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**CITY SECRETARY
DALLAS, TEXAS**



City of Dallas

Public Notice

230998

**POSTED CITY SECRETARY
DALLAS, TX**

REVISED - BOARD OF ADJUSTMENT (PANEL A)

**November 14th, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES – Council Chambers and Videoconference**

**Video Conference Link: <https://bit.ly/111423-A>
Telephone: (408) 418-9388, Access Code: 325527**

The City of Dallas will make Reasonable Accommodations/Modifications to programs and/or other related activities to ensure any and all residents have access to services and resources to ensure an equitable and inclusive meeting. Anyone requiring auxiliary aid, service, and/or translation to fully participate in the meeting should notify the Board of Adjustment by calling (214) 670-4127 three (3) business days prior to the scheduled meeting. A video stream of the meeting will be available twenty-four (24) hours after adjournment by visiting <https://dallastx.new.swagit.com/views/113>.

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-A-Register> by the close of business Monday, November 13th, 2023. In Person speakers can register at the hearing.

La Ciudad de Dallas llevará a cabo Adecuaciones/Modificaciones Razonables a los programas y/u otras actividades relacionadas para asegurar que todos y cada uno de los residentes tengan acceso a los servicios y recursos para asegurar una reunión equitativa e inclusiva. Cualquier persona que requiera asistencia adicional, servicio y/o interpretación para poder participar de forma íntegra en la reunión debe notificar a Junta de Ajustes llamando al (214) 670-4127 tres (3) días hábiles antes de la reunión programada. Una transmisión en video de la reunión estará disponible dos días hábiles luego de la finalización de la reunión en <https://dallastx.new.swagit.com/views/113>.

Las personas y las partes interesadas que deseen hacer uso de la palabra deben registrarse en Junta de Ajustes en at <https://bit.ly/BDA-A-Register> antes de cierre de oficina el Lunes, 13 de Noviembre, 2023. Las personas que deseen hablar en persona se pueden registrar en la Audiencia.

REVISED - AGENDA

- I. **Call to Order** David A. Neumann, Chairman
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Special Call Meeting Minutes – October 31, 2023
 - Approval of Panel A Minutes, September 19th, 2023
- VI. **Case Docket** Board of Adjustment
 - Uncontested Items
 - Holdover Items
 - Individual Items
- VII. **Adjournment**

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

"Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon into any open meeting on this property."

"De conformidad con la Sección 46.03, Código Penal (coloca armas prohibidas), una persona no puede llevar un arma de fuego u otra arma a ninguna reunión abierta en esta propiedad."

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]

UNCONTESTED CASE(S)

BDA223-095(KMH)	4707 Allencrest Lane REQUEST: Application of Madison Umberger for (1) a special exception to the side-yard setback regulations.	1
BDA223-097(KMH)	2764 Catherine Street REQUEST: Application of Robert Smith for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations.	2

HOLDOVER

BDA223-083(KMH)	9122 Inwood Road REQUEST: Application of Trenton Robertson for (1) a special exception to the fence height regulations; and (2) a special exception to the fence standards regulations.	3
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INDIVIDUAL CASES

BDA212-078(KMH)	5526 E.R.L Thornton Frwy. REQUEST: Application of Audra Buckley for (1) a variance to the parking regulations, for (2) a special exception to the Landscape and tree preservation regulations, and for (3) a variance to the side-yard setback regulations.	4
BDA223-096(KMH)	4515 Harrys Lane REQUEST: Application of Christopher Cole for (1) a special exception to the fence height regulations.	5
BDA223-102(SD)	5434 Ross Avenue REQUEST: Application of Rodolfo Rodriguez represented by Gilbert Cortez for (1) a variance to the front yard setback regulations, and for (2) a variance to the front yard setback regulations.	6
BDA223-107(KMH)	5524 Vickery Boulevard REQUEST: Application of Michael Vann to appeal the decision of the administrative official in the denial of a conservation district review.	7



BOARD OF ADJUSTMENT
SPECIAL CALL MEETING

October 31, 2023

DRAFT

6EN Council Chambers
24923176153@dallascityhall.webex.com

PRESENT: [17]

David A. Neumann, Chairman	Rodney Milliken
Cheri Gambow, Vice Chair	Jared Slade
Robert Agnich, Vice Chair	Dr. Emmanuel Glover
Rachel Hayden	Roger Sashington
Kathleen Davis	Nicholas Brooks
Sarah Lamb	Philip Sahuc
Joe Cannon – Virtual	Andrew Finney
Michael Karnowski	
Derrick Nutall – Virtual	
Michael Hopkovitz	

ABSENT: [3]

Jay Narey	
TC Fleming	
Judy Pollock	

Chairman Neumann called the Special Meeting of the Board of Adjustment to order at **9:00A.M.** with a confirmed quorum of the Board of Adjustment present.

WELCOME:

David A. Neumann

- Announcement of Special Meeting
- Introduction of Board Members
- Introduction of Board Staff
- Introduction of City Attorney Tammy Palomino
- Introduction of Andrew Espinoza, Director, Development Services and Building Official

CHAIRMAN’S UPDATE:

David A. Neumann

October 1, 2022 – September 30, 2023

Focus: Ensure Fairness for every property owner appeal to the Board of Adjustment through a Transparent process that culminates in Timely hearings where Accurate information is reasonably applied to the Board’s preexisting legal standards.

CHAIRMAN'S UPDATE:

David A. Neumann

Advocacy:

- Met quarterly with Andrew Espinoza, Director Development Services, to review City staff support for Board and transition to Development Services from Planning & Urban Design. Applaud his commitment to being a “customer facing organization”.
- Frequently solicited Board member feedback and forwarded to City staff on need for improvement on Timeliness, Accuracy, comprehensive staff analysis and Website.

Empowerment:

- Met with several City Council members to review our proposed update to the BOA's Rules of Procedure. Successfully obtained unanimous Dallas City Council approval of our update to the BOA's Rules of Procedure on April 12, 2023.
- Implemented our updated Rules of Procedure providing greater empowerment of the Board and its Officers as a citizen appointed board of the City Council. All panel hearings were fully attended by 5 Members/Alternates to ensure fairness to the applicant.

Transition:

- Challenged by city staff turnover of three city Board Administrators, Senior Planners, and resulting learning curves during last 12 months.

Progress:

- Encouraged by the appointment of Jason Pool as Development Services Administrator in August 2023, to provide management oversight of City staff for BOA. Meeting monthly with Jason to review progress and plan process improvement to develop
 - 1) verifiable, predefined, and consistent measurement of days from application to hearing;
 - 2) more comprehensive staff analysis for hearings, and
 - 3) to leverage/utilize the BOA website to provide accurate and timely information to the public regarding all aspects of the BOA appeal process.

PUBLIC TESTIMONY

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- Steve Long – Masterplan, Consultant
- Robert Reeves – Robert Reeves and Associates, Consultant
- Dallas Cothrum – Masterplan, Consultant
- Jonathan Vinson – Jackson Walker, Consultant
- Santos Martinez (Virtual) – La Sierra Planning, Consultant

Recess: 11:00 a.m.; Resume: 11:07 a.m.

Board Training

- **Ethics and Conflict of Interest** – Baron Eliason, Chief Integrity Officer
 - Why we have the Code of Ethics
 - Location of the fence: City Government
 - The BIG picture of ethics in our city
 - Posts of the fence – the “Articles”
 - Two Main Backers – 1) Fiduciary duty, 2) Six constant rules of conduct
 - Standards of Conduct
 - The Pickets of Our Fence: Provisions of the Code
 - 12A Cheat Sheets
 - Bumping into a conflict
 - Advisory opinions
 - Complaint Process – §12A-52
 - Questions and Answers
 - When is best to keep quiet §12A-17
 - Ex Parte is NOT okay §12A-23
 - Pro Tip
 - Reciprocal Favors §12A-14
 - Personal Benefit to Others §12A-13
 - Substantial Interests in a business §12A-13.1
 - Benefits to Previous Employers §12A-14
 - Area of Notification §12A-14
 - Outside Employment §12A-19
 - Gifts §12A-12
 - Reporting Chart – Financial Disclosure
 - Reporting Chart – Financial Statement
 - Reporting Chart – Short Form
 - Reporting Chart – Gifts
 - Reporting Chart – Donations
 - Reporting Chart – Travel
 - Ethics Hotline
- **City Attorney’s Office** – Matthew Sapp, Board Attorney & Assistant City Attorney
 - Role of Board Officers, Members, Staff
 - HB 14
 - What are the Sources of Authority
 - Variances §51A-3.102
 - Practical Variance Analysis
 - Variances §51A-3.102(a)(ii)
 - Area
 - Shape
 - Slope
 - Pre-existing Structure
 - Variances §51A-3.102(a)(iii)
 - Self-created hardship
 - Lot Analysis
 - Structure Analysis
 - Texas State Statutes and Dallas City Code
 - City of Dallas v Vanesko

- Variances §51A-3.102(a)(i)
- Public Interest
- MAS
- Practical Special Exception Analysis

Open Records Requests – Brady Flannery, Assistant City Attorney

- What is Public Information?
- What is Official Business?
- Applicability of the PIA
- Minimum Requirements
- Email Addresses
- Cell Phones and Social Media
- Calendars
- Exceptions to Release
- Mandatory Exceptions
- Discretionary Exceptions
- Super Public Information – Released
- Overview of Open Records Process
- Overview of Litigation Process
- Criminal Penalties
- Public Access Option Form / SB 1082

****Recess: 12:50 p.m.; Resume: 1:30 p.m.****

- **Texas Open Meetings Act** – Daniel Moore, Assistant City Attorney
 - Open meetings and Open Records Training
 - The Rule
 - Meeting
 - Walking Quorums
 - Notice Requirements
 - Other Rules
 - Close Meeting (Executive Session)
 - Close Meeting: Who may Attend
 - Recordkeeping
- Parliamentary Procedure
 - Purpose
 - Types of Motions
 - Amendments
 - Reconsiderations
 - Debate
 - Frequently Asked Questions

- Development Services Department

- Application Intake Process – Diana Barkume, Development Code Specialist
Project Coordinator & Dr. Kameka Miller-Hoskins, Senior Planner
 - What is the Intake Process?
 - Pre-Screen Process
 - Complete Application
- 2022-2023 Status Report – Jason Pool, Development Services Administrator
 - Background
 - Objective One: Timeliness, Transparency, Accuracy & Teamwork

- Objective Two: Successfully transition City Staff to DSD with new Board Administrator and Sr. Planners
 - Objective Three: Significantly decrease A-to-H timeline
 - Objective Four: Significant website enhancements to increase taxpayer/property owner access & awareness of pending zoning appeals.
 - Objective Five: Meeting/Agenda dockets publicly available 7-days in advance of hearings
 - Objective Six: Quarterly enhanced training of members/alternates on rules, COI, criteria for decision-making, & onboard of new members.
 - Objective Seven: Improving surrounding property owner notification process
 - Objective Eight: Obtain more comprehensive staff/technical report presentation for appeal hearings with enhanced photos & property comparisons.
 - Looking Forward
- Strategic Efficiency Plan 2023-2024 – Jason Pool, Development Services Administrator
 - FY2023-2024 Goals
 - Timeliness
 - Transparency
 - Accuracy
 - Teamwork
 - Summary for FY 2023-2024

Board Member Response

- Suggestions & Feedback

Action Items

- Review/Adopt 2024 Meeting Calendar
- Review/Adopt Annual Report for City Council
 - 2022 - 2023 Accomplishments
 - 2023 - 2024 Goals and Objectives
- Board Recommendations

BOARD OF ADJUSTMENT ACTIONS

- Review/Adopt 2024 Meeting Calendar

Maker:	Cheri Gambow				
Second:	Sarah Lamb				
Results:	17-0 unanimously				Moved to approve/adopt
		Ayes:	-	17	David A. Neumann, Robert Agnich, Cheri Gambow, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, Joe Cannon, Derrick Nutall, Sarah Lamb, Michael Karnowski, Roger Sashington, Rodney Milliken, Jared Slade, Nick Brooks, Philip Sahuc, Andrew Finney, Emmanuel Glover.
		Against:	-	0	

- 2022-2023 Accomplishments

Maker:	Cheri Gambow				
Second:	Andrew Finney				
Results:	17-0 unanimously				Moved to approve/adopt
		Ayes:	-	17	David A. Neumann, Robert Agnich, Cheri Gambow, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, Joe Cannon, Derrick Nutall, Sarah Lamb, Michael Karnowski, Roger Sashington, Rodney Milliken, Jared Slade, Nick Brooks, Philip Sahuc, Andrew Finney, Emmanuel Glover.
		Against:	-	0	

- 2023 - 2024 Goals and Objectives and Recommendations to the City Council

Maker:	Rachel Hayden				
Second:	Phil Sahuc				
Results:	17-0 unanimously				Moved to approve/adopt
		Ayes:	-	17	David A. Neumann, Robert Agnich, Cheri Gambow, Rachel Hayden, Kathleen Davis, Michael Hopkovitz, Joe Cannon, Derrick Nutall, Sarah Lamb, Michael Karnowski, Roger Sashington, Rodney Milliken, Jared Slade, Nick Brooks, Philip Sahuc, Andrew Finney, Emmanuel Glover.
		Against:	-	0	

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chairman Neumann moved to adjourn the meeting at 4:10 p.m. and it was unanimously approved.

 Required Signature:
 Mary Williams, Board Secretary
 Development Services Dept.

 Date

Required Signature:

Jason Pool / Development Services Administrator
Development Services Dept.

Date

Required Signature:

David A. Neumann, Chairman
Board of Adjustment

Date



Board of Adjustment

FY 2023 - 2024 Schedule

INTAKE/FILING DEADLINE	HEARING DATE - PANEL
<p><u>November 22, 2023</u> Prescreen Goal: November 10, 2023</p>	<p><u>January 16 & 17, 2024</u> Panel Order: A & B</p>
<p><u>December 29, 2023</u> Prescreen Goal: December 15, 2023</p>	<p><u>February 20, 21, & 22, 2024</u> Panel Order: A, B, & C</p>
<p><u>January 26, 2024</u> Prescreen Goal: January 12, 2024</p>	<p><u>March 18, 19, & 20, 2024</u> Panel Order: C, A, & B</p>
<p><u>February 23, 2024</u> Prescreen Goal: February 9, 2024</p>	<p><u>April 15, 16, & 17, 2024</u> Panel Order: C, A, & B</p>
<p><u>March 29, 2024</u> Prescreen Goal: March 15, 2024</p>	<p><u>May 20, 21, & 22, 2024</u> Panel Order: C, A, & B</p>
<p><u>April 26, 2024</u> Prescreen Goal: April 12, 2024</p>	<p><u>June 17 & 18, 2024</u> Panel Order: C & A</p>
<p><u>May 24, 2024</u> Prescreen Goal: May 10, 2024</p>	<p><u>July 15 & 16, 2024</u> Panel Order: C & A</p>
<p><u>June 28, 2024</u> Prescreen Goal: June 14, 2024</p>	<p><u>August 19, 20, & 21, 2024</u> Panel Order: C, A, & B</p>
<p><u>July 26, 2024</u> Prescreen Goal: July 12, 2024</p>	<p><u>September 16, 17, & 18, 2024</u> Panel Order: C, A, & B</p>
<p><u>August 30, 2024</u> Prescreen Goal: August 16, 2024</p>	<p><u>October 21, 22, & 23, 2024</u> Panel Order: C, A, & B</p>
<p><u>September 27, 2024</u> Prescreen Goal: September 13, 2024</p>	<p><u>November 18, 19, & 20, 2024</u> Panel Order: C, A, & B</p>
<p><u>October 25, 2024</u> Prescreen Goal: October 11, 2024</p>	<p><u>December 16 & 18, 2024</u> Panel Order: C & B</p>
<p>Full Board Meeting</p>	<p>October 29, 2024</p>

Intake/filing closes at 12:00 pm on the day of the deadline.

City of Dallas
Board of Adjustment
October 31, 2023

Progress Report 2022-2023 Goals and Objectives

1. GOAL: Improve all (Staff, Board, Property Owner) aspects of the Board of Adjustment's Timeliness, Transparency, Accuracy, and Teamwork

RESULT:

- City Council has delivered the funds and the resources necessary for the Board of Adjustment to achieve this goal.
- Excellent Member attendance at calendarized Panel Hearings with 30 minutes added to the briefing time to allow for better preparation for Public Hearing.
- Staffing challenges, learning curves, and inconsistencies in presentations sometimes created less than the well-informed hearings (based on our own stated standards and procedure) than we have been accustomed to and desire.

2. GOAL: Successfully transition city staff support to Development Services Department with new Board Administrator and Senior Planners

RESULT:

- Three Board Administrators (interim and full time) since our last Annual Meeting resulting in multiple transitions and unfilled Senior Planner positions.
- Insufficient communication between the Staff to the Board undercuts our collective capacity to execute our responsibilities on the Board.
- Jason Pool's addition as Development Services Administrator with BOA staff oversight brings hope for better communication, coordination, and consistency.

3. GOAL: Significantly decrease days to hearing timeline for the taxpayer/property owner

RESULT:

- 82 or 78 or 73 ? days from accepted application to hearing. Lack of a verifiable consistent measurement. Critical missed opportunity to better serve the taxpayer/property owner.

4. GOAL: Meeting agenda/dockets publicly available seven (7) days in advance of hearings

RESULT:

- Success. Staff has posted agenda/docket materials for the benefit of the public on time over 85% of the time.

Board of Adjustment
Progress Report 2022-2023 Goals and Objectives

5. GOAL: Significant website enhancements to increase taxpayer/property owner access and awareness of pending zoning appeals.

RESULT:

- BOA website was often inaccurate or outdated.
- Conflicting and inaccurate source of information about BOA hosted within multiple locations on City website.

6. GOAL: Quarterly enhanced training of Members/Alternates on rules, conflicts of interest, criteria for decision making and onboarding of new appointees.

RESULT:

- Successfully held training on an ad hoc basis but not quarterly.
 - New statutes affecting the Board.
 - New ethics rules and structure
- Still awaiting a standard onboarding process for new members

7. GOAL: Improving surrounding property owner notification process (area of notification increased to 300 feet from 200 feet, clarifying the format of notification, mailing days before hearing)

RESULT:

- Successful in revising surrounding property owner notification for clarity.
- Chose to hold with increasing notification area after receiving City Council feedback.

8. GOAL: Obtain more comprehensive staff/technical report presentation for appeal hearings with enhanced photos and property comparisons.

RESULT:

- Staff provided 360 videos requested by the Board. Need greater street orientation and identification.
- Some progress. The Board has too often been forced to be fact finders to obtain complete evaluation of case specific circumstances for application to the Board's legal standards in order to ensure a fair hearing.

City of Dallas
Board of Adjustment
October 31, 2023

Proposed 2023 - 2024 Goals & Objectives

1. Ensure Fairness to every property owner appeal to the Board of Adjustment (BOA) through Timeliness and Accuracy for a hearing, and Transparency to the public. Strive to consistently provide a fair and complete evaluation of all relevant facts from applicant and staff on each appeal as they apply to a predefined standard.
2. Staff and Board to provide a public hearing for property owner appeals to BOA within 60 days on average from taxpayer application. Streamline staff processing and potentially modify BOA Panel hearing calendar to accomplish. Create a verifiable predefined consistent measurement of days from application to Hearing, (State law requires a hearing within 60 days for a Building Administrative Official appeal and 30 days for Plats)
3. Staff to prepare a more comprehensive and technical analysis for appeal hearings with enhanced photos and property comparisons to include the surrounding properties within 200 feet of the appeal location.
4. Significant website enhancements to include a single/linked online accurate source of information for BOA, updated regularly to increase taxpayer/property owner understanding and awareness of all pending zoning appeals to include pending case look up and application flowchart/process.
5. Quarterly enhanced training of members/alternates on rules, conflicts of interest, criteria for decision making and onboarding of new appointees.

Board of Adjustment Recommendation to the City Council

1. Request City Council continued oversight to ensure Development Services Department's focus on Timeliness, Accuracy and Transparency for all phases of a Board of Adjustment appeal by a property owner.
2. Fund the hiring and training of Development Services professional and support staff to achieve reasonable/reduced days from application to public hearing, more comprehensive staff presentations, and enhanced website accessibility for BOA appeal hearings.



BOARD OF ADJUSTMENT

Panel A Minutes

September 19, 2023

DRAFT

6ES Council Briefing

24923176153@dallascityhall.webex.com

David A. Neumann, Chairman

PRESENT: [5]

David A. Neumann, Chairman	
Kathleen Davis	
Lawrence Halcomb	
Rachel Hayden	
Jay Narey	

ABSENT: [0]

Chair Neumann called the briefing to order at **10:30A.M.** with a quorum of the Board of Adjustment present.

Chair Neumann called the hearing to order at **1:00 P.M.** with a quorum of the Board of Adjustment present.

The Chairperson stated that no action of the Board of Adjustment shall set a precedent. Each case must be decided upon its own merits and circumstances, unless otherwise indicated, each use is presumed to be a legal use. Each appeal must necessarily stand upon the facts and testimony presented before the Board of Adjustment at this public hearing, as well as the Board's inspection of the property.

PUBLIC SPEAKERS

The Board of Adjustment provided "public speaker" opportunities for individuals to comment on matters that were scheduled on the agenda or to present concerns or address issues that were not matters for consideration listed on the posted meeting agenda.

- We had no speakers for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel A, August 15, 2023 public hearing minutes. One correction was made on page 33, vote results 4-1 changed to 4-0.

Motion was made to approve Panel A, August 15, 2023 public hearing minutes.

Maker:	David Neumann				
Second:	Jay Narey				
Results:	5-0 unanimously				Moved to approve
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

CONSENT ITEMS

1. 9211 Hathaway Drive

***This case was moved to Individual Cases.**

BDA223-079(KMH)

BUILDING OFFICIAL’S REPORT Application of Baldwin Associates for (1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standard regulations; (3) a special exception to the visual obstruction regulations; (4) a special exception to the visual obstruction regulations; (5 & 6) and for two variances to the front yard setback regulations at 9211 Hathaway Street. This property is more fully described as Block 7/5597, Lot 29B, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; requires a 20-foot visibility triangle at driveway approaches, requires a 45-foot visibility triangle at street intersections; requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line; and requires a front yard setback of 40-feet. The applicant proposes to construct an 8-foot high fence in a required front yard, which will require (1) a 4-foot special exception to the fence height regulations; and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a 20-foot special exception to the visual obstruction regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (4) a 45-foot special exception to the visual obstruction regulations; and to construct a single-family residential structure and provide a 5-foot front yard setback on Hathaway Street; and a 16-foot-6-inch setback on Northwest Highway, which will require (5) a 35-foot variance on Hathaway Street, and a (6) 23-foot 6-inch variance on Northwest Highway to the front-yard setback regulations.

LOCATION: 9211 Hathaway Street

APPLICANT: Baldwin Associates

REQUEST:

- (1) A request for a special exception to the fence height regulations;

- (2) A request for a special exception to the fence opacity standard regulations,
- (3) A request for a special exception to the driveway visual obstruction regulations;
- (4) A request for a special exception to the street intersection visual obstruction regulations; and
- (5) A request for two variances to the front-yard setback regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:**Special Exception (4):**

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

Hathaway Street Variance:**Denial:**

Based upon the evidence presented and provided to staff, staff concluded that the variance request along **Hathaway Street:**

- not contrary to public interest as no opposition has been received;
- the site is restrictive as it is a corner lot and has two front yards and slightly irregularly shaped, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- it is a self-created or personal hardship as the gas generator could be placed elsewhere aside from being placed within the front yard setback.

Northwest Highway Variance:**Approval:**

Based upon the evidence presented and provided to staff, staff concluded that the variance request along **Northwest Highway:**

- not contrary to public interest as no opposition has been received;
- the site is restrictive as it is a corner lot and has two front yards and slightly irregularly shaped, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- it is not self-created.

The Development Services Engineer has reviewed all pertinent documents submitted and has no objections stating, "Hathaway does not have sidewalks; Hathaway is low traffic volume; sight distance is unobstructed; and the new house eliminates one driveway."

BACKGROUND INFORMATION:**Zoning:**

<u>Site:</u>	R-1ac (A) (Single Family District)
<u>North:</u>	R-1ac (A) (Single Family District)
<u>East:</u>	R-1ac (A) (Single Family District)
<u>South:</u>	R-16 (A) (Single Family District)
<u>West:</u>	R-1ac (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Baldwin Associates for the property located at 9211 Hathaway Street focuses on several requests. The first request is for a special exception to the fence height regulations of 4-feet, the applicant is proposing to construct and maintain an 8-foot fence in a required front yard, which will require a 4-foot special exception to the fence height regulations. The applicant is proposing the fence along Hathaway Street and Northwest Highway. It is imperative to note that the fence along Hathaway Street will include a sliding gate.
- Secondly, the applicant proposes to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which also requires a special exception to the fence regulations.
- Thirdly, the applicant proposes to construct and maintain a single-family residential fence structure in a required visibility triangle at the driveway approach along Hathaway Street, which will require a special exception to the visual obstruction regulations which requires a 20-foot visibility triangle at all driveway approaches.
- Additionally, the applicant proposes to construct and maintain a single-family residential fence structure in a required visibility triangle at the street intersection of Hathaway Street and Northwest Highway, which also requires a special exception to the visual obstruction regulations, which requires a 45-foot visibility triangle at street intersections.
- Lastly, the applicant proposes to construct and maintain a single-family residential structure and provide a 5-foot front yard setback, where a 40-foot setback is required; therefore, requiring a variance of 35-feet to the front yard setback regulations. It is important to note that the subject site is bound by two front yards as it is a corner lot. It is highly imperative to highlight that there was an oversight during a previous plan review. During the initial plan review, part of the residential structure along Northwest Highway was approved at 20-feet and not at 40-feet.
- The subject site along with properties to the north, east, and west are zoned R-1ac(A), whereas properties to the south are zone R-16(A); all single-family residential zoning districts.
- As gleaned from the submitted site plan and elevations, the applicant is proposing an 8-foot stone and stucco veneer wall along Hathaway Street and Northwest Highway; the proposed wall/fence is shown to encroach into the visibility triangles at the intersection of Hathaway Street and Northwest Highway as well as the driveway approach along Hathaway Street. Additionally, the site plan shows that the applicant is proposing to locate a gas generator in the required front yard only 5-feet away from the property line.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that required yards must remain unobstructed; therefore, structures are not allowed within setbacks. Additionally, the Dallas Development Code states that a person shall not erect, place, or maintain a structure in a required visibility triangle.

- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- Regarding the special exception to the visual obstruction regulations, the applicant has the burden of proof in establishing that the special exception(s) to the visual obstruction regulations does not constitute a traffic hazard.
- Granting the requests for the special exceptions to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence/wall at the drive approach on Hathaway Street and at the intersections of Hathaway Street and Northwest Highway to what is shown on the submitted documents.
- Moreover, regarding the request for the variance, the applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard and front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 5-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- June 23, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 29, 2023: The Development Services Engineer provided a response sheet with no objections.
- August 30, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the September public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner Code Compliance staff.
- September 6, 2023: The applicant submitted documentary evidence.
- September 7, 2023: The applicant submitted additional documentary evidence.

Speakers:

For: Rob Baldwin, 3904 Elm St # B, Dallas TX 75226
Jason Smith, 7112 Mimosa Ln, Dallas TX 75230

Against: No Speakers

Staff: David Nevarez, City of Dallas, Engineering Division

Motion # 1

I move that the Board of Adjustment in Appeal No. BDA 223-079, on application of Baldwin Associates, **GRANT** the request to construct and/or maintain a 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Lawrence Halcomb				
Results:	4-1				Moved to grant.
		Ayes:	-	4	David A. Neumann, Jay Narey, Rachel Hayden and Lawrence Halcomb
		Against:	-	1	Kathleen Davis

Motion # 2

I move that the Board of Adjustment in Appeal No. BDA 223-079, on application of Baldwin Associates, **GRANT** the request to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	4-1				Moved to grant.
		Ayes:	-	4	David A. Neumann, Jay Narey, Rachel Hayden and Lawrence Halcomb
		Against:	-	1	Kathleen Davis

Motion # 3

I move that the Board of Adjustment in Appeal No. BDA 223-079, on application of Baldwin Associates, **GRANT** the request to maintain items in the 45-foot visibility triangle on to Hathaway Street as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Lawrence Halcomb				
Results:	5-0 Unanimously				Moved to grant.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 4

I move that the Board of Adjustment in Appeal No. BDA 223-079, on application of Baldwin Associates, **GRANT** the request to maintain items in the 20-foot visibility triangle on the private driveway as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the revised submitted site plan and elevation showing no sidewalk and 4-foot encroachment into visibility triangle.

Maker:	Rachel Hayden				
Second:	Jay Narey				
Results:	5-0 Unanimously				Moved to grant.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 5

I move that the Board of Adjustment in Appeal No. BDA 223-079, on application of Baldwin Associates, **DENY** the 35-foot variance to the front-yard setback regulations on Hathaway Street requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would NOT result in unnecessary hardship to this applicant.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				

Results:	4-1				Moved to deny.
		Ayes:	-	4	David A. Neumann, Kathleen Davis, Jay Narey and Rachel Hayden
		Against:	-	1	Lawrence Halcomb

Motion # 6

I move that the Board of Adjustment in Appeal No. BDA 223-079, on application of Baldwin Associates, **GRANT** the 23-foot 6-inch variance to the front-yard setback regulations on Northwest Highway requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	5-0 Unanimously				Moved to grant.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

2. 10020 Meadowbrook Drive

***This case was moved to Individual Cases**

BDA223-080(KMH)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for (1) a variance to the side-yard setback regulations; (2) a special exception to the fence height regulations; (3) a special exception to the visual obstruction regulations; (4) a special exception to the fence opacity standard regulations; and (5) a special exception to the fence material standard regulations at 10020 Meadowbrook Drive. This property is more fully described as Block 5517, Lot G, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; requires a 10-foot side yard setback; requires a 20-foot visibility triangle at driveway approaches; and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line; and prohibits the use of certain materials for a fence. The applicant proposes to construct and maintain a single-family residential structure and provide a 4-foot 10-inch side yard setback, which will require (1) a 5-foot 2-inch variance to the side yard setback regulations; to construct a 7-foot 9-inch-high fence in a required front yard, which will require (2) a 3-foot 9-inch special exception to the fence height regulations; and to construct a single-family residential fence structure in a required visibility obstruction triangle, which will require (3) a special exception to the visual obstruction regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (4) a special exception to the fence opacity regulations; and to construct a fence using

a prohibited material, which will require (5) a special exception to the fence material regulations.

LOCATION: 10020 Meadowbrook Drive

APPLICANT: Baldwin Associates

REQUEST:

- (1) A request for a variance to the side yard setback regulations;
- (2) A request for a special exception to the fence height regulations;
- (3) A request for a special exception to the visual obstruction regulations;
- (4) A request for a special exception to the fence opacity standard regulations; and
- (5) A request for a special exception to the fence material regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY and MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:**Special Exceptions (4):**

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

Variance:**Denial**

Based upon the evidence presented and provided to staff, staff concluded that the request is:

- not contrary to public interest as no opposition was received;
- not restrictive in area, shape or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- it is a self-created or personal hardship.

The Development Services Engineer has reviewed all pertinent documents submitted with no objections, stating, "Meadowbrook does not have sidewalks; Meadowbrook is low traffic volume; sight distance is unobstructed."

BACKGROUND INFORMATION:**Zoning:**

Site: R-1ac (A) (Single Family District)
North: R-1ac (A) (Single Family District)
East: R-1ac (A) (Single Family District)
South: R-1ac (A) (Single Family District)
West: R-1ac (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Baldwin Associates for the property located at 10020 Meadowbrook Drive focuses on several requests. The first request is for a variance to the 10-foot side yard setback regulations. The applicant is proposing to construct and maintain a solarium in the required side yard providing a 4-foot 10-inch side yard, therefore requiring a variance of 5-foot 2-inches to the side yard setback regulations.
- Secondly, the applicant is requesting a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and maintain a 7-foot 9-inch high fence in the required front yard along Meadowbrook Drive; requiring a 3-foot 9-inch special exception to the fence height regulations.
- Thirdly, the applicant proposes to construct and maintain a single-family residential fence structure in a required visibility triangle at the driveway approach along Meadowbrook Drive, which will require a special exception to the visual obstruction regulations, which requires a 20-foot visibility triangle at all driveway approaches.
- Additionally, the applicant proposes to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence regulations.
- Lastly, the applicant proposes to construct and maintain a fence using a prohibited material, which also requires a special exception to the fence regulations.
- The subject site along with properties to the north, east, south and west are zoned R-1ac(A); all single-family residential zoning districts.
- As gleaned from the submitted site plan and elevations, the applicant is proposing a 7-foot 9-inch fence along Meadowbrook Drive. The proposed fence appears to be wrought iron, with masonry columns, with 2 vehicular gates constructed of a prohibited material. The proposed fence is shown to encroach into the visibility triangles at the driveway approaches along Meadowbrook Drive. Additionally, the site plan also shows the proposed solarium encroaching into the required side yard setback along the eastern boundary of the property.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that required yards must remain unobstructed; therefore, structures are not allowed within setbacks. Additionally, the Dallas Development Code states that a person shall not erect, place, or maintain a structure in a required visibility triangle. Moreover, the Dallas Development Code prohibits the following

material for fence materials: sheet metal, corrugated metal, fiberglass panels, plywood, plastic materials, barbed wire and razor ribbon.

- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height, opacity and materials with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.
- Regarding the special exception to the visual obstruction regulations, the applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- Granting the request for the special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence at the drive approach on Meadowbrook Drive to what is shown on the submitted documents.
- Moreover, regarding the request for the variance, the applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard and front yard setback will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The board may also consider **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 5-foot 2-inch variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

June 27, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 29, 2023: The Development Services Engineer provided a response sheet with no objections.

August 30, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the September public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner Code Compliance staff.

Speakers:

For: Rob Baldwin, 3904 Elm St # B, Dallas TX 75226
Jenny Qualls, 600 Valencia St., Dallas TX 75223

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA223-080, on application of Baldwin Associates, **GRANT** the 5-foot 2-inch variance to the side-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Lawrence Halcomb				
Results:	5-0 unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA223-080, on application of Baldwin Associates, **GRANT** the request of this applicant to construct and/or maintain a 6-foot 6-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Rachel Hayden				
Results:	5-0 unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA223-080, on application of Baldwin Associates, **GRANT** the request to maintain items in the 20-foot visibility triangle on the private driveway as a special exception to the visual obstruction regulation contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not constitute a traffic hazard.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the submitted site plan and elevation is required.

Maker:	Kathleen Davis				
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Second:	Jay Narey				
Results:	5-0 Unanimously				Moved to grant.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA223-080, on application of Baldwin Associates, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 Unanimously				Moved to grant.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 5

I move that the Board of Adjustment, in Appeal No. BDA223-080, on application of Baldwin Associates, **GRANT** the request of this applicant for a special exception to the fence materials standards contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Lawrence Halcomb				
Results:	5-0 Unanimously				Moved to grant.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey

		Against:	-	0	
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3. 8627 Lakemont Drive

BDA223-081(KMH)

BUILDING OFFICIAL'S REPORT: Application of Audra Buckley for (1) a special exception to the fence height regulations; and (2) a special exception to the fence material regulations at 8627 Lakemont Dr. This property is more fully described as Block 5067, Lot 9, and is zoned R-10(A), which limits the height of a fence in the front yard to 4-feet and prohibits the use of certain materials for a fence. The applicant proposes to construct a 5-foot 6-inch high fence in a required front yard, which will require (1) a 1-foot 6-inch special exception to the fence height regulations; and to construct a fence using a prohibited material, which will require (2) a special exception to the fence material regulations.

LOCATION: 8627 Lakemont Dr.

APPLICANT: Audra Buckley

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence material regulations (prohibited material).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE MATERIAL STANDARDS REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-10 (A) (Single Family District)
- North: R-10 (A) (Single Family District)
- East: R-10 (A) (Single Family District)
- South: R-10 and R-7.5 (A) (Single Family District)
- West: R-10 (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

BDA201-090: Special exception for a 5-foot 6-inch high fence; approved
 Special exception for the use of prohibited materials; approved

GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the fence regulations of 4-feet focuses on constructing and/or maintaining an 5-foot 6-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence being constructed of prohibited materials.
- The subject site and surrounding properties are zoned R-10 (A), with properties to the southwest being zoned R-7.5(A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. Additionally, the Dallas Development Code prohibits the following material for fence materials: sheet metal, corrugated metal, fiberglass panels, plywood, plastic materials, barbed wire and razor ribbon.
- As gleaned from the submitted site plan and elevations, the applicant is proposing 5-foot 6-inch high fence with steel panels (gates) in the front yard along Lakemont Drive.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 5-feet 6-inches and specified prohibited materials with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- June 29, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.

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

August 29, 2023: The Development Services Engineer provided a response sheet with no comments.

August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings.

Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: No Speakers

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, **GRANT** the following application listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the application satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA223-081 - Application of Audra Buckley for a special exception to the fence height standards in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	5-0 unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 2

BDA223-081 - Application of Audra Buckley the request for a special exception to the fence material standards in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden				
Second:	Kathleen Davis				
Results:	5-0 unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Kathleen Davis, Lawrence Halcomb, Jay Narey and Rachel Hayden
		Against:	-	0	

4. 9122 Inwood Road

***This case was moved to Individual Cases**

BDA223-083(KMH)

BUILDING OFFICIAL'S REPORT: Application of Trenton Robertson for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standard regulations at 9122 INWOOD RD. This property is more fully described as Block 6/5579, Part of lot 5 and 7, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct a 9-foot 3-inch high fence in a required front yard, which will require (1) a 5-foot 3-inch special exception to the fence height regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulations.

LOCATION: 9122 Inwood Rd.

APPLICANT: Trenton Robertson

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for any special exceptions to the fence regulations since the basis for this type of appeal is when in the opinion of the board, the special

exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)
North: PD 815
East: R-1ac (A) (Single Family District)
South: R-1ac (A) (Single Family District)
West: R-1ac (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the fence regulations of 4-foot focuses on constructing and/or maintaining an 9-foot 3-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-1ac (A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing 9-foot 3-inch high masonry wall in the front yard along Inwood Road and along Northwest Highway.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 9-feet 3-inches and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

July 11, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 29, 2023: The Development Services Engineer provided a response sheet with no objections.

August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings.

Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Trenton Robertson, 22010 S. Main St., Ste 1280, Dallas TX
 Against: No Speakers

Motion

I move that the Board of Adjustment in Appeal No. BDA 223-083, **HOLD** this matter under advisement until **November 14, 2023**.

Maker:	Lawrence Halcomb				
Second:	Kathleen Davis				
Results:	5-0 Unanimously				Moved to hold until November 14 th .
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

5. 1416 S. Waverly Street
 BDA223-085(KMH)

BUILDING OFFICIAL’S REPORT Application of Emma Villanueva Valverde by MANUEL SALAZAR for (1) a variance to the side-yard setback regulations at 1416 S. Waverly Dr. This property is more fully described as Block C/4252, Lot 1, and is zoned R-7.5(A), which requires a 10-

foot side yard setback. The applicant proposes to construct a single-family residential structure and provide a 7-foot 6-inch side-yard setback, which will require (1) a 2-foot 6-inch variance to the side-yard setback regulations.

LOCATION: 1416 S. Waverly Dr.

APPLICANT: Emma Villanueva Valverde

Represented by: Manuel Salazar

REQUEST:

- (1) A request for a variance to the side-yard setback regulations.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Approval

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in area and shape, in that the lot is irregular shaped and there is a 10-foot platted building line in one of the required side yards; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history within the last 5 years.

Zoning:

Site: R-7.5 (A) Single Family District
North: R-7.5 (A) Single Family District
South: R-7.5 (A) Single Family District
East: R-7.5 (A) Single Family District
West: R-7.5 (A) Single Family District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 2-feet and 6-inches is made to construct and/or maintain a single-family residential structure.
- The Dallas Development Code requires a setback of 5-feet for required side yards in the R-7.5(A) zoning district. However, this particular lot has a 10-foot build line in the side yard along Wright St, which imposes a stricter setback for that particular side yard.
- The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7.5' side yard setback along Wright St. therefore requiring a variance of 2-feet and 6-inches.
- It is imperative to note that the existing home was built in 1948 and was built over the said 10-foot building line. The applicant is proposing to remodel the existing home.

The applicant has the burden of proof in establishing the following:

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

The board may also consider **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.

Timeline:

- July 14, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.
- August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 29, 2023: The Development Services Engineer reviewed the request and all submitted documents and has no comments.
- August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: No Speakers

Against: No Speakers

Motion

I move that the Board of Adjustment **GRANT** the following applications listed on the uncontested docket because it appears, from our evaluation of the property and all relevant evidence that the applications satisfy all the requirements of the Dallas Development Code and are consistent with the general purpose and intent of the Code, as applicable to wit:

BDA 223-085 — Application of Emma Villanueva Valverde, for a variance to the side-yard setback regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the most recent version of all submitted plans are required.

Maker:	Rachel Hayden					
Second:	Kathleen Davis					
Results:	5-0 Unanimously					Moved to grant
		Ayes:	-		5	David A. Neumann, Kathleen Davis, Lawrence Halcomb Rachel Hayden, Jay Narey
		Against:	-		0	

INDIVIDUAL CASES**6. 10427 Lennox Lane**

BDA223-082(KMH)

BUILDING OFFICIAL'S REPORT: Application of James C. Shankle for (1) a special exception to the fence height regulations; (2) for a special exception to the fence opacity regulation; and (3) a special exception to the fence material standards at 10427 Lennox Ln. This property is more fully described as Block A/5532, Lot 1 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct a 6-foot 2-inch high fence in a required front yard, which will require (1) a 2-foot 2-inch special exception to the fence regulations; to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulations, and to construct a fence using a prohibited material, which will require (3) a special exception to the fence material regulations.

LOCATION: 10427 Lennox Ln

APPLICANT: James C. Shankle

Represented by: Mark Palmer

REQUEST:

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations; and
- (3) A special exception to the fence material regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY and MATERIAL STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:**Zoning:**

<u>Site:</u>	R-1ac(A) (Single Family District)
<u>North:</u>	R-1ac (A) (Single Family District)
<u>East:</u>	R-1ac (A) (Single Family District)
<u>South:</u>	R-1ac (A) (Single Family District)
<u>West:</u>	R-1ac (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the fence regulations of 4-feet focuses on constructing and/or maintaining an 6-foot 2-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line. The applicant also proposes to construct a fence using prohibited materials.
- The subject site and surrounding properties are zoned R-1ac (A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line. Additionally, the

Dallas Development Code prohibits the following material for fence materials: sheet metal, corrugated metal, fiberglass panels, plywood, plastic materials, barbed wire and razor ribbon.

- As gleaned from the submitted site plan and elevations, the applicant is proposing 6-foot 2-inch high fence in the front yard along Lennox Lane.
- The proposed fence materials appear to be that of solid stone and/or masonry materials.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 6-feet 2-inches and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- July 7, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 21, 2023: The applicant provided documentary evidence.
- August 29, 2023: The Development Services Engineer provided a response sheet with no comments.
- August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings.

Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

Speakers:

For: Mark Palmer, 4529 Fargo dr., Plano TX 75093
 Jimmy Shankle, 10427 Lennox In., Dallas TX 75229
 Terri Shankle., 10427 Lennox Ln., Dallas TX 75229

Against: Larry Smith., 4701 Kelsey Rd., Dallas TX 75229
 Thomas Taff. 10446 Lennox Ln., Dallas, TX 75229

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-082, on application of James C. Shankle, **GRANT** the request of this applicant to construct and/or maintain a 6-foot 2-inch high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

Compliance with the most recent version of all submitted plans are required.

Maker:	Kathleen Davis				
Second:	Lawrence Halcomb				
Results:	5-0 unanimously				Moved to grant
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-082, on application of James C. Shankle, **DENY** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five-feet from the front lot line as a special exception to the surface area openness **without** prejudice, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property.

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 Unanimously				Moved to deny.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-082, on application of James C. Shankle, **DENY** the request of this applicant for a special exception to the fence materials standards

without prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Kathleen Davis				
Second:	Jay Narey				
Results:	5-0 Unanimously				Moved to deny.
		Ayes:	-	5	David A. Neumann, Rachel Hayden, Kathleen Davis, Lawrence Halcomb and Jay Narey
		Against:	-	0	

Recess: 2:44 p.m.; Resume: 2:51 p.m.

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Chair Neumann moved to adjourn the meeting at 4:15 p.m.

 Required Signature:
 Mary Williams, Board Secretary
 Development Services Dept.

 Date

 Required Signature:
 Nikki Dunn, Chief Planner/Board Administrator
 Development Services Dept.

 Date

 Required Signature:
 David A. Neumann, Chairman
 Board of Adjustment

 Date

FILE NUMBER: BDA223-095 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Madison Umberger for (1) a special exception to the side yard setback regulations at 4707 Allencrest Ln. This property is more fully described as Block C/6394, Lot 13 and is zoned R-16(A), which requires a side yard setback of 10-feet. The applicant proposes to construct a carport for a single-family residential dwelling in a required side yard and provide a 4-inch setback, which will require a (1) 9-foot 8-inch special exception to the side yard setback regulations.

LOCATION: 4707 Allencrest Ln.

APPLICANT: Madison Umberger

REQUEST:

1. A request for a special exception to the side yard setback regulations.

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

Section 51A-4.402(c) of the Dallas Development Code specifies the Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (A) Whether the requested special exception is **compatible** with the character of the neighborhood.
- (B) Whether the **value of surrounding properties** will be adversely affected.
- (C) The **suitability of the size and location** of the carport.
- (D) The **materials to be used in construction** of the carport.

(Storage of items other than motor vehicles are prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:**Zoning:**

- Site: R-16(A) (Single family district)
North: R-16(A) (Single family district)
South: R-16(A) and R-1/2ac(A) (Single family districts)
East: R-16(A) (Single family district)
West: R-16(A) (Single family district)

Land Use:

The subject site and all surrounding properties are developed with single family uses.

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the side yard setback regulations. The applicant proposes to construct and maintain a carport in a required side yard providing a 4-inch setback; therefore, requiring a 9-foot 8-inch special exception to the side yard setback regulations.
- The subject site is zoned R-16(A) which requires a side yard setback of 10-feet.
- The subject property and surrounding properties are all developed with single-family uses.
- The Dallas Development Code states that required side yards must be open and unobstructed except for fences. The applicant is proposing to construct and/or maintain a carport in a required side yard on a lot developed with a single-family home.
- The submitted site plan and elevations illustrate the location of the proposed carport.
- As gleaned from the submitted site plan, the applicant is proposing to construct and maintain a 296 square feet carport in a required setback along the west

perimeter of the property, providing a 4-inch setback; whereas the Dallas Development Code requires a 10-foot side yard setback for single-family dwellings in the R-16(A) zoning district.

- The applicant has the burden of proof in establishing that the special exception to the side yard setback regulations will not have a detrimental impact on surrounding properties.
- Granting this special exception to the side yard setback regulations to allow a carport in the required side yard providing a 4-inch side yard setback on the site with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed and maintained as shown on the submitted documents.

Timeline:

September 11, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

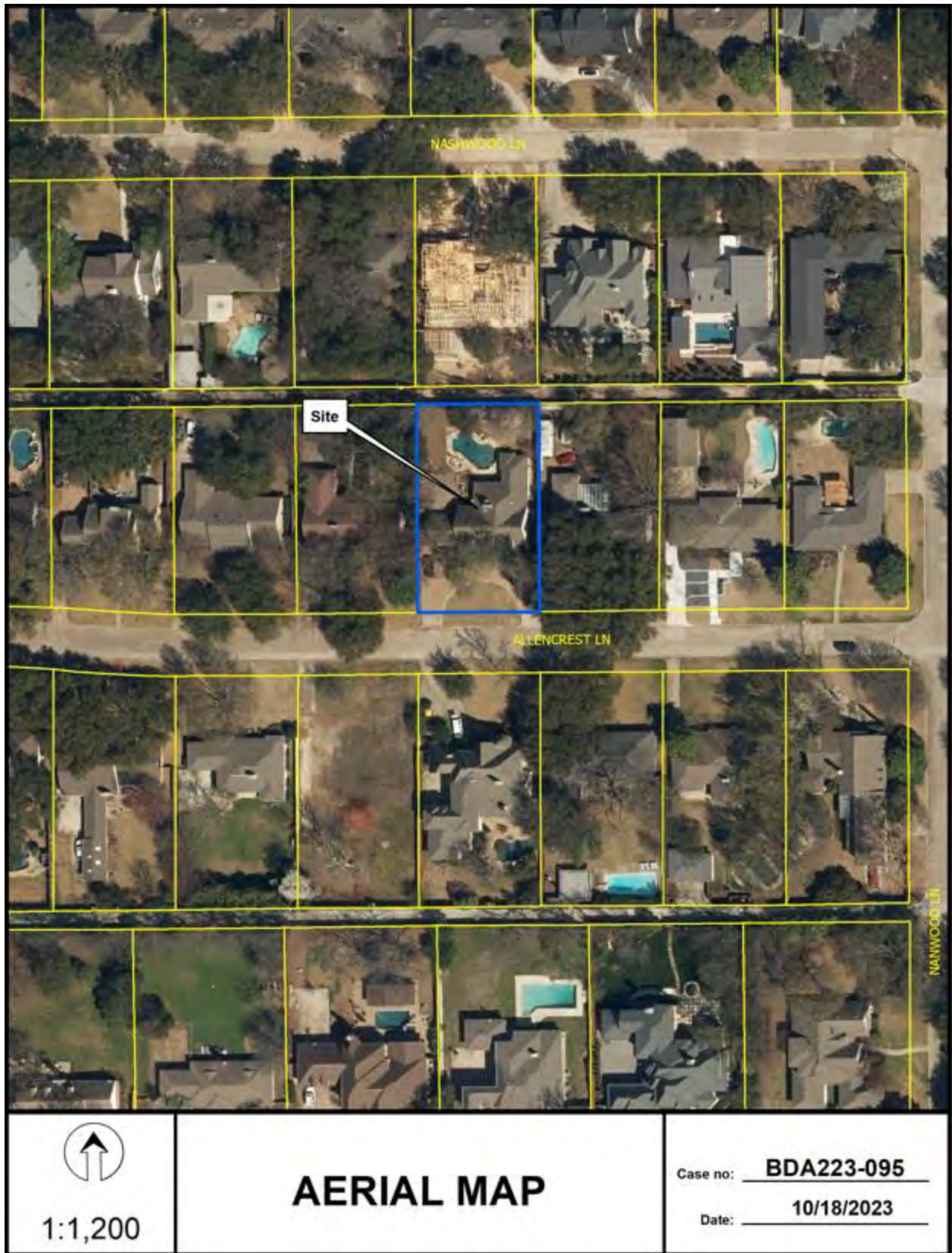
October 2, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

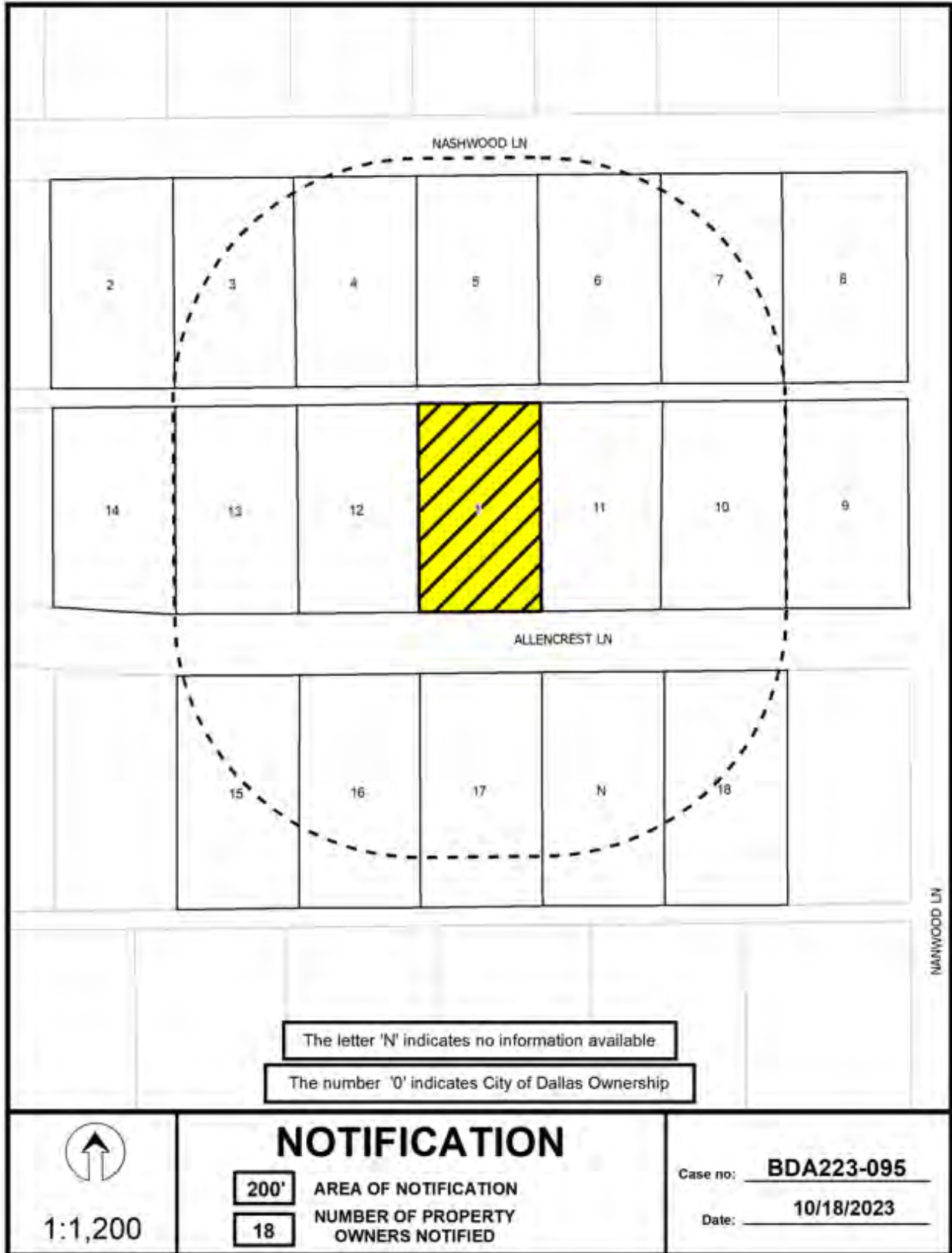
October 4, 2023: The Senior Planner emailed the applicant’s representative the following information:

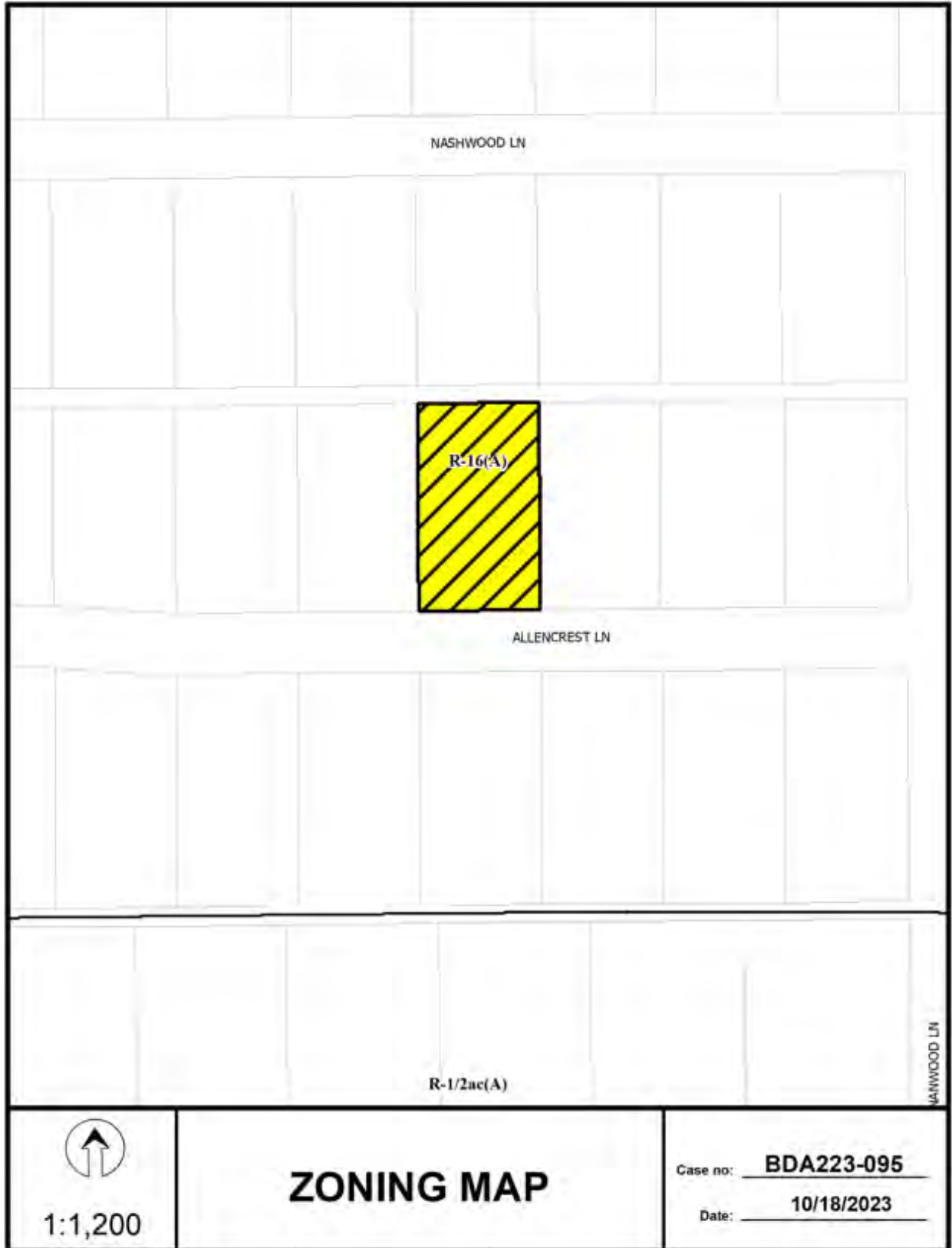
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023 deadline to submit additional evidence for staff to factor into their analysis; and the November 3, 2023 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner

the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.





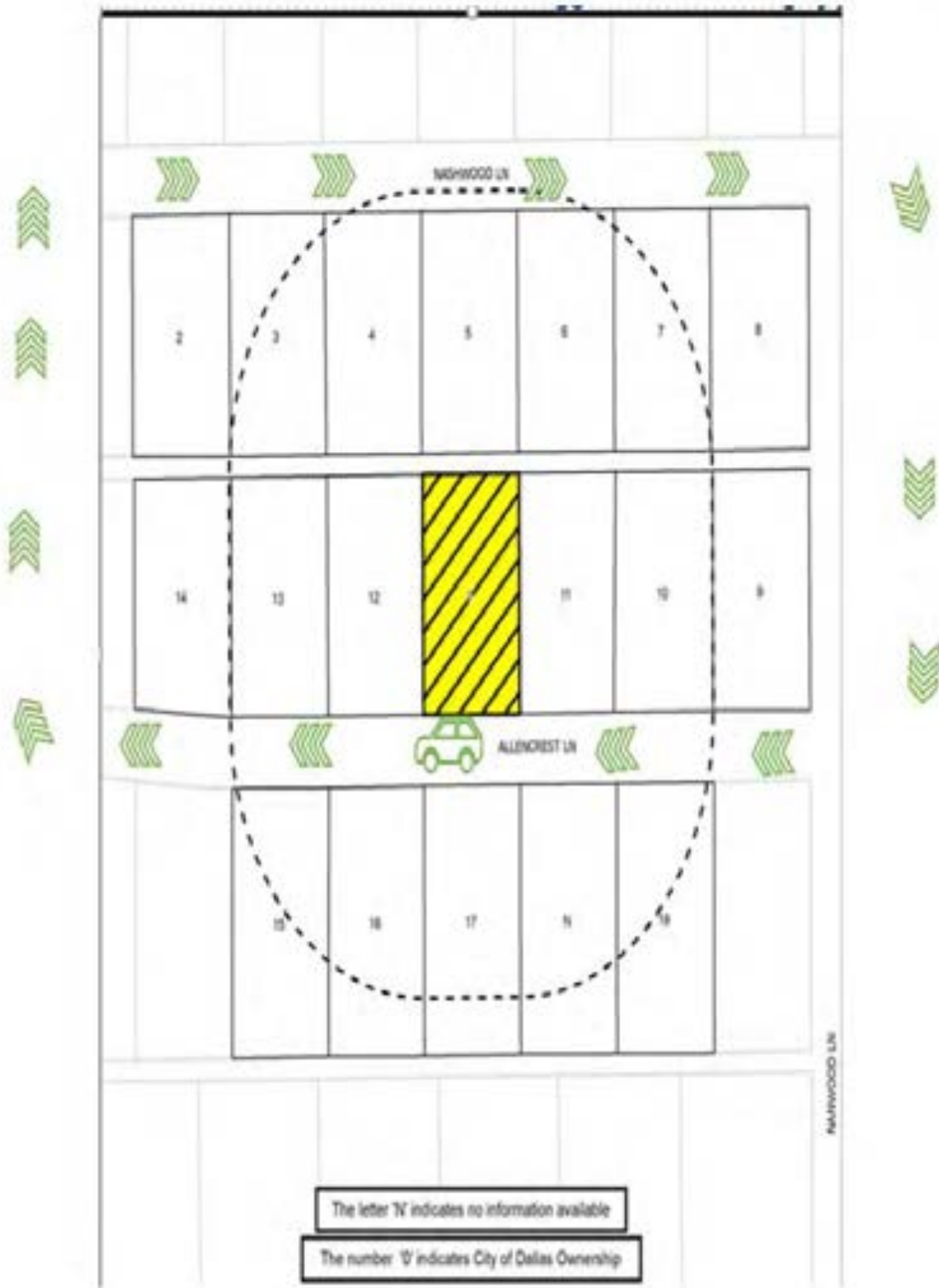


'10/18/2023

Notification List of Property Owners***BDA223-095******18 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4707 ALLENCREST LN	WUNDERLICK JOSEPH TOM
2	4624 NASHWOOD LN	BRAMLETT CHARLES MATTHEW &
3	4632 NASHWOOD LN	4632 NASHWOOD REALTY LLC
4	4640 NASHWOOD LN	4632 NASHWOOD REALTY LLC
5	4708 NASHWOOD LN	LINDLEY COURTNEY & STEPHANIE
6	4716 NASHWOOD LN	NACHOWIAK DREW F & JENNIFER W
7	4724 NASHWOOD LN	ANDERSON BRENDA L & THOMAS L
8	4732 NASHWOOD LN	PETERSON ABIGAIL T & MARK A
9	4731 ALLENCREST LN	BOLICH NEIL G & ABBE R
10	4723 ALLENCREST LN	MCBRIDE KEVIN LEE
11	4715 ALLENCREST LN	JACKSON JAMES A
12	4639 ALLENCREST LN	LINQUIST BURNIECE B
13	4631 ALLENCREST LN	DOISE DARYL J & MARGARET ANNE
14	4623 ALLENCREST LN	YOUNG KEVIN S &
15	4632 ALLENCREST LN	SCHULTZ LACY & NATHAN
16	4640 ALLENCREST LN	GUPTA RAJNEESH & SUPRIYA
17	4708 ALLENCREST LN	GUIDONE FRANK D &
18	4724 ALLENCREST LN	NICHOLS JOLIE LYNN

<https://youtu.be/IqThULqBYfE>





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-0915 **RECEIVED**
 Date: **SEP 11 2023**
 BY: _____

Data Relative to Subject Property: _____ Date: _____
 Location address: 4707 Allencrest Lane Zoning District: R-16(A)
 Lot No.: 13 Block No.: C/6394 Acreage: .39 Census Tract: 96.03
 Street Frontage (in Feet): 1) _____ 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Joseph Tom Wunderlick
 Applicant: Madison Umberger Telephone: 214-236-8678
 Mailing Address: 8030 Eagle Trail Zip Code: 75238
 E-mail Address: madison@shortconstructiongroup.com
 Represented by: Madison Umberger Telephone: 214-236-8678
 Mailing Address: 8030 Eagle Trail Zip Code: 75238
 E-mail Address: madison@shortconstructiongroup.com

Affirm that an appeal has been made for a Variance or Special Exception of _____
a 4" setback which will require a 9'-8" special exception to the side yard set back.
Carport will be built to city standards.

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:

Construct a carport to exceed the side yard set back at 4707 Allencrest.

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

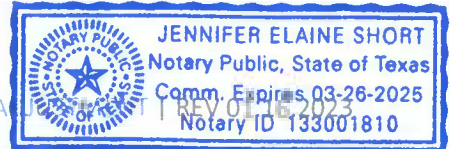
Before me the undersigned on this day personally appeared Madison Umberger
 (Affiant/Applicant's name printed)

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: Madison Umberger
 (Affiant/Applicant's signature)

Subscribed and sworn to before me this 11 day of September

Jennifer E Short
 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 MADISON UMBERGER

did submit a request for (1) a special exception to the side yard setback regulations
at 4707 ALLENCREST LN.

BDA223-095(KMH) Application of Madison Umberger for (1) a special exception to the side-yard setback regulations at 4707 Allencrest Ln. This property is more fully described as Block C/6394, Lot 13 and is zoned R-16(A), which requires a side-yard setback of 10-feet. The applicant proposes to construct a carport for a single-family residential dwelling in a required side-yard and provide a 4-inch setback, which will require a (1) 9-foot 8-inch special exception to the side yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-095

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

at: 4707 Allencrest Lane
(Address of property as stated on application)

Authorize: Madison Umberger
(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: Construct a carport to exceed the side yard set back at 4707 Allencrest. 4" setback which will require a 9'-8" special exception to the side yard. Carport will be built to City standard

Tom Wunderlick
Print name of property owner or registered agent

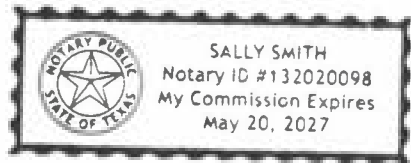
Tom Wunderlick
Signature of property owner or registered agent

Date 9/11/2023

Before me, the undersigned, on this day personally appeared Joseph T Wunderlick

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 11 day of September, 2023



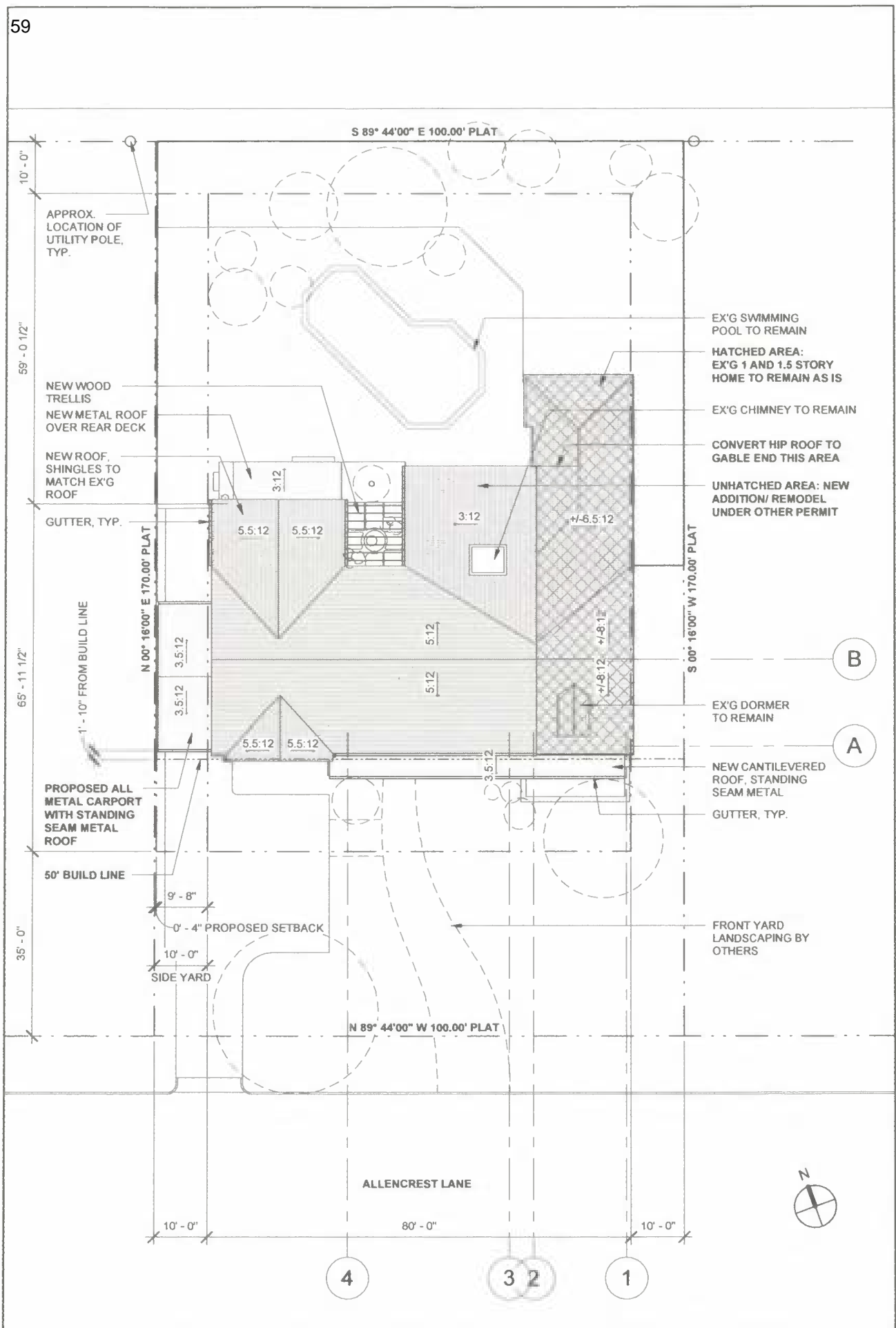
Jill Smith
Notary Public for Dallas County, Texas

Commission expires on 5-20-2027

RECORDED 12-16-55



BDA 223-095



A-101

SITE PLAN
1/18/23 4:10:00











ALLENCREST CARPORT PROPOSAL
4707 ALLENCREST LN DALLAS TX 75244
4707 ALLENCREST LN DALLAS, TX 75244

08/24/23

BDA223-095

DRAWING LEGEND

SEE 04-02 FOR ELECTRICAL LEGEND

-  ELEVATION TAG
-  GRIDLINE
-  LEVEL HEAD MARKER
-  VIEW TAG
-  NORTH ARROW
-  SECTION DETAIL MARKER
-  SPOT ELEVATION MARKER
-  VIEW REFERENCE
-  WINDOW TAG
-  DOOR TAG

DRAWING LEGEND
NO SCALE 2

SHEET INDEX

- ARCHITECTURAL SHEETS**
- A01 COVER SHEET
 - A15 FLOOR PLAN - LEVEL 1
 - A16 FLOOR PLAN - LEVEL 2
 - A21 EXTERIOR ELEVATIONS
 - A22 EXTERIOR ELEVATIONS

SHEET INDEX
NO SCALE 3

PROJECT INFORMATION

DESCRIPTION:
TWO-STORY ADDITION AND REMODEL OF EXISTING SINGLE FAMILY RESIDENCE

EXISTING CONDITIONED AREA:
- EXISTING TWO-STORY SINGLE FAMILY RESIDENCE 3,302 SF
- EXISTING TO BE DEMOLISHED 1,803 SF
- EXISTING TO REMAIN 1,335 SF

PROPOSED CONDITIONED AREAS:
PROPOSED NEW CONSTRUCTION LEVEL 1: 836 SF
PROPOSED NEW CONSTRUCTION ON EXISTING FOUNDATION LEVEL 1: 1,233 SF
TOTAL: 4,861 SF

TOTAL COND. AREA (EXISTING TO REMAIN + PROPOSED):
1,335 EXISTING + 4,861 PROPOSED = 6,077 SF TOTAL

FIN. CALCULATION:
8.07 SF COND. SPACE / 16.916 SF LOT SIZE = 36.9% < 40%

EXISTING COVERED EXTERIOR AREAS:
- COVERED LEVEL 1 PATIO: 438 SF
- EXISTING GARAGE TO BE DEMOLISHED: 480 SF

PROPOSED COVERED EXTERIOR AREAS:
- ATTACHED LEVEL 1 PORTE COCHERE: 400 SF
- LEVEL 1 REAR DECK: 310 SF
- LEVEL 1 FRONT PORCH: 275 SF
- LEVEL 2 PORCH: 288 SF
TOTAL: 1,111 SF

CONSTRUCTION TYPES:
EXISTING 2ND-FLOOR TWO-STORY HOUSE: RAISED PIER AND BEAM FOUNDATION WITH CONVENTIONAL LOAD BEARING WOOD FRAMED WALLS AND WOOD FRAMED ROOF
PROPOSED 2ND-FLOOR TWO-STORY ADDITION + REMODEL: RAISED PIER AND BEAM FOUNDATION WITH LOAD BEARING WOOD FRAMED WALLS AND WOOD FRAMED ROOF

PARCEL INFO:
PARCEL ID: 8 00008788400000
POSTOFFICE BOX: BLK C2048 LOT 13

LOT DATA:
APPROX: 16,916 SF

ZONING:
BUILDING ZONE R-16A CLIMATE ZONE 3A

FLOOD HAZARD ZONE:
3 - AREA OF MINIMAL FLOOD HAZARD

APPLICABLE CODES:
- 2015 INTERNATIONAL RESIDENTIAL CODE WITH DALLAS AMENDMENTS
- 2015 INTERNATIONAL PLUMBING CODE WITH DALLAS AMENDMENTS
- 2016 INTERNATIONAL MECHANICAL CODE WITH DALLAS AMENDMENTS
- 2002 NATIONAL ELECTRICAL CODE WITH DALLAS AMENDMENTS

USE:
SINGLE FAMILY RESIDENCE

PROJECT INFORMATION
NO SCALE 4

CONTACT INFORMATION

PROJECT ADDRESS:
4707 ALLENCREST LANE
DALLAS, TX 75244

PROJECT MANAGER:
SARAH HEAVER
TEL: 214-624-8907
EMAIL: S@VANDERLICK@GMAIL.COM

OWNER:
TOM & ZEPH FRANDERLICK
4707 ALLENCREST LANE
DALLAS, TX 75244

CONTRACTOR:
MIKE SHORT
SHORT CONSTRUCTION GROUP
TEL: 214-238-8623
EMAIL: M@SHORTCONSTRUCTIONGROUP.COM

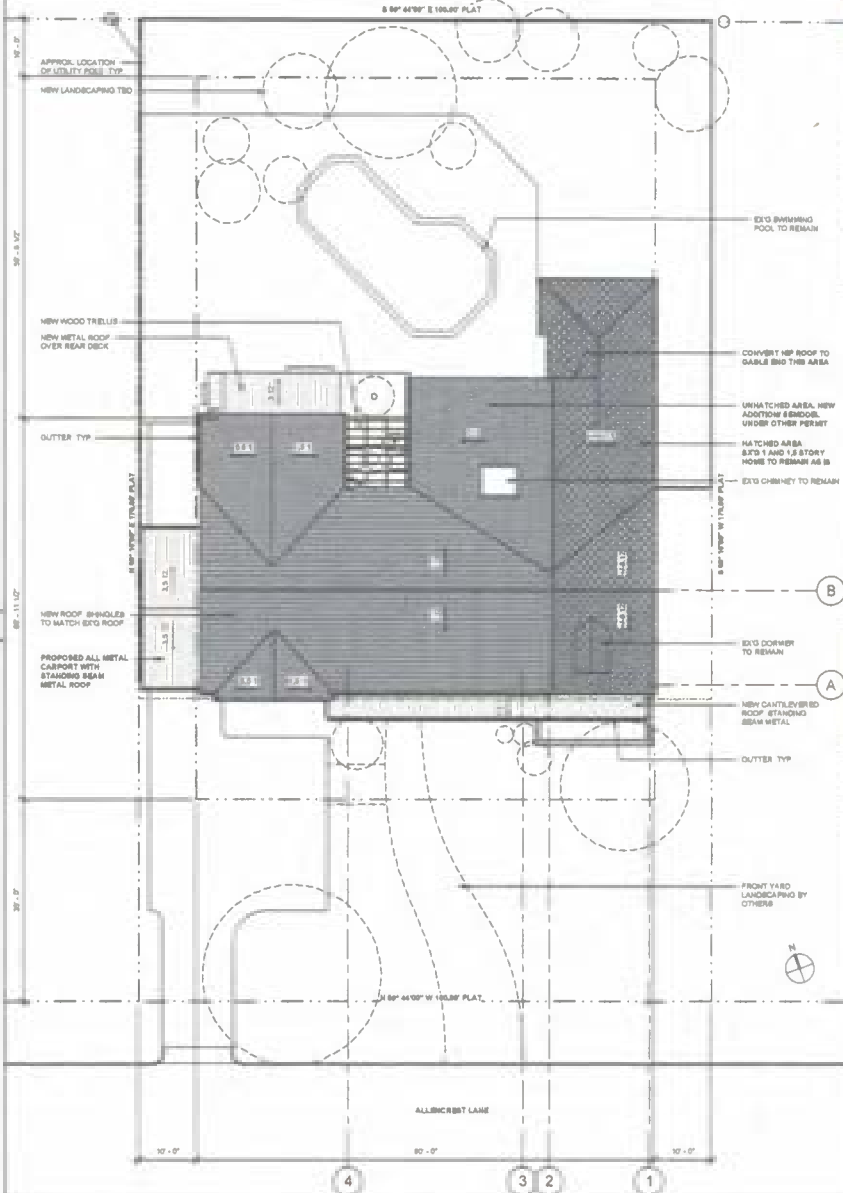
STRUCTURAL ENGINEER:
MOHAMMAD KABIR
TEL: 214-601-0364
EMAIL: MK@SKP@MKAARCH.COM

INTERIOR DESIGNER:
KATE KROGMAN
TEL: 210-884-8987
EMAIL: K@THEKROGMAN@GMAIL.COM

ARCHITECT:
ELIZABETH BESCHERL
TEL: 210-776-1762
EMAIL: E@ELIZABETH@GMAIL.COM

VIEW FROM STREET
NO SCALE 5

CONTACT INFORMATION
NO SCALE 6



PROPOSED SITE PLAN
1" = 10'-0" 1

tech files

tech files LLC
2028 S. Miller Ave
Los Angeles, CA 90008
415.390.1762

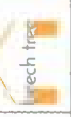
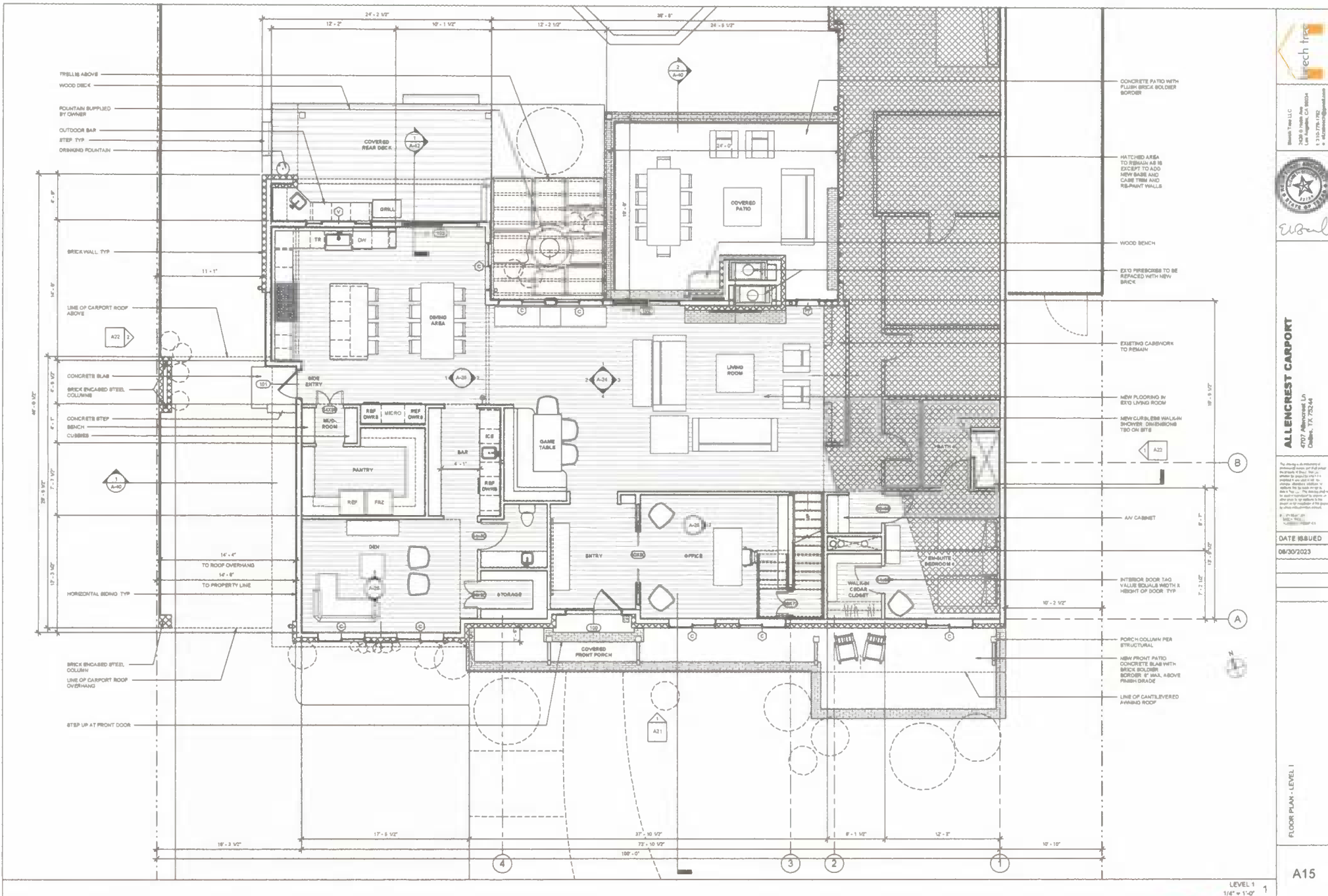
ALLENCREST CARPORT
4707 Allencrest Ln
Dallas, TX 75244

DATE ISSUED:
08/30/2023

COVER SHEET

A01

BDA223-095



2428 D South Ave
Fort Worth, TX 76134
iTech Inc.



EW

ALLENCREST CARPORT
4707 Allencrest Ln
Dallas, TX 75244

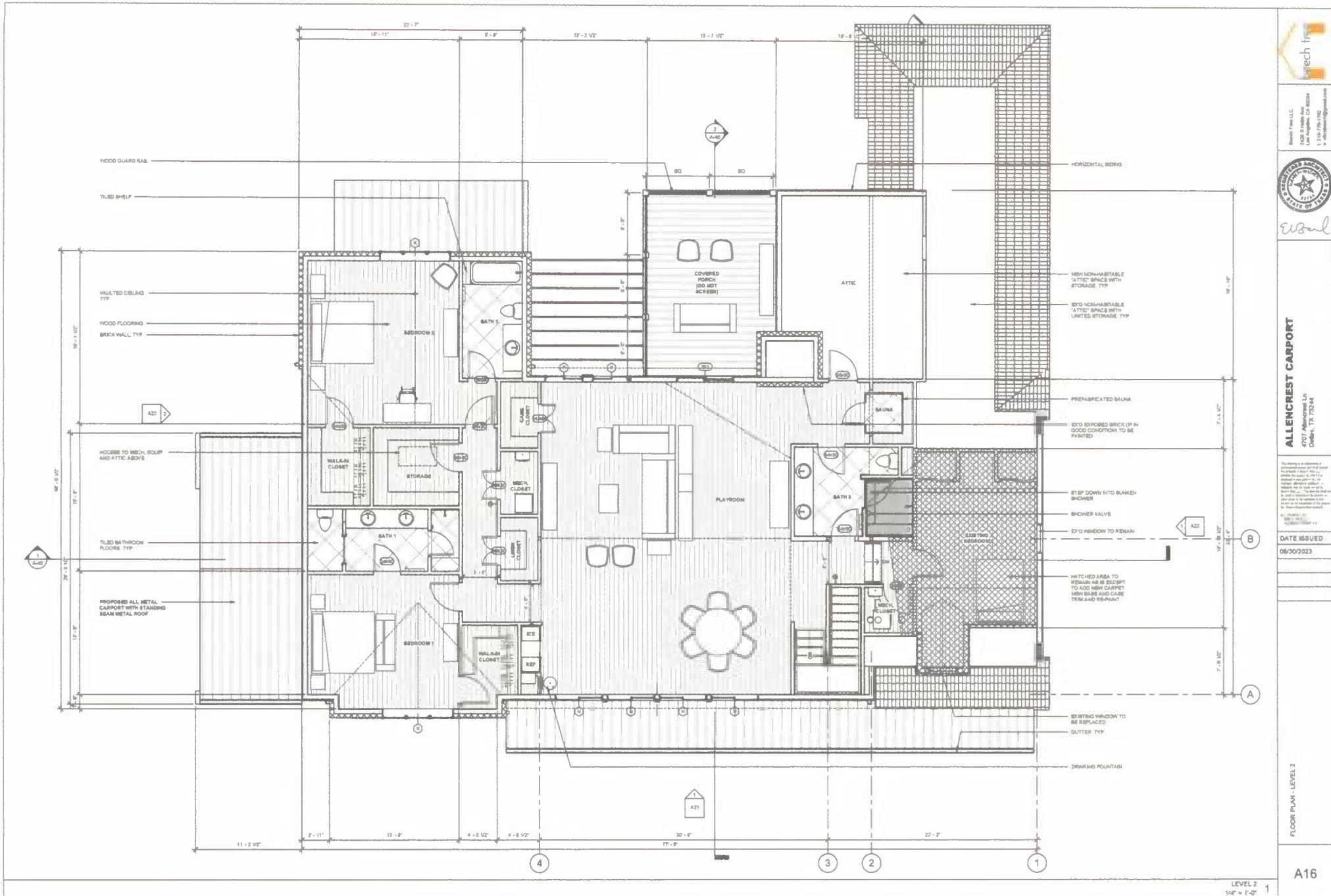
DATE ISSUED
08/30/2023


FLOOR PLAN - LEVEL 1

A15

LEVEL 1
1/8" = 1'-0"

BDA223-095




 iTech Inc.
 2408 E. State St. Suite 200
 Dallas, TX 75244
 214.747.1302
 info@itechinc.com



ALLENCREST CARPORT
 4707 Allencrest Ln
 Dallas, TX 75244

This drawing is an electronic
 reproduction of the original
 drawing. It is not to be used
 for construction without the
 original drawing on file.
 All dimensions shall
 be taken from the original
 drawing. No field changes
 shall be made without the
 approval of the architect.

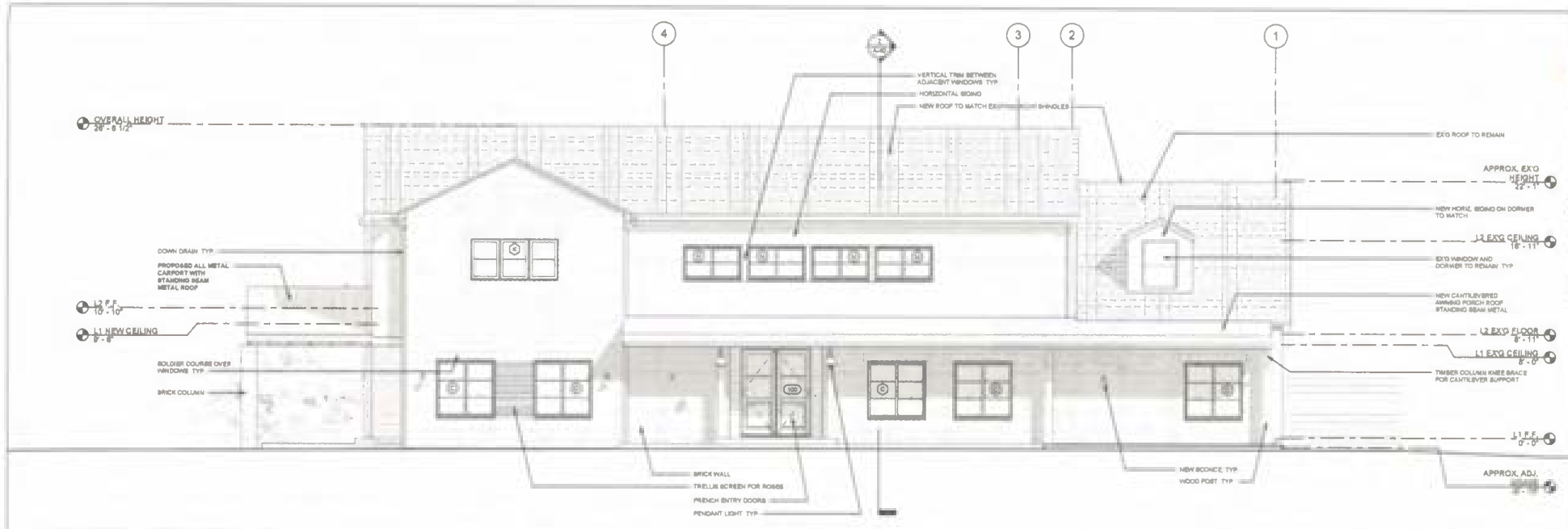
DATE ISSUED
 08/00/2023

FLOOR PLAN - LEVEL 2

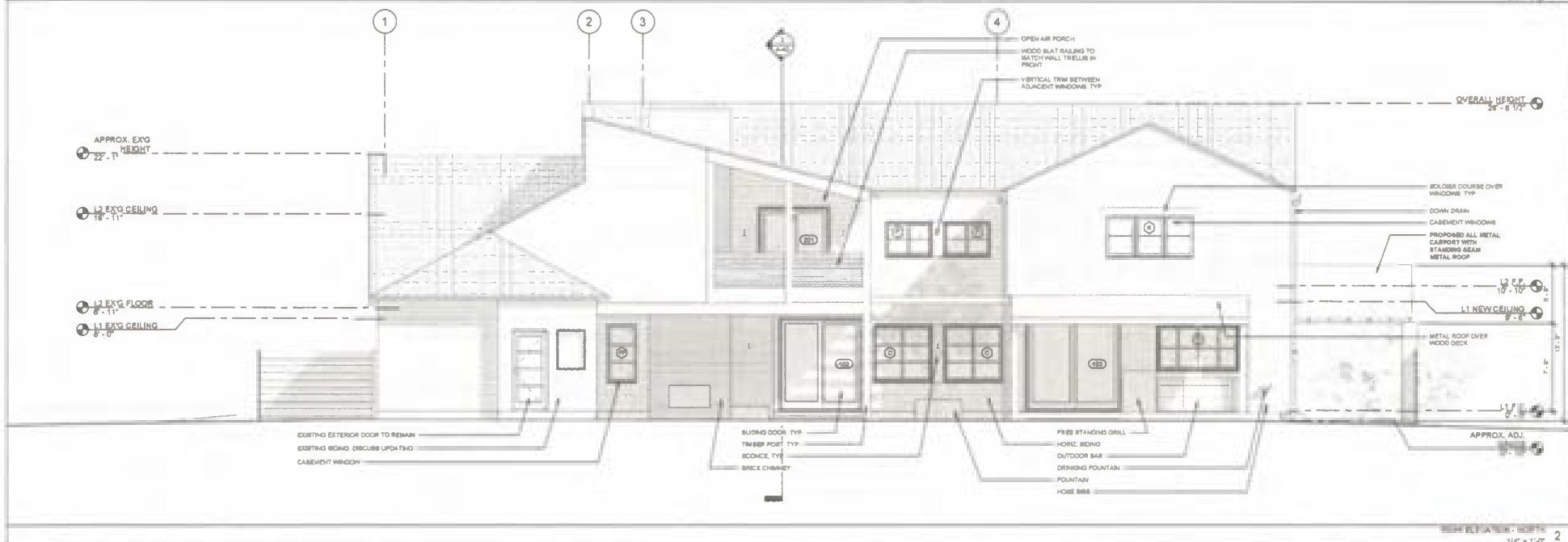
LEVEL 2
 1/4" = 1'-0" 1

A16


BDA223-095




FRONT ELEVATION - SOUTH 1
1/4" = 1'-0"



EXTERIOR ELEVATIONS 2
1/4" = 1'-0"


 South Texas LLC
 2408 S. Main Ave. Suite 1000A
 Corpus Christi, TX 78401
 P: 361.848.1122
 E: info@southtexasllc.com


 ewal

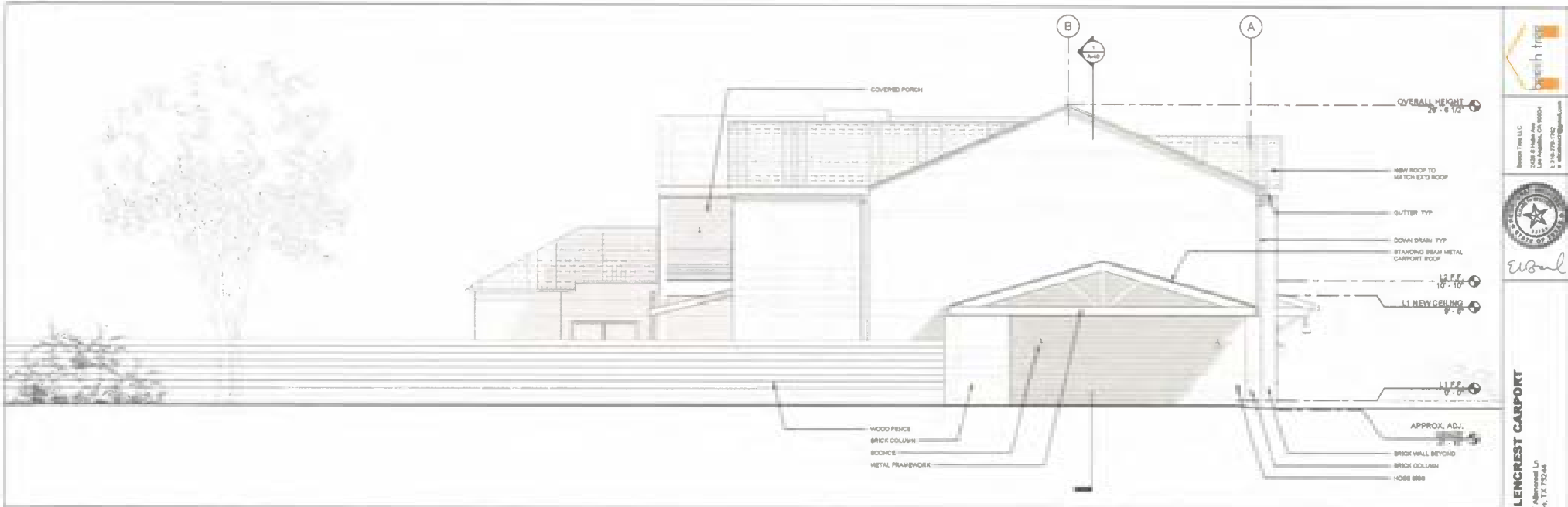
ALLENCREST CARPORT
 4707 Albrecht Ln
 Odessa, TX 79344

No liability is assumed for any errors or omissions in this drawing. The user of this drawing is responsible for verifying the accuracy of the information provided. The user of this drawing is responsible for obtaining all necessary permits and approvals. The user of this drawing is responsible for obtaining all necessary approvals. The user of this drawing is responsible for obtaining all necessary approvals.

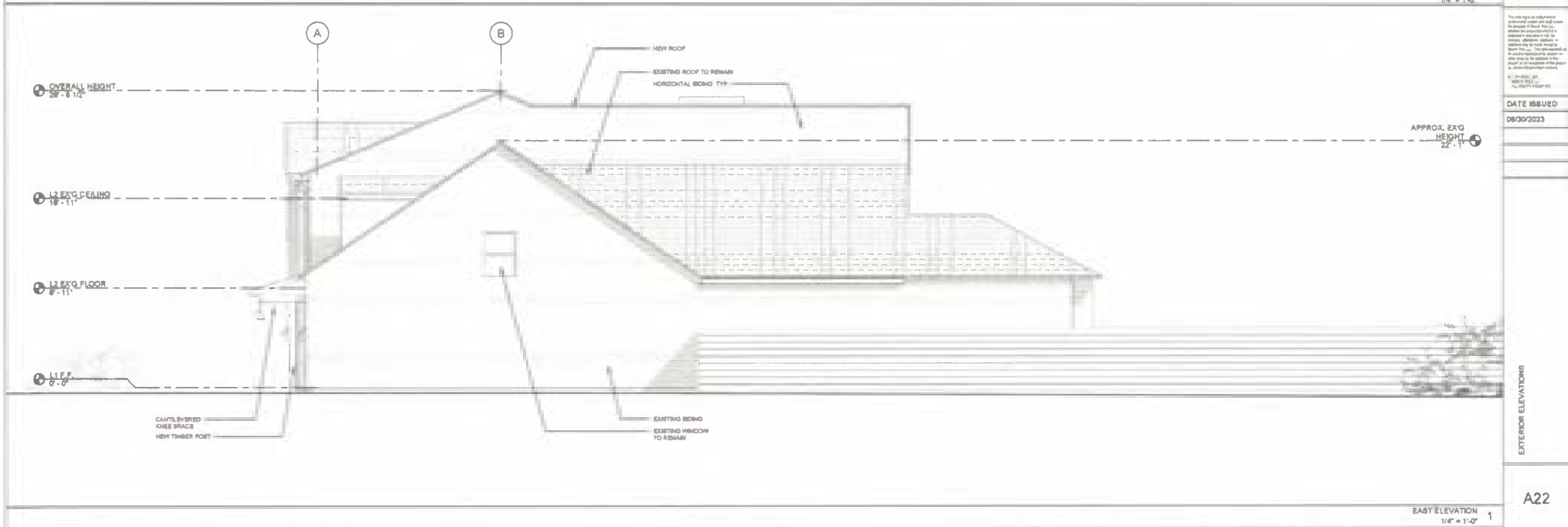
DATE ISSUED	06/30/2023
DATE	
DATE	
DATE	

SHEET A 114 - SOUTH
 1/4" = 1'-0"

BDA223-095



WEST ELEVATION
1/4" = 1'-0" 2



EAST ELEVATION
1/4" = 1'-0" 1

GreenTree

GreenTree Inc. LLC
10000 E. Lincoln Ave., Suite 100
Littleton, CO 80120
303-779-1100
info@greentree.com

STATE OF TEXAS

ALLENCREST CARPORT
4707 Albrecht Ln
Dallas, TX 75244

DATE ISSUED
06/30/2023

EXTERIOR ELEVATIONS

A22

BDA223-095

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

TUESDAY, NOVEMBER 14, 2023

FILE NUMBER: BDA223-097(KMH)

BUILDING OFFICIAL'S REPORT Application of Robert Smith for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations at 2764 Catherine St. This property is more fully described as Block 2/3879, Lot 1, and is zoned CD-8; subarea 1 (R-7.5(A)), which limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches, and requires a 20-foot visibility triangle at the point of intersection of the edge of an alley and an adjacent street curb line. The applicant proposes to construct a 6-foot high fence in a required side-yard, which will require (1) a 2-foot special exception to the fence height regulations; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway approaches; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation intersection of the edge of an alley and an adjacent street curb line.

LOCATION: 2764 Catherine St.

APPLICANT: Robert Smith

REQUEST:

1. A request for a special exception to the fence height regulations,
2. A request for a special exception to the 20-foot visibility obstruction regulations, and;
3. A request for a special exception to the 20-foot visibility obstruction regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARDS REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations 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:

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

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	CD-8; Subarea R-7.5 (A) (Single Family District)
<u>North:</u>	CD-8
<u>East:</u>	CD-8
<u>South:</u>	CD-8
<u>West:</u>	CD-8

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history in the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The application of Robert Smith for the property located at 2764 Catherine Street focuses on 3 requests. The first request is for a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and maintain a 6-foot high fence in a required front yard, which will require a 2-foot special exception to the fence height regulations. The applicant is proposing the fence along Pierce Street and along the alley. It is imperative to note the fence along Pierce Street will include a gate
- Secondly, the applicant proposes to maintain a single-family fence in a required visibility triangle at the driveway approach along Pierce Street, which will require a

special exception to the visual obstruction regulations. The visual obstruction regulations require a 20-foot visibility triangle at all driveway approaches.

- Additionally, the applicant proposes to maintain a single-family fence structure in a required visibility triangle at the intersection of the edge of an alley and an adjacent street curb line, which requires a 20-foot special exception to the visual obstruction regulations.
- The subject site along with the surrounding properties are all developed with single family uses.
- It is imperative to note that the subject site is a corner lot.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to maintain a new 6-foot wooden fence. The proposed fence and gate are shown to encroach into the required visibility triangle at the driveway approach along Pierce Street. The proposed fence is also shown to encroach into the visibility triangle at the street intersection and the alley.
- The CD-8 zoning district limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- The applicant has the burden of proof in establishing that the special exception to the visual obstruction regulations does not constitute a traffic hazard.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan/elevation, the proposal over 2-feet in height in the front yard setback would be limited to that what is shown on the submitted documents.
- Additionally, granting this request for a special exception to the visual obstruction regulations with a condition imposed that the applicant complies with the submitted site plan would limit the proposed fence in the 20-foot visibility triangles at the driveway into the site from Pierce Street and the alley to what is shown on the submitted documents.

Timeline:

September 13, 2023: 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 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.

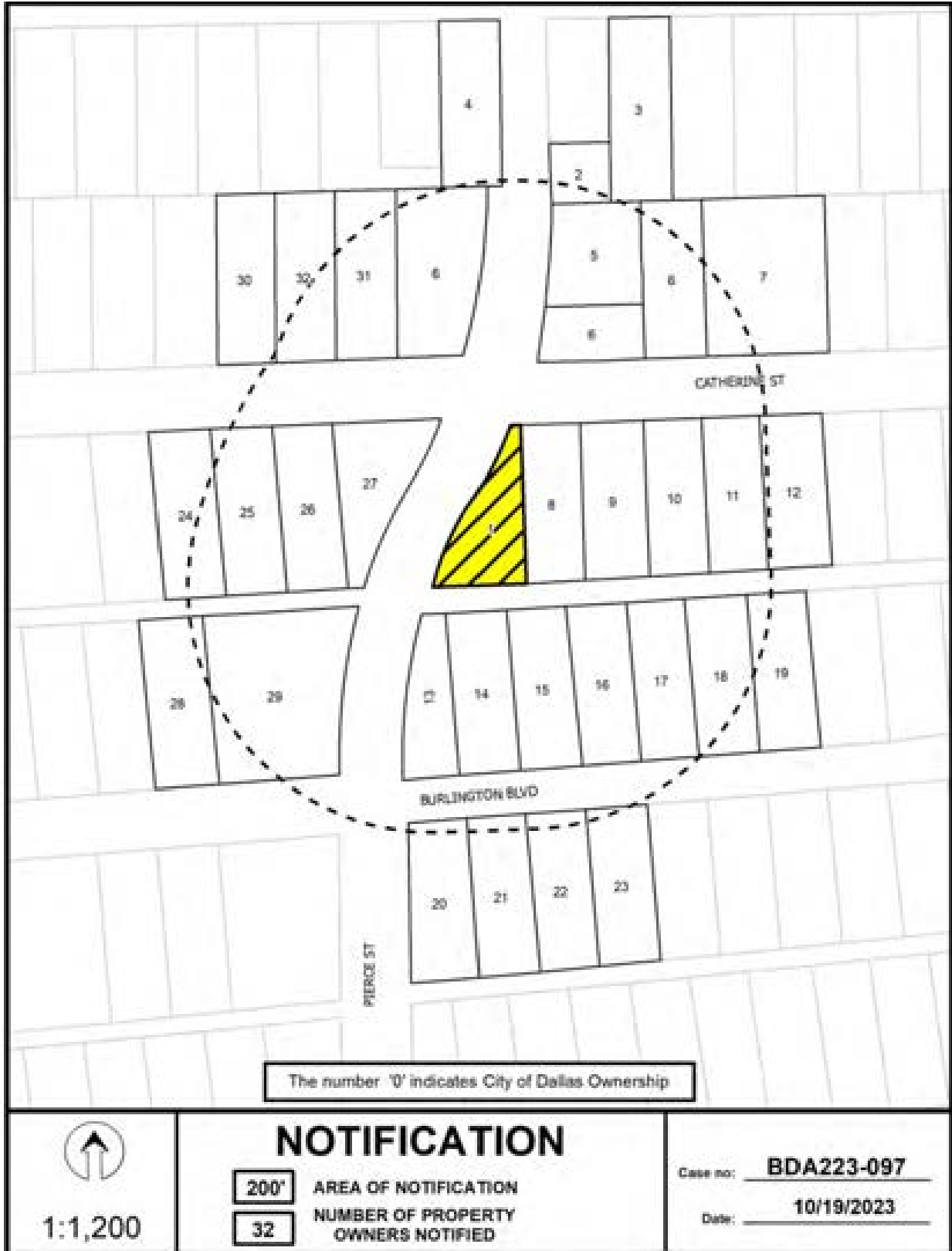
October 4, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, deadline to submit additional evidence to be incorporated into the board's docket materials.
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA223-097</u> Date: <u>10/19/2023</u>
--	---------------------	---





/ 10/19/2023

Notification List of Property Owners**BDA223-097****32 Property Owners Notified**

Label #	Address	Owner
1	2764 CATHERINE ST	SMITH ROBERT
2	710 PIERCE ST	MENDEZ ELSA
3	2754 W BROOKLYN AVE	HERNANDEZ ALFONSO & LUCINDA
4	2802 W BROOKLYN AVE	PHAIKOH SOMCHAI ET AL
5	714 PIERCE ST	GILBERT SHARON
6	718 PIERCE ST	PIERCE CATHERINE INC
7	2745 CATHERINE ST	MIKULEC DAVID &
8	2760 CATHERINE ST	SMITH JANET
9	2756 CATHERINE ST	ALSPAW JULIE A
10	2752 CATHERINE ST	KELBLY ASHLYN M
11	2748 CATHERINE ST	ZENDEJAS CAROLINA
12	2744 CATHERINE ST	HICKS TANA J & JARRETT
13	2769 BURLINGTON BLVD	ESCALANTE CRISANTO
14	2765 BURLINGTON BLVD	MARQUEZ RAMON & AMPARO
15	2761 BURLINGTON BLVD	BRYANT ALBERT JR & CLAUDETTE W
16	2757 BURLINGTON BLVD	FULLER D RAY JR EST OF
17	2753 BURLINGTON BLVD	LSH TRUST
18	2749 BURLINGTON BLVD	ARVIZU ZACARIAS & ANA
19	2745 BURLINGTON BLVD	GARCIA ANGELA SOFIA
20	2768 BURLINGTON BLVD	CABRERA MARIA
21	2764 BURLINGTON BLVD	KILLE JAMES & LINDA
22	2760 BURLINGTON BLVD	GUEL ANDRES & CELIA
23	2756 BURLINGTON BLVD	JIMENEZ JUAN MANUEL
24	2818 CATHERINE ST	ESCALANTEBROWN THAD CHARLES &
25	2814 CATHERINE ST	GARCIA REYES P
26	2810 CATHERINE ST	VERMA MAYANK

10/19/2023

Label #	Address	Owner
27	2802 CATHERINE ST	GUTIERREZ HERIBERTO A &
28	2811 BURLINGTON BLVD	ANHELO INC
29	2803 BURLINGTON BLVD	JOHNSON CHERYL E
30	2815 CATHERINE ST	MARTINEZ PEDRO
31	2807 CATHERINE ST	MARIEL XIMENA
32	2811 CATHERINE ST	YDY LLC

<https://youtu.be/1Sn-5M1wK8E>





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-097 FOR OFFICIAL USE ONLY

Data Relative to Subject Property: Code Violation-Review in process Date: 9/13/2023 FOR OFFICIAL USE ONLY

Location address: 2764 Catherine Dr, TX 75201 Zoning District: CD-8 (R-7.5(A))

Lot No.: 1 Block No.: 2/3879 Acreage: 1.30 Census Tract: REC D

Street Frontage (in Feet): 1) 0 2) 148' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Robert Smith

Applicant: Robert Smith Telephone: (214)236.5700

Mailing Address: 935 Pollard St. Dallas, TX Zip Code: 75208

E-mail Address: resmith7@airmail.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of Fence keep as is 6ft
requesting a 2ft special exception, visibility triangles at drive
approach, visibility triangle at street and alley intersection

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:

Does not affect neighbors or properties, will not cause a traffic hazard

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

Affidavit

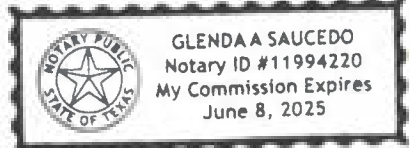
Before me the undersigned on this day personally appeared Robert Smith
(Affiant/Applicant's name printed)

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 8 day of September, 2023

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ROBERT SMITH

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the visibility obstruction regulations

at 2764 Catherine

BDA223-097(KMH) Application of Robert Smith for (1) a special exception to the fence height regulations, and for (2) a special exception to the 20-foot visibility obstruction regulations, and for (3) a special exception to the 20-foot visibility obstruction regulations at 2764 Catherine St. This property is more fully described as Block 2/3879, Lot 1, and is zoned CD-8; subarea 1 (R-7.5(A)), which limits the height of a fence in the 50% of the side-yard and corner side-yard to 4-feet and requires a 20-foot visibility triangle at driveway approaches, and requires a 20-foot visibility triangle at the point of intersection of the edge of an alley and an adjacent street curb line. The applicant proposes to construct a 6-foot high fence in a required side-yard, which will require (1) a 2-foot special exception to the fence regulations; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (2) a special exception to the 20-foot visibility obstruction regulation at driveway approaches; and to construct a single-family residential fence structure in a required 20-foot visibility obstruction triangle, which will require (3) a special exception to the 20-foot visibility obstruction regulation intersection of the edge of an alley and an adjacent street curb line.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-097

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

at: 2764 Catherine St Dallas, TX 75211
(Address of property as stated on application)

Authorize: Robert Smith
(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)

MS Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Specify: Fence

Robert Smith
Print name of property owner or registered agent

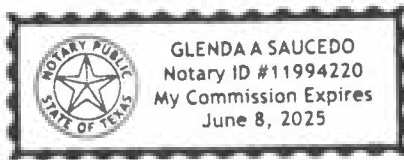
[Signature]
Signature of property owner or registered agent

Date 9/8/2023

Before me, the undersigned, on this day personally appeared Robert Smith

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 8 day of September, 2023



Commission expires on June 8, 2025

FILED - FEB - 20 - 1925
REVISED - AUG - 13 - 1925

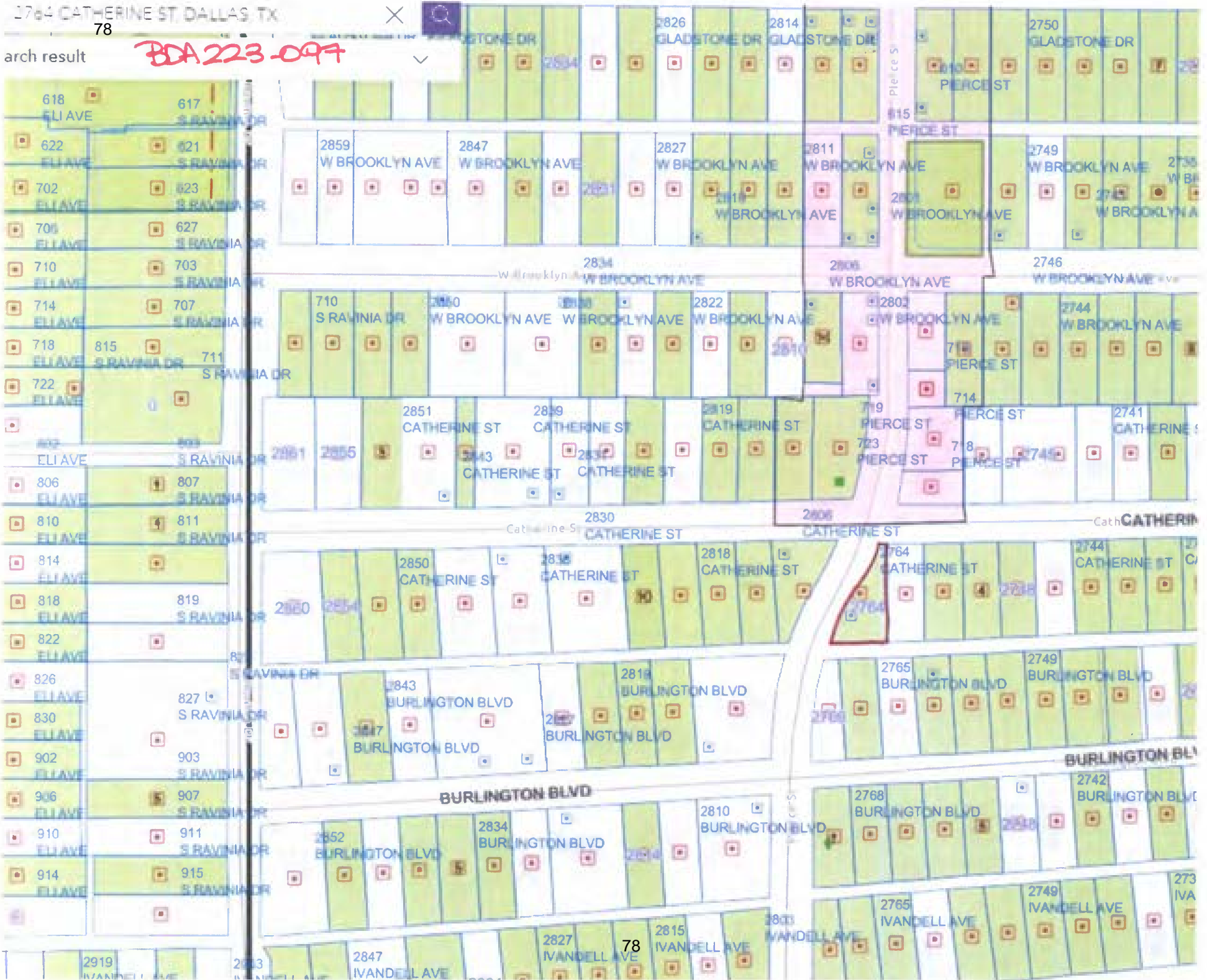
N.A.

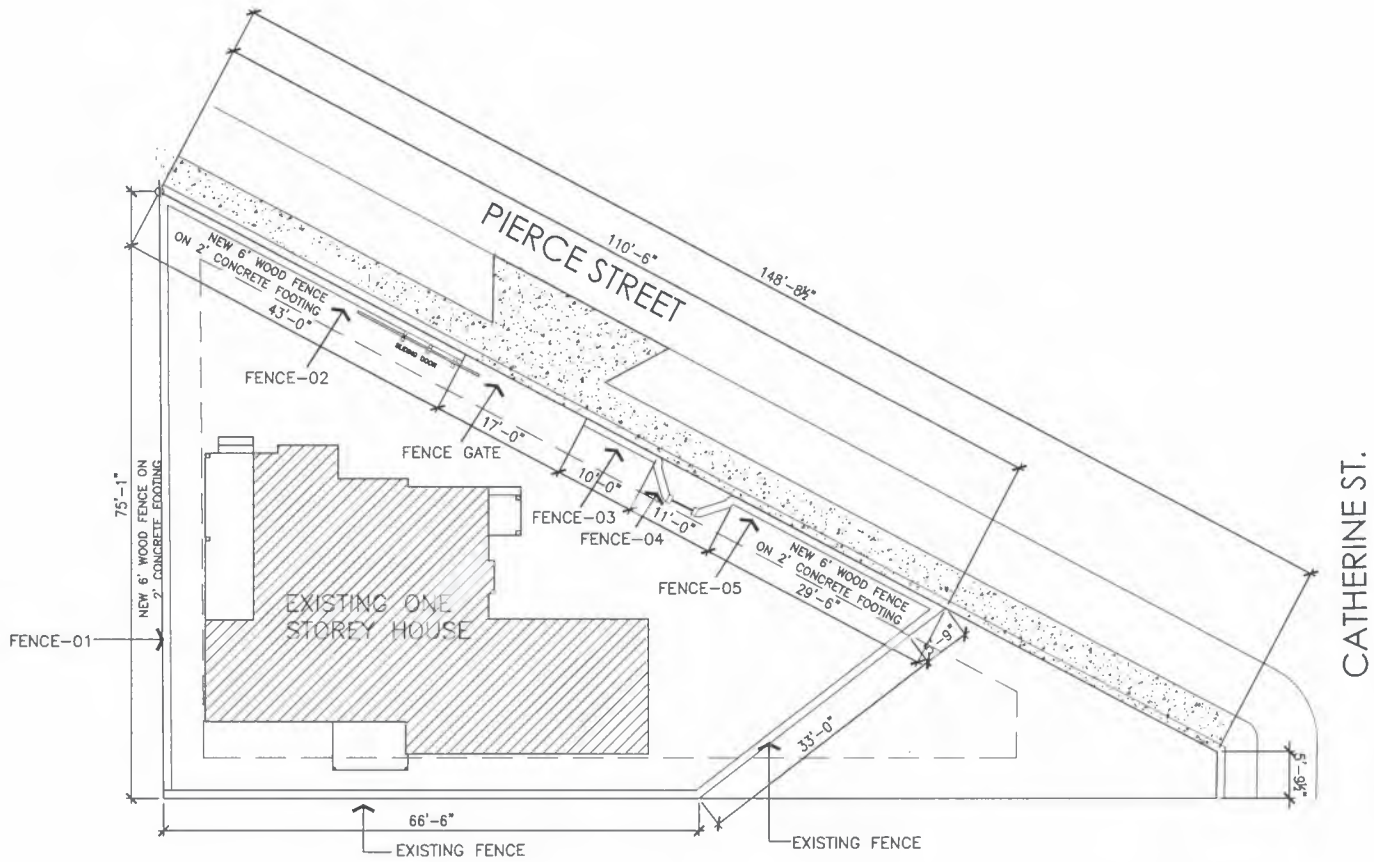


BDA223-007

BDA 223-097

arch result





I FENCE PLAN/LAY-OUT
 CI SCALE 1"-15'

SEAL

Project Consulting & Construction
 DESIGN + BUILD + CONSULTANCY

Ennis, TX 75119
 TEL (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS 2764
 CATHERINE, DALLAS,
 TX. 75211

DATE
 08/23/2023

DRAWN BY
 MJKB

CHECKED BY

DESCRIPTION

SCALE
 1"-15'

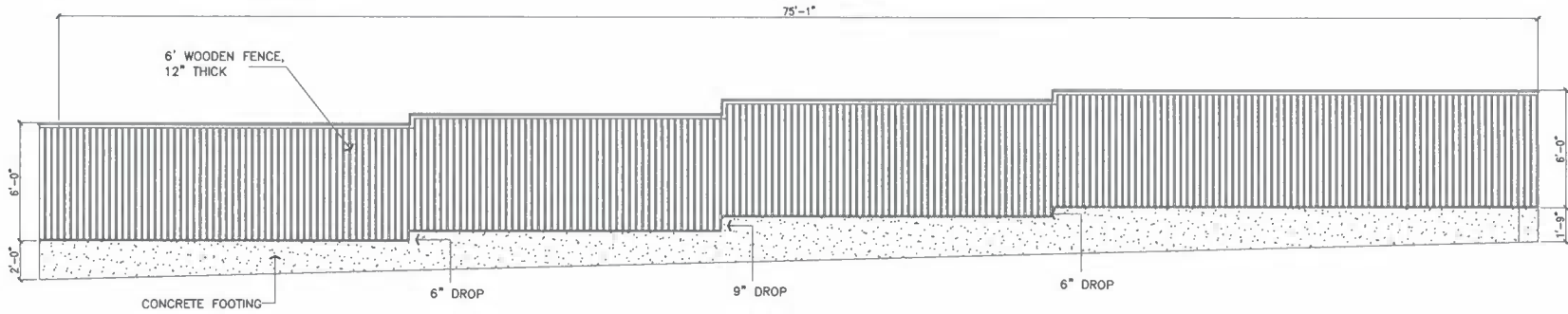
SHEET TITLE

FENCE PLAN/LAYOUT

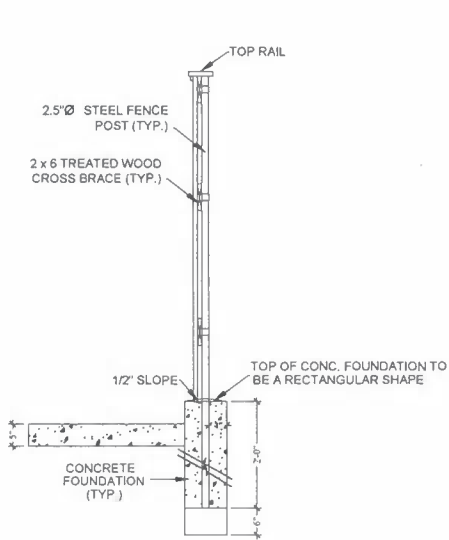
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C1.01

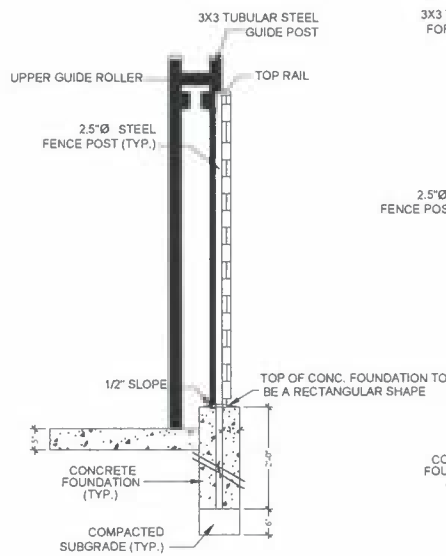
BDA 223-097



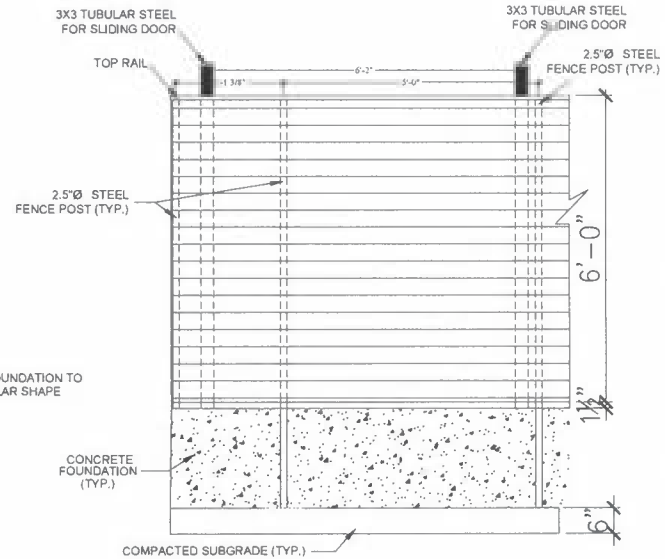
FENCE -01



WOOD FENCE SECTION @ FENCE-01



WOOD FENCE SECTION @ FENCE GATE



ELEVATION

1	FENCE DRAWINGS AND DETAIL
C2	SCALE: NTS

SEAL

Project Consulting & Construction
DESIGN + BUILD + CONSULTANCY

Ennis, TX 75119
TEL: (214) 399-3662

REVISIONS

NO.	DESCRIPTION	DATE
△		

ADDRESS

2764
CATHERINE, DALLAS,
TX. 75211

DATE

08/23/2023

DRAWN BY

MJKB

CHECKED BY

DESCRIPTION

SCALE

NTS

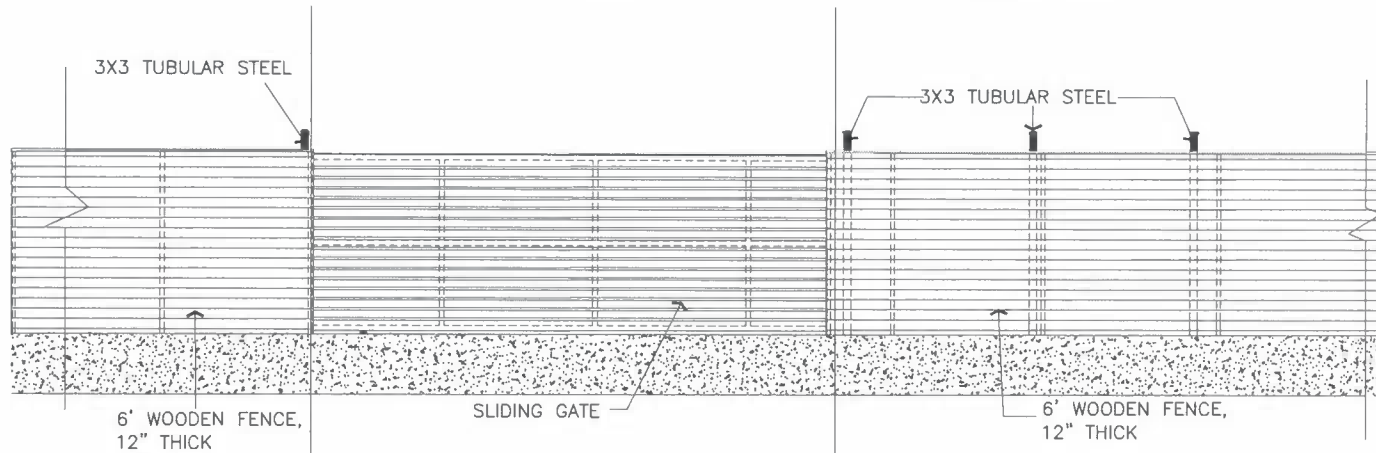
SHEET TITLE

FENCE DETAILS

SHEET #

C1.02

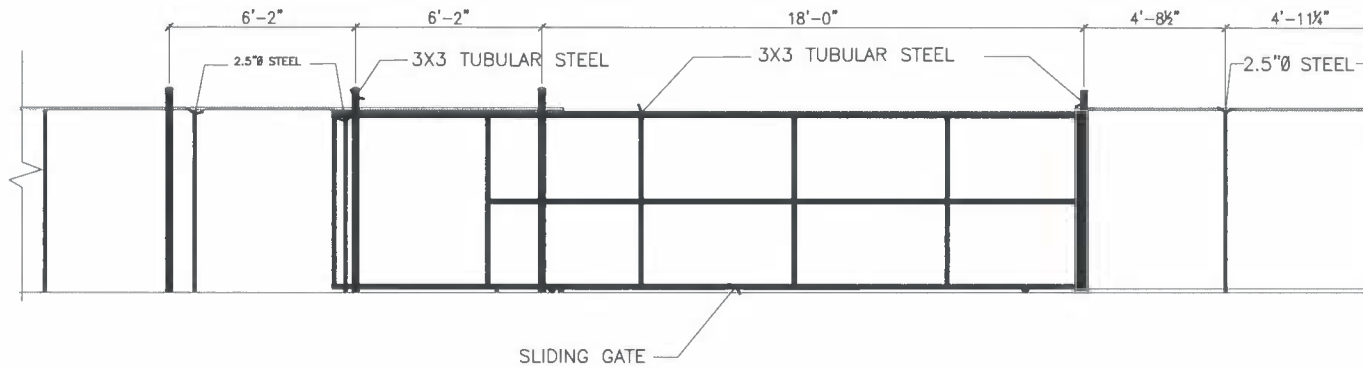
BDA223-099



FENCE-03

FENCE GATE

FENCE-02



STRUCTURAL GATE DETAIL

1	FENCE DRAWINGS AND DETAIL
C3	SCALE: NTS

SEAL

Project Consulting & Construction
DESIGN + BUILD + CONSULTANCY
 Ennis, TX 75119
 TEL. (214) 399-3662

REVISIONS		
NO.	DESCRIPTION	DATE
△		

ADDRESS
 2764
 CATHERINE, DALLAS,
 TX. 75211

DATE
 08/23/2023

DRAWN BY
 MJKB

CHECKED BY

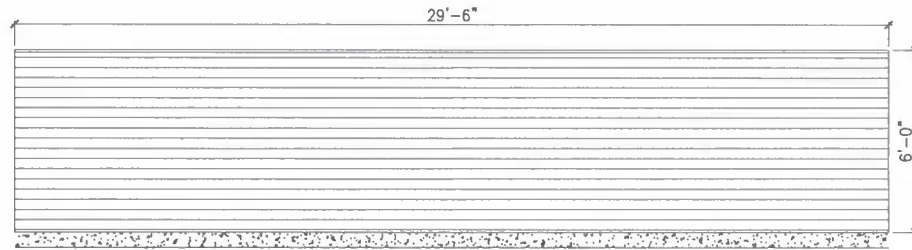
DESCRIPTION

SCALE
 NTS

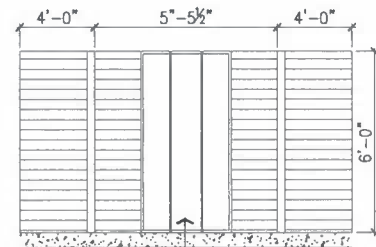
SHEET TITLE
 FENCE DETAILS

SHEET #
 C1.03

BDA223-097

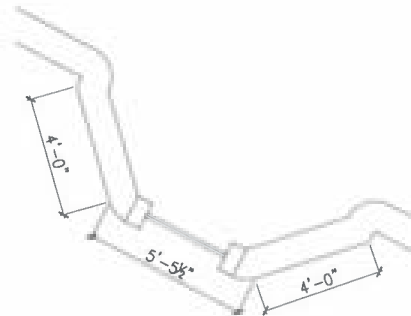


FENCE-05



3060 DOOR

FENCE-04



1	FENCE DRAWINGS AND DETAIL
C4	SCALE: NTS

SEAL

Project Consulting & Construction
DESIGN • DURED • CONSULTANCY
 Ennis, TX 75119
 TEL. (214) 399-3662

REVISIONS		
NO	DESCRIPTION	DATE
△		

ADDRESS
 2764
 CATHERINE, DALLAS,
 TX. 75211

DATE
 08/23/2023

DRAWN BY
 MJKB

CHECKED BY

DESCRIPTION

SCALE
 NTS

SHEET TITLE
 FENCE DETAILS

SHEET #
 C1.04

BOA223-097

BDA223-097







BDA 226-097



BDA 223-09.7



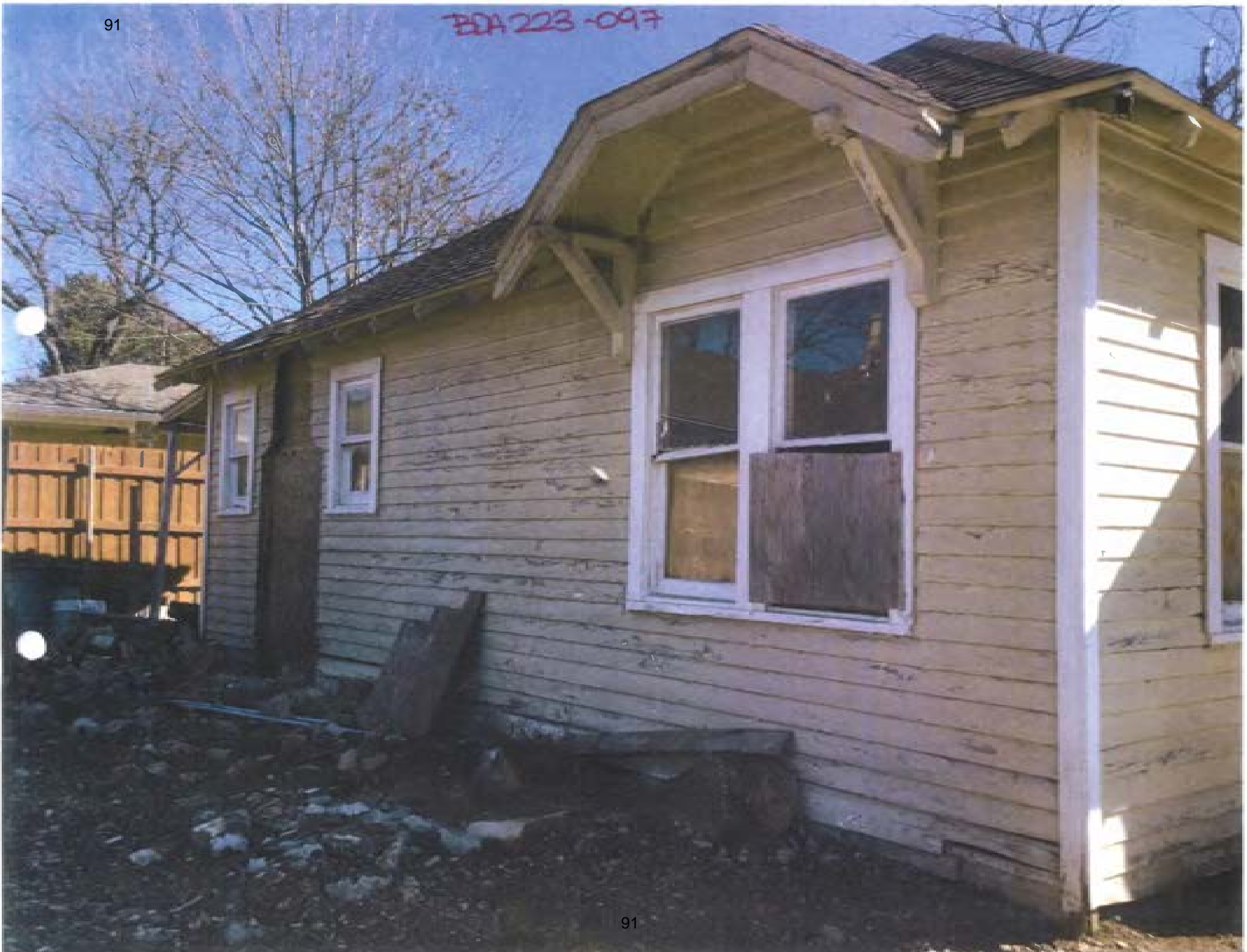
BDA223-097







EDA 223-097



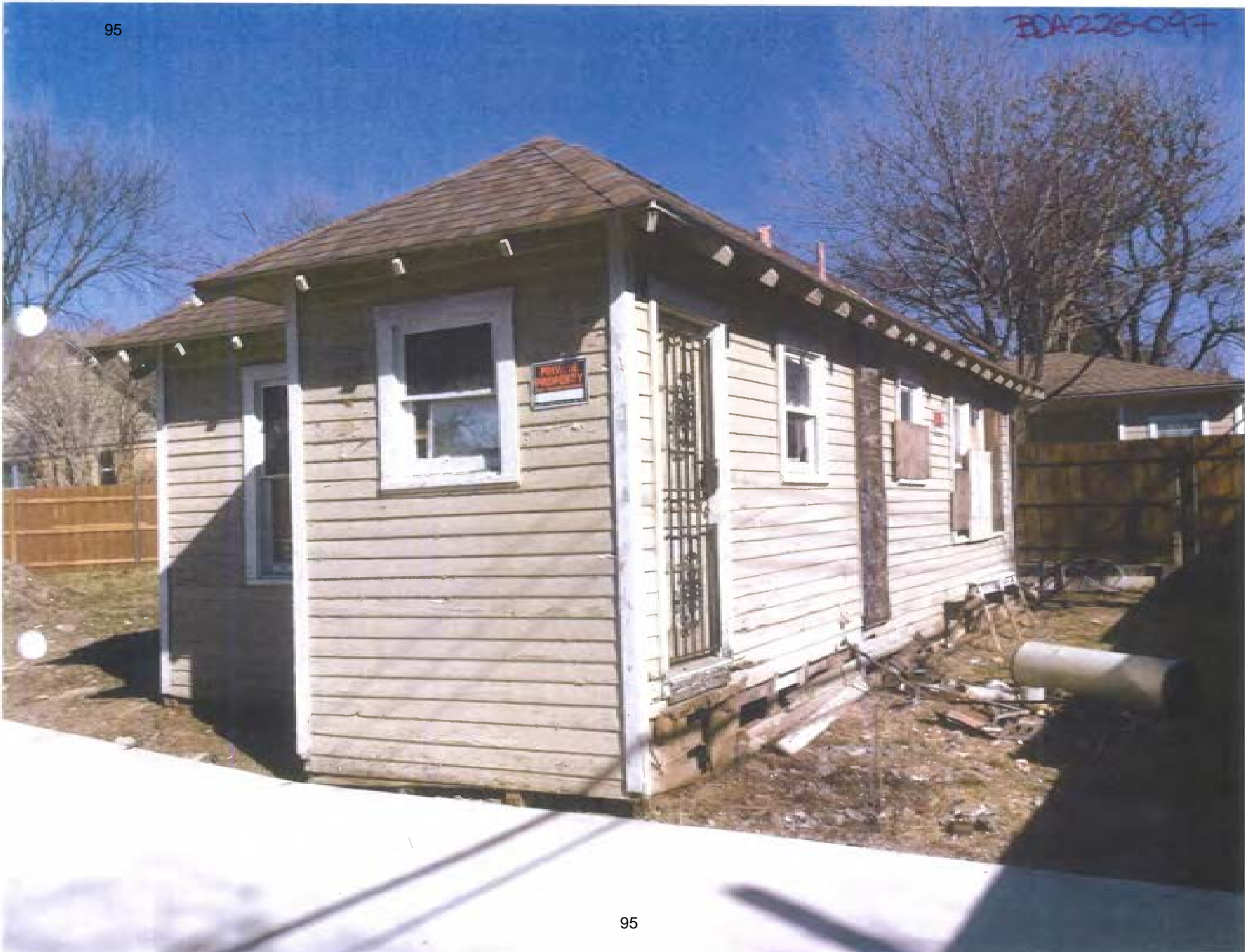
BDA223-097







EA228-097





BDA223-097

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS****TUESDAY, NOVEMBER 14, 2023**

FILE NUMBER: BDA223-083 (KMH)

BUILDING OFFICIAL'S REPORT Application of Trenton Robertson for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standard regulations at 9122 INWOOD RD. This property is more fully described as Block 6/5579, Part of lot 5 and 7, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5-feet from the front lot line. The applicant proposes to construct a 9-foot 3-inch high fence in a required front yard, which will require (1) a 5-foot 3-inch special exception to the fence height regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (2) a special exception to the fence opacity regulations.

LOCATION: 9122 Inwood Rd.**APPLICANT:** Trenton Robertson**REQUEST:**

- (1) A request for a special exception to the fence height regulations; and
- (2) A special exception to the fence opacity regulations.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT STANDARD REGULATIONS:

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE OPACITY STANDARD REGULATIONS:

Section 51A-4.602(a)(11) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:**Zoning:**

Site: R-1ac(A) (Single Family District)

North: PD 815

East: R-1ac (A) (Single Family District)

South: R-1ac (A) (Single Family District)

West: R-1ac (A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history found within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

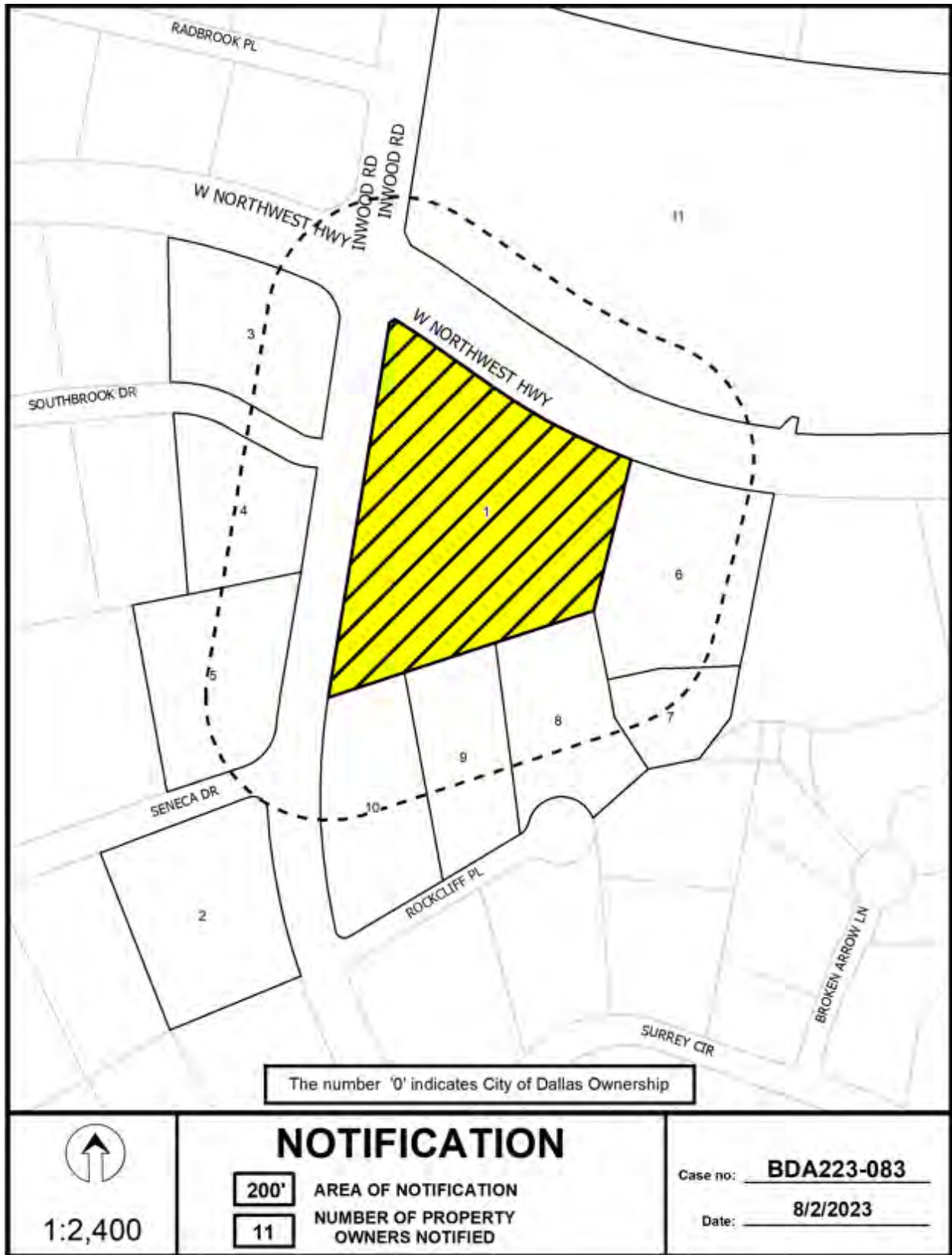
- The purpose of this request is for a special exception to the fence regulations of 4-foot focuses on constructing and/or maintaining an 9-foot 3-inch high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-1ac (A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing 9-foot 3-inch high masonry wall in the front yard along Inwood Road and along Northwest Highway.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.

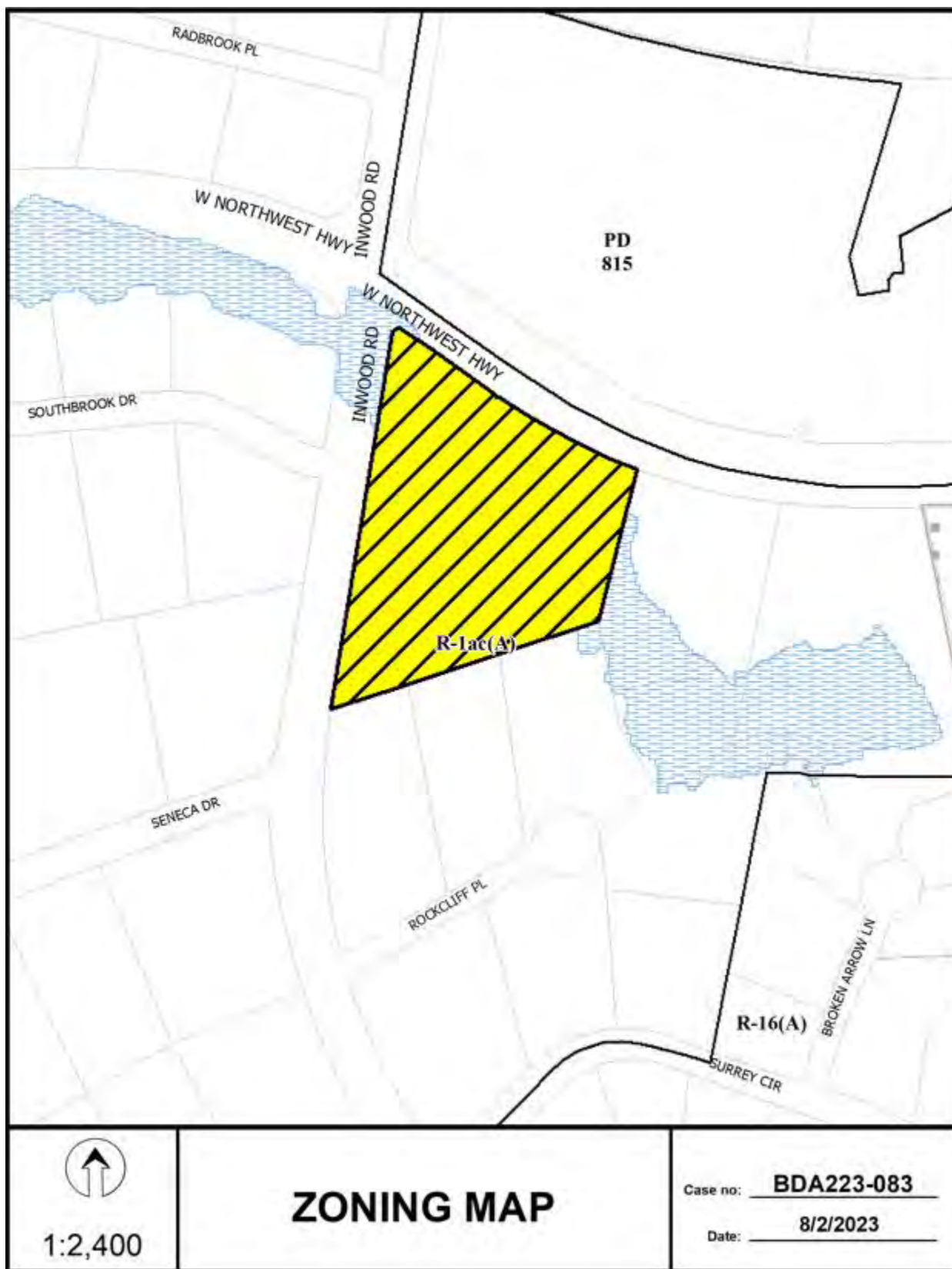
- Granting these special exceptions to the fence standards relating to height up to 9-feet 3-inches and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

- July 11, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 24, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 2, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 21, 2023, deadline to submit additional evidence for staff to factor into their analysis; and September 8, 2023, deadline to submit additional evidence to be incorporated into the board’s docket materials.
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 29, 2023: The Development Services Engineer provided a response sheet with no objections.
- August 30, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the September public hearings.
Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- September 19, 2023: The Board of Adjustment Panel A, at its public hearing held on Tuesday, September 19, 2023, voted to hold this matter under Advisement until November 14, 2023.
- November 3, 2023: The applicant submitted revised drawings.







/
08/02/2023

Notification List of Property Owners

BDA223-083

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9122 INWOOD RD	LGL 5X5 TRUST THE &
2	5140 SENECA DR	BECKETT JAMES III & DIANE
3	5131 SOUTHBROOK DR	ASHFAQ RAHEELA &
4	5130 SOUTHBROOK DR	BROOKS BENJAMIN A III & KATHLEEN H
5	5151 SENECA DR	DAVE TIAOHUA L N &
6	5324 W NORTHWEST HWY	LOVERS LN UNITED METH CH
7	5336 ROCK CLIFF PL	SHANAHAN DENNIS J
8	5335 ROCK CLIFF PL	SHAW MALCOLM L
9	5323 ROCK CLIFF PL	GOGEL BRIAN M &
10	5315 ROCK CLIFF PL	GROVER JEFFREY
11	9200 INWOOD RD	LOVERS LANE UNITED

https://youtu.be/UZuFhxs_aBQ



REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING September 19th, 2023 (A)

Has no objections

Has no objections if certain conditions are met (see comments below or attached)

Recommends that this be denied (see comments below or attached)

No comments

BDA 223-079(KMH)

BDA 223-080(KMH)

BDA 223-081(KMH)

BDA223-082(KMH)

BDA223-083(KMH)

BDA223-085(KMH)

COMMENTS:

Cases marked do not
involve Engineering

Joseph Denman/Engineer/DSD Aug 29, 2023
Name/Title/Department Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-083 ONLY

Date: _____

RECEIVED
FOR OFFICE USE ONLY
JUL 1 1 REC'D
BY: _____

Data Relative to Subject Property: _____

Location address: 9122 Inwood Road Zoning District: R-1ac(A)

Lot No. PT 5 & 7 Block No.: 6/5579 Acreage: 4.67 Census Tract: 48113007301

Street Frontage (in Feet): 1) 640' 2) 475' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): LGL 5X5 Trust & ELL 5X5 Trust

Applicant: Masterplan (Trenton Robertson) Telephone: 972-561-8732

Mailing Address: 2201 Main Street STE. 1280 Dallas, TX Zip Code: 75201

E-mail Address: trobertson@masterplantexas.com

Represented by: Masterplan (Trenton Robertson) Telephone: 972-561-8732

Mailing Address: 2201 Main Street STE. 1280 Dallas, TX Zip Code: 75201

E-mail Address: trobertson@masterplantexas.com

Affirm that an appeal has been made for a Variance or Special Exception of Request to add additional height to an existing masonry wall not to exceed 9' along Inwood Rd. and W Northwest Hwy, being located in the front yard being a fence less than 50% open surface and located within 5' of the front property line.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The proposed fence will not negatively impact surrounding properties. Other properties in the vicinity have similar fences and walls. The request will provide additional privacy and safety that has been a precedence throughout the surrounding neighborhoods.

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

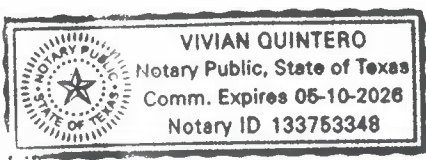
Before me the undersigned on this day personally appeared Trenton Robertson
(Affiant/Applicant's name printed)

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 6th day of July, 2023

Vivian Quintero
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 Trenton Robertson

did submit a request for (1) a special exception to the fence height regulations, and (2) for a special exception to the fence standards regulations

at 9122 INWOOD RD.

BDA223-083(KMH) - Application of Trenton Robertson for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity standard regulations at 9122 Inwood Rd. This property is more fully described as Block 6/5579, Par of lot 5 and 7, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5 feet from the front-lot line. The applicant proposes to construct a 9-foot 3-inch high fence in a required front yard, which will require (1) a 5-foot 3-inch special exception to the fence regulations; and to construct a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require (2) a special exception to the fence opacity standard regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-083

I, Edward Lennox (ELL 5x5 Trust) Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9122 Inwood
(Address of property as stated on application)

Authorize: Trenton Robertson
(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: Front yard fence height and being located w/in 5' of property line, being a solid fence.

ELLSX5TRUST
Print name of property owner or registered agent

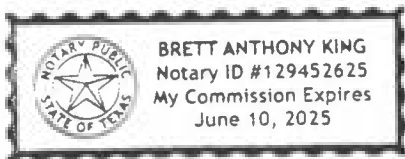
Edward L Lennox
Signature of property owner or registered agent

Date 7/5/23

Before me, the undersigned, on this day personally appeared Edward L LENNOX

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 5th day of July, 2023



Brett King
Notary Public for Dallas County, Texas

Commission expires on 6/10/25



Appeal number: BDA 223-083

I, Lisa Lennox (LGL 5x5 Trust), Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9122 Inwood
(Address of property as stated on application)

Authorize: Trenton Robertson
(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: Front yard fence height and being located w/in 5' of property line, being a solid fence.

LGL 5x5 TRUST
Print name of property owner or registered agent

Lisa G. Lennox
Signature of property owner or registered agent

Date July 5, 2023

Before me, the undersigned, on this day personally appeared LISA G. LENNOX

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 5th day of July, 2023

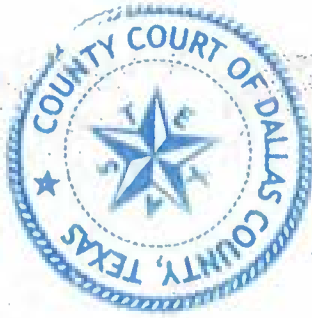


Brett King
Notary Public for Dallas County, Texas

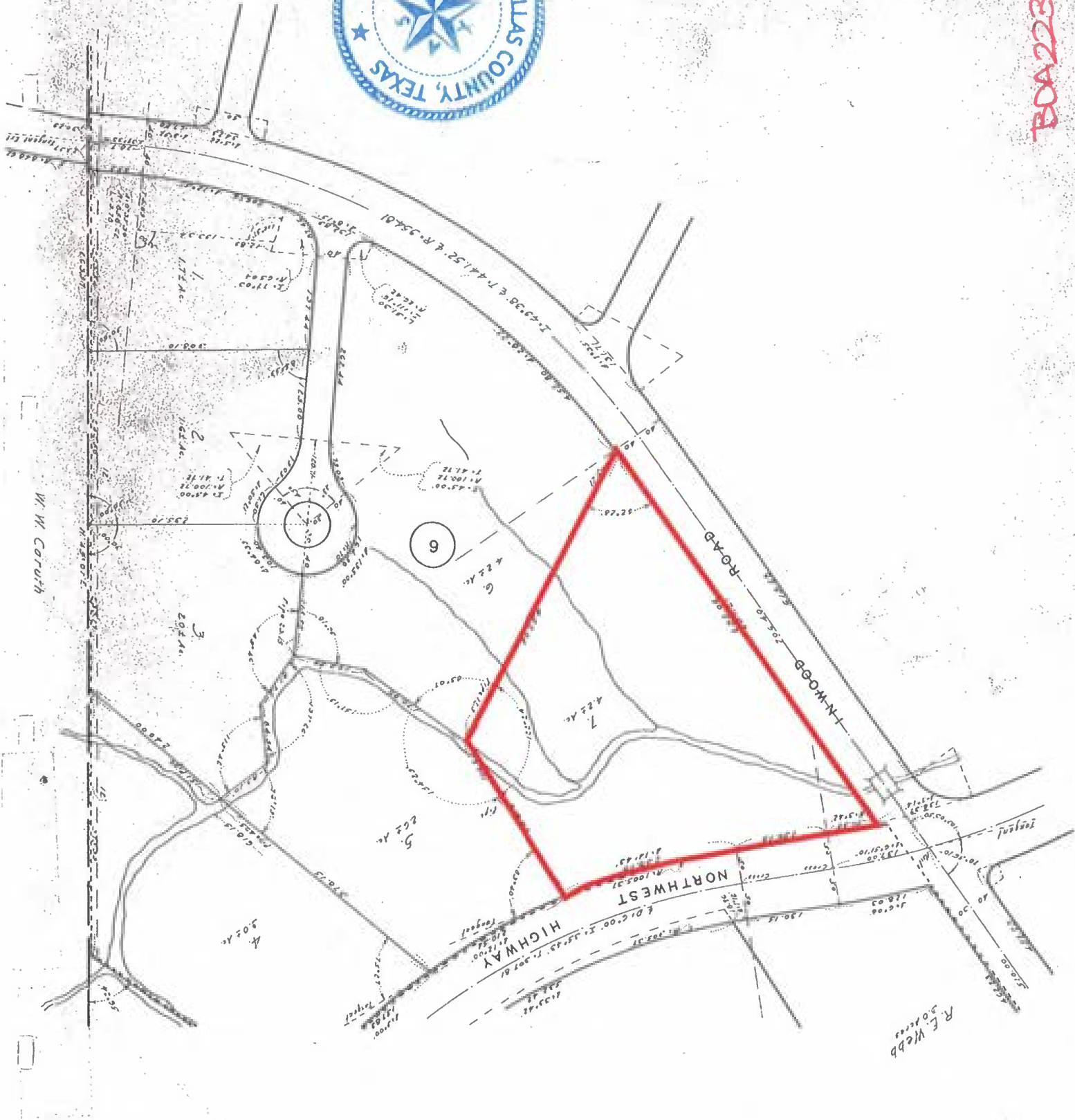
Commission expires on 6-10-25

List of Members for LGL 5X5 Trust
Lisa Lennox

List of Members for ELL 5X5 Trust
Edward Lennox

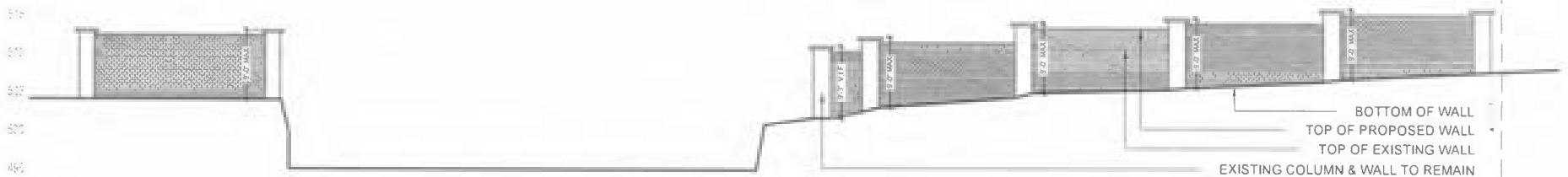


BOA223-083

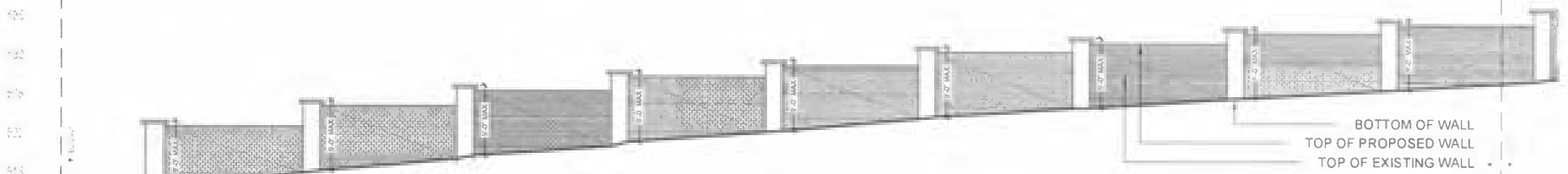


R. E. Webb
30 Acres

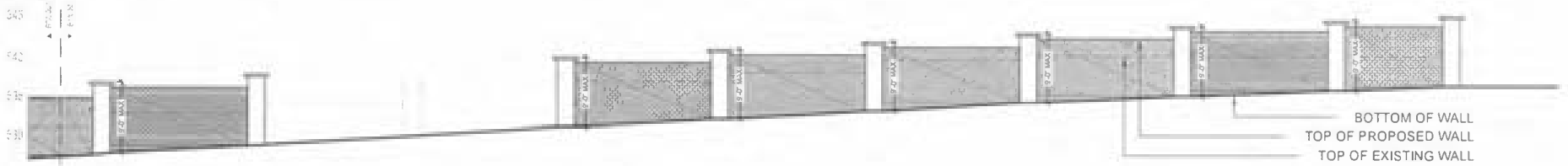




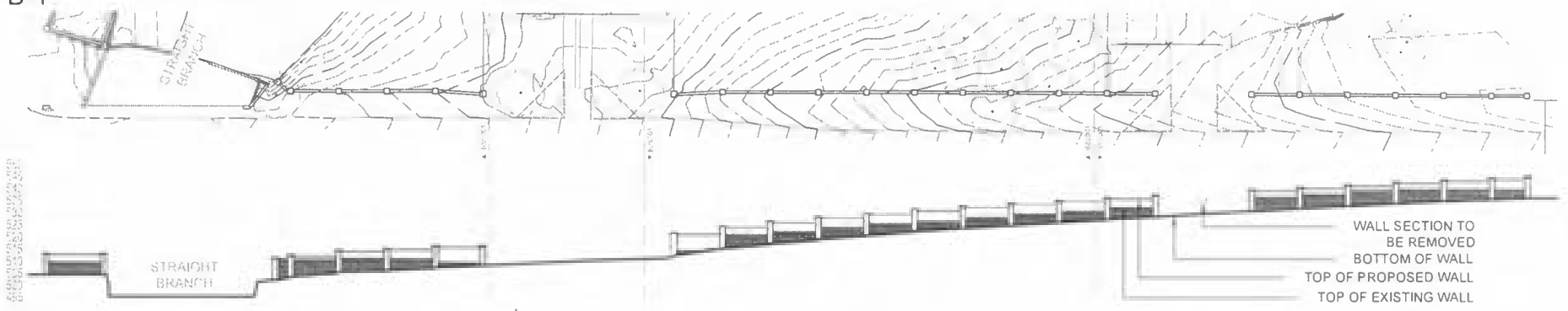
B-3 ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1" = 20'-0"



B-2 ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1" = 20'-0"



B-1 ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1" = 20'-0"



A PLAN & ELEVATION: MASONRY WALL ALONG INWOOD ROAD 1/64" = 1'-0"

HOCKER

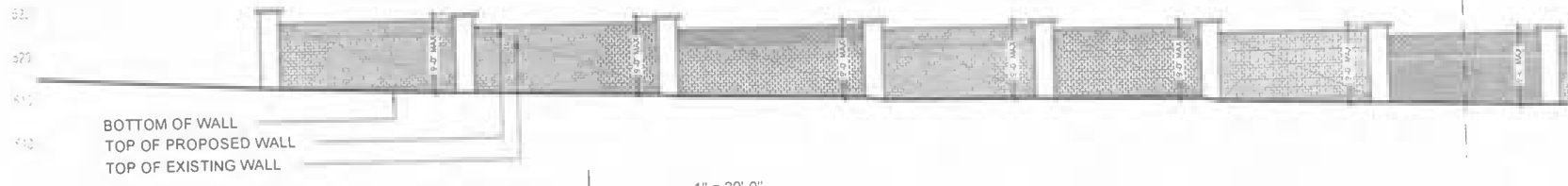
918 Dragon Street Dallas, TX 75207
P 214 546.7477 hockerdesign.com

INWOOD RESIDENCE

9122 Inwood Rd, Dallas, Texas 75206

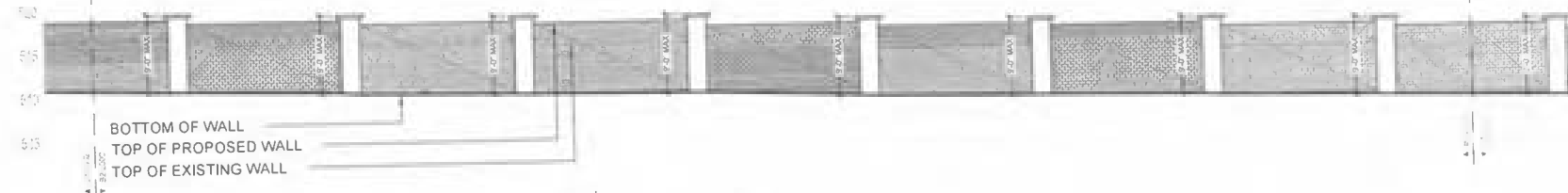
Wall Height Exhibit
L001

BDA 223-083



B-3 ELEVATION MASONRY WALL ALONG NORTHWEST HIGHWAY

1" = 20'-0"



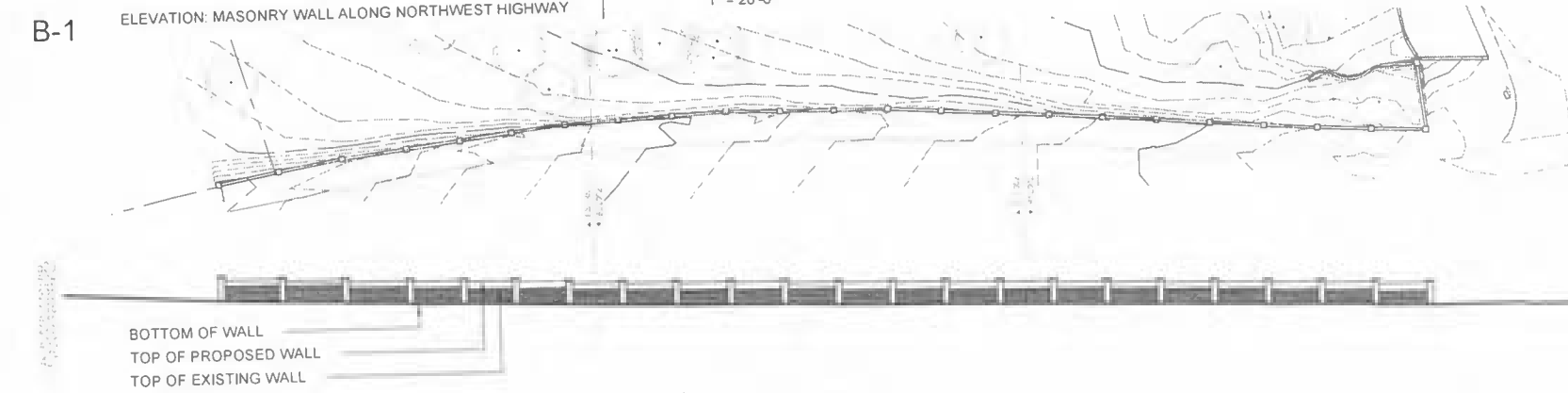
B-2 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY

1" = 20'-0"



B-1 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY

1" = 20'-0"



A PLAN & ELEVATION MASONRY WALL ALONG NORTHWEST HIGHWAY

1/64" = 1'-0"

HOCKER

918 Dragon Street Dallas, TX 75207
P 214.546.7477 | hockerdesign.com

INWOOD RESIDENCE

9122 Inwood Rd, Dallas, Texas 75206

Wall Height Exhibit
L002

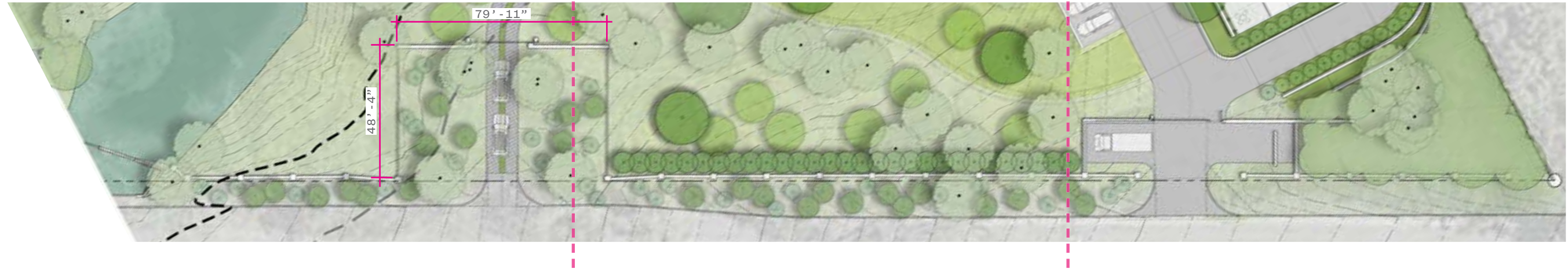
BDA 223-083

Applicant's Documentary Evidence

Plan Enlargement A

Plan Enlargement B

Plan Enlargement C



Illustrative Plan: Masonry Wall along Inwood Road

Elevation Enlargement A

Elevation Enlargement B

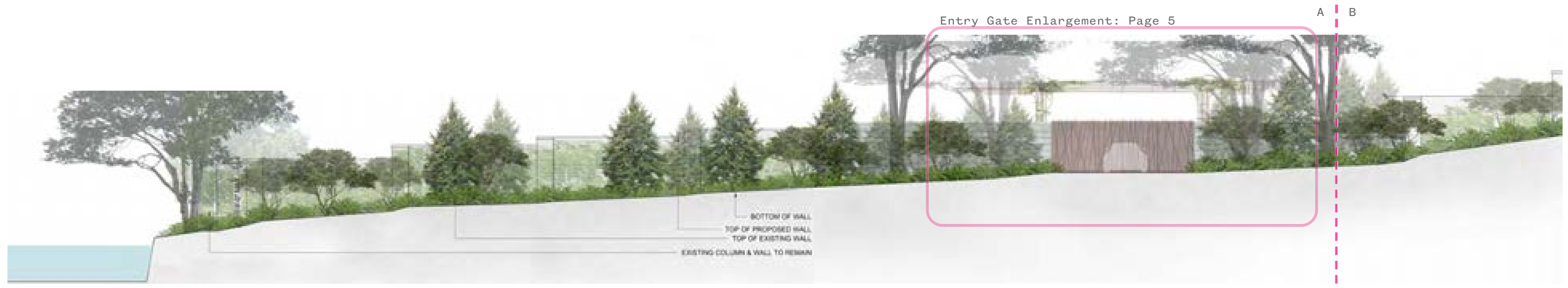
Elevation Enlargement C



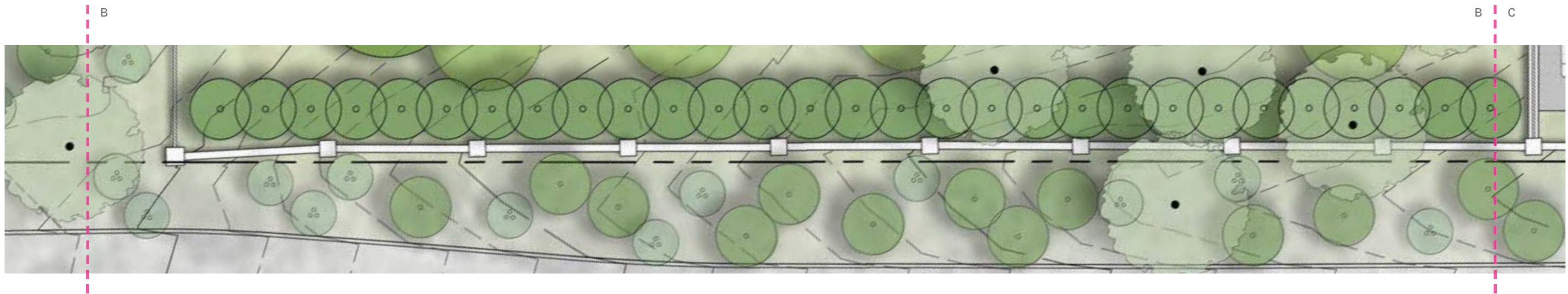
Illustrative Elevation: Masonry Wall along Inwood Road



Plan Enlargement A: Masonry Wall along Inwood Road



Elevation Enlargement A: Masonry Wall along Inwood Road



Plan Enlargement B: Masonry Wall along Inwood Road



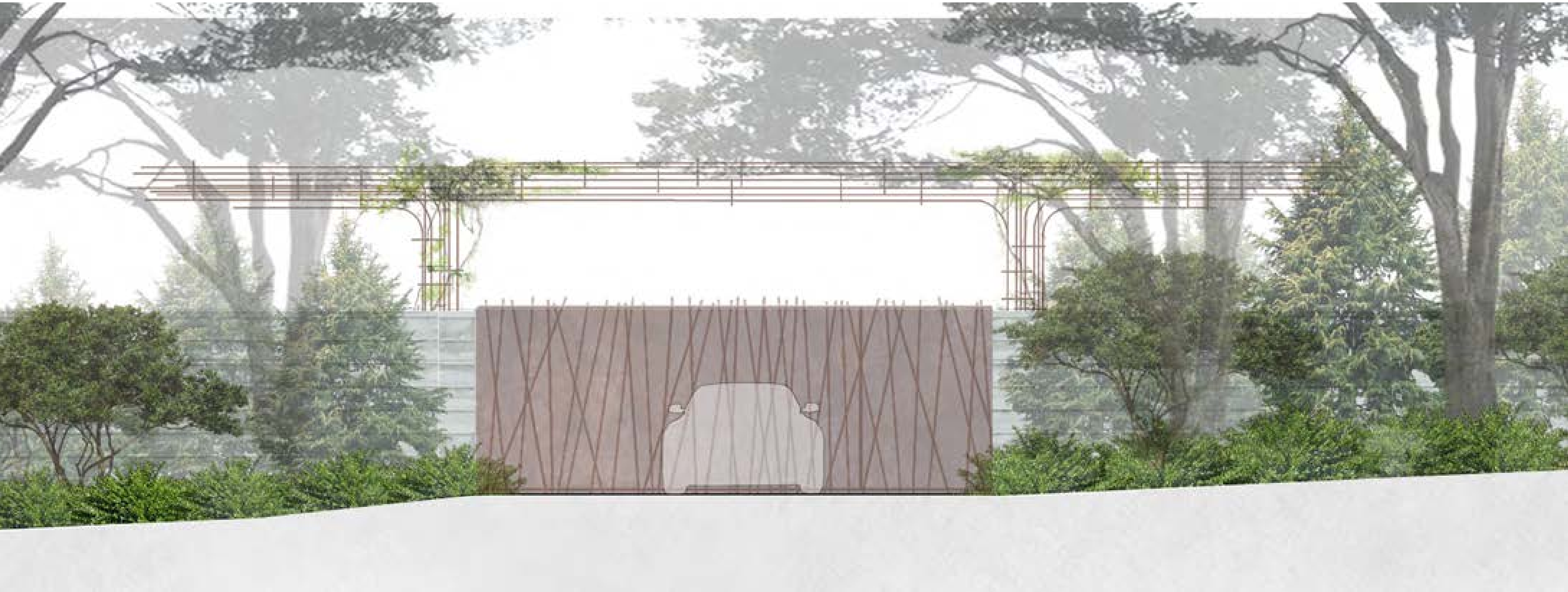
Elevation Enlargement B: Masonry Wall along Inwood Road



Plan Enlargement C: Masonry Wall along Inwood Road



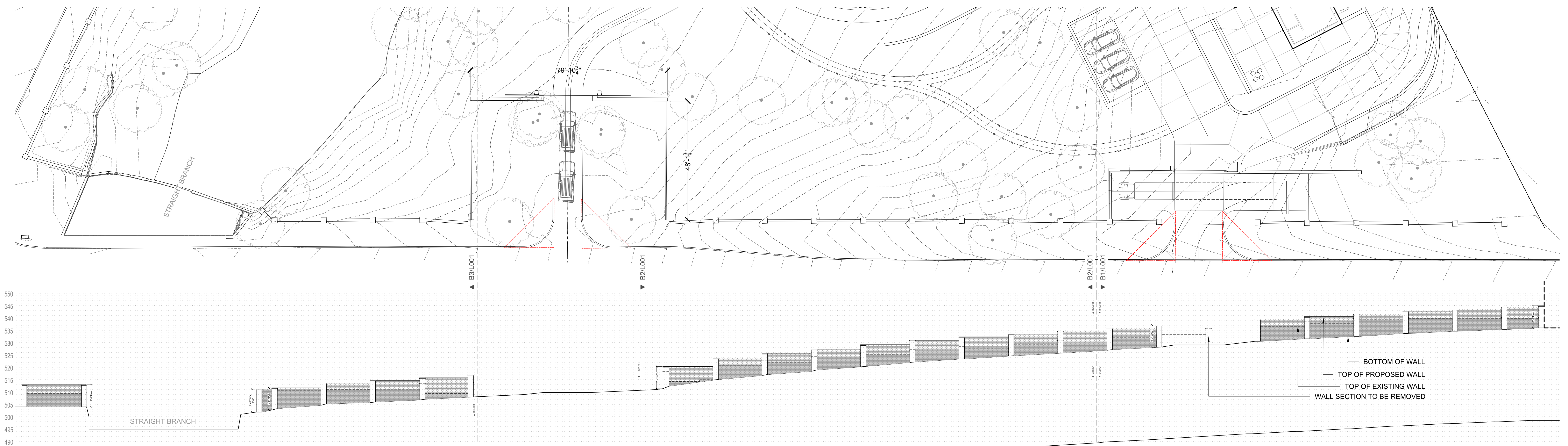
Elevation Enlargement C: Masonry Wall along Inwood Road



Gate Elevation Enlargement: Weathered Steel Sliding Gate with Rebar Arbor Across Top
Board Form Concrete Wing Walls

HOCKER
BENTLEY TIBBS ARCHITECT

Lennox Residence
Inwood Wall Variance Graphics
November 01, 2023

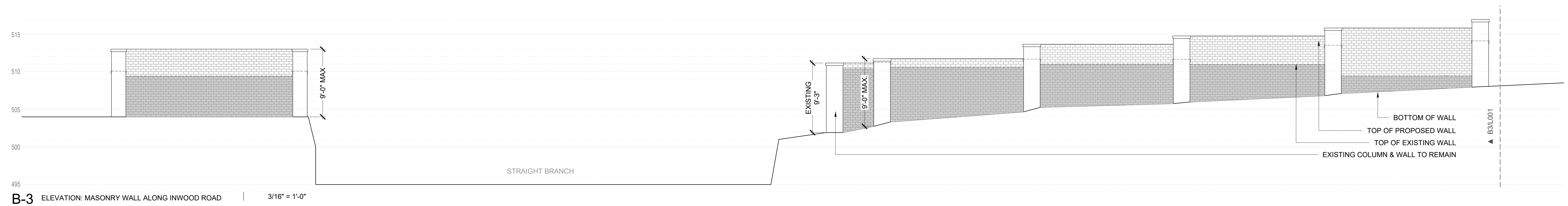


A PLAN & ELEVATION: MASONRY WALL ALONG INWOOD ROAD | 1/16" = 1'-0"

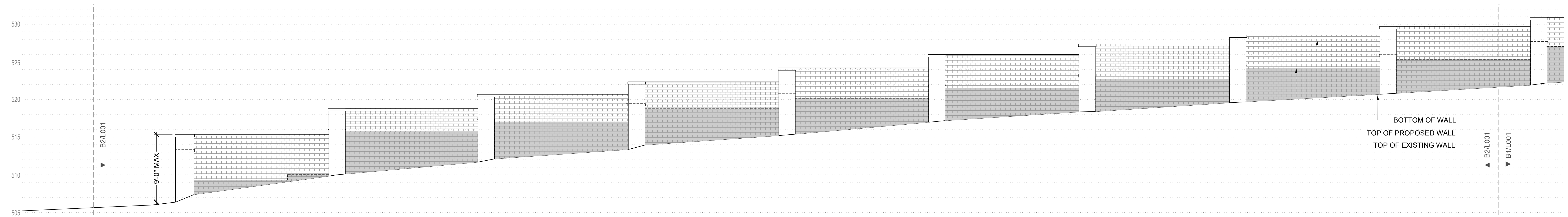
HOCKER
 918 Dragon Street | Dallas, TX 75207
 P 214.546.7477 | hockerdesign.com

INWOOD RESIDENCE
 9122 Inwood Rd, Dallas, Texas 75206

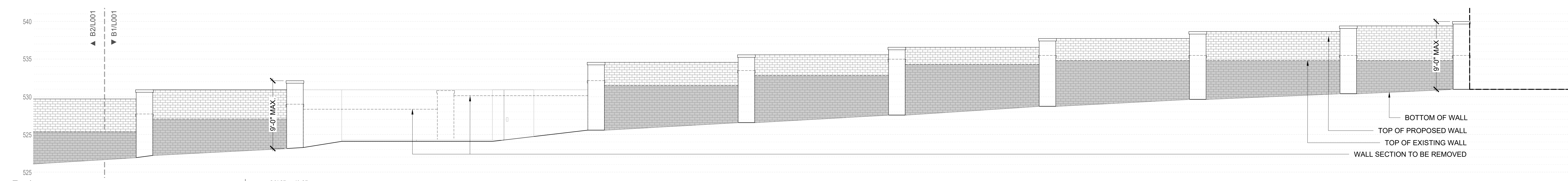
Wall Height
 Exhibit
L001



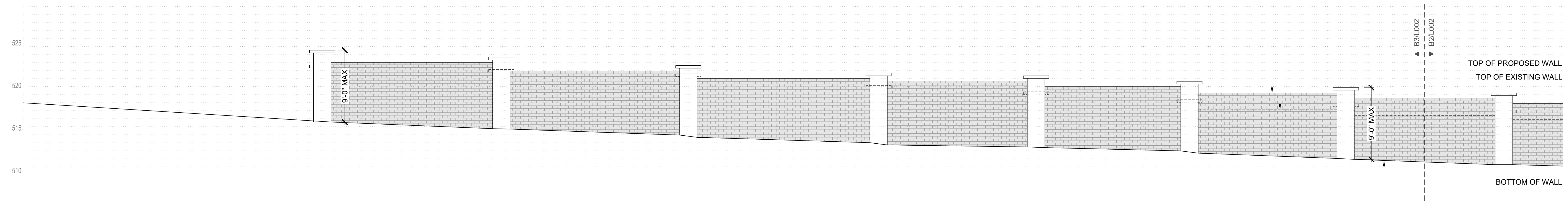
B-3 ELEVATION: MASONRY WALL ALONG INWOOD ROAD | 3/16" = 1'-0"



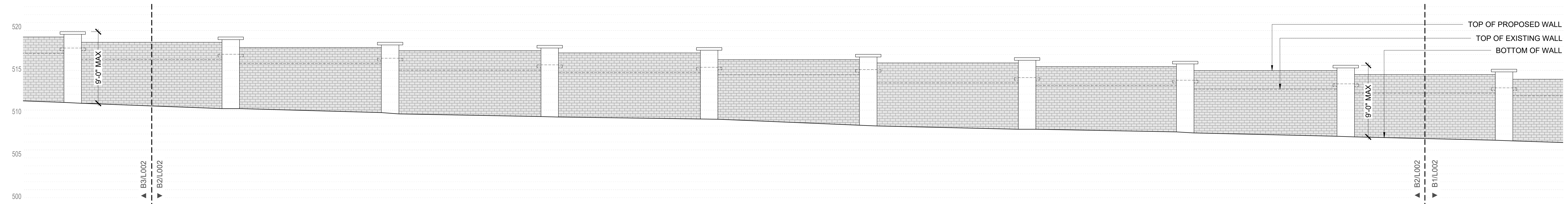
B-2 ELEVATION: MASONRY WALL ALONG INWOOD ROAD | 3/16" = 1'-0"



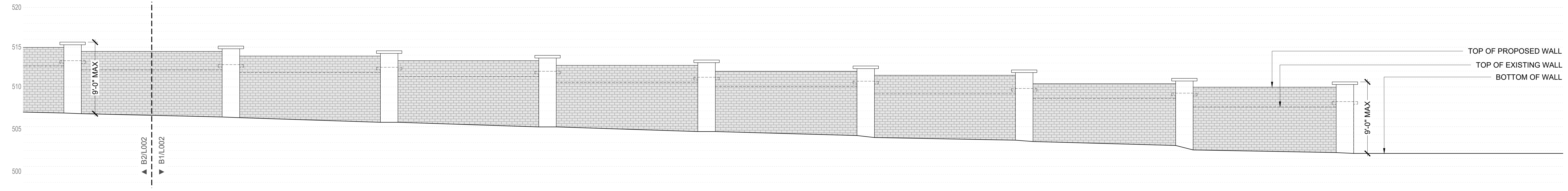
B-1 ELEVATION: MASONRY WALL ALONG INWOOD ROAD | 3/16" = 1'-0"



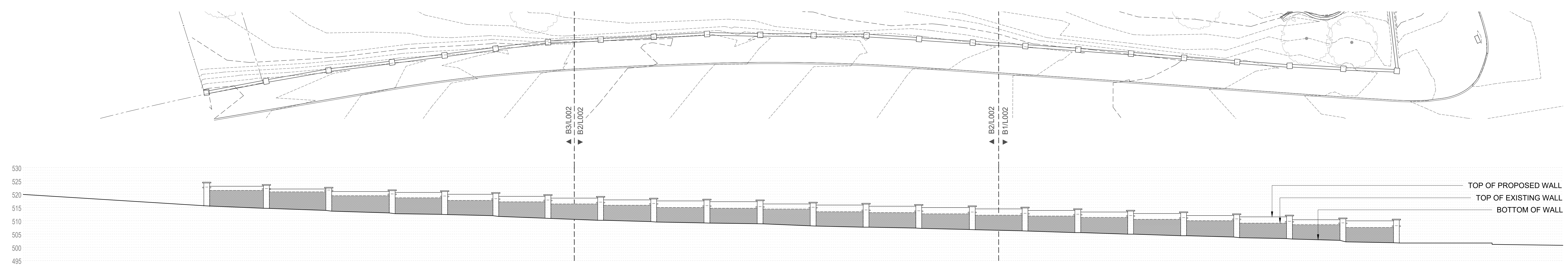
B-3 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY | 3/16" = 1'-0"



B-2 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY | 3/16" = 1'-0"



B-1 ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY | 3/16" = 1'-0"



A PLAN & ELEVATION: MASONRY WALL ALONG NORTHWEST HIGHWAY | 1/16" = 1'-0"

HOCKER
 918 Dragon Street | Dallas, TX 75207
 P 214.546.7477 | hockerdesign.com

INWOOD RESIDENCE
 9122 Inwood Rd, Dallas, Texas 75206

Wall Height
 Exhibit
L003

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

TUESDAY, NOVEMBER 14, 2023

FILE NUMBER: BDA212-078 (KMH)

BUILDING OFFICIAL’S REPORT: Application of Audra Buckley for (1) a variance to the parking regulations, for (2) a special exception to the landscape and tree preservation regulations, and for (3) a variance to the side yard setback regulations at 5526 E R L Thornton FWY. This property is more fully described as lot 6A, block 7/1633 and is zoned CR, which requires parking to be provided, and landscape to be provided and a 20-foot side yard setback to be provided. The applicant proposes to construct and/or maintain nonresidential structures for retail, motor vehicle fueling station, and personal service uses and provide 20 of the required 34 parking spaces, which will require (1) a 14-space variance (41% reduction) to the parking regulation. The applicant proposes to construct and/or maintain nonresidential structures which requires mandatory landscaping and provide an alternate landscape plan, which will require (2) a special exception to the landscape regulations. The applicant proposes to construct and/or maintain nonresidential structures and provide a 0-foot side yard setback which will require (3) a 20-foot variance to the side yard setback regulations.

LOCATION: 5526 E R L Thornton FWY

APPLICANT: Audra Buckley

REQUEST:

- (1) A request for a variance to the off-street parking regulations;
- (2) A request for a special exception to the landscape regulations; and
- (3) A request for a variance to the side-yard setback regulations.

STANDARD FOR A VARIANCE:

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

- (A) **not contrary to the public interest** when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- (B) **necessary to permit development of a specific parcel of land** that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- (C) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPING AND TREE MITIGATION:

Section 51A-10.110 of the Dallas Development Code states the board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that strict compliance with the requirements of this article will unreasonably burden the use of the property; the special exception will not adversely affect neighboring property; and the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council. In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

- The extent to which there is residential adjacency.
- The topography of the site.
- The extent to which landscaping exists for which no credit is given under this article.
- The extent to which other existing or proposed amenities will compensate for the reduction of landscaping. (Ord. Nos. 22053; 25155)

STAFF RECOMMENDATION:**Variance to parking regulations:**

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. The site is not restrictive in that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- C. Self-created/personal hardship.

Variance to side yard setback regulations:

Denial

Rationale: Based upon evidence presented and provided by the applicant, staff concluded that the site is:

- A. Not contrary to the public interest as no letters of opposition were received.
- B. The site is not restrictive in that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- C. Self-created/personal hardship.

Special Exception:

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

BDA HISTORY:

No BDA History found within the last 5 years.

Zoning:

Site: CR (Community Retail)
North: RR (Regional Retail)
South: PD 136 and P(A)
East: CR and P(A) (Community Retail and Parking)
West: CR (Community Retail)

Land Use:

The subject site is developed with a convenience store. The surrounding properties are developed with some retail uses and single-family residential homes.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the off-street parking regulations of 14 spaces is made to construct and/or maintain a nonresidential structure for retail, motor vehicle fueling station, and personal service uses. The applicant proposes to provide only 20 of the

34 required parking spaces, resulting in the need for a 41% reduction in the parking space requirements.

- The applicant is also requesting a special exception to the landscape and tree mitigation regulations. Article X requires minimum standards for new construction and additions, including conditions for the street buffer zone and residential buffer zone.
- Additionally, the applicant is requesting a variance to the side yard setback regulations. The Dallas Development Code requires a 20-foot side yard setback for the CR zoning when abutting a residential zoning district. The applicant is proposing a zero-foot side yard setback along the south perimeter of the site, resulting in the need for a 20-foot variance.
- As gleaned from the submitted site and landscape plan, the applicant is proposing to construct and maintain an 1,800 square foot convenience store. There is currently an existing motor vehicle fueling station located on the lot as well.
- The submitted site and landscape plan also illustrates the landscape that will be provided as well as the proposed 20 parking spaces.

The applicant has the burden of proof in establishing the following:

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

The board may also consider **Dallas Development Code §51A-3.102(d)(10)(b) formerly known as HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 14-space variance to the off-street parking regulations and the 20-foot side yard variance with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- Additionally, granting the special exception to the landscape and tree mitigation regulations with a condition that the applicant complies with the submitted site and landscape plan, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

September 11, 2023: 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 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

October 4, 2023: 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 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, 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 19, 2023: A site visit was conducted on October 19th by the Senior Planner; During the site visit, the notification signs were not properly posted. The Senior Planner sent email to applicant regarding this issue.


October 23, 2023: The applicant emailed the Senior Planner with pictures of the Notification signs posted properly.

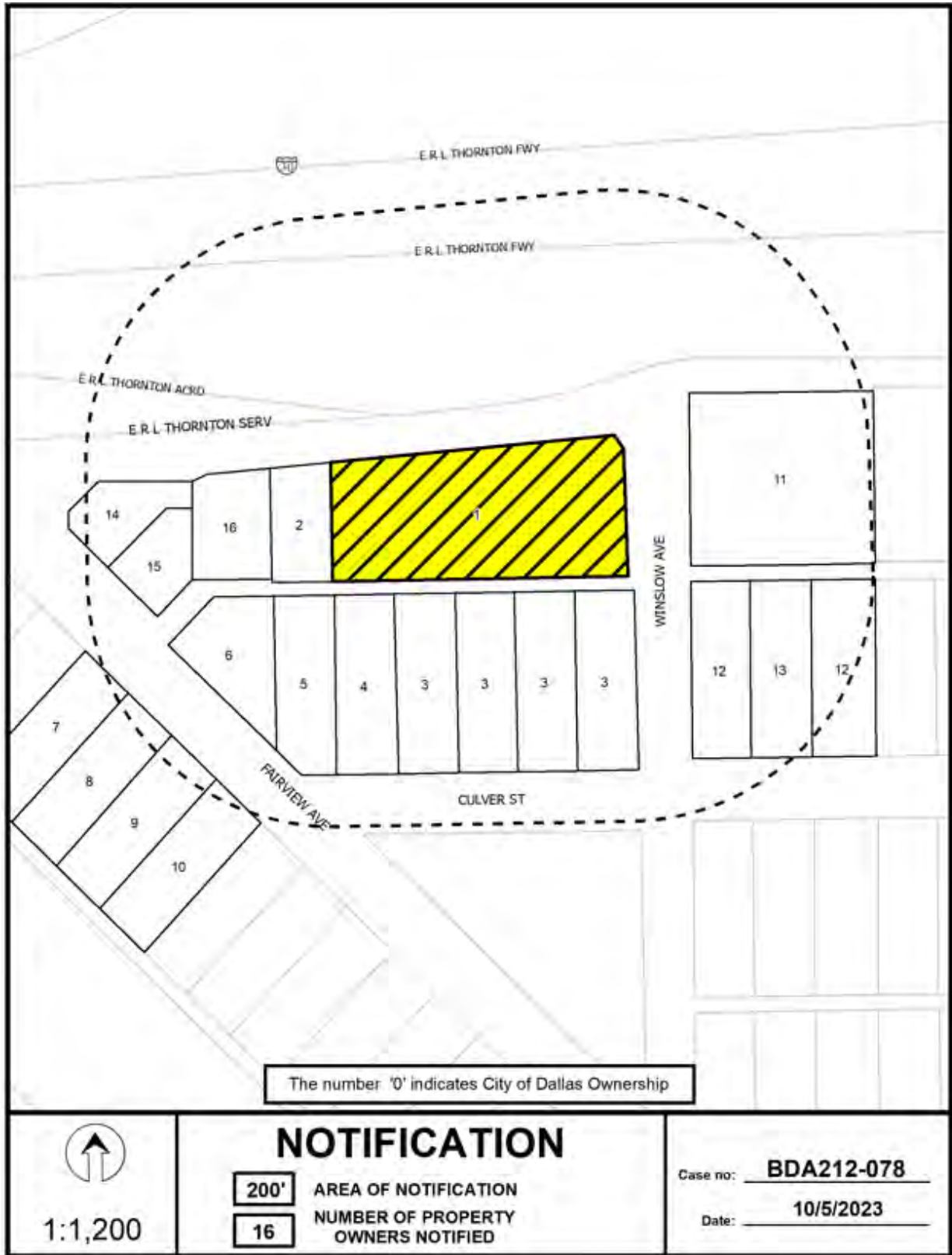
November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner

the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.

November 3, 2023: The Chief Arborist provided a memo stating, “The chief arborist has no objection to the proposed alternate landscape plan provided the variances that authorize the site conditions are approved by the board. The full application of Article X would unreasonably burden the use of the property. As a condition, I recommend the required planting conditions of Section 51A-10.125 be applied for all trees and shrubs identified on the alternate landscape plan. All trees on the landscape plan shall be ‘large’ or ‘medium’ trees and all shrubs shall be ‘large evergreen shrubs’.”



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA212-078</u> Date: <u>10/5/2023</u>
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10/05/2023

Notification List of Property Owners

BDA212-078

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5526	E R L THORNTON FWY MODERN PYRAMIDS INC
2	5506	E R L THORNTON FWY RIDGLEA COMPLEX MGMT INC
3	5523	CULVER ST GALLEGOS RAFAEL
4	5507	CULVER ST CARRILLO RUPERTO & DORA
5	1334	FAIRVIEW AVE NGUYEN THANH
6	1330	FAIRVIEW AVE JOHNSON ZEON SMITH
7	1327	FAIRVIEW AVE WINSTED HOMES LLC
8	1329	FAIRVIEW AVE GARCIA GUADALUPE
9	1335	FAIRVIEW AVE LAI CHI WAI
10	1339	FAIRVIEW AVE TEMASEK DEVELOPMENT GROUP LLC
11	5606	E R L THORNTON FWY M&V PROPERTIES LLC
12	5611	CULVER ST ALVAREZ MAURO & SOLEDAD
13	5607	CULVER ST ALVAREZ MAURO &
14	1320	FAIRVIEW AVE Taxpayer at
15	1324	FAIRVIEW AVE Taxpayer at
16	5502	E R L THORNTON FWY RIDGLEA COMPLEX MGMT INC

<https://youtu.be/2byQX0fTnLI>





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-078 (revised) ONLY

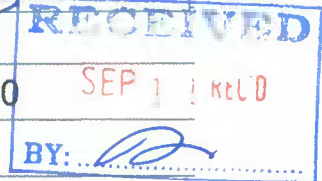
Data Relative to Subject Property: _____

Date: 9/11/23 ONLY

Location address: 5526 E. R. L. Thornton FWY Zoning District: CR

Lot No.: 6A Block No.: 7/1633 Acreage: 0.6054 Census Tract: 48113002500

Street Frontage (in Feet): 1) 248.95 2) 116 3) _____ 4) _____ 5) _____



To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Modern Pyramids, Inc. - Mark Barakat

Applicant: Audra Buckley Telephone: 214.686.3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Represented by: Permitted Development, LLC Telephone: 214.686.3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception of 37.5% of 32 spaces, Variance to the off-street parking requirements for a reduction of 37.5% or 32 of the required 32 spaces, variance of 20' to the side yard setback required adjacent to the alley, and a landscape special exception.

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:
These request will not adversely impact surrounding properties. With regards to the parking reduction, please see submitted traffic analysis. Due to existing conditions of the block plus existing, solid, residential fences south of the alley, the reduction of the side yard setback to 0' will not adversely impact neighbors to the south. Additionally, solid screening is proposed along the alley as part of the alternate landscape plan provided in lieu of Article X.

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

Audra Buckley

Before me the undersigned on this day personally appeared _____

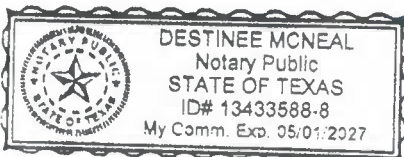
(Affiant/Applicant's name printed)

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: Audra Buckley
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 11 day of September, 2023

Destinee McNeal
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 Audra Buckley
represented by Permitted Development
did submit a request for (1) a variance to the parking regulations, and for (2) a special exception to the landscaping regulations, and for (3) a variance to the side yard setback regulations
at 5526 E R.L. Thornton Hwy

BDA212-078(KMH) Application of Audra Buckley for (1) a variance to the parking regulations, for (2) a special exception to the Landscape and tree preservation regulations and for (3) a variance to the side-yard setback regulations at 5526 E R L Thornton Frwy. This property is more fully described as lot 6A, block 7/1633 and is zoned CR, which requires parking to be provided, and Landscape to be provided and a 20-foot side yard setback to be provided. The applicant proposes to construct and/or maintain nonresidential structures for retail, motor vehicle fueling station, and personal service uses and provide 20 of the required 34 parking spaces, which will require (1) a 14-space variance (41% reduction) to the parking regulation. The applicant proposes to construct and/or maintain non-residential structures which requires mandatory landscaping and provide an alternate landscape plan, which will require (2) a special exception to the landscape regulations. The applicant proposes to construct and/or maintain nonresidential structures and provide a 0-foot side yard setback which will require (3) a 20-foot variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 212-078

I, Modern Pyramids, Inc. - Mark Barakat, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5526 E. R. L. Thornton FWY
(Address of property as stated on application)

Authorize: Permitted Development, LLC - Audra Buckley
(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: Variance to the off-street parking requirements for a reduction of ^{41%} 37.5% or ¹⁴ 12 of the required 32 spaces, ³⁴
variance of 20' to the side yard setback required adjacent to the alley, and a landscape special exception.

Mark Barakat
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 9/11/23

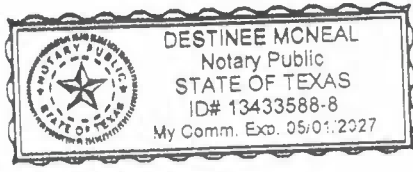
Before me, the undersigned, on this day personally appeared Mark Barakat

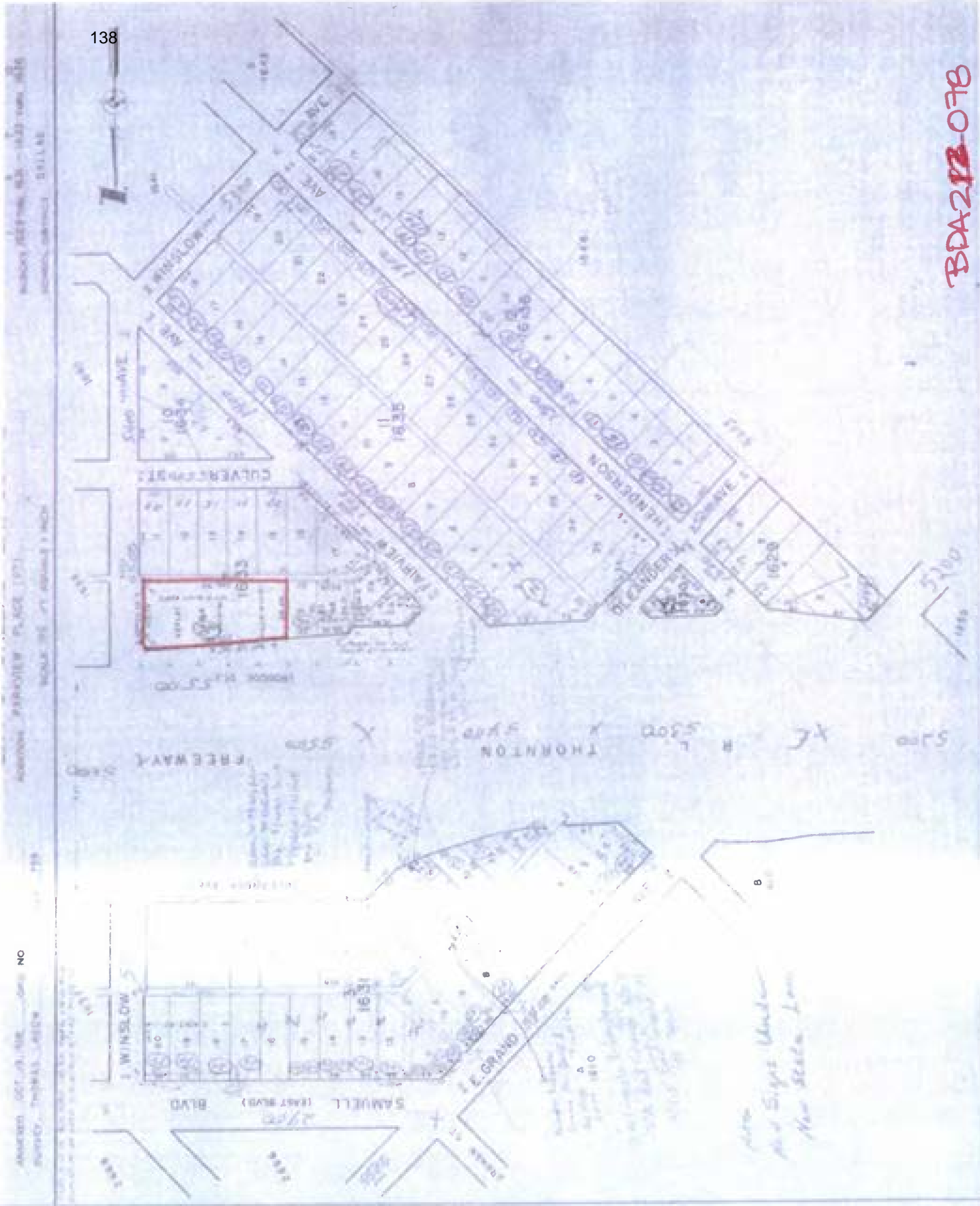
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 11 day of September 2023

Destinee McNeal
Notary Public for Dallas County, Texas

Commission expires on 05/01/2027





BDA212-078

Documentary Evidence for Setback Variance Request:

(i) the variance is not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done;

The property is zoned CR with property to the south of the alley being zoned PDD 136 - residential zoning. The Dallas development code requires a 20' setback wherever CR properties are located adjacent to or across an alley from a residential zoning district. The purpose is to provide a buffer between two different use types, which is sometimes done with landscaping/living screen. However, as shown in these two photos, existing conditions show both sides of the alley are lined with solid screening/fencing. Any improvements made to the subject site would not be visible.



Additionally, none of the residents across the alley from the subject use the alley for access. Parking occurs on-street or in their respective driveways as shown:

BDA212-07B



Therefore, we do not believe a reduction in the setback along the alley will be contrary to the public interest but would result in an unnecessary hardship in the development of the subject site due to its depth of approximately 97' at the narrowest point. Compliance would result in a loss of 20' of depth which would further hinder development commensurate with other CR zoned parcels along RL Thornton. As described in the next section, most all the structures along RL Thornton are shown immediately adjacent to their respective alleys.

(ii) the variance is necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

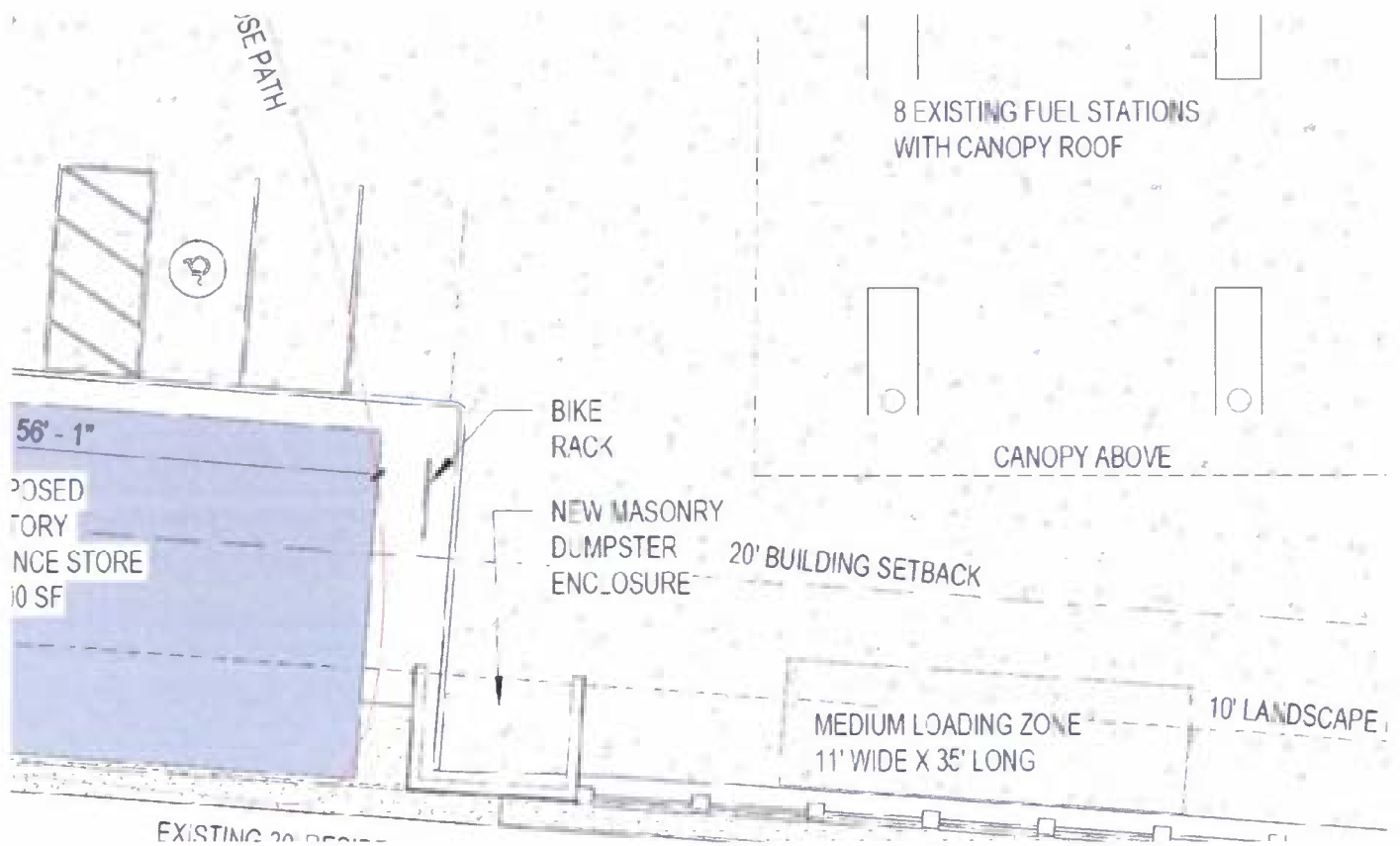
The undeveloped portion of the subject site is approximately 97' deep at the narrowest point. This is not a common condition for RL Thornton as shown in the following image. The purpose of a setback is to establish a consistent appearance within a particular zoning designation. There is no continuity in this segment of the freeway as most of the buildings are older and setback to the property line.

Properties to the east of Winslow have depths of approximately 140' – 145' representing an additional 50' in depth than most of the subject site. Without this variance to the setback, the property cannot be developed in a manner commensurate with other properties along RL Thornton. The Shell station to the east of Winslow has the same zoning and code requirements as the subject site but due to their additional depth, they were able to comply.



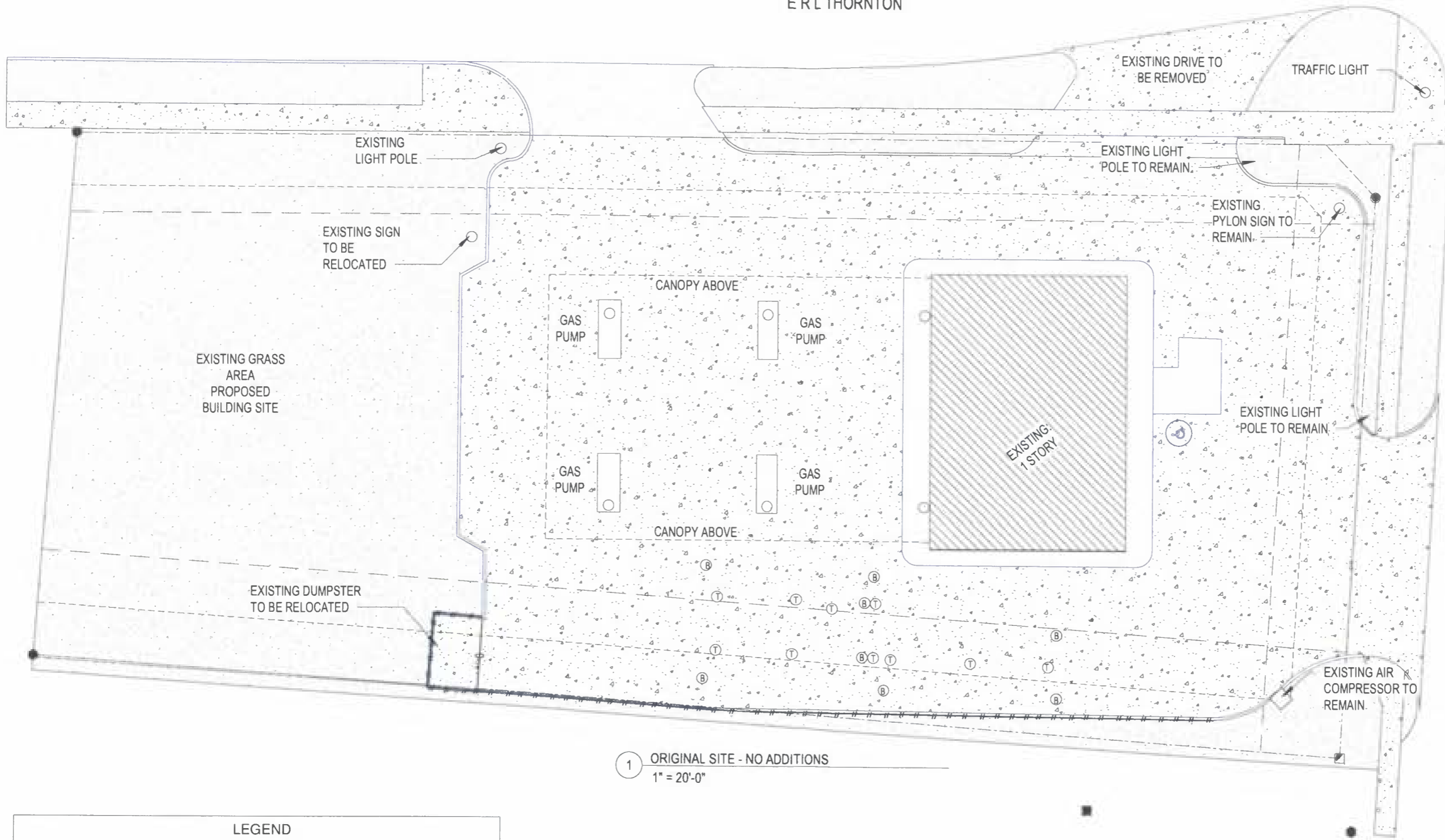
(iii) the variance is not granted to relieve a self-created or personal hardship, nor for financial reasons only, except as provided in Subparagraph (B)(i), nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

The property has been in this configuration for decades. The variance request would align with existing conditions along RL Thornton Fwy to the east and the adjacent building to the west of the subject site. Application of the 20' setback with a 10' landscape buffer would render the existing use completely non-compliant as the area between the fuel canopy and the property line is needed for traffic circulation of passenger and commercial vehicles. Furthermore, compliance with these requirements would also severely restrict, if not prohibit, development of the vacant, westernmost portion of the property due to the reduction of lot depth by 20' adjacent to the alley and a reduction of 10' along the freeway for street improvements. A landscape special exception regarding the street improvements and other Article X requirements is also requested and will be addressed separately.



BOA213-078

E R L THORNTON



1 ORIGINAL SITE - NO ADDITIONS
1" = 20'-0"

WINSLOW AVE



LEGEND	
	WOOD FENCE
	CHAIN LINK
	MONUMENTS OF RECORD DIGNITY
	OBSERVATION WELL
	GAS METER
	WATER METER
	LIGHT POLE
	MAN HOLE
	ELECTRIC
	UNDERGROUND TANK
	WATER VALVE

BSDG
401 Pinson Road
Forney, TX 75126
214.295.5280
www.broadstonedg.com



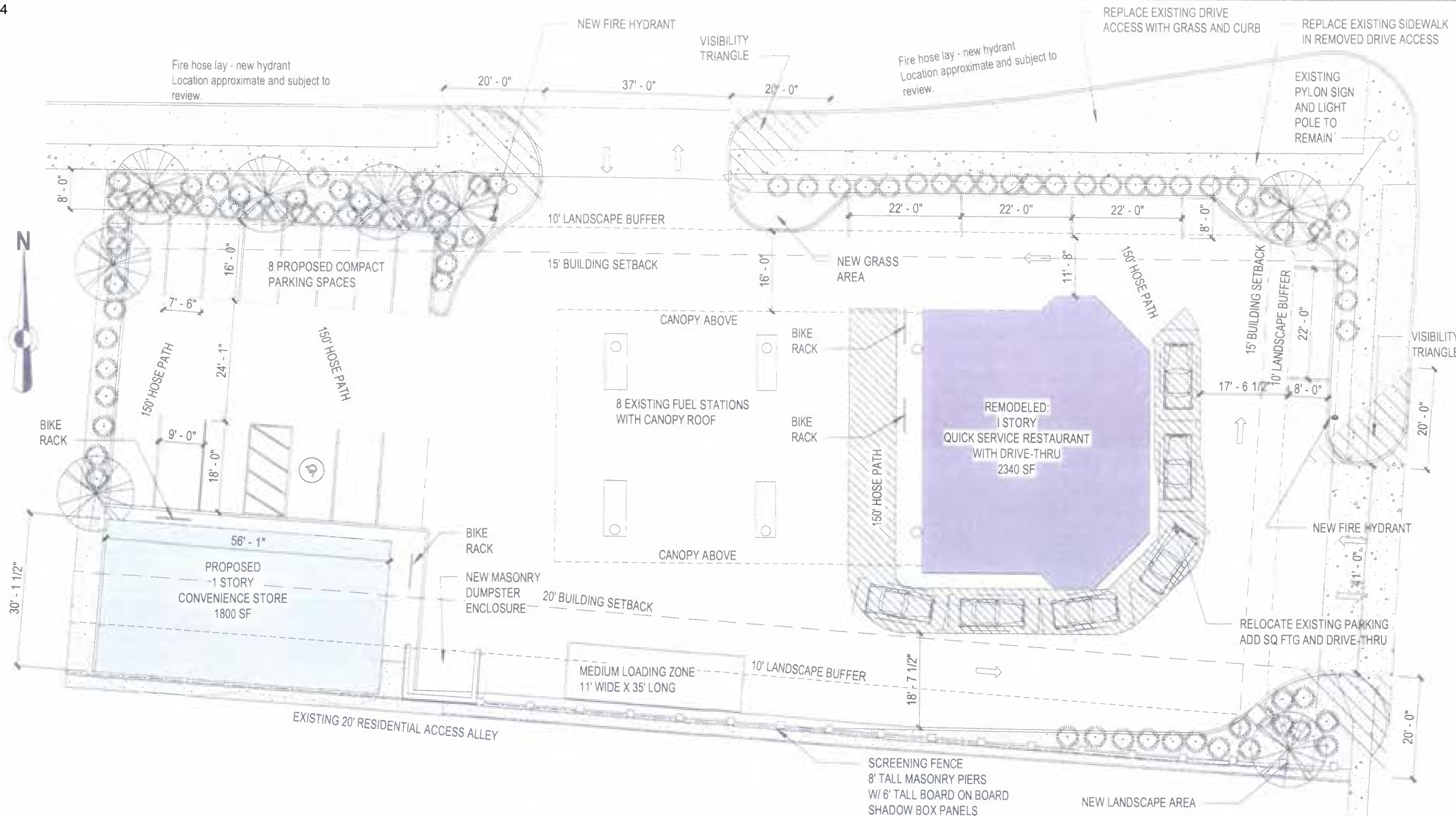
No.	Date

CIRCLE K 101 (DALLAS)
NEW QUICK SERVICE RESTAURANT
5526 EAST R L THORNTON FREEWAY
DALLAS, TEXAS 75223

EXISTING SITE PLAN		Scale As indicated
Project number	DIF20-0092	
Date	09/15/2023	SP-01
Drawn by	BSDG	
Checked by	BSDG	

CASE # 212-078

\\10.0.1.232\g\Shares\Arch\Jobs\Mark Barakat\2020\DIF20-0092_Circle K (Dallas)\3-CD\MAIN\BSDG_CD_5526 ERL THORNTON ADDITION_2023-09-15.rvt
 Print Date: 9/15/2023 11:13:31 AM



LEGEND

- WOOD FENCE
- CHAIN LINK
- MRD — MONUMENTS OF RECORD DIGNITY
- OBSERVATION WELL
- GAS METER
- WATER METER
- LIGHT POLE
- MAN HOLE
- ELECTRIC
- UNDERGROUND TANK
- WATER VALVE

5526 ERL THORNTON HWY
CIRCLE K AND TACO CASA PARKING CONCEPT

TOTAL SITE AREA	26,302 SQ FT
EXISTING BUILDING	1,588 SQ FT
NEW & ADDITION	2,550 SQ FT
TOTAL BUILDING	4,140 SQ FT - 15.7%
TOTAL GREEN SPACE (INCLUDES BUFFER)	5,426 SQ FT - 20.6%
GREEN SPACE WITHIN PROPERTY	3,298 SQ FT - 12.5%
SIDEWALKS	2,105 SQ FT - 0.8%
PAVED AREA (DRIVES & PARKING)	20,519 SQ FT - 78%

ZONING = COMMUNITY RETAIL

PARKING ANALYSIS

CONVENIENCE STORE = 1/200
1,690 SQUARE FEET/ 200 = 9 REQUIRED PARKING
MOTOR VEHICLE FUELING STATION PUMPS = 2 REQUIRED PARKING
QUICK SERVICE RESTAURANT = 1/100 SF
2,340 SQUARE FEET/ 100 = 23 REQUIRED PARKING

REQUIRED PARKING: 34 SPACES
PROVIDED STANDARD PARKING: 10 SPACES
PROVIDED COMPACT PARKING: 8 SPACES
PROVIDED BICYCLE PARKING: 4 SPACES
TOTAL PROVIDED PARKING: 22 SPACES

1 PROPOSED SITE AND LANDSCAPE PLAN
1" = 20'-0"

OF TREES REQUIRED: 26,302/4,000=6.58
8 TREES = 10 POINTS
1 EXISTING = 2 POINTS
SHRUBS = 25 POINTS
TOTAL POINTS = 37 POINTS

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Forney, TX 75126
214.295.5280
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No.	Date

CIRCLE K 101 (DALLAS)
NEW QUICK SERVICE RESTAURANT
5526 EAST R L THORNTON FREEWAY
DALLAS, TEXAS 75223

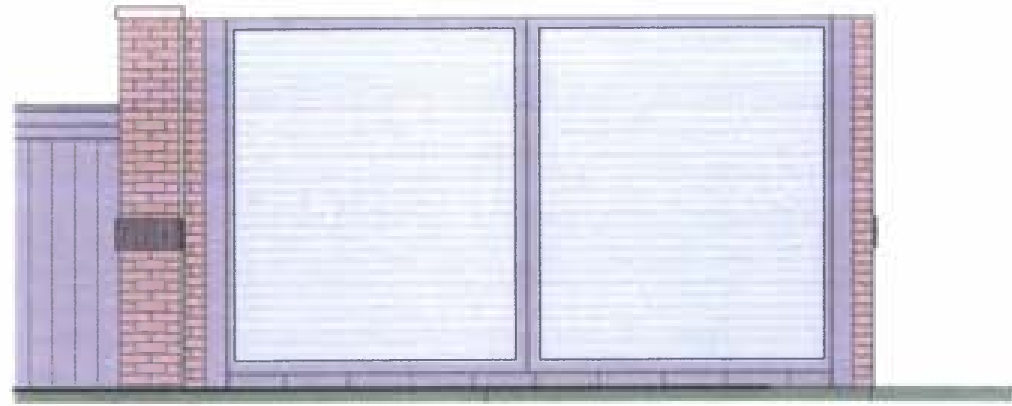
SP-02
Scale As indicated

PROPOSED SITE AND LANDSCAPE PLAN
Project number DIF20-0092
Date 09/15/2023
Drawn by Author
Checked by Checker

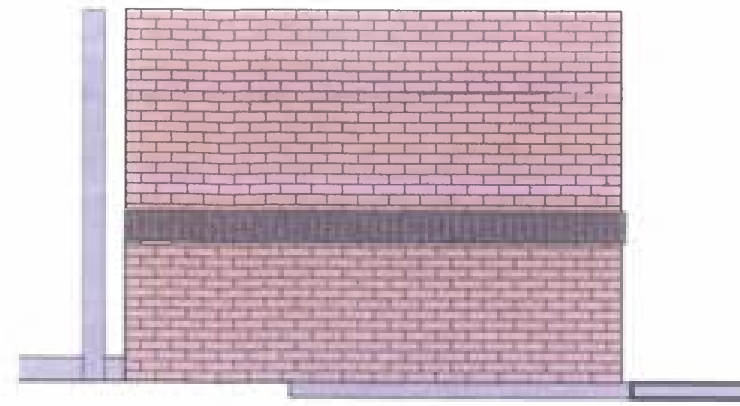
CASE # 212-078

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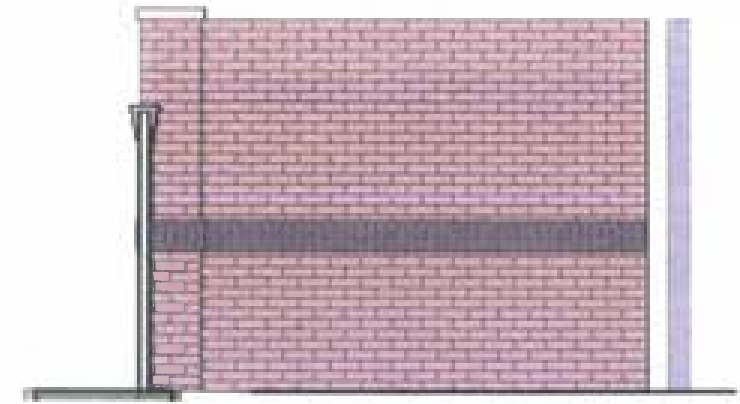
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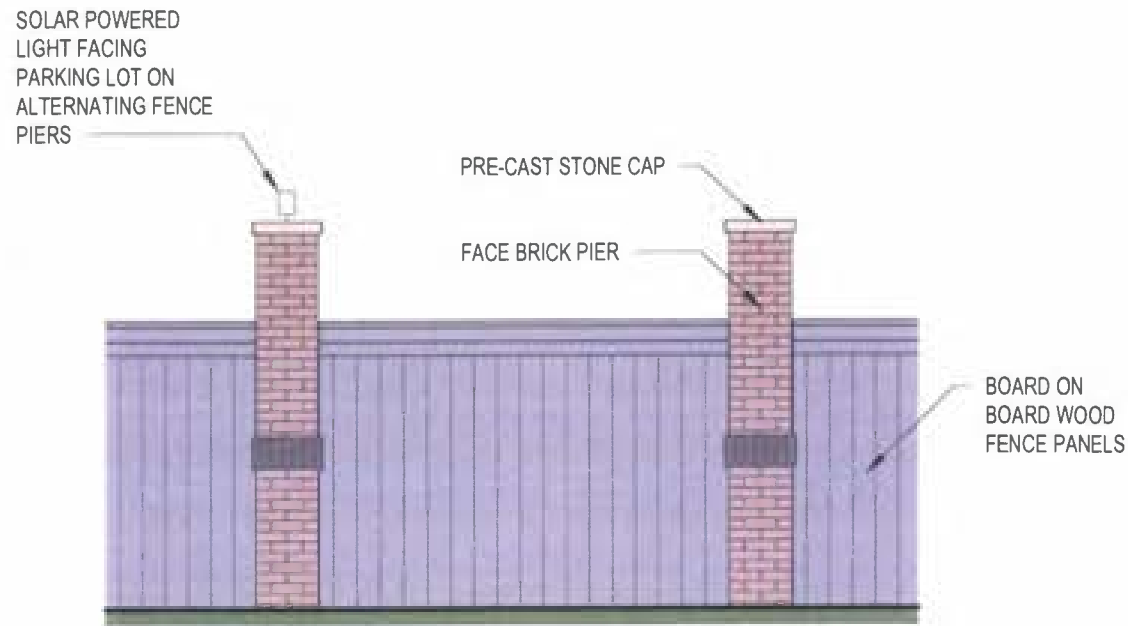
2 DUMPSTER ELEVATION FRONT
 1/4" = 1'-0"



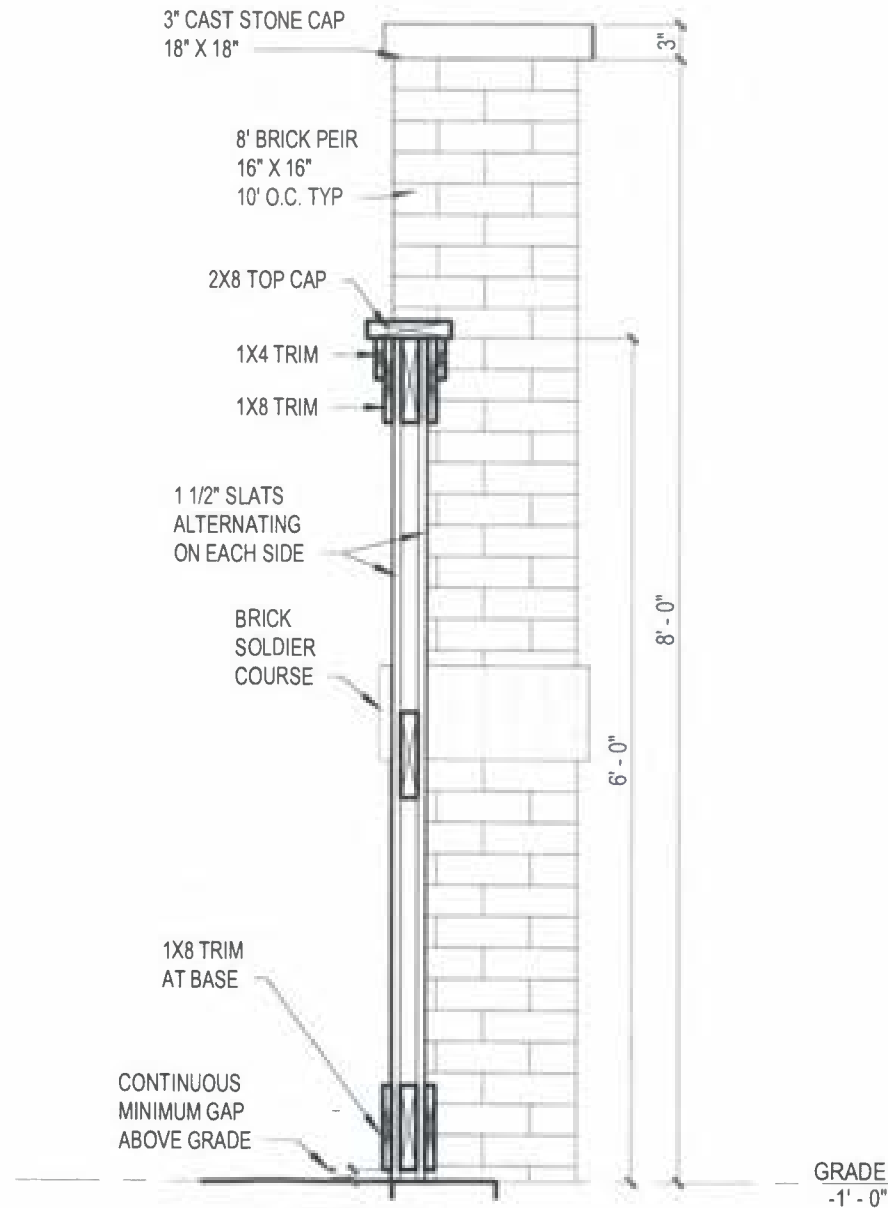
3 DUMPSTER ELEVATION EAST
 1/4" = 1'-0"



4 DUMPSTER ELEVATION WEST
 1/4" = 1'-0"



1 FENCE AND PIER ELEVATION
 1/4" = 1'-0"



5 FENCE DETAIL
 3/4" = 1'-0"

CASE # 212-078

PROPOSED SCREENING FENCE AND DUMPSTER DETAILS	
Project number	DIF20-0092
Date	09/15/2023
Drawn by	Author
Checked by	Checker
SP-03	
ScaleAs indicated	

CIRCLE K 101 (DALLAS)
 NEW QUICK SERVICE RESTAURANT
 5526 EAST R L THORNTON FREEWAY
 DALLAS, TEXAS 75223

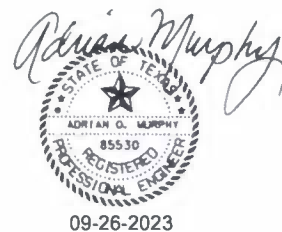
No.	Date

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 Forney, TX 75126
 214.295.5280
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Parking Demand Assessment

Circle K and Taco Casa
5526 East R. L. Thornton Fwy
Dallas, Texas

BDA212-078



Prepared for:
DFW Oil & Energy, LLC

September 2023



LEADERSHIP TRAFFIC SERVICES
Texas Board of Professional Engineers, F-12534

I, Adrian O. Murphy, hereby certify that the information provided in this report is complete and accurate to the best of my knowledge.



Table of Contents

EXECUTIVE SUMMARY	ii
INTRODUCTION	1
SITE AND STUDY AREA DESCRIPTION	2
EXISTING AND PROPOSED LAND USE	3
TRANSPORTATION SYSTEM	4
Thoroughfare System	4
SITE TRAFFIC CHARACTERISTICS	5
Proposed Site Trip Generation	5
Parking Generation	6
CONCLUSIONS AND RECOMMENDATIONS	9

List of Tables

Table 1. Proposed Land Use	3
Table 2. Trip Generation Rates	5
Table 3. Trip Generation Summary for 5626 East R. L. Thornton Freeway	6
Table 4. Parking Analysis (5526 East R. L. Thornton Freeway, Dallas)	6
Table 5. Peak Parking Analysis (12950 Coit Road, Dallas)	7



EXECUTIVE SUMMARY

The development representative retained Leadership Traffic Services to perform a parking demand assessment for the proposed Taco Casa Restaurant that will serve as an addition to an existing Circle K convenience store and gas station located at 5526 East R. L. Thornton Freeway (IH 30 eastbound service road) at Winslow Avenue in Dallas, Texas.

The purpose of the parking demand assessment is to provide technical justification to support a reduction in the number of required parking spaces as regulated by the City of Dallas. The parking demand assessment document will be provided to the City of Dallas staff for technical review to fulfill the associated requirements of the local approval process.

Based on the parking demand assessment performed for the proposed Circle K convenience store and Taco Casa development, the following conclusions and recommendations have been offered in support of allowing a greater reduction to the required parking:

- The proposed development will generate 161 vehicles trips (82 entering and 79 exiting) during the AM peak hour and 110 vehicle trips (57 entering and 53 exiting) during the PM peak hour.
- Driveway access will be served from one existing driveway along East R. L. Thornton Freeway (IH 30) eastbound service road and one existing driveway along Winslow Avenue. A second existing driveway along East R. L. Thornton Freeway (IH 30) eastbound service road will be closed.
- The proposed development requires 34 parking spaces as contained in the City of Dallas Development Code.
- The proposed development will provide 22 total parking spaces.
- Internal trip capture can create less demand for parking since a single trip can visit more than one land use due to the closeness and interconnectivity of shared driveways and parking.
- A prototypical model located at 12950 Coit Road in Dallas where there is higher concentration of adjacent street traffic does not consume its available on-site parking during peak demands periods of the day.
- A reduction in parking spaces at East R. L. Thornton Freeway (IH 30) and Winslow Avenue to serve the Circle K and Taco Casa development would not create a traffic hazard or traffic congestion to the adjacent roadway system.
- Fifteen (15) additional spaces may be realized when considering the drive-through window available queue space and parking at the pump for vehicle fueling operations.



INTRODUCTION

The development representative retained Leadership Traffic Services to perform a parking demand assessment for the proposed Taco Casa Restaurant that will serve as an addition to an existing Circle K convenience store and gas station located at 5526 East R. L. Thornton Freeway (IH 30 eastbound service road) at Winslow Avenue in Dallas, Texas.

The purpose of the parking demand assessment is to provide technical justification to support a reduction in the number of required parking spaces as regulated by the City of Dallas. The parking demand assessment document will be provided to the City of Dallas staff for technical review to fulfill the associated requirements of the local approval process.

SITE AND STUDY AREA DESCRIPTION

The proposed development will be located at 5526 East R. L. Thornton Freeway, southwest of IH 30 and Winslow Avenue in Dallas, Texas. The proposed development will serve as a redevelopment of the existing site that contains a Circle K convenience store and gas station. Access to the site will be served from one driveway along East R. L. Thornton service road and one driveway along Winslow Avenue. A second existing driveway that currently serves the Circle K convenience store and gas station will be closed with the development and addition of the Taco Casa restaurant. A vicinity map is presented in **Figure 1**. The site is bounded by East R. L. Thornton Freeway to the north, commercial and residential to the west, residential to the south, and commercial to the east.

FIGURE 1. VICINITY MAP





EXISTING AND PROPOSED LAND USE

The existing site for the proposed development is currently occupied by the Circle K convenience store and gas station. The Circle K convenience store will be converted to a Taco Casa restaurant and expanded by an additional 750 square feet. The Circle K convenience store will be rebuilt on an adjacent lot that is currently vacant. The fuel pumps will remain in their existing location and will continue operations as part of the new convenience store. Based on the official zoning map for the City of Dallas, the property is currently zoned as CR – Community Retail. The adjacent properties in the immediate vicinity of the proposed development are zoned as CR – Community Retail. The proposed development will be constructed as a single phase with a completion date for 2023. The proposed land use for the development is presented below in **Table 1**.

Table 1. Proposed Land Use

Land Use	Size	Unit
Fast-Food Restaurant with Drive-Through Window	2.338	1,000 SF
Convenience Store / Gas station	1.8	1,000 SF
	8	Vehicle fueling positions



TRANSPORTATION SYSTEM

Thoroughfare System

The following is a general description of the major thoroughfares within the study area as they exist today.

East R. L. Thornton (IH 30) Eastbound Service Road is directly north of the proposed development and is a three-lane, one-way roadway that runs in an east direction with a speed limit of 40 MPH . The roadway is considered a TxDOT roadway and is not characterized on the City of Dallas Thoroughfare Plan. Two (2) existing driveways serve the property of the proposed development. One driveway will be removed with the proposed development. Historical traffic data from NCTCOG indicates 8,000 vehicles per day travel along East R. L. Thornton (IH 30) eastbound service road.

Winslow Avenue is located east of the proposed development and is two-lane undivided roadway. A speed limit posting was not observed along Winslow Avenue. The roadway is characterized on the City of Dallas Thoroughfare Plan as a C – Community Collector roadway, minimum four-lane undivided (M-4-U). One existing driveway serves the property of the proposed development and will serve the proposed development. Historical traffic data from NCTCOG indicates 4,000 vehicles per day travel along Winslow Avenue near East R. L. Thornton (IH 30) freeway.



SITE TRAFFIC CHARACTERISTICS

Proposed Site Trip Generation

The number of trips generated by the Circle K convenience store and Taco Casa development is a function of the type and quantity of land use for the development. The number of vehicle trips generated by the proposed development was estimated based on ITETripGen, a web-based app that incorporates the latest trip generation rates and equations provided in the publication entitled *Trip Generation Manual, Eleventh Edition*, by the Institute of Transportation Engineers (ITE). Estimates of the number of trips generated by the site were made for the AM and PM peak hour, as well as daily. **Table 2** provides the estimated rates and equations along with the entering and exiting distribution splits. Due to the nature of the proposed development and the mix of land uses being considered, some trips generated by the development would be contained within the site as an internal trip capture. When combined within a single mixed-use development, these land uses tend to interact and thus attract a portion of each other's trip generation. The recommended methodology for internal trip capture reduction is based on using the NCHRP Report 684 and has been applied to the Circle K convenience store and Taco Casa development. A summary of the total number of trips that are projected to be generated by the proposed development during typical daily, AM and PM time periods is shown in **Table 3**. The number of trips generated represents the number of vehicles entering and exiting the proposed development to and from the adjacent roadway system. Supporting documentation from the ITE Trip Generation Manual has been included in the appendix. Based on the site traffic that would access the proposed development from the adjacent roadway system, traffic congestion is not likely to occur.

Table 2. Trip Generation Rates

Land Use Description	Unit	Daily		AM Peak Hour		PM Peak Hour	
		Rate / Eq.	Split	Rate	Split	Rate	Split
Fast-Food Restaurant with Drive-Through Window	1000 SF	467.48	50% In 50% Out	44.61	51% In 49% Out	33.03	52% In 48% Out
Convenience Store / Gas Station (2-8 VFP)	1000 SF	624.20	50% In 50% Out	40.59	50% In 50% Out	48.48	50% In 50% Out



Table 3. Trip Generation Summary for 5626 East R. L. Thornton Freeway

ITE Land Use	ITE Code	Unit	Quantity	Daily		AM Peak Hour		PM Peak Hour	
				Enter	Exit	Enter	Exit	Enter	Exit
Fast-Food Restaurant with Drive-Through Window	934	1000 SF	2.34	547	547	53	51	40	37
Convenience Store / Gas Station (2-8 VFP)	945	1000 SF	1.8	562	562	37	36	44	43
Internal Trip Capture Reduction				---	---	8	8	27	27
Totals				2218		161		110	

Parking Generation

The required parking for the proposed Circle K and Taco Casa development is based on land use per the City of Dallas parking and loading regulations with provisions for parking reductions and credits. **Table 4** below summarizes the parking analysis for the proposed development. As shown in **Table 4**, the proposed development will not provide enough parking spaces as required in the City of Dallas Development Code.

Table 4. Parking Analysis (5526 East R. L. Thornton Freeway, Dallas)

Land Use	Size	Parking Code Criteria	Parking Spaces Required	Parking Spaces Provided	
				Per Code	Additional
Taco Casa restaurant with drive-through window	2,338 SF	1 per 100 SF	23	4	---
	Vehicle Queue in Drive-through Window Lane	---	---	---	7
Circle K convenience store / gas station	1,800 SF	1 per 200 SF	9	14	---
	Canopy	---	2	---	---
	Vehicle Fueling Positions	---	---	---	8
Bicycle Rack	---	---	---	4	---
Total Parking Spaces			34	22	15



The Board of Adjustment (BDA) may grant special exceptions to allow for up to 25% reduction to required parking if the development's allowed parking reduction does not create a traffic hazard or increase traffic congestion on the adjacent and nearby roadways. The Circle K and Taco Casa development would be twelve (12) parking spaces shy of the required amount, creating 35% reduction. To fall within the allowable tolerance of 25% reduction, the development would need to provide 26 parking spaces to result in a deficit of eight (8) parking spaces shy of the required amount.

Based on the nature of the development, that includes different integrated, complementary, and interacting land uses that allows for interconnectivity of driveways and shared parking where on-site parking can be accessed by users visiting more than one land use without creating an additional trip and the need for an available parking space, there would be a reduced parking demand created from the proximity of the complementary land uses.

To support the claim of reduced parking demand, the developer representative allowed parking demand data to be collected at a prototypical model site located at 12950 Coit Road in Dallas where there is a Circle K convenience store with Exxon gas station and Taco Casa restaurant. There are 14 vehicle fueling positions at the Coit Road location with comparable sizes for the Circle K convenience store and Taco Casa restaurant envisioned for the site near East R. L. Thornton Freeway (IH 30) and Winslow Avenue. The Coit Road location is near a greater concentration of traffic (40,000 vehicles per day along Coit Road and 20,000 vehicles per day along IH 635 eastbound service road yet based on the data summarized in **Table 5** below, the peak demand experienced at the Coit Road location allowed for ample parking without exceeding demand and the drive-through window for the Taco Casa restaurant did not exceed the available on-site queue.

Table 5. Peak Parking Analysis (12950 Coit Road, Dallas)

Land Use	Parking Spaces Provided Onsite ¹	Drive-Through Window Queuing Lanes	Max Occupied Parking Spaces / Drive-Through Queue Lanes ²
Taco Casa restaurant with drive-through window	---	8	4 (3)
Circle K convenience store / Exxon gas station	44	---	20 (18)

¹Vehicle fueling positions were included in the total count for parking spaces.

²AM (PM) peak values



In addition to the twenty-two (22) parking spaces that will be provided, the Taco Casa restaurant will be able to safely accommodate up to seven (7) vehicles for the drive-through window service. A request will be made to the Board of Adjustments to allow credit for vehicles that park at the pump during vehicle fueling operations or to patronize the convenience store or restaurant, accommodating an additional eight (8) parking spaces. Considering both the spaces at the pump and the drive-through vehicle queue, up to fifteen (15) additional parking spaces would be available.



CONCLUSIONS AND RECOMMENDATIONS

Based on the parking demand assessment performed for the proposed Circle K convenience store and Taco Casa development, the following conclusions and recommendations have been offered in support of allowing a greater reduction to the required parking:

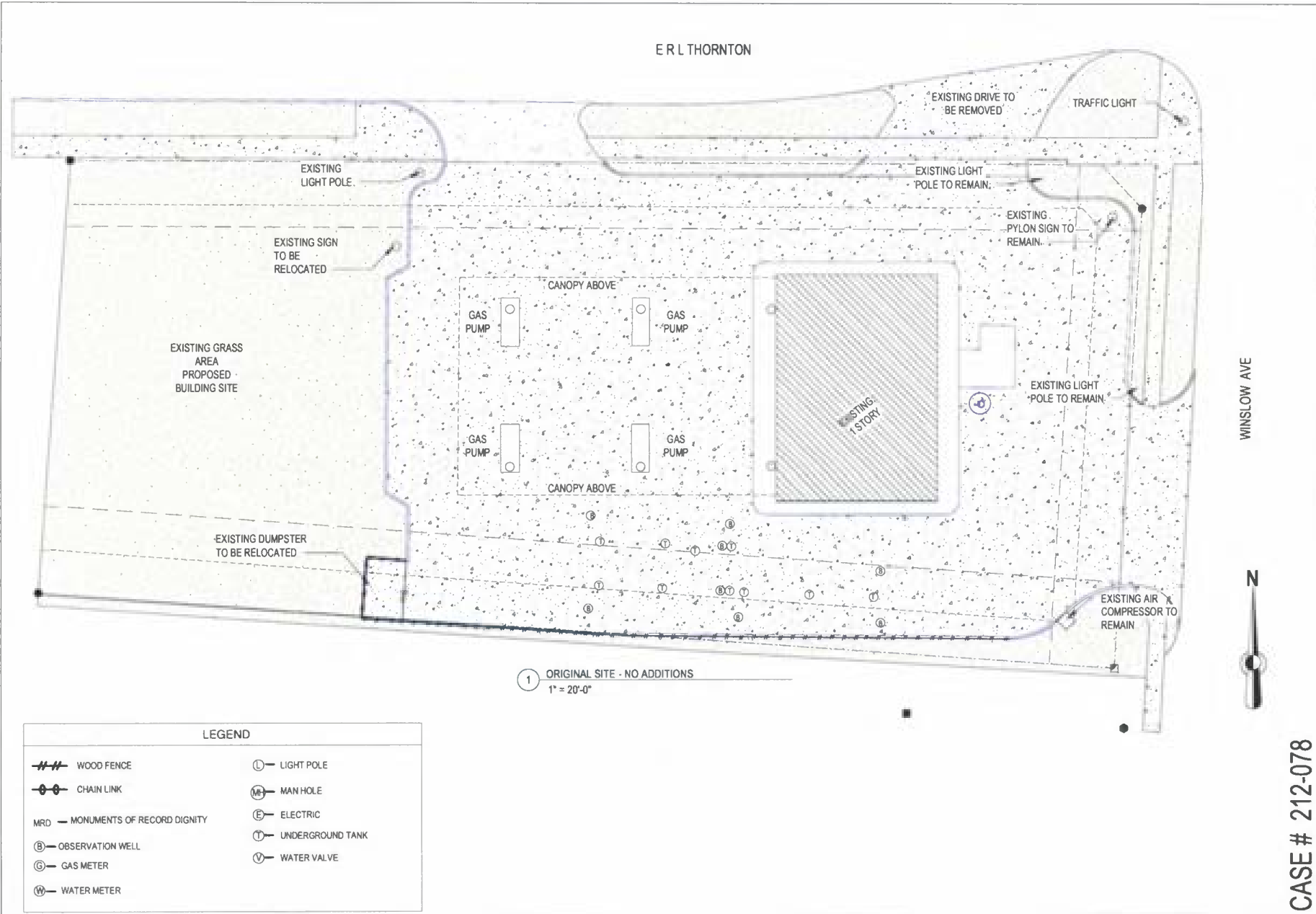
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- A reduction in parking spaces at East R. L. Thornton Freeway (IH 30) and Winslow Avenue to serve the Circle K and Taco Casa development would not create a traffic hazard or cause traffic congestion to the adjacent roadway system.
- Fifteen (15) additional spaces may be realized when considering the drive-through window available queue space and parking at the pump for vehicle fueling operations.

Appendix List of Sections

1. Site Plan
2. Trip Generation
3. Parking Demand Data

1. Site Plan

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ERL THORNTON

WINSLOW AVE

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 401 Pinson Road
 Forney, TX 75126
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No.	Date

CIRCLE K 101 (DALLAS)
 NEW QUICK SERVICE RESTAURANT
 5526 EAST R L THORNTON FREEWAY
 DALLAS, TEXAS 75223

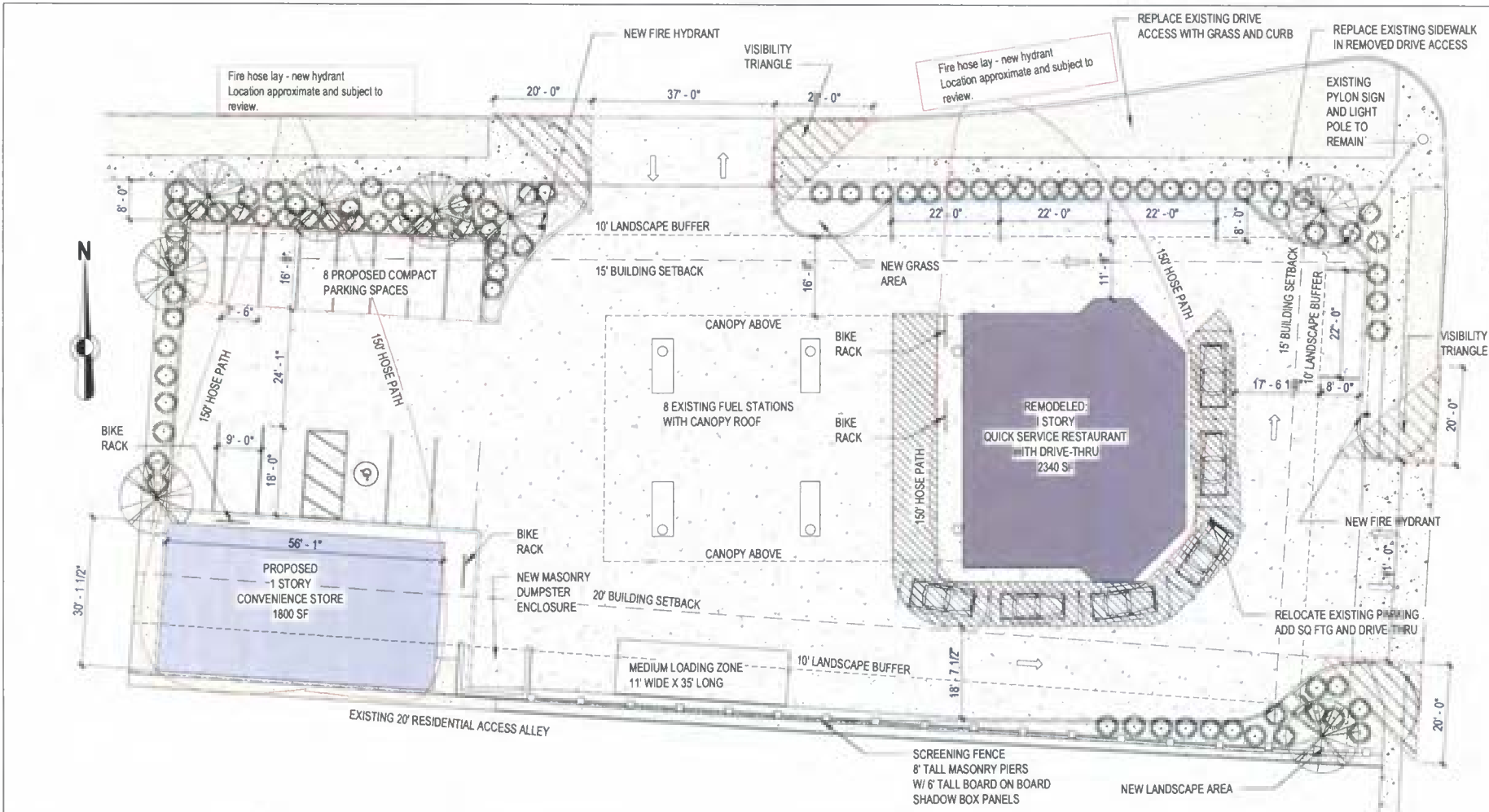
EXISTING SITE PLAN
 Project number DF20-0092
 Date 09/15/2023
 Drawn by BSDG
 Checked by BSDG

CASE # 212-078
 SP-01
 Scale As indicated

LEGEND	
	WOOD FENCE
	CHAIN LINK
	MONUMENTS OF RECORD DIGNITY
	OBSERVATION WELL
	GAS METER
	WATER METER
	LIGHT POLE
	MAN HOLE
	ELECTRIC
	UNDERGROUND TANK
	WATER VALVE

1 ORIGINAL SITE - NO ADDITIONS
 1" = 20'-0"

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LEGEND	
	WOOD FENCE
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SIDEWALKS	2,105 SQ FT - 0.8%
PAVED AREA (DRIVES & PARKING)	20,519 SQ FT - 78%

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REQUIRED PARKING: 34 SPACES	PROVIDED STANDARD PARKING: 10 SPACES
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PROPOSED SITE AND LANDSCAPE PLAN 1" = 20'-0"	
# OF TREES REQUIRED: 26,302/4,000=6.58	8 TREES = 10 POINTS
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TOTAL POINTS = 37 POINTS	

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No.	Date

CIRCLE K 101 (DALLAS)
NEW QUICK SERVICE RESTAURANT
5526 EAST R L THORNTON FREEWAY
DALLAS, TEXAS 75223

SP-02

Scale As Indicated

PROPOSED SITE AND LANDSCAPE PLAN

Project number: DF20-0092
Date: 09/15/2023
Drawn by: Author
Checked by: Checker

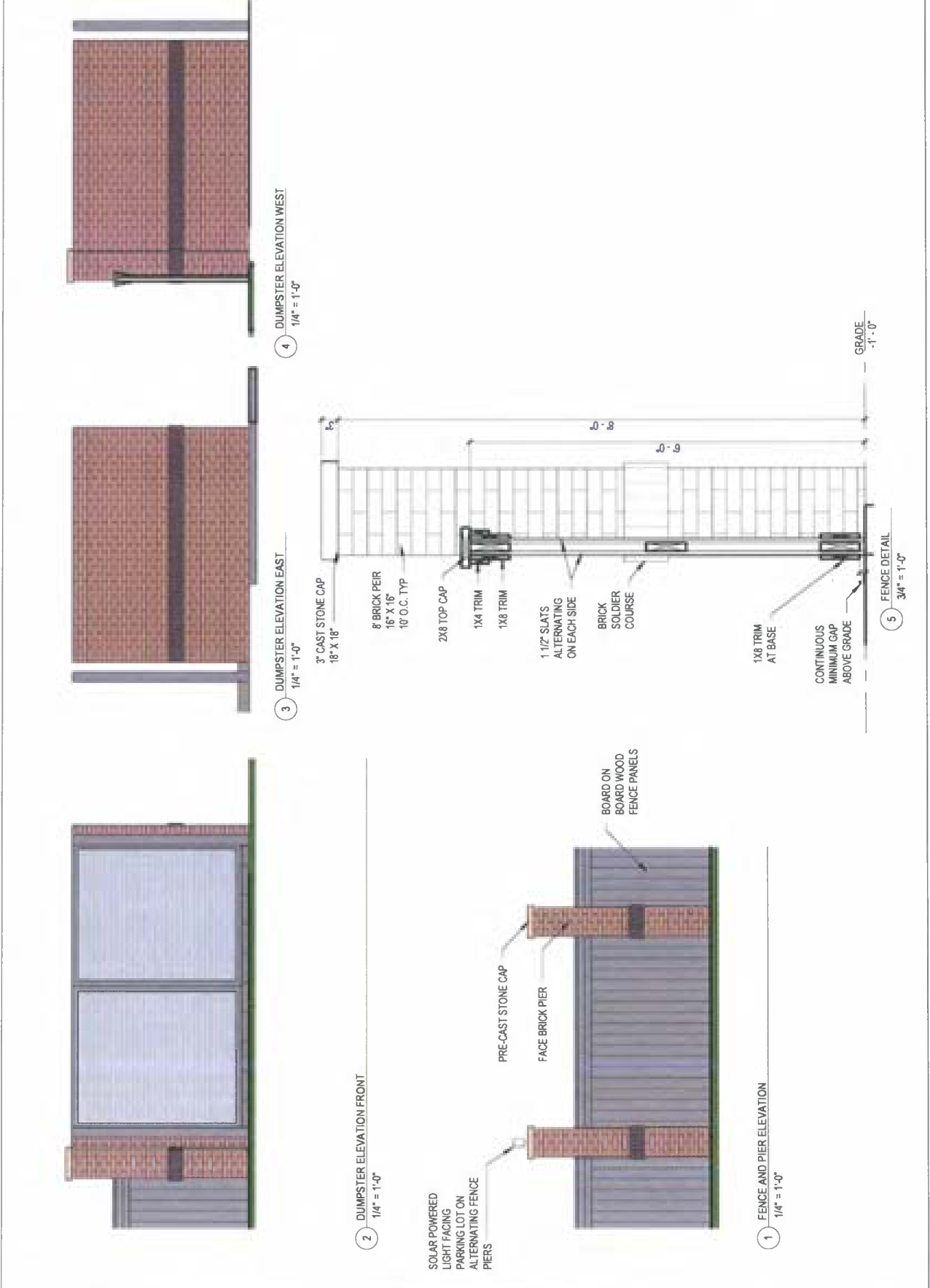
CASE # 212-078



No.	Date

SP-03	Checked by	Checker
	Drawn by	Author
	Date	09/15/2023
	Project number	DIF20-0092

PROPOSED SCREENING FENCE AND DUMPSTER DETAILS
 CASE # 212-078



2. Trip Generation

Land Use: 934

Fast-Food Restaurant with Drive-Through Window

Description

This land use includes any fast-food restaurant with a drive-through window. This type of restaurant is characterized by a large drive-through and large carry-out clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. The restaurant does not provide table service. A patron generally orders from a menu board and pays before receiving the meal. A typical duration of stay for an eat-in patron is less than 30 minutes. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.

If the restaurant has outdoor seating, its area is not included in the overall gross floor area. For a restaurant that has significant outdoor seating, the number of seats may be more reliable than GFA as an independent variable on which to establish a trip generation rate.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alaska, Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and Wisconsin.

Source Numbers

163, 164, 168, 180, 181, 241, 245, 278, 294, 300, 301, 319, 338, 340, 342, 358, 389, 438, 502, 552, 577, 583, 584, 617, 640, 641, 704, 715, 728, 810, 866, 867, 869, 885, 886, 927, 935, 962, 977, 1050, 1053, 1054

Fast-Food Restaurant with Drive-Through Window (934)

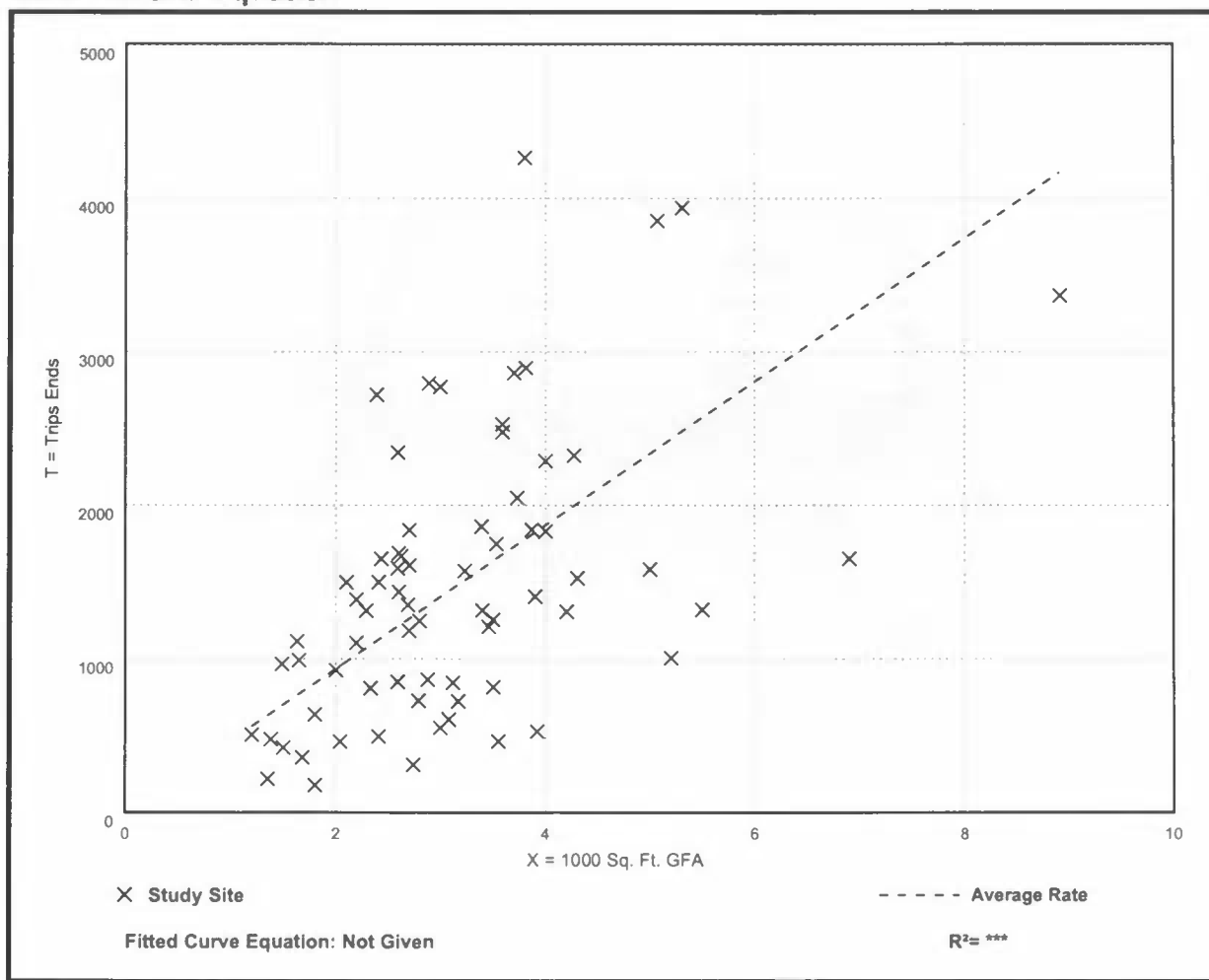
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 71
Avg. 1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
467.48	98.89 - 1137.66	238.62

Data Plot and Equation



Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 96

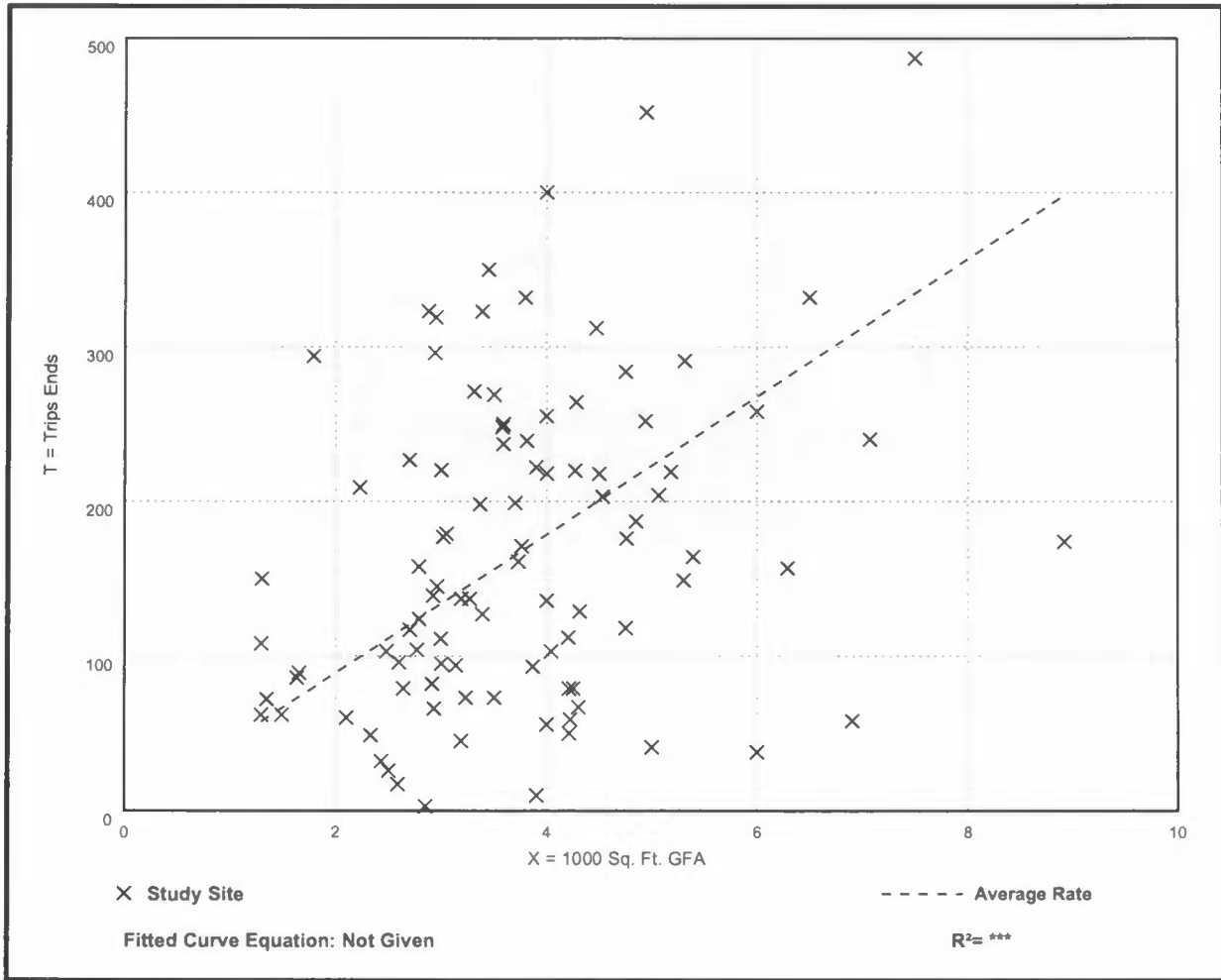
Avg. 1000 Sq. Ft. GFA: 4

Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
44.61	1.05 - 164.25	27.14

Data Plot and Equation



Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 190

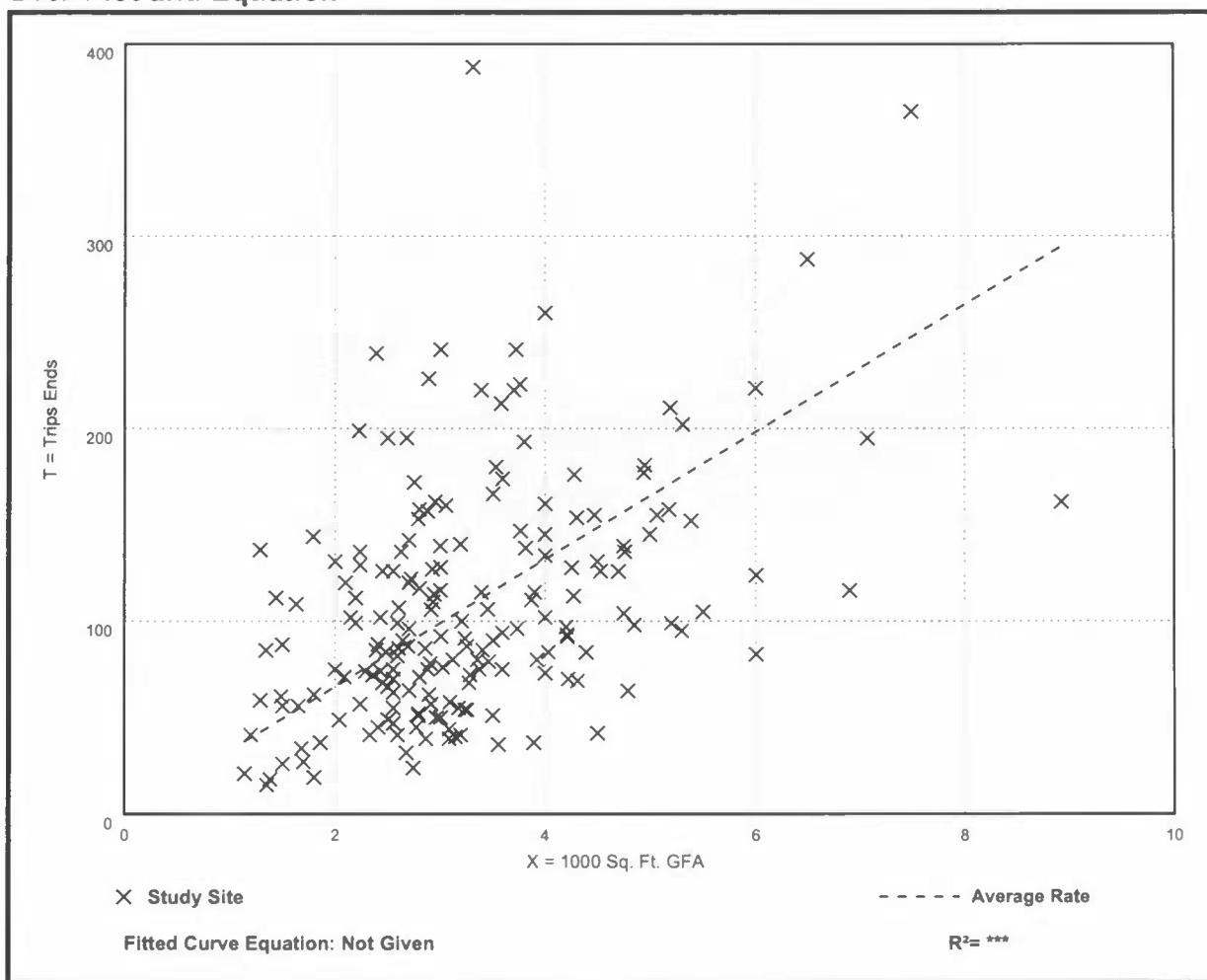
Avg. 1000 Sq. Ft. GFA: 3

Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
33.03	8.77 - 117.22	17.59

Data Plot and Equation



Land Use: 945

Convenience Store/Gas Station

Description

A convenience store/gas station is a facility with a co-located convenience store and gas station. The convenience store sells grocery and other everyday items that a person may need or want as a matter of convenience. The gas station sells automotive fuels such as gasoline and diesel.

A convenience store/gas station is typically located along a major thoroughfare to optimize motorist convenience. Extended hours of operation (with many open 24 hours, 7 days a week) are common at these facilities.

The convenience store product mix typically includes pre-packaged grocery items, beverages, dairy products, snack foods, confectionary, tobacco products, over-the-counter drugs, and toiletries. A convenience store may sell alcohol, often limited to beer and wine. Coffee and pre-made sandwiches are also commonly sold at a convenience store. Made-to-order food orders are sometimes offered. Some stores offer limited seating.

The sites in this land use include both self-pump and attendant-pumped fueling positions and both pre-pay and post-pay operations.

Convenience store (Land Use 851), gasoline/service station (Land Use 944), and truck stop (Land Use 950) are related uses.

Land Use Subcategory

Multiple subcategories were added to this land use to allow for multi-variable evaluation of sites with single-variable data plots. All study sites are assigned to one of three subcategories, based on the number of vehicle fueling positions (VFP) at the site: between 2 and 8 VFP, between 9 and 15 VFP, and between 16 and 24 VFP. For each VFP range subcategory, data plots are presented with GFA as the independent variable for all time periods and trip types for which data are available. The use of both GFA and VFP (as the independent variable and land use subcategory, respectively) provides a significant improvement in the reliability of a trip generation estimate when compared to the single-variable data plots in prior editions of *Trip Generation Manual*.

Further, the study sites were also assigned to one of three other subcategories, based on the gross floor area (GFA) of the convenience store at the site: between 2,000 and 4,000 square feet, between 4,000 and 5,500 square feet, and between 5,500 and 10,000 square feet. For each GFA subcategory range, data plots are presented with VFP as the independent variable for all time periods and trip types for which data are available. The use of both VFP and GFA (as the independent variable and land use subcategory, respectively) provides a significant improvement in the reliability of a trip generation estimate when compared to the single-variable data plots in prior editions of *Trip Generation Manual*.

When analyzing the convenience store/gas station land use with each combination of GFA and VFP values as described above, the two sets of data plots will produce two estimates of site-generated trips. Both values can be considered when determining a site trip generation estimate.

Data plots are also provided for three additional independent variables: AM peak hour traffic on adjacent street, PM peak hour traffic on adjacent street, and employees. These independent variables are intended to be analyzed as single independent variables and do not have sub-categories associated with them. Within the data plots and within the ITETripGen web app, these plots are found under the land use subcategory "none."

Additional Data

ITE recognizes there are existing convenience store/gas station sites throughout North America that are larger than the sites presented in the data plots. However, the ITE database does not include any site with more than 24 VFP or any site with gross floor area greater than 10,000 square feet. Submission of trip generation data for larger sites is encouraged.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Arkansas, California, Connecticut, Delaware, Florida, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, and Wisconsin.

Source Numbers

221, 245, 274, 288, 300, 340, 350, 351, 352, 355, 359, 385, 440, 617, 718, 810, 813, 844, 850, 853, 864, 865, 867, 869, 882, 883, 888, 904, 926, 927, 936, 938, 954, 960, 962, 977, 1004, 1024, 1025, 1027, 1052

Convenience Store/Gas Station - GFA (2-4k) (945)

Vehicle Trip Ends vs: Vehicle Fueling Positions
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 48

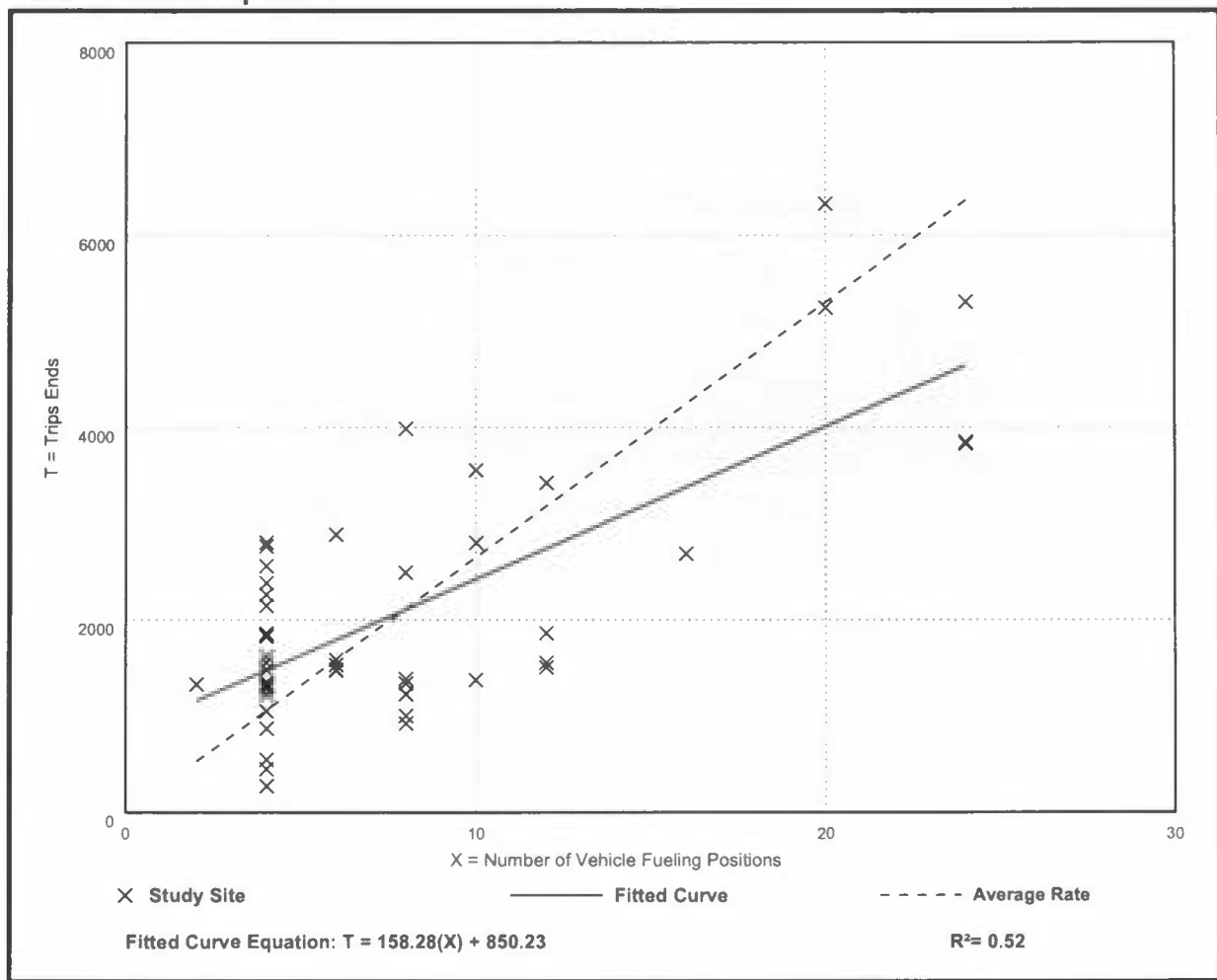
Avg. Num. of Vehicle Fueling Positions: 8

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
265.12	68.50 - 701.00	142.37

Data Plot and Equation



Convenience Store/Gas Station - GFA (2-4k) (945)

Vehicle Trip Ends vs: Vehicle Fueling Positions

On a: **Weekday,**

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 76

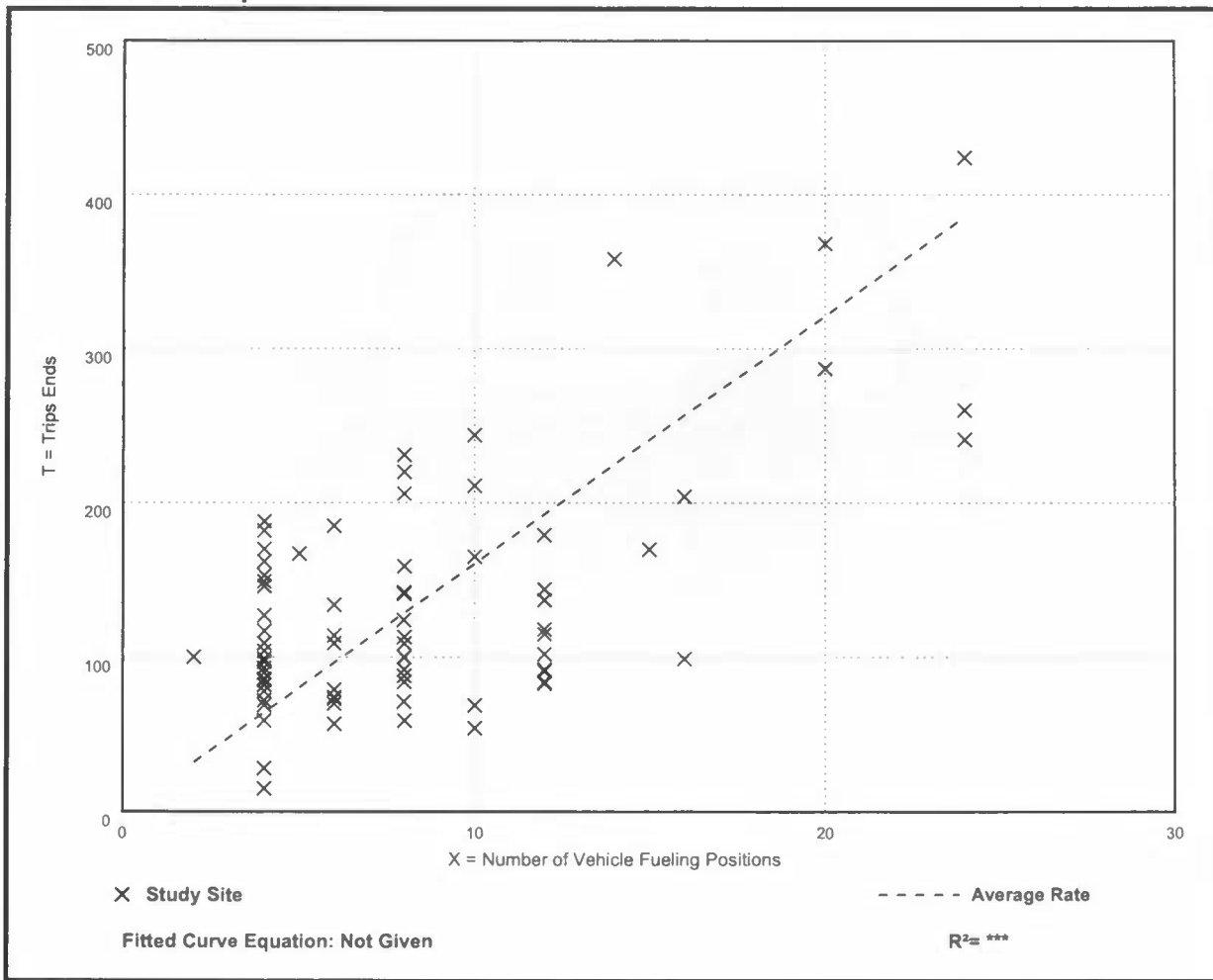
Avg. Num. of Vehicle Fueling Positions: 8

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
16.06	3.75 - 50.00	8.79

Data Plot and Equation



Convenience Store/Gas Station - GFA (2-4k) (945)

Vehicle Trip Ends vs: Vehicle Fueling Positions

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 93

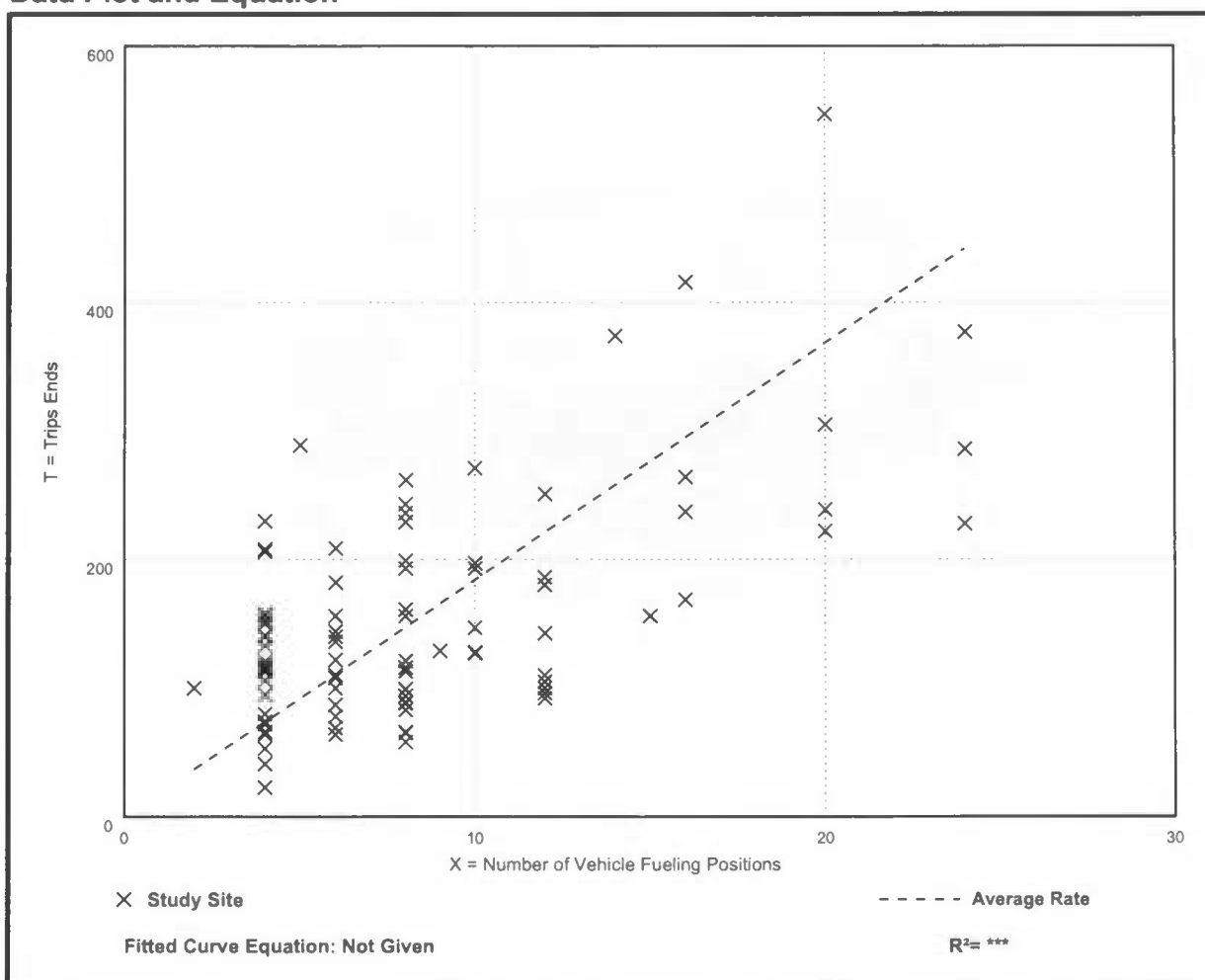
Avg. Num. of Vehicle Fueling Positions: 8

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
18.42	5.75 - 57.80	10.16

Data Plot and Equation



NCHRP 8-51 Internal Trip Capture Estimation Tool			
Project Name:	Circle K and Taco Casa Development	Organization:	Leadership Traffic Services
Project Location:	Dallas, TX	Performed By:	Adrian Murphy
Scenario Description:	Build Out	Date:	4/6/2023
Analysis Year:	2024	Checked By:	
Analysis Period:	AM Street Peak Hour	Date:	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	945	2	1000 SF	73	37	36
Restaurant	934	2	1000 SF	104	53	51
Cinema/Entertainment				0		
Residential				0		
Hotel				0		
All Other Land Uses ²				0		
Total				177	90	87

Table 2-A: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office						
Retail	1.00		0%	1.00		0%
Restaurant	1.00		0%	1.00		0%
Cinema/Entertainment						
Residential	1.00		0%	1.00		0%
Hotel	1.00		0%	1.00		0%
All Other Land Uses ²						

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail	0		5	0	0	0
Restaurant	0	3		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	177	90	87
Internal Capture Percentage	9%	9%	9%
External Vehicle-Trips ³	161	82	79
External Transit-Trips ⁴	0	0	0
External Non-Motorized Trips ⁴	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	8%	14%
Restaurant	9%	6%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Informational Report*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator

³Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A

⁴Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas Transportation Institute

Project Name:	Circle K and Taco Casa Development
Analysis Period:	AM Street Peak Hour

Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	0	0	1.00	0	0
Retail	1.00	37	37	1.00	36	36
Restaurant	1.00	53	53	1.00	51	51
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	0	0	1.00	0	0
Hotel	1.00	0	0	1.00	0	0

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	10		5	0	5	0
Restaurant	16	7		0	2	2
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		12	12	0	0	0
Retail	0		27	0	0	0
Restaurant	0	3		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	6	11	0		0
Hotel	0	1	3	0	0	

Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	3	34	37	34	0	0
Restaurant	5	48	53	48	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	0	0	0	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	5	31	36	31	0	0
Restaurant	3	48	51	48	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	0	0	0	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

¹Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A
²Person-Trips
³Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator
*Indicates computation that has been rounded to the nearest whole number.

NCHRP 8-51 Internal Trip Capture Estimation Tool			
Project Name:	Circle K and Taco Casa Development	Organization:	Leadership Traffic Services
Project Location:	Dallas, TX	Performed By:	Adrian Murphy
Scenario Description:	Buildout	Date:	4/6/2023
Analysis Year:	2024	Checked By:	
Analysis Period:	PM Street Peak Hour	Date:	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)						
Land Use	Development Data (For Information Only)			Estimated Vehicle-Trips		
	ITE LUCs ¹	Quantity	Units	Total	Entering	Exiting
Office				0		
Retail	945	2	1000 SF	87	44	43
Restaurant	934	2	1000 SF	77	40	37
Cinema/Entertainment				0		
Residential				0		
Hotel				0		
All Other Land Uses ²				0		
Total				164	84	80

Table 2-P: Mode Split and Vehicle Occupancy Estimates						
Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office						
Retail	1.00		0%	1.00		0%
Restaurant	1.00		0%	1.00		0%
Cinema/Entertainment						
Residential	1.00		0%	1.00		0%
Hotel	1.00		0%	1.00		0%
All Other Land Uses ²						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		12	0	0	0
Restaurant	0	15		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary			
	Total	Entering	Exiting
All Person-Trips	164	84	80
Internal Capture Percentage	33%	32%	34%
External Vehicle-Trips ³	110	57	53
External Transit-Trips ⁴	0	0	0
External Non-Motorized Trips ⁴	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use		
Land Use	Entering Trips	Exiting Trips
Office	N/A	N/A
Retail	34%	28%
Restaurant	30%	41%
Cinema/Entertainment	N/A	N/A
Residential	N/A	N/A
Hotel	N/A	N/A

¹Land Use Codes (LUCs) from *Trip Generation Informational Report*, published by the Institute of Transportation Engineers.

²Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator

³Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

⁴Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas Transportation Institute

Project Name:	Circle K and Taco Casa Development
Analysis Period:	PM Street Peak Hour

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends						
Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.00	0	0	1.00	0	0
Retail	1.00	44	44	1.00	43	43
Restaurant	1.00	40	40	1.00	37	37
Cinema/Entertainment	1.00	0	0	1.00	0	0
Residential	1.00	0	0	1.00	0	0
Hotel	1.00	0	0	1.00	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	1		12	2	11	2
Restaurant	1	15		3	7	3
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	0	0		0
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)						
Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		4	1	0	0	0
Retail	0		12	0	0	0
Restaurant	0	22		0	0	0
Cinema/Entertainment	0	2	1		0	0
Residential	0	4	6	0		0
Hotel	0	1	2	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)						
Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	15	29	44	29	0	0
Restaurant	12	28	40	28	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	0	0	0	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)						
Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles ¹	Transit ²	Non-Motorized ²
Office	0	0	0	0	0	0
Retail	12	31	43	31	0	0
Restaurant	15	22	37	22	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	0	0	0	0	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses ³	0	0	0	0	0	0

¹ Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P
² Person-Trips
³ Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator
*Indicates computation that has been rounded to the nearest whole number.

3. Parking Demand Data

Location:	5526 E RL THORNTON FWY - CIRCLE K
Start Date:	3/30/2023
Start Time:	11:00AM
Name:	WENDELL GARRET
Notes:	The Striped Lanes Include Gas Station Pump Spots

Start Time	Total Capacity			TOTAL
	Unstriped	Striped	ADA	
	10	3	1	4

Start Time	Unstriped	Striped	ADA	TOTAL
11:00 AM	2	0	0	2
11:15 AM	1	0	0	1
11:30 AM	2	0	0	2
11:45 AM	2	0	0	2
12:00 PM	4	0	0	4
12:15 PM	2	0	0	2
12:30 PM	2	0	0	2
12:45 PM	2	0	0	2
1:00 PM	2	0	0	2

Start Time	Unstriped	Striped	ADA	TOTAL
5:00 PM	2	0	0	2
5:15 PM	2	0	0	2
5:30 PM	1	0	0	1
5:45 PM	1	0	0	1
6:00 PM	2	0	0	2
6:15 PM	3	0	0	3
6:30 PM	2	0	0	2
6:45 PM	1	0	0	1
7:00 PM	2	0	0	2

Location:	12950 COIT RD - EXXON W TACO CASA
Start Date:	3/30/2023
Start Time:	11:00AM
Name:	CHASE BATTLE
Notes:	The Striped Lanes Include Gas Station Pump Spots

Start Time	Total Capacity			TOTAL
	Unstriped	Striped	ADA	
	4	39	1	44

TACO CASA QUEUE
8

Start Time	Unstriped	Striped	ADA	TOTAL
11:00 AM	0	16	0	16
11:15 AM	0	15	0	15
11:30 AM	1	14	0	15
11:45 AM	0	18	0	18
12:00 PM	0	15	0	15
12:15 PM	1	18	0	19
12:30 PM	0	16	0	16
12:45 PM	0	20	0	20
1:00 PM	1	13	0	14

QUEUE
0
3
1
0
2
2
4
3
4

Start Time	Unstriped	Striped	ADA	TOTAL
5:00 PM	0	8	0	8
5:15 PM	0	9	0	9
5:30 PM	0	6	0	6
5:45 PM	3	14	1	18
6:00 PM	0	11	0	11
6:15 PM	1	15	1	17
6:30 PM	1	11	0	12
6:45 PM	0	9	0	9
7:00 PM	0	6	0	6

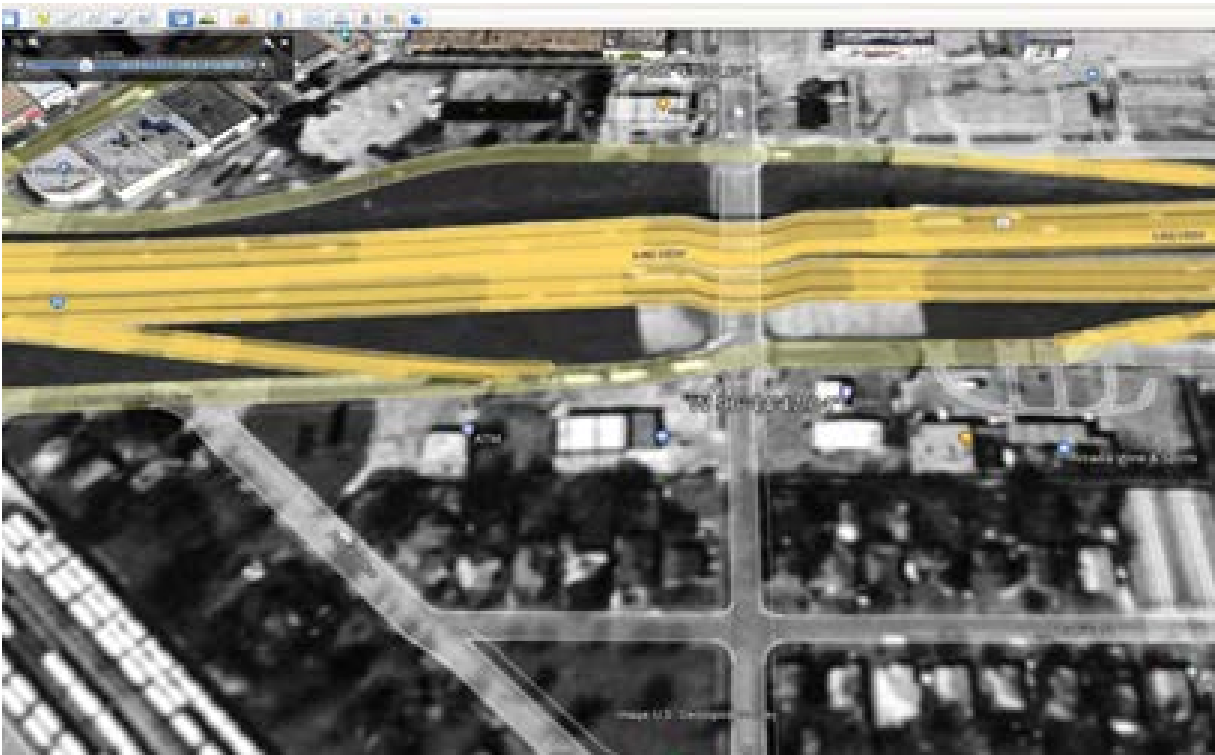
QUEUE
0
2
1
0
0
3
0
2
0

BDA 212-078 – Landscape Special Exception Narrative

Any increase in impervious surface over 2000 square feet, whether a structure or a simple parking lot on the undeveloped portion of the site, would trigger Article X for the entire property, regardless of nonconforming status. The subject site is a 0.6 acre lot, platted in 1991 and occupied by Phillips 66 since 1993. Later it was purchased by Circle K and finally by Modern Pyramids, the applicant. Pictured below is the current property configuration.



To the west of the existing structure is a grassy area that has never been able to be developed on its own because of code constraints regarding setbacks, buffers, and landscape requirements. The existing structure is already non-conforming as to landscape, street buffers, and side yard setback along the alley due to the dumpster location having been within the side yard setback since 1993. Historic aerial shows the following:

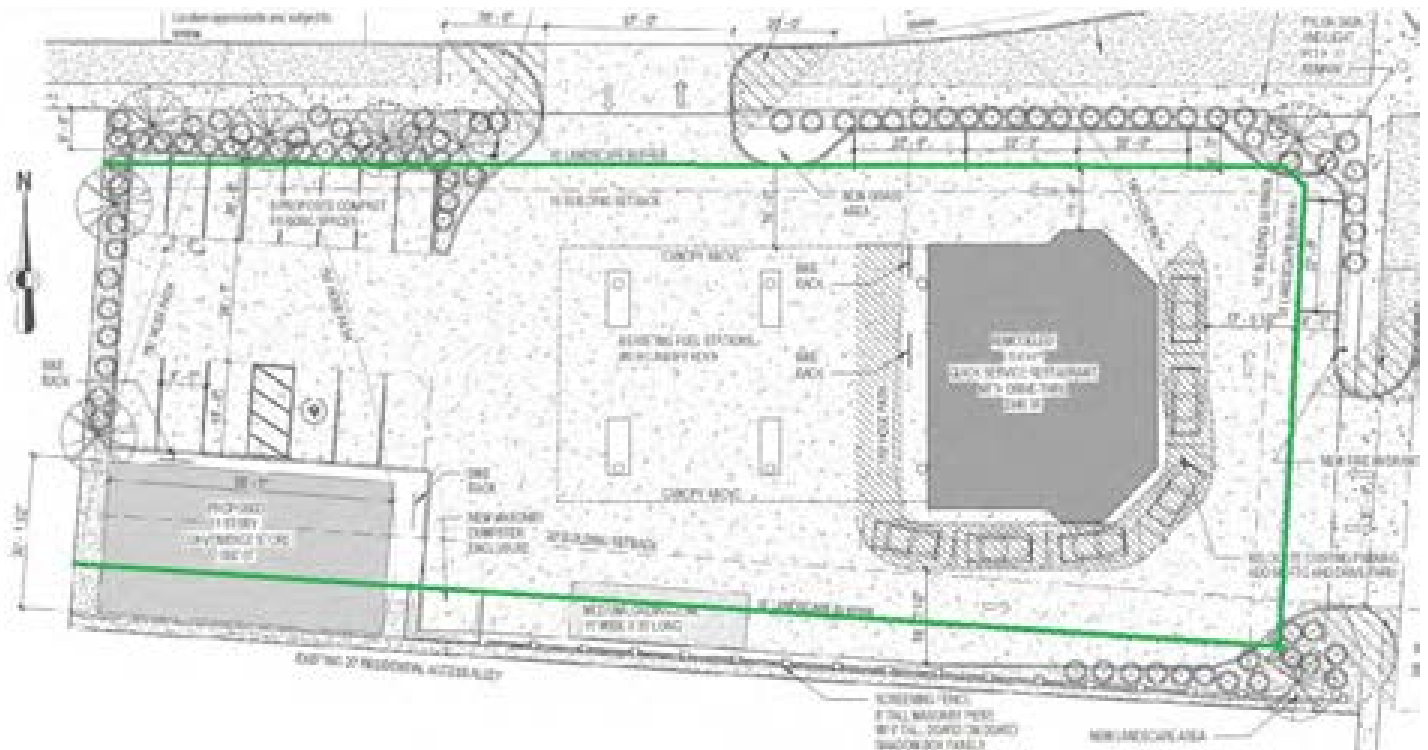


By today's Article X and zoning standards, the site would require a 10' landscape buffer adjacent to the alley, a 10' street buffer along the freeway and a 7.5' street buffer along Winslow. Hinderances to being able to completely comply with Article X include overhead utilities along the alley, traffic circulation on the south side of the site, and underground utilities in the streets.

The proposed plan is being offered in lieu of Article X; however, we believe it meets the spirit of Article X as follows:

1. With the closing of the ingress/egress point at the intersection and replacement with landscape, we feel this is a major improvement.
2. Providing landscape screening adjacent to the freeway, along with a few trees, is a major improvement over the current condition.
3. Providing landscape between the subject site and the property to the west.
4. Improving landscape conditions along Winslow.
5. Provision of a board-on-board with masonry column fencing along the alley.
6. Sidewalk improvements.

If the special exception is not granted, the project fails. Parking, loading zone, and structure locations would be adversely affected. See the 2 illustrations below. Landscape setbacks shown in green. Building setback shown in blue. Items adversely affected shown in red.



**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

TUESDAY, NOVEMBER 14, 2023

FILE NUMBER: BDA223-096 (KMH)

BUILDING OFFICIAL'S REPORT Application of Christopher Cole for (1) a special exception to the fence height regulations at 4515 Harrys Lane. This property is more fully described as Block D/5534, Lot 8 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct a 7-foot-high fence in a required front yard, which will require (1) a 3-foot special exception to the fence regulations.

LOCATION: 4515 Harrys Lane

APPLICANT: Christopher Cole

REQUEST:

(1) A request for a special exception to the fence height regulations.

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

Section 51A-4.602(b)(2) of the Dallas Development Code states that the board may grant a special exception to the fence regulations when in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Special Exception

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)
North: R- 1ac(A) (Single Family District)
East: R- 1ac(A) (Single Family District)
South: R- 1ac(A) and R-16(A) (Single Family Districts)
West: R- 1ac(A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with single-family uses.

BDA History:

No BDA history

GENERAL FACTS/STAFF ANALYSIS:

- The application of Christopher Cole for the property located at 4515 Harrys Lane focuses on the fence height regulations. The applicant is proposing to construct and maintain a 7-foot-high fence in a required front yard, which will require a 3-foot special exception.
- The subject site along with properties to the north, east, south and west are all developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct and maintain a 7' open iron fence in the required front yard along Harrys Lane with an open iron entrance gate.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

September 11, 2023: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

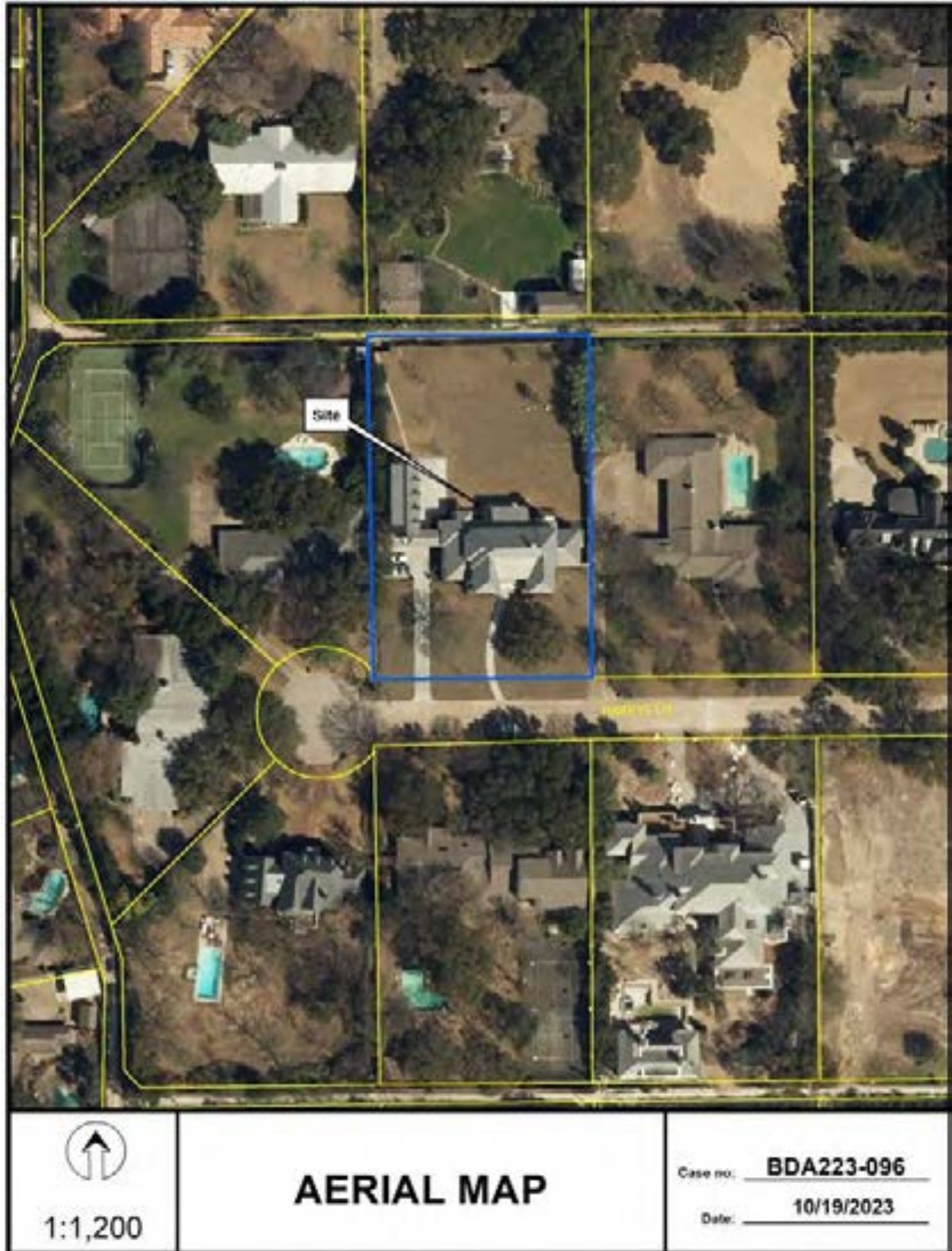
October 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

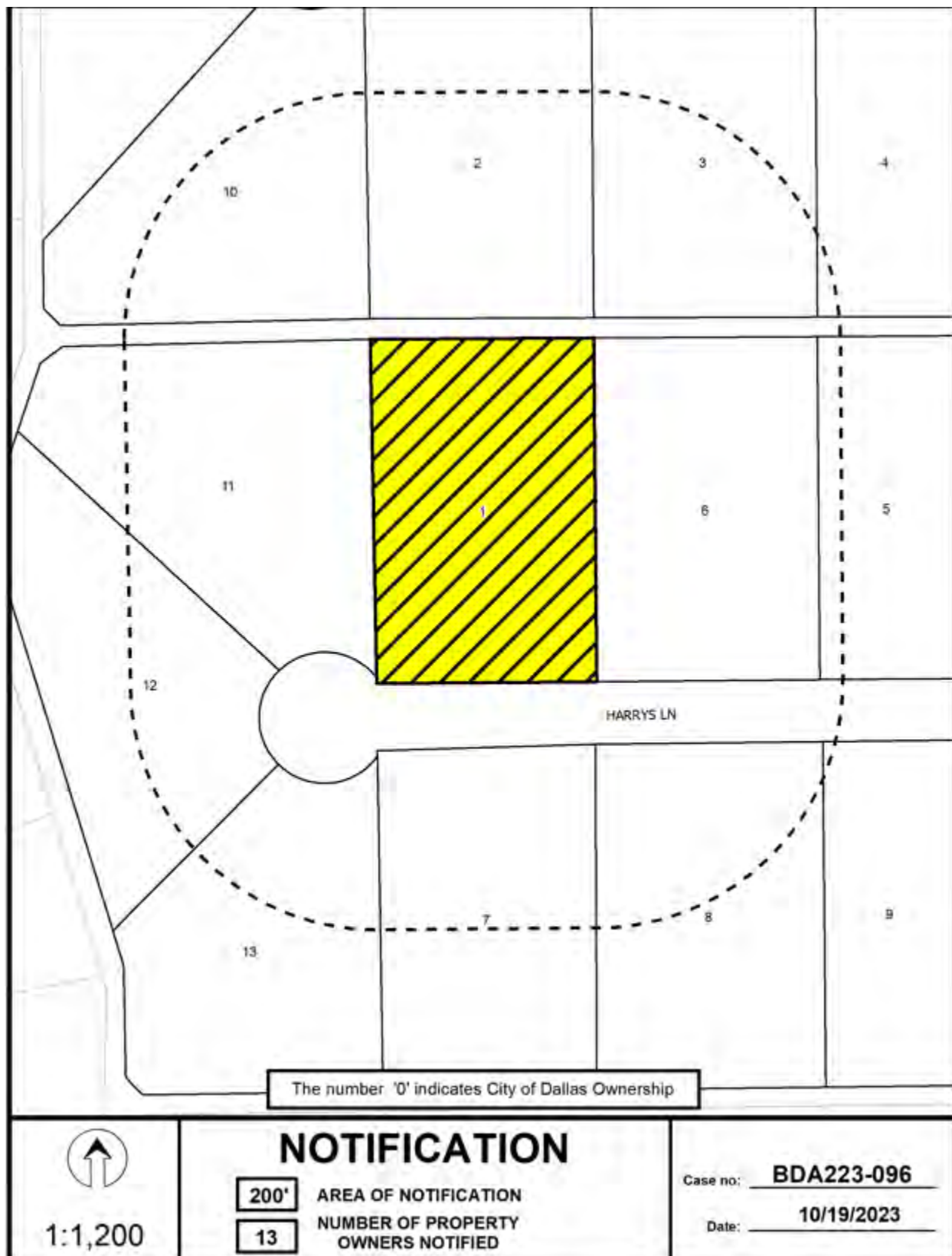
October 4, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, 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 23, 2023: The applicant provided documentary evidence.

November 1, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the November public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner Code Compliance staff.







1:1,200

ZONING MAP

Case no: BDA223-096

Date: 10/19/2023

10/19/2023

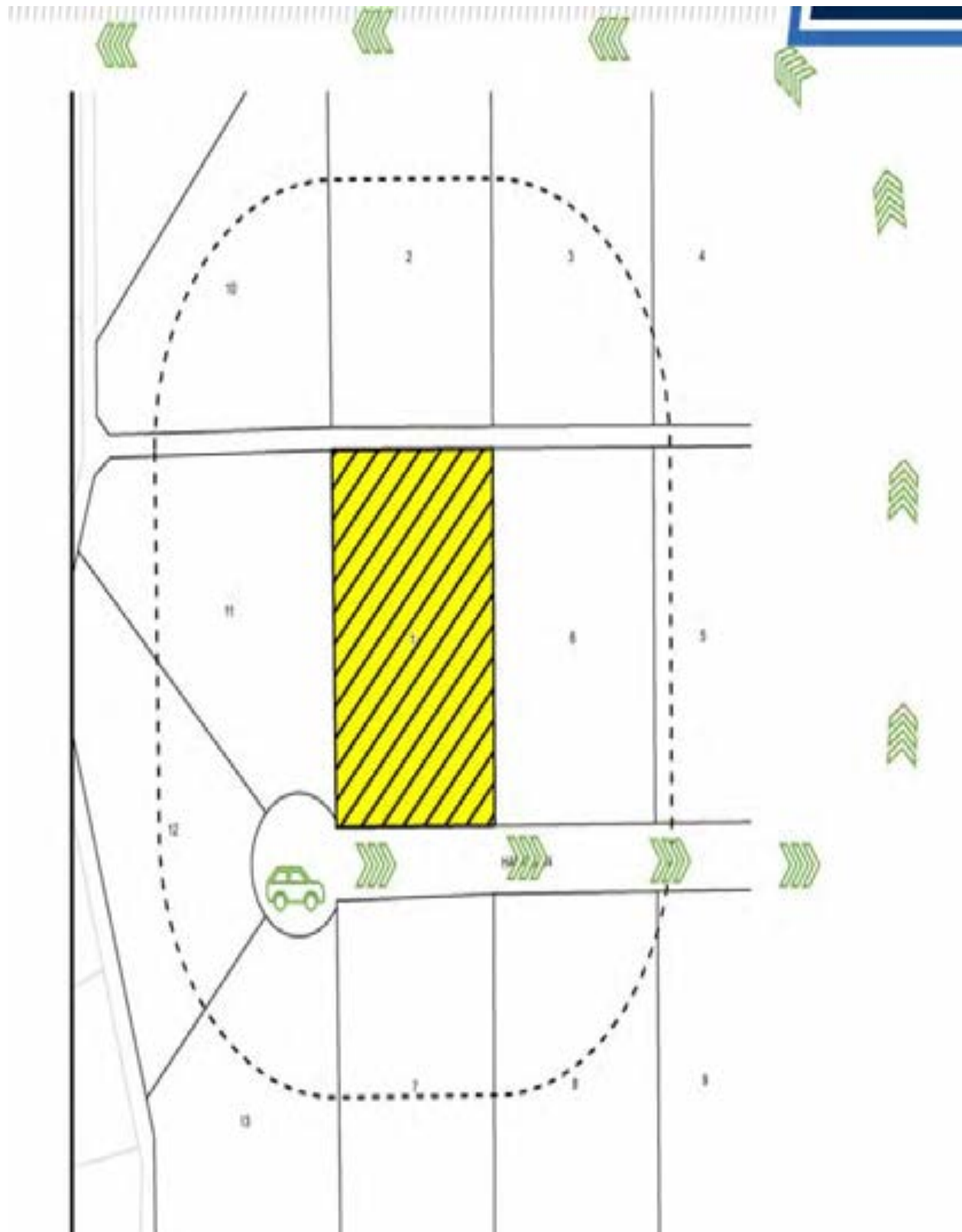
Notification List of Property Owners

BDA223-096

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4515 HARRYS LN	SOMMERMAN ANDREW B &
2	4512 CATINA LN	RULEY GERALD E
3	4524 CATINA LN	YOUNT DON & GABRIELA
4	4544 CATINA LN	MATHISEN MARK E & SONJA K
5	4545 HARRYS LN	WHEELER KAREN &
6	4525 HARRYS LN	COURIE ELI & SHERRI L
7	4512 HARRYS LN	MORRIS WILLIAM R &
8	4524 HARRYS LN	ROSENTHAL MICHAEL A &
9	4544 HARRYS LN	SPARKS MARC A
10	4506 CATINA LN	GOODING HOLDINGS LP
11	4511 HARRYS LN	PICCAGLI UGO
12	4505 HARRYS LN	PAZANDAK BRADFORD & JOYCE
13	4506 HARRYS LN	JENNINGS MICHAEL C & STEPHANIE L JENNINGS

<https://youtu.be/XzoWogpMCTw>





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-1910 RECEIVED
SEP 11 REC'D

Data Relative to Subject Property: _____ Date: _____

Location address: 4515 Harrys Ln Dallas 75229 Zoning District: R1AC(A)

Lot No.: 8 Block No.: D/SS34 Acreage: 1.1310 Census Tract: _____

Street Frontage (in Feet): 1) 176.20 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): 4515 Harrys LLC (Single member Shane Lewis)

Applicant: Christopher Cole for C3G, LP Telephone: 214-802-0775

Mailing Address: 11700 Preston Rd, Ste 660-523 Dallas TX Zip Code: 75230

E-mail Address: _____

Represented by: Christopher Cole for C3G, LP Telephone: 214-802-0775

Mailing Address: Same Zip Code: _____

E-mail Address: ccole@cole-us.com

Affirm that an appeal has been made for a Variance or Special Exception of Exceeding Maximum Fence Height of 4' in required front yard beyond the R-1AC 40' front building line setback, requesting a 3' special exception for a total maximum height of 7'

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:
As is standard and approved for many neighbors in this neighborhood, a special exception for a slightly taller fence would in no way adversely affect the neighboring properties and increase value for many.

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

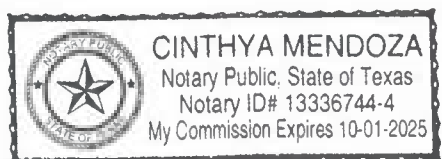
Before me the undersigned on this day personally appeared Christopher K. Cole

(Affiant/Applicant's name printed)

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 11th day of September, 2023



C Mendoza
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 CHRISTOPHER COLE

did submit a request for (1) a special exception to the fence height regulations
at 4515 HARRY'S LANE

BDA223-096(KMH) Application of Christopher Cole for (1) a special exception to the fence height regulations at 4515 Harrys Ln. This property is more fully described as Block D/5534, Lot 8 and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4-feet. The applicant proposes to construct a 7-foot high fence in a required front yard, which will require (1) a 3-foot special exception to the fence regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-096

I, Shane Lewis, for 4515 Harrys LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4515 Harrys Lane Dallas TX 75229
(Address of property as stated on application)

Authorize: Christopher Cole, for C3G, LP
(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: Special exception to the maximum fence height, adding 2 to 2'6"

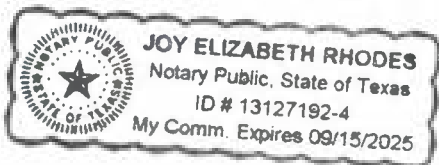
Shane Lewis, for 4515 Harrys LLC
Print name of property owner or registered agent
agent Date 9/6/2023

[Signature]
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared Shane Lewis

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 6th day of September, 2023



[Signature]
Commission expires on 9/15/2025

SHIPPED _____ RECEIVED _____
 DATE: 3-22-94 DATE: 2-2-94
 ANNEXED JULY 11, 1945 ORD. NO. 3653
 SURVEY MARSHALL S. PULLIAM ABST. 1150
M. F. FORTNER 479

CITY OF DALLAS PLAT BOOKS

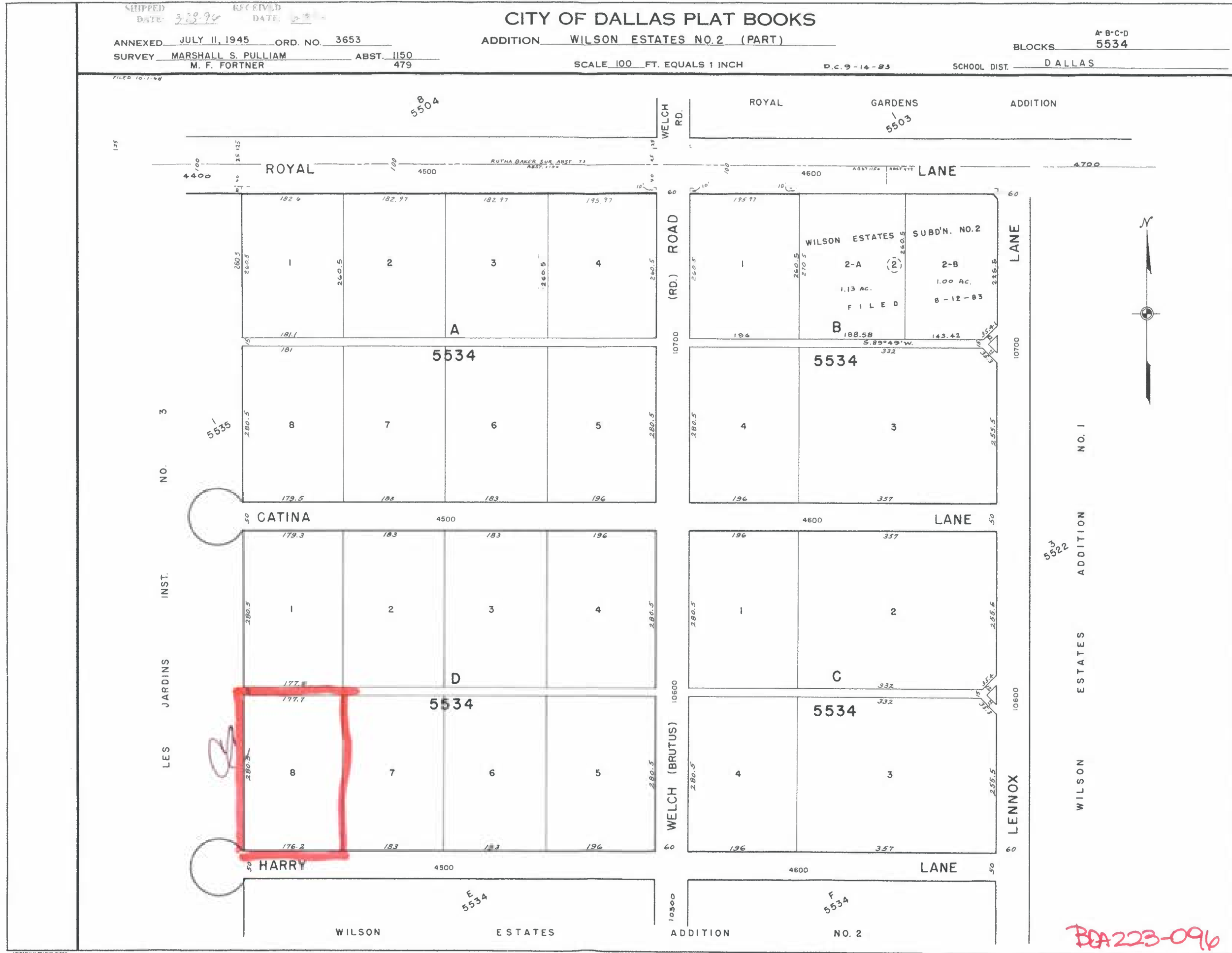
ADDITION WILSON ESTATES NO.2 (PART)

BLOCKS A-B-C-D
5534

SCALE 100 FT. EQUALS 1 INCH

P.C. 9-14-83

SCHOOL DIST. DALLAS

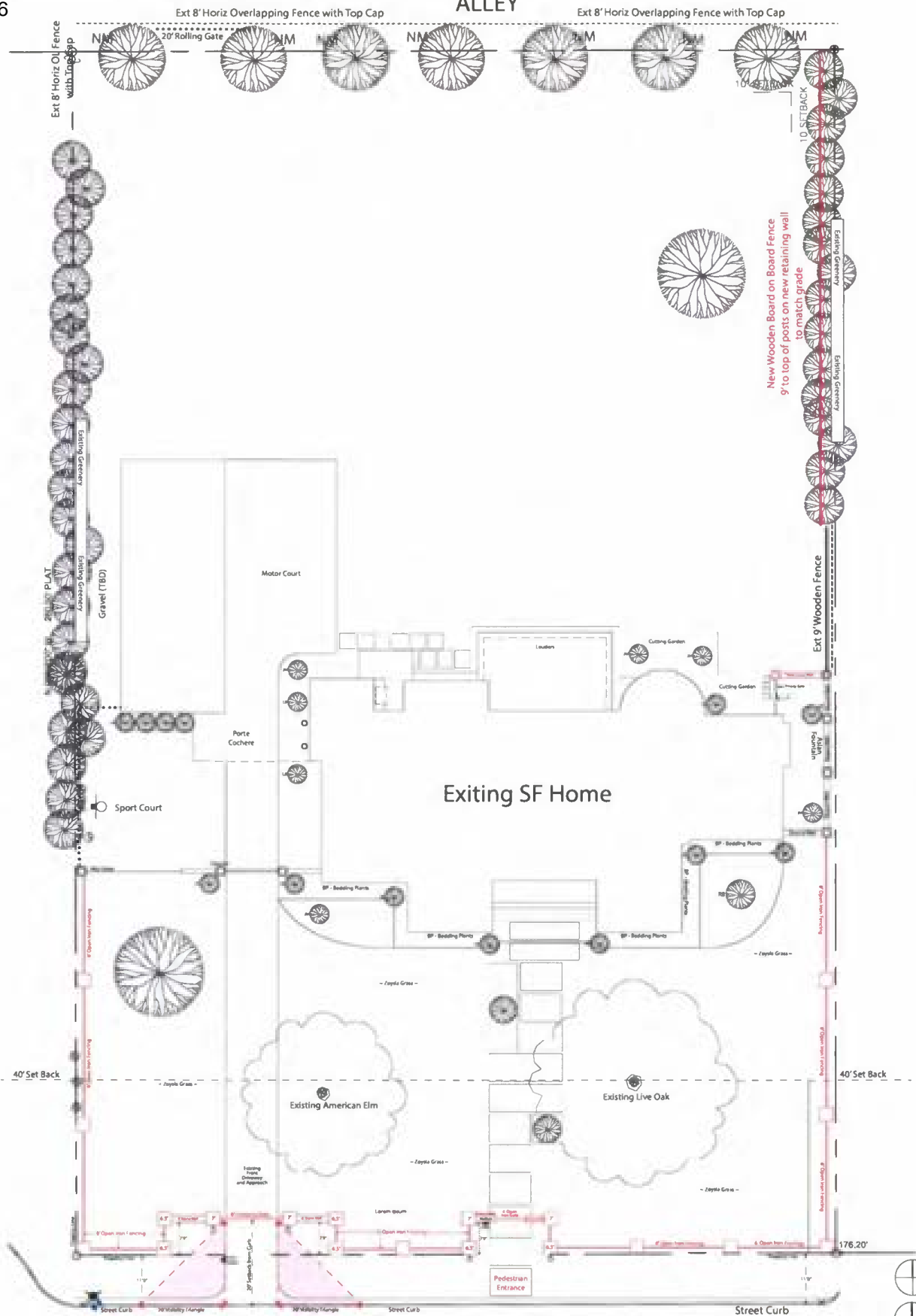


NO. 3
 INST. 5535
 LES JARDINS

NO. 1
 ADDITION 5522
 ESTATES
 WILSON

TRUE AND CORRECT
 COPY OF RECORD
 ON FILE IN CITY
 SURVEYOR'S OFFICE
 BY: *Jerry Powell*
 DATE: 9-1-2003

BA223-0916



SITE PLAN
SCALE: 1"=10'

HARRYS LANE

Red is new proposed
All black is Existing



DISTINCTIVELY BUILT CUSTOM HOMES
214.878.2284

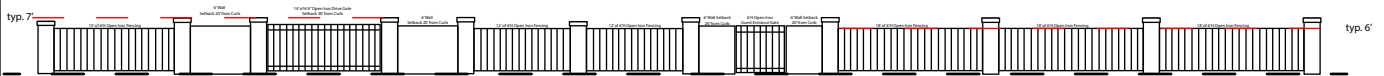
4515 HARRY'S LANE | LEWIS PROPOSED V5 | 08.05.23
196

BDA223-096



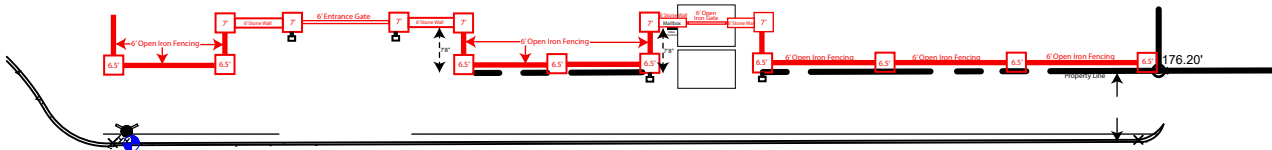
FRONT GATE & FENCE ELEVATION SCALED TO EXISTING HOUSE

SCALE: NTS



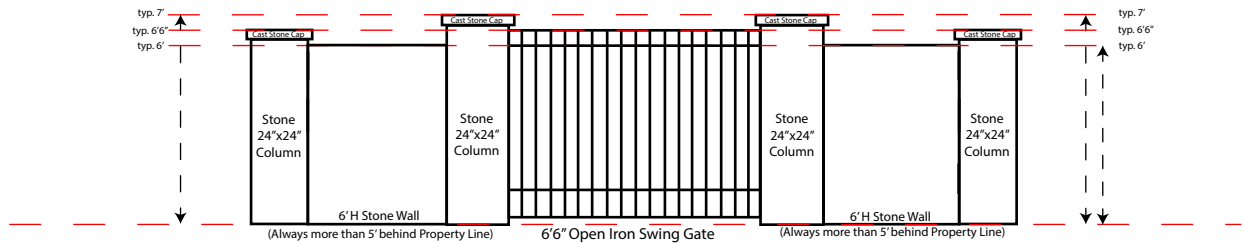
FRONT GATE & FENCE ELEVATION (AS PROPOSED)

SCALE: NTS



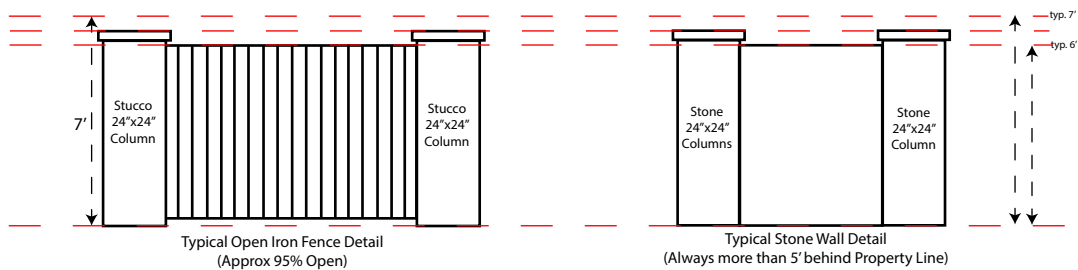
FRONT GATE & FENCE CONFIGURATION (AS PROPOSED)

SCALE: 1"=10'



DRIVEWAY GATE ENTRANCE DETAIL (Similar detail but thinner at Pedestrian Gate)

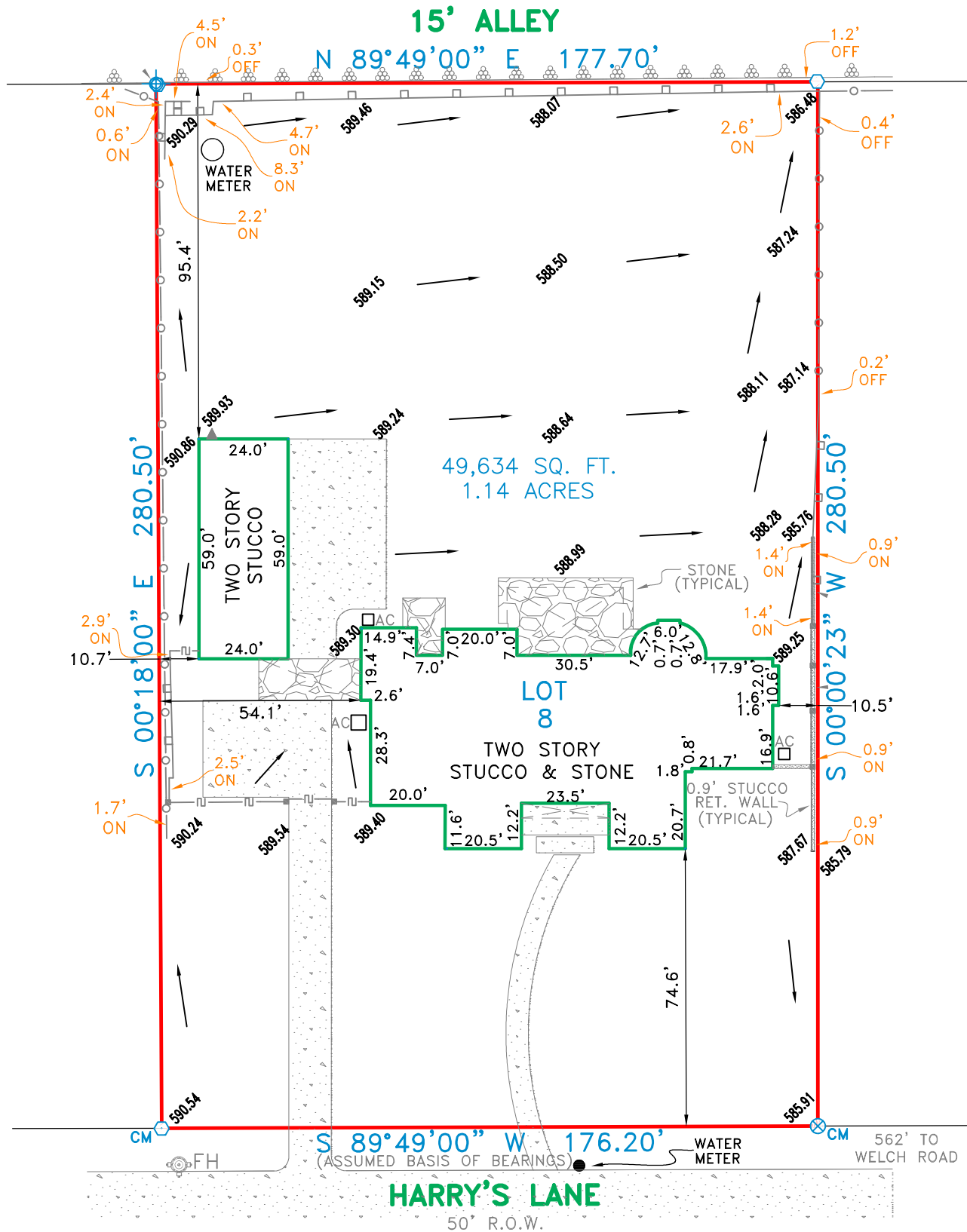
SCALE: 1"=20'



TYPICAL FENCE PANEL DETAIL

SCALE: 1"=20'

TYPICAL WALL DETAIL AT GATES



PROPERTY SURVEY (AS BUILT 2018)

SCALE: 1"=20'



DISTINCTIVELY BUILT CUSTOM HOMES
214.828.2284

4515 HARRY'S LANE | LEWIS PROPOSED V5 | 08.07.23

Applicant's Documentary Evidence

4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

**MAP OF IMMEDIATE NEIGHBORHOOD WITH
FENCE HEIGHTS MARKED IF A FRONT FENCE WAS PRESENT**



4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

**NEIGHBORS WITH FENCES IN FRONT YARD
 BEYOND THE BUILDING LINE AND HEIGHTS MEASURED
 (BY STREET)**

ADDRESS	STREET	HEIGHT IN FEET	HEIGHT IN INCHES
4554	HARRYS LANE	6'10-1/2"	82.5
4555	HARRYS LANE	7'7"	91
4524	HARRYS LANE	5'	60
4544	HARRYS LANE	4' 4-1/2"	52.5
4502	CATINA LANE	7'8"	92
4610	CATINA LANE	7'9"	93
10714	LENNOX LANE	8'	96
10645	LENNOX LANE	6'7"	79
10640	LENNOX LANE	6'11"	83
10615	LENNOX LANE	8'9"	105
10564	LENNOX LANE	6'2"	74
10545	LENNOX LANE	6'8"	80
10540	LENNOX LANE	8'	96
10515	LENNOX LANE	6'8"	80
10453	LENNOX LANE	8'	96
10443	LENNOX LANE	6'3"	75.5
4612	ISABELLA LANE	8'4"	100
4610	ISABELLA LANE	8'1"	97
4611	ISABELLA LANE	5'5"	65
4563	ISABELLA LANE	6'6"	78
4562	ISABELLA LANE	6'9"	81
		AVERAGE	84.02
		AVERAGE	7 FT

**4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS**

KEY INFO FROM DATA ON FENCE HEIGHTS:

- 1) OUT OF 56 TOTAL NEARBY PROPERTIES:
 - a. 21 (38%) HAVE FRONT YARD FENCES

- 2) OF THOSE WITH FRONT YARD FENCES:
 - a. 100% are above 4'
 - b. NOT ONE SINGLE MEETS CODE OF 4' OR LESS
 - c. HIGHEST IS 8'9" AND LOWEST 4'4-1/2"
 - d. THE AVERAGE HEIGHT OF ALL IS 7' (84.02")

- 3) THEREFORE, IF 38% HAVE HAD APPROVED FENCES, AND THE AVERAGE IS 7', ASKING FOR A 3' VARIANCE FOR 7' MAX HEIGHT COLUMNS AND 6 TO 6-1/2' HEIGHT FENCE CANNOT POSSIBLY HAVE AN ADVERSE EFFECT ON THE NEIGHBORHOOD

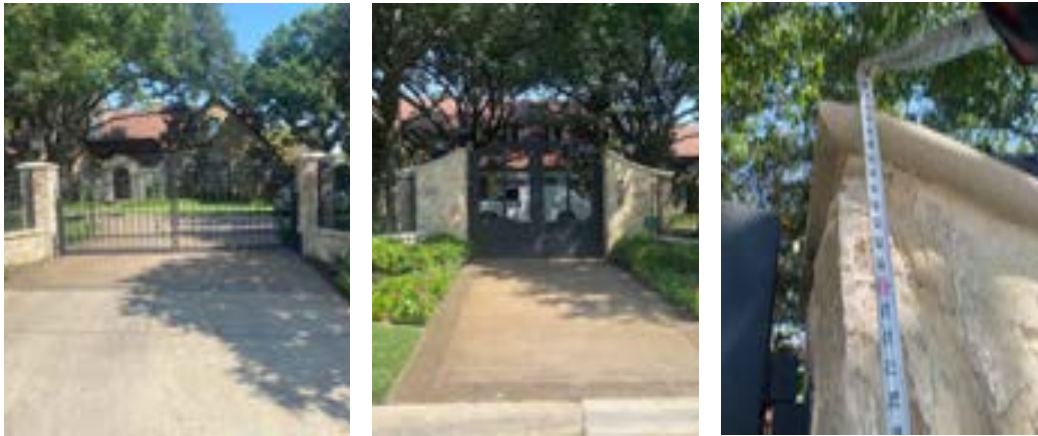
- 4) MORE SO IT IS THE NEW STANDARD PRACTICE AND THEREFORE IN ALIGNMENT WITH THE CURRENT PRACTICES OF THE NEIGHBORS AND CITY APPROVALS

4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

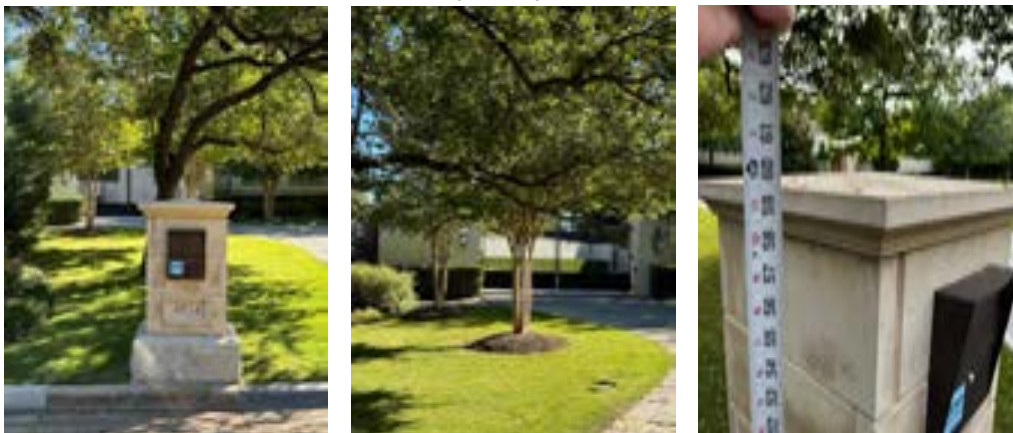
4554 HARRYS LANE 6'10-1/2" (82-1/2")



4555 HARRYS LANE 7'7" (91")



4524 HARRYS LANE 5' (60")

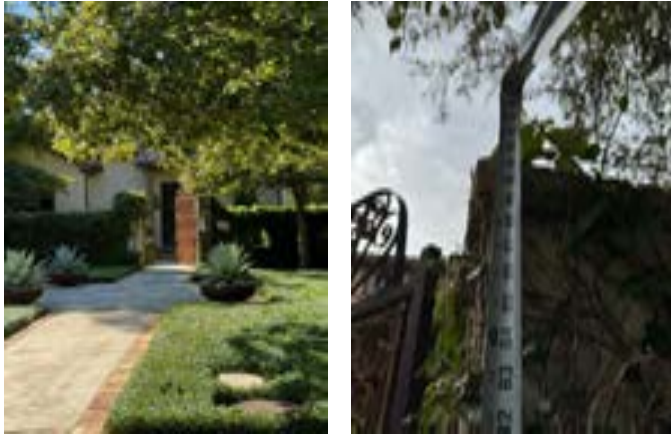


**4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS**

4544 HARRYS LANE – 4' 4-1/2" (52-1/2")



4502 CATINA LANE – 7'8" (92")



4610 CATINA LANE – 7'9" (93")



**4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS**

10714 LENNOX LANE – 8' (96")



10645 LENNOX LANE – 6'7" (79")



10640 LENNOX LANE 6'11" (83")



4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

10615 LENNOX LANE 8'9" (105") **WITH SOLID WALL



10564 LENNOX LANE 6'2" (74")



10545 LENNOX LANE 6'8" (80")



4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

10540 LENNOX LANE 8' (96")



10515 LENNOX LANE 6'8" (80")



10453 LENNOX LANE 8' (96")



4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

10443 LENNOX LANE 6'3" (75-1/2")



4612 ISABELLA 8'4" (100")



4610 ISABELLA LANE 8'1" (97")



4515 HARRYS LANE
BOA BDA223-096 FENCE HEIGHT APPLICATION
NEIGHBORHOOD FENCE HEIGHTS

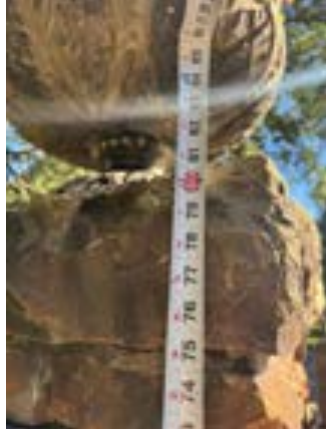
4611 ISABELLA LANE 5'5" (65")



4563 ISABELLA LANE 6'6" (78")



4562 ISABELLA LANE 6'9" (81")



**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS****TUESDAY, NOVEMBER 14, 2023**

FILE NUMBER: BDA223-102 (SD)

BUILDING OFFICIAL'S REPORT: Application of Rodolfo Rodriguez represented by Gilbert Cortez for (1) a variance to the front yard setback regulations, and for (2) a variance to the front yard setback regulations at 5434 Ross Ave. This property is more fully described as Block 1487, Tract 21, and is zoned PD-842, which requires a front yard setback of 15-feet. The applicant proposes to construct and/or maintain a non-residential structure and provide a 0-foot front yard setback on Ross Avenue, which will require (1) a 15-foot variance to the front yard setback regulations; and to construct and/or maintain a non-residential structure and provide a 0-foot front yard setback on Greenville Avenue, which will require (2) a 15-foot variance to the front yard setback regulations.

LOCATION: 5434 Ross Avenue**APPLICANT:** Rodolfo Rodriguez**Represented by:** Gilbert Cortez**REQUEST:**

- (1) A request for a variance to the front yard setback regulations at both Ross Avenue and Greenville Avenue

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:**Variance:**

- Denial

Based upon the evidence presented and provided to staff, staff concluded that the request is:

- not contrary to public interest as no opposition was received;
- restrictive in area and shape that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- it is a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Zoning:

Site: CR-Community Retail District
North: CR-Community Retail District
South: PD 842 Nonresidential zoning district
East: CR-Community Retail District
West: CR-Community Retail District

Land Use:

The subject site is developed with a Restaurant without drive-in service use. The areas to the north, south, east, and west are developed with commercial uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 15-feet is made to construct and/or maintain a Restaurant without drive-in service use.
- The subject site is surrounded by nonresidential structures with restaurant, personal service and general merchandise uses.
- The Dallas Development Code requires a 15-foot front yard setback for the CR (A) zoning district.
- Per the submitted site plan, the applicant proposes to construct and/or maintain a restaurant without drive-in service use providing a 0-foot front yard setback at both Ross Avenue and Greenville Avenue.

The applicant has the burden of proof in establishing the following:

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

Timeline:

September 15, 2023: 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 2, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **A**.

October 4, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

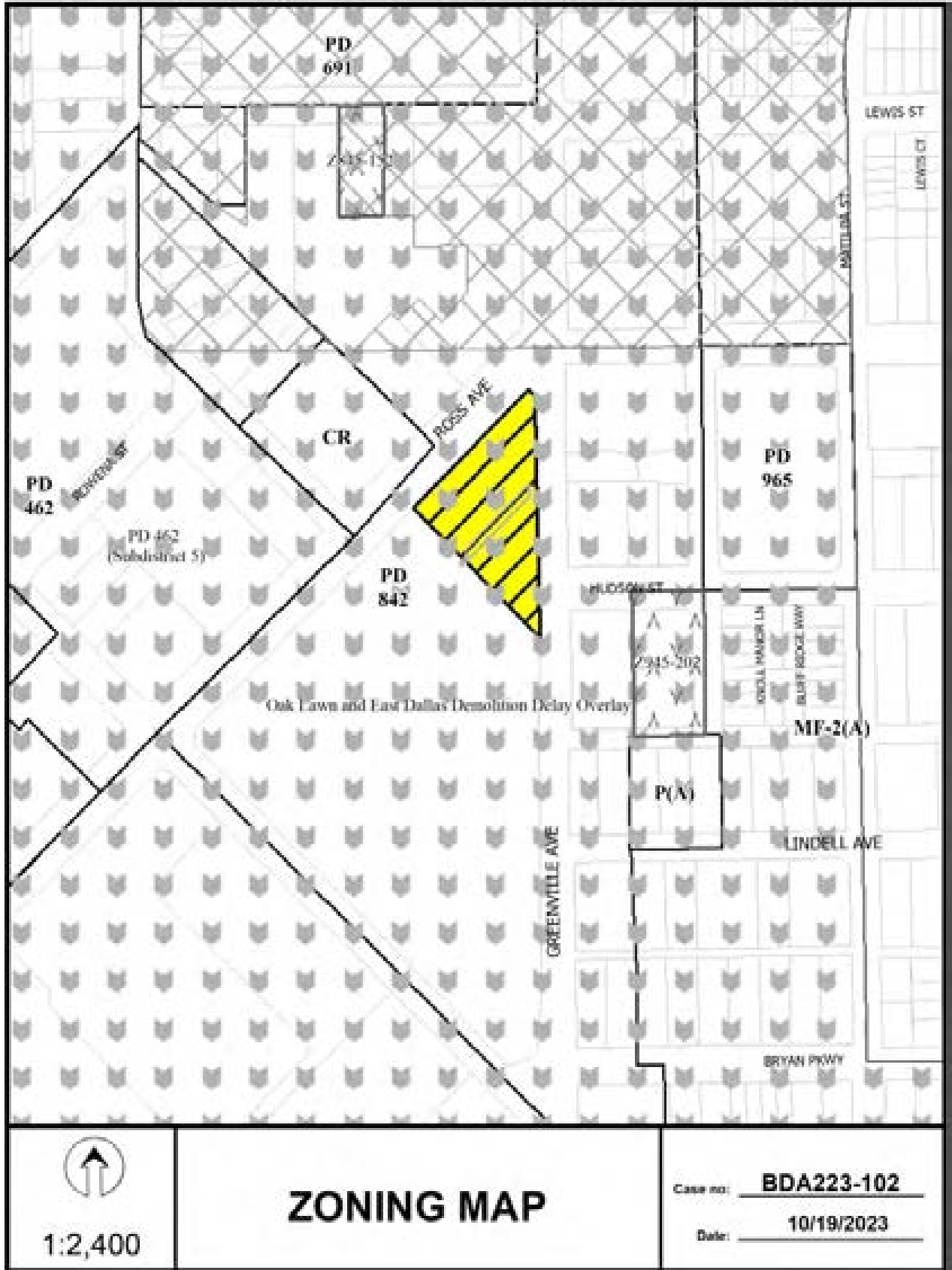
- an attachment that provided the public hearing date and panel that will consider the application; the October 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and November 3, 2023, deadline

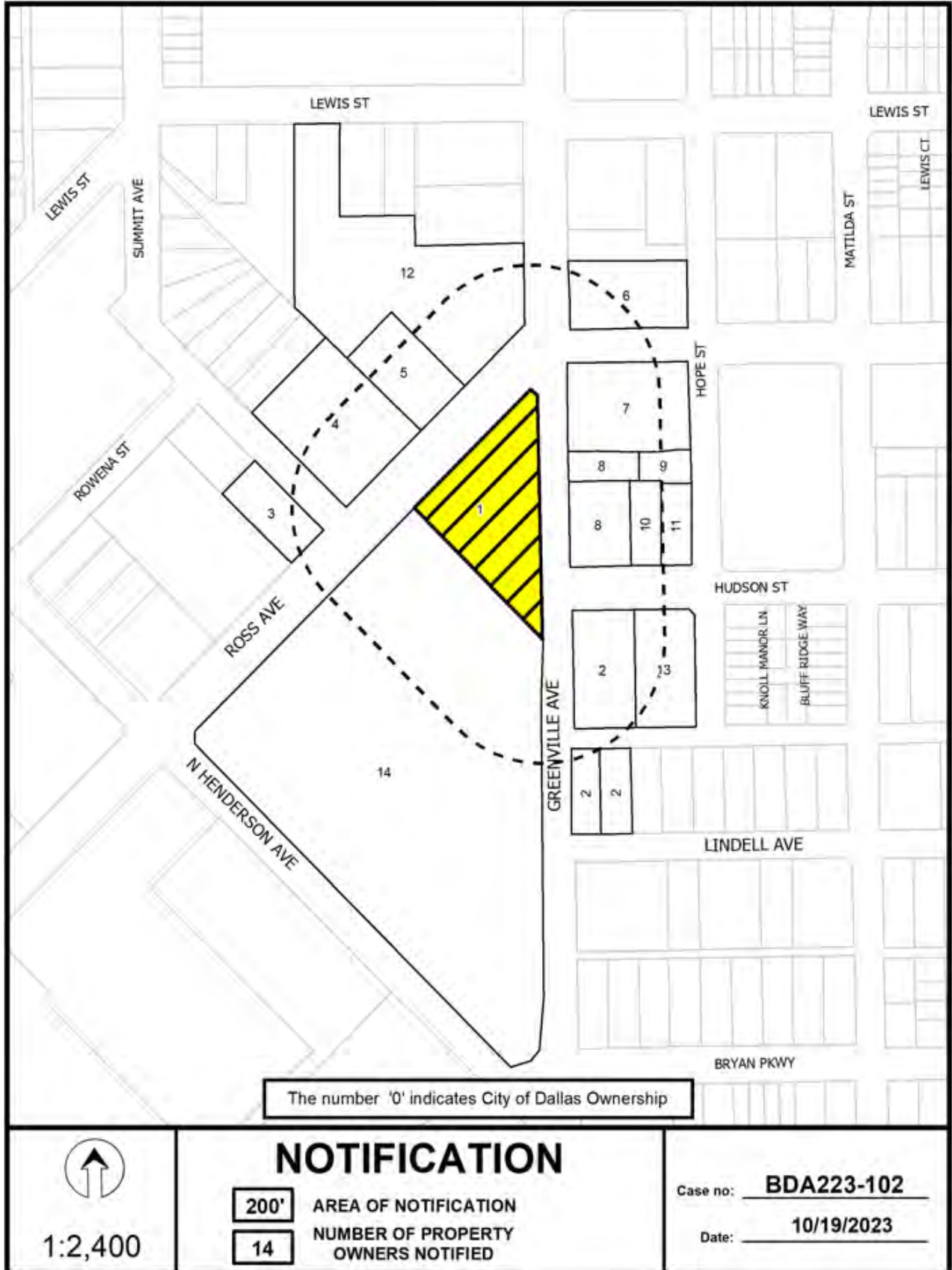
to submit additional evidence to be incorporated into the board's docket materials.

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

November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.







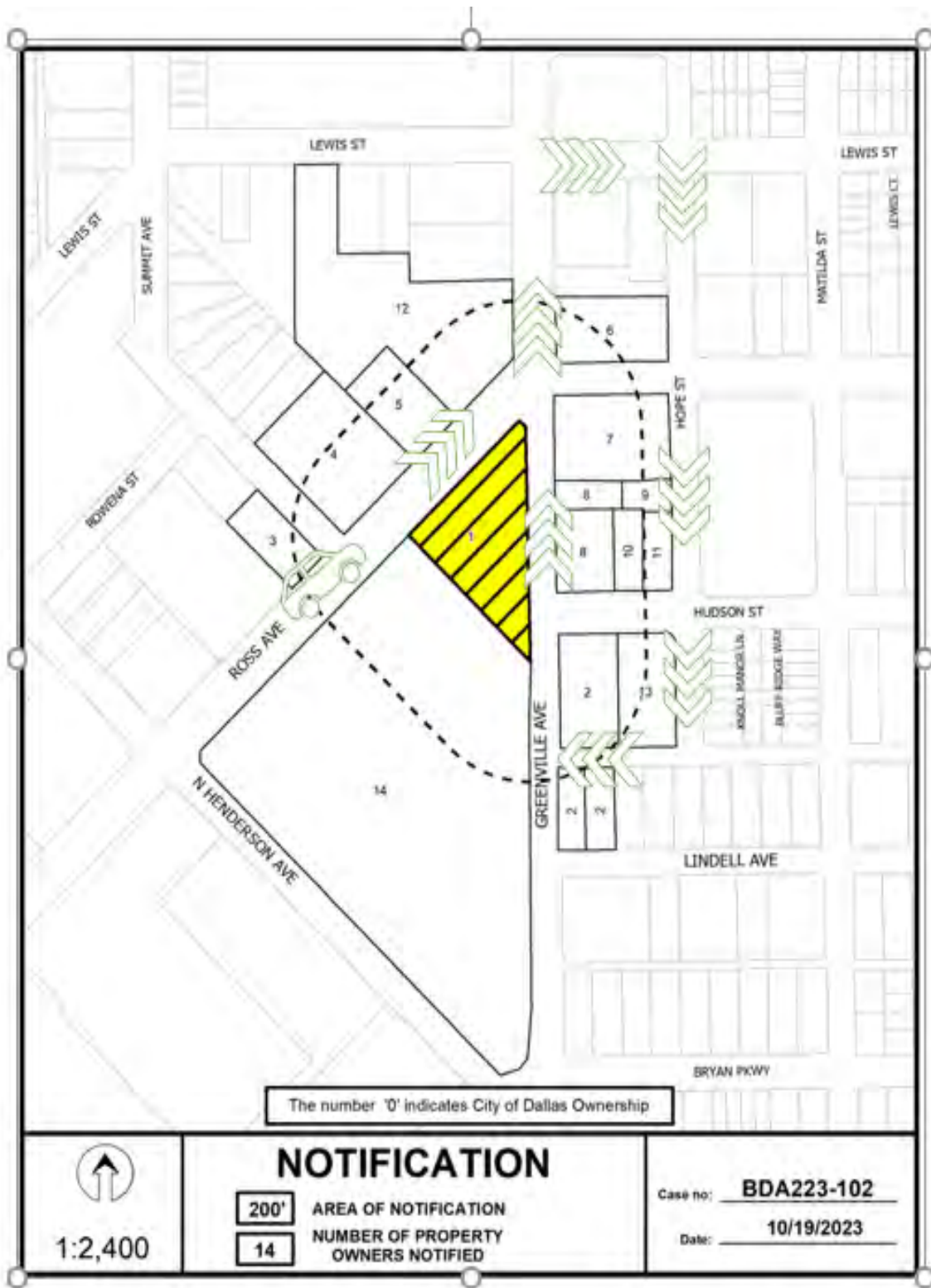
10/19/2023

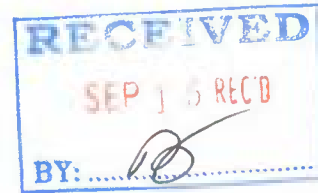
Notification List of Property Owners
BDA223-102

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5400 ROSS AVE	Taxpayer at
2	1580 GREENVILLE AVE	MARS PARTNERS JOINT
3	5329 ROSS AVE	ROSS AVENUE JOINT VENTURE
4	5403 ROSS AVE	MCDONALDS CORP
5	5415 ROSS AVE	GABERINO PROPERTIES LLC
6	1704 GREENVILLE AVE	GREENVILLE SPYGLASS LLC
7	1616 GREENVILLE AVE	AMERCO REAL ESTATE COMPANY
8	1606 GREENVILLE AVE	GOODWILL INDUSTRIES OF
9	1615 HOPE ST	MARCELLINE LUM
10	5509 HUDSON ST	CAMPBELL ROBIN LEE
11	5513 HUDSON ST	HARBER CAROL
12	5429 ROSS AVE	CHAN ALVIN B INC
13	5512 HUDSON ST	ROSS HENDERSON DEV GROUP
14	5334 ROSS AVE	ROSS HENDERSON DEV GROUP

<https://youtu.be/-jznYdPOck>





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 203-102

Data Relative to Subject Property:
Renewal proxy Code Violation
 Location address: 5434 ROSS AVE, DALLAS, TX 75206 Zoning District: PD-842
 Lot No.: JK 21 Block No.: 1487 Acreage: .96 Census Tract: _____
 Street Frontage (in Feet): 1) 415 2) 290 3) _____ 4) _____ 5) _____

Date: 9/15/23

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NAYEB FAMILY, L.P.

Applicant: RODOLFO RODRIGUEZ Telephone: 214-429-9493

Mailing Address: 2831 MODESTO DR, DALLAS, TX Zip Code: 75227

E-mail Address: finochef@gmail.com

Represented by: GILBERT CORTEZ Telephone: 469-321-2212

Mailing Address: 14100 MONTFORT DR. 4106 DALLAS, TX Zip Code: 75254

E-mail Address: gil.cortez@live.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of _____
requesting a 15 FT. Variance at Ross
requesting a 10 FT. Variance at Greenville

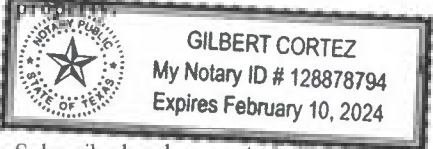
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
NOT CONTRARY TO PUBLIC SAFETY AND TRAFFIC
of pedestrians

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 RODOLFO RODRIGUEZ
(Affiant/Applicant's name printed)

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



respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 15th day of September, 2023

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

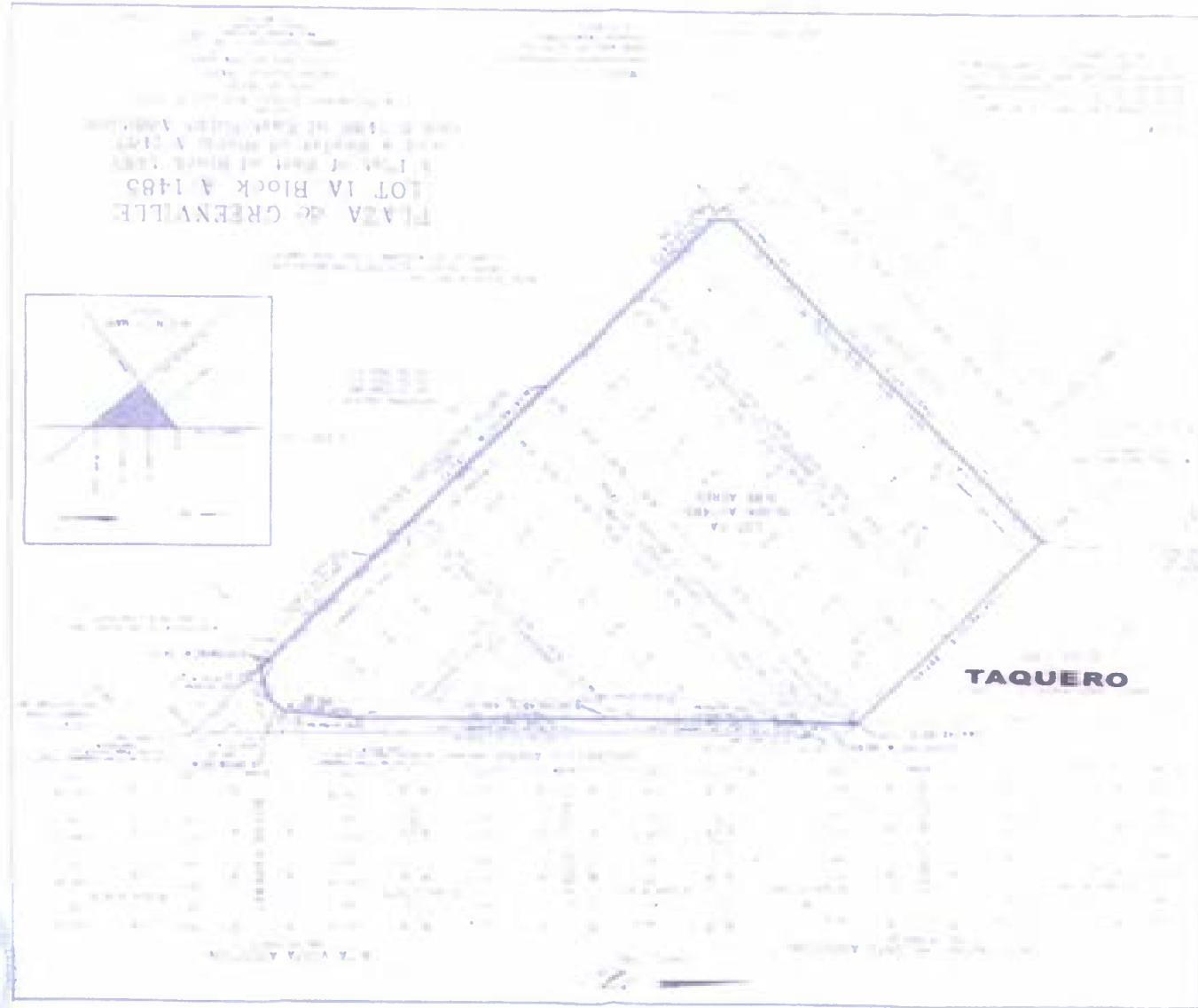
I hereby certify that RODOLFO RODRIGUEZ
represented by GILBERT CORTEZ
did submit a request for (1) a variance to the front yard setback regulations, and for (2) a
variance to the front yard setback regulations
at 5434 ROSS AVE.

BDA223-102(SD) Application of Rodolfo Rodriguez represented by Gilbert Cortez for (1) a variance to the front yard setback regulations, and for (2) a variance to the front yard setback regulations at 5434 Ross Ave. This property is more fully described as Block 1487, Tract 21, and is zoned PD-842, which requires a front yard setback of 15-feet. The applicant proposes to construct and/or maintain a non-residential structure and provide a 0-foot front yard setback on Ross Avenue, which will require (1) a 15-foot variance to the front yard setback regulations; and to construct and/or maintain a non-residential structure and provide a 0-foot front yard setback on Greenville Avenue, which will require (2) a 15-foot variance to the front yard setback regulations.

Sincerely,



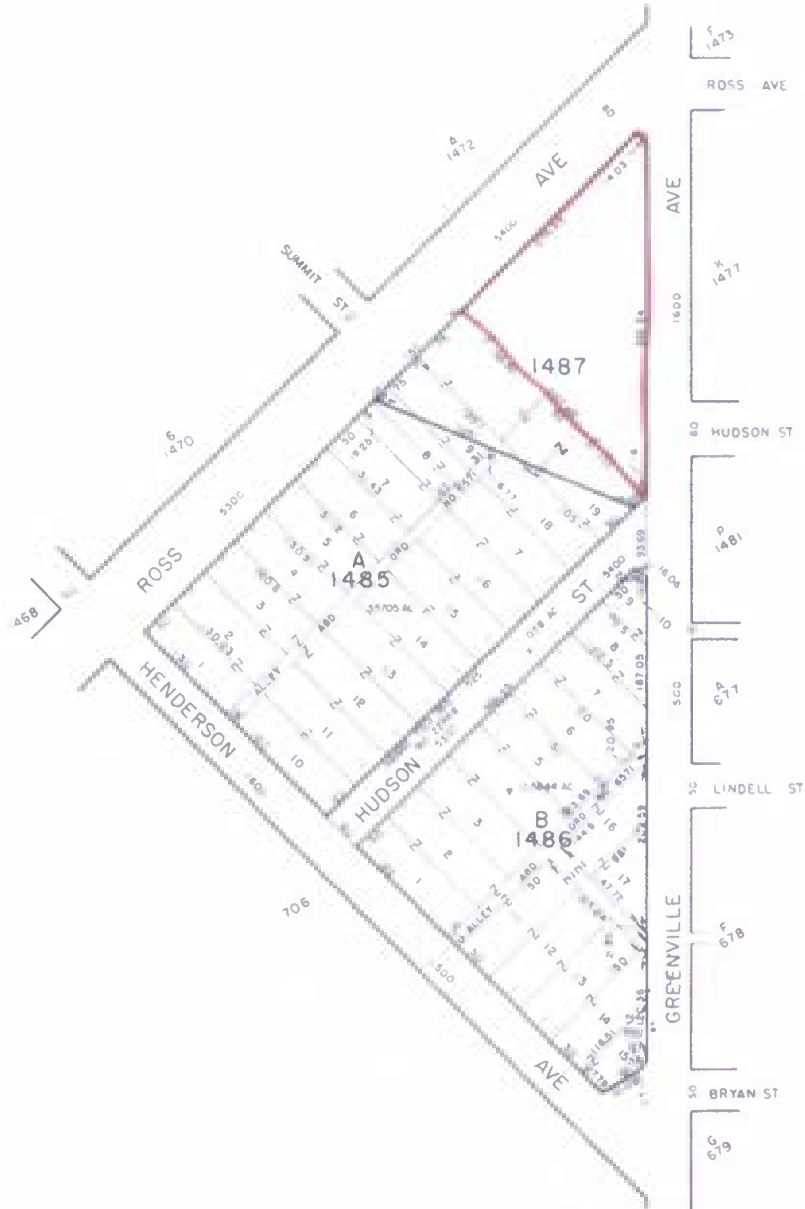
Andrew Espinoza, CBO, MCP, CFM, CCEA



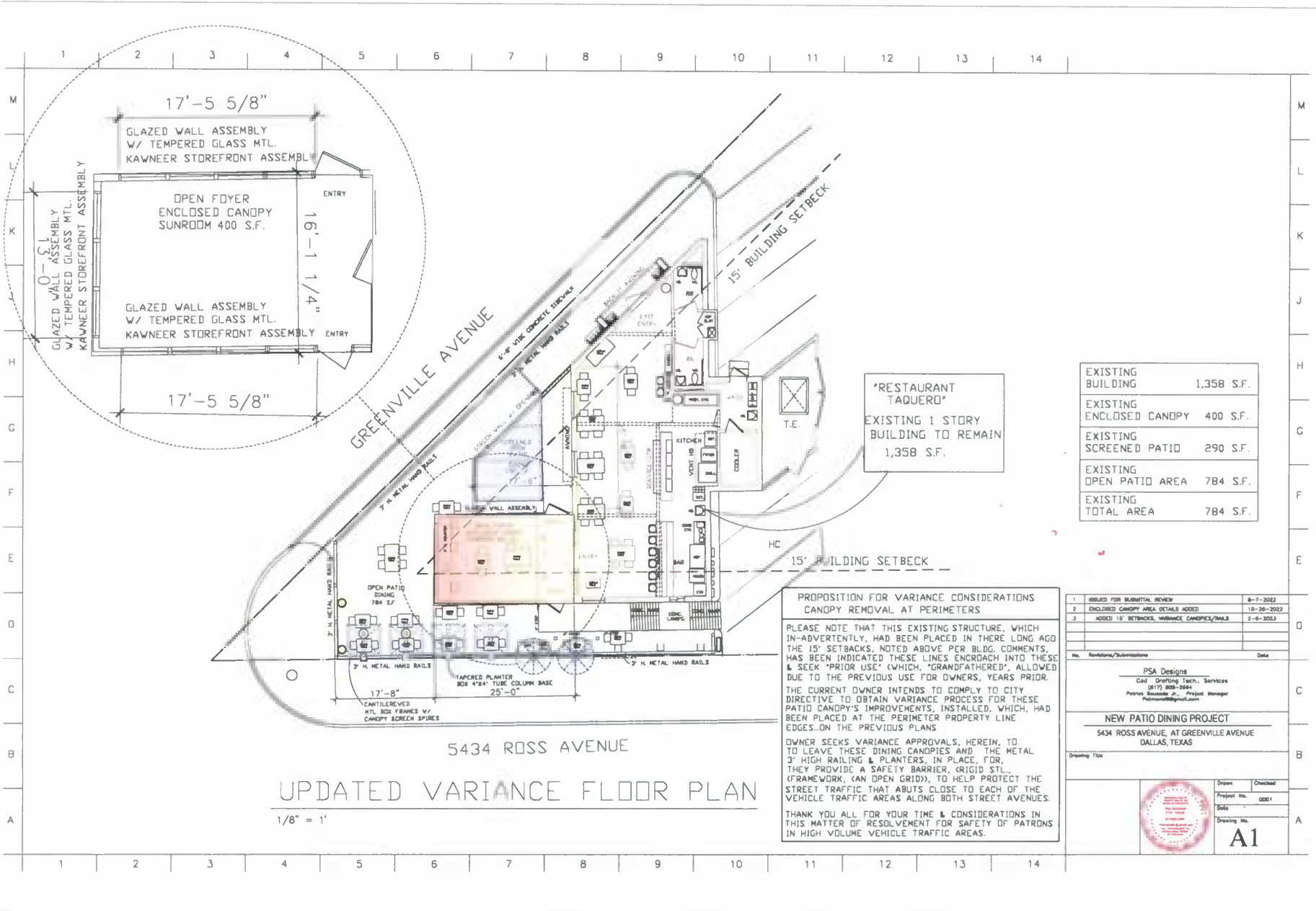
TAQUERO BOUNDARIES NOT REFLECTED ON PLAT.



BDA 223-102



BDA223-102



EXISTING BUILDING	1,358 S.F.
EXISTING ENCLOSED CANOPY	400 S.F.
EXISTING SCREENED PATIO	290 S.F.
EXISTING OPEN PATIO AREA	784 S.F.
EXISTING TOTAL AREA	784 S.F.

PROPOSITION FOR VARIANCE CONSIDERATIONS CANOPY REMOVAL AT PERIMETERS

PLEASE NOTE THAT THIS EXISTING STRUCTURE, WHICH IN-ADVERTENTLY, HAD BEEN PLACED IN THERE LONG AGO THE 15' SETBACKS, NOTED ABOVE PER BLDG. COMMENTS, HAS BEEN INDICATED THESE LINES ENCRDACH INTO THESE & SEEK "PRIOR USE" (WHICH, "GRANDFATHERED", ALLOWED DUE TO THE PREVIOUS USE FOR OWNERS, YEARS PRIOR. THE CURRENT OWNER INTENDS TO COMPLY TO CITY DIRECTIVE TO OBTAIN VARIANCE PROCESS FOR THESE PATIO CANOPY'S IMPROVEMENTS, INSTALLED, WHICH, HAD BEEN PLACED AT THE PERIMETER PROPERTY LINE EDGES, ON THE PREVIOUS PLANS

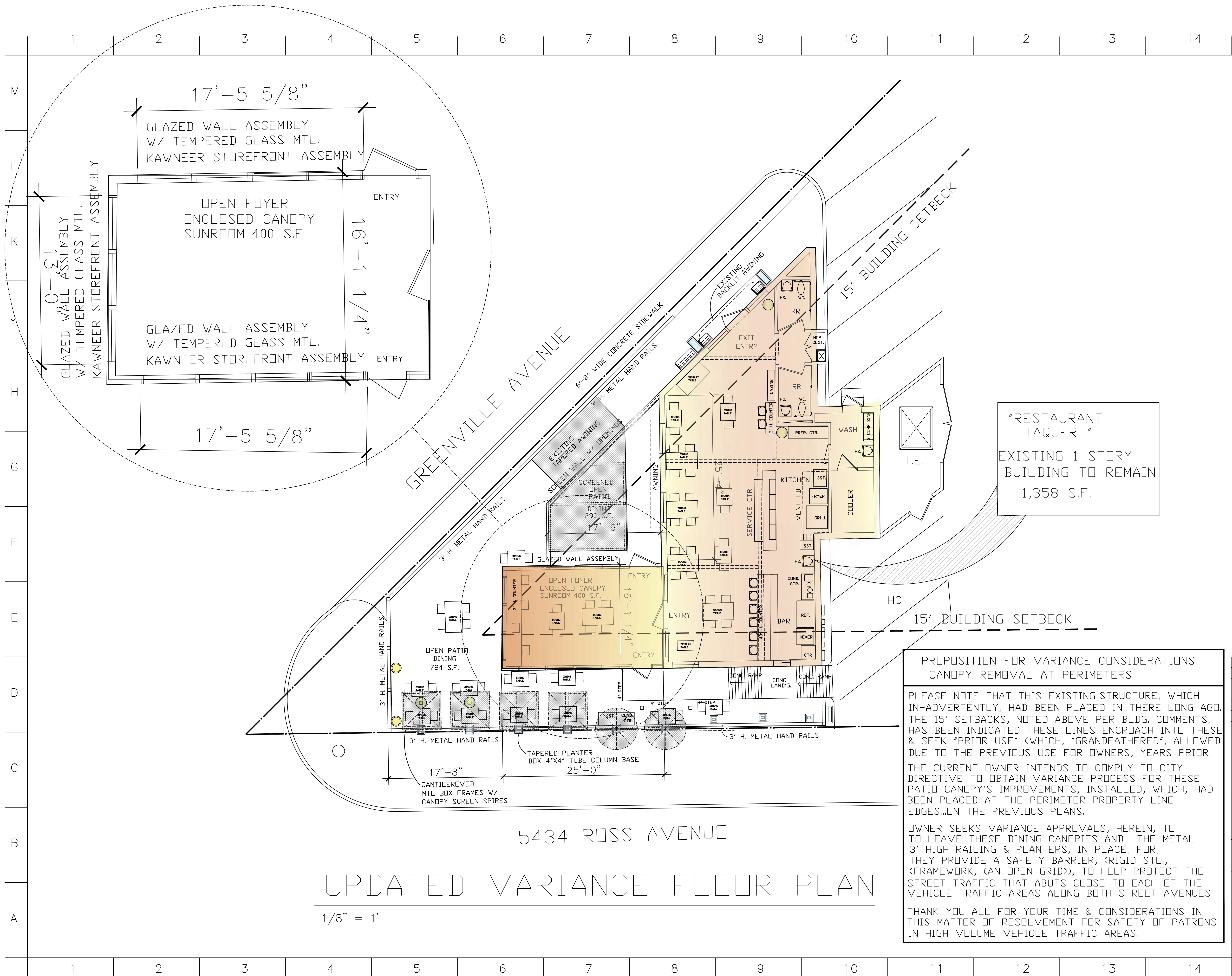
OWNER SEEKS VARIANCE APPROVALS, HEREIN, TO TO LEAVE THESE DINING CANOPIES AND THE METAL 3' HIGH RAILING & PLANTERS, IN PLACE, FOR, THEY PROVIDE A SAFETY BARRIER, (RIGID STL., FRAMEWORK, (AN OPEN GRID)), TO HELP PROTECT THE STREET TRAFFIC THAT ABUTS CLOSE TO EACH OF THE VEHICLE TRAFFIC AREAS ALONG BOTH STREET AVENUES.

THANK YOU ALL FOR YOUR TIME & CONSIDERATIONS IN THIS MATTER OF RESOLVEMENT FOR SAFETY OF PATRONS IN HIGH VOLUME VEHICLE TRAFFIC AREAS.

1	ISSUED FOR SUBMITTAL REVIEW	8-7-2022
2	ENCLOSED CANOPY AREA DETAILS ADDED	10-26-2022
3	ADDED 15' SETBACKS, VARIANCE CANOPIES/RAILS	2-9-2023
No. Revisions/Substitutions		Date
PSA Designs Cad. Drafting Tech., Services (817) 858-2664 Patrick Schneider, P.E., Project Manager psadesigns@psad.com		
NEW PATIO DINING PROJECT 5434 ROSS AVENUE, AT GREENVILLE AVENUE DALLAS, TEXAS		
Drawing Title		
		Drawn _____ Checked _____ Project No. 0001 Date _____ Drawing No. A1

5434 ROSS AVENUE
 UPDATED VARIANCE FLOOR PLAN
 1/8" = 1'

BDA 223-102



UPDATED VARIANCE FLOOR PLAN

1/8" = 1'

"RESTAURANT TAQUERO"
EXISTING 1 STORY BUILDING TO REMAIN
1,358 S.F.

PROPOSITION FOR VARIANCE CONSIDERATIONS CANOPY REMOVAL AT PERIMETERS

PLEASE NOTE THAT THIS EXISTING STRUCTURE, WHICH IN-ADVERTENTLY, HAD BEEN PLACED IN THERE LONG AGO, THE 15' SETBACKS, NOTED ABOVE PER BLDG. COMMENTS, HAS BEEN INDICATED THESE LINES ENCRDACH INTO THESE & SEEK "PRIOR USE" (WHICH, "GRANDFATHERED", ALLOWED DUE TO THE PREVIOUS USE FOR OWNERS, YEARS PRIOR. THE CURRENT OWNER INTENDS TO COMPLY TO CITY DIRECTIVE TO OBTAIN VARIANCE PROCESS FOR THESE PATIO CANOPY'S IMPROVEMENTS, INSTALLED, WHICH, HAD BEEN PLACED AT THE PERIMETER PROPERTY LINE EDGES...ON THE PREVIOUS PLANS.

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THANK YOU ALL FOR YOUR TIME & CONSIDERATIONS IN THIS MATTER OF RESOLVEMENT FOR SAFETY OF PATRONS IN HIGH VOLUME VEHICLE TRAFFIC AREAS.

EXISTING BUILDING	1,358 S.F.
EXISTING ENCLOSED CANOPY	400 S.F.
EXISTING SCREENED PATIO	290 S.F.
EXISTING OPEN PATIO AREA	784 S.F.
EXISTING TOTAL AREA	784 S.F.

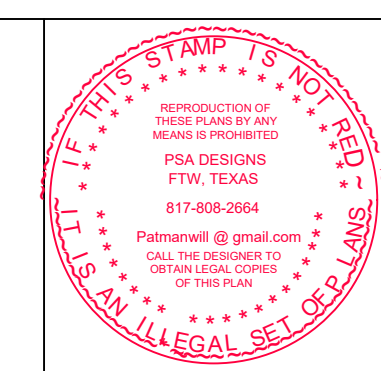
1	ISSUED FOR SUBMITTAL REVIEW	8-7-2022
2	ENCLOSED CANOPY AREA DETAILS ADDED	10-26-2022
3	ADDED 15' SETBACKS, VARIANCE CANOPIES/RAILS	2-9-2023
4	NOTED AWNINGS ON GREENVILLE AVE. FACADE	10-23-2023

No. Revisions/Submissions Date

PSA Designs
Cad Drafting Tech., Services
(817) 808-2664
Patrick Saucedo Jr., Project Manager
Patmanwill@gmail.com

NEW PATIO DINING PROJECT
5434 ROSS AVENUE, AT GREENVILLE AVENUE
DALLAS, TEXAS

Drawing Title	
Drawn	Checked
Project No.	0001
Date	
Drawn	Checked
Project No.	0001
Date	
Drawn	Checked
Project No.	0001
Date	
Drawn	Checked
Project No.	0001
Date	



A1

Applicant's Documentary Evidence

TAQUERO - COMIDA MEXICANA
5434 Ross Avenue, Dallas TX 75206
PH. (469) 372-6049
<https://taquerodallas.com/>

Friday, November 3, 2023

TO: DIANA BARKUME
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN Dallas, TX 75201

FACTS OF EVIDENCE TO MEET BUILDING COMPLIANCE STANDARDS

INTRODUCTION:

TO THE HONORABLE MEMBERS OF THE BOARD OF ADJUSTMENT OF THE CITY OF DALLAS:

DEAR MEMBERS:

A variance request process was suggested from Senior Planner, MS. Ann Hamilton in order to present the case following the rules and demonstrate the circumstances leading to get an approval for a Certificate of Occupancy, based in the following facts:

The original site plan of a very old building where is located TAQUERO, a recently remodeled and beautiful restaurant was up to city building rules from decades ago until the acquisition by the new owner, MR. RODOLFO RODRIGUEZ.

Pursuant to city new standards some aspects of the remodeling project incurred in blocking "THE RIGHT OF WAY" clearance requirement from the sidewalk over the streets of Ross and Greenville Avenues.

The triangular shape of the building almost to the edge of the property slopes made it impossible to meet the 15 FT. Clearance and a variance to a setback of “ZERO” is imminent on both street slopes for this NON-COMPLIANT PROPERTY.

It’s important to take into consideration that this variance in no way will endanger Public Safety, First Responders, Fire and Rescue, Police or Emergency Exits or Evacuation Efforts.

The remodeling project of this restaurant has exceeded over \$165 Thousand of Dollars creating a modern, beautiful and enjoyable environment for our patrons and citizens of Dallas. The business community and residents support has been overwhelm from all.

MR. Rodolfo Rodriguez, the owner of “TAQUERO- COCINA MEXICANA” is a minority business entrepreneur of Hispanic Ascend and a young hard working individual. Has an impeccable reputation as a world class executive chef. His business is creating jobs, pays taxes and is proud of his great vision of success and is proud of The City of Dallas. I’m asking respectfully to The Board of Adjustment to approve the Special Exception Variance to bring this property to compliance and move forward.

Thank You for your kind attention and consideration.

Sincerely,

GILBERT CORTEZ/ APPLICANT.

C. 469-321-2212

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

TUESDAY, NOVEMBER 14, 2023

FILE NUMBER: BDA223-107 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Michael Vann to appeal the decision of the administrative official at 5524 Vickery Blvd. This property is more fully described as Block 10/1928, Lot 6 and is zoned CD-15, which requires compliance with conservation district architectural standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district review.

LOCATION: 5524 Vickery Blvd.

APPLICANT: Michael Vann

REQUEST:

A request is made to appeal the decision of the administrative official for the denial CD23051003 application to exceed fence height limit in side-yard.

STANDARD FOR APPEAL FROM DECISION OF AN ADMINISTRATIVE OFFICIAL:

Dallas Development Code Sections 51A-3.102(d)(1) and 51A-4.703(a)(2) state that any aggrieved person may appeal a decision of an administrative official when that decision concerns issues within the jurisdiction of the Board of Adjustment.

The Board of Adjustment may hear and decide an appeal that alleges error in a decision made by an administrative official. Tex. Local Gov't Code Section 211.009(a)(1).

Administrative official means that person within a city department having the final decision-making authority within the department relative to the zoning enforcement issue. Dallas Development Code Section 51A-4.703(a)(2).

BACKGROUND INFORMATION:

Zoning:

Site: CD-15
North: CD-15
South: CD-15
East: CD-15
West: CD-15

Land Use:

The subject site is developed with a single-family home. The surrounding properties are also developed with single-family homes.

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- The board shall have all the powers of the administrative official on the action appealed. The board may in whole or in part affirm, reverse, or amend the decision of the official.

Timeline:

October 4, 2023: The applicant was sent a denial letter for CD23051003 application to exceed fence height limit in side yard.

October 4, 2023: 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 19, 2023: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel **A**.

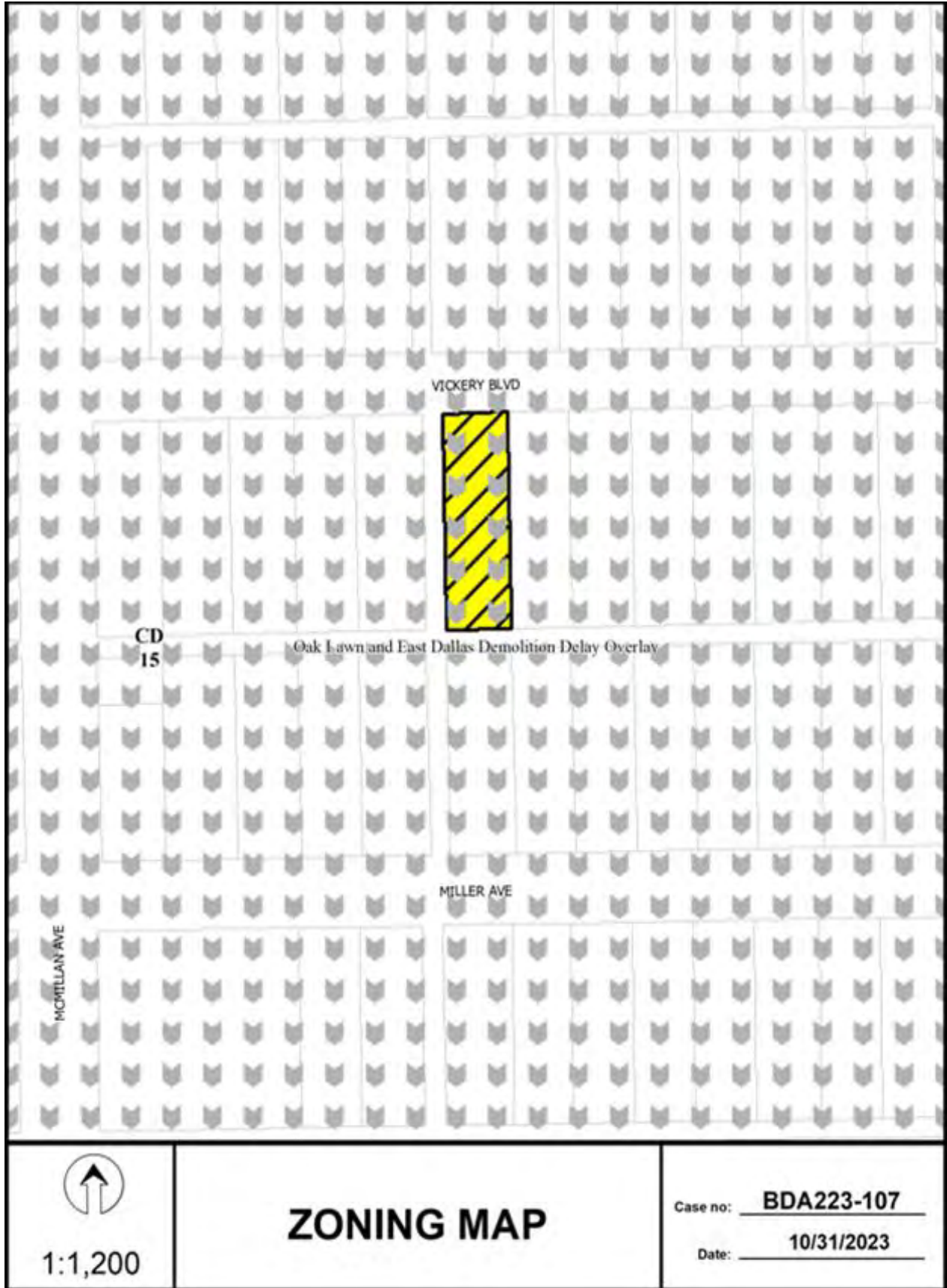
October 23, 2023: The Senior Planner emailed the applicant's representative the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the October 23rd deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd 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 23, 2023: The Applicant provided documentary evidence.

November 1, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.



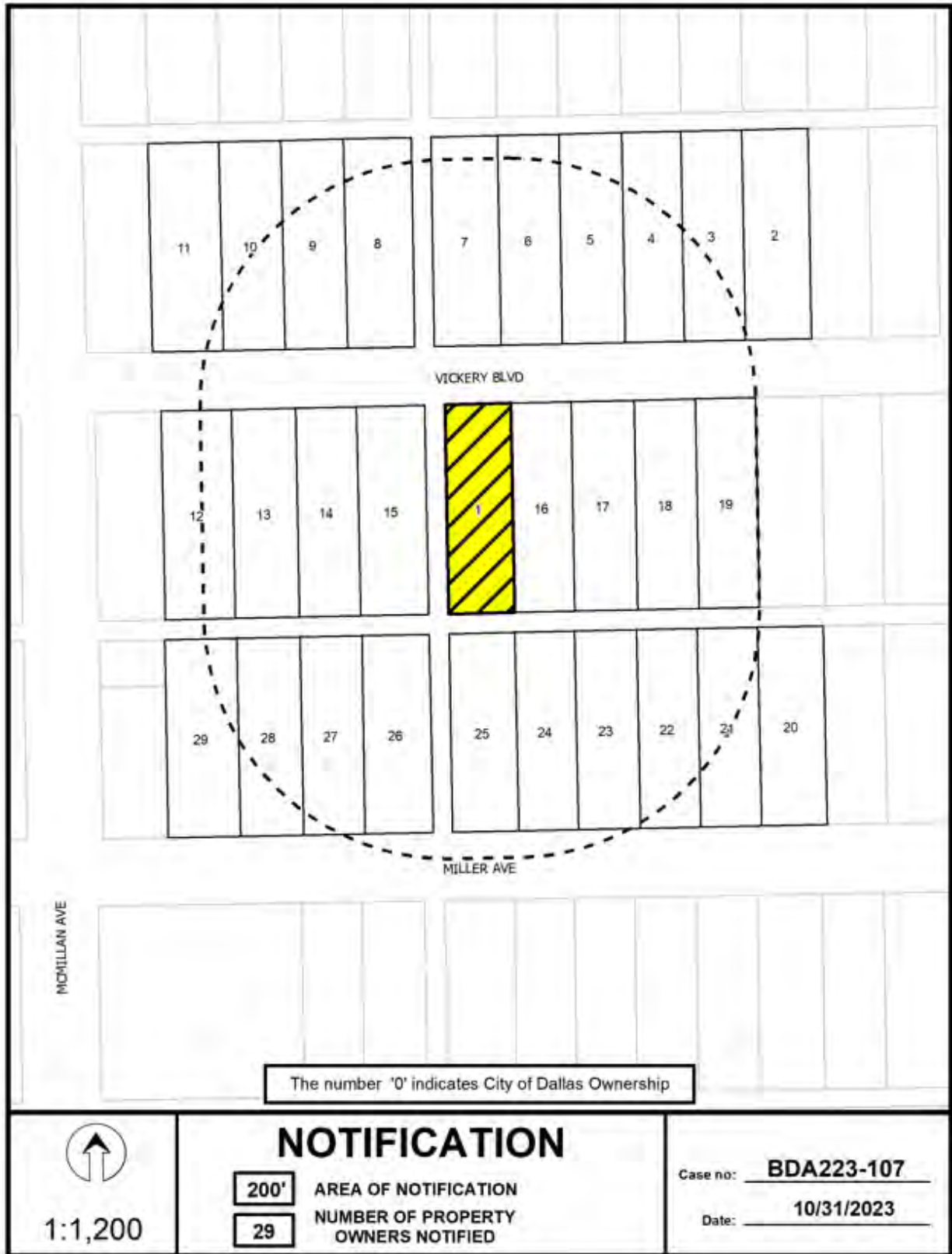


1:1,200

ZONING MAP

Case no: BDA223-107

Date: 10/31/2023



10/31/2023

Notification List of Property Owners**BDA223-107****29 Property Owners Notified**

Label #	Address	Owner
1	5524 VICKERY BLVD	SHEPPARD KEVIN R &
2	5545 VICKERY BLVD	POE DENTON
3	5539 VICKERY BLVD	BURKE RICHARD T
4	5535 VICKERY BLVD	GOMEZ SALVADOR & MARGARET
5	5533 VICKERY BLVD	CALISE CHARLES TAYLOR &
6	5527 VICKERY BLVD	ALDENDIFER PETER & ELISE
7	5523 VICKERY BLVD	ROSEN MICHAEL &
8	5519 VICKERY BLVD	FODGE JOHN K & LINDA L
9	5515 VICKERY BLVD	BUFKIN CHRISTOPHER
10	5509 VICKERY BLVD	CANDLER GEORGE H &
11	5507 VICKERY BLVD	PETERSEN DENNING DREW &
12	5506 VICKERY BLVD	GREGORCYK SHARON G &
13	5508 VICKERY BLVD	RAINEY BONNIE L &
14	5514 VICKERY BLVD	URQUHART S SELENA &
15	5516 VICKERY BLVD	BUCKNER PATRICK J
16	5528 VICKERY BLVD	AFLALO TEXAS LLC
17	5534 VICKERY BLVD	CARTWRIGHT SHAUN &
18	5536 VICKERY BLVD	NELSONAPPLEGATE KIMI
19	5540 VICKERY BLVD	WAXLER BRIAN & MARY ANNE V
20	5543 MILLER AVE	THUYNE GREG VAN &
21	5541 MILLER AVE	CROSS JOHN SCOTT & BEVERLY DAWN
22	5537 MILLER AVE	KITZIGER FAMILY LIVING TRUST
23	5533 MILLER AVE	DAVIS WESTON MORGAN &
24	5527 MILLER AVE	THRIFT PHILIP DOUGLAS
25	5523 MILLER AVE	CLAGETT TAYLOR MCDONALD &
26	5519 MILLER AVE	THURMOND JOHNNY &

10/31/2023

Label #	Address	Owner
27	5515 MILLER AVE	JWH SIDELINE INVESTMENTS LLC
28	5509 MILLER AVE	SEA MICHAEL & KELLY
29	5507 MILLER AVE	GARCIA SANTIAGO & DIANA S



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BDA 223-107 **RECEIVED**
Date: **OCT 01 REC'D**

Data Relative to Subject Property: CO renewal renewal

Location address: 5524 Vickory Blvd Zoning District: GBA-1.5

Lot No.: 6 Block No.: 101928 Acreage: 0.195 Census Tract: 10-01

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Kevin Sheppard and Michael Vann

Applicant: Michael Vann Telephone: 210-259-7791

Mailing Address: 5524 Vickory Blvd, Dallas, TX Zip Code: 75206

E-mail Address: MBVANN1@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____ or Special Exception _____ of _____

AO - Appealing building official denial for fence height. (31 feet of fence are out of ordinance by 2 feet in height)

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:

Our side yard on West side adjoins a 15' Alley/Government so we don't impede on the light, air ^{exit} or space between the next house s' described in 2639.4.

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. 6.2.1

Affidavit

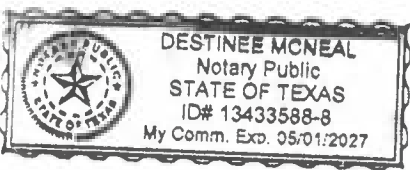
Before me the undersigned on this day personally appeared Michael Vann
(Affiant/Applicant's name printed)

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 4 day of October, 2023

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Michael Vann

did submit a request to appeal the decision of the administrative official
at 5524 VICKERY BLVD.

BDA223-107(KMH) Application of Michael Vann to appeal the decision of the administrative official at 5524 Vickery Blvd. This property is more fully described as Block 10/1928, Lot 6 and is zoned CD-15, which requires compliance with conservation district architectural standards. The applicant proposes to appeal the decision of an administrative official in the denial of a conservation district review.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-107

I, Kevin R. Sheppard, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5524 Vickery Blvd, Dallas, TX 75206
(Address of property as stated on application)

Authorize: Michael S. Vann
(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: Requesting special exception for 2' increase on side fences.
AO Appeal building official denial for fence height

Kevin R. Sheppard
Print name of property owner or registered agent

Kevin Sheppard
Signature of property owner or registered agent

Date 07/14/2023

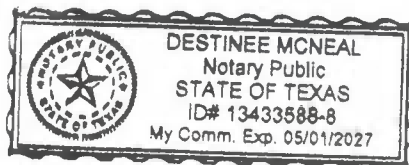
Before me, the undersigned, on this day personally appeared Kevin Sheppard

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 14 day of July, 2023

Destinee McNeal
Notary Public for Dallas County, Texas

Commission expires on 05/01/2027





CITY OF DALLAS

October 4, 2023

CERTIFIED MAIL NO. 70060810000355296139

Mr. Michael Vann
5524 Vickery BLVD
Dallas, TX 75206

RE: Denial of CD23051003 application to exceed fence height limit in side yard

Dear Mr. Vann:

Your application to construct a fence at 8-feet in height within the side yard has been denied. You may appeal this decision to the Board of Adjustment pursuant to Ordinance 26391(10)(d). In considering the appeal, the sole issue before the Board of Adjustment is whether the Director erred in the decision to deny your application. The Board of Adjustment shall consider the standards that were required when the review was done. The enclosed CD work certificate contains sections of the ordinance pertinent to the denial of your application.

You have twenty (20) days from the date of the denial to file your appeal with the Board of Adjustment. Any questions related to an appeal should be directed to Nikki Dunn, Chief Planner for the Board of Adjustment, whose contact is (214)948-4366 or sheniqua.dunn@dallas.gov, or Diana Barkume, Senior Plans Examiner, at (214)942-4364 or diana.barkume@dallas.gov.

Respectfully,

Trevor A. Brown
Chief Planner, Conservation Districts

Enclosure
CD Certificate of Denial

RECEIVED
DATE 5-2-74

CITY OF DALLAS PLAT BOOKS

ANNEXED _____ ORD. NO. _____
SURVEY J. HART _____ ABST. 578

ADDITION PT. OF VICKERY PLACE


BLOCKS 1925-1928

SCHOOL DISTRICT DALLAS

SCALE 100 FT. EQUALS 1 INCH

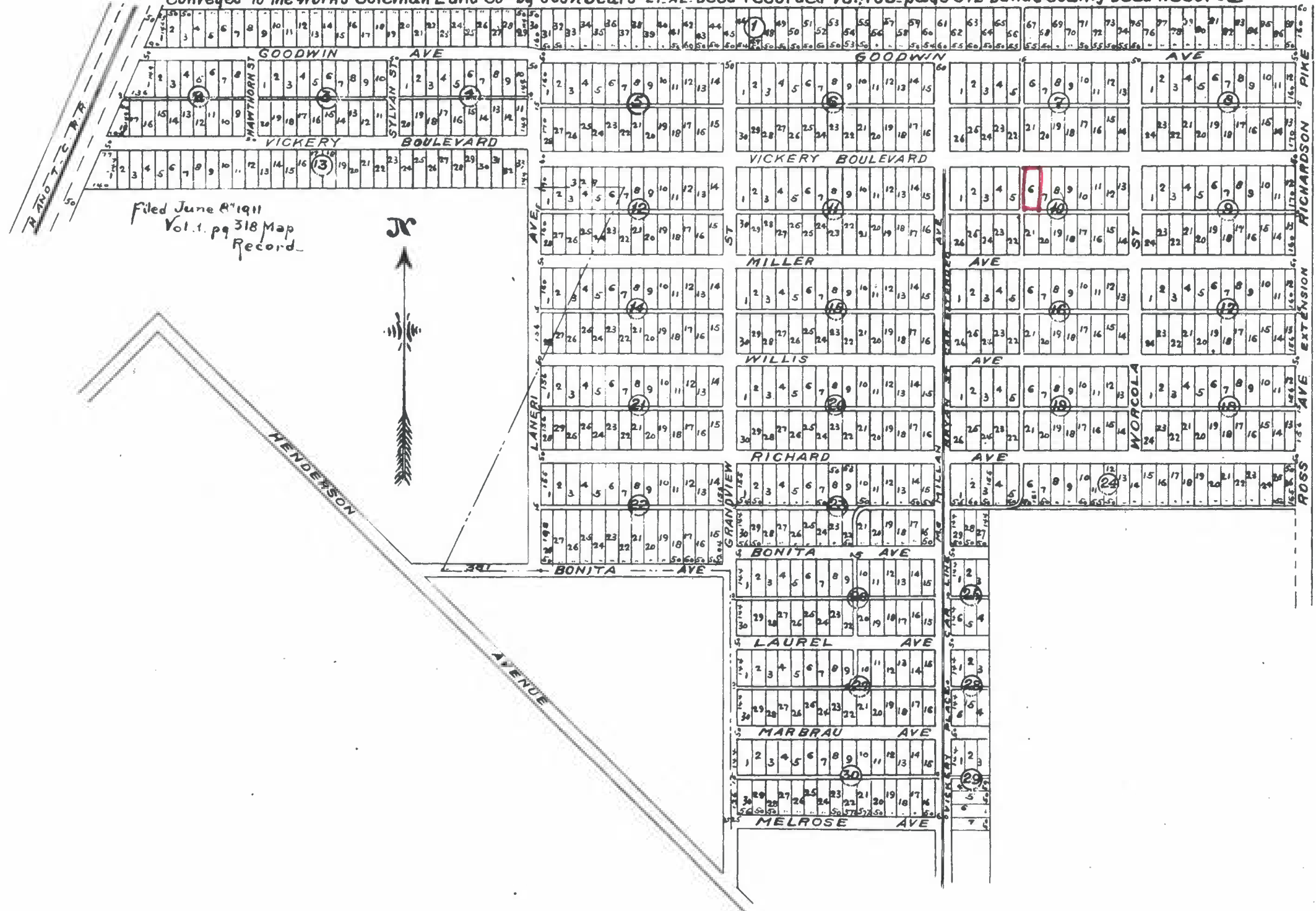
TG





 TRUE AND CORRECT
 COPY OF RECORD
 ON FILE IN CITY
 SURVEYOR'S OFFICE
 BY: *James Butler*
 DATE: 7-12-2023

Vickery Place

Being a subdivision of a tract of land of 170 acres out of the J.G. Hart survey conveyed to the Works-Coleman Land Co by J.D. Caldwell and wife Deed recorded Vol. 494 page 21. and a tract of 23.18 Ac out of the J.M. Patterson survey conveyed to the Works Coleman Land Co by Jas W. Sears ET AL. Deed recorded Vol. 493 page 572 Dallas County Deed Records




 TRUE AND CORRECT
 COPY OF RECORD
 ON FILE IN CITY
 SURVEYOR'S OFFICE
 BY: *Jerry D. Bell*
 DATE: 7-12-2017

(From Lithograph Copy)
No Scale