

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, NOVEMBER 19, 2019  
AGENDA

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|                |  |            |
|----------------|--|------------|
| BRIEFING       | L1FN AUDITORIUM<br>1500 MARILLA STREET<br>DALLAS CITY HALL | 11:00 A.M. |
| PUBLIC HEARING | L1FN AUDITORIUM<br>1500 MARILLA STREET<br>DALLAS CITY HALL | 1:00 P.M.  |

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

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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|  |    |
|--|----|
| Approval of the October 22, 2019 Board of Adjustment<br>Panel A Public Hearing Minutes | M1 |
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**UNCONTESTED CASES**

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|                       |   |   |
|-----------------------|---|---|
| <b>BDA189-123(SL)</b> | 606 S. Masters Drive<br><b>REQUEST:</b> Application of Gilberto Bedolla, Jr.<br>for a special exception to the fence standards regulations  | 1 |
| <b>BDA189-124(SL)</b> | 7817 Forest Lane<br><b>REQUEST:</b> Application of Verizon Wireless, represented<br>by Vincent G. Huebinger, for a variance to the side yard<br>(tower spacing) setback regulations | 2 |
| <b>BDA189-128(SL)</b> | 1645 Junior Drive<br><b>REQUEST:</b> Application of Santos T. Martinez of La Sierra<br>Planning Group for a special exception to the single family<br>use regulations               | 3 |

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**REGULAR CASE**

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**BDA189-131(SL)** 11241 Rosser Road 4  
**REQUEST:** Application of Elton Johnson for variances to  
the side yard setback and off-street parking regulations

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## EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

**FILE NUMBER:** BDA189-123(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Gilberto Bedolla, Jr. for a special exception to the fence standards regulations at 606 S. Masters Drive. This property is more fully described as PT of Lot 6, Block 7788, and is zoned R-10(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

**LOCATION:** 606 S. Masters Drive

**APPLICANT:** Gilberto Bedolla, Jr

**REQUEST:**

A request for a special exception to the fence standards regulations related to fence material is made to maintain a fence of a prohibited fence material (metal panel) on a site that is undeveloped.

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

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the fence standards 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-10(A) (Single family residential 10,000 square feet)  
North: R-10(A) (Single family residential 10,000 square feet)  
South: R-10(A) (Single family residential 10,000 square feet)  
East: R-10(A) (Single family residential 10,000 square feet)  
West: R-7.5(A) (Single family residential 7,500 square feet)

**Land Use:**

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

**Zoning/BDA History:**

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

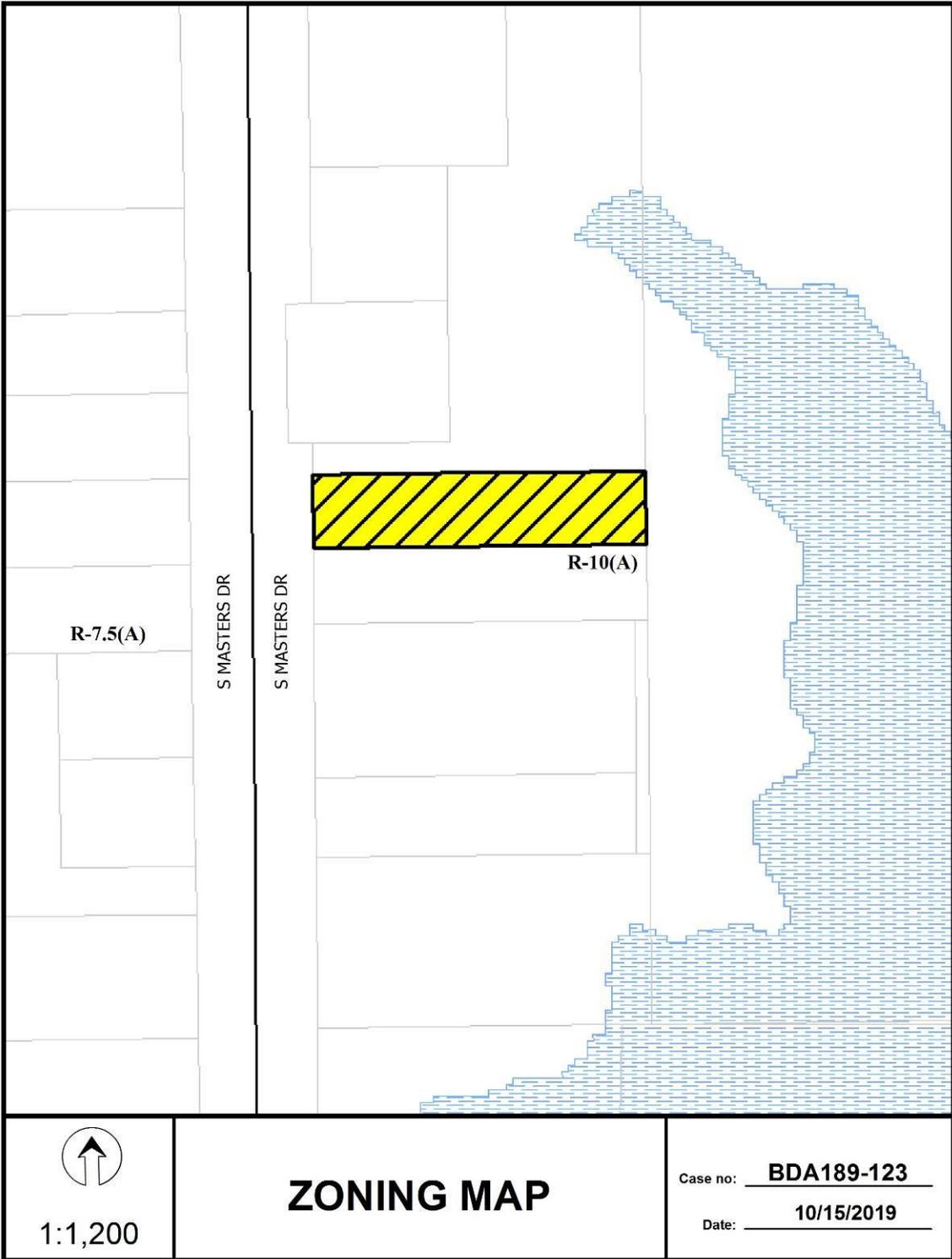
**GENERAL FACTS/STAFF ANALYSIS:**

- The request for a special exception to the fence standards regulations related to fence materials focuses on maintaining a fence of a prohibited fence material (metal panel) on a site that is undeveloped.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
  - Sheet metal;
  - Corrugated metal;
  - Fiberglass panels;
  - Plywood;
  - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
  - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
  - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing metal panel fence on the property.
- The submitted elevation represents an 8' high metal panel fence.
- The submitted site plan represents a site that is approximately 16,000 square feet in area where approximately 630 linear feet of prohibited fence material (metal panel) is located on this property.
- The Board of Adjustment Chief Planner/Board Administrator conducted a field visit of the site and the surrounding area and noted no other fences of prohibited material.
- As of November 8, 2019, no letters had been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (metal panel) will not adversely affect neighboring property.
- If the Board were to grant the special exception and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

**Timeline:**

- August 16, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 8<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.
- November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

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

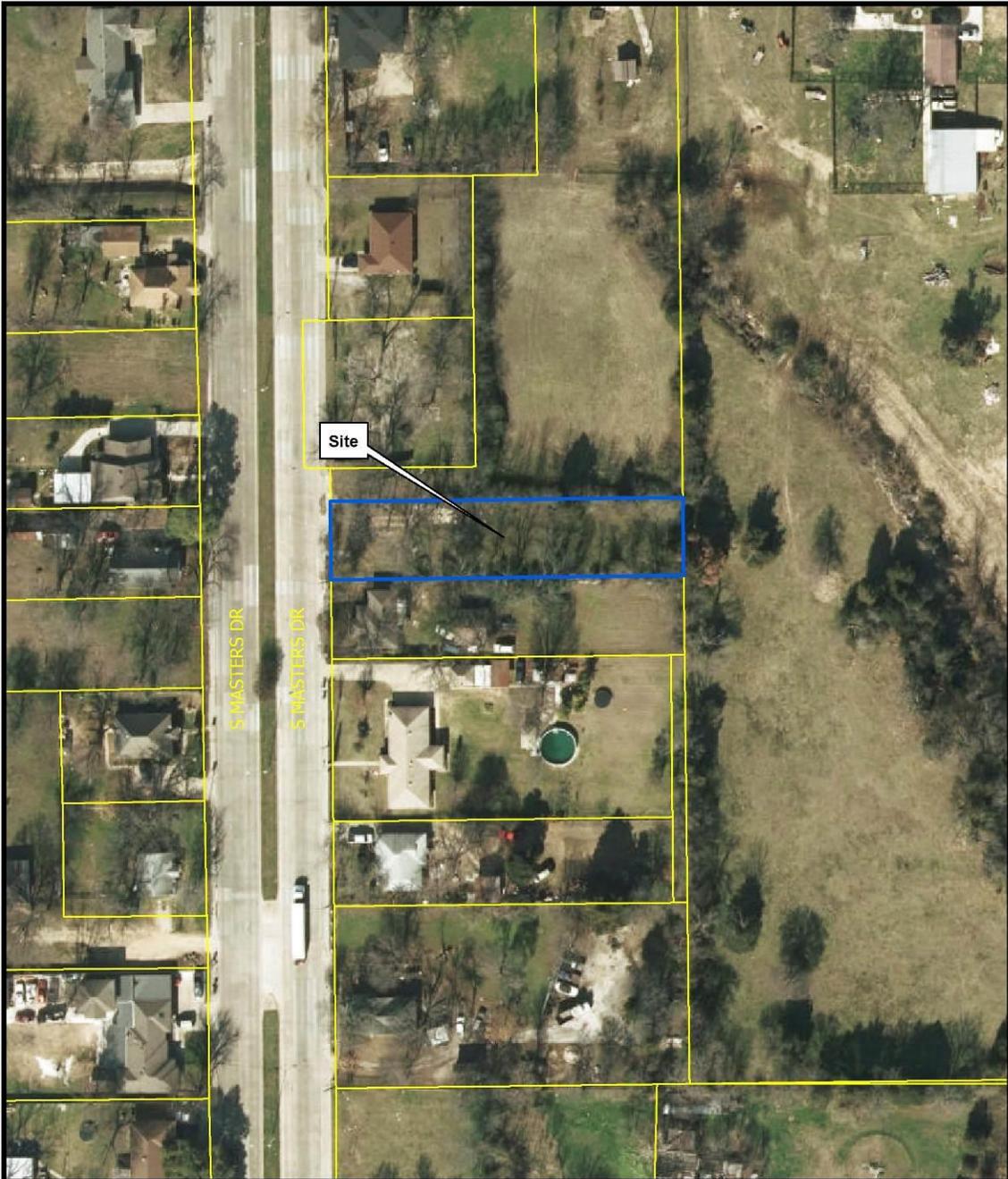


1:1,200

# ZONING MAP

Case no: BDA189-123

Date: 10/15/2019



1:1,200

# AERIAL MAP

Case no: BDA189-123

Date: 10/15/2019



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-123

Data Relative to Subject Property:

Date: 8-16-19

Location address: 606 S. Masters Dr. Zoning District: R-10(A)

Lot No.: PTLT 6 Block No.: 7788 Acreage: .371 Census Tract: 117.02

Street Frontage (in Feet): 1) 59.6 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Martin Bedolla

Applicant: Gilberto Bedolla JR. Telephone: 214-354-4007

Mailing Address: 465 Meadohill Dr. Garland TX Zip Code: 75043

E-mail Address: b.gilberto@rocketmail.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 Fence  
Prohibited material Metal Fence  
Metal Fence

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:

My Fence is of similar material and height of other fences in the neighborhood.

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

Affidavit

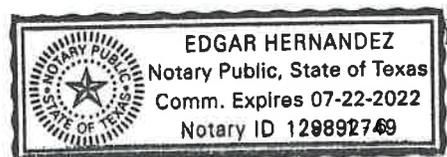
Before me the undersigned on this day personally appeared Gilberto Bedolla JR.  
(Affiant/Applicant's name printed)

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: Gilberto Bedolla  
(Affiant/Applicant's signature)

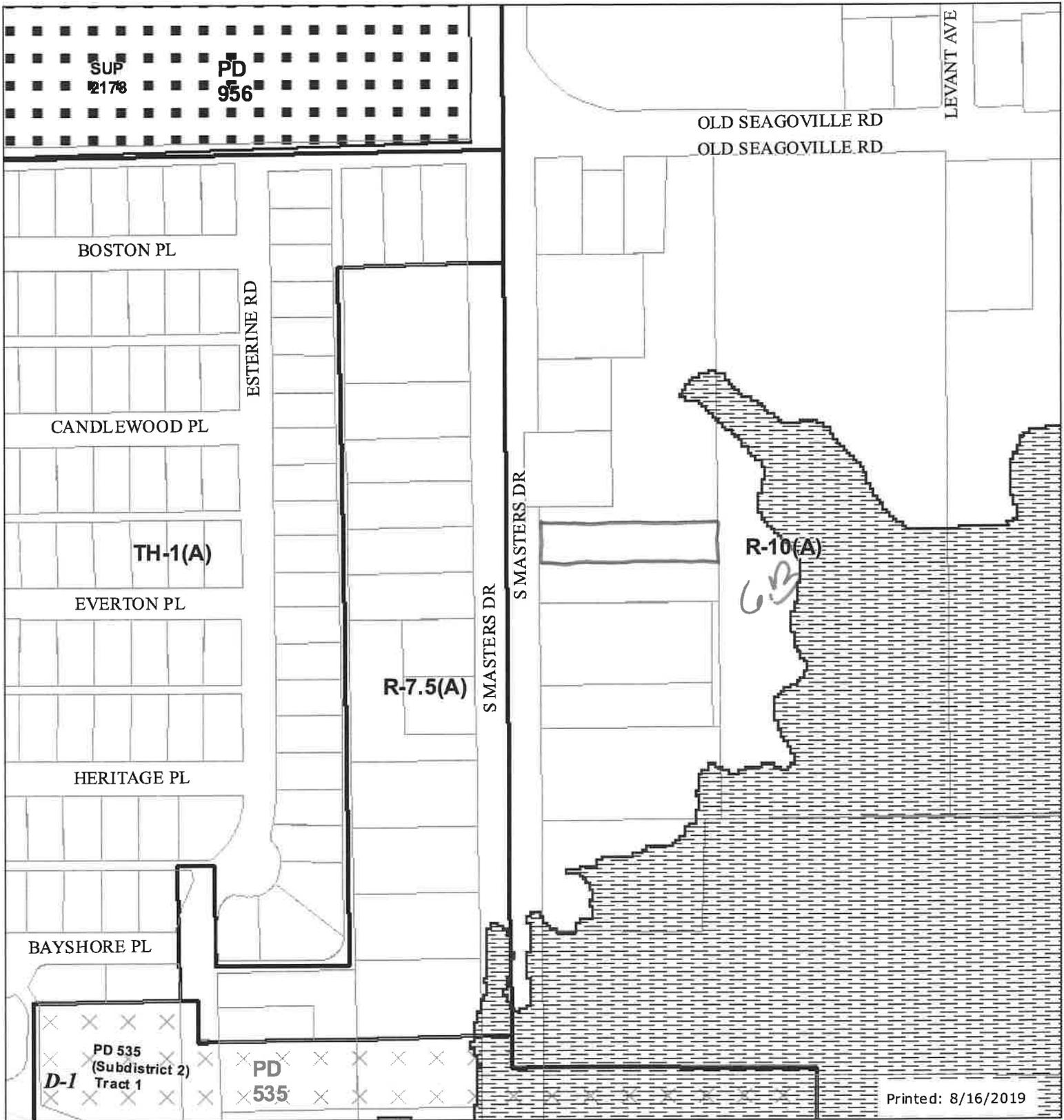
Subscribed and sworn to before me this 6th day of July 2019

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas





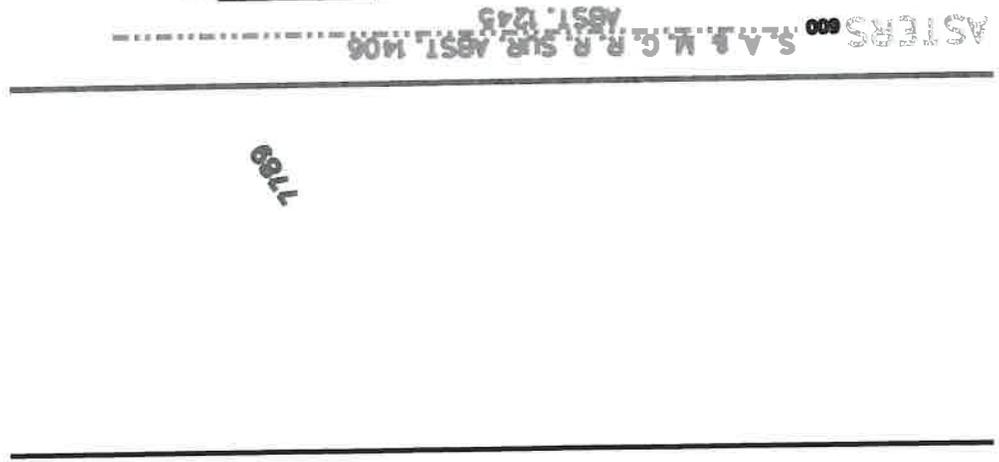
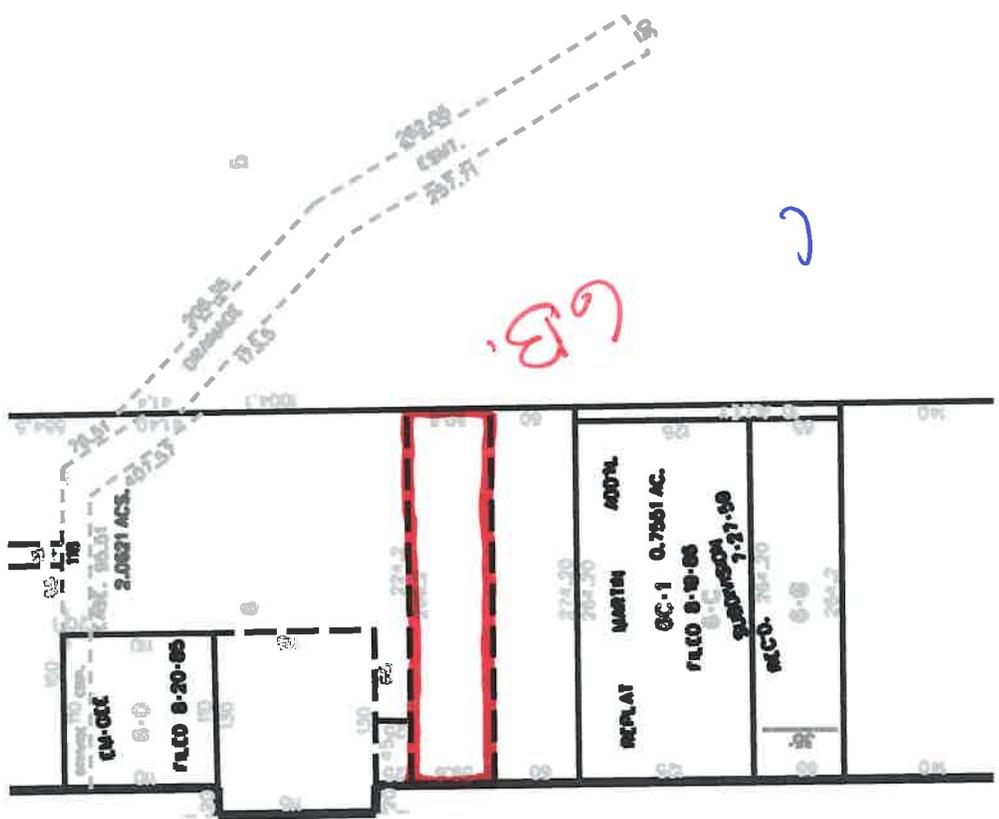
Printed: 8/16/2019

### Legend

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

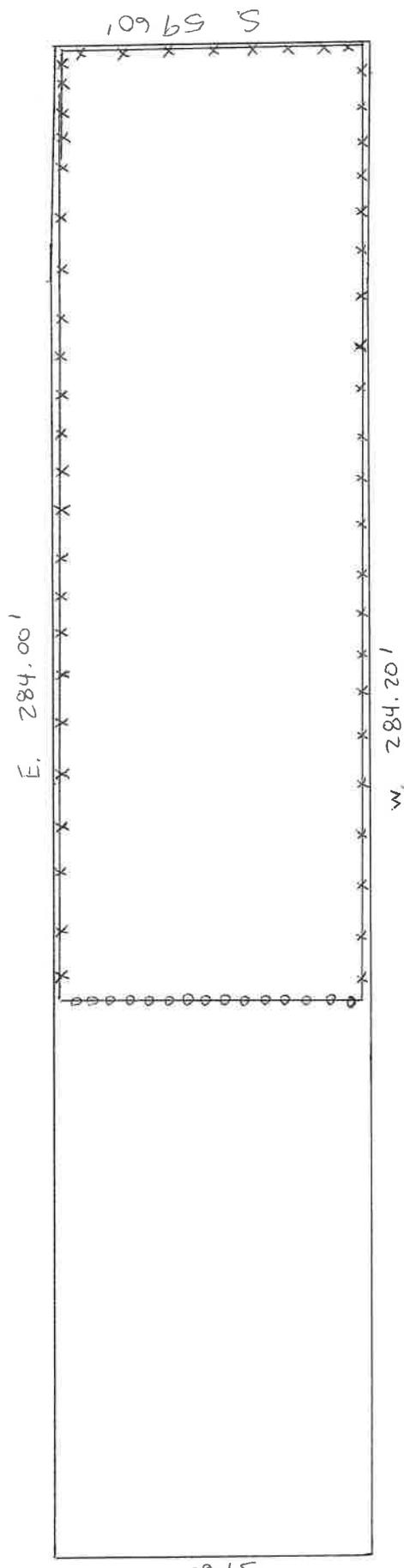
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





7788

7789



S 59.60'  
 S MASTERS DRIVE  
 1-10

DATE 8-16-19

SITE PLAN  
 606 S MASTERS DR.  
 CITY OF DALLAS  
 DALLAS COUNTY TEXAS

o-o-o-o-o-o-o-o-o-o = CHAIN LINK  
 x-x-x-x-x-x-x-x-x-x = METAL FENCE

0' 10' 20' 30' 40'  
 Scale 1" = 20'



*M. B. Ball*

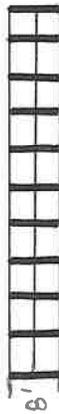
East and West Side of Property

METAL PANEL FENCE 180'



South Side Facing back of Property

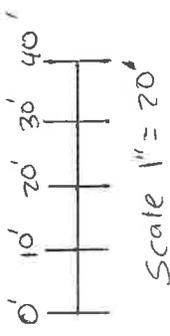
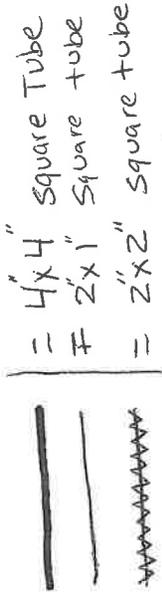
METAL PANEL FENCE 59'

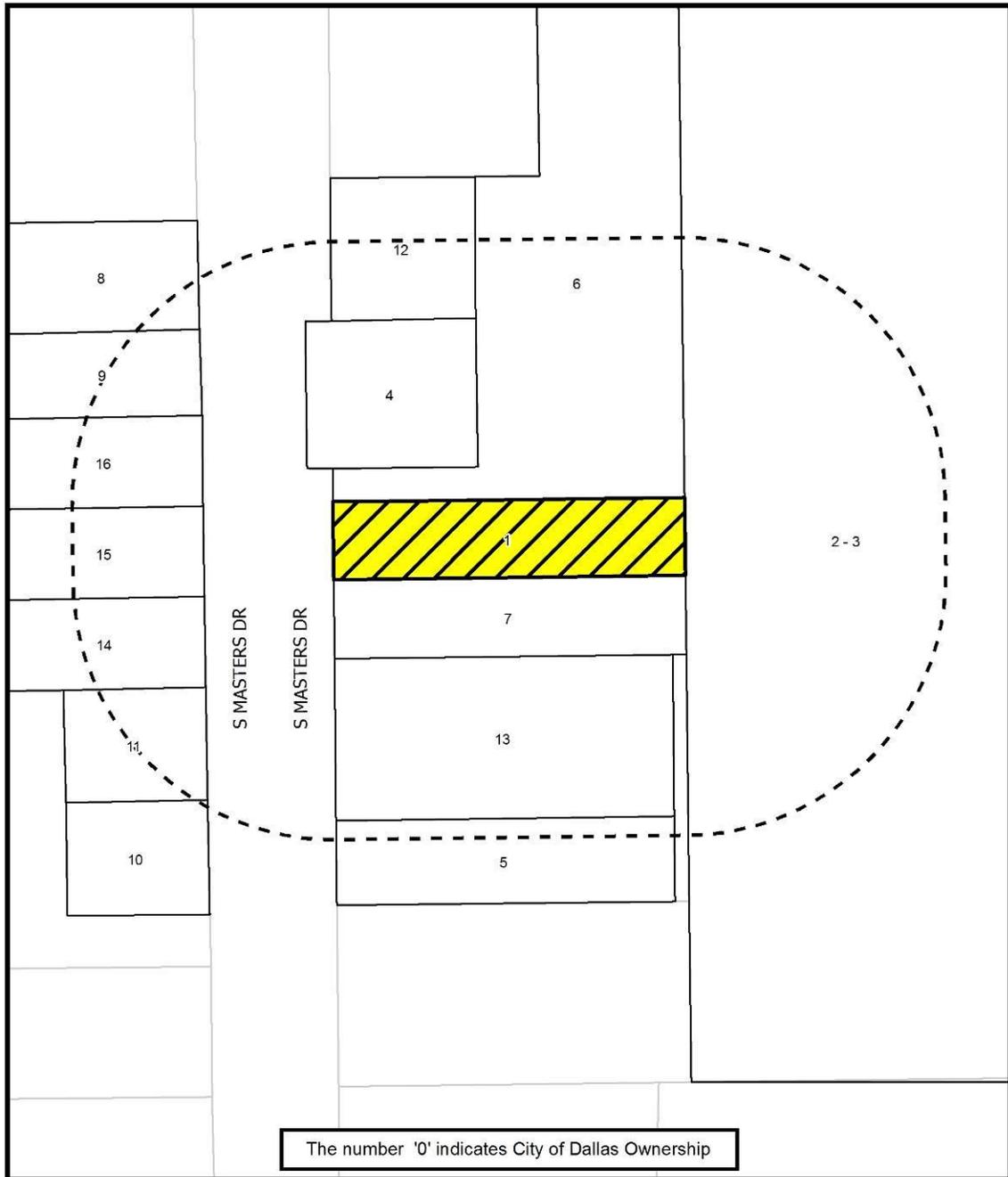


FRONT of Property  
Facing S. Masters DR.

CHAIN LINK FENCE

Gate opening





|  |   |             |                      |           |                                    |   |
|--|---|-------------|----------------------|-----------|------------------------------------|---|
| <br>1:1,200 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;"><b>16</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | <b>200'</b> | AREA OF NOTIFICATION | <b>16</b> | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <u><b>BDA189-123</b></u><br>Date: <u><b>10/15/2019</b></u> |
| <b>200'</b>  | AREA OF NOTIFICATION  |             |                      |           |                                    |   |
| <b>16</b>  | NUMBER OF PROPERTY OWNERS NOTIFIED  |             |                      |           |                                    |   |

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

### ***BDA189-123***

#### ***16 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>                  |
|-----------------------|-----------------------|--------------------------------------|
| 1                     | 606 S MASTERS DR      | BEDOLLA MARTIN                       |
| 2                     | 10314 SEAGOVILLE RD   | JOHNSON JERVA J                      |
| 3                     | 10314 SEAGOVILLE RD   | MIZE JERVA J EST OF                  |
| 4                     | 540 S MASTERS DR      | MCCOY L C                            |
| 5                     | 630 S MASTERS DR      | SANCHEZ MANUEL MENDEZ                |
| 6                     | 10302 SEAGOVILLE RD   | LEDEZMA MARCOS                       |
| 7                     | 612 S MASTERS DR      | CARROLL KIP EST OF                   |
| 8                     | 531 S MASTERS DR      | RIOS ALEXANDER S                     |
| 9                     | 505 S MASTERS DR      | AGUILAR SERVANDO & LORENZA           |
| 10                    | 629 S MASTERS DR      | CUPPLES STEPHEN LEE                  |
| 11                    | 621 S MASTERS DR      | GONZALEZ SANDRO                      |
| 12                    | 534 S MASTERS DR      | METTERS BARBARA                      |
| 13                    | 624 S MASTERS DR      | SOLIS HECTOR & SONIA                 |
| 14                    | 617 S MASTERS DR      | GONZALEZORTIZ SANDRO MARTIN &        |
| 15                    | 605 S MASTERS DR      | BANKS SHEDRICK II & DOMEANICA CARTER |
| 16                    | 541 MASTERS DR        | LOPEZ RAMON & MARIE E                |

**FILE NUMBER:** BDA189-124(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Verizon Wireless, represented by Vincent G. Huebinger, for a variance to the side yard (tower spacing) setback regulations at 7817 Forest Lane. This property is more fully described as Lot 1, Block A/7740, and is zoned MU-3, which requires a side yard setback of 30 feet for tower spacing. The applicant proposes to construct and/or maintain a structure and provide a 22 foot side yard setback, which will require an 8 foot variance to the side yard (tower spacing) setback regulations.

**LOCATION:** 7817 Forest Lane

**APPLICANT:** Verizon Wireless  
Represented by Vincent G. Huebinger

**REQUEST:**

A request for a variance to the "tower spacing" side yard setback regulations of 8' is made to maintain a construct and maintain a 5' wide, 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback on a site developed with a commercial use.

**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/elevation is required.

Rationale:

- Staff concluded that this request should be granted because the width of the subject site where the proposed 5' wide, 125' high cellular communications tower "structure" is to be located is 57 feet, and the height of this structure requires two 30' side yard (tower spacing) setbacks.
- Staff concluded that granting this variance would not be contrary to public interest in that if the board were to grant this request and impose the submitted site plan/elevation as a condition, the side yard (tower spacing) encroachment would be limited to that what is shown on this document – a 5' wide, 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback.

**BACKGROUND INFORMATION:**

**Zoning:**

|               |                  |
|---------------|------------------|
| <u>Site:</u>  | MU-3 (Mixed Use) |
| <u>North:</u> | MU-3 (Mixed Use) |
| <u>South:</u> | MU-1 (Mixed Use) |
| <u>East:</u>  | MU-3 (Mixed Use) |
| <u>West:</u>  | MU-3 (Mixed Use) |

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

- This request for variance to the side yard setback regulations of 8' focuses on constructing and maintaining a 5' wide, 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback on a site developed with a commercial use.
- The property is zoned MU-3 which states the following:
  - Minimum side and rear yard is:
    - (aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
    - (bb) no minimum in all other cases.

- Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.
- The submitted site plan/elevation represents a 125' high structure cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback ,and 30' from the site's western side property line or in compliance with this side yard setback.
- According to DCAD records the "main improvement" listed for property addressed at 7817 Forest Lane is an "automotive service" structure built in 2016 with 1,082 square feet of total area.
- The subject site is flat, slightly irregular in shape (approximately 59' on the north, approximately 80' on the south, approximately 329' on the east, and approximately 318' on the west), and is, according to the application, 0.46 acres (or approximately 20,000 square feet) in area. The site is zoned MU-3.
- The applicant states (and the site plan represents) that the property in question is 57' wide where the monopole is proposed.
- 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 MU-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 MU-3 zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan and elevation as a condition, the structure in the side yard setback would be limited to what is shown on these documents which in this case is a 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback.

**Timeline:**

- August 21, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

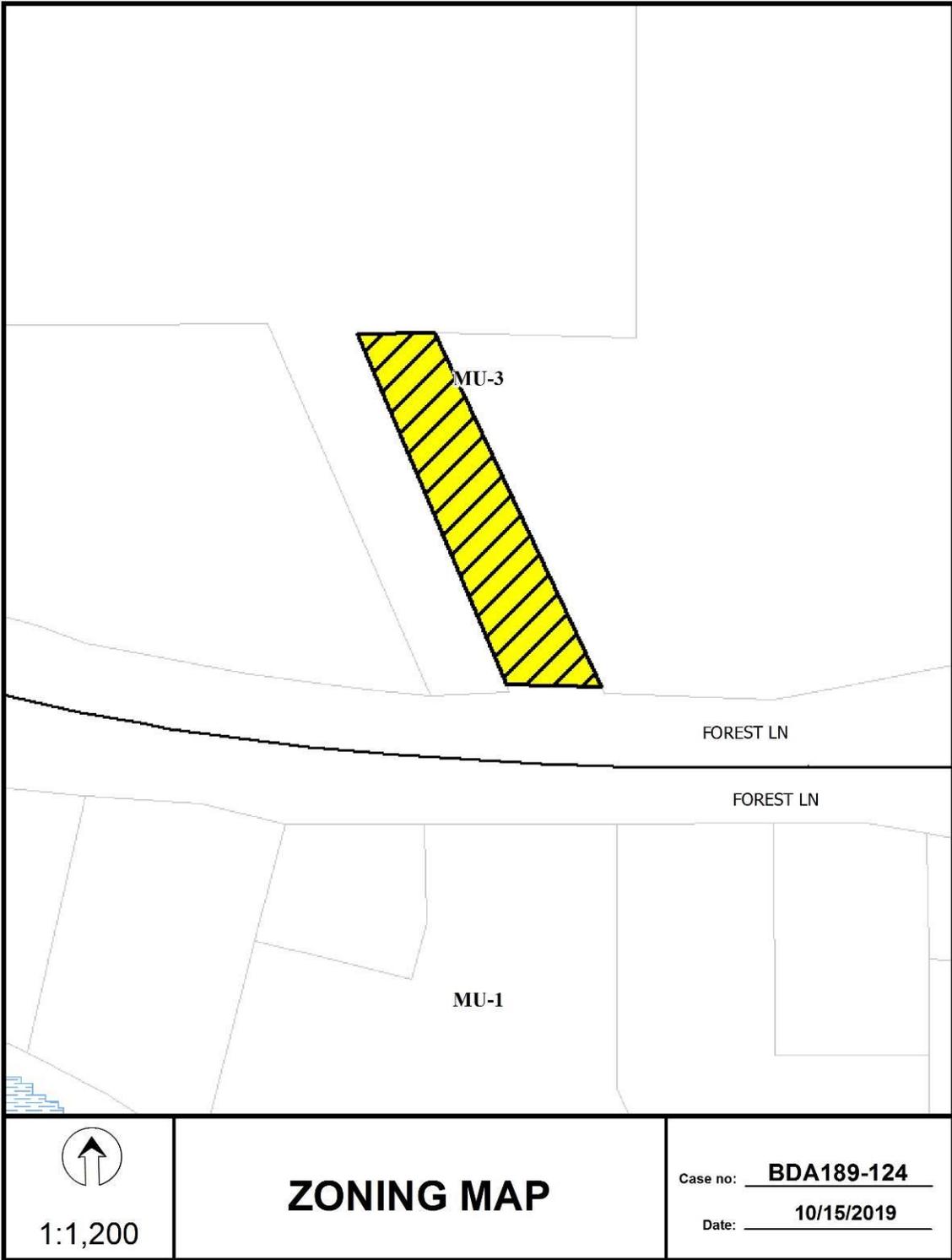
October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the following information:

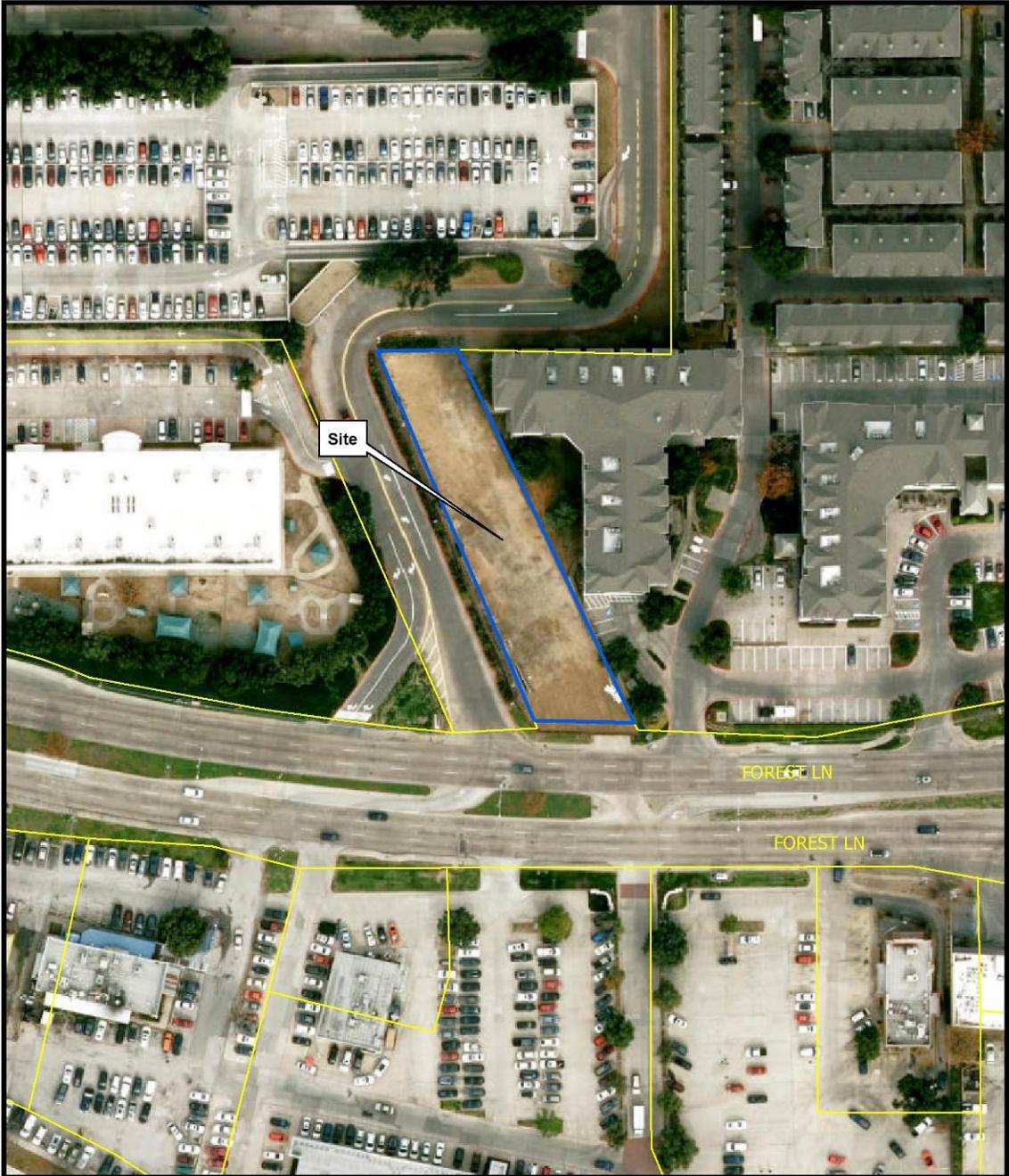
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 8<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 31, 2019: The applicant's representative submitted additional documentation to staff (see Attachment A).

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, 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: BDA189-124

Date: 10/15/2019



VINCENT GERARD & ASSOCIATES, INC.

BD A189-124  
Attn: A  
PS'

August 20, 2019

Board of Adjustment  
City of Dallas  
Attn: Charles Trammell  
1500 Marilla Street  
Dallas, Texas 75201

**RE: Variance Request to Setback Requirement for Verizon Wireless - Medical City  
7817 Forest Lane, Dallas, Texas 78231 | Lot 1, Block A/7740 Take 5 Addition**

Dear Board of Directors,

On behalf of our client, Verizon Wireless, we are respectfully submitting a variance request to allow encroachment into the required 30-foot side yard setback. Verizon is seeking to construct a new wireless telecommunication facility on a narrow tract of land, and the proposed monopole tower is shown to be 8 feet within the 30-foot required side yard setback to the eastern property line.

Section 51A-4.125(f)(4)(B)(ii) of the Dallas zoning regulations requires maximum side and rear setbacks of 30 feet for towers. The property in question is 57 feet wide where the monopole is proposed. Due to the width restrictions of this lot, the tower is able to meet the 30-foot rear setback, as well as the 30-foot side setback to the west. However, the remaining width to the eastern property line is only 22 feet. We respectfully request your consideration to allow Verizon to encroach 8 feet into this 30-foot setback requirement, providing a 22-foot side setback to the east.

Radio Frequency (RF) engineers have confirmed that this site was designed to improve the indoor service in the Medical City center and surrounding neighborhoods. This site is also an important capacity offload solution to surrounding towers covering the vicinity of Expressway 75, Medical City, and surrounding communities in north Dallas. With the addition of this tower, Verizon customers will experience less dropped calls and better cellular coverage.

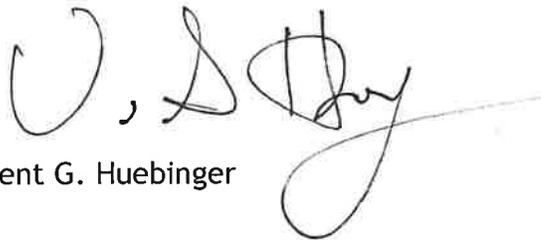
LAND PLANNING, DEVELOPMENT & ZONING CONSULTANTS  
1715 SOUTH CAPITAL OF TEXAS HIGHWAY • SUITE 207 • AUSTIN, TEXAS 78746  
[VINCENTGERARD.COM](http://VINCENTGERARD.COM) • (512) 328-2693

BOA109-124  
Att. A  
Pg 2

Verizon decided to request a variance to setback requirements from the BOA due to the physical characteristics of this property. The variance, if granted, will not alter the character of the area adjacent to the property and will not impair the purposes of the regulations of the zoning district in which the property is located. This request is a hardship based on the physical characteristics of the tract. It is not possible to comply with both 30-foot side setbacks when the lot is only 57 feet wide, and the tower base measures 5 feet in width. With respect to site selection, this property is appropriately zoned for wireless telecommunications and only needs a minor deviation from the code for a building permit. With this variance, this site will meet the coverage criteria for Verizon Wireless engineering and real estate needs.

Please see attached exhibit for details. We appreciate your consideration and are available for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "V. G. Huebinger". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Vincent G. Huebinger



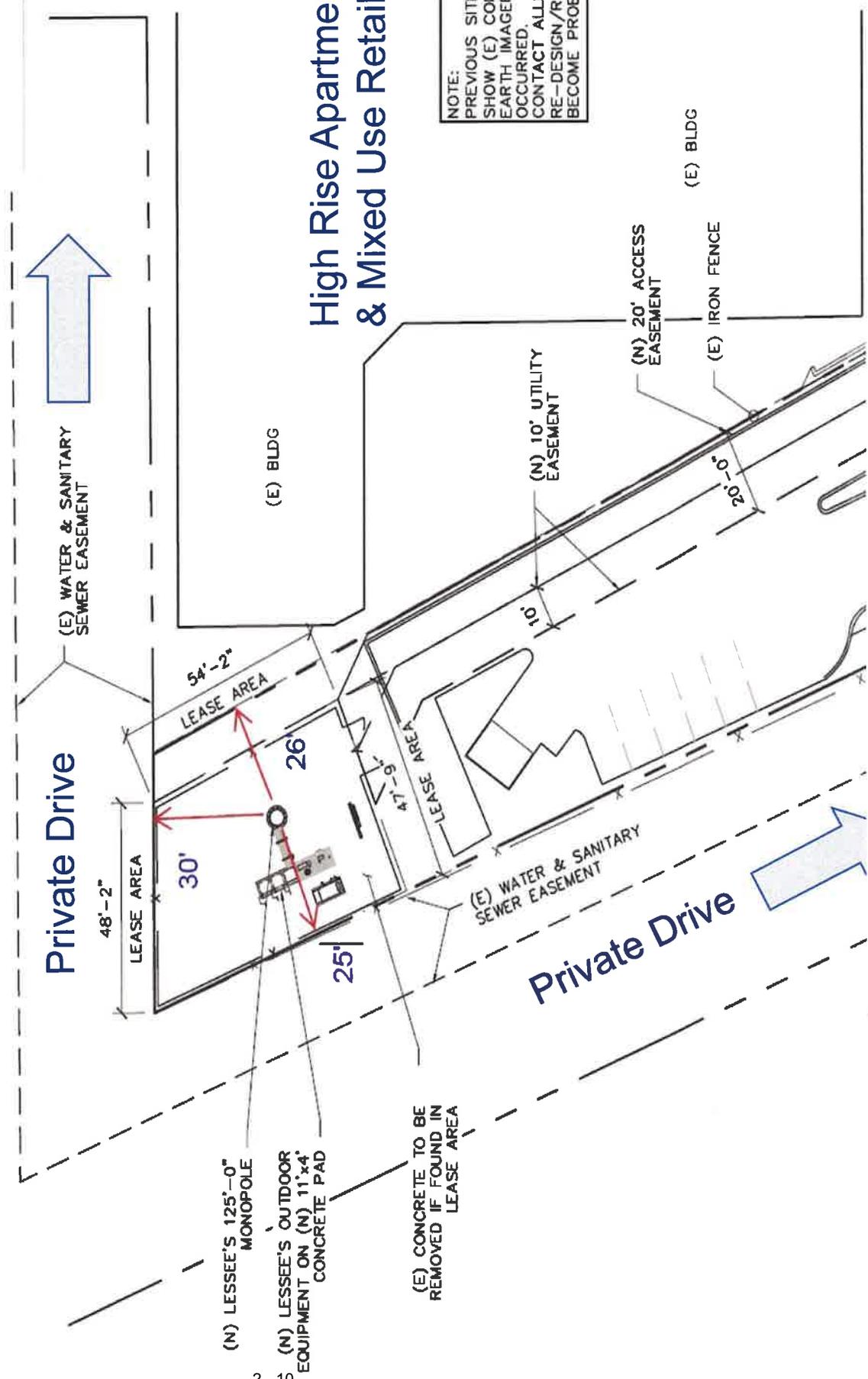
# Verizon - Medical City - 2019





# Verizon - Medical City - 2019

## • BOA Variance



NOTE:  
 PREVIOUS SITE WALK DATA,  
 SHOW (E) CONCRETE SURFA  
 EARTH IMAGERY, SOME SITE  
 OCCURRED.  
 CONTACT ALLPRO CONSULTI  
 RE-DESIGN/RE-WALK IF PR  
 BECOME PROBLEMATIC.

BDA189-124  
 A Had A  
 P24

High Rise Apartments  
 & Mixed Use Retail



# Verizon - Medical City - 2019

- **Benefit to the public Interest,**
  - Communications for Verizon & Others, 911 and inbuilding calls to Medical City
- **Special conditions on dimensions for property,**
  - Width of the tract created this situation
- **Relieve a self created personal hardship.**
  - Perfect location, zoning MU, unusable for anything else
  - Minor deviation , 21' of 30' required. Large structure adjacent to site.
- **Unnecessary Hardship,**
  - Search Ring limited – Coverage target is in building Hospital & capacity,
- **Special conditions on dimensions for property,**
  - Perfect location, zoning MU, unusable for anything else.

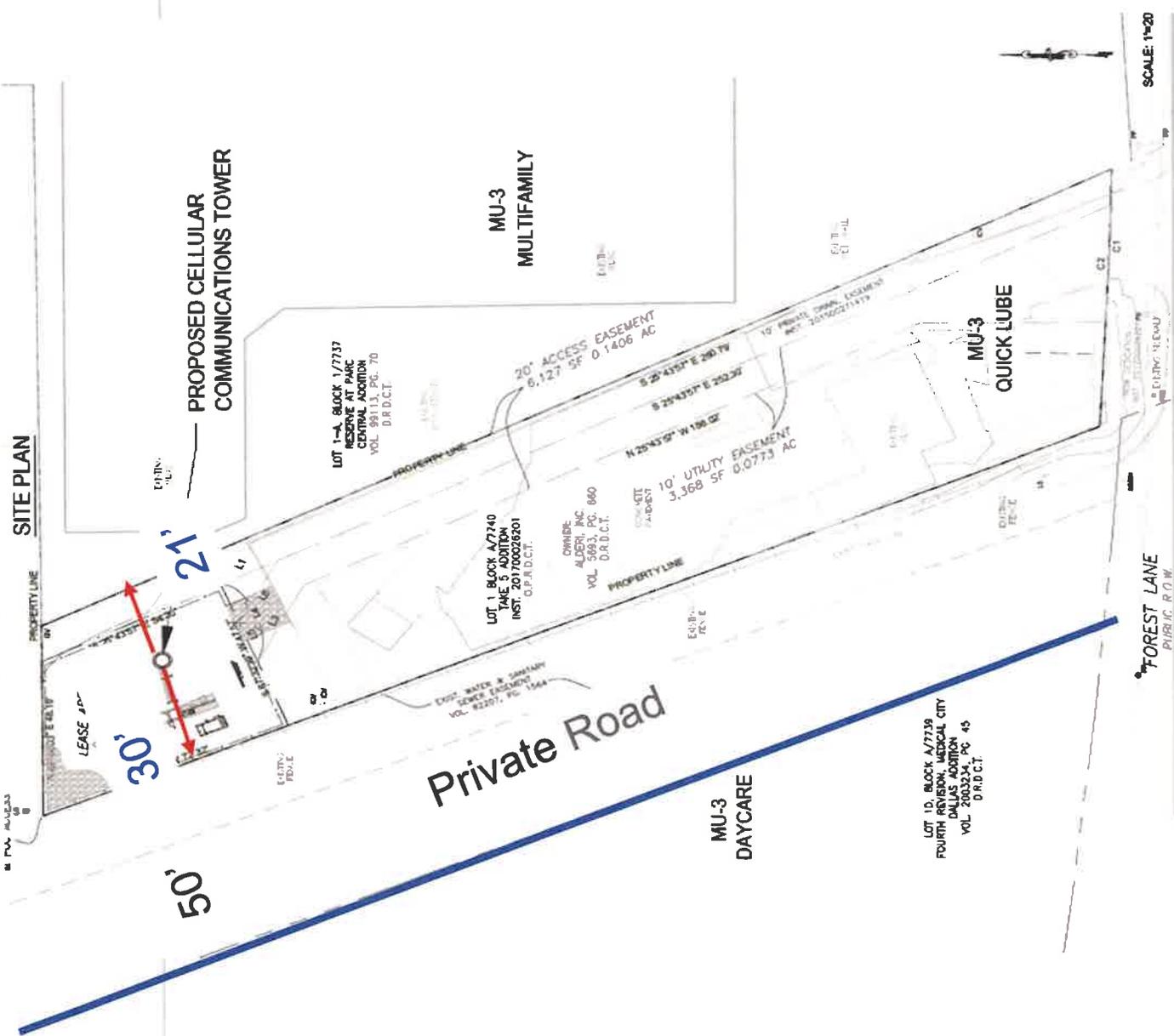
BD A189-124  
Attoral A  
PS 5

BOA189-124  
Attach A  
PG 6



# Private Road

SITE PLAN



SCALE: 1"=20'



# Verizon - Medical City - 2019



## Coverage Without Site



# Verizon - Medical City - 2019



## Coverage With Site

RSRP 700 MHz



Best Indoor Coverage



In-Vehicle/Outdoor Coverage

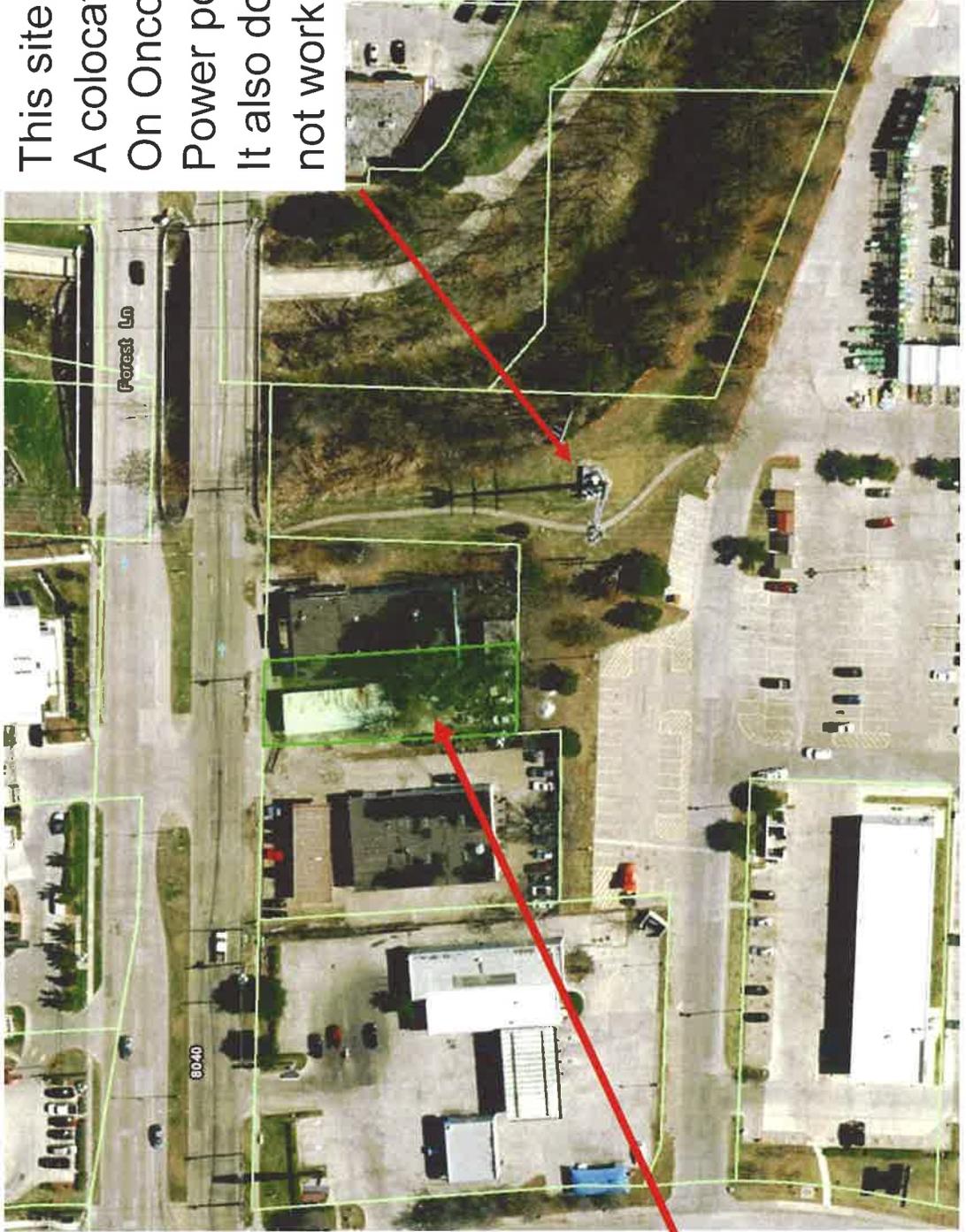
BDA1891-124  
Attach A  
PS



# Verizon Medical City 2019

Not many sites in the area at 50'-60' width

This property is approximately 1,700' east on Forest lane & does not work for coverage or capacity



This site is A colocation On Oncor Power pole It also does not work

BDA189-124  
Area A  
PS 9



# Verizon Medical City 2019



BD A189-124  
Attachment A  
p510



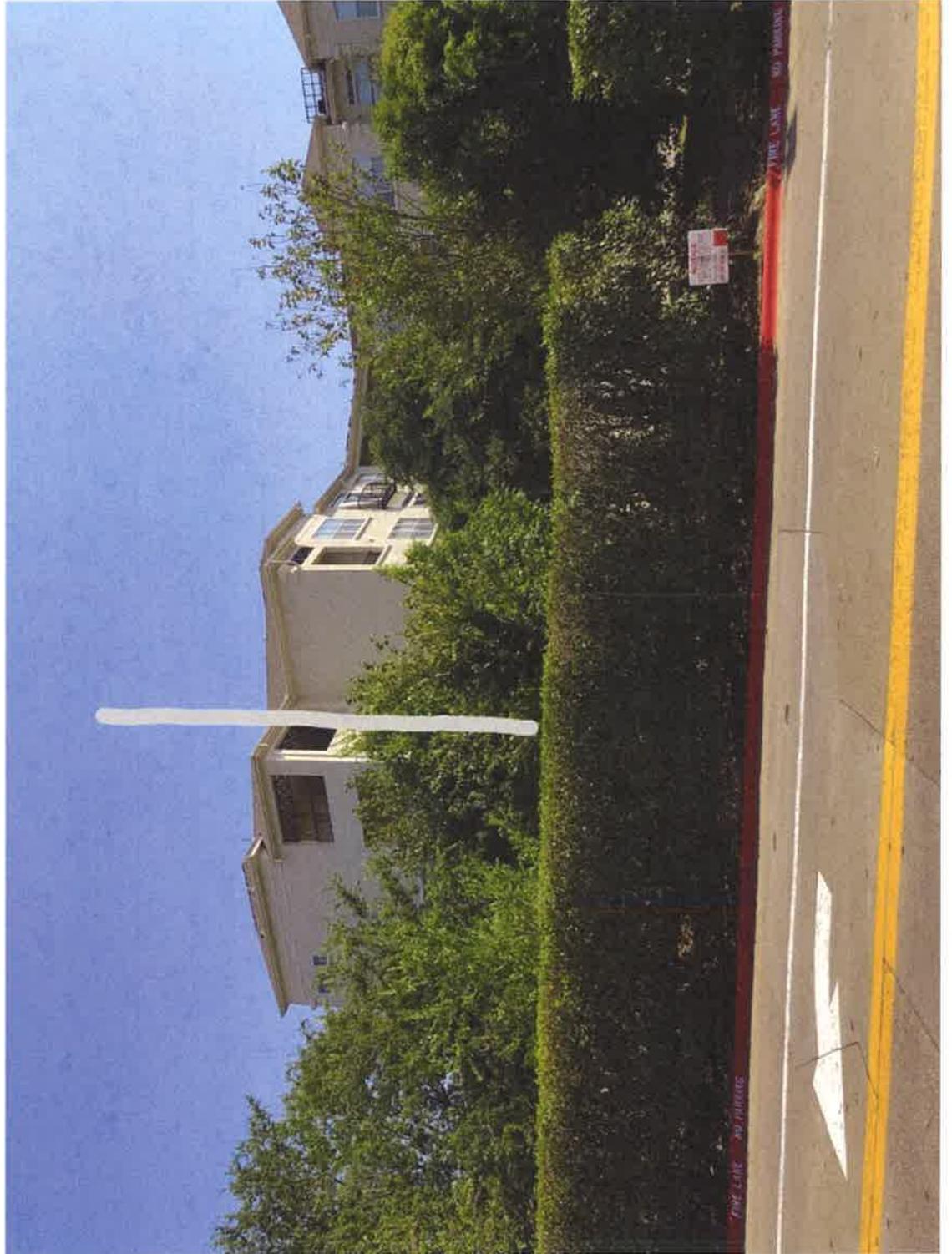
# Verizon Medical City 2019



BDA189-124  
Attach A  
P511



# Verizon Medical City 2019



ADA 109-124  
A.H.A.  
p. 12



# Verizon Medical City

## CAPACITY



- ✓ Emails
- ✓ Web Browsing
- ✓ GPS
- ✓ Weather
- ✓ Links
- ✓ Alerts
- ✓ Video Streaming

BOA 189-124  
Attach A  
ps 13



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-124

Date: 8/20/19

Data Relative to Subject Property:

Location address: 7817 Forest Lane Zoning District: MU-3

Lot No.: 1 Block No.: A/7740 Acreage: 0.46 Census Tract: 132

Street Frontage (in Feet): 1) 81' 2) 318' 3) 59' 4) \_\_\_\_\_ 5) \_\_\_\_\_

201

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alder, Inc.

Applicant: Verizon Wireless Telephone: 210-339-2614

Mailing Address: 6696 Tri County Pkwy #100, Schertz, TX Zip Code: 78154

E-mail Address: vinceh@vincentgerard.com, kaylab@vincentgerard.com

Represented by: Vincent G. Huebinger Telephone: 512-328-2693

Mailing Address: 1715 S. Capital of Texas Hwy #207, Austin, TX Zip Code: 78746

E-mail Address: vinceh@vincentgerard.com, kaylab@vincentgerard.com

Affirm that an appeal has been made for a Variance X, or Special Exception   , of lower spacing requirements. We are requesting a variance to encroach 8 feet into the 30-foot side setback for a new tower. The proposed tower is 30 feet from the western property line, 31 feet from the rear property line, and 22 feet from the eastern property line.

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

The tract is restrictive in size and will not allow the tower spacing requirements for both sides of the property due to the narrow width.

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 Vincent G. Huebinger  
(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 19<sup>th</sup> day of August, 2019



Kayla Jeanne Bryson  
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**

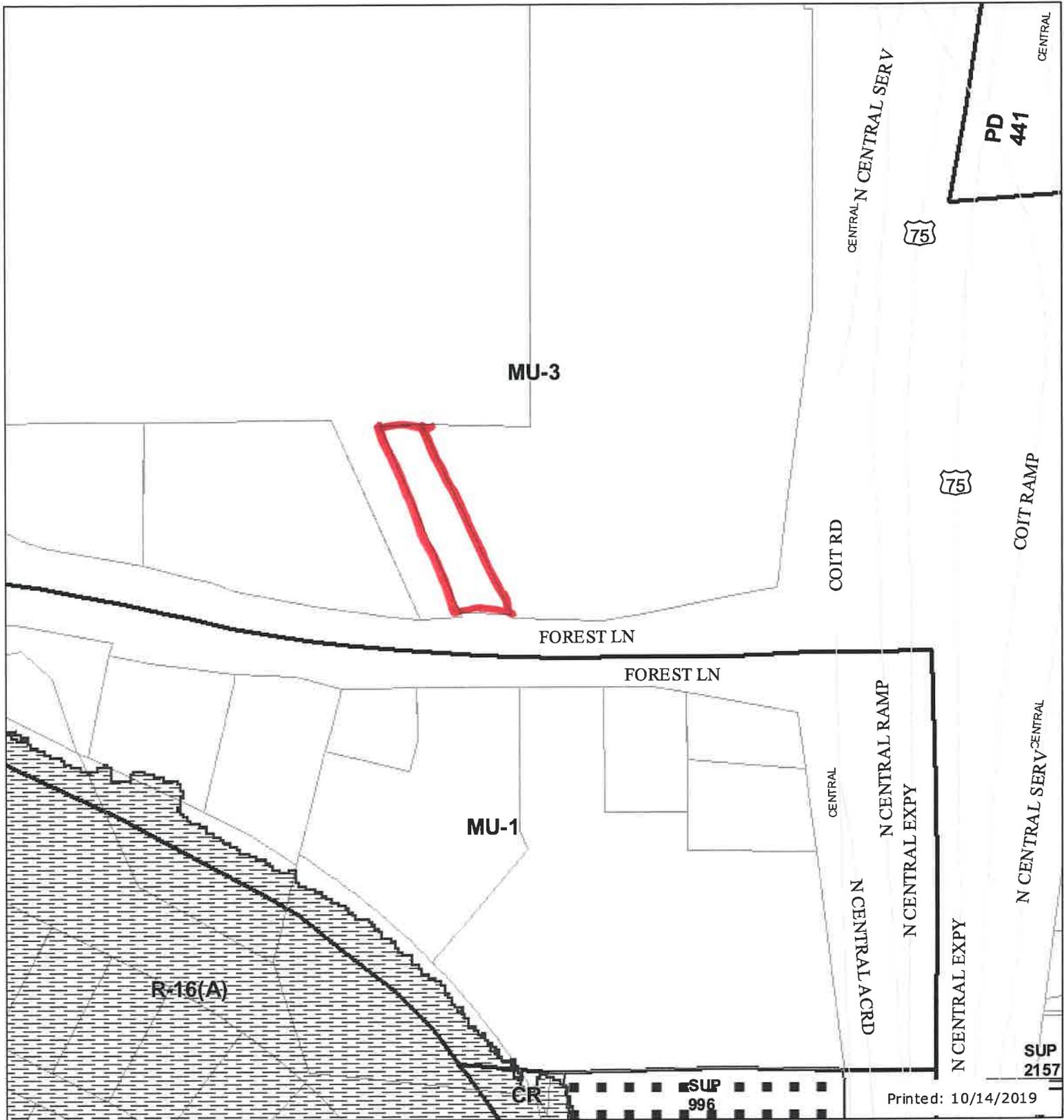
I hereby certify that Verizon Wireless  
represented by VINCENT HUEBINGER  
did submit a request for a variance to the side yard setback regulations  
at 7817 Forest Lane

BDA189-124. Application of Verizon Wireless represented by VINCENT HUEBINGER for variance to the side yard setback regulations at 7817 FOREST LN. This property is more fully described as Lot 1, Block A/7740, and is zoned MU-3, which requires a side yard setback of 30 feet for tower spacing. The applicant proposes to construct a non-residential structure and provide a 22 foot side yard setback, which will require a 8 foot variance to the side yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





### Legend

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





OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS, ALDERI, INC. is the owner of all that certain lot, tract or parcel of land situated in the M. J. Sanchez Survey, Abstract Number 1272, City of Dallas, Dallas County, Texas, City Block 7740, and being part of a tract of land described in a deed to ALDERI, INC., as recorded in Volume 5693, Page 660 of the Deed Records of Dallas County, Texas and being more particularly described as follows;

BEGINNING at a 1/4" iron rod found at an ell corner in Lot 1C, Block A/7739 of the Fourth Revision, of Medical City-Dallas Addition, an addition to the City of Dallas, Dallas County Texas as recorded in Volume 2003234, Page 45 of the Deed Records, Dallas County, Texas and being the Northwest corner of said ALDERI, INC tract;

Thence North 89 degrees 44 minutes 09 seconds East with the North line thereof, a South line of said Lot 1C a distance of 59.24 feet to a 1/4" iron rod found for the Northeast corner of said ALDERI, INC tract and the Northwest corner of Lot 1-A, Block 1/7737 of the Reserve at Parc Central, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 99113, Page 70 of the Deed Records, Dallas County, Texas;

Thence South 25 degrees 45 minutes 51 seconds East with the West line of said Lot 1-A, Block 1/7737 and the East line of said ALDERI, INC tract a distance of 329.75 feet to a point for the Southwest corner of said Lot 1-A and being in the North line of Forest Lane (variable width right-of-way).

Thence North 87 degrees 52 minutes 40 seconds West with the North line of Forest Lane a distance of 80.53 to a point for corner, being in the North line of said Forest Lane and the most Southerly Southeast corner of said Lot 1C;

Thence North 22 degrees 34 minutes 19 seconds West with an East line of said Lot 1C, Block A/7739 and the West line of said ALDERI, INC tract a distance of 318.08 feet to the PLACE OF BEGINNING and enclosing 20,453 square feet 0.470 of an acre of land more or less.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ALDERI, INC., ACTING BY AND THROUGH ITS DULY AUTHORIZED AGENT, ALLEN FELTMAN, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS TAKE 5 ADDITION AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN. SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME. ALL, AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR ORDINARILY PERFORMED BY THAT UTILITY).

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICES AND WASTEWATER SERVICES FROM THE MAIN TO THE CURB OR PAVEMENT LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF DALLAS.

WITNESS, MY HAND AT DALLAS, TEXAS, THIS THE 13 DAY OF January, 2017

ALDERI, INC.  
*Allen Feltsman*  
ALLEN FELTMAN  
VICE PRESIDENT

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALLEN FELTMAN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION AND UNDER THE AUTHORITY THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 13 DAY OF January, 2017

*Connie Davis*  
NOTARY PUBLIC FOR AND IN THE STATE OF TEXAS



SURVEYOR'S STATEMENT

STATE OF TEXAS  
COUNTY OF DENTON

I, KENNETH A. ZOLLINGER, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION; AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, THE CITY OF DALLAS DEVELOPMENT CODE (ORDINANCE NO. 19455, AS AMENDED), AND TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A)(B)(C)(D) & (E); AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATED THIS THE 10 DAY OF January, 2017

*Kenneth A. Zollinger*  
KENNETH A. ZOLLINGER  
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5312

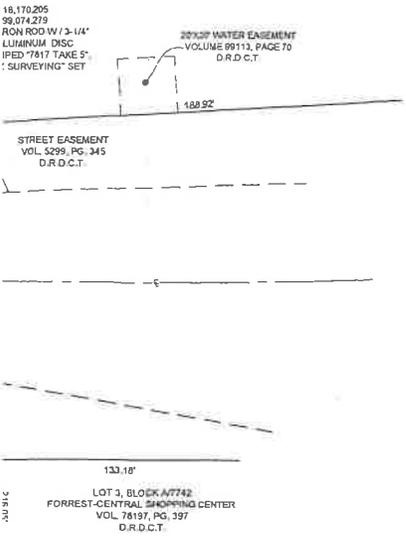


STATE OF TEXAS  
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KENNETH A. ZOLLINGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS 10 DAY OF January, 2017.

*Tony Kimbrough*  
NOTARY PUBLIC, DENTON COUNTY, TEXAS.



FINAL PLAT  
TAKE 5 ADDITION

LOT 1, BLOCK A/7740  
BEING PART OF A TRACT OF LAND IN THE  
M. J. SANCHEZ SURVEY, ABSTRACT NUMBER 1272,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S145-233  
CITY ENGINEERING PLAN FILE NO. 311T-8863

KAZ SURVEYING  
1720 WESTMINSTER DENTON, TX 76205 (940)382-3446  
JOB NUMBER: 150195-PF  
DRAWN BY: TK  
DATE: 1-10-2017  
R.P.L.S. KENNETH A. ZOLLINGER

074D-17012



# DCAD Map

Date of copy: 8/5/2019

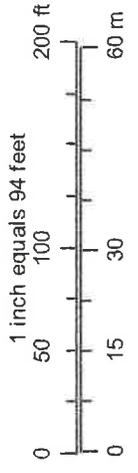
DCAD ID: 99170511110000000



This product is for informational purposes only 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.



Dallas Central Appraisal District  
2949 N Stemmons Freeway  
Dallas, TX 75247-6195  
(214) 631-1342  
www.dallascad.org



# MEDICAL\_CITY – RSRP Plots

RF Design Team

July 29, 2019



# MEDICAL\_CITY-- 700 MHz RSRP Current



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.



# MEDICAL\_CITY-- 700 MHz RSRP Proposed 125'



RSRP 700 MHz



Best Indoor Coverage



In-Vehicle/  
Outdoor Coverage

# MEDICAL\_CITY-- 700 MHz RSRP Proposed 100'



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.





VINCENT GERARD & ASSOCIATES, INC.

August 20, 2019

Board of Adjustment  
City of Dallas  
Attn: Charles Trammell  
1500 Marilla Street  
Dallas, Texas 75201

**RE: Variance Request to Setback Requirement for Verizon Wireless - Medical City  
7817 Forest Lane, Dallas, Texas 78231 | Lot 1, Block A/7740 Take 5 Addition**

Dear Board of Directors,

On behalf of our client, Verizon Wireless, we are respectfully submitting a variance request to allow encroachment into the required 30-foot side yard setback. Verizon is seeking to construct a new wireless telecommunication facility on a narrow tract of land, and the preferred design shows the proposed monopole tower to be 8 feet within the 30-foot required side yard setback to the eastern property line.

Section 51A-4.125(f)(4)(B)(ii) of the Dallas zoning regulations requires maximum side and rear setbacks of 30 feet for towers. The property in question is 57 feet wide where the monopole is proposed. Due to the width restrictions of this lot, the tower is able to meet the 30-foot rear setback, as well as the 30-foot side setback to the west. However, the remaining width to the eastern property line is only 22 feet. We respectfully request your consideration to allow Verizon to encroach 8 feet into this 30-foot setback requirement, providing a 22-foot side setback to the east.

Radio Frequency (RF) engineers have confirmed that this site was designed to improve the indoor service in the Medical City center and surrounding neighborhoods. This site is also an important capacity offload solution to surrounding towers covering the vicinity of Expressway 75, Medical City, and surrounding communities in north Dallas. With the addition of this tower, Verizon customers will experience less dropped calls and better cellular coverage.

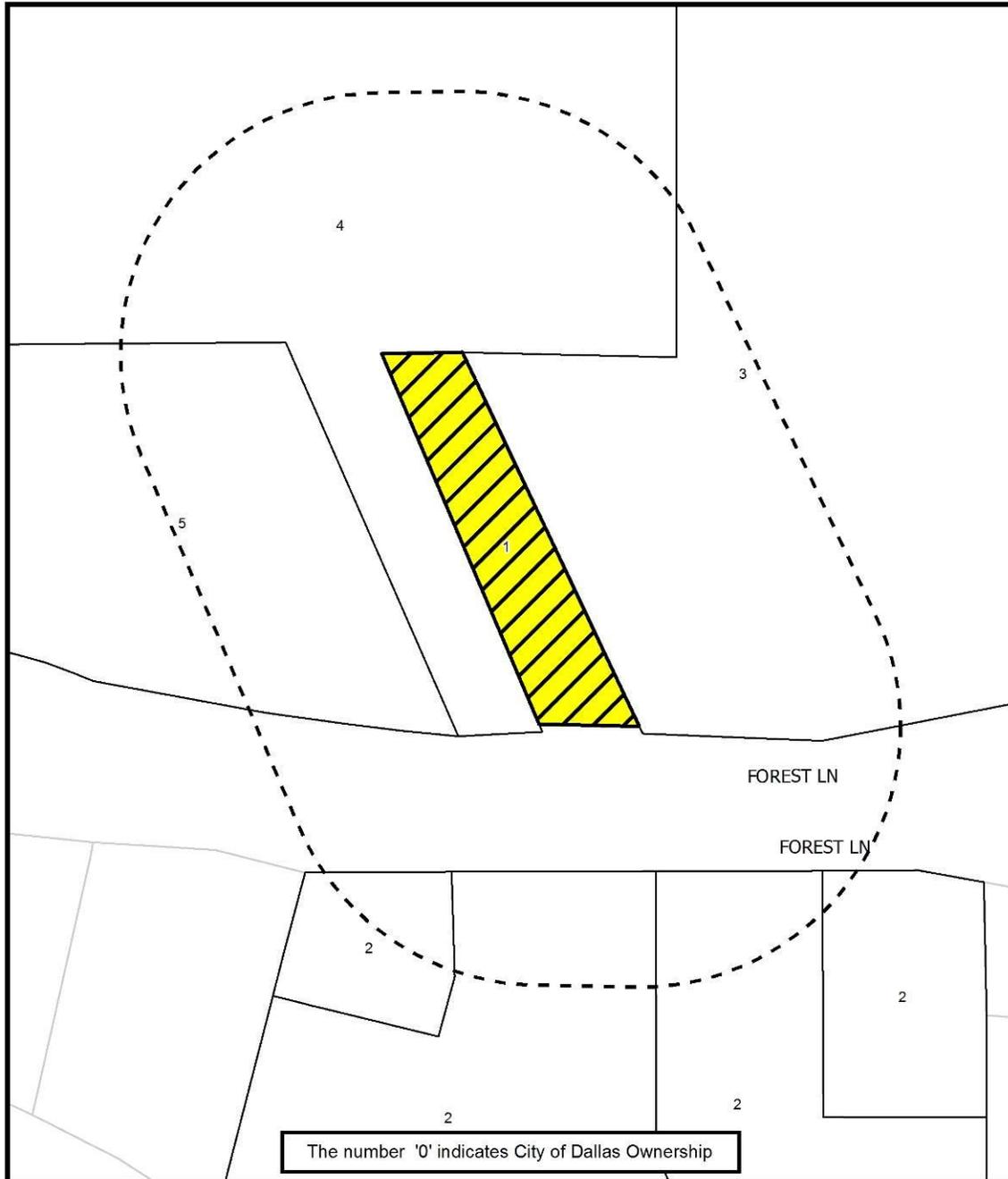
Verizon decided to request a variance to setback requirements from the BOA due to the physical characteristics of this property. The variance, if granted, will not alter the character of the area adjacent to the property and will not impair the purposes of the regulations of the zoning district in which the property is located. This request is a hardship based on the physical characteristics of the tract. It is not possible to comply with both 30-foot side setbacks when the lot is only 57 feet wide, and the tower base measures 5 feet in width. With respect to site selection, this property is appropriately zoned for wireless telecommunications and only needs a minor deviation from the code for a building permit. With this variance, this site will meet the coverage criteria for Verizon Wireless engineering and real estate needs.

Please see attached exhibit for details. We appreciate your consideration and are available for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Huebinger", with a stylized flourish at the end.

Vincent G. Huebinger



|  |  |                            |
|--|--|----------------------------|
| <br>1:1,200 | <h2>NOTIFICATION</h2>  | Case no: <b>BDA189-124</b> |
|  | <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">5</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div> | Date: <b>10/15/2019</b>    |

10/15/2019

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

***BDA189-124***

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

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>        |
|-----------------------|-----------------------|----------------------------|
| 1                     | 7817 FOREST LN        | ALDERI INC                 |
| 2                     | 11617 N CENTRAL EXPY  | NEW CENTRAL FOREST S C LTD |
| 3                     | 11903 COIT RD         | CH REALTY VII HC           |
| 4                     | 7777 FOREST LN        | HCP DR MCD LLC             |
| 5                     | 7701 FOREST LN        | GALTEX LLC                 |

**FILE NUMBER:** BDA189-128(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Santos T. Martinez of La Sierra Planning Group for a special exception to the single family use regulations at 1645 Junior Drive. This property is more fully described as Lot 9 and PT of Lot 8, Block 1/4634, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception to the single family use regulations.

**LOCATION:** 1645 Junior Drive

**APPLICANT:** Santos T. Martinez of LaSierra Planning Group

**REQUEST:**

A request for a special exception to the single family use regulations is made to construct and maintain an accessory structure as an additional "dwelling unit" on a site developed with a single family home structure/dwelling unit.

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

Section 51(A)-4.209(6)(E)(1) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION:**

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

**Zoning:**

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

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

**Land Use:**

The subject site is being developed with a single family use. 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 single family use regulations focuses on constructing and maintaining an accessory structure as an additional “dwelling unit” on a site developed with a single family home structure/dwelling unit.
- The site is zoned R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- A site plan and floor plan of the proposed additional dwelling unit/“guest home” structure have been submitted with this application that denotes the location of the structures on the site and the collection of rooms in proposed additional dwelling unit/“guest home” structure.
- The single family use regulations of the Dallas Development Code states that only one dwelling unit may be located on a lot, and that the board of adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: 1) be contrary to the public interest; or 2) adversely affect neighboring properties.
- The Dallas Development Code defines “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- The Dallas Development Code defines “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- The Dallas Development Code defines “bathroom” as “any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink.”
- The Dallas Development Code defines “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms.”
- The floor plan of the proposed additional dwelling unit/“guest home” structure denotes a number of rooms/features that Building Inspection has determined makes

it an additional dwelling unit - that is per Code definition: “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”

- This request centers on the function of what is proposed to be inside the proposed additional dwelling unit/“guest home” structure – the collection of rooms/features shown on the floor plan to be the following: entry, lounge, kitchen, bedroom, bath, and therapy.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.
- If the Board were to approve this request, the Board may choose to impose a condition that the applicant comply with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site.
- The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.
- In this particular case, if the board were to grant this request, staff additionally suggests that a condition be imposed stating that no building permit shall be issued for an additional dwelling unit until the area of request has been replatted into one lot given that the proposed additional dwelling unit/accessory structure on this site is located on two separately platted lots.
- If the Board were to grant this request with the staff suggested conditions stated above imposed, the applicant could construct and maintain the accessory structure as a “dwelling unit” as represented on the submitted floor plan.
- If the Board were to deny this request, the applicant could construct and maintain the accessory structure as represented on the submitted site plan with a reallocation of rooms inside it which would not be deemed by Building Inspection as a “dwelling unit” along with a replat of this site into one lot.

### **Timeline:**

August 29, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to

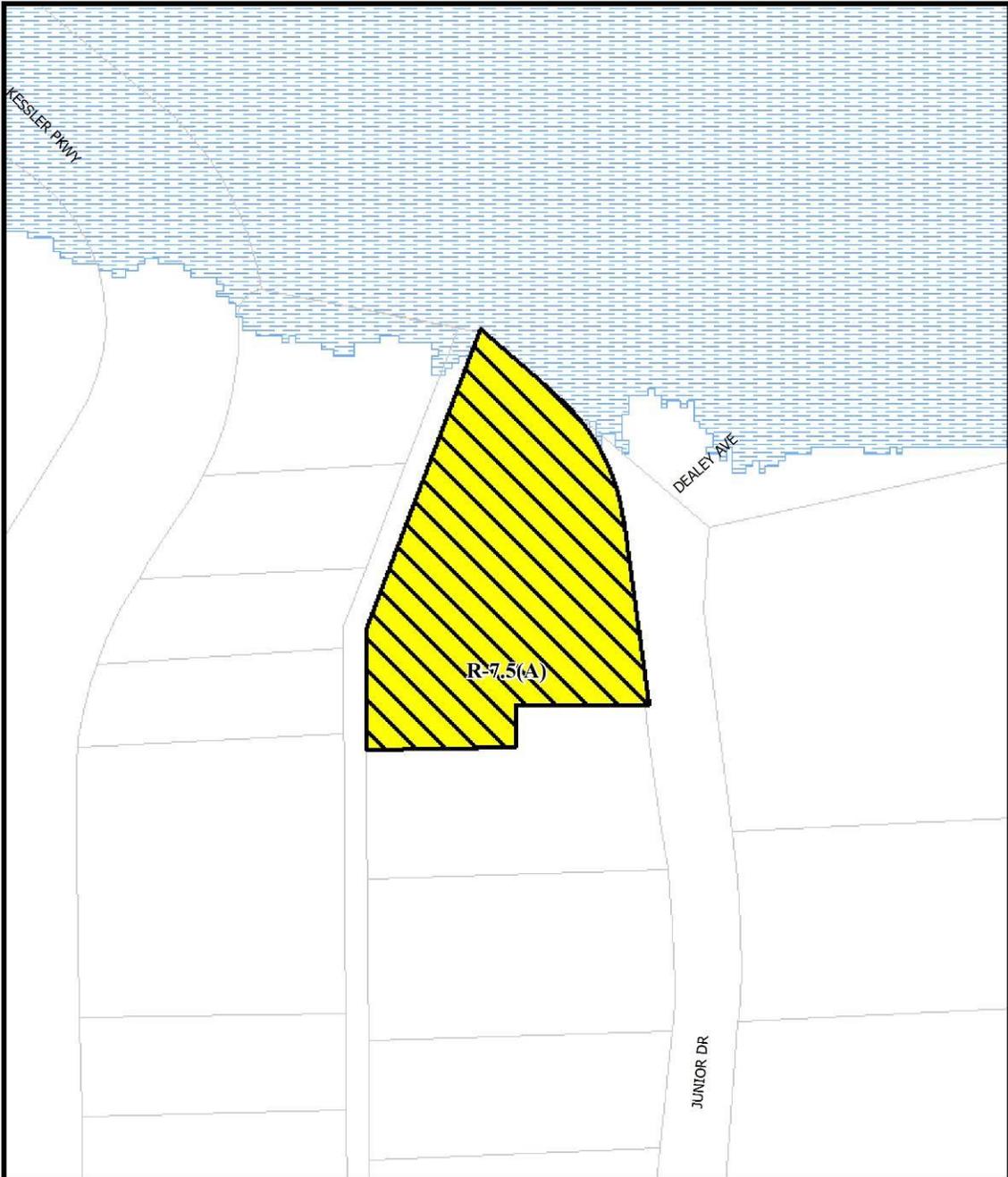
submit additional evidence for staff to factor into their analysis; and the November 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

- 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 30, 2019: The applicant submitted additional documentation to staff (see Attachment A).

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA189-128

Date: 11/6/2019



1:1,200

# AERIAL MAP

Case no: BDA189-128

Date: 11/6/2019

BDA189-128  
Attach A



October 30, 2019

Mr. Steve Long  
Board Administrator  
City of Dallas  
1500 Marilla, 5BN  
Dallas, Tx. 75201

RE: BDA 189-128; 1645 Junior Drive

Dear Mr. Long,

The property owner for the address listed above seeks to construct an accessory structure that includes a kitchen. This structure will allow the owner's mother to live on the property in a single-story dwelling unit. The main structure is a split level home and has several stairs. This new structure will also provide an area for his mother's required therapy.

This structure will not be rented out to non-family members and the owner agrees to comply with the required deed restrictions standard for this allowance.

This accessory structure is less than twenty five percent of the floor area of the main structure.

Please let me know if you may have any questions with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Santos T. Martinez", is written over a light blue circular stamp.

Santos T. Martinez

Authorized representative



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-128

Date: 2-29-19

Data Relative to Subject Property:

Location address: 1645 Junior Drive Zoning District: R-7.5(A)

Lot No.: 9 Block No.: 1/4304 Acreage: .96 Census Tract: 42.01

Street Frontage (in Feet): 1) 331.34 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Christopher and Edith Aslam

Applicant: Santos T. Martinez Telephone:

Mailing Address: 1645 Junior Drive Dallas, TX Zip Code: 75208

E-mail Address:

Represented by: Santos T. Martinez; La Sierra Planning Group Telephone: 214-684-2775

Mailing Address: P.O.Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance, or Special Exception, of special exception to allow second dwelling unit

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: Property owner seeks to construct an accessory dwelling unit for his mother and caretaker behind the existing main structure

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.

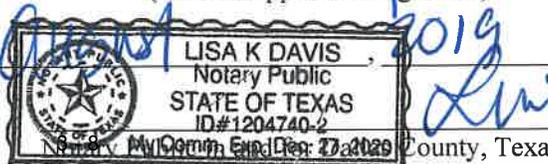
Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez (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



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

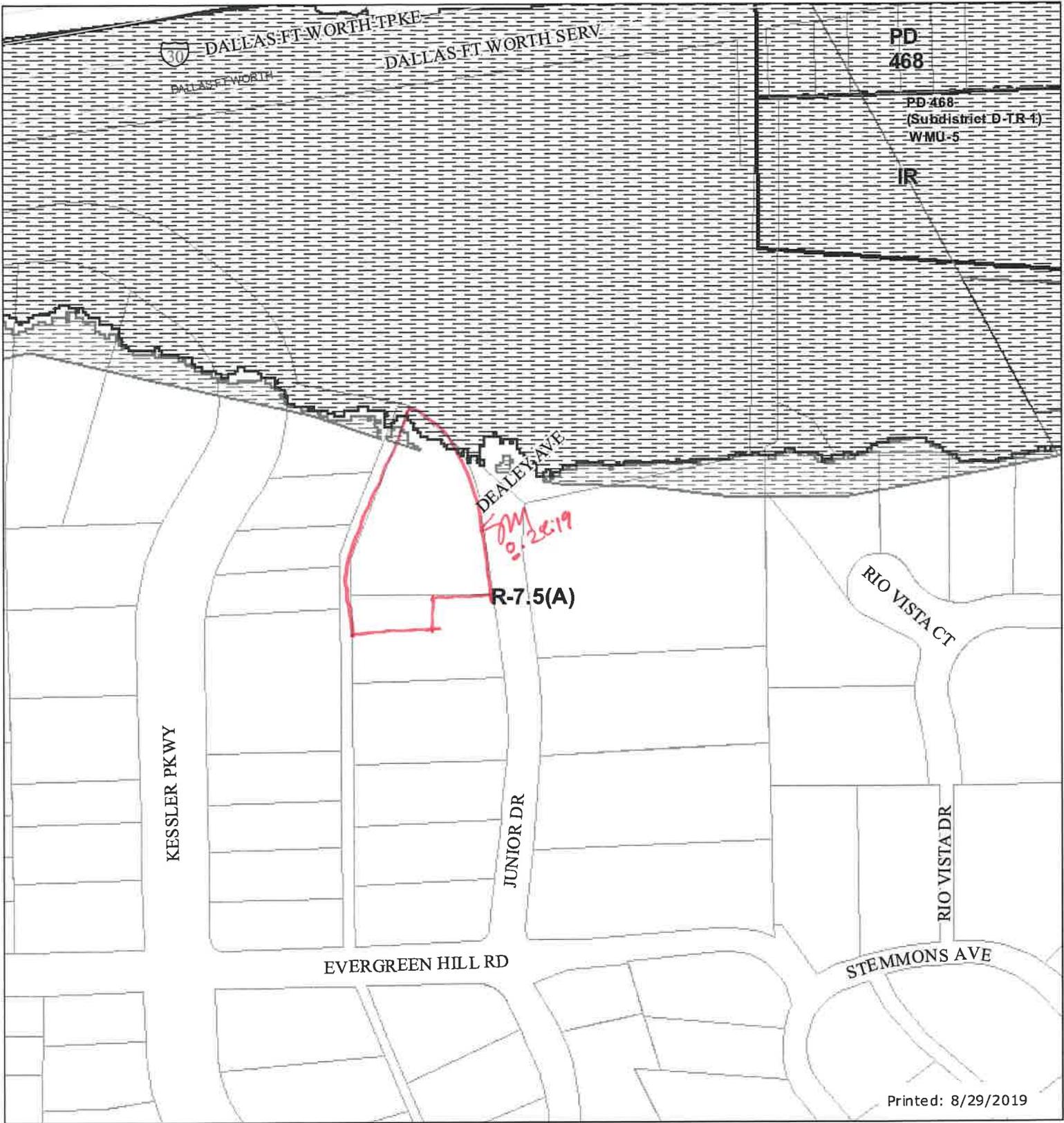
I hereby certify that SANTOS T MARTINEZ

did submit a request for a special exception to the single family regulations  
at 1645 Junior Drive

BDA189-128. Application of SANTOS T MARTINEZ for a special exception to the single family regulations at 1645 JUNIOR DR. This property is more fully described as Lot 9, Block 1/4634, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 8/29/2019

### Legend

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



REC'D MAY 31, 1937

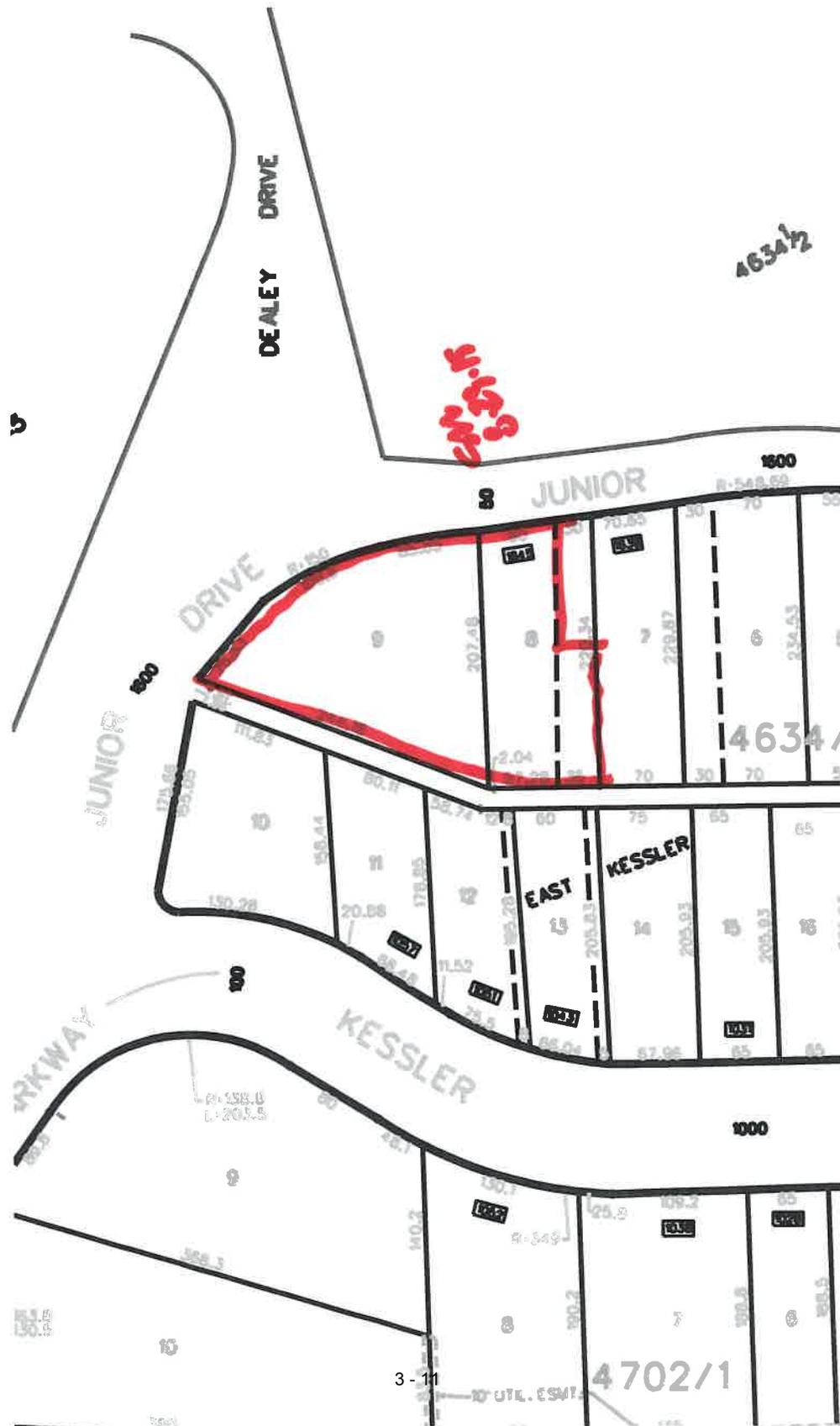
ORD. NO. 15794

ADDITIO

BY G.S.C. LEONARD  
W.P. OVERTON

ABST. 780  
1106

5-79 BLK. 4700 REPLAY  
4-26 BLK. 1/4 702 ROCK LODGE ADD.  
12-94 THISTLE ADDITION BLK. 4700 LOTS 3 & 4  
1-95 BLK. 4700 LT. 1-81, 1-82 DERDEYN AND VICTOR'S KESSLER PARKWAY

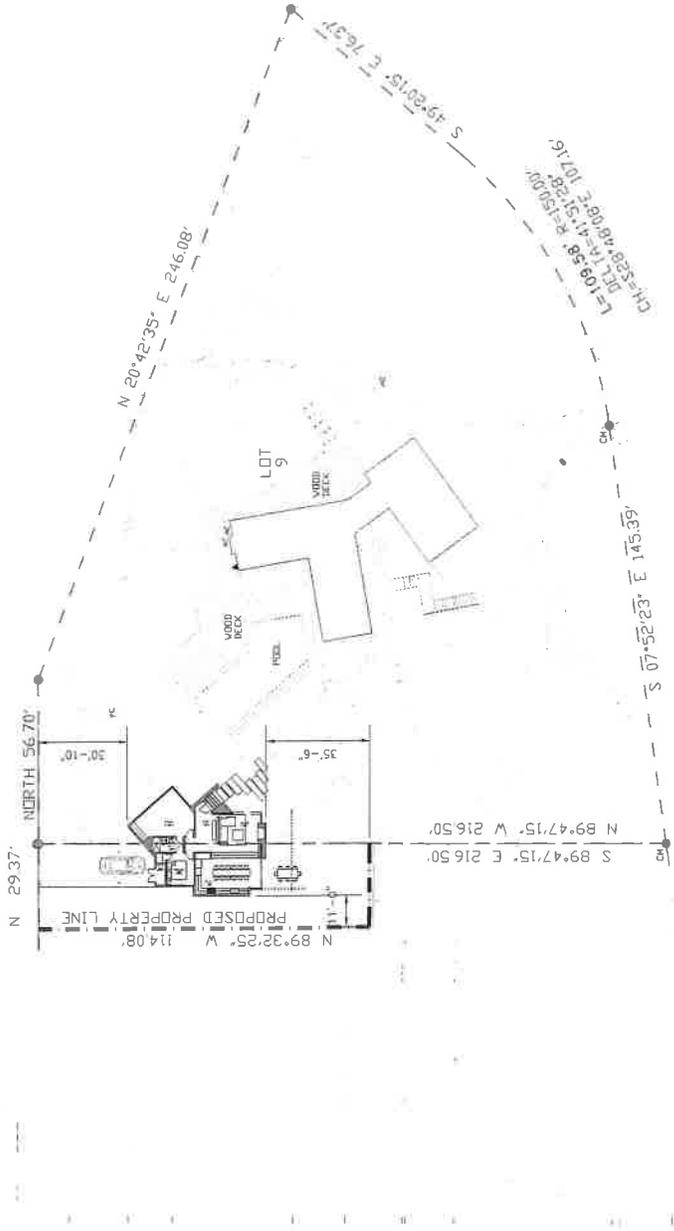


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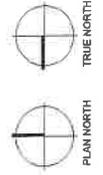
2019.160

SHEET NUMBER  
**SP1.1**  
SITE PLAN

DATE OF ORIGINAL ISSUE  
29 AUGUST 2019  
DATE OF THIS PRINTING  
29 AUGUST 2019



EXISTING SQUARE FOOTAGE OF MAIN HOME = 4,204  
GUEST HOME SQUARE FOOTAGE = 1,048

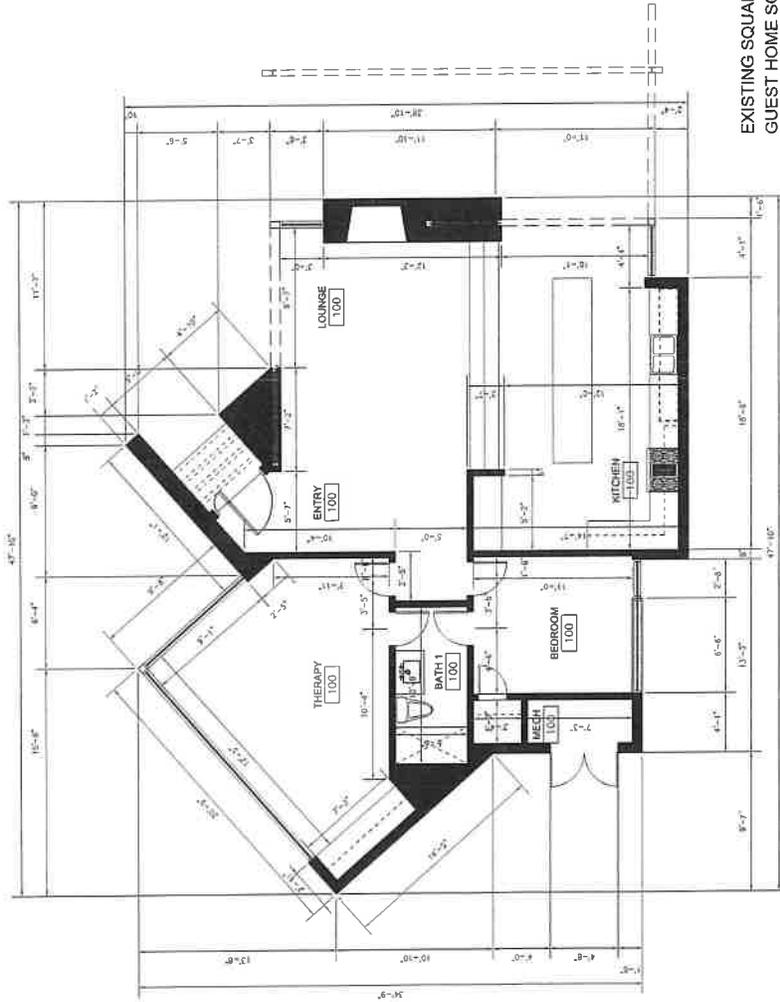


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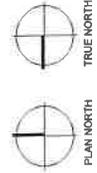
PROJECT NUMBER  
 2019.160

SHEET NUMBER  
**A2.1**  
 FLOOR PLAN

DATE OF ORIGINAL ISSUE  
 27 AUGUST 2019  
 DATE OF THIS PRINTING  
 27 AUGUST 2019



EXISTING SQUARE FOOTAGE OF MAIN HOME = 4,204  
 GUEST HOME SQUARE FOOTAGE = 1,048

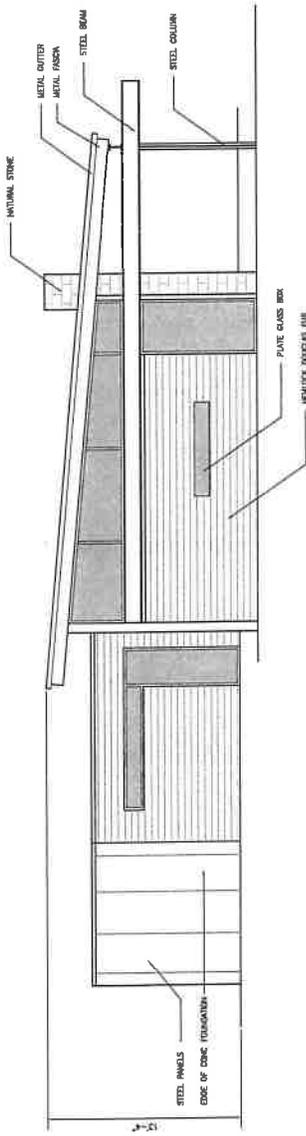


| NO. | DATE | REVISIONS |
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 & 2019.160

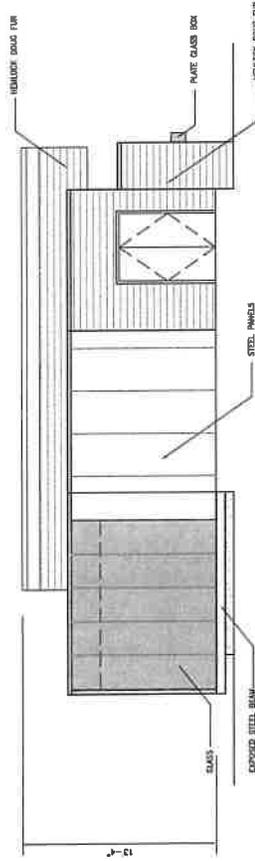
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**A8.1**  
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DATE OF ORIGINAL ISSUE  
 29 AUGUST 2019  
 DATE OF THIS PRINTING  
 28 AUGUST 2019



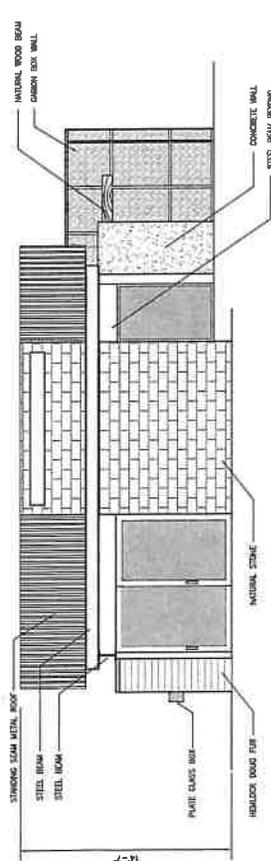
**FRONT ELEVATION**

1/4" = 1'-0"



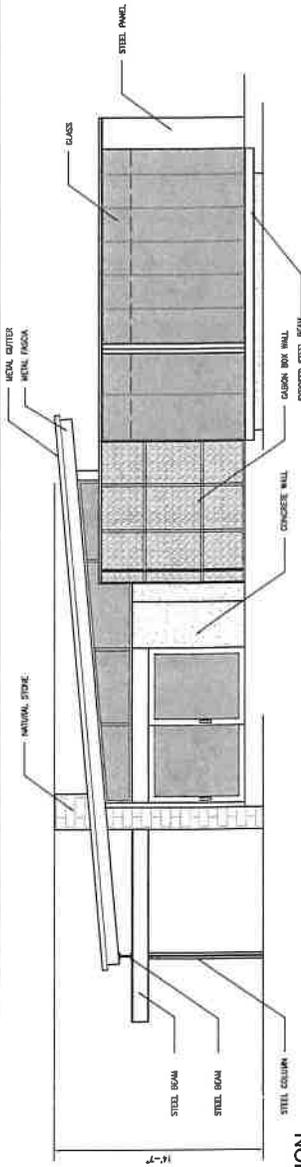
**LEFT ELEVATION**

1/4" = 1'-0"



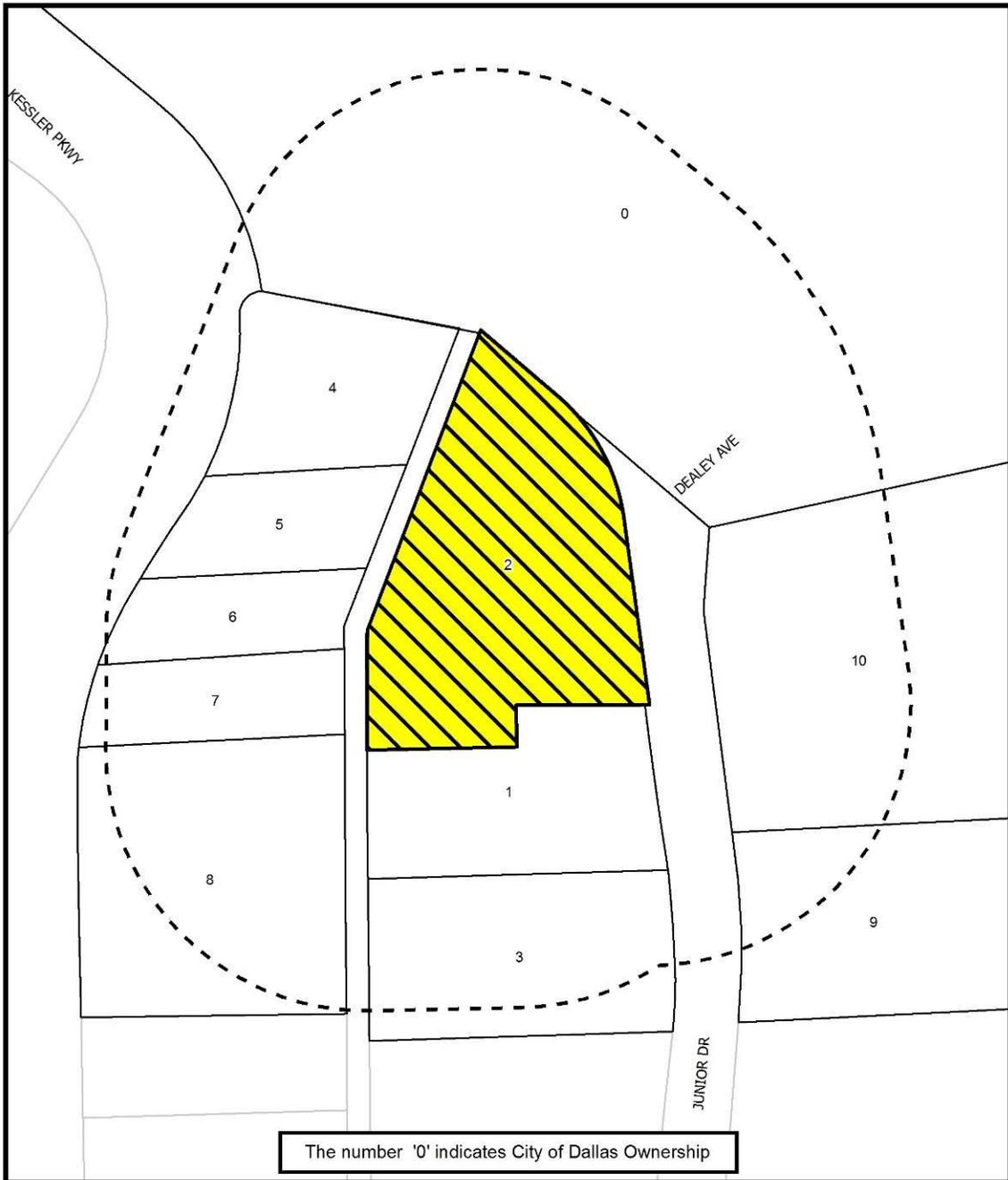
**RIGHT ELEVATION**

1/4" = 1'-0"



**REAR ELEVATION**

1/4" = 1'-0"



The number '0' indicates City of Dallas Ownership

|  |   |      |                      |    |                                    |  |
|--|---|------|----------------------|----|------------------------------------|--|
| <br>1:1,200 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 10 | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <u>BDA189-128</u><br>Date: <u>11/6/2019</u> |
| 200'   | AREA OF NOTIFICATION  |      |                      |    |                                    |  |
| 10   | NUMBER OF PROPERTY OWNERS NOTIFIED  |      |                      |    |                                    |  |

10/16/2019

## *Notification List of Property Owners*

***BDA189-128***

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

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>       |
|-----------------------|-----------------------|---------------------------|
| 1                     | 1645 JUNIOR DR        | ASLAM CHRISTOPHER & EDITH |
| 2                     | 1633 JUNIOR DR        | BURDINE KATHY L EST OF    |
| 3                     | 1639 JUNIOR DR        | HIGH OAK PPTIES LLC       |
| 4                     | 1065 KESSLER PKWY     | MCDANIEL DOSWELL ALAN &   |
| 5                     | 1057 KESSLER PKWY     | DOUGLAS ADAM & KRISTEN    |
| 6                     | 1051 KESSLER PKWY     | GIANGROSSO REGINA MARIE   |
| 7                     | 1043 KESSLER PKWY     | COPELAND STEPHEN JAY      |
| 8                     | 1031 KESSLER PKWY     | EILERS JANELL L &         |
| 9                     | 1630 JUNIOR DR        | BENT JERRE VAN DEN        |
| 10                    | 1640 JUNIOR DR        | CUSTARD MARTHA E          |

**FILE NUMBER:** BDA189-131(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Elton Johnson for variances to the side yard setback and off-street parking regulations at 11241 Rosser Road. This property is more fully described as Lot 1, Block E/6402, and is zoned R-16(A), which requires a side yard setback of 10 feet, and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations, and to locate and maintain a parking space in an enclosed structure with a setback of 0 feet, which will require a variance of 20 feet to the off-street parking regulations.

**LOCATION:** 11241 Rosser Road

**APPLICANT:** Elton Johnson

**REQUESTS:**

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

1. A request for a variance to the side yard setback regulations of 10' is made to construct and maintain an accessory structure located on the site's northern side property line or 10' into this 10' side yard setback; and
2. A request for a variance for to the off-street parking regulations of 20' is made to construct and maintain the aforementioned accessory structure (garage/shop) with a parking space in it that would be accessed from Northaven Road – a parking space in this new structure/garage that would be enclosed and located on the Northaven Road right-of-way line or 20' into the 20' required distance this enclosed parking space must be from the street right-of-way line.

**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 (side yard variance):**

Denial

Rationale:

- Staff concluded that the request should be denied because the applicant had not provided documentation to address the following components of the variance standard:
  1. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, the site that is flat, has, according to the submitted site plan, “variable width floodway easement”, is slightly irregular in shape, and about 22,500 square feet in area or approximately 6,500 square feet larger in area than the standard sized lot in this R-16(A) zoning district) that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning where in this application, features of the site have allowed it to be developed with a single family home and covered parking (attached garage) that appear to comply with setbacks; and
  2. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

**STAFF RECOMMENDATION (parking variance):**

Denial

Rationale:

- Staff concluded that the request should be denied because the applicant had not provided documentation to address the following components of the variance standard:
  1. how granting this variance is not contrary to public interest (the Sustainable Development and Construction Senior Engineer has submitted a Review Comment Sheet marked “Recommends denial”);
  2. how the variance was necessary to permit development of this parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope (in this case, the site that is flat, has, according to the submitted site plan, “variable width floodway easement”, is slightly irregular in shape, and about 22,500 square feet in area or approximately 6,500 square feet larger in area than the standard sized lot in this R-16(A) zoning district) that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning where in this application, features of the site have

- allowed it to be developed with a single family home and covered parking (attached garage) that appear to comply with setbacks; and
3. how granting this request would not be to relieve a self-created or personal hardship, nor for financial reasons only.

### **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 south, east, and west are developed with single family uses, and the area to the north is an elementary school (Harry C. Withers Elementary School).

#### **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 (side yard variance):**

- This request for variance to the side yard setback regulations of 10' focuses on constructing and maintaining a one-story approximately 1,100 square foot accessory structure on a site developed with a two-story single family home structure that is proposed to be located on the site's northern side property line or 10' into this 10' side yard setback.
- The property is zoned R-16(A) which requires a minimum side yard setback of 10 feet.
- The submitted site plan indicates that the accessory structure is located on the site's northern side property line or 10' into this 10' side yard setback.
- DCAD records indicate the "main improvement" for the property at 11241 Rosser Road is a structure built in 2015 with 5,735 square feet of living/total area, and the "additional improvements" to be a 528 square foot attached garage and pool.
- The subject site is relatively flat, slightly irregular in shape, and, according to the application, is 0.516 acres (or about 22,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- The submitted site plan notes an area on the site labeled "variable width floodway easement".
- The applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The 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-16(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-16(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a structure on the site’s northern side property line (or 10’ into this 10’ side yard setback).
- Granting this variance will not provide any relief to any floodplain regulations that may be relevant to conditions on this site, or any platted building lines on the property.

**GENERAL FACTS/STAFF ANALYSIS (parking variance):**

- This request for a variance to the off-street parking regulations of 20’ focuses on constructing and maintaining an approximately 1,100 square foot accessory structure (garage/shop) with a parking space in it that would be accessed from Northaven Road – a parking space in this new structure/garage that would be enclosed and located on the Northaven Road right-of-way line or 20’ into the 20’ required distance this enclosed parking space must be from the street right-of-way line on a site developed with a single family home.
- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of a parking space in an enclosed structure on the Northaven Road right-of-way line or 20’ into the 20’ setback line that an enclosed parking space must be from this right-of-way line or approximately 26’ from the Northaven Road pavement line.
- DCAD records indicate the “main improvement” for the property at 11241 Rosser Road is a structure built in 2015 with 5,735 square feet of living/total area, and the “additional improvements” to be a 528 square foot attached garage and pool.
- The subject site is relatively flat, slightly irregular in shape, and, according to the application, is 0.516 acres (or about 22,500 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- The submitted site plan notes an area on the site labeled “variable width floodway easement”.

- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Recommends denial” with the following comments: “1 Proposed access to substandard structure is located within a school zone. 2) Subject site is located within 1 percent floodplain. Applicant must coordinate with Floodplain Management at 320 E; Jefferson, Room 321 before start of any design or construction”.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the off-street parking 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-16(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-16(A) zoning classification.
- If the Board were to grant the request for a variance of 20’, staff recommends imposing the following conditions:
  1. Compliance with the submitted site plan is required.
  2. An automatic garage door must be installed and maintained in working order at all times.

(These conditions are suggested to be imposed with this request to help assure that the variance will not be contrary to the public interest).
- Granting this variance will not provide any relief to any floodplain regulations that may be relevant to conditions on this site, or any platted building lines on the property.

**Timeline:**

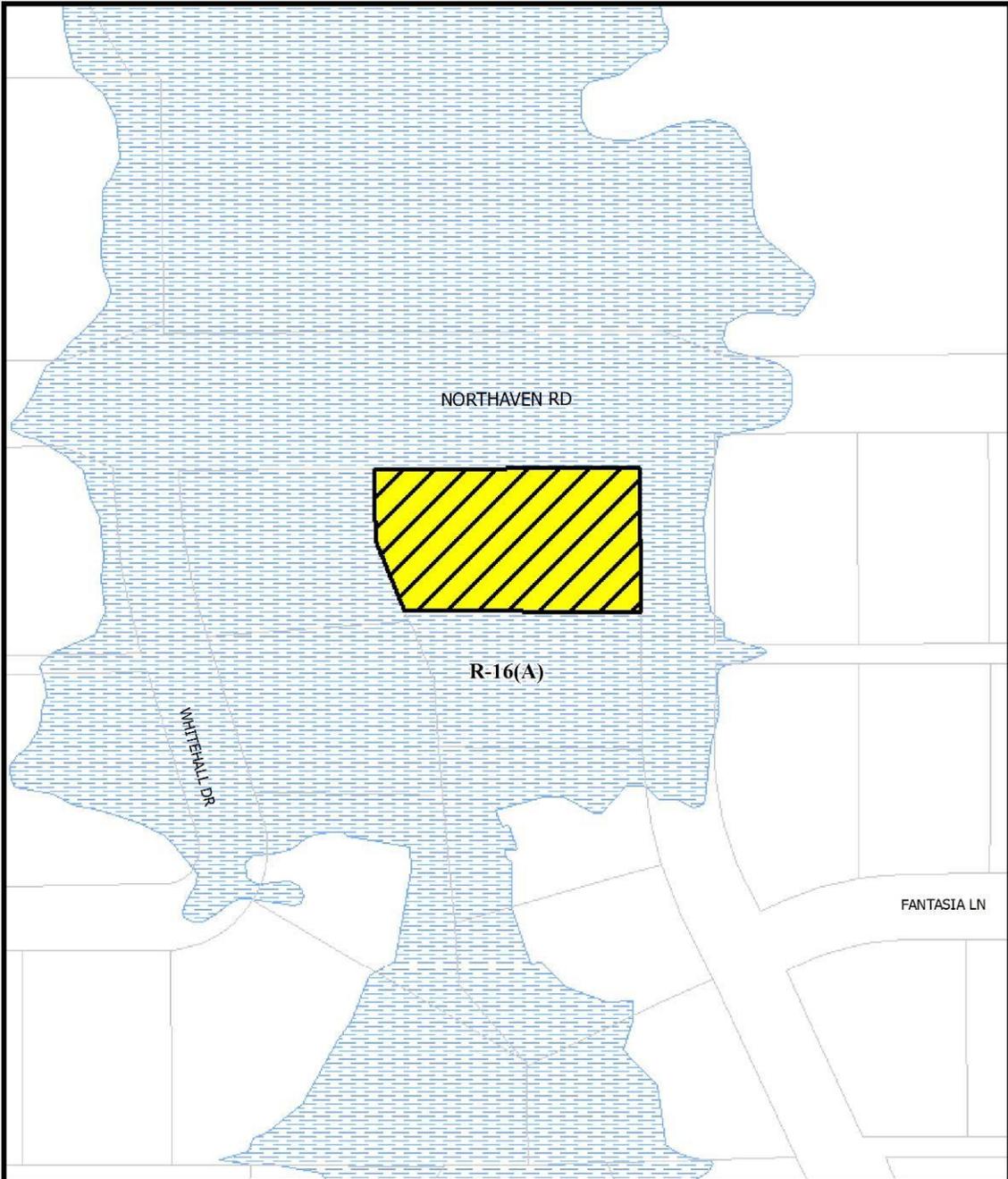
- September 12, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis;

and the November 8<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."

November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

November 8, 2019: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Recommends denial" with the following comments: "1 Proposed access to substandard structure is located within a school zone. 2) Subject site is located within 1 percent floodplain. Applicant must coordinate with Floodplain Management at 320 E; Jefferson, Room 321 before start of any design or construction".

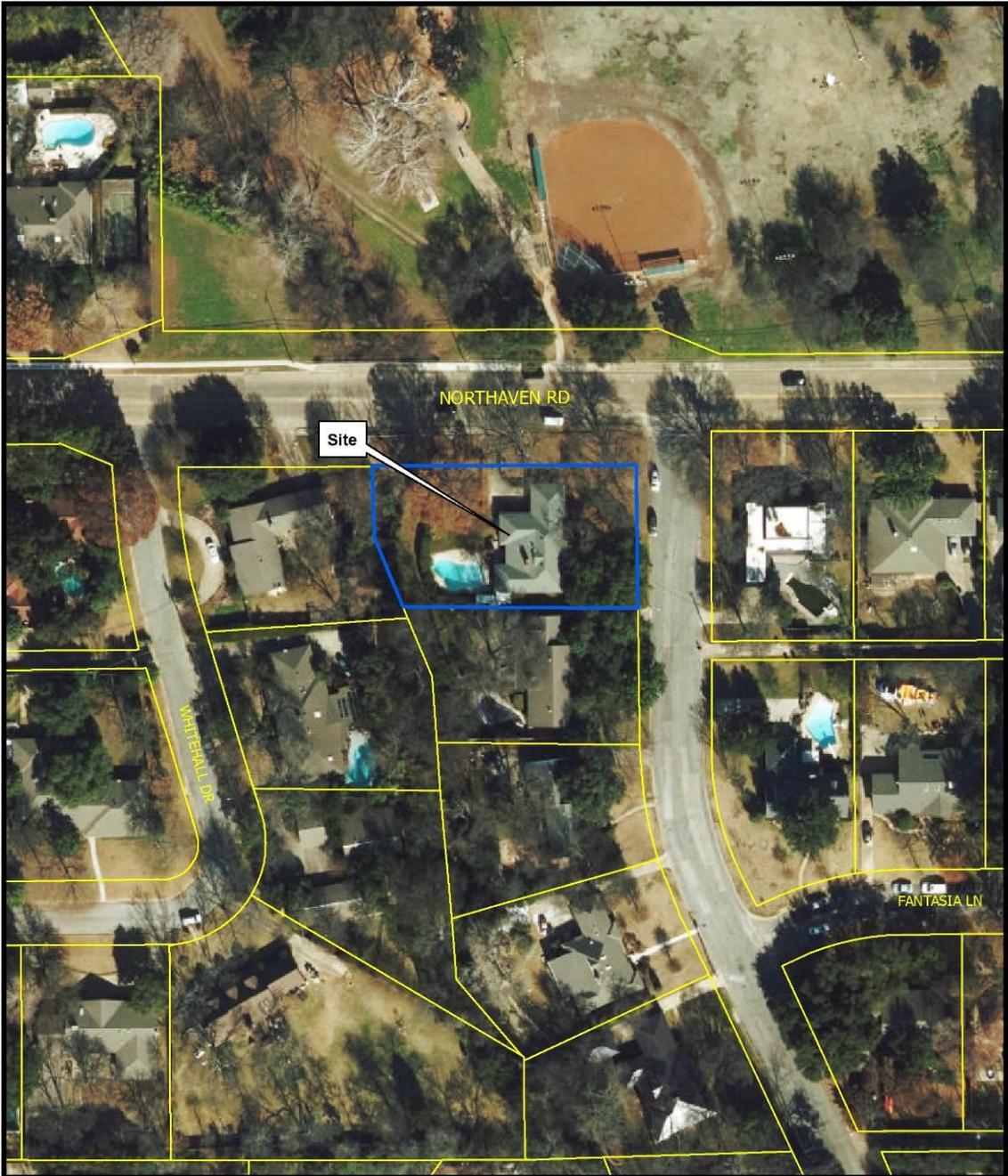


1:1,200

# ZONING MAP

Case no: BDA189-131

Date: 10/16/2019



1:1,200

# AERIAL MAP

Case no: BDA189-131

Date: 10/16/2019



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-131

Data Relative to Subject Property:

Date: 09/2/19

Location address: 11241 Rossier RD Zoning District: R-16 (A)

Lot No.: 1 Block No.: E16402 Acreage: .517 Census Tract: 96.09

Street Frontage (in Feet): 1) 110 2) 205 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Erol Johnson

Applicant: Erol Johnson Telephone: 214-336-7219

Mailing Address: 5930 Royal Ln Zip Code: 75230

E-mail Address: Erol.Johnson22@gmail.com

Represented by: Erol Johnson Telephone: 214-336-7219

Mailing Address: 5930 Royal Ln Zip Code:

E-mail Address: Erol.Johnson22@gmail.com

Affirm that an appeal has been made for a Variance -, or Special Exception , of Ten Feet To The Required Ten Foot Set Back And Provide A Zero Foot Side Yard Set Back

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 FLOOD PLAIN DOES NOT ALLOW ME TO SET THE GARAGE AT THE REAR THIRTY PERCENT OF MY LOT. THE FLOOD PLANE AND THE IRREGULAR SHAPE CREATES A HARSH LOT SIZE IS THIRTY PERCENT SMALLER THAN LOTS IN 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.

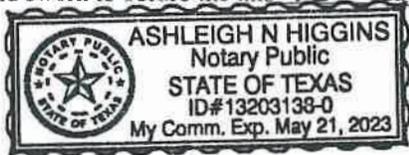
Affidavit

Before me the undersigned on this day personally appeared Erol Johnson (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 12th day of September, 2019



Ashleigh Higgins 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 ELTON JOHNSON

did submit a request for a variance to the side yard setback regulations, and for a variance to the off-street parking regulations

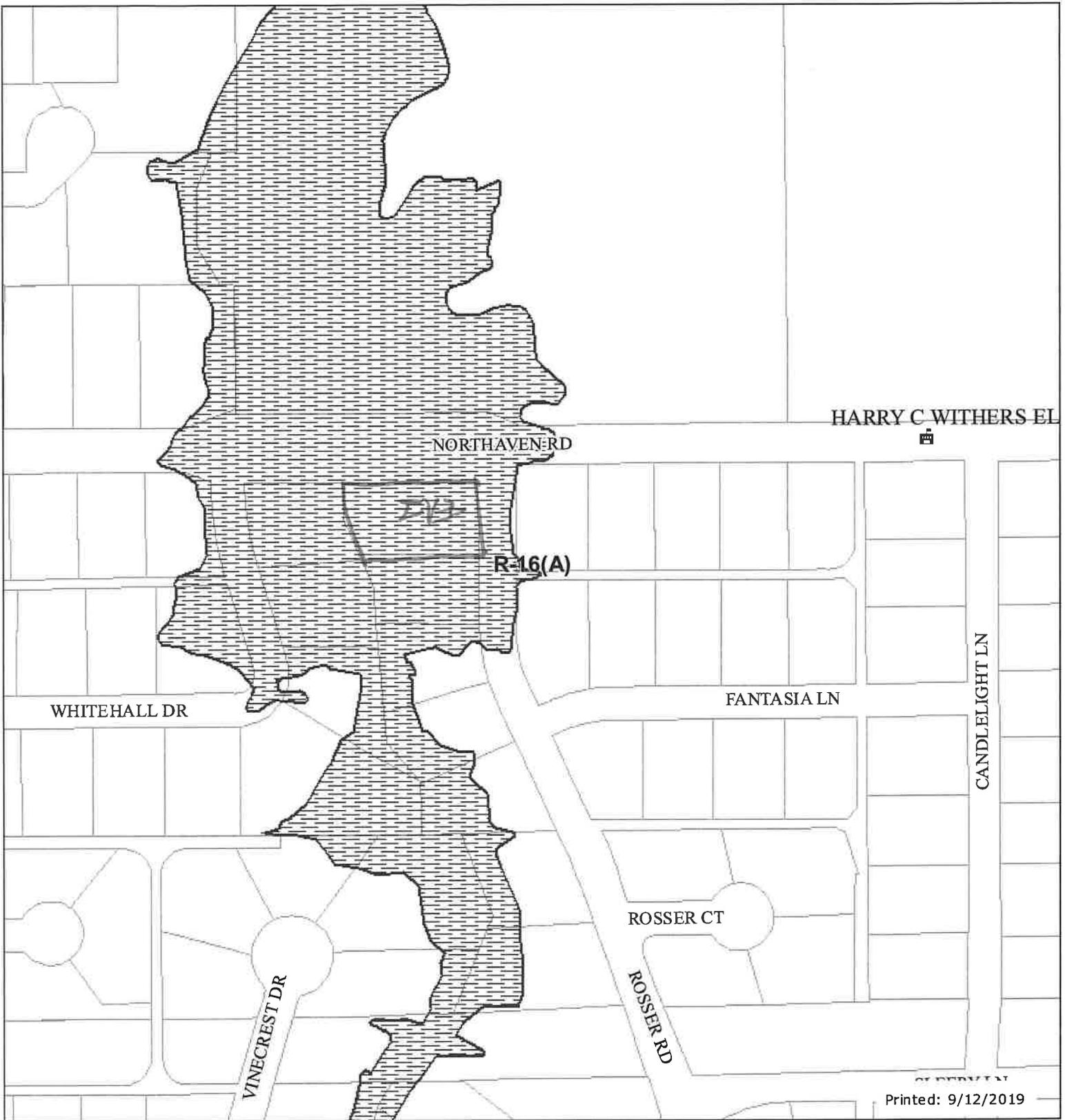
at 11241 Rosser Road

BDA189-131. Application of ELTON JOHNSON for a variance to the side yard setback regulations, and for a variance to the off-street parking regulations at 11241 ROSSER RD. This property is more fully described as Lot 1, Block E/6402, and is zoned R-16(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires side yard setback of 10 feet. The applicant proposes to construct a single family residential garage structure and provide a 0 foot side yard setback, which will require a 10 foot variance to the side yard setback regulations, and to construct a single family residential garage structure with a setback of 0 feet, which will require a variance of 20 feet to the off-street parking regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 9/12/2019

### Legend

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

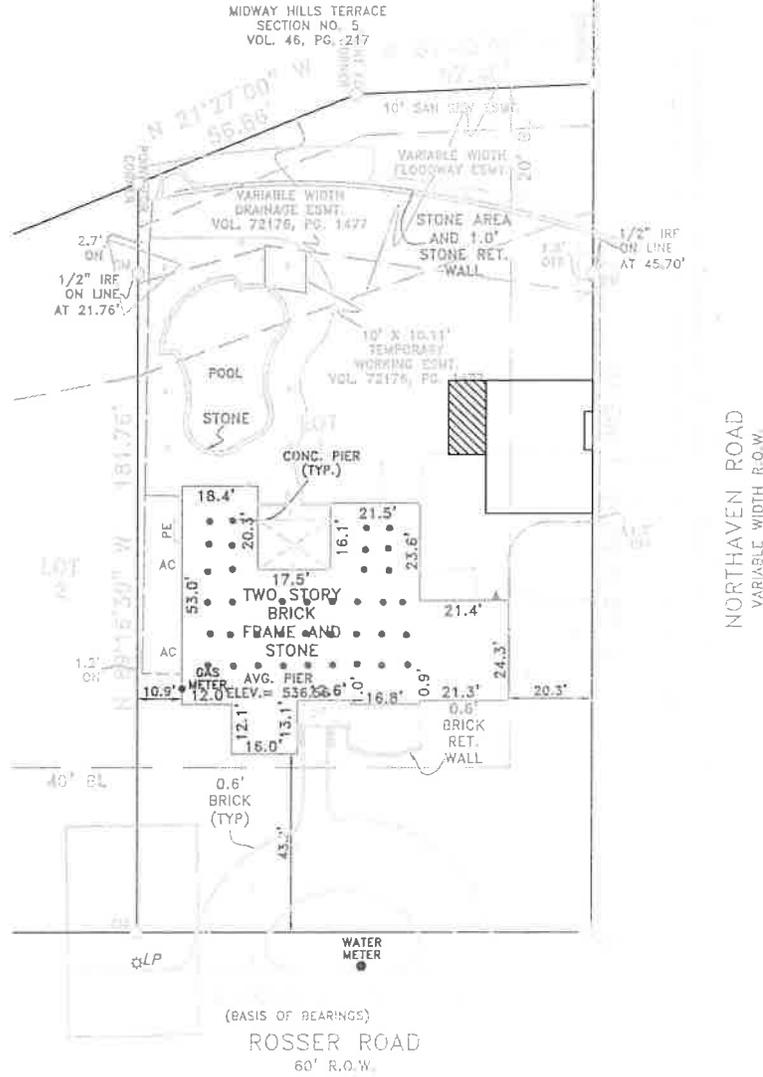




Being Lot 1, Block E/6402, Midway Hills Terrace, Section No. 4, an Addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 44, Page(s) 97 of the Map and/or Plat Records of Dallas County, Texas.

**LEGEND**

- POINT FOR CORNER
- ⊗ 1/2" ROD SET
- 1/2" PIPE FOUND
- ⊗ "X" FOUND/SET
- ⊕ 60d NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER PAD
- BRICK COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- △ OVERHEAD ELECTRIC
- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- II— IRON FENCE
- X— BARBED WIRE
- /— EDGE OF ASPHALT
- ▲— EDGE OF GRAVEL
- CONCRETE
- COVERED AREA



**EXCEPTIONS:**

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying, Inc. has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

**NOTES:**

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.  
 FLOOD NOTE: According to the F.I.R.M. No. 48113C0190 K, this property does lie in Zone AE and does lie within the 100 year flood zone.  
 This survey is made in conjunction with the information provided by Fort Worth Dallas Real Estate. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: CPC

Scale: 1" = 30'

Date: 02/23/17

GF No.: 13  
GFN

Job No. 1414775-5

220286Stitch Placed, D61e S030105  
 BolsonTX17522873  
 P 284.849.9288  
 F 284.349.9258  
 Firm No. 101088860  
 www.cbginctx.com

F:\Carbon Project\Signatures\J Thompson\J Thompson Sig.R1

J.T. THOMPSON  
 R.P.L.S. NO. 4604

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

ALL COPY RIGHTS ARE THE SOLE PROPERTY OF HOMESTEAD DESIGNS

# Homestead Designs

Plano, TEXAS  
214-215-1013  
e-mail: homestead.designs@verizon.net

REVISION DATE  
08-20-2019 8LP

ELTON JOHNSON  
CONCEPT

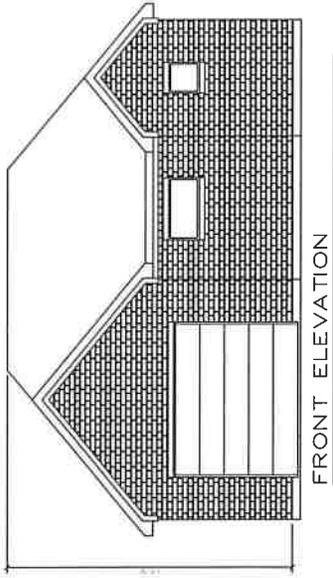
PROJECT ADDRESS:  
11241  
ROSSER RD.  
DALLAS, TX

PLAN NUMBER  
DETAACHED GARAGE

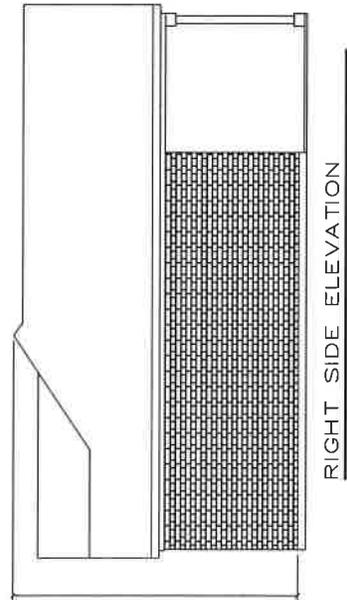
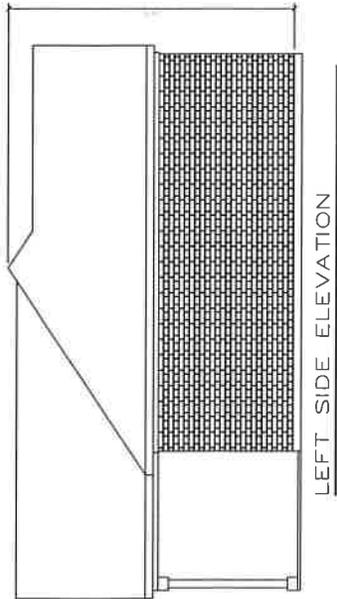
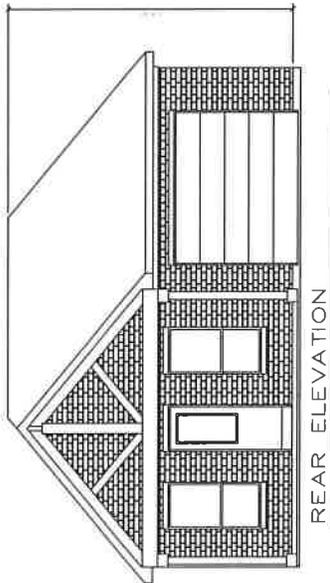
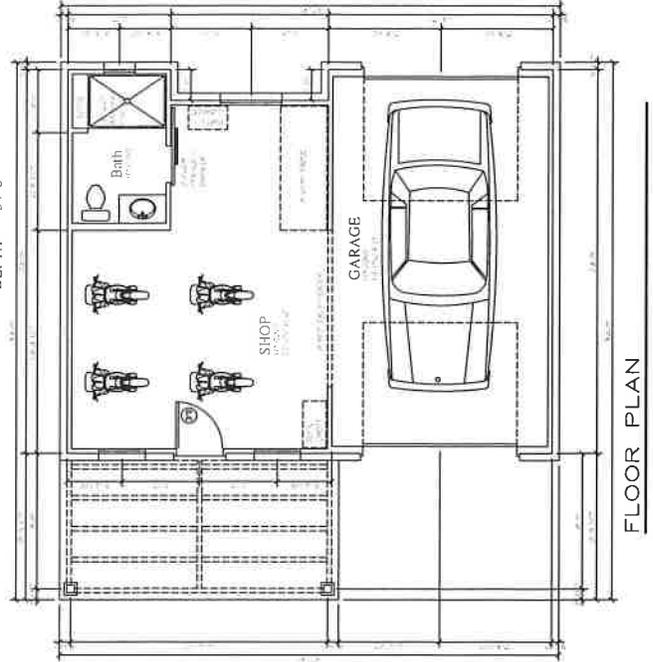
DESIGNED AND DRAWN BY:  
HOMESTEAD DESIGNS  
B.L.PHILLIPS  
FOUNDER-DESIGNER  
214-215-1013

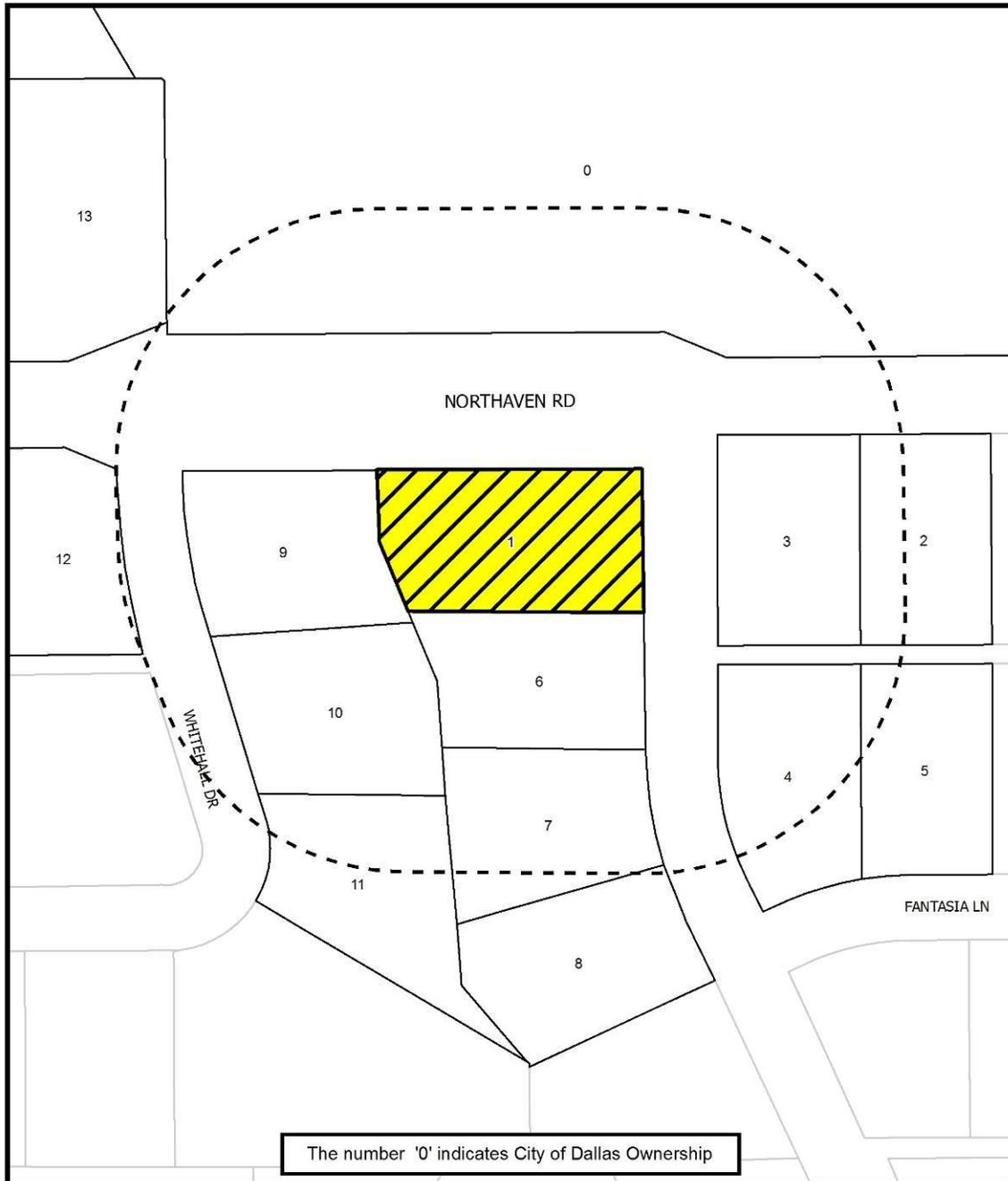
SCALE:  
1/8" = 1'-0" (1/32" SHEET)

PAGE # 1



| AREA   | SQ. FT. |
|--------|---------|
| GARAGE | 387     |
| SHOP   | 422     |
| PATIO  | 162     |
| TOTAL  | 971     |
| WIDTH  | 32'-3"  |
| DEPTH  | 34'-8"  |





|  |   |                            |                      |           |                                    |
|--|---|----------------------------|----------------------|-----------|------------------------------------|
| <br>1:1,200 | <b>NOTIFICATION</b>   | Case no: <b>BDA189-131</b> |                      |           |                                    |
|  | <table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>13</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | <b>200'</b>                | AREA OF NOTIFICATION | <b>13</b> | NUMBER OF PROPERTY OWNERS NOTIFIED |
| <b>200'</b>  | AREA OF NOTIFICATION  |                            |                      |           |                                    |
| <b>13</b>  | NUMBER OF PROPERTY OWNERS NOTIFIED  |                            |                      |           |                                    |

## *Notification List of Property Owners*

### *BDA189-131*

#### *13 Property Owners Notified*

| <i>Label #</i> | <i>Address</i>    | <i>Owner</i>              |
|----------------|-------------------|---------------------------|
| 1              | 11241 ROSSER RD   | JOHNSON ELTON             |
| 2              | 3920 NORTHAVEN RD | WELHAUSEN CHARLES         |
| 3              | 11240 ROSSER RD   | HOVIVIAN THEODORE F &     |
| 4              | 3909 FANTASIA LN  | JOSEPHS JOAN P            |
| 5              | 3919 FANTASIA LN  | WANG JUE                  |
| 6              | 11231 ROSSER RD   | BARBER ALBERTA L          |
| 7              | 11221 ROSSER RD   | RUSSELL JAMES A JR        |
| 8              | 11211 ROSSER RD   | WARD MITCHELL A &         |
| 9              | 3890 WHITEHALL DR | SCHULZ MICHELLE           |
| 10             | 3880 WHITEHALL DR | KIRK JAY B JR & KRISTEN M |
| 11             | 3870 WHITEHALL DR | STROMBERG M LEIF          |
| 12             | 3850 NORTHAVEN RD | KOZUB DIANE M &           |
| 13             | 3845 NORTHAVEN RD | BATES FRED J              |