

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, OCTOBER 16, 2018  
AGENDA

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

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

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**MISCELLANEOUS ITEMS**

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Approval of the September 18, 2018 Board of Adjustment Panel A Public Hearing Minutes	M1
Consideration and approval of Panel A's 2019 Public Hearing Calendar	M2

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**UNCONTESTED CASES**

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<b>BDA178-106(OA)</b>	5411 Surrey Circle <b>REQUEST:</b> Application of Jean-Claude Saada, represented by Francis A. Sapienza, Jr., for a special exception to the fence standards regulations	1
<b>BDA178-109(OA)</b>	1919 McKinney Avenue <b>REQUEST:</b> Application of Tom Persch, represented by Kori Haug, for a special exception to the landscape regulations	2
<b>BDA178-110(OA)</b>	3006 Oates Drive <b>REQUEST:</b> Application of Peter Kavanagh for a special exception to the landscape regulations	3

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**BDA178-116(OA)** 1907 McMillan Avenue 4  
**REQUEST:** Application of Majenica Springer for a variance to the front yard setback regulations

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**HOLDOVER CASE**

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**BDA178-095(OA)** 4070 Cedarbrush Drive 5  
**REQUEST:** A **REQUEST:** Application of Steven Wood for a special exception to the fence standards regulations

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**REGULAR CASE**

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**BDA178-065(OA)** 431 W. Brooklyn Avenue 6  
**REQUEST:** Application of Jorge Hernandez for a variance to the floor area for structures accessory to single family uses regulations

## 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:** BDA178-106(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Jean-Claude Saada, represented by Francis A. Sapienza, Jr., for a special exception to the fence standards regulations at 5411 Surrey Circle. This property is more fully described as Lot 10&11, Block B/5665, and is zoned R-16(A), which requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

**LOCATION:** 5411 Surrey Circle

**APPLICANT:** Jean-Claude Saada  
Represented by Francis A. Sapienza, Jr.

**REQUEST:**

A request for a special exception to the fence standards regulations related to a fence panel with a surface area that is less than 50 percent open is made to construct and maintain a 4' high solid board-on-board wood fence located on the front lot line (or less than 5' from this front lot line).

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** R-16(A) (Single family district 16,000 square feet)  
**North:** R-16(A) (Single family district 16,000 square feet)  
**South:** R-16(A) (Single family district 16,000 square feet)  
**East:** R-16(A) (Single family district 16,000 square feet)  
**West:** R-16(A) (Single family district 16,000 square feet)

### **Land Use:**

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

### **Zoning/BDA History:**

There have 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 a 4' high solid board-on-board wood fence located on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-16(A) which requires a 35' front yard setback.
- The Dallas Development Code states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.
- The applicant has submitted a site plan and elevation of the proposal along the front property line with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- The following additional information was gleaned from the submitted site plan:
  - The proposal is represented as being approximately 20' in length parallel to Surrey Crile and approximately 15' perpendicular (at both ends of the 20' long fence) to Surrey Crile on the southeast side of the site in this front yard setback.
- The proposal is represented as being located at the Surrey Crile front property line or approximately 15' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and noted no similar fences to be located on the front lot line.
- As of October 5, 2018, three letters had been submitted in support of the request and no letters had been submitted in opposition (see Attachment A).
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to a fence with panels with surface areas less than 50 percent open less than 5' from the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be maintained in the location and materials as shown on these documents.

### **Timeline:**

July 13, 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.

September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

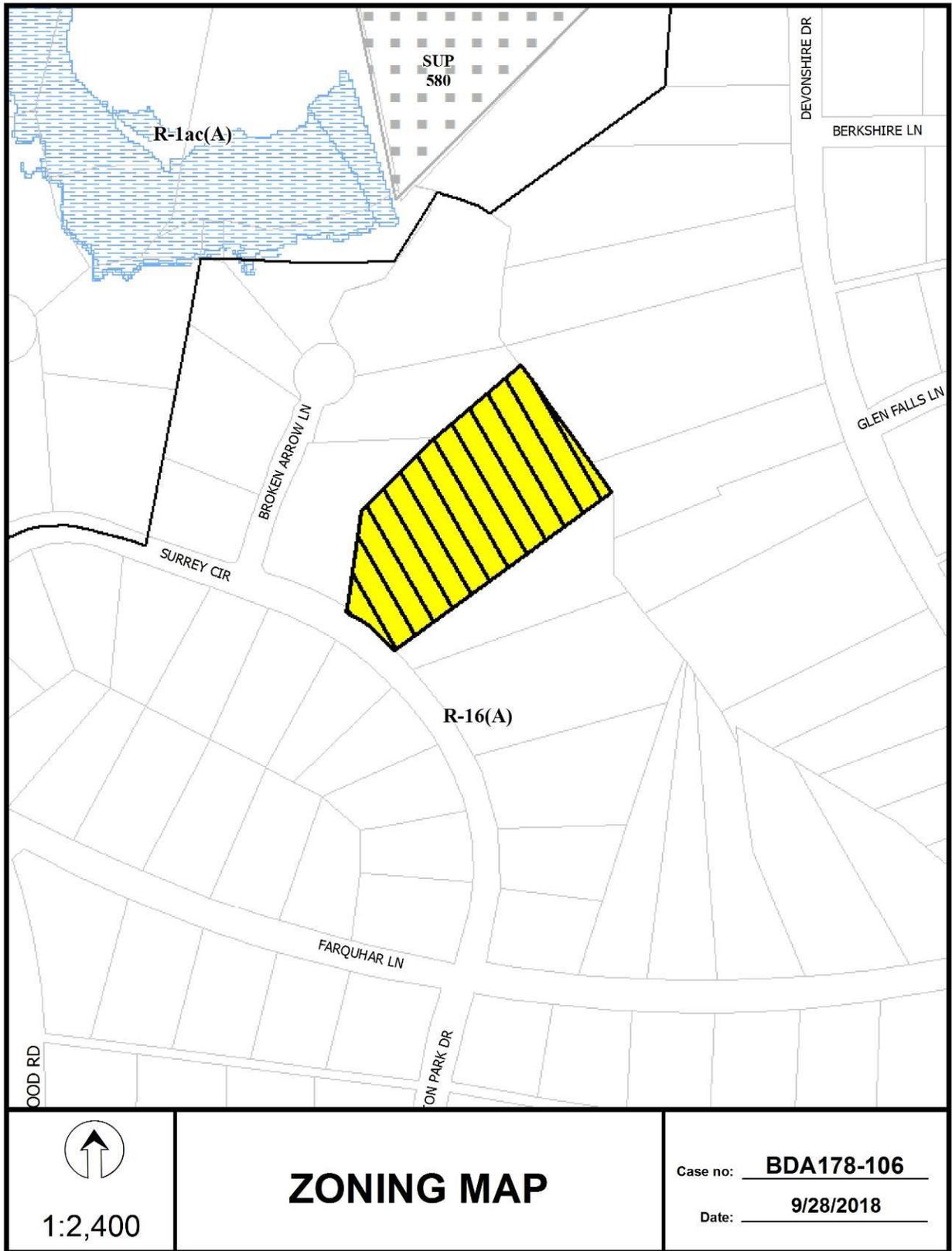
September 13, 2018: The Sustainable Development and Construction Department Senior Planner, emailed the applicant’s representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 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.”

September 13, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





Site

  
 1:2,400

# AERIAL MAP

Case no: BDA178-106  
 Date: 9/28/2018

via e-mail

[Oscar.aguilera@dallascityhall.gov](mailto:Oscar.aguilera@dallascityhall.gov)

Fax: (214) 670-4210

September 12, 2018

Mr. Oscar Aguilera  
City of Dallas Board of Adjustment  
1500 Marilla, Room 5BN  
Dallas, TX 75201

**Re: *Jean-Claude Saada***  
***5411 Surrey Circle, Dallas, TX 75209***  
***Variance Application Appeal/Case No. 178-106***

Dear Board of Adjustment Members:

This letter is to provide my support and approval of the variance application submitted by my neighbor, Jean-Claude Saada as referenced above.

Please approve such request.

Sincerely,



Michael Desaloms, neighbor  
5420 Surrey Circle  
Dallas, TX 75209  
[mdesaloms@dallasneuro.com](mailto:mdesaloms@dallasneuro.com)

encl.

cc: Francis A. Sapienza, Jr.  
Jean-Claude Saada



### Posting of Notification Sign

Address: 5411 Surrey Circle, Dallas, TX 75209

Appeal Number: BDA 178-106

All required notification signs must be posted on the property within fourteen (14) days after an application has been made, prior to the Board of Adjustment Hearing, and not be removed until the hearing ends.

The sign must be posted at a prominent location adjacent to the public street, evenly spaced along each frontage, and easily visible from the street. Failure to properly post the sign(s) may result in either a postponement or denial of the appeal.

All required notification signs have been received. One sign is required for each 500 feet or less of frontage, or every tract of five (5) acres or less, with a maximum of five (5) signs required. The cost of each sign is \$10.00.

Footage of each street frontage: 94.92'

Number of acres: 2.2480 acres

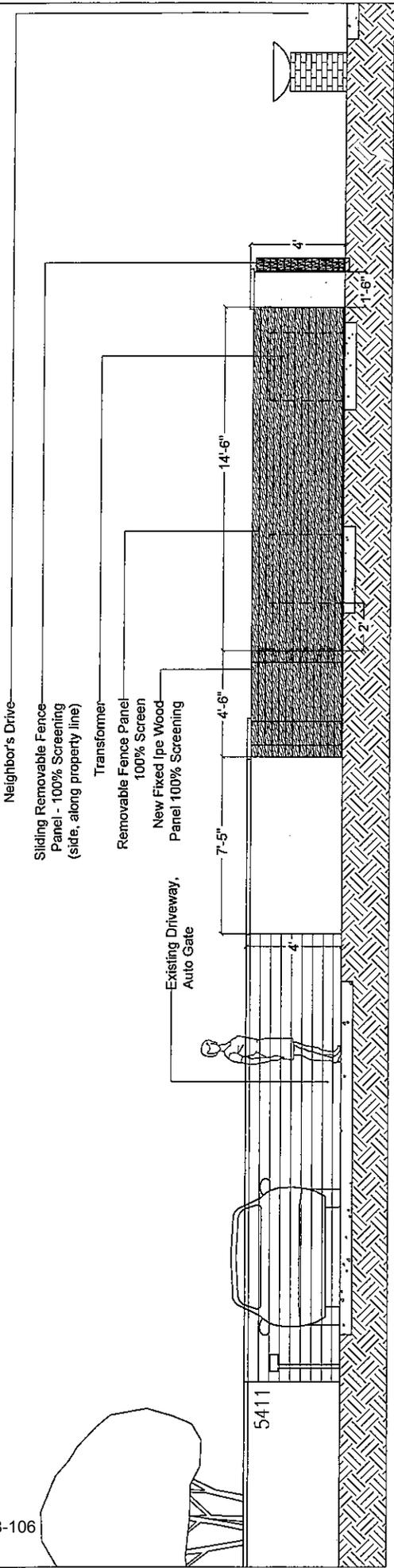
Number of signs received: 1

[Handwritten Signature]  
Signature of applicant or person receiving signs  
Francis A. Sapiena, Jr., Owner's Representative

7/2/18  
Date

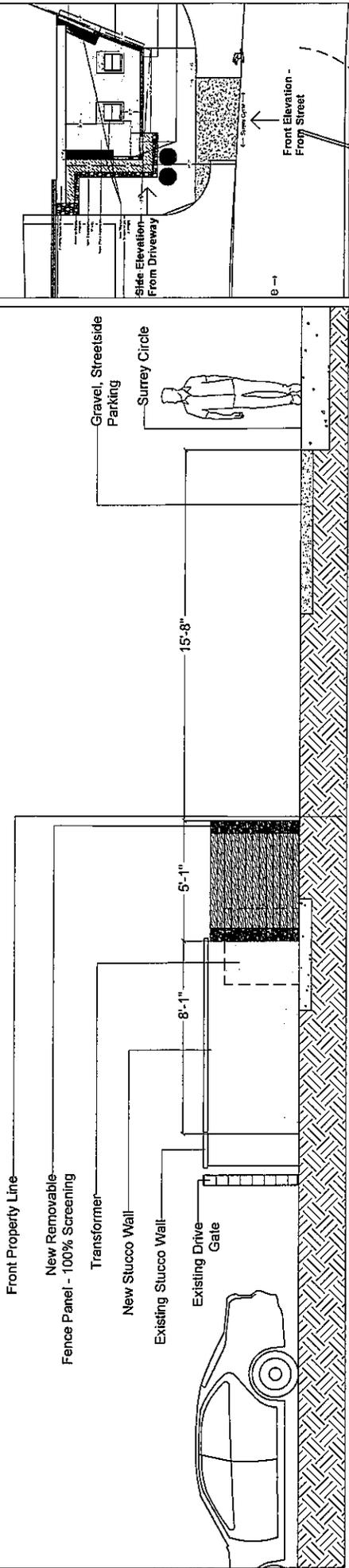
**Front Elevation - From Street**

BDA178-106

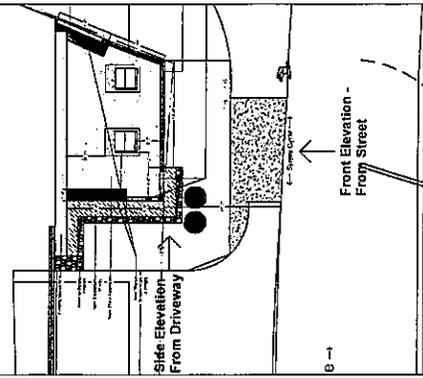


**Side Elevation - From Driveway**

8



Context  
1'-1'-0"



100% SCREENING WALL FOR TRANSFORMERS

**SAADA RESIDENCE**  
5411 Surrey Circle  
Dallas, Texas  
Scale: 1/4" = 1'-0"  
Date: 6/29/18  
Drawn by: GT/EC



**CLINT HORTICULTURE**  
CLINTHORTICULTURE.COM  
5600 WEST LOVERS LANE SUITE 116-320  
DALLAS, TEXAS 75209

Panel A

BDA178-106 ATTACH A  
(pg 4)

**From:** [Jean-Claude Saada](#)  
**To:** [Kim McFarland](#)  
**Subject:** Fwd: Fence  
**Date:** Thursday, September 13, 2018 11:46:54 AM  
**Attachments:** [image001.png](#)  
[ATT00001.htm](#)  
[ATT00002.htm](#)  
[Saada-Elevations-100%.pdf](#)  
[ATT00003.htm](#)  
[ATT00004.htm](#)

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Begin forwarded message:

**From:** Jeff Zisk <[jzisk@snowfalltech.com](mailto:jzisk@snowfalltech.com)>  
**Date:** September 12, 2018 at 1:51:38 PM EDT  
**To:** Jean-Claude Saada <[jsaada@cambridgeinc.com](mailto:jsaada@cambridgeinc.com)>  
**Subject:** Fence

Jean-Claude –

Please accept this email as support for your proposed fence including the additional slats in the design.

Jeff Zisk  
5347 Surrey Circle  
Dallas, TX 75209

Regards,

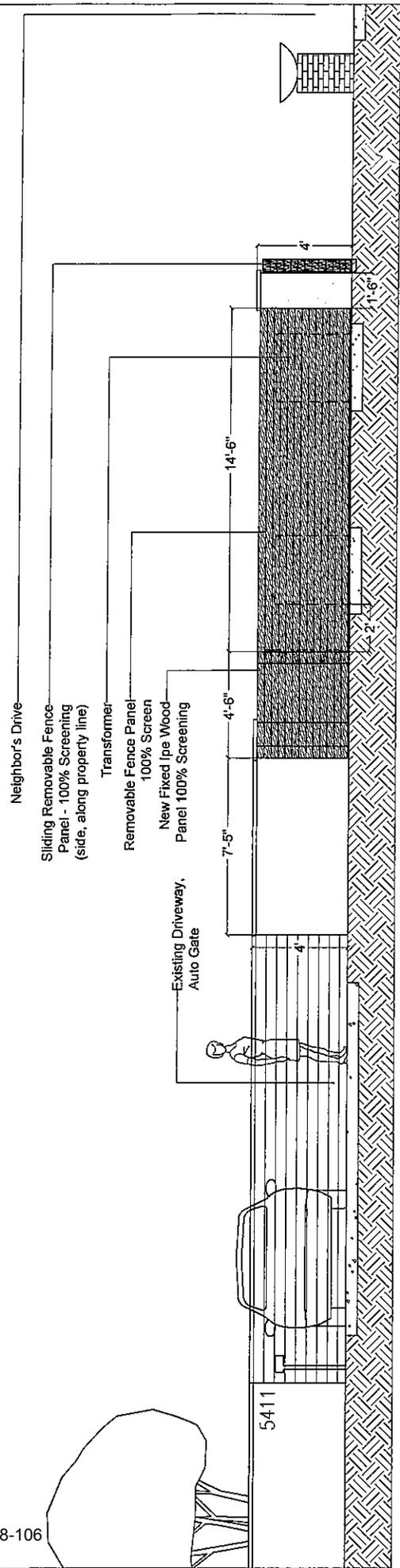
Jeff

Jeff Zisk  
CEO, Managing Director  
[jzisk@snowfalltech.com](mailto:jzisk@snowfalltech.com)  
[www.snowfalltechnologies.com](http://www.snowfalltechnologies.com)  
214.632.4498

6600 LBJ Freeway, Suite 115  
Dallas, Texas 75240

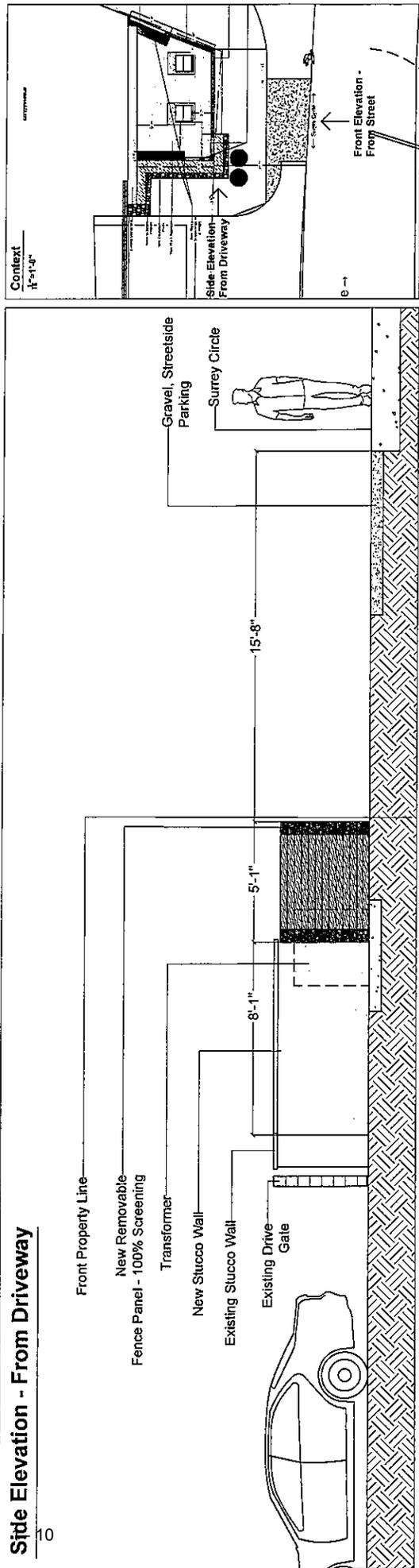
**Front Elevation - From Street**

A178-106



**Side Elevation - From Driveway**

10



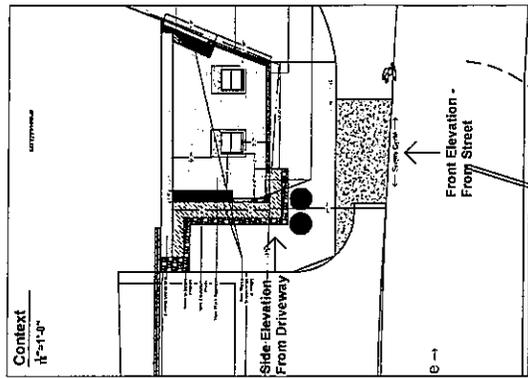
100% SCREENING WALL FOR TRANSFORMERS



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DALLAS, TEXAS 75209

Panel A

**SAADA RESIDENCE**  
5411 Surrey Circle  
Dallas, Texas  
Scale: 1/4" = 1' - 0"  
Date: 6/29/18  
Drawn by: GT/EC



BDA178-106 ATTACH 1A (pg 5/7)

BDA178-106



Panel A

BDA178-106 ATTACH A (pg 7/7)



Client: Horticulture 2018 |

Sydney Residence



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-106

Date: 7-17-18

Data Relative to Subject Property:

Location address: 5411 Surrey Circle, Dallas, TX 75209 Zoning District: R-16A Dallas County

Lot No.: 10 & 11 Block No.: B/5665 Acreage: 2.2480 Census Tract: 73.01

Street Frontage (in Feet): 1) 94.92' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jean-Claude T. Saada and Elizabeth A. Saada

Applicant: Jean-Claude Saada Telephone: (214) 871-7337

Mailing Address: 5411 Surrey Circle, Dallas, TX Zip Code: 75209

E-mail Address: jsaada@cambridgeinc.com

Represented by: Francis A. Sapienza, Jr. Telephone: (214) 665-0883

Mailing Address: 8383 Preston Center Plaza Dr., 5th Floor, Dallas, TX Zip Code: 75225

E-mail Address: fsapienza@cambridgeinc.com

Affirm that an appeal has been made for a Variance X, or Special Exception V, of Front yard fence requirements. TO BE ALLOWED OF LESS THAN 50% OPEN PANEL ON A FRONT LOT LINE.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: To allow a solid 100% screen fence on the front property line in lieu of setting it back 5' or making it 50% open. The intention of this screen fence is to screen 2 pad mounted transformers located at the front corner of this property and a 50% open screen would not conceal these transformers and we cannot move the fence 5' back off the property line because of the transformers location.

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 Jean-Claude Saada (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: X (Affiant/Applicant's signature)

Subscribed and sworn to before me this 13th day of July, 2018

(Rev. 08-01-11)



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

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

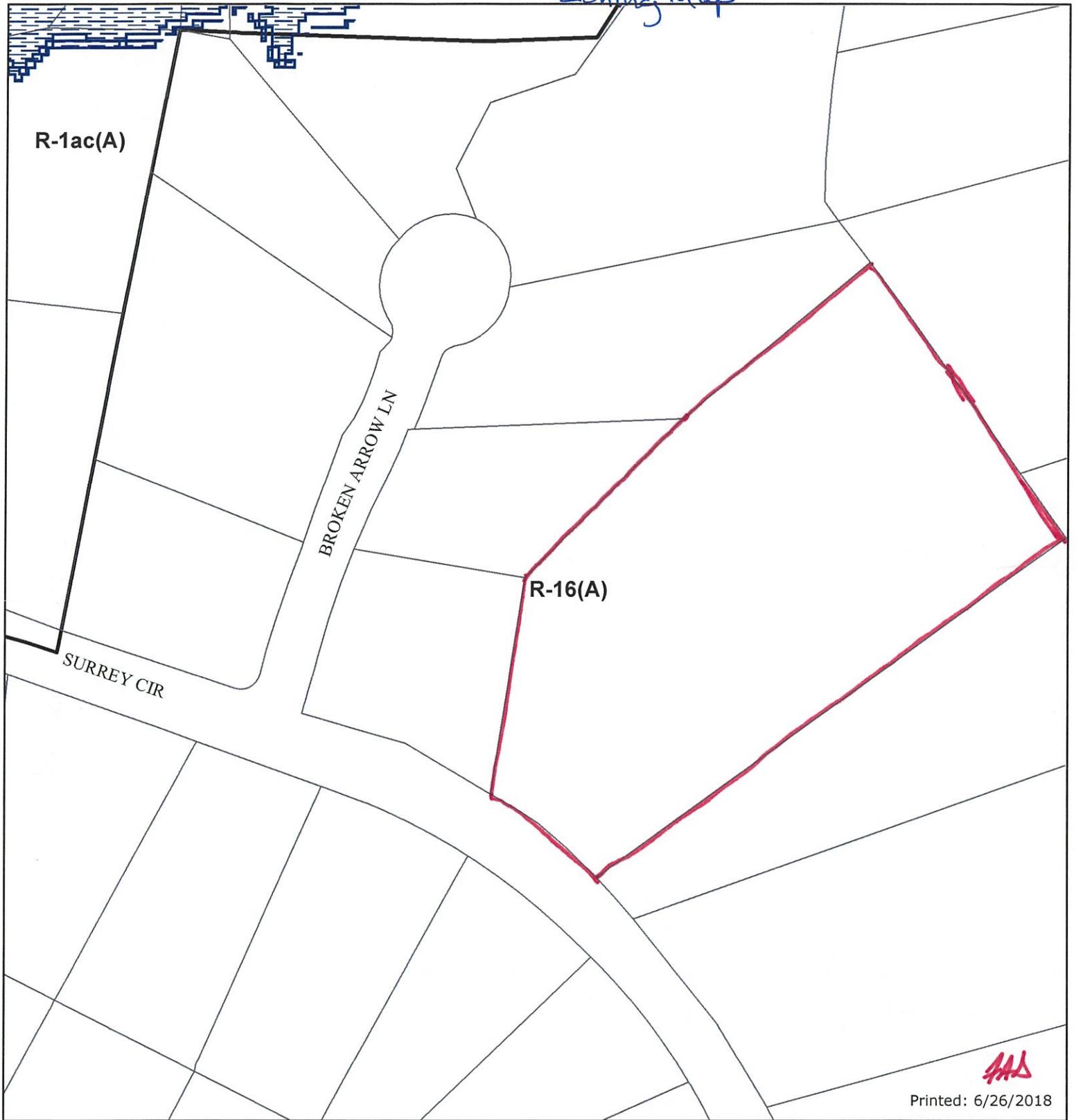
**Building Official's Report**

I hereby certify that Jean-Claude Saada  
represented by FRANCIS SAPIENZA  
did submit a request for a special exception to the fence standards regulations  
at 5411 Surrey Circle

BDA178-106. Application of Jean-Claude Saada represented by FRANCIS SAPIENZA for special exception to the fence standards regulations at 5411 SURREY CIR. This property is more fully described as Lot 10&11, Block B/5665, and is zoned R-16(A), which requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



AS

Printed: 6/26/2018

Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA178-106 SUP                 | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    |                            |

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



Panel A

FINAL PLAT  
 SECOND INSTALLMENT  
**NORTHWEST HILLS**

CHAS. A. BARNETT, OWNER  
 DALLAS, TEXAS

WYATT C. HEDRICK  
 ARCHITECT & ENGINEER  
 DALLAS, TEXAS

DRAWN TRACED CHECKED SCALE DATE  
 H.H.V.J.A.G. J.A.G. H.H.V. 1"=100' 1-11-45

JOB NO. SHEET 1  
 1028 OF 1 SHEETS

237

NORTHWEST  
 HIGHWAY

SUNNYBROOK ESTATES

DEVONSHIRE

SCALE: 1"=100'

HIGHWAY  
 ESTATES

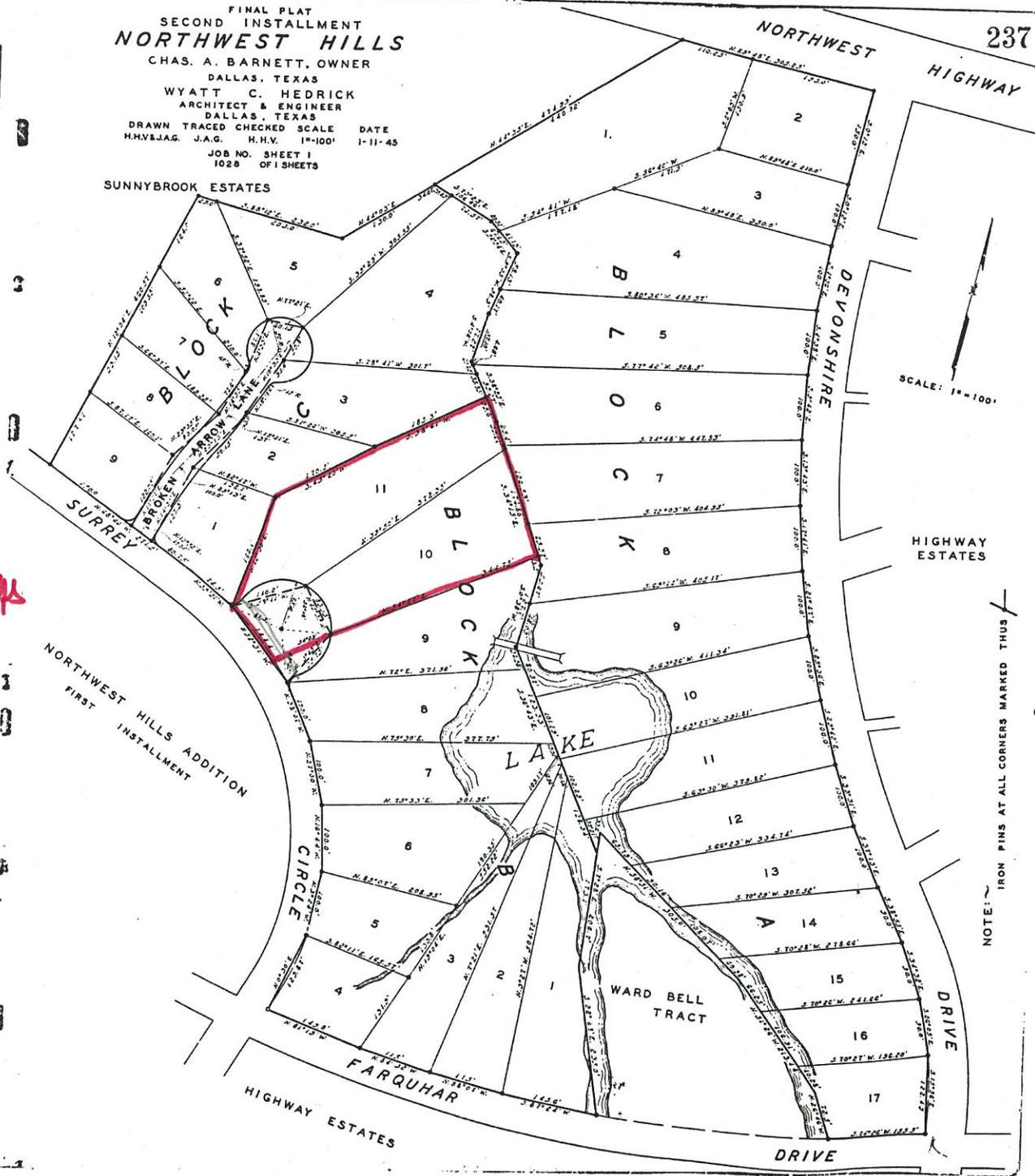
NOTE: IRON PINS AT ALL CORNERS MARKED THUS

AK

NORTHWEST HILLS ADDITION  
 FIRST INSTALLMENT

HIGHWAY ESTATES

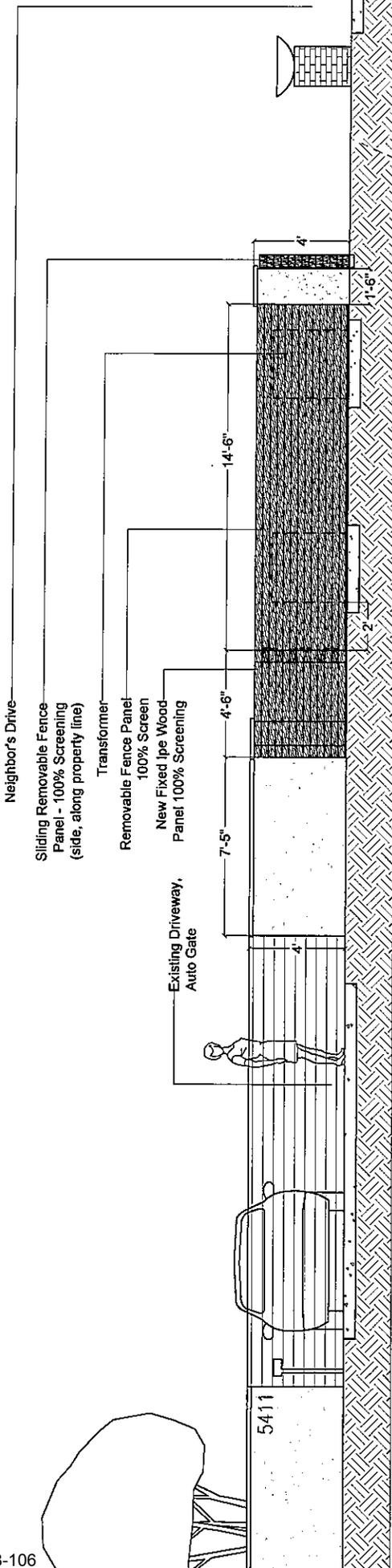
DRIVE





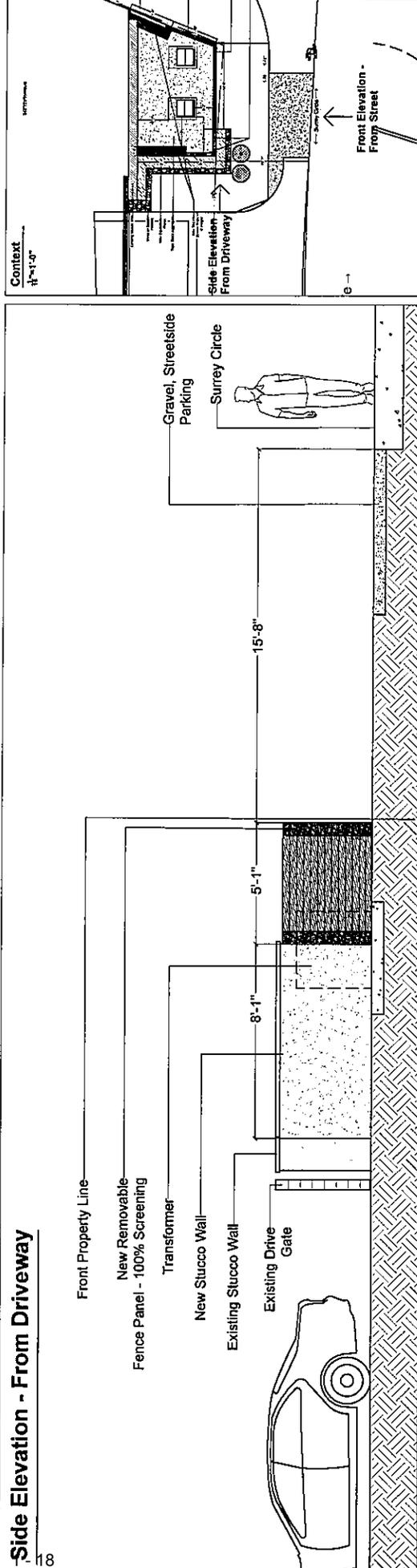
**Front Elevation - From Street**

BA178-106



**Side Elevation - From Driveway**

18

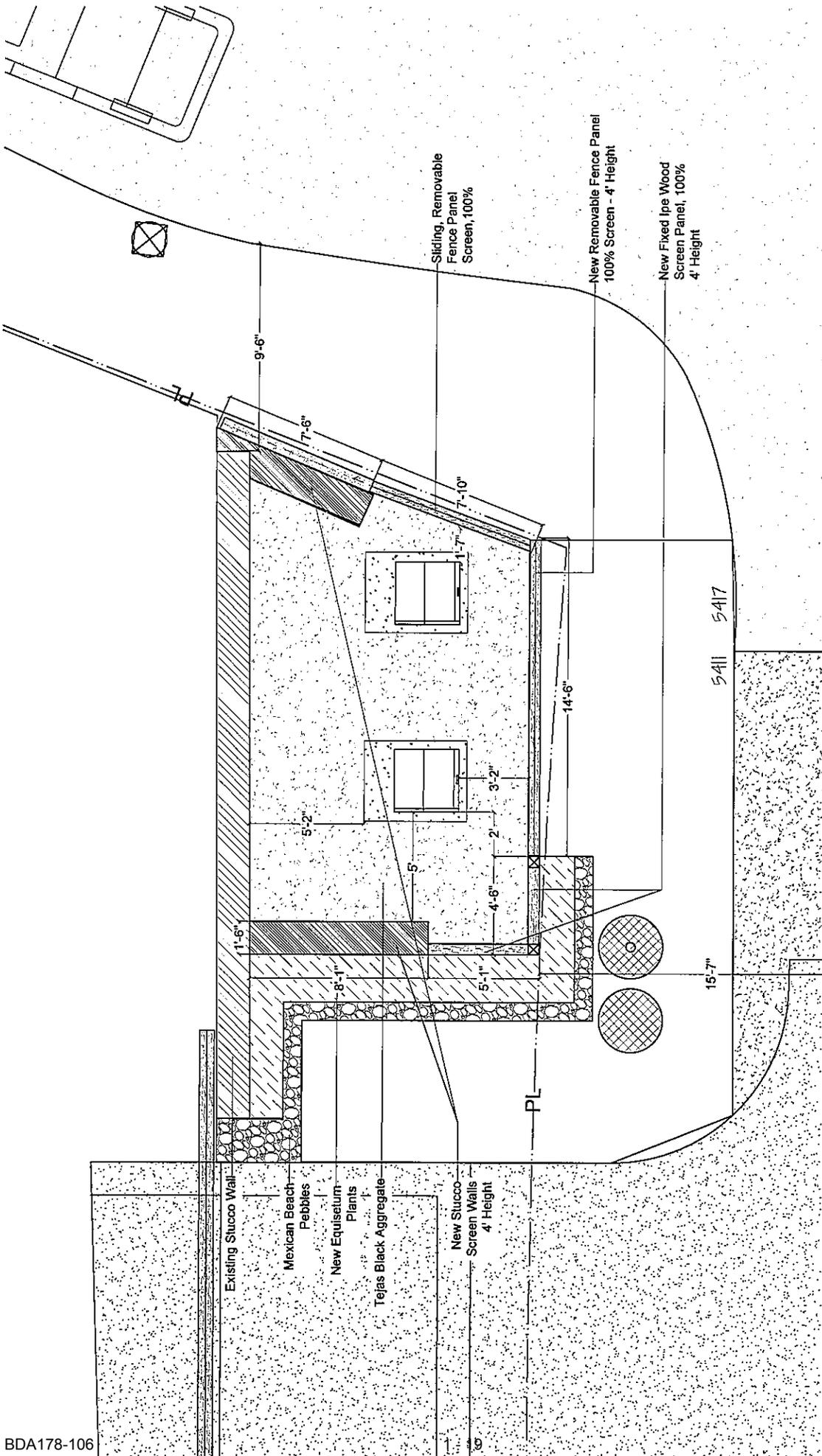


**100% SCREENING WALL FOR TRANSFORMERS**

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 CLINTHORTICULTURE.COM  
 5600 WEST LOVERS LANE SUITE 116-320  
 DALLAS, TEXAS 75209

**SAADA RESIDENCE**  
 5411 Surrey Circle  
 Dallas, Texas  
 Scale: 1/4" = 1'-0"  
 Date: 6/29/18  
 Drawn by: G/IEC





BDA178-106

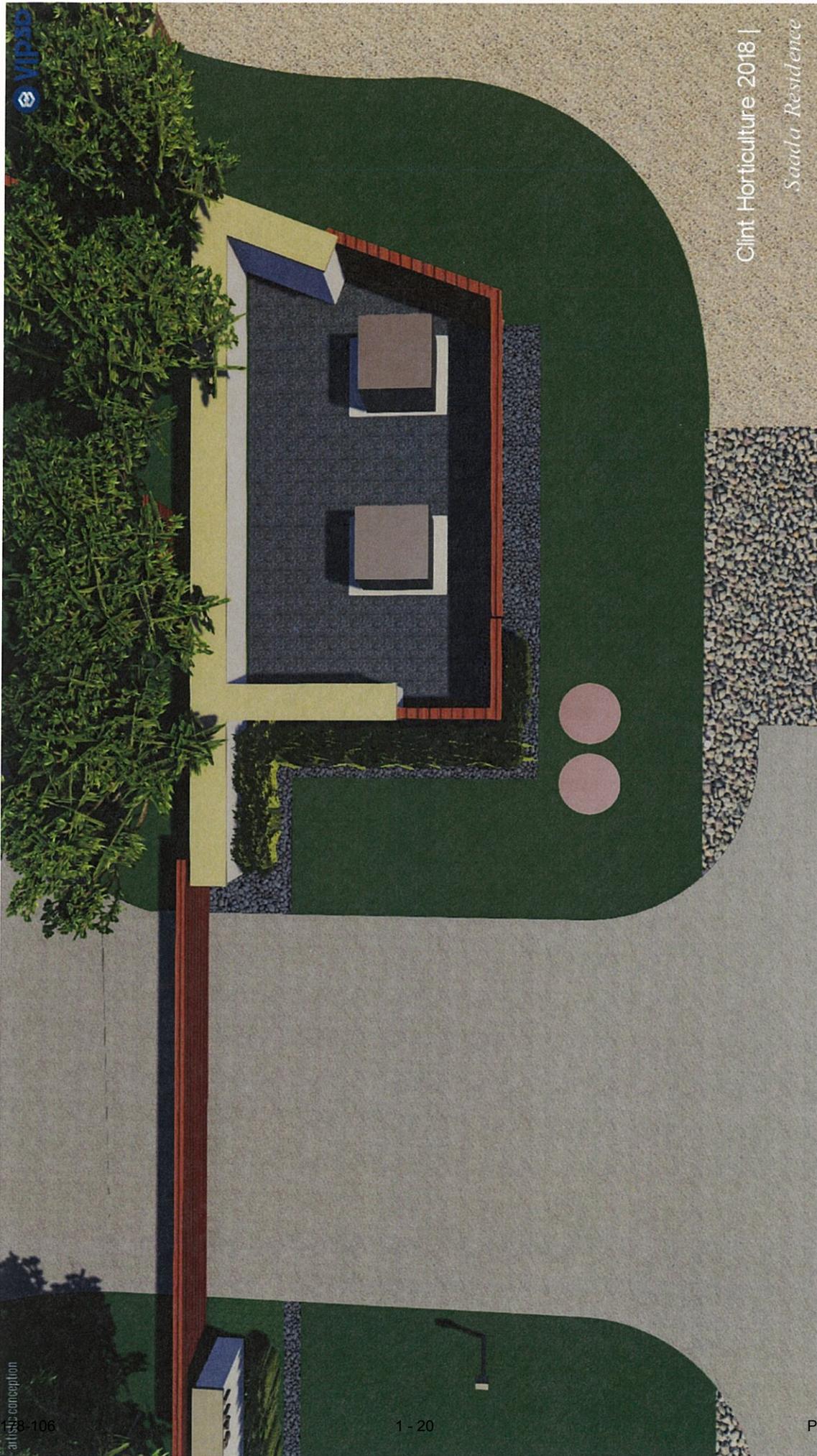
**SAADA RESIDENCE**  
 5411 Surrey Circle  
 Dallas, Texas  
 Scale: 1/4" = 1' - 0"  
 Date: 6/12/18  
 Drawn by: GT/EC/CC



100% TRANSFORMER SCREENING

**CLINT HORTICULTURE**  
 CLINTHORTICULTURE.COM  
 5600 WEST LOVERS LANE SUITE 116-320  
 DALLAS, TEXAS 75209

Panel A





VIPAD

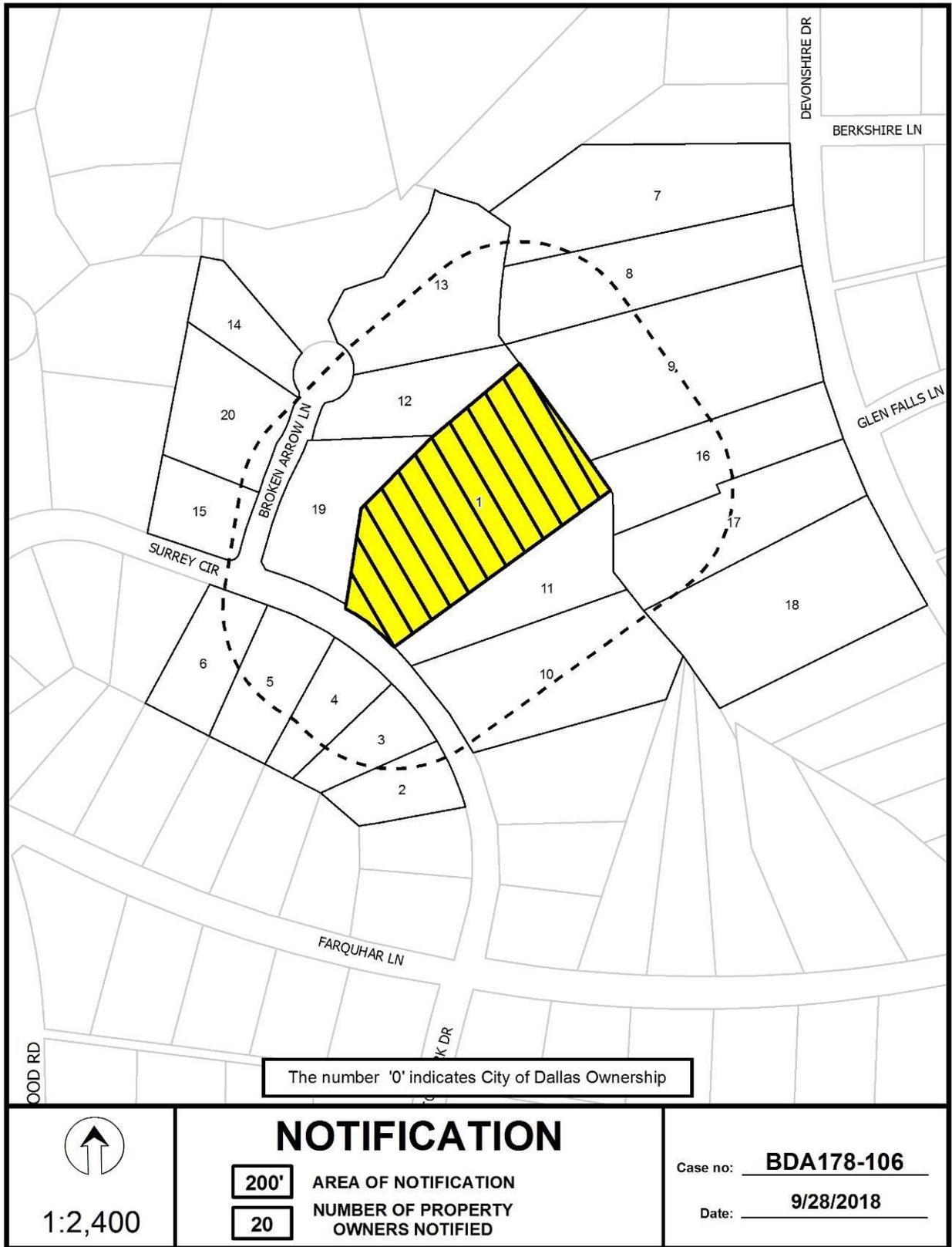
Client: Horticulture 2018 |

*Sacata Residence*



Vipso

Clint Horticulture 2018 |  
Souda Residence



The number '0' indicates City of Dallas Ownership



1:2,400

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**20**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-106**

Date: **9/28/2018**

# *Notification List of Property Owners*

## *BDA178-106*

### *20 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5411 SURREY CIR	SAADA JEAN-CLAUDE T &
2	5438 SURREY CIR	MALLORY LAURA &
3	5430 SURREY CIR	NEWSOM ANDREW N &
4	5420 SURREY CIR	DESALOMS MICHAEL & MELISSA
5	5410 SURREY CIR	MASINTER MARK L & REBECCA
6	5400 SURREY CIR	LATORRE ROBERT F
7	9131 DEVONSHIRE DR	ROBERT SOLENDER FAMILY TRUST
8	9123 DEVONSHIRE DR	WILSON ADDISON III
9	9115 DEVONSHIRE DR	VOSE CHARLES A III &
10	5431 SURREY CIR	LAZAR JAMES P
11	5417 SURREY CIR	MICHAUD SUSAN H
12	9024 BROKEN ARROW LN	ACADIA REVOCABLE TRUST
13	9030 BROKEN ARROW LN	JONES JEFFREY L & PATTIE M
14	9029 BROKEN ARROW LN	AINSCOW DONALD G &
15	5347 SURREY CIR	ZISK JEFFREY B & LOYD H
16	9035 DEVONSHIRE DR	SANDS STEPHEN STORM
17	9031 DEVONSHIRE DR	SANDS STEPHEN STORM & LEIGH MCKAY
18	9023 DEVONSHIRE DR	BLESSING KALITA BECK & EDWARD W
19	9016 BROKEN ARROW LN	SAADA JEAN CLAUDE & ELIZABETH
20	9019 BROKEN ARROW LN	MCCLURE JAMES S &

**FILE NUMBER:** BDA178-109(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Tom Persch, represented by Kori Haug, for a special exception to the landscape regulations at 1919 McKinney Avenue. This property is more fully described as Lot 1A, Block A/358, and is zoned PD 193 (HC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 1919 McKinney Avenue

**APPLICANT:** Tom Persch  
Represented by Kori Haug

**REQUEST:**

A request for a special exception to the landscape regulations is made to remodel and maintain a commercial/office use/structure, and not fully meet the landscape regulations, more specifically, to not meet street tree and sidewalk requirements on the subject site.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS  
IN OAK LAWN:**

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property complies with a landscape plan as a condition to granting the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because the plan meets the spirit and intent of the PD 193(HC) landscape regulations, and the established site conditions limit the ability to conform to current standards without full redevelopment of the property.

**BACKGROUND INFORMATION:**

**Site:** PD 193 (HC) (Planned Development, Heavy Commercial)

- North: PD 193 (PDS 50) (Planned Development, PDS 50)  
South: PD 193 (PDS 24) (Planned Development, PDS 24)  
East: PD 193 (PDS 66) (Planned Development, PDS 66)  
West: PD 193 (HC) (Planned Development, Heavy Commercial)

**Land Use:**

The subject site is developed with an office structure/use (HKS). The areas to the north, east, south, and west are developed with a mix of land uses.

**Zoning/BDA History:**

<p>1. BDA167-115, Property at 1919 McKinney Avenue (the subject site)</p>	<p>On October 17, 2017, the Board of Adjustment Panel A granted a special exception to the landscape regulations and imposed the submitted revised alternate landscape plan as a condition. The case report stated the request was made to obtain a building permit for a surface parking lot on site developed with an office structure/use - a structure that according to DCAD was built in the 1920's prior to the landscape ordinance adopted in the mid 80's, and to not fully provide required landscaping on the subject site, more specifically to not provide street trees, sidewalks, and screening of off-street parking along Cedar Springs Road, and sections of St. Paul and McKinney Avenue.</p>
<p>2. BDA134-086, Property at 1919 McKinney Avenue (the subject site)</p>	<p>On September 16, 2014, the Board of Adjustment Panel A granted a special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition. The case report stated the request was made to construct and maintain a surface parking lot on site developed with an office structure/use (HKS) - a structure that according to the application was developed prior to the landscape ordinance adopted in the mid-80's.</p>

3. BDA 967-300, Property at 1907 McKinney Avenue (a portion of

On October 28, 1997, the Board of Adjustment Panel A was informed that the

the subject site)

originally submitted request for a special exception to the landscape regulations was removed from the docket since it had been determined by staff that the request originally heard on September 23, 1997, was not required.

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

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a commercial/office use/structure, and not fully meeting the landscape regulations, more specifically, not meeting the street tree and sidewalk requirements on the subject site.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":
  - The applicant requests a special exception to the landscape regulations in PD 193 (HC). Specifically, the applicant requests approval of a revised alternate landscape plan for the full property, as required under 51P-193.126. The plan revises a previously approved landscape plan to include a new outdoor patio area, a new paved ramp from patio to the sidewalk, and the removal of one tree, relocation of two trees, and one new additional tree.
- The Chief Arborist's memo states the following with regard to "provision":
  - The alternate landscape plan provides for a sidewalk, a tree planting area, and screening of off-street parking. The HC district requires only tree planting zones, sidewalks, and screening conditions. Existing landscaping and sidewalk conditions apply for the three block faces.
- The Chief Arborist's memo states the following with regard to "deficiencies":
  - The property does not comply with PD 193(HC) requirements due to street trees and sidewalks not being placed according to regulation. The original construction was established prior to passage of the ordinance and the sidewalks follow their initial alignment.
- The Chief Arborist's memo states the following with regard to "factors":
  - A new restaurant alongside the focus area will establish an outdoor seating area along McKinney Avenue which would cause the removal of one previously established tree, and the transplant of two trees recently planted. An additional tree will replace the one removed in close proximity to the original. The sidewalk will remain in its former and current location with minor modification.

- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because the plan meets the spirit and intent of the PD 193(HC) landscape regulations, and the established site conditions limit the ability to conform to current standards without full redevelopment of the property.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the street trees requirements of the PD 193 landscape requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted revised alternate landscape plan as a condition, the site would be granted an exception from full compliance to street tree and sidewalk requirements of the PD 193 landscape requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

July 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.

September 11, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

September 13, 2018: The Board Administrator emailed the applicant’s representative the following information:

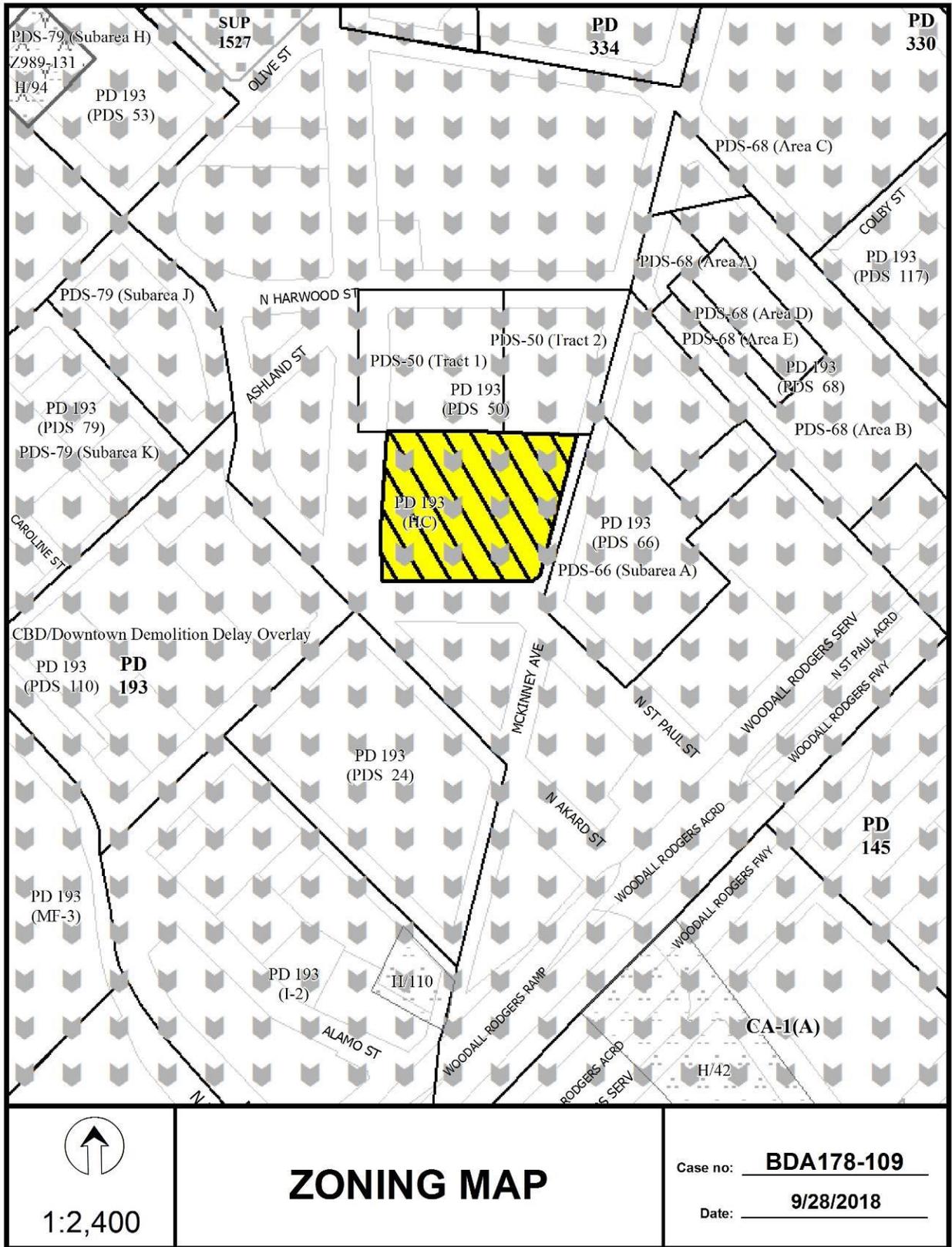
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 5<sup>th</sup> deadline to submit additional evidence to be incorporated into 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.

September 27, 2018: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief

Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 4, 2018: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment B).

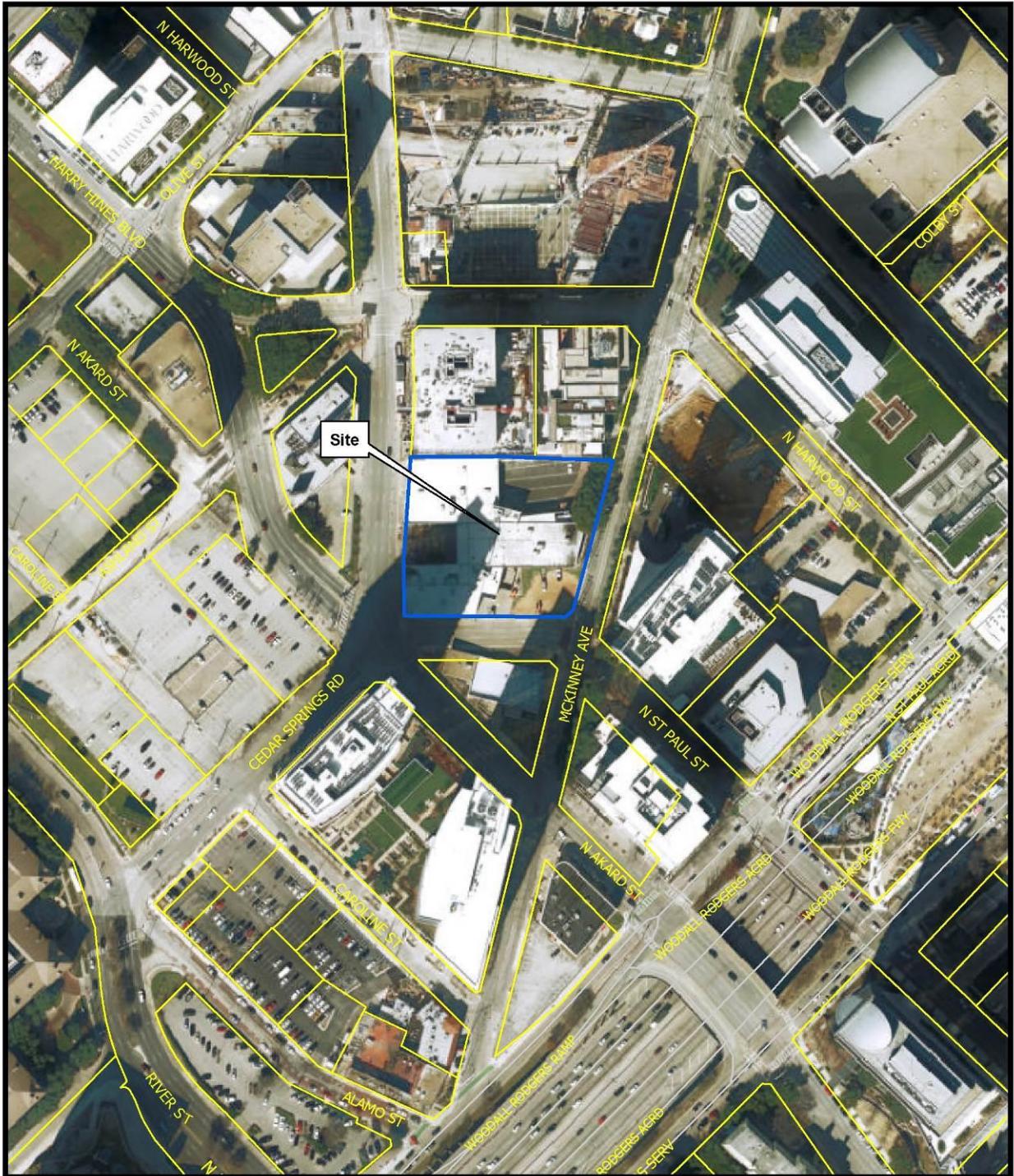


1:2,400

# ZONING MAP

Case no: **BDA178-109**

Date: **9/28/2018**



  
 1:2,400

# AERIAL MAP

Case no:     **BDA178-109**      
 Date:     **9/28/2018**



## Memorandum



CITY OF DALLAS

Date October 4, 2018  
To Oscar Aguilera, Board Administrator  
Subject BDA #178-109 1919 McKinney Avenue

### Request

The applicant requests a special exception to the landscape regulations in PD 193 (HC). Specifically, the applicant requests approval of a revised alternate landscape plan for the full property, as required under 51P-193.126. The plan revises a previously approved landscape plan to include a new outdoor patio area, a new paved ramp from patio to the sidewalk, and the removal of one tree, relocation of two trees, and one new additional tree.

### Provision

The alternate landscape plan provides for a sidewalk, a tree planting area, and screening of off-street parking. The HC district requires only tree planting zones, sidewalks, and screening conditions. Existing landscaping and sidewalk conditions apply for the three block faces.

### Deficiencies

The property does not comply with PD 193(HC) requirements due to street trees and sidewalks not being placed according to regulation. The original construction was established prior to passage of the ordinance and the sidewalks follow their initial alignment.

### Factors

A new restaurant alongside the focus area will establish an outdoor seating area along McKinney Avenue which would cause the removal of one previously established tree, and the transplant of two trees recently planted. An additional tree will replace the one removed in close proximity to the original. The sidewalk will remain in its former and current location with minor modification.

### Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because the plan meets the spirit and intent of the PD 193(HC) landscape regulations, and the established site conditions limit the ability to conform to current standards without full redevelopment of the property.

Philip Erwin  
Chief Arborist  
Building Inspection



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-109

Data Relative to Subject Property:

Date: 07/25/18

Location address: 1919 McKinney Avenue Zoning District: PD 193 (HC)

Lot No.: 1A Block No.: A/358 Acreage: 1.6042 Census Tract: 19

Street Frontage (in Feet): 1) 249.15 2) 255.34 3) 245.05 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): HKS Building, LP

Applicant: Thomas Persch Telephone: 214-747-7021

Mailing Address: 1919 McKinney Ave, Suite 2009, Dallas TX Zip Code: 75201

E-mail Address: tpersch@ecomtrading.com

Represented by: Kori Haug Telephone: 214 - 865 - 7193

Mailing Address: 4245 North Central Expy, Suite 501 Zip Code: 75205

E-mail Address: khaug@bellefirma.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of Approval of an alternative landscape plan.

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 are asking for a special exception to change the location of the existing trees in the landscape area to accommodate a new outdoor patio.

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.

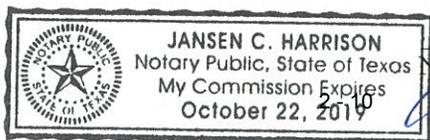
Affidavit

Before me the undersigned on this day personally appeared Thomas Persch (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: Thomas Persch (Affiant/Applicant's signature)

Subscribed and sworn to before me this 26 day of July, 2018



[Signature of Notary Public]

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

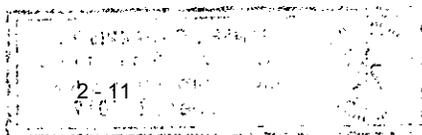
**Building Official's Report**

I hereby certify that Tom Persch  
represented by Kori Haug  
did submit a request for a special exception to the landscaping regulations  
at 1919 McKinney Avenue

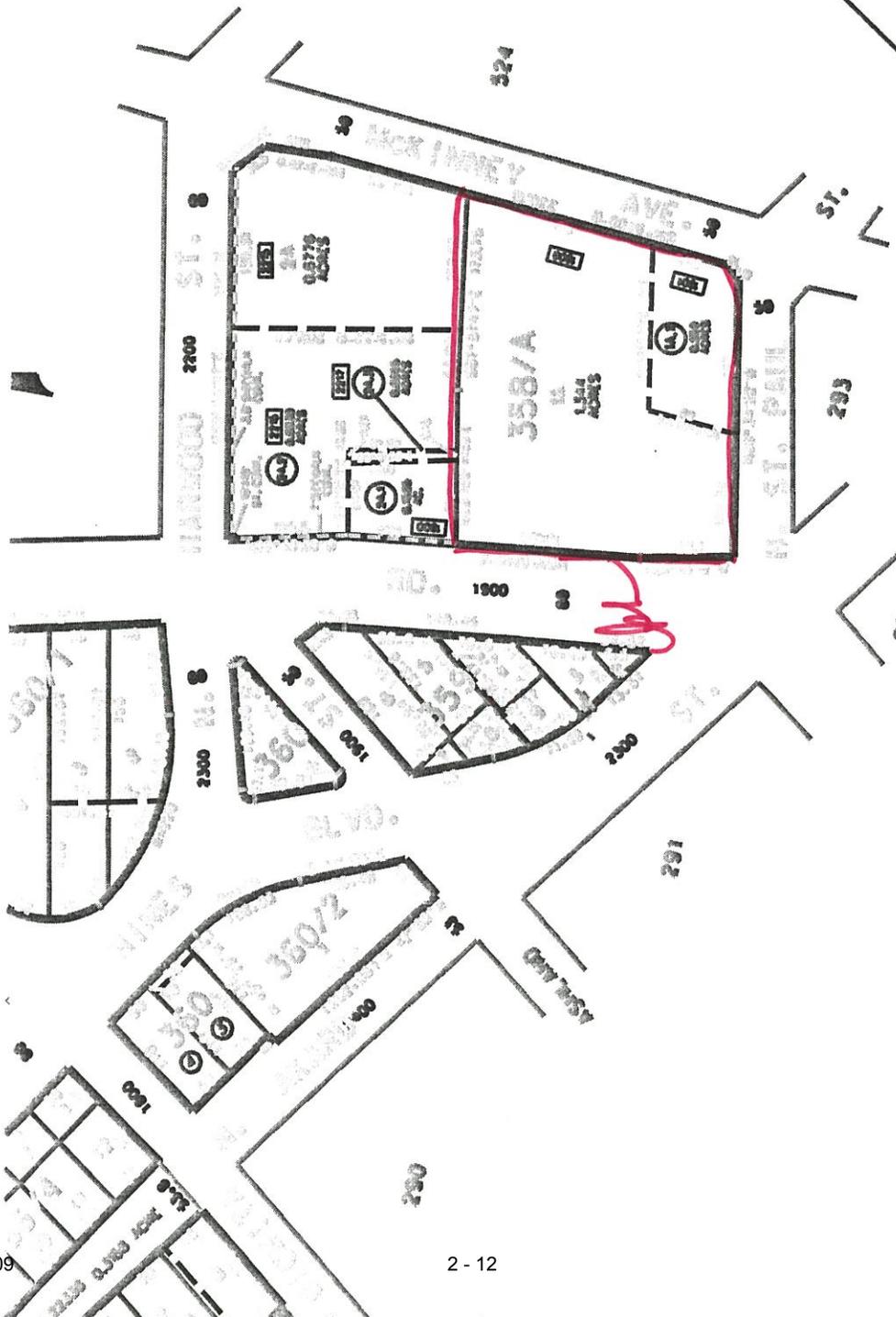
BDA178-109. Application of Tom Persch represented by Kori Haug for a special exception to the landscaping regulations at 1919 MCKINNEY AVE. This property is more fully described as Lot 1A, Block A/358, and is zoned PD-193 (HC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

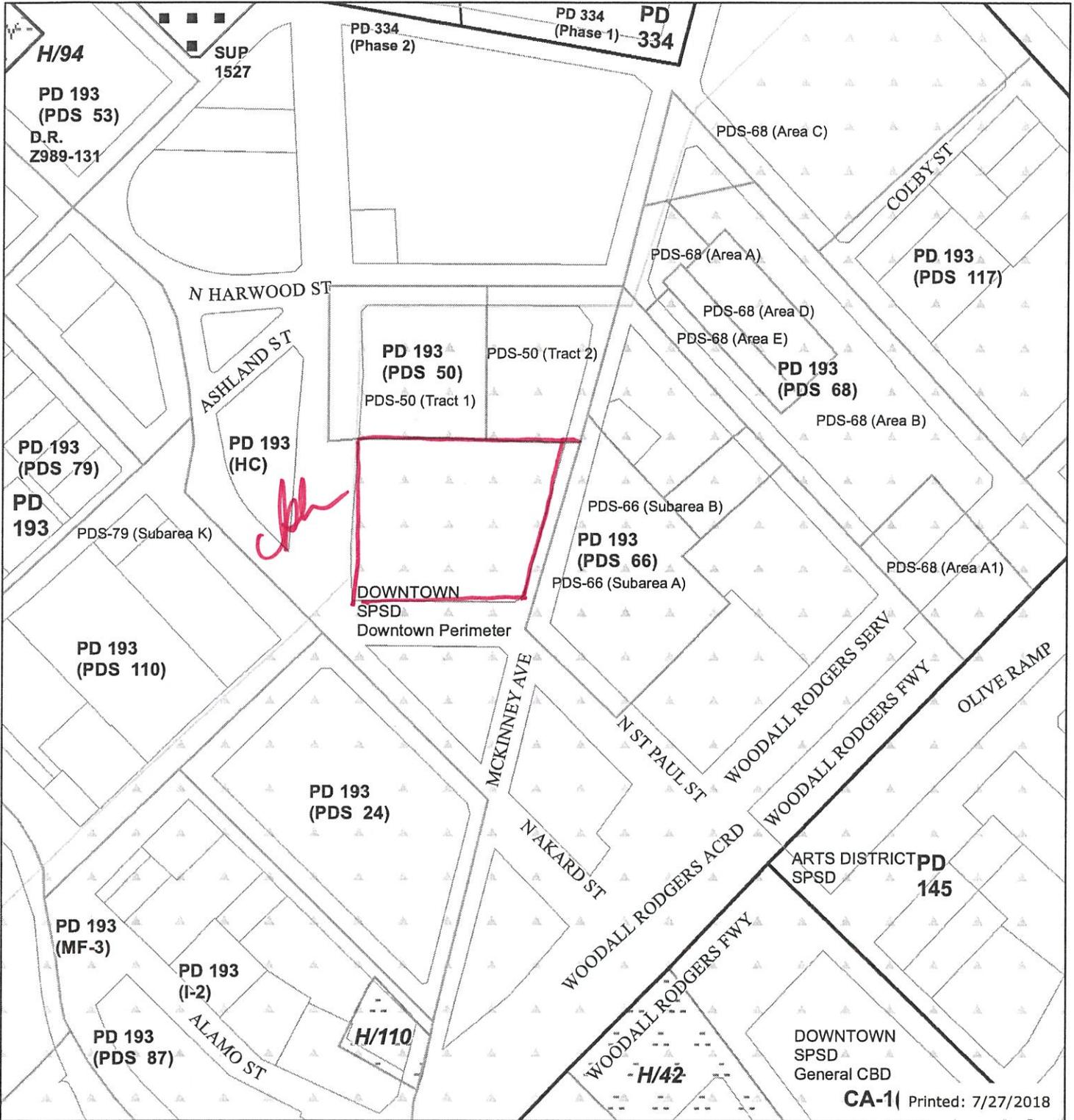
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



DISTRICT  
1, 2, 3, 4, 5, 6, 7, 8  
360, 361, 362, 363, 364, 365, 366, 367, 368  
DALLAS





CA-1( Printed: 7/27/2018

**Legend**

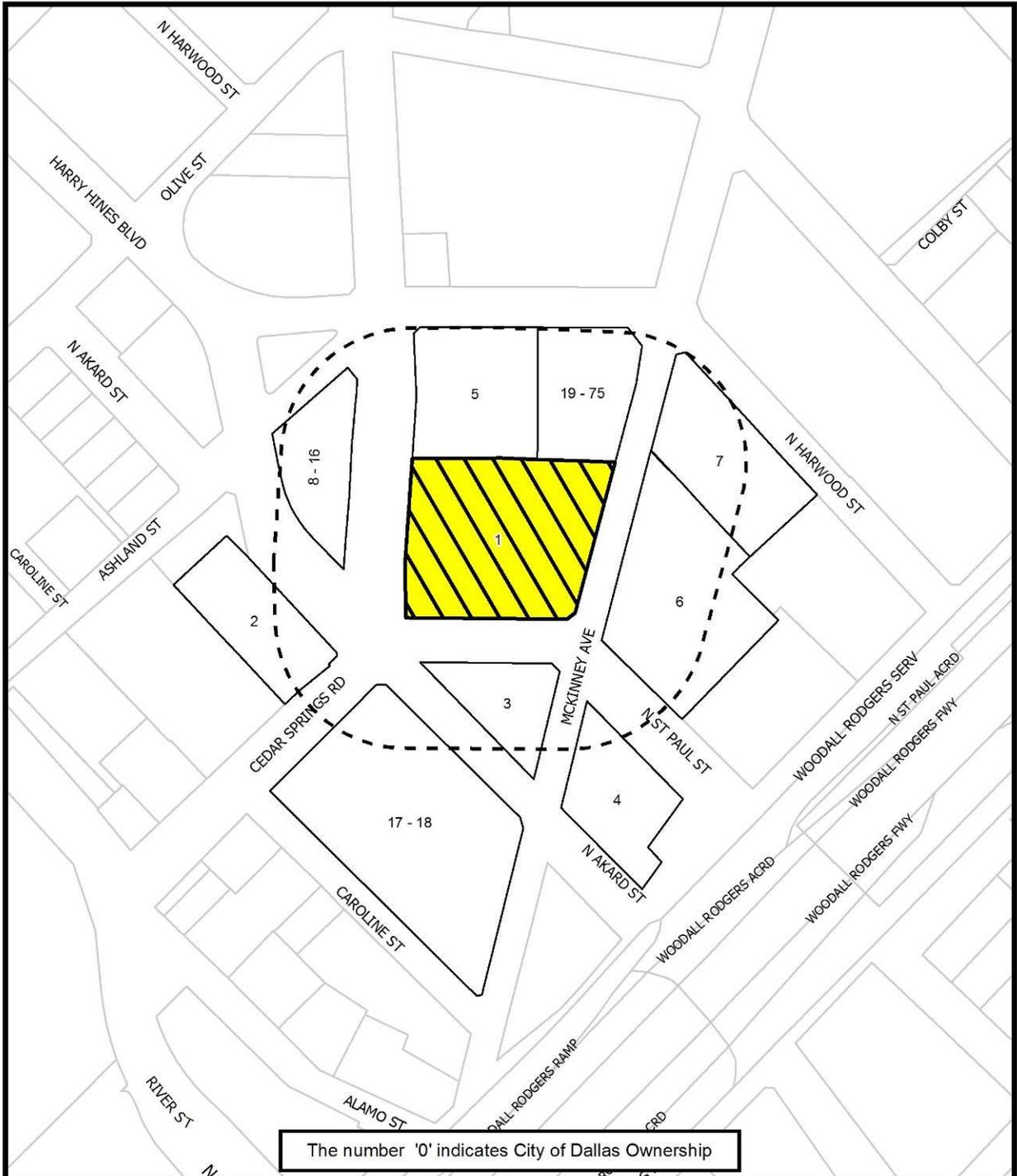
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay       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

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









The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="margin: 0;">NOTIFICATION</h2> <table border="1" style="margin: 10px auto;"> <tr> <td style="padding: 2px 5px;"><b>200'</b></td> <td style="padding: 2px 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px 5px;"><b>75</b></td> <td style="padding: 2px 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>75</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA178-109</b></u> Date: <u><b>9/28/2018</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>75</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

# *Notification List of Property Owners*

## *BDA178-109*

### *75 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1919 MCKINNEY AVE	HKS BUILDINGS LP
2	2301 N AKARD ST	UNION UPTOWN DALLAS LLC THE
3	1899 MCKINNEY AVE	WC 1899 MCKINNEY AVE LLC
4	1845 WOODALL RODGERS FWY	TRITON 1845 WR REALCO LLC
5	1900 CEDAR SPRINGS RD	1900 CS A LLC
6	1900 MCKINNEY AVE	MCP 1900 MCKINNEY LLC
7	1920 MCKINNEY AVE	1900 MCKINNEY HARWOOD LLC
8	1925 CEDAR SPRINGS RD	ROLLIN PROPERTIES LP
9	1925 CEDAR SPRINGS RD	1933 CEDAR SPRINGS LLC
10	1925 CEDAR SPRINGS RD	ROMANO PHILIP J
11	1925 CEDAR SPRINGS RD	THREE BRIDS PROPERTY LP
12	1925 CEDAR SPRINGS RD	ADLER PROPERTY COMPANIES LLP
13	1925 CEDAR SPRINGS RD	DAWSON WILLIAM B &
14	1925 CEDAR SPRINGS RD	SMITH THOMAS L
15	1925 CEDAR SPRINGS RD	REEDER JAMES B
16	1925 CEDAR SPRINGS RD	BALDRIDGE JERALD TR ETAL
17	1717 MCKINNEY AVE	GAEDEKE HOLDINGS XIV LTD
18	1700 CEDAR SPRINGS RD	LG CEDAR SPRINGS LP
19	1999 MCKINNEY AVE	SIROIS RICHARD N & MARY
20	1999 MCKINNEY AVE	MOORE F DAVID
21	1999 MCKINNEY AVE	ARROYO DEANNE ALYSSA
22	1999 MCKINNEY AVE	HARTL PAUL A
23	1999 MCKINNEY AVE	SMITH WALTER G &
24	1999 MCKINNEY AVE	KALIL STEPHEN A &
25	1999 MCKINNEY AVE	GARRETT MICHAEL L &
26	1999 MCKINNEY AVE	FOX JAMES P & KATHLEEN K

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	1999 MCKINNEY AVE	JAIN ANISH K &
28	1999 MCKINNEY AVE	PALMER RICHARD W & BETH G
29	1999 MCKINNEY AVE	BELMER REBECCA SADLER
30	1999 MCKINNEY AVE	CURTIS AUDREY A THE LIVING TRUST
31	1999 MCKINNEY AVE	STONE JANE
32	1999 MCKINNEY AVE	HUTCHINSON WILLIAM L & SUZANNE S
33	1999 MCKINNEY AVE	SHARP THOMAS L
34	1999 MCKINNEY AVE	DEANE BELINDA
35	1999 MCKINNEY AVE	BUGG ROBERT C
36	1999 MCKINNEY AVE	MCELWAIN CLARK W &
37	1999 MCKINNEY AVE	MEDINA MICHAEL A
38	1999 MCKINNEY AVE	STEHNEY JEFFREY ALLEN & JOYCE KAY
39	1999 MCKINNEY AVE	TILLERY BRYCE
40	1999 MCKINNEY AVE	STUVE OLAF &
41	1999 MCKINNEY AVE	LASSITER ANNA
42	1999 MCKINNEY AVE	DUFOUR FRANK & KRISTIN LEE
43	1999 MCKINNEY AVE	HOUSE JAMES A &
44	1999 MCKINNEY AVE	HALBERT LINDSEY &
45	1999 MCKINNEY AVE	BARTLETT CHARLES M & MELISSA S
46	1999 MCKINNEY AVE	STRONG BRENDA L
47	1999 MCKINNEY AVE	MOORE LARRY H & DORRINE B
48	1999 MCKINNEY AVE	SCHUBERT FRANK B &
49	1999 MCKINNEY AVE	DOWLING MAUREEN F
50	1999 MCKINNEY AVE	PRAGADA JESSICA E & ROBERT V
51	1999 MCKINNEY AVE	CASSIDY THOMAS P & ARLEEN D
52	1999 MCKINNEY AVE	1999 LISA K HAINES TRUST
53	1999 MCKINNEY AVE	HODGE CHARLES
54	1999 MCKINNEY AVE	ROY JOHN PARKER
55	1999 MCKINNEY AVE	BRINK RICHARD R &
56	1999 MCKINNEY AVE	OBERING MIHOKO K
57	1999 MCKINNEY AVE	BRADFORD TED R

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1999 MCKINNEY AVE	WOMACK STEVEN W
59	1999 MCKINNEY AVE	SAINT AARON W
60	1999 MCKINNEY AVE	MALONE MICHAEL W
61	1999 MCKINNEY AVE	EDMISTON ANGIE L
62	1999 MCKINNEY AVE	CRAMM HOPE & GENE
63	1999 MCKINNEY AVE	ABINGTON TOM E & GLYNDA C
64	1999 MCKINNEY AVE	MILLER JAMES H & ROSANNE T
65	1999 MCKINNEY AVE	NAIK SURAJ
66	1999 MCKINNEY AVE	WINTER F DAVID JR & RENEE
67	1999 MCKINNEY AVE	WILKINS SARA
68	1999 MCKINNEY AVE	FRENCH ROBERT P & MARSHA B
69	1999 MCKINNEY AVE	WUNDERLICK JOHN ROBERT
70	1999 MCKINNEY AVE	MCLAREN JEFFREY
71	1999 MCKINNEY AVE	GRINDSTAFF CHARLES C &
72	1999 MCKINNEY AVE	ASHMORE GLEN A
73	1999 MCKINNEY AVE	EISENSTEIN ABRAM &
74	1999 MCKINNEY AVE	ACKERMAN JOHN & SUNNY
75	1999 MCKINNEY AVE	LEDBETTER FINLEY & JONI

**FILE NUMBER:** BDA178-110(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Peter Kavanagh for a special exception to the landscape regulations at 3006 Oates Drive. This property is more fully described as Lot 10, Block A/7356, and is zoned R-7.5(A), which requires mandatory landscaping. The applicant proposes to construct a and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 3006 Oates Drive

**APPLICANT:** Peter Kavanagh

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain a community service center use, and not fully meet the landscape regulations more specifically, to not meet required perimeter landscape buffer strip and required plant materials along the eastern property boundary.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:**

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

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

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article;
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the revised alternate landscape plan because strict compliance with the Article X regulations for the perimeter landscape buffer will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (SUP#2290) (Single-family district 7,500 square feet, SUP for a community service center)
- North: R-7.5(A) (SUP#2039) (Single-family district 7,500 square feet, SUP for a community service center)
- 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) (SUP#2201) (Single-family district 7,500 square feet, SUP for a Monopole Cellular Tower)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

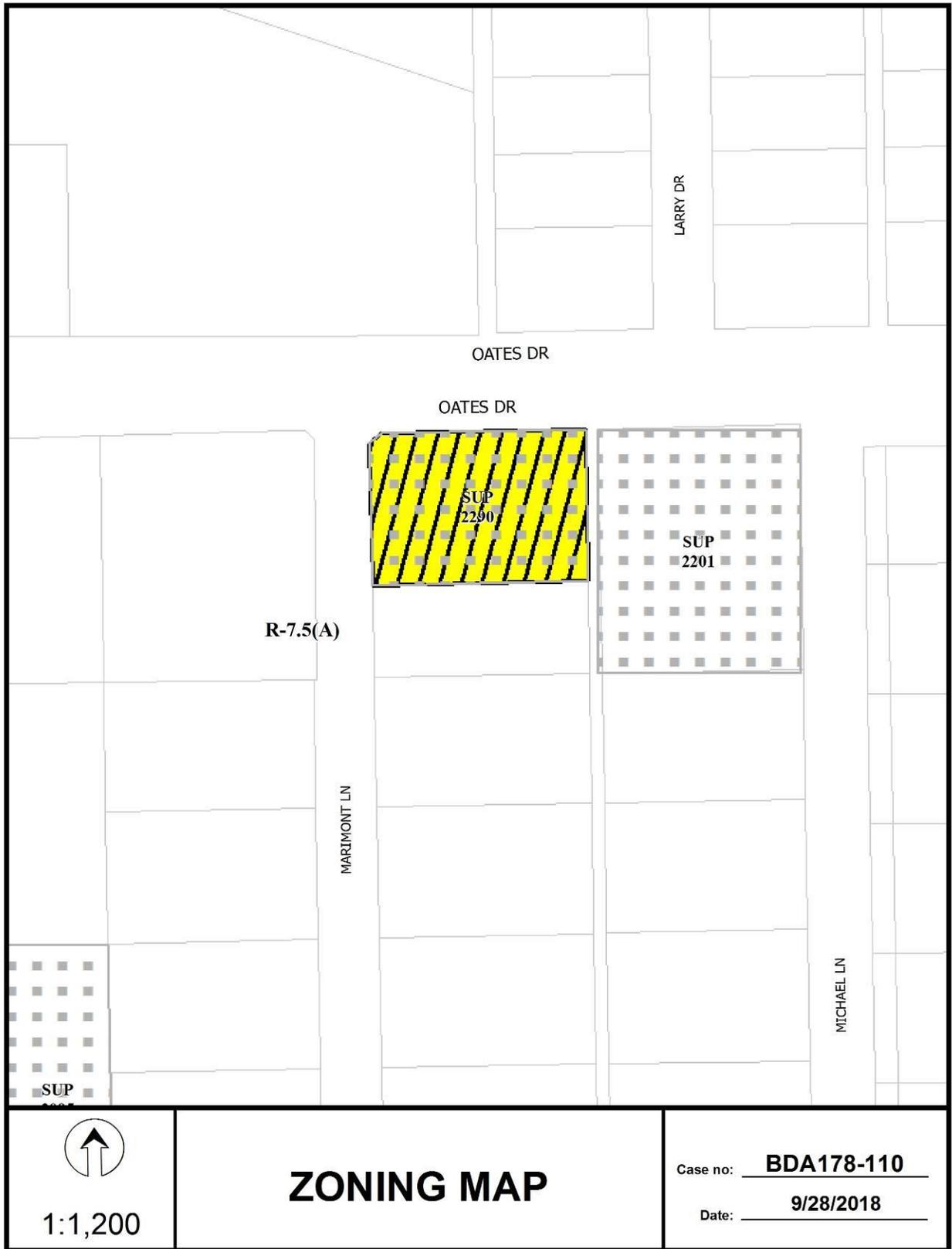
- This request for a special exception to the landscape regulations focuses on constructing and maintaining a community service center use/structure, and not fully meeting the landscape regulations, more specifically, not meeting the required perimeter landscape buffer strip and required plant materials along the eastern property boundary.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":

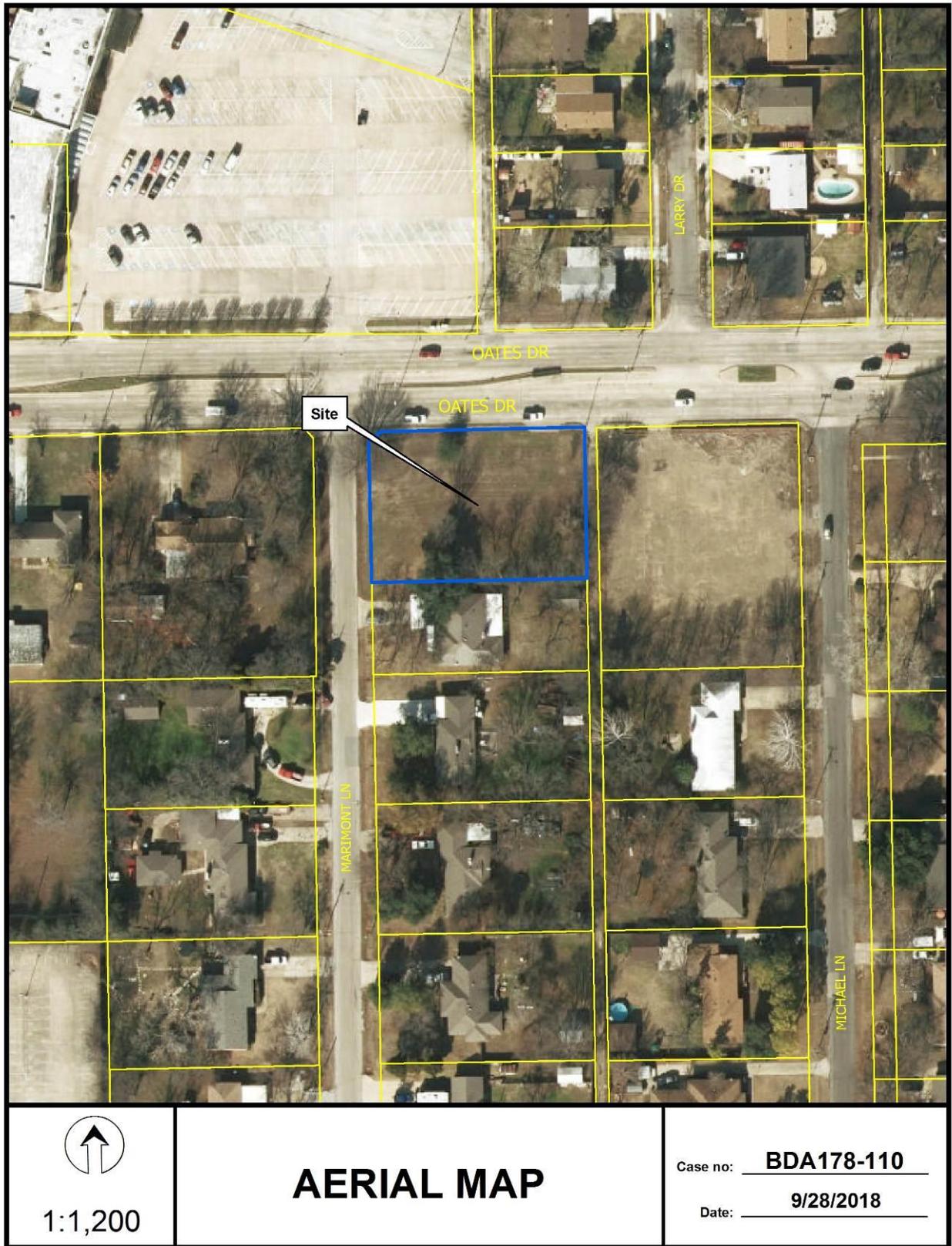
- The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of a revised alternate landscape plan to authorize the removal of a required perimeter landscape buffer strip (Sec. 51A-10.125(b)(1)), and required plant materials (Sec. 51A-10.125(b)(7)), along the eastern property boundary.
- The Chief Arborist’s memo states the following with regard to “provision”:
  - The revised alternate landscape plan provides all Article X landscape requirements with the exception to the listed deficiencies. A site plan in SUP 2290 for use and development of the property was approved by the City Council. A landscape plan was not provided.
- The Chief Arborist’s memo states the following with regard to “deficiencies”:
  - The property is within a single family residential district (R-7.5(A)). As a result, a perimeter landscape buffer strip of a minimum of 10’ width is required along the southern, western, and eastern perimeters. The landscape buffer area was not provided on the approved SUP site plan.
- The Chief Arborist’s memo states the following with regard to “factors”:
  - The private property to the east of the alley is zoned residential, but is now also established as SUP 2201 which is a non-residential use. Although the residential adjacency exists, the planned use is for other than single family uses. The property line to the south will be buffered with existing and new plants.
  - Existing trees will be retained in several locations and new trees will be planted for site and street tree purposes. Additional planting to the south, adjacent to the parking lot, is provided as a requirement of the SUP.
- The City of Dallas arborist recommends approval of the revised alternate landscape plan because strict compliance with the Article X regulations for the perimeter landscape buffer will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property.
- The applicant has the burden of proof in establishing the following:
  - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and
  - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from the required perimeter landscape buffer strip and the required plant materials along the eastern property boundary.

**Timeline:**

- July 2, 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.
- September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

- September 13, 2018: The Board Administrator emailed the applicant's representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 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.
- October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- October 4, 2018: The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- October 4, 2018: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).







## Memorandum



CITY OF DALLAS

Date October 4, 2018  
To Oscar Aguilera, Board Administrator  
Subject BDA #178-110 3006 Oates Drive

### Request

The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of a revised alternate landscape plan to authorize the removal of a required perimeter landscape buffer strip (Sec. 51A-10.125(b)(1)), and required plant materials (Sec. 51A-10.125(b)(7)), along the eastern property boundary.

### Provision

The revised alternate landscape plan provides all Article X landscape requirements with the exception to the listed deficiencies. A site plan in SUP 2290 for use and development of the property was approved by the City Council. A landscape plan was not provided.

### Deficiencies

The property is within a single family residential district (R-7.5(A)). As a result, a perimeter landscape buffer strip of a minimum of 10' width is required along the southern, western, and eastern perimeters. The landscape buffer area was not provided on the approved SUP site plan.

### Factors

The private property to the east of the alley is zoned residential, but is now also established as SUP 2201 which is a non-residential use. Although the residential adjacency exists, the planned use is for other than single family uses. The property line to the south will be buffered with existing and new plants.

Existing trees will be retained in several locations and new trees will be planted for site and street tree purposes. Additional planting to the south, adjacent to the parking lot, is provided as a requirement of the SUP.

### Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because strict compliance with the Article X regulations for the perimeter landscape buffer will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property.

Philip Erwin  
Chief Arborist  
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-110

Data Relative to Subject Property:

Date: 7-30-18

Location address: 3006 OATES DRIVE Zoning District: ~~H-11R~~ 7.5(A)

Lot No.: 10 Block No.: A/7356 Acreage: 0.49 Census Tract: 123.01

Street Frontage (in Feet): 1) 167 2) 125 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Christian Women's Job Corp, Inc.

Applicant: Peter Kavanagh Telephone: 214.941.4440

Mailing Address: 1690 HANDLEY DRIVE Zip Code: 75208

E-mail Address: peterk@zone systems. 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 ARTICLE X SECTION 51A-10.125(b)(1) per Sec. 51A-10.110 to provide an alternative landscape plan.

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 SPECIAL EXEMPTION WILL NOT ADVERSELY AFFECT THE NEIGHBORING PROPERTY; THE NEW DEVELOPMENT IS SAVING AS MANY MATURE TREES AS POSSIBLE, AND THE ADJACENT PROPERTY FOR WHICH A BUFFER IS REQUIRED UNDER SEC. 51A-10.125(b) IS AN ALLEY BEYOND WHICH IS A VACANT LOT THAT IS PLANNED FOR A NON-RESIDENTIAL USE.

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.

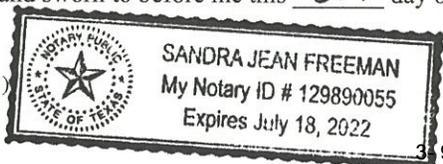
Affidavit

Before me the undersigned on this day personally appeared Peter Kavanagh (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)

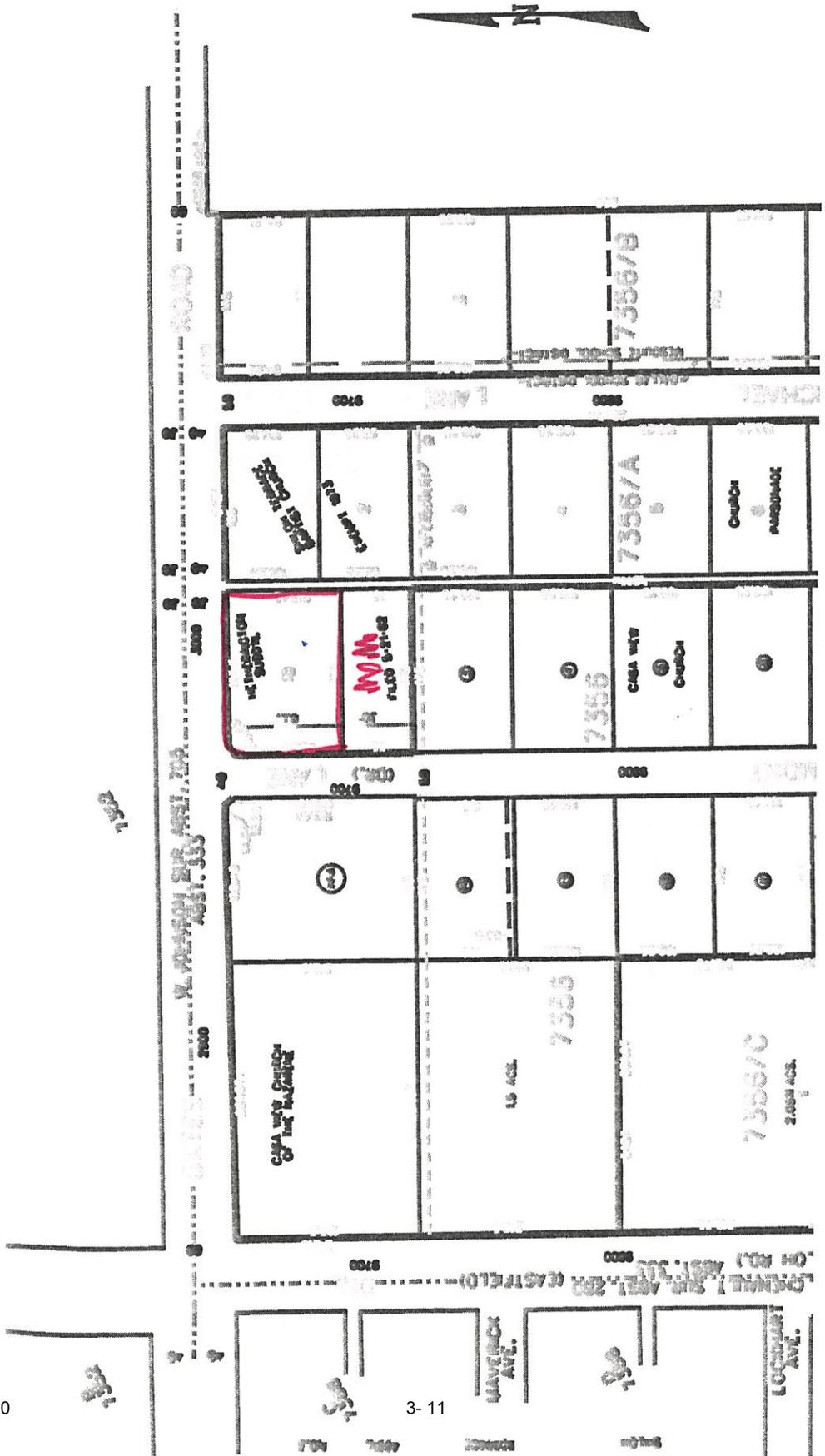
Subscribed and sworn to before me this 24 day of July, 2018

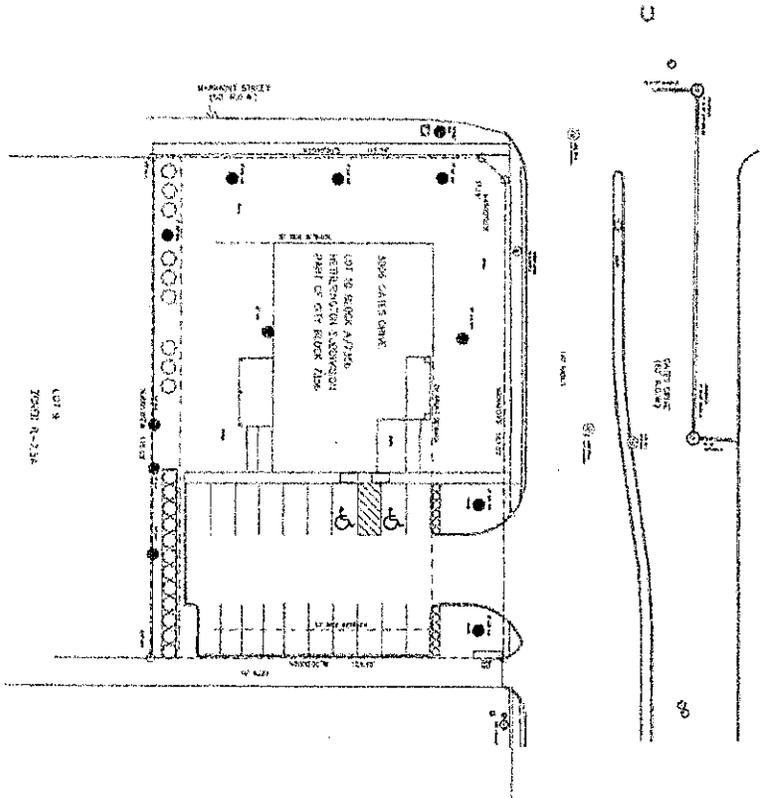


[Signature] Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

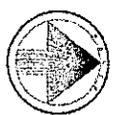






DALLAS CHRISTIAN WOMEN'S JOB CORP  
 LOT 10 BLOCK A/7356  
 3006 OATES DRIVE  
 DALLAS, TX 75228

SPECIFIC USE PERMIT  
 NO. 2290



EXISTING SITE	PLANT	SPACING/STYLING
SPRING	2" x 2"	12' x 12'
SPRING	2" x 2"	12' x 12'
SPRING	2" x 2"	12' x 12'
SPRING	2" x 2"	12' x 12'
SPRING	2" x 2"	12' x 12'
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SPRING	2" x 2"	12' x 12'

REVISIONS	DATE	BY	DESCRIPTION
1	10/15/2003	RE	INITIAL DESIGN
2	11/10/2003	RE	REVISED PER COMMENTS
3	12/15/2003	RE	REVISED PER COMMENTS
4	01/15/2004	RE	REVISED PER COMMENTS
5	02/15/2004	RE	REVISED PER COMMENTS
6	03/15/2004	RE	REVISED PER COMMENTS
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235			

4-24-18

ORDINANCE NO. 30844

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an R-7.5(A) Single Family District:

BEING all of Lot 10 in City Block A/7356 located at the southeast corner of Oates Drive and Marimont Lane; fronting approximately 180 feet along Oates Drive; and containing approximately 0.49 acres,

to be used under Specific Use Permit No. 2290 for a community service center; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

30844

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the following property ("the Property"), which is presently zoned as an R-7.5(A) Single Family District, to be used under Specific Use Permit No. 2290 for a community service center:

BEING all of Lot 10 in City Block A/7356 located at the southeast corner of Oates Drive and Marimont Lane; fronting approximately 180 feet along Oates Drive; and containing approximately 0.49 acres.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is a community service center.

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2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

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3. TIME LIMIT: This specific use permit expires on April 25, 2020.

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4. FLOOR AREA: The maximum floor area is 3,834 square feet in the location shown on the attached site plan.

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5. HOURS OF OPERATION: The community service center may only operate between 8:00 a.m. and 9:00 p.m., Monday through Friday.
6. LIGHTING: Exterior security lighting must be directed away from residential properties.
7. SCREENING: Screening of off-street parking must be provided as shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

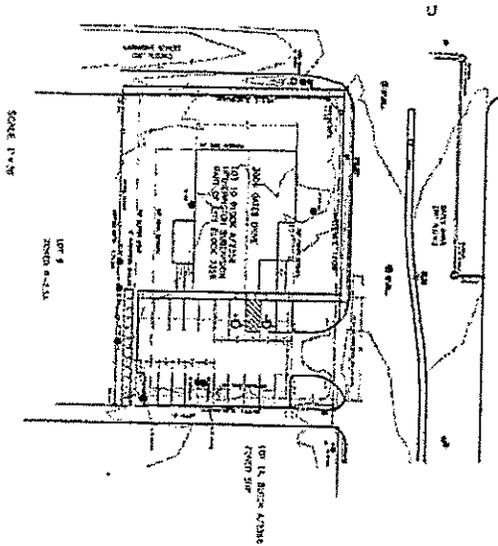
APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

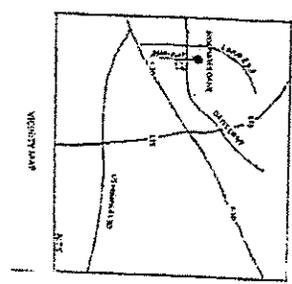
By  Assistant City Attorney

Passed APR 25 2018

30844



SITE DATA	
Lot Area	11,572 sq ft
Building Area	3,812 sq ft
Lot Coverage	33.4%
Setback	15'
Other	15'

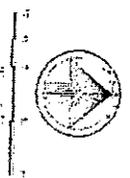


Specific Use Permit No. 2290

Approved City Plan Commission March 22, 2018

2167-358

CITY OF DALLAS  
 SPECIFIC USE PERMIT  
 COMMUNITY SERVICE CENTER  
 3008 DATES DRIVE  
 LOT 10, BLOCK A, DATES AVENUE  
 DALLAS CHRISTIAN WOMEN'S JOB CORPS  
 3008 DATES DRIVE  
 DALLAS, TX 75228  
 214-321-5895



DATE: 03/22/18 DRAWN BY: C-10 CHECKED BY:	<b>SITE PLAN</b> CHRISTIAN WOMEN'S JOB CORPS, DATES AVENUE DALLAS, TEXAS	<b>ROD EKERN</b> CIVIL ENGINEER LICENSE NO. 10000	SCALE: 1/4" = 1'-0" DATE: 03/22/18 DRAWN BY:	SHEET NO. 1 OF 1
	CITY OF DALLAS COMMUNITY SERVICE CENTER			



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL APR 25 2018

ORDINANCE NUMBER 30844

DATE PUBLISHED APR 28 2018

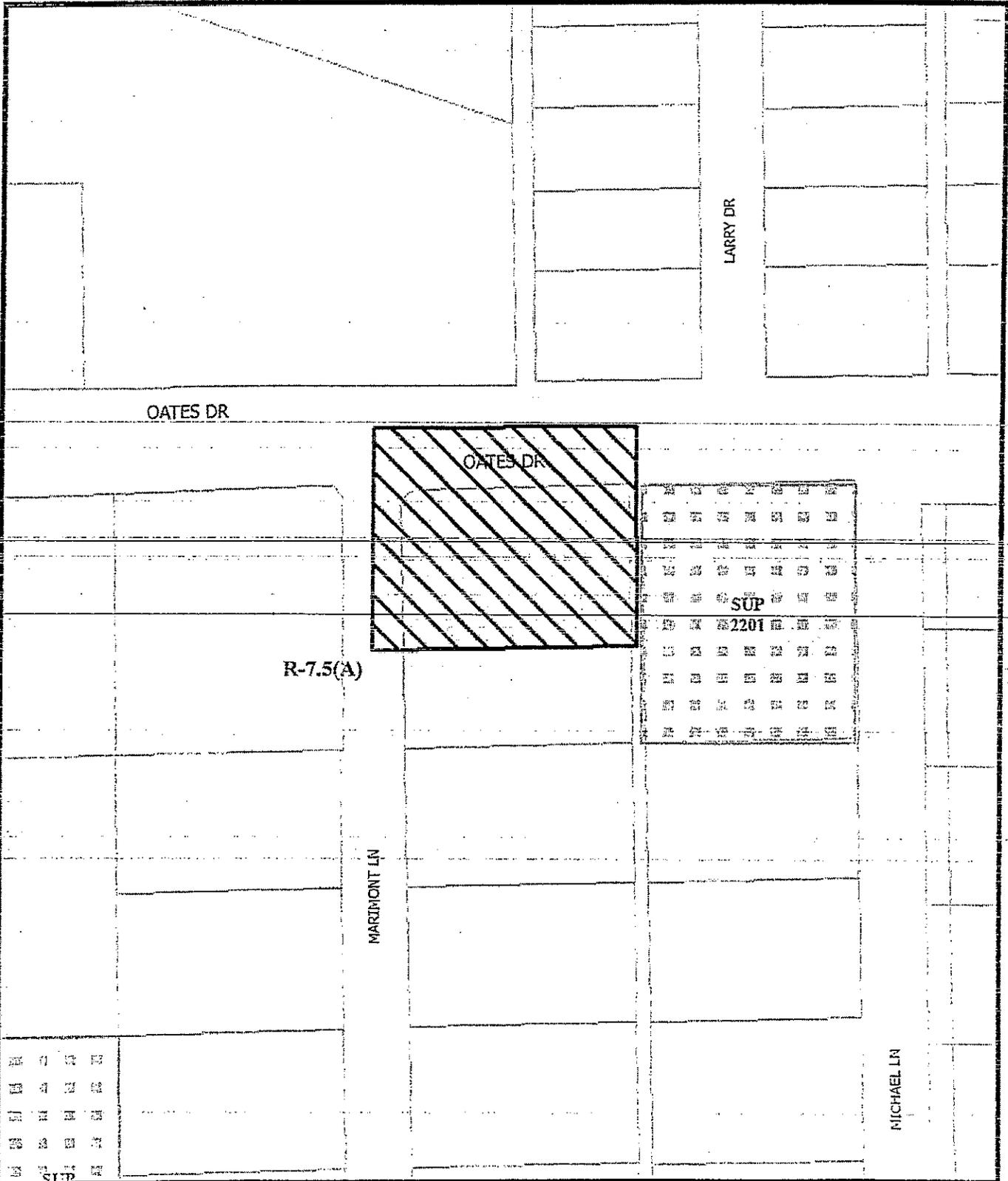
ATTESTED BY:

OFFICE OF CITY SECRETARY

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30844

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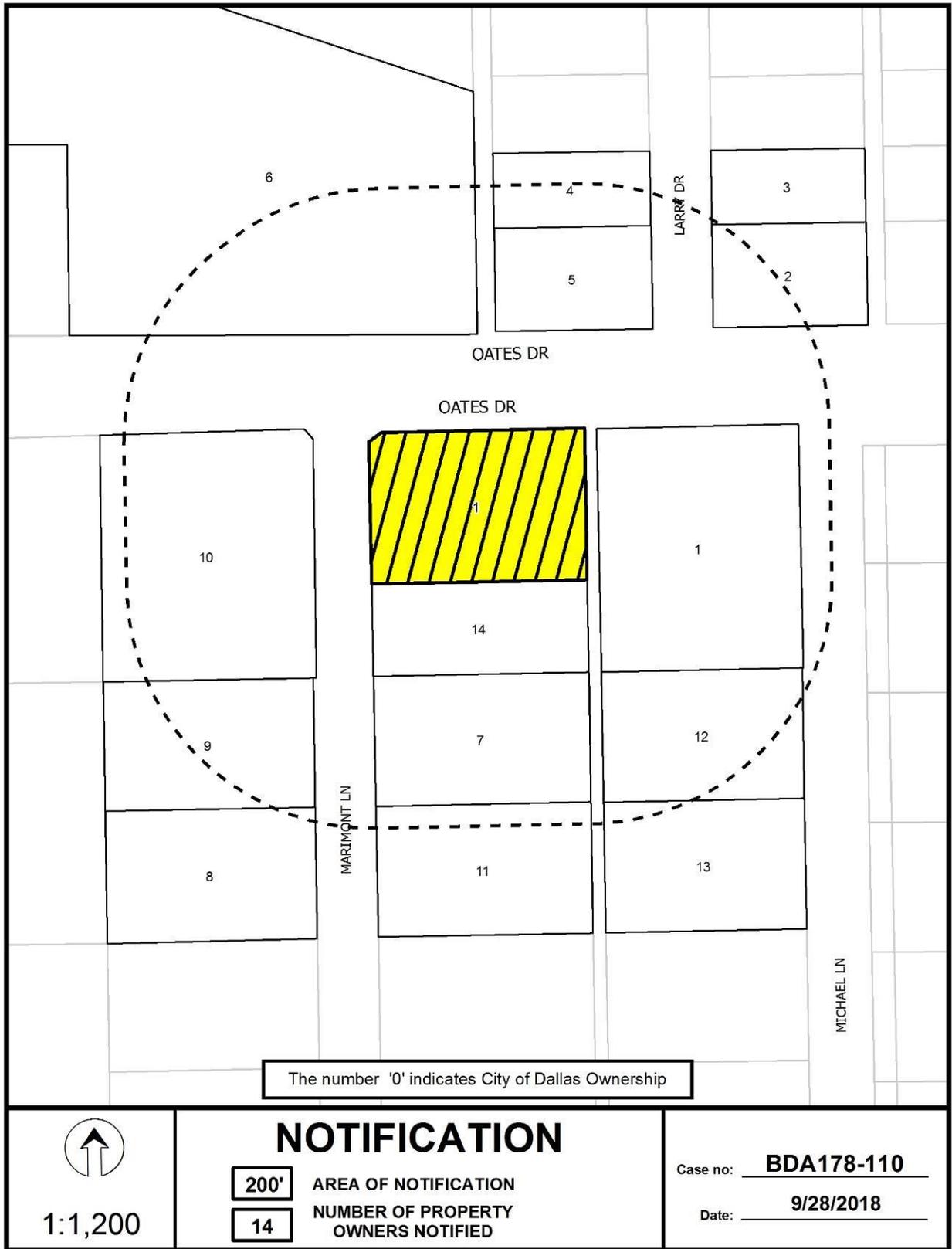


1:1,200

# ZONING MAP

Case no: Z167-388

Date: 9/22/2017



# *Notification List of Property Owners*

## *BDA178-110*

### *14 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3006 OATES DR	MISSION EAST DALLAS &
2	3071 LARRY DR	GUTIERREZ CHRIS
3	3065 LARRY DR	HAYNES CHARLES R II &
4	3064 LARRY DR	PEREZ JOHNNY & ISABELL
5	3070 LARRY DR	SHILOH TERRACE BAPTIST
6	9810 LA PRADA DR	SHILOH TERRACE BAPT CH
7	9708 MARIMONT LN	KEELE CATHERINE V
8	9623 MARIMONT LN	CARRARA JOHN NORMAN EST OF
9	9707 MARIMONT LN	WILLIAMSON MELVIN C &
10	2930 OATES DR	STRANGE WILLIE & DOROTHY
11	9624 MARIMONT LN	WADDLE DAVID EARL
12	9707 MICHAEL LN	SIMS GILBERT
13	9623 MICHAEL LN	ORDONEZ EDITH
14	9716 MARIMONT LN	JAYTON LIMITED PARTNERSHIP

**FILE NUMBER:** BDA178-116(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Majenica Springer for a variance to the front yard setback regulations at 1907 McMillan Avenue. This property is more fully described as Lot 13, Block B/1977, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide a 2-foot front yard setback, which will require a 23-foot variance to the front yard setback regulations.

**LOCATION:** 1907 McMillan Avenue

**APPLICANT:** Majenica Springer

**REQUEST:**

A request for a variance to the front yard setback regulations of 23' is made to construct and maintain a "pool" structure part of which is to be located 2' from one of the site's two front property lines (Madera Street) or 23' into this 25' front yard setback on a site developed with a single-family home.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition;

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5 (A) zoning district. It is irregular shaped and it is restrictive in area. The subject site has two front yard setbacks and the lot is approximately 5,840 square feet in area when most lots in this zoning district have one front yard setback and are 7,500 square feet.
- In addition, the applicant has established how the irregular shape and restrictive area preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification by submitting a document indicating among other things that that the total home size of the proposed home on the subject site at approximately 1,770 square feet with a pool is commensurate to 9 other homes in the same R-7.5(A) zoning district that have average home size of approximately 3,235 square feet with a pool.

**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) & NS(A) (Single family district 7,500 square feet) & (Neighborhood Services)
- 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 areas to the north, west, and east are developed with single-family uses; the areas to the south are developed with neighborhood services use, and single family uses.

**Zoning/BDA History:**

There have 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 variance to the front yard setback regulations of 23’ focuses on constructing and maintaining a “pool” structure part of which is to be located 2’ from one of the site’s two front property lines (Madera Street) or 23’ into this 25’ front yard setback on a site developed with a single-family home.
- The property is located in an R-7.5 (A) (Single-family district 7,500 square-feet) zoning district which requires a minimum front yard setback of 25’.
- The subject site has two 25’ front yard setbacks (one on the east along McMillan Avenue, the other on the west along Madera Street) since the code states that if a

lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.

- The submitted plan represents that a “pool” structure is proposed to be located as close as 2’ from one of the site’s two front property lines (Madera Street) or 23’ into this 25’ front yard setback.
- The subject site is flat, irregular in shape and according to the submitted application is 0.13 acres (or approximately 5,840 square feet) in area. The site is zoned R-7.5 (A) where lots are typically 7,500 square feet in area.
- According to DCAD records, the “main improvement” for property addressed at 1907 McMillan Avenue is a structure built in 2007 with 1753 square feet of total living area with the following “additional improvement”: a 444 square foot attached garage.
- Most lots in the R-7.5(A) zoning district have one 25’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback; this site has two 25’ front yard setbacks and two 5’ side yard setbacks.
- The following additional information was gleaned from the submitted site plan:
  - The pool structure is represented as being approximately 30’ in length parallel to Madera Street and 14’ in width or approximately 420 square feet in area.
  - The pool structure is represented as being located approximately 2’ from the property line fronting Madera Street.
- The applicant has submitted a document indicating that the total “maximum AC space” of the proposed home on the subject site is approximately 1,770 square feet which is smaller than that of 9 other homes the applicant listed of properties in R-7.5 (A) zoning district. (The average square footage of 9 other properties listed in the applicant’s document is approximately 3,235 square feet with a pool).
- 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 this request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document which is a pool structure to be located 2’ from one of the site’s two front property lines (Madera Street) or 23’ into this 25’ front yard setback.

### **Timeline:**

August 13, 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.

September 11, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

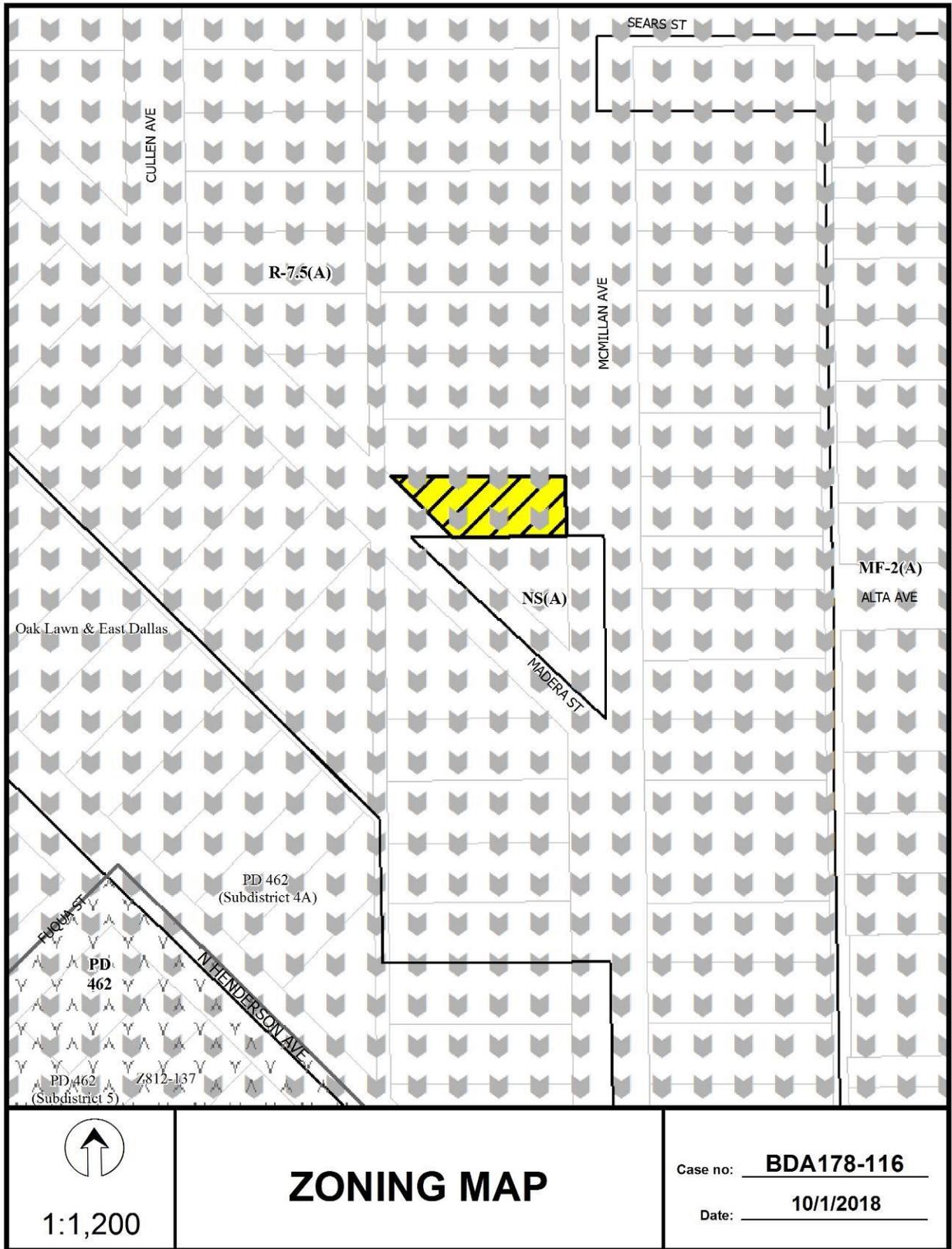
September 13, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 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.

September 25, 2018: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

# AERIAL MAP

Case no: BDA178-116

Date: 10/1/2018

**Supporting Variance Documentation:**

In the simplest form, I am asking for a variance so that I can be allowed to put a pool in my backyard. My backyard is already fully fenced and has been for many years. I have listened to the advice of Charles Trammel and the other City of Dallas employees and have included the wording they required and everything else requested by them.

Regarding the Variance Standards under Dallas Development Code, my explanations of why my property and situation meets all three criteria are listed below:

- (A) the variance is 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;
- The literal enforcement of this chapter would mean that I would have two front yards, even though my backyard has been a backyard for over 50+ years. This would essentially mean I could not do anything in my backyard and probably already means I'm violating some of the front yard setback requirements. This would result in an unnecessary hardship to myself and any future property owner. Allowing the current backyard (backing up to Madera Ave.) to be designated as such would result in accomplishing substantial justice.

- (B) the variance is 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

- My parcel of land is the only parcel that has 2 designated "front yards" on the entire block. Every other property has an alley behind it, thus making their backyards, backyards. My property is also a different shape from all others in that it has a large slant in the back, making the backyard shaped more like a triangle, while most other lots are rectangular. The backyard is already fully fenced in the same manner as most surrounding backyards are fenced. I have included an attachment showing other area homes that have existing pools.

(C) the variance is 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.

- I did not have anything to do with the creation of the Dallas Property Code, which makes it even possible to have two front yards instead of a front yard and a back yard. I was not aware when I purchased this property that any such rule existed or was possible. This variance is not being requested to relieve a self-created or personal hardship or for financial reasons only, as granting this variance will allow myself and future property owners to enjoy this property as it should be enjoyed. For any property owner to not be allowed use of their back

yard is unjust and does not serve any public interest or purpose for the community.

---

BDA178-116 ATTACH A (pg 4)

Other Nearby Properties:	Lot Sq. Footage	Home Sq. Footage	Lot Width	Lot Depth	Pool?
1929 McMillan Ave., Dallas, TX 75206	7492	3520	50	150	YES
5422 Richard Ave., Dallas, TX 75206	8050	1480	50	161	YES
2211 Madera Street, Dallas, TX 75206	7492	3220	50	150	YES
5811 Palo Pinto Ave., Dallas, TX 75206	8755	3007	49	176	YES
5315 Belmont Ave., Dallas, TX 75206	7492	3598	50	150	YES
5303 Goodwin Ave., Dallas, TX 75206	741	4678	-	-	YES
5117 Vickery Blvd., Dallas, TX 75206	4268	2531	-	-	YES
5914 Monticello Ave., Dallas, TX 75206	7057	3710	-	-	YES
5211 Milam St., Dallas, TX 75206	5662	3369	-	-	YES

1907 McMillan Ave., Dallas, TX 75206 5837 1770 50 150 TBD

**Other 75206 Area Homes with Pools:**

- 1910 Hope Street, Unit 15
- 5636 Vickery Blvd
- 5626 Vickery Blvd
- 5440 Vanderbilt Ave.
- 6021 Prospect Ave.





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-116

Data Relative to Subject Property:

Date: 8-9-18

Location address: 1907 McMillan Ave.

Zoning District: R 7.5A

Lot No.: 13 Block No.: B/1977 Acreage: .134

Census Tract: 10.02

Street Frontage (in Feet): 1) 50' 2) 71' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Majenica Springer

Applicant: Majenica Springer

Telephone: 317-753-8787

Mailing Address: 1907 McMillan Ave.

Zip Code: 75206

E-mail Address: majenicasus@gmail.com

Represented by: N/A

Telephone: \_\_\_\_\_

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

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

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of for a pool to encroach 23' into the req'd front yard setback & provide 2' front yard setback; to encroach 3' 6" into the required side 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:

Variance needed due to double front yard setback of the property; by obtaining a variance the buildable area will become commensurate with other area properties. If possible, I would like to have my backyard (which has been a back yard for 50+ years) to be designated a rear yard for future purposes.

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.

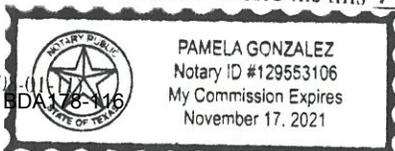
Affidavit

Before me the undersigned on this day personally appeared Majenica Springer  
(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 13th day of August, 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 MAJENICA SPRINGER

did submit a request for a variance to the front yard setback regulations

at 1907-McMillan Avenue

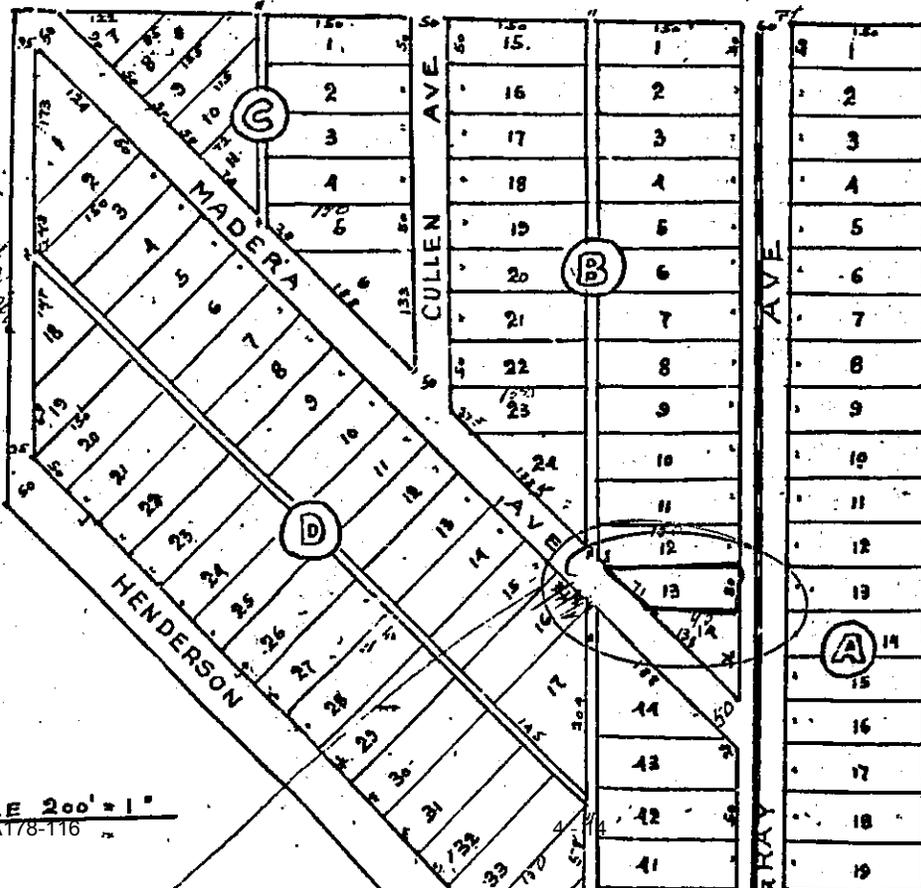
BDA178-116. Application of MAJENICA SPRINGER for a variance to the front yard setback regulations at 1907 MCMILLAN AVE. This property is more fully described as Lot 13, Bloc B/1977, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential accessory structure and provide a 2 foot front yard setback, which will require a 23 foot variance to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

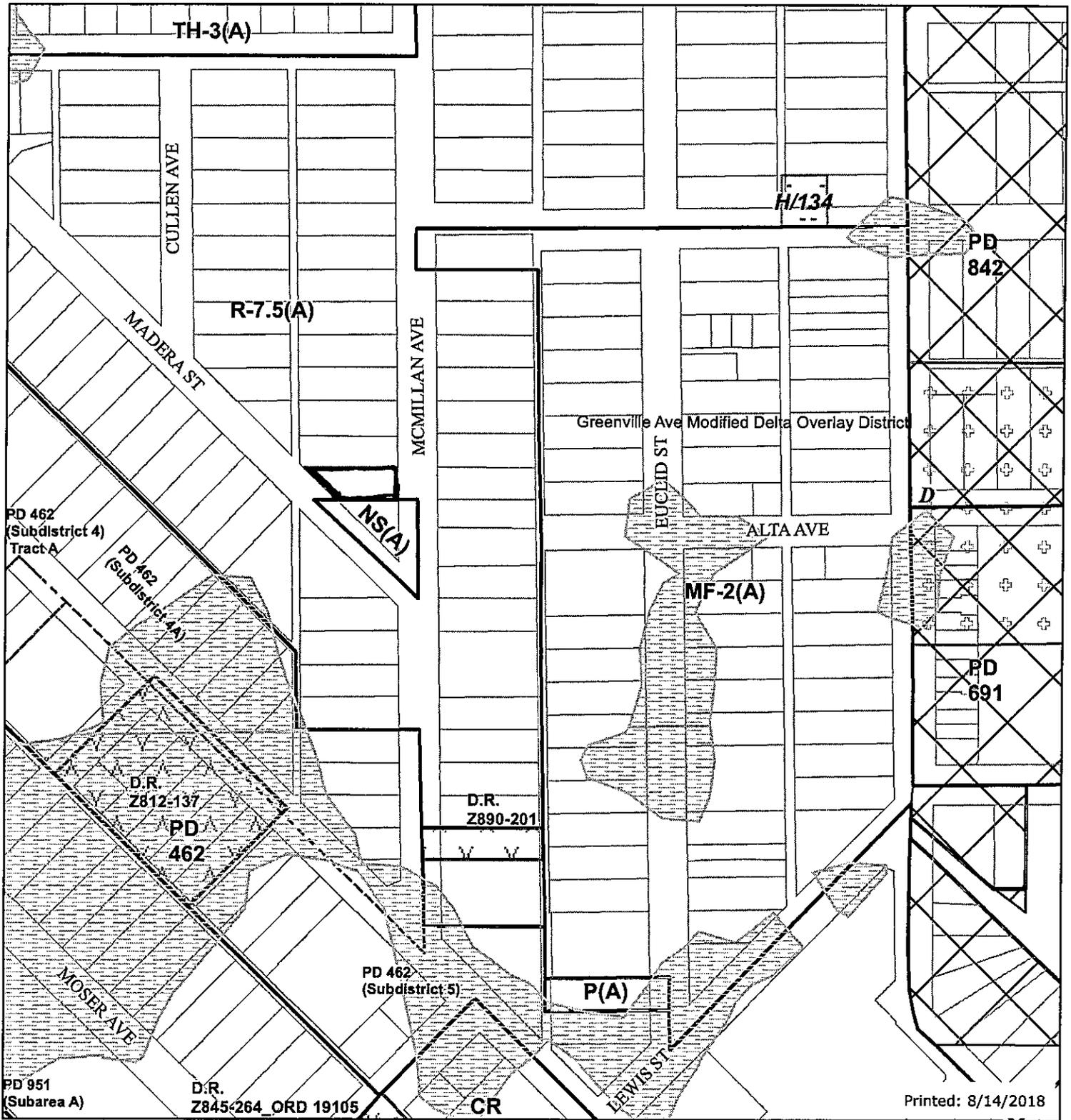
# ROSS AVE ANNEX

ADDITION TO THE CITY OF DALLAS, TEXAS, A  
(SUBDIVISION OF LOT 6 PARTITION OF SEARS HEIRS.  
OUT OF J.M. PATTERSON SURVEY)



SCALE 200' = 1"  
BDA178-116

Panel A



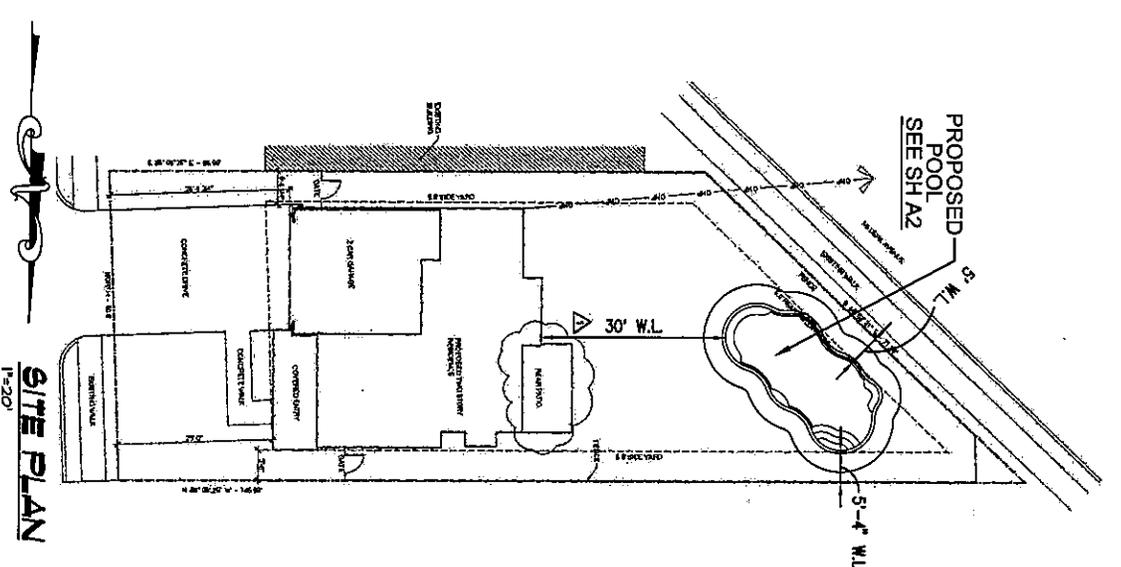
Printed: 8/14/2018

**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    |                            |

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)





**SITE PLAN**  
1"=20'

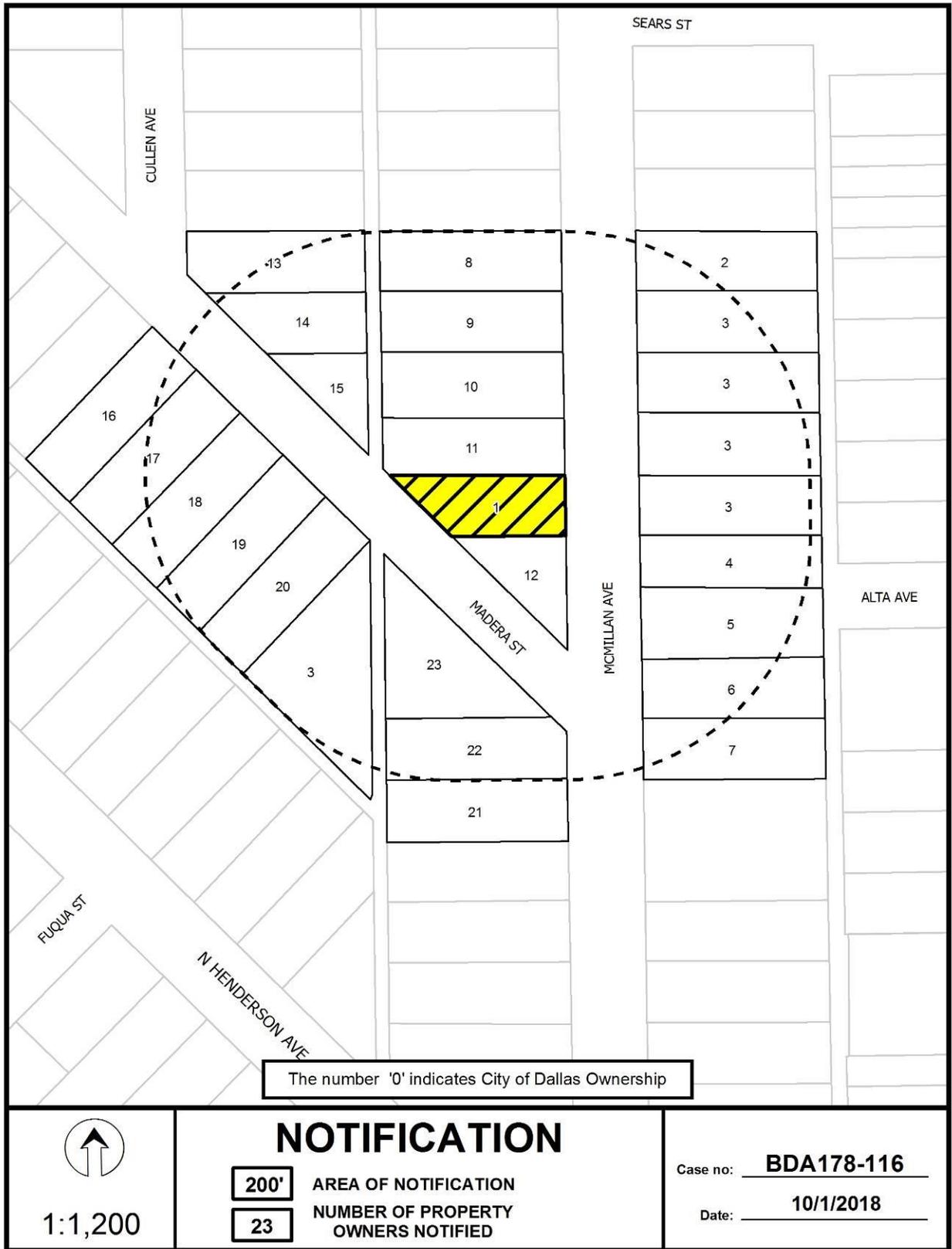
Designer Dorocorn N.
Issue Date 12-04-17
Subdivision/Addition Roae Avenue Agrex
Lot Lot 13, Block B7/1977
Dwg. T-esspd
A1
BDA17

**SPRINGER RESIDENCE**  
**1907 McMILLAN AVE.**  
**DALLAS, TX**  
**75206**

(Issued For Construction)  
 This design is the property of  
 Aquamarine Pools of DFW  
 Do not duplicate or  
 redistribute in any form without  
 the written consent of  
 Aquamarine Pools of DFW

**AQUAMARINE POOLS of DFW**  
 4701 S. Interstate 35W  
 Alvarado, TX 76009  
 Ph-800.432.8994, Ext 2 - Fax-248.8000  
 Website-www.aquapools.com





## *Notification List of Property Owners*

### *BDA178-116*

#### *23 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1907 MCMILLAN AVE	SPRINGER MAJENICA
2	1920 MCMILLAN AVE	WRIGHT DAVID ASHLEY
3	1918 MCMILLAN AVE	MATA RENE RAMOS
4	1902 MCMILLAN AVE	JDAL PROPERTIES INC
5	1848 MCMILLAN AVE	GOOD EARTH FUNDING INC
6	1844 MCMILLAN AVE	CHUC MARY JANE &
7	1840 MCMILLAN AVE	HERNANDEZ PAULINA
8	1919 MCMILLAN AVE	PIERCE JORDAN DEVELOPMENT LLC
9	1915 MCMILLAN AVE	MENDEL MARK A
10	1911 MCMILLAN AVE	WALLER HALLIE
11	1909 MCMILLAN AVE	MATA RENE R
12	1901 MCMILLAN AVE	BARBER PAULA L
13	2002 CULLEN AVE	HEPWORTH WESLEY W &
14	2110 MADERA ST	GUANAJUATO PEDRO &
15	2104 MADERA ST	MEDRANO RANDY I
16	2119 MADERA ST	KUBIN MARY FRANCES
17	2115 MADERA ST	TAMEZ LORENA FIERRO
18	2111 MADERA ST	SEGURA LUIS A & IRMA V MARTINEZ &
19	2107 MADERA ST	WORLDALLAS PPTIES INC
20	2103 MADERA ST	BAUGH HARBOR SERIES H LLC
21	1837 MCMILLAN AVE	ZAVALA MARY
22	1841 MCMILLAN AVE	LEYVA JOSE
23	2003 MADERA ST	SHAMPAIN RICHARD H

**FILE NUMBER:** BDA178-095(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Steven Wood for a special exception to the fence standards regulations at 4070 Cedarbrush Drive. This property is more fully described as Lot 7, Block C/6404, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 7 foot 6 inch high fence in a required front yard, which will require a 3 foot 6 inch special exception to the fence standards regulations.

**LOCATION:** 4070 Cedarbrush Drive

**APPLICANT:** Steven Wood

**REQUEST:**

A request for a special exception to the fence standards regulations related to height of 3' 6" is made to maintain a 7' 6" high stucco columns and a 6' 7" wrought iron fence with a wrought iron swing gate in the required front yard on a site developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-16(A) (Single family district 16,000 square feet)  
North: R-16(A) (Single family district 16,000 square feet)  
South: R-16(A) (Single family district 16,000 square feet)  
East: R-16(A) (Single family district 16,000 square feet)  
West: R-16(A) (Single family district 16,000 square feet)

**Land Use:**

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

### **Zoning/BDA History:**

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

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

- This request for a special exception to the fence height of 3' 6" focuses on maintaining a 7' 6" high stucco columns and a 6' 7" wrought iron fence with a wrought iron swing gate in the required front yard on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The property is located in an R-16(A) zoning district. The site has a 40' required front yard caused by a platted building line along Cedarbrush Drive.
- The applicant had submitted a site plan and elevation that shows the proposal in the front yard setback reaching a maximum height of 7' 6".
- The following additional information was gleaned from the submitted site plan/elevation:
  - The proposal is represented as being approximately 28' in length parallel to Cedarbrush and approximately 8' perpendicular to Cedarbrush Drive on the west side in this front yard setback.
  - The proposal is represented as being located approximately 32' from the front property line. (The distance between the fence and the pavement line is approximately 43').
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of October 5<sup>th</sup>, no letters had been submitted in support of the request, and one letter had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 7' 6" in height) will not adversely affect neighboring property.
- Granting this special exception of 3' 6" with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height to be maintained in the location and of the heights and materials as shown on this document.

### **Timeline:**

May 30, 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.

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

August 14, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 29<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

September 4, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, 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 Authorized Hearing/Development Code Amendment Chief Planner, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

September 18, 2018: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held on October 16, 2018.

September 21, 2018: The Board Senior Planner wrote the applicant a letter of the board's action; the September 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and

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

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

**BOARD OF ADJUSTMENT ACTION: SEPTEMBER 18, 2018**

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Schulte**

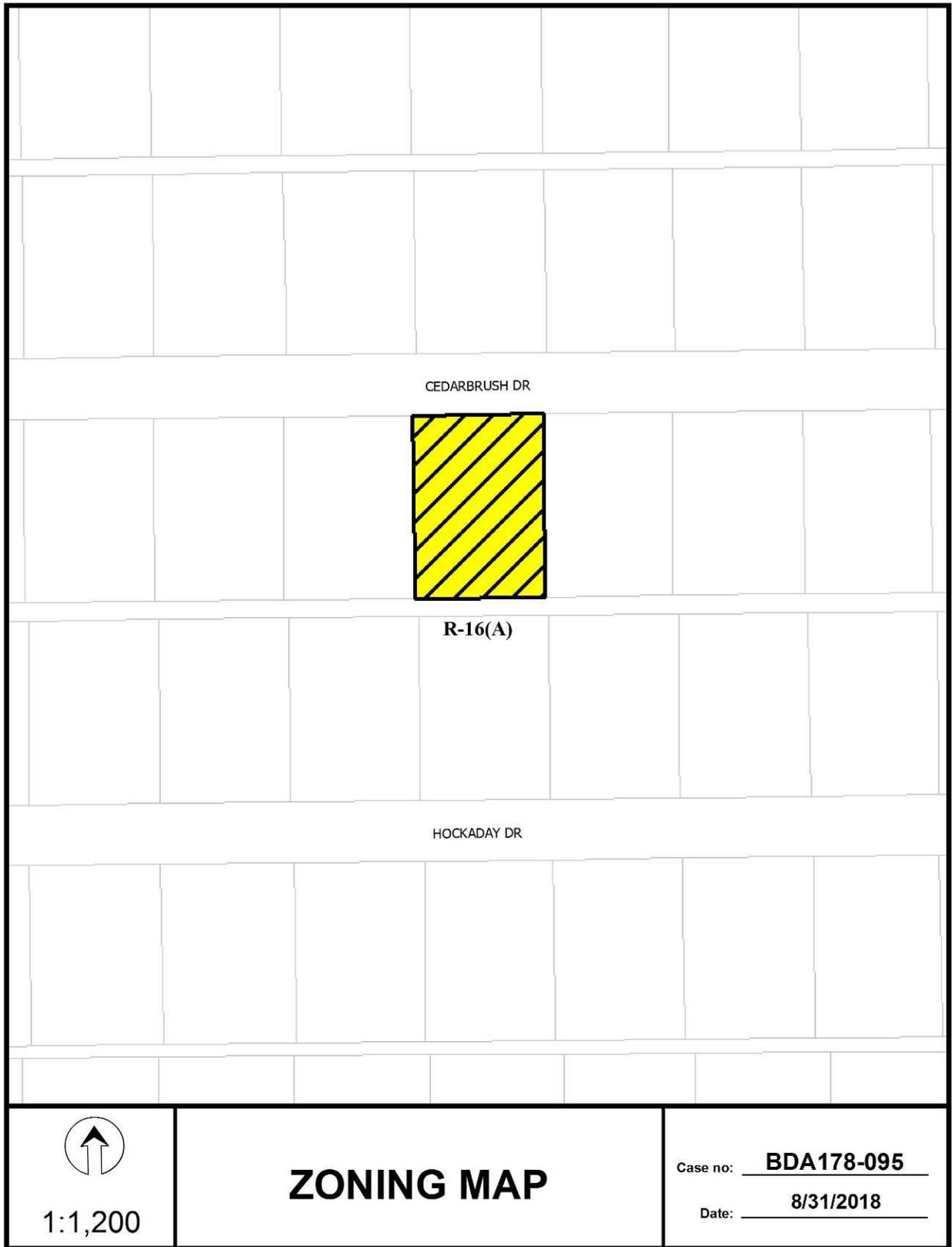
I move that the Board of Adjustment in Appeal No. BDA 178-095 hold this matter under advisement until October 16, 2018.

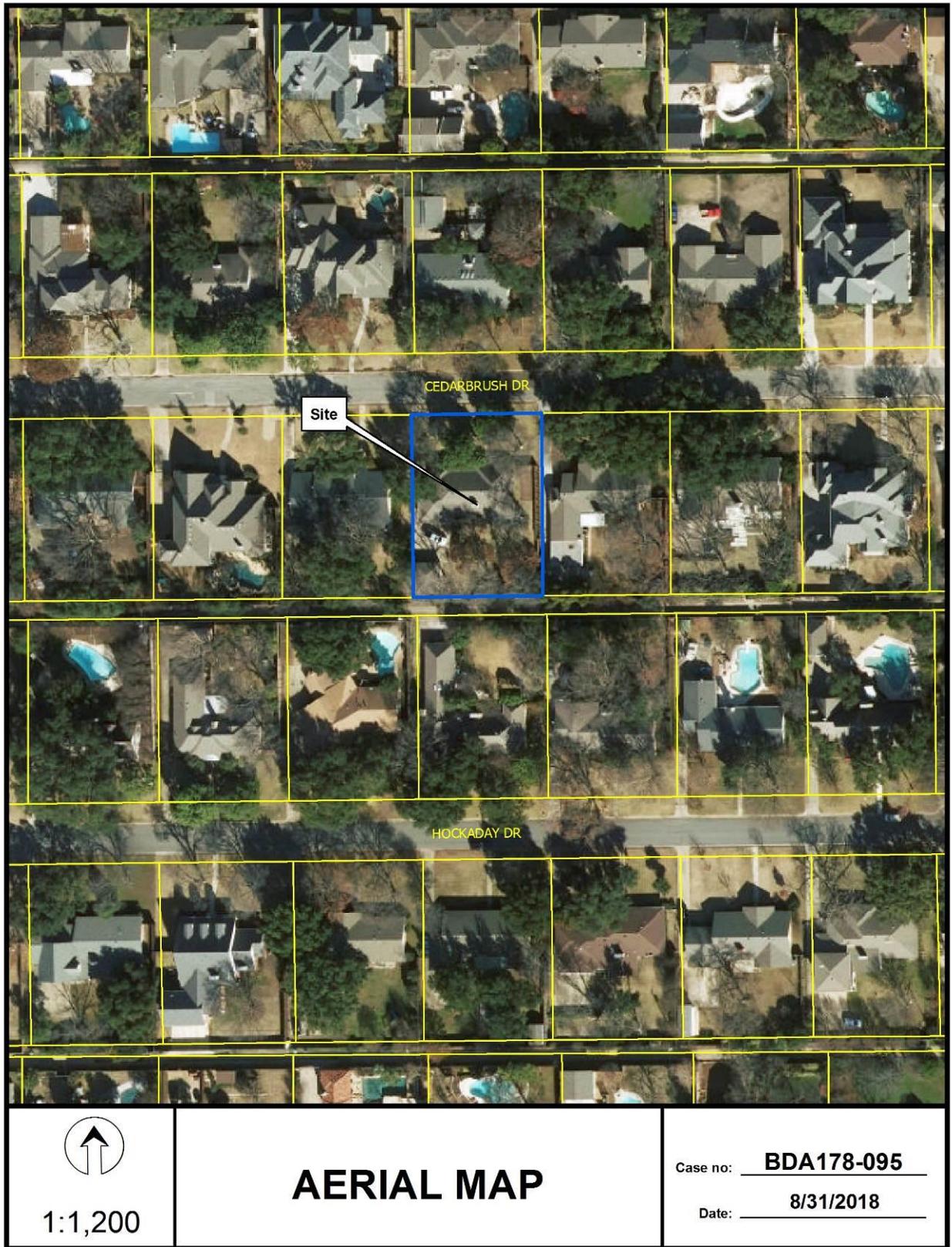
SECONDED: **Nelson**

AYES: 5 – Schulte, Nelson, Jones, Narey, Sibley.

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)





DRAFT

BOARD OF ADJUSTMENT

# 2019 Calendar

January 2019						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

01: New Year's Day  
21: Martin Luther King Day

February 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

18: Presidents Day

March 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2019						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2019						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

27: Memorial Day

June 2019						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

July 2019						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

04: Independence Day

August 2019						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2019						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

02: Labor Day

October 2019						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

14: Columbus Day

November 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

11: Veterans' Day  
28: Thanksgiving

December 2019						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

25: Christmas Day

### LEGEND:

-  PANEL C
-  PANEL A
-  PANEL B



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-095

Data Relative to Subject Property:

Location address: 4070 Cedarbrush

Date: 5/30/18

Lot No.: 1 Block No.: C116404 Acreage: 0.367

Zoning District: R(16)

Street Frontage (in Feet): 1) 106 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

116006

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Premier Renovations

Applicant: Steven Wood (Texas permit) Telephone: 817 682-7218

Mailing Address: Po Box 3293, Forney Tx Zip Code: 75126

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 to the front ~~and setback~~ of 3'6" to the required 4' fence height with a total fence height of 7'6"

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

to establish a gate away from the house that is not a hindrance to the neighborhood and is in accordance with the neighborhood. This gate is commensurate to the fences in the neighborhood.

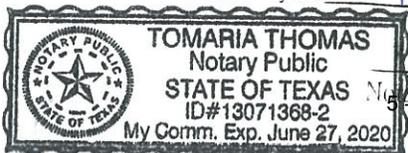
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared 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 30 day of MAY, 2018.



[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 special exception to the fence height regulations

at 4070 Cedarbrush Drive

BDA178-095. Application of STEVEN WOOD for a special exception to the fence height regulations at 4070 CEDARBRUSH DR. This property is more fully described as Lot 7, Block C/6404, and is zoned R-16(A), which limits the height of a fence in the front yard to 6 feet. The applicant proposes to construct a 7 foot 6 inch high fence in a required front yard which will require a 3 foot 6 inch special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | 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    |                            |

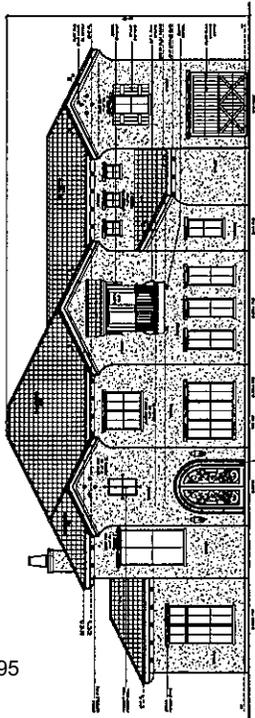
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



SL

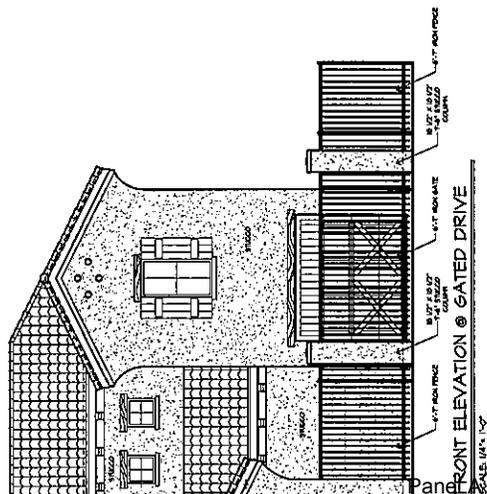


BDA178-095



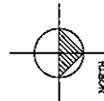
FRONT ELEVATION

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



FRONT ELEVATION @ GATED DRIVE

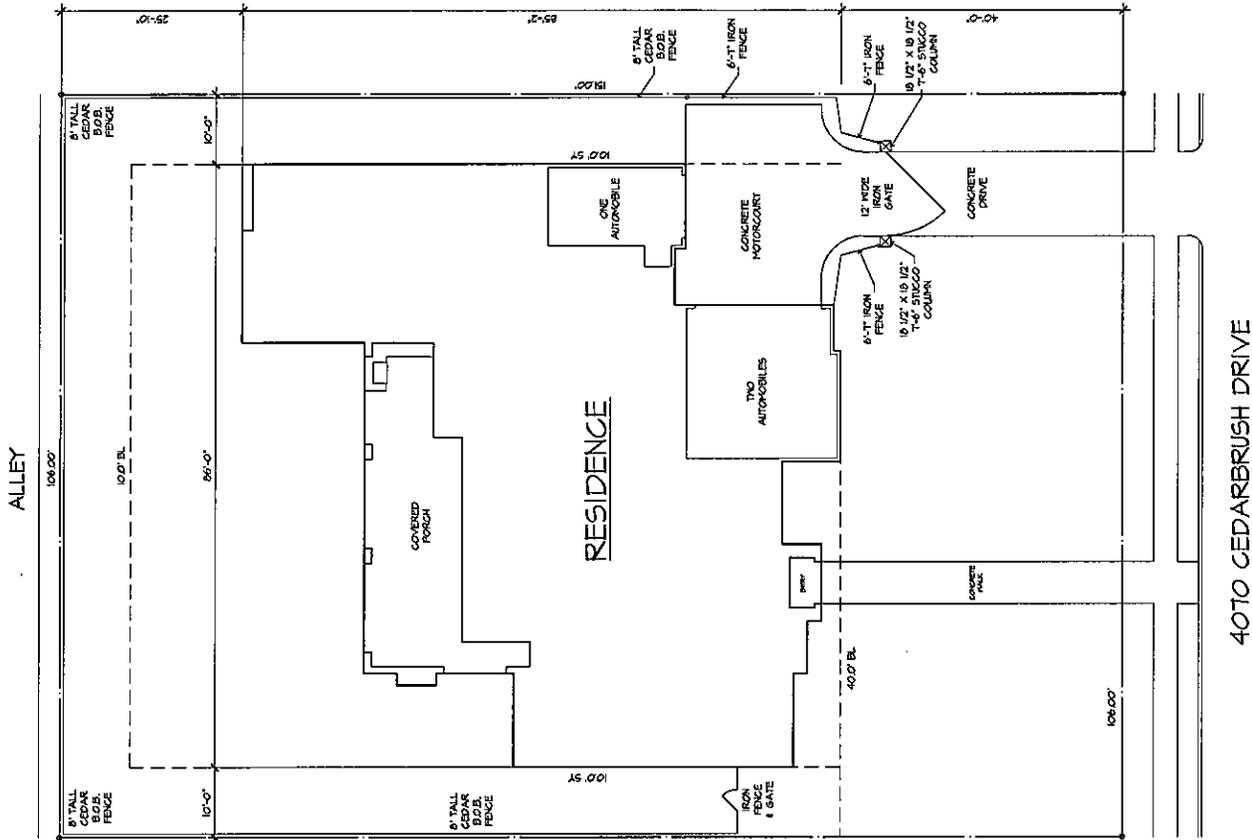
SCALE: 1/8" = 1'-0"



SITE PLAN

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

LOT 1 BLOCK C/6404  
FOREST KNOLL ESTATES ADDITION  
DALLAS, TEXAS



ALLEY

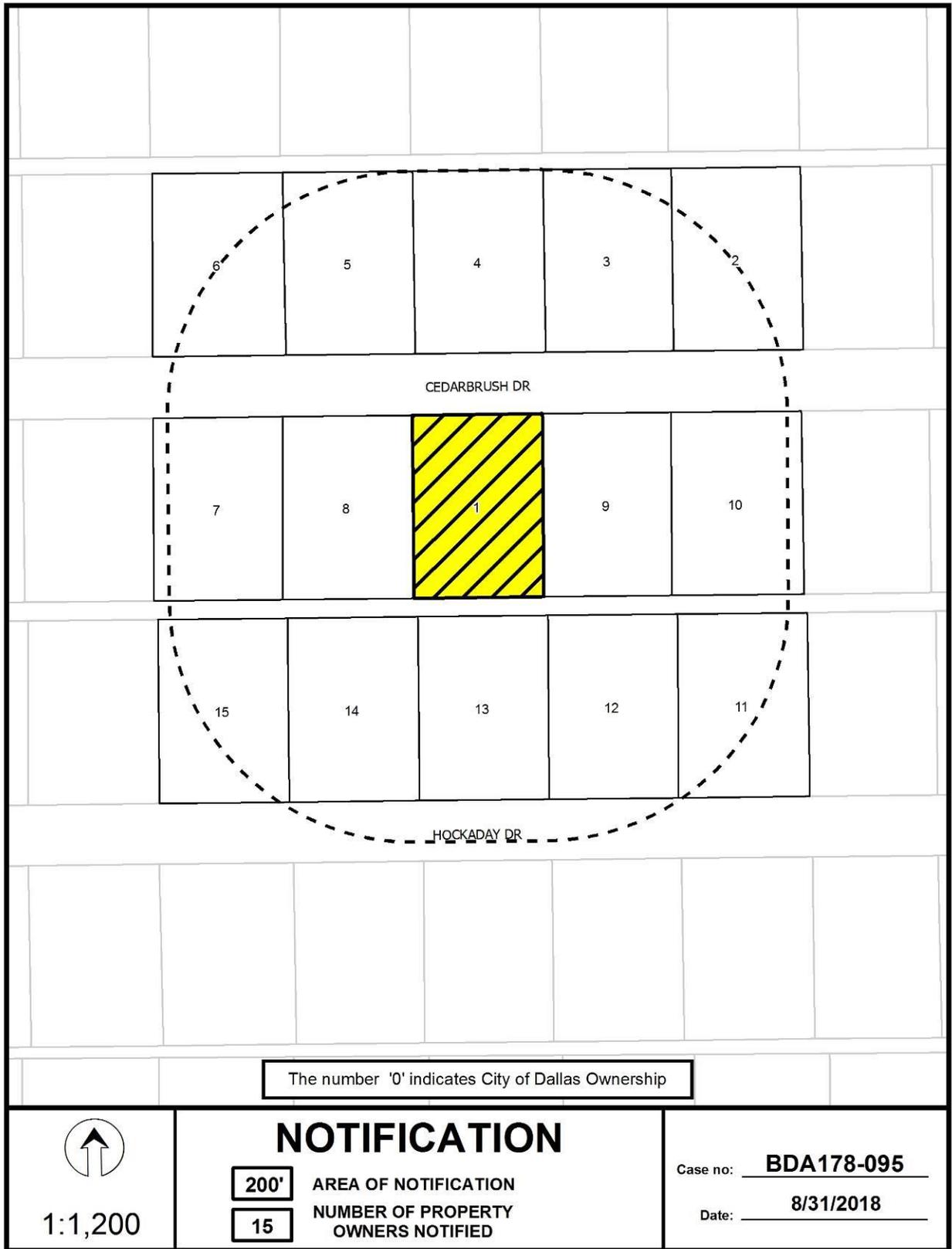
40TO CEDARBRUSH DRIVE

**COVERT + ASSOCIATES**  
17810 DAVENPORT, SUITE 111, DALLAS, TX 75222  
972-783-4660 | info@covert.com

A CUSTOM DESIGN FOR  
**RON DAVIS CUSTOM HOMES**  
4070 CEDARBRUSH  
DALLAS, TEXAS

SHEET  
1  
OF 6

05-25-18



The number '0' indicates City of Dallas Ownership



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**15**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA178-095**

Date: **8/31/2018**

# *Notification List of Property Owners*

## *BDA178-095*

### *15 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4070 CEDARBRUSH DR	PREMIER RENOVATIONS INC
2	4115 CEDARBRUSH DR	WRIGHT JOHN MARK &
3	4107 CEDARBRUSH DR	NAIR BINDU B
4	4069 CEDARBRUSH DR	HUMPHREYS MARY ELIZABETH
5	4059 CEDARBRUSH DR	HARRIGAN MARJORIE A & BRIAN D
6	4049 CEDARBRUSH DR	COCKRELL VIRGINIA M
7	4050 CEDARBRUSH DR	KISTER JEFFREY ALAN &
8	4060 CEDARBRUSH DR	OLSON ROSEMARY
9	4106 CEDARBRUSH DR	BROCHTRUP FRANK P
10	4114 CEDARBRUSH DR	SONG PAUL
11	4115 HOCKADAY DR	MILLER JAMES D JR
12	4107 HOCKADAY DR	PREMIER RENOVATIONS INC
13	4057 HOCKADAY DR	ANSBACHER REALTY LLC
14	4049 HOCKADAY DR	SUMNER MARY LOU
15	4041 HOCKADAY DR	BENAVIDES ABRAHAM A & MARY C

**FILE NUMBER:** BDA178-065(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Jorge Hernandez for a variance to the floor area for structures accessory to single-family uses regulations at 431 W. Brooklyn Avenue. This property is more fully described as Lot 3, Block 65/3186, and is zoned CD 3, in which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct and/or maintain a single family residential accessory structure with 546 square feet of floor area (44.9% of the 1,217 square foot floor area of the main structure), which will require a 242 square foot variance to the floor area for structures accessory to single-family uses regulations.

**LOCATION:** 431 W. Brooklyn Avenue

**APPLICANT:** Jorge Hernandez

**REQUESTS:**

A request for a variance to the floor area regulations for structures accessory to single-family uses of 242 square feet (or 20 percent) is made to maintain an accessory structure with 546 square feet of floor area of the 1,217 square feet floor area of the main structure on a site that is developed with a single-family home.

**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:

- Staff concluded that the applicant had not substantiated how 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same CD 3 zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 3 (Conservation District)  
North: CD 3 (Conservation District)  
South: CD 3 (Conservation District)  
East: CD 3 (Conservation District)  
West: CD 3 (Conservation District)

**Land Use:**

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

**Zoning/BDA History:**

There have 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 accessory structure with 546 square feet of floor area of the 1,217 square feet floor area of the main structure on the subject site.
- The Dallas Development Code Sec. 51A 4.209 (E) (vii) (dd) states:
  - The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.
- The site is located in CD 3 which states that this lot is limited exclusively to those uses permitted in the R-7.5(A) Single Family District.
- DCAD records indicate the following improvements for property located at 431 W Brooklyn Avenue: “main improvement: a structure with 1,217 square feet of living area built in 1925” and “additional improvements: a 600 square feet storage building”.
- The submitted site plan makes the following notations:
  - Existing house slab: 1,217 square feet.
  - Total living area: 1,217 square feet.
  - Proposed/Existing accessory structure: 546 square feet or 45 percent.

- Maximum floor area: 25 percent.
- Surplus floor area: 20 percent.
- The site plan represents that the accessory structure exceeds the required 25 percent maximum floor area of the main building requirements on the subject site.
- The subject site is rectangular, flat, and according to the application, is 0.15 acres (or approximately 6,540 square feet) in area. The site is zoned CD 3 where lots in this district required 7,500 square feet in area.
- The applicant has submitted a document indicating among other things that the total home size and proposed additional improvements on the subject site are approximately 1,770 square feet, and the average of 10 other properties in the same zoning is approximately 1,970 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the floor area for structures accessory to single-family uses regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 3 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 CD 3 zoning classification.
- If the Board were to grant a variance to the floor area for structures accessory to single-family uses regulations and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on this document.

**Timeline:**

August 29, 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.

September 11, 2018: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel A.

September 13, 2018: The Sustainable Development and Construction Department Senior Planner 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 September 26<sup>h</sup> deadline to submit additional evidence for staff to factor into their analysis;

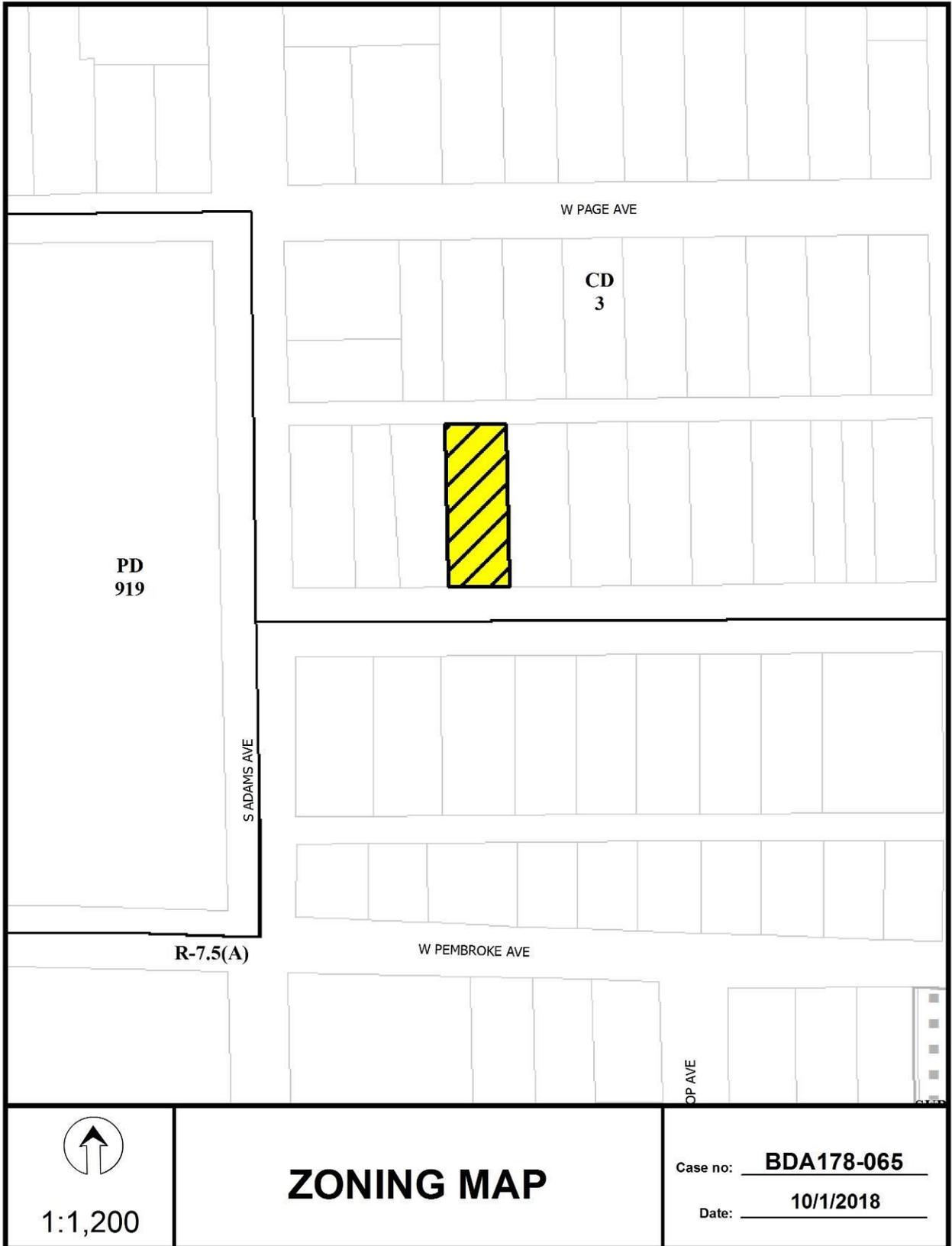
and the October 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

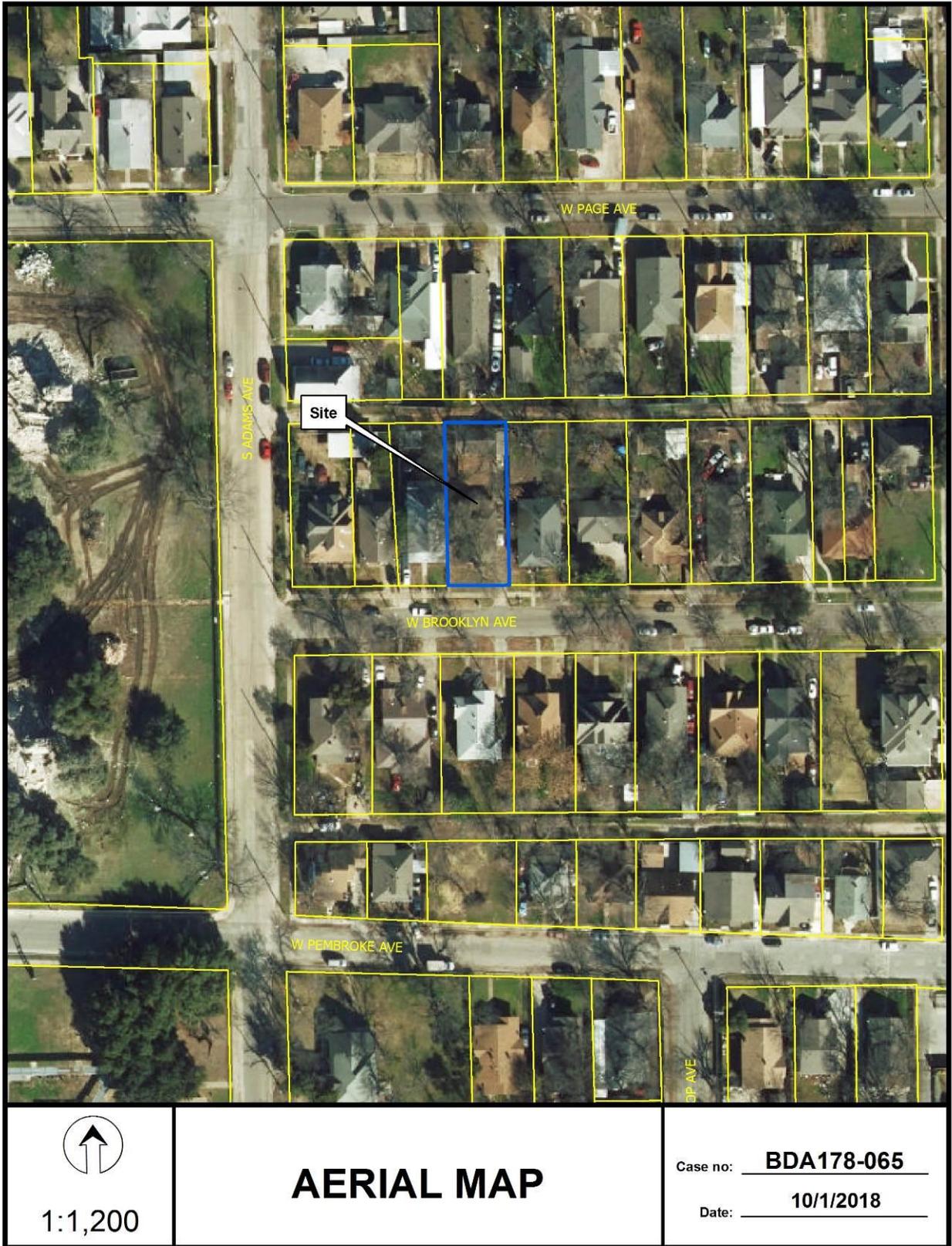
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence.

September 26, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 2, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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





BDA178-065

ATTACH A

CD-3 LOTS							
ZONING	ADDRESS	LOT SF	OTS DIMENSION	LIVING AREA	ADDTL IMPROVEMENTS	TOTAL	
CD-3	437 W. BROOKLYN AVE	6,775	52X130	1,236	-	1,236	
CD-3	440 W. BROOKLYN AVE	8,329	62X130	1,192	400	1,592	
CD-3	434 W. BROOKLYN AVE	7,303	54X130	1,960	-	1,960	
CD-3	331 W. BROOKLYN AVE	6,936	53X130	1,058	-	1,058	
CD-3	400 W. BROOKLYN AVE	12,935	100X130	2,784	480	3,264	
CD-3	336 W. PAGE AVE	9,525	75X30	2,802	694	3,496	
CD-3	328 W. PAGE AVE	16,639	125X130	2,536	1,032	3,568	
CD-3	325 W. PAGE AVE	8,533	50X162	1,072	-	1,072	
CD-3	301 W. BROOKLYN AVE	7,878	54X130	0	-	0	
CD-3	338 W. BROOKLYN AVE	6,911	53X130	1,873	484	2,357	
CD-3	431 W. BROOKLYN AVE	6,701	50X130	1,217	546	1,763	



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-065

Data Relative to Subject Property:

Date: 7-23-18

Location address: 431 W. Brooklyn Ave Zoning District: CD-3

Lot No.: 3 Block No.: 65/3186 Acreage: .15 Census Tract: 50.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BWR HOLDINGS, LLC

Applicant: JORGE HERNANDEZ Telephone: 972-214-9811

Mailing Address: 701 COMMERC ST STE:619 Zip Code: 75202

E-mail Address: JORGE@AMERICAPERMITS.COM

Represented by: JORGE HERNANDEZ Telephone: 972-214-9811

Mailing Address: 701 COMMERC ST STE:619 ACCESSORY TO MAIN FLOOR AREA RATIO Zip Code: 75202

E-mail Address: JORGE@AMERICAPERMITS.COM

Affirm that an appeal has been made for a Variance X, or Special Exception, of To construct a single family residential accessory structure with 546 square feet of floor area (44.9% of the 1,217 square foot floor area of the main structure), which will require a 242 square foot variance to the floor area ratio regulations

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 owner desired to commensurate build additional floor area within the current zone & does not adversely affect neighboring properties.

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

Affidavit

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

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

Respectfully submitted: (Affiant/Applicant's signature)

Subscribed and sworn to before me this 29 day of August, 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 Jorge Hernandez

did submit a request for a variance to the floor area ratio regulations  
at 431 W Brooklyn Avenue

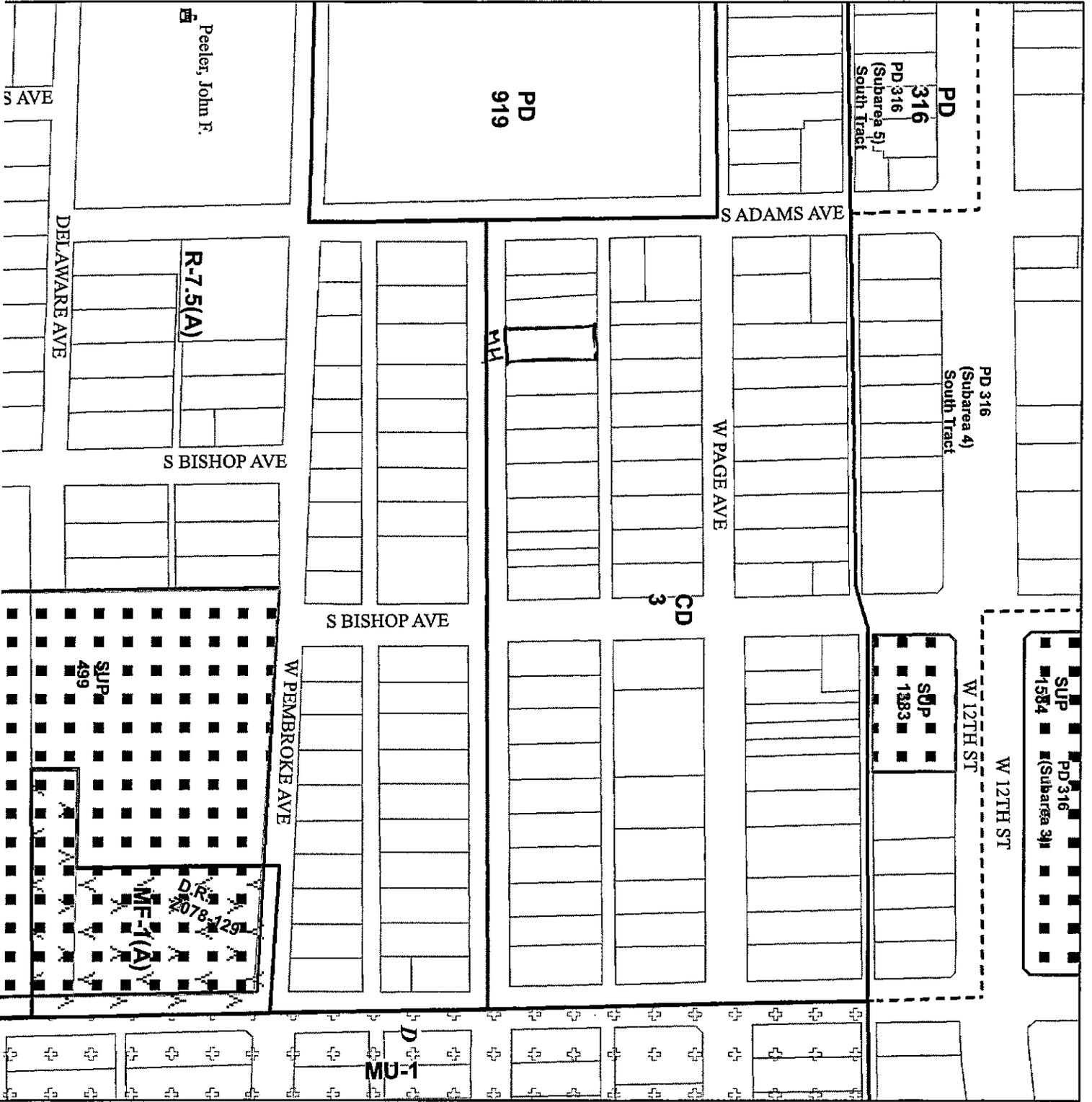
BDA178-065. Application of Jorge Hernandez for a variance to the floor area ratio regulations to the single family regulations at 431 W Brooklyn Ave. This property is more fully described as Lot 3, Block 65/3186, and is zoned CD-3, in which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct a single family residential accessory structure with 546 square feet of floor area (44.9% of the 1217 square foot floor area of the main structure), which will require a 242 square foot variance to the floor area ratio regulations.

Sincerely,

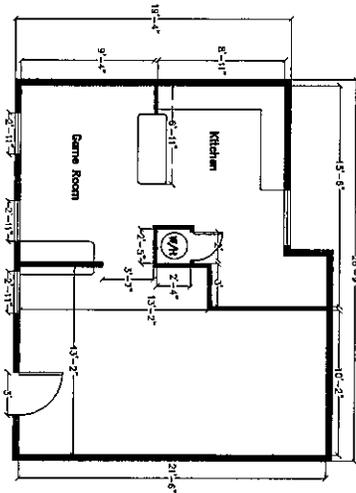
*Philip Sikes*  
Philip Sikes, Building Official



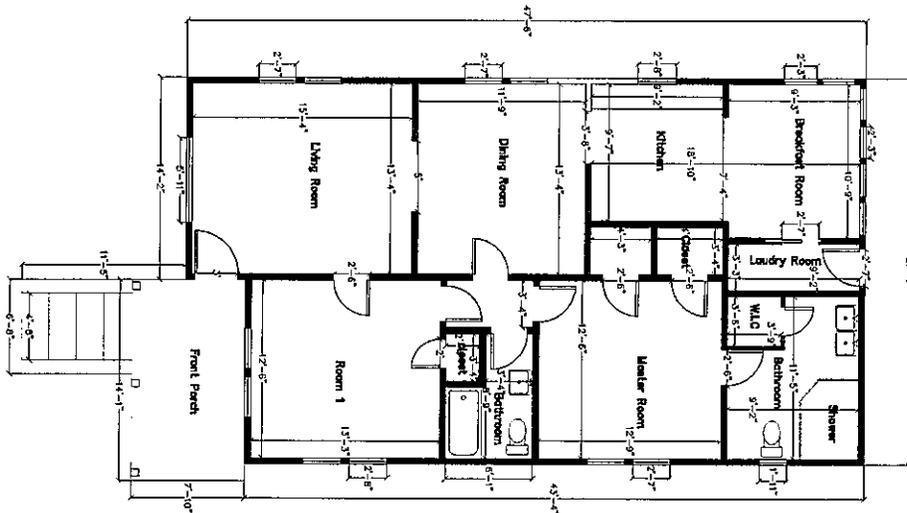








© JAMES GUNTER, P.A.



© JAMES GUNTER, P.A.

431 W. BROOKLYN  
Dallas, Texas 75206

LEGAL DESCRIPTION  
431 W. BROOKLYN AVE  
DALLAS, TEXAS 75206  
located on  
BLK 6513186 LOT 3

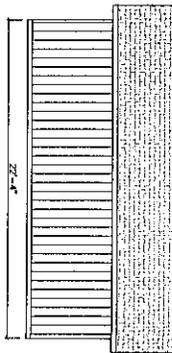
OWNER SET

No.	Revised/Issue Date

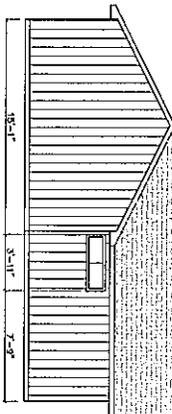
DATE: 5/21/2015  
PROJECT: PROPOSED PLAN

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

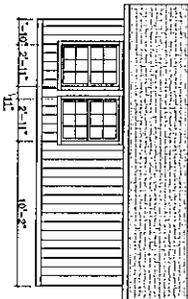
BD 178-065



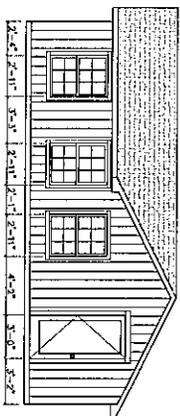
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

431 W. BROOKLYN  
Dallas, Texas 75208

LEGAL DESCRIPTION  
431W. BROOKLYN AVE  
DALLAS, TEXAS 75208  
BEING ON  
BLOCK 3189 LOT 3

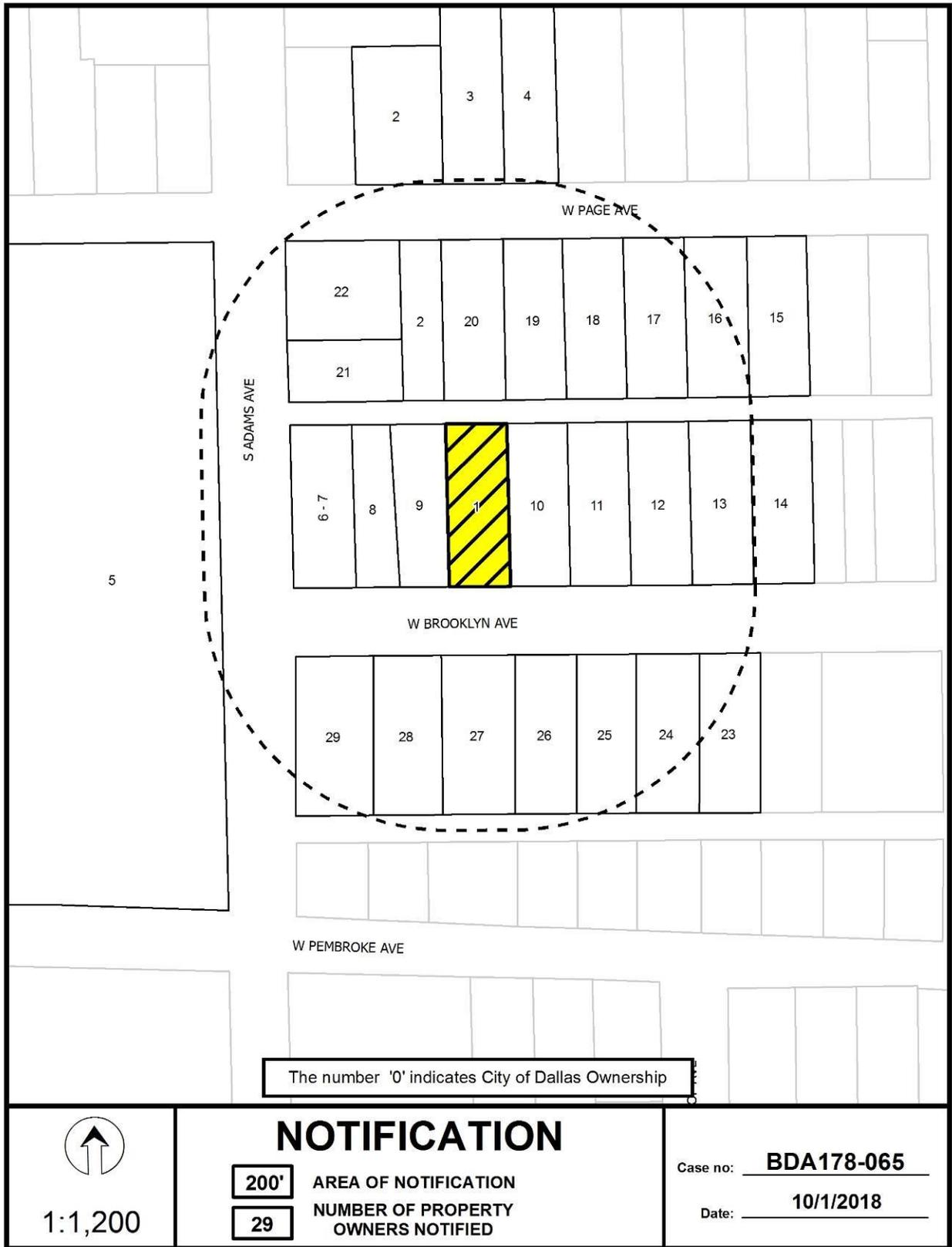
DRAWING SET  
No. Revision/Date Issued

Project  
Title  
Date

SM  
DRAWN  
ELEVATIONS

BD 178-065

A1.4



## *Notification List of Property Owners*

**BDA178-065**

### *29 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	431 W BROOKLYN AVE	BWR HOLDINGS LLC
2	433 W PAGE AVE	ZAPATA BENIGNO
3	429 W PAGE AVE	JEFFERS SARAH ELIZABETH
4	425 W PAGE AVE	VELA ADRIAN & YESSICA M
5	520 W PAGE AVE	DALLAS HOUSING AUTHORITY
6	437 W BROOKLYN AVE	ZAPATA PAULA GARCIA & ROSALIO ZAPATA
7	439 W BROOKLYN AVE	ZAPATA PAULA GARCIA &
8	435 W BROOKLYN AVE	CARRIZALES ADRIANA
9	433 W BROOKLYN AVE	OLLERVIDES RAMON
10	427 W BROOKLYN AVE	ALFARO MOISES & BARBARA
11	423 W BROOKLYN AVE	BISSON MOLLY
12	417 W BROOKLYN AVE	NICAR ORA LEA
13	415 W BROOKLYN AVE	PAPATHANASIOU PAVLOS T
14	411 W BROOKLYN AVE	ZAMARRIPA J JESUS & MARIA
15	410 W PAGE AVE	SERVIN FELIPE GUERRERO & SUSANA DON JUAN
16	414 W PAGE AVE	ZAPATA BENIGNO & SONIA M
17	416 W PAGE AVE	ZAPATA ALEJANDRO
18	420 W PAGE AVE	SANCHEZ SOCORRO
19	424 W PAGE AVE	GARCIA BENIGNO ZAPATA
20	428 W PAGE AVE	IBARRA JOSE &
21	608 S ADAMS AVE	SOTO ESTEBAN &
22	436 W PAGE AVE	SOTO ESTEBAN
23	414 W BROOKLYN AVE	CRUZ CONCEPCION
24	416 W BROOKLYN AVE	MARTINEZ RAMON
25	420 W BROOKLYN AVE	STANDIFER LISA GAY
26	426 W BROOKLYN AVE	HAMMER ZACHARY S &

10/01/2018

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	430 W BROOKLYN AVE	DRISCOLL SHANNON T
28	434 W BROOKLYN AVE	IPINA VALENTIN &
29	440 W BROOKLYN AVE	GARCIA MORGAN A