





**CITY OF DALLAS**  
**BOARD OF ADJUSTMENT, PANEL C**  
**MONDAY, AUGUST 15, 2022**  
**AGENDA**

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**BRIEFING:**                                   **11:00 a.m.** via **Videoconference and** in **6ES**, Dallas City Hall,  
1500 Marilla Street

**HEARING:**                                   **1:00 p.m.** via **Videoconference and** in **6ES**, Dallas City Hall,  
1500 Marilla Street

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**Andreea Udrea, PhD, AICP, Assistant Director**  
**Jennifer Muñoz, Chief Planner/Board Administrator**  
**Pamela Daniel, MURP, Senior Planner**  
**LaTonia Jackson, Board Secretary**

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**PUBLIC TESTIMONY**

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**MISCELLANEOUS ITEM**

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Approval of the June 23, 2022 Board of Adjustment  
Panel C Public Hearing Minutes

M1



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**UNCONTESTED CASE(S)**

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<b>BDA212-055(JM)</b>	1618 Sky High Circle <b>REQUEST:</b> Application of Michael Edward Carroll for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling	1
<b>BDA212-070(PD)</b>	9014 Winterset Avenue <b>REQUEST:</b> Application of Herlinda Sanchez for a special exception to the single-family regulations	2

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**HOLDOVERS**

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<b>BDA212-012(PD)</b>	3900 N. Hampton Road <b>REQUEST:</b> Application of Elizabeth Alvarez-Villaizan for a variance to the side yard setback regulations, and for a variance to the parking regulations	3
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**REGULAR CASES**

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<b>BDA212-072(JM)</b>	2835 Lee Street <b>REQUEST:</b> Application of Ivon Ayala for a special exception to the visibility obstruction regulations	4
<b>BDA212-076(PD)</b>	3230 Remond Drive <b>REQUEST:</b> Application of Baldwin Associates for a variance to the front yard setback regulations	5

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## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA212-055(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Michael Edward Carroll for special exceptions to afford a handicapped person equal opportunity to use and enjoy a dwelling at 1618 Sky High Circle. This property is more fully described as Lot 42, Block B/8821 and is zoned an R-7.5(A) Single Family District, which requires a minimum front yard setback of 25 feet and unobstructed 20-foot visibility triangles from private driveways onto rights-of-way. The applicant proposes to maintain a carport for a single-family residential dwelling in a required front yard and within two 20-foot visibility triangles at the private driveway onto Sky High Circle and provide a one-foot setback from the property line. These requests require a 24-foot special exception to the front yard setback regulations and special exceptions to the visibility obstruction regulations.

**LOCATION:** 1618 Sky High Circle

**APPLICANT:** Michael Edward Carroll

**REQUESTS:**

The applicant proposes to maintain a carport located one-foot from the property line and approximately 11 feet from the back of the existing curb on Sky High Circle. The carport projects into the required 20-foot visibility triangle about halfway on each side due to the posts for the carport and metal sheeting on the west side of the structure.

**STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED:**

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	R-7.5(A) Single Family District
<u>Northwest:</u>	R-7.5(A) Single Family District
<u>Northeast:</u>	R-7.5(A) Single Family District
<u>Southeast:</u>	CR Community Retail District
<u>Southwest:</u>	R-10(A) Single Family District

### **Land Use:**

The subject site and most surrounding properties are developed with single-family uses. The southeast property is developed with retail uses.

### **Zoning/BDA History:**

There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site within the past five years.

## **GENERAL FACTS/STAFF ANALYSIS**

An existing house with 1,796 square feet of floor area was constructed in 2016, per DCAD. A carport addition was made without permits. The purpose of these requests is to maintain the carport within the site's required front yard and 20-foot visibility triangles from the private drive. The property is zoned an R-7.5(A) Single Family District, which requires a 25-foot front yard.

The following requests for special exceptions for the handicapped focus on maintaining carport structure to afford a handicapped person equal opportunity to use and enjoy a dwelling.

Additionally, Section 51A-4.602(d) of the Dallas Development Code states that a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys); and between two-and-a-half and eight feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The following information is shown on the submitted site plan and elevations:

- The parcel contains 71 feet-of-width along Sky High Circle and 105 feet-of-depth.

- The existing single-family structure is a one-story brick house.
- The existing carport is constructed of metal and is 20-feet-wide by 24-feet-long.
- The carport projects about 10 feet into the 20-foot visibility triangles from the private driveway onto Sky High Circle.
- The carport is located approximately one-foot from the property line and 11 feet from the curb of the street/pavement line.
- The carport is eight-feet-tall and not attached to the house.
- The metal sheeting on the west side of the carport runs the length of the carport or 24 feet.

Staff conducted a site visit of the property and surrounding area and found no other properties with front yard encroachments on Sky High Circle.

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

A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:

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

1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”

Therefore, the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

Furthermore, to protect the privacy of the handicapped individual, it’s important to note that the documentation to meet the federal standard for being handicapped has been assessed by staff and will not be shared in the public hearing unless the applicant wishes to divulge such details.

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

- The special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and

- There is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.

Additionally, the applicant has requested to obstruct the 20-foot visibility triangles. While this is a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling, typical consideration given for special exceptions to the visual obstruction regulations include whether in the opinion of the board:

- Visibility obstructions items do not constitute a traffic hazard, and
- Technical opinion is provided from the city engineer.

For this reason, the Transportation Development Services Senior Engineer has provided a technical opinion for the board’s consideration, objecting to the request (**Attachment A**).

As further noted on the site plan, the existing carport obstruction is:

- Up to 10 feet into the required 20-foot visibility triangle at the frontage along Sky High Circle on each side due to the posts for the carport and metal sheeting on the west side of the structure.

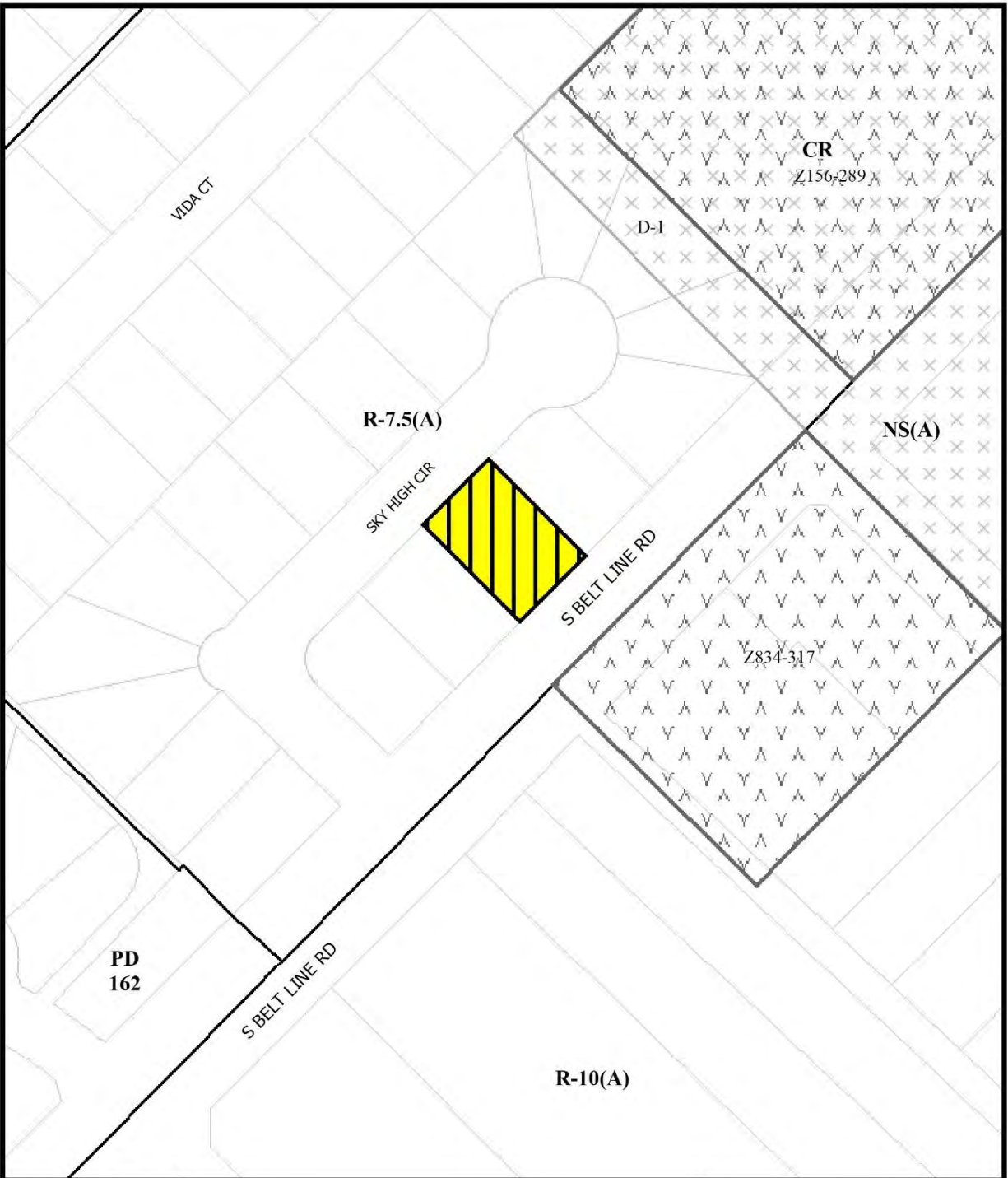
As of August 5, 2022, the no letters have been received regarding this request.

If the board were to grant the requests, typical conditions include compliance with the submitted site plan and that the special exceptions expires when a handicapped person no longer resides on the property. Additionally, due to the request for a carport located in a front yard, a suitable condition consistent with other carport special exception requests includes for the storage of items other than motor vehicles to be prohibited in a carport for which a special exception is granted in this section of the code.

**TIMELINE:**

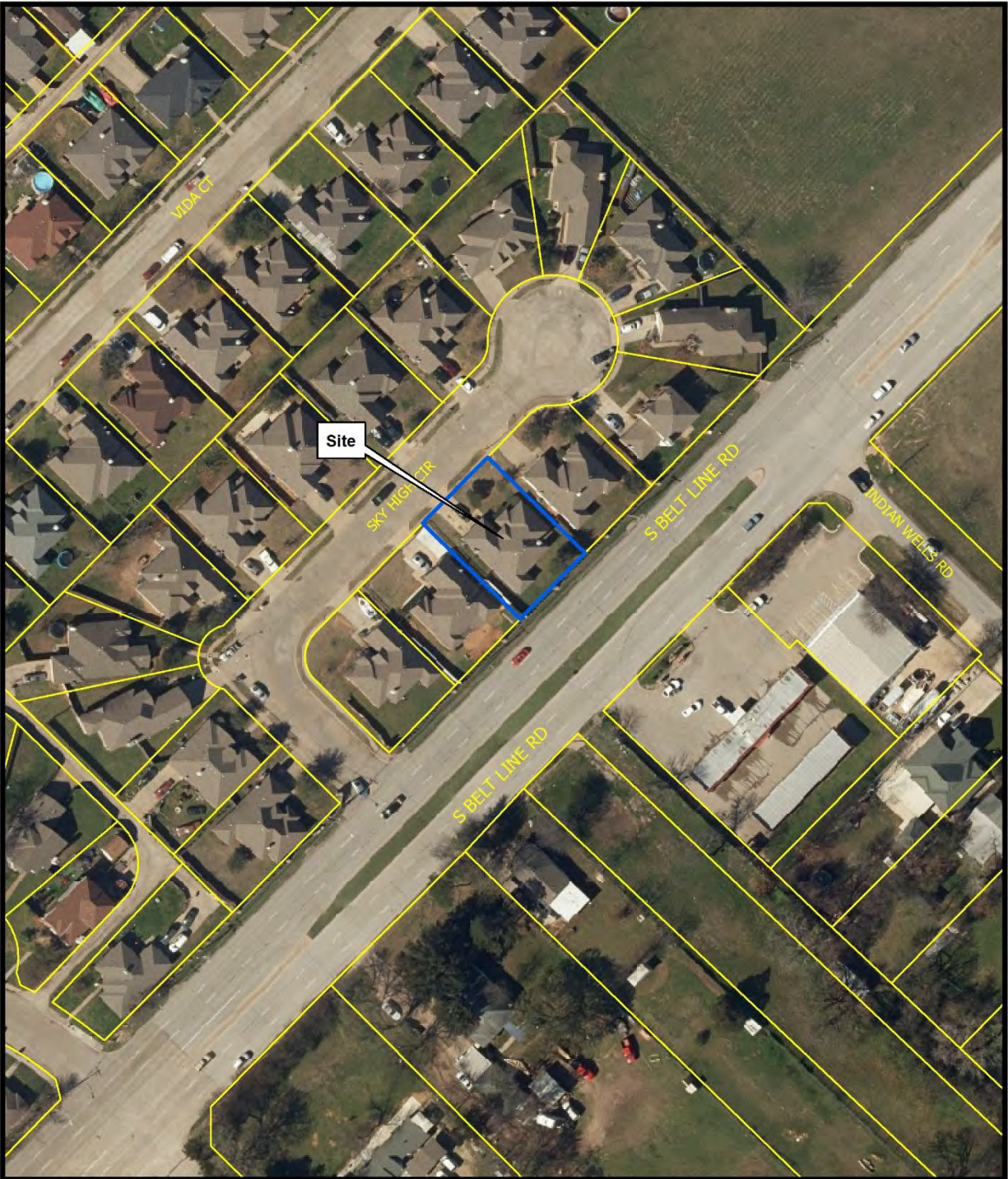
- April 21, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- June 29, 2022: Applications were transferred from Development Services to the Board team at Current Planning for processing on the August docket.
- July 1, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

- July 19, 2022: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the deadline to submit additional evidence for staff to factor into their analysis; and the deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:
- a copy of the application materials including the Building Official's report on the application;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- July 22, 2022 The Transportation Development Services Senior Engineer provided a comment sheet recommending denial of the request (**Attachment A**).
- July 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board Senior Planner, the Development Services Chief Planner, Chief Arborist, and the Planner and Urban Design Department Senior Conservation District Planner. No review comment sheets were submitted in conjunction with this application.



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>    <b>BDA212-055</b>    </u> Date: <u>    <b>7/5/2022</b>    </u>
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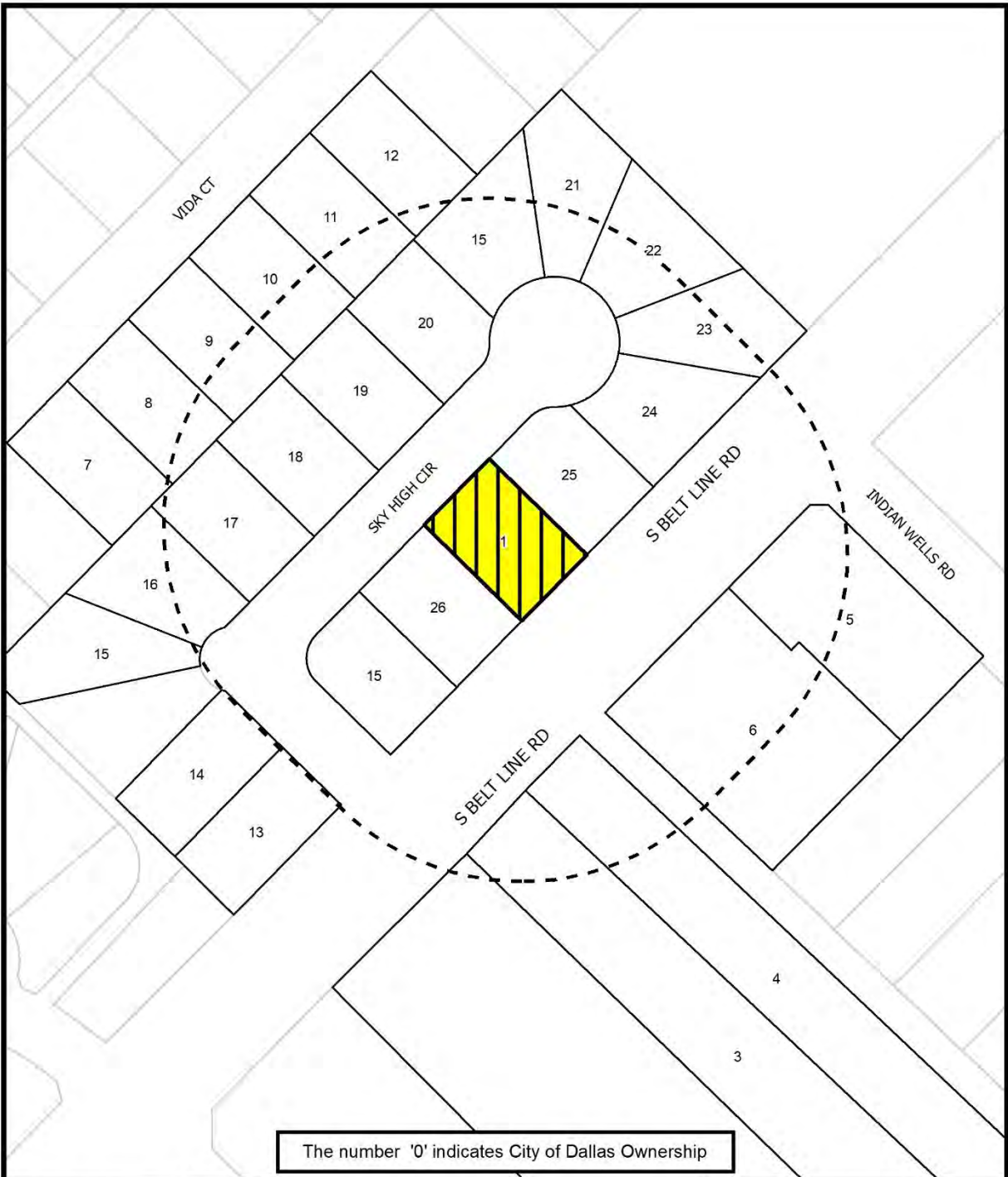


1:1,200

# AERIAL MAP

Case no: BDA212-055

Date: 7/5/2022



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>26</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA212-055</b></u> Date: <u><b>7/5/2022</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



07/01/2022

## ***Notification List of Property Owners***

***BDA212-055***

### ***26 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1618 SKY HIGH CIR	CARROLL MICHAEL EDWARD &
2	1632 S BELTLINE RD	VAZQUEZ JOSE
3	1634 S BELTLINE RD	MELGAR SERVIO DAVID PINEDA &
4	1620 S BELTLINE RD	WATSON MARY
5	1602 S BELTLINE RD	FRANKS J D
6	1610 S BELTLINE RD	MUNCRIEF MATT
7	1548 VIDA CT	MARSH FRED J & GLORIA J
8	1544 VIDA CT	SNEED BRAYLON &
9	1540 VIDA CT	MCCLAIN SHAQUA
10	1536 VIDA CT	RODRIGUEZ JESSIE R
11	1532 VIDA CT	RIBIS GINA
12	1528 VIDA CT	KIKS PPTY DEV LLC
13	1649 SKY HIGH CIR	ANDERSON KAREN L
14	1645 SKY HIGH CIR	HARRISON DARRELL Q
15	1637 SKY HIGH CIR	AMERICAN RESIDENTIAL LEASING CO LLC
16	1633 SKY HIGH CIR	ZUNIGA JOSE &
17	1627 SKY HIGH CIR	MEZA LORENZO
18	1621 SKY HIGH CIR	RODRIGUEZ SALVADOR & ROSIO SIMENTAL
19	1615 SKY HIGH CIR	AMH 2014 3 BORROWER LP
20	1611 SKY HIGH CIR	SUAREZ OLGA LIDIA CENDEJAS
21	1603 SKY HIGH CIR	GASPAR MARTIN & SANDRA SALAZAR
22	1602 SKY HIGH CIR	Taxpayer at
23	1606 SKY HIGH CIR	NAVARRO GLENDA X
24	1610 SKY HIGH CIR	SBY 2014 I BORROWER LLC
25	1614 SKY HIGH CIR	WALKER WILLIE JR
26	1624 SKY HIGH CIR	OCHOA HECTOR &



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-055

Data Relative to Subject Property:

Date: 04/21/2022

Location address: 1618 SKY HIGH CIRCLE DALLAS, TX 75253

Zoning District: R-7.8A

Lot No.: 42 Block No.: B/8821 Acreage: 0.1722 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 71.29 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MICHAEL EDWARD CARROLL & SONJE JOY CARROLL

Applicant: MICHAEL EDWARD CARROLL Telephone: 972-267-6278

Mailing Address: 1618 SKY HIGH CIRCLE DALLAS, TX Zip Code: 75253

E-mail Address: SONJECARROLL@YAHOO.COM

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

*MC* Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception \_\_\_\_\_, of SETBACKS  
HANDICAPPED EXCEPTION (CARPORT IN FRONT OF HOUSE)

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:

MY CHILD IS 100% DISABLED WITH CEREBRAL PALSY AND XERODERMA PIGMENTOSUM (EXTREME SENSITIVITY TO SUNLIGHT.) THIS CARPORT PROTECTS HIM FROM THE ELEMENTS AND SUN WHEN TAKING HIM TO AND FROM OUR VEHICLE IN HIS WHEELCHAIR. OUR VEHICLE IS TOO LARGE TO FIT IN THE GARAGE AND HAVE ENOUGH ROOM TO OPEN THE DOORS AND MANUEVER HIS WHEELCHAIR.

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

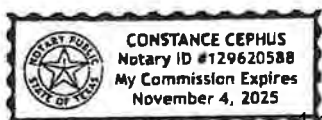
Before me the undersigned on this day personally appeared MICHAEL E CARROLL  
(Affiant/Applicant's name printed)

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 20 day of April, 2022

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Michael Edward Carroll

did submit a request for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 1618 Sky High Circle

BDA212-055. Application of Michael Edward Carroll for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 1618 SKY HIGH CIRCLE. This property is more fully described as Lot 42, Block B/8821 and is zoned R-7.5(A), which requires a minimum front yard setback of 25 feet and requires a 20' visibility triangle. The applicant proposes to construct a carport for a single family residential dwelling in a required front yard and provide a 1foot setback, which will require 24 foot special exception to the front yard setback regulations. The applicant also proposes to construct a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

  
David Session, Building Official

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# Michael & Sonje Carroll

1618 Sky High Circle, Dallas TX 75253

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05/27/2022

City of Dallas  
Board of Adjustment  
1500 Marilla St.  
Dallas, Texas 75201

Dear Board Members,

We hope that you approve our request.

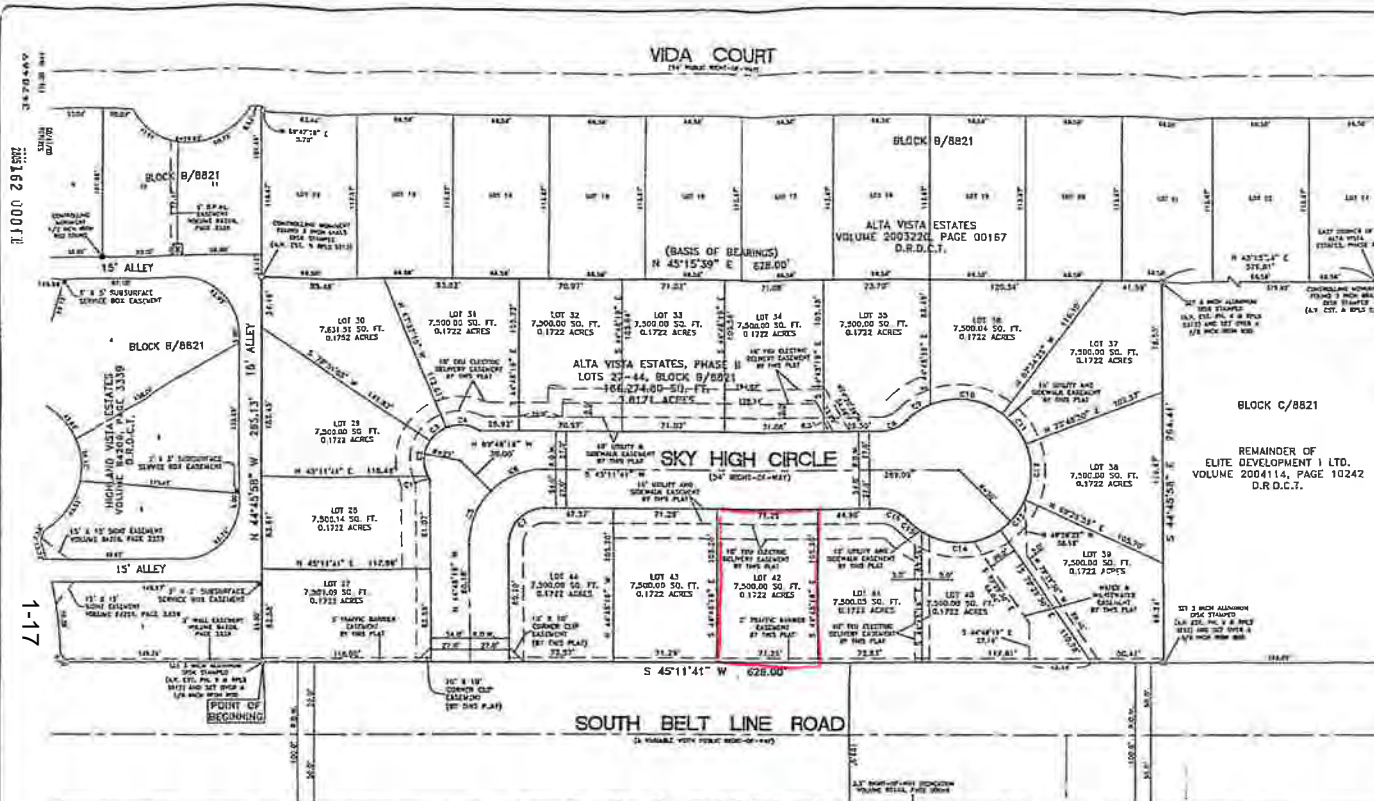
If you do approve it, we understand that that when we apply for a building permit for the carport, we will need to provide a letter from the easement holder granting you permission to have the carport in its location.

Thank you for considering our request.

Sincerely,

Michael & Sonje Carroll





**OWNER'S DEDICATION**

STATE OF TEXAS  
COUNTY OF DALLAS

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Elite Development I Ltd., acting by and through its duly authorized agent, Ronald Roy Hall, Assistant Vice President of the City of Dallas, Dallas County, Texas, and its duly appointed, in law, engineer, the public use forever any streets, ways and roadway management areas shown hereon the assistants shown hereon the hereby reserved for the purpose indicated. The utility and fire line assessments shall be the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growing plants shall be constructed, reconstructed, or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using an easement to use same. All such public utility shall have the right to remove and keep removed all parts of any buildings, the construction, maintenance or efficiency of its respective systems on the easements and all public utilities shall at all times have the full right of ingress and egress in any way necessary or incidental with the purpose of construction, reconstructing, repairing, maintaining and adding to or renewing all or parts of its respective systems without the necessity of any line of procuring the permission of anyone. (Any other easements or service required or authorized performed by that utility.)

Water main and wastewater easements that 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 parsoned line, and description of such additional easements herein granted shall be determined by their location as indicated.

This plat approved subject to all planning department rules, regulations and resolutions of the City of Dallas, Texas. Easements shall be constructed by the builder as required by City Council Resolution No. 66-1028 and in accordance with the requirements of the Director of Public Works and Transportation.

WITNESS, the County Clerk of Dallas County, Texas, this 15<sup>th</sup> day of August, 2005.

BY: Ronald Roy Hall, President  
Elite Development I Ltd.

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Ronald Roy Hall 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15<sup>th</sup> day of August, 2005.

Notary Public in and for Dallas County, Texas.

[Signature]  
Notary Public

**SURVYOR'S STATEMENT:**

I, Bryan Connolly, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and from other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended); and Texas Local Government Code, Section 212. I further affirm that the information shown herein was either obtained or placed in compliance with the City of Dallas Development Code, Sec. 31A-8.017 (a)(3)(a)(i) & (ii); and that the digital drawing file accompanying this plat is a precise representation of this signed plat.

Dated this the 15 day of August, 2005.

[Signature]  
Bryan Connolly  
Bryan Connolly  
Texas Registered Professional Land Surveyor No. 551

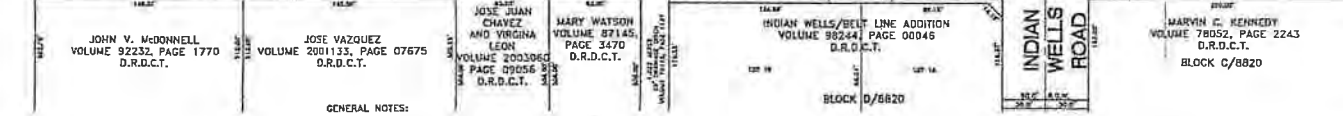
STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appears Bryan Connolly 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 such stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15 day of August, 2005.

Notary Public in and for the State of Texas

[Signature]  
Notary Public

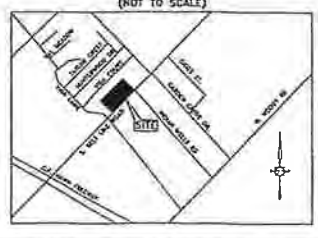


**GENERAL NOTES:**

- 1) BEARINGS ARE BASED ON THE SOUTH LINE OF ALTA VISTA ESTATES, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 00167, DEED RECORDS, DALLAS COUNTY, TEXAS. (S45°15'39"W)
- 2) NO LOT-TO-LOT DRAINAGE WILL BE ALLOWED.
- 3) VEHICULAR ACCESS IS PROHIBITED TO OR FROM S. BELT LINE ROAD FROM LOTS 27, AND 39 THROUGH 44.
- 4) THE TRAFFIC BARRIER IS TO BE MAINTAINED BY THE PROPERTY OWNER ADJACENT TO THE EASEMENT AND NOT THE CITY OF DALLAS.

**CURVE TABLE**

CURVE	BELTA	ARC	LENGTH	CHORD BEARING	CHORD
C1	92.00°	25.00'	2.93'	S74°14'33"E	3.92'
C2	77°44'36"	25.00'	26.07'	S43°01'15"E	24.80'
C3	77°31'49"	28.00'	14.83'	S25°33'36"E	16.42'
C4	101°04'04"	23.00'	24.26'	S50°10'23"E	25.33'
C5	110°00'00"	32.00'	40.84'	S32°18'10"E	33.80'
C6	170°00'00"	32.00'	40.84'	S76°41'41"E	33.80'
C7	170°00'00"	29.00'	36.27'	S00°14'14"E	35.36'
C8	87°00'00"	25.00'	20.17'	N82°08'31"E	18.58'
C9	77°14'46"	30.00'	19.84'	S102°27'14"E	13.71'
C10	104°18'28"	30.00'	32.87'	S23°03'21"E	30.46'
C11	121°15'28"	30.00'	32.16'	N45°15'48"E	27.93'
C12	142°02'09"	30.00'	30.85'	N48°23'06"E	28.81'
C13	133°31'31"	30.00'	22.10'	N65°00'13"E	20.23'
C14	48°18'22"	30.00'	32.25'	N43°15'17"E	34.51'
C15	147°15'15"	30.00'	19.76'	N63°53'28"E	17.72'
C16	102°18'19"	23.00'	20.12'	S58°14'56"E	19.18'



**OWNER'S CERTIFICATE**

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS, Elite Development I Ltd., is the sole owner of the tract of land situated in the Robert Kleberg Survey, Abstract No. 716, in City of Dallas Block No. C/8821, Dallas County, Texas, being part of a tract of land conveyed to Elite Development I Ltd. by deed recorded in Volume 200414, Page 10242, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a set 3 inch aluminum disk stamped (A.V. EST. PH II & RPLS 5513) and set over a 5/8 inch iron rod in the Northwest right-of-way line of South Belt Line Road (a variable width foot public right-of-way), said point being the East corner of Lot 1, Block C/8821 of Highland Vista Estates, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 84205, Page 3333, Deed Records Dallas County, Texas;

THENCE North 44 degrees 45 minutes 39 seconds East, along the Southeast line of said Alta Vista Estates, a distance of 628.00 feet to a set 3 inch aluminum disk stamped (A.V. EST. PH II & RPLS 5513) and set over a 5/8 inch iron rod for corner;

THENCE South 45 degrees 11 minutes 41 seconds West, along the Northwest right-of-way line of said South Belt Line Road, a distance of 628.00 feet to the POINT OF BEGINNING and containing 106,274.80 square feet of 3.8171 acres of land.

**OWNER:**  
ELITE DEVELOPMENT I, LTD.  
6107 COUNTY ROAD 149  
KAUFMAN, TEXAS 75142  
PHONE: (469) 458-8350  
CONTACT: RON HALL

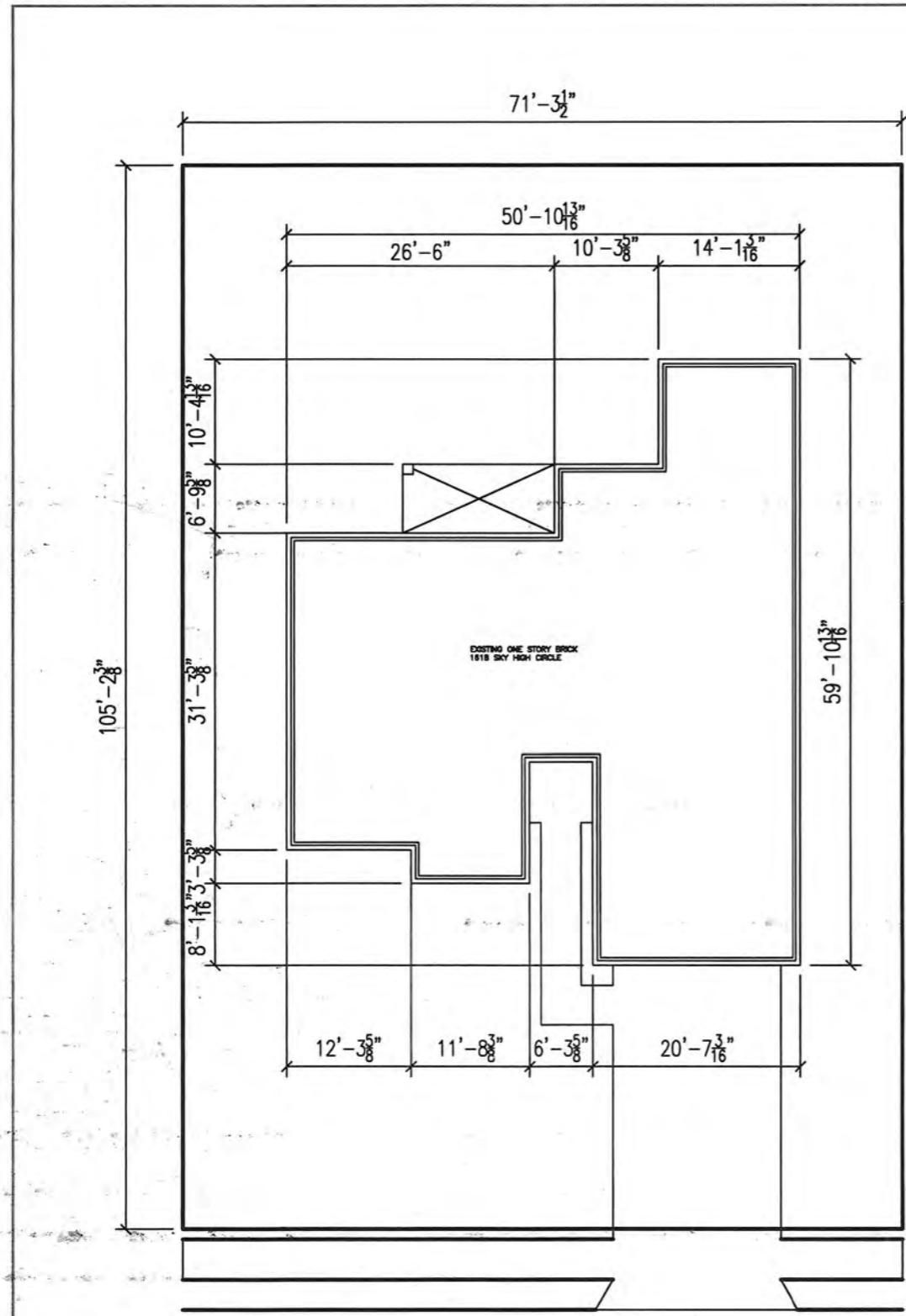
**SURVEYOR:**  
DUNCAN CONNALLY & ASSOC., INC.  
11545 PATTELL ROAD, SUITE 200  
DALLAS, TEXAS 75243  
PHONE: (214) 345-9485  
FAX: (214) 345-3218  
www.dccsurveying.com

**FINAL PLAT**  
**ALTA VISTA ESTATES**  
**PHASE II**  
LOTS 27-44, BLOCK B/8821  
ROBERT KLEBERG SURVEY, ABSTRACT NO. 716  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
CITY OF DALLAS PLAN FILE NO. 5034-229R  
SCALE = 1"=40'  
DATE = AUGUST 12, 2005  
JOB NO. 040089-2  
DRAWN = SCOTT/RR

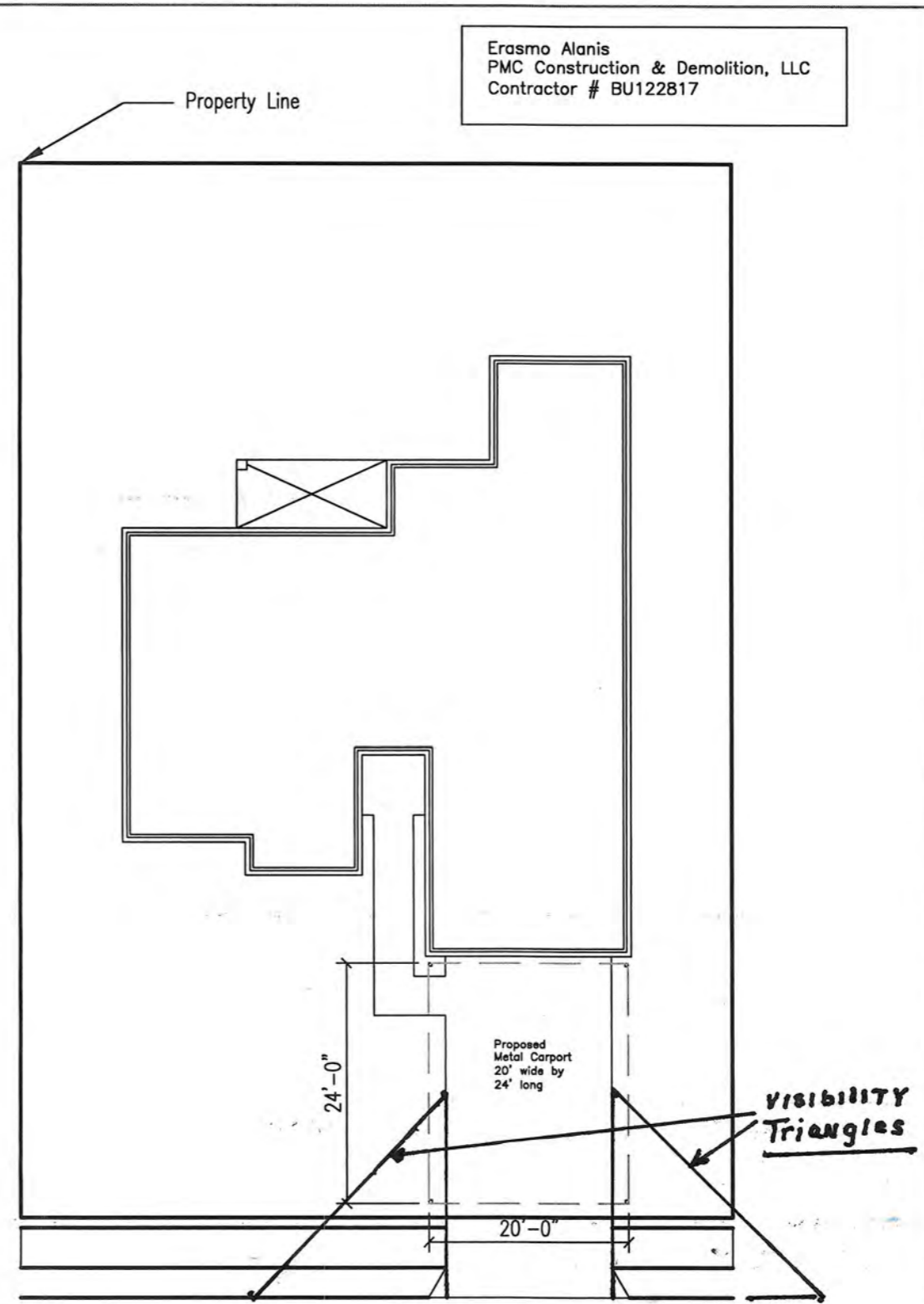








SITE PLAN



Scale 1/16" = 1'-0"

Date  
March 15, 2017

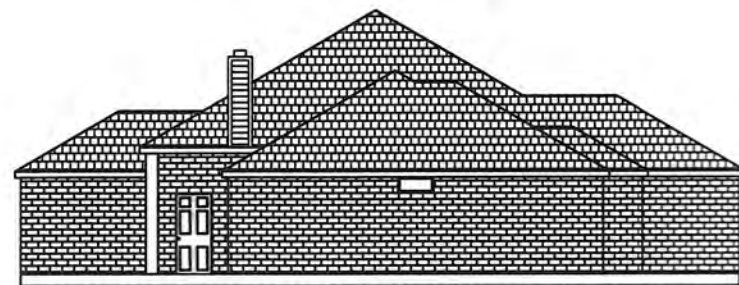
Mike and Sonje.  
1618 Sky High Circle  
Dallas, TX

A1

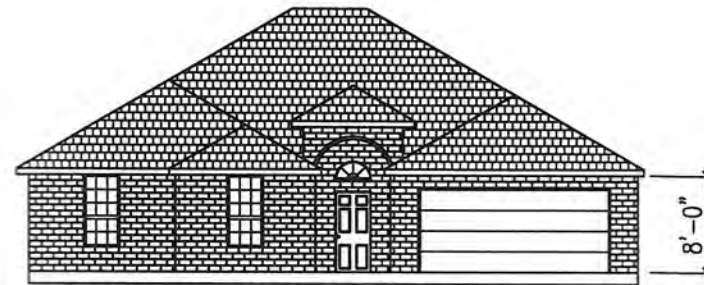
212-055

Erasmu Alanis  
PMC Construction & Demolition, LLC  
Contractor # BU122817

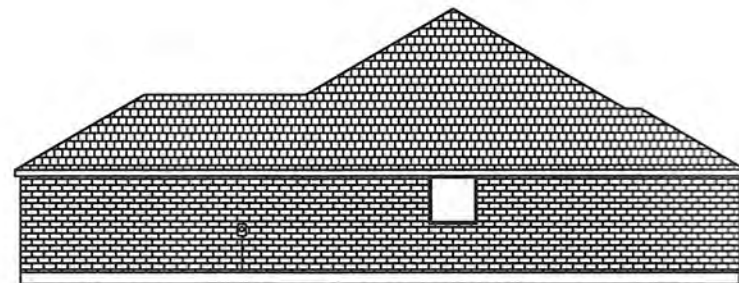
Date  
March 15, 2022



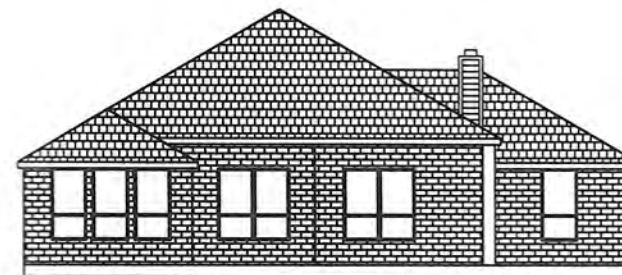
LEFT SIDE VIEW



FRONT VIEW



RIGHT SIDE VIEW



BACK VIEW

ELEVATIONS

Scale 1/16" = 1'-0"

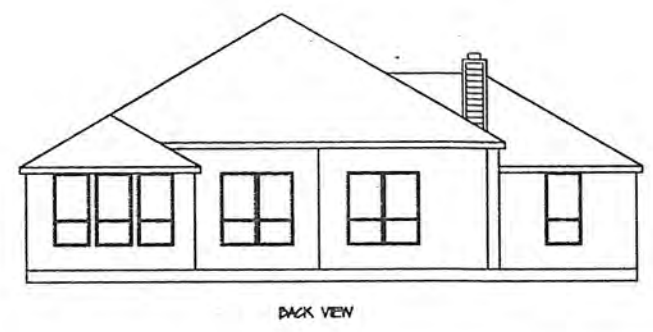
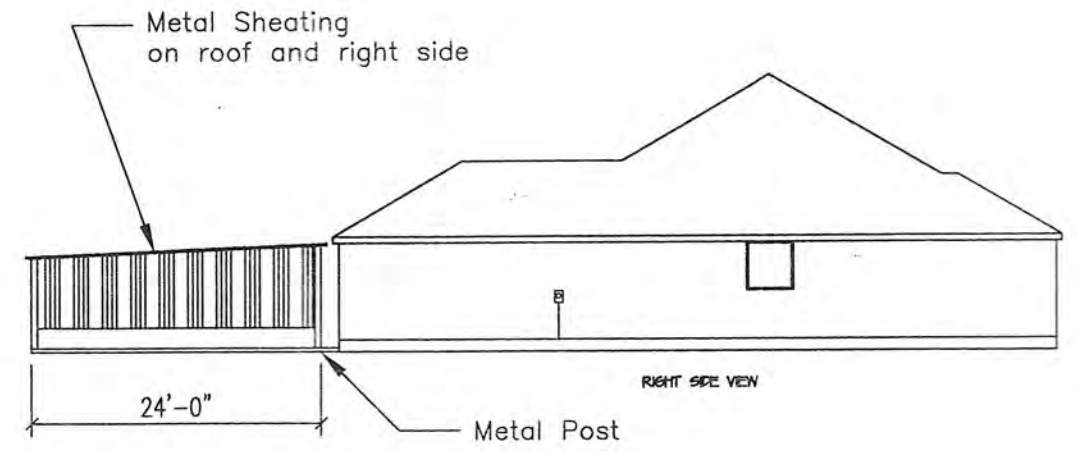
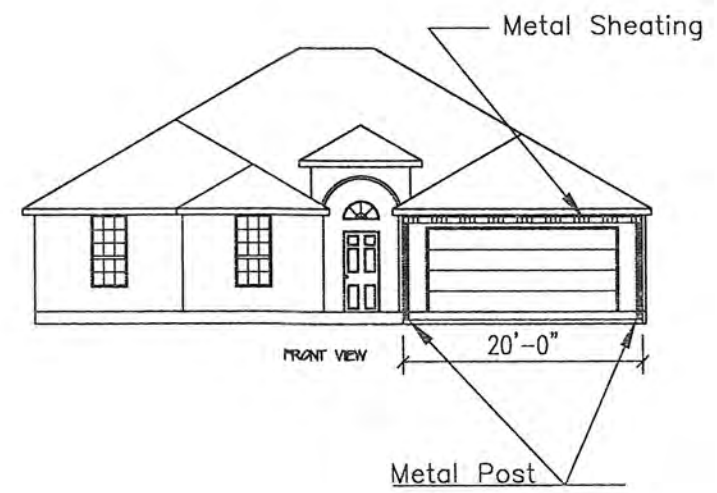
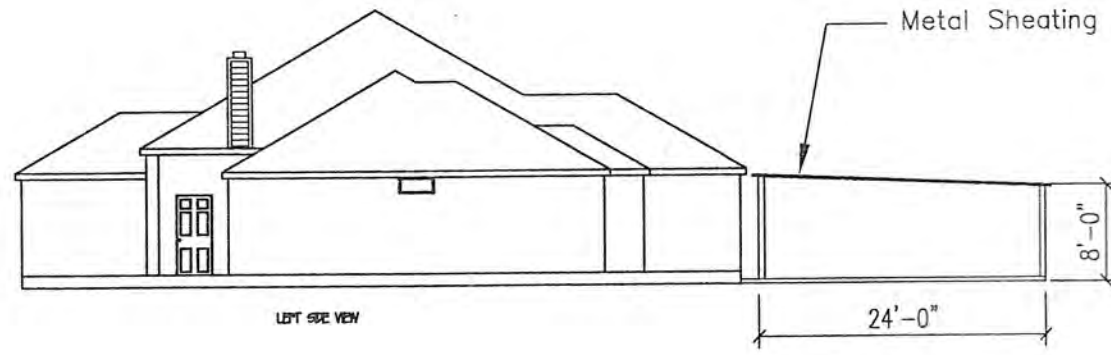
Mike and Sonje.  
1618 Sky High Circle  
Dallas, TX

A2

212-055

Erasmu Alanis  
PMC Construction & Demolition, LLC  
Contractor # BU122817

Date  
March 15, 2022



PROPOSED CARPORT ELEVATIONS

Scale 1/16" = 1'-0"

A3

Mike and Sonje,  
1618 Sky High Circle  
Dallas, TX

212-055

# ATTACHMENT A\_BDA212-055

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF AUGUST 15, 2022 (C)

Has no objections

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

Recommends denial  
(see comments below or attached)

No comments

COMMENTS:

---

BDA 212-055(JM)

BDA 212-0072(JM)

---

***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

---

***8/9/2022***

Date

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

**FILE NUMBER:** BDA212-070(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Herlinda Sanchez for a special exception to the single-family use regulations at 9014 Winterset Avenue. This property is more fully described as Lot 22, within City Block J/7590 and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one. The applicant proposes to construct and maintain an ADU additional dwelling unit (not for rent). As proposed, the request will require a special exception to the single-family use regulations for an additional dwelling unit.

**LOCATION:** 9014 Winterset Avenue

**APPLICANT:** Herlinda Sanchez

**REQUEST:**

The applicant proposes to construct and maintain an additional dwelling unit (not for rent) on a site developed with a single-family dwelling along the southeastern portion of the lot.

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

The board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

### **Zoning/BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS:**

The request for a special exception to the single-family use regulations focuses on constructing and maintaining an additional dwelling unit (not for rent) on a property zoned an R-7.5(A) Single Family District. In this district, one dwelling unit is allowed per lot.

DCAD records indicate the following improvements for the property located at 1914 Winterset Avenue: “main improvement: a structure with 1,497 square feet of living area built-in 2018” and “additional improvements: an attached garage with 420 square feet of area.”

The property is rectangular in shape, flat, and according to the application, contains 0.46 acres, or approximately 20,000 square feet in area. In an R-7.5(A) Single Family District the minimum lot size is 7,500 square feet.

The following information is shown on the submitted site plan:

- The proposed accessory structure is located approximately 22 feet along the rear of the main structure and is approximately seven feet from the western side yard setback, approximately 68 feet from the eastern side yard setback, and approximately 65 feet from the rear yard setback.
- The structure is proposed with a maximum floor area of approximately 475 square feet with an attached two-car garage consisting of approximately 475 square feet.

As of August 5, 2022, no letters have been submitted in support of the request and no letters have been submitted in opposition to the request.



If the board were to grant the special exception for an additional dwelling unit to a single-family use and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document. Furthermore, if the board were to grant the special exception to allow the ADU, the Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

However, granting the request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all other code requirements), as depicted on the site plan, if approved by the board.

**Timeline:**

June 10, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 11, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

July 11, 2022: The Board of Adjustment Senior Planner emailed the applicant the following information:

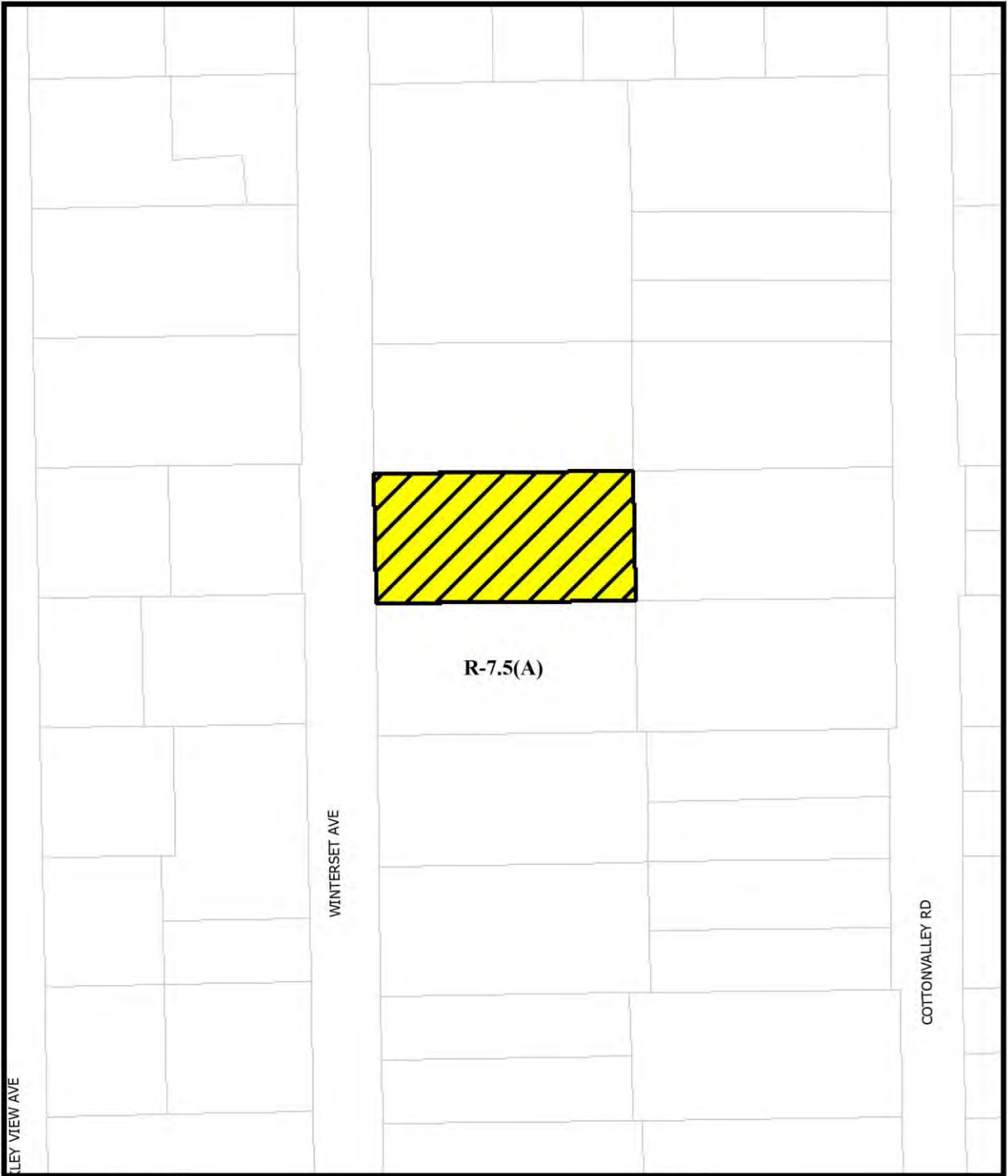
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”


July 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board Senior Planner, the Development Services Chief Planner, Chief Arborist, and the Planner and Urban Design Department Senior Conservation District Planner. No

review comment sheets were submitted in conjunction with this application.

August 3, 2022: The applicant submitted evidence for the board's consideration (**Attachment A**).

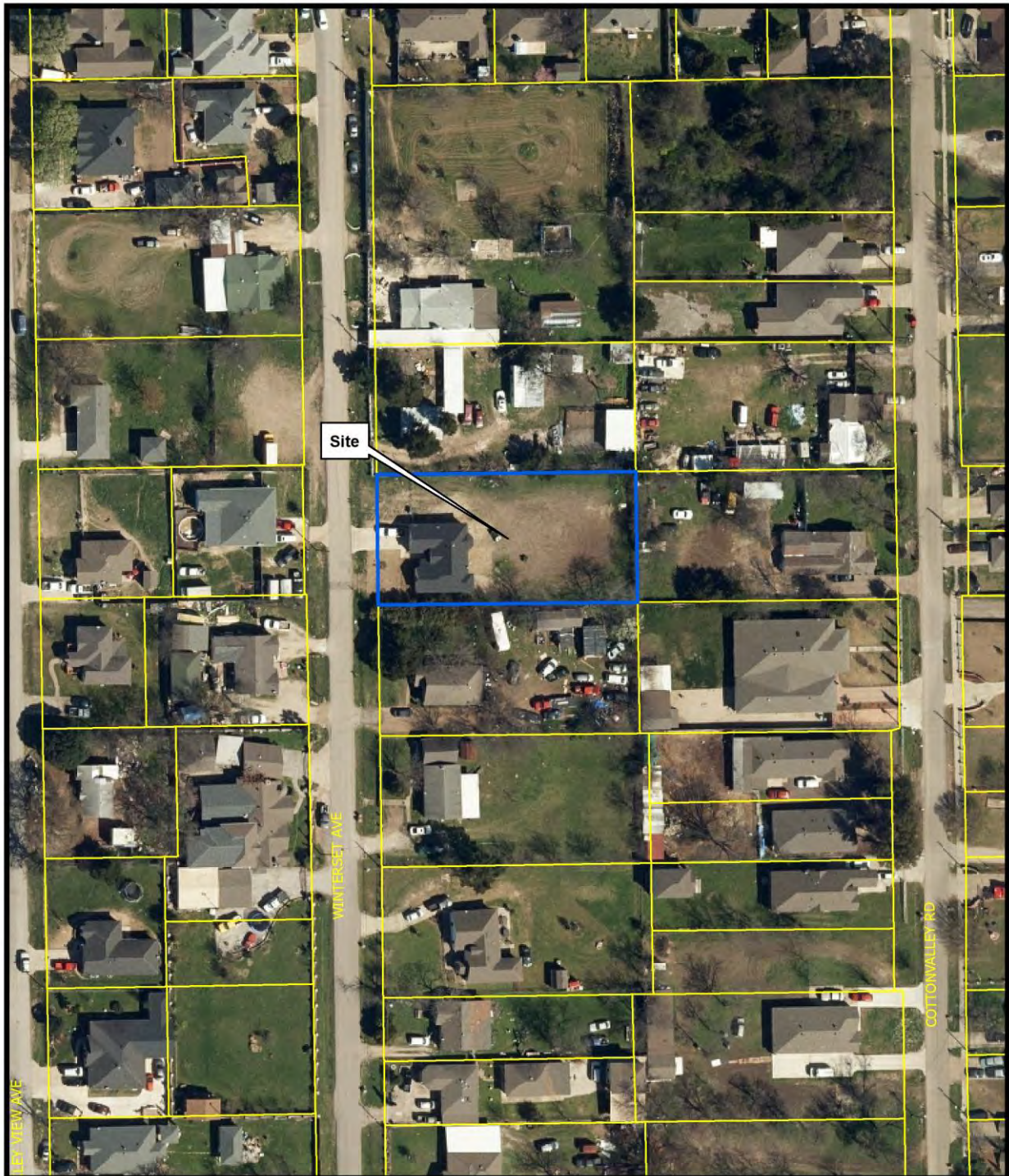




  
1:1,200

# ZONING MAP

Case no: BDA212-070  
Date: 7/6/2022

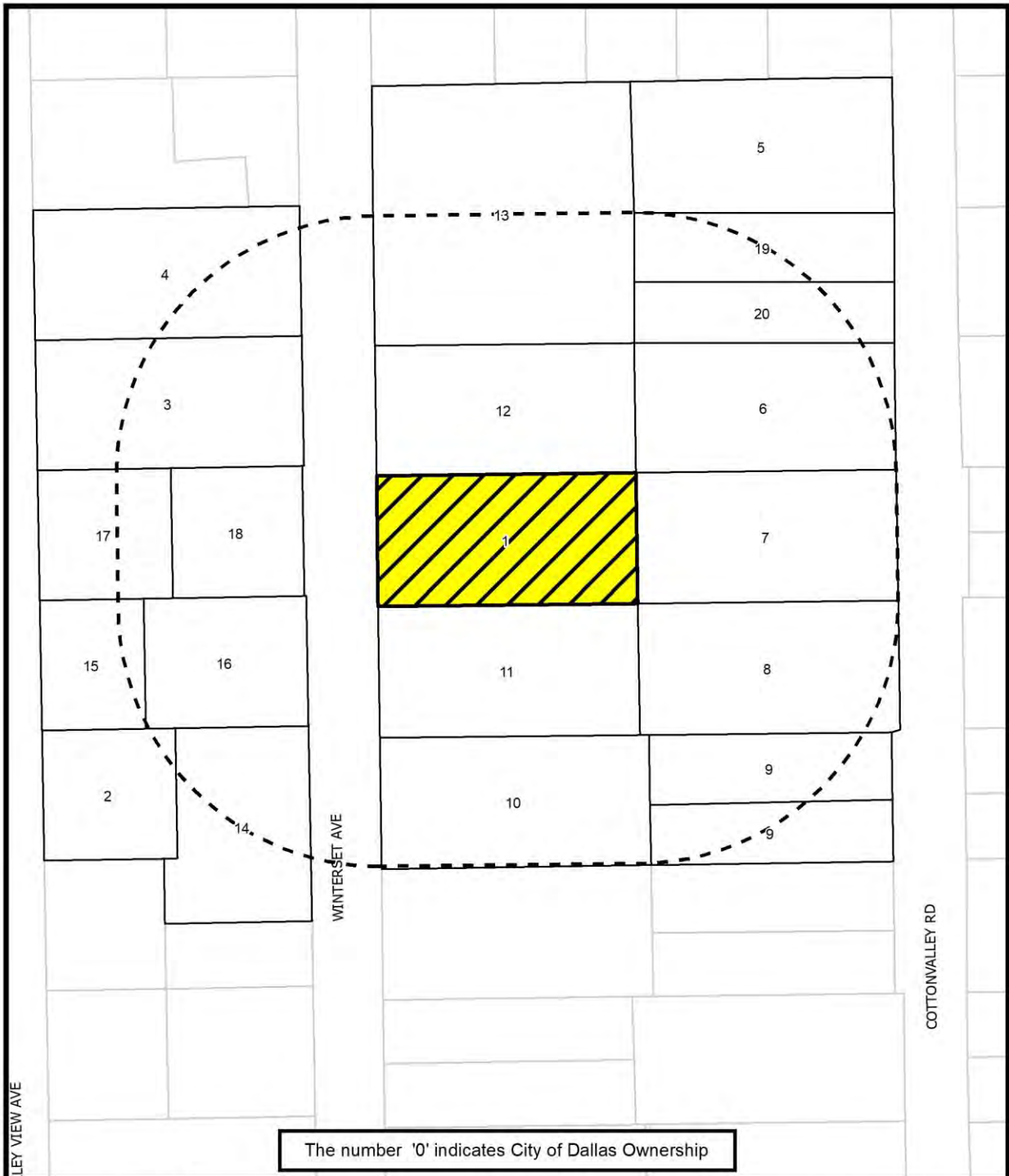


1:1,200

# AERIAL MAP

Case no: BDA212-070

Date: 7/6/2022



ALLEY VIEW AVE

The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>20</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>20</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA212-070</u> Date: <u>7/6/2022</u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>20</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/05/2022

## ***Notification List of Property Owners***

***BDA212-070***

***20 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	9014 WINTERSET AVE	SANCHEZ HERLINDA
2	9008 BECKLEYVIEW AVE	LOPEZ ESPERANZA SAENZ
3	8922 BECKLEYVIEW AVE	JMR HOMES LLC
4	8931 WINTERSET AVE	PUENTE JUANITA
5	8915 COTTONVALLEY RD	RELIANCE ASSET TRUST
6	8927 COTTONVALLEY RD	MARTINEZ RALPH III &
7	8939 COTTONVALLEY RD	CAZARES ROSA N HERNANDEZ
8	9007 COTTONVALLEY RD	MORENO MANUEL GUTIERREZ &
9	9011 COTTONVALLEY RD	ESCALANTE RUBEN JR &
10	9032 WINTERSET AVE	NUNEZ NORMA & VICTOR E NUNEZ LEON
11	9024 WINTERSET AVE	TIERRACAL INVESTMENTS LLC
12	9004 WINTERSET AVE	PUENTE JAIRO & JUANITA
13	8930 WINTERSET AVE	PUENTA JAIRO & JUANITA
14	9027 WINTERSET AVE	DIAZ PEDRO
15	9004 BECKLEYVIEW AVE	UMANZOR PERLA JAZMIN
16	9023 WINTERSET AVE	VANEGAS PEDRO ANTONIO
17	8930 BECKLEYVIEW AVE	MOLINA PASCUAL
18	9015 WINTERSET AVE	CORDOVA CINDY
19	8919 COTTONVALLEY RD	BECERRA MARIA
20	8923 COTTONVALLEY RD	BAHENA VERONICA





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-070

Data Relative to Subject Property:

Date: 6-10-22

Location address: 9014 Winterset Zoning District: 8

Lot No.: 22 Block No.: J/7590 Acreage: 0.46 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) \_\_\_\_\_ 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Herlinda Sanchez

Applicant: Herlinda Sanchez Telephone: 214 995 8393

Mailing Address: 9014 Winterset Zip Code: 75232

E-mail Address: percis-2@xol.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 ADU, not for rent, 20ft house height

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

I need a detached unit separate from living quarters to be able to work from home. I will not build next to the house, it will be in the back and will be in accordance with setbacks and dimensions approved by the city.

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.

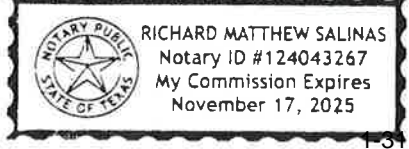
Affidavit

Before me the undersigned on this day personally appeared Herlinda Sanchez  
(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: Herlinda Sanchez  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of June, 2022



[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**

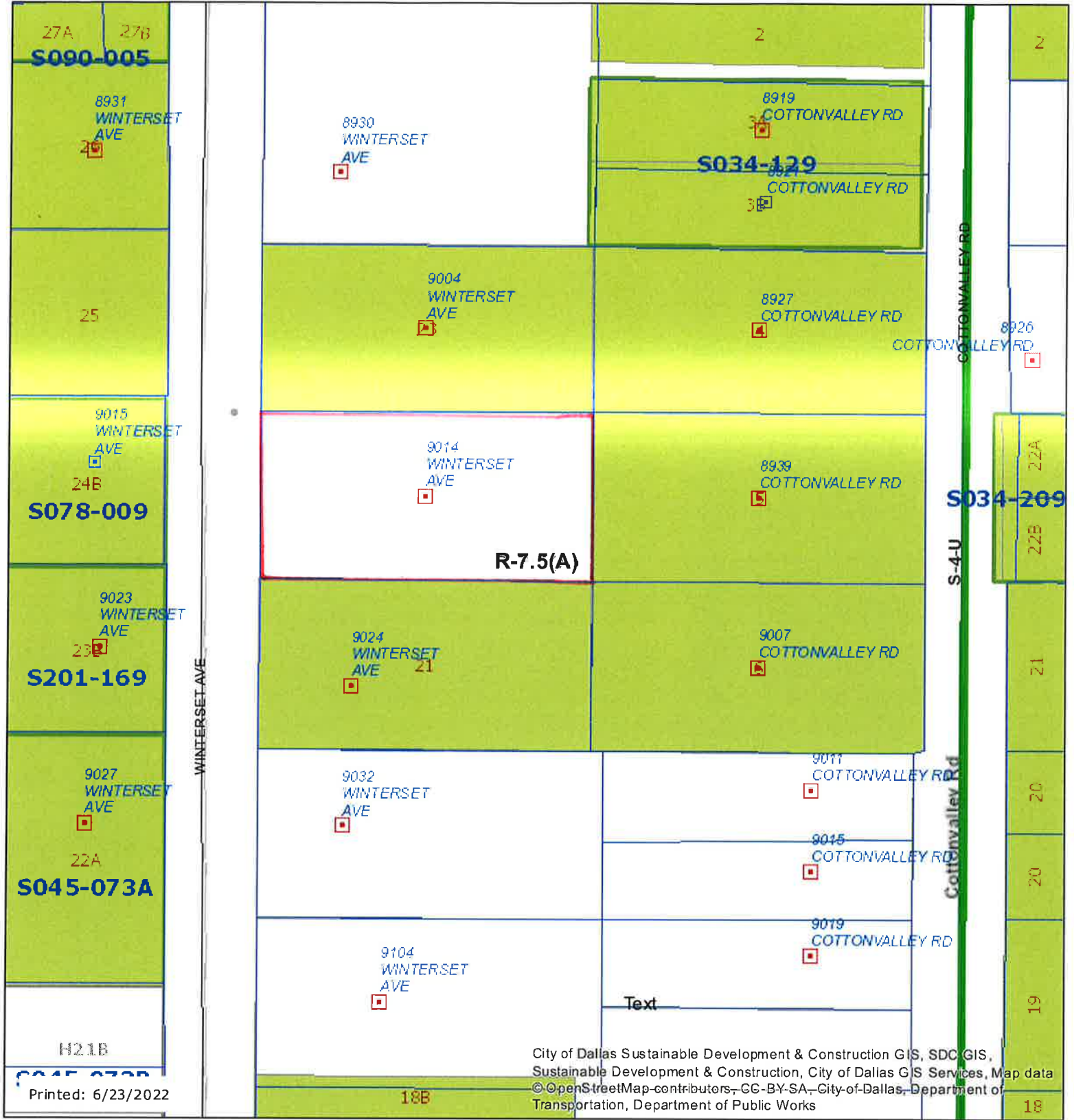
I hereby certify that      HERLINDA SANCHEZ

did submit a request      for a special exception to the single family regulations  
at      9014 WINTERSET AVENUE

BDA212-070. Application of HERLINDA SANCHEZ for a special exception to the single family regulations at 9014 WINTERSET AVE. This property is more fully described as Lot 22, Block J/7590 and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit (NOT FOR RENT), which will require a special exception to the single family zoning use regulations.

Sincerely,

  
David Session, Building Official



City of Dallas Sustainable Development & Construction GIS, SDC GIS, Sustainable Development & Construction, City of Dallas GIS Services, Map data © OpenStreetMap-contributors, CC-BY-SA, City of Dallas, Department of Transportation, Department of Public Works

Printed: 6/23/2022

- |                       |                  |                            |                               |
|-----------------------|------------------|----------------------------|-------------------------------|
| Dallas Tax Parcels    | NSO Overlay      | Height Map Overlay         | SP                            |
| Deed Restrictions     | NSO Subdistricts | Shop Front Overlay         | Turtle Creek Seiback Corridor |
| Dry Overlay           | MD Overlay       | Parking Management Overlay | Demolition Delay Overlay      |
| D                     | CD Subdistricts  | Base Zoning                |                               |
| D-1                   | PD Subdistricts  | SPSD Overlay               |                               |
| Historic Overlay      | PD193 Oak Lawn   | Pedestrian Overlay         |                               |
| Historic Subdistricts | PDS Subdistricts | CP                         |                               |
| SUP                   |                  |                            |                               |

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



2497

# BECKLEY GARDENS

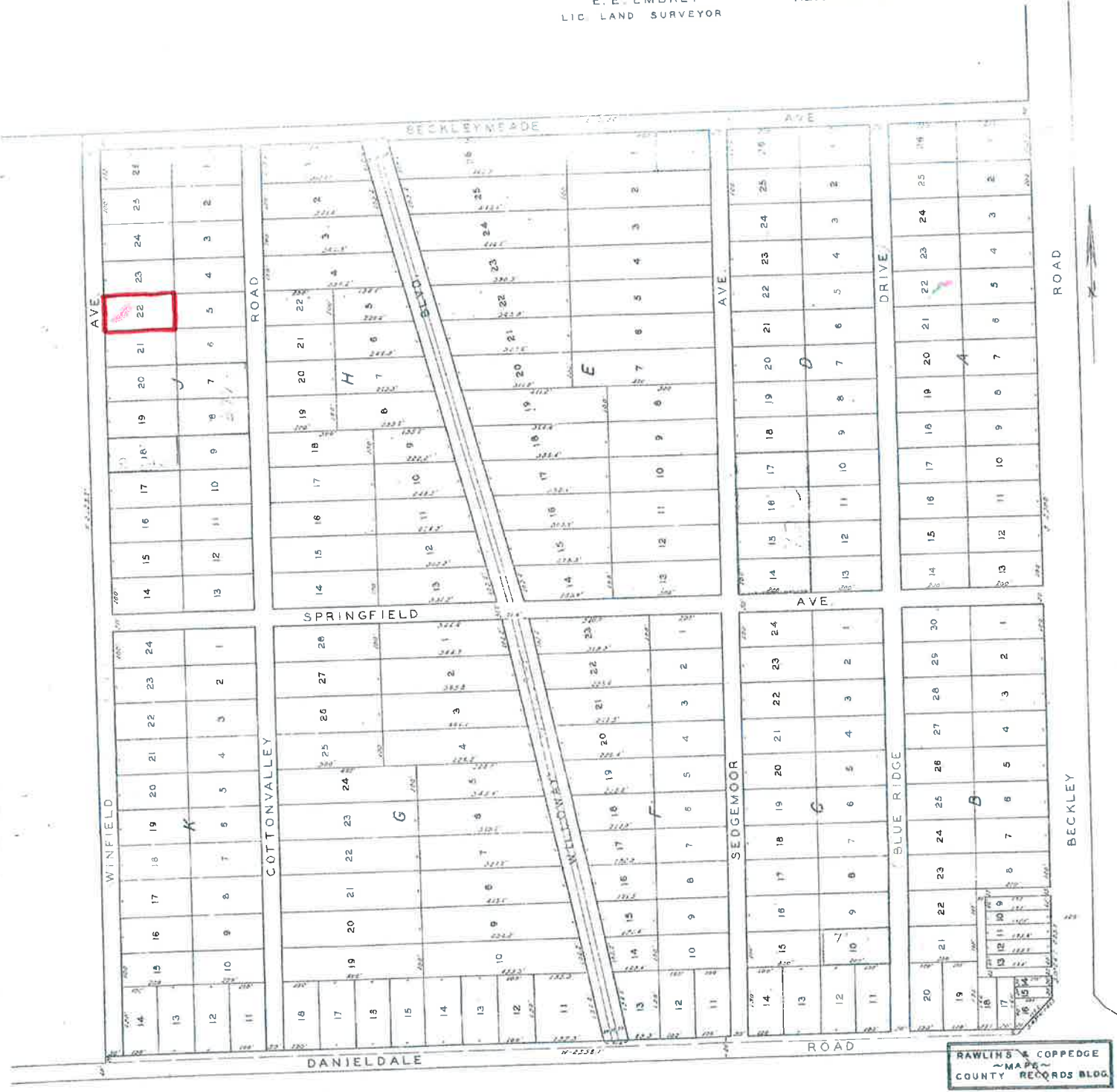
JNO. S. TUCKER SUR. A-1469 DALLAS COUNTY

FRANK JESTER DEV. CO.

OWNER & DEVELOPER  
1"=200' JULY 15, 1943

FILED AUG. 6 1943.  
RECORDED VOL. 8 - 7.

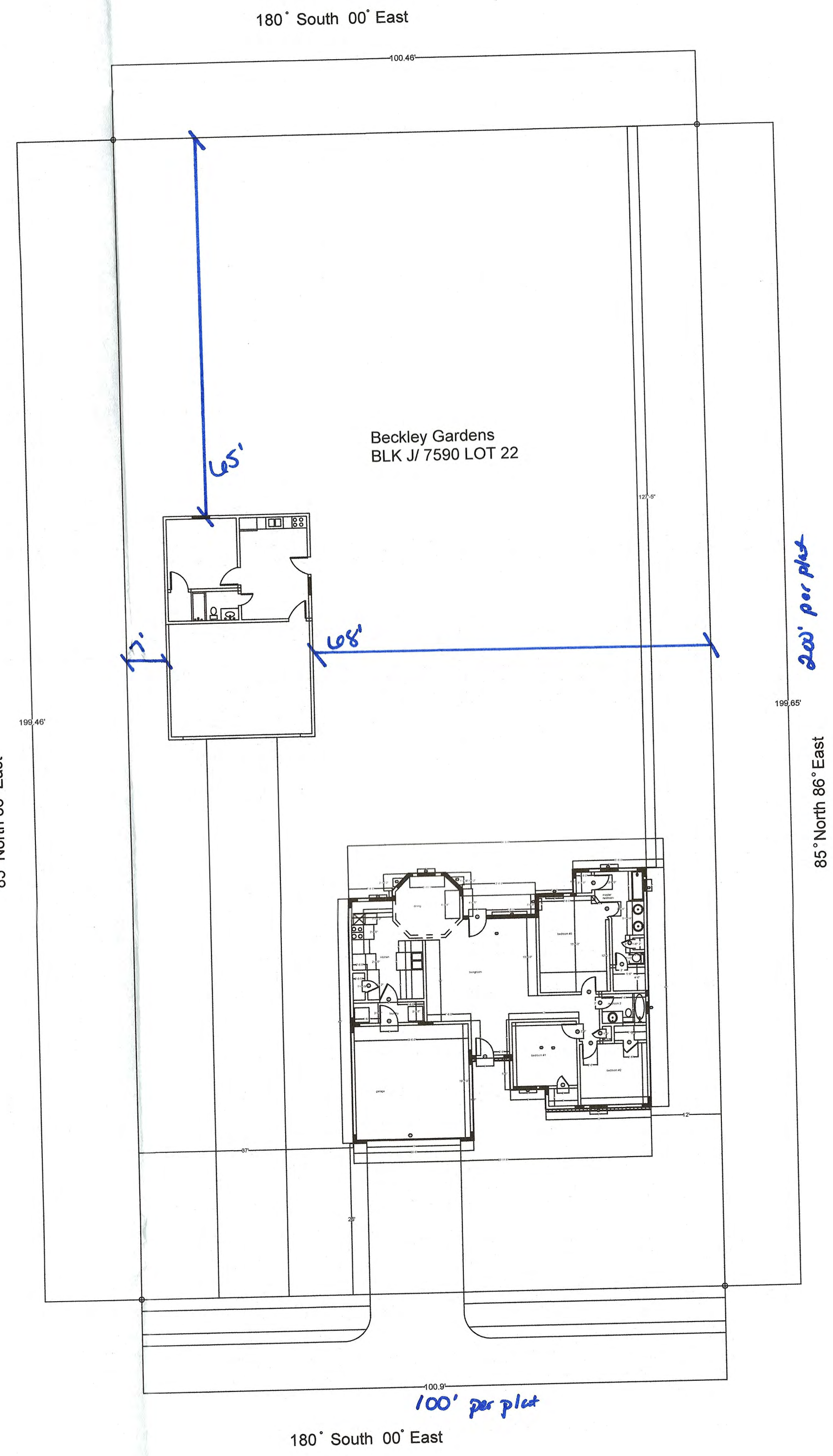
E. E. EMBREY  
LIC. LAND SURVEYOR



RAWLINS & COPPEDGE  
MARRIAGE  
COUNTY RECORDS BLDG.

TRUE AND CORRECT  
COPY OF RECORD  
ON FILE IN CITY  
SURVEYOR'S OFFICE  
BY *Emory B. Burt*  
DATE 5-26-2022





General Notes

No.	Revision/Issue	Date

Firm Name and Address

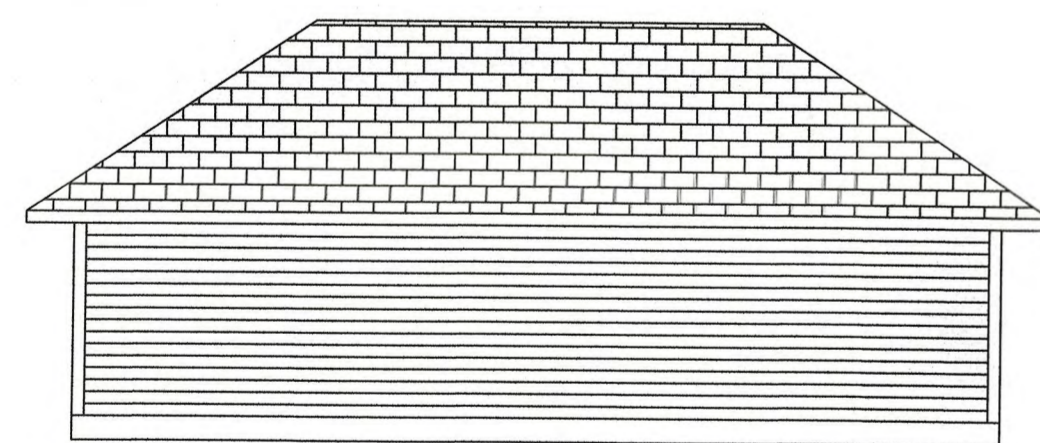
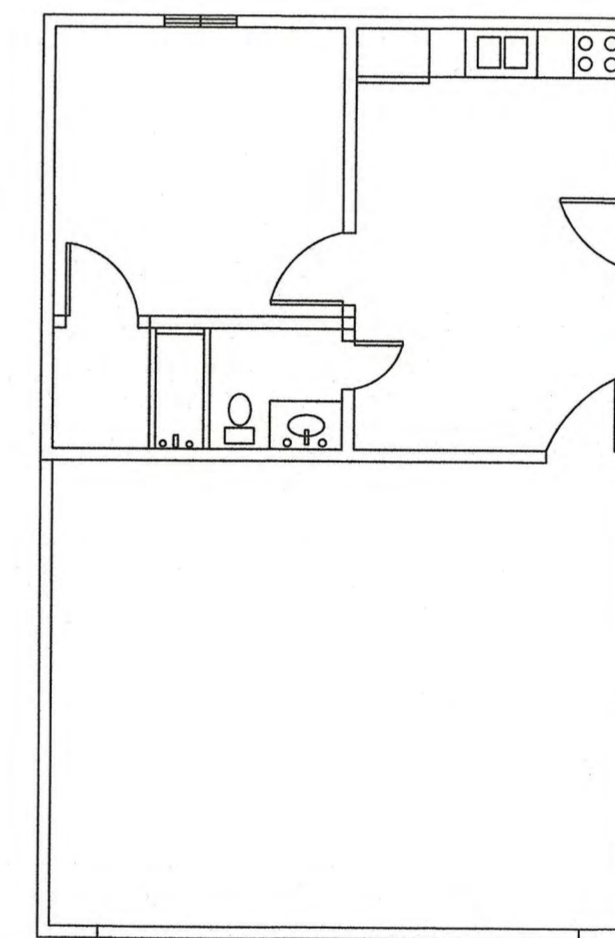
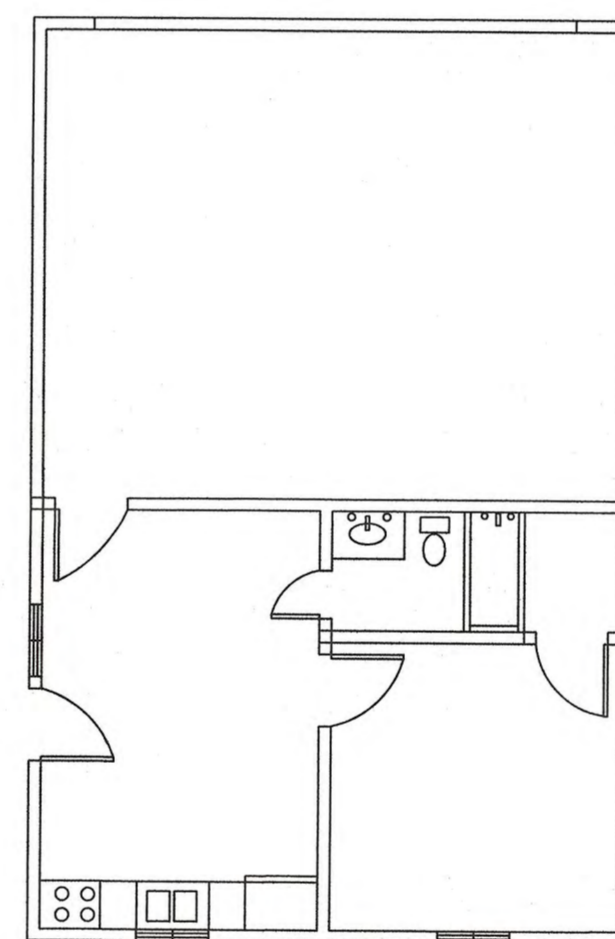
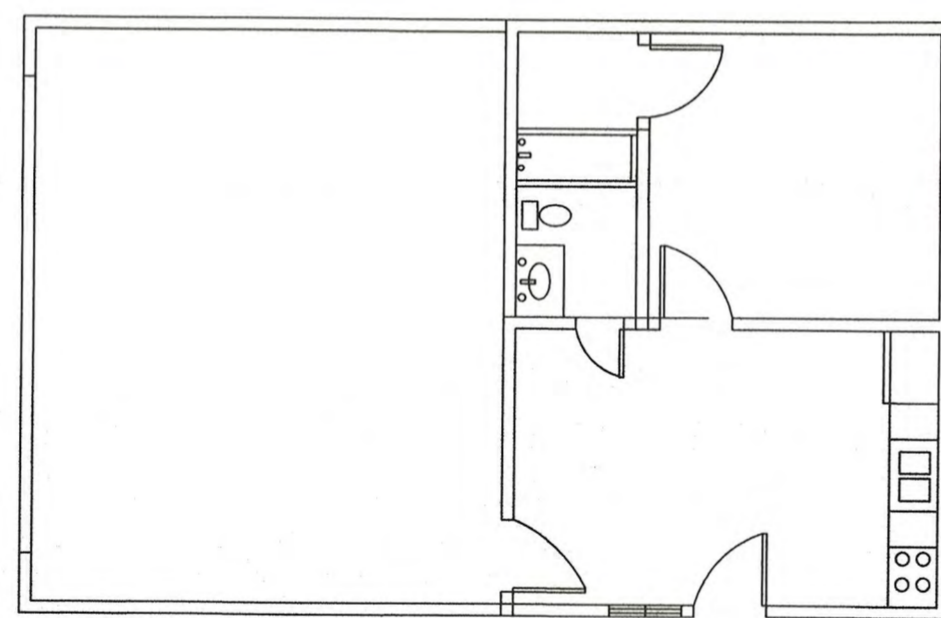
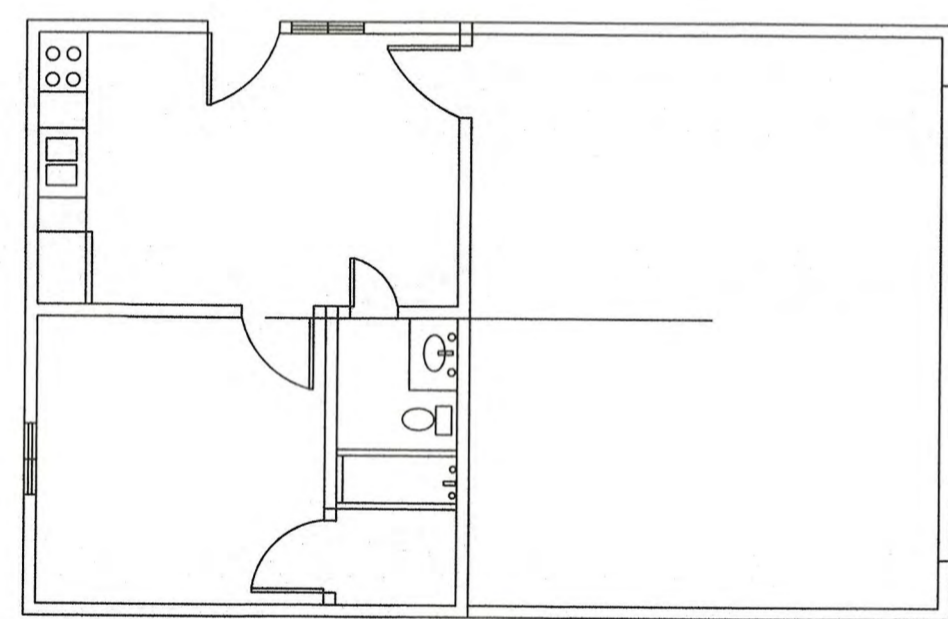
Project Name and Address  
 9014 winterset avenue  
 dallas, tx 75232

Project	Sheet
Date	
Scale 1/16" = 1' 0"	

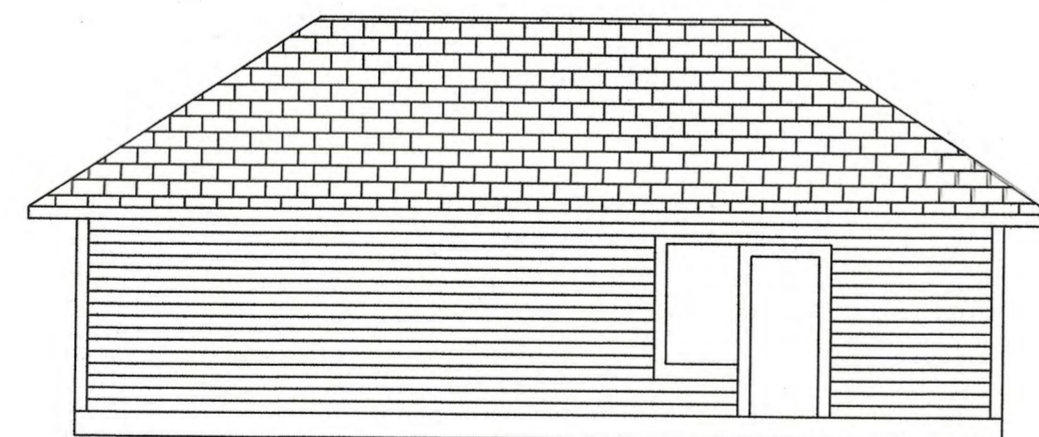
213-110



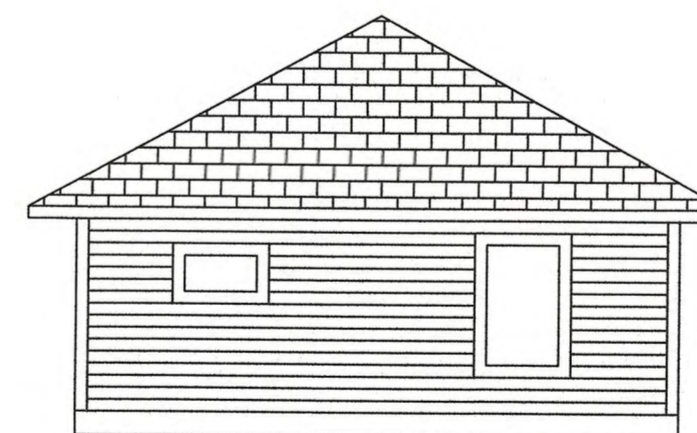
General Notes



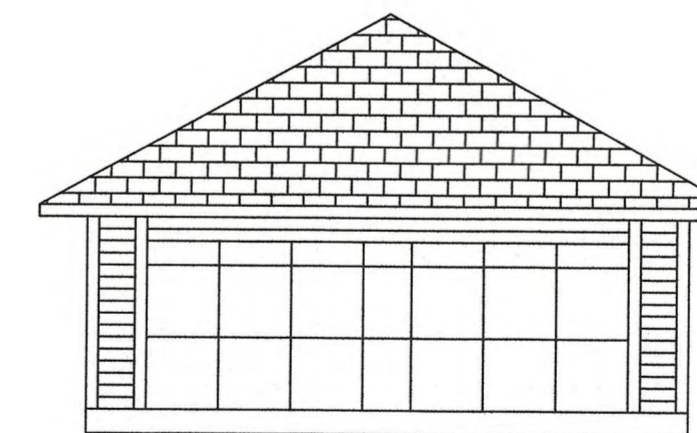
EAST ELEVATION



WEST ELEVATION



BACK ELEVATION



FRONT ELEVATION

No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address  
**WINTERSET GRANNY**  
 9014 WINTERSET  
 DALLAS, TX 75232

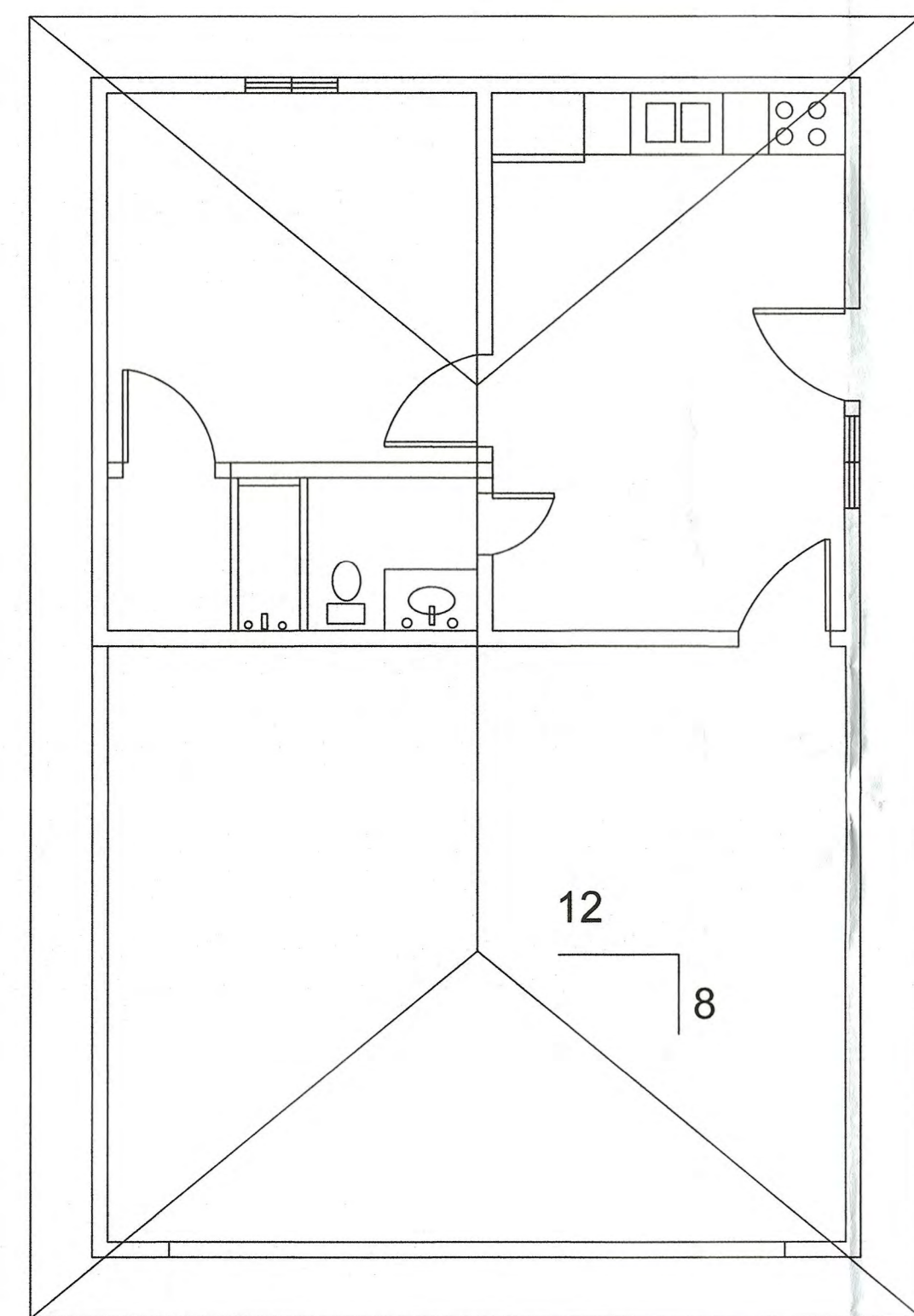
Project <b>ELEVATIONS</b>	Sheet
Date	
Scale <b>1"=1FT</b>	

210-110

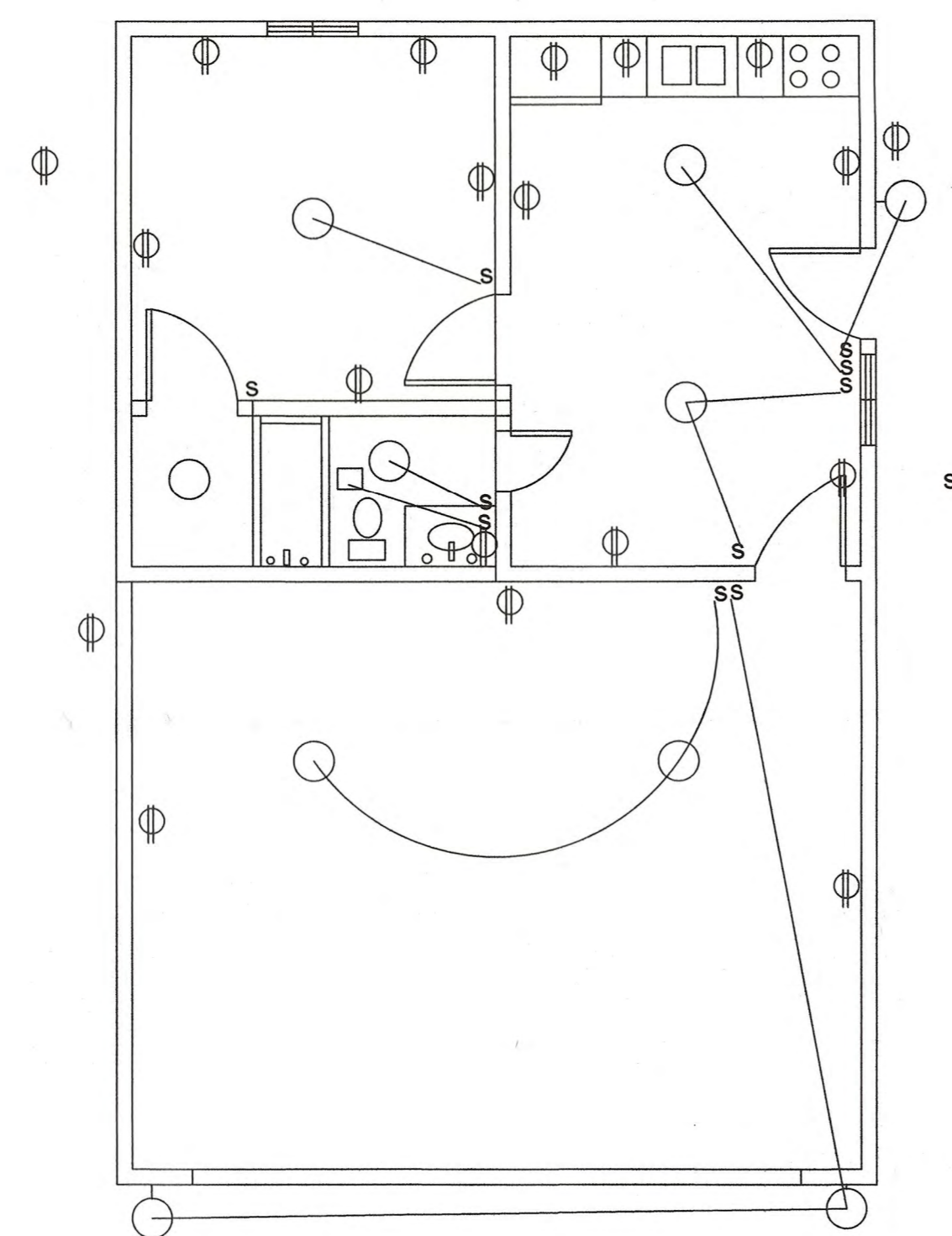




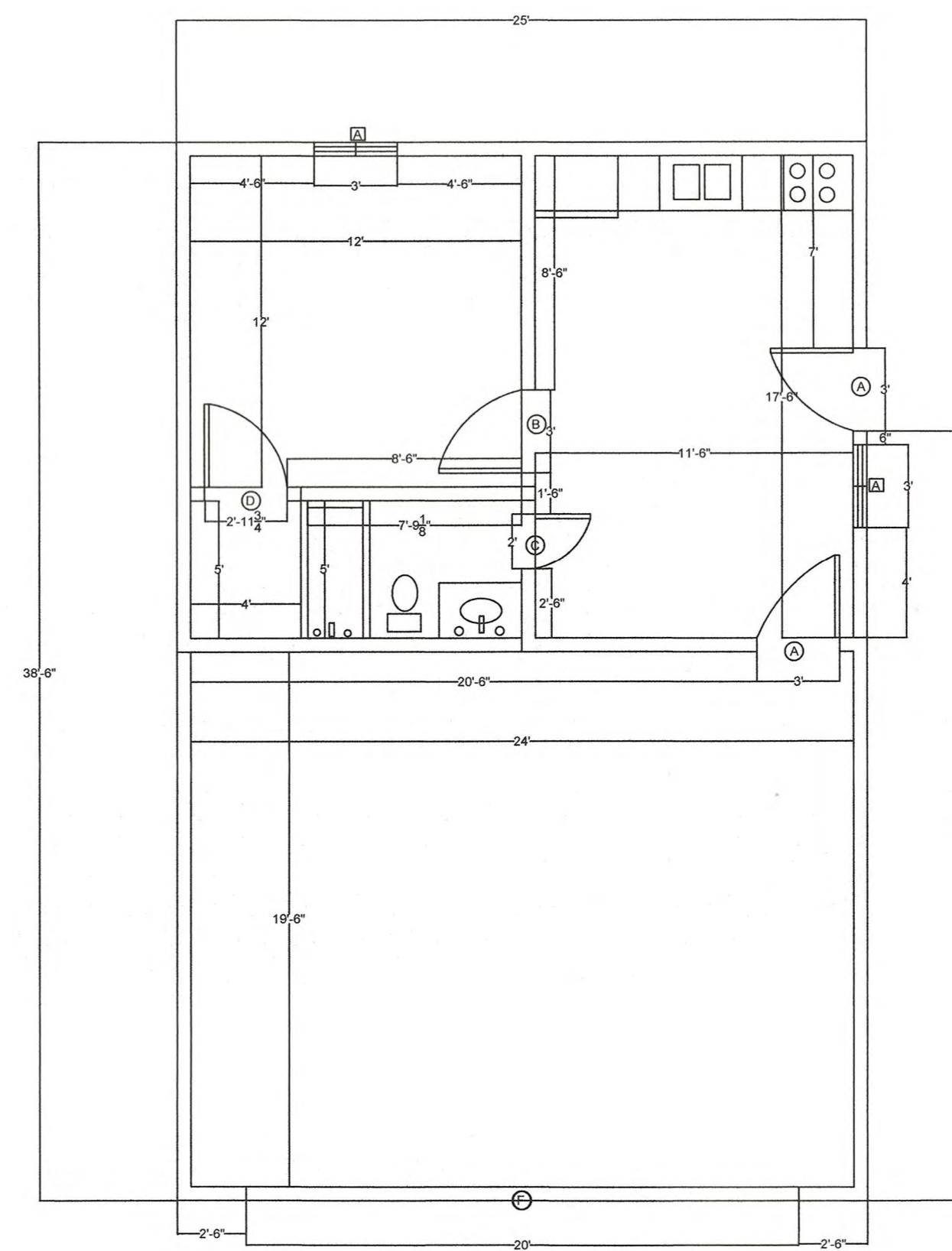




ROOF LINE



ELECTRICAL	
	SCONCES
	CEILING LIGHT
	RECEPTACLE
	SWITCH
	FAN



WINDOWS			
		36X80	WINDOWS

DOORS			
	2	36X80	EXTERIOR DOOR
	1	36X80	INTERIOR DOOR
	1	20X80	INTERIOR DOOR
	1	30X80	INTERIOR DOOR
	1	20X80	GARAGE DOOR

General Notes

No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address  
**WINTERSET GRANNY**  
 9014 WINTERSET  
 DALLAS, TX 75232  
 ELECT, ROOF, AND  
 DIMENSIONS

Project	Sheet
Date	
Scale	
<b>3" = 1FT</b>	

212-070



## Daniel, Pamela

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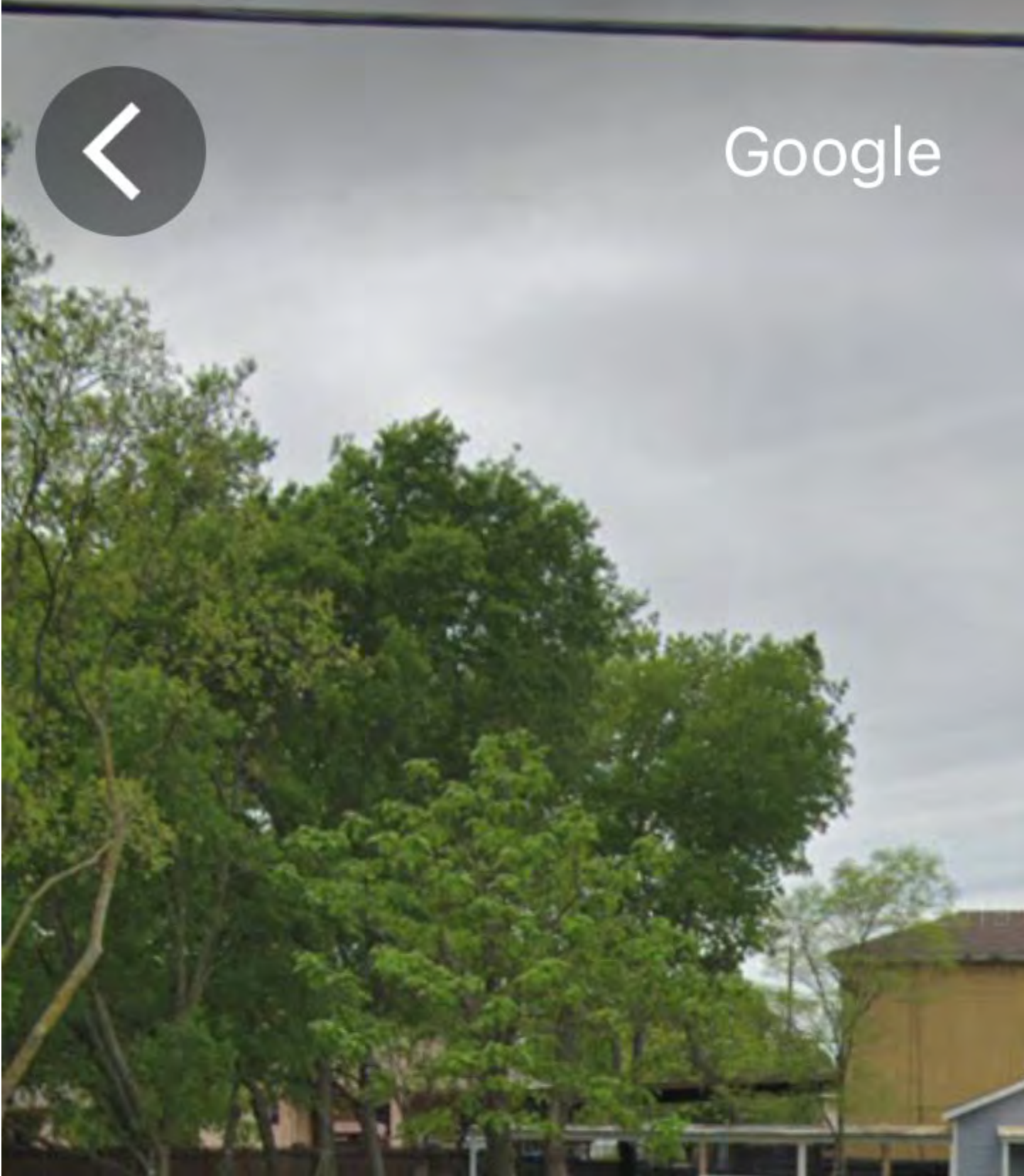
**From:** salvador perez [REDACTED]  
**Sent:** Wednesday, August 3, 2022 2:09 PM  
**To:** Daniel, Pamela  
**Subject:** Re: BDA212-070; 9014 Winterset Ave.; SE ADU

External Email!

1:52 ↗



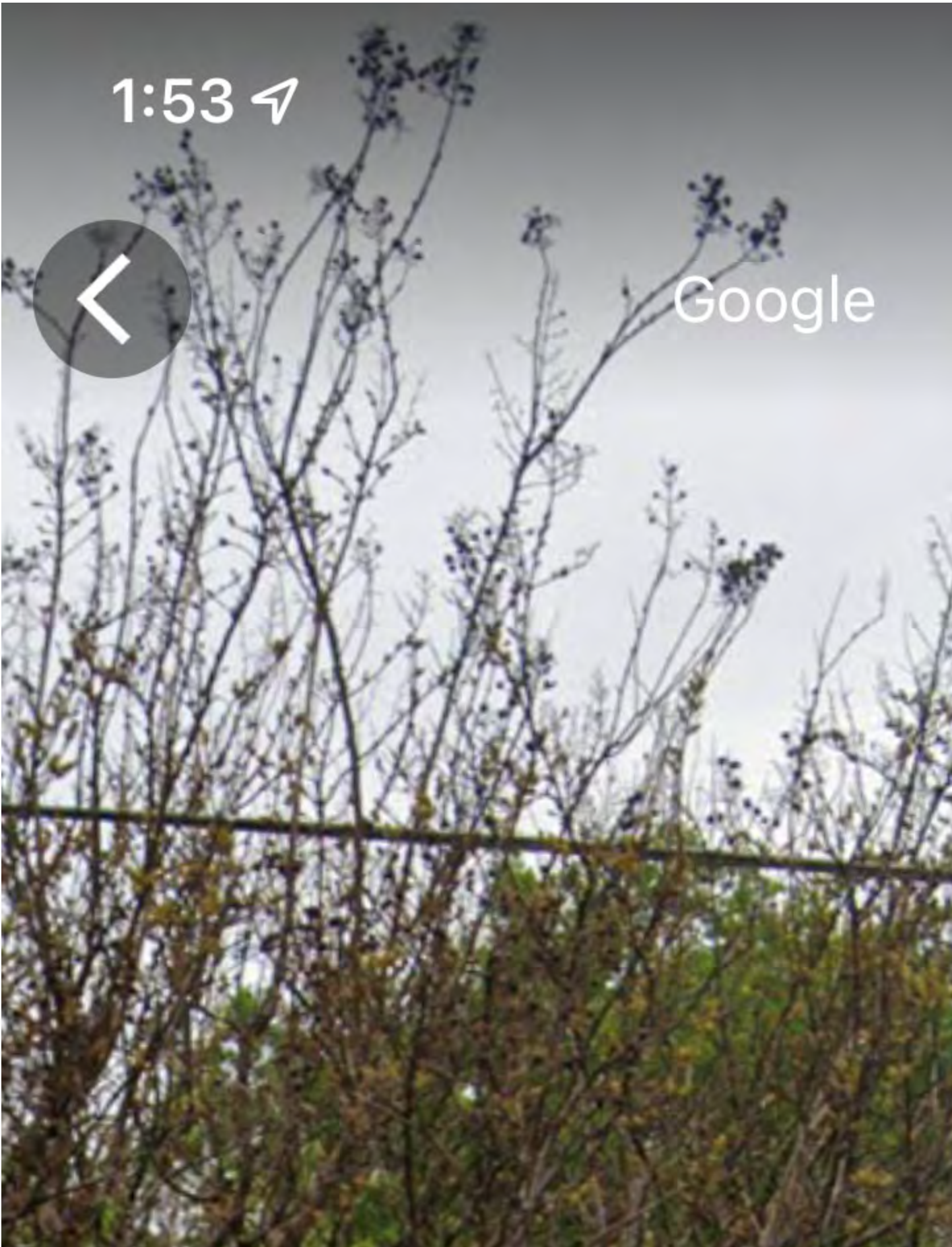
Google



1:53 ↖



Google



[Sent from Yahoo Mail for iPhone](#)

On Wednesday, August 3, 2022, 2:05 PM, salvador perez [REDACTED] wrote:

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, August 3, 2022, 2:05 PM, salvador perez [REDACTED] wrote:

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, August 3, 2022, 2:04 PM, salvador perez [REDACTED] wrote:

Hope, you are having a blessed day ms Daniel  
My name is Salvador perez and was just adding pictures of neighbors  
having adu's to support my case that it will not disrupt the  
neighborhood because the neighbors already have





1:45 ↗

Dropped pin

 Restaurants

 Sh

 98°

Beck'

Winterset Av

I will have to attach more than one email because your system only takes two pictures at a time

[Sent from Yahoo Mail for iPhone](#)

On Monday, August 1, 2022, 11:27 AM, Daniel, Pamela <pamela.daniel@dallas.gov> wrote:

Herlinda,

Good morning! Staff does not render a recommendation for special exception requests. Therefore, the special exception request will proceed without a recommendation.

As a follow-up to the introduction email provided on Monday, July 11, 2022, this email serves to reiterate the **1:00 p.m., August 5, 2022** deadline to submit documentary evidence for the Board's docket. **There are no exceptions to the deadline.**

Should you have additional questions or concerns, please feel free to contact me through the contact methods listed within my signature block below (email is preferred). Additionally, you may also contact Mrs. Diane Barkume or Sarah May.

With Gratitude,



**Pamela F. Riley Daniel, MURP**  
Senior Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Planning & Urban Design

1500 Marilla St., 5BN

Dallas, TX 75201  
O: (214) 671-5098  
[pamela.daniel@dallas.gov](mailto:pamela.daniel@dallas.gov)



How am I doing? Please contact my supervisor Jennifer Munoz at [jennifer.munoz@dallas.gov](mailto:jennifer.munoz@dallas.gov).

**\*\*OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\***

---

**From:** Daniel, Pamela  
**Sent:** Monday, July 11, 2022 4:37 PM  
**To:** [REDACTED]  
**Cc:** Munoz, Jennifer <[jennifer.munoz@dallas.gov](mailto:jennifer.munoz@dallas.gov)>; Barkume, Diana <[diana.barkume@dallas.gov](mailto:diana.barkume@dallas.gov)>; May, Sarah <[sarah.may@dallas.gov](mailto:sarah.may@dallas.gov)>  
**Subject:** BDA212-070; 9014 Winterset Ave.; SE ADU

Herlinda,

Good afternoon! I will be managing your application to the Board of Adjustment. You have been assigned to **Panel C on August 15, 2022**. Attached is information regarding your Board of Adjustment application referenced above including:

1. The submitted application materials - all materials will be emailed to you, city staff, and Board members in the docket report, a week prior to your tentatively scheduled Board of Adjustment public hearing date;
2. The Dallas Development Code provisions allowing the board to grant a special exception to the single-family use regulations to authorize an additional dwelling unit on a lot (51A-4.209(6)(E)(i));
3. The Board rules pertaining to documentary evidence and the Board duties and powers.

Please note the following deadlines for providing revisions cannot be changed or altered and therefore, you are encouraged to provide revisions before the last minute to allow staff an opportunity to review and comment before the deadline passes.

- Board of Adjustment Panel C.
- Hearing date/time: tentatively scheduled for **briefing at 11:00 am and the public hearing (where you speak) at 1:00 p.m., on August 15, 2022. Staff strongly encourages you to attend the hearing to respond to any questions by the Board and provide any pertinent information.**
- Deadline to submit information for staff recommendation: **1:00 p.m., July 27, 2022. There are no exceptions to the deadline.**
- Deadline to submit documentary evidence (all evidence presented to make your case) for the Board's docket: **1:00 p.m., August 5, 2022.**

Please carefully review the attached application materials to ensure completeness. Specifically, review the Building Official's Report located on the second page of the application. Please Diana Barkume via phone at 214-948-4364 or via email at [diana.barkume@dallascityhall.com](mailto:diana.barkume@dallascityhall.com), respectively, no later than 1:00 pm on July 27, 2022 with regard to any



information you feel is missing from your submittal or with regard to any amendment(s) necessary to address your concerns.

Note: the discovery of **any** additional appeal needed beyond your request stated in the application will result in postponement of the appeal until the Panel's next regularly scheduled public hearing date.

Currently, we are hosting all Board of Adjustment meetings as hybrids, both virtually and in-person. You can read more about the Board of Adjustment, see past agendas, processes, and your case information posted one week prior to the hearing date on our [webpage](#). It's important to note that recent changes to state law regarding the reinstatement of the Texas Open Meeting Act, which has the following effect on our meeting proceedings:

- **We will host the meeting both virtually and in-person at City Hall, 1500 Marilla St. with the specific location within the building subject to availability.**
- **All those who elect to join virtually must have video capabilities and shall show themselves while addressing the board and public.**
- **At this time, you are only required to register by deadline to speak if you elect to join the meeting virtually.**

Should there be information you choose to submit to the Board in addition to what is included in the above attached application, please provide them by the aforementioned deadlines and any contact method listed within my signature below (email is preferred).

I look forward to facilitating your request.

With Gratitude,



Pamela F. Riley Daniel, MURP  
Senior Planner  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Planning & Urban Design

1500 Marilla St., 5BN

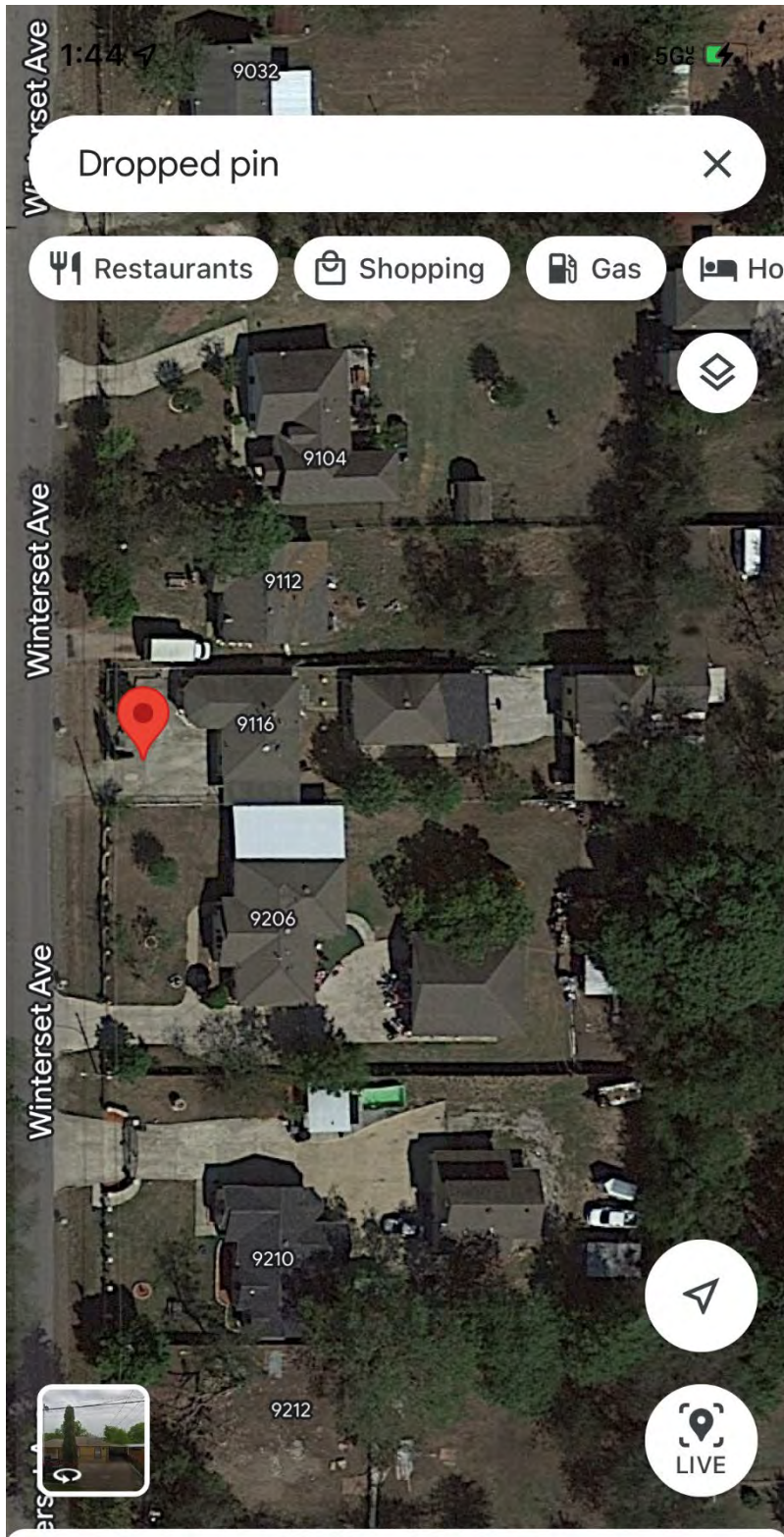
Dallas, TX 75201  
O: (214) 671-5098  
[pamela.daniel@dallas.gov](mailto:pamela.daniel@dallas.gov)



How am I doing? Please contact my supervisor Jennifer Munoz at [jennifer.munoz@dallas.gov](mailto:jennifer.munoz@dallas.gov).

*\*\*OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\**

**CAUTION:** This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.



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**FILE NUMBER:** BDA212-012(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Elizabeth Alvarez Villaizan for a 12-foot-six-inch side yard variance, which will require a seven-foot-six-inch variance, a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use and provide eight of the required 12 off-street parking spaces, which will require a four-space variance (33 percent reduction) to the off-street parking regulations, **and a special exception to the landscape requirements** at 3900 N. Hampton Road. This property is more fully described as Lots 18 and 19 in City Block 11/7130 and is zoned a CR Community Retail District which requires compliance with off-street parking regulations per the use.

**LOCATION:** 3900 N. Hampton Road

**APPLICANT:** Elizabeth Alvarez Villaizan

**REQUEST:**

A request for **a special exception to the landscape requirement** and variances to the side yard setback and the off-street parking regulations is made to maintain a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use [Shell Station] and provide eight of the required 12 off-street parking spaces. An addition was made to the general merchandise or food store 3,500 square feet or less use to provide for expansion of the service, but no additional off-street parking spaces were added.

**UPDATE:**

On April 29<sup>th</sup>, the representative conceded that the site does not have sufficient area to provide the residential buffer zone along the eastern portion of the site and the street buffer zone along the western portion of the site. Therefore, the representative requested a date and time to append the Board application to include a request for a special exception to the landscape requirement. However, the deadline to provide revisions to staff was 1:00p.m. on April 27<sup>th</sup>. Since the representative missed the deadline to provide an alternate landscape plan for review and approval by staff, the representative requested a postponement to the **August hearing to work with the Chief Arborist and provide an alternate landscape plan that meets the spirit of the Article. All new information is highlighted throughout the report.**

## **STANDARD FOR A VARIANCE:**

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

(A) In general.

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

(B) Structures. In exercising its authority under Subsection (A)(ii), 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:

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



**STAFF RECOMMENDATION (side yard variance):**

Approval, subject to compliance with the submitted site plan.

Rationale:

Staff concludes that the subject site is unique and different from most lots in the CR Community Retail District considering its restrictive lot area of 14,008 square feet. The applicant submitted a document (**Attachment A**) comparing lot size/area of six properties within the same zoning district. Per the comparative analysis, the average lot area is 34,609 square feet. Thus, in analyzing the comparative properties the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

**STAFF RECOMMENDATION (off-street parking variance):**

Approval.

Rationale:

Internal records show that permits were approved on April 19, 2018. The approved plans reflected an addition of 279 square feet and the provision of seven off-street parking spaces to meet the off-street parking requirement of one space per every 200 square feet of floor area ( $279 \div 200 = 1.395$  or five required spaces plus two additional spaces for the fueling station). A subsequent inspection found a greater addition was constructed with 1,132 square feet of floor area in lieu of the approved one of 279 square feet. The greater floor area of the structure then triggered a much greater requirement in the off-street parking requirement of 12 spaces rather than the seven-existing on-site in 2018. As a result, staff concludes that the requested variance to provide eight of the required 12 off-street parking spaces, which will require a four-space variance (33 percent reduction) to the off-street parking regulations.

To assist the board in its decision-making, the Senior Engineer within the Transportation Development Services Division Department of Transportation reviewed the area of request and information provided by the applicant. A comment sheet (**Attachment B**) submitted in review of the request reflects a recommendation of “no objection” with a comment that the site plan must meet City standards as outlined below.

- No driveways allowed closer than 55 feet from intersection
- Number of driveway approaches must be minimized
- Must restore curbs for all abandoned driveway approaches
- Sidewalk and barrier free ramp requirements apply
- Driveway width and design standards apply

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

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

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

In determining whether to grant a special exception, 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.

**STAFF RECOMMENDATION:**

The City of Dallas chief arborist submitted a memo regarding the applicant's request and recommending approval (**Attachment E**) subject to conditions for the provision of a n automatic irrigation system for the maintenance of the trees, shrubs, and grass in the residential buffer zone area.

Rationale:

- The chief arborist recommends approval of the proposed alternate landscape plan. This opinion is based on the application of city zoning regulations that define the allowable scope of development on the small landscape area to the north, east of the building a landscape are extends along the space south of the grease trap service area creating a partial residential zone, where strict compliance with full landscape requirements will unreasonably burden the use of the property.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	CR Community Retail District
<u>North:</u>	CR-D Community Retail District w/a D Liquor Control Overlay
<u>East:</u>	R-5(A) Single Family District
<u>South:</u>	CR Community Retail District
<u>West:</u>	Tract 7 within PDD No. 508

### **Land Use:**

The subject site is developed with a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use [Shell Station]. The property to the north is developed with an office use; immediately adjacent to the east is undeveloped; to the south across Leath Street is developed with an auto-related use; and, to the west across N. Hampton Road is developed with a utility or government installation other than listed [Dallas Housing Authority].

### **Zoning/BDA History:**

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

### **GENERAL FACTS/STAFF ANALYSIS:**

A request for a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station use and a variance to the off-street parking regulations of four spaces is made to maintain a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station use [Shell Station] and provide eight of the required 12 off-street parking spaces. An addition was made to the general merchandise use to provide for expansion of the use; however, no increase to the off-street parking was provided.

The site is zoned a CR Community Retail District, which requires the off-street parking requirements to be provided per Chapter 51A. Accordingly, per SEC 51A-4.210(b)(24), a general merchandise or food store 3,500 square feet or less use off-street parking requirement is one space per 200 square feet of floor area while a motor vehicle fueling station use off-street parking requirement is two spaces. Per the requirement, the proposed 1,932-square-foot general merchandise or food store 3,500 square feet or less use requires 9.66 off-street parking spaces. Since a fraction of a space is unobtainable, the .66 is rounded to the nearest whole number. Thereby, 10 off-street parking spaces are required. Thus, the 10 off-street spaces required in addition to the two off-street spaces for the motor vehicle fueling station use, requires a total of 12 off-street parking spaces for the site.

Additionally, Chapter 51A Sec. 51A-4.122(4)(B)(i) regulates the following **side yard** and rear yard setbacks:

(B) Side and rear yard. Minimum side and rear yard is:

- (i) 20 feet where adjacent to or directly across an alley from R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
- (ii) no minimum in all other cases

According to the proposed site plan provided in review of the request, the general merchandise or food store 3,500 square feet or less use and the motor vehicle fueling station use operated legally under a Certificate of Occupancy granted August 24, 1984 and contained 810 square feet of floor area with seven off-street parking spaces provided. On April 19, 2018, building plans were submitted depicting the existing floor area of 810 square feet and the proposed 279-square-foot addition. Additionally, the existing structure provided the required 20-foot side yard setback along the rear of the structure which is adjacent to the undeveloped single-family district. However, construction of the site failed to ensure compliance of neither the setback of 20-feet for the existing structure nor the addition constructed adjacent to the single-family district with a larger footprint and floor area.

The proposed site plan depicts the addition aligned with the wall of the existing structure which compels staff to question whether the exterior wall of the structure was enlarged to further encroach into the single-family district since the proposed addition was developed along the northern portion of the site in line with the existing 810-square-foot retail structure. One day later, on April 19, 2018, permits were subsequently cancelled along with trade permits (plumbing) and a new application for permits submitted on June 10, 2021, depicting the larger addition and the side yard encroachment.

The applicant submitted revised documents (**Attachment C**) comparing lot size/area of six properties within the same zoning district. Per the comparative analysis, the average lot area is 34,609 square feet while the subject site provides a lot area of 14,008 square feet. Thus, in analyzing the comparative properties the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

The Senior Engineer within the Transportation Development Services Division Department of Transportation recommends “no objection” of the request (**Attachment B**).

The request for a special exception to the landscape regulations is to construct and maintain the general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station that will not meet the minimum landscape requirements along the parkway on Leath Street due to an underground water line, visibility triangles, and vehicular maneuvering spaces. Additionally, the site does not comply with Article X

residential buffer zone requiring three large trees nor does the site provide any landscape design options.

The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. In this case, the existing structure increased the floor area with an addition that triggered compliance with landscape regulations.

The City of Dallas chief arborist submitted a memo regarding the applicant's request (**Attachment E**).

**The chief arborist's memo states the following with regard to "request":**

The applicant is seeking a special exception to the landscaping requirements of Article X.

**The chief arborist's memo states the following with regard to "provision":**

The proposed landscape plan provides a small landscape area to the north. East of the building a landscape area extends along the space south of the grease trap service area creating a partial residential buffer zone. In the RBZ southeast of the building, two crepe myrtle trees and a short row of shrubs were added. A masonry screen wall separates the buffer from the residential lots to the east.

**The chief arborist's memo states the following with regard to "deficiencies":**

The property does not comply with Article X:

- Requires 4 site trees, provides 2 crepe myrtles.
- Street buffer zone (10.125(b)): None provided. The parkway on Leath Street is encumbered with an underground water line. Visibility triangles and vehicle maneuvering spaces minimize other potential planting locations.
- Residential buffer zone (10.125(b)): Partial provided, excluding the grease trap service area, requires 3 large trees, but provides 2 small trees due to overhead electric lines.
- Landscape design options (10.126): None determined.

**The chief arborist's revised memo states the following with regard to the "recommendation":**

The chief arborist recommends approval of the proposed alternate landscape plan, subject to conditions for the provision of an automatic irrigation system for the maintenance of the trees, shrubs, and grass in the residential buffer zone area.

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



- The parking demand generated by the general merchandise or food store 3,500 square feet or less use and the motor vehicle fueling station use does not warrant the number of off-street parking spaces required; and,
- The variance of four spaces (or a 33 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

- That granting the variance to the side yard setback 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 the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CR zoning classification.
- 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CR zoning classification.

Additionally, 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:

- 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;
- 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;
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality consider the structure to be a nonconforming structure.

As of August 5, 2022, no letters have been submitted in support nor in opposition of the request.

If the board grants the variances to the side yard setback and off-street parking **and the special exception to the landscape regulations** and imposes the submitted site plan **and alternate landscape plan** as conditions, development would be limited to what is shown on these documents. Granting these variances **and special exception** will not provide any relief to the Dallas Development Code regulations.

**Timeline:**

Dec. 10, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

January 3, 2022: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the January 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 11<sup>th</sup> 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.”

January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Senior Engineer, and the Assistant City Attorney to the board.

February 7, 2022: The representative submitted evidence (**Attachment A**) for staff consideration.

- February 16, 2022: The representative submitted an email requesting a postponement to the Panel C Board of Adjustment hearing to March.
- March 14, 2022: The Senior Engineer within the Transportation Development Services Division of the Department of Transportation recommends “no objection” the request (**Attachment B**).
- March 21, 2022: The applicant requested a postponement to the Panel C Board of Adjustment hearing to May.
- March 24, 2022: Staff informed the representative that the subject site triggered compliance with Article X.
- April 27, 2022: The representative provided revised evidence to staff (**Attachment C**) for staff consideration.
- July 11, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May and August public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Development Services Chief Planner, the Chief Arborist, the Senior Engineer, and the Assistant City Attorney to the board, respectively.
- April 29, 2022: The representative conceded that the site does not have sufficient area to provide the residential buffer zone along the eastern portion of the site and the street buffer zone along the western portion of the site. Therefore, the representative requested a date and time to amend the Board application to include a request for a special exception to the landscape requirement. However, the deadline to provide revisions to staff was 1:00p.m. on April 27<sup>th</sup>. Since the representative missed the deadline to provide an alternate landscape plan for review and approval by staff, the representative is requested a postponement.
- May 2, 2022: The Senior Engineer within the Transportation Development Services Division of the Department of Transportation recommends “no objection” the request (**Attachment B**).
- July 28, 2022: The applicant provided an alternate landscape plan (**Attachment D**) for review.
- July 28, 2022: The Chief Arborist within the Development Services Department reviewed the alternate landscape plan and provided staff with a recommendation of approval (**Attachment E**).

July 29, 2022: The Development Services Board specialist provided Board staff with a revised BO report reflecting the request for a special exception to the landscape requirements. Notification is required for the added request.

**Minutes:**

**BOARD OF ADJUSTMENT ACTION: May 16, 2022**

**APPEARING IN FAVOR:**

Elizabeth Alvarez 3900 N. Hampton Dallas, TX  
Anand Gupta 3900 N. Hampton Dallas,  
TX Roberto Nunez 3900 N. Hampton  
Dallas, TX

**APPEARING IN OPPOSITION:**

None.

**MOTION: Milliken**

I move that the Board of Adjustment, in Appeal No. BDA 212-012, **hold** this matter under advisement until **August 15, 2022**.

**SECONDED: Agnich**

**AYES:** 5 – Milliken, Slade, Finney, Agnich,  
Sashington **NAYS:** 0 -

**MOTION PASSED:** 5-0 (unanimously)

**BOARD OF ADJUSTMENT ACTION: March 21, 2022**

**APPEARING IN FAVOR:** Elizabeth Alvarez 3900 Hampton Rd. Dallas, TX  
Anand Gupta 3900 Hampton Rd. Dallas, TX  
Roberto Nunez 3900 Hampton Rd. Dallas, TX

**APPEARING IN OPPOSITION:** None

**MOTION: Slade**

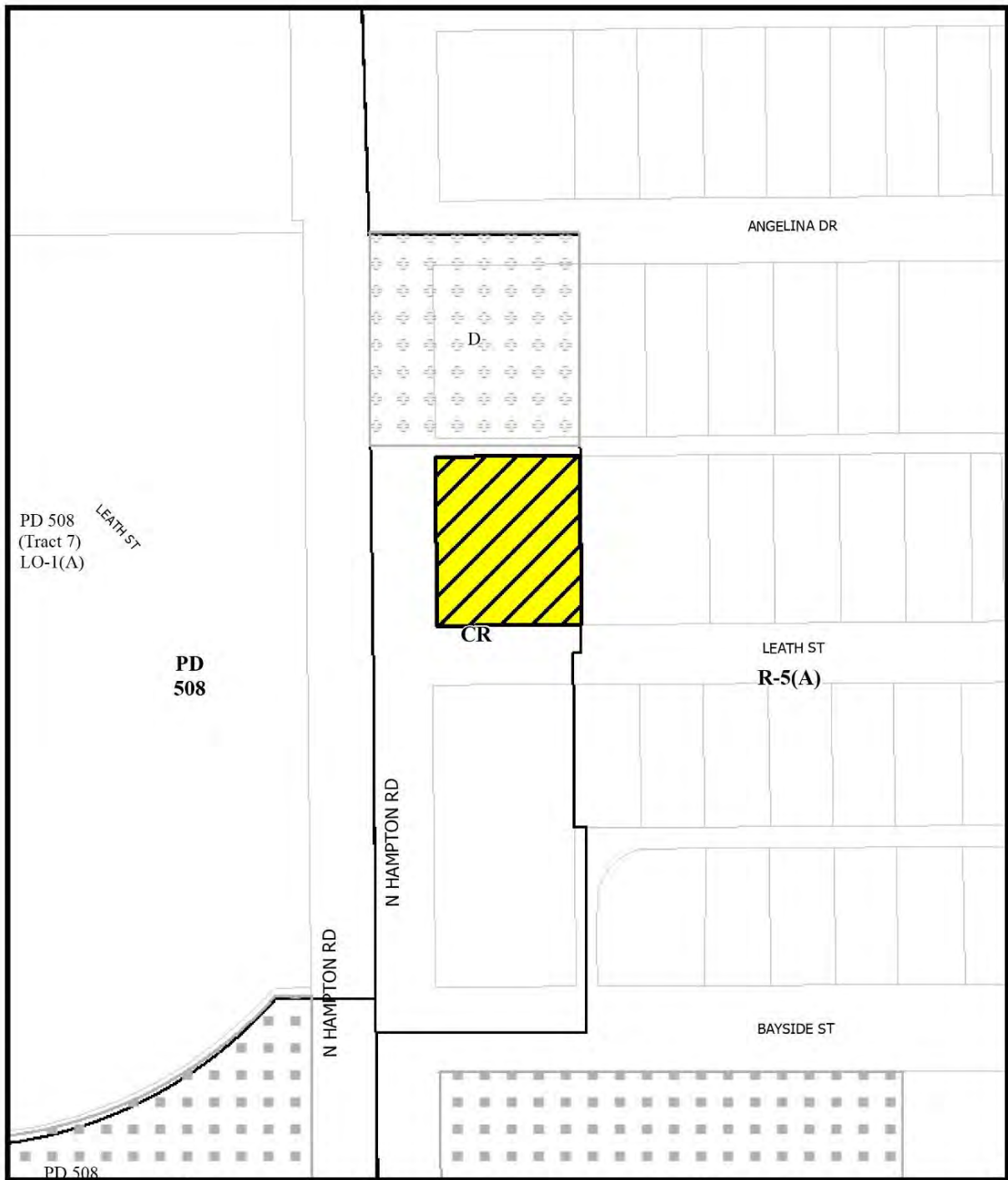
I move that the Board of Adjustment, in Appeal No. BDA 212-012, **hold** this matter under advisement until **May 16, 2022**.

**SECONDED: Pollock**

**AYES:** 4 – Milliken, Slade, Pollock, Agnich, Sashington

**NAYS:** 1 - Agnich

**MOTION PASSED:** 4–1



1:1,200

# ZONING MAP

Case no: BDA212-012

Date: 1/5/2022





Site



1:1,200

# AERIAL MAP

Case no: BDA212-012

Date: 1/5/2022



1:1,200

# NOTIFICATION

**200'** AREA OF NOTIFICATION  
**22** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-012**

Date: **1/5/2022**

01/04/2022

## ***Notification List of Property Owners***

***BDA212-012***

### ***22 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3900 N HAMPTON RD	MUKTA INVESTMENTS LLC
2	3930 N HAMPTON RD	ABUNDANT FAITH CHURCH
3	2059 ANGELINA DR	WILLIAMS JARED MIKAL LIFE EST
4	3918 N HAMPTON RD	ORGANIZATION OF HISPANIC CONTRACTORS
5	2058 ANGELINA DR	MARTINEZ CESAR
6	2054 ANGELINA DR	GARCIA ROSALINDA C
7	2050 ANGELINA DR	MORENO FRANCISCO SOSA
8	2046 ANGELINA DR	BURTON JESSIE JR
9	2042 ANGELINA DR	WRIGHT PAUL C
10	2055 LEATH ST	HARDAWAY JOHN ETTA
11	2051 LEATH ST	EL PASO GROUP LLC THE
12	2047 LEATH ST	LOCKHART JOYCE A
13	2043 LEATH ST	LOZA JONATHAN D & ESMERALDA C
14	3818 N HAMPTON RD	OGBAZGI SEMERE GELAI &
15	2058 LEATH ST	MIRELES ADAN &
16	2054 LEATH ST	HENDERSON DARLINE JONES &
17	2050 LEATH ST	HARRIS AMANDA MARIE
18	2046 LEATH ST	LEWIS DESTINEE
19	2042 LEATH ST	SPRINGER JAKE
20	2055 BAYSIDE ST	SMITH DARRYL LARONE
21	2051 BAYSIDE ST	MACEDO ARCADIO
22	3939 N HAMPTON RD	DALLAS HOUSING AUTHORITY



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-012

Data Relative to Subject Property:

Date: 12-10-21

Location address: 3900 N HAMPTON

Zoning District: CR

Lot No.: 18 AND 19 Block No.: 11 / 7130 Acreage: .3216

Census Tract: 101.01

Street Frontage (in Feet): 1) 110' 2) 130' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MUKTA INVESTMENTS, LLC

Applicant: ELIZABETH ALVAREZ VILLAIZAN

Telephone: 972.322.0062

Mailing Address: 2929 KINGS RD. DALLAS, TEXAS

Zip Code: 75219

E-mail Address: ALCHEMIDG@OUTLOOK.COM

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance X, or Special Exception \_\_\_\_\_, of 7' - 6 TO THE SIDE YARD SETBACK, AND A 6 SPACE PARKING 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:

VARIANCE REQUEST TO CHANGE THE CURRENT SETBACK OF 20 FEET TO MATCH THE 12 FEET OF THE PREVIOUS LEGAL NON-CONFORMING BUILDING.

WE ALSO REQUEST FOR OFF-STREET PARKING REDUCTION SPECIAL EXCEPTION OR VARIANCE TO ALLOW THE CURRENT SITE PLAN WHICH ONLY SHOWS 11 PARKING SPACES

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

Affidavit

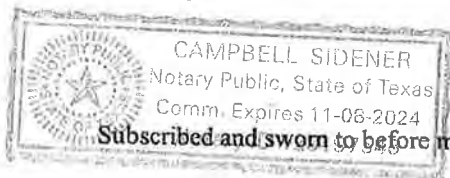
Before me the undersigned on this day personally appeared \_\_\_\_\_

Elizabeth Alvarez  
(Affiant/Applicant's name printed)

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

Respectfully submitted: \_\_\_\_\_

[Signature]  
(Affiant/Applicant's signature)



Subscribed and sworn to before me this 8 day of DECEMBER, 2021

[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 Elizabeth Alvarez-Villaizan

did submit a request for a variance to the side yard setback regulations, and for a variance to the parking regulations, and for a special exception to the landscaping regulations

at 3900 N Hampton Road

BDA212-012. Application of Elizabeth Alvarez-Villaizan for a variance to the side yard setback regulations, and for a variance to the parking regulations, and for a special exception to the landscaping regulations at 3900 N HAMPTON RD. This property is more fully described as Lots 18 & 19, Block 11/ 7130, and is zoned CR, which requires parking to be provided and requires a side yard setback of 20 feet when adjacent to residential district and requires mandatory landscaping. The applicant proposes to construct and maintain a commercial structure and provide a 12 foot 6 inch side yard setback, which will require a 7 foot 6 inch variance to the side yard setback regulations, and to construct and maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less use, and a motor vehicle fueling station use and provide 8 of the required 14 parking spaces, which will require a 6 space variance (42% reduction) to the parking regulation and provide an alternate landscape plan.

Sincerely,

  
David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-012

I, MUKTA INVESTMENTS, LLC / MUKTA BHADANI, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3900 N HAMPTON DALLAS, TEXAS  
(Address of property as stated on application)

Authorize: ELIZABETH ALVAREZ VILLAIZAN  
(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 Excemption (specify below)
- Other Appeal: (specify below)

Specify: VARIANCE REQUEST TO CHANGE THE CURRENT SETBACK OF 20 FEET TO MATCH THE 12 FEET OF THE PREVIOUS LEGAL NON-CONFORMING BUILDING. WE ALSO REQUEST FOR OFF-STREET PARKING REDUCTION SPECIAL EXCEPTION OR VARIANCE TO ALLOW THE CURRENT SITE PLAN WHICH ONLY SHOWS 11 PARKING SPACES

MUKTA BHADANI  
Print name of property owner or registered agent

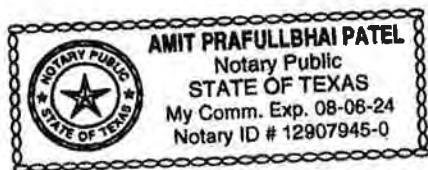
Mukta Bhadani  
Signature of property owner or registered agent

Date 12/09/2021

Before me, the undersigned, on this day personally appeared Mukta Bhadani

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 9<sup>th</sup> day of December, 2021



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on Aug 6, 2021



Printed: 12/18/2021

**Legend**

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

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





COMUNITY SERVICE	19	20	21	22	23	24	25	26	28	29	30	31	32	33	34	35	36
EX. 1953	50	50	50	50	50	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2

2000

ANGELINA

61.61	50	50	50	50	50	50	50	50	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9
+	2	3	4	5	6	7	8	11	12	13	14	15	16	17	To State		
60.82	50	50	50	50	50	50	50	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9

7130/11

60.79	50	50	50	50	50	50	50	25	34	35	33	50	50	50	50	50	50
18	19	20	21	22	23	24	25	28	29	30	31	32	32				
60.82	50	50	50	50	50	50	50	25	34	35	33	50	50	50	50	50	50

LEATH

2000

CELL MANOR ADDN

ROOSEVELT

7135

7135

WEISBERGERS

HAMPDEN



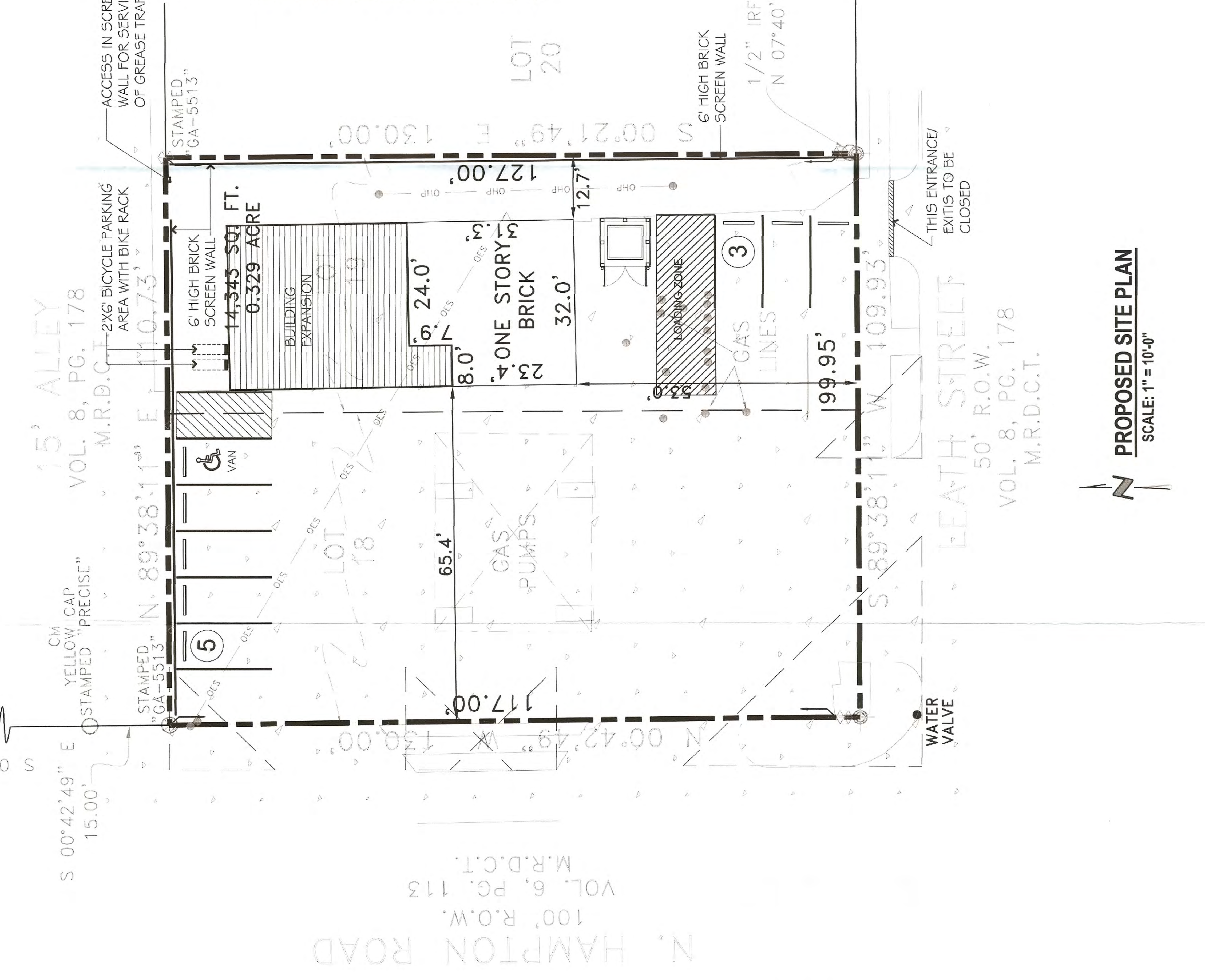
**LUCKY'S SHELL GAS STATION  
ADDITION AND RENOVATION  
3900 NORTH HAMPTON ROAD  
DALLAS, TEXAS 75212**

REVISION	ISSUE DATE
	02-11-2019
	PROJECT NUMBER 2019.0124.006
	ADDENDUM 03-15-2019
	CITY COMMENTS 08-09-2021
	ADDENDUM 03-15-2019

ISSUE DATE  
02-11-2019  
PROJECT NUMBER  
2019.0124.006  
SHEET TITLE  
**SITE PLAN**  
Revised  
SHEET  
OF X  
**A0.1**

**PROJECT AND SITE DATA:**

Project Name:	LUCK'S CONVENIENCE STORE AND GAS STATION REMODEL
Proposed Use:	MERCHANTILE
Lot Data:	14,343 SQ. FT
Existing Building Area:	810 SQ. FT
Proposed Building Area:	1,132 SQ. FT
Building Area	1,932 S.F. (TOTAL)
Parking Required:	RETAIL 1/200 SF = 1,932 SF/200 = 10 SPACES
	TOTAL REQ = 10 SPACES
Parking Provided:	Regular = 10 SPACES
	Handicap = 1 SPACES
	Loading Zone = 1 SPACE
	Total = 10 SPACES



**PROPOSED SITE PLAN**  
SCALE: 1" = 10'-0"





**Alchemi Design Group**  
Dallas – Ft Worth

February 7, 2022

City of Dallas [Pamela F. Riley Daniel]  
Planning Department  
Senior Planner

**Request for a variance for the property located at 3900 N Hampton.**

Our client would like to request a variance for the 20-foot side yard setback requirement at the North side yard setback for the building located at 3900 N Hampton.

**History of Project:**

Mr. Anand Gupta hired a Contractor to build this addition to the Shell Gas Station located at 3900 N Hampton, the General Contractor applied for a Building permit and received approval for the construction (permit #1804191076). The contractor then continued building, completed the construction, and before he could call for all final inspections, the owner had a disagreement with the contractor and terminated the contract. Following this, the contractor canceled the permit. Mr. Anand Gupta hired a new contractor a couple of years ago and the contractor applied for a new permit. This is when they found out their construction did not meet the setback requirements.

The owner hired our company to represent him in this matter on 11/2021 and we begin this application request.

We request that the BDA approves our variance based on this and the needs to the surrounding neighborhood. Our addition will bring in more products that would be a convenience to the community. Because we have more space, we can provide warm food, essential home goods such as bathroom products, home cooking products, and snacks. We also added safety features such as more lighting, cameras, and the added square footage will also bring about more employees that can maintain the property. Our building will follow all city standards and will improve the community.

Below, we have compiled a list of properties within the City of Dallas that we believe do not meet the required setback for your consideration in making your decision.





**Similar Conditions:**

**4002 N Hampton**

- Zoning District - Community Retail (CR)
- Lot Size - 7,650 square feet lot size
- Land Use - Auto Repair shop
- Condition - Side and rear yard setbacks are less than 20 feet
- Location - R-5 Zoning District and alley on the Southeast corner
- 

**2805 Arizona**

- Zoning District - Community Retail (CR)
- Lot Size - 21,736 square feet
- Land Use - Church
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the Southwest side of the property

**1930 S Beckley**

- Zoning District - Community Retail (CR)
- Lot Size - 14,487 square feet
- Land Use - General Merchandise/mechanic shop
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the East side of the property

**1023 S Hampton**

- Zoning District - Community Retail (CR)
- Lot Size - 7,100 square feet
- Land Use - General Merchandise, 7/11
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the West side of the property

**3702 Greenville**

- Zoning District - Community Retail (CR)
- Lot Size - 14,384 square feet
- Land Use - General Merchandise, 7/11
- Condition - Side yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the North side of the property



**Alchemi Design Group**  
Dallas – Ft Worth

Please review our request and let us know any information we can provide you; we will send it to you promptly. We have communicated with our neighbors, and we have received nothing, but positive feedback and people are really excited for us to open our new kitchen.

Sincerely,

Elizabeth Alvarez Villaizan  
Alchemi Design Group  
Dallas – Ft Worth



972.322.0062  
[Alchemidg@outlook.com](mailto:Alchemidg@outlook.com)

Signature; \_\_\_\_\_  
Elizabeth Alvarez Villaizan  
Title – Managing Principal

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF MAY 16, 2022 (C)

Has no objections

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

Recommends denial  
(see comments below or attached)

No comments

BDA 212-012(PD)

BDA 212-039(PD)

BDA 212-040(PD)

BDA 201-043(PD)

BDA 201-044(JM)

COMMENTS:

---

---

***David Nevarez, PE, PTOE, DEV - Engineering***

Name/Title/Department

---

***5/2/2022***

Date

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



**Alchemi Design Group**  
Dallas – Ft Worth

April 27, 2022

City of Dallas [Pamela F. Riley Daniel] Planning Department  
Senior Planner

**Request for a variance for the property located at 3900 N Hampton.**

Our client would like to request a variance for the 20-foot side yard setback requirement at the North side yard setback for the building located at 3900 N Hampton.

**History of Project:**

Our client, Mr. Anand Gupta, hired a Contractor to build this addition to the Shell Gas Station located at 3900 N Hampton, the General Contractor applied for a Building permit and received approval for the construction (permit #1804191076). The contractor then continued building, completed the construction, and before he could call for all final inspections, the owner had a disagreement with the contractor and terminated the contract. Following this, the contractor canceled the permit. Mr. Anand Gupta hired a new contractor a couple of years ago and the contractor applied for a new permit. This is when they found out their construction did not meet the setback requirements.

We request that the BDA approves our variance based on this and the needs to the surrounding neighborhood. Our addition will bring in more products that would be a convenience to the community. Because we have more space, we can provide warm food, essential home goods such as bathroom products, home cooking products, and snacks. We also added safety features such as more lighting, cameras, and the added square footage will also bring about more employees that can maintain the property. Our building will follow all city standards and will improve the community.

Below, we have compiled a list of properties within the City of Dallas that have the same land use and zoning district with the same setback requirement. Because these properties have larger lots there is an opportunity to comply with the required setback. Our client's lot size is 14,300, therefore, is a hardship for him to comply with the same requirements as those larger lots.

We have compiled a list of properties within the City of Dallas that have the same land use and zoning district with the same setback requirement, but the lots are larger than our project



**Similar Lot Conditions:**

**225 W Illinois**

- Zoning District - Community Retail (CR)
- Lot Size - **33,367** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the North side of the property

**12301 Plano**

- Zoning District - Community Retail (CR)
- Lot Size - **32,299** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - MF-2 Zoning District and alley on the West side

**2809 S Lancaster**

- Zoning District - Community Retail (CR)
- Lot Size - **32,817** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the West side of the property

**8210 S Lancaster**

- Zoning District - Community Retail (CR)
- Lot Size - **56,550** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the East side of the property

**5526 E R L Thornton – [ See Zoning map below]**

- Zoning District - Community Retail (CR)
- Lot Size - **26,372** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - Residential Zoning District and alley on the South side

**9616 Audelia – [ See Zoning map below]**

- Zoning District - Community Retail (CR)
- Lot Size - **26,249** square feet
- Land Use - General Merchandise
- Condition - Side yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the South side of the property





**Alchemi Design Group**  
Dallas – Ft Worth

Please review our request and let us know any information we can provide you; we will send it to you promptly. We have communicated with our neighbors, and we have received positive feedback, people are really excited for us to open our new kitchen.

Sincerely,

Elizabeth Alvarez Villaizan



Alchemi Design  
Group Dallas –  
Ft Worth  
972.322.0062  
[Alchemidg@outlook.com](mailto:Alchemidg@outlook.com)

Signature:

Elizabeth Alvarez Villaizan

Title –Managing Principal

# BDA212-012\_ATTACHMENT\_D



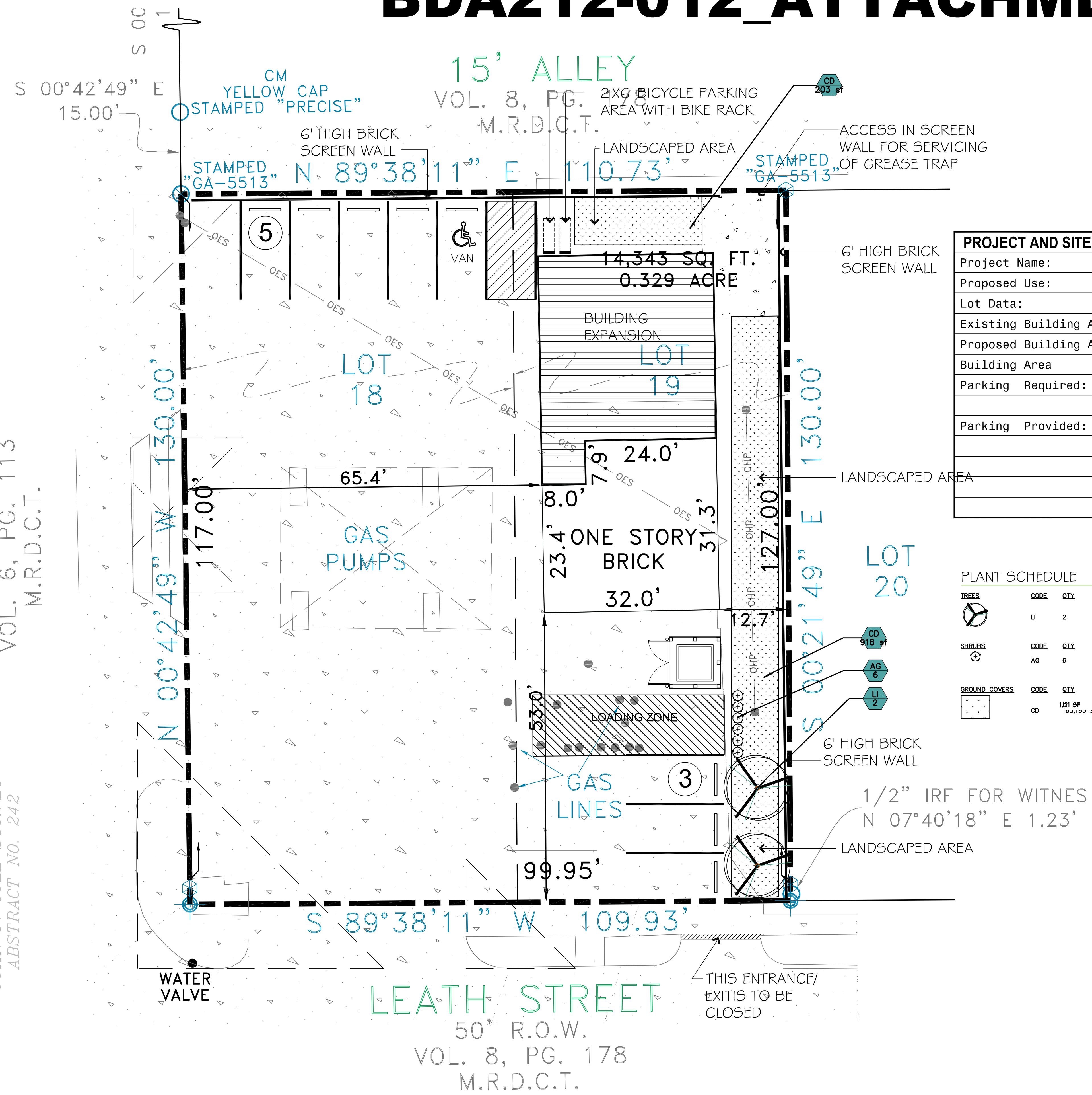
POST OFFICE BOX 380432  
DUNCANVILLE, TEXAS 75138  
phone: 214-245-8024  
e-mail: d3architecture@yahoo.com

**LUCKY'S SHELL GAS STATION**  
**ADDITION AND RENOVATION**  
**3900 NORTH HAMPTON ROAD**  
**DALLAS, TEXAS 75212**

L.G. COOMBS SURVEY  
 ABSTRACT NO. 289  
 APPROXIMATE  
 SURVEY LINE

**N. HAMPTON ROAD**  
 100' R.O.W.  
 VOL. 6, PG. 113  
 M.R.D.C.T.

JOHN P. COLE SURVEY  
 ABSTRACT NO. 242



PROJECT AND SITE DATA:	
Project Name:	LUCK'S CONVENIENCE STORE AND GAS STATION REMODEL
Proposed Use:	MERCHANTILE
Lot Data:	14,343 SQ. FT
Existing Building Area:	810 SQ. FT
Proposed Building Area:	1,132 SQ. FT
Building Area	1,932 S.F. (TOTAL)
Parking Required:	RETAIL 1/200 SF = 1,932 SF/200 = 9.6 SPACES
	TOTAL REQ = 10 SPACES
Parking Provided:	Regular = 10 SPACES
	Handicap = 1 SPACE
	Loading Zone = 1 SPACE
	Total = 11 SPACES

PLANT SCHEDULE							
TREES	CODE	QTY	COMMON / BOTANICAL NAME	CONT	GAL	SIZE	DETAIL
	LI	2	MUSKOGEE CRAPE MYRTLE / LAGERSTROEMIA INDICA 'MUSKOGEE' B&B; 2" CAL. MIN.; 6'-8' HT. MIN X 4'-5' SPR. MIN., WELL BRANCHED, STRONG CENTRAL LEADER	30 GAL	2" CAL	6'-8"	
SHRUBS	CODE	QTY	COMMON / BOTANICAL NAME	CONT			
	AG	6	GLOSSY ABELIA / ABELIA X GRANDIFLORA CONTAINER GROWN; MIN. 24" HT X 18" SPR.; 24" O.C. SPACING; FULL & WELL ROOTED	5 GAL			
GROUND COVERS	CODE	QTY	COMMON / BOTANICAL NAME	CONT			
	CD	121 SF	BERMUDA GRASS / CYNODON DACTYLON	SOD			

**PROPOSED LANDSCAPE PLAN**  
 SCALE: 1" = 10'-0"

REVISION
△ CITY COMMENTS 07-20-2022
△ CITY COMMENTS 06-28-2022
△ CITY COMMENTS 08-09-2021
△ ADDENDUM 03-15-2019

ISSUE DATE  
 02-11-2019  
 PROJECT NUMBER  
 2019.0124.006  
 SHEET TITLE  
 1 2 3 4  
**SITE/LANDSCAPE PLAN**  
 SHEET OF X  
**A 0.1**



## Memorandum

CITY OF DALLAS

Date July 28, 2022  
To Pamela Daniel, Sr. Planner  
Jennifer Munoz, Board Administrator  
Subject BDA #212-012 3900 N Hampton Road Arborist report

### Request

The applicant is seeking a special exception to the landscaping requirements of Article X.

### Provision

The proposed landscape plan provides a small landscape area to the north. East of the building a landscape area extends along the space south of the grease trap service area creating a partial residential buffer zone. In the RBZ southeast of the building, two crepe myrtle trees and a short row of shrubs were added. A masonry screen wall separates the buffer from the residential lots to the east.

### Deficiency

The property does not comply with Article X:

- Requires 4 site trees, provides 2 crepe myrtles.
- Street buffer zone (10.125(b)): None provided. The parkway on Leath Street is encumbered with an underground water line. Visibility triangles and vehicle maneuvering spaces minimize other potential planting locations.
- Residential buffer zone (10.125(b)): Partial provided, excluding the grease trap service area, requires 3 large trees, but provides 2 small trees due to overhead electric lines.
- Landscape design options (10.126): None determined.

### Recommendation

The chief arborist recommends approval of the proposed alternate landscape plan, subject to conditions for the provision of an automatic irrigation system for the maintenance of the trees, shrubs, and grass in the residential buffer zone area.

Philip Erwin  
Chief Arborist  
Building Inspection

**FILE NUMBER:** BDA212-072(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Ivon Ayala for a special exception to the visibility obstruction regulations at 2835 Lee Street. This property is more fully described as Part of Lot 5, Block E/1999 and is zoned a TH-3(A) Townhouse District, which requires a 45-foot visibility triangle at street intersections. The applicant proposes to construct a residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation

**LOCATION:** 2835 Lee Street

**APPLICANT:** Ivon Ayala

**REQUEST:**

The applicant proposes to maintain an existing wrought iron fence in a required 45-foot visibility triangle at the intersection of Lee Street and Milam Street.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when *in the opinion of the board*, the special exception will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Transportation Development Services Senior Engineer has objections to the request and recommends a minimum of a 30-foot visibility triangle (**Attachment A**).

## **BACKGROUND INFORMATION:**

### **Zoning:**

- Site: TH-3(A) (Townhouse District)  
North: TH-3(A) (Townhouse District)  
East: TH-3(A) (Townhouse District)  
South: TH-3(A) (Townhouse District) and PD No. 600  
West: TH-3(A) (Townhouse District)

### **Land Use:**

The subject site contains a duplex use. Surrounding properties are developed with residential uses. The parcel adjacent to the south is undeveloped.

### **Zoning/BDA History:**

There have not been any recent related board or zoning cases recorded either on or near the subject site within the last five years.

## **GENERAL FACTS /STAFF ANALYSIS:**

The purpose of this request is to maintain a wrought iron fence up to four-and-one-half feet-in-height along the property line wrapping the subject site and located within the 45-foot visibility triangle at the intersection of Lee Street and Milam Street.

The subject site is zoned TH-3(A) Townhouse District which requires no front yard, a five-foot side yard and 10-foot rear yard for duplex uses; and compliance with visual obstruction regulations at intersections. The property is located on the southwest corner of Lee Street and Milam Street.

According to DCAD, the existing two-story duplex structure was constructed in 2005 with the subject northern portion containing a 2,564-square-foot main structure and a 462-square-foot attached garage. The adjoining duplex with a different owner to the south contains a 2,928-square-foot main structure and a 462-square-foot attached garage. The combined Lot 5 has a width of 50 feet along Lee Street and a length of 150 feet along Milam Street. The northern half of the lot and area of request is 50 by 82 feet.

Additionally, Section 51A-4.602(d) of the Dallas Development Code states that a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys on properties zoned single family); and



- between two-and-a-half and eight-feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The following information is shown on the submitted site plan and elevation:

- The fence follows the property line 50 feet along the Lee Street frontage before turning south and following the property line along the Milam Street frontage for over 82 feet.
- The fence is constructed of wrought iron material and open in nature.
- Once passing the front façade, the fence increases to six-feet-in-height.
- The fence obstructs the 45-foot visibility triangle at the street intersection of Lee Street and Milam Street.

The Transportation Development Services Senior Engineer has objections to the request and recommends a minimum of a 30-foot visibility triangle (**Attachment A**).

As of August 5, 2022, the applicant submitted 16 letters in support of the request. None have been received in opposition.

The applicant has the burden of proof in establishing how granting this request to maintain portions of a four-and-one-half-foot wrought iron fence in the 45-foot visibility triangle at the intersection of Lee Street and Milam Street does not constitute a traffic hazard.

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the fence within the 45-foot visibility triangle to be constructed/maintained in the location as shown on these documents. Finally, no additional relief is provided with this request.

**Timeline:**

- May 20, 2022: 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 29, 2022: Applications were transferred from Development Services to the Board team at Current Planning for processing on the August docket.
- July 1, 2022: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 19, 2022: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the deadline to

submit additional evidence for staff to factor into their analysis; and the deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

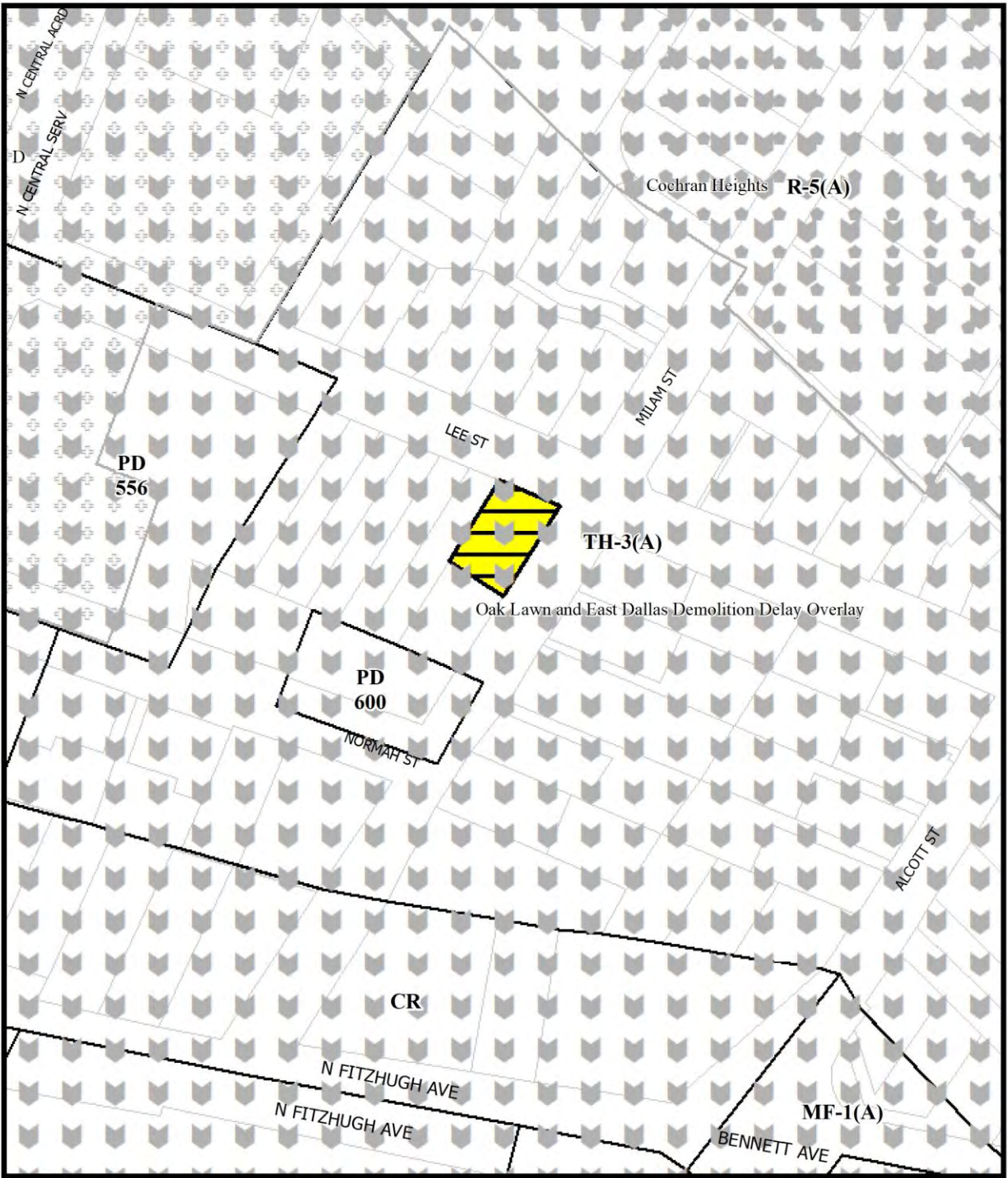
- a copy of the application materials including the Building Official's report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

July 22, 2022                    The Transportation Development Services Senior Engineer provided a comment sheet recommending denial of the request (**Attachment A**).

July 28, 2022:                    The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board Senior Planner, the Development Services Chief Planner, Chief Arborist, and the Planner and Urban Design Department Senior Conservation District Planner. No review comment sheets were submitted in conjunction with this application.

August 1, 2022                    The applicant provided evidence (**Attachment B**).

August 4, 2022                    The applicant provided their presentation to the board including letters of support for inclusion as evidence (**Attachment C**).



  
 1:1,200

# ZONING MAP

Case no: BDA212-072  
 Date: 8/4/2022





1:1,200

# AERIAL MAP

Case no: BDA212-072

Date: 8/4/2022





1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**43**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-072**

Date: **8/4/2022**

08/04/2022

## ***Notification List of Property Owners***

***BDA212-072***

### ***43 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2833 LEE ST	AYALA IVON
2	2816 LEE ST	MORENO ANGEL
3	2810 LEE ST	ANGUIANO CIPRIANO JR
4	5015 MILAM ST	MOURAD GEORGE
5	4936 MILAM ST	WELDON CAMERON T & ANNIE E
6	4934 MILAM ST	BOWERS CHARLOTTE
7	4928 MILAM ST	SEDDIGHZADEH CAMERON
8	4920 MILAM ST	PARK ANDREW &
9	4918 MILAM ST	GRAU JAMES &
10	4912 MILAM ST	JOHNSON FOUR CORNERS LTD
11	2843 LEE ST	MUSLEH SALEH
12	2845 LEE ST	BEAUMONT EXCHANGE LLC
13	2839 LEE ST	MORRISON STEPHEN &
14	2841 LEE ST	KOZYRA ROBERT ARTHUR
15	2837 LEE ST	WALLACH BRIAN LEE
16	2835 LEE ST	IBRAHIM RAHIM FEROZE &
17	4931 MILAM ST	DAVIS PATRICK S
18	5013 MILAM ST	BANK OF DALLAS
19	2903 NORMAH ST	SATIRIPS RLTY LLC
20	2909 NORMAH ST	GW REALTY HOLDINGS LLC
21	4927 MILAM ST	SJR MILAM LP
22	2824 LEE ST	SANTAULARIA JULIENNE M
23	5008 MILAM ST	CLARK KELLY B & JANET D
24	2820 LEE ST	GALLARDO JULIO C
25	2822 LEE ST	HASSAN ALIZAZA
26	4932 MILAM ST	GREENSPAN MICHAEL THE

08/04/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4930 MILAM ST	RIST MICHAEL D
28	4924 MILAM ST	NYLAND CHAD ALAN
29	4926 MILAM ST	RODRIGUES LAUREN MARIE
30	4228 N CENTRAL EXPY	4228 N CENTRAL EXCHANGE LLC
31	2914 NORMAH ST	BLEHM MICAH
32	2832 LEE ST	ROSAS OLGA ALICIA
33	2836 LEE ST	GRAY HEATHER ELIZABETH
34	2840 LEE ST	ROSAS OLGA ALICIA
35	2844 LEE ST	ERB TIMOTHY ELLETT
36	2848 LEE ST	KHABIR TONNETTE
37	2852 LEE ST	CHANG YUN CHUNG &
38	2856 LEE ST	ROGERS DONZA J
39	5012 PERSHING ST	OCD REAL ESTATE LLC
40	5014 PERSHING ST	SCHER JACOB STEVEN
41	5005 MILAM ST	BRUNNER AMY N
42	5007 MILAM ST	DYER JAMES H
43	5009 MILAM ST	AMAYA JAIME





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-072

Data Relative to Subject Property:

Date: 5-20-22

Location address: 2833 Lee st Zoning District: TH-3(A)

IA Lot No.: Part of 5 Block No.: E/1999 Acreage: 0.087 Census Tract: 9.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ivon Ayala

Applicant: Ivon Ayala Telephone: 214-830-0265

Mailing Address: 2833 Lee st ayala.ivon@gmail.com Zip Code: 75206

E-mail Address: ayala.ivon@gmail.com

Represented by: Ivon Ayala Telephone: 214-830-0265

Mailing Address: 2833 Lee st Zip Code: 75206

E-mail Address: ayala.ivon@gmail.com

Affirm that an appeal has been made for a Variance, or Special Exception x, of Fence in visibility triangle in the corner of Lee st and Milam. Fence height is 4'5".

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

The iron picket fence does not obstruct visibility of the intersection. The fence will be similar in appearance as other fences along the neighborhood. It will also provide added security to the house as well as an area for children to play.

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

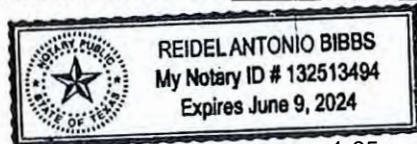
Before me the undersigned on this day personally appeared Ivon Ayala (Affiant/Applicant's name printed)

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 10 day of May, 2022

(Rev. 08-01-11)



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 IVON AYALA

did submit a request for a special exception to the visibility obstruction regulations  
at 2833 LEE STREET

BDA212-072. Application of IVON AYALA for a special exception to the visibility obstructic regulations at 2835 LEE ST. This property is more fully described as part of lot 5, Block E/1999 and is zoned TH-3(A), which requires a 45 foot visibility triangle at street intersections. The applicant proposes to construct a residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

  
David Session, Building Official









Note how visibility is not blocked by the Fence. Driving Northbound on Milam St.





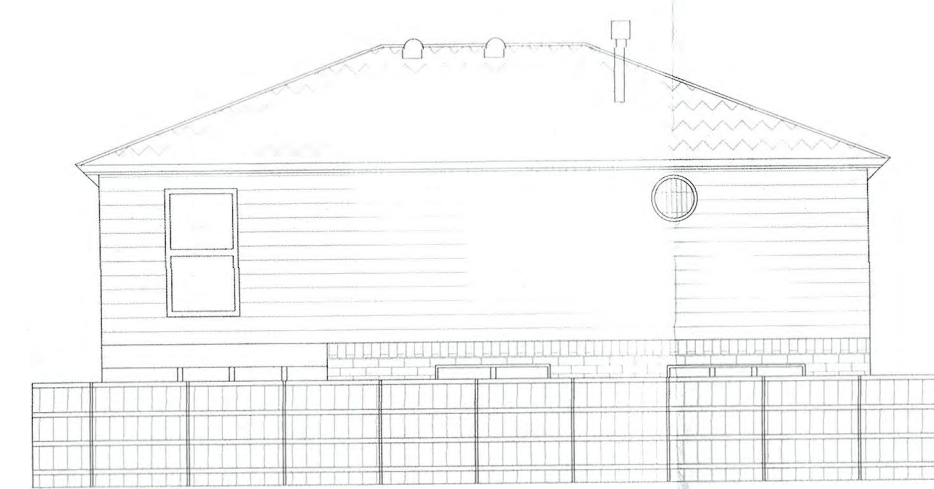
Note how visibility is not blocked by the fence. Driving Eastbound on Lee St.





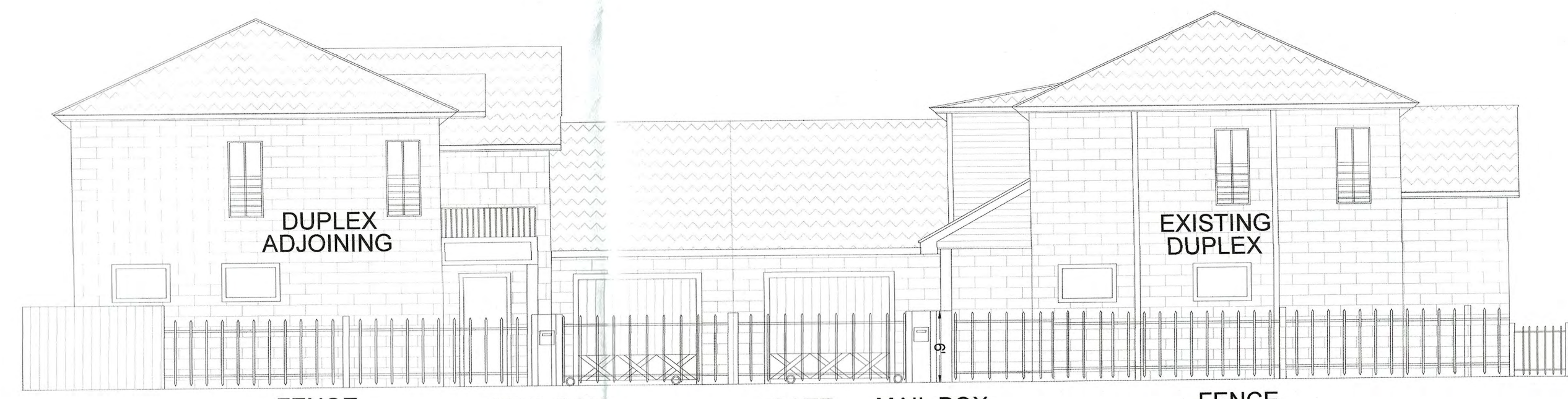


\*NOTE: FOR THE SCALE TO BE CORRECT SHEET MUST BE PRINTED ON 24"x36"\*



FENCE

NORTH ELEVATION



FENCE

MAIL BOX

GATE

MAIL BOX

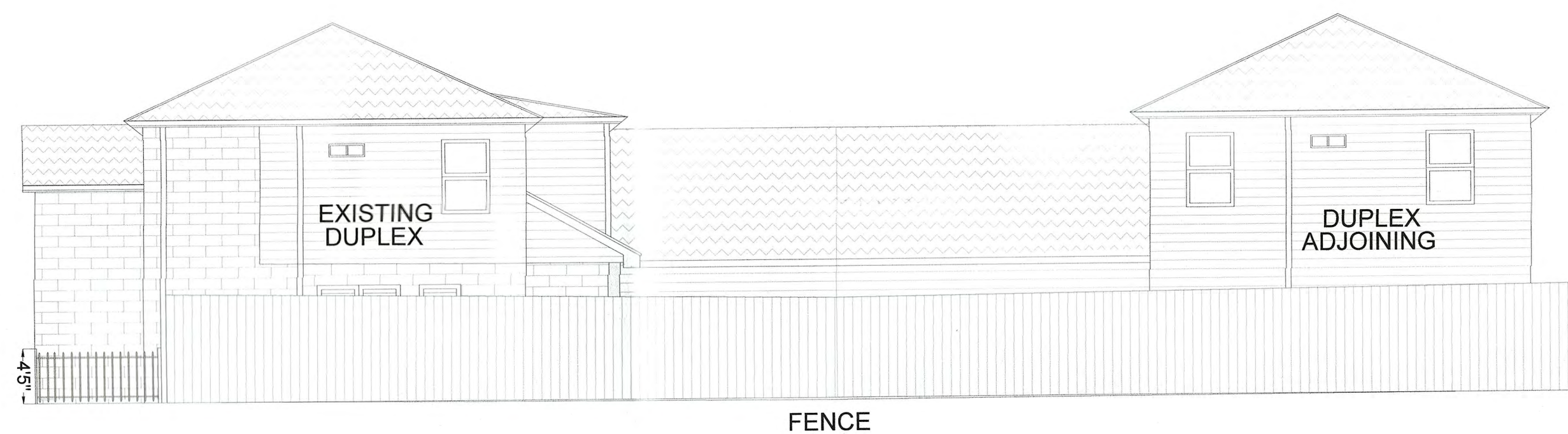
FENCE

WEST ELEVATION



GATE NEW METAL FENCE

SOUTH ELEVATION



FENCE

EAST ELEVATION

NOTES:

*2/12-2/12*  
**ADDRESS:**  
2833 LEE ST  
DALLAS, TX 75206

ELEVATIONS

PARCEL ID: 00000193396000000

PLOT SIZE: 24" X 36"

DRAWING DATE: 05/05/2022

DRAWING SCALE: 1"=10'





**ELECTRONICALLY RECORDED 201800131957  
05/17/2018 03:43:20 PM DEED 1/3**

Capital Title  
GF# 10-356927PC

**Warranty Deed with Vendor's Lien**

**Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.**

Date: May 15, 2018

Grantor: **Jeff Reed and Patrice Reed**

Grantor's Mailing Address: 7230 Colgate Avenue, Dallas, TX 75225

Grantee: **Ivon Ayala**

Grantee's Mailing Address: 2833 Lee Street, Dallas, TX 75206

Consideration:

**Cash and other good and valuable consideration along with a note of even date executed by Grantee and payable to the order of Wells Fargo Bank, NA in the principal amount of \$383,600.00 (Three Hundred Eighty Three Thousand Six Hundred and 00/100 Dollars). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Wells Fargo Bank, NA and by a first-lien deed of trust of even date from Grantee to Robert K. Fowler, trustee.**

Property (including any improvements):

SEE EXHIBIT "A"

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants and conditions, if any, relating to the hereinabove described property as the same are filed for record in the County Clerk's Office of Dallas County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.







**EXHIBIT "A"**

Situated in the State of Texas, the County of Dallas and the City of Dallas, being part of Lot 5, Block E/1999, **ALCOTT FITZHUGH HEIGHTS ADDITION**, an Addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 2, Page 154 of the Map Records of Dallas County, Texas, being part of a tract of land conveyed to Stephen Perkins by deed recorded in Volume 2005084, Page 4854, of the Deed Records of Dallas County, Texas and these premises being more particularly described as follows:

**BEGINNING** at a five-eighths (5/8") inch iron rod found in the Southwest right of way line of Lee Avenue, marking the East corner of Lot 4, Block E/1999 of Alcott's Fitzhugh Heights Addition, an Addition to the City of Dallas, Dallas County, Texas and the North corner of said Premises;

**THENCE** with said Southwest right of way line and the Northeast line of said premises, South 45 degrees 00 minutes 00 seconds East 50.00 feet to a five-eighths (5/8") inch iron rod found marking the intersection of the Southwest right of way line of Lee Avenue and the Northwest right of way line of Milam Street and the East corner of said premises;

**THENCE** with said Northwest right of way line and the Southeast line of said premises, South 54 degrees 16 minutes 39 seconds West, 82.69 feet to an "X" cut set marking the South corner of said premises;

**THENCE** with said Southwest line of said premises, North 35 degrees 43 minutes 21 seconds West 49.35 feet to a one-half (1/2") inch iron rod set in the Southeast line of said Lot 4, marking the West corner of said premises;

**THENCE** with the Southeast line of said Lot 4 and the Northwest line of said premises, North 54 degrees 16 minutes 39 seconds East, 74.63 feet to the **POINT OF BEGINNING** and containing 0.09 acres of land, more or less

**NOTE:** Company does not represent that the above acreage and/or square footage calculations are correct.

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
05/17/2018 03:43:20 PM  
\$34.00  
201800131957

  
1-105



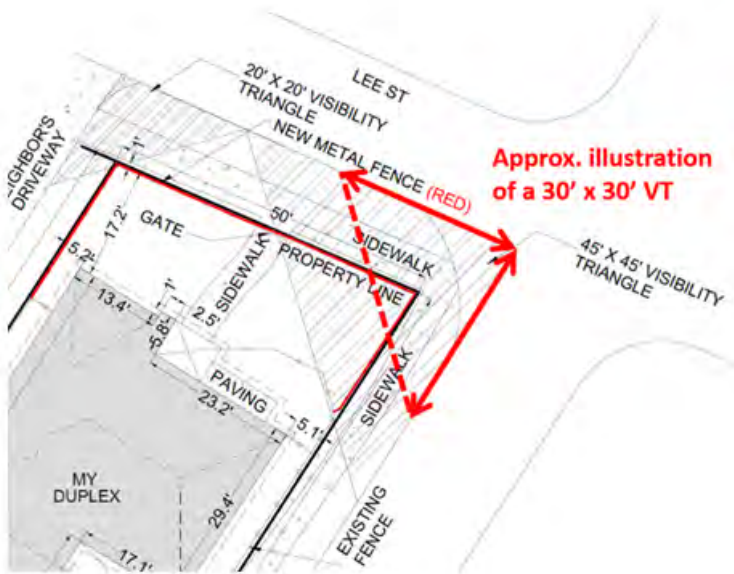
# ATTACHMENT\_A\_BDA212-072

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF AUGUST 15, 2022 (C)

- |   |   |
|---|---|
| <input type="checkbox"/> Has no objections  | <input type="checkbox"/> BDA 212-055(JM)            |
| <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) | <input checked="" type="checkbox"/> BDA 212-072(JM) |
| <input checked="" type="checkbox"/> Recommends denial (see comments below or attached)                    | <input type="checkbox"/>                            |
| <input type="checkbox"/> No comments  | <input type="checkbox"/>                            |

COMMENTS:

a. Engineering staff would have no objection if request is revised to meet dimensions for a visibility triangle dimensions of 30 by 30, as defined in the Dallas Development Code.



***David Nevarez, PE, PTOE, DEV - Engineering***

***7/19/2022***

Name/Title/Department

Date

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



# ATTACHMENT\_B\_BDA212-072



**Figure 1**

Location: Northwest corner of Lee St. and Alcott st

Address: 5003 Alcott St, Dallas TX 75206



**Figure 2**

Location: Southwest corner of Lee and Homer St

Address: 4929 Homer St, Dallas TX, 75206





**Figure 3**

Location: Southwest corner of Mission Ave and Garrett Ave

Address: 5033 Mission Ave, Dallas, TX 75206





**Figure 4 (sheet 1 of 2)**

Location: Southeast corner of Mission Ave and N Garrett Ave

Address: 5026 Mission Ave, Dallas, TX 75206



**Figure 4 (sheet 1 of 2)**

Location: Southeast corner of Mission Ave and N Garrett Ave

Address: 5026 Mission Ave, Dallas, TX 75206



**Figure 5 (sheet 1 of 2)**

Location: Southwest corner of N Garrett Ave and Manett St

Address: 5029 Manett St, Dallas, TX 75206





**Figure 5 (sheet 2 of 2)**

Location: Southwest corner of N Garrett Ave and Manett St

Address: 5029 Manett St, Dallas, TX 75206



**Figure 6**

Location: Northeast corner of N Garrett Ave and Capitol Ave

Address: 5100 Manett St, Dallas, TX 75206





**Figure 7 (sheet 1 of 2)**

Location: Northeast corner of N Garrett Ave and Milam St

Address: 5102 Milam St, Dallas, TX 75206





**Figure 7 (sheet 2 of 2)**

Location: Northeast corner of N Garrett Ave and Milam St

Address: 5102 Milam St, Dallas, TX 75206



**Figure 8**

Location: Southwest corner of Alcott St and N Garrett Ave

Address: 5035 Alcott St, Dallas, TX 75206





**Figure 8 (Sheet 1 of 2)**

Location: Southwest corner of Pershing St and Lee St

Address: 4300 N Central Expy, Dallas, TX 75206

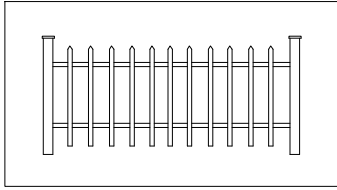




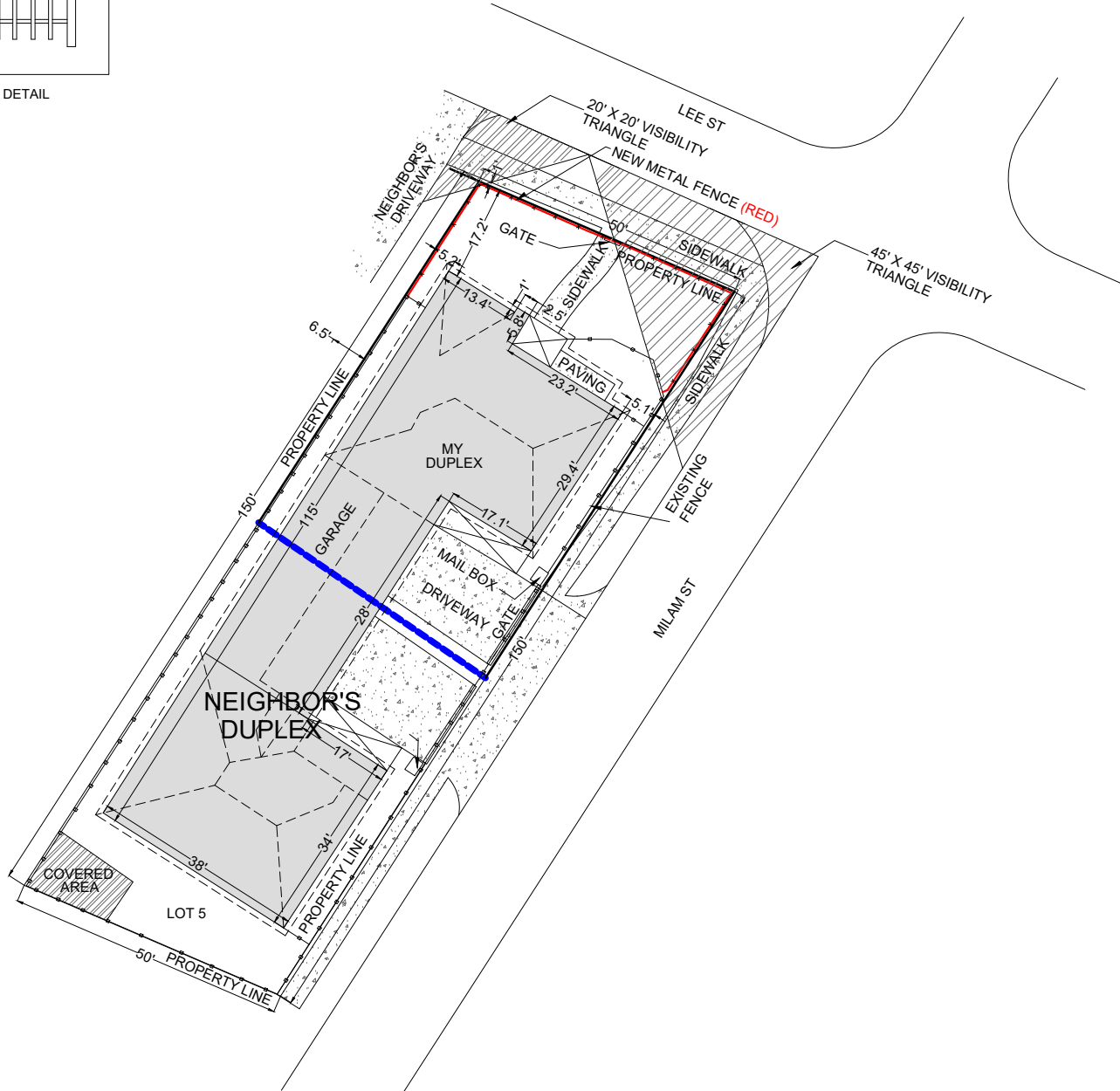
**Figure 8 (Sheet 2 of 2)**

Location: Southwest corner of Pershing St and Lee St

Address: 4300 N Central Expy, Dallas, TX 75206



NEW METAL FENCE DETAIL



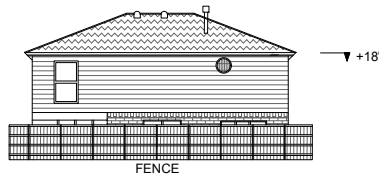
- LEGEND:**
- PROPERTY LINE
  - X—X— NEW METAL FENCE
  - FENCE
  - G— GATE

**NOTES:**

**ADDRESS:**  
 2833 LEE ST  
 DALLAS, TX 75206

SITE PLAN  
 PARCEL ID: 00000193396000000  
 PLOT SIZE: 8.5" X 11"  
 DRAWING DATE: 05/05/2022  
 DRAWING SCALE: 1"=30'

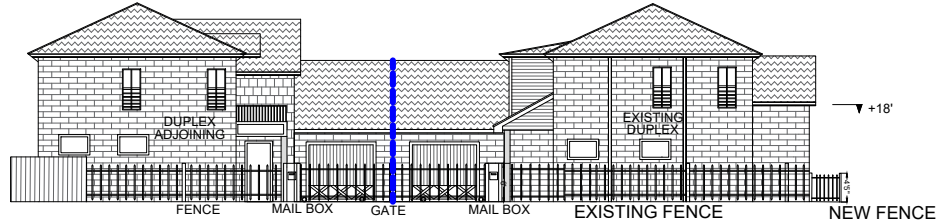




NORTH ELEVATION

NEIGHBOR'S  
DUPLEX

MY DUPLEX



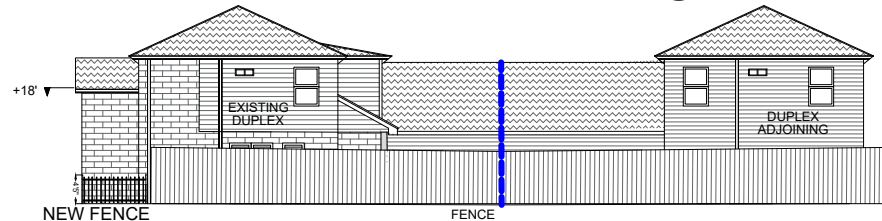
WEST ELEVATION

MY DUPLEX

NEIGHBOR'S  
DUPLEX



SOUTH ELEVATION



EAST ELEVATION

NOTES:

**ADDRESS:**  
2833 LEE ST  
DALLAS, TX 75206

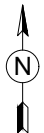
ELEVATIONS

PARCEL ID: 00000193396000000

PLOT SIZE: 8.5" X 11"

DRAWING DATE: 05/05/2022

DRAWING SCALE: 1"=10'





# Board of Adjustment Panel C Meeting

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IVON AYALA (DE LA PIEDRA) & LUIS DE LA PIEDRA

AUGUST 15, 2022

# Introduction

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- Ivon, Luis, Lucas & Nicolas
- Dallas county Resident since 2011
- Dallas city Resident since 2018
- Engineers
  - Texas Instruments
  - Southwest Airlines

# Request



(d) **Visual obstruction regulations.**

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(B) between two-and-one-half feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the portion of the street adjacent to the visibility triangle.

(2) For purposes of Paragraph (1), the term "visibility triangle" means:

(A) in all zoning districts except central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 45 feet from the intersection;

(B) in central area districts, the Deep Ellum/Near Eastside District (Planned Development District No. 269), and the State-Thomas Special Purpose District (Planned Development District No. 225), the portion of a corner lot within a triangular area formed by connecting together the point of intersection of adjacent street curb lines (or, if there are no street curbs, what would be the normal street curb lines) and points on each of the street curb lines 30 feet from the intersection; and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard.

(4) It is a defense to prosecution under this subsection that a structure becomes nonconforming with respect to the visibility triangle unless the nonconforming rights attendant to the structure have been lost or terminated under Section 51A-4.704. (Ord. Nos. 19455; 19786; 20236; 20362; 20539; 21663; 22994; 25831; 26288; 27495; 29917; 30198; 30893)

**SEC. 51A-4.603. USE OF CONVEYANCE AS A BUILDING.**

(a) For the purposes of this section, conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use. It is a defense to prosecution that the use of a conveyance is permitted under this section.

(c) A person may obtain permission to use a conveyance as a building for the operation of a use at

visibility obstruct  
for the Dallas  
19455, requires a  
at intersection.



# Reasons for installing a fence

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## Security

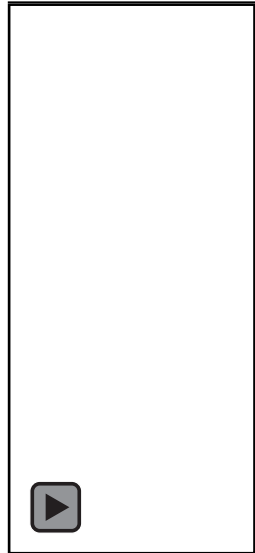
- Week of September 30<sup>th</sup> of 2021, an individual stole two boxes of diapers
- April 14<sup>th</sup> of 2022, an individual stole a pair of tennis shoes



## Aesthetics



## Safe outdoor play area for toddler and baby



# Timeline of Events

Visited the Dallas Permit Center to obtain a permit

Was told that **NO** permit was needed to install a fence by a city clerk

Hired a company to install the fence

Visited the Dallas permit Center to find out reason for violation

City clerk admitted that she mistakenly provided the incorrect information

Started the special exceptions process

Talked to neighbors to ensure they had no concerns

All neighbors provided positive feedback, expressed support and mentioned they had **NO TRAFFIC HAZARD CONCERNS** (evidence on subsequent slides)

Drove by neighborhood and observed multiple houses with similar fences

Multiple houses around the neighborhood have similar fences and no traffic hazard concerns have been risen. (Pictures in subsequent slides)

Present case to Board of Adjustment Panel

# Currently Installed Fence and Actual Visibility

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2833 LEE ST. DALLAS TX, 75206









# Neighborhood pictures

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**Figure 1**

Location: Northwest corner of Lee St. and Alcott st

Address: 5003 Alcott St, Dallas TX 75206



**Figure 2**

Location: Southwest corner of Lee and Homer St

Address: 4929 Homer St, Dallas TX, 75206



**Figure 3**

Location: Southwest corner of Mission Ave and Garrett Ave

Address: 5033 Mission Ave, Dallas, TX 75206



**Figure 4 (sheet 1 of 2)**

Location: Southeast corner of Mission Ave and N Garrett Ave

Address: 5026 Mission Ave, Dallas, TX 75206



**Figure 4 (sheet 1 of 2)**

Location: Southeast corner of Mission Ave and N Garrett Ave

Address: 5026 Mission Ave, Dallas, TX 75206





**Figure 5 (sheet 1 of 2)**

Location: Southwest corner of N Garrett Ave and Manett St

Address: 5029 Manett St, Dallas, TX 75206



**Figure 5 (sheet 2 of 2)**

Location: Southwest corner of N Garrett Ave and Manett St

Address: 5029 Manett St, Dallas, TX 75206





**Figure 6**

Location: Northeast corner of N Garrett Ave and Capitol Ave

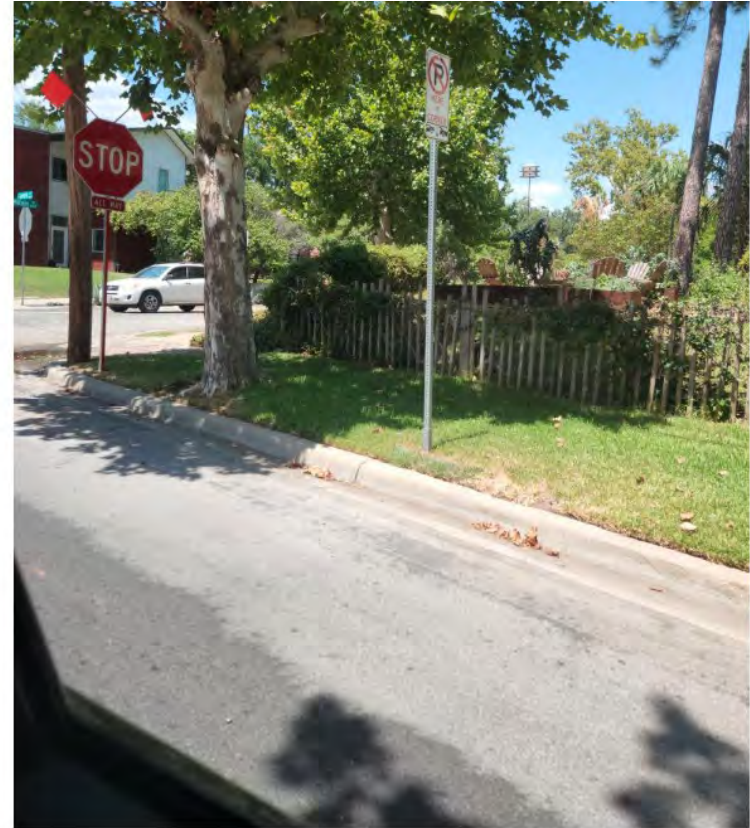
Address: 5100 Manett St, Dallas, TX 75206



**Figure 7 (sheet 1 of 2)**

Location: Northeast corner of N Garrett Ave and Milam St

Address: 5102 Milam St, Dallas, TX 75206

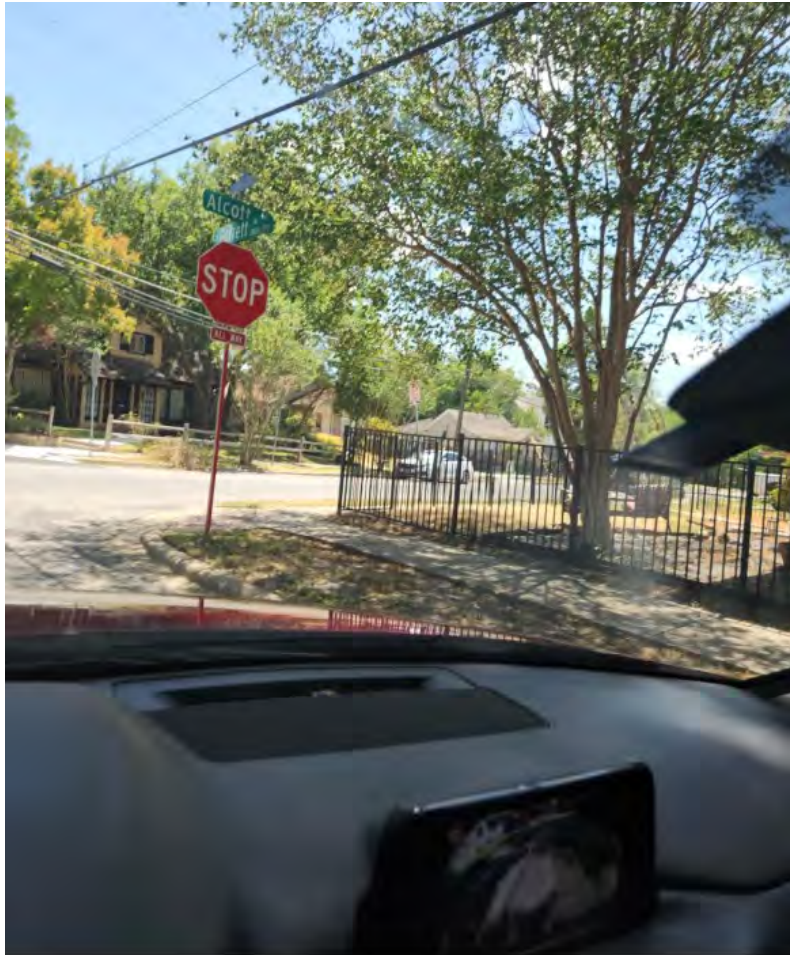


**Figure 7 (sheet 2 of 2)**

Location: Northeast corner of N Garrett Ave and Milam St

Address: 5102 Milam St, Dallas, TX 75206





**Figure 8**

Location: Southwest corner of Alcott St and N Garrett Ave

Address: 5035 Alcott St, Dallas, TX 75206



**Figure 8 (Sheet 1 of 2)**

Location: Southwest corner of Pershing St and Lee St

Address: 4300 N Central Expy, Dallas, TX 75206



**Figure 8 (Sheet 2 of 2)**

Location: Southwest corner of Pershing St and Lee St

Address: 4300 N Central Expy, Dallas, TX 75206



# Signed Support Letters from Neighbors


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Dear Dallas City Board Council,

I, Patrick Davis, property owner/resident  
of 4931 Milam Street support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments (if any): Fence looks great, absolutely not a  
traffic hazard, don't have any  
concerns.

Sincerely,


  
Date: Aug 3, 2022

Dear Dallas City Board Council,

I, Charlotte Bowers, property owner/resident  
of 4934 Milam St support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments (if any): This is not a safety  
hazard. Does not obstruct  
view.

Sincerely,

  
Date: 8/2/2022

Dear Dallas City Board Council,

I, Mason Reiter, property owner/resident of 5029 Milam support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments (if any): No problems with this at all!

Sincerely, 

Date: 8/4/22

Dear Dallas City Board Council,

I, Sarah Plumb, property owner/resident of 2843 Lee Ave, Dallas support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments (if any): the fence looks great!!

Sincerely, 


Date: 8-2-2022



Dear Dallas City Board Council,

I, Nina Feeshali, property owner/resident of 2807 Lee Street support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments (if any):

PLS  please allow the fence

Sincerely,



Date: 8/2/2022


Dear Dallas City Board Council,

I, Patricia Constandine, property owner/resident of 2852 Lee St support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments (if any):

doesn't bother us!

Sincerely,



Date: August 2, 2022

Dear Dallas City Board Council,

I, Michael Rost, property owner/resident of 4930 Milton St, Dallas support the appeal of my neighbor Ivon Ayala (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments (if any):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

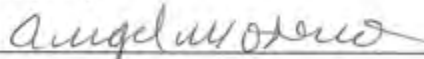
Sincerely,  


Date: 8/2/2022

Dear Dallas City Board Council,

I, ANGEL MORENO, property owner/resident of 2816 LEE ST support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments (if any):  
NO AY PROMENA CON VISIBILIDAD  
CON ESTA SERCA  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,  


Date: 8/02-2022

Dear Dallas City Board Council,

I, Kirsten Searcy, property owner/resident  
of 2400 Bennett Ave support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments ( if  
any):

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---

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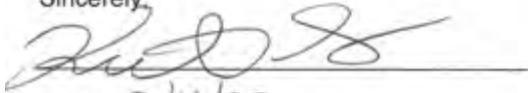
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Sincerely,

  
Date: 8/4/22

Dear Dallas City Board Council,

I, Jack Newman, property owner/resident  
of 2836 Lee St support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments ( if  
any):

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---

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Sincerely,

  
Date: 8-2-22



Dear Dallas City Board Council,

I, Salomon Lento, property owner/resident of 2940 Lee St, Dallas, TX 75206 support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments ( if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,



Date: 08/02/22

Dear Dallas City Board Council,

I, Rosa Aleman, property owner/resident of 2832 Lee St, Dallas support the appeal of my neighbor Ivon Ayala, (2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not have any issues with the currently installed fence.

Additional comments ( if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,




Date:

8/2/2022

Dear Dallas City Board Council,

I, Quint Bowdon, property owner/resident  
of 4926 Milan support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.


Additional comments ( if  
any). \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,  
  
Date: 8-2-22

Dear Dallas City Board Council,

I, DORA YIM, property owner/resident  
of 4528 Milan street support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments ( if  
any). \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sincerely,  
  
Date: 8/2/2022

Dear Dallas City Board Council,

I, Jadison Marnick, property owner/resident  
of 2917 Norman St support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments ( if  
any).

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Sincerely,

Jadison Marnick

Date: 6/2/22

Dear Dallas City Board Council,

I, Micah Blehm, property owner/resident  
of 2914 Norman St, Dallas TX 75206 support the appeal of my neighbor Ivon Ayala,  
(2833 Lee St, Dallas, TX 75206) for the front yard fence installed. This fence does not  
obstruct the view nor represents a traffic safety hazard in my personal opinion. I do not  
have any issues with the currently installed fence.

Additional comments ( if  
any).

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Sincerely,

Micah Blehm

Date: 6/2/22



Thank you!

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**FILE NUMBER:** BDA212-076(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Dallas County Mental Health & Mental Retardation Center represented by Rob Baldwin of Baldwin & Associates for a variance to the front yard setback regulations at 3230 Remond Drive. This property is more fully described as Lot 6, Block A/6161, LESS ROW and is zoned Planned Development District No. 1059 for MU-1 Mixed Use District uses, which requires a side yard setback of fifteen feet. The applicant proposes to construct and maintain a nonresidential structure and provide a two-foot side yard setback, which will require a 13-foot variance to the side yard setback regulations.

**LOCATION:** 3230 Remond Drive

**APPLICANT:** Dallas County Mental Health & Mental Retardation Center

**REPRESENTATIVE:** Rob Baldwin of Baldwin & Associates

**REQUESTS:**

A request for a variance to the side yard setback regulations of 13 feet is made to construct and maintain a medical office use along the south line of Remond Drive within the subject site's fifteen-foot side yard setback on a site that is currently developed with 11 medical office use structures.

**STANDARD FOR A VARIANCE:**

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

(A) In general.

- (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.

(B) Structures. In exercising its authority under Subsection (A)(ii), 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:

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

Staff has not received evidence. Therefore, staff cannot establish whether the subject site is restrictive in area, shape, or slope, and thus cannot be developed in a manner commensurate with other properties within the same zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: PDD No. 1059 for MU-1 Mixed Use District
- North: Subarea B w/in PDD No. 811, IR, SUP No. 98 for a Quarry
- South: MF-2(A) Multifamily District, Subarea A w/in PDD No. 811, IR
- East: NS(A) Neighborhood Service District, NO(A) Neighborhood Office District
- West: Subareas B and C w/in PDD No. 811, IR



### **Land Use:**

The subject site is developed with a medical office use (MetroCare Services Hillside Campus) while surrounding properties to the west and south are undeveloped. The property to the north is developed with a hotel, restaurant, and tower antenna uses. The property to the east is developed with a tower antenna and a vacant structure.

### **Zoning/BDA History:**

There have been one related zoning cases in the vicinity within the last five years.

1. **Z201-159:** On June 9, 2021, the City Council approved an application and ordinance for a Planned Development District for MU-1 Mixed Use District uses (PDD No. 1059) and the termination of Specific Use Permit No. 1057 for an establishment for the care of alcoholic, narcotic, and psychiatric patients on property zoned an MF-2(A) Multifamily District located on the west side of North Westmoreland Road, south of Canyon Bluff Boulevard. [*the subject site*]

### **GENERAL FACTS/STAFF ANALYSIS:**

This request focuses on razing the existing 11 structures and constructing and maintaining an office or medical office use consisting of two structures, one proposed five-story office building and one proposed one-story medical office use with approximately 165,000 square feet of floor area, and 496 off-street parking spaces. The site is proposed to be developed with the side yard encroachment situated along the south line of Remond Drive. The portion of the structure that encroaches along the northern façade of the proposed medical office encroaches 13 feet into the side yard setback due to a street easement existing along the street. Since the subject site contains a street easement along Remond Drive and dedication of the easement is required to the City to maintain the street and underground utilities, the required 15-foot side yard setback must be measured from the back of curb rather than the property line.

Structures on lots zoned within PDD No. 1059 for MU-1 Mixed Use District uses must have a minimum side yard setback of 15 feet. The encroachment is 13 feet into the required 15-foot side yard setback and therefore provides a two-foot side yard setback. A site plan has been submitted denoting the portion of the structure proposed to be located two feet from the back of curb along the northern façade of the structure and along the southern line of Remond Drive. Additionally, the site plan depicts two detached structures, surface, parking, an amenity area, and pedestrian amenities.

While a general MU-1 Mixed Use District does not require a side yard setback unless adjacent to or directly across an alley from a residential district, the Planned Development District does require a minimum 15 feet side yard setback and requires no

minimum lot size. The subject site is irregular in shape and contains approximately 440,159 square feet in lot area. Additionally, during the zoning change, the Engineering Division determined that the site has Geologically Similar Area (GSA) along the south and western portions of site which restricts the structure from being shifted to the south or west. The development restriction exists due to the potential for escarpment zone instability or similar soil instability within these areas.

However, since staff did not receive evidence such as a comparative analysis depicting the property as being restrictive in area, shape, or slope, staff cannot determine whether the property can be developed commensurately with other properties with similar zoning. Additionally, staff did not receive information detailing unnecessary hardship to substantiate staff support.

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

- That granting the variance to the side yard setback 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 the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same MU-1 Mixed Use District zoning classification.
- 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 this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MU-1 Mixed Use District zoning classification.

Additionally, 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:

- 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;
- 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;

- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality consider the structure to be a nonconforming structure.

As of August 5, 2022, no letters have been submitted in support of nor in opposition of the request.

If the board were to grant this side yard setback variance request and impose the submitted site plan as a condition, development would be limited to what is shown on this document. Granting this variance request will not provide any relief to the Dallas Development Code regulations.

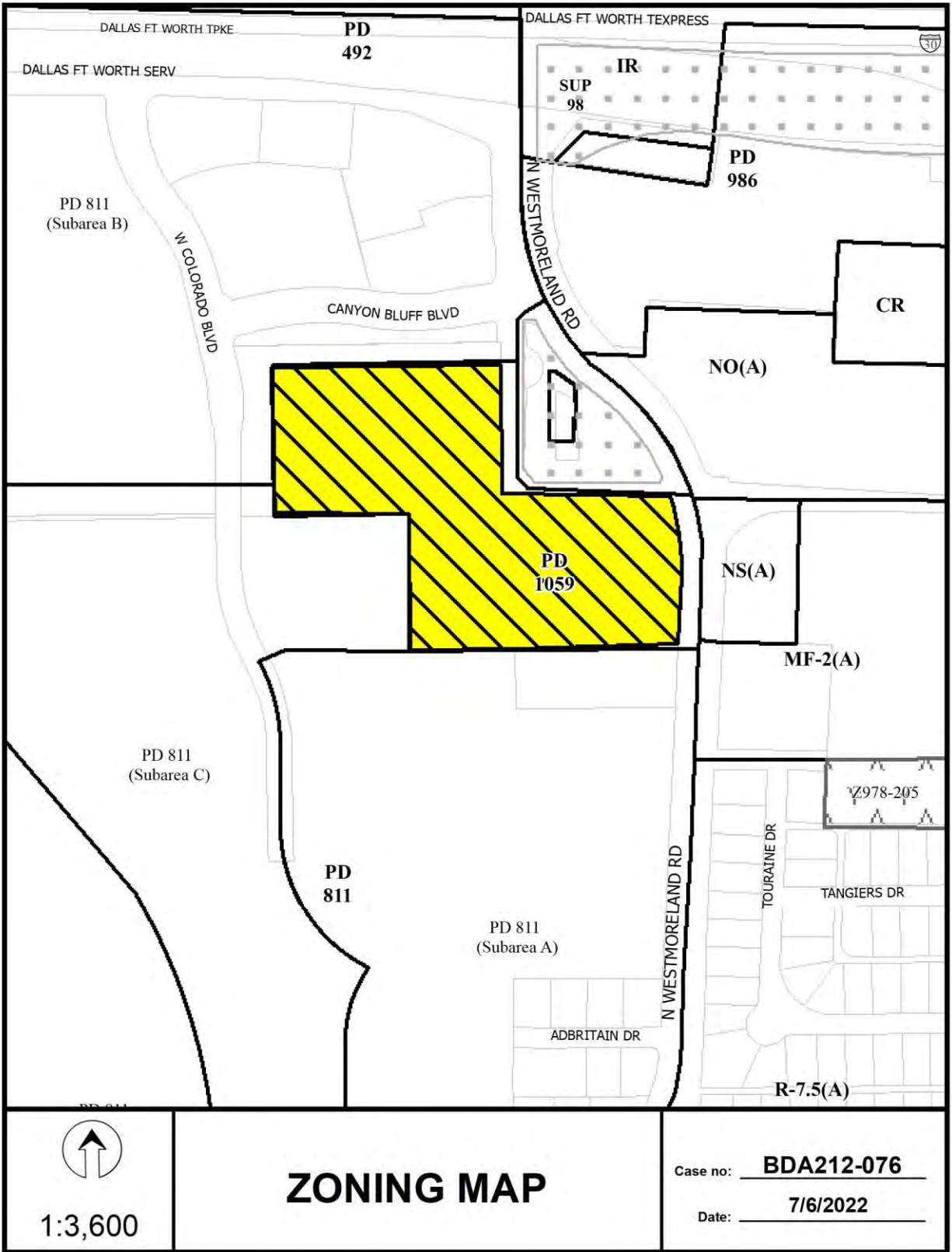
**Timeline:**

- June 7, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 11, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2022: The Board of Adjustment Senior Planner emailed the applicant the following information:
  - a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the July 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 5<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- July 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board



Administrator, the Board Senior Planner, the Development Services Chief Planner, Chief Arborist, and the Planner and Urban Design Department Senior Conservation District Planner. No review comment sheets were submitted in conjunction with this application.

August 4, 2022: The representative provided evidence (**Attachment A**) for Board consideration.





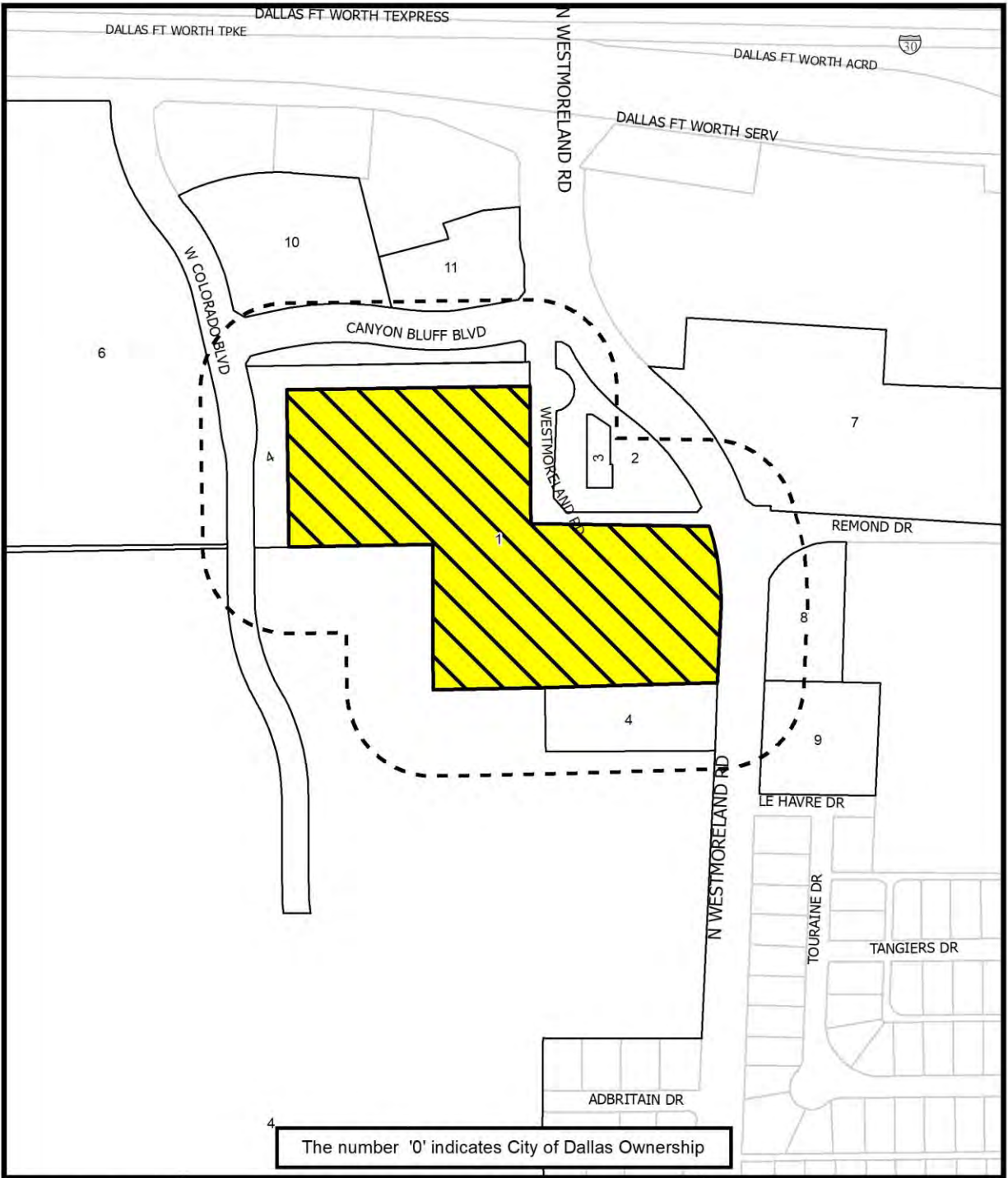
1:3,600

# AERIAL MAP

Case no: BDA212-076

Date: 7/6/2022





 1:3,600	<h2>NOTIFICATION</h2>	Case no: <b>BDA212-076</b>
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">11</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: <b>7/6/2022</b>

07/05/2022

## ***Notification List of Property Owners***

***BDA212-076***

### ***11 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1353 N WESTMORELAND RD	DALLAS CO MENTAL HEALTH &
2	1433 N WESTMORELAND RD	SLF THE CANYOUN IN OAK CLIFF LP
3	1433 N WESTMORELAND RD	CROWN COMMUNICATION INC
4	1333 N WESTMORELAND RD	SLF III THE CANYON IN OAK CLIFF LP
5	1419 N WESTMORELAND RD	SLF III/INCAP LP
6	1600 N WESTMORELAND RD	SLF III THE CANYON IN OAK CLIFF LP
7	1400 N WESTMORELAND RD	DALLAS COUNTY HOSPITAL DISTRICT
8	1350 N WESTMORELAND RD	SAM WEST PARTNERS LLC
9	3111 LE HAVRE DR	RF HOLDING LLC
10	3425 CANYON BLUFF BLVD	CANYONS HOTEL VENTURE
11	3333 CANYON BLUFF BLVD	CORINTH CANYON BLUFF LLC



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-074

Date: 6-7-22

Data Relative to Subject Property:

Location address: <sup>3230</sup>~~3220~~ Remond Lot 6A Block 6161 Zoning District: 1059

Lot No.: 6A Block No.: 6161 Acreage: 10.11 Census Tract: 69

Street Frontage (in Feet): 1) 317 2) 412 3) 365 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Dallas Co Mental Health & Mental Retardation Center

Applicant: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm #B Zip Code: 75226

E-mail Address: Rob@baldwinplanning.com

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm #B Zip Code: 75226

E-mail Address: Rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception   , of 13 feet to the  
required 15 foot front yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
We are requesting a variance to the front yard setback of 13 feet. The project was designed with the setback was taken from the property line. Staff is requiring that the setback be taken from the Street Easement line. The property has significant grade change on the property.  
which make moving the building back to meet the setback from the street easement impossible.

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

Affidavit

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

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

Respectfully submitted: \_\_\_\_\_  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 7th day of June, 2022

Vickie L Rader  
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)





**MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT**

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a variance to the front yard setback regulations  
at 3230 REMOND DRIVE

BDA212-076. Application of BALDWIN ASSOCIATES for a variance to the front yard setback regulations at 3230 REMOND DR. This property is more fully described as Lot 6A, Block 6161 and is zoned PD-1059, which requires a front yard setback of 15 feet. The applicant proposes to construct a nonresidential structure and provide a 2 foot front yard setback, which will require a 13 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official



AFFIDAVIT

BDA Case # 212-076

I, Rich Buckley, Owner of the subject property

at: 3230 Remond Lot 6A Block 6161

Authorize (applicant) Robert Baldwin

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

Variance (please specify) to the front yard setback

Special Exception (please specify) \_\_\_\_\_

Other {please specify} \_\_\_\_\_

Rich Buckley Richard Buckley 5/26/22

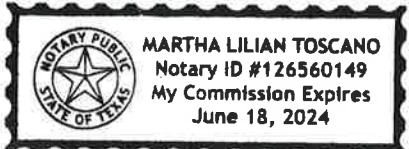
Print name of property owner      Signature of property owner      Date

Before me the undersigned on the day of personally appeared Richard Buckley

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 26<sup>th</sup> day of May, 2022

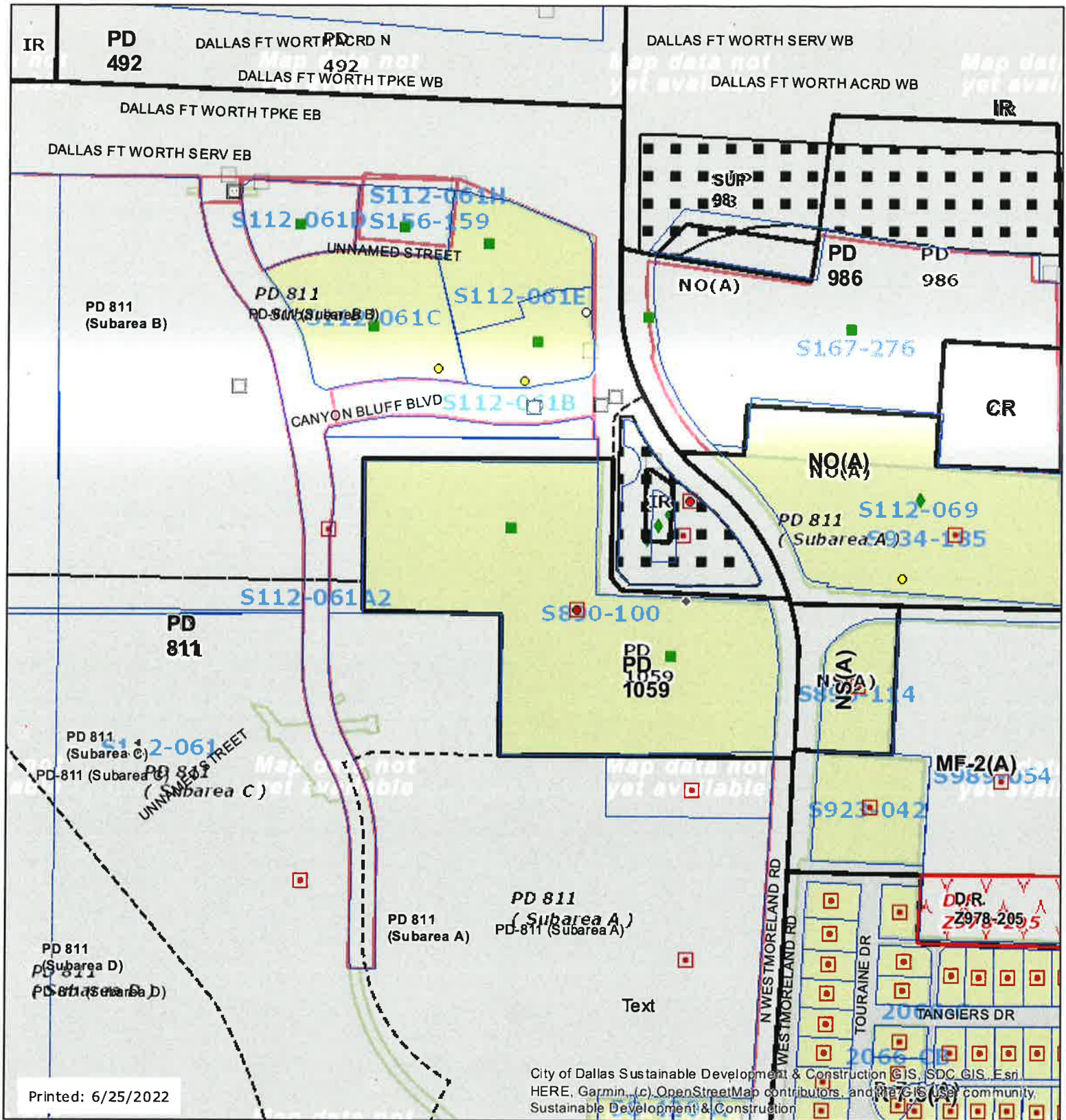
Martha Lilian Toscano



Notary Public on and for

Dallas County, Texas

Commission expires on June 18, 2024



Printed: 6/25/2022

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- |                       |                  |                            |                               |
|-----------------------|------------------|----------------------------|-------------------------------|
| Dallas Tax Parcels    | NSO Overlay      | Height Map Overlay         | SP                            |
| Deed Restrictions     | NSO Subdistricts | Shop Front Overlay         | Turtle Creek Setback Corridor |
| Dry Overlay           | MD Overlay       | Parking Management Overlay | Demolition Delay Overlay      |
| D                     | CD Subdistricts  | Base Zoning                |                               |
| D-1                   | PD Subdistricts  | SPSD Overlay               |                               |
| Historic Overlay      | PD193 Oak Lawn   | Pedestrian Overlay         |                               |
| Historic Subdistricts | PDS Subdistricts | CP                         |                               |
| SUP                   |                  |                            |                               |

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







**METROCARE  
HILLSIDE CAMPUS**  
1353 N WESTMORELAND RD.  
DALLAS, TX 75211

phase issue description:  
**ISSUE FOR  
CONSTRUCTION**

project issue date:  
**03/03/2022**

drawn by: EM  
checked by: DL

revision schedule

date	description



03/03/2022  
project number: 19-029

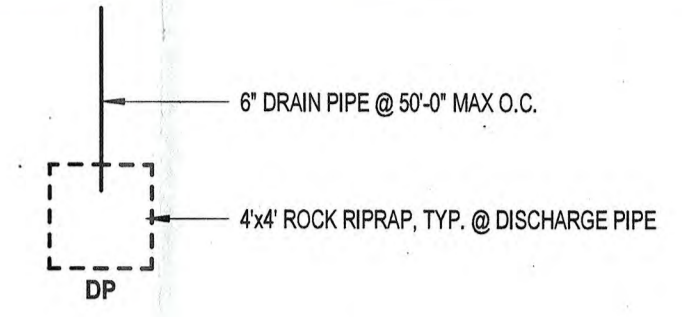
**ARCHITECTURAL  
SITE PLAN**  
2/12/2020

**A1-01**

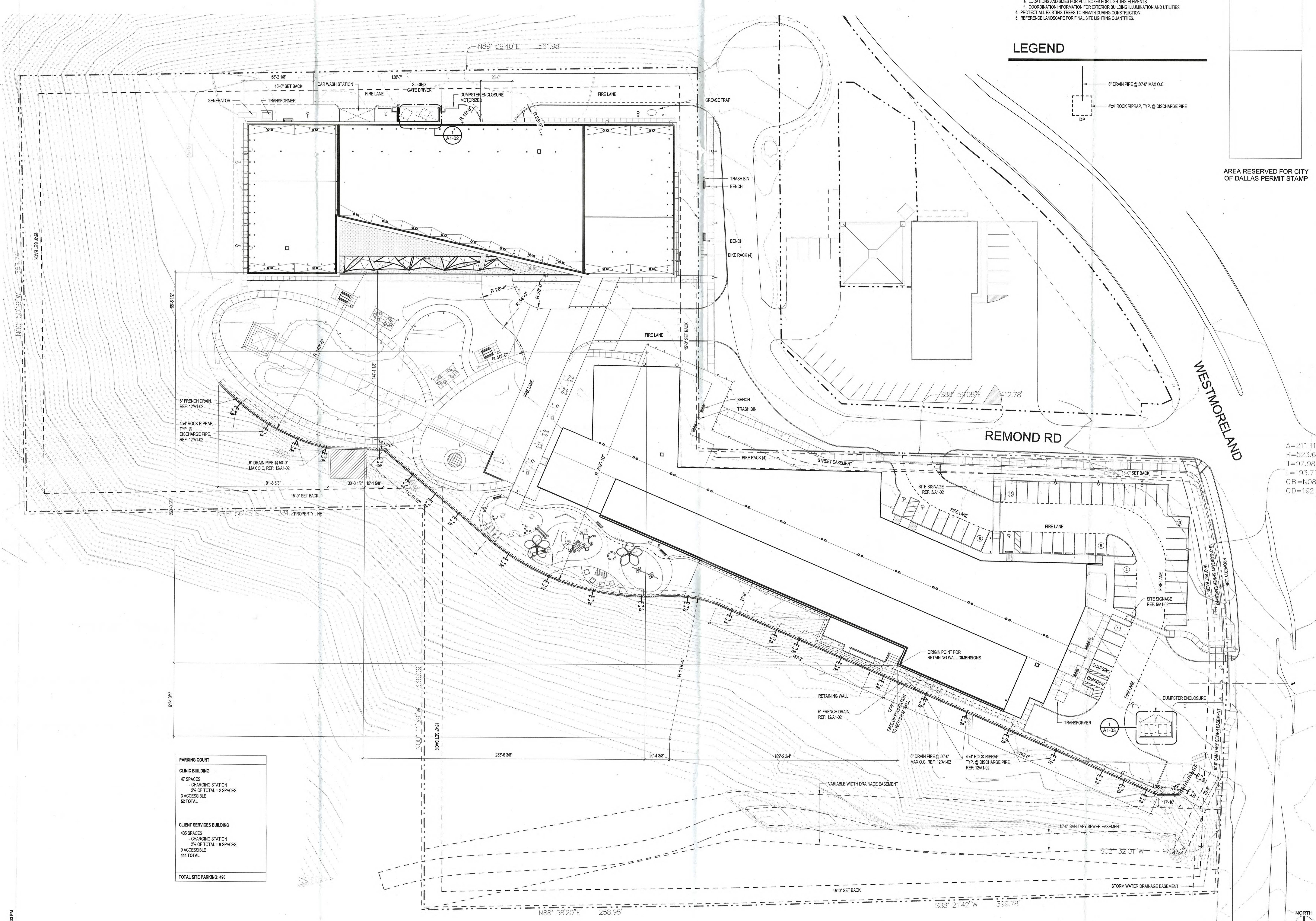
**SHEET NOTES**

1. ARCHITECTURAL SITE PLAN IS FOR REFERENCE ONLY. GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL COORDINATE THE SITE WORK WITH ALL CONSTRUCTION DOCUMENTS. ANY CONFLICTS BETWEEN THE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY FOR CLARIFICATION.
2. GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL CONFORM TO ALL REQUIREMENTS AS REQUIRED BY THE CITY OF DALLAS AND ALL AUTHORITIES HAVING JURISDICTION.
3. REFERENCE THE ELECTRICAL (MEP SITE) DOCUMENTS FOR ADDITIONAL SITE INFORMATION TO INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING:
  - a. LOCATIONS AND SIZES FOR SITE LIGHTING AND LIGHTING ELEMENTS
  - b. LOCATIONS AND SIZES FOR ELECTRICAL SLEEVES
  - c. LOCATIONS FOR TELEPHONE/CABLE/FA BOXES
  - d. LOCATIONS AND DETAILS FOR ELECTRICAL MANHOLES
  - e. LOCATIONS AND SIZES FOR PULL BOXES FOR LIGHTING ELEMENTS
  - f. COORDINATION INFORMATION FOR EXTERIOR BUILDING ILLUMINATION AND UTILITIES
4. PROTECT ALL EXISTING TREES TO REMAIN DURING CONSTRUCTION.
5. REFERENCE LANDSCAPE FOR FINAL SITE LIGHTING QUANTITIES.

**LEGEND**



AREA RESERVED FOR CITY OF DALLAS PERMIT STAMP



**PARKING COUNT**

Building	Spaces	Charging Station	Accessible	Total
CLINIC BUILDING	47	2%	3	52
CLIENT SERVICES BUILDING	435	2%	6	444
<b>TOTAL SITE PARKING</b>	<b>486</b>			

**1 ARCHITECTURAL SITE PLAN**  
1" = 30'-0"

3/11/2022 7:01:33 PM



# BDA212-076\_ATTACHMENT\_A



August 1, 2022

Pamela F. Riley Daniel  
Senior Planner  
City of Dallas  
Planning & Urban Design  
1500 Marilla St., 5BN  
Dallas, TX 75201

Re: BDA212-076

Dear Ms. Daniel,

This firm is representing MetroCare of Dallas in their request for a variance to the required front yard setback for a small portion of a proposed new building on Remond Drive. MetroCare is building a new campus at this location for their corporate offices and a medical building. The zoning for this campus was approved in June of 2021 and included a Detailed Development Plan that precisely determines where the proposed buildings are to be located. Unfortunately, during the zoning process and building design, we were unaware of an easement for street purposes that affects the front yard setback on a small portion of the medical office building. This issue was not brought to our attention until we were in the permit review process.

The easement for street purposes lines outside of the paved street and within the property line. The proposed building is set back 15-feet from the property line, but in a small location, it encroaches up to 13-feet into the street easement, that easement being within our property line. To reiterate, the building will be at least 15-feet from the street and it will comply with the approved Detailed Development Plan that was approved by the City Council.

This lot is irregularly shaped and has severe topographic issues along the southern property line. There is a ravine along our southern property line and this ravine prohibits us from moving the building outside of the setback area. In addition, the ravine leads to an area identified as part of the Escarpment Area and GSA which will make it very difficult to work in this area.

I would also like for you to consider that MetroCare is in the process of abandoning  
3904 Elm Street Suite B · Dallas, TX 75226 · 214-824-7949

Remond Drive and the street easement. We are still early in this process, which can be expected to take six to eight months to complete. Once the abandonment is completed, the property will be required to be replatted and this will remove all encroachments as the interior lot lines will be removed. At that point, the building will clearly comply with all setbacks.

I hope that the fact that this is an irregularly shaped parcel, coupled with the severe topography immediately adjacent to the proposed building, will lead you to the conclusion that this property is different than others with similar zoning and it is worthy of the granting of this variance.

Please let me know if you have any questions or comments or if I can be of any assistance.

With kind regards,

A handwritten signature in blue ink, appearing to be 'Robert Baldwin', with a long horizontal flourish extending to the right.

Robert Baldwin