

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, AUGUST 15, 2016  
AGENDA

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

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the June 27, 2016 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA156-070(SL)</b>	1618 Nolte Drive <b>REQUEST:</b> Application of Sylvia Rodriguez for a special exception to the side yard setback regulations	1
<b>BDA156-075(SL)</b>	3303 James Street <b>REQUEST:</b> Application of Elena Salinas for a special exception to the fence height regulations	2
<b>BDA156-077(SL)</b>	5214 Royal Lane <b>REQUEST:</b> Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence height regulations	3

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**HOLDOVER CASE**

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<b>BDA156-065(SL)</b>	6730 Sunnyland Lane <b>REQUEST:</b> Application of Steven Wood for a variance to the front yard setback regulations	4
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**REGULAR CASE**

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**BDA156-081(SL)**

19205 Wind Mill Lane

5

**REQUEST:** Application of Shakeel Ahmed for a special exception to the off-street parking regulations

## EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

**(Rev. 6-24-02)**

**FILE NUMBER:** BDA156-070(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Sylvia Rodriguez for a special exception to the side yard setback regulations at 1618 Nolte Drive. This property is more fully described as Lot 5, Block B/3796, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport and provide a 0 foot side yard setback, which will require a 5 foot special exception to the side yard setback regulations.

**LOCATION:** 1618 Nolte Drive

**APPLICANT:** Sylvia Rodriguez

**REQUEST:**

A request for a special exception to the side yard setback regulations of 5' is made to maintain and expand a carport, part of which is located and to be expanded/lengthened in the site's eastern 5' side yard setback on a site developed with a single family home structure/use.

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

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, 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).

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

## **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 developed with a single family home. The area to the north, east, south, and west 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 focuses on maintaining and expanding an existing carport, part of which is located and to be expanded in the site's eastern 5' side yard setback, on a site developed with a single-family home structure/use.
- A 5' side yard setback is required in the R-7.5(A) zoning district.
- The applicant has submitted two documents (a site plan/elevation and an elevation) indicating the size and materials of the carport, and its location on the site's eastern side property line.
- The following information was gleaned from the submitted site plan/elevation:
  - The carport is represented to be 39' in length and approximately 16' in width (approximately 624 square feet in total area) of which approximately 1/3 is located in the eastern side yard setback.
  - Constructed with 2 x 6 wood studs between 4 x 4 steel tube column, metal roof, and 1-hour fire wall
- The following information was gleaned from the submitted elevation:
  - Exterior hardiboard siding and 11' 8" in height.
- The subject site is approximately 193' x 50' (or approximately 9,700 square feet) in area.
- According to DCAD records, the "main improvement" for property addressed at 1618 Nolte Drive is a structure built in 1925 with 2,380 square feet of living/total area; and "no additional improvements".
- The Board Administrator conducted a field visit of the area approximately 500 feet east and west of the subject site and noted two other carports that appeared to be located in a side yard setback, and one carport that appeared to be located in the front yard setback.

- As of August 5, 2016, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing the following:
  - that granting this special exception to the side yard setback regulations of 5’ will not have a detrimental impact on surrounding properties.
- Granting this request and imposing the following conditions would require the carport to be completed/maintained in the location and of the heights and materials as shown on these documents:
  1. Compliance with the submitted site plan/elevation and elevation 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.

**Timeline:**

- May 10, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 15, 2016: The Board Administrator contacted the applicant and emailed 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 July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<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 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction

Department Project Engineer, and the Assistant City Attorney to the Board.

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

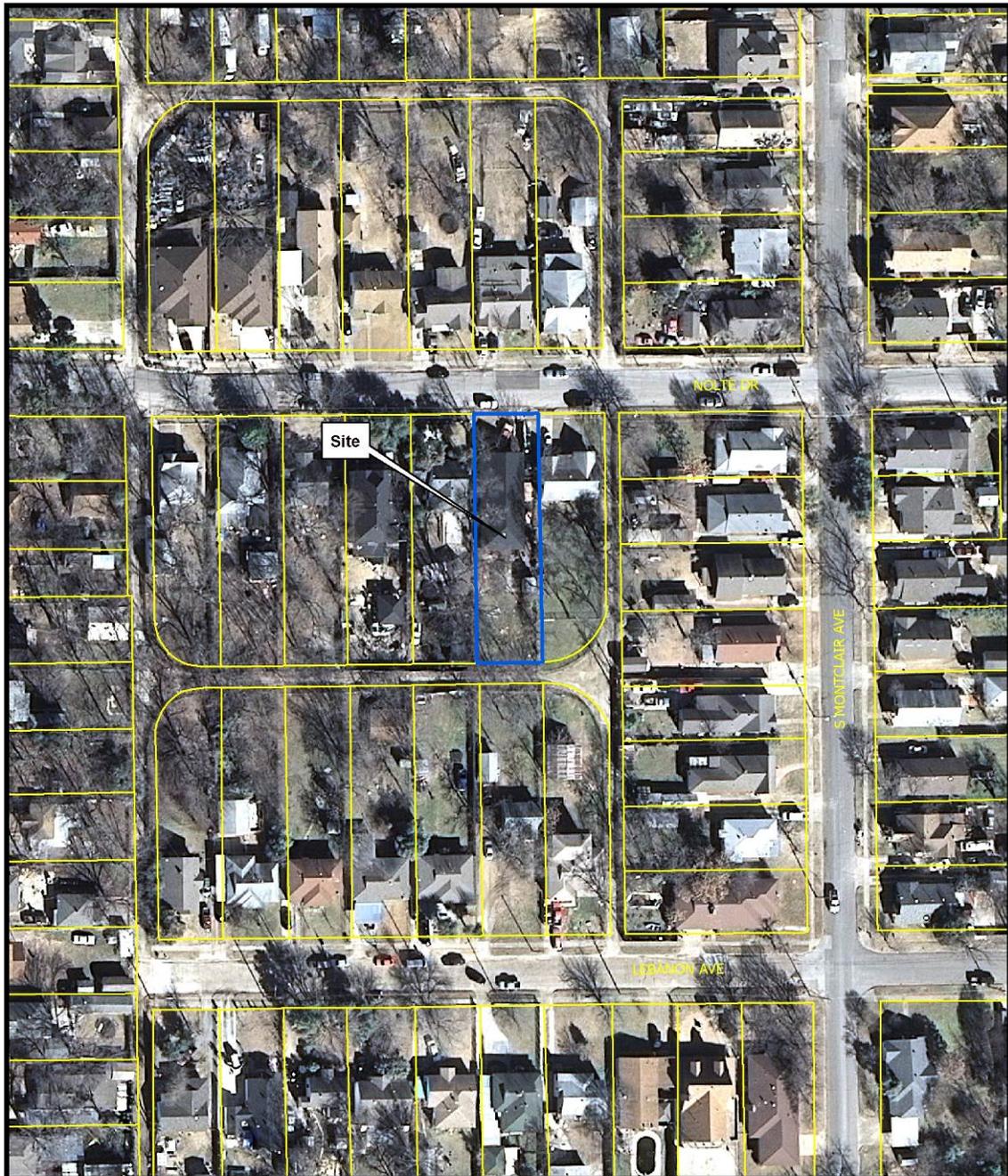


1:1,200

# ZONING MAP

Case no: BDA156-070

Date: 7/29/2016



1:1,200

# AERIAL MAP

Case no: BDA156-070

Date: 7/29/2016



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-070

Data Relative to Subject Property:

Date: 5/10/14

Location address: 11618 Nolte Dr Zoning District: R-7.5(A)

Lot No.: 5 Block No.: B/3794 Acreage: .22 Census Tract: 51.00

Street Frontage (in Feet): 1) 50 2) 3) 4) 5) SW 15

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jose L Rodriguez and Sylvia A Rodriguez

Applicant: Sylvia Rodriguez Telephone: 214-929-6741

Mailing Address: 11618 Nolte Dr Zip Code: 75308

E-mail Address: Sylviatinajera@yahoo.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of 5 feet to the side yard setback for a carport

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 car port does not adversely affect neighboring property and adds value to the property. It is structurally sound and well made. It makes the neighborhood look better and no neighbors oppose to it.

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.

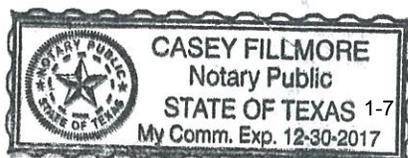
Affidavit

Before me the undersigned on this day personally appeared Sylvia Rodriguez (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 Rodriguez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 10 day of May, 2014



Casey Fillmore Notary Public in and for Dallas County, Texas

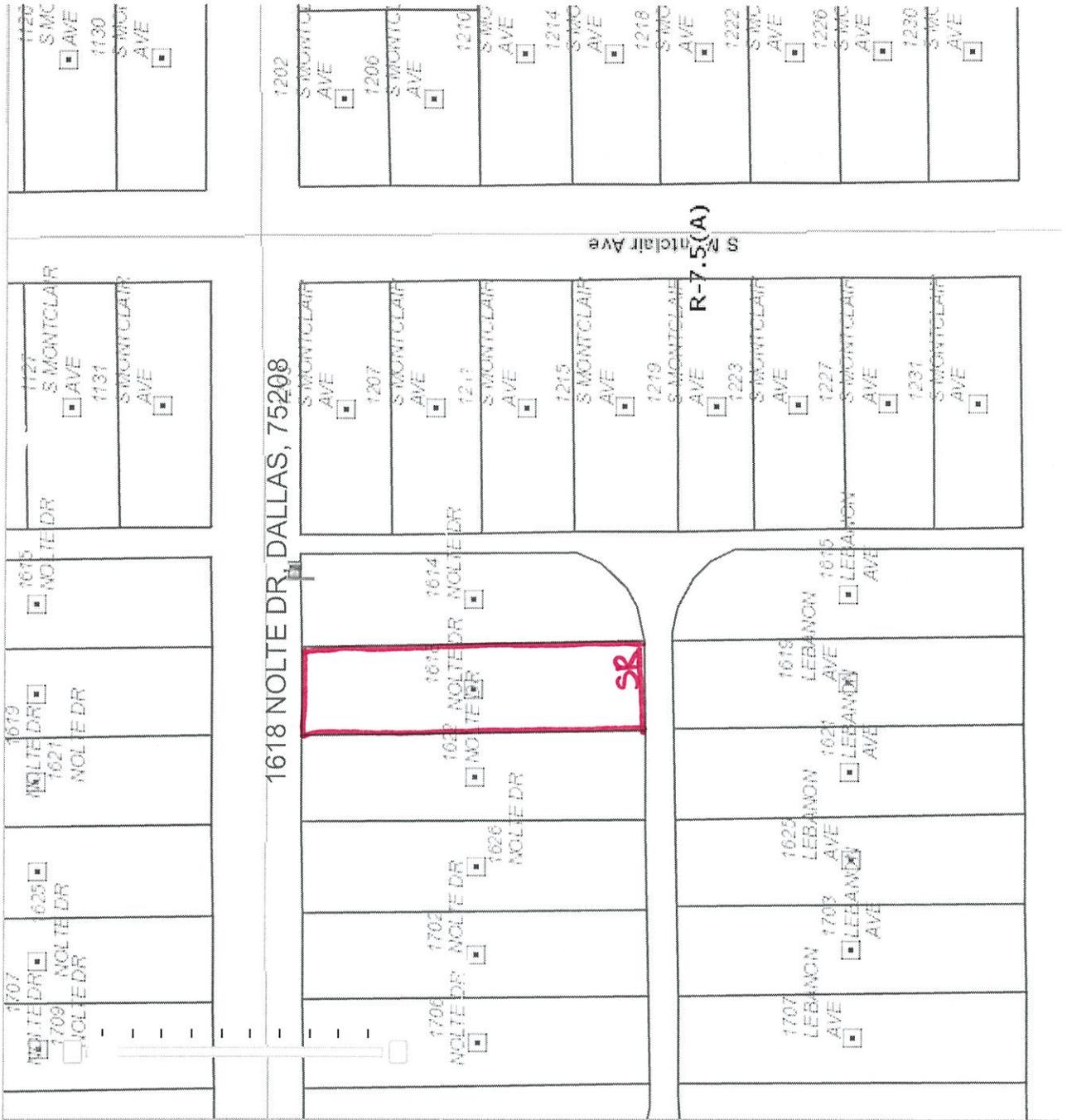


# City of Dallas

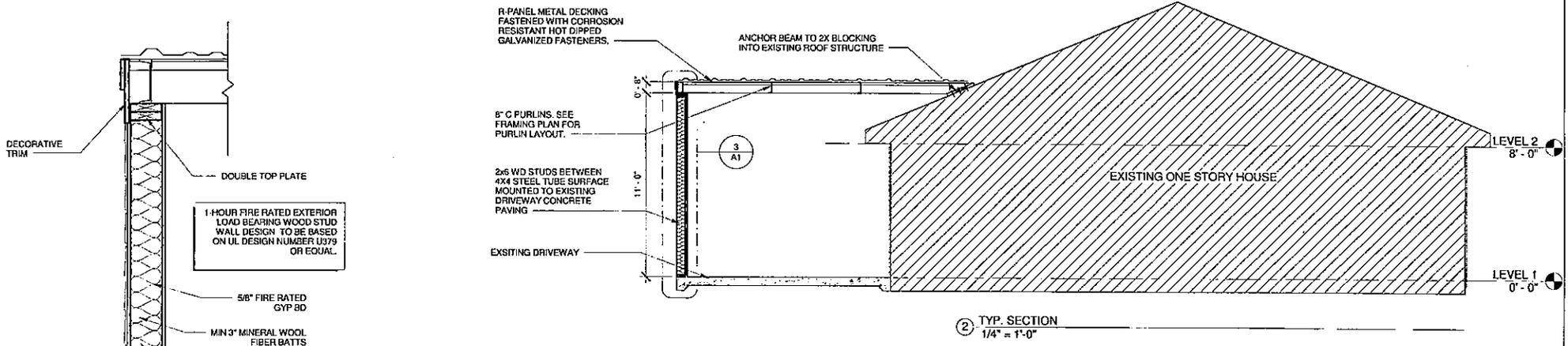
## Internal Development Research Site

Legend

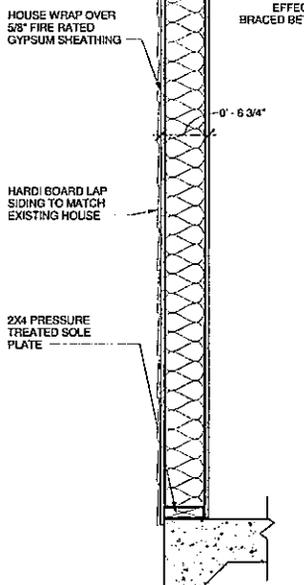
Locate Property



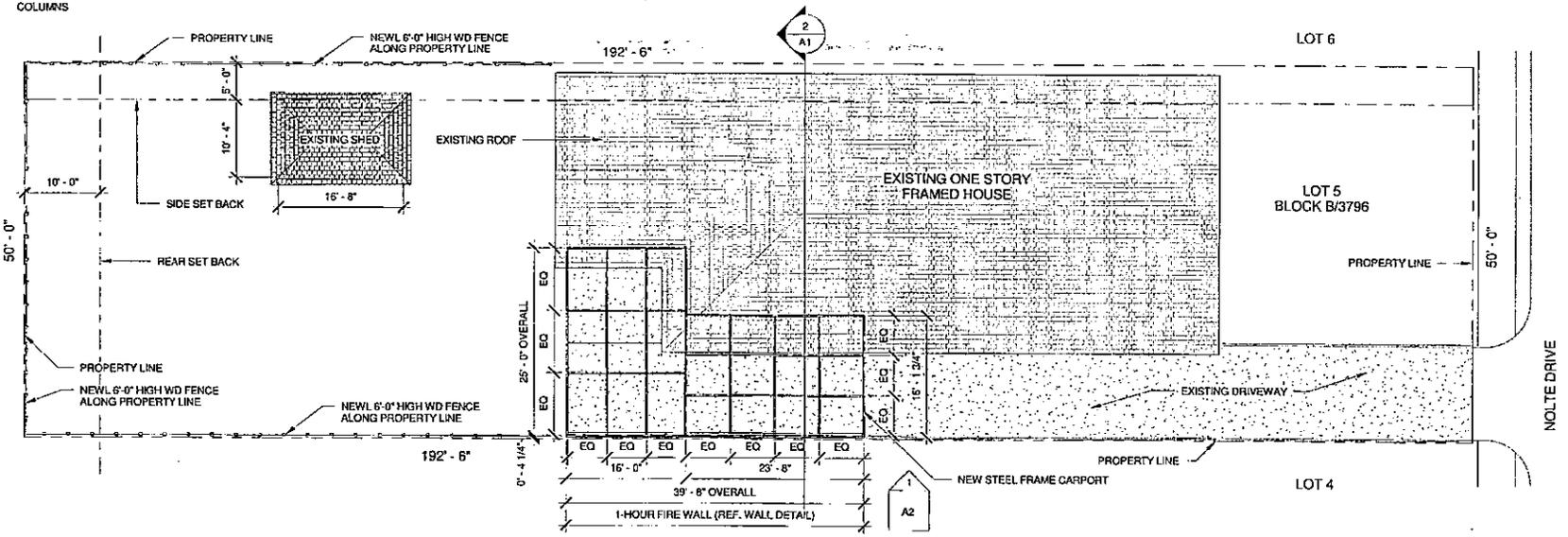




② TYP. SECTION  
1/4" = 1'-0"



③ 1-HR FIRE RATED WALL DETAIL  
1" = 1'-0"



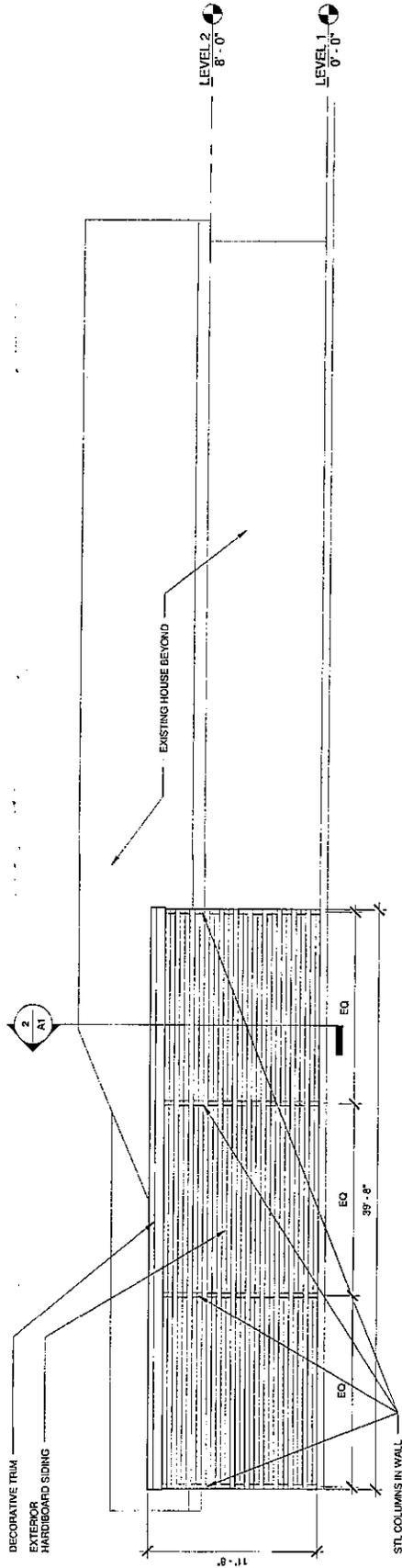
① ROOF FRAMING PLAN  
3/32" = 1'-0"

1618 NOLTE DRIVE  
DALLAS, TX 75208  
BLOCK B/3796 LOT 5  
BDA-156-070

CAR PORT ADDITION

No.	Description	Date

SITE PLAN & DETAILS	
Project number	00000
Date	05.03.2016
Drawn by	Author
Checked by	Checker
A1	
Scale As Indicated	



1618 NOLTE DRIVE  
DALLAS, TX 75208  
BLOCK B/3796 LOT 5

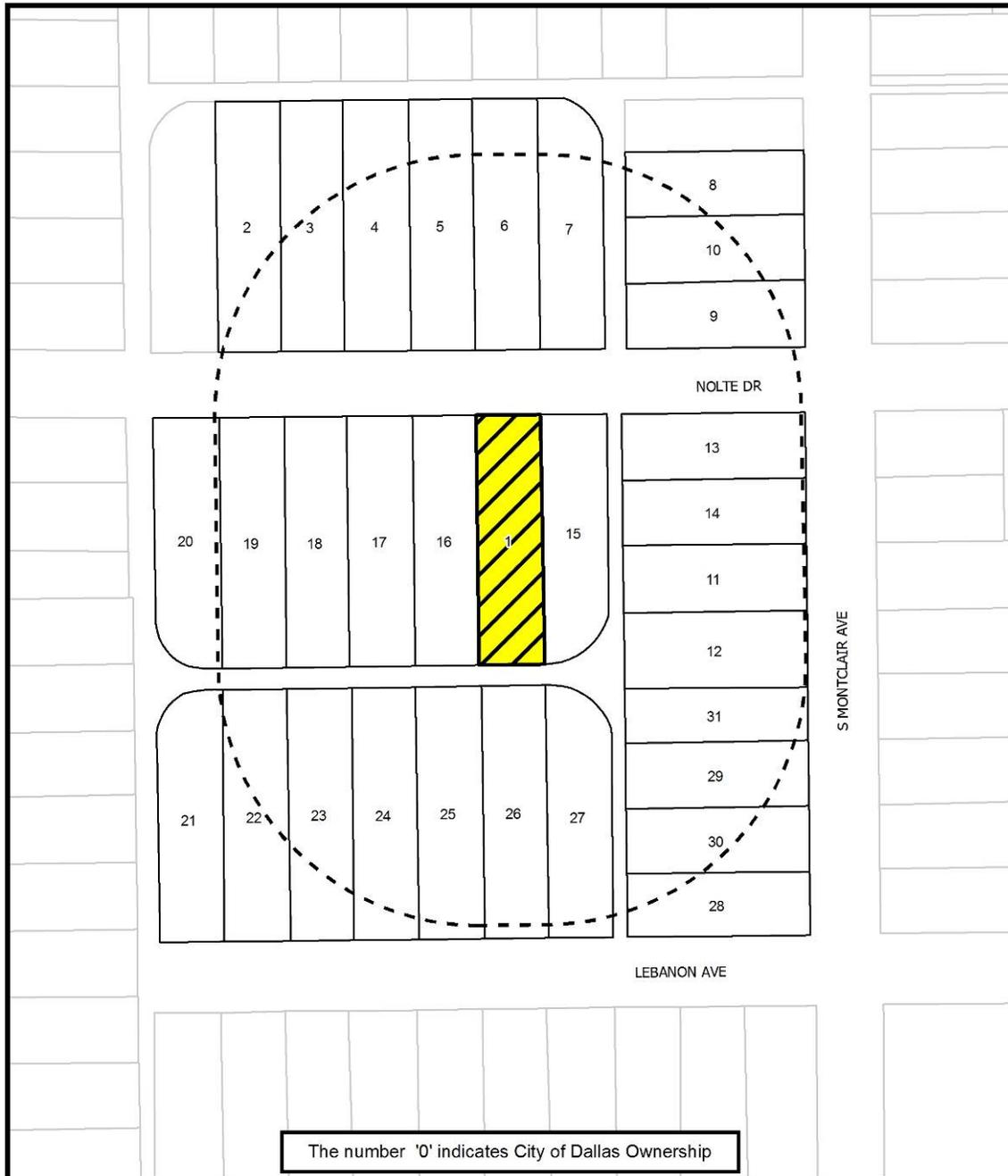
CAR PORT ADDITION

EXTERIOR ELEVATIONS	
Project number	00000
Date	04.18.16
Drawn by	Author
Checked by	Checker

No.	Description	Date

A2

Scale 3/16" = 1'-0"



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA156-070</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>31</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>31</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>31</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

### *BDA156-070*

#### *31 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1618 NOLTE DR	RODRIGUEZ JOSE I & SYLVIA A RODRIGUEZ
2	1709 NOLTE DR	SERRANO GRACIELA
3	1707 NOLTE DR	ZAMUDIO JUAN
4	1625 NOLTE DR	MOA JUAN CASAREZ
5	1621 NOLTE DR	RUBIO JAVIER L
6	1619 NOLTE DR	RUBIO JAVIER
7	1615 NOLTE DR	SANCHEZ ABEL ET AL
8	1123 S MONTCLAIR AVE	BOTILLO JOSE JUAN & SAN JUANA
9	1131 S MONTCLAIR AVE	GUTIERREZ IGNACIO &
10	1127 S MONTCLAIR AVE	LOERA BERNARDO &
11	1211 S MONTCLAIR AVE	GARCIA MIGUEL &
12	1215 S MONTCLAIR AVE	CERDA MARIA
13	1203 S MONTCLAIR AVE	CRUZ ALEJANDRO
14	1207 S MONTCLAIR AVE	GARCIA MIGUEL
15	1614 NOLTE DR	MOA JUAN CASAREZ
16	1622 NOLTE DR	MORALES GERARDO & MARIA
17	1626 NOLTE DR	GARZA VIDAL & OLIVIA
18	1702 NOLTE DR	MADRIGAL NICOLAS
19	1706 NOLTE DR	LUCIO EFREN &
20	1710 NOLTE DR	CARRIZALES JUAN D G
21	1711 LEBANON AVE	CORONA JAIME & ASUNCION
22	1707 LEBANON AVE	MAZZIOTTA JON
23	1703 LEBANON AVE	HERNANDEZ MANUEL CHICAS &
24	1625 LEBANON AVE	ARRIAGA VICTOR & DOLORES
25	1621 LEBANON AVE	VALDERRAMA SAN JUANA
26	1619 LEBANON AVE	SANTILLAN ELADIO

07/29/2016

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1615 LEBANON AVE	NIETO MINERVA
28	1231 S MONTCLAIR AVE	CHANCELLOR JAMES LARRY
29	1223 S MONTCLAIR AVE	ADAMS LARRY J
30	1227 S MONTCLAIR AVE	PHEIFFER KENNETH TR ET AL
31	1219 S MONTCLAIR AVE	MARTINEZ RAMON GONZALES &

**FILE NUMBER:** BDA156-075(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Elena Salinas for a special exception to the fence height regulations at 3303 James Street. This property is more fully described as Lot 9, Block 3/5541, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 12 foot high fence, which will require an 8 foot special exception to the fence height regulations.

**LOCATION:** 3303 James Street

**APPLICANT:** Elena Salinas

**REQUEST:**

A request for a special exception to the fence height regulations of 8' is made to maintain a fence higher than 4' (an 8' high solid wood fence atop a concrete retaining wall that reaches 4' in height) in the site's 25' Gill Street front yard setback on the subject site that is developed with a single family home.

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

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height 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-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, south, and west 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 focuses on maintaining an 8' high solid wood fence atop a concrete retaining wall that reaches 4' in height on the subject site that 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-7.5(A) which requires a 25' front yard setback.
- Given the single family zoning and location of the corner lot subject site, it has two 25' front yard setbacks – a front yard setback along James Street (the shorter of the two frontages of the subject site) and a front yard setback along Gill Street (the longer of the two frontages that while usually is considered a side yard is a front yard notwithstanding in order to maintain continuity of the established front yard setback along this street frontage where homes/lots to the north “front” westward to Gill Street).
- The applicant has submitted a site plan and an elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 12'.
- The submitted site plan and elevation only represents a fence to exceed 4' in height in the site's Gill Street front yard setback.
- The following additional information was gleaned from the submitted site plan:
  - The fence proposal is represented as being approximately 73' in length parallel to the Gill Street, and approximately 25' in length perpendicular to this street on the north and south sides of the site in this front yard setback.
  - The fence proposal is represented to be located on the Gill Street front property line or approximately 12' from the Gill Street pavement line.
- The existing 8' high solid wood fence atop a retaining wall that reaches 4' in height is located on the site where two single family homes/lots have direct frontage neither with a fence above 4' in height in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Gill Street (from James Street to approximately 400' north of the site) and noted no other fences above 4 feet high which appeared to be located in the front yard setback.
- As of August 5, 2016, no letters had been submitted in support of the request, and no letters had been submitted in opposition.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 8' will not adversely affect neighboring property.
- Granting this special exception of 8' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

June 16, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

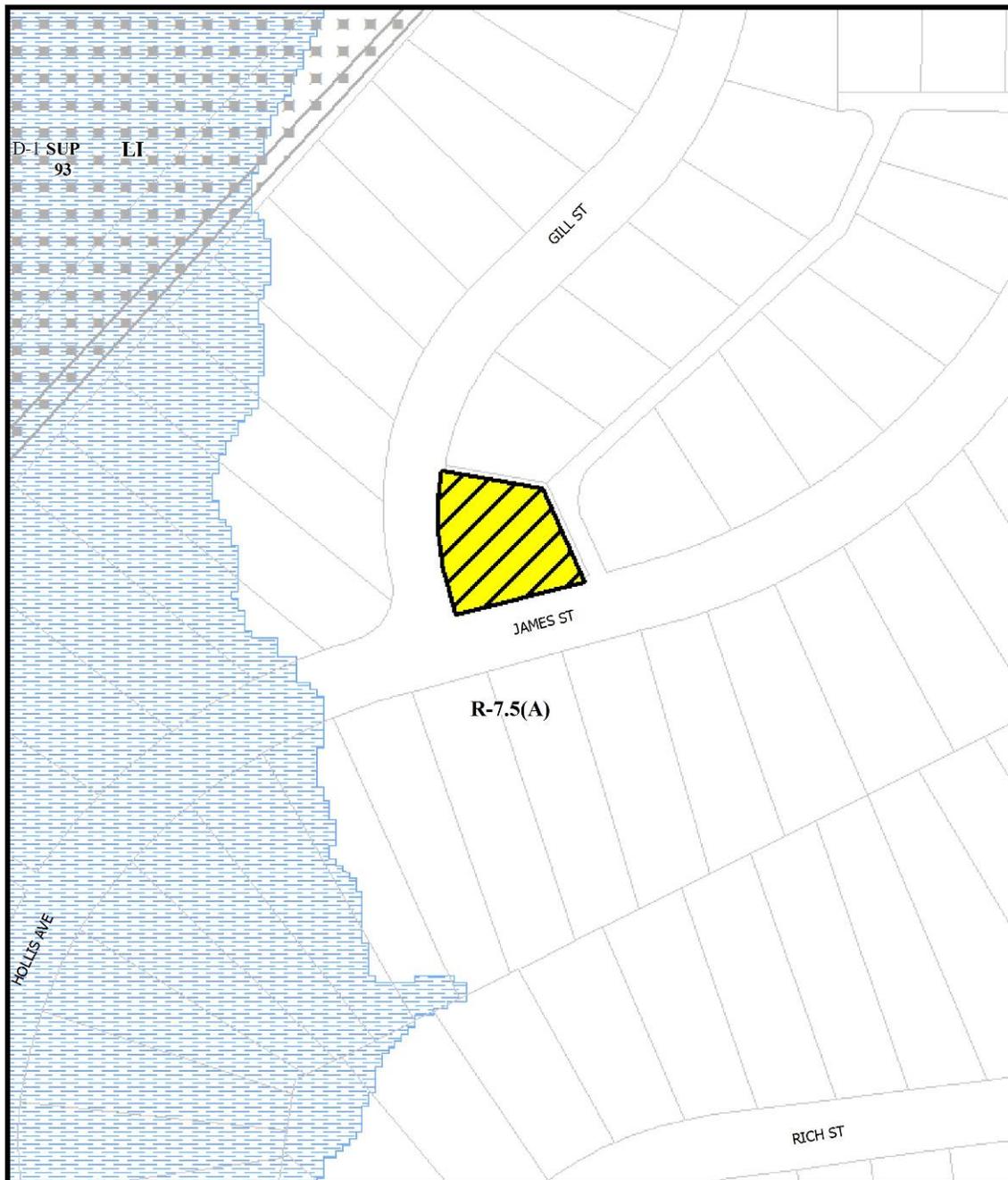
July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

July 18, 2016: The 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 July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<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 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

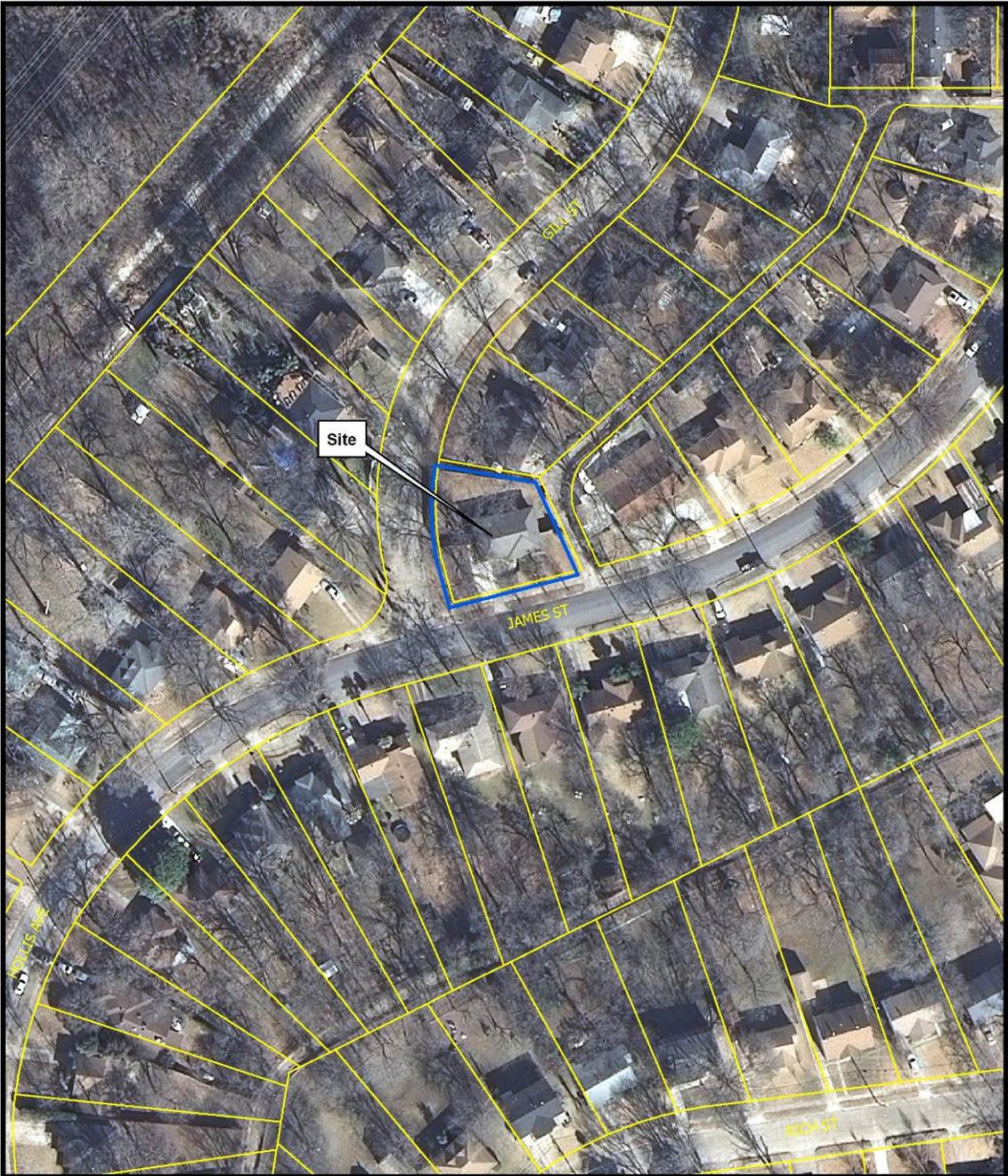


1:1,200

# ZONING MAP

Case no: BDA156-075

Date: 7/29/2016



1:1,200

# AERIAL MAP

Case no: BDA156-075

Date: 7/29/2016



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA: 156-075

Data Relative to Subject Property:

Date: 06-16-16

Location address: 3303 James ST Zoning District: R-7.5(A)

Lot No.: 9 Block No.: 3/5541 Acreage: .26 Census Tract: 84.00

Street Frontage (in Feet): 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) 589

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Elena Salinas and Maria Julia Salinas

Applicant: Elena Salinas Telephone: 214-404-7076

Mailing Address: 3303 James ST Dallas TX Zip Code: 75227

E-mail Address: g1rsalinas@yahoo.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

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

Affirm that an appeal has been made for a Variance, or Special Exception X, of Fence on front yard of 8' Feet.

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:

Remodeling and the best view for the house and keep children's safety in mind.

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 Elena Salinas (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: Elena Salinas (Affiant/Applicant's signature)

Subscribed and sworn to before me this 15th day of June, 2016

Orlando Mora Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

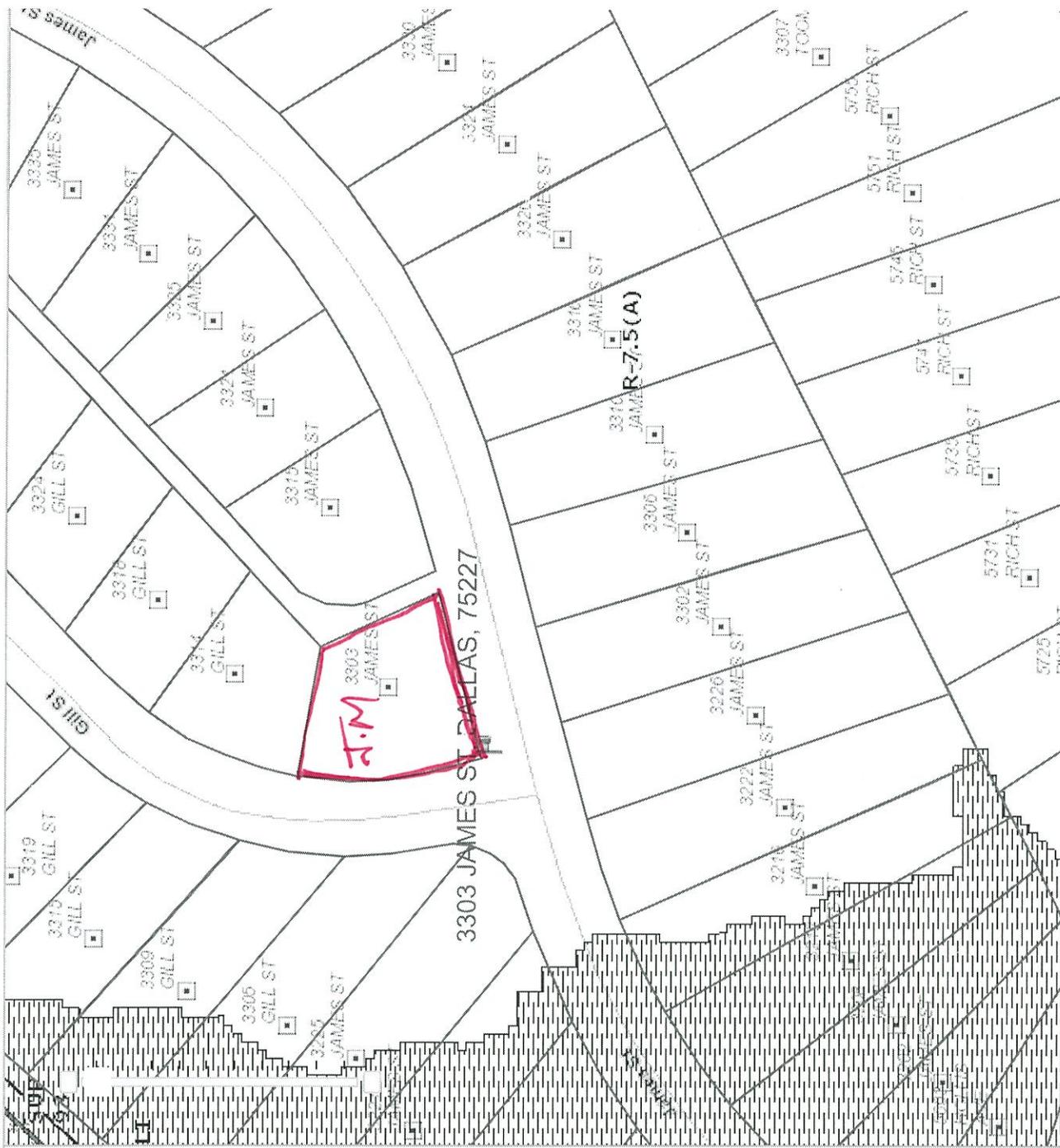


# City of Dallas

## Internal Development Research Site

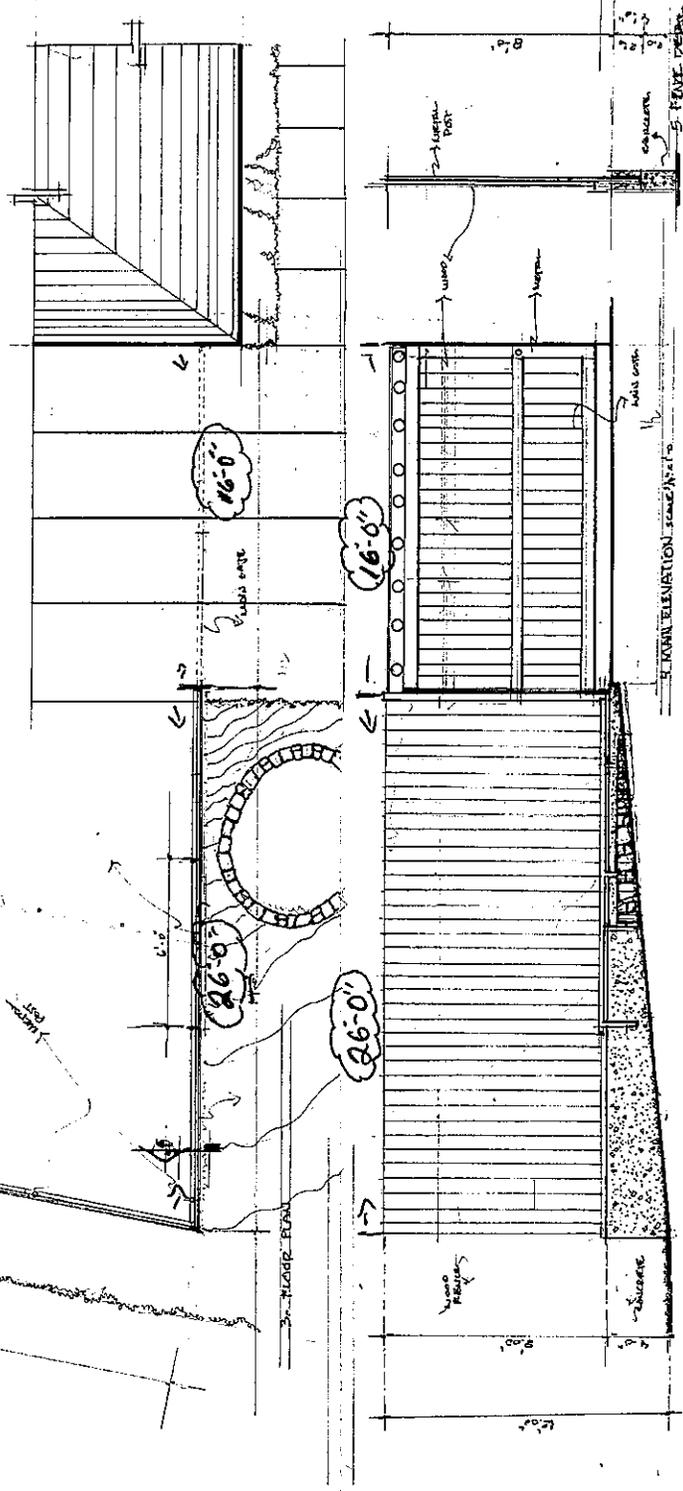
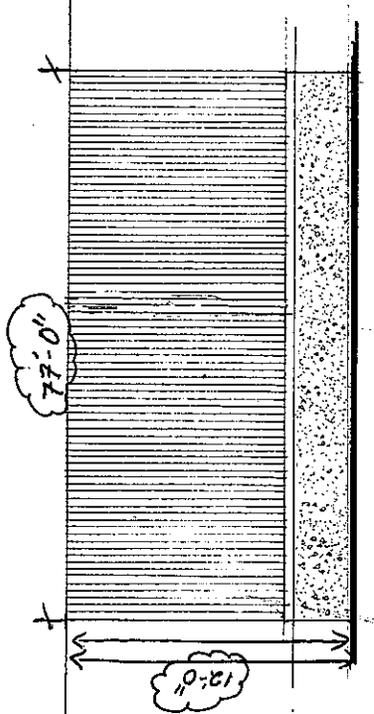
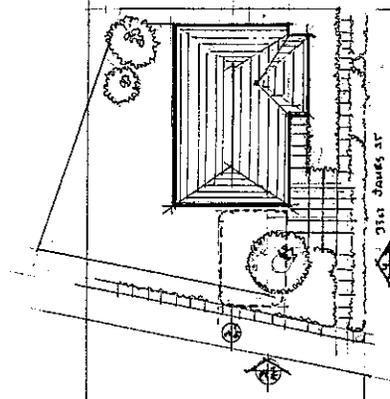
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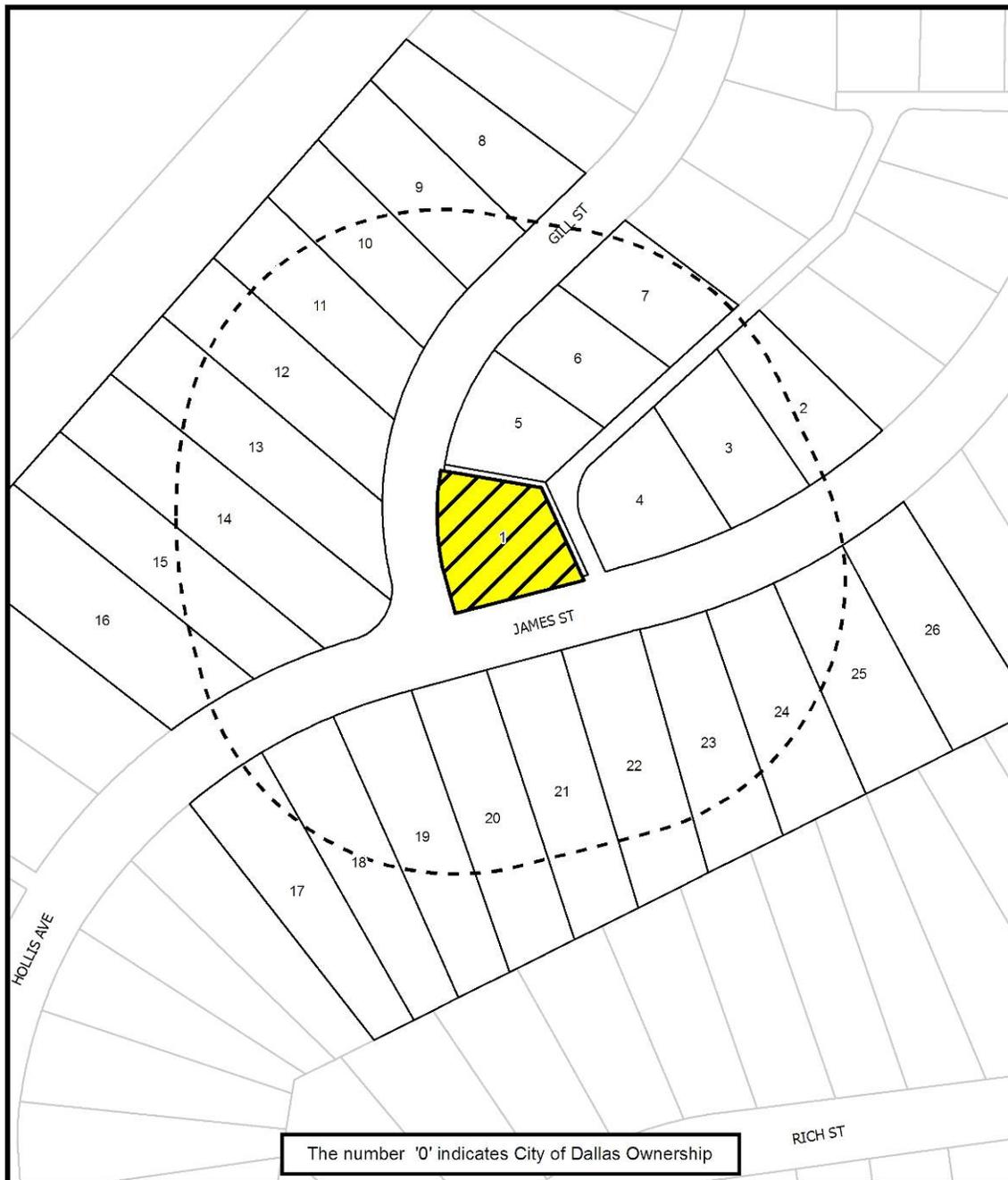
Locate Property











 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>26</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA156-075</b></u> Date: <u><b>7/29/2016</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA156-075*

#### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3303 JAMES ST	SALINAS MARIA JULIA
2	3325 JAMES ST	BUCHANAN ANNA MARY
3	3321 JAMES ST	RUIZ ENOELIA
4	3315 JAMES ST	BENNETT NELDA GAY
5	3314 GILL ST	WOOD SHARON DIANE TRUST
6	3318 GILL ST	ESPARZA ROSEMARY F &
7	3324 GILL ST	BREAULT ROBERT PAUL JR
8	3327 GILL ST	BOARMAN JONATHAN LOUIS
9	3323 GILL ST	SALINAS ANTONIO ETAL
10	3319 GILL ST	BARRERA ALDREDO
11	3315 GILL ST	BOARMAN JONATHAN LOUIS
12	3309 GILL ST	BOARMAN JONATHAN L
13	3305 GILL ST	MONTIEL ISIDRO & ROSA
14	3225 JAMES ST	SEARCY IRENE
15	3221 JAMES ST	SALINAS JESUS R
16	3215 JAMES ST	KURILECZ ELIZABETH
17	3212 JAMES ST	DUQUE GREGARIO
18	3216 JAMES ST	ALVARADO MARY
19	3222 JAMES ST	TORRES MAYRA
20	3226 JAMES ST	BUENO BERNARDO
21	3302 JAMES ST	HARRIS JAMES C
22	3306 JAMES ST	SEMARIER MONICA
23	3310 JAMES ST	GONZALEZ MARGARITO
24	3316 JAMES ST	ALVEREZ ROSARIO
25	3320 JAMES ST	WILL MARION E
26	3324 JAMES ST	GRANADOS NORA L

**FILE NUMBER:** BDA156-077(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the fence height regulations at 5214 Royal Lane. This property is more fully described as part of Lot 3, Block A/5518, 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 maintain a 9 foot high fence, which will require a 5 foot special exception to the fence height regulations.

**LOCATION:** 5214 Royal Lane

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the fence height regulations of 5' is made to construct and maintain a fence higher than 5' (an approximately 7' 8" high solid masonry fence with 8' high masonry columns and an approximately 6' 6" high ornamental iron gate flanked by two 9' high, 6' long solid walls/columns) in the site's 100' required front yard on a site that is being developed with a single family home.

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

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height 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 being developed with a single family home. The areas to the north, south, east, and west 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.

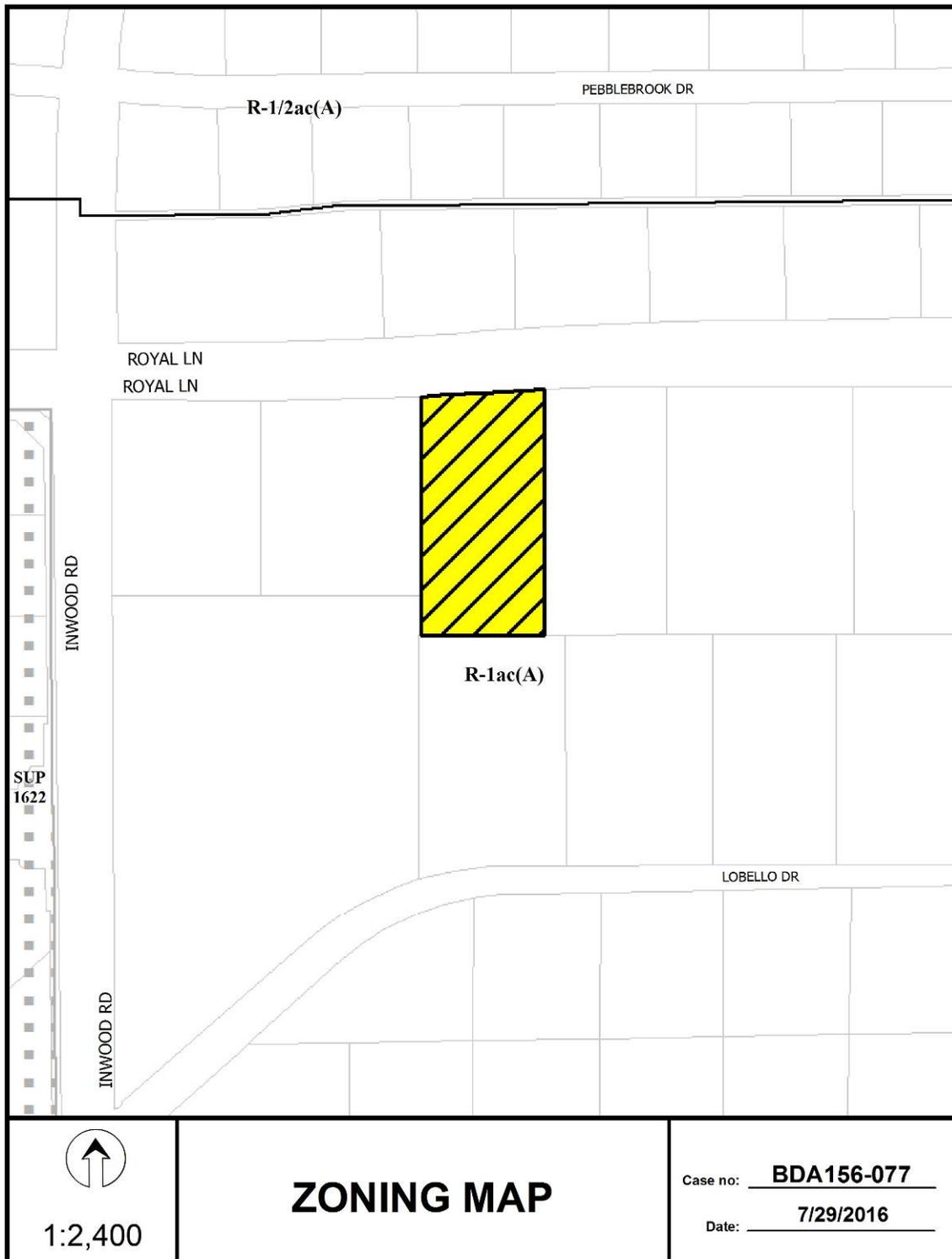
### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining an approximately 7' 8" high solid masonry fence with 8' high masonry columns and an approximately 6' 6" high ornamental iron gate flanked by two 9' high, 6' long solid walls/columns in the 100' required front yard on a site being 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) and has a 40' front yard setback. The subject site has a 100' required front yard given a 100' platted building line on the property.
- The applicant has submitted a revised site plan/elevation of the proposal with notations indicating that the proposal reaches a maximum height of 9'.
- The following additional information was gleaned from the submitted full site plan:
  - The proposal is represented as being approximately 200' in length parallel to the street and as much as 92' in length perpendicular to the street in the 100' required front yard.
  - The proposed fence is represented as being located on approximately 8' – 52' from the front property line, or approximately 15' – 52' from the pavement line.
- Two single family lots front the proposal neither with what appears to be a fence higher than 4' in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area (approximately 400 feet east and west of the subject site) and noted no other visible fences over 4' in height and in front yard setbacks.
- As of August 5, 2016, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' will not adversely affect neighboring property.
- Granting this special exception of 5' with a condition imposed that the applicant complies with the submitted revised site plan/elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

## **Timeline:**

- May 23, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 15, 2016: The 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 July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<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.”
- July 27, 2016: The applicant submitted additional documentation to staff beyond what was submitted with the original application (see Attachment A).
- August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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





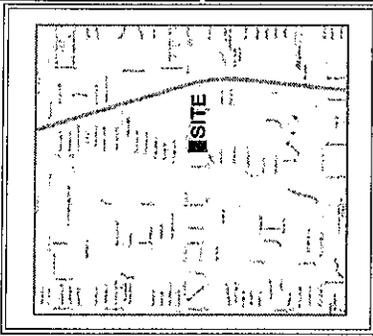
PROJECT NUMBER  
07/27/2016

CASE NUMBER

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

**Baldwin Associates**

5214 ROYAL LANE  
CITY OF DALLAS, TEXAS



VICINITY MAP  
NTS

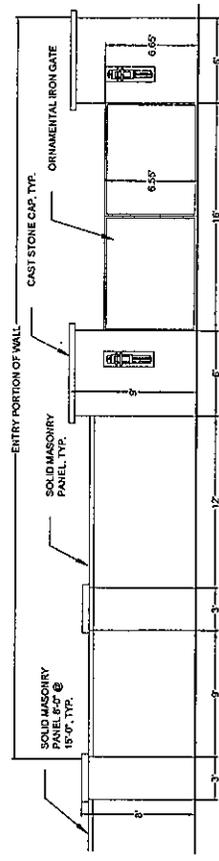
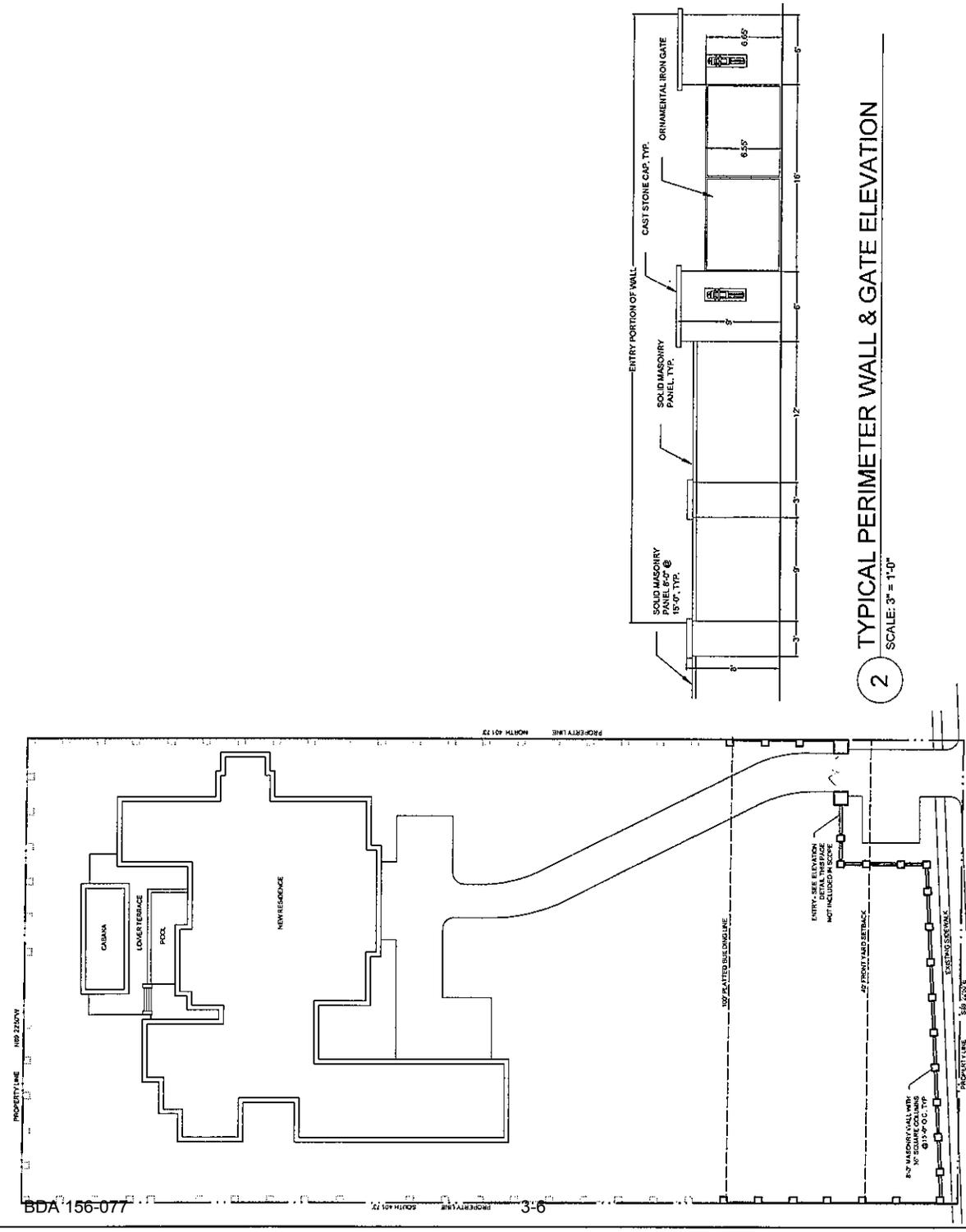


**SITE INFORMATION**  
ZONING DISTRICT: R-1AC(A)  
SETBACKS  
FRONT YARD PER ZONING: 40'  
PLATTED FRONT YARD PER ZONING: 100'

BDA156-077  
Attach A

CASE NUMBER: BDA 156-077

7-27



2 TYPICAL PERIMETER WALL & GATE ELEVATION  
SCALE: 3" = 1'-0"



1 BDA SITE PLAN  
SCALE: 1" = 20'-0"



BDA 156-077



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-077

Data Relative to Subject Property:

Date: May 23, 2016

Location address: 5214 Royal Lane Zoning District: R-1Ac(A)

Lot No.: Pt. 3 Block No.: A/5518 Acreage: 1.7850 acres Census Tract: 76.05

Street Frontage (in Feet): 1) 205 ft 2) 3) 4) 5)

NE25

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bruce and Michelle Thompson

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 a special exception of five feet for a fence located in a required 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 applicant is seeking permission to construct a fence in the front yard of this lot which will exceed four feet in height. The fence that we are requesting will not exceed nine feet in height. Royal Lane is a six-lane divided thoroughfare. The proposed solid fence will provide privacy and noise mitigation. Many surrounding properties either have fences greater than four feet or have dense landscaping to address these same issues.

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

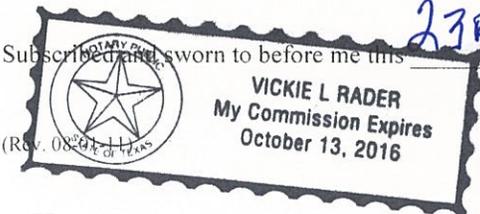
Affidavit

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

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

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

Subscribed and sworn to before me this 23rd day of May 2016 VICKIE L RADER My Commission Expires October 13, 2016 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

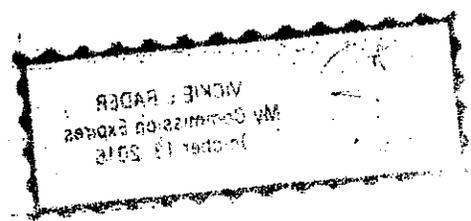
I hereby certify that Robert Baldwin

did submit a request for a special exception to the fence height regulations  
at 5214 Royal Lane

BDA156-077. Application of Robert Baldwin for a special exception to the fence height regulations at 5214 Royal Lane. This property is more fully described as part of Lot 3, Block A/5518, 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 regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



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RD 1606)

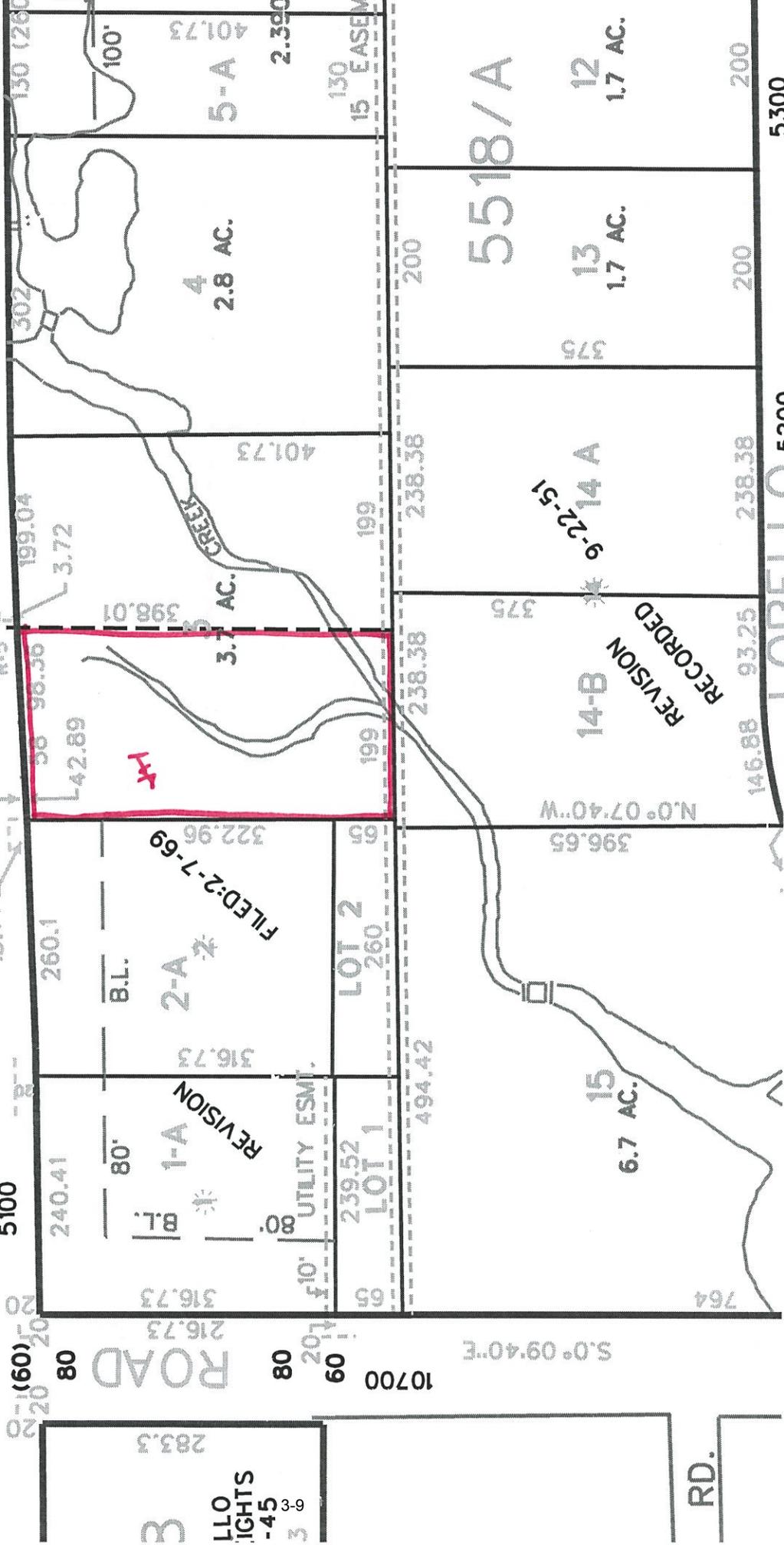
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J.W. SMITH SUR. ABST. 13367

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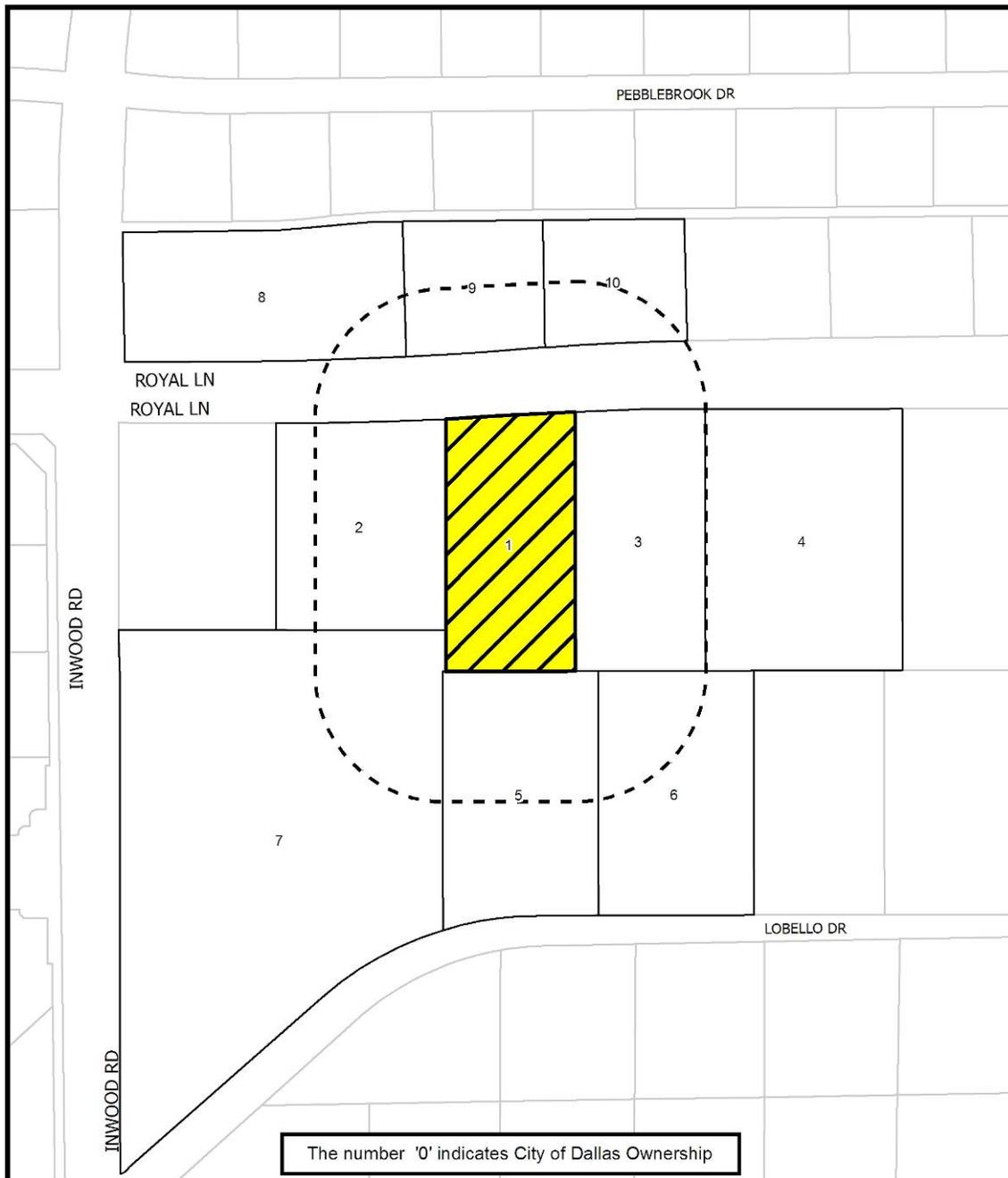
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 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA156-077</u> Date: <u>7/29/2016</u>
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

***BDA156-077***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5214 ROYAL LN	MUNSON SHARRON
2	5150 ROYAL LN	AMMON IRENE
3	5230 ROYAL LN	MENTER MARTIN ALAN &
4	5300 ROYAL LN	VARIA HITEN & SHERNAZ H
5	5215 LOBELLO DR	WANG JIANHUA &
6	5233 LOBELLO DR	JONES JERRY & ELLEN
7	10710 INWOOD RD	JAIN VINAY DR &
8	5135 ROYAL LN	SMERGE RAYMOND G &
9	5205 ROYAL LN	MUZQUIZ DANIEL E
10	5223 ROYAL LN	FETOUH OMAR & SHELBY E

**FILE NUMBER:** BDA156-065(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Steven Wood for a variance to the front yard setback regulations at 6730 Sunnyland Lane. This property is more fully described as Lot 1, Block 1/2976, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback measured at the foundation with a maximum 18" roof eave, which will require a 15 foot variance to the front yard setback regulations.

**LOCATION:** 6730 Sunnyland Lane

**APPLICANT:** Steven Wood

**REQUEST:**

A request for a variance to the front yard setback regulations of 15' is made to replace an existing one-story single family home structure with a two-story single family home structure, part of which is to be located 10' from the front property line or 15' into the 25' front yard setback.

**STANDARD FOR A VARIANCE:**

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, 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:**

Denial

Rationale:

- Staff recognizes that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is irregular in shape, however, staff recommends denial because:
  - 1) the subject site is approximately 5,000 square feet larger in area than most lots in the R-7.5(A) zoning district; and
  - 2) the applicant had not provided information documenting that the replacement home with approximately 5,800 square feet of living space (approximately 4,000 square feet larger in area than the single family home that exists on the site) is commensurate with the development found upon other parcels of land with the same R-7.5(A) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is developed with a single family home structure that the applicant intends to demolish and replace with another single family home structure. The areas to the north, east, south, and west 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 focuses on replacing an existing one-story single family home structure with a two-story, single family home structure with approximately 5,800 square feet of a/c space, part of which is to be located 10’ from the site’s front property line or 15’ into the 25’ front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- A scaled site plan has been submitted indicating that the proposed structure is located as close as 10’ from the front property line or as much as 15’ into this 25’ front yard setback.
- According to DCAD records, the “main improvement” for property addressed at 6730 Sunnyland Lane is a structure built in 1950 with 1,974 square feet of living/total area with the following “additional improvements”: a 72 square foot storage building.

- The subject site is relatively flat, triangular in shape, and according to the submitted application is 0.288 acres (or approximately 12,500 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- 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 structures 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 10’ from the site’s front property line (or 15’ into the 25’ front yard setback).

**Timeline:**

- April 21, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- May 10, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 11, 2016: The 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 June 8<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 17<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.”
- June 14, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the

Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection, Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

June 27, 2016: The Board of Adjustment Panel C conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on August 15, 2016.

June 28, 2016: The Board Administrator wrote the applicant a letter that provided the board's action; and the July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials. (Note that the applicant has not submitted any additional documents from what was presented before/at the June 27<sup>th</sup> public hearing).

August 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: JUNE 27, 2016**

APPEARING IN FAVOR: Danny Sipes, P.O. Box 3293, Dallas, TX  
Jim Rorke, 6780 Sunnyland, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

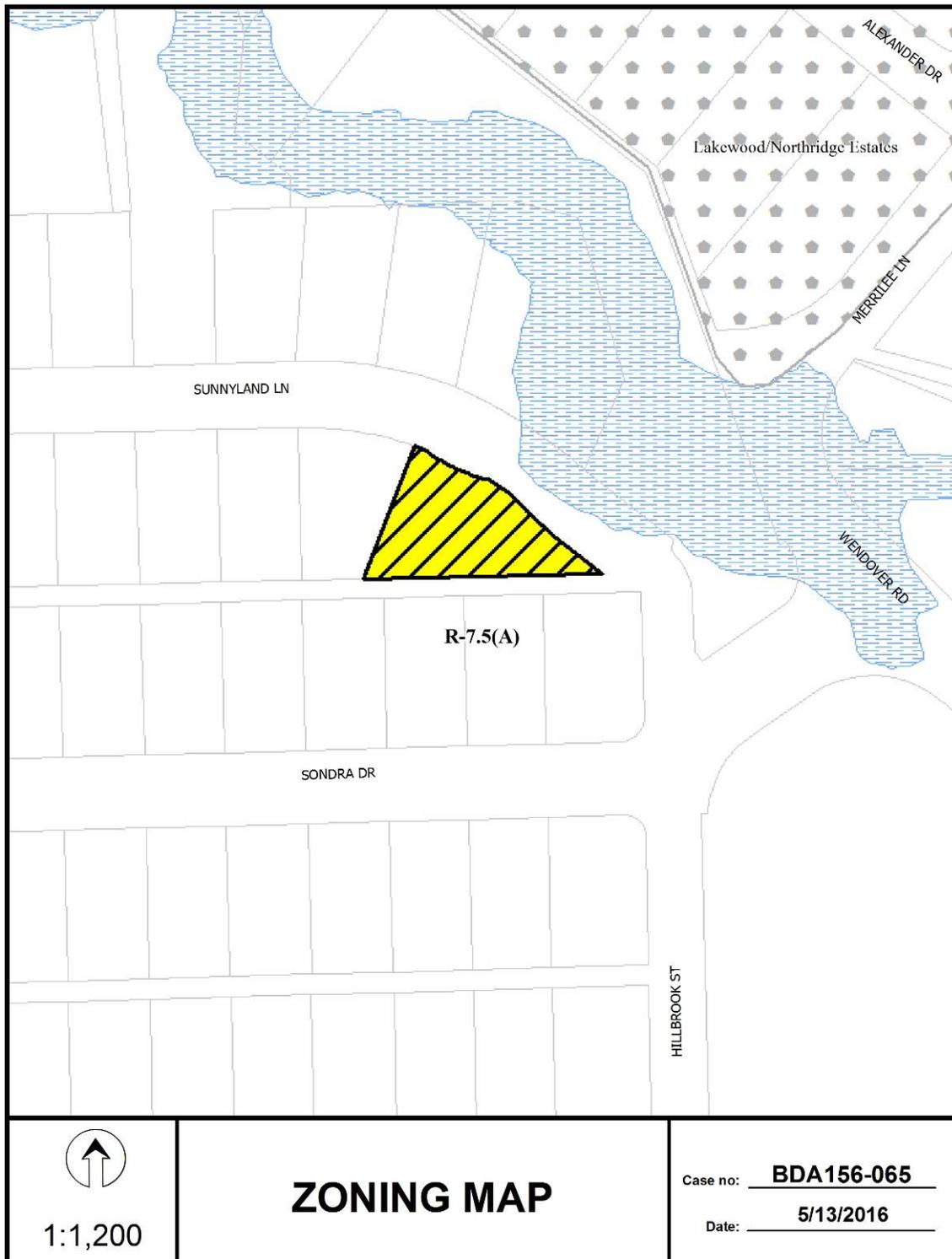
I move that the Board of Adjustment, in request No. **BDA 156-065**, hold this matter under advisement until **August 15, 2016**.

SECONDED: **Beikman**

AYES: 5 – Richardson, Carreon, Schulte, Beikman, Foster

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)

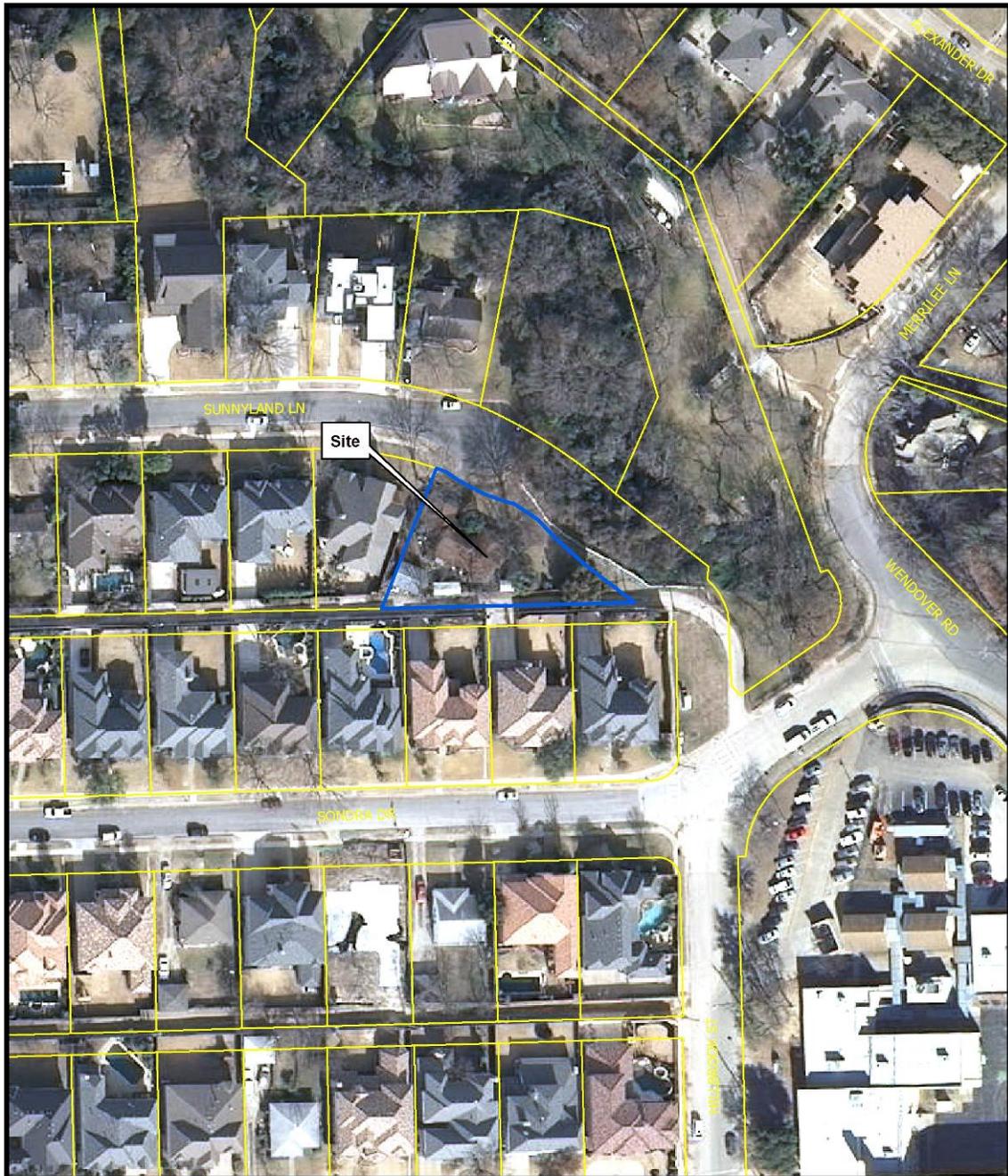


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# ZONING MAP

Case no: BDA156-065

Date: 5/13/2016



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# AERIAL MAP

Case no: BDA156-065

Date: 5/13/2016



C

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-065

Data Relative to Subject Property:

Date: 4/21/16

Location address: 6730 Sonnyland Ln. Zoning District: R-7.5(A)

Lot No.: 1 Block No.: 12976 Acreage: .288 Census Tract: 80.00

Street Frontage (in Feet): 1) 176' 2) 3) 4) 5) 585B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James D. Borke and Rachel M. Borke

Applicant: Steven Wood Telephone: 8176827218

Mailing Address: 17810 Davenport Suite 109 Zip Code: 75252

E-mail Address: Steven@txpermit.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 15' to the front yard setback measured at the foundation

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

We have a second frontyard setback that is making it difficult to build a common sense house to the neighborhood, and would like to encroach into the front yard set back at 15' where there is no built road

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

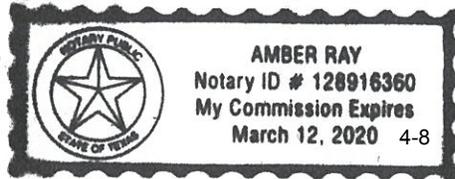
Before me the undersigned on this day personally appeared Steven Wood (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 21st day of April, 2016

(Rev. 08-01-11) [Signature] Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

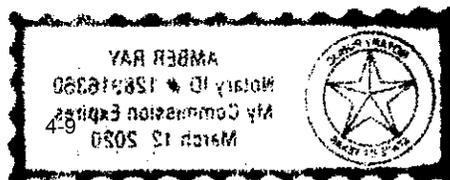
I hereby certify that Steven Wood

did submit a request for a variance to the front yard setback regulations  
at 6730 Sunnyland Lane

BDA156-065. Application of Steven Wood for a variance to the front yard setback regulations at 6730 Sunnyland Lane. This property is more fully described as Lot 1, Block 1/2976, 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 structure and provide a 10 foot front yard setback measured at the foundation with a maximum 18" roof eave, which will require a 15 foot variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

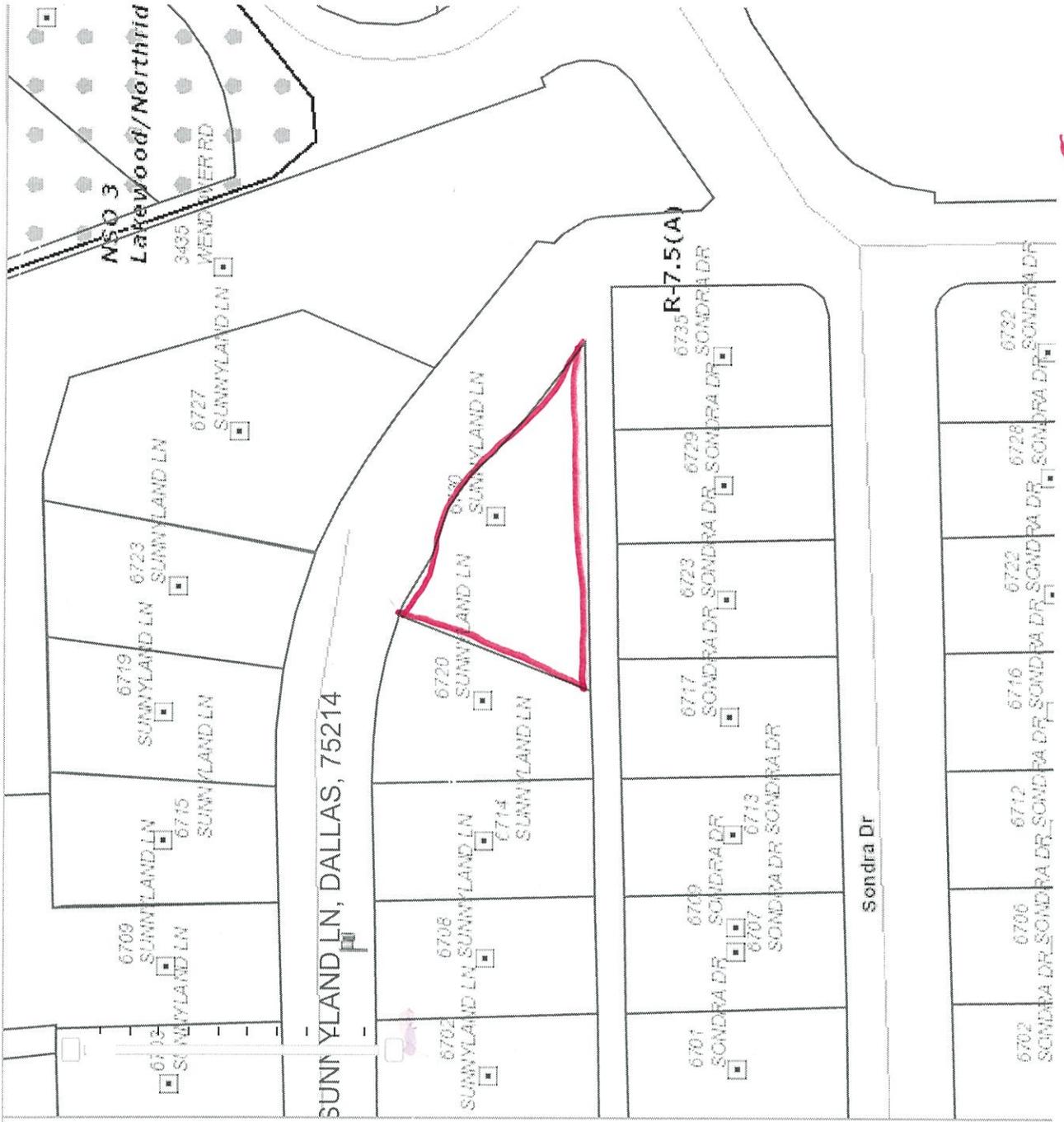


# City of Dallas

## Internal Development Research Site

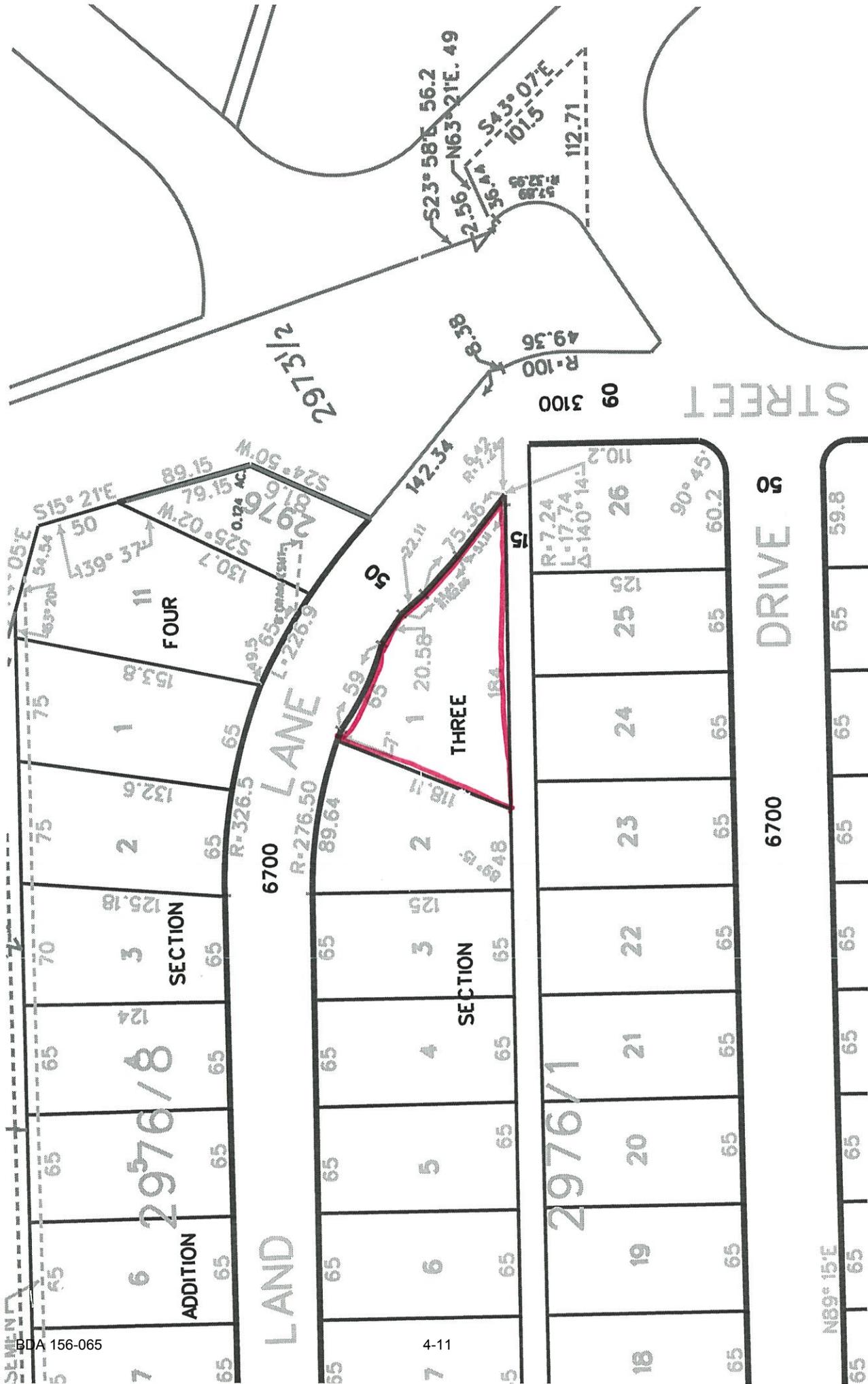
### Legend

Locate Property



*800 4/26*

See 4/26



SEMENT

2976/8

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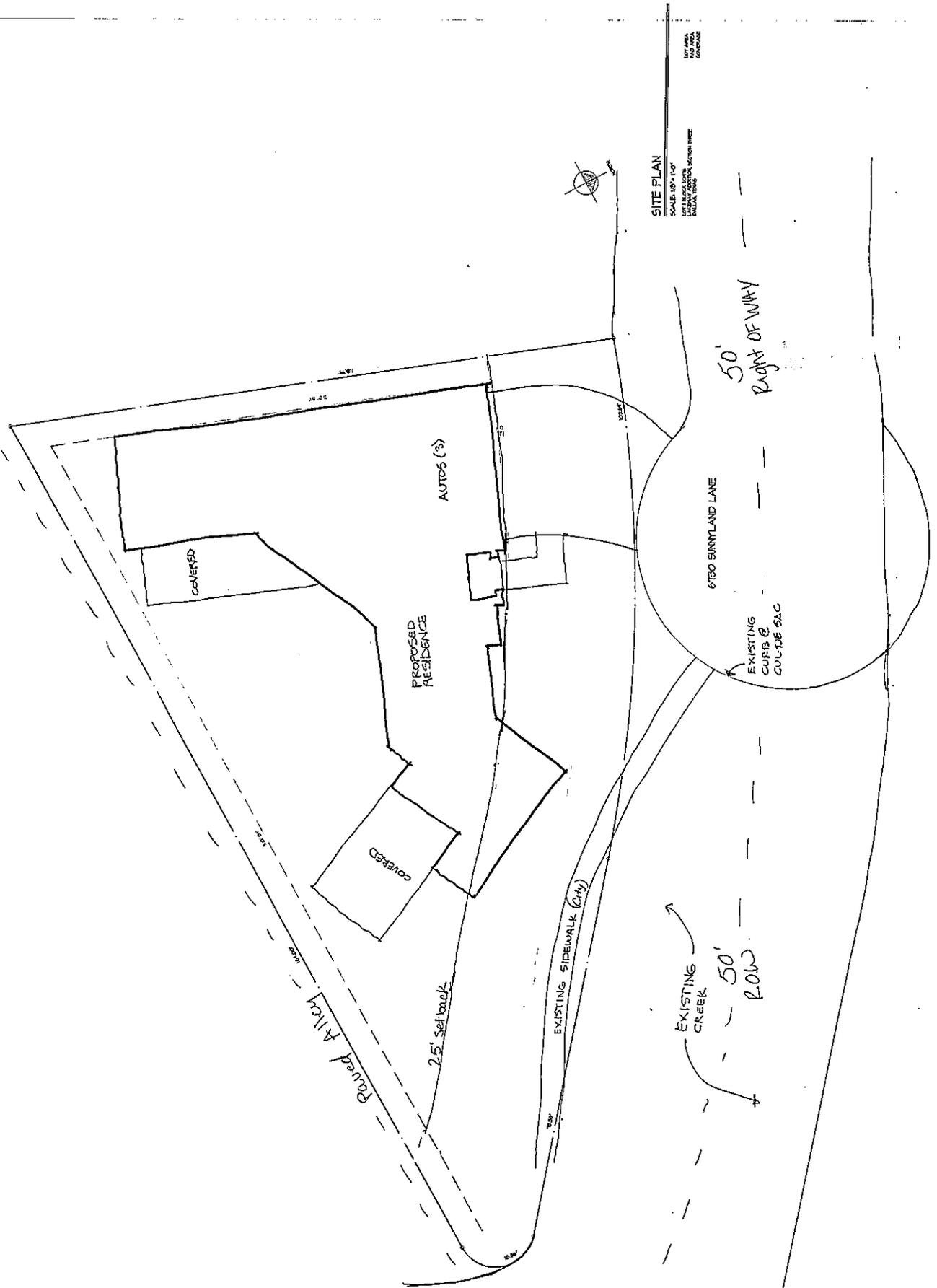
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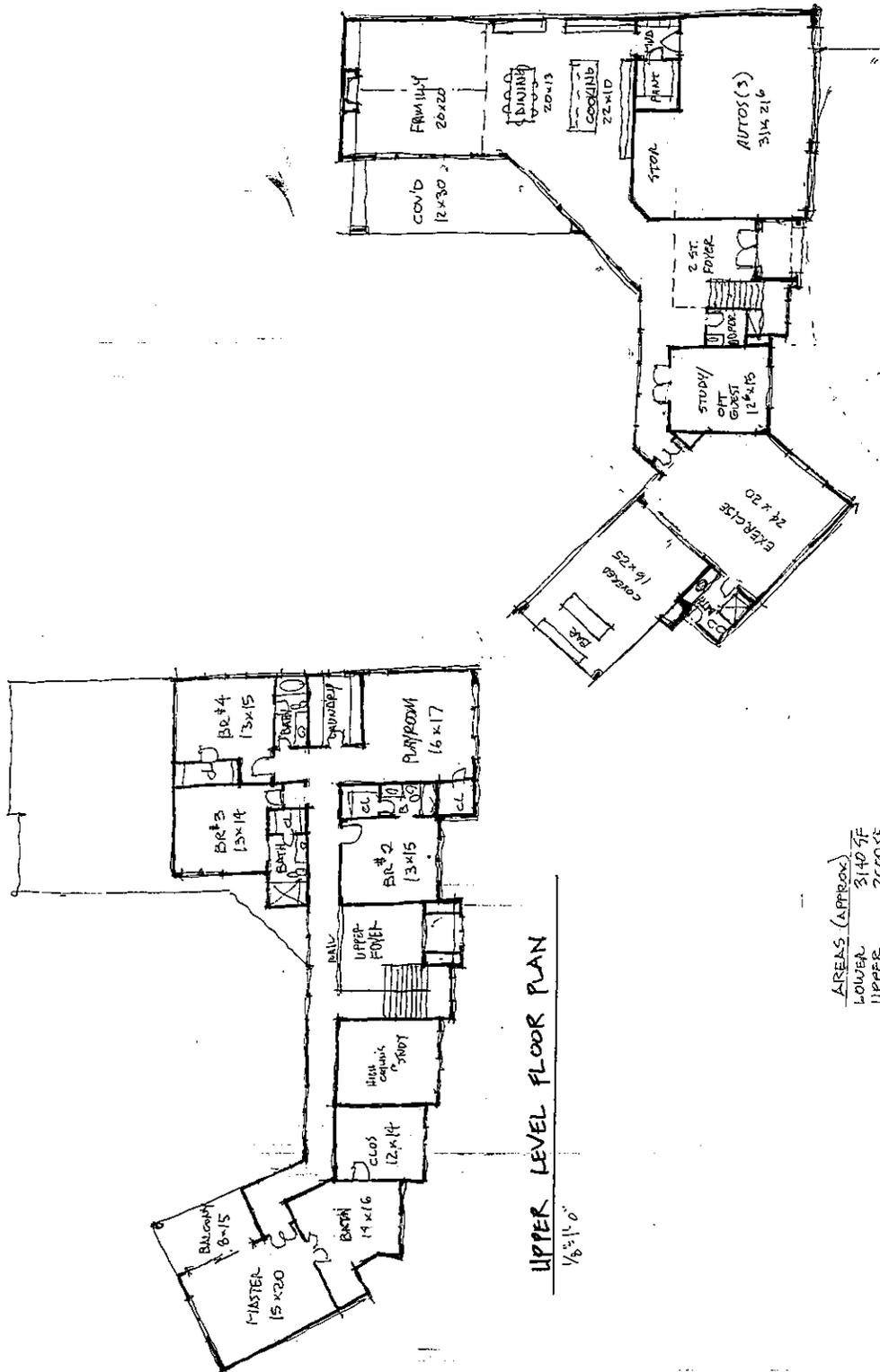
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**SITE PLAN**  
 SCALE: 1/8" = 1'-0"  
 LOT AREA: 10,000 SQ. FT.  
 LOT AREA: 10,000 SQ. FT.  
 LOT AREA: 10,000 SQ. FT.



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

LOWER LEVEL FLOOR PLAN  
1/8"=1'-6"

AREAS (APPROX)	
LOWER	3140 SF
UPPER	2650 SF
TOTAL A/C	5790 SF

THE RORKE RESIDENCE  
RON DAVIS CUSTOM HOMES  
CONVERT + ASSOC. LLC

4-28-16





 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA156-065</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>23</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>23</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>23</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

# *Notification List of Property Owners*

***BDA156-065***

***23 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6730 SUNNYLAND LN	TREWITT KATHERINE R
2	6720 SUNNYLAND LN	COSTA JOHN M & LISA M
3	6714 SUNNYLAND LN	KING ALLEN & MARILYN
4	6708 SUNNYLAND LN	COOPER PAUL
5	6702 SUNNYLAND LN	SMITH JOCELYN T & SEAN B
6	6701 SONDR A DR	DARBY JAMES &
7	6709 SONDR A DR	HAYTER MARTIN JOHN & EMILY DAWN PRESSON
8	6713 SONDR A DR	FARRELL WILLIAM G & STACEY M
9	6717 SONDR A DR	MCLEOD ADAM W
10	6723 SONDR A DR	BRADFORD SCOTT A & JENNIFER W
11	6729 SONDR A DR	BERINHOUT NEAL & SHARON A
12	6735 SONDR A DR	TOLIA VEERAL & DEEPTI
13	6732 SONDR A DR	BATJER HENRY H III & JANET
14	6728 SONDR A DR	BARRETT JAMES A & KARYN M
15	6722 SONDR A DR	FIFE JEREMY D & JENNIFER S
16	6716 SONDR A DR	VANDIJK LISA M & CHRISTIAN T VAN DIJK
17	6723 SUNNYLAND LN	ROSEWOOD CUSTOM BUILDERS LLC
18	6719 SUNNYLAND LN	PALAMAR KATHERINE S &
19	6715 SUNNYLAND LN	CAMPITI ANTHONY J &
20	6709 SUNNYLAND LN	SMITH MICHAEL E &
21	6727 SUNNYLAND LN	THE TREWITT TRUST
22	3000 HILLBROOK ST	Dallas ISD
23	3435 WENDOVER RD	WILSON NORMA JUNE

**FILE NUMBER:** BDA156-081(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Shakeel Ahmed for a special exception to the off-street parking regulations at 19205 Wind Mill Lane. This property is more fully described as Lot 17A, Block F/8728, and is zoned NO(A), which requires parking to be provided. The applicant proposes to construct and maintain a structure for an office use, and provide 51 of the required 57 off-street parking spaces, which will require a 6 space special exception to the off-street parking regulations.

**LOCATION:** 19205 Wind Mill Lane

**APPLICANT:** Shakeel Ahmed

**REQUEST:**

A request for a special exception to the off-street parking regulations of 6 spaces is made to construct and maintain an approximately 19,100 square foot office use structure (IEA Corporate Office), and provide 51 of the required 57 off-street parking spaces.

**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:**

Denial

Rationale:

- The Sustainable Development and Construction Department Project Engineer recommends denial of the applicant's request.
- Staff concluded that the applicant had not substantiated 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.

**Zoning:**

Site: NO(A) (Neighborhood office)  
North: NO(A) (Neighborhood office)  
South: R-10(A) (Single family district 10,000 square feet)  
East: NO(A) (Neighborhood office)  
West: RR (Regional retail)

**Land Use:**

The subject site is undeveloped. The areas to the north and west are undeveloped, the area to the east is in part developed with office use and in part undeveloped, and the area to the south is 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 focuses on constructing and maintaining an approximately 19,100 square foot office use structure (IEA Corporate Office), and providing 51 of the required 57 off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirements:
  - Office use: 1 space per 333 square feet of floor area.
- The applicant has submitted a site plan that represents a 19,063 square foot structure to be an office use. The site plan denotes that 57 spaces are required, less the special exception of 6 spaces, resulting in providing 51 parking spaces. The site plan further denotes that of the 51 parking spaces to be provided that there is a reduction of 3 spaces for tree mitigation and 3 spaces for providing additional bicycle parking, therefore 45 spaces are shown as being provided on the site. (Note that staff has not verified the requirements for the applicant's representation on the site plan for the reduction of 6 spaces for bicycle parking and tree preservation).
- The Dallas Development Code states that the number of off-street parking spaces required under this article is reduced by one for each protected tree (as defined in Article X) retained that would otherwise have to be removed. The preserved tree must be protected from vehicular traffic through the use of concrete curbs, wheel stops, or other permanent barriers. The maximum reduction authorized by this section is five percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.

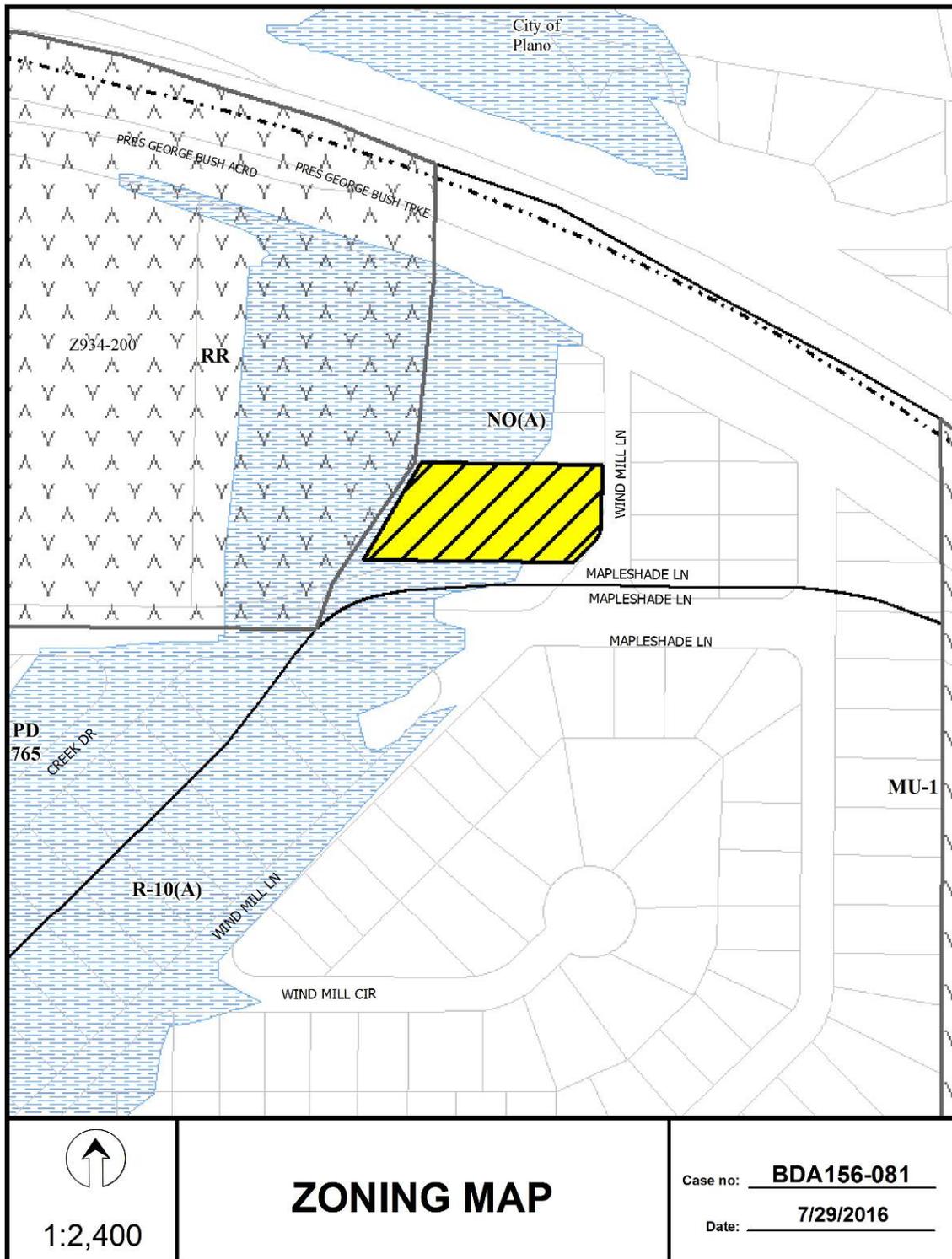
- The Dallas Development Code states that required off-street parking may be reduced by one space for every six Class I or four Class II bicycle parking spaces provided on a building site, and that the base number of bicycle parking spaces required to be provided per Section 51A-4.333 may count toward the parking reduction.
- The Sustainable Development Department Project Engineer submitted a review comment sheet marked “Recommends that this be denied” commenting “The applicant did not demonstrate that the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets”.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the “office” use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 6 would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 6 spaces shall automatically and immediately terminate if and when the office use is changed or discontinued, the applicant would be allowed to construct and maintain the structure on the site with this specific use (“office”) with the specified square footage, and provide 51 of the 57 code required off-street parking spaces.

**Timeline:**

- June 22, 2016: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 14, 2016: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 15, 2016: The Board Administrator contacted the applicant and emailed 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 July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<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 2, 2016: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of

Adjustment Chief Planner, the Building Inspection Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

August 5, 2016: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Recommends that this be denied" commenting "The applicant did not demonstrate that the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets".





1:2,400

# AERIAL MAP

Case no: BDA156-081

Date: 7/29/2016



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 156-081

Data Relative to Subject Property:

Date: 06-22-16

Location address: 19205 Wind Mill Lane, Dallas, TX 75252 Zoning District: NO(A)

Lot No.: 17A Block No.: F/8728 Acreage: 1.22 Census Tract: 317.00

Street Frontage (in Feet): 1) 177 2) 340 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*NEAR*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 5SAHMED, LP

Applicant: Shakeel Ahmed Telephone: 214-884-4253

Mailing Address: 18333 Preston Road, #205, Dallas, TX Zip Code: 75252

E-mail Address: sahmed@ieaworld.com

Represented by: Shakeel Ahmed Telephone: 214-884-4253

Mailing Address: 18333 Preston Road, #205, Dallas, TX Zip Code: 75252

E-mail Address: sahmed@ieaworld.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 6 parking spaces from required 57 spaces for an office use.

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 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 congestion on adjacent or nearby streets.

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 Shakeel Ahmed  
(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 22<sup>ND</sup> day of JUNE, 2016

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

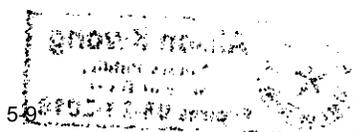
**Building Official's Report**

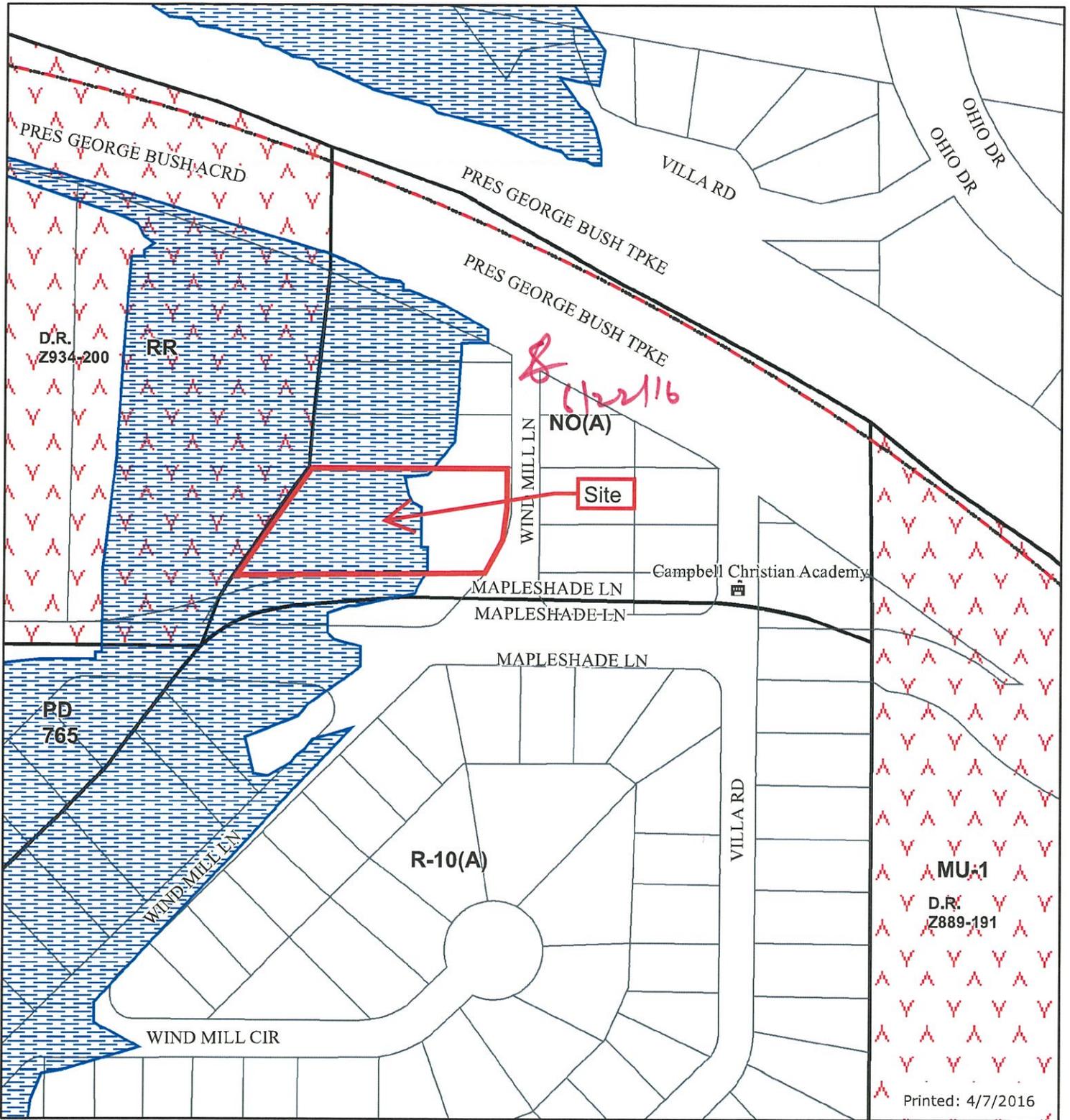
I hereby certify that Shakeel Ahmed  
did submit a request for a special exception to the parking regulations  
at 19205 Wind Mill Lane

BDA156-081. Application of Shakeel Ahmed for a special exception to the parking regulations at 19205 Wind Mill Lane. This property is more fully described as Lot 17A, Block F/8728, and is zoned NO(A), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for an office use, and provide 51 of the required 57 parking spaces, which will require a 6 space special exception (10.5% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 4/7/2016

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

BDA 156-081

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





June 20, 2016  
Board of Adjustment  
City of Dallas  
320 E. Jefferson Blvd., #105  
Attn: Todd Duerksen

**Subject: Appeal for Special Exception to Parking Requirements for Lot 17A, Block F/8728, Dallas, IEA Corporation  
Office Addition, Texas**

Dear Todd,

This letter serves as an appeal to the Board of Adjustment for a Special Exception to the parking demand requirements under Section 51A-4.311, Dallas Development Code, Ordinance No. 19455, as amended. The City code requires one parking space for every 333 S.F. of building area. Our proposed two-story office building will consist of 19,063 S.F. Therefore, the required number of parking spaces per City code will be 57. Due to the floodplain encroachment of the Upper McKamy Branch and preservation of existing protected trees, we request that the City accept 45 parking spaces as a special exception in lieu of the required 57 parking spaces. We feel that the special exception will not adversely affect neighboring properties due to the following reasons:

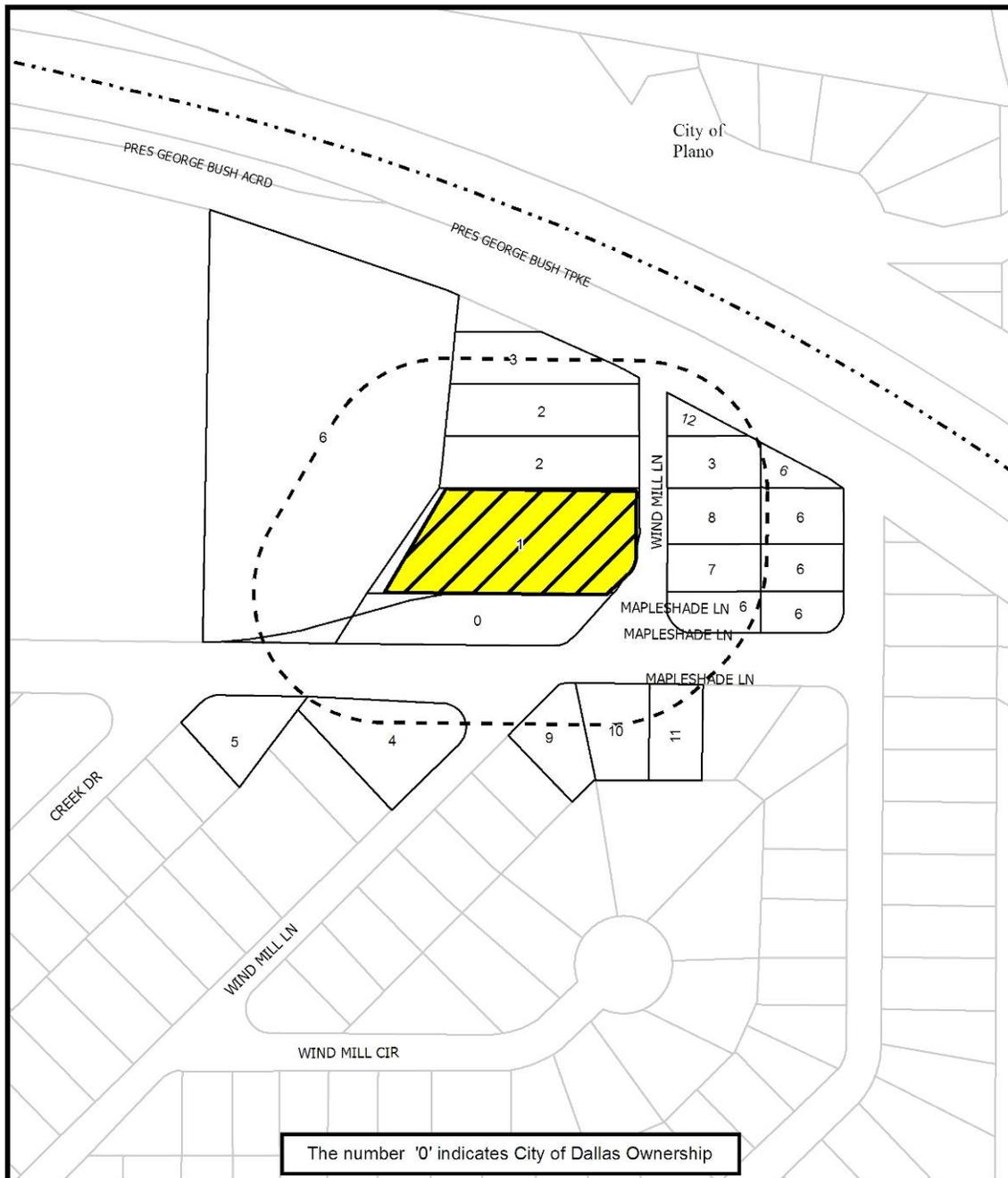
1. The office building will employ 35 employees. The site plan provides 45 parking spaces, which consists of 16 compact parking spaces and 29 standard parking spaces. In addition to parking, we have provided 20 bicycle parking spaces. Available spaces are more in number than the required spaces to meet our parking needs for a foreseeable future.
2. Along the west side of our property, there is an existing tree line of mature protected trees(Elm) within our property. These trees are not only nice trees but also they serve environmental purpose. The existing trees can reduce potential erosion from storm water runoff and provide a barrier between the high-density retail zone and the single-family neighborhood. Reduced parking spaces would not only preserve trees and avoid impact to the flood plain, but also preserve quality of environment for the neighborhood
3. One-third of the subject property is in the flood plain. We are building only in the area outside the flood plain to avoid negative impact to the floodplain. This has significantly impacted our ability to meet the City's parking requirement of 57 parking spaces.
4. Reduced parking spaces do not affect existing traffic flow for the surrounding neighborhood because our driveways are at a stop sign condition.
5. In addition to the above, one half of the reduction in spaces (6 spaces) is accommodated by taking the following reductions:
  - a. Bicycle Parking – we have provided 18 extra bicycle parking spaces (20 total) which allows us to provide 3 less parking spaces at 1 parking space per 6 bicycles – maximum 5% x 57 spaces = 3 spaces. Section 15A, 4.3.4.
  - b. Tree Saving – we have already preserved several protected trees in this parking scheme, which allows us to provide 1 less parking space per preserved tree at a maximum of 5% x 57 spaces = 3 spaces. Section 15A, 4.3.2.

Therefore, the requested Special Exception is only for an additional 6 spaces, for a total reduction of 12 spaces. We look for a positive response in favor of our appeal in lieu of the peculiar and restrictive site conditions of this property. Please give me call at 214-929-7659 or email at [sahmed@ieaworld.com](mailto:sahmed@ieaworld.com) should you have any question.

Respectfully Submitted,



Shakeel Ahmed



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA156-081</b> Date: <b>7/29/2016</b>
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA156-081*

#### *12 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	19205 WINDMILL LN	SHURTLEFF FAMILY LIVING TRUST
2	19207 WINDMILL LN	ATTICUS REAL ESTATE SERVICES
3	19211 WINDMILL LN	ATTICUS REAL ESTATE SERVICES INC
4	19125 WINDMILL LN	MAY JOHN B ETUX DIAN
5	6432 MAPLESHADE LN	MOORE FREDERICK B & PAMELA J
6	6624 VILLA RD	CLEARVIEW INVESTMENTS LTD
7	19202 WINDMILL LN	ATTAR NEMAT R TRUSTEE
8	19204 WINDMILL LN	M HUMPHREYS FAMILY LP
9	19128 WINDMILL LN	MARTIN THERESA A LEWIS
10	6506 MAPLESHADE LN	LEVITT JEFFERY D & ELAINE
11	6512 MAPLESHADE LN	DORADO FREDERICK & DONNA M
12	19208 WIND MILL LN	HUMPHREYS M FAMILY LP