

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, NOVEMBER 12, 2018
AGENDA

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

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

MISCELLANEOUS ITEM

Approval of the October 15, 2018 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA178-112(SL)	8301 Maddox Avenue REQUEST: Application of Luis Martinez for special exceptions for the handicapped to the single-family use regulations	1
BDA178-117(OA)	11339 Royalshire Drive REQUEST: Application of Kamil Habibi for special exceptions to the fence standards and visual obstruction regulations	2
BDA178-120(SL)	3225 Martin Luther King, Jr Boulevard REQUEST: Application of William E. Ellis, Jr. for a special exception to the off-street parking regulations	3
BDA178-123(OA)	4803 Victor Street REQUEST: Application of David Lloyd for variances to the front yard setback and fence height regulations	4

BDA178-129(OA)

1820 Browder Street

5

REQUEST: Application of Brad Friedman for a special exception to the visual obstruction regulations

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA178-112(SL)

BUILDING OFFICIAL'S REPORT: Application of Luis Martinez for special exceptions for the handicapped to the single-family use regulations at 8301 Maddox Avenue. This property is more fully described as Lot 161, Block 6332, and is zoned R-7.5(A), which limits the number of dwelling units to one and requires that a single-family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain an additional dwelling unit, which will require a special exception for the handicapped to the single-family zoning use regulations, and to have more than one electrical utility service or one electrical meter, which will require a special exception for the handicapped to the single-family zoning use regulations.

LOCATION: 8301 Maddox Avenue

APPLICANT: Luis Martinez

REQUESTS:

Requests for special exceptions for the handicapped to the single-family use regulations are made to maintain (according to the application) an existing garage conversion to a second/additional dwelling unit on a site developed with a dwelling unit single family home/use with (according to the application) "multiple electric meters".

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with two dwelling unit structures. The area to the north is developed with retail use, and the areas to the 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 requests for special exceptions for the handicapped to the single family use regulations focuses on maintaining an additional dwelling unit on a site developed with a dwelling unit single family home/use, with, according to the application, “multiple electric meters”.
- The property is zoned R-7.5(A) which allows a “single family” use.
- The “single family” use includes the following provisions that are related to this application:
 - 1) one dwelling unit located on a lot, and
 - 2) a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter.
- The application states “the existing garage conversion to a second dwelling unit. Multiple electric meters. I am disabled and on social security, fixed income and a special exception for multiple electric”.
- A site plan, a floor plan, and elevations have been submitted none of which denotes a reference to “dwelling unit” or “electric meter”.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.
- A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:

“(h) “Handicap” means, with respect to a person -

 1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,

2. a record of having such an impairment, or
 3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”
- Unlike most requests to the single family use regulations related to a special exception to authorize an additional dwelling unit where the request can be granted when, in the opinion of the board, the additional dwelling unit would not be used as rental accommodations; or adversely affect neighboring properties (and 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), the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
 - Unlike most requests to the single family use regulations related to authorize more than one electrical utility service or more than one electrical meter on a lot in a single family, duplex, or townhouse district where the request can be granted when, in the opinion of the board, the additional electrical utility service or more than one electrical meter on a lot in a single family zoning will not be contrary to the public interests; not adversely affect neighboring properties; and not be used to conduct a use not permitted in the district where the building site is located; the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
 - The applicant has the burden of proof in establishing the following:
 - The special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
 - there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
 - If the Board were to grant the requests and wish to impose a site plan that documents the location of the dwelling units and/or electric meters on the site, none has been submitted to date.
 - If the Board were to grant the requests, and impose a condition that the special exceptions expire when a handicapped person no longer resides on the property, the additional dwelling unit and additional electric meter on the site would be allowed for as long as the applicant or any other handicapped person resides on the site.
 - Note that granting these requests would not provide any relief to any code provision other than to single family use regulations related to allowing an additional dwelling unit and an additional electrical utility service and/or electrical meter on the site.

Timeline:

August 2, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

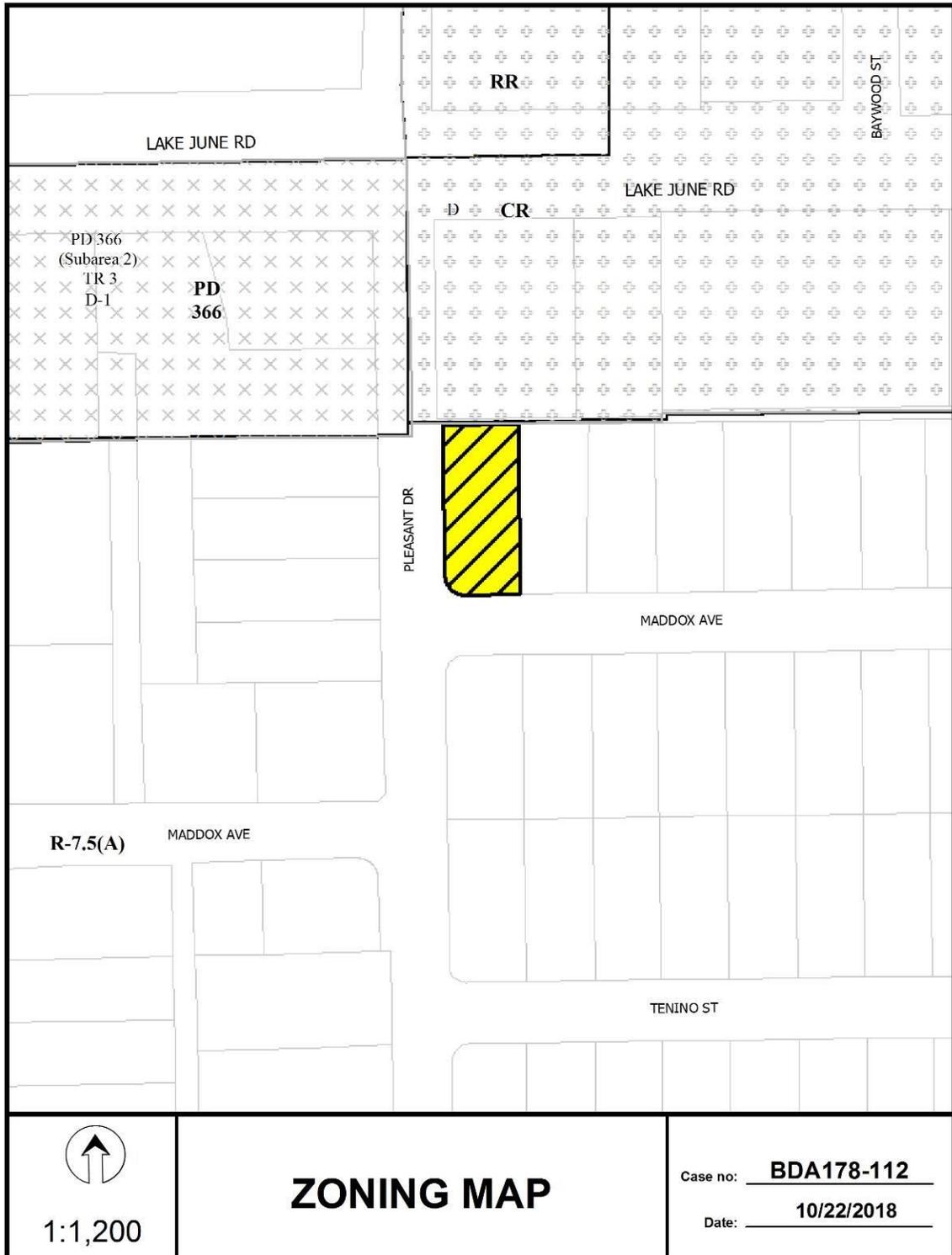
October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

October 8, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- A copy of the "handicap" definition from the Federal Fair Housing Amendments Act of 1988; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA/178-112

Data Relative to Subject Property:

Date: 8/2/18

Location address: 8301 Haddox Street DALLAS TX Zoning District: R-7-5(CA)

Lot No.: 161 Block No.: 6332 Acreage: 0.75217 Census Tract: 92.02

Street Frontage (in Feet): 1) 60 2) 134 3) 4) 5)

To the Honorable Board of Adjustment :

Owner (per Warranty Deed): LUIS MARTINEZ AND WIFE LUZ MARTINEZ

Applicant: Luis Martinez Telephone: 214) 7720340

Mailing Address: 8301 Haddox St, DALLAS TX Zip Code: 75217

E-mail Address: LUFERS3MRTZ@HOTMAIL.COM

Representative: LUFERS3MRTZ@HOTMAIL.COM Telephone:

Mailing Address: LUFERS3MRTZ Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of existing Garage Conversion to a second dwelling unit multiple electric filters and for variance

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: I am disabled and on social security fix income and a special exception for multiple elect

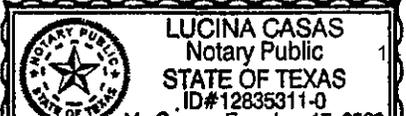
Affidavit

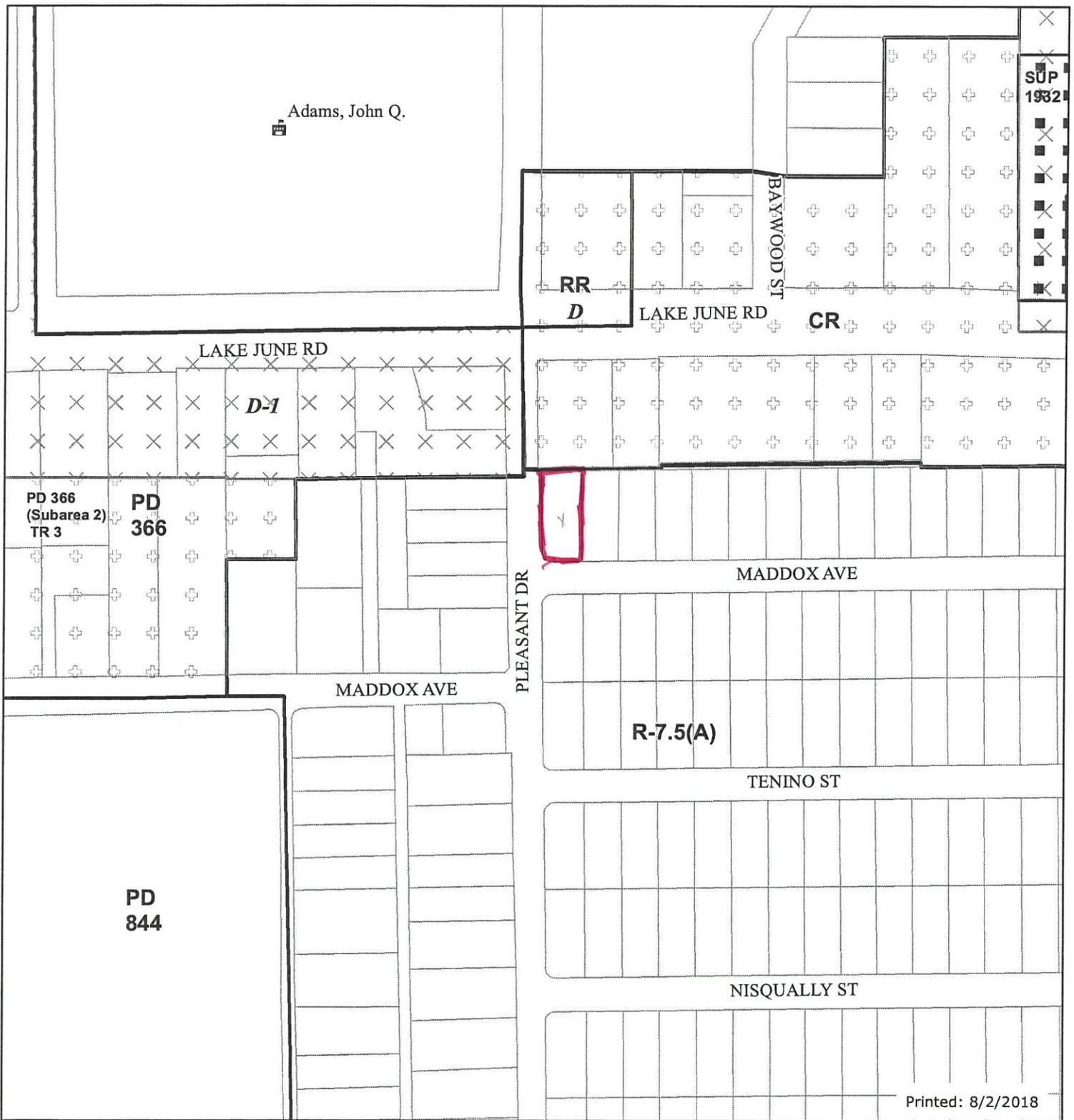
Before me the undersigned on this day personally appeared Luis Martinez (Affiant/Applicant's name printed)

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

Subscribed and sworn to before me this 11 day of September, 2018





Legend

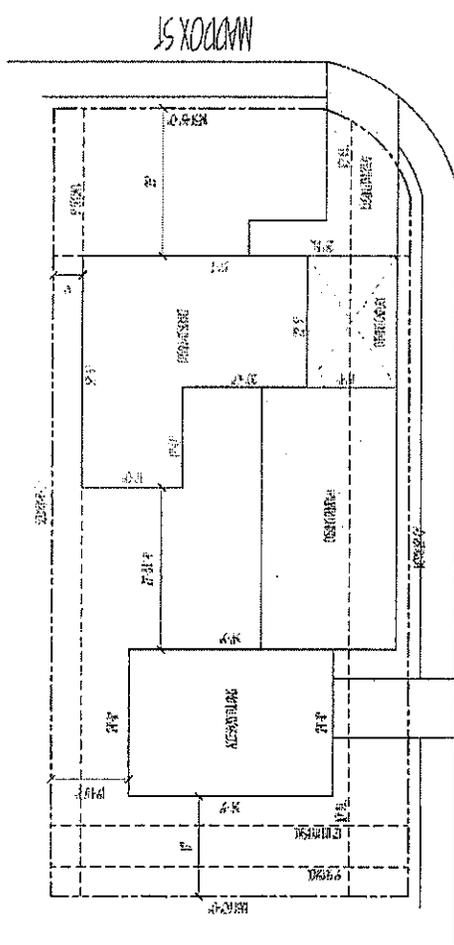
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood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

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



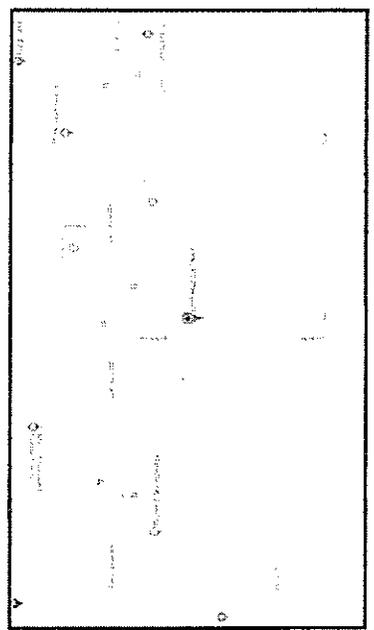
REVISION	DESCRIPTION	DATE
0	INITIAL	
1	1/1/18	
2	1/1/18	
3	1/1/18	
4	1/1/18	
5	1/1/18	
6	1/1/18	
7	1/1/18	
8	1/1/18	
9	1/1/18	

DATE: 06/29/18
SHEET: 1
DRAWN BY: J. BROWN
CHECKED BY: J.L.
PROJECT: 18187
SCALE: 1/8"=1'-0"
1/4"=1'-0"
1"=1'-0"
EXPENSE SCALE AS NOTED



PLEASANT DR.

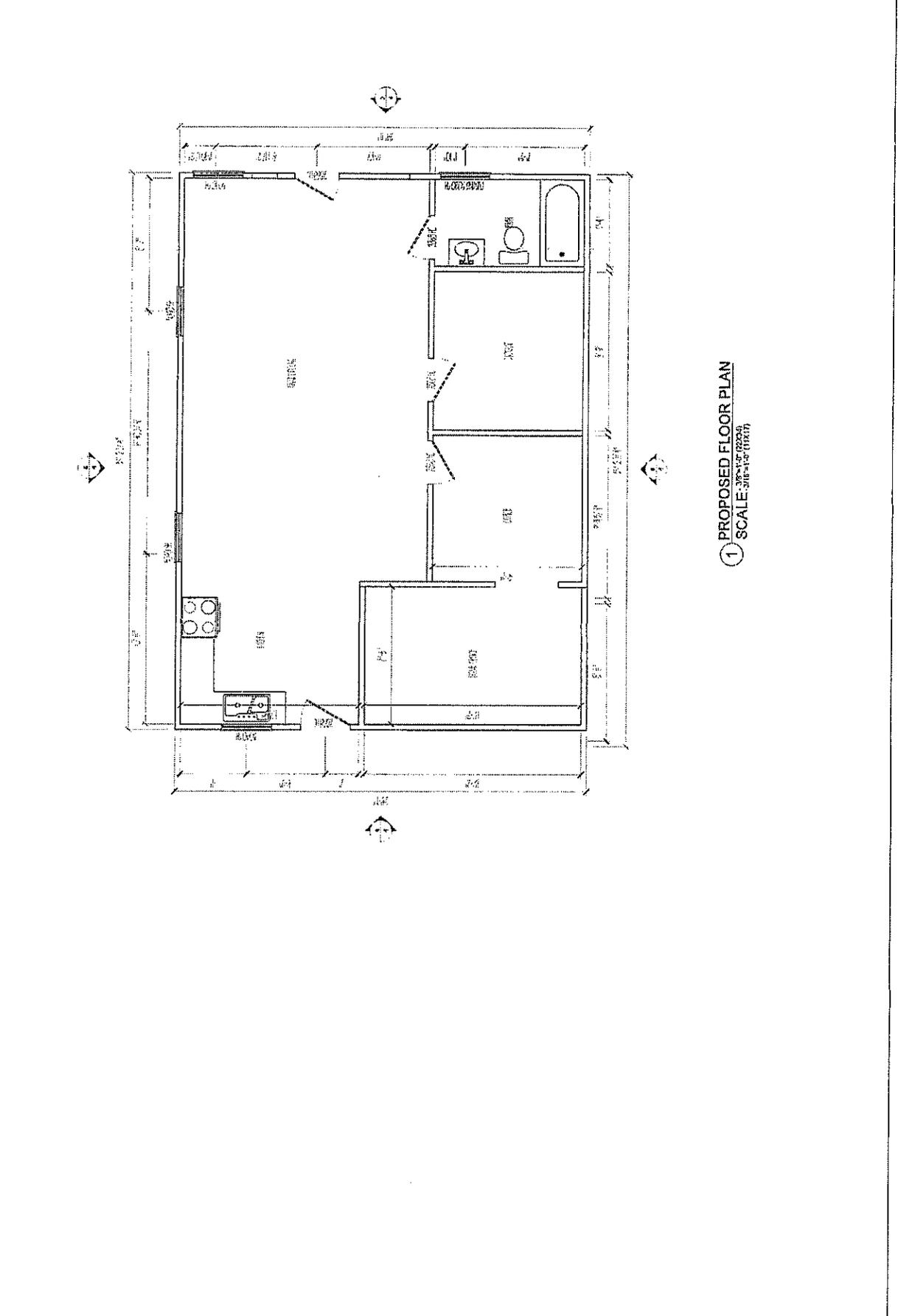
1 SITE PLAN
SCALE: 1/8"=1'-0"



2 VACINITY MAP

EXISTING HOUSE	1,138 SQ.FT.
EXISTING DETACHED OFFICE	463 SQ.FT.
EXISTING GARAGE	288 SQ.FT.
GRAND TOTAL SQ.FT.	2,089 SQ.FT.
LOT SIZE	1,988 SQ.FT.
LOT COVERAGE	75.1%

NO.	REVISION DESCRIPTION	DATE
1		
2		
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September 11, 2018

To whom it may concern:

We, Luis Martinez and Luz Martinez, with residence at 8301 Maddox Street, Dallas, Texas 75217, wish to request a Special Exception for both causes listed in the Application to the Board of Adjustment due to Luis' handicap and disability conditions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis Martinez", written in a cursive style.



SOCIAL SECURITY ADMINISTRATION

Refer To: 449-97-0989

Office of Disability Adjudication and Review
SSA ODAR Hearing Ofc
12770 Merit Dr.
8th Fl
Suite 800
Dallas, TX 75251

Date: July 15, 2010

Luis Fernando Martinez
8301 Maddox St
Dallas, TX 75217

Notice of Decision – Fully Favorable

I carefully reviewed the facts of your case and made the enclosed fully favorable decision. Please read this notice and my decision.

Another office will process my decision and decide if you meet the non-disability requirements for Supplemental Security Income payments. That office may ask you for more information. If you do not hear anything within 60 days of the date of this notice, please contact your local office. The contact information for your local office is at the end of this notice.

If You Disagree With My Decision

If you disagree with my decision, you may file an appeal with the Appeals Council.

How To File An Appeal

To file an appeal you or your representative must ask in writing that the Appeals Council review my decision. You may use our Request for Review form (HA-520) or write a letter. The form is available at www.socialsecurity.gov. Please put the Social Security number shown above on any appeal you file. If you need help, you may file in person at any Social Security or hearing office.

Please send your request to:

**Appeals Council
Office of Disability Adjudication and Review
5107 Leesburg Pike
Falls Church, VA 22041-3255**

Time Limit To File An Appeal

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did not get it within the 5-day period.

The Appeals Council will dismiss a late request unless you show you had a good reason for not filing it on time.

What Else You May Send Us

You or your representative may send us a written statement about your case. You may also send us new evidence. You should send your written statement and any new evidence **with your appeal**. Sending your written statement and any new evidence with your appeal may help us review your case sooner.

How An Appeal Works

The Appeals Council will consider your entire case. It will consider all of my decision, even the parts with which you agree. Review can make any part of my decision more or less favorable or unfavorable to you. The rules the Appeals Council uses are in the Code of Federal Regulations, Title 20, Chapter III, Part 404 (Subpart-J) and Part 416 (Subpart-N).

The Appeals Council may:

- Deny your appeal,
- Return your case to me or another administrative law judge for a new decision,
- Issue its own decision, or
- Dismiss your case.

The Appeals Council will send you a notice telling you what it decides to do. If the Appeals Council denies your appeal, my decision will become the final decision.

The Appeals Council May Review My Decision On Its Own

The Appeals Council may review my decision even if you do not appeal. If the Appeals Council reviews your case on its own, it will send you a notice within 60 days of the date of this notice.

When There Is No Appeals Council Review

If you do not appeal and the Appeals Council does not review my decision on its own, my decision will become final. A final decision can be changed only under special circumstances. You will not have the right to Federal court review.

If You Have Any Questions

We invite you to visit our website located at www.socialsecurity.gov to find answers to general questions about social security. You may also call (800) 772-1213 with questions. If you are deaf or hard of hearing, please use our TTY number (800) 325-0778.



**SOCIAL SECURITY ADMINISTRATION
Office of Disability Adjudication and Review**

DECISION

IN THE CASE OF

Luis Fernando Martinez
(Claimant)

(Wage Earner)

CLAIM FOR

Period of Disability, Disability Insurance
Benefits, and Supplemental Security Income

449-97-0989

(Social Security Number)

JURISDICTION AND PROCEDURAL HISTORY

This case is before the undersigned on a request for hearing dated November 25, 2009 (20 CFR 404.929 *et seq.* and 416.1429 *et seq.*). The claimant appeared and testified at a hearing held on July 6, 2010, in Dallas, TX. Russell B. Bowden, an impartial vocational expert, also appeared at the hearing. The claimant testified with the assistance of a Spanish interpreter. The claimant is represented by Robert Todd, an attorney.

The claimant is alleging disability since November 1, 2008.

ISSUES

The issue is whether the claimant is disabled under sections 216(i), 223(d) and 1614(a)(3)(A) of the Social Security Act. Disability is defined as the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or combination of impairments that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months.

With respect to the claim for a period of disability and disability insurance benefits, there is an additional issue whether the insured status requirements of sections 216(i) and 223 of the Social Security Act are met. The claimant's earnings record shows that the claimant has acquired sufficient quarters of coverage to remain insured through June 30, 2012. Thus, the claimant must establish disability on or before that date in order to be entitled to a period of disability and disability insurance benefits.

After careful review of the entire record, the undersigned finds that the claimant has been disabled from November 1, 2008, through the date of this decision. The undersigned also finds that the insured status requirements of the Social Security Act were met as of the date disability is established.

APPLICABLE LAW

Under the authority of the Social Security Act, the Social Security Administration has established a five-step sequential evaluation process for determining whether an individual is disabled (20 CFR 404.1520(a) and 416.920(a)). The steps are followed in order. If it is determined that the claimant is or is not disabled at a step of the evaluation process, the evaluation will not go on to the next step.

At step one, the undersigned must determine whether the claimant is engaging in substantial gainful activity (20CFR 404.1520(b) and 416.920(b)). Substantial gainful activity (SGA) is defined as work activity that is both substantial and gainful. If an individual engages in SGA, he is not disabled regardless of how severe his physical or mental impairments are and regardless of his age, education, or work experience. If the individual is not engaging in SGA, the analysis proceeds to the second step.

At step two, the undersigned must determine whether the claimant has a medically determinable impairment that is "severe" or a combination of impairments that is "severe" (20 CFR 404.1520(c) and 416.920(c)). An impairment or combination of impairments is "severe" within the meaning of the regulations if it significantly limits an individual's ability to perform basic work activities. If the claimant does not have a severe medically determinable impairment or combination of impairments, he is not disabled. If the claimant has a severe impairment or combination of impairments, the analysis proceeds to the third step.

At step three, the undersigned must determine whether the claimant's impairment or combination of impairments meets or medically equals the criteria of an impairment listed in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 404.1520(d), 404.1525, 404.1526, 416.920(d), 416.925, and 416.926). If the claimant's impairment or combination of impairments meets or medically equals the criteria of a listing and meets the duration requirement (20 CFR 404.1509 and 416.909), the claimant is disabled. If it does not, the analysis proceeds to the next step.

Before considering step four of the sequential evaluation process, the undersigned must first determine the claimant's residual functional capacity (20 CFR 404.1520(e) and 416.920(e)). An individual's residual functional capacity is his ability to do physical and mental work activities on a sustained basis despite limitations from his impairments. In making this finding, the undersigned must consider all of the claimant's impairments, including impairments that are not severe (20 CFR 404.1520(e), 404.1545, 416.920(e), and 416.945; SSR 96-8p).

Next, the undersigned must determine at step four whether the claimant has the residual functional capacity to perform the requirements of his past relevant work (20 CFR 404.1520(f) and 416.920(f)). If the claimant has the residual functional capacity to do his past relevant work, the claimant is not disabled. If the claimant is unable to do any past relevant work or does not have any past relevant work, the analysis proceeds to the fifth and last step.

At the last step of the sequential evaluation process (20 CFR 404.1520(g) and 416.920(g)), the undersigned must determine whether the claimant is able to do any other work considering his residual functional capacity, age, education, and work experience. If the claimant is able to do

other work, he is not disabled. If the claimant is not able to do other work and meets the duration requirement, he is disabled. Although the claimant generally continues to have the burden of proving disability at this step, a limited burden of going forward with the evidence shifts to the Social Security Administration. In order to support a finding that an individual is not disabled at this step, the Social Security Administration is responsible for providing evidence that demonstrates that other work exists in significant numbers in the national economy that the claimant can do, given the residual functional capacity, age, education, and work experience (20 CFR 404.1512(g), 404.1560(c), 416.912(g) and 416.960(c)).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After careful consideration of the entire record, the undersigned makes the following findings:

- 1. The claimant's date last insured is June 30, 2012.**
- 2. The claimant has not engaged in substantial gainful activity since November 1, 2008, the alleged onset date (20 CFR 404.1520(b), 404.1571 *et seq.*, 416.920(b) and 416.971 *et seq.*).**

The claimant's earnings record and hearing testimony are consistent with substantial gainful earnings through October 2008 (Exhibit 3D). Earnings credited to the claimant's account for 2009 apparently constitute a lump-sum disability award and will not count against the claimant. The claimant subsequently attempted to work in 2009 (Exhibits 15F, 20F); however, this work was not substantial gainful activity.

- 3. The claimant has the following severe impairments: cervical and lumbar disc disease, major depressive disorder, and anxiety disorder (20 CFR 404.1520(c) and 416.920(c)).**
- 4. The claimant does not have an impairment or combination of impairments that meets or medically equals one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR 404.1520(d), 404.1525, 404.1526, 416.920(d), 416.925 and 416.926).**

The claimant had the following degree of limitation in the broad areas of functioning set out in the disability regulations for evaluating mental disorders and in the mental disorders listings in 20 CFR, Part 404, Subpart P, Appendix 1 as of the established onset date: mild restriction in activities of daily living, moderate difficulties in maintaining social functioning, moderate difficulties in maintaining concentration, persistence or pace, and no episodes of decompensation, each of extended duration. It is likely that the claimant's functioning has deteriorated since then, as is reported by Dr. Roman in June 2010 (Exhibit 24F).

- 5. The claimant has the residual functional capacity to perform light work as defined in 20 CFR 404.1567(b) and 416.967(b) except he would need to change positions frequently while standing; he would have difficulty performing postural functions; he should not have concentrated exposure to environmental hazards; and he has at least the degree of mental limitation found by the State agency in Exhibit 11F.**

In making this finding, the undersigned considered all symptoms and the extent to which these symptoms can reasonably be accepted as consistent with the objective medical evidence and other evidence, based on the requirements of 20 CFR 404.1529 and 416.929 and SSRs 96-4p and 96-7p. The undersigned has also considered opinion evidence in accordance with the requirements of 20 CFR 404.1527 and 416.927 and SSRs 96-2p, 96-6p and 06-3p.

After considering the evidence of record, the undersigned finds that the claimant's medically determinable impairments could reasonably be expected to produce the alleged symptoms and that the claimant's statements concerning the intensity, persistence and limiting effects of these symptoms are generally credible. Medical evidence of record indicates that the claimant had a cervical spine fusion in 1991 and injured his neck at work in May 2008. A functional capacity evaluation reflected to light-to-medium work capacity but the claimant had difficulty sustaining effort with the left arm (Exhibits 2F, 6F). In the meantime, the claimant began psychological treatment in March 2009 with GAF scores in the seriously limited range (Exhibits 7F, 12F, 17F). A consulting psychologist assigned a slightly higher GAF score of 52 (Exhibit 8F). More recently, Dr. Roman reported that the claimant had serious limitation in a number of areas (Exhibit 24F). The claimant also takes medications that one could expect to cause the side effects alleged by the claimant at the hearing.

The State agency medical consultants' physical assessments will receive little weight under SSR 96-6p because the functional capacity assessment does not reflect a capacity for the full range of medium work and the other medical evidence of record is more consistent with a light work capacity. Furthermore, the State agency consultants did not adequately consider the claimant's subjective complaints.

6. The claimant is unable to perform any past relevant work (20 CFR 404.1565 and 416.965).

The demands of the claimant's past relevant work exceed the residual functional capacity found above, according to the vocational expert.

7. The claimant was an individual of advanced age on the established disability onset date (20 CFR 404.1563 and 416.963).

8. The claimant is not able to communicate in English, which is considered the same as being an individual who is illiterate in English.

9. The claimant's acquired job skills do not transfer to other occupations within the residual functional capacity defined above (20 CFR 404.1568 and 416.968).

The vocational expert testified that the claimant did not have skills that transfer to light or sedentary jobs.

10. Considering the claimant's age, education, work experience, and residual functional capacity, there are no jobs that exist in significant numbers in the national economy that the claimant can perform (20 CFR 404.1560(c), 404.1566, 416.960(c), and 416.966).

In determining whether a successful adjustment to other work can be made, the undersigned must consider the claimant's residual functional capacity, age, education, and work experience in conjunction with the Medical-Vocational Guidelines, 20 CFR Part 404, Subpart P, Appendix 2. If the claimant can perform all or substantially all of the exertional demands at a given level of exertion, the medical-vocational rules direct a conclusion of either "disabled" or "not disabled" depending upon the claimant's specific vocational profile (SSR 83-11).

Even if the claimant had the residual functional capacity for the full range of light work, considering the claimant's age, education, and work experience, Medical-Vocational Rule 202.02 would direct finding of "disabled". The vocational expert also testified that the limitations identified by Dr. Roman (Exhibit 24F) would preclude all work.

11. The claimant has been under a disability as defined in the Social Security Act since November 1, 2008, the alleged onset date of disability (20 CFR 404.1520(g) and 416.920(g)).

DECISION

Based on the application for a period of disability and disability insurance benefits filed on March 16, 2009, the claimant has been disabled under sections 216(i) and 223(d) of the Social Security Act since November 1, 2008.

Based on the application for supplemental security income filed on March 10, 2009, the claimant has been disabled under section 1614(a)(3)(A) of the Social Security Act since November 1, 2008.

The component of the Social Security Administration responsible for authorizing supplemental security income will advise the claimant regarding the non-disability requirements for these payments and, if eligible, the amount and the months for which he will receive payment.

A determination to appoint a representative payee to manage payments in the claimant's interest is recommended in light of the multiple limitations found by Dr. Roman.

/s/ Joseph Liken

Joseph Liken
Administrative Law Judge

July 15, 2010

Date

Mental Impairment Questionnaire for Major Depressive & Bipolar Disorder

To: _____

Re: Luis Martinez

SSN: 449-97-0989

Date of Onset: 11/2008

Please answer the following questions concerning your patient's impairments. Attach all relevant treatment notes and test results that have NOT been provided previously to the Social Security Administration.

1. Frequency and length of contact: Dr. Cuenca's Psychology every 2 months, Dr. Roman Psychologist 10/17/2001 11/6/2009 and 6/11/2010
2. DSM-IV Multiaxial Evaluation:
Axis I: MDD 296133 / Anxiety 300100 Axis IV: Unemployed, Disabled
Axis II: NO Axis V: 50
Axis III: HTN, Neck pain, Finger pain L index Highest GAF Past Year: 60
3. Treatment and response: Unable to tolerate Rx.
4. a. List of prescribed medications: Alprazolam 0.5mg bid, Venlafaxine 75mg daily
b. Describe any side effects of medications that may have implications for working. e.g., dizziness, drowsiness, fatigue, lethargy, stomach upset, etc.: Sedation.
5. Describe the clinical findings including results of mental status examination that demonstrate the severity of your patient's mental impairment and symptoms: Severe Anxiety, Depression.
6. Prognosis: Poor.

COATS & TODD, P.C.
ATTORNEYS & COUNSELORS

CATHERINE I. COATS
C. WARRICK THOMPSON

P.O. BOX 836170
RICHARDSON, TEXAS 75083
TELEPHONE (972) 671-9922
FAX (972) 671-9682
www.getdisability.org

ROBERT H. TODD
BRANDON RASLEY

July 8, 2010

RE: Mr. Luis Fernando Martinez
8301 Maddox St.
Dallas, TX 75217

To Whom It May Concern:

We represent Luis Martinez in a claim for Social Security Disability Benefits. We are currently waiting on the Judge's decision. Luis Martinez has been unable to work due to chronic medical problems.

This office would appreciate any consideration or relief you can provide to our client in this matter.

Thank you for your understanding and cooperation in this matter.

Sincerely,

COATS & TODD, P.C.

Robert H. Todd

Robert H. Todd
Attorney at Law

RHT/sa



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 178-112

I, LUZ MARTINEZ
(Owner or "Grantee" of property as it appears on the Warranty Deed), Owner of the subject property

at: 8301 MADDOX STREET, DALLAS, TX 75217
(Address of property as stated on application)

Authorize: LUIS MARTINEZ
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: for a second dwelling unit of the existing one story garage conversion multiple electric meters

LUZ martinez
Print name of property owner or registered agent
Date 07-10-2018

[Signature]
Signature of property owner or registered agent

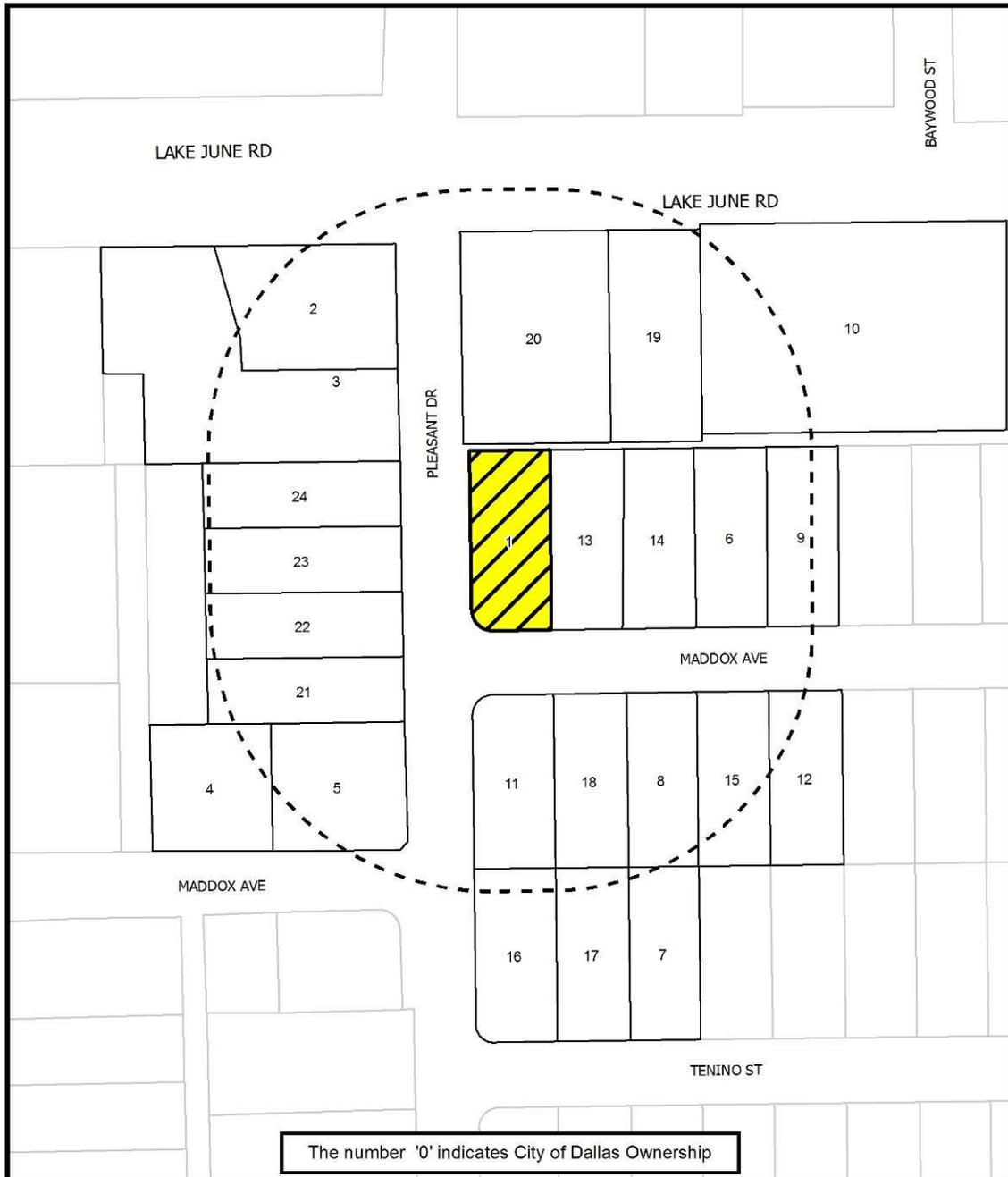
Before me, the undersigned, on this day personally appeared LUZ MARTINEZ
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 10th day of JULY, 2018



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 04-18-2022



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA178-112			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
24	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA178-112

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8301 MADDOX AVE	MARTINEZ LUIS & LUZ
2	8252 LAKE JUNE RD	GONZALEZ DELIA
3	8240 LAKE JUNE RD	ZEMAG FAMILY LTD PS
4	8239 MADDOX AVE	CASAS REALIDAD LP
5	1201 PLEASANT DR	BAUTISTA JAIME
6	8317 MADDOX AVE	ZAMORA GUADALUPE H &
7	8309 TENINO ST	RAMIREZ JOSE ARTURO
8	8310 MADDOX AVE	SIERRA MARIA LETICIA
9	8321 MADDOX AVE	PANIAGUA ELEAZAR
10	8318 LAKE JUNE RD	FROSSARD T E JR
11	8300 MADDOX AVE	BRUNO WAYNE C & DONNA
12	8320 MADDOX AVE	URQUIZA JUAN C
13	8307 MADDOX AVE	VELAZQUEZ HECTOR
14	8311 MADDOX AVE	CANELA LEONEL &
15	8316 MADDOX AVE	MURILLO ANTONIO &
16	8301 TENINO ST	BENITEZ JUANA DOMINGUEZ
17	8305 TENINO ST	JAIMES ARACELY
18	8304 MADDOX AVE	HANSON ROGER & MICHELLE
19	8306 LAKE JUNE RD	LI LUNA
20	8302 LAKE JUNE RD	DONCHOI INVESTMENT CORP
21	1209 PLEASANT DR	QUINONES MANUELA
22	1213 PLEASANT DR	MARTINEZ ROSENDO JR &
23	1217 PLEASANT DR	MARTINEZ MARCIANO TINOCO &
24	1221 PLEASANT DR	SALAZAR FILMON

FILE NUMBER: BDA178-117(OA)

BUILDING OFFICIAL'S REPORT: Application of Kamil Habibi for special exceptions to the fence standards and visual obstruction regulations at 11339 Royalshire Drive. This property is more fully described as Lot 11, Block 5/6378, and is zoned R-16 (A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at the alley. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards regulations, and to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 11339 Royalshire Drive

APPLICANT: Kamil Habibi

REQUESTS:

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

1. A request for a special exception to the fence standards regulations related to height of 4' is made to maintain a fence (an 8' high solid board-on-board wood fence) higher than 4' in height in one of the site's two required front yards (Yorkshire Drive); and
2. A request for special exception to the visual obstruction regulations are made to maintain portions of the aforementioned 8' high solid board-on-board wood fence in the 20' visibility triangle at where the alley meets Yorkshire Drive.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence standards regulations):

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.

STAFF RECOMMENDATION (visual obstruction special exception):

Approval, subject to the following condition:

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

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

1. BDA178-071, Property located at 6207 Yorkshire Drive (the property to the east of the subject site)

On June 20, 2018, the Board of Adjustment Panel B granted requests for special exceptions to the fence standards and imposed the following condition: Compliance with the submitted site plan and elevation is required.

The case report stated that requests were made to maintain a 4' 3" – 7' 9" high solid stucco fence in one of the site's two required front yards (Royalshire Drive); and to maintain the aforementioned 4' 3" – 7' 9" high stucco fence located on the Royalshire Drive front lot line (or less than 5' from this front lot line).

GENERAL FACTS/STAFF ANALYSIS (fence standards regulations):

- The focus of the request for special exception to the fence standards regulations is maintaining an 8' high solid board-on-board wood fence in one of the site's two required front yards (Yorkshire Drive) on a site developed with a single-family home.
- The subject site is zoned R-16 (A) which requires a 35' front yard setback.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the northwest corner of Royalshire Drive and Yorkshire Drive.
- Given the R-16 (A) single-family zoning and location of the corner lot subject site, it has two 35' front yard setbacks – a front yard setback along Royalshire Drive (the shorter of the two frontages of the subject site which is always a front yard in this case) and a front yard setback along Yorkshire Drive, (the longer of the two frontages which is typically considered a side yard where on this R-16 (A) zoned property where a 9' high fence could be erected by right). However, the site has a front yard setback along Yorkshire Drive in order to maintain continuity of the established front yard setback along this street frontage where lots to the west of the subject site “fronts” on Yorkshire Drive.
- No part of the application is made to address any fence in the site's Royalshire Drive required front yard.
- The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 100' in length parallel to the Yorkshire Drive, and approximately 35' perpendicular to Yorkshire Drive on the west and east sides of the site in this front yard setback.
 - The proposal is represented as being located approximately 9' from the front property line. (The distance between the fence and the pavement line is approximately 10').
- The Sustainable Development and Construction Department Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted one fence that appeared to be above 4' in height and located in a front yard setback. The fence noted appears to be a result of special exceptions granted by the Board of Adjustment. (The “Zoning/BDA History” section of this case report provides details on this neighboring fence).
- As of November 2, 2018, no letters in opposition have been submitted and a petition with 8 signatures have been submitted in support.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to fence height will not adversely affect neighboring property.
- Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal to be maintained in the location and of the heights as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception):

- The request for special exception to the visual obstruction regulations focuses on maintaining portions of an 8’ high solid board-on-board wood fence in the 20’ visibility triangle at where the alley meets Yorkshire Drive on a site developed with a single-family home.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45 foot visibility triangles at street intersections and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a site plan and elevation indicating portions of an 8’ high solid board-on-board wood fence located in the 20’ visibility triangle at where the alley meets Yorkshire Drive.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing how granting the requests for special exception to the visual obstruction regulations, to maintain portions of an 8’ high solid board-on-board wood fence located in the 20’ visibility triangle at where the alley meets Yorkshire Drive does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the 20’ the visibility triangle where the alley meets Yorkshire Drive, to that what is shown on these documents – an 8’ high solid board-on-board wood fence.

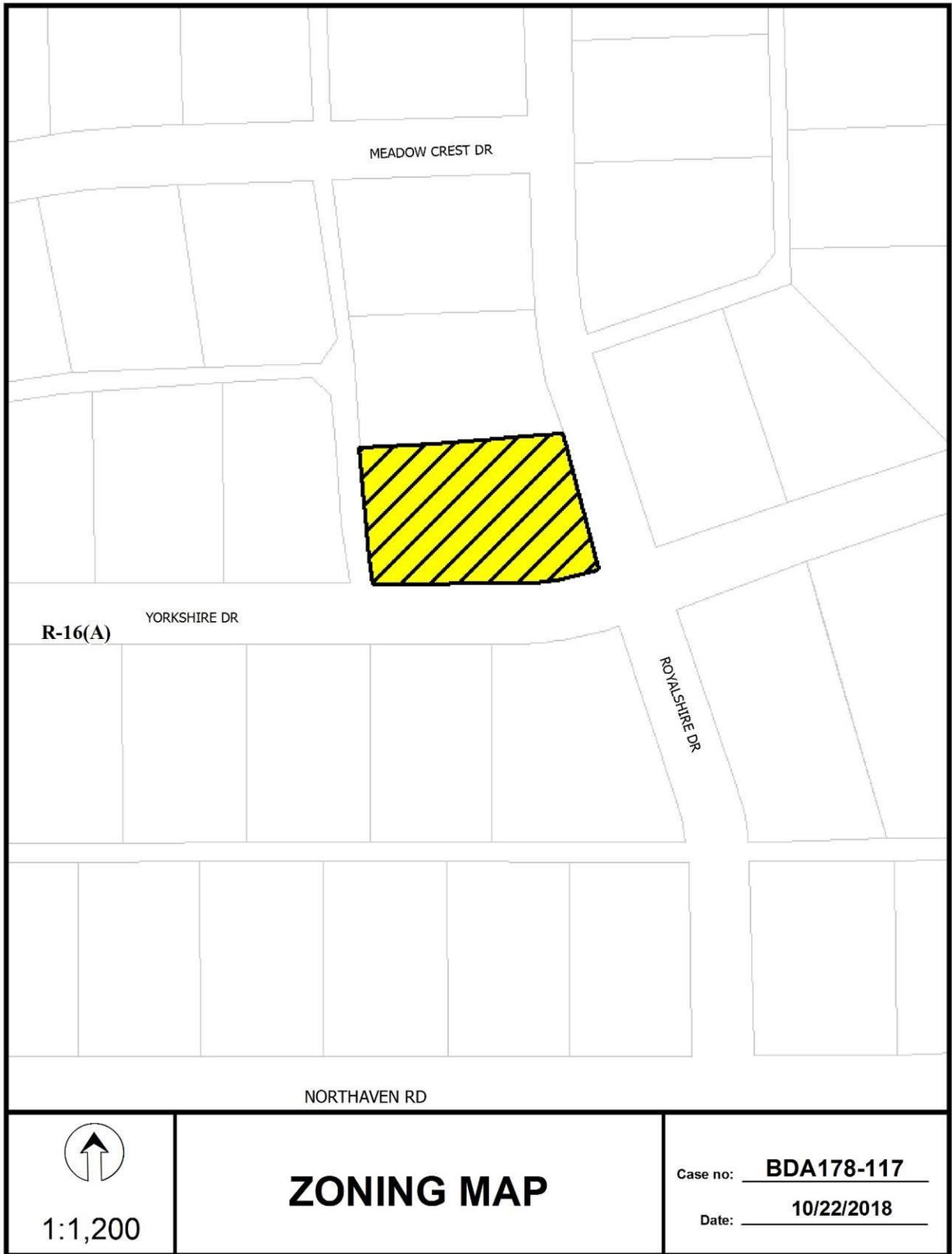
Timeline:

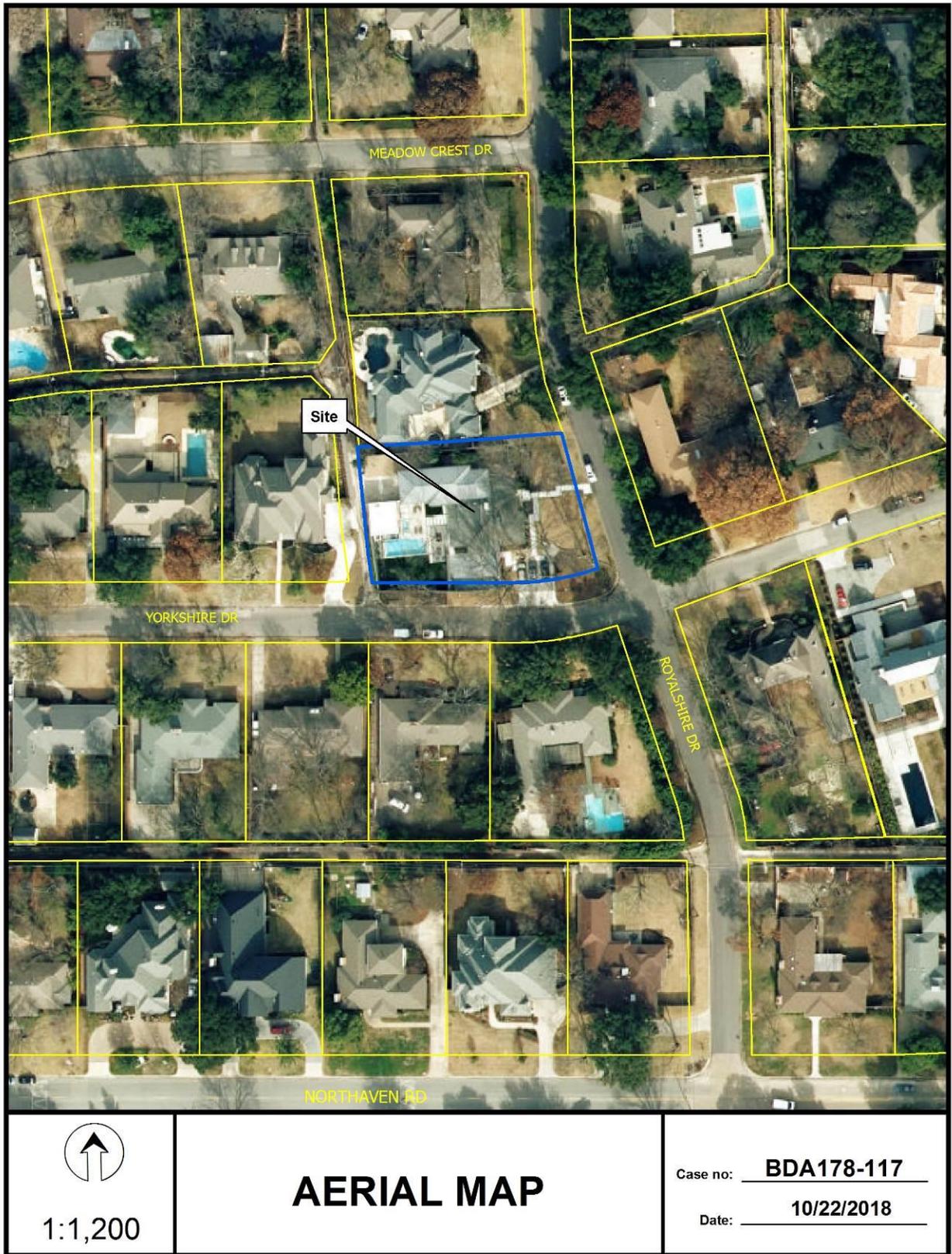
- July 24, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.
- October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 30, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-117

Data Relative to Subject Property:

Date: 8-15-2018

Location address: 11339 Royalshire Dr. Zoning District: R-16(A)

Lot No.: 11 Block No.: 5/6378 Acreage: .469 Census Tract: 133.00

Street Frontage (in Feet): 1) 120' 2) 185' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): x HABIBI KAMIL & CHI

Applicant: x KAMIL HABIBI Telephone: x 214-929-8315

Mailing Address: x 11339 Royalshire Dallas TX Zip Code: x 75230

E-mail Address: KAMIL@TECHNICATECH.COM

Represented by: ~~Timothy Schmidt~~ See 10-22 Telephone: ~~972-984-1472~~

Mailing Address: ~~4516 Lovers Lane #118 Dallas TX~~ Zip Code: ~~75225~~

E-mail Address: ~~tim.schmidt158@gmail.com~~

Affirm that an appeal has been made for a Variance __, or Special Exception __, of 4' to the
Required 4' Front Yard Fence Regulation and provide a total
fence height of 8', and a special exception to the
20' x 20' usability triangle at alley.

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

The existing fence is of like material throughout
the neighborhood and would alter the cosmetics,
flow and design of the surrounding homes.

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 x Kamil Habibi
(Affiant/Applicant's name printed)

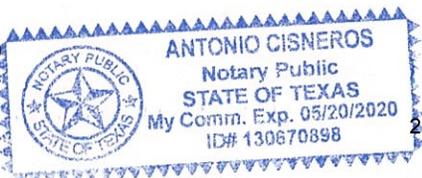
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 5 day of July, 2018

Antonio Cisneros
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

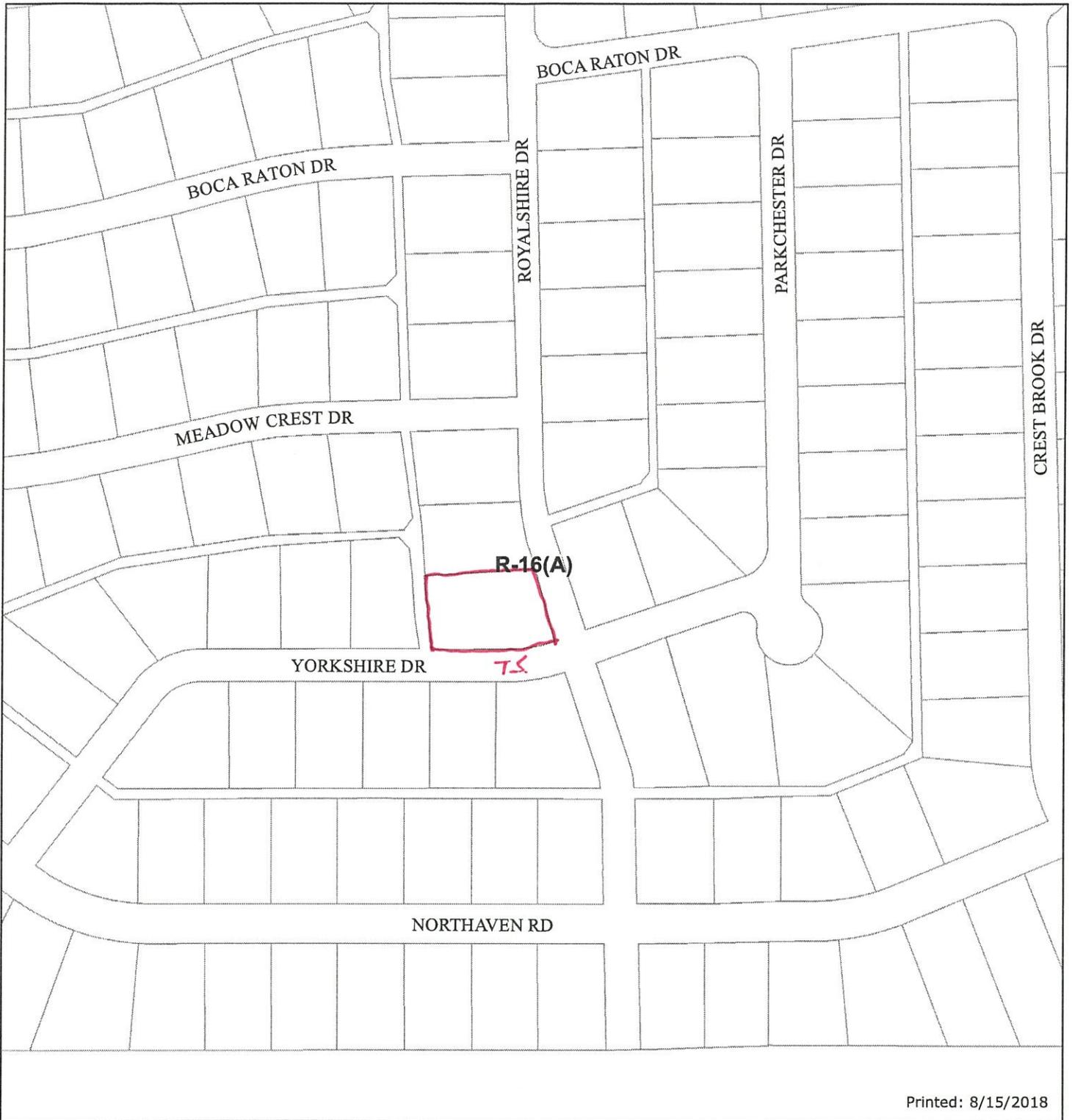
Building Official's Report

I hereby certify that Kamil Habibi
represented by TIM SCHMIDT
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 11339 Royalshire Drive

BDA178-117. Application of Kamil Habibi ^{SK 10-22} ~~represented by TIM SCHMIDT~~ for a special
exception to the fence height regulations, and for a special exception to the visibility
obstruction regulations at 11339 ROYALSHIRE DR. This property is more fully described
as Lot 11, Block 5/6378, and is zoned R-16(A), which limits the height of a fence in the
front yard to 4 feet and requires a 20 foot visibility triangle at alley. The applicant proposes
to construct an 8 foot high fence in a required front yard, which will require a 4 foot special
exception to the fence regulations, and to construct a single family residential fence
structure in a required visibility obstruction triangle, which will require a special exception
to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 8/15/2018

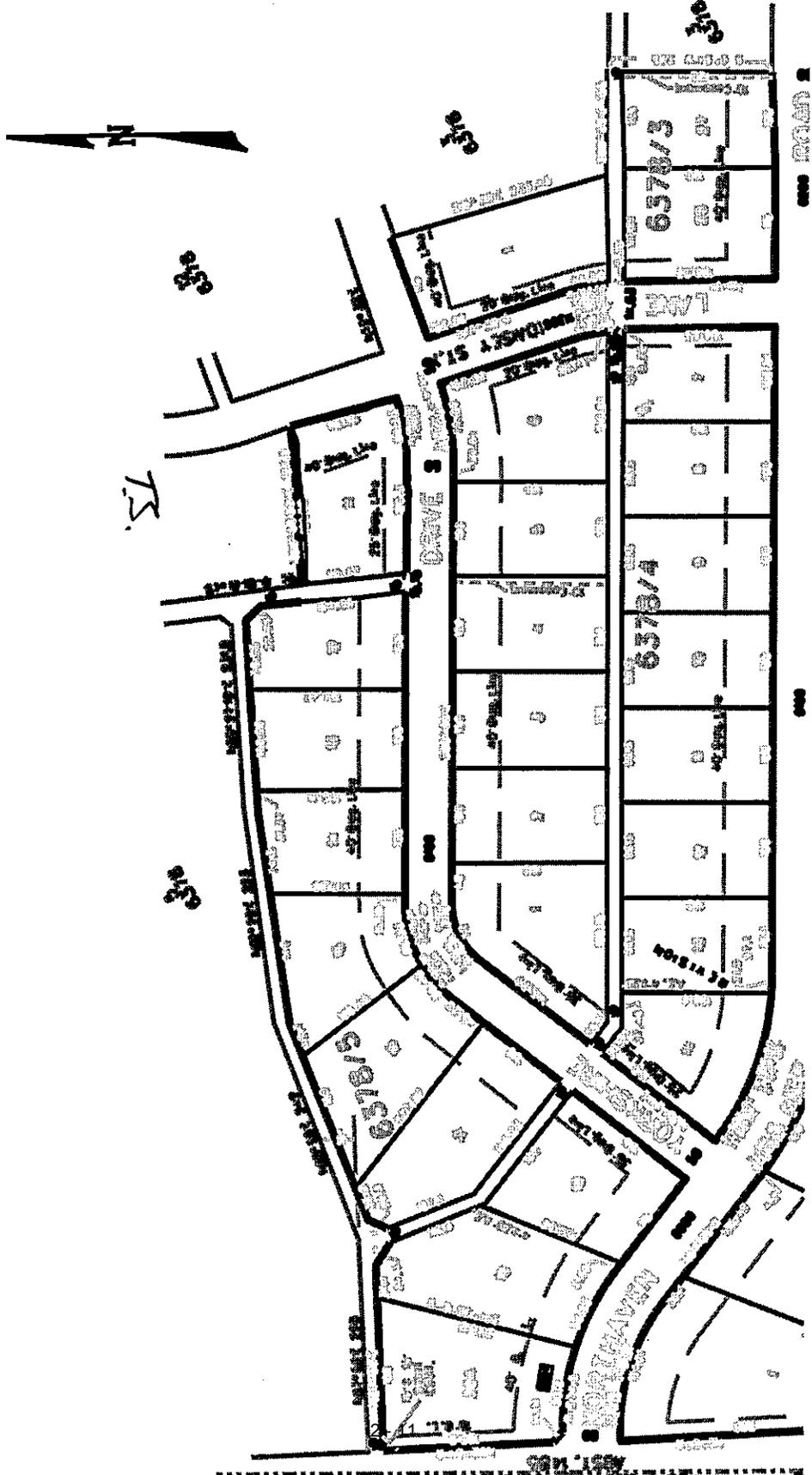
Legend

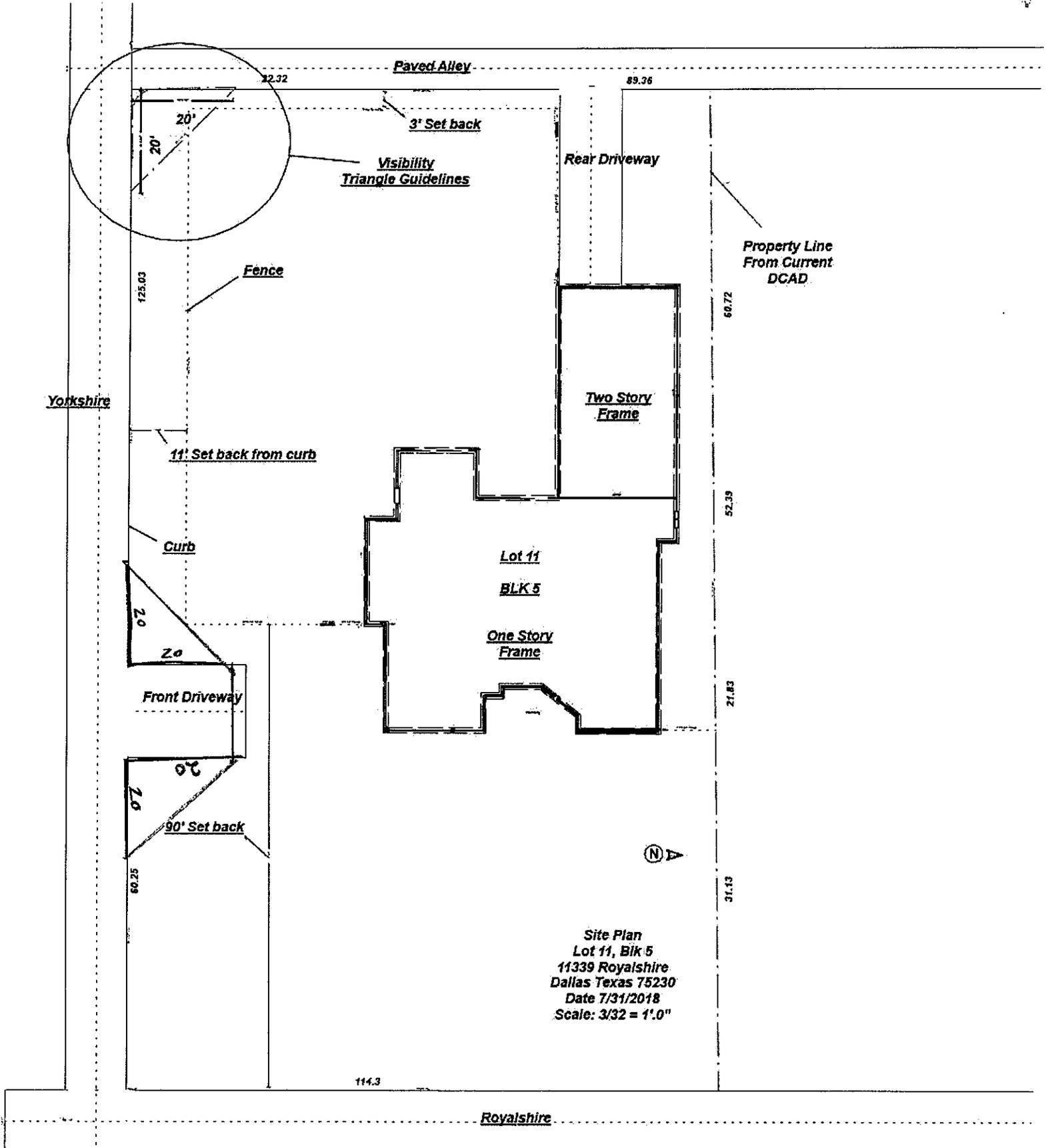
- City Limits
- School
- Floodplain**
- 100 Year Flood Zone
- Mill's Creek
- Peak's Branch
- X Protected by Levee
- Parks
- railroad
- Certified Parcels
- Base Zoning
- PD193 Oak Lawn
- Dallas Environmental Corridors
- SPSD Overlay
- Deed Restrictions
- SUP
- Dry Overlay**
- D
- D-1
- CP
- SP
- MD Overlay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



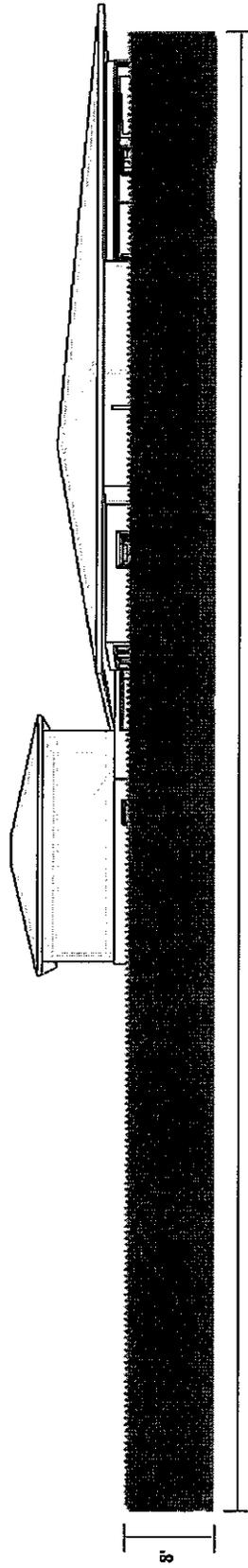
SEAVEN ESTATES NO. 3





Site Plan
 Lot 11, Blk 5
 11339 Royalshire
 Dallas Texas 75230
 Date 7/31/2018
 Scale: 3/32 = 1'.0"

Fence Elevation Drawing



Board On Board Wood

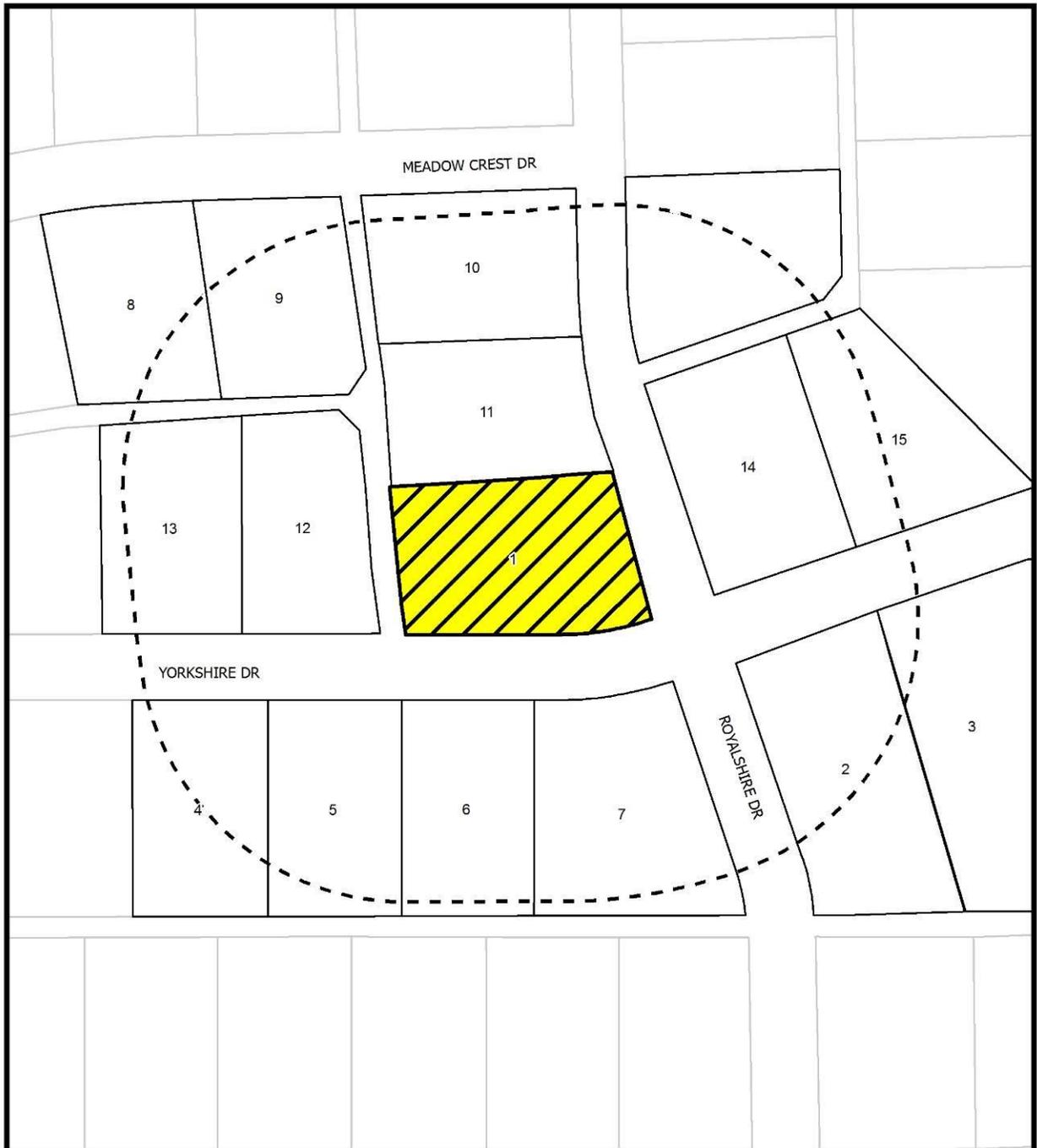
South-Facing Fence (Yorkshire)
Scale: 1" = 10'

Petition

Leaving the existing fence height on the "Yorkshire Street Side" ..

<p>Petition summary and background</p>	<p>My name is Kamil Habibi, and just bought the property @ 11339 Royalshire, Dallas Tx 75230. Recently I found there was never a permit pulled (and never disclosed at time of purchase) for this existing fence that has been there for a good 10-15 yr.</p> <p>The City of Dallas is asking for this 8' high fence on the "Yorkshire Street Side" to be lowered to 4' to comply with Dallas City fencing code.</p> <p>This Petition is to keep the existing fence as is, and <u>not</u> to change the cosmetics of the neighborhood or of the properties fence line.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who want to leave the existing fence facing and height on the "Yorkshire Street Side" as is.</p>

Printed Name	Signature	Address	Comment	Date
KEVIN WOODRUFF		6206 YORKSHIRE DR	ABSOLUTELY NO ISSUES	7/27/18
TIM SINGEL		6162 YORKSHIRE DR.	NO ISSUE	7/27/18
KEN DODGON		11347 ROYALSHIRE DR	NO ISSUE	7/27/18
MARK PETERS	Mark Peters	11354 ROYALSHIRE DR	No Issues	7/27/18
KRISANN PETERS	Krisann Peters	11354 ROYALSHIRE DR	No Problems	7/27/18
Harold Hunter		6157 YORKSHIRE DR.	NO ISSUES AT ALL	7/30/18
LUKE NOLAN		6124 MESAOWENEST DR	NO ISSUES	7/31/18
Frances McWhorter		11355 ROYALSHIRE DR	NO ISSUES	7/31/18



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA178-117 Date: 10/22/2018
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-117

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11339 ROYALSHIRE DR	HABIBI KAMIL & CHI
2	6206 YORKSHIRE DR	WOODRUFF KEVIN L&
3	6216 YORKSHIRE DR	PASQUINELLI BRUNO H &
4	6146 YORKSHIRE DR	BUXKEMPER LANCE D & MICHELLE Y
5	6154 YORKSHIRE DR	HOCKER SAM & LESLIE
6	6162 YORKSHIRE DR	SINGEL TIMOTHY R & MARY E
7	6170 YORKSHIRE DR	MADE PROPERTIES LLC
8	6114 MEADOW CREST DR	MCCOY KEITH &
9	6124 MEADOW CREST DR	NOLAN ELIZABETH B
10	11355 ROYALSHIRE DR	MCWHORTER FRANCES BERTELSEN
11	11347 ROYALSHIRE DR	DODGEN KENNETH M & KATHLEEN F
12	6157 YORKSHIRE DR	HUNTER HAROLD H
13	6149 YORKSHIRE DR	HUGHEY RICHARD & VERONICA
14	6207 YORKSHIRE DR	LIBERI ROBERT RAYMOND
15	6215 YORKSHIRE DR	GARVEY HANSEN LLC

FILE NUMBER: BDA178-120(SL)

BUILDING OFFICIAL'S REPORT: Application of William E. Ellis, Jr. for a special exception to the off-street parking regulations at 3225 Martin Luther King, Jr Boulevard. This property is more fully described as TR 1, Block 5/1354, and is zoned PD 595 (CC), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for a medical clinic or ambulatory surgical center use, and provide 47 of the required 56 parking spaces, which will require a 9 space special exception to the off-street parking regulations.

LOCATION: 3225 Martin Luther King, Jr. Boulevard

APPLICANT: William E. Ellis, Jr.

REQUEST:

A request for a special exception to the off-street parking regulations of 9 spaces is made to transition the use within an existing vacant approximately 11,100 square foot one-story structure on the subject site from "office" to "medical clinic or ambulatory surgical center" use, and provide 47 (or 84 percent) of the 56 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 9 spaces shall automatically and immediately terminate if and when the “medical clinic or ambulatory surgical center” use is changed or discontinued.

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 595 (CC) (Planned Development, Community Commercial)
North: PD 595 (CC) (Planned Development, Community Commercial)
South: PD 595 (CC) (Planned Development, Community Commercial)
East: PD 595 (CC) (Planned Development, Community Commercial)
West: PD 595 (MF-2) (SUP 1511)(Planned Development, Multifamily)

Land Use:

The subject site is developed with an existing vacant one-story structure that has approximately 11,100 square feet of floor area that the applicant intends to retain on the site and lease with medical clinic use which requires a greater number of off-street parking spaces than the previous use on the subject site (office), and a greater number than what the applicant proposes to provide. The areas to the north, east, and south are developed with commercial/retail uses; and the area to the west is developed with DART transit center and park-and-ride use.

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.

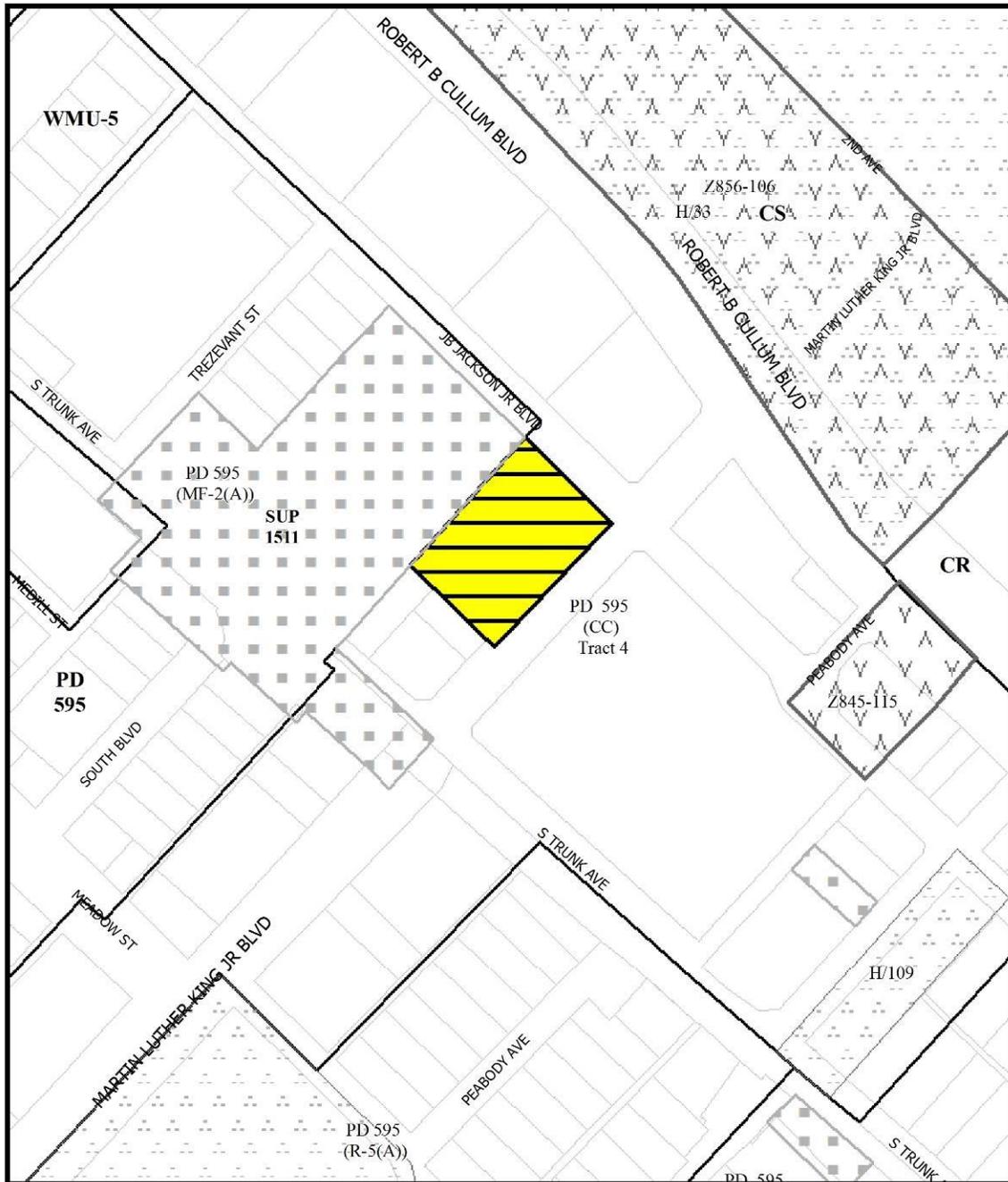
GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 9 spaces focuses on transitioning the use within an existing vacant approximately 11,100 square foot one-story structure on the subject site from “office” to “medical clinic or ambulatory surgical center” use, and providing 47 (or 84 percent) of the 56 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Medical clinic or ambulatory surgical center use: 1 space per 200 square feet of floor area. (Office use is required to provide 1 space per 333 square feet of floor area).
- The Sustainable Development and Construction Senior Engineer has indicated that he has no objections to the request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the “medical clinic or ambulatory surgical center” use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 9 spaces (or a 16 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

- If the Board were to grant this request, and impose the condition that the special exception of 9 spaces shall automatically and immediately terminate if and when the medical clinic use is changed or discontinued, the applicant would be allowed to lease and maintain the structure on the site with this specific use (“medical clinic or ambulatory surgical center”) with the specified square footage, and provide 47 of the 56 code required off-street parking spaces.

Timeline:

- August 21, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 9, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- October 9, 2018: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- October 30, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Has no objections.”



1:2,400

ZONING MAP

Case no: BDA178-120

Date: 10/22/2018



1:2,400

AERIAL MAP

Case no: BDA178-120

Date: 10/22/2018



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-120

Data Relative to Subject Property:

Date: August 21, 2018

Location address: 3225 Martin Luther King, Jr. Boulevard Zoning District: 595cc Tract 4

Lot No.: TR1 Block No.: 5/1354 Acreage: 1.0 Census Tract: 203.00

Street Frontage (in Feet): 1) 264.85 2) 155.52 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mr. John W. Collins

Applicant: William E. Ellis, Jr. Telephone: 214-538-8274

Mailing Address: 555 Republic Drive, Suite 105, Plano, Tx Zip Code: 75074

E-mail Address: camden@flash.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of reduction in off street parking for a non-residential structure for medical use to provide 47 parking spaces as a 16% reduction to the required total of 56 off-street parking spaces REDUCTION OF 9 SPACES ABE

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: Fresenius Kidney Care intends to construct a new dialysis facility in the Fair Park area to serve the residents of this underserved area. An existing non-residential building at the corner of MLK and JB Jackson Boulevards provides sufficient interior space to meet this need. However, the change of proposed use increases the parking requirement. As only two more parking spaces can be constructed, there is insufficient room on site to provide the fully prescribed number of spaces. The actual need for parking spaces is less for dialysis patients.

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 William E. Ellis, Jr. (Affiant/Applicant's name printed)

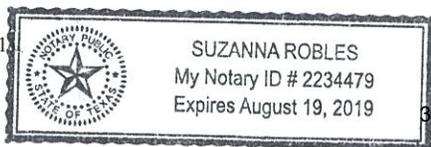
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: William E. Ellis, Jr. (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of August, 2018

Suzanna Robles Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

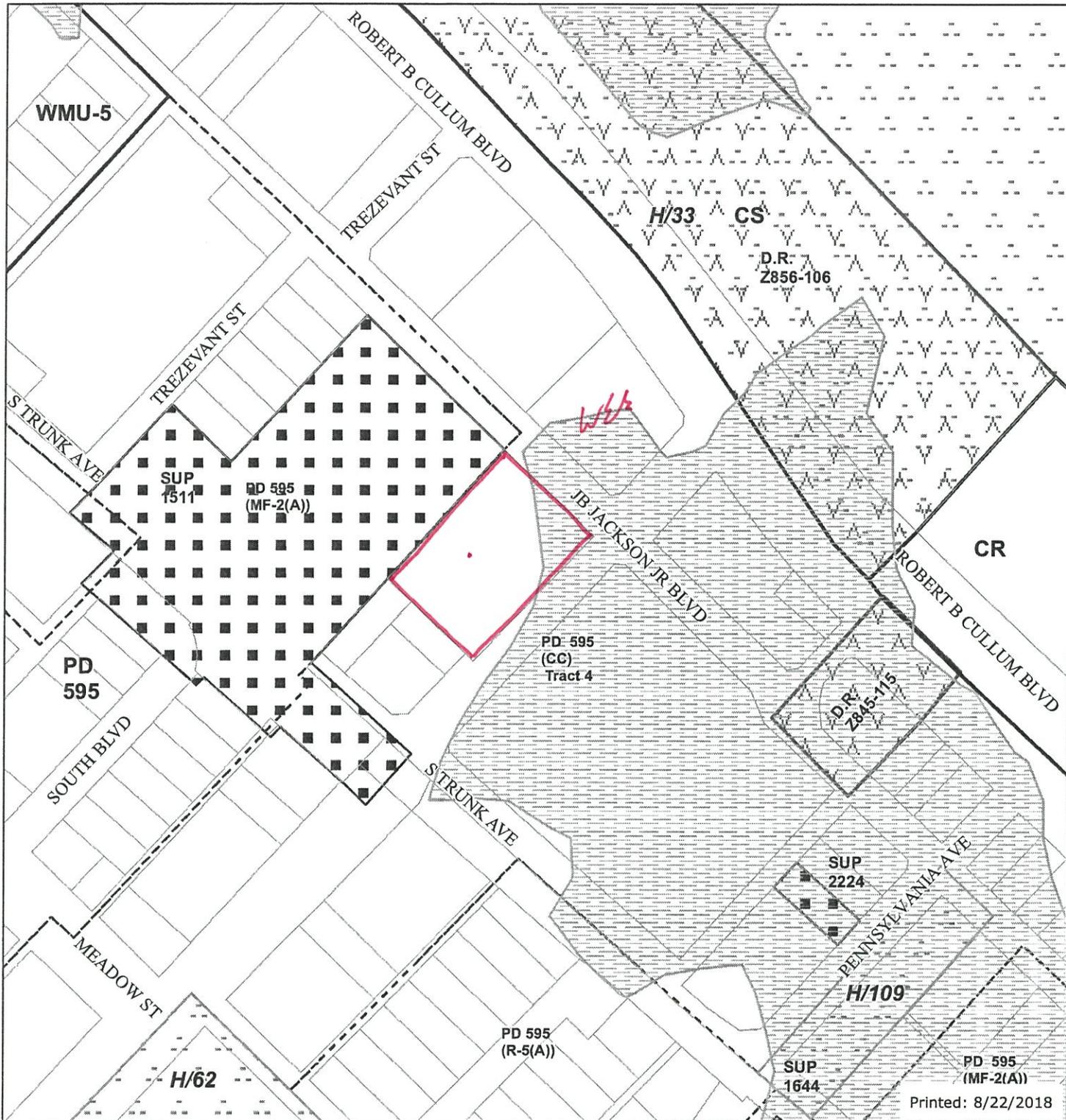
I hereby certify that William Ellis, Jr

did submit a request for a special exception to the parking regulations
at 3225 Martin Luther King Jr. Boulevard

BDA178-120. Application of William Ellis, Jr for a special exception to the parking regulations at 3225 MARTIN LUTHER KING JR BLVD. This property is more fully described as TR 1, Block 5/1354, and is zoned PD-595 (CC), which requires parking to be provided. The applicant proposes to construct or maintain a nonresidential structure for a medical use, and provide 47 of the required 56 parking spaces, which will require a 9 space special exception (16% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



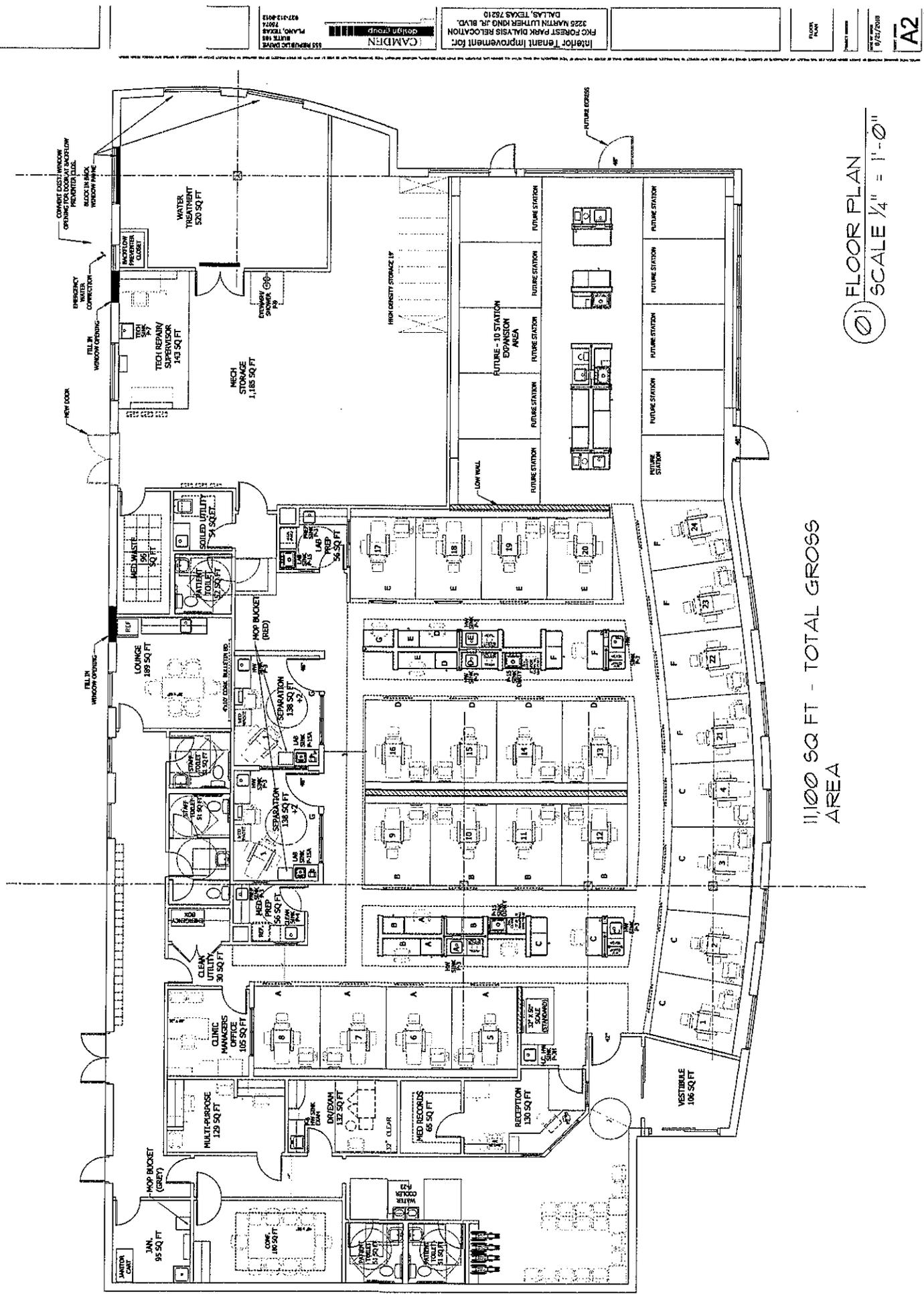
Legend

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

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

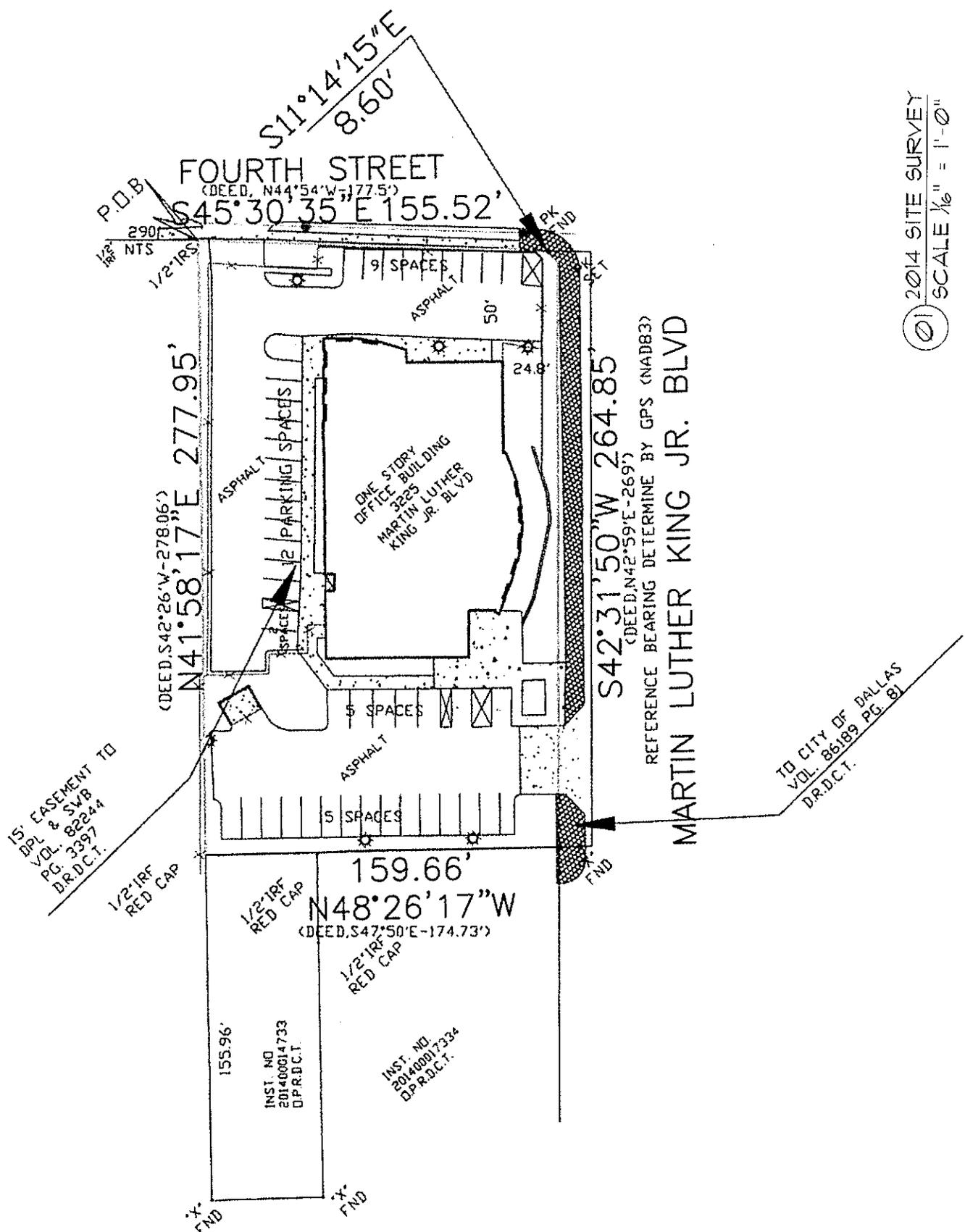






11,100 SQ FT - TOTAL GROSS AREA

⊙ FLOOR PLAN
SCALE 1/4" = 1'-0"



2014 SITE SURVEY
 SCALE 1/16" = 1'-0"

August 21, 2018

City of Dallas
Board of Adjustment
320 East Jefferson Boulevard, Room 105
Dallas, Texas

RE: 3225 Martin Luther King Jr. Boulevard

Fresenius Kidney Care respectfully requests consideration of a Special Exception to the required off street parking count at the above referenced property. As a leading provider of renal dialysis services, Fresenius Kidney Care is seeking to construct a new dialysis clinic in the Fair Park area to support this community. Seeking to serve the local residents in a location that will be convenient to their recurring weekly medical care needs, this existing free-standing building at the corner of Martin Luther King Jr. Boulevard and JB Jackson Jr. Boulevard offers sufficient interior space for this purpose.

Changing the use of this building from office to medical requires a change in the parking requirements. The attached parking analysis shows the existing parking, as well as the increase required. The site plan included demonstrates the intent to add a net of two additional parking spaces to the existing total. The end result, however, is that this site offers a parking count which is still less than the full requirement. As the site has reached its physical limit of providing any more parking beyond this number, FKC is requesting a Special Exception to grant a further reduction in the required parking count, thus allowing use of this building for this new medical care facility to care for the nearby residents. The parking count reduction is limited to 16% of the total required.

Many dialysis patients, due to many varied factors in their overall health, do not drive. Many are transported by public means of bus, handi-rides, and so forth. With this practical and actual reduction of the real need for parking spaces, a dialysis facility does not utilize the same amount of parking spaces other medical facilities may. Simply put, not many of the patients would drive themselves to this facility and park their cars, especially in a more urban environment with an abundant offering of public transportation. FKC believes that even at full capacity, and with a favorable ruling by the Board on this Special Exception request, there would still be a surplus of parking spaces remaining and available for public use without impact to neighbors or to the surrounding streets.

Being immediately adjacent to multiple DART transportation facilities, including a bus stop on the property, an administrative reduction in parking count would be sufficient to remedy the parking count issue on those merits. However, as a single family housing zone lies within the distance limits to this property, use of this administrative reduction is not allowed. Therefore, Fresenius Kidney Care is respectfully requesting the Board grant this Special Exception in the reduction of the off-street parking count.

Bill Ellis
President/Camden Design Group

(972)312-8012 (phone)
(972)312-8017(fax)
www.camdendesigngroup.com

3225 Martin Luther King, Jr. Boulevard
PARKING COUNT ANALYSIS

EXISTING PARKING SPACES

(refer attached existing survey)

41 standard spaces
4 handicap spaces
 45 total spaces existing

CHANGE OF USE FROM BUSINESS OFFICE TO MEDICAL requires a higher parking count as follows:

Total building area	11,100 sf		
Medical use area	11,100 sf	parking at 1:200	56 spaces
(Full Building)			
Total Parking for New Use			<u>56 spaces required</u>

PROPOSED SITE PLAN MINOR MODIFICATIONS as noted:

(By relocating dumpster and utilizing adjacent space
 in order to add net two new parking spaces)

Existing parking spaces	45 existing spaces
Add two parking spaces	<u>2 added spaces</u>
Total new parking spaces provided	47 provided spaces

REVISED PARKING COUNT FOR CHANGE OF USE TO MEDICAL

	56 spaces required new use
<i>Special Exception request for additional parking reduction</i> <i>(Representing a <u>16% reduction of total required</u>)</i>	<u>- 9 spaces reduction</u>
Total Spaces Thus Required with Special Exception approval	47 spaces required (47 provided)
Based upon actual use at full capacity (see attached /below)	41 spaces used / surplus of 6

This site is located next to the MLK Dart Rail Station to the northwest and the DART JB Jackson Jr. Transit Center Park and Ride to the north. There is an existing bus stop on the south side of the property on MLK Boulevard. Due to the proximity of these public transportation facilities, this site would qualify for an administrative reduction to the parking count. However, this site also falls within the minimum distance to a single family zoned area that prohibits the use of this administrative exception.

In practical support of this Special Exception request, please note that many dialysis patients by nature of their health require use of public transportation, handi-rides, family member drop off, or ambulance transport. This greatly reduces the actual need and use of parking spaces. Please refer to the attached letter from Ms. Christina Denman, Regional Vice President of Fresenius Kidney Care, who has provided a patient and staff census of actual parking needs for this facility at 100 percent use and occupancy. Her determination, based upon historical analysis of the actual count of patient and staff use, shows a total of 41 spaces would be used. Providing 47 spaces as noted above would still leave an actual surplus of parking spaces provided over and above the actual use, avoiding impact to surrounding neighbors or streets.



FRESENIUS KIDNEY CARE

August 21, 2018

To the City of Dallas Board of Adjustment:

I am writing to request your consideration and approval of our parking Special Exception submission for the building located at 3225 MLK Boulevard. Fresenius Kidney Care believes in supporting the local communities where our patients live. Currently, there are no dialysis clinics located in the Fair Park Neighborhood in Dallas. Patients living in that area must travel to other parts of Dallas to obtain their life-saving dialysis treatments. The revitalization of the Fair Park Neighborhood is an integral part of the city's plan to stimulate economic growth in South Dallas. We want to be part of that revitalization and give easy access to patients so that they can receive their medical care where they live.

Regarding the number of parking spaces that our dialysis clinic actually needs, it is lower than other healthcare businesses. This is due to the large number of our patients who do not drive themselves to their treatments. These are the numbers for a clinic nearby that operates 27 dialysis stations. There are 15 cars per day of patients driving themselves, 8 per shift. For the family dropping off/picking up, there would be 15 per day as well, 8 per shift. So, that's 16 cars per shift. If you take those numbers and project out for the increased number of chairs, we may have, if we use the expansion space to 36 dialysis stations, that would increase it to 24 patient/family/friends' cars per shift.

For 36 patients, we would have 3 RNs, 9 pcts, SW, RD, CM, Biomed, Charge RN in the building at any given time. So, that's 17 additional cars. That takes our total to 41 cars at any given time on the premises.

Please let me know if you would like any additional information. I'm happy to answer further questions. Thank you again for your consideration.

Sincerely,

Christina Denman
Regional Vice-President
North Texas Region

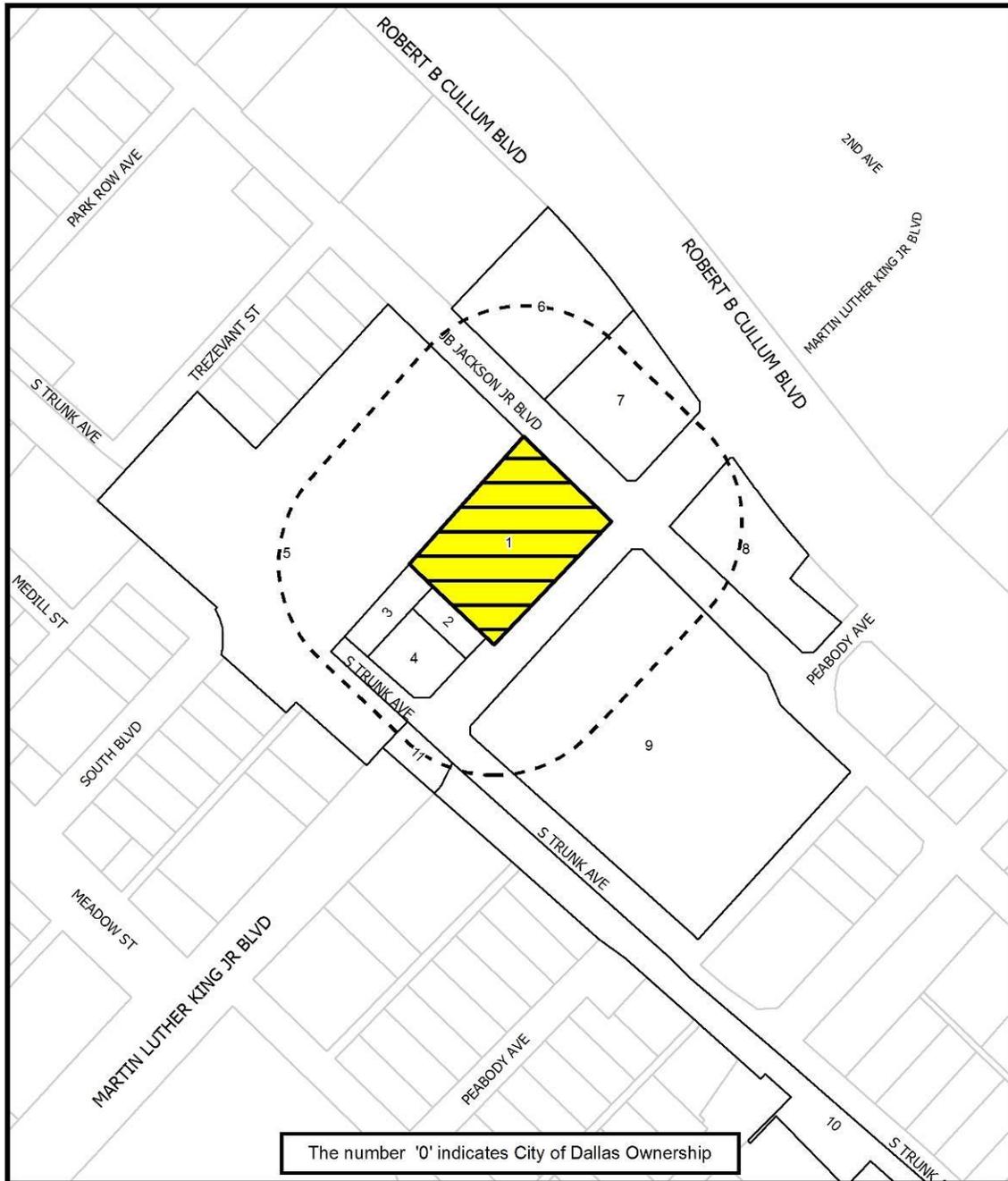
Fresenius Kidney Care North America

West Division - North Texas Region 125 E John Carpenter Fwy., Suite #1700 Irving, TX 75062

Off: (214) 445-3126 Fax: (214) 445-3149



Imagery ©2018 DigitalGlobe, Sanborn, Texas Orthoimagery Program, U.S. Geological Survey, Map data ©2018 Google 50 ft



 1:2,400	NOTIFICATION		Case no: BDA178-120
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">11</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/22/2018	

Notification List of Property Owners

BDA178-120

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3225 MARTIN LUTHER KING JR BLVD	COLLINS JOHN
2	3209 MARTIN LUTHER KING JR BLVD	BLACK CURTIS R & ANNIE
3	1424 TRUNK AVE	BLACK CURTIS R & ANNIE L
4	3205 MARTIN LUTHER KING JR BLVD	3205 MLK LLC
5	1423 MARTIN LUTHER KING JR BLVD	DALLAS AREA RAPID TRANSIT
6	1461 ROBERT B CULLUM BLVD	WG DALLAS TX LP
7	1461 ROBERT B CULLUM BLVD	LUCKY HOMER E &
8	3300 MARTIN LUTHER KING JR BLVD	NCNB TEXAS NATIONAL BANK
9	3230 MARTIN LUTHER KING JR BLVD	2ML REAL ESTATE INTEREST INC
10	401 S BUCKNER BLVD	DART
11	555 2ND AVE	DART

FILE NUMBER: BDA178-123(OA)

BUILDING OFFICIAL'S REPORT: Application of David Lloyd for variances to the front yard setback and fence height regulations at 4803 Victor Street. This property is more fully described as 1/2 Pt Lot 7, Block A/795, and is zoned PD 98, which requires a front yard setback of 25 feet, and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a structure and provide a 13 foot 10 inch front yard setback, which will require a 11 foot 2 inch variance to the front yard setback regulations, and to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot variance to the fence height regulations.

LOCATION: 4803 Victor Street

APPLICANT: David Lloyd

REQUESTS:

The following requests have been made on a site that is undeveloped:

1. A variance request to the front yard setback regulations for PD 98 is made to construct/maintain a two-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,100 square feet to be located 13' 10" from one of the site's two front property lines (N. Prairie Avenue) or 11' 2" into this 25' front yard setback; and,
2. A variance request to the fence standards regulations for PD 98 related to fence height of 4' is made to construct/maintain a fence (an 8' high solid board-on-board wood fence) higher than 4' in height in one of the site's two required front yards (N. Prairie Avenue).

STANDARD FOR A FRONT YARD VARIANCE FOR PD 98:

PD 98 Section 51P-98.107(b)(3) states that the board of adjustment shall have the authority to grant variances from the terms of this article, in accordance with regulations and procedures specified in Article XXIX of Chapter 51 in the following matters:

- Permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading, or visibility obstruction regulations where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to

permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

STANDARD FOR A VARIANCE TO FENCE REGULATIONS FOR PD 98:

PD 98 Section 51P-98.107(b)(2) states that the board of adjustment shall have the authority to grant variances from the terms of this article, in accordance with regulations and procedures specified in Article XXIX of Chapter 51 in the following matters:

- Permit such variances of fence heights when, in the opinion of the board, such fence will not adversely affect neighboring property. Variances of fence heights providing screening around parking facilities are excluded.

STAFF RECOMMENDATION (VARIANCE TO FRONT YARD REGULATIONS FOR PD 98):

Approval, subject to the following condition;

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD 98 zoning district. It is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width. In addition, the variance should be granted because of the restrictive area of the subject site at only 5,300 square feet in the PD 98 zoning district where lots are typically 7,500 square feet.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the total buildable area of the subject site is approximately 1,600 square feet is commensurate to 9 other properties in the same PD 98 zoning district that have an average total buildable area of approximately 4,900 square feet.

STAFF RECOMMENDATION (VARIANCE TO FENCE REGULATIONS FOR PD 98):

No staff recommendation is made on this request for a variance to the fence regulations for PD 98 since the basis for this type of appeal is when in the opinion of the board, such variances of fence heights will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: PD 98 (Planned Development)

North: PD 98 (Planned Development)
South: PD 98 (Planned Development)
East: PD 98 (Planned Development)
West: PD 98 (Planned Development)

Land Use:

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

Zoning/BDA History:

1. BDA145-040, Property at 4734 Tremont Street (two lots northwest of the subject site) On April 22, 2015, the Board of Adjustment Panel B granted a variance to the front yard setback regulations. The case report stated that the requests were made to replace an existing one-story nonconforming single-family home structure on the subject site with a two-story single family home with (according to the submitted revised site plan) a building footprint of about 2,000 square feet and a total living area of about 2,600 square feet, part of which would be located 5' from one of the site's two front property lines (N. Prairie Avenue) or 20' into this 25' front yard setback.

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- This request for a variance to the front yard setback regulations of 20' focuses on constructing and maintaining a two-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,100 square feet to located 13' 10" from one of the site's two front property lines (N. Prairie Avenue) or 11' 2" into this 25' front yard setback.
- PD 98 states that general standards for development of single-family uses with regard to setbacks must be in accordance with the provisions of the Residential - 7,500 Square Feet District of Chapter 51. Structures on lots zoned R-7.5 are required to provide a minimum front yard setback of 25.
- The subject site is located at the northwest corner of Victor Street and N. Prairie Avenue. Regardless of how the structure is proposed to be oriented to front Victor Street, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Victor Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along N. Prairie Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's N. Prairie Avenue frontage that

would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the northwest that front/are oriented southwest towards N. Prairie Avenue.

- The submitted site plan indicates that the proposed home structure is located as close as 13' 10" from the N. Prairie Avenue front property line or 11' 2" into this 25' front yard setback.
- According to DCAD records, there are no "main improvement" or "no additional improvements" for property addressed at 4803 Victor Street.
- The subject site is flat, regular in shape and according to the submitted application is 0.121 acres (or approximately 5,300 square feet) in area. The site is zoned PD 98 where lots are typically 7,500 square feet in area.
- Most lots in the PD 98 zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and one 5' side yard setback.
- The site plan represents that approximately 1/3 of the home structure is located in the 25' N. Prairie Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- The applicant submitted a document with this application, indicating among other things that the total buildable area of the subject site is 1,600 square feet, and the buildable average of 9 other properties in the same zoning district is approximately 4,900 square feet.
- The applicant has the burden of proof in establishing the following:
 - That permitting such a variance of the front yard where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same PD 98 district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same PD 98 district.
 - A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a home structure that would be located 13' 10" from one of the site's two front property lines (N. Prairie Avenue) or 11' 2" into this 25' front yard setback.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

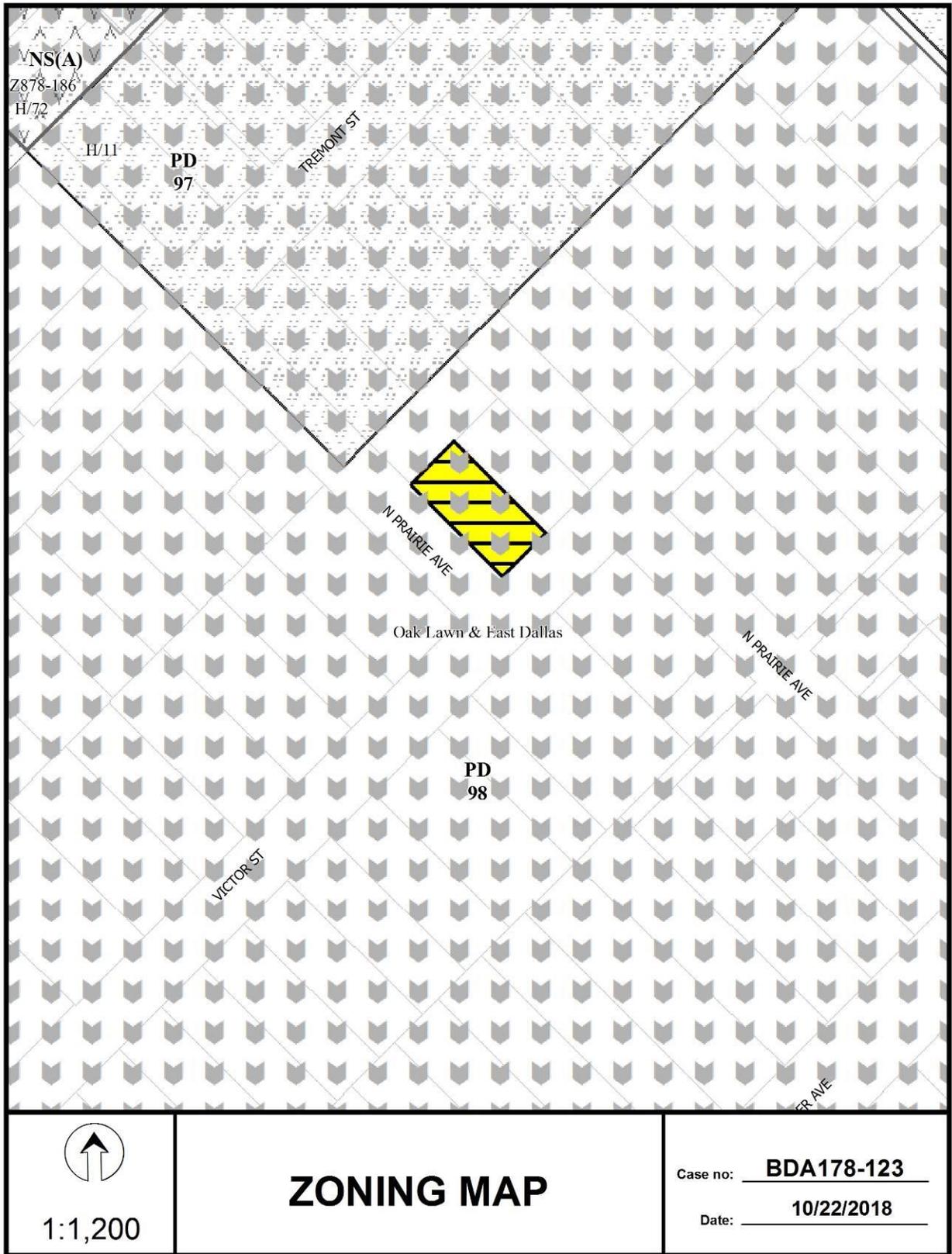
- The request for a variance to the fence standard regulations for PD 98 related to height of 4' focuses on constructing and maintaining an 8' high solid board-on-board wood fence in one of the site's two required front yards (N. Prairie Avenue).
- PD 98 states that general standards for development of single-family uses with regard to setbacks must be in accordance with the provisions of the Residential - 7,500 square feet District of Chapter 51. Structures on lots zoned R-7.5 are required to provide a minimum front yard setback of 25'.
- PD 98 Section 51P-98.10 (a) (b) (2) states that the board of adjustment shall have the authority to grant variances from the terms of this article, in accordance with regulations and procedures specified in Article XXIX of Chapter 51 in the following matters:
 - Permit such variances of fence heights when, in the opinion of the board, such fence will not adversely affect neighboring property. Variances of fence heights providing screening around parking facilities are excluded.
- The applicant submitted a site plan and elevation representing the proposed fence in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 53' in length parallel to N. Prairie Avenue and approximately 25' perpendicular to on the northwest and the southeast side of the site in this front yard setback.
 - The proposal is represented as being located approximately at the front property line or approximately 8' from the pavement line.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area from and noted no other fence that appeared to be over 4' in height and in a front yard setback.
- The applicant has the burden of proof in establishing that the variance to the fence standards regulations related to fence height of 8' will not adversely affect neighboring property.
- As of November 2nd, no letters have been submitted in support of or in opposition to this request.
- Granting this variance with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

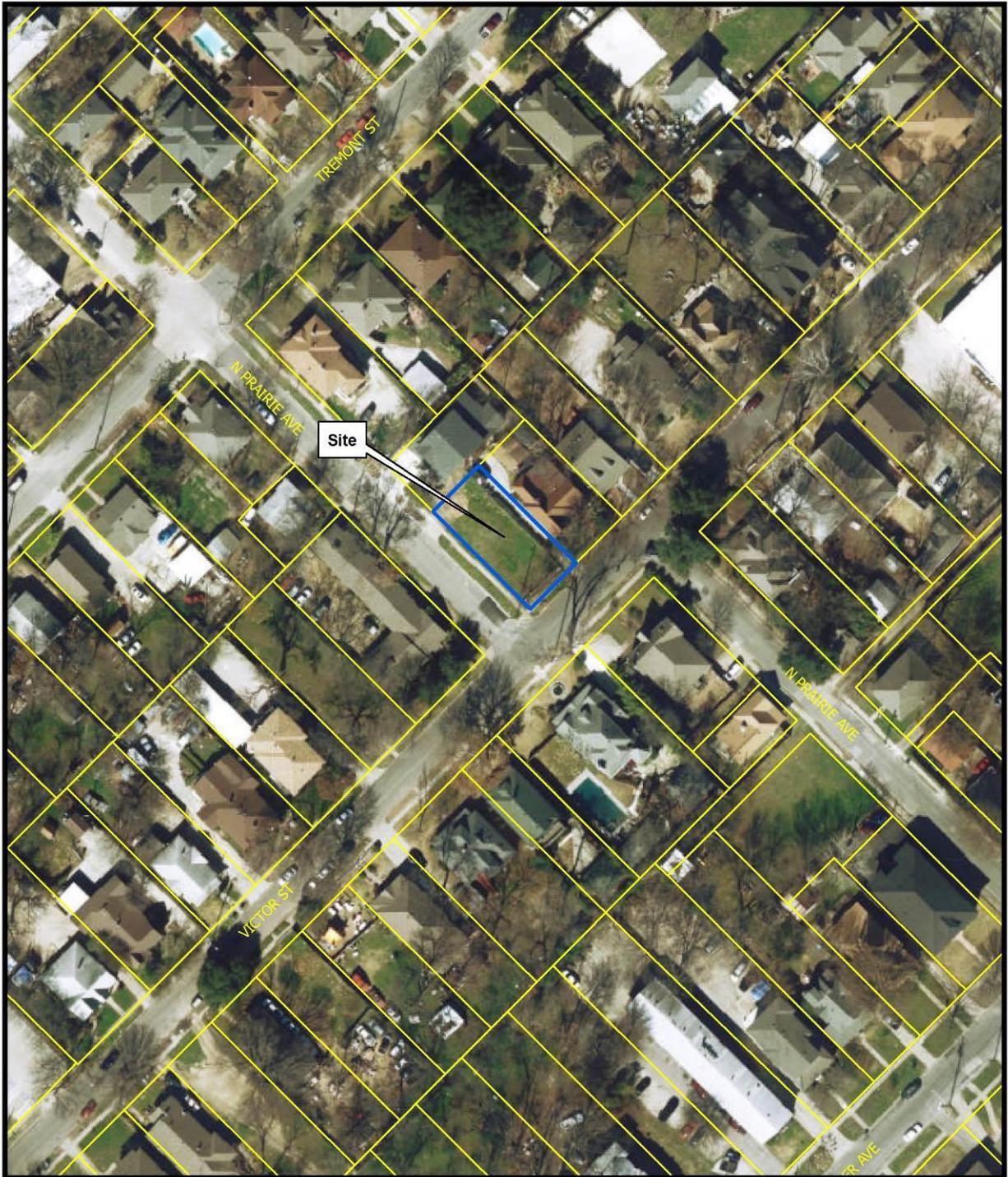
Timeline:

September 13, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 8, 2018: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel C.

- October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- October 24, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- October 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.





1:1,200

AERIAL MAP

Case no: BDA178-123

Date: 10/22/2018



4414 BUENA VISTA STREET NO. 18 DALLAS, TEXAS 75205 T: 972 342 9345 office@faranddang.com

To: Board of Adjustment
City of Dallas, Texas

From: Rizwan Faruqui, AIA
Bang Dang
FAR + DANG
214-676-5672
rizi.faruqui@faranddang.com
bang.dang@faranddang.com

RE: Application and Appeal to the Board of Adjustment
Case No. BDA 178-123
Subject Property: 4803 Victor St. Dallas, TX 75246

Date: 10.19.2018

Dear City of Dallas Board of Adjustment,

We are providing herein, supplemental information that we hope will assist the Board in better understanding the appeal for Variance for the Project that we have designed at 4803 Victor Street. The Proposed Design is, with all intentions, comparable with the context of the surrounding neighborhood and adjacent lots and blocks.

Without granting of the Variance to front yard setback, the lot at 4803 Victor Street would have the hardship of having less than 50% of the buildable area of directly adjacent and similar lots and between 20% and 30% of the buildable area of other similar lots within its block and the surrounding blocks.

The lot itself would have a buildable area that is **only 28.5% of the entire Lot area, leaving 71.5% of the Lot unbuildable, leaving only 1,511 square feet of buildable lot area.**

In comparison, other directly adjacent lots have buildable areas that range from **2,897 square feet up to 7,807 square feet:**

4809 Victor Street	2,897 SF Buildable Area
4811 Victor Street	4,706 SF Buildable Area
4817 Victor Street	7,758 SF Buildable Area
4731 Victor Street	7,807 SF Buildable Area
4727 Victor Street	4,797 SF Buildable Area
4723 Victor Street	5,812 SF Buildable Area
408 N. Prairie Avenue	2,569 SF Buildable Area
4800 Tremont Street	4,820 SF Buildable Area
4734 Tremont Street	2,353 SF Buildable Area

It is our hope that even by increasing the desired buildable area by the small percentage requested, the lot can have a more equitable opportunity for planned development to add value to both its highly visible corner lot location and also the neighborhood at large.

Upon initiating the design of the Property it was also observed that the 2 adjacent properties on the block have a different relationship to N. Prairie Avenue and there is no current Continuity of blockface. With only 3 homes on the block, by matching to either it would not be possible to create a continuous blockface. Matching to the adjacent lot at 408 N. Prairie Avenue, with a dual front yard setback, would result in the hardship of inequitable buildable area referenced above and would be in stark contrast to the neighborhood and more specifically to those lots directly surrounding and adjacent.

The request for variance in fence height is to allow for a fence that is commensurate with the majority of fences in the neighborhood and those specifically with identical corner lot conditions.

We hope that the supplemental graphic exhibits and photographs provided are helpful in explaining the narrative above with greater context and detail.

We appreciate the Board's consideration of the appeal for Variance for this Project and hope to have the opportunity to create a newly developed property that is respectful of its surroundings and adds to the quality of its neighborhood.

Respectfully submitted,



Rizi Faruqui, AIA
Bang Dang

Enclosure

CC: E-Distribution;
Mr. Oscar Aguilera, City of Dallas, Senior Planner
Mr. Charles Trammell, City of Dallas, Sr. Plans Examiner
Mr. David Lloyd, BDA Case Applicant
Mr. Mason Franz and Mrs. Rachel Franz, Property Owners
File





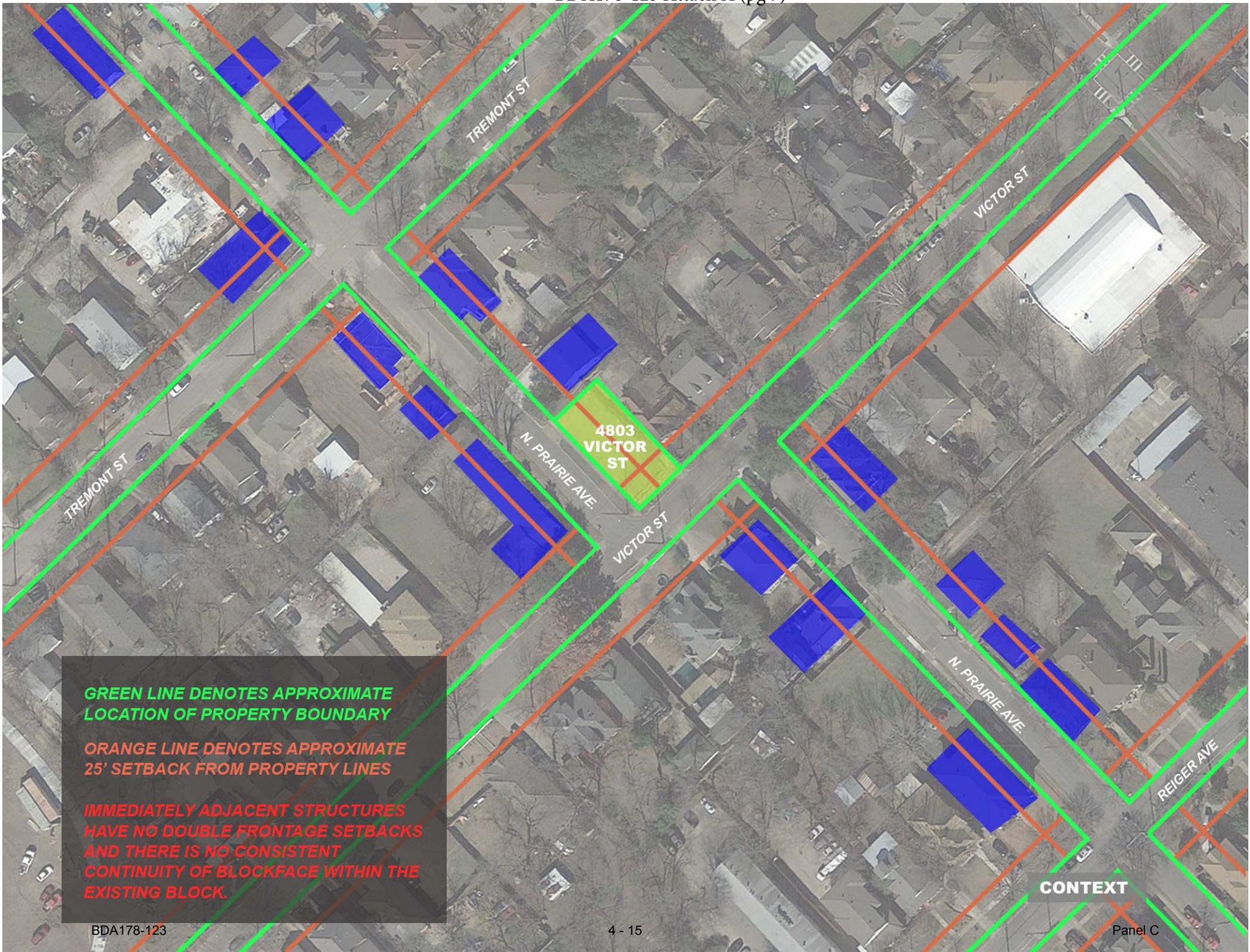
FAR + DANG

WEST ELEVATION

4803 VICTOR STREET



LOCATION MAP

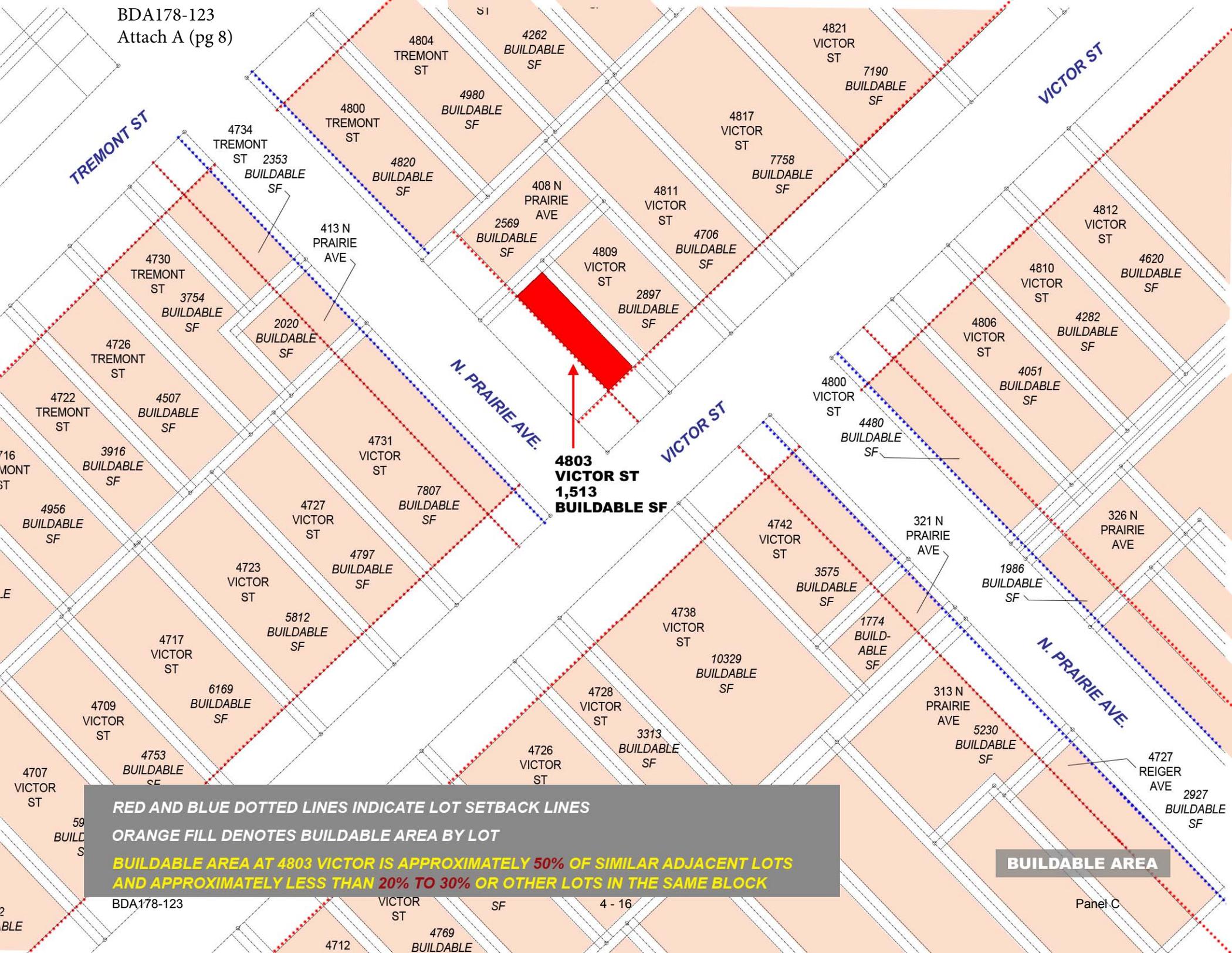


GREEN LINE DENOTES APPROXIMATE LOCATION OF PROPERTY BOUNDARY

ORANGE LINE DENOTES APPROXIMATE 25' SETBACK FROM PROPERTY LINES

IMMEDIATELY ADJACENT STRUCTURES HAVE NO DOUBLE FRONTAGE SETBACKS AND THERE IS NO CONSISTENT CONTINUITY OF BLOCKFACE WITHIN THE EXISTING BLOCK.

CONTEXT

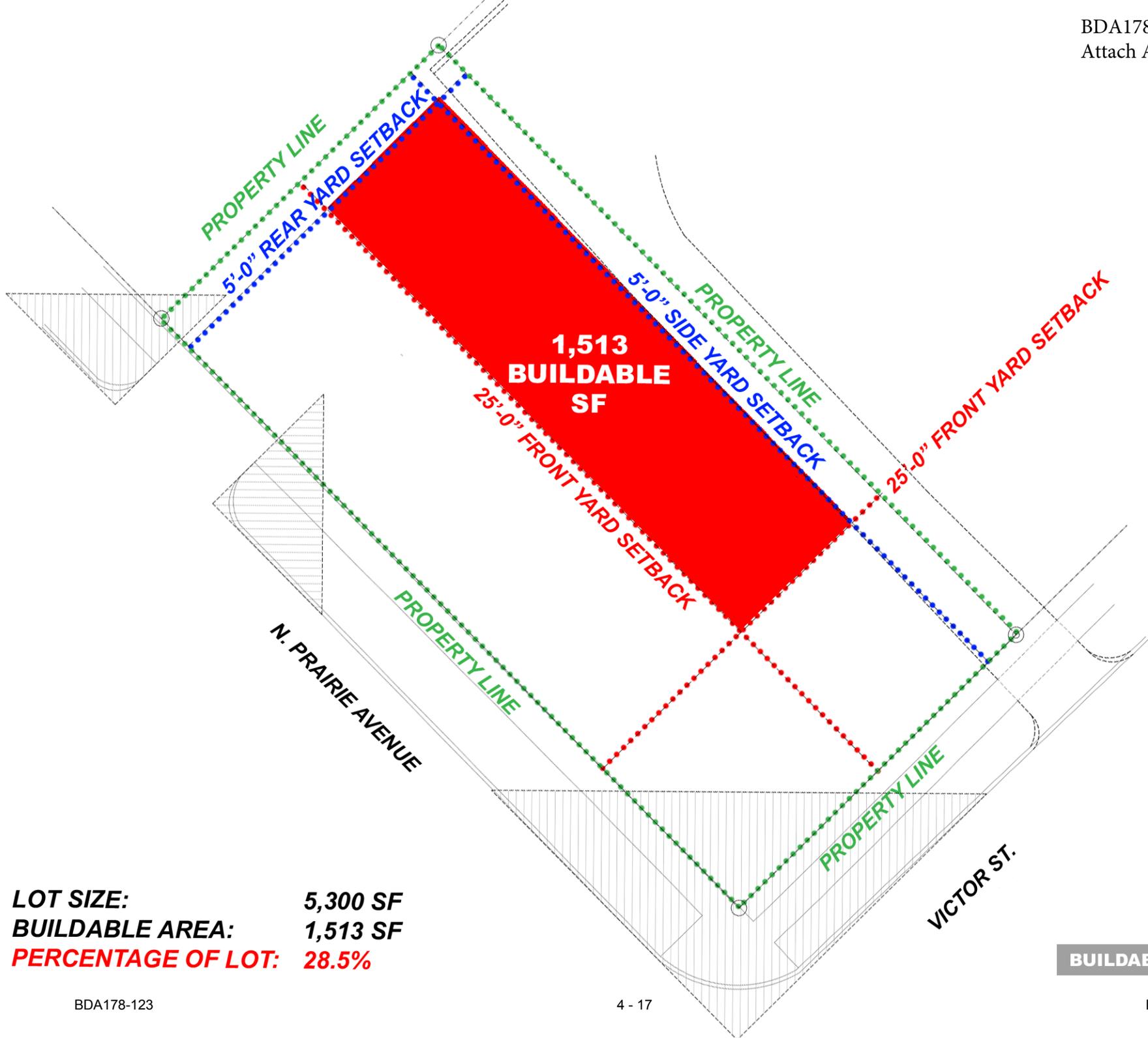


RED AND BLUE DOTTED LINES INDICATE LOT SETBACK LINES

ORANGE FILL DENOTES BUILDABLE AREA BY LOT

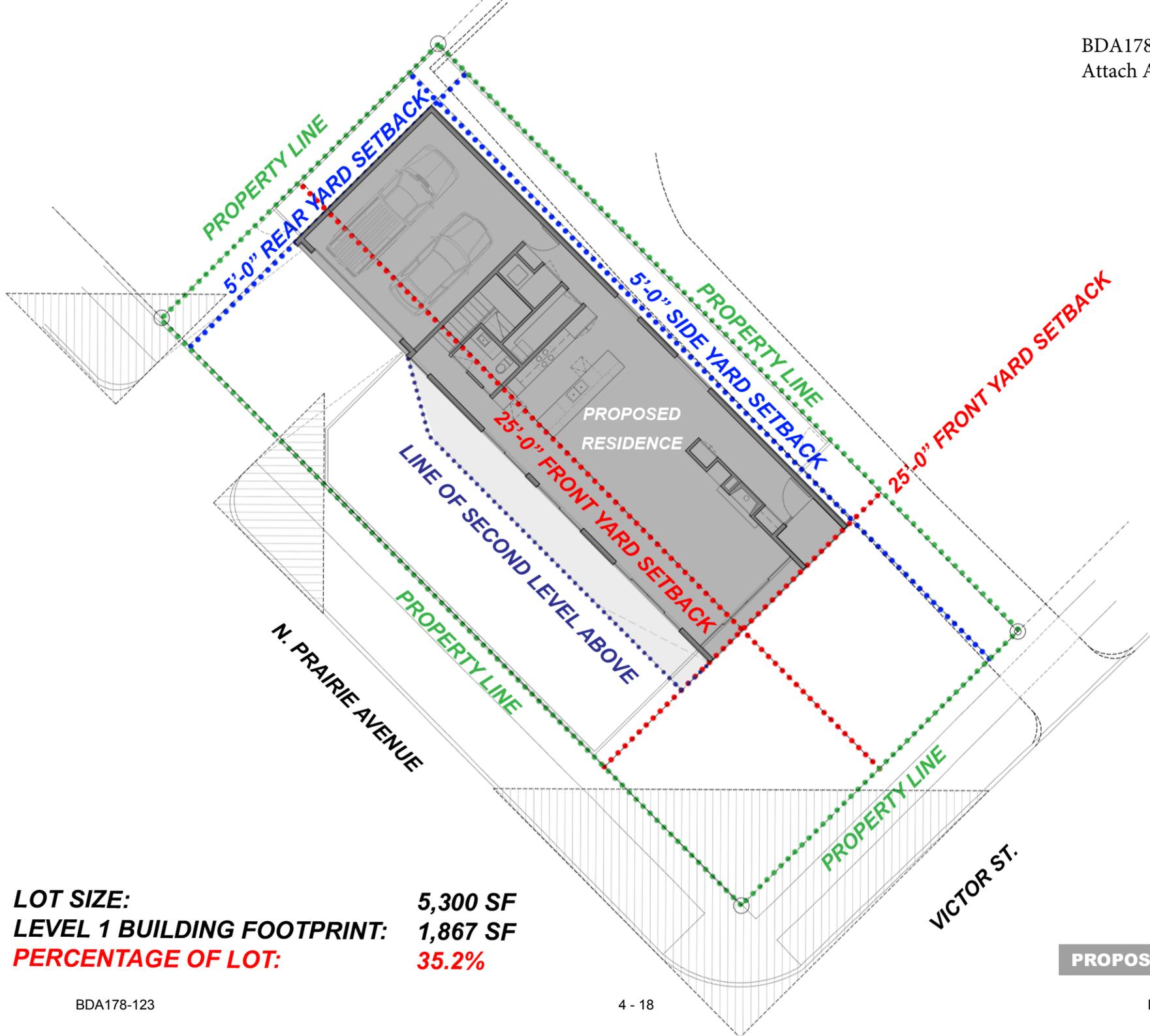
BUILDABLE AREA AT 4803 VICTOR IS APPROXIMATELY 50% OF SIMILAR ADJACENT LOTS AND APPROXIMATELY LESS THAN 20% TO 30% OR OTHER LOTS IN THE SAME BLOCK

BUILDABLE AREA



LOT SIZE: 5,300 SF
BUILDABLE AREA: 1,513 SF
PERCENTAGE OF LOT: 28.5%

BUILDABLE AREA



LOT SIZE: 5,300 SF
LEVEL 1 BUILDING FOOTPRINT: 1,867 SF
PERCENTAGE OF LOT: 35.2%

PROPOSED RESIDENCE



This Photograph looks Northwest from the corner of Victor St. and N. Prairie Avenue from the corner across the street from 4803 Victor St. It highlights the other 2 lots and homes of the Block. We visited the site multiple times prior to the proposed design for 4803 Victor St. and noticed no continuity of blockface on the Block between the 2 other existing homes on the block.

One, the opposing corner to 4803 Victor - 4800 Tremont Street, has a 5' setback along N. Prairie Avenue, the other, 408 N. Prairie Avenue has a 25' setback along N. Prairie Avenue. There is currently only discontinuity of blockface on this particular block. Whichever condition 4803 Victor St. was to match, there is no way for the block to have continuity.



This Photograph looks Northwest from the corner of Victor St. and N. Prairie Avenue from the corner across the street from 4803 Victor St. It highlights the other 2 lots and homes of the Block. We visited the site multiple times prior to the proposed design for 4803 Victor St. and noticed no continuity of blockface on the Block between the 2 other existing homes on the block.

One, the opposing corner to 4803 Victor - 4800 Tremont Street, has a 5' setback along N. Prairie Avenue, the other, 408 N. Prairie Avenue has a 25' setback along N. Prairie Avenue. There is currently only discontinuity of blockface on this particular block. Whichever condition 4803 Victor St. was to match, there is no way for the block to have continuity.



4900 Victor St.



4803 Reiger Ave.



4742 Victor St.



4742 & 4800 Victor St.

These photographs show the immediately adjacent similar neighborhood corner lot conditions in the same block and immediate blocks with close proximity to 4803 Victor Street. Each Property has an 8' high solid opaque fence along its sideyard and secondary street frontage similar in character to that proposed for 4803 Victor Street.



4734 Tremont St.



4900 Victor St.



4734 Tremont St.



4901 Victor St.

These photographs show the immediately adjacent similar neighborhood corner lot conditions to the Northwest, Northeast and Southeast of 4803 Victor Street. Each Property has a single front yard setback and an 8' high solid opaque fence along its sideyard and secondary street frontage similar in character to that proposed for 4803 Victor Street.



This Photograph is of the recently constructed new 2 story single family residence just catacorner to 4803 Victor Street located at 4734 Tremont Street at the corner of Tremont St. and N. Prairie Ave.

The property was constructed in 2017 at a corner condition identical to 4803 Victor Street and has a 5' sideyard setback along N. Prairie Avenue and an 8' high solid fence along the remaining property portion facing N. Prairie Ave.

The properties adjacent to the Southeast, towards Victor St., (413 N. Prairie Ave. and 4731 Victor Street both have a 5' front yard and side yard setback facing onto N. Prairie Avenue.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-123

Data Relative to Subject Property:

Date: 8-29-18

Location address: 4803 Victor Street Zoning District: PD 98

Lot No.: 1/2 PT LT 7 Block No.: A/795 Acreage: 0.121 Census Tract:

Street Frontage (in Feet): 1) 50 2) 106 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mason and Rachel Franz

Applicant: David Lloyd Telephone: 972-849-5691

Mailing Address: 5675 Miramar Frisco, TX Zip Code: 75034

E-mail Address: David@dlloyd.org

Represented by: David Lloyd Telephone: 972-849-5691

Mailing Address: 5675 Miramar Frisco, TX Zip Code: 75034

E-mail Address: David@dlloyd.org

Affirm that an appeal has been made for a Variance X, or Special Exception X, of To construct a single family residential structure and provide a 13 foot 10 inch front yard setback, which will require a 11 foot 2 inch variance to the front yard setback regulations. To construct an 8 foot fence in a required front yard, which will require a 4 foot special exception to the fence regulations w/ a total fence height of 8 foot. Special exception request of 50% open fence panel to opaque fence panel.

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

Variance requested due to the reduction and hardship of a reduced buildable area that would be 50% of that of neighboring lots on the same block due to the requirement of a double frontage. The block or directly adjacent blocks does not have any consistent continuity of block face. Both items are a significant hindrance on any development of the lot.

The Fence Heights and types proposed would be consistent in both material and height with those in the neighborhood on identical lots with similar configurations.

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

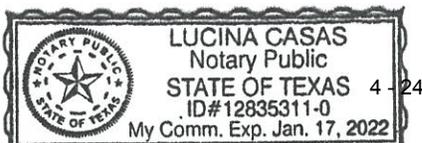
Before me the undersigned on this day personally appeared David Lloyd (Affiant/Applicant's name printed)

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: David Lloyd (Affiant/Applicant's signature)

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

Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that DAVID LLOYD

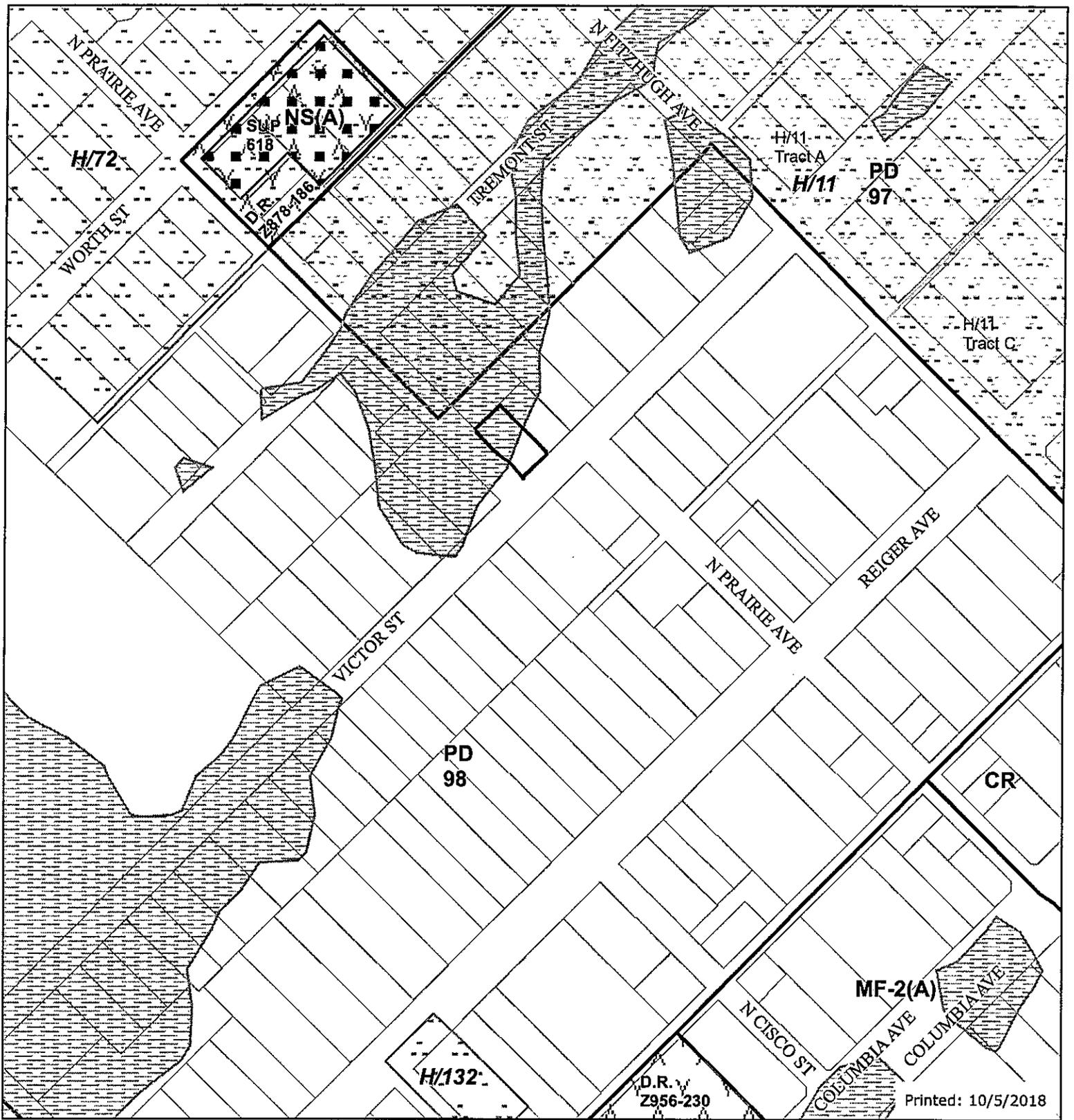
did submit a request for a variance to the front yard setback regulations, and for a variance to the fence height regulations

at 4803 Victor Street

BDA178-123. Application of DAVID LLOYD for a variance to the front yard setback regulations, and for a variance to the fence height regulations at 4803 VICTOR ST. This property is more fully described as 1/2 Pt Lot 7, Block A/795, and is zoned PD-98, which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 2 feet. The applicant proposes to construct a single family residential structure and provide a 13 foot 10 inch front yard setback, which will require a 11 foot 2 inch variance to the front yard setback regulations, and to construct an 8 foot high fence in a required front yard, which will require a 4 foot variance to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 10/5/2018

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA178-183 SUP | Historic Overlay | 4-26 Shop Front Overlay |
| | | Height Map Overlay | |

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

Panel C



6/2/20



PLAN NOTES

GENERAL NOTES:

- PLANS ARE DESIGNED TO 2018 INTERNATIONAL BUILDING CODE.
- GENERAL CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS IN FIELD AND NOTIFY OWNER AND ARCHITECT IMMEDIATELY UPON DISCOVERY OF ANY DISCREPANCIES BETWEEN THE DRAWINGS AND OTHER TRACES.
- GENERAL CONTRACTOR SHALL NOTIFY F.A.R. + D. AND OWNER OF ANY DISCREPANCIES BETWEEN THE DRAWINGS AND OTHER TRACES.
- CONTRACTOR SHALL COORDINATE INSTALLATION OF APPLIANCES AND INSTALL ALL FIXTURES AND APPLIANCES WITHIN 14 DAYS OF COMMENCEMENT OF WORK. CONTRACTOR SHALL COORDINATE WITH ALL OTHER TRADES.
- CONTRACTOR SHALL COORDINATE WITH ALL OTHER TRADES FOR THE INSTALLATION OF ALL APPLIANCES AND ACCESSORIES AS REQUIRED TO SUPPORT SINK, STOVE, AND REFRIGERATOR.
- GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS ARE NOT INCONFLICTED WITH ANY EXISTING CONDITIONS AND SHALL NOTIFY ARCHITECT IMMEDIATELY UPON DISCOVERY OF ANY DISCREPANCIES BETWEEN THE DRAWINGS AND OTHER TRACES.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL FEES ASSOCIATED WITH THE SUBMITTAL OF ALL PERMITS AND APPROVALS TO THE APPROPRIATE AGENCIES.

WALL AND PARTITION NOTES:

- INSTALL INTERIOR PARTITION WALLS AS SHOWN, TYPICAL OVER ALL EXTERIOR SPACES TO WALL.
- ALL INTERIOR PARTITIONS ARE SHOWN EXCEPT FOR PLUMBING WALLS AND POCKET PARTITIONS. INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS.
- INSTALL THERMAL INSULATION IN ALL WALLS AND CEILING JOISTS TO MEET LOCAL ENERGY CODES.
- INSTALL ACoustical INSULATION IN ALL INTERIOR WALLS REQUIRING SOUND ATTENUATION. INSULATION SHALL BE 1/2" MINIMUM THICKNESS.
- INSTALL ACoustical INSULATION IN ALL INTERIOR WALLS REQUIRING SOUND ATTENUATION. INSULATION SHALL BE 1/2" MINIMUM THICKNESS.
- INTERIOR WET WALLS AND CEILING.

DIMENSION NOTES:

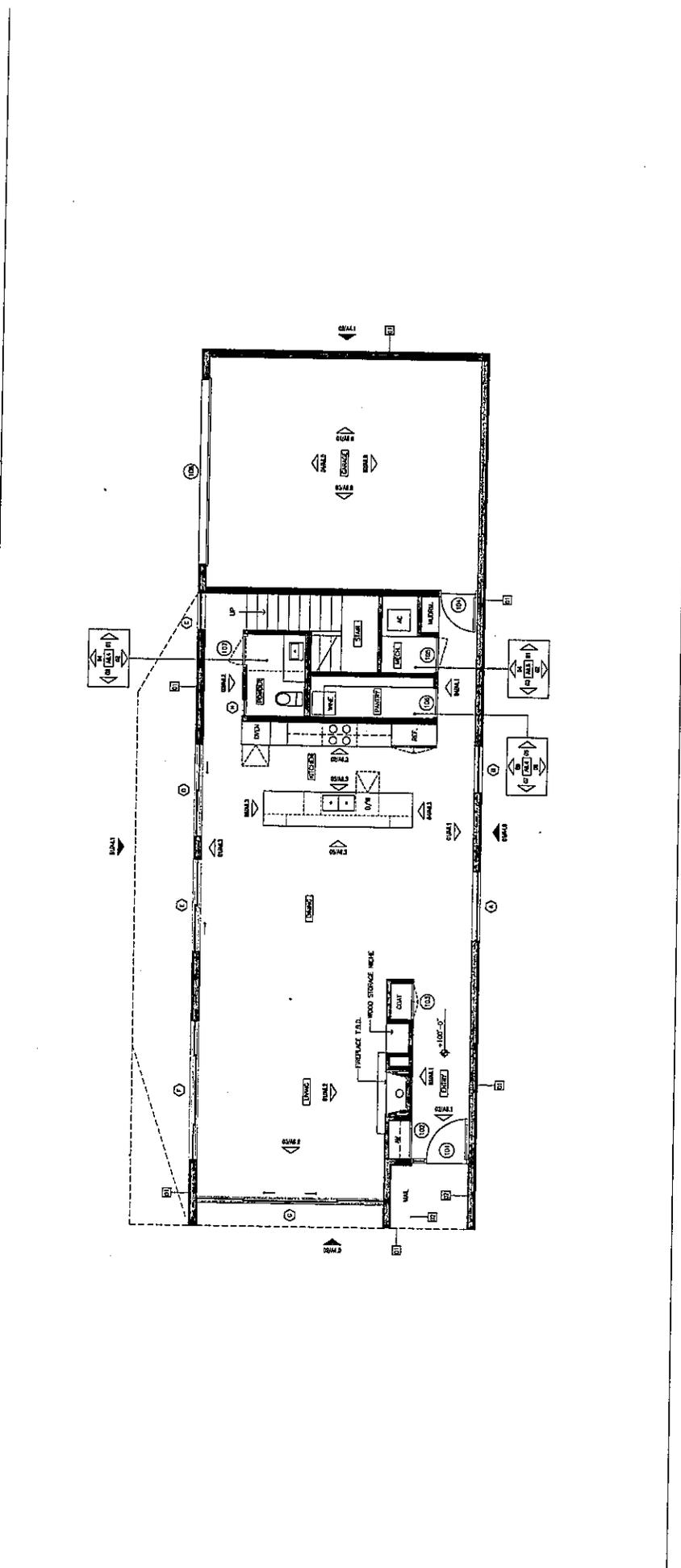
- DIMENSIONS FROM INTERIOR WALL TO INTERIOR WALL FACE TO FACE OF STUD UNLESS NOTED OTHERWISE.
- WALLS ARE TO BE 1/2" THICK UNLESS NOTED OTHERWISE.

FINISH NOTES:

- ALL INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD AND INTERIOR CEILING SHALL BE 1/2" GYPSUM BOARD UNLESS NOTED OTHERWISE.
- ALL INTERIOR WALLS AND CEILING SHALL BE PAINTED WITH A LIGHT COLOR, SMOOTH FINISH UNLESS NOTED OTHERWISE.

EXTERIOR WALL TYPES:

- FRONT CLADMENT PANEL USING CLAD WALL SYSTEM. VERTICAL JOINTS SHALL BE ALUMINUM CHANNEL WITH JOINT BETWEEN PANELS. ALL INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS. INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS. INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS. INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS.
- WOOD AND FRIBER CEMENT SKING CLAD WALL SYSTEM. VERTICAL JOINTS SHALL BE ALUMINUM CHANNEL WITH JOINT BETWEEN PANELS. ALL INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS. INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS. INTERIOR WALLS SHALL BE 1/2" GYPSUM BOARD ON STUDS.



Floor Plan Level 1 01

OWNER:
HARFIELD PARTNERS I, LLC
1415 BROAD AVENUE, SUITE 100
DALLAS, TEXAS 75202

ARCHITECT:
FAR + DANG
1415 BROAD AVENUE, SUITE 100
DALLAS, TEXAS 75202
OFFICE@FARDANG.COM

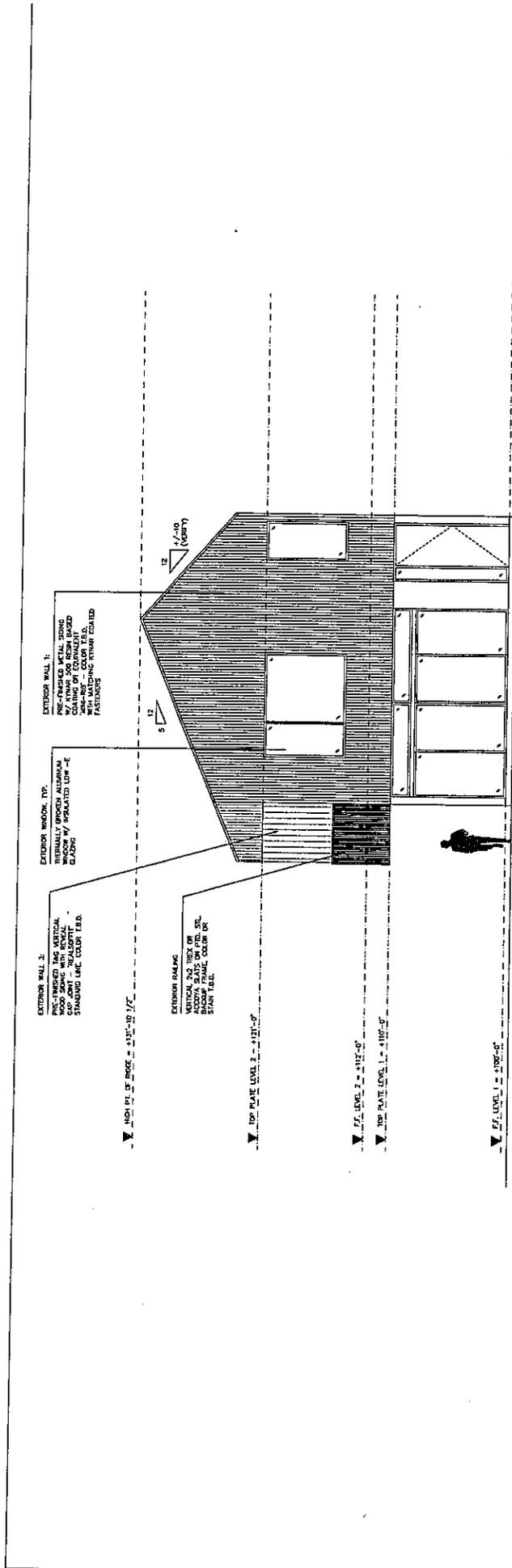
TITLE:
Floor Plan
Level 1

DATE: 06.07.18
SCALE: 1/8" = 1'-0"
DRAWING NO.: A1.1

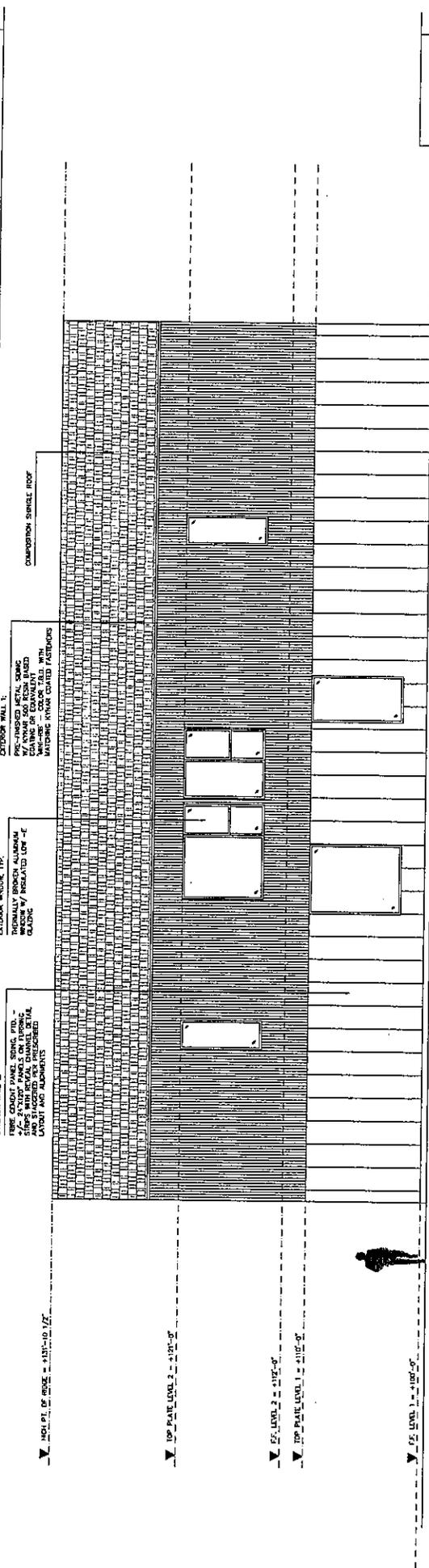
4803 VICTOR STREET

REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 NO. 12456
 EXPIRES 08/31/2021
 NAME: DANIEL DANG

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 PERMISSION OF FAR + DANG.



South Elevation 02



East Elevation 01

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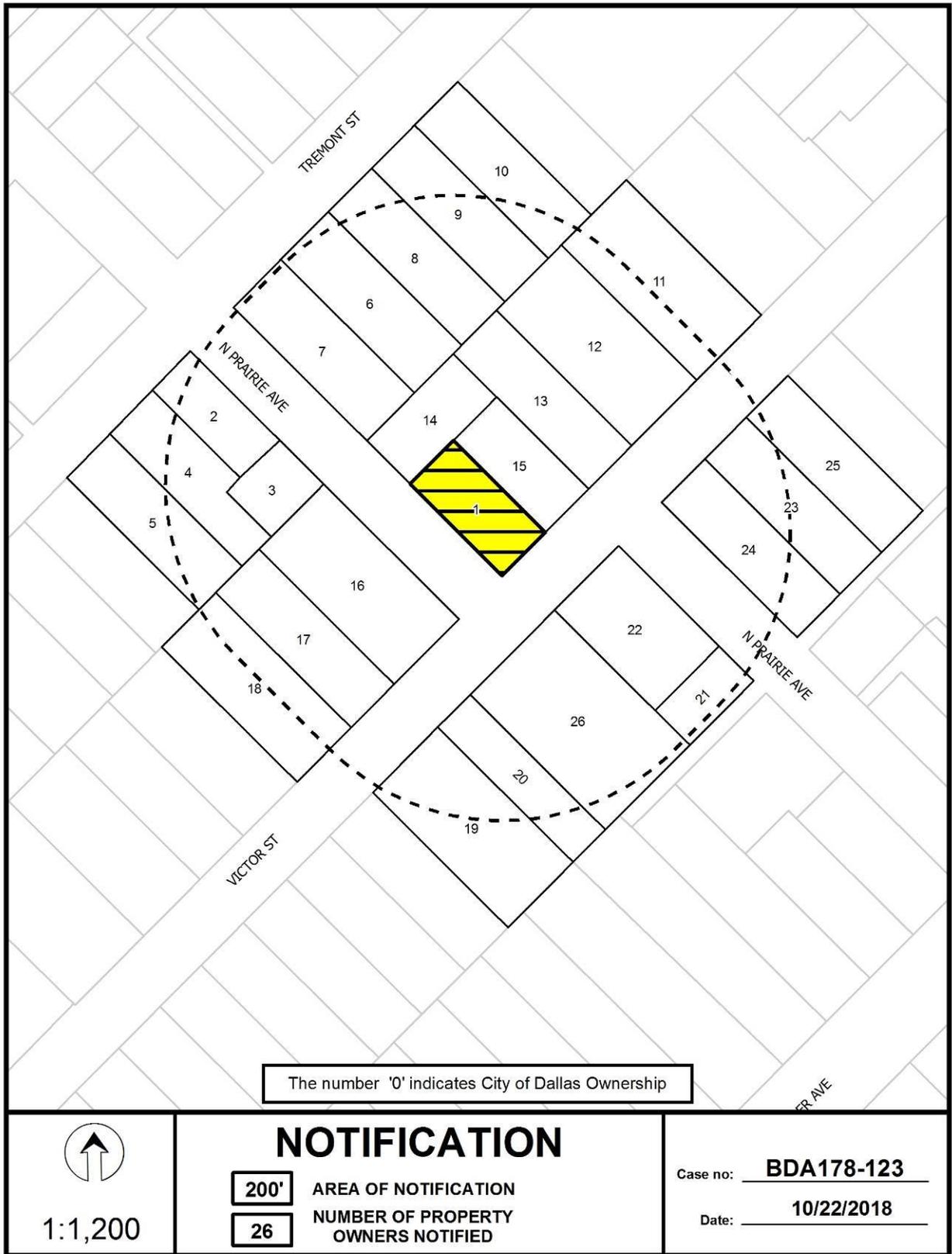
REG. ARCHITECT
 IN STATE OF TEXAS

OWNER
 HOFFFIELD PARTNERS, L.L.C.
 4803 VICTOR STREET
 DALLAS, TEXAS 75204

ARCHITECT
FAR + DANG
 4803 VICTOR STREET
 DALLAS, TEXAS 75204

4803 VICTOR STREET

TITLE
 Exterior Elevations



Notification List of Property Owners

BDA178-123

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4803 VICTOR ST	FRANZ MASON W &
2	4734 TREMONT ST	HEWLETT ELAINE
3	413 N PRAIRIE AVE	ISYA LTD PS
4	4730 TREMONT ST	HEWLETT ELAINE
5	4726 TREMONT ST	ORTEGA MARIA CLEOFAS
6	4804 TREMONT ST	BUSKIRK SHARON MARIE V
7	4800 TREMONT ST	BUDHABHATTI BIMAL & NEETA SAVLA
8	4810 TREMONT ST	ORDAZ ANGELINA
9	4814 TREMONT ST	SPITZER DEBORAH ANN
10	4818 TREMONT ST	HUBBARD BRADLEY G
11	4821 VICTOR ST	OLIVO RICARDO
12	4817 VICTOR ST	KELM RODNEY & JUNE
13	4811 VICTOR ST	SCHEXNAYDER SHAWN
14	408 N PRAIRIE AVE	MARIEN JAN & REBECCA VELAZQUEZ
15	4809 VICTOR ST	MORENO JESUS ANTONIO &
16	4731 VICTOR ST	KRISHKAV INVESTMENTS LLC
17	4727 VICTOR ST	KEIDEL DANIEL J &
18	4723 VICTOR ST	MICOMAR LLC
19	4726 VICTOR ST	ANDERSON EDWARD M JR
20	4728 VICTOR ST	KAGAN LEAH C
21	321 N PRAIRIE AVE	HOLMES MICHELLE
22	4742 VICTOR ST	LAKESWOOD WESTSHORE
23	4806 VICTOR ST	CARUNCHIA MARY ELIZABETH
24	4800 VICTOR ST	ARBUCKLE JERELYN S
25	4810 VICTOR ST	SUAREZ JUAN A
26	4738 VICTOR ST	BARNES ROBIN L

10/19/2018

Label # Address

Owner

FILE NUMBER: BDA178-129(OA)

BUILDING OFFICIAL'S REPORT: Application of Brad Friedman for a special exception to the visual obstruction regulations at 1820 Browder Street. This property is more fully described as PT of Lots 21 & 22, Block B/914, and is zoned PD 317, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

LOCATION: 1820 Browder Street

APPLICANT: Brad Friedman

REQUEST:

A request for a special exception to the visual obstruction regulations is made to construct and maintain a portion of a single-family residential structure in the 45' visibility triangle at the intersection of Browder Street and Hickory Street on a site that is currently undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

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

BACKGROUND INFORMATION:

Zoning:

Site: PD 317 (Planned Development)
North: PD 317 (Planned Development)
South: PD 317 (Planned Development)
East: PD 317 (Planned Development)
West: PD 317 (Planned Development)

Land Use:

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

Zoning/BDA History:

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

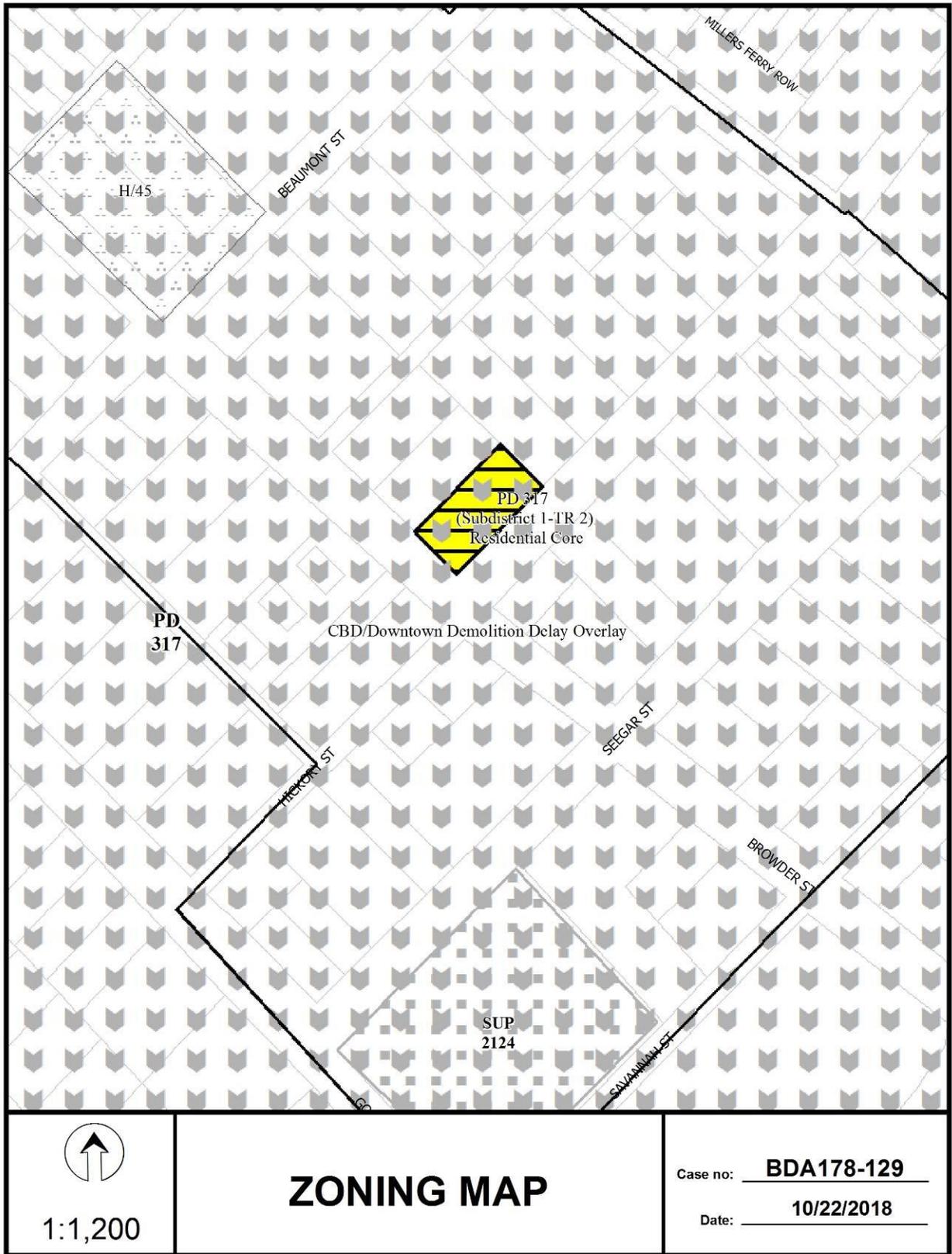
GENERAL FACTS/STAFF ANALYSIS:

- The request for special exception to the visual obstruction regulations focuses on constructing and maintaining a portion of a single-family residential structure in the 45' visibility triangle at the intersection of Browder Street and Hickory Street on a site that is currently undeveloped.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45 foot visibility triangles at street intersections and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The property is located in PD 317 which requires a 45 foot visibility triangle at the intersection of two streets.
- The submitted site plan represents that a portion of the proposed single-family home would be located in the 45' visibility triangle at the intersection of Browder Street and Hickory Street.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting this request to construct and maintain a portion of a single-family structure in the 45' visibility triangle at the intersection of Browder Street and Hickory Street does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan would limit the items located in the 45' visibility triangle at the

intersection of Browder Street and Hickory Street to that what is shown on this document – Portion of a single family home.

Timeline:

- September 5, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 9, 2018: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.
- October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 24th deadline to submit additional evidence for staff to factor into their analysis; and the November 2nd 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, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- October 30, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections”.





1:1,200

AERIAL MAP

Case no: BDA178-129

Date: 10/22/2018



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-129

Data Relative to Subject Property:

Date: 9/5/18

Location address: 1820 Browder St Zoning District: PD 317

Lot No.: 21/22 Block No.: B914 Acreage: .1147E Census Tract: Dallas 19000

Street Frontage (in Feet): 1) 48' 2) 100' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeffrey Brooks + Belinda Anne Thomas

Applicant: Brad Friedman Telephone: 214 244 3409

Mailing Address: 1505 Seegar St Dallas Zip Code: 75215

E-mail Address: BRAD@DIGIT HOMES.COM

Represented by: SAME Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of 45' visibility triangle for new construction home to be built at 1820 Browder

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

WE HAVE DESIGNED A UNIQUE HOME FOR A LONGTIME CEDARS RESIDENT, WHO OWNS 1820 BROWDER. DUE TO MEDICAL CONCERNS, WE DESIGNED A ONE-STORY HOME. WE CAN NOT GET THEM THE REQUESTED SQUARE FOOTAGE WITH A 45' VISIBILITY TRIANGLE. WE CAN WITH A 30' TRIANGLE.

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 Brad Friedman (Affiant/Applicant's name printed)

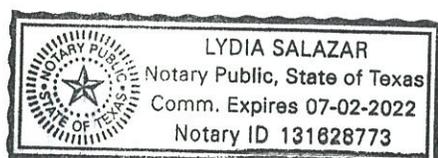
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 5th day of September, 2018

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

(Rev. 08-01-11) BDA178-129



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 BRAD FRIEDMAN

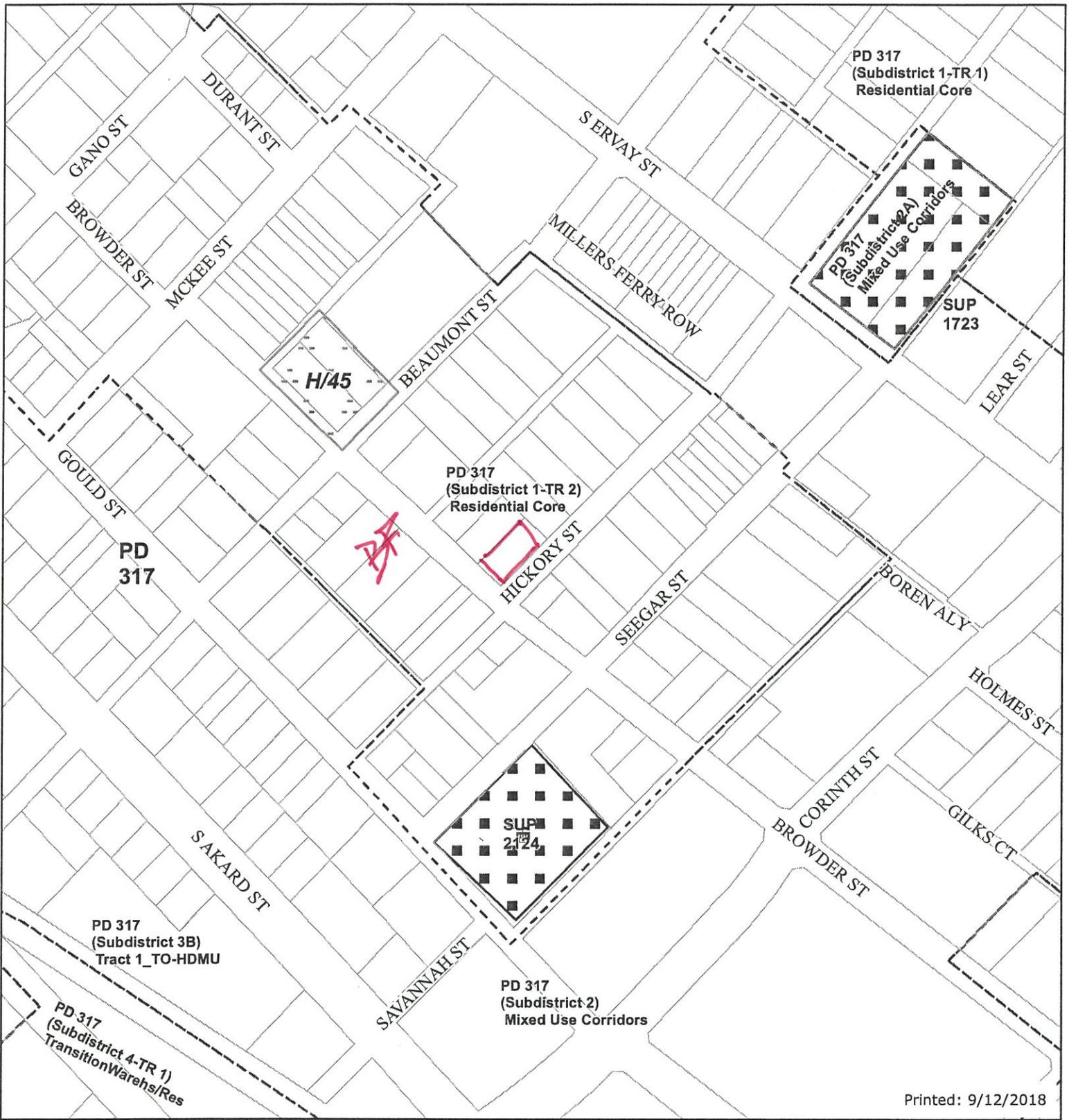
did submit a request for a special exception to the visibility obstruction regulations

at 1820 Browder Street

BDA178-129. Application of BRAD FRIEDMAN for a special exception to the visibility obstruction regulations at 1820 Browder Street. This property is more fully described as PT Of Lots 21 & 22, Block B/914, and is zoned PD 317, which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a single family residential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 9/12/2018

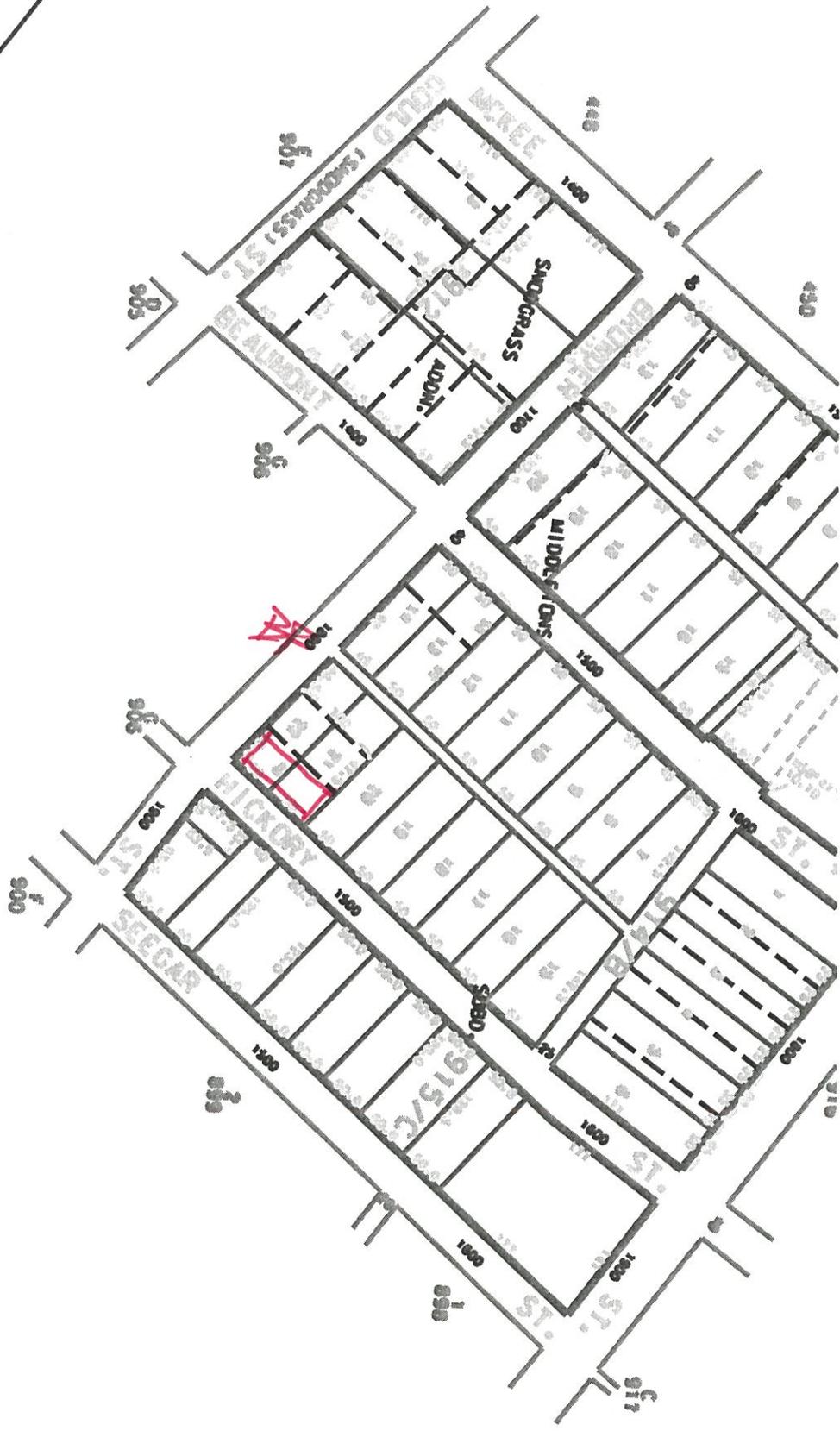
Legend

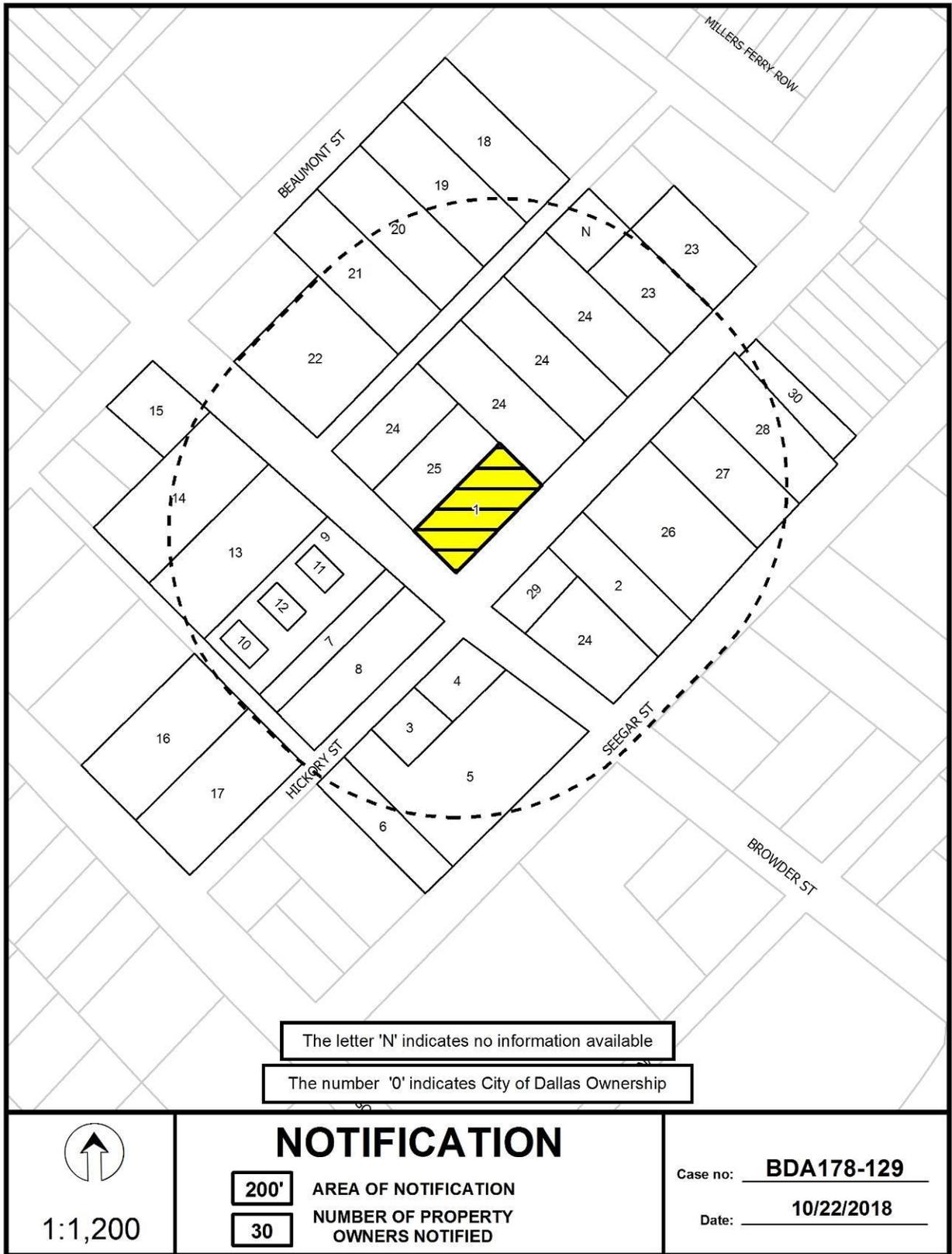
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 5-8 Shop Front Overlay |
| | | Height Map Overlay | |

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

Panel C







Notification List of Property Owners

BDA178-129

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1820 BROWDER ST	THOMAS JEFFREY BROOKS &
2	1505 SEEGAR ST	FRIEDMAN BRADLEY H
3	1414 HICKORY ST	LUNA SALVADOR LEPE &
4	1416 HICKORY ST	JAMES TERRY A
5	1909 BROWDER ST	DEVNATH INVESTMENTS LLC
6	1409 SEEGAR ST	CEDARS HOLDINGS 18 LLC
7	1817 BROWDER ST	WATKINS GREGORY
8	1819 BROWDER ST	WEISFELD RONALD &
9	1815 BROWDER ST	BROWDER PARK PLACE
10	1815 BROWDER ST	NACN LLC
11	1815 BROWDER ST	GLASGOW ROANLD ALLEN II
12	1815 BROWDER ST	GOLLIDAY DANIEL T &
13	1811 BROWDER ST	KVALE J NOEL &
14	1805 BROWDER ST	STEPHANIE REID COMPANY LLC &
15	1420 BEAUMONT ST	HENDERSON WILLIAM L
16	1816 GOULD ST	FOSTER ROY
17	1820 GOULD ST	DANIEL CRUZ
18	1518 BEAUMONT ST	WAYSIDE MISSIONARY BAPTIST CHURCH
19	1514 BEAUMONT ST	LOVELADY ENTERPRISES INC
20	1510 BEAUMONT ST	SALINAS SERVANDO B EST OF
21	1508 BEAUMONT ST	DELAFUENTE LUIS EST OF
22	1804 BROWDER ST	MATAMORAS ESTABAN
23	1527 HICKORY ST	1525 HICKORY LLC
24	1517 HICKORY ST	GALLERIES ON HICKORY LLC
25	1818 BROWDER ST	MCBRIDE JOHN &
26	1509 SEEGAR ST	GARTNER MANAGEMENT TRUST THE

10/19/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1515 SEEGAR ST	GARTNER MANAGEMENT TRUST THE
28	1519 SEEGAR ST	MAHBOUBI ARIA A
29	1900 BROWDER ST	HUERTA ESTANISLAO
30	1525 SEEGAR ST	AMATE STEPHANIE