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CITY SECRETARY
DALLAS, TEXAS



City of Dallas

REVISED - BOARD OF ADJUSTMENT (PANEL B)

November 15th, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES, and Videoconference

Video Conference Link: <https://bit.ly/111523-B>
Telephone: (408) 418-9388, Access Code: 325527

Public Notice

230999

POSTED CITY SECRETARY
DALLAS, TX

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-B-Register> by the close of business Tuesday, November 14th, 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 <https://bit.ly/BDA-B-Register> antes de cierre de oficina el Martes, 14 de Noviembre, 2023. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

REVISED AGENDA

- I. **Call to Order** Cherri Gambow, Vice-Chair
- 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 B Minutes – October 18th, 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)

BDA223-092(KMH)	2851 W. Jefferson Boulevard REQUEST: Application of Maurice Wilson represented by Krystina Paige for (1) a variance to the front yard setback regulations, and for (2) a variance to the building height regulations.	1
BDA223-093(SD)	4200 Duncanville Road REQUEST: Application of Jennifer Hiromoto for (1) a special exception to the landscaping regulations.	2
BDA223-094(SD)	5540 North Forty Place REQUEST: Application of Itamar David to (1) provide an additional electrical meter.	3
BDA223-099(ND)	4211 Irving Boulevard REQUEST: Application of Ryan Smiegiel for (1) a special exception to the landscaping regulations.	4
BDA223-100(ND)	1057 Kessler Parkway REQUEST: Application of James Thrower represented by Peter Kavanagh with Zone Systems Inc. for (1) a variance to the front-yard setback regulations.	5

HOLDOVER

BDA223-074(KMH)	5505 Chatham Hill Road REQUEST: Application of Masterplan, Represented by Trenton Robertson for (1) a special exception to the fence height regulations.	6
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INDIVIDUAL CASES

BDA223-098(KMH)	4104 Saranac Drive REQUEST: Application of Laguna Homes Inc. for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations.	7
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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 B Minutes

August 16, 2023

DRAFT



6ES Briefing Room
24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Sarah Lamb	
Joe Cannon - Virtual	
Michael Karnowski	
Derrick Nutall - Virtual	

ABSENT: [0]

Vice-Chair Gambow called the briefing to order at **10:41 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:04 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 speaker for public testimony during this hearing.

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel B May 17, 2023 public hearing minutes.

Motion was made to approve Panel B May 17, 2023 public hearing minutes.

Maker:	Sarah Lamb				
Second:	Derrick Nutall				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

CONSENT ITEMS

1. 5100 Ross Avenue
 BDA223-071(GB)

BUILDING OFFICIAL’S REPORT Application of Baldwin Associates for a special exception to the landscaping regulations at 5100 Ross Ave. This property is more fully described as Block A/706, Lot 2 and is zoned MF-2(A), which requires mandatory landscaping. The applicant proposes to construct and maintain a non-residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5100 Ross Avenue

APPLICANT: Baldwin Associates

REQUEST:

This is a request for a special exception to the landscaping regulations at 5100 Ross Ave. This property is more fully described as Block A/706, Lot 2 and is zoned MF-2(A), which requires mandatory landscaping. The applicant proposes to construct and maintain a non-residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REGULATIONS:

SEC. 51A-10.110. SPECIAL EXCEPTION.

(a) The board may grant a special exception to the requirements of this article upon making a special finding from the evidence presented that:

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

(b) In determining whether to grant a special exception under Subsection (a), the board shall consider the following factors:

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

STAFF RECOMMENDATION:

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.

Background information:

No BDA History within the last five years.

Zoning:

Site: CR
North: LO-1 and PD462
South: MF-2 (A) and CR
East: PD462
West: MF-2 (A) and CR

Land Use:

The subject site is developed with a nonresidential structure. Areas to the North, South, East, and West are developed with mixed uses, commercial, retail, and multi-family.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the landscape regulations.
- The subject property is located at 5100 Ross Avenue and is zoned CR.
- The applicant proposes to construct and maintain a nonresidential structure on the subject site.

Timeline:

- May 31, 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.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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."
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers
- June 29, 2023: The engineering department submitted a comment sheet.

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:

BDA223-071 - Application of Baldwin Associates for a special exception to the landscaping regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the revised site plan is required.

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

2. 7704 Glen Albens Drive

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

BDA223-073(GB)

BUILDING OFFICIAL’S REPORT Application of Gretchen Raiff for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 Glen Albens Cir. This property is more fully described as Block 2/5454, Lot 66 and is zoned R-7.5(A), which allows 45% maximum lot coverage. The applicant proposes to construct a single-family residential structure with 7423 square feet of floor area (4196 sf lot coverage; 52.63%), which will require a 609 square foot special exception to the maximum allowed lot coverage of 45%.

LOCATION: 7704 Glen Albens Circle

APPLICANT: Michael and Gretchen Raiff

REQUEST:

This is a request for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 Glen Albens Cir. The applicant proposes to construct a single-family residential structure with 7423 square feet of floor area (4196 sf lot coverage; 52.63%), which will require a 609 square foot special exception to the maximum allowed lot coverage of 45%.

STANDARD FOR A SPECIAL EXCEPTION:

Section 51A-1.107 of the Dallas Development Code states the board of adjustment **shall grant** a special exception to any regulation in this chapter if, after a public hearing, the board finds that the **exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.**

(2) The board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section.

(3) This section does not authorize the board to grant a change in the use of a building or structure. (Ord. 21183)

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception 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:

No BDA History within the last five years.

Zoning:

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

Land Use:

The subject site is developed with a residential structure. Areas to the North, South, East, and West are developed with residential uses.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7704 Glen Albens Circle.
- The subject property is located at 7704 Glen Albens Circle and is zoned R-7.5 (A)
- The R-7.5 (A) zoning only allows a maximum lot coverage of 45%. The additional square footage will increase the lot coverage by 7.63 %.
- There appears to be other homes in the subdivision commensurate with the applicant's request.

Timeline:

- June 02, 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.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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."
- July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

Speakers:

For: Gretchen Raiff, 7704 Glen Albens, Dallas TX 75225

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-073, on application of Gretchen Raiff, **GRANT** the request of this applicant to construct a single-family residential structure which will require a 609 square foot special exception to the maximum allowed lot coverage of 45%, as a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling, as contained in the Dallas Development Code, as amended.

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:	Sarah Lamb				
Second:	Derrick Nutall				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

3. 2021 Haymarket Road

BDA223-076 (GB)

BUILDING OFFICIAL’S REPORT Application of Jacob Salmeron for a special exception to the fence height regulations at 2021 Haymarket Rd. This property is more fully described as block 8503, Lots 29 and 30 and is zoned A(A), which limits the height of a fence in the front-yard to 4-feet. The applicant proposes to construct a 6-foot-high fence in a required front-yard, which will require a 2-foot special exception to the fence height regulations.

LOCATION: 2021 Haymarket Road

APPLICANT: Jacob Salmeron

REQUEST:

This is a request for a special exception to the fence height regulations at 2021 Haymarket Rd. The applicant proposes to construct a 6-foot-high fence in a required front-yard, which will require a 2-foot special exception to the fence height regulations.

STANDARD FOR A SPECIAL EXCEPTION:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception 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:

No BDA History within the last five years.

Zoning:

Site: A (A)

North: A (A)

South: A (A)

East: A (A)

West: A (A)

Land Use:

The subject site is mostly undeveloped with grass and a metal shed. Areas to the North, South, East, and West are developed with agriculture uses.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the fence regulations.
- The subject property is located at 2021 Haymarket Road and is zoned A (A)- Agriculture.
- The maximum fence height for a required front yard is four feet. (51A-4.602 (a) 2)
- There appears to be other fences within the surrounding area that are commensurate with the applicant's request.

Timeline:

June 02, 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.

June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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."

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

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:

BDA223-076 - Application of Jacob Salmeron for a special exception to the fence height regulations in the Dallas Development Code is granted subject to the following condition:

Compliance with the revised site plan is required.

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

HOLDOVER

4. 5215 Morningside Avenue

BDA223-038 (KMH)

BUILDING OFFICIAL’S REPORT: Application of Tim Myrick represented by James Barnes for a variance to the rear yard setback regulations at 5215 Morningside Ave. This property is more fully described as Block 17/2928, Lot 9, and is zoned CD-9, which requires a rear yard setback of 5 feet. The applicant proposes to construct a single-family residential accessory structure and provide a 4-foot front yard setback, which will require a 1-foot variance to the rear yard setback regulations.

LOCATION: 5215 Morningside Ave.

APPLICANT: Tim Myrick
 Represented by Nick George

REQUEST:

A request for a variance to the rear yard setback regulations of 1-foot is made to construct a single-family residential accessory structure (detached garage). The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.

STANDARD FOR A VARIANCE:

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

- **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.
- **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
- **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, subject to the following condition:

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

Rationale:

Staff concluded, that when applying the evidence submitted to the relevant code standard, that granting the variance in this application would:

- A. **not be contrary to the public interest;**
- 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**, in that it is located within CD 9 and cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- C. **not be granted to relieve a self-created or personal hardship.**

ZONING/BDA HISTORY:

No BDA history in the past five years.

Zoning:

Site: CD-9
North: CD-9
South: CD-9
East: CD-9
West: CD-9

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 rear yard setback regulations of 4 feet is made to maintain a single family residential accessory structure.
- The applicant is proposing to construct a single-family residential accessory structure and provide a 4-foot rear yard setback, which will require a 1-foot variance to the rear yard setback regulations.
- The subject site is flat and rectangular in shape (130' x 65') and is 8,450 square feet in area.
- The height of this detached accessory structure (garage) exceeds 15 feet.
- The proposed accessory structure appears to be 22' in length and 20' in width.
- No variance would be necessary if the height of the garage was 15 feet or less and if the rear yard was not adjacent to an alley.
- The applicant submitted a document and photos to this submission to be utilized as attachments to this case.

- The applicant has the burden of proof in establishing the following:
 - (10) 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:
 - (A) In general.
 - (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;
 - (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
 - (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.
- If the Board were to grant the variance request, and impose the submitted site plan and elevation as a condition, the structure in the rear yard setback would be limited to what is shown on this document– which in this case is a garage that would be located 4 feet from the rear yard setback.

Timeline:

- February 17, 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.
- March 6, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- March 23, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the January 23rd deadline to submit additional evidence for staff to factor into their analysis; and the February 10th 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.”
- March 24, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Board of Adjustment Development Code Specialist, the Board of Adjustment Consultant, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

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

March 31, 2023: The applicant provided documentary evidence.

May 17, 2023: The Board of Adjustment Panel B, at its public hearing held on Wednesday, May 17, 2023, moved to hold this matter under advisement until August 16, 2023.

July 26, 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.

Speakers:

For: Scott Jordan, 5215 Morningside Ave, Dallas TX 75206
James Barnes, 4447 N. Central Expwy., Dallas TX 75205(did not speak)

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-038, on application of Tim Myrick, **GRANT** the 1-foot variance to the rear-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 submitted site plan is required.

Maker:	Joe Cannon				
Second:	Sarah Lamb				
Results:	5-0 unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

INDIVIDUAL CASES

5. 2730 N. Henderson Avenue
BDA223-062 (GB)

BUILDING OFFICIAL'S REPORT Application of Audra Buckley for a variance to the parking regulations at 2730 N HENDERSON AVE. This property is more fully described as Block 8/1973,

Lot 5, and is zoned PD-462 Subarea 1, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require an 8-space variance (61.54% reduction) to the parking regulation.

LOCATION: 2730 N. Henderson Ave
APPLICANT: Audra Buckley

REQUEST:

This is a request for a variance to the parking regulations at 2730 N HENDERSON AVE. This property is more fully described as Block 8/1973, Lot 5, and is zoned PD-462 Subarea 1, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require an 8-space variance (61.54% reduction) to the parking regulation.

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.

STAFF RECOMMENDATION:

Approval

Rationale:

Based upon evidence presented by the applicant staff concluded that:

All three (3) elements of the variance were met, namely that request is:

1. Not contrary to the public interest evidenced by the absence of opposition (because there is no opposition it can be assumed that it is not contrary to public interest, and consequently this element is met).
2. Necessary to permit development of a specific parcel of land because of the irregularity in the property. The subject site is triangular and encumbered by two street frontages and an

alley. As a result, the site differs from other parcels of land being not only of such a restrictive shape, but also of a restrictive area; so much so that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning (because the subject property is an odd shape it is necessary to permit development due to the restrictive shape, so much that it cannot be developed in a manner commensurate with other parcels of land with the same zoning, consequently this element is met); and

3. Not a self-created or personal hardship because there is no evidence that this is a self-created or personal hardship.

ZONING/BDA HISTORY:

- BDA212-042 VARIANCE TO THE OFF-STREET PARKING REGULATIONS WAS APPROVED ON JUNE 02, 2022, BY PANEL B

Zoning:

Site: PD462 subarea 1
North: PD462 subarea 1
South: LO-1
East: CR
West: R-5 (A)

Land Use:

The subject site is developed with a structure that will be used for general merchandise store. Areas to the North, South, East, and West are developed with mixed-uses, residential, a school, a park, and retail.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a variance to the parking regulations. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less and provide 5 of the required 13 parking spaces, which will require an 8-space variance (61.54% reduction) to the parking regulation.
- The subject property is located at 2730 N. Henderson Ave and is zoned PD462 subarea 1.
- The applicant intends to use the existing commercial structure as a general merchandise store.
- The Board of Adjustment Panel B approved the applicant's request for a variance to the parking regulations on June 02, 2022. The applicant failed to apply for a building permit within 180 days after the initial Board of Adjustment approval.

Timeline:

May 02, 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.

June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application

- an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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.”

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

August 01, 2023: The engineering department submitted a comment sheet.

Speakers:

For: Audra Buckley, 1414 Belleview St # 150, Dallas TX 75215
Alan Rister, 5222 Homer St., Dallas TX 75206

Against: Kelly Smith (virtual) Did not speak

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-062, on application of Audra Buckley, **GRANT** the 8-space variance to the parking 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 revised site plan is required.

Maker:	Michael Karnowski				
Second:	Sarah Lamb				
Results:	5-0 unanimously				Motion to grant
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

6. 5505 Chatham Hill Road
BDA223-074(GB)

BUILDING OFFICIAL'S REPORT Application of Masterplan, Represented by Trenton Robertson for a special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 9-foot fence in a required front yard, which will require a 5-foot special exception to the fence regulations.

LOCATION: 5505 Chatham Hill

APPLICANT: Masterplan, Represented by Trenton Robertson

REQUEST:

This is a request for a special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 9-foot fence in a required front yard, which will require a 5-foot special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION:

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

STAFF RECOMMENDATION:

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

Background information:

1. BDA190-068 Approved: Multiple electric meters to single-family use (August 31, 2020)
2. BDA178-086 Approved: Variance to front yard and additional dwelling unit for a single-family use and fence standards (October 24, 2018)

Zoning:

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

Land Use:

The subject site is developed with a residential structure. Areas to the North, South, East, and West are developed with residential uses.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the fence height regulations The applicant proposes to construct a 9-foot fence in a required front yard, which will require a 5-foot special exception to the fence regulations.
- The subject property is located at 5505 Chatham Hill Road and is zoned R-1ac (A)
- The applicant proposes the fence material will be chain link to metal mesh.
- BDA190-068 Approved: Multiple electric meters to single-family use (August 31, 2020)
- BDA178-086 Approved: Variance to front yard and additional dwelling unit for a single-family use and fence standards (October 24, 2018)

Timeline:

June 02, 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.

June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application
- an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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.”

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

June 29, 2023: The engineering department submitted a comment sheet.

Speakers:

For: Trenton Robertson, 2201 Main St, Suite 1280, Dallas TX 75201
Steve Long, 2201 Main St, Suite 1280, Dallas TX 75201

Against: No Speakers

Motion

I move that the Board of Adjustment in Appeal No. BDA 223-074, to **HOLD** this matter under advisement until October 20, 2023

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	5-0 unanimously				
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Joe Cannon, Michael Karnowski and Derrick Nutall
		Against:	-	0	

Motion to amend to reflect the correct date

Maker:	Sarah Lamb				
Second:	Michael Karnowski				

I move that the Board of Adjustment in Appeal No. BDA 223-074, to **HOLD** this matter under advisement until October 18, 2023

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	3-2				Motion to hold
		Ayes:	-	3	Cheri Gambow, Sarah Lamb, Michael Karnowski
		Against:	-	2	Joe Cannon and Derrick Nutall

I move that the Board of Adjustment, in Appeal No. BDA 223-074, on application of Masterplan, **GRANT** the request of this applicant to construct and/or maintain a 9-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 submitted site plan and elevation is required.

Maker:	Joe Cannon				
Second:	Derrick Nutall				

****After consulting with the City Attorney Office, the majority of vote is required to HOLD the case**.**

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting at 2:33 p.m.

Recess: 2:08 p.m.; Resume: 2:10 p.m.

Recess: 2:24 p.m.; Resume: 2:32 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:
Cheri Gambow, Vice-Chair
Board of Adjustment

Date

FILE NUMBER: BDA223-092 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Maurice Wilson represented by Krystina Paige for (1) a variance to the front yard setback regulations, and for (2) a variance to the building height regulations at 2851 W. Jefferson BLVD. This property is more fully described as Block A/4602, Lot 7 and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the maximum building height to 30-feet. The applicant proposes to construct a single-family residential structure and provide a 15-foot front yard setback, which will require (1) a 10-foot variance to the front yard setback regulations, and to construct a single-family residential structure with a building height of 33-feet 6-inches, which will require a (2) 3-foot and 6-inch variance to the maximum building height regulations.

LOCATION: 2851 W. Jefferson Blvd.

APPLICANT: Maurice Wilson

Represented by: Krystina Paige

REQUEST:

- (1) A request for a variance to the front-yard setback regulations.
- (2) A request for a variance to the building height 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.

STAFF RECOMMENDATION:

Variance to front yard setback:

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 due to the floodplain on the property which limits the buildable area; 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.

Variance to building height:

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 due to the floodplain on the property which limits the buildable area; 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 front yard setback regulations of 10-feet is made to construct and/or maintain a single-family residential structure.
- Additionally, a request for a variance to the building height regulations of 3-feet and 6-inches is also made to construct and/or maintain a single-family residential structure.
- The applicant proposes to construct and maintain a single-family residential structure and provide a front yard setback of 15-feet; and construct a single-family residential home exceeding the 30-foot maximum building height regulations.
- The Dallas Development Code requires a 25-foot setback for required front yards in the R-7.5(A) zoning district and states that the maximum building height for this district is 30-feet.
- It is imperative to note that the subject property lies within a flood zone which limits the buildable area; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.

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

- That granting the variance to the front yard setback and to the building height 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 10-foot variance to the front yard setback as well as granting the proposed 3-foot 6-inch variance to the maximum building 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 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.

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

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.

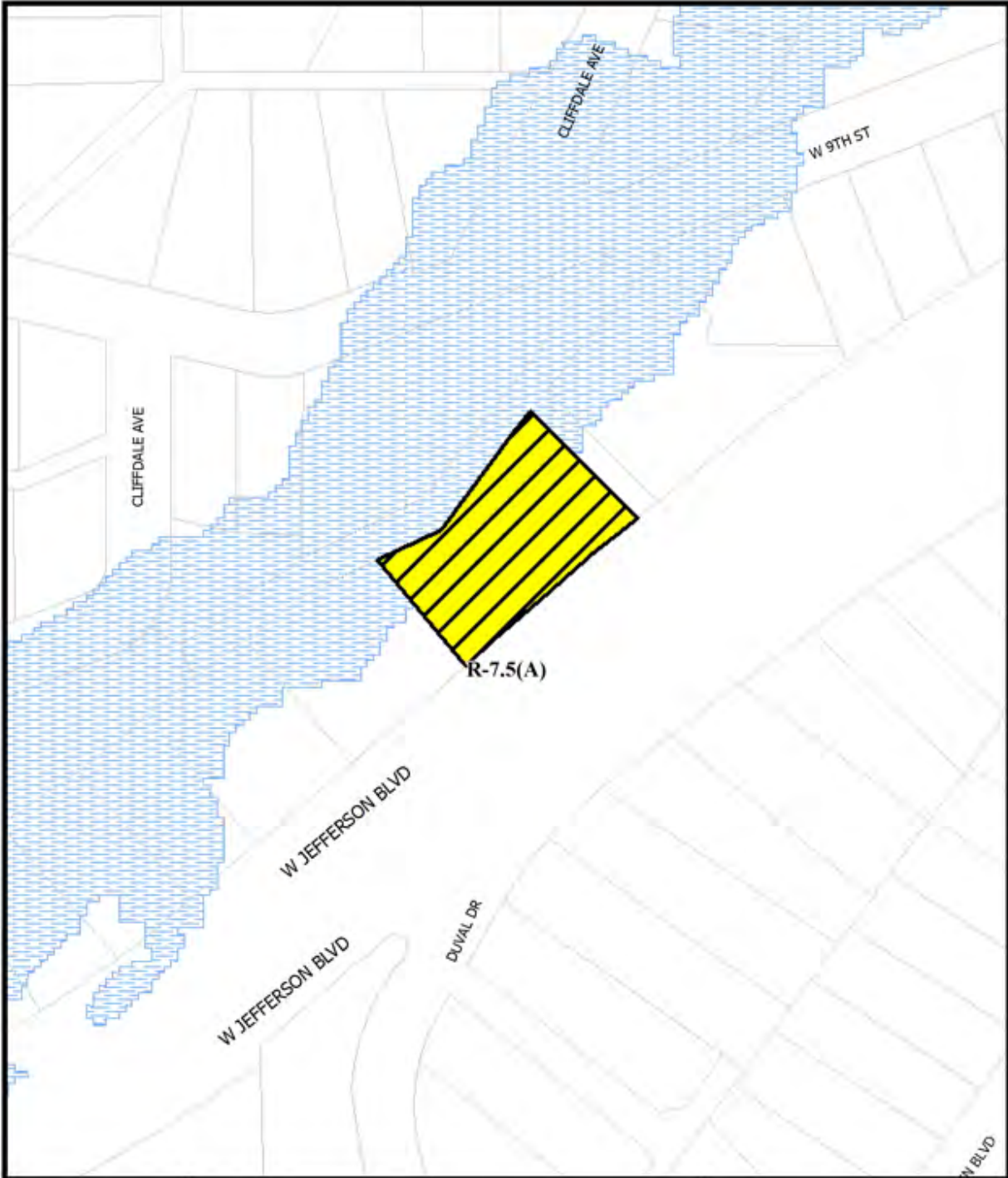


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AERIAL MAP

Case no: BDA223-092

Date: 10/17/2023

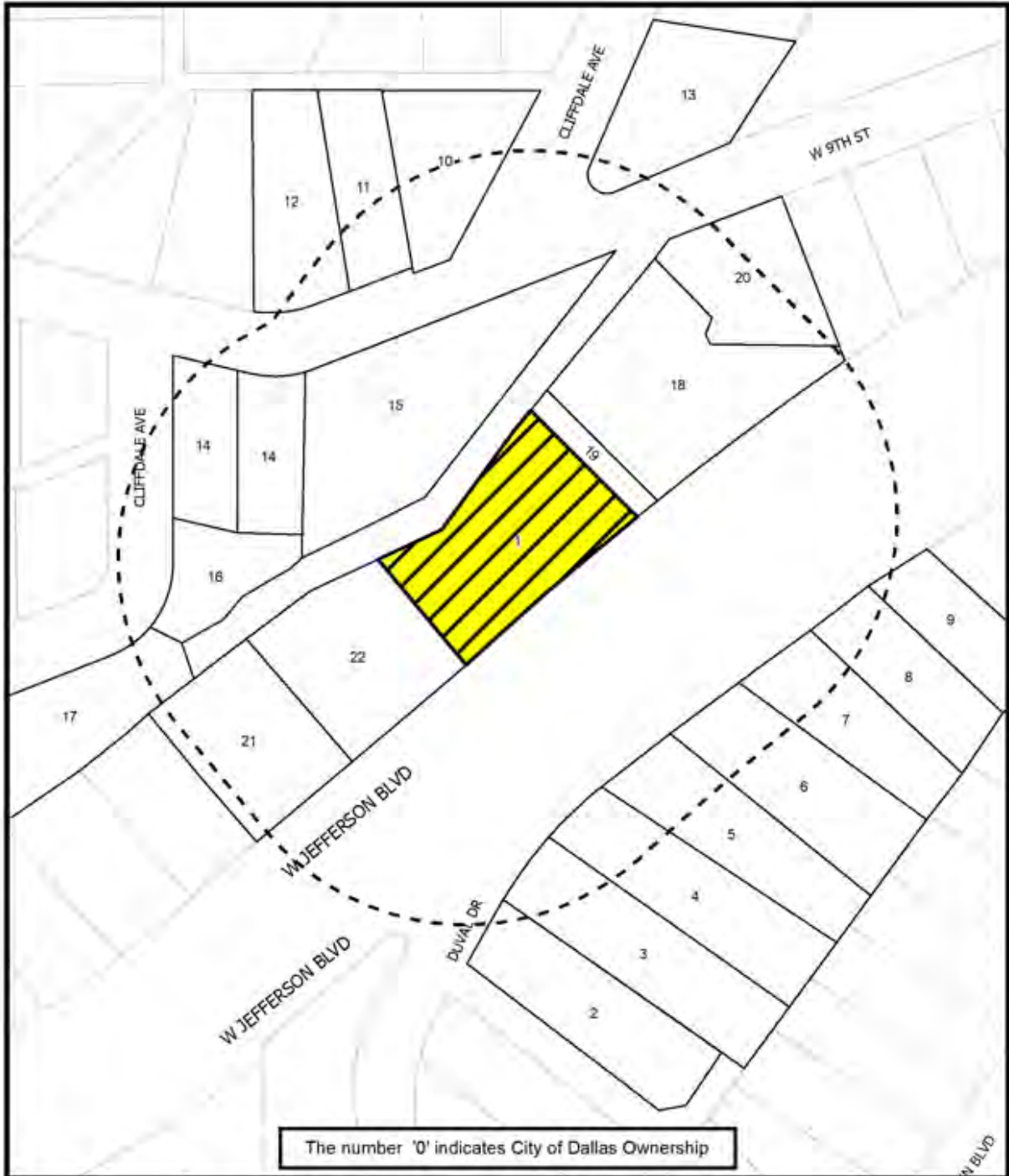


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ZONING MAP

Case no: BDA223-092

Date: 10/17/2023




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-092
 Date: 10/17/2023

10/17/2023

Notification List of Property Owners

BDA223-092

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2851 W JEFFERSON BLVD	WILSON MAURICE BERNARD II
2	2850 W JEFFERSON BLVD	ANDERSON KEMP E &
3	2846 W JEFFERSON BLVD	NAIL KRISTY A & RILEY C
4	2842 W JEFFERSON BLVD	RALL PERRY ALRIC & JENNIFER LEIGH
5	2838 W JEFFERSON BLVD	REYNOLDS KRISTY
6	2830 W JEFFERSON BLVD	CASTILLO EDUARDO T
7	2834 W JEFFERSON BLVD	SHIPP MICHAEL D
8	2822 W JEFFERSON BLVD	HALKIAS MINAS
9	2818 W JEFFERSON BLVD	JOHNSON DONNA L &
10	201 CLIFFDALE AVE	ESTRADA ERNESTINO &
11	2855 W 9TH ST	TAYLOR JACK W
12	2859 W 9TH ST	CASTRO ADRIANA ELIZABETH
13	202 CLIFFDALE AVE	FAZ ISMAEL
14	2862 W 9TH ST	SANTOYO RENE D &
15	2846 W 9TH ST	WILD LEVI
16	120 CLIFFDALE AVE	AUSTIN ZACHARY M &
17	114 CLIFFDALE AVE	ALANIS GUSTAVO ENRIQUE G
18	2845 W JEFFERSON BLVD	PILGRIM JEROME ELWIN
19	2800 W JEFFERSON BLVD	HEIGHT LOUIS C
20	2834 W 9TH ST	BLAIKIE HEATHER
21	2879 W JEFFERSON BLVD	GARCIA PATRICIA GIL &
22	2869 W JEFFERSON BLVD	FAZ ISAAC





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-072 RECEIVED
Date: FOR OFFICE USE SEP 17 RECD

Data Relative to Subject Property: _____ Date: _____
Location address: 2851 W Jefferson Blvd Zoning District: R76

Lot No.: 7 Block No. MH602 Acreage: 70115 ^{0.375} Census Tract: Abstract Jefferson Blvd 909

Street Frontage (in Feet): 1) 149.13 2) 20 3) _____ 4) _____ 5) _____ FR Rawlins Dr

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Maurice Bernard Wilson II

Applicant: Maurice Wilson Telephone: 214-412-5773

Mailing Address: 2824 Cain Blvd Dallas Tx Zip Code: 75211

E-mail Address: maurice.wilson@gmail.com

Represented by: Krystina Paige Telephone: 214-232-4706

Mailing Address: 550 W Laureland Rd Dallas Zip Code: 75232

E-mail Address: paige.krystina@att.net

Affirm that an appeal has been made for a Variance or Special Exception of 10' Front Yard setback
from 25 ft to 15 ft + height to 33.5

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:
See attached

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

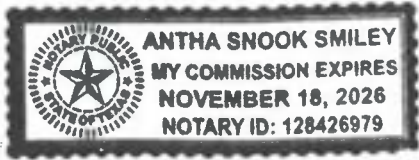
Before me the undersigned on this day personally appeared Maurice Wilson
(Affiant/Applicant's name printed)

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: Maurice Wilson
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22 day of August, 2023

Anthia Snook Smiley
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 MAURICE WILSON
represented by KRYSTINA PAIGE
did submit a request for (1) a variance to the front yard setback regulations, and for (2) a
variance to the building height regulations
at 2851 W JEFFERSON

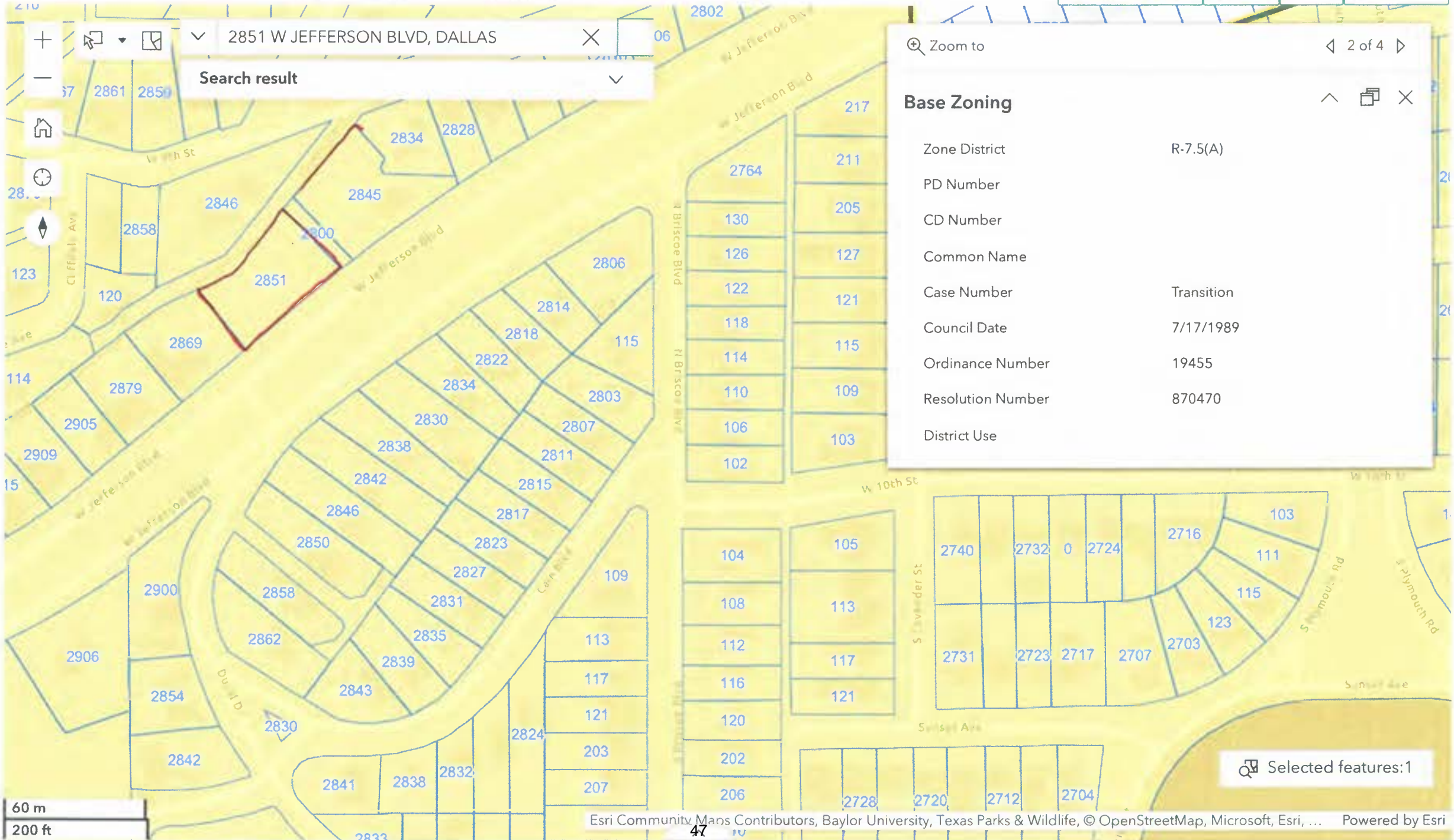
BDA223-092(KMH) Application of Maurice Wilson represented by Krystina Paige for (1) a variance to the front yard setback regulations, and for (2) a variance to the building height regulations at 2851 W. Jefferson Blvd. This property is more fully described as Block A/4602, Lot 7 and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the maximum building height to 30-feet. The applicant proposes to construct a single-family residential structure and provide a 15-foot front yard setback, which will require (1) a 10-foot variance to the front yard setback regulations; and to construct a single-family residential structure with a building height of 33-feet 6-inches, which will require a (2) 3-foot and 6-inch variance to the maximum building height regulations

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

BDA223-092



CITY OF DALLAS PLAT BOOKS

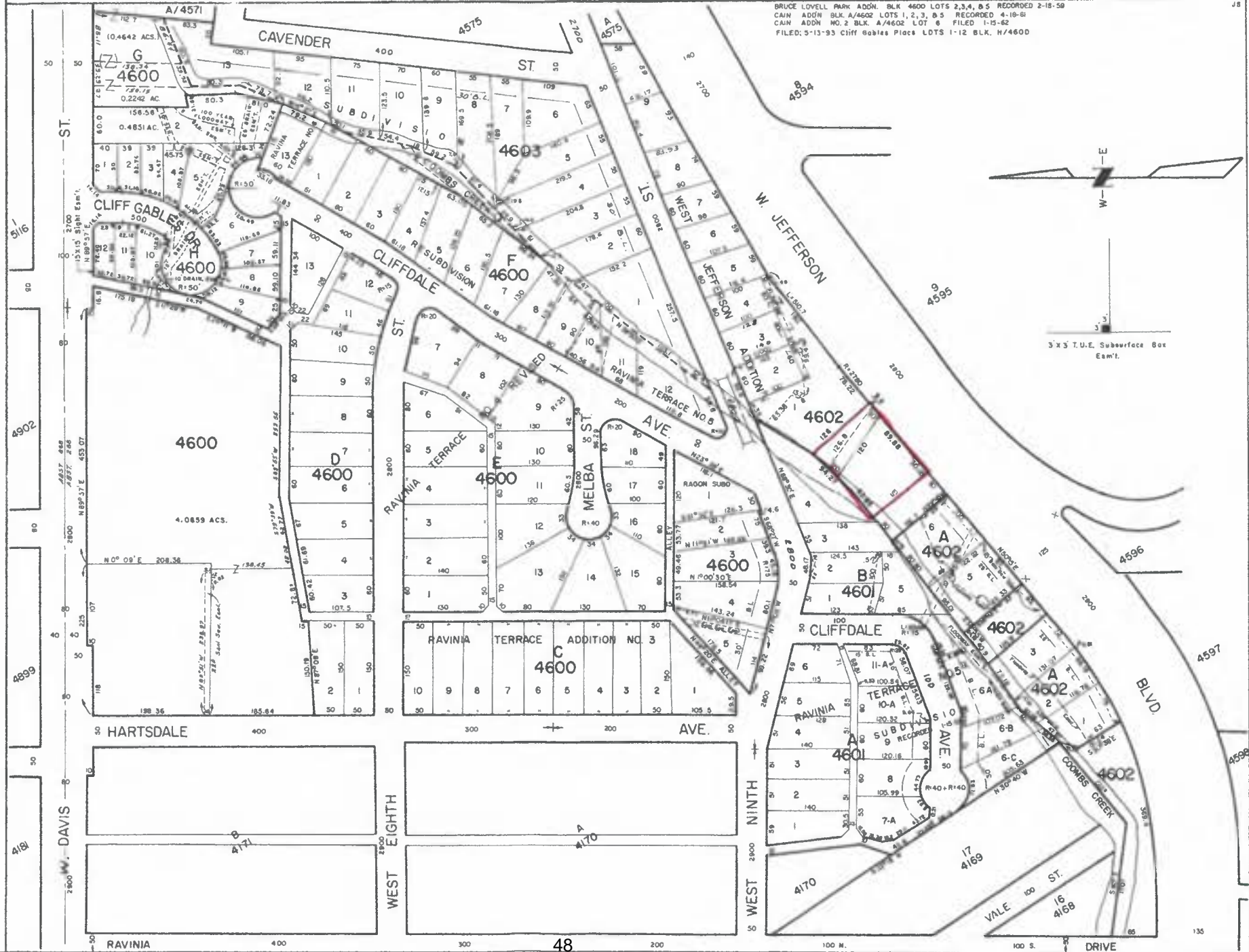
ANNEXED. _____ ORD. NO. _____ ADDITION _____
SURVEY. I. N. COOMBS ABST. 288

SCALE 100 FT. EQUALS 1 INCH

BLOCKS 4600 thru 4603

SCHOOL DISTRICT DALLAS

BRUCE LOVELL PARK ADDN. BLK. 4600 LOTS 2, 3, 4, 8, 5 RECORDED 2-18-58
CAIN ADDN. BLK. A/4602 LOTS 1, 2, 3, 8, 5 RECORDED 4-18-61
CAIN ADDN. NO. 2 BLK. A/4602 LOT 8 FILED 1-15-62
FILED: 5-13-93 Cliff Gables Place LOTS 1-12 BLK. H/4600



BDA223-092



MOMENTOUS
Design Studio

3018 Remising Dr
Dallas Tx 75226 (214) 493-4327
www.momentousdesign.com

MiTek Plan Services

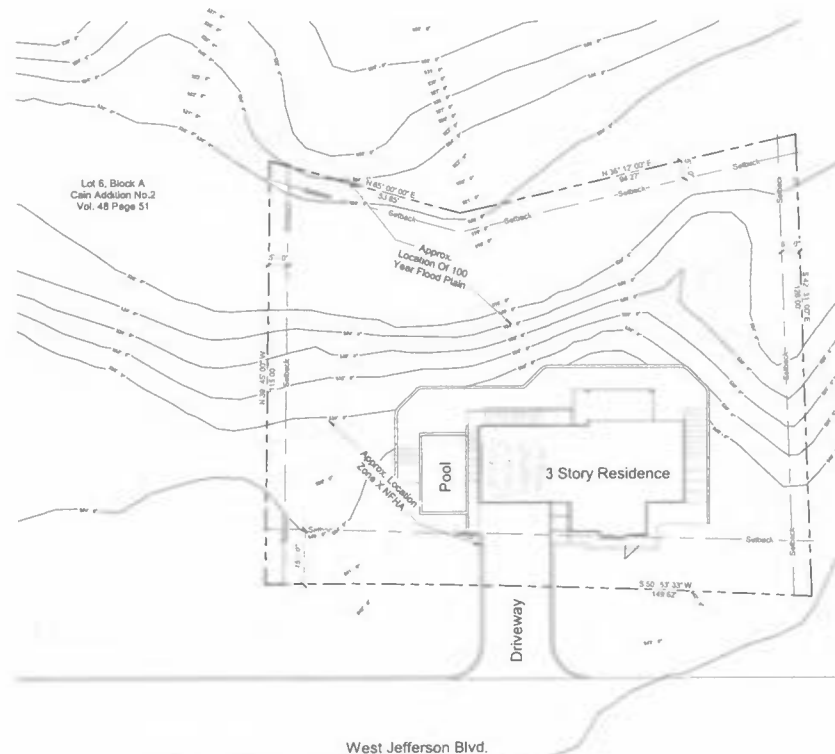
Consultant
Address
Phone
Fax
e-mail

Consultant
Address
Phone
Fax
e-mail

Area Schedule (Gross Building)			
Name	Perimeter	Area	Comments
L1 - Floor Plan			
Escante Area			
Porch	76' - 0"	43 SF	
Outdoor Living	83' - 0"	191 SF	
	89' - 0"	794 SF	
Gross Building Area			
Garage	53' - 2"	432 SF	
Level 1 Living	124' - 11"	853 SF	
	206' - 11"	1,266 SF	
	227' - 11"	1,518 SF	
L2 - Floor Plan			
Escante Area			
Outdoor Living	80' - 4"	195 SF	
Outdoor Living	75' - 0"	347 SF	
	133' - 4"	541 SF	
Gross Building Area			
Level 2 Living	144' - 0"	1,144 SF	
	144' - 0"	1,144 SF	
	280' - 11"	1,888 SF	
L3 - Floor Plan			
Escante Area			
Outdoor Living	70' - 10"	208 SF	
Patio	34' - 11"	97 SF	
	111' - 0"	276 SF	
Gross Building Area			
Level 3 Living	152' - 0"	1,180 SF	
	132' - 0"	1,180 SF	
	284' - 2"	1,458 SF	
	842' - 1"	4,880 SF	

Notes - General Site

- Utilities:**
 - Electric, Cable TV, and Telephone Underground in Common Trench Unless Otherwise Noted.
 - Verify All Utility Locations Prior To Any Work. Coordinate Utility Routing With Applicable Utility Company. All Utilities to Be Underground.
- Survey Information:**
 - Survey Information Obtained From: _____ Date: _____
- Drainage:**
 - Provide Positive Drainage At Building Perimeter (Slopes Away From Building At 1/12 Min For 10' Min).
- Landscaping:**
 - Plant All Trees For Owner Prior To Turning Of Remaining.
 - Protect All Remaining Trees With Approved Barrier During Construction.
 - Provide 6" Dia. Stone Rip Rap And Landscaper Edging Over Wood Barrier Fabric At Escant And Valley Dip Locations.
- Building:**
 - Stake House Location for Owner, Designer and Architectural Review Board Prior To Any Work.
- General:**
 - General Contractor To Review & Comply With All Subdivision Conditions.



ⓐ Architectural Site Plan
1/16" = 1'-0"

Maurice Residence

2851 Jefferson Blvd
Dallas, Texas

For Construction

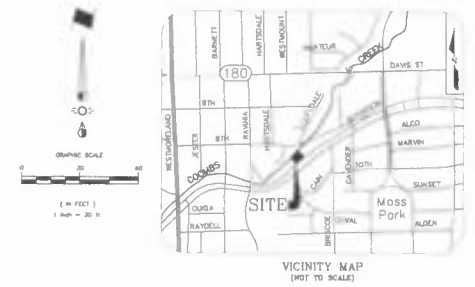
No. Date Description

These drawings or parts thereof may not be reproduced in any form, by any method, for any purpose, without prior written consent from KAC Solutions. The design plans and specifications issued for this project have been prepared by KAC Solutions. Their use is limited to the project and site shown. Changes and/or omissions are subject to notification or consent from KAC Solutions. Working or other drawings are not to be used for construction. The developer/owner shall be responsible for obtaining all necessary permits for this project and for compliance with all local laws and codes. In the event the plans and/or specifications are required to be revised by a licensed professional, it is the responsibility of the developer/owner to retain a licensed professional to sign and seal the plans.

Project number: 1777
Date: _____ Issue Date: _____
Drawn by: _____ Author: _____
Checked by: _____ Checker: _____

Architectural Site Plan

A0.01



GENERAL NOTES:

- All bearings shown are based on the Texas State Plane Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011) All distances are surface projection, using a scale factor of 1.000136506 (72007 scale factor).
- Lot to lot drainage will not be allowed without City of Dallas Planning and Drainage Engineering Division approval.
- The purpose of this plat is to Create 1 lot from a tract of land.
- The coordinates shown hereon are Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 grid coordinate values, no scale and no projection.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That Maurice Bernard Wilson II, does hereby adopt this plat, designating the herein described property as **CELTIC VENTURES ADDITION**, on addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and roadway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire line easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire line easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity of any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the man to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Dallas.

WITNESS, my hand at Dallas, Texas, this ____ day of _____, 2023.

Maurice Bernard Wilson II
Owner

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned a Notary Public in and for the said County and State, on this day personally appeared Maurice Bernard Wilson II known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2023.

Notary Public in and for the State of Texas

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS Maurice Bernard Wilson II is the owner of a 13,086 square feet or 0.346 acre tract of land situated in the Isaac N. Coombs Survey, Abstract Number 288, City and County of Dallas, Texas, being part of Block A/4602, and being the same tract of land described in a Warranty Deed with Vendor's Lien to Maurice Bernard Wilson II, recorded in instrument Number # 202200383938, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at an "X" found (Controlling Monument) in a concrete wall at the East corner of the herein described tract, said point being the South corner of Lot 1, Block 4602, of West Jefferson Addition, on addition to the City of Dallas, recorded in recorded in Volume 14, Page 401, of the Map Records of Dallas County, Texas (M.R.D.C.T.), some being in the Northwesterly right of way line of Jefferson Boulevard, a 140 foot right of way of this point, and as shown in said West Jefferson Addition plat, said point being the beginning of a non-tangent curve to the left, having a radius of 2,782.00 feet and a chord bearing and distance of South 50 degrees 26 minutes 15 seconds West, 149.62 feet.

THENCE with said Northerly right of way line of Jefferson Boulevard and the South line of said Maurice Bernard Wilson II tract, at 20.05 feet past an "X" found in a concrete wall, continuing with said curve to the left, through a central angle of 03 degrees 05 minutes 02 seconds, on an arc length of 148.63 feet to an "X" found (Controlling Monument) in a concrete wall for the South corner thereof, some being the East corner of a tract of land described in a Deed to Isaac Fatz, recorded in Volume 20022118, Page 3310, Deed Records, Dallas County, Texas.

THENCE North 40 degrees 12 minutes 16 seconds West, with the Northeast line of said Isaac Fatz tract, at 51 feet passing a 1/2 inch iron rod found, continuing for a later distance of 94.20 feet to a point for corner in the center of Coombs Creek, some being the Southeast line of Block B/4601 of Rowena Terrace Fifth installment, on addition to the City of Dallas, Texas, recorded in Volume 8, Page 37 (M.R.D.C.T.).

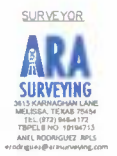
THENCE North 56 degrees 52 minutes 47 seconds East, with the center of Coombs Creek, a distance of 53.37 feet to a point for corner.

THENCE North 24 degrees 28 minutes 37 seconds East, continuing with the center of Coombs Creek a distance of 99.86 feet to a point for corner, some being the West corner of said Lot 1, Block 4602.

THENCE South 42 degrees 58 minutes 18 seconds East, with the southwest line of said Lot 1, Block 4602 and the East line of said Maurice Bernard Wilson II tract, a distance of 132.18 feet to the **POINT OF BEGINNING**, and containing 13,086 square feet or 0.346 acres of land more or less.

OWNER:
MAURICE BERNARD WILSON, II
2851 W. JEFFERSON BLVD
DALLAS, TX 75211

ENGINEER:
GINA GARCIA, P.E.
PAREDES & GARCIA, LLC
808 DEERBROOK CIRCLE
GRAND PRAIRIE, TX 75052
972-310-8549



FINAL PLAT
CELTIC VENTURES ADDITION
LOT 7 BLOCK 4602

A REPLAT OF PART OF BLOCK 4602
0.346 ACRES SITUATED IN THE
ISAAC N. COMBS SURVEY - ABSTRACT NO. 288
CITY OF DALLAS DALLAS COUNTY TEXAS
CITY PLAN FILE 5210-029

SURVEYOR'S STATEMENT

I, Anil Rodriguez, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation, and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance no. 19456, as amended), and Texas Local Government Code, Chapter 212. I further affirm that documentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Section 31A-8.617 (a)(3)(C)(i), & (e), and that the digital drawings file accompanying this plat is a precise representation of the signed final plat.

Dated this ____ day of _____, 2023.

PRELIMINARY - THIS DRAWING SHALL NOT BE RECORDED FOR ANY PURPOSE

Anil Rodriguez
Texas Registered Professional Land Surveyor No. 6671

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Anil Rodriguez known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2023.

Notary Public in and for the State of Texas

Approved by local Plat Office: 5/20/2023 8:44 AM

Approved by local Plat Office: 5/20/2023 10:57 AM

LEGEND

- | | | |
|--------------|---|---------------------|
| (CM) | CONTROLLING MONUMENT | GAS METER |
| O.P.R.D.C.T. | OFFICIAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS | GAS VALVE |
| M.R.D.C.T. | MAP RECORDS OF DALLAS COUNTY, TEXAS | UTILITY POLE |
| O.R.D.C.T. | ORDER RECORDS OF DALLAS COUNTY, TEXAS | ELECTRIC METER |
| POB | POINT OF BEGINNING | MANHOLE |
| A | PLATEL MEASURED | OVERHEAD POWER LINE |
| O.P.F. | IRON PIPE FOUND (AS NOTED) | CHAIN LINK FENCE |
| O.P.F. | IRON ROD FOUND (AS NOTED) | |

BDA 223-092



MOMENTOUS
Design Studio

3018 Hawthorn Dr
Dallas, TX 75228 (214) 483-4327
www.momentous.com

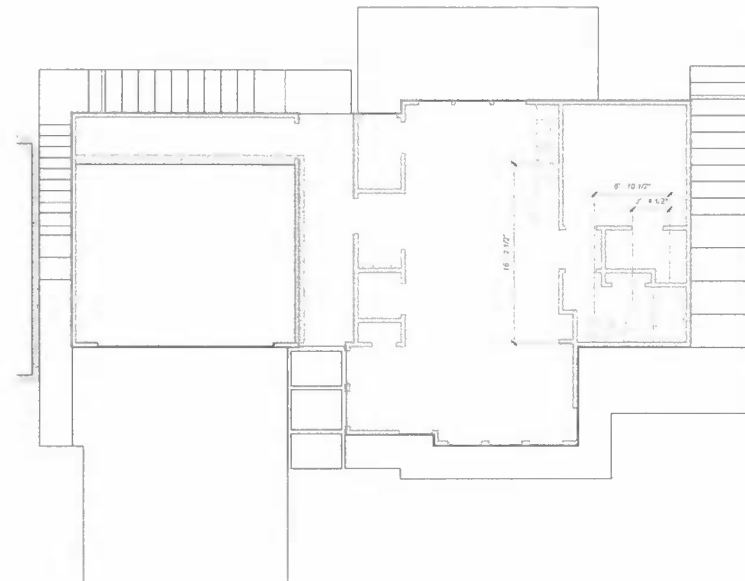
M/Tek Plan Services

Consultant
Address
Phone
Fax
e-mail

Consultant
Address
Phone
Fax
e-mail

Floor Slab Edge Schedule			
Type	Length	Volume	Comments
Footing Rectangle 24" x 10"	56'-11"	61.63 CF	
	36'-11"	61.63 CF	

Floor Slab Schedule			
Type	Area	Volume	Comments
Concrete Pad			
4" Concrete Pad	188 SF	62.89 CF	Structural
4" Concrete Pad	864 SF	218.77 CF	Structural
4" Concrete Pad	182 SF	60.58 CF	Structural
4" Concrete Pad	1,114 SF	371.81 CF	Structural
4" Concrete Pad	56 SF	18.31 CF	Structural
4" Concrete Pad	17,293 SF	5,775.11 CF	Structural
4" Concrete Pad	19,733 SF	6,584.27 CF	
Structural Concrete			
4" Structural Concrete	1,067 SF	356.93 CF	Structural
4" Structural Concrete	328 SF	108.78 CF	Structural
4" Structural Concrete	1,303 SF	464.41 CF	
	21,144 SF	7,044.89 CF	



① L1 - Foundation Plan
3/16" = 1'-0"

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Foundation Plan L1

A1.02



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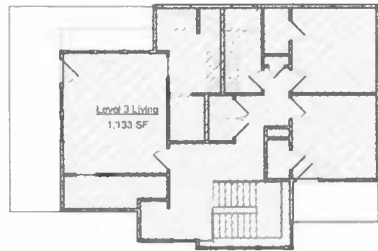
Area Schedule (Gross Building)			
Name	Perimeter	Area	Comments
L1 - Floor Plan			
Estimate Area			
Porch	26' - 0"	43 SF	
Outdoor Living	83' - 0"	181 SF	
Outdoor Living	89' - 5"	234 SF	
Gross Building Area			
Garage	83' - 2"	432 SF	
Level 1 Living	129' - 11"	853 SF	
Level 1 Living	208' - 11"	1,269 SF	
Level 1 Living	287' - 10"	1,519 SF	

Area Schedule (Gross Building)			
Name	Perimeter	Area	Comments
L3 - Floor Plan			
Estimate Area			
Outdoor Living	80' - 4"	192 SF	
Outdoor Living	79' - 0"	347 SF	
Outdoor Living	130' - 4"	841 SF	
Gross Building Area			
Level 2 Living	144' - 0"	1,144 SF	
Level 2 Living	144' - 0"	1,144 SF	
Level 2 Living	280' - 1"	1,888 SF	

Area Schedule (Gross Building)			
Name	Perimeter	Area	Comments
L3 - Floor Plan			
Estimate Area			
Outdoor Living	78' - 10"	208 SF	
Patio	34' - 11"	87 SF	
Patio	111' - 8"	278 SF	
Gross Building Area			
Level 3 Living	183' - 3"	1,180 SF	
Level 3 Living	183' - 3"	1,180 SF	
Level 3 Living	294' - 2"	1,458 SF	
Level 3 Living	442' - 1"	4,860 SF	

Rentable Area Legend

- Level 3 Living



③ L3 - Rentable Area Plan
1/8" = 1'-0"

Rentable Area Legend

- Level 2 Living



⑤ L2 - Rentable Area Plan
1/8" = 1'-0"

Rentable Area Legend

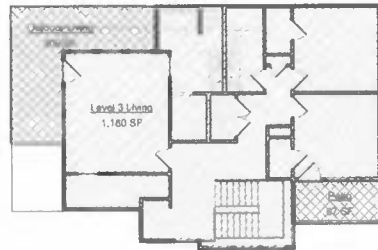
- Garage
- Level 1 Living



④ L1 - Rentable Area Plan
1/8" = 1'-0"

Building Area Legend

- Level 3 Living
- Outdoor Living
- Patio



③ L3 - Gross Area Plan
1/8" = 1'-0"

Building Area Legend

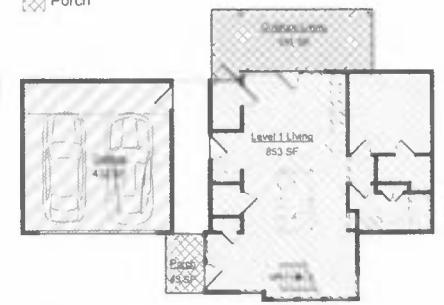
- Level 2 Living
- Outdoor Living



⑤ L2 - Gross Area Plan
1/8" = 1'-0"

Building Area Legend

- Garage
- Level 1 Living
- Outdoor Living
- Porch



④ L1 - Gross Area Plan
1/8" = 1'-0"

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Area Plans

A1.11



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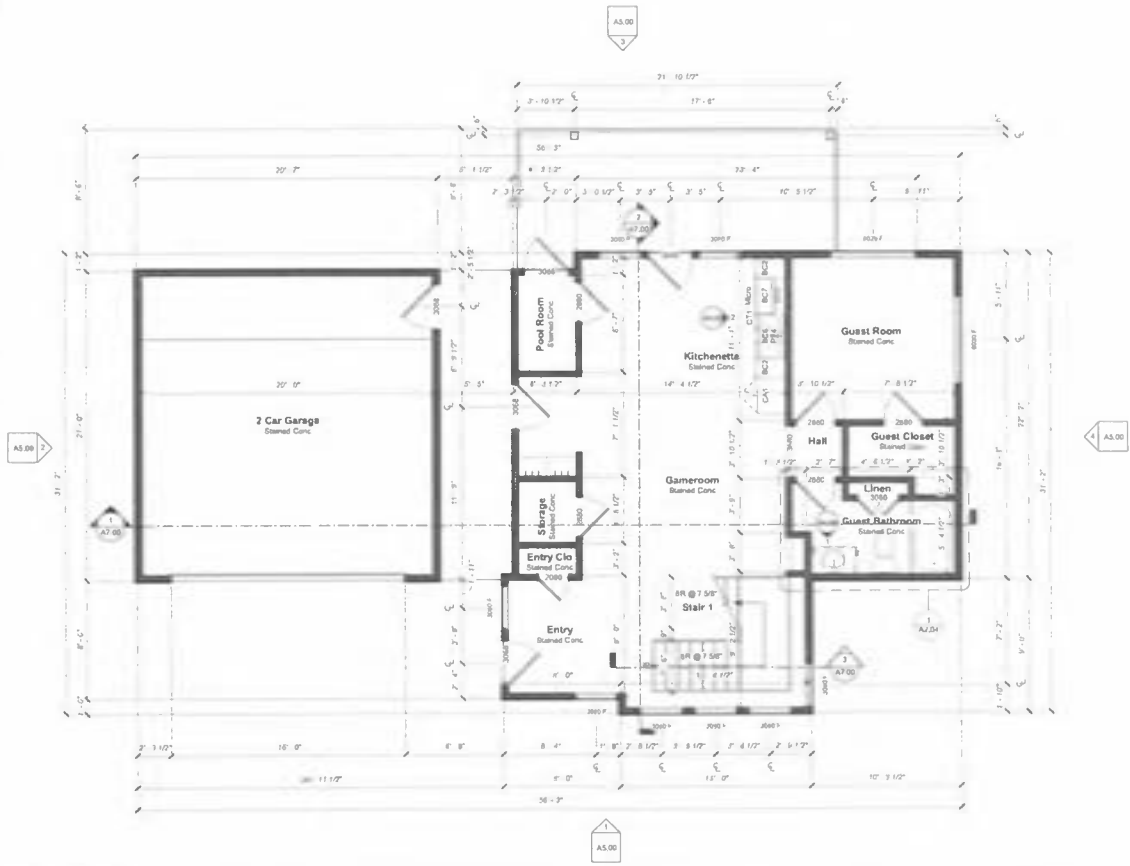
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Door Schedule Floor Plan Level - 01						
Family	Description	Count	Width	Height	Handls Type	Comments
Exterior						
Door-Exterior-Single-Entry-Full Glass		2668	5' 3"-0"	8'-0"	(none)	
Interior						
Door-Interior-Double-Flush-Wood		2880	1' 2"-10"	8'-0"	(none)	
Door-Interior-Single-Flush_Panels-Wood		2880	1' 2"-0"	8'-0"	(none)	
Door-Interior-Single-Flush_Panels-Wood		2880	3' 2'-8"	8'-0"	(none)	
Door-Opening		2860	1' 2'-3 1/2"	8'-0"	(none)	
Door-Opening		2860	1' 2'-8"	8'-0"	(none)	
Garage Residential-01		18080	1' 8"-0"	8'-0"	(none)	
		18				

Casework Schedule Level - 01							
Type Mark	Family	Type	Count	Depth	Height	Linear Length	Comments
Base Cabinet							
BC2	Base Cabinet-4 Drawers	15"	2	2'-0"	2'-10 1/2"	0'	
BC6	Base Cabinet-Double Door Sink Unit	30"	1	2'-0"	2'-10 1/2"	0'	
BC7	Microwave Base Cabinet	30"	1	2'-0"	2'-10 1/2"	0'	
Cabinet							
CA1	Tall Cabinet-Double Door(4)	30"	1	2'-0"	8'-0"	0'	
CA8	Entry Coat Rack	34"	2	1'-4"	7'-0"	0'	
Counter							
CT1	Counter Top	Kitchen 25"	1	2'-1"	3'-0"	8'-1"	
VT1	Counter Top	Vanity 22"	1	1'-10"	2'-8"	3'-1"	
Upper Cabinet							
UC2	Upper Cabinet-Double Door-Wall	30"	1	1'-0"	3'-8"	0'	
Vanity Cabinet							
VC3	Vanity Cabinet-Double Door Sink Unit	30"	1	1'-8"	2'-8 1/2"	0'	

Fixture Schedule - Plumbing						
Type Mark	Family	Type	Count	Manufacturer	Model	Comments
L1 - Floor Plan						
PF1	Toilet-Domestic-3D	Toilet-Domestic-3D	1			
PF2	Tub-Rectangular-3D	30" x 60"	1			
PF3	Sink-Vanity-Round	18" x 18"	1			
Kitchen						
PK4	Sink-Kitchen-Double	30" x 21"	1			
L2 - Floor Plan						
PF1	Toilet-Domestic-3D	Toilet-Domestic-3D	1			
PF3	Sink-Vanity-Round	18" x 18"	1			
Kitchen						
PK4	Sink-Kitchen-Double	30" x 21"	1			
L3 - Floor Plan						
PF8	Tub-Free Standing-3D	30" x 60"	1			
Bedrooms						
PF1	Toilet-Domestic-3D	Toilet-Domestic-3D	2			
PF2	Tub-Rectangular-3D	30" x 60"	1			
PF3	Sink-Vanity-Round	18" x 18"	4			



1 L1 - Floor Plan
1/4" = 1'-0"

No.	Date	Description

Project Number: 7777
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Floor Plan L1

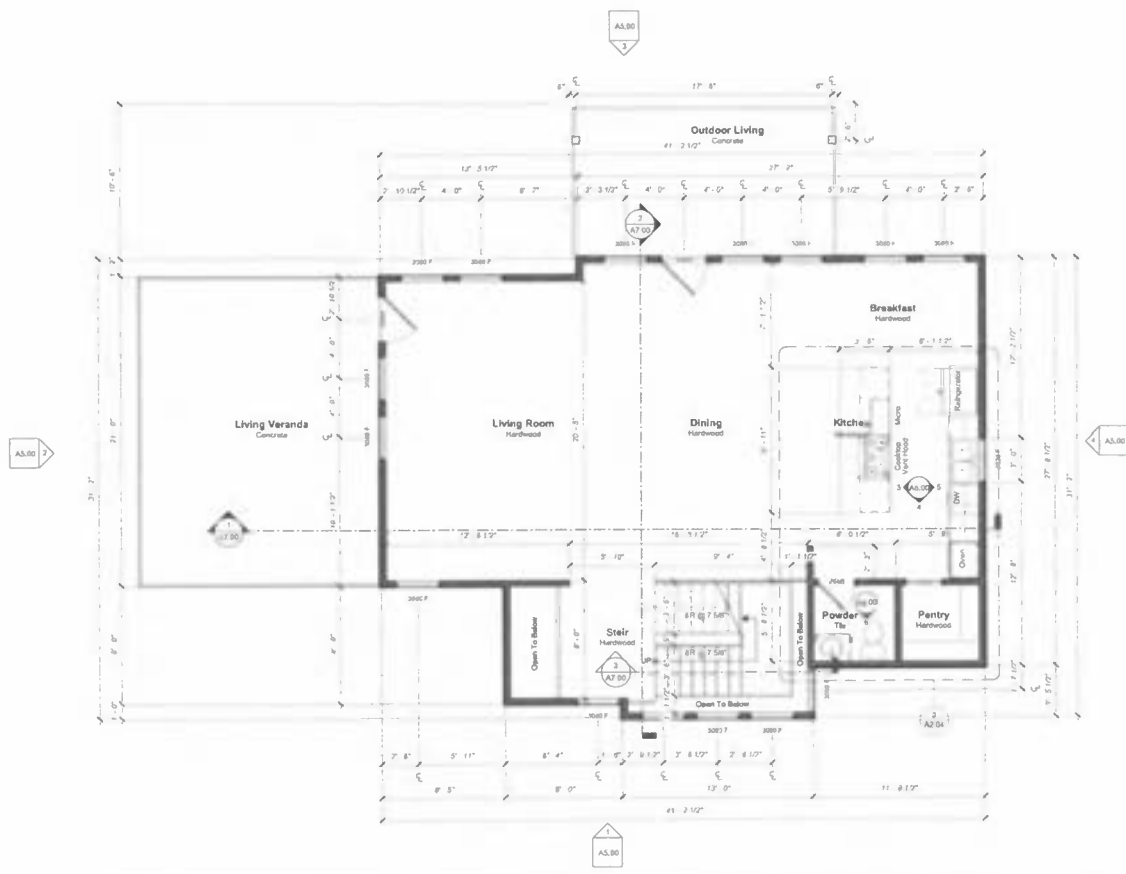
A2.01

Door Schedule Floor Plan Level - 02						
Family	Description	Count	Width	Height	Handle Type	Comments
Entror	Door-Entror-Single-Entry-Full Glass	2	2'-0"	8'-0"	(none)	
Entror	Door-Entror-Single-Flank_Panels-Wood	2	2'-0"	8'-0"	(none)	
Entror	Door-Entror-Single-Flank_Panels-Wood	2	2'-0"	8'-0"	(none)	
		4				

Window Schedule							
Family	Type	Count	Description	Width	Height	Head Height	Comments
L1 - Floor Plan	Window-Flank	4	3030 F	2'-0"	8'-0"	8'-0"	
L1 - Floor Plan	Window-Flank	2	8050 F	8'-0"	2'-0"	8'-0"	
L2 - Floor Plan	Window-Flank	1	3020 F	2'-0"	7'-0"	8'-0"	
L2 - Floor Plan	Window-Flank	18	3080 F	2'-0"	8'-0"	8'-0"	
L3 - Floor Plan	Window-Flank	1	3020 F	2'-0"	7'-0"	8'-0"	
L3 - Floor Plan	Window-Flank	11	3080 F	2'-0"	8'-0"	8'-0"	
L3 - Floor Plan	Window-Flank	1	4020 F	4'-0"	2'-0"	8'-0"	
L3 - Floor Plan	Window-Flank	1	6020 F	6'-0"	2'-0"	8'-0"	
		47					

Casework Schedule Level - 01							
Type Mark	Family	Type	Count	Depth	Height	Linear Length	Comments
B02	Base Cabinet-4 Drawers	15'	2	2'-0"	2'-10 1/2"	0'	
B08	Base Cabinet-Double Door Slk Unit	30'	1	2'-0"	2'-10 1/2"	0'	
B07	Microwave Base Cabinet	30'	1	2'-0"	2'-10 1/2"	0'	
CA1	Tall Cabinet-Double Door(4)	30'	1	2'-0"	8'-0"	0'	
CA8	Entry Case Rack	24'	2	1'-4"	7'-0"	0'	
CT1	Counter Top	Kitchen 25'	1	2'-1"	3'-0"	8'-1"	
VF1	Counter Top	Vanity 22'	1	1'-10"	2'-8"	3'-1"	
UC3	Upper Cabinet-Double Door-Wall	30'	1	1'-0"	3'-8"	0'	
V03	Vanity Cabinet-Double Door Slk Unit	30'	1	1'-8"	2'-8 1/2"	0'	

Fixture Schedule - Plumbing						
Type Mark	Family	Type	Count	Manufacturer	Model	Comments
L1 - Floor Plan						
PF1	Tub-Domestic-3D	Tub-Domestic-3D	1			
PF2	Tub-Reclining-3D	30" x 60"	1			
PF3	Slk Vanity-Round	18" x 18"	1			
Kitchen						
PF4	Slk Kitchen-Double	30" x 21"	1			
L2 - Floor Plan						
Bedrooms						
PF1	Tub-Domestic-3D	Tub-Domestic-3D	1			
PF3	Slk Vanity-Round	18" x 18"	1			
Kitchen						
PF4	Slk Kitchen-Double	30" x 21"	1			
L3 - Floor Plan						
Bedrooms						
PF1	Tub-Domestic-3D	Tub-Domestic-3D	2			
PF2	Tub-Reclining-3D	30" x 60"	1			
PF3	Slk Vanity-Round	18" x 18"	1			



① L2 - Floor Plan
1/4" = 1'-0"



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Floor Plan L2

A2.02

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Floor Plan L3

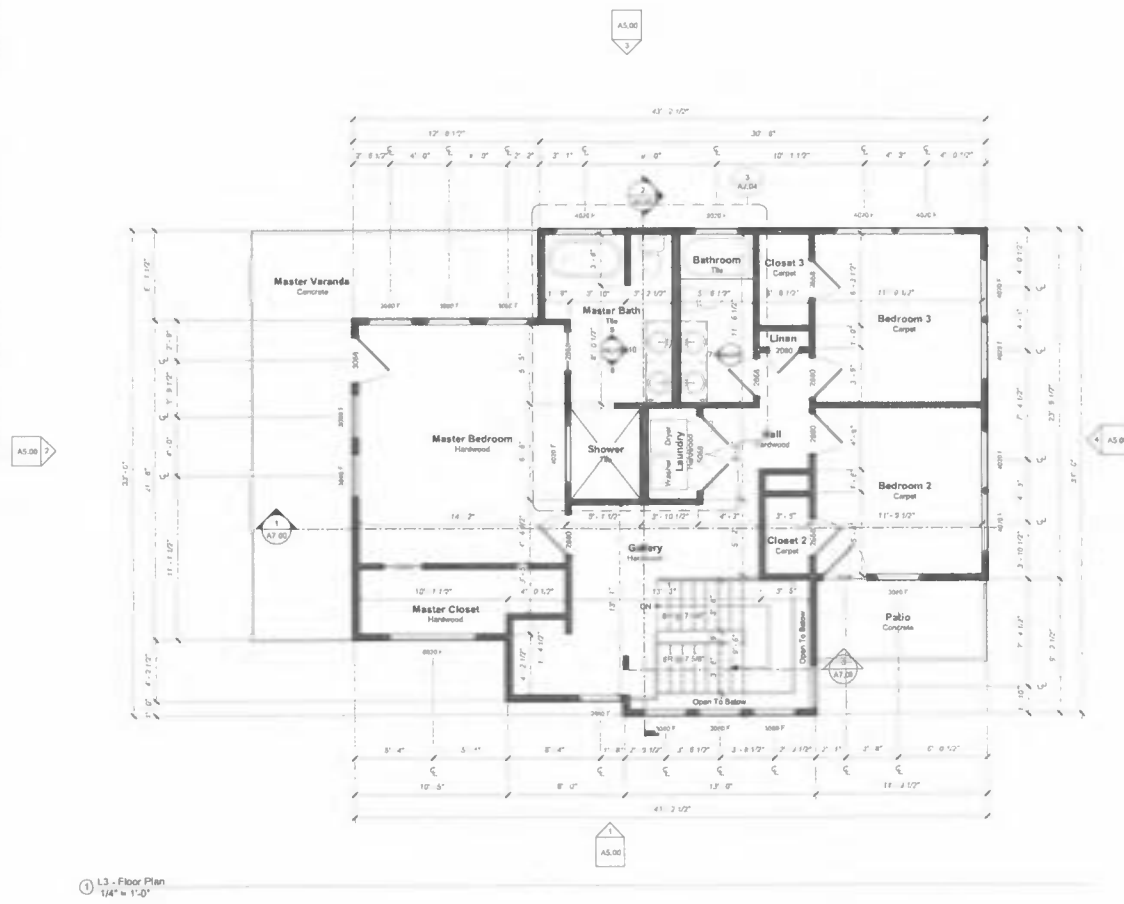
A2.03

Door Schedule Floor Plan Level - 03						
Family	Description	Count	Width	Height	Handle Type	Comments
Exterior						
Door-Exterior-Single-Entry-Full Glass		3068	2	3'-0"	8'-0"	(none)
Interior						
Door-Interior-Double-Flush-Wood		5068	1	3'-0"	8'-0"	(none)
Door-Interior-Single-Flush_Panels-Wood		2068	1	2'-0"	8'-0"	(none)
Door-Interior-Single-Flush_Panels-Wood		2868	3	2'-0"	8'-0"	(none)
Door-Interior-Single-Flush_Panels-Wood		2868	3	2'-0"	8'-0"	(none)
Door-Interior-Single-Flush_Panels-Wood		2868	3	2'-0"	8'-0"	(none)
Door-Opening		3080	1	2'-0"	8'-0"	(none)
			13			

Window Schedule							
Family	Type	Count	Description	Width	Height	Head Height	Comments
L1 - Floor Plan							
Window-Flush	3'-0" x 8'-0"	8	3080 F	3'-0"	8'-0"	8'-0"	
Window-Flush	6'-0" x 7'-0"	2	6200 F	6'-0"	7'-0"	8'-0"	
L2 - Floor Plan							
Window-Flush	3'-0" x 7'-0"	1	3020 F	3'-0"	7'-0"	8'-0"	
Window-Flush	3'-0" x 8'-0"	11	3080 F	3'-0"	8'-0"	8'-0"	
L3 - Floor Plan							
Window-Flush	3'-0" x 7'-0"	1	3020 F	3'-0"	7'-0"	8'-0"	
Window-Flush	3'-0" x 8'-0"	11	3080 F	3'-0"	8'-0"	8'-0"	
Window-Flush	4'-0" x 7'-0"	1	4020 F	4'-0"	7'-0"	8'-0"	
Window-Flush	4'-0" x 7'-0"	1	4020 F	4'-0"	7'-0"	8'-0"	
Window-Flush	8'-0" x 7'-0"	1	8020 F	8'-0"	7'-0"	8'-0"	
		47					

Casework Schedule Level - 01							
Type Mark	Family	Type	Count	Depth	Height	Linear Length	Comments
Base Cabinet							
BC2	Base Cabinet-4 Drawers		15'	2	2'-0"	2'-10 1/2"	0'
SC8	Base Cabinet-Double Door Sink Unit		36'	1	2'-0"	2'-10 1/2"	0'
BC7	Microwave Base Cabinet		30'	1	2'-0"	2'-10 1/2"	0'
Countertop							
CA1	Tall Cabinet-Double Door(s)		30'	1	2'-0"	8'-0"	0'
CA8	Entry Case Rack		24'	2	1'-4"	2'-0"	0'
Charder							
CT1	Charder Top	Kitchen 22'	1	2'-1"	3'-0"	8'-1"	
VIT1	Countertop Top	Vanity 22'	1	1'-18"	2'-8"	3'-1"	
Upper Cabinet							
UC2	Upper Cabinet-Double Door-Wall		30'	1	1'-0"	3'-8"	0'
Vanity Cabinet							
VCS	Vanity Cabinet-Double Door Sink Unit		36'	1	1'-8"	2'-8 1/2"	0'

Fixture Schedule - Plumbing						
Type Mark	Family	Type	Count	Manufacturer	Model	Comments
L1 - Floor Plan						
Bathrooms						
PF1	Tub-Domestic-3D	Tub-Domestic-3D	1			
PF2	Tub-Rectangular-3D	36" x 60"	1			
PF3	Sink-Vanity-Round	18" x 18"	1			
Kitchen						
PF4	Sink-Kitchen-Double	36" x 21"	1			
L2 - Floor Plan						
Bathrooms						
PF1	Tub-Domestic-3D	Tub-Domestic-3D	1			
PF2	Tub-Rectangular-3D	36" x 60"	1			
PF3	Sink-Vanity-Round	18" x 18"	1			
Kitchen						
PF4	Sink-Kitchen-Double	36" x 21"	1			
L3 - Floor Plan						
Bathrooms						
PF1	Tub-Domestic-3D	Tub-Domestic-3D	2			
PF2	Tub-Rectangular-3D	36" x 60"	1			
PF3	Sink-Vanity-Round	18" x 18"	15			





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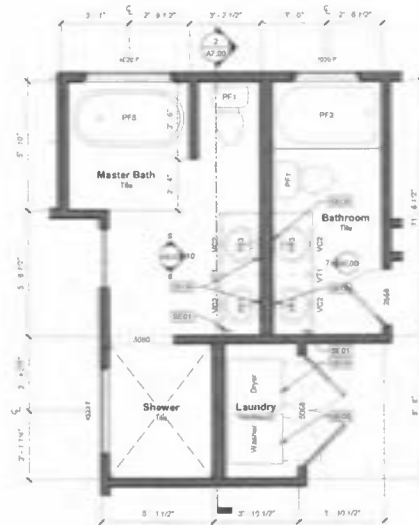
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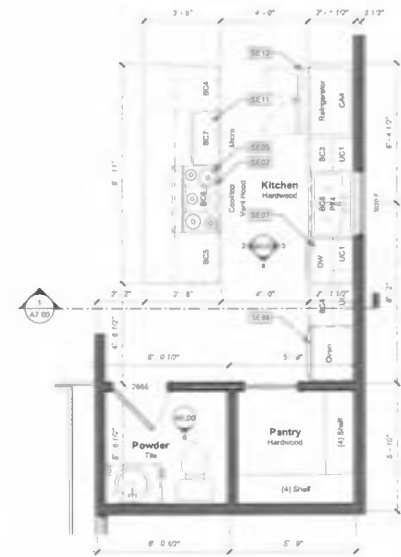
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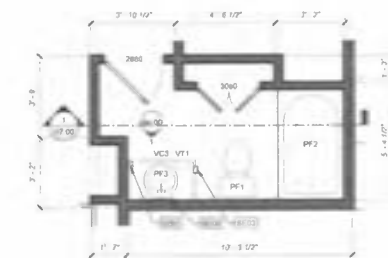
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③ Enlarged Master Bath L3
3/8" = 1'-0"



② Enlarged Kitchen Plan L2
3/8" = 1'-0"



① Enlarged Guest Bathroom L1
3/8" = 1'-0"

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Enlarged Plans

A2.04

BDA223-092

Tile



Room - Floor Finish Schedule		
Name	Area	Comments
Carpet	129 SF	
Bedroom 2	131 SF	
Bedroom 3	16 SF	
Close 2	21 SF	
Close 3	287 SF	
Concrete		
Living Veranda	348 SF	
Master Veranda	210 SF	
Outdoor Living	188 SF	
Patio	88 SF	
418 SF		
Hardwood		
Breakfast	80 SF	
Dining	228 SF	
Galley	138 SF	
Hall	50 SF	
Kitchen	173 SF	
Laundry	20 SF	
Linen	4 SF	
Living Room	375 SF	
Master Bedroom	228 SF	
Master Closet	87 SF	
Pantry	28 SF	
Star	142 SF	

Room - Floor Finish Schedule		
Name	Area	Comments
Stained Conc.	1,520 SF	
2 Car Garage	405 SF	
Breastery	104 SF	
Entry	83 SF	
Entry Clo.	7 SF	
Game room	287 SF	
Guest Bathroom	57 SF	
Guest Closet	28 SF	
Guest Room	123 SF	
Hall	12 SF	
Kitchenette	52 SF	
Linen	4 SF	
Pool Room	25 SF	
Skat	111 SF	
Storage	18 SF	
1,288 SF		
Tile		
Bathroom	57 SF	
Master Bath	86 SF	
Powder	28 SF	
Shower	28 SF	
204 SF		
4,121 SF		



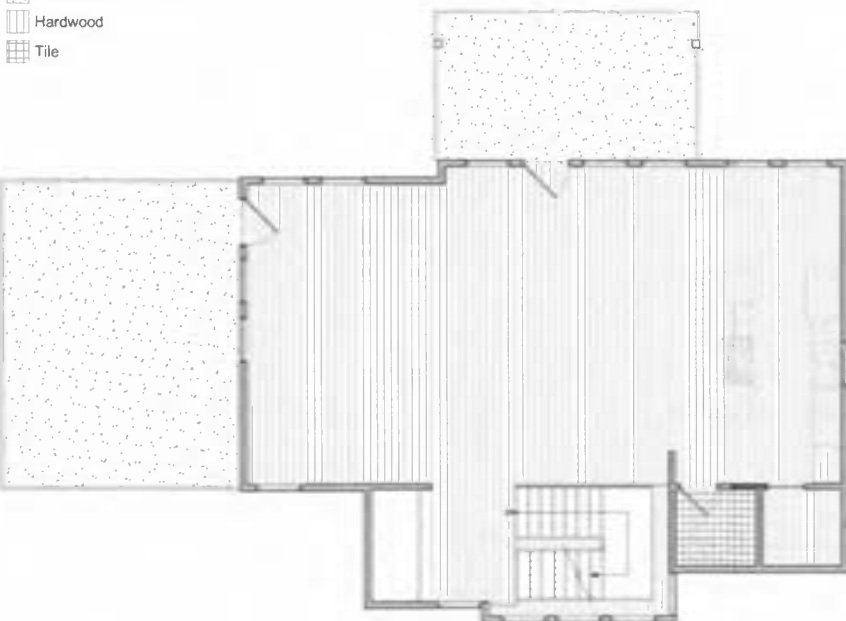
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Floor Finish Legend

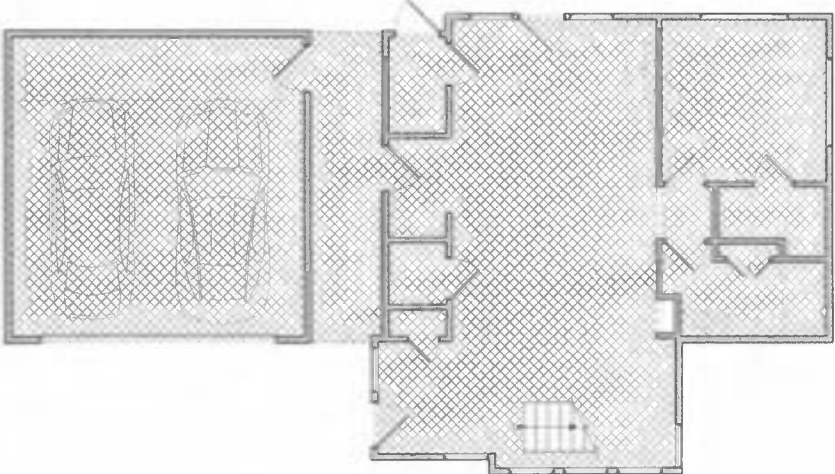
- Concrete
- Hardwood
- Tile



② L2 - Floor Finish Plan
1/4" = 1'-0"

Floor Finish Legend

- Stained Conc



① L1 - Floor Finish Plan
1/4" = 1'-0"

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Floor Finish Plans

A2.06

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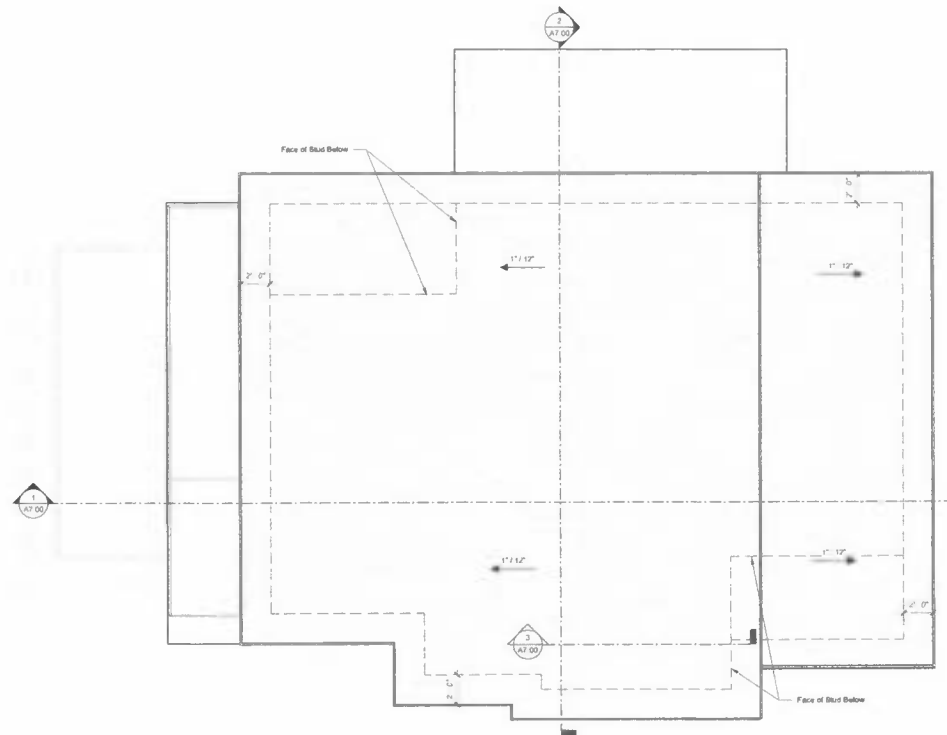
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Roof Material Takeoff		
Mark	Name	Area
RF-42	(RF-42) - Roofing Standing Seam	1,712 SF
RF-45	(RF-45) - Roofing 306 Felt	1,711 SF
STU-42	(STU-42) - Skuoco System	1,927 SF
WCU-0	(WCU-0) - Physical Sheathing	1,711 SF

Roof Fascia and Trim Schedule		
Type	Length	Comments
Fascia-Flat 1x6	206' - 3 21/32"	
	206' - 3 21/32"	



① 1.4 - Roof Plan
1/4" = 1'-0"

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Roof Plan

A3.00

BDA223-092



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M/Tek Plan Services

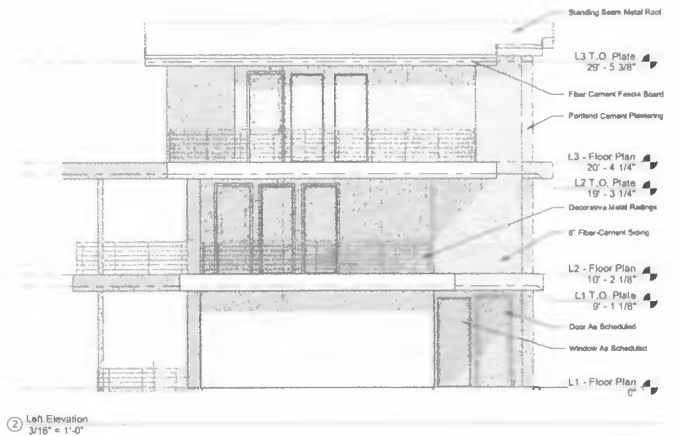
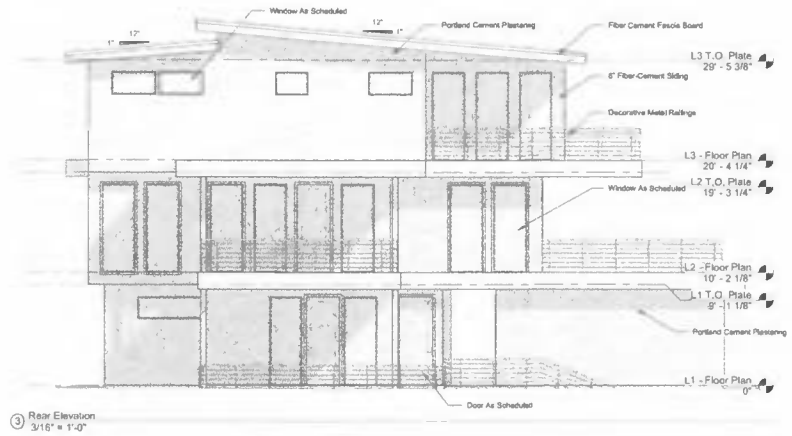
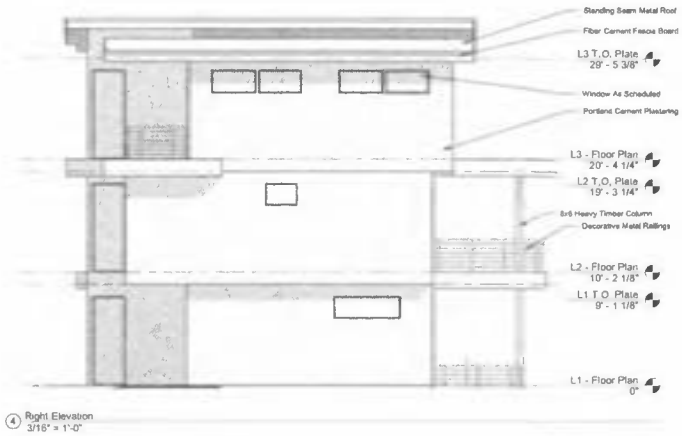
Consultant
Address
Phone
Fax
email

Consultant
Address
Phone
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email

Maurice Residence

2851 Jefferson Blvd
Dallas, Texas

For Construction



No.	Date	Description
-----	------	-------------

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Project number	7777
Date	Issue Date
Drawn by	Author
Checked by	Checker

Exterior Elevations

A5.00



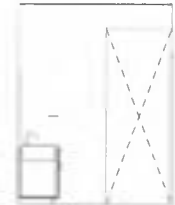
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3018 Hambling Dr
Dallas, TX 75228 214-363-1377
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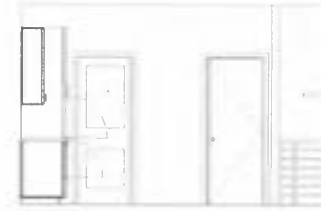
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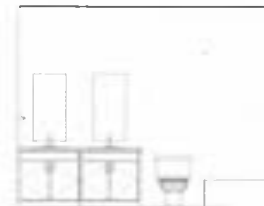
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⑧ L3 - Master Bath Shower Elevation
3/8" = 1'-0"



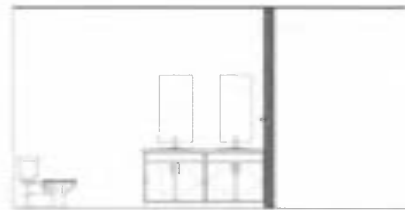
④ L2 - Kitchen Oven Elevation
3/8" = 1'-0"



⑦ L3 - Bathroom Vanity Elevation
3/8" = 1'-0"



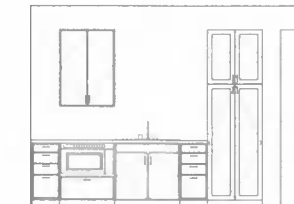
③ L2 - Kitchen Cooktop Elevation
3/8" = 1'-0"



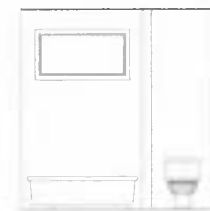
⑩ L3 - Master Bath Vanity Elevation
3/8" = 1'-0"



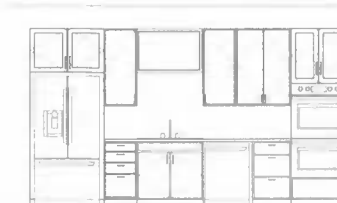
⑥ L2 - Powder Room Vanity Elevation
3/8" = 1'-0"



② L1 - Kitchenette Sink Elevation
3/8" = 1'-0"



⑨ L3 - Master Bath Tub Elevation
3/8" = 1'-0"



⑤ L2 - Kitchen Sink Elevation
3/8" = 1'-0"



① L1 - Guest Bath Vanity Elevation
3/8" = 1'-0"

Maurice Residence

2851 Jefferson Blvd
Dallas, Texas

For Construction

No. Date Description

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Project number: 9979
Date: Issue Date
Drawn by: Author
Checked by: Checker

Interior Elevations

A6.00

BDA 223-092



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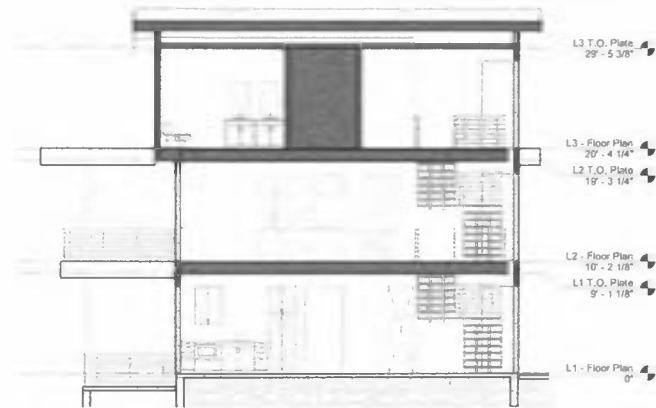
No. Date Description

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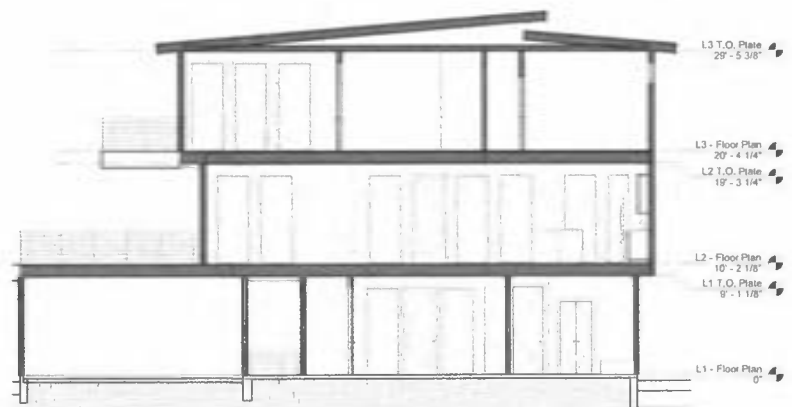
Project number: 11171
Date: Issue Date
Drawn by: Author
Checked by: Checker

Sections

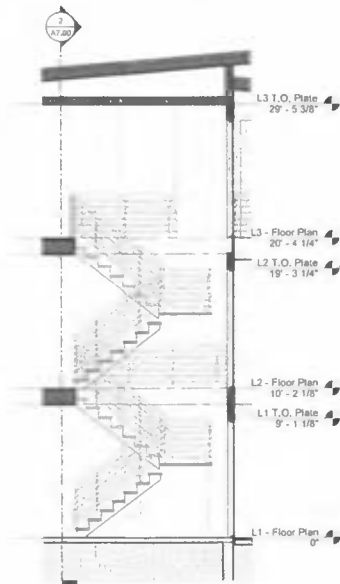
A7.00



2 Building Section 2
3/16" = 1'-0"



1 Building Section 1
3/16" = 1'-0"

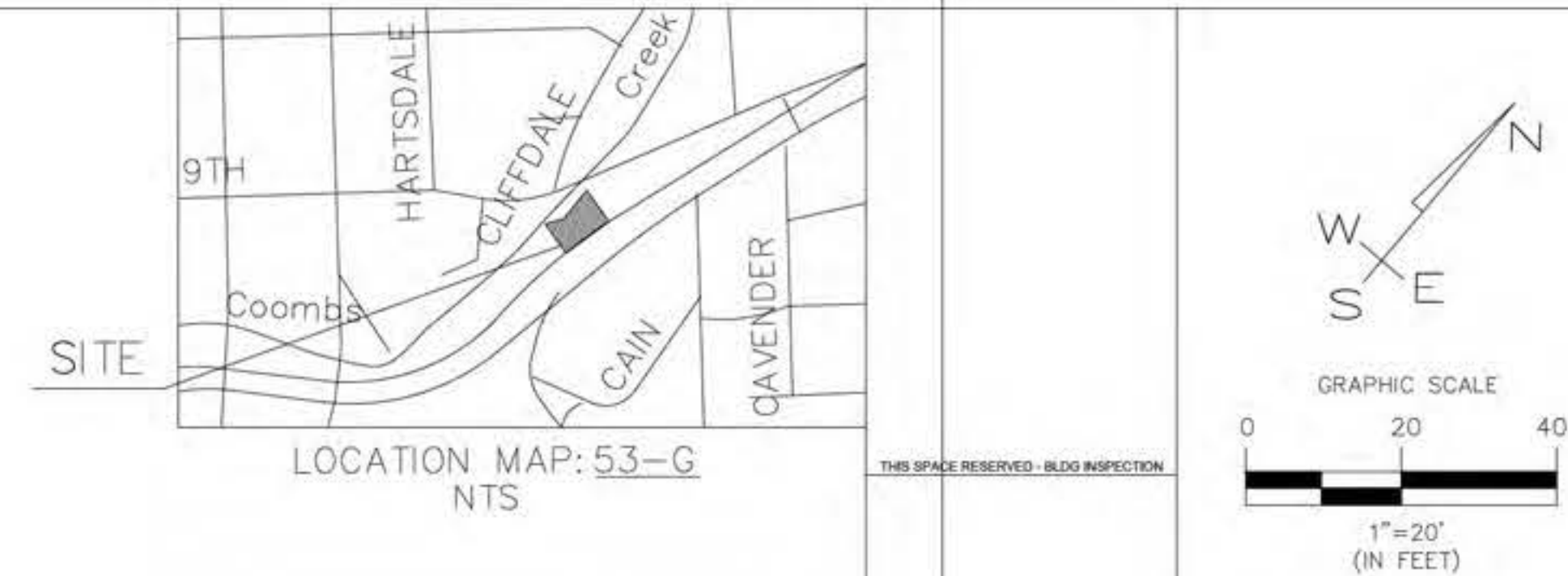
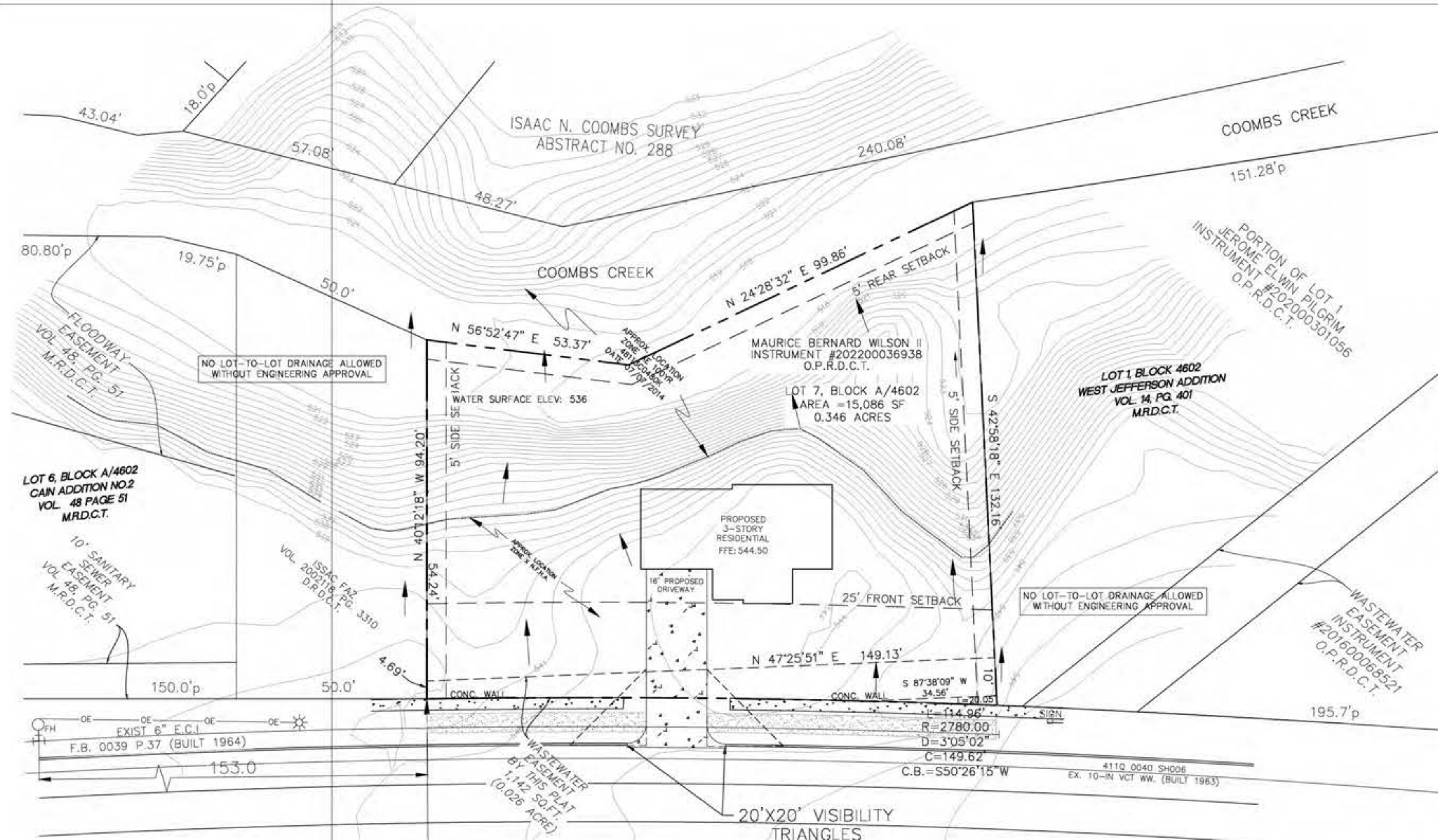


3 Stair Section 1
1/4" = 1'-0"

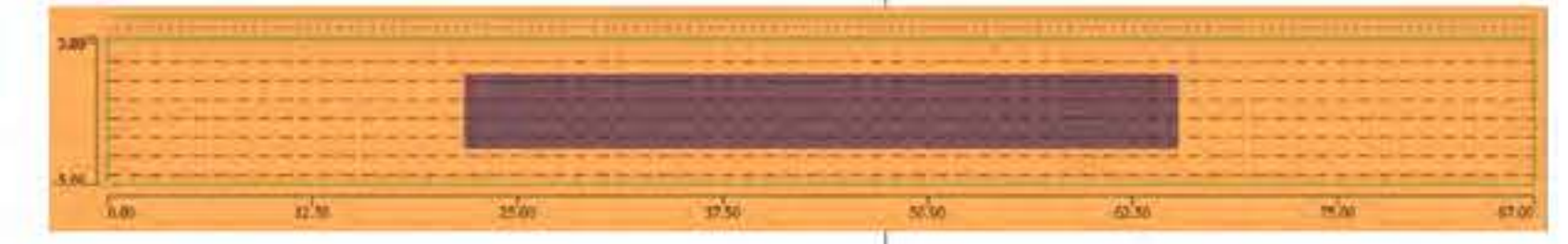
Applicant's Documentary Evidence

2851 W Jefferson Blvd, Dallas Texas 75211

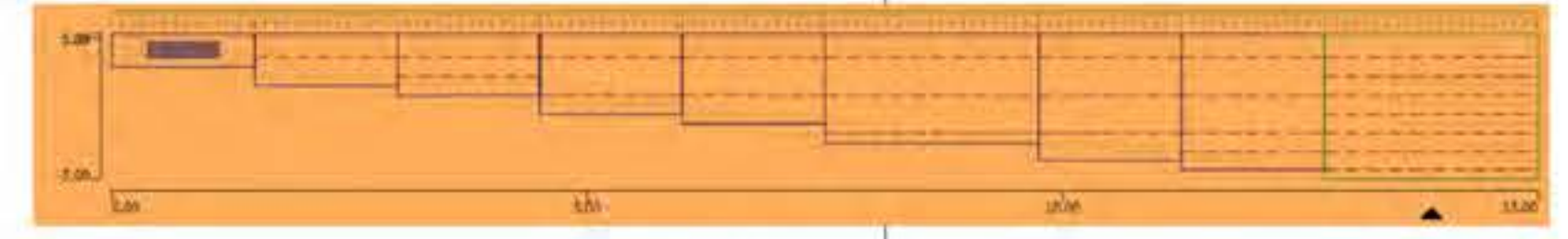
The requested variances for front yard setback and height is due to a hardship created by the Comb Creek AE flood zone. Due to this flood zone being behind the property the house at 2851 W Jefferson Blvd, Dallas, Texas 75211 this property needs to be moved up to a 10 feet front yard setback instead of the current 25 feet front yard setback and be built up in height so the flood zone area is not disturb. Without an approval for the requested variances on this application a disruption of the outline AE flood zone area could create a problem for the surrounding properties and any other properties downstream from this lot. Due to the land forever changing the lot square feet is slowly eroding in the flood zone area which means the house needs to be place as far up as possible so that it or none of its structures will impact the eroding areas or the new or future AE flood zone. As seen is evidence #1 if the 25 feet front yard setback area is left in place the current retaining wall will be placed in the new flood zone area. This new flood zone area was created by the new land survey which is shown is evidence #6. This new survey shows a lost in 1,246 sq ft of lot buildable area. This current uncontrollable hardship affect is really immeasurable but preventable if all variances are granted because with water taking the path of least resistance building in the flood zone area could create any of the following problems: Lot 1 or 6 being flooded out due to draining, lot 3 and 4 or any other lot downstream being flooded out due to accelerated flow of water draining into the Combs Creek.



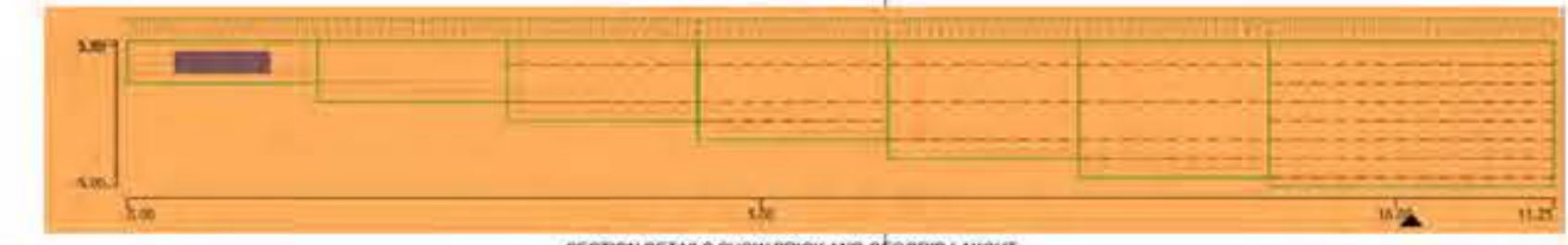
NOTE:
ANY TRAFFIC CONTROL PLAN (TCP) MUST BE SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS FOR REVIEW AND APPROVAL BY TRAFFIC SAFETY COORDINATORS PRIOR TO START OF CONSTRUCTION. NO TRAFFIC LANE OR SIDEWALK ALONG ANY PUBLIC STREET OR ALLEY IS TO BE CLOSED WITHOUT FIRST OBTAINING THE APPROPRIATE PERMIT(S). CLOSURE OF ANY TRAFFIC LANE MUST BE RESTRICTED TO THE HOURS OF 9:30 A.M. TO 3:30 P.M. WORKDAYS (HOURS MAY DIFFER IN SCHOOL ZONES). CONTRACTOR MUST CALL (214) 948-4290 TO REQUEST APPROVAL OF TCP AND TO OBTAIN A RIGHT-OF-WAY PERMIT.



SECTION B

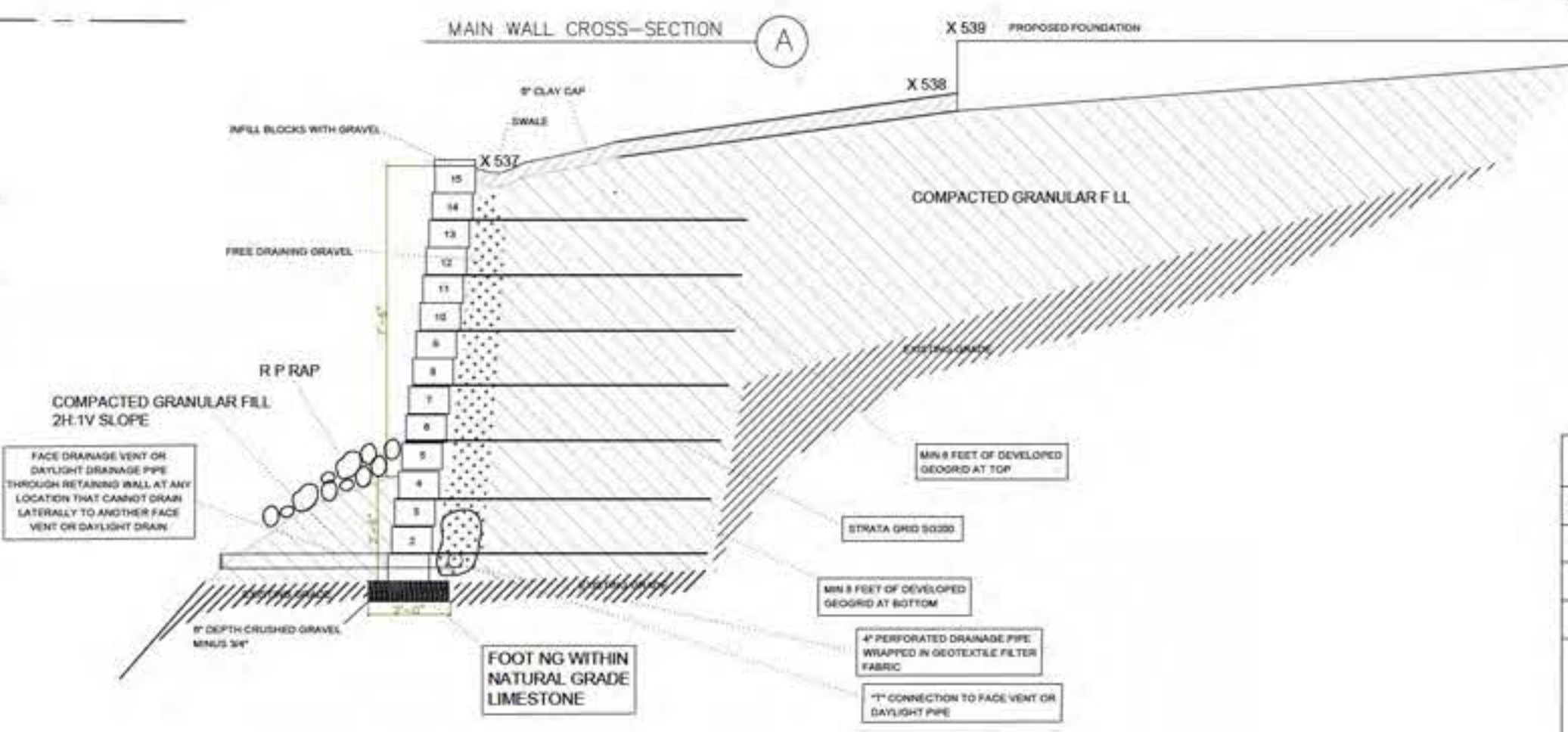


SECTION C



SECTION DETAILS SHOW BRICK AND GEGRID LAYOUT (DASHED LINES) SEE RETAINING WALL REPORT FOR EACH SECTION INFORMATION.

WEST JEFFERSON BOULEVARD
140' RIGHT OF WAY
FORMERLY COUNTY ROAD 448
VOL. 2206, PG. 531
VOL. 1920, PG. 328
D.R.D.C.T.



BENCHMARKS:
1) DALLAS WATER UTILITIES BENCHMARK 53-G-5
A RIVET IS SET ON TOP OF A CONCRETE SIDE WALK AT THE SOUTHWEST CORNER OF THE INTERSECTION.
NORTHING: 6,958,270.803 EASTING: 2,470,969.430 ELEV= 568.190
2) DALLAS WATER UTILITIES BENCHMARK 53-G-6
A SQUARE IS CUT ON TOP OF A CONCRETE CURB AT THE POINT OF CURVE ON THE EASTSIDE OF CLIFFDALE AND 30' SOUTH OF NINTH STREET.
NORTHING: 6,958,286.427 EASTING: 2,470,168.911 ELEV= 544.790

LEGEND

	PROPERTY LINE
	RIGHT-OF-WAY
	CONCRETE PAVING (6-in, 3600 psi)
	FINISH FLOOR ELEVATION
	FLOW ARROWS

GENERAL NOTES FOR RETAINING WALLS, ALL TYPES (W.N.C.)

- RETAINING WALLS SHALL BE BUILT WITH PERFORATED DRAIN SYSTEM (SEE PLAN) WITH WEED FIBER MAT UNDER FOOTING.
- WALLS SHALL CONFORM TO ALL CITY AND STATE SPECIFICATIONS.
- BAR LAPS SHALL BE 30 DIAMETERS.
- ALL EXPOSED SURFACES EXCEPT DRIVEWAY AND WALK SHALL BE FINISHED WITH CARBORUNDUM OR APPROVED PAVED FINISH.
- DRIVEWAY AND WALK SHALL BE FINISHED WITH 4-INCH BIRDWOOD PORT FINISH.
- EXPOSED TOPS AND CORNERS TO BE ROUNDED OR CHAMFERED AS INDICATED IN PLAN. (SEE AMPLIF OR BACK OF WALL) MAY BE OMITTED TO PERMIT WORKING.
- WEED FIBER MAT SHALL BE PLACED WITH FIBER DUCTS ON TOP.
- FOR WALL TYPES B & D, THE WALL SHALL BE BUILT WITH THE SPECIFIED OR TO BE PLACED, BUT SHALL NOT BE DECREASED. FOR A SPECIAL, DETAILED DESIGN IS PROVIDED IN THE PLANS AND SPECIFICATIONS.
- WEED FIBER OR PERFORATED DRAIN SYSTEM MAY BE OMITTED FOR RETAINING WALLS NOT EXCEEDING 2 FT. IN HEIGHT APPROVED BY THE PLUMBER.
- FOUNDATION JOBS SHALL BE CONSTRUCTED BETWEEN STREET CURB AND RETAINING WALL FOOTING. A MINIMUM BACK OF CURB WITH RETAINING WALL. 1 FOOT, 1 INCHES SET BEHIND FRONT FOR WALLS 1.75 FT OR MORE TO 2 IN 1 SLOPE. SIDEWALK SHALL BE ALL BE CONSTRUCTED AT BACK OF CURB BETWEEN WITH THE RETAINING WALL FOOTING (NO CONSTRUCTION MATERIAL).

CONTRACT INFORMATION

CONTRACT NO. _____	DATE _____
CONTRACTOR _____	

REVISIONS

REV NO.	DATE	DESCRIPTION	BY
	XX-XX-XXXX		XXX

PG PAREDES & GARCIA, LLC
808 DEERBROOK CIRCLE, GRAND PRAIRIE, TEXAS 75052
972.310.8549
Firm No. 11818 | www.pgeengineering.net

PLAT NO. S212-029	BLDG PERMIT NO. 2204261134	DEV ENGINEERING TRACKING NOS. WW22-677 DP22-269
-------------------	----------------------------	---

GRADING PLAN
PROPOSED RESIDENTIAL
2851 W JEFFERSON BLVD
DEVELOPMENT & SERVICES
CITY OF DALLAS, DALLAS COUNTY, TEXAS

REVIEW BY:	DRAWN BY:	DATE	FILE	NUMBER	SHEET
GG	LG	JUNE 2023	DP	22-269	C07.01

Re: Jefferson Blvd

Evidence #2

From: Jeremy Featherston [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Date: Wednesday, June 14, 2023 at 03:09 PM CDT

The notes on the plan don't refer to a mse wall, and I am not understanding the intent of the plan, I don't see final grading contours and elevations. The notes on my original plan are important due to the circumstances of this project, the site doesn't have access yet and the retaining wall is to go on a steep slope; they would need to excavate to the elevation indicated on the original plan to get embedment; and a geotech investigation is needed once access is provided to confirm the stability of the slope.

Jeremy L. Featherston, P.E., MSE
[REDACTED]

On Wed, Jun 14, 2023 at 2:50 PM Gina Garcia [REDACTED] wrote:

Jeremy-
Attached is the revised grading plan with the details added. Can you please review and if everything looks good, go ahead and sign and seal.

Thank you,
Gina
--
Gina R. Garcia, PE
[REDACTED]

Jefferson Retaining Wall

Evidence #3

From: Gina Garcia [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Date: Thursday, June 8, 2023 at 12:29 PM CDT

Hi Jeremy- we have a comment on our civil plans that state to add the retaining wall details and cross-section to the civil plans. I want to ask you if it is Ok for us to add your design to our plan and the both of us seal the grading plan? If so, do you prefer to seal a pdf or a dwg?

Ref # 25	Engineering Review of Drawing	Michael Serna	11/02/21 9:40	2/6/3
Comment	<p>Please provide a stamped engineering seal and signature for the retaining wall, drainage, utility, and site plan. All details including drainage should be updated to reflect current conditions. If any ground conditions have changed since the original design, a detailed geotechnical report should be provided. Also, any proposed retaining walls or foundations shall be prepared in accordance with the applicable code and approved by the city engineer if any other retaining wall details will be required.</p> <p>Approved by Gina Garcia - 11/02/21 10:40 AM</p> <p>Adding and sealing utility and drainage details to be shown on the civil plan.</p> <p>Approved by Gina Garcia - 11/02/21 12:29 PM</p> <p>There is an existing wall at the back of the property that will remain. A retaining wall plan for the wall being proposed to be shown has been updated to document type. These plans are in another drawing.</p>			

Thank you,

Gina R. Garcia, PE
Principal

Paredes & Garcia, LLC
808 Deerbrook Circle | Grand Prairie TX 75052 | [REDACTED]

 2851 Jefferson Retaining Wall Plan (1).pdf
992.9kB

Re: W Jefferson Grading plan

Evidence #4

From: Deris Rodriguez [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Date: Monday, August 21, 2023 at 02:45 PM CDT

The current wall is approximately located where the elevation 532 is. It needs to be along the 100-yr floodplain (Elevation 535 shown on plane) but about 2-ft in towards the house so that the construction does not touch the floodplain area.

Deris Rodriguez
Project Manager EIT
[REDACTED]

Paredes & Garcia, LLC
808 Deerbrook Circle | Grand Prairie TX 75052

On Mon, Aug 21, 2023 at 10:20 AM Krystina Paige [REDACTED]

Where is the wall on this plan
I'm Not Just A Realtor, I'm The Realtor
Krystina Paige

On Monday, August 21, 2023 at 09:49:19 AM CDT, Deris Rodriguez <deris@pgaengineers.net> wrote:

Krystina,
See grading plan attached.
Tank you
Deris Rodríguez
Project Manager EIT
[REDACTED]

Paredes & Garcia, LLC
808 Deerbrook Circle | Grand Prairie TX 75052



FEMA Flood Map Service Center: Search By Address

Evidence #5 (1)

Navigation

Search

MSC Home (/portal/)

MSC Search by Address (/portal/search)

MSC Search All Products (/portal/advanceSearch)

MSC Products and Tools (/portal/resources/productsandtools)

Hazus (/portal/resources/hazus)

LOMC Batch Files (/portal/resources/lomc)

Product Availability (/portal/productAvailability)

MSC Frequently Asked Questions (FAQs) (/portal/resources/faq)

MSC Email Subscriptions (/portal/subscriptionHome)

Contact MSC Help (/portal/resources/contact)

Enter an address, place, or coordinates:

2851 W Jefferson St dallas texas 75211

Search

Whether you are in a high risk zone or not, you may need [flood insurance](https://www.fema.gov/national-flood-insurance-program) because most homeowners insurance doesn't cover flood damage. If you live in an area with low or moderate flood risk, you are 5 times more likely to experience flood than a fire in your home over the next 30 years. For many, a National Flood Insurance Program's flood insurance policy could cost less than \$400 per year. Call your insurance agent today and protect what you've built.

Learn more about [steps you can take](https://www.fema.gov/what-mitigation) to reduce flood risk damage.

Search Results—Products for DALLAS, CITY OF

Show ALL Products » (<https://msc.fema.gov/portal/availabilitySearch?addcommunity=48113C&communityName=DALLAS>)

The flood map for the selected area is number **48113C0480K**, effective on **7/7/2014**

DYNAMIC MAP



<https://msc.fema.gov/portal/firmette?latitude=32.745081&longitude=-96.867751>

MAP IMAGE



[https://msc.fema.gov/portal/downloadProduct?](https://msc.fema.gov/portal/downloadProduct?productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=48113C0480K)

[productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=48113C0480K](https://msc.fema.gov/portal/downloadProduct?productTypeID=FINAL_PRODUCT&productSubTypeID=FIRM_PANEL&productID=48113C0480K)

Changes to this FIRM

Revisions (2)

Amendments (16)

14-06-4749A-480171 11/25/2014 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=14-06-4749A-480171>

15-06-1301A-480171 03/10/2015 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=15-06-1301A-480171>

15-06-2436A-480171 06/03/2015 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=15-06-2436A-480171>

15-06-4064A-480171 10/09/2015 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=15-06-4064A-480171>

17-06-2649A-480171 06/13/2017 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=17-06-2649A-480171>

17-06-3525A-480171 09/01/2017 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=17-06-3525A-480171>

18-06-2856A-480171 08/23/2018 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=18-06-2856A-480171>

18-06-3481A-480171 09/18/2018 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=18-06-3481A-480171>

18-06-3557A-480171 09/20/2018 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=18-06-3557A-480171>

19-06-1195A-480171 03/26/2019 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=19-06-1195A-480171>

19-06-1829A-480171 04/02/2019 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=19-06-1829A-480171>

19-06-1902A-480171 05/07/2019 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LOMC&productSubTypeID=LOMA&productID=19-06-1902A-480171>

Evidence #5 (2)

- 20-06-0194A-480171 11/27/2019 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LQMC&productSubTypeID=LQMA&productID=20-06-0194A-480171>
- 20-06-2104A-480171 05/21/2020 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LQMC&productSubTypeID=LQMA&productID=20-06-2104A-480171>
- 21-06-1941A-480171 05/02/2021 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LQMC&productSubTypeID=LQMA&productID=21-06-1941A-480171>
- 22-06-0478A-480171 12/21/2021 <https://msc.fema.gov/portal/downloadProduct?productTypeID=LQMC&productSubTypeID=LQMA&productID=22-06-0478A-480171>

Revalidations (2)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FIRMette.

Go To NFHL Viewer » (<https://fema.maps.arcgis.com/home/webmap/viewer.html?webmap=cbe088e7c8704464aa0fc34eb99e7f30>)



PIN



Approximate location based on user input and does not represent an authoritative property location

MAP PANELS



Selected FloodMap Boundary



Digital Data Available



No Digital Data Available



Unmapped

OTHER AREAS



Area of Minimal Flood Hazard Zone X



Effective LOMRs



Area of Undetermined Flood Hazard Zone D









Otherwise Protected Area














Coastal Barrier Resource System Area

Evidence #S(3)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Regulatory Floodway Zone AE, AO, AH, VE, AR


OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D

OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
GENERAL STRUCTURES		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
GENERAL STRUCTURES		Hydrographic Feature
		Channel, Culvert, or Storm Sewer
GENERAL STRUCTURES		Levee, Dike, or Floodwall

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OIG HOTLINE
 Report Fraud, Waste & Abuse (<https://www.oig.dhs.gov/hotline/>)

 Official website of the Department of Homeland Security

Evidence #6(1)

Fw: S212-029, Final Plat quote

From: Krystina Paige ([redacted])
To: [redacted]
Date: Saturday, August 19, 2023 at 08:18 AM CDT

I'm Not Just A Realtor, I'm The Realtor
Krystina Paige

----- Forwarded Message -----
From: Gina Garcia <[redacted]>
To: Maurice Wilson <[redacted]>
Cc: Krystina Paige <[redacted]>
Sent: Friday, March 24, 2023 at 11:22:44 AM CDT
Subject: Fwd: S212-029, Final Plat quote

Maurice- can you please call me at 972-310-8549 when you read this email?

----- Forwarded message -----

Gina,

We field verified this plat. The original plats around the area follow the centerline of the creek. The deed for the property calls for a point within Coorba Creek, then follows the creek. The s provided, do not follow the centerline of the creek in its current location, and the points fall on the other side of the creek. Per rule, a boundary line changes with the gradual changes of the result in a net lost 1,240 sf of land. See picture below, the centerline of the creek is in magenta line and the Deed/plat line is cyan.

Regarding the Northeast line, it looks like 20 feet of Lot 1, West Jefferson Addition, fall within the area claimed in our deed. The neighbor to the east, claims 195.76 feet from point to point, field verified and monumented. Their deed calls for only a portion of Lot 1. This makes me believe that our plat contains a portion of Lot 1 (West 20 feet), West Jefferson addition. Whether i or not, without digging too deep on this, it appears the tract to the east recognizes the East Boundary line of our lot where it is and makes no claim west of it, to the end of lot 1.

Evidence #6(2)



Anel Rodriguez, RPLS
Manager

Gina R. Garcia, PE
Principal
PG | [REDACTED]

FILE NUMBER: BDA223-093 (SD)

BUILDING OFFICIAL'S REPORT: Application of Jennifer Hiromoto for (1) a special exception to the landscaping regulations at 4200 Duncanville Rd. This property is more fully described as Block A/8032 Lot 1, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

LOCATION: 4200 Duncanville Rd.

APPLICANT: Jennifer Hiromoto

REQUEST:

(1) A special exception to the landscape regulations.

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:

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: IR (Industrial Research)
North: IR (Industrial Research)
South: IR (Industrial Research)
East: IR (Industrial Research)
West: IR (Industrial Research)

Land Use: The subject site is currently undeveloped; intended to be used as an Industrial (Inside) use. The surrounding area mainly consists of large manufacturing and warehousing developments. Equipment rental, gas station, and vacant land are the land uses in this immediate area.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the landscape regulations
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain an industrial manufacturing business resulting in the need for a landscape special exception.
- 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 6, 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 **B**.

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, deadline to submit additional evidence to be incorporated into the board’s docket materials.

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

October 30, 2023: The Development Services Chief Arborist reviewed the request, and all submitted documents and is in support due to the site being a restricted space for planting and feels the applicant has provided justification regarding the reductions of

plant materials on the site. He supports this alternative landscape plan (dated 10/23/2023) with conditions; comments will be provided during the briefing.

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.

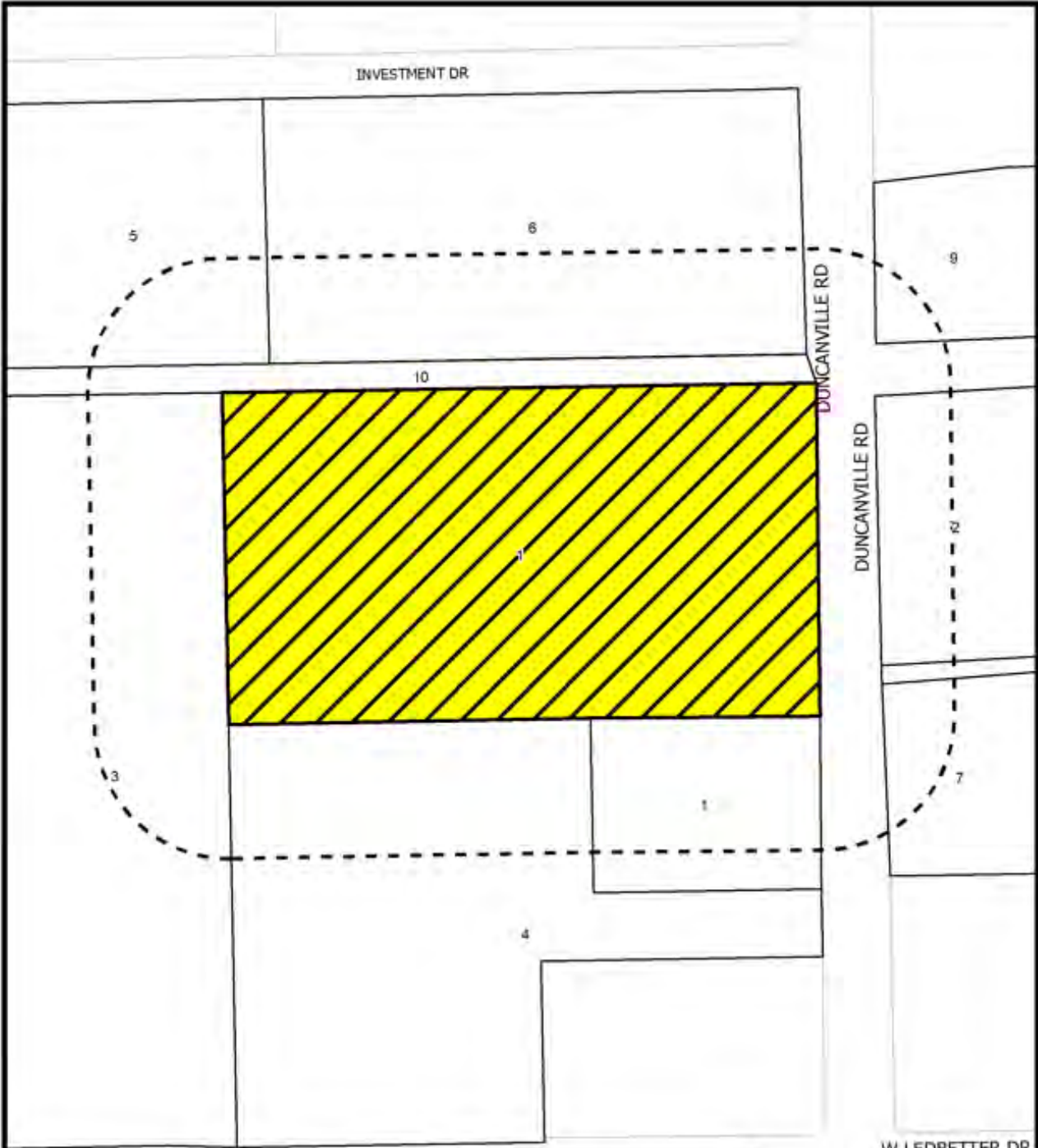


1:2,400

AERIAL MAP

Case no: BDA223-093

Date: 10/18/2023



W LEDBETTER DR The number '0' indicates City of Dallas Ownership

W LEDBETTER DR
W LEDBETTER DR


 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
10 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-093
 Date: 10/18/2023

/
10/18/2023

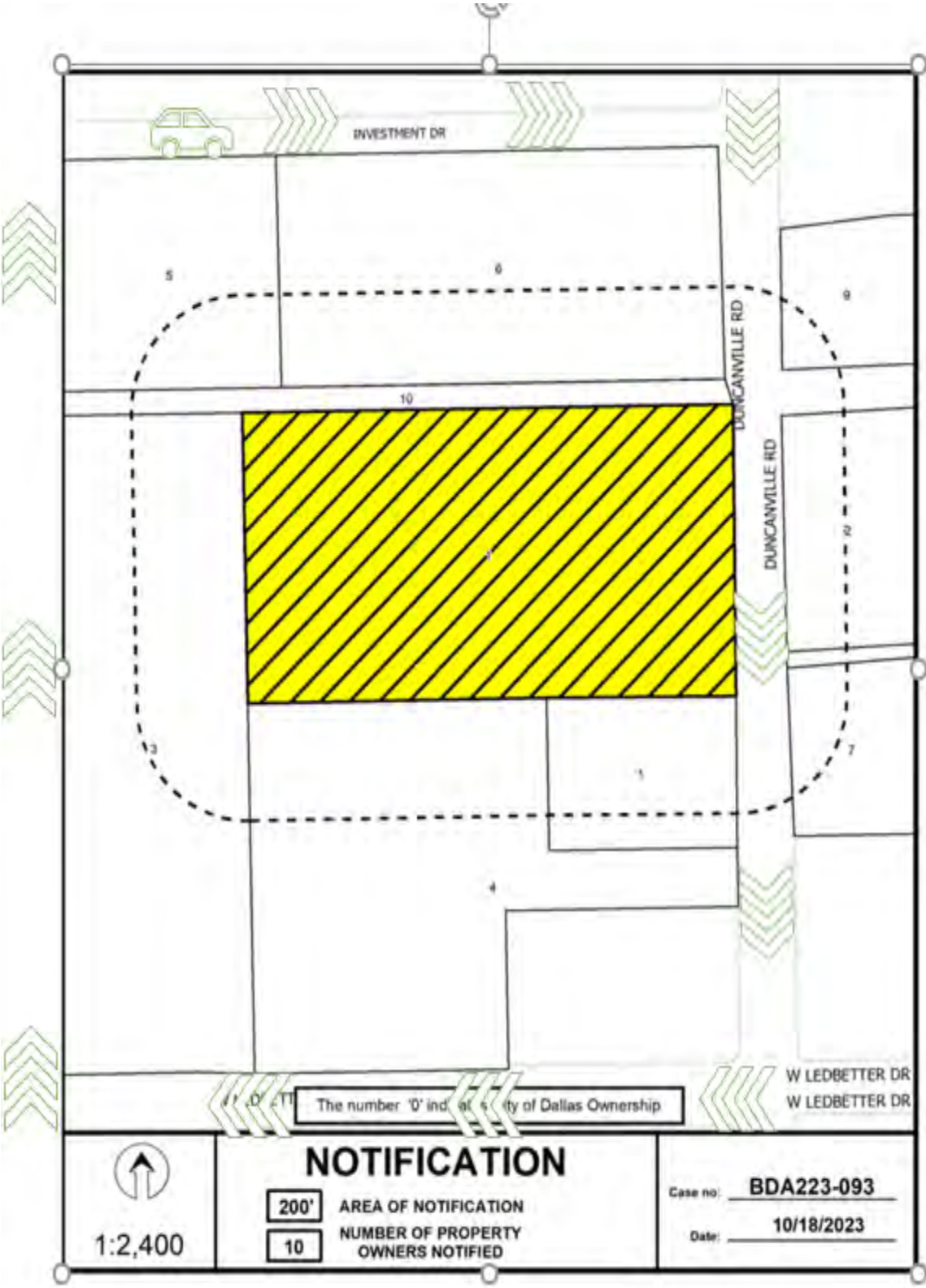
Notification List of Property Owners

BDA223-093

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4200 DUNCANVILLE RD	CCH REALTY LLC
2	4040 DUNCANVILLE RD	ONCOR ELECRTIC DELIVERY COMPANY
3	8032 W LEDBETTER DR	CRP AI LEDBETTER OWNER LP
4	4200 DUNCANVILLE RD	CRPAI LEDBETTER OWNER LP
5	5252 INVESTMENT DR	TRINIDADBENHAM CORP
6	5050 INVESTMENT DR	ETH INVESTMENT GROUP LLC
7	4100 DUNCANVILLE RD	ATKINSON SAMUEL J &
8	4060 DUNCANVILLE RD	NAUGATUCK LC
9	3930 DUNCANVILLE RD	BOISE CASCADE BUILDING MATERIALS DISTRIBUTION LLC
10	2300 AL LIPSCOMB WAY	BNSF RAILWAY

<https://youtu.be/AnTTZDfzFoU>





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA BDA 223-093

Data Relative to Subject Property: _____

Date: 9/1/23 RECEIVED
SEP 07 2023
BY: RB

Location address: 4200 Duncanville Road Zoning District: IR

Lot No.: 1 Block No.: A/8032 Acreage: 10.0 acres Census Tract: _____

Street Frontage (in Feet): 1) 495 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): CCH Realty LLC

Applicant: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: P.O. Box 38586, Dallas, TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Represented by: Jennifer Hiromoto Telephone: 469-275-2414

Mailing Address: P.O. Box 38586, Dallas, TX Zip Code: 75238

E-mail Address: jennifer@buzzurbanplanning.com

Affirm that an appeal has been made for a Variance , or Special Exception , of to the landscaping regulations

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The property is restricted from full compliance with landscaping regulations due to an existing 60' utility and jet fuel line easement along Duncanville Road.

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 Jennifer Hiromoto
(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: Jennifer Hiromoto
(Affiant/Applicant's signature)

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

Cherie Bayon Levier
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 Jennifer Hiromoto

did submit a request for (1) a special exception to the landscaping regulations
at 4200 DUNCANVILLE RD.

BDA223-093(SD) Application of Jennifer Hiromoto for (1) a special exception to the landscaping regulations at 4200 Duncanville Rd. This property is more fully described as Block A/8032 Lot 1, and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-093

I, CCH Realty, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4201 Duncanville Road
(Address of property as stated on application)

Authorize: Jennifer Hiromoto
(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: Landscaping

Brad Boswell

Print name of property owner or registered agent

[Signature]

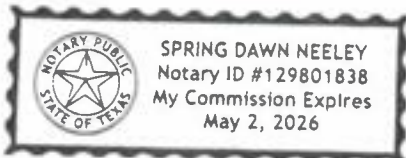
Signature of property owner or registered agent

Date 8/25/2023

Before me, the undersigned, on this day personally appeared Brad Boswell

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 25th day of August, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 5-2-2024






















IR

INVESTMENT DR

DUNCANVILLE RD

W LEDBETTER DR

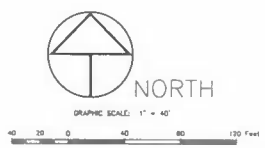
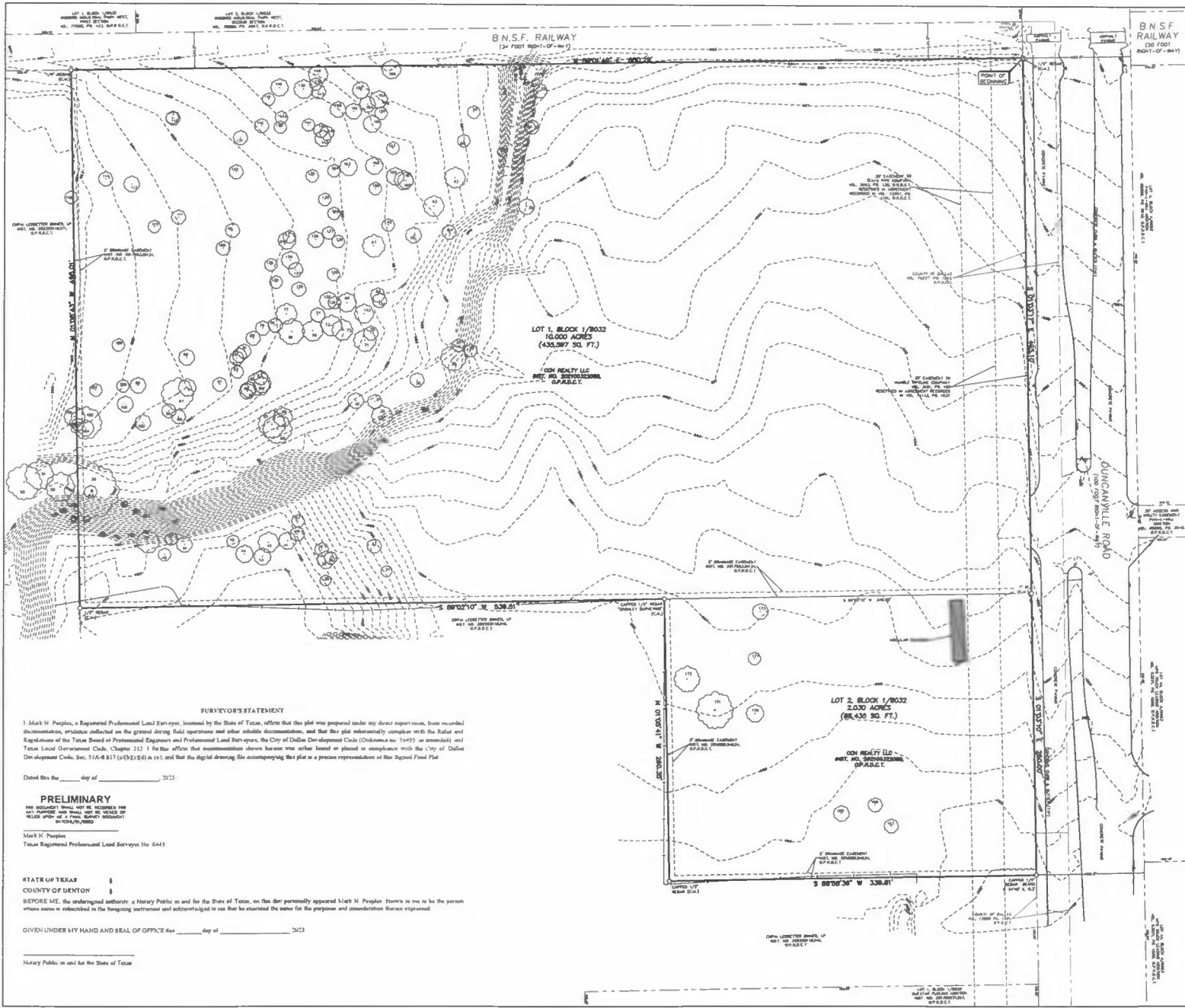
PD
263

 City Limits	 Parking Management Overlay	 MD Overlay
 Highways	 Shopfront Overlay	 Historic Subdistricts
 Ramps and Access Roads	 Base Zoning	 Historic Overlay
 Parks	 PD193 Oak Lawn	 CD Subdistricts
 Height Map Overlay	 Dallas Environmental Corridors	 PD Subdistricts
	 DDO Overlay	 PDS Subdistricts
	 Deed Restrictions	 NSO Subdistricts
	 SUP	 NSO_Overlay
	D	Escarpment Overlay
	D-1	
	CP 84	
	SP	



1:3,600

Case ID: **BDA-223-093**
Printed: 8/2/2023



- SURVEYOR'S NOTES**
1. Bearings and distances are based on Texas State Plane Coordinate System, Texas North Central Zone 4302 North American Datum of 1983 (NAD 83) (1.2 Feet) with a combined scale factor of 1.00136508.
 2. This property lies within Zone 32(2) (subdiv.) of the Flood Insurance Rate Map for Dallas County, Texas and Incorporated Areas map no. 81131/0404L, dated July 07, 2012. The colored map location and graphic, if any, is shown.
 3. Notwithstanding to a portion of the address by name and length as a violation of C.O.G. subdivisions and state planning statute and in respect to same and re-plotting of status and building code.
 4. Tree Data shown on this plat was provided by others.
 5. The purpose of this plat is to create two recorded lots out of two unplatted tracts.

- LEGEND OF ABBREVIATIONS**
- D.R.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
 - D.P.R.C.S. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
 - P.R.C.I. PLAT RECORDS, DALLAS COUNTY, TEXAS
 - ROW RIGHT OF WAY
 - RS 1/2" HIGH CARVED REBAR STAMPED "WINDROSE" SET
 - C.W. CONTROLLING MONUMENT
 - WS1-10 INSTRUMENT NUMBER
 - SQ. FT. SQUARE-FOOT



WINDROSE
LAND SURVEYING & PLATTING

3008 BSA STREET, SUITE 200 | LITTLEFIELD, TX 75042 | 817-304-2244
 1100 WOODLAWN RD. #100 | IRVING, TX 75038 | 817-304-2244

DATE: 04/07/2023 CHECKED BY: A.P. JOB NO: 081504

DEVELOPER PROJECT SERVICES GROUP, INC.
 2040 Century Center Blvd, Ste. 910 Irving, Texas 75042 817-304-2231

OWNER COH Realty, L.L.C.
 2040 Century Center Blvd, Ste. 910 Irving, Texas 75042 817-304-2231

PRELIMINARY PLAT
4200 DUNCANVILLE ROAD
ADDITION
LOT 1, BLOCK 1/8032

Being a 12,030 Acre tract of land situated in the John Metcalf Survey, Abstract Number 885 City of Dallas, Dallas County, Texas City Case No. S223-194

SURVEYOR'S STATEMENT

I, Mark N. Peoples, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from accurate documentation, evidence collected on the ground during field operations and other reliable documentation, and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Professional Land Surveyors, the City of Dallas Development Code (Ordinance no. 11455 as amended) and Texas Local Government Code, Chapter 112. I, the Surveyor, affirm that measurement shown hereon was taken or based on records in compliance with the City of Dallas Development Code, Sec. 51A-8.17 (V)(E)(6) (a); and that the digital drawing file accompanying this plat is a precise representation of the Signed Final Plat.

Dated this _____ day of _____, 2023.

PRELIMINARY

THIS PRELIMINARY PLAT HAS NOT BEEN RECORDED AND IS NOT VALID FOR ANY PURPOSES UNTIL IT IS RECORDED IN THE PUBLIC RECORDS OF DALLAS COUNTY, TEXAS.

Mark N. Peoples
 Texas Registered Professional Land Surveyor No. 6443

STATE OF TEXAS
 COUNTY OF DENTON

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark N. Peoples, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2023.

Notary Public in and for the State of Texas

BDA223-093

TREE TABLE

LIST #	CAL "	COMMON NAME	LIST #	CAL "	COMMON NAME
22	9	EASTERN RED CEDAR	101	10	EASTERN RED CEDAR
23	7	EASTERN RED CEDAR	102	10	EASTERN RED CEDAR
24	9	SIBERIAN ELM	103	21	SIBERIAN ELM
25	10	SIBERIAN ELM	104	10	EASTERN RED CEDAR
26	8	BLACK HICKORY	105	13	BLACK HICKORY
27	8	ARIZONA ASH	106	8	EASTERN RED CEDAR
28	16	BLACK WILLOW	107	8	EASTERN RED CEDAR
29	9	SILVER MAPLE	108	8	EASTERN RED CEDAR
30	13	BLACK WILLOW	109	9	EASTERN RED CEDAR
31	9	BLACK HICKORY	110	9	EASTERN RED CEDAR
32	10	BLACK HICKORY	111	9	EASTERN RED CEDAR
33	9	EASTERN RED CEDAR	112	8	EASTERN RED CEDAR
34	7	EASTERN RED CEDAR	113	10	EASTERN RED CEDAR
35	7	EASTERN RED CEDAR	114	9	EASTERN RED CEDAR
36	15	EASTERN RED CEDAR	115	8	EASTERN RED CEDAR
38	8	EASTERN RED CEDAR	116	9	EASTERN RED CEDAR
39	12	CEDAR ELM	117	8	EASTERN RED CEDAR
40	9	EASTERN RED CEDAR	118	9	EASTERN RED CEDAR
41	11	EASTERN RED CEDAR	119	8	EASTERN RED CEDAR
42	13	EASTERN RED CEDAR	120	8	EASTERN RED CEDAR
43	12	EASTERN RED CEDAR	121	9	EASTERN RED CEDAR
44	11	EASTERN RED CEDAR	122	9	EASTERN RED CEDAR
45	8	CEDAR ELM	123	8	EASTERN RED CEDAR
46	10	SUGARBERRY	124	11	BLACK HICKORY
47	8	BLACK HICKORY	125	8	EASTERN RED CEDAR
48	9	SIBERIAN ELM	126	11	COTTONWOOD
49	14	SIBERIAN ELM	127	9	EASTERN RED CEDAR
50	22	SIBERIAN ELM	128	10	EASTERN RED CEDAR
51	18	SIBERIAN ELM	129	9	EASTERN RED CEDAR
52	18	SIBERIAN ELM	130	8	EASTERN RED CEDAR
53	8	SIBERIAN ELM	131	8	EASTERN RED CEDAR
55	29.5	SIBERIAN ELM	132	11	PISTACHE
57	8	CEDAR ELM	133	12	EASTERN RED CEDAR
59	8	EASTERN RED CEDAR	134	9	EASTERN RED CEDAR
60	8	EASTERN RED CEDAR	135	8	EASTERN RED CEDAR
61	6	SIBERIAN ELM	136	8	EASTERN RED CEDAR
62	23	AMERICAN ELM	137	8	EASTERN RED CEDAR
63	18	SIBERIAN ELM	138	8	EASTERN RED CEDAR
64	9	CEDAR ELM	139	8	EASTERN RED CEDAR
65	10	EASTERN RED CEDAR	140	9	EASTERN RED CEDAR
66	8	EASTERN RED CEDAR	141	9	EASTERN RED CEDAR
67	14	ARIZONA ASH	142	10	EASTERN RED CEDAR
68	9	EASTERN RED CEDAR	143	8	EASTERN RED CEDAR
69	12	PISTACHE	144	8	EASTERN RED CEDAR
70	9	SIBERIAN ELM	145	12	EASTERN RED CEDAR
71	14	EASTERN RED CEDAR	146	11	EASTERN RED CEDAR
72	13	EASTERN RED CEDAR	147	9	EASTERN RED CEDAR
73	13	EASTERN RED CEDAR	148	12	EASTERN RED CEDAR
74	9	HERCULES CLUB	149	8	EASTERN RED CEDAR
75	13	EASTERN RED CEDAR	150	10	EASTERN RED CEDAR
76	16	EASTERN RED CEDAR	151	10	EASTERN RED CEDAR
77	19	EASTERN RED CEDAR	152	16	EASTERN RED CEDAR
78	9	EASTERN RED CEDAR	153	11	EASTERN RED CEDAR
79	9	EASTERN RED CEDAR	154	10	EASTERN RED CEDAR
80	9	EASTERN RED CEDAR	155	11	EASTERN RED CEDAR
81	9	EASTERN RED CEDAR	156	8	EASTERN RED CEDAR
82	8	EASTERN RED CEDAR	157	8	EASTERN RED CEDAR
83	15	EASTERN RED CEDAR	158	8	EASTERN RED CEDAR
84	10	EASTERN RED CEDAR	159	11	EASTERN RED CEDAR
85	9	BLACK HICKORY	160	10	EASTERN RED CEDAR
86	10	EASTERN RED CEDAR	161	12	SIBERIAN ELM
87	17	SIBERIAN ELM	162	11	COTTONWOOD
88	18	SIBERIAN ELM	163	11	EASTERN RED CEDAR
89	12	SIBERIAN ELM	164	8	EASTERN RED CEDAR
90	10	BLACK HICKORY	165	8	EASTERN RED CEDAR
91	9	EASTERN RED CEDAR	166	12	EASTERN RED CEDAR
92	9	EASTERN RED CEDAR	167	9	EASTERN RED CEDAR
93	9	EASTERN RED CEDAR	168	9	EASTERN RED CEDAR
94	11	EASTERN RED CEDAR	169	10	EASTERN RED CEDAR
95	9	EASTERN RED CEDAR	170	11	COTTONWOOD
96	9	EASTERN RED CEDAR	171	18.5	COTTONWOOD
97	12	EASTERN RED CEDAR	172	11.5	CEDAR ELM
98	10	EASTERN RED CEDAR	173	10	AMERICAN ELM
99	10	EASTERN RED CEDAR	174	8	EASTERN RED CEDAR
100	8	EASTERN RED CEDAR			

STATE OF TEXAS §
COUNTY OF DALLAS §

WHEREAS TX CCH Realty, L.L.C. as the owners of a 12.030 acre tract of land situated at the John Metcalf survey, abstract number (no.) 885, Dallas County, Texas, being all of that first referenced tract of land described by CCH Realty L.L.C. in special warranty deed recorded in document (doc.) no. 20216032549, of the official public records of Dallas County, Texas (U.F.R.D.C.T.), and being more particularly described by metes and bounds as follows: (beginning and ending as shown on the state plane coordinate system, Texas North Central Zone (4202) North American Datum 83 (NAD83)(U.S. feet) with a combined scale factor of 1.000136305)

Beginning at a U2 inch rebar found on the West line of a tract of land described by county of Dallas as right-of-way deed recorded in volume (vol.) "922" page (pg.) 1293, deed records of Dallas County, Texas (D.R.D.C.T.), and being the Northwest corner of said first referenced CCH Realty tract, and point being at the intersection of the South right-of-way line of R.N.P. Railway (34 feet right-of-way) and the West right-of-way line of Duncanville Road (100 feet right-of-way).

Thence, South 01 degree 03 minutes 17 seconds East, with the West line of said Duncanville Road, a distance of 495.16 feet to a 1 inch pipe found on the East line of said CCH Realty tract.
 Thence, South 01 degree 03 minutes 10 seconds East, continuing with the West right-of-way line of said Duncanville Road, a distance of 260.00 feet to a point on the Southeast corner of said CCH Realty tract, and point being on the West line of a tract of land described by county of Dallas as right-of-way deed recorded in vol. 7349, pg. 1491 D.R.D.C.T., and being the Northwest corner of a tract of land described to CRPAI Leubetter Owner, L.P. lot no. 202201181545, O.F.R.D.C.T., from said point a line a copped U2 inch rebar bears North 24 degree 40 minutes East, 6.3 feet
 Thence, South 03 degree 58 minutes 36 seconds West, with the South line of said CCH Realty tract and the North line of said CRPAI Leubetter Owner, L.P. tract, a distance of 339.51 feet to a copped U2 inch rebar found for an interior "all" corner of said CRPAI Leubetter Owner tract.
 Thence, South 01 degree 05 minutes 41 seconds West, with the West line of said CCH Realty tract and an East line of said CRPAI Leubetter Owner tract, a distance of 360.35 feet to a copped 1/2 inch rebar stamped "Country Surveying" found at an interior "all" corner of said CCH Realty tract, and being the Northwest corner of said CRPAI Leubetter Owner tract.
 Thence, South 09 degree 02 minutes 10 seconds West, with the North line of said CRPAI Leubetter Owner tract and the South line of said CCH Realty tract, a distance of 339.51 feet to a 1/2 inch rebar found on the East line of a tract of land described to CRPAI Leubetter Owner, L.P. an special warranty deed recorded in vol. no. 202201181545, O.F.R.D.C.T., and being the Northwest corner of said CRPAI Leubetter Owner tract.
 Thence, North 01 degree 08 minutes 43 seconds West, with the East line of said first referenced CRPAI Leubetter Owner tract and the West line of said CCH Realty tract, a distance of 495.01 feet to a 1/2 inch rebar found on the South right-of-way line of said R.N.P. Railway, and being the Northwest corner of said second referenced CRPAI Leubetter Owner tract, and the Northwest corner of said CCH Realty tract.
 Thence, North 09 degree 01 minutes 49 seconds East, with the South right-of-way line of said R.N.P. Railway, and the North line of said CCH Realty tract, a distance of 880.70 feet to the place of beginning said combined 12.030 acre ±, 124,012 square feet of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

The CCH Realty, L.L.C., acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as 4200 Duncanville Road Addition, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple to the public use forever, any streets, alleys, and driveway easements shown thereon. The easements shown hereon are hereby reserved for the purposes indicated. The utility and fire line easements shall be open to the public, fire and police uses, garbage and rubbish collection agencies, and all public and private utilities for all particular use. The maintenance of paving on the utility and fire line easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements or growth shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using in carrying to use the same. All such public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growth which in any way may interfere with the construction, maintenance or efficient use of any public utility system as shown, and all public utility shall have the right of ingress and egress to and from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and selling to or removing all in parts of its respective systems without the necessity of any form of practicing the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any easements or service required in connection therewith.)

Water mains and wastewater sewerage shall also include additional area in existing open for construction and maintenance of the systems. Additional easement area is also conveyed to installation and maintenance of overhead, overhead, fire hydrant water service and wastewater service from the same to the curb in permanent law, and discontinuity of such additional easements herein granted shall be determined by their location as notified.

This plat approved subject to all planning and zoning codes, regulations, and ordinances of the City of Dallas

WITNESS my hand at Dallas, Texas, this _____ day of _____, 2023

CCH Realty, L.L.C. - Representative Signature

Printed Name

Title / Date

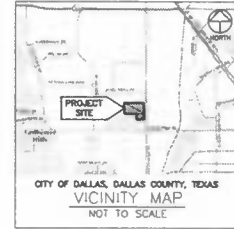
STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20__.

Notary Public in and for the State of Texas



WINDROSE
 LAND SURVEYING & PLATTING
 238 FULBRIGHT STREET, SUITE 300 • DALLAS, TEXAS 75201 • 214.317.3844
 7500 ROBERTSON ROAD, SUITE 1400 • DALLAS, TEXAS 75249 • 214.317.3844
 PROJECT SERVICES GROUP, INC. 3040 Century Center Blvd, Ste #10 Irving, Texas 75062 972-504-2231
 OWNER: CCH Realty, L.L.C. 3040 Century Center Blvd, Ste #10 Irving, Texas 75062 972-504-2231

PRELIMINARY PLAT
 4200 DUNCANVILLE ROAD
 ADDITION
 LOT 1 AND LOT 2, BLOCK 1/8032
 Being a 12.030 Acre tract of land situated in the
 John Metcalf Survey, Abstract Number 885
 City of Dallas, Dallas County, Texas
 City Case No. S223-194

BDA223-093

Applicant's Documentary Evidence



October 23, 2023

Nikki Dunn, Chief Planner
City of Dallas Board of Adjustment
320 E. Jefferson Blvd
Dallas, TX 75203

RE: BDA223-093 at 4200 Duncanville Road

Dear Ms. Dunn,

My firm is representing the owners of 4101 Duncanville Road, also known by its tax parcel address of 4200 Duncanville Road, in the above-referenced landscape special exception request. This property is an approximately 10.0-acre tract that will develop with an industrial (inside) use. The property has some constraints that make full compliance with Article X landscaping unreasonable, and the proposed reduced landscaping will be well-suited for the industrial manufacturing businesses.

The property is currently undeveloped and in an area that mainly consists of large manufacturing and warehousing developments. Equipment rental, gas station, and vacant land are the land uses in this immediate area. No residential uses are in this immediate area. The property has some existing slope as shown on the preliminary plat, but the property will be graded during construction and a retaining wall will be provided on the north side of the property. Since this development is intended for food equipment manufacturing and industrial (inside) uses, the amount of parking provided on the plan will meet the code requirement for this land use and the expected parking demand for the 100+ jobs created by this business.

On the west side of Duncanville Road are two 30-foot easements, equaling 60-feet of easements along the front property line, for existing gas lines. This equates to roughly 29,700 square feet or 7% of the total land area that limits landscaping and is prohibitive for planting trees. In the spirit of Article X allowing for alternate placement of street trees in easement conflict situations, we have proposed trees within 5-10 feet of the western boundary of the easement. We have also provided turf grass for the bulk of the easement area and included ornamental grasses to enhance the appearance of development from the street. This planting area is intended to serve as a passive open space or pocket park area, but in a manner that does not invite anyone to congregate over a gas line easement.

Other site constraints include that the property's northern boundary follows an existing rail line. As you know, we received Transportation Department comments last week that required a redesign of the site to reduce any truck traffic conflict with the rail line. This redesign put the truck loading bays on the south side of the building and eliminated the planting strip on the southern boundary. This resulted in 7 less trees on the landscape plan we are presenting today. Overall, the alternate landscape plan will provide 7 of the 9 required street trees in the alternate location and 40 of the 73 trees required for this amount of land. We are providing 30 design points for the remaining Article X requirements. The loss of almost 30,000 square feet of land for planting trees due to the easements and the site reconfiguration to reduce traffic/rail conflicts are a significant cause for these landscape deficiencies.

Given the stated constraints of the site and proposed development, we have focused the alternate landscape plan on providing an attractive streetscape and as many trees as practically possible. We believe that the alternate landscape plan will not adversely affect surrounding properties, especially given the sites on the same side of Duncanville Road have similar site constraints from the gas line easements and other sites contain street trees with similar setbacks. Strict compliance with Article X is an unreasonable burden for this site due to the limitations of planting within the gas line easement.

We hope city staff and the Board of Adjustment can support this landscape special exception request. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Jennifer Hiromoto

UPDATED SITE PLAN

LEGEND

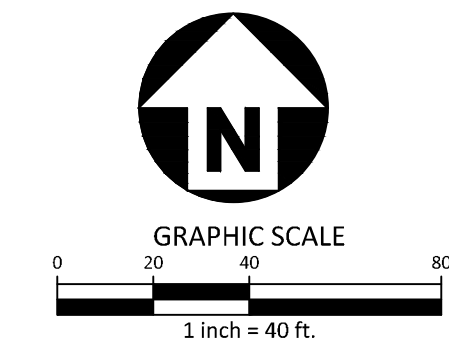
Table with columns for TREES, ORNAMENTAL TREES, SHRUBS, and GROUND COVERS, listing codes and common/botanical names.

PLANT SCHEDULE

Table with columns for TREES, ORNAMENTAL TREES, SHRUBS, and GROUND COVERS, listing common names, botanical names, and quantities.

LANDSCAPE NOTES:

- List of 14 landscape notes detailing contractor responsibilities, tree placement, irrigation, and maintenance requirements.



McAdams logo and contact information for The John R. McAdams Company, Inc.

CLIENT: PROJECT SERVICES GROUP, INC. 2040 CENTURY CENTER BLVD., SUITE 10 IRVING, TEXAS 75062

City of Dallas Landscape Requirement Compliance Redbird 10 Warehouse

Final Landscape plan will meet all City of Dallas Development Code. All Landscape will be maintained according to city standards.

STREET TREES- One large canopy tree must be provided for every 50 ft. of frontage...

Required- Duncanville Rd.- 439 l.f. / 50 = 9 trees Provided -Duncanville Rd. = 1 trees

SITE TREES-one tree having a caliper of at least two inches must be provided for each 6,000 square feet of lot area...

Required-435,591 sf./ 6,000 sf. = 73 trees Provided =38 Proposed Trees

DESIGN STANDARDS: (SEC. 51A-10.126) Street Buffer- Provide a landscape buffer strip along public street frontage...

Required- Duncanville Rd.- 439 l.f. / 50 = 9 trees + (27) Screening Shrubs Provided- Duncanville Rd. = 1 trees + 0 shrubs due to utility easement

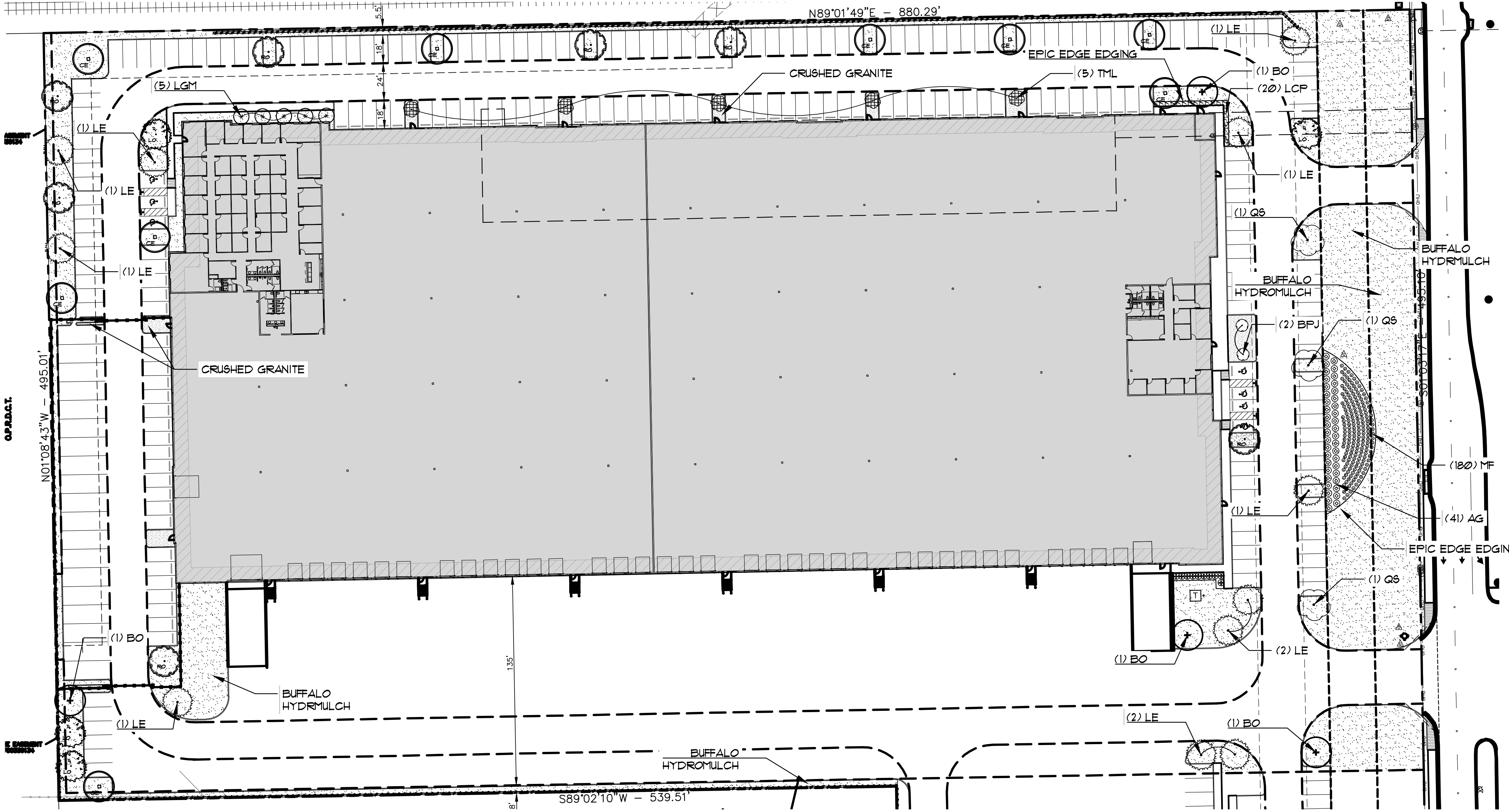
City of Dallas Landscape Design Credits Redbird 10 Warehouse

Final Landscape plan will meet all City of Dallas Development Code. All Landscape will be maintained according to city standards...

LANDSCAPE DESIGN OPTIONS- 30 points required

- List of 10 landscape design options for parking lots, including low impact development and pocket park options.

Total Points = 30



REDBIRD 10 WAREHOUSE 4101 DUNCANVILLE RD DALLAS, TX, 75236



11/1/2023

REVISIONS

Table with columns for NO., DATE, and DESCRIPTION.

PLAN INFORMATION

Table with project details: PROJECT NO. PSG22005, FILENAME PSG22005 - 10 ACRE - LS1.DWG, CHECKED BY MH, DRAWN BY JI, SCALE 40 SCALE, DATE 10.23.2023

LANDSCAPE PLAN

L2.00

FILE NUMBER: BDA223-094

BUILDING OFFICIAL'S REPORT: Application of Itamar David to (1) provide an additional electrical meter at 5540 North Forty Pl. This property is more fully described as Block 8732, Tract 3.29 acre and is zoned R-1/2ac(A), which requires that a single-family dwelling use in a single family district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain a single-family dwelling in a single-family district and have more than one electrical utility service, or more than one electrical meter, which will require (1) a special exception to the single-family zoning use regulations

LOCATION: 5540 N Forty Place

APPLICANT: DAVID, ITAMAR

REQUESTS:

A special exception to the single-family use regulations is requested in conjunction with installing and maintaining an additional electrical utility service and electrical meter on a site that is currently developed with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

Section 51A-4.112 of the Dallas Development Code states the board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

1. be **contrary to the public interest**;
2. **adversely affect neighboring properties**; and
3. be used **to conduct a use not permitted** in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is when in the opinion of the board, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

- Site: R-1/2 ac(A) (single-family)
North: R-1/2 ac(A) (single-family)
West: R-1/2 ac(A) (single-family)
South: R-1/2 ac(A) (single-family)
East: R-1ac (A) (single-family)

Land Use:

The subject site and all surrounding areas to the north, south, and west are developed with single-family uses.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on installing and maintaining a second electrical utility service/electrical meter on a site currently being developed with a single family home.
- According to the application, the applicant requires a three-phase power to the pumps to operate a upper pool with spa and a lower river design located at the rear of the property. The applicant advised that he requires a second electric meter to provide a three-phase power.
- The site is zoned R-1/2 ac(A) (single-family) where the Dallas Development Code permits one dwelling unit per lot.
- The Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the board of adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning district
- The applicant has submitted a site plan that indicate the proposed location of the second electrical meter on the subject site as well as the existing utility meter.
- As of November 02, 2023, no letters have been submitted in support of nor in opposition of the request.
- The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public

interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

- If the board were to approve this request to install and maintain a second electrical utility service/electrical meter, this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing a second electrical utility service/electrical meter on the site (i.e., development on the site must meet all required code requirements).

Timeline:

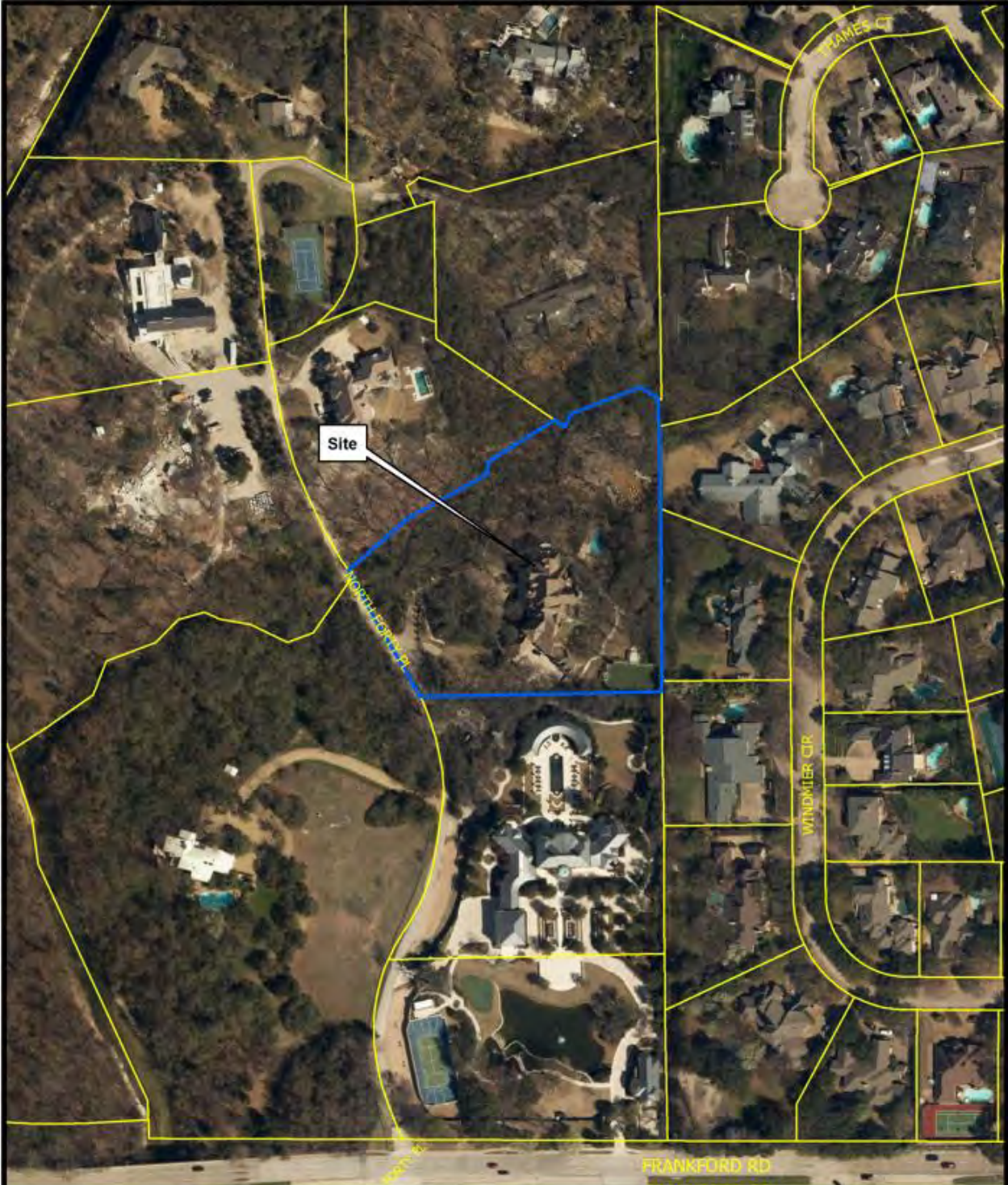
September 6, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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

September 1, 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, 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 January 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 Attorneys to the Board, and the Senior Planners.

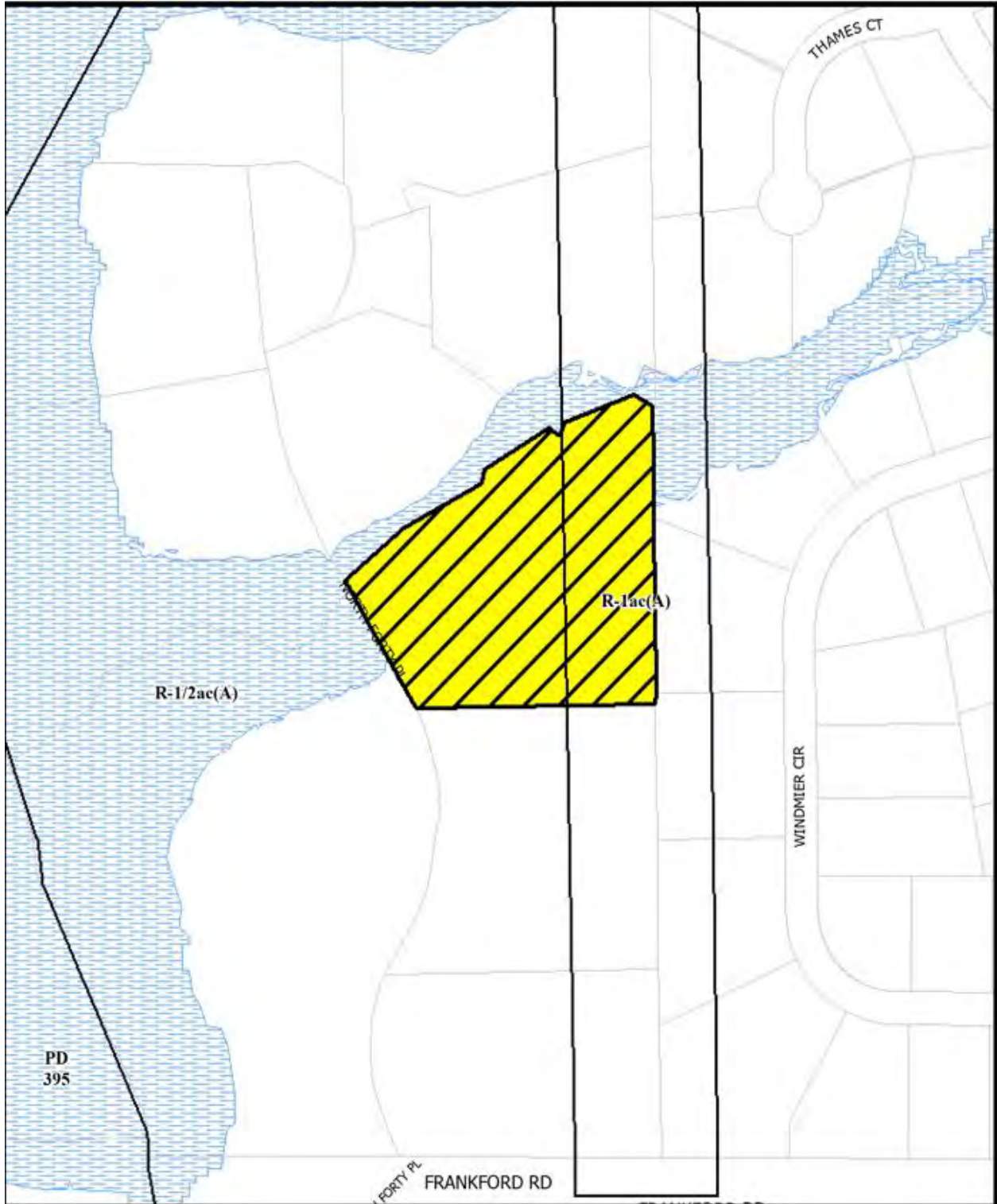


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AERIAL MAP

Case no: BDA223-094

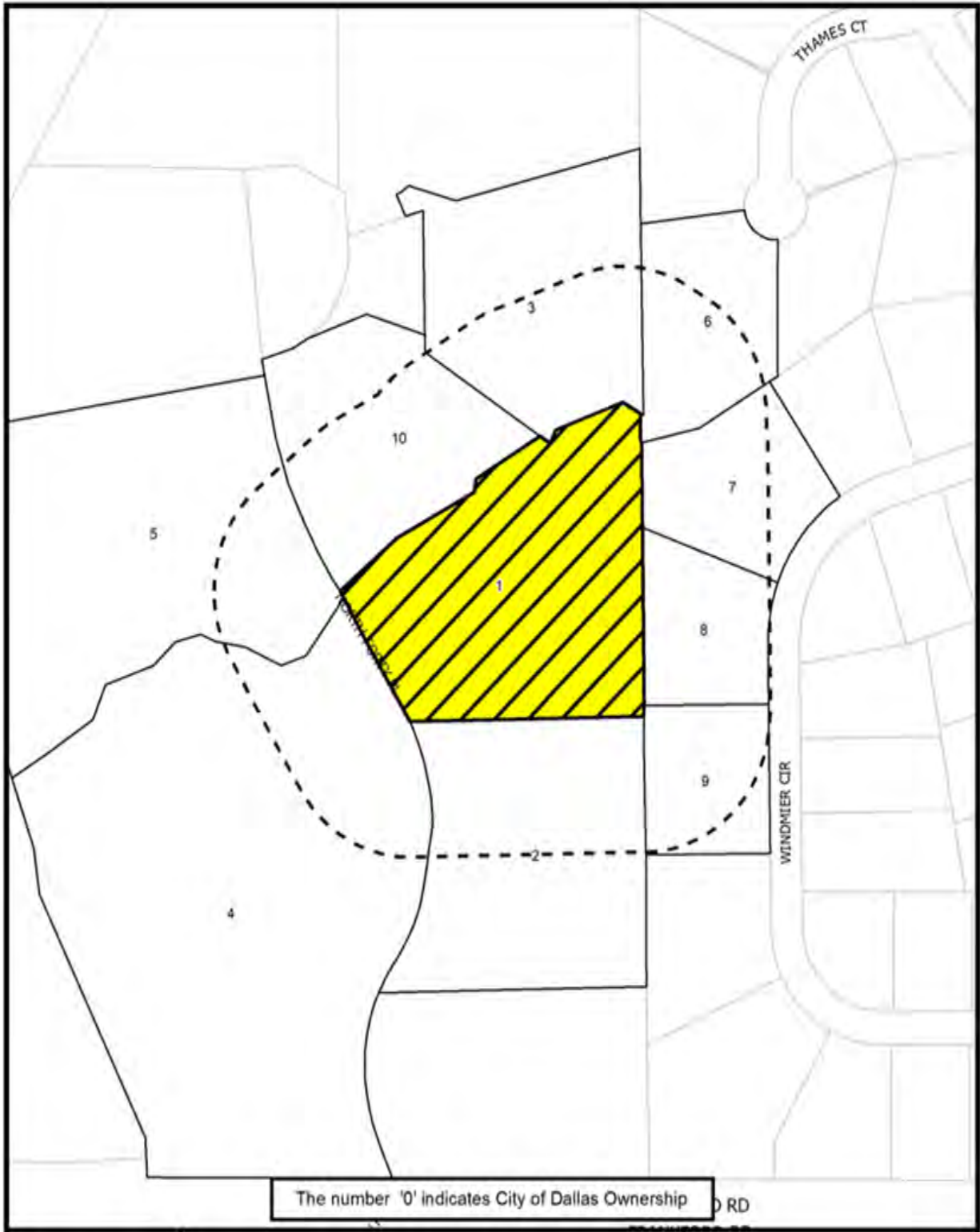
Date: 10/18/2023




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ZONING MAP

Case no: BDA223-094
Date: 10/18/2023




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
10 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-094
 Date: 10/18/2023

10/18/2023

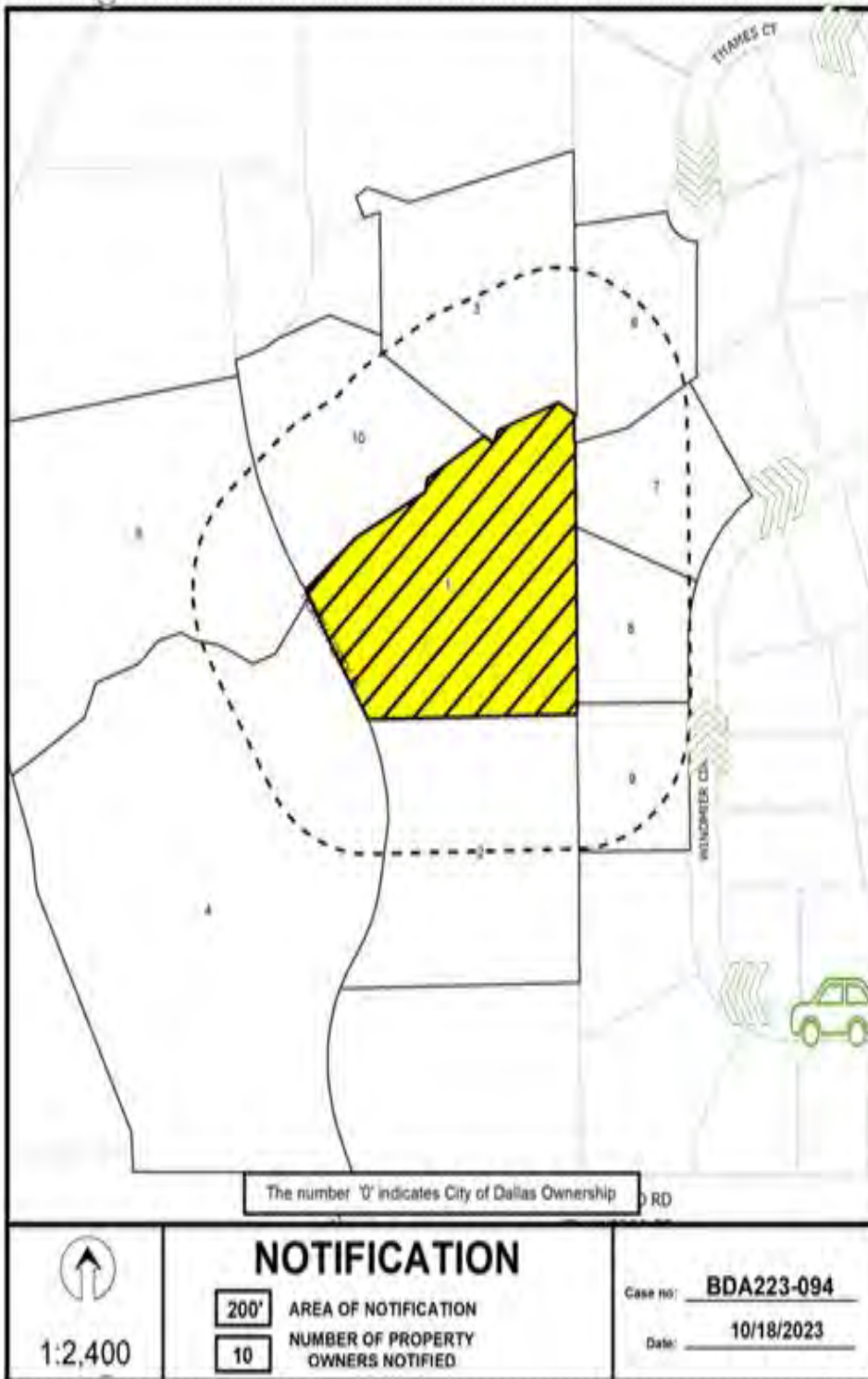
Notification List of Property Owners

BDA223-094

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5540 N FORTY PL	DAVID ITAMAR &
2	5530 N FORTY PL	WEINREB DAVID R
3	5570 N FORTY PL	DAVID ITAMAR &
4	5525 N FORTY PL	ROSENBERG W D JR
5	5555 N FORTY PL	RIDGELY GERALD LEE JR & STACEY LYNN
6	5701 THAMES CT	GRIMES TATE &
7	5509 WINDMIER CIR	KINERET COHEN
8	5601 WINDMIER CIR	PARSONS FAMILY TRUST
9	5605 WINDMIER CIR	HSU KENNETH SU WAY &
10	5550 N FORTY PL	PARKER THORNWELL H III &

<https://youtu.be/Kyv8ytj2zng>





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 2023-091 **FOR OFFICE USE ONLY**

Data Relative to Subject Property: _____ Date: **FOR OFFICE USE ONLY**

Location address: 5540 N. 40 PL, Dallas TX 75252 Zoning District: R-1/2 (R)

Lot No.: 123.29 Block No.: 8732 Acreage: 3.634 Census Tract: 8

Street Frontage (in Feet): 1) 230 2) _____ 3) _____ 4) _____ 5) _____

RECEIVED
SEP 11 2023
BY: _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Itamar David, Dana David

Applicant: Itamar David Telephone: 847-468-5803

Mailing Address: 5540 N 40 PL, DALLAS, TX Zip Code: 75252

E-mail Address: itamar.david@verizon.net

Represented by: Kim Camino Telephone: 469-733-0269

Mailing Address: 2101 Chatsworth Rd Zip Code: 75007

E-mail Address: assist.david@tutaimail.com

Affirm that an appeal has been made for a Variance or Special Exception of second meter to single family residence

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:

lazy river project requires 3 phase power

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

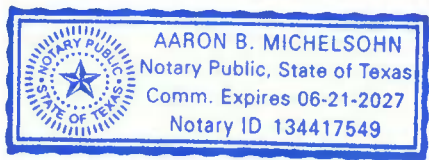
Before me the undersigned on this day personally appeared Itamar David
(Affiant/Applicant's name printed)

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 17th day of August 2023

Aaron B. Michelsohn
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 ITAMAR DAVID

did submit a request (1) provide an additional electrical meter
at 5540 N FORTY PLACE

BDA223-094(SD) Application of Itamar David to (1) provide an additional electrical meter at 5540 North Forty Pl. This property is more fully described as Block 8732, Tract 3.29 acre and is zoned R-1/2ac(A), which requires that a single-family dwelling use in a single family district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain a single-family dwelling in a single-family district and have more than one electrical utility service, or more than one electrical meter, which will require (1) a special exception to the single-family zoning use regulations

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA _____

I, Itamar David and Dana David, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5540 N 40 PL, DALLAS, TX 75252
(Address of property as stated on application)

Authorize: Itamar David
(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: to add a second meter to single family residence

ITAMAR and Dana David
Print name of property owner or registered agent

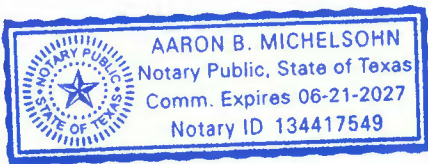
[Signature]
Signature of property owner or registered agent

Date 8-17-23

Before me, the undersigned, on this day personally appeared Itamar David

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 17th day of August 2023




[Signature]
Notary Public for Dallas County, Texas

Commission expires on 06-21-27

AFFIDAVIT OF DANA DAVID

1. My name is Dana David. I am over 18 years of age and am of sound mind and otherwise fully capable of making this Affidavit. I have personal knowledge of the facts attested in this statement, and I understand that I am making these statements under penalty of perjury. The statements made herein are true and correct.
2. I am one owner of the real property located at 5540 N. 40th Place, Dallas, TX 75252 (the "Property").
3. I make this affidavit in full support of all actions taken to date by the applicant, Itamar David, in furtherance of the application for Special Exception for a secondary electrical meter at the Property. Furthermore, I fully authorize Itamar David to continue acting on my behalf as applicant in pursuing the Special Exception for a secondary electrical meter at the Property.

Dated: 8/29/23



Dana David

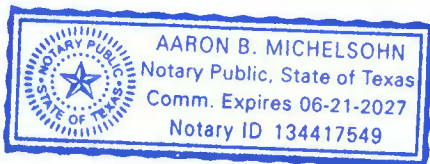
STATE OF TEXAS §
 §
COUNTY OF COLLIN §

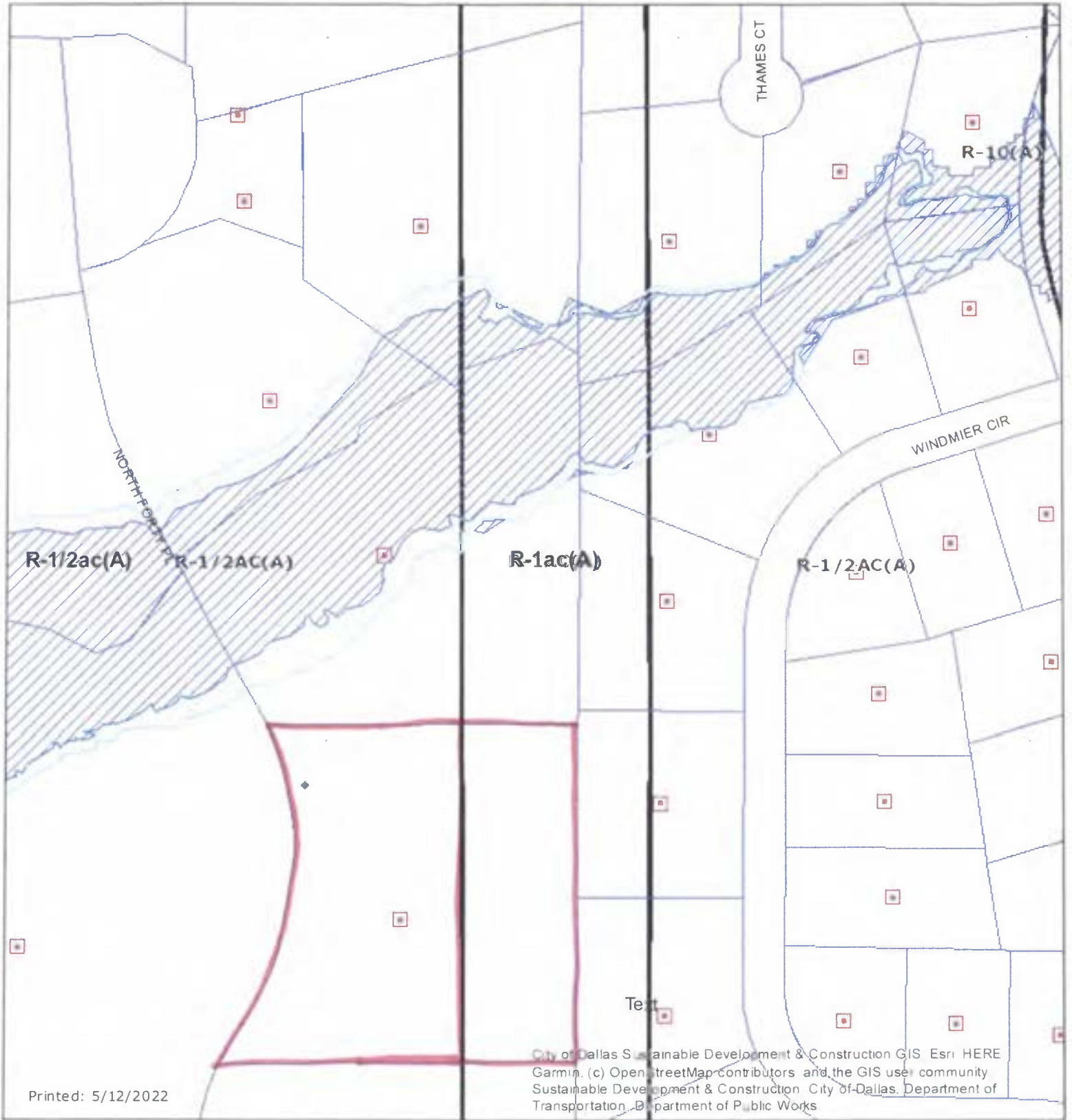
BEFORE ME, the undersigned authority, personally appeared Dana David, known to me through review of her driver's license who swore or affirmed to tell the truth and then made the above statements.

Dated: 8/29/23



Notary Public in and for the State of Texas





- | | | |
|------------------------------------|-----------------------|----------------------------|
| Dallas Tax Parcels | Historic Subdistricts | PD193 Oak Lawn |
| Floodplain | SUP | PDS Subdistricts |
| 0.2 PCT ANNUAL CHANCE FLOOD HAZARD | NSO Overlay | Height Map Overlay |
| 1 PCT ANNUAL CHANCE FLOOD HAZARD | NSO Subdistricts | Shop Front Overlay |
| Deed Restrictions | MD Overlay | Parking Management Overlay |
| Dry Overlay | CD Subdistricts | Base Zoning |
| D | PD Subdistricts | SPSD Overlay |
| D-1 | | |
| Historic Overlay | | |

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



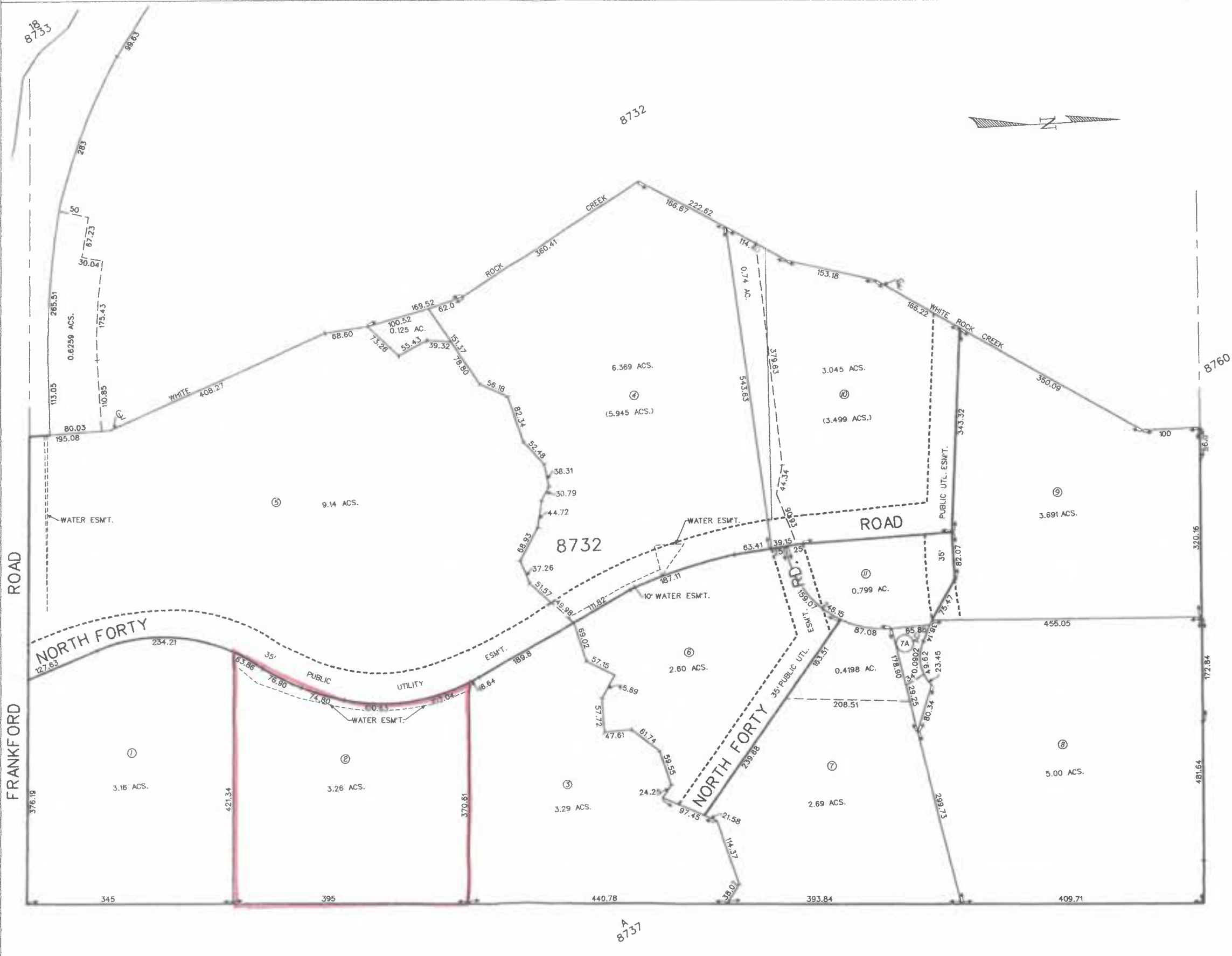
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BDA223-09A

ANNEXED 4-4-77 ORD NO. 15463
SURVEY MOSES A. JACKSON ABST 487

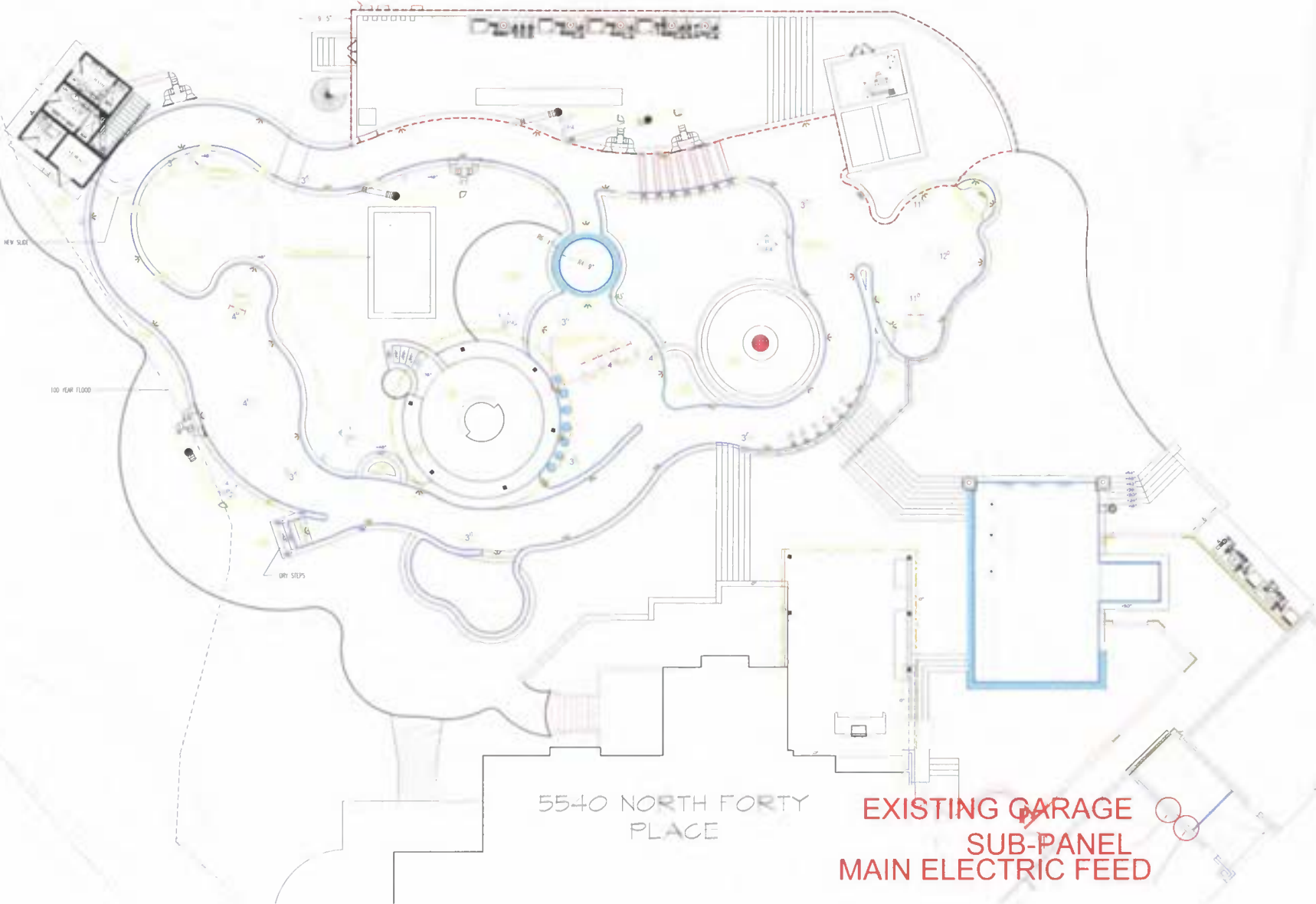
CITY OF DALLAS PLAT BOOKS
ADDITION N - 40 ROSS FORNEY (RENNER)
SCALE 100 FT EQUALS 1 INCH

BLOCKS 8732
SCHOOL DISTRICT PLANO



BDA223-094

3PH METER BASE



5540 NORTH FORTY PLACE

EXISTING GARAGE
SUB-PANEL
MAIN ELECTRIC FEED

Applicant's Documentary Evidence

NEW METER



MAIN METER



NOTICE
BOARD OF ADJUSTMENT APPEAL
REQUEST MADE WITHIN 60 DAYS
OF THE DATE OF THE
CASE NO. 064225001
HE WILL REVIEW IT
ON 014 840-4036 019 304
PLEASE READ THE
REASONING OF THE
BOARD OF ADJUSTMENT

PRESTIGE
POOL & PATIO
POOLS & OUTDOOR LIVING
SERVICE & REPAIRS
WEEKLY MAINTENANCE
469-644-7665
WWW.PRESTIGEPR.COM

PLEASE READ THE
REASONING OF THE
BOARD OF ADJUSTMENT

FILE NUMBER: BDA223-099 (SD)

BUILDING OFFICIAL'S REPORT: Application of Ryan Smiegiel for (1) a special exception to the landscaping regulations at 4211 Irving Blvd. This property is more fully described as Block B/7701, Lot 1 and is zoned IR, which requires mandatory landscaping. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan, which will require (1) a special exception to the landscape regulations.

LOCATION: 4211 Irving Blvd.

APPLICANT: Ryan Smiegiel

REQUEST:

(1) A special exception to the landscape regulations.

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

Section 51A-10.110 of the Dallas Development Code states that the board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

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

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

STAFF RECOMMENDATION:

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: IR (Industrial Research)
North: IR (Industrial Research)
South: IR (Industrial Research)
East: IM (Industrial Manufacturing)
West: IR (Industrial Research)

Land Use: The subject site is currently developed with a Freight Terminal use. The surrounding properties are developed with Commercial and business service and Industrial uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the landscape regulations
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain a Freight Terminal business resulting in the need for a landscape special exception.
- 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 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 **B**.

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, deadline to

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

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

September 13, 2023: The Development Services Chief Arborist reviewed the request, and all submitted documents and is in support with the alternate landscape plan. He acknowledges the existing use of the property and utility restrictions prohibit planting of a street buffer zone to code requirements; Additional comments and conditions will be provided during the hearing.

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.

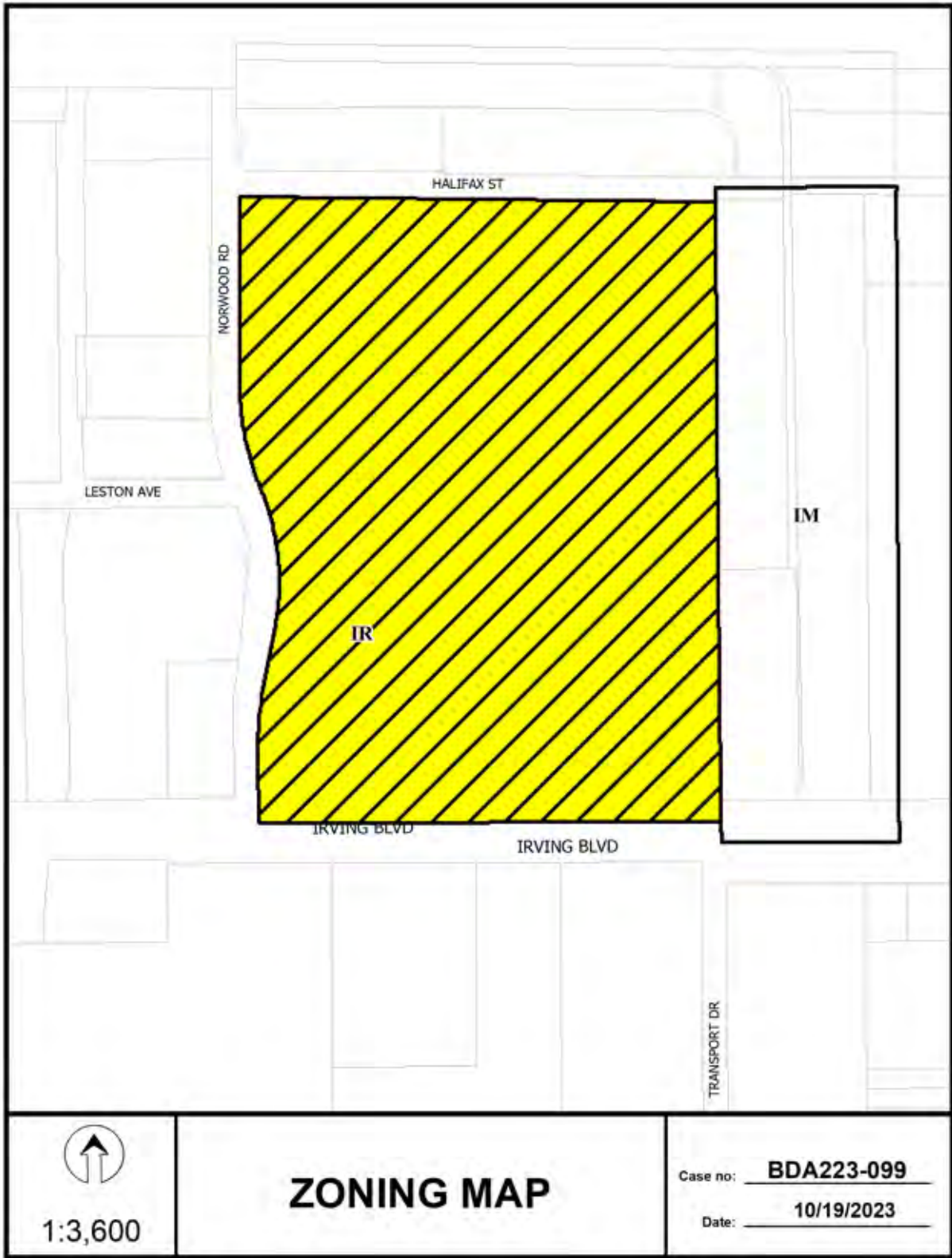


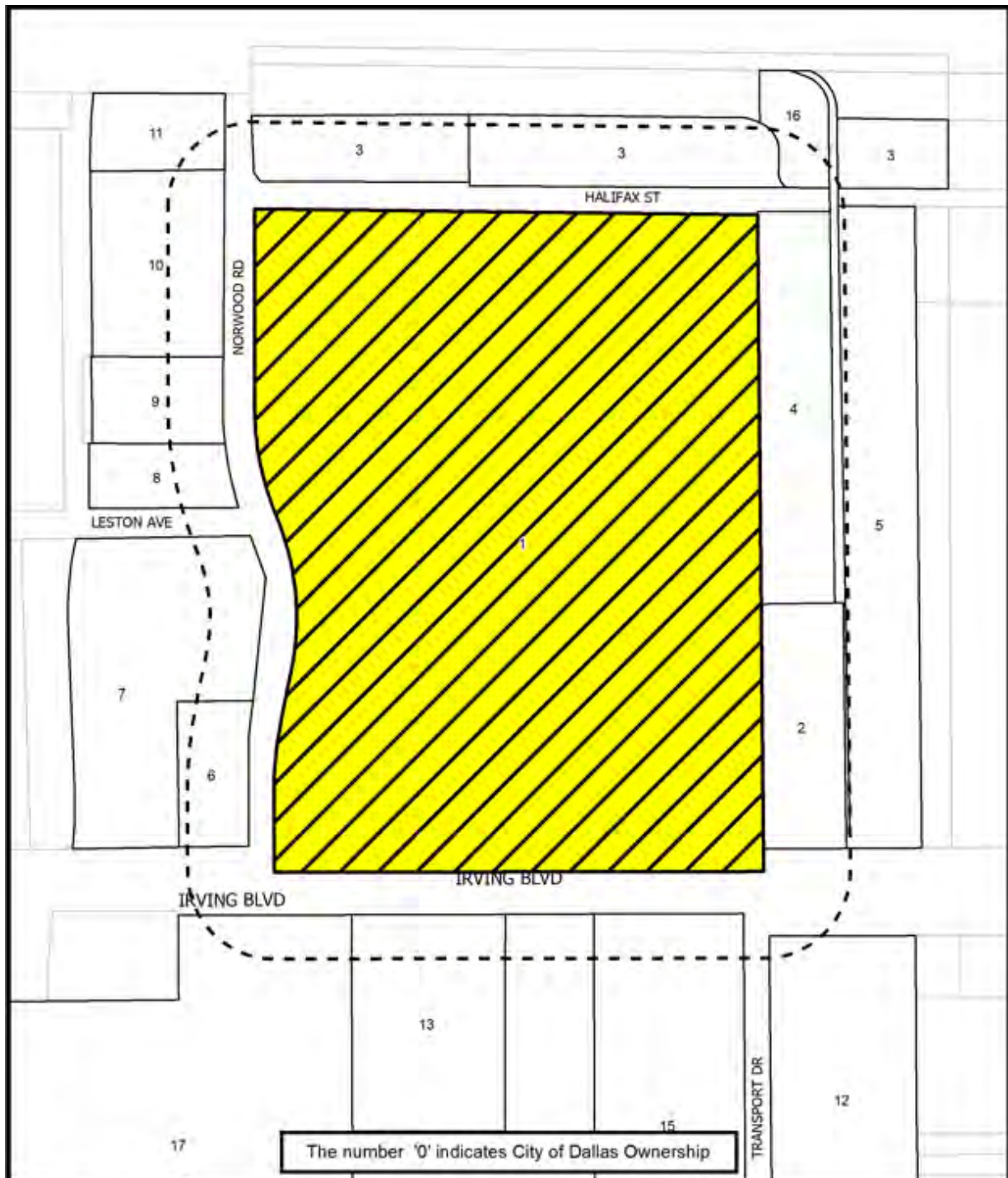
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AERIAL MAP

Case no: **BDA223-099**

Date: **10/19/2023**





 1:3,600	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">17</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	17	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA223-099 Date: 10/19/2023
200'	AREA OF NOTIFICATION					
17	NUMBER OF PROPERTY OWNERS NOTIFIED					

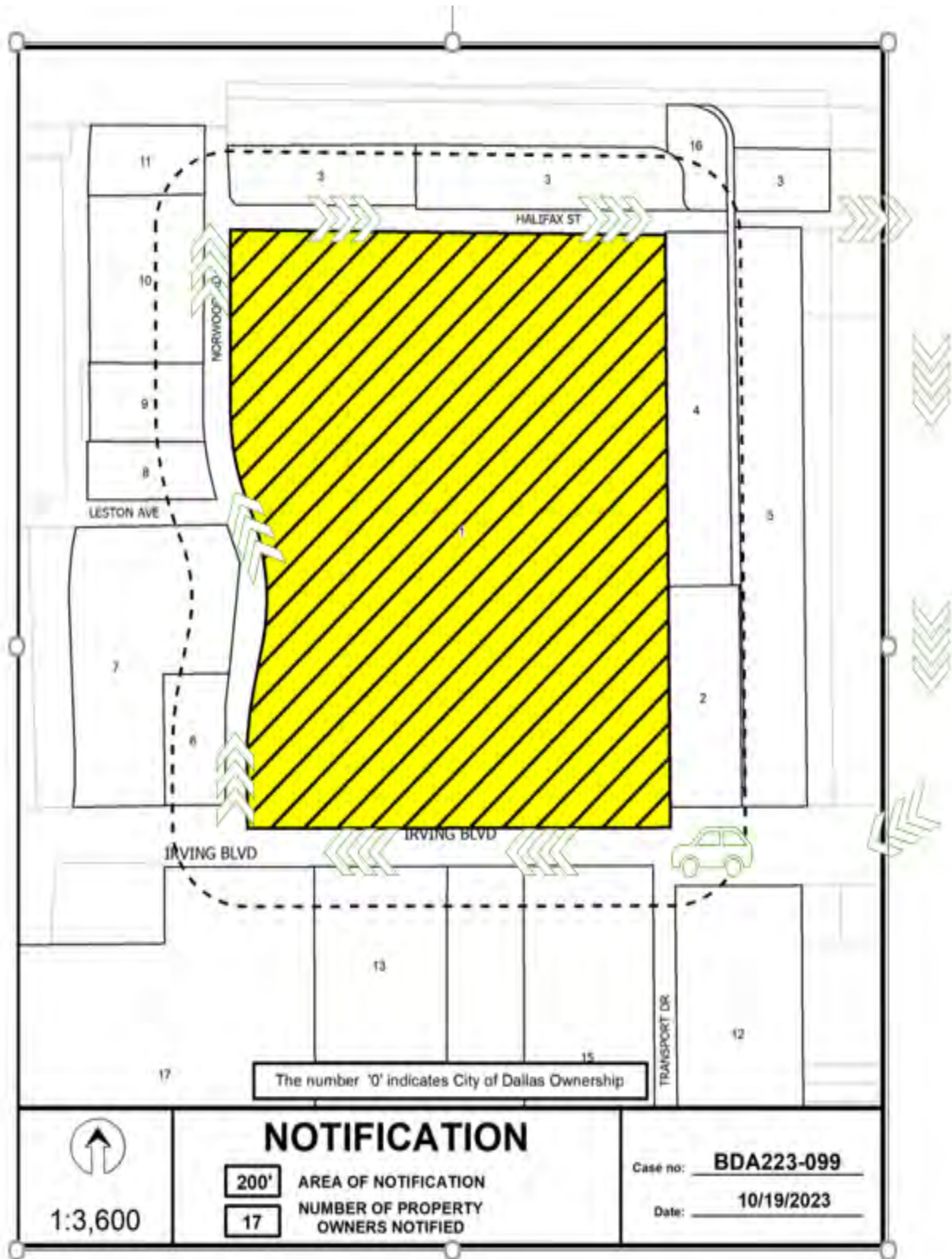
1
10/19/2023

Notification List of Property Owners

BDA223-099

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4211 IRVING BLVD	BKT ENTERPRISES LP
2	4011 IRVING BLVD	NMGS PS LP
3	4203 HALIFAX ST	BKT ENTERPRISES LP
4	4010 HALIFAX ST	BKT ENTERPRISES LP
5	4007 IRVING BLVD	SOUTHEASTERN FREIGHT LINES INC
6	4303 IRVING BLVD	APEL CONSTRUCTION SERVICES INC
7	5055 NORWOOD RD	U S POSTAL SERVICE
8	5101 NORWOOD RD	CALHOUN TONYA W
9	5117 NORWOOD RD	DURAN JUAN CARLOS
10	5151 NORWOOD RD	SL5 URBAN INDUSTRIAL LP
11	5225 NORWOOD RD	BLACK DIRT LLC
12	4000 IRVING BLVD	RUSH TRUCK CENTERS OF TEXAS LP
13	4200 IRVING BLVD	RUSH TRUCK CENTERS OF TX
14	4132 IRVING BLVD	SSK REAL ESTATE LLC
15	4040 IRVING BLVD	TEXAS KENWORTH CO
16	4153 HALIFAX ST	DALLAS & FT WORTH CITIES
17	4242 IRVING BLVD	ABF FREIGHT SYSTEM INC





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-099

Date: SEP 13 2023

Census Tract: 48115010003

Data Relative to Subject Property: Existing Trucking Freight Terminal

Location address: 4211 Irving Blvd. Zoning District: IR

Lot No.: 1 Block No.: B/7701 Acreage: _____

Street Frontage (in Feet): 1) 1129 2) 1554 3) 1162 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): BKT Enterprises, L.P.

Applicant: Ryan Smigiel, V.P. Real Estate Telephone: 704-519-7619

Mailing Address: 420 Davega Road, Lexington, S.C. Zip Code: 29073

E-mail Address: ryan.smigiel@sefl.com

Represented by: Philip Graham Telephone: 817-467-7700

Mailing Address: 2201 E. Lamar Blvd. Ste. 200E, Arlington, TX Zip Code: 76006

E-mail Address: philipg@wierassociates.com

Affirm that an appeal has been made for a Variance or Special Exception of Article X Landscape
Requirements for modifications to the existing truck freight terminal facility that has been
in place for approximately 50-years.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
The owner is requesting to expand the dock, rehabilitate the onsite pavement and add additional truck trailer parking.
Landscape area for tree plantings is not available or feasible in direct compliance with Article X requirements. Owner is proposing to add trees/landscape in areas outside of new addition limits to enhance the overall facility where possible.

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 Ryan Smigiel
 (Affiant/Applicant's name printed)
 who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

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

Subscribed and sworn to before me this 25 day of August, 2023

Notary Public in and for Dallas County, Texas





Appeal number: BDA 223 099

I, BKT Enterprises, L.P., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4211 Irving Blvd.
(Address of property as stated on application)

Authorize: Ryan Smiegiel, V.P. Real Estate
(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: Article X Landscape

Ryan Smiegiel
Print name of property owner or registered agent

Ryan Smiegiel
Signature of property owner or registered agent

agent Date 08/25/23

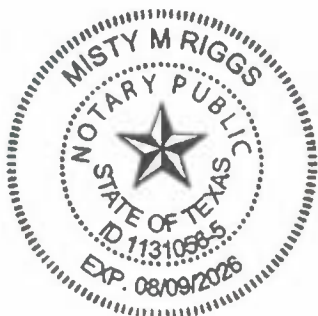
Before me, the undersigned, on this day personally appeared

Ryan Smiegiel

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 25th day of

August, 2023



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 8/9/26

CITY OF DALLAS PLAT BOOKS

ANNEXED FEB. 13, 1956 ORD. NO. 6843

ADDITION

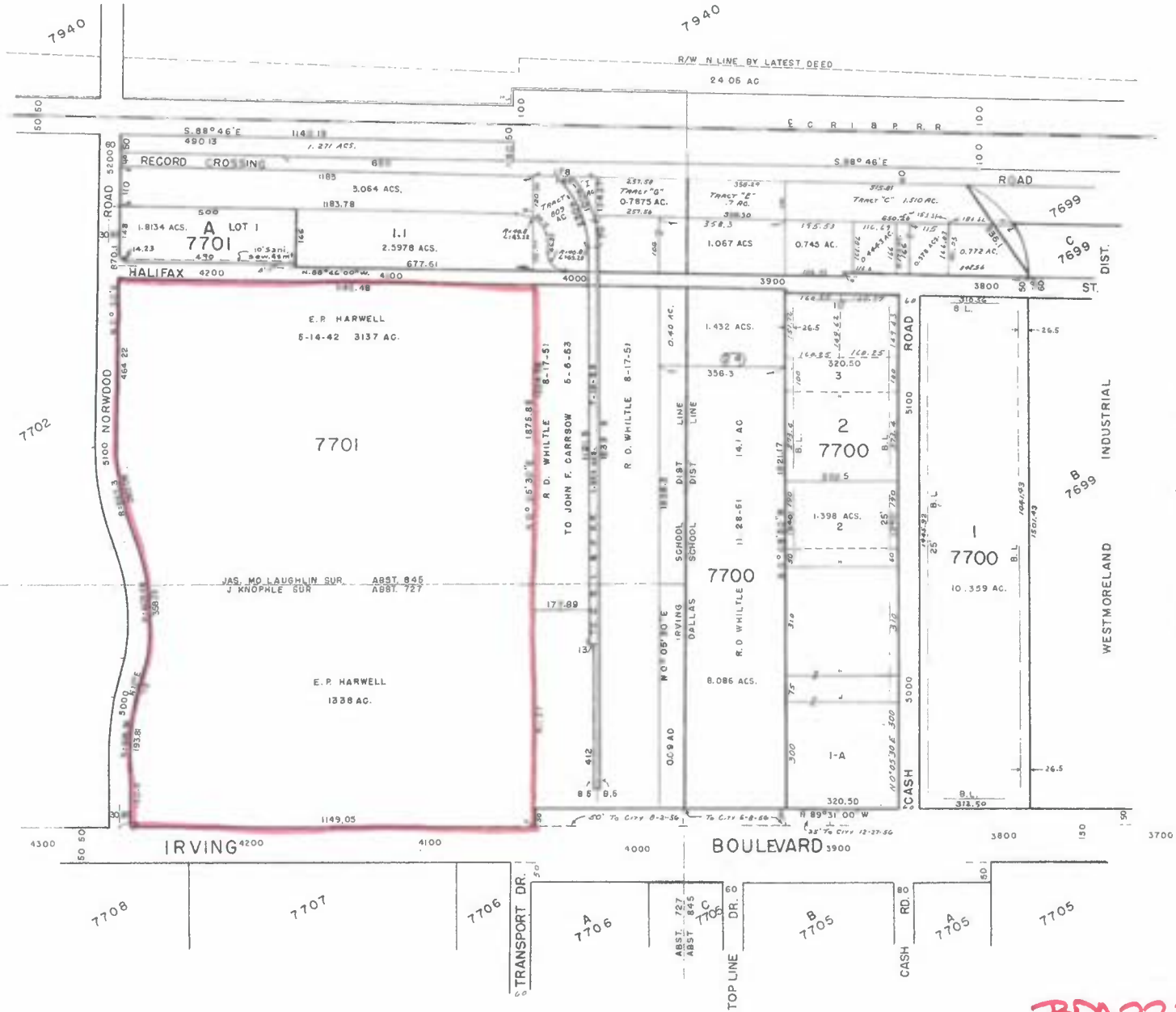
BLOCKS 7700 7700^{1,2} & 7701^A
DALLAS
SCHOOL DIST. (UNION BOWER) B IRVING

SURVEY JAMES MC LAUGHLIN ABST. 845
J. KNOPHLE 727

SCALE 200 FT. EQUALS 1 INCH

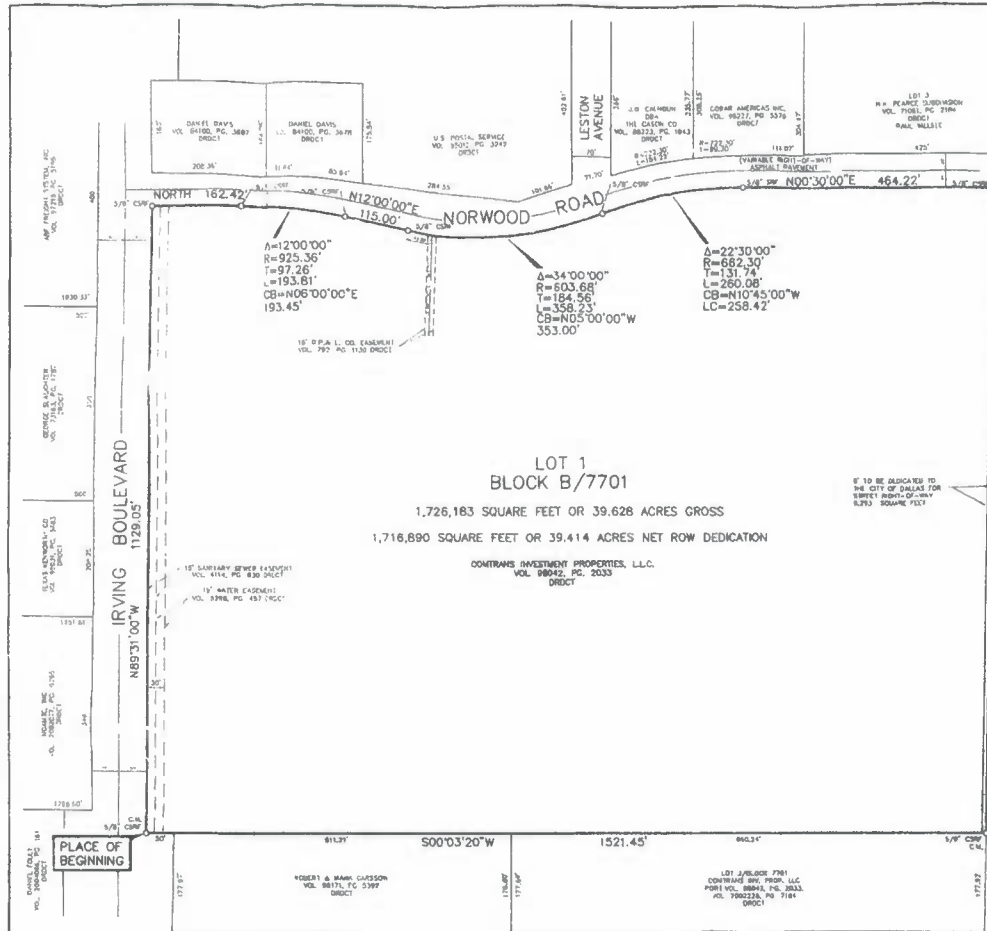
D.C. 8-28-85

FILED 8-6-59 BLK 1 & 2 / 7700 WEST TRINITY INDUSTRIAL NW SECTION
FILED 4-3-73 BLK 2 / 7700 LOT 1-A STEWART B STEVENSON SERVICES ADDN.
FILED 6-25-85 BLK A / 7701 LOT 1 MULLINS PROPERTY CO ADDN.



BDA 223-099

3409947
PLAN No.



OWNER'S CERTIFICATE
CITY OF DALLAS X
COUNTY OF DALLAS X
STATE OF TEXAS X

WHEREAS WE, COMTRANS INVESTMENT PROPERTIES, L.L.C., a Texas limited liability company, are the owners of a tract of land situated in the Jacob Knoffle Survey, Abstract No. 727 and the James McLaughlin Survey, Abstract No. 845, and being a portion of City Block No. 7701, City of Dallas, Texas, by deed recorded in Volume 98042, Page 2033, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINSING of a 5/8-inch steel rod with cap stamped "DJR" found for corner in the north line of Irving Boulevard (a variable width right-of-way), some point being the southeast corner of the aforementioned Contours Tract.

THENCE, North 89 degree 31 minutes 00 seconds West, with the north line of said Irving Boulevard a distance of 1,729.00 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner at the intersection of the north line of said Irving Boulevard with the east line of Norwood Road (a variable width right-of-way), some point being the southeast corner of said Contours Tract.

THENCE, North, with the east line of said Norwood Road, a distance of 182.42 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner, some point being the beginning of a curve to the right having a radius of 820.36 feet, a central angle of 12 degrees 00 minutes 00 seconds, a tangent of 97.28 feet, and a chord that bears North 06 degrees 00 minutes 00 seconds East, a distance of 193.45 feet;

THENCE, Northwesterly, with said curve to the right and the east line of said Norwood Road, an arc distance of 181.91 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner;

THENCE, North 12 degrees 00 minutes 00 seconds East, continuing with the east line of said Norwood Road, a distance of 115.00 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner, some point being the beginning of a curve to the left having a radius of 803.68 feet, a central angle of 34 degrees 00 minutes 00 seconds, a tangent of 184.56 feet, and a chord that bears North 03 degrees 00 minutes 00 seconds West, a distance of 353.00 feet;

THENCE, Northwesterly, with said curve to the left and the east line of said Norwood Road, an arc distance of 358.23 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner, some point being the beginning of a curve to the right having a radius of 823.30 feet, a central angle of 23 degrees 30 minutes 00 seconds, a tangent of 131.74 feet, and a chord that bears North 10 degrees 45 minutes 00 seconds West, a distance of 258.42 feet;

THENCE, Northwesterly, with said curve to the right and the east line of said Norwood Road, an arc distance of 280.08 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner;

THENCE, North 00 degree 30 minutes 00 seconds East, continuing with the east line of said Norwood Road, a distance of 484.22 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner in the south line of Halifax Street (a variable width right-of-way), some point being the northwest corner of said Contours Tract.

THENCE, South 80 degrees 45 minutes 40 seconds East, with the south line of said Halifax Street a distance of 1,181.54 feet to a 5/8-inch steel rod with cap stamped "DJR" found for corner;

THENCE, South 00 degree 03 minutes 20 seconds West, of 856.24 feet to the northwest corner of a tract of land described in deed to Robert and Verna Carson, recorded in Volume 98171, Page 5397 of the Deed Records of Dallas County, Texas, of 1,971.45 feet and being the southwest corner of said Carson Tract, and continuing an old bearing, a total distance of 1,571.45 feet to the PLACE OF BEGINNING.

CONTAINING a computed 1,726,183 square feet or 39.628 acres of land.

DANFIS DEDICATION

HOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WE, COMTRANS INVESTMENT PROPERTIES, L.L.C., a Texas limited liability company, acting by and through its duly authorized and legally appointed title plan, designate the herein above described property as CONTAINS ADDITION, in addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public, as forever any streets, alleys and roadway management areas shown thereon. The easements shown hereon are hereby reserved for the purposes indicated. The utility and fire line easements shall be open to the public, and the police and garbage and rubbish collection easements, and public and private utilities for each particular use. The maintenance of paving on the utility and fire line easements is the responsibility of the property owner. No buildings, fences, trees, shrubs or other improvements or structures shall be constructed, reconstructed or placed upon, over or across the easements so shown. Said easements shall never, reserved for the mutual use and accommodation of all public utilities, and or opening to use same. All any public utility shall have the right to remove and keep removed all or parts of any building, fence, trees, or shrubs or other improvements or structures which in any way may encroach or interfere with the construction, maintenance or efficiency of the respective system on the easements, and all public utilities shall at their expense have the full right of access and egress to or from any open road easements for the purpose of constructing, reconstructing, locating, maintaining, availability and control to or removing all or parts of its respective systems and the necessity of any time of the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility.)

Water main and wastewater easements shall also include sufficient area of working space for construction and maintenance of the system. Additional easement area is also conveyed for installation and maintenance of manholes, chambers, fire hydrants, water service and wastewater service from the main to the curb or pavement line, and description of each additional easement herein granted are determined by their location as indicated.

This plat approved subject to all existing ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WHEREAS, my hand of Heather Lynn Lemons this 21st day of April, 2005.

COMTRANS INVESTMENT PROPERTIES, L.L.C.
BY: W. T. BROODMAN, Manager

STATE OF TEXAS X
COUNTY OF DALLAS X

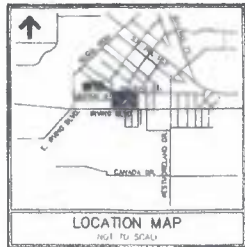
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W. T. BROODMAN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said COMTRANS INVESTMENT PROPERTIES, L.L.C., and that he was duly authorized to perform the same by appropriate resolution of the board of directors of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
Heather Lynn Lemons
Notary Public in and for the State of Texas

- NOTES:
1. NO LOT-TO-LOT DRAINAGE WILL BE ALLOWED.
 2. BASIS OF BEARINGS: SUBJECT DEED RECORDED IN VOLUME 98042, PAGE 2033, DEED RECORDS, DALLAS COUNTY, TEXAS.



LEGEND
SPR. STEEL ROD FOUND
SPR. STEEL ROD SET
(C.M.) CONTROL MOVEMENT



SURVEYOR'S CERTIFICATE

STATE OF TEXAS X
COUNTY OF DALLAS X

THAT I, HEATHER LYNN LEMONS, do hereby certify that I prepared this plat from an actual and accurate survey on the ground of property and that all cities monuments and corners were placed under my personal supervision, and in accordance with plotting rules and regulations of the City of Dallas, Texas.

Heather Lynn Lemons
HEATHER LYNN LEMONS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5712



STATE OF TEXAS X
COUNTY OF DALLAS X

BEFORE ME, the undersigned, a Notary Public in and for said State on this date personally appeared HEATHER LYNN LEMONS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of April, 2005.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
Heather Lynn Lemons
Notary Public in and for the State of Texas



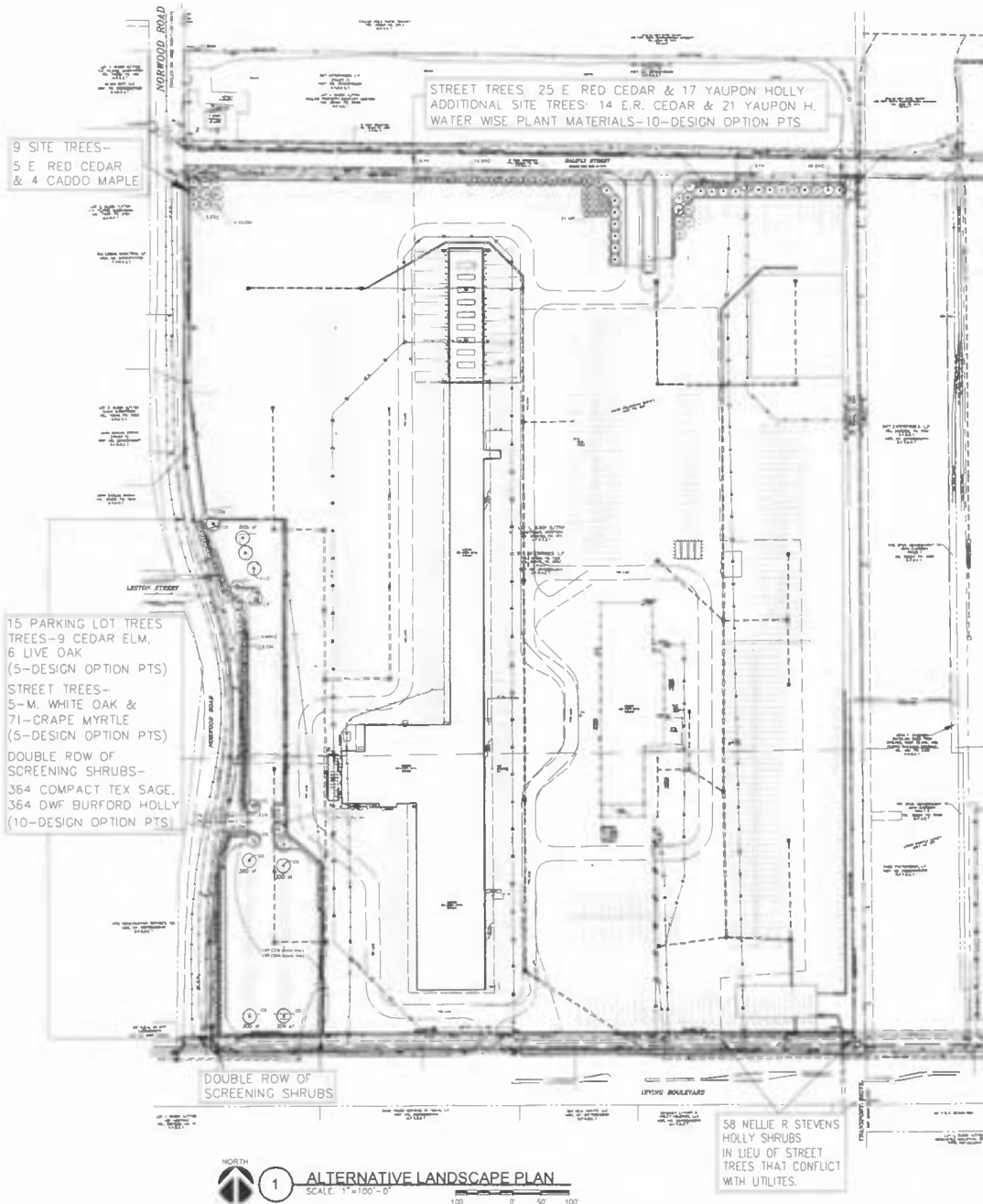
FINAL PLAT
COMTRANS ADDITION
LOT 1, BLOCK B/7701
BEING 39.628 ACRES
JACOB KNOFFLE SURVEY, ABSTRACT NO. 727, &
JAMES MCLAUGHLIN SURVEY, ABSTRACT NO. 845
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S034-332
SCALE: 1"=100'
APRIL - 2005

OWNER:
COMTRANS INVESTMENT PROPERTIES, L.L.C.
P.O. BOX 189
COLUMBIA, SC 29202
(803) 839-3234

JDJR ENGINEERS AND CONSULTANTS, INC.
ENGINEERS - LAND PLANNERS - SURVEYORS
1001 North Olive Street, Suite 200, Spring, TX 77474
(281) 499-0000

PLAT RECORDED _____ VOLUME _____ PAGE _____ D.U.D.C.T. DRAWN BY: CRC

BDA223-099



1 ALTERNATIVE LANDSCAPE PLAN
 SCALE: 1"=100'-0"

LANDSCAPE NOTES:

- ALL LANDSCAPE REQUIREMENTS AND UNDERGROUND IRRIGATION SYSTEM WILL CONFORM TO THE LOCAL CITY ORDINANCE AND DESIGN STANDARDS AND ANY REQUIREMENTS OF THE STATE, IF APPLICABLE.
- NO PLANT MATERIAL SHALL BE PLANTED UNTIL THE LANDSCAPE IRRIGATION SYSTEM HAS BEEN INSTALLED AND IS OPERATING WITH 100% COVERAGE OF PROPOSED LANDSCAPE AREAS.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING HIMSELF FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES, CABLES, STRUCTURES AND LINE RUNS.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL QUANTITIES BASED ON THE DRAWINGS(S) AND ACTUAL FIELD DIMENSIONS. PLANT QUANTITIES HAVE BEEN PROVIDED AS A CONVENIENCE ONLY TO THE OWNER(S) AND SHALL NOT BE CONSIDERED ABSOLUTE. CONTRACTOR SHALL FOLLOW DESIGN INTENT.
- NOTIFY THE OWNER OF ANY DISCREPANCIES THAT ARISE DURING THE CONSTRUCTION PERIOD. FAILURE TO MAKE SUCH DISCREPANCIES KNOWN TO OWNER WILL RESULT IN THE CONTRACTOR'S LIABILITY TO REDO WORK AS NECESSARY TO ACHIEVE THE DESIGN INTENT.
- PROTECT EXISTING VEGETATION, EQUIPMENT, STRUCTURES, UTILITIES, AND OTHER IMPROVEMENTS AT THE PROJECT SITE AND ON ADJACENT PROPERTIES. EXCEPT THOSE INDICATED TO BE REMOVED OR ALTERED, ALL AREAS DISTURBED BY DEMOLITION AND CONSTRUCTION ACTIVITIES SHALL BE REPAIRED AND RESTORED TO THEIR PRE-CONSTRUCTION CONDITION INCLUDING: PAVEMENTS, LANDSCAPE AREAS, IRRIGATION AND LIGHTING.
- PROVIDE MEASURES AS REQUIRED TO PREVENT EROSION AND DISCHARGE OF SOIL-BEARING RUNOFF AND AVOIDANCE OF UNDISTURBED AREAS AND ADJACENT PROPERTIES, SIDEWALKS, STREETS, AND OTHER PAVED SURFACES.
- ALL PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- NOTIFY THE LANDSCAPE ARCHITECT IF LAYOUT OF TREES, BEDS AND/OR PLANTS REQUIRE ALTERATION FROM THE LANDSCAPE PLAN. NOTIFICATION WILL BE REQUIRED PRIOR TO ALTERING THE LAYOUT.
- TREES SHALL BE HANDED BY ROOT BALLS ONLY DO NOT DAMAGE BALL, TRUNK OR LOOSEN TRUNK FROM BALL. TREE TRUNKS ARE TO BE PLANTED STRAIGHT AND MAY BE REQUIRED BY THE OWNER AND/OR THE LANDSCAPE ARCHITECT TO BE STAKED.
- WHERE NEWLY PLANTED TREES ARE NOT ABLE TO STAND ON THEIR OWN, TREES SHALL BE STAKED WITH AN AT-GRADE ROOT BALL SECURING SYSTEM. THE SYSTEM SHALL SECURELY ANCHOR THE ROOT BALL, WHILE ALLOWING THE TRUNK AND CROWN TO MOVE NATURALLY. THE SYSTEM SHALL NOT USE MATERIALS AND METHODS THAT PENETRATE OR DAMAGE THE ROOT BALL ABOVE GRADE. STAKING SYSTEMS SUCH AS T-POSTS WITH WIRE, HOSES, PAVED SURFACES, OR CUV WIRES WRAPPED AROUND THE TREE TRUNK SHALL NOT BE ALLOWED UNLESS AUTHORIZED BY THE LANDSCAPE ARCHITECT.
- ALL TREES TO BE UNIFORM BY SPECIES WITH STRAIGHT TRUNKS AND MATCHING CHARACTER AND BRANCHING STRUCTURE.
- ALL TREE LOCATIONS SHALL BE APPROVED BY THE OWNER OR OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
- FINAL LOCATIONS OF PLANT MATERIAL IS SUBJECT FOR REVIEW AND APPROVAL BY OWNER PRIOR TO PLANTING.
- PROVIDE POSITIVE DRAINAGE THROUGHOUT THE PROJECT AREA. NO PONDING OR STANDING WATER IS ACCEPTABLE.
- CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL BUILDINGS.
- AT NO TIME WILL ANY PLANT MATERIAL BE ALLOWED TO SETTLE BEYOND THE TOP OF THE ROOT FLARE OR POTTED SOIL LINE. SHOULD PLANT MATERIAL SETTLE, THE PLANTED WILL BE REPLANTED AT THE PROPER HEIGHT AND/OR REPLACED IF NECESSARY AT THE CONTRACTOR'S COST!
- ALL PROPOSED BED AREAS SHALL BE TILLED TO A DEPTH OF SIX INCHES (6"), ADDING A THREE INCH (3") MINIMUM LAYER OF ORGANIC COMPOST DURING THE PROCESS. THE LEVELS OF THE BED AREAS SHOULD BE LEFT THREE INCHES (3") ABOVE THE PROPOSED FINISHED GRADE TO ALLOW FOR COMPACTION AND SETTLEMENT!
- ALL BED AREAS SHALL BE SEPARATED FROM TURF AREAS USING 1/8" X 4" STEEL EDGING, PAINTED GREEN. ALL EDGES OF STEEL EDGE RUNS SHALL HAVE A RADIUS OR 45 DEGREE ANGLE TO ELIMINATE SHARP EDGES. HAND FINISH MAY BE REQUIRED TO ACHIEVE A SMOOTH EDGE.
- TURF STEEL EDGING AT A 45 DEGREE ANGLE WHEN EDGING INTERSECTS WITH A WALK OR CURB DO NOT INSTALL EDGING ALONG CURBS OR WALKS.
- ALL LANDSCAPE BEDS SHALL RECEIVE A TWO INCH (2") TOP DRESS LAYER OF HARDWOOD MULCH AND ALL TREE WELLS SHALL RECEIVE A THREE INCH (3") LAYER OF SHREDED HARDWOOD MULCH. DO NOT COVER ROOT FLARE.
- TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
- TURF AREAS SHALL BE CLEAN OF DEBRIS AND RAKED (DRADED) SMOOTH PRIOR TO HYDROSEALING OR SOO INSTALLATION. LANDSCAPE CONTRACTOR TO RECEIVE GRADE WITHIN APPROX. 1/10TH OF FINAL GRADE.
- OWNER RESPONSIBLE TO PROVIDE ELECTRICAL SERVICE FOR THE IRRIGATION SYSTEM. INCLUDES A MINIMUM OF 110 VOLTS AT A MINIMUM FOR THE CONTROLLER.
- ALL LANDSCAPING LOCATED WITHIN THE MOBILITY FRAMES SHALL COMPLY WITH THE MOBILITY FRAME REQUIREMENTS AS FOR THE CITY STANDARDS.
- ALL LIGHT POLES MAY NOT BE SHOWN ON THE PROJECT SITE OR ADJACENT PROPERTIES IF A PROPOSED TREE IS IN CONFLICT WITH ANY LIGHT OR UTILITY POLE. THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT TO DETERMINE OPTIONS PRIOR TO PLANTING.
- ALL PLANTS AND TREES ARE TO CONFORM TO AMERICAN ASSOCIATION OF NURSERYMEN AND TEXAS ASSOCIATION OF NURSERYMEN STANDARDS.
- THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REFUSE ANY LANDSCAPE MATERIAL ON SITE.

PLANT MATERIAL SCHEDULE

KEY	PLAN	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS
LOW CANOPY TREES				
CE	9	CEDAR ELM	Ulmus crassifolia	3" cal. 10'-12' tall, b&b
LO	6	LIVE OAK	Quercus agrifolia	3" cal. 10'-12' tall, b&b
MEDIUM CANOPY TREES				
CADW	4	CADDO MAPLE	Acer barbatum var. "Caddo"	3" cal. 8'-10' tall, b&b
ERC	44	EASTERN RED CEDAR	Juniperus sp.	3" cal. 8'-10' tall, b&b
MWD	5	MEXICAN WHITE OAK	Quercus pd-mexicana	3" cal. 8'-10' tall, b&b
SMALL CANOPY ORNAMENTAL TREES				
CM	71	CRAPE MYRTLE-WHITE	Lagerströmia indica	8" tall, b&b, multi-link
MP	21	MEXICAN PALM	Parus mexicana	2" cal. 5' tall, b&b
YH	17	YAUPON HOLLY	Ilex opacifolia	8" tall, b&b, lamda, multi-link
SHRUBS				
DBH	354	DWARF BURFORD HOLLY	Ilex cornuta "burford nano"	3" tall, 36" on center
CTS	364	COMPACT TEXAS SAGE	Leucophyllum frutescens "Compacta"	3" tall, 36" on center
NRSH	58	NELLIE R. STEVENS HOLLY	Ilex sp. "Nellie R. Stevens"	4" tall, 48" on center
TURF GRASS				
BC		BERMUDA GRASS	Cynodon dactylon	solid sod

LEGEND



MAINTENANCE NOTE:

The Owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, (of turf grass at 6" or higher), edging, pruning, fertilizing, watering, weeding and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as appropriate for the season of the year. Plant material which die shall be replaced with plant material of similar size, within ninety (90) days. Trees with a trunk diameter to excess of six (6") inches measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the Planning and Zoning Manager if substantial evidence is presented to indicate abnormal circumstances beyond the control of the Owner or his agent.

MANDATORY LANDSCAPING REQUIREMENTS:

- LOT SIZE**
 TOTAL 1,878,906 SQ FT = 43.08 ACRES
 ARTIFICIAL LOT 382,457 SQ FT = 8.78 ACRES
- STREET BUFFER ZONE**
 MALFAK ST = 7' 5" AVG. 25' MIN/25' MAX
 IRVING BLVD = 10' AVG. 25' MIN/30' MAX
 REQUIRED TREES 1 PER 40 FEET
- MALFAK ST = 700' 40" x 18'
 PROVIDED TREES 25 MEDIUM CANOPY @ 20' oc
 17 ORNAMENTAL @ 10' oc
- IRVING BLVD = 2561' 4"
 PROVIDED TREES NONE (SUBSTITUTE 58 SCREENING SHRUBS DUE TO UTILITY CONFLICTS)
- RESIDENTIAL BUFFER ZONE DNA**
INTERIOR ZONE-PARKING DNA
ADDITIONAL PROVISIONS
 SCREENING OF OFF-STREET LOADING SPACES DNA
 SITE TREES
 1 TREE 2' MIN PER 4000 SF OF SITE AREA
 8 7/8 AC = 382,476 SF / 4,000 = 97 TREES REQ'D
 77 TREES PROVIDED WITHIN ARTIFICIAL LOT
 100 TREES PROVIDED OUTSIDE ARTIFICIAL LOT
 177 TOTAL SITE TREES
 (88 CANOPY & 108 ORNAMENTAL TREES)
- LANDSCAPE DESIGN OPTIONS**
 POINTS REQUIRED PER BUILDING SITE
 3 ACRE = 0.99 AC + 30 POINTS REQUIRED
- DESIGN OPTIONS**
INSIDE & OUTSIDE ARTIFICIAL LOT
 08 LOW IMPACT DEVELOPMENT
 (14) 5 POINTS
 (14) 5 POINTS
OUTSIDE ARTIFICIAL LOT
 04 SCREENING
 (14) 10 POINTS
 022 PARKING LOT STREET TREES
 (14) 10 POINTS
TOTAL POINTS: 30
- TREE MITIGATION DNA**
IRRIGATION
 AN UNDERGROUND AUTOMATIC SYSTEM WILL BE PROVIDED. REFERENCE SHEETS -

28 AUGUST 23

Don C. Wheeler
 Landscape Architect
 Landscape Architecture Planning Engineering Design
 Fort Worth, Texas 76141
 P.O. Box 470845
 Office: 817.331.1405
 don@dcw.com

SSE
 SOUTHEASTERN FREIGHT LINES

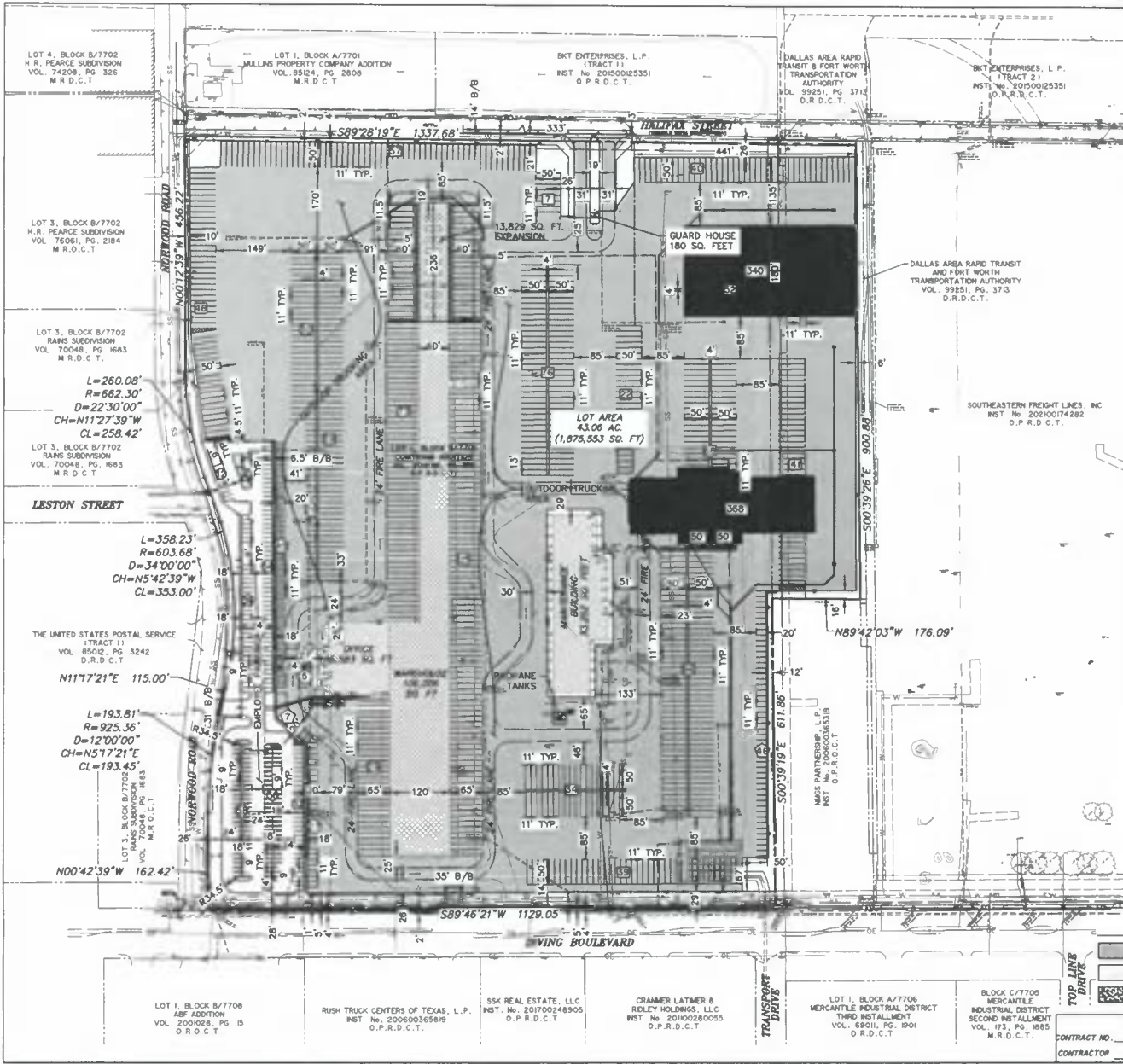
SOUTHEASTERN FREIGHT LINES
 DALLAS, TEXAS
ALTERNATIVE LANDSCAPE PLAN



08/28/23
 DCW/LA PROJECT NO 2023-06
 DATE 07-18-23
 SHEETING
L1 OF -

BDA223-099A

PRINTED: 03/13/2023 5:18 PM LAST SAVED: 03/10/2023 10:13 AM SAVED BY: AUSTIN FILE: SITE-PLAN-WEST-2040.DWG
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- ### EXISTING TOPOGRAPHIC LEGEND
- CATV □ CABLE TV
 - EB □ ELEC BOX (GROUND)
 - EMH ⊙ ELEC MANHOLE
 - EM □ ELEC METER
 - FH ⊕ FIRE HYDRANT
 - SFO ⊕ FIBER OPTIC CABLE
 - GM ⊕ GAS METER
 - GMH ⊙ GAS MANHOLE
 - GTS ⊕ GAS TEST STATION
 - GUY ∨ GUY WIRE
 - ICV ⊙ IRRIGATION CONTROL VALVE
 - LP ⊙ LIGHT POLE
 - PP ⊙ POWER POLE
 - SDMH ⊙ STORM DRAIN MANHOLE
 - SSMH ⊙ SANITARY SEWER MANHOLE
 - SSCO ⊙ SANITARY SEWER CLEANOUT
 - TMH ⊙ TELEPHONE MANHOLE
 - TPO ⊙ TELEPHONE PEDESTAL
 - TRANSFORMER PAD
 - WM ⊙ WATER METER
 - WMH ⊙ WATER MANHOLE
 - WV ⊕ WATER VALVE
 - OE — OVERHEAD ELECTRIC LINE
 - UE — UNDERGROUND ELECTRIC LINE
 - W — WATER LINE
 - SS — SANITARY SEWER LINE
 - FO — FIBER OPTIC LINE
 - UT — UNDERGROUND TELEPHONE
 - OT — OVERHEAD TELEPHONE
 - G — UNDERGROUND GAS
 - 24" RCP — EXISTING CONCRETE STORM DRAIN LINE
 - 24" CMP — EXISTING CORRUGATED METAL STORM DRAIN LINE

LOT & BUILDING INFORMATION

LOT AREA (ACRES)	43.06 AC
LOT AREA (SQ. FT.)	1,875,553 SF
OFFICE	16,763 SF
WAREHOUSE/STORAGE	106,006 SF
MAINTENANCE	33,252 SF
TOTAL BUILDING AREA	156,021 SF
F.A.R.	0.08
COVERAGE (%)	8.3%

BUILDING USE LEGEND

	OFFICE
	WAREHOUSE/STORAGE
	MAINTENANCE

PARKING SPACE REQUIREMENTS

PARKING REQUIRED:	
OFFICE (11 space/333 s.f.)	= 51 spaces
WAREHOUSE/STORAGE (SEE NOTE)	= 42 spaces
MAINTENANCE (11 space/500 s.f.)	= 67 spaces
TOTAL REQUIRED TRUCKING	= 103 spaces
TOTAL REQUIRED EMPLOYEE	= 51 spaces
TRUCK PARKING PROVIDED:	669 spaces
EMPLOYEE PARKING PROVIDED:	256 spaces
ACCESSIBLE PARKING REQUIRED:	5 spaces
ACCESSIBLE PARKING PROVIDED:	5 spaces



NOTE: WAREHOUSE 1 space/1000 s.f. UP TO 20,000 s.f.
 1 space/4000 s.f. OVER 20,000 s.f.

REVISIONS

REV. NO.	DATE	DESCRIPTION	BY

PREPARED BY:
WIA WIER & ASSOCIATES, INC.
 ENGINEERS SURVEYORS LAND PLANNERS
 2201 E. LAMAR ROAD, SUITE 2000 ARLINGTON, TEXAS 76010 METRO (817)467-7700
 Texas Civil Registration No. E-7776 www.WierAssociates.com

PLAT NO.	BUILDING PERMIT NO.	DEV. ENGINEERING TRACKING NOS.
5034-53E	2303R1001	DP23-063 NW23-154

DIMENSION CONTROL PLAN

BKT ENTERPRISES, L.P.
 4211 IRVING BLVD.
 DEVELOPMENT SERVICES
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

REVIEW BY:	DRAWN BY:	DATE:	FILE:	NUMBER:	SHEET:
PLG	AS	SEPT. 15, 2023		1780	C05.01

PAVEMENT LEGEND

- HEAVY DUTY CONCRETE PAVEMENT
- LIGHT DUTY CONCRETE PAVEMENT
- TEMP. ASPHALT PAVEMENT

CONTRACT INFORMATION
 CONTRACT NO. _____ DATE _____
 CONTRACTOR **SCHWOB BUILDING COMPANY, LLC**

BDA 223-099

ZONING MAP

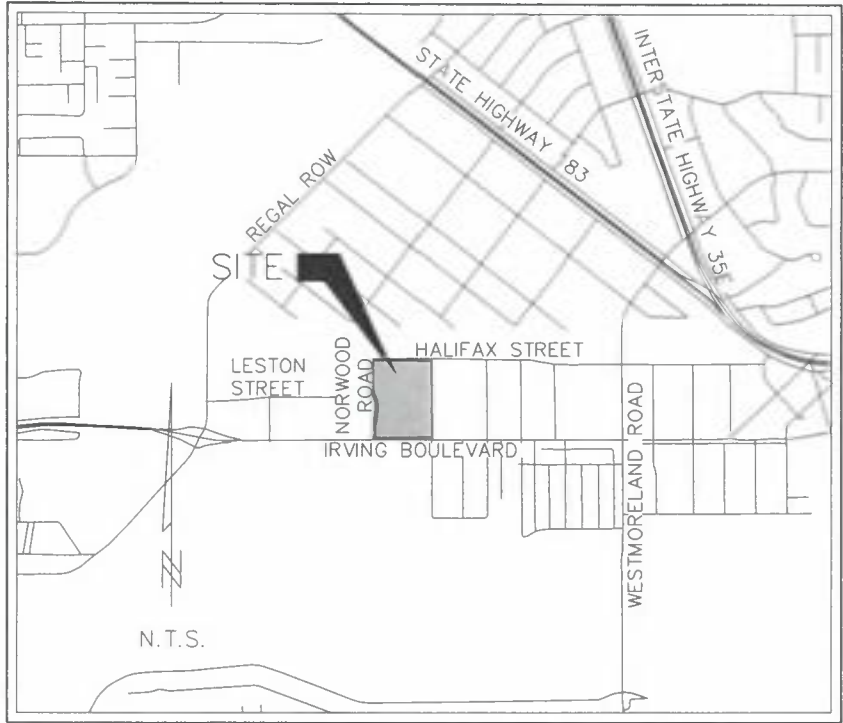
City of Dallas Zoning Map 2.2 The City of Dallas Citywide Department

Zoom Map 1:0 Links Help Report Issue



P6

BDA 223-099



VICINITY MAP
NOT TO SCALE

76

VICINITY MAP

PREPARED BY:
WMA WIER & ASSOCIATES, INC.
 ENGINEERS SURVEYORS LAND PLANNERS
 22411 LAMAR BLVD., SUITE 2000, DALLAS, TEXAS 75246 (214) 447-7700
 Texas File Registration No. 3-7776, www.WierAssociates.com
 Survey License No. 1002000

SHEET 01

DATE: 8/31/2023
W.A. No. 21040

BDA 223-099

FILE NUMBER: BDA223-100 (SD)

BUILDING OFFICIAL'S REPORT: Application of James Thrower represented by Peter Kavanagh with Zone Systems Inc., for (1) a variance to the front yard setback regulations at 1057 Kessler Pkwy. This property is more fully described as Block 1/4634, Lot 11, and is zoned R-7.5(A), which requires a front yard setback of 25-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 15-foot six-inch front yard setback, which will require a (1) 9-foot 6-inch variance to the front yard setback regulations.

LOCATION: 1057 Kessler Pkwy

APPLICANT: James Thrower

Represented by: Zone Systems Inc.

REQUEST:

(1) A request for a variance to the front 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.

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 due to the floodplain which limits the buildable area of the lot; 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 was found 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 front yard setback regulations of 9-feet and 6-inches is made to construct and/or maintain a single-family residential structure.
- The subject site is surrounded by single family homes.
- The Dallas Development Code requires a 25-foot front yard setback for the R-7.5 (A) zoning district.
- Per the submitted site plan, the applicant proposes to construct and/or maintain a single-family residential home providing a 15-foot 6-inch front yard setback.

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 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.

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

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.

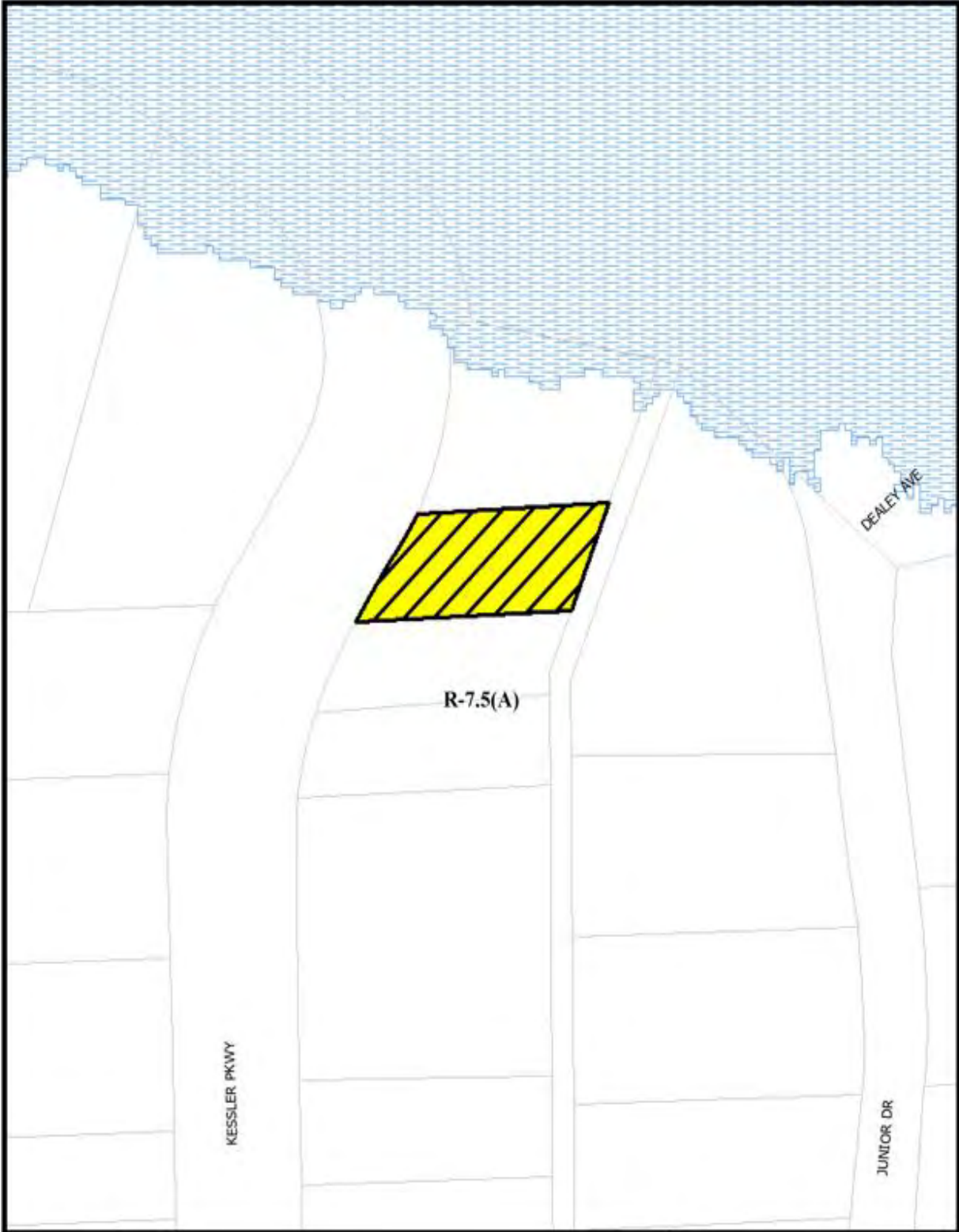


1:1,200

AERIAL MAP

Case no: BDA223-100

Date: 10/19/2023

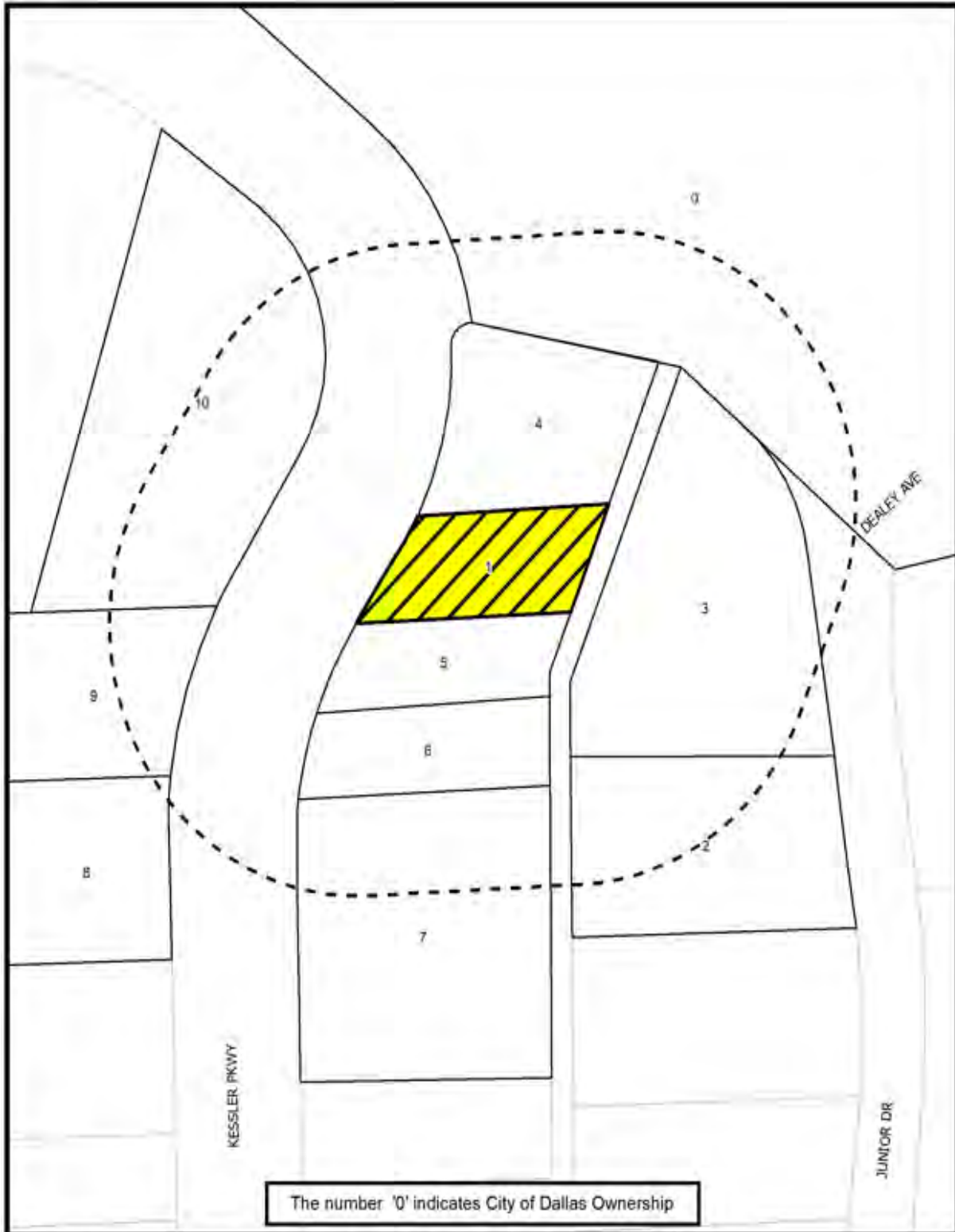


1:1,200

ZONING MAP

Case no: BDA223-100

Date: 10/19/2023



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA223-100</u> Date: <u>10/19/2023</u>
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					


10/19/2023

Notification List of Property Owners

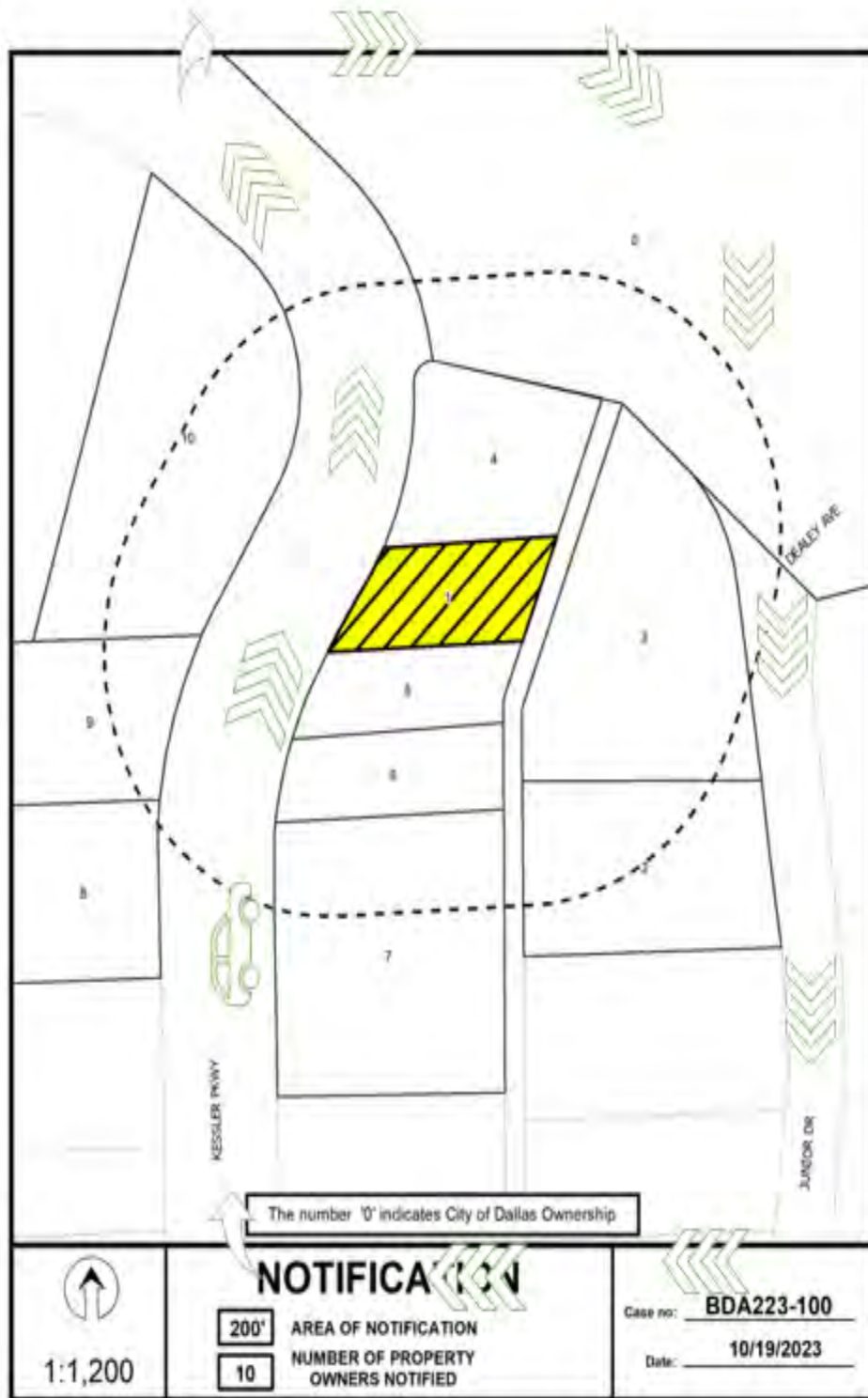
BDA223-100

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1057 KESSLER PKWY	LARSON CARL BLAKE & KATIE
2	1639 JUNIOR DR	HIGH OAK PPTIES LLC
3	1645 JUNIOR DR	ASLAM CHRISTOPHER & EDITH
4	1065 KESSLER PKWY	MCDANIEL DOSWELL ALAN &
5	1051 KESSLER PKWY	STANSELL KELCIE &
6	1043 KESSLER PKWY	COPELAND STEPHEN JAY REV TR &
7	1031 KESSLER PKWY	EILERS JANELL L &
8	1038 KESSLER PKWY	PECK MARTIN C & ELIZABETH H
9	1052 KESSLER PKWY	SCHWEGMANN CHRISTOPHER JOHN &
10	1060 KESSLER PKWY	ARAZOZA ANTONIO CARLOS &

 1:1,200	NOTIFICATION	Case no: <u>BDA223-100</u>			
	<table><tr><td>200'</td><td>AREA OF NOTIFICATION</td></tr><tr><td>10</td><td>NUMBER OF PROPERTY OWNERS NOTIFIED</td></tr></table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
10	NUMBER OF PROPERTY OWNERS NOTIFIED				

<https://youtu.be/fspco1B5xCU>



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-100

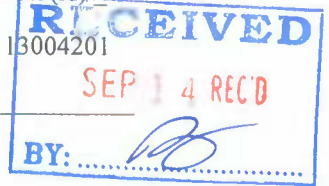
Date: 9/14/23

Data Relative to Subject Property:

Location address: 1057 Kessler Parkway Zoning District: R7-5(A)

Lot No.: 11 Block No.: 1/4634 Acreage: 0.289 Census Tract: 48113004201

Street Frontage (in Feet): 1) 89' 2) _____ 3) _____ 4) _____ 5) _____



To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James Thrower

Applicant: James Thrower Telephone: _____

Mailing Address: 1057 Kessler Parkway Zip Code: 75208

E-mail Address: jthrowsw@hotmail.com

Represented by: Zone Systems, Inc. < Peter Kavanagh, Principal . Telephone: 214-941-4440

Mailing Address: 1620 Handley Drive, Suite A, Dallas, TX Zip Code: 75208

E-mail Address: _____

Affirm that an appeal has been made for a Variance X , or Special Exception __ , of front yard setback. Section 51A-3.102(d)(10)(A) provides that the variance must not be contrary to the public interest and be necessary to permit development on a parcel that is of a restrictive shape or slope that it cannot be developed commensurate with other parcels of land with the same zoning. Variance of 9.5 feet is requested.

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 home is being remodeled for Mr. and Mrs. Thrower to occupy. The project is being done in a manner to minimize the disruption to the property. The extraordinary change in elevation of approximately 24 feet from front to back makes a garage on the front of the home a more usable space without disruption of the natural topography and allowing for easy access from the garage to the home.

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

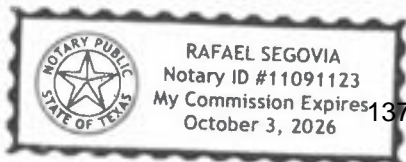
Before me the undersigned on this day personally appeared James Thrower (Affiant/Applicant's name printed)

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 7 day of September, 2023

[Signature]



Notary Public in and for Dallas County, Texas

Denton


CITY OF DALLAS
AFFIDAVIT

Appeal number: BDA 223-100

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

at: 1057 Kessler Parkway
(Address of property as stated on application)

Authorize: James Thrower
(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 required is 25 feet. Variance of 9.5 feet is requested
to provide a front setback of 15.5 feet.

Kialynn Thrower
Print name of property owner or registered agent

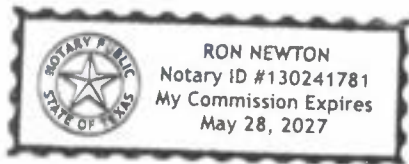
Kialynn Thrower
Signature of property owner or registered agent

agent Date September 13, 2023

Before me, the undersigned, on this day personally appeared
Kialynn Thrower

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 September 13 day of
September, 2023



Ron Newton
Notary Public for Dallas County,
Texas

Commission expires on
MAY 28, 2027

1067 KESSLER PKWY DALLAS



BDA 223-100

Dallas Fort Worth Tpk

Search result



CITY OF DALLAS PLAT BOOKS

ANNEXED MAY 31, 1937 ORD. NO. _____
SURVEY G.S.C. LEONARD ABST. 780
W.P. OVERTON 1106

ADDITION _____

BLOCKS 4632, 4633, 4634, 4700, 4702

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DISTRICT DALLAS

FILED: 6-13-79 BLK 4700 REPLAT
FILED: 4-14-28 BLK 4702 ROCK LODGE ADD.
FILED: 3-22-94 THISTLE ADDITION BLK. 4700 LOTS 3 & 4
FILED: 8-4-95 BLK 4700 LT 1-B1, 1-B2 DERDEYN AND VICTOR'S KESSLER PARKWAY

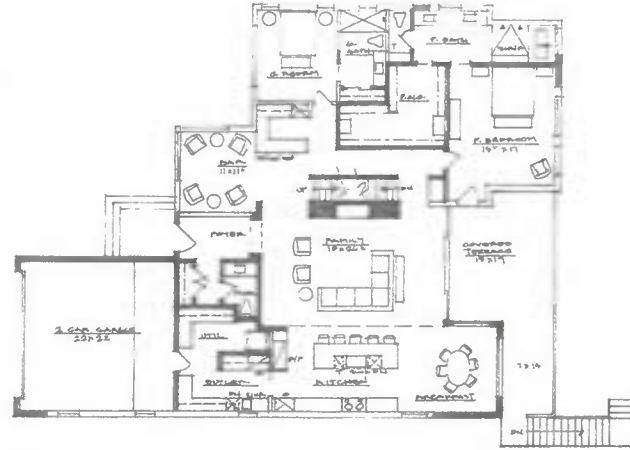


13
52/B

PDA 223-100



3 FRONT EXTERIOR ELEVATION
SCALE 1/4" = 1'-0"



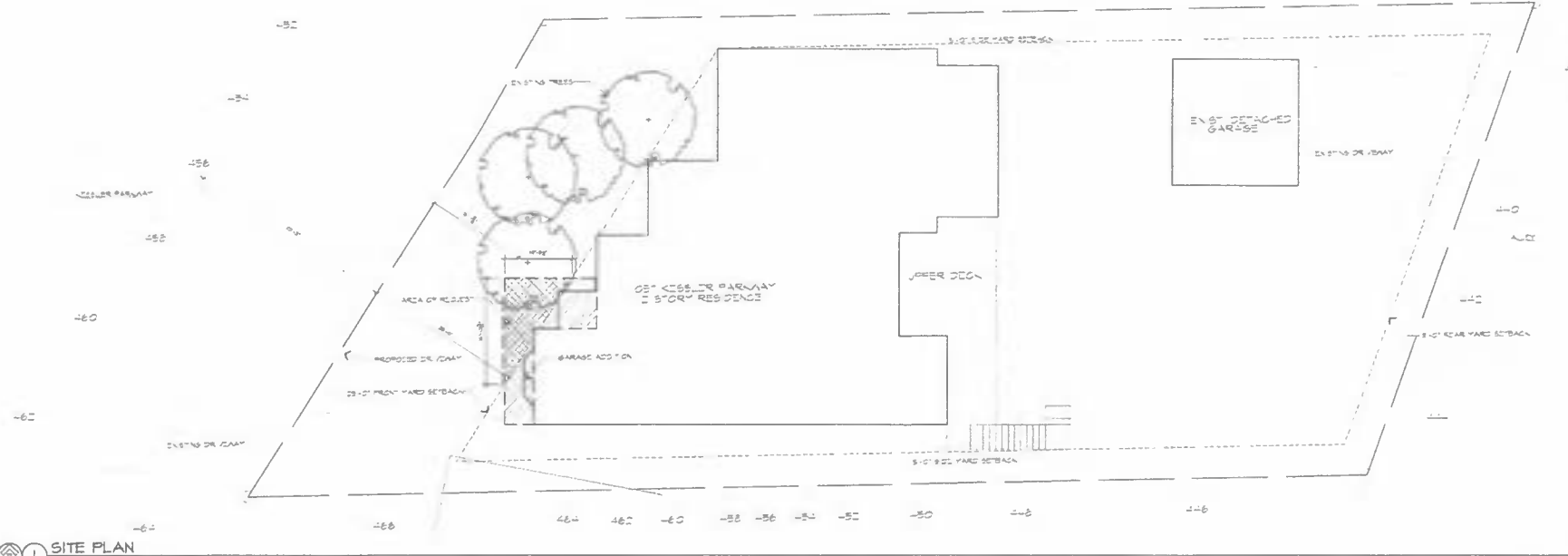
2 FIRST FLOOR PLAN
SCALE 3/4" = 1'-0"

THROMER RESIDENCE
 1083 KESSLER PARKWAY
 DALLAS TEXAS 75209

NOTE
 THESE DRAWINGS ARE NOT FOR RELOCATION OR RECONSTRUCTION OF EXISTING STRUCTURE OR CONSTRUCTION

BERNBAUM/MAGALINI
 ARCHITECTS
 1000 WEST END AVENUE SUITE 1000
 DALLAS, TEXAS 75201
 TEL: 214.760.1000

REVISION
JOB NUMBER 22016
DATE 07/20/2016
DRAWN BY BDA
CHECKED BY



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

Applicant's Documentary Evidence

City of Dallas Board of Adjustment

Request for a front yard variance on property at 1057 Kessler Parkway. Dallas Development Code considerations per Sec. 51A-3.102(A)

1. Variances to the front yard setback must 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 site is an existing platted lot with an existing home. The minor modification of the front of the home will allow for the continued use of the home with the benefit of the garage at the same level as the first floor living space. Not allowing this variance would result in unnecessary hardship.

2. 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 slop that is cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;

The property has a change of elevation of over 25 feet from front to back. This is an unusual elevation change and a challenge to develop. The proposed plan is to maintain the existing home with modifications to provide for the garage to be

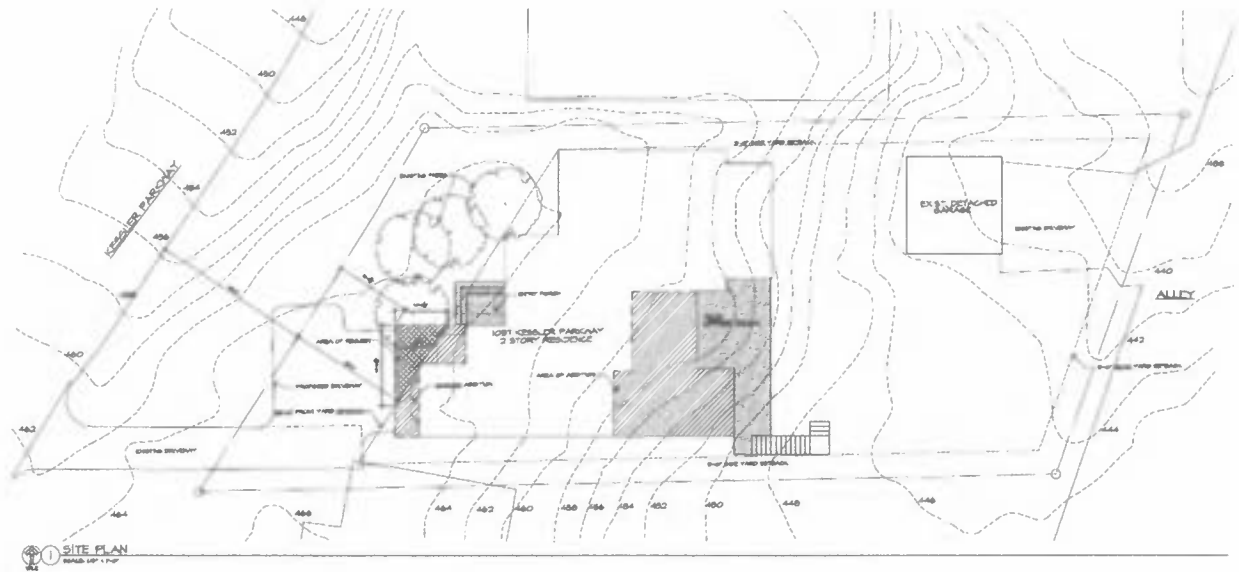
roughly level with the main living area of the home. The restrictive slope of the property prevents the development of this lot in a manner commensurate with other parcels of land with the same zoning.

3. The variance is not granted to relieve a self-created or personal hardship nor for financial reasons only.

The variance is requested to address the current condition of the property with the least visible impact to the property and the least impact on adjacent properties.

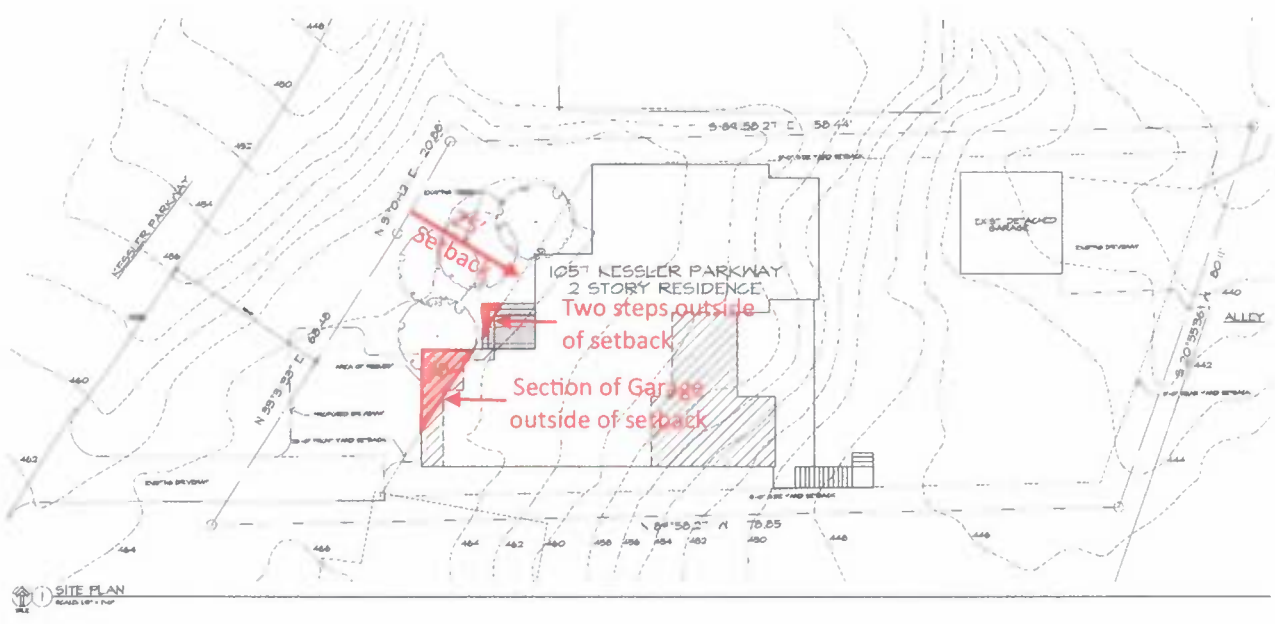
BDA223-100 at 1057 KESSLER PARKWAY

TOPOGRAPHY



BDA223-100 at 1057 KESSLER PARKWAY

TOPOGRAPHY



BDA223-100 at 1057 KESSLER PARKWAY



BDA223-100 at 1057 KESSLER PARKWAY



BDA223-100 at 1057 KESSLER PARKWAY



BDA223-100 at 1057 KESSLER PARKWAY



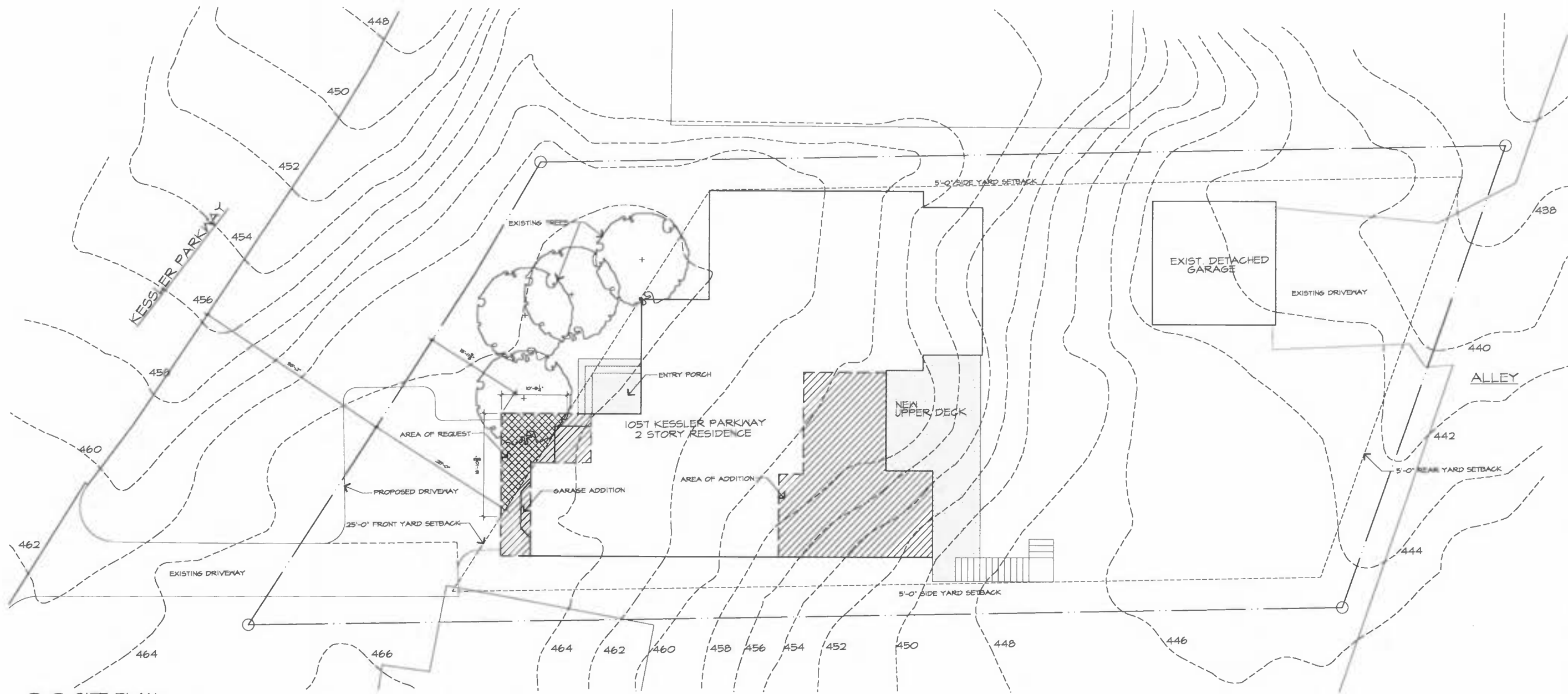
BDA223-100 at 1057 KESSLER PARKWAY



BDA223-100 at 1057 KESSLER PARKWAY



UPDATED SITE PLAN



THROWER RESIDENCE

1051 KESSLER PARKWAY
DALLAS, TEXAS 75208

NOTE
THESE DRAWINGS ARE NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION.

BERNBAUM/MAGADINI ARCHITECTS
3445 N. GUSTON, CORPUS CHRISTI, TEXAS 78401
TEL: 361.651.1000
WWW.BMARCHITECTS.COM

REVISION
JOB NUMBER 23016
DATE 09.06.2023
SHEET NUMBER

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

FILE NUMBER: BDA223-074(KMH)

BUILDING OFFICIAL'S REPORT Application of Masterplan, Represented by Trenton Robertson for a (1) special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 9-foot fence in a required front yard, which will require (1) a 5-foot special exception to the fence regulations.

LOCATION: 5505 Chatham Hill

APPLICANT: Masterplan, Represented by Trenton Robertson

REQUEST:

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

STANDARD FOR A SPECIAL EXCEPTION:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for any special exception to the code.

Background information:

1. BDA190-068 Approved: Multiple electric meters to single-family use (August 31, 2020)
2. BDA178-086 Approved: Variance to front yard and additional dwelling unit for a single-family use and fence standards (October 24, 2018)

Zoning:

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

Land Use:

The subject site is developed with a residential structure. Areas to the North, South, East, and West are developed with residential uses.

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a special exception to the fence height regulations. The applicant proposes to construct a 9-foot fence in a required front yard, which will require a 5-foot special exception to the fence regulations.
- The subject property is located at 5505 Chatham Hill Road and is zoned R-1ac (A).
- It is imperative to note that the Board of Adjustment granted the approval of the fence standards for this property in October of 2018. The request to construct a 9-foot-high fence in a required front yard 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 lot line. Both requests were granted with compliance with the submitted plans and elevations.
- The applicant is now proposing a different material which is different than the approved elevations depicted; therefore, they are having to return to the Board as the request was granted to comply with the submitted elevations.
- The applicant is proposing a metal mesh fence which differs from the previously approved elevations, chain link.
- The applicant proposes the fence material will be chain link to metal mesh.
- 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 this special exception to the fence standards relating to height up to 9-feet 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 02, 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.
- June 26, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- July 11, 2023: The Board of Adjustment Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application
 - an attachment that provided the public hearing date and panel that will consider the application; the July 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, August 04, 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.”

July 26, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August 16, 2023, public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planners, the Board of Adjustment Development Code Specialist, Project Coordinator the Chief Arborist, Assistant City Attorney (Matthew Sapp) and the Development Services Senior Engineers

July 29, 2023: The engineering department submitted a comment sheet.

August 16, 2023: The Board of Adjustment Panel B, at its public hearing held on August 16, 2023, moved to **HOLD** this matter under advisement until October 18, 2023.

October 5, 2023: The applicant submitted revised drawings.

October 18, 2023: The applicant submitted revised drawings during hearing.

October 18, 2023: The Board of Adjustment Panel B, at its public hearing held on Wednesday, October 18, 2023, moved to **HOLD** this matter under advisement until November 15, 2023.

November 3, 2023: The applicant submitted revised drawings.

REVIEW COMMENT SHEET
 BOARD OF ADJUSTMENT
 HEARING August 16th, 2023 (B)

- | | |
|--|---|
| <input type="checkbox"/> Has no objections
<input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached)
<input type="checkbox"/> Recommends that this be denied (see comments below or attached)
<input checked="" type="checkbox"/> No comments | <input type="checkbox"/> BDA 223-062(GB)
<input checked="" type="checkbox"/> BDA 223-071(GB)
<input checked="" type="checkbox"/> BDA 223-073(GB)
<input checked="" type="checkbox"/> BDA 223-074(GB)
<input checked="" type="checkbox"/> BDA223-076(GB)
<input type="checkbox"/> HOLDOVER
<input checked="" type="checkbox"/> BDA223-038(GB)
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/> |
|--|---|

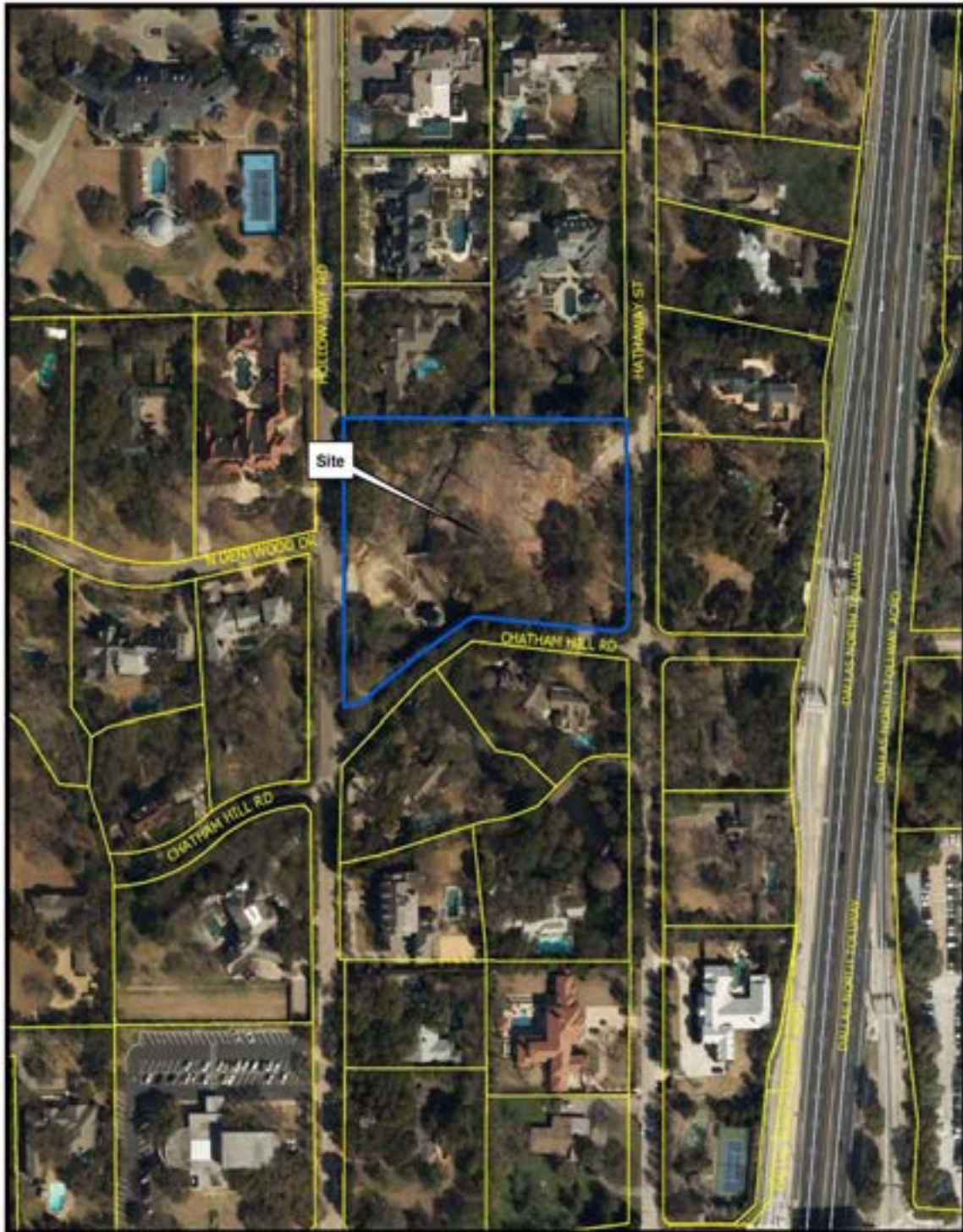
COMMENTS:

Cases marked do not involve Engineering

-
-
-
-
-
-
-

Scott Penman/Engineer/DSD *Aug 2, 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

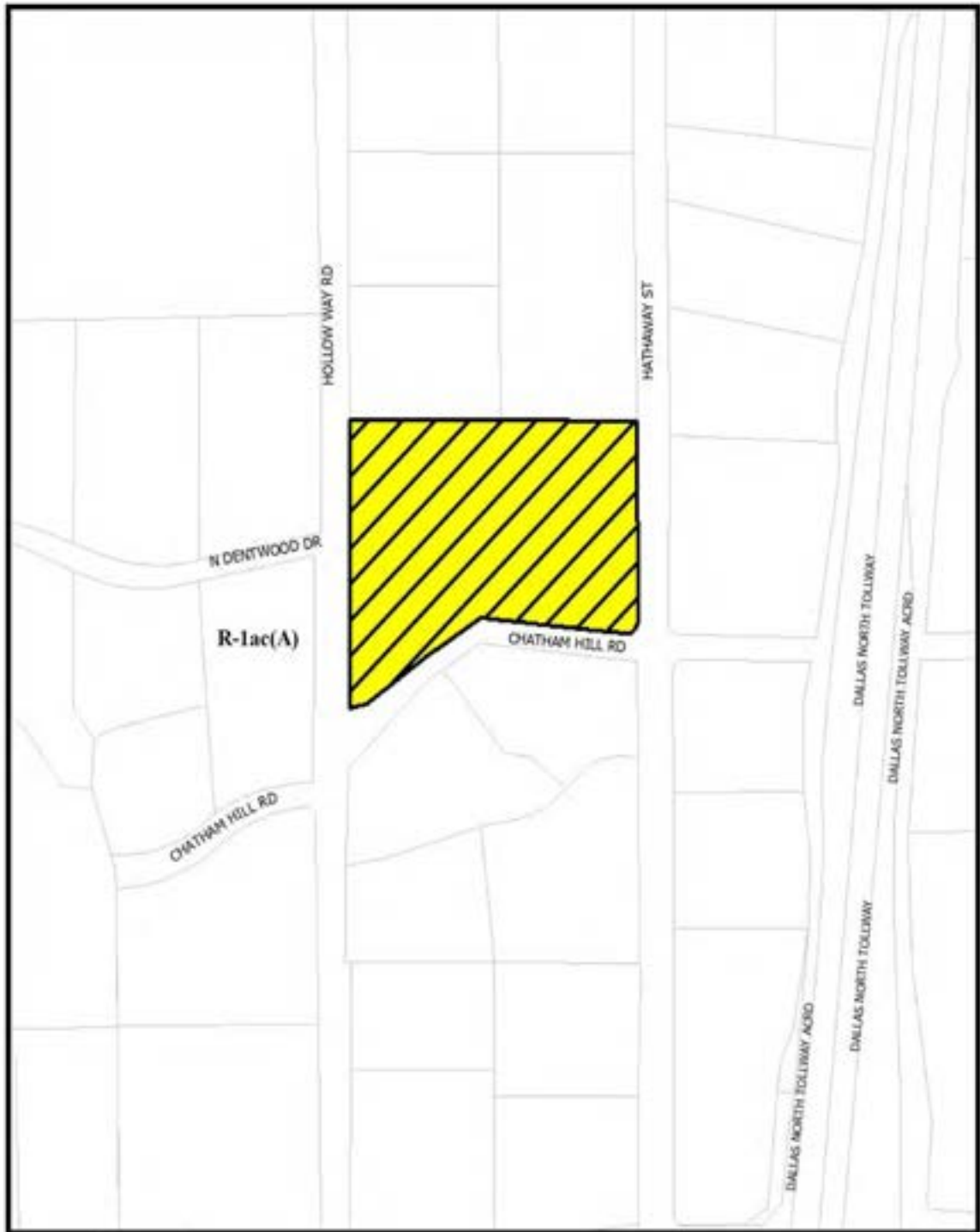



1:2,400

AERIAL MAP

Case no: BDA223-074

Date: 7/26/2023



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA223-074</u> Date: <u>7/26/2023</u>
--	---------------------	--




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
15 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-074
 Date: 7/26/2023

07/26/2023

Notification List of Property Owners

BDA223-074

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5505 CHATHAM HILL RD	BR TRUST THE
2	9362 HOLLOW WAY RD	LEDBETTER TERRY LEE & RETA
3	9330 HOLLOW WAY RD	BR TRUST THE
4	9339 HATHAWAY ST	KING MARK A 2020 RESIDENCE &
5	9346 HATHAWAY ST	MOUTRAY HUGH GILFORD &
6	9300 HATHAWAY ST	MCGOWEN TAMARA F & JAMES P
7	9340 HATHAWAY ST	MALIK RAJEEV & RITU
8	5500 CHATHAM HILL RD	SEALE JOHN HENRY & KATHERINE DYLL
9	5538 CHATHAM HILL RD	CHAND M RIZWAN
10	9239 HATHAWAY ST	DUNNING THOMAS MAYBORN &
11	9266 HATHAWAY ST	SCHAFFER MARTIN J &
12	5445 N DENTWOOD DR	HOROWITZ ANGELA
13	5446 N DENTWOOD DR	CARRY DONALD J &
14	9245 HOLLOW WAY RD	LANGE BENJAMIN & TRACY
15	5424 DELOACHE AVE	CUBAN MARK





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-074

Data Relative to Subject Property:

Date: 6/1/2023

Location address: 5505 Chatham Hill Zoning District: R-1(A)

Lot No.: 22 Block No.: 7/5597 Acreage: 3.43 Census Tract: 206.00

Street Frontage (in Feet): 1) 432' 2) 482.7' 3) 292.93' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BR Trust James Y Ross III Trust [Signature]

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 X, of To allow for a change in fence material from chain link to metal mesh. 1221' Linear ft

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 material change will be more consistent with the surrounding properties. Additionally, the metal mesh will be a higher quality design and add an additional aesthetic to the property.

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

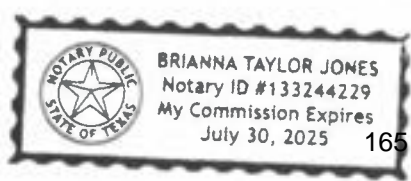
Before me the undersigned on this day personally appeared Trenton Robertson (Affiant/Applicant's name printed)

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

Subscribed and sworn to before me this 2 day of June, 2023

(Rev. 08-01-11)



[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 Masterplan
represented by Trenton Robertson
did submit a request for a special exception to the fence height regulations
at 5505 CHATHAM HILL

BDA223-074. Application of Masterplan, Represented by Trenton Robertson for a special exception to the fence height regulations at 5505 CHATHAM HILL RD. This property is more fully described as Block 7/5597, Lot 22, 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 9-foot fence in a required front yard, which will require a 5-foot special exception to the fence regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-074

I, BR Trust J. Y. Robb III, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5505 Chatham Hill, Dallas, TX 75220
(Address of property as stated on application)

Authorize: Masterplan
(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)

- 1/1 Variance (specify below)
- Special Exception (specify below)
- _____ Other Appeal (specify below)

Specify: To request to change the fence material on the property.

J. Y. Robb III TRUSTEE
Print name of property owner or registered agent

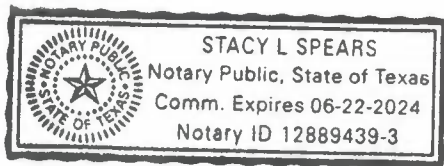
J. Y. Robb III Trustee
Signature of property owner or registered agent

Date 6/1/2023

Before me, the undersigned, on this day personally appeared J. Y. Robb III

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 1st day of June, 2023



Stacy L Spears
Notary Public for Dallas County, Texas

Commission expires on 6/22/2024



Posting of Notification Sign

Address: 5505 Chatham Hill RD

Appeal Number: BDA 223-074

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

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

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

Footage of each street frontage: 432'; 482.7'; 292.93'

Number of acres: 3.43 acres

Number of signs received: 3

[Signature]
Signature of applicant or person receiving signs

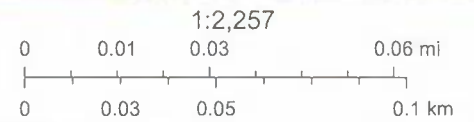
6/2/23
Date

Dallas CAD Web Map



6/1/2023, 2:00:22 PM

- Parcels
- Subdivision
- Dallas County Boundary
- Abstracts
- Street Centerline



Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph,

Dallas County Appraisal District, BIS Consulting - www.bisconsulting.com

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

BDA223-074

CITY OF DALLAS PLAT BOOKS

ANNEXED APRIL 16 1945 ORD. NO. PRESTON HOLLOW
 SURVEY JOHN HOWELL ABST. 580

ADDITION PRESTON HOLLOW (PART)

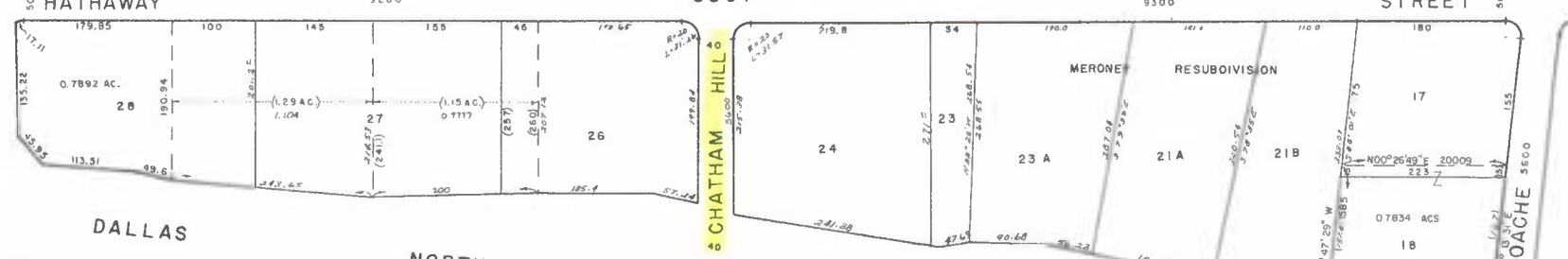
BLOCKS 7 5597

SCALE 100 FT. EQUALS 1 INCH

SCHOOL DIST. DALLAS

9-28-46

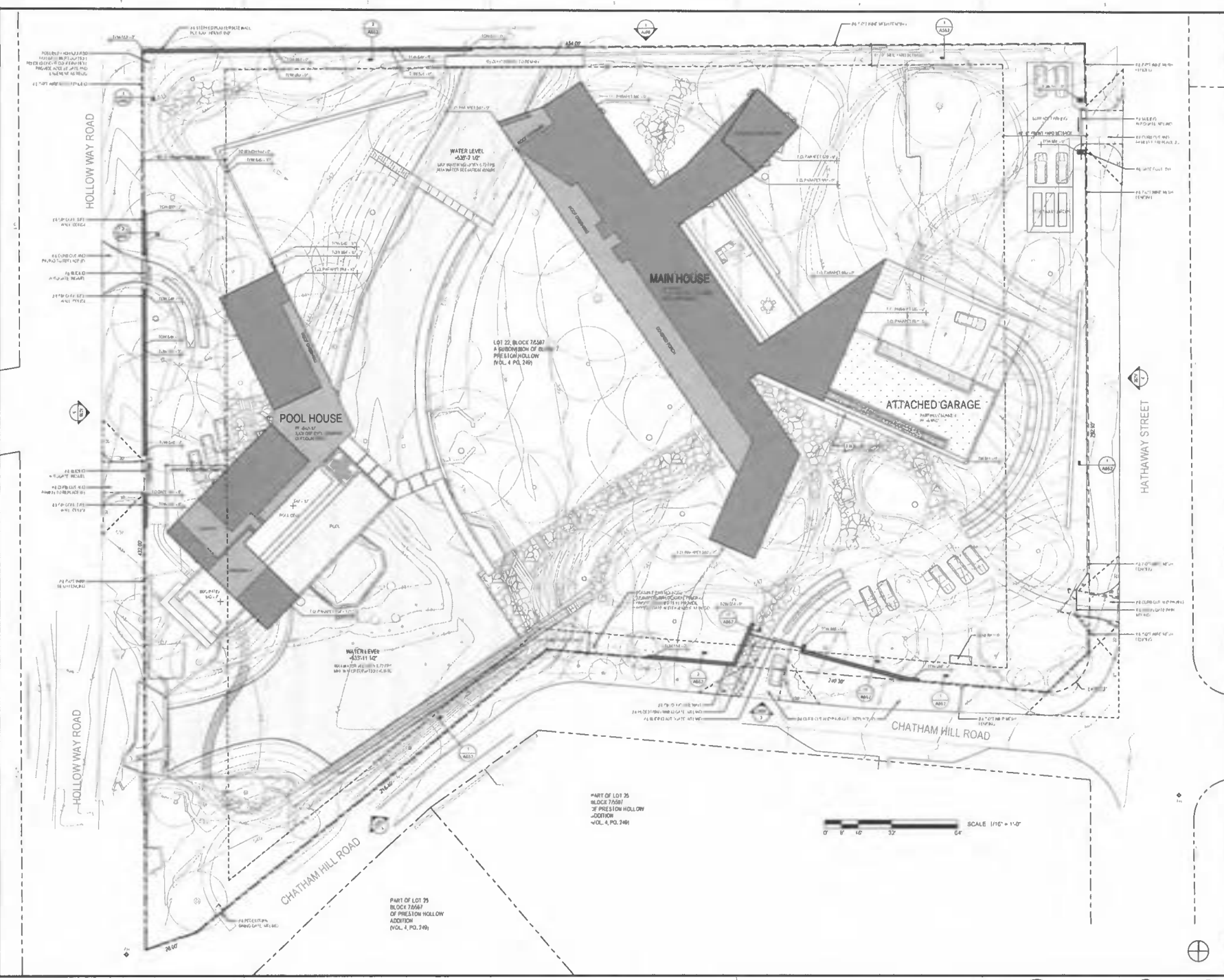
1-5625
 M'CRAW
 A-5646
 ESTATES
 LHWY. 14-5656 ESTATES
 100
 5700
 100
 NORTHWEST



NOTE: RADIUS ON ALL CORNERS ARE TWENTY FEET

5505 Chatham Hill

BDA223-074



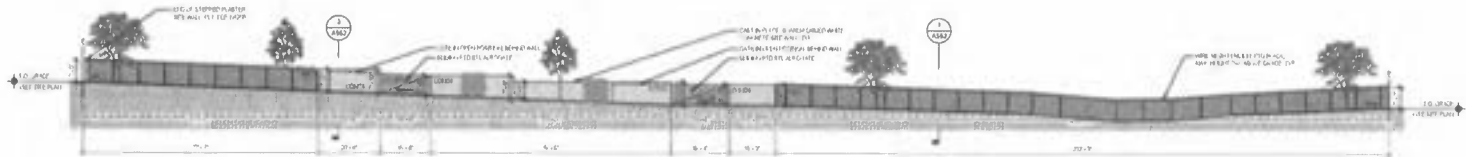
1/27/2021 2:15:01 PM
 C:\Users\marwan\Documents\CHH_CTD_100%_siteplan.dwg

PART OF LOT 25
 BLOCK 75587
 OF PRESTON HOLLOW
 ADDITION
 VOL. 4, PG. 249

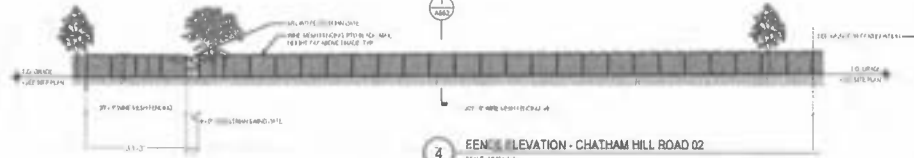
PART OF LOT 25
 BLOCK 75587
 OF PRESTON HOLLOW
 ADDITION
 VOL. 4, PG. 249



FINISH LEGEND
 CONC4 CAST IN PLACE WHITE CONCRETE, BOARD FORMED 1/2" THICK UNLESS NOTED OTHERWISE
 PL1 7/8" THICK 3 COAT PORTLAND CEMENT PLASTER, NATURAL WHITE COLOR W/ SLIGHT TEXTURE FINISH
 MT4WD PAINTED STEEL PLATE FRAMING WOOD GLAZING
 MTL7 WIRE MESH FENCING, PAINTED BLACK, PLANTING ONE OR BOTH SIDES



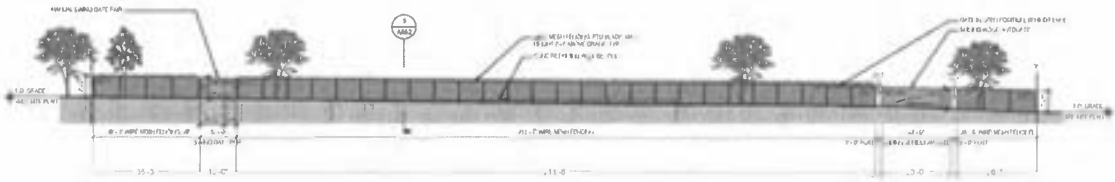
5 FENCE ELEVATION - HOLLOW WAY ROAD
 SCALE: 1/8" = 1'-0"



4 FENCE ELEVATION - CHATHAM HILL ROAD 02
 SCALE: 1/8" = 1'-0"



3 FENCE ELEVATION - CHATHAM HILL ROAD 01
 SCALE: 1/8" = 1'-0"



2 FENCE ELEVATION - HATHAWAY STREET
 SCALE: 1/8" = 1'-0"



1 FENCE ELEVATION - NORTH PROPERTY LINE
 SCALE: 1/8" = 1'-0"

Legend

Description	Quantity	Unit
CMU - Plaster Wall	158.59	ft
Concrete Wall	244.27	ft
Gate	74.99	ft
Wire Mesh Fencing	1,221.17	ft

FOR PERMIT ONLY

	LF	\$/LF	Total \$
CMU Wall	159.00	250	\$ 39,750
Concrete	244.00	400	\$ 97,600
Gates	75.00	250	\$ 18,750
Fence	1,221.00	100	\$ 122,100
			\$ 278,200

PROJECT NAME
CHATHAM HILL RESIDENCE

PROJECT ADDRESS
 5005 CHATHAM HILL ROAD
 DALLAS, TX 75229

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT TITLE
FENCE ELEVATIONS

DATE
 08/21/2018
 PROJECT NO.
 18-001
 SCALE
 1/8" = 1'-0"

SHEET NO. 001 OF 001
A250

BDA-223-074

12/14/2018 2:14:07 PM C:\Users\mm\Desktop\CH08_L01_1.dwg

Applicant's Documentary Evidence



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No. BDA 178-086

Data Relative to Subject Property:

Date: 5-14-18

Location address: 5505 Chatham Hill Road

Zoning District: R-1(A)

Lot No: 22 Block No: 715597 Acreage: 3.43 Census Tract: 206.00

Street Frontage (in Feet): 1) 432' 2) 482.7' 3) 292.93' 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): BR Trust

Applicant: James Y. Robb Telephone

Mailing Address: P.O. Box 269014, Plano Tx Zip Code: 75026

E-mail Address:

Represented by: Masterplan/Santos Martinez Telephone: 214-761-9197

Mailing Address: 900 Jackson, Suite 640 Dallas, Tx Zip Code: 75202

E-mail Address: santos@masterplanconsultants.com

I affirm that an appeal has been made for a Variance X, or Special Exception X, of a variance of 30' of the required 40' front yard; a special exception of three feet to the fence height regulations within a required front yard; a special exception to allow a second dwelling unit on the property; special exception to 30% open space

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 property is irregularly shaped with significant slope. The property is not flat and has slope that exceeds 30% along the drainage areas. This drainage area accounts for 15% of the total lot area. The property has two required front yards and numerous mature trees. The owner seeks to place an accessory structure, with a kitchen, in the required front yard of the western property line. A new fence of seven feet is being sought in a required front yard.

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

Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez (Affiant/Applicant's name printed)

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

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



this 14 day of May 2018 Carol Laquey Notary Public in and for Dallas County, Texas

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Date of Hearing Aug. 22, 2018

Appeal was--Granted OR Denied

Remarks Granted --
 D F Y S B Granted must comply with Submitted Site Plan & Elevation is Required.
 2) ADDL. Dwelling unit Granted - Must Deed Restrict ADDL. unit to prevent use as rental. Accommodation 3) Fence panel less than 50%. Granted - must comply with the Submitted Site Plan & Elevation, 4) 9' High Fence - Granted Must comply with Submitted Site Plan and Elevation

Building Official's Report

Scott H. ...
 Chairman

I hereby certify that James Y Robb represented by SANTOS MARTINEZ did submit a request for a variance to the front yard setback regulations, and for a special exception to the single family regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 5505 Chatham Hill Road

BDA178-086 Application of James Y Robb represented by SANTOS MARTINEZ for a variance to the front yard setback regulations, and for a special exception to the single family regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 5505 CHATHAM HILL RD. This property is more fully described as Lot 22, Block 7/5587, and is zoned R-1ac(A) which limits the height of a fence in the front yard to 4 feet and limits the number of dwelling unit to one 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 requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential structure and provide a 11 foot 3 inch front yard setback, which will require a 28 foot 9 inch variance to the front yard setback regulations, and to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations, and to construct a 9 foot high fence in a required front yard, which will require a 5 foot 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 a special exception to the fence regulations.

BOARD OF ADJUSTMENT DECISION FILED IN THE OFFICE OF THE BOARD OF ADJUSTMENT THIS THE 22ND DAY OF

AUGUST 20 18

Sincerely,

 Philip Sikes, Building Official

ADMIN. CLERK



Appeal number: BDA 223-074

I, James Y. Robb III, as Trustee of BR Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5505 Chatham Hill Road, Dallas, Texas 75220
(Address of property as stated on application)

Authorize: James Harris of Holland & Knight, LLP
(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: _____

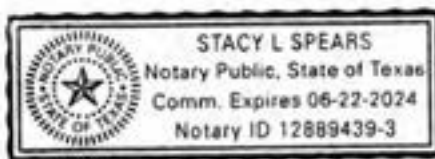
James Y. Robb III, as Trustee of BR Trust
Print name of property owner or registered agent

James Y. Robb III
Signature of property owner or registered

Date 11/1/2023

Before me, the undersigned, on this day personally appeared James Y. Robb III

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 1st day of November, 2023

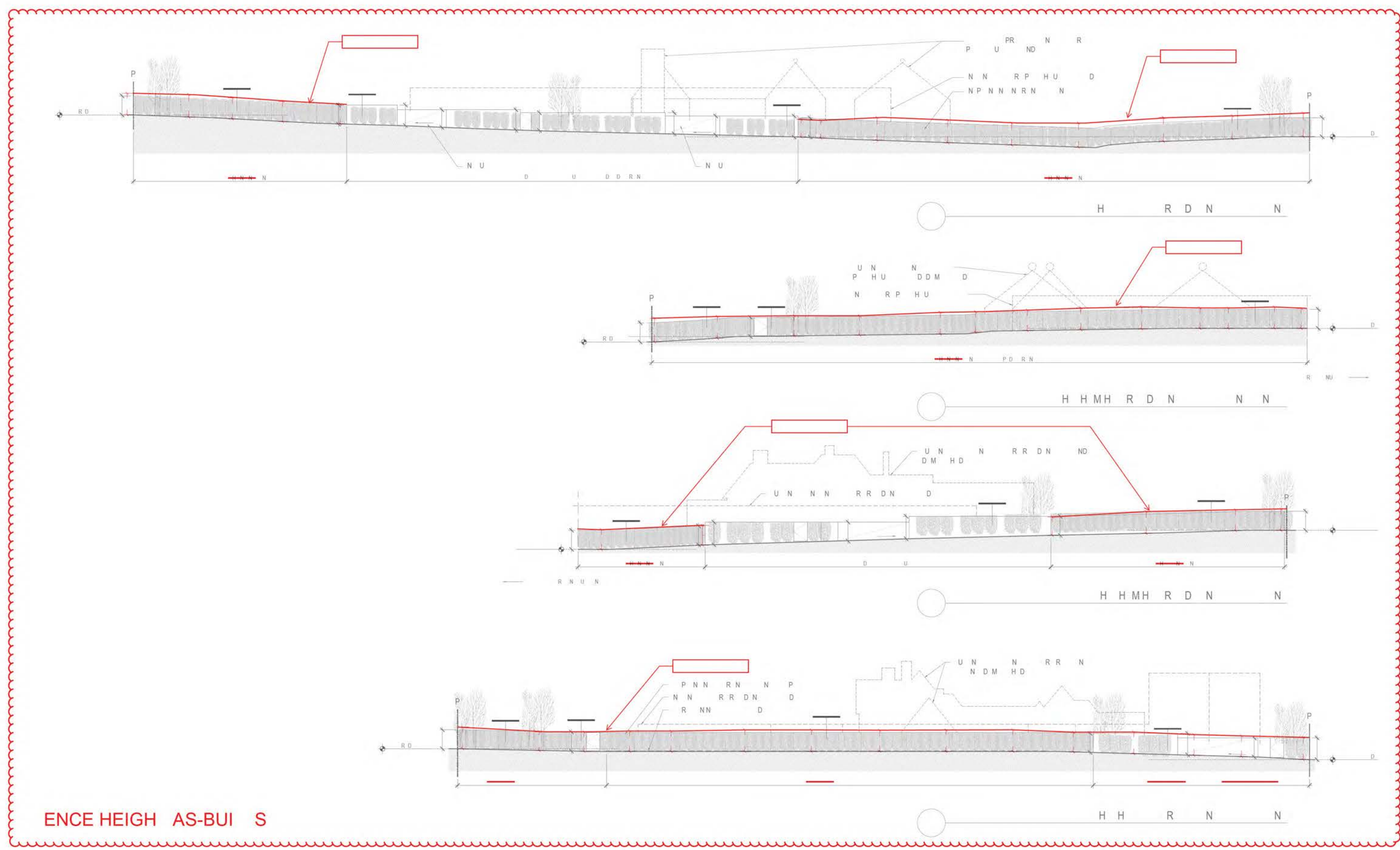


Stacy L. Spears
Notary Public for Dallas County, Texas

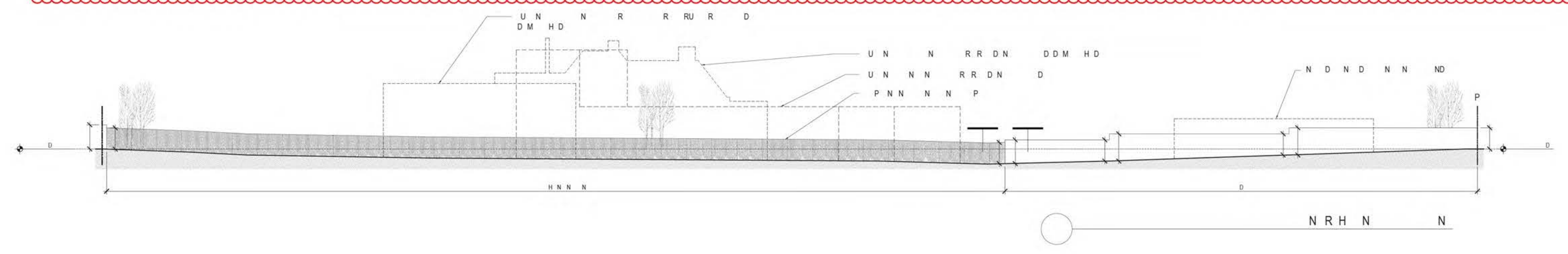
Commission expires on 10/22/2024



Ex. 1 -- Map of 5505 Chatham Hill and neighboring properties



ENCE HEIGH AS-BUI S

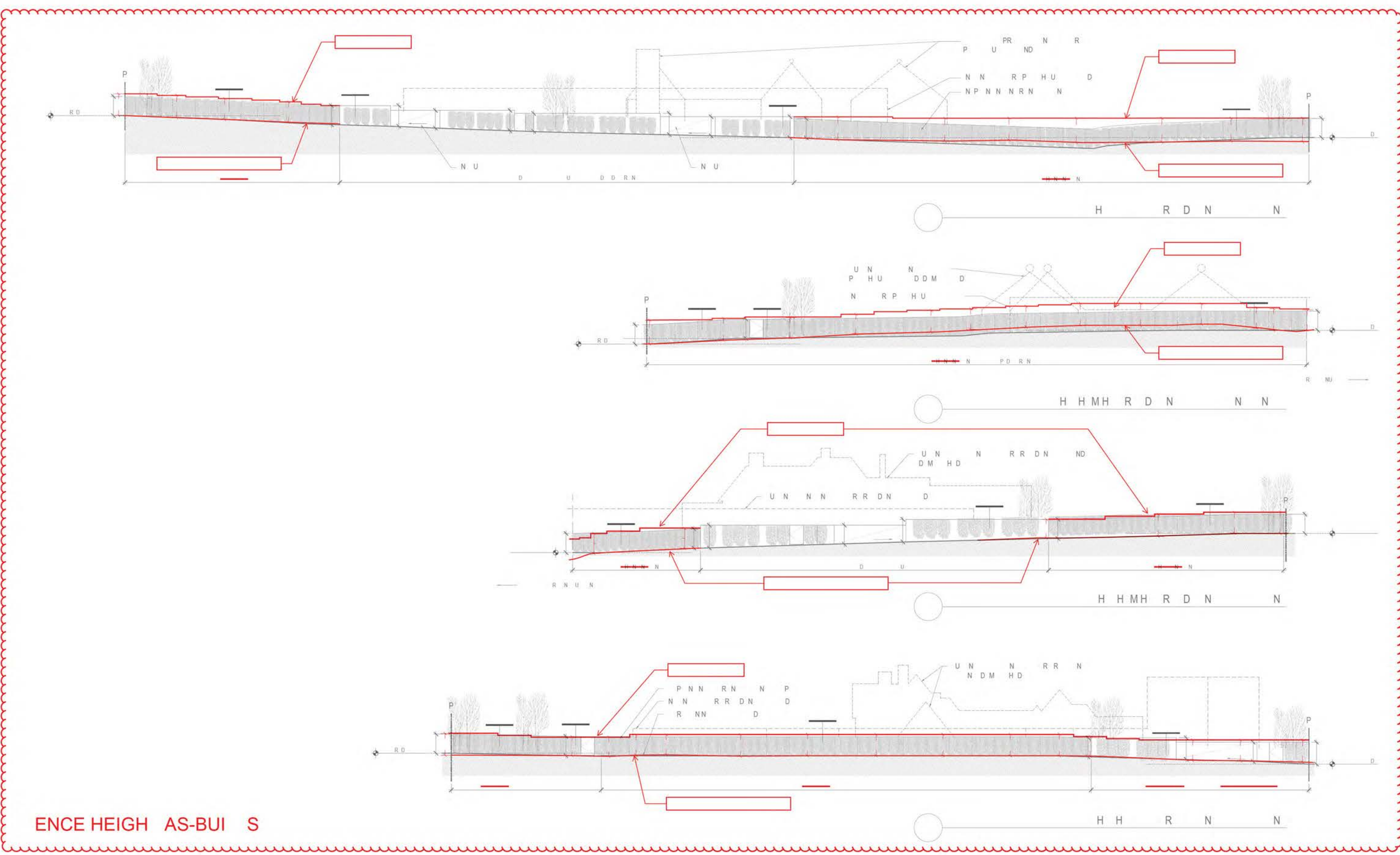


A A

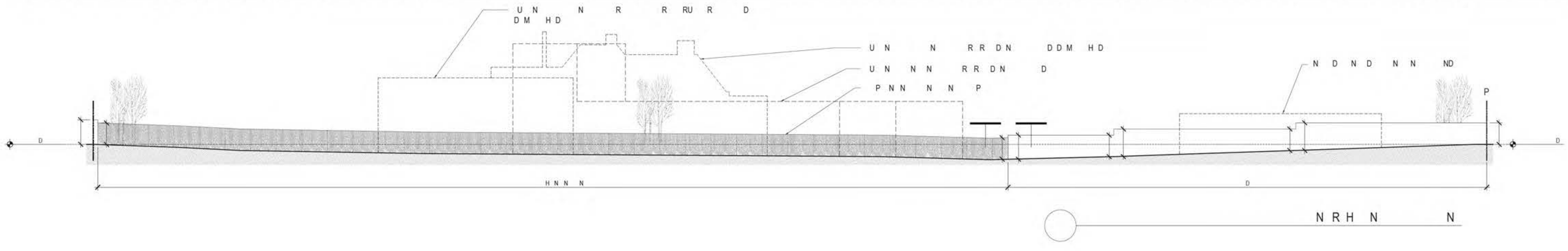
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City of Dallas

October 21, 2022

Trenton Robertson
2201 Main St. Ste. 1280
Dallas, TX. 75201

Re: BDA212-093(OA), Property at 9330 Hollow Way Rd.

Dear Mr. Robertson:

The Board of Adjustment Panel C, at its public hearing held on Monday, October 17, 2022 **granted** your request for special exceptions to the fence height regulations and the surface area openness requirements for fences in the Dallas Development Code, subject to the following condition:

Compliance with the submitted site plan and elevation is required.

Contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-5099 or oscar.aguilera@dallas.gov

Respectfully,

A handwritten signature in blue ink, appearing to read 'Oscar Aguilera'.

Oscar Aguilera, Senior Planner
Board of Adjustment
Development Services Department

c: Code Enforcement, 3112 Canton, Room 100
Diana Barkume, Development Services, 320 E. Jefferson #210

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing OCT. 17, 2022

Appeal was Granted OR Denied

Remarks Compliance with
The SUBMITTED SETS
PLAN AND EXISTENCE IS
Required.

[Signature]
Chairman

Building Official's Report

I hereby certify that Trenton Robertson

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 9330 HOLLOW WAY RD.

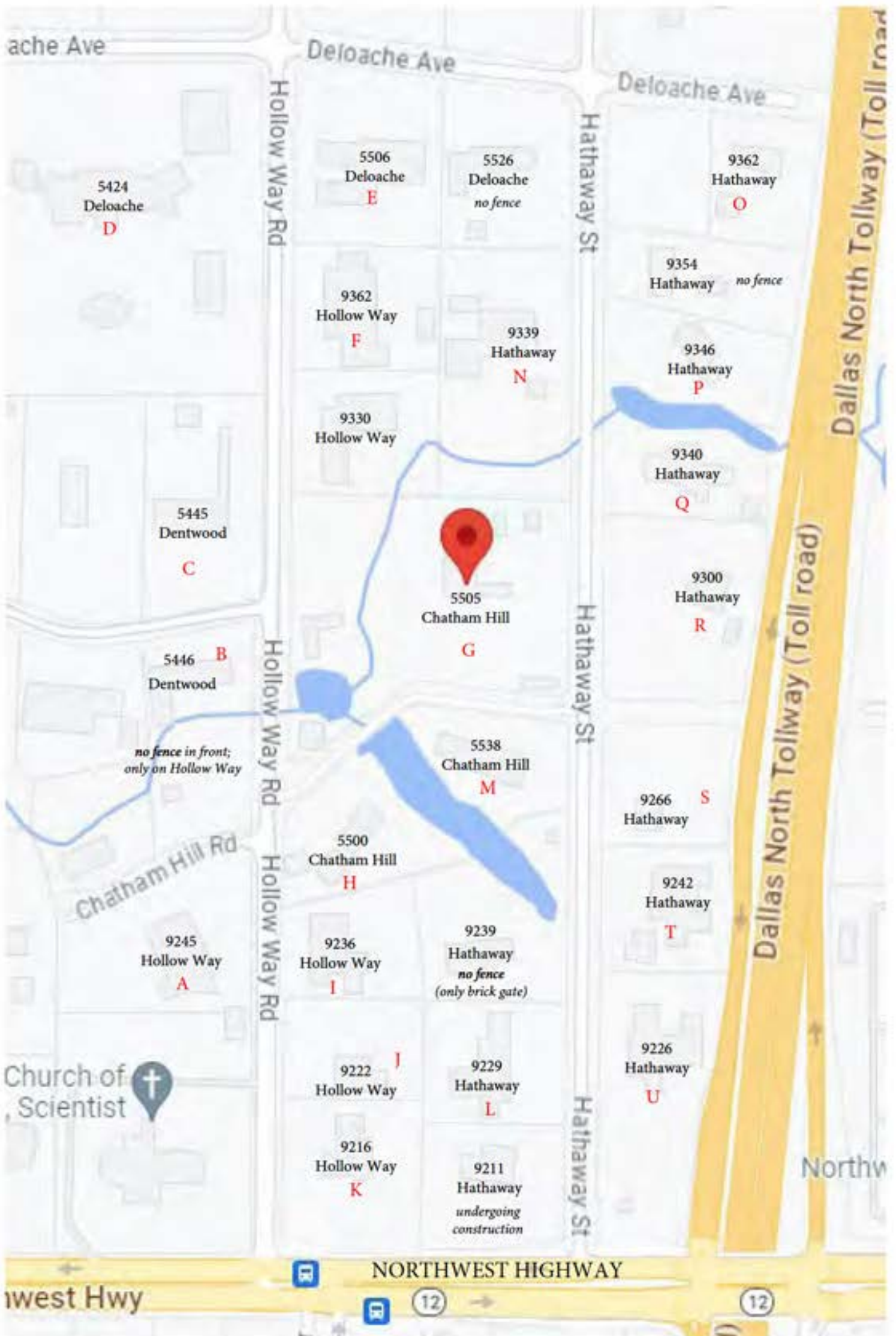
BDA212-093. Application of Trenton Robertson for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 9330 HOLLOW WAY RD. This property is more fully described as block 7/5597 lot 19-A, and is zoned R-1AC(A), which limits the height of a fence in the front yard to 4 feet and requires 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 an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 17TH DAY OF
OCTOBER, 20 22.

[Signature]
ADMINISTRATOR

Sincerely,

[Signature]
David Session, Building Official



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT A-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT A-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT B



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT C



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT D-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT E-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT E-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT F



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT G



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT H-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT H-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT I-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT I-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT J-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT J-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT K-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT K-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT L



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT M-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT M-3



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT N-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT N-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT O-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT O-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT P



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT Q



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT R-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT R-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT S



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT T



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT U



November 2, 2023

James B. Harris
Holland & Knight LLP
1722 Routh Street, Suite 1500
Dallas, Tx 75201

Dear Mr. Harris:


I am a Senior Global Advisor at Briggs Freeman Sotheby's International Realty. As a broker I focus on helping to sell homes in the North Dallas Area principally in the estate area of Preston Hollow and Highland Park. I have helped sell several homes north of Northwest Highway, west of the Tollway, south of Walnut Hill and east of Inwood. I am very familiar with how a home's landscaping in this area affects its value and the value of neighboring properties.

You asked me to review the attached photographs of the front yards of homes along Hollow Way and Hathaway between Northwest Highway and DeLoache, including homes on either side of Chatham Hill, and comment on the effect two different types of fencing located on the north side of Chatham Hill between Hollow Way and Hathaway would have on that neighborhood property and which type is more consistent with the fencing found in that neighborhood. You also supplied me with a photograph of a wire mesh fence currently on the north side of Chatham Hill and a chain-link fence that could be an alternative.

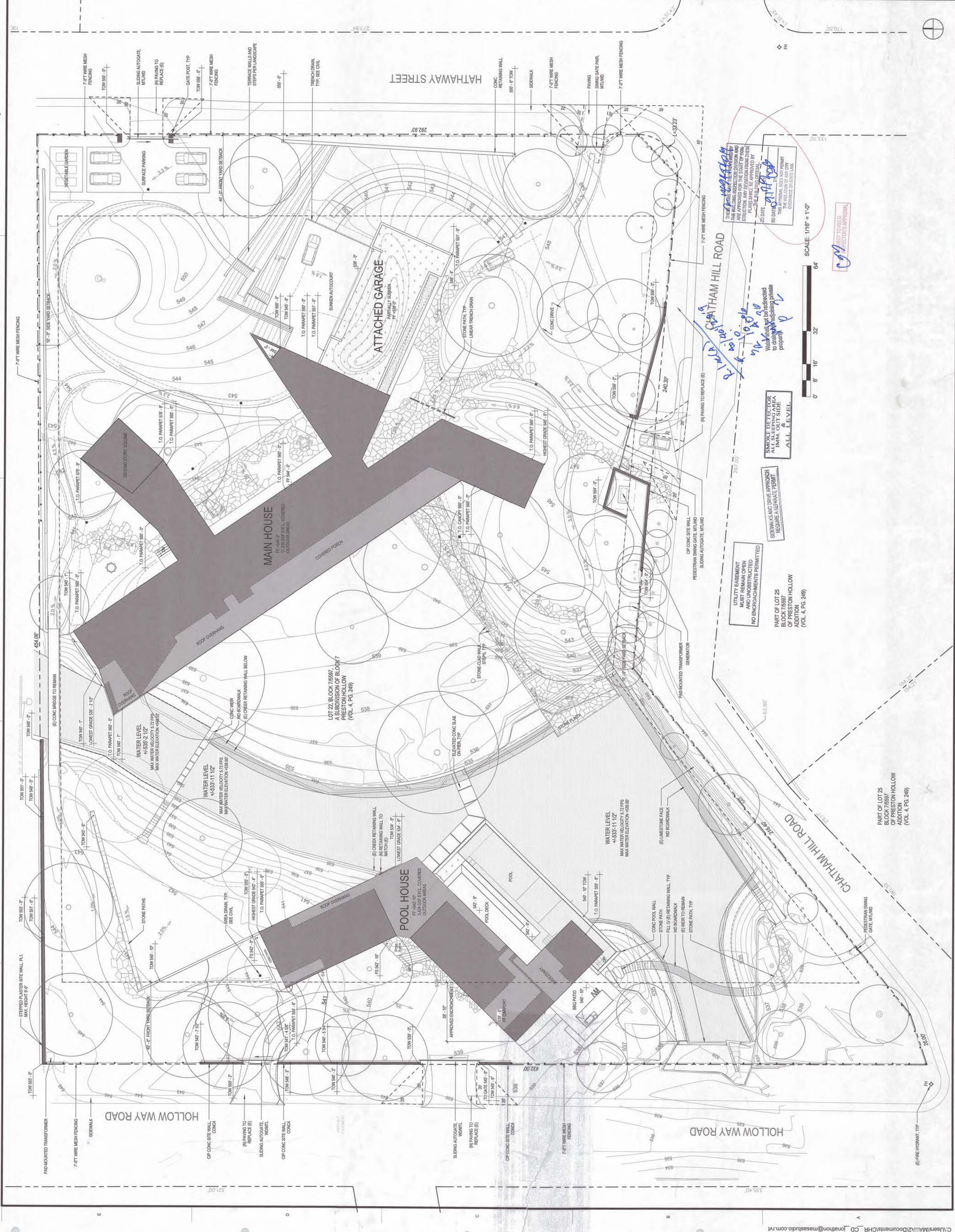
Based on my experience in the neighborhood described above, the wire mesh fence is consistent with what is found in that neighborhood. The chain link fence is not. In my view, the wire mesh fence not only would not adversely affect neighboring properties because it would not lower the value of those properties, but it would also have a positive impact on those values. In my view, the chain link fence would have a negative effect on the value of neighboring properties. I would advise a neighboring property owner who could comment of what type of fence would be allowed to oppose a request to allow a chain link fence on the north side of Chatham Hill.

I understand a single property owner oppose a wire mesh fence. I don't understand why. The wire mesh fence is more attractive, will have a positive impact on the value of that owner's home and meets the city's fence ordinance by being 50% open.

Yours very truly,

DocuSigned by:

C50945728E63427...

Caroline Summers



THESE PLANS AND SPECIFICATIONS HAVE BEEN REVIEWED BY THE BUILDING DEPARTMENT AND APPROVED FOR THE START OF CONSTRUCTION. ANY DEVIATIONS FROM THESE PLANS MUST BE APPROVED BY THE BUILDING DEPARTMENT. DATE: 07/20/2019 BY: [Signature]

Water level not indicated to determine existing grade. All levels. SMOKE DETECTOR FOR ALL ROOMS, OUTSIDE & ALL LEVELS. SWEETWALLS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT.

LUTILITY ENCUMBRANCE MUST REMAIN UNOBTAINED AND UNOBTAINED NO ENCROACHMENTS PERMITTED. PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

LOT 22 BLOCK 75597, A SUBDIVISION OF BLOCK 7 PRESTON HOLLOW (VOL. 4, PG. 248)

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)



FOR FIELD PROJECTS APPROVAL

SMOKE DETECTOR FOR ALL ROOMS, OUTSIDE & ALL LEVELS.

SWEETWALLS AND DRIVE APPROACH REQUIRE A SEPARATE PERMIT.

LUTILITY ENCUMBRANCE MUST REMAIN UNOBTAINED AND UNOBTAINED NO ENCROACHMENTS PERMITTED.

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

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PART OF LOT 25 BLOCK 75597 OF PRESTON HOLLOW ADDITION (VOL. 4, PG. 248)

November 2, 2023

James B. Harris
Holland & Knight LLP
One Arts Plaza
1722 Routh Street, Suite 1500
Dallas, TX 75201

Dear Mr. Harris:

I am the landscape architect with Reed Hilderbrand LLC based in Cambridge, MA who has been working on the residence at 5505 Chatham Hill Road for The BR Trust since 2018. I was personally involved in the process of obtaining the 2018 Special Exception for the fence along Hathaway, Hollow Way, and Chatham Hill. I write to provide some background regarding my understanding of the action taken by the Board of Adjustment in 2018 and the subsequent changes to fence material and height since that Special Exception was granted.

The elevation drawing that was approved in connection with the 2018 application for a Special Exception called out a 7' tall chain-link fence. That drawing was developed very early in the design process, and we had not yet made any material selections or developed drawings with material specificity or made a final decision on height. The "chain-link" label was intended as a generic description for a metal fence that was at least 50% open.

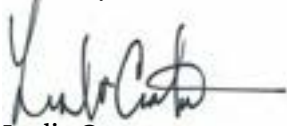
I was told that the 2018 Board of Adjustment Order granting the Special Exception specifically allowed a fence of up to nine feet and the use of fence panels that were less than 50% open. What was not communicated to me was that the language of the order could be understood to limit where (1) a nine-foot-high fence was allowed, (2) where the fence could be less than 50% open, and (3) that the heights and type of materials in the site plan and elevations referenced by the order apparently could not be changed without board approval. I also assumed that the order did not limit us to a particular material if the 50% openness requirement was met as there would be no need for a special exception. This understanding was consistent with past experiences I have had with boards of adjustment that are typically concerned only with openness percentages, as opposed to the actual material of the fence.

As the project progressed, we refined the design and selected a product: Omega elite double wire fence, which has openings greater than 50% of the fence area. It is as open as a chain-link fence. This particular product is sold in standard eight-foot-tall panels, which I again assumed was compliant with the order that granted approval for the fence to be up to nine feet high.

Consistent with my understanding of the 2018 Order approving the Special Exception, I, in conjunction with others, developed and submitted to the City a plan for the perimeter fencing that specified heights of nine feet or less described as “wire mesh” or concrete. The City approved that plan so I assumed the City agreed that the fence described in the plan was consistent with the Special Exception granted in 2018 by the Board of Adjustment.

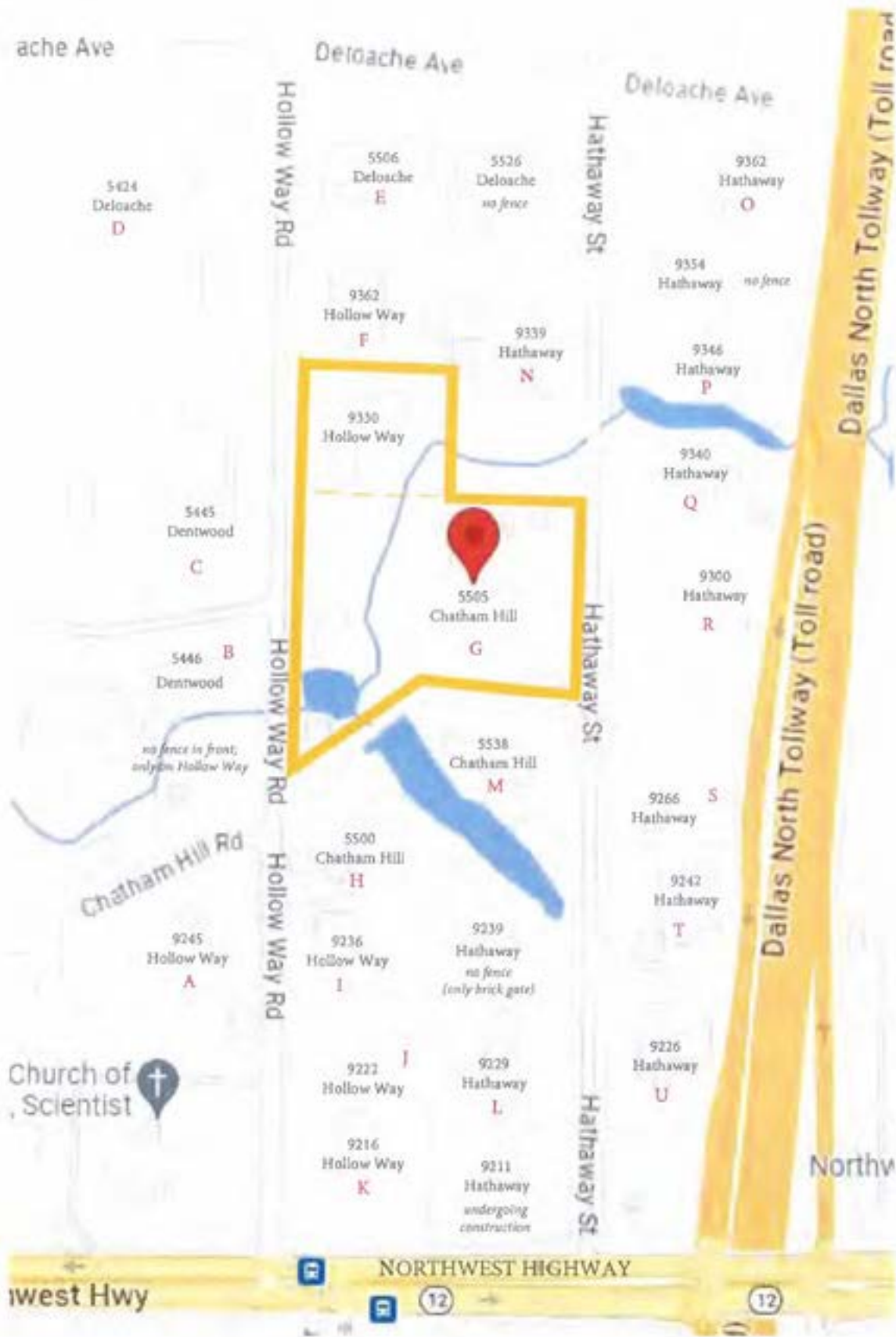
The attached drawing compares the built condition with the drawing approved in 2018. Note that everywhere chain-link was called for, wire mesh either exists or will replace any non-wire mesh metal fence. It also shows where there are minor exceedances of the seven-foot height called out in the 2018 approved drawing.

Sincerely,



Leslie Carter
Senior Associate
617-972-7917





Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing



Ex. 5 -- map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT A-2



EX. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties* Telcing

EXHIBIT C



EX. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT D-2



EX. 5 – Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT E-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT G



EX. 5 -- Map of 5535 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT H-2



EX. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT 1-2



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT J-2



Ex. 5 -- map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT K-2



Ex. 5 -- Map of 5505 Chadham Hill and pictures of neighboring properties- fencing

EXHIBIT M-1



EX. 5 -- map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT M-3



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties fencing

EXHIBIT N-1



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT O-1



EX. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT P



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT R-1



EX. 5 – map of 5505 Chatham Hill and pictures of neighboring properties fencing

EXHIBIT 5



Ex. 5 -- Map of 5505 Chatham Hill and pictures of neighboring properties' fencing

EXHIBIT U



3398

3302

33

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9362

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9266

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5500

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9229

9226

Trenton Robertson

From: Eric Reeves <[REDACTED]>
Sent: Thursday, October 19, 2023 3:36 PM
To: Trenton Robertson; Katherine Reeves
Subject: Fwd: Reach out
Attachments: L5.0-PLANTING PLAN - TREES.pdf; L5.1-PLANTING PLAN - SHRUBS AND GROUNDCOVERS.pdf

[EXTERNAL MESSAGE] This email originated from outside of Masterplan.

Exchange with the Seales. They are the other neighbor on Chatham Hill.

They asked for our Landscape design. So, they are certainly not opposed.

Eric Reeves

[REDACTED]

Begin forwarded message:

From: Leslie Carter <[REDACTED]>
Date: August 30, 2023 at 6:36:57 PM CDT
To: Katherine Seale <[REDACTED]>, Eric Reeves <[REDACTED]>, [REDACTED].com>
Subject: Re: Reach out

Hi Katherine,

Yes, we did meet at a Kalita meeting. Good to hear from you again! We're not giving up hope on KHT, though not holding our breath either. I trust the right thing will happen with time.

I did notice while on site Monday/Tuesday that you have a lot happening on your property. I am sending here our planting plans for the project – L5.0 is trees, L5.1 is shrubs and groundcovers. Along Chatham Hill the design is predominantly Nelly Stevens Holly for screening, with some evergreen sumac and eastern red cedar mixed in at that unique condition where the road crosses the water. Across the site, the intent is to supplement the existing canopy by adding more of the same to keep a coherent character. The majority of canopy cover - new and existing - consists of live oak, cedar elm, Shumard (red) oak, and pecan.

I hope this helps. Happy to answer any questions.

Leslie Carter
Senior Associate

[REDACTED]

Reed Hilderbrand LLC
Landscape Architecture

From: Katherine Seale <[REDACTED]>
Date: Wednesday, August 30, 2023 at 4:53 PM
To: Eric Reeves <[REDACTED]>
Cc: John Henry Seale <[REDACTED]>, John Seale <[REDACTED]>, Leslie Carter <[REDACTED]>
Subject: Re: Reach out

Thank you, Eric! I think we too are experts at trying to find silver linings at this point. Our garage is taking FOREVER!!!!

Leslie- we may have met at a Kalita meeting. I was on the steering committee. I'm not losing hope that something will still happen. It has to happen. It's just too important.

Thank you for sending the plant list or landscape plan or whatever you have that's easy to email over- we are looking at re-creating the umbrage along Chatham with trees, flora and fauna.

On Wed, Aug 30, 2023 at 4:05 PM Eric Reeves <[REDACTED]> wrote:

Katherine- we are so excited about the Reed Hilderbrand design and look forward to getting it fully implemented.

I am connecting you to Leslie Carter. I believe Leslie worked on the Kalita proposal.

Leslie - Katherine and her husband, John Henry, own the house at 5500 Chatham Hill Rd, across the street from us. Can you please share the planting design with them?

Katherine - since we are bottled up with the Board of Adjustment, you might have your design planted before us! I am sorry that our side of the road will look poorly for the next couple of months. We will probably be moved in before we are able to plant. At least the weather will be better for planting - silver linings.

Eric Reeves

2 [REDACTED]

On Aug 30, 2023, at 2:26 PM, Katherine Seale <[REDACTED]> wrote:

Reed Hilderbrand is so talented. I saw their work at the Philip Johnson House too. They really understand how to bring out the best in the natural landscape. ...The Kalita master plan is a whole other issue that requires cocktails!

We are preparing to plant along Hollow Way, and possibly Chatham. Would you mind sharing your plant list for Chatham? Or, putting your landscape architect in touch with mine? I know you said live oaks- anything else? If we can complement it, we will.

On Thu, Aug 17, 2023 at 3:02 PM Eric Reeves <[REDACTED]> wrote:

Yes, Reed Hilderbrand. We recommended them to that project.

So you know the quality of their vision and capabilities I.

Can't say enough good things about them. And, our project is going to look great from a landscape perspective. So, as always we are a little frustrated with the Chands, but we have come to expect it. The sad thing is that our plan is great, it will raise the level in our neighborhood and we are going to dramatically increase the number of planting materials and trees. We have picked out some great live oaks to plant and create that wonderful canopy. All are on hold now. ...

If the Chands effectively frustrate the Reed Hilderbrand plan, then we will end up with a lesser quality project along Chatham Hill. It is really cutting their nose off to spite themselves.

Eric Reeves

[REDACTED]

On Aug 17, 2023, at 2:51 PM, Katherine Seale <[REDACTED]> wrote:

Thanks for letting us know. Our side is an eyesore too but we are working on a plan to beautify the street and I know whatever you guys do will be the same. Is Reed Hildebrand still your landscape architect? We worked with them on the Kalita master plan.

Enjoy these first few days of back to school!

On Thu, Aug 17, 2023 at 1:00 PM Eric Reeves <[REDACTED]> wrote:

John and Katherine - we have waited and waited to get the work started on Chatham Hill. Now that we are close to our move in date, we initiated the planned work. The existing Red Tips had to be removed as they were at the end of their life expectancy- disease and decay were taking a toll on them.

It had been our hope to get the new plants in this week but we have hit a problem. The Chands have decided to oppose the fence material we are using and we are now facing a delay at the City until they resolve the issue. Until that issue is resolved, we will not be able to plant the new materials. As you know, the plan for the plant material is designed to completely hide the fence. Ultimately, one should not even recognize that a fence exists.

The Chands have falsely stated that we have cut down trees between the fence and the road. The Red Tip bushes are the only items that have been removed.

Having said that, we intend to install the plant materials once the City issue is resolved. Should the City rule in the Chands' favor, we will maintain temporary construction fencing, evaluate our existing rights for fencing or potentially a solid wall and install the plants when the fencing is completed.

I apologize for the inconvenience, the lack of planting and the eyesore. But, the current situation is out of my control.

Should you have questions or comments, please feel free to reach out to me.

Eric Reeves

2 [REDACTED]



Virus-free www.avg.com

Trenton Robertson

From: Katherine Reeves <[REDACTED]>
Sent: Thursday, October 19, 2023 3:31 PM
To: Trenton Robertson
Cc: Eric Reeves; Leslie Carter; Dallas Cothrum; Ryan Galaska
Subject: Fwd: Board of Adjustment
Attachments: CHR_L6.10 FENCE ELEVATIONS - NEW FENCE FOR BDA MEETING.pdf

[EXTERNAL MESSAGE] This email originated from outside of Masterplan.

Another letter

Sent from my iPhone

Begin forwarded message:

From: Katherine Reeves <[REDACTED]>
Date: September 11, 2023 at 9:19:06 AM CDT
To: Tammy McGowen <[REDACTED]>
Subject: Re: Board of Adjustment

Sorry! See attached.

Yes the FriendlyFolks are complaining that we used a wire mesh fence not a chain link.... Rectangles versus diamonds! So yes, we are signing up for a life sentence of grievances.

On Sep 10, 2023, at 9:00 PM, Tammy McGowen <[REDACTED]> wrote:

Oh I feel sorry for y'all & your guys - our friendly neighbor was driving around filming all the dust. I cannot imagine living across from her! The renderings were not attached - I'd just love to see them. I'm excited for y'all to finally get in, and I know it's been a long time coming for y'all.

On Sep 10, 2023, at 12:53 PM, Katherine Reeves <[REDACTED]> wrote:

Dear Tammy,

Hopefully you have seen the landscaping at Chatham Hill going in. We are quickly approaching the end of the project and getting excited to move in - mid-to-late October. Soon we will get some rain and the pond will be re-filled and back to its full water state.

We have one last item to resolve with the City. And, it is my hope that the City has already notified you about a hearing we are going to have in October. The case number is BDA223-074.

Unfortunately for us, there have been so many City meetings and BOA hearings that its has been hard for our team and us to keep the items in order. This last item deals with the fence and fence materials along Chatham Hill Road. The purpose of the request is to make sure all the materials are consistent with the fencing along Hathaway and Holloway and to provide for privacy.

I am including a rendering from our Landscape design team - Reed Hilderbrand - in order to illustrate the fencing design around the entire property. The issue before the Board of Adjustment relates to the fence along Chatham Hill Road.

If you have concerns comments or need more information, please feel free to reach out to me at any time.
<CHR_L6.10 FENCE ELEVATIONS - NEW FENCE FOR BDA MEETING.pdf>

Sincerely,

Katherine
Sent from my iPhone

Trenton Robertson

From: Eric Reeves [REDACTED]
Sent: Tuesday, September 19, 2023 9:06 AM
To: Trenton Robertson; Leslie Carter
Subject: Fwd: Board of Adjustment Hearing
Attachments: CHR_L6.10 FENCE ELEVATIONS - NEW FENCE FOR BDA MEETING.pdf

[EXTERNAL MESSAGE] This email originated from outside of Masterplan.

Trent - nice note from a neighbor. I like how she said "anything is an improvement."

Eric Reeves
214-724-0354

Begin forwarded message:

From: Katherine Reeves <[REDACTED]>
Date: September 19, 2023 at 8:08:03 AM CDT
To: Eric Reeves <[REDACTED]>
Subject: Fwd: Board of Adjustment Hearing

Sent from my iPhone

Begin forwarded message:

From: Katherine Reeves <[REDACTED]>
Date: September 17, 2023 at 6:28:18 PM CDT
To: Tracy Lange <[REDACTED]>
Cc: ben.lange@americasautoauction.com
Subject: Re: Board of Adjustment Hearing

Oh, thank you. My apologies. See attached,

On Sep 17, 2023, at 2:53 PM, Tracy Lange <[REDACTED]> wrote:

Katherine,

Thank you for the update. There isn't an attachment but anything you guys do is an improvement. I know you have to be looking forward to completing this project. Congratulations and welcome to the neighborhood.

thanks
Tracy

On Sunday, September 10, 2023 at 12:50:47 PM CDT, Katherine Reeves <[REDACTED]> wrote:

Dear neighbors - Hopefully you have seen the landscaping at Chatham Hill going in. We are quickly approaching the end of the project and getting excited to move in - mid-to-late October. We will get some rain soon and the pond will be re-filled and back to its full water state!

We have one last item to resolve with the City. And, it is my hope that the City has already

notified you about a hearing we are going to have in October. The case number is BDA223-074.

Unfortunately for us, there have been so many City meetings and BOA hearings that its has been hard for our team and us to keep the items in order. This last item deals with the fence and fence materials along Chatham Hill Road. The purpose of the request is to make sure all the materials are consistent with the fencing along Hathaway and Holloway and to provide for privacy.

I am including a rendering from our Landscape design team - Reed Hilderbrand - in order to illustrate the fencing design around the entire property. The issue before the Board of Adjustment relates to the fence along Chatham Hill Road.

If you have concerns comments or need more information, please feel free to reach out to me at any time.

Thank you for your patience!

Sincerely,

Katherine and Eric
<CHR_L6.10 FENCE ELEVATIONS - NEW FENCE FOR BDA MEETING.pdf>

Sent from my iPhone

UPDATED SITE PLAN

FILE NUMBER: BDA223-098 (KMH)

BUILDING OFFICIAL'S REPORT Application of Laguna Homes Inc., for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations at 4104 Saranac Dr. This property is more fully described as Block 11/6147, Lot 1 and is zoned R-7.5(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 an 8-foot-high fence in a required front yard, which will require a (1) 4-foot 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 a (2) special exception to the fence regulations.

LOCATION: 4104 Saranac Dr

APPLICANT: Laguna Homes Inc.

REQUEST:

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

Special Exceptions (2):

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-7.5 (A) (Single Family District)
- North: R-7.5 (A) (Single Family District)
- East: R-7.5 (A) (Single Family District)
- South: R-7.5(A) and R-10(A) (Single Family Districts)
- West: R- 7.5(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 Laguna Homes, Inc., for the property located at 4104 Saranac Drive focuses on 2 requests relating to the fence height and fence opacity regulations.
- The applicant proposes to construct and maintain an 8-foot-high fence in a required front yard, which will require a 4-foot special exception to the fence height regulations.
- Secondly, the applicant is proposing 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 opacity regulations.
- 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 an 8-foot-high board on board pre-stained cedar wood fence along Lively Lane.

- It is imperative to note that the subject site is a corner lots and it has two street frontages, Saranac Drive and Lively Lane. It is important to also note that where the applicant is proposing to construct the fence would typically be a side yard, if the site was not a corner lot.
- 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.
- 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.

Timeline:

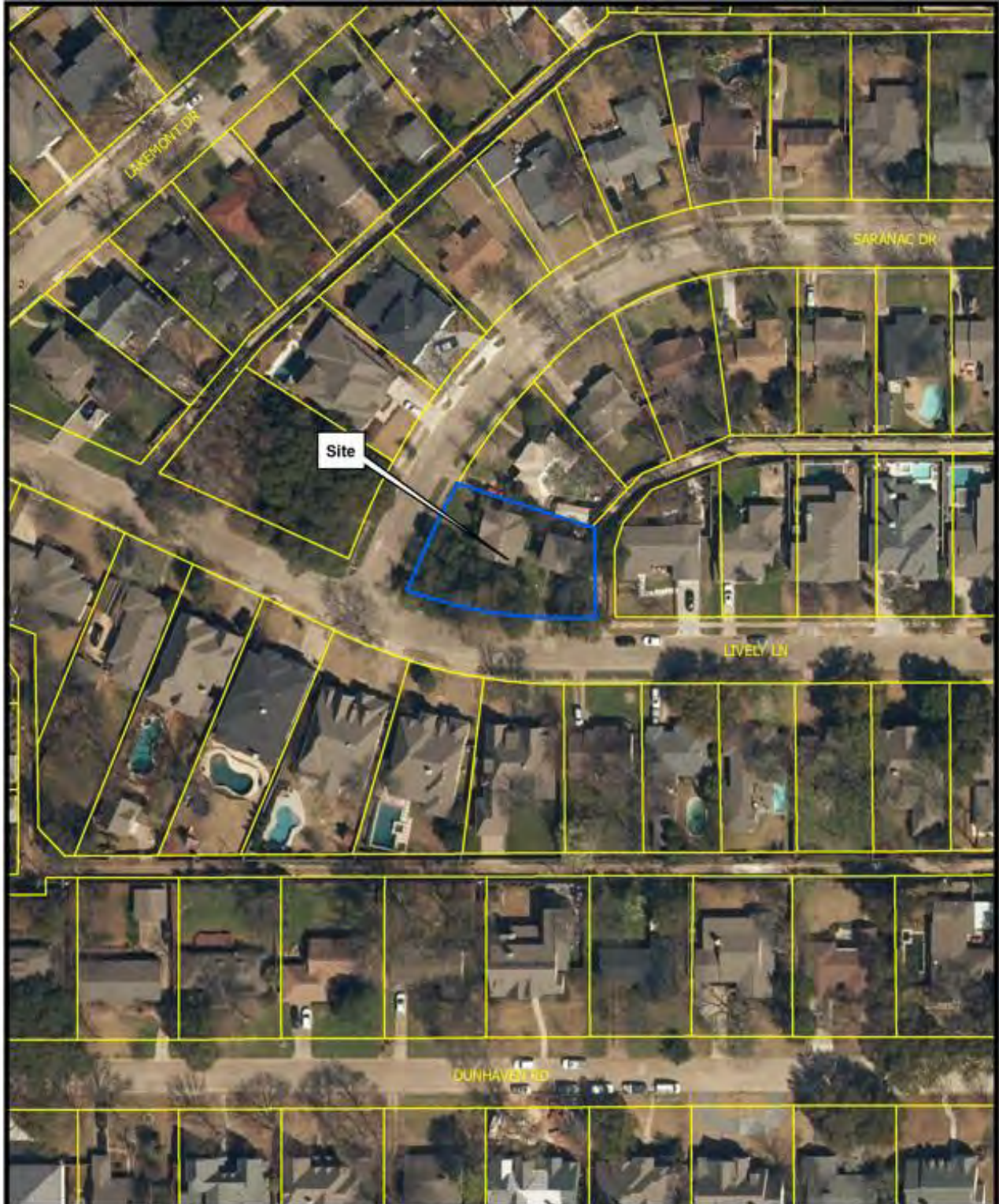
September 13, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.


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

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.

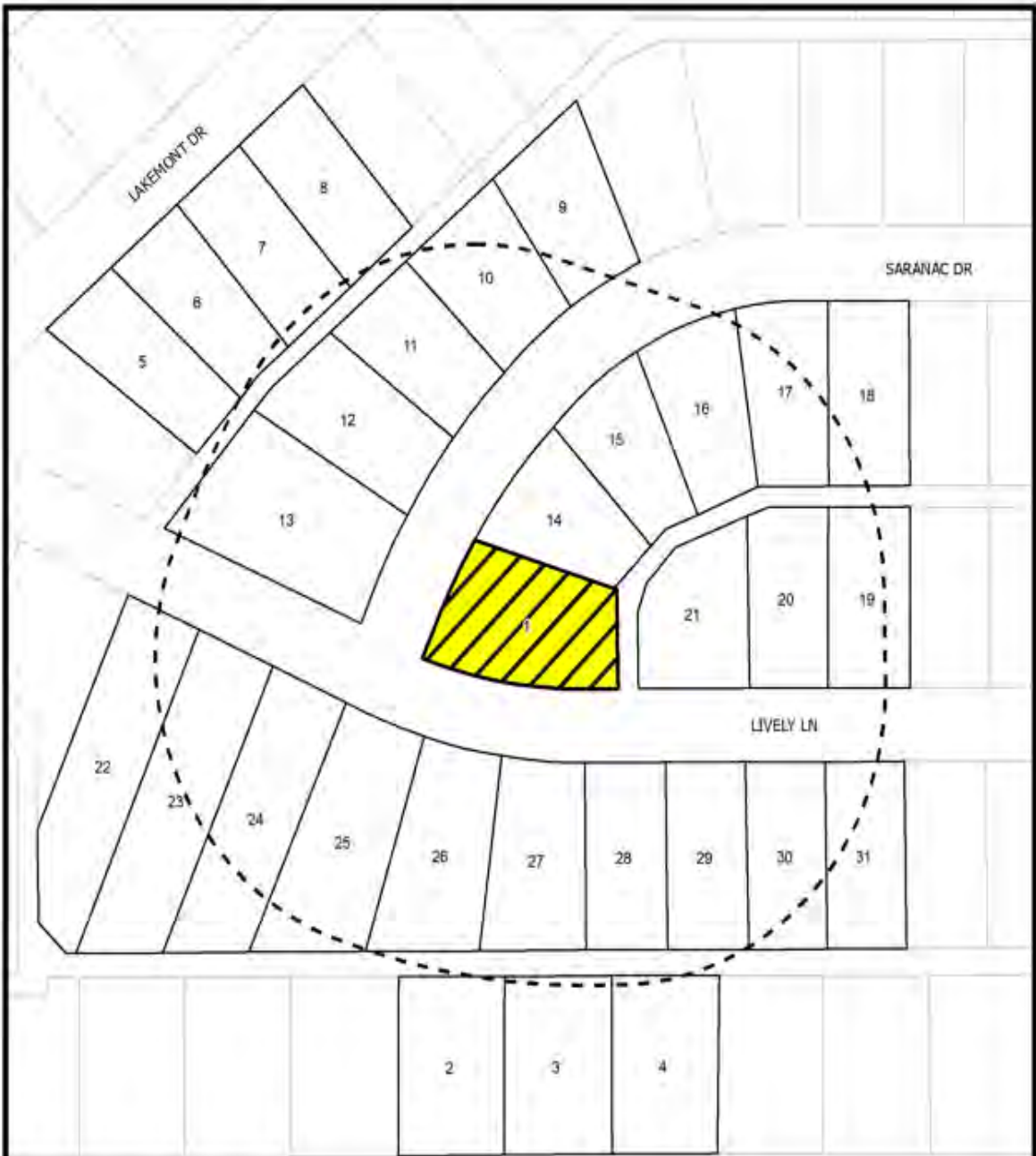
November 1, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the November public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner,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




 1:1,200

AERIAL MAP

Case no: BDA223-098
 Date: 10/19/2023



The number '0' indicates City of Dallas Ownership



1:1,200

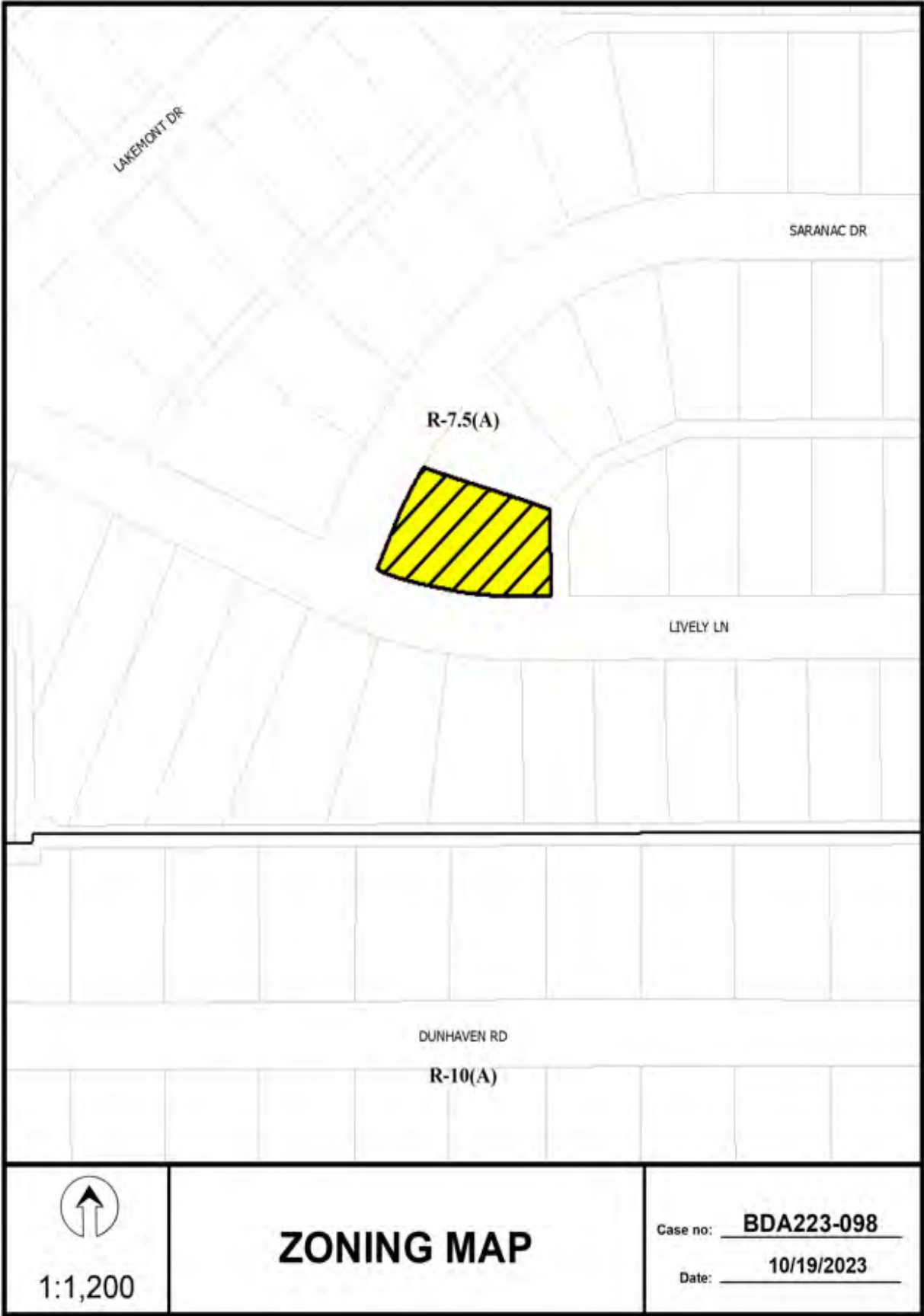
NOTIFICATION

200' AREA OF NOTIFICATION

31 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-098**

Date: **10/19/2023**



1
10/19/2023

Notification List of Property Owners

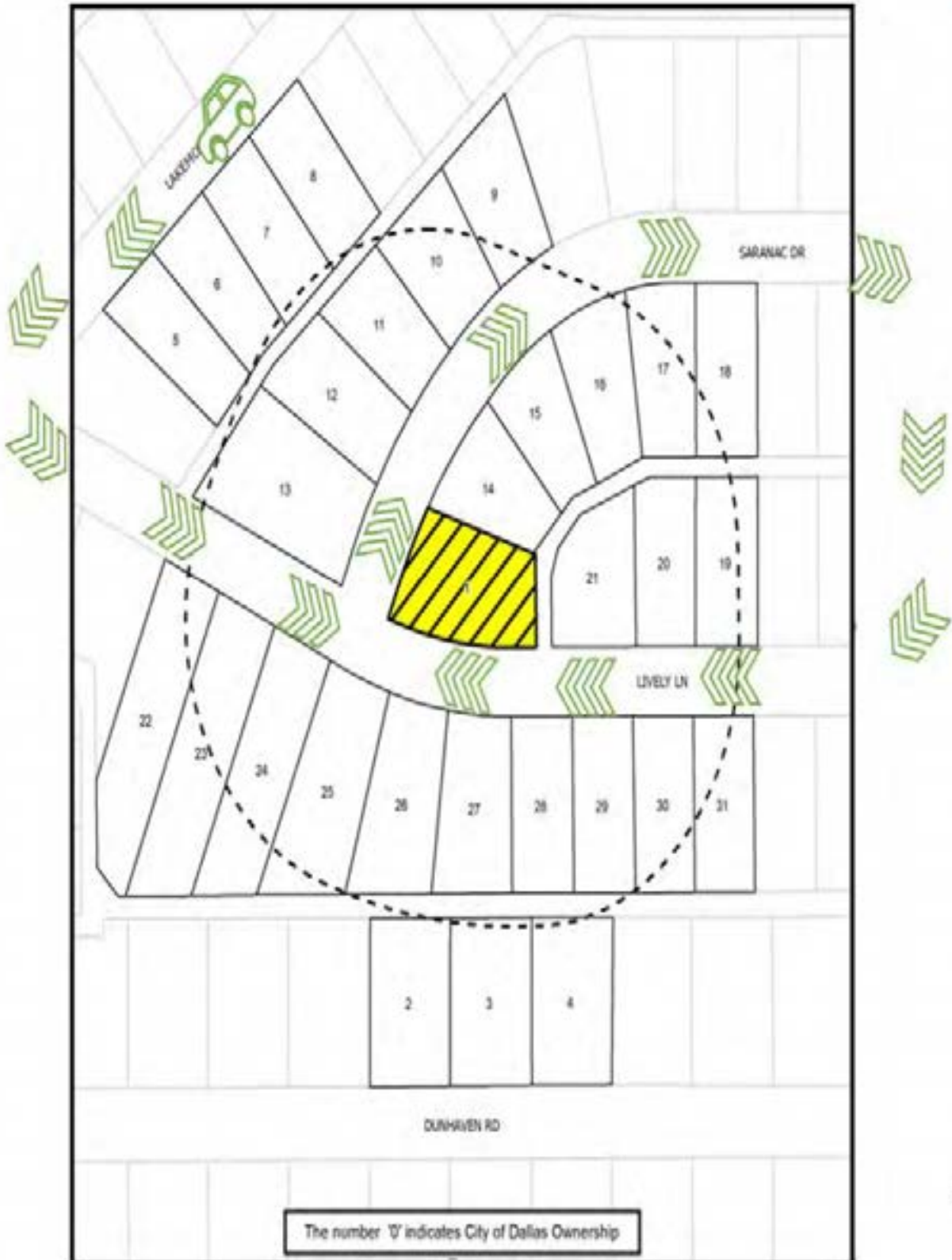
BDA223-098

31 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4104 SARANAC DR	LAGUNA HOMES INC
2	4035 DUNHAVEN RD	LYONS PATRICIA DEE
3	4043 DUNHAVEN RD	DAVIES ASHTON JARRETT &
4	4049 DUNHAVEN RD	FLORES DENISE
5	9610 LAKEMONT DR	NEUHOFF ALAN TILLEY & JENNIFER THOMAS
6	9616 LAKEMONT DR	BRINSER LISA R & CHRIS D
7	9620 LAKEMONT DR	HUANG BILL &
8	9626 LAKEMONT DR	HOPKINS GREGORY MICHAEL II &
9	4119 SARANAC DR	SCOTT SUSAN M
10	4115 SARANAC DR	MPS BUILD INC
11	4111 SARANAC DR	WANG SHUOHANG & XIN LIU
12	4107 SARANAC DR	HARTMANN ALAN C & LYNNETTE M PAGE
13	4103 SARANAC DR	LARUE MARY ANN
14	4110 SARANAC DR	STANDIFER SANDRA J
15	4114 SARANAC DR	WEIR CHANNING ALEXANDER &
16	4120 SARANAC DR	GOOSTREE JESSI KENDALL
17	4124 SARANAC DR	TRICHEL JENNIFER S
18	4128 SARANAC DR	Taxpayer at
19	4125 LIVELY LN	MURRAY JAMES HOUSTON
20	4121 LIVELY LN	NERSESOV VICTOR &
21	4115 LIVELY LN	NGUYEN MAI T
22	4078 LIVELY LN	VIERNOW BRAD W &
23	4082 LIVELY LN	LEHMAN FREDRICK J &
24	4088 LIVELY LN	HORLER BLAIR A & LEANNE M
25	4094 LIVELY LN	END DOUGLAS
26	4102 LIVELY LN	FARRAGUT PAIGE

10/19/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4106 LIVELY LN	GROSS JOHN S F
28	4112 LIVELY LN	MURRAY MICHAEL E & MARTHA L
29	4116 LIVELY LN	SLACK JOEL P
30	4120 LIVELY LN	RAFFEL ELAINE A
31	4124 LIVELY LN	WEAVER SANDRA L





Development Services

TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223 - 098

Data Relative to Subject Property:

Date:

9/13/23

Location address:

4104 Saranac Dr. 75220

Zoning District:

RESERVED

Lot No.:

1

Block No.:

11/6147

Acreage:

1.24

Census Tract:

10283 S.F.

Street Frontage (in Feet):

1) 62.14

2) 25.47

3) _____

4) _____

5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed):

Laguna Homes

Applicant:

Laguna Homes Jason Malyk

Telephone:

214-415-4060

Mailing Address:

6624 Canyon Oaks Cir Plano

Zip Code:

75024

E-mail Address:

lagunahomesinc@gmail.com

Represented by:

Jason Malyk

Telephone:

214-415-4060

Mailing Address:

" "

Zip Code:

E-mail Address:

lagunahomesinc@gmail.com

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

To install 8' fence on this property. This fence will be 8' board on board prestain cedar wood, 6" horizontal pickets with Steel Post across the back and side

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 front of the house has been determined. To install an 8 Ft. fence would not be covering up the house behind this property or blocking the view of the neighbors or traffic.

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 _____

Jason Malyk

(Affiant/Applicant's name printed)

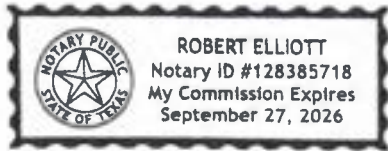
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/principal/authorized representative of the subject property

Respectfully submitted:

Jason Malyk
(Affiant/Applicant's signature)

Subscribed and sworn to before me this _____ day of _____, 2023

6 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 LAGUNA HOMES INC.

did submit a request for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations
at 4104 SARANAC

BDA223-098(KMH) Application of Laguna Homes Inc. for (1) a special exception to the fence height regulations, and for (2) a special exception to the fence standards regulations at 4104 Saranac Dr. This property is more fully described as Block 11/6147, Lot 1 and is zoned R-7.5(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 an 8-foot high fence in a required front yard, which will require a (1) 4-foot 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 not be located less than 5-feet from the front-lot line, which will require a (2) special exception to the fence opacity regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

CURVE NO.	6
STREET	F
INNER	E
OUTER	
LENEL DR.	L
TRAD	R
37.48	186.80
20.2513	186.80
18.9347	186.80
308.15	186.80
91.82	186.80
74.52	186.80
145.11	186.80
LENEL DR.	L
TRAD	R
37.48	186.80
20.2513	186.80
18.9347	186.80
308.15	186.80
91.82	186.80
74.52	186.80
145.11	186.80

CURVE DATA



POMELL & POWELL, ENGINEERS
 SHEET 2 OF 2 SHEETS
 OCTOBER, 1967
 812 - 781

SCALE: 1 INCH = 100 FEET
 WIGNALL DEVELOPMENT COMPANY
 FRANCIS A. WIGNALL SURVEY - ABST. 1578
 IN THE
 AN ADDITION TO THE CITY OF DALLAS, TEXAS

● ESTATES ●
 GLENRIDGE

OF
 INSTALLMENT
 FIRST
 OF THE
 REVISED PLAT

Site Plat Map Pg. 1

BDA223-098

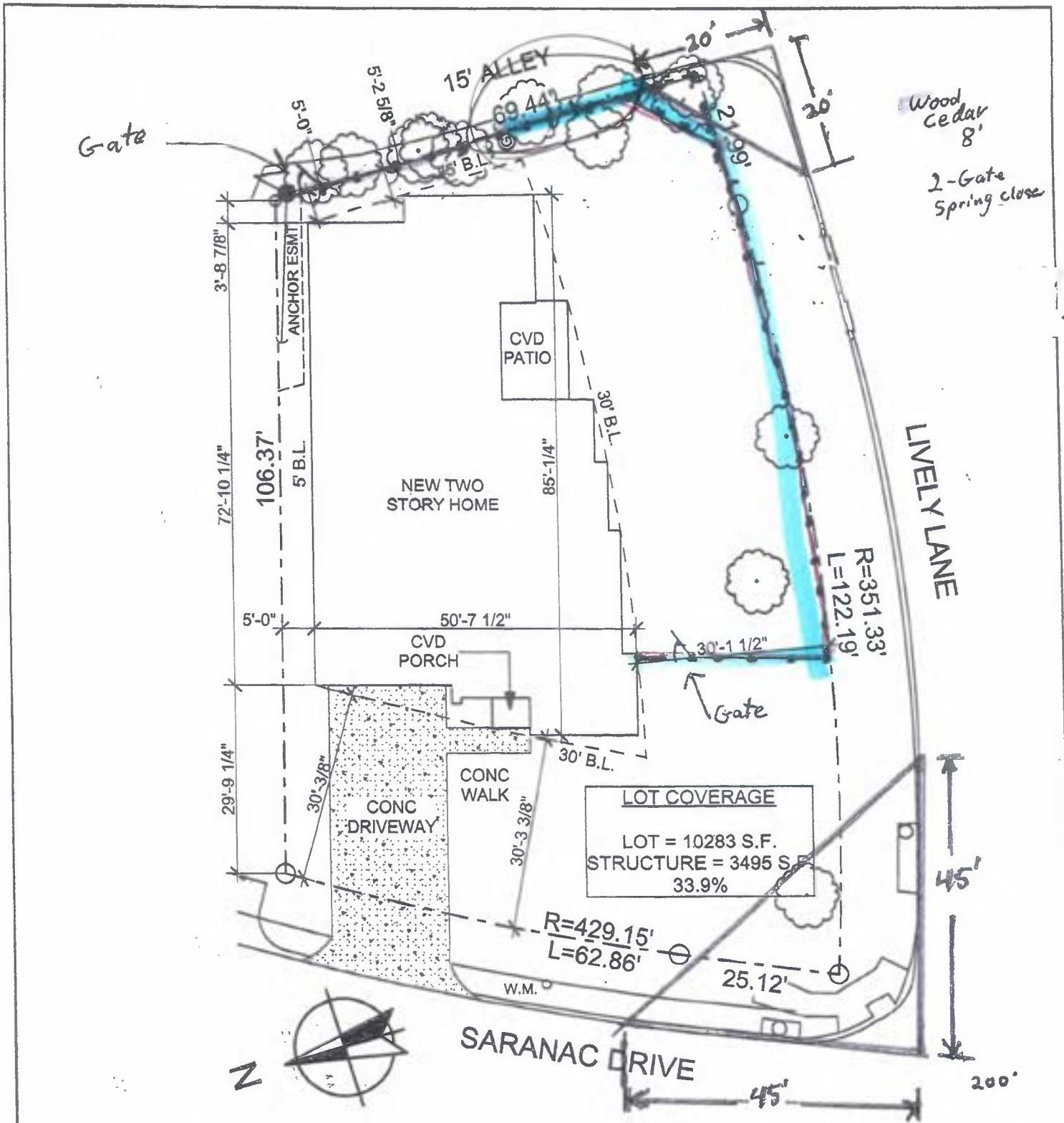
Search place

R. 75 A



BDA223-0918

Zoning Map



SITE PLAN

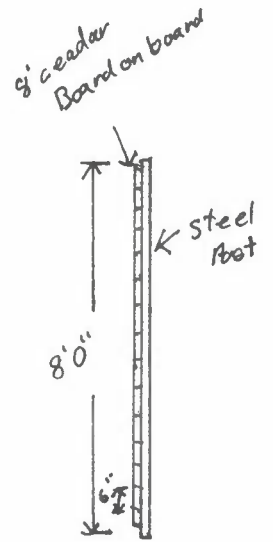
PROJECT:	PROJECT NO.:	DATE:	SCALE:	
SPEC HOME Laguna Homes 214-415-4060	22214	5/17/2022	1" = 20'	
LOCATION:				
Lot: 1, Block: 11/6147 - First Installment of Glenridge Estates 4104 Saranac Dr Laguna Homes Dallas, TX 75220 Jason Malyk 214-415-4060				

4104 Saranac Dr. Dallas

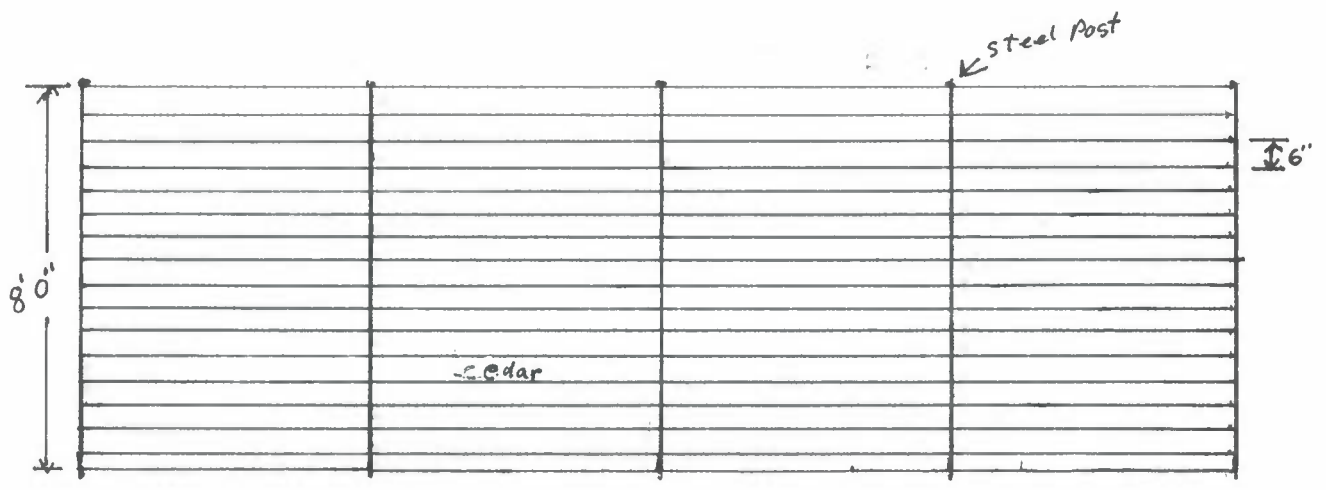
Board on board pre stain cedar wood fence

8ft height, 6" horizontal Pickets, Steel Post

Opacity 0%



1/4" scale



Total linear footage 181' 6"

BDA223-098