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**CITY SECRETARY
DALLAS, TEXAS**



**City of Dallas
BOARD OF ADJUSTMENT (PANEL C)**

Public Notice

230992

**POSTED CITY SECRETARY
DALLAS, TX**

**November 13th, 2023, Briefing at 10:30 A.M. and the Public Hearing at 1:00 P.M.
Dallas City Hall, 6ES, and Videoconference**

**Video Conference Link: <https://bit.ly/111323-C>
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-C-Register> or call (214) 670-4127, **by the close of business Sunday, November 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-C-Register> o llamando al (214) 670-4127, **antes de cierre de oficina el Domingo, 12 de Noviembre, 2023. Las Personas que quieran hablar en persona, se pueden registrar en la Audiencia.**

AGENDA

- I. **Call to Order** Robert Agnich, Vice-Chair
- II. **Staff Presentation/Briefing**
- III. **Public Hearing** Board of Adjustment
- IV. **Public Testimony**
- V. **Miscellaneous Items -**
 - Approval of Special Call Meeting Minutes – October 31st, 2023
 - Approval of Panel C Minutes – July 17th, 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)

BDA223-088(KMH)	12100 Preston Road REQUEST: Application of Dr. Kenneth H. Cooper represented by Hudson Lockett for (1) a special exception to the landscaping and tree mitigation regulations.	1
BDA223-086(KMH)	3344 Topeka Avenue REQUEST: Application of Sixto Diaz for (1) a variance to the front-yard setback regulations.	2
BDA223-087(KMH)	5327 Richard Avenue REQUEST: Application of Brad Butz for a (1) variance to the side-yard setback regulations.	3
BDA223-089(KMH)	2622 Madera Street REQUEST: Application of Daniel Hernandez represented by Axel Videl for a (1) variance to the front yard setback regulations, and (2) for a special exception to the fence height regulations, and (3) for a special exception to the fence opacity standards regulations.	4
BDA223-090(KMH)	2504 Maple Avenue REQUEST: Application of Mohsen Heidari represented by Tate Frier for (1) a variance to the parking regulations.	5

HOLDOVER

None.

INDIVIDUAL CASES

None.



BOARD OF ADJUSTMENT
SPECIAL CALL MEETING

October 31, 2023

DRAFT

6EN Council Chambers
24923176153@dallascityhall.webex.com

PRESENT: [17]

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

ABSENT: [3]

Jay Narey	
TC Fleming	
Judy Pollock	

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

WELCOME:

David A. Neumann

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

CHAIRMAN'S UPDATE:

David A. Neumann

October 1, 2022 – September 30, 2023

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

CHAIRMAN'S UPDATE:

David A. Neumann

Advocacy:

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

Empowerment:

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

Transition:

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

Progress:

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

PUBLIC TESTIMONY

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

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

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

Board Training

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

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

Open Records Requests – Brady Flannery, Assistant City Attorney

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

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

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

- Development Services Department

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

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

Board Member Response

- Suggestions & Feedback

Action Items

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

BOARD OF ADJUSTMENT ACTIONS

- Review/Adopt 2024 Meeting Calendar

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

- 2022-2023 Accomplishments

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

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

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

ADJOURNMENT

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

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

 Date

Required Signature:

Jason Pool / Development Services Administrator
Development Services Dept.

Date

Required Signature:

David A. Neumann, Chairman
Board of Adjustment

Date



Board of Adjustment

FY 2023 - 2024 Schedule

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

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

City of Dallas
Board of Adjustment
October 31, 2023

Progress Report 2022-2023 Goals and Objectives

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

RESULT:

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

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

RESULT:

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

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

RESULT:

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

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

RESULT:

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

Board of Adjustment
Progress Report 2022-2023 Goals and Objectives

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

RESULT:

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

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

RESULT:

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

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

RESULT:

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

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

RESULT:

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

City of Dallas
Board of Adjustment
October 31, 2023

Proposed 2023 - 2024 Goals & Objectives

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

Board of Adjustment Recommendation to the City Council

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



BOARD OF ADJUSTMENT

Panel C Minutes

July 17, 2023

DRAFT

6ES Briefing Room

24957316190@dallascityhall.webex.com

[webex.com](https://www.webex.com)

Robert Agnich, Vice-Chair

PRESENT: [5]

Robert Agnich, VC	
Rodney Milliken	
Jared Slade	
Judy Pollock	
Roger Sashington	

ABSENT: [0]

Vice-Chair Agnich called the briefing to order at **10:33 A.M.** with a quorum of the Board of Adjustment present.

Vice-Chair Agnich called the hearing to order at **1:23 P.M.** with a quorum of the Board of Adjustment present.

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

PUBLIC SPEAKERS

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

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

MISCELLANEOUS ITEMS

Approval of the Board of Adjustment Panel C June 22, 2023 public hearing minutes.

Motion was made to approve Panel C June 22, 2023 public hearing minutes.

Maker:	Judy Pollock				
Second:	Rodney Milliken				
Results:	5-0 unanimously				Motion to approve
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, and Jared Slade
		Against:	-	0	

I move with the Board of Adjustment to wave the Rules of Procedure that requires that the Docket Materials be posted at least 7 days prior to the hearing.

Maker:	Robert Agnich				
Second:	Roger Sashington				
Results:	5-0 unanimously				
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashington, Rodney Milliken, and Jared Slade
		Against:	-	0	

UNCONTESTED ITEMS

- 817 N. Clinton Ave.**
BDA212-106(GB)

BUILDING OFFICIAL’S REPORT Application of Cassandra Russell for a variance to the off-street parking regulations at 817 N. Clinton Ave. This property is more fully described as Block 11/3458, part of lot 9 and 10 and is zoned CD-1, which requires a parking space be at least 20-feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a single-family residential structure with a setback of 16-feet, which will require a variance of 4-foot to the off-street parking regulations.

LOCATION: 817 N. Clinton Avenue

APPLICANT: Casandra Russell

REQUEST:

This is a request for a variance to the off-street parking regulations. The applicant proposes to construct and/or maintain single family residential structure with a setback of 16-feet, which will require a variance of 4-foot to the off-street parking 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:

Approval

Rationale:

The applicant's request is not contrary to the public interest, nor is the applicant's request is a self-created hardship.

• **ZONING/BDA HISTORY:**

Zoning:

Site: CD-1

North: CD-1

South: CD-1

East: CD-1

West: CD-1

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a variance to the off-street parking regulations. The applicant proposes to construct and/or maintain single family residential structure with a setback of 16 feet, which will require a variance of 4 foot to the off-street parking regulations.
- The subject property is located at 817 N. Clinton Avenue
- The subject property is zoned CD-1
- The intended use for this property is a single-family residence.

Timeline:

- May 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.
- June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- June 13, 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 June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 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.”
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 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, and the Development Services Senior Engineers
- June 29, 2023: The engineering department submitted a review comment sheet:

Speakers:

For: Cassandra Russell, 817 N. Clinton Ave., Dallas TX 75208

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 212-106, on application of Cassandra Russell, **GRANT** the 20-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.

BDA212-106 —Application of Cassandra Russell for the 20-foot variance to the front yard setback regulations in the Dallas Development Code, is **GRANTED** subject to the following condition:

Compliance with the submitted site plan is required.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0				Motion to grant
		Ayes:	-	5	Judy Pollock, Roger Sashington, Rodney Milliken, Jared Slade, and Robert Agnich
		Against:	-	0	

2. 4112 Delano Place

***This case was moved to Individual Items**
 BDA223-059(GB)

BUILDING OFFICIAL’S REPORT Application of Baldwin Associates for a variance to the parking regulations at 4112 Delano Pl. This property is more fully described as Block B/657, Lot 1/2 of lot 16 and is zoned CR, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for office use and provide 2 of the required 4 parking spaces, which will require a 2-space variance (50% reduction) to the parking regulation.

LOCATION: 4112 Delano Place

APPLICANT: Baldwin Associates

REQUEST:

This is a request for a variance to the parking regulations. The applicant proposes to construct and maintain a nonresidential structure for office use and provide 2 of the required 4 parking spaces, which will require a 2-space variance (50% reduction) to the parking regulation.

STANDARD FOR A VARIANCE:

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

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

- (E) **necessary to permit development of a specific parcel of land** that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (F) **not granted to relieve a self-created or personal hardship**, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval

Rationale:

The applicant's request is not contrary to the public interest, nor is the applicant's request is a self-created hardship.

- **ZONING/BDA HISTORY:**

Zoning:

Site: CR

Land Use:

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

GENERAL FACTS/STAFF ANALYSIS:

- This is a request for a variance to the parking regulations. The applicant proposes to maintain a nonresidential structure for an office use and provide 2 of the required 4 parking spaces, which will require a 2-space variance (50% reduction) to the parking regulation.
- The subject property is located at 4112 Delano Place.
- The subject property is zoned CR.
- The intended use for this property is an office.

Timeline:

- April 26, 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 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- June 13, 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 June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 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.”

June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 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, and the Development Services Senior Engineers

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

Speakers:

For: Rob Baldwin, Baldwin Associates, 3904 Elm Street Suite B, Dallas TX 75226

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-059, on application of Rob Baldwin **GRANT** the 2-space variance to the parking regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the revised submitted site plan is required.

Maker:	Jared Slade				
Second:	Judy Pollock				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Roger Sashinton, Rodney Milliken, Jared Slade
		Against:	-	0	

3. 4106 South Better Dr.

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

BDA223-064(KMH)

BUILDING OFFICIAL’S REPORT: Application of Gregory Michaelson for a variance to the side yard setback regulations at 4106 South Better Dr. This property is more fully described as Block 1/6150, Lot 5 and is zoned R-16(A), which requires a side yard setback of 10-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 a 5-foot variance to the side yard setback regulations.

LOCATION: 4106 South Better

APPLICANT: Gregory Michaelson

REQUEST:

A request for a variance to the side yard setback regulations of 5-feet is made to maintain a single-family residential structure. The applicant is proposing to construct and maintain single-family residential structure and provide a 5-foot side yard setback, which will require a 5-foot variance to the side yard setback regulations.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that granting the variance in this application would not be contrary to public interest in that the variance would allow a structure in one of the site's two side yard setbacks.

BDA HISTORY:

No BDA history within the last 5 years.

Zoning:

<u>Site:</u>	R-16(A)
<u>North:</u>	R-16(A)
<u>South:</u>	R-16(A)
<u>East:</u>	R-16(A)
<u>West:</u>	R-16(A)

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 5-feet is made to construct and maintain single family residential structure.
- On March 28, 2023, On Group (Contractor Company) applied for a building permit for an addition to the single-family dwelling. The permit was issued on March 28, 2023.
- The single-family residential structure lies within the 10-foot required side yard setback.
- It appears that the single-family residential structure was built in compliance with the plans submitted for the approved building permit.

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

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

Timeline:

- May 10, 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.
- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- June 13, 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 June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 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.
- June 28, 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 Examiner the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- June 30, 2023: The Development Services Engineer submitted a response sheet with no objections. (Attachment A)

Speakers:

For: Gregory Michaelson, 4106 South Better Drive, Dallas TX 75229

Against: No Speakers

Motion

I move that the Board of Adjustment in Appeal No. BDA 223-064, an application of Gregory Michaelson, to **GRANT** the 5-foot variance to the side yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

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

Compliance with the submitted site plan is required.

Maker:	Rodney Milliken				
Second:	Jared Slade				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

4. 402 N. Good Latimer Expwy.

***This Case was moved to Individual Items**
 BDA223-067(GB)

BUILDING OFFICIAL'S REPORT Application of Baldwin Associates for a special exception to the parking regulations at 402 N Good Latimer Expy. This property is more fully described as Block 7/0284, Part of lots 1 and 2 and all of lot 3, and is zoned PD-298 subarea 5, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13-space special exception (23% reduction) to the parking regulation.

LOCATION: 402 N. Good Latimer Expressway

APPLICANT: Baldwin Associates

REQUEST:

A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13-space special exception (23% reduction) to the parking regulation.

STANDARD FOR A SPECIAL EXCEPTION SEC 51A-4.311:

- (1) The board **MAY** grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase

traffic congestion on the adjacent or nearby streets. Except as otherwise provided in this paragraph, the maximum reduction authorized in this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to the already existing nonconforming rights.

- (2) In determining whether to grant a special exception under paragraph (1), the board **SHALL** consider the following factors
- A. The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - B. The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - C. Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - D. The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - E. The availability of public transit and the likelihood of its use.
 - F. The feasibility of parking mitigation measures and the likelihood of their effectiveness.

STAFF RECOMMENDATION:

Approval based on expert trade discipline not having any objections.

• **ZONING/BDA HISTORY:**

No BDA history within in the last 5 years.

Zoning:

Site: PD298 Subarea A
North: PD298 Subarea A
South: MU-3
East: PD298 Subarea 11
West: CA-2 (A)

Land Use:

The subject site is developed with 1 building. Areas to the North, South, East, and West are developed with mixed uses. There is a Dart Rail station directly across from the building.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 56 of the required 69 parking spaces, which will require a 13-space special exception (23% reduction) to the parking regulation.
- The subject property is located at 402 N. Good Latimer Expressway
- The subject property is zoned PD298 Subarea A
- The intended use for this property is a restaurant, which requires 69 parking spaces.

Timeline:

- May 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.
- June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- June 13, 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 June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 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.”
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 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, and the Development Services Senior Engineers
- June 29, 2023: The engineering department submitted a review comment sheet.

Speakers:

For: Rob Baldwin, Baldwin Associates, 3904 elm Street Suite B, Dallas TX 75226

Against: No Speakers

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-067, an application of Rob Baldwin, **GRANT** the request of this applicant to provide fifty-six (56) off-street parking spaces to the off-street parking regulations contained in the Dallas Development Code, as amended, which requires sixty-nine (69) off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces.

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

The special exception of thirteen (13) spaces shall automatically and immediately terminate

if and when the restaurant without a drive-in or drive-through use, office use, and/or personal services is changed or discontinued.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington and Jared Slade
		Against:	-	0	

5. 906 Kessler Pkwy.
 BDA223-068(KMH)

BUILDING OFFICIAL’S REPORT Application of Jennifer Hiromoto for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 906 Kessler Pkwy. This property is more fully described as Block 4700, Lot 1-A, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front lot line. The applicant proposes to construct a 6-foot high fence in a required front yard, which will require a 2-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 lot line, which will require a special exception to the fence opacity regulations.

LOCATION: 906 Kessler Pkwy

APPLICANT: Jennifer Hiromoto

REQUEST:

A request for a special exception to the fence height regulations and for a special exception to the fence opacity regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STAFF RECOMMENDATION:

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.

The Development Services Engineer has reviewed all pertinent documents submitted and has no objections to this request.

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) (Single Family District)
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 within the last 5 years.

GENERAL FACTS/STAFF ANALYSIS:

- The purpose of this request is for a special exception to the fence regulations of 2-feet focuses on constructing and/or maintaining a 6-foot high fence in a required front yard; additionally, this request is also for a special exception to the fence standards regulations for a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line.
- The subject site and surrounding properties are zoned R-7.5 (A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that no fence panel having less than 50 percent open surface area may be located less than 5-feet from the lot line.
- As gleaned from the submitted site plan and elevations, the applicant is proposing a 6-foot high fence in the required front yard along Kessler Pkwy.
- The proposed fence is a picket style fence with Austin stone veneer walls to match the house. It also imperative to note that the proposed fence will consist of a pedestrian gate and columns.
- The applicant has the burden of proof in establishing that the special exception to the fence regulations will not adversely affect the neighboring property.
- Granting these special exceptions to the fence standards relating to height up to 6-feet and location of fence panels with surface areas that are less than 50 percent open on the site with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.

Timeline:

May 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.

- May 30, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- June 13, 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 June 26, 2023, deadline to submit additional evidence for staff to factor into their analysis; and July 6, 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.
- June 22, 2023: The applicant provided documentary evidence.
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the July public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Senior Plans Examiner, the Assistant City Attorney to the Board, the Senior Planner and Code Compliance staff.
- June 30, 2023: The Development Services Engineer submitted a review comment sheet marked “no objection”.

Speakers:

For: No Speakers

Against: No Speakers

Motion # 1

I move that the Board of Adjustment, in Appeal No. BDA 223-068, an application of Jennifer Hiromoto, **GRANT** the request of this applicant to construct and/or maintain a 6-foot high fence as a special exception to the height requirement for fences contained in the Dallas Development Code, as amended, because our evaluation of the property and the testimony shows that this special exception will not adversely affect neighboring property.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Jared Slade			
Second:	Judy Pollock			
Results:	5-0 Unanimously			Motion to grant

		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington and Jared Slade
		Against:	-	0	

Motion # 2

I move that the Board of Adjustment, in Appeal No. BDA 223-06, on application of Jennifer Hiromoto, **GRANT** the request of this applicant to construct and/or maintain a fence with panel having less than 50 percent open surface area located less than five feet from the front lot line as a special exception to the surface area openness requirement for fences in the Dallas Development Code.

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

Compliance with the submitted site plan and elevation is required.

Maker:	Jared Slade				
Second:	Robert Agnich				
Results:	5-0 Unanimously				Motion to grant
		Ayes:	-	5	Robert Agnich, Judy Pollock, Rodney Milliken, Roger Sashington and Jared Slade
		Against:	-	0	

6. 1414 Dragon Street

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

BDA223-069(GB)

BUILDING OFFICIAL’S REPORT Application of Santos Martinez for a special exception to the parking regulations at 1414 Dragon St. This property is more fully described as Block 16/6846, part of lot 1, and is zoned PD-621 subarea 1, which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5-space special exception (10% reduction) to the parking regulation.

LOCATION: 1414 Dragon Street

APPLICANT: Santos T. Martinez (La Sierra Planning Group)

REQUEST:

A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5-space special exception (10% reduction) to the parking regulation.

STANDARD FOR A SPECIAL EXCEPTION SEC 51A-4.311:

- (3) The board **MAY** grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on the adjacent or nearby streets. Except as otherwise provided in this

paragraph, the maximum reduction authorized in this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to the already existing nonconforming rights.

(4) In determining whether to grant a special exception under paragraph (1), the board **SHALL** consider the following factors:

- G. The extent to which the parking spaces provided will be remote, shared, or packed parking.
- H. The parking demand and trip generation characteristics of all uses for which the special exception is requested.
- I. Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
- J. The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
- K. The availability of public transit and the likelihood of its use.
- L. The feasibility of parking mitigation measures and the likelihood of their effectiveness.

STAFF RECOMMENDATION:

Approval

Rationale: if certain conditions are met per Traffic Engineering expert trades.

• **ZONING/BDA HISTORY:**

No BDA History within the last 5 years.

Zoning:

Site: PDD 621 (SD 1)
North: PDD 621 (SD 1)
South: PDD 621 (SD 1)
East: PDD 621 (SD 1)
West: PDD 621 (SD 1)

Land Use:

The subject site is developed with a restaurant. Areas to the North, South, East, and West are developed with mixed commercial and retail uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the parking regulations. The applicant proposes to construct and/or maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 46 of the required 51 parking spaces, which will require a 5-space special exception (10% reduction) to the parking regulation.
- The subject property is located at 1414 Dragon Street
- The subject property is zoned PDD 621 (SD 1)
- The intended use for this property is a restaurant, which requires 51 parking spaces

Timeline:

- May 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.
- June 09, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- June 13, 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 June 23, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, July 07, 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."
- June 28, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the July 18, 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, and the Development Services Senior Engineers
- June 29, 2023: The applicant provided 8 letters of support and documentary evidence.
1. 154 Leslie
 2. 123 Manufacturing Street
 3. 400 Dragon
 4. 1400 N. Riverfront
 5. 1404 N. Riverfront
 6. 1430 Dragon
 7. 1900 Market Center
- June 29, 2023: The engineering department submitted a review comment sheet.

Speakers:

For: Santos Martinez, 3934 Elm St Suite B, Dallas TX 75226

Against: Richard Stanzel, 154 Glass Street, Dallas TX 75207

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-069, on application of Santos T. Martinez, **GRANT** the request of this applicant to provide forty-six (46) off-street parking spaces to

the off-street parking regulations contained in the Dallas Development Code, as amended, which requires fifty-one (51) off-street parking spaces, because our evaluation of the property use and the testimony shows that this special exception will not increase traffic hazards or increase traffic congestion on adjacent or nearby streets, and the parking demand generated by the use does not warrant the number of required parking spaces. This special exception is granted for a restaurant without a drive-in or drive-through.

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

The special exception of five (5) spaces shall automatically and immediately terminate if and when the restaurant without a drive-in or drive-through use is changed or discontinued.

Maker:	Jared Slade				
Second:	Rodney Milliken				
Results:	5-0				Motion to grant
		Ayes:	-	5	Robert Agnich, Roger Sashington, Judy Pollock, Rodney Milliken, and Jared Slade
		Against:	-	0	

Recess: 3:11 p.m.; Resume: 3:26 p.m.

HOLDOVER

7. 7217 Brookshire Circle
 BDA223-053(GB)

BUILDING OFFICIAL’S REPORT: Application of Steve Lakin for a special exception to the fence height regulations at 7217 Brookshire Circle. This property is more fully described as Block 6/6586, Lot 2 and is zoned R-16 (A), which limits the height of a fence in a required front-yard to 4-feet. The applicant proposes to construct and maintain a 6-foot high fence in a required front-yard, which will require a 2-foot special exception to the fence height regulations.

LOCATION: 7217 Brookshire

APPLICANT: Steve Lakin

REQUEST:

A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot-high fence in a front yard, which will require a 2-foot special exception to the fence regulations.

STANDARD FOR A SPECIAL EXCEPTION:

The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

Staff does not provide a recommendation for special exceptions.

• **ZONING/BDA HISTORY:**

No BDA History within the last 5 years

Zoning:

Site: R-16 (A)

Land Use:

The subject site is developed with a single family home. Areas to the North, South, East, and West are developed with single-family uses.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the fence height regulations. The applicant is proposing to construct a 6-foot fence which will require a 2-foot special exception.
- The subject property is located at 7217 Brookshire Drive
- The subject property is zoned R-16 (A).
- This property is governed by a zoning district that allows fences in a required front yard to be no more than 4 feet.
- No special exception would be necessary if the proposed fence was 4 feet or under.

If the Board were to grant this special exception, and impose the submitted site plan as a condition, the applicant would be required to construct the fence according to the approved site plan.

Timeline:

April 06, 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.

April 15, 2023: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

May 03, 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 May 30, 2023, deadline to submit additional evidence for staff to factor into their analysis; and the Friday, June 09, 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.”

May 31, 2023: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June 22, 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 Specialists, the Chief Arborist, Development Services Senior Engineers, and the Board Attorney.

June 02-06, 2023: Received letters from neighbors within the notification area.

June 22, 2023: The Board of Adjustments decided to hold this case over.

Speakers:

For: Steve Lakin, 400 Donley Ct, Southlake, TX 76092
 Peter Kofoed, 7217 Brookshire Dr., Dallas TX 75230
 Karl Crawley, 2201 Main Street, Dallas TX 75201

Against: Mary Lavender, 12247 Montego Plaza, Dallas TX 75230
 Sarah LaBarba, 7121 Brookshire Cir, Dallas, TX 75230
 Rob Spencer, 7147 Brookshire Cir. Dallas TX 75230
 Jason LaBarba, 7121 Brookshire Cir., Dallas TX 75230
 Susan White, 7115 Brookshire Cir., Dallas TX 75230
 Liane LaBarba, 7121 Brookshire Cir., Dallas TX 75230

I move to motion to suspend our rules of evidence, to accept 2 different submissions.

Maker:	Robert Agnich				
Second:	Rodney Milliken				
Results:	5-0 Unanimously				Motion to suspend the rules
		Ayes:	-	5	Robert Agnich, Roger Sashington, Rodney Milliken, Judy Pollock and Jared Slade
		Against:	-	0	

Motion

I move that the Board of Adjustment, in Appeal No. BDA 223-053, on application of Steve Lakin, **DENY** the special exception requested by this applicant to construct and/or maintain a 6-foot-high fence **without** prejudice, because our evaluation of the property and the testimony shows that granting the application would adversely affect neighboring property.

Maker:	Robert Agnich				
Second:	Rodney Milliken				

Results:	3-2				Motion to deny
		Ayes:	-	3	Robert Agnich, Roger Sashington, Rodney Milliken
		Against:	-	2	Judy Pollock, and Jared Slade

ADJOURNMENT

After all business of the Board of Adjustment had been considered, Vice-Chair Agnich moved to adjourn the meeting at **4:47 P.M. Second by Jared Slade**

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

 Date

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

 Date

 Required Signature:
 Robert Agnich, Vice-Chair
 Board of Adjustment

 Date

FILE NUMBER: BDA223-088 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Dr. Kenneth H. Cooper represented by Hudson Lockett for (1) a special exception to the landscaping and tree mitigation regulations at 12100 Preston Rd. This property is more fully described as Block 4/7460, Lot 1, and is zoned PD-68, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require (1) a special exception to the landscape and tree preservation regulations.

LOCATION: 12100 Preston Road

APPLICANT: Dr. Kenneth H. Cooper

REPRESENTED BY: Hudson Lockett

REQUEST:

(1) A request for a special exception to the landscaping and tree mitigation 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 properties.

BDA HISTORY:

No BDA History found in the last five years.

Zoning:

Site: PD 68
North: PD 68
South: PD 30, PD 64, TH-3(A) MF-1 (A) P (A) and R-16(A)
East: PD 100
West: R-16 (A)

Land Use:

The subject site is developed with a fitness center. The area to the immediate north are affiliated with the subject site. The areas to the south, east, and west are developed with single-family uses and some town house units.

GENERAL FACTS/STAFF ANALYSIS:

- A request for a special exception to the landscaping and tree mitigation regulations is made to construct and maintain a nonresidential structure.
- The purpose of this request is to provide an alternate landscape plan.
- The property is heavily wooded with many open vistas and landscape features throughout the campus including ponds, trails, and other amenities. The required landscape plan includes most of the trees on the proposed tree mitigation plan.
- The development on the site causes the removal of 20" Class 2 pecan (14" mitigation); a 30" significant live oak (45" mitigation); 24" significant pecan (36" mitigation); and a 20" Class 2 pecan (14" mitigation). The total mitigation for the project is 190".
- The property mitigation of planting 18" of new nursery stock trees complies with Article X which leaves 91" of tree replacement to be completed.
- The applicant reports that eight memorial trees were planted from 1998 to 2019. This includes six oaks, one pecan and one Ginkgo for a cumulative current total of 75 diameter inches and growing. The request seeks to find credit for the installation and growth of the memorial trees on the property.
- The applicant reports that three trees measuring a cumulative 96 inches were "saved" in working with the Public Works Department during off-site infrastructure improvements along Willow Lane. The preservation of the trees required an engineered solution in the right-of-way but had no tree mitigation responsibility on the adjacent property owner due to the public street improvement.

- The applicant has the burden of proof in establishing that the special exception to the landscape regulations will not adversely affect the neighboring property.
- If the Board were to grant this special exception request and impose a condition that the applicant complies with the submitted site plan, the proposal of the alternate landscape plan would be limited to what is shown on this document.
- BDA223-088 12100 Preston Road (200' Radius Video)

Timeline:

- August 4, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 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.
- September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.
- October 4, 2023: The Chief Arborist provided a memo that states, “no objection to the proposed tree mitigation plan as identified on submitted exhibit dated July 12, 2023 because the proposal will not adversely affect neighboring property.

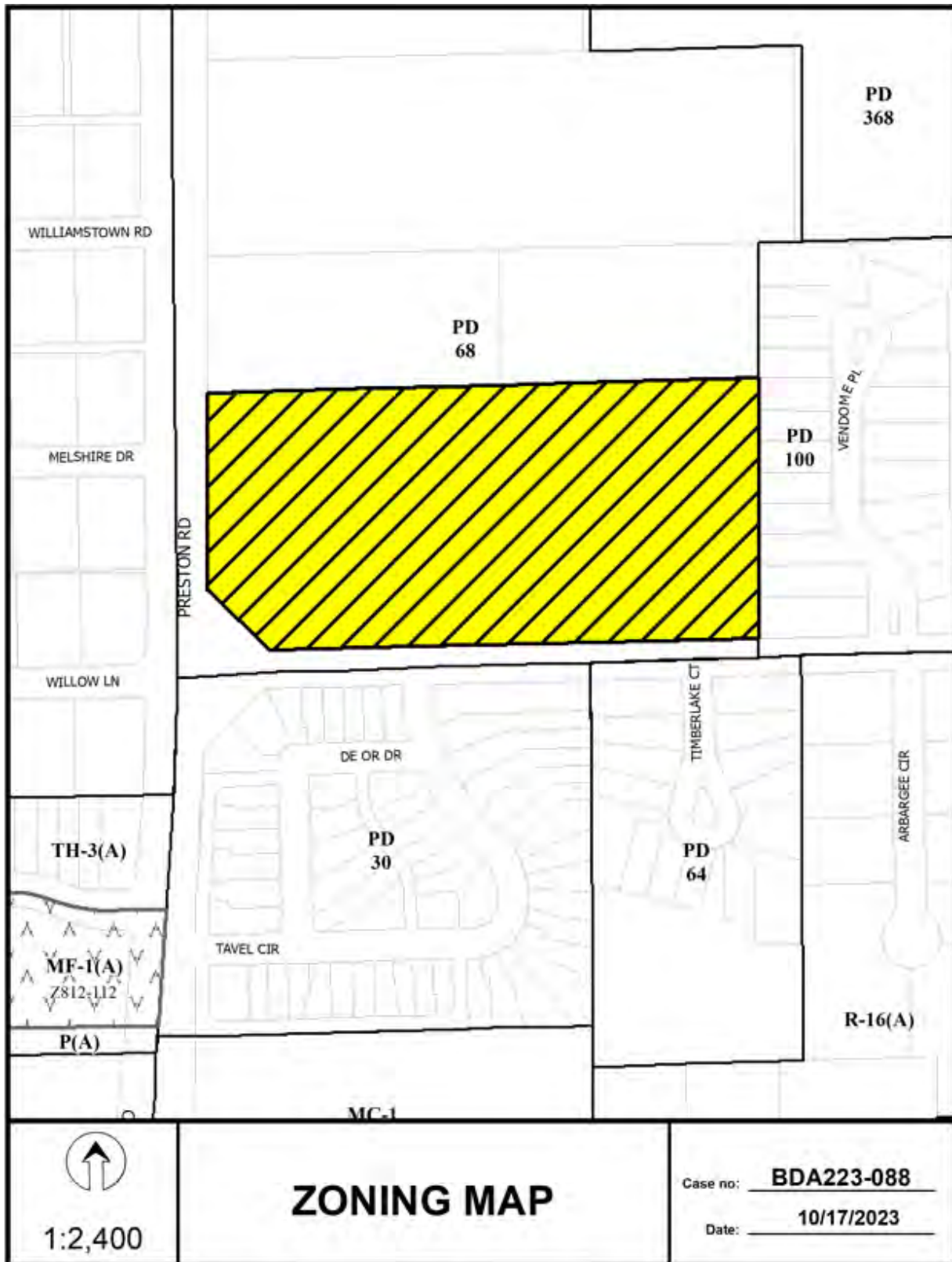


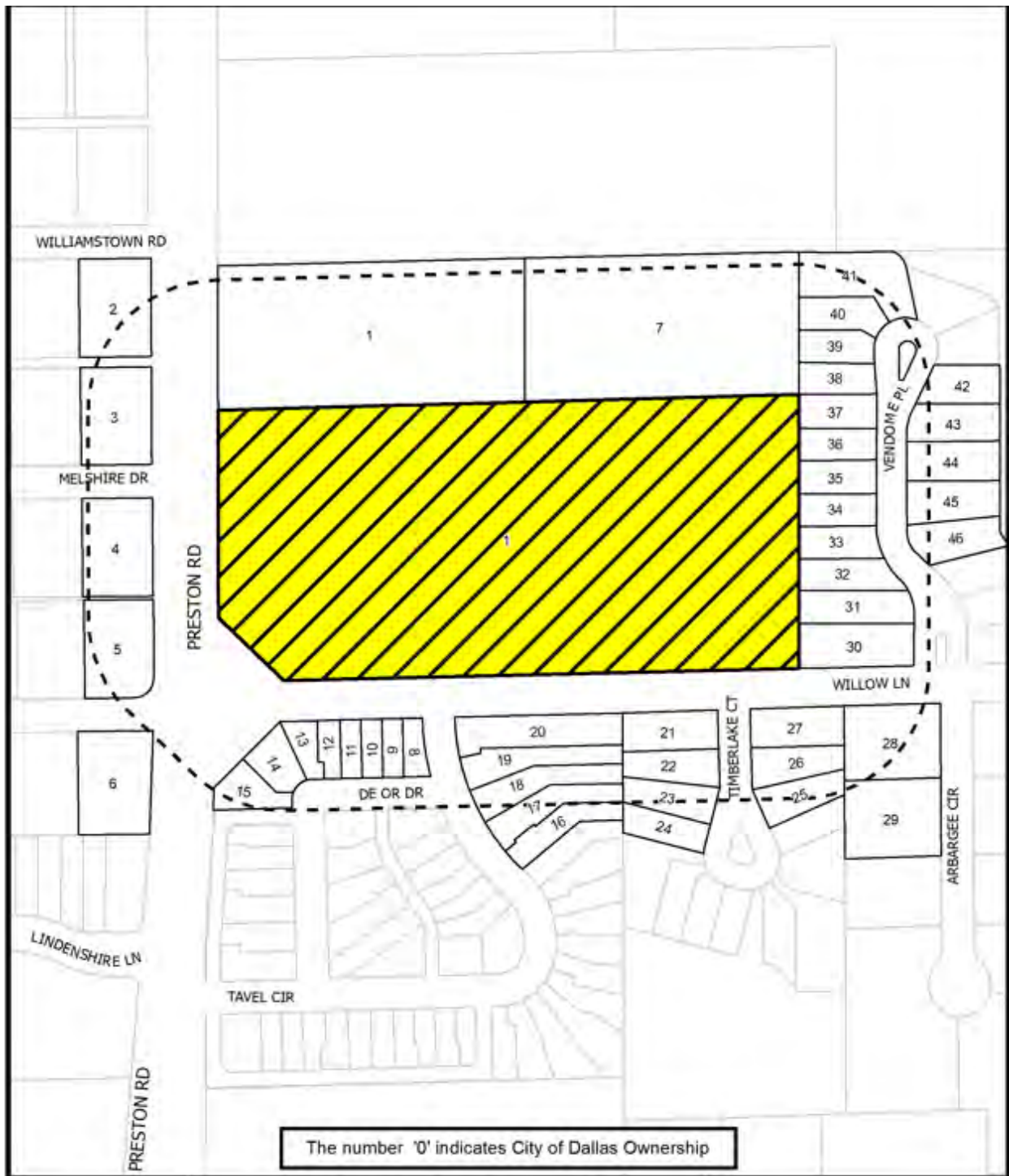
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AERIAL MAP

Case no: BDA223-088

Date: 10/17/2023





1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
47 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-088**

Date: **10/17/2023**

10/17/2023

Notification List of Property Owners

BDA223-088

47 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	12100 PRESTON RD	COOPER AEROBICS
2	5966 WILLIAMSTOWN RD	SNYDER BRANDEN &
3	5979 MELSHIRE DR	BOUZAGLO SARA
4	5980 MELSHIRE DR	PAYNE THOMAS HENRY III
5	5971 WILLOW LN	MYERS ANGELLA H & BRANDON R
6	5972 WILLOW LN	COX DAVID EDWARD TRUST LIFE EST
7	12150 PRESTON RD	COOPER AEROBICS
8	12065 DE OR DR	METCALF MICHAEL P
9	12061 DE OR DR	RAMESH NEERAJ
10	12055 DE OR DR	CHEE I MING
11	12051 DE OR DR	RAVITSKY DIANA M & JOSEPH
12	12045 DE OR DR	CONNOR BRIGID
13	12041 DE OR DR	HAGIN CHRISTOPHER CHASE &
14	12035 DE OR DR	WHEELAN DEBRA ANTONINI
15	12031 DE OR DR	GOLDFEDER HOWARD
16	12056 TAVEL CIR	TUCKER KATHY
17	12060 TAVEL CIR	COLE COLETTE L LIVING TRUST
18	12066 TAVEL CIR	MURPHY REBECCA ANN
19	12070 TAVEL CIR	CROZIER REVOCABLE TRUST THE
20	12076 TAVEL CIR	MIERS HARRIET ELLAN
21	12017 TIMBERLAKE CT	ELLIOTT SAMUEL W
22	12015 TIMBERLAKE CT	PITTS PATRICIA E PARISH
23	12011 TIMBERLAKE CT	EITZEN RONALD P FAMILY TRUST
24	12009 TIMBERLAKE CT	BURNS CAROL A
25	12010 TIMBERLAKE CT	DOOLEY RICHARD M & JUDY S
26	12012 TIMBERLAKE CT	LIMA JOSE E & ANDREA K

10/17/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	12014 TIMBERLAKE CT	HAMM RC JR FAMILY TRUST
28	12047 ARBARGEE CIR	ALZAIM AYMAN
29	12037 ARBARGEE CIR	SEEGERS PAUL R
30	12101 VENDOME PL	GRANOFF HARRY M
31	12105 VENDOME PL	COOPER GARY
32	12109 VENDOME PL	ELIZALDE STEPHANIE SUZANNE &
33	12115 VENDOME PL	YANCEY LLOYD WAYNE & STACIA
34	12119 VENDOME PL	COOPER SUZAN
35	12123 VENDOME PL	WADDELL DOUGLAS H
36	12127 VENDOME PL	GARNER SUSAN G & DAVID L
37	12131 VENDOME PL	MULLIGAN FAMILY REVOCABLE
38	12135 VENDOME PL	GERARD MARCIE S
39	12139 VENDOME PL	LAMBERT JUDY C
40	12143 VENDOME PL	HUGHES ROBERT P & CINDY
41	12147 VENDOME PL	RIBALD IAN & ILANA
42	12130 VENDOME PL	PHILLIPS LIVING TRUST
43	12126 VENDOME PL	CARTWRIGHT STEVEN R &
44	12122 VENDOME PL	REID STEWART R & MARGARET S
45	12118 VENDOME PL	LEVINE MICHAEL
46	12114 VENDOME PL	KOSNIK JULIE H
47	12146 VENDOME PL	PARC DU LAC PROPERTY CORP

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 223-088

Data Relative to Subject Property: Cooper Fitness Center Date: 8/4/2023

Location address: 12100 Preston Road Zoning District: D-7 PD-65

Lot No.: 1 Block No.: 4 7460 Acreage: 8.5 Census Tract: 132

Street Frontage (in Feet): 1) 797.72 2) 319.35 3) 139.87 4) _____ 5) _____



To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Dr. Kenneth H. Cooper

Applicant: Dr. Kenneth H. Cooper Telephone: 214-560-2667

Mailing Address: 12200 Preston Road Dallas, Texas Zip Code: 75230

E-mail Address: _____

Represented by: Hudson Lockett III, Architect Telephone: 214-336-3535

Mailing Address: 8525 Ferndale Road, Suite 204 Dallas, Texas Zip Code: 75238

E-mail Address: hudson@hudsonlockett.com

Affirm that an appeal has been made for a Variance or Special Exception of _____
_____ Reduction of City of Dallas tree mitigation requirements. _____

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

SEE ATTACHED

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

Affidavit

Before me the undersigned on this day personally appeared Dr. Kenneth H. Cooper

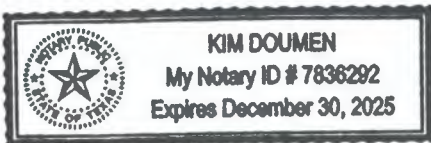
(Affiant/Applicant's name printed)

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: Kenneth H. Cooper MD]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1st day of August, 2023

[Signature: Kim Doumen]
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 KENNETH H COOPER
represented by HUDSON LOCKETT
did submit a request for a special exception to the landscaping and tree mitigation regulations
at 12100 PRESTON ROAD

BDA223-088(KMH) Application of Dr. Kenneth H. Cooper represented by Hudson Lockett for (1) a special exception to the landscaping and tree mitigation regulations at 12100 Preston Rd. This property is more fully described as Block 4/7460, Lot 1, and is zoned PD-68, which requires mandatory landscaping and tree mitigation. The applicant proposes to construct and/or maintain a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require (1) a special exception to the landscape and tree preservation regulations.

Sincerely,

Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA 223-088

I, Dr. Kenneth H. Cooper, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 12100 Preston Road Dallas, Texas
(Address of property as stated on application)

Authorize: Hudson Lockett III, Architect
(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: Reduction in City of Dallas Tree Mitigation Requirements

Dr. Kenneth H. Cooper
Print name of property owner or registered agent

Kenneth H. Cooper MD
Signature of property owner or registered agent

Date 8/2/23

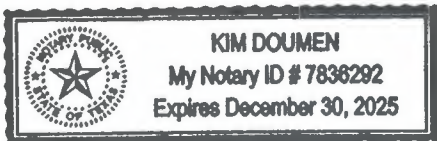
Before me, the undersigned, on this day personally appeared Kenneth H. Cooper

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

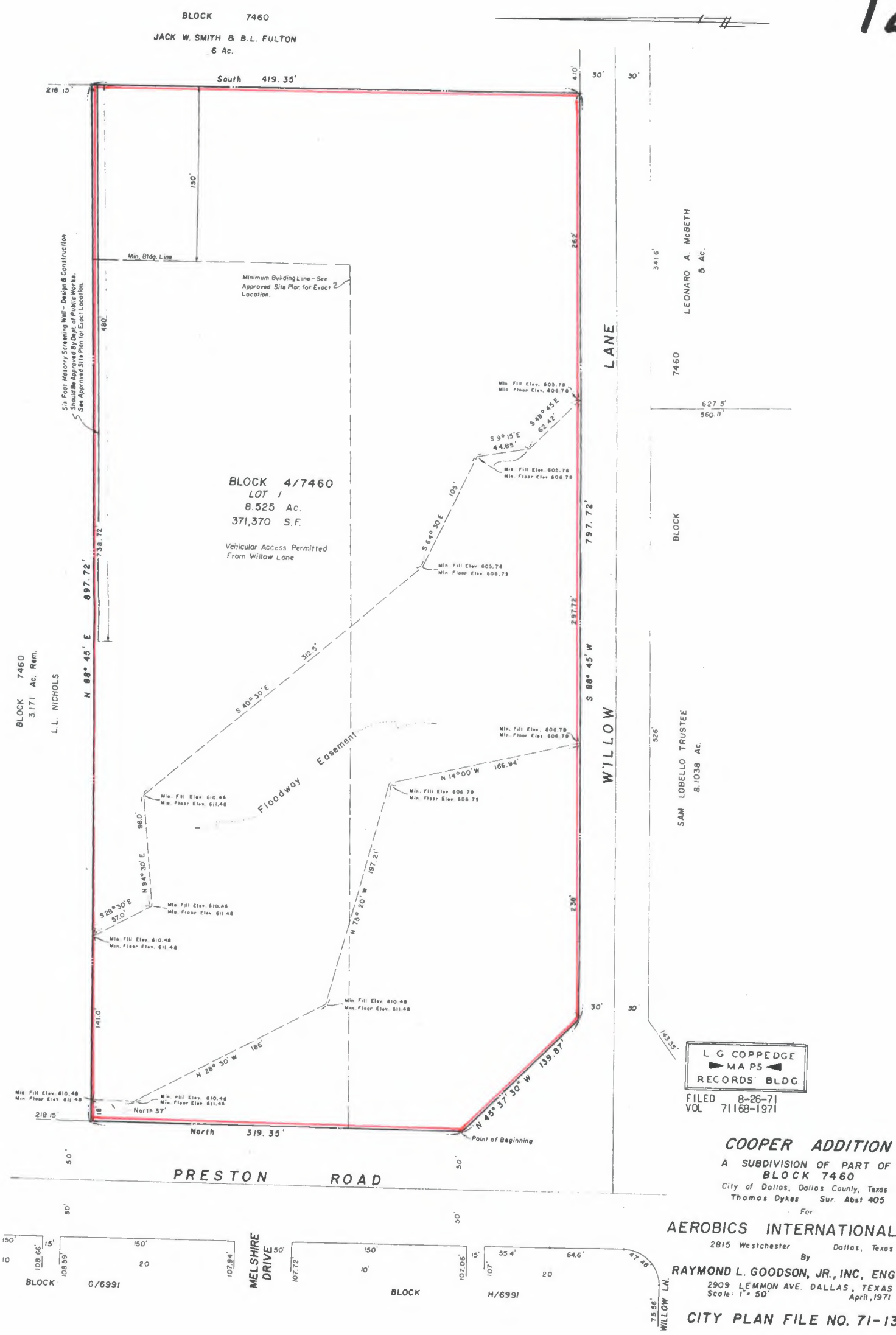
Subscribed and sworn to before me this 1st day of August, 2023

Kim Doumen
Notary Public for Dallas County, Texas

Commission expires on 12/30/25



12043



TRUE AND CORRECT
 COPY OF RECORD
 ON FILE IN CITY
 SURVEYOR'S OFFICE
 BY: *Tommy Bull*
 DATE: 7-11-2013

EDA 223-088

Scanned by Survey Station

84051

VOLUME 71168, PAGE 1971
AEROBICS INTERNATIONAL, INC.
TO: MAP AND PLAT DEDICATION
COOPER ADDITION

STATE OF TEXAS

COUNTY OF DALLAS

OWNER'S CERTIFICATE:

WHEREAS, Aerobics International, Inc., is the owner of a tract of land situated in the City of Dallas, Dallas County, Texas; and being a part of Block 7460 in the City of Dallas, and also being a part of the Thomas Dykes Survey, Abstract 405, said tract also being a part of a tract of land conveyed to L. L. Nichols by deed recorded March 18, 1941, in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the easterly line of Preston Road (SH 289) 100 feet wide, said point being the intersection of the easterly line of Preston Road and the northeasterly cut-off line between the easterly line of Preston Road and the northerly line of Willow Lane;

THENCE due North along the easterly line of Preston Road a distance of 319.35 feet to a point for corner;

THENCE North 88° 45' East a distance of 897.72 feet to a point for corner in the easterly line of said Nichols tract;

THENCE due South along the easterly line of said Nichols tract and the westerly line of a 6 acre tract conveyed to Jack W. Smith and B. L. Fulton by deed recorded December 31, 1953, in the Deed Records of Dallas County, Texas, a distance of 419.35 feet to a point for corner in the northerly line of Willow Lane;

THENCE South 88' 45' West along the northerly line of Willow Lane a distance of 797.72 feet to an angle point, said point being the intersection of the northerly line of Willow Lane and the northeasterly cut-off line between the northerly line of Willow Lane and the easterly line of Preston Road;

THENCE North 45° 37' 30" West along said cut-off line a distance of 139.87 feet to the place of beginning and containing 8.525 acres.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Aerobics International, Inc., acting through its Vice President, Frederick R. Meyer, does hereby adopt this plat designating the herein described property as COOPER ADDITION, an addition to the City of Dallas, Texas, and does hereby dedicate to the Public use forever the streets and alleys shown thereon. The easements shown hereon are hereby reserved for the purposes as indicated. The utility and fire lane easements shall be open to public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance and service required or ordinarily performed by that utility.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas. Sidewalks shall be constructed by the homebuilder as required by City Council Resolution #68-1038 and in accordance with the requirements of the Director of Public Works.

WITNESS MY HAND at Dallas, Texas, this the 3 day of August A. D. 1971.

AEROBICS INTERNATIONAL, INC.
FREDERICK R. MEYER, Vice President.

ATTEST: KENNETH H. COOPER.

BEFORE me, the undersigned authority, on this day personally appeared FREDERICK R. MEYER, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER my hand and seal of office, this the 3 day of August A. D. 1971.
(L. S.)

HELEN E. BUMPUS, Notary Public in and for Dallas County, Texas.

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, RAYMOND L. GOODSON, JR., of Raymond L. Goodson, Jr., Inc., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the platting rules and regulations of the City Plan Commission of the City of Dallas, Texas.

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared RAYMOND L. GOODSON, JR., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office, this the 28 day of July A. D. 1971.
(L. S.)

JEANETTE VANDENENTER, Notary Public in and for Dallas County, Texas.

This plat is approved by the Director of Public Works of the City of Dallas and accepted by the Owner, subject to the following conditions which shall be binding upon the Owner, his heirs, grantees, successors and assigns:

The existing creek or creeks traversing along Block 4/7460 within the limits of this addition will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses in Block 4/7460. The City of Dallas will not be responsible for the maintenance and operation of said creek or creeks or for any damage to private property or person that results from the flow of water along said creek, or for the control of erosion.

No obstruction to the natural flow of storm water run-off shall be permitted by filling or by construction of any type of dam, building, bridge, fence, walkway or any other structure within the natural drainage channels, as hereinafter defined in Block 4/7460, unless approved by the Director of Public Works. Provided, however, it is understood that in the event it becomes necessary for the City of Dallas to erect any type of drainage structure in order to improve the storm drainage that may be occasioned by the streets and alleys in or adjacent to the subdivision, then in such event, the City of Dallas shall have the right to enter upon the floodway easement at any point, or points, to erect, construct and maintain any drainage facility deemed necessary for drainage purposes.

Each property owner shall keep the natural drainage channels traversing or adjacent to his property clean and free of debris, silt, and any substance which would result in unsanitary conditions and the City of Dallas shall have the right of ingress and egress for the purposes of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage channels through Block 4/7460, as in the case of all natural channels are subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City of Dallas shall not be held liable for any damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. Building areas outside the Floodway Easement line should be filled to a minimum elevation as shown on the plat. Minimum floor shall be shown on the plat.

H. H. STIRMAN, Director of Public Works.

RECEIVED AUG 9 1971 CITY PLAN OFFICE.

To the County Clerk of Dallas County:

Under Ordinance 3553 of the City of Dallas, the approval of this plat by the City Plan Commission is automatically terminated after the 27th day of September 1971, and unless this plat is presented for filing on or before said date it should not be accepted for filing.

DEPARTMENT OF CITY PLANNING; BY: JAMES M. SCHROEDER, JR., Director of Planning.

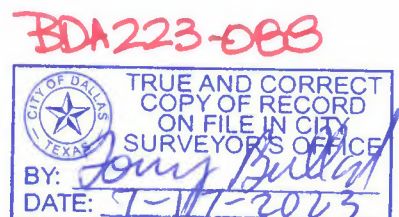
CERTIFICATE OF APPROVAL:

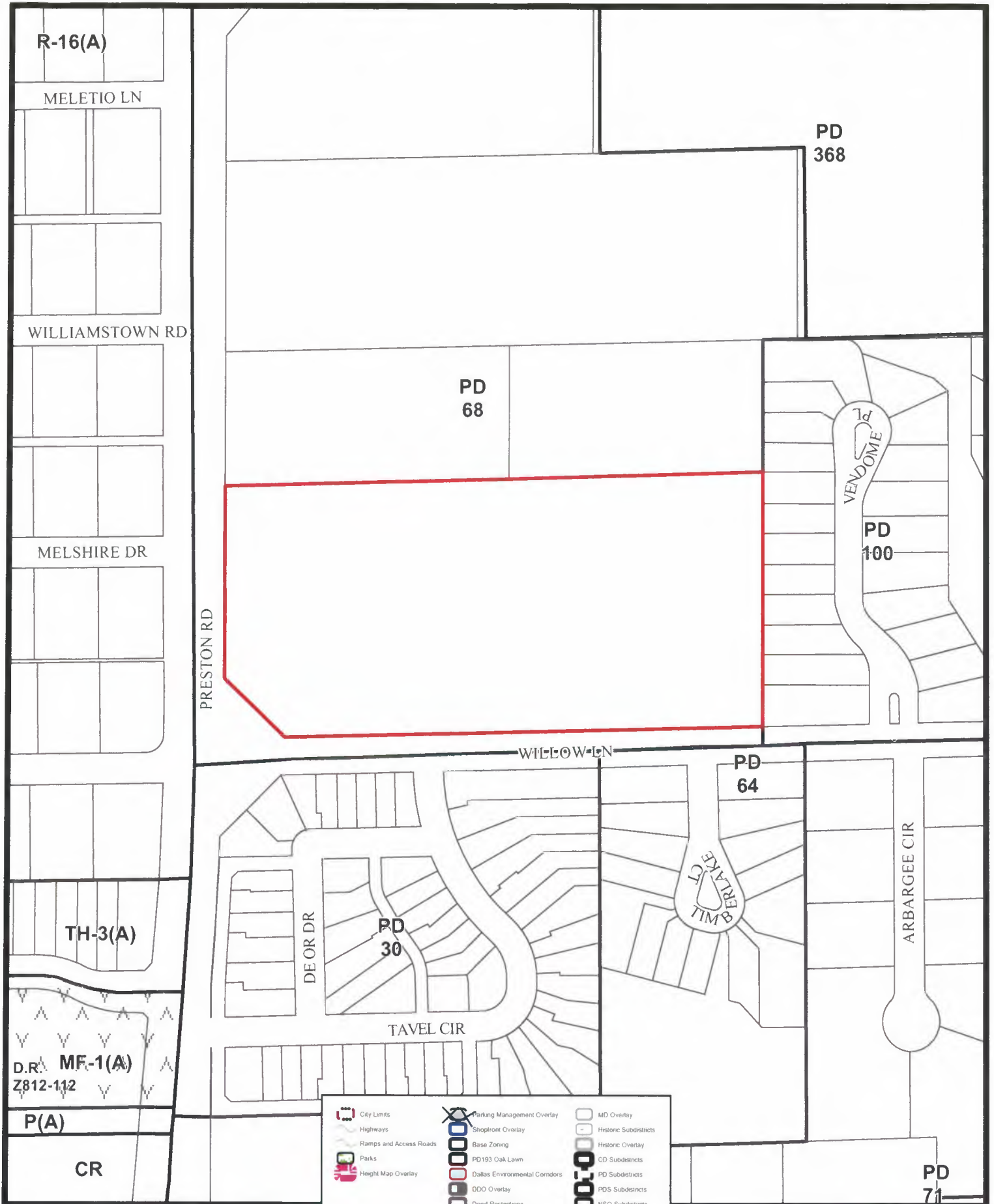
I, WILLIAM M. GAYNIER, Chairman of the City Plan Commission of the City of Dallas, State of Texas, hereby certify that the attached plat was duly filed for approval with the City Plan Commission of the City of Dallas on the 9th day of March A. D. 1971 and same was duly approved on the 13th day of May A. D. 1971 by said Commission. WILLIAM M. GAYNIER, Chairman City Plan Commission Dallas, Texas.

ATTEST: JIMMIE MCWHORTER, Secretary.

CITY OF DALLAS 1971 AND PRIOR TAXES PAID Not Reg'd. M. J. Coker.
Filed For Record August 26, 1971. 7/5/72 jm

CITY OF DALLAS FILING FEE PAID 5-25-71 As Required By Ordinance 3906.





1:2,400

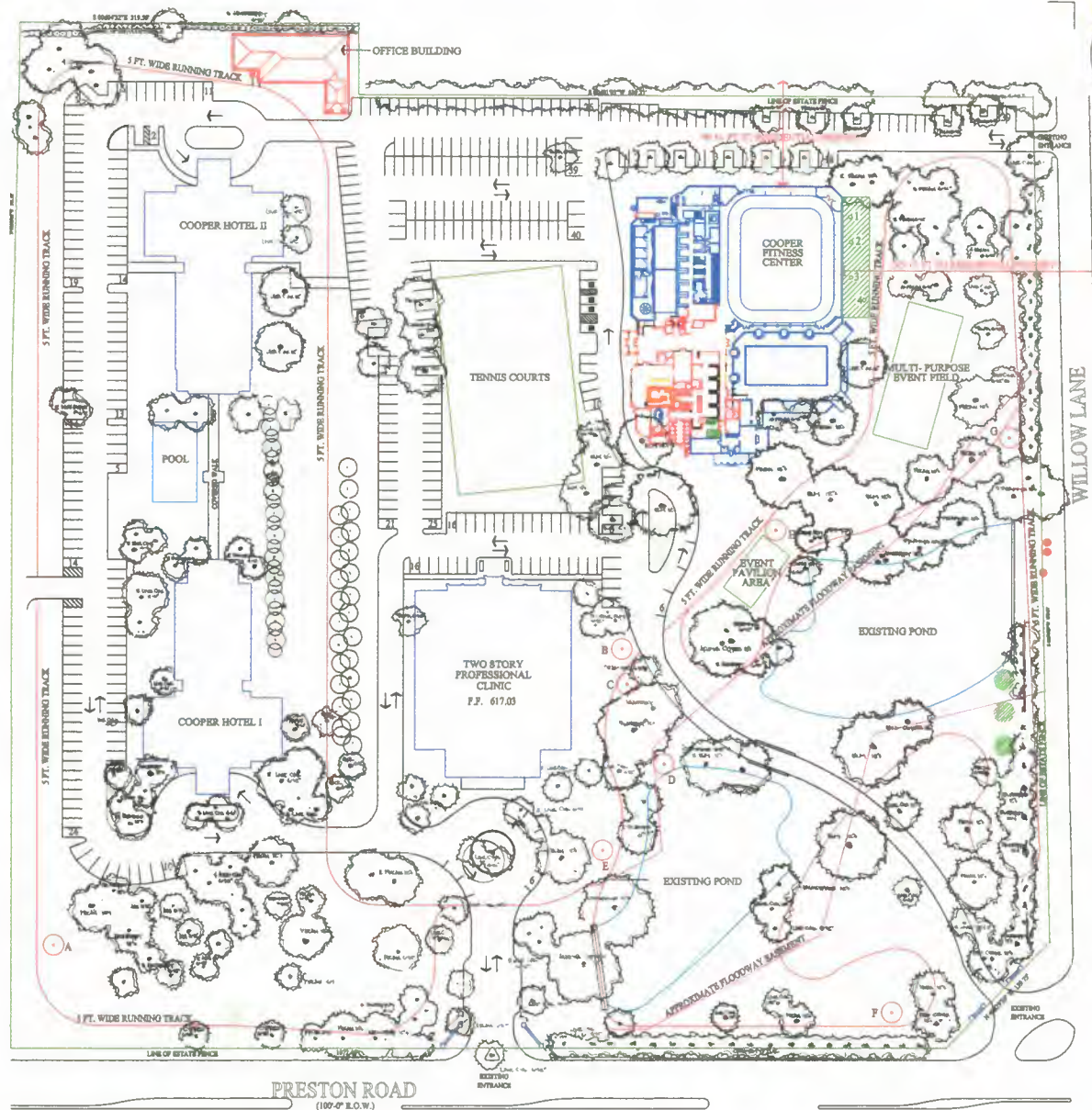
City Limits	Parking Management Overlay	MD Overlay
Highways	Shopfront Overlay	Historic Subdistricts
Ramps and Access Roads	Base Zoning	Historic Overlay
Parks	PD193 Oak Lawn	CD Subdistricts
Height Map Overlay	Dallas Environmental Corridors	PD Subdistricts
	DDO Overlay	PDS Subdistricts
	Deed Restrictions	NSO Subdistricts
	SUP	NSO_Overlay
	D	Escarpment Overlay
	D-1	
	CP	
	SP 52	

Case ID: **BDA223-088**

Printed: 7/13/2023

AS

REMOVED TREES		PROPOSED TREES	
1	20" PECAN 20' ± 7" - 14"	1"	CEDAR ELM- THREE
2	30" LIVE OAK 30' ± 1.5' - 45"	2"	ULMUS CRASSIFOLIA
3	24" PECAN 24' ± 1.5' - 35"	3"	RAID CYPRESS- THREE
4	20" PECAN 20' ± 7" - 14"	4"	TALICADUM DISTICHUM
	TOTAL 109"		TOTAL 18"
"SAVED" TREES		"MEMORIAL" TREES	
THREE TREES "SAVED" FROM DALLAS PUBLIC WORKS- TOTAL 96"		PLANTED BETWEEN 1998 - 2019	
	PROPOSED ADDITION	A	DOWD- 11" GINCO
	ONE MILE LONG RUNNING TRACK	B	LEAVELL- 13" OAK
	APPROXIMATE FLOODWAY BASEMENT	C	JENSEN- 11" LIVE OAK
	OUTDOOR VERBIS	D	DEW- 12" BURR OAK
		E	LEVY- 12" OAK
		F	FINKELSTON- 5" LIVE OAK
		G	MORRIS- 6" BURR OAK
		H	NICHOLS- 5" PECAN
			TOTAL 75"



12100 PRESTON ROAD, DALLAS, TEXAS 75240
 TEL: 214.343.1234
 WWW.BDA223-088.COM

ADDITIONS AND ALTERATIONS TO:
 12100 PRESTON ROAD, DALLAS, TEXAS

T1.0a

TREE MITIGATION PLAN WITH EXISTING TREES

1" = 50'-0" NOTE: 1. SITE PLAN BASED ON OWNER PROVIDED SURVEY AND 1986 SITE PLAN 2. REFER TO 5-23-2023 UPDATED TREE SURVEY FOR ADDITIONAL TREES ON SITE



FILE NUMBER: BDA223-086 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Sixto Diaz for (1) a variance to the front yard setback regulations at 3344 Topeka Ave. This property is more fully described as Block C/7097, Lot 10, and is zoned R-5(A) NSO13, which requires a front yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot front yard setback, which will require (1) a 13-foot variance to the front yard setback regulations.

LOCATION: 3344 Topeka Ave.

APPLICANT: Sixto Diaz

REQUEST:

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

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval

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

- A. Not contrary to the public interest as no letters of opposition were received.
- B. Restrictive in area due to the floodplain which limits the buildable area of the lot; therefore, the property cannot be developed in a manner commensurate with development upon other parcels of land in the same zoning.
- C. Not a self-created or personal hardship.

BDA HISTORY:

No BDA history found within the last 5 years.

Zoning:

Site: R-5(A) NSO13 Single Family District
North: R-5 (A), PD 802, SUP 1894, A(A)
South: R-5 (A) Single Family District
East: R-5 (A) Single Family District
West: R-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 13-feet 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 and the NSO13 regulations require a 20-foot front yard setback.
- As gleaned from the submitted site plan, the applicant proposes to construct a new single-family residential home providing a 7-foot front yard setback.
- It is imperative to note the lot lies within the 500-year floodplain and the 100-year floodplain, according to Engineering and Floodplain Management notes, which ultimately limits the buildable area of the lot.

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

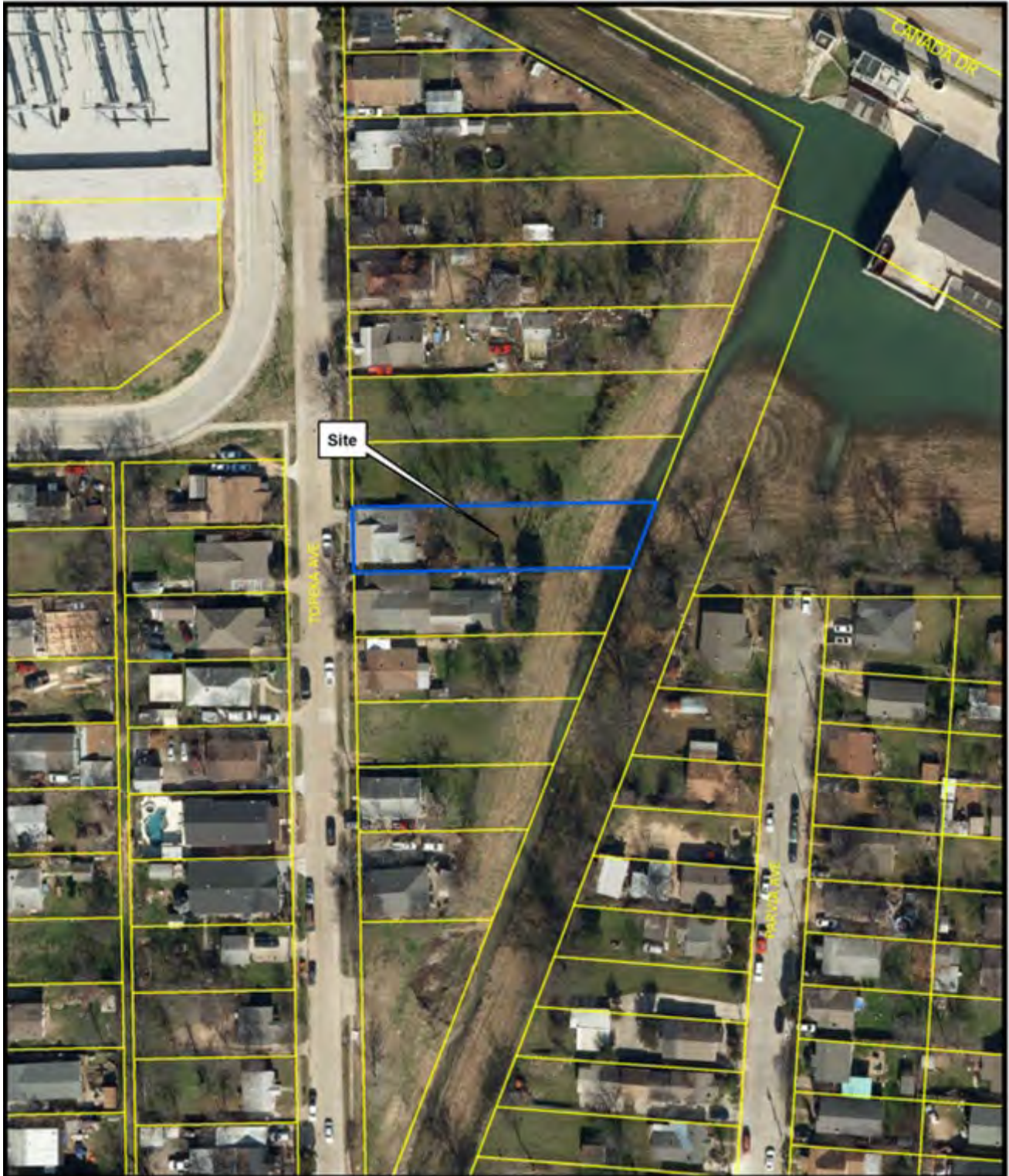
- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
- (b) compliance would result in a loss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

(e) the municipality considers the structure to be a nonconforming structure.

- Granting the proposed 13-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- BDA223-086 - 3344 Topeka (200' radius video)

Timeline:

- July 31, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 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.
- September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.

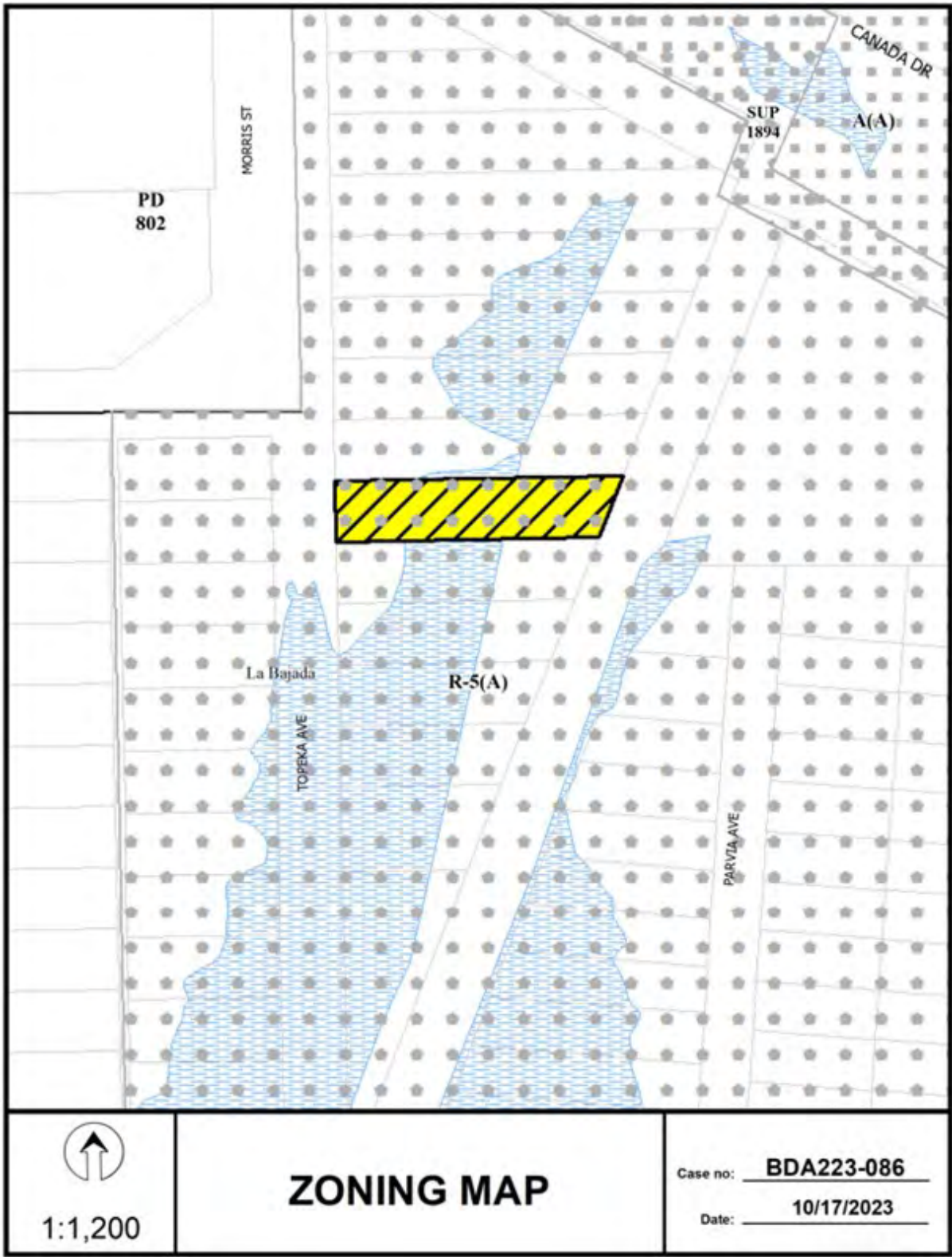


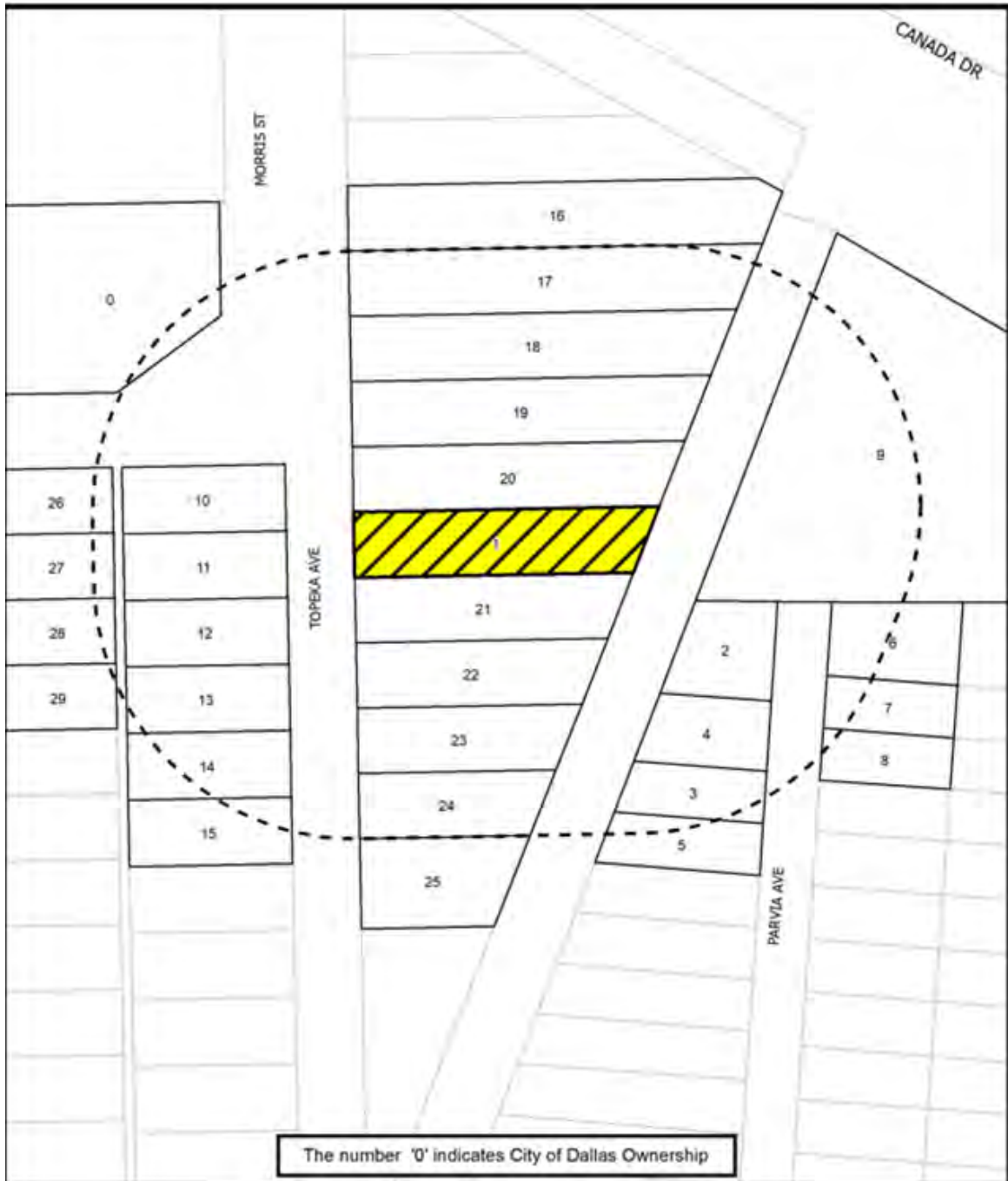
1:1,200

AERIAL MAP

Case no: BDA223-086

Date: 10/17/2023





 1:1,200	NOTIFICATION	Case no: BDA223-086			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">29</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	29	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
29	NUMBER OF PROPERTY OWNERS NOTIFIED				

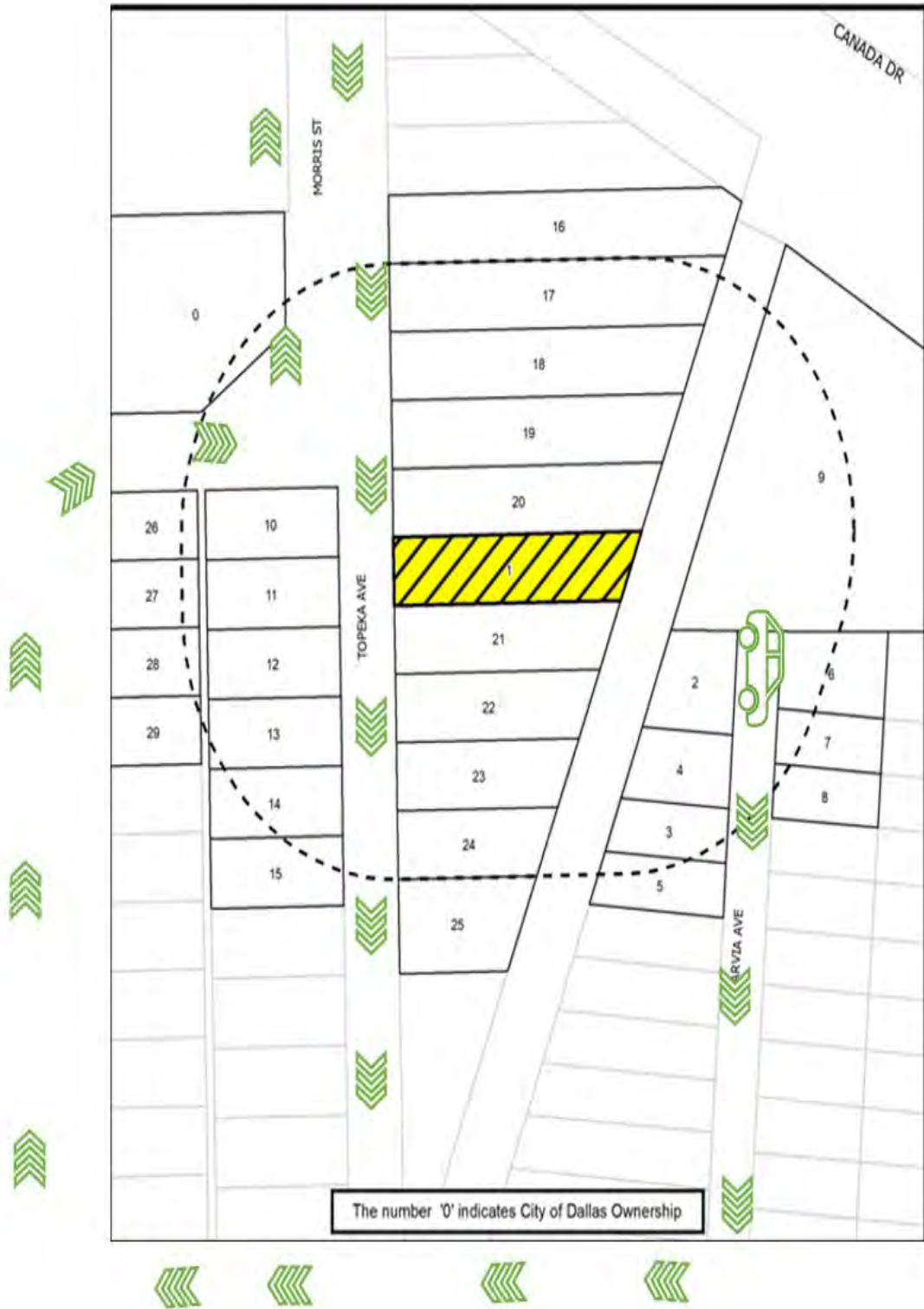
29 *Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3344 TOPEKA AVE	DIAZ SIXTO
2	3353 PARVIA AVE	CABALLERO TOMASA
3	3347 PARVIA AVE	GUERRA CATHERINE
4	3347 PARVIA AVE	MORRISON BRYAN
5	3343 PARVIA AVE	LUCIANO LEONARDO &
6	3356 PARVIA AVE	Taxpayer at
7	3352 PARVIA AVE	WHALEN DEBORAH LIN
8	3350 PARVIA AVE	PARVIA LLC
9	3359 PARVIA AVE	DALLAS COUNTY FLOOD
10	3347 TOPEKA AVE	LUCIO FELIPA EST OF
11	3343 TOPEKA AVE	DALLAS PATTEN PROPERTIES LLC
12	3339 TOPEKA AVE	TORRES CAMILO
13	3335 TOPEKA AVE	SMILOVITZ MESHAI J
14	3331 TOPEKA AVE	RIVERA JUAN M
15	3327 TOPEKA AVE	Taxpayer at
16	3410 TOPEKA AVE	Taxpayer at
17	3406 TOPEKA AVE	D&C ASSET HOLDING LLC
18	3400 TOPEKA AVE	ZUAZUA RUBEN & EMILIA G
19	3352 TOPEKA AVE	Taxpayer at
20	3348 TOPEKA AVE	Taxpayer at
21	3340 TOPEKA AVE	Taxpayer at
22	3336 TOPEKA AVE	PUGLIESE FRANCHESCO MICHAEL
23	3332 TOPEKA AVE	Taxpayer at
24	3328 TOPEKA AVE	SALINAS GILBERT
25	3324 TOPEKA AVE	MOLINA ELIGIO ESTATE OF
26	3366 SYLVAN AVE	ORANTES CECILIA

10/17/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3362 SYLVAN AVE	MUENNINK 35 HOMES LLC
28	3358 SYLVAN AVE	CRUZ GUADALUPE LOIS &
29	3354 SYLVAN AVE	REVELES DIEGO

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 BDA 223 080 **RECEIVED**
 Date: July 31, 2023 **REC'D**

Data Relative to Subject Property: _____
 Location address: 3344 Topeka Ave. Zoning District: NSD - La Borda
 Lot No.: 10 Block No.: C/2097 Acreage: .26 Census Tract: _____
 Street Frontage (in Feet): 1) 50' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Sixto Diaz
 Applicant: Sixto Diaz Telephone: 214 986-2563
 Mailing Address: 3340 Topeka Ave, Dallas, Tx Zip Code: 75212
 E-mail Address: f.rangel75212@gmail.com
 Represented by: _____ Telephone: _____
 Mailing Address: _____ Zip Code: _____
 E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception of yard setback requested 13' variance

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to Grant the described appeal for the following reason:
Per floodzone may not provide 20' frontyard setback we are proposing 7' frontyard setback to start porch

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

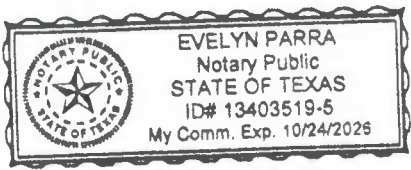
Before me the undersigned on this day personally appeared Sixto Diaz
 (Affiant/Applicant's name printed)

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: Sixto Diaz
 (Affiant/Applicant's signature)

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

Evelyn Parra
 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 SIXTO DIAZ

did submit a request for a variance to the front yard setback regulations
at 3344 Topeka

BDA223-086(KMH) Application of Sixto Diaz for (1) a variance to the front-yard setback regulations at 3344 Topeka Ave. This property is more fully described as Block C/7097, Lot 10, and is zoned R-5(A) NSO13, which requires a front-yard setback of 20-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 7-foot front yard setback, which will require (1) a 13-foot variance to the front-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-086

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

at: 3344 TOPEKA AVE., DALLAS, TX 75212
(Address of property as stated on application)

Authorize: SIXTO DIAZ
(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: per floodzone may not provide 20' frontyard setback

SIXTO DIAZ Print name of property owner or registered agent SIXTO DIAZ Signature of property owner or registered agent

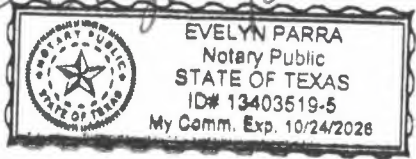
Date 7-26-23

Before me, the undersigned, on this day personally appeared SIXTO DIAZ

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

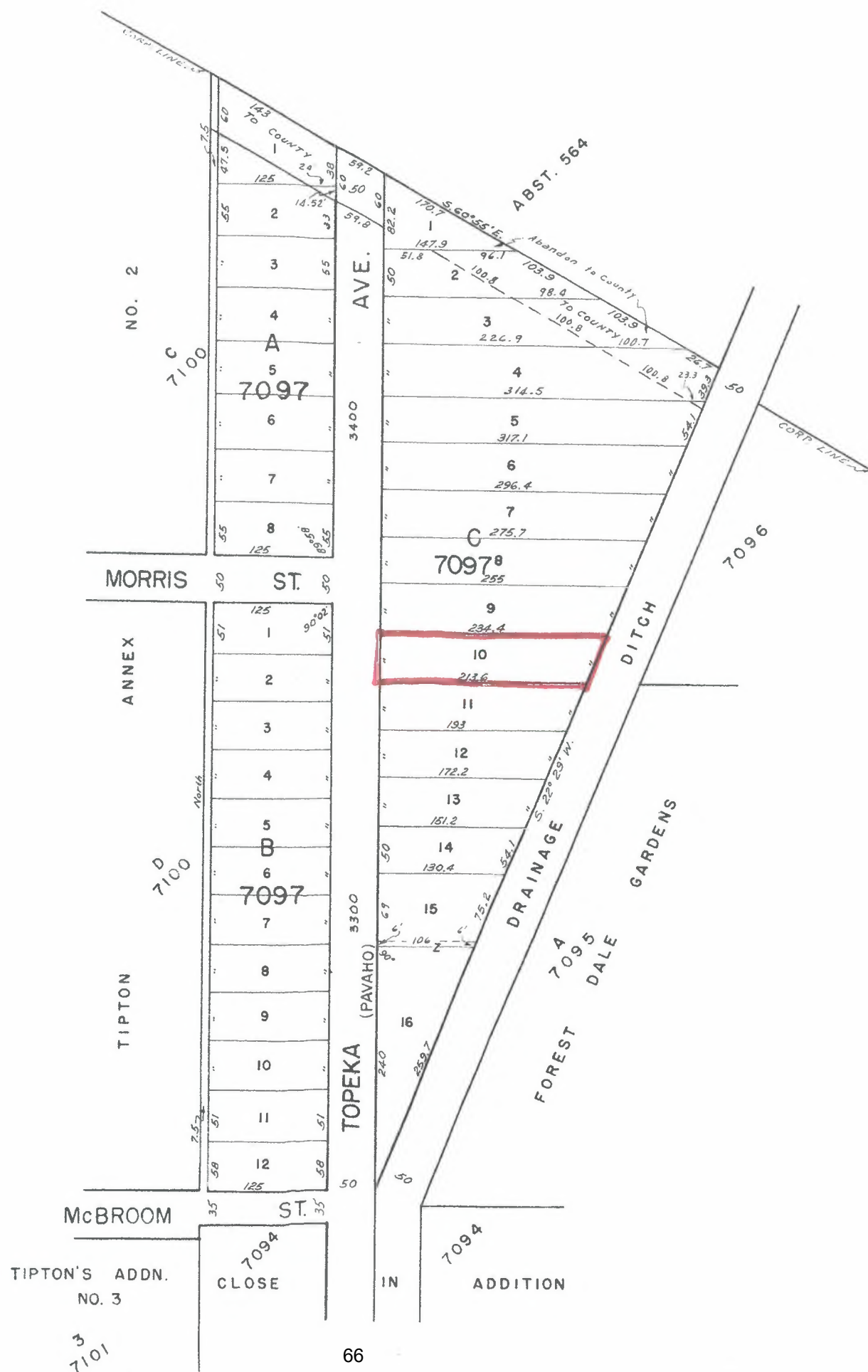
Subscribed and sworn to before me this 26th day of JULY, 2023

Evelyn Parra



Commission expires on 10/24/2026

FILED 12-4-47



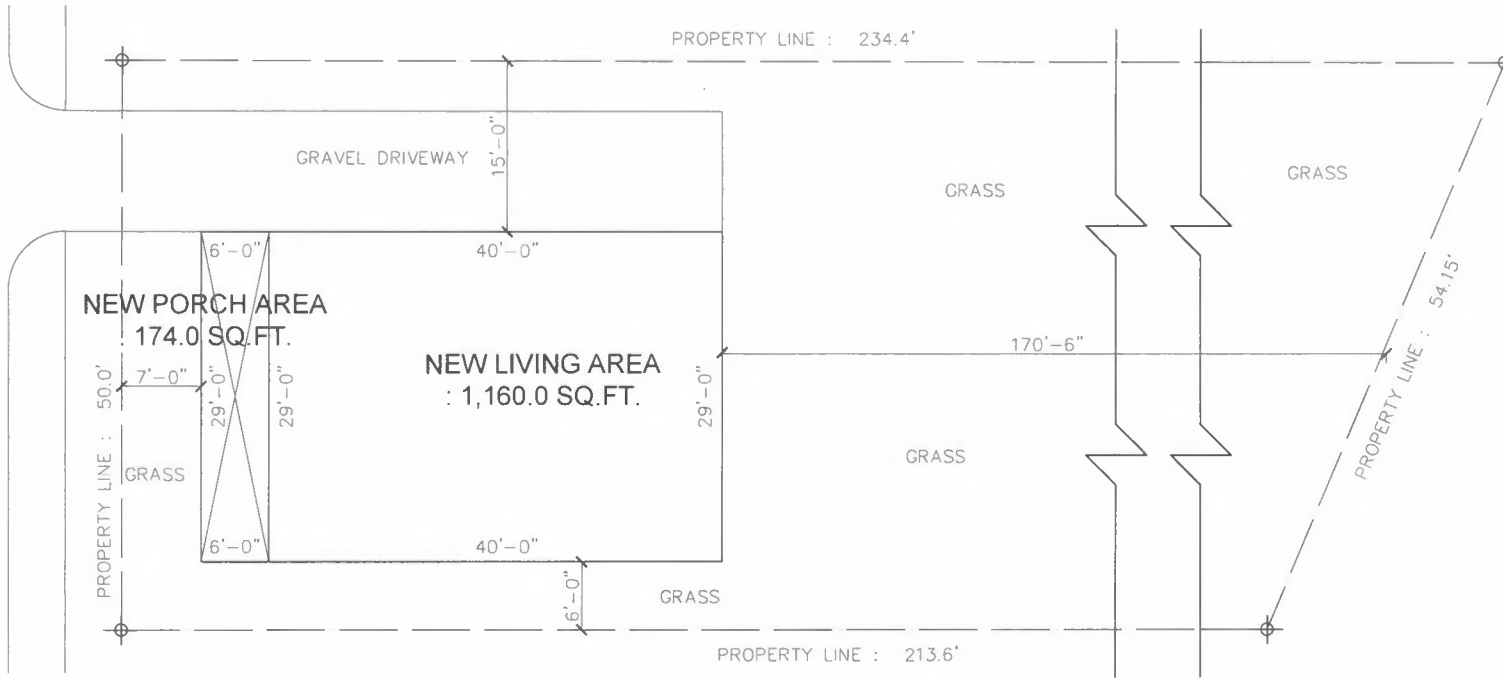
BDA223-084



1:2,400

	City Limits		Parking Management Overlay		MD Overlay
	Highways		Shopfront Overlay		Historic Subdistricts
	Ramps and Access Roads		Base Zoning		Historic Overlay
	Parks		PD193 Oak Lawn		CD Subdistricts
	Height Map Overlay		Dallas Environmental Corridors		PO Subdistricts
			DDO Overlay		PDS Subdistricts
			Deed Restrictions		NSO Subdistricts
			SUP		NSO_Overlay
			D		Escapement Overlay
			D1		
			CP		
			SP		

3344 TOPEKA AVE



PROJECT DATA

ADDRESS: 3344 TOPEKA AVE
 LOT No.: 10
 BLOCK No.: C/7097


AREAS IN SQUARE FEET

NEW LIVING AREA: 1,160.0 S.F.
 NEW PORCH AREA: 174.0 S.F.

SITE PLAN

SCALE : 3/32" = 1'-0"

NOTE :
 PROPOSED BUILDING PAD
 WILL BE AT ELEVATION 406.82 FEET




MARTINEZ DESIGN, LLC
 1000 W. WILSON ST. SUITE 100
 DALLAS, TX 75212
 TEL: 972.341.1212
 martinezdesign.com

GENERAL NOTES

1. THE GENERAL CONTRACTOR/OWNER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE BE FUNDAMENTALS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSE ONLY AND ARE NOT EXHAUSTIVE. DETAILS ON FULL SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBILITY TO SELECT VEGETATION, MATERIALS AND FINISHES AND TO CONTROL THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE AMERICAN BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODES AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THE PROJECT. AUTHORITY IF RECOMMENDED THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.

SQUARE FOOTAGE	
LIVING AREA	1,160.0 SQ. FT.
GARAGE AREA	174.0 SQ. FT.



N

Project Name:
 NEW HOUSE

Project Address:
 3344 TOPEKA AVE
 DALLAS, TX 75212

Sheet Name:
 SITE PLAN

Project #:	100522	Drawn By:	JAM
Date:	10-05-2022	Scale:	3/32" = 1'-0"
Sheet #:	1	Of:	12

BDA223-084



MARTINEZ DESIGN, LLC
 148 E. 17th St. #100
 Dallas, TX 75202
 (214) 742-1111
 martineztdesign.com

GENERAL NOTES

1. THE GENERAL CONTRACTOR/BUILDER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS/DRAWINGS AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES/CONFLICTS PRIOR TO THE START OF CONSTRUCTION.
2. THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONSTRUCTION PURPOSES ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE RESPONSIBLE TO SELECT, VERIFY, REMOVE AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CORRECT THE QUALITY THEREOF.
4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODES, AND REGULATIONS.
5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THE PROJECT. WHERE NECESSARY IT IS RECOMMENDED THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.

SQUARE FOOTAGE

LIVING AREA	1,180.0 SQ. FT.
GARAGE AREA	174.0 SQ. FT.



Project Name:

NEW HOUSE

Project Address:

3344 TOPEKA AVE
 DALLAS, TX 75212

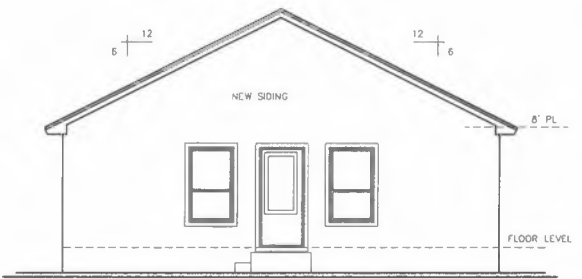
ELEVATIONS

Project #:	100522	Drawn By:	JAM
Date:	10-05-2022	Scale:	1/8" = 1'-0"
Sheet #:	12	of:	12



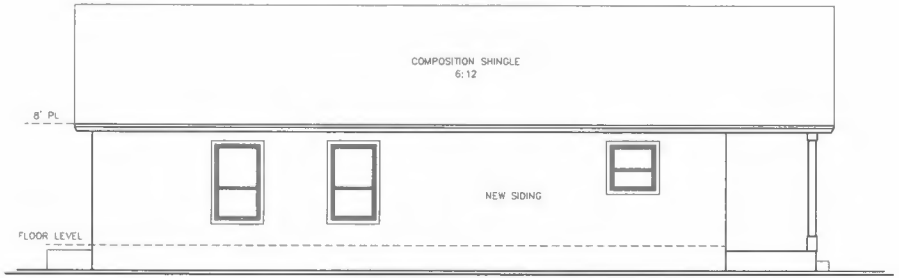
FRONT ELEVATION

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



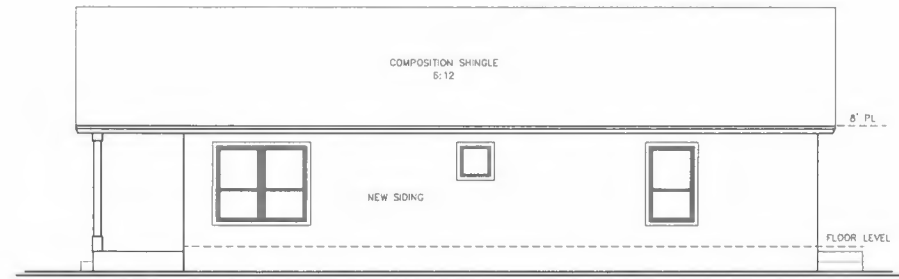
REAR ELEVATION

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



LEFT ELEVATION

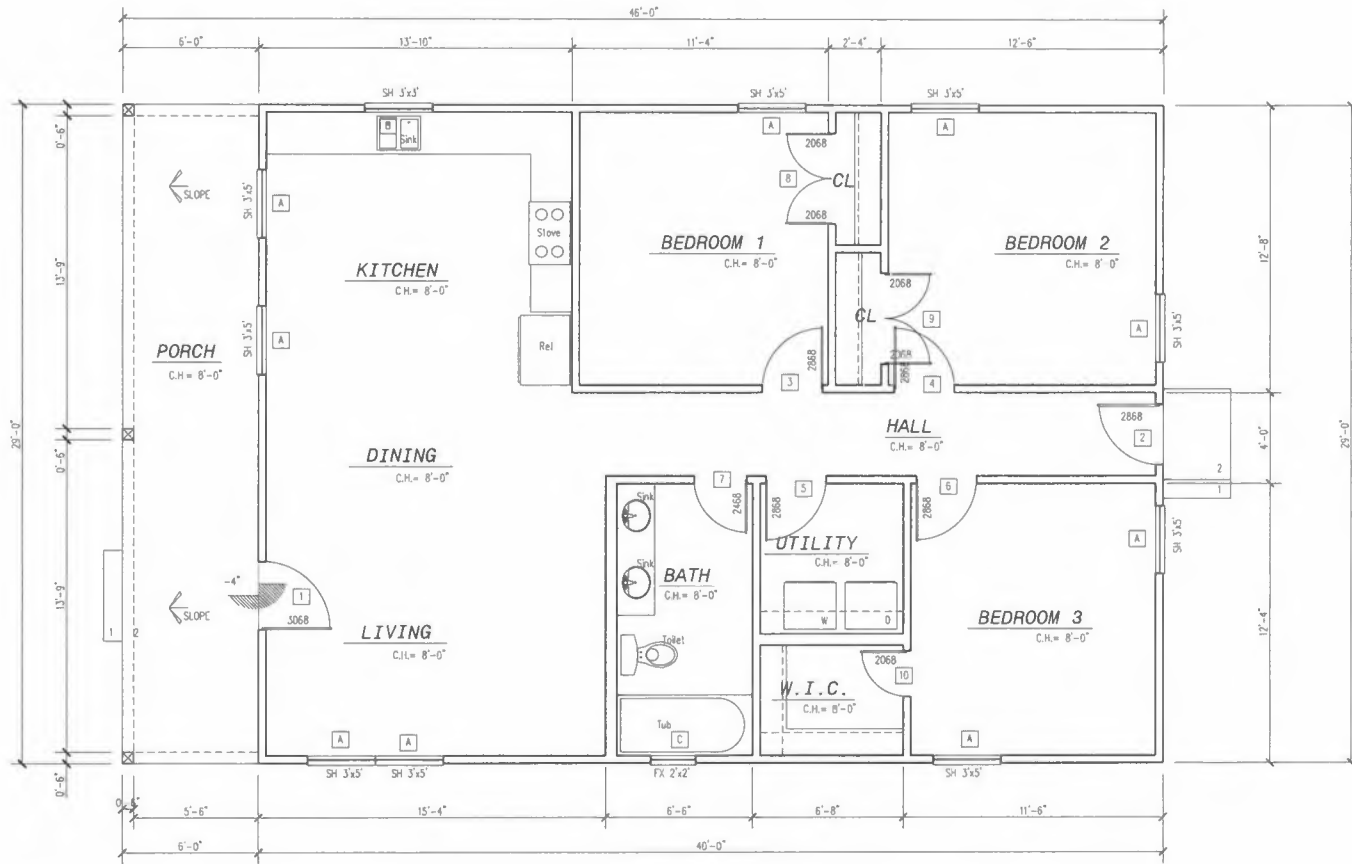
SCALE : 1/8" = 1'-0"



RIGHT ELEVATION

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

BDA223-084



MARTINEZ DESIGN, LLC
 114. 972.241.1410
 114. 972.241.1212
 martinezdesign.com

- GENERAL NOTES
1. THE GENERAL CONTRACTOR/OWNER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE PLANS/DOCUMENTS AND SHALL NOTIFY CONSULTANT OF ANY DISCREPANCIES AND/OR OMISSIONS PRIOR TO THE START OF CONSTRUCTION.
 2. THESE PLANS ARE PROVIDED FOR THE GENERAL CONTRACTOR'S CONSTRUCTION PURPOSES ONLY AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES.
 3. THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND IT SHALL BE HIS RESPONSIBILITY TO SELECT VEGETATION, RESOLVE AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO CONTROL THE QUALITY THEREOF.
 4. ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITIONS OF THE NATIONAL BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, CODES, AND REGULATIONS.
 5. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURES OF THIS PROJECT. FURTHERMORE, IT IS RECOMMENDED THAT THESE PLANS BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.

SQUARE FOOTAGE

LIVING AREA	1,180.0 SQ. FT.
GARAGE AREA	174.0 SQ. FT.



Project Name:

NEW HOUSE

Project Address:

3344 TOPEKA AVE
 DALLAS, TX 75212

File Name: FLOOR PLAN

Project #:	100522	Drawn By:	JAM
Date:	10-05-2022	Scale:	3/16" = 1'-0"
Sheet #:	2	Total #:	12

DOOR SCHEDULE

DOOR NO.	SIZE			DOOR MATERIAL	FRAME MATERIAL	REMARKS
	WIDTH	HIGHT	TICK			
1	3'-0"	6'-8"	1-3/4"	S.C. WOOD	WOOD	
2	2'-8"	6'-8"	1-3/4"	S.C. WOOD	WOOD	
3	2'-8"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
4	2'-8"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
5	2'-8"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
6	2'-8"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
7	2'-4"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
8	2'-2'-0"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
9	2'-2'-0"	6'-8"	1-3/4"	H.C. WOOD	WOOD	
10	2'-0"	6'-8"	1-3/4"	H.C. WOOD	WOOD	

- NOTE: 1.- PROVIDE WEATHER STRIPPING AND THRESHOLD AT ALL EXTERIOR DOORS. SET THRESHOLDS IN SEALANT BED.
 2.- ALL DOOR UNITS TO BE PRE-HUNG TYPE - PAINT GRADE.
 3.- DOOR/TRIM PAINT COLOR AS SELECTED BY OWNER.

WINDOW SCHEDULE

WINDOW TYPE	QUANTITY	SIZE		WINDOW ELEVATION	FRAME MATERIAL	REMARKS
		WIDTH	HIGHT			
A	8	3'-0"	5'-0"	A (S.H.)	VINYL	U-FACTOR 0.35 SOLAR HEAT GAIN COEF.0.25
B	1	3'-0"	3'-0"	A (S.H.)	VINYL	U-FACTOR 0.35 SOLAR HEAT GAIN COEF.0.25
C	1	2'-0"	2'-0"	A (F.X.)	VINYL	U-FACTOR 0.35 SOLAR HEAT GAIN COEF.0.25

FLOOR PLAN

SCALE : 3/16" = 1'-0"

BDA223-08P

FILE NUMBER: BDA223-087 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Brad Butz for a (1) variance to the side yard setback regulations at 5327 Richard Ave. This property is more fully described as Block 21/1941, Lot 22 and is zoned CD-15, which requires a side yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 3-foot side yard setback, which will require (1) a 7-foot variance to the side yard setback regulations.

LOCATION: 5327 Richard Ave.

APPLICANT: Brad Butz

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.

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:

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. Restrictive in area as the side yard setback along the east side of the property is greater (10') than that of the side yard setback on the west side of the property (5');
- C. Self-created hardship as construction started without obtaining a building permit.

BDA HISTORY:

BDA 056-040: Special exception to maintain a carport for a handicap person in the required side yard setback and provide a 1-foot side yard setback, requiring a special exception of 4-feet to the side yard setback regulations. Denied.

BDA 034-121: Sign special exception. Approved.

Zoning:

Site: CD-15- Conservation District
North: CD-15 Conservation District
South: CD-15 and R-7.5 (A) Single Family District
East: CD-15 Conservation District
West: CD-15 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 7-feet is made to construct and/or maintain a single-family residential structure.
- The subject site is surrounded by single-family homes.
- Conservation District 15 (CD-15) requires a side yard setback of 10-feet along the east side of the property, whereas the required setback along the west side of the property is 5-feet.
- As gleaned from the submitted site plan, the applicant proposes to construct and maintain a covered patio along the east side of the property providing a 3-foot side yard setback, requiring a 7-foot variance to the side yard setback regulations.

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

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

- Granting the proposed 7-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.
- BDA 223-087 - 5327 Richard Ave. (200' Radius Video)

Timeline:

August 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.

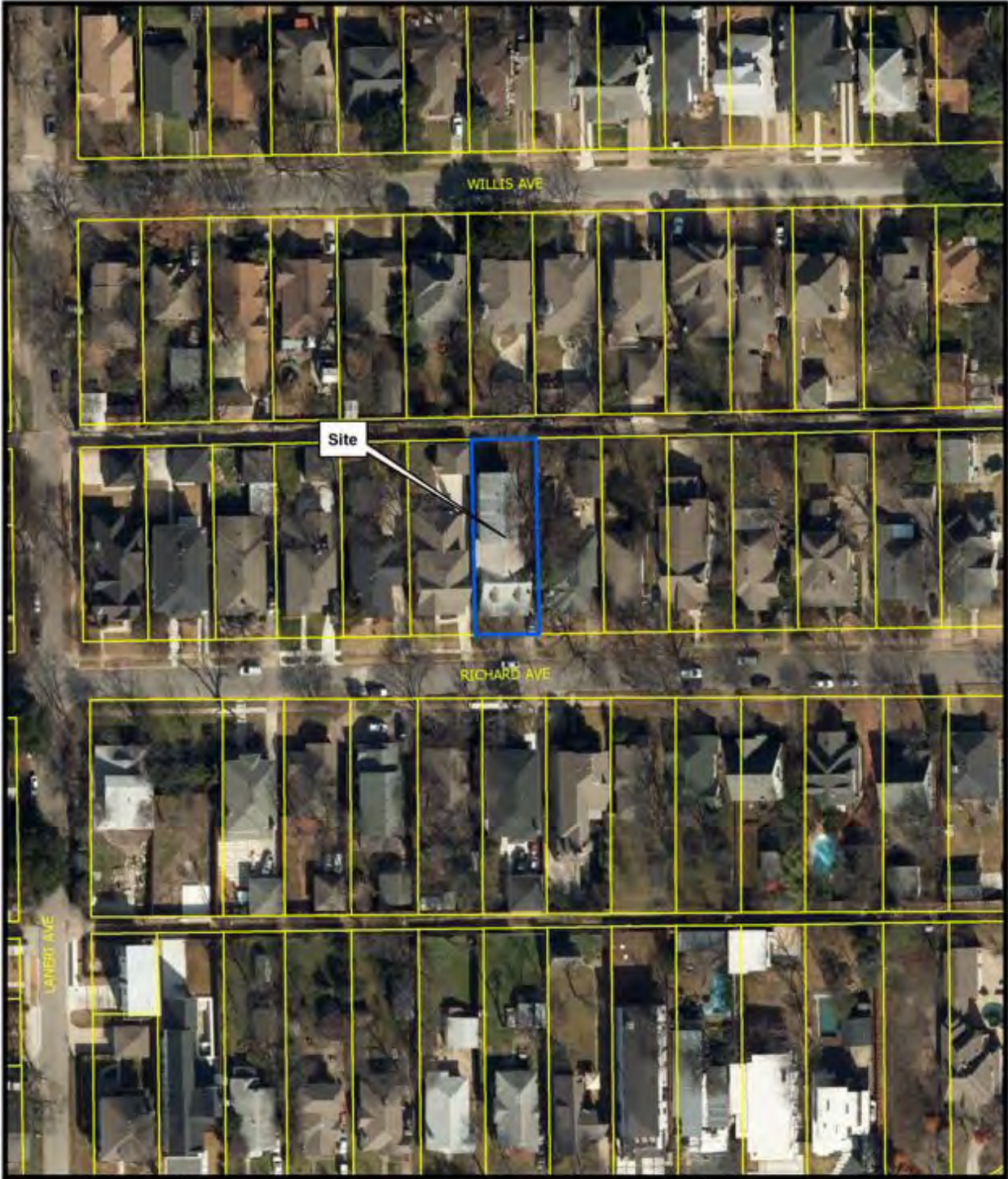
September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.

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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 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.

September 18, 2023: The applicant provided documentary evidence for the board to consider.

September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.

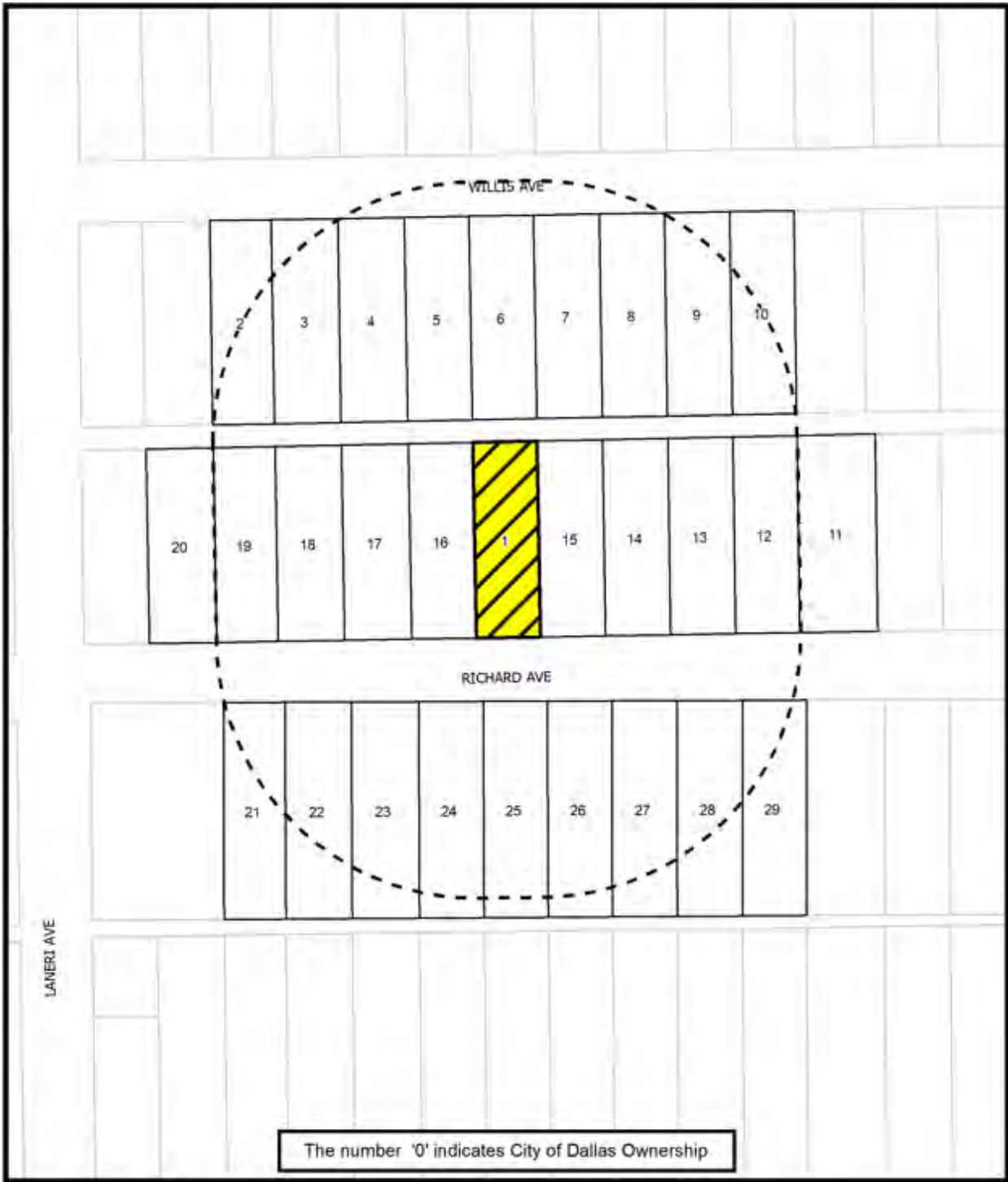


1:1,200

AERIAL MAP

Case no: BDA223-087

Date: 10/17/2023



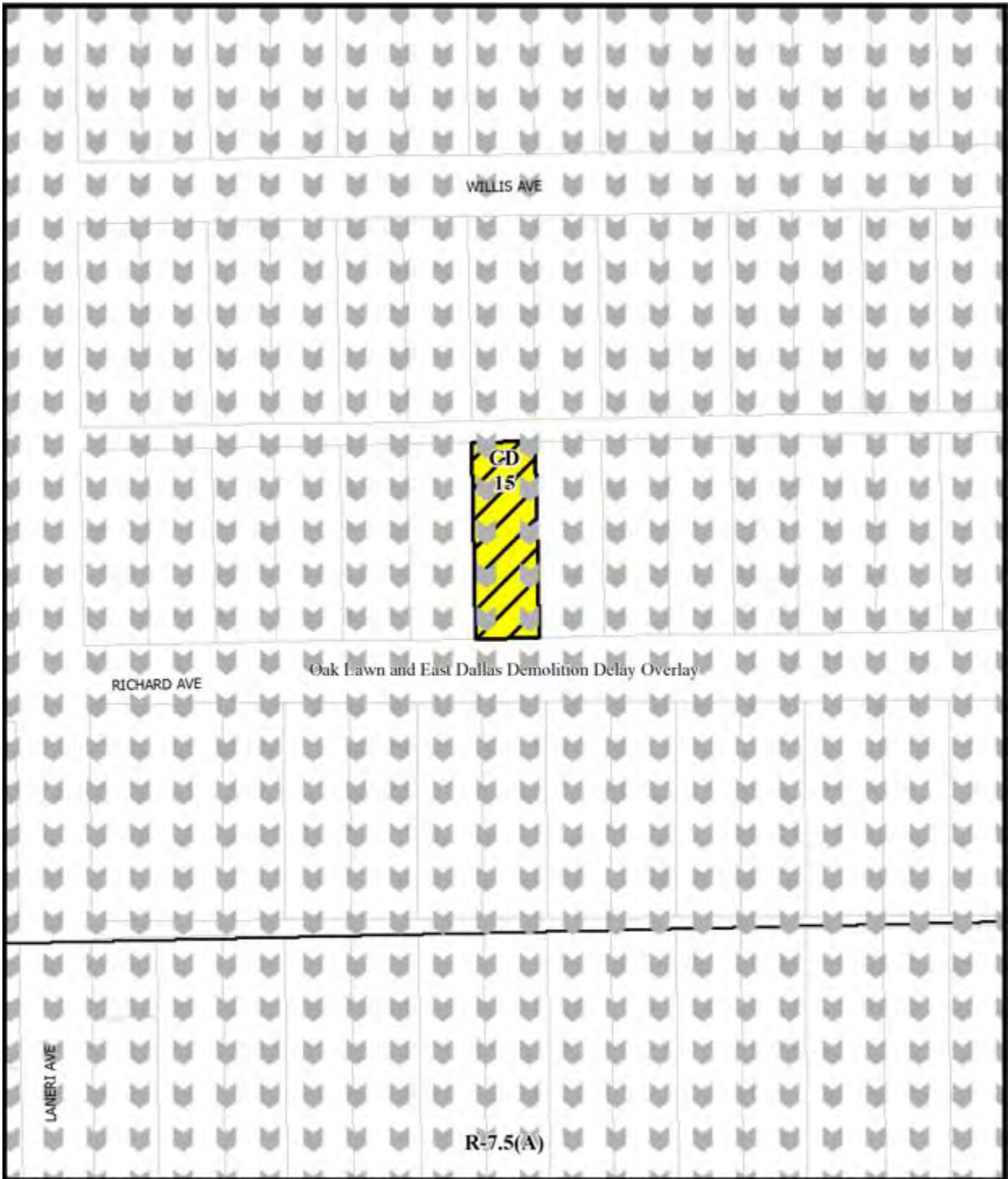
The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
29 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-087
 Date: 10/17/2023



1:1,200

ZONING MAP

Case no: BDA223-087

Date: 10/17/2023

1
10/17/2023

Notification List of Property Owners

BDA223-087

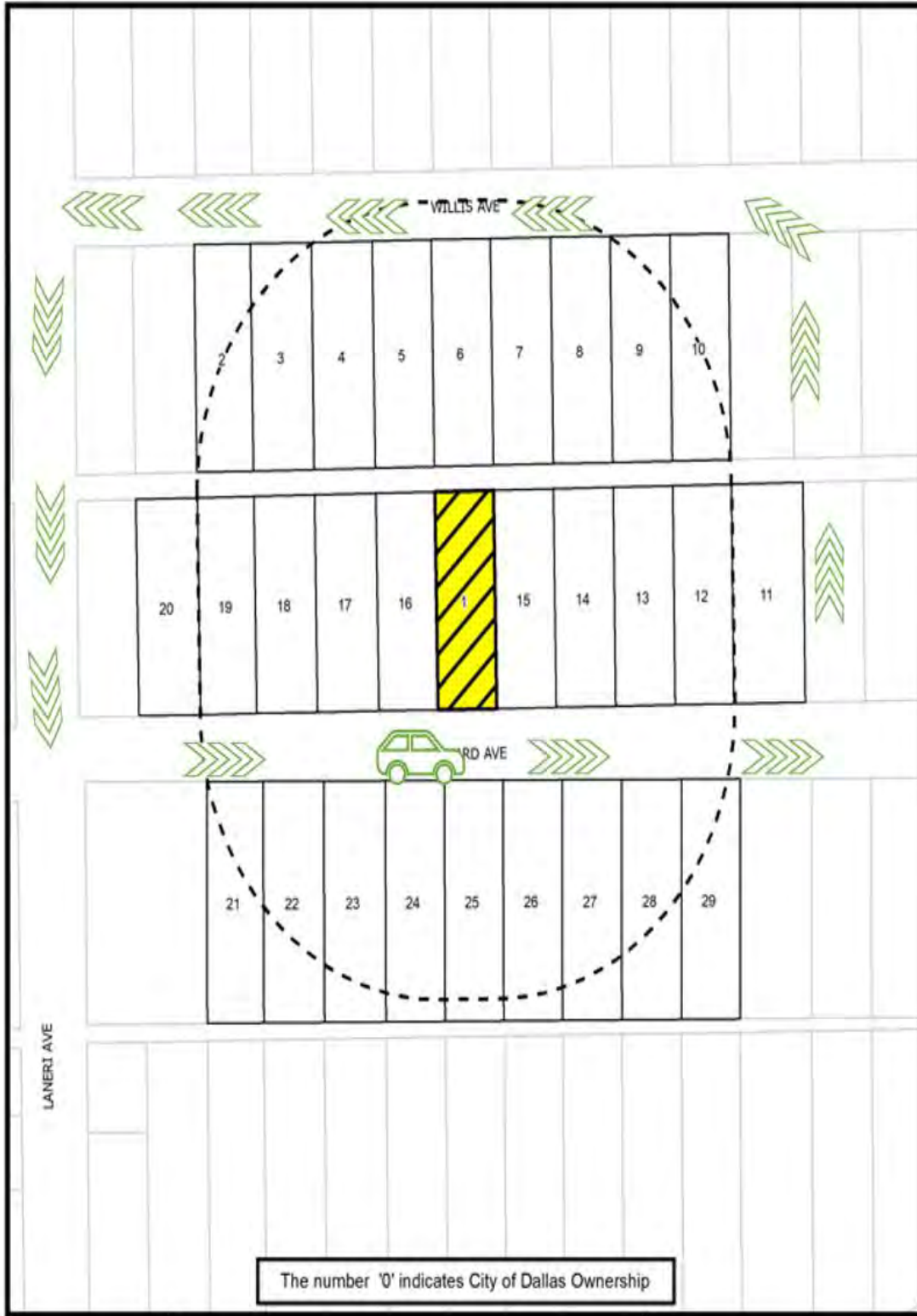
29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5327 RICHARD AVE	STRATTON SARAH LIVING TRUST &
2	5310 WILLIS AVE	REIG BLANCA
3	5314 WILLIS AVE	BUSH CONNOR &
4	5318 WILLIS AVE	STINNETT JESS
5	5320 WILLIS AVE	KEAVENY ADRIENNE & BRANDON
6	5324 WILLIS AVE	TRILIKIS PETER R &
7	5330 WILLIS AVE	PHILLIPS CHRISTOPHER D &
8	5334 WILLIS AVE	SMITH ELIZABETH D & DEREK J
9	5336 WILLIS AVE	SILVER LINDSAY GARETH &
10	5342 WILLIS AVE	QUICK KAREN K
11	5343 RICHARD AVE	BRAGG SAM & TAYLER
12	5341 RICHARD AVE	ENRIQUEZ JULIA EST OF
13	5339 RICHARD AVE	ZHAO DAWN C &
14	5335 RICHARD AVE	CERVANTES LOUIS
15	5331 RICHARD AVE	WARD JERRY M
16	5323 RICHARD AVE	OCONNOR MARY
17	5319 RICHARD AVE	COLVEN WILLIAM &
18	5315 RICHARD AVE	LOW BRIAN ANDREW &
19	5313 RICHARD AVE	MEDINA ANNA B & ENRIQUE
20	5307 RICHARD AVE	OBRIEN MICHAEL P & ANGELA H
21	5308 RICHARD AVE	MAYNOR JOHN TRACEY
22	5314 RICHARD AVE	GIBSON JAMES E III & LORNA N
23	5316 RICHARD AVE	WENTZ REYGAN ELIZABETH
24	5320 RICHARD AVE	HOLLY LEAH P
25	5326 RICHARD AVE	DELATORRE RODRIGO &
26	5330 RICHARD AVE	MOULAISON ERIC J & JENNIFER A

10/17/2023

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5334 RICHARD AVE	HOMENOW LLC
28	5336 RICHARD AVE	PEDERSON ROBICHEAUX FAMILY
29	5342 RICHARD AVE	KELCHER MARK J IRREVOCABLE

200' Radius Video Route



FIRE WALL

BUTZ - 5327 RICHARDS AVE

1 HOUR RATED

HOUSE

HOUSE

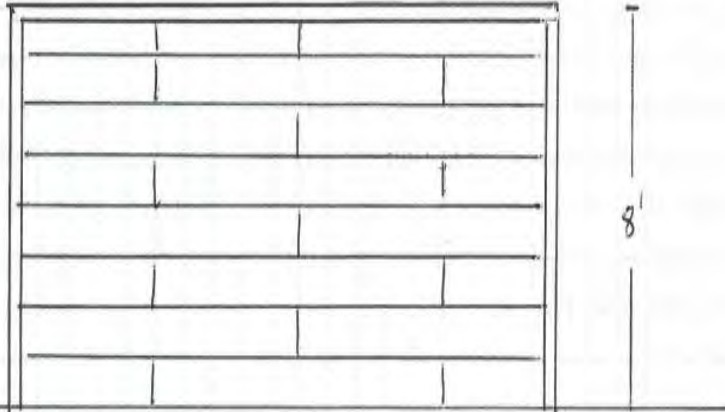
* ENLARGED VIEW
OF FIRE WALL

PATIO ROOF COVER

EAST WALL

* FIRE RATED WALL ON
FRONT FACING SIDE FENCE

* MATERIAL -
↓
TIMBERTECH
COMPOSITE



* TWO 6x6 POSTS
OPEN WALL

FRONT ELEV.

$\frac{1}{4}'' = 1.0'$

* CEDAR/CLEARSTAIN



* OPEN PATIO COVER
NO WALLS/FIRE WALL

* ASPHALT SHINGLES/ROOF









Development Services

"TOGETHER WE ARE BUILDING A SAFE AND UNITED DALLAS"

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 223-087

Data Relative to Subject Property: _____ Date: 8/3/2023

Location address: 5327 RICHARD AVE Zoning District: CO-15

Lot No.: 22 Block No.: 214411 Acreage: 0.170 Census Tract: _____

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

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): BRADLEY BUTZ & SARAH STRATTON

Applicant: BRADLEY BUTZ Telephone: (503) 577-5381

Mailing Address: 5327 RICHARD AVE, DALLAS Zip Code: 75206

E-mail Address: BRADLEY.BUTZ@FMR.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance, or Special Exception, of REQUESTING SETBACK VARIANCE ON EAST SIDE YARD FOR 7' 6" FOR PATIO COVER

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:

REQUESTING A VARIANCE TO SET BACK ON EAST SIDE PROPERTY LINE FROM 5 FEET TO 7' 6" TO ACCOMMODATE A PATIO COVER IN OUR BACK YARD

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

Affidavit

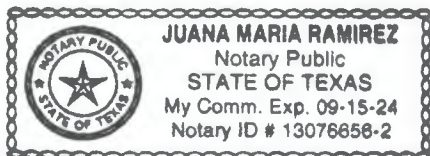
Before me the undersigned on this day personally appeared Bradley Butz
(Affiant/Applicant's name printed)

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 17th day of July, 2023

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Brad Butz

did submit a request for (1) a variance to the side yard setback regulations
at 5327 RICHARD AVENUE

BDA223-087(KMH) Application of Brad Butz for a (1) variance to the side-yard setback regulations at 5327 Richard Ave. This property is more fully described as Block 21/1941, Lot 22 and is zoned CD-15, which requires side-yard setback of 10-feet. The applicant proposes to construct and/or maintain a single-family residential structure and provide a 3-foot side-yard setback, which will require (1) a 7-foot variance to the side-yard setback regulations.

Sincerely,



Andrew Espinoza, CBO, MCP, CFM, CCEA

Commission expires on _____



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 223-087

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

at: 5327 RICHARD AVE. DALLAS, TX 75206
(Address of property as stated on application)

Authorize: BRADLEY BUTZ
(Applicant's name as stated on application)

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

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

Specify: REQUESTING VARIANCE ON EAST SIDE YARD OF 7'6"
FOR PATIO COVER

Sarah Stratton
Print name of property owner or registered agent

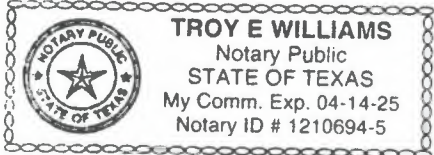
Sarah Stratton
Signature of property owner or registered agent

Date 8/03/2023

Before me, the undersigned, on this day personally appeared SARAH STRATTON

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 3 day of AUGUST, 2023

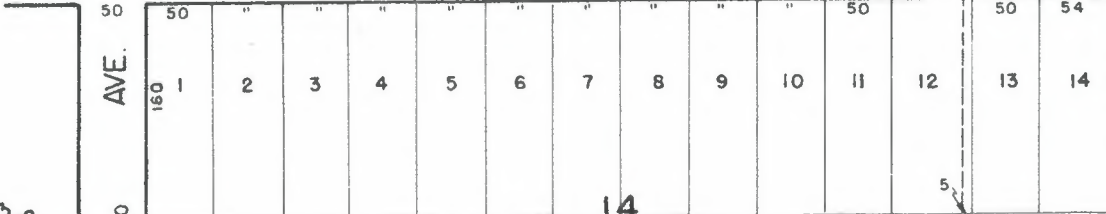


Troy Williams
Notary Public for Dallas County, Texas



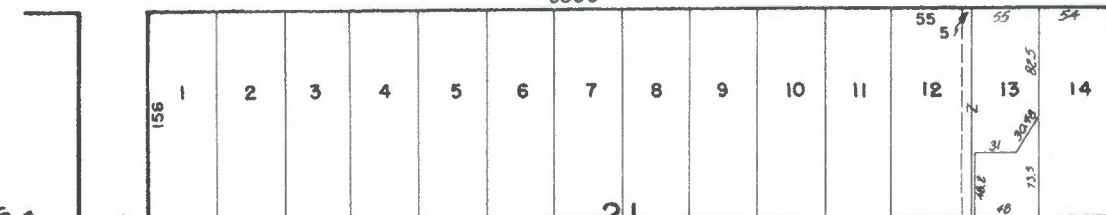
2
1912

50 MILLER 5300



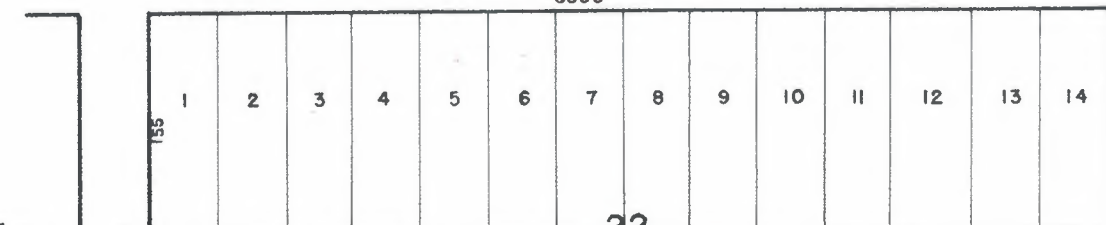
14
1938

50 WILLIS 5300



21
1941

50 RICHARD 5300



22
1942

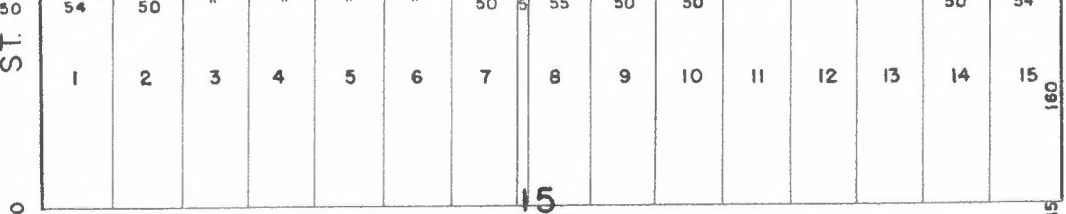
50 LANERI 2400



50 BONITA 5300

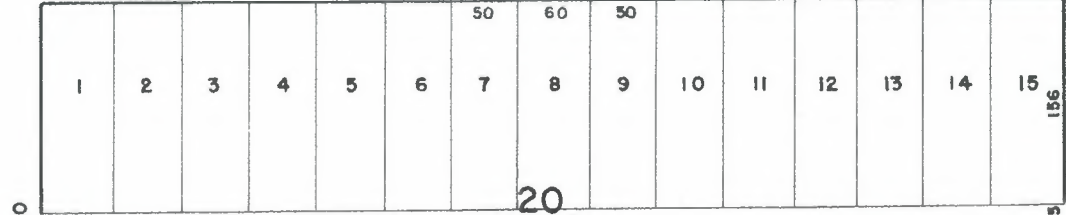
11
1936

50 ST. 5400 AVE. 50



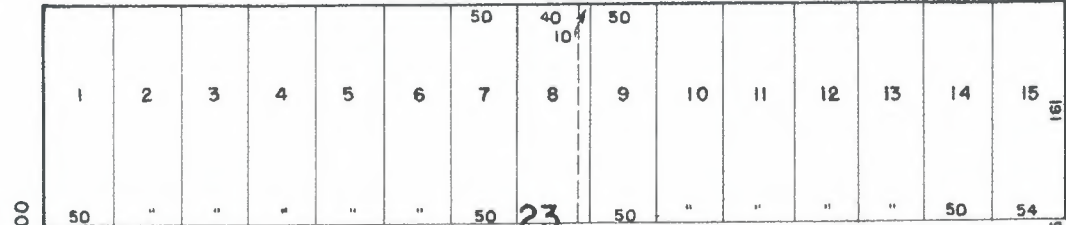
15
1939

50 5400 AVE. 50



20
1940

50 5400 AVE. 50



23
1943

50 GLENCOE 2400

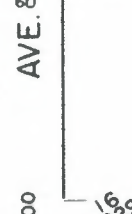


26
1945

50 87

10
1928

AVE. 8



16
1929

AVE. 8



19
1932

AVE. 8

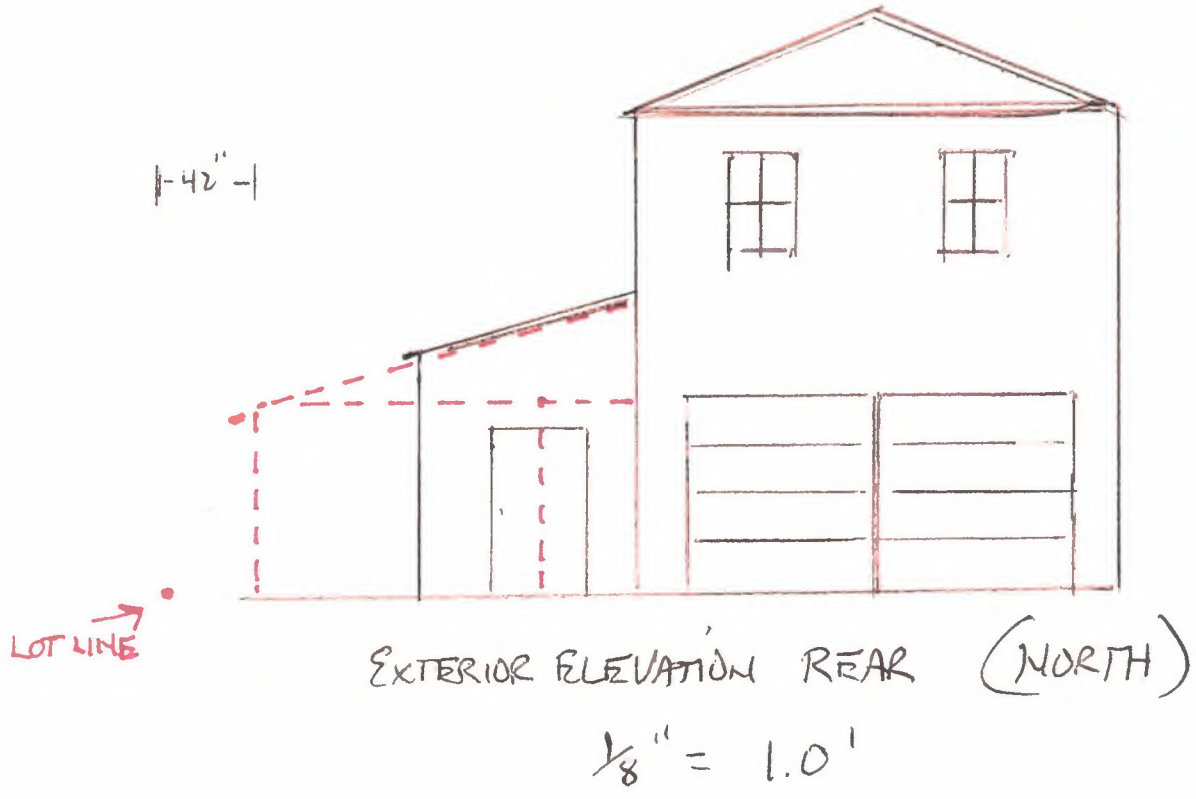


24
1933

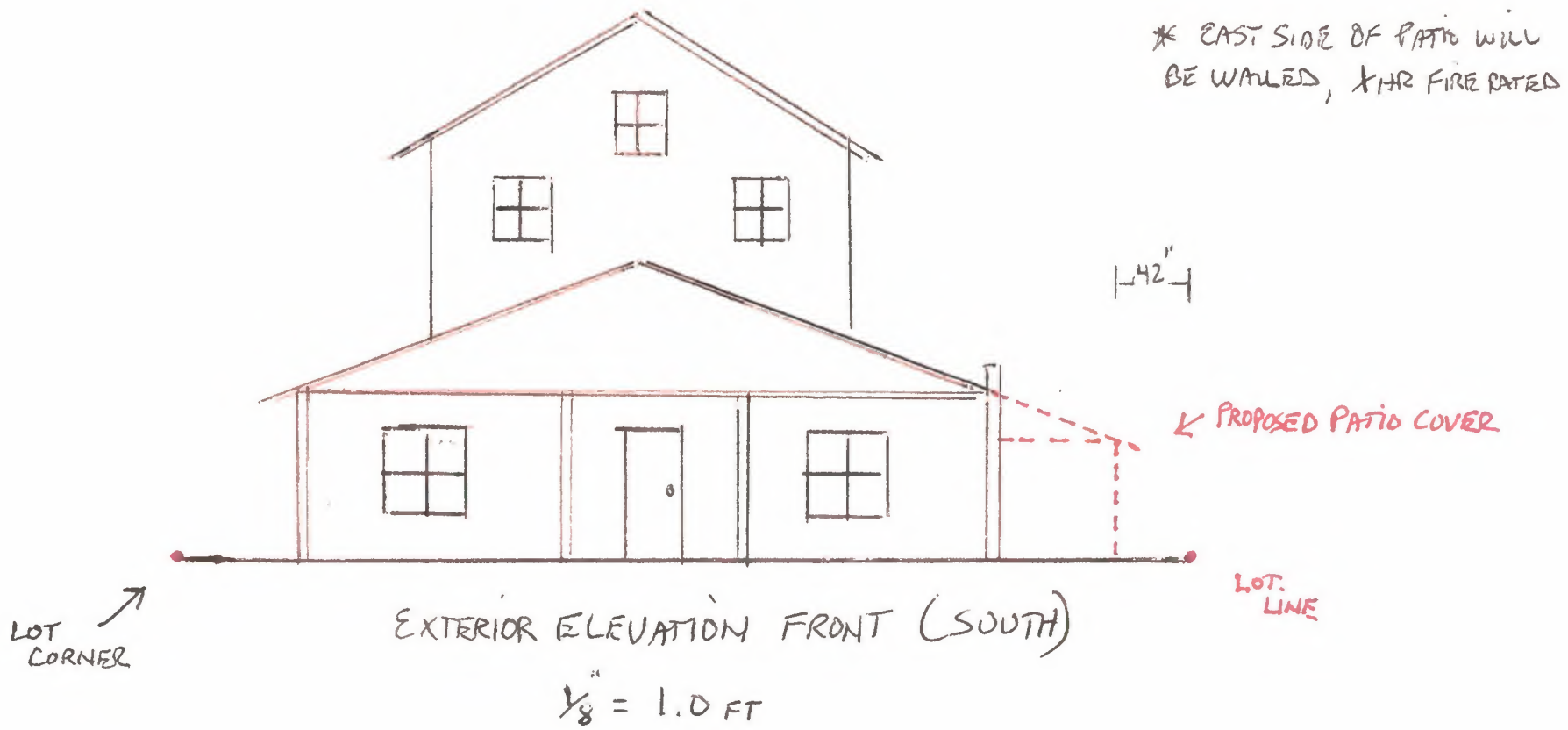
MCMILLAN 2400



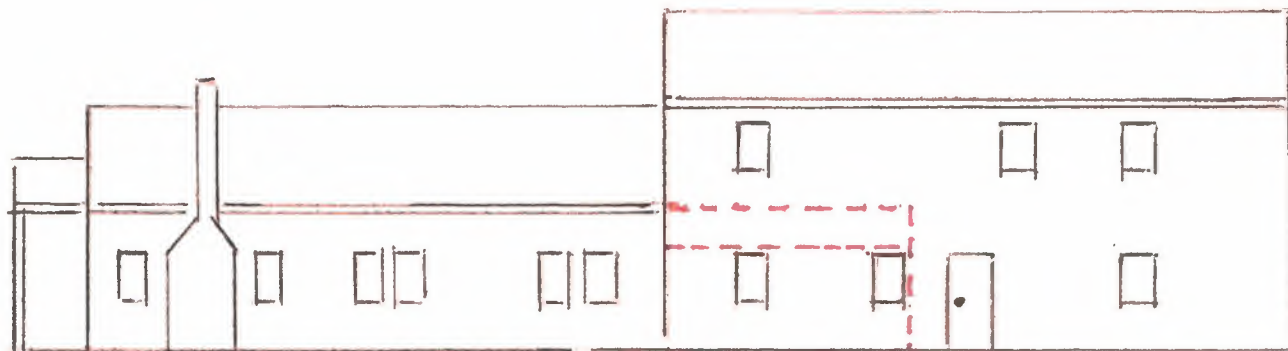
BDA223 087



5327 RICHARD AVE
BDA 223-087



5327 RICHARDS AVE
 BDA 223-087



PROPOSED PATIO COVER

EXTERIOR ELEVATION (EAST) SIDE

$\frac{1}{16}'' = 1.0 \text{ FT}$

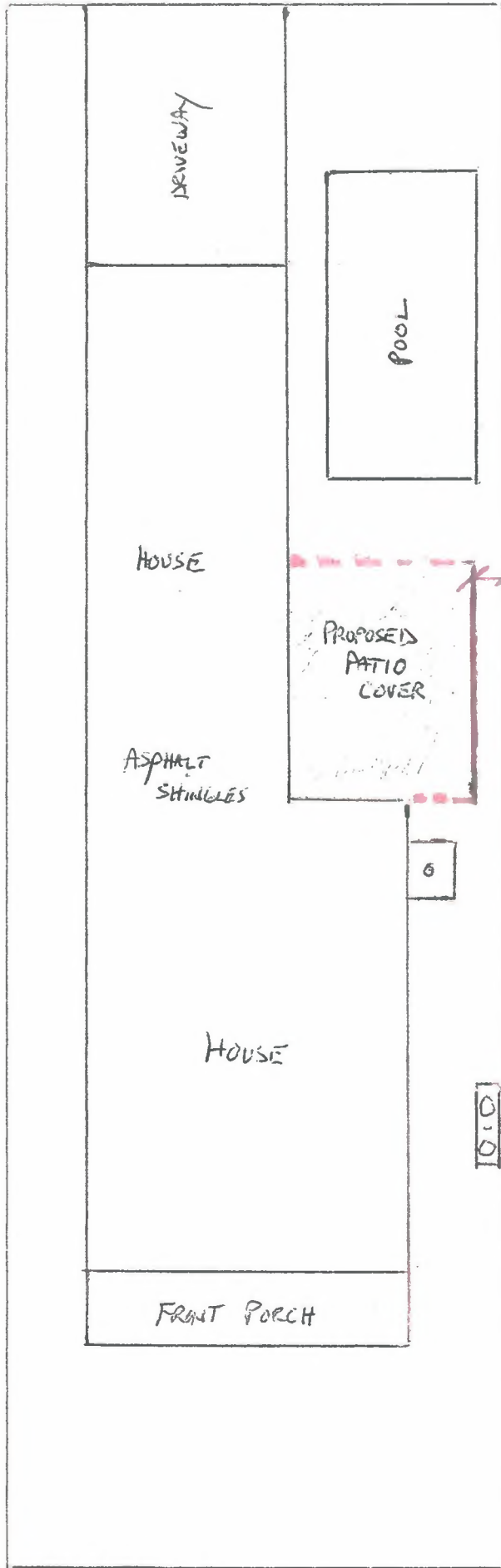
5327 RICHARDS AVE

BOA223-087



20

ROOF LINE + SITE PLAN



- * PATIO CONSTRUCTED FROM CEDAR
- * PATIO ROOF - ASPHALT SHINGLES
- * PATIO COVER IS 16' x 19'
- * CLEAR STAIN

* EAST WALL OF PATIO IS 1 HOUR FIRE RATED WALL
 ←

* EAST WALL IS 3' FROM PROPERTY LINE
 (E →)

← SHOWER PAD

← POOL EQUIP.

156'

1/16" = 1.0 FT

BDA223-087
 5327 RICHARD AVE



FILE NUMBER: BDA223-089 (KMH)

BUILDING OFFICIAL’S REPORT Application of Daniel Hernandez represented by Axel Videl for (1) variance to the front yard setback regulations, and (2) for a special exception to the fence height regulations, and (3) for a special exception to the fence standards regulations at 2622 Madera St. This property is more fully described as Block 3/1974, Lot 6 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 and requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide a 5-foot front yard setback, which will require (1) a 20-foot variance to the front yard setback regulations, and to construct an 8-foot-high fence in a required front yard, which will require (2) a 4-foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which will require (3) a special exception to the fence regulations.

LOCATION: 2622 Madera St.

APPLICANT: Daniel Hernandez

REPRESENTED BY: Axel Videl

REQUEST:

- (1) A request for a variance to the front yard setback regulations;
- (2) A request for a special exception to the fence height regulations; and
- (3) 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.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Special 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.

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;
- The site is restrictive as it is irregularly shaped and has two front yards, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning;
- It is not self-created.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5 (A) (Single Family District)
- North: R-7.5 (A) (Single Family District) and CD-15
- East: R- 7.5 (A) (Single Family District)
- South: R- 7.5 (A) (Single Family District); PD 462 and PD 990
- 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 of Daniel Hernandez for the property located at 2622 Madera Street focuses on several requests. The first request is for a variance to the 25-foot front yard setback regulations. The applicant is proposing to construct and maintain a residential structure, a pool, in the required front yard providing a 5-foot front yard setback, therefore, requiring a variance of 20-feet to the front yard

setback regulations. It is imperative to note that the subject property has two street frontages, Madera Street and Bonita Ave. In a typical zoning R-7.5 district, most lots tend to have only one front yard; therefore, having two front yards and no rear yard makes it quite difficult to be developed in a manner commensurate with the development upon other parcels of land with the same zoning.

- Secondly, the applicant is requesting a special exception to the fence height regulations of 4-feet. The applicant is proposing to construct and maintain an 8-foot-high fence in the required front yard along Bonita Ave.; requiring a 4-foot special exception to the fence height regulations.
- Additionally, the applicant proposes to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5-feet from the front lot line, which requires a special exception to the fence opacity regulations.
- The subject site along with properties to the north, east, south and west developed with single-family homes.
- As gleaned from the submitted site plan and elevations, the applicant is proposing to construct a pool providing a 5-foot front yard setback along Bonita Ave, which will require a 20-foot variance. Also, along Bonita Ave, the applicant is proposing to construct an 8-foot-high fence. As mentioned previously, this particular site is unique in nature as it has two street frontages but is not a corner lot. Having two street frontages does not allow for a rear yard. It is important to note that where the applicant is proposing to construct the pool and the fence, would typically be a rear yard.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The Dallas Development Code also states that required yards must remain unobstructed; therefore, structures are not allowed within setbacks.
- The applicant has the burden of proof in establishing that the special exception(s) to the fence regulations will not adversely affect the neighboring properties.
- Granting the special exceptions to the fence standards relating to height and opacity with a condition that the applicant complies with the submitted site plan and elevations, would require the proposal to be constructed as shown on the submitted documents.

- Regarding the request for the variance, 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 **State Law/HB 1475** as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - a) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code.
 - b) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur.
 - c) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - d) Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - e) The municipality considers the structure to be a nonconforming structure.
- Granting the proposed 20-foot variance to the front yard setback regulations with a condition that the applicant complies with the submitted site plan, would require the proposal to be constructed as shown on the submitted documents.
- **BDA223-089_2622 Madera St.** (200' Radius Video)

Timeline:

- August 9, 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.
- September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel **C**.
- 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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 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.
- September 27, 2023: The Board of Adjustment staff review team meeting was held regard request and other requests scheduled for the October 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.
- October 6, 2023: The applicant submitted documentary evidence.



1:1,200

AERIAL MAP

Case no: BDA223-089

Date: 10/17/2023

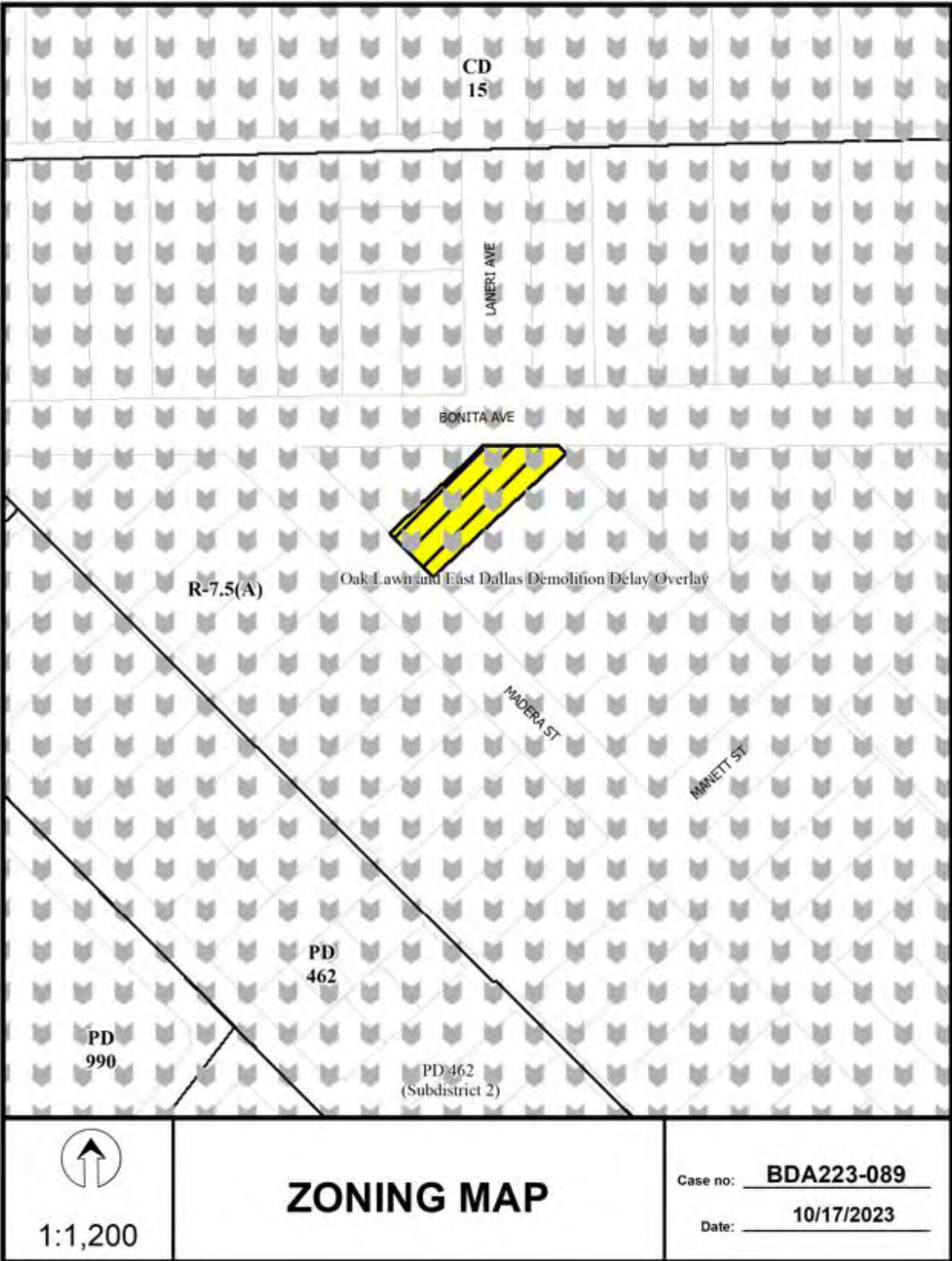



 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
34 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA223-089
 Date: 10/17/2023



1:1,200

ZONING MAP

Case no: BDA223-089

Date: 10/17/2023

10/17/2023

Notification List of Property Owners

BDA223-089

34 Property Owners Notified

Label #	Address	Owner
1	2622 MADERA ST	KELCHER MARY C & JOHN R
2	5319 BONITA AVE	TREVINO JOSE & EVANGELINA
3	5315 BONITA AVE	HAYNSWORTH & ETTER LLC
4	5311 BONITA AVE	NAJERA IRENE C &
5	5307 BONITA AVE	WOOD KYLE IRVIN & STEPHANIE
6	5303 BONITA AVE	CARLOCK CAMERON N &
7	2412 LANERI AVE	YORK JEFFREY EDGAR &
8	5253 BONITA AVE	LOMBARDI SHANNON
9	2415 LANERI AVE	NELSON JEAN M
10	2411 LANERI AVE	MIRELES FIDEL F &
11	5251 BONITA AVE	SMOYER KELLY PATRICIA
12	5247 BONITA AVE	PETTIT KIMBERLY H
13	5241 BONITA AVE	WRIGHT TYLER C
14	5239 BONITA AVE	LOSCHIAVO BRANDON & MEGAN
15	5302 BONITA AVE	ALCORTA EDWARD
16	5308 BONITA AVE	RODRIGUEZ PEDRO &
17	2606 MADERA ST	QUINONES DANIEL
18	2610 MADERA ST	ROJAS SOCORRO
19	2614 MADERA ST	GUEVARA PABLO
20	2618 MADERA ST	KELLY DINEEN A
21	2626 MADERA ST	WOOD GREGORY &
22	5310 BONITA AVE	Taxpayer at
23	5315 MANETT ST	BOND CHRISTOPHER
24	5319 MANETT ST	NGUYEN AMANDA DATHAO
25	5318 BONITA AVE	PURCELL JONATHAN B &
26	2607 MADERA ST	FAGAN CECIL &

10/17/2023

Label #	Address	Owner
27	2611 MADERA ST	KENJARSKI BRIAN &
28	2615 MADERA ST	TURER ROBERT WILLIAM &
29	2619 MADERA ST	HAYNES BRADLEY W
30	2623 MADERA ST	COCKERELL MYNETTA
31	2627 MADERA ST	BARNES SAMUEL JOSEPH &
32	2631 MADERA ST	MILLER ZACHARY &
33	2635 MADERA ST	ALVAREZ SYLVIA U
34	5228 BONITA AVE	CAMPBELL DANIEL

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 223-089

Date: 8/9/2023



Data Relative to Subject Property: _____

Location address: 2622 Madera St. Dallas, Tx 75206 Zoning District: T27.5

Lot No.: 6 Block No.: 3/1974 Acreage: 0.148 Census Tract: _____

Street Frontage (in Feet): 1) 50' 2) 69.09' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Upfront Investment LLC

Applicant: Daniel Hernandez Telephone: 832-541-3246

Mailing Address: 2350 Crawford Ct Southlake Tx Zip Code: 76092

E-mail Address: Lee2577@gmail.com

Represented by: Axel Vidal Telephone: 972-900-5098

Mailing Address: 9020 Southwestern Blvd. #2104 Dallas Zip Code: 75214

E-mail Address: Axel.VT94@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception of install 8' Board on board fence on Bonita frontage. Install swimming pool within 25' Bonita set-back - Provide 5' setback less than 50% open

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:

Double Frontage. Precedence already set in the neighborhood.

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

Affidavit

Before me the undersigned on this day personally appeared Daniel Hernandez

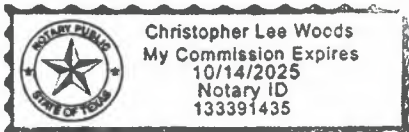
(Affiant/Applicant's name printed)

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 21 day of JULY, 2023

Christopher Lee Woods
Notary Public 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 DANIEL HERNANDEZ
represented by AXEL VIDEL
did submit a request for (1) a variance to the front yard setback regulations, and for (2) a special exception to the fence height regulations, and for (3) a special exception to the fence opacity regulations.
at 2622 MADERA ST.

BDA223-089(KMH) Application of Daniel Hernandez represented by Axel Videl for a (1) variance to the front-yard setback regulations, and (2) for a special exception to the fence height regulations, and (3) for a special exception to the fence opacity standard regulation at 2622 Madera St. This property is more fully described as Block 3/1974, Lot 6 and is zoned R-7.5(A), which requires a front-yard setback of 25-feet; and limits the height of a fence in the front yard to 4-feet; and requires a fence panel with a surface area that is less than 50 percent open not be located less than 5-feet from the front-lot line. The applicant proposes to construct a single-family residential structure and provide a 5-foot front-yard setback, which will require (1) a 20-foot variance to the front-yard setback regulations; and to construct an 8-foot high fence in a required front-yard, which will require (2) a 4-foot special exception to the fence height regulations; and to construct a fence in a required front-yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front-lot line, which will require (3) a special exception to the fence opacity regulations.

Sincerely,


 Andrew Espinoza, CBO, MCP, CFM, CCEA



AFFIDAVIT

Appeal number: BDA 223-089

I, Upfront Investment - Jorge Maliachi, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2622 Madera St. Dallas, TX 75206
(Address of property as stated on application)

Authorize: Daniel Hernandez
(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) Provide 5' setback, less than 50% open

Specify: Install 8' Board on Board fence on Bonita frontage.

Install swimming pool within Bonita set back (25')

Jorge Maliachi
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

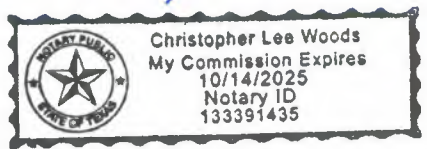
Date 7-21-23

Before me, the undersigned, on this day personally appeared Jorge Maliachi

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

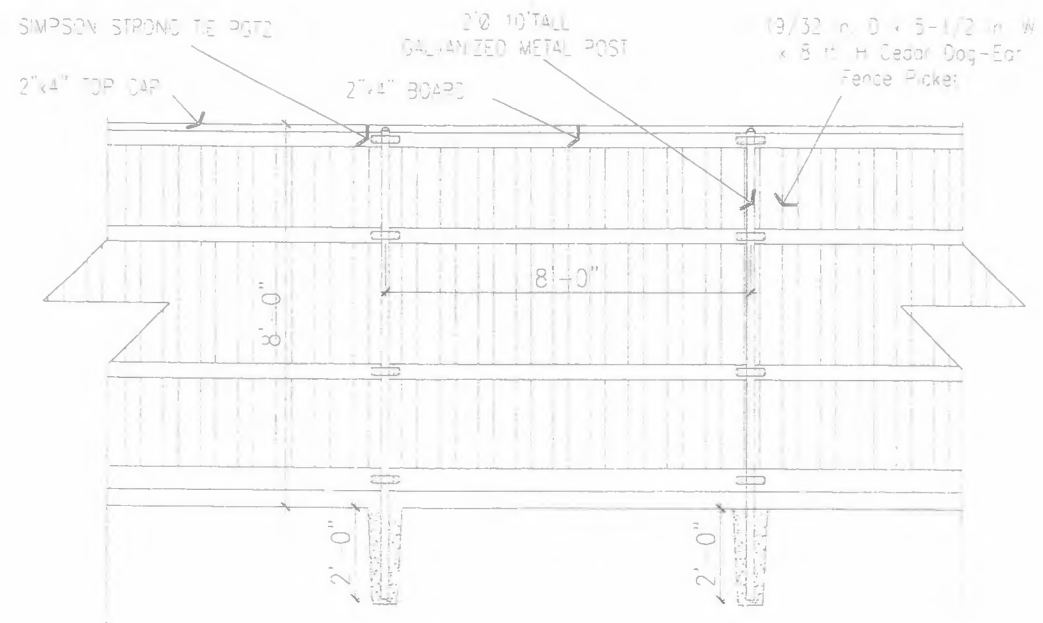
Subscribed and sworn to before me this 21 day of July, 2023

[Signature] Commission expires on 10/14/2025





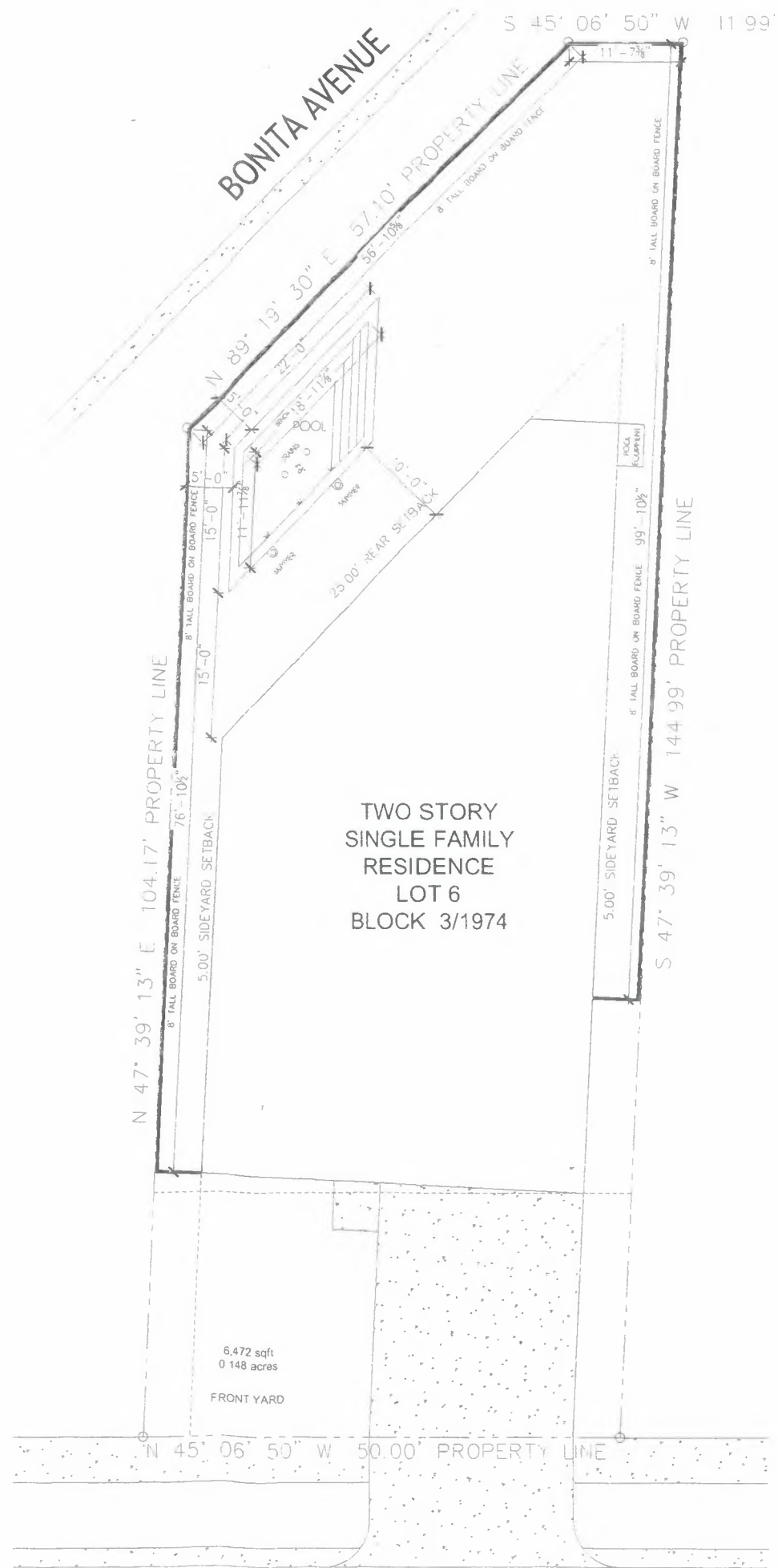
BDA 223-089



 **BOARD ON BOARD FENCE ELEVATION**
1/4" = 1'-0"



 **FENCE EXAMPLE**
N.T.S.



107 MADERA ST

 POOL / FENCE SITE PLAN



ARCH + DESIGN

ADDRESS:

2622 Madera St Dallas TX 75206

OWNER:

UPFRONT INVESTMENTS

PROJECT:

NEW HOUSE

THE FOLLOWING DRAWINGS ARE MEANT TO BE TECHNICAL IN NATURE AND BEST REFLECT THE BUILDING REQUIREMENTS OF THE CITY OF THE PROJECT. ADDRESSING COPYING OR TRACING IS NOT PERMITTED. ANY ALTERATIONS OR MODIFICATIONS WITHOUT EXPRESSED PERMISSION WILL VOID THE DRAWINGS AS ORIGINALLY INTENDED. OWNER OR BUILDER IS RESPONSIBLE TO COMPLY WITH LOCAL BUILDING CODES, EVEN IF DRAWINGS MAY SHOW DIFFERENT. NOT RESPONSIBLE FOR OMISSIONS, ERRORS OR DEFICIENCIES OF THE PLANS. PLEASE ALWAYS CONSULT CITY OFFICIAL OR WITH A LICENSED ENGINEER WHEN AVAILABLE.

SHEET NUMBER:

PL1.00

SHEET CONTENT:

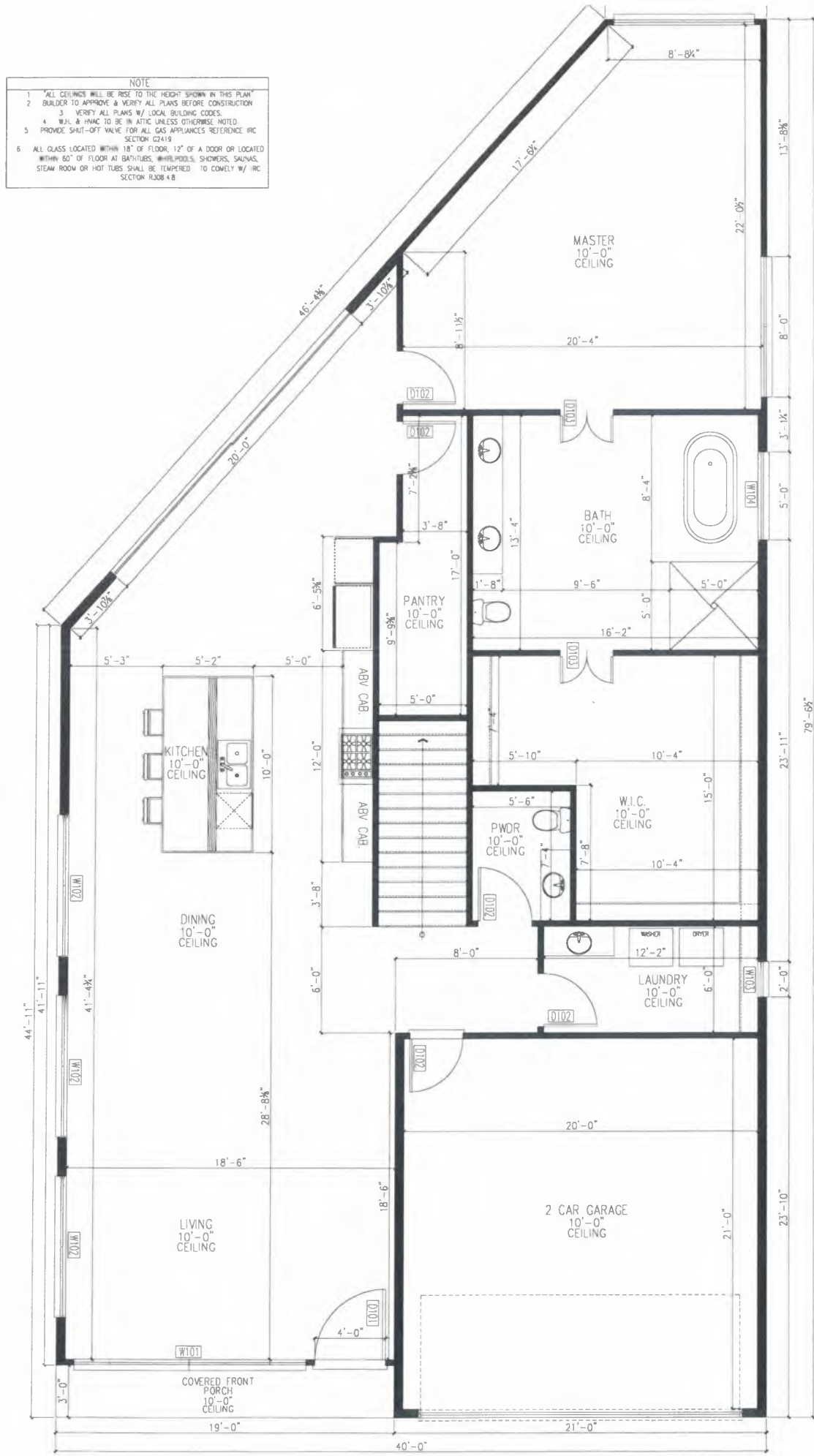
Pool / Fence Site Plan

DATE:

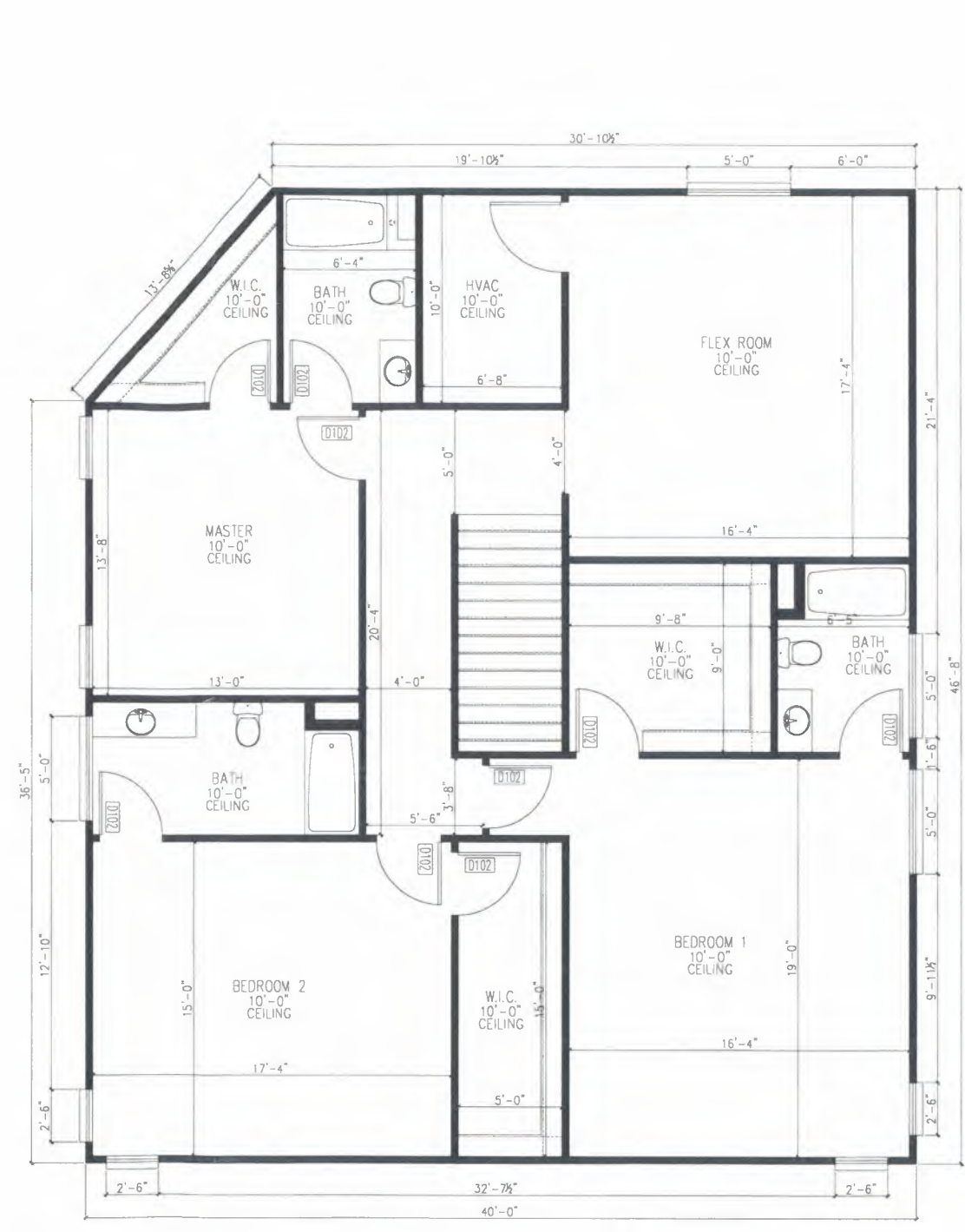
07 / 24 2023 **DA223-089**

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

NOTE
 1. ALL CEILING SHALL BE RISE TO THE HEIGHT SHOWN IN THIS PLAN
 2. BUILDER TO APPROVE & VERIFY ALL PLANS BEFORE CONSTRUCTION
 3. VERIFY ALL PLANS W/ LOCAL BUILDING CODES
 4. W.A. & P.W.C. TO BE IN ATTIC UNLESS OTHERWISE NOTED
 5. PROVIDE SHUT-OFF VALVE FOR ALL GAS APPLIANCES REFERENCE IRC SECTION G2419
 6. ALL GLASS LOCATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATHTUBS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOM OR HOT TUBS SHALL BE TEMPERED TO COMPLY W/ IRC SECTION R308.4.8



FIRST FLOOR PLAN



SECOND FLOOR PLAN
 1/8" = 1'-0"

- FLOOR PLAN NOTES:
- ALL STRUCTURAL INFORMATION SHOWN FOR REFERENCE PURPOSES ONLY. CONTRACTOR SHALL HAVE A LICENSED STRUCTURAL ENGINEER REVIEW AND DESIGN ALL STRUCTURAL ELEMENTS SUCH AS ALL FRAMING WALLS, BEAMS, CONNECTION HEADERS, JOIST AND RAFTERS
 - ALL DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUDS UNLESS NOTED OTHERWISE
 - WINDOW SIZES INDICATED ON PLANS ARE NOTED BY APPROXIMATE ROUGH OPENING SIZE. REFER TO PLANS AND EXTERIOR ELEVATIONS FOR WINDOW TYPES
 - COORDINATE LOCATION OF UTILITY METERS WITH SITE PLAN AND LOCATE AWAY FROM PUBLIC VIEW VISUAL IMPACT SHALL BE MINIMIZED, I.E. MOUNT AS LOW AS POSSIBLE
 - CONTRACTOR SHALL COORDINATE ALL CLOSET SHELVE REQUIREMENTS
 - DO NOT SCALE DRAWINGS, FOLLOW DIMENSIONS ONLY
 - CONTRACTOR SHALL FIELD VERIFY ALL CABINET DIMENSIONS BEFORE FABRICATION
 - ALL GLASS LOCATED WITHIN 18" OF FLOOR, 12" OF A DOOR OR LOCATED WITHIN 60" OF FLOOR AT BATHTUBS, WHIRLPOOLS, SHOWERS, SAUNAS, STEAM ROOMS OR HOT TUBS SHALL BE TEMPERED
 - ALL EXPOSED INSULATION SHALL HAVE A FLAME SPREAD RATING OF LESS THAN 25 AND A SMOKE DENSITY RATING OF LESS THAN 450
 - PROVIDE COMBUSTION AIR VENTS, WITH SCREEN AND BACK DAMPER, FOR FIREPLACES, WOOD STOVES AND ANY APPLIANCE WITH AN OPEN FLAME
 - BATHROOMS AND UTILITY ROOMS SHALL BE VENTED TO THE OUTSIDE WITH A MINIMUM OF A 90 CFM FAN RANGE HOODS SHALL ALSO BE VENTED TO OUTSIDE
 - ALL INTERIOR WALLS SHALL BE COVERED WITH 1/2" GYPSUM BOARD, WITH METAL CORNER REINFORCING TAPE FLOAT AND SAND (3 COATS) USE 5/8" GYPSUM BOARD ON CEILING WHEN SUPPORTING MEMBERS ARE 24" O.C. OR GREATER USE 1/2" GYP BOARD ON CEILING MEMBERS LESS THAN 24" O.C.
 - ALL BATH AND TOILET AREA WALLS AND CEILING SHALL HAVE WATER RESISTANT GYPSUM BOARD.

DOOR SCHEDULE						
TAG	SIZE	DESCRIPTION	TYPE	H. PANEL	HEADER	QTY
D101	4'-0" x 8'-0"	SC	HINGE DOOR	01	8'-0"	1
D102	3'-0" x 8'-0"	SC	HINGE DOOR	01	8'-0"	10
D103	3'-0" x 8'-0"	SC	HINGE DOOR	02	8'-0"	4
D104	17'-0" x 10'-0"	GL	SLIDING DOOR	02	8'-0"	2
D105	18'-0" x 8'-0"	GD	GARAGE DOOR	03	8'-0"	1
D106	17'-0" x 8'-0"	GD	SLIDING DOOR	02	8'-0"	1

H.C. = HOLLOW CORE
 S.C. = SOLID CORE
 G.D. = GARAGE DOOR
 G.L. = GLASS DOOR

WINDOW SCHEDULE				
TAG	SIZE	HEADER HGT	DESCRIPTION	QTY
W101	9'-0" x 7'-0"	8'-0"	H.H. CUSTOM/SC	2
W102	5'-0" x 5'-0"	8'-0"	H.H. CUSTOM/TK	1
W103	6'-0" x 7'-0"	8'-0"	H.H. CUSTOM/CS	1
W104	9'-0" x 7'-0"	9'-0"	H.H. CUSTOM/CS	1
W105	5'-0" x 7'-0"	9'-0"	H.H. CUSTOM/CS	2

S.G. = SINGLE HUNG GLASS OPERABLE
 F.Z. = FIXED WINDOW
 C.S. = CASEWORK WINDOW



ARCH + DESIGN

ADDRESS:

2622 Madera St Dallas TX 75206

OWNER:

Upfront Investments

PROJECT:

NEW HOUSE

SQUARE FOOTAGE			
1ST FLOOR LIVING AREA	APPROX	2132	S.F.
2ND FLOOR LIVING AREA	APPROX	1763	S.F.
TOTAL LIVING AREA	APPROX	3895	S.F.
FRONT COVERED PATIO	APPROX	57	S.F.
GARAGE	APPROX	458	S.F.
FOUNDATION	APPROX	2649	S.F.
TOTAL COVERED AREA	APPROX	2649	S.F.
LOT SIZE	APPROX	6442	S.F.
% OF COVERED AREA	APPROX	41	%

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SHEET NUMBER:

A1.00

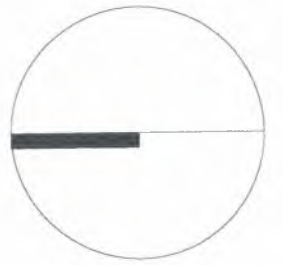
SHEET CONTENT:

Floor Plan

DATE:

07/21/2023 **EDA223-089**

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



ARCH + DESIGN

ADDRESS:

2622 Madera St Dallas TX 75206

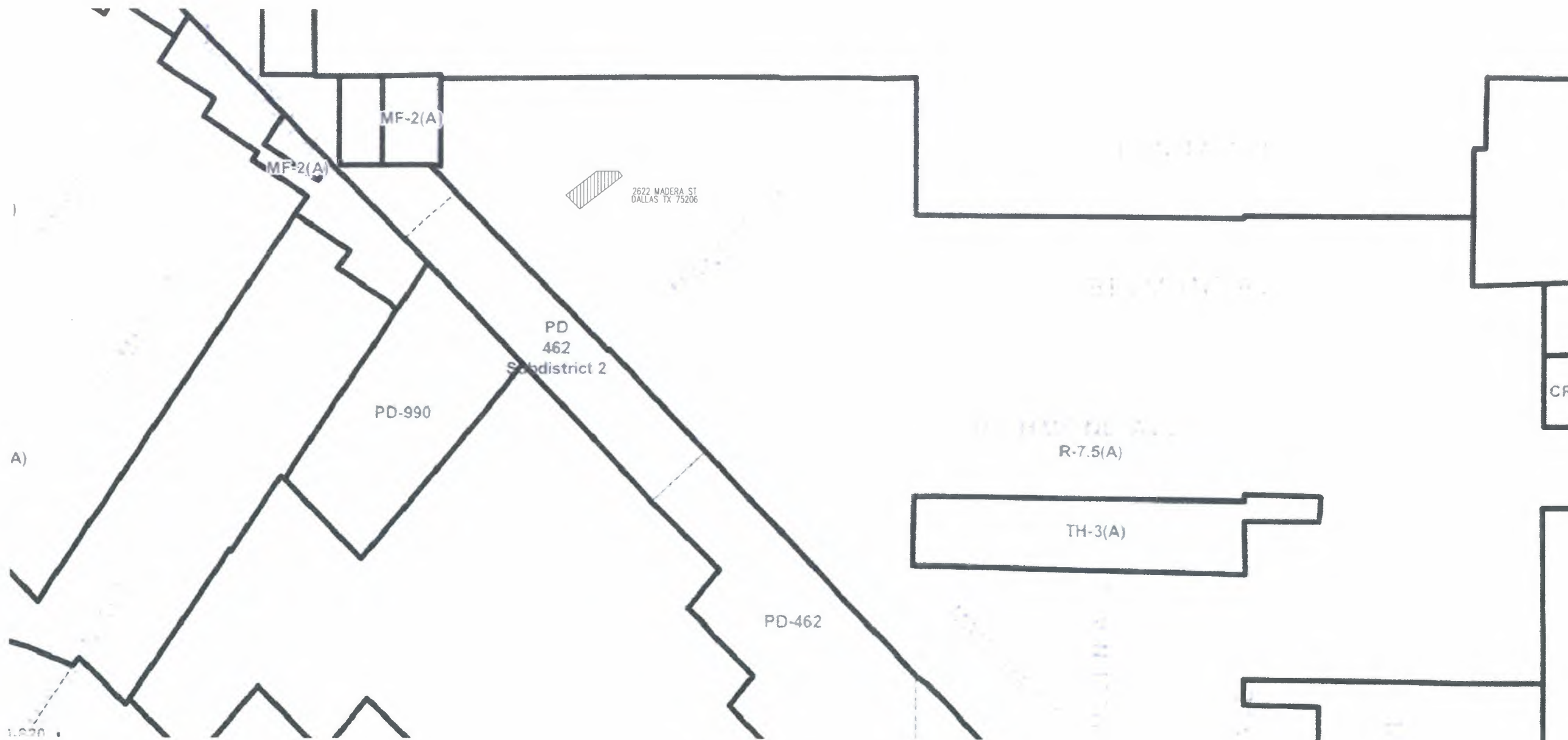
OWNER:

Daniel Hernandez

PROJECT:

NEW HOUSE

CR



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SHEET NUMBER:

P1.01

SHEET CONTENT:

Zoning Map

DATE:

07 / 21 / 2023 **BDA223-089**

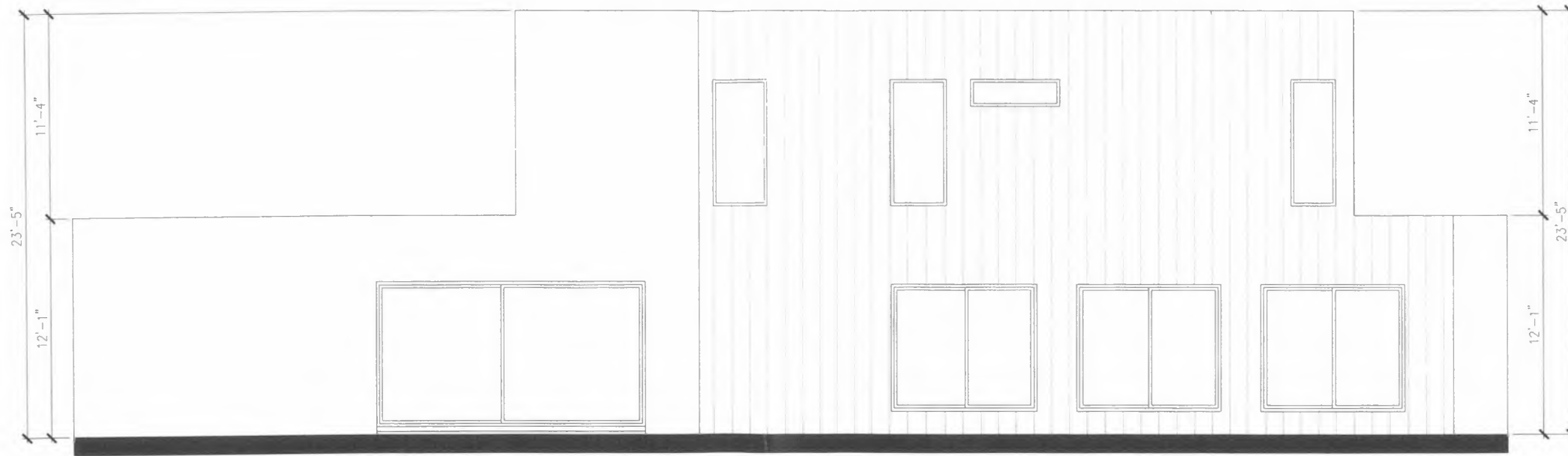
SCALE: N.T.S.



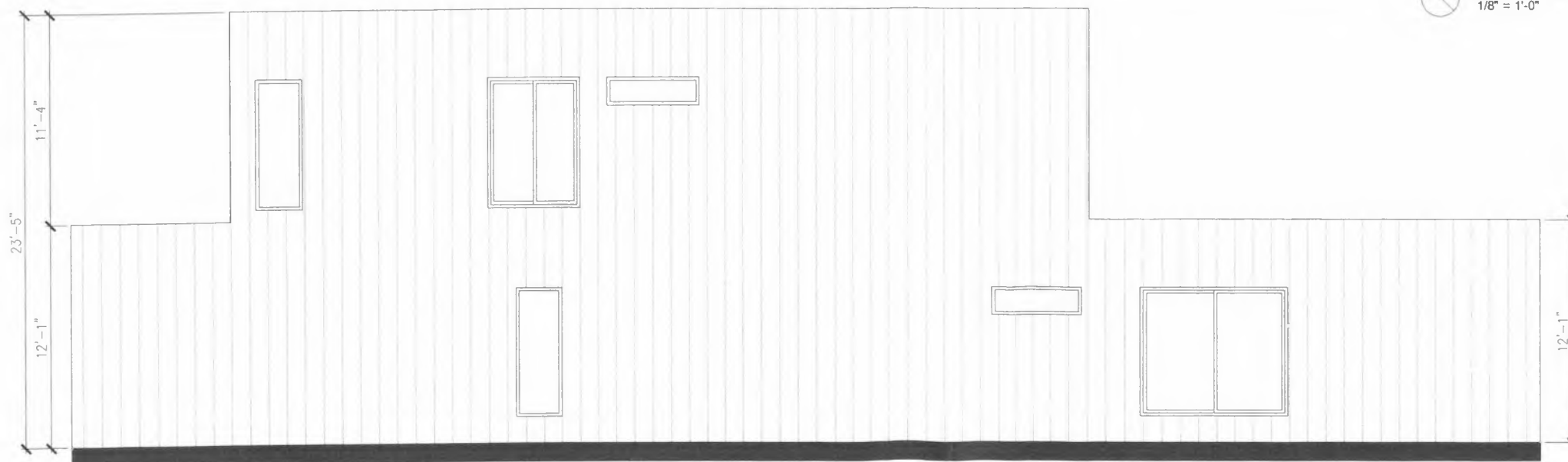
FRONT ELEVATION
1/8" = 1'-0"



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



LEFT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



ARCH + DESIGN

ADDRESS:

2622 Madera St Dallas TX 75206

OWNER:

Upfront Investments

PROJECT:

NEW HOUSE

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SHEET NUMBER:

A2.00

SHEET CONTENT:

Elevations

DATE:

07 / 21 / 2023

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

BDA223-089 - 1907 McMillan Back Additional



BDA223-089 - 1907 McMillan Back



BDA223-089 - 1907 McMillan Front



BDA223-089 - 2304 Madera Front Side



BDA223-089 - 2304 Madera Front



BDA223-089 - 2304 Madera Rear



FILE NUMBER: BDA223-090 (KMH)

BUILDING OFFICIAL'S REPORT: Application of Mohsen Heidari represented by Tate Frier for (1) a variance to the parking regulations at 2504 Maple. This property is more fully described as Block 1/949, Lot 7A, and is zoned PD-193 (HC), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant without drive-in or drive-through service use and provide 61 of the required 80-parking spaces, which will require (1) a 19-space variance (24% reduction) to the parking regulations.

LOCATION: 2504 Maple

APPLICANT: Mohsen Heidari

REPRESENTED BY: Tate Frier

REQUEST:

(1) A request for a variance to the parking regulations.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Denial

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

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

BDA HISTORY:

No BDA History found within the last 5 years.

Zoning:

Site: PD-193
North: PD-9
South: PD-193
East: PD- 193 and PD-877
West: PD-193

Land Use:

The subject site is developed with a restaurant. The areas to the north, south, east, and west are developed with commercial uses

GENERAL FACTS/STAFF ANALYSIS:

- A request for a variance to the off-street parking regulations of 19 spaces is made to construct and/or maintain a restaurant without drive-in or drive-through service use. The applicant proposes to provide only 61 of the required 80-parking spaces for the restaurant use, resulting in the need for a 24% reduction in the parking space requirements.
- As gleaned from the submitted site plan, the applicant is proposing to construct and/or maintain an estimated 8,000 square foot restaurant which requires approximately 80 off-street parking spaces and 2 handicapped spaces. As mentioned previously, the applicant is proposing to provide 61 of the 80 required off-street parking spaces; resulting in the need for a reduction in the number of parking spaces required.

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

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

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

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

- Granting the proposed 19-space variance to the off-street parking 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.
- In granting a special exception under Paragraph (1), the board shall specify the use or uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- In granting the special exception under Paragraph (1), the board may establish a termination date for the special exception or otherwise provide for the reassessment of conditions after a specified period of time.
- A special exception granted under Paragraph (1) does not exempt a use from satisfying more restrictive requirements for handicapped parking which may be imposed by the state of Texas.
- BDA223-090 2504 Maple (200' Radius Video)

Timeline:

August 17, 2023: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

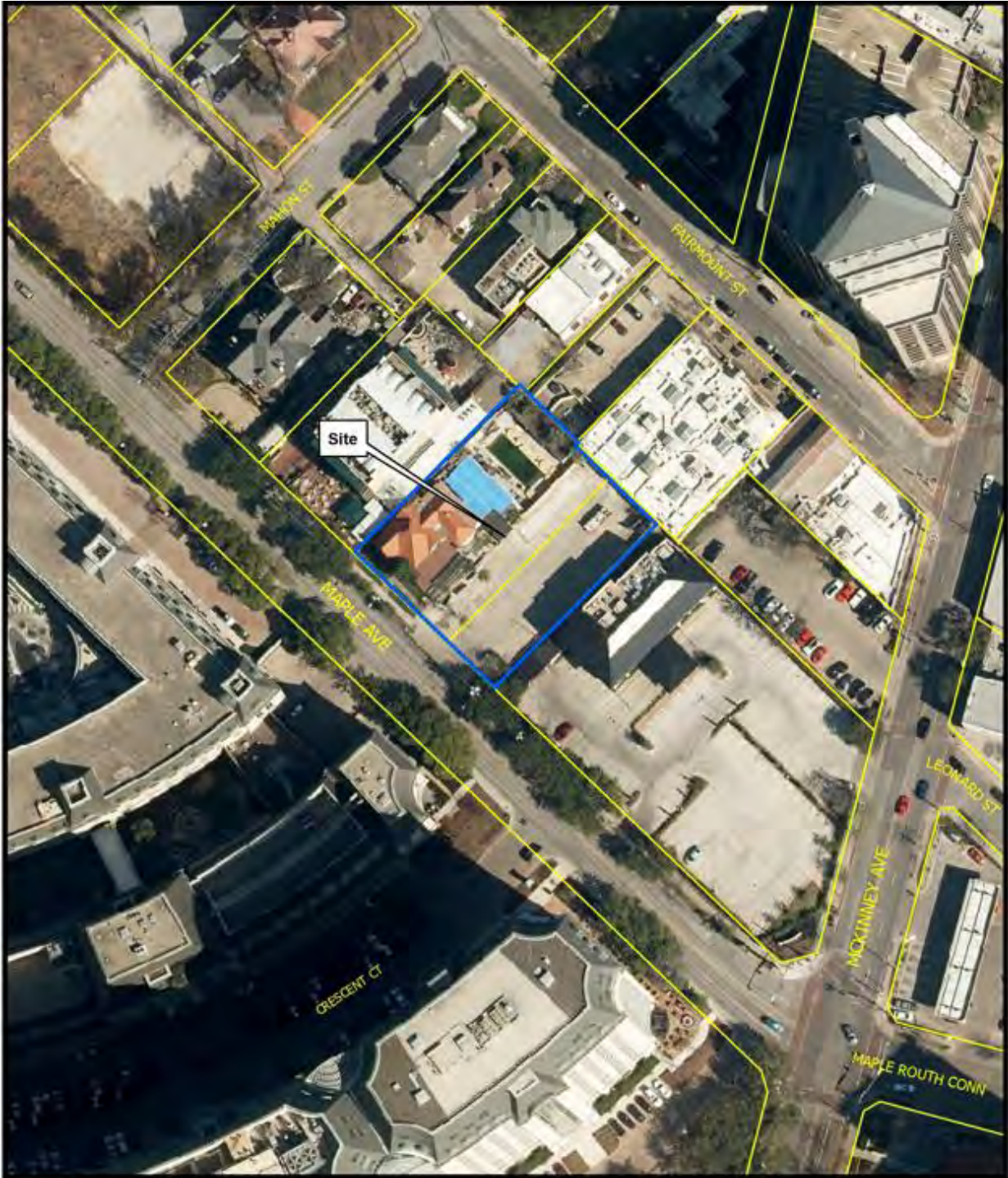
September 1, 2023: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

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 September 25, 2023, deadline to submit additional evidence for staff to factor into their analysis; and October 6, 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.

September 27, 2023: The Board of Adjustment staff review team meeting was held regarding this request and other requests scheduled for the October 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.

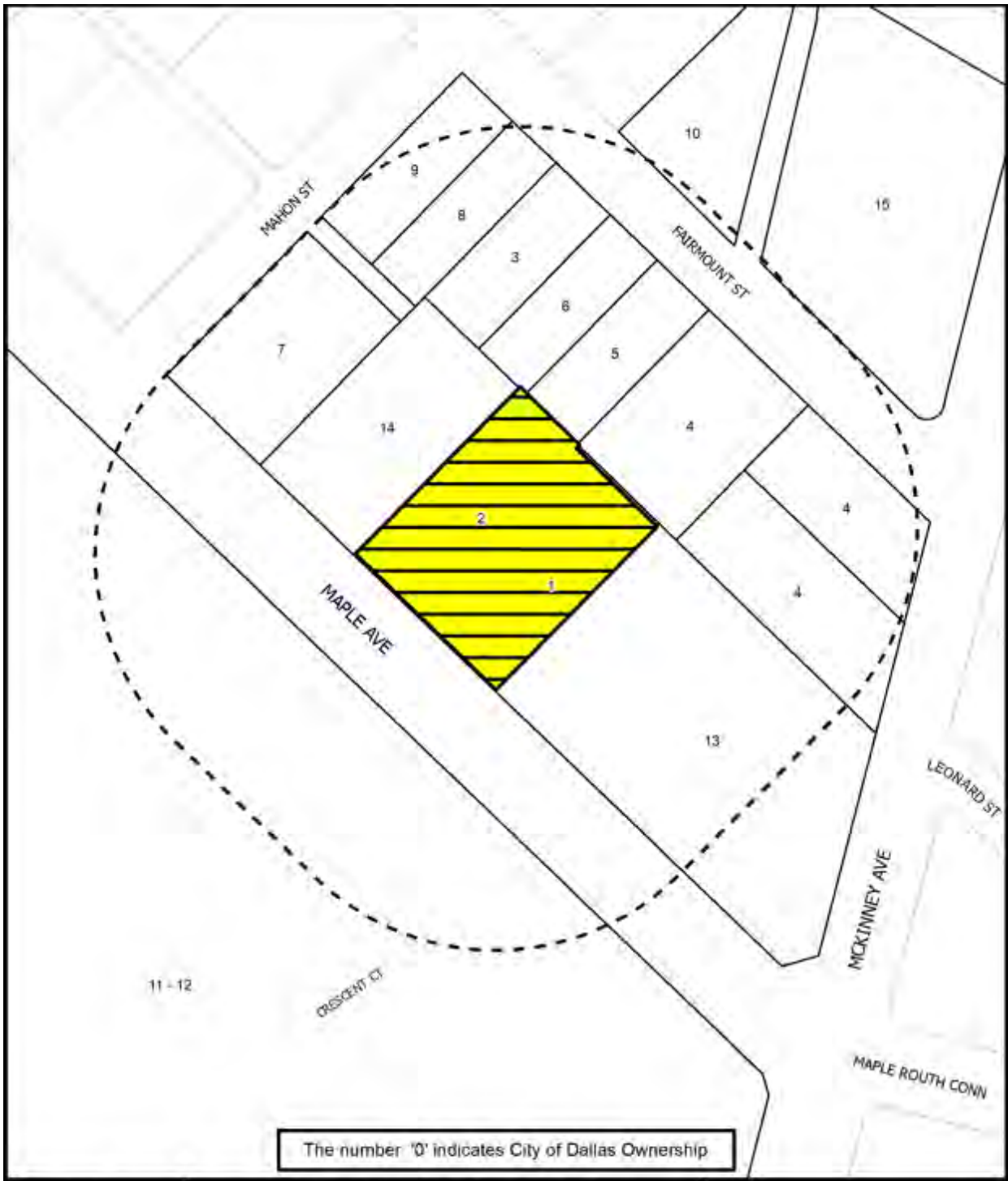


1:1,200

AERIAL MAP

Case no: BDA223-090

Date: 10/17/2023

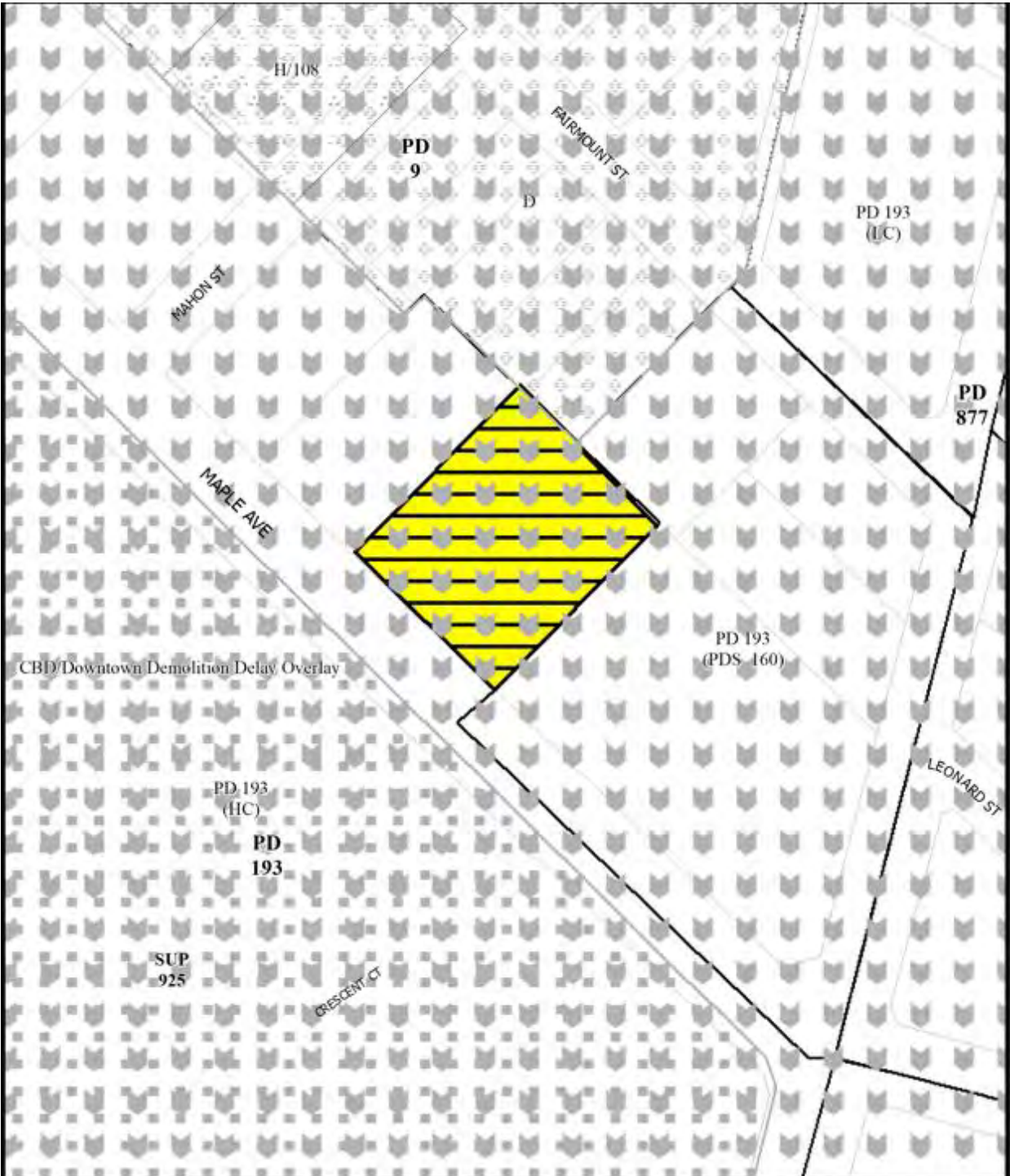



 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
15	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA223-090**
 Date: **10/17/2023**




 1:1,200

ZONING MAP

Case no: BDA223-090
 Date: 10/17/2023

10/17/2023

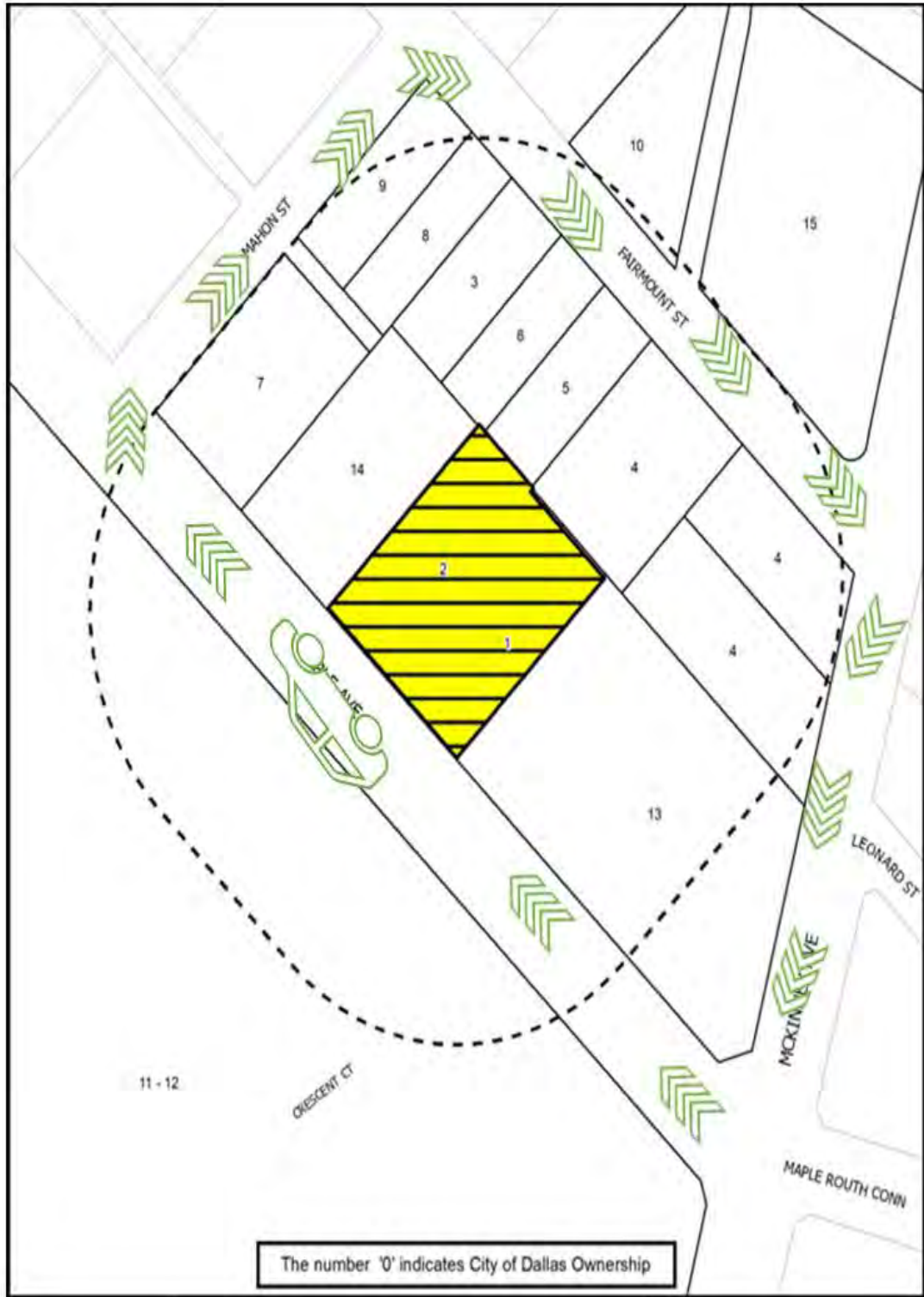
Notification List of Property Owners

BDA223-090

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2504 MAPLE AVE	PASHA & SINA INC
2	2508 MAPLE AVE	PASHA & SINA INC
3	2521 FAIRMOUNT ST	BLL LP
4	2507 FAIRMOUNT ST	MURPHY PLAZA LLC
5	2515 FAIRMOUNT ST	MURPHY PLAZA LLC
6	2517 FAIRMOUNT ST	LWO REAL ESTATE II LLC
7	2516 MAPLE AVE	HEYMANN CLAIRE L
8	2525 FAIRMOUNT ST	BLL LP
9	2527 FAIRMOUNT ST	KAME YUGEN SEKININ JIGYO
10	2520 FAIRMOUNT ST	2520 FAIRMOUNT STREET
11	100 CRESCENT CT	GPIF TC OWNER LLC
12	100 CRESCENT CT	CRESCENT TC INVESTORS LP
13	2401 MCKINNEY AVE	2401 MCKINNEY LLC
14	2512 MAPLE AVE	HEIDARI ALI
15	2515 MCKINNEY AVE	CHATEAU PLAZA HOLDINGS LP

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 HCD 090 ONLY

Data Relative to Subject Property:

Date: 8/17/23 **RECEIVED**
ED
AUG REC'D
BY: B

Location address: 2504 & 2508 Maple Ave., Dallas TX. 75201, USA Zoning District: PD-193 (HC)

Lot No.: 7, 8, 9 Block No.: 11944 1/949,949 Acreage: 0.6 Census Tract: _____

Street Frontage (in Feet): 1) 150' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): PASHA & SINA INC.

Applicant: Moshen Heidari Telephone: 214-598-2191

Mailing Address: 15175 Quorm Dr. Zip Code: 75011

E-mail Address: pashaheidari@sbcglobal.net

Represented by: Chuck DeShazo Telephone: 214-748-6229 ext 1001

Mailing Address: 400 S. Houston St. Zip Code: 75202

E-mail Address: chuck.deshazo@deshazogroup.com

Affirm that an appeal has been made for a Variance or Special Exception of JOEY Restaurant's structure is 8000 sf. and will require a total of 80 parking spaces. The restaurant will have a supply of 60 parking spaces with 1 dumpster credit totalling 61 spaces.

JOEY is asking for Variance request for 19 parking spaces. ~~A Special Exception is requested for all valet parking with no ADA parking spaces.~~

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:

A Variance to the off-street parking regulations for JOEY Maple due to the fact that such a request will not be contrary to the public interest as seen in the DeShazo Group parking study and referencing ITE parking demand figures and that a literal enforcement of City of Dallas section 51P-193 would result in unnecessary hardship for JOEY

~~A handicapped parking Special Exception under 51P-193.116(H) as there will be no demand because JOEY will be valet during all times the restaurant is open.~~

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 MOHSEN HEIDARI

(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: M.
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 24th day of August, 2023

Sam Jeffrey
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 MOHSEN HEIDARI
represented by TATE FRIER
did submit a request for a variance to the parking regulations, and for a special exception to the
handicapped space parking regulations
at 2504 and 2508 MAPLE AVE.

BDA223-090. Application of MOHSEN HEIDARI represented by TATE FRIER for (1) a variance to the parking regulations, and for (2) a special exception to the handicapped parking regulations at 2504 MAPLE AVE. This property is more fully described as Block 1/949, Lot 7A, and is zoned PD-193 (HC), which requires parking to be provided and required handicapped parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 59 of the required 80-parking spaces, which will require (1) a 21-space variance (26% reduction) to the parking regulation, and to construct a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 0 of the required 2-handicapped parking spaces, which will require (2) a 2-space special exception to the handicapped parking regulation.

Sincerely,


Andrew Espinoza, CBO, MCP, CFM, CCEA



Appeal number: BDA BDA223 - 090

I, PASAR & SON INC / MOHSEN HEIDARI, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2504 & 2508 Maple Ave., Dallas TX, 75201, USA
(Address of property as stated on application)

Authorize: Chuck DeShazo
(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: JOEY Maple requests a parking Variance for 21 parking spaces.

Special Exception for no (ADA) handicapped parking spaces. All valet parking during buisness hours.

MOHSEN HEIDARI
Print name of property owner or registered agent

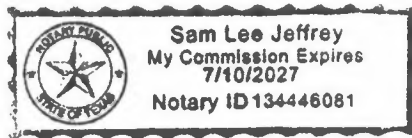
M.
Signature of property owner or registered agent

Date 8/24/23

Before me, the undersigned, on this day personally appeared Mohsen Heidari

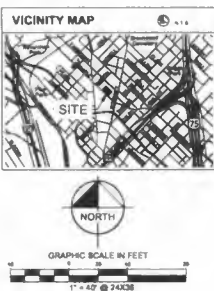
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 24th day of August, 2023



Sam Jeffrey
Notary Public for Dallas County, Texas

Commission expires on 7/10/27



GRAPHIC SCALE IN FEET
1" = 40'



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Pasha & Shai, Inc. is the sole owner of those tracts of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas Blocks 948 and 1948, Dallas County, Texas, and being all of Lots 7, 8 and 9, Block 1948, North Dallas Improvement Co. Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 108, Page 258, Deed Records, Dallas County, Texas (D.R.C.T.) and being a portion of a called 0.2048 acre tract of land described in a Special Warranty Deed to Pasha & Shai, Inc., recorded in instrument No. 201100187786, Official Public Records, Dallas County, Texas (O.P.R.C.T.); and being a portion of a called 0.4121 acre tract of land described in a Special Warranty Deed to Pasha & Shai, Inc., recorded in instrument No. 201200140731, O.P.R.C.T., and being more particularly described as follows:

BEING that a 5/8-inch iron rod with yellow plastic cap stamped "TETANTEC" found in the northeastern right-of-way line of Maple Avenue (a 75-foot right-of-way, Volume 108, Page 258, D.R.C.T.) at the most westerly corner of Lot 1A, Block 1948, of The James P. Leake Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 84088 Page 4886, O.R.C.T.; and being the most southerly corner of said 0.2048 acre tract.

THENCE North 45°52'38" West, with said northeastern right-of-way line of Maple Avenue and the southerly line of said 0.2048 acre tract, passing at a distance of 80.07 feet, a reeg nail with a steel washer stamped "W A1 RPLS No. 5714" found at the most westerly corner of said 0.2048 acre tract, same being the most southerly corner of said 0.4121 acre tract, and continuing with said northeastern right-of-way line and the southerly line of said 0.4121 acre tract for a total distance of 182.22 feet to a point at the most westerly corner of said 0.4121 acre tract, and being the most southerly corner of Lot 10A, Block 1948, of The Managuan, an addition to the City of Dallas, Texas, according to the plat thereof recorded in 84088, Page 4887, O.R.C.T.; from which a 1/2-inch iron rod with red plastic cap stamped "RPLS No. 4800" found bears South 89°48'32" West, a distance of 0.20 feet, and a 1/2-inch iron rod with red plastic cap stamped (same) found at the most westerly corner of said Lot 10A bears North 45°52'38" West, a distance of 180.18 feet.

THENCE North 44°41'13" East, with the common line of said 0.4121 acre tract and said Lot 10A, a distance of 180.07 feet to a point at the most northerly corner of said 0.4121 acre tract, same being the most southerly corner of said Lot 10A, and being in the southeast line of a called 0.1658 acre tract of land described in a General Warranty Deed to LWO Real Estate II, L.L.C., recorded in instrument No. 201400236824, O.P.R.C.T., from which a 600 nail with steel washer (no stamp) found bears North 17°22'00" East, a distance of 0.80 feet;

THENCE South 45°47'13" East, with the common line of said 0.4121 acre tract and said 0.1658 acre tract, passing at a distance of 10.50 feet, a 5/8-inch iron rod found at the most southerly corner of said 0.1658 acre tract, same being the most westerly corner of a called 0.7713 acre tract of land designated as "Tract 1" in a Special Warranty Deed to Murphy Plaza, LLC, recorded in instrument No. 201100235322, O.P.R.C.T., and continuing with the common line of said 0.4121 acre tract and said 0.7713 acre tract, a distance of 83.74 feet to a 5/8-inch iron rod with a 3-1/4 inch aluminum disk stamped "JUA-R04" set for corner.

THENCE over and across said 0.4121 acre tract and the aforementioned 0.2048 acre tract, the following courses and distances:

South 44°17'47" West, a distance of 3.50 feet to a 5/8-inch iron rod with a 3-1/4 inch aluminum disk stamped "JUA-R04" set for corner.

South 48°47'13" East, a distance of 88.64 feet to a 5/8-inch iron rod with a 3-1/4 inch aluminum disk stamped "JUA-R04" set in the southerly line of said 0.2048 acre tract, and being in the northerly line of the aforementioned Lot 1A, Block 1948, of The James P. Leake Addition.

THENCE South 44°13'37" West, with the common line of said 0.2048 acre tract and said Lot 1A, a distance of 178.33 feet to the POINT OF BEGINNING and containing a combined area of 36.73 square feet or 0.8188 acres of land.

OWNER'S OEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That, Pasha & Shai, Inc., acting by and through their duly authorized agents do hereby adopt this plat, designating the herein described property as JOEY MAPLE AVENUE, an addition to the City of Dallas, Dallas County, Texas, and its hereby dedicated, in fee simple, to the public use forever any streets, alleys, and roadway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire line easements shall be open to the public, for use by police units, fire departments, and other public and private utilities for each particular use. The maintenance of paving on the utility and fire line easements is the responsibility of the property owner. No buildings, garages, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements so shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right to ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, protecting, maintaining and adding to or removing all or parts of its respective systems within the necessity of any rule of procuring the permission of anyone. Any public utility shall have the right to ingress and egress to private property for the purpose of reading meters and any maintenance or services required or authorized by law.

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

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

WITNESS, my hand at _____ Texas, this _____ day of _____ 20__.

Pasha & Shai, Inc.
By _____
Name
Title

STATE OF TEXAS
COUNTY OF _____

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

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

Notary Public in and for the State of Texas

SURVEYOR'S STATEMENT

I, Craig O. Barton, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, sources collected on the ground during field operations and other reliable documentation, and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Engineers and Land Surveyors, the City of Dallas Development Code (Ordinance No. 19486, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either placed in compliance with the City of Dallas Development Code, Sec. 21A.8.B.17 (a)(3)(c)(i) & (ii), and that the digital drawing the accompanying this plat is a precise representation of this Signed Final Plat.

Dated this _____ day of _____ 20__.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT - 02/22/2023

Craig O. Barton
Registered Professional Land Surveyor No. 6458
1095-Horn and Assoc., Inc.
13456 Noel Road
Two Galleria Office Tower
Suite 700
Dallas, Texas 75240
Ph: (877) 770-1300
craig.barton@horn-horn.com

STATE OF TEXAS
COUNTY OF DALLAS

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

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

Notary Public in and for the State of Texas

PRELIMINARY PLAT
JOEY MAPLE AVENUE
LOT 7A, BLOCK 1949
BEING A REPLAT OF LOTS 7, 6, AND 9, BLOCK 1949,
NORTH DALLAS IMPROVEMENT CO. ADDITION,
AND
BEING 0.8136 ACRES IN THE JOHN GRIGSBY SURVEY,
ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S223-082

Kimley»Horn

13456 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115800 Tel No (877) 770-1300 Fax No (877) 238-3820

Surveys Drawn by Checked by Date Project No. Sheet No.
1" = 40' CDB CUD Feb 2023 064613809 1 OF 1

NOTES.

- The purpose of this plat is to create 1 lot for development from 3 previously platted lots and unplatted land.
- Lot to Lot Drainage will not be allowed without City of Dallas Paving & Drainage Engineering Section Approver.
- The Building located on the Subject Tract and appurtenant improvements to be demolished.
- Bearings shown hereon are based on the State Plane Coordinate System of Texas, North Central Zone 4202, North American Datum of 1983, Adjustment Realization 2011.
- The distance dimensions and coordinates shown hereon are ground/surface values based on the State Plane Coordinate System of Texas, North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet (MFT), based from base point O.D. using a Project Combined Factor (PCF) of 1.00018806. To obtain a grid distance or coordinate, multiply the ground distance or coordinate value by the Project Combined Factor (PCF) of 0.99981194.
- A True Exhibit prepared for the subject property as a separate exhibit and provided with submital.

LINE TABLE

NO.	BEARING	LENGTH
11	S84°17'47" W	8.89'

LEGEND

---	BOUNDARY LINE
---	EASEMENT LINE
---	ADJACENT PROPERTY LINE
---	WATER LINE
---	SEWER LINE
---	STORM SEWER LINE
---	UNDERGROUND GAS LINE
---	UNDERGROUND UTILITY LINE
---	POB

LINE TYPE LEGEND

---	BOUNDARY LINE
---	EASEMENT LINE
---	ADJACENT PROPERTY LINE
---	WATER LINE
---	SEWER LINE
---	STORM SEWER LINE
---	UNDERGROUND GAS LINE
---	UNDERGROUND UTILITY LINE
---	POB

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BDA223-0910

ANNEXED

ORD. NO.

ADDITION

SURVEY J. GRIGSBY

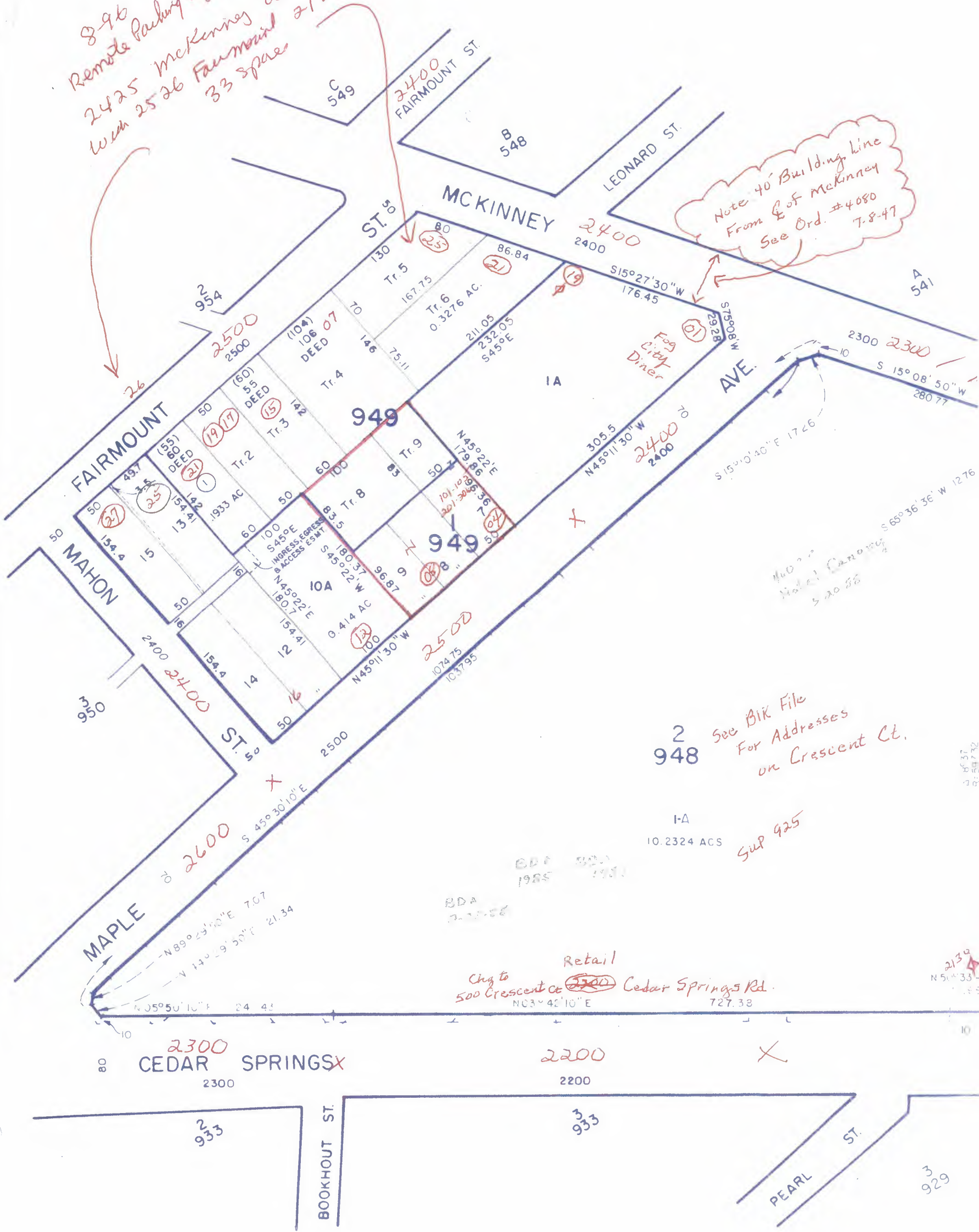
ABST. 495

SCALE 100 FT. EQ

FILED: 7-8-83 BLK 2/948 LOT 1-A THE CRESCENT SUBN.
FILED: 5-10-94 BLK 1/949 LT. 1A THE JAMES P. LEAKE ADD
FILED: 5-10-94 BLK 1/949 LT. 10A THE MONTAIGNE

8-9-86 Remote Parking Agreement - Action
2425 McKinney Ave. See Ord. 949
with 25-26 Fairmount 2/954
33 spaces

Note 40' Building line
From E of McKinney
See Ord. #4080
7-8-47



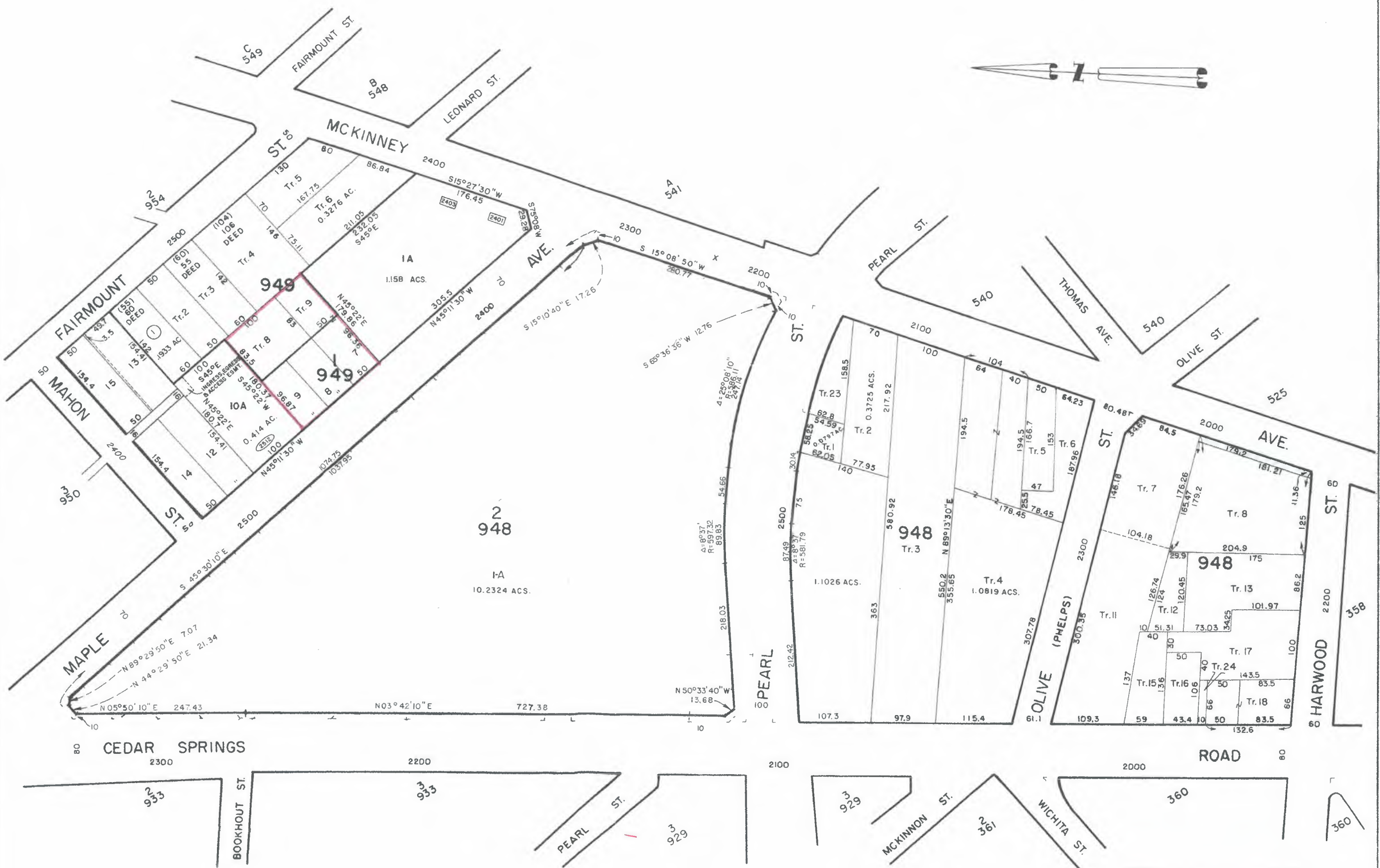
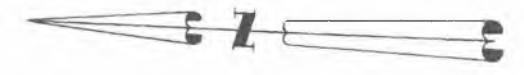
2
948 See BIK File
For Addresses
on Crescent Ct.

1-A
10.2324 ACS
Sup 925

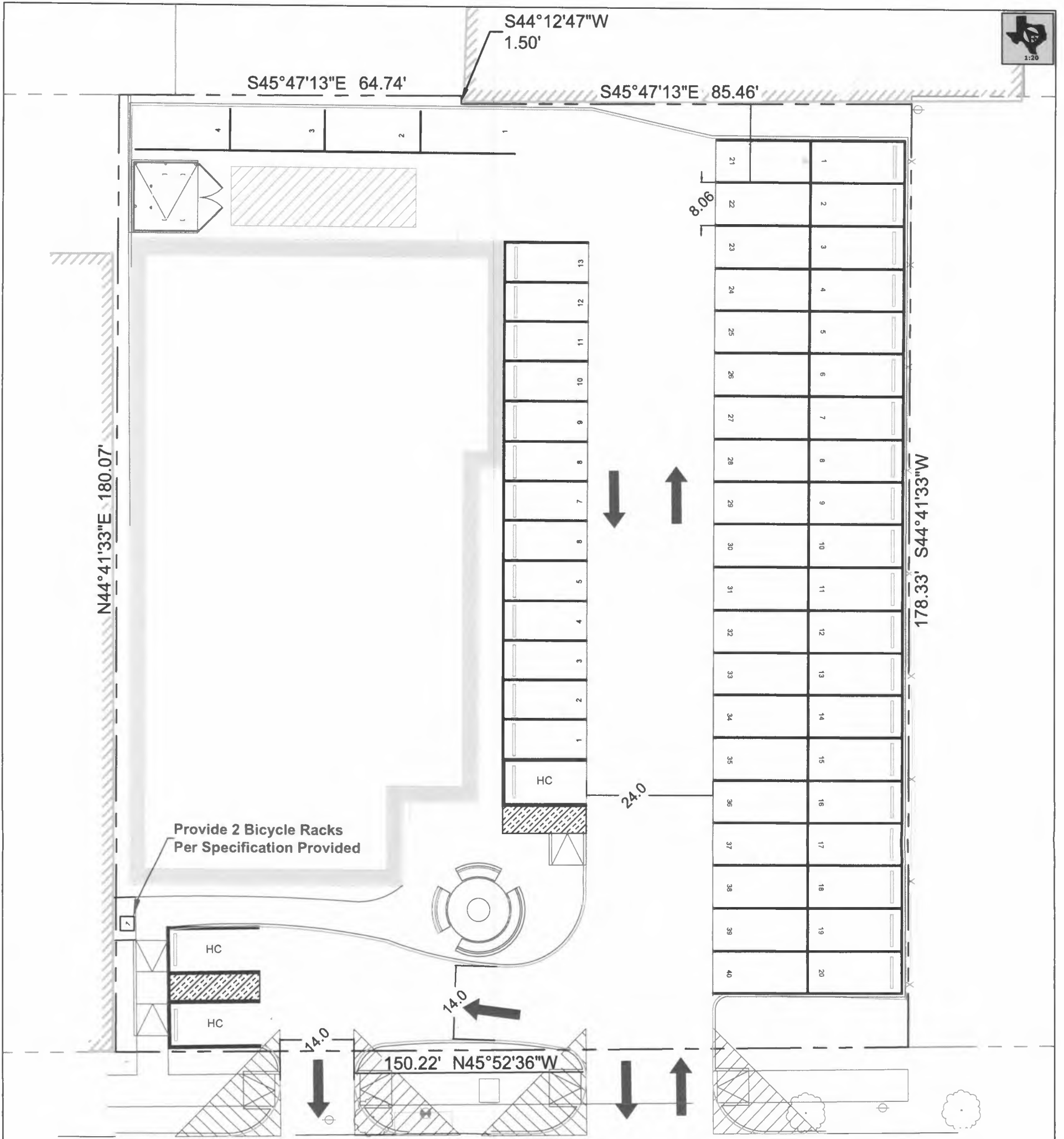
Retail
Chg to
500 Crescent at Cedar Springs Rd.
N03°42'10\"/>

BDA223-090

FILED: 7-8-83 BLK 2/948 LOT 1-A THE CRESCENT SUBN.
FILED: 5-10-94 BLK. 1/949 LT. 1A THE JAMES P. LEAKE ADD.
FILED: 5-10-94 BLK. 1/949 LT. 10A THE MONTAIGNE



BDA223-090



CODE PARKING REDUCTION OPTIONS

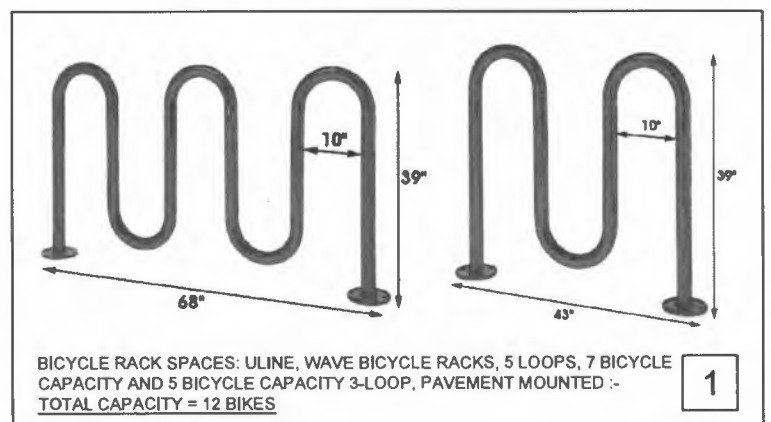
PARAMETER	TALLY	CRITERIA	CODE REFERANCE
Garbage Dumpster Credit	1	For each dumpster located in a garbage storage area, the # of off-street parking spaces required for a use is decreased by one.	SEC. 51P-193.113. OFF-STREET PARKING REGULATIONS. (a) (15) – Garbage parking
TOTAL PARKING CREDITS	1		

OFF-STREET PARKING TABLE

PARKING STALL TYPE	SIZE	TALLY	PERCENTAGE
COMPACT	7.5' x 16'	13	22%
CLASS C	8.06' x 18'	44	73%
Compact Handicap	8.06'x16'	1	2%
Handicap	8.06'x18	2	3%
TOTAL PROVIDED OFF-STREET PARKING		60	100%
TOTAL PARKING CREDITS		1	
GRAND TOTAL		61	

Notes:

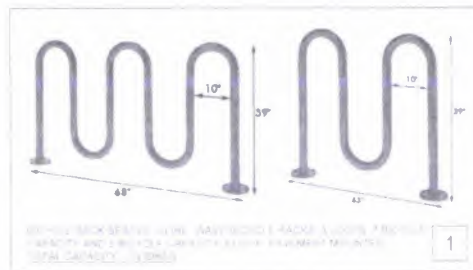
1. A stacking space of 16 vehicles (168-ft) is provided. Maximum allowed are 35% of total provided spaces.
2. This option assumes there will be a ADA drop-off location per requirement of the city.
3. Dumpster collection occurs 3 times a week at 5:00 AM
4. Joey Restaurant opens to the public at 11:00 AM
5. The plan recommends that the delivering truck should back-up into loading zone for efficient operation.





CODE PARKING REDUCTION OPTIONS				
PARAMETER		TALLY	CRITERIA	CODE REFERENCE
Garbage Dumpster Credit	Provide 1 Dumpster	1	For each dumpster located in a garbage storage area, the # of off-street parking spaces required for a use is decreased by one.	SEC 51P-193.113 OFF STREET PARKING REGULATIONS (a) (15) - Garbage parking
TOTAL PARKING CREDITS		1		

OFF-STREET PARKING TABLE		
PARKING STALL TYPE	SIZE	TALLY
COMPACT	7.5' x 16'	14
CLASS C	8.06' x 18'	44
TOTAL PROVIDED OFF-STREET PARKING		58
TOTAL PARKING CREDITS		1
GRAND TOTAL		59



- Notes:
1. All dimensions are in feet and inches. "06" = sixths. "15" = fifteenths. All dimensions are shown unless otherwise noted.
 2. The spacing between stalls is shown as 10'0" in the diagram. This is the minimum spacing required.
 3. The spacing between stalls is shown as 10'0" in the diagram. This is the minimum spacing required.
 4. The spacing between stalls is shown as 10'0" in the diagram. This is the minimum spacing required.



CONCEPT PARKING LAYOUT - 8.06' STALLS

PROJECT # 1578
 DATE: JULY 2014
 EXHIBIT 1



JOEY MAPLE AVE
DALLAS, TX

SCHEMATIC DESIGN CONCEPT

EDA223-0910



VIEW FROM MAPLE AVE LOOKING NORTHEAST



EXISTING VIEW FROM MAPLE AVE LOOKING NORTH

MENU

STARTERS & SHARES

HUMMUS* | 18
tzatziki, dill, olives, crispy pita

JAPANESE GYOZA | 13
pork dumplings with hot mustard

TRUFFLE PARMESAN FRIES* | 13
grainy mustard aioli

KOREAN FRIED CAULIFLOWER | 15
sweet spicy korean chili miso paste,
toasted sesame seeds

**SZECHUAN CHICKEN
LETTUCE WRAPS*** | 20%
sweet soy ginger glaze, peanuts,
crispy wontons, spicy aioli
substitute shrimp +2
substitute tofu +1

SLIDERS ROYALE* | 15%
secret sauce, american cheese,
Certified Angus Beef®

ROASTED CORN GUACAMOLE | 14
cilantro, fresh lime, cherry tomatoes,
serranos, feta cheese, warm tortilla chips

JUMBO LUMP CRAB CAKE* | 23
crab, shrimp, corn with panko crust, apple
fennel salad, house-made tartar

HIBACHI WINGS* | 19%
mary's chicken, spice rubbed, parmesan dip

STEAK & RAVIOLI BIANCO* | 33%
sliced grilled sirloin, prawns, crispy onions,
grana padano, truffle beurre blanc sauce— a
decadent share plate for the table
8 oz prime top sirloin +6%
8 oz filet mignon +26%
14 oz prime new york strip +31%
steak lobster tail +22

SUSHI

SUSHI CONE* | 6 each
tempura shrimp, avocado, spicy mayo, tobiko

TUNA & AVOCADO ROLL* | 19%
chili mayo, micro cilantro, tempura crunch,
teriyaki glaze

SEARED SALMON SUSHI* | 19%
osaka pressed, fire torched salmon, umami
sauce, shaved serrano peppers

STEAK & SUSHI* | 34%
tataki-style steak, ponzu sauce,
seared salmon sushi or tuna & avocado roll
8 oz prime top sirloin +6%
8 oz filet mignon +26%
14 oz prime new york strip +31%

BURGERS & HANDHELDS

GRILLED CHICKEN CLUB* | 21%
spicy mayo, aged cheddar, smoky bacon

BAJA FISH TACOS* | 19%
2 tacos, shrimp & fish, guacamole,
valentina's, fries

HAND-PRESSED BURGER* | 19
all the groceries, secret sauce
with mushrooms & cheddar +2%
add cheddar & bacon +2%
substitute impossible patty +2

MAINS

SPAGHETTI POMODORO | 21
calabrian chili spiked tomato sauce, whipped
ricotta, fresh basil, parmesan
wedge of garlic toast +4%

CHICKEN PARMESAN | 28%
spaghetti pomodoro, mozzarella cheese,
fresh basil

TUNA POKE BOWL* | 24%
sashimi grade ahi tuna poke, crispy wontons,
green papaya slaw, chili crisp, carrot miso
dressing, coconut jasmine rice
avocado +3%

RAVIOLI BIANCO | 32%
shrimp, crispy onions, grana padano, truffle
beurre blanc sauce
steak lobster tail +22

HERB CRUSH SALMON | 35
truffle beurre blanc, preserved tomatoes,
creamy mashed potatoes, snap peas +
asparagus

**CAJUN BLACKENED
CHICKEN*** | 31
full breast of chicken, warm potato +
bacon salad, creamy coleslaw

MEDITERRANEAN BOWL* | 24%
harissa grilled chicken, marinated chickpeas,
cauliflower rice, hummus, tzatziki, crispy pita

**SAKE GLAZED CHILEAN
SEABASS** | 45
wok-fred vegetables, gold potatoes,
dashi broth

JUMBO LUMP CRAB CAKES* | 39
crab, shrimp, corn with panko crust,
apple fennel salad, house-made tartar,
toasted almonds

PROTEIN-STYLE BURGER* | 19
forget the bun, wrapped in lettuce
substitute impossible patty +2

All served with fries
substitute truffle parmesan fries +5%
substitute salad +2%

STEAKS

JOEY CLASSIC STEAK* | 38
featuring our famous fully loaded crispy
mashed potatoes, asparagus
8 oz prime top sirloin
8 oz filet mignon +20
14 oz prime new york strip +25

STEAK FRITES* | 27%
6 oz cut, garlic butter, rocket greens,
preserved cherry tomatoes, fries
8 oz prime top sirloin +6%
8 oz filet mignon +26%
14 oz prime new york strip +31%

BONE-IN PRIME RIBEYE* | 88
22 oz, our famous fully loaded crispy mashed
potatoes, asparagus, peppercorn sauce

PRIME NEW YORK STRIP* | 63
14 oz, our famous fully loaded crispy
mashed potatoes, asparagus

STEAK WITH LOBSTER* | 60
featuring our famous fully loaded crispy
mashed potatoes, asparagus
8 oz prime top sirloin
8 oz filet mignon +20
14 oz prime new york strip +25

STEAK WITH CRAB CAKE* | 56
featuring our famous fully loaded
crispy mashed potatoes, asparagus
8 oz prime top sirloin
8 oz filet mignon +20
14 oz prime new york strip +25

STEAK ADD-ON:
peppercorn sauce +3%
harissa shrimp +3
jumbo lump crab cake +18
lobster tail +22

PLANT FORWARD

These dishes are lacto-ovo vegetarian.

**SZECHUAN TOFU LETTUCE
WRAPS*** | 20%
sweet soy ginger glaze, peanuts,
crispy wontons, spicy aioli

HUMMUS* | 18
tzatziki, dill, olives, crispy pita

IMPOSSIBLE BURGER* | 21
all the groceries, impossible patty,
secret sauce

CRISPY TOFU BOWL | 21%
(vegan)
korean chili spiced tofu, crispy wontons,
green papaya slaw, chili crisp, carrot miso
dressing, coconut jasmine rice
avocado +3%

BAJA CAULIFLOWER TACOS* | 17%
two fried cauliflower tacos, guacamole,
valentina's, fries

SPAGHETTI POMODORO | 21
calabrian chili-spiked tomato sauce,
whipped ricotta, fresh basil, parmesan

SWEETS

INDIVIDUALLY BAKED APPLE PIE | 14
hand-folded pastry, toasted almonds,
tahitian vanilla ice cream

WARM ITALIAN DONUTS | 13
vanilla mascarpone cream, lemon curd

DUO OF DONUTS | 5%.

BUTTER CAKE | 14 ☉
raspberry coulis, vanilla ice cream

MOLTEN CHOCOLATE CAKE | 13
fresh raspberries, tahitian vanilla
ice cream

CRÈME BRÛLÉE CHEESECAKE | 13
fresh strawberry compote, whipped cream

STEAKS &

STEAK & SUSHI* | 34%
tataki-style steak, ponzu sauce,
seared salmon sushi or tuna & avocado roll
8 oz prime top sirloin +6%
8 oz filet mignon +26%
14 oz prime new york strip +31%

STEAK WITH RAVIOLI BIANCO* | 33%
sliced grilled sirloin, prawns, crispy onions,
grana padano, truffle beurre blanc sauce
8 oz prime top sirloin +6%
8 oz filet mignon +26%
14 oz prime new york strip +31%
lobster tail +22

GLUTEN WISE

Let us know if you're gluten free and we'll
take care of you along with any other
modifications you'd like.

Please note that our foods containing wheat
are prepared in our kitchens and cross-
contamination may occur.

YELLOWFIN TUNA SALAD* | 28
(without the crispy wontons)
seared rare, mango, peanuts, avocado, cilantro
ginger dressing

PROTEIN-STYLE BURGER* | 19
hand-pressed burger with all the groceries,
wrapped in lettuce
substitute gluten-free bun +2%

JOEY CLASSIC STEAK* | 38
(without fully loaded crispy mashed potatoes)
7 oz USDA sirloin, creamy
mashed potatoes, asparagus
8 oz prime top sirloin
8 oz filet mignon +20
14 oz prime new york strip +25

MOLTEN CHOCOLATE CAKE | 13
fresh raspberries, tahitian vanilla ice cream

SERVICE CHARGE FOR LARGE PARTIES.
JOEY Restaurant imposes a service charge of 18%
on all parties of eight or more.



JOEY UPTOWN | TEXAS

BOA-223-1090



JOEY NORTH PARK | TEXAS

BOA223-090



VIEW FROM MAPLE AVE LOOKING EAST



VIEW FROM MAPLE AVE LOOKING NORTH

ABOUT JOEY RESTAURANTS

We are a family run, privately owned collection of restaurants.

Our vision is to be the #1 choice for premium dining in North America.

We offer a modern American menu where fresh, premium-quality ingredients speak for themselves. Whether locally or globally inspired they are at the forefront of every dish.

Our in-house design team works with world renowned architects and local artists to create distinctive and dynamic spaces.

BDA-223-090



JOEY NEWPORT BEACH | CALIFORNIA

BDA 223-090



JOEY DTLA | CALIFORNIA

BDA223-090