

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, MARCH 20, 2018  
AGENDA

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BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	11:30 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

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**MISCELLANEOUS ITEM**

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Approval of the February 20, 2018 Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA178-035(OA)</b>	1602 Melbourne Avenue <b>REQUEST:</b> Application of Bryan Adkins for special exceptions to the visual obstruction regulations	1
<b>BDA178-036(SL)</b>	8567 San Leandro Drive <b>REQUEST:</b> Application of Robert O'Neal for special exceptions to the visual obstruction regulations	2

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**REGULAR CASE**

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<b>BDA178-028(SL)</b>	309 W 8th Street <b>REQUEST:</b> Application of Gerardo Alvarez for a variance to the off-street loading regulations	3
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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]

**FILE NUMBER:** BDA178-035(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Bryan Adkins for special exceptions to the visual obstruction regulations at 1602 Melbourne Avenue. This property is more fully described as Lot 8, Block 10/4750, and is zoned R-7.5(A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 1602 Melbourne Avenue

**APPLICANT:** Bryan Adkins

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to construct and maintain an 8' high solid wood fence in the two 20' visibility triangles on both sides of the driveway into the site from Tennessee Avenue, and to construct and maintain an 8' high solid wood fence with a swing gate in the 20' visibility triangle at where the alley meets Tennessee Avenue on a site developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

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

**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 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:**

- These requests for special exceptions to the visual obstruction regulations focus on constructing and maintaining an 8' high solid wood fence in the two 20' visibility triangles on both sides of the driveway into the site from Tennessee Avenue, and an 8' high solid wood fence with a swing gate in the 20' visibility triangle at where the alley meets Tennessee Avenue on a site developed with a single family home.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in an 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 revised site plan and an elevation have been submitted indicating portions of "the 8' high solid wood fence" located in the two 20' visibility triangles on both sides of the driveway into the site from Tennessee Avenue, and indicating portions of the 8' high solid wood fence with a swing gate located in the 20' visibility triangle at where the alley meets Tennessee Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

- The applicant has the burden of proof in establishing how granting the requests for special exceptions, to the visual obstruction regulations, to complete and maintain an 8' high solid wood fence in the two 20' visibility triangles on both sides of the driveway into the site from Tennessee Avenue and to construct and maintain an 8' high solid wood fence with a swing gate in the 20' visibility triangle at where the alley meets Tennessee Avenue, do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan and elevation would limit the items located in the 20' drive approach visibility triangles into the site from Tennessee Avenue and would limit the items located in the 20' visibility triangle where the alley meets Tennessee Avenue, to that what is shown on these documents – an 8' high solid wood fence and an 8' high solid wood swing gate.

### **Timeline:**

January 26, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 12, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

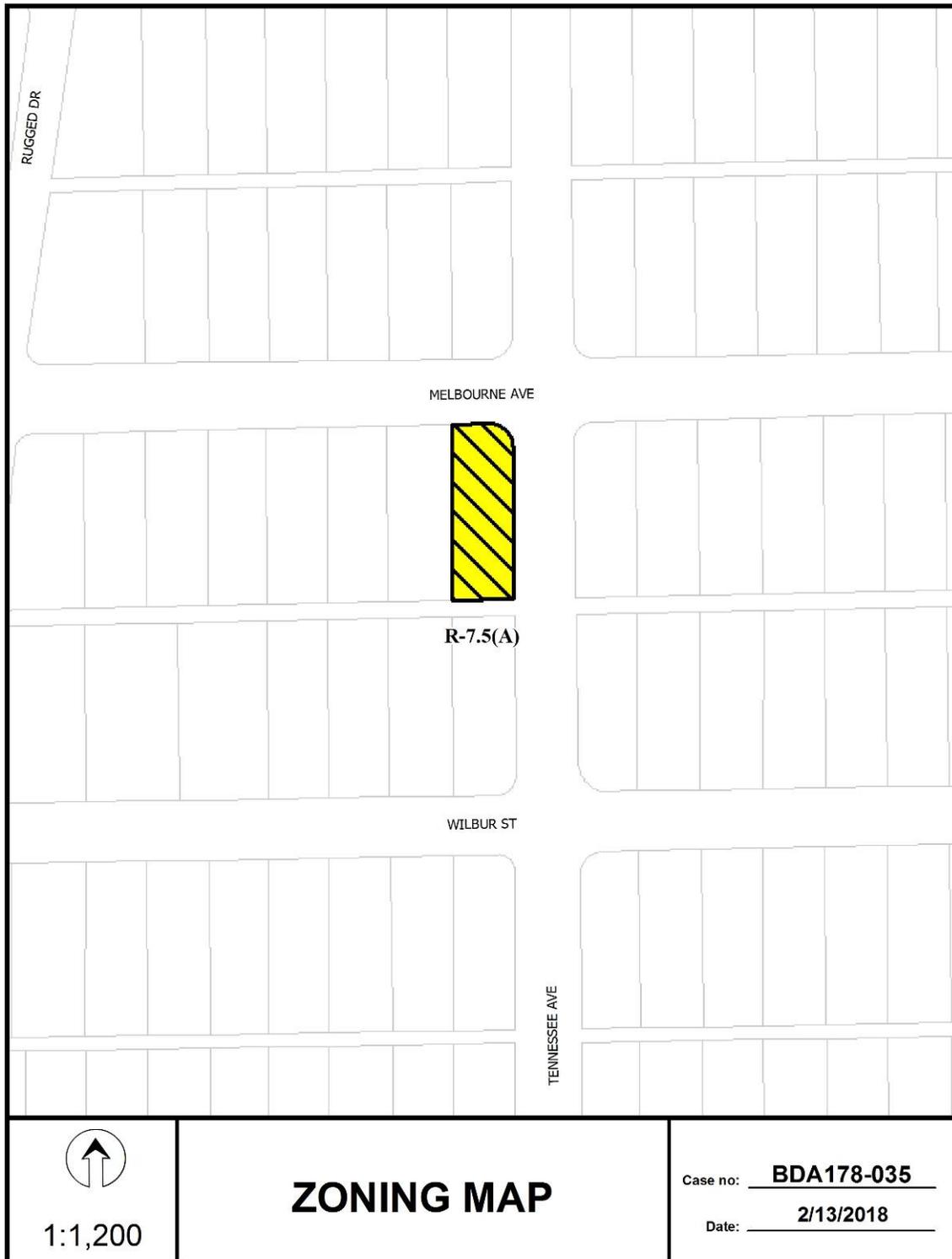
February 13, 2017: The Board Administrator emailed the applicant/owner the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the February 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

March 8, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A).

March 8, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

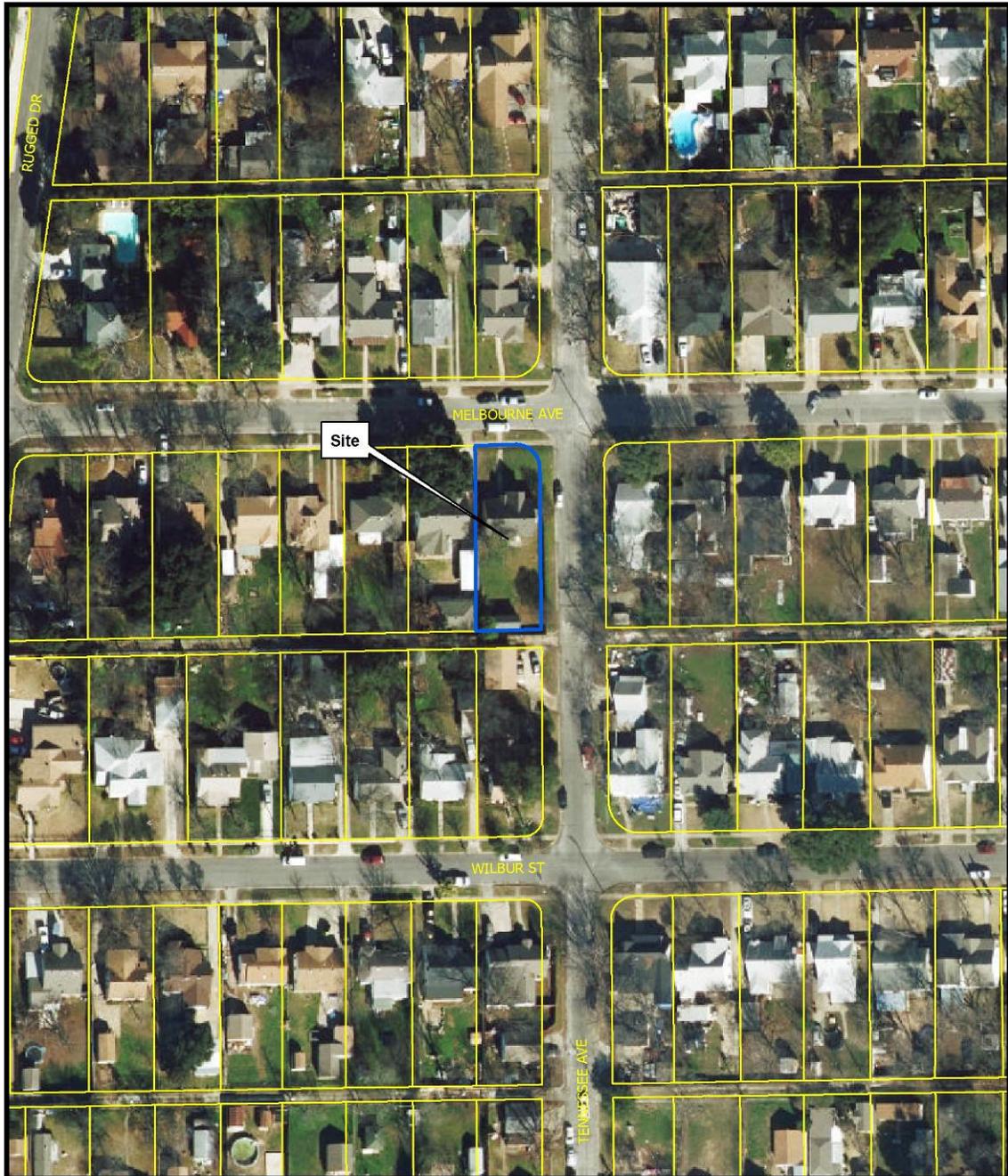


1:1,200

# ZONING MAP

Case no: BDA178-035

Date: 2/13/2018



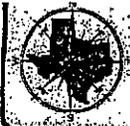
1:1,200

# AERIAL MAP

Case no: BDA178-035

Date: 2/13/2018

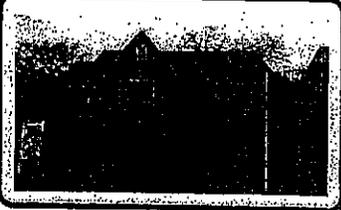
BDA178-03  
ATTACH-A



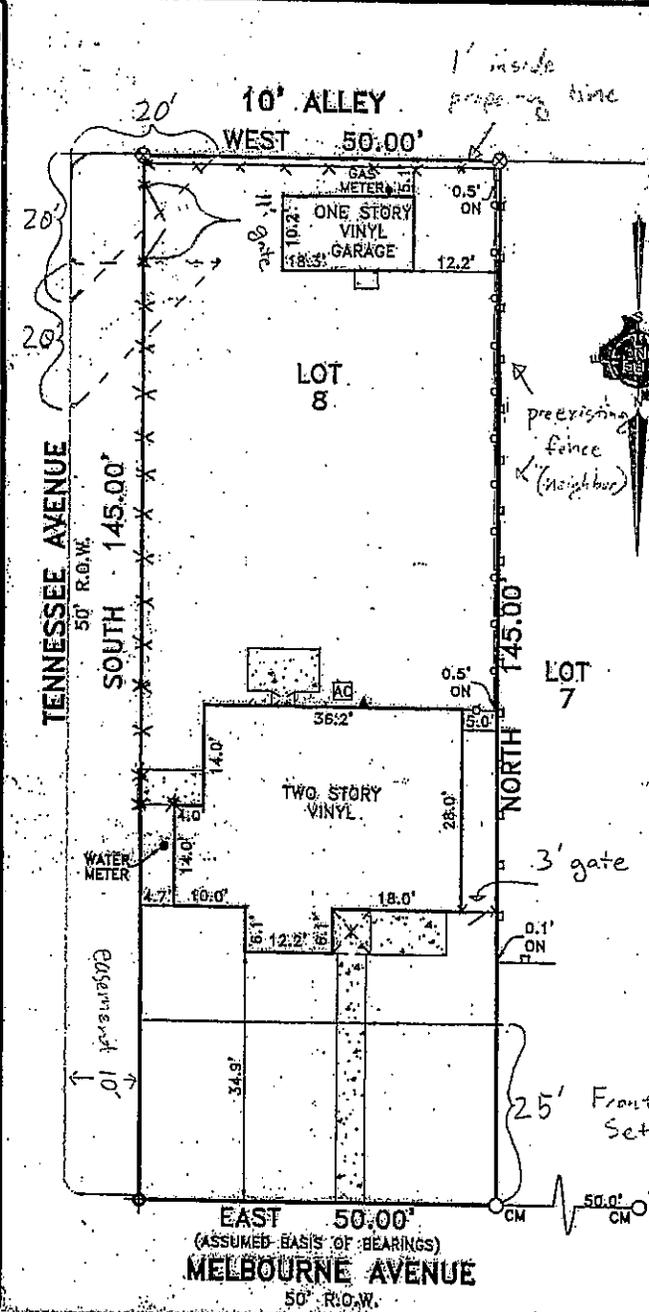
**1602, Melbourne Avenue**

Being Lot 8, Block 10/4750 of Elmwood Addition No. 3, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereon recorded in Volume 4, Page 292, of the Map Records of Dallas County, Texas.

TRINITY TITLE



- LEGEND**
- 1/2" ROD FOUND
  - 1/2" ROD SET
  - 1" PIPE FOUND
  - 1" PIPE FOUND/SET
  - 1" NAIL FOUND
  - FENCE POST FOR CORNER
  - CONTROLLING MONUMENT
  - AIR CONDITIONER
  - POOL EQUIPMENT
  - TRANSFORMER PAD
  - BRICK COLUMN
  - POWER POLE
  - UNDERGROUND ELECTRIC
  - OVERHEAD ELECTRIC
  - DRIVE OVERHEAD ELECTRIC POWER
  - DES OVERHEAD ELECTRIC SERVICE
  - CHAIN LINK
  - WOOD FENCE 0.5' WIDE-TYPICAL
  - IRON FENCE
  - BARBED WIRE
  - EDGE OF ASPHALT
  - EDGE OF GRAVEL
  - CONCRETE
  - COVERED AREA



**EXCEPTIONS:**

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 4, PG. 292; VOL. 2131, PG. 292.

Accepted by: \_\_\_\_\_  
Date: \_\_\_\_\_  
Purchaser: \_\_\_\_\_

**NOTES:**

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE, BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.R.M. No. 4811300480 K, this property does lie in the zone X and does not lie within the 100-year flood zone.

This survey is made in conjunction with the information provided by Trinity Title of Texas. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: M.A.N.  
Scale: 1" = 20'  
Date: 12/03/14  
GF. No.: 1889NT  
Job No.: 1413999

**C.B.G. Surveying**  
12025 Shiloh Road, Ste 238  
Dallas, TX 75228  
P 214.349.9485  
F 214.349.2216  
Firm No. 10168800  
www.cbgsurveying.com

REGISTERED SURVEYOR  
THOMAS WILLIAM MAUK  
No. 5119  
PROFESSIONAL  
NO. 10168800  
THOMAS MAUK  
REG. NO. 5119



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-035

Data Relative to Subject Property:

Date: 1-26-18

Location address: 1602 Melbourne Ave

Zoning District: 63.02 R-7.5(A)

Lot No.: 8/10 Block No.: 8<sup>10/4750</sup> Acreage: .16

Census Tract: 63.02

Street Frontage (in Feet): 1) 50' 2) 145' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Carla and Bryan Adkins

Applicant: Bryan Adkins Telephone: 972 825 7741

Mailing Address: 1602 Melbourne Ave. Zip Code: 75224

E-mail Address: adkinsbg@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 the visibility triangle at alley and driveway.

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

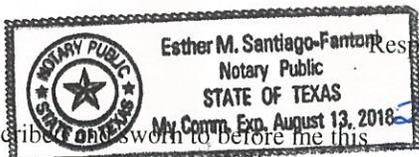
There are no alley access driveways and would conform with the majority of fences in the neighborhood.

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 Bryan Adkins  
(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 January day of 2018

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 Bryan Adkins

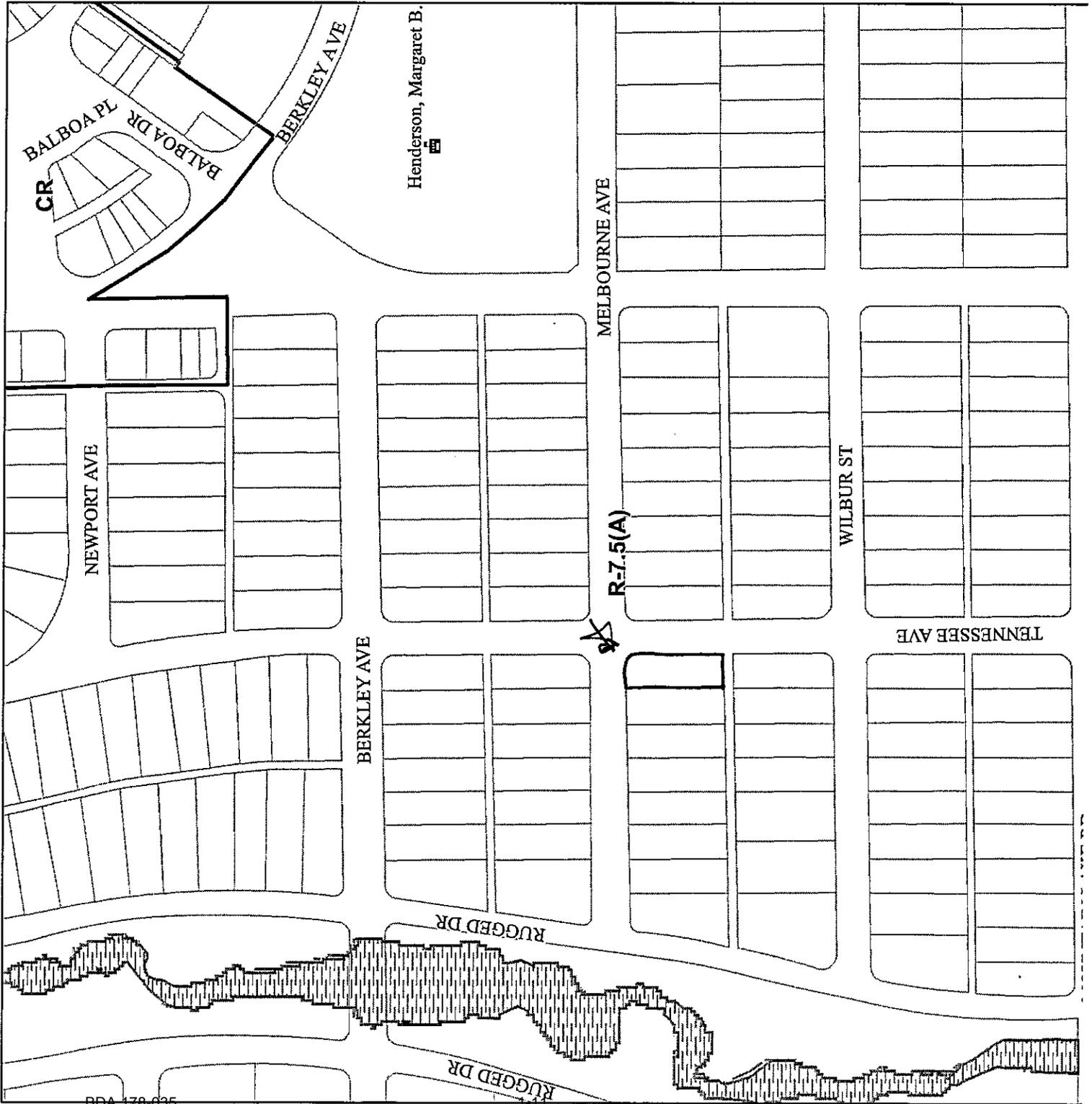
did submit a request for a special exception to the visibility obstruction regulations  
at 1602 Melbourne Avenue

BDA178-035. Application of Bryan Adkins for a special exception to the visibility obstruction regulations at 1602 MELBOURNE AVE. This property is more fully described as Lot 8, Block 10/4750, and is zoned R-7 5(A) which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





BALBOA PL  
BALBOA DR  
CR

BERKLEY AVE

Henderson, Margaret B.

MELBOURNE AVE

NEWPORT AVE

R-7.5(A)

WILBUR ST

BERKLEY AVE

TENNESSEE AVE

RUGGED DR

RUGGED DR

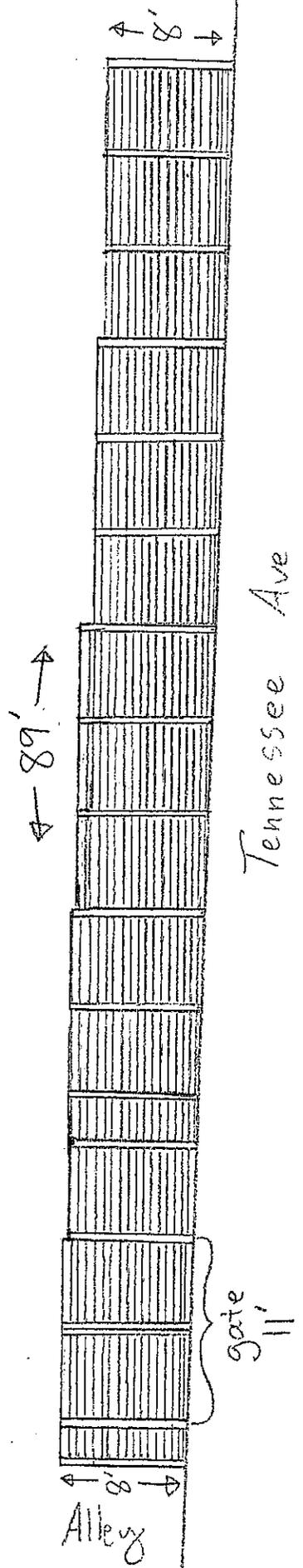
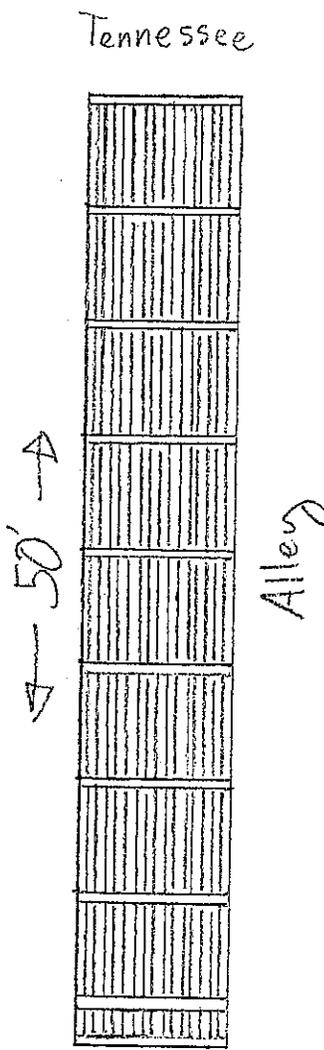
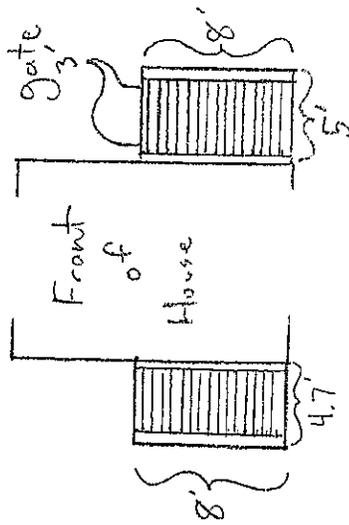


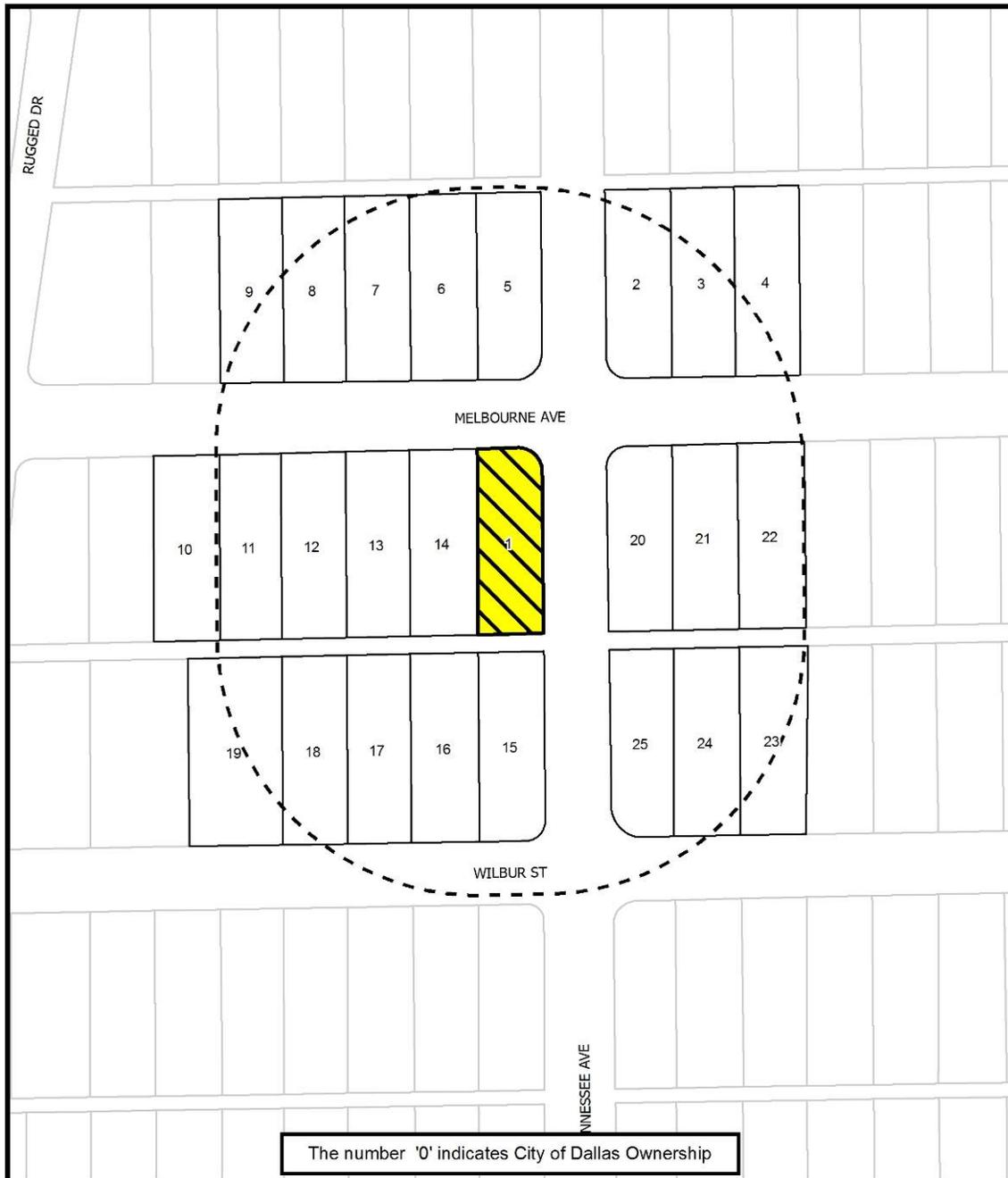
Bryan and Carla Adkins

1602 Melbourne Ave, Dallas, TX 75224

Scale: 1" = 10'

Fence Elevation





 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA178-035</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>25</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>25</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>25</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

***BDA178-035***

### *25 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1602 MELBOURNE AVE	ADKINS CARLA ANN CENATIEMPO & BRYAN GREGORY ADKINS
2	1519 MELBOURNE AVE	REYES RICARDO
3	1511 MELBOURNE AVE	MONREALFERNANDEZ JOSE E
4	1507 MELBOURNE AVE	CRUZ JESSICA
5	1601 MELBOURNE AVE	PENA MARGARITA M
6	1607 MELBOURNE AVE	MONGE SERAFIN & ISABEL
7	1611 MELBOURNE AVE	ESPINOZA EDUARDO & LUZ E
8	1615 MELBOURNE AVE	MARTINEZ MARIA ANTONIA
9	1619 MELBOURNE AVE	MORENO ROSA I
10	1622 MELBOURNE AVE	DEVINCENZO PHILLIP LEON &
11	1618 MELBOURNE AVE	HAGLER MOLLY
12	1614 MELBOURNE AVE	WILLIAMS VAUGHN C
13	1610 MELBOURNE AVE	VILLAREAL RUFINA
14	1606 MELBOURNE AVE	MORALES ALICK J
15	1603 WILBUR ST	YOUNG KENNETH E
16	1607 WILBUR ST	GOMEZ AURORA E
17	1611 WILBUR ST	ONTIVEROS MARIO
18	1615 WILBUR ST	ESQUIVEL JESUS M EST OF
19	1619 WILBUR ST	TOMLIN JACK D
20	1514 MELBOURNE AVE	RODRIGUEZ JESUS &
21	1510 MELBOURNE AVE	GARZA ANTONIA M &
22	1506 MELBOURNE AVE	LOPEZ YENY
23	1509 WILBUR ST	OCHOA FRANCISCO &
24	1511 WILBUR ST	MERCADO FRANCISCA
25	1515 WILBUR ST	CONWAY JOHN R

**FILE NUMBER:** BDA178-036(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert O'Neal for special exceptions to the visual obstruction regulations at 8567 San Leandro Drive. This property is more fully described as Lot 1, Block 29/5280, and is zoned PD 575 (Subarea H), which requires a 20 foot visibility triangle at alleys and at driveway approaches. The applicant proposes to locate and maintain items in a required visibility triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 8567 San Leandro Drive

**APPLICANT:** Robert O'Neal

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to construct and maintain portions of an 8' high wood fence/gate proposed to be located in the two, 20' visibility triangles on either side of the driveway into the site from Lakeland Drive, and an 8' high wood fence in the 20' visibility triangle at where the alley meets Lakeland Drive on a site that is developed with a single family home structure.

**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:**

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.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items located in the visibility triangles do not constitute a traffic hazard.

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD 575 (Subarea H) (Planned Development)  
North: PD 575 (Subarea F) (Planned Development)  
South: R-10(A) (Single family residential 10,000 square feet)  
East: R-7.5(A) (Single family residential 7,500 square feet)  
West: PD 575 (Subarea H) (Planned Development)

### **Land Use:**

The subject site is developed with a single family use. The areas to the north, south, east and west are developed with single family residential 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 requests for special exceptions to the visual obstruction regulations focus on locating and maintaining portions of an 8' high wood fence/gate proposed to be located in the two, 20' visibility triangles on either side of the driveway into the site from Lakeland Drive, and an 8' high wood fence in the 20' visibility triangle at where the alley meets Lakeland Drive on a site that is developed with a single family home structure.
- Section 51A-4.602(d)(1) 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 submitted site plan and elevation indicates portions of an 8' high wood fence/gate to be located in the two, 20' visibility triangles on either side of the driveway into the site from Lakeland Drive, and an 8' high wood fence in the 20' visibility triangle at where the alley meets Lakeland Drive.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to locate and maintain portions of an 8' high wood fence/gate proposed to be located in the two, 20' visibility triangles on either side of the driveway into the site from Lakeland Drive, and an 8' high wood fence in the 20' visibility triangle at where the alley meets Lakeland Drive do 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 located in the 20' visibility triangles to that what is shown on these documents – an 8' high wood fence and/or gate.

**Timeline:**

January 26, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

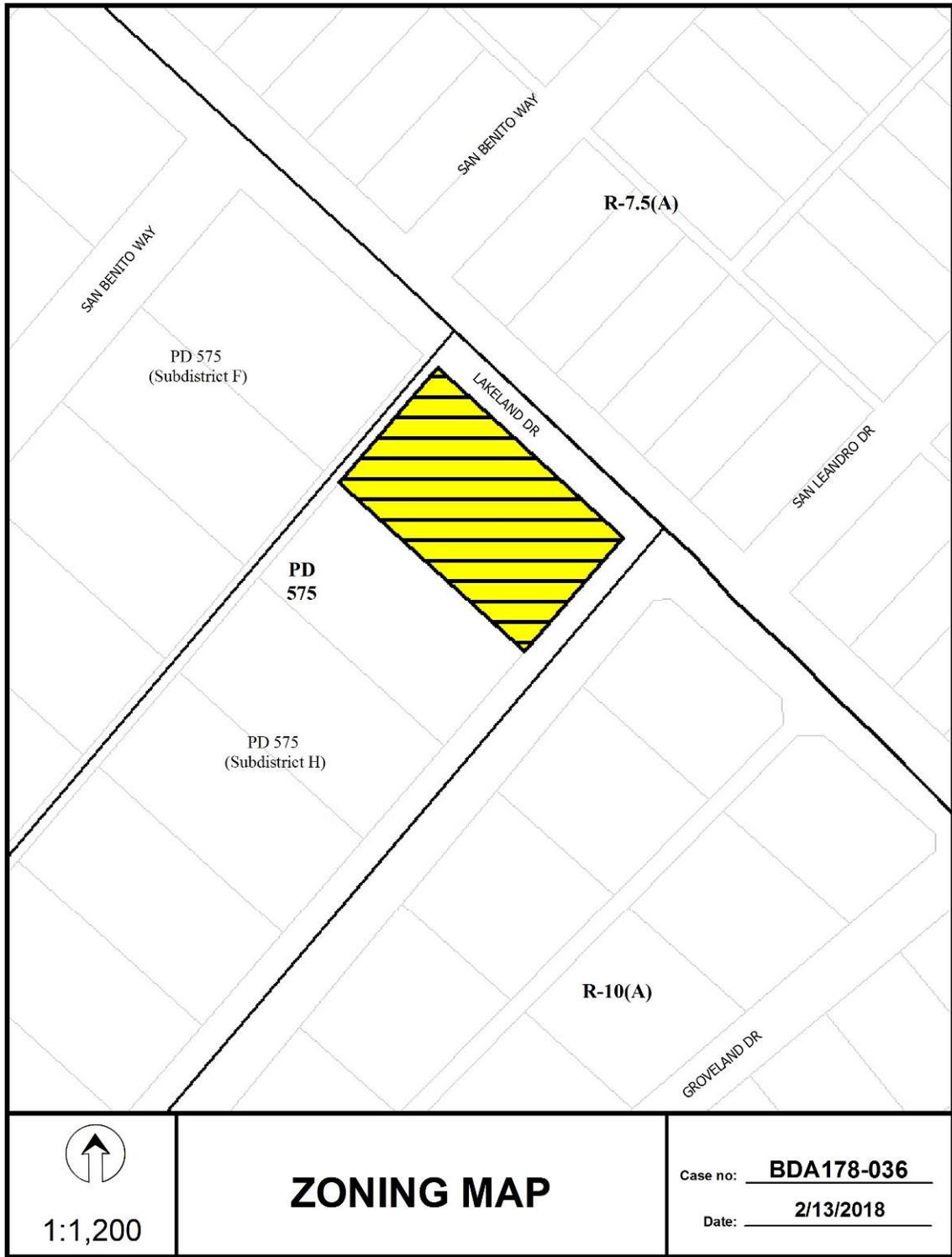
February 12, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

February 12, 2018: 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 February 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
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- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

March 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

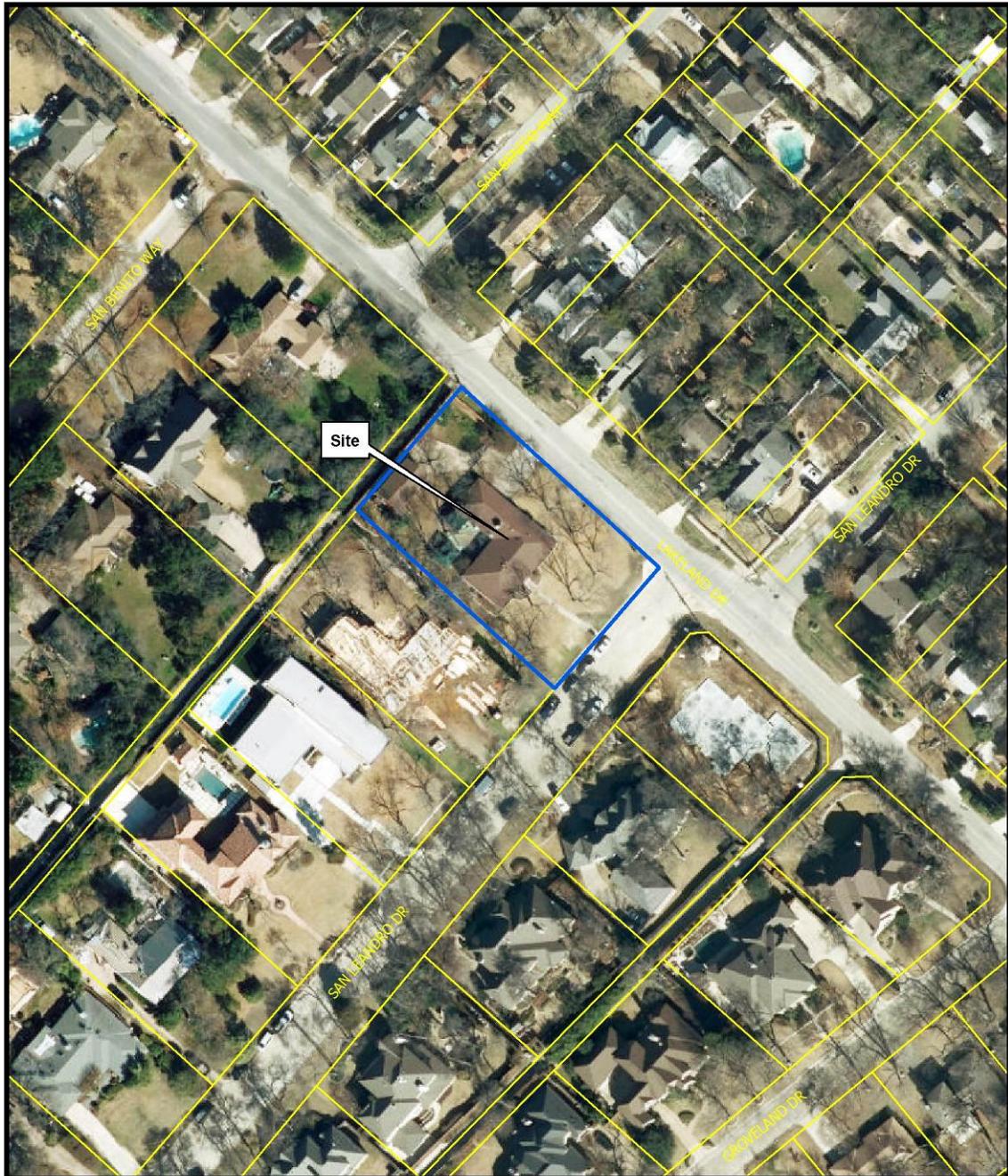
March 8, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.



  
 1:1,200

# ZONING MAP

Case no: BDA178-036  
 Date: 2/13/2018



1:1,200

## AERIAL MAP

Case no: BDA178-036

Date: 2/13/2018



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-036

Data Relative to Subject Property:

Date: 1-26-18

Location address: 8567 SAN LEANDRO

Zoning District: PD575 (Sub H)

Lot No.: 1 Block No.: 29/5280 Acreage: .580

Census Tract: 81.00

Street Frontage (in Feet): 1) 126' 2) 200' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Cole Wheeler + DINA MCKINNEY

Applicant: ROBERT O'NEAL

Telephone: 214-769-6175

Mailing Address: 2433 N. BUCKNER BLVD

Zip Code: 75228

E-mail Address: ROBERT@78FENCE.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 4' ENCROACHMENT TO THE 20' VISIBILITY TRIANGLE, PROVIDE 16' VISIBILITY TRIANGLE AT Drive Approach AND Alley

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 FENCE IS SIMILAR IN CONSTRUCTION AND MATERIALS OF EXISTING FENCES IN NEIGHBORHOOD. THE FENCE WILL COMPLEMENT THE DESIGN AND SIMILAR MATERIALS OF OTHER FENCES IN THE 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

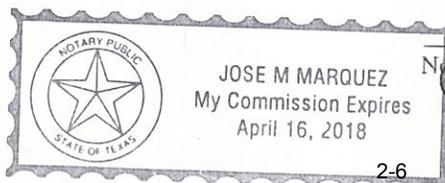
Before me the undersigned on this day personally appeared Cole Wheeler  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25 day of January, 2018

(Rev. 08-01-11)



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

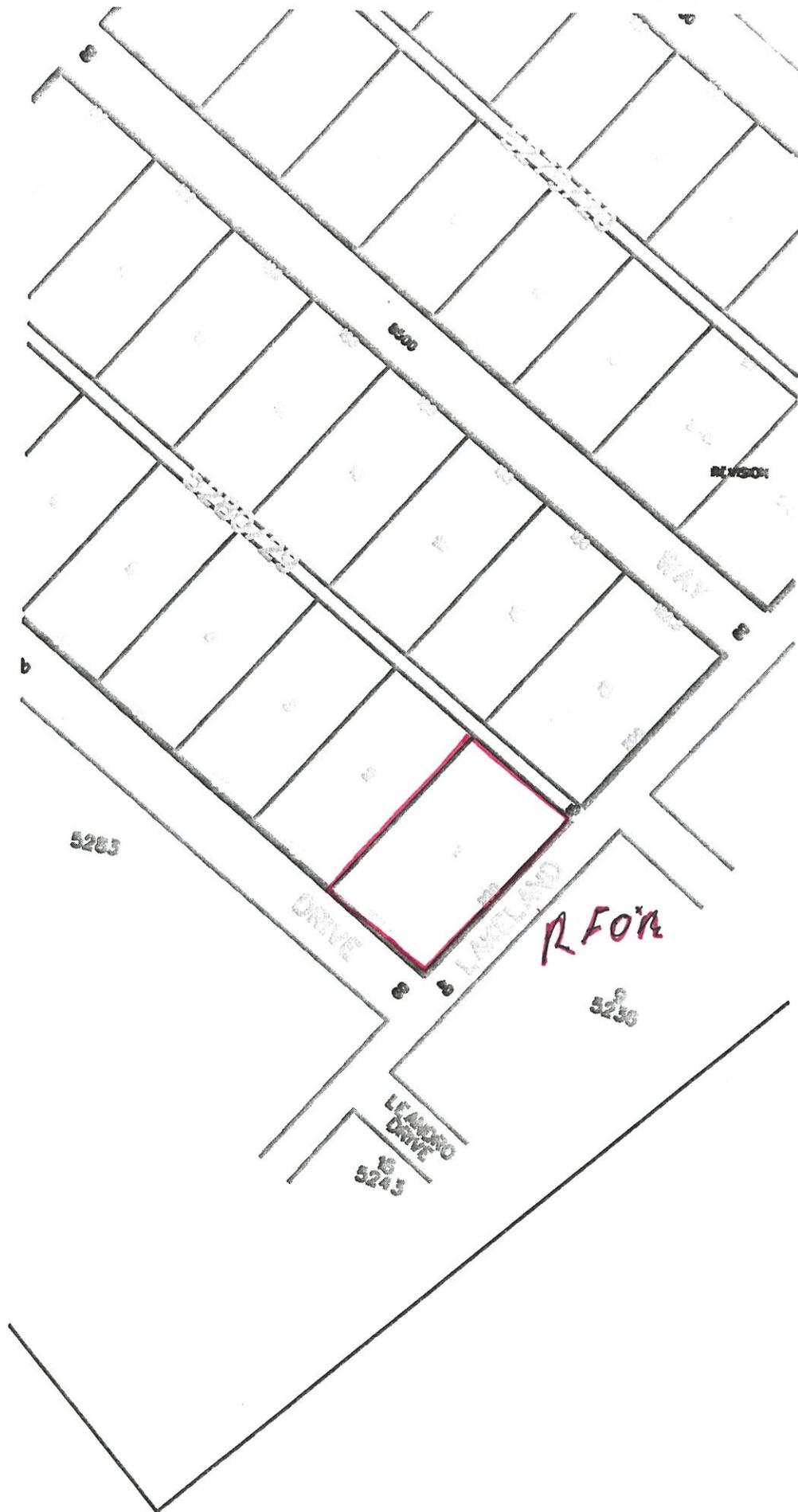
Building Official's Report

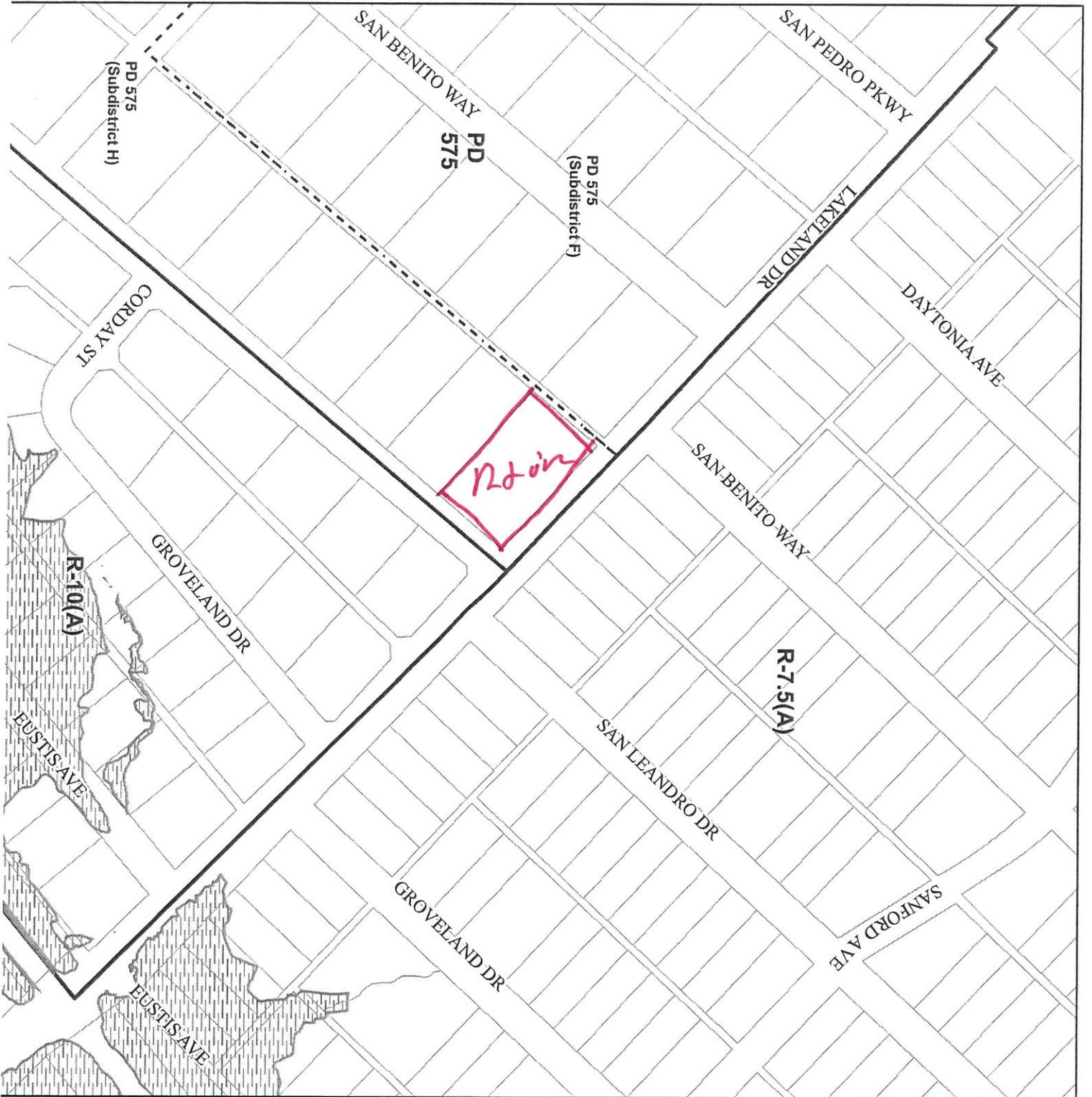
I hereby certify that Robert O'Neal  
did submit a request for a special exception to the visibility obstruction regulations  
at 8567 San Leandro Drive

BDA178-036. Application of ROBERT O'NEAL for a special exception to the visibility obstruction regulations at 8567 SAN LEANDRO DR. This property is more fully described as Lot 1, Block 29/5280, and is zoned PD-575 (Subarea H), which requires a 20 foot visibility triangle at alley and driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







# 8567 San Leandro Drive

Being Lot 1, in Block 29/5280, of Forest Hills, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 3, Page 117, of the Map Records of Dallas County, Texas, and being the same property conveyed to Grantor in General Warranty Deed with Vendor's Lien filed 06/06/2010 recorded in CCF 201000141618, Real Property Records, Dallas County, Texas.

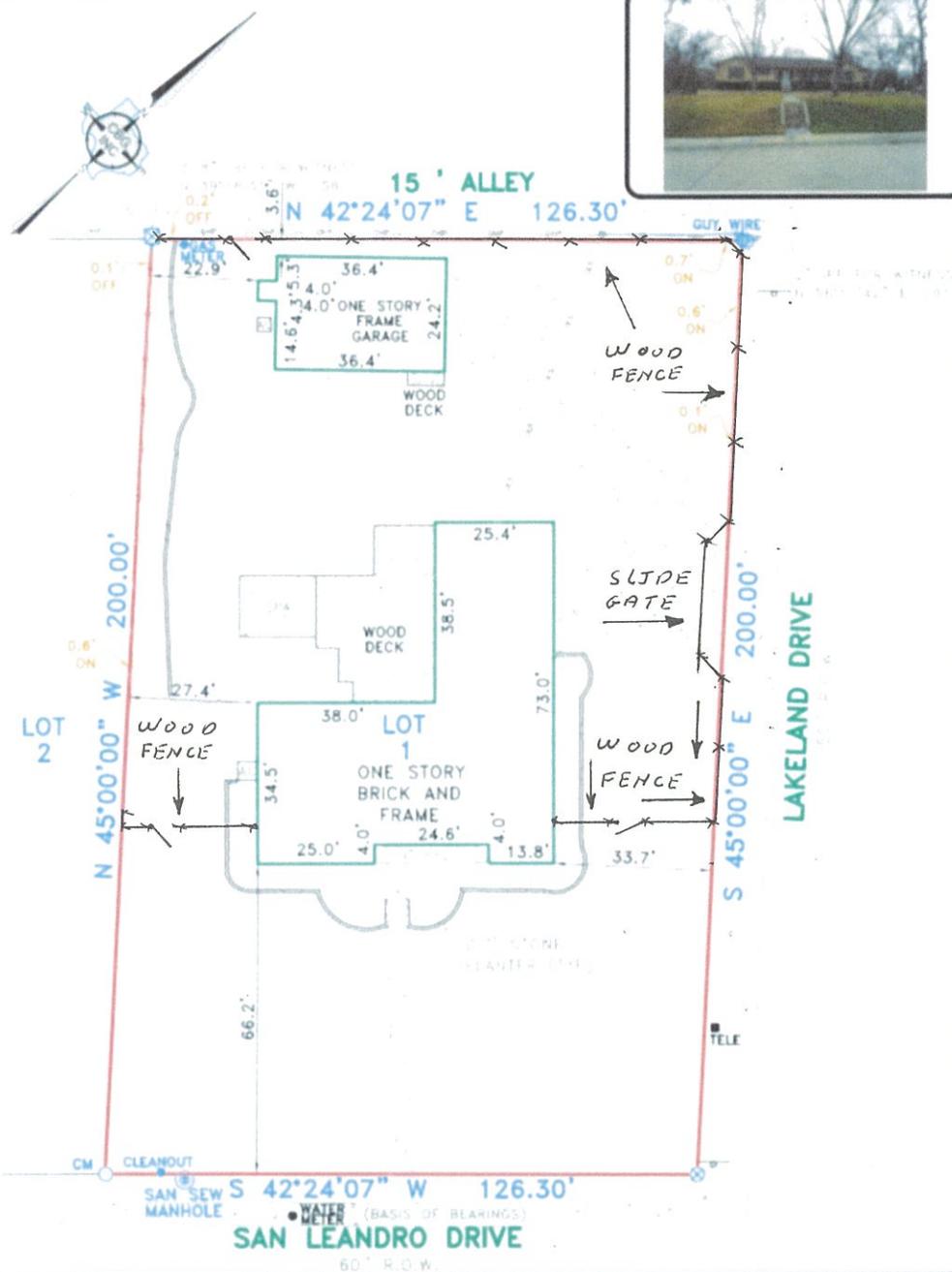


CHICAGO TITLE



### LEGEND

- 1" ROD FOUND
- ⊗ 1/2" ROD SET
- 2" PIPE FOUND
- ⊗ 3/8" ROD FOUND
- ◆ POINT FOR CORNER
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- BRICK COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- TU— IRON FENCE
- X— BARBED WIRE
- E— EDGE OF ASPHALT
- G— EDGE OF GRAVEL
- C— CONCRETE
- D— COVERED AREA



**EXCEPTIONS:**

Accepted by: \_\_\_\_\_  
 Purchaser

Date: \_\_\_\_\_  
 Purchaser

**NOTES:**

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113C0355 K, this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Chicago Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

BDA 178-036

Drawn By: ROBERT

Scale: 1" = 30'

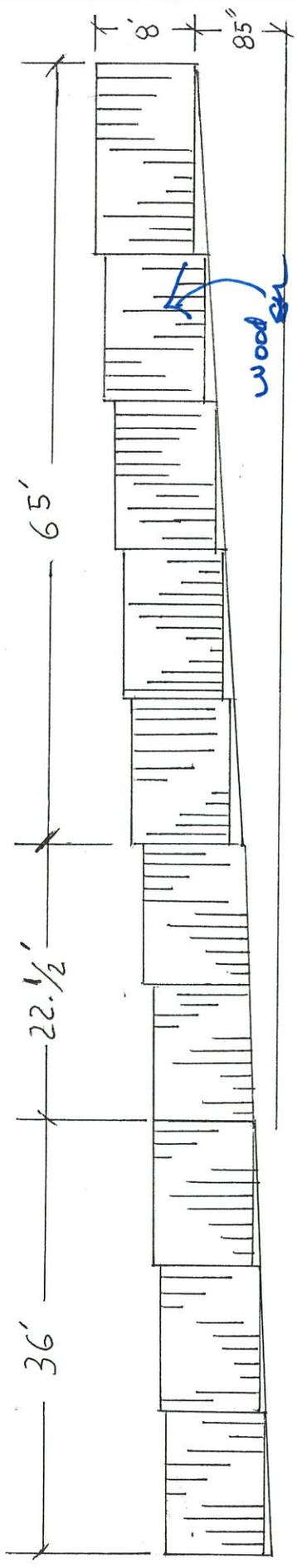
Date: 12/16/15

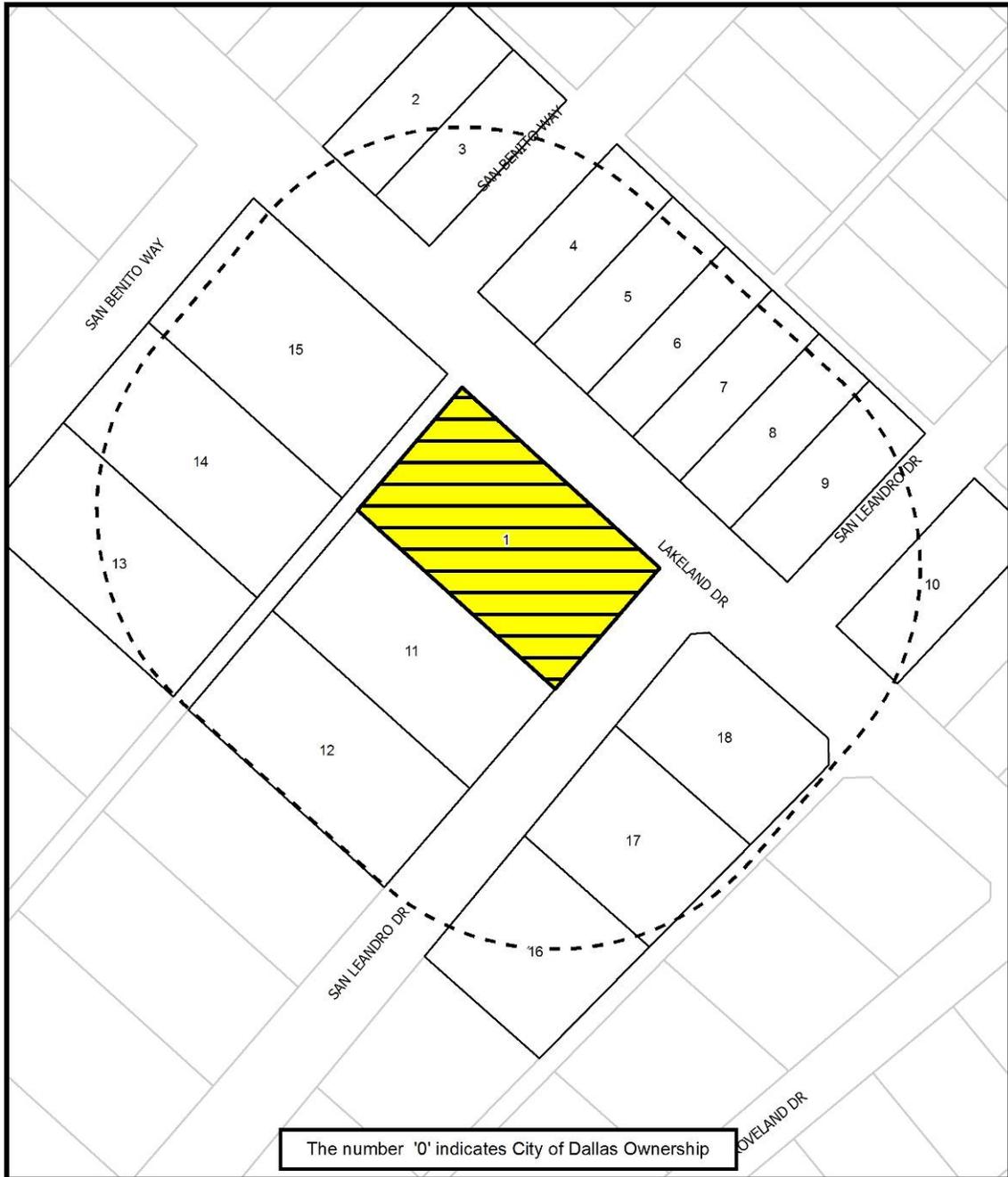
GF No.: CTDAL93-800  
0931502667

Job No.: 1519775

**C.B.G. Surveying, Inc.**  
 12025 Shiloh Road, Ste. 230  
 Dallas, TX 75228  
 P 214.349.9485  
 F 214.349.2216  
 Firm No. 10168800  
[www.cbdfw.com](http://www.cbdfw.com)

Slide Gate.





 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>18</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA178-036</b> Date: <b>2/13/2018</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

***BDA178-036***

### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8567 SAN LEANDRO DR	DOI STEPHANIE MIEKO & KENNETH F OLSON
2	1718 LAKELAND DR	DYER RUSSELL & LINDSAY
3	1722 LAKELAND DR	ROSS PETER
4	1802 LAKELAND DR	DUKE CHARLES WILLIAM
5	1806 LAKELAND DR	ELLIS LEONARD IV
6	1810 LAKELAND DR	RASMUSSEN LIGHTNING C
7	1814 LAKELAND DR	WARNER LISA S
8	1818 LAKELAND DR	LONG EDWARD R II
9	1822 LAKELAND DR	SAENZ JEFFREY CHARLES
10	1902 LAKELAND DR	BROKER JOHN BRUCE
11	8555 SAN LEANDRO DR	GRIFFIN ALFRED J & YVONNE
12	8547 SAN LEANDRO DR	LEUCHT RICHARD II
13	8546 SAN BENITO WAY	MUELLER GLENN A
14	8554 SAN BENITO WAY	LAMBERSON PHILLIP & ELIZABETH
15	8566 SAN BENITO WAY	TAPPER LLC
16	8516 SAN LEANDRO DR	HABICHT F HENRY II & WENDY W
17	8520 SAN LEANDRO DR	OJEDA REVOCABLE TRUST THE
18	8524 SAN LEANDRO DR	ANSOLABEHERE MICHAEL &

**FILE NUMBER:** BDA178-028(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Gerardo Alvarez for a variance to the off-street loading regulations at 309 W 8th Street. This property is more fully described as Lot 8, Block 2/3142, and is zoned CD 7, which requires off-street loading spaces to be provided. The applicant proposes to construct and/or maintain a structure with a general merchandise or food store less than 3500 square foot use and provide 0 of the required 1 loading spaces, which will require a 1 space variance to the off-street loading regulations.

**LOCATION:** 309 W 8th Street

**APPLICANT:** Gerardo Alvarez

**REQUEST:**

A variance to the off-street loading regulations of 1 loading space is made to expand an existing approximately 900 square foot vacant structure with an approximately 560 square foot addition, lease it with a "general merchandise or food store 3,500 square feet or less" use, and provide 0 of the required 1 loading spaces.

**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:**

Denial

Rationale:

- While granting this variance to the off-street loading regulations does not appear to be contrary to public interest in that the Sustainable Development and Construction Department Senior Engineer has no objections to the request, staff concluded that the applicant had not substantiated how the features of the slightly sloped, rectangular in shape (119' x 50'), and approximately 6,000 square feet in area precludes it from being developed in a manner commensurate with the development upon other parcels of land with the same CD 7 zoning.
- In addition, staff concluded that the applicant had not substantiated how if the Board were to grant this request it would not be to relieve a self-created or personal hardship, nor for financial reasons only. In this particular case, it appears that the applicant could choose to lease the expanded approximately 1,500 square foot structure on the subject site with a use that requires no off-street loading space hence no variance to off-street loading regulations. (It appears that main uses permitted in CD 7 that require no off-street loading spaces for a use that is 5,000 square feet or less includes restaurant, child-care facility, medical clinic, office, antique shop, bed and breakfast).

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 7 (Conservation District)  
North: CD 7 (Conservation District)  
South: CD 7 (Conservation District)  
East: CD 7 (Conservation District)  
West: CD 7 (Conservation District)

**Land Use:**

The subject site is developed with a vacant structure. The area to the north is developed with a surface parking lot; and the areas to east, south, and west are developed with a mix of uses.

**Zoning/BDA History:**

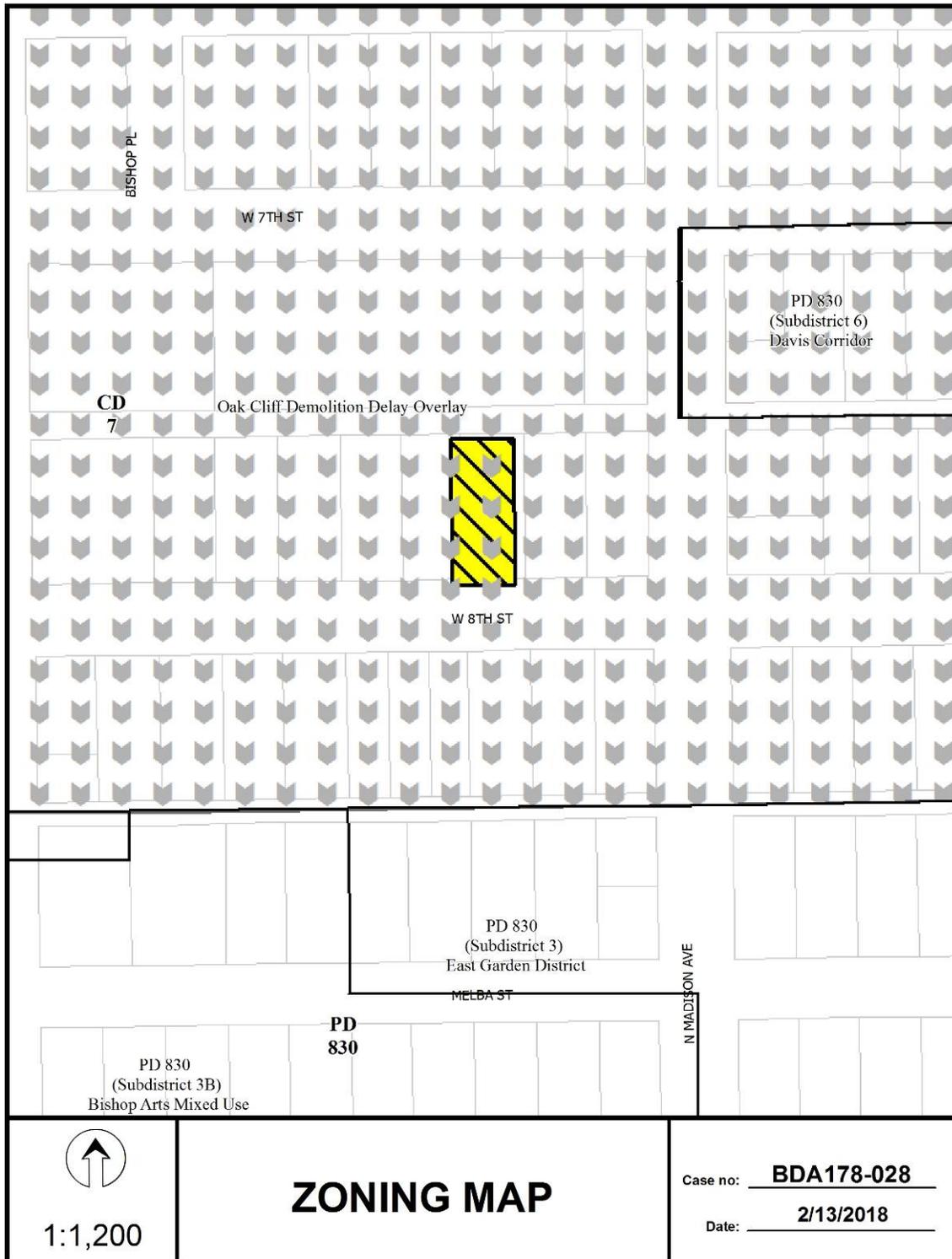
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

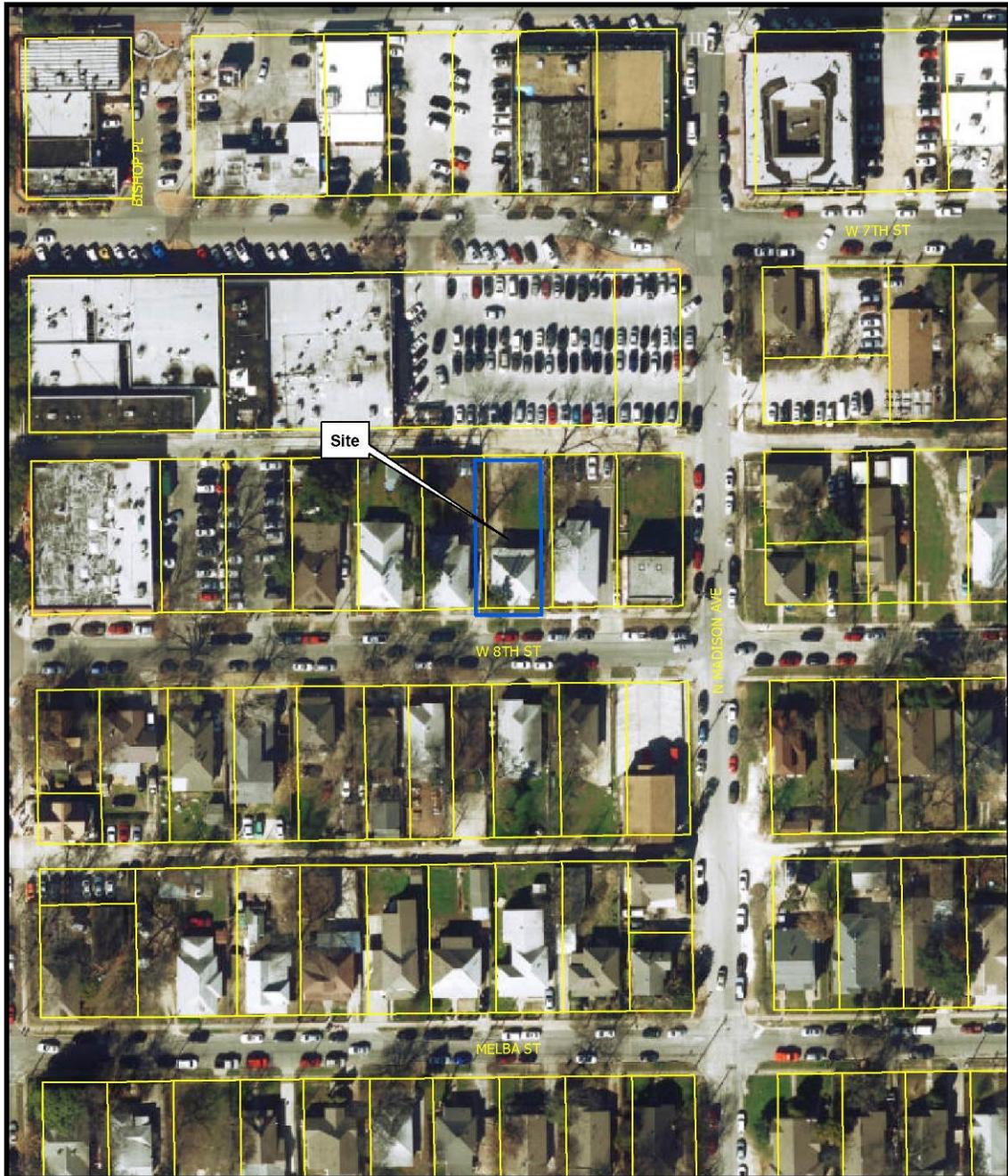
## **GENERAL FACTS/STAFF ANALYSIS:**

- The request for a variance to off-street loading regulations of 1 space focuses on expanding an existing approximately 900 square foot vacant structure with an approximately 560 square foot addition, leasing it with a “general merchandise or food store 3,500 square feet or less” use, and providing 0 of the 1 loading spaces required for this proposed use.
- The site is zoned CD 7 which states the following with regard to off-street loading: Except as provided in the ordinance, consult the use regulations in Chapter 51(A) to determine the off-street loading requirements for each use. (CD 7 provides specific off-street parking and/or loading requirements for the following uses: alcoholic beverage establishments or restaurant with or without drive-in or drive through, art gallery, antique shop, bed and breakfast, bookstore, and florist store uses).
- Section 51A-4.210(13) of the Dallas Development Code requires the following off-street loading requirements for a general merchandise or food store 3,500 square feet or less use: One space.
- The applicant proposes to lease the expanded approximately 1,400 square foot structure with “general merchandise or food store 3,500 square feet or less” use and provide 0 of the 1 off-street loading spaces.
- According to DCAD records, the “improvements” listed at 309 W. 8<sup>th</sup> Street is a “converted residence” with 1,010 square feet constructed in 1945.
- The subject site is slightly sloped, rectangular in shape (119’ x 50’), and according to the submitted application is 0.14 acres or approximately 6,000 square feet in area. The site is zoned CD 7.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street loading regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances 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 IM (Industrial/manufacturing) zoning classification.
  - If the Board were to grant the variance, it would not be 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 CD 7 zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the existing structure on the site could be expanded as shown on this plan, leased with a “general merchandise or food store 3,500 square feet or less” use where 0 of the 1 required loading spaces would be required for this specific use.

## **Timeline:**

- January 16, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 12, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- February 12, 2018: 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 February 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 9<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.”
- February 23, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- March 6, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Conservation District Chief Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- March 8, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.





1:1,200

# AERIAL MAP

Case no: BDA178-028

Date: 2/13/2018

## GERARDO ALVAREZ

Re: 309 W. 8<sup>th</sup> Street  
Dallas, Texas

Date: February 21, 2018

Dear Board of Adjustments,

I am submitting this explanation in more detail to accompany previous application submitted for a variance of 1 loading space (11' x 35') in the hope to find favor from the board.

The width of the lot is simply not wide enough to accommodate the space along with the required parking spaces. It makes no difference which direction the parking spaces are situated, it will not accommodate the loading space. The hardship is not self-created and the proposed upgrades have no bearing on it.

As stated previously, the variance will not create a nuisance or hazard to the public or transit system. In no way will it disrupt the community or take from its progress. The business is not in need of a loading space as product will be delivered by a company pickup truck or van before 11am which is the scheduled time to open or on Mondays which will be one of the days the business is closed to the public.

The business will not be a convenient store, liquor store, re-sale shop, market, fast food or similar type of establishments. The plan is to be an artistic establishment. I.E. custom home décor, art products, custom candle, seasonal items (Christmas, Valentines, Halloween) and similar products.

I believe it will add to the Arts District and the community and not take from it or stand out as an eye sore.

I respectfully ask that you consider this and grant the variance required to proceed forward.

Respectfully,

Gerardo Alvarez  
"Drift" Gift Shop



A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-028

Data Relative to Subject Property:

Date: 6-16-18

Location address: 309 W EIGHTH ST Zoning District: CD7 (Subarea 1)

Lot No.: 8 Block No.: 2/3142 Acreage: .14 Census Tract: 47.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): GERARDO AWAÑEZ

Applicant: GERARDO AWAÑEZ Telephone: 214 226-9947

Mailing Address: 1507 BALCHWAY DR, CARROLLTON Zip Code: 75007

E-mail Address: AWANEZ G 214 @ GMAIL.COM

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

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

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

Affirm that an appeal has been made for a Variance , or Special Exception , of LOADING SPACE Ux35 (PARKING)

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

- NOT ENOUGH WIDTH REQUIRED FOR SPACE WITH 3 REGULAR & 1 VAN HANDICAP SPACES (RESTRICTIVE AREA)
- IS NOT CONTRARY TO PUBLIC INTEREST BECAUSE I WILL PICK UP & DELIVER PRODUCT PERSONALLY

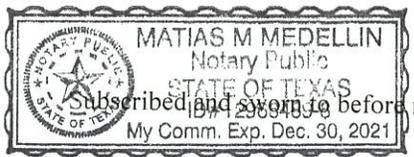
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

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

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



Subscribed and sworn to before me this 16 day of January, 2018

(Rev. 08-01-11)

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 GERARDO ALVAREZ

did submit a request for a variance to the off-street loading regulations  
at 309 W. 8th Street

BDA178-028. Application of Gerardo Alvarez for a variance to the off-street loading regulations at 309 W 8TH Street. This property is more fully described as Lot 8, Block 2/3142, and is zoned CD-7, which requires off-street loading spaces to be provided. The applicant proposes to construct a General merchandise or food store less than 3500 sqft. use and provide 0 of the required 1 loading space, which will require a 1 space variance to the loading regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

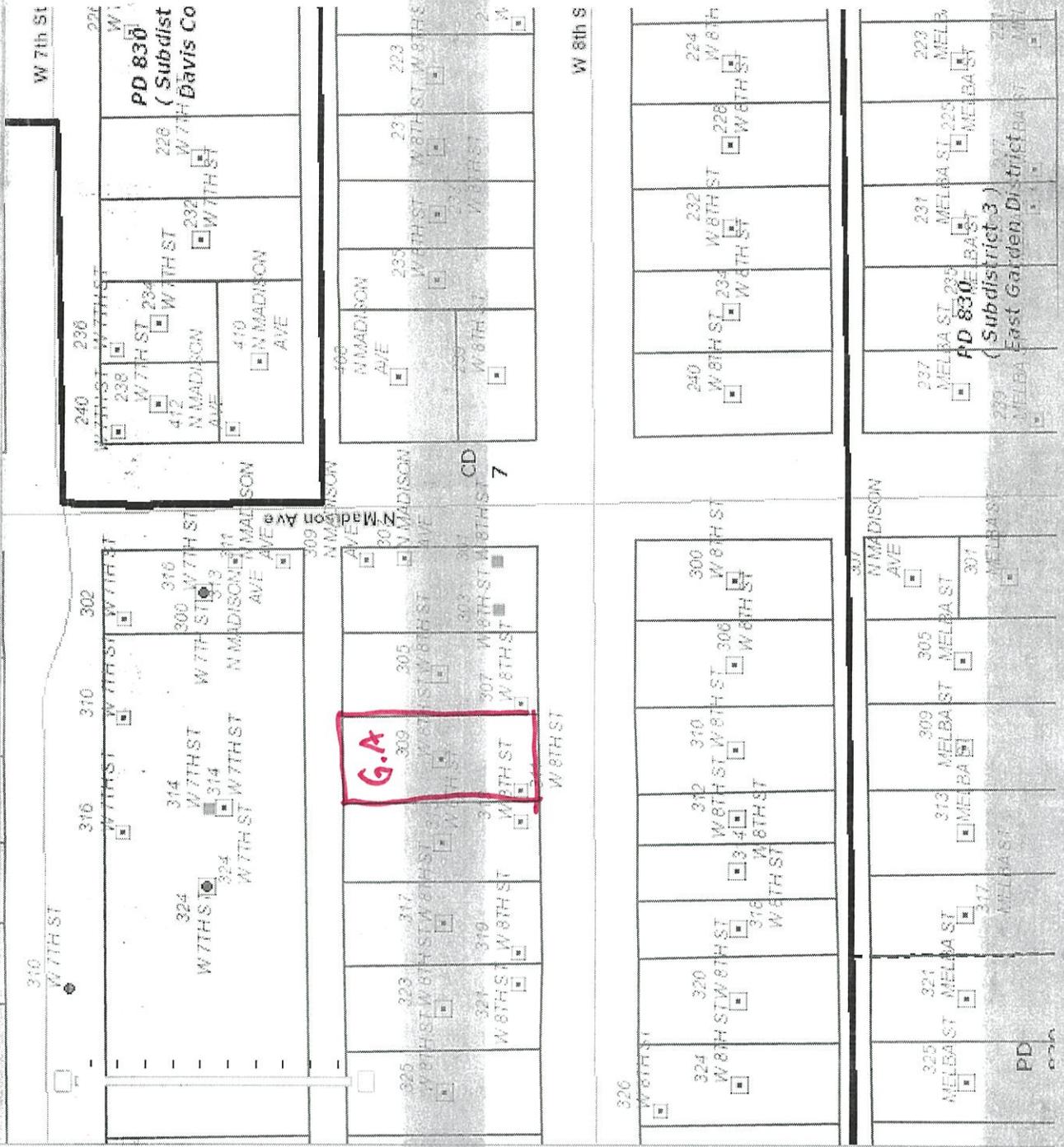
Street address.

Locate

OR

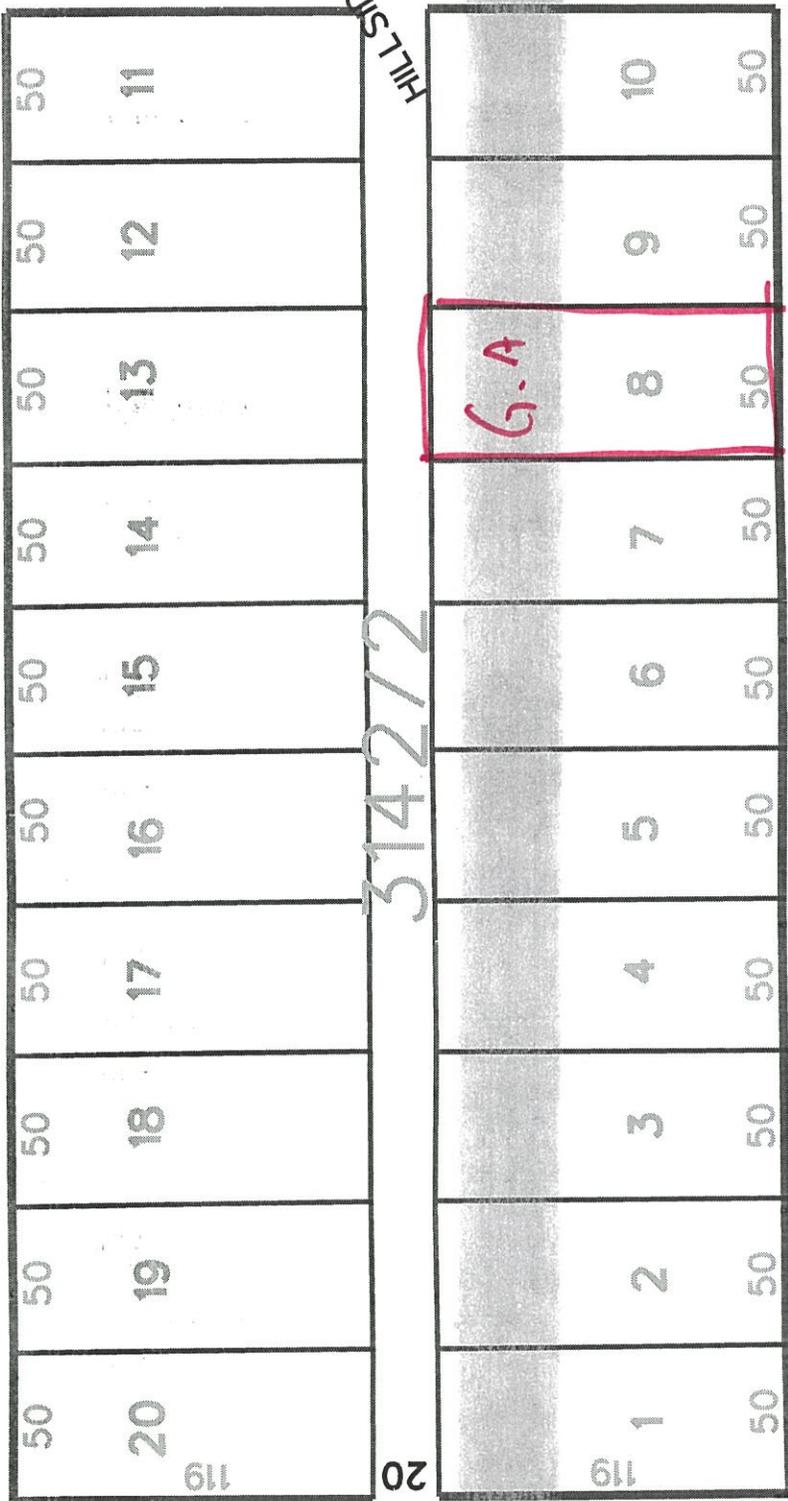
Parcel address.  
Use street type for better re

Locate



06  
14

SEVENTH 300



EIGHTH 300

BISHOP

MADISON

400

400

HILLSIDE

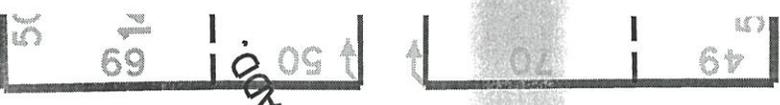
314212

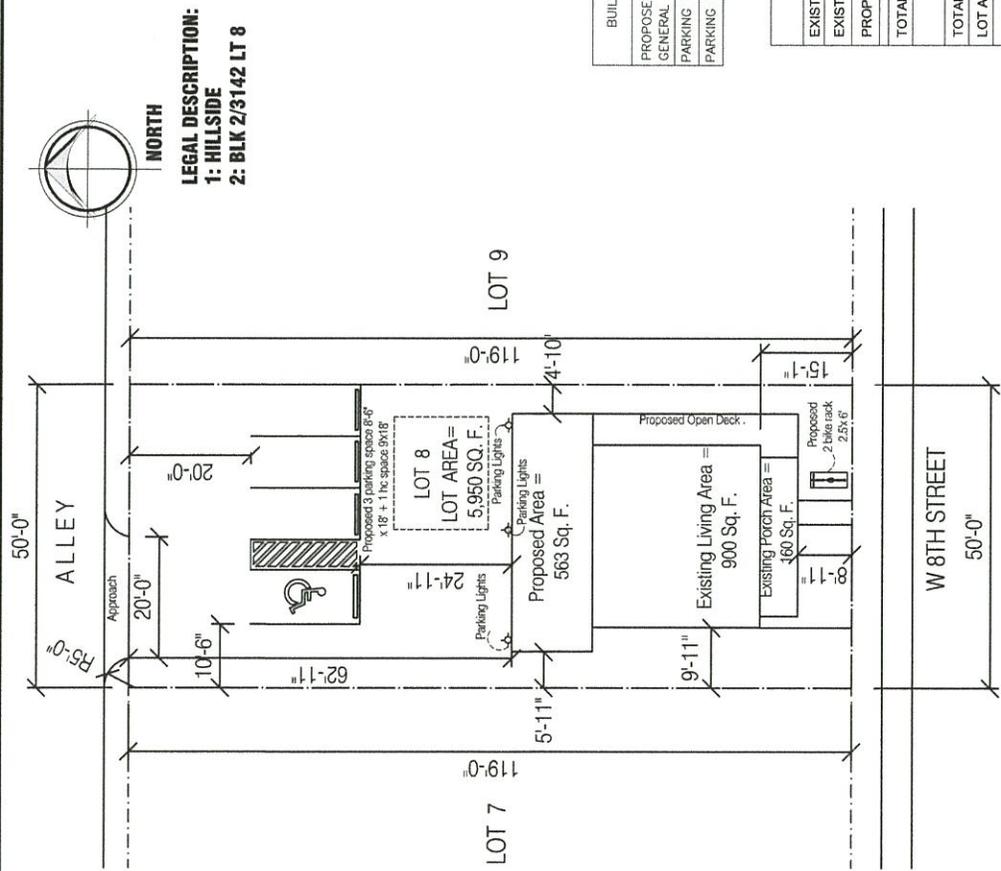
G.A.

60

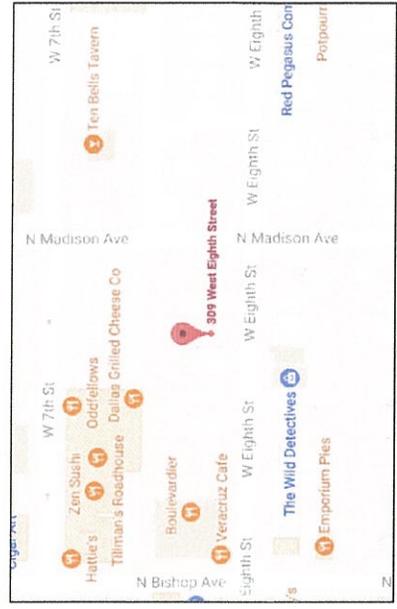
60

27  
14  
3





**LEGAL DESCRIPTION:**  
**1: HILLSIDE**  
**2: BLK 2/3142 LT 8**



**VICINITY MAP  
FOR REFERENCE ONLY**

**PARKING ANALYSIS**

BUILDING/TENANT	SQUARE FOOTAGE	APPL. RATIO 1 CAR PER	USE	PARKING REQUIRED
PROPOSED GENERAL MERCHANDISE	1,623	400	GENERAL MERCHANDISE	4
PARKING PROVIDED				4
				4

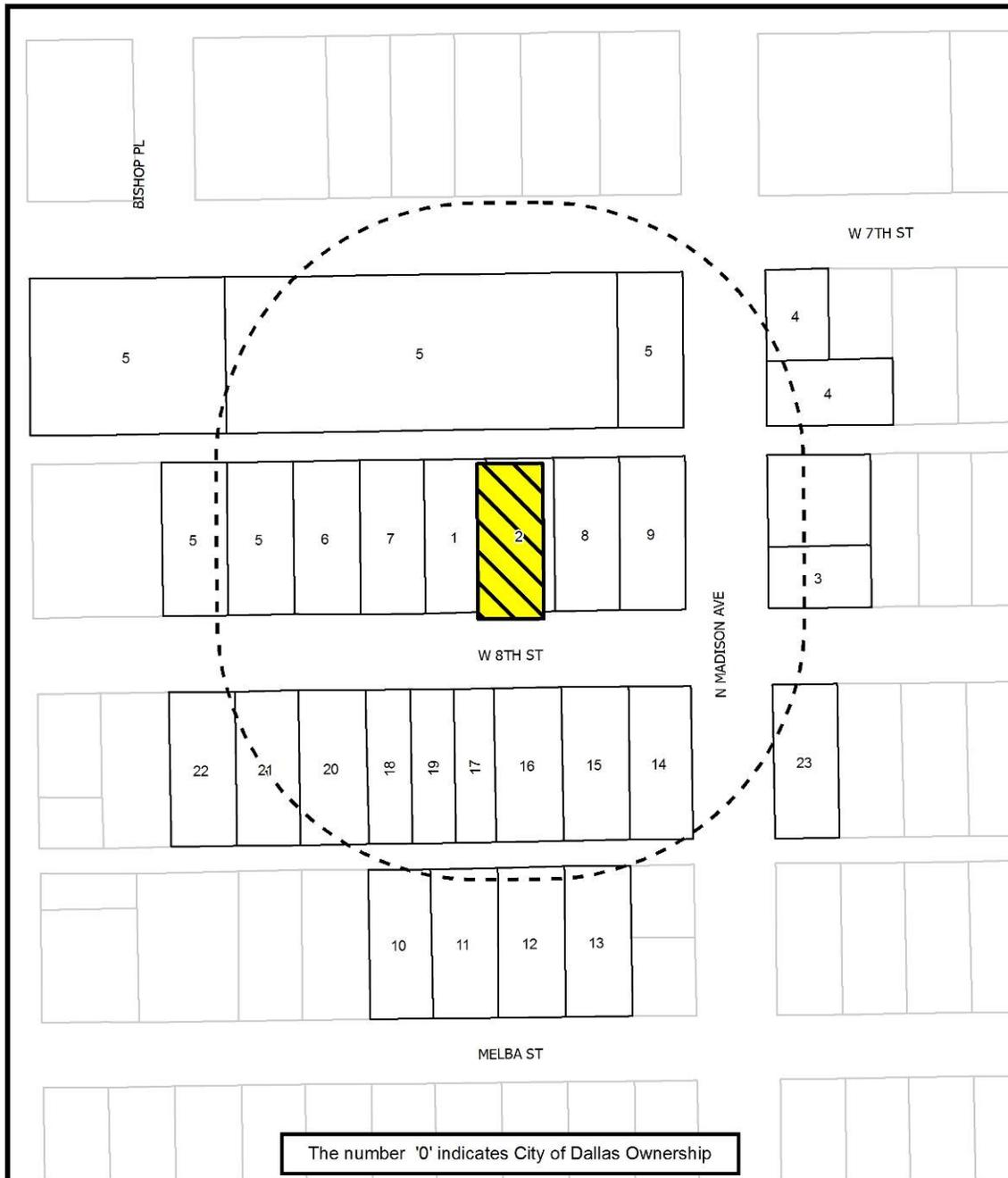
SQUARE FOOTAGE	
EXISTING LIVING AREA	900 SF
EXISTING PORCH	160 SF
PROPOSED REAR AREA	563 SF
TOTAL AREA	1,623 SF
LOT COVERAGE	
TOTAL AREA TOWARD LOT %	4.435 SF
LOT AREA:	5,950 SF
% OF LOT	25.46 %

**SITE PLAN**  
 scale: 1" = 20'-0"

PROJECT TITLE:	<b>SITE PLAN</b>
SCALE:	<b>1'-0" = 20'-0"</b>
DATE:	<b>10/05/17</b>
PAGE:	<b>1</b>

ADDRESS:	<b>309 W 8TH STREET DALLAS, TX 75208</b>
SCOPE OF WORK:	

<b>309 W 8TH STREET DALLAS, TX 75208</b>
--



 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA178-028</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">23</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>2/13/2018</b>	

## *Notification List of Property Owners*

***BDA178-028***

### ***23 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	315 W 8TH ST	SANCHEZ MARTIN &
2	309 W 8TH ST	ALVAREZ GERARDO
3	239 W 8TH ST	SALVAGGIO CHARLES F
4	410 N MADISON AVE	ALAMO MANHATTAN BAD LLC
5	329 W 8TH ST	BISHOP STREET PARTNERS JV
6	323 W 8TH ST	SALAZAR MANUAL & MARIA
7	317 W 8TH ST	VILLALOBOS CELESTINO A &
8	305 W 8TH ST	OAK CLIFF LEASING LLC
9	301 W 8TH ST	SQUARE PEG PROPERTIES LLC
10	317 MELBA ST	UG MELBA LLC
11	313 MELBA ST	UG MELBA LLC
12	309 MELBA ST	UG MELBA LLC
13	305 MELBA ST	UG MELBA LLC
14	300 W 8TH ST	TEMPLO ESMIMA
15	306 W 8TH ST	CDP & LRP 306 LLC
16	310 W 8TH ST	GONZALES EFRAIN JR
17	312 W 8TH ST	GOOD SPACE X LLC
18	318 W 8TH ST	SANDOVAL ANTONIO
19	314 W 8TH ST	LOS DETECTIVES SALVAJES INC
20	320 W 8TH ST	RODRIGUEZ JORGE POSADAS &
21	324 W 8TH ST	BMR JOHNSON INVESTMENTS L
22	328 W 8TH ST	SANCHEZ & SANCHEZ LLC
23	240 W 8TH ST	BKN REALTY LLC