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CITY SECRETARY
DALLAS, TEXAS



City of Dallas
BOARD OF ADJUSTMENT (PANEL B)

Public Notice

23 1066

POSTED CITY SECRETARY
DALLAS, TX

December 13th, 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/bda1213-B>
Telephone: (408) 418-9388, Access Code: 325527

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

Individuals and interested parties wishing to speak must register with the Board of Adjustment at <https://bit.ly/BDA-B-Register> by the close of business Tuesday, December 12th, 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, 12 de Diciembre, 2023. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.

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 2022-2023 BOA Annual Report
 - Approval of Panel B Minutes – November 15th, 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)

- BDA223-111(KMH)** 9341 Creel Creek Drive 1
REQUEST: Application of Andy Monroy for **(1)** a special exception to the single-family regulations, and for **(2)** a variance to the floor area ratio regulations.
- BDA223-112(DB)** 1914 Ashby Street 2
REQUEST: Application of Nash Chasi for **(1)** a variance to the side-yard setback regulations.

HOLDOVER

- BDA223-094(DB)** 5540 North Forty Place. 3
REQUEST: Application of Itamar David to **(1)** provide an additional electrical meter.

INDIVIDUAL CASES

- BDA223-106(KMH)** 5924 McCommas Boulevard 4
REQUEST: Application of Elizabeth Bell, for **(1)** a variance to the front-yard setback regulations.
- BDA223-110(KMH)** 835 Thomasson Drive 5
REQUEST: Application of Megan O'Neal for **(1)** a variance to the side-yard setback regulations.
- BDA223-114(DB)** 6045 Velasco Avenue 6
REQUEST: Application of Phillip Kingston represented by Melissa Kingston for **(1)** a variance to the maximum allowed lot coverage of 45 percent, and for **(2)** a variance to the side-yard setback regulations, and for **(3)** a variance to the side-yard setback regulations.

City of Dallas BOARD OF ADJUSTMENT



ANNUAL REPORT

October 1, 2022- September 30, 2023

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BOARD OF ADJUSTMENT

2022-2023

MISSION, PURPOSE, AUTHORITY,

PROCESS

Board of Adjustment Mission Statement

The Board of Adjustment (BOA) is a quasi-judicial body, appointed by the City Council, charged with certain decision-making functions, which aim to uphold the meaning and spirit of the zoning ordinance as enacted by city ordinance or state legislation. The purpose of the Board of Adjustment is to implement the zoning ordinance and to apply discretion in exceptional instances where building permits are desired but are not literally conforming to the regulations. Primary responsibility for administration of the zoning ordinance falls on the Building Official, subject to appeals to the Board of Adjustment and ultimately to the courts.

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any order or ordinance pertaining to zoning.
- (2) To hear and decide special exceptions to the terms of the zoning ordinance in the manner provided.
- (3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the ordinance is observed, and substantial justice done.
- (4) To regulate and discontinue nonconforming uses and structures.

Purpose

City of Dallas Board of Adjustment
Dallas Development Code, SEC 51A-4.501

The purpose of the Dallas zoning code is to promote the public health, safety and general welfare but in order for a comprehensive zoning map and ordinance to properly function in accordance with the purpose for which it is designed, it is necessary from time to time that some modification of these zoning regulations be made. The purpose of the Board of Adjustment was to implement the zoning ordinance and to apply discretion in exceptional instances where building permits are desired but are not literally conforming to the regulations. The Board of Adjustment is a governmental agency of the city and is an essential part of the administration of zoning, engaged in a delegated policy-making function (within the standards set up in the zoning ordinance), and not merely deciding private rights, as it represents the public interest.

Authority

City of Dallas Board of Adjustment
Dallas Development Code, SEC 51A-4.501

The Board of Adjustment receives its power from the enactment of State Legislation (Chapter 211 of the Texas Local Government Code): The Board of Adjustment is permitted by State Law to establish their rules and operational procedures provided that such rules are not inconsistent with the zoning ordinance or State Law. As noted in the Board's Rules of Procedures, no action of the Board of Adjustment shall set a precedent, with each case being considered and decided on its own merits and on the circumstance's attendant thereto. Also, it is the declared purpose of the zoning ordinance that nonconforming uses be eliminated and be required to conform to the regulations prescribed in the ordinance.

The Board of Adjustment receives its powers from the City of Dallas through Chapter 51, and Chapter 51A, Dallas Development Code, as amended: The powers vested in the Board of Adjustment are discretionary in the sense that it is an administrative body created for the administration of the Zoning Law, and, within the standards set by the law, its decision, if supported by substantial evidence, are not subject to being set aside, that is, they can only be set aside for a clear abuse of discretion. The Board's functions are administrative and quasi-judicial. The actions of the Board are presumed to be valid and final, and the only recourse is for the applicant to appeal the Board's decision to the District Court. An applicant appealing to the District Court by certiorari has the burden of showing that the action of the Board was arbitrary, capricious or illegal.

The Board of Adjustment is composed of 15 Members and 6 Alternates appointed by the Dallas City Council. The Board is divided into 3 Hearing Panels composed of 5 Members each. The Mayor appoints a Board Chairman and 2 Vice Chairs to act as Presiding Officers of the 3 panels. Pursuant to the Board's Rules of Procedure, ex parte communications with the members of the Board are prohibited. All communications to the Board, oral or written, should be directed to the Board Administrator. Failure to comply

with this rule may result in criminal prosecution for improper influence, which is a Class A misdemeanor under Texas Penal Code, Section 36.04.

It requires four (4) members of the Board of Adjustment Hearing Panel at the public hearing to constitute a quorum, and at the hearing the Board Administrator calls each appeal and gives the swearing in of the oath of truth to all persons that desire to testify in each case.

On the day of the hearing, the applicant presents his case, the opposition is then heard, and the applicant is given the opportunity for rebuttal. No rebuttal is allowed for the opposition.

An affirmative vote of at least 4 of 5 Members of a Hearing Panel is required to approve a Variance, Special Exception, regulate-discontinue a Non-Conforming use or Reverse the decision of an Administrative Official of the City. The Board of Adjustment normally makes their decision known on an appeal immediately after a case has been heard, and the Board may apply any restrictive conditions when they feel it is necessary. The Board's decisions are final, and the only recourse on a Board's decision is to appeal to the District Court.

The Process of Zoning Appeals

How an Appeal Is Made

After an appeal is received in the Development Services Department from the Zoning Division of the Building Inspection's Office, the appeal is assigned a case number. A route sheet is prepared so that each section within Development Services Department and other departments in the City can make comments and present facts that could be pertinent to the decision of the Board of Adjustment. Property description and public notices are prepared for all appeals that are to be acted on by the Board. The route sheet copy of the appeal, and a copy of the public notice is sent to the GIS Section of Development Services Department to have a location map, and other appropriate graphics for the Board's docket. This section also prepares labels for the property owners to be notified for each appeal being processed for the Board of Adjustment's public hearing. The notices are mailed no later than ten (10) days prior to the Board's public hearing date to comply with state statute requirements.

All public hearings are taped, and the secretary also takes notes of the hearing. Each appeal is called and all people that testify are sworn in.

The Board of Adjustment normally makes their decisions known on an appeal immediately after a case has been heard. After the hearing, letters are written informing the applicant and other concerned parties of the Board's action. Appeals are filed with the Board Office after the hearing so that no misunderstanding will occur, and all site plans are stamped approved by the Board if the appeals are granted.

BOARD OF ADJUSTMENT

2022-2023

MEMBER ROSTER

BOARD OF ADJUSTMENT MEMBER ROSTER
2022-2023

Panel A

David A. Neumann, Chairman (appt'd 10/05/21)
Jay Narey, regular member (re-appt'd 9/01/21)
Lawrence Halcomb, regular member; (re-appt'd 09/22/21)
Kathleen F. Davis, regular member (appt'd 11/16/21)
Rachel Hayden, regular member (appt'd 08/24/22)

Panel B

Cheri Gambow, Vice Chair (re-appt'd 10/27/21)
Michael Karnowski, regular member (appt'd 09/01/21)
Joseph Cannon, regular member (appt'd 09/22/21)
Matt Shouse, regular member (re-appt'd 10/13/21)
Herlinda Resendiz, regular member (app't 11/03/21)
Sarah Lamb, regular member (re-appt'd 03/08/23)
Derrick Nutall, regular member (appt'd 06/14/23)

Panel C

Robert Agnich, Vice Chair (re-appt'd: 8/25/21)
Judy Pollock, regular member (re-appt'd: 11/16/21)
Roger Sashington, regular member (re-appt'd: 12/01/21)
Rodney Milliken, regular member (appt'd: 01/05/22)
Jared Slade, regular member (appt'd to Panel C from Alt 02/02/22)

ALTERNATE MEMBERS

Nicholas Brooks (re-appt'd: 09/09/21)
Dr. Emmanuel Glover (appt'd: 09/09/21)
TC Fleming (appt'd: 09/22/21)
Andrew Finney (appt'd: 04/13/22)
Todd Hill (appt'd 9/22/21)
Philip Sahuc (appt'd: 10/12/22)

Resignations, Forfeitures and Term Endings: 10/22- 09/23

Herlinda Resendiz – Forfeited 10/12/22
Todd Hill – Resigned 01/04/23
Matt Shouse - Resigned 03/01/23
Lawrence Halcomb – Term ended 9/30/2023

BOARD OF ADJUSTMENT

2022-2023

MEMBER ATTENDANCE

BOARD OF ADJUSTMENT ATTENDANCE 2022-2023													
		SPECIAL CALL											
PANEL C	2022	FULL BOARD MEETING	2022	2022	2023	2023	2023	2023	2023	2023	2023	2023	2023
MEETING DATES	17-Oct	1-Nov	14-Nov	12-Dec	January	23-Feb	20-Mar	17-Apr	15-May	22-Jun	17-Jul	14-Aug	18-Sep
Robert Agnich					RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
Judy Pollock		A			RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
Roger Sashington		A			RECESS		CANCELLED	CANCELLED		A		CANCELLED	CANCELLED
Rodney Milliken			A		RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
Jared Slade					RECESS		CANCELLED	CANCELLED				CANCELLED	CANCELLED
PANEL A													
MEETING DATES	18-Oct	1-Nov	15-Nov	December	17-Jan	21-Feb	21-Mar	18-Apr	16-May	20-Jun	18-Jul	15-Aug	19-Sep
Dave Neumann				RECESS									
Jay Narey	A			RECESS						A			
Lawrence Halcomb				RECESS									
Kathleen Frankford				RECESS				A					
Rachel Hayden				RECESS						A			
PANEL B													
MEETING DATES	19-Oct	1-Nov	16-Nov	December	18-Jan	22-Feb	22-Mar	19-Apr	17-May	21-Jun	July	16-Aug	20-Sep
Cheri Gambow			CANCELLED	RECESS		CANCELLED		CANCELLED		CANCELLED	RECESS		CANCELLED
Sarah Lamb (re'appt'd 3/08/23)						CANCELLED		CANCELLED		CANCELLED	RECESS		CANCELLED
Joseph Cannon			CANCELLED	RECESS		CANCELLED		CANCELLED		CANCELLED	RECESS		CANCELLED
Michael Karnowski			CANCELLED	RECESS		CANCELLED		CANCELLED	A	CANCELLED	RECESS		CANCELLED
Derrick Nutall (appt'd 6/14/23)										CANCELLED	RECESS		CANCELLED
Herlinda Resendiz (forfeit: 10/12/22)													
Matt Shouse (Resign 3/01/23)	A		CANCELLED	RECESS							RECESS		
ALTERNATES													
Nick Brooks													
Dr. Emmanuel Glover													
Andrew Finney													
Phil Sahuc													
TC Fleming													
Todd Hill Rresigned 01/04/23)													
LEGEND													
A	ABSENT												
A	GP												

BOARD OF ADJUSTMENT

2022-2023

SUMMARY OF WORK &

ACCOMPLISHMENTS

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.

Board of Adjustment Summary of Work

<u>BOA Work Summary</u>	<u>2021-2022</u>	<u>2022-2023</u>	
	<u>10/21-09/22</u>	<u>10/22-09/23</u>	<u>Change %</u>
Total Number of Hearings	29	23	-21%
Total Applications	156	111	-29%
Total Requests	200	199	-1%
Special Exceptions	99	127	28%
Variances	55	52	-5%
Appeal of a Building Official's Decision	8	4	-50%
Fee Waivers	4	0	-100%
Hold Over	30	16	-47%
Compliance Case(s)	4	0	-100%
No. of Cases Approved	133	150	13%
No. of Cases Denied	37	29	-22%
Cases Held Under Advisement	28	20	-29%
Cases Withdrawn	2	0	-100%

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
October 17, 2022	BDA212-093	9330 Hollow Way Rd.	R-1ac(A)	13	sp ex fnc height reg; sp ex fnc standards	App w/ cons x2	8
October 17, 2022	BDA212-094	9915 Avalon Creek Ct.	R-10(A)	13	sp ex fnc height reg; sp ex vis obstr	App w/ cons x2	15
October 17, 2022	BDA212-100	1325 Grant St.	R-5(A)	4	sp ex sf reg; add'l dwelling	App w/ cons	37
October 17, 2022	BDA212-104	521 Faulk St.	R-5(A)	4	sp ex vis obstr x2; var fryd setbk; var max lot coverage	App w/ cons x4	31
October 18, 2022	BDA212-079(holdover)	424 W. Davis St.	CD-7	1	sp ex parking reg	App w/ cons	H
October 18, 2022	BDA212-088	9903 Witham St.	R-7.5(A)	6	var floor area ratio;sp ex sf reg	App w/ cons x2	27
October 18, 2022	BDA212-096	5212 Tremonst St.	PD-97	14	sp ex rear yd setbk- preserve tree	App w/ cons	19
October 18, 2022	BDA212-098	4308 Beechwood Ln.	R-10(A)	13	sp ex sf reg; add'l dwelling	App w/ cons	15
October 18, 2022	BDA212-103	4610 Bluffview Blvd.	PD-455	13	sp ex ft yd setbk; sp ex fnc height	Denied w/o prej x2	16
Withdrawn: BDA212-097 10648 Lakemere Dr.							
October 19, 2022	BDA212-084(holdover)	4706 Memphis St.	IR	6	sp ex vis obst x2	App w/ cons x2	H
October 19, 2022	BDA212-092	10203 Cayuga Rd.	CS	9	var parking reg	App w/ cons	18
October 19, 2022	BDA212-095	7770 Forest Ln.	MU-1	11	sp ex sign reg	Denied w/o prej	5
October 19, 2022	BDA212-099	2303 N. Carroll Ave.	MF-2(A)	2	var parking reg	App w/ cons	53
October 19, 2022	BDA212-101	11350 LBJ Fwy.	MC-1, NO (A)	9	sp ex sign reg	App w/ cons	13
October 19, 2022	BDA212-102	247 W. Davis St.	Subdistrict 6 PD 830	1	sp ex landscape reg	App w/ cons	22
November 14, 2022	BDA212-105	3923 Frontier Ln.	R-7.5(A)	9	holdover	Holdover	25
November 14, 2022	BDA212-108	5146 Yolanda Ln.	R-1ac(A)	13	sp ex fnc height	Denied w/o prej	11
November 14, 2022	BDA212-110	7021 Creek Bend Rd.	PD 106 (R-10(A))	12	var frt yd setbk	App w/ cons	18
November 15, 2022	BDA212-107	9501 El Centro Dr.	MF-2(A)	2	sp ex landscape reg	App w/ cons	24

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
November 15, 2022	BDA212-109	3318 Knight St.	PD-193	14	var floor area reg; var rear yd setbk; var sd yd setbk; sp ex sf use reg	Denied w/o prej x4	95
November 15, 2022	BDA212-111	6524 Alpha Rd.	PD-78,R-1/2ac(A),R-16(A)	11	holdover	Holdover	53
November 15, 2022	BDA212-112	6625 Alpha Rd.	PD-111,PD-558,R-1/2ac(A),R-16(A)	11	holdover	Holdover	46
December 12, 2022	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	Holdover	Holdover	
December 12, 2022	BDA212-113	10203 Hollow Way Rd.	R-1ac(A)	13	sp ex fnc height	App w/ cons	14
December 12, 2022	BDA212-114	3516 Northaven Rd.	R-10(A)	13	sp ex sf use; add'l dwelling	App w/ cons	16
December 12, 2022	BDA212-115	238 HillvaleDr.	R-7.5(A),RR	4	sp ex landscape reg; req time ext	App w/ cons	88
December 12, 2022	BDA212-116	937 S. Belt Line Rd.	CR,CS,R-10(A)	8	sp ex landscape reg	App w/ cons	9
January 17, 2023	BDA212-111(holdover)	6524 Alpha Rd.	PD-78,R-1/2ac(A),R-16(A)	11	sp ex fnc height; sp ex fnc standards; sp ex vis obstr x2	App w/ cons X3; Denied w/o prej (45 FT VIS OBSTR)	
January 17, 2023	BDA212-112(holdover)	6625 Alpha Rd.	PD-111,PD-558,R-1/2ac(A),R-16(A)	11	sp ex fnc height; sp ex fnc standards; sp ex vis obstr	App w/ cons X3	
January 17, 2023	BDA223-001	7120 Cortland Ave.	R-7.5(A)	2	sp ex fnc height; sp ex vis obstr	App w/ cons X2	27
January 17, 2023	BDA223-002	1011 Nomas St.	R-5(A)	6	var frt yd setbk	App w/ cons	9
January 17, 2023	BDA223-003	1021 Nomas St.	R-5(A)	6	var frt yd setbk; var sd yd setbk	App w/ cons x2	14
January 17, 2023	BDA223-006	10240 Gaywood Rd.	R-1ac(A)	13	holdover	Holdover	10
January 17, 2023	BDA223-008	5203 Mercedes Ave.	CD-9	14	var parking reg	App w/ cons	27
January 18, 2023	BDA223-004	202 Beckleymeade Ave.	R-7.5(A)	8	holdover	Holdover	9
January 18, 2023	BDA223-005	4608 Harrys Ln.	R-1ac(A)	13	sp ex sf use; add'l dwelling	App w/ cons	9
January 18, 2023	BDA223-007	7629 W. Lovers Ln.	R-7.5(A)	13	sp ex sf use; add'l dwelling	App w/ cons	27
January 18, 2023	BDA223-009	10323 Lennox Ln.	R-1ac(A)	13	sp ex fnc height	App w/ cons	11
January 18, 2023	BDA223-010	10747 Lennox Ln.	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards; sp ex vis obstr	App w/ cons	12
January 18, 2023	BDA223-011	10227 Gaywood Rd.	R-1ac(A)	13	holdover	Holdover	9
January 18, 2023	BDA223-012	4401 Lemmon Ave.	PD-193	14	var parking reg	App w/ cons	17

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
February 21, 2023	BDA223-006(holdover)	10240 Gaywood Rd.	R-1ac(A)	13	sp ex fnc height	App w/ cons	
February 21, 2023	BDA223-006(holdover)	10240 Gaywood Rd.	R-1ac(A)	13	sp ex fnc standards	App w/ cons	
February 21, 2023	BDA223-006(holdover)	10240 Gaywood Rd.	R-1ac(A)	13	sp ex vis obstr	deny with prejudice	
February 21, 2023	BDA223-013	5415 Yolanda Ln.	R-1ac(A)	13	sp ex sf use; add'l dwelling	App w/ cons	9
February 21, 2023	BDA223-014	3318 Knight St.	PD-193	14	var sd yd setbk	App w/ cons	95
February 21, 2023	BDA223-015	2027 Melbourne Ave	R-7.5(A)	1	sp ex sf use; add'l dwelling, var floor area ratio	App w/ cons	26
February 21, 2023	BDA223-018	1801 Mentor Ave	R-7.5(A)	4	var frt yd setbk	deny without prejudice	24
February 21, 2023	BDA223-019	5550 Walnut Hill Ln.	R-1ac(A)	13	sp ex fnc height; sp ex fnc standards	App w/ cons	14
February 22, 2023 Cancelled Per Chairman (Panel B)				February 22, 2023 Cancelled Per Chairman (Panel B)			
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	var frt yd setbk	App w/cons	
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	sp ex fnc height	App w/cons	
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	sp ex fnc standards	App w/cons	
February 23, 2023	BDA212-105(holdover)	3923 Frontier Ln.	R-7.5(A)	9	sp ex vis obstr	App w/cons	
February 23, 2023	BDA223-017	4327 Cabell Ave	MF-2(A)	2	sp ex fnc height	App w/cons	26
February 23, 2023	BDA223-017	4327 Cabell Ave	MF-2(A)	2	sp ex fnc height; sp ex fnc standards; sp ex vis obstr x2	App w/cons	
February 23, 2023	BDA223-017	4327 Cabell Ave	MF-2(A)	2	sp ex fnc standards	App w/cons	
February 23, 2023	BDA223-020	4502 Leland Ave.	PD-595	7	var frt yd setbk	App w/cons	27
February 23, 2023	BDA223-021	4803 Victor St.	PD-98	2	var frt yd setbk	App w/cons	25
March 20, 2023 Cancelled Per Chairman (Panel C)				March 20, 2023 Cancelled Per Chairman (Panel C)			
March 21, 2023	BDA223-022	4011 Turtle Creek Blvd	PD 193	14	sp ex sf reg/add'l dwelling	Approved	21

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
March 21, 2023	BDA223-024	5506 Columbia Ave	D(A)	2	sp ex fnc height	App w/cons	21
March 21, 2023	BDA223-025	13418 Hughes Ln.	R-1/2ac(A), R-16(A)	11	sp ex fnc height/sp ex fnc standards	App w/cons	10
March 21, 2023	BDA223-027	5608 Live Oak	MF-2(A)	14	variance fnc height	Denied without prejudice	47
March 21, 2023	BDA223-028	1300 W. Mockingbird Ln.	MU-3	2	sp ex parking reg	App w/cons	8
March 22, 2023	BDA223-004(holdover)	202 Beckleymeade Ave.	R-7.5(A)	8	Holdover	Holdover	
March 22, 2023	BDA223-011(holdover)	10227 Gaywood Rd.	R-1ac(A)	13	sp ex fnc height	Deny with prejudice	
March 22, 2023	BDA223-016	9525 White Rock Trail	D(A), PD-1007, PD-1074	10	SE FH	POSTPONED	
March 22, 2023	BDA223-023	6010 Prestonsire Ln.	R-10(A)	13	holdover	Holdover	13
March 22, 2023	BDA223-026	5253 Bonita Ave.	R-7.5(A)	2	variance frt yrd setbck	Approved w/ cons	31
April 17, 2023 Cancelled Technical issues (Panel C)				April 17, 2023 Cancelled technical issues (Panel C)			
April 18, 2023	BDA223-029	8915 Douglas	R-1ac(A)	13	sp ex fnc height/sp ex fnc standards	App w/cons	12
April 18, 2023	BDA223-029	8915 Douglas	R-1ac(A)	13	Front yard panels	App w/cons	12
April 18, 2023	BDA223-032	510 Newell	CD-6	14		POSTPONED	
April 18, 2023	BDA223-035	1020 McBroom	R-5(A)	6	variance sd yrd setbck	Denied without prejudice	13
April 18, 2023	BDA223-037	4178 Saranac	R-10(A)	6	sp ex fnc height	Denied without prejudice	22
April 18, 2023	BDA223-037	4178 Saranac	R-10(A)	6	sp ex vsblty obstruction	Denied with prejudice	22
April 19, 2023 Cancelled Technical issues (Panel C)				April 19, 2023 Cancelled technical issues (Panel C)			
May 15, 2023	BDA223-031	1713 E Kiest Blvd	R-7.5(A)	4	sp ex fnc height	Approved w/ cond	45
May 15, 2023	BDA223-031	1713 E Kiest Blvd	R-7.5(A)	4	sp ex fnc standards	Approved w/ cond	
May 15, 2023	BDA223-033	3839 Seguin	R-7.5(A)	6	sp ex fnc height	Deny without Prejudice	26

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
May 15, 2023	BDA223-033	3839 Seguin	R-7.5(A)	6	sp ex fnc standards	Deny without Prejudice	
May 15, 2023	BDA223-036	1017 Nomias	R-5(A)	6	variance frt yrd stbck	Approved w/ cond	13
May 15, 2023	BDA223-041	5505 S. Polk	R-7.5(A)	3	sp ex fnt yrd stbck	Approved w/ cond	13
May 16, 2023	BDA223-042	2602 Kilburn Ave	R-7.5(A)	4	sp ex single family reg	Approved	45
May 16, 2023	BDA223-043	8020 Park Lane	R-7.5(A)	6	variance fnt yrd stbck	Approved w/ cond	26
May 16, 2023	BDA223-044	1718 S. Good Latimer	R-5(A)	6	sp ex landscape requirement	Approved w/ cond	13
May 16, 2023	BDA223-046	5519 Morningside Ave	R-7.5(A)	3	AO	Approved	13
May 16, 2023	BDA223-055	5519 Ridgedale Ave	CD-9	3	AO	Approved	
May 17, 2023	BDA223-030	5916 Swiss Ave	PD-63	14	variance far sf reg	Denied	16
May 17, 2023	BDA223-034	7202 La Vista	R-7.5(A)	14	fence height	Approved w/ cond	29
May 17, 2023	BDA223-038	5215 Morningside	CD-9	14	Holdover	Holdover	32
May 17, 2023	BDA223-039	9226 Club Glen	R-7.5(A)	10	fence height	Approved w/ cond	23
May 17, 2023	BDA223-040	6830 Desco	R-7.5(A)	13	side yard setback	Approved w/ cond	14
May 17, 2023	BDA223-004(holdover)	202 Beckleymeade Ave.	R-7.5(A)	8	variance sd yrd stbck	Approved w/ cond	
May 17, 2023	BDA223-004(holdover)	202 Beckleymeade Ave.	R-7.5(A)	8	sp ex landscape requirements	Approved w/ cond	
May 17, 2023	BDA223-023(holdover)	6010 Prestonsire Ln.	R-10(A)	13	sp ex single family reg / add'l dwelling	Approved w/ cond	
June 20, 2023	BDA223-048	6821 McCallum Blvd	Pd-106	12	sp ex fnc height	Approved w/ cond	14
June 20, 2023	BDA223-050	4523 Frankford Road	CR	12	sp ex landscaping reg	Denied without prejudice	10
June 20, 2023	BDA223-052	7915 Roundrock Rd,	R-7.5(A)	11	sp ex sf regulations/add'l dwelling	Approved w/ cond	19
June 20, 2023	BDA223-054	6446 R. Lovers Lane	R-7.5(A)	9	variance parking reg	Approved w/ cond	23
June 20, 2023	BDA223-056	4148 Gentry dr.	R-5(A)	6	sp ex visibility obst reg	Denied without prejudice	31
June 20, 2023	BDA223-061	1020 McBroom St.	R-5(A)	6	variance sd-yrd stbck	Approved w/ cond	13

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
6/21/2023 Cancelled per Chairman				June 21, 2023 Cancelled Per Chairman (Panel B)			
June 22, 2023	BDA223-047	304 S. Beacon Street	D(A)	14	variance fnt yrd stbck	Approved w/ cond	26
June 22, 2023	BDA223-049	2513 N. Fitzhugh Ave.	CR	2	variance fnt yrd stbck	Approved w/ cond	36
June 22, 2023	BDA223-051	4001 Turtle Creek Blvd	PD-193	14	sp ex fnc height	Approved w/ cond	25
June 22, 2023	BDA223-051	4001 Turtle Creek Blvd	PD-193	14	sp ex fnc reg	Approved w/ cond	
June 22, 2023	BDA223-051	4001 Turtle Creek Blvd	PD-193	14	variance fnt yrd stbck	Approved w/ cond	
June 22, 2023	BDA223-053	7217 Brookshire Circle.	R-16(A)	11	holdover	Holdover	16
July 17, 2023	BDA212-106	817 N. Clinton Dr.	CD-1	1	variance fnt yrd stbck	Approved	27
July 17, 2023	BDA223-053	7217 Brookshire Circle.	R-16(A)	11	sp ex fnc height	Denied without prejudice	
July 17, 2023	BDA223-059	4112 Delano Place	CR, MF-2(A)	2	variance parking reg	Approved w/ conditions	43
July 17, 2023	BDA223-064	4106 South Better	R-16(A)	13	variance fnt yrd stbck	Approved w/ conditions	20
July 17, 2023	BDA223-067	402 N. Good Latimer	PD-298	14	sp ex parking reg	Approved w/ conditions	9
July 17, 2023	BDA223-068	906 Kessler Parkway	R-7.5(A)	1	sp ex fnc height	Approved w/ conditions	16
July 17, 2023	BDA223-068	906 Kessler Parkway	R-7.5(A)	1	sp ex fnc stand	Approved w/ conditions	
July 17, 2023	BDA223-069	1414 Dragon Street	PD-621	6	sp ex parking reg	Approved w/ conditions	21
July 18, 2023	BDA212-078	5526 E R.L.Thornton	CR	2	parking reduction variance	Postponed	
July 18, 2023	BDA223-058	7128 Hazel Road	R-7.5(A)	5	holdover	Holdover	28
July 18, 2023	BDA223-060	2818 Toluca Ave	R-7.5(A)	4	sp ex fnc height	Approved	25
July 18, 2023	BDA223-060	2818 Toluca Ave	R-7.5(A)	4	sp ex visibility triangle	Approved	
July 18, 2023	BDA223-063	2801 Al Lipscomb Way	PD-363	7	variance fnt yrd stbck	Approved w/Conditions	5
July 18, 2023	BDA223-063	2801 Al Lipscomb Way	PD-363	7	sp ex parking reg	Approved w/Conditions	
July 18, 2023	BDA223-065	2603 Inwood Road	IR	2	sp ex parking reg	Approved w/Conditions	12

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
July 18, 2023	BDA223-066	5518 Winston Ct.	R-1ac(A)	13	holdover	Holdover	14
July 18, 2023	BDA223-077	3349 Coronet Blvd	R-5(A)	24	holdover	Holdover	24
July 19, 2023 Cancelled Per Chairman (Panel B)				July 19, 2023 Cancelled Per Chairman (Panel B)			
August 14, 2023 Cancelled Per Chairman (Panel C)				August 14, 2023 Cancelled Per Chairman (Panel C)			
August 15, 2023	BDA223-032	510 Newell	CD-6	14	variance sd yrd stbck	Approved w/conditions	26
August 15, 2023	BDA223-058(holdover)	7128 Hazel Road	R-7.5(A)	5	sp ex sf reg / add'l dwelling	Approved w/conditions	
August 15, 2023	BDA223-058(holdover)	7128 Hazel Road	R-7.5(A)	5	variance far reg	Approved w/conditions	
August 15, 2023	BDA223-058(holdover)	7128 Hazel Road	R-7.5(A)	5	variance height reg	Approved w/conditions	
August 15, 2023	BDA223-066(holdover)	5518 Winston Ct.	R-1ac(A)	13	sp ex fnc height	Denied without prejudice	
August 15, 2023	BDA223-066(holdover)	5518 Winston Ct.	R-1ac(A)	13	sp ex fnc standards	Denied without prejudice	
August 15, 2023	BDA223-070	5027 Alcott	R-5(A)	14	variance sd yrd/ vaiance frt yard	Approved w/conditions	32
August 15, 2023	BDA223-072	6900 Wofford	R-7.5(A)	5	sp ex sd yrd	Approved w/conditions	22
August 15, 2023	BDA223-075	8334 Plainview	A(A), IR	8	variance sd yard and rear yrd stbck	Approved w/conditions	13
August 15, 2023	BDA223-077(holdover)	3349 Coronet Blvd	R-5(A)	24	variance height reg	Approved w/conditions	24
August 15, 2023	BDA223-078	5511 Merrimac	CD-9	14	AO Appeal - Paint	Reversed decision granted	33
August 16, 2023	BDA223-038(holdover)	5215 Morningside	CD-9	14	variance rear yrd reg	Approved with conditions	32
August 16, 2023	BDA223-062	2730 N. Henderson	PD-462	14	variance parking reg	Approved with conditions	26
August 16, 2023	BDA223-071	5100 Ross Ave	CR, LO-1	2	sp ex landscaping reg	Approved with conditions	9
August 16, 2023	BDA223-073	7704 Glen Albens	R-7.5(A)	13	sp ex lot coverage	Approved with conditions	20
August 16, 2023	BDA223-074	5505 Chatham Hill	R-1ac(A)	13	holdover	Holdover	15
August 16, 2023	BDA223-076	2021 Haymarket	A(A)	8	sp ex fnc height	Approved with conditions	8

BDA CASE LOG (10/2022 to 09/2023)	Case Nos.	Address	Zoning	Council District	Case Type	Board Action	Reg Notices Sent
September 18, 2023 Cancelled Per Chairman (Panel C)							
September 19, 2023	BDA 223-079	9211 Hathaway Street	R-1ac(A)	13	(1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standard regulations; (3) a special exception to the visibility obstruction regulations; (4) a special exception to the visibility obstruction regulations; and for (5) two variances to the front yard setback regulations	1- Approved w/cond, 2- Approved w/conds, 3 - Approved w/conds, 4 - denied without prejudice, 5 - approved w/ conds	13
September 19, 2023	BDA223-080	10020 Meadowbrook Drive	R-1ac(A)	13	(1) a variance to the side-yard setback regulations; (2) a special exception to the fence height regulations; (3) a special exception to the visibility obstruction regulations; (4) a special exception to the fence opacity standard regulations; and (5) a special exception to the fence material standard regulations	1- Approved w/cond, 2- Approved w/conds, 3 - Approved w/conds, 4 - approved w/conds, 5 - approved w/ conds	9
September 19, 2023	BDA223-081	8627 Lakemont Drive	R-10(A)	13	(1) a special exception to the fence height regulations; and (2) a special exception to the fence material standard regulations	Approved w/ conditions	15
September 19, 2023	BDA223-082	10427 Lennox Lane	R-1ac(A)	13	(1) a special exception to the fence height regulations; (2) a special exception to the fence opacity standards; and (3) a special exception to the fence material standards	1 - approved w/conds, 2 - denied without prejudice, 3 - denied without prejudice	10
September 19, 2023	BDA223-083	9122 Inwood Road	R-1ac(A)	13	(1) a special exception to the fence height regulations, and for (2) a special exception to the fence opacity standard regulations	Holdover	11
September 19, 2023	BDA223-085	1416 S. Waverly Drive	R-7.5(A)	1	a variance to the side-yard setback regulations	Approved w/ conditions	25
September 20, 2023 Cancelled Per Chairman (Panel B)							

BOARD OF ADJUSTMENT

2023-2024

GOALS & OBJECTIVES

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

RECOMMENDATIONS TO THE
CITY COUNCIL

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

November 15, 2023

DRAFT



6ES Briefing Room
24974849659@dallascityhall.webex.com

Cheri Gambow, Vice-Chair

PRESENT: [5]

Cheri Gambow, VC	
Sarah Lamb	
Philip Sahuc	
Michael Karnowski	
Derrick Nutall - Virtual	

ABSENT: [0]

Vice-Chair Gambow called the briefing to order at **10:31 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Gambow called the hearing to order at **1:08 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 Special Call Meeting Minutes.

Motion was made to approve the Board of Adjustment Special Call Meeting Minutes.

Maker:	Sarah Lamb				
Second:	Derrick Nutall				
Results:	5-0 unanimously				Moved to approve
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Phil Sahuc, Derrick Nutall, Sarah Lamb
		Against:	-	0	

Approval of the Board of Adjustment Panel A, October 18th, 2023 meeting minutes.

Motion was made to approve Panel A, October 18th, 2023 public hearing minutes.

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	5-0 unanimously				Moved to approve
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Phil Sahuc, Derrick Nutall, Sarah Lamb
		Against:	-	0	

UNCONTESTED ITEMS

1. 2851 W. Jefferson Boulevard

***This case was moved to Individual Items**

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:

- **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:

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.

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November 15, 2023

- 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:

BOARD OF ADJUSTMENT
November 15, 2023

- 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.

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- 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.

Speakers:

For: Kristina Paige, 2851 W. Jefferson Blvd, Dallas TX

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-092, on application of Maurice Wilson, **GRANT** the 10-foot variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Sarah Lamb				
Second:	Phil Sahuc				
Results:	5-0				Motion to grant
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Phil Sahuc, Derrick Nutall, Sarah Lamb
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-092, on application of Maurice Wilson, **GRANT** the 3-foot 6-inch variance to the building height regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	5-0				Motion to grant
		Ayes:	-	5	Cheri Gambow, Michael Karnowski, Phil Sahuc, Derrick Nutall, Sarah Lamb
		Against:	-	0	

2. 4200 Duncanville Road
BDA223-093(DB)

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:

(3) 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.

BOARD OF ADJUSTMENT
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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.

Speakers:

For: Jennifer Hiromoto, 10233 E. NW Hwy # 38586, Dallas TX
(Did not speak)

Against: No Speakers

Motion

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

BDA 223-093 — Application of Jennifer Hiromoto, for a special exception to the landscape regulations in the Dallas Development Code is granted subject to the following condition:

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

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

3. 5540 N. Forty Place

***This Case was moved to Individual Items / Moved last**

BDA223-094(DB)

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.

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- 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.

BOARD OF ADJUSTMENT
November 15, 2023

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.

Speakers:

For: No Speakers

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. 223-094, on application of Itamar David, **DENY** the special exception requested by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would be contrary to the public interest; (AND/OR) would adversely affect neighboring property; (AND/OR) the additional meter would be used to conduct a use not permitted in the district where the building site is located.

Maker:	Sarah Lamb				
Second:	Derrick Nutall				
Results:	1-4				Motion fails to deny
		Ayes:	-	1	Sarah Lamb
		Against:	-	4	Cheri Gambow, Phil Sahuc, Michael Karnowski, Derrick Nutall

Motion # 2

I move that the Board of Adjustment in Appeal No. BDA 223-094, **HOLD** this matter under advisement until **December 13th, 2023**.

Maker:	Michael Karnowski				
Second:	Cheri Gambow				
Results:	4-1				Motion to hold
		Ayes:	-	4	Cheri Gambow, Phil Sahuc, Michael Karnowski, Derrick Nutall
		Against:	-	1	Sarah Lamb

***This Case was moved to Individual Items**

BDA223-099(DB)

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:

(4) 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.

Speakers:

For: Philip Graham, 2201 E. Lamar Blvd., Arlington TX 76006
(Did not speak)

Against: No Speakers

Motion

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

BDA 223-099 — Application of Ryan Smiegel, for a special exception to the landscape regulations in the Dallas Development Code is granted subject to the following condition:

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

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

5. 1057 Kessler Parkway

***This Case was moved to Individual Items**

BDA223-100(DB)

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:

(5) 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:

- **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

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

- D. Not contrary to the public interest as no letters of opposition were received.
- E. 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.
- F. 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:

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- 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.

Speakers:

For: Peter Kavanaugh, 1620 Handley drive Ste A, Dallas TX 75208
Bruce Bernbaum, 4528 N. Central Expy # 220, Dallas TX 75205 (Did not Speak)

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-100, on application of James Thrower, **GRANT** the 9-foot 6-inch variance to the front-yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

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

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

HOLDOVER

1. 5505 Chatham Hill Road
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.

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- 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.

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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.

Speakers:

For: Jim Harris, 6930 Midbury, Dallas TX 75230
Karl Crawley, 2201 Main Street # 1280, Dallas TX 75201
(Did not speak)
Steve Long, 2201 Main Street # 1280, Dallas TX 75201
(Did not speak)

Against: No Speakers

Motion

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 most recent version of all plans submitted on November 3, 2023 with revision on Zone 3 with maximum of 8-feet and Zone 2 with maximum of 9-feet.

Maker:	Michael Karnowski				
Second:	Derrick Nutall				
Results:	4-1				Motion to grant
		Ayes:	-	4	Cheri Gambow, Phil Sahuc, Michael Karnowski and Derrick Nutall
		Against:	-	1	Sarah Lamb

Recess: 2:12 p.m.; Resume: 2:22 p.m.

INDIVIDUAL CASES

2. 4104 Saranac drive
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:

BOARD OF ADJUSTMENT
November 15, 2023

- 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.

Speakers:

For: Jason Malyk, 6624 Canyon Oaks Cir., Plano, TX 75024

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-098, on application of Jason Malyk for Laguna Homes Inc., **GRANT** the request of this applicant to construct and/or maintain a 8-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the most recent version of elevations submitted not to include materials are required.

Maker:	Sarah Lamb				
Second:	Phil Sahuc				

Motion # 2

Motion to withdraw the motion

Maker:	Sarah Lamb				
Second:	Phil Sahuc				

Motion # 3

I move that the Board of Adjustment, in Appeal No. BDA 223-098, on application of Jason Malyk for Laguna Homes Inc., **GRANT** the request of this applicant to construct and/or maintain a 8-foot high

BOARD OF ADJUSTMENT
November 15, 2023

fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the most recent version of the elevations not to include materials.

Maker:	Sarah Lamb				
Second:	Michael Karnowski				
Results:	4-1				Motion to grant
		Ayes:	-	4	Sarah Lamb, Phil Sahuc, Michael Karnowski and Derrick Nutall
		Against:	-	1	Cheri Gambow

Motion # 4

I move that the Board of Adjustment, in Appeal No. BDA 223-098, on application of Jason Malyk for Laguna Homes Inc., **DENY** the special exception requested to construct and/or maintain a fence, with panel having less than 50 percent open surface area, located less than five-feet from the front lot line as a special exception to the surface area openness by this applicant **without** prejudice, because our evaluation of the property and the testimony shows that this special exception will adversely affect neighboring property.

Maker:	Sarah Lamb				
Second:	Phil Sahuc				
Results:	5-1 Unanimously				Motion to deny
		Ayes:	-	5	Cheri Gambow, Sarah Lamb, Michael Karnowski, Phil Sahuc, and Derrick Nutall
		Against:	-	0	

Recess: 2:52 p.m.; Resume: 2:59 p.m.

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Gambow moved to adjourn the meeting at 3:25 p.m.

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

Date

BOARD OF ADJUSTMENT
November 15, 2023

Required Signature:
Jason Pool, DEV Administrator
Development Services Dept.

Date

Required Signature:
Cheri Gambow, Vice-Chair
Board of Adjustment

Date

FILE NUMBER: BDA223-111 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Andy Monroy for (1) a special exception to the single-family regulations, and for (2) a variance to the floor area ratio regulations at 9341 Creel Creek Dr. This property is more fully described as Block J/7295, Lot 22 and is zoned R-7.5(A), which limits the number of dwelling units to one, and which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct an additional dwelling unit, which will require (1) a special exception to the single-family zoning use regulations, and to construct a single-family residential accessory structure with 1,257 square feet of floor area (3,964 square foot floor area of the main structure), which will require (2) a 266 square foot variance to the floor area ration regulations (32%).

LOCATION: 9341 Creel Creek Dr.

APPLICANT: Andy Monroy

REQUEST:

- (1) A request for a special exception to the single-family use regulations, and
- (2) A variance to the floor area ratio is made to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single-family home.

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

Section 51A-4.209(b)(6)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not:

- 1) be used as rental accommodations; or
- 2) adversely affect neighboring properties.

Section 51A-4.209(b)(6)(E)(ii) In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARD FOR A VARIANCE:

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

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

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code;
- (ii) 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;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Special Exception:

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

Variance:

Approval

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

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

BDA History

No BDA history found within the last five years.

Square Footage:

The lot contains 25,133.81 of square feet.

The lot is zoned R-7.5(A) with a minimum lot size of 7,500 square feet.

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-10 (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.

BDA History:

No BDA history within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

- This request is for a special exception to the single-family use regulations, and for a variance to the floor area ratio is made to construct and/or maintain an additional dwelling unit, not for rent, on a site developed with a single-family home.
- The subject site is zoned R-7.5(A) where the Dallas Development Code permits one dwelling unit per lot.
- Additionally, the Dallas Development Code states than an accessory structure may not exceed 25% of the floor area of the main structure.
- The applicant proposes to construct and maintain a 1,257 square feet single-family residential accessory structure (not for rent) which exceeds 25% of the main structure. The square footage of the main structure is 3,964. Therefore, a 266 square foot (32%) variance is required.
- According the submitted plans, the first floor of the ADU consists of 2 car garage, a pool bath, as well as a conditioned cabana. The second floor consists of a covered balcony, a kitchen, bathroom and sleep space.
- It is imperative to note that the Dallas Development Code defines a dwelling unit as, “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.” The existing ADU consists of all three (kitchen, bathroom, and bedroom).
- The single-family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.
- The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e., development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

Moreover, the applicant has the burden of proof in establishing the following:

- That granting the variance to the floor area ratio 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.
- [BDA223-111 CREEL CREEK](#) 200' radius video

Timeline:

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

October 25, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

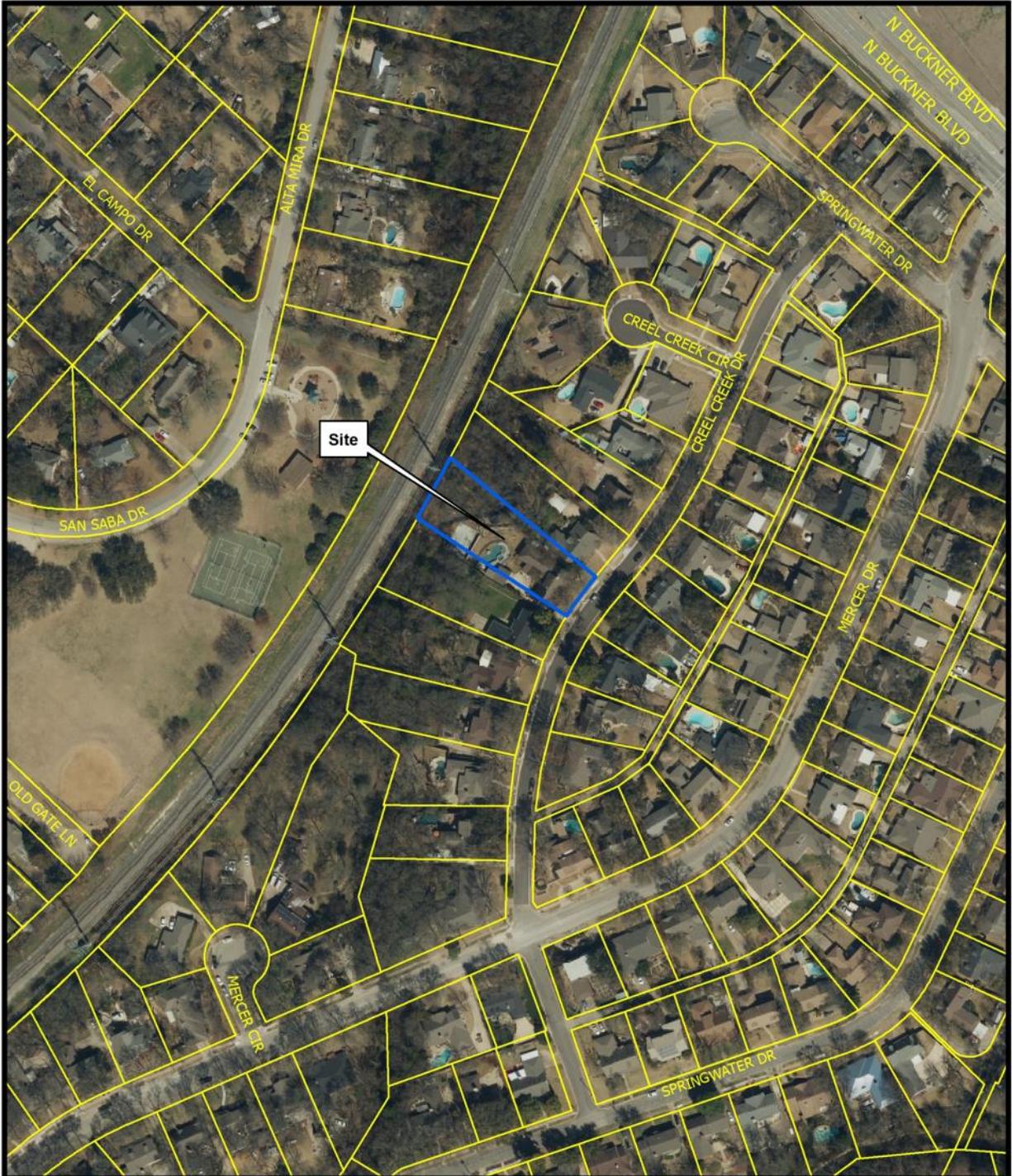
October 26, 2023: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 20, 2023, deadline to submit additional evidence for staff to

factor into their analysis; and December 1, 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 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans, and the Senior Planner.

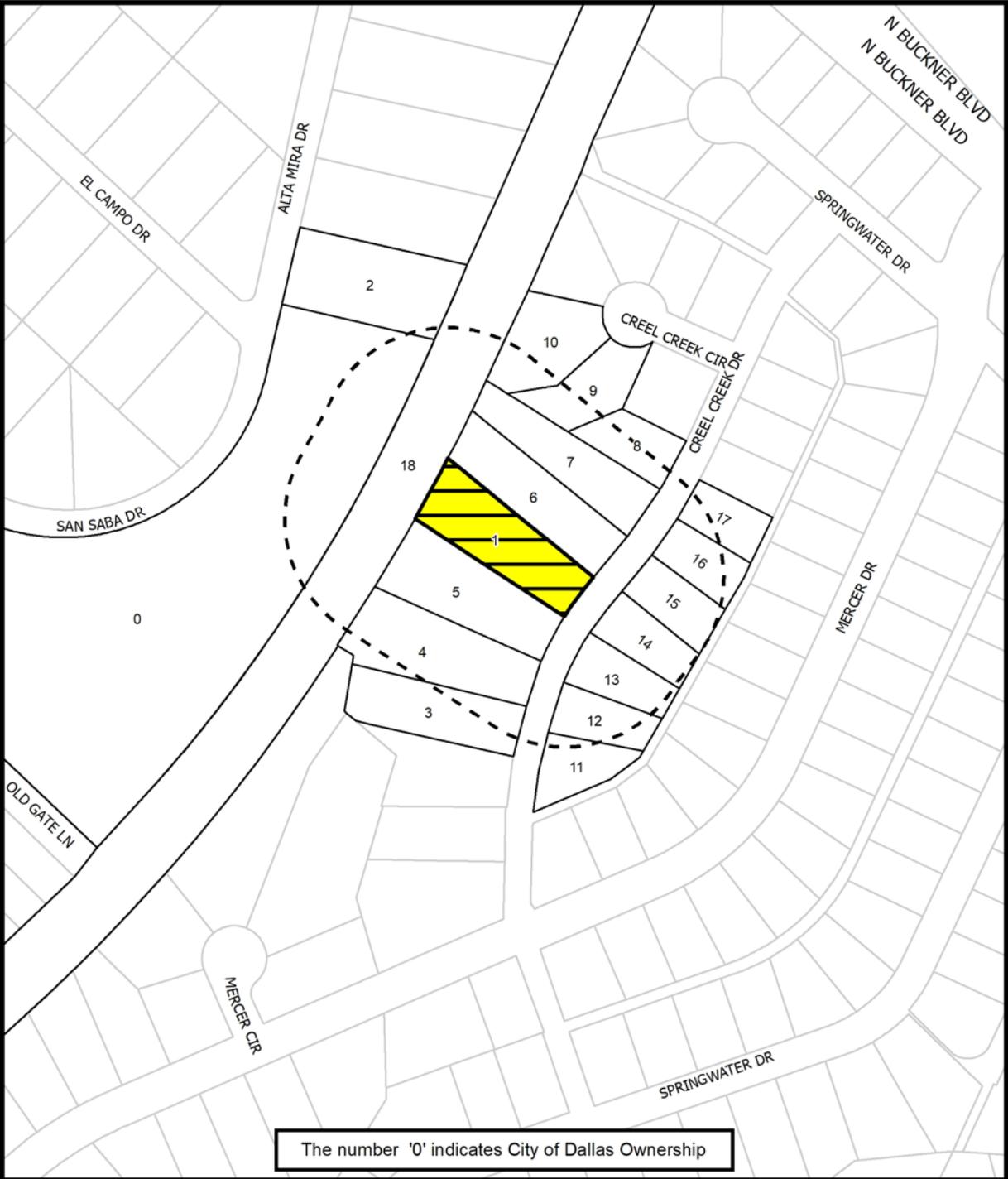


1:2,400

AERIAL MAP

Case no: BDA223-111

Date: 11/7/2023

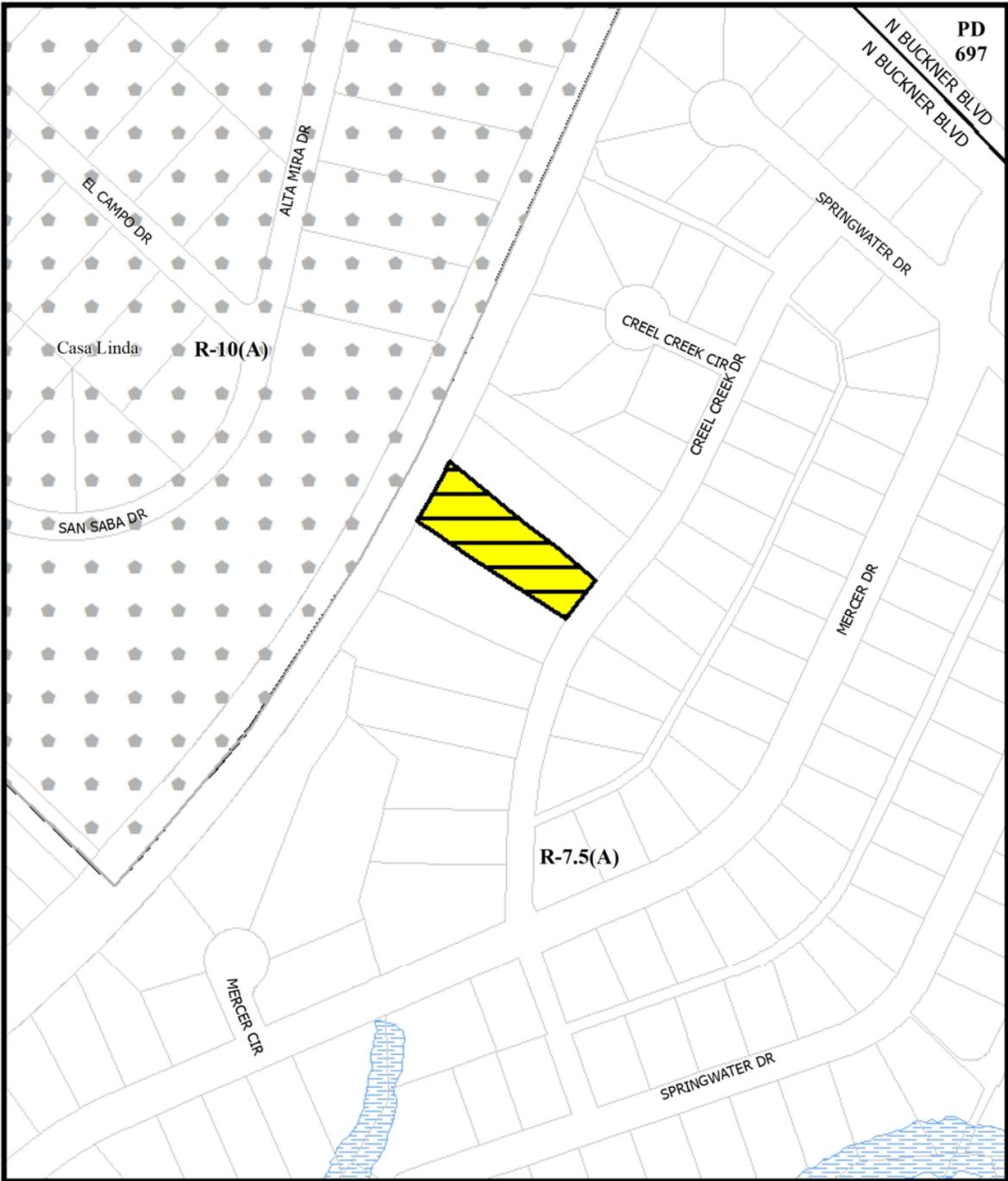



 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-111
 Date: 11/7/2023



PD
697
N BUCKNER BLVD
N BUCKNER BLVD



1:2,400

ZONING MAP

Case no: BDA223-111

Date: 11/7/2023

11/01/2023

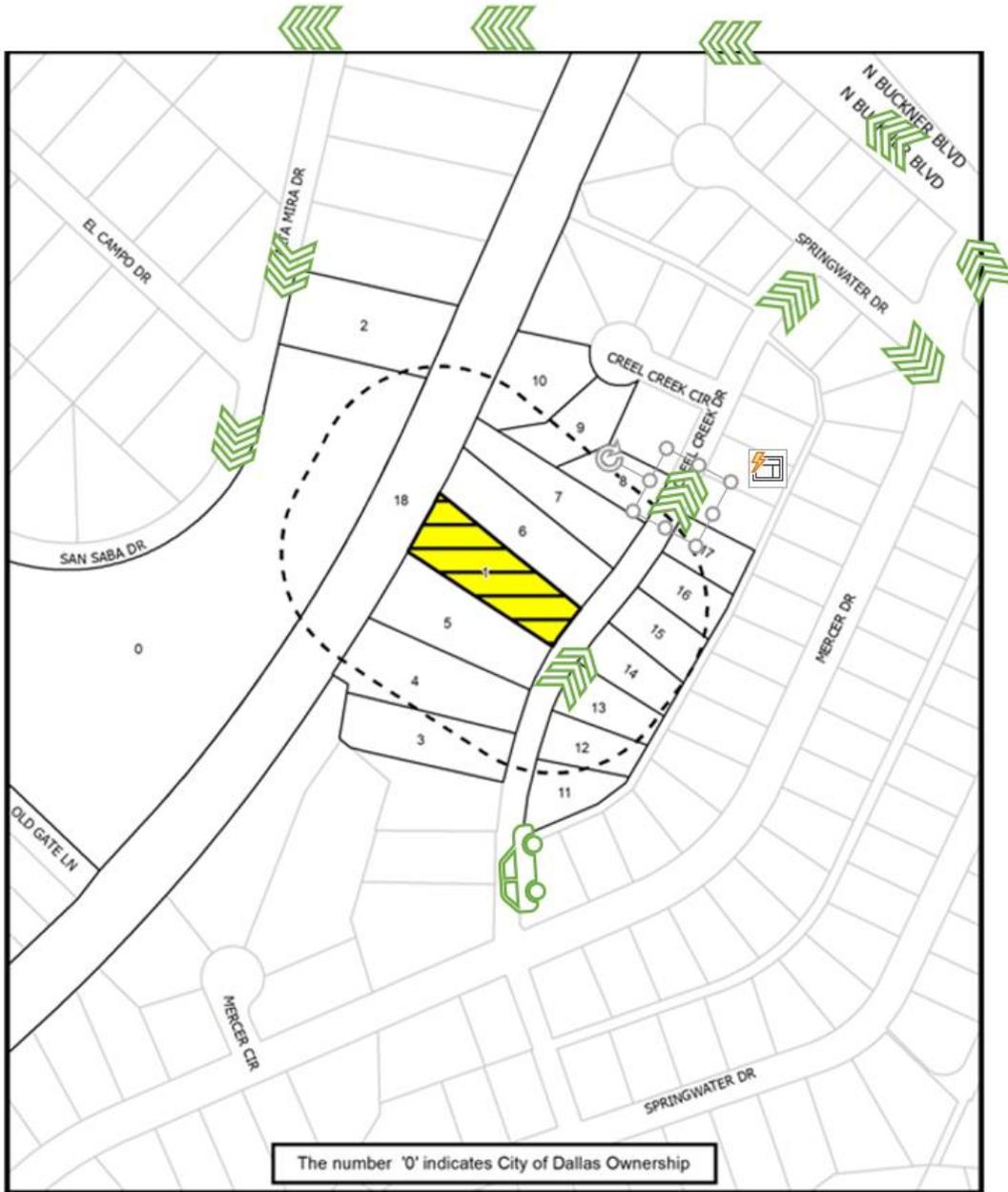
Notification List of Property Owners

BDA223-111

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9341 CREEL CREEK DR	TOLER EARL S & BONNIE J
2	9318 ALTA MIRA DR	SWING GREGG S &
3	9323 CREEL CREEK DR	MILLER MARC EDWARD &
4	9329 CREEL CREEK DR	SAUTEL TARA & JOSHUA P
5	9335 CREEL CREEK DR	PANTUSA NANCY A &
6	9347 CREEL CREEK DR	STEINBACH ROBERT H &
7	9353 CREEL CREEK DR	MAMMONE JOSEPH & RACHEL
8	9357 CREEL CREEK DR	GONZALES FRANK S & RACHEL A
9	9407 CREEL CREEK CIR	MELKERSON HAYDEN
10	9411 CREEL CREEK CIR	LANDERS ALAN WILLIAM
11	9322 CREEL CREEK DR	LEAL EFRAN RENE & BERNADETTE
12	9328 CREEL CREEK DR	EPPES ANDREW & ANNE
13	9334 CREEL CREEK DR	ELRICH ROBERT J & KATHERINE K
14	9342 CREEL CREEK DR	BARNETT JAMES HERSHELL JR &
15	9348 CREEL CREEK DR	STAPLETON JAMIE & LOURDES MOLINA
16	9352 CREEL CREEK DR	ASHMORE ALISON RAE &
17	9356 CREEL CREEK DR	RIGGS KIRK H & JEAN A
18	99999 NO NAME ST	KANSAS CITY SOUTHERN RR

200' Radius Video Route





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-111



Data Relative to Subject Property: Residential review; referral

Date: _____

Location address: 9341 Creel Creek

Zoning District: R-7.5(A)

Lot No.: 22

Block No.: J/7295

Acreage: 25,134sqft

Census Tract: _____

Street Frontage (in Feet): 1) 75 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Earl Toler Bonnie Toler

Applicant: Andy Monroy

Telephone: 9727573127

Mailing Address: 1523 N Cedar Hill Rd

Zip Code: 75104

E-mail Address: monroy_a@yahoo.com

Represented by: _____ Telephone: _____

Mailing Address: 1523 n Cedar Hill Rd

Zip Code: 75104

E-mail Address: monroy_a@yahoo.com

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

ADA - NOT FOR RENT
EXCEEDS MAXIMUM FLOOR AREA OF MAIN 321.

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:

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 Andy Monroy

(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 5th day of September, 2023

Deborah Kim Cotter-Comte
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

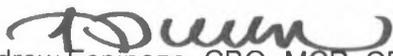
I hereby certify that Andy Monroy

did submit a request for (1) a special exception to the single family regulations, and for (2) a variance to the floor area ratio regulations

at 9341 CREEL CREEK

BDA223-111(KMH) Application of Andy Monroy for (1) a special exception to the single-family regulations, and for (2) a variance to the floor area ratio regulations at 9341 Creel Creek Dr. This property is more fully described as Block J/7295, Lot 22 and is zoned R-7.5(A), which limits the number of dwelling units to one, and which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct an additional dwelling unit, which will require (1) a special exception to the single-family zoning use regulations, and to construct single family residential accessory structure with 1257 square-feet of floor area (3964 square-foot floor area of the main structure), which will require (2) a 266 square-foot variance to the floor area ratio regulations (32%).

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

RADIUS = 2914.79'
 CENTRAL ANGLE = 2°03'26"
 ARC LENGTH = 104.66'
 CHORD BEARING = N28°17'59"E
 CHORD LENGTH = 104.66' (104.54')

25' AERIAL EASEMENT

CREEK

CREEK

5' EASEMENT

N57°49'02"W

5' EASEMENT

S51°49'33"E

284.78'

APPROXIMATE LOCATION OF FLOODWAY EASEMENT

EXISTING DRAINAGE TO REMAIN

EXISTING POOL AREA

EXISTING DRAINAGE TO REMAIN

EXISTING DECK

EXISTING SHED

EXISTING DECK

EXISTING DECK

NEW DRIVE

GATE

EXISTING DRIVE

EXISTING RESIDENCE

LOT 22
 BLOCK J/7295

30' BUILDING LINE

EXISTING DRAINAGE TO REMAIN

RADIUS = 485.00'
 CENTRAL ANGLE = 8°01'53"
 ARC LENGTH = 65.18'
 CHORD BEARING = N36°11'04"E
 CHORD LENGTH = 65.13'

9341 CREEL CREEK DR.

PROPOSED SITE PLAN
 LOT 22 / BLOCK J/7295, LINDENWOOD PARK
 DALLAS, DALLAS COUNTY
 SCALE: 1/2" = 1'-0"



SHEET No.:
N-PLOT

PLAN CONTE:
TOLER RES.
(DATE: 05/15/2023)

PLAN NAME:
DETACHED GARAGE

PLAN NUMBER:
590 SF

DATE:	5-21-23
DATE:	9-26-23

SHEET TITLE:
PROPOSED SITE PLAN w-DETACHED GAR.
9341 Creel Creek Dr., Lot 22/Block J/7295
COPYRIGHT (c) 2023 RnE Construction & Design, LLC



RnE Design, LLC
 3012 St. Martin Dr.
 Mansfield, Texas 76063

BD223-111



AFFIDAVIT

Appeal number: BDA 223-111

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

at: 9341 Creel Creek
(Address of property as stated on application)

Authorize: Andy Monroy
(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: Additional dwelling unit (not for rent)
EXCEEDS FLOOR AREA OF MAIN; request 321. (max 251)

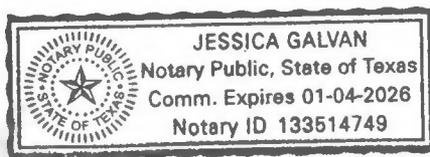
Bonnie Toler
Print name of property owner or registered agent
Date ²⁶ 9/1/23 09-29-2023

Bonnie Toler
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared Bonnie Toler

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 29th day of September, 2023



Commission expires on 01-04-2026



AFFIDAVIT

Appeal number: BDA 223-111

I, Earl Toler Bonnie Toler, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 9341 Creel Creek
(Address of property as stated on application)

Authorize: Andy Monroy
(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: Additional dwelling unit (NOT FOR RENT)

EXCEEDS FLOOR AREA of main; request 321. (max 251.)

Earl Toler Bonnie Toler
Print name of property owner or registered agent

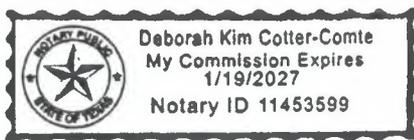
[Signature]
Signature of property owner or registered agent

Date 9/1/23

Before me, the undersigned, on this day personally appeared Earl Toler

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

Subscribed and sworn to before me this 5th day of September, 2023

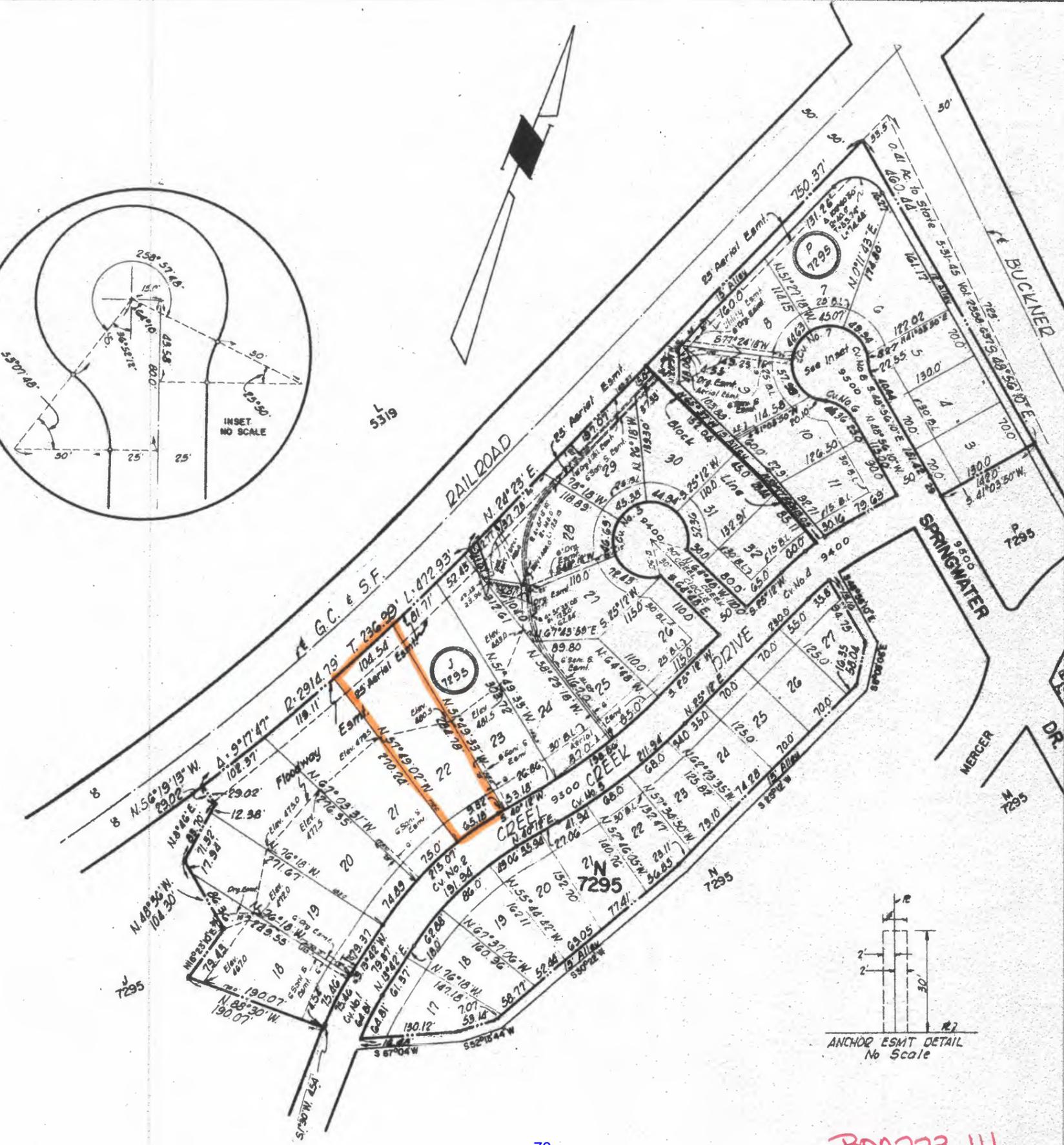
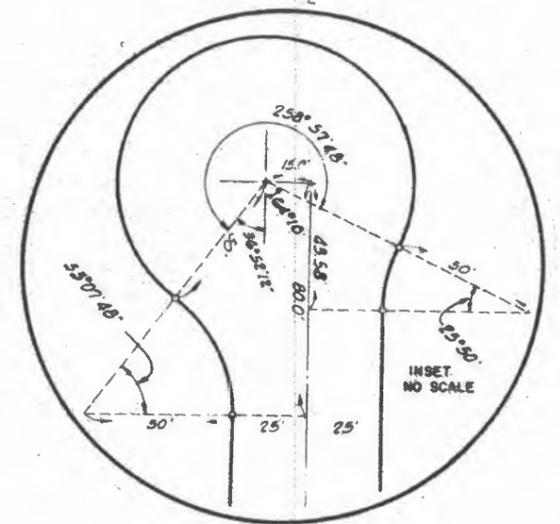


Commission expires on 01/19/27

Deborah Kim Cotter-Comte



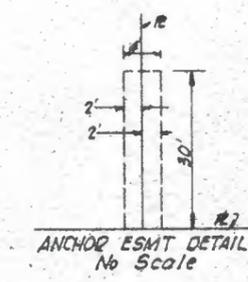
FILED 4-13-64



Note: Restricted access into
 Buckner Boulevard from lots 3
 through 7 in Block P/7295.
 Structures in Block
 P/7295 to front Springwater Dr.

Curve Data

Cv. No.	Location	Inner	Center	Outer
1	CREEK CREEK DRIVE	12° 12'	18° 12'	18° 12'
		304.99	329.99	354.99
		32.55	35.20	37.87
		64.81	70.14	75.46
2		26° 30'	26° 30'	26° 30'
		415.00	440.0	465.0
		97.72	103.60	109.49
		191.94	203.50	215.07
3		15° 00'	15° 00'	15° 00'
		759.58	784.58	809.58
		100.0	103.29	106.58
		198.86	205.40	211.94
4		6° 12' 34"	6° 12' 34"	6° 12' 34"
		330.3	355.0	380.0
		17.92	19.27	20.63
		35.80	38.51	41.22
4A	CREEK CREEK DRIVE			9° 38' 56"
				380.0
				32.07
				63.99
5	CREEK CREEK CIRCLE			300° 00'
				500'
				261.80
6	SPRING WATER DRIVE	53° 07' 48"		
		50.0		
		25.0		
		46.36		
7				258° 57' 48"
				500'
				225.99
8	SPRING WATER DRIVE	25° 50'		
		50.0		
		11.47		
		22.55		



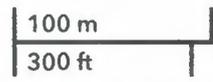
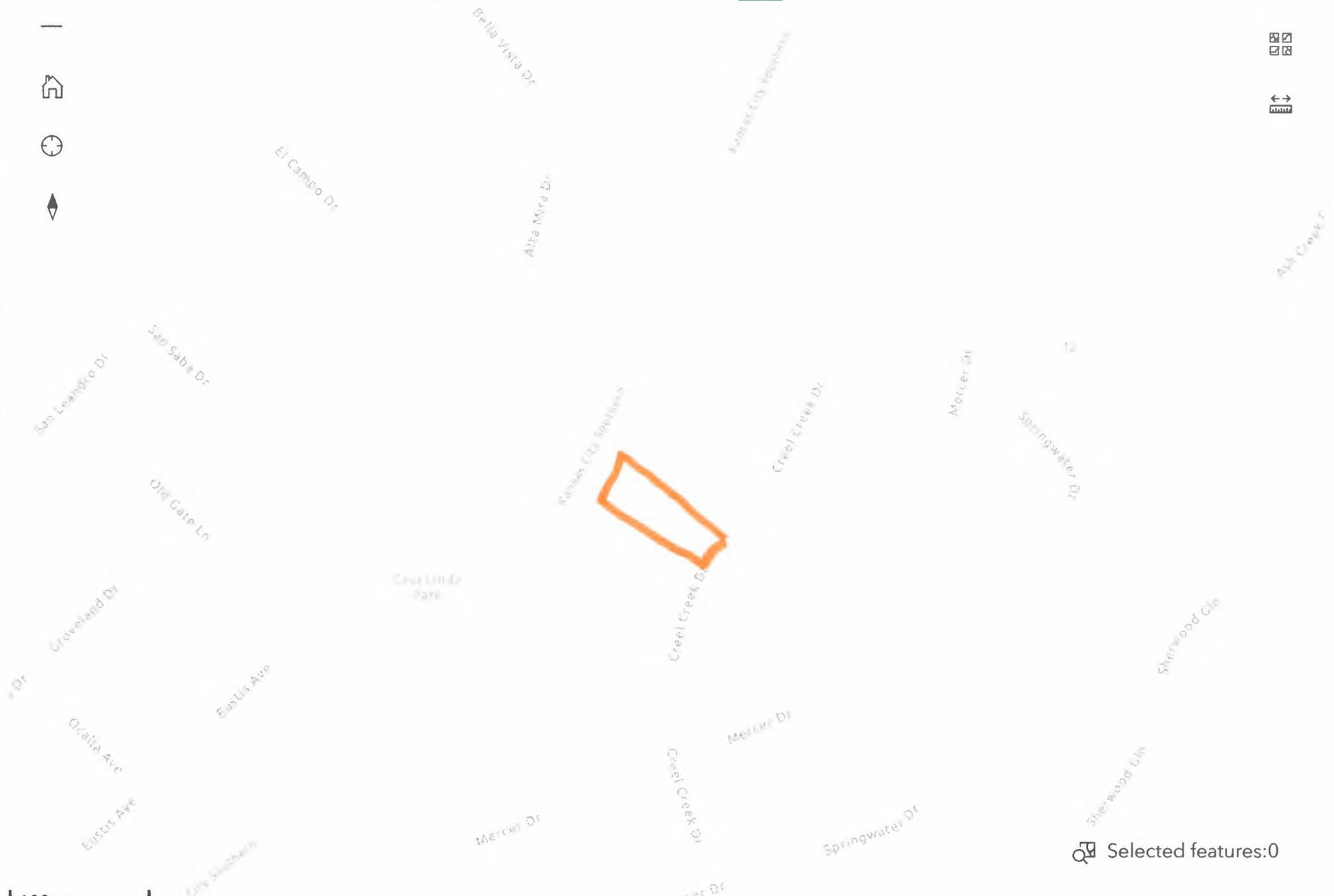
BDA223-111

City of Dallas Zoning Map 2.2

- Zoning Map...
- Links
- Help
- Report I...



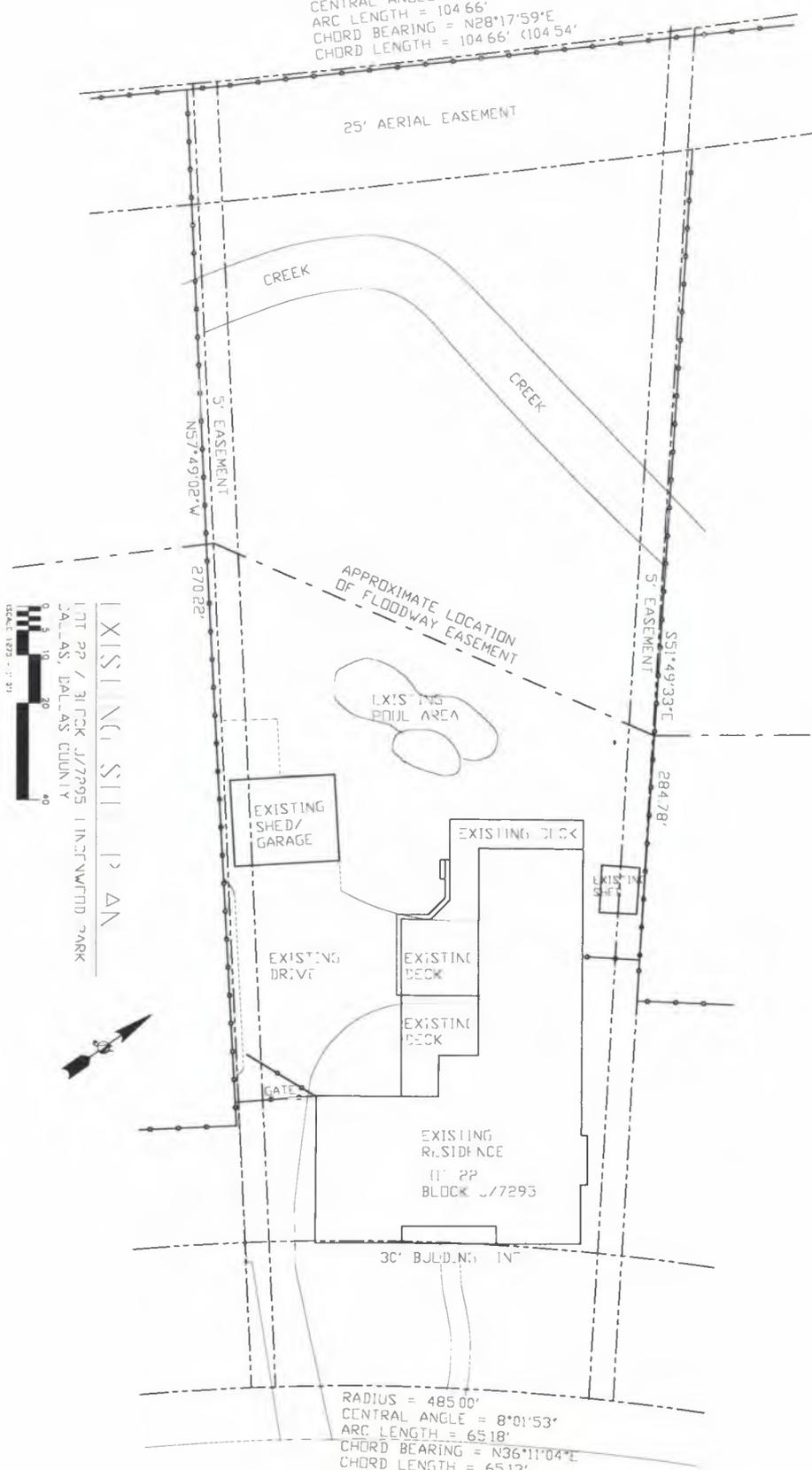
Find address or place



Selected features:0

EDA223-111

RADIUS = 2914.79'
 CENTRAL ANGLE = 2°03'26"
 ARC LENGTH = 104.66'
 CHORD BEARING = N28°17'59"E
 CHORD LENGTH = 104.66' (104.54')



RADIUS = 485.00'
 CENTRAL ANGLE = 8°01'53"
 ARC LENGTH = 65.18'
 CHORD BEARING = N36°11'04"E
 CHORD LENGTH = 65.13'

9341 CREEL CREEK DR.

EXISTING SITE PLAN
 LOT 22 / BLOCK 7295 MANSFIELD PARK
 DALLAS, DALLAS COUNTY
 SCALE: 1/8" = 1' 31"

BOA 223-111

EX-101 SHEET NO.

PLAN DATE: TOLER RES.

PLAN NAME: DEMOGRAPHIC

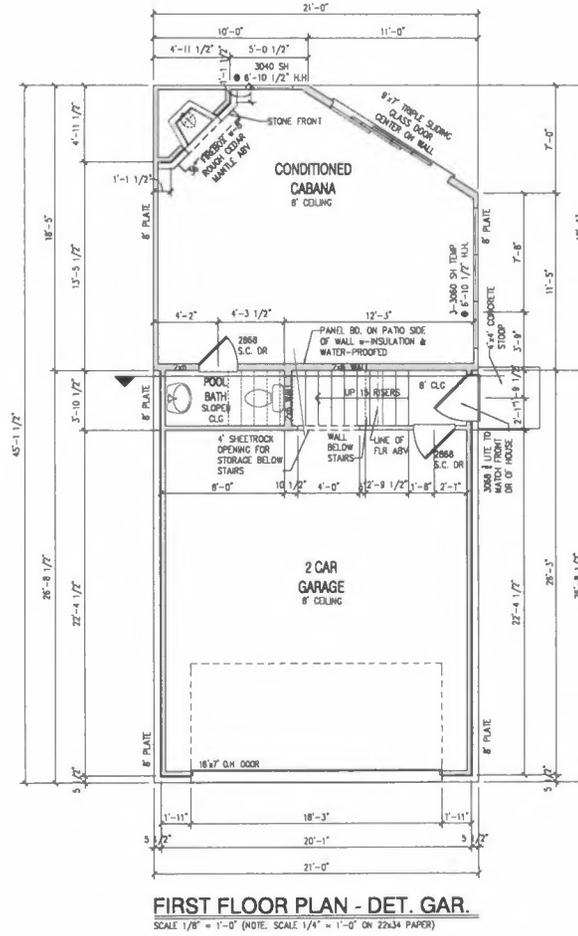
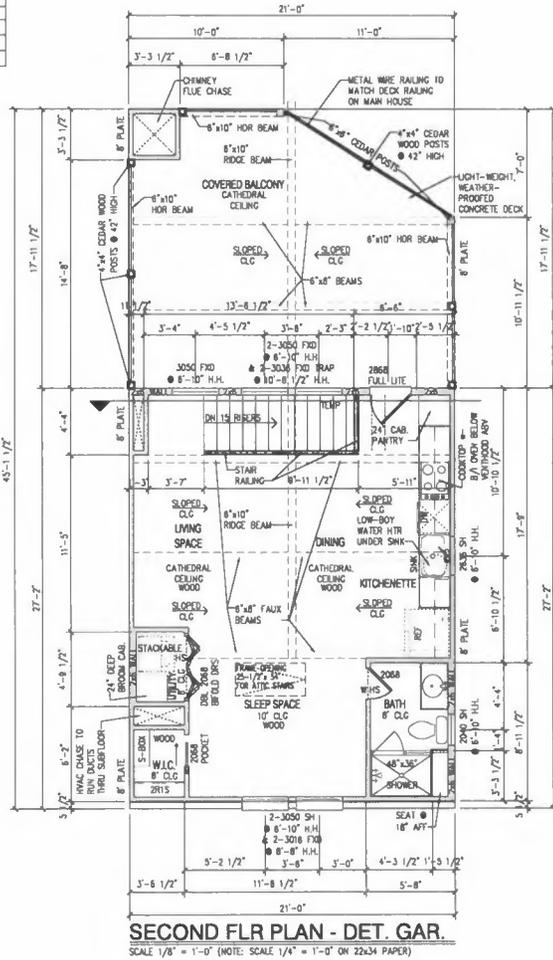
PLAN NUMBER: 590 SF

SHEET TITLE:
EXISTING SITE PLAN
 9341 Creel Creek Dr., Lot 22/Block 7295



RnE Design, LLC
 3012 St. Martin Dr.
 Mansfield, Texas 76063

REVISION NOTES			
MASTER REV #	REV DATES	REVISED BY	EXPLANATION
NEW	6-7-23	RB	NEW PLANS FOR DETACHED GARAGE TO BE BUILT AT 9341 CREEL CREEK DR. IN DALLAS, TX, DALLAS COUNTY.
1	9-26-23	RB	ADDED BASIC FLOOR PLANS & ELEV'S TO SET FOR EXISTING MAIN HOUSE ON PROPERTY IN ORDER TO DETERMINE EXISTING SQUARE FOOTAGE & OVERALL ROOF H.T. IT WAS DETERMINED THAT THE DET. GARAGE DOES NOT EXCEED 25% OF THE SQUARE FOOTAGE OF THE EXISTING MAIN HOUSE. IT DID NOT NEED TO CHANGE, HOWEVER, THE DET. GAR. ROOF H.T. WAS HIGHER THAN THE MAIN HOUSE AND SO THE MAIN ROOF PITCH FOR THE GARAGE WAS LOWERED TO A 8:12 PITCH. ALL ELEV'S & ROOF PLAN WAS ADJUSTED TO MATCH THE ROOF CHANGES.
2	10-10-23	RB	LOWERED FIRST FLOOR PLATE TO 8' & SHRUNK WINDOWS ON FIRST FLOOR BY 12" IN ORDER TO MEET MAX CITY ROOF HT. REQUIREMENT.



SQUARE FOOTAGE NOTES	
MAIN LIVING AREA	590 SF
FIRST FLOOR - OUTSIDE BRICK	91 SF
SECOND FLOOR - OUTSIDE FRAME	535 SF
CONDITIONED CABANA	336 SF
ADDITIONAL FOUNDATION SQUARE FOOTAGE NOTES	854 SF
BLANK AREAS	479 SF
GARAGE	328 SF
COV. & BALCONY	807 SF

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3012 St. Martin Dr.
Mansfield, Texas 76063



DETACHED GARAGE - FLOOR PLANS
9341 Creel Creek Dr., Lot 22/Block 17295

Sheet No.	33
Date	10-23
Rev.	1
Scale	1/8" = 1'-0"

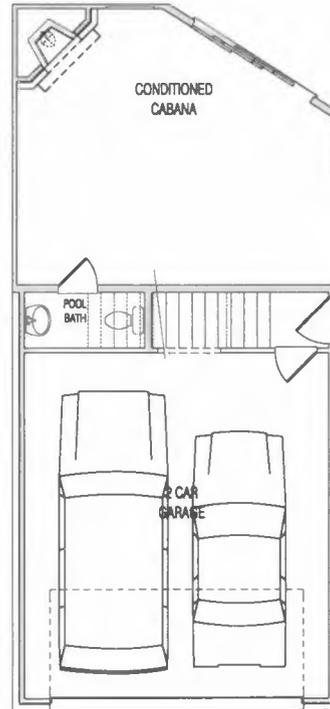
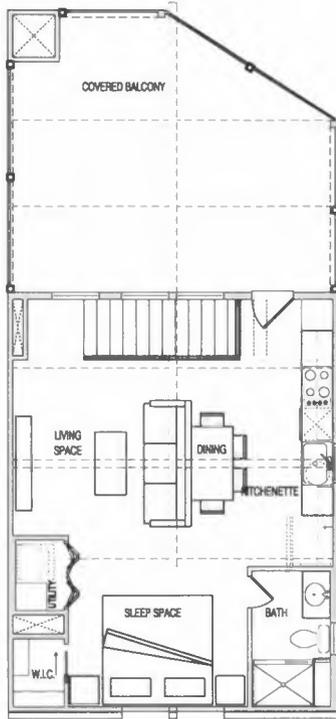
PLAN NUMBER: 590 SF

PLAN NAME: DETACHED GARAGE

PLAN CONFIG.: TOLER RES.

SHEET No.: A1

BDA223-111



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 Mansfield, Texas 76063



SHEET TITLE:
DET. GARAGE - MARKETING LAYOUTS
 9341 Creel Creek Dr., Lot 22/Block 1/7295

DATE:	08
SCALE:	1/8" = 1'-0"
1	1/8" = 1'-0"

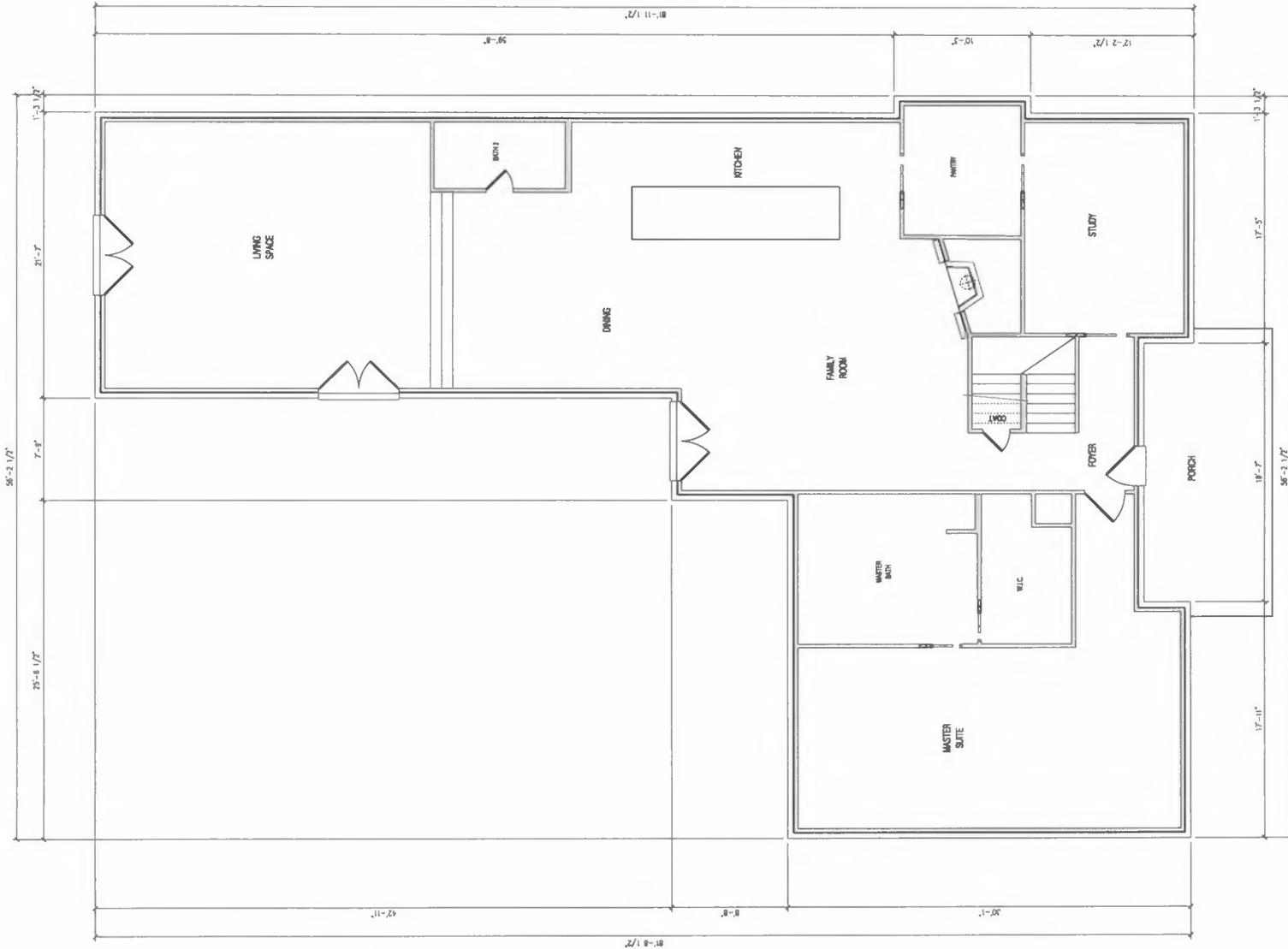
PLAN NUMBER:
590 SF

PLAN NAME:
DETACHED GARAGE

PLAN CONFIG:
TOLER RES.

SHEET No.:
A2

BDA228-111



BASIC FIRST FLOOR PLAN - EXISTING MAIN HOUSE

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" OR 2/324 PAPER)

SQUARE FOOTAGE NOTES	
MAIN LIVING AREA	
LIVING AREAS	SQ. FT.
FIRST FLOOR - OUTSIDE BRICK	2784 SF
SECOND FLOOR - OUTSIDE FRAME	980 SF
	3763 SF

NOTE:
 * ACCORDING TO LOCAL BUILDING CODES, THE LIVING AREA OR CONDITIONED SPACE OF THE NEW CONSTRUCTION CANNOT EXCEED 25% OF THE MAIN LIVING AREA OF THE MAIN HOUSE.
 * MAIN HOUSE LIVING AREA = 3763 SF + 25% = 840.75 SF (ALLOWABLE LIVING FOR NEW CONSTRUCTION)
 * LIVING AREA (CONDITIONED SPACE) OF NEW DETACHED GARAGE = 840 SF TO INCLUDED CONDITIONED GARAGE PATIO

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 Mansfield, Texas 76063



SHEET TITLE:
BASIC FIRST FLOOR PLAN OF MAIN HOUSE
 9341 Creel Creek Dr., Lot 22/Block J7295

DATE	03
BY	JAS-20
1	1-20-20

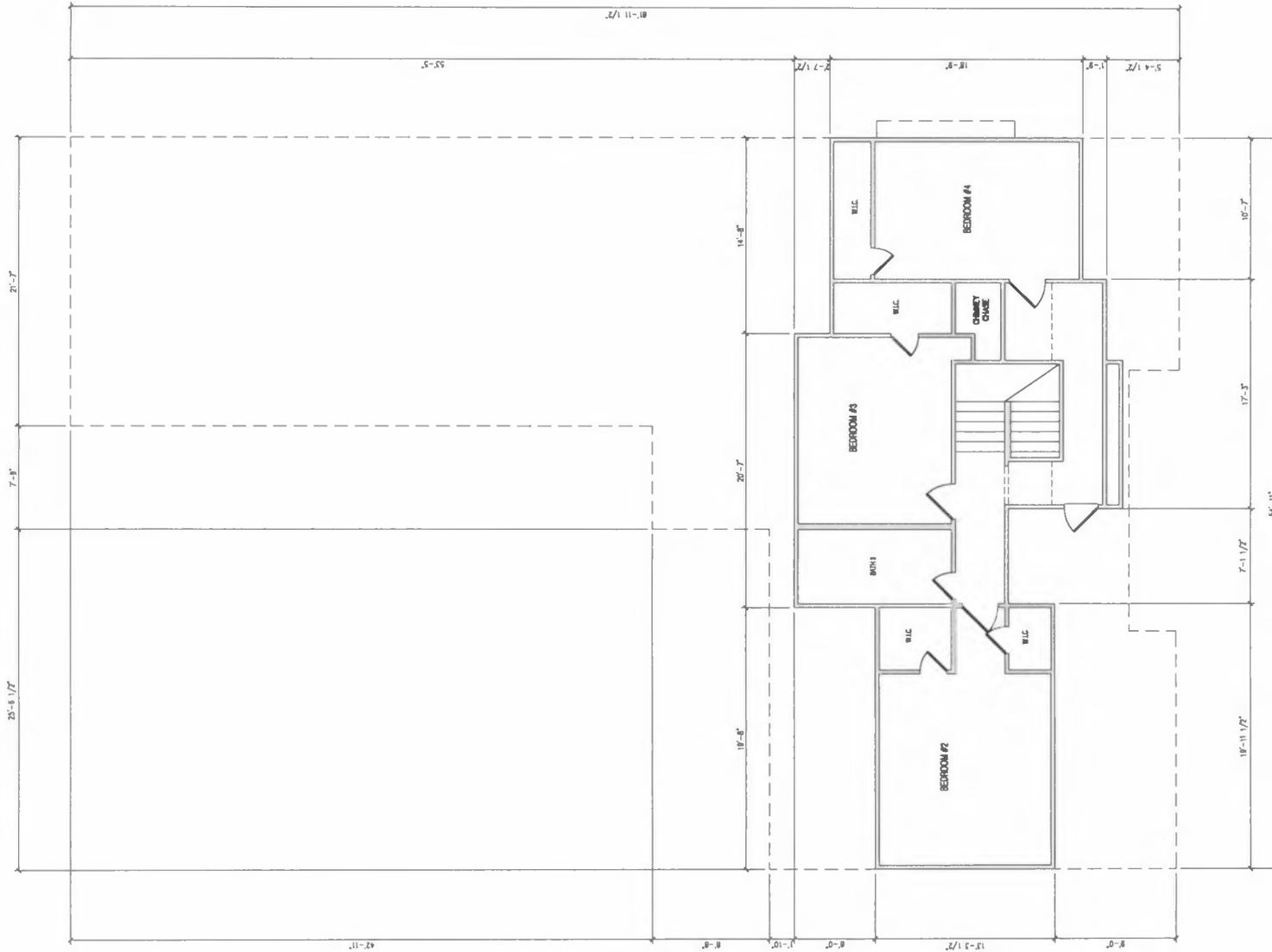
PLAN NUMBER:
590 SF

PLAN NAME:
DETACHED GARAGE

PLAN CONFIG:
TOLER RES.

SHEET No.:
A3

BDA223-111



BASIC SECOND FLOOR PLAN - EXISTING MAIN HOUSE

SCALE: 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON ZONING PAPER)

SQUARE FOOTAGE NOTES	
MAIN LIVING AREA	
LIVING AREAS	SQ. FT.
FIRST FLOOR- OUTSIDE BRICK	2784 SF
SECOND FLOOR- OUTSIDE FRAME	980 SF
	3763 SF

NOTE:
 * ACCORDING TO LOCAL BUILDING CODES, THE LIVING AREA OR CONDITIONED SPACE OF THE NEW CONSTRUCTION CANNOT EXCEED 25% OF THE MAIN LIVING AREA OF THE MAIN HOUSE.
 * MAIN HOUSE LIVING AREA = 3763 SF ± 25% = 940.75 SF (ALLOWABLE LIVING FOR NEW CONSTRUCTION)
 * LIVING AREA (CONDITIONED SPACE) OF NEW DETACHED GARAGE = 940 SF TO INCLUDED CONDITIONED CABANA PATIO

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 Mansfield, Texas 76063



SHEET TITLE:
BASIC SECOND FLR PLAN OF MAIN HOUSE
 9341 Creel Creek Dr., Lot 22/Block J7295

DATE	BY
11-18-23	11-18-23
11-18-23	11-18-23

PLAN NUMBER:
590 SF

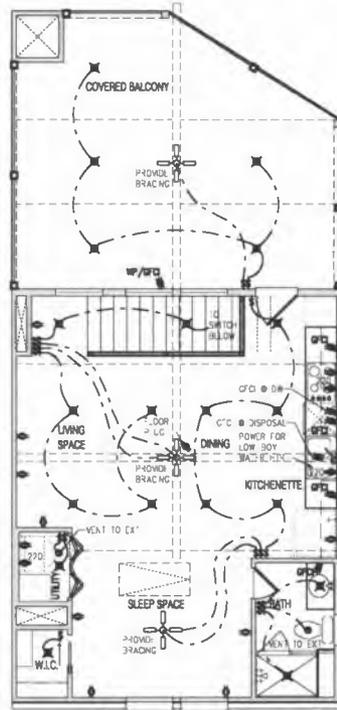
PLAN NAME:
DETACHED GARAGE

PLAN CONFIG:
TOLER RES.

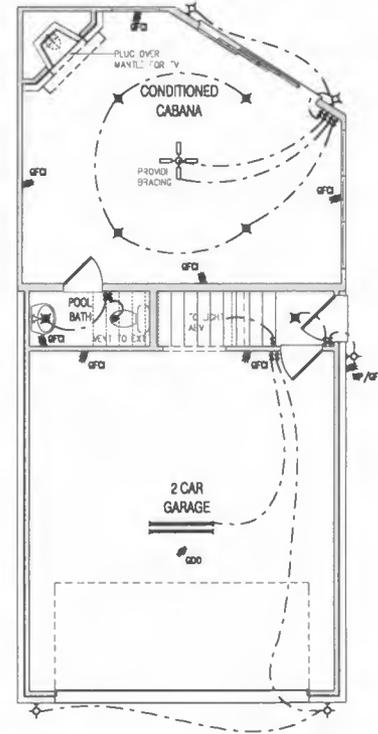
SHEET No.:
A4

BDA-22B-111

ELECTRICAL FIXTURE SCHEDULE	
DESCRIPTION	SYMBOL
110V OUTLET	⊕
220V OUTLET	⊕220
1/2" HOT OUTLET	⊕
GFC OUTLET	⊕GFC
WP GFC OUTLET	⊕WP/GFC
GARAGE DOOR OPENER OUTLET	⊕GO
SECURITY SYSTEM	⊕SEC. SYS
DISHWASHER	⊕DW
IRRIGATION SYSTEM RECEPTACLE	⊕IRRIGATION SYSTEM RECEPTACLE
GOLF CART RECEPTACLE	⊕GOLF CART RECEPTACLE
CEILING MOUNTED LIGHT	⊕
CEILING FAN w/ LIGHT KIT	⊕ PROVIDE BRACING
RECESSED CEILING LIGHT	⊕
RECESSED WATER PROOF LIGHT	⊕ WP
3 BULB VANTY LIGHTS	⊕
4 BULB VANTY LIGHTS	⊕
5 BULB VANTY LIGHTS	⊕
24" SINGLE FLUORESCENT LIGHT	⊕
7 BULB FLUORESCENT LIGHT	⊕
4 BULB FLUORESCENT LIGHT	⊕
EXTERIOR LIGHTS	⊕
WALL MOUNTED LIGHT	⊕
WALL MOUNTED LIGHT PER SPEC.	⊕ LIGHT
BLANK PLATE	⊕ BLANK PLATE PROVIDE BRACING
TWO WAY SWITCH	⊕
THREE WAY SWITCH	⊕
FOUR WAY SWITCH	⊕
DIMMER SWITCH	⊕
FIREPLACE IGNITER	⊕
EXHAUST VENTS	⊕ VENT TO EXT
PHONE OUTLET	⊕PH
TV OUTLET	⊕TV
SMOKE DETECTOR	⊕
CARBON MONOXIDE DETECTOR	⊕CM
DOOR CHIMES	⊕CH
ELECTRICAL PANEL	⊕ EP



**ELECTRICAL PLAN
SECOND FLR PLAN - DET. GAR.**
SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



**ELECTRICAL PLAN
FIRST FLOOR PLAN - DET. GAR.**
SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)

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Mansfield, Texas 76063



SHEET TITLE:
DET. GARAGE - ELECTRICAL FLOOR PLANS
9341 Creel Creek Dr., Lot 22/Block J7295

DATE	BY
1-15-23	
1	1-15-23

PLAN NUMBER:
590 SF

PLAN NAME:
DETACHED GARAGE

PLAN CONFIG:
TOLER RES.

SHEET No.:
B1



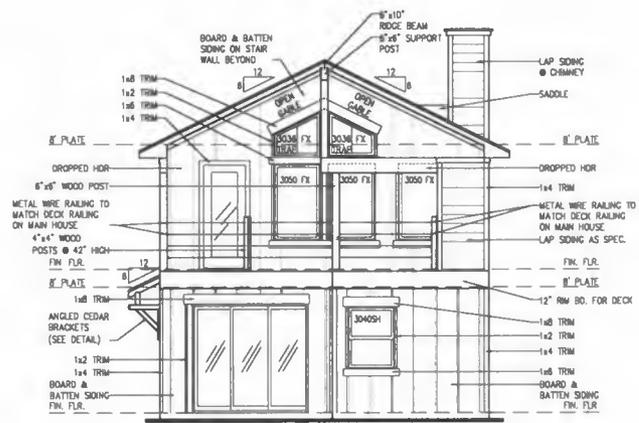
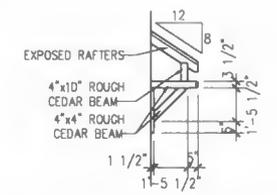
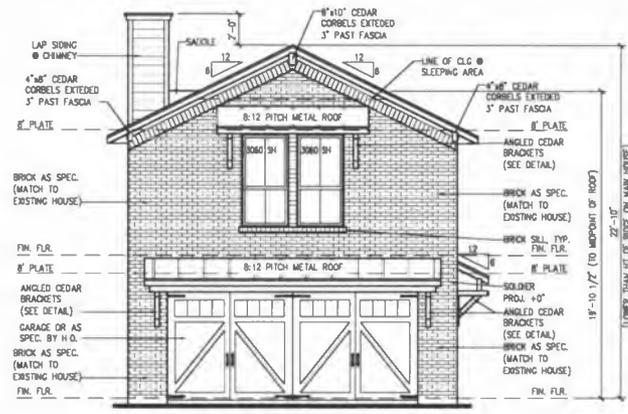
SHEET TITLE:	FRONT/REAR ELEVATIONS
DATE:	11-23-23
BY:	11-23-23
1:	11-23-23

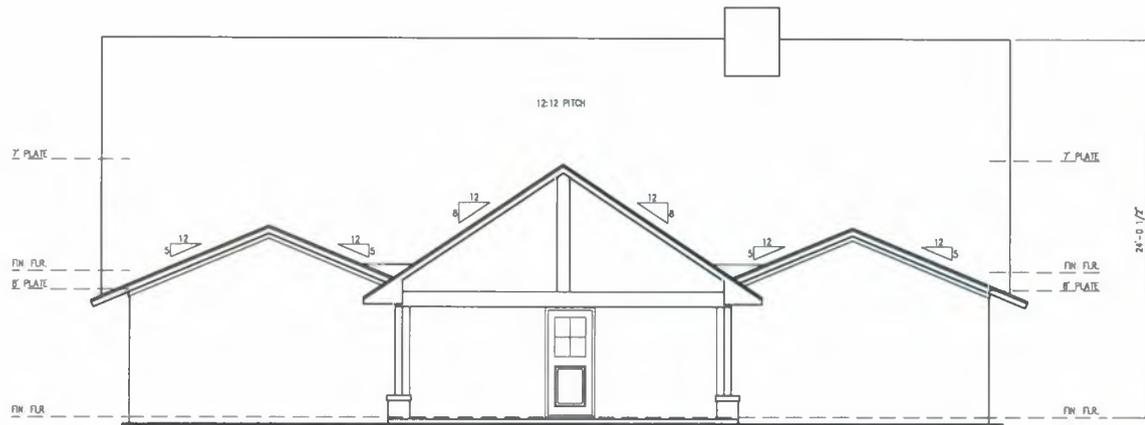
PLAN NUMBER: 590 SF

PLAN NAME: DETACHED GARAGE

PLAN CONFIG: TOLER RES.

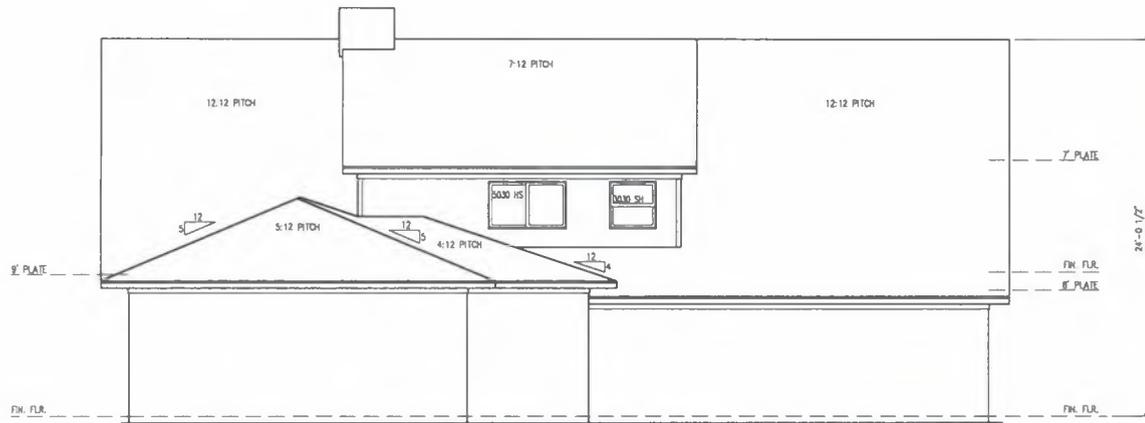
SHEET No.: E1





BASIC OUTLINE OF FRONT ELEVATION - MAIN HOUSE

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



BASIC OUTLINE OF REAR ELEVATION - MAIN HOUSE

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



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 Mansfield, Texas 76063



SHEET TITLE:
BASIC FRONT/REAR ELEV'S MAIN HOUSE
 9341 Creel Creek Dr., Lot 22/Block J7295

DATE	BY
11-18-20	JD
11-18-20	JD

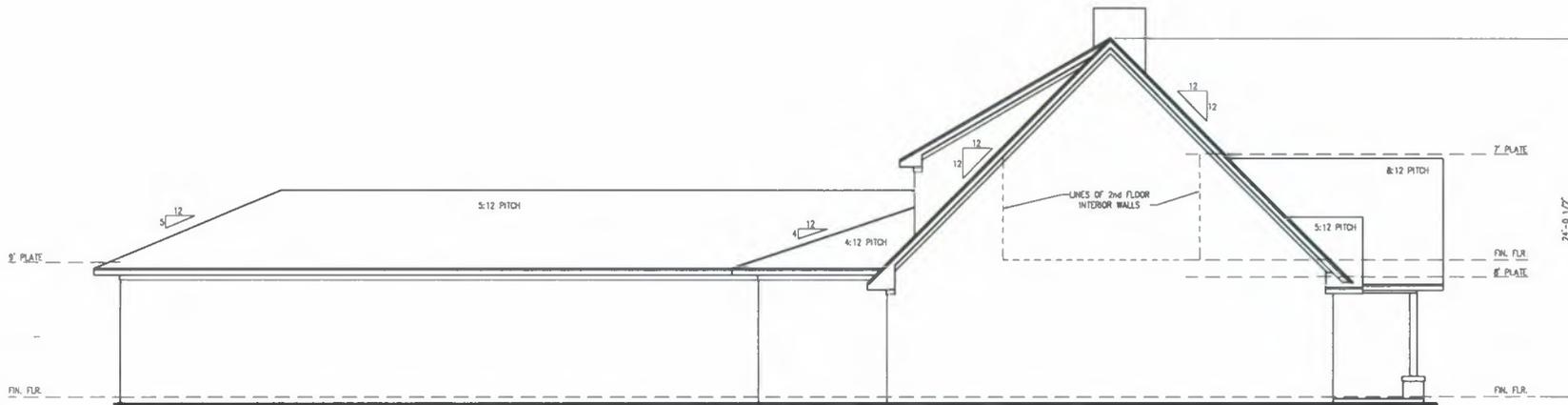
PLAN NUMBER:
590 SF

PLAN NAME:
DETACHED GARAGE

PLAN CONFIG:
TOLER RES.

SHEET No.
E3

BDA 223-111



BASIC OUTLINE OF LEFT SIDE ELEVATION - MAIN HOUSE

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)



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 Mansfield, Texas 76063



SHEET TITLE:
BASIC LEFT SIDE ELEV MAIN HOUSE
9341 Creel Creek Dr., Lot 22/Block 17295

DATE	BY
1-25-25	
1	1-25-25

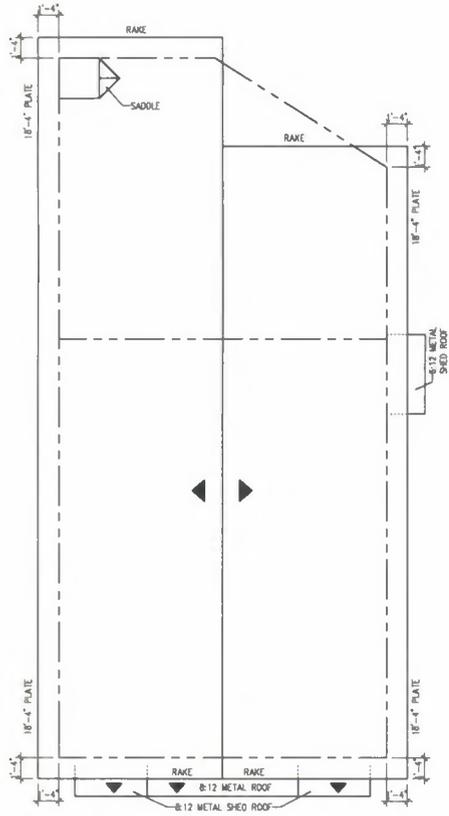
PLAN NUMBER:
590 SF

PLAN NAME:
DETACHED GARAGE

PLAN CONFIG:
TOLER RES.

SHEET No.:
E4

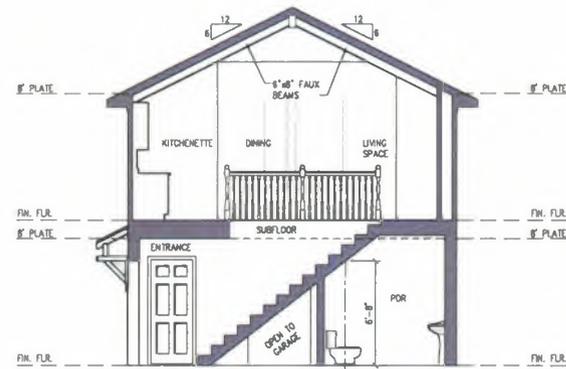
BDA223-111



ROOF PLAN - DET. GAR.

SCALE 1/8" = 1'-0"
 (NOTE: SCALE 1/16" = 1'-0" ON 22x34 PAPER)

ROOF SLOPES = 6:12 U.M.O.
 ALL ROOF OVERHANGS ARE
 1'-4" FROM FRAME WALL



BUILDING SECTION - DET. GAR.

SCALE 1/8" = 1'-0" (NOTE: SCALE 1/4" = 1'-0" ON 22x34 PAPER)

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 3012 St. Martin Dr.
 Mansfield, Texas 76063



ROOF PLAN & BLDG SECTION
 9341 Creel Creek Dr., Lot 22/Block J/7295

Sheet No.	33
Plot No.	590-03
Date	1-20-09

PLAN NUMBER:
590 SF

PLAN NAME:
DETACHED GARAGE

PLAN CONTC.
TOLER RES.

SHEET No.:
R1

BOA223-111

PROPOSED SITE PLAN

RADIUS = 2914.79'
 CENTRAL ANGLE = 2°03'26"
 ARC LENGTH = 104.66'
 CHORD BEARING = N28°17'59"E
 CHORD LENGTH = 104.66' (104.54')

25' AERIAL EASEMENT

CREEK

CREEK

5' EASEMENT

N57°49'02"W

5' EASEMENT

S51°49'33"E

284.78'

APPROXIMATE LOCATION OF FLOODWAY EASEMENT

EXISTING DRAINAGE TO REMAIN

EXISTING POOL AREA

EXISTING DRAINAGE TO REMAIN

EXISTING DECK

EXISTING SHED

EXISTING DECK

EXISTING DECK

NEW DRIVE

GATE

EXISTING DRIVE

EXISTING RESIDENCE

LOT 22
 BLOCK J/7295

30' BUILDING LINE

EXISTING DRAINAGE TO REMAIN

RADIUS = 485.00'
 CENTRAL ANGLE = 8°01'53"
 ARC LENGTH = 65.18'
 CHORD BEARING = N36°11'04"E
 CHORD LENGTH = 65.13'

9341 CREEL CREEK DR.

PROPOSED SITE PLAN
 LOT 22 / BLOCK J/7295, LINDENWOOD PARK
 DALLAS, DALLAS COUNTY
 SCALE: 1/2" = 1'-0"



SHEET No.:
N-PLOT

PLAN CONTE:
TOLER RES.
(DATE: 05/15/2023)

PLAN NAME:
DETACHED GARAGE

PLAN NUMBER:
590 SF

DATE: 5-21-23
 DATE: 9-26-23

SHEET TITLE:
PROPOSED SITE PLAN w-DETACHED GAR.
9341 Creel Creek Dr., Lot 22/Block J/7295



RnE Design, LLC
 3012 St. Martin Dr.
 Mansfield, Texas 76063

BD223-111

FILE NUMBER: BDA223-112 (DB)

BUILDING OFFICIAL'S REPORT: Application of Nash Chasi for (1) a variance to the side-yard setback regulations at 1914 Ashby St. This property is more fully described as Block 9/658, Lot 12 and is zoned MF-2(A), which requires side-yard setback of 10- feet. The applicant proposes to construct a multi-family residential structure and provide a 5-foot side-yard setback, which will require a (1) 5-foot variance to the side-yard setback regulations.

LOCATION: 1914 Ashby St.

APPLICANT: Nash Chasi

REQUEST:

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

STANDARD FOR A VARIANCE:

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

- (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:

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 and shape for the proposed multifamily development. The narrowing of the lot for the alley expansion has limited the buildable area at the east side of said property; 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.

Square Footage:

This lot contains 6518 square feet.

This lot is zoned MF-2A which requires a minimum lot area per dwelling unit. Applicant is proposing 5, 2-bedroom dwelling units therefore, they are required to have a minimum of 6000 square-foot lot area to comply with lot size regulation.

Zoning:

Site: MF-2(A) Multifamily District
North: MF-2(A) Multifamily District
South: MF-2(A) Multifamily District
East: MF-2(A) Multifamily District
West: MF-2(A) Multifamily District

Land Use:

The subject site is undeveloped with a proposed multifamily use. The areas to the north, south, east, and west are developed with multi-family and duplex uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 10-feet is made to construct and/or maintain a multi-family residential structure.
- The applicant proposes to construct and maintain a multi-family residential structure and provide a side yard setback of 5-feet
- The Dallas Development Code requires a 10-foot setback for required side yards in the MF-2(A) zoning district

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.
- Granting the proposed 5-foot variance to the side yard setback with a condition that the applicant complies with the most recently submitted plan(s), would require the proposal to be constructed as shown on the submitted documents.

Timeline:

October 12, 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.

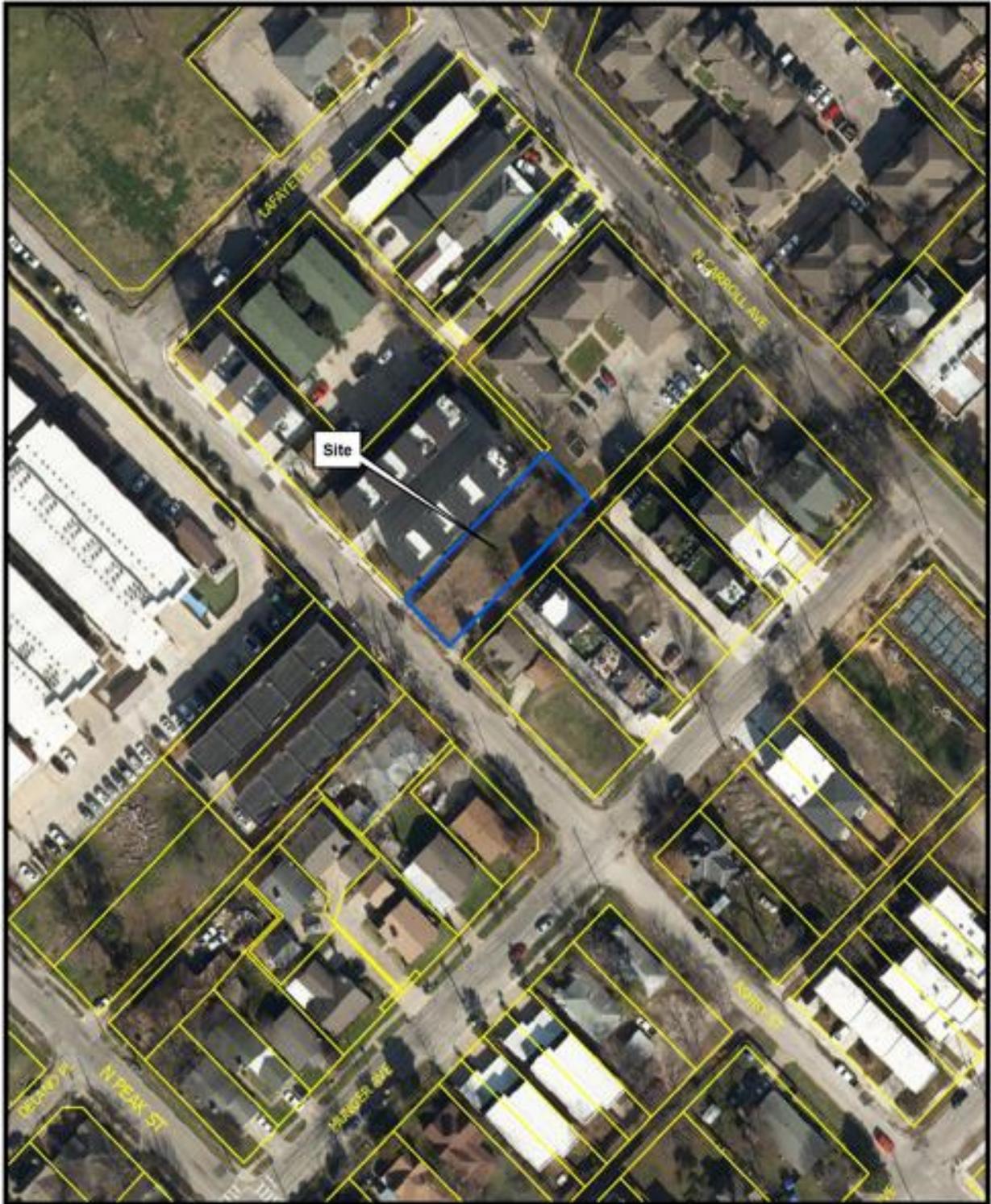
October 26, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

October 26, 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 November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 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 22, 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.

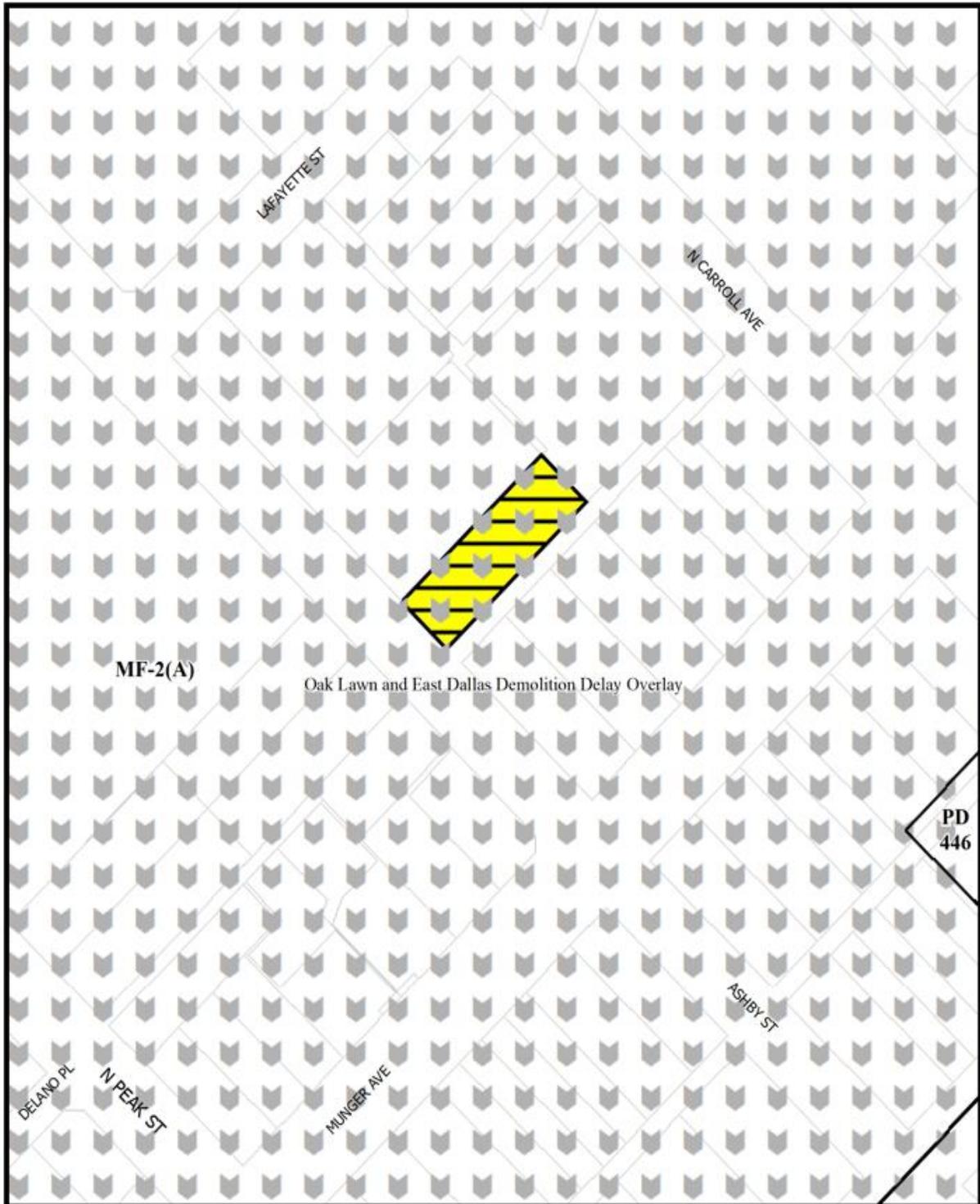


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AERIAL MAP

Case no: BDA223-112

Date: 10/31/2023

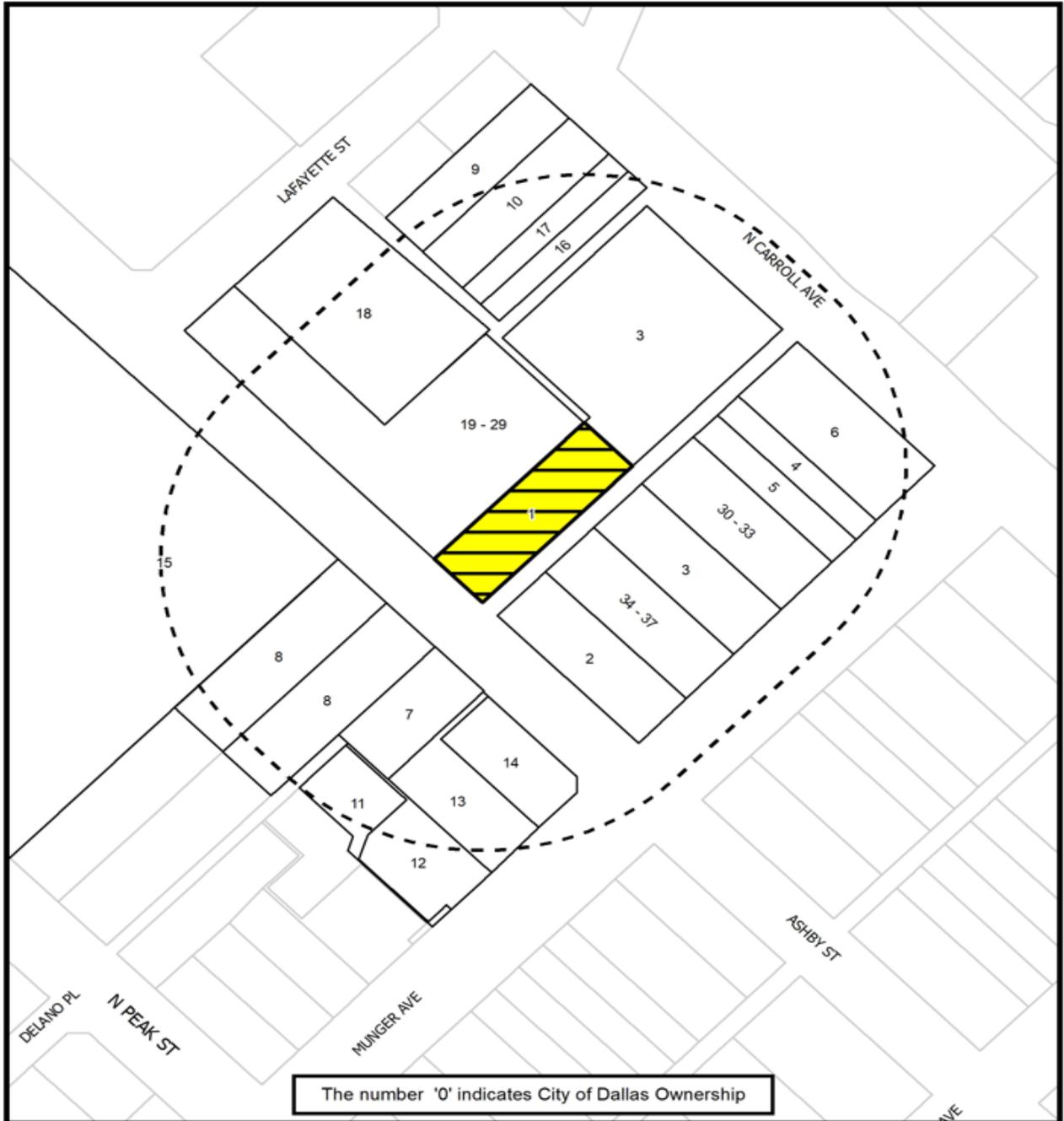


1:1,200

ZONING MAP

Case no: BDA223-112

Date: 10/31/2023



 1:1,200	NOTIFICATION		Case no: BDA223-112
	200' AREA OF NOTIFICATION	37 NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 10/31/2023

10/31/2023

Notification List of Property Owners

BDA223-112

37 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1914 ASHBY ST	LANAI HOMES LLC
2	1910 ASHBY ST	CEDILLO FIDEL BENJAMIN
3	4409 MUNGER AVE	HOUSING AUTHORITY OF THE
4	4419 MUNGER AVE	NORVELL CARA
5	4417 MUNGER AVE	FAGAN MICHAEL PHILLIP &
6	4425 MUNGER AVE	PINNEBOG INVESTMENTS LLC
7	1911 ASHBY ST	NAJERA ARMANDO
8	1917 ASHBY ST	F Z HOMES LLC
9	2007 N CARROLL AVE	WUESTENBERG KURT
10	2003 N CARROLL AVE	SALAZAR JAIME ALVARADO &
11	4317 MUNGER AVE	FONTENAY LLC
12	4319 MUNGER AVE	KAMAL SARDAR
13	4323 MUNGER AVE	<u>IZAGUIRRE ALMA</u>
14	4327 MUNGER AVE	SOLIS JOSE & CATALINA
15	2110 PEAK ST	BEL LOFT ROW LLC
16	1921 N CARROLL AVE	DAVIS KELSEY
17	1923 N CARROLL AVE	SJA ENERGY & REAL ESTATE
18	4406 LAFAYETTE ST	A & D CONSTRUCTION INC
19	4402 LAFAYETTE ST	STEFKA BRIAN
20	4402 LAFAYETTE ST	THEISS RYAN
21	4402 LAFAYETTE ST	SLACK RYAN J
22	1922 ASHBY ST	GOLDSTICKER DANIEL
23	1922 ASHBY ST	HOFFMAN JOHNATHAN JAMES &
24	1922 ASHBY ST	NEEL HOLLIE
25	1922 ASHBY ST	MOODY PETER MALACHI &
26	1918 ASHBY ST	MILNER KEVIN JR &

10/31/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1918 ASHBY ST	COUGHLIN MARY OLIVIA
28	1918 ASHBY ST	GINGER JAMES & DANETTE
29	1918 ASHBY ST	GRAHAM DAVID MARK
30	4415 MUNGER AVE	CONARD YVONNE
31	4415 MUNGER AVE	SANDERS AARON LC
32	4415 MUNGER AVE	STUCKEY SKYLER
33	4415 MUNGER AVE	DIAS NADEEKA
34	4407 MUNGER AVE	CARR KATHLEEN MARIE
35	4407 MUNGER AVE	RUTH HEATHER L
36	4407 MUNGER AVE	RHODES RYAN ALAN
37	4407 MUNGER AVE	GALLAGHER SEAN



SKYBRIDGE HOMES

903.366.1249
nash@skybridgehomes.com
www.skybridgehomes.com
13601 Preston Rd Ste W930
Dallas TX 75240

Application for Variance - Property at 1914 Ashby St Dallas TX, 75204

Dear Members of the Board of Adjustments,

I am writing to formally request a variance for the property located at 1914 Ashby St Dallas TX 75204 in accordance with the City of Dallas regulations and parameters outlined in the Standard for a Variance of the Dallas Development Code. The specific variance sought pertains to the side yard setback requirement. As per the regulations, I respectfully submit that my request for a variance aligns with the stipulated criteria as follows:

1. Not contrary to the public interest: Owing to special conditions, the literal enforcement of a 10ft side yard setback requirement would result in unnecessary hardship due to the lots restrictive area and shape. Granting the variance by reducing the 10ft side yard setback to a 5ft side yard setback will allow the spirit of the ordinance to be observed while ensuring substantial justice is done.
2. Necessary due to unique parcel constraints: The presence of an alley that runs along the side of the lot creates a restrictive area that does not allow for the development of the lot commensurate with similarly developed lots with the same zoning. Originally a 50-foot lot, it was reduced to 45-feet due to the establishment of an alley by the City of Dallas to facilitate essential infrastructure requirements. This distinctive feature makes developing the property particularly challenging and differs significantly from other parcels of land zoned for multifamily use.
Similar lots have alleys that that run along the rear of each lot and the current presence of the alley on the side of this lot in question, imposes a challenge for any potential development given the 10-ft side yard setback requirement pertaining to multifamily use.
3. Equitable development opportunity: The variance is not being sought to create a privilege or relieve only personal hardship. Instead, it is vital to enable the development of a specific parcel of land under conditions that differ from those of other similarly zoned parcels, thus fostering fair and equitable development in the area.

In support of this request, I have provided comprehensive documentary evidence, including landscape plans, site plans, and documentation showcasing successful multifamily projects on properties with the full 50-foot lot width in the vicinity. These examples underscore the feasibility of the proposed development and its compatibility with the surrounding neighborhood.

Granting this variance will not only address the unique challenges presented by the alley's presence but also uphold the standards of development within the area. It will allow for the construction of a property that harmonizes with existing structures and contributes positively to the community. I respectfully urge the Board of Adjustments to consider my application favorably and grant the requested variance, thereby enabling the responsible and thoughtful development of the property in question.

Thank you for your attention to this matter. I am available to provide any additional information deemed necessary to facilitate the review process.

Sincerely,

Nash Chasi



EXAMPLE PROPERTIES

Multi-family properties developed within the vicinity with a 50ft+ width

4415 Munger Ave (Munger Ave Condos)

DCAD Map Grid 45-D

Property Measurement 55ft



4415 MUNGER AVE

Parcel ID:	CONDO00C4765CONDO
Account Number:	00C4765000000003
Neighborhood:	1DS875
Site Address:	4415 MUNGER AVE
Map Grid:	45-D (DALLAS)
Account Type:	Residential
Legal Description 1:	4415 MUNGER AVENUE CONDOS
Legal Description 2:	BLK 9/658 LT 4
Doing Business As:	N/A
Owner Name:	STUCKEY SKYLER
Owner Address:	4415 MUNGER AVE 3C
Owner City:	DALLAS
Owner State:	TX
Owner Zip:	75204
Owner Zip +4:	4421
Certified Values	-----
Improvement Value:	\$ 254,080
Land Value:	\$ 89,380
-----	-----
Market Value:	\$ 343,460
Prev. Mkt. Value:	\$ 343,460

4406 Munger Ave (Munger Condos)

DCAD Map Grid 45-D

Property Measurement 50ft



4406 MUNGER AVE

Parcel ID:	CONDO00C4770CONDO
Account Number:	00C47700000000002
Neighborhood:	6DS022
Site Address:	4406 MUNGER AVE
Map Grid:	45-D (DALLAS)
Account Type:	Residential
Legal Description 1:	4406 MUNGER CONDOS
Legal Description 2:	BLK 8/656 LT 11
Doing Business As:	N/A
Owner Name:	AKRE ABHISHEK &
Owner Address:	4406 MUNGER AVE UNIT 2
Owner City:	DALLAS
Owner State:	TX
Owner Zip:	75204
Owner Zip +4:	4480
Certified Values	-----
Improvement Value:	\$ 347,250
Land Value:	\$ 93,500
Market Value:	\$ 440,750
Prev. Mkt. Value:	\$ 440,750
Revaluation Year:	2022

1901 N Carroll Ave (Carroll Townhomes)

DCAD Map Grid 45-D

Property Measurement 61ft



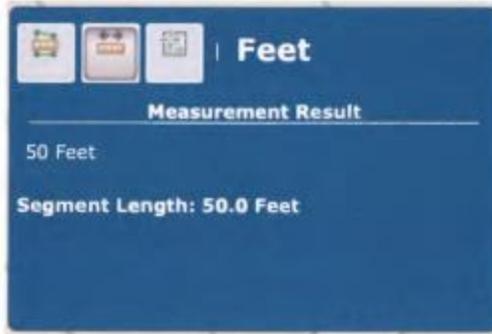
1901 N CARROLL AVE

Parcel ID:	CONDO00C0831CONDO
Account Number:	00C08310000000103
Neighborhood:	6DS098
Site Address:	1901 N CARROLL AVE
Map Grid:	45-D (DALLAS)
Account Type:	Residential
Legal Description 1:	1901 CARROLL TOWNHOMES
Legal Description 2:	BLK 8/656 LT 7
Doing Business As:	N/A
Owner Name:	GAY JAMES STEPHEN JR & JENNIFER
Owner Address:	1901 N CARROLL AVE #103
Owner City:	DALLAS
Owner State:	TX
Owner Zip:	75204
Owner Zip +4:	4499
Certified Values	-----
Improvement Value:	\$ 359,270
Land Value:	\$ 82,960
-----	-----
Market Value:	\$ 442,230
Prev. Mkt. Value:	\$ 442,230

4401 Roseland Ave (Roseland Condos)

DCAD Map Grid 45-D

Property Measurement 50ft



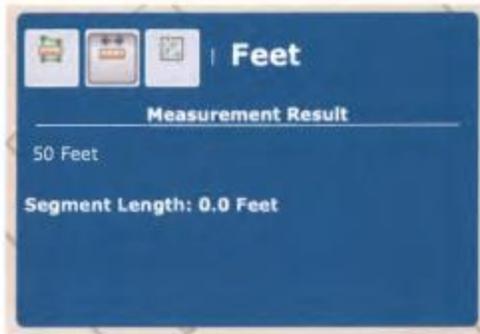
4401 ROSELAND AVE

Parcel ID:	CONDO00C6241CONDO
Account Number:	00C6241000000000A
Neighborhood:	1DS648
Site Address:	4401 ROSELAND AVE
Map Grid:	45-D (DALLAS)
Account Type:	Residential
Legal Description 1:	4401 ROSELAND CONDO
Legal Description 2:	BLK 8/656 LT 1
Doing Business As:	N/A
Owner Name:	BRANDON WESLEY BANKS III &
Owner Address:	4401 ROSELAND AVE #A
Owner City:	DALLAS
Owner State:	TX
Owner Zip:	75204
Owner Zip +4:	4458
Certified Values	-----
Improvement Value:	\$ 462,080
Land Value:	\$ 124,670
Market Value:	\$ 586,750
Prev. Mkt. Value:	\$ 450,000
Revaluation Year:	2023

2118 N Carroll Ave (Penthouse Condominiums)

DCAD Map Grid 45-D

Property Measurement 61ft



2118 N CARROLL AVE	
Parcel ID:	CONDO00C7114CONDO
Account Number:	00C711400000000002
Neighborhood:	6DS081
Site Address:	2118 N CARROLL AVE
Map Grid:	45-D (DALLAS)
Account Type:	Residential
Legal Description 1:	PENTHOUSE CONDOMINIUMS
Legal Description 2:	BLK 9/1598 LT 4
Doing Business As:	N/A
Owner Name:	CRUZ AARON
Owner Address:	2118 N CARROLL AVE CONDE 102
Owner City:	DALLAS
Owner State:	TX
Owner Zip:	75204
Owner Zip +4:	3602
Certified Values	-----
Improvement Value:	\$ 337,870
Land Value:	\$ 103,130
Market Value:	\$ 441,000
Prev. Mkt. Value:	\$ 441,000

5



Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA

223-112 RECEIVED

Data Relative to Subject Property: New Construction - no refund

Date:

FOR OFFICE USE ONLY
REC'D

Location address: 1914 ASHBY ST DALLAS, TX 75204

Zoning District:

MF-2(A)

Lot No.: 12 Block No.: 9/658 Acreage: .149 Census Tract: _____

Street Frontage (in Feet): 1) 45 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): SKYBRIDGE HOMES LLC

Applicant: NASH CHASI

Telephone: (903) 366-1249

Mailing Address: PO BOX 601292 DALLAS TX

Zip Code: 75360

E-mail Address: NASH@SKYBRIDGEHOMES.COM

Represented by: NASH CHASI

Telephone: (903) 366-1249

Mailing Address: SAME AS ABOVE

Zip Code: _____

E-mail Address: NASH@SKYBRIDGEHOMES.COM

Affirm that an appeal has been made for a Variance or Special Exception of 5 FT TO THE REQUIRED 10 FT SIDEYARD SETBACK AND PROVIDE A 5 FT TOTAL SIDE YARD SETBACK

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 LOTS WIDTH IN COMPARISON TO OTHER LOTS WITH SIMILAR DEVELOPMENTS IS NARROWER/RESTRICTIVE DUE TO THE ALLEY THAT RUNS ALONG THE LENGTH (SIDE YARD) OF 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 NASH CHASI

(Affiant/Applicant's name printed)

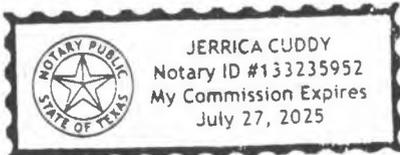
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property

Respectfully submitted: _____

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 14TH day of SEPTEMBER, 2023

Jerrica Cuddy
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

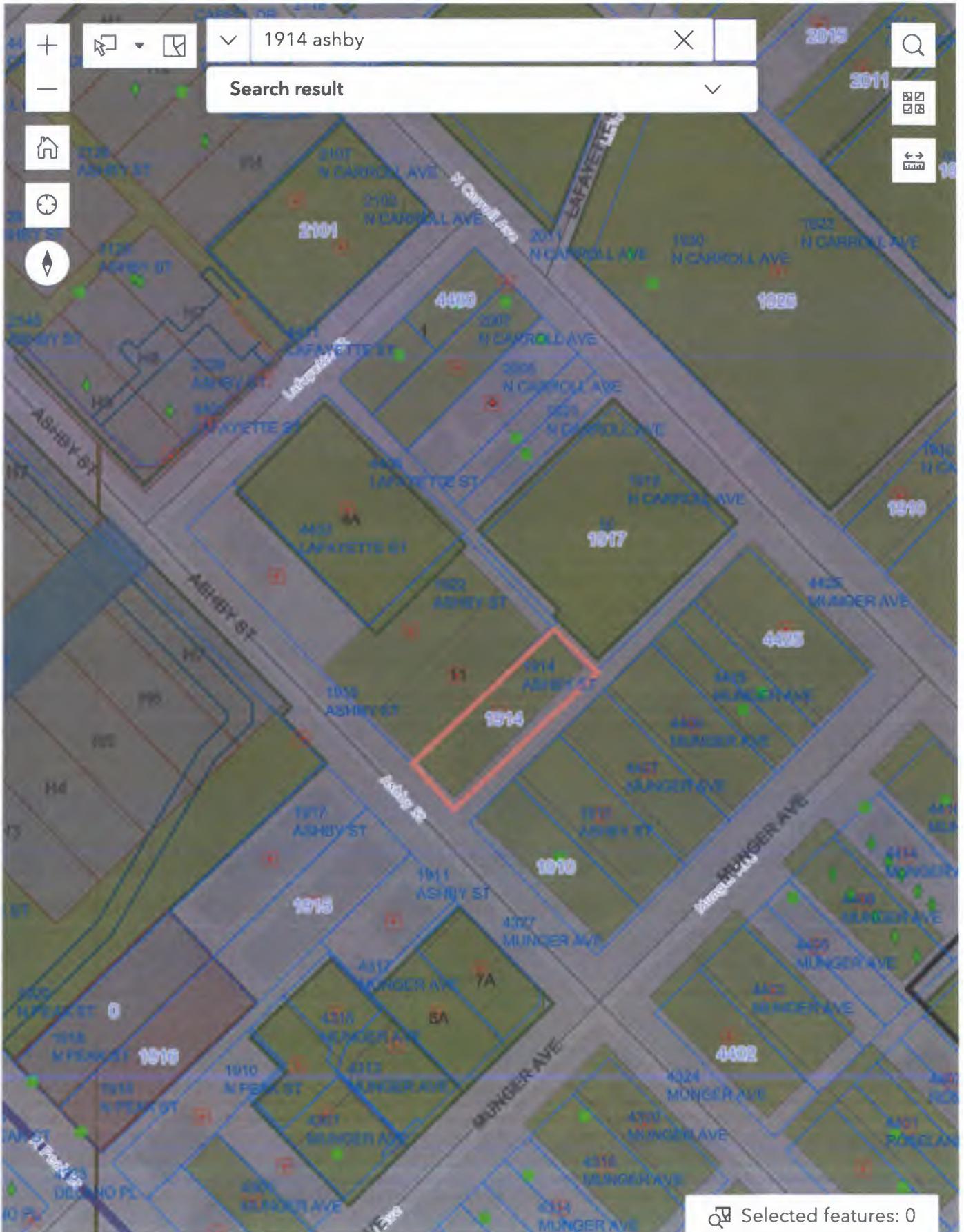
I hereby certify that Nash Chasi

did submit a request for (1) a variance to the side yard setback regulations
at 1914 ASHBY ST.

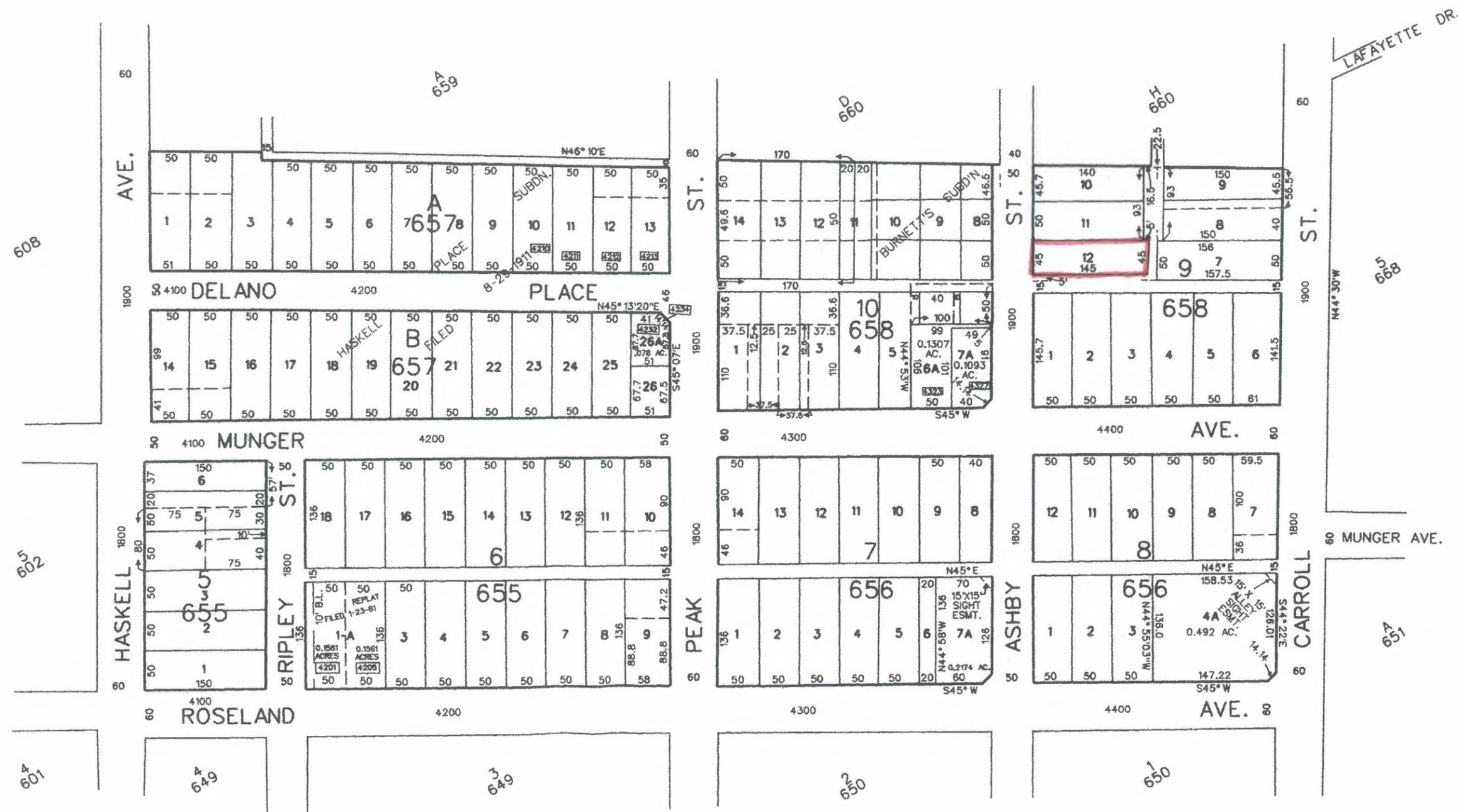
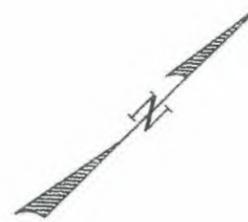
BDA223-112(DB) Application of Nash Chasi for (1) a variance to the side-yard setback regulations at 1914 Ashby St. This property is more fully described as Block 9/658, Lot 12 and is zoned MF-2(A), which requires side-yard setback of 10- feet. The applicant proposes to construct a single-family residential structure and provide a 5-foot side-yard setback, which will require a (1) 5-foot variance to the side-yard setback regulations.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



FILED: 7-23-1895
FILED: 5-4-94 BLK. 8/657 LT. 26A DELANO PLACE
FILED: 1-27-95 BLK. 7/656 LT. 7A ROSE-ASH
FILED: 3-27-96 BLK. 10/658 LT. 6A, 7A MUNGER-ASHBY



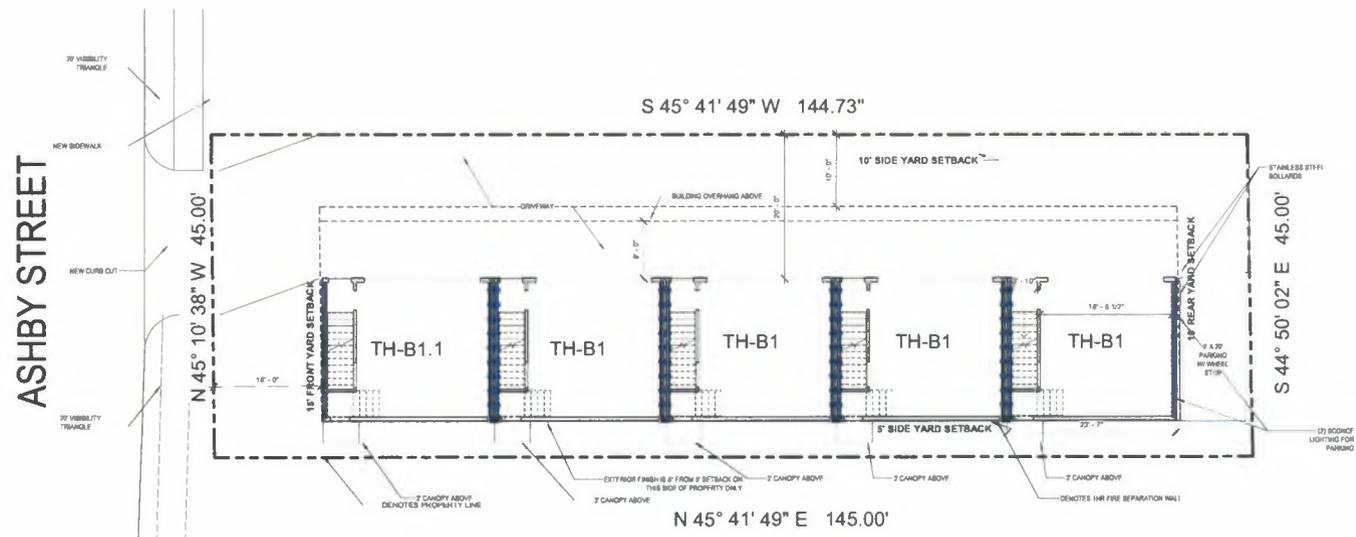
BOA223-112



VIZUAL
ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, LLC
JOHN P. L. SANCHEZ
214.919.2108
johnp@vvisualarchitecture.com
www.vvisualarchitecture.com

ASHBY CONDOMINIUMS
4208 LIVE OAK STREET
DALLAS, TEXAS 75204



PROJECT NOTES	
SITE AREA:	3001 SF
BUILDING FOOTPRINT:	3200 SF (BUILDING AND GARAGE)
LOT COVERAGE:	107%
UNIT AREAS	
NET AREA	
LEVEL 1:	800 SF
LEVEL 2:	800 SF
LEVEL 3:	811 SF
TOTAL NET:	2411 SF
(CONDOMINIUM TH-B1.1)	

CURRENT REVISION

NOT FOR REGULATORY APPROVAL, PERMITTING OR CONSTRUCTION

SITE PLAN

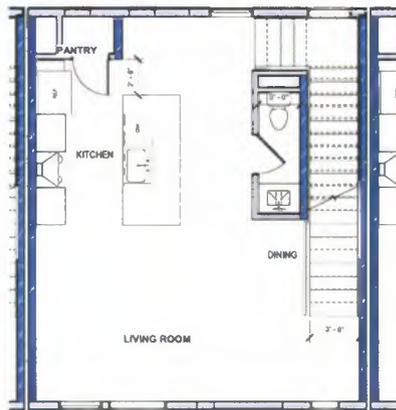
A1.1

Project # 100115
Scale As Indicated

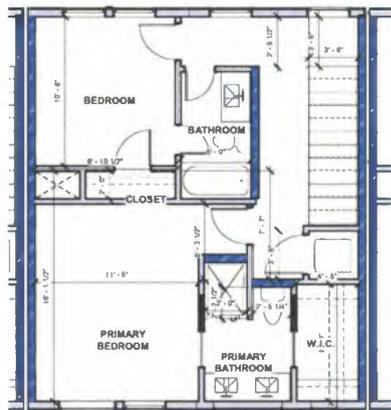
01 SITE PLAN
SCALE: 1/8" = 1'-0"

BDA223-112

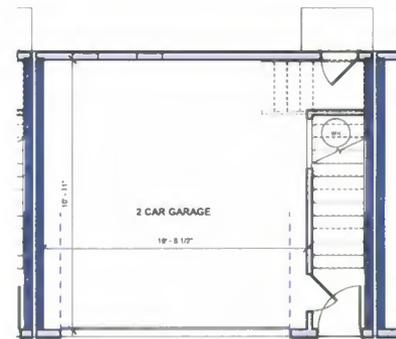
CITY EXHIB APPROVAL



03 UNIT TH-B1 - LEVEL 2
 SCALE: 1/8" = 1'-0"



02 UNIT TH-B1 - LEVEL 3
 SCALE: 1/8" = 1'-0"



01 UNIT TH-B1 - LEVEL 1
 SCALE: 1/8" = 1'-0"

CURRENT REVISION

NOT FOR REGULATORY
 APPROVAL, PERMITTING
 OR CONSTRUCTION

UNIT TH-B1
 FLOOR PLANS

A3.1

Project # 180215
 Scale 1/8" = 1'-0"



02 EAST ELEVATION - DRIVEWAY
 SCALE: 1/8" = 1'-0"



01 WEST ELEVATION
 SCALE: 1/8" = 1'-0"

CURRENT REVISION

NOT FOR REGULATORY
 APPROVAL, PERMITTING
 OR CONSTRUCTION

EXTERIOR
 ELEVATIONS

A5.1

Project # 180213
 Scale 1/8" = 1'-0"

BDA223-112



VIZUAL
ARCHITECTURE

ARCHITECT
VIZUAL ARCHITECTURE, L.L.C.
JOHN L. MOORE
214.518.7158
johnny@vvisualarchitecture.com
www.vvisualarchitecture.com

ASHBY CONDOMINIUMS
4208 LIVE OAK STREET
DALLAS, TEXAS 75204

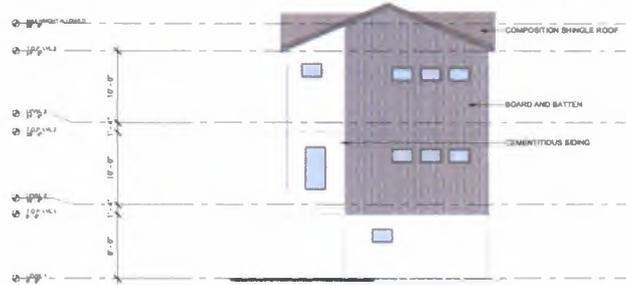
CURRENT REVISION

NOT FOR REGULATORY
APPROVAL, PERMITTING
OR CONSTRUCTION

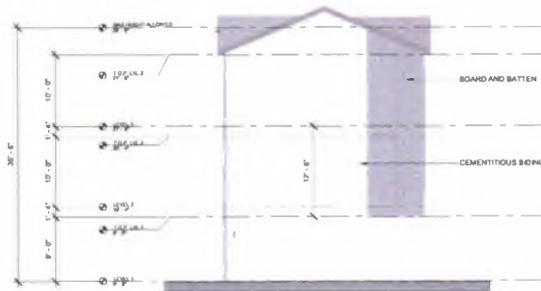
EXTERIOR
ELEVATIONS

A5.2

Project # 190215
Scale 1/8" = 1'-0"



02 SOUTH ELEVATION
SCALE 1/8" = 1'-0"



01 NORTH ELEVATION
SCALE 1/8" = 1'-0"

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

REPRESENTED BY: EUGENE LOCHMAN

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:

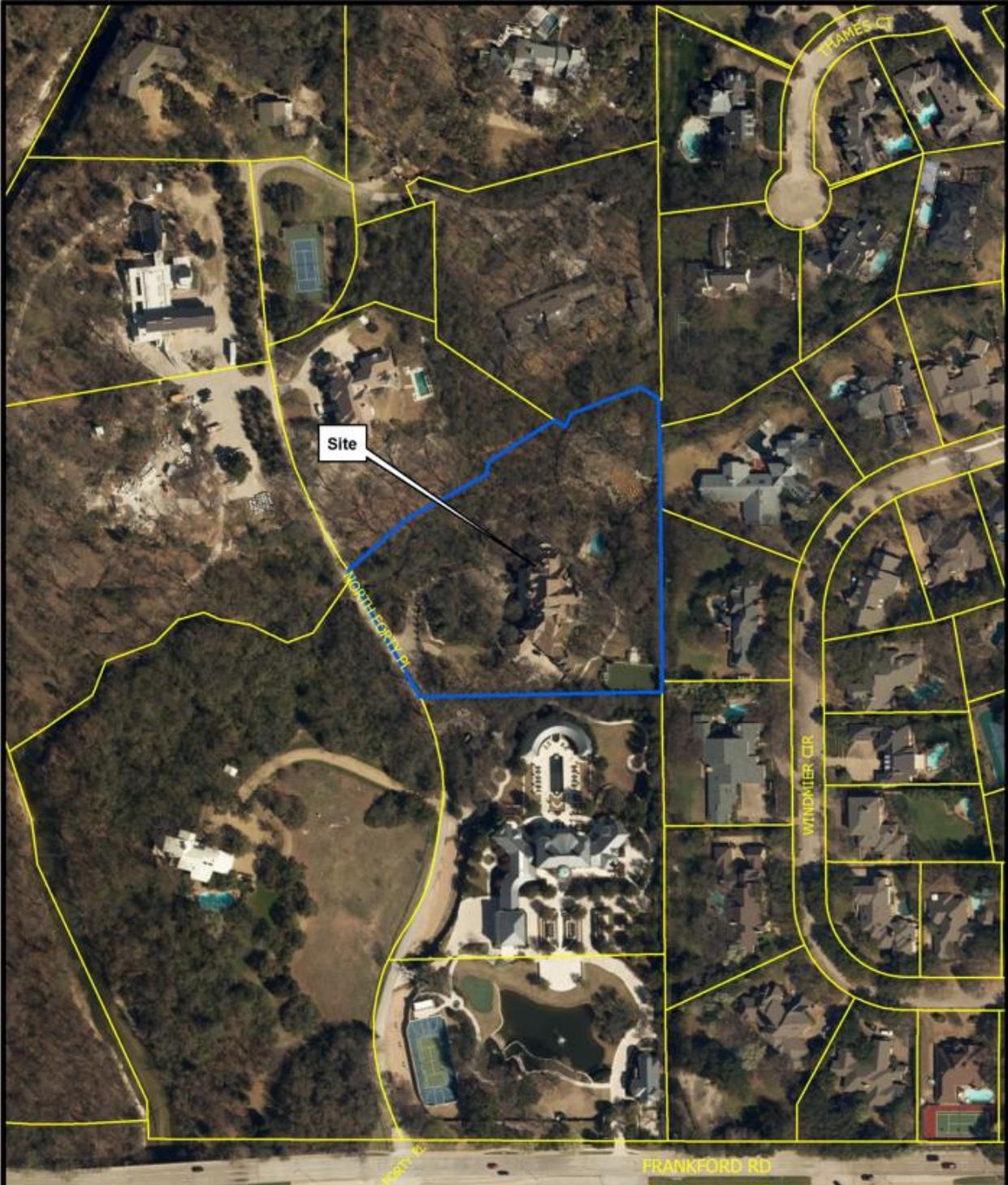
September 6, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

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.

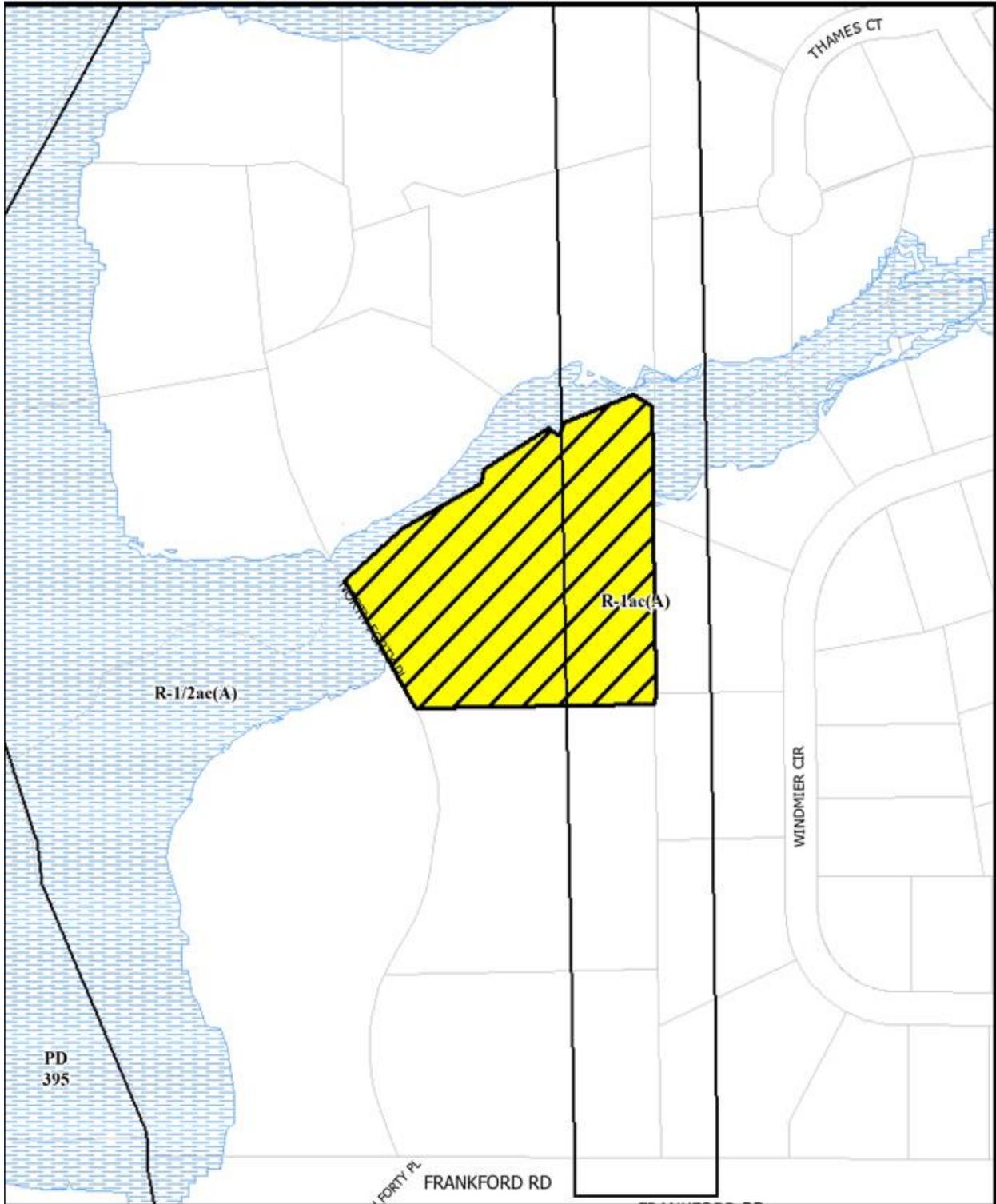


1:2,400

AERIAL MAP

Case no: BDA223-094

Date: 10/18/2023



PD
395

R-1/2ac(A)

R-1ac(A)

THAMES CT

WINDMIER CIR

FORTY PL
FRANKFORD RD

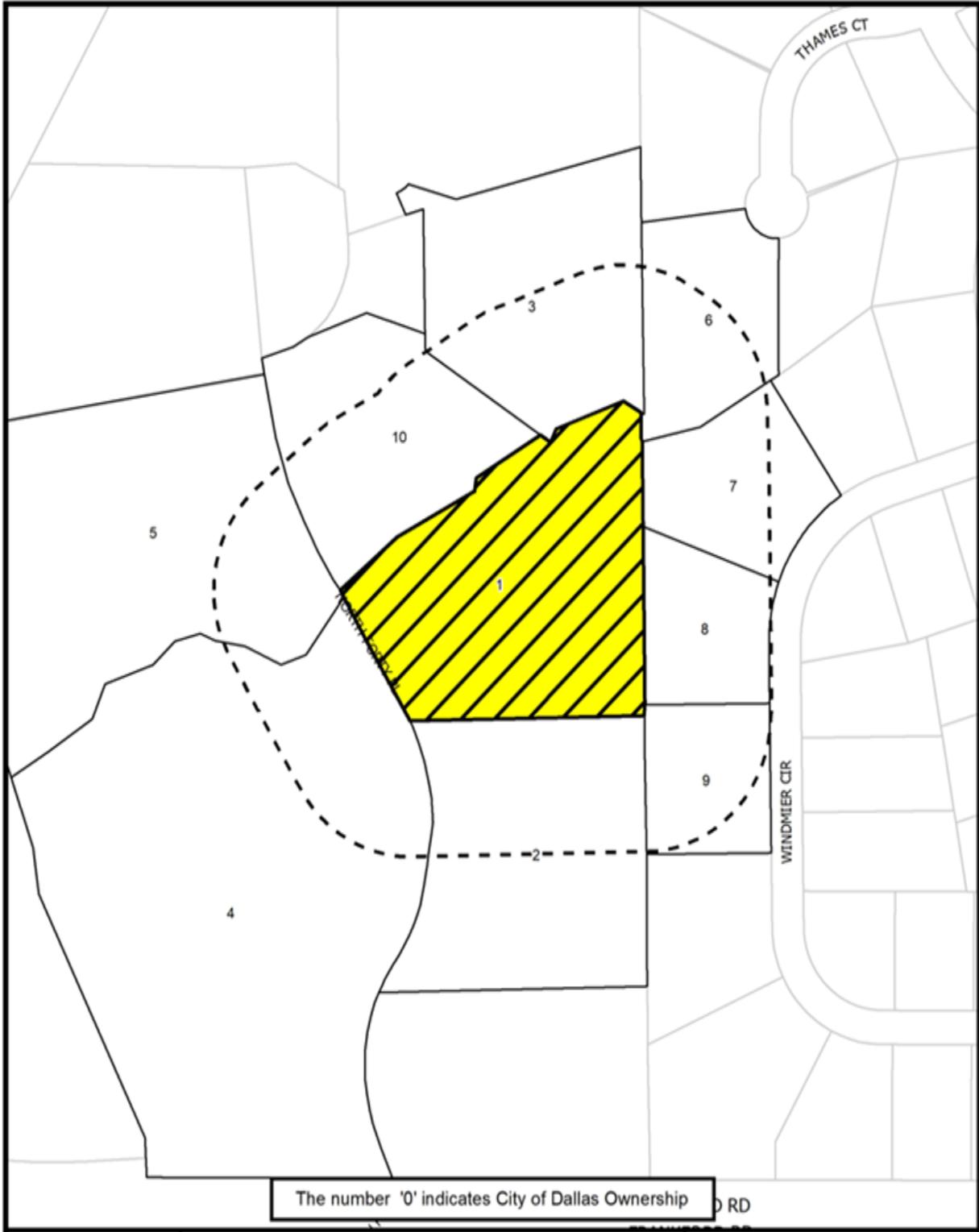


1:2,400

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

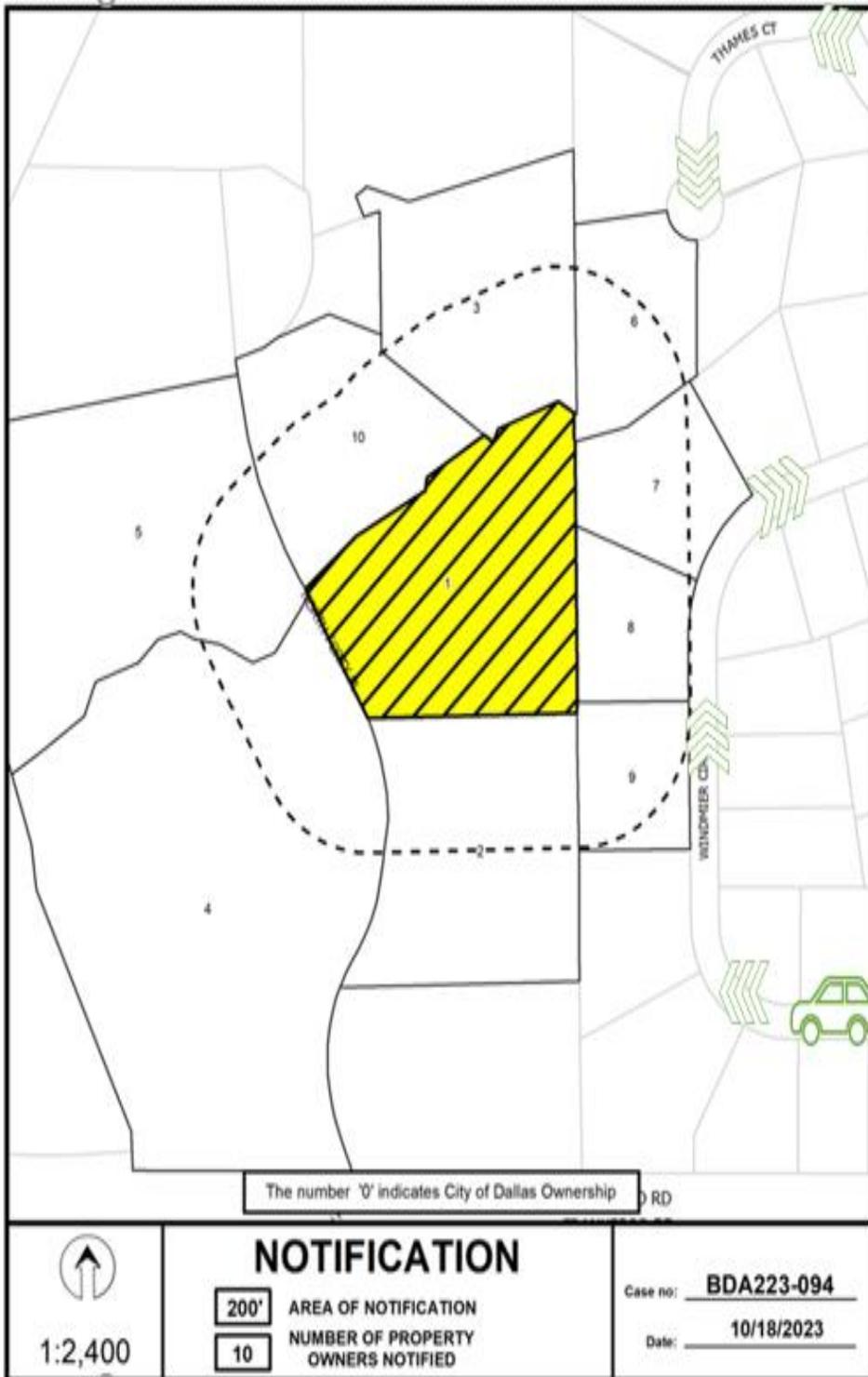
Notification List of Property Owners

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 2023-051

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

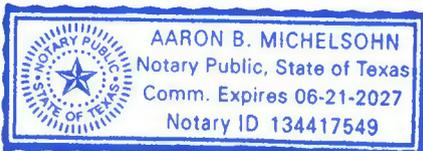
(Affiant/Applicant's name printed)

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





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

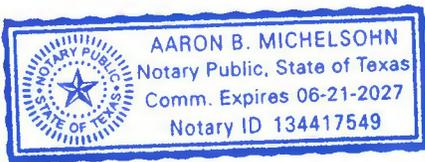
[Signature]
Signature of property owner or registered agent

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

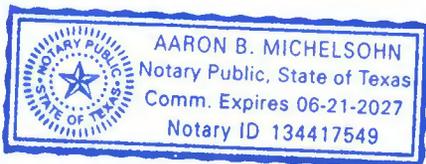
STATE OF TEXAS §
 §
COUNTY OF COLLIN §

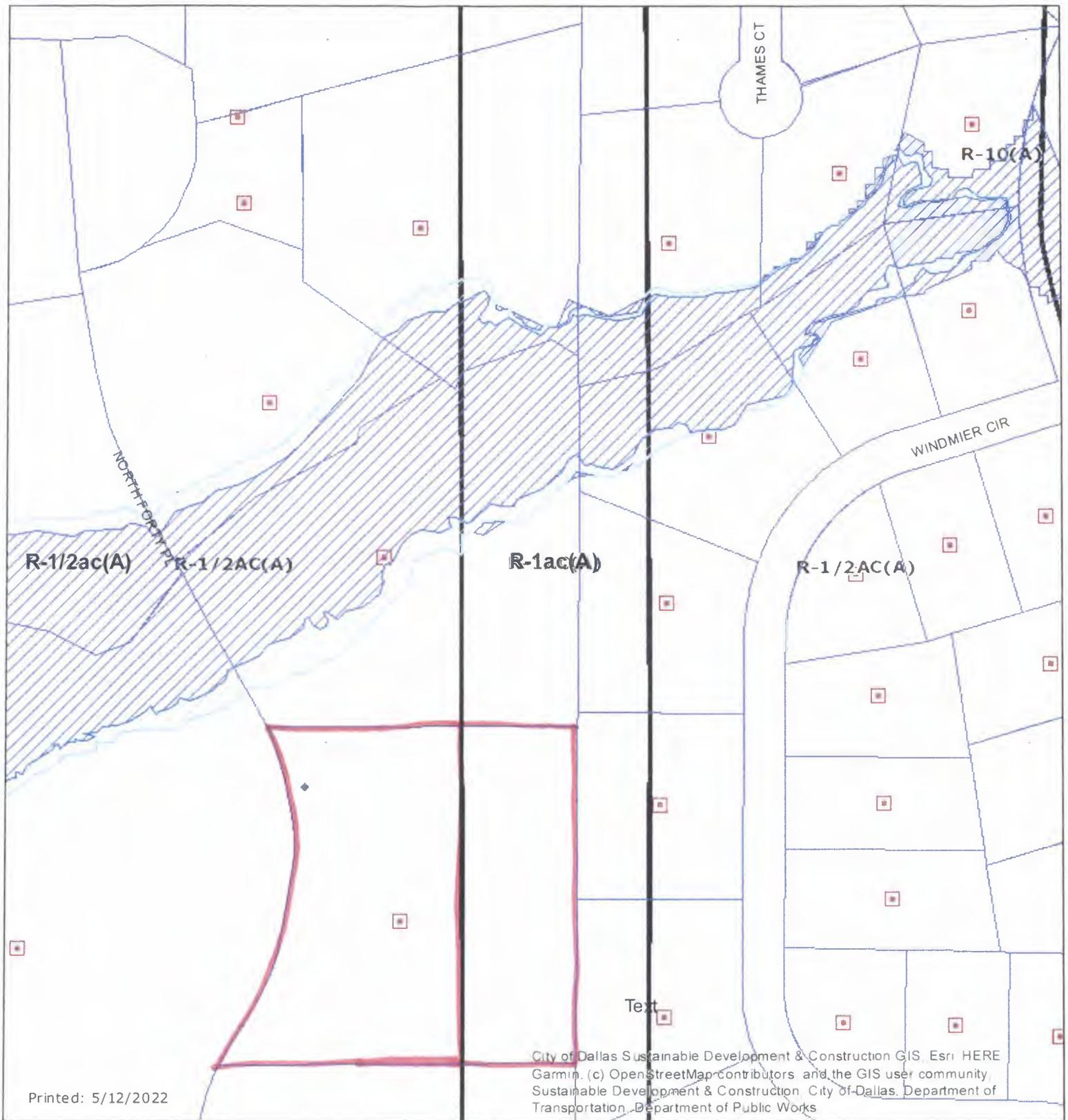
BEFORE ME, the undersigned authority, personally appeared Dana David, known to me through review of her driver's license who swore or affirmed to tell the truth and then made the above statements.

Dated: 8/29/23



Notary Public in and for the State of Texas





Printed: 5/12/2022

City of Dallas Sustainable Development & Construction GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Sustainable Development & Construction, City of Dallas, Department of Transportation, Department of Public Works

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



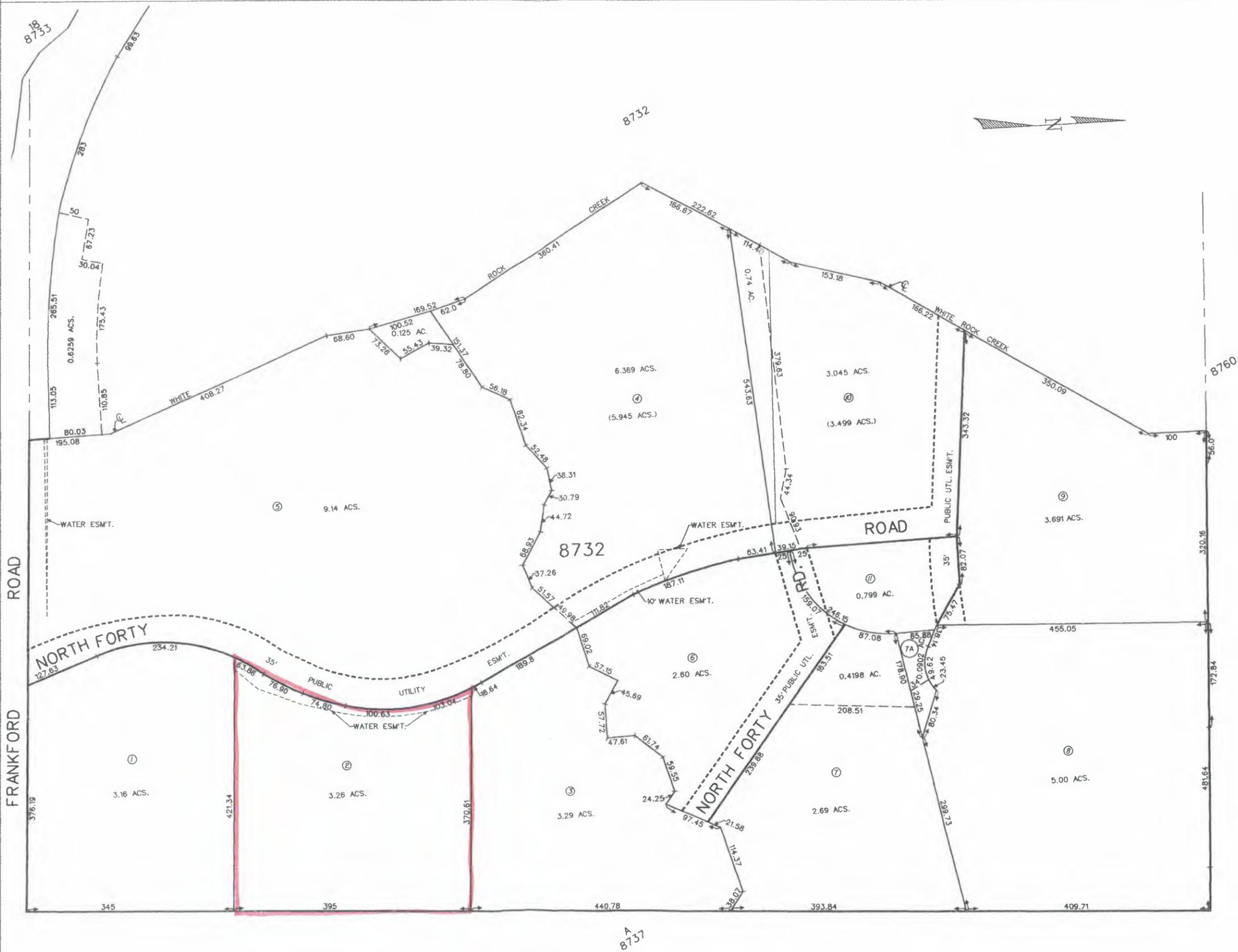
1:2,257

BDA223-09A

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

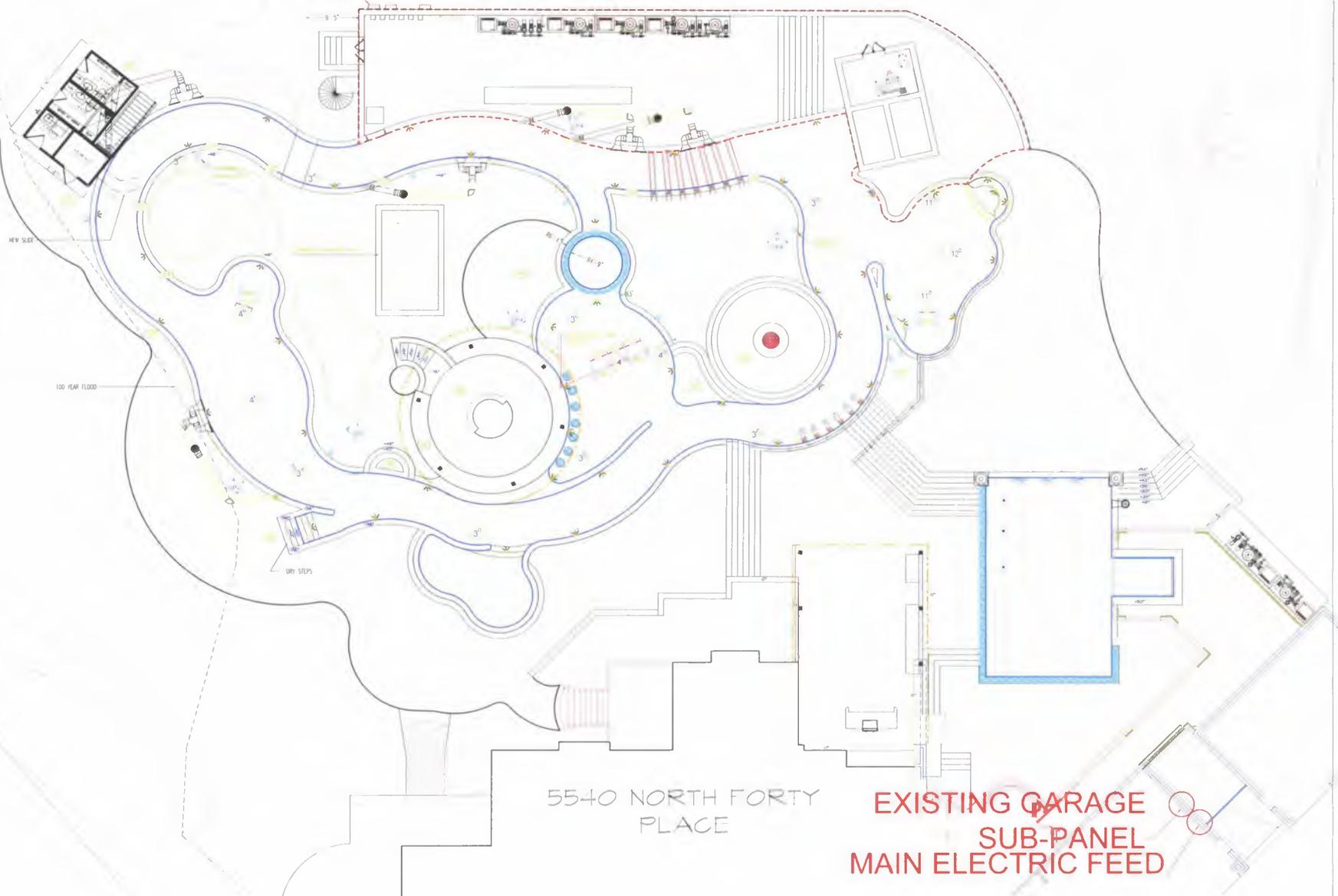
CITY OF DALLAS PLAT BOOKS
ADDITION N - 40 ROSS FORNEY (RENNER)
SCALE 100 FT EQUALS 1 INCH

BLOCKS 8732
SCHOOL DISTRICT PLANO



BJA223-094

3PH METER BASE



5540 NORTH FORTY PLACE

EXISTING GARAGE
SUB-PANEL
MAIN ELECTRIC FEED

NEW METER



MAIN METER



NOTICE
 BOARD OF ADJUSTMENT APPEAL
 REQUEST **MARLENE KELLY MOYER**
 2010 N. BAY PARK
 CASE NO. **BA 128-0074**
 114 W. 10TH ST. DALLAS, TX 75204
 214-940-4056 979-3044
 PLEASE READ THE
 REVERSE OF THIS
 SIGN FOR
 FULL DETAILS

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

Small, illegible text on a sign to the right of the Prestige sign.

FILE NUMBER: BDA223-106 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Elizabeth Bell, for (1) a variance to the front-yard setback regulations at 5924 McCommas Blvd. This property is more fully described as Block A/2876, part of lots 11 and 12, and is zoned CD-11, which requires a front-yard setback of 38-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 29-foot 11-inch front-yard setback measured at the foundation, which will require an (1) 8-foot 1-inch variance to the front-yard setback regulation.

LOCATION: 5924 McCommas Blvd.

APPLICANT: Elizabeth Bell

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.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code;
- (ii) 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;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Denial

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Not restrictive in area, shape, or slope in which the property cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.
- C. Self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 8,728.99 of square feet.

This lot is zoned CD-11 which has a minimum lot size of 7,500 square feet.

Zoning:

- Site: CD-11 Conservation District
- North: CD-11 Conservation District; R-7.5(A); D(A)
- South: CD-11 Conservation District
- East: CD-11 Conservation District
- West: CD-11 Conservation District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the front yard setback regulations of 8-feet 1-inch is made to construct and/or maintain a single-family residential structure.

- The subject site is currently developed with a single-family dwelling unit.
- Conservation District 11 requires a minimum setback of 38-feet. As gleaned from the submitted site plan, the applicant proposes to maintain a newly constructed porch that encroaches into the 38-foot required 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.

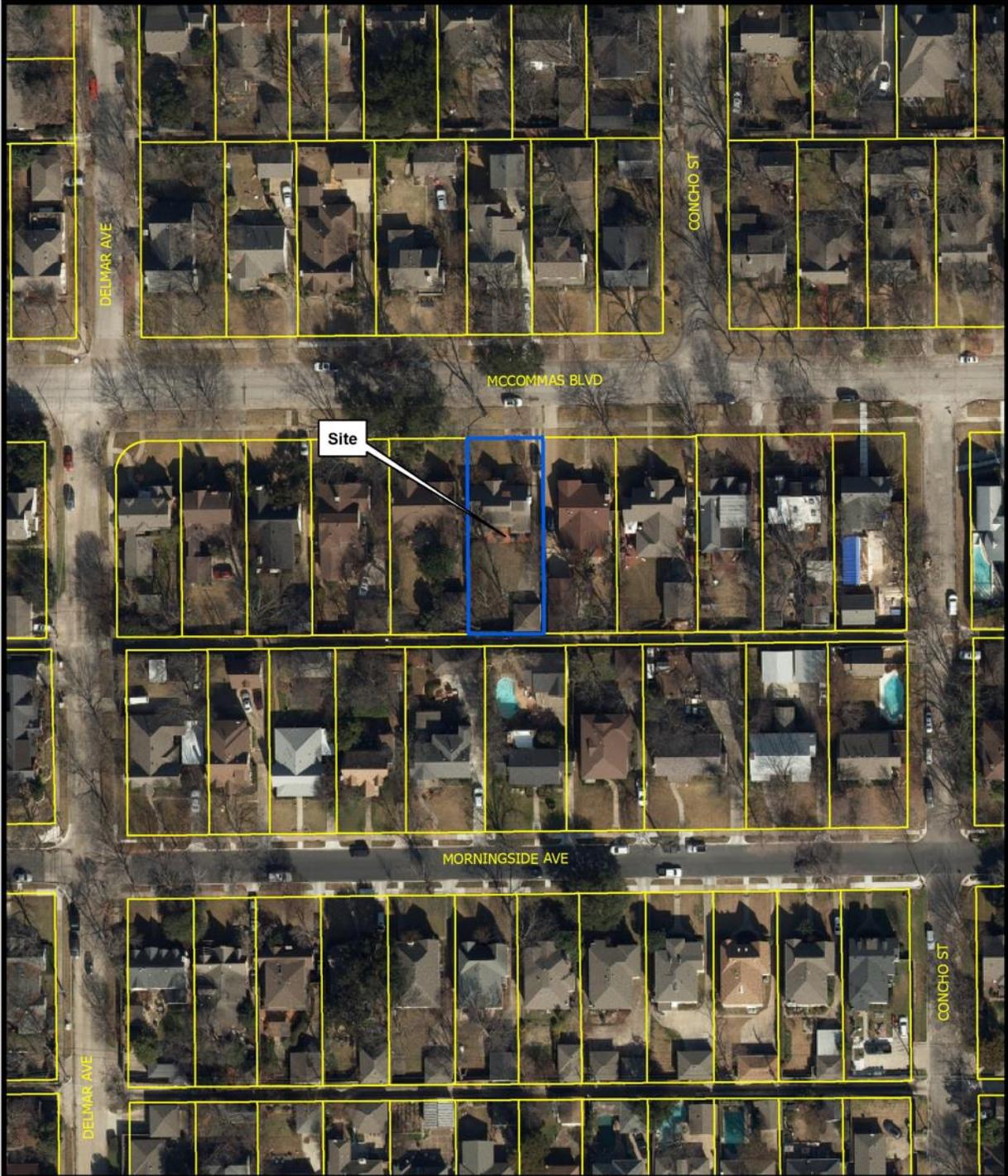
The board may also consider Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (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 8-foot 1-inch variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
 - [BDA223-106; 5924 MCCOMMAS](#) (200' radius video)

Timeline:

October 3, 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 25, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.
- October 26, 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 November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 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 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.

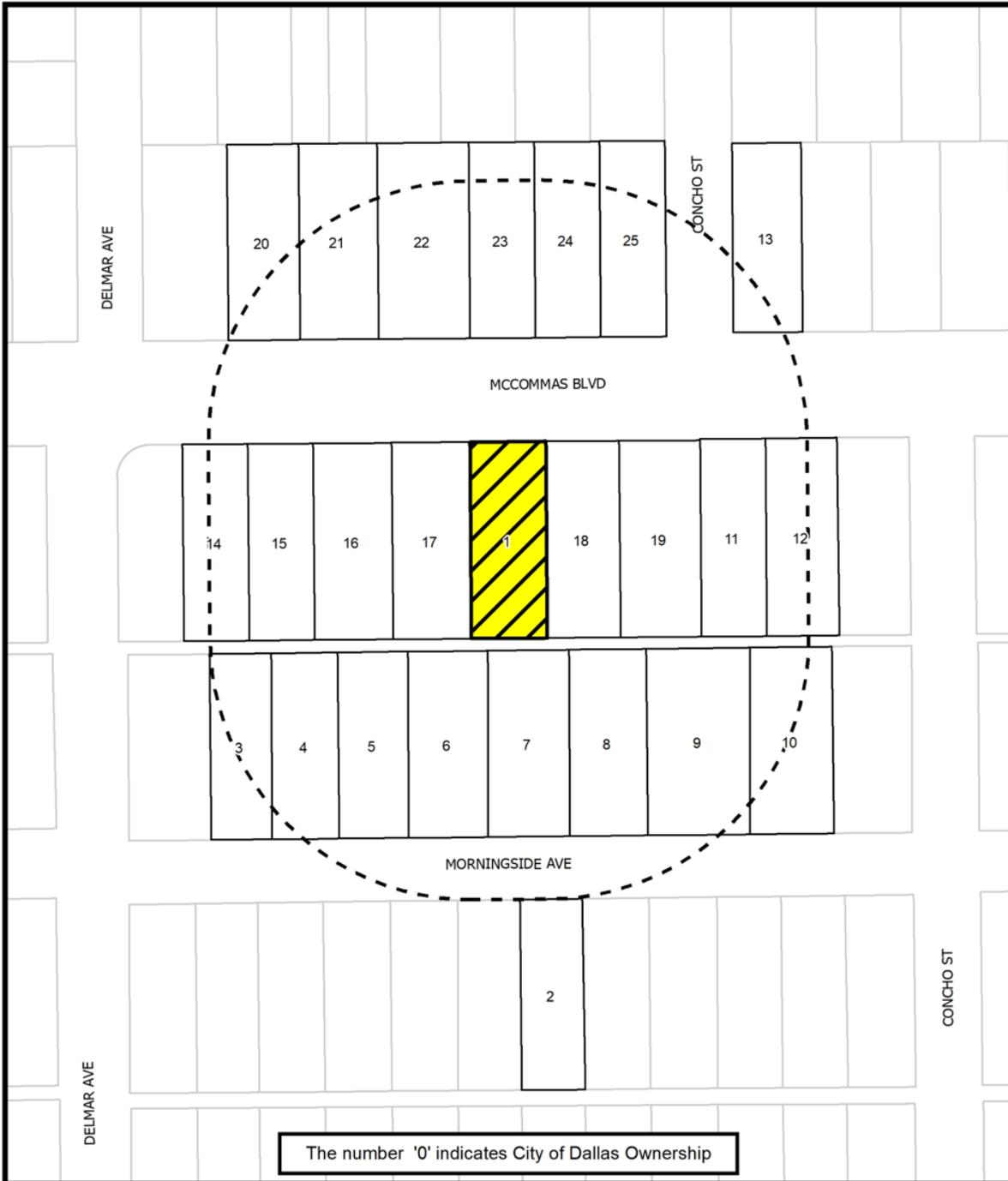


1:1,200

AERIAL MAP

Case no: BDA223-106

Date: 10/31/2023

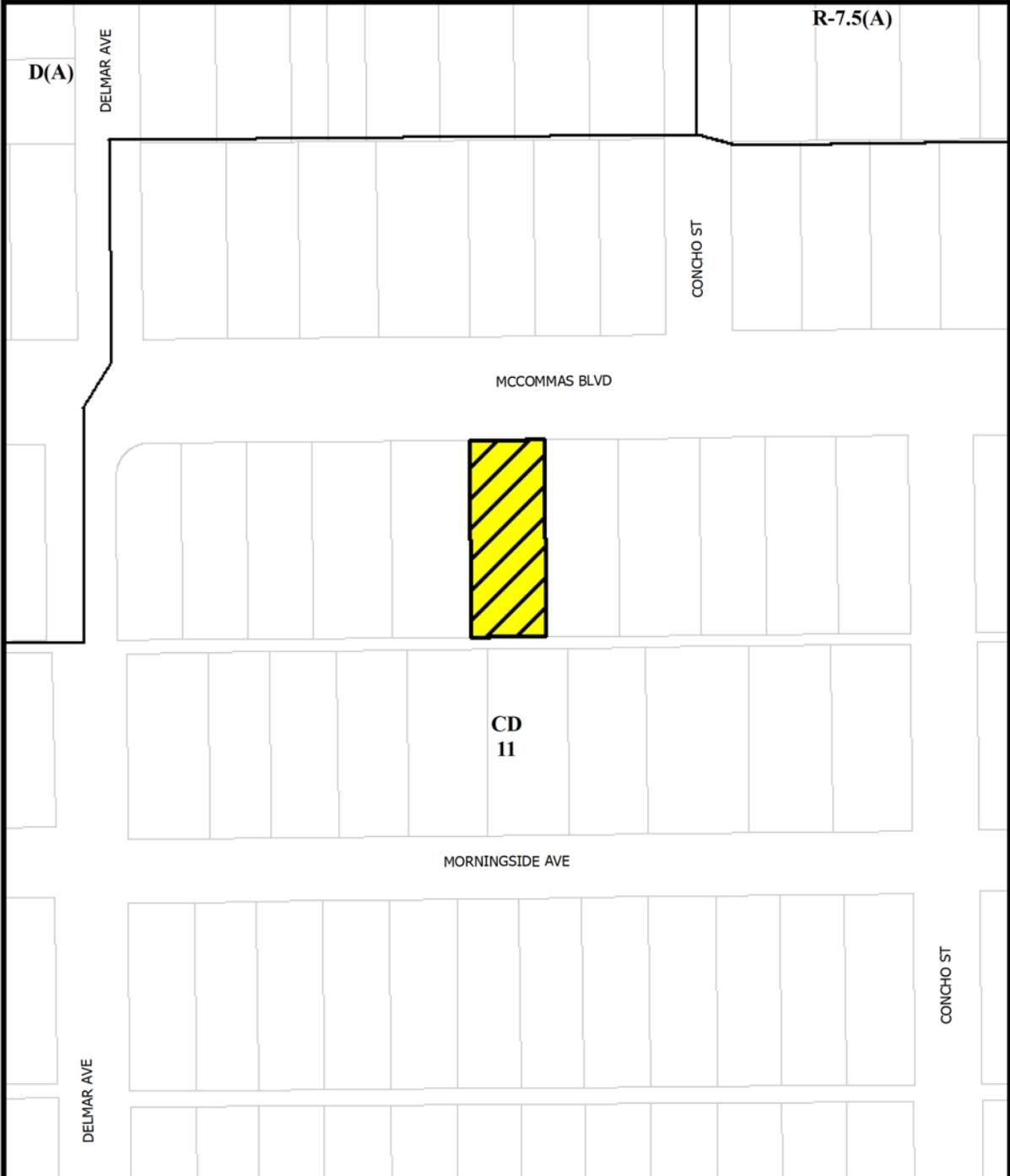


1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
25 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-106**
 Date: **10/31/2023**



1:1,200

ZONING MAP

Case no: BDA223-106

Date: 10/31/2023

1
10/31/2023

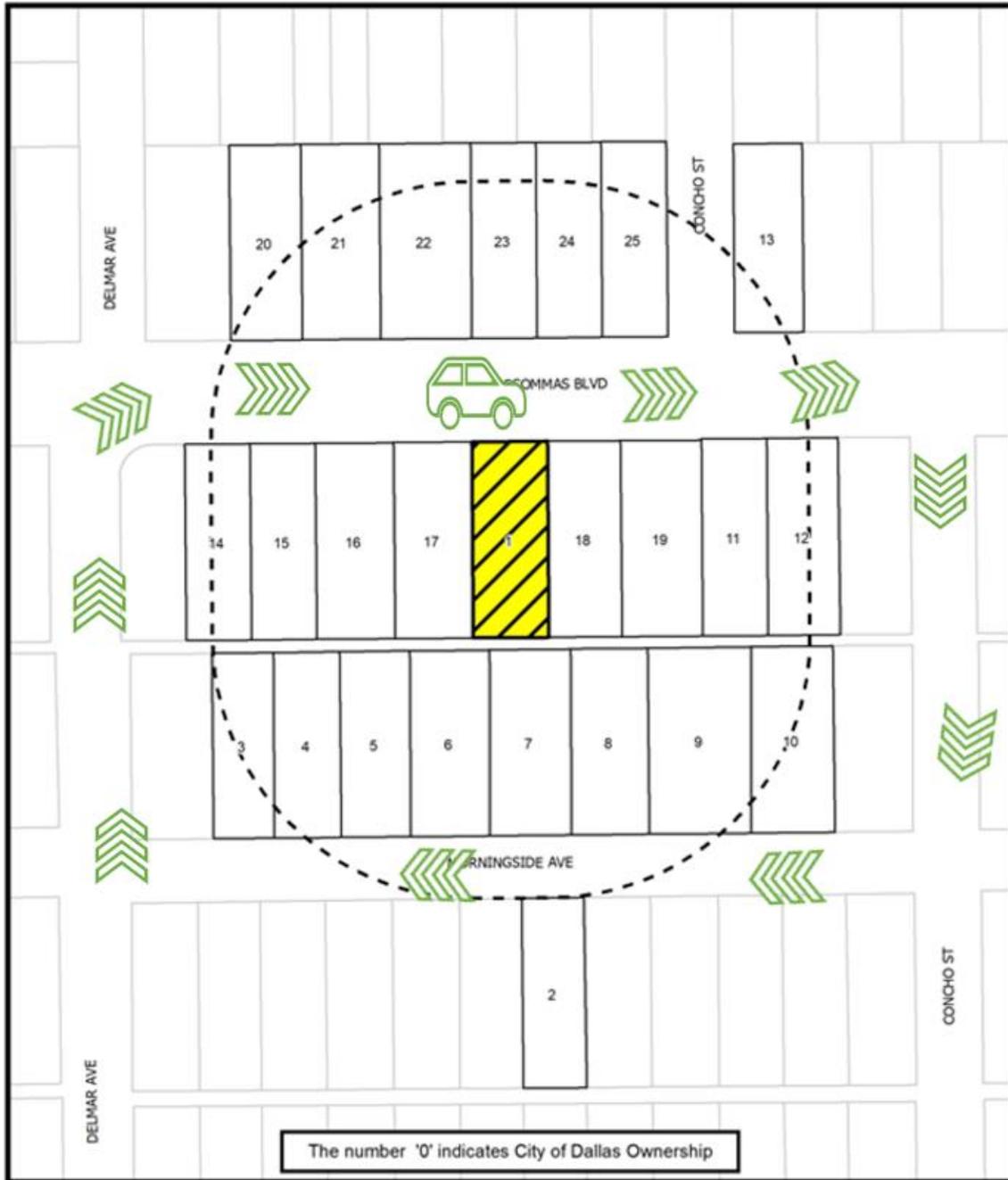
Notification List of Property Owners

BDA223-106

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5924 MCCOMMAS BLVD	BELL ELIZABETH RENE
2	5926 MORNINGSIDE AVE	STARK JERRY D
3	5907 MORNINGSIDE AVE	BOSWELL WILLIAM H & LORI P
4	5911 MORNINGSIDE AVE	CHAMBERS STEVE E &
5	5915 MORNINGSIDE AVE	REESE WILLIAM A II
6	5921 MORNINGSIDE AVE	LOUIS MATTHEW & EMILY
7	5927 MORNINGSIDE AVE	SHAUGHNESSY MEGAN
8	5929 MORNINGSIDE AVE	BROUILLETTE MARY A
9	5935 MORNINGSIDE AVE	O B A INC
10	5941 MORNINGSIDE AVE	OHLAND BILL
11	5938 MCCOMMAS BLVD	GIEBLER KEVIN & SUE ANN
12	5942 MCCOMMAS BLVD	MORGAN NEAL & LINDSEY
13	6003 MCCOMMAS BLVD	STEGNER ANDREW R & JENNA J
14	5906 MCCOMMAS BLVD	BLOXOM LIBBY K &
15	5910 MCCOMMAS BLVD	WEATHERFORD PROPERTIES LLC &
16	5914 MCCOMMAS BLVD	WALKER DANIEL & DEBORAH
17	5918 MCCOMMAS BLVD	MARSHALL RYAN THOMAS &
18	5930 MCCOMMAS BLVD	ZINN MICHAEL WILLIAM
19	5934 MCCOMMAS BLVD	HOOFARD RONALD LEE &
20	5907 MCCOMMAS BLVD	GOEBEL PAUL R
21	5909 MCCOMMAS BLVD	MYERS PROPERTIES LLC
22	5915 MCCOMMAS BLVD	TURNER NEIL C & LAUREN A
23	5923 MCCOMMAS BLVD	MANN JASON A & LEIGH A
24	5927 MCCOMMAS BLVD	VILLARREAL JOHN W &
25	5931 MCCOMMAS BLVD	MYERS CHARLES C & STACY E

200' Radius video route





Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-1018 **FOR OFFICE USE ONLY RECEIVED**

Data Relative to Subject Property: CD Review Code Violation Date: CO-11 **FOR OFFICE USE ONLY REC'D**

Location address: 5924 McCOMMAS BLVD Zoning District: M STREETS EAST CONSERVATION DISTRICT

Lot No.: 11+12 Block No.: A/2876 Acreage: 8,712 ^{±200} sqft. Census Tract: 0002.02 BY:

Street Frontage (in Feet): 1) 58 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): ELIZABETH RENE BELL

Applicant: ELIZABETH RENE BELL Telephone: 214-577-9668

Mailing Address: 5924 McCOMMAS BLVD Zip Code: 75206

E-mail Address: ELIZABETHRBELL21@GMAIL.COM

Represented by: MYSELF Telephone: 214-577-9668

Mailing Address: 5924 McCOMMAS BLVD Zip Code: 75206

E-mail Address: ELIZABETHRBELL21@GMAIL.COM

Affirm that an appeal has been made for a Variance or Special Exception of THE FRONT YARD SETBACK of 8'4", PROVIDING A 29.11" SETBACK.

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:
PLEASE SEE ATTACHED "APPLICATION APPEAL REASONS"

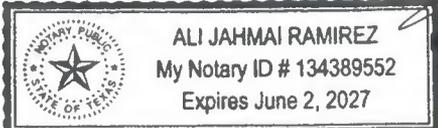
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared ELIZABETH BELL
(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: Elizabeth Bell
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20 day of September, 2023



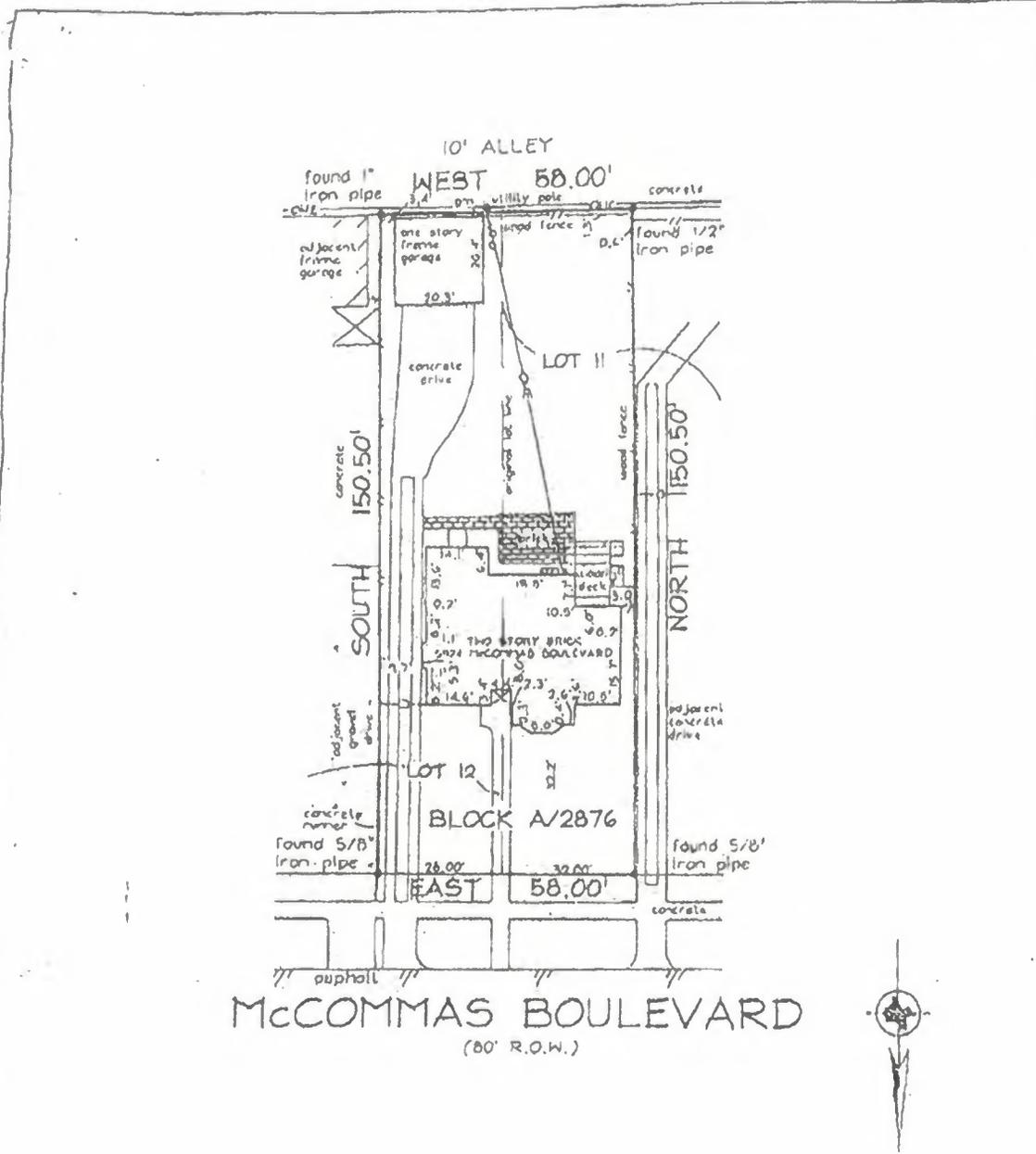
[Signature]
Notary Public in and for Dallas County, Texas

Application Appeal Reasons

1. The variance granted will not be contrary to the public interest; an enforcement of the zoning ordinance would result in unnecessary hardship.
2. The porch does not adversely affect neighboring properties*
3. The front set back on the west side of the property (existing) is 32.2', which is less than the setback of the new porch, which is 32.3'. In other words, the porch does not extend past the previously built section of the house.

*See attached list of signatures from neighbors





NOTES:
 BEARINGS ARE ASSUMED.
 THIS SURVEY IS VALID ONLY WITH ORIGINAL SIGNATURE IN BLACK INK.

THIS IS TO CERTIFY that on this date a survey was made on the ground, under my direction and supervision of the property located at 2024 McCOMMAS BOULEVARD, and being the East 30 feet of Lot 11 and the West 28 feet of Lot 12, Block A/2876 of ALTADENA ADDITION, an Addition to the City of DALLAS, DALLAS County, Texas, according to the Plat thereof recorded in Volume 4, Page 288, Map Records, DALLAS County, Texas.

There are no visible conflicts or protrusions, except as shown.

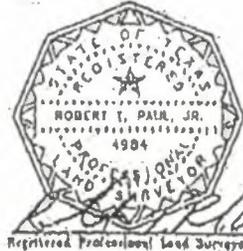
The subject property does not lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "C" Rating as shown by Map No. 480171-0095 C, dated MARCH 10, 1983. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This Survey is not to be used for construction purposes and is for the exclusive use of the herein named purchaser, mortgage company, and title company, only and this survey is made pursuant to that one certain title commitment under the OP number shown hereon, provided by the title company named hereon.

ACCEPTED BY: _____ DATE: 6-29-2020

Elizabeth Rene Bell

DATE: 11/08/00
 DATE FILED: 11/08/00
 REVISED:
 JOB NO: 100-7028 TECH: RB
 MAPSCO NO: 30-P FIELD: SP

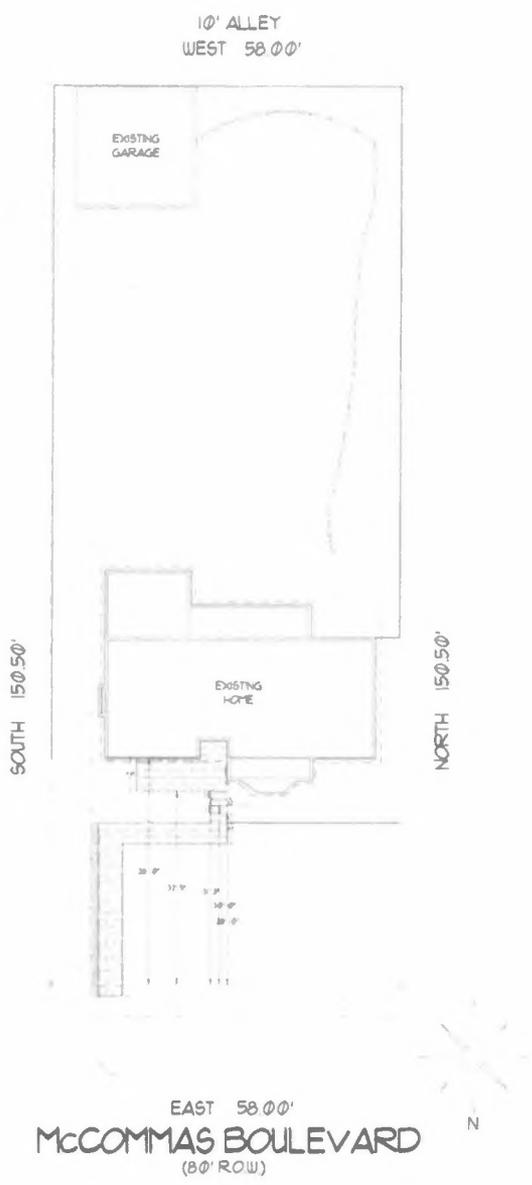
AMERICAN TITLE COMPANY
 OP NO. 2000 SL 607014-K



EDA223-1106

By signing below, I/we have no objection to the porch at 5924 McCommas Blvd. and believe it enhances the appearance of the house and neighborhood.

Name: <u>Angela Marshall</u>	Signature: <u><i>Angela Marshall</i></u> <small>Angela Marshall (Sep 20, 2023 10:01 CDT)</small>	Address: <u>5918 McCommas Blvd</u>
Name: <u>Leigh Anne Mann</u>	Signature: <u><i>Leigh Anne Mann</i></u> <small>Leigh Anne Mann (Sep 20, 2023 10:07 CDT)</small>	Address: <u>5923 McCommas Blvd</u>
Name: <u>Lauren Turner</u>	Signature: <u><i>Lauren Turner</i></u> <small>Lauren Turner (Sep 20, 2023 11:38 CDT)</small>	Address: <u>5915 McCommas Blvd</u>
Name: <u>Neil Turner</u>	Signature: <u><i>NT</i></u> <small>Neil Turner (Sep 20, 2023 12:07 CDT)</small>	Address: <u>5915 mcommas blvd</u>
Name: <u>MICHAEL ZINN</u>	Signature: <u><i>wlw</i></u> <small>MICHAEL ZINN (Sep 21, 2023 09:45 GMT+2)</small>	Address: <u>5930 McCommas Blvd</u>



Revision #:
 Date: 10/10/2023

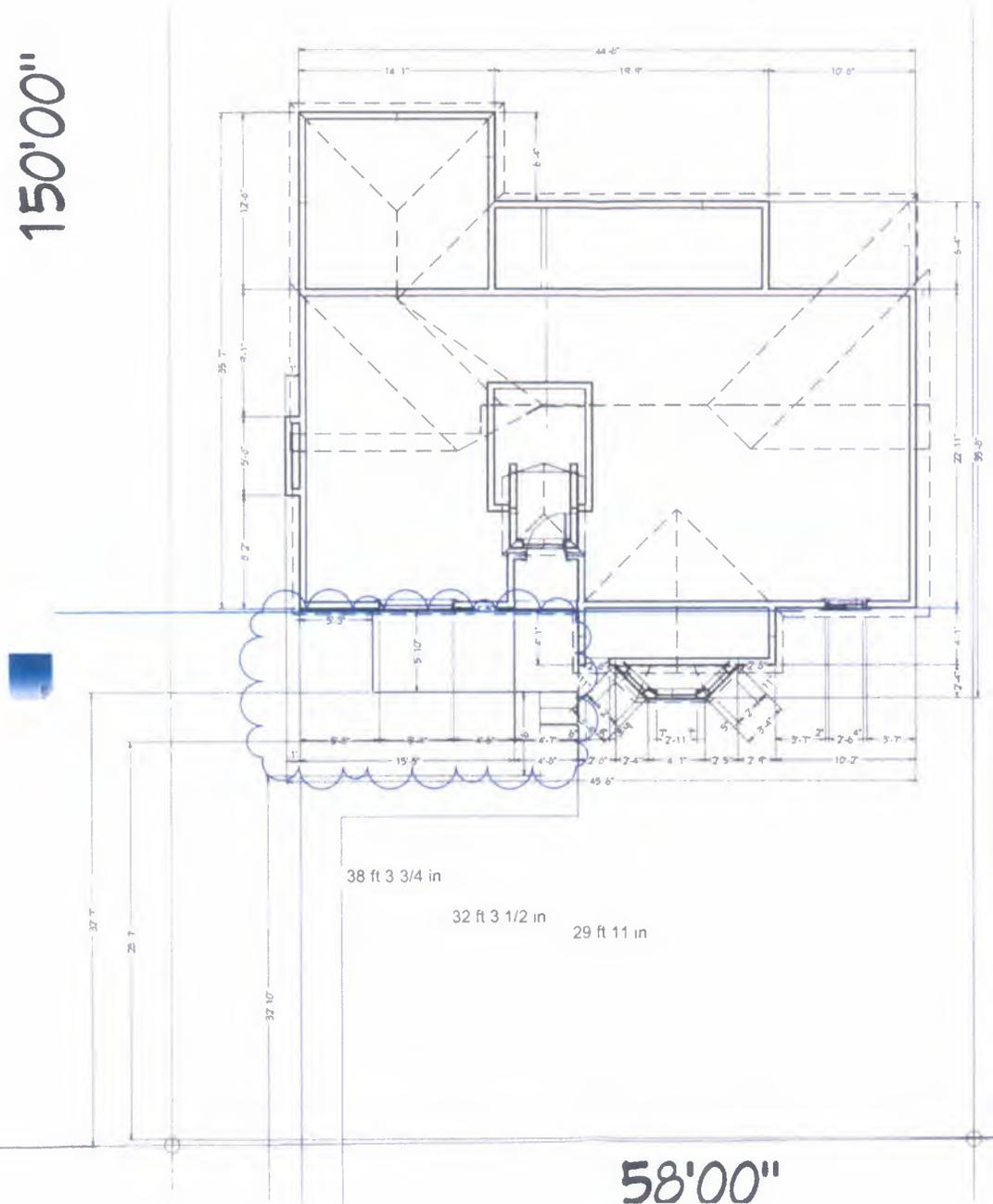
Scale: 1" = 20'

Landscaping Plan:
 Elizabeth Bell

Landscaping Design by: Carlos Gil
 The Plant Concierge LLC

150'00"

150'00"



20

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

A-0

58'00"



Elevation 2

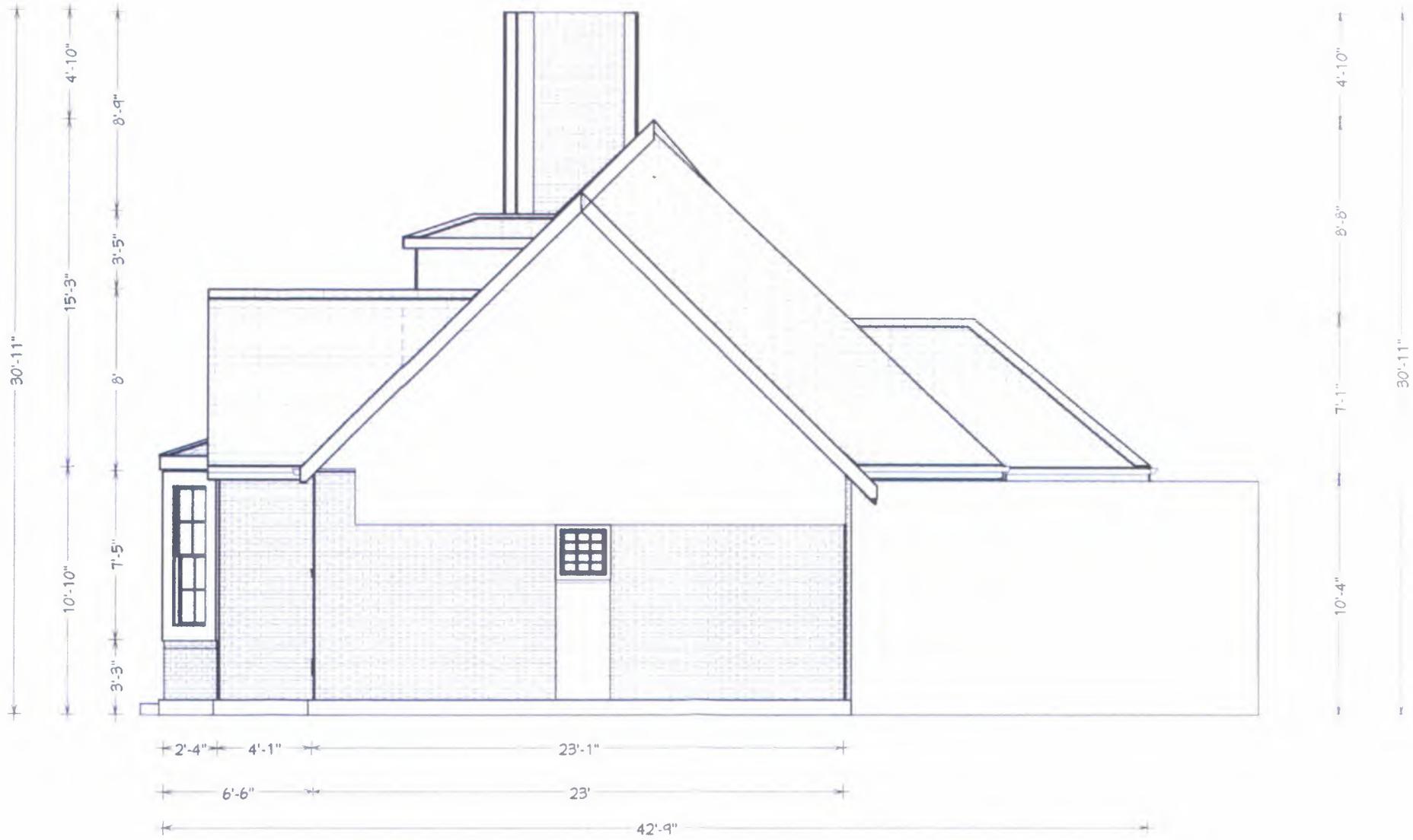
SCALE: 1/4" = 1'-0"

A-1



Elevation 3 SCALE: 1/4" = 1'-0"

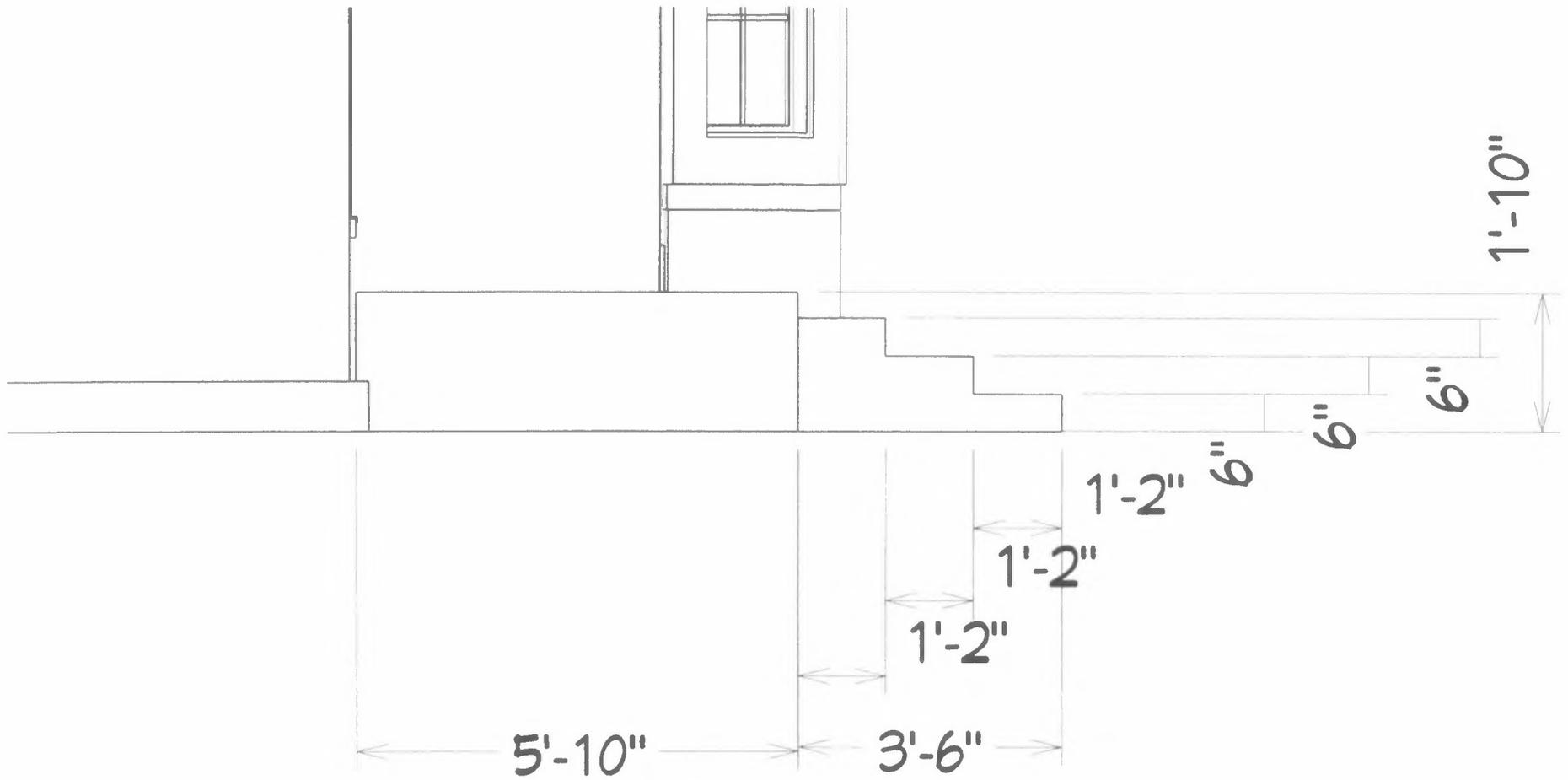
A-2



Elevation 4

SCALE: 1/4" = 1'-0"

A-3



Elevation 2
 SCALE: 3/4" = 1'-0"

A-4

FILE NUMBER: BDA223-110 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Megan O'Neal for (1) a variance to the side-yard setback regulations at 835 Thomasson Dr. This property is more fully described as Block 3/3836, Lot 9, and is zoned CD-13 subarea 2, which requires a side-yard setback of 8-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require (1) a 3-foot variance to the side-yard setback regulations.

LOCATION: 835 Thomasson Dr.

APPLICANT: Megan O'Neal

REQUEST:

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

STANDARD FOR A VARIANCE:

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

- (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.

ELEMENT II SUBSTITUTE

Dallas Development Code §51A-3.102(d)(10)(b), formerly known as HB 1475, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code;
- (ii) 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;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

Denial

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

- A. Not contrary to public interest as no letters of opposition were received.
- B. Not restrictive in area, shape or slope; in which the property cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.
- C. Self-created hardship/personal hardship.

BDA HISTORY:

No BDA history found within the last five years.

Square Footage:

The lot contains 8,640.04 of square feet.

The lot is zoned CD-13 with a minimum lot size of 7,500 square feet.

Zoning:

Site: CD-13 Conservation District
North: CD-13 Conservation District
South: CD-13 Conservation District
East: CD-13 Conservation District
West: CD-13 Conservation District

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the side yard setback regulations of 3-feet is made to construct and/or maintain a single-family residential structure. The applicant is proposing to only provide a 5-foot side yard setback, whereas a minimum 8-foot side yard setback is required.
- The subject site is currently developed with a single-family dwelling unit.
- As gleaned from the submitted site plan, the applicant is proposing to construct a new detached garage located within the required 8-foot side yard setback. Per the applicant, they are seeking the 3-foot variance to construct a new detached garage as well as to maintain the placement of the existing driveway. Allowing the 5-foot setback, per the applicant, would allow safe maneuverability of vehicles in and out of the proposed detached garage.

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

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

The board may also consider 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 3-foot variance to the side yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- [BDA223-110; 835 THOMASSON](#) (200' Radius Video)

Timeline:

October 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.

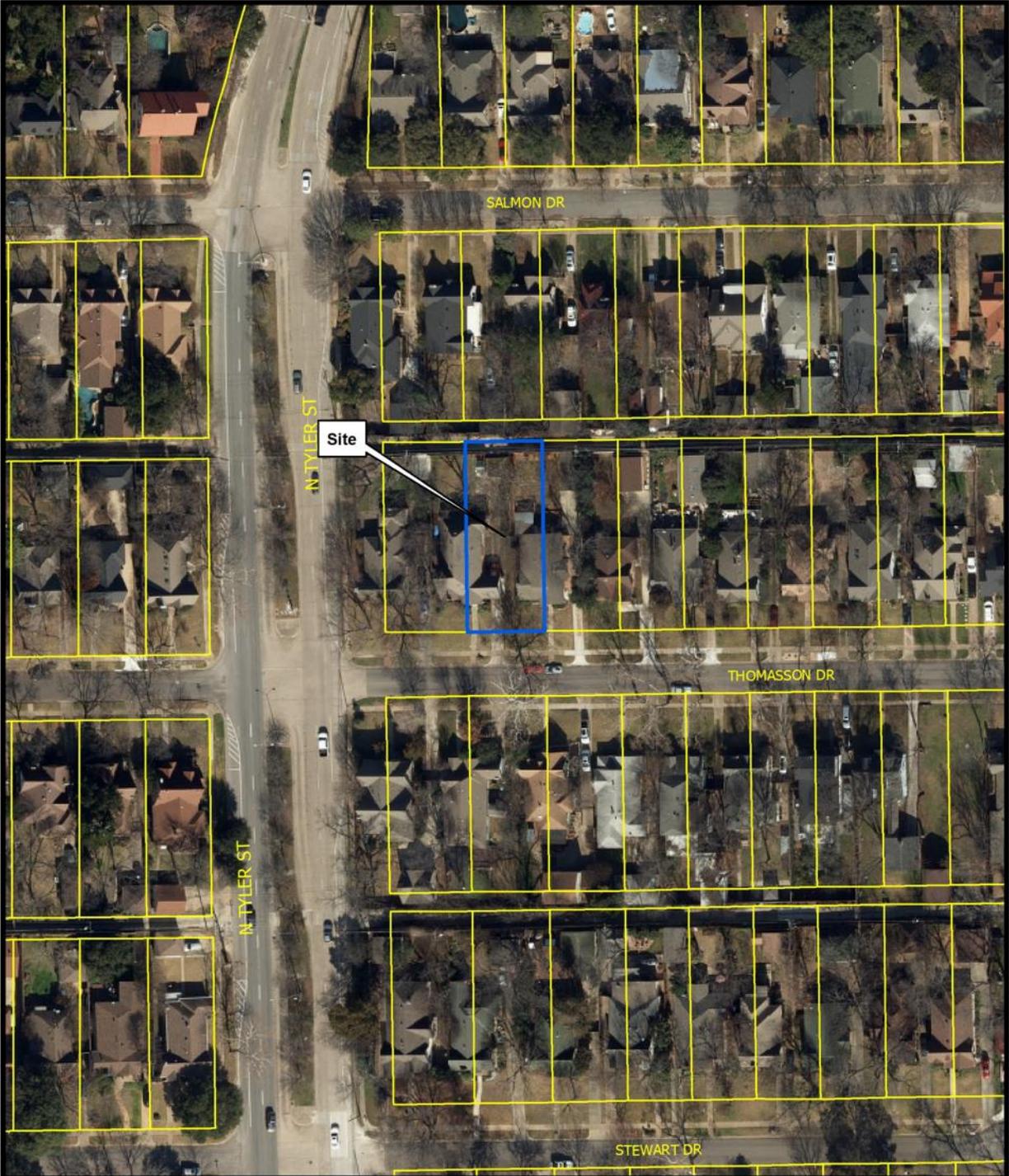
October 25, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

October 26, 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 November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 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 20, 2023: The applicant provided documentary evidence for the board to consider.

November 29, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the December public hearings. Review team members in attendance included: The Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner and the Senior Planner.



1:1,200

AERIAL MAP

Case no: BDA223-110

Date: 11/1/2023



1:1 200

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-110**

Date: **11/1/2023**



1:1,200

ZONING MAP

Case no: BDA223-110

Date: 11/1/2023

/
11/01/2023

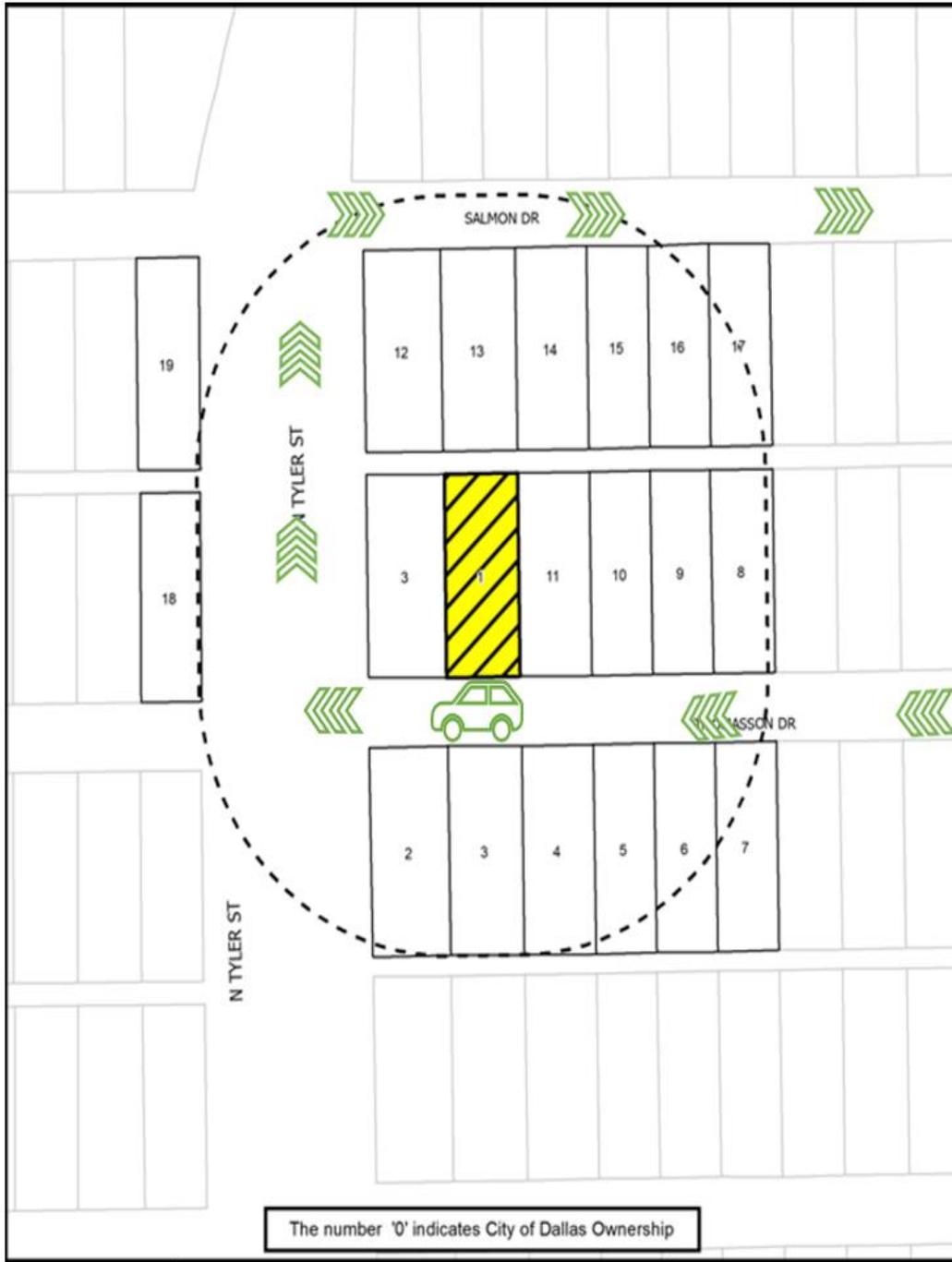
Notification List of Property Owners

BDA223-110

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	835 THOMASSON DR	ONEAL MEGAN &
2	838 THOMASSON DR	SENOUR ALISHA H
3	834 THOMASSON DR	NMV REAL HOLDINGS LLC
4	830 THOMASSON DR	ROBERTS CHARLES & BARBARA
5	826 THOMASSON DR	SEABROOK ADA MARIE
6	822 THOMASSON DR	GREENE JON C LIVING TR
7	818 THOMASSON DR	TUCKER SAMUEL S
8	815 THOMASSON DR	COFFEE NATHAN &
9	821 THOMASSON DR	GLEASON EDWARD GEORGE &
10	825 THOMASSON DR	Taxpayer at
11	831 THOMASSON DR	Taxpayer at
12	838 SALMON DR	MILLER JOHN
13	834 SALMON DR	ENLOE TERENCE &
14	830 SALMON DR	PAVIA MARIBEL G & ALIN
15	826 SALMON DR	WILLET STEVEN G
16	824 SALMON DR	GONZALEZ JULIO & JENNIFER
17	818 SALMON DR	STEARNS NAOMI
18	903 THOMASSON DR	BLUMENTHAL ANGELA CARDOSI
19	902 SALMON DR	ALLEN EARLYNE LANDER

200' Radius Video Route









Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 20390 RECEIVED FOR OFFICE USE ONLY
 Date: OCT 06 REC'D FOR OFFICE USE ONLY

Data Relative to Subject Property: _____
 Location address: 835 Thomassen Dr Zoning District: CD
 Lot No.: 9 Block No.: 3/3836 Acreage: 9,000 sqft Census Tract: 48113004400
 Street Frontage (in Feet): 1) 60' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Megan O'Neal and Travis Michael Warner
 Applicant: Megan O'Neal Telephone: 214-356-3426
 Mailing Address: 835 Thomassen Drive Zip Code: 75208
 E-mail Address: Megan-Leigh.ONeal@gmail.com
 Represented by: N/A - Self Telephone: _____
 Mailing Address: _____ Zip Code: _____
 E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of Side Yard Setback
of 3' Variance (8' to 5') - east 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:

To preserve existing driveway location. To allow for safe vehicle maneuverability around existing main structure/house from new detached garage.

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.

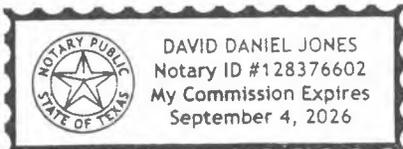
Affidavit

Before me the undersigned on this day personally appeared Megan O'Neal
 (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 5 day of OCTOBER, 2023



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Megan O'Neal

did submit a request for (1) a variance to the side yard setback regulations
at 835 Thomasson Dr

BDA223-110(KMH) Application of Megan O'Neal for (1) a variance to the side-yard setback regulations at 835 Thomasson Dr. This property is more fully described as Block 3/3836, Lot 9, and is zoned CD-13 subarea 2, which requires side-yard setback of 8-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 5-foot side-yard setback, which will require (1) a 3-foot variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-110

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

at: 835 Thomasson Drive
(Address of property as stated on application)

Authorize: Megan O'Neal
(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)

X Variance (specify below)

_____ Special Exception (specify below)

_____ Other Appeal (specify below)

Specify: 3' Side yard setback Variance (east)

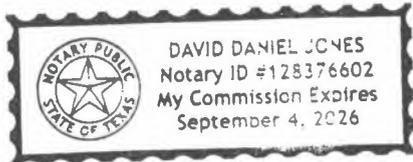
TRAVIS WARNER _____
Print name of property owner or registered agent Signature of property owner or registered agent

Date 10-5-23

Before me, the undersigned, on this day personally appeared TRAVIS WARNER

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 5 day of OCTOBER, 2023

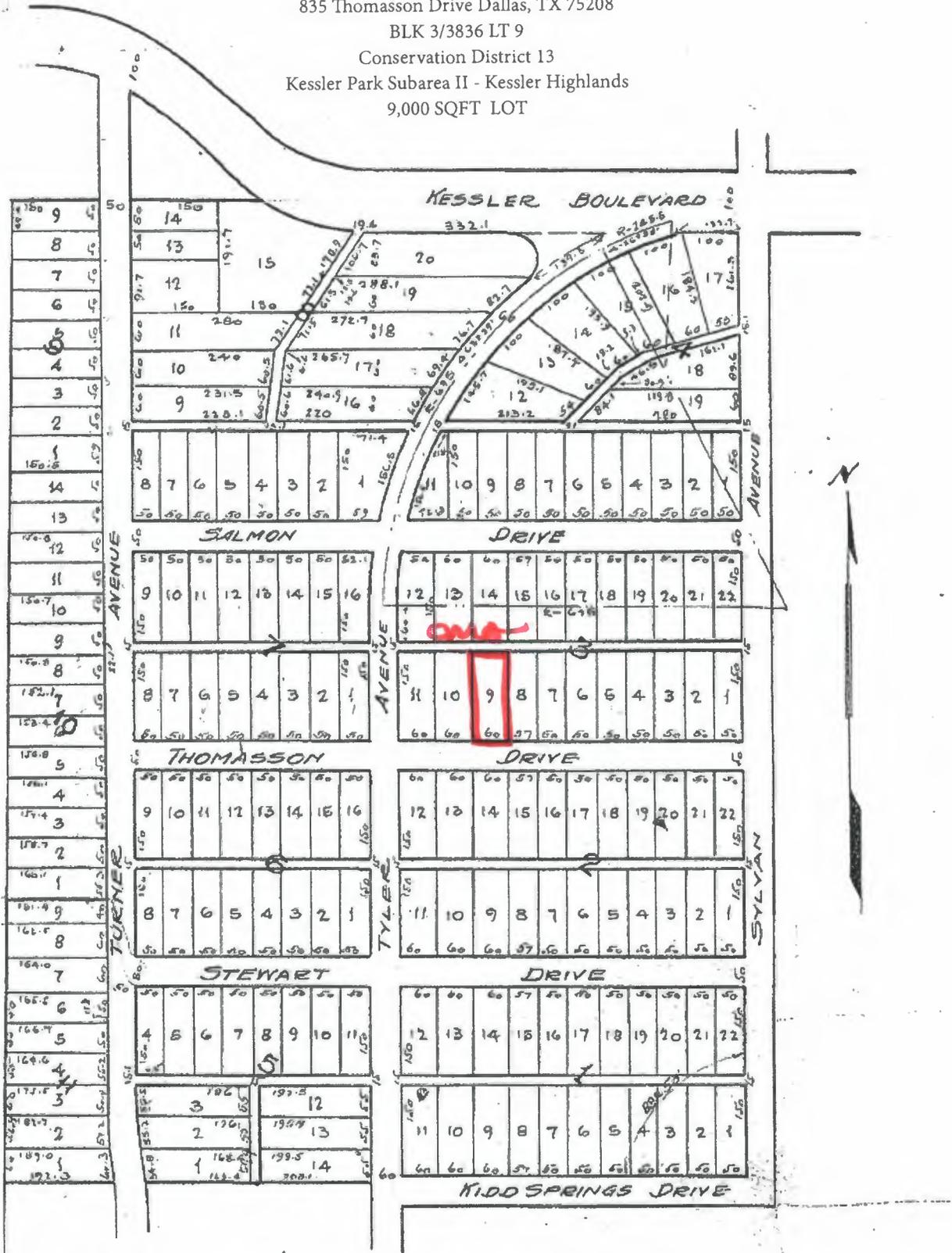


[Signature]
Notary Public for Dallas County, Texas

Commission expires on 09-04-2026

CITY OF DALLAS PLAT MAP

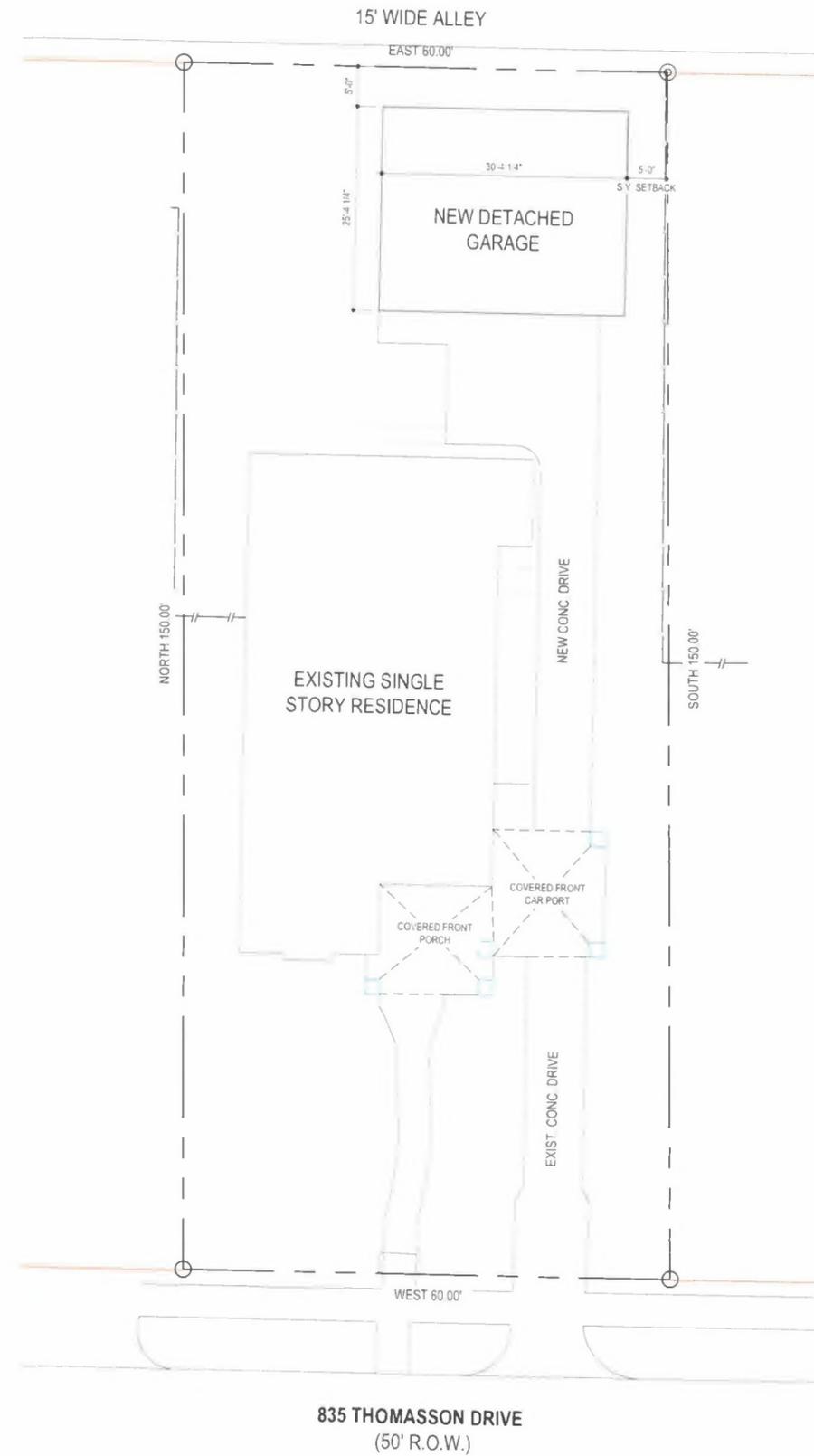
835 Thomasson Drive Dallas, TX 75208
BLK 3/3836 LT 9
Conservation District 13
Kessler Park Subarea II - Kessler Highlands
9,000 SQFT LOT



Kessler Highlands

AN ADDITION TO THE CITY OF DALLAS TEXAS

to
RESERVED



PROJECT

835 THOMASSON DRIVE

DATE 2023-10-05

ISSUES/REVISIONS

SHEET TITLE

SITE PLAN

SHEET NO

A0.10

BDA223-110

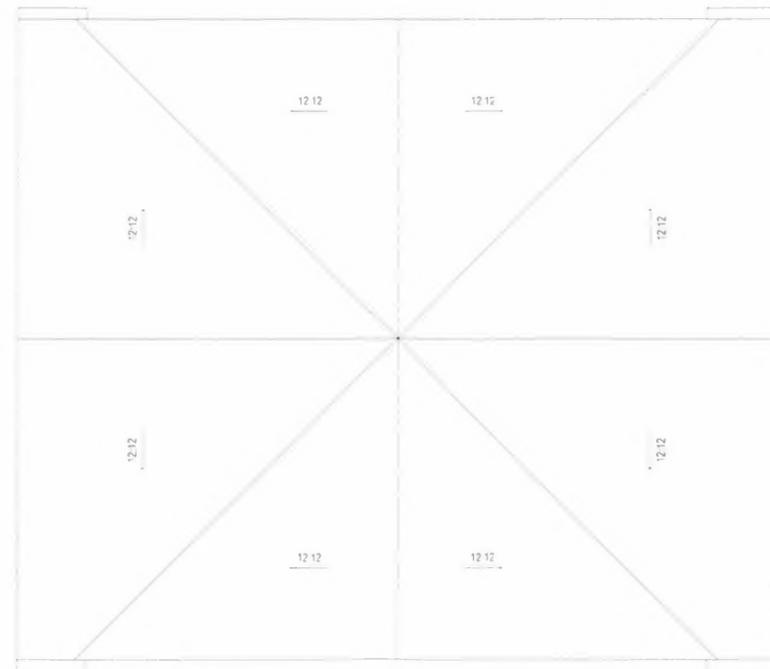
SITE PLAN

SCALE 1/20 (1"=11'17.110/24X36)



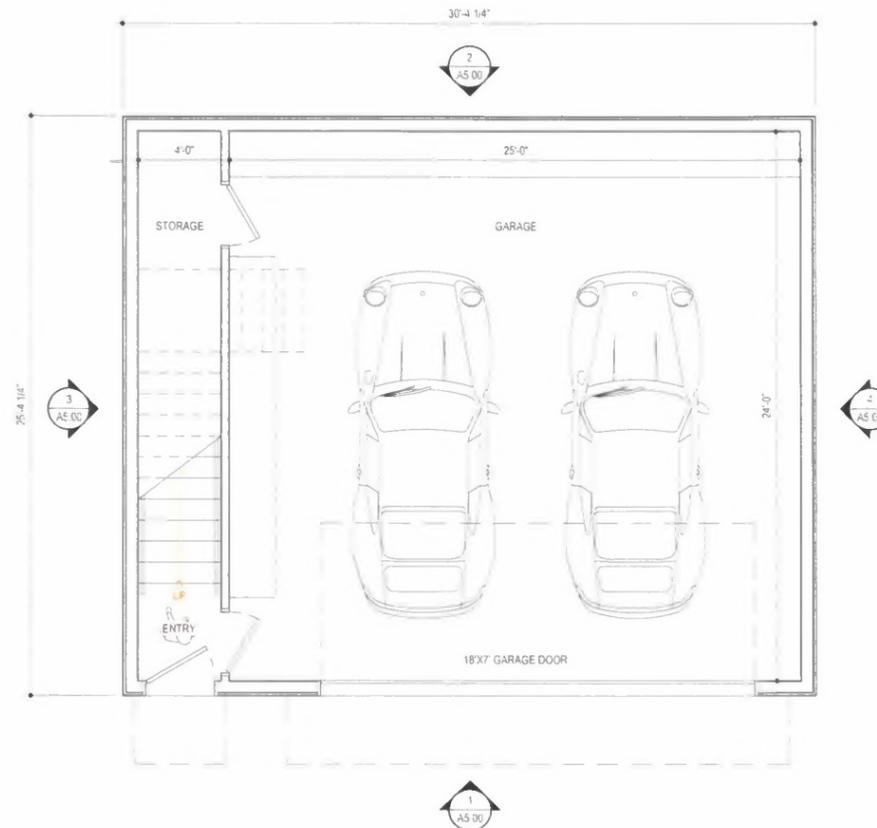
2 SECOND FLOOR PLAN

SCALE 1/8"=1'-0" (11X7) 1/4"=1'-0" (24X36)



3 ROOF PLAN

SCALE 1/8"=1'-0" (11X7) 1/4"=1'-0" (24X36)



1 GROUND FLOOR PLAN

SCALE 1/8"=1'-0" (11X7) 1/4"=1'-0" (24X36)

PROJECT

835 THOMASSON DRIVE

DATE

2023-10-05

ISSUES/REVISIONS

SHEET TITLE

FLOOR PLANS & ROOF PLAN

SHEET NO.

A1.00

BOA223-110

PROJECT 2023.02

835 THOMASSON DRIVE

DATE 2023-10-05

ISSUES/REVISIONS

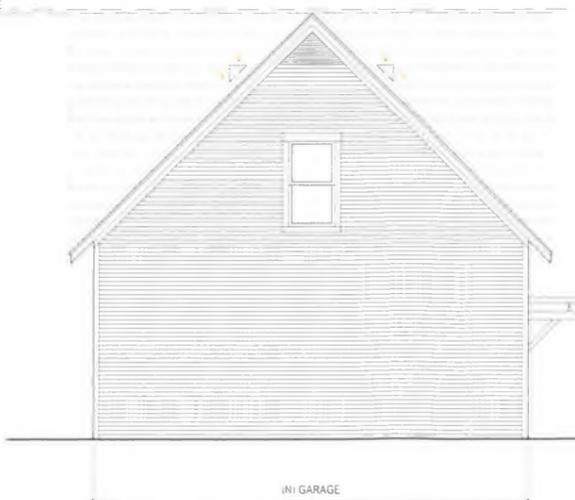
SHEET TITLE

ELEVATION DIAGRAM

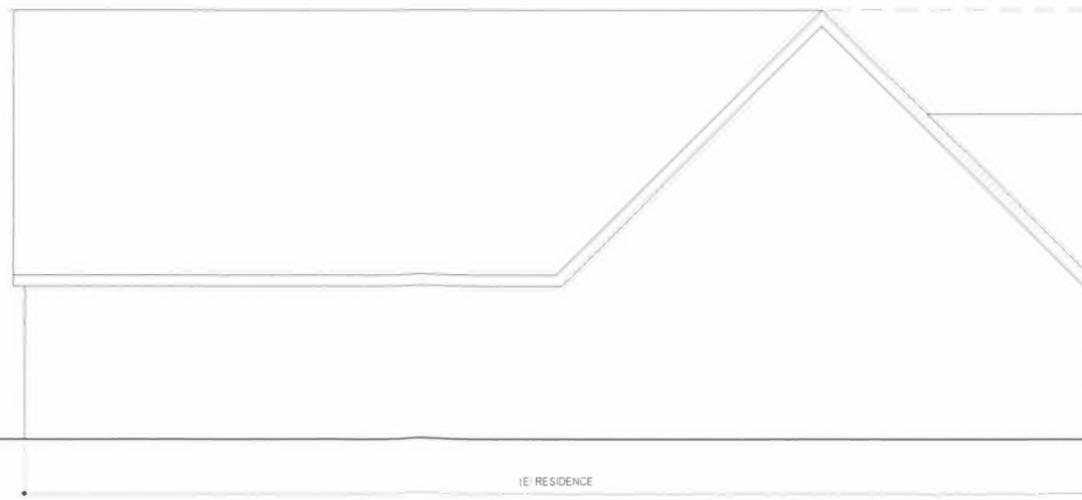
SHEET NO.

A6.00
BDA 223-110

T.O. FIN ROOF RIDGE
25'-0" AFF



T.O. FIN ROOF RIDGE
25'-2" AFF



Kameka Miller-Hoskins and Members of the Board of Adjustment -

We seek a 3' variance on the east side yard setback of our property, to maintain the placement of the existing driveway, which we believe to have been in place since the homes construction circa 1926. Approving this variance would allow us to construct a two car detached garage where guest quarters once stood and provide safe maneuverability around the rear corner of the existing main structure of the home.

Constructing the garage with a 5' east sideyard setback rather than the 8' setback will not affect the character and charm of our neighborhood. A simple drive or walk through Kessler Highlands/ Kessler Park will prove many homes have original detached garages and guest quarters. Majority of the detached structures are built with smaller setbacks of one to two feet, some even built on property lines or encroaching on neighbors properties, as you would see on the west side of our lot with our neighbors at 839 Thomasson.

It is our request that you consider approving our variance. Enforcing the 8' sideyard setback would result in an unnecessary hardship and would prevent the construction of any motor vehicle garage on this property. The placement of the garage with a 5' setback will allow construction to be to code and will allow safe maneuverability -backing in and out of the garage without the risk of hitting the main house, which is original construction. Further, placement or reorientation of the garage would be out of character for our neighborhood and risk alerting the intent of the conservation district, which places emphasis on the original carports and driveway locations.

For your reference I have included photos of the driveway, which you will notice directly about the foundation of the home.

If you have questions or concerns please do not hesitate to reach out.

Thank you for your time and consideration,

Megan O'Neal & Travis Warner
835 Thomasson Drive
Dallas, TX 75208





FILE NUMBER: BDA223-114 (DB)

BUILDING OFFICIAL'S REPORT: Application of Phillip Kingston represented by Melissa Kingston for (1) a variance to the maximum allowed lot coverage of 45 percent, and for (2) a variance to the side-yard setback regulations, and for (3) a variance to the side-yard setback regulations at 6045 Velasco Ave. This property is more fully described as Block 4/1894, Lot 13 and is zoned CD-12, which has a 45 percent maximum lot coverage, and requires one side-yard setback of 10-feet and requires one side-yard setback of 5-feet. The applicant proposes to construct a residential structure with 4057 square-feet of floor area (50.7% lot coverage), which will require (1) a 457 square-foot variance to the maximum allowed lot coverage of 45 percent; and to construct a residential structure and provide a 3-foot side-yard setback, which will require (2) a 2-foot variance to the side-yard setback regulations; and to construct a residential structure and provide a 3-foot 9-inch side-yard setback, which will require (3) a 6-foot 3-inch variance to the side-yard setback regulations.

LOCATION: 6045 Velasco

APPLICANT: Phillip Kingston

Represented by: Melissa Kingston

REQUEST:

- (1) A request for a variance to the maximum lot coverage;
- (2) A request for a variance to the side-yard setback regulations;
- (3) A request for a variance to the side-yard setback regulations.

STANDARD FOR A VARIANCE:

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

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

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

ELEMENT II SUBSTITUTE

Dallas Development Code **§51A-3.102(d)(10)(b)**, formerly known as **HB 1475**, allows for the BDA to use their discretion and consider Element 2 of the Variance standard to be met, if:

- (i) 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 of the Texas Tax Code;
- (ii) 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;
- (iii) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (iv) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (v) the municipality considers the structure to be a nonconforming structure.

STAFF RECOMMENDATION:

A request for a variance to the maximum lot coverage. Denial

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

- A. Not contrary to the public interest as no letters of opposition were received;
- B. Not restrictive in area, shape, or slope; in which the property cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.
- C. Self-created hardship/personal hardship.

A request for a variance to the side-yard setback regulations. 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 shape for the specific development to maintain its legal nonconforming use rights and comply with the parking regulations;

C. Not a self-created or personal hardship.

A request for a variance to the side-yard setback regulations. 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 shape for the specific development to maintain its legal nonconforming use rights and comply with the parking regulations;
- C. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Square Footage:

This lot contains 8000 square feet.

This lot is zoned CD12 (R-7.5(A)) which requires a minimum area of 7500 square feet.

Zoning:

- Site: CD-12 (R-7.5(A) Single Family District)
- North: CD-12 (R-7.5(A) Single Family District)
- South: CD-12 (R-7.5(A) Single Family District)
- East: R-7.5 (A) Single Family District
- West: CD-12 (R-7.5(A) Single Family District)

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the maximum lot coverage
- A request for a variance to the side-yard setback regulations
- A request for a variance to the side-yard setback regulations
- The subject site is surrounded by single family homes and duplex uses.
- Conservation District 12 requires a minimum side yard setback for main structures of 5-feet on one side and 10 feet on the other side.
- Conservation District 12 requires a maximum lot coverage of 40 percent for new construction and non-original structures. Maximum lot coverage is 45 percent for original (1945 or earlier) structures.
- As gleaned from the submitted site plan, the applicant proposes to remodel and expand the existing duplex and provide a 50.7% lot coverage (457sf).

- As gleaned from the submitted site plan, the applicant proposed to remodel and expand the existing duplex and provide a 3-foot side yard setback, which will require a 2-foot variance to the side yard setback regulations
- As gleaned from the submitted site plan, the applicant proposed to remodel and expand the existing duplex and provide a 3-foot 9-inch side yard setback, which will require a 6-foot 3-inch variance to the side yard setback regulations.
- It is imperative to note that nonconforming use and/or nonconforming structure rights can be lost; this is determined during CD and/or permitting review.
- [CD-12.pdf](#)

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

- That granting the variance to the lot coverage and the side yard setbacks 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 variances are 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 variances 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 9-foot 6-inch variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

October 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 26, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **B**.

October 26, 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 November 20, 2023, deadline to submit additional evidence for staff to factor into their analysis; and December 1, 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 22, 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.

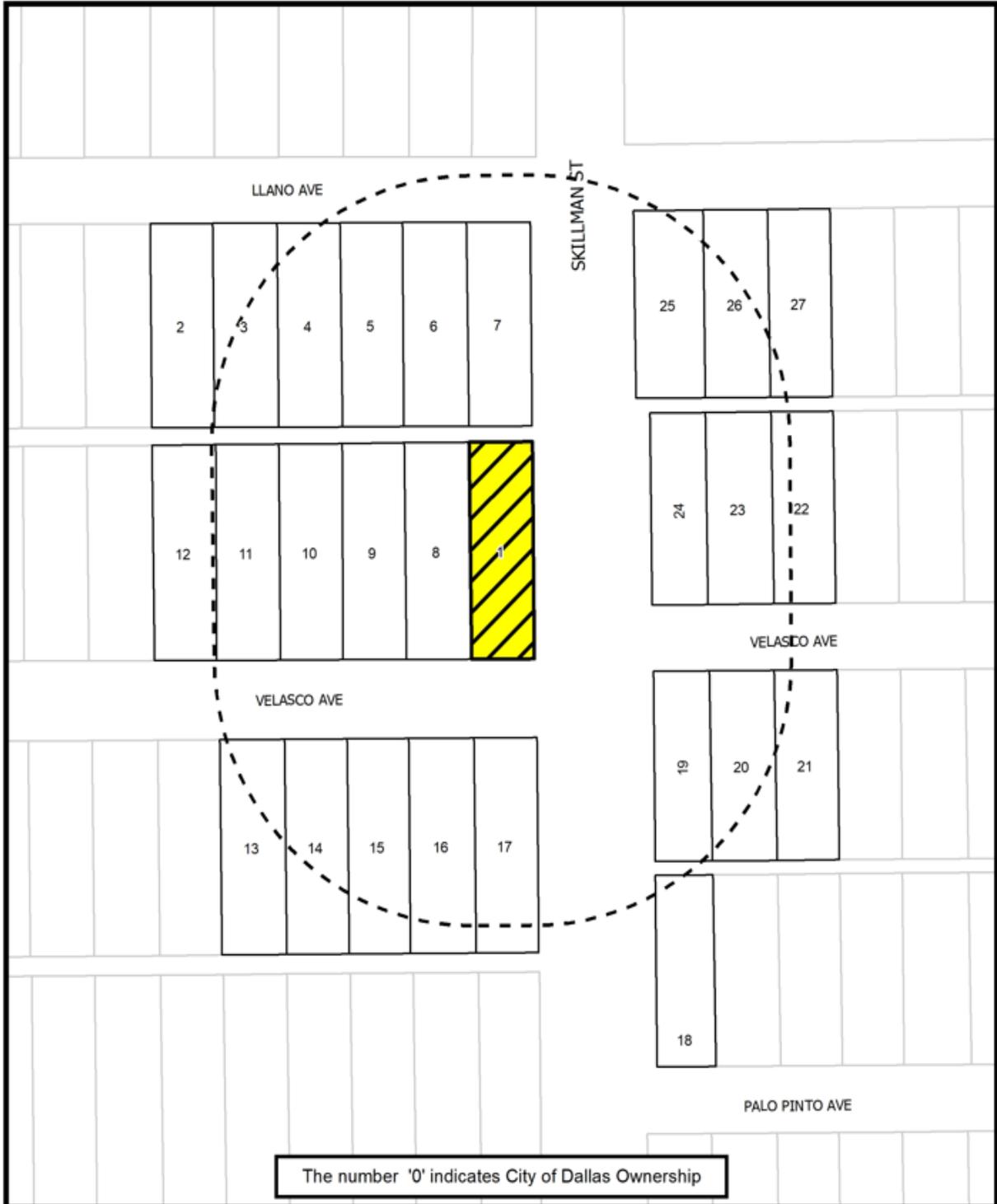


1:1,200

AERIAL MAP

Case no: BDA223-114

Date: 10/31/2023

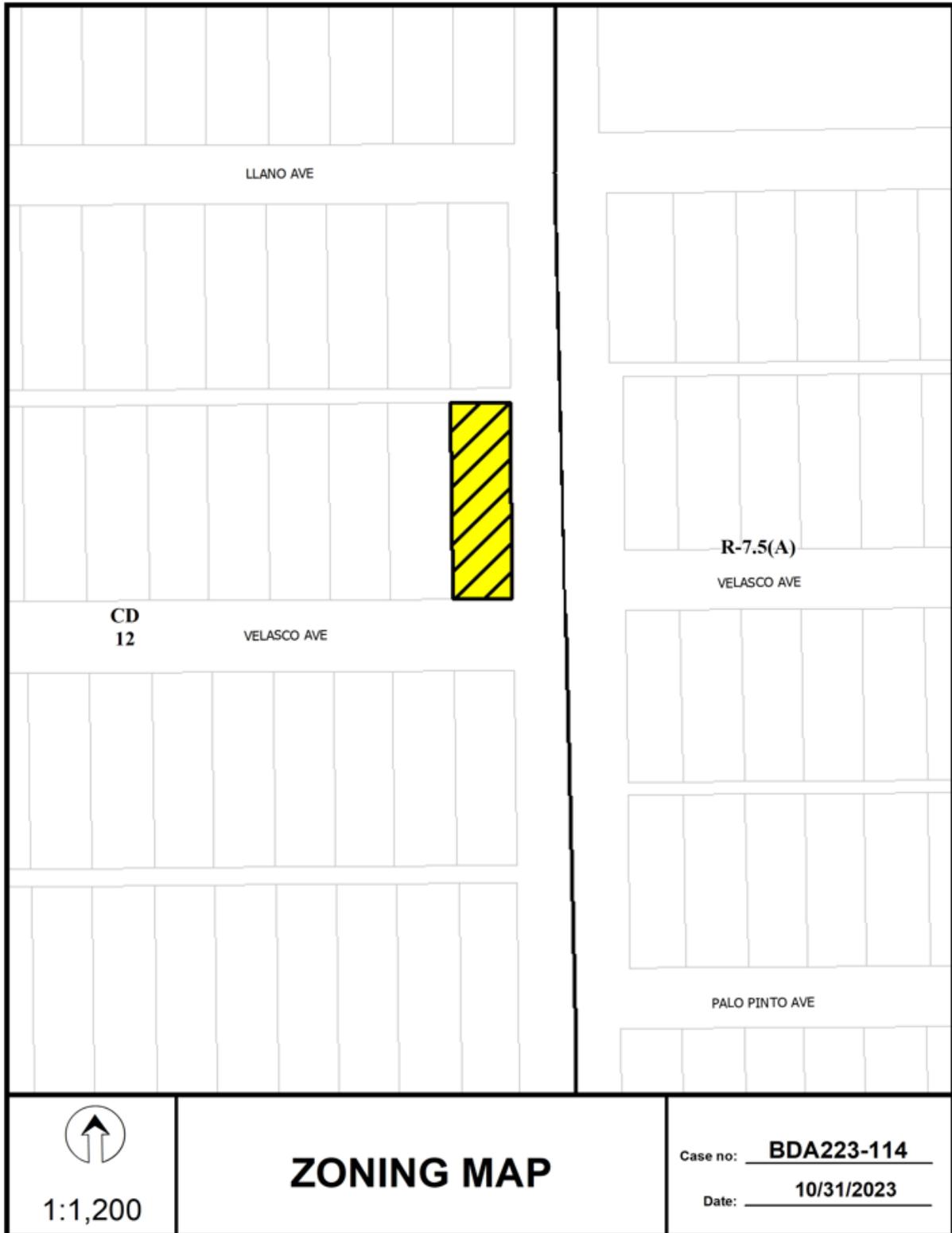


1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
27 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-114**
 Date: **10/31/2023**



/
10/31/2023

Notification List of Property Owners

BDA223-114

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6045 VELASCO AVE	DUARTE TOMAS A
2	6026 LLANO AVE	CONNORS JONATHAN
3	6030 LLANO AVE	BENNETT JESSICA <u>BAILEY &</u>
4	6034 LLANO AVE	JASON STEFANIDES REVOCABLE TRUST
5	6038 LLANO AVE	GRAMM WILLIAM J
6	6042 LLANO AVE	GRAMM WILLIAM J
7	6046 LLANO AVE	FAULKNER JAMES II & LAYNE
8	6043 VELASCO AVE	GRANADO ENEDINA
9	6039 VELASCO AVE	Taxpayer at
10	6035 VELASCO AVE	MOLLERDEMARCO LLC
11	6031 VELASCO AVE	9812 HOLDINGS LLC
12	6027 VELASCO AVE	STABLER MARISSA LEIGH &
13	6030 VELASCO AVE	CONNER ASHLEY B &
14	6034 VELASCO AVE	RHB DEVELOPMENT LLC
15	6038 VELASCO AVE	CAROLLO DARREN & ANGELA
16	6042 VELASCO AVE	MCREYNOLDS JASON & RACHELLE
17	6044 VELASCO AVE	THOMPSON DAVID R
18	6107 PALO PINTO AVE	WATRAS WILLIAM
19	6106 VELASCO AVE	POLLARD CHRISTOPHER STEVEN &
20	6108 VELASCO AVE	BROWN HERB & KATHY
21	6114 VELASCO AVE	ROZKIN LEONID
22	6115 VELASCO AVE	KHOURI GEORGES I & GRACE V
23	6111 VELASCO AVE	REYNOLDS KIM LEANN
24	6107 VELASCO AVE	STROPE LEIGH A
25	6106 LLANO AVE	AUGUSTINE AARON LIVING TRUST THE
26	6110 LLANO AVE	DALLAS METRO HOLDINGS LLC

10/31/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6112 LLANO AVE	LOZANO CONCEPCION LOPEZ

Philip Kingston
of counsel to:

SHEILS WINNUBST PC

UTAH | ANDREWS

Attorneys and Counselors

1100 ATRIUM II

1701 N. COLLINS

BLVD. RICHARDSON,

TEXAS 75080

(972) 644-8181

Philip Kingston
philip@sheilswinnubst.com

November 20, 2023

via email: diana.barkume@dallas.gov, kameka.mhoskins@dallas.gov

Diana Barkume
Kameka Miller-Hoskins, PhD
1500 Marilla
Dallas, Texas 75201

Re: BDA223-114, 6045/6047 Velasco

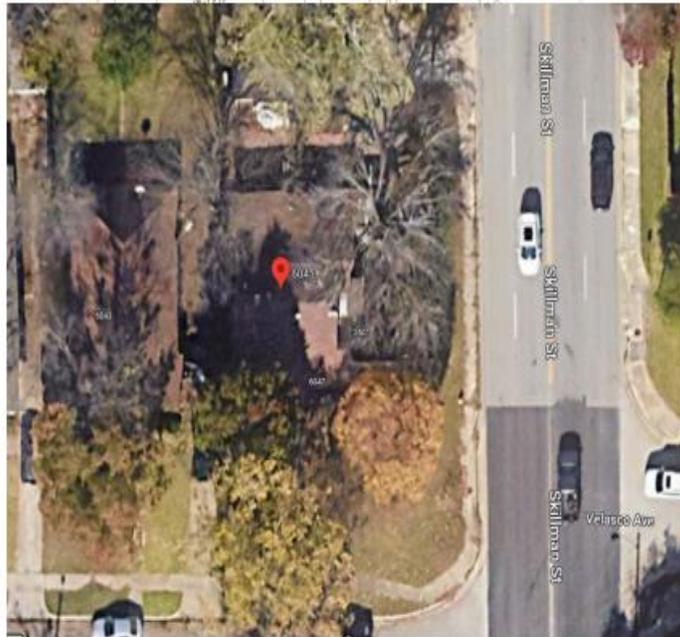
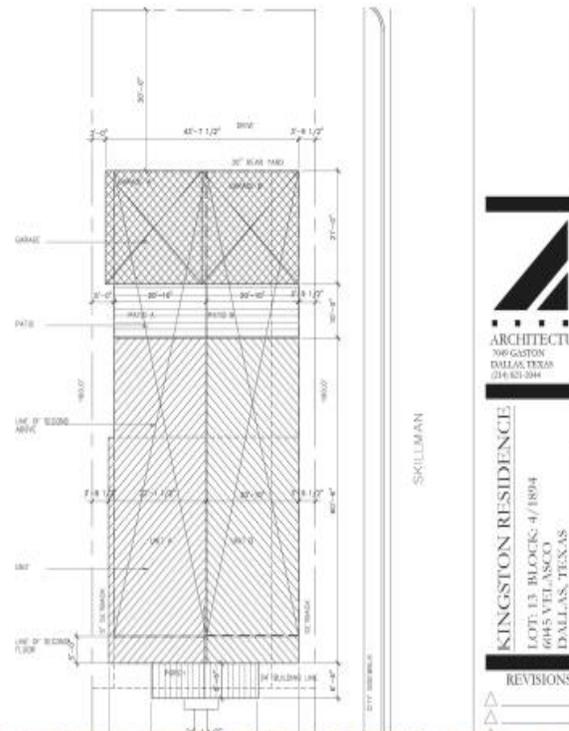
Dear Ms. Barkume and Dr. Miller-Hoskins:

Thank you both for your help with this variance request. I am submitting this letter to assist with your analysis of the request and to aid in your recommendation to the Board. Please also include this letter in the Board materials for its consideration.

The Ask

The basic request is for relief from the side setbacks and lot coverage to allow this duplex to be renovated to include rooms of livable size and two, full-size garages so that the units can be used as owner-occupied homes.

As you can see in the site plan and the aerial view, there is no next-door neighbor to the east, and the City has a considerably wide right of way for Skillman Street much wider than the actual travel lanes:



The Ordinance

CD12 applies to 6045/6047 Velasco ("Property") and requires:

- (4) Side yard. Minimum side yard for main structures is five feet on the one side and 10 feet on the other side.

- (9) Lot coverage. Maximum lot coverage is 40 percent for new construction and non-original structures. Maximum lot coverage is 45 percent for original (1945 or earlier) structures. See Exhibit B.

As one of the originators of the CD, I can tell you that these asymmetrical setbacks were proposed because the majority of the original structures were developed with front driveway access necessitating the greater setback. The specific concern was to reduce crowding and massing from the viewpoint of the next-door neighbor. Here, with no neighbor, the variance of the side-yard setback will not be contrary to the public interest.

The same argument justifies the variance to the lot coverage limit. With no neighbor to the east, the slight increase in buildable envelope will not affect the neighbors to the north and west who will experience the same setbacks as are already present for the legal, non-conforming structure on the Property.

The other important public interest consideration in this case is that, if the variances are granted, the Property will be redeveloped as two owner-occupied, family homes. They will be available at a lower price point than the single-family homes in the neighborhood while still having access to the walkable amenities and great schools enjoyed by the other neighbors.

The Hardship

The Property currently has a legal, non-conforming duplex use on land zoned single-family by the conservation district that was adopted in 2004. The prior zoning was R7.5-A that was also passed long after the construction of the duplex so that the Property has retained its legal, non-conforming duplex rights since the zoning was changed underneath it.

Without a variance to the setbacks and lot coverage requirements of the current zoning, the Property will not be able to be redeveloped into livable, owner-occupied duplex units in the same way that all other duplex lots of this size could be.¹ Strict adherence to the setbacks would limit the horizontal dimension of any room in the structure to fifteen feet or less and would eliminate garages for the two units. Practically speaking, these development challenges would be insurmountable.

In other words, without the minor variances requested, the Property would lose a great deal of its legal, non-conforming rights due to changes in the City's zoning code subsequent to its original construction and continuous use. Such an outcome does not conform to state law on legal non-conforming rights and would constitute a taking.

This hardship is a City-created and not a self-created or personal hardship. The Texas Supreme Court illustrated a salient hypothetical demonstrating the difference. "[A]n

¹ Maximum lot coverage of 60%. Ch. 51A 4.113(4)(F)(i)(aa)

example of a personal or self-created hardship might be a situation in which the owner of a square lot divides it into two triangles and then tries to secure a variance in order to sell the property at a high price." *City of Dallas v. Vanesko*, 189 S.W.3d 769, 773-4 (Tex. 2006) (quoting *Currey v. Kimple*, 577 S.W.2d 508, 512-13 (Tex. Civ. App. — Texarkana 1978, writ ref'd n.r.e.)).

It's important to analyze the hardship in this case in relation to other lots with *duplex entitlements*. If staff and the Board compare the Property to the single-family lots in the neighborhood to determine that the Property can be developed without the variances, they would implicitly rob the Property of its legal, non-conforming rights. If the Property were in a duplex neighborhood, it could have a 4,842 sq. ft. footprint with a 25 ft. front setback. By comparison, the minor variances requested allow for a practical renovation of a duplex structure with no damage done to the public interest in preserving the look and feel of the neighborhood and in protecting neighboring properties from crowding and massing.

Conclusion

The requested variances conform to the public interest because there is no neighbor to the east to be affected by the variances. They are necessary to the development of the Property to its legal, nonconforming use, and they will remove an unnecessary hardship created by the City.

Best regards,

A handwritten signature in blue ink that reads "Philip Kingston". The signature is written in a cursive, flowing style.

Philip Kingston

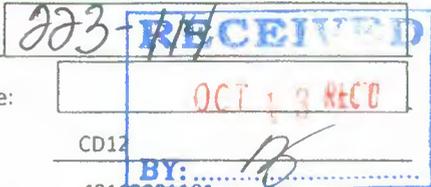


Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA



Relative to Subject Property: New Construction Date: _____
 Location address: 6045 and 6047 Velasco Zoning District: CD12
 Lot No.: 13 Block No.: 4/1894 Acreage: 0.185 Census: 48115001101
 Street Frontage (in Feet): 1) 50.44'S 2) 160' W 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Melissa Kingston and Philip Kingston

Applicant: Philip Kingston Telephone: 214-642-1707 214 642 1366

Mailing Address: 5901 Palo Pinto Zip Code: 75206

E-mail Address: philip@sheilswinnubst.com mkingston@fflawoffice.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception, of reduction of side yard setback to 3'9" and increase lot coverage to 50.2%

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 a legal, non-conforming duplex in a single family zoning district. Applicant requires relief from the 10' sideyard setback in order to construct 2 garages for the remodel of the property. The property is further burdened by adjacency to Skillman Ave., and a variance to the lot coverage is necessary to develop duplex units of equal size

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 Melissa and Philip Kingston

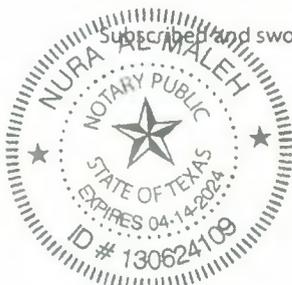
(Affiant/Applicant's name printed)

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 13 day of October, 2013

Notary Public in and for Dallas County, Texas



DEVELOPMENT SERVICES • BOARD OF ADJUSTMENT

**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 PHILLIP KINGSTON
represented by MELISSA KINGSTON
did submit a request (1) a variance to the maximum allowed lot coverage of 45%, and for (2) a variance to the side yard setback regulations, and for (3) a variance to the side-yard setback regulation
at 6045, 6047 Velasco

BDA223-114(DB) Application of Phillip Kingston represented by Melissa Kingston for (1) a variance to the maximum allowed lot coverage of 45 percent, and for (2) a variance to the side-yard setback regulations, and for (3) a variance to the side-yard setback regulations at 6045 Velasco Ave. This property is more fully described as Block 4/1894, Lot 13 and is zoned CD-12, which has a 45 percent maximum lot coverage, and requires one side-yard setback of 10-feet and requires one side-yard setback of 5-feet. The applicant proposes to construct a residential structure with 4057 square feet of floor area (50.7% lot coverage), which will require (1) a 457 square foot variance to the maximum allowed lot coverage of 45 percent; and to construct a residential structure and provide a 3-foot side yard setback, which will require (2) a 2-foot variance to the side yard setback regulations; and to construct a residential structure and provide a 3-foot 9-inch side yard setback, which will require (3) a 6-foot 3-inch variance to the side yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



BDA223-114

CITY OF DALLAS PLAT BOOKS

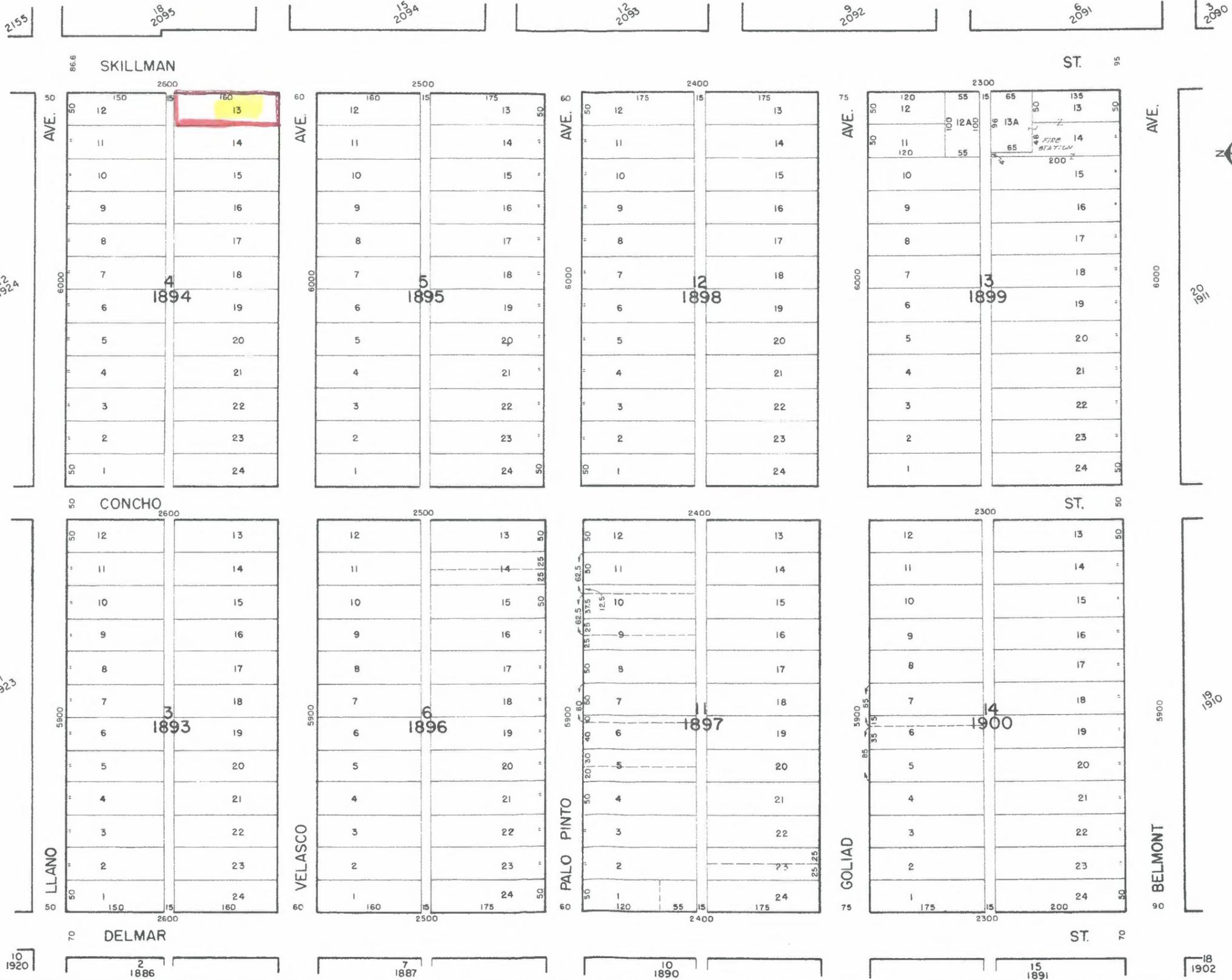
ANNEXED APRIL 1, 1935 ORD. NO. SURVEY A. BEARD ABST. 66

ADDITION BELMONT

SCALE 100 FT. EQUALS 1 INCH

BLOCKS 1893-1900

SCHOOL DISTRICT DALLAS



TRUE AND CORRECT
 COPY OF RECORD
 ON FILE IN CITY
 SURVEYOR'S OFFICE

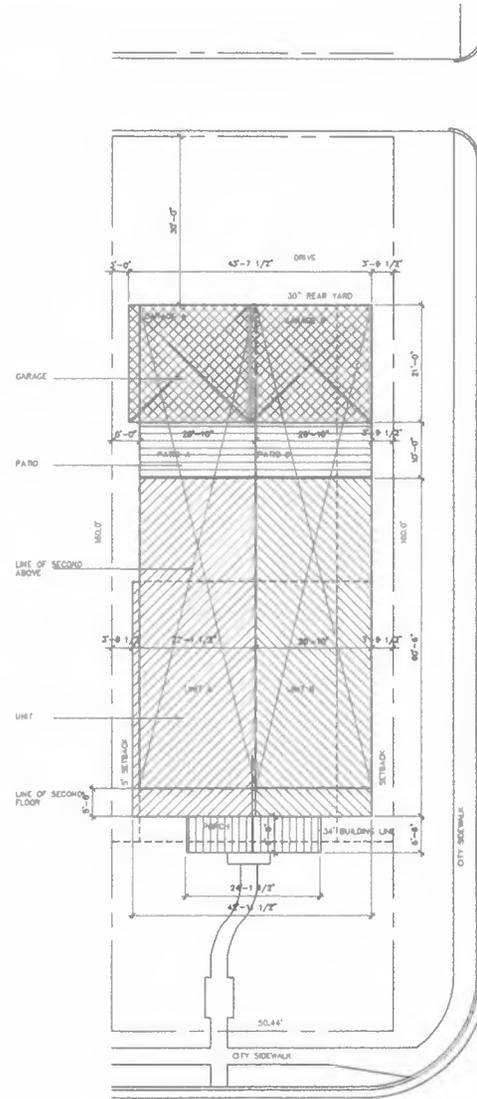
BY: *[Signature]*
 DATE: 10/13/2023

BDA223-104

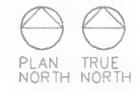
SITE PLAN NOTES:

1. CONTRACTOR TO PROVIDE TO LOCATE ALL UTILITY DEBITS EXISTING CONSTRUCTION.
2. 17' MINIMUM TREE RETENTION FOR ALL TREES TO REMAIN TO PROTECT TREES AS WELL AS THE ROOT SYSTEMS.
3. 17' MINIMUM TREE RETENTION FOR ALL TREES TO REMAIN TO PROTECT CONCRETE WORK.
4. REPORT TO THE ARCHITECT PRIOR TO COMMENCING CONSTRUCTION.
5. TREAT SITE WITH TERMIANDE OR TERMIANDE PROTECTANT DURING CONSTRUCTION.
6. SIDE WALK FINISH TO BE A SMOOTH FINISH.
7. DRIVEWAY TO BE A SMOOTH FINISH.
8. PROVIDE POSITIVE DRAINAGE AWAY FROM RESIDENCE.
9. PROVIDE 1" x 4" x 8" DIMENSIONAL TREATMENT WATER EXISTING TREES TO ENSURE THEIR SURVIVAL DURING CONSTRUCTION.
10. WATER SHALL NOT BE REDIRECTED TO DRAIN ON ADJACENT LOT.

AREA SUMMARY		
UNIT A	Non A/C	A/C
1st Floor Square Footage:		
Garage	458 sq. ft.	1,313 sq. ft.
Front Porch	76 sq. ft.	
Balcony/Patio	208 sq. ft.	
2nd Floor Square Footage:		
		1,800 sq. ft.
Total Unit A A/C Square Footage:		
		3,113 sq. ft.
UNIT B	Non A/C	A/C
1st Floor Square Footage:		
Garage	458 sq. ft.	1,260 sq. ft.
Front Porch	76 sq. ft.	
Balcony/Patio	208 sq. ft.	
Garage 2nd floor		
Total Unit B A/C Square Footage:		
		1,797 sq. ft.
		3,057 sq. ft.
TOTAL ALLOWABLE LOT COVERAGE		
		45%
LOT SIZE		
		8,070 sq. ft.
ACTUAL LOT COVERAGE		
Building/Garage/Porch		4,057 sq. ft.
		50.2%
ALLOWABLE LOT COVERAGE		
		3,631 sq. ft.
PERMEABLE COVERAGE (ALLOWABLE)		
PERMEABLE COVERAGE (ACTUAL)		
PARKING REQUIRED		
		4 Req.
PARKING PROVIDED		
		4 Spaces



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



SKILLMAN



KINGSTON RESIDENCE
LOT 13 BLOCK 1/1894
6045 VELASCO
DALLAS, TEXAS

REVISIONS

△	
△	
△	



APPROVED AS CITY ENGINEER
CONSTRUCTION IS TO BE
IN ACCORDANCE WITH THE CITY OF DALLAS
PLANNING DEPARTMENT ORDINANCES
AND REGULATIONS.

DATE: 7/10/2023
SHEET NO.

A-1

CITY PLAN

BDA 223-114