

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL B**  
**WEDNESDAY, APRIL 20, 2022**

**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

\* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://form.jotform.com/210536758715158> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Tuesday, April 19, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and [bit.ly/cityofdallastv](http://bit.ly/cityofdallastv) or [YouTube.com/CityofDallasCityHall](http://YouTube.com/CityofDallasCityHall) and the WebEx link: <https://bit.ly/BDA042022>

**Purpose:** To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

**Handgun Prohibition Notice for Meetings of Governmental Entities**

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

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

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

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



**CITY OF DALLAS**

**BOARD OF ADJUSTMENT, PANEL B**

**WEDNESDAY, APRIL 20, 2022**

**AGENDA**

---

**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

---

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

---

**PUBLIC TESTIMONY**

Minutes

---

**MISCELLANEOUS ITEM**

---

Approval of the February 23, 2022 Board of Adjustment  
Panel B Public Hearing Minutes

M1

---

**UNCONTESTED CASE(S)**

---

None

---

**REGULAR CASE(S)**

---

<b>BDA212-022(PD)</b>	10007 Hollow Way Road <b>REQUEST:</b> Application of Mark Daniels for special exceptions to the fence height and fence standards regulations	1
<b>BDA212-023(PD)</b>	5253 Bonita Avenue <b>REQUEST:</b> Application of Alexa Peer Sheinbein for a variance to the front yard setback regulations	2
<b>BDA212-030(PD)</b>	7202 La Vista Drive <b>REQUEST:</b> Application of Grayson Wafford for a variance to the front yard setback regulations	3
<b>BDA212-033(JM)</b>	10001 Meadowbrook Drive <b>REQUEST:</b> Application of Mehrdad Ghani for a variance to the front yard setback regulations	4
<b>BDA212-036(JM)</b>	1000 Fort Worth Avenue <b>REQUEST:</b> Application of Rob Baldwin for a variance to the front yard setback regulations	5

---

**HOLDOVER CASE(S)**

---

None

---

## EXECUTIVE SESSION NOTICE

---

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

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

**FILE NUMBER:** BDA212-022(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Mark Daniels for special exceptions to the fence height and fence standards regulations at 10007 Hollow Way Road. This property is more fully described as Lot 6 in City Block 2/5517 and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct a nine-foot-tall fence with fence panels that do not meet the minimum opacity requirement in a required front yard, which will require a five-foot-six-inch special exception to the fence regulations and a special exception to the fence standards regulations.

**LOCATION:** 10007 Hollow Way Road

**APPLICANT:** Mark Daniels

**REQUEST:**

The applicant proposes a fence of nine feet in height, constructed of stucco walls, smooth stone columns, and two twelve wide iron located along Hollow Way Road at a length of 218 feet. The site is currently gated and undeveloped.

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

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

The subject site is currently undeveloped. Surrounding properties to the north, south, and west are developed with single-family uses while the property to the east is undeveloped.

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

There have been four related board cases in the vicinity within the last five years.

1. BDA212-033: On April 20, 2022, Panel B, Board of Adjustment will hear a request for a variance to the front yard setback along two front yards (Walnut Hill and Meadowbrook Drive) at 10001 Meadowbrook Drive.
2. BDA201-089: On October 20, 2021, Panel B, Board of Adjustment granted a request for a special exception to the fence regulations, a special exception to the fence standards regulations, and two special exceptions to the visual obstruction regulations at 9646 Douglas Avenue.
3. BDA189-058: On May 20, 2019, the Panel C, Board of Adjustment granted a request for a special exception to the minimum front yard setback requirements to preserve an existing tree at 10040 Hollow Way Road.
4. BDA178-139: On January 16, 2019, the Panel B, Board of Adjustment granted a request for a variance to the front yard setback and a variance to the side yard setback at 10221 Hollow Way Road.

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

Two requests exist for the subject site. The first request for a special exception to the fence height regulations of five feet-six-inch is made to construct and maintain a nine-foot-six-inch-tall fence which will require a five-foot-six-inch special exception.

The second request for a special exception is made to the fence standards regulations to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line.

The property is currently undeveloped. The applicant proposes a fence with a maximum height of nine-feet-six-inches, constructed of stucco walls, smooth stone columns, and two twelve wide iron located along Hollow Way Road at a length of 218 feet.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1ac(A) Single Family District and requires a minimum front yard setback of 40 feet.

The following information is shown on the submitted site plan:

- The proposed fence with access gates along Hollow Way Road is proposed on the front lot line with a depth of 28-and one-half feet.
- The portion of the fence where the iron gate is proposed is located or setback three feet from the front lot line.

Add statement about site visit and whether other fences were noted.

As of April 13, 2022, two letters have been submitted in support of the request and no letters have been submitted in opposition to the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of eight feet located on Ridgemont Drive and Fisher Road will not adversely affect neighboring properties.

Granting the special exception to the fence standards related to the height and opacity would require the proposal exceeding four feet-in-height in the front yard setback located along Hollow Way Road and Walnut Hill Lane to be maintained in the locations, heights, and opacity/openness as shown on the site plan and elevation plan.

**Timeline:**

January 13, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 8, 2022: The Board Senior Planner emailed the representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis;

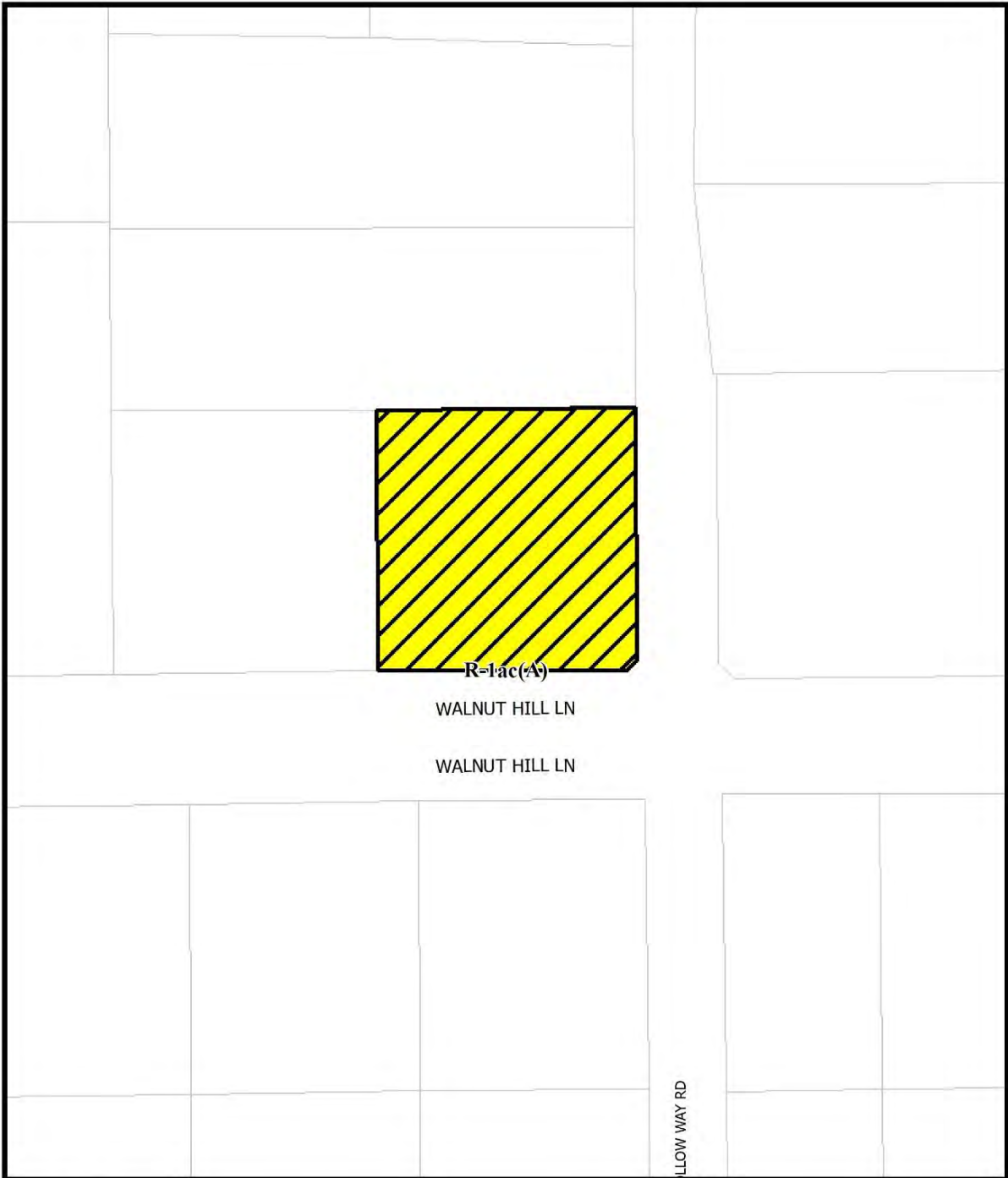
and the April 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

- 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."

March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board.

April 13, 2022: The applicant provided evidence for Board consideration.



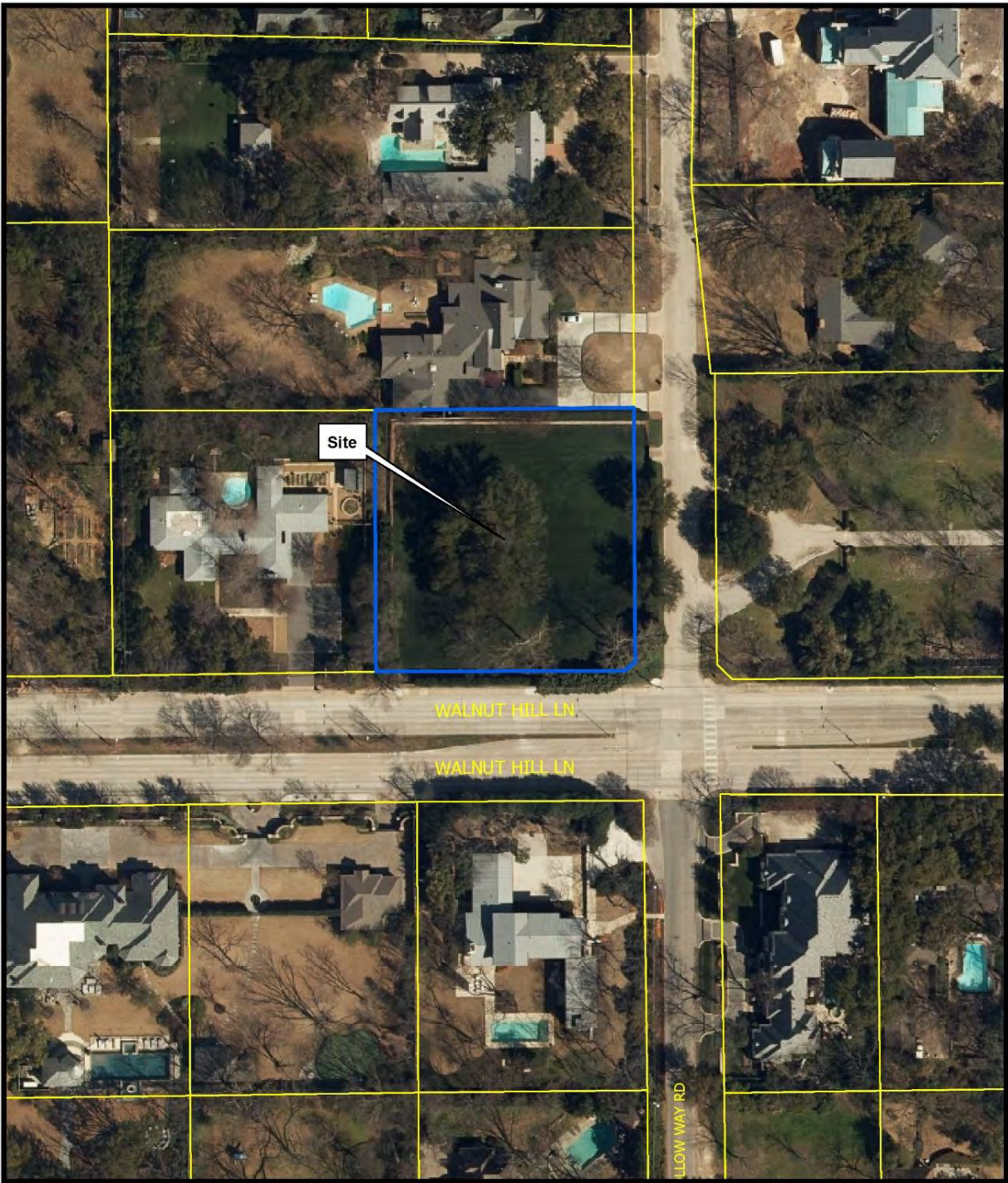


1:1,200

# ZONING MAP

Case no: BDA212-022

Date: 3/9/2022

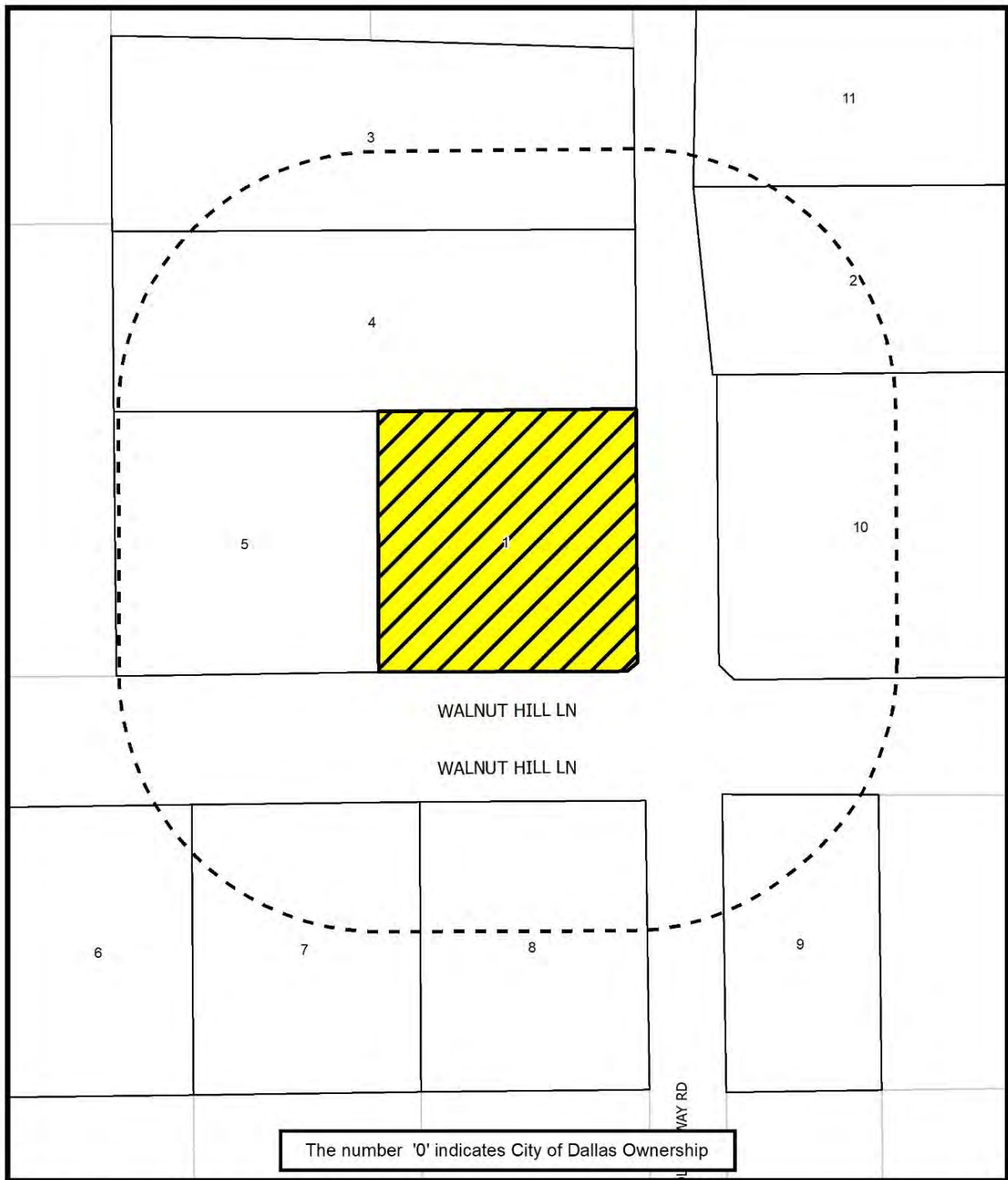


1:1,200

# AERIAL MAP

Case no: BDA212-022

Date: 3/9/2022



1:1,200

# NOTIFICATION

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

Case no: **BDA212-022**  
 Date: **3/9/2022**

03/09/2022

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

***BDA212-022***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10007 HOLLOW WAY RD	SALIM FAMILY ENTERPRISES LTD
2	10010 HOLLOW WAY RD	WOODWARD STANLEY M &
3	10033 HOLLOW WAY RD	SALIM MICHAEL D &
4	10023 HOLLOW WAY RD	LECLAIR LEWIS T &
5	5415 WALNUT HILL LN	MP MEADOW LTD
6	5404 WALNUT HILL LN	STEPHENSON RANDALL L & LENISE H
7	5414 WALNUT HILL LN	STEPHENSON RANDALL & LENISE
8	9995 HOLLOW WAY RD	RUBEL MATTHEW E & MELISSA R
9	9996 HOLLOW WAY RD	WATSON KIRK ALLEN
10	10006 HOLLOW WAY RD	CRESCENT ESTATES CUSTOM
11	10040 HOLLOW WAY RD	RAY JOEL 678 TRUST



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-022

Data Relative to Subject Property:

Date: 1/13/22

Location address: 10007 Hollow Way Rd Zoning District: R-KAC

Lot No.: 6 Block No.: 2/5517 Acreage: .920 Census Tract: 76.05

Street Frontage (in Feet): 1) 194 2) 199 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mark D. Daniels

Applicant: Mark Daniels Telephone: (214) 384-6069

Mailing Address: 7404 Glen Shannon Cir Zip Code: 75225

E-mail Address: mdaniels@fourwheelsautogroup.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 stone column wall, total height 9ft 6in, less than 50% open surface panel

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:

fence will be of similar height, material and location as others found throughout neighborhood

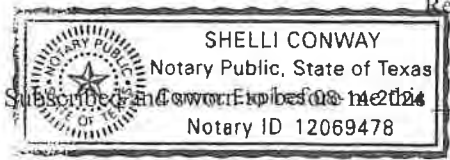
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Mark D. Daniels (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)



19 day of Nov. 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 Mark D Daniels

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

at 10007 Hollow Way Road

BDA212-022. Application of Mark D Daniels for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 10007 HOLLOWAY RD. This property is more fully described as Lot 6, Block 2/5517, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

*David Session*  
David Session, Building Official





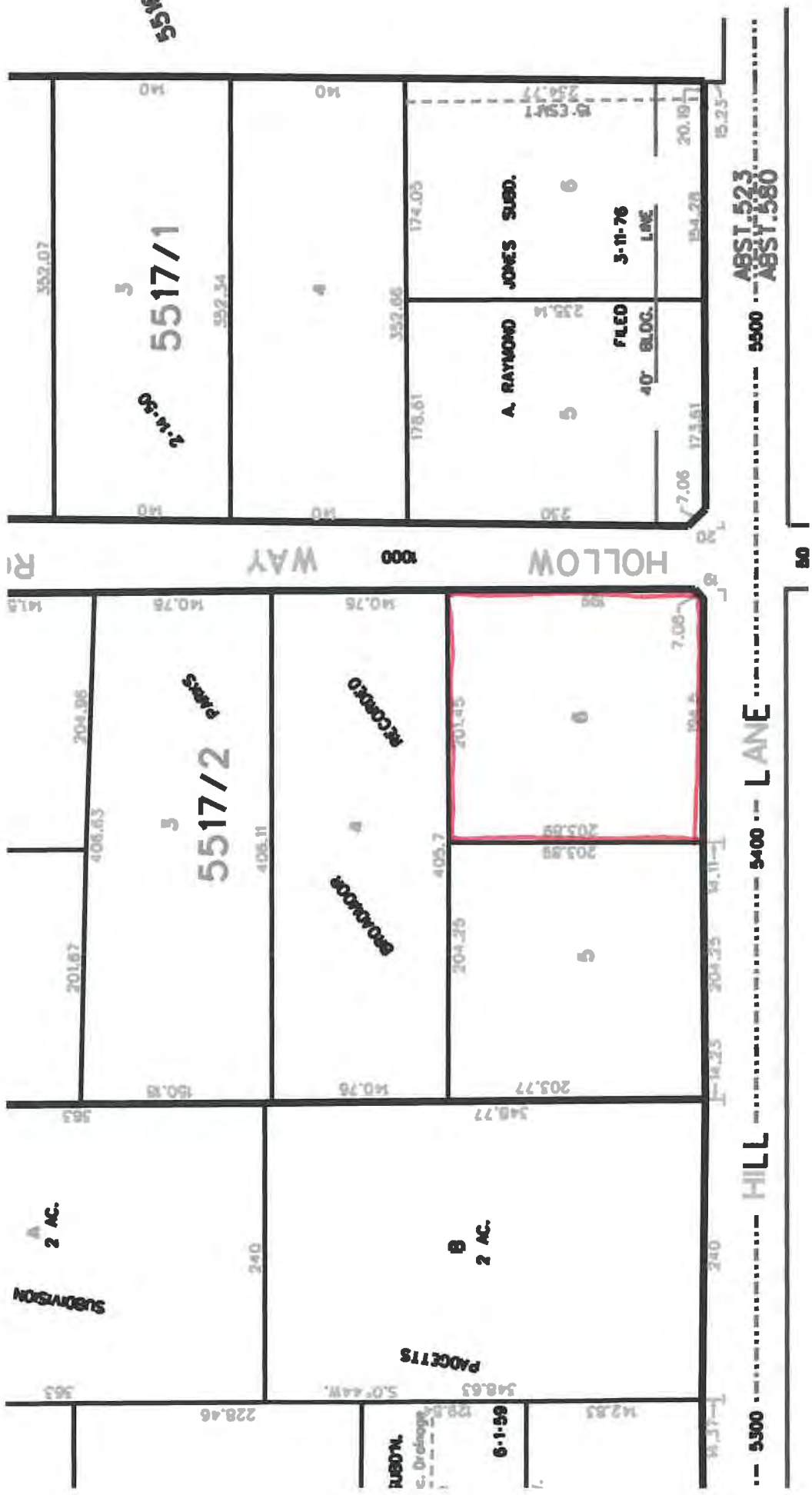
Printed: 1/13/2022

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | Railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map 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)





PLAT

WAY 1000 HOLLOW

A  
2 AC.  
SUBDIVISION

240

3  
5517/2  
RECORDED

RECORDED

408.83  
408.11

201.67  
204.96

150.19  
140.75

240

140.75

B  
2 AC.  
PADGETTS  
S.0°44W.  
128.63

228.46

205.77  
204.25

405.7

140.75

140.75

RECORDED

RECORDED

205.88  
205.89

205.77  
204.25

6-1-59

142.83

100

RECORDED

RECORDED

100

7.08

100

142.83

175.61

RECORDED

RECORDED

175.61

174.05

175.61

174.05

174.05

RECORDED

RECORDED

174.05

174.05

174.05

174.05

194.28

RECORDED

RECORDED

194.28

194.28

194.28

194.28

15.25

RECORDED

RECORDED

15.25

15.25

15.25

15.25

ABST. 523  
ABST. 580

5500

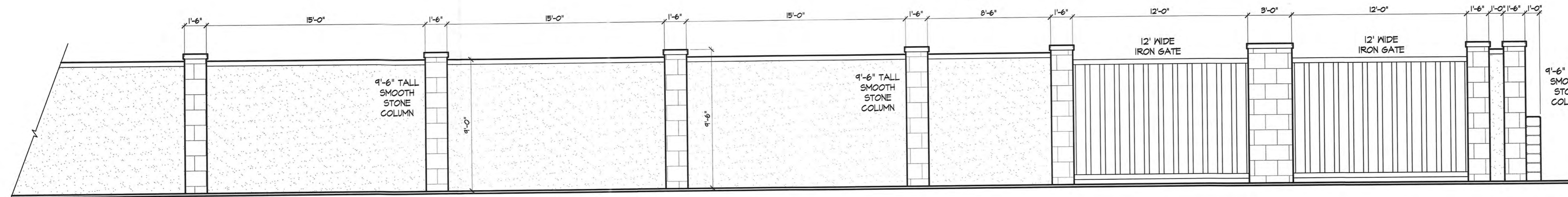
5400 LANE

HILL

5300

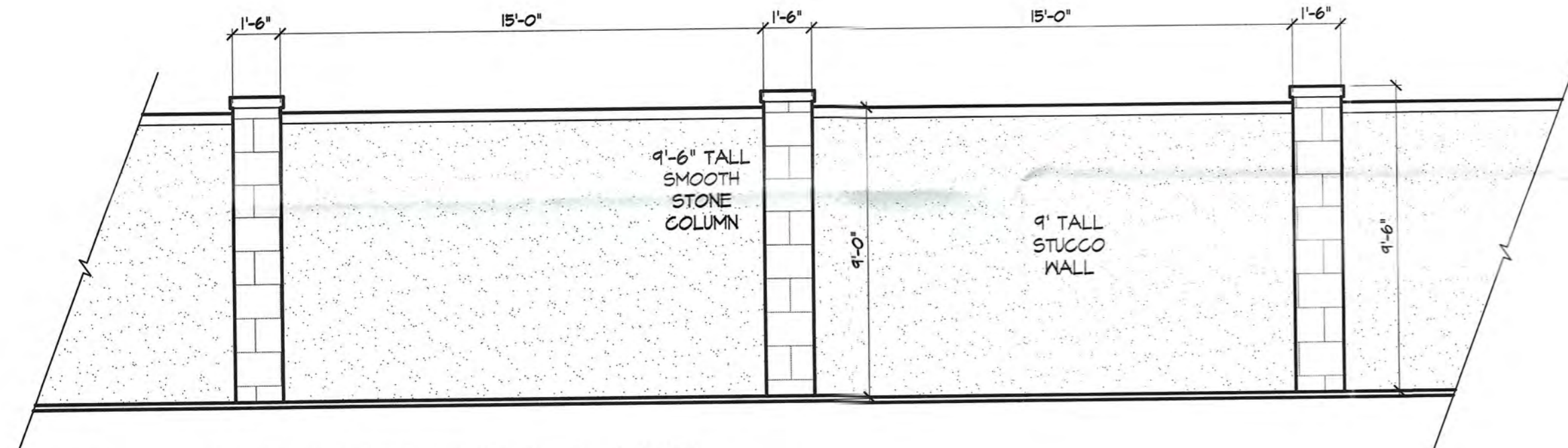
50





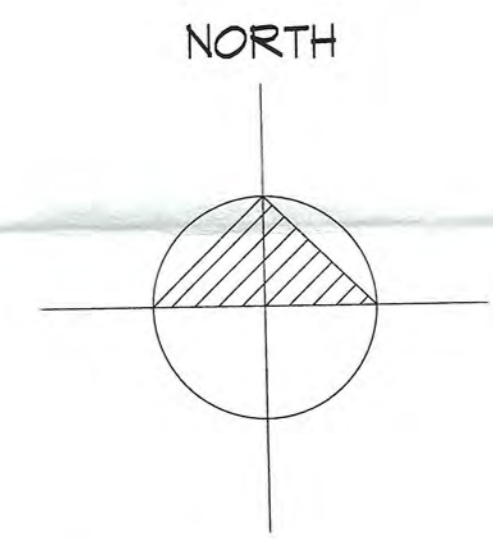
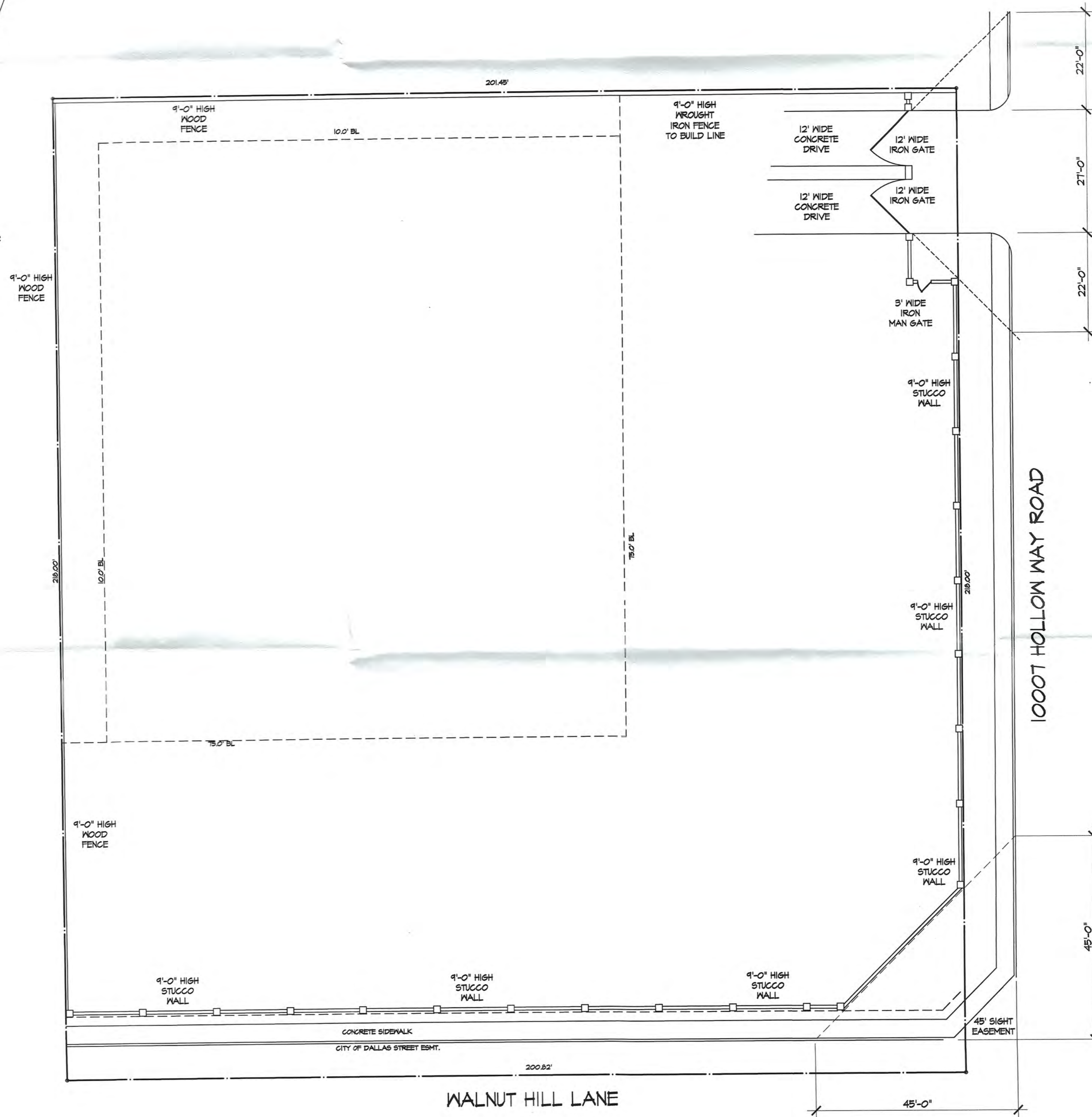
WALL & ENTRY GATE ON HOLLOW WAY ROAD

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



WALL ON WALNUT HILL LANE

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



SITE PLAN

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

LOT 6 BLOCK 2/5517  
BROADMOOR PARKS ADDITION  
DALLAS, TEXAS

REVIEW SET - NOT FOR CONSTRUCTION

COVERT+ASSOCIATES  
RESIDENTIAL DESIGN

17810 DAVENPORT ROAD, SUITE 111 DALLAS, TEXAS 75252  
PLANS@COVERTANDASSOCIATES.COM  
972.783.4660

A PROPOSED PROPERTY SECURITY WALL FOR  
CANTERBURY HOMES  
10007 HOLLOW WAY ROAD  
DALLAS, TEXAS

C+A #

PROPOSAL  
01-04-22

212-022 1

OF 1

# **BDA212-022\_ATTACHMENT\_A**

## **10007 Hollow Way**

### Wall Request neighboring properties

We respectfully request your review of neighboring property conditions while considering our request for a masonry wall along Hollow Way and Walnut Hill. The neighbor to the north supports our proposed plan and we feel the wall would blend in with other neighboring properties.

### Subject Property: 10007 Hollow Way

Panoramic photo shows subject property (vacant lot) on the left. You can see the property across the street (another vacant lot) has an existing wall that extends along Walnut Hill.



### Walls, Walls, Walls:

There are more walls than not between Preston Road and Inwood along Walnut Hill. The following photographs will help demonstrate that we are just asking to blend in with the neighboring properties.

Wall for Crespi Estates: East on Walnut Hill

The Crespi Estates wall and another stone wall shown are directly East of the subject property on the North side.



Walls on properties on the South side of Walnut Hill (adjacent to the property going west)



Fences and walls on Walnut Hill South side (adjacent to the property going East)



Views from the corner of Hollow Way and Walnut Hill:

Looking Southeast. A neighboring home with the same double frontage condition as the subject property has an 8' fence with tall landscaping. At least the two neighbors to the East on Walnut Hill have 8' or higher Walls or fences.



Additional views from Walnut Hill and Hollow Way:

Looking Southwest. Corner of Walnut Hill and Hollow Way Has a tall stone wall in the front along Hollow Way. The two neighbors going west have stone and stucco walls that are shown earlier in this document. The 6' (plus) stone/metal wall is on the Southwest corner with the taller wall being on Hollow Way.



Along Hollow Way:

Standing on the Northeast corner of the subject property

Tall fences, walls, wall columns, and landscaping. This theme continues along Hollow Way as well.



General photographs of some of the high fences and walls on Walnut Hill between Preston and Inwood.







Panel B

04-20-22

BDA212-022

10007 Hollow Way Rd.

(Support Letters)

Date: March 26, 2022

Board of Adjustment  
City of Dallas  
320 E Jefferson Blvd, room 105  
Dallas, Texas 75203

Re: Application for fence variance  
10007 Hollow Way Road

We have reviewed the plans as proposed by Mark Daniels regarding a fencing variance for the property located at 10007 Hollow Way Road Dallas, Texas and we both **APPROVE** of and support his request.

Neighbor:

Lewis T. LeClair

Lewis T. LeClair

Kaye W. Scoggin

Kaye W. Scoggin

10023 Hollow Way Rd Dallas 75229

Address

Date: 4/7/2022

Board of Adjustment  
City of Dallas  
320 E Jefferson Blvd, room 105  
Dallas, Texas 75203

Re: Application for fence height variance  
10007 Hollow Way Road

We have reviewed the fence plan as proposed by Mark Daniels regarding a 9-foot-tall fencing variance along both Walnut Hill Lane and Hollow Way Road for his property located at 10007 Hollow Way Road Dallas, Texas. We both **APPROVE** of and support his request for this variance.

Neighbor:

M. Salim

\_\_\_\_\_

10033 Hollow Way Rd, Dallas, TX

Address

**FILE NUMBER:** BDA212-023(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Alexa Peer Sheinbein for a variance to the front yard setback regulations at 5253 Bonita Avenue. This property is more fully described as part of lot 15 in City Block 7/1973 and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single-family residential structure and provide a five-foot front yard setback, which will require a 20-foot variance to the front yard setback regulations.

**LOCATION:** 5253 Bonita Avenue

**APPLICANT:** Alexa Peer Sheinbein

**REQUESTS:**

A request for a variance to the front yard setback regulations of twenty feet is made to construct and maintain a single-family dwelling within the subject site's 25-foot front yard setback on Laneri Avenue. The property is currently undeveloped and situated along a corner lot with two front yards.

**STANDARD FOR A VARIANCE:**

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

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

**State Law/HB 1475 effective 9-1-21**

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code;
- (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
- (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (e) the municipality consider 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: R-7.5(A) Single Family District  
North: R-7.5(A) Single Family District  
South: R-7.5(A) Single Family District  
East: R-7.5(A) Single Family District  
West: R-7.5(A) Single Family District

**Land Use:**

The subject site is undeveloped while the surrounding properties to the north, east, and south are developed with single-family dwellings.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

This request focuses on constructing and maintaining a single-family dwelling unit that is situated along a front yard (Laneri Avenue). The lot is situated at the intersection of

Bonita Avenue and Laneri Avenue, which provides two front yards, one along each corridor. Since the subject site is zoned an R-7.5 Single Family District, a 25-foot front yard setback must be maintained along both frontages to ensure continuity of the block.

In a single-family district, a corner lot with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. In this case, Laneri Avenue provides the longer frontage and would be treated as a side yard. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain an unobstructed front yard to comply with block continuity.

A site plan has been submitted denoting the proposed single-family dwelling located five feet from the front property line along Laneri Avenue and containing approximately 5,153 square feet of floor area. The portion of the single-family structure fronting along Bonita Avenue is not proposed to encroach into the front yard setback and will provide a front yard setback of the required 25 feet. While the portion of the structure along Laneri Avenue will encroach into the required 25-foot front yard setback and proposes to provide a front yard setback of five feet.

The subject site is not irregular in shape but is irregular in area with approximately 5,136 square feet in lot area. An R-7.5(A) zoning district requires lots to have a minimum lot size of 7,500 square feet. However, the applicant has not provided evidence that reflects the decrease in buildable lot area due to the double frontage.

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

- That granting the variance to the front 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 R-7.5(A) 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 R-7.5(A) 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 April 13, 2022, no letters have been submitted in support of or in opposition of the request.

If the board were to grant this front 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 further relief from the Dallas Development Code regulations.

**Timeline:**

January 14, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

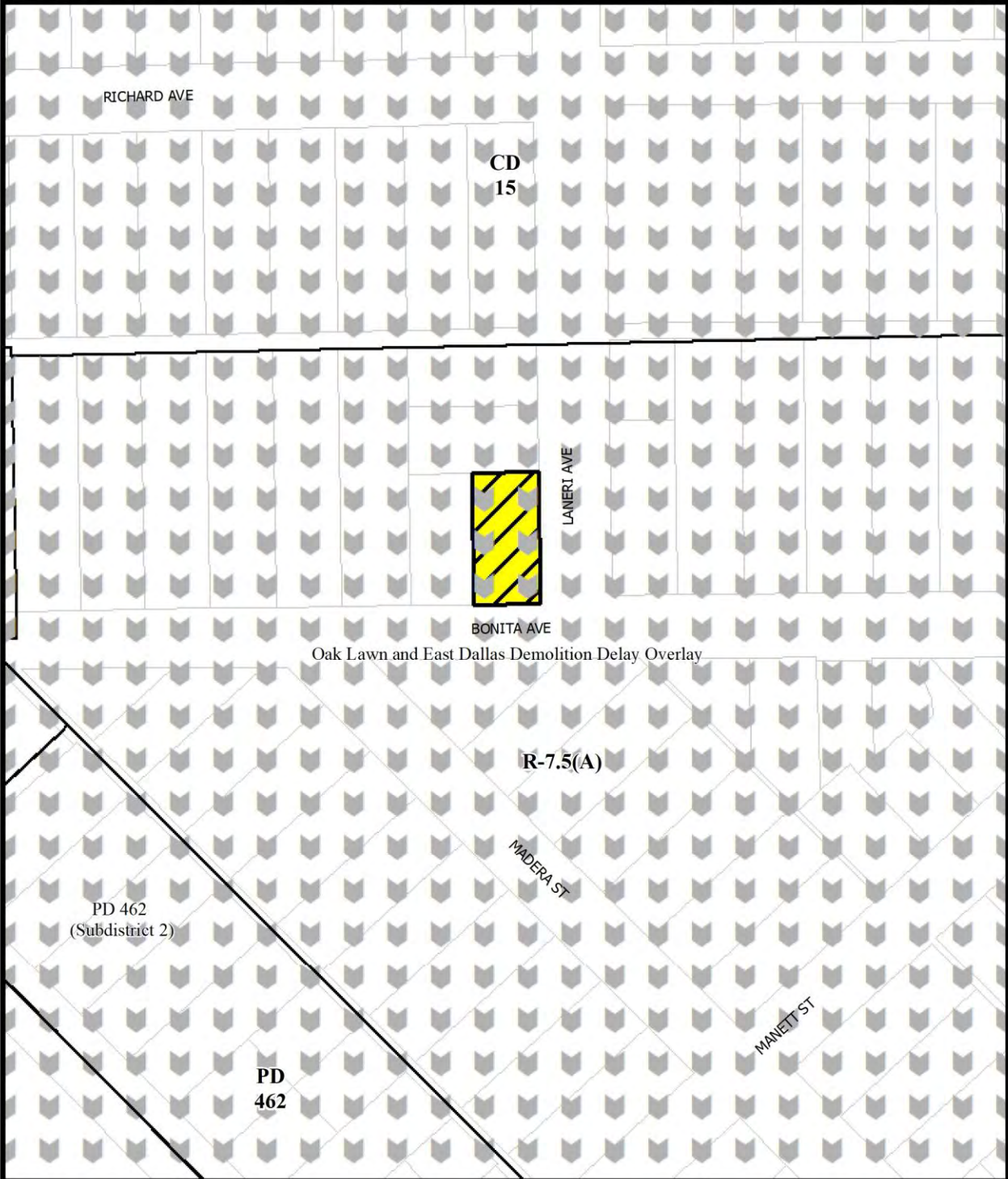
March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 8, 2022: The Board Senior Planner emailed the representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 8<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.”



March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board.

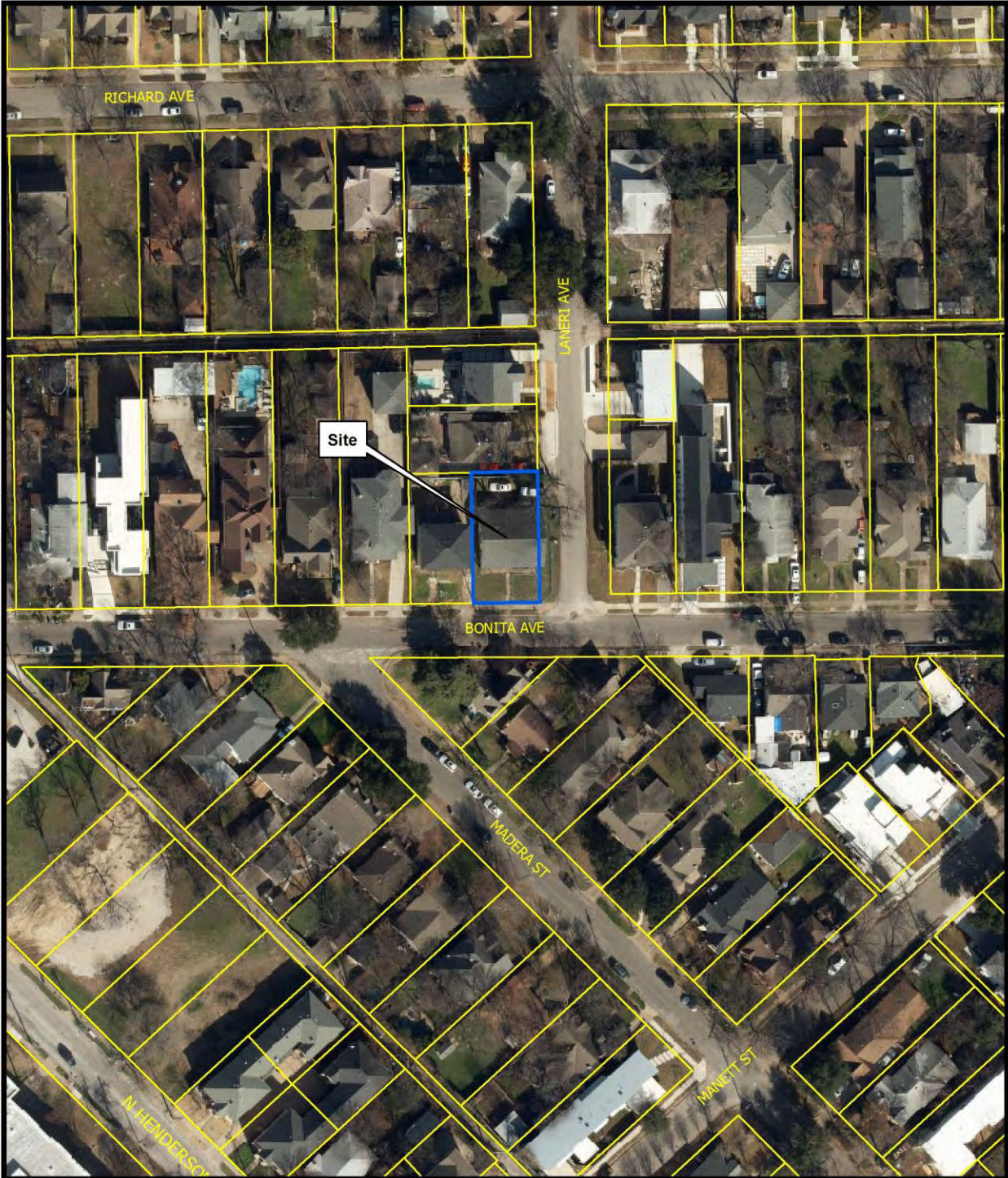


1:1,200

# ZONING MAP

Case no: BDA212-023

Date: 3/9/2022

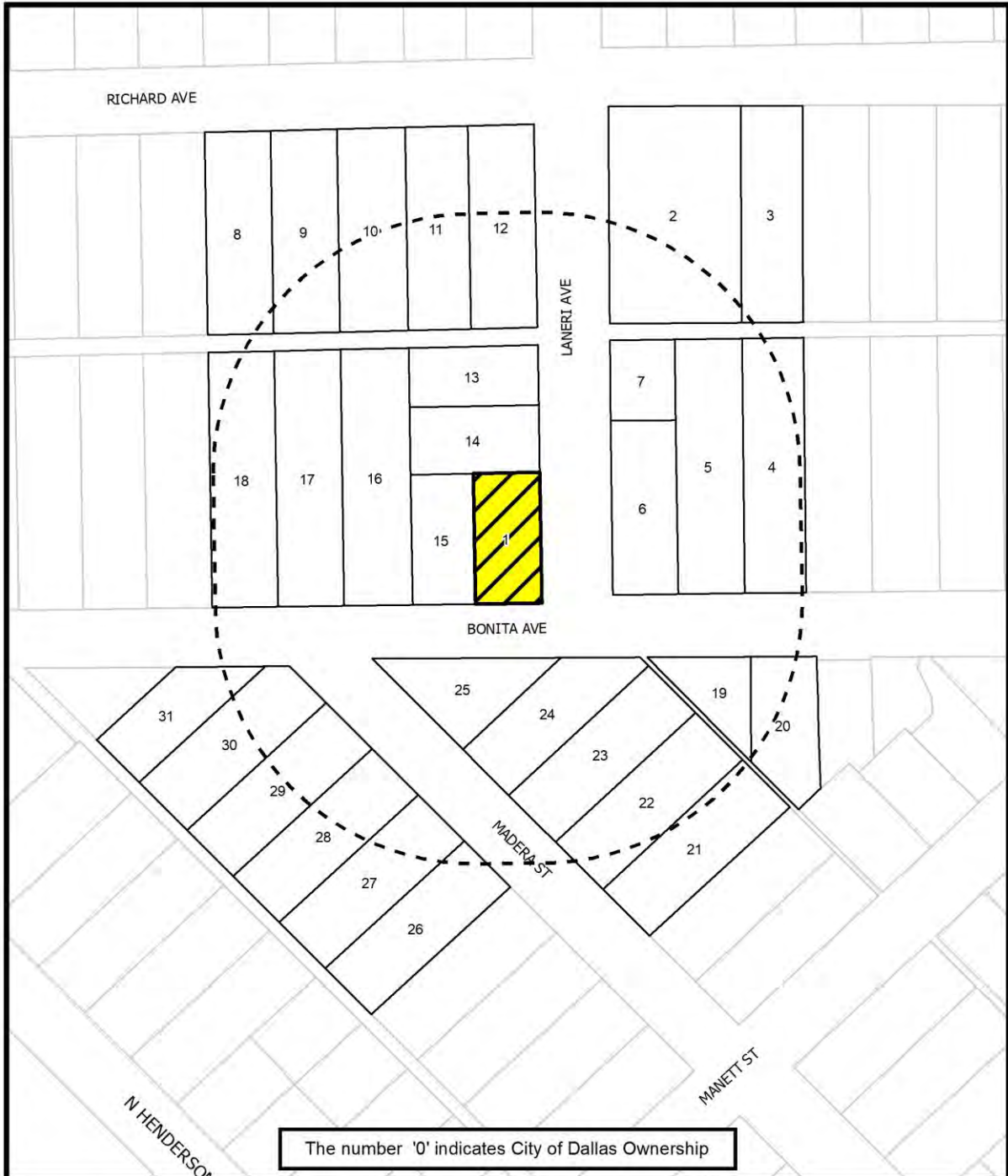


1:1,200

# AERIAL MAP

Case no: BDA212-023

Date: 3/9/2022



 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>31</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>31</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA212-023</b> Date: <b>3/9/2022</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>31</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/09/2022

## *Notification List of Property Owners*

**BDA212-023**

*31 Property Owners Notified*

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
1	5253 BONITA AVE	GCE PARTNERS LLC
2	5300 RICHARD AVE	MAYNOR TRACEY
3	5308 RICHARD AVE	MAYNOR JOHN TRACEY
4	5311 BONITA AVE	NAJERA IRENE C &
5	5307 BONITA AVE	WOOD KYLE IRVIN & STEPHANIE
6	5303 BONITA AVE	CARLOCK CAMERON N &
7	2412 LANERI AVE	YORK JEFFREY EDGAR &
8	5238 RICHARD AVE	SANCHEZ UVELIA
9	5242 RICHARD AVE	SANCHEZ DANIEL E
10	5246 RICHARD AVE	LOVING OLIVER F & FLOR C
11	5250 RICHARD AVE	CARDOSO JESUS
12	5256 RICHARD AVE	THOMAS GRAHAM
13	2415 LANERI AVE	NELSON JEAN M
14	2411 LANERI AVE	MIRELES FIDEL F &
15	5251 BONITA AVE	SMOYER KELLY PATRICIA
16	5247 BONITA AVE	PETTIT TODD & KIMBERLY
17	5241 BONITA AVE	WRIGHT TYLER C
18	5239 BONITA AVE	LOSCHIAVO BRANDON & MEGAN
19	5302 BONITA AVE	ALCORTA EDWARD
20	5308 BONITA AVE	RODRIGUEZ PEDRO &
21	2610 MADERA ST	ROJAS AGAPITO H &
22	2614 MADERA ST	GUEVARA PABLO
23	2618 MADERA ST	KELLY DINEEN A
24	2622 MADERA ST	KELCHER MARY C & JOHN R
25	2626 MADERA ST	WOOD GREGORY &
26	2619 MADERA ST	HAYNES BRADLEY W

03/09/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2623 MADERA ST	COCKERELL MYNETTA
28	2627 MADERA ST	BARNES SAMUEL JOSEPH &
29	2631 MADERA ST	MILLER ZACHARY &
30	2635 MADERA ST	ALVAREZ SYLVIA U
31	5228 BONITA AVE	CAMPBELL DANIEL



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-023

Data Relative to Subject Property:

Date: 1-14-22

Location address: 5253 Bonita Ave

Zoning District: R.7 (5A)

PT LT Lot No.: 15 Block No.: 7/1973 Acreage: .111

Census Tract: 10.02

Street Frontage (in Feet): 1) 50' 2) 97' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): GCE Partners LLC

Applicant: Alexa Peer Sheinbein Telephone: 818-422-0289

Mailing Address: 2765 N Millbrier Cir, Plano ~~75075~~ Zip Code: 75075

E-mail Address: alexapeer22@gmail.com

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

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

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

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of each  
Provide a 5' Frontyard set back

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:

\* Property has two front yard set backs

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

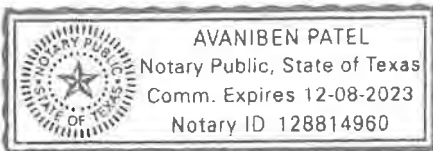
Before me the undersigned on this day personally appeared Alexa Peer Sheinbein  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 13 day of DEC., 2021

(Rev. 08-01-11)



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

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     Alexa Peer-Sheinbein

did submit a request     for a variance to the front yard setback regulations  
at     5253 Bonita Avenue

BDA212-023. Application of Alexa Peer-Sheinbein for a variance to the front yard setback regulations at 5253 BONITA AVE. This property is more fully described as PT of Lot 15, Block 7/1973, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback along Laneri Ave, which will require a 20 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official





AFFIDAVIT

Appeal number: BDA 212-023

I, GCE Partners LLC / Jonathan Greenstein Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5253 Bonita Ave, Dallas TX  
(Address of property as stated on application)

Authorize: Alexa Peer Jheinbein  
(Applicant's name as stated on application)

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

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

Specify: Front yard

Jonathan Greenstein  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 12/17/2021

Before me, the undersigned, on this day personally appeared Jonathan Greenstein

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



[Signature]  
Notary Public for ~~Dallas County, Texas~~  
Bergen, New Jersey  
Commission expires on 02-12-2024



Printed: 12/8/2021

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | OP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSPD Overlay                  | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map 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)





4-14  
1974

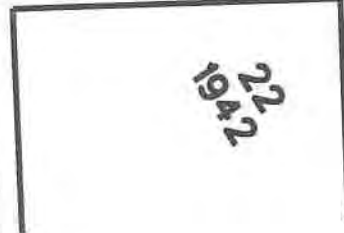
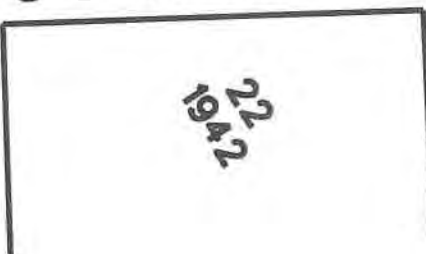
MADRID

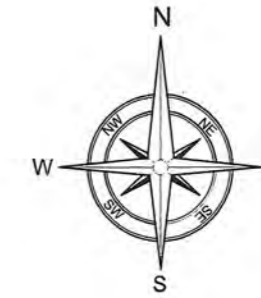
3-17  
1974

AVE. 50.0

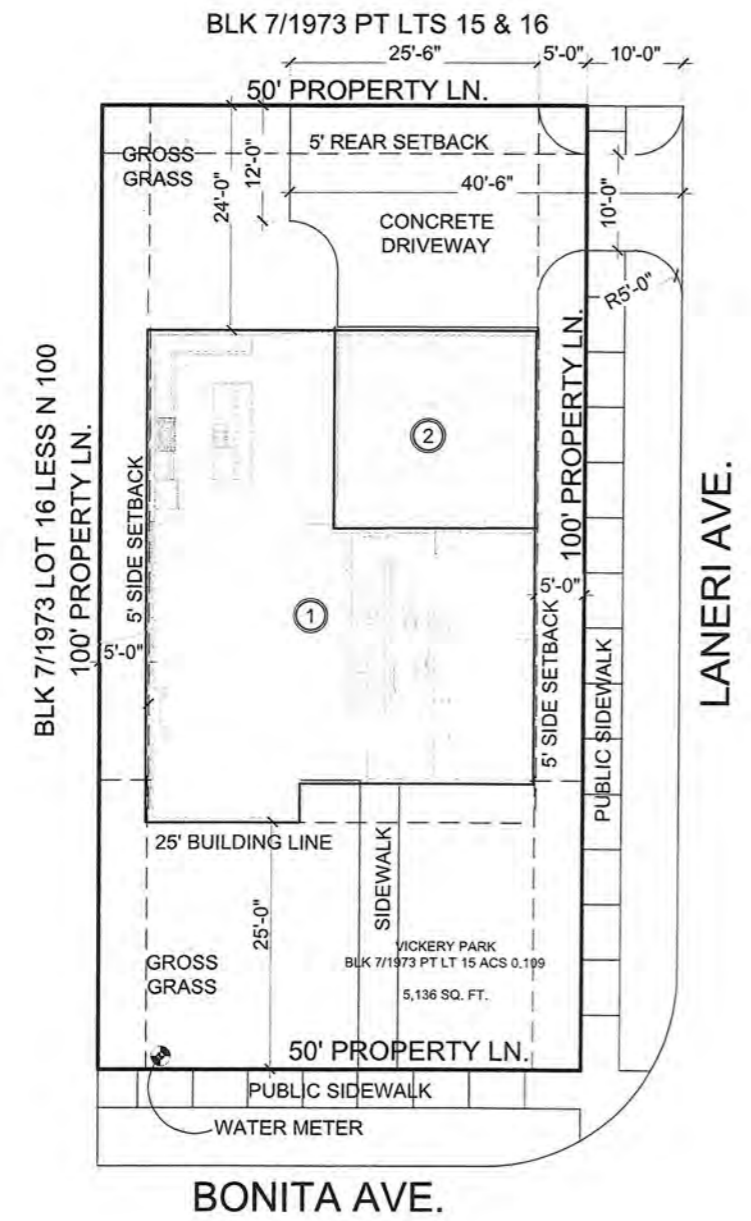
LANERI

50.0





**VICINITY MAP**  
 FOR REFERENCE ONLY



**SITE PLAN**

SCALE 1" = 20'

AREA DISTRIBUTION		
AREA SCHEDULE		
1	PROPOSED LIVING (1st STORY)	1,512.5 SQ. FT.
2	PROPOSED ATTACHED GARAGE	431.5 SQ. FT.
3	PROPOSED LIVING (2nd STORY)	1,715 SQ. FT.
4	PROPOSED UNCOVERED BALCONY (2nd STORY)	176.5 SQ. FT.
5	PROPOSED LIVING (3rd STORY)	1,041 SQ. FT.
6	PROPOSED COVERED BALCONY (3rd STORY)	454 SQ. FT.
7	PROPOSED UNCOVERED BALCONY (3rd STORY)	148.5 SQ. FT.
TOTAL LIVING SPACE		4,268.5 SQ. FT.
TOTAL PROPOSED COVERAGE		1,944 SQ. FT.
LOT AREA		5,136 SQ. FT.
% LOT COVERAGE		38 %
MAX % LOT COVERAGE		45 %

LEGAL DESCRIPTION	
1:	VICKERY PARK
2:	BLK 7/1973 PT LT 15 ACS 0.109
3:	
4:	INT202000226343 DD08142020 CO-DC
5:	1973 007 01500 1001973 007

ADDRESS:

5253 BONITA  
 AVE., DALLAS,  
 TX. 75206

USE:

RESIDENTIAL

DRAWN BY:

ALL ABOUT PERMITS

DATE:

03/26/2021

PLAN:

SITE PLAN

SCALE:

1" = 20'

**A01**

212-023

**FILE NUMBER:** BDA212-030(PD)

**BUILDING OFFICIAL'S REPORT:** Application of Grayson Wafford for a variance to the front yard setback regulations at 7202 La Vista Drive. This property is more fully described as Lot 19 in City Block C/2729 and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single-family residential structure and provide a four-foot front yard setback, which will require a 21-foot variance to the front yard setback regulations.

**LOCATION:** 7202 La Vista Drive

**APPLICANT:** Grayson Wafford

**REQUESTS:**

A request for a variance to the front yard setback regulations of twenty-one feet is made to construct and maintain a single-family dwelling within the subject site's 25-foot front yard setback on Corona Street. The property is currently undeveloped and situated along a corner lot with two front yards.

**STANDARD FOR A VARIANCE:**

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

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

**State Law/HB 1475 effective 9-1-21**

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the subject site being situated on a corner lot encumbered by two front yards determines this property has an unnecessary hardship and is unable to be developed in a manner commensurate with the development upon 13 other parcels of land with the same R-7.5(A) zoning classification, per evidence (**Attachment A**) submitted by the applicant. Additionally, due to the building envelope or developable area being restricted by two front yards, the site is significantly encumbered with a developable area of 2,714 square feet for the structure while the 13 comparable sites provide a developable envelope or area of 4,905 square feet for lot coverage.

**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 is undeveloped while the surrounding properties to the north, east, and south are developed with single-family dwellings.

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

There have been four related board or zoning cases in the vicinity within the last five years.

1. **BDA201-057:** On August 16, 2021, the Panel B Board of Adjustment denied a request for a variance to the parking regulations of 13 spaces is made to maintain a mix of uses within a multitenant facility at 7330 Gaston Avenue.
2. **BDA190-058:** On May 20, 2020, the Panel B Board of Adjustment granted a variance to the front yard setback regulations of 20 feet is made to construct and maintain a two-story single-family structure at 7318 La Vista Drive.
3. **BDA189-090:** On August 21, 2019, the Panel B Board of Adjustment granted a request for a variance to the side yard setback regulations of 5" is made to maintain an existing two-story single family home structure at 7132 Casa Loma Avenue.
4. **BDA178-011:** On January 17, 2018, the Panel B Board of Adjustment granted a special exception to the fence standards regulations to construct and maintain a 9-foot-high fence in a required front yard, which will require a 5-foot special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line at 7303 Casa Loma Avenue.

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

This request focuses on constructing and maintaining a single-family dwelling unit that is situated along a front yard (Corona Street). The lot is situated at the intersection of La Vista Drive and Corona Street, which provides two front yards, one along each corridor. Since the subject site is zoned an R-7.5 Single Family District, a 25-foot front yard setback must be maintained along both frontages to ensure continuity of the block.

In a single-family district, a corner lot with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. In this case, Corona Street provides the longer frontage and would be treated as a side yard. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain an unobstructed front yard to comply with block continuity.

A site plan has been submitted denoting the proposed single-family dwelling located four feet from the front property line along Corona Street and containing approximately 3,523 square feet of floor area. The portion of the single-family structure fronting along

La Vista Drive is not proposed to encroach into the front yard setback and will provide the front yard setback of 25 feet while the portion of the structure proposed along Corona Street proposes to encroach 20 feet into the required front yard setback.

The subject site is not irregular in shape and is approximately 8,250 square feet in lot area. An R-7.5(A) zoning district requires lots to have a minimum lot size of 7,500 square feet. However, the applicant has provided evidence (**Attachment A**) that reflects the decrease in buildable lot area of 30 percent due to the double frontage. The evidence provides an analysis of 13 comparative lots with an average lot area of approximately 7,632 square feet with a buildable area of 4,905 square feet while the existing lot area for the subject site is approximately 7,844 with a buildable area of 3,000 square feet which is a delta of 1,905 square feet.

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

- That granting the variance to the front 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 R-7.5(A) 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 R-7.5(A) 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 April 13, 2022, no letters have been submitted in support of or in opposition of the request.

If the board were to grant this front 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 further relief from the Dallas Development Code regulations.

**Timeline:**

February 10, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents/evidence (**Attachment A**) that have been included as part of this case report.

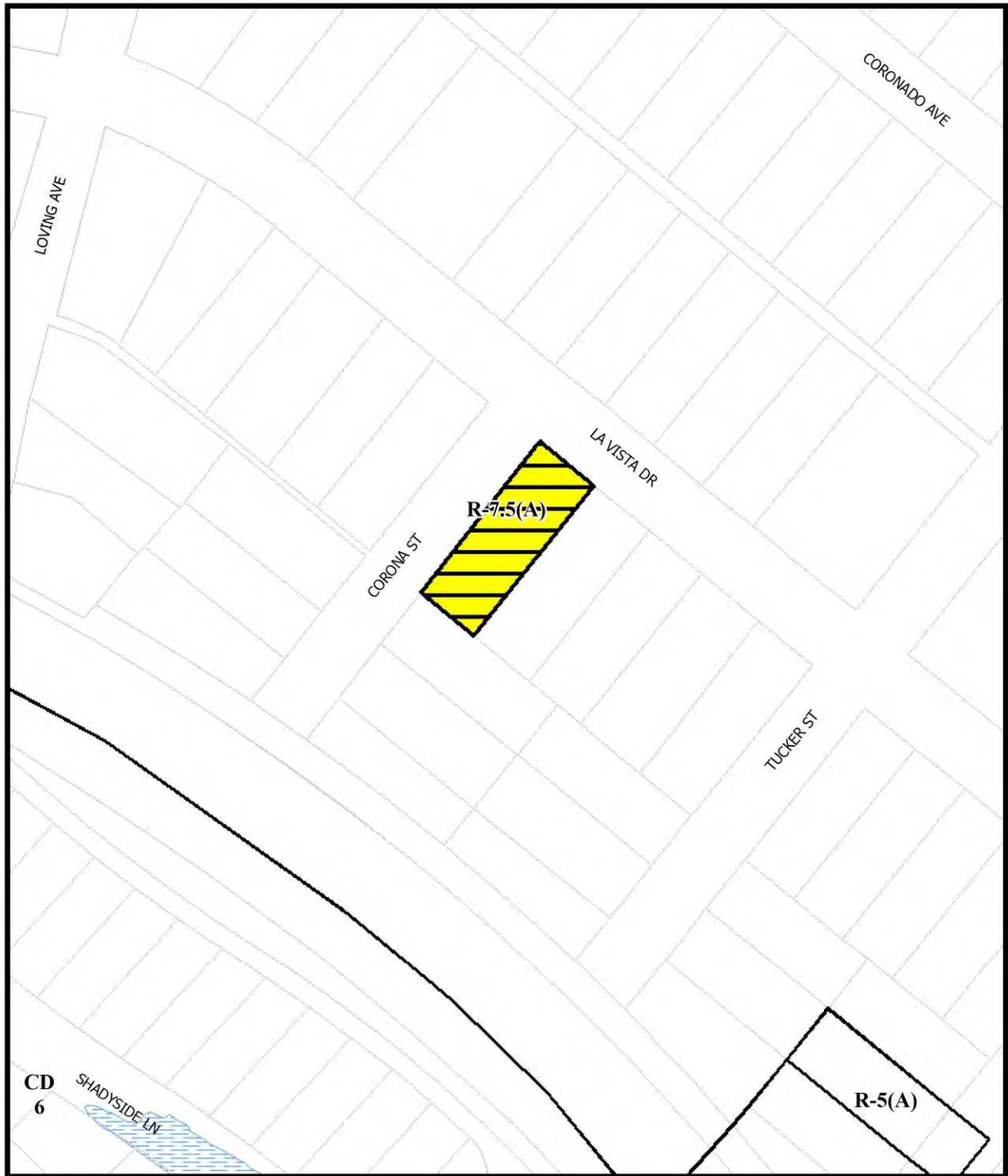
March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 8, 2022: The Board Senior Planner emailed the representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 8<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.”

March 29, 2022: The applicant provided revised evidence for Board consideration (**Attachment A**).

March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board.

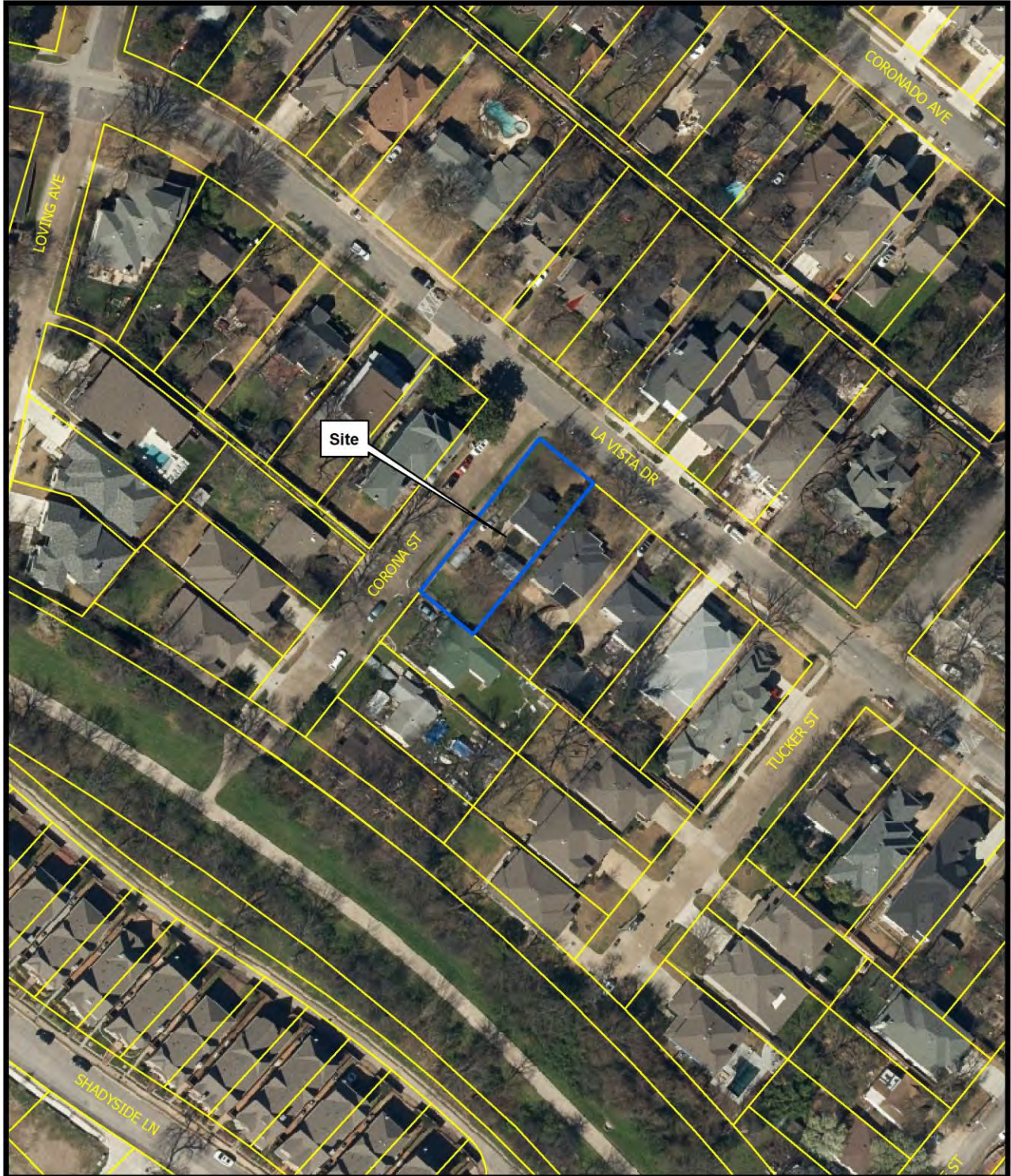


1:1,200

# ZONING MAP

Case no: BDA212-030

Date: 3/9/2022



1:1,200

# AERIAL MAP

Case no: BDA212-030

Date: 3/9/2022



  
 1:1,200

## NOTIFICATION

200' AREA OF NOTIFICATION  
29 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-030**  
 Date: **3/9/2022**

03/09/2022

## *Notification List of Property Owners*

***BDA212-030***

***29 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7202 LA VISTA DR	BESPOKE CUSTOM DESIGN LLC
2	7221 LA VISTA DR	SCURRIA LARRY & JAMIE M
3	7215 LA VISTA DR	MARTINEZ ALEXIS & GIANNA
4	7211 LA VISTA DR	CULPEPPER STEPHANIE K &
5	7207 LA VISTA DR	POYNTER AUSTIN L &
6	7203 LA VISTA DR	ROBINSON STEPHANIE &
7	7210 LA VISTA DR	Taxpayer at
8	7214 LA VISTA DR	MATSUOKA DAISUKE &
9	7218 LA VISTA DR	JONES MATTHEW & MOLLY
10	1811 TUCKER ST	FOXMAN BRADLEY
11	1807 TUCKER ST	ANDRING BRICE NICHOLAS &
12	1803 TUCKER ST	GANNON JOHN &
13	1810 CORONA ST	COZBY BILLIE
14	1806 CORONA ST	HENDERSON ROBERT LEE
15	1802 CORONA ST	MENDEZ ELIGIO & LUCIA
16	7200 EAST GRAND AVE	JOPLIN MARY C
17	7126 LA VISTA DR	HOGUE ROBERT G & PATRICIA M
18	7122 LA VISTA DR	LINE JOHN E & SHELLY D
19	7118 LA VISTA DR	GOODIN GREGORY B & EMILY B
20	1810 LOVING AVE	MENZIES CHRISTOPHER G
21	1806 LOVING AVE	PIPPEN JOHN & PATRICIA
22	1803 CORONA ST	VYDASHENKO NIKOLAY &
23	1807 CORONA ST	SHAFIR MIKE &
24	1811 CORONA ST	800 BRITTON PLACE REVOCABLE
25	7123 LA VISTA DR	REED HOLLY
26	7127 LA VISTA DR	YETTS CHRISTOPHER A

03/09/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7131 LA VISTA DR	WILDER TERRI S
28	7206 LA VISTA DR	HALL CASEY &
29	401 S BUCKNER BLVD	DART



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-030  
Date: ~~02/04/2022~~ 2-10-22 cat

Data Relative to Subject Property:

Location address: 7202 La Vista Dr. Dallas, TX 75214 Zoning District: R-7.5(a)  
Lot No.: 19 Block No.: C/2729 Acreage: .18 Census Tract: 1.00  
Street Frontage (in Feet): 1) 54.25' 2) 148.87' 3) 52.73' 4) 148.76 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bespoke Custom Design, LLC / GRAYSON WAFFORD

Applicant: Grayson Wafford Telephone: (214) 404-8272

Mailing Address: 6516 Sondra Dr. Dallas, TX Zip Code: 75214

E-mail Address: bespokecdllc@gmail.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 front yard setback 20' 21'  
along Corona St. side street + provide 46-5' 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:

The property currently has 2 front yard 25' setbacks according the Dallas Zoning Department.  
When both setbacks are applied to the property it creates an unnecessary hardship restricting development of the land in a manner commensurate with the development of other parcels of land with the same zoning and along the same street.

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

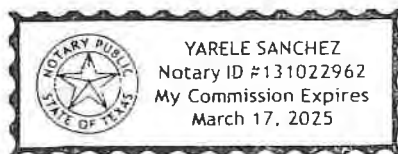
Before me the undersigned on this day personally appeared GRAYSON WAFFORD  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 7<sup>th</sup> day of February, 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**

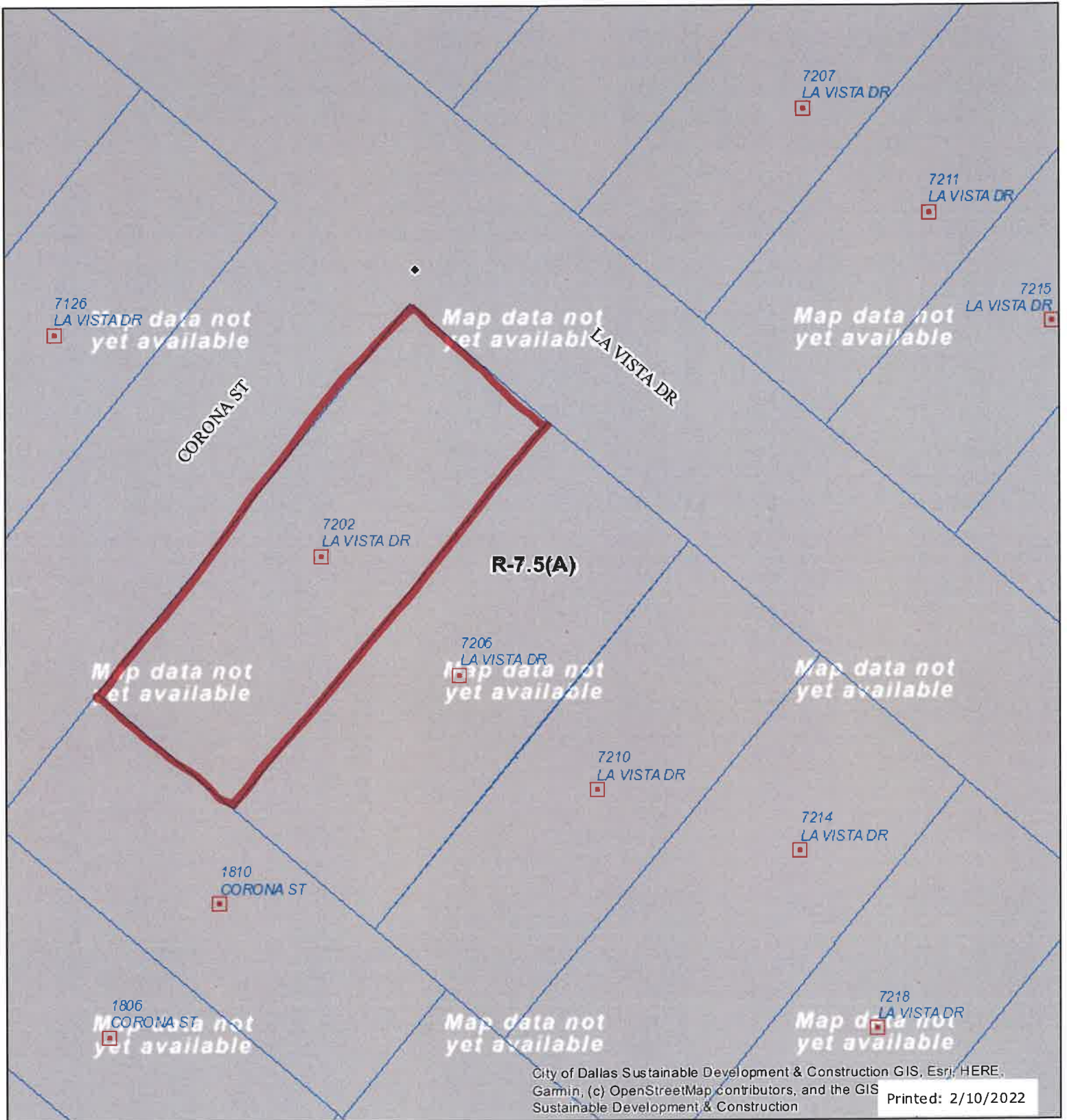
I hereby certify that Grayson Wafford  
did submit a request for a variance to the front yard setback regulations  
at 7202 La Vista Drive

BDA212-030. Application of Grayson Wafford for a variance to the front yard setback regulations at 7202 LA VISTA DR. This property is more fully described as Lot 19, Block C/2729, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 4 foot front yard setback, which will require a 21 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official



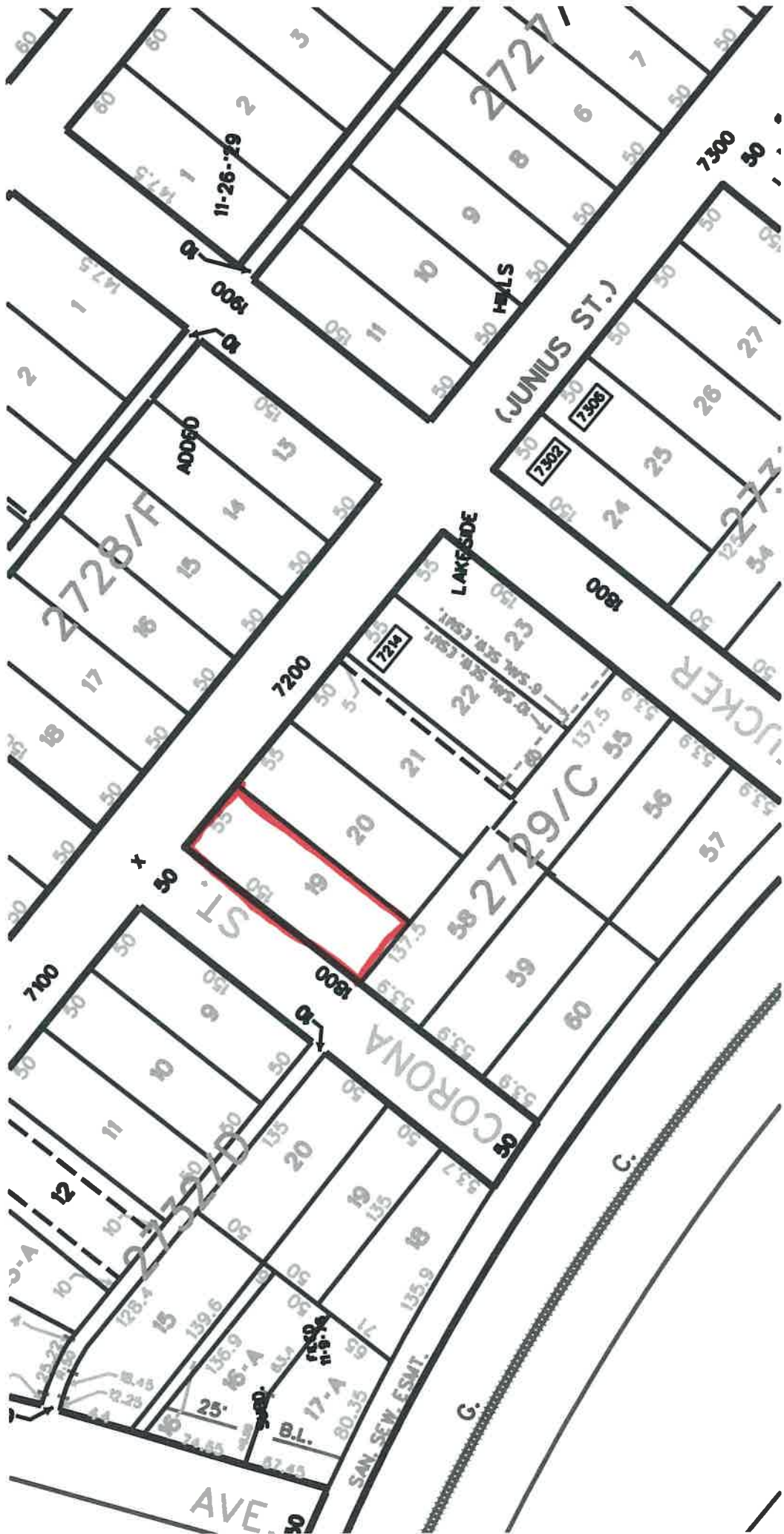


### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | <b>Dry Overlay</b>    | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Roadplain</b>     | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map 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)

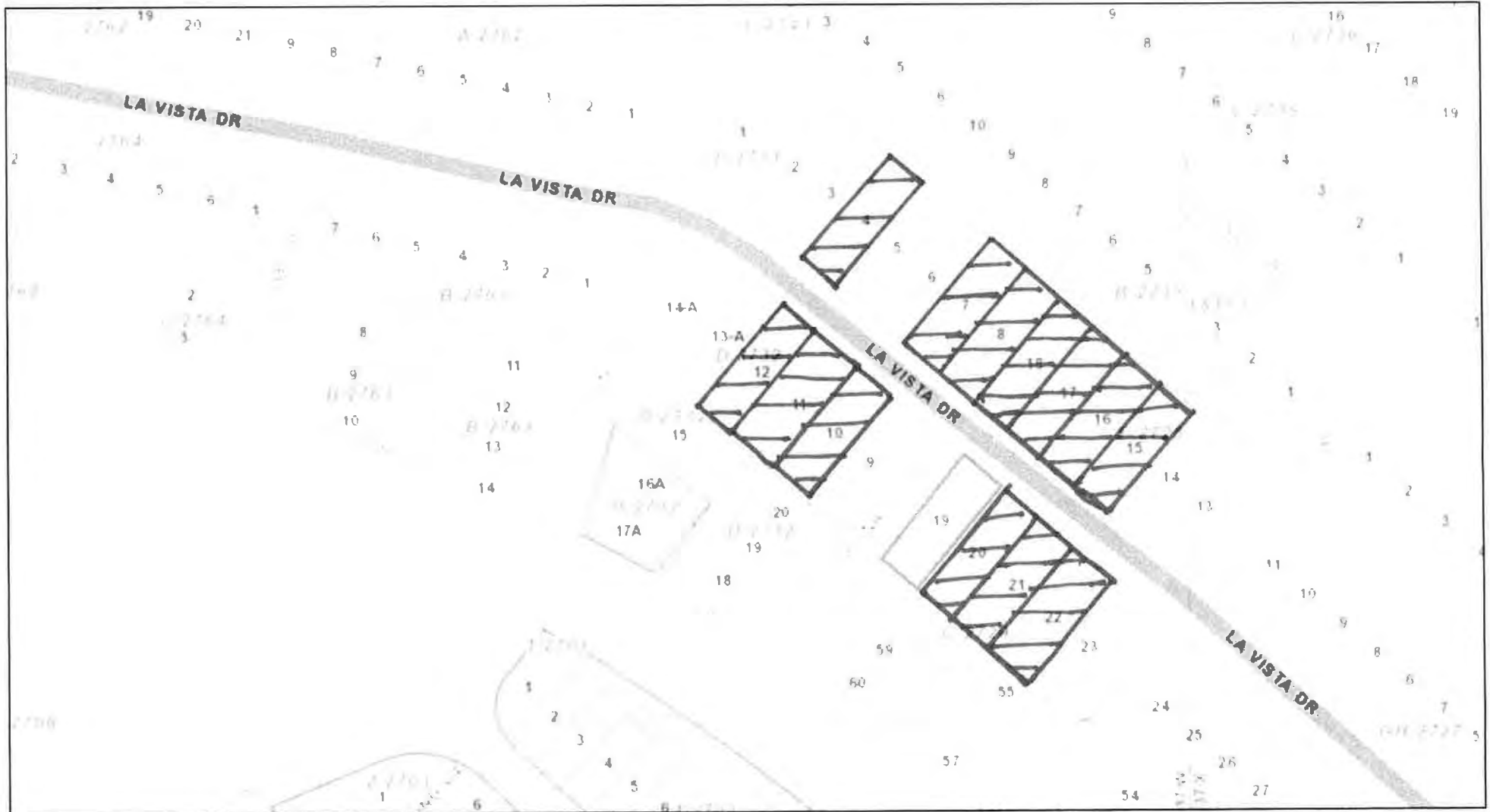




# 7200 Block of La Vista

DCAD ID: 0000227854000000

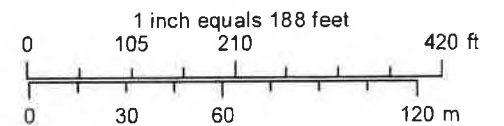
Date of copy: 2/21/2022



This product is for informational purposes only 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.



Dallas Central Appraisal District  
2949 N Stemmons Freeway  
Dallas, TX 76247-6195  
(214) 631-1342  
[www.dallascad.org](http://www.dallascad.org)



DCAD, NCTCOG, USGS, Esri, Inc

7202 La Vista building envelope available for development (sq/ft):  
 Surround property's building envelope average availability (sq/ft):

<b>2,714</b>
<b>4,905</b>
<b>(2,191)</b>

**Surrounding Lots**

Address #	Street	Frontage	Depth (ft)	Area (sq/ft)	Front Set-Back	Sideyard Set-Back (1)	Sideyard Set-Back (2)	Rear Set-Back	Available Building Area
7206	La Vista	55	148	8,140	25	5	5	5	5,310
7210	La Vista	51	148	7,548	25	5	5	5	4,838
7214	La Vista	54	146	7,884	25	5	5	5	5,104
7122	La Vista	50	146	7,300	25	5	5	5	4,640
7118	La Vista	62	146	9,052	25	5	5	5	6,032
7112	La Vista	47	146	6,862	25	5	5	5	4,292
7215	La Vista	49	153	7,497	25	5	5	5	4,797
7211	La Vista	49	153	7,497	25	5	5	5	4,797
7207	La Vista	50	150	7,500	25	5	5	5	4,800
7203	La Vista	48	153	7,344	25	5	5	5	4,674
7131	La Vista	51	153	7,803	25	5	5	5	5,043
7127	La Vista	50	153	7,650	25	5	5	5	4,920
7115	La Vista	47	152	7,144	25	5	5	5	4,514
<b>Average:</b>		<b>51</b>	<b>150</b>	<b>7,632</b>					<b>4,905</b>

**Subject Lot**

Address #	Street	Lot Frontage	Lot Depth (ft)	Lot Area (sq/ft)	Frontyard Set-Back (1)	Frontyard Set-back (2)	Sideyard Set-Back (2)	Rear Set-Back	Available Building Area
7202	La Vista	<b>53</b>	<b>148</b>	<b>7,844</b>	25	<b>25</b>	5	5	<b>2,714</b>

7202 La Vista building envelope available for development (sq/ft):  
 Surround property's building envelope average availability (sq/ft):

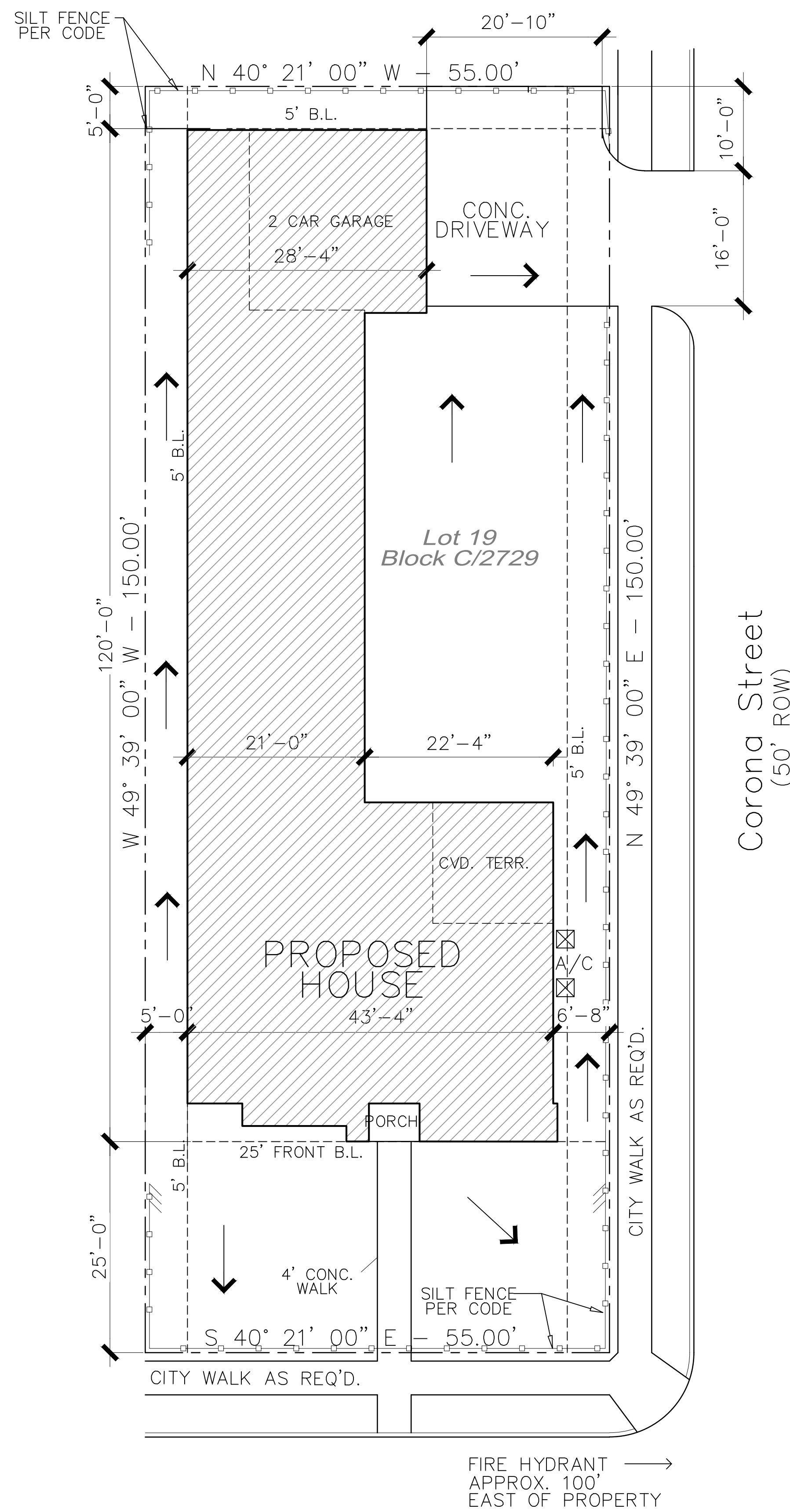
<b>2,714</b>
<b>4,905</b>
<b>(2,191)</b>

**Surrounding Lots**

Address #	Street	Frontage	Depth (ft)	Area (sq/ft)	Front Set-Back	Sideyard Set-Back (1)	Sideyard Set-Back (2)	Rear Set-Back	Available Building Area
7206	La Vista	55	148	8,140	25	5	5	5	5,310
7210	La Vista	51	148	7,548	25	5	5	5	4,838
7214	La Vista	54	146	7,884	25	5	5	5	5,104
7122	La Vista	50	146	7,300	25	5	5	5	4,640
7118	La Vista	62	146	9,052	25	5	5	5	6,032
7112	La Vista	47	146	6,862	25	5	5	5	4,292
7215	La Vista	49	153	7,497	25	5	5	5	4,797
7211	La Vista	49	153	7,497	25	5	5	5	4,797
7207	La Vista	50	150	7,500	25	5	5	5	4,800
7203	La Vista	48	153	7,344	25	5	5	5	4,674
7131	La Vista	51	153	7,803	25	5	5	5	5,043
7127	La Vista	50	153	7,650	25	5	5	5	4,920
7115	La Vista	47	152	7,144	25	5	5	5	4,514
<b>Average:</b>		<b>51</b>	<b>150</b>	<b>7,632</b>					<b>4,905</b>

**Subject Lot**

Address #	Street	Lot Frontage	Lot Depth (ft)	Lot Area (sq/ft)	Frontyard Set-Back (1)	Frontyard Set-back (2)	Sideyard Set-Back (2)	Rear Set-Back	Available Building Area
7202	La Vista	<b>53</b>	<b>148</b>	<b>7,844</b>	25	<u><b>25</b></u>	5	5	<b>2,714</b>



TOTAL LOT AREA	=8,250 S.F.
TOTAL CVD. AREA	=3,523 S.F.
COVERAGE	42.7%
TOTAL OPEN AREA	=4,727 S.F.
OPEN AREA	57.3%
TOTAL IMPERMIABLE	=667 SF
	14.11%

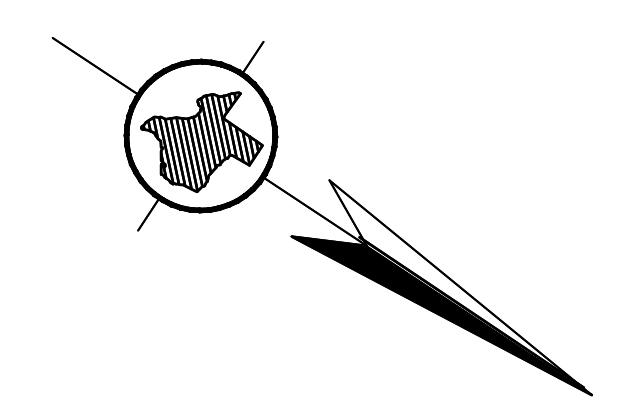
INDICATES DRAINAGE →

NO AIRDUCT OR HVAC EQUIPMENT WILL BE LOCATED IN GARAGE.

**PLOT PLAN**  
7202 La Vista Drive  
(50' ROW)

Lot 19, Block C/2729  
of Lakeside Hills Addition  
City of Dallas, Texas

SCALE: 1"=10'-0"  
JOB 221055  
DATE: 06/28/21  
REVISED 3-28-22



DATE 6/28/21  
Red Line  
NAME ted/hs  
REVISIONS

**SPEC RESIDENCE**  
Wafford Custom Homes  
Lot: 19 Block: C/2729 Lakeside Hills Add.  
7202 La Vista Drive, Dallas TX

**IKEMIRE ARCHITECTS L.L.C.**  
ARCHITECTURE • PLANNING • INTERIORS  
16660 DALLAS PKWY. SUITE 2900 DALLAS, TX 972-248-2486 FAX 972-248-1557

## BDA212-030\_ATTACHMENT\_A

7202 La Vista building envelope available for development (sq/ft):

**3,000**

Surround property's building envelope average availability (sq/ft):

**4,905**

**(1,905)**

### Surrounding Lot Dimensions (using Dallas Central Appraisal District available dimensions)

Address #	Street	Frontage	Depth (ft)	Area (sq/ft)	Front Set-Back	Sideyard Set-Back (1)	Sideyard Set-Back (2)	Rear Set-Back	Available Building Area
7206	La Vista	55	148	8,140	25	5	5	5	5,310
7210	La Vista	51	148	7,548	25	5	5	5	4,838
7214	La Vista	54	146	7,884	25	5	5	5	5,104
7122	La Vista	50	146	7,300	25	5	5	5	4,640
7118	La Vista	62	146	9,052	25	5	5	5	6,032
7112	La Vista	47	146	6,862	25	5	5	5	4,292
7215	La Vista	49	153	7,497	25	5	5	5	4,797
7211	La Vista	49	153	7,497	25	5	5	5	4,797
7207	La Vista	50	150	7,500	25	5	5	5	4,800
7203	La Vista	48	153	7,344	25	5	5	5	4,674
7131	La Vista	51	153	7,803	25	5	5	5	5,043
7127	La Vista	50	153	7,650	25	5	5	5	4,920
7115	La Vista	47	152	7,144	25	5	5	5	4,514
Average:		51	150	7,632					4,905

### Subject Lot Dimensions (using Site Plan from Survey)

Address #	Street	Lot Frontage	Lot Depth (ft)	Lot Area (sq/ft)	Frontyard Set-Back (1)	Frontyard Set-back (2)	Sideyard Set-Back (1)	Rear Set-Back	Available Building Area
7202	La Vista	55	150	8,250	25	25	5	5	3,000

### Subject Lot Dimensions (using Dallas Central Appraisal District available dimensions)

Address #	Street	Lot Frontage	Lot Depth (ft)	Lot Area (sq/ft)	Frontyard Set-Back (1)	Frontyard Set-back (2)	Sideyard Set-Back (1)	Rear Set-Back	Available Building Area
7202	La Vista	53	148	7,844	25	25	5	5	2,714

**FILE NUMBER:** BDA212-033(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Mehrdad Ghani for a variance to the front yard setback regulations at 10001 Meadowbrook Drive. This property is more fully described as Tract 8, Block 5517, and is zoned an R-1ac(A) Single Family District, which requires a front yard setback of 40 feet.

**LOCATION:** 10001 Meadowbrook Drive

**APPLICANT:** Mehrdad Ghani

**REQUESTS:** The applicant proposes to construct a single-family residential structure and provide a 17-foot six-inch front yard setback along Walnut Hill Lane, which will require a 22-foot six-inch variance to the front yard setback regulations, and to construct a single-family residential structure and provide a 31-foot front yard setback along Meadowbrook Drive, which will require a nine-foot variance to the front yard setback regulations.

**STANDARD FOR A VARIANCE:**

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

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



## **State Law/HB 1475 effective 9-1-21**

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

### **STAFF RECOMMENDATION:**

Denial.

Rationale:

- While the site is unique due to being encumbered by a second front yard setback requirement, having a flood plain, and topographical challenges on over 50 percent of the site, the applicant failed to provide evidence showing how the proposed development is commensurate with the development upon other parcels with the same zoning.
- If a list were to be provided, staff would support this request with the recommendation being subject to the submitted site plan.

### **BACKGROUND INFORMATION:**

#### **Zoning:**

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

### **Land Use:**

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

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

While there is a nearby case BDA212-022 east of the site and on this month's agenda for Panel C, it pertains to a fence and not front yard setback variance. There has been no relevant board or zoning case history in the vicinity within the last five years.

Additionally, the subject site was granted variances to the front yard setback by Panel A on May 19, 2015 (BDA145-056), surpassing the five-year rule for returning to the same panel (Sec.51A-3.102(b) Case assignments). The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within five years of the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.

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

The subject site is zoned an R-1ac(A) Single Family District, which requires a 40-foot front yard. Corner lots in single family districts with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain a front yard free from structures for block continuity. In this case, the district requires two 40-foot front yards, due to the orientation of properties to the west along Walnut Hill Road.

The applicant proposes to construct a single-family residential structure and provide a 17-foot six-inch front yard setback along Walnut Hill Lane, which will require a 22-foot six-inch variance to the front yard setback regulations, and to construct a single-family residential structure and provide a 31-foot front yard setback along Meadowbrook Drive, which will require a nine-foot variance to the front yard setback regulations.

Lots in this district are a minimum of one acre or 43,560 square feet in area. According to DCAD records, the subject site contains just under an acre or 39,509 square feet of area. Additionally, the lot is encumbered with a second front yard. Finally, the site has a creek and flood plain running through it, making more than 50 percent of the lot sloped and impossible to develop.

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

- That granting the variance to the front 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 R-1ac(A) 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 R-1ac(A) zoning classification.

As of April 13, 2022, no letters had been submitted regarding this request.

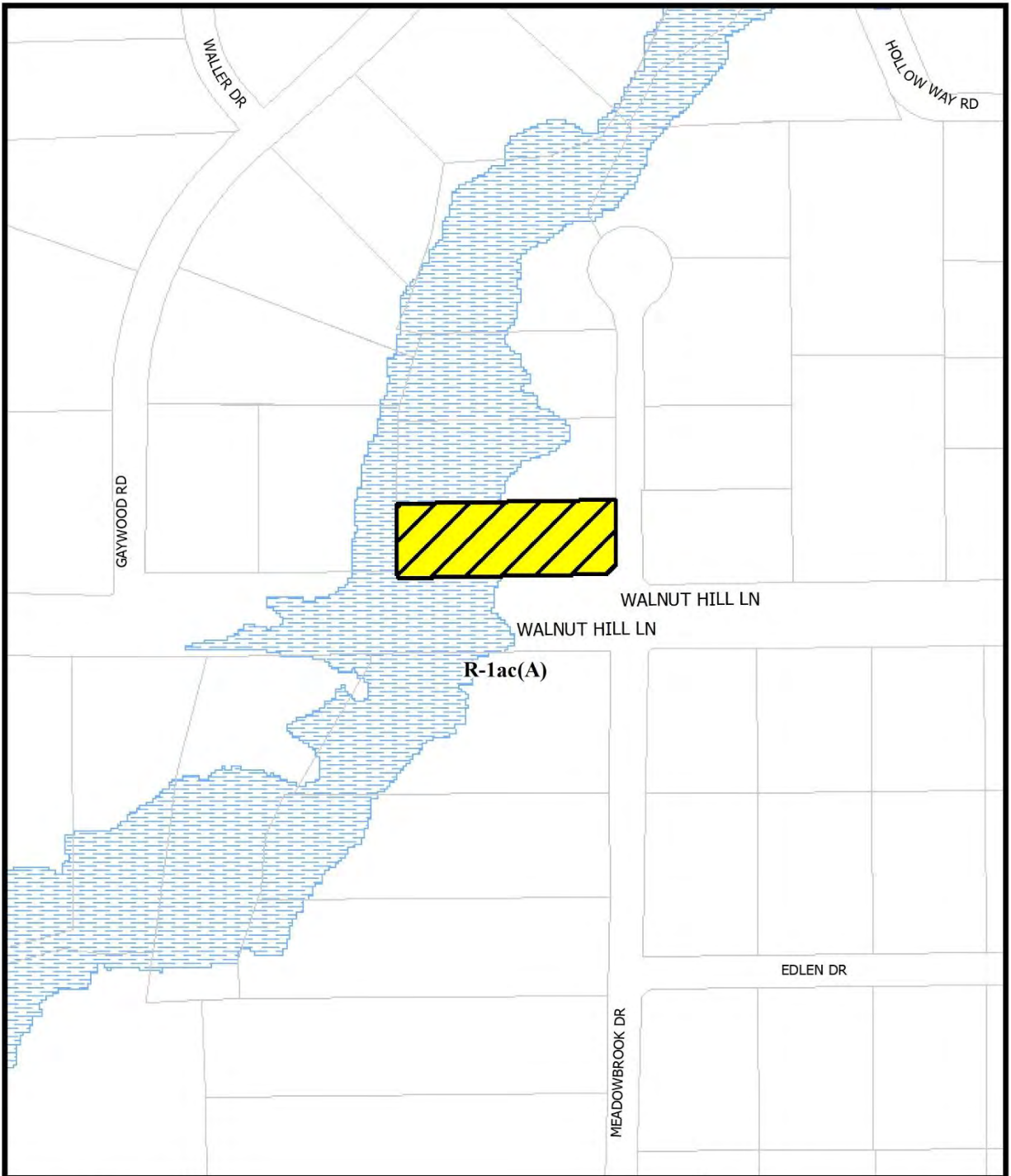
If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed structure located within the front yard setbacks for each front yard would be limited to what is shown on this document. No additional relief is provided with this request.

**TIMELINE:**

- February 11, 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.
- March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 15, 2022: The Board Administrator 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 March 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the April 8<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.”

March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board

April 13, 2022: No evidence, staff review comments, or letters had been received.

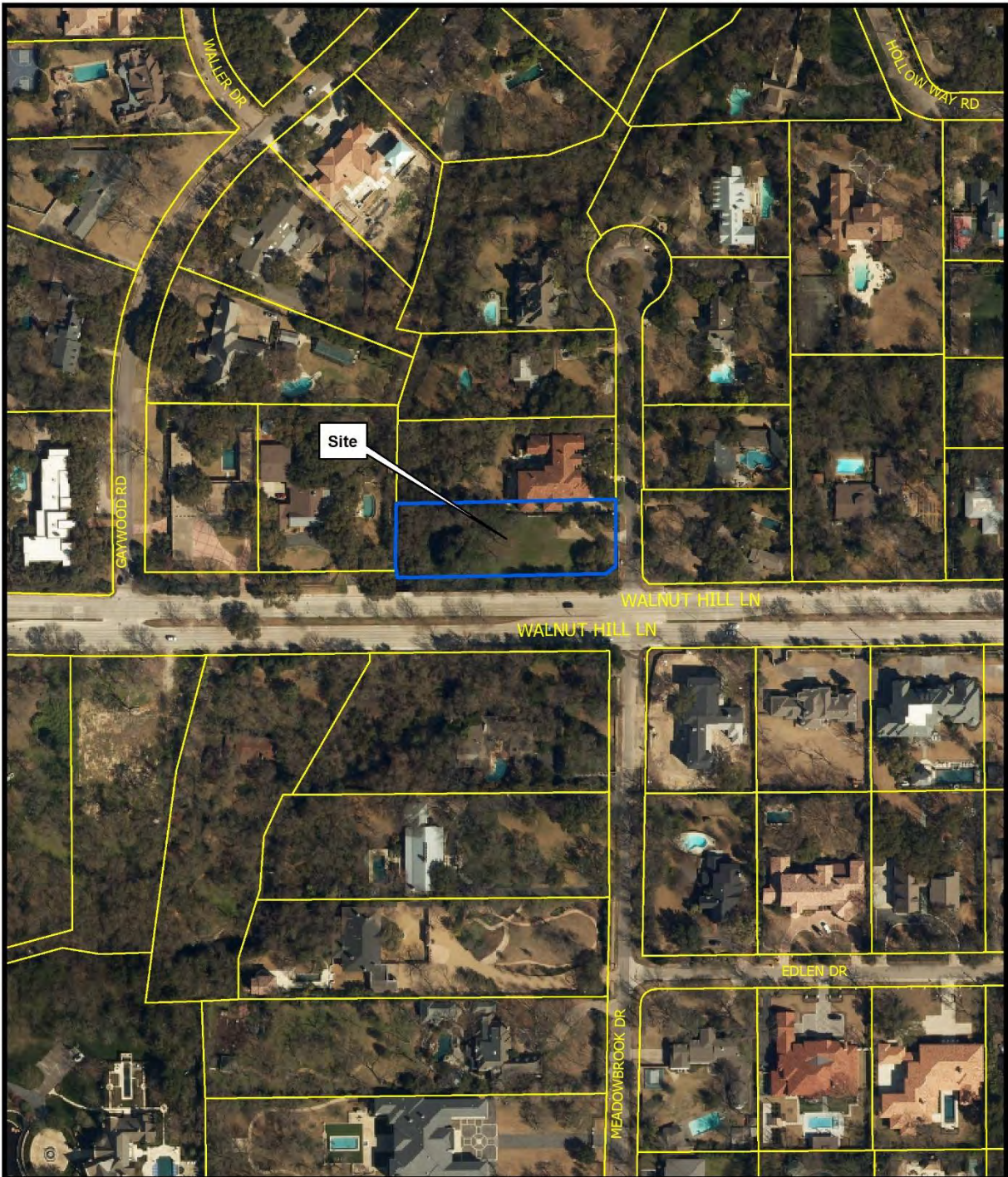


1:2,400

# ZONING MAP

Case no: BDA212-033

Date: 3/9/2022

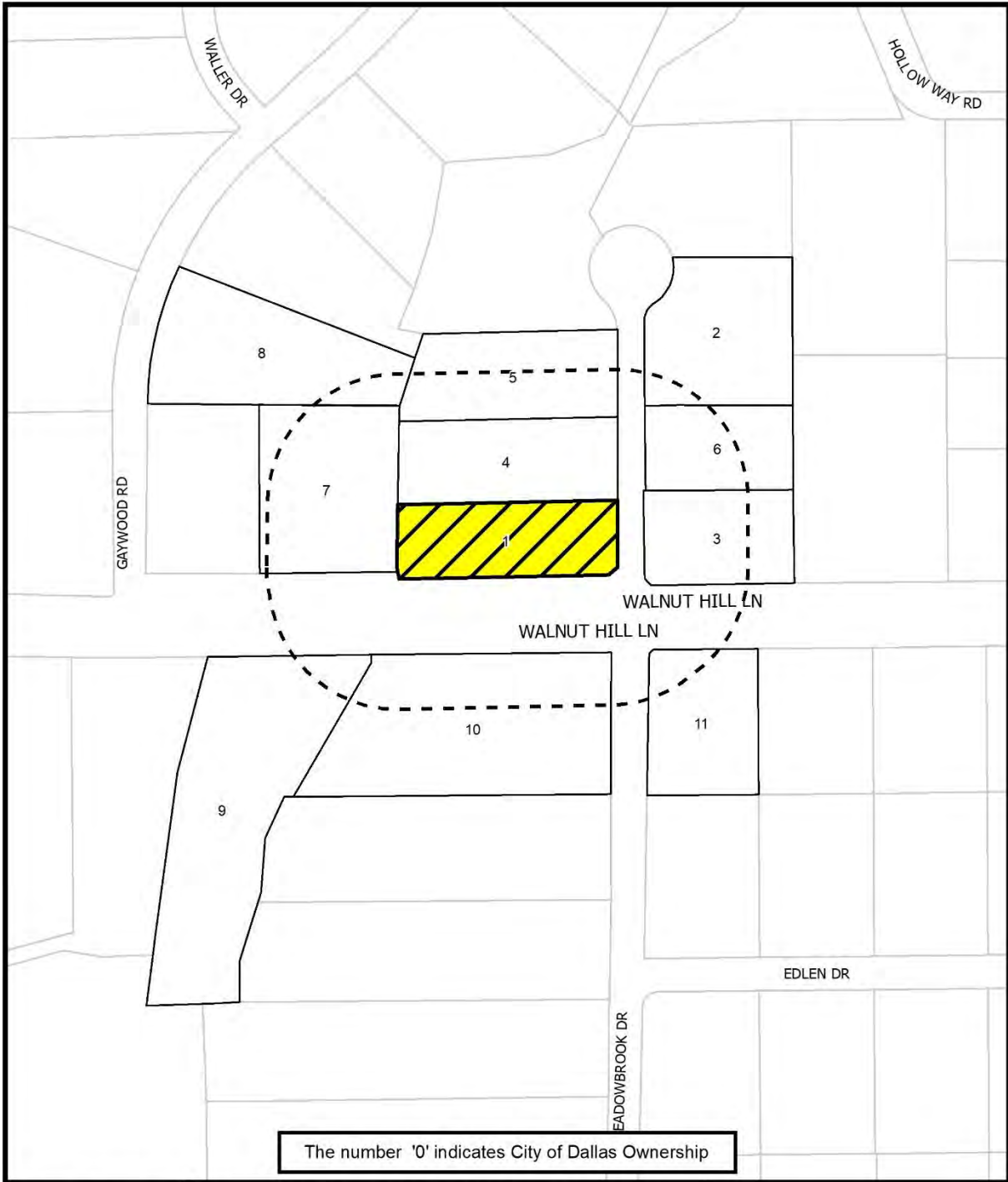


1:2,400

# AERIAL MAP

Case no: BDA212-033

Date: 3/9/2022



1:2,400

# NOTIFICATION

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

Case no: **BDA212-033**  
 Date: **3/9/2022**

03/09/2022

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

***BDA212-033***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10001 MEADOWBROOK DR	NAZNAT LP
2	10030 MEADOWBROOK DR	NEUHOFF JOE B
3	10008 MEADOWBROOK DR	JONES ROBERT W
4	10005 MEADOWBROOK DR	XIE BING &
5	10015 MEADOWBROOK DR	BEHRENDT ROBERT E &
6	10020 MEADOWBROOK DR	LAMM BEN
7	5221 WALNUT HILL LN	LANDIN MEREDITH GARRETT
8	10040 GAYWOOD RD	SMITH MICAH &
9	5222 WALNUT HILL LN	WALNUT & MEADOWBROOK PPTIES LLC
10	9999 MEADOWBROOK DR	WALNUT & MEADOWBROOK
11	9930 MEADOWBROOK DR	BOSITA RENATO V JR & JUDITH W HSU





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-033

Data Relative to Subject Property:

Date: 2-11-22

Location address: 10001 Meadowbrook Drive Zoning District: R-1ac (A)

Lot No.: Tr 8 Block No.: 5517 Acreage: 1.034 Census Tract: 76.08

Street Frontage (in Feet): 1) 131.5 2) 336.32 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Naz Nat, LP

Applicant: Mehrdad Ghani Telephone: 214-704-8340

Mailing Address: P O Box 704074 Dallas TX Zip Code: 75370

E-mail Address: mghani@mginternationalinc.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 22'6" From Right of way line on Walnut Hill side of property and provide A 11'6" Frontyard setback - 4' into the required 40' Frontyard along Meadowbrook & provide A 36' frontyard 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: Lot is on corner & has 2 front yards. City easement and entire half of lot located in Flood plain. It will be impossible to build in a manner commensurate with the development of other properties with the same zoning without variance.

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.

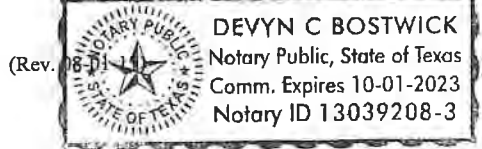
Affidavit

Before me the undersigned on this day personally appeared Mehrdad Ghani (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 11th day of February, 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 Mehرداد Ghani

did submit a request for a variance to the front yard setback regulations  
at 10001 MeadowBrook Drive

BDA212-033. Application of Mehرداد Ghani for a variance to the front yard setback regulations at 10001 MEADOWBROOK DR. This property is more fully described as Tract 8, Block 5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential structure and provide a 17 foot 6 inch front yard setback along Walnut Hill Ln, which will require a 22 foot 6 inch variance to the front yard setback regulations, and to construct a single family residential structure and provide a 31 foot front yard setback along Meadowbrook Dr, which will require a 9 foot variance to the front yard setback regulations.

Sincerely,

  
David Session, Building Official

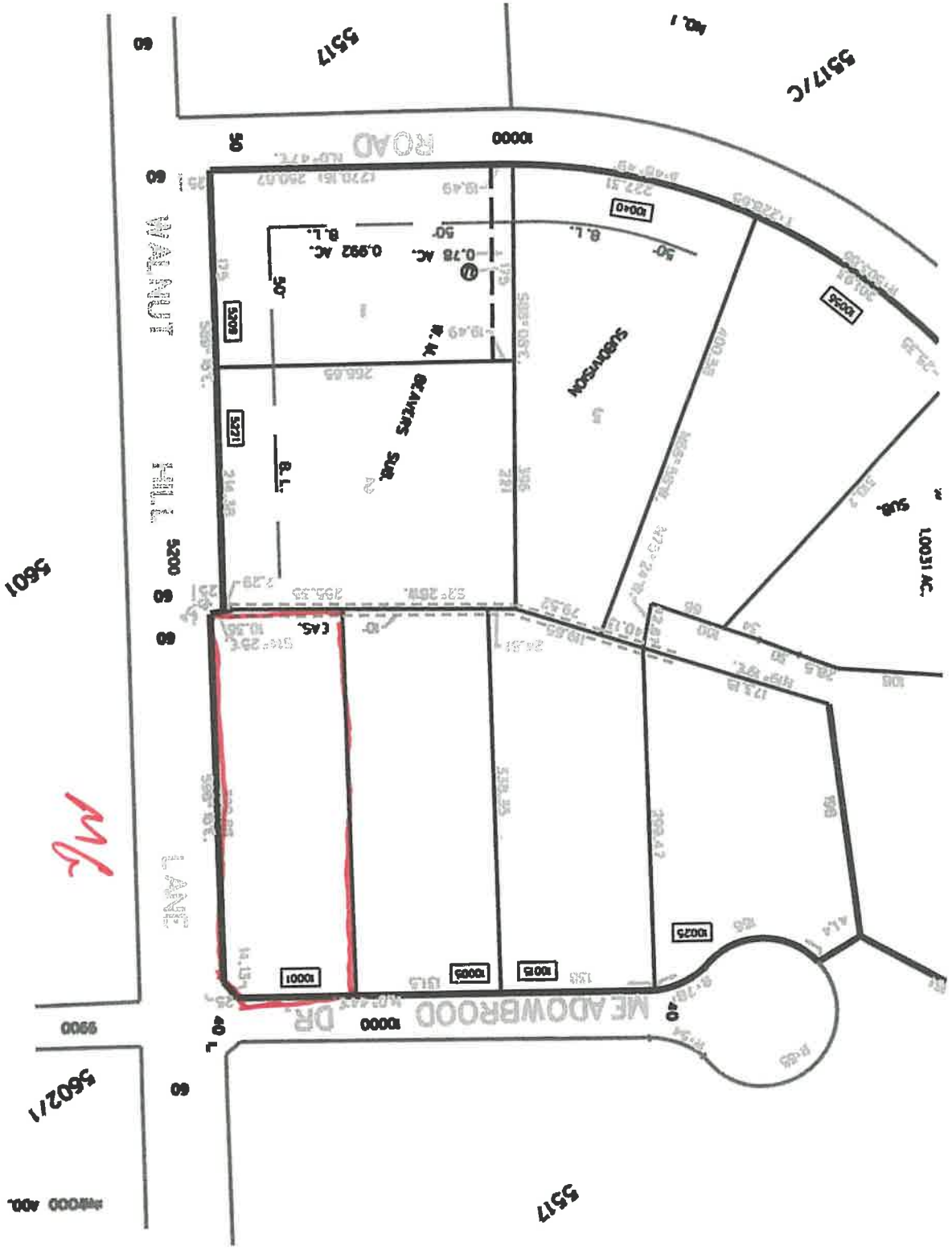


WINDOW TRADITIONS LLC

THE BEST VIEWS IN THE LONE STAR STATE

scottm@windowtraditions.com • cell: 214-507-3055

The setback from Walnut Hill Lane is excessive for a side street, <sup>setback</sup> and limits, excessively, the width of the buildable area on our lot. We would like a setback from the property line bordering Walnut Hill Lane of 32'-6".

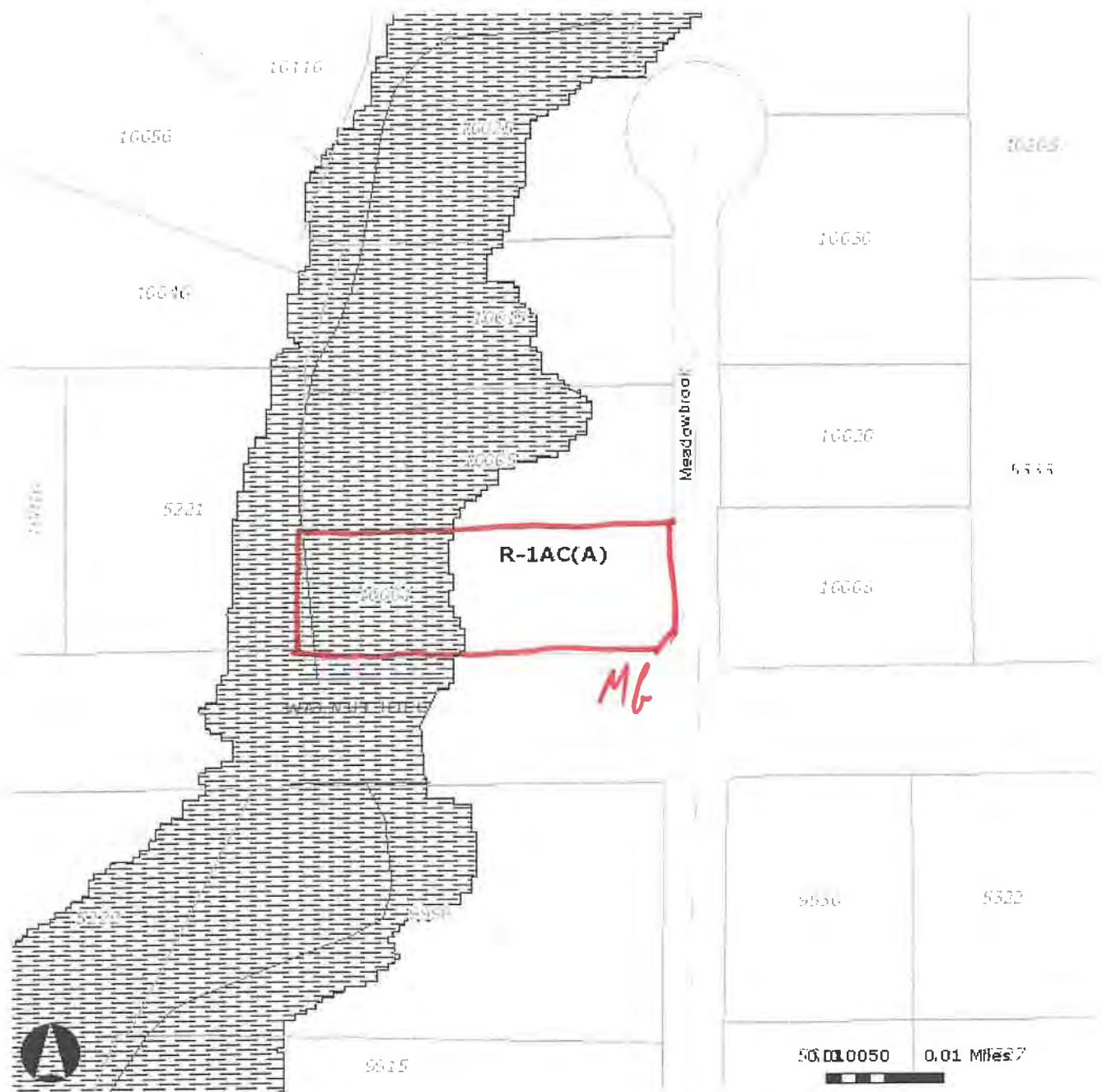


5601

5602/1

MEADOW ADR.

*ML*



GENERAL NOTES and SPECIFICATIONS

- Construction: Comply with applicable building codes and related amendments.
- Bring errors, omissions and inconsistencies in drawings or ambiguities between drawings and site construction conditions to attention of the Architect.
- Notify Architect in event of discrepancies in contract documents.
- Mechanical and landscape drawings by others.
- Verify location of utilities serving site.
- Final grading for drainage of water away from the building and off of the site shall be the responsibility of the owner, owner's general contractor and owner's landscape installer.
- Verify window glazing options with Architect and Owner. All windows to be operable unless noted otherwise by the following distinction: (s) stationary or (o) operable. Windows requiring safety glass shall be the responsibility of the Contractor and the window distributor. Special hardware may be required on narrow egress windows.
- Contractor shall furnish Architect with shop drawings of the following prior to fabrication:
  - mesh supply/return & location of registers
  - windows
  - decorative forged iron (railing, stair rail, etc.)
  - cabinetry
  - millwork
  - cast and cut stone
  - interior and exterior doors
- Location of HVAC units and water heaters, determined by others.
- Vent clothes dryers to outside.
- Run all roof vents behind front ridge.
- There are to be no anodized aluminum thresholds on any exterior doors. All metal thresholds on exterior doors shall be "FENIKO 145 B" interlocking thresholds with water return in mill finish extruded bronze (brass) or equal. Submit samples to Architect for approval.
- Weather stripping on exterior doors shall be mill finish bronze to match thresholds.
- If manufactured, prehung doors are used, they are to be sent to site without thresholds or weatherstripping.
- Contractor to locate and coordinate placement of electrical fixtures and plumbing penetrations prior to placing floor and ceiling joists. Notify Architect if conflicts occur.
- All shop drawings to be submitted "to scale", 1/2"=1'-0" or larger for elevations, 3/4"=1'-0" or larger for sections & details.
- Landscape architect to submit design plans to architect for review before proceeding with installation drawings or installation of plant material. Landscape architect shall not plant new trees that will obscure from view the main architecture features of the house.
- For driveways, sidewalks, exterior steps, patios, etc. see landscape drawing.
- Provide sound batt insulation around mechanical rooms and bathrooms.
- All new curb/gutter and public walkways to be constructed per City of Dallas specifications.
- Fence height not to exceed 8' high as measured from non-owners side.

FOR DIMENSIONING PURPOSES:

- Do not scale drawings.
- Verify dimensions on existing conditions; notify Architect of discrepancies.
- Exterior walls to be masonry veneer (unless noted) on 5 1/2" Thermal Steel with 2x6 wood stud framing @ 16" o.c., see structural drawings.
- All dimensions to face of stud and/or outside face of foundation unless otherwise indicated.
- Cross reference exterior elevations with wall sections and fascia details to determine wall plate heights.
- Refer to exterior elevations for window head heights.
- Verify fireplace sizes, including hearth extensions required by code.

REFERENCE LANDSCAPE PLANS FOR ALL PLANTING, DRIVEWAYS, POOL, FENCES, PERIMETER WALLS, RETAINING WALLS, ETC.

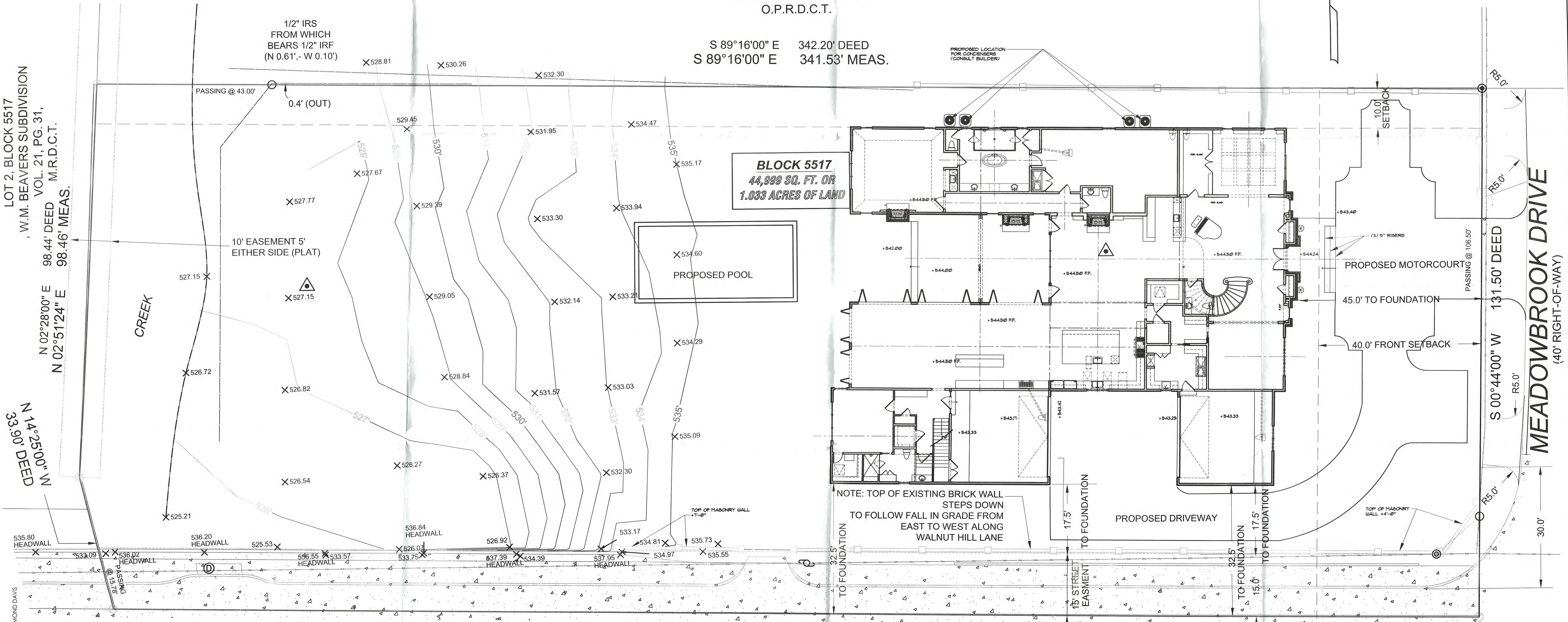
SITE NOTES:  
 1. LANDSCAPE ARCHITECT TO SUBMIT DESIGN PLANS TO ARCHITECT FOR REVIEW BEFORE PROCEEDING WITH INSTALLATION DRAWINGS OR INSTALLATION OF PLANT MATERIAL. LANDSCAPE ARCHITECT SHALL NOT PLANT NEW TREES THAT WILL OBSCURE THE VIEW OF THE MAIN ARCHITECTURE FEATURES OF THE HOUSE.  
 2. ALL NEW CURB/GUTTER AND PUBLIC WALKWAYS TO BE CONSTRUCTED PER CITY OF DALLAS SPECIFICATIONS.

DIANE L. BEAUDRY TRUST,  
 INST. NO. 201200205302,  
 O.P.R.D.C.T.

S 89°16'00" E 342.20' DEED  
 S 89°16'00" E 341.53' MEAS.

BLOCK 5517  
 44,999 SQ. FT. OR  
 1.033 ACRES OF LAND

LOT 2, BLOCK 5517  
 W.M. BEAVERS SUBDIVISION  
 VOL. 21, PG. 31,  
 M.R.D.C.T.  
 N 02°28'00" E 98.44' DEED  
 N 02°51'24" E 98.46' MEAS.  
 N 14°25'00" W 33.90' DEED



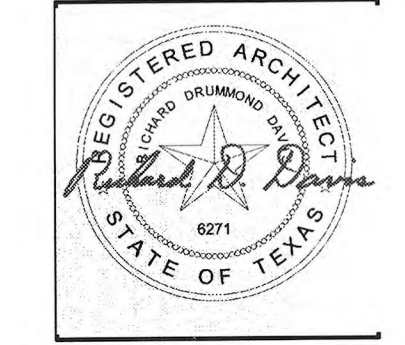
N 89°12'05" W 336.32' DEED  
**WALNUT HILL LANE**  
 (VARIABLE WIDTH RIGHT-OF-WAY)

EASEMENT TO THE CITY OF DALLAS  
 FOR STREET PURPOSES,  
 VOL. 69094, PG. 1765, D.R.D.C.T.

Revisions

A NEW RESIDENCE FOR  
**MIKE & RONA GHANI**  
 DALLAS, TEXAS

RICHARD DRUMMOND DAVIS  
 ARCHITECT  
 2124 FARRINGTON ST., SUITE 400, DALLAS, TEXAS 75207-2145-2145-8763



Date: 01-20-2022  
 Job Address: 0001 MEADOWBROOK DR  
 Drawn by: MARDF  
 Checked by: R.D.D.  
 Sheet Number:

A1.1

212-053

COPYRIGHT 2022 BY RICHARD DRUMMOND DAVIS

**FILE NUMBER:** BDA212-036(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin for a variance to the front yard setback regulations at 1000 Fort Worth Avenue. This property is more fully described as Lot 3A, Block 19/3980, and is zoned Subarea 2B within Planned Development District No. 716, which requires a front yard setback of 60 feet.

**LOCATION:** 1000 Fort Worth Avenue

**APPLICANT:** Rob Baldwin, Baldwin and Associates

**REQUESTS:** The applicant proposes to construct a multi-family structure and provide a 142-foot front yard setback, which will require an 82-foot variance to the front setback regulations.

**STANDARD FOR A VARIANCE:**

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

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

**State Law/HB 1475 effective 9-1-21**

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

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

**STAFF RECOMMENDATION:**

Denial.

Rationale:

- Staff concluded that the subject site is unique since the property is slopped, irregular in shape, and burdened by a front yard min/max setback that lacks a provision for driveways/pedestrian access via allowing a percentage or average. However, staff could not determine whether it is different from other parcels with the same zoning of Subdistrict 2 within Planned Development District No. 714.
- Evidence submitted by the applicant (**Attachment A**) identified not only the irregular shape and slope of the site, but additionally an abandoned right-of-way that still maintains functioning utility easements which would be cost prohibitive to relocate, creating an unnecessary hardship.
- Additionally, the utility easements are within portions of the front yard setback zone. Structures cannot be constructed on top of utility easements making compliance with the ordinance impossible or making the structures proposed noncompliant with other regulations while encroaching onto the easement.
- Ultimately, the applicant failed to provide evidence showing how the proposed development is commensurate with the development upon other parcels with the same zoning.
- If a list were to be provided, staff would support this request with the recommendation being subject to the submitted site plan.



## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

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

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

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

## **GENERAL FACTS/STAFF ANALYSIS**

The subject site is zoned is zoned Subarea 2B within Planned Development District No. 716. The PD dictates how structures must be located within the front yard setback range of 15 to 60 feet with no consideration of driveways and pedestrian access points. Therefore, while the proposed development is urban in nature, pulling a vast majority (70 percent) of the structures into the front yard setback area, the driveways ultimately cause the development to fail the compliance test, as measurements are taken to the nearest structures. The request for a variance of up to 82 feet is specifically for those areas with structures up to 142 feet away from the front lot line.

The property contains 8.78 acres, is sloped, irregular in shape, and contains an abandoned right-of-way that still maintains functioning utility easements.

According to the site plan submitted with the request:

- The abandoned Winnetka Avenue section maintains a utility easement which must remain free of structures.
- The site is being developed with a mixed use multifamily and retail development with 32 overall structures.
- The property has 1,314 feet of frontage along Fort Worth Avenue; about 140 feet of frontage along Clinton Avenue; and, 1,290 feet of lower frontage (no direct access) along I-30 Freeway.

Compliance with the min/max front yard setback would cause the structures proposed to sit atop of active utility easements, which is not allowed. The applicant states it would be cost prohibitive to relocate these utilities and cause an encroachment onto the easement, creating an unnecessary hardship; however, no estimate was provided.

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

- That granting the variance to the front 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 Subarea 2B within Planned Development District No. 716 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 Subarea 2B within Planned Development District No. 716 zoning classification.

As of April 13, 2022, no letters have been submitted regarding this request.

If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed structure located within the front yard setback would be limited to what is shown on this document. No additional relief is provided with this request.

**TIMELINE:**

February 15, 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.

March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 15, 2022: The Board Administrator emailed the applicant the following information:

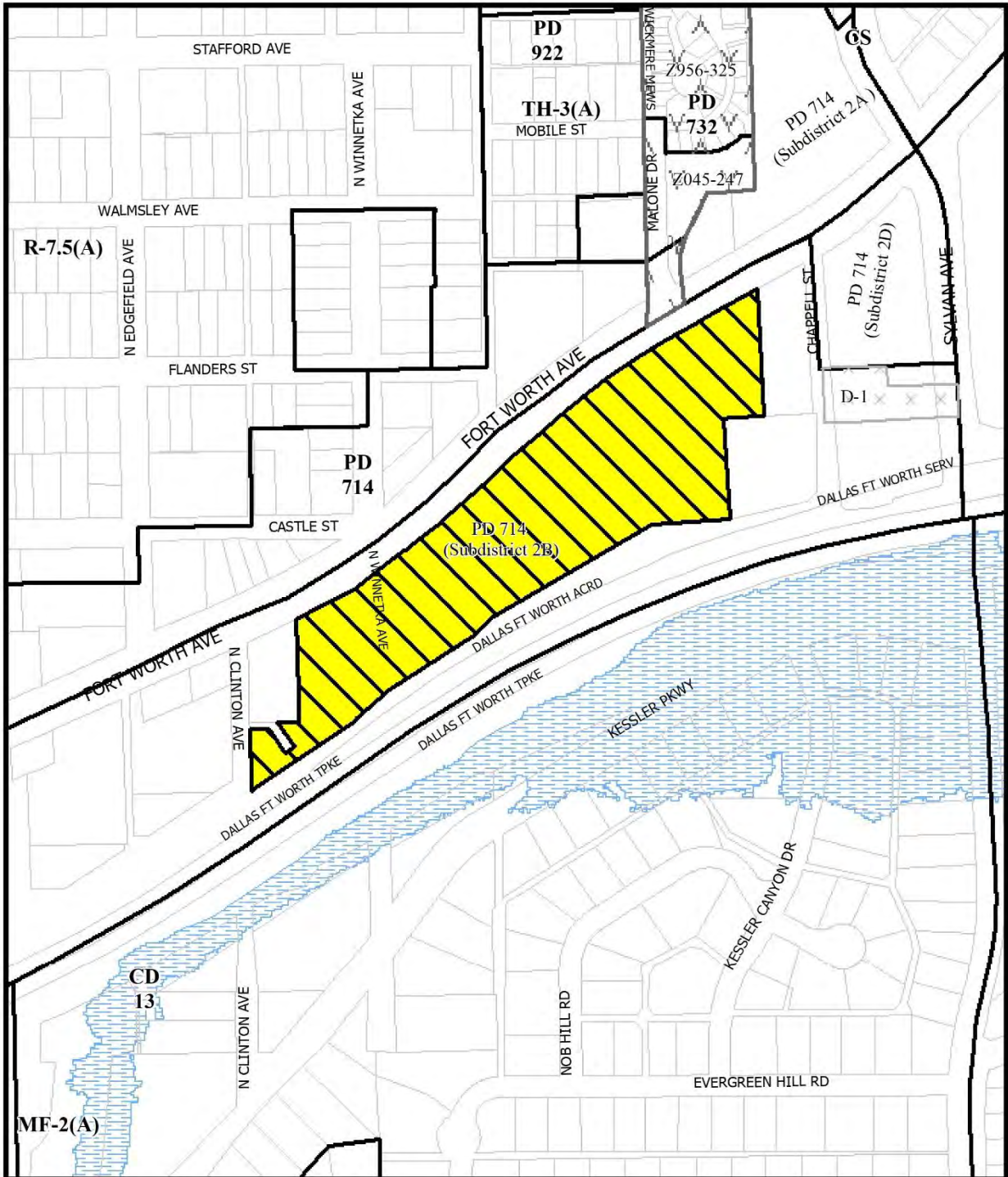
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30<sup>th</sup> deadline to

submit additional evidence for staff to factor into their analysis; and the April 8<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."

March 30, 2022: The applicant submitted additional evidence for consideration (**Attachment A**).

March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board

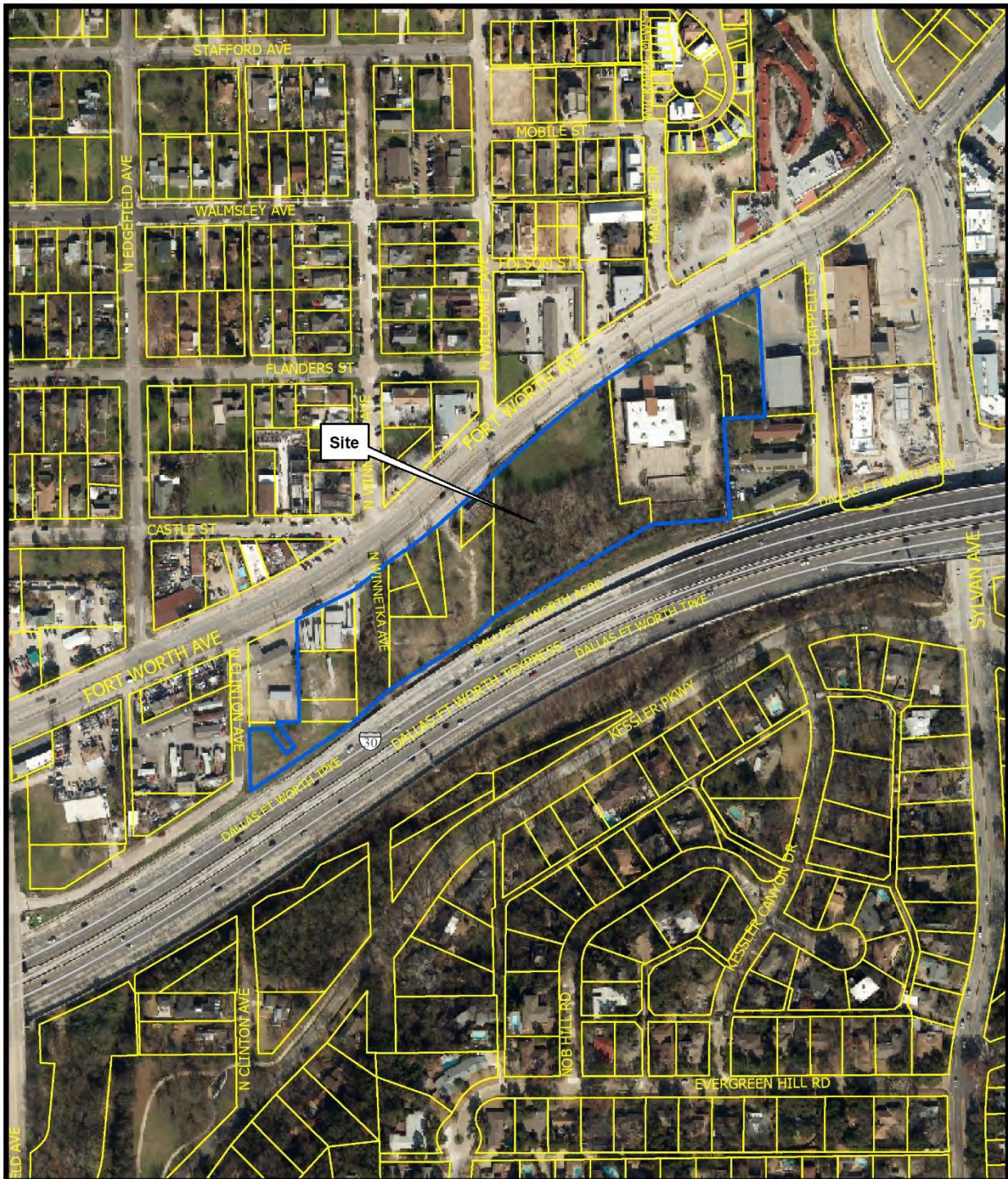


1:3,600

# ZONING MAP

Case no: BDA212-036

Date: 3/9/2022

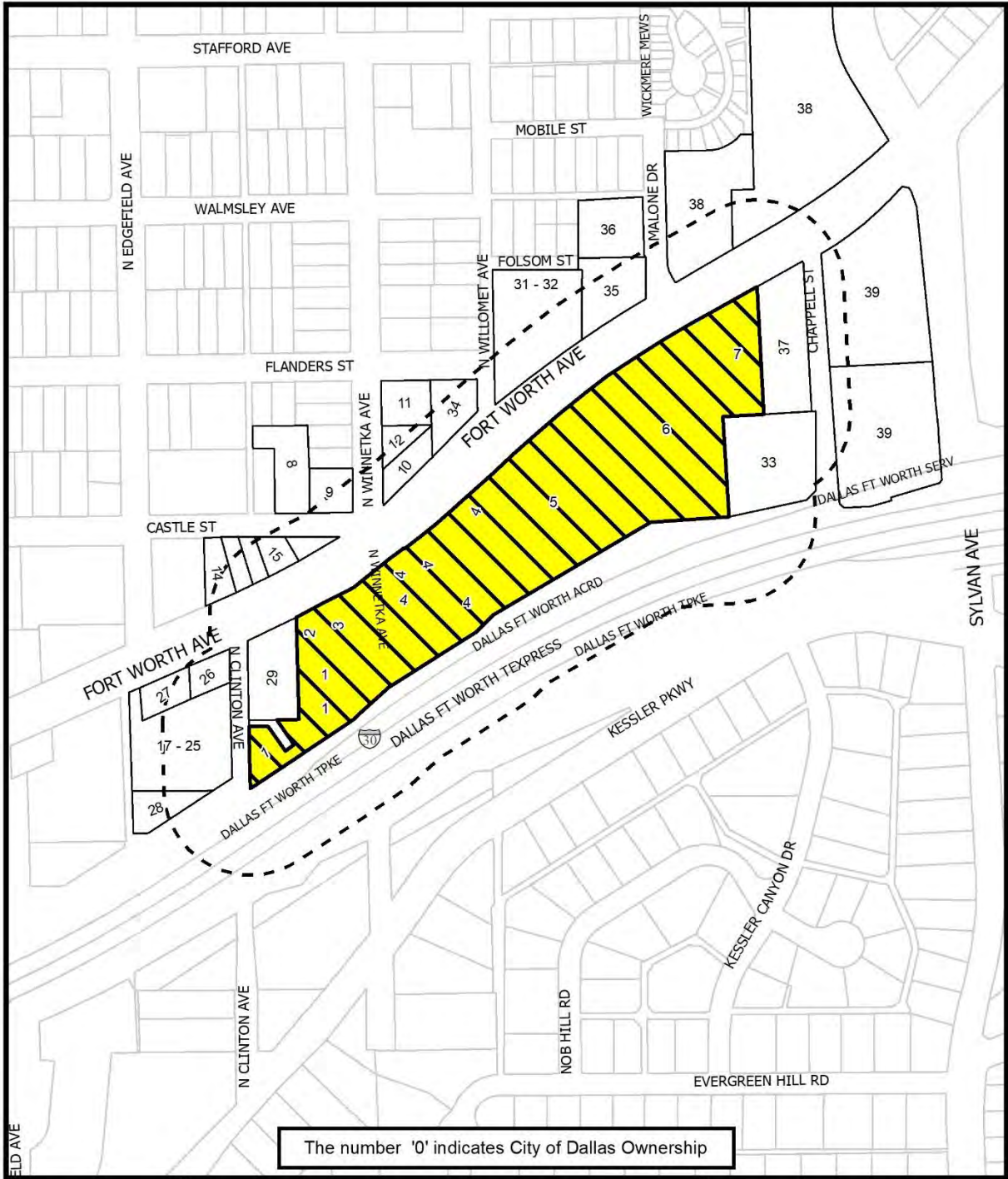


1:3,600

# AERIAL MAP

Case no: BDA212-036

Date: 3/9/2022



1:3,600

# NOTIFICATION

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

Case no: **BDA212-036**  
 Date: **3/9/2022**

03/09/2022

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

***BDA212-036***

### ***39 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	1500 N WINNETKA AVE	TOLER PAUL V &
2	1210 FORT WORTH AVE	TOLER PAUL V & DONNA
3	1200 FORT WORTH AVE	TOLER PAUL &
4	1124 FORT WORTH AVE	WORTH TRINITY LLC
5	1030 FORT WORTH AVE	WORTH LW LLC
6	1004 FORT WORTH AVE	ADDIE1 LLC
7	1707 CHAPPEL ST	FULLER LAND COMPANY LP
8	1209 CASTLE ST	LAN PEI YU
9	1205 CASTLE ST	LONG TERM REALTY CAPITAL LLC
10	1111 FORT WORTH AVE	MELENDEZ MICHAEL
11	1718 N WINNETKA AVE	FAITH TEMPLE ASSEMBLY OF GOD
12	1710 N WINNETKA AVE	IGBOKWE OBI E
13	1219 FORT WORTH AVE	GENESIS GRAPHICS
14	1223 FORT WORTH AVE	NAGY JOZSEF JR &
15	1215 FORT WORTH AVE	BRUCE LEMURIEL M
16	1209 FORT WORTH AVE	BALLAS VICTOR
17	1318 FORT WORTH AVE	JBRL LLC
18	1318 FORT WORTH AVE	HENDERSON ANGELCIA
19	1318 FORT WORTH AVE	RODRIGUEZ PEDRO & MARIA
20	1318 FORT WORTH AVE	HERNANDEZ CARLOS
21	1318 FORT WORTH AVE	GONZALEZ MARIA CRISTINA
22	1318 FORT WORTH AVE	ANDRADE ERNESTO
23	1318 FORT WORTH AVE	ONTIVEROS GREGORIA
24	1318 FORT WORTH AVE	MARTINEZ ELIAS
25	1318 FORT WORTH AVE	RAMOS-HERNANDEA RAYMOS
26	1302 FORT WORTH AVE	GARZA CHRISTOPHER

03/09/2022

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	1310 FORT WORTH AVE	ADEOYE FOLASADE
28	1547 N CLINTON AVE	SOTO XAVIER
29	1222 FORT WORTH AVE	YOUNG RODNEY D INS CO
30	1500 N CLINTON AVE	PINEHURST CAPITAL LP
31	1027 FORT WORTH AVE	PATEL RAMANBHAI C &
32	1015 FORT WORTH AVE	PATEL R C & SARA
33	802 CRYSTAL ST	Taxpayer at
34	1109 FORT WORTH AVE	ESCALERA ANTONIO
35	1021 FORT WORTH AVE	J & K INVESTMENTS LLC
36	1007 FOLSOM ST	BATMANNY LLC
37	904 FORT WORTH AVE	REALTY INCOME PROPERTIES 19 LLC
38	845 FORT WORTH AVE	DIAMOND BELMONT HOLDINGS LLC
39	1805 SYLVAN AVE	7 ELEVEN INC







APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-036

Date: 2-15-22

Data Relative to Subject Property:

Location address: 1000 Ft. Worth Ave Zoning District: PD 714 Sub. 2B

Lot No.: 3A Block No.: 19/3980 Acreage: 8.78 acres Census Tract: 43.00

Street Frontage (in Feet): 1) 1467 ft 2) 122 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 1030 FWA Owner LP

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 82 feet to the required maximum front yard setback of 60 feet. The proposed furthest building will provide a 142-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:

The property is undeveloped, irregular in shape, somewhat sloped and has I-30 along its southern boundary. PD 714 requires a minimum and maximum setback, but all structures must comply. The property contains water and utility easements where a segment of Winnetka Avenue was abandoned, making it impossible to meet the maximum front yard setback requirement. Compliance with the maximum setback would be an unreasonable encroachment on an easement that would not be allowed by Dallas Water Utilities.

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.

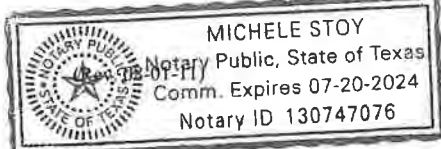
Affidavit

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

Subscribed and sworn to before me this 9 day of February, 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 Rob Baldwin

did submit a request for a variance to the front yard setback regulations  
at 1000 Ft. Worth Avenue

BDA212-036. Application of Rob Baldwin for a variance to the front yard setback regulations at 1000 FORT WORTH AVE. This property is more fully described as Lot 3A, Block 19/3980, and is zoned PD-714 (Subarea 2B), which requires a front yard setback of 60 feet. The applicant proposes to construct a multi-family structure and provide a 142 foot front yard setback, which will require a 82 foot variance to the front setback regulations.

Sincerely,

  
David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-036

I, 1030 FWA Owner LP, Owner of the subject property  
(Owner or "Grantce" of property as it appears on the Warranty Deed)

at: 1000 Ft. Worth Ave (see list for parcel addresses)  
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates  
(Applicant's name as stated on application)

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

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Specify: Front yard

Carl B. Anderson IV  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 2/1/22

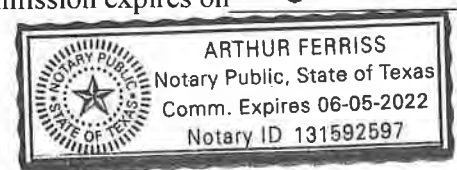
Before me, the undersigned, on this day personally appeared Carl Anderson

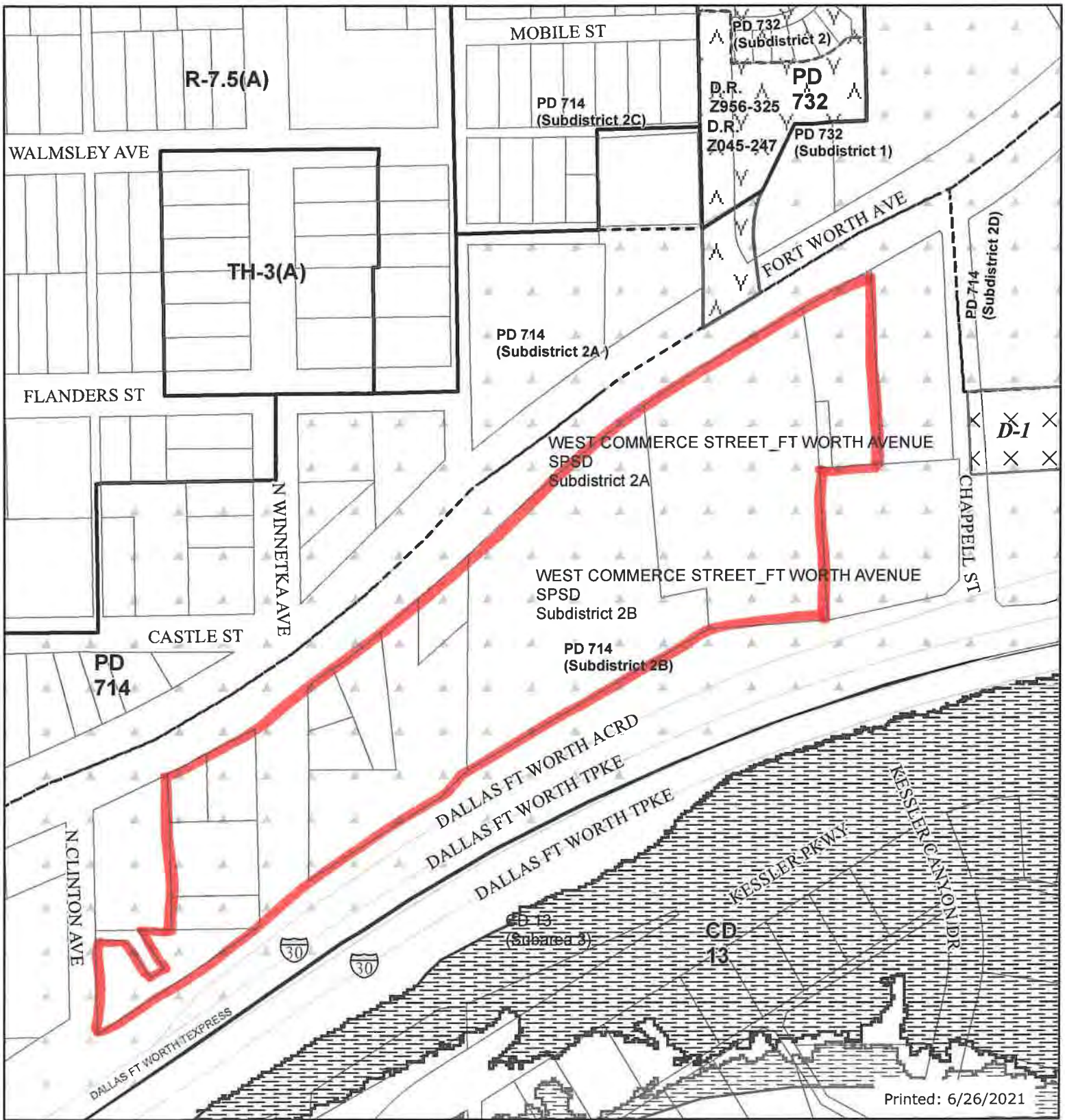
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 1st day of February, 2022

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 6-5-22



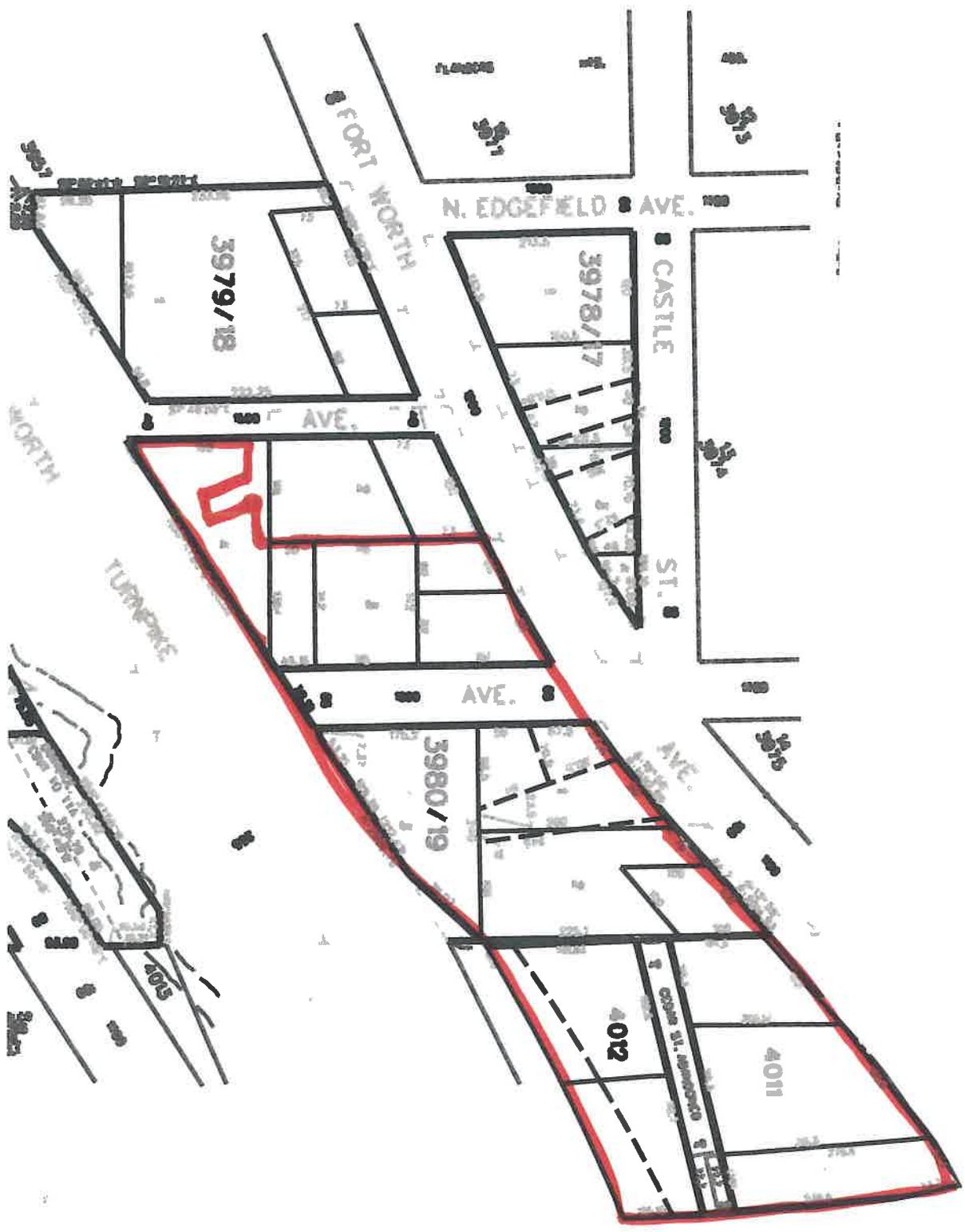


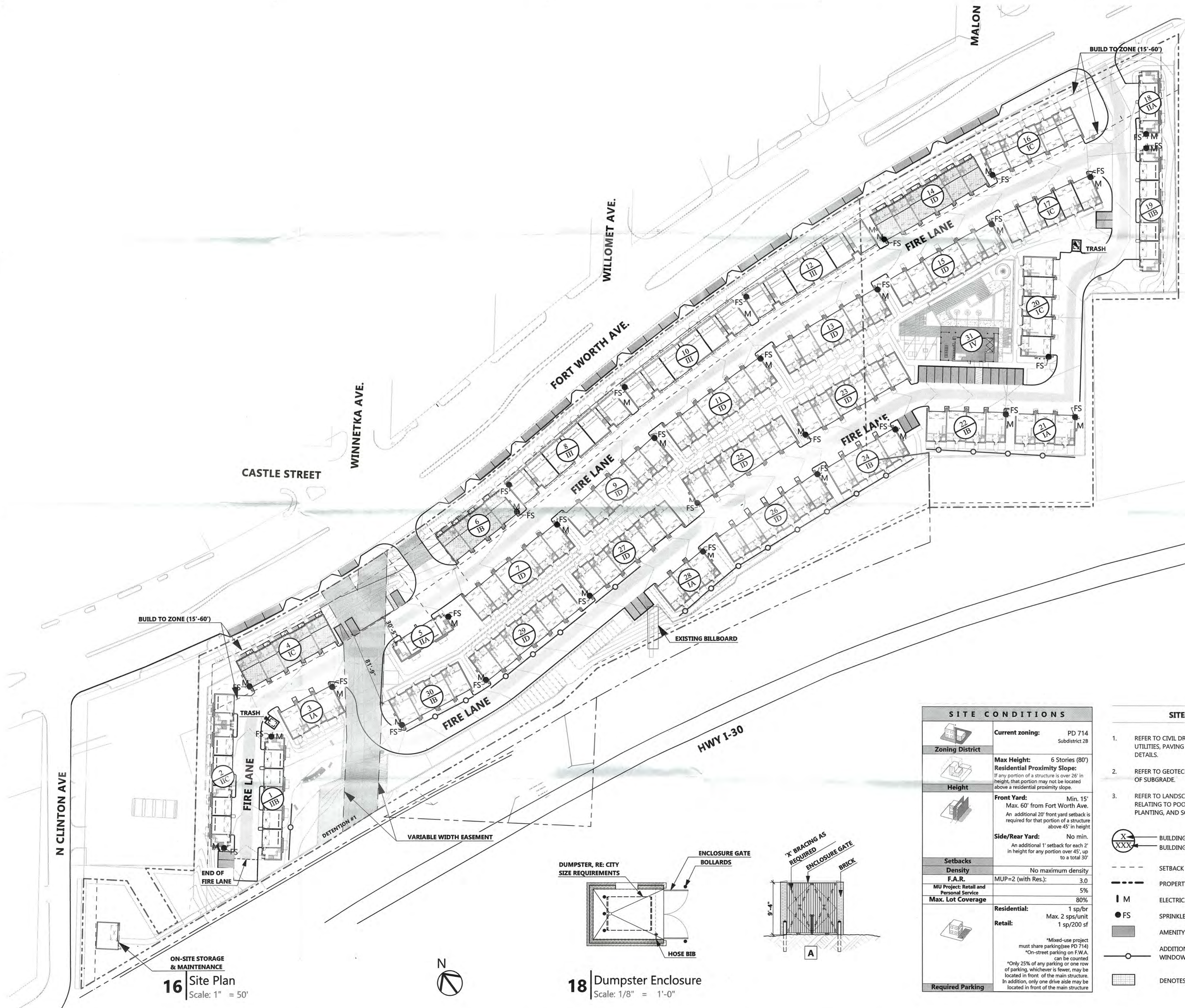
### Legend

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



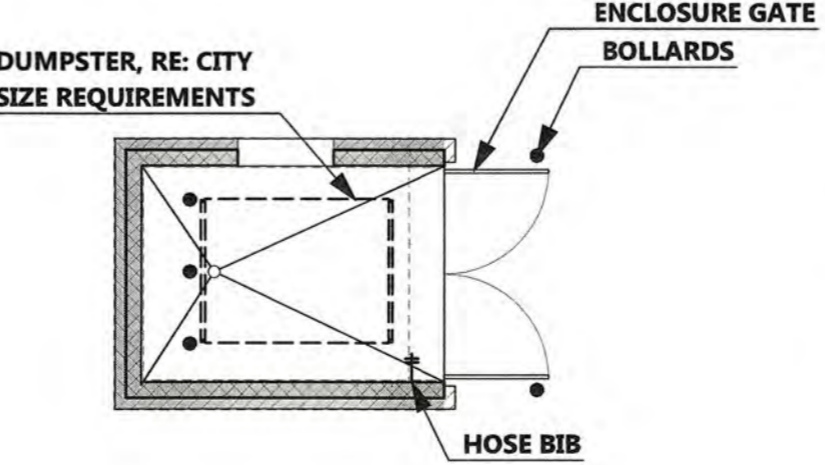




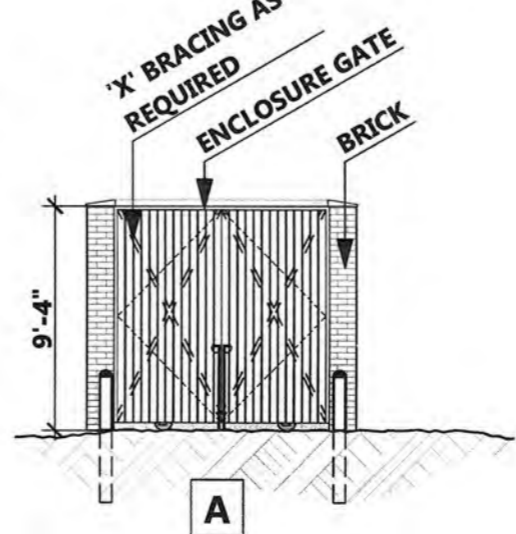
BUILD TO ZONE (15'-60')

BUILD TO ZONE (15'-60')

**16** Site Plan  
Scale: 1" = 50'



**18** Dumpster Enclosure  
Scale: 1/8" = 1'-0"



SITE CONDITIONS	
	<b>Current zoning:</b> PD 714 Subdistrict 28
	<b>Zoning District</b>
	<b>Max Height:</b> 6 Stories (80') <b>Residential Proximity Slope:</b> If any portion of a structure is over 26' in height, that portion may not be located above a residential proximity slope.
	<b>Front Yard:</b> Min. 15' Max. 60' from Fort Worth Ave. An additional 20' front yard setback is required for that portion of a structure above 45' in height
	<b>Side/Rear Yard:</b> No min. An additional 1' setback for each 2' in height for any portion over 45' up to a total 30'
	<b>Setbacks</b> <b>Density</b> No maximum density
	<b>F.A.R.</b> MUP=2 (with Res.); 3.0
	<b>MU Project: Retail and Personal Service</b> 5%
	<b>Max. Lot Coverage</b> 80%
	<b>Residential:</b> 1 sp/br Max. 2 sps/unit
	<b>Retail:</b> 1 sp/200 sf
	<b>Required Parking</b>

\*Mixed-use project must share parking (see PD 714)  
\*On-street parking on F.W.A. can be counted  
\*Only 25% of any parking or one row of parking, whichever is fewer, may be located in front of the main structure. In addition, only one drive aisle may be located in front of the main structure

SITE PLAN NOTES AND LEGEND	
1.	REFER TO CIVIL DRAWINGS FOR GRADING, DIMENSIONAL CONTROL, UTILITIES, PAVING SPECIFICATIONS, AND PARKING QUANTITIES / LAYOUT DETAILS.
2.	REFER TO GEOTECHNICAL CONSULTANTS FOR SOIL PREP REQUIREMENTS OF SUBGRADE.
3.	REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR ALL INFORMATION RELATING TO POOL LAYOUT AND DETAILING, SIDEWALKS, FENCING, PLANTING, AND SCREENING AREAS.
	BUILDING NUMBER
	BUILDING TYPE
	SETBACK LINE
	PROPERTY LINE
	ELECTRICAL METER LOCATION, RE: MEP
	SPRINKLER LOCATION
	AMENITY AREAS
	ADDITIONAL LAYER OF 5/8" GYP. BD. @ INTERIOR OF EXT. WALL; WINDOWS/DOORS WITH STC RATING OF 32
	DENOTES UNIT ENTRY @ 2ND LEVEL

## ATTACHMENT\_A\_BDA212-036



March 30, 2022

Jennifer Munoz  
City of Dallas Board of Adjustment  
1500 Marilla 5BN  
Dallas, TX 75201

RE: BDA212-036, 1000 Ft. Worth Avenue

Dear Ms. Munoz:

Our firm is helping the property owner at the above-referenced property with their front yard variance request to allow for new multifamily and retail buildings to exceed the maximum front yard setback. The property is zoned PD 714 Subdistrict 2B, which requires a minimum front yard setback of 15 feet and a maximum setback of 60 feet along Fort Worth Avenue. As you know, this means the entirety of the structures along Fort Worth Avenue must be located within this front yard setback "zone." Some other zoning districts require a percentage of a building, or a percentage of frontage, to have buildings within the front yard setback zone.

The property is irregular in shape and sloped. The development of the property requires a series of retaining walls throughout the property. Its southern property line is shared with I-30 right-of-way, where I-30 is depressed lower than the subject property. The portion of Winnetka Avenue within the property was abandoned, with water, wastewater, and storm mains (and their associated easements) remaining. The abandonment of the street was initiated by the previous property owner and was included as part of the land area when the current property owner purchased the property. The utility mains and easements must remain in their existing locations as they serve the broader neighborhoods to the north and then go south underneath I-30. Therefore, it would be cost prohibitive to relocate them without adversely impacting the development.

The site plan shows that the utility easements run north to south. Fort Worth Avenue meanders southwest to northeast in the area along our front property line. The front yard setback zone runs parallel along the street frontage. The angles of the easements and setback zone make the area without a building in the front yard setback zone greater than if the street and easements were perpendicular to each other.



Further, the City does not allow buildings to be constructed on top of its utility easements, rendering the placement of buildings in the subject area impossible. Therefore, “compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement”<sup>1</sup> and additionally “compliance would result in the unreasonable encroachment on an adjacent property or easement”<sup>2</sup> as the City requires maintenance access to its utility mains inside of its easements and does not want buildings on top to compromise the integrity of its mains.

We hope you can support our request. If you have any questions or would like to speak with us about this, please call our office at 214-824-7949 or email me at [jennifer@baldwinplanning.com](mailto:jennifer@baldwinplanning.com) or Rob Baldwin at [rob@baldwinplanning.com](mailto:rob@baldwinplanning.com). We will be happy to discuss this matter with you.

With kind regards,

A handwritten signature in cursive script that reads "Jennifer Hiromoto".

Jennifer Hiromoto

---

<sup>1</sup> Texas Local Government Code, Section 211.009(b-1)(3).

<sup>2</sup> Texas Local Government Code, Section 211.009(b-1)(4).