

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, SEPTEMBER 18, 2019  
AGENDA

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

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

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**PUBLIC TESTIMONY**

Minutes  
Rules of Procedure Amendment

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**MISCELLANEOUS ITEMS**

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Approval of the August 21, 2019 Board of Adjustment Panel B Public Hearing Minutes	M1
Approval of amendments to the Board of Adjustment Working Rules of Procedure pursuant to changes in state law	M2

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**UNCONTESTED CASES**

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<b>BDA189-093(SL)</b> 8891 Jourdan Way <b>REQUEST:</b> Application of Rob Baldwin of Baldwin Associates for a special exception to the fence standards regulations	1
<b>BDA189-095(SL)</b> 2302 Marfa Avenue <b>REQUEST:</b> Application of Carolyn M. Jackson for a special exception for the handicapped to the front yard setback regulations	2

<b>BDA189-101(SL)</b>	12222 N. Central Expressway <b>REQUEST:</b> Application of Robert Milligan, represented by Steve Stoner, for a special exception to the off-street parking regulations	3
<b>BDA189-103(SL)</b>	2331 Marfa Avenue <b>REQUEST:</b> Application of Sylvia L. Powell, represented by Isaac Powell, Jr., for a special exception to the front yard setback regulations for a carport, and for special exceptions to the visual obstruction regulations	4
<b>BDA189-105(SL)</b>	771 Rayenell Avenue <b>REQUEST:</b> Application of Ricardo Alonso Carrillo for a variance to the front yard setback regulations	5

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## 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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pg 1

**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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PS 4

- (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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Attachment A  
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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:** BDA189-093(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin Associates for a special exception to the fence standards regulations at 8891 Jourdan Way. This property is more fully described as Lot 1, Block A/5618, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence standards regulations.

**LOCATION:** 8891 Jourdan Way

**APPLICANT:** Rob Baldwin of Baldwin Associates

**REQUESTS:**

Requests for special exceptions to the fence standards regulations related to the fence height of 5' are made to construct and maintain an 8' high open wrought iron fence with 9' high columns in the site's two front yard setbacks on Douglas Avenue and Deloache Avenue on a site developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:**

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards 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 95-103, Property at 8889 Jourdan Way (the subject site)

On August 22, 1995, the Board of Adjustment granted a request for special exception to the fence height regulations of 5' and imposed the submitted site plan and elevation as a condition.  
The case report stated the request was made to construct and maintain a fence 9' in height along Doulgas Avenue.
2. BDA 95-059, Property at 5807 Deloache Avenue (the lot north of the subject site)

On May 23, 1995, the Board of Adjustment granted a request for special exception to the fence height regulations of 3' 11" and imposed the submitted site plan and elevation as a condition.  
The case report stated the request was made to construct and maintain a fence 6' 9" high open metal fence with 7' 11" high masonry columns.
3. BDA 90-015, Property 5915 Deloache Avenue (the lot northwest of the subject site)

On April 10, 1989, the Board of Adjustment granted a request for special exception to the fence height regulations to maintain a fence 8' in height.
4. BDA 034-142, Property at 5744 Douglas Avenue (the lot west of the subject site)

On April 20, 2004, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations and imposed the following condition: Compliance with the submitted site plan and elevation showing a 6' vinyl coated chain link fence to be screened by plant materials such that no portion of the chain link fence is visible from Douglas Street is required.
5. BDA 989-290, Property at 8787 Jourdan Way (the lot south of the subject site)

On September 28, 1999, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations of 4' and imposed the following condition: Compliance with the submitted revised fence and landscape plan, building elevation and fence elevation as a condition.  
The case report stated the request was made to construct and maintain an 8' high metal posts.

6. BDA 956-138, Property at 5710 Deloache Avenue (the lot east of the subject site)

On February 27, 1996, the Board of Adjustment Panel A granted a request for special exception to the fence height regulations of 4' and imposed the following condition: Compliance with the submitted site plan and is required.

The case report stated the request was made to construct and maintain a 7.9' high open metal fence with 9' high metal posts.

### **GENERAL FACTS/STAFF ANALYSIS:**

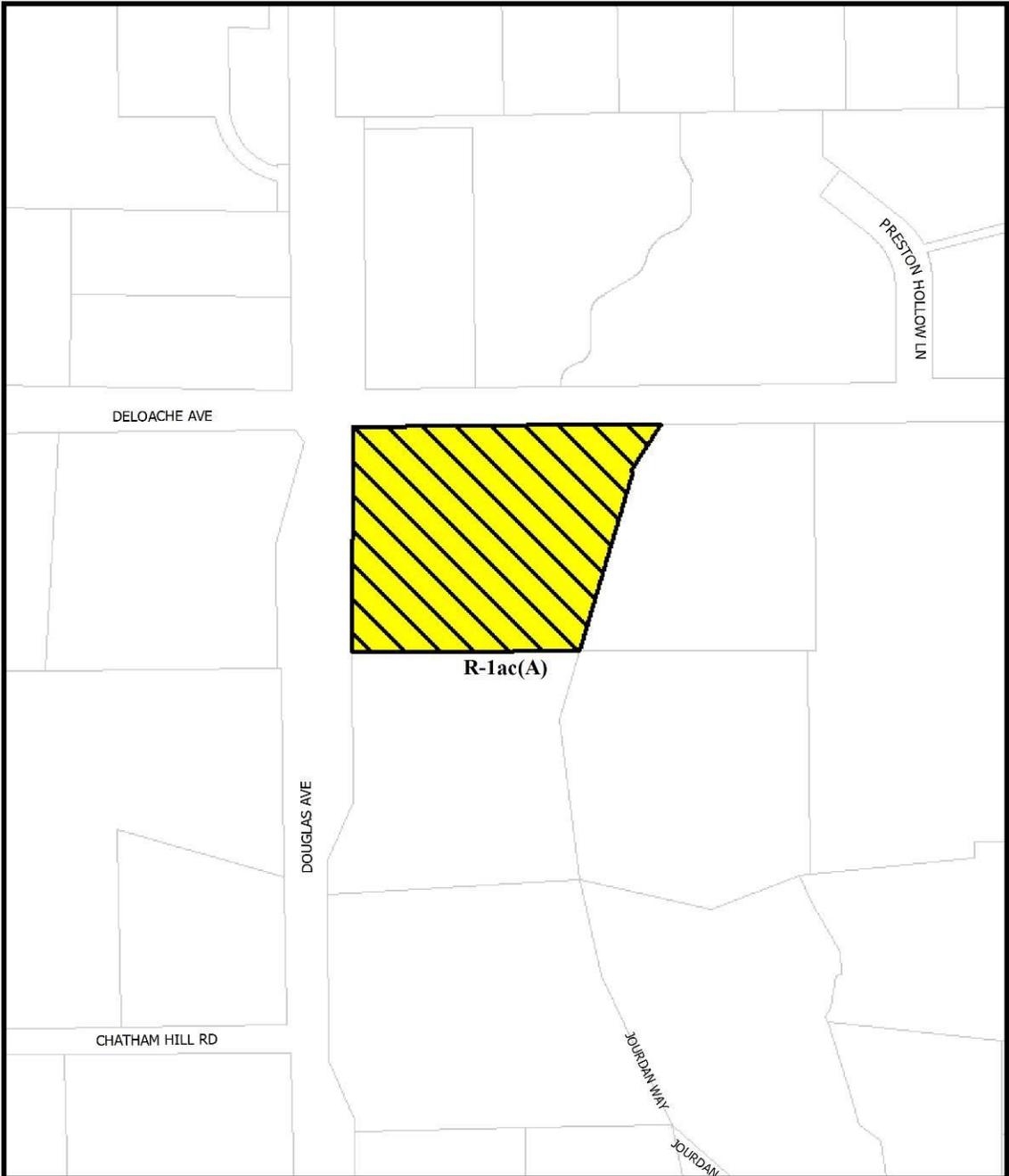
- The requests for special exceptions to the fence standards regulations related to fence height of 5' focus on constructing and maintaining an 8' high open wrought iron fence with 9' high columns in the site's two front yard setbacks on Douglas Avenue and Deloache Avenue on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- 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 Deloache Avenue and Douglas Avenue. The site has two street frontages of unequal distances. The site has two front yard setbacks. The site has a front yard setback on Douglas Avenue 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 Deloache Avenue 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. (Note that while the site is bounded on the east by Jourdan Way, Building Inspection states that no front yard setback is required since this is a private street or easement).
- The applicant has submitted a site plan/elevation of the proposal. The site plan/elevation represents the fence in the required front yard setbacks on Deloache Avenue and Douglas Avenue is over 4' in height, in this case, the proposal reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted site plan:
  - In the Douglas Avenue front yard setback: the proposal in the front yard setback over 4' in height is approximately 40' perpendicular to this street on the south side in this front yard setback.
  - In the Douglas Avenue/Deloache Avenue front yard setbacks: the proposal in these front yard setbacks over 4' in height is approximately 25' in length.
  - In the Deloache Aveue front yard setback: the proposal in this front yard setback over 4' in height is approximately 45' in length parallel to this street and approximately 40' perpendicular to this street on the east side.

- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and the surrounding area and noted a number of other fences that appeared to be over 4' in height and located in front yard setbacks (see the "Zoning/BDA History" section of this case report for further details).
- As of September 6, 2019, no letters have been submitted in support of or in opposition to the requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the front yard setbacks to be constructed and maintained in the locations and of the heights and materials as shown on this document.

**Timeline:**

- June 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 B.
- 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 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 6<sup>th</sup> 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.

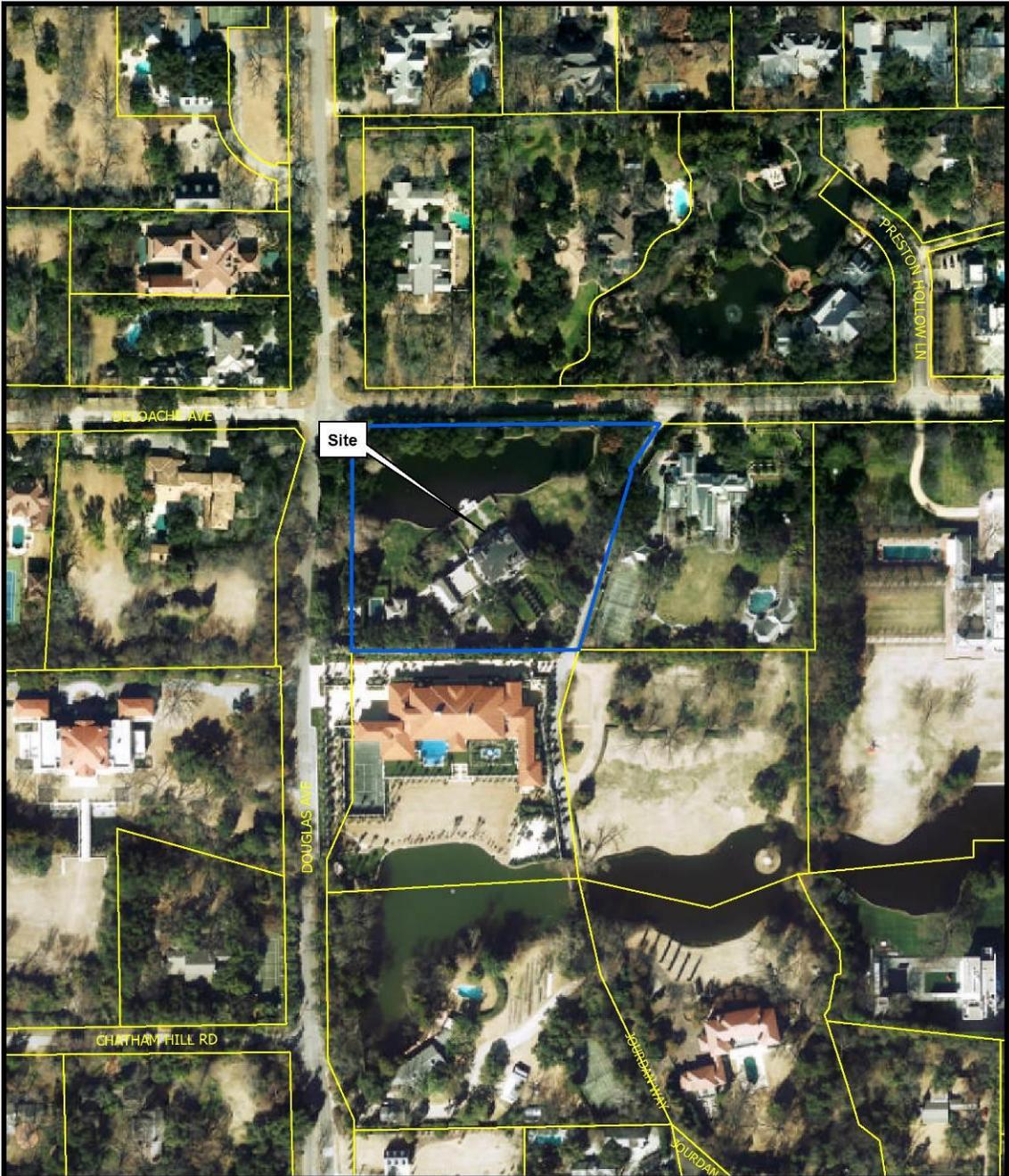


1:2,400

# ZONING MAP

Case no: BDA189-093

Date: 8/14/2019



1:2,400

# AERIAL MAP

Case no: BDA189-093

Date: 8/14/2019



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-093

Date: 6-3-19

Data Relative to Subject Property:

Location address: 8891 Jourdan Way Zoning District: R-1AC(a)

Lot No.: 1 Block No.: A/5618 Acreage: 3.20 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 345 ft 2) 472.35 ft 3) 369.04 4) 5) 6)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): John J. and Helen Eden Carona

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 5'4" fence height special exception to allow a 9' fence in a 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 property has existing perimeter fencing that is approximately 6' in height and screened with landscaping. The proposed decorative fencing will be landscaped as well. Most homes in the area have fencing that is taller than 4'. This proposal is compatible with the area and will not adversely affect neighboring properties.

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

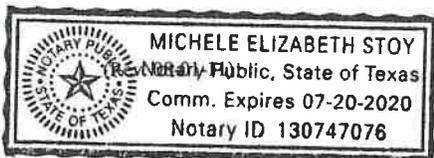
Affidavit

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

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

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 31 day of May, 2019



Michele E. Stoy Notary Public in and for Dallas County, Texas

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

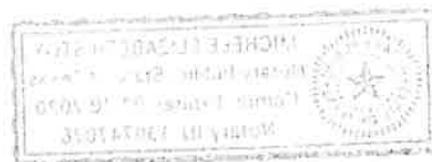
I hereby certify that BALDWIN AND ASSOCIATES

did submit a request for a special exception to the fence height regulations  
at 8891 Jourdan Way

BDA189-093. Application of BALDWIN AND ASSOCIATES for a special exception to the fence height regulations at 8891 JOURDAN WAY. This property is more fully described as Lot 1, Block A/5618, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot high fence in a required front yard, which will require a 5 foot special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 5/14/2019

### Legend

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



PLAT 0-7-01 S.E. 500 L.O. 1 1961 AMCELL PAR  
PLAT 0-7-01 S.E. 500 L.O. 1 1961 AMCELL PAR

PLAT 7-22-04 S.E. 4/500 L.O. 1 1961 AMCELL PAR  
PLAT 7-1-07 S.E. 500 L.O. 1 1961 AMCELL PAR

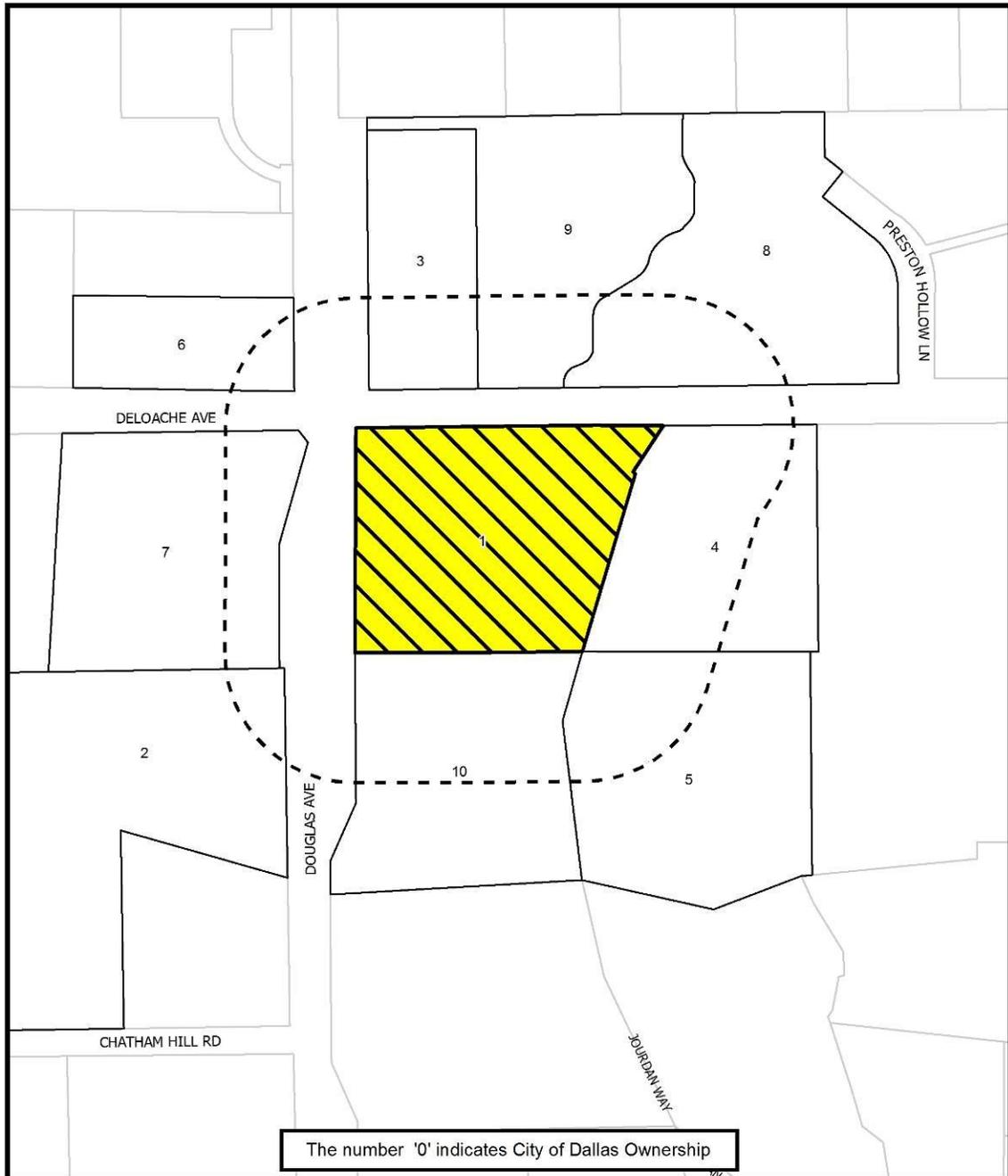
S DELOACH

AVENUE S

ROAD







1:2,400

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**10** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-093**  
 Date: **8/14/2019**

## *Notification List of Property Owners*

***BDA189-093***

### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8891 JOURDAN WAY	HAAS ROBERT B &
2	8727 DOUGLAS AVE	RNG 2012 INVESTMENT TRUST
3	5807 DELOACHE AVE	KLINE J PETER &
4	5906 DELOACHE AVE	WYLY CAROLINE D
5	8704 JOURDAN WAY	BRINKMANN LAKEVIEW HOLDINGS LP
6	8901 DOUGLAS AVE	8901 DOUGLAS REVOCABLE TRUST
7	5744 DELOACHE AVE	ENGSTROM RANDALL R &
8	5915 DELOACHE AVE	SIMMONS ANNETTE C
9	5823 DELOACHE AVE	MANTAS MICHAEL A &
10	8787 JOURDAN WAY	BARNES H DOUG

**FILE NUMBER:** BDA189-095(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Carolyn M. Jackson for a special exception for the handicapped to the front yard setback regulations at 2302 Marfa Avenue. This property is more fully described as Lot 3, Block2/5855, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 13 foot front yard setback, which will require a 12 foot special exception for the handicapped to the front yard setback regulations.

**LOCATION:** 2302 Marfa Avenue

**APPLICANT:** Carolyn M. Jackson

**REQUEST:**

A request for a special exception for the handicapped to the front yard setback regulations of 12' is made to maintain an approximately 200 square foot carport that is located 13' from the front property line or 12' into the 25' front yard setback on a site developed with a single family home/use.

**STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED:** Section 51A-1.107.(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

**Zoning:**

**Site:** R-7.5(A) (Single family district 7,500 square feet)  
**North:** R-7.5(A) (Single family district 7,500 square feet)  
**South:** R-7.5(A) (Single family district 7,500 square feet)  
**East:** R-7.5(A) (Single family district 7,500 square feet)  
**West:** R-7.5(A) (Single family district 7,500 square feet)

**Land Use:**

The subject site is developed with a single family home. The area to the north, east, west and south 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:**

- The request for a special exception for the handicapped to the front yard setback regulations of 12' focuses on maintaining an approximately 200 square foot carport that is located 13' from the front property line or 12' into the 25' front yard setback on a site developed with a single family home/use.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The submitted site plan represents that the carport is located 13' from the front property line or 12' into the required 25' front yard setback.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.
- A copy of the "handicap" definition from this act was provided to the Board Administrator by the City Attorney's Office. Section 3602 of this act states the following:
  - “(h) “Handicap” means, with respect to a person -
    1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
    2. a record of having such an impairment, or
    3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”
- Unlike most requests where the board is considering a structure that encroaches into a setback via a variance (where property hardship must be demonstrated), the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- The applicant has the burden of proof in establishing the following:
  - The special exception (which in this case is requested to maintain a carport in the front yard setback) is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and

- there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
- If the Board were to grant the request and impose conditions that compliance with the submitted site plan is required, and that the special exception expires when a handicapped person no longer resides on the property, the structure could be maintained in the location shown on the submitted site plan in the front yard setback for as long as the applicant or any other handicapped person resides on the site.

**Timeline:**

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

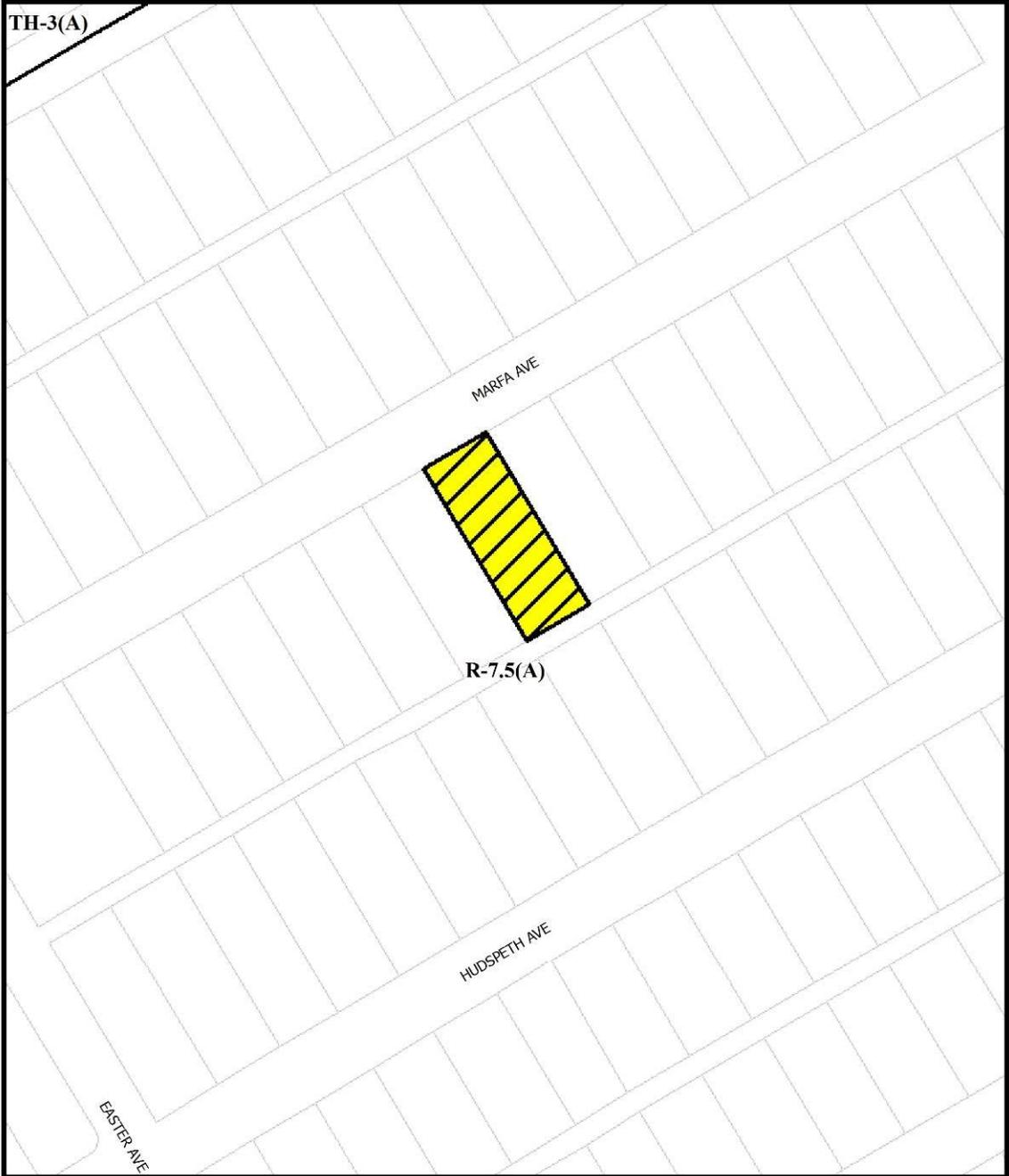
August 14, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

August 14, 2019: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 6<sup>th</sup> 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;
- A copy of the “handicap” definition from the Federal Fair Housing Amendments Act of 1988; 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.

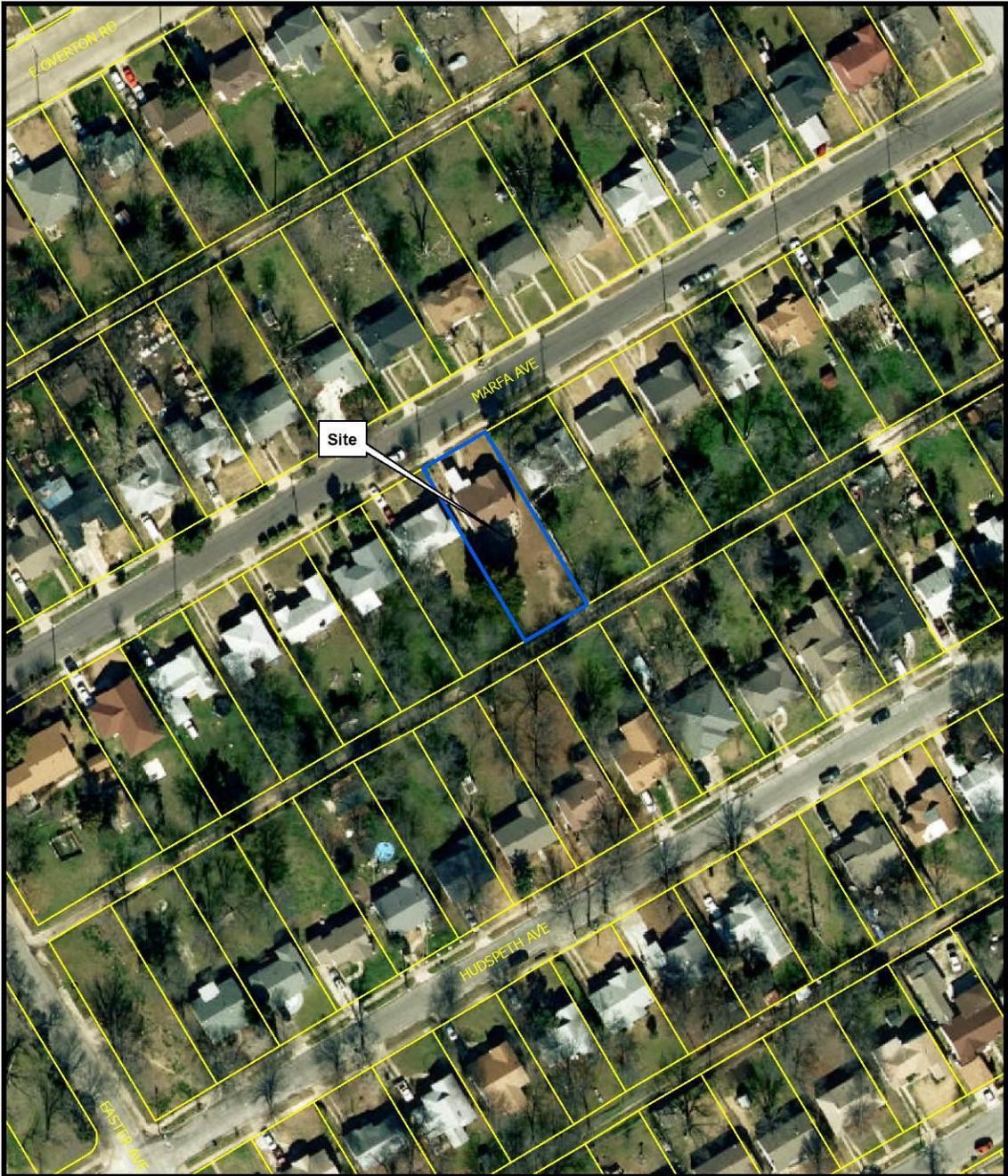


1:1,200

# ZONING MAP

Case no: BDA189-095

Date: 8/15/2019



1:1,200

# AERIAL MAP

Case no: BDA189-095

Date: 8/15/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-095

Data Relative to Subject Property:

Date: 6-13-19

Location address: 2302 MARFA Ave. Zoning District: R 7.5(A)

Lot No.: 3 Block No.: 2/5855 Acreage: .198 Census Tract: 88.02

Street Frontage (in Feet): 1) 55' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CAROLYN M. JACKSON

Applicant: CAROLYN M. JACKSON Telephone: 469-265-2360

Mailing Address: 2302 MARFA Ave. Zip Code: 75216

E-mail Address: CAOrIBT@AOL.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 EQUAL opportunity for handicapped persons for A carport in front yard.

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 carport help me when it rain, I dont get wet. MAKE it ensier to get groceries in the hoase when it rain. Keep my car cool when its hot I don't have to sit in a hot car, trying to cool it before I can drive. Its a lot sapier when I have something to cover my car.

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 Carolyn Brown Jackson (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: Carolyn B. Jackson (Affiant/Applicant's signature)

Subscribed and sworn to before me this 13 day of June, 2019

(Rev. 08-01-11)



Lucina Casas  
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 Carolyn Jackson

did submit a request for a special exception to the front yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling

at 2302 Marfa Avenue

BDA189-095. Application of Carolyn Jackson for a special exception to the front yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling at 2302 MARFA AVE. This property is more fully described as Lot 3, Block2/5855 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential carport structure and provide a 13 foot front yard setback, which will require a 12 foot special exception to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 4/12/2019

### Legend

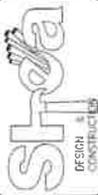
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | 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        | SPD Overlay                    | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Strip Front Overlay        |
|                      |                                | Height Map Overlay    |                            |

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CD



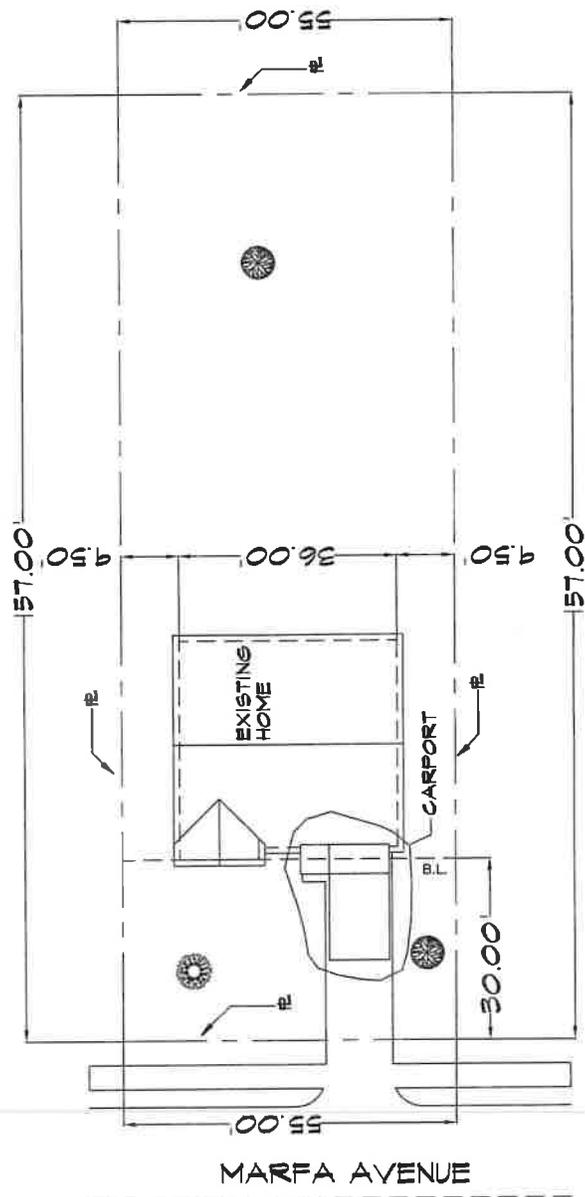
SHEA DESIGN  
&  
CONSTRUCTION  
1927 HUNTINGDON AVE  
DALLAS, TEXAS 75203  
CELL(214) 616-7067

ARCHITECT: 2000MARFA01B  
DRAWN BY: J. JOHNSON  
DATE: 11/11/11  
SCALE:  
A1  
OF

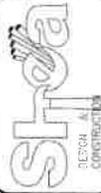
PROJECT  
THE JACKSON RESIDENCE  
2302 MARFA AVENUE  
DALLAS, TEXAS  
LOT: 3 BLK: 2/5855

REV.	DATE

THIS DRAWING IS THE  
PROPERTY OF SHEA DESIGN  
& CONSTRUCTION (SDC).  
THE USE OF THIS DRAWING  
WITHOUT THE WRITTEN  
CONSENT OF SDC OR  
SDC IS PROHIBITED.



SITE PLAN  
SCALE: 1" = 20'



SHEA DESIGN & CONSTRUCTION  
 1927 HUNTINGDON AVE  
 Dallas, Texas 75203  
 CELL (214) 616-7067

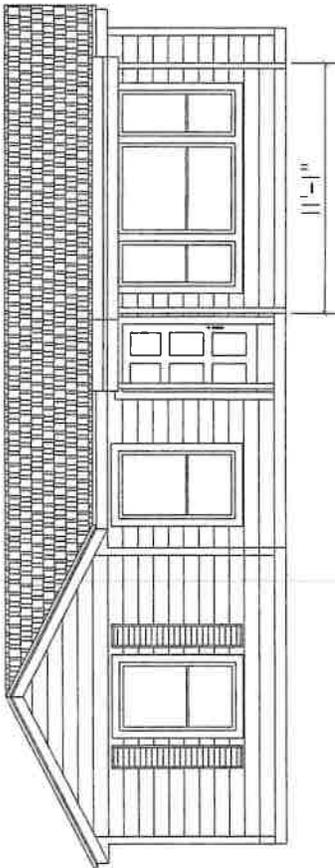
PROJECT: 2008 MARFA	A2
DATE: 01/22/2008	OF
SCALE:	

PROJECT:  
 THE JACKSON RESIDENCE  
 2302 MARFA AVENUE  
 DALLAS, TEXAS

REV	DATE

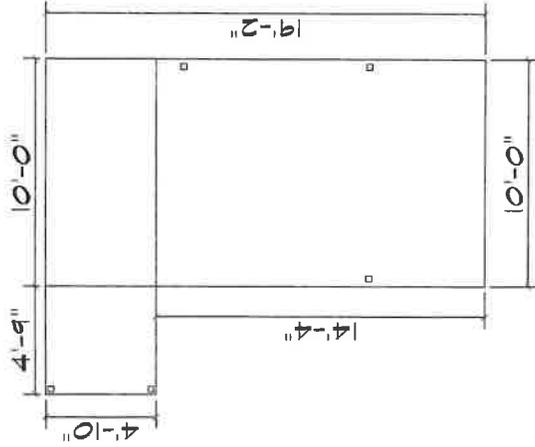
REV	DATE

THIS DRAWING IS THE PROPERTY OF SHEA DESIGN & CONSTRUCTION (SDC). THE USE OF THIS DRAWING FOR ANY OTHER PROJECT WITHOUT WRITTEN PERMISSION OF SDC IS PROHIBITED.

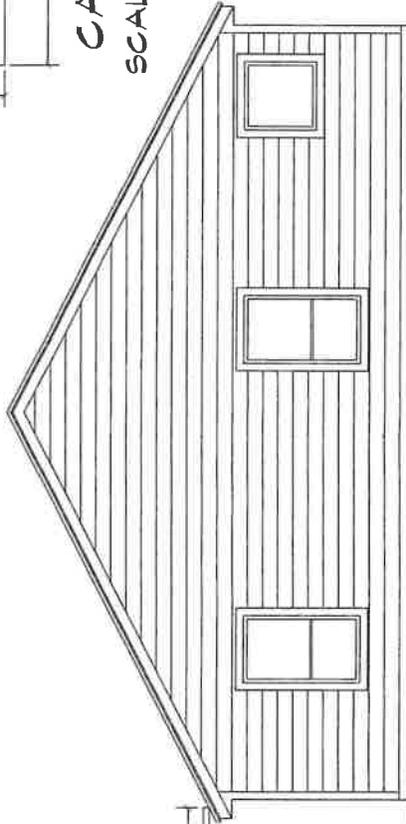


CARPOT

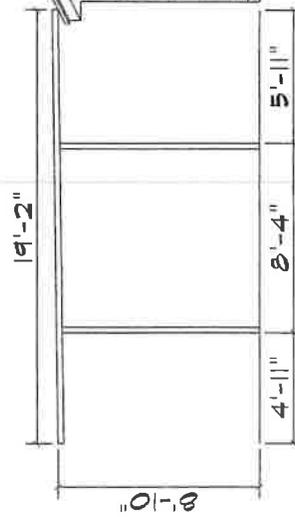
FRONT ELEVATION  
 SCALE: 3/16" = 1'



CARPOT  
 SCALE: 3/16" = 1'



RIGHT SIDE ELEVATION  
 SCALE: 3/16" = 1'



CARPOT



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>27</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>27</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA189-095</b></u> Date: <u><b>8/15/2019</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>27</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

**BDA189-095**

**27 Property Owners Notified**

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2302 MARFA AVE	JACKSON CAROLYN
2	2219 MARFA AVE	JOHNSON MARY
3	2223 MARFA AVE	JOHNSON ARTHUR L & MARY
4	2218 MARFA AVE	STEWART JOHN R
5	2222 MARFA AVE	JOHNSON MARY
6	2219 HUDSPETH AVE	ZOTELO ALEJANDRO
7	2223 HUDSPETH AVE	SMITH BRANDON L
8	2319 MARFA AVE	BURLESON ALBERTA
9	2315 MARFA AVE	WASHINGTON DEBBIE
10	2311 MARFA AVE	MORTON MARGIE MAE S
11	2307 MARFA AVE	JOHNSON ARTHUR
12	2303 MARFA AVE	VAZQUEZMIRELES JOSE MANUEL &
13	2231 MARFA AVE	RODRIGUEZ RICARDO PEREZ &
14	2227 MARFA AVE	MANNING BILLY
15	2226 MARFA AVE	CHAVEZ JESUS ARON OSORIA
16	2230 MARFA AVE	TORRESLUNA HUMBERTO DEJESUS &
17	2306 MARFA AVE	JS HOLDINGS
18	2310 MARFA AVE	CREEKS CLIFFORD
19	2314 MARFA AVE	DELGADO GABRIEL &
20	2318 MARFA AVE	MCGEE WALTER CRAVEN &
21	2319 HUDSPETH AVE	MESHACK V JEWEL EST OF
22	2315 HUDSPETH AVE	NEALY KINJI LAQUETE
23	2311 HUDSPETH AVE	GONZALEZ ADRIANA
24	2307 HUDSPETH AVE	GAMINO HILARIA SERENO
25	2303 HUDSPETH AVE	DEZHAM MOHAMMAD HOSSAIN
26	2231 HUDSPETH AVE	HARRIS PATRICIA

08/15/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2227 HUDSPETH AVE	PALACIOS JOSEFINA

**FILE NUMBER:** BDA189-101(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Milligan, represented by Steve Stoner, for a special exception to the off-street parking regulations at 12222 N. Central Expressway. This property is more fully described as Lot 1, Block B/7749, and is zoned MU-3, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure with a medical clinic or ambulatory surgical center use, and provide 747 of the required 933 off-street parking spaces, which will require a 186 space special exception to the off-street parking regulations.

**LOCATION:** 12222 N. Central Expressway

**APPLICANT:** Roger Milligan  
Represented by Steve Stoner

**REQUEST:**

A request for a special exception to the off-street parking regulations of 186 spaces is made to construct and maintain a new approximately 114,000 square foot "medical clinic or ambulatory surgical center" use/structure on a site developed with an approximately 72,000 square foot "medical clinic or ambulatory surgical center" use/structure, and provide 747 (or 80 percent) of the 933 required off-street parking spaces on the subject site.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative

parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

### **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 186 spaces shall automatically and immediately terminate if and when "medical clinic or ambulatory surgical center" use is changed or discontinued.

Rationale:

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: MU-3 (Mixed Use)  
North: MU-3 (Mixed Use)  
South: PD 441 (Planned Development)  
East: R-7.5(A) (Single family residential)  
West: MU-3 (Mixed Use)

**Land Use:**

The subject site is developed with an approximately 72,000 square foot “medical clinic or ambulatory surgical center” use/structure. The area to the north is undeveloped; the area to the east is developed with a park; the area to the south is developed with an office use; and the west is N. Central Expressway and office uses.

**Zoning/BDA History:**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. BDA 089-093, Property at 12222 N. Central Expressway (the subject site)</li> </ol> | <p>On September 16, 2009, the Board of Adjustment Panel B denied a request for a special exception to the off-street parking regulations of 52 spaces without prejudice.</p> <p>The case report stated the request was made to construct and maintain a “medical clinic or ambulatory surgical center” use/structure and provide 308 of the required 360 off-street parking spaces.</p> |
|--|---|

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the off-street parking regulations of 186 spaces (or a 20 percent reduction of the off-street parking spaces required) focuses on constructing and maintaining a new approximately 114,000 square foot “medical clinic or ambulatory surgical center” use/structure on a site developed with an approximately 72,000 square foot “medical clinic or ambulatory surgical center” use/structure, and provide 747 (or 80 percent) of the 933 required off-street parking spaces on the subject site.
- The Dallas Development Code requires the following off-street parking requirements:

- Medical clinic or ambulatory surgical center: One space per 200 square feet of floor area.
- The applicant has submitted a study that represents that the “projected peak parking demand” for the total 186,632 square feet of “medical clinic or ambulatory surgical center” use/structure on the site is 530 spaces. (The applicant is proposing to provide 747 spaces; the code requires 933 spaces).
- On September 5, 2019, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the “medical clinic or ambulatory surgical center” use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 186 spaces (or a 20 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose condition recommended by staff, the applicant could construct and maintain the site with approximately 187,000 square feet of “medical clinic or ambulatory surgical center” use and provide only 747(or 80 percent) of the 933 required off-street parking spaces on the subject site.

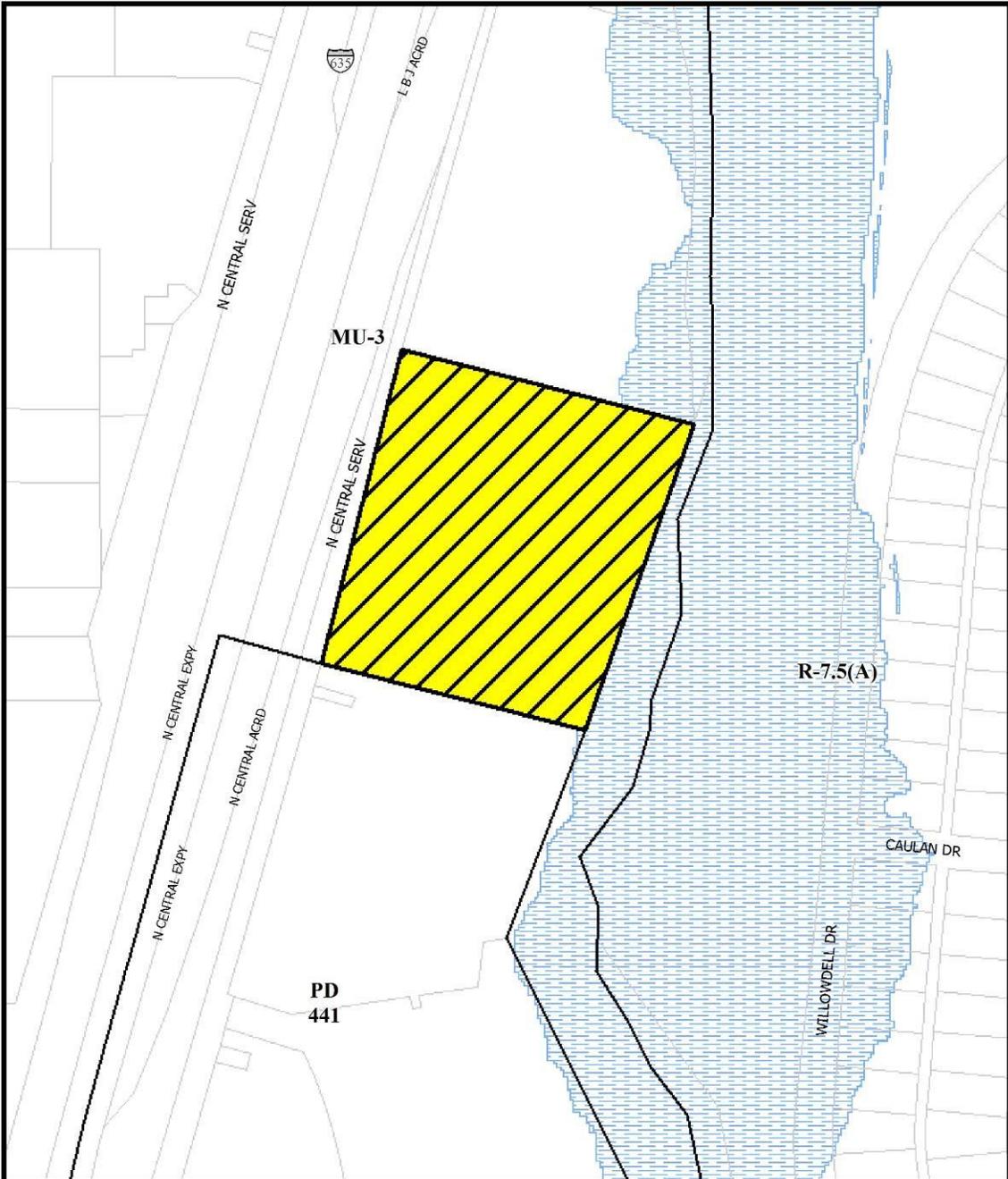
**Timeline:**

- July 9, 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 B.
- 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 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 6<sup>th</sup> 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.

September 5, 2019: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

September 5, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections".

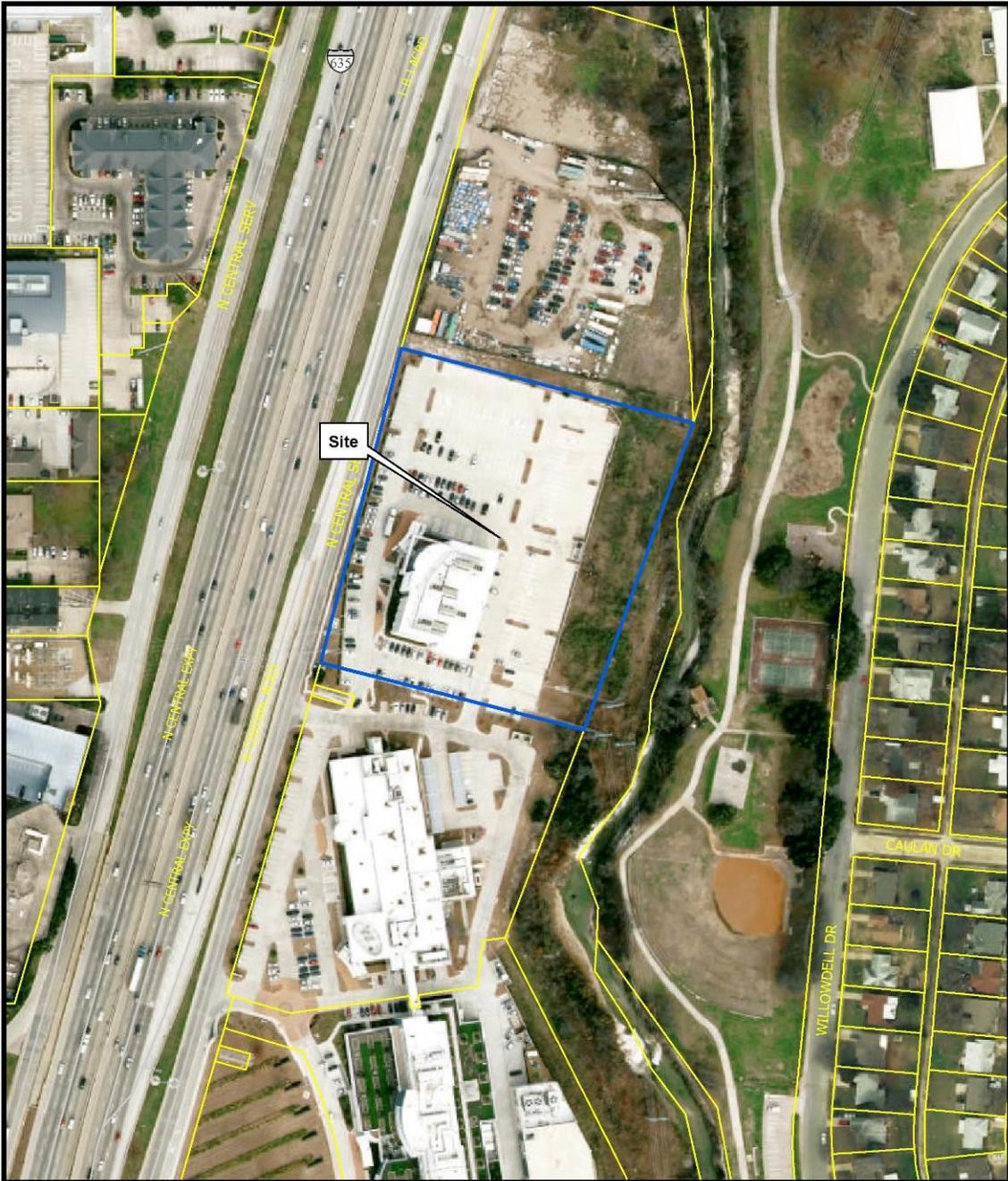


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# ZONING MAP

Case no: BDA189-101

Date: 8/15/2019



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## AERIAL MAP

Case no: BDA189-101

Date: 8/15/2019

BDA-189-101  
A-Hel A  
Pg 1

September 5, 2019

PK# 4318-19.270

**BDA 189-101**

# PARKING DEMAND ANALYSIS

Project:

**Pavilion III**  
In Dallas, Texas

Prepared for:

**City of Dallas**

On behalf of:

**Healthcare Trust of America, Inc**

Prepared by:

*Steve E. Stoner*

Steve E. Stoner, P.E., PTOE



7557 Rambler Road, Suite 1400  
Dallas, Texas 75231-2388  
(972) 235-3031 [www.pkce.com](http://www.pkce.com)  
TX.REG: ENGINEERING FIRM F-469  
TX. REG. SURVEYING FIRM LS-100080-00

September 5, 2019

**PARKING DEMAND ANALYSIS**  
**Pavilion III**  
Dallas, Texas

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- Exhibit 2. Existing Site
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BDA 181-101  
ATTN: A  
PS 3

September 5, 2019

## INTRODUCTION

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The services of **Pacheco Koch** (PK) were retained by **Healthcare Trust of America, Inc** to conduct a Parking Demand Analysis (PDA) for the proposed medical office development, known as *Pavilion III*, located at 12222 North Central Expressway in Dallas, Texas. A site location map (**Exhibit 1**), a current site condition map (**Exhibit 2**), and a conceptual site plan prepared by **CRTKL** are provided for reference at the end of this report.

The Owner is seeking a Special Exception to the base parking requirement from the City of Dallas. Submittal of a PDA, prepared by a skilled professional, is one of the requirements of City's process. This PDA was prepared in accordance with applicable standards by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, parking analysis, and related fields.

### **Purpose**

A PDA is an investigation of actual and/or published parking demand characteristics for a specific site with specific land use(s). The analysis is designed to take into consideration any site-specific factors that may affect parking demand. Therefore, the results presented in this analysis may not apply to other examples of the same land use.

Parking demand is theoretically represented by local zoning ordinances. However, in many cases, these ordinances are overly-simplified and/or over-generalized and do not sufficiently reflect actual parking needs. The purpose of this PDA is to compare the actual parking needs of the site with the corresponding code requirements to illustrate the differences and provide justification for a potential reduction in the code parking requirement for the property. Approval of any reduction is a subject to the approval process of the City of Dallas.

### **Project Description**

The Project includes one existing medical office building and one proposed medical office building. Currently, the site provides 367 parking spaces in surface lots. As part of the future development, construction of a structured parking facility is proposed.

September 5, 2019

## PARKING CODE REVIEW

### Base Code (No Reductions)

The subject site is currently zoned MU-3 (Mixed-Use) as defined in Chapter 51A of the Dallas Development Code. Medical office (a.k.a., "medical clinic") is an allowed use under the current zoning designation. The base parking requirement for this use is: 1 space per 200 square feet of floor area.

A summary of the resulting net parking requirement is summarized in **Table 1**.

Table 1. Base Code Parking Requirement

LAND USE	CONDITION	QUANTITY (Building Area)	RATE	PARKING REQUIREMENT
Medical Clinic [51A- 4.207(4)(C)]	Existing Building	72,400 SF	1 space per 200 SF of floor area	362
	Proposed Building	114,232 SF		571
TOTAL	--	186,632 SF		933 <i>(no adjustments)</i>

### Requested Rate

In lieu of the parking ratio of 1 space per 200 square feet (or, 5 spaces per 1,000 SF), the Applicant is seeking to provide parking at a rate of 1 space per 250 square feet (or, 4 spaces per 1,000 SF). This equates to a parking supply of 747 spaces—a net reduction of 186 spaces, or approximately 20%.

## PARKING DEMAND ANALYSIS

This Parking Demand Analysis was prepared to evaluate the requested parking ratio incorporated in the proposed PD Subdistrict conditions.

### Approach

To validate the parking demand for the Project, information was compiled from published technical sources and from actual parking demand data collected at the existing site. The resulting data were then compared to the proposed parking ratios in the proposed zoning conditions.

September 5, 2019

### Published Parking Data

The *Parking Generation* manual, 5th Edition (2019), published by the **Institute of Transportation Engineers (ITE)**, is the preeminent source of technical parking demand data. The manual is a compilation of actual parking generation data and statistics by land use as collected over several decades by credible sources across the country. Though the manual is not comprehensive, data are provided for several common land uses. When applicable, use of the ITE equations and rates to project peak parking demand is widely recognized; however, application of engineering judgment to interpret the data is strongly advised.

ITE's average peak parking demand rate for medical office use is 3.23 spaces per 1,000 SF (or, 1 space per 310 square feet). This rate includes all trip purposes and does account for use of alternate travel modes, such as transit, taxis, shuttles, etc.

**Table 2** provides a summary of the projected parking demand for the main uses on site based upon ITE rates. Excerpts from the ITE *Parking Generation* manual are provided in the Appendix.

Table 2. Projected Peak Parking Generation  
 Summary Based Upon Published Data

LAND USE	CONDITION	QUANTITY (Building Area)	RATE	PROJECTED PEAK PARKING DEMAND
Medical-Dental Office Building [ITE LUC 720]	Existing Building	72,400 SF	3.23 parked vehicles per 1,000 SF of gross floor area	234
	Proposed Building	114,232 SF		369
TOTAL	--	186,632 SF		603

As shown in **Table 2** above, the projected peak parking demand for the proposed development at full buildout is 603 parked vehicles, based on ITE's rates.

### Observed Parking Demand

Actual, observed parking utilization counts are considered the best representation of site-specific parking demand characteristics. Ideally, factors affecting parking demand such as accessibility to transit, tenant/guest demographics, etc. can be accounted for in this approach. For this reason, Pacheco Koch collected parking demand data at the subject site (12222 N Central Expressway) on a typical weekday at the hours of 9:00 AM, 11:00 AM 1:00 PM, and 3:00 PM). A summary of the peak parking demand data is provided in **Table 3**.

September 5, 2019

Table 3. Observed On-Site Peak Parking Demand Summary  
(data collected by Pacheco Koch)

SITE	DATE OF COUNTS	PEAK NUMBER OF PARKED VEHICLES	PARKING DEMAND RATE (Adjusted for Current Occupancy)
12222 N Central Expressway Dallas, TX 75243 (occupancy at time of study: 44.29%)	Wednesday, June 12, 2019	91 (11:00 AM)	1 parked vehicle per 352 SF (2.84 parked vehicles per 1,000 SF)

The peak parking demand of 91 vehicles was observed over the course of both days. After adjusting for occupancy at the time of the study, the parking demand rate was 1 parked vehicle per 352 SF (or, 2.84 parked vehicles per 1,000 SF).

## SUMMARY OF FINDINGS

The following findings are based upon Pacheco Koch's analysis of parking demand characteristics for the proposed development outlined in the *Project Description* section of this report.

**FINDING:** Due to a projection of actual parking need, the Applicant is seeking to provide a total parking supply of 747 parking spaces for the proposed 186,632-square-foot medical office development in lieu of the 933 spaces that would be required by direct application of the Dallas Development Code. This equates to a parking reduction of 186 spaces, or approximately 20% of the base requirement.

**FINDING:** The projected peak parking demand for the proposed use based upon published data from the **Institute of Transportation Engineers (ITE) Parking Generation** manual, 5<sup>th</sup> Edition (2019) is 3.23 parked vehicles per 1,000 square feet of building area (or, 1 parked vehicle per 310 square feet of building area). This results in a projected peak parking demand of 603 parked vehicles.

**FINDING:** Pacheco Koch conducted an on-site parking demand study of the existing medical office building on the subject site and observed a peak parking demand of 91 vehicles on a typical weekday. This parking demand equates to a parking demand rate of 2.84 parked vehicles per occupied 1,000 SF (or, 1 parked vehicle per 352 square feet). Projecting this parking demand rate for the full buildout of the project would yield an anticipated parking demand of 530 parked vehicles.

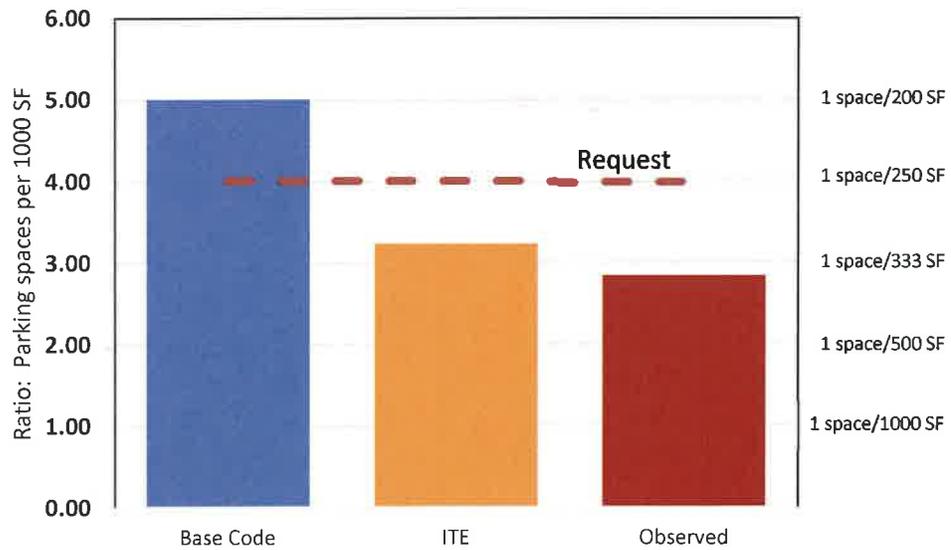
A summary of the analysis is provided in **Table 4** and graphically in **Exhibit 3**.

September 5, 2019

Table 4. Analysis Summary Table

QUANTITY	PARKING SPACES (SUPPLY) / PARKED VEHICLES (DEMAND)	PARKING RATE
Base Parking Code Requirement per Direct Application of the Dallas Development Code	933	1 space per 200 SF
Proposed Parking Supply	747	1 space per 250 SF
<b>Requested Reduction (Special Exception)</b>	<b>186 (20%)</b>	--
Projected Peak Parking Demand Based Upon Institute of Transportation Engineers <i>Parking Generation Manual</i> , 5 <sup>th</sup> Edition	603	3.23 per 1000 SF (or, 1 space per 310 GSF)
Projected Peak Parking Demand Based Upon Actual Parking Needs Observed At Existing Site	530	2.84 per 1000 SF (or, 1 space per 352 GSF)

Exhibit 3. Peak Parking Demand Summary

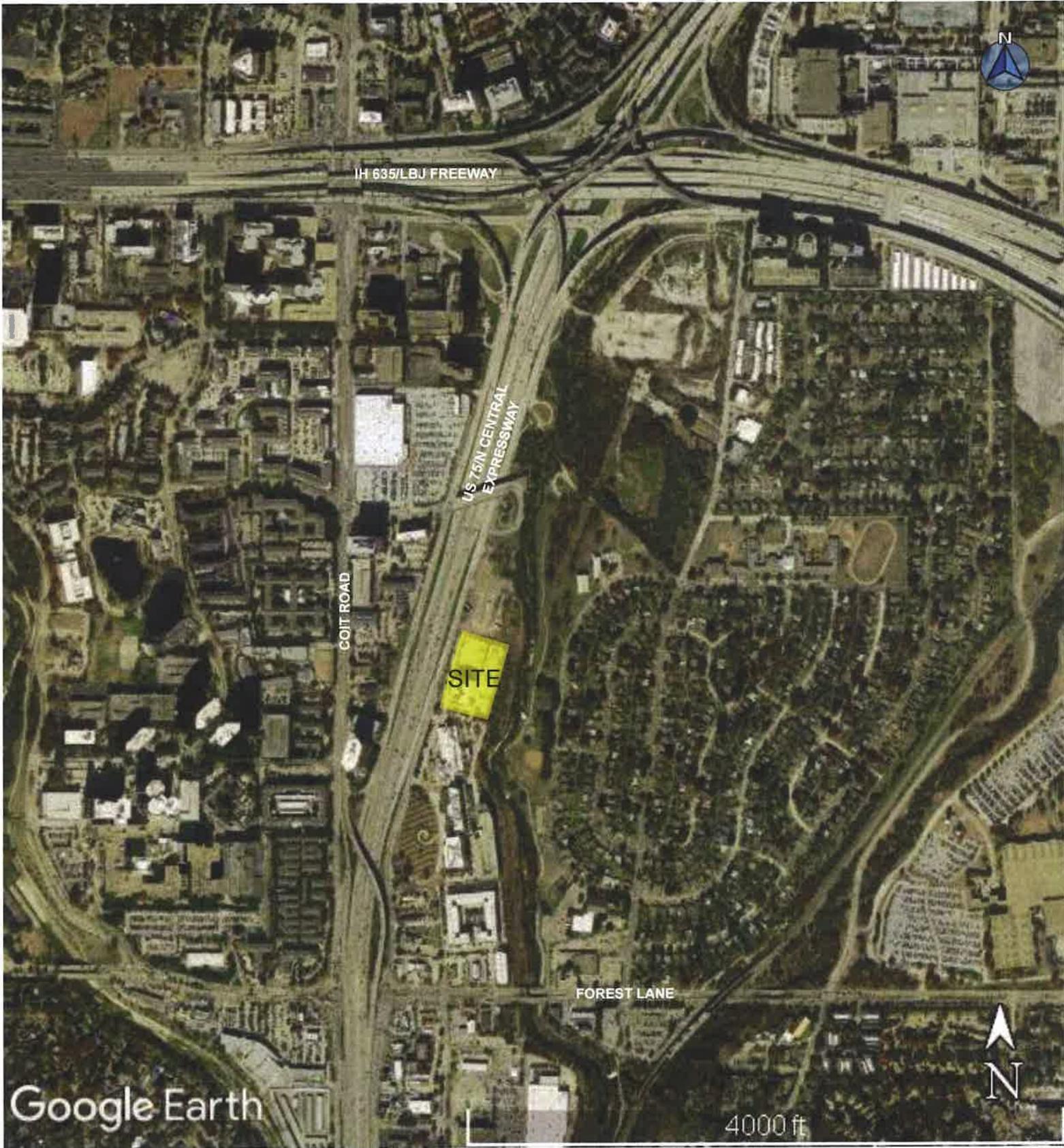


September 5, 2019

Based upon the analysis provided herein, the request for a Special Exception of Parking Demand for 186 parking spaces (a reduction of approximately 20%) is validated. The proposed parking requirement of 747 parking spaces is expected to easily accommodate the projected peak parking demand at full occupancy based upon published data from the **Institute of Transportation Engineers** and based upon a study of existing parking demand characteristics at the subject site.

**Appendix A** provides a list of requisite considerations for a Special Exception as outlined in the Dallas Development Code.

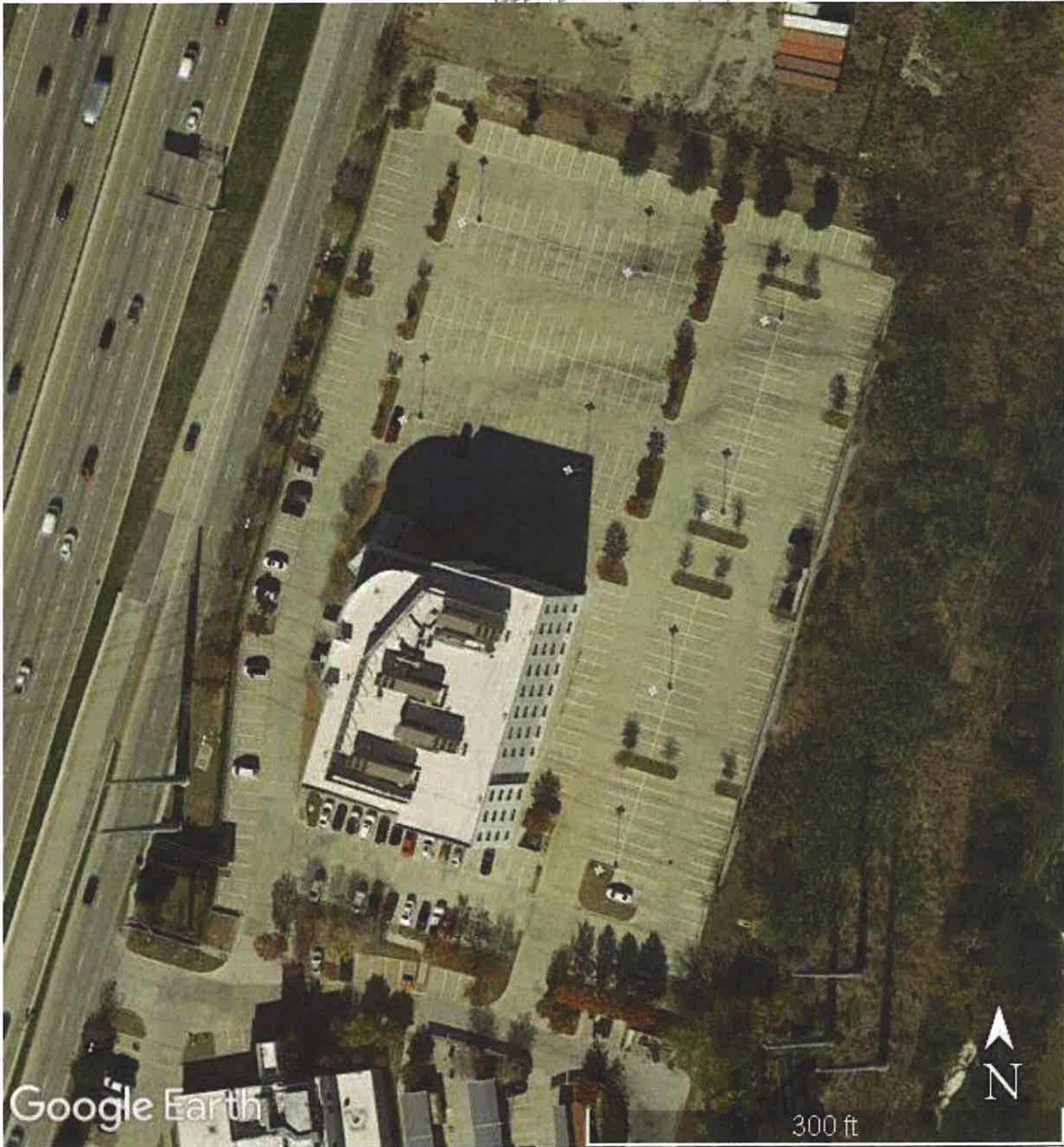
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**EXHIBIT 1. SITE LOCATION MAP**

*Parking Demand Analysis  
Pavilion III (12222 N Central Expy)*



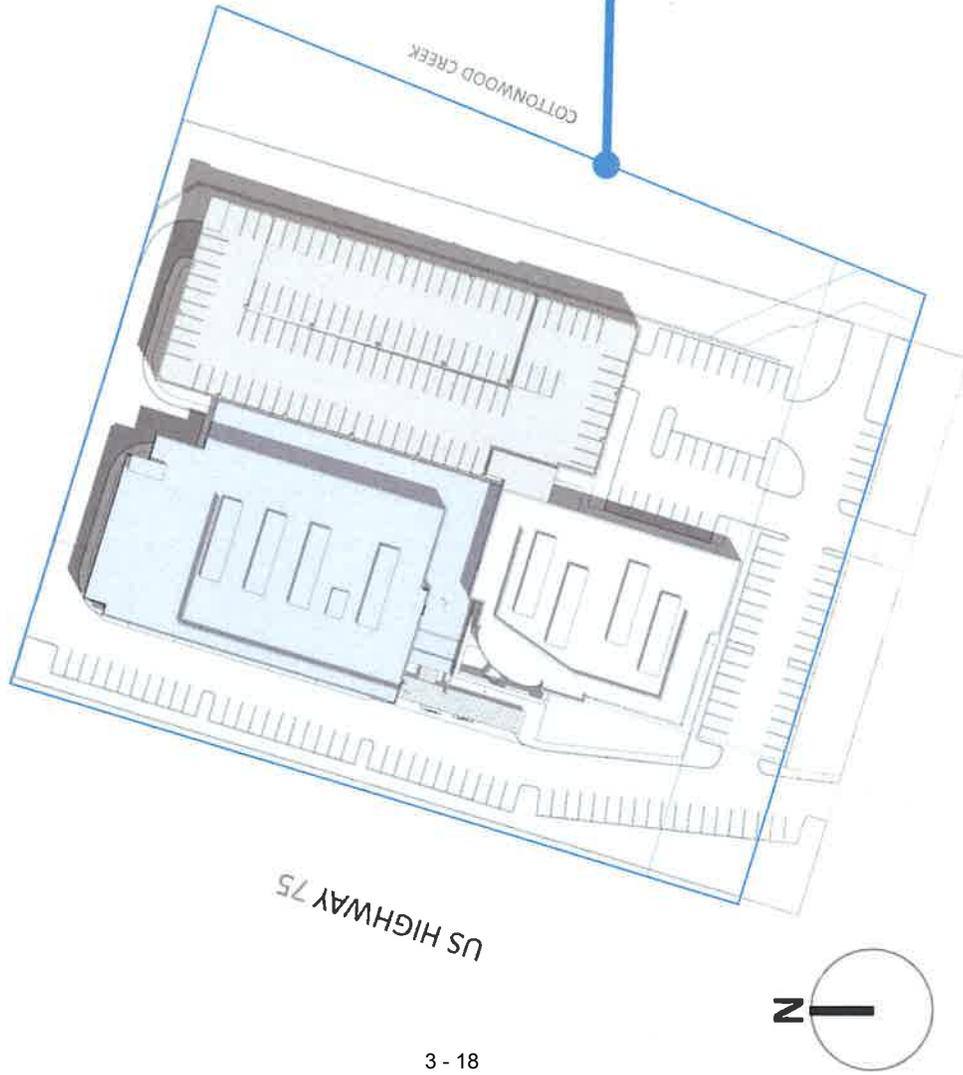
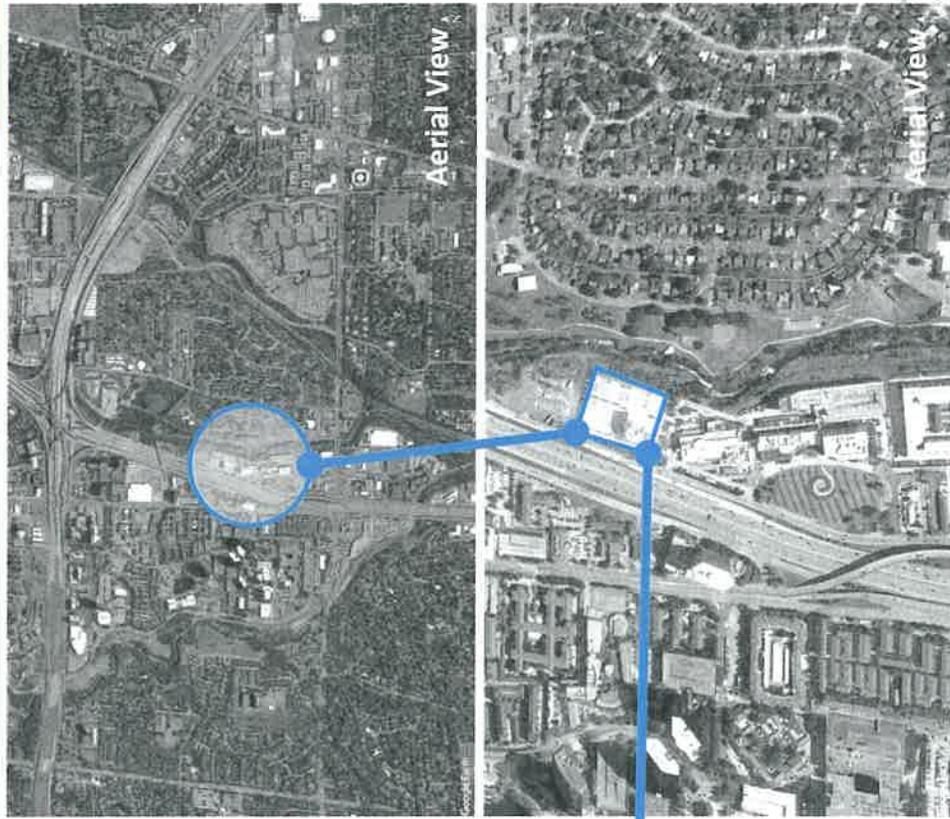


**EXHIBIT 2. EXISTING SITE**

*Parking Demand Analysis  
Pavilion III (12222 N Central Expy)*



PAVILION III CONCEPT STUDY: SITE



\* Please note that total areas and building shapes are subject to change by fire and other requirements.  
 \* The size of the lobby and MEP support will affect the RSF of 1F



BDA 189-101 A H-24 A

PS 11

APPENDIX

## APPENDIX A.

Parking Special Exception Considerations

A Parking Special Exception is requested from the City of Dallas Board of Adjustments for the proposed medical office development located at 12222 N Central Expressway. Based upon the findings of this analysis, parking needs would easily be served by the proposed parking supply of 747 spaces. The requested reduction of 186 required spaces is warranted based upon the preceding study.

Based upon §51A-4.311 of the Dallas Development Code, granting a Special Exception shall take into account the following considerations:

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

The proposed parking supply does not rely on remote, shared, or packed parking.

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

The anticipated parking demand and trip generation characteristics of the proposed use are expected to be typical and consistent with the similar developments of the same land use(s).

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

The subject site is not part of a modified delta overlay district.

- (D) *The current and probable future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides sufficient access to the surrounding roadway network and will not have an undue impact on the current volumes.

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

The site is located approximately one-half mile from the nearest DART public stops, including Bus Route 360 on Coit Road and Routes 360, 451, 486, and 488 on Forest Lane. The site is also within 1.5 miles of the DART Rail System's Red and Orange Lines (LBJ/Central Station), which serves other bus route transfers. It is anticipated that employees and visitors of the subject site will not likely use transit to access the subject site.

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

The medical office building is projected to provide an ample surplus of on-site parking spaces. If required, parking management can be accommodated within the site.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the development during typical peak hours.

END



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-101

Date: 7-9-19

Data Relative to Subject Property:

Location address: 12222 N Central Expwy, Dallas, TX 75243 Zoning District: MU-3

Lot No.: 1 Block No.: B/7749 Acreage: 5.004 Census Tract: 78.04

Street Frontage (in Feet): 1) 496.85 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): HTA - FP Pavilion, LLC

Applicant: Robert Milligan Telephone: 480-998-3478

Mailing Address: 16435 N Scottsdale Road, Scottsdale, AZ Zip Code: 85254

E-mail Address: robertmilligan@htareit.com

Represented by: Steve Stoner Telephone: 972-235-3031

Mailing Address: 7557 Rambler Road, Suite 1400, Dallas, TX Zip Code: 75231

E-mail Address: sstoner@pkce.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of The enclosed application contains the supporting information required to file a Special Exception for a reduction in the number of off-street parking spaces required for the property located at 12222 N Central Expressway. reduction of 186 or 20% of the required 933.

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:

Based upon our analysis of parking demand for the subject site using actual on-site parking demand and published parking demand data, the projected parking demand is significantly lower than the base parking requirement. The request is to reduce the standard parking requirement by 186 parking spaces, or 20% of the base parking requirement

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

Affidavit

Before me the undersigned on this day personally appeared Robert Milligan

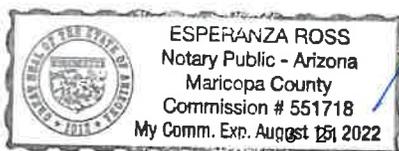
(Affiant/Applicant's name printed)

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 8th day of July 2019

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

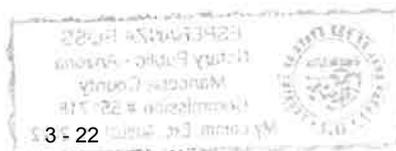
**Building Official's Report**

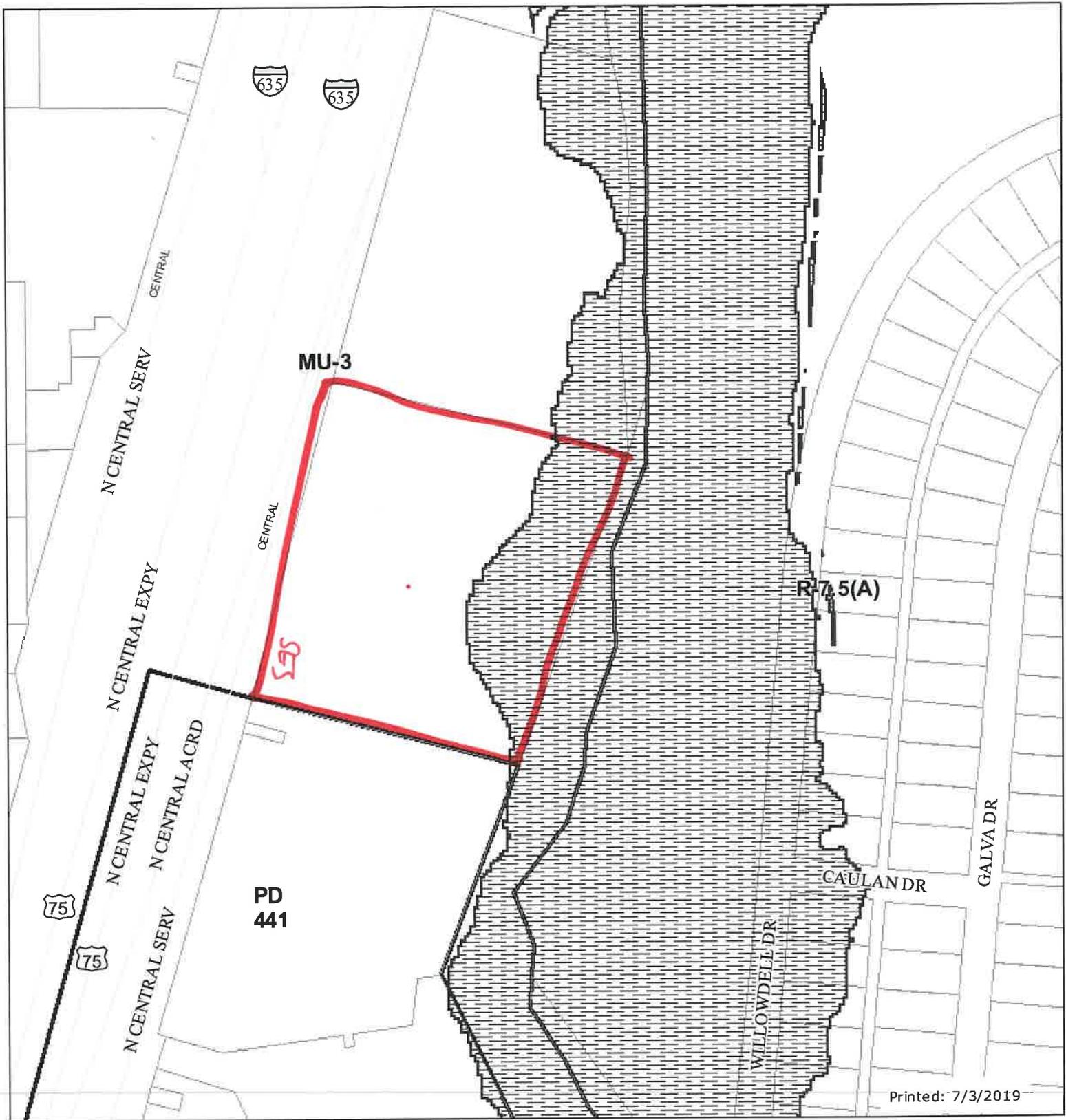
I hereby certify that Robert Milligan  
represented by STEVE E STONER  
did submit a request for a special exception to the parking regulations  
at 12222 N. Central Expressway

BDA189-101. Application of Robert Milligan represented by STEVE E STONER for a special exception to the parking regulations at 12222 N CENTRAL EXPY. This property is more fully described as Lot 1, Block B/7749, and is zoned MU-3, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a medical office use, and provide 747 of the required 933 parking spaces, which will require a 186 space special exception (20% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 7/3/2019

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Roadplain            | 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      | 3-23 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)





12222 N. Central

July 17, 2019

PK# 4318-19.270

# PARKING DEMAND ANALYSIS

Project:

**Pavilion III**

In Dallas, Texas

Prepared for:

**City of Dallas**

On behalf of:

**Healthcare Trust of America, Inc**

Prepared by:

*Steve E. Stoner*

Steve E. Stoner, P.E., PTOE



7557 Rambler Road, Suite 1400  
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**PARKING DEMAND ANALYSIS**  
**Pavilion III**  
Dallas, Texas

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The services of **Pacheco Koch** (PK) were retained by **Healthcare Trust of America, Inc** to conduct a Parking Demand Analysis (PDA) for the proposed medical office development, known as *Pavilion III*, located at 12222 North Central Expressway in Dallas, Texas. A site location map (**Exhibit 1**), a current site condition map (**Exhibit 2**), and a conceptual site plan prepared by **CRTKL** are provided for reference at the end of this report.

The Owner is seeking a Special Exception to the base parking requirement from the City of Dallas. Submittal of a PDA, prepared by a skilled professional, is one of the requirements of City's process. This PDA was prepared in accordance with applicable standards by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, parking analysis, and related fields.

### **Purpose**

A PDA is an investigation of actual and/or published parking demand characteristics for a specific site with specific land use(s). The analysis is designed to take into consideration any site-specific factors that may affect parking demand. Therefore, the results presented in this analysis may not apply to other examples of the same land use.

Parking demand is theoretically represented by local zoning ordinances. However, in many cases, these ordinances are overly-simplified and/or over-generalized and do not sufficiently reflect actual parking needs. The purpose of this PDA is to compare the actual parking needs of the site with the corresponding code requirements to illustrate the differences and provide justification for a potential reduction in the code parking requirement for the property. Approval of any reduction is a subject to the approval process of the City of Dallas.

### **Project Description**

The Project includes one existing medical office building and one proposed medical office building. Currently, the site provides 367 parking spaces in surface lots. As part of the future development, construction of a structured parking facility is proposed.

## PARKING CODE REVIEW

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### **Base Code (No Reductions)**

The subject site is currently zoned MU-3 (Mixed-Use) as defined in Chapter 51A of the Dallas Development Code. Medical office (a.k.a., "medical clinic") is an allowed use under the current zoning designation. The base parking requirement for this use is: 1 space per 200 square feet of floor area.

A summary of the resulting net parking requirement is summarized in **Table 1**.

*Table 1. Base Code Parking Requirement*

LAND USE	CONDITION	QUANTITY (Building Area)	RATE	PARKING REQUIREMENT
Medical Clinic [51A- 4.207(4)(C)]	Existing Building	72,400 SF	1 space per 200 SF of floor area	362
	Proposed Building	114,232 SF		571
TOTAL	--	186,632 SF		933 <i>(no adjustments)</i>

### **Requested Rate**

In lieu of the parking ratio of 1 space per 200 square feet (or, 5 spaces per 1,000 SF), the Applicant is seeking to provide parking at a rate of 1 space per 250 square feet (or, 4 spaces per 1,000 SF). This equates to a parking supply of 747 spaces—a net reduction of 186 spaces, or approximately 20%.

## PARKING DEMAND ANALYSIS

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This Parking Demand Analysis was prepared to evaluate the requested parking ratio incorporated in the proposed PD Subdistrict conditions.

### **Approach**

To validate the parking demand for the Project, information was compiled from published technical sources and from actual parking demand data collected at the existing site. The resulting data were then compared to the proposed parking ratios in the proposed zoning conditions.

### Published Parking Data

The *Parking Generation* manual, 5th Edition (2019), published by the **Institute of Transportation Engineers (ITE)**, is the preeminent source of technical parking demand data. The manual is a compilation of actual parking generation data and statistics by land use as collected over several decades by credible sources across the country. Though the manual is not comprehensive, data are provided for several common land uses. When applicable, use of the ITE equations and rates to project peak parking demand is widely recognized; however, application of engineering judgment to interpret the data is strongly advised.

ITE's average peak parking demand rate for medical office use is 3.23 spaces per 1,000 SF (or, 1 space per 310 square feet). This rate includes all trip purposes and does account for use of alternate travel modes, such as transit, taxis, shuttles, etc.

**Table 2** provides a summary of the projected parking demand for the main uses on site based upon ITE rates. Excerpts from the ITE *Parking Generation* manual are provided in the Appendix.

Table 2. Projected Peak Parking Generation  
Summary Based Upon Published Data

LAND USE	CONDITION	QUANTITY (Building Area)	RATE	PROJECTED PEAK PARKING DEMAND
Medical-Dental Office Building [ITE LUC 720]	Existing Building	72,400 SF	3.23 parked vehicles per 1,000 SF of gross floor area	234
	Proposed Building	114,232 SF		369
TOTAL	--	186,632 SF		603

As shown in **Table 2** above, the projected peak parking demand for the proposed development at full buildout is 603 parked vehicles, based on ITE's rates.

### Observed Parking Demand

Actual, observed parking utilization counts are considered the best representation of site-specific parking demand characteristics. Ideally, factors affecting parking demand such as accessibility to transit, tenant/guest demographics, etc. can be accounted for in this approach. For this reason, Pacheco Koch collected parking demand data at the subject site (12222 N Central Expressway) on two separate weekdays at the hours of 9:00 AM, 11:00 AM 1:00 PM, and 3:00 PM). A summary of the peak parking demand data is provided in **Table 3**.

Table 3. Observed On-Site Peak Parking Demand Summary  
(data collected by Pacheco Koch)

SITE	DATE OF COUNTS	PEAK NUMBER OF PARKED VEHICLES	PARKING DEMAND RATE (Adjusted for Current Occupancy)
12222 N Central Expressway Dallas, TX 75243  (occupancy at time of study: 44.29%)	Wednesday, June 12, 2019	91 (11:00 AM)	1 parked vehicle per 352 SF (2.84 parked vehicles per 1000 SF)
	Wednesday, June 13, 2019	65 (11:00 AM)	1 parked vehicle per 493 SF (2.02 parked vehicles per 1000 SF)

The peak parking demand of 91 vehicles was observed over the course of both days. After adjusting for occupancy at the time of the study, the parking demand rate was 1 parked vehicle per 352 SF (or, 2.84 parked vehicles per 1,000 SF).

## SUMMARY OF FINDINGS

The following findings are based upon Pacheco Koch's analysis of parking demand characteristics for the proposed development outlined in the *Project Description* section of this report.

**FINDING:** Due to a projection of actual parking need, the Applicant is seeking to provide a total parking supply of 747 parking spaces for the proposed 186,632-square-foot medical office development in lieu of the 933 spaces that would be required by direct application of the Dallas Development Code. This equates to a parking reduction of 186 spaces, or approximately 20% of the base requirement.

**FINDING:** The projected peak parking demand for the proposed use based upon published data from the **Institute of Transportation Engineers (ITE) Parking Generation** manual, 5<sup>th</sup> Edition (2019) is 3.23 parked vehicles per 1,000 square feet of building area (or, 1 parked vehicle per 310 square feet of building area). This results in a projected peak parking demand of 603 parked vehicles.

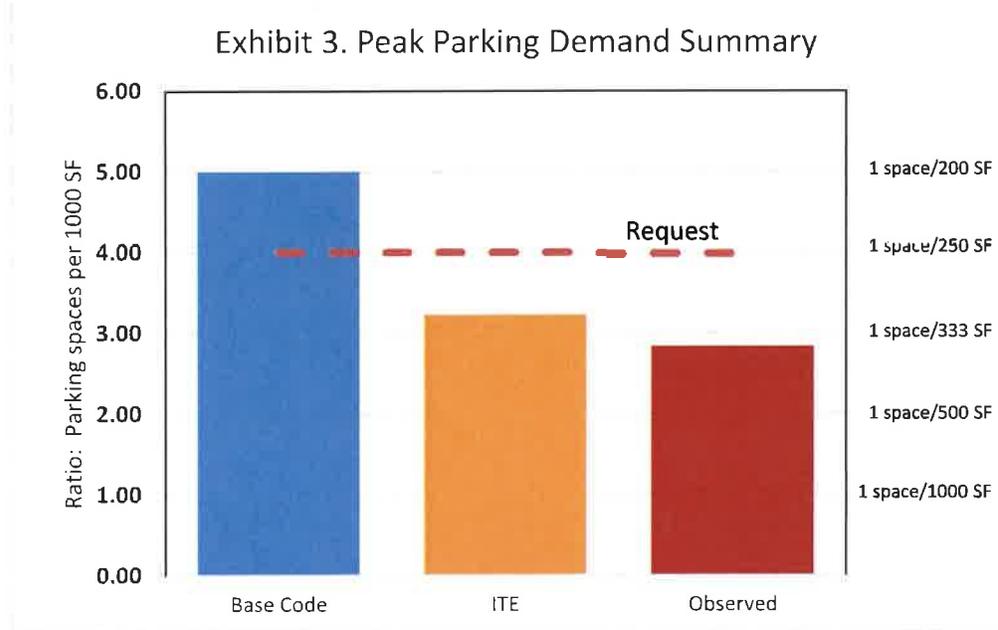
**FINDING:** Pacheco Koch conducted an on-site parking demand study of the existing medical office building on the subject site and observed a peak parking demand of 91 vehicles on two separate weekdays. This parking demand equates to a parking demand rate of 2.84 parked vehicles per occupied 1,000 SF (or, 1 parked vehicle per 352 square feet). Projecting this parking demand rate for the full buildout of the project would yield an anticipated parking demand of 530 parked vehicles.

A summary of the analysis is provided in **Table 4** and graphically in **Exhibit 3**.

Table 4. Analysis Summary Table

QUANTITY	PARKING SPACES (SUPPLY) / PARKED VEHICLES (DEMAND)	PARKING RATE
Base Parking Code Requirement per Direct Application of the Dallas Development Code	933	1 space per 200 SF
Proposed Parking Supply	747	1 space per 250 SF
<b>Requested Reduction (Special Exception)</b>	<b>186 (20%)</b>	--
Projected Peak Parking Demand Based Upon Institute of Transportation Engineers <i>Parking Generation Manual</i> , 5 <sup>th</sup> Edition	603	3.23 per 1000 SF (or, 1 space per 310 GSF)
Projected Peak Parking Demand Based Upon Actual Parking Needs Observed At Existing Site	530	2.84 per 1000 SF (or, 1 space per 352 GSF)

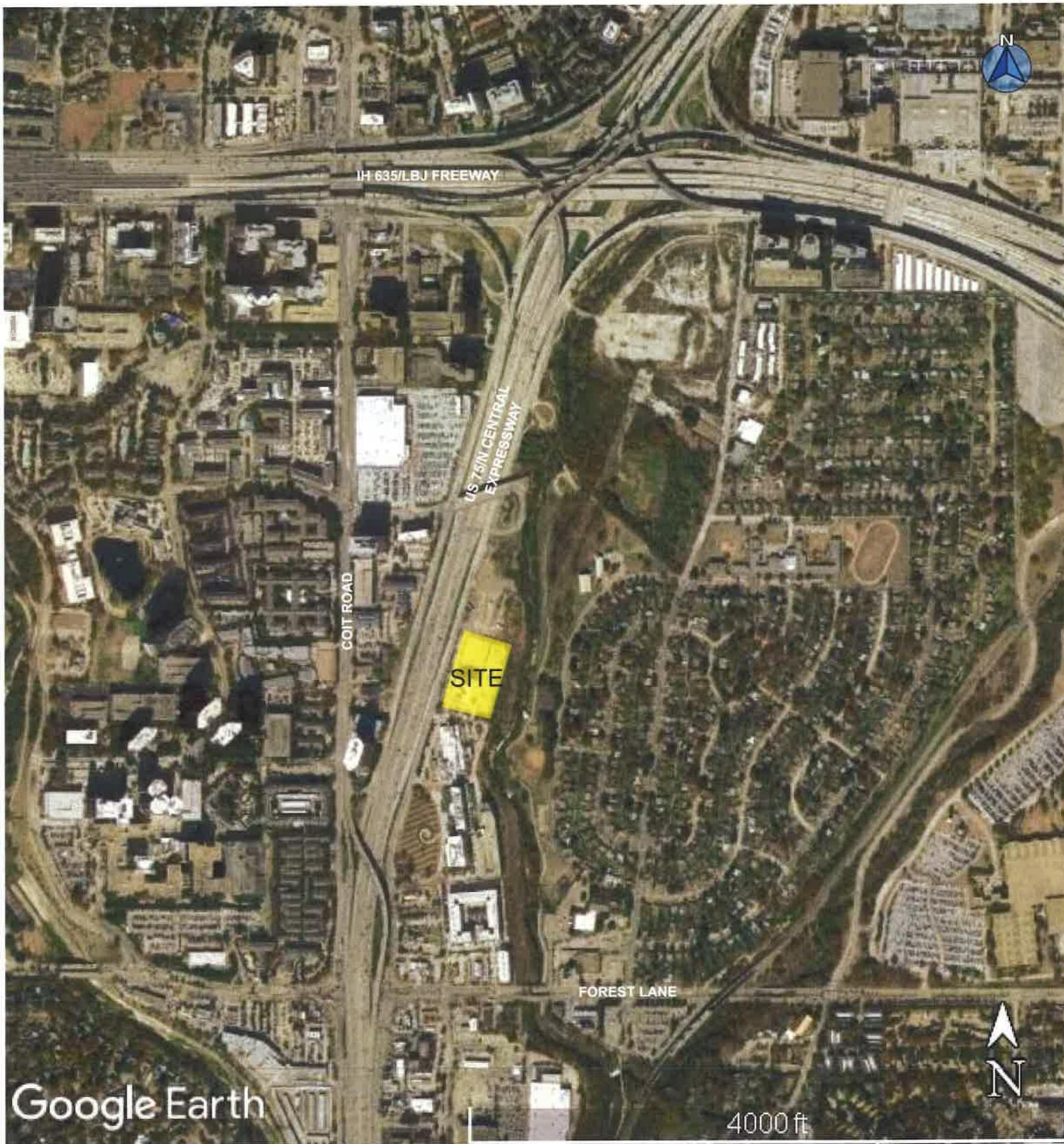
Exhibit 3. Peak Parking Demand Summary



Based upon the analysis provided herein, the request for a Special Exception of Parking Demand for 186 parking spaces (a reduction of approximately 20%) is validated. The proposed parking requirement of 747 parking spaces is expected to easily accommodate the projected peak parking demand at full occupancy based upon published data from the **Institute of Transportation Engineers** and based upon a study of existing parking demand characteristics at the subject site.

**Appendix A** provides a list of requisite considerations for a Special Exception as outlined in the Dallas Development Code.

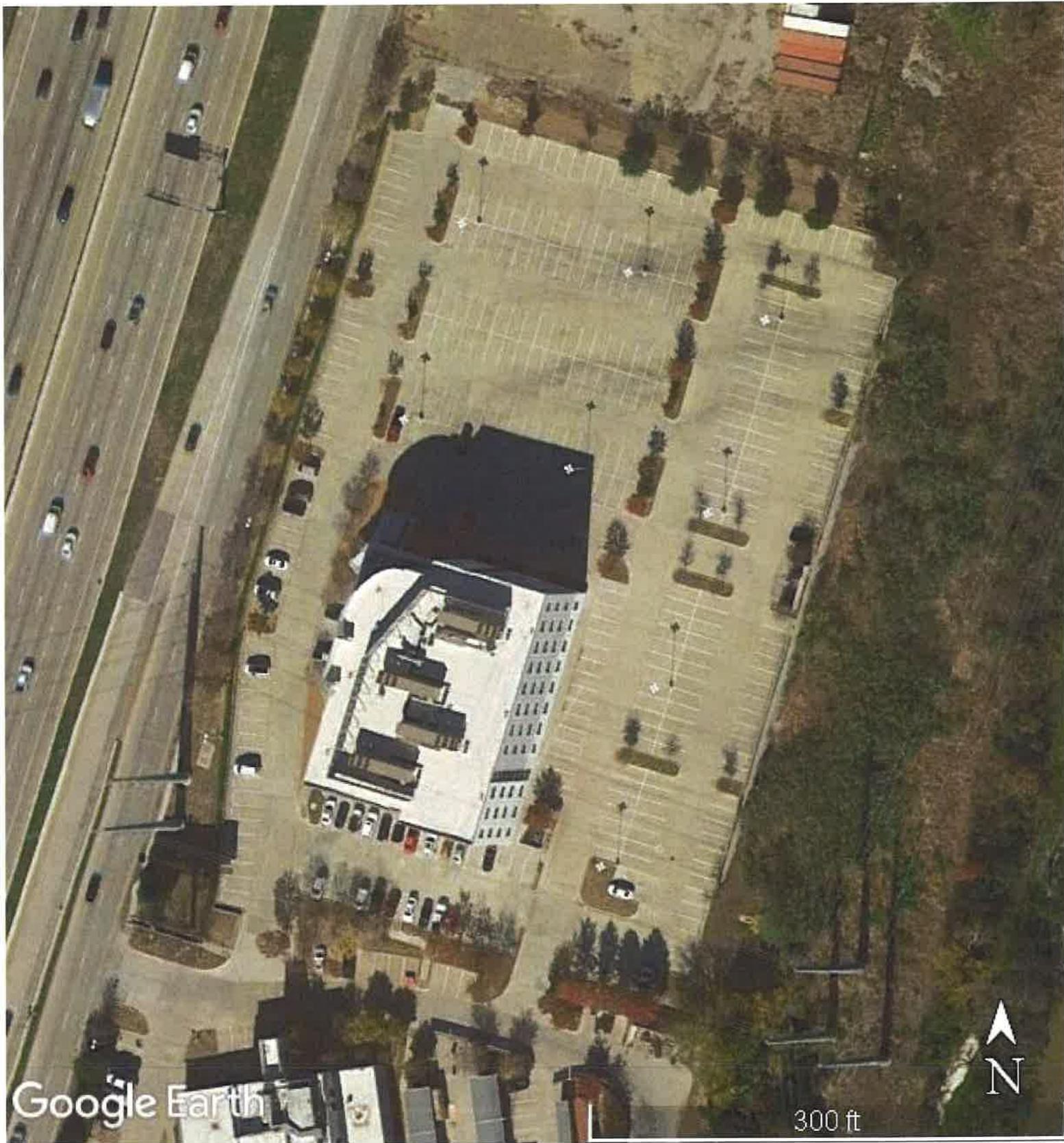
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**EXHIBIT 1. SITE LOCATION MAP**

*Parking Demand Analysis  
Pavilion III (12222 N Central Expy)*



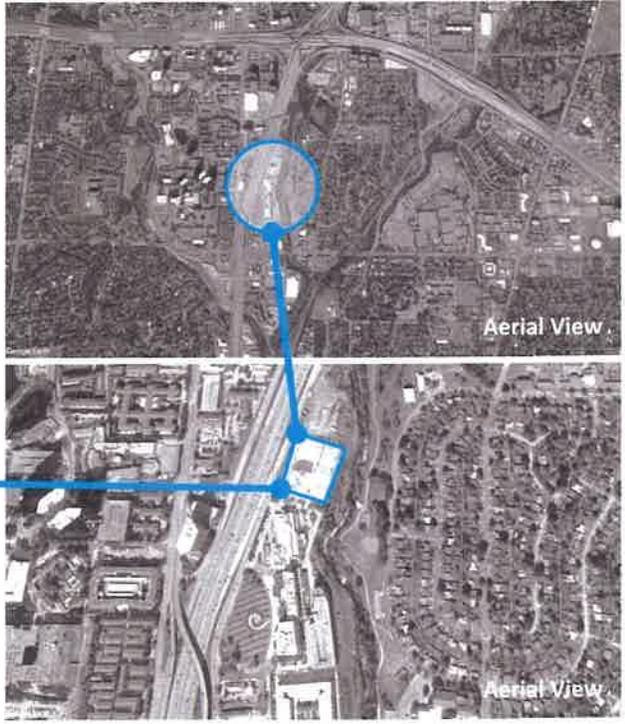
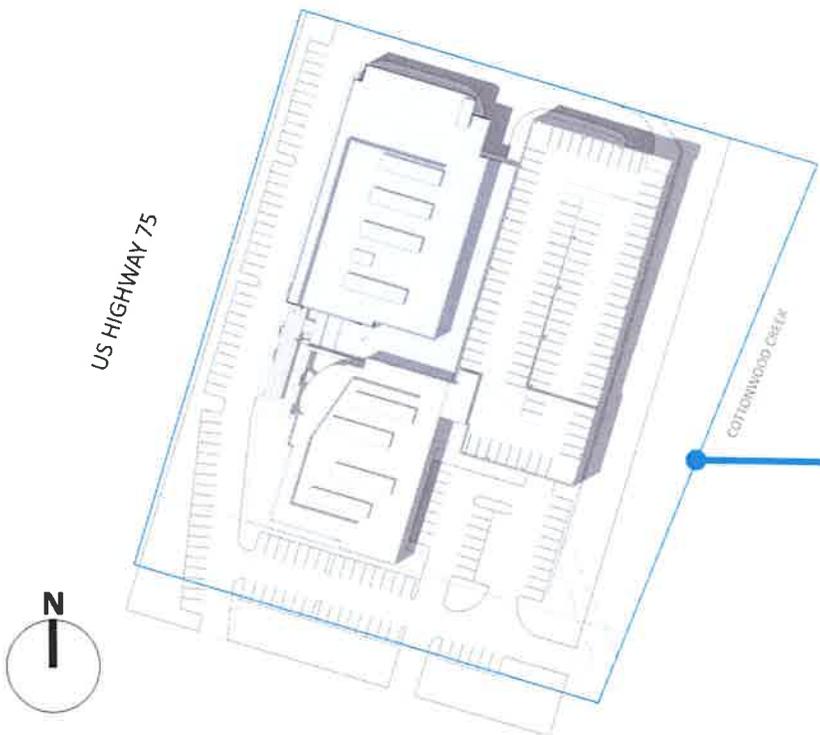


**EXHIBIT 2. EXISTING SITE**

*Parking Demand Analysis  
Pavilion III (12222 N Central Expy)*



# PAVILION III CONCEPT STUDY: SITE



\* Please note that total areas and building shapes are subject to change by fire and other requirements.  
 \* The size of the lobby and MEP support will affect the RSF of 1F



APPENDIX

## APPENDIX A.

Parking Special Exception Considerations

A Parking Special Exception is requested from the City of Dallas Board of Adjustments for the proposed medical office development located at 12222 N Central Expressway. Based upon the findings of this analysis, parking needs would easily be served by the proposed parking supply of 747 spaces. The requested reduction of 186 required spaces is warranted based upon the preceding study.

Based upon §51A-4.311 of the Dallas Development Code, granting a Special Exception shall take into account the following considerations:

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

The proposed parking supply does not rely on remote, shared, or packed parking.

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

The anticipated parking demand and trip generation characteristics of the proposed use are expected to be typical and consistent with the similar developments of the same land use(s).

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

The subject site is not part of a modified delta overlay district.

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

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides sufficient access to the surrounding roadway network and will not have an undue impact on the current volumes.

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

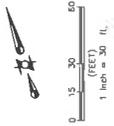
The site is located approximately one-half mile from the nearest DART public stops, including Bus Route 360 on Coit Road and Routes 360, 451, 486, and 488 on Forest Lane. The site is also within 1.5 miles of the DART Rail System's Red and Orange Lines (LBJ/Central Station), which serves other bus route transfers. It is anticipated that employees and visitors of the subject site will not likely use transit to access the subject site.

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

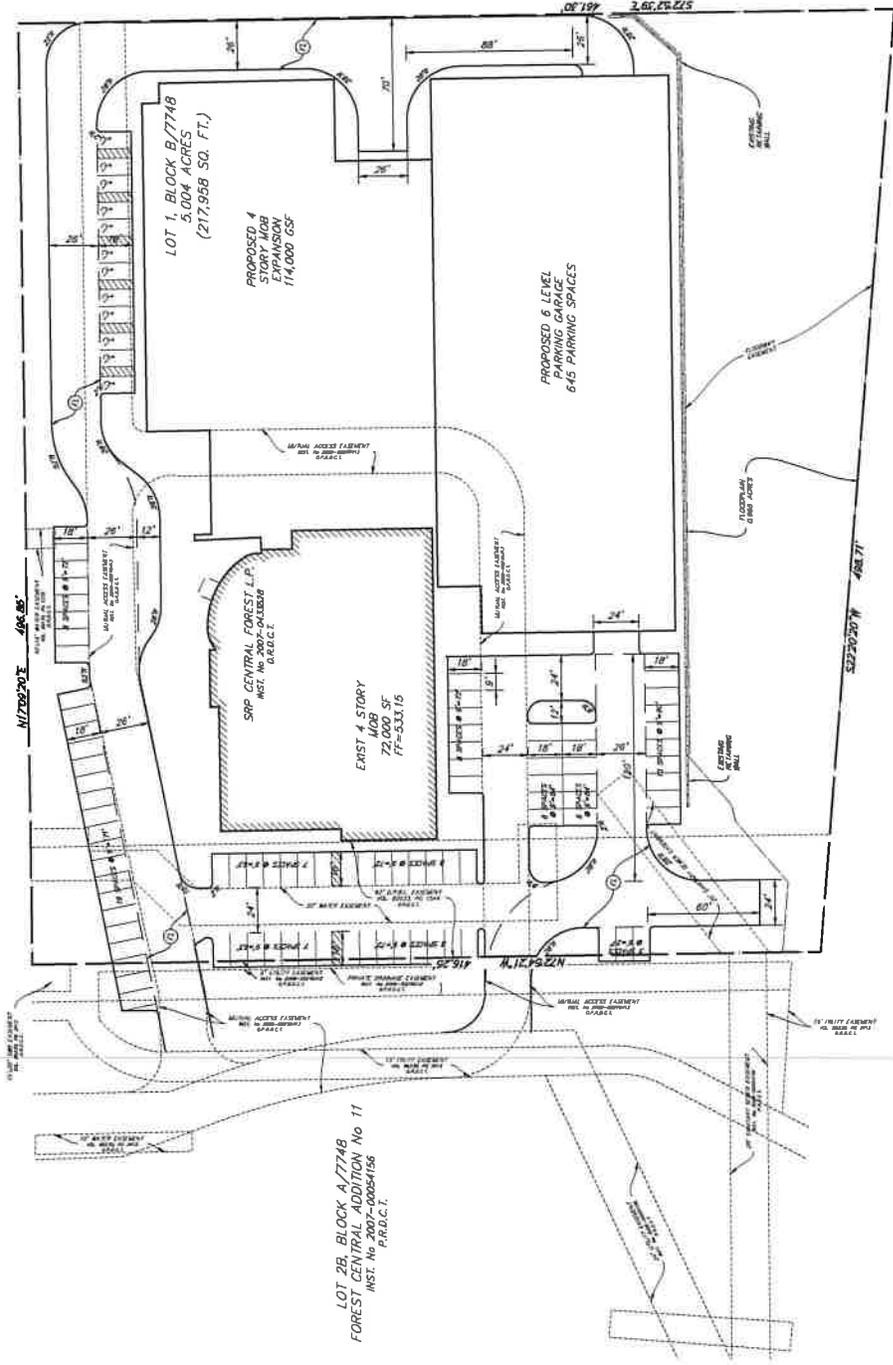
The medical office building is projected to provide an ample surplus of on-site parking spaces. If required, parking management can be accommodated within the site.

It is our opinion that the requested parking reduction will not create a traffic hazard nor restrict the development during typical peak hours.

END



NORTH CENTRAL EXPRESSWAY



LOT 2B, BLOCK A/7748  
 FOREST CENTRAL ADDITION No 11  
 INST. No. 2007-0004156  
 P.R.D.C.T.

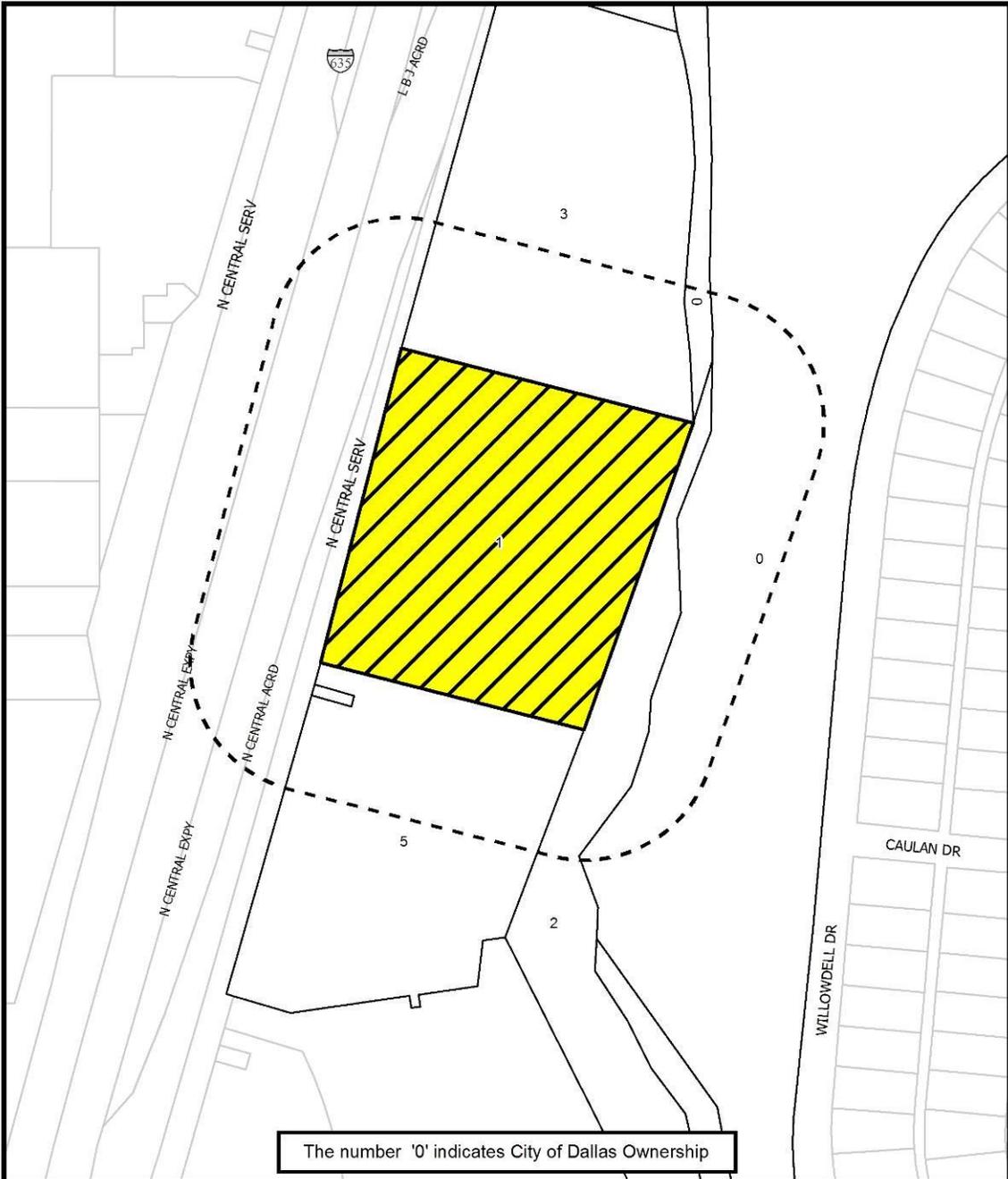
PROPOSED PARKING COUNTS:  
 SURFACE PARKING - 102 SPACES  
 PARKING GARAGE - 646 SPACES  
 TOTAL PARKING - 747 SPACES

PROGRESS SET  
 FOR REVIEW ONLY  
 ISSUED 02/29/2019

THESE DOCUMENTS ARE FOR REVIEW ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THESE DOCUMENTS MUST BE APPROVED BY THE ENGINEER OF RECORD FOR THE PROJECT.

ADDRESS

<b>RLG CONSULTING ENGINEERS</b> 13501 N. CENTRAL EXPRESSWAY #300 DALLAS, TX 75243 WWW.RLG-ENG.COM TEL: 972.748.7485			
SITE PLAN			
FOREST PARK MOB			
BUILDING EXPANSION			
CRTKL			
CITY OF DALLAS, DALLAS COUNTY, TEXAS			
REVIEW	DATE	FILE NUMBER	SHEET
RLG	6/18/2019	1913	055
1 OF 1			



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>5</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>5</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA189-101</b> Date: <b>8/15/2019</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>5</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

# ***Notification List of Property Owners***

## ***BDA189-101***

### ***5 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	12222 N CENTRAL EXPY	HTA-FP PAVILION LLC
2	11900 N CENTRAL EXPY	TEXAS UTILITIES ELEC CO
3	12224 N CENTRAL EXPY	CENTRAL LANDMARK LTD
4	11996 N CENTRAL EXPY	WRC CENTRAL FOREST LP
5	12090 N CENTRAL EXPY	COLUMBIA HOSPITAL AT MEDICAL CITY DALLAS

**FILE NUMBER:** BDA189-103(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Sylvia L. Powell, represented by Isaac Powell, Jr., for a special exception to the front yard setback regulations for a carport, and for special exceptions to the visual obstruction regulations at 2331 Marfa Avenue. This property is more fully described as Lot 15, Block 1/5855, and is zoned R-7.5(A), which requires a front yard setback of 25 feet, and required a 20 foot visibility triangle at driveways. The applicant proposes to construct and/or maintain a carport structure and provide a 9 foot front yard setback, which will require a 16 foot special exception to the front yard setback regulations for a carport, and to locate and maintain items in required visibility triangles at a driveway, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 2331 Marfa Avenue

**APPLICANT:** Sylvia L. Powell  
Represented by Isaac Powell, Jr.

**REQUESTS:**

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

1. A special exception to the front yard setback regulations of 16' is made to maintain an approximately 400 square foot carport located 9' from the site's front property line or 16' into the 25' required front yard setback.
2. Special exceptions to the visual obstruction regulations are made to maintain an existing 4' high chain link fence located in the 20' visibility triangles on the east and west sides of the driveway into the site.

**STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE FRONT YARD:**

The Board of Adjustment may grant a special exception to the minimum front yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION (front yard special exception):**

No staff recommendation is made on this or any request for a special exception to the front yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and the carport will not have a detrimental impact on surrounding properties.

**STAFF RECOMMENDATION (visual obstruction special exceptions):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests with the staff recommended condition imposed.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested condition imposed) because the item to be maintained in the drive approach visibility triangles does not constitute a traffic hazard.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single family district 7,500 square feet)  
North: R-7.5(A) (Single family district 7,500 square feet)  
South: R-7.5(A) (Single family district 7,500 square feet)  
East: R-7.5(A) (Single family district 7,500 square feet)  
West: R-7.5(A) (Single family district 7,500 square feet)

**Land Use:**

The subject site is developed with a single family home. The area to the north, east, west and south 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 (special exception front yard):**

- The special exception to the front yard setback side yard setback regulations of 16' focuses on maintaining an approximately 400 square foot carport 9' away from the front property line or 16' into this 25' front yard setback.
- The subject site is zoned R-7.5(A) which requires a 25' front yard setback.
- The submitted site plan and elevations represent the size and materials of the carport, and its location in the site's 25' front yard setback.
- The submitted site plan represents the following:
  - The carport is approximately 22' in length and approximately 18' in width (approximately 400 square feet in total area) of which over half is located in the front yard setback.
- The submitted elevations represent the following:
  - 10' in height.
  - 18' in width.
  - Metal roof.
  - Metal posts.
- The Board Administrator/Chief Planner conducted a field visit of the area approximately 200 feet east and west of the subject site and noted one other carport that appeared located in a front setback. This carport is located across the street from the subject site with no recorded BDA history.
- As of September 6, 2019, a petition with 15 signatures had been submitted in support and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
  - that there is no adequate vehicular access to an area behind the required front building line that would accommodate a parking space; and
  - the carport will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted site plan and elevations is required.
  2. The carport structure must remain open at all times.
  3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
  4. All applicable building permits must be obtained.
  5. No item (other than a motor vehicle) may be stored in the carport.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevations would limit the structure in the front yard setback to a carport as represented on these documents

- Granting this special exception will not provide any relief to any existing or proposed noncompliance on the site related to visual obstruction regulations.

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

- The requests for special exceptions to the visual obstruction regulations focus on maintaining an existing 4' high chain link fence located in the 20' visibility triangles on the east and west sides of the driveway into the site that is developed with a single family home use/structure.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in R-7.5(A) zoning district which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation has been submitted indicating portions of a 4' high solid wood fence located in the 20' visibility triangles on the east and west sides of the driveway into the site.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections" commenting "Board's approval should not entitle owner to replace/re-install a more obtrusive fence".
- The applicant has the burden of proof in establishing how granting these requests to maintain portions of a 4' high chain link fence located in the 20' visibility triangles on the east and west sides of the driveway into the site does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20' drive approach visibility triangles into the site to that what is shown on these documents.
- Granting these special exceptions will not provide any relief to any existing or proposed noncompliance on the site related to front yard setback regulations.

**Timeline:**

March 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 B.

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 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 6<sup>th</sup> 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.

September 5, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Has no objections" commenting "Board's approval should not entitle owner to replace/re-install a more obtrusive fence".

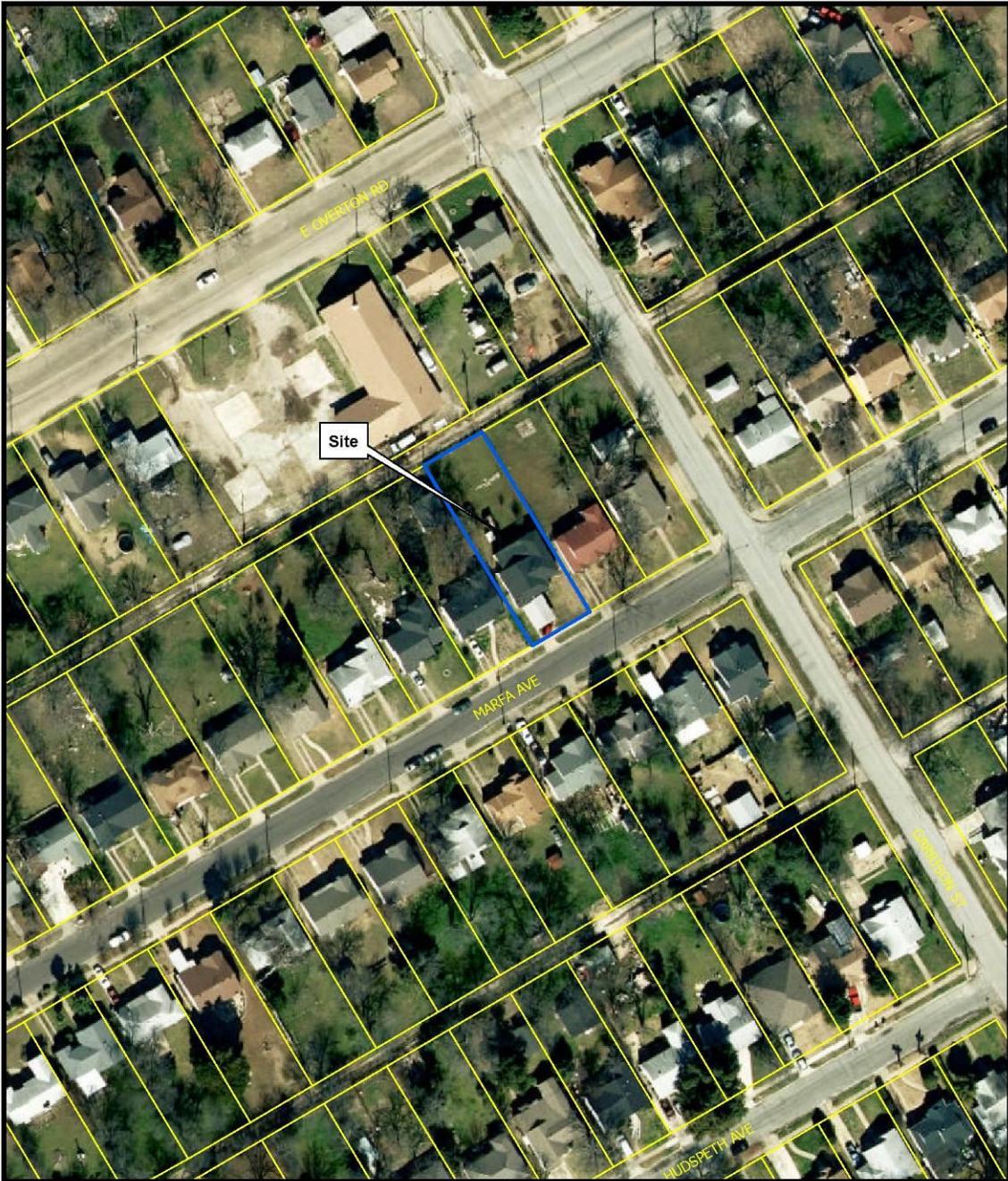


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# ZONING MAP

Case no: BDA189-103

Date: 8/15/2019



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# AERIAL MAP

Case no: BDA189-103

Date: 8/15/2019



City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-103

Data Relative to Subject Property:

Date: 3-28-2019

Location address: 2331 MARFA AVE Zoning District: R-7.5 (A)

Lot No.: 15 Block No.: 1/5855 Acreage: \_\_\_\_\_ Census Tract: 88.02

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Sylvia L. Powell

Applicant: SYLVIA L. POWELL Telephone: 214-376-6993

Mailing Address: 2331 MARFA AVE Zip Code: 75216

E-mail Address: SYLVIA331@ATT.NET

Represented by: ISAAC POWELL JR Telephone: 214-335-0103

Mailing Address: 3306 SPRUCE VALLEY LN DALLAS, TX Zip Code: 75233

E-mail Address: ISAAC POWELL JR @ YAHOO.COM

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception X, of A CARPORT IN FRONTYARD AND VISIBILITY TRIANGLE

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:  
Sylvia L. Powell is an elderly widow with failing health. Ms. Powell lives alone and does not have a garage. The carport allows her to pull in closely to her home and provides protection from weather elements (rain, hail, sun etc.) to Ms. Powell and her vehicle.

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 SYLVIA L. POWELL  
(Affiant/Applicant's name printed)

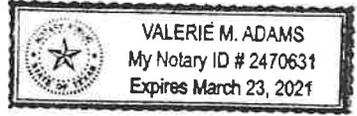
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Sylvia L. Powell  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 4th day of April, 2019

Valerie M. Adams  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that SYLVIA POWELL  
represented by ISAAC POWELL JR.  
did submit a request for a special exception to the front yard setback regulations, and for a  
special exception to the visibility obstruction regulations  
at 2331 Marfa Avenue

BDA189-103. Application of SYLVIA POWELL represented by ISAAC POWELL Jr for a special exception to the front yard setback regulations, and for a special exception to the visibility obstruction regulations at 2331 MARFA AVE. This property is more fully described as Lot 15, Block 1/5855, and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential carport structure and provide a 9 foot front yard setback, which will require a 16 foot special exception to the front yard setback regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle at driveway, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 5/2/2019

**Legend**

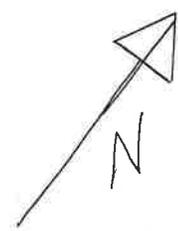
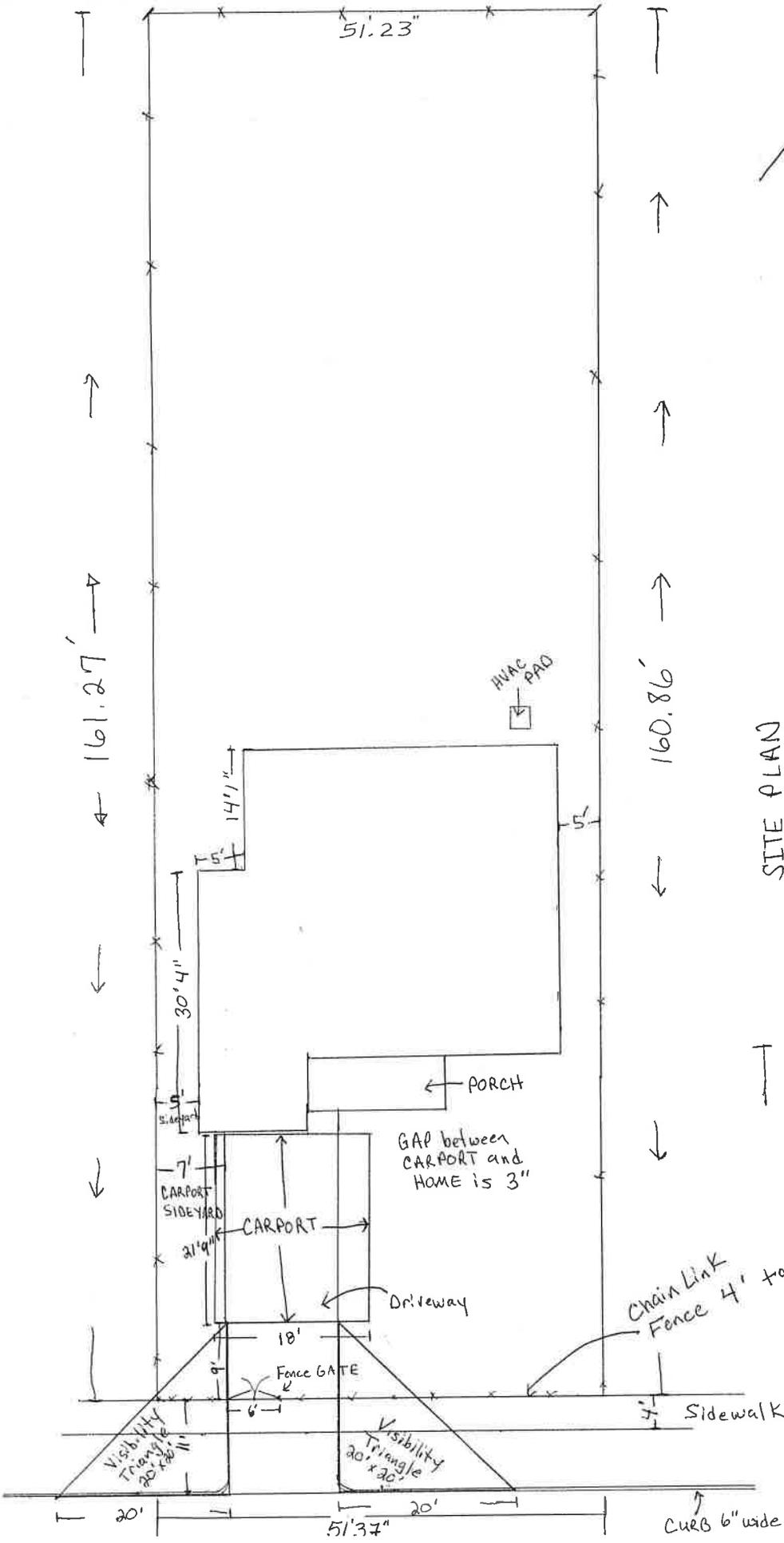
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay       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



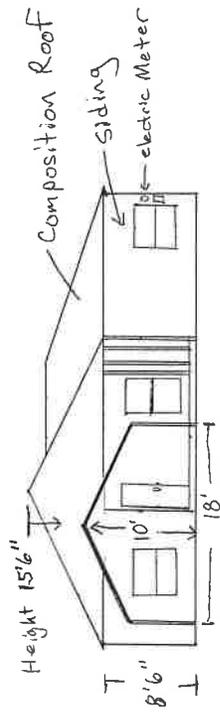
1:2,400





SITE PLAN  
 2331 MARFA AVE  
 DALLAS, TX 75216  
 LOT 15  
 CITY BLOCK 1/5855  
 4/10/2019

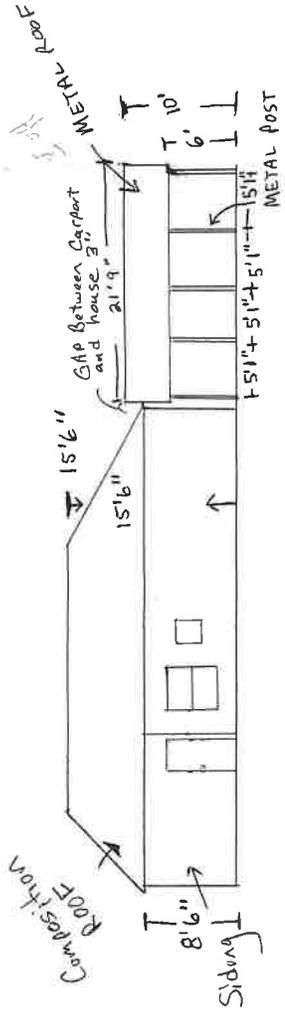
Scale  
 $\frac{3/32"}{1"} = \frac{H}{W}$



Front Elevation  
 2331 MARFA Ave  
 Dallas, TX 75216  
 Lot 15  
 City Block 1/5855

$$\frac{\text{Scale}}{3'' = 1'}$$

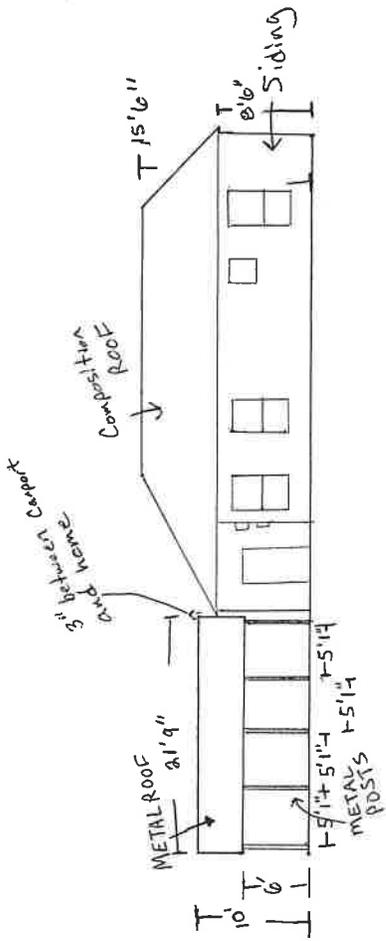
4/23/2019



Scale  
 $\frac{3/32"}{1'} = 1'$

4/21/2019

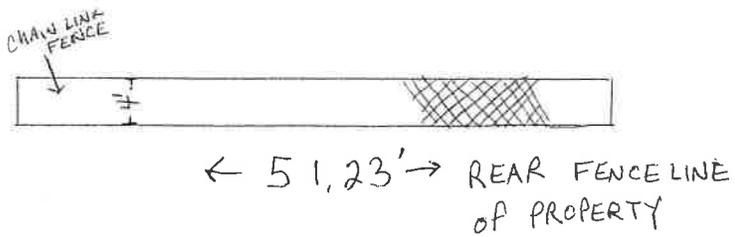
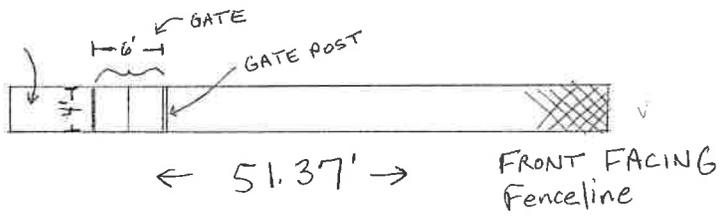
SIDE / LEFT ELEVATION  
 2331 MARFA AVE  
 DALLAS, TX 75216  
 LOT 15  
 CITY BLOCK 1/5855



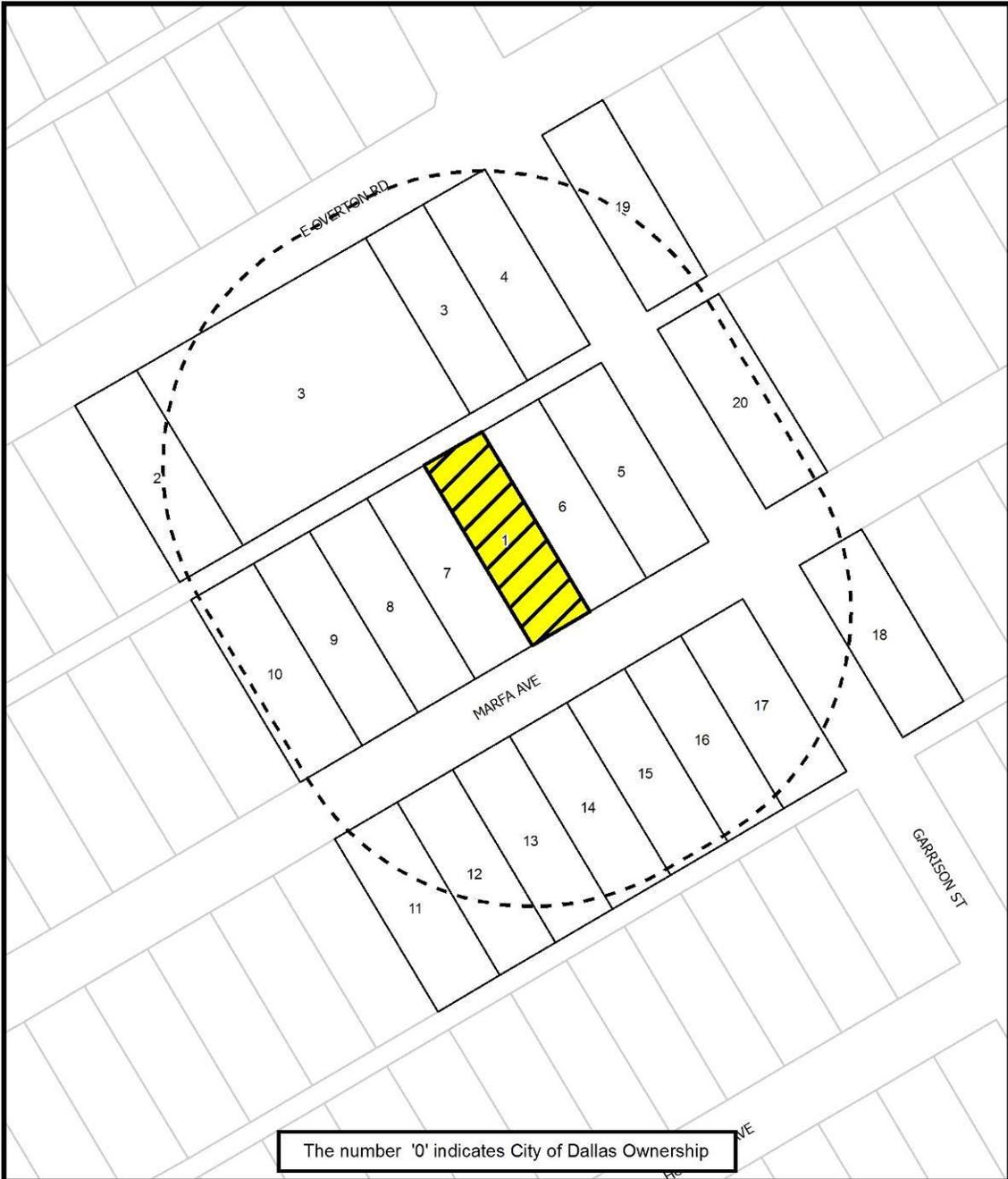
SIDE / RIGHT ELEVATION  
 2331 MARFA AVE  
 DALLAS, TX 75210  
 LOT 15  
 CITY BLOCK 1/5855

Scale  
 $\frac{3''}{32} = 1'$

4/21/2019



Scale  
 $\frac{3/32"}{1'} = 1'$



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%; text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>20</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>20</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA189-103</b> Date: <b>8/15/2019</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>20</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA189-103*

#### *20 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2331 MARFA AVE	POWELL SYLVIA LOUISE
2	2246 E OVERTON RD	HOWARD LILLIE
3	2306 E OVERTON RD	BRIDGE TO LIFE CHRISTIAN
4	2322 E OVERTON RD	GAYTAN ANTONIO
5	2339 MARFA AVE	REED JEFF & MILDRED
6	2335 MARFA AVE	MITCHELL JOCELYN MARIE
7	2327 MARFA AVE	RANDLE LAWRENCE V LIFE ESTATE
8	2323 MARFA AVE	LEWIS SALLYE MAE
9	2319 MARFA AVE	BURLESON ALBERTA
10	2315 MARFA AVE	WASHINGTON DEBBIE
11	2314 MARFA AVE	DELGADO GABRIEL &
12	2318 MARFA AVE	MCGEE WALTER CRAVEN &
13	2322 MARFA AVE	BUSBY EARNESTINE
14	2326 MARFA AVE	ALTAMIRANO ANDRES G &
15	2330 MARFA AVE	ALLEN ARCHIE LEE
16	2334 MARFA AVE	SPEED GERALDINE M
17	2338 MARFA AVE	ALEXANDER LANNETTA
18	2402 MARFA AVE	VEASLEY BYRON
19	2402 E OVERTON RD	SMITH HARRY LEONARD
20	2403 MARFA AVE	SMITH VERA FAYE

**FILE NUMBER:** BDA189-105(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Ricardo Alonso Carrillo for a variance to the front yard setback regulations at 771 Rayenell Avenue. This property is more fully described as Lot 1, Block 7/6252, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

**LOCATION:** 771 Rayenell Avenue

**APPLICANT:** Ricardo Alonso Carrillo

**REQUEST:**

A request for a variance to the front yard setback regulations of 20' is made to construct and maintain a one-story single family home structure with an approximately 2,000 square foot building footprint, part of which is to be located 5' from one of the site's two front property lines (Jeane Street) or 20' into this 25' 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 subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 7,500 square foot site has 20' of developable width available once a 25' front yard setback is accounted for on the north and a 5' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the square footage of the proposed home on the subject site at approximately 2,000 square feet is commensurate to 10 other homes in the same R-7.5(A) zoning district that have average home size of approximately 2,800 square feet.
- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in one of the site's two front yard setbacks where the location of this structure would comply with the required 5' side yard setback if the Jeane Street/longer street frontage on this corner lot were able to be recognized at it is proposed to function as a side yard.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>North:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>South:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>East:</u>	R-7.5(A) (Single family district 7,500 square-feet)
<u>West:</u>	R-7.5(A) (Single family district 7,500 square-feet)

**Land Use:**

The subject site is undeveloped. The areas to the north and west are undeveloped, and the areas to the east and south 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:**

- This request for variance to the front yard setback regulations of 20' focuses on constructing and maintaining a one-story single family home structure with an approximately 2,000 square foot building footprint, part of which is to be located 5'

from one of the site's two front property lines (Jeane Street) or 20' into this 25' front yard setback on an undeveloped site.

- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the southwest corner of Rayenell Avenue and Jeane Street. The subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Rayenell Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Jeane Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Jeane Street frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by lots to the west that front/are oriented northward towards Jeane Street.
- The submitted site plan indicates that the proposed structure is located 5' from the Jeane Street front property line or 20' into this 25' front yard setback.
- According to DCAD records there are no improvements listed for property addressed at 771 Rayenell Avenue.
- The subject site is flat, rectangular in shape (150' x 50'), and is 7,500 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The site plan represents that approximately 1/2 of the structure is located in the 25' Jeane Street front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the north and a 5' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- No variance would be necessary if the Jeane Street frontage were a side yard since the site plan represents that the proposed home is 5' from the Jeane Street property line and the side yard setback for properties zoned R-7.5(A) is 5'.
- A submitted floor plan represents that the "total under roof" area of the proposed home is about 2,000 square feet. The applicant has submitted a document indicating that the average of square footage of 10 other homes in R-7.5(A) is approximately 2,800 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 R-7.5(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing

this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

- 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 5’ from the site’s Jeane Street front property line (or 20’ into this 25’ front yard setback).

**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 B.

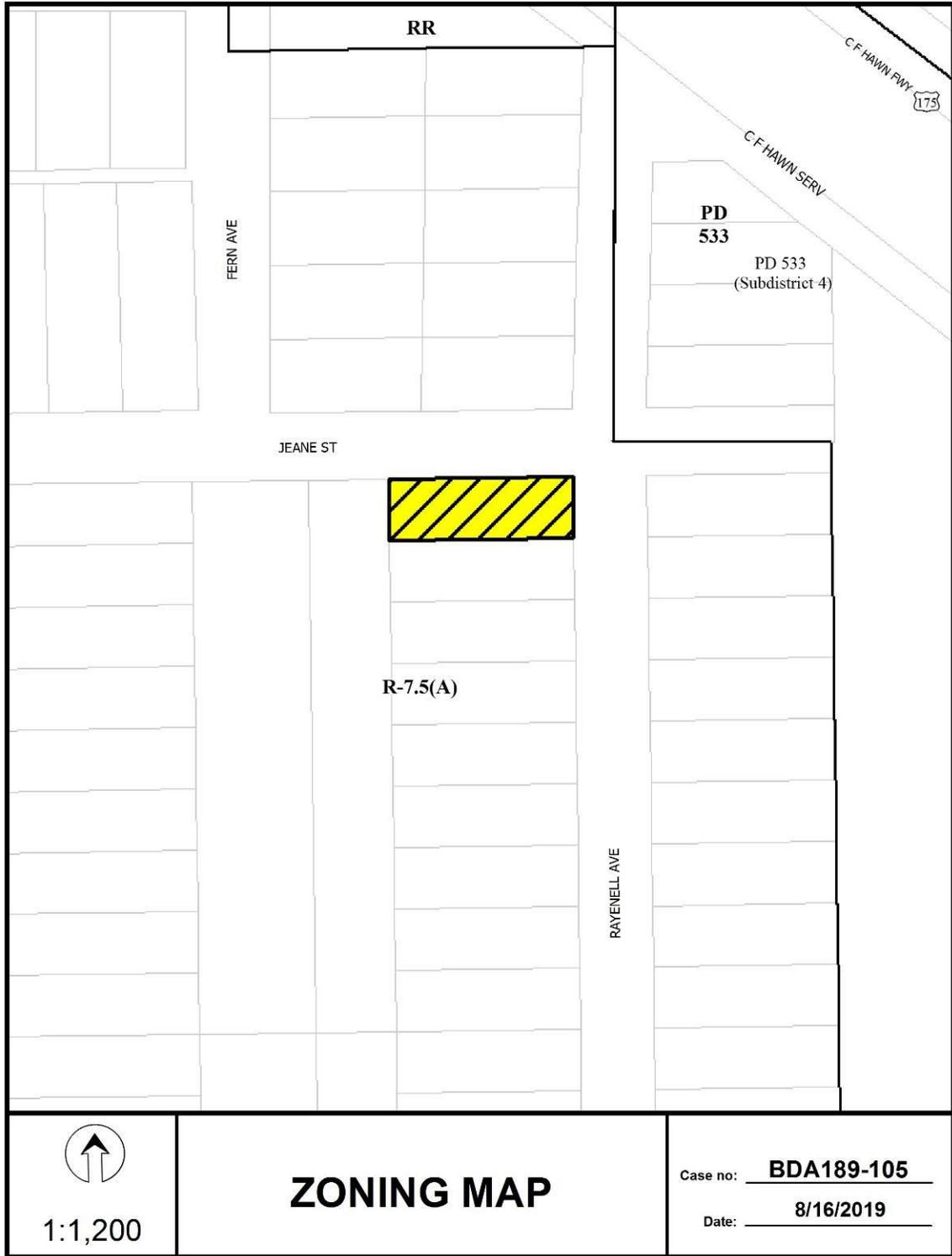
August 12, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- 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 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 6<sup>th</sup> 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 information 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.

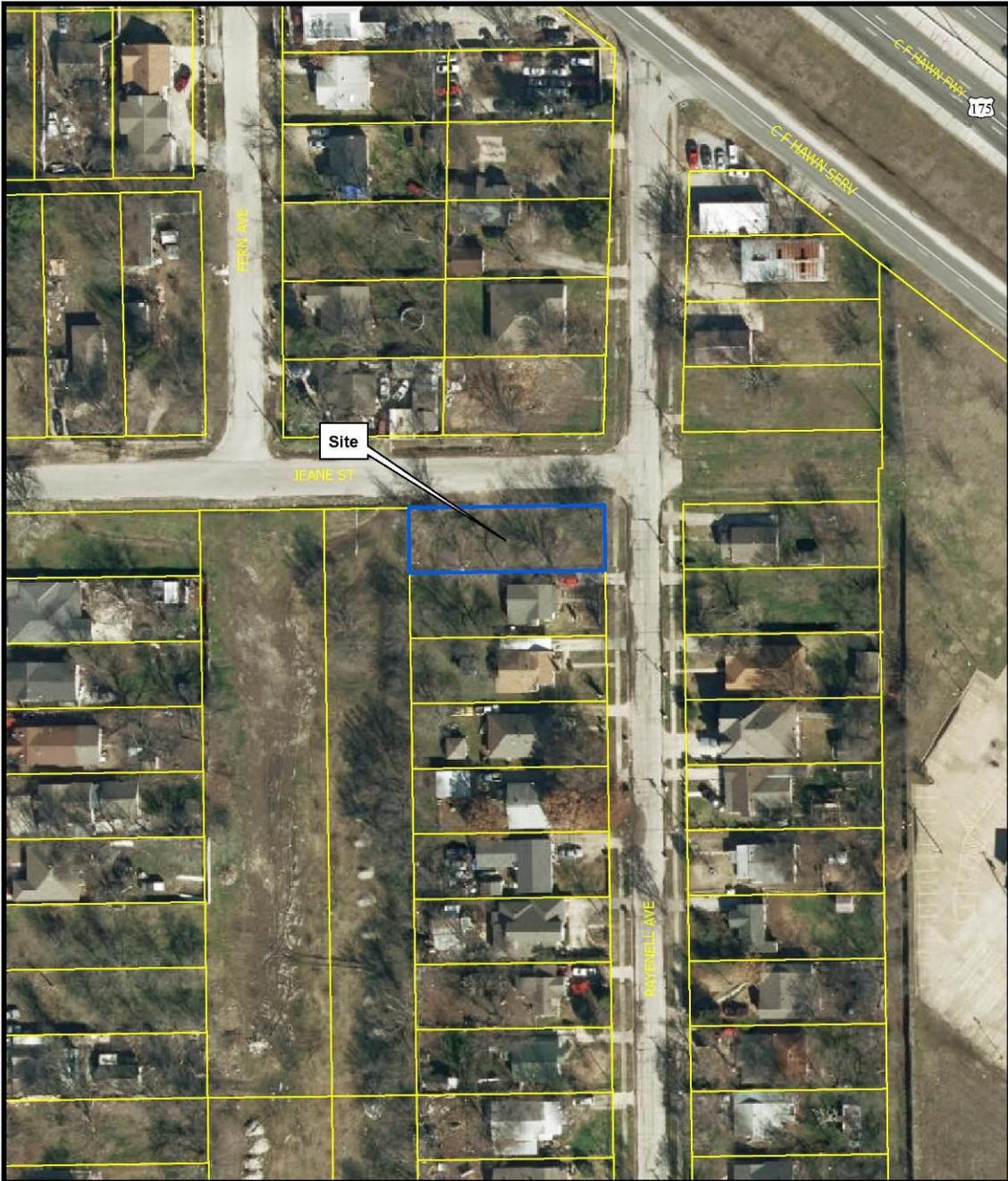
No review comment sheets were submitted in conjunction with this application.



  
 1:1,200

**ZONING MAP**

Case no: BDA189-105  
 Date: 8/16/2019



1:1,200

# AERIAL MAP

Case no: BDA189-105

Date: 8/16/2019

DATA 109 - 105  
Attachment A

**SAMPLE OF PROPERTIES IN ZONING DISTRICT R-7.5(A)**

<b>ADDRESS</b>	<b>TOTAL SQUARE FOOTAGE</b>
1. 807 RAYENELL AVE.	2,069 SQFT
2. 760 RAYENELL AVE.	5,660 SQFT
3. 639 RAYENELL AVE.	2,513 SQFT
4. 710 RAYENELL AVE.	2,146 SQFT
5. 4541 MALDEN LN.	2,443 SQFT
6. 4521 MALDEN LN.	2,601 SQFT
7. 1231 ASPERMONT AVE.	2,923 SQFT
8. 5103 MARYLAND AVE.	2,657 SQFT
9. 5115 MARSALIS AVE.	2,552 SQFT
10. 4008 KUSHLA AVE.	2,177 SQFT
AVERAGE	2,774 SQFT

PROPOSED HOME AT 771 RAYENELL AVE:  
TOTAL LIVING AREA: 1,593 SQFT  
TOTAL AREA UNDER ROOF: 2,034 SQFT



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-105

Data Relative to Subject Property:

Date: 07/11/2019

Location address: 771 RAYENEU AVE Zoning District: R-7-5(A)

Lot No.: 1 Block No.: 7/6252 Acreage: 0.1764 Census Tract: 93.03

Street Frontage (in Feet): 1) 50 2) 125 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CONFIA HOMES, LLC

Applicant: RICARDO ALONSO CARRILLO Telephone: (214) 307-4120

Mailing Address: 2425 N CENTRAL EXPY, SUITE 719 Zip Code: 75080

E-mail Address: ricardo.alonso@confiahomes.com

Represented by: N/A Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of 20'0" TO THE REQUIRED 25' SETBACK OF THE FRONT YARD ON THE NORTH SIDE OF THE PROPERTY (ADJACENT TO JEANE ST) AND PROVIDE A 5' SETBACK INSTEAD.

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 VARIANCE WILL ALLOW US TO BUILD A SINGLE FAMILY RESIDENCE COMMENSURATE IN DIMENSIONS AND LIVABLE SQUARE FOOTAGE WITH OTHER RESIDENCES IN THE STREET AND NEIGHBORHOOD.

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

Affidavit

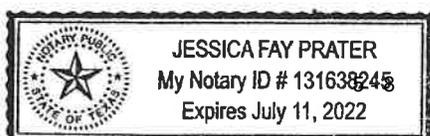
Before me the undersigned on this day personally appeared RICARDO ALONSO CARRILLO (Affiant/Applicant's name printed)

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: R. Alonso (Affiant/Applicant's signature)

Subscribed and sworn to before me this 12<sup>th</sup> day of July, 2019

(Rev. 08-01-11)



Jessica Prater  
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**

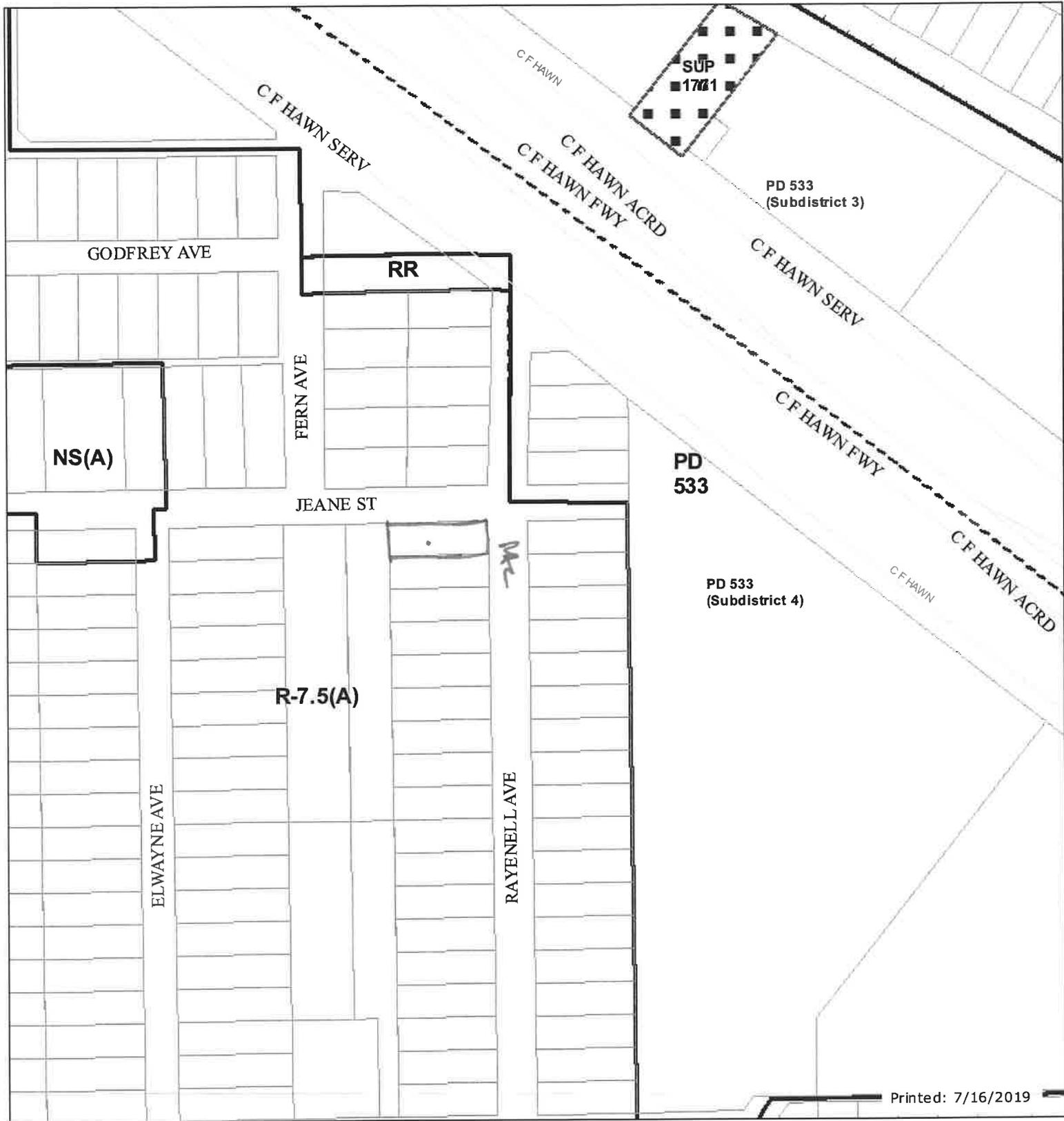
I hereby certify that Ricardo Alonso

did submit a request for a variance to the front yard setback regulations  
at 771 Rayenell Avenue

BDA189-105. Application of Ricardo Alonso for a variance to the front yard setback regulations at 771 RAYENELL AVE. This property is more fully described as Lot 1, Block 7/6252, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



### 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      | 5-10 Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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CITY OF DALLAS PLAT BOOKS

ADDITION PLEASANT HEIGHTS NO. 3

SCALE 100 FT. EQUALS 1 INCH



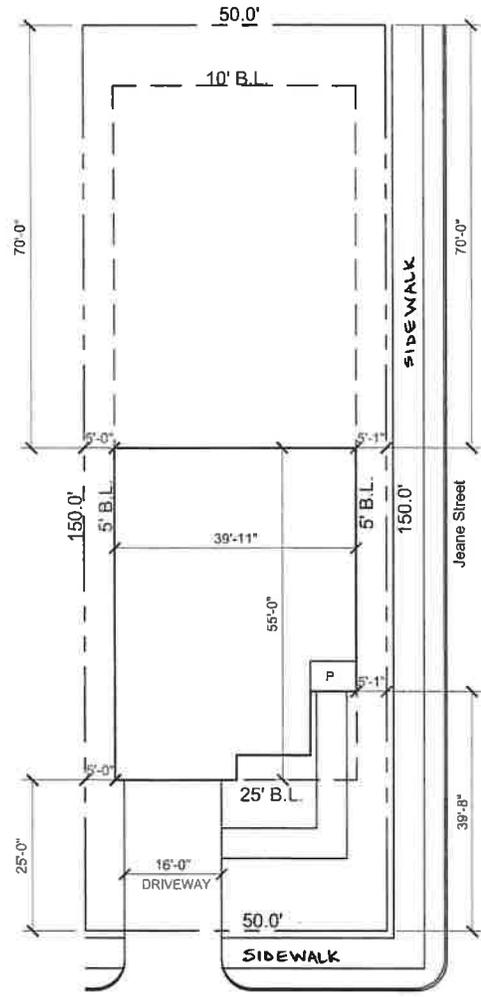
# CONFIA HOMES

## PLOT PLAN

SUBDIVISION	PLEASANT HEIGHTS 3	BUYER	Spec.
LOT - 1	BLK - 7/6252		
ADDRESS	771 RAYENELL AVE.		
DATE	05/06/19	DRAWN BY:	AW
PLAN NUMBER	1593	862	SQ. FT. FLATWORK



**NORTH**  
SCALE: 1"=20'



771 Rayenell Ave

Type " B " Drainage

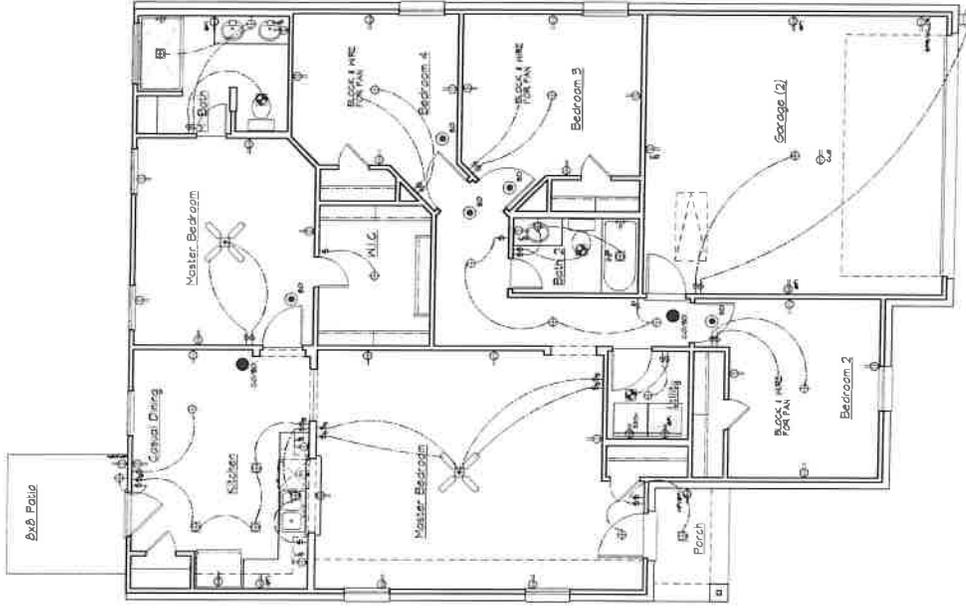




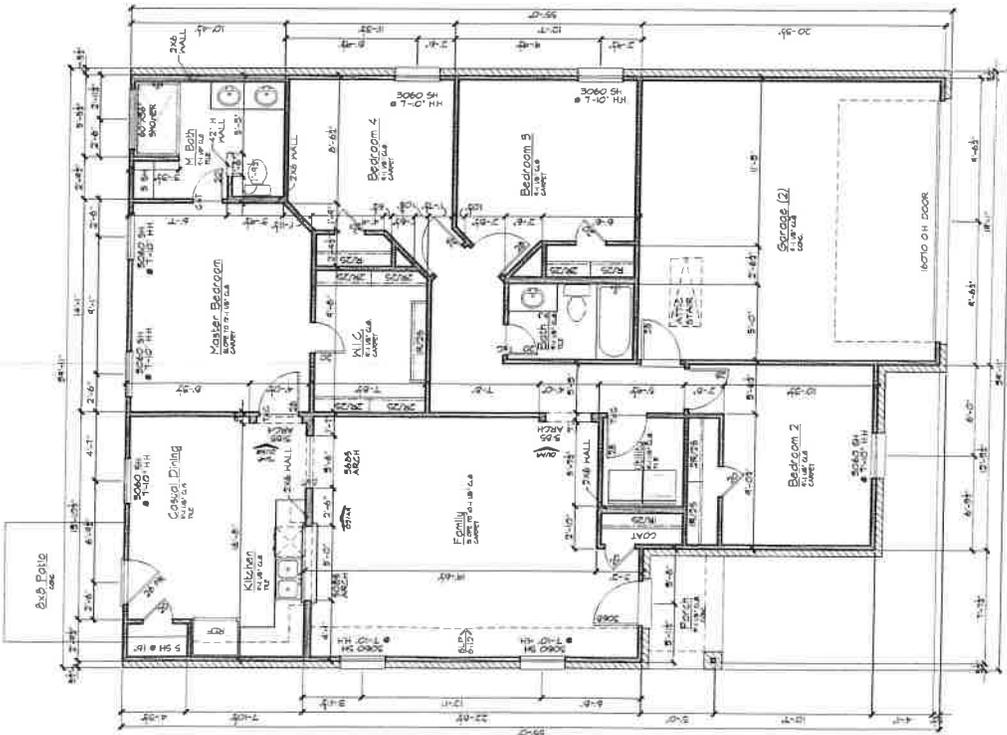
**GENERAL NOTES:**  
 1. ALL WORK SHALL BE IN STRICT CONFORMANCE TO ALL APPLICABLE CODES, ORDINANCES AND LAWS.  
 2. ALL WALLS SHALL BE 5/8" UNLESS NOTED OTHERWISE.  
 3. ALL PLUMBING WALLS TO BE 5/2".

**AREA CALCULATIONS**

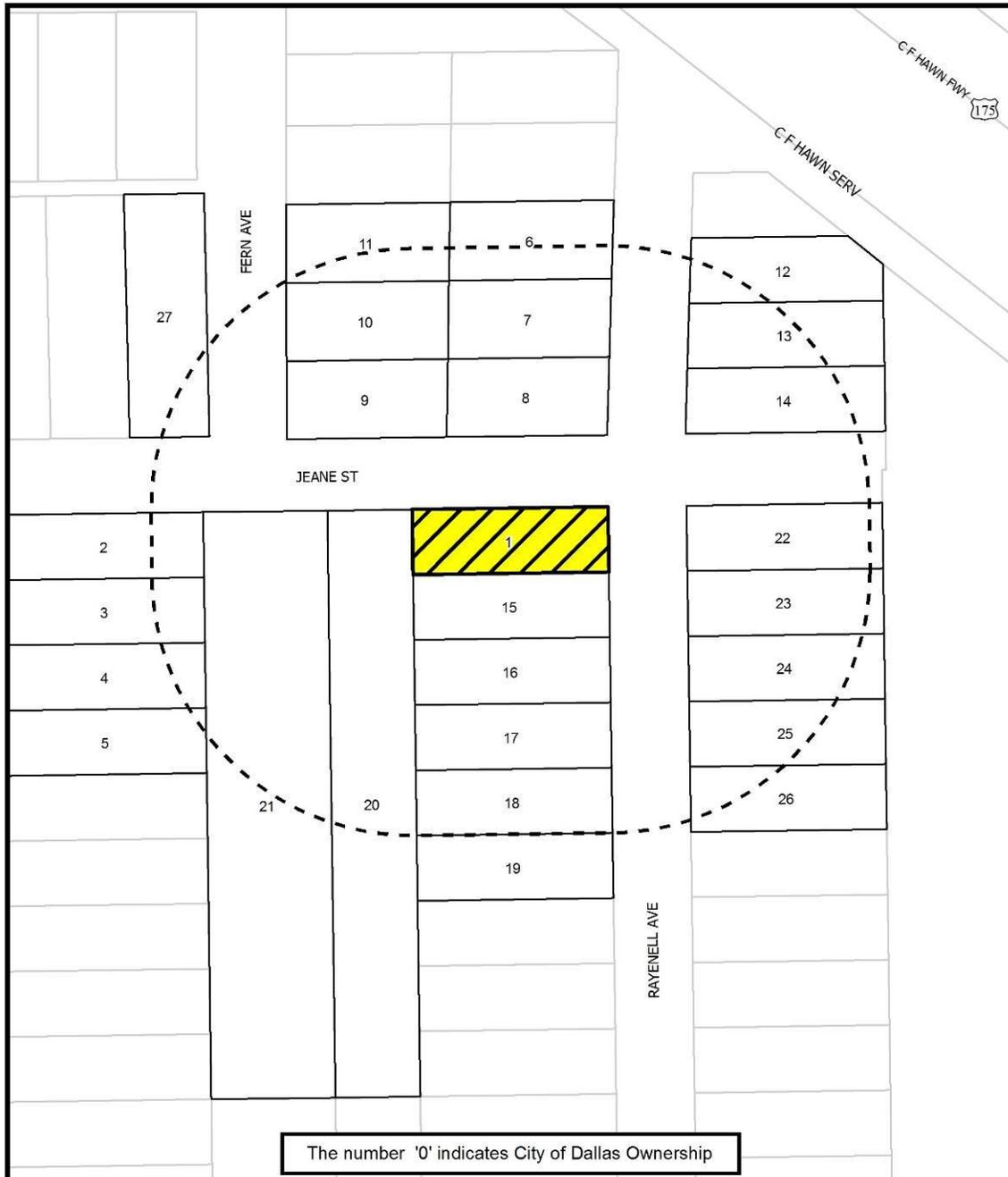
ELEVATION 'A'	1545 SF
FIRST FLOOR	1545 SF
SECOND FLOOR	0 SF
GARAGE	403 SF
OUTDOOR PORCH	30 SF
OUTDOOR LIVING	0 SF
TOTAL UNDER ROOF	2078 SF
OVERALL WIDTH	54'-0"
OVERALL DEPTH	55'-0"



**FIRST FLOOR ELECTRICAL PLAN**  
 SCALE: 1/8" = 1'-0"



**FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA189-105</b>
	<b>200'</b> AREA OF NOTIFICATION <b>27</b> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>8/16/2019</b>

## *Notification List of Property Owners*

### *BDA189-105*

#### *27 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	771 RAYENELL AVE	JASSO MARIA
2	770 ELWAYNE AVE	FLATEN BRAD
3	766 ELWAYNE AVE	MARES GRACIELA
4	762 ELWAYNE AVE	GARCIA JOSE ALFREDO &
5	758 ELWAYNE AVE	MARTINEZ JOSE LUIS
6	811 RAYENELL AVE	MOYA ANITA
7	807 RAYENELL AVE	MONARREZ LAURENCIO
8	803 RAYENELL AVE	HERNANDEZ LAURA LIZETH
9	802 FERN AVE	VITAL RICARDO
10	806 FERN AVE	MENDOZA JOSE F & MARIA
11	810 FERN AVE	ALONSO CRISPIN
12	810 RAYENELL AVE	MIRANDA AGUSTIN
13	806 RAYENELL AVE	MOOREFIELD BETTY ANN
14	802 RAYENELL AVE	KVB INVESTMENTS
15	767 RAYENELL AVE	RODRIGUEZ REGINA
16	763 RAYENELL AVE	REA CECILIO
17	759 RAYENELL AVE	TREJE ENRIQUE & ELENA
18	755 RAYENELL AVE	PINA SANTOS S
19	751 RAYENELL AVE	RAMIREZ MARGARITA
20	6620 JEANE ST	VILIALOBOS YOLANDA RIGAL
21	6616 JEANE ST	GALLEGOS MARIA S
22	770 RAYENELL AVE	MARTINEZ JOSE ANGEL &
23	766 RAYENELL AVE	WILLIAMS R D & LELA EST
24	762 RAYENELL AVE	GALDAMEZ MIGUEL
25	760 RAYENELL AVE	MORENO RAMIRO S &
26	754 RAYENELL AVE	MARTINEZ ERNESTO

08/16/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6543 JEANE ST	MEDINA AGUSTIN & LUCERO