

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, SEPTEMBER 17, 2019
AGENDA

BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Neva Dean, Assistant Director
Steve Long, Board Administrator/Chief Planner

PUBLIC TESTIMONY

Minutes
Rules of Procedure Amendment

MISCELLANEOUS ITEMS

Approval of the August 20, 2019 Board of Adjustment Panel A Public Hearing Minutes	M1
Approval of amendments to the Board of Adjustment Working Rules of Procedure pursuant to changes in state law	M2

UNCONTESTED CASES

BDA189-097(SL) 4208 Live Oak Street REQUEST: Application of Nash Chasi for a variance to the side yard setback regulations	1
BDA189-098(SL) 3207 W. Northwest Highway REQUEST: Application of Roberto C. Ruiz, represented by Anna M Mojica, for a special exception to the sign regulations	2

BDA189-100(SL)	5518 Winston Court REQUEST: Application of Karl Crawley of Masterpan for special exceptions to the fence standards regulations	3
BDA189-102(SL)	3710 Knight Street REQUEST: Application of Stephane Besson for a variance to the front yard setback regulations	4
BDA189-104(SL)	5835 Reiger Avenue REQUEST: Application of Dale C. Coonrod for a variance to the floor area for structures accessory to single family use regulations and a special exception to the single-family use regulations	5

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]

MISCELLANEOUS ITEM 2

In August of 2019, the Assistant City Attorney briefed the Board on recent state legislation affecting the Board of Adjustment. Attached are amendments to the Board of Adjustment Working Rules of Procedure pursuant to this legislation (see Attachment A).

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CITY OF DALLAS BOARD OF ADJUSTMENT

WORKING RULES OF PROCEDURE

SEPTEMBER 2019

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CITY OF DALLAS BOARD OF ADJUSTMENT

RULES OF PROCEDURE

Section 1. Powers of the Board.

- (a) The powers of the board of adjustment, referred to as the board conferred upon it in Section 7, Chapter 282, Page 424, 40th Legislature, Acts 1927, and as thereafter amended, being codified in Chapter 211 of the Local Government Code, and in Sections 51A-3.102 and 51A-4.704 of the Dallas Development Code, as amended, include, but are not limited to, the following:
 - (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any order or ordinance pertaining to zoning.
 - (2) To hear and decide special exceptions to the terms of the zoning ordinance in the manner provided.
 - (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice done.
 - (4) To regulate and discontinue nonconforming uses and structures.
- (b) In exercising its powers, the board and panels of the board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from and may make an order, requirement, decision, or determination as ought to be made, and to that end the board and panels of the board shall have all the powers of the officer from whom an appeal is taken.

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Section 2. Composition of the Board.

- (a) The board shall consist of fifteen members and six alternates appointed by the city council for a term of two years. All members shall be removable for cause by the city council upon written charges and after a public hearing.
- (b) The officers of the board shall consist of a chair, two vice-chairs, a board administrator, a secretary, and any other officers the board may elect or the chair may appoint. The board administrator and secretary shall have no voting rights.
- (c) The board shall be divided into three panels of five members. A board member may serve only on the panel to which the member is assigned.
- (d) The board and panels of the board shall be provided the staff employees necessary to conduct its proceedings, as provided by the budget. The services of an accountant and abstract research company may be retained as needed for the preparation of compliance cases.

Section 3. Duties of the Chair.

- (a) The chair shall appoint a panel vice chair for each of the three panels of the board.
- (b) The chair shall preside over all meetings of the entire board.
- (c) The chair shall compel the attendance of witnesses when necessary.
- (d) The chair shall approve a rotational schedule for attendance of alternate members at panel meetings.

Section 4. Duties of the Presiding Officers.

- (a) The chair and vice-chairs shall act as presiding officers of the panels. The duties of the presiding officers of a panel are to preside at all meetings of the panel to which they are assigned, to maintain order at all times, to administer oaths, and to rule on all points of procedure, and to dispense the business of the panel in a just and orderly manner. The presiding officer may impose a reasonable time limit for speakers in

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order to dispense the business of the board or panel in a just and orderly manner.

- (b) The presiding officer shall question all witnesses and/or staff, and request other members of the panel to ask any questions which may assist the board and panels of the board in arriving at a just and fair decision.
- (c) The presiding officer shall sign the minutes of the panel meetings over which he or she presides and each case decided upon in accordance with the decision of the panel.
- (d) In the absence of the presiding officer, the panel vice-chair shall preside and fulfill all of the duties of the presiding officer. In the absence of the presiding officer and panel vice-chair, the panel shall elect a temporary chair. This election does not survive the meeting in which it is had.

Section 5. Duties of the Board Administrator.

* For purposes of this section, reference to the board includes panels of the board.

- (a) The board administrator shall:
 - (1) receive all complete applications to the board for processing;
 - (2) receive all evidence submitted for the board's review;
 - (3) provide technical assistance to the board;
 - (4) assist the general public with information, procedures, policies, case status, and site plans;
 - (5) gather needed information from outside sources and confer with all sections and departments of the city for case analysis;
 - (6) provide research on cases;
 - (7) prepare board documents, dockets, notices, and advertisements, and write necessary letters to the property owners;

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- (8) direct, conduct, and supervise all administrative functions of the board operation as may be deemed necessary;
 - (9) coordinate the work of the board;
 - (10) serve as liaison between the board and the city plan commission, city manager, and various other officers of the City of Dallas, including, but not limited to, the building official, the director of transportation, the city attorney, and the director of planning; and
 - (11) investigate complaints made by citizens by reason of any ruling or decision of the board or of an administrative official.
- (b) The board administrator shall also administer oaths and compel the attendance of witnesses when requested by the chair or other presiding officers to do so.

Section 6. Duties of the Secretary.

- (a) The secretary shall be generally responsible for the clerical work of the board and panels of the board, under the direction and supervision of the board administrator. The secretary shall:
- (1) keep the minutes of all meetings and proceedings in a substantially bound book showing the vote and motion of each member upon each question, or if absent, or failing to vote, indicating that fact, and attesting the minutes;
 - (2) compile the required records, log appeals and applications to the board, prepare case folders, type notices and envelopes, prepare route sheets, log favor and opposition letters, prepare certified mail to applicants, type letters and memoranda; and
 - (3) call board and panel members for meetings, maintain index files, number each case, and furnish each member of the board and each member of panel of the board with a copy of each petition, together with the building official's refusal.

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Section 7. Alternate Members.

- (a) In the absence of one or more regular members, alternate members shall attend panel meetings when requested to do so by the board chair, the presiding officer of a board panel, or by the city manager. The presiding officer of a panel may dismiss an alternate member when attendance is not necessary to complete a five-member panel.
- (b) The alternate members are subject to the same attendance and general rules as all other board members.
- (c) Alternate members who are not on the panel scheduled to attend will be called to serve only when one or more regular members are absent from the meeting.

Section 8. Attendance and General Rules.

- (a) The board shall be governed by the rules of procedure and decorum for city boards and commissions contained in Chapter 8 of the Dallas City Code, as amended, and applicable provisions of the City Charter.
- (b) No member may be excused from attendance at a board or panel meeting, except for medical reasons certified to by his physician or unless excused by the board and the city council. A member shall forfeit his office if he misses more than three regular meetings in succession, unless excused by the board and the city council.

Section 9. Requests for Board Action.

- (a) All requests to the board must be made on the prescribed form. The facts alleged must be attested to by a notary public.
- (b) The fee as provided by ordinance must accompany each request to defray the cost of advertising the public hearing.
- (c) The board or panel of the board may waive the filing fee if the board or panel of the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's or

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panel's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket for predetermination, the applicant may not file the application until the merits of the request for waiver have been determined by the board or panel of the board.

- (d) Evidence submitted for the board's consideration on a request must be submitted to the board administrator or the board secretary. Evidence submitted is part of the public record and will not be returned. The board and panels are quasi-judicial bodies; therefore, no evidence may be submitted to and no contact may be made with individual members regarding a pending request. All communications, oral or written, should be directed to the board administrator. Failure to comply with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code Section 36.04.
- (e) Unless expressly authorized by the concurring vote of 75 percent of the members of a panel when an extreme hardship is shown, no request may be heard at a regular panel meeting until the expiration of 21 days after it is filed with the building official.
- (f) The director shall schedule cases within a reasonable time from the receipt of a complete application.
- (g) An item may be placed on a board's or panel's agenda by the director or a member of that board or panel.
- (h) The director may authorize the withdrawal of all applications except those to establish a compliance date, which must be authorized by the panel assigned the case. No request for withdrawal of an application may be considered by the director or a panel unless it is in writing. A request to the director for withdrawal must be received before 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays, and official city holidays) before the date of the hearing. A request for withdrawal must be received in sufficient time to notify all interested parties before the hearing date. If the director or the panel finds in the consideration of such a request that there is an objection to the withdrawal and that allowing the withdrawal over the objection will unduly prejudice the objector, the director or panel shall deny the request. If the director denies a request for withdrawal, the applicant

may appeal the withdrawal request to the panel assigned the case provided the appeal satisfies all of the requirements of this subsection for an application for withdrawal.

- (i) The director may authorize the amendment of all applications, except those to establish a compliance date and appeals from the decision of an administrative official, which must be authorized by the panel to which the case is assigned. A request to the director for an amendment must be received before 5:00 p.m. of the day that will leave five full working days (excluding Saturdays, Sundays, and official city holidays) before the date of the hearing. If the director or panel finds in the consideration of such a request that there is an objection to the amendment, and that allowing the amendment over the objection will unduly prejudice the objector, the director or panel shall deny the request. If the director denies a request for amendment, the applicant may appeal to the panel assigned the case. If an amendment is authorized which requires newspaper advertisement and/or written notice to surrounding property owners, the amendment constitutes a new application and the requesting party must pay an additional filing fee to defray the cost of re-advertising.
- (j) A panel may not extend the time period for making application for a building permit or certificate of occupancy beyond 180 days from the date of its favorable action unless it makes a specific finding based on evidence presented at a public hearing that there are no substantially changed conditions or circumstances regarding the property. The person requesting the time extension shall have the burden of establishing that there are no substantially changed conditions or circumstances regarding the property to the satisfaction of the panel. In no event, however, may the panel extend the time period beyond 18 months from the date of its favorable action.
- (k) Only one panel may hear, handle, or render a decision in a particular case. If any preliminary action is required on a case, including but not limited to a fee waiver or waiver of the two year waiting period, the case must be returned to the panel taking the preliminary action. If a case is dismissed or withdrawn and subsequently re-filed, it must be returned to the panel to which it was originally assigned. If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case.

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- (l) If the time for reconsideration of a case has expired, the board or panel of the board may not change or modify its decision unless a new application is filed or the board or panel of the board authorizes a public hearing to review the case.

Section 10. Public Testimony and Public Hearings.

- (a) All meetings of the board and panels of the board are open to the public and must be held at a time and place determined by the board.
- (b) The chair shall have the authority to call special meetings of the board. The presiding officer of a panel acts as the panel's chair pursuant to Section 8-3 of the Dallas City Code, and shall have the authority to call special meetings of that panel. The officer calling a special meeting shall designate the time and the place of the meeting. Special meetings must be called by the chair at the request of at least one-third of the board.
- (c) The board secretary shall notify all affected members of the date, time, and place of either a regular or special meeting.
- (d) No regular or special meeting may be held unless 75 percent of the panel members, either regular or alternate, are in attendance.
- (e) Any interested party may appear in person or by agent or attorney at the public hearing.
- (f) Members of the public may speak at regular and special meetings of the board regarding any item on the board's posted agenda before or during the board's consideration of the item (e.g. minutes, appeals, compliance cases). Each speaker will have a maximum of three minutes to speak unless the time is shortened or extended by a majority vote of the board. Any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator.
- (g) After a case is called, the applicant shall state his case, anyone in favor shall be heard next, then anyone in opposition shall be heard [next], and the applicant shall have the opportunity to make a reply.

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- (h[g]) If a case is called for hearing in due order on the docket and the applicant or anyone in his behalf does not appear, the panel may continue the case to the following hearing at which time it will be called again. The panel may also approve a case or deny a case for lack of appearance at the first call at its discretion. If no one appears the second time, the case must be denied.
- (i[h]) If, after a public hearing on a request, the presiding officer duly calls for, but does not receive a motion, the request is deemed denied with prejudice.
- (j[i]) A public hearing must be conducted for compliance proceedings on a nonconforming use. Prior to the hearing, the presiding officer may direct that a subpoena duces tecum and interrogatories be served on the owner(s) and/or operators of the use requesting that certain information and documents be produced to the board administrator within a reasonable time. The owner(s) and/or operators may supply the board administrator with any additional information or documents that are necessary for the panel to make its decision. At the hearing, the panel shall review the information and documents and set a date by which the nonconforming use must come into compliance with the current zoning regulations.
- (k[j]) The board administrator may place cases which are recommended for approval without opposition on an uncontested docket. When the board administrator calls the uncontested docket, he shall state the case number, the applicant, the location, the nature of the case and the staff recommendation, and shall ask if there is anyone in favor or opposition. A case on the uncontested docket must be considered individually as a regular docket item if there is any opposition or a panel member so requests. Any cases remaining on the uncontested docket shall be approved as a group without the need for testimony from the applicants.
- (l[k]) Documentary evidence.
 - (1) All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-

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sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.

- (2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the board unless such documentary evidence is submitted to the board administrator no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, a panel of the board may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.
- (3) For purposes of this subsection, DOCUMENTARY EVIDENCE means anything printed or written on paper and relied upon to record or prove something, but signed petitions shall not be considered documentary evidence.
- (4) For purposes of this subsection, PARTY means the applicant or any person or entity that appears in favor of or against the request.

Section 11. Executive Sessions.

- (a) The board or a panel may remove itself from an open meeting by moving to go into an executive session. Only matters authorized under the Texas Open Meetings Act to be discussed in executive session may be addressed in the executive session. All communication in an executive session is privileged information. The privilege can only be waived by a member by formal waiver. Members are cautioned that discussing the privileged communication with a member of the public, the media, or any other person not privy to the executive session may damage the privilege. The board or a panel shall not hold an executive session except when discussing complaints about or evaluations of individual staff members, or seeking the advice of its attorney on the following matters:
 - (1) Pending or contemplated litigation.

- (2) Settlement offers.
 - (3) Risk or liability of the board, a panel or individual members thereof for taking an action.
 - (4) Any matter where the duty of the board's counsel to his client, pursuant to the Code of Professional Responsibility of the State Bar of Texas, conflicts with the Open Meetings Law.
- (b) A motion to go into an executive session must be seconded and requires a majority vote. If the motion passes, the board or panel shall follow the following procedure:
- (1) The presiding officer shall announce that the board or panel is going into an executive session, stating the category under the Texas Open Meetings Act that permits the executive session.
 - (2) The presiding officer shall announce the time.
 - (3) Members shall move quickly to the location of the executive session with no discussion among themselves or with members of the public or media.
 - (4) The executive session must be tape recorded.
 - (5) At the end of the executive session, members shall return quickly to the meeting room with no discussion among themselves or with members of the public or media.
 - (6) The presiding officer shall announce the time when the board or panel resumes the open meeting.

Section 12. Decisions of a Panel.

- (a) No action of a panel sets a precedent. Each case must be decided upon its own merits and upon the circumstances of the case.
- (b) The concurring vote of 75 percent of the members of a panel is necessary to reverse any decision of an administrative official, or to

decide in favor of an applicant on any matter which the board is required to pass under a zoning ordinance. If such an application does not receive the concurring vote of 75 percent of the members of a panel, the case is construed as denied with prejudice.

- (c) A decision of a panel may be reconsidered only by the same makeup of the panel that made the decision. The motion to reconsider may be made only on the same day the vote was taken, and only by a member who voted with the prevailing side.
- (d) Once a decision of a panel is appealed to district court, it may not be reconsidered or rescinded, unless the case is remanded by the district court.
- (e) The decisions and official records of the board and panels are public records.

Section 13. Two-Year Limitation.

- (a) Except as provided in Subsections (b) and (c), after a final decision is reached by a panel, no further applications may be considered on the matter decided for that property for two years from the date of the final decision.
- (b) If a panel renders a final decision of denial without prejudice, the two-year limitation is waived.
- (c) A property owner may apply for a waiver of the two-year limitation in the following manner:
 - (1) The applicant shall submit his request in writing to the board administrator. The board administrator shall inform the applicant of the date on which his request shall be considered and shall advise the applicant of his right to appear before the panel to which the matter has been assigned.
 - (2) A panel may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote is required to grant the request.

If a rehearing is granted, the applicant shall follow the appeal procedure.

Section 14. Amendments to Rules of Procedure.

These rules may be amended by a simple majority vote of the members present at a meeting of the entire board, or at separate meetings of all three panels. Amendments approved by panels sitting separately shall not become effective until they are approved by the third panel.

FILE NUMBER: BDA189-097(SL)

BUILDING OFFICIAL'S REPORT: Application of Nash Chasi for a variance to the side yard setback regulations at 4208 Live Oak Street. This property is more fully described as Lot 1, Block 10/740, and is zoned PD 298 (Subarea 10), which requires a side yard setback of 10 feet. The applicant proposes to construct and/or maintain a structure and provide a 5 foot side yard setback, which will require 5 foot variance to the side yard setback regulations.

LOCATION: 4208 Live Oak Street

APPLICANT: Nash Chasi

REQUEST:

Requests for variances to the side yard setback regulations of up to 5' are made to construct and maintain a four-story multifamily structure with, according to the submitted site plan, a total building footprint of approximately 8,900 square feet and a total gross area of approximately 27,000 square feet, as close as 5' from a side property line or as much as 5' into the required 10' side yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variances should be granted because of the restrictive area of the subject site. The applicant submitted a document indicating that the land square footage of the site is approximately 14,000 square feet and the average land square footage of 6 other lots in the same zoning district is approximately 55,000 square feet. Furthermore, the applicant has submitted a document indicating among other things that the proposed structure at approximately 27,000 square feet is commensurate to 6 other structures on lots in the same zoning district where the average structure size square footage is approximately 58,000 square feet.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 298 (Subarea 10) (Planned Development)
<u>North:</u>	PD 298 (Subarea 10) (Planned Development)
<u>South:</u>	PD 298 (Subarea 10) (Planned Development)
<u>East:</u>	PD 298 (Subarea 10) (Planned Development)
<u>West:</u>	PD 298 (Subarea 3) (Planned Development)

Land Use:

The subject site is undeveloped. The areas to the north, south, west, and east are developed with a mix of residential and nonresidential uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS /STAFF ANALYSIS:

- These requests for variances to the side yard setback requirement of up to 5' focuses on constructing and maintaining a four-story multifamily structure with, according to the submitted site plan, a total building footprint of approximately 8,900 square feet and a total gross area of approximately 27,000 square feet, as close as 5' from a side property line or as much as 5' into the required 10' side yard setback on a site that is undeveloped.
- The property is located in PD 298 (Subarea 10) zoning district which states that no side yard setback is required; however if a side yard setback is provided, it must be a minimum of 10 feet.
- The submitted plan represents that the structure is proposed to be located 5' 3" from the side property line on the southwest and 5' 4" from the side property line on the northeast.
- The subject site is flat, rectangular in shape, and according to the submitted application, is 0.32 acres (or approximately 13,900 square feet) in area.

- According to DCAD records, there are “no improvements” for property addressed at 4208 Live Oak Street.
- The applicant submitted a document indicating that the land square footage of the site is approximately 14,000 square feet and structure size of the proposed structure to be on the subject site is approximately 27,000 square feet. The applicant’s document represents that the average land square footage of 6 other lots in the same zoning district is approximately 55,000 square feet and the average structure size square footage is approximately 58,000 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances are 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 298 (Subarea 10) zoning classification.
 - The variances 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 298 (Subarea 10) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which in this case is a structure that would be located as close as 5’ from a side property line or as much as 5’ into the required 10’ side yard setback.

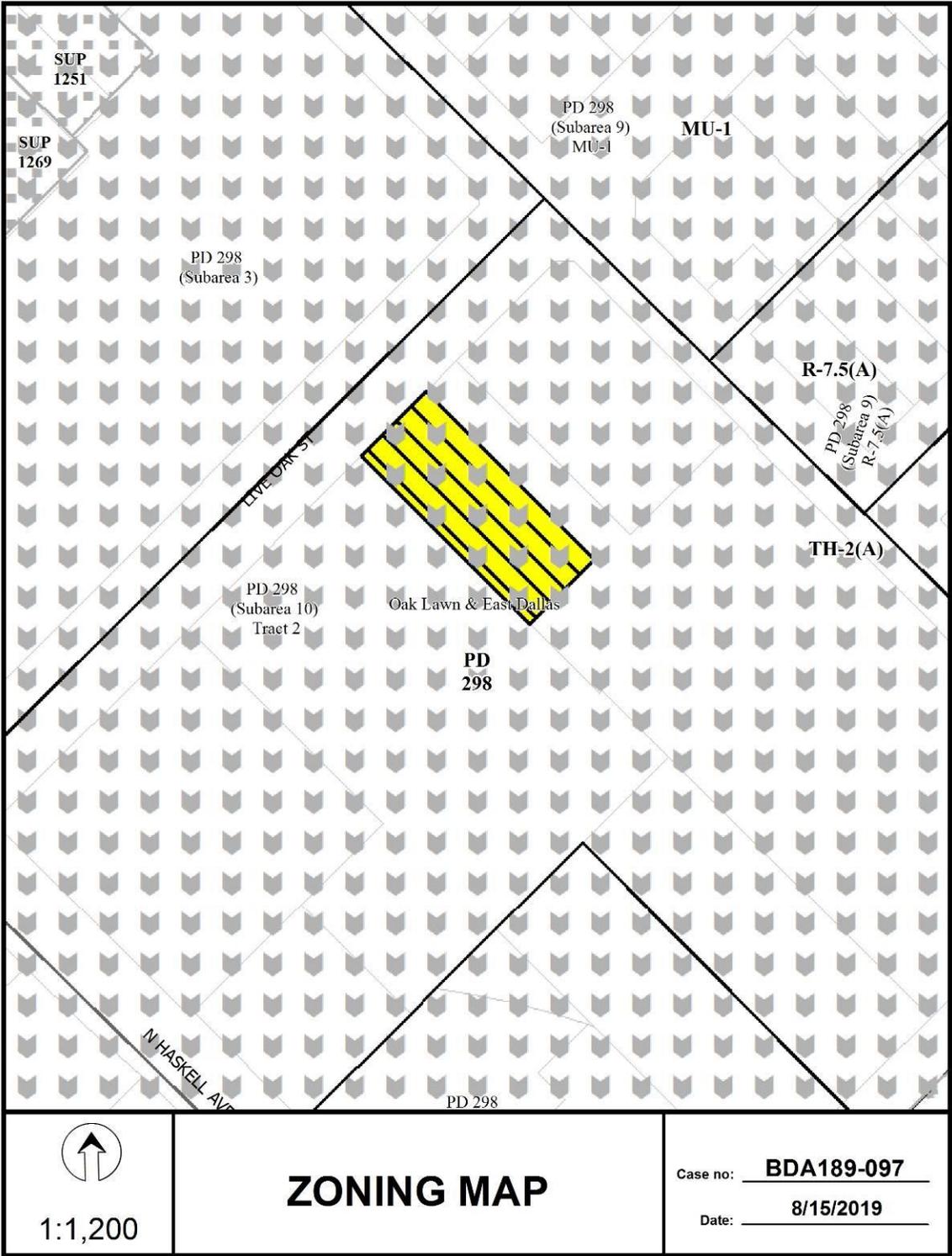
Timeline:

- June 28, 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.
- August 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

September 3, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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

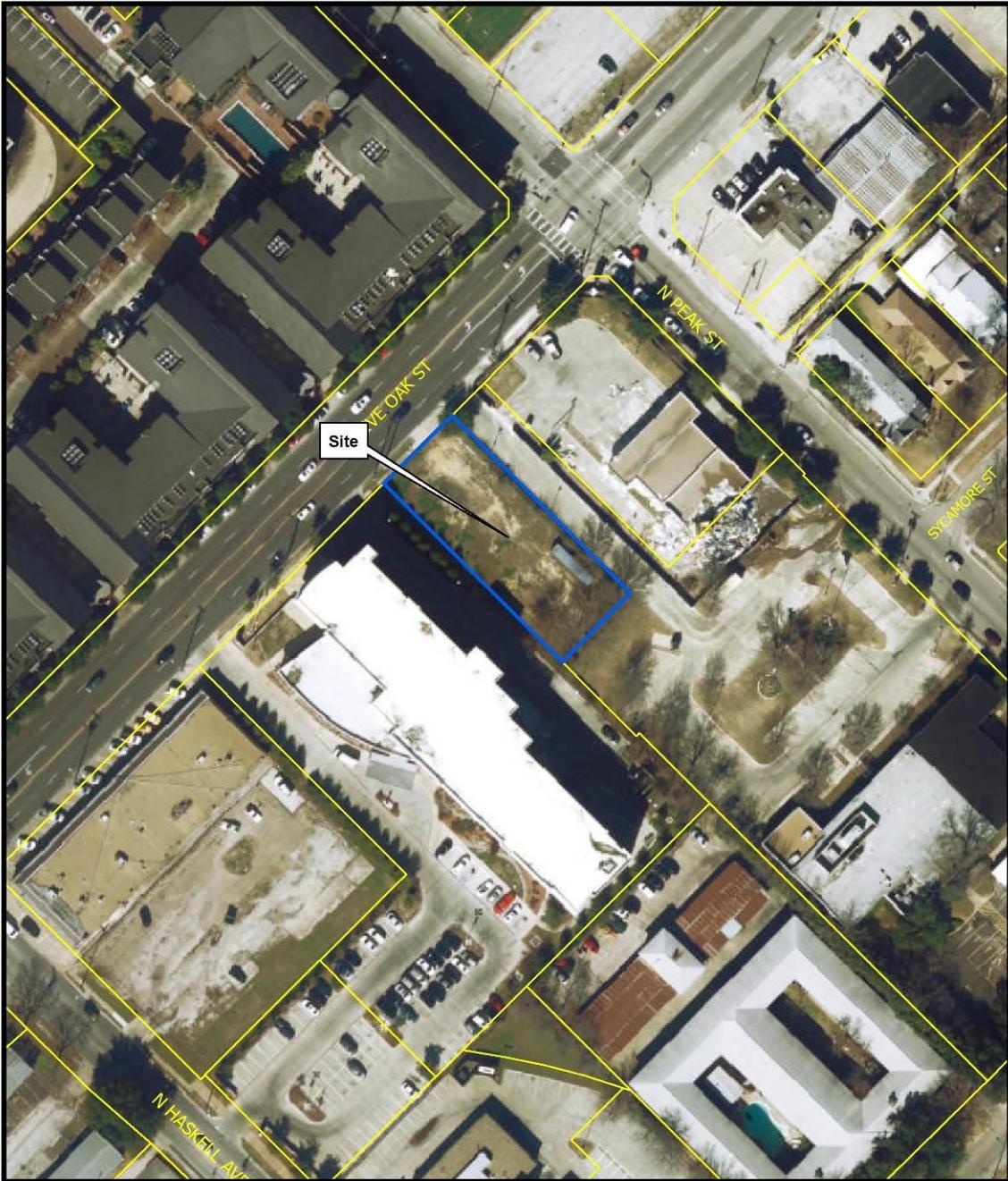


1:1,200

ZONING MAP

Case no: BDA189-097

Date: 8/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-097

Date: 8/15/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-09M

Data Relative to Subject Property:

Date: 6-28-19

Location address: 4208 Live Oak Dallas Tx 75204 Zoning District: PD298 (Subarea 10)

Lot No.: TR6 Block No.: 10/740 Acreage: .32 Census Tract: 15.04

Street Frontage (in Feet): 1) 74' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SMC Development LLC / NASH CHASI

Applicant: Nash Chasi Telephone: 903-366-1249

Mailing Address: P.O. Box 601292, Dallas, Tx Zip Code: 75360

E-mail Address: nash.chasi@brookgreenprop.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception of 5 feet to the required 10 foot sideyard setback and provide a 5 foot total side yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The lots width in comparison to other lots with similar developments is narrower / Restrictive if we build on the zero ft setback, fire code, requires the entire rear of the building not have windows or openings. If we build on the 10ft setback the buildings will be too narrow to create a functional living space. In addition, the lot is limited to one access point while other similar lots have multiple access points.

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 Nash Chasi

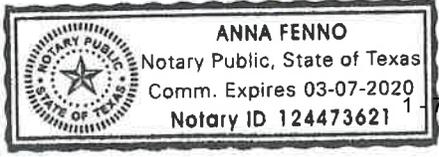
(Affiant/Applicant's name printed)

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

Respectfully submitted: [Signature]

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of June, 2019



[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 NASH CHASI

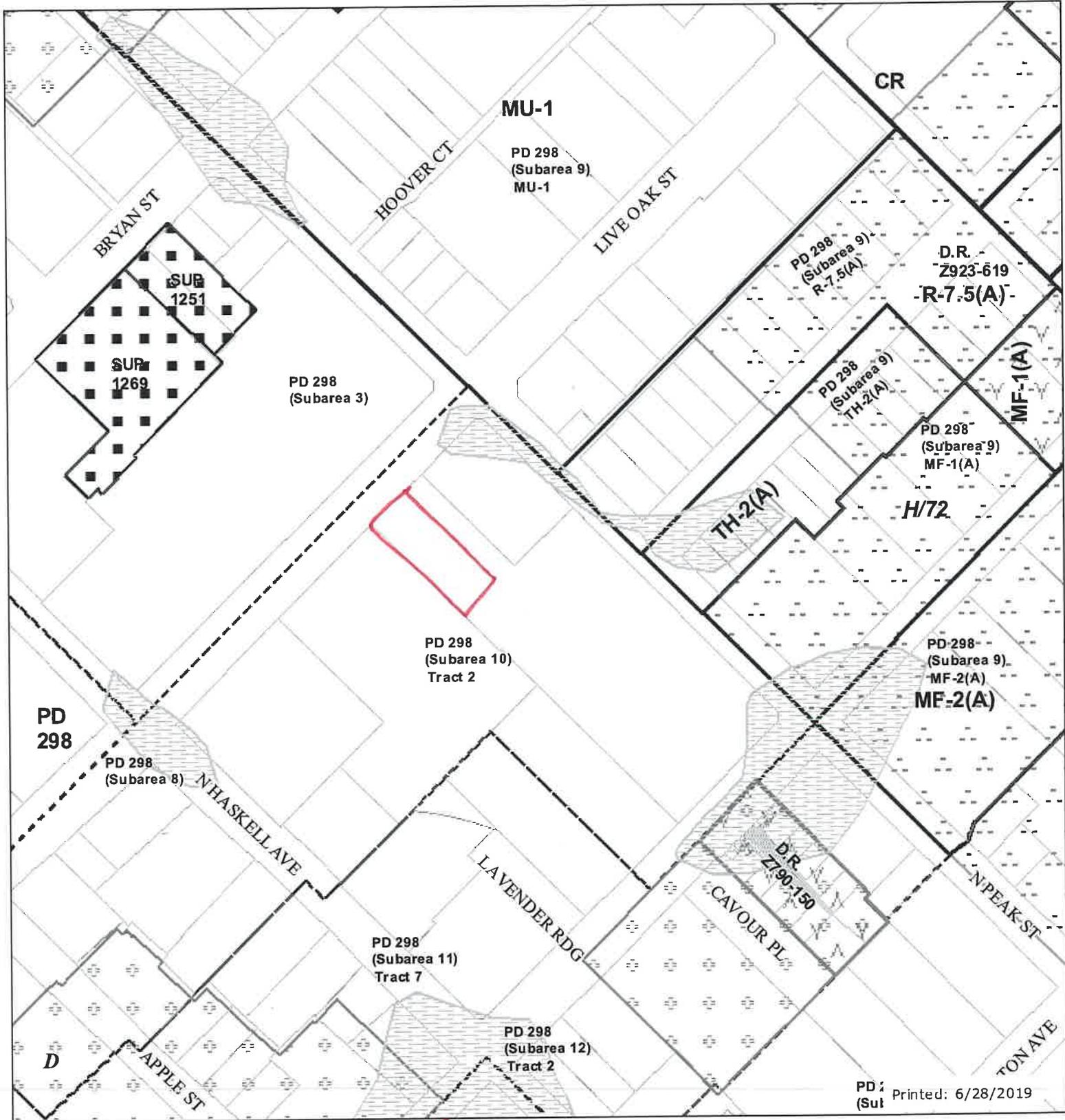
did submit a request for a variance to the side yard setback regulations
at 4208 Live Oak Street

BDA189-097. Application of NASH CHASI for a variance to the side yard setback regulations at 4208 LIVE OAK ST. This property is more fully described as Lot 1, Block 10/740, and is zoned PD-298 (Subarea 10), which requires a side yard setback of 10 feet. The applicant proposes to construct a multi-family residential structure and provide a 5 foot side yard setback, which will require a 5 foot variance to the side yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 6/28/2019

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 | |

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ARCHITECT
 ASBESTUS ARCHITECTS
 214.318.1106
 www.asbestus.com

LIVE OAK CONDOMINIUMS
 4208 LIVE OAK STREET
 DALLAS, TEXAS 75204

SITE PLAN
A1.1

Project # 000115
 Date 01/20/16

PROJECT NOTES

SITE AREA: 14,500 SF
 BUILDING FOOTPRINT: 1,000 SF
 (EXCLUDING STAIRS AND
 MECHANICAL ROOMS)
 TOTAL GROSS: 26,778 SF
 TOTAL NET: 21,008 SF
 BACKLAP TYPE AREA

SUBTOTALS

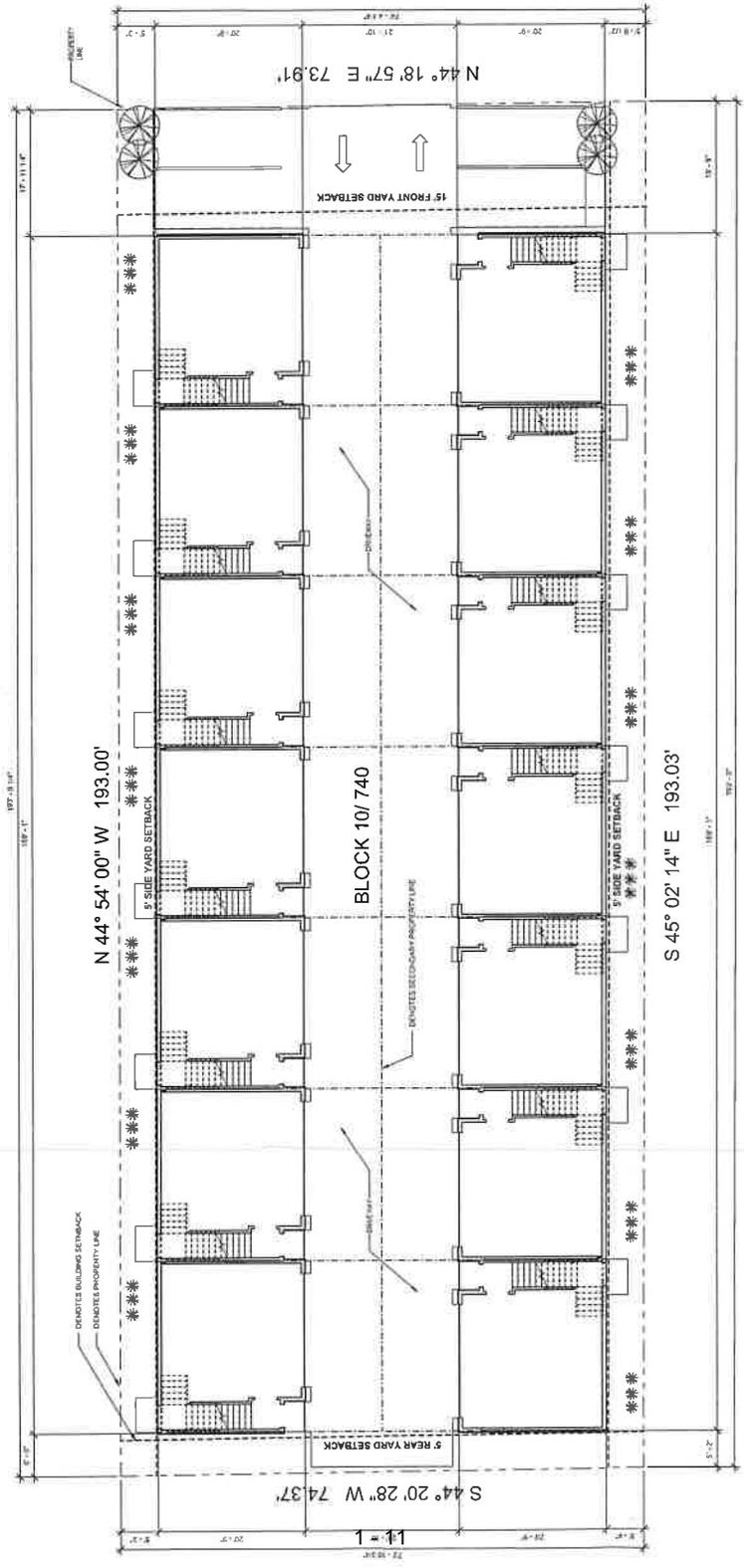
LEVEL 1: 1,400 SF
 LEVEL 2: 1,400 SF
 LEVEL 3: 1,400 SF
 LEVEL 4: 1,000 SF
 TOTAL NET: 5,200 SF

TOWNSHOME TOTAL: 16,800 SF

SUBTOTALS

LEVEL 1: 2,800 SF
 LEVEL 2: 2,800 SF
 LEVEL 3: 2,800 SF
 LEVEL 4: 1,000 SF
 TOTAL GROSS: 9,400 SF
 TOTAL NET: 7,000 SF

LIVE OAK STREET



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

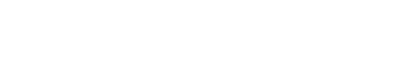
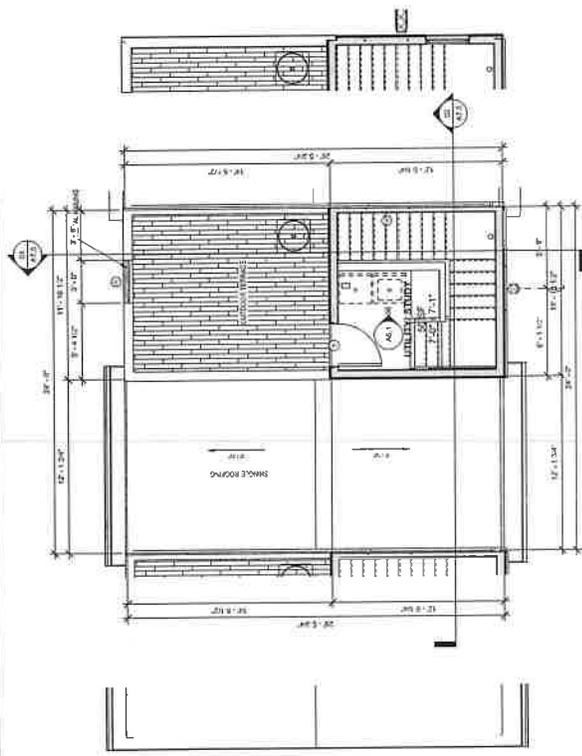
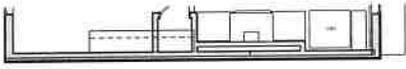
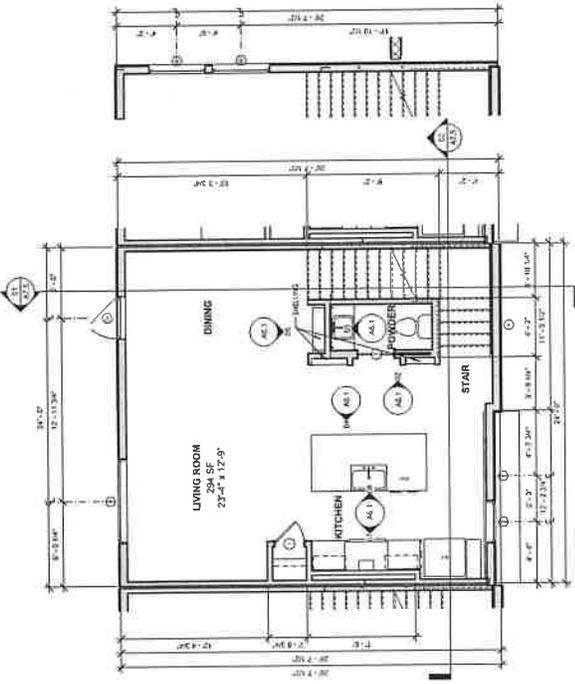


ARCHITECT
ASBE STUDIOS
214.639.1100
www.asbestudios.com

LIVE OAK CONDOMINIUMS
4208 LIVE OAK STREET
DALLAS, TEXAS 75204

UNIT TH-B1
FLOOR PLANS
A3.1

Project #
Unit #
Date



02 UNIT TH-B1.1 - LEVEL 2
SCALE: 1/4" = 1'-0"

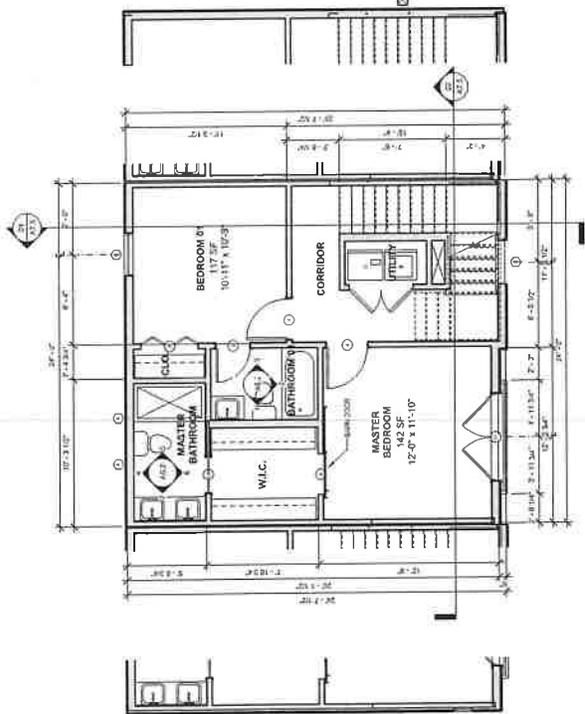
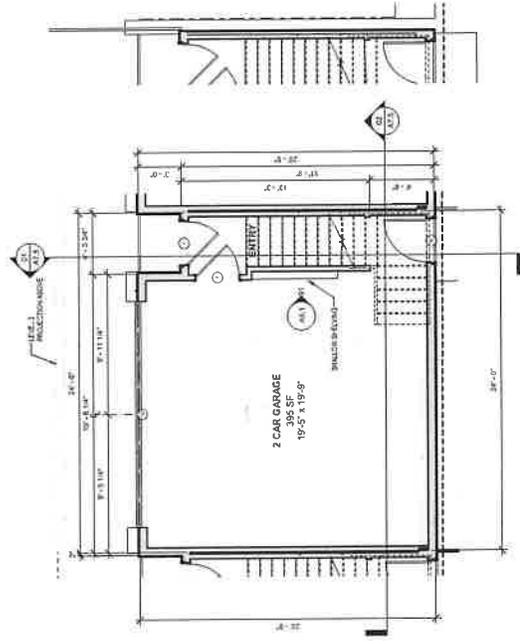
04 UNIT TH-B1 - LEVEL 2
SCALE: 1/4" = 1'-0"

06 UNIT TH-B1.2 - LEVEL 2
SCALE: 1/4" = 1'-0"

08 UNIT TH-B1.1 - LEVEL 4
SCALE: 1/4" = 1'-0"

10 UNIT TH-B1 - LEVEL 4
SCALE: 1/4" = 1'-0"

12 UNIT TH-B1.2 - LEVEL 4
SCALE: 1/4" = 1'-0"



01 UNIT TH-B1.1 - LEVEL 1
SCALE: 1/4" = 1'-0"

03 UNIT TH-B1 - LEVEL 1
SCALE: 1/4" = 1'-0"

05 UNIT TH-B1.2 - LEVEL 1
SCALE: 1/4" = 1'-0"

07 UNIT TH-B1.1 - LEVEL 3
SCALE: 1/4" = 1'-0"

09 UNIT TH-B1 - LEVEL 3
SCALE: 1/4" = 1'-0"

11 UNIT TH-B1.2 - LEVEL 3
SCALE: 1/4" = 1'-0"



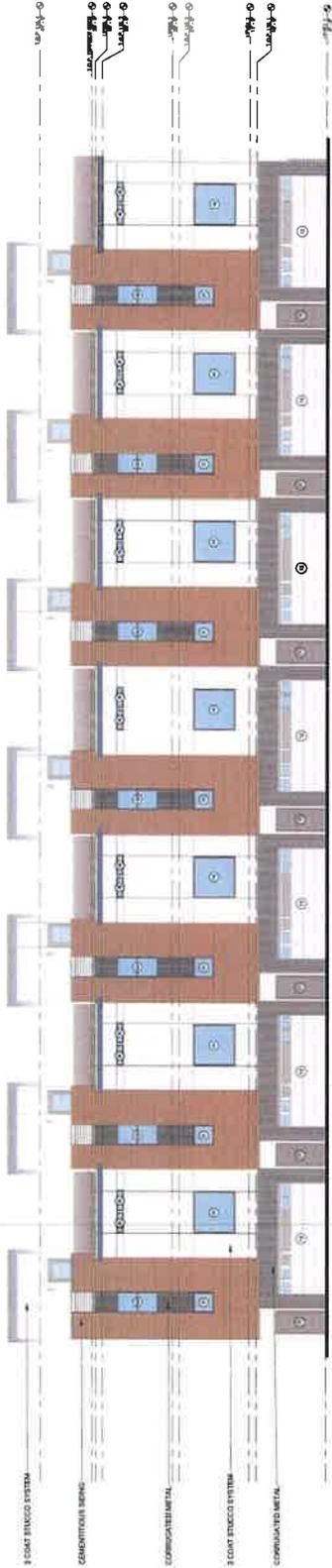
ARCHITECT
 ASIDE STUDIO
 200 WEST LAKESIDE
 DALLAS, TEXAS 75204
 WWW.ASIDESTUDIO.COM

LIVE OAK CONDOMINIUMS
 4208 LIVE OAK STREET
 DALLAS, TEXAS 75204

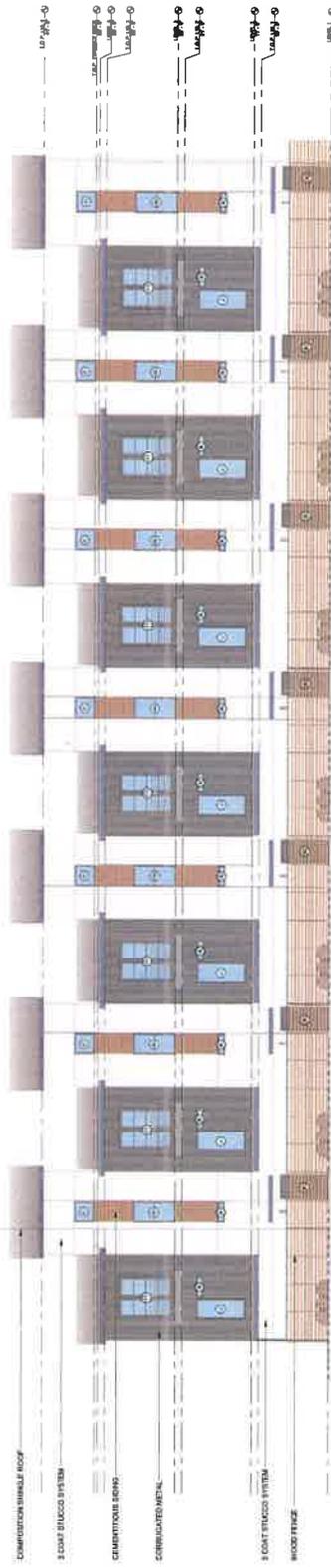
EXTERIOR
 ELEVATIONS

A5.1

Sheet 13
 18" x 24"



02 EAST ELEVATION - DRIVEWAY
 SCALE: 1/8" = 1'-0"



01 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



ARCHITECTS
 ASARE STUDIO
 2015 W. JONES
 DALLAS, TEXAS 75204
 PHONE: 214.742.1111
 WWW.ASARESTUDIO.COM

LIVE OAK CONDOMINIUMS
 4208 LIVE OAK STREET
 DALLAS, TEXAS 75204

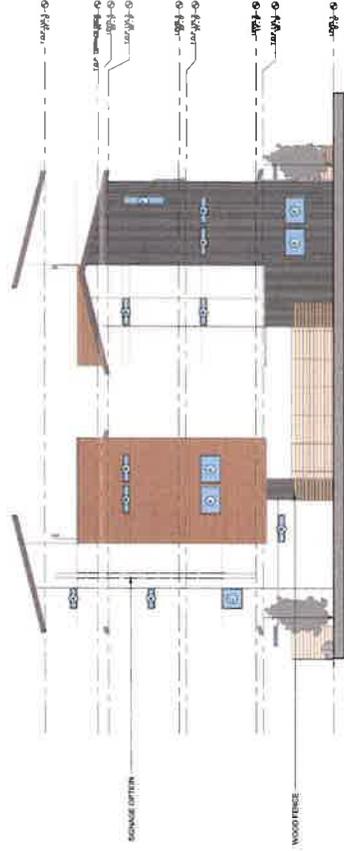
EXTERIOR
 ELEVATIONS

A5.2

Sheet #
 Date: 11/11/17
 11' x 17'



2 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



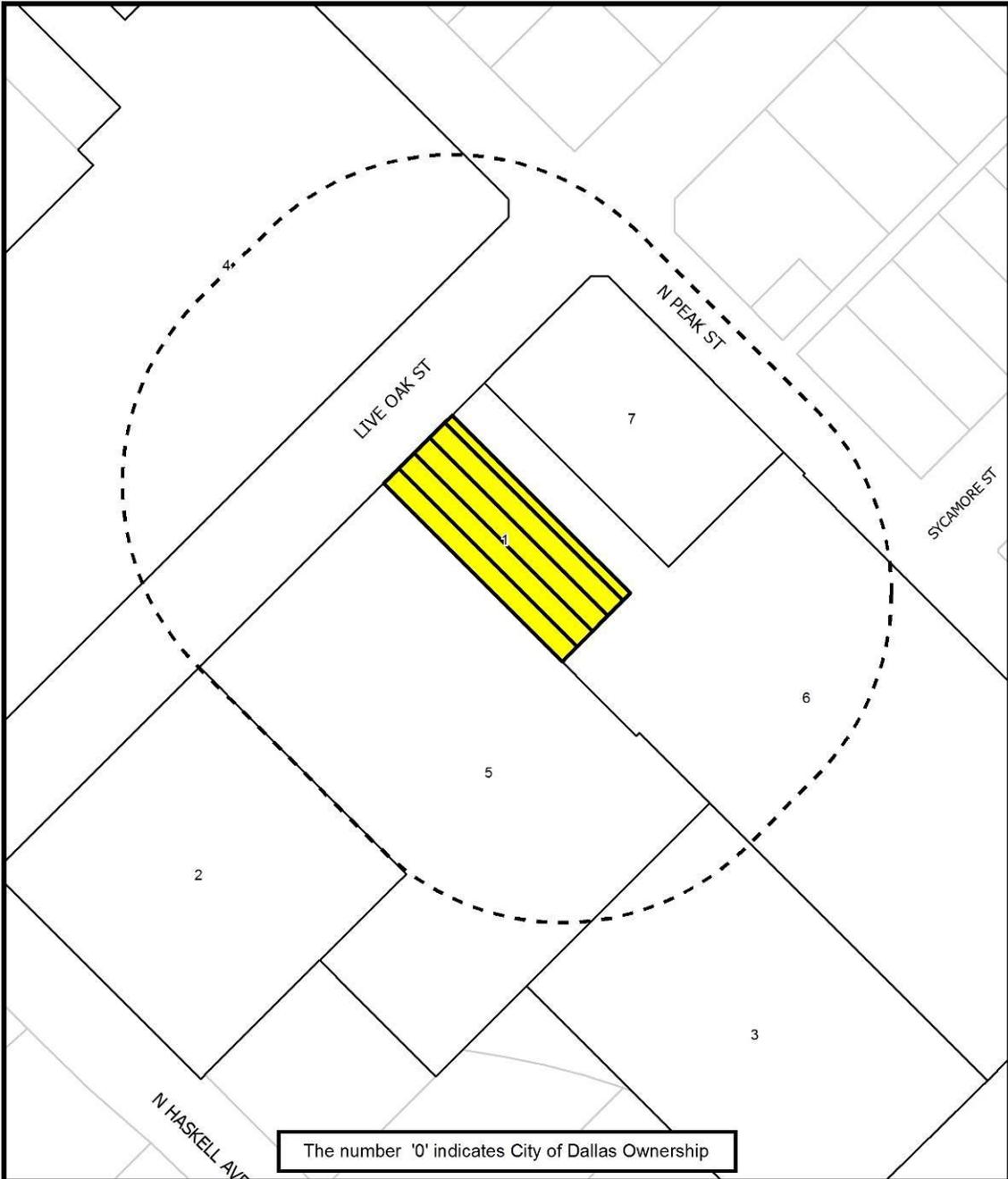
1 NORTH ELEVATION @ ENTRY
 SCALE: 1/8" = 1'-0"

Case No.: BDA 189-097

PROPERTY COMPARABLES FOR 4208 Live Oak Dr, Dallas TX 75204

- A. Zoning for subject property is PD 298 subarea 10
- B. Average Lot size is 54,823 sq ft
Subject Lot size is 14,308 sq ft
Average Structure size is 58,209 sq ft
Subject Structure size is 26,726 sq ft

Address	Structure Size (Sq Ft)	Land (Sq Ft)
1. 4217 Swiss Ave, Dallas TX 75204	204,752	110,432
2. 4200 Live Oak St, Dallas TX 75204	62,252	82,402
3. 4100 Live Oak St, Dallas TX 75204	14,700	50,007
4. 4125 Swiss Ave, Dallas TX 75204	37,764	59,400
5. 4208 Live Oak St, Dallas TX 75204	26,726	14,308
6. 4262 Live Oak St, Dallas TX 75204	3062	12,393
AVERAGE	58,209	54,823
SUBJECT PROPERTY (4208 Live Oak St)	26,726	14,308



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">7</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	7	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-097</u> Date: <u>8/15/2019</u>
200'	AREA OF NOTIFICATION					
7	NUMBER OF PROPERTY OWNERS NOTIFIED					

08/15/2019

Notification List of Property Owners

BDA189-097

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4208 LIVE OAK ST	PROSPEKTA INVESTMENT LLC
2	4100 LIVE OAK ST	4100 LIVE OAK LLC
3	4125 SWISS AVE	4125 SWISS LLC
4	4207 LIVE OAK ST	EGW LIVE OAK INVESTMENT LP
5	4200 LIVE OAK ST	ERETZ DALLAS PPTIES LLC
6	4217 SWISS AVE	BORDERPLEX SWISS AVENUE LLC
7	4262 LIVE OAK ST	SWISS AVENUE BANK

FILE NUMBER: BDA189-098(SL)

BUILDING OFFICIAL'S REPORT: Application of Roberto C. Ruiz, represented by Anna M Mojica, for a special exception to the sign regulations at 3207 W. Northwest Highway. This property is more fully described as Lot 1, Block 7/5775, and is zoned CR. The applicant proposes to renovate a nonconforming detached premise multi-tenant non-monument sign which will require a special exception to the sign regulations for nonconforming signs legally erected or maintained prior to April 30, 1973.

LOCATION: 3207 W. Northwest Highway

APPLICANT: Roberto C. Ruiz
Represented by Anna M Mojica

REQUEST:

A request for a special exception to the sign regulations is made to renovate a nonconforming detached premise multi-tenant non-monument sign that was legally erected or maintained prior to April 30, 1973, and, according to the application, "on the existing pole at the square footage amount less than previously existed" on a site developed office/retail strip center.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR REMODELING, RENOVATION, OR ALTERATION OF A NONCONFORMING SIGN:

Section 51A-7.703(c) of the Dallas Development Code states when in its judgment the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured, the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special variances and exceptions to the regulations established in this article for non-conforming signs legally erected or maintained prior to April 30, 1973.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- Staff concluded that the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured in granting this special exception request with the condition imposed that the applicant complies with the submitted site plan and "proposed" sign elevation. The location of the renovated sign as represented on the submitted site plan would not change, and the effective area of the renovated sign as represented

on the “proposed” sign elevation is 21’ square feet less in effective area than the nonconforming sign that the applicant proposes to renovate in conjunction with this application.

BACKGROUND INFORMATION:

Zoning:

Site: CR (Community Retail)
North: R-7.5(A) (Single family residential and duplex)
South: CR (Community Retail)
East: CR (Community Retail)
West: CR (Community Retail)

Land Use:

The site is currently developed as an office/retail strip center. The area to the north is developed with single family uses, and the areas to the east, south, and west are developed with retail and office uses.

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- The request for a special exception to the sign regulations focuses on renovating a nonconforming detached premise multi-tenant non-monument sign that was legally erected or maintained prior to April 30, 1973, and, according to the application, “on the existing pole at the square footage amount less than previously existed” on a site developed office/retail strip center).
- Section 51A-7.703(c) states when in its judgment the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured, the board of adjustment may, in specific cases and subject to appropriate conditions, authorize only the following special variances and exceptions to the regulations established in this article for non-conforming signs legally erected or maintained prior to April 30, 1973: (7) Authorize the remodeling, renovation, or alteration of a sign when some non-conforming aspect of the sign is thereby reduced and when the period of time allowed for the owner of the sign to recoup his investment is not thereby extended.
- Building Inspection staff states that the sign that is the issue in this application is a nonconforming sign and was legally erected or maintained prior to April 30, 1973, and that the existing pole does not have enough setback for what they are wanting to install with regard to effective area and height.

- A site plan and sign elevations (existing and proposed) have been submitted with this application. The site plan represents the “sign location” and one of the two elevations represents three sign boards: one with notes stating “168 square feet – what was existing” (what staff is interpreting what was on the site), one with notes stating “147 square feet - what will work” (what staff is interpreting is proposed in conjunction with this application), and one stating “112 square feet – what we would like to have” (what staff is interpreting what the applicant would have preferred to erect). The other sign elevation is labeled “proposed” with representations of an 8’ wide sign with a total height of 32’ 6”.
- The applicant has the burden of proof in establishing the following:
 - That the public convenience and welfare will be substantially served and appropriate use of the neighboring area will not be substantially and permanently injured in authorizing the remodeling, renovation, or alteration of the sign when some non-conforming aspect of the sign is thereby reduced and when the period of time allowed for the owner of the sign to recoup his investment is not thereby extended.
- If the Board were to approve the request for a special exception to the sign regulations, the Board may consider imposing a condition that the applicant complies with the submitted site plan and “proposed” sign elevation that would restrict the sign to a specific location and size, height, and effective area.

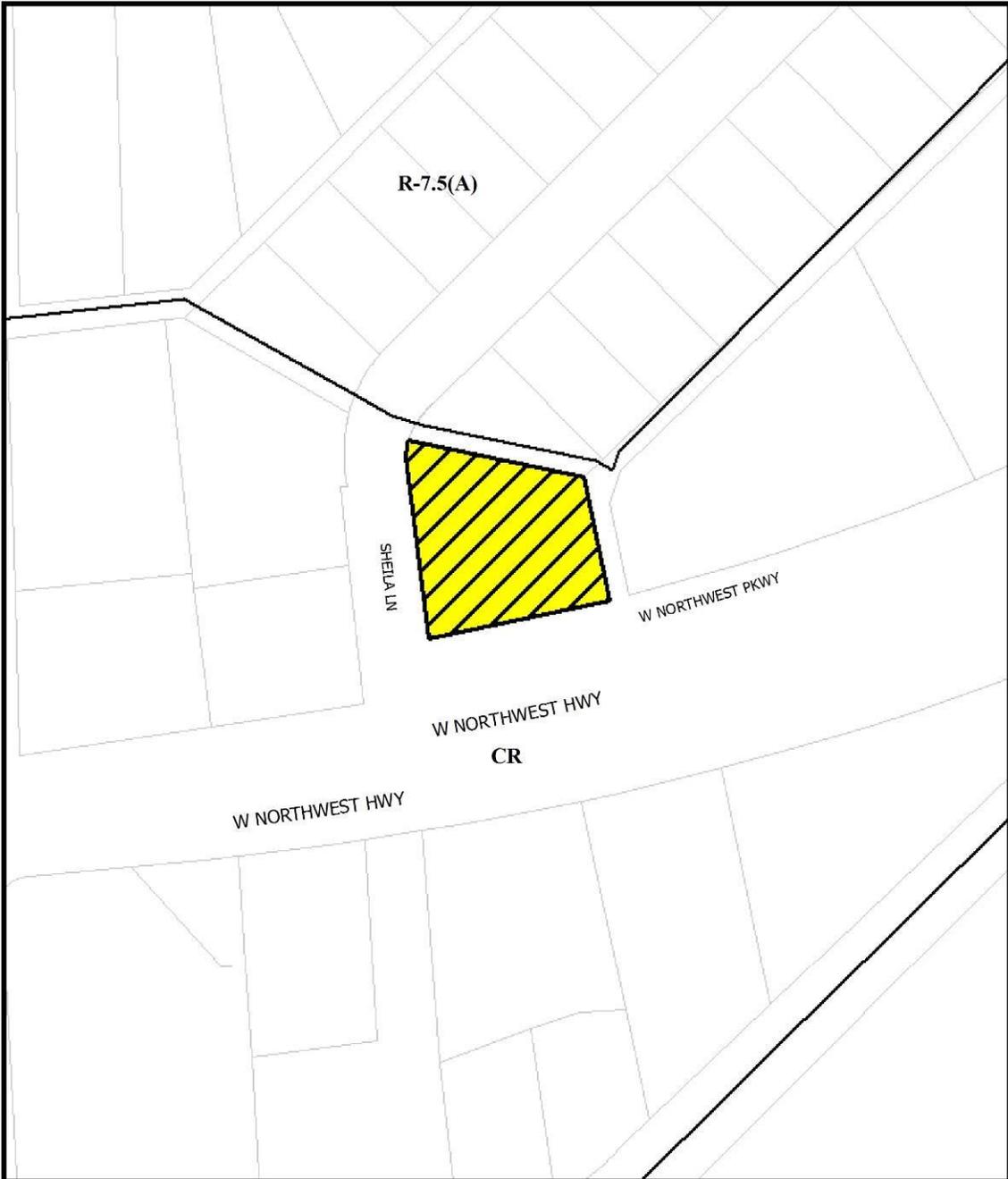
Timeline:

- May 31, 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.
- August 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- August 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 28, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report on this application to the Board Administrator (see Attachment A). This

report and the related criteria/standard that the board will use in their decision to approve or deny the request was emailed to the applicant's representative.

September 3, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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: BDA189-098

Date: 8/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-098

Date: 8/15/2019

BDA189-098
Attachment A

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 Roberto C Ruiz
represented by ANNA M MOJICA
did submit a request for a special exception to the sign regulations for non-conforming signs
legally erected or maintained prior to April 30, 1973
at 3207 W. Northwest Hwy

BDA189-098. Application of Roberto C Ruiz represented by ANNA M MOJICA for a special
exception to the sign regulations for non-conforming signs legally erected or maintained
prior to April 30, 1973 at 3207 W NORTHWEST HWY. This property is more fully
described as Lot 1, Block 7/5775, and is zoned CR, which requires a minimum setback
for a detached premise multi-tenant non-monument sign. The applicant proposes to
renovate a nonconforming detached premise multi-tenant non-monument sign.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-098

Data Relative to Subject Property:

Date: 5/31/2019

Location address: 3207 W. Northwest Highway, #150 Zoning District: CR

Lot No.: 1 Block No.: 7/5775 Acreage: .376 Census Tract: 72.01

Street Frontage (in Feet): 1) 140.5 ft ^{North Hwy} 2) 154 ft ^{Shelb Ln} 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Abednego Investments, LLC / Roberto C. Ruiz

Applicant: Roberto C. Ruiz Telephone: 520-320-9799

Mailing Address: 3207 W. Northwest Highway #150 Zip Code: 75220

E-mail Address: roberto@ruizmgmt.com

Represented by: Anna Mojica Telephone: 214-399-1614

Mailing Address: 2506 Wood Lawn Drive Zip Code: 75119

E-mail Address: Mojica.anna@yahoo.com

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

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:

I'm looking to refurbish an existing pole sign to match the significant upgrades made to the building we purchased at 3207 W. Northwest Highway, we inadvertently caused a grandfathered use to become non-confirming. As such, we are asking for an exemption to put the boxes back up on the exiting pole at the square footage amount less than previously existed while also making it safer and more aesthetically appealing. This is an atypical situation not contemplated by the ordinance given the extreme setback from the principal roadway of Northwest Highway when originally constructed and the low visibility on the curve of this street.

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

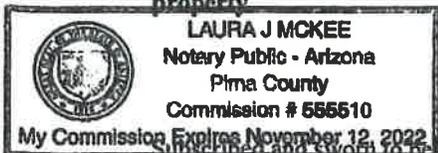
Affidavit

Before me the undersigned on this day personally appeared Roberto C. Ruiz

(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 31 day of May, 2019

[Signature]
Notary Public in and for Pima County, Arizona

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 Roberto C Ruiz
represented by ANNA M MOJICA
did submit a request for a special exception to the sign regulations for non-conforming signs
legally erected or maintained prior to April 30, 1973
at 3207 W. Northwest Hwy

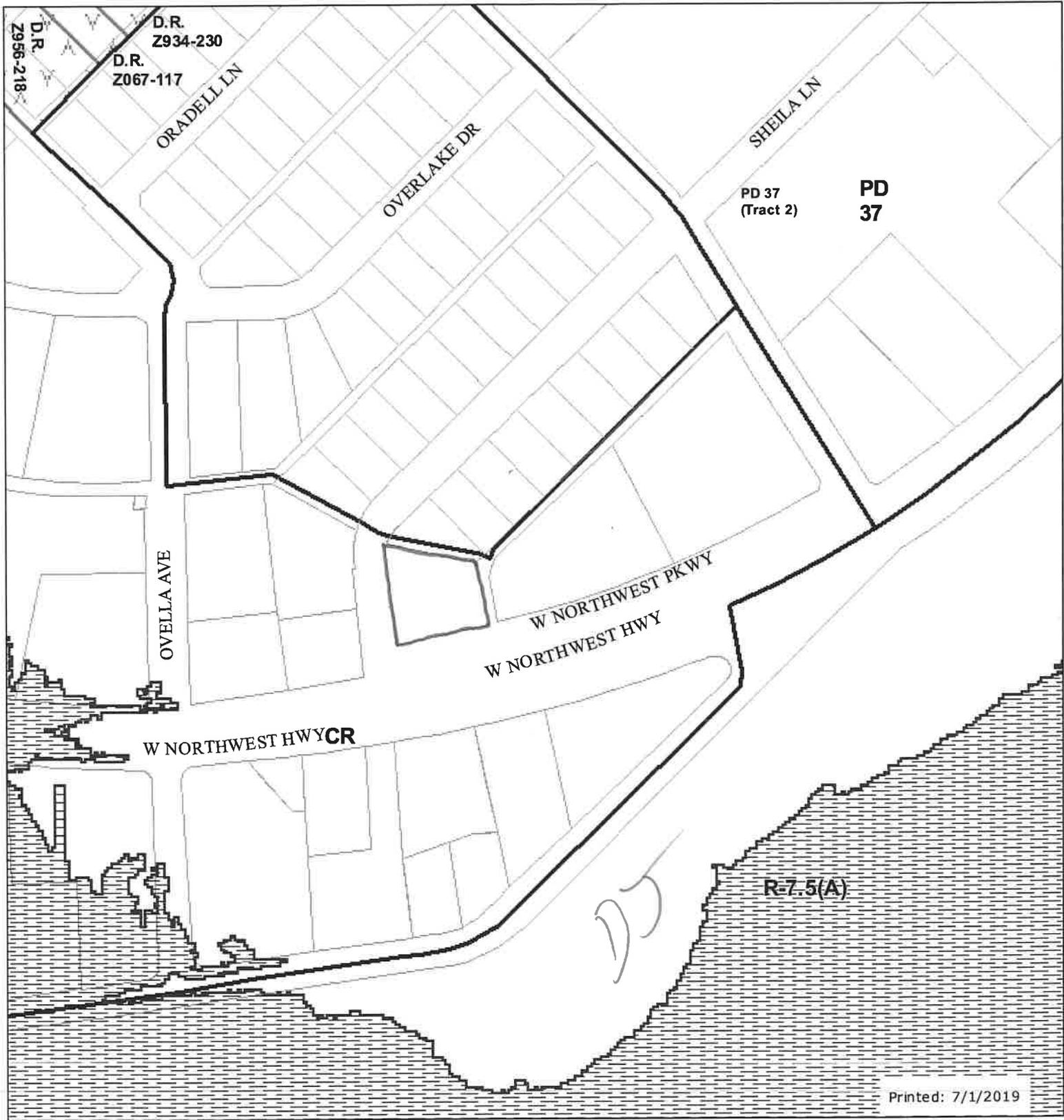
BDA189-098. Application of Roberto C Ruiz represented by ANNA M MOJICA for a special
exception to the sign regulations for non-conforming signs legally erected or maintained
prior to April 30, 1973 at 3207 W NORTHWEST HWY. This property is more fully
described as Lot 1, Block 7/5775, and is zoned CR, which requires a minimum setback
for a detached premise multi-tenant non-monument sign. The applicant proposes to
restore a nonconforming detached premise multi-tenant non-monument sign.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

DF





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 |
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| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
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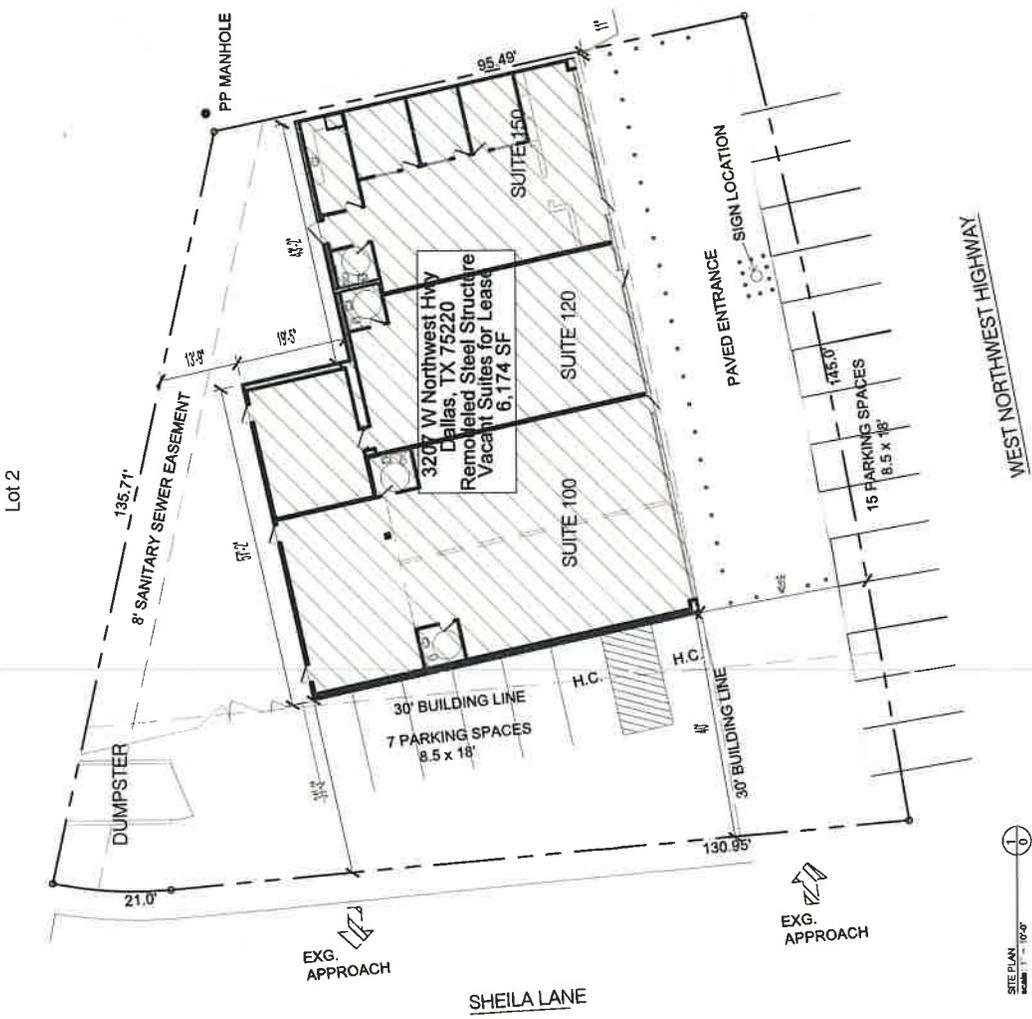
- The General Contractor shall:
1. Be responsible for existing, coordinating, and representing all utility providers and programs in connection with the work.
 2. Coordinate and manage all work and activities related to the building management including use of temporary storage, loading zones, building systems, building systems, availability of work or delivery of materials during off hours etc.
 3. Coordinate all work of the work and all activities related to the building management including use of temporary storage, loading zones, building systems, building systems, availability of work or delivery of materials during off hours etc.
 4. Be responsible for the development, coordination and management of construction methods and procedures.
 5. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 6. Verify all existing conditions in the field. All dimensions shall be verified for the field for construction with existing and new conditions. The contractor shall verify the location of any discrepancies between the drawings and the existing conditions prior to pricing, utility or proceeding with the work.
 7. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 8. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 9. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 10. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 11. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 12. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 13. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 14. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 15. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 16. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 17. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 18. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 19. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.
 20. Be responsible for the development, coordination and management of all field conditions and dimensions and maintaining field of debris, equipment, etc., and building as shown. If there are questions, the contractor must first obtain clarification from the board before proceeding with work or a related condition.



GENERAL CONTRACTOR'S FIELD OFFICE	
PROJECT NAME	3207 W NORTHWEST HWY
PROJECT ADDRESS	3207 W NORTHWEST HWY
PROJECT CITY	DALLAS, TX
PROJECT STATE	TX
PROJECT ZIP	75220
PROJECT PHONE	(214) 343-1111
PROJECT FAX	(214) 343-1112
PROJECT EMAIL	info@r3ainvestments.com
PROJECT WEBSITE	www.r3ainvestments.com

PROPERTY INFORMATION	
PARCELS	201, 202, 203
APPLICABLE ZONING	MS-1
APPLICABLE DISTRICT	10
APPLICABLE SUBDISTRICT	10.01
APPLICABLE MAP	10.01
APPLICABLE SUBMAP	10.01
APPLICABLE SECTION	10.01
APPLICABLE QUARTER	10.01
APPLICABLE BLOCK	10.01
APPLICABLE LOT	10.01
APPLICABLE UNIT	10.01
APPLICABLE TRACT	10.01
APPLICABLE SUBTRACT	10.01
APPLICABLE PART	10.01
APPLICABLE SUBPART	10.01
APPLICABLE FRACTION	10.01
APPLICABLE INTEREST	10.01
APPLICABLE EASEMENT	10.01
APPLICABLE ENCUMBRANCE	10.01
APPLICABLE LIEN	10.01
APPLICABLE TAX	10.01
APPLICABLE ASSESSMENT	10.01
APPLICABLE TAX MAP	10.01
APPLICABLE TAX MAP NUMBER	10.01
APPLICABLE TAX MAP SECTION	10.01
APPLICABLE TAX MAP QUARTER	10.01
APPLICABLE TAX MAP BLOCK	10.01
APPLICABLE TAX MAP LOT	10.01
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APPLICABLE TAX MAP TAX MAP ENCUMBRANCE	10.01
APPLICABLE TAX MAP TAX MAP LIEN	10.01
APPLICABLE TAX MAP TAX MAP ASSESSMENT	10.01
APPLICABLE TAX MAP TAX MAP TAX MAP	10.01

15' ALLEY



1-0

SHEET CONTENTS

SITE PLAN

DATE: 07/09/2018

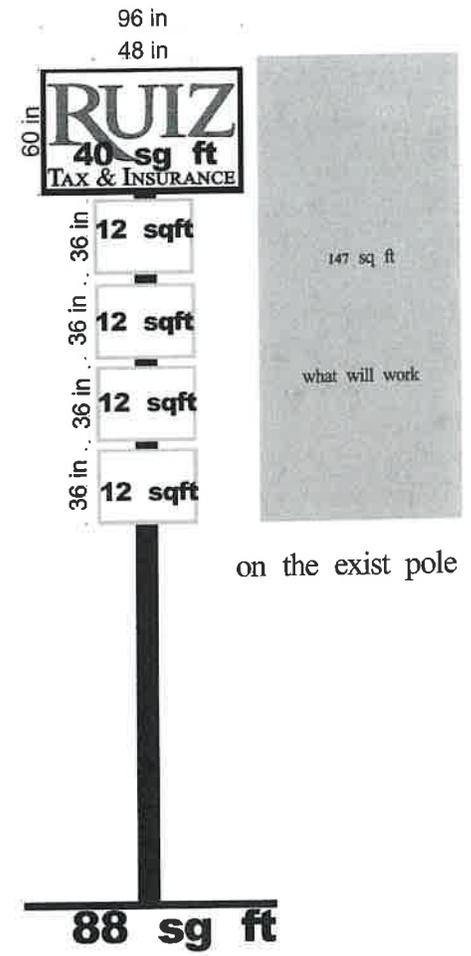
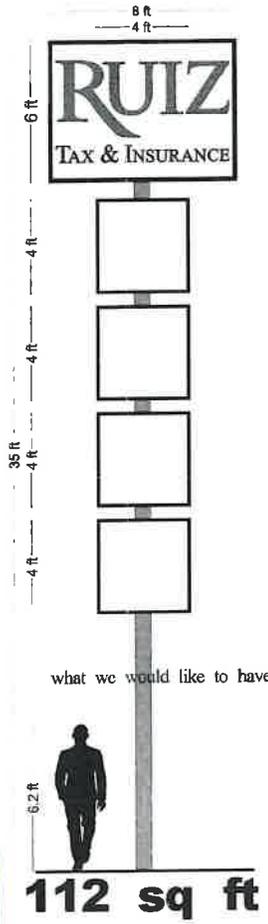
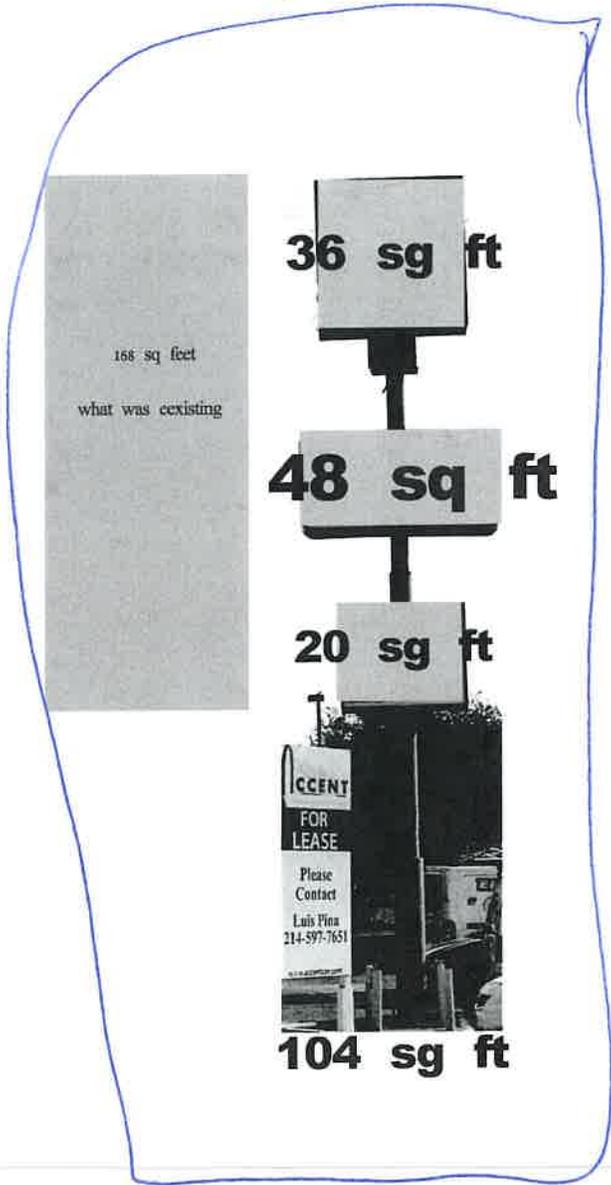
R3A FAMILY INVESTMENTS

Project Address:

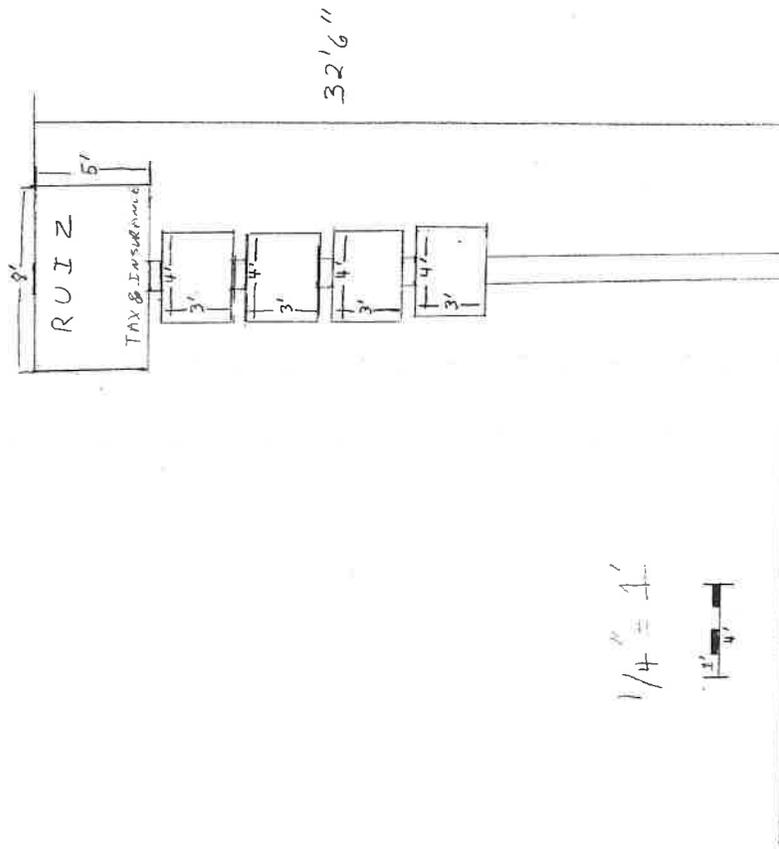
3207 W Northwest Hwy
Dallas, TX 75220

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

Existing



Proposed



Job Description: Sign (SI)

Job Type: Sign Permit Date Created: Jul 22, 1975

Status: Complete Created By: CONV

Issue Date: Jul 22, 1975 Date Completed: Sep 15, 1975

Parent Job:

Specific Location:

Details Processes Sched Procs Fees Holds Notes Documents Project

Doing Business As: tkw@waldrumsigns.com

Property

Address... 3207 W NORTHWEST HWY

Building/Floor/Suite (None) (None)

Temporary Address:

Tax Parcel Legal: 5775 007 00100 1005775 007

Block: Lot:

Owner Name: WILDWOOD GROUP INV LTD

Address: 600 N WILDWOOD , IRVING TEXAS 75061- UNITED STATES OF AMERICA

Owner/Tenant Name and Address: INTERNATIONALIMPORTS

if above incorrect: 3207 W NORTHWEST HWY

Owner Code: PRIVATE

E-mail:

Phone: (000) 000-0000 Fax:

Contractor

Contractor... WALDRUM LIGHTING & SIGNS - Terry Waldrum
208 E IRVING BLVD
IRVING, TX 75060
(972) 259-1038
tkw@waldrumsigns.com

Project

Permit Type: Sign (SI)

Work Code: (None)

Override:

Description of Project: REMODEL DET PREM COMM SIGN 160 SQFT MOTOR VEHICLES

Remarks (To Be Printed on Permit): 3207 W NORTHWEST HWY 5513 MOTOR

Related Information Show Disposed Date

Rel. Details

Create New

Save As...

Legend

Locate

Address: Account
3207 W NORTHWEST HWY

Applicant: WALDRUM LIGHTING & SIG
208 E IRVING BLVD

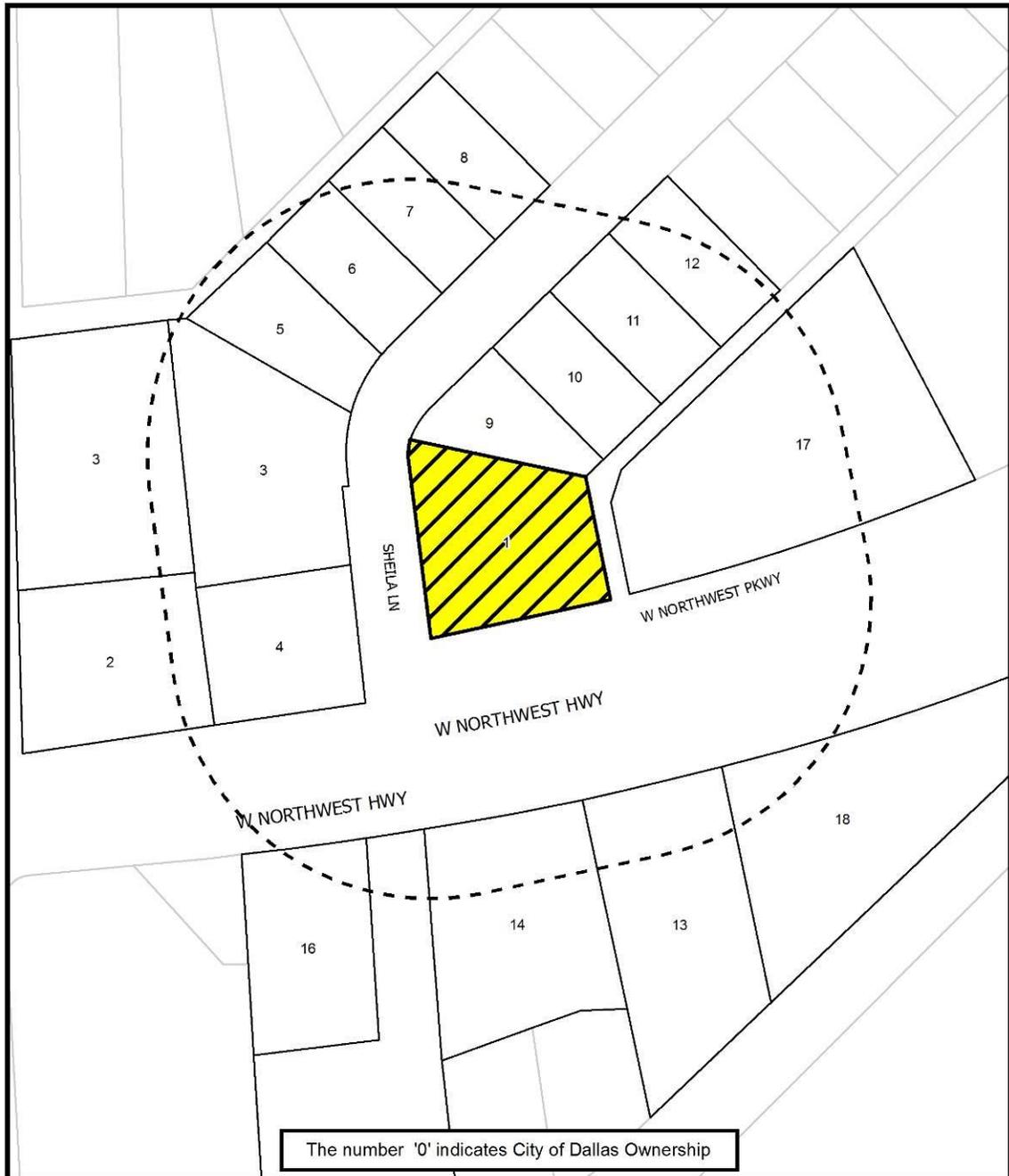
Contractor: WALDRUM LIGHTING & SH
208 E IRVING BLVD

Land Use: 5513 MACHINERY, HEAVY

Parcel: Historical 3207 W NORTHWEST
00000432415000000

Sign Permits related to Address: Sign |

Sign Permits related to Address: Spec



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

18

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-098**

Date: **8/15/2019**

Notification List of Property Owners

BDA189-098

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3207 W NORTHWEST HWY	3207 W NORTHWEST HWY LLC
2	3101 W NORTHWEST HWY	KECHEJIAN ENTERPRISES LP
3	9404 OVELLA AVE	CAMARENA SILVIA MARTIAL DEDUCTION TRUST
4	3111 W NORTHWEST HWY	PRO QUICK LUBE NORTHWEST INC
5	3221 SHEILA LN	REALEGENO JOSE D &
6	3225 SHEILA LN	LOPEZ SAMUEL & ROSA MARIA
7	3231 SHEILA LN	ORTA FELIX
8	3235 SHEILA LN	GONZALEZRODRIGUEZ CRUZ &
9	3222 SHEILA LN	3222 SHEILA LLC
10	3232 SHEILA LN	CASTANEDA JOSE A &
11	3236 SHEILA LN	GUERRERO ARMANDO RODRIGUEZ &
12	3240 SHEILA LN	RODRIGUEZ J CRUZ G & MARIA T
13	3140 W NORTHWEST HWY	DURAN PHILLIP
14	3130 W NORTHWEST HWY	SAVICKAS JOHN E
15	3120 W NORTHWEST HWY	PEREZ ELIZABETH I &
16	3118 W NORTHWEST HWY	ORNELAS CONCEPCION A
17	3211 W NORTHWEST HWY	NWH BACHMAN PL LTD LIA CO
18	3021 BACHMAN DR	3021 BACHMAN DRIVE LTD

FILE NUMBER: BDA189-100(SL)

BUILDING OFFICIAL'S REPORT: Application of Karl Crawley of Masterplan for special exceptions to the fence standards regulations at 5518 Winston Court. This property is more fully described as Lot 1A, Block B/5592, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 11 foot 10 inch high fence in a required front yard, which will require a 7 foot 10 inch special exception to the fence standards regulations, and to construct and/or maintain a fence in a 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 standards regulations.

LOCATION: 5518 Winston Court

APPLICANT: Karl Crawley of Masterplan

REQUESTS:

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

1. Requests for special exceptions to the fence standards regulations related to the fence height of 7' 10" are made to construct and maintain an approximately 8' high fence (an approximately 6' high open iron fence atop an approximately 2' high stone base); with 8' 7" high stone columns, four 11' 10" high open wrought iron vehicular gates with approximately 8' – 11' high stone wing walls, two approximately 11' 3" high open wrought iron pedestrian gates in the site's two front yard setbacks on Winston Court and Hollow Way Road.
2. Requests for special exceptions to the fence standards regulations related to fence panels with a surface area that is less than 50 percent open less than 5' from the front lot lines are made to construct and maintain the aforementioned approximately 8' – 11' high stone wing walls that are located on either side of the four vehicular gates on the site beginning on the Winston Court and Hollow Way Road front lot lines.

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

Land Use:

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

Zoning/BDA History:

1. BDA 87-112, Property at 5507 Winston Court (the lot north of the subject site) On January 13, 1987, the Board of Adjustment denied a request for special exception to the fence height regulations of 4'. The case report stated the request was made to construct and maintain a fence 8' in height of a combination of wrought iron and brick.

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on:
 1. constructing/maintaining an approximately 8' high fence (an approximately 6' high open iron fence atop an approximately 2' high stone base); with 8' 7" high stone columns, four 11' 10" high open wrought iron vehicular gates with approximately 8' – 11' high stone wing walls, two approximately 11' 3" high open wrought iron pedestrian gates in the site's two front yard setbacks on Winston Court and Hollow Way Road;
 2. constructing/maintaining the approximately 8' – 11' high stone wing walls that are located on either side of the four vehicular gates on the site beginning on the Winston Court and Hollow Way Road front lot lines.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.

- The Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The subject site is zoned R-1ac(A) which requires a 40' front yard setback.
- The site has is located at the southeast corner of Winston Court and Hollow Way Road. The site has two street frontages of unequal distances. The site has two front yard setbacks. The site has a front yard setback on Hollow Way Road which is the shorter of the two frontages which is always a front yard setback in this zoning district on a corner lot that has two street frontages of unequal distance. The site also has a front yard setback on Winston Court which is typically a side yard setback in this zoning district on a corner lot that has two street frontages of unequal distance but in this case is a front yard to maintain the continuity of the established setback along this street frontage where lots to the east have front yard setbacks on this street.
- The applicant has submitted a site plan and elevation of the proposal. The site plan and elevation represent a "fence" proposal that is over 4' in height (where gates reach 11' 10" in height) in the Winston Court and Hollow Way Road front yard setbacks and where the proposal has solid fences that begin on these front lot lines.
- The following additional information was gleaned from the submitted site plan:
 - Along Winston Court: the proposal is represented as being approximately 300' in length parallel to the street and approximately 40' perpendicular to this street on the east side in this front yard setback, as close as on the front property line or approximately 18' from this pavement line.
 - Along Hollow Way Road: the proposal is represented as being approximately 200' in length parallel to the street and approximately 40' perpendicular to this street on the south side in this front yard setback, located as close as on the front property line or approximately 18' from this pavement line.
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and the surrounding area and noted no other visible fences that appeared to be above 4' in height and located in a front yard setback.
- As of September 6, 2019, no letters had 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 regulations related to height and related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot lines on the site 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 4' in height in the front yard setbacks and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot lines to be constructed and maintained in the locations and of the heights and materials as shown on these documents.

Timeline:

July 3, 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.

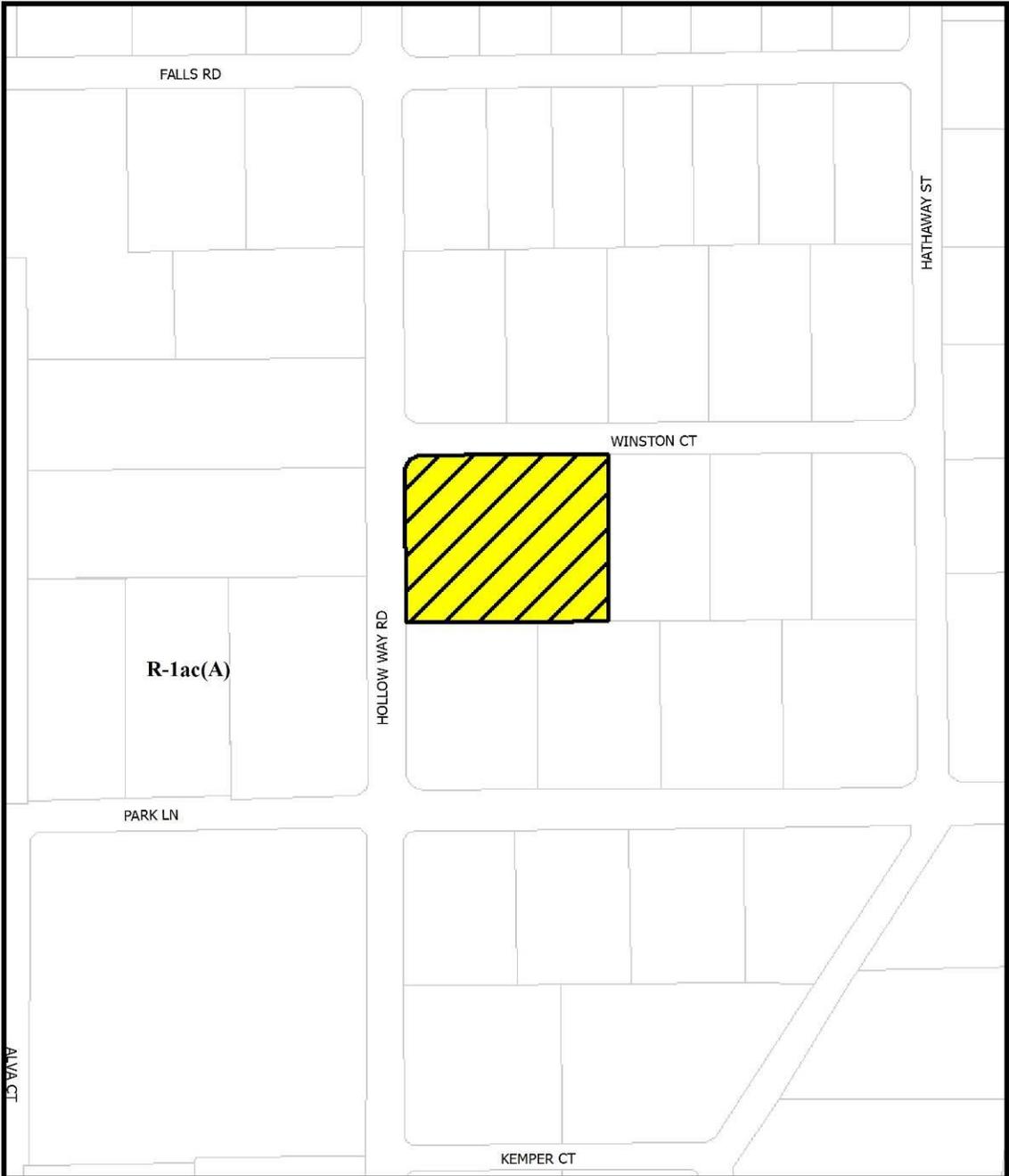
August 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

August 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

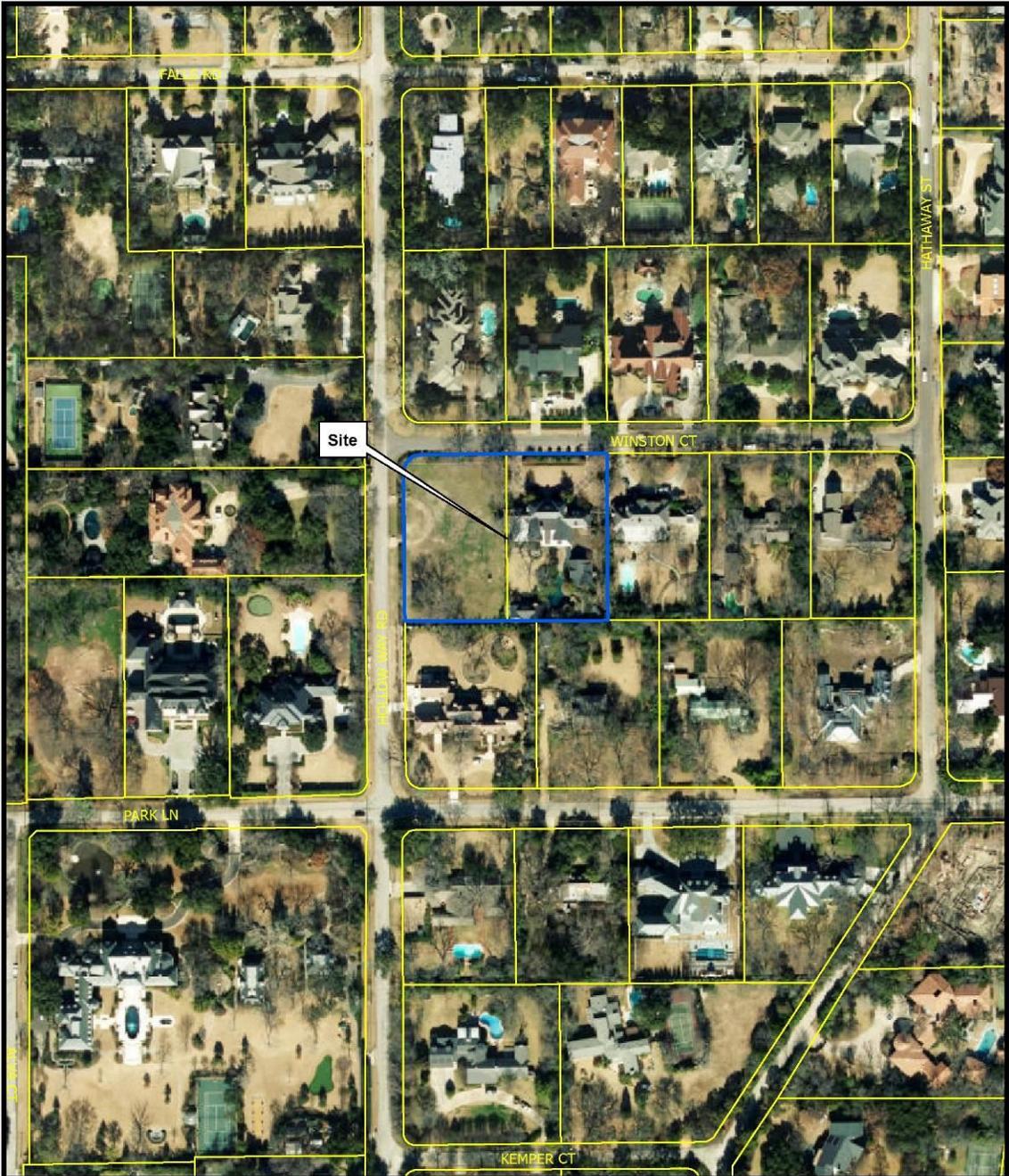
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 3, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA189-100</u> Date: <u>8/15/2019</u>
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1:2,400

AERIAL MAP

Case no: BDA189-100

Date: 8/15/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-100

Date: 7-3-19

Data Relative to Subject Property:

Location address: 5506 and 5518 Winston Court Zoning District: R-1ac(A)

Lot No.: 1A Block No.: B/5592 Acreage: 1.831 ac. Census Tract: 206.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Charles D. Wood, Jr.

Applicant: Karl Crawley/Masterplan Telephone: 214 761 9197

Mailing Address: 900 Jackson St., Ste. 640 Dallas TX Zip Code: 75202

E-mail Address: karl@masterplantexas.com

Represented by: Karl Crawley Telephone: 214 761 9197

Mailing Address: 900 Jackson St., Ste 640 Dallas TX Zip Code: 75202

E-mail Address: karl@masterplantexas.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 8 feet for the gate height and 4 feet 7 inches for the fence height and a fence panel less than 50% open located within five feet of the front property line.

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: Fence height is commensurate with area and adjacent properties. A fence height greater than four (4) feet is required to provide security and privacy for the property and residence.

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

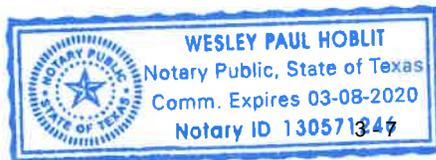
Before me the undersigned on this day personally appeared Karl A Crawley (Affiant/Applicant's name printed)

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 JUNE, 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 KARL A. CRAWLEY

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

at 5518 Winston Court

BDA189-100. Application of KARL A. CRAWLEY for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 5518 WINSTON CT. This property is more fully described as Lot 1A, Block B/5592, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 11 foot 10 inch high fence in a required front yard, which will require a 7 foot 10 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.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 6/10/2019

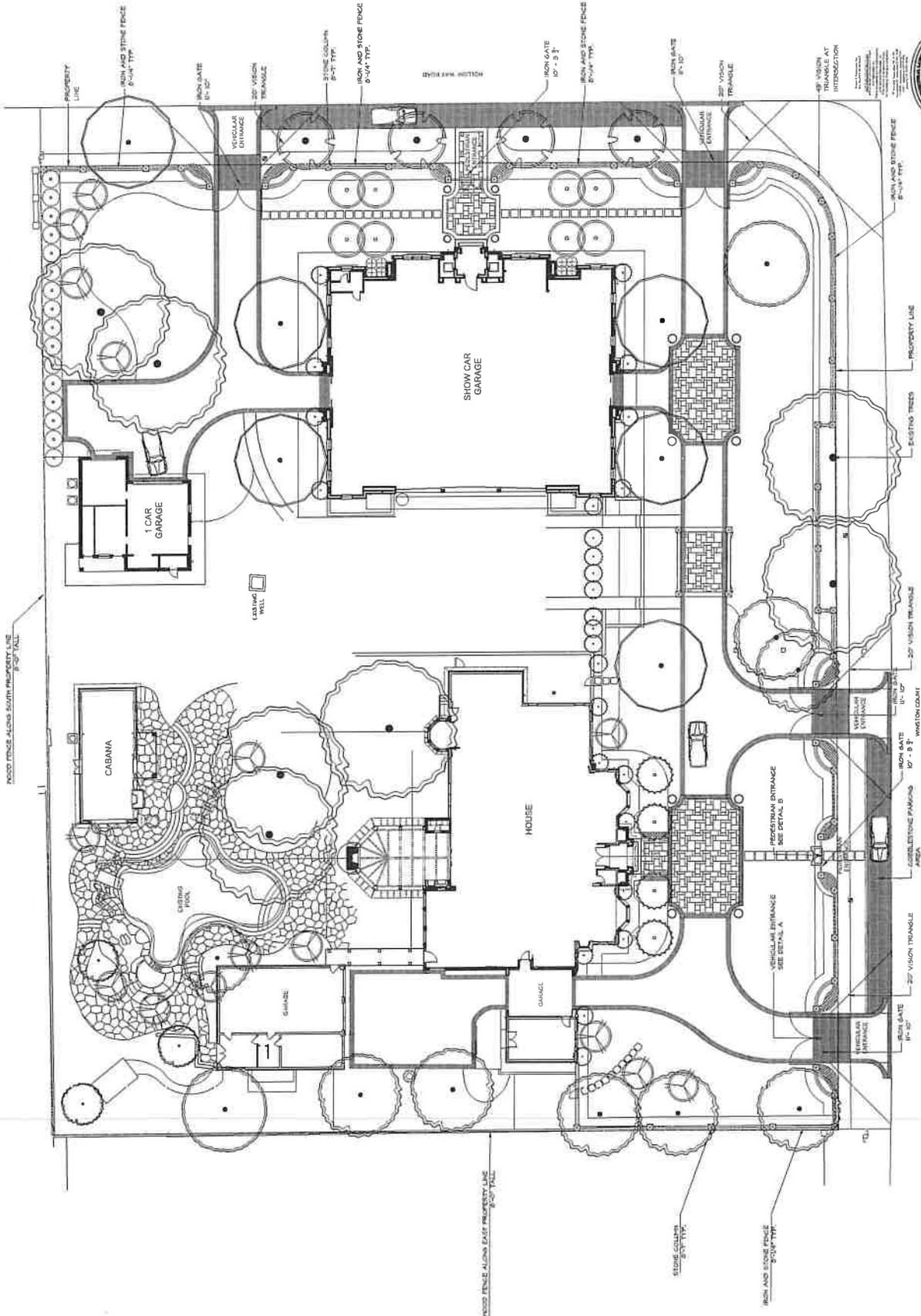
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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)

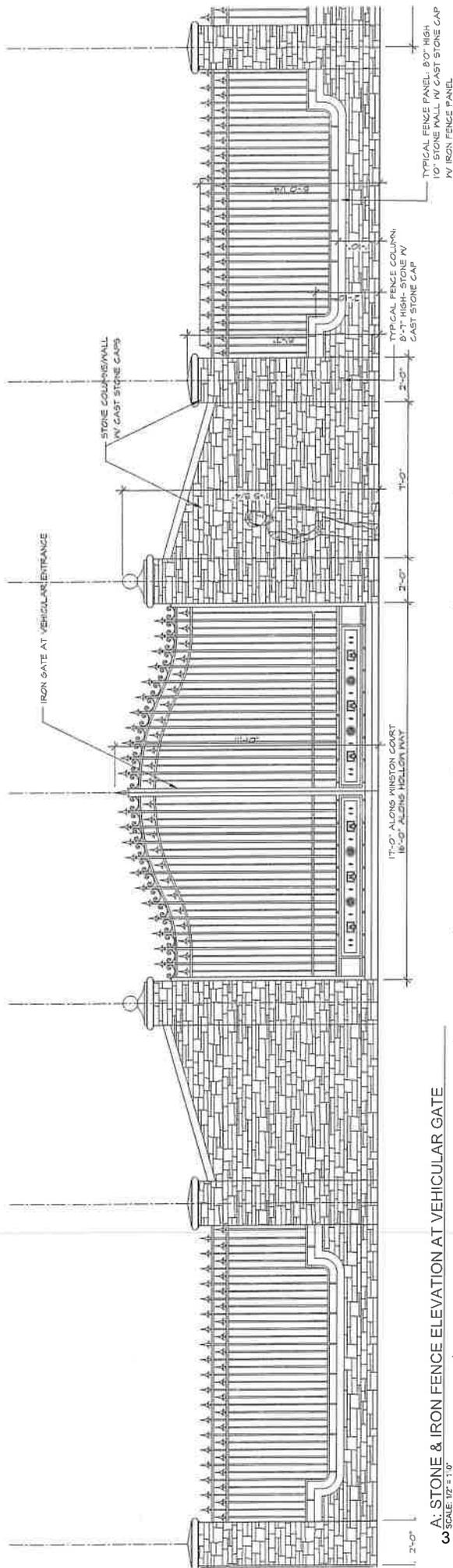




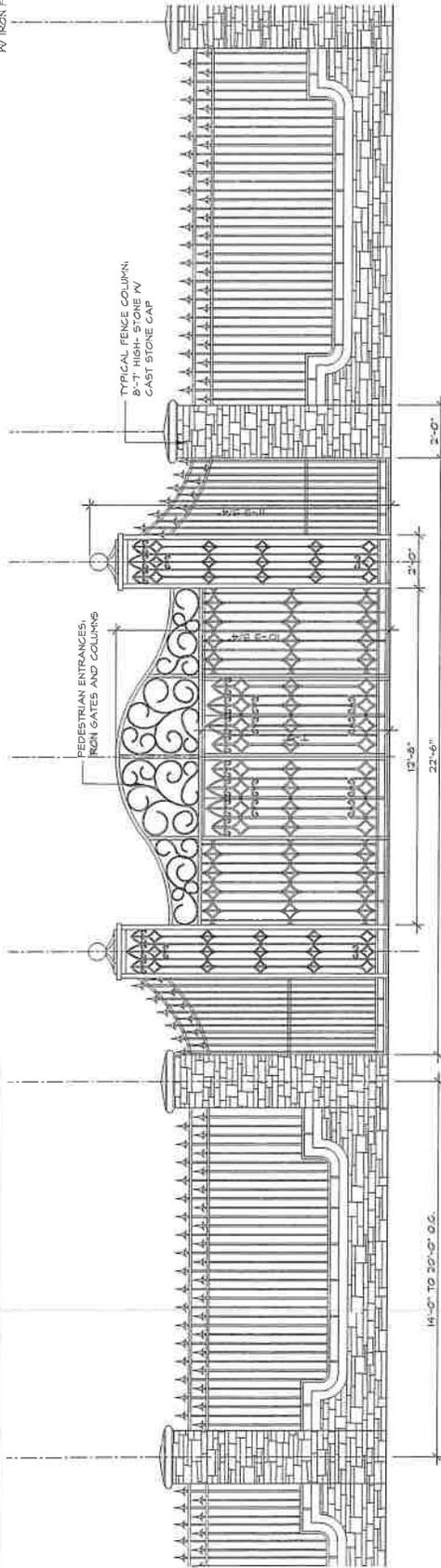


WOOD RESIDENCE
5518 WINSTON COURT, DALLAS, TEXAS

LANDSCAPE SITE PLAN
SCALE: 1/8" = 1'-0"



A: STONE & IRON FENCE ELEVATION AT VEHICULAR GATE
SCALE: 1/2" = 1'-0"



B: STONE & IRON FENCE ELEVATION AT PEDESTRIAN ENTRANCE
SCALE: 1/2" = 1'-0"



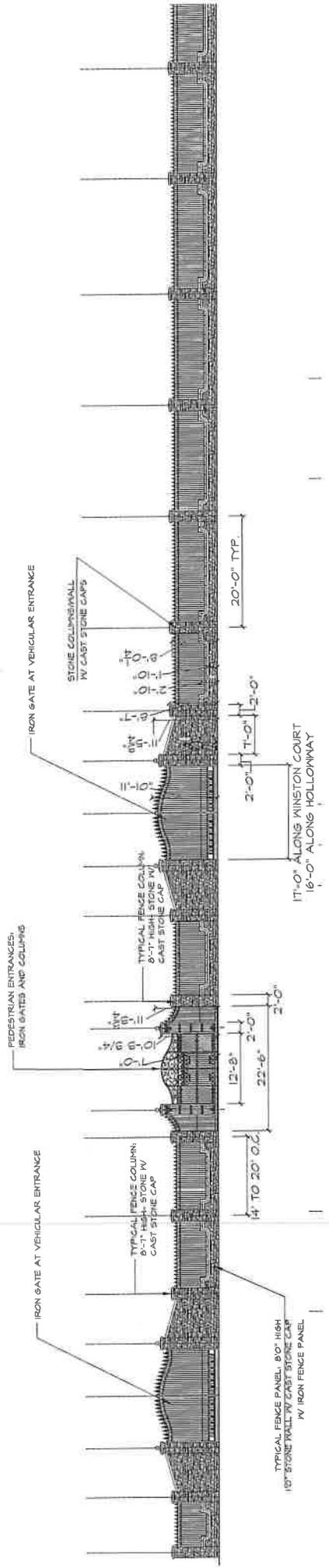
BRITTON & ASSOCIATES
ARCHITECTS
10000 W. LAKOTA AVE., SUITE 100
DALLAS, TEXAS 75247
TEL: 214.343.1111
WWW.BRITTONARCHITECTS.COM

WOOD RESIDENCE
5518 WINSTON COURT, DALLAS, TEXAS

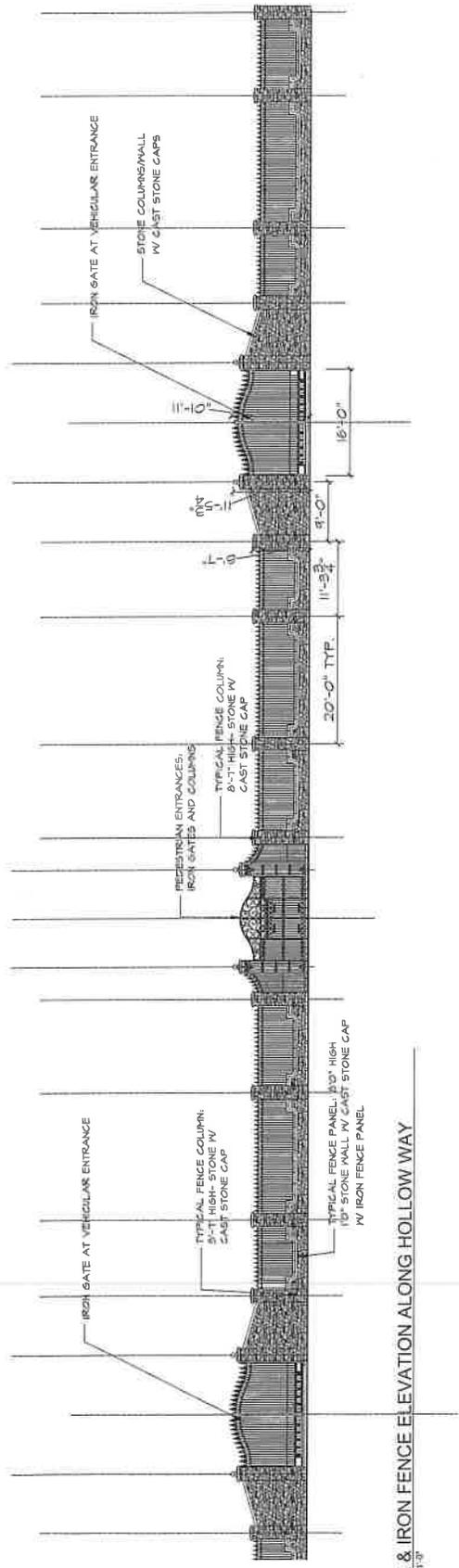


BRITTON & ASSOCIATES, INC.
 14025 DALLAS ROAD, SUITE 100
 DALLAS, TEXAS 75244
 TEL: 972.382.1000
 WWW.BRITTON-AND-ASSOCIATES.COM
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JULY 1, 2019

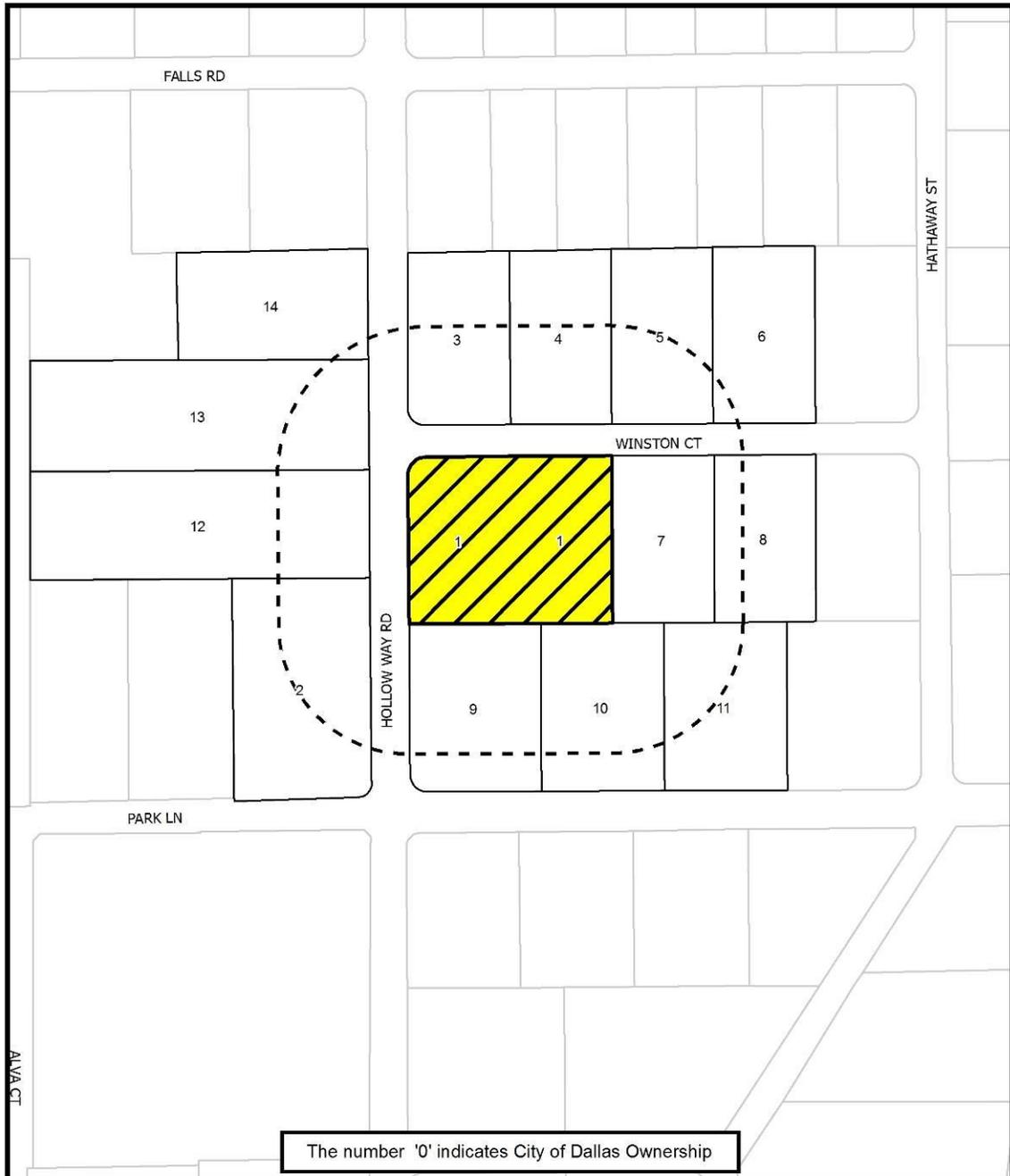


STONE & IRON FENCE ELEVATION ALONG WINSTON COURT
 SCALE: 1/8" = 1'-0"



STONE & IRON FENCE ELEVATION ALONG HOLLOW WAY
 SCALE: 1/8" = 1'-0"

WOOD RESIDENCE
 5518 WINSTON COURT, DALLAS, TEXAS



 1:2,400	NOTIFICATION		Case no: BDA189-100
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 8/15/2019	

Notification List of Property Owners

BDA189-100

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5506 WINSTON CT	WOOD CHARLES D JR
2	5435 PARK LN	WHITMAN KIMBERLY &
3	5507 WINSTON CT	ELBAOR JAMES EDWARD
4	5519 WINSTON CT	ZILBERMANN MARK & PEGGY
5	5531 WINSTON CT	BOSCAMP KEVIN D &
6	5543 WINSTON CT	ROWLEY SHIRLEY G
7	5530 WINSTON CT	JENNINGS JAMES B &
8	5542 WINSTON CT	JOHNSON HENRY D III &
9	5511 PARK LN	SULENTIC ROBERT E &
10	5523 PARK LN	MCDONALD JANET
11	5535 PARK LN	5535 PARK LANE RESIDENCE TRUST
12	9639 HOLLOW WAY RD	DAVIES LEWIS PAUL III 2004 TRUST
13	9701 HOLLOW WAY RD	SMITH JAMES C &
14	9711 HOLLOW WAY RD	HALLE ANDREW P &

FILE NUMBER: BDA189-102(SL)

BUILDING OFFICIAL'S REPORT: Application of Stephane Besson for a variance to the front yard setback regulations at 3710 Knight Street. This property is more fully described as PT LT 10, Block F/1569, and is zoned PD 193 (MF-2 Subdistrict), which requires a front yard setback of 20 feet. The applicant proposes to construct a structure and provide an 8 foot front yard setback, which will require a 12 foot variance to the front setback regulations.

LOCATION: 3710 Knight Street

APPLICANT: Stephan Besson

REQUEST:

A request for a variance to the front yard setback regulations of up to 12' is made to construct and maintain a three-story single family structure with, according to the submitted site plan, a total lot coverage of approximately 1,900 square feet, and, according to a document submitted with the application, a floor area of 2,900 square feet, as close as 8' from the front property line or as much as 12' into the required 20' front yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variance should be granted because of the restrictive area of the subject site. The 3,250 square foot site is about 2,000 square feet less in area than 13 other properties that applicant has listed in the same PD 193 (MF-2(A)) zoning district that average 5,300 square feet. Furthermore, the applicant has submitted a document indicating that the total floor area of the proposed home on the subject site at approximately 2,900 square feet is commensurate to 13 other structures in the same PD 193 (MF-2(A)) zoning district that have an average floor area of approximately 3,500 square feet.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 193 (MF-2) (Planned Development Multifamily district 2)
- North: PD 193 (MF-2) (Planned Development Multifamily district 2)
- South: PD 193 (MF-2) (Planned Development Multifamily district 2)
- East: PD 193 (MF-2) (Planned Development Multifamily district 2)
- West: PD 193 (MF-2) (Planned Development Multifamily district 2)

Land Use:

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

Zoning/BDA History:

1. BDA189-051, Property at 3710 Knight Street (the subject site)

On May 21, 2019, the Board of Adjustment Panel A denied a request for variance to the front yard setback regulations of 15' without prejudice.

The case report stated the request was made to construct and maintain a three-story single-family structure with a total "slab area" of approximately 1,500 square feet part of which is to be located 5' from the front yard setback or 15' into this 20' front yard setback on a site that is undeveloped

GENERAL FACTS /STAFF ANALYSIS:

- This request for a variance to the front yard setback requirement of up to 12' focuses on constructing and maintaining a three-story single-family structure with, according to the submitted site plan, a total lot coverage of approximately 1,900

square feet, and, according to a document submitted with the application, a floor area of 2,900 square feet, as close as 8' from the front property line or as much as 12' into the 20' front yard setback on a site that is undeveloped.

- The property is located in PD 193 (MF-2(A)) zoning district which requires a minimum front yard setback of 20 feet.
- The submitted plan represents that the structure is proposed to be located as close as 8' from the site's front property line or as much as 12' into the 20' front yard setback.
- The subject site is flat, virtually rectangular in shape, and according to the submitted application, is 0.075 acres (or 3,250 square feet) in area.
- According to DCAD records, there are "no main improvements" or "no additional improvements" for property addressed at 3710 Knight Street.
- The applicant submitted a document indicating that the lot area of the site is 3,250 square feet and floor area of the proposed home to be on the subject site is 2,900 square feet. The applicant's document represents that the average lot area of 13 other lots in the same PD193 (MF-2) is approximately 5,300 square feet and the average floor area of homes is approximately 3,500 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary 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 193 (MF-2) 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 PD193 (MF-2) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a structure that would be located as close as 8' from the front property line or as much as 12' into the 20' front yard setback.

Timeline:

July 12, 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.

August 12, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of

Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

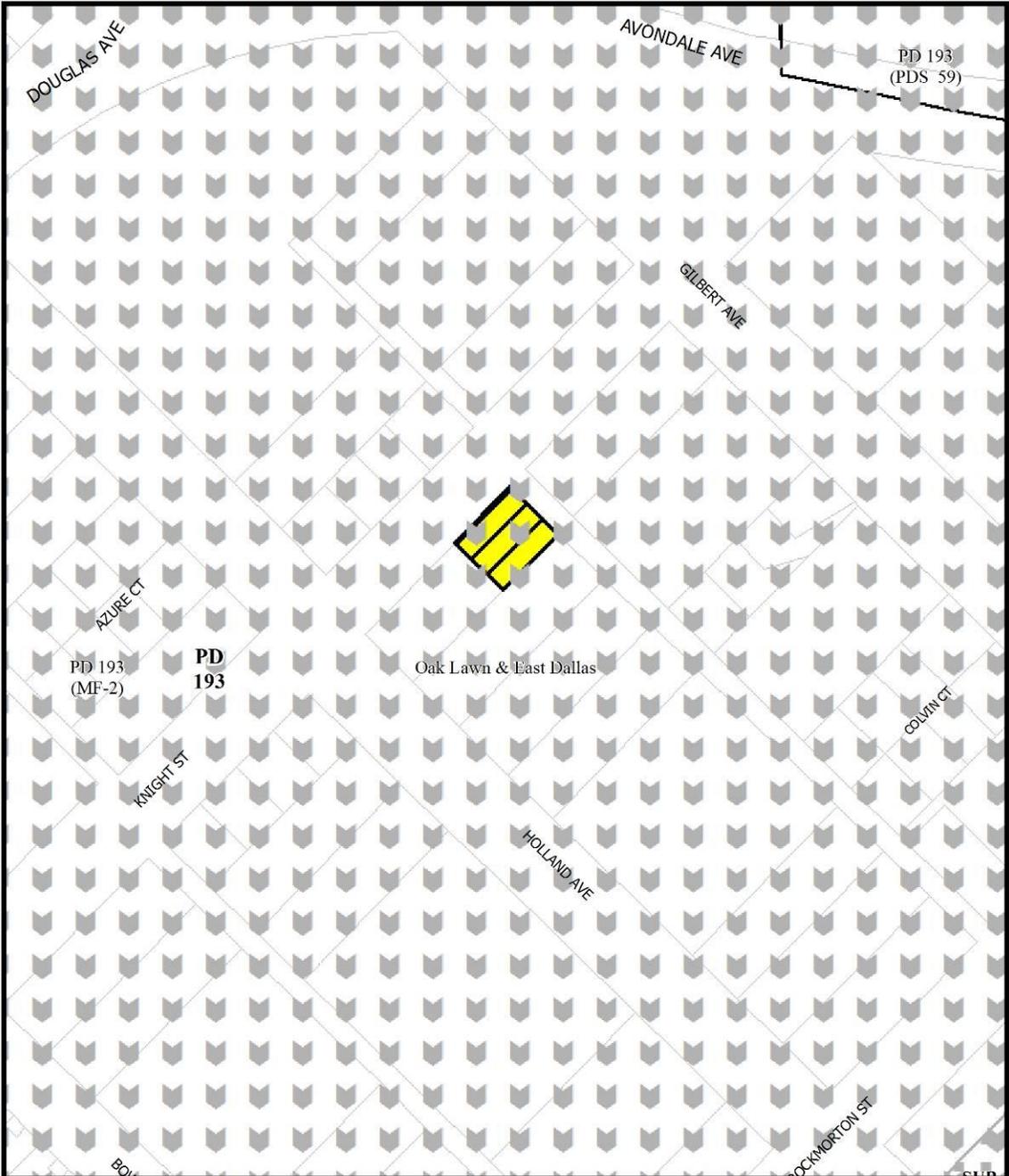
August 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

August 16, 2019: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment A).

September 3, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

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

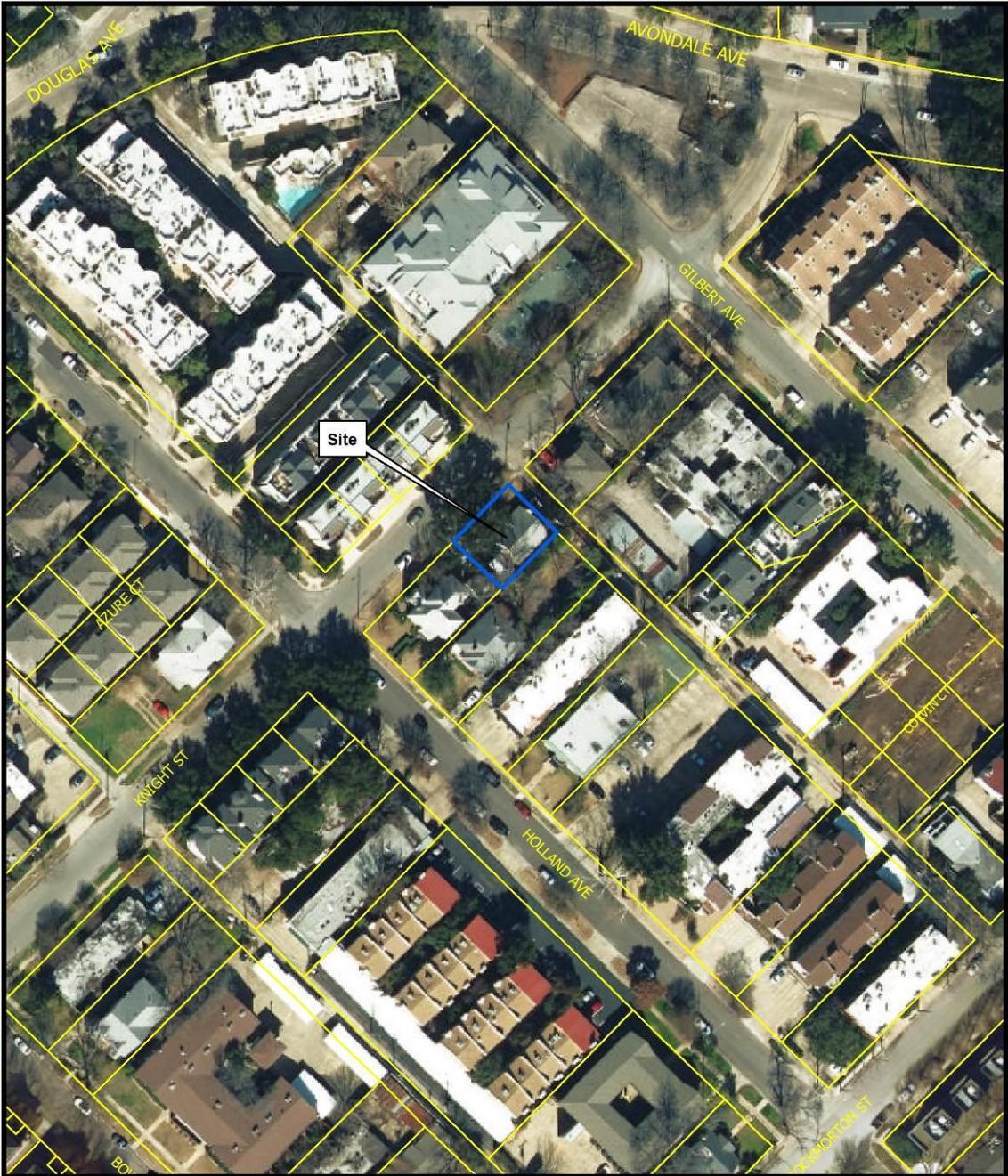


1:1,200

ZONING MAP

Case no: BDA189-102

Date: 8/15/2019



1:1,200

AERIAL MAP

Case no: BDA189-102

Date: 8/15/2019



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-102

Data Relative to Subject Property:

Date: 7/12/2019

Location address: 3710 Knight Street Zoning District: PD 193 MF-2

Lot No.: P410 Block No.: F1569 Acreage: 0.075 Census Tract: 6.06

Street Frontage (in Feet): 1) 65 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stephane Olivier Besson and Dana Terese Krueg

Applicant: Stephane Besson Telephone: 214-868-9889

Mailing Address: 4325 Stanhope Street, Dallas, TX Zip Code: 75205

E-mail Address: stephane.besson@willistowerswatson.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of front yard of 12' and provide 8' front yard setback to the required 20' front yard setback

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

The proposal is to develop this building site for a single family structure that provides a 8' front yard setback, which is in line with the adjacent lot's setbacks along Knight Street. This building site is smaller than the surrounding lots that are zoned MB-2 and

Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a contain single family use 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.

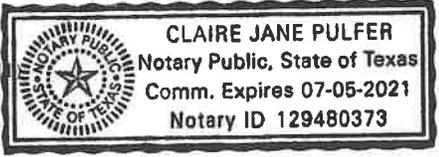
Affidavit

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

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

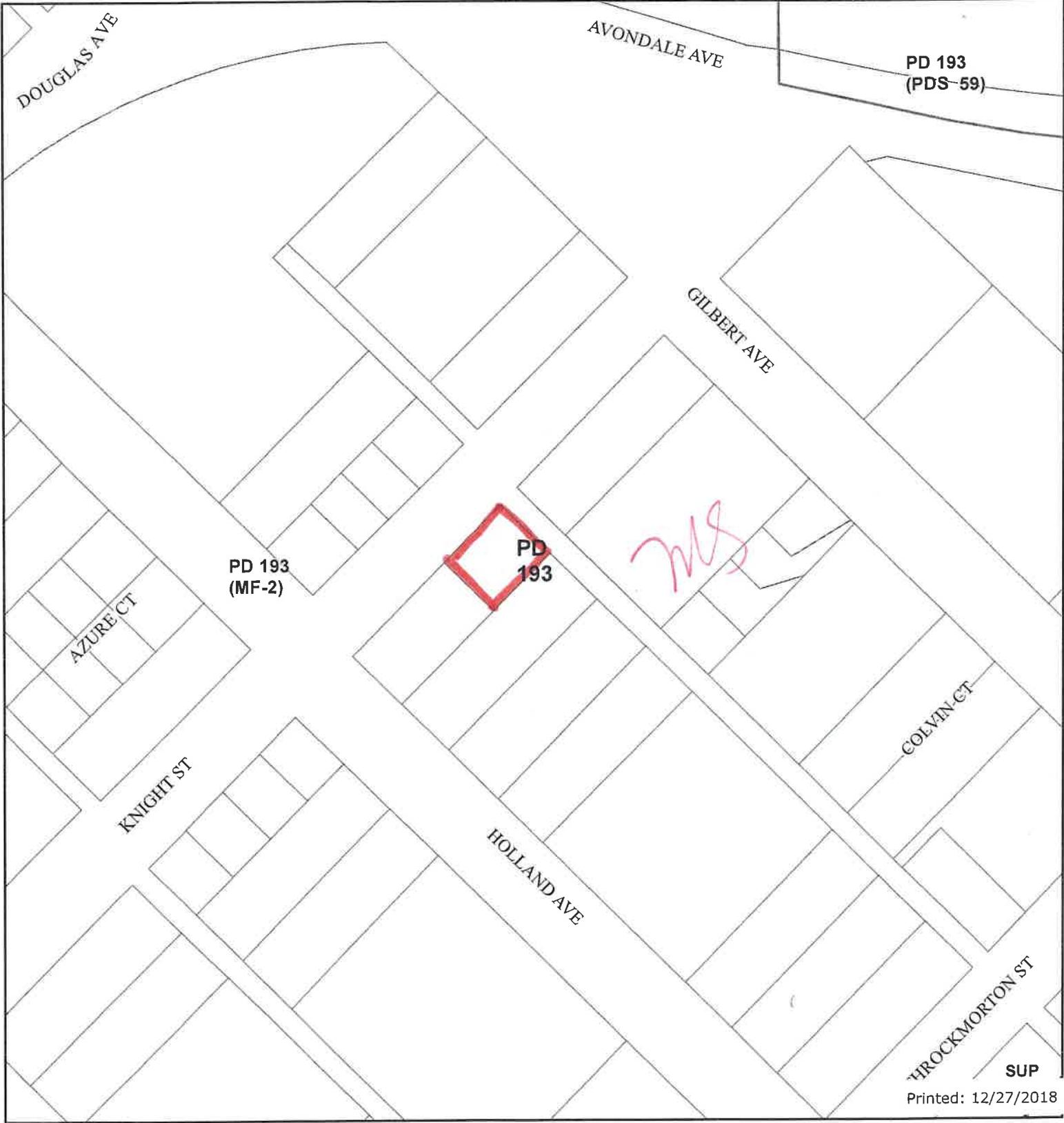
Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 5TH day of JULY 2019



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

(Rev. 08-01-1)



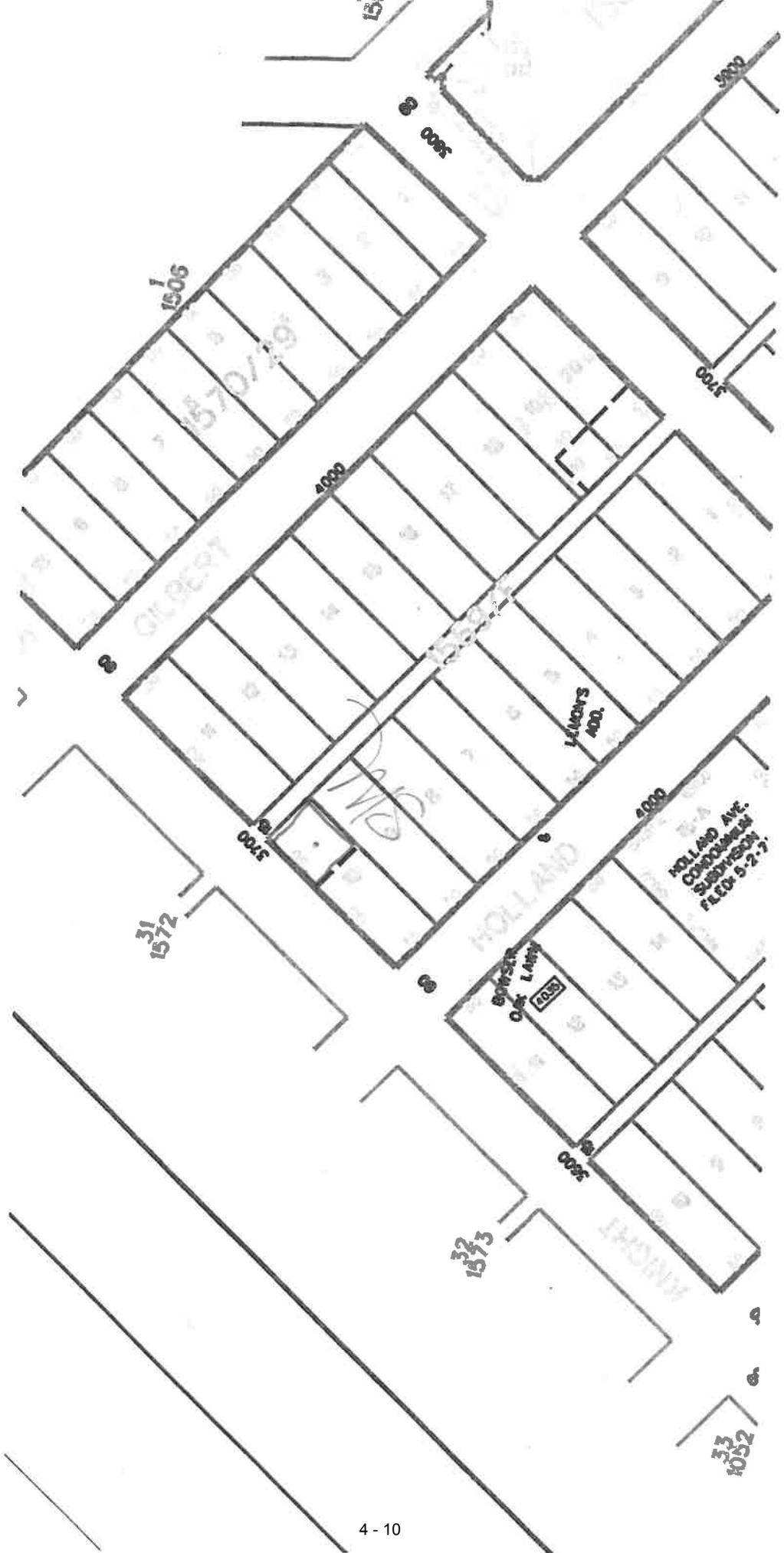
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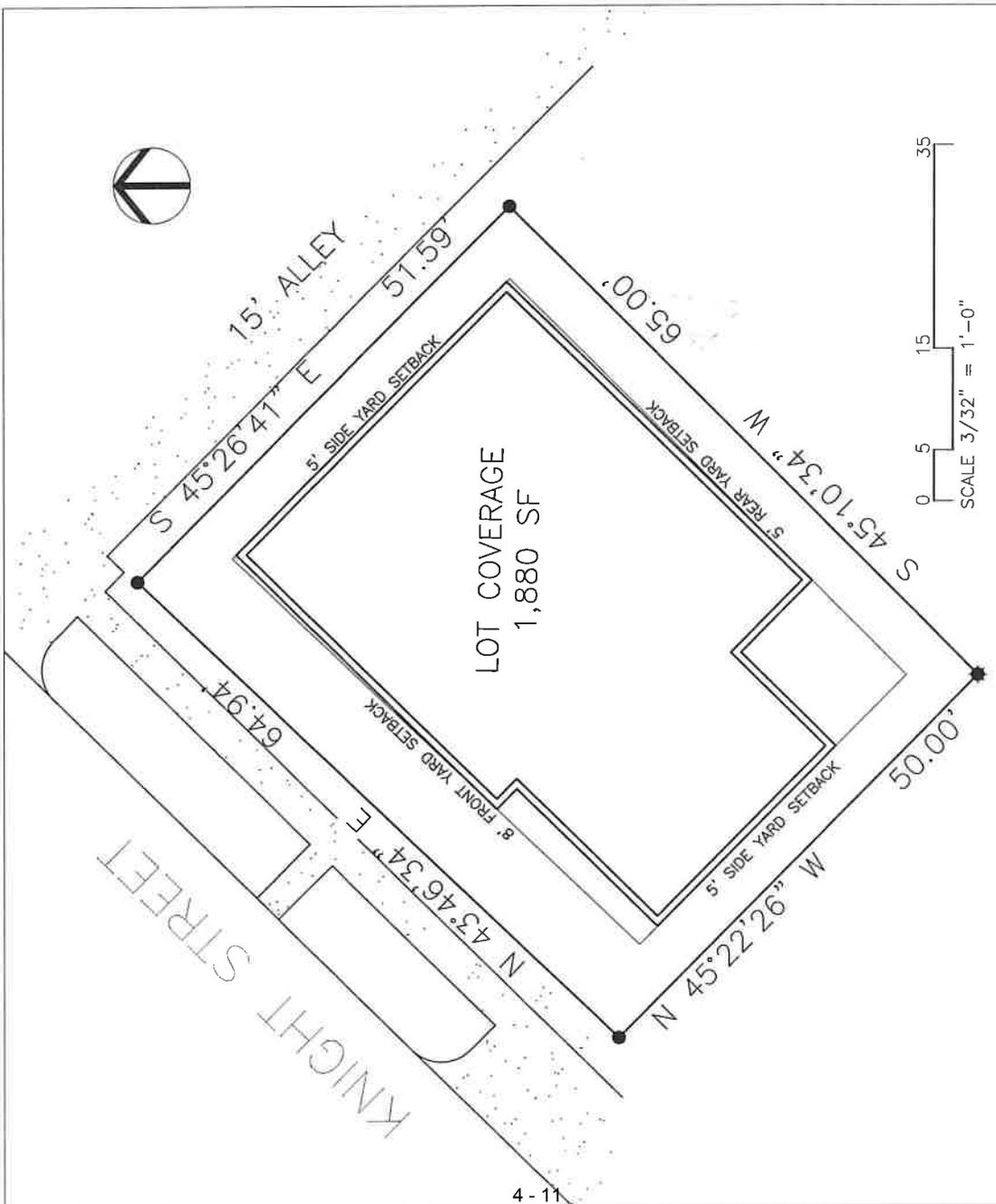
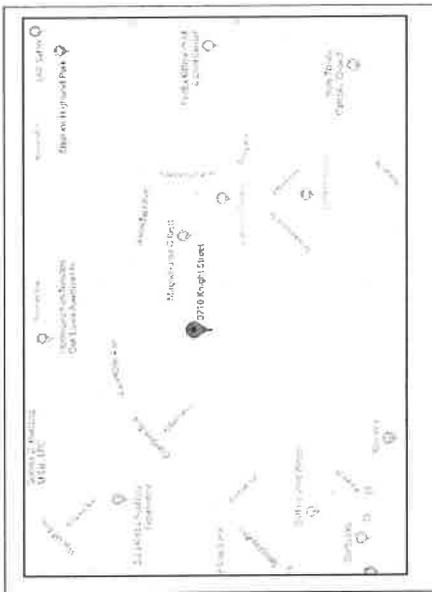
Legend

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

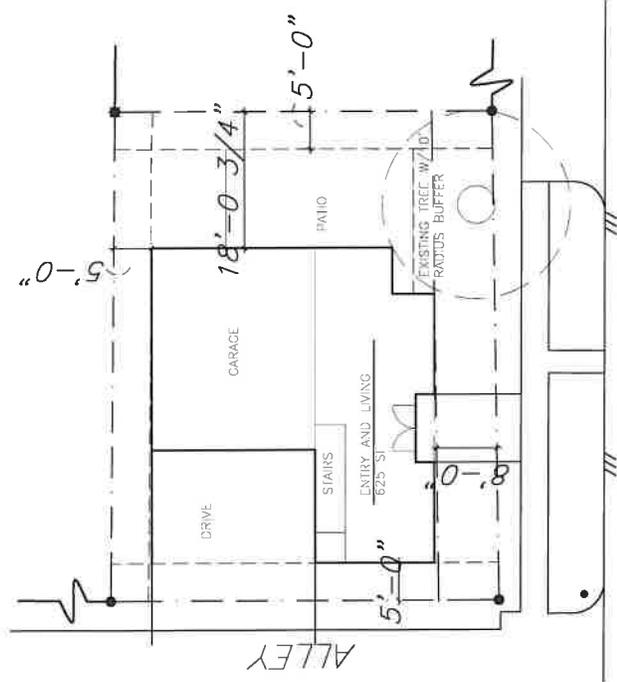
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





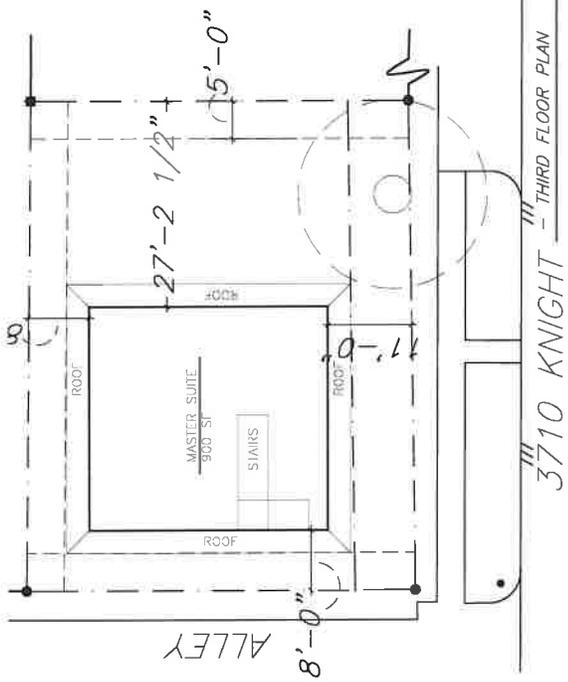


	<p>parmadesign 1712 south akard dallas, tx 75215 214 769 0318</p>	<p>Note</p>	<p>Title SITE PLAN AND LOCATION MAP</p>	<p>Job Name-Location 3710 KNIGHT DALLAS, TEXAS</p>	<p>Scale refer to drawing</p>	<p>Page Number S-1</p>
		<p>Date 6/25/2019</p>				



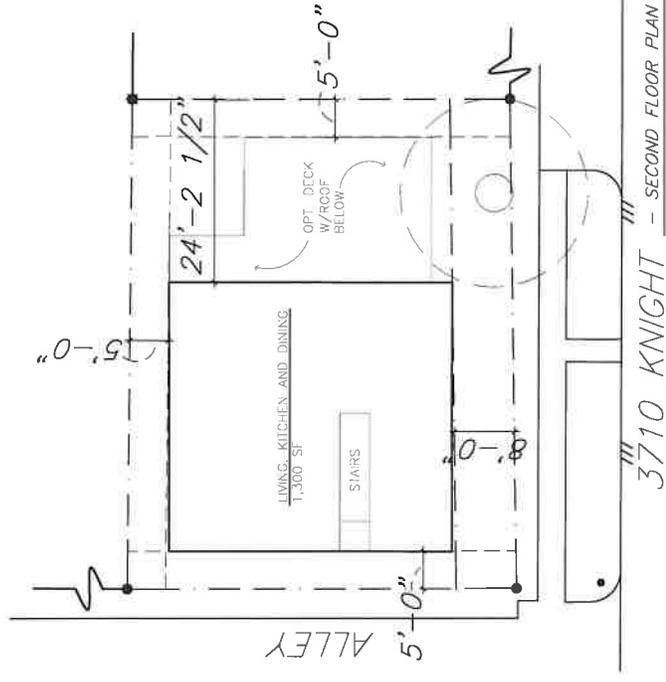
3710 KNIGHT

3710 KNIGHT - FIRST FLOOR PLAN



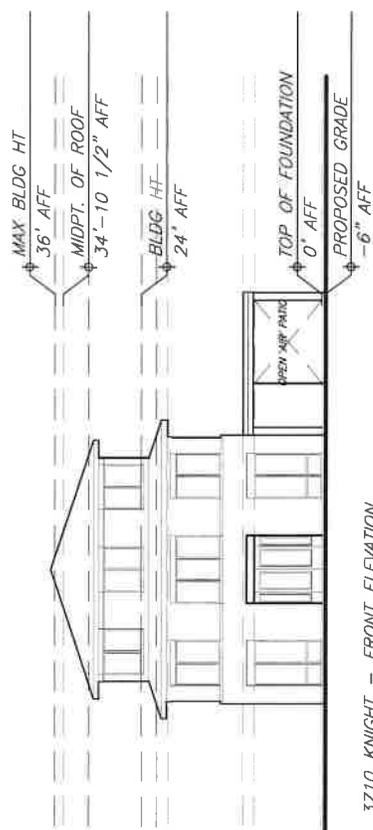
3710 KNIGHT

3710 KNIGHT - THIRD FLOOR PLAN



3710 KNIGHT

3710 KNIGHT - SECOND FLOOR PLAN



3710 KNIGHT - FRONT ELEVATION

LOT COVERAGE (<60%)	
BUILDING FOOTPRINT=	1,880 SF
LOT SIZE =	3,299 SF
	56.9%

3710 KNIGHT ST.
07-12-19
scale: 1/8" = 1'-0"



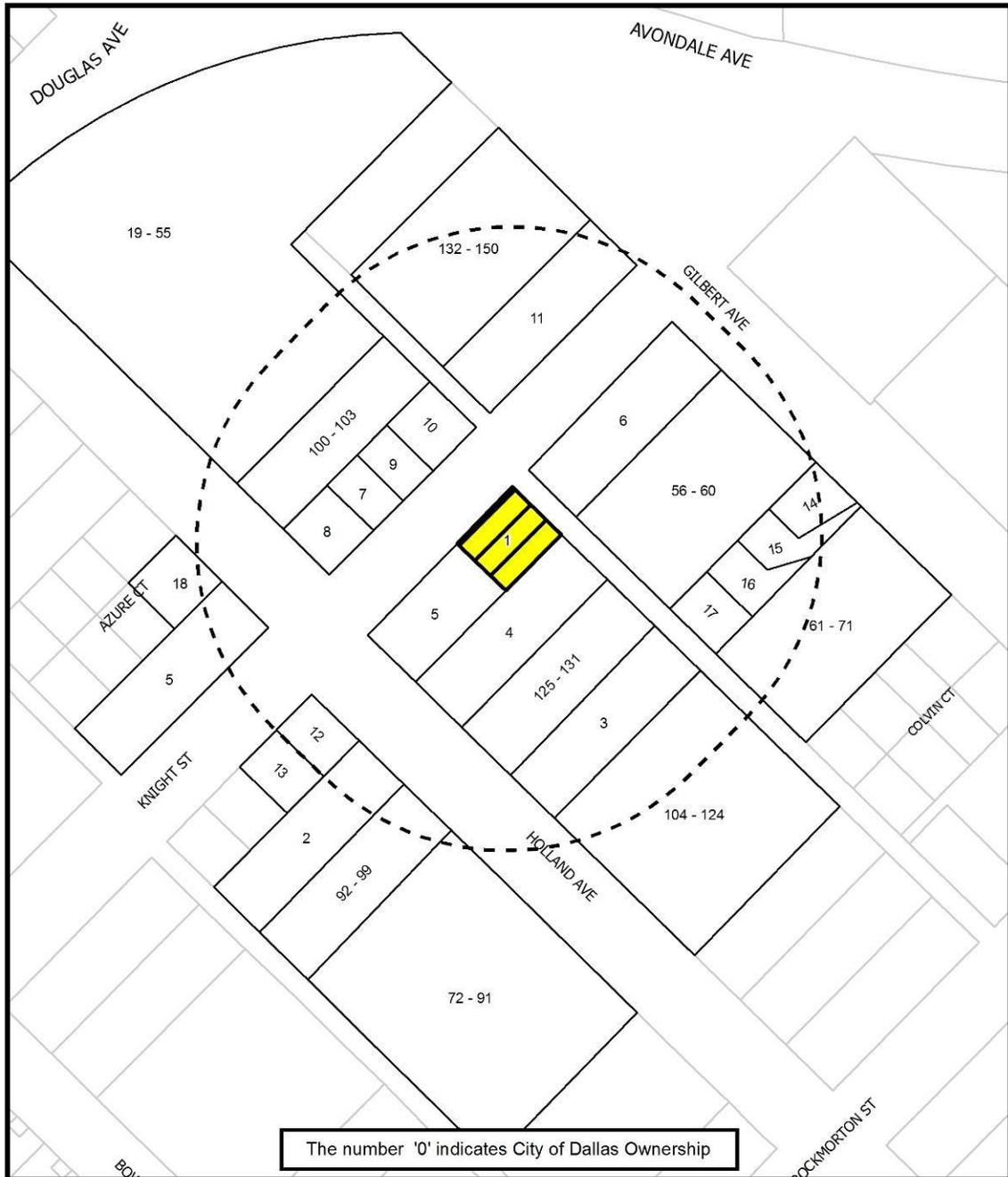
parmadesign
1712 south akard
dallas, tx 75215
214 769 0318

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3710 Knight Comparables

The floor area of the proposed structure will be commensurate with other structures in the area and specifically in the PD193 MF2 zoning subdistrict. The proposed building is not overbuilding on the lot.

Address	Land Use	Lot Area	Floor Area
3710 Knight Street	Vacant - Subject property	3,250	2,900
4038 Holland Ave	Detached Single Family	4,750	2,213
4037 Holland Ave	Duplex	8,000	3,738
4033 Gilbert Ave	MF - 14 Units average size 836	15,800	11,704
4101 Gilbert Ave	Detached Single Family	8,000	2,718
4100 Holland Ave - A	MF Townhouse	2,378	2,479
4100 Holland Ave - B	MF Townhouse	1,626	2,479
4100 Holland Ave - C	MF Townhouse	1,626	2,479
4100 Holland Ave - D	MF Townhouse	2,396	2,479
4034 Holland Ave	Duplex	8,000	2,726
4030 Holland Ave	MF - 8 Units average size 852	8,000	6,816
3717 Throckmorton Street	Detached Single Family	3,600	1,186
3775 Colvin Ct - A	Attached Single Family	2,599	1,960
3775 Colvin Ct - B	Attached Single Family	1,597	1,960
AVERAGE		5,259	3,457



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 150 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Case no: <u>BDA189-102</u> Date: <u>8/15/2019</u>
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Notification List of Property Owners

BDA189-102

150 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3710 KNIGHT ST	BESSON STEPHANE OLIVIER &
2	4035 HOLLAND AVE	ITS A BIG SPRING LLC
3	4026 HOLLAND AVE	VICHYASTIT KITTICHAJ
4	4034 HOLLAND AVE	PEREZ PATRICIA
5	4036 HOLLAND AVE	OLSON JOHN E
6	4037 GILBERT AVE	GALUE ALBERTO JOSE &
7	4100 HOLLAND AVE	HELY JOHN P
8	4100 HOLLAND AVE	HAMLETT WILLIAM J & JENNIFER B
9	4100 HOLLAND AVE	SANDERS PHILIP J & ANTOINETTE M
10	4100 HOLLAND AVE	LAMBERT DAVID C & KRISTA C
11	4101 GILBERT AVE	MARTINEZ RENE &
12	4039 HOLLAND AVE	CAMERON SCOTT C
13	3638 KNIGHT ST	RAINEY BONNIE L & DAVID M ODELL
14	4023 GILBERT AVE	GREGG CHARLES REBSTOCK JR
15	4025 GILBERT AVE	DUNCAN BRIAN & KATHERINE
16	4027 GILBERT AVE	SZERLIP HAROLD M
17	4029 GILBERT AVE	SMEEDING JAMES E
18	3680 AZURE CT	BEAUPRE MARK A
19	4040 AVONDALE AVE	FLORES ALEJANDRA
20	4040 AVONDALE AVE	SMITH THERESA
21	4040 AVONDALE AVE	KLYMOV YEVGEN
22	4040 AVONDALE AVE	MASSIMILLO STEPHEN
23	4040 AVONDALE AVE	HOOKS JESSICA & JESSE
24	4040 AVONDALE AVE	GORMAN TAYLOR S
25	4040 AVONDALE AVE	SILVA PEDRO EDUARDO
26	4040 AVONDALE AVE	WILBURN BART

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4040 AVONDALE AVE	YEE DENISE
28	4040 AVONDALE AVE	GIACINTI RODRIGO
29	4040 AVONDALE AVE	MIDDLETON RICHARD
30	4040 AVONDALE AVE	KORSCHUN MIRANDA BLAIR
31	4040 AVONDALE AVE	ERLANSON SUZANNE
32	4040 AVONDALE AVE	AGUILAR REBECCA L
33	4040 AVONDALE AVE	MONGELL ANDREW JORDAN
34	4040 AVONDALE AVE	TADAYON BITA
35	4040 AVONDALE AVE	KLYMOV YEVGEN A
36	4040 AVONDALE AVE	HAJNASR LOUIS G
37	4040 AVONDALE AVE	KASEK GAIL A & JOHN A KASEK
38	4040 AVONDALE AVE	FRAZIER NAKIA DENISE
39	4040 AVONDALE AVE	HARDING STEPHANIE M &
40	4040 AVONDALE AVE	BADALI MATTHEW III
41	4040 AVONDALE AVE	GRIFFING BARRY J
42	4040 AVONDALE AVE	LARSEN CHRISTOPHER & ANDRA
43	4040 AVONDALE AVE	UPTON TYRA D
44	4040 AVONDALE AVE	KIRST JONATHAN C & MINA
45	4040 AVONDALE AVE	KOSHAK DANIELLE
46	4040 AVONDALE AVE	VINAS ANTONIO GABRIEL FERNANDEZ
47	4040 AVONDALE AVE	BELL THOMAS
48	4040 AVONDALE AVE	RFU DALLAS LLC
49	4040 AVONDALE AVE	ASFOUR MOHAMMAD WALID &
50	4040 AVONDALE AVE	GARCIA SCARLET M &
51	4040 AVONDALE AVE	POULAKIS MARGARITA D
52	4040 AVONDALE AVE	KACINSKI CAITLIN ROSE
53	4040 AVONDALE AVE	CAMPBELL ALEXANDER
54	4040 AVONDALE AVE	BLALOCK MICHAEL L
55	4040 AVONDALE AVE	CALLAWAY LAUREN LOUREE
56	4033 GILBERT AVE	LESZINSKI SLAWOMIR
57	4033 GILBERT AVE	WEISFELD RONALD A

Label #	Address	Owner
58	4033 GILBERT AVE	SLAVOMIR LESZINSKI LIV TR
59	4033 GILBERT AVE	FIELD DREW
60	4033 GILBERT AVE	LESZINSKI SLAWOMIR TRUST
61	4021 GILBERT AVE	COLUNGA JENNIFER C
62	4021 GILBERT AVE	MCCARTHY COLLEEN A
63	4021 GILBERT AVE	HCP CAPITAL LLC
64	4021 GILBERT AVE	BORSKI BRIAN
65	4021 GILBERT AVE	STANDLEE LESLIE D
66	4021 GILBERT AVE	HCP CAPITAL LLC
67	4021 GILBERT AVE	HCP CAPITAL LLC
68	4021 GILBERT AVE	RANDALL THOMAS
69	4021 GILBERT AVE	BIEDIGER PATRICK
70	4021 GILBERT AVE	HCP CAPITAL LLC
71	4021 GILBERT AVE	RETZ MICHAEL M
72	4015 HOLLAND AVE	YARBROUGH ERICA
73	4015 HOLLAND AVE	HALE LYNN W
74	4015 HOLLAND AVE	CULVER CYNTHIA A
75	4015 HOLLAND AVE	SCOFIELD JAMES S & PAULA W
76	4015 HOLLAND AVE	RIGA PROPERTIES LLC
77	4015 HOLLAND AVE	SHUTE ERIC S
78	4015 HOLLAND AVE	ALBERTSMAY LAURA &
79	4015 HOLLAND AVE	MARTIN SARAH J
80	4015 HOLLAND AVE	CHIDESTER JAY MARK
81	4015 HOLLAND AVE	MERCADO PATRICIA
82	4025 HOLLAND AVE	TUCKER CRYSTAL
83	4025 HOLLAND AVE	ANDERSON RANDALL JUERGEN LIF EST
84	4025 HOLLAND AVE	COGANHORNER ERIN
85	4025 HOLLAND AVE	WILLIAMS KRISTEN MARIE
86	4025 HOLLAND AVE	WEST DOUGLAS G
87	4025 HOLLAND AVE	JACKSON MATTHEW T
88	4025 HOLLAND AVE	SUMLIN RICHARD

Label #	Address	Owner
89	4025 HOLLAND AVE	GRAVIS MARY CAROLYN
90	4025 HOLLAND AVE	HYYRYLAEINEN SATN
91	4025 HOLLAND AVE	WRIGHT MEGAN LEIGH
92	4031 HOLLAND AVE	GNADINGER KATHERINE M
93	4031 HOLLAND AVE	DICKHANER KRISTIN &
94	4031 HOLLAND AVE	GRIFFIN MIRANDA
95	4031 HOLLAND AVE	ECTON CRISTY A
96	4031 HOLLAND AVE	ALLMON KIMBERLY JANE
97	4031 HOLLAND AVE	WETZEL CAMERON
98	4031 HOLLAND AVE	STANGEL JASON A
99	4031 HOLLAND AVE	PANDYA AMIT & REEMA SHAH
100	4106 HOLLAND AVE	VOSKUHL GENE W
101	4106 HOLLAND AVE	GRAY ALISON &
102	4106 HOLLAND AVE	MORLEY REBECCA L
103	4106 HOLLAND AVE	BEASLEY SHELBY B
104	4020 HOLLAND AVE	CAWLEY SANDRA L
105	4020 HOLLAND AVE	KHODAPARAST AFAF &
106	4020 HOLLAND AVE	NGUYEN TRANG
107	4020 HOLLAND AVE	HUNTER BRYAN K
108	4020 HOLLAND AVE	WARBINGTON RICK D
109	4020 HOLLAND AVE	NGUYEN THIEN D
110	4020 HOLLAND AVE	ALSINA MICHAEL KELLY &
111	4020 HOLLAND AVE	BOLDEN LARRY
112	4020 HOLLAND AVE	MALDONADO DANIELA
113	4020 HOLLAND AVE	ALAM NABILA R &
114	4020 HOLLAND AVE	PEACE MANDIE
115	4020 HOLLAND AVE	ASTURIAS EDISON
116	4020 HOLLAND AVE	KRUGLICK BRITTANY E
117	4020 HOLLAND AVE	OLISY LLC
118	4020 HOLLAND AVE	SELF DAVID
119	4020 HOLLAND AVE	MESA RICARDO

Label #	Address	Owner
120	4020 HOLLAND AVE	JIMENEZ JIMMY SANTIAGO
121	4020 HOLLAND AVE	PATEL SUNIL
122	4020 HOLLAND AVE	KNOBLER DONALD R
123	4020 HOLLAND AVE	RADOWICK BRIAN
124	4020 HOLLAND AVE	DHANANI RAHIM MAMUD
125	4030 HOLLAND AVE	MAGEE JUNE
126	4030 HOLLAND AVE	COWLE REBECCA
127	4030 HOLLAND AVE	CRUCIANI GARY
128	4030 HOLLAND AVE	WEATHERLY JOB Y
129	4030 HOLLAND AVE	FRISBIE JAMES A
130	4030 HOLLAND AVE	RIGA PROPERTIES LLC
131	4030 HOLLAND AVE	LEONARD JACK MICHAEL JR
132	4111 GILBERT AVE	HSIAO CHRIS L &
133	4111 GILBERT AVE	CRAWFORD ANN
134	4111 GILBERT AVE	MONTANA ALEXANDRA P
135	4111 GILBERT AVE	NIELSEN FERNANDA
136	4111 GILBERT AVE	NEWSOME MICHELLE H
137	4111 GILBERT AVE	SPIVEY STEPHEN
138	4111 GILBERT AVE	SOKOLOWSKA ANNA
139	4111 GILBERT AVE	DALLAS REALTY LLC
140	4111 GILBERT AVE	KING LEWIS R
141	4111 GILBERT AVE	GATES SUSAN J
142	4111 GILBERT AVE	MIRZA OMER &
143	4111 GILBERT AVE	STERN ROBERT J &
144	4111 GILBERT AVE	BROWN STEFANIE
145	4111 GILBERT AVE	RODRIGUEZ FERNAN
146	4111 GILBERT AVE	SHEN JUDY
147	4111 GILBERT AVE	NGO CALY
148	4111 GILBERT AVE	SCHLESSER MICHAEL A
149	4111 GILBERT AVE	GIRALDO ADRIANA
150	4111 GILBERT AVE	LEE SIMON J CRADDOCK

FILE NUMBER: BDA189-104(SL)

BUILDING OFFICIAL'S REPORT: Application of Dale C. Coonrod for a variance to the floor area for structures accessory to single family use regulations and a special exception to the single family use regulations at 5835 Reiger Avenue. This property is more fully described as Lot 10, Block 17/1657, and is zoned PD 397 (H128), which states that an accessory structure may not exceed 25% of the floor area of the main structure, and limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an accessory structure with 700 square feet of floor area (approximately 40% of the 1,738 square foot floor area of the main structure), which will require a 266 square foot variance to the floor area for structures accessory to single family use regulations, and to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

LOCATION: 5835 Reiger Avenue

APPLICANT: Dale Coonrod

REQUESTS:

The following requests have been made to construct and maintain a detached accessory structure/additional dwelling unit on a site developed with a single family home:

1. A request for a variance to the floor area for structures accessory to single family uses regulations of 266 square feet (for an accessory structure that would be 40 percent that of the main structure on the site) is made to construct and maintain an accessory structure with 700 square feet of floor area on a site that is developed with a main structure that has 1,738 square feet.
2. A special exception to the special exception to the single family use regulations is made to construct and maintain the aforementioned 2-story accessory dwelling unit/additional "dwelling unit" structure on a site developed with a 2-story main single family home/dwelling unit structure.

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.

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

Section 51(A)-4.209(6)(E)(1) 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.

STAFF RECOMMENDATION (variance):

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 397 H/128 zoning district mainly in that it is restrictive in area due to having a mature Pecan tree near the center of the site located, according to the applicant, approximately 15' from the back side of the main structure on the site. This tree along with the location of the existing home and its location to front and side property lines creates a restrictive area for the applicant to develop the site as proposed without a variance.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that that the square footage of the combined development on the site with the existing and proposed structures on it at approximately 2,500 square feet is commensurate to development found on 5 other properties in the same PD 397 zoning district where the average of these is approximately 4,100 square feet.

STAFF RECOMMENDATION (special exception):

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

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 397 H/128 (Planned Development)
<u>North:</u>	PD 397 H/128 (Planned Development)
<u>South:</u>	PD 397 H/128 (Planned Development)
<u>East:</u>	PD 397 H/128 (Planned Development)
<u>West:</u>	PD 397 H/128 (Planned Development)

Land Use:

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

Zoning/BDA History:

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS /STAFF ANALYSIS (variance):

- The request for a variance to the floor area for structures accessory to single family uses regulations of 266 square feet (for an accessory structure that would be 40 percent that of the main structure on the site) focuses on constructing and maintaining an accessory structure with 700 square feet of floor area on a site that is developed with a main structure that has 1,738 square feet.
- The property is zoned PD 397 H/128 which allows uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District.
- The site is located at the northwest corner of Reiger Avenue and Ridgeway Street. The site has one front yard setback, two side yard setbacks and one rear yard setback as most lots in this zoning district.
- The Dallas Development Code Sec. 51A 4-209 (E) (vii) (dd) states:
 - The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.
- A site plan has been submitted that denotes the following: a “main two story structure, floor area: 1,738 square feet, lot coverage: 1,141 square feet”; and a “garage, floor area and lot coverage 700 square feet”.
- An additional site plan has been submitted that represents the addition of a circle representing the canopy of a Pecan tree between the main structure and the proposed accessory structure.
- The proposed accessory structure at 700 square feet is 40 percent of the 1,738 square feet of the main structure.

- The subject site is flat, rectangular in shape, and according to the submitted application, is 0.213 acres (or approximately 9,300 square feet) in area.
- Prior to the creation of PD 397 in 1994, the subject site had been zoned R-7.5(A) where the typical lot size is 7,500 square feet.
- According to DCAD records, the “main improvement” for property addressed at 5835 Reiger Avenue is a structure built in 1979 with 1,738 square feet of living/total area, and with “additional improvement” of a 400 square foot detached garage.
- The applicant submitted a document with a cover letter stating that the lot size, the living area of the main structure, the living area of the proposed accessory dwelling unit are less than commensurate than the lot size, maintain structure living area, and ADU living area of 5 other properties within PD 397. The applicant has submitted a table that represents the following with regard to these five other properties in PD 397: average main square footage: approximately 2,800 square feet; average ADU square footage: approximately 1,260 square feet; total square footage of both the main and accessory structure: approximately 4,100 square feet; average lot size: approximately 10,500 square feet. (The main square footage on the site is approximately 1,700 square feet; the proposed ADU square footage on the site is approximately 700 square feet; the total square footage of both the main structure and proposed ADU on the site is approximately 2,400 square feet; and the lot size of the site is approximately 9,300 square feet).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the floor area for structures accessory to single family uses 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 397 H/128 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 397 H/128 zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the proposed accessory structure would be limited to what is shown on this document– which in this case is an accessory structure that is 40 percent larger than that of the main structure on the site.

GENERAL FACTS/STAFF ANALYSIS (special exception):

- This request for a special exception to the single family use regulations focuses on constructing and maintaining a 2-story detached accessory structure/additional dwelling unit structure on a site developed with a 2-story main single family home/dwelling unit structure.

- The property is zoned PD 397 H/128 which allows uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District.
- R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- The single family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “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.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “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.”
- A second floor plan of the accessory structure denotes shows a number of rooms/features that Building Inspection has determined makes it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- This request centers on the function of what is proposed to be inside the smaller structure on the site – the collection of rooms/features shown on the second story floor plan: a living area, a kitchen/dining area, and bathroom.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve 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 additional dwelling unit on the site (i.e. development on the site must meet all required code requirement unless that Board grants the variance request made in this application).
- 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” as an additional “dwelling unit”.

- If the Board were to deny this request but approve the variance request made in this application, Building Inspection would view the structure denoted on the submitted site plan as “garage” as an “accessory structure” whereby the applicant will be required to comply with the accessory structure code provisions set forth in Section 51A-4.209(6) with the exception of complying with the provision that states that the floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent the floor area of the main building.

Timeline:

July 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.

August 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

August 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 28th deadline to submit additional evidence for staff to factor into their analysis; and the September 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

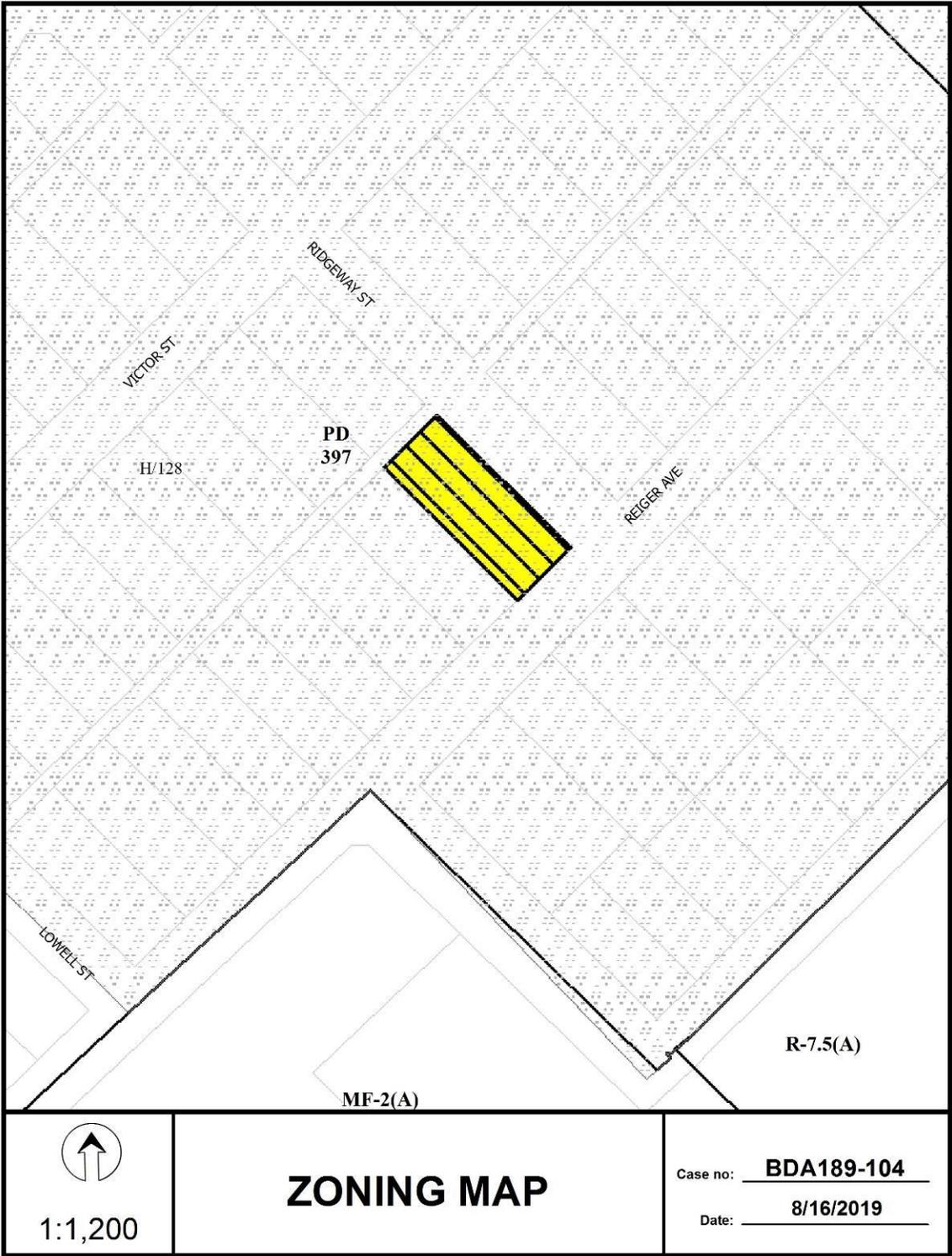
August 15, 27 and September 2, 2019: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachments A, B, C, and D).

August 30, 2019: The Sustainable Development and Construction Senior Historic Preservation Planner forwarded a Review Comment Sheet the Board of Adjustment Chief Planner/Board Administrator (see Attachment E).

September 3, 2019: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment A, F).

September 3, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September

public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the Board.

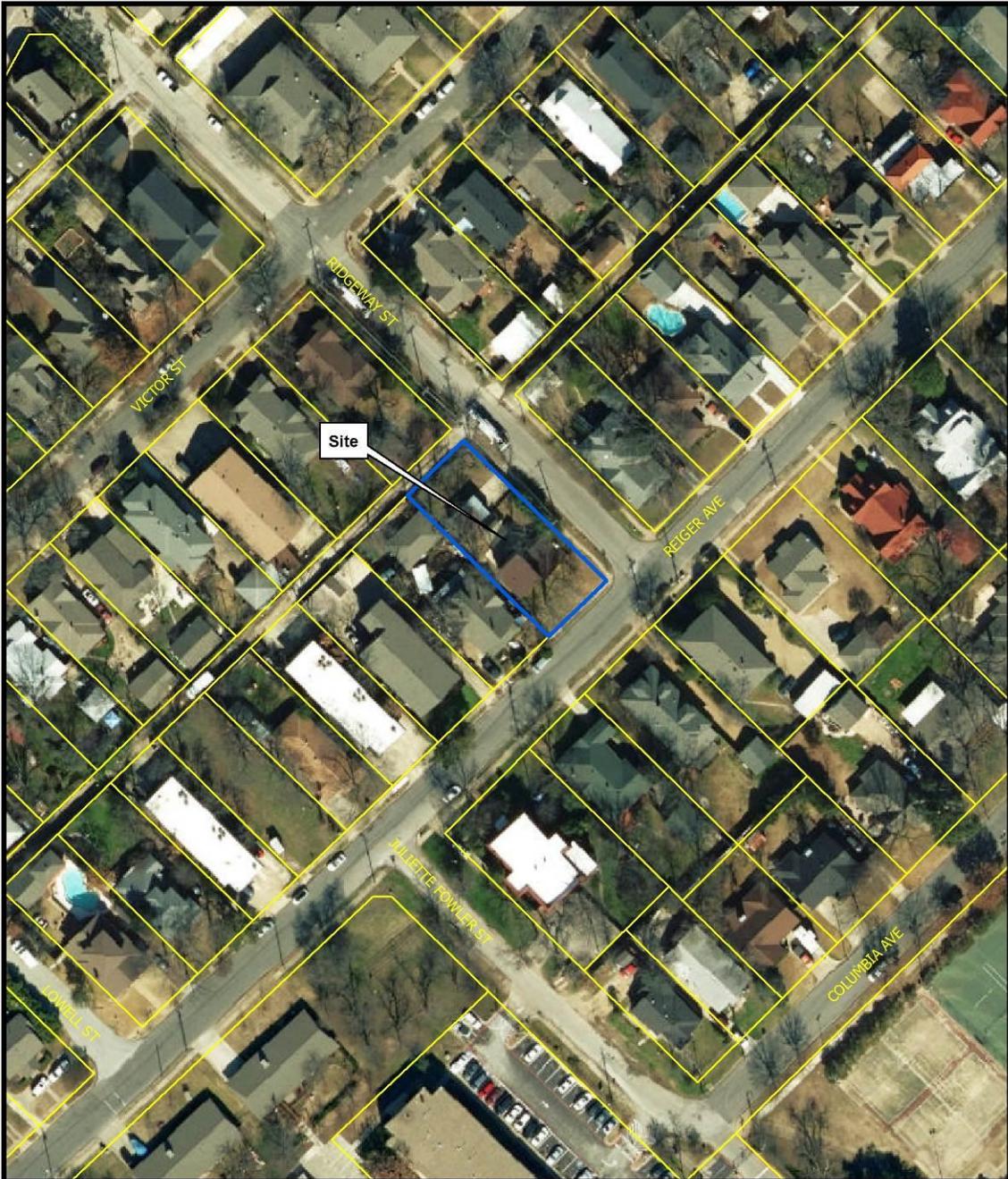


1:1,200

ZONING MAP

Case no: BDA189-104

Date: 8/16/2019



1:1,200

AERIAL MAP

Case no: BDA189-104

Date: 8/16/2019

BDA-189-104
Area A
P31



BD A169-104
Area A
P32



BDA189-104
Attach A
P33



BDA189-104
A Hall A
Pg 4



BDA 1501-104
A4-11 A
pg 5



BDA189-104

Attach B

PSL

August 23, 2019

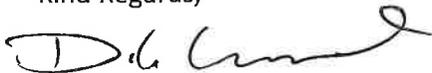
BOA189-104

5835 Reiger Avenue, Dallas, TX 75214

Mr. Long,

Please find attached additional support letters from surrounding neighbors. I would like to note that these letters were also submitted with my Certificate of Appropriateness application to the Landmark Commission for the same proposed ADU structure that I am requesting to construct before Board of Adjustment. My Certificate of Appropriateness application was approved on May 6th, 2019 by the Landmark Commission. I believe these additional support letters may have some relevancy to my application with the Board of Adjustments.

Kind Regards,



Dale Coonrod

BDA189-104

ATTN B

PS 2

October 13, 2018

To whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.

I am a neighbor at 5929 Reiger Avenue and I have lived directly next to the Coonrod's for over twelve years. They have been wonderful neighbors to live next to and over the years I have watched them proudly take care of their property to enhance the neighborhood . In addition, I have had the privilege to get to know their parents when they are visiting in Dallas and I have seen them grow older over the years. The building plans they have shared with me to construct an Additional Dwelling Unit on their property would be welcoming to me and this letter is to offer my full support. I do not find the proposed structure to adversely affect the neighborhood.

Sincerely,



Susan Pollard

469-585-8620

BDA189-104
AUG B
PS 3

October 21, 2018

To whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.

I am a neighbor at 5926 Reiger Avenue.

The purpose of this letter is to offer my support to the Coonrod's in their request to construct the proposed Additional Dwelling Unit on their property. I do not find the proposed structure to adversely affect the neighborhood.

Sincerely,


Salvador Martinez

214-682-5825

SA 189-104
Attn B
ps 4

October 21, 2018

To whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.

I am a neighbor at 5906 Reiger Avenue.

The purpose of this letter is to offer my support to the Coonrod's in their request to construct the proposed Additional Dwelling Unit on their property. I do not find the proposed structure to adversely affect the neighborhood.

Sincerely,

A handwritten signature in cursive script that reads "Harry Karlen". The signature is written in black ink and includes a long horizontal flourish at the end.

Harry Karlen

214-215-1109

October 22, 2018

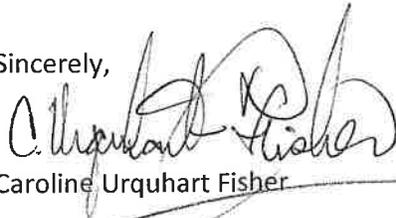
To whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.

I am a neighbor at 5918 Reiger Avenue.

The purpose of this letter is to offer my support to the Coonrod's in their request to construct the proposed Additional Dwelling Unit on their property. I do not find the proposed structure to adversely affect the neighborhood.

Sincerely,



Caroline Urquhart Fisher

BDA189-104
ATTACH B
ps 6

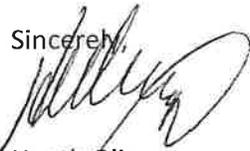
October 27, 2018

To whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.

I am a neighbor at 5911 Reiger Avenue.

The purpose of this letter is to offer my support to the Coonrod's in their request to construct the proposed Additional Dwelling Unit on their property. I do not find the proposed structure to adversely affect the neighborhood.

Sincerely,

Heath Olinger

BDA109-104
XHZLB
PS 7

ADU Request.docx

Date 10-22-18

To whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.

I am a neighbor at xxxx 5903 REIGER AVE
DALLAS, TX 75214

The purpose of this letter is to offer my support to the Coonrod's in their request t
additional dwelling unit on their property. I do not find the proposed structure to
neighborhood.

Sincerely,

First and Last Name

Signature

Email address

Phone number

Lynne Shanks
Lynne Shanks
lynnemarie50@gmail.com
214-354-9517

BDA189-104
Attachment B
PS B

October 28, 2018

To Whom It May Concern:

Regarding a proposed Additional Dwelling Unit (ADU) at 5835 Reiger Avenue.
I am a neighbor of the Coonrods at 5830 Reiger Ave.

The purpose of this letter is to offer my support to the Coonrods in their request to construct an additional dwelling unit on their property. I do not find the proposed structure to adversely affect the neighborhood.

Sincerely,



Anita Stevenson
5830 Reiger Ave.
Dallas, TX 75214
ajeanstevenson@hotmail.com
(214)802-1679

BDA189-104
Attach C
PS1

Long, Steve

From: D Coon <coonrod2@hotmail.com>
Sent: Monday, August 26, 2019 9:20 PM
To: Long, Steve
Cc: Trammell, Charles
Subject: BDA189-104, 5835 Reiger Avenue, Dallas, TX 75214
Attachments: K-7.pdf; IMG_9912.JPG; IMG_9919.JPG; IMG_9928.JPG; IMG_9931.JPG; IMG_9941.JPG

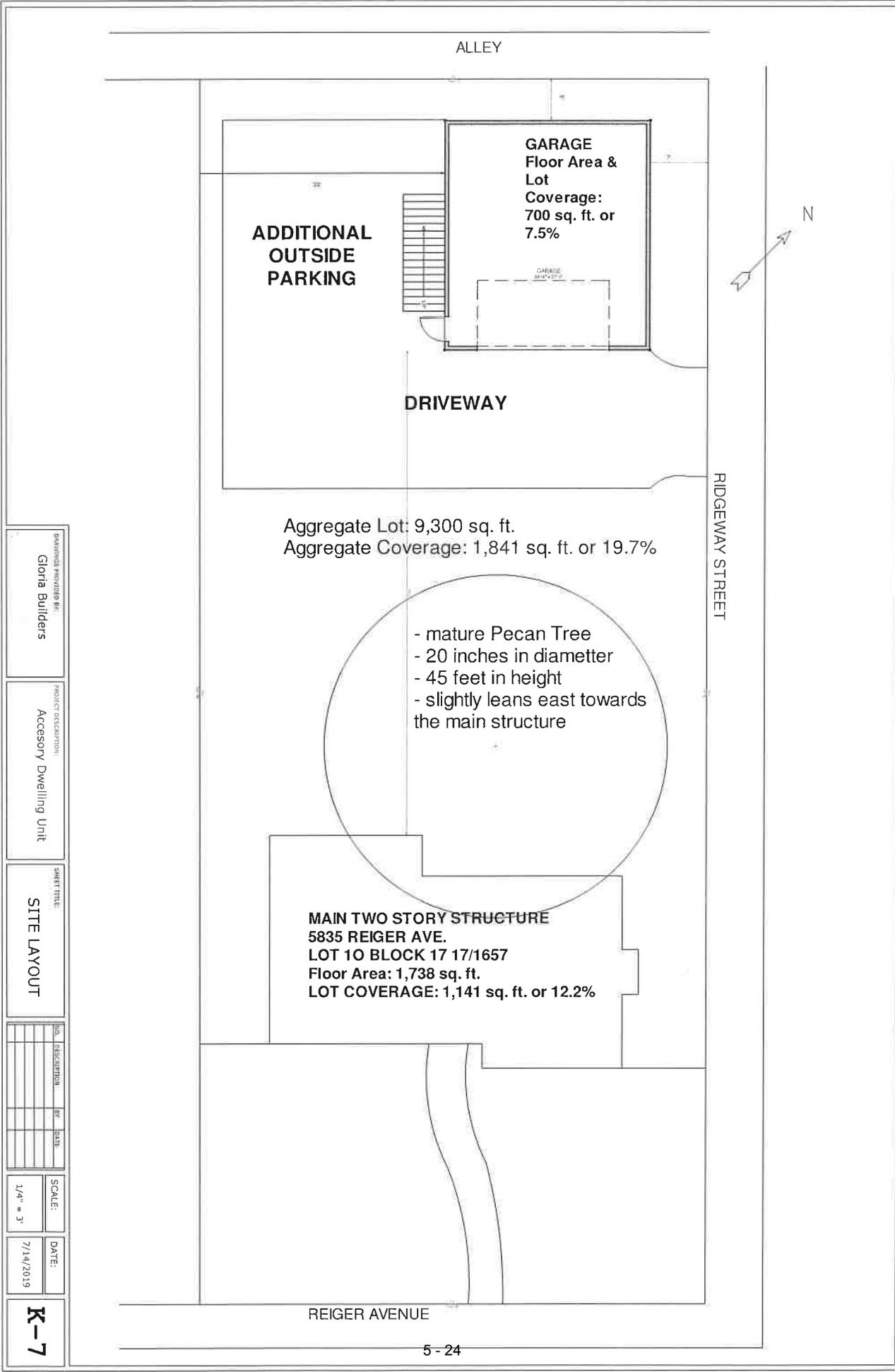
CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Long,

Attached please find a revised site plan with the only change from the original site plan previously submitted being the addition of a circle representing the canopy footprint of a living mature Pecan tree between the main structure and the proposed ADU. There have been no changes whatsoever to either the main structure or the proposed ADU from the previous submitted site plan. Also attached are multiple pictures of the Pecan tree. Please let me know if the attached pdf site plan will be sufficient or if I will be required to submit four hard copies on 11" x 17" paper and one hard copy on 8" x 11" paper.

Best Regards,

Dale Coonrod



DRAWING PROVIDED BY:
Gloria Builders

PROJECT DESCRIPTION:
Accessory Dwelling Unit

SHEET TITLE:
SITE LAYOUT

NO.	REVISION	BY	DATE

SCALE:
1/4" = 3'

DATE:
7/14/2019

R-7

PDA-189-104
Attachment
PS 3



PDA189-104

Attach
PS 4



BDA189-104

~~ALZAC~~

PS 5



BDA-89-104
AHzah C
P26



BDA-189-104

Atto C
P97



August 30, 2019

Mr. Long,

Please find attached additional information which I believe may have some relevancy to my application with the Board of Adjustments. The following information demonstrates the following:

- There are 5 properties within Planning District 397 in which my lot size of 9,300 sq ft, the living area of my main structure of 1,738 sq ft, and the living area of my proposed ADU of 700 sq ft is all less than commensurate in lot size, main structure living area and ADU living area of these 5 properties. Please refer to pages 2 through 12.
- There are 66 properties within Planning District 397 in which my property with a lot size of 9,300 sq ft is less than commensurate in comparable lot size area. In addition, these 66 properties result in an average lot size of 10,989 sq ft. Please refer to page 13.
- There are 347 properties within Planning District 397 in which my property with a living area of the main structure of 1,738 sq ft is less than commensurate in comparable living of their main structure. In addition, these 347 properties result in an average main structure living area 2,384 sq ft. Please refer to pages 14 through 16.
- There are 17 properties within Planning District 397 in which the living area of my proposed ADU of 700 sq ft is less than commensurate in living area in comparable living area of their ADU. In addition, these 17 properties ADU's living area result in an average living area 1,025 sq ft. Please refer to page 17.

Please feel free to reach out to me with any further questions.

Kind Regards,



Dale Coonrod

Properties in Planning District 397 in which Applicant's property is less than Commensurate

Address	Street	Main sq ft	ADU sq ft	Total sq ft	Lot Size sq ft	Percentage of
						ADU to Main Structure
5637	TREMONT ST	1,950	2,348	4,298	9,437	120%
5638	TREMONT ST	1,848	714	2,562	9,450	39%
5802	TREMONT ST	2,238	820	3,058	10,050	37%
5602	TREMONT ST	4,196	1,380	5,576	9,449	33%
6102	GASTON AVE	3,798	1,032	4,830	14,000	27%
Average		2,806	1,259	4,065	10,477	45%

Applicant's Property:

Address	Street	Proposed		Total sq ft	Lot Size sq ft	Percentage of
		Main sq ft	ADU sq ft			proposed ADU to Main Structure
5835 REIGER AVE		1,738	700	2,438	9,300	40%
Difference between Applicant's Main Structure area, proposed ADU area, proposed Total Living area and Lot Size compared to properties noted above within Planning District 397:		(1,068)	(559)	(1,627)	(1,177)	
		-38%	-44%	-40%	-11%	

BOA 189-104
ATT. LID
PS 3
BOA 189-104

5835 Reiger Avenue, Dallas, TX 75214

5637 Tremont Street



Main Structure: 1,950 sq ft

ADU: 2,348 sq ft

Total Living Area: 4,298 sq ft

Lot Size: 9,437 sq ft

Percentage of Main Structure to ADU: 120%



BDA 189-104
 attached D
 154

BOA 189-104
 5835 Reiger Avenue, Dallas, TX 75214



[Home](#) | [Find Property](#) | [Cont](#)

Residential Account #00000161476000000

[Location](#) [Owner](#) [Legal Desc](#) [Value](#) [Main Improvement](#) [Additional Improvements](#) [Land](#) [Exemptions](#) [Estimated Taxes](#) [History](#)

Property Location (Current 2020)

Address: 5637 TREMONT ST
Neighborhood: 1DSG08
Mapco: 46-C (DALLAS)

[DCAD Property Map](#)

[2019 Appraisal Notice](#)

Legal Desc (Current 2020)

- 1: JUNIUS HEIGHTS
 - 2: BLK 9/1591 LT 11
 - 3:
 - 4: VOL2001206/6812 DD08272001 CO-DC
 - 5: 1591 009 011 1001591 009
- Deed Transfer Date:** 10/22/2001

Electronic Documents (ENS)

[File Homestead Exemption Online](#)



[Print Homestead Exemption Form](#)

Value

2019 Certified Values	
Improvement:	\$182,880
Land:	+ \$132,120
Market Value:	= \$315,000
Revaluation Year:	2019
Previous Revaluation Year:	2018

Owner (Current 2020)

BERGEAUX THERESA
 2660 N. HASKELL #4152
 DALLAS, TEXAS 752042978

Multi-Owner (Current 2020)

Owner Name	Ownership %
BERGEAUX THERESA	100%

Main Improvement (Current 2020)

Building Class	13	Construction Type	FRAME
Year Built	1914	Foundation	PIER AND BEAM
Effective Year Built	1914	Roof Type	GABLE
Actual Age	106 years	Roof Material	COMP SHINGLES
Desirability	POOR	Fence Type	NONE
Living Area	1,950 sqft	Ext. Wall Material	BRICK VENEER
Total Area	1,950 sqft	Basement	NONE
% Complete	100%	Heating	CENTRAL FULL
# Stories	ONE STORY	Air Condition	CENTRAL FULL
Depreciation	70%		

Additional Improvements (Current 2020)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	DETACHED QUARTERS		UNASSIGNED	FRAME	2348
2	DETACHED GARAGE		UNASSIGNED	FRAME	690
3	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	180

Land (2019 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pri
1	MFR - DUPLEXES	SINGLE FAMILY DISTRICT 7,500 S	150	63	9,437.0000 SQUARE FEET	\$

BOA 189-104

Attic di D

P/S

BOA 189-104

5835 Reiger Avenue, Dallas, TX 75214

5638 Tremont Street



Main Structure: 1,848 sq ft

ADU: 714 sq ft

Total Living Area: 2,562 sq ft

Lot Size: 9,450 sq ft

Percentage of Main Structure to ADU: 39%

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 BOA 189-104 134

5835 Reiger Avenue, Dallas, TX 75214



Home | Find Property | Contact Us

Residential Account #0000016165000000

[Location](#) [Owner](#) [Legal Desc](#) [Value](#) [Main Improvement](#) [Additional Improvements](#) [Land](#) [Exemptions](#) [Estimated Taxes](#) [History](#)

Property Location (Current 2020)

Address: 5638 TREMONT ST
Neighborhood: 1DSG08
Mapsc: 46-C (DALLAS)

DCAD Property Map

2019 Appraisal Notice

Legal Desc (Current 2020)

- 1: JUNIUS HEIGHTS
 - 2: BLK 12/1594 LOT 9
 - 3:
 - 4: INT201200356996 DD11302012 CO-DC
 - 5: 1594 012 00900 1001594 012
- Deed Transfer Date:** 10/23/2017

Electronic Documents (ENS)

[File Homestead Exemption Online](#)



[Print Homestead Exemption Form](#)

Owner (Current 2020)

MATHEWS REVOCABLE TRUST
 5638 TREMONT ST
 DALLAS, TEXAS 752144707

Multi-Owner (Current 2020)

Owner Name	Ownership %
MATHEWS REVOCABLE TRUST	100%

Value

2019 Certified Values	
Improvement:	\$365,200
Land:	+ \$132,300
Market Value:	= \$497,500
Capped Value: \$447,191	
Revaluation Year:	2019
Previous Revaluation Year:	2018

Main Improvement (Current 2020)

Building Class	04	Construction Type	FRAME
Year Built	1920	Foundation	PIER AND BEAM
Effective Year Built	1920	Roof Type	GABLE
Actual Age	100 years	Roof Material	COMP SHINGLES
Desirability	GOOD	Fence Type	WOOD
Living Area	1,848 sqft	Ext. Wall Material	FRAME
Total Area	1,848 sqft	Basement	NONE
% Complete	100%	Heating	CENTRAL FULL
# Stories	ONE STORY	Air Condition	CENTRAL FULL
Depreciation	45%		

Additional Improvements (Current 2020)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	DETACHED QUARTERS		UNASSIGNED	FRAME	714
2	DETACHED GARAGE		UNASSIGNED	FRAME	420

Land (2019 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	F
1	SINGLE FAMILY RESIDENCES	SINGLE FAMILY DISTRICT 7,500 S	150	63	9,450.0000 SQUARE FEET	

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BOA 189-104
5835 Reiger Avenue, Dallas, TX 75214

5802 Tremont Street



Main Structure: 2,238 sq ft

ADU: 820 sq ft

Total Living Area: 3,058 sq ft

Lot Size: 10,050 sq ft

Percentage of Main Structure to ADU: 37%



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5835 Reiger Avenue, Dallas, TX 75214



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Residential Account #00000168310000000

[Location](#) [Owner](#) [Legal Desc](#) [Value](#) [Main Improvement](#) [Additional Improvements](#) [Land](#) [Exemptions](#) [Estimated Taxes](#) [History](#)

Property Location (Current 2020)

Address: 5802 TREMONT ST
 Neighborhood: 10SG08
 Mapsco: 46-C (DALLAS)

[DCAD Property Map](#)

[2019 Appraisal Notice](#)

Legal Desc (Current 2020)

- 1: JUNIUS HEIGHTS
 - 2: BLK 14/1654 LOT 1
 - 3: 67.5X150
 - 4: INT20080001679 DD12212007 CO-DC
 - 5: 1654 014 00100 1001654 014
- Deed Transfer Date: 1/3/2008

Electronic Documents (ENS)

[File Homestead Exemption Online](#)



[Print Homestead Exemption Form](#)

Owner (Current 2020)

LOWRY ROBERT K & ANN M TR
 FAMILY TR
 5802 TREMONT ST
 DALLAS, TEXAS 752144730

Multi-Owner (Current 2020)

Owner Name	Ownership %
LOWRY ROBERT K & ANN M TR	100%

Value

2019 Certified Values	
Improvement:	\$182,820
Land:	+ \$140,200
Market Value:	= \$323,020
Capped Value: \$237,944	
Revaluation Year:	2019
Previous Revaluation Year:	2018

Main Improvement (Current 2020)

Building Class	04	Construction Type	FRAME
Year Built	1922	Foundation	POST
Effective Year Built	1922	Roof Type	GABLE
Actual Age	98 years	Roof Material	COMP SHINGLES
Desirability	POOR	Fence Type	NONE
Living Area	2,238 sqft	Ext. Wall Material	FRAME
Total Area	2,238 sqft	Basement	NONE
% Complete	100%	Heating	GAS HEATERS
# Stories	ONE AND ONE HALF STORIES	Air Condition	WINDOW
Depreciation	70%		

Additional Improvements (Current 2020)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	DETACHED QUARTERS		UNASSIGNED	FRAME	820
2	DETACHED GARAGE		UNASSIGNED	FRAME	528

Land (2019 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	P
1	SINGLE FAMILY RESIDENCES	SINGLE FAMILY DISTRICT 7,500 S	67	150	10,050.0000 SQUARE FEET	

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5835 Reiger Avenue, Dallas, TX 75214

5602 Tremont Street



Main Structure: 4,196 sq ft

ADU: 1,380 sq ft

Total Living Area: 5,576 sq ft

Lot Size: 9,449 sq ft

Percentage of Main Structure to ADU: 37%



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5835 Reiger Avenue, Dallas, TX 75214



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Residential Account #00000161626000000

Location Owner Legal Desc Value Main Improvement Additional Improvements Land Exemptions Estimated Taxes History

Property Location (Current 2020)
 Address: 5602 TREMONT ST
 Neighborhood: 1DSG08
 Mapsc: 46-C (DALLAS)

Legal Desc (Current 2020)
 1: JUNIUS HEIGHTS
 2: BLK 12/1594 LOT 1
 3:
 4: INT201600059894 DD02292016 CO-DC
 5: 1594 012 00100 1001594 012
 Deed Transfer Date: 3/4/2016

DCAD Property Map
2019 Appraisal Notice

Electronic Documents (ENS)

File Homestead Exemption Online



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Owner (Current 2020)
 SIGNATURE LEASING & MGMT INC
 200 E SPRING VALLEY RD
 RICHARDSON, TEXAS 750815032

Multi-Owner (Current 2020)

Owner Name	Ownership %
SIGNATURE LEASING & MGMT INC	100%

Value

2019 Certified Values	
Improvement:	\$430,510
Land:	+ \$132,290
Market Value:	= \$562,800
Tax Agent: TEXAS PROPERTY TAX CONSULTANTS	
Revaluation Year:	2019
Previous Revaluation Year:	2018

Main Improvement (Current 2020)

Building Class	13	Construction Type	FRAME
Year Built	1944	Foundation	PIER AND BEAM
Effective Year Built	1944	Roof Type	HIP
Actual Age	76 years	Roof Material	COMP SHINGLES
Desirability	GOOD	Fence Type	WOOD
Living Area	4,196 sqft	Ext. Wall Material	BRICK VENEER
Total Area	4,196 sqft	Basement	NONE
% Complete	100%	Heating	CENTRAL FULL
# Stories	TWO STORIES	Air Condition	CENTRAL FULL
Depreciation	45%		

Additional Improvements (Current 2020)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	DETACHED QUARTERS		UNASSIGNED	FRAME	1380

Land (2019 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pri
1	MFR - APARTMENTS	SINGLE FAMILY DISTRICT 7,500 S	150	63	9,449.0000 SQUARE FEET	

BOA 189-104

5835 Reiger Avenue, Dallas, TX 75214

6102 Gaston Avenue



Main Structure: 3,798 sq ft

ADU: 1,032 sq ft

Total Living Area: 4,830 sq ft

Lot Size: 14,000 sq ft

Percentage of Main Structure to ADU: 27%



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Residential Account #00000183364000000

[Location](#) [Owner](#) [Legal Desc](#) [Value](#) [Main Improvement](#) [Additional Improvements](#) [Land](#) [Exemptions](#) [Estimated Taxes](#) [History](#)

Property Location (Current 2020)
Address: 6102 GASTON AVE
Neighborhood: 1DSR04
Mapsc0: 36-Y (DALLAS)

Legal Desc (Current 2020)
 1: MUNGER PLACE
 2: BLK 21/1884 LOT 15
 3: GASTON & LIPSCOMB
 4: INT201700214056 DD07272017 CO-DC
 5: 1884 021 01500 1001884 021
Deed Transfer Date: 7/31/2017

[DCAD Property Map](#)
[2019 Appraisal Notice](#)

Electronic Documents (ENS)

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Owner (Current 2020)
 SILHAN LEANN L & STOCKTON CHAD R
 6102 GASTON AVE
 DALLAS, TEXAS 752144326

Multi-Owner (Current 2020)

Owner Name	Ownership %
SILHAN LEANN L & STOCKTON CHAD R	100%

2019 Certified Values	
Improvement:	\$471,380
Land:	+ \$224,000
Market Value:	= \$695,380
Revaluation Year:	2019
Previous Revaluation Year:	2018

Main Improvement (Current 2020)

Building Class	10	Construction Type	FRAME
Year Built	1925	Foundation	PIER AND BEAM
Effective Year Built	1990	Roof Type	GABLE
Actual Age	95 years	Roof Material	SLATE
Desirability	EXCELLENT	Fence Type	IRON
Living Area	3,798 sqft	Ext. Wall Material	BRICK VENEER
Total Area	3,798 sqft	Basement	PARTIAL
% Complete	100%	Heating	CENTRAL FULL
# Stories	TWO STORIES	Air Condition	CENTRAL FULL
Depreciation	20%		

Additional Improvements (Current 2020)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	DETACHED QUARTERS		UNASSIGNED	BRICK VENEER	1032
2	DETACHED CARPORT		CONCRETE	FRAME	615
3	DETACHED GARAGE		UNASSIGNED	BRICK VENEER	672

Land (2019 Certified Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pl
1	SINGLE FAMILY RESIDENCES	PLANNED DEVELOPMENT DISTRICT	80	176	14,000.0000 SQUARE FEET	

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5835 Reiger Avenue, Dallas, TX 75214

Average Lot Size in Planning District 397

Address	STREET	Lot Size sq ft	Address	STREET	Lot Size sq ft
5406	TREMONT ST	15,444	5907	COLUMBIA AVE	9,750
5912	JUNIUS ST	15,000	5710	TREMONT ST	9,454
5926	REIGER AVE	14,960	719	PARKMONT ST	9,454
6120	GASTON AVE	14,256	5638	TREMONT ST	9,450
1509	ABRAMS RD	14,100	5602	TREMONT ST	9,449
6102	GASTON AVE	14,000	5637	TREMONT ST	9,437
5422	GASTON AVE	13,646	5300	TREMONT ST	9,433
5428	WORTH ST	13,566	5538	TREMONT ST	9,425
5430	GASTON AVE	13,090	703	RIDGEWAY ST	9,378
1523	ABRAMS RD	13,040	5539	TREMONT ST	9,375
6108	GASTON AVE	12,640	5603	TREMONT ST	9,375
5450	GASTON AVE	12,506	5707	TREMONT ST	9,375
5918	REIGER AVE	12,495	5712	TREMONT ST	9,375
5832	REIGER AVE	12,375	5717	TREMONT ST	9,375
6104	JUNIUS ST	12,273	5720	TREMONT ST	9,375
6032	WORTH ST	12,245	5915	COLUMBIA AVE	9,374
1535	ABRAMS RD	12,225	5538	JUNIUS ST	9,370
6106	WORTH ST	12,131	5610	REIGER AVE	9,350
5416	GASTON AVE	12,061	5612	REIGER AVE	9,350
5406	GASTON AVE	12,040	5616	REIGER AVE	9,350
6116	GASTON AVE	11,968	5726	TREMONT ST	9,317
5930	JUNIUS ST	11,810	5732	TREMONT ST	9,304
6107	WORTH ST	11,680			
1531	ABRAMS RD	11,410			
5932	WORTH ST	11,400			
704	NESBITT DR	11,281			
5912	REIGER AVE	11,025			
5530	REIGER AVE	10,725			
5906	REIGER AVE	10,725			
5919	COLUMBIA AVE	10,625			
717	NESBITT DR	10,559			
5831	TREMONT ST	10,500			
5930	REIGER AVE	10,500			
5834	REIGER AVE	10,275			
5815	TREMONT ST	10,200			
5837	COLUMBIA AVE	10,134			
702	SKILLMAN ST	10,071			
5802	TREMONT ST	10,050			
5807	TREMONT ST	10,050			
5808	TREMONT ST	10,050			
5830	REIGER AVE	9,900			
5537	WORTH ST	9,825			
703	GLENDALE ST	9,756			
1517	ABRAMS RD	9,750			
				Average	10,989

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5835 Reiger Avenue, Dallas, TX 75214

Total Living Area in Planning District 397

Address	STREET	sq ft	ADU sq ft	Total sq ft	Address	STREET	sq ft	ADU sq ft	Total sq ft
5639	REIGER AVE	5,072		5,072	727	NESBITT DR	2,979	400	3,379
719	SKILLMAN ST	4,423		4,423	5931	REIGER AVE	2,965		2,965
5602	TREMONT ST	4,196	1380	5,576	720	SKILLMAN ST	2,963		2,963
5600	WORTH ST	4,192	500	4,692	5822	VICTOR ST	2,938		2,938
724	N GLASGOW DR	4,008		4,008	721	N GLASGOW DR	2,934		2,934
5450	GASTON AVE	3,995		3,995	5416	GASTON AVE	2,922		2,922
5519	VICTOR ST	3,956		3,956	718	RIDGEWAY ST	2,905		2,905
5716	JUNIUS ST	3,892		3,892	717	NESBITT DR	2,889		2,889
706	RIDGEWAY ST	3,851	238	4,089	704	GLENDALE ST	2,887		2,887
5834	REIGER AVE	3,850		3,850	5701	WORTH ST	2,878		2,878
5624	COLUMBIA AVE	3,804		3,804	718	PARKMONT ST	2,864		2,864
6102	GASTON AVE	3,798	1032	4,830	704	NESBITT DR	2,860		2,860
1509	ABRAMS RD	3,784	1344	5,128	5918	REIGER AVE	2,859		2,859
5428	WORTH ST	3,680		3,680	5928	WORTH ST	2,856		2,856
6120	GASTON AVE	3,658	500	4,158	5620	COLUMBIA AVE	2,846		2,846
5736	WORTH ST	3,540		3,540	717	LIPSCOMB AVE	2,846		2,846
706	HUNTLEY ST	3,535	450	3,985	730	LIPSCOMB AVE	2,845		2,845
5612	COLUMBIA AVE	3,464		3,464	1535	ABRAMS RD	2,844		2,844
5640	COLUMBIA AVE	3,464		3,464	5832	WORTH ST	2,812		2,812
5707	VICTOR ST	3,462		3,462	5708	JUNIUS ST	2,808	300	3,108
5539	VICTOR ST	3,456		3,456	5500	REIGER AVE	2,799		2,799
6108	GASTON AVE	3,452	608	4,060	712	LIPSCOMB AVE	2,796		2,796
5519	REIGER AVE	3,420		3,420	409	RIDGEWAY ST	2,781		2,781
5629	TREMONT ST	3,414		3,414	5600	JUNIUS ST	2,772		2,772
1510	ABRAMS RD	3,397	152	3,549	5719	TREMONT ST	2,758		2,758
5644	COLUMBIA AVE	3,392	264	3,656	5921	REIGER AVE	2,754		2,754
5732	TREMONT ST	3,386		3,386	5630	COLUMBIA AVE	2,746		2,746
5430	GASTON AVE	3,384		3,384	5630	JUNIUS ST	2,745		2,745
5900	JUNIUS ST	3,366		3,366	5416	TREMONT ST	2,744		2,744
1613	ABRAMS RD	3,362		3,362	703	GLENDALE ST	2,736		2,736
709	LIPSCOMB AVE	3,313		3,313	5929	VICTOR ST	2,726		2,726
6116	GASTON AVE	3,305		3,305	5832	REIGER AVE	2,718		2,718
720	NESBITT DR	3,297	228	3,525	5911	REIGER AVE	2,708		2,708
1523	ABRAMS RD	3,294		3,294	703	LIPSCOMB AVE	2,693		2,693
5912	JUNIUS ST	3,282		3,282	5511	TREMONT ST	2,684		2,684
5617	TREMONT ST	3,264		3,264	722	RIDGEWAY ST	2,682		2,682
5530	REIGER AVE	3,230		3,230	1534	ABRAMS RD	2,676		2,676
718	NESBITT DR	3,224		3,224	5823	VICTOR ST	2,672		2,672
726	GLENDALE ST	3,216		3,216	5320	WORTH ST	2,668		2,668
1507	ABRAMS RD	3,206		3,206	5919	VICTOR ST	2,656		2,656
5500	TREMONT ST	3,200		3,200	5315	WORTH ST	2,652		2,652
5606	COLUMBIA AVE	3,196		3,196	5621	TREMONT ST	2,650		2,650
5930	JUNIUS ST	3,175		3,175	1526	ABRAMS RD	2,645		2,645
702	N GLASGOW DR	3,175		3,175	5305	TREMONT ST	2,640		2,640
5326	JUNIUS ST	3,120	1254	4,374	718	DUMAS ST	2,630		2,630
5720	JUNIUS ST	3,120		3,120	1531	ABRAMS RD	2,618		2,618
5825	TREMONT ST	3,100		3,100	5406	TREMONT ST	2,600		2,600
725	LOWELL ST	3,088		3,088	5917	REIGER AVE	2,576		2,576
724	LIPSCOMB AVE	3,073		3,073	5421	VICTOR ST	2,566		2,566
703	RIDGEWAY ST	3,064		3,064	5819	VICTOR ST	2,544		2,544
5726	TREMONT ST	3,054		3,054	1514	ABRAMS RD	2,540		2,540
5422	GASTON AVE	3,028		3,028	5536	TREMONT ST	2,538		2,538
5637	WORTH ST	3,024		3,024	700	GLENDALE ST	2,536		2,536
5301	TREMONT ST	3,024		3,024	5322	JUNIUS ST	2,534		2,534
5930	VICTOR ST	3,018		3,018	5516	JUNIUS ST	2,529		2,529
1522	ABRAMS RD	3,014		3,014	703	N GLASGOW DR	2,526		2,526
5636	COLUMBIA AVE	3,008		3,008	723	PARKMONT ST	2,526		2,526
5831	TREMONT ST	3,000		3,000	715	PARKMONT ST	2,522		2,522

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5835 Reiger Avenue, Dallas, TX 75214

Address	STREET	sq ft	ADU sq ft	Total sq ft	Address	STREET	sq ft	ADU sq ft	Total sq ft
5529	REIGER AVE	2,520		2,520	5901	REIGER AVE	2,196		2,196
5532	REIGER AVE	2,520		2,520	5626	WORTH ST	2,190		2,190
1517	ABRAMS RD	2,518		2,518	5537	REIGER AVE	2,188		2,188
5300	TREMONT ST	2,512		2,512	1518	ABRAMS RD	2,186		2,186
5926	REIGER AVE	2,498		2,498	5538	TREMONT ST	2,186		2,186
723	SKILLMAN ST	2,477		2,477	5911	WORTH ST	2,182		2,182
5424	REIGER AVE	2,464		2,464	5634	VICTOR ST	2,180		2,180
726	LOWELL ST	2,464		2,464	711	SKILLMAN ST	2,176	840	3,016
5501	REIGER AVE	2,456		2,456	720	LOWELL ST	2,172		2,172
5634	JUNIUS ST	2,454		2,454	715	SKILLMAN ST	2,168		2,168
5539	TREMONT ST	2,451		2,451	701	SKILLMAN ST	2,164		2,164
1530	ABRAMS RD	2,429		2,429	5529	WORTH ST	2,160		2,160
5311	TREMONT ST	2,424		2,424	5635	VICTOR ST	2,156		2,156
5915	COLUMBIA AVE	2,421		2,421	5616	COLUMBIA AVE	2,152		2,152
5609	TREMONT ST	2,420		2,420	5901	WORTH ST	2,150		2,150
5616	REIGER AVE	2,420		2,420	5520	JUNIUS ST	2,148		2,148
721	LIPSCOMB AVE	2,403		2,403	727	SKILLMAN ST	2,148		2,148
409 N	BEACON ST	2,392		2,392	5737	REIGER AVE	2,137		2,137
5526	TREMONT ST	2,381		2,381	5724	WORTH ST	2,136		2,136
5527	TREMONT ST	2,364		2,364	5728	JUNIUS ST	2,128		2,128
5429	VICTOR ST	2,354		2,354	5523	WORTH ST	2,128		2,128
5504	JUNIUS ST	2,349		2,349	5312	VICTOR ST	2,128		2,128
5926	VICTOR ST	2,348		2,348	5802	VICTOR ST	2,128	984	3,112
5707	TREMONT ST	2,342		2,342	5815	TREMONT ST	2,120		2,120
5623	VICTOR ST	2,340		2,340	705	PARKMONT ST	2,120		2,120
6020	WORTH ST	2,336		2,336	723	NESBITT DR	2,115		2,115
705	LOWELL ST	2,335	504	2,839	722	GLENDALE ST	2,112		2,112
6034	JUNIUS ST	2,334		2,334	703	NESBITT DR	2,107		2,107
5629	REIGER AVE	2,329		2,329	5418	JUNIUS ST	2,102		2,102
729	RIDGEWAY ST	2,326		2,326	5306	TREMONT ST	2,102		2,102
5500	JUNIUS ST	2,320		2,320	5311	VICTOR ST	2,100		2,100
5508	JUNIUS ST	2,320		2,320	731 N	GLASGOW DR	2,100		2,100
707 N	GLASGOW DR	2,314		2,314	5807	TREMONT ST	2,099		2,099
716	SKILLMAN ST	2,306		2,306	5832	VICTOR ST	2,096		2,096
710	NESBITT DR	2,305		2,305	5411	WORTH ST	2,091		2,091
5538	WORTH ST	2,304		2,304	711 N	GLASGOW DR	2,091		2,091
5802	WORTH ST	2,299		2,299	714	PARKMONT ST	2,088		2,088
5320	VICTOR ST	2,298		2,298	5937	WORTH ST	2,086		2,086
5723	JUNIUS ST	2,292		2,292	5319	WORTH ST	2,084		2,084
5406	GASTON AVE	2,284		2,284	719	LOWELL ST	2,083		2,083
5613	VICTOR ST	2,278		2,278	714	GLENDALE ST	2,080		2,080
6012	JUNIUS ST	2,276		2,276	611 N	GLASGOW DR	2,079		2,079
708	NESBITT DR	2,271	640	2,911	5516	VICTOR ST	2,078		2,078
724	LOWELL ST	2,262		2,262	5532	TREMONT ST	2,072		2,072
715	GLENDALE ST	2,258		2,258	1506	ABRAMS RD	2,071		2,071
700	HUNTLEY ST	2,258		2,258	6110	JUNIUS ST	2,067		2,067
715	LIPSCOMB AVE	2,250		2,250	5807	REIGER AVE	2,066		2,066
5802	TREMONT ST	2,238	820	3,058	5701	TREMONT ST	2,064		2,064
723	HUNTLEY ST	2,236		2,236	715 N	GLASGOW DR	2,059		2,059
5612	REIGER AVE	2,234		2,234	716	LOWELL ST	2,058		2,058
5619	WORTH ST	2,232		2,232	5619	REIGER AVE	2,056		2,056
5602	REIGER AVE	2,228		2,228	5632	COLUMBIA AVE	2,049		2,049
6115	WORTH ST	2,224		2,224	5410	JUNIUS ST	2,046		2,046
5700	TREMONT ST	2,216	384	2,600	700	DUMAS ST	2,032		2,032
707	SKILLMAN ST	2,214		2,214	706	DUMONT ST	2,029		2,029
712	RIDGEWAY ST	2,212		2,212	724	SKILLMAN ST	2,022		2,022
5512	JUNIUS ST	2,207		2,207	725	RIDGEWAY ST	2,021	600	2,621
6031	WORTH ST	2,207		2,207	722 N	BEACON ST	2,020		2,020
1503	ABRAMS RD	2,197		2,197	5504	TREMONT ST	2,019		2,019

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5835 Reiger Avenue, Dallas, TX 75214

ADU Living Area in Planning District 397

Address	STREET	ADU sq ft
5637	TREMONT ST	2348
5602	TREMONT ST	1380
5932	WORTH ST	1295
5326	JUNIUS ST	1254
6102	GASTON AVE	1032
5701	VICTOR ST	1000
5732	WORTH ST	990
5802	VICTOR ST	984
5410	WORTH ST	906
711	SKILLMAN ST	840
5802	TREMONT ST	820
5400	WORTH ST	800
6024	WORTH ST	800
5502	VICTOR ST	800
5638	WORTH ST	743
5616	TREMONT ST	720
5638	TREMONT ST	<u>714</u>
	Average	1,025

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING **September 17, 2019 (A)**

Has no objections

BDA 189-097(SL)

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

BDA 189-098(SL)

Recommends that this be denied (see comments below or attached)

BDA 189-100(SL)

No comments

BDA 189-102(SL)

BDA 189-104(SL)

COMMENTS:

Special Exception - No comment from Historic.

Variance -

5835 Reiger Ave is located in the Junius Heights Historic District (H-128). Applicant submitted a Certificate of Appropriateness (CA) application for construction of an accessory structure with a 700 square foot footprint, which was reviewed by the Landmark Commission on May 6, 2019.

Section 9.4 of the Junius Heights preservation criteria states that "accessory structures in Tracts A, B, D and E may not exceed a footprint of 600 square feet, unless documentation shows that an original structure exceeding this size was previously on the building site." No such documentation was found or provided. Therefore Preservation Staff and the Junius Heights Task Force recommended denial without prejudice of the request.

However, the Landmark Commission approved the request citing Section 51A-4.501(g)(6)(B) of the Dallas Development Code which states that "the landmark commission may approve a certificate of appropriateness for work that does not strictly comply with the preservation criteria upon a finding that the proposed work is historically accurate and is consistent with the spirit and intent of the preservation criteria and that the proposed work will not adversely affect the historic character of the property or the integrity of the historic overlay district."

Liz Casso/ Sr. Historic Preservation Planner
Name/Title/Department

8/30/19
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.

*Holdover case

BOA 189-104
5835 Reiger Avenue, Dallas, TX 75214

September 3, 2019

Mr. Long,

Please find this letter as additional information with respect to my application with the Board of Adjustment requesting a Floor Area Ratio variance and an ADU. I would like to note that due to the setback regulations that this property is bound by on the front and sides of the main structure, I cannot construct additional living area on either of these three sides of the main structure. This leaves me with the only option to construct additional living area on the back side of the main structure.

I would like to point out that there is a mature pecan tree located approximately fifteen feet from the back side of the main structure, almost located in the middle of the back side of the main structure, as noted in the site survey. My family and I highly value this pecan tree and are of the mind set to continue to persevere the tree and its overall health. This pecan tree is sound and in excellent health with no visible decay. In addition, Mr. Phil Erwin, Chief Arborist with the City of Dallas, was gracious enough to personally visit the address requesting the Floor Area Ratio variance on August 28th, 2019 to visually inspect the tree and further make an opinion on its overall health and contribution to the property.

As previously noted our family's desire is to preserve the pecan tree and this desire is restricting the ability to add additional living area to the main structure due to the pecan tree's proximity. If I were to construct additional living space to the back side of the main structure this would require a cement slab foundation. If a cement slab foundation were to be constructed on the back side of the main structure it would put a significant amount of stress on the pecan tree which has already adapted to the existing area to obtain the necessary water and nutrients needed to continue to thrive and remain healthy. In addition, it would not be safe to keep the pecan tree in a closer proximity to a cement foundation slab than it already is at, as every inch of the root structure that is taken away from the tree with respect to water and nutrients makes a meaningful difference in the overall health of the tree.

Lastly, I would like to say that this pecan tree produces pecan nuts every fall which I harvest and ship to my mother in South Dakota who uses the pecan nuts to bake pecan pies and she also distributes the pecan nuts to family members, neighbors and friends making special note that they are "Texas" made pecans, which is somewhat charming. In addition, the pecan tree makes a great swing for our children.

This further explains why I am requesting to construct the proposed ADU in the back portion of the property which is the furthest portion of the property away from the pecan tree and still within the required setback regulations. Please feel free to reach out to me with any further questions.

Best Regards,



Dale Coonrod



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-104

Data Relative to Subject Property:

Date: 7-11-19

Location address: 5835 Reiger Ave, Dallas, TX 75214 Zoning District: PD397 H128

Lot No.: 10 Block No.: 47/1657 Acreage: 1.213 Census Tract: 13.01

Street Frontage (in Feet): 1) 602' 2) 150' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dale C. Coonrod

Applicant: Dale C. Coonrod Telephone: 214-389-5924

Mailing Address: 5835 Reiger Ave, Dallas, TX Zip Code: 75214

E-mail Address: ccoonrod@hotmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

and maintain a two-story garage and guesthouse "ADU" in far back of residential property and 2) To allow a variance of the proposed ADU which will result in 700 sqft of floor area and use 25% of the main structure with an additional 306 sqft or 15.3% of floor area compared to the main structure of 1,738 sqft.

Affirm that an appeal has been made for a Variance or Special Exception of 1) To allow a special exception to construct

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

The proposed ADU will be used to replace existing deteriorating garage and will also be used to accommodate elderly parents and visiting family members. The proposed ADU will not be contrary to public interest and will not adversely affect immediate surrounding neighborhood. Total lot coverage would increase from 12.2% to 18.7%. Please note that this proposed ADU has been approved by the Land Mark Commission on 5-6-2019

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.

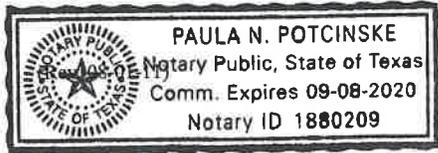
Affidavit

Before me the undersigned on this day personally appeared Dale C. Coonrod (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: Paula N. Potcinski (Affiant/Applicant's signature)

Subscribed and sworn to before me this 11th day of July, 2019



Paula N. Potcinski 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 Dale Coonrod

did submit a request for a special exception to the single family regulations, and for a variance to the floor area ratio regulations

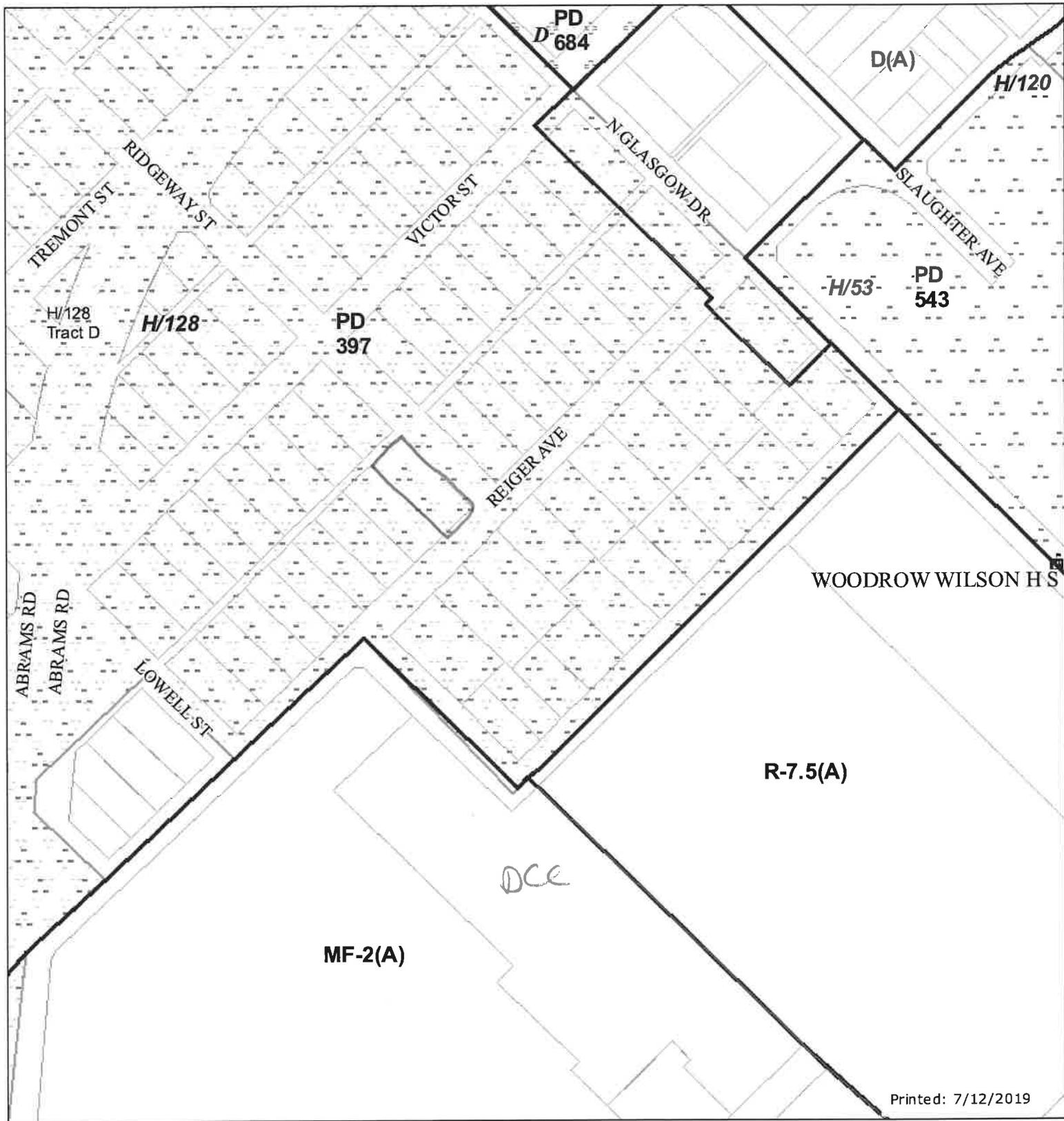
at 5835 Reiger Avenue

BDA189-104. Application of Dale Coonrod for a special exception to the single family regulations, and for a variance to the floor area ratio regulations at 5835 REIGER AVE. This property is more fully described as Lot 10, Block 17/1657, and is zoned PD-397 (H128), which an accessory structure may not exceed 25% of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations, and to construct a single family residential accessory structure with 700 square feet of floor area (40.2% of the 1738 square foot floor area of the main structure), which will require a 266 square foot variance to the floor area ratio regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 7/12/2019

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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Special 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)



14	12	10
55	55	55
65	64	65

16	14	12	10
67 1/2	67 1/2	67	60
50 1/2	50 1/2	50 1/2	50 1/2

18	16	14	12	10
62 1/2	62 1/2	62 1/2	62 1/2	62 1/2
58 1/2	58 1/2	58 1/2	58 1/2	58 1/2

14	12	10
55	55	55
65	64	65

1	2	3	4
65	64	65	65
1655	1655	1655	1655

1	2	3	4	5	6	7	8
67 1/2	67 1/2	67 1/2	67	60	60	60	62
1654	1654	1654	1654	1654	1654	1654	1654

1	2	3	4	5	6	7	8
58 1/2	58 1/2	62 1/2	62 1/2	62 1/2	62 1/2	61	62 1/2
1653	1653	1653	1653	1653	1653	1653	1653

5	6	7	8	9
55	55	55	55	55
65	64	65	65	65

1	2	3	4
65	64	65	65
1655	1655	1655	1655

1	2	3	4	5	6	7	8	9
67 1/2	67 1/2	67 1/2	67	60	60	60	60	62
1654	1654	1654	1654	1654	1654	1654	1654	1654

1	2	3	4	5	6	7	8	9
58 1/2	58 1/2	62 1/2	62 1/2	62 1/2	62 1/2	61	62 1/2	62 1/2
1653	1653	1653	1653	1653	1653	1653	1653	1653

6	7	8	9	10
55	55	55	55	55
65	64	65	65	65

10	9	8	7	6
65	64	65	65	65
1655	1655	1655	1655	1655

1	2	3	4	5	6	7	8	9	10
67 1/2	67 1/2	67 1/2	67	60	60	60	60	62	62 1/2
1654	1654	1654	1654	1654	1654	1654	1654	1654	1654

1	2	3	4	5	6	7	8	9	10
58 1/2	58 1/2	62 1/2	62 1/2	62 1/2	62 1/2	61	62 1/2	62 1/2	62 1/2
1653	1653	1653	1653	1653	1653	1653	1653	1653	1653

14	13	12	11	10
55	55	55	55	55
65	64	65	65	65

Ridgeway

Street

Street

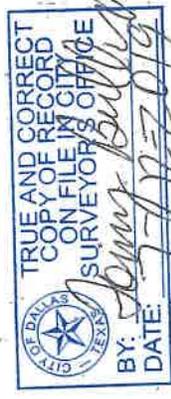
Reiger

DC

minus Heights

Addition

the City of Dallas Texas



DRAWING PROVIDED BY:
Gloria Builders

PROJECT DESCRIPTION:
Junius Heights ADU

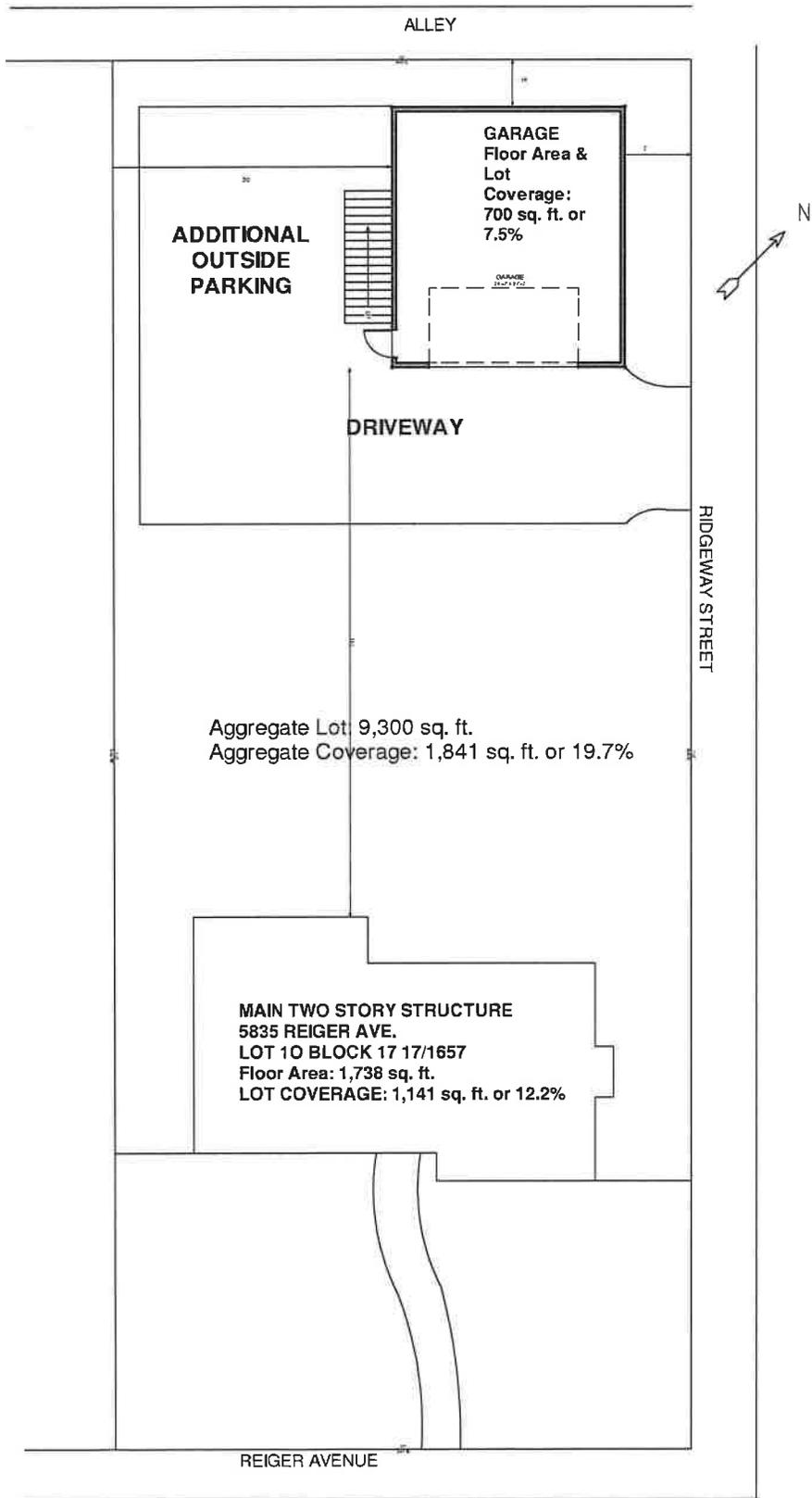
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SITE LAYOUT

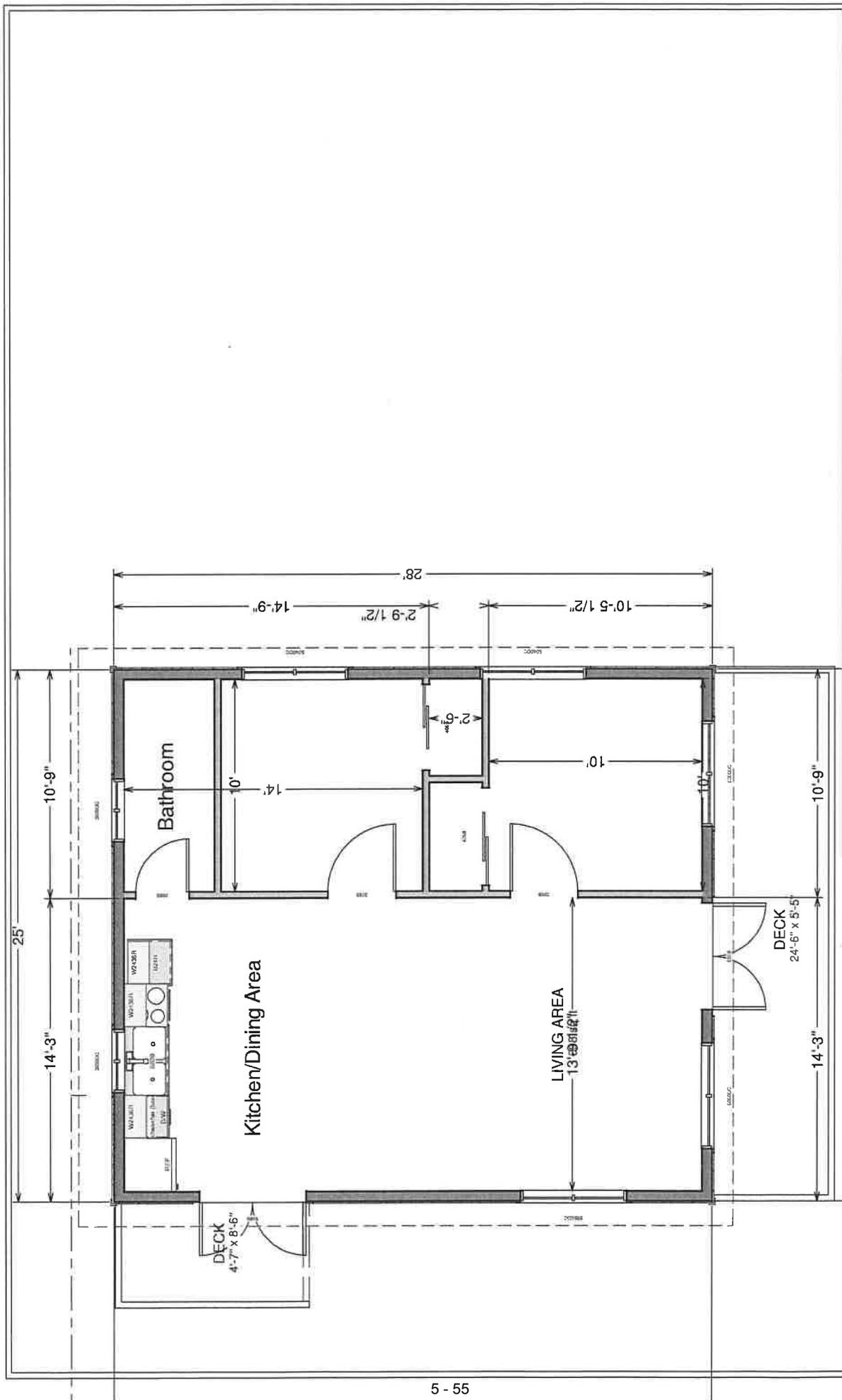
NO.	DESCRIPTION	BY	DATE

SCALE:
1/4" = 3'

DATE:
7/11/2019

K-7





K-2

DATE: 7/11/2019

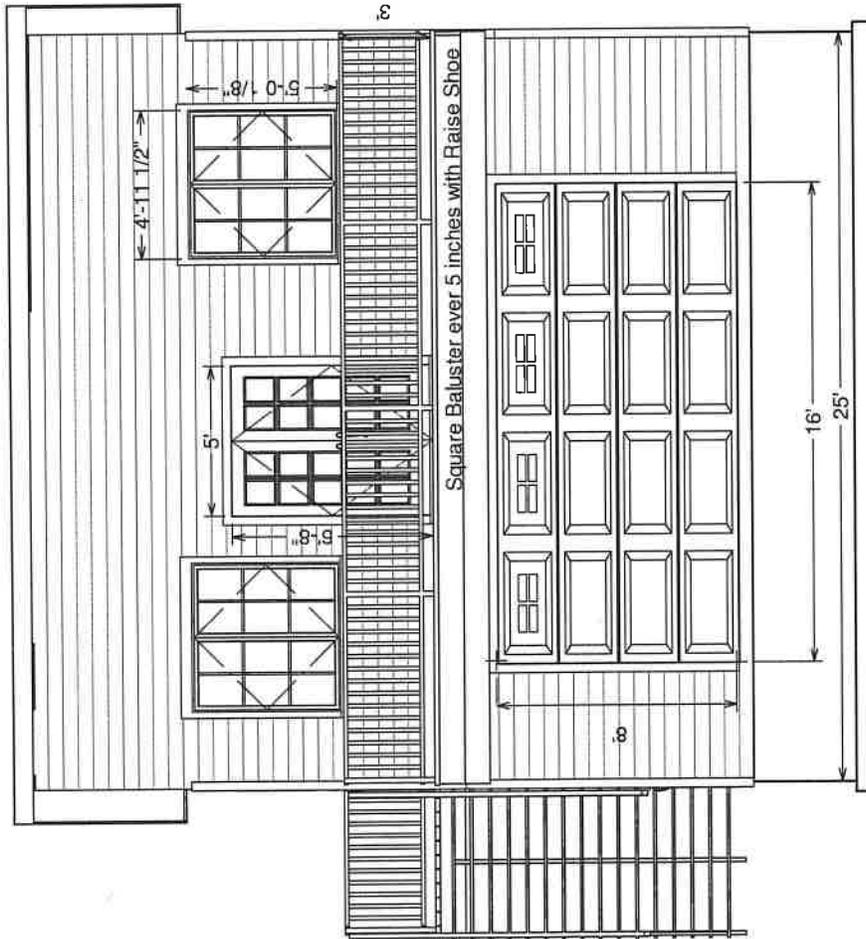
SCALE: 1/4" = 1'

NO.	DESCRIPTION	REV.	DATE

SHEET TITLE: **SECOND STORY ELEVATION**

PROJECT DESCRIPTION: Junius Heights ADU

DRAWING PROVIDED BY: Gloria Builders



K-3

DATE: 7/13/2019

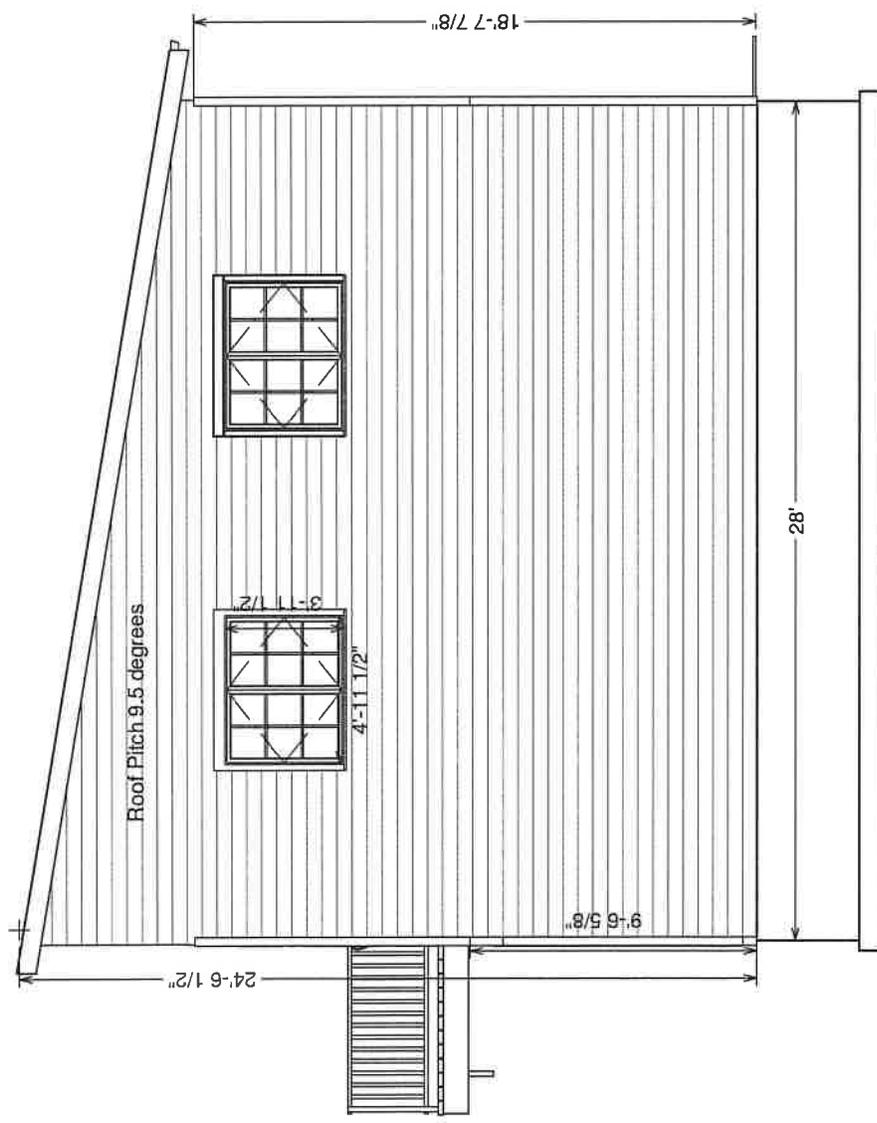
SCALE: 1/4" = 1'

NO.	DESCRIPTION	BY	DATE

SHEET TITLE: **FRONT (WEST) ELEVATION**

PROJECT NAME: Junius Heights ADU

DESIGNER: Gloria Builders



K-4

DATE: 7/11/2019

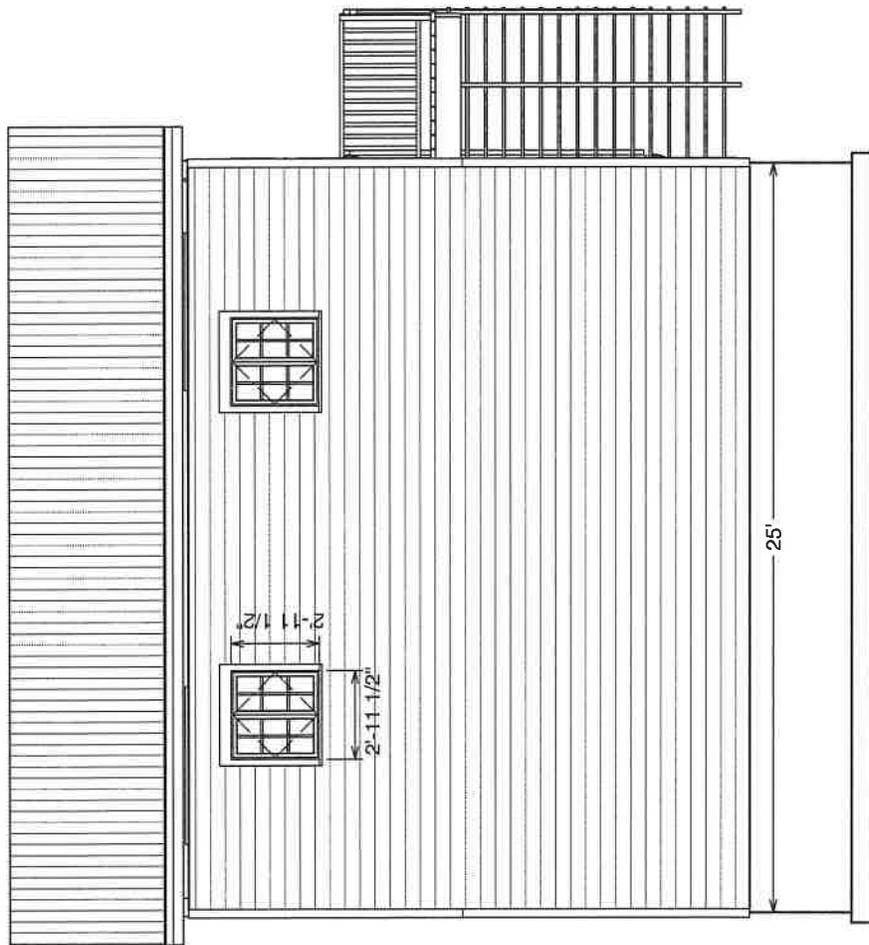
SCALE: 1/4" = 1'

NO.	DESCRIPTION	REV.	DATE

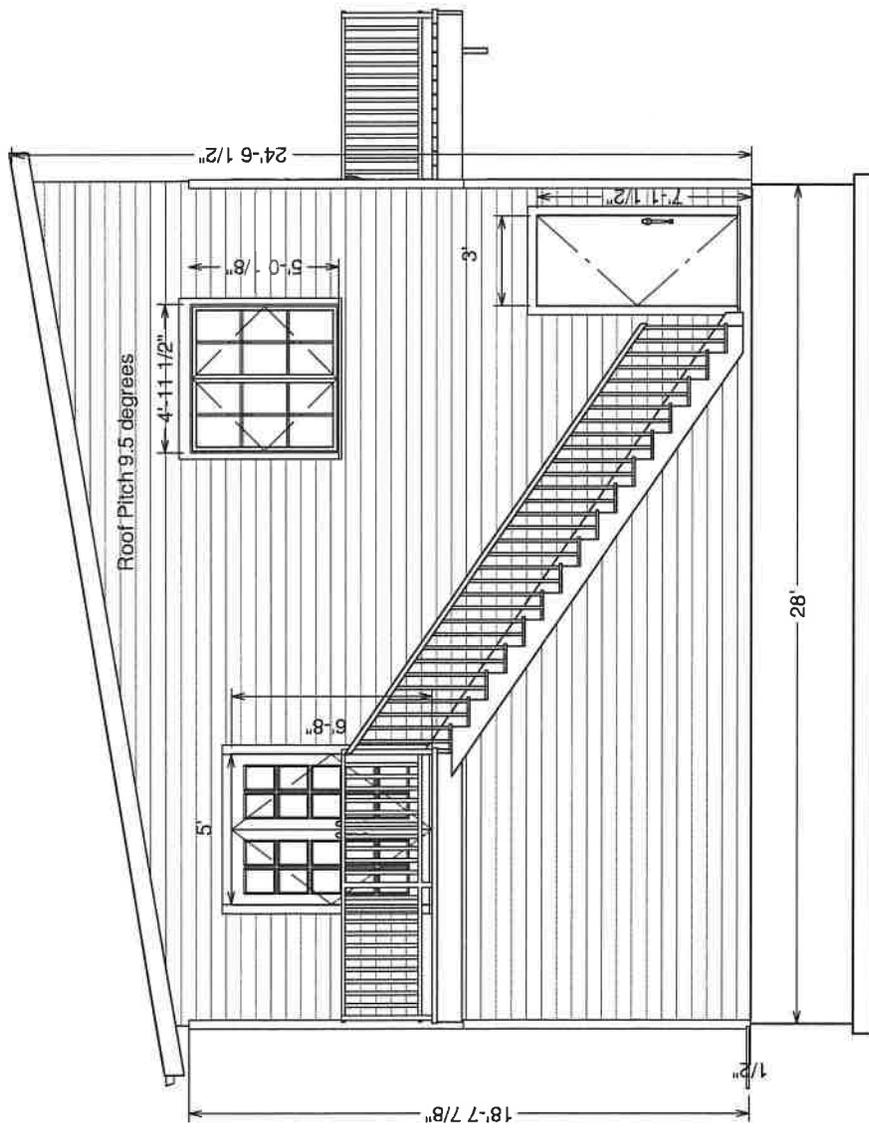
SHEET TITLE:
**NORTH
ELEVATION**

PROJECT DESCRIPTION:
Junius Heights ADU

DRAWING PROVIDED BY:
Gloria Builders



DRAWING PROVIDED BY: Gloria Builders		PROJECT DESCRIPTION: Junius Heights ADU		SHEET TITLE: BACK (EAST) ELEVATION		SCALE: 1/4" = 1"	DATE: 7/11/2019	K-5
NO.	DESCRIPTION	BY	DATE					



DRAWINGS PROVIDED BY: Gloria Builders		PROJECT DESCRIPTION: Junius Heights ADU		SHEET TITLE: SOUTH ELEVATION		SCALE: 1/4" = 1'		DATE: 7/11/2019	
NO.	DESCRIPTION	BY	DATE						

K-6

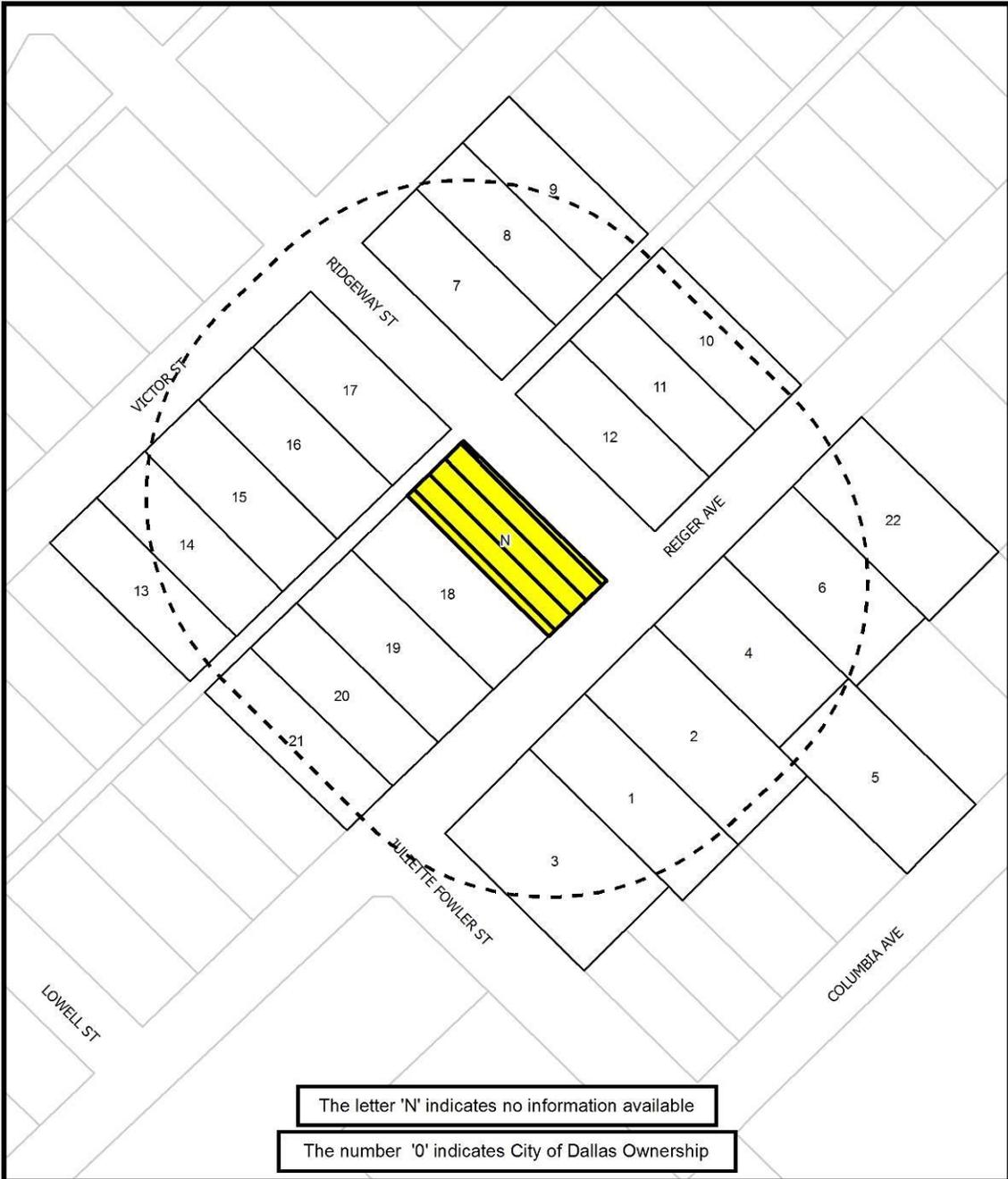
Planning District 397

Address	Lot Size	Total Living Floor Area	Structure Type
5406 Gaston Ave	12,040	2,284	Residential
5416 Gaston Ave	12,061	2,922	Residential
5422 Gaston Ave	13,646	3,708	Residential
5430 Gaston Ave	13,090	3,384	Residential
5450 Gaston Ave	12,506	3,995	Residential
6102 Gaston Ave	14,000	3,798	Residential
6108 Gaston Ave	12,640	3,452	Residential
6116 Gaston Ave	11,968	3,305	Residential
6120 Gaston Ave	14,256	4,158	Residential
5930 Junius St	11,810	3,175	Residential
5930 Worth St	11,400	1,505	Residential
1535 Abrams Rd	12,225	2,844	Residential
1531 Abrams Rd	11,410	2,618	Residential
1523 Abrams Rd	13,040	3,294	Residential
1509 Abrams Rd	14,100	5,128	Residential
5912 Junius St	15,000	3,282	Residential
Average	12,825	3,303	

Address	Lot Size	Total Living Floor Area	Structure Type
Applicant's Property: 5835 Reiger	9,300	1,738	Residential

Difference between Applicant's Lot Size and Total Living Floor Area to other properties within Planning District 397:

(3,525) (1,565)
-27.5% -47.4%



 1:1,200	NOTIFICATION	Case no: BDA189-104			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">22</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	22	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
22	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA189-104

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5830 REIGER AVE	STEVENSON ANITA J
2	5832 REIGER AVE	BRUNER THOMAS E &
3	5820 REIGER AVE	CPP 5X5 TRUST
4	5834 REIGER AVE	SCHIMMING NICH BAXAVANIS VERNON
5	5837 COLUMBIA AVE	JURGENSEN CHRIS L &
6	5906 REIGER AVE	ANDERSON JOSEPH H MRS EST
7	5900 VICTOR ST	THOMAS CHARLES MASTERSON TRUST
8	5906 VICTOR ST	PROCHASKA JOSEPH K &
9	5910 VICTOR ST	WONG DIXON
10	5911 REIGER AVE	OLINGER HEATH &
11	5907 REIGER AVE	CLOUTMAN EDWARD B
12	5901 REIGER AVE	CHU RAUL AH &
13	5818 VICTOR ST	LARA JUANITA
14	5822 VICTOR ST	OBRIEN MICHAEL THOMAS &
15	5826 VICTOR ST	TCA APARTMENTS, INC
16	5832 VICTOR ST	GRANT HELENA
17	5834 VICTOR ST	RUPRECHT THOMAS STUART
18	5829 REIGER AVE	J C BAXAVANIS LIVING
19	5827 REIGER AVE	M N BAXAAVANIS LIVING
20	5825 REIGER AVE	CUTCHINC PROPERTIES LLC
21	5821 REIGER AVE	MARES MARTIN &
22	5912 REIGER AVE	SLAUGHTER VANNA KAY