maintain portions of an eight-foot high solid wood fence in the 20-foot visibility triangles on the north side of the driveway that intersects with McMillan Avenue on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

- Denial.

Rationale:

- The City of Dallas installed bike lanes with buffers on McMillan Avenue in 2015 after considering the roadway connectivity and pedestrian activity on an existing 4-foot sidewalk. Therefore, the Sustainable Development Department Senior Engineer states the fence compromises the visibility of pedestrians/bicyclists because there is not enough sight distance to see vehicles backing out of the subject driveway.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD No. 9 (Conservation District)
<u>North:</u>	CD No. 9 (Conservation District)
<u>East:</u>	CD No. 9 (Conservation District)
<u>South:</u>	CD No. 9 (Conservation District)
<u>West:</u>	CD No. 9 (Conservation District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the visual obstruction regulations focuses on constructing portions of an eight-foot high solid wood fence in the 20-foot visibility triangle on the north side of the driveway that intersects with McMillan Avenue on a site developed with a single-family home.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single-family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in CD No. 9 zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

- A site plan and elevation have been submitted indicating portions of an eight-foot high solid wood fence located in the 20-foot visibility triangle on the north side of the driveway that intersects with McMillan Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “denial”.
- The applicant has the burden of proof in establishing how granting this request to maintain portions of an 8’ high solid wood fence in the 20-foot visibility triangle on the north sides of the driveway into the site from McMillan Avenue does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20-foot drive approach within the north visibility triangle into the site from McMillan Avenue to that what is shown on these documents – portions of an eight-foot high solid wood fence.

Timeline:

October 23, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

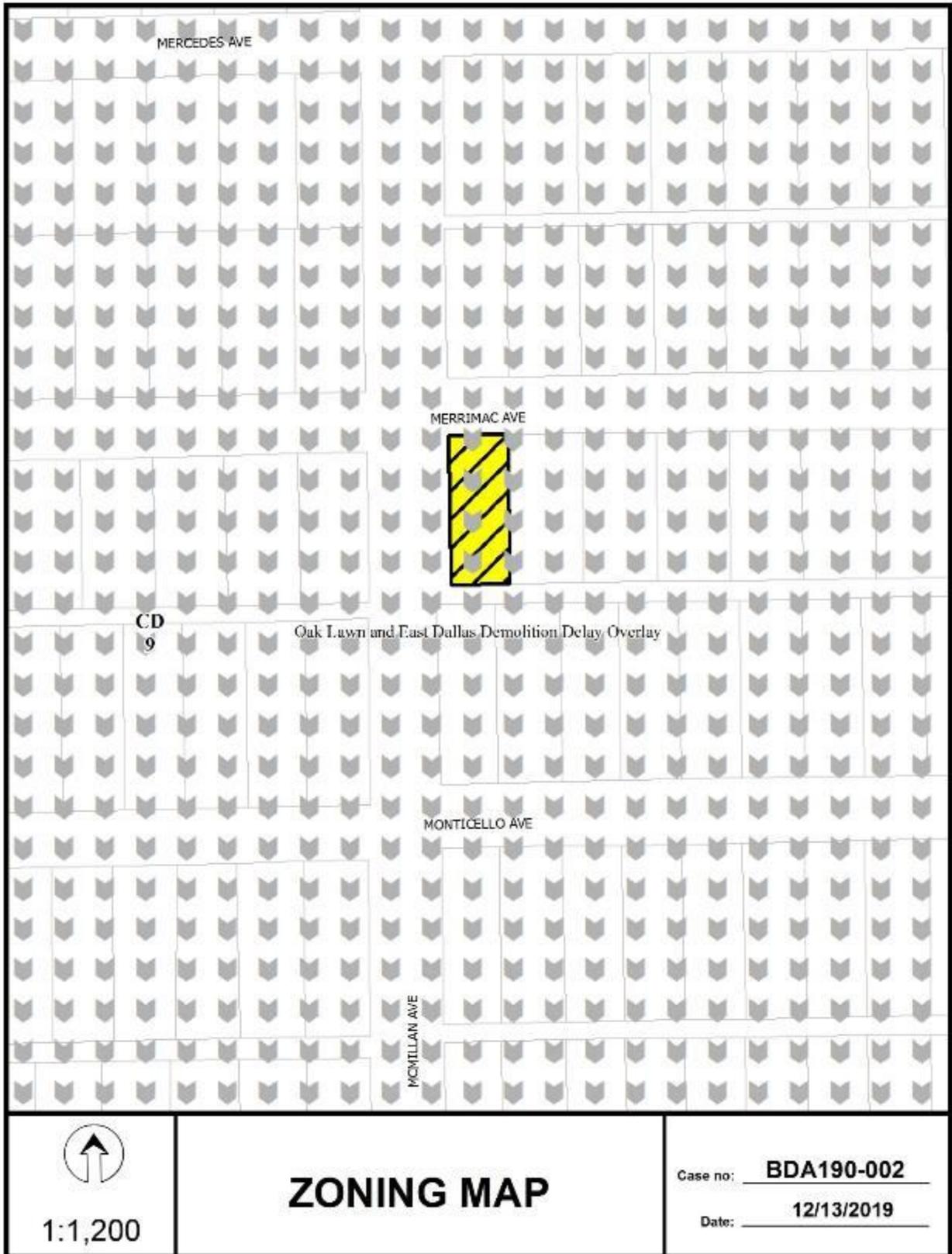
December 17, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

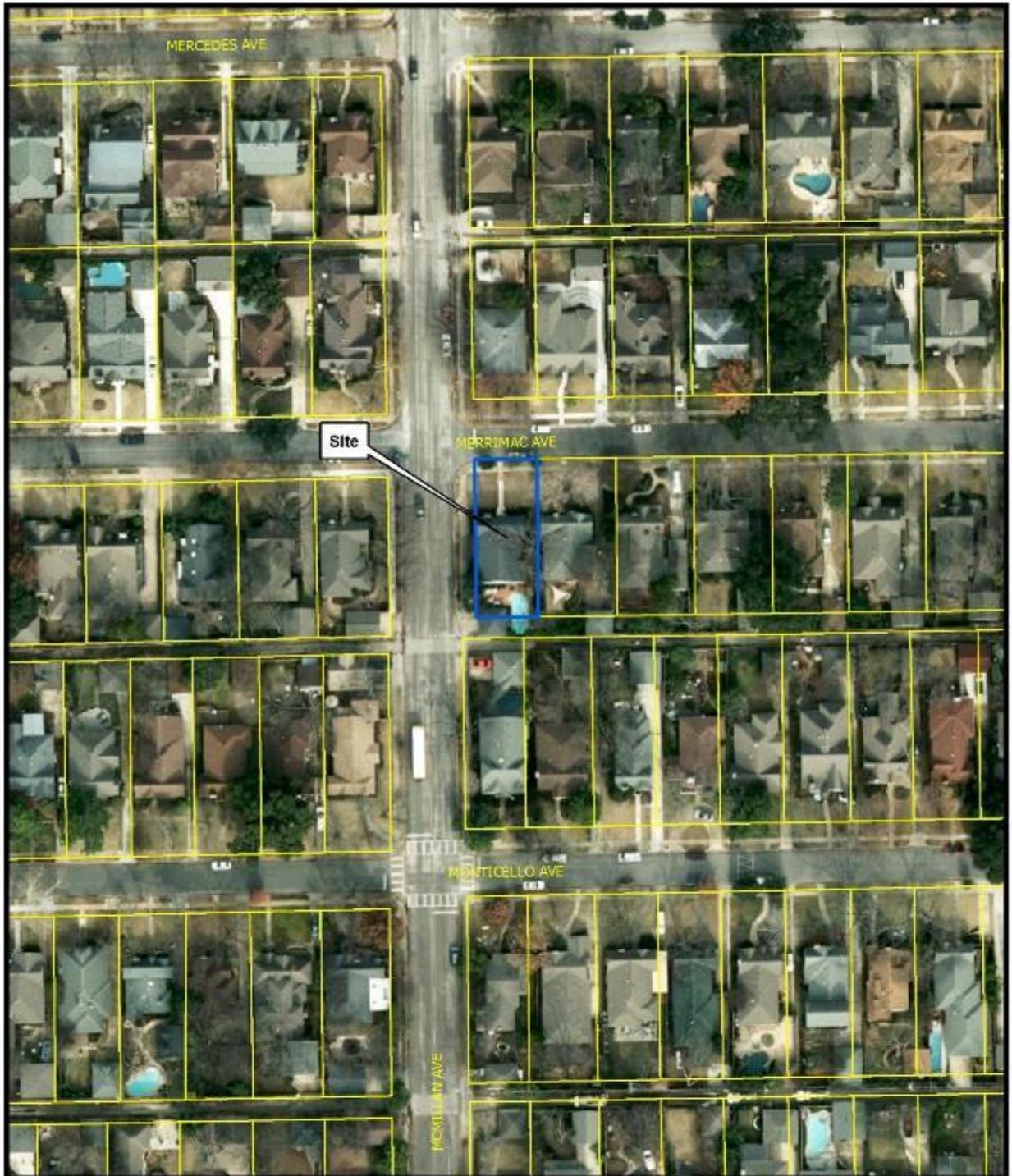
- an attachment that provided the public hearing date and panel that will consider the application; the December 26th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the

following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

December 31, 2019: The Sustainable Development Department Senior Engineer has submitted the bike lanes with buffers on McMillian Avenue pavement marking plans and a review comment sheet marked "Denial" (see attachment A).





1:1,200

AERIAL MAP

Case no: BDA190-002

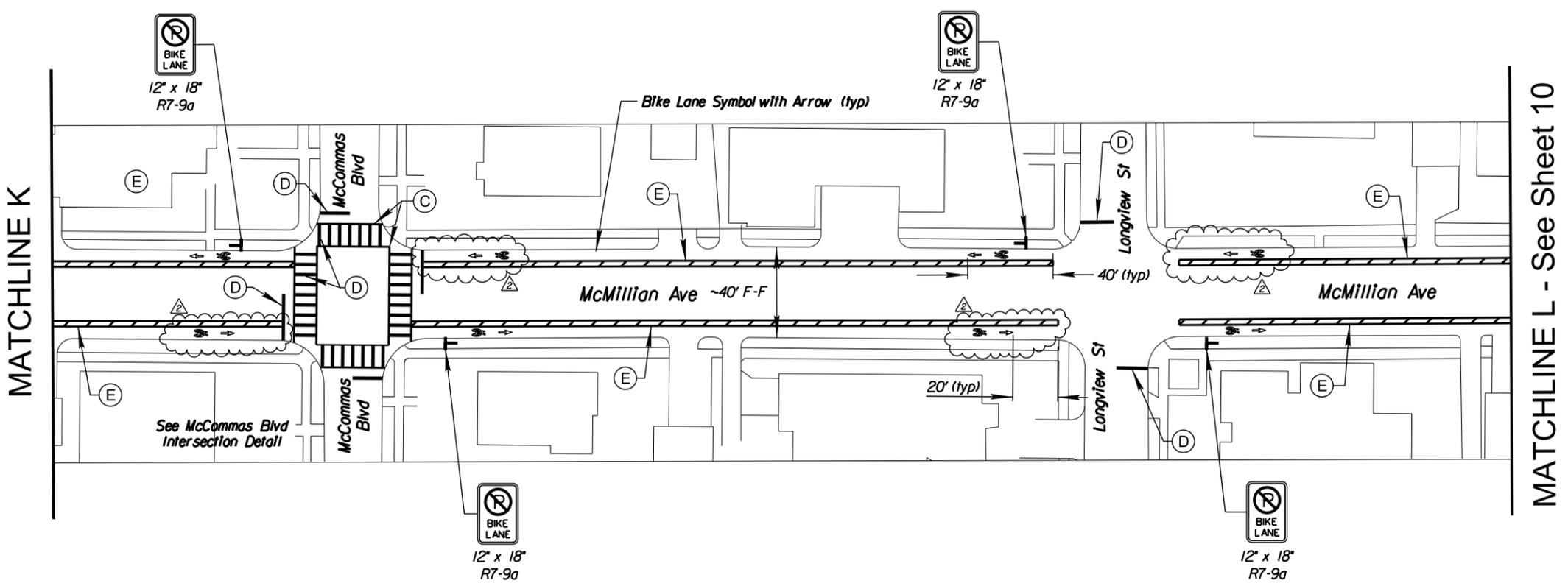
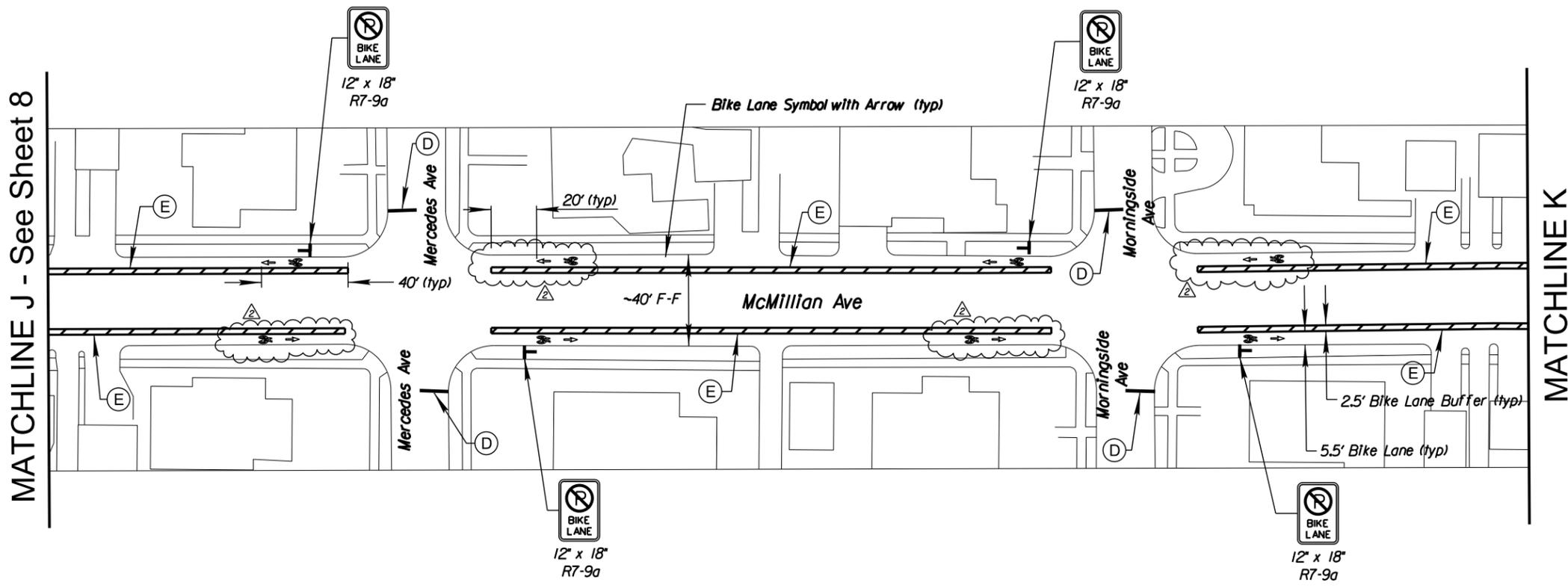
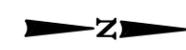
Date: 12/13/2019

QUANTITIES THIS SHEET

ITEM	UNIT	NO.
Bike Symbol Only preformed thermoplastic	EA	16
Bike Symbol Only prep and seal	EA	16
Bike Lane 6' Vertical Arrow preformed thermoplastic	EA	16
Bike Lane 6' Vertical Arrow prep and seal	EA	16
R7-9a signage	EA	8
4" white pavement marking	LF	4497
6" white pavement marking	LF	295
18" white pavement marking	LF	468

NOTES:

- To the extent possible, longitudinal crosswalk markings shall be centered in travel lanes and along lane lines to avoid vehicle wheel paths.
- All signage shall be field located.
- In locations where vegetation (grass) encroaches into pavement joint and/or gutter, herbicide shall be applied to eliminate such vegetation and provide a clear path for new bicycle lane.
- Unless otherwise indicated, shared lane marking location dimensions are given to the vertex of each marking's first chevron.



Reflective Pavement Markings

- (A) (W) 4" (SLD)
- (B) (W) 4" (DOT) 2' - 6" GAP
- (C) (W) 6" (SLD)
- (D) (W) 18" (SLD)
- (E) (W) 4" (BIKE LANE BUFFER)
See Bike Lane Buffer Detail



City of Dallas, Texas - Department of Public Works Transportation Planning Division 1600 Marilla Street, Room 1185 Dallas, TX 75206						
McMILLIAN AVE (SHEET 9 OF 10)						
BIKE LANE PLAN						
N. HENDERSON AVE TO ELLSWORTH AVE						
DEPARTMENT OF PUBLIC WORKS						
CITY OF DALLAS, TEXAS						
DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
ARH	ARH	AS SHOWN				XXXX

Rev. #2 by A.Haire., 22 April 2015
Replaced dashed stripe at bus stops with solid stripe.

DATES: STAGES: SHEETS:

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **JANUARY 22, 2020 (B)**

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 189-134

BDA 190-002

BDA 190-004

BDA 190-005

BDA 190-007

BDA 190-010

BDA 190-011

BDA 190-012

COMMENTS:

City of Dallas installed bike lanes with buffers on McMillian Avenue in 2015 after considering the the roadway connectivity and pedestrian activity on an existing 4-foot sidewalk. (Pavement marking plans enclosed.)

Fence compromises visibility of pedestrians/bicyclists without enough sight distance to see vehicles backing out of subject driveway.

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

12/30/2019

Date

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



QUANTITIES THIS SHEET

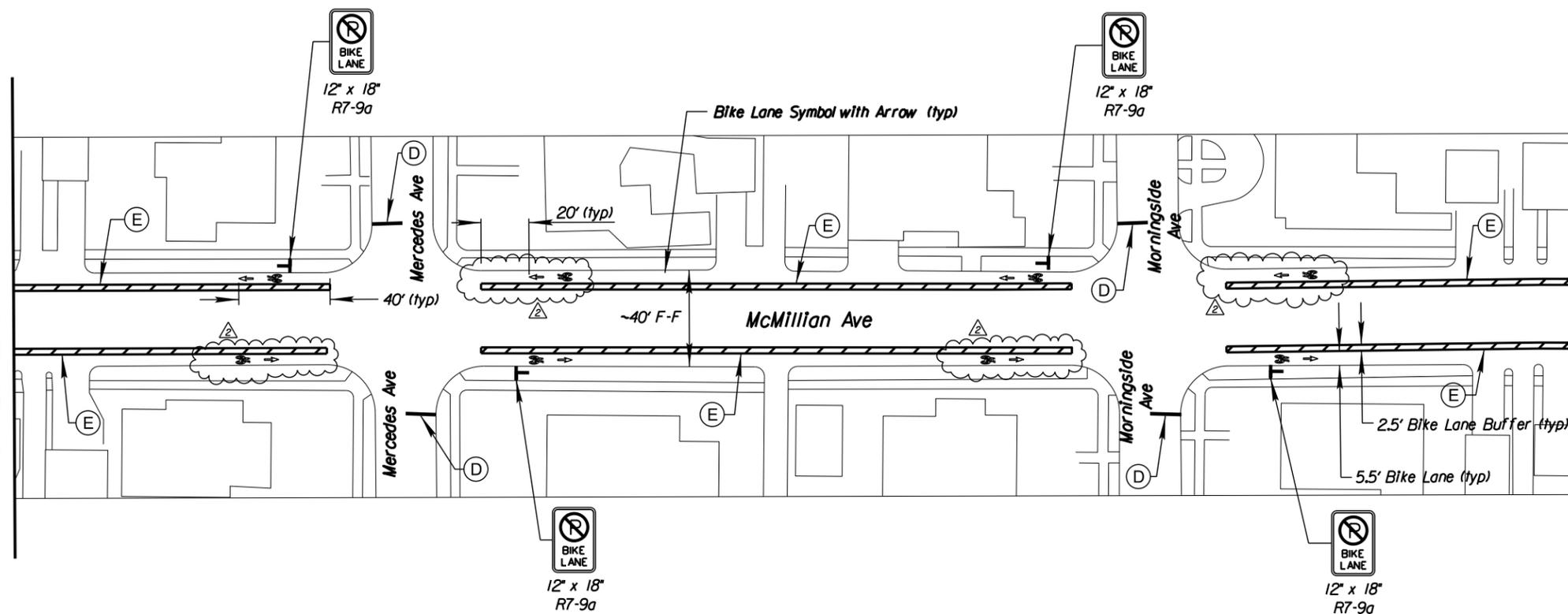
ITEM	UNIT	NO.
Bike Symbol Only preformed thermoplastic	EA	16
Bike Symbol Only prep and seal	EA	16
Bike Lane 6' Vertical Arrow preformed thermoplastic	EA	16
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4" white pavement marking	LF	4497
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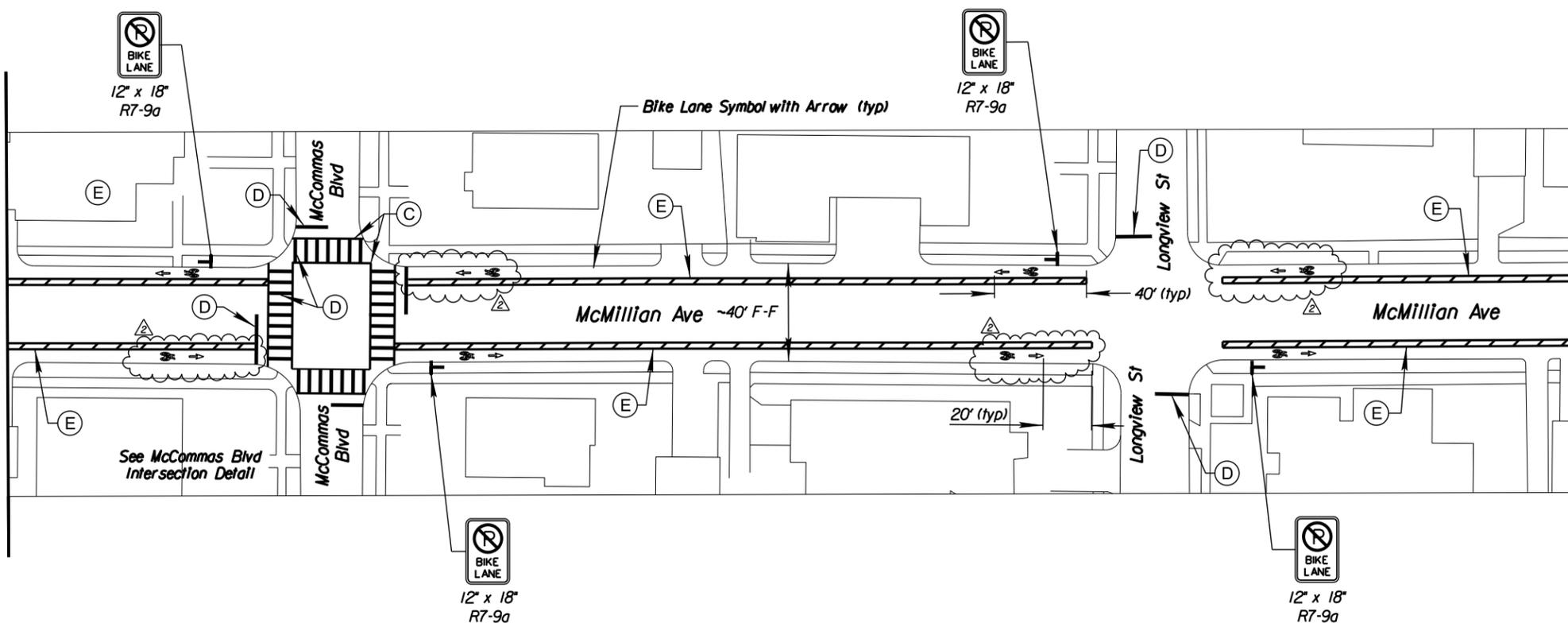
MATCHLINE J - See Sheet 8

MATCHLINE K



MATCHLINE K

MATCHLINE L - See Sheet 10



Reflective Pavement Markings

- (A) (W) 4" (SLD)
- (B) (W) 4" (DOT) 2' - 6" GAP
- (C) (W) 6" (SLD)
- (D) (W) 18" (SLD)
- (E) (W) 4" (BIKE LANE BUFFER) See Bike Lane Buffer Detail



City of Dallas, Texas - Department of Public Works
Transportation Planning Division
1600 Marilla Street, Room 1185 Dallas, TX 75206

**McMILLIAN AVE
(SHEET 9 OF 10)**

BIKE LANE PLAN

N. HENDERSON AVE TO ELLSWORTH AVE

DEPARTMENT OF PUBLIC WORKS

CITY OF DALLAS, TEXAS

DESIGN	DRAWN	DATE	SCALE	NOTES	FILE	NO.
ARH	ARH	AS SHOWN				XXXX

Rev. #2 by A.Haire., 22 April 2015
Replaced dashed stripe at bus stops with solid stripe.

REVIEW COMMENT SHEET
 BOARD OF ADJUSTMENT
 HEARING OF **JANUARY 22, 2020 (B)**

Has no objections

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

Recommends denial (see comments below or attached)

No comments

BDA 189-134

BDA 190-002

BDA 190-004

BDA 190-005

BDA 190-007

BDA 190-010

BDA 190-011

BDA 190-012

COMMENTS:

City of Dallas installed bike lanes with buffers on McMillian Avenue in 2015 after considering the the roadway connectivity and pedestrian activity on an existing 4-foot sidewalk. (Pavement marking plans enclosed.)

Fence compromises visibility of pedestrians/bicyclists without enough sight distance to see vehicles backing out of subject driveway.

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

12/30/2019

Date

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



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-002

Date: ~~10/16/19~~ 10-23-19

Data Relative to Subject Property:

Location address: 5502 Merrimac Avenue Zoning District: CD 9

Lot No.: 1 Block No.: 5/2197 Acreage: 2760^{sqft} Census Tract: 3.00

Street Frontage (in Feet): 1) 50' 2) 127' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Javier La Fontaine
María D. Valderrama

Applicant: Javier La Fontaine Telephone: 210-624-1772

Mailing Address: 5502 Merrimac Ave, Dallas, TX Zip Code: 75206

E-mail Address: javierlafontaine@gmail.com

Represented by: N/A Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of the visibility triangle on the away side of the driveway, in the existing fence

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:

- Discussed with city arborist, the tree should not have to be removed with V.T.
- There is no fence on the approach side (incoming traffic) of the driveway.
- We have a visibility triangle which provide the necessary visibility.
- The propose visibility triangle will reduce our small backyard significantly.

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

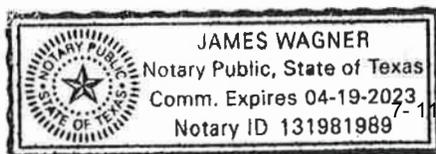
Before me the undersigned on this day personally appeared Javier La Fontaine
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 16 day of OCTOBER, 2019

(Rev. 08-01-11)



James Wagner
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

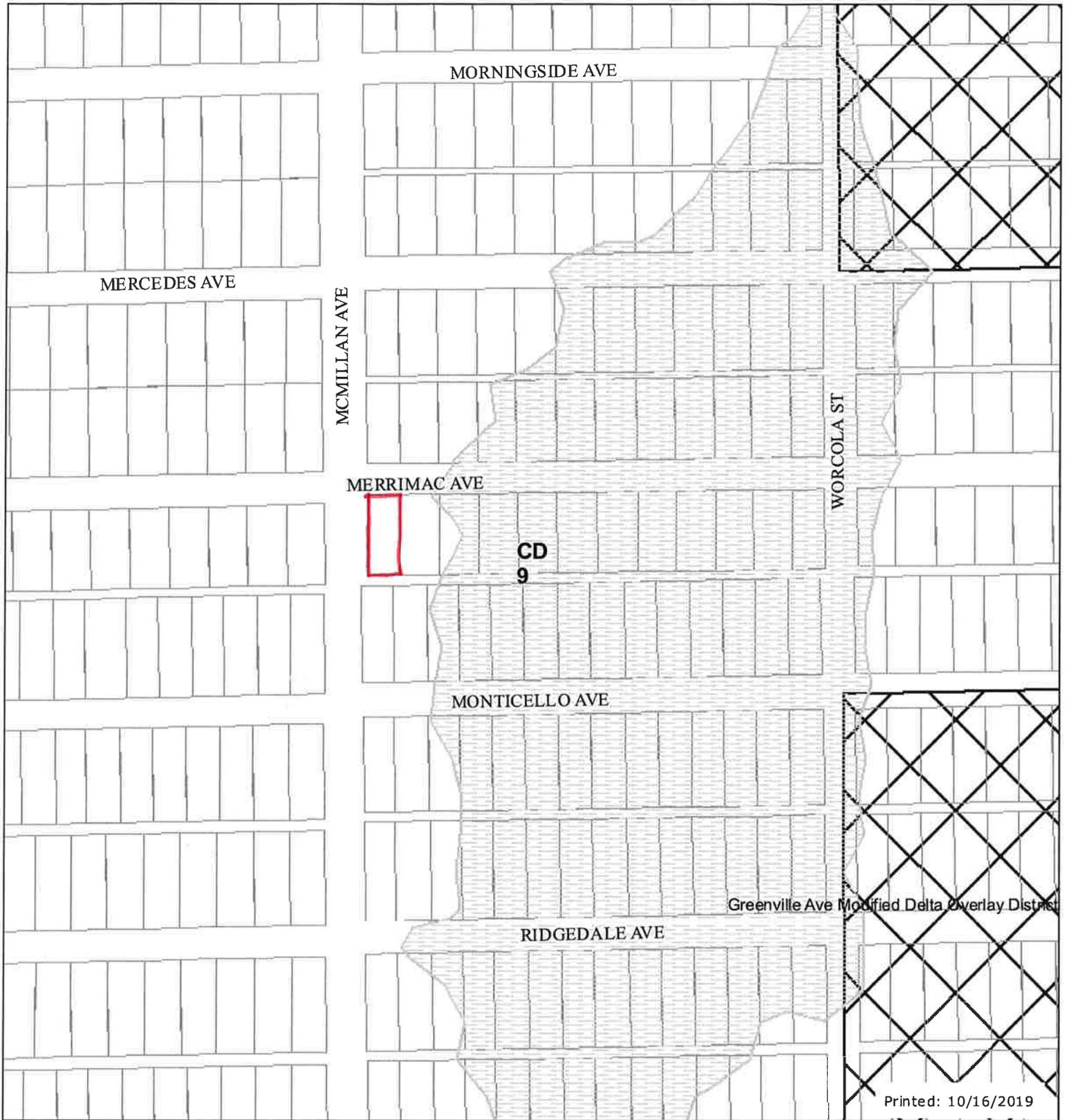
Building Official's Report

I hereby certify that JAVIER LAFONTAINE
did submit a request for a special exception to the visibility obstruction regulations
at 5502 Merrimac Avenue

BDA190-002. Application of JAVIER LAFONTAINE for a special exception to the visibility obstruction regulations at 5502 MERRIMAC AVE. This property is more fully described as Lot 1, Block 5/2197, and is zoned CD-9, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 10/16/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 70' Front Overlay |
| | | Height Map Overlay | |

92

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

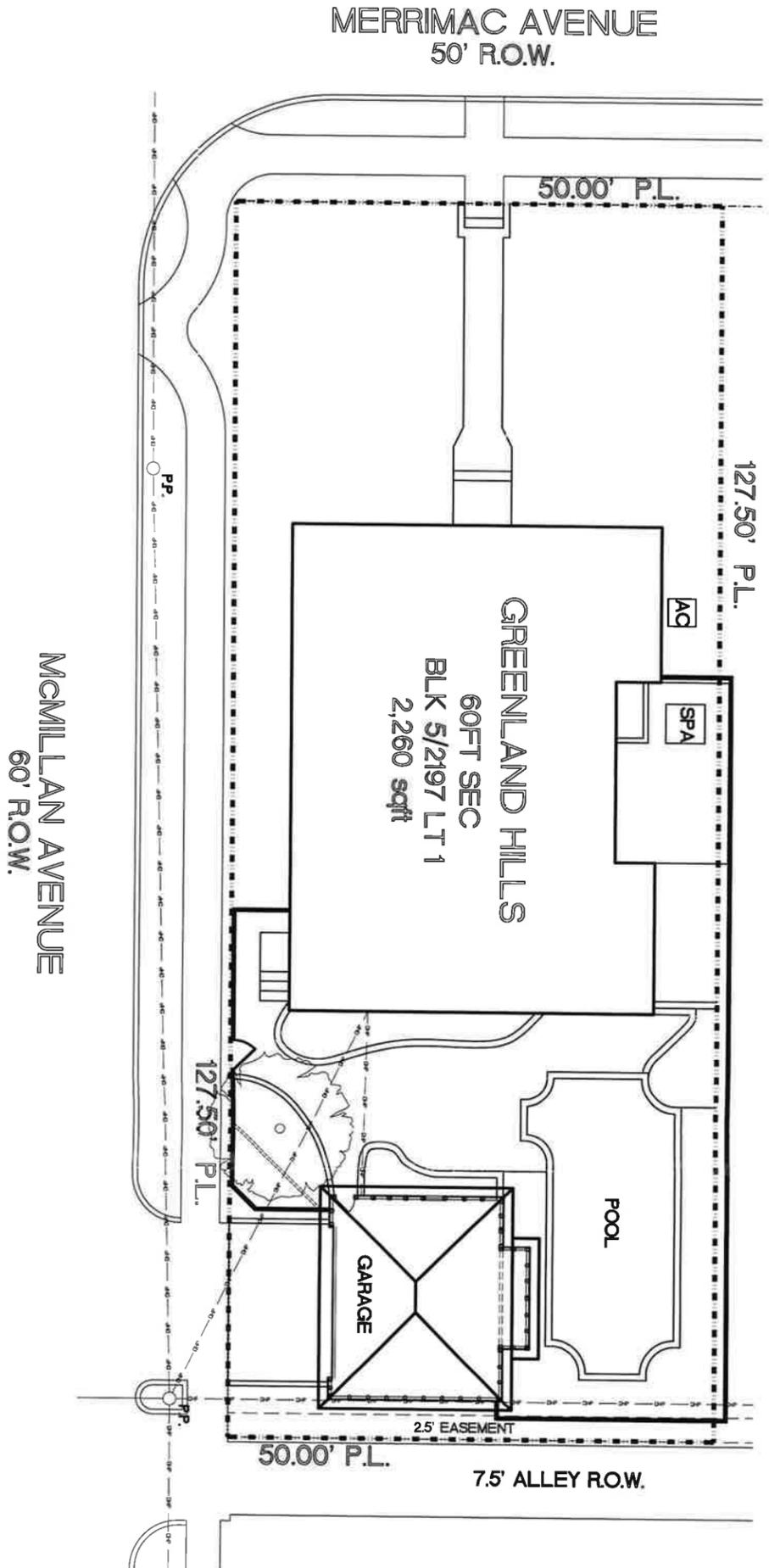


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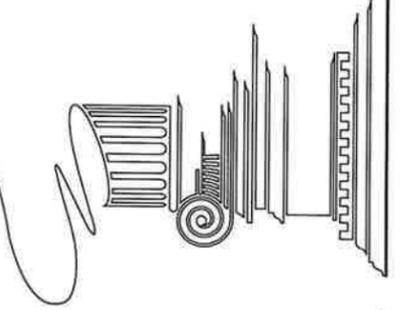
01 SITE PLAN

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



NOTES

01 -



DESIGN PRINCIPLES

3100 Commerce Street 100
 Dallas, Texas 75226
 (214) 321-1114 (214) 321-1911f
 www.designprinciples.biz

ISSUE: 8/28/18 INITIAL ISSUE

1	3/29/19 - SITE PLAN
2	10/11/19 - VISIBILITY

DESIGN DEVELOPMENT:

LA FONTAINE RESIDENCE

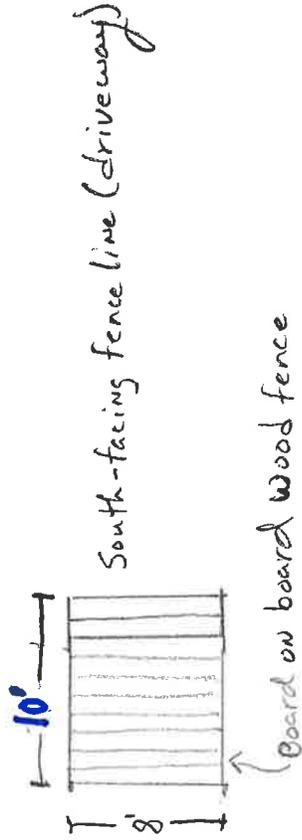
5502 MERRIMAC AVENUE
 DALLAS, TEXAS 75206

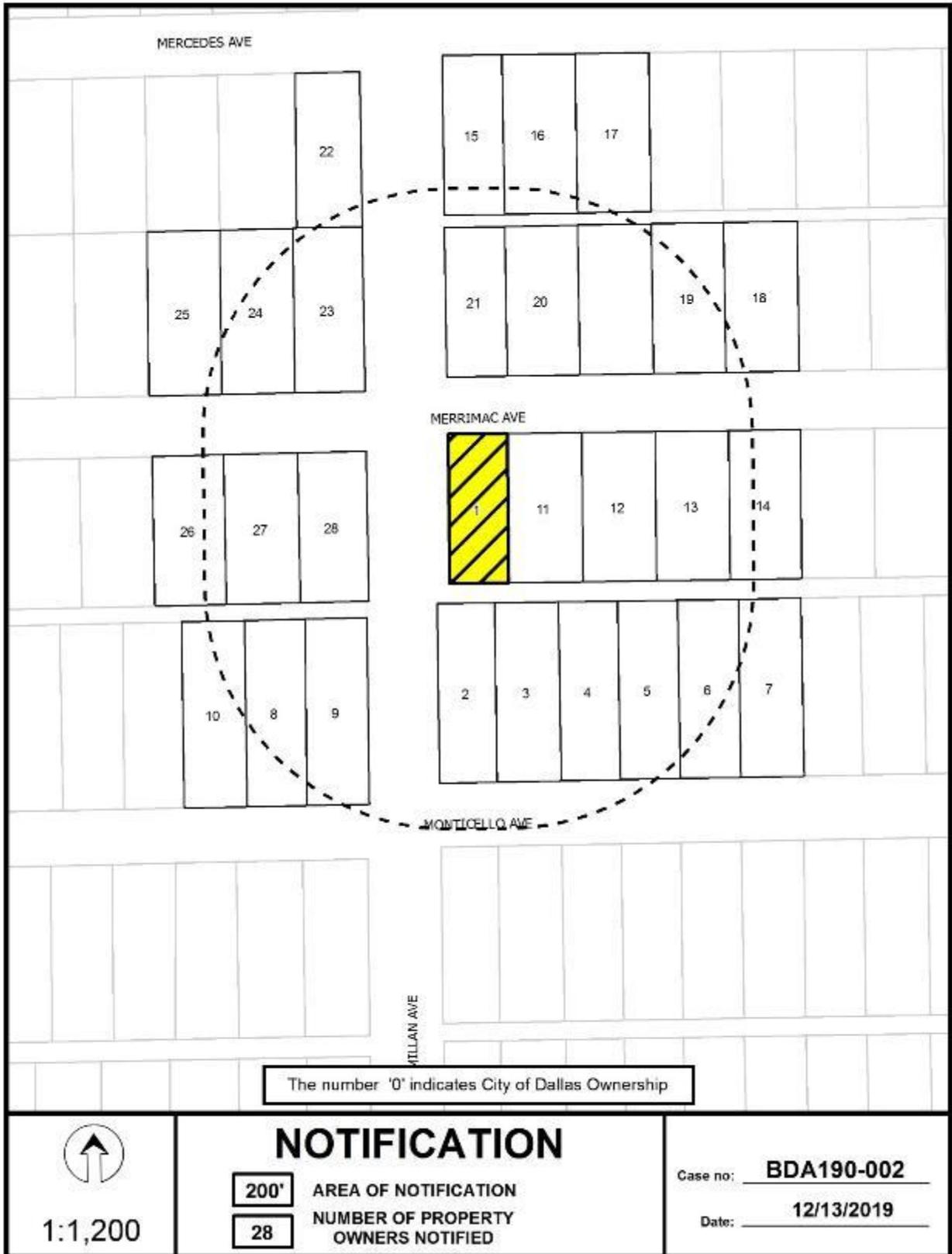
SITE PLAN

A1.1

Scale 1" = 10'

Fence Elevation Drawings





12/12/2019

Notification List of Property Owners

BDA190-002

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5502 MERRIMAC AVE	FONTAINE JAVIER LA &
2	5503 MONTICELLO AVE	STEPHENS MICHELE A
3	5507 MONTICELLO AVE	ONDRASEK ERIKA M &
4	5511 MONTICELLO AVE	HUMES ANNE
5	5515 MONTICELLO AVE	NEWLAND DAVID A
6	5519 MONTICELLO AVE	CULLEN CHARLENE TOY
7	5523 MONTICELLO AVE	SILVA ELIZABETH
8	5455 MONTICELLO AVE	BARNS WILLIAM MARTINDALE
9	5459 MONTICELLO AVE	REEVES JOHN E & JILL A
10	5451 MONTICELLO AVE	BECKMANN ROBERT
11	5506 MERRIMAC AVE	DILIVIO LAUREN ALYSE &
12	5510 MERRIMAC AVE	JACKSON JERRY LEE & DONNA DIANE
13	5514 MERRIMAC AVE	REAGAN MARTHA W
14	5518 MERRIMAC AVE	HOLLEMAN VIRGINIA F
15	5502 MERCEDES AVE	MORAN GREGORY C DR &
16	5506 MERCEDES AVE	SMITH MICHAEL G LIF EST &
17	5510 MERCEDES AVE	HAYES LAUREN E
18	5517 MERRIMAC AVE	ZALE DANIEL B
19	5515 MERRIMAC AVE	URIBE MELICHA A EST OF
20	5505 MERRIMAC AVE	BRANTLEY ANDREW & KRISTEN
21	5501 MERRIMAC AVE	PRICE CHERYL LYNN
22	5450 MERCEDES AVE	GYLES KATHY
23	5451 MERRIMAC AVE	STAHL LOUIS &
24	5447 MERRIMAC AVE	NAGY WILLIAM W & PATTI A
25	5443 MERRIMAC AVE	CARLOCK THOMAS R II & LAREN
26	5442 MERRIMAC AVE	RHODES CHRISTOPHER S & ELIZABETH

12/12/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5446 MERRIMAC AVE	ARTERBURN WILLIAM T
28	5450 MERRIMAC AVE	LOUDER TIFFAN

FILE NUMBER: BDA190-005(SM)

BUILDING OFFICIAL'S REPORT:

Application of J. Jesus Ortiz for variances to the 1) front and 2) side yard setback regulations; special exceptions to the 3) single family regulations and 4) to provide an additional electrical meter; and for special exceptions to 5) the visual obstruction regulations, 6) fence height regulations, and 7) fence standards regulations at 3907 Mount Pleasant Street.

This property is more fully described as Lot 1, Block J/4932, and is zoned R-5(A), which 1) requires a front yard setback of 20 feet, 2) requires side yard setback of five feet, 3) limits the number of dwelling units to one, 4) requires that a single family dwelling use in a single family district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter, 5) requires 20-foot visibility triangles at intersections of streets and driveway approaches 6) limits the height of a fence in the front yard to four feet, and 7) requires fence panels with a surface area that is less than 50 percent open to be located a minimum of five feet from the front lot line.

The applicant proposes to construct and/or maintain structures 1) provide a five-foot front yard setback, which will require a 15-foot variance to the front yard setback regulations and 2) provide a one-foot side yard setback, which will require a four-foot variance to the side yard setback regulations; and 3) construct and/or maintain an accessory dwelling unit, which will require a special exception to the single family zoning use regulations, 4) have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations; 5) construct and/or maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulation; 6) construct and/or maintain an eight-foot six-inch high fence in a required front yard, which will require a four-foot six-inch special exception to the fence regulations, and 7) construct and/or maintain a fence with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which will require a special exception to the fence regulations.

LOCATION: 3907 Mount Pleasant Street

APPLICANT: J. Jesus Ortiz

REQUESTS:

The following seven requests have been made to construct a 2,974-square-foot four-bedroom, three-bathroom single family home; remodel the existing 584-square-foot accessory structure into a dwelling unit with separate utilities; and construct a fence around the property that crosses a new circular drive on the subject site:

1. A request for a variance to the front yard setback regulations of 15 feet to construct two structures that would be located as close as five feet from the site's front property line or as much as 15 feet into the 20-foot front yard setback.
2. A request for a variance to the side yard setback regulations of one foot to construct an accessory structure that would be located as close as four feet from the site's side property line or as much as one foot into the five-foot side yard setback.
3. A request for a special exception to the single family use regulations is made to maintain an accessory dwelling unit to the proposed new home.
4. A request for a special exception to the single family use regulations is made to have more than one electrical utility service or electrical meter on a site with a single family use.
5. A request for a special exception to the visual obstruction regulations is made to construct a four-foot high wrought iron fence located in the 20-foot visibility triangles on the north and south sides of the northern drive approach at the intersection of Mount Pleasant Street of a proposed circular driveway.
6. A request for a special exception to the fence standards regulations related to the fence height of four feet to construct an eight-foot six-inch high fence in a required front yard, which will require a four-foot six-inch special exception to the fence regulations.
7. A request for a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line to construct a solid wood fence within five feet of the front lot line.

STANDARDS:

For these requests, the applicant has the burden of proof in establishing the following standards have been met.

Variances¹ (first and second requests):

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:

1. 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;
2. 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
3. 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.

Special exception to authorize an accessory dwelling unit² (third request):

The board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize a rentable accessory dwelling unit on a lot when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to

1. deed restrict the subject property to require owner-occupancy on the premises and
2. annually register the rental property with the city's single family non-owner occupied rental program.

¹ Reference Section 51(A)-3.102(d)(10) of the Dallas Development Code.

² Reference Section 51(A)-4.209(b)(6)(E)(iii) of the Dallas Development Code.

Special exception authorize more than one electrical utility service or more than one electrical meter³ (fourth request):

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will:

1. not be contrary to the public interest;
2. not adversely affect neighboring properties; and
3. not be used to conduct a use not permitted in the zoning district.

Special exception to the visual obstruction regulations⁴ (fifth request):

The board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

Special exception to fence standards regulations⁵ (sixth and seventh requests):

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

³ Reference Section 51(A)-4.209(b)(6)(E)(v) of the Dallas Development Code.

⁴ Reference Section 51A-4.602(d)(3) of the Dallas Development Code.

⁵ Reference Section 51A-4.602(d)(3) of the Dallas Development Code.

STAFF RECOMMENDATIONS:

Front yard variance (first request):

Denial

Rationale:

- Staff concluded that the request should be denied because the applicant has not provided documentation to address the following components of the variance standard prior to the deadline for the December 30th staff review team meeting:
 1. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, a site that, while irregularly shaped and is larger at approximately 8,832 square feet in area than other lots zoned R-5(A) which require a minimum lot size of 5,000 square feet), that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning (the applicant provided no information related to this); and
 2. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

Side yard variance (second request):

Denial

Rationale:

- Staff concluded that the request should be denied because the applicant has not provided documentation to address the following components of the variance standard prior to the deadline for the December 30th staff review team meeting:
 1. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, a site that, while irregularly shaped and is larger at approximately 8,832 square feet in area than other lots zoned R-5(A) which require a minimum lot size of 5,000 square feet), that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning (the applicant provided no information related to this); and
 2. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

Accessory dwelling unit special exception (third request):

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

Authorization of more than one electrical utility service or more than one electrical meter special exception (fourth request):

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

Visibility triangle special exception (fifth request):

Denial

Rationale:

- The Sustainable Development Department Senior Engineer has submitted a review comment sheet and related document marked “recommends denial”. The Senior Engineer comments that: “Gate design proposes to obstruct visibility of driveway from residential traffic traveling on Mt Pleasant Street as well as adjacent sidewalk. Design of proposed fence should respect visibility standards due to 1) roadway horizontal curvature and 2) angle at which motorist maneuver at subject driveway.”
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be denied because the items to be maintained in the drive approach visibility triangles constitute a traffic hazard.

Fence special exceptions (sixth and seventh requests):

No staff recommendation is made on this or any request for a special exception to the fence standards 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: R-5(A) (Single Family District)
North: R-5(A) (Single Family District)
East: R-5(A) (Single Family District)
South: R-5(A) (Single Family District)
West: MF-2(A) (Multifamily District)

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases near the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS

The purpose of these requests for variances and special exceptions is to construct a 2,974-square-foot four-bedroom, three-bathroom single family home; remodel the existing 584-square-foot accessory structure into a dwelling unit with separate utilities; and construct a fence around the property that crosses a new circular drive on the subject site.

Front and side variances (first and second request):

The purpose of the front and side yard variance requests of 15 and one foot, respectively, is to construct a single family structure and accessory structure in the locations shown on the submitted site plan. The location of the proposed larger structure requires a front yard variance to be located 15 feet within the required 20-foot front yard setback and the accessory structure needs both a front yard variance of 15 feet and a side yard variance of one foot to be constructed in the location shown in the submitted site plan.

The site is located on the northeast line of Mount Pleasant Street, west of South Albrook Street and south of Mount Royal Street in the R-5(A) district which requires a minimum of 5,000 square feet of lot area, a 20-foot front yard setback, and, for this site, two five-foot side yard setbacks. The irregularly shaped subject site is flat and approximately 8,832 square feet in lot area, according to Dallas Central Appraisal District records, which

is greater than the minimum 5,000-square-foot lot size required by the R-5(A) zoning district.

If the board was to grant the variance request, and impose the submitted site plan as a condition, the structures in the front and side yard setbacks would be limited to what is shown on this document – which, in this case, are structures that are located as close as five feet from the site’s front property line (or 15 feet into the 20-foot front yard setback) and an accessory structure that is located as close as four feet from the site’s side yard property line adjacent to the alley (or one foot into the five-foot side yard setback).

Single family special exceptions (third and fourth requests):

The applicant proposes to remodel the existing 584-square-foot accessory structure into a dwelling unit with separate utilities. Since the proposed floor plan of the accessory structure contains a kitchen, bedroom, and bathroom within a separate accessory structure on a single family premises and since the applicant requests more than one electrical utility service or electrical meter, two special exceptions to the single family use regulations are required.

The Dallas Development Code states that *single family* means one dwelling unit located on a lot and that a *dwelling unit* means one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens⁶, one or more bathrooms⁷, and one or more bedrooms⁸.

If the board was to grant this request, the board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an accessory dwelling unit with separate utilities on the site.

If the board was to grant these requests, the applicant could remodel the existing 584-square-foot accessory structure into a dwelling unit with separate utilities. However, if the board was to deny these requests, the applicant could still modify the accessory structure

⁶ KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities. Reference §51A-2.102(57.1) of the Dallas Development Code, as amended.

⁷ BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink. Reference §51A-2.102(8.1) of the Dallas Development Code, as amended.

⁸ BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms. Reference §51A-2.102(9) of the Dallas Development Code, as amended.

that complies with all other zoning regulations on the subject site but it may not be constructed with all three elements that constitute a dwelling unit or with separate utilities.

Visual obstruction special exceptions (fifth request):

The applicant also proposes to add a circular driveway and perimeter fencing and a vehicular gate within one set of visibility triangles on the northern portion of the proposed circular drive, which requires a special exception to the visual obstruction regulations. The submitted site plan and fence elevations show portions of a four-foot high wrought iron fence with a rolling vehicular gate supported by four-foot six-inch tall columns located in the two 20-foot visibility triangles on both sides of the north driveway approach intersecting with Mount Pleasant Street.

The property is located in a zoning district which requires compliance with Section 51A-4.602(d) of the Dallas Development Code which states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
- between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “recommends denial”. The Senior Engineer comments that: “Gate design proposes to obstruct visibility of driveway from residential traffic traveling on Mt Pleasant Street as well as adjacent sidewalk. Design of proposed fence should respect visibility standards due to 1) roadway horizontal curvature and 2) angle at which motorist maneuver at subject driveway.”

If the board was to grant this request with a condition imposed that the applicant complies with the submitted site plan and fence elevations, the applicant would be limited to the items shown on the submitted documents. If the board was to deny this request, the applicant could construct a circular driveway and a perimeter fence could not obstruct these 20-foot visibility triangles.

Fence special exceptions (sixth and seventh requests):

The purpose of these last two special exceptions to the fence standards is to construct a fence which exceeds four feet in height within the front yard setback and to construct

fence panels with a surface area that is less than 50 percent open within five feet of the front lot line on Mount Pleasant Street. Regarding the fence height, the submitted site plan and fence elevations show an eight-foot six-inch high wooden privacy fence which encloses approximately 70 feet of the northern portions of the subject site along Mount Pleasant Street and four-foot six-inch tall columns which support a wrought iron fence along the southern portions of the subject site along Mount Pleasant Street. Regarding the openness of the fence, portions of the proposed eight-foot six-inch high wooden privacy fence which are less than five feet from the front lot line which also requires a fence standards special exception.

The Dallas Development Code states

1. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard⁹.
2. In single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line¹⁰.

Staff conducted a field visit of the site and the surrounding area and noted the property to the north has a solid wood fence above four feet in height with fence panels with surface area that is less than 50 percent open; however, board approval for that property could not be found.

As of December 31, 2019, no letters had been submitted in support of or in opposition to the requests for special exceptions to the fence standards regulations.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height and prohibited materials the site will not adversely affect neighboring property.

If the board was to grant these special exceptions with a condition imposed that the applicant complies with the submitted site plan and fence elevation, it would require the portions of the fences which exceed four feet in height in the front yard setbacks and the portions with fence panels with surface area that is less than 50 percent open and within five feet of the front lot line to be constructed and maintained in the locations and of the heights and materials as shown on these documents.

⁹ Reference Section 51A-4.602(a)(2) of the Dallas Development Code.

¹⁰ Reference Section 51A-4.602(a)(3) of the Dallas Development Code.

TIMELINE:

- October 30, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- December 5, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- December 9, 2019: The Interim Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the December 27th deadline to submit additional evidence for staff to factor into their analysis; and the January 10th deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- December 25, 2019: The applicant’s representative submitted a letter to the board (see Attachment A).
- December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.
- December 30, 2019: The City of Dallas Sustainable Development and Construction Senior Engineer submitted a memo regarding this application (see Attachment B).

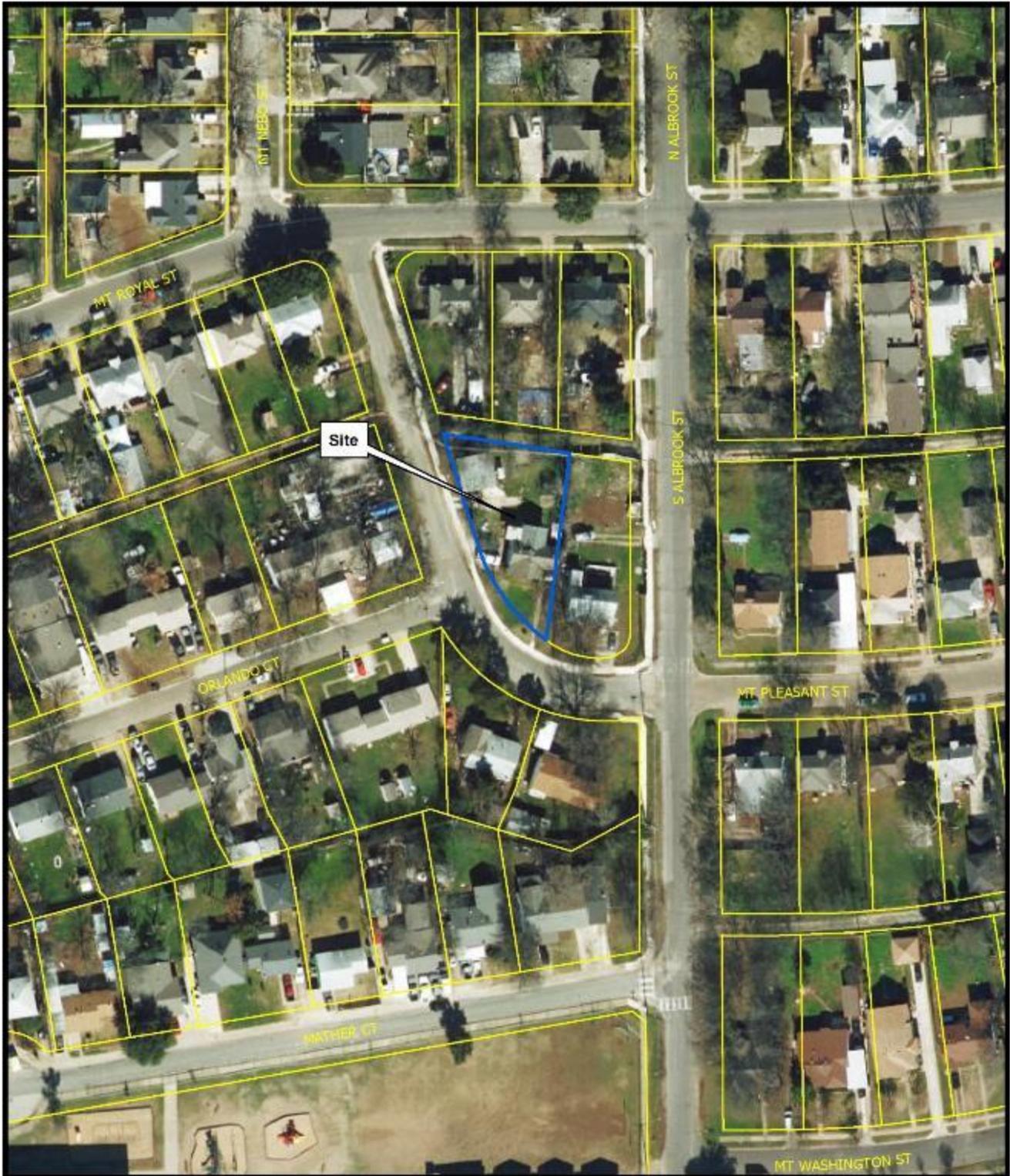


1:1,200

ZONING MAP

Case no: BDA190-005

Date: 12/13/2019



1:1,200

AERIAL MAP

Case no: BDA190-005

Date: 12/13/2019

From: [Mack Davis](#)
To: [May, Sarah](#)
Subject: Re: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street
Date: Wednesday, December 25, 2019 5:21:14 PM

External Email!

Hi Sarah

While I am able to email you some basic information while out of the country on the front setback, second dwelling for rent and the second dwelling encroaching the back setback requests, I will prepare more detail documentary evidence to support the requests before the Jan 10 deadline and will discuss it at the hearing as we will be present at the hearing. Please bear in mind that the main dwelling will be our owner occupied home.

1. Front setback variance: The roughly right angle triangle shape of the property per code interprets the long side of that triangle to represent the front of the property for the purposes of zoning code. A 20' setback on this entire side would delete approximately 3,400 square foot of the approximately 8,832 square foot lot from development or more than 1/3 of the property. I believe that creates an undue hardship for the development of the property. The majority of surrounding similarly zoned properties only utilize only approximately 1,000 Sq ft of property for front setback for an approximately average 7,000 sq ft lot in the similarly zoned area or 1/7 of their areas. Prior to the Jan 10 deadline for documentary evidence I will send more information to support with more detail data to this effect with specific examples
2. Second dwelling for rent. All of the property to the west and south of the property is zoned multi family and additionally there are many property to the north and east of the property that have second dwelling rental units. Because of these reasons the use of the 585 sq ft second dwelling for rent will be in character for the neighborhood. Also the improvements to be done to the second dwelling to prepare it to be rented will positively impact the esthetics of the neighborhood.
3. Second dwelling encroaching into the back setback. This building has been in its location on the property for decades and is built on a slab. The property was purchased approximately 25 year ago by current owner's parents with this structure in it's current location. The cost to move it out of the setback would be an undue financial hardship in my opinion and it is not uncharacteristic of other such structures in the neighborhood. Additionally there is a 15' wide alley on the back providing additional distance to the structures on the lots across it. If no alley was present there would only be a 10' combined back setback for the adjoining properties.

Please let me know if the above seems sensible in regards to the city and zoning codes. Since this is our first and only time going through this process, we appreciate all the guidance provided previously and in the future.

Best regards,
Mack J Davis III
Mobile: (682)216-9082

Email: [REDACTED]

On Dec 24, 2019, at 7:36 PM, Mack Davis <[REDACTED]> wrote:

Hi Sarah

I am definitely a rookie at map/ survey reading, But it appears to me looking at the recent survey done, I believe the DCAD dimensions are wrong. Fortunately I had both the DCAD map and recent survey below in my email. Unless I am missing something, a cursory look at the dimensions on the DCAD map and the recent survey would easily account for the additional lot square footage. Let me know you agree.

I will be sending you an email on the other items by the deadline as we discussed.

<image001.jpg>

Best regards,
Mack J Davis III
Mobile: (682)216-9082
Email: [REDACTED]

On Dec 24, 2019, at 7:03 PM, Jose Ortiz [REDACTED] wrote:

Sent from my iPhone X

Begin forwarded message:

From: "May, Sarah" <sarah.may@dallascityhall.com>
Date: December 24, 2019 at 2:06:40 PM CST
To: [REDACTED]
Subject: RE: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

Just to follow up on our phone conversation, you're correct in that I should have said, "homes in the R-5(A) zoning district" below but I also just noticed that the proposed lot coverage comes out to 46.13 percent per the submitted plans whereas the R-5(A) district only allows residential structures to have 45% lot coverage. Lot coverage is all the proposed structures under roof (including the porches and garages and the accessory structure) and is divided by the lot area. The plans show 3490+584 SF of covered areas and DCAD says there is 8832 SF of lot area.

We can proceed as is with the understanding that when you do apply for the permit, you would need to trim the footprint down to 45% lot coverage or, if you want to add lot area to the request, (which is an additional fee and would delay the request because you have to give the appropriate application materials and fees to Charles) I just want to know what direction you are taking. Please let me know if you have questions.

Sincerely,

Sarah May

Senior Planner

City of Dallas |

www.dallascityhall.com

Sustainable Development &
Construction, Current Planning

1500 Marilla St, 5BN

Dallas, TX 75201

O: 214.671.9404

sarah.may@dallascityhall.com

[<image001.png>](#)

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

*****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.*****

From: May, Sarah

Sent: Thursday, December 19, 2019 10:33 AM

To: [REDACTED]

Subject: RE: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

Please consider sending me a table that compares other lots and homes in the R-16(A) zoning district to the subject site so that staff can consider supporting the request. In other words, evidence must be submitted that supports the standards for granting a variance (refer to the attachment in the previous email) for staff to consider recommending approval by Thursday, December 26 (sorry for the date error below too that said 12/27).

Sincerely,

Sarah May

Senior Planner

City of Dallas |

www.dallascityhall.com

Sustainable Development &
Construction, Current Planning

1500 Marilla St, 5BN

Dallas, TX 75201

O: 214.671.9404

sarah.may@dallascityhall.com

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[<image003.png>](#)

[<image004.png>](#)

OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

From: May, Sarah

Sent: Monday, December 09, 2019 4:05 PM

To: [REDACTED]

Subject: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

Dear Mr. Ortiz,

Attached is information regarding your board of adjustment application referenced above:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled Board of Adjustment public hearing noted below.

2. The provision from the Dallas Development Code allowing the board to grant a variance to the front yard setback regulations (51A-3.102(d)(10)).
3. The provision from the Dallas Development Code allowing the board to grant a special exception to the fence standards and visual obstruction regulations (51A-4.602(a)(11)).
4. The provisions from the Dallas Development Code allowing the board to grant special exceptions to the single family use regulations (51A-4.209(b)(6)(E)).
5. The board's rule pertaining to documentary evidence.

This application is scheduled for the following hearing date. The below deadlines for providing revisions cannot be changed or altered and therefore, I encourage you to aim to provide revisions before the last minute to allow staff an opportunity to review and comment before the deadline passes.

Board of Adjustment Panel B, located in the Conference Center Auditorium (L1FN), of Dallas City Hall, 1500 Marilla Street

Hearing date/time: 1 p.m., Wednesday, January 22nd

Deadline to submit information for staff team meeting: 1 p.m., Thursday, December 27th

Deadline to submit documentary evidence for board's docket: 1 p.m., Friday, January 10th

Please carefully review the attached application materials to make sure they are complete, especially the Building Official's Report/second page of the application (page 2 of the application materials document).

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than noon, Thursday, December 26th with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report on the second page of the submitted application materials, or any other part of this email is incorrect. (Note that the discovery of any additional appeal needed beyond your request stated in the application will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

If there is anything that you want to submit to the Board beyond what you have included in your attached application materials, please feel free to email it to sarah.may@dallascityhall.com or mail it to me at the following address by the deadlines referenced above in this email.

Please write or call me at 214-671-9404 if I can be of any additional assistance to you on this application.

Thank you,

[<image001.png>](#)

Sarah May

Senior Planner

City of Dallas |

www.dallascityhall.com

Sustainable Development &
Construction, Current Planning

1500 Marilla St, 5BN

Dallas, TX 75201

O: 214.671.9404

sarah.may@dallascityhall.com

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OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

<cid952560E92BB7564CB176122CDC2D46A6@ozk.com>

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

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **JANUARY 22, 2020 (B)**

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 189-134

BDA 190-002

BDA 190-004

BDA 190-005

BDA 190-007

BDA 190-010

BDA 190-011

BDA 190-012

COMMENTS:

**Gate design proposes to obstruct
visibility of driveway from residential
traffic traveling on Mt Pleasant Street as
well as adjacent sidewalk.**

**Design of proposed fence should respect
visibility standards due to:
1) roadway horizontal curvature and
2) angle at which motorists maneuver at
subject driveway.**

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

12/30/2019

Date

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

Aguilera, Oscar E

From: Mack Davis <metroplexchaser@live.com>
Sent: Wednesday, January 08, 2020 3:42 PM
To: Aguilera, Oscar E
Cc: May, Sarah
Subject: Fwd: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

External Email!

Mr. Aguilera,

I am sending you this information as Sarah is out so that it can be put in the file prior to the 1/10 deadline for the 1/22 hearing. I am going send the attachments in a second email.

Best regards,
Mack J Davis III
Mobile: (682)216-9082
Email: metroplexchaser@live.com

Begin forwarded message:

From: Mack Davis <metroplexchaser@live.com>
Date: January 8, 2020 at 2:47:31 PM CST
To: "May, Sarah" <sarah.may@dallascityhall.com>
Subject: Re: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

Hi Sarah

I have attached three files. Please let me know if this information is sufficient in scope to evidence my requests

1. Second dwelling properties. This file has pictures, addresses and a map of the properties within a few blocks of our property that have second dwellings that are likely rented. These items are to demonstrate that my proposed rentable second dwelling is very common and characteristic of the neighborhood along with the multi family zoning to the west of our property.
2. Lot Setback Comparison. This file show the percentage that the setback of the lots around me takes up of the whole lot and how the shape of our lot ends up creating a hardship with 2-3 times more setback square cottage required and the reason for the setback variance request.
3. Survey. The lot of 9,232 sq ft according to the survey. I requested that the surveyor calculate the square footage of the lot and put on the survey which they did. That still may create an issue with the lot coverage but as you said I'm we will trim the plans approx 200 sq. ft. to meet the maximum 45% lot coverage when we submit for the permit.

Best regards,
Mack J Davis III
Mobile: (682)216-9082
Email: metroplexchaser@live.com

On Dec 26, 2019, at 2:32 PM, May, Sarah <sarah.may@dallascityhall.com> wrote:

Thank you Mr. Davis, those are good directions to take. I am looking forward to your more detailed analysis on how the proposed plans would allow commensurate development to other R-5(A) properties. I highly recommend you write a separate letter with exhibits/tables so that I can make those documents into an attachment rather than just an email chain.

Regarding the lot area, I just wanted to point that out so that you won't be surprised—DCAD is not the keeper of the legal lot size (that would be on your Dallas County subdivision plat) so it very well could be different from DCAD records.

Sincerely,

<image001.png>

Sarah May
Senior Planner
City of Dallas | www.dallascityhall.com
Sustainable Development &
Construction, Current Planning
1500 Marilla St, 5BN
Dallas, TX 75201
O: 214.671.9404
sarah.may@dallascityhall.com

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<image004.png>

****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.****

From: Mack Davis <metroplexchaser@live.com>
Sent: Wednesday, December 25, 2019 5:21 PM
To: May, Sarah <sarah.may@dallascityhall.com>
Subject: Re: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

External Email!

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Please let me know if the above seems sensible in regards to the city and zoning codes. Since this is our first and only time going through this process, we appreciate all the guidance provided previously and in the future.

Best regards,
Mack J Davis III
Mobile: (682)216-9082
Email: metroplexchaser@live.com

On Dec 24, 2019, at 7:36 PM, Mack Davis <metroplexchaser@live.com> wrote:

Hi Sarah

I am definitely a rookie at map/ survey reading, But it appears to me looking at the recent survey done, I believe the DCAD dimensions are wrong. Fortunately I had both the DCAD map and recent survey below in my email. Unless I am missing something, a cursory look at the

dimensions on the DCAD map and the recent survey would easily account for the additional lot square footage. Let me know you agree.

I will be sending you an email on the other items by the deadline as we discussed.

<image001.jpg>

Best regards,
Mack J Davis III
Mobile: (682)216-9082
Email: metroplexchaser@live.com

On Dec 24, 2019, at 7:03 PM, Jose Ortiz
<josechuy214@gmail.com> wrote:

Sent from my iPhone X

Begin forwarded message:

From: "May, Sarah"
<sarah.may@dallascityhall.com>
Date: December 24, 2019 at 2:06:40 PM
CST
To: "josechuy214@gmail.com"
<josechuy214@gmail.com>
Subject: RE: Panel assignment and
deadlines for BDA190-005, Property at
3907 Mt. Pleasant Street

Just to follow up on our phone conversation, you're correct in that I should have said, "homes in the R-5(A) zoning district" below but I also just noticed that the proposed lot coverage comes out to 46.13 percent per the submitted plans whereas the R-5(A) district only allows residential structures to have 45% lot coverage. Lot coverage is all the proposed structures under roof (including the porches and garages and the accessory structure) and is divided by the lot area. The plans show 3490+584 SF of covered areas and DCAD says there is 8832 SF of lot area.

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Sincerely,

Sarah May
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1500 Marilla St, 5BN
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O: 214.671.9404
sarah.may@dallascityhall.com

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[<image003.png>](#)

[<image004.png>](#)

****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.****

From: May, Sarah
Sent: Thursday, December 19, 2019 10:33 AM
To: josechuy214@gmail.com
Subject: RE: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

Please consider sending me a table that compares other lots and homes in the R-16(A) zoning district to the subject site so that staff can consider supporting the request. In other words, evidence must be submitted that supports the standards for granting a variance (refer to the attachment in the previous email) for staff to consider recommending approval by Thursday, December 26

(sorry for the date error below too that said 12/27).

Sincerely,

[<image001.png>](#)

Sarah May
Senior Planner
City of Dallas | www.dallascityhall.com
Sustainable Development &
Construction, Current Planning
1500 Marilla St, 5BN
Dallas, TX 75201
O: 214.671.9404
sarah.may@dallascityhall.com

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

*****OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.*****

From: May, Sarah
Sent: Monday, December 09, 2019 4:05 PM
To: josechuy214@gmail.com
Subject: Panel assignment and deadlines for BDA190-005, Property at 3907 Mt. Pleasant Street

Dear Mr. Ortiz,

Attached is information regarding your board of adjustment application referenced above:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled Board of Adjustment public hearing noted below.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the front yard setback regulations (51A-3.102(d)(10)).
3. The provision from the Dallas Development Code allowing the

- board to grant a special exception to the fence standards and visual obstruction regulations (51A-4.602(a)(11)).
4. The provisions from the Dallas Development Code allowing the board to grant special exceptions to the single family use regulations (51A-4.209(b)(6)(E)).
 5. The board's rule pertaining to documentary evidence.

This application is scheduled for the following hearing date. The below deadlines for providing revisions cannot be changed or altered and therefore, I encourage you to aim to provide revisions before the last minute to allow staff an opportunity to review and comment before the deadline passes.

Board of Adjustment Panel B,
located in the Conference
Center Auditorium (L1FN), of
Dallas City Hall, 1500 Marilla
Street

**Hearing date/time: 1 p.m.,
Wednesday, January 22nd**

Deadline to submit information
for staff team meeting: 1 p.m.,
Thursday, December 27th

Deadline to submit documentary
evidence for board's docket: 1
p.m., Friday, January 10th

Please carefully review the attached application materials to make sure they are complete, especially the Building Official's Report/second page of the application (page 2 of the application materials document).

Please contact Charles Trammell at 214/948-4618 or charles.trammell@dallascityhall.com no later than noon, Thursday, December 26th with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his Building Official's report on the second page of the submitted application materials, or any other part of this email is incorrect. (Note that the discovery of any additional appeal needed beyond your request stated in the application will result in postponement of the appeal

until the panel's next regularly scheduled public hearing).

If there is anything that you want to submit to the Board beyond what you have included in your attached application materials, please feel free to email it to sarah.may@dallascityhall.com or mail it to me at the following address by the deadlines referenced above in this email.

Please write or call me at 214-671-9404 if I can be of any additional assistance to you on this application.

Thank you,

[<image001.png>](#)

Sarah May
Senior Planner
City of Dallas | www.dallascityhall.com
Sustainable Development &
Construction, Current Planning
1500 Marilla St, 5BN
Dallas, TX 75201
O: 214.671.9404
sarah.may@dallascityhall.com

[<image002.png>](#)

[<image003.png>](#)

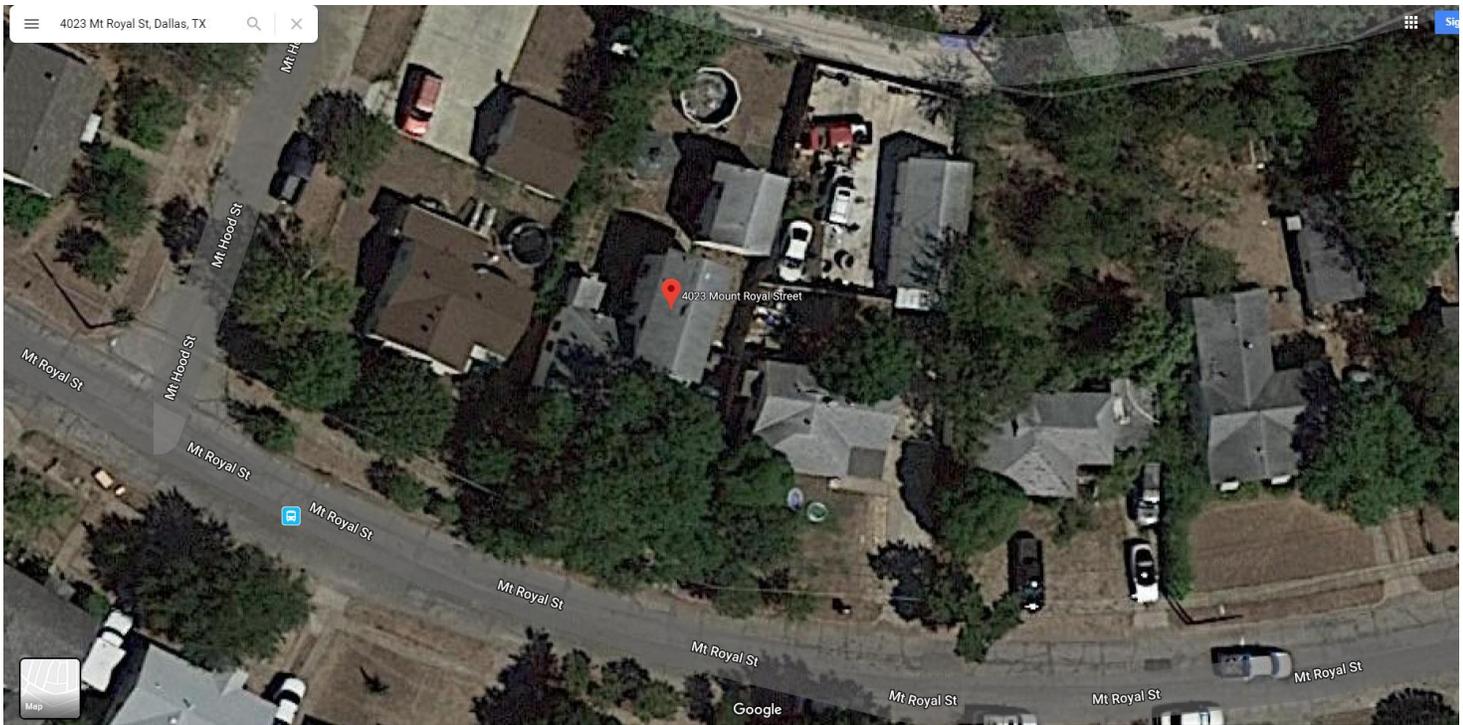
[<image004.png>](#)

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<cid952560E92BB7564CB176122CDC2D46A6@ozk.com>

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

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



4023 Mt Royal From side street



3) 102 Mt Arrarat – second dwelling in back



4) 102 Mt Nebo

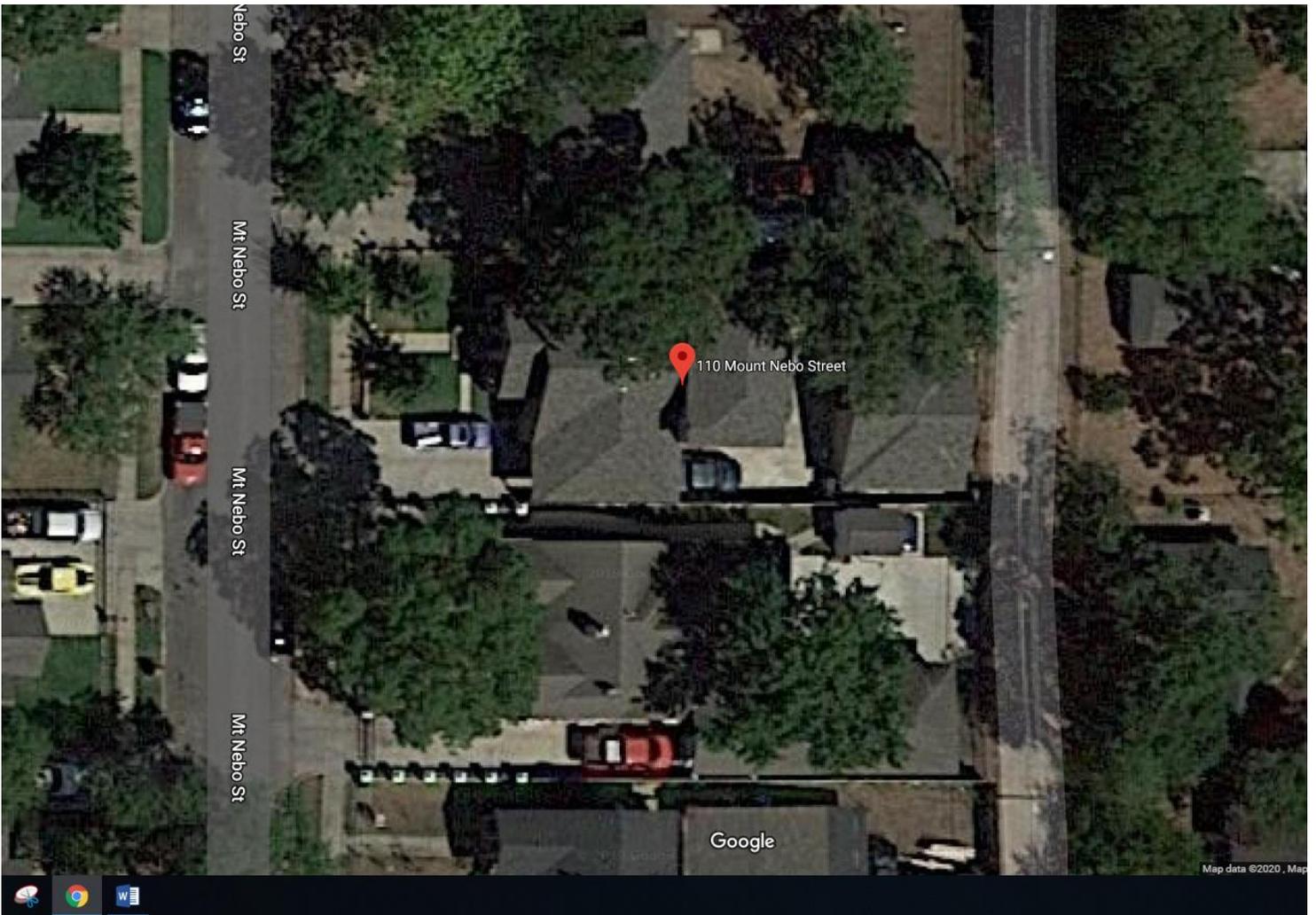


114 Mt Nebo St – second dwelling in rear



110 Mt Nebo St – second dwelling in rear

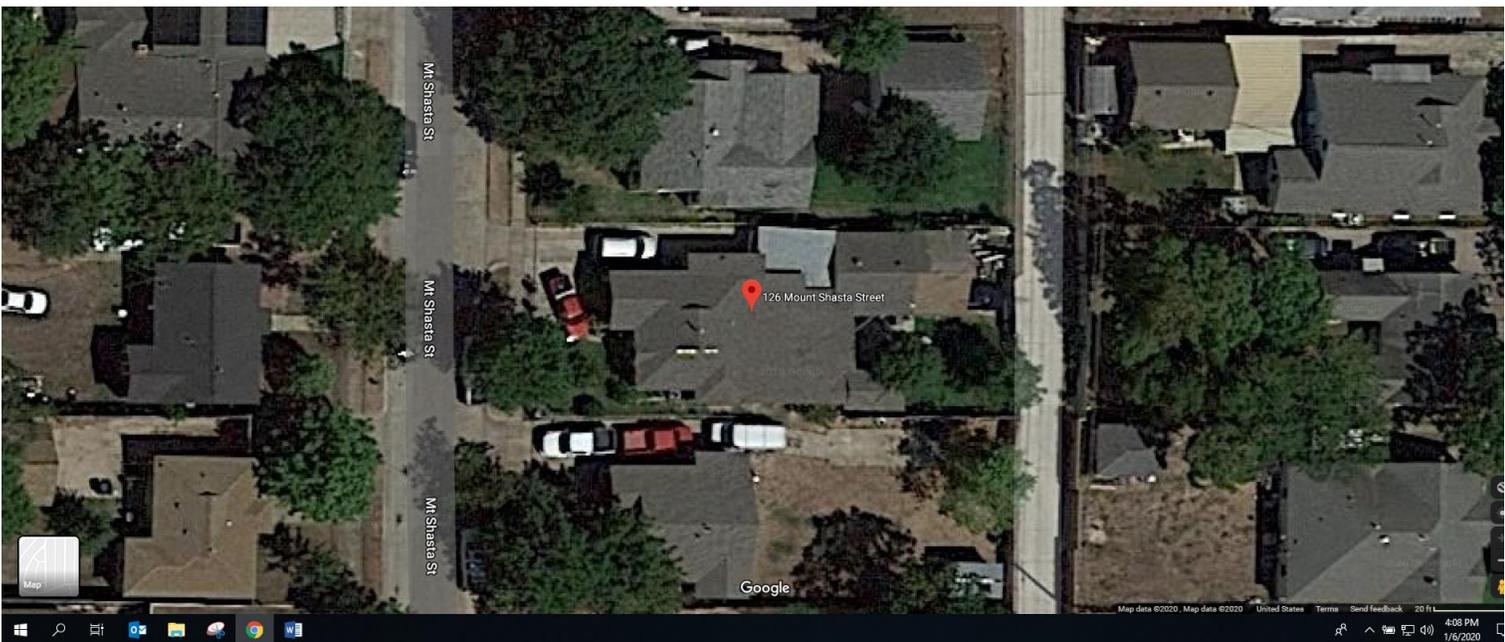




3845 Mt Everest



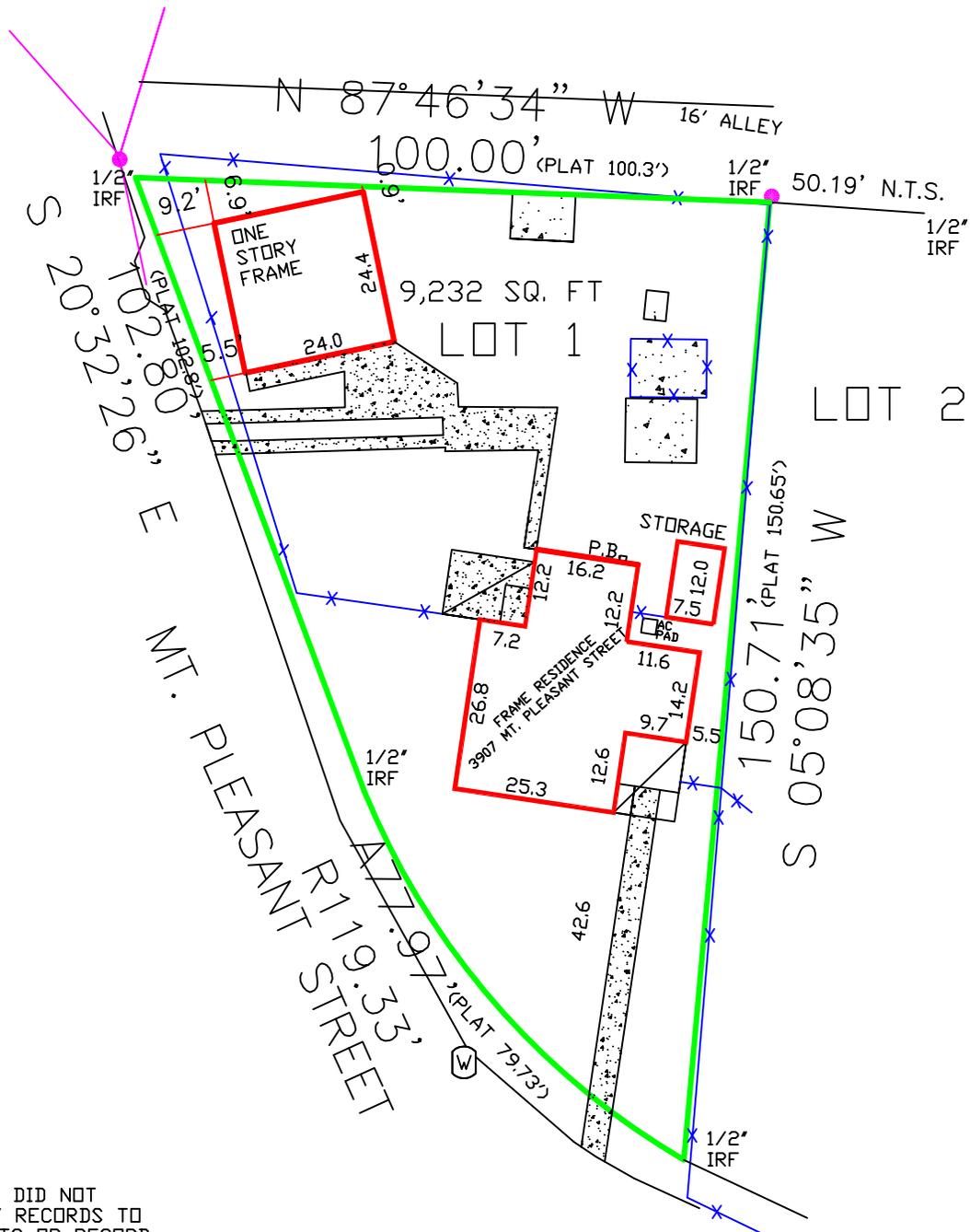
123 Mt Shasta St – second dwelling in rear



SURVEY PLAT

COPYRIGHT © DATE 9/3/19

BEING LOT 1, BLOCK J/4932 OF WESTRIDGE PARK ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 8, PAGE 74 OF THE PLAT RECORDS OF DALLAS COUNTY, TEXAS.

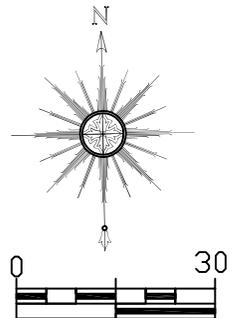


SURVEYOR'S NOTE: I DID NOT SEARCH THE COUNTY RECORDS TO DETERMINE EASEMENTS OR RECORD TITLE. ALL INTERESTED PARTIES SHOULD EMPLOY A TITLE AND ABSTRACT CO. TO DETERMINE EASEMENTS AND STATE OF TITLE AND OWNERSHIP TO THIS PROPERTY.

LEGEND	
	POWER POLE
	WOOD DECK
	CONCRETE
	GRAVEL
	BRICK
	ASPHALT
	ROCK
	RAILROAD TIES
	COLUMN
	COVERED AREA
	RAILROAD SPIKE FOUND
	PROPERTY LINE
	FENCE
	B.L. BUILDING LINE
	E.L. EASEMENT LINE
	IRF IRON ROD SET
	IRS IRON ROD SET
	P.W.L. POWER LINE
	P.B. POWER BOX
	R.O.W. RIGHT OF WAY
	ELECT. BOX
	U.E. UTILITY EASEMENT
	GAS METER
	WATER METER
	BUILDINGS

ACCEPTED BY: _____

NOTES
 BASIS OF BEARING
 1. BEARINGS SHOWN HEREON ARE REFERENCED TO TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE, AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.
 2. ALL AREAS SHOWN HEREON ARE CALCULATED BASED ON SURFACE MEASUREMENTS
 3. ALL DISTANCES ARE MEASURED IN US SURVEY FEET.



JIMMY W. POGUE, INC.
 "Registered Professional Land Surveyors"
 2106 N HWY 67 (214) 371-0666 Voice
 MIDLOTHIAN, TX 76065 (214) 371-9900 Fax
 Jimmilyn D. Woodard R.P.L.S. 5398
 Website: www.jimmywogue.com
 Email: kstuart@jimmywogue.com

Job Number: 126929 Date: 9/3/19 Drawn by: JS
 G.F. Number: N/A Title Company: N/A
 Certified to: MACK DAVIS III

FIRM #101219-00

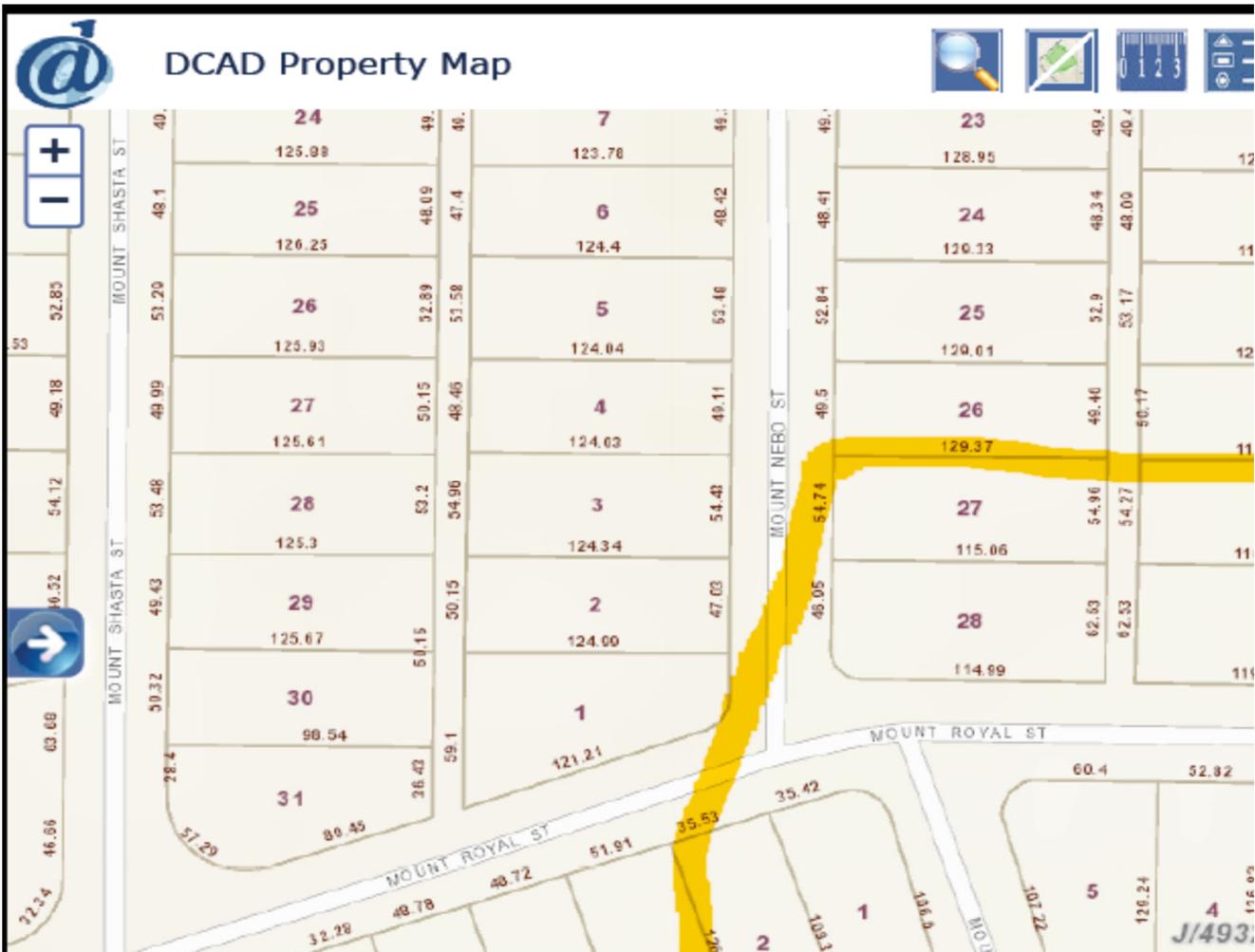
8-35

I, Jimmilyn D. Woodard, Registered Professional Land Surveyor of the State of Texas, do certify that this Survey Plat is a representation of the property shown hereon as determined by a survey on the ground. The lines and dimensions of said property being as indicated by the plat; The size, location and type of above ground improvements are as shown. Corner monuments are as shown on survey. EXCEPT AS SHOWN ON SURVEY, THERE ARE NO ABOVE GROUND ENCRDACHMENTS OR ABOVE GROUND PROTRUSIONS.
 This survey makes no judgements as to the ownership of the property, only that the property exist on the ground as shown and surveyed from a description provided to the surveyor.
 This Survey was performed exclusively for the parties shown hereon and is licensed for a single use. This Survey remains the property of the Jimmy W. Pogue, Inc. Unauthorized reuse is not permitted without the expressed written permission of the President of company. This survey is an original work protected by United States Copyright Law and International Trustles. All rights reserved. Do not make illegal copies!

Jimmilyn D. Woodard RPLS #5398
THIS SURVEY VALID WITH EMBOSSED SEAL

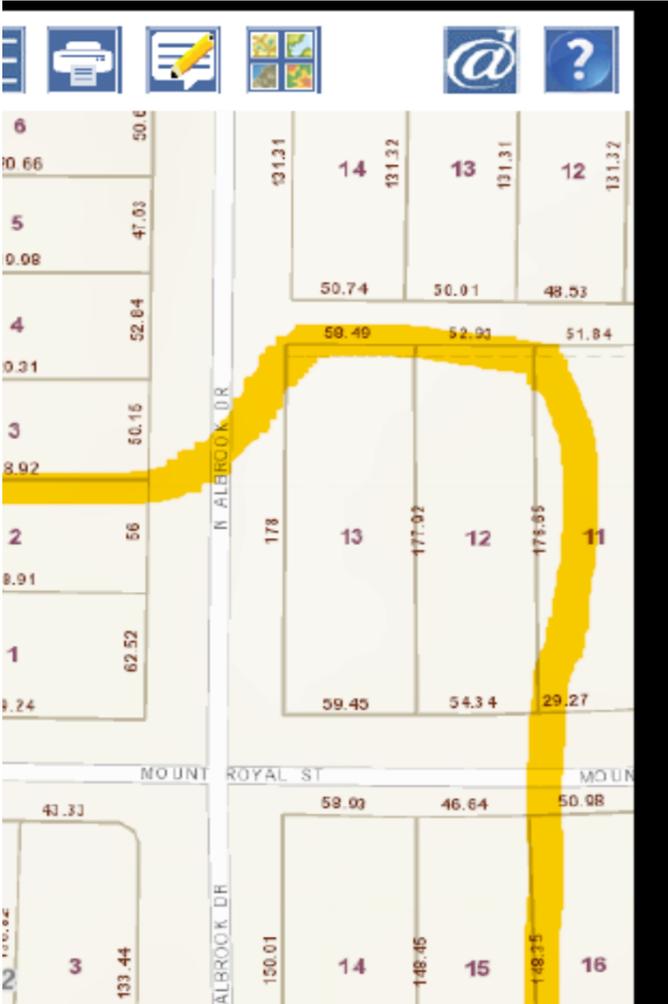


Address	Front width per DCAD map	Zoning	Setback requirement
3907 Mt Pleasant St	158.67	R-5(A)	20
	77.97	R-5(A)	20
3902 Mt Royal St	43.33	R-5(A)	20
3906 Mt Royal St	52.82	R-5(A)	20
3910 Mt Royal St	60.4	R-5(A)	20
3918 Mt Royal St	35.42	R-5(A)	20
3922 Mt Royal St	35.43	R-5(A)	20
102 Mt Nebo St	46.95	R-5(A)	20
103 N Albrook St	62.52	R-5(A)	20
106 Mt Nebo St	54.74	R-5(A)	20
107 N Albrook St	56	R-5(A)	20
3855 Mt Pleasant St	60.01	R-7.5(A)	25
3849 Mt Pleasant St	56.14	R-7.5(A)	25
3854 Mt Pleasant	60.24	R-7.5(A)	25
3848 Mt Pleasant	52.06	R-7.5(A)	25
3854 Mt Royal St	58.93	R-7.5(A)	25
3848 Mt Royal St	46.64	R-7.5(A)	25





Setback sf	Lot sf per DCAD	% of lot	
3173.4	8882	35.73%	Subject property
1559.4			
866.6	7668	11.30%	
1056.4	6898	15.31%	
1208	7495	16.12%	
708.4	6364	11.13%	
708.6	6282	11.28%	
939	8043	11.67%	
1250.4	7445	16.80%	
1094.8	7115	15.39%	
1120	6556	17.08%	
		14.01%	Average for R-5(A)
1500.25	8950	16.76%	
1403.5	8025	17.49%	
1506	8989	16.75%	
1301.5	8086	16.10%	
1473.25	8938	16.48%	
1166	7829	14.89%	
		16.41%	Average for R-7.5(A)





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-005

Date: ~~10/29/19~~ 10-30-19

Data Relative to Subject Property:

Location address: 3907 MT. PLEASANT ST Zoning District: R-5(A)

Lot No.: 1 Block No.: J/4932 Acreage: ~~8832 sq. ft.~~ 8832 sq. ft. Census Tract: 0067.00

Street Frontage (in Feet): 1) 182.53 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): J. JESUS ORTIZ

Applicant: J. JESUS ORTIZ Telephone: 214.545.7163

Mailing Address: 3907 MT. PLEASANT ST DALLAS, TX Zip Code: 75211

E-mail Address: JOSECHUY214@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 1) VARIANCE ON FRONT YARD SETBACK AS SHOWN ON PLANS ACCOMPANYING THIS APPLICATION, 2) ALLOW EXISTING STRUCTURE ON REAR CORNER TO BE A SECOND DWELLING THAT CAN BE RENTED OR LEASED

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:

1) VARIANCE - IT IS IN THE PUBLIC INTEREST AS WILL IMPROVE THE PROPERTY AND THE IRREGULAR SHAPE OF THE PROPERTY WOULD OTHERWISE NOT ALLOW THE DEVELOPMENT OF THE PROPERTY IN A MANNER COMMENSURATE WITH THE DEVELOPMENT OF OTHER PARCELS IN THE SUBDIVISION WITH THE SAME ZONING CLASS. A LITERAL ENFORCEMENT CREATES AN UNNECESSARY HARDSHIP

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.

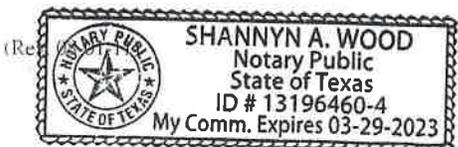
Affidavit

Before me the undersigned on this day personally appeared _____ (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 19 day of September, 2019



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 JESUS ORTIZ

did submit a request for a special exception to the single family regulations, and for a special exception to the visibility obstruction regulations, and provide an additional electrical meter, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the side yard setback regulations, and for a variance to the front yard setback regulations

at 3907 Mt. Pleasant Street

BDA190-005. Application of JESUS ORTIZ for a special exception to the single family regulations, and for a special exception to the visibility obstruction regulations, and provide an additional electrical meter, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a variance to the side yard setback regulations, and for a variance to the front yard setback regulations at 3907 MT PLEASANT ST. This property is more fully described as Lot 1, Block J/4932, and is zoned R-5(A), which limits the height of a fence in the front yard to 4 feet and limits the number of dwelling units to one and requires a 20 foot visibility triangle at driveway approaches and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 20 feet and requires side yard setback of 5 feet and requires that a single family dwelling use in a single family, district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct an accessory dwelling unit, which will require a special exception to the single family zoning use regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family dwelling in a single family district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations, and to construct an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single family residential structure and provide a 1 foot side yard setback, which will require a 4 foot variance to the side yard setback regulations, and to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



ANSON JONES EL

MEREDITH AVE

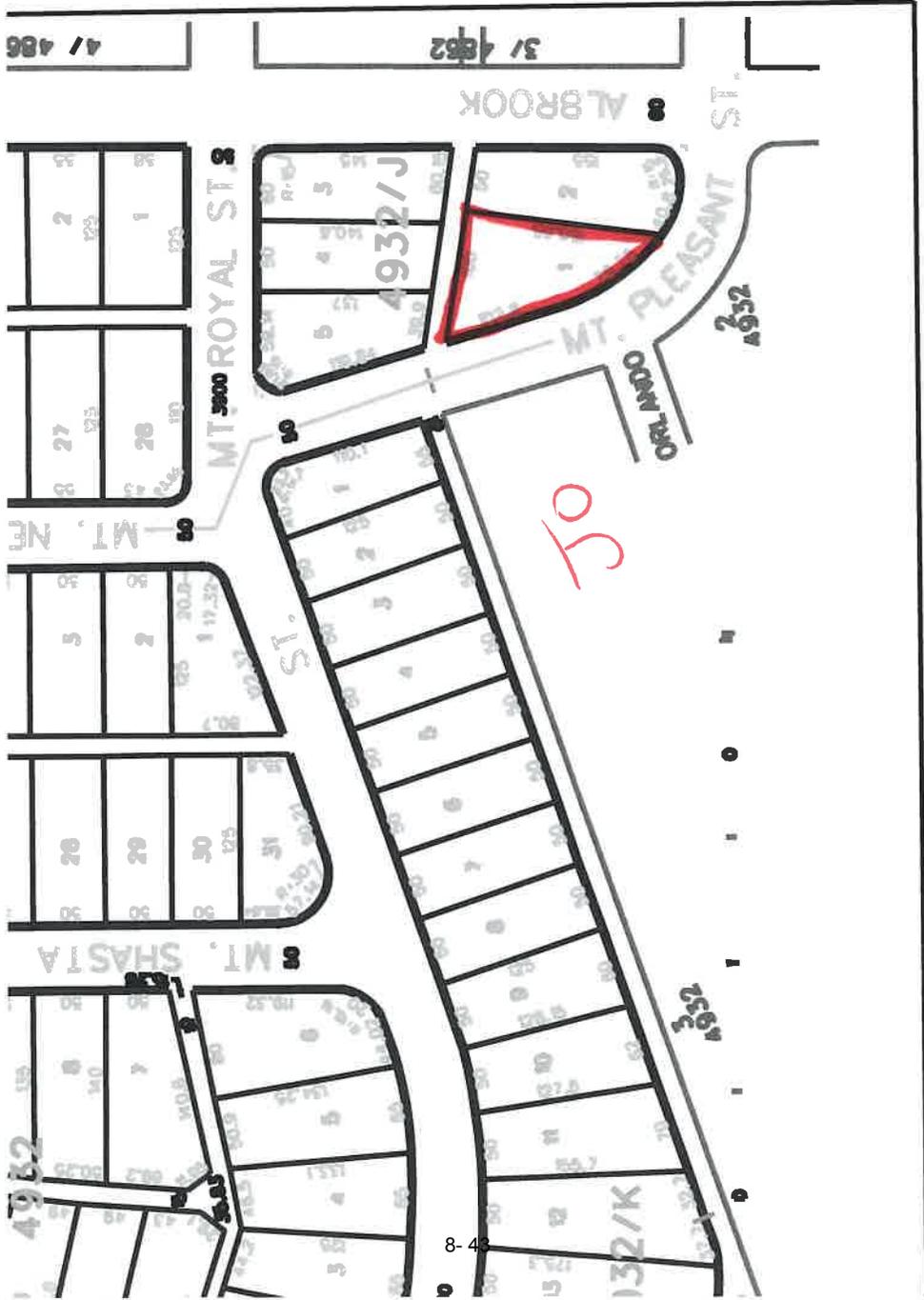
Printed: 10/30/2019

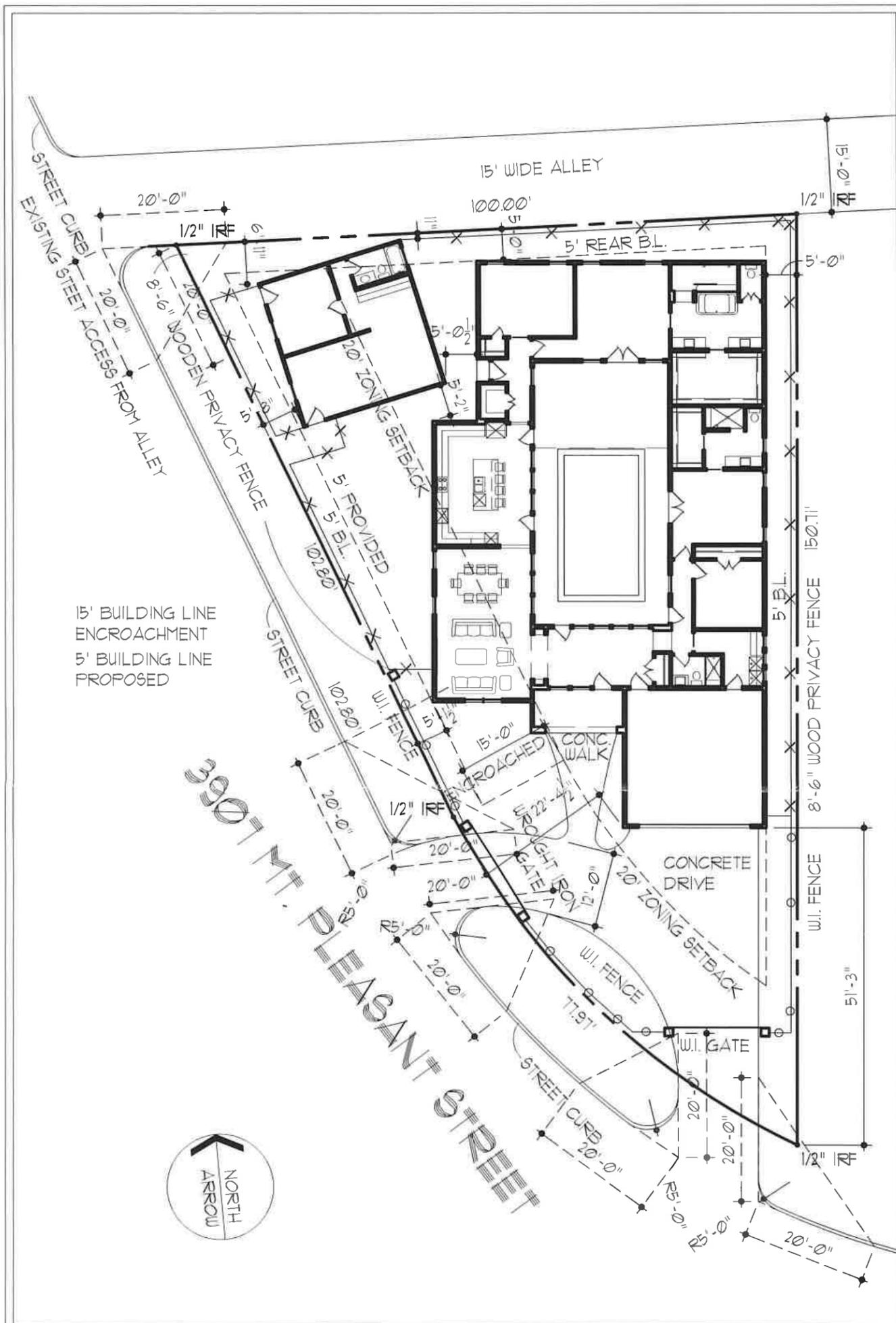
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 8-42 Front Overlay |
| | | Height Map Overlay | |

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







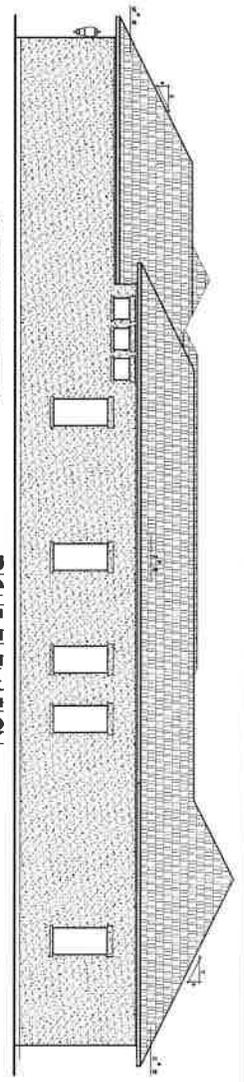
DAVID WINCHESTER

Residential Designer and Planner
 Arlington, Texas PHONE 817-896-3266
 david@winchesterhomedesigns.com

PLOT PLAN

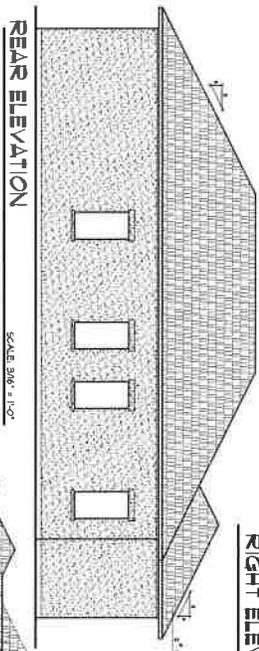
SCALE: 1" = 20'-0"
 LOT 1 BLOCK J
 WESTRIDGE PARK ADDITION
 DALLAS, TEXAS
 DALLAS COUNTY
 DAVIS RESIDENCE
 PLAN # 19052
 SEPTEMBER 28, 2019

* Builder/Owner to verify and check all aspects of this site and plot plan prior to any construction



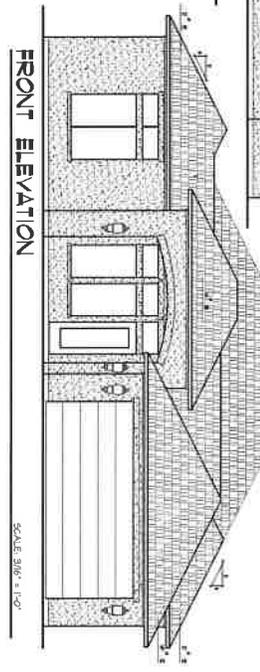
RIGHT ELEVATION

SCALE: 3/8" = 1'-0"



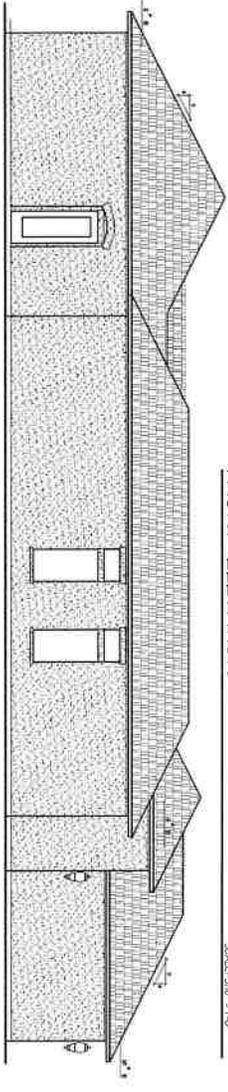
REAR ELEVATION

SCALE: 3/8" = 1'-0"



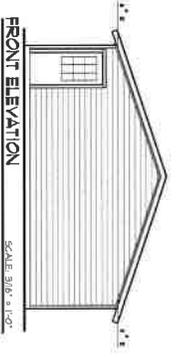
FRONT ELEVATION

SCALE: 3/8" = 1'-0"



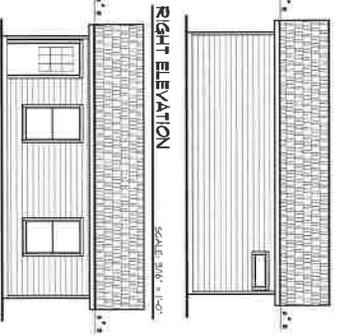
LEFT ELEVATION

SCALE: 3/8" = 1'-0"



FRONT ELEVATION

SCALE: 3/8" = 1'-0"



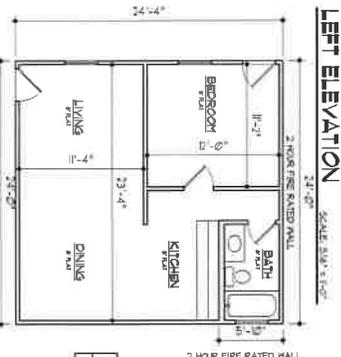
RIGHT ELEVATION

SCALE: 3/8" = 1'-0"



LEFT ELEVATION

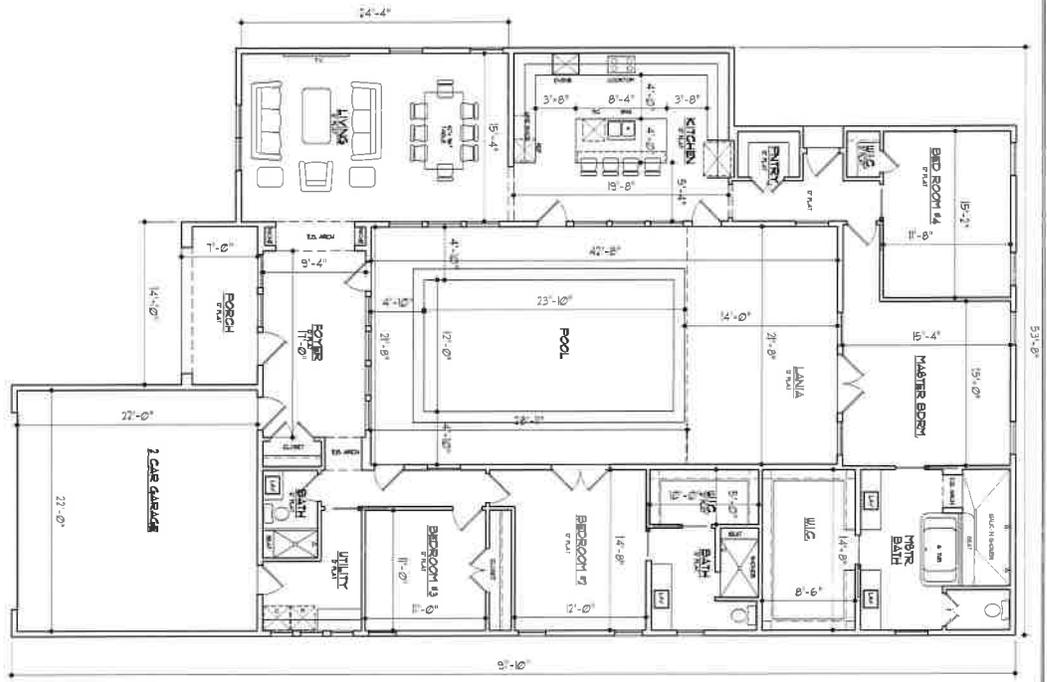
SCALE: 3/8" = 1'-0"



2 HOUR FIRE RATED HALL

AREAS:

APPROXIMATE LIVING	364
--------------------	-----



FLOOR PLAN

SCALE: 3/8" = 1'-0"

AREAS:

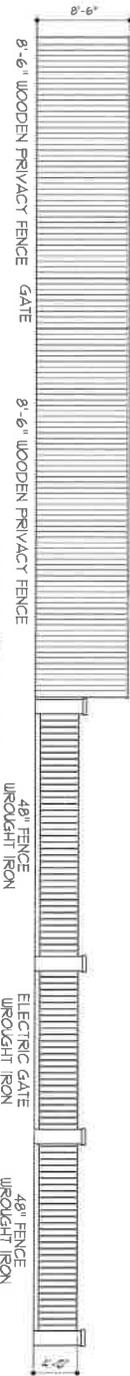
APPROXIMATE LIVING	364
APPROXIMATE POOL	507
LANAI	290
GARAGE	585
APPROXIMATE PAVER	2400

DAVIS RESIDENCE
OWNER BUILD NETWORK
LOT 1 BL J WESTRIDGE PARK ADD.

DAVID WINCHESTER
Residential Designer and Planner
Arlington, Texas 817-492-2268 FAX 817-621-4377

A-1

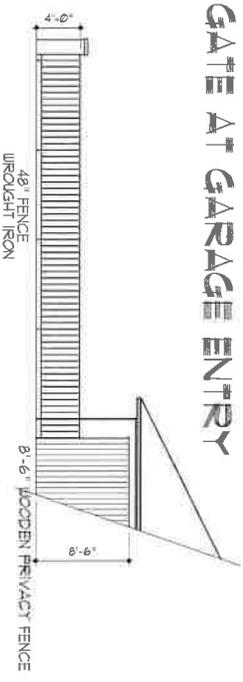
PLAN #
19052



FENCE ELEVATION
3907 MT. PLEASANT STREET



GATE AT GARAGE ENTRY



FENCE ELEVATION
3907 MT. PLEASANT STREET TO GARAGE CORNER

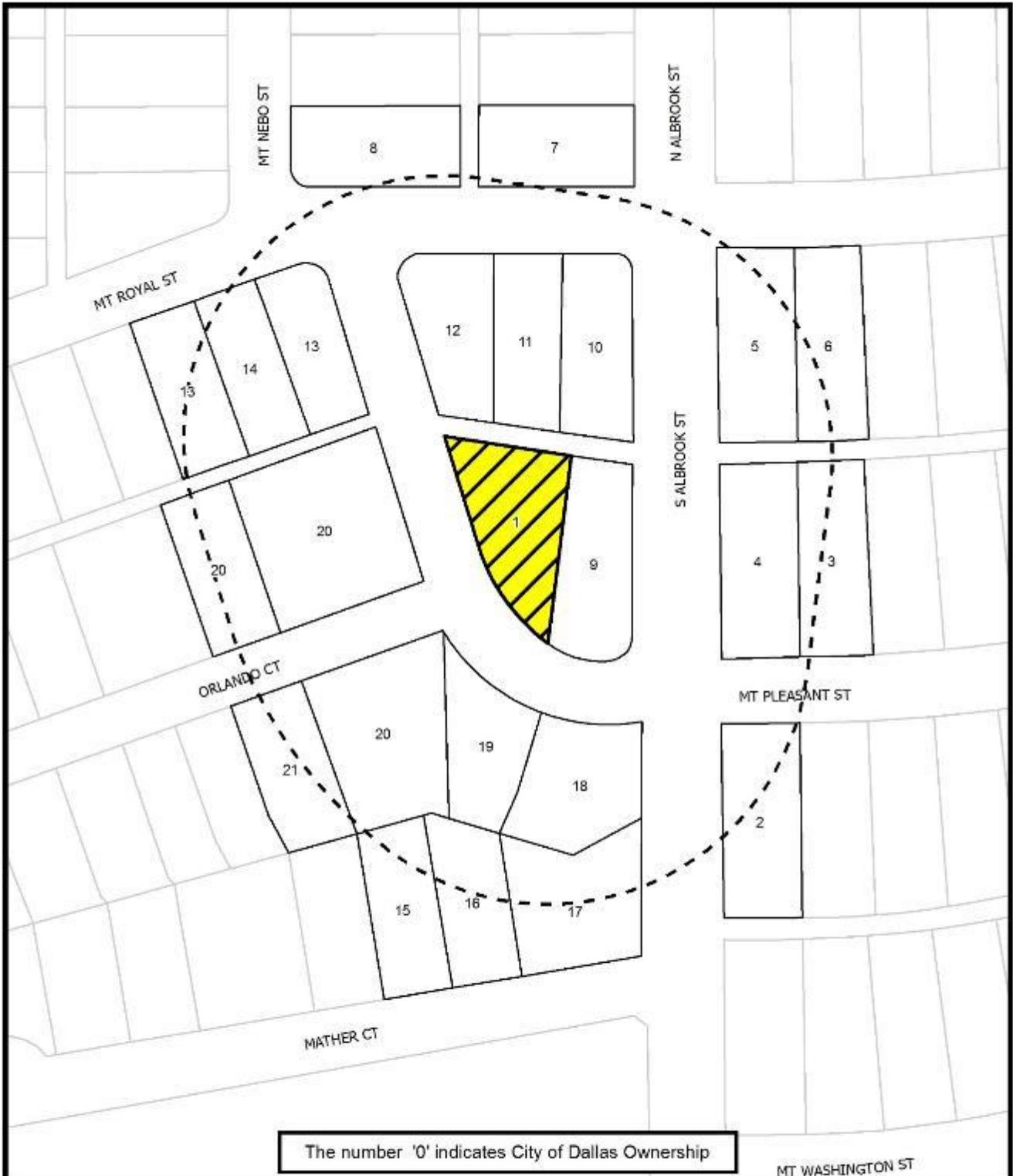
THIS DOCUMENT IS THE PROPERTY OF DAVID WINCHESTER, INC. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DAVID WINCHESTER, INC. THE USER OF THIS DOCUMENT AGREES TO HOLD DAVID WINCHESTER, INC. HARMLESS FROM ANY AND ALL LIABILITY, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY DAVID WINCHESTER, INC. AS A RESULT OF THE USER'S USE OF THIS DOCUMENT.

DATE: 10-01-04
 PROJECT: 19052
 DRAWING: A-2
 SHEET: 1 OF 1

DAVIS RESIDENCE
 OWNER: BUILD E NETWORK
 8-46
 LOT 1 BL J WESTRIDGE PARK ADD.

DAVID WINCHESTER
 Residential Designer and Planner
 Arlington, Texas 817-696-3266 FAX 817-601-8377

A-2
 PLAN #
 19052



The number '0' indicates City of Dallas Ownership



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

21

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-005**

Date: **12/13/2019**

12/12/2019

Notification List of Property Owners

BDA190-005

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3907 MT PLEASANT ST	ORTIZ JESUS J
2	3854 MT PLEASANT ST	DIAZ ANA M
3	3849 MT PLEASANT ST	HERNANDEZ LUIS
4	3855 MT PLEASANT ST	FATTY DOG PROPERTIES LLC
5	3854 MT ROYAL ST	RODRIGUEZ MARIA M &
6	3848 MT ROYAL ST	MECCA APRIL INC
7	103 N ALBROOK ST	SALAZAR JOSE J &
8	102 MT NEBO ST	GUTIERREZ JUAN P & ALMA D
9	3903 MT PLEASANT ST	ROSAS JAVIER & ALMA D
10	3902 MT ROYAL ST	RIOS JOSE & MARIA
11	3906 MT ROYAL ST	CLEMENTE JUAN
12	3910 MT ROYAL ST	PADRON CARMEN MARIA
13	3918 MT ROYAL ST	MIRANDA ALBERTO
14	3922 MT ROYAL ST	ROMERO MARTHA
15	3915 MATHER CT	SERRANO MANUEL
16	3911 MATHER CT	DURAN ARTURO
17	3907 MATHER CT	TORRES ANDREA
18	3902 MT PLEASANT ST	BARRON JOSE & SOFIA L
19	3906 MT PLEASANT ST	HERNANDEZ JAMIE ESCOBAR
20	3902 ORLANDO CT	HARVEY DOYLE R
21	3910 ORLANDO CT	SANCHEZ ENRIQUE & JUANITA