

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, JANUARY 21, 2020  
AGENDA

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BRIEFING	5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Neva Dean, Assistant Director**  
**Sarah May, Interim Board Administrator/Chief Planner**

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**PUBLIC TESTIMONY**

Minutes

Board of Adjustment 2018-2019 Annual Report

**BDA190-001(SM)** 1101 S Haskell Avenue -  
Application of Dallas City Council, pursuant  
to Resolution 19-0916 to require compliance  
of a nonconforming use.

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**MISCELLANEOUS ITEM**

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Approval of the November 19, 2019 Board of Adjustment Panel A Public Hearing Minutes M1

Board of Adjustment 2018-2019 Annual Report M2

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**UNCONTESTED CASES**

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**BDA189-109(SM)** 5952 Joyce Way 1  
**REQUEST:** Application of Garcia Desinor, Jr. for special exceptions to the single-family regulations

<b>BDA190-006(OA)</b>	5555 W Lovers Lane <b>REQUEST:</b> Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations	2
<b>BDA190-008(SM)</b>	4860 Harry Hines Boulevard <b>REQUEST:</b> Application of DK Patel of Lovefield Hospitality LP, represented by Maxwell Fisher, AICP, of Masterplan, for a special exception to the parking regulations	3
<b>BDA190-009(OA)</b>	4632 Weldon Street <b>REQUEST:</b> Application of John Ascenzo for a variance to the front yard setback regulations	4

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### REGULAR CASES

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<b>BDA190-001(SM)</b>	1101 S Haskell Avenue <b>REQUEST:</b> Application of Dallas City Council, pursuant to Resolution 19-0916 to require compliance of a nonconforming use	5
<b>BDA190-014(OA)</b>	2801 Virgil Street <b>REQUEST:</b> Application of Welch Liles of AP Blanton Deep Ellum, LCC, represented by Karl A. Crawley of Masterplan, for a special exception to the parking regulations	6

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### HOLDOVER CASE

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<b>BDA189-124(SM)</b>	7817 Forest Lane <b>REQUEST:</b> Application of Verizon Wireless, represented by Vincent G. Huebinger, for a variance to the side yard (tower spacing) setback regulations	7
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## 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:** BDA189-109(SM)

**BUILDING OFFICIAL'S REPORT:** Application of Garcia Desinor, Jr. for special exceptions to the single-family regulations at 5952 Joyce Way. This property is more fully described as Tracts 1 & 2, Block 5612, and is zoned R-1ac(A), which limits the number of dwelling units to one and requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain an accessory dwelling unit and have more than one electrical utility service or electrical meter on a lot with a single family use, which requires special exceptions to the single-family zoning use regulations.

**LOCATION:** 5952 Joyce Way

**APPLICANT:** Garcia Desinor, Jr.

**REQUESTS:**

The following requests for special exceptions to the single family use regulations are made 1) to maintain the original two-story home which fronts on Joyce Way as an accessory dwelling unit to the new home on Lupton Road and 2) to authorize more than one electrical utility service or electrical meter on a site with a single family use.

**STANDARDS:**

For these requests, the applicant has the burden of proof in establishing the following standards have been met.

**Special exception to the single family use regulations to authorize an additional dwelling unit (first request):**

Section 51(A)-4.209(6)(E)(1) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize a rentable accessory dwelling unit on a lot when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.



- In granting this type of special exception, the board shall require the applicant to:
1. deed restrict the subject property to require owner-occupancy on the premises and
  2. annually register the rental property with the city's single family non-owner occupied rental program.

**Special exception to the single family use regulations to authorize more than one electrical utility service or more than one electrical meter (second request):**

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

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

**STAFF RECOMMENDATIONS:**

**Special exception for an accessory dwelling unit (first request):**

No staff recommendation is made on this or any request for a special exception to authorize a rentable accessory dwelling unit since the basis for this type of appeal is *when in the opinion of the board*, the accessory dwelling unit will not adversely affect neighboring properties.

**Special exception to authorize more than one electrical utility service or more than one electrical meter (second request):**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

East: R-10(A) (Single Family District)  
South: R-1ac(A) (Single Family District)  
West: R-1ac(A) (Single Family District)

**Land Use:**

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

**Zoning/BDA History:**

There have been no related board or zoning cases near the subject site within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

The purpose of these requests for special exceptions to the single family use regulations are to maintain the original two-story home which fronts on Joyce Way as an accessory dwelling unit to the new home on Lupton Road and to authorize more than one electrical utility service or electrical meter. The site is developed with three structures: the original two-story single family structure on Joyce Way, with approximately 2,300 square feet of floor area, according to permit records; a new one-story detached garage at the southwest corner of Joyce Way and Preston Road, and a new two-story single family structure with approximately 7,449 square feet of floor area, according to permit records, on Lupton Road.

The Dallas Development Code states that *single family* means one dwelling unit located on a lot and that a *dwelling unit* means one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens<sup>1</sup>, one or more bathrooms<sup>2</sup>, and one or more bedrooms<sup>3</sup>.

The building site extends from Joyce Way on the north and Lupton Drive on the south and is approximately twice the size of other lots on the same block. The applicant

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<sup>1</sup> KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities. Reference §51A-2.102(57.1) of the Dallas Development Code, as amended.

<sup>2</sup> BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink. Reference §51A-2.102(8.1) of the Dallas Development Code, as amended.

<sup>3</sup> BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms. Reference §51A-2.102(9) of the Dallas Development Code, as amended.

proposes to retain a portion of the original house that was constructed on Joyce Way as an additional dwelling unit and has recently undergone a partial demolition that reduced the original home's size from approximately 3,444 square feet to 2,300 square feet, according to permit records. The floor plans for the first and second floors of the proposed additional dwelling unit structure denote a number of rooms/features that Building Inspection has determined makes a second dwelling unit apart from the new single family dwelling unit on Lupton Drive, which are comprised of a kitchen on the first floor and bedrooms and bathrooms on both floors.

As of December 31, 2019, no letters had been submitted in support of or in opposition to these requests for special exceptions to the single family regulations.

If the board was to grant these requests, the applicant could modify the existing accessory structure into a dwelling unit with separate utilities. However, if the board was to deny these requests, the applicant could still modify the existing accessory structure but it may not be constructed with all three elements that constitute a dwelling unit or with separate utilities.

**Timeline:**

July 25, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 16, 2019: The application was returned to Building Inspection at the request of the applicant to modify the original request to allow rental accommodations.

December 5, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

December 9, 2019: The Interim Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

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

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

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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



1:1,200

# ZONING MAP

Case no: BDA189-109

Date: 9/13/2019



1:1,200

# AERIAL MAP

Case no: BDA189-109

Date: 9/13/2019





City of Dallas

B

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-109

Data Relative to Subject Property:

Date: 07/01/2019 7-25-19

Location address: 5952 Joyce Way Dallas, TX 75225 Zoning District: R-1AC(A)

Tract 1+2 Lot No.: 1+2 Block No.: 5612 Acreage: .828 Census Tract: 206.00

Street Frontage (in Feet): 1) 124 2) 291 3) 124 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Garcia Desinor Jr & Kristin Desinor

Applicant: Garcia Desinor Jr Telephone: 469-877-1945

Mailing Address: 5952 Joyce Way Dallas TX Zip Code: 75225

E-mail Address: Desinor@levelproperties.com

Represented by: Garcia Desinor Jr Telephone: 469-877-1945

Mailing Address: 5952 Joyce Way Dallas, TX Zip Code: 75225

E-mail Address: 5952 Joyce Way Dallas, TX Desinor@levelproperties.com

Affirm that an appeal has been made for a Variance, or Special Exception, of 5952 Joyce Way Dallas, TX 75225 to keep (not demolish) the existing structure residence and variance of floor area ratio of 3400sqft or less, main structure @ 42%.

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:

Demolishing the existing structure would greatly affect the neighboring homes, security, and history for the well preserved 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

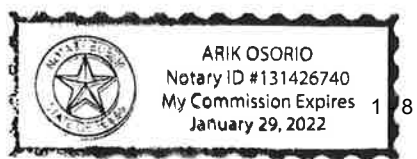
Before me the undersigned on this day personally appeared Garcia Desinor Jr (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25 day of July, 2019

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that GARCIA DESINOR  
did submit a request for a special exception to the single family regulations, and provide an  
additional electrical meter  
at 5952 Joyce Way

BDA189-109. Application of GARCIA DESINOR for a special exception to the single family regulations, and for a special exception to the single family regulations to provide an additional electrical meter at 5952 Joyce Way. This property is more fully described as Tracts 1 & 2, Block 5612, and is zoned R-1ac(A), which limits the number of dwelling units to one, and limits the number of electrical meters to one. The applicant proposes to construct and maintain an accessory dwelling unit, which will require a special exception to the single family zoning use regulations and to provide an additional electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



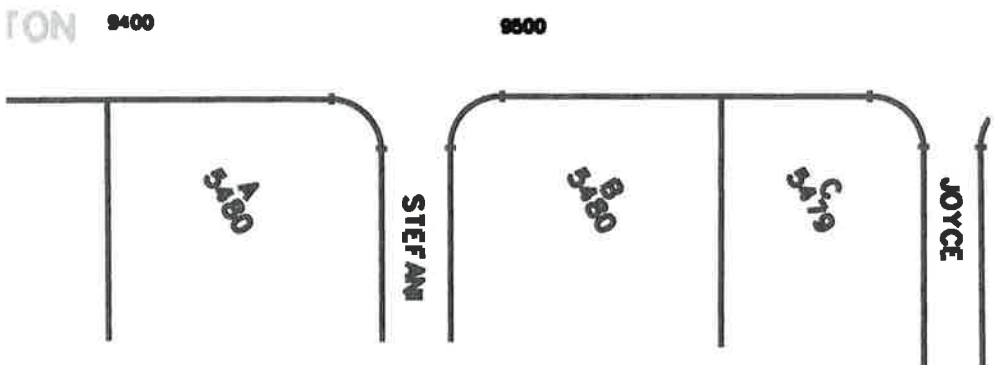


**Legend**

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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        | SPSPD Overlay                  | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 1800 Cent 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)







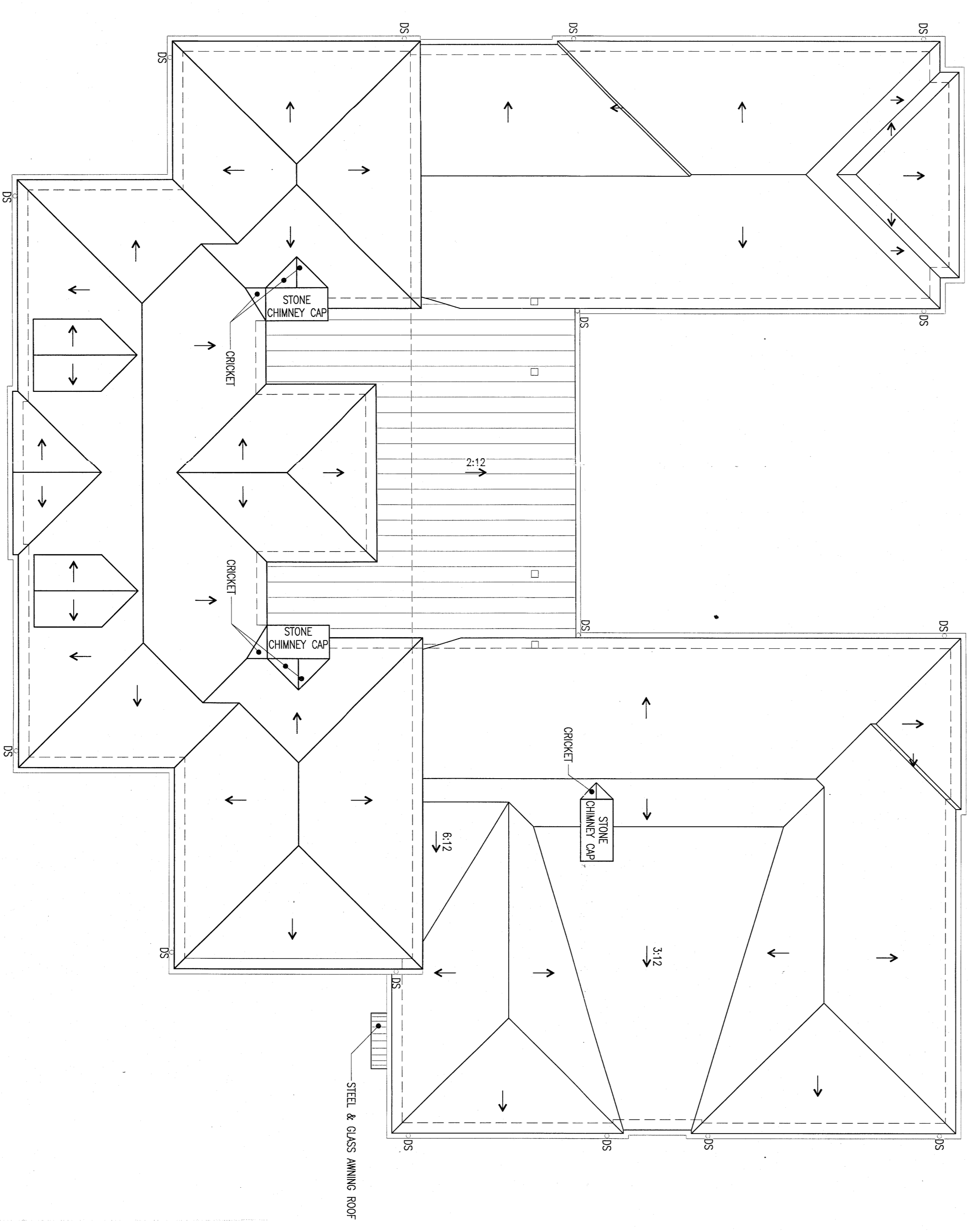
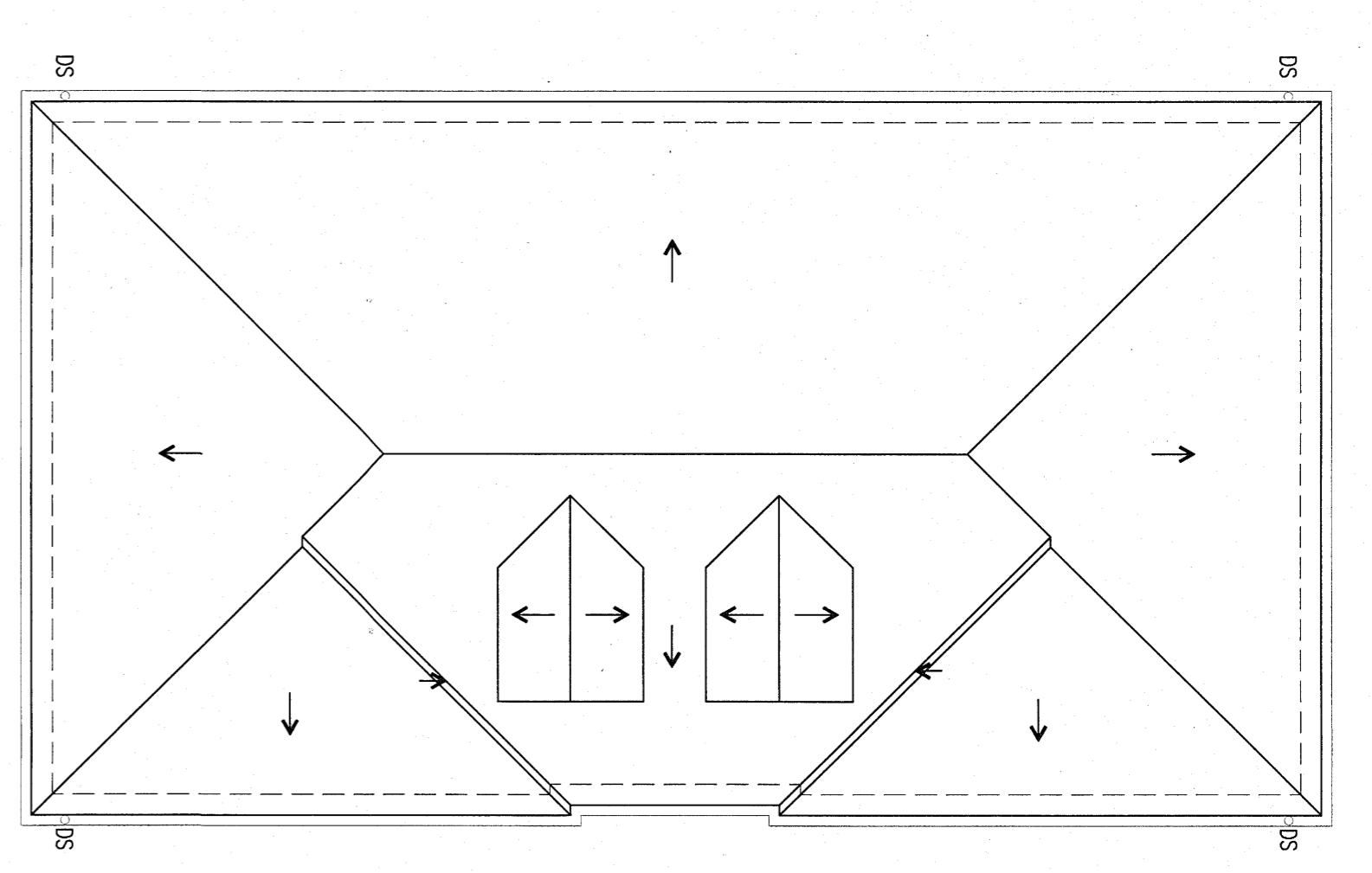
**DESINOR RESIDENCE**  
 5952 JOYCE WAY, DALLAS, TX  
 STOCKER HOESTERY MONTENEGRO  
 4514 TRAVIS, SUITE 302 DALLAS, TEXAS 75205  
 214.252.3830 F 214.252.3840

**CONSTRUCTION SET**

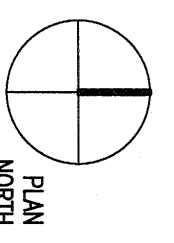
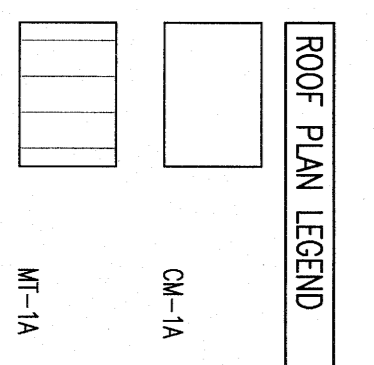
PROJECT #  
 SHM-17\_068

DATE  
 JUNE 13, 2018  
 SITE PLAN / ROOF PLAN

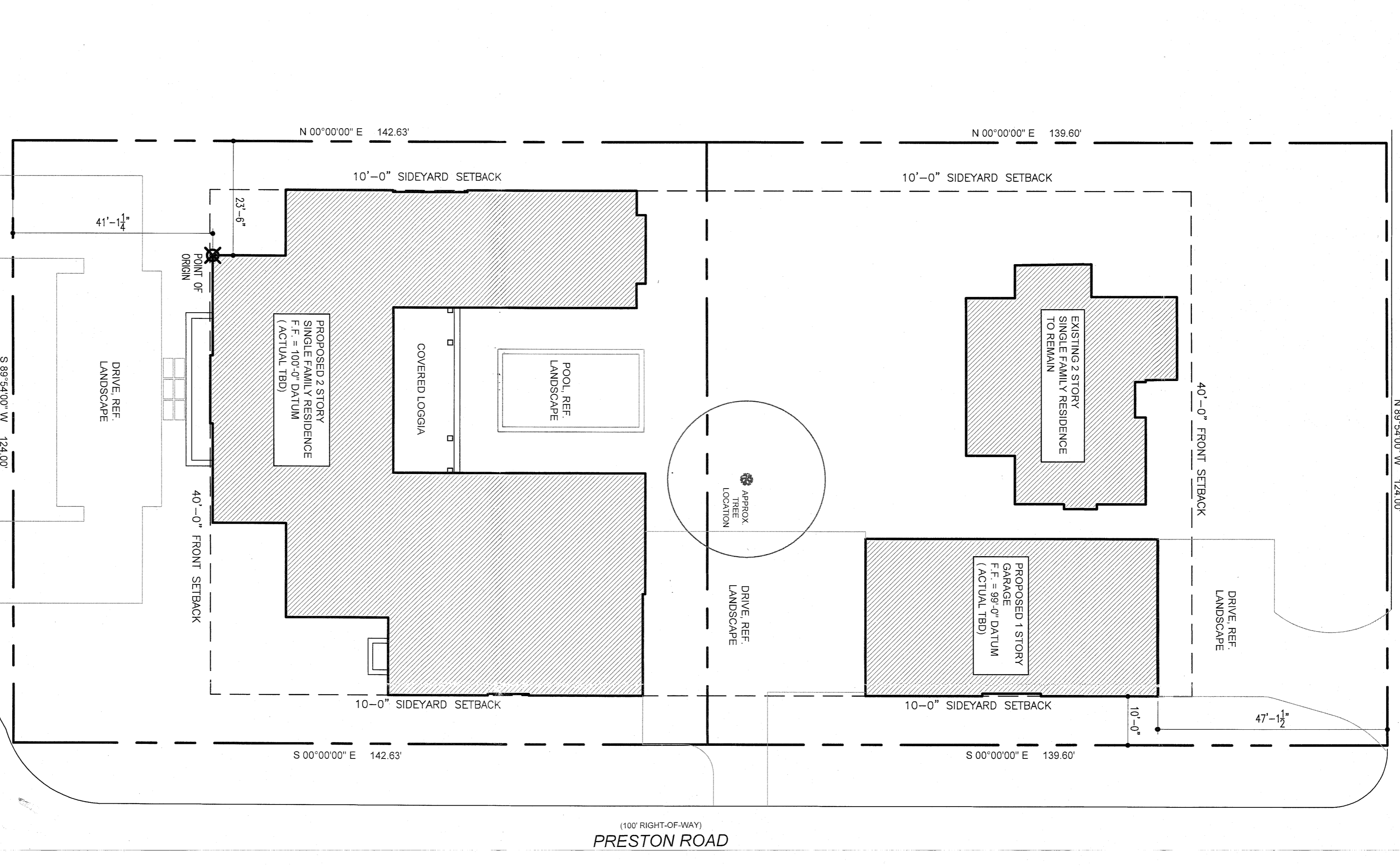
A1.01



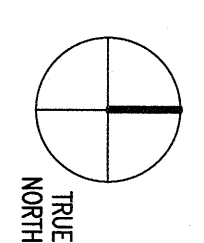
- ROOF PLAN NOTES**
1. GUTTERS TO BE 6" DIAETER HALF-ROUND PANT CAP W/ 4" DOWNSPOUT
  2. ALL DIMENSIONS TO BE ROUNDED TO SUBSEQUENCE FOR DRAINAGE
  3. ARROWS INDICATE DOWNSLOPE OF ROOF
  4. ALL ROOFS TO BE 12:12 SLOPE UNLESS OTHERWISE NOTED
  5. ROOF FINISH MATERIALS INCLUDE SYNTHETIC CERAMIC SHINGLE AND STANDING SEAM METAL. REFER TO FINISH SCHEDULE SUMMARY ON A3.01



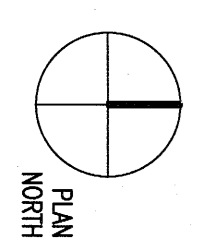
02 ROOF PLAN  
 1/8" = 1'-0"



- SITE PLAN NOTES**
1. REFERENCE LANDSCAPE ARCHITECT FOR SITE DRAINAGE
  2. REFERENCE LANDSCAPE ARCHITECT FOR SITE IMPROVEMENTS
  3. 75% OF NON-ROOF AREA TO BE VEGETATED, PERMISSIBLE PAVING, OR IMPERMEABLE PAVING WITH WATER RUNOFF
  4. GRP DRAINERS TO BE INSTALLED AT ALL BEDDING AREAS
  5. WATER SHALL NOT BE REDIRECTED TO DRAIN ONTO ADJACENT PRIVATE PROPERTY

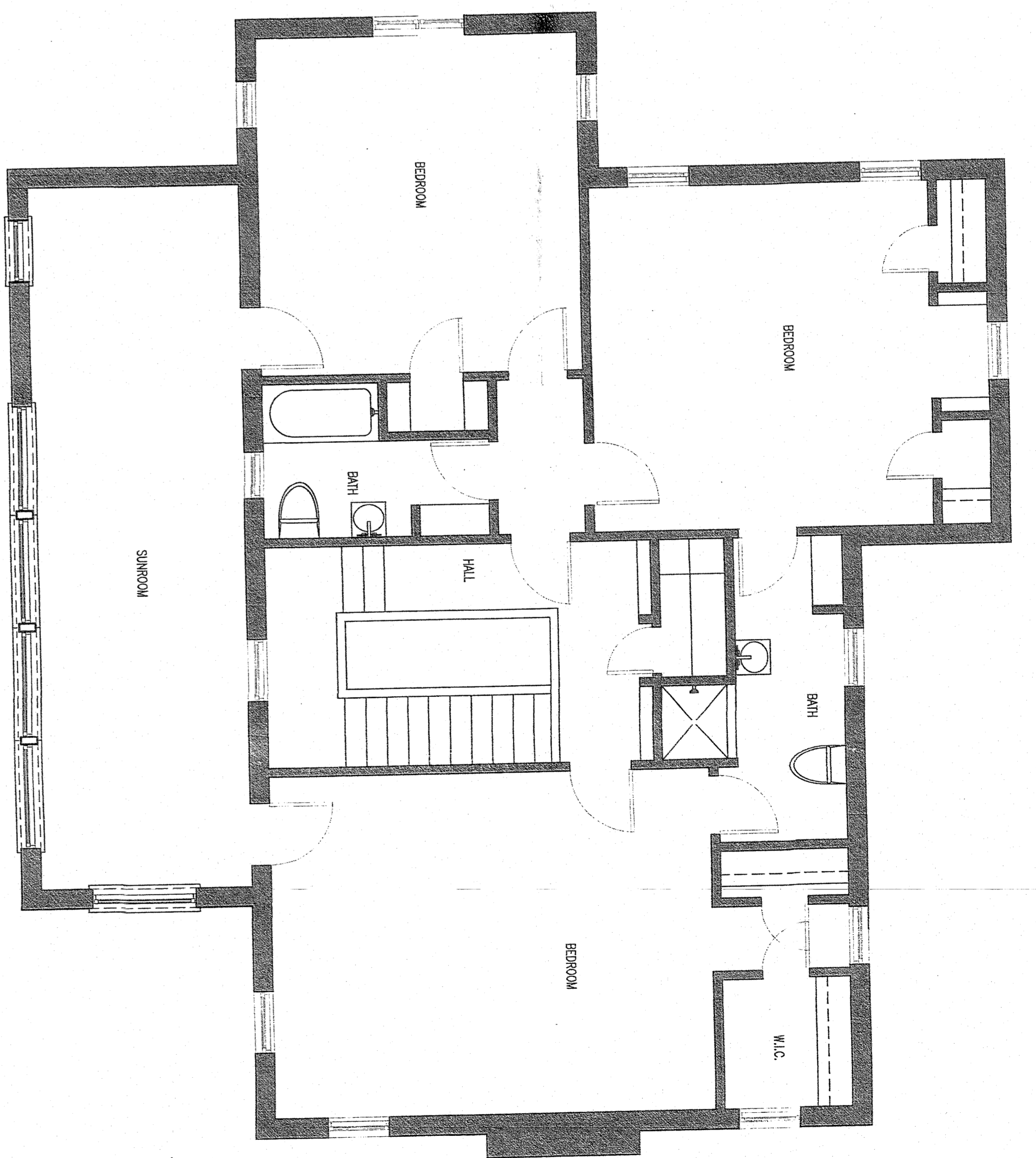


01 SITE PLAN  
 1/8" = 1'-0"

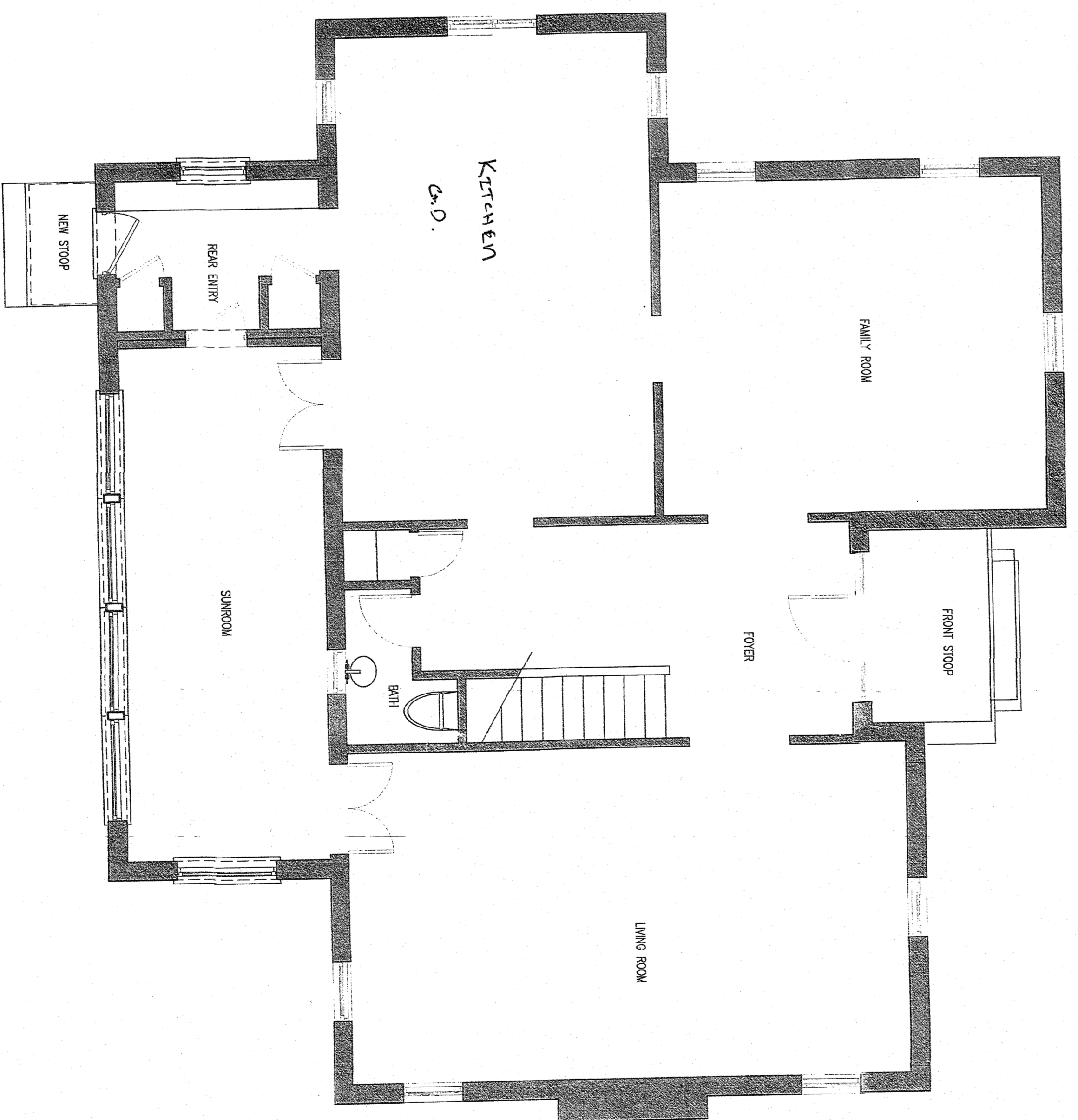


01 SITE PLAN  
 1/8" = 1'-0"





02 SECOND FLOOR PLAN - GUEST HOUSE



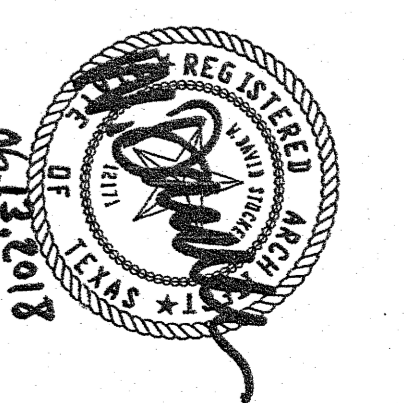
01 FIRST FLOOR PLAN - GUEST HOUSE

# DESINOR RESIDENCE

5952 JOYCE WAY, DALLAS, TX

STOCKER HOESTERY MONTENEGRO

4514 TRAVIS, SUITE 302 DALLAS, TEXAS 75205  
214.252.3830 f 214.252.3840



© STOCKER HOESTERY MONTENEGRO, FALL 2018  
Professional Seal of the Architect.  
This seal is not valid for use as an official seal of the Architect.

## CONSTRUCTION SET

PROJECT #  
SHM-17\_088

2018/07/25

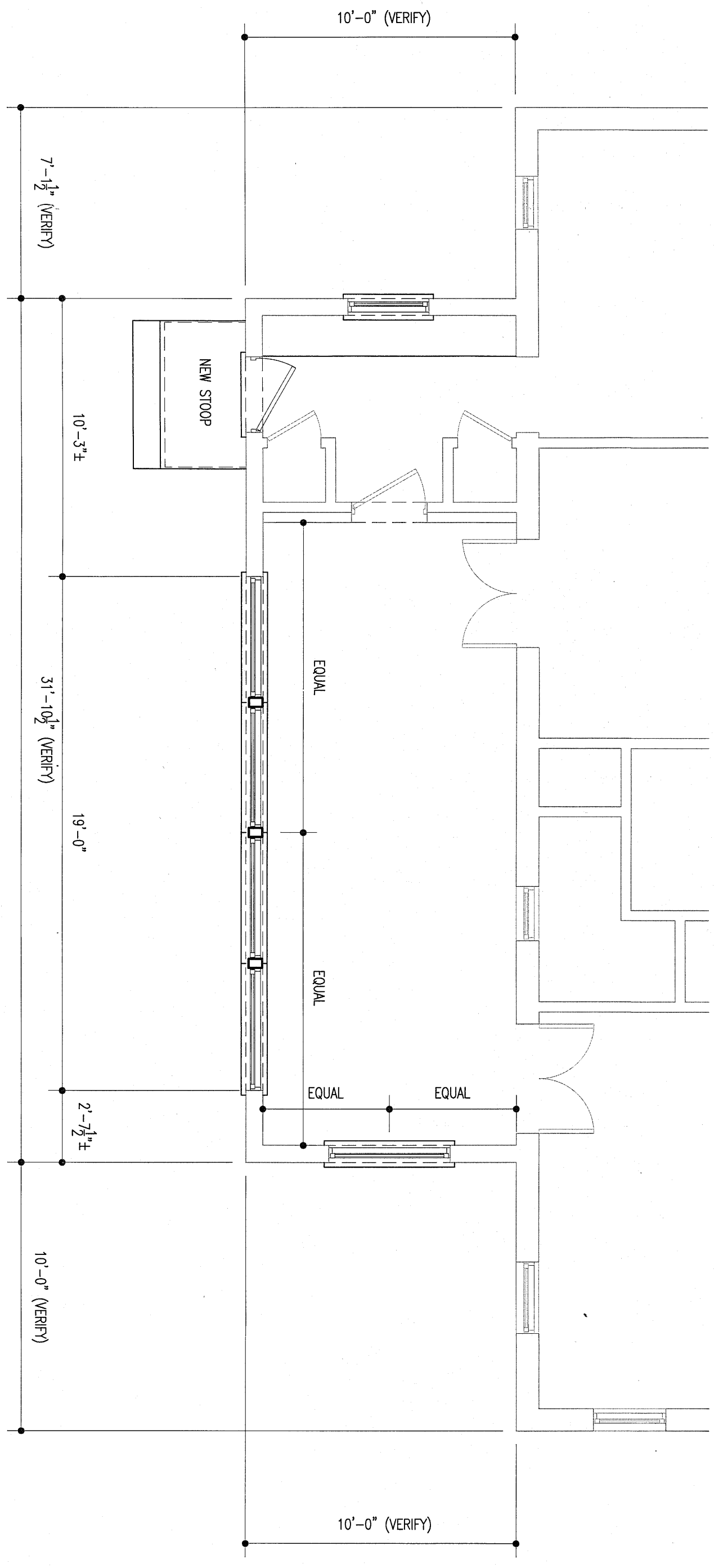
DATE  
JUNE 13, 2018  
GUEST HOUSE FLOOR  
PLANS

A2.03

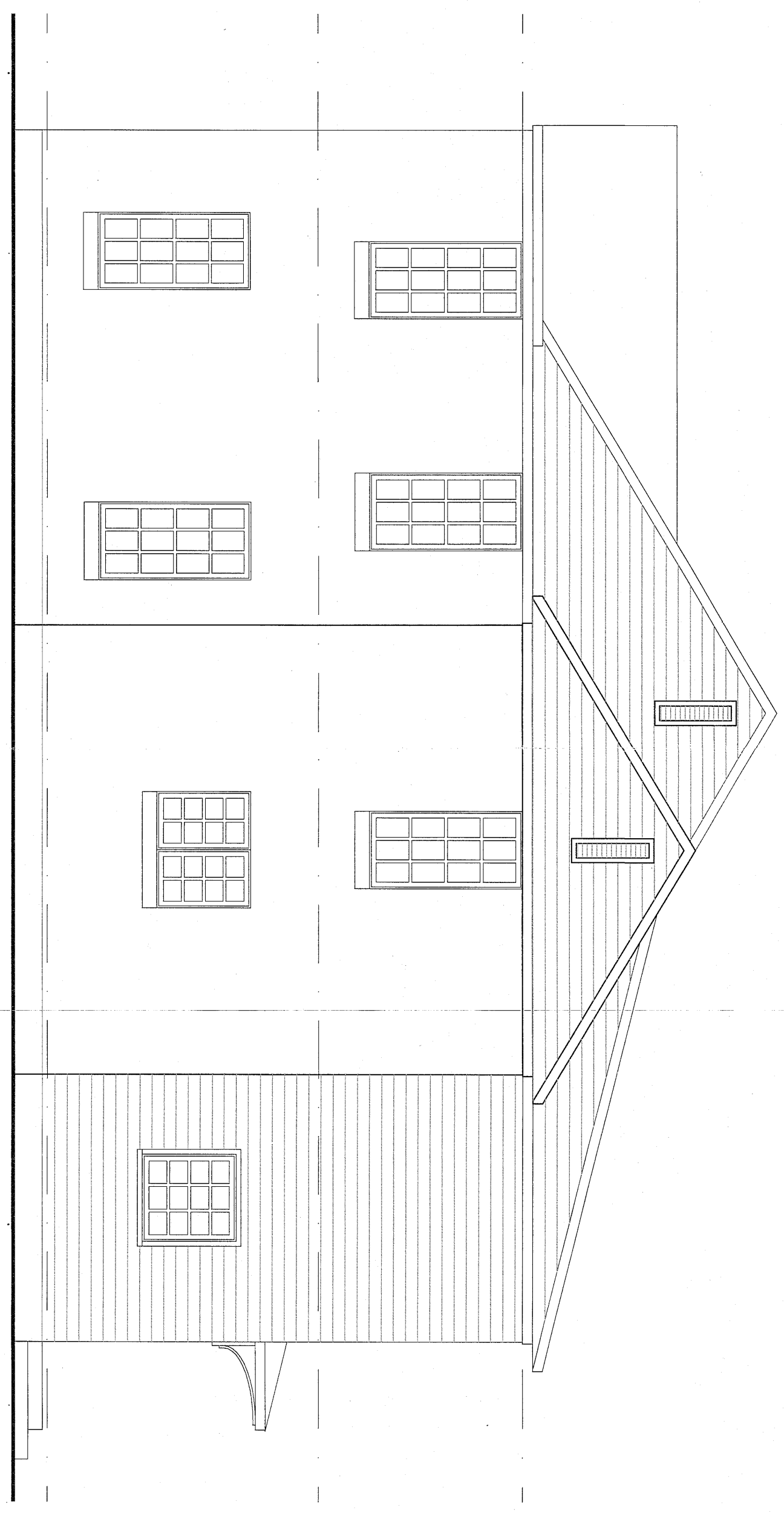


DESCRIPTION	MATERIAL	SPECIES/ALLOY	MANUFACTURER/SUPPLIER	TYPE	SIZE (FORMAL) PATTERN	COLOR	FINISH	JOINT	REMARKS
ST-1A	STONE	LIVESTONE	WATER DOLLS LIVINGSTONE ...	HEADERS AND SILL LITEBERS	4" VENER, MOUNTED JOINS	BRIT	SMOOTH CUT	1/4" ROBERT CORNER BRIF	
ST-2A	STONE	LIVESTONE	WATER DOLLS LIVINGSTONE ...	FRAMES	1/2" VENER, MOUNTED JOINS	BRIT	SMOOTH CUT	1/4" ROBERT CORNER BRIF	
WB-1A	WOOD	HARDWOOD	JAMES HARDIE	SPACING	1/2" VENER, MOUNTED JOINS	TO BE SELECTED	SMOOTH PAINT-GRADE	1/8" CORNER	
WB-2A	WOOD	DOUGLAS FIR	TO BE SELECTED	SPACING	1/2" VENER, MOUNTED JOINS	TO BE SELECTED	SMOOTH PAINT-GRADE	1/8" CORNER	
WB-3A	WOOD	DOUGLAS FIR	TO BE SELECTED	SPACING	1/2" VENER, MOUNTED JOINS	TO BE SELECTED	SMOOTH PAINT-GRADE	1/8" CORNER	
MT-1A	METAL	STEEL	TO BE SELECTED	STRONG-TIMBER PER STRUC	28 O.K. 8' CUTTER, 4" COMPRESS	TO BE SELECTED	SMOOTH PAINT-GRADE	DOUBLE-LOOK	
MT-2A	METAL	STEEL	TO BE SELECTED	STRONG-TIMBER PER STRUC	28 O.K. 8' CUTTER, 4" COMPRESS	TO BE SELECTED	SMOOTH PAINT-GRADE	DOUBLE-LOOK	
CS-1A	CONCRETE	N/A	BRUNNEN	SMOOTH	TO BE SELECTED	TO BE SELECTED	UNFINISHED	N/A	

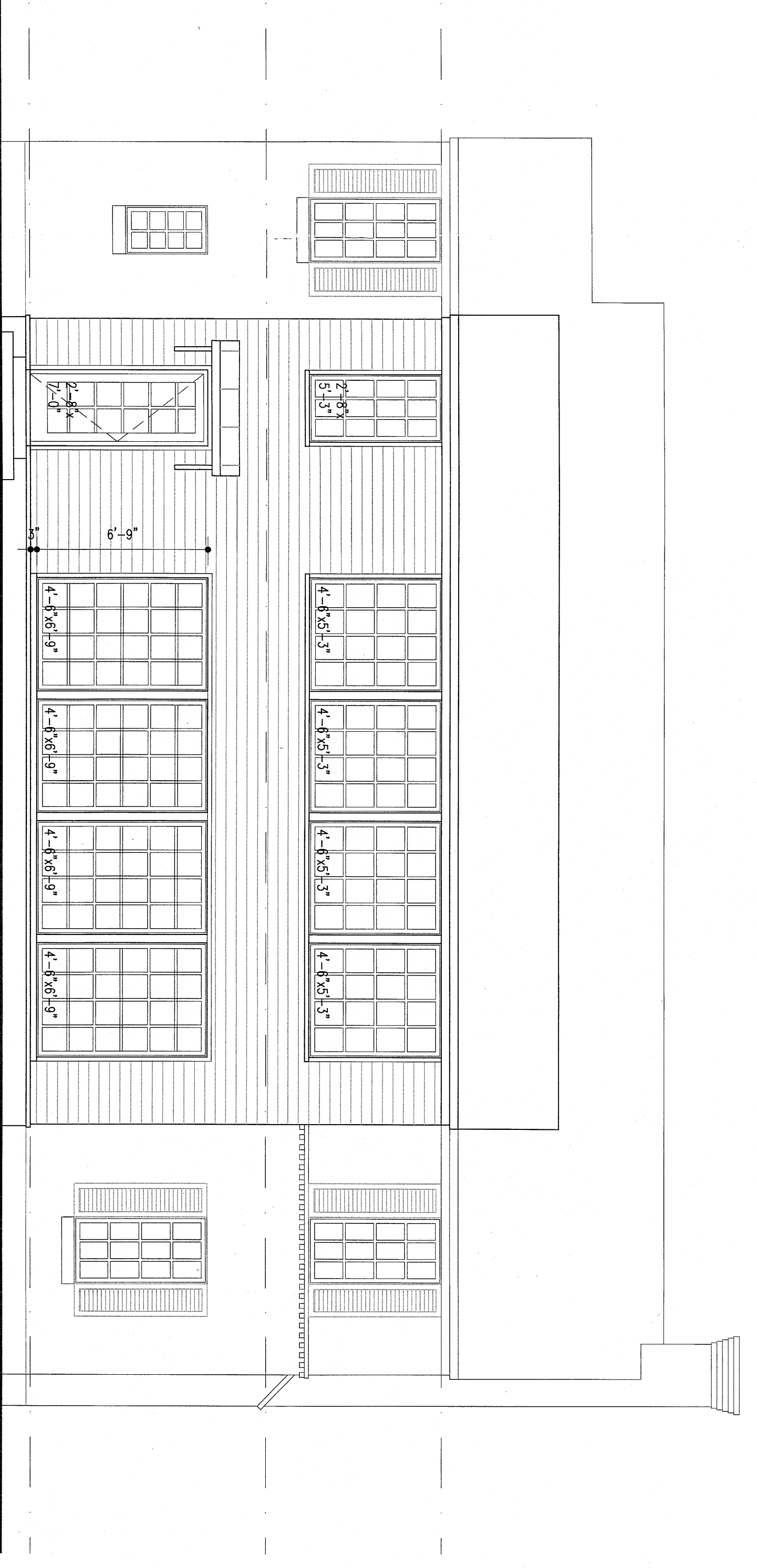
© STOCKER HOESTERY MONTENEGRO, LLC, 2018  
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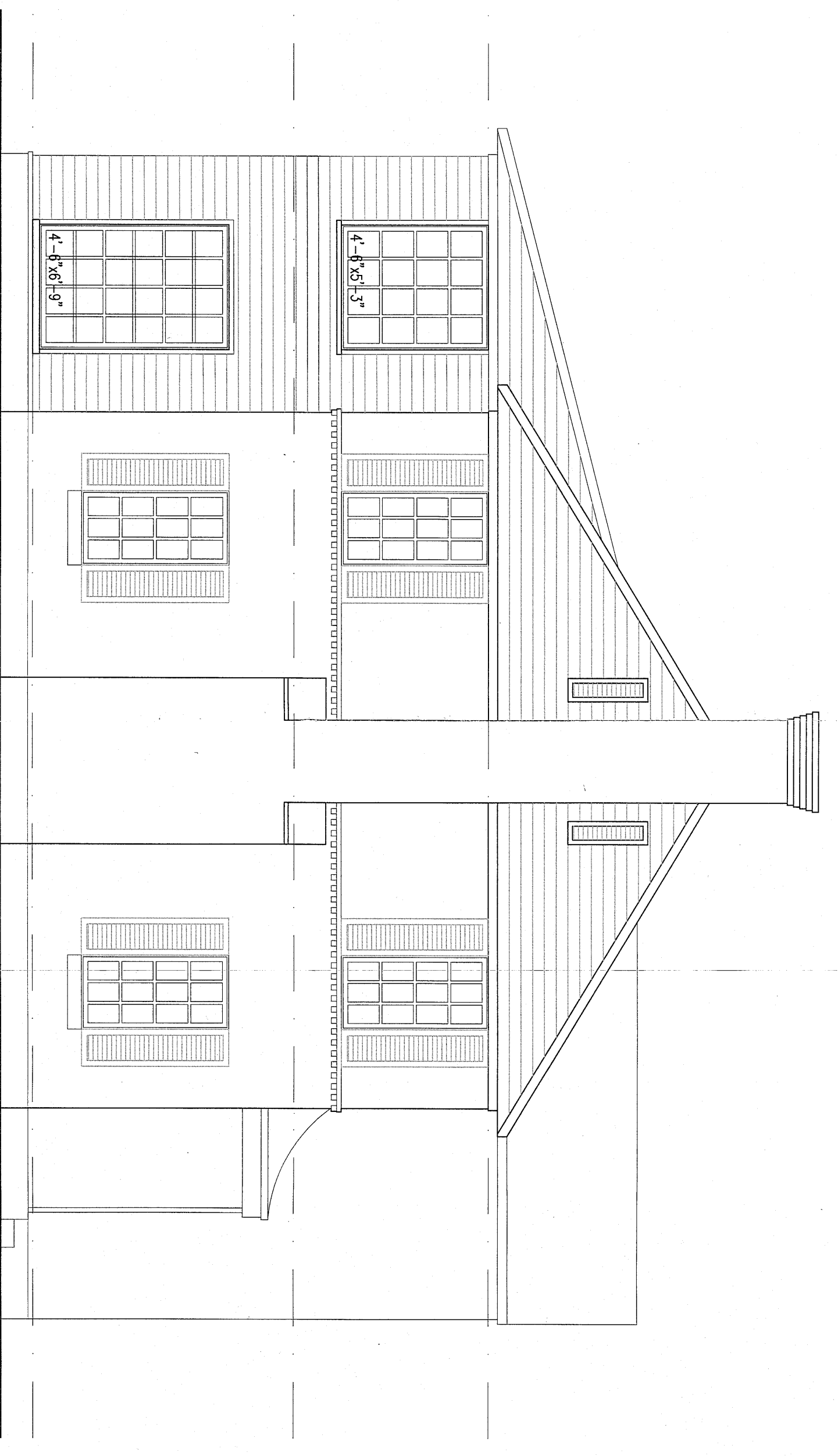
04 GUEST HOUSE - PARTIAL PLAN



03 WEST GUEST HOUSE ELEVATION



02 SOUTH GUEST HOUSE ELEVATION



01 EAST GUEST HOUSE ELEVATION

# DESINOR RESIDENCE

5952 JOYCE WAY, DALLAS, TX

STOCKER HOESTERY MONTENEGRO  
 4514 TRAVIS, SUITE 302 DALLAS, TEXAS 75205  
 214.252.3830 f 214.252.3840

## CONSTRUCTION SET

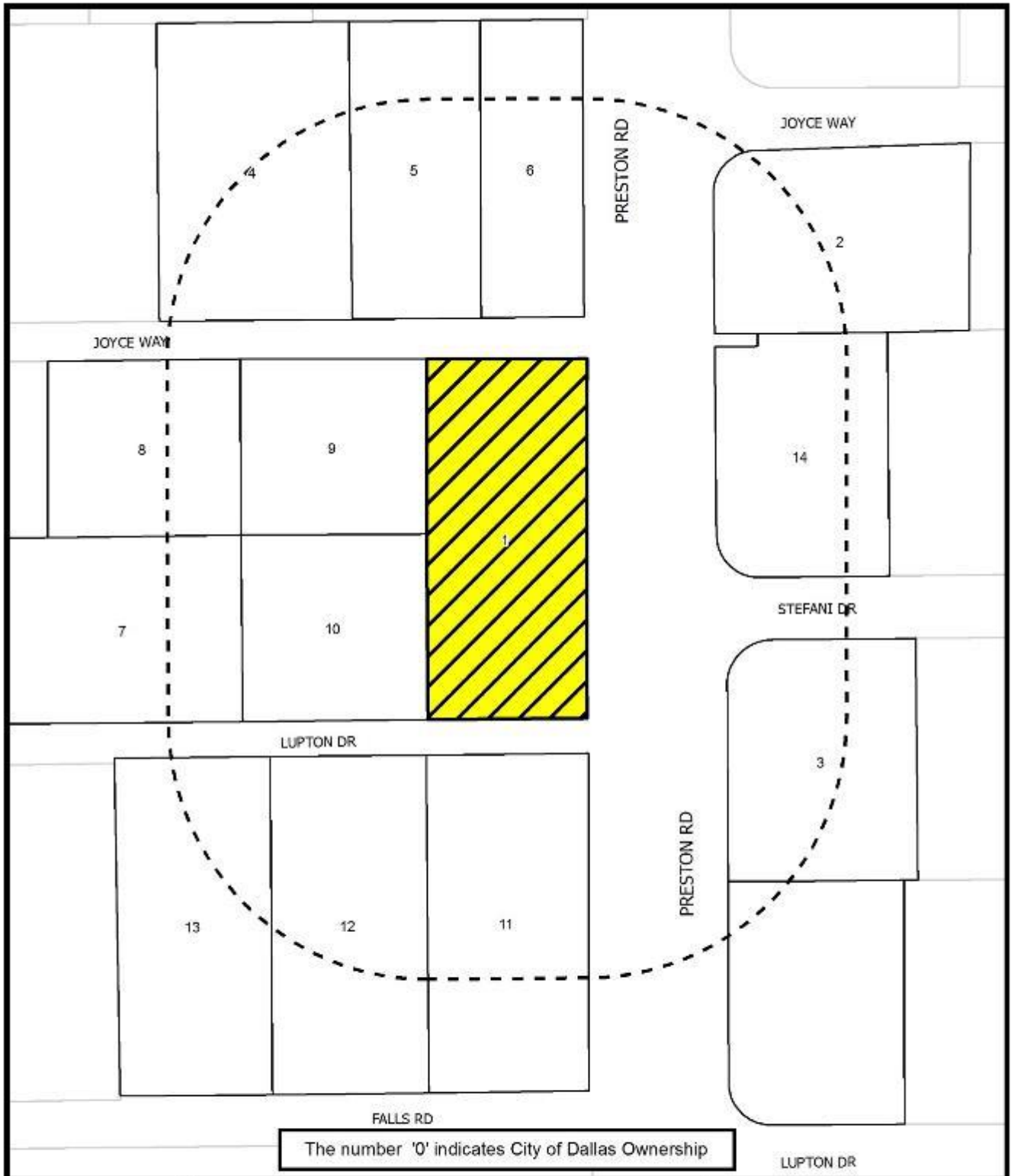
PROJECT #  
 SHM-17\_068

2018.10.09

DATE  
 JUNE 13, 2018

EXTERIOR ELEVATIONS

A3.05



1:1,200

# NOTIFICATION

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

Case no: **BDA189-109**

Date: **9/13/2019**

09/13/2019

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

***BDA189-109***

***14 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5952 JOYCE WAY	DESINOR GARCIA JR &
2	6006 JOYCE WAY	MCCLAIN KIRK W & NATHALIE Y
3	6006 STEFANI DR	PUSTEJOVSKY DOROTHY H
4	5943 JOYCE WAY	ROHLOFF RUTH MARIE &
5	5953 JOYCE WAY	MATTINGLY THOMAS &
6	5955 JOYCE WAY	MACMASTER BENZEL C LIFE EST&
7	5923 LUPTON DR	LELAND DANIEL R & SUSAN E
8	5932 JOYCE WAY	WATTS JAMES D & KAREN E
9	5942 JOYCE WAY	LATHAM RICHARD & SHERYL
10	5935 LUPTON DR	WEEKS PETER N &
11	5950 LUPTON DR	WILBERT JOSEPH P JR
12	5940 LUPTON DR	KHIMJI ZENOBIA LIVING TRUST
13	5930 LUPTON DR	MILLER TYREE B &
14	6007 STEFANI DR	CARLTON JOANNA ROSE

**FILE NUMBER:** BDA190-006

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin Associates for a special exception to the sign regulations at 5555 W Lovers Lane. This property is more fully described as Lots 1 and 2, Block 1/5012, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct and/or maintain a detached premise non-monument (AKA pole) sign on a nonresidential premise within 250 feet of private property in a non-business zoning district, which requires a special exception to the sign regulation.

**LOCATION:** 5555 W Lovers Lane

**APPLICANT:** Rob Baldwin of Baldwin Associates

**REQUEST:** A request for a special exception to the sign regulations is made to replace and maintain a non-monument sign within the 250-foot distance requirement from a residential property on a site developed with retail uses (Pet Bar, Jenny Craig, Orangetheory Fitness).

**STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT<sup>1</sup>:**

The Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district 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 sign regulations to allow a non-monument sign within 250 feet of private property in a non-business zoning district 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.

---

<sup>1</sup> Reference Section 51A-7.304(b)(3) of the Dallas Development Code.



## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	CR (Community Retail District)
<u>North:</u>	R-7.5(A) (Single Family Residential District)
<u>South:</u>	CR (Community Retail District)
<u>East:</u>	CR (Community Retail District)
<u>West:</u>	CR (Community Retail District)

### **Land Use:**

The site is being developed with retail uses (Pet bar, Jenny Craig, Orangetheory Fitness). The areas to the north are developed with single family uses; the areas to the south, east and west are developed with retail uses.

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

There have not been any related board or zoning cases in the vicinity of the subject site within the last five years.

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

- The request focuses on replacing and maintaining a non-monument sign within 250 feet from residential property on a site being developed with retail uses (Pet Bar, Jenny Craig, Orangetheory Fitness).
- The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.
- The applicant has submitted a site plan and sign elevation. The site plan notes that the signboard of the proposed replacement sign would be oriented to face east and west. The sign is not visible to the non-business zoning district immediately north of the subject site.
- The subject sign is located approximately 200 feet from the nearest residential lot located north of the subject site.
- The applicant is replacing the existing signs on an existing pole with three new signs in order to advertise three new retail tenants (Pet Bar, Jenny Craig, Orangetheory Fitness).
- In October of 2004, the sign regulations were amended in ways that added the provision the applicant is seeking an exception from – non-monument signs are not

allowed within 250 feet of either private property in a non-business zoning district or a public park more than one acre.

- The applicant submitted a document stating, among other things, that the proposed replacement signs will be a 128-square-foot flag mount illuminated LED cabinet. The proposed detached sign is not visible from the single family properties to the north of the subject site.
- The applicant has the burden of proof in establishing the following:
  - That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.
- If the board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan – a site plan that notes that the signboard of the proposed replacement sign would be oriented to face east and west, and not to the non-business zoning district immediately north of the subject site.
- Staff does not recommend imposing any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.

### **TIMELINE:**

October 30, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

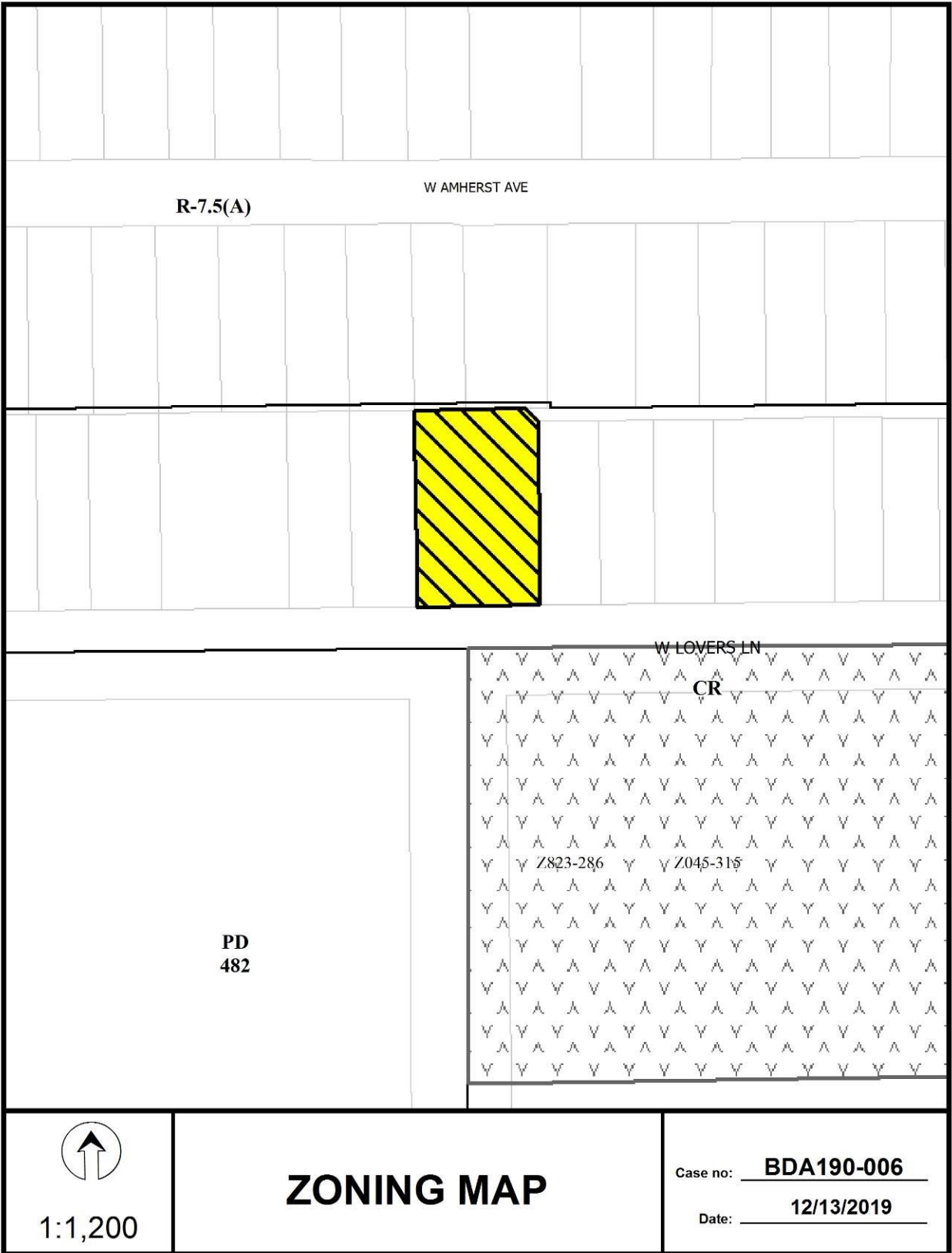
December 18, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

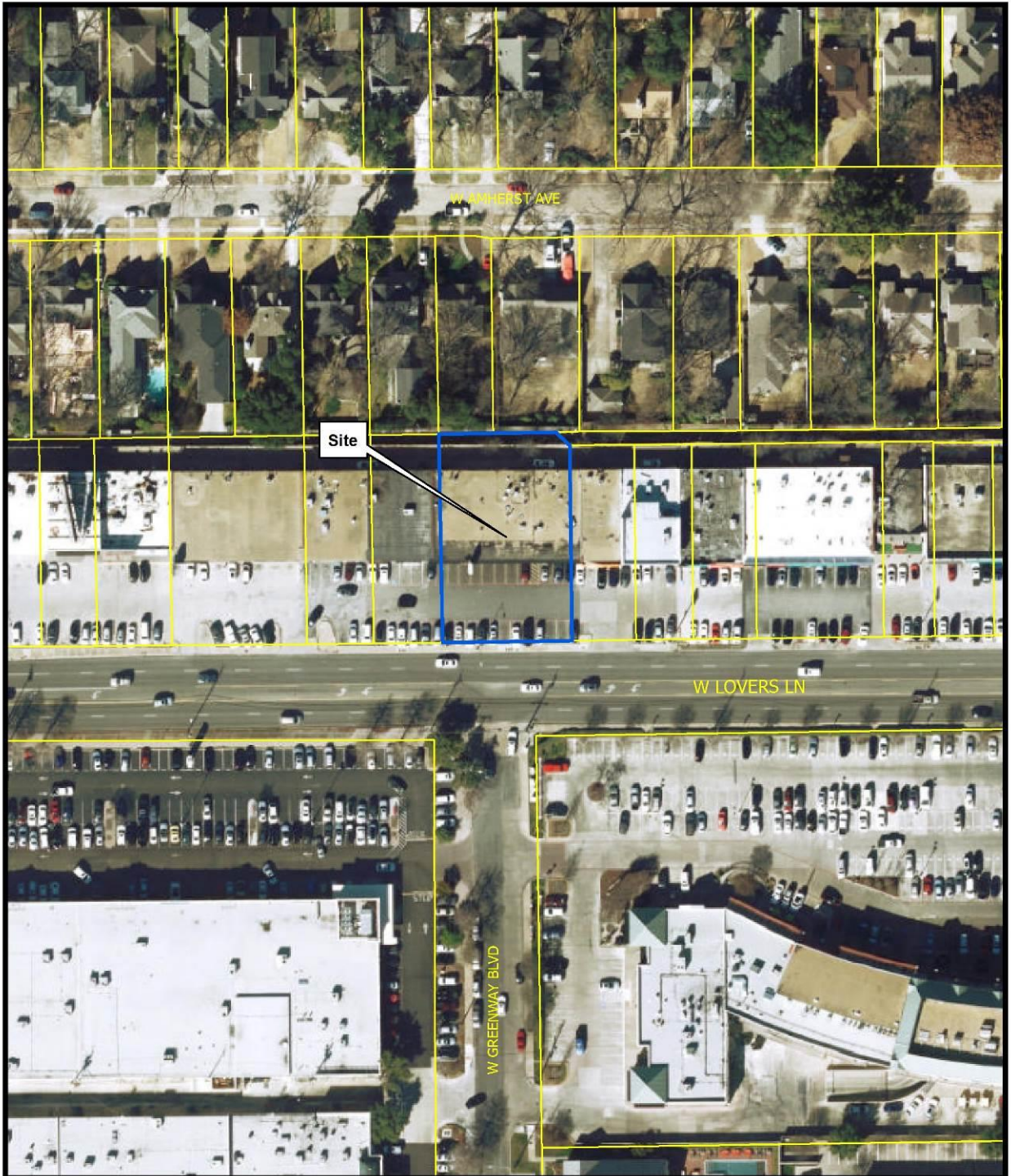
- an attachment that provided the public hearing date and panel that will consider the application; the December 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and


- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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





  
1:1,200

# AERIAL MAP

Case no: BDA190-006  
Date: 12/13/2019





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-006

Date: 10-30-19

Data Relative to Subject Property:

Location address: 5555 W. Lovers Lane Zoning District: CR

Lot No.: 1 & 2 Block No.: 1/5012 Acreage: 0.36 acres Census Tract: 73.01

Street Frontage (in Feet): 1) 113 ft 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Sherry Lane Investments, Inc.

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 \_\_, or Special Exception X, of sign regulations to allow a pole sign on a property within 250 feet of a non-business sign district (51A-7.304(b)(3)).

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The proposed sign will not adversely affect neighboring property.

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

Affidavit

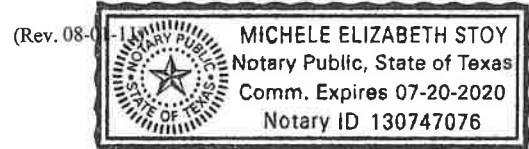
Before me the undersigned on this day personally appeared Robert Baldwin  
(Affiant/Applicant's name printed)

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 25 day of October, 2019

Michele E. Stoy  
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

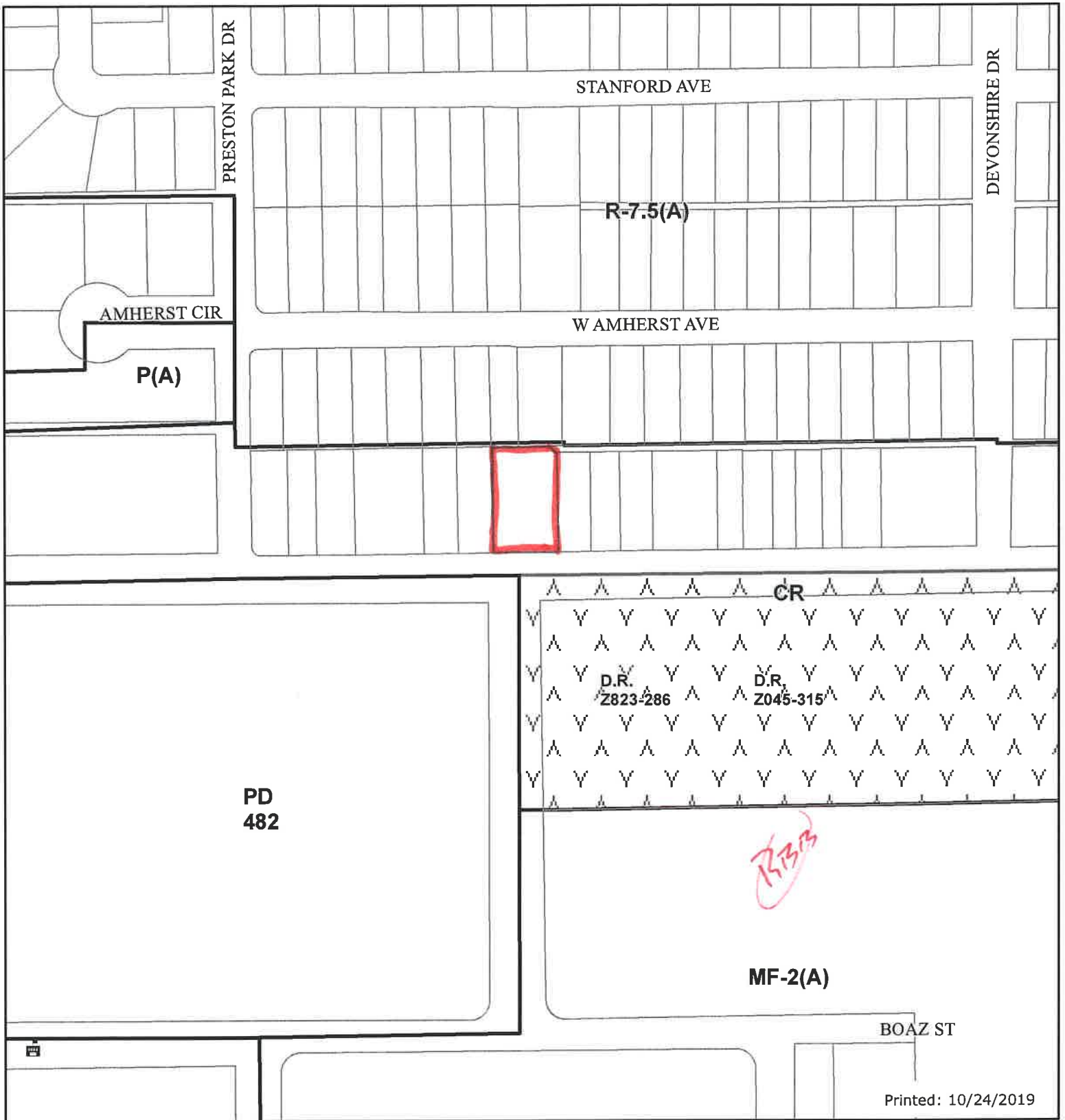
**Building Official's Report**

I hereby certify that Baldwin Associates  
did submit a request for a special exception to the sign regulations  
at 5555 W. Lovers Lane

BDA190-006. Application of Baldwin Associates for a special exception to the sign regulations at 5555 W LOVERS LN. This property is more fully described as Lot 1 & 2, Block 1/5012, and is zoned CR, which prohibits non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct a detached premises non-monument sign on a nonresidential premises within 250 feet of either private property in a non-business zoning district or a public park of more than one acre, which will require a special exception to the sign regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



### Legend

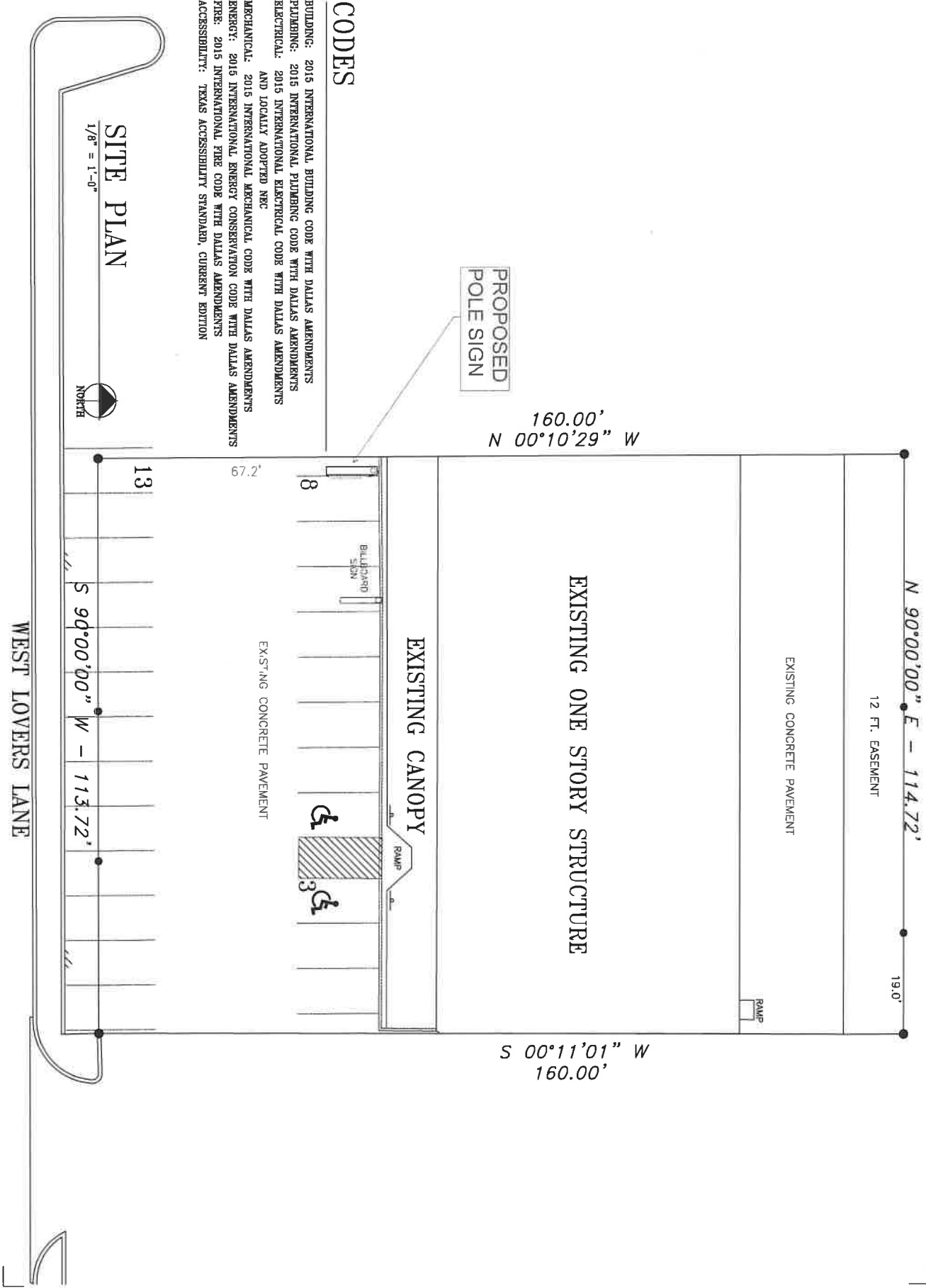
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | 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      | Show 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)









**CODES**

BUILDING: 2015 INTERNATIONAL BUILDING CODE WITH DALLAS AMENDMENTS  
 PLUMBING: 2015 INTERNATIONAL PLUMBING CODE WITH DALLAS AMENDMENTS  
 ELECTRICAL: 2015 INTERNATIONAL ELECTRICAL CODE WITH DALLAS AMENDMENTS AND LOCALLY ADOPTED NEC  
 MECHANICAL: 2015 INTERNATIONAL MECHANICAL CODE WITH DALLAS AMENDMENTS  
 ENERGY: 2015 INTERNATIONAL ENERGY CONSERVATION CODE WITH DALLAS AMENDMENTS  
 FIRE: 2015 INTERNATIONAL FIRE CODE WITH DALLAS AMENDMENTS  
 ACCESSIBILITY: TEXAS ACCESSIBILITY STANDARD, CURRENT EDITION

**SITE PLAN**

1/8" = 1'-0"



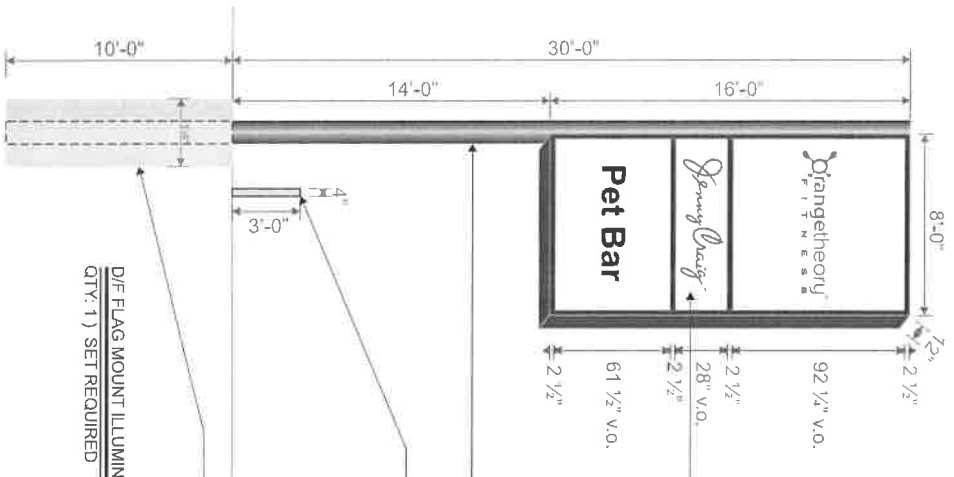
WEST LOVERS LANE

SP-1

PROPOSED RETAIL CENTER FACADE ALTERATION FOR:  
**LOVERS LANE CENTER**  
 5549-5563 LOVERS LANE DALLAS, TEXAS

HUDSON LOCKETT III, ARCHITECT  
 6116 NORTH CENTRAL EXPRESSWAY SUITE 110  
 DALLAS, TEXAS 75206-5101  
 214-559-2095 hudson@hudsonlockett.com





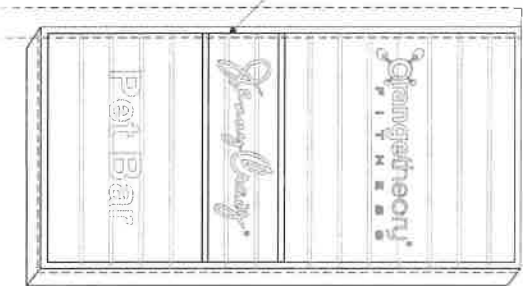
D/F FLAG MOUNT ILLUMINATED CABINET  
 QTY: 1 SET REQUIRED

3'X10' CONCRETE PIER

12", 1/2" WALL STEEL PIPE  
 PAINTED BLACK  
 4" PARKING BOLLARD  
 PAINTED YELLOW

12" DEEP D/F FLAG MOUNT ILLUMINATED CABINET  
 \* 2.5" RETAINERS/DIVIDERS PAINTED BLACK  
 \* WHITE 3/16" PLEX FACES WITH TRANSP. VINYTL OVERLAYS  
 \*\* LOGOS & COLOR SPECS TO BE PROVIDED  
 \* WHITE LED LAMP ILLUMINATION

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



EXISTING CONDITIONS



DATE	REVISIONS	NAME	AUTHORIZATION
4/26/19	REVISE HEIGHTS	AB	OK DATE
			DATE
			DATE
			DATE

UNDOLORED  
 ALL CHANGES MUST BE INITIALED BY  
 THE SIGN AND ACCOUNT EXECUTIVE ON  
 THE DRAWING

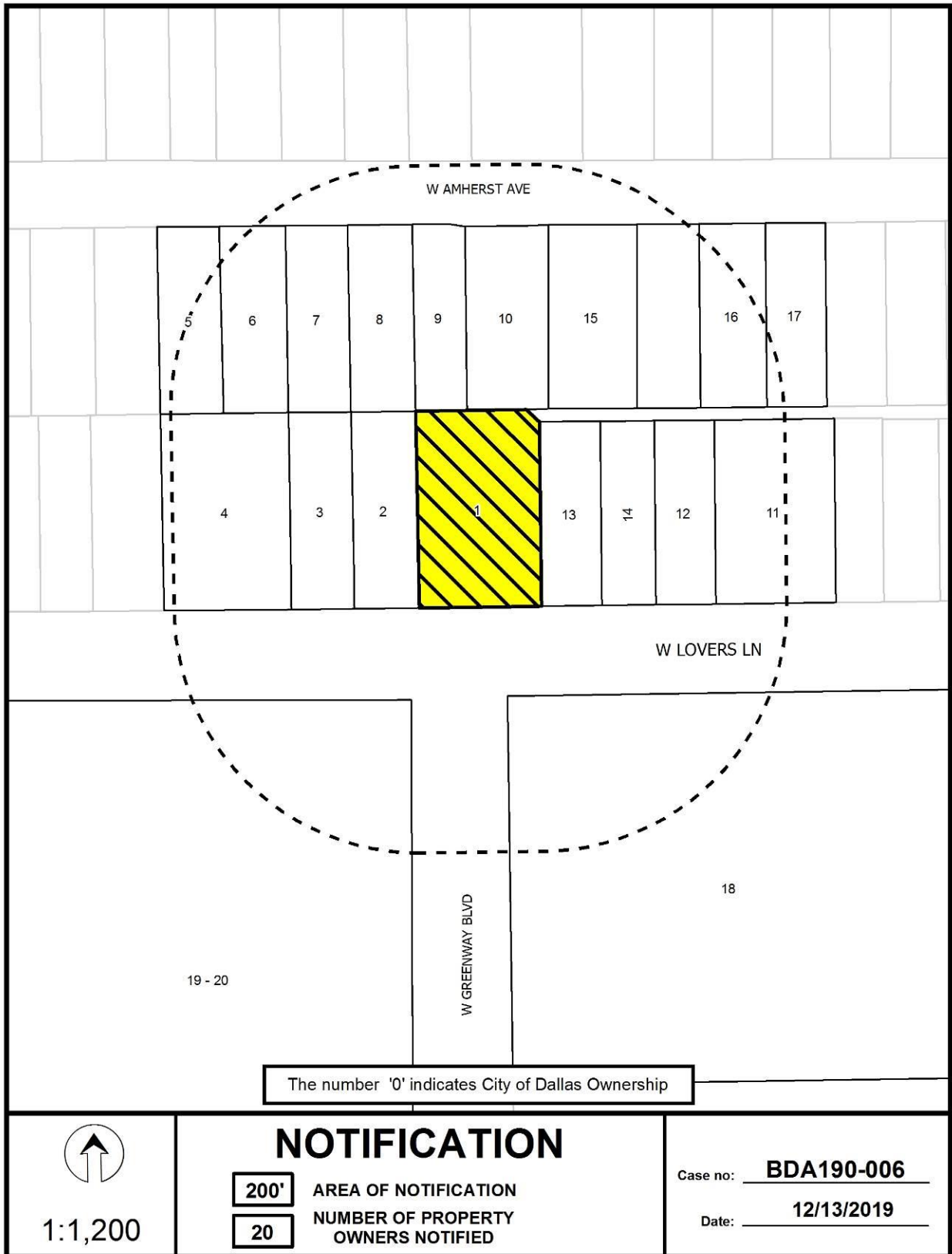
This drawing is the exclusive property of Accent Graphics, Inc. and is the result of the original work of its employees. The plans are prepared by your company for the sole purpose of conveying the design and construction details to the fabricator and are not to be used on any other project. QR: the purchase of the plans and design concepts shall constitute the entire agreement between the parties and shall supersede all other plans, specifications, or verbal communications. The client agrees to hold Accent Graphics, Inc. harmless for any and all claims, damages, and expenses that may be incurred by the client and shall remain the sole responsibility of the client.

CLIENT	CONCORD CAPITOL	STORE #
INSTALLATION ADDRESS		
DESIGNER	AB	ACCOUNT EXECUTIVE J. MULLDOON
DATE	9-23-19	SHEET 1 OF 1
DESIGN #	AB 9-23-19 R1	

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 GRAND PRANGE, TX 75050  
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 METRO (972) 399-0333  
 EMAIL: [jmuldoon@accentgraphicsinc.com](mailto:jmuldoon@accentgraphicsinc.com)  
 FAX (800) 910-3045  
 WEBSITE: [www.accentgraphicsinc.com](http://www.accentgraphicsinc.com)

Regulated by the Texas Department of Licensing and Regulation P. O. Box 12157, Austin, TX 78711 Tel: 512.463.6599

Toll Free (in TX): 800.803.9202 Online: <http://www.license.state.tx.us/complaints> State of Texas Contractor #18050



12/12/2019

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

***BDA190-006***

### ***20 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5555 W LOVERS LN	SHERRY LANE INV INC
2	5541 W LOVERS LN	SKL INVESTMENT COMPANY LTD
3	5535 W LOVERS LN	JOHNSTON AVA TR
4	5525 W LOVERS LN	DORCO RLTY CO
5	5514 W AMHERST AVE	SHUFORD KATHI K & SCOTT H
6	5518 W AMHERST AVE	ALEXANDER RESIDENCE TRUST
7	5522 W AMHERST AVE	SCOGGINS JOHN &
8	5526 W AMHERST AVE	BOULAS H JAY
9	5530 W AMHERST AVE	CULBERTSON JUDY BROADFOOT
10	5534 W AMHERST AVE	ARRIETA EDWARD HUMBERTO
11	5609 W LOVERS LN	TLP 5609 W LOVERS LP
12	5605 W LOVERS LN	ZEQIRI BENIN & EDIN PTR
13	5567 W LOVERS LN	BOSWELL MARY U
14	5601 W LOVERS LN	GUL CORPORATION
15	5600 W AMHERST AVE	BUFKIN THOMAS D JR &
16	5610 W AMHERST AVE	MORTON KENNETH &
17	5614 W AMHERST AVE	MELLO SUSAN L
18	5600 W LOVERS LN	PAVILION ON LOVERS LN LP
19	5300 W LOVERS LN	L&B DEPP INWOOD VILLAGE
20	5458 W LOVERS LN	L&B DEPP INWOOD VILLAGE

**FILE NUMBER:** BDA190-008(SM)

**BUILDING OFFICIAL'S REPORT:** Application of DK Patel of Lovefield Hospitality LP, represented by Maxwell Fisher, AICP, of Masterplan, for a special exception to the parking regulations at 4860 Harry Hines Boulevard. This property is more fully described as Lot 1E, Block 5745, and is zoned MU-2, which requires parking to be provided. The applicant proposes to construct and/or maintain a hotel or motel use and provide 121 of the required 147 parking spaces, which will require a 26-space special exception (18% reduction) to the parking regulations.

**LOCATION:** 4860 Harry Hines Boulevard

**APPLICANT:** DK Patel of Lovefield Hospitality LP  
Represented by Maxwell Fisher, AICP, of Masterplan

**REQUEST:**

A request for a special exception to the off-street parking regulations of 26 spaces is made to construct a new hotel or motel use with 141 guest rooms and 1,200 square feet of meeting space and will provide 121 parking spaces (or 82 percent) of the 147 required parking spaces for the subject site.

**STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:**

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by

this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.
  - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
  - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
  - (B) Impose restrictions on access to or from the subject property; or
  - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 26 spaces shall automatically and immediately terminate if and when a hotel or motel use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Senior Engineer indicated that he has no objections to the request which is based on latest hotel parking trends and other recent requests of similar hotel developments in the Dallas-Fort Worth metroplex.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	MU-2 (Mixed Use)
<u>Northeast:</u>	IR (Industrial Research) and PD No. 663 (Planned Development)
<u>Southeast:</u>	IR (Industrial Research)
<u>Southwest:</u>	IR (Industrial Research)
<u>Northwest:</u>	IR (Industrial Research)

**Land Use:**

The subject site is proposed to be developed with a 141-room hotel. Surrounding uses include a multifamily use to the northeast, across the DART light rail tracks; an Office/showroom/warehouse is to the southeast; parking lots to the southwest and a hospital across Harry Hines farther to the southwest; and an ambulatory surgical center to the northwest.

**Zoning/BDA History:**

There has been one related zoning case and no related board cases recorded in the vicinity within the last five years.

1. On September 25, 2019, the City Council approved an MU-2 Mixed Use District on property zoned an IR Industrial Research District for the subject site.



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

The purpose of this request for a special exception to the off-street parking regulations of 26 spaces (or an 18-percent reduction of the parking spaces required) is to construct a new hotel or motel use with 141 guest rooms and 1,200 square feet of meeting space and provide 121 parking spaces (or 82 percent) of the 147 required parking spaces for the subject site.

The Dallas Development Code requires, one space for each unit for hotel or motel uses with less than 250 units plus one space per 200 square feet of meeting room. Therefore, the proposed hotel or motel use requires 147 parking spaces.

The applicant has submitted a study, based upon the updated Institute of Transportation Engineers (ITE) Parking Generation Manual estimates peak parking demand is during weekdays and is 0.77 spaces per guest room. The study that represents that the “projected peak parking demand” for the proposed hotel is 109 spaces and the applicant proposes to provide a total 121 spaces.

On December 31, 2019, the Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections” and “Engineering staff recommends approval based on latest hotel parking trends and other recent requests of similar hotel developments in the Dallas-Fort Worth metroplex.”

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

- The parking demand generated by the hotel or motel use on the site does not warrant the number of off-street parking spaces required, and
- The special exception of 26 spaces (or an 18-percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request, and impose condition recommended by staff, the applicant could construct and maintain the site with 41 guest rooms and 1,200 square feet of meeting space and provide 121 parking spaces (or 82 percent) of the 147 required parking spaces on the subject site.

## **Timeline:**

November 11, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

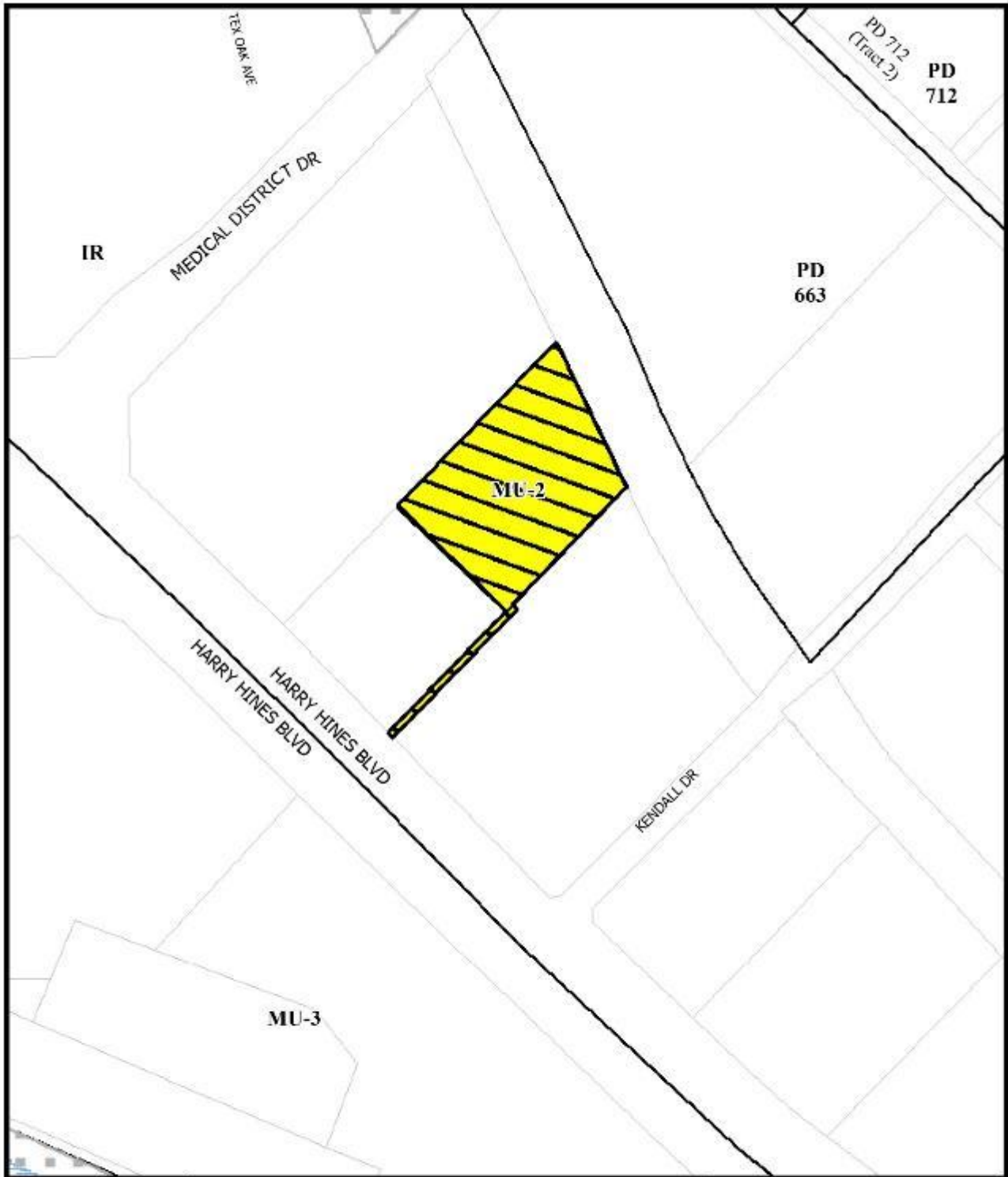
December 5, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

December 9, 2019: The Interim Board of Adjustment Chief Planner/Board Administrator emailed the applicant's representative the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

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

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

December 30, 2019: The City of Dallas Sustainable Development and Construction Senior Engineer submitted a memo regarding this application (see Attachment A).



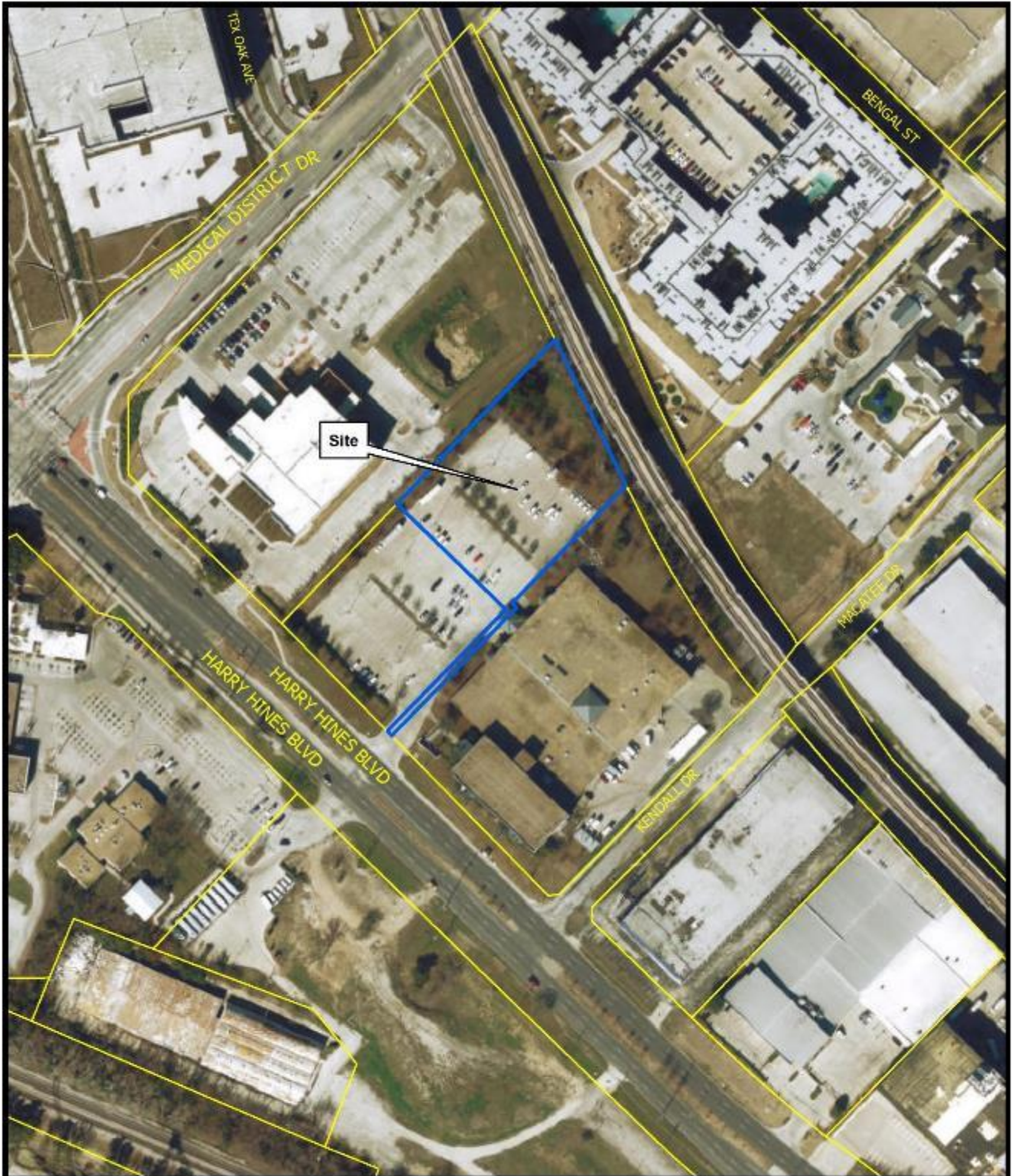
1:2,400

# ZONING MAP

Case no: BDA190-008

Date: 12/13/2019





1:2,400

# AERIAL MAP

Case no: BDA190-008

Date: 12/13/2019

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF **JANUARY 21, 2020 (A)**

Has no objections

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

Recommends denial  
(see comments below or attached)

No comments

BDA 189-109

BDA 189-124

BDA 190-001

BDA 190-003

BDA 190-006

BDA 190-008

BDA 190-009

BDA 190-013

BDA 190-014

COMMENTS:

---

**Engineering staff recommends approval based on latest hotel parking trends and other recent requests of similar hotel developments in the Dallas-Fort Worth metroplex.**

---

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

Name/Title/Department

---

**12/30/2019**

Date

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





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

KL Case No.: BDA 190-008

Data Relative to Subject Property:

4860 Harry Hines Date: 11/04/2019 11-11-19

Location address: ~~Part of 2055 Kendall Drive~~; North/Northwest of Kendall Drive and Harry Hines Boulevard Zoning District: 2/MU-2, IR

Lot No.: 1E Block No.: 5745 Acreage: 1.718 Census Tract: 4.01

Street Frontage (in Feet): 1) none of 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bluescape Altera Harry Hines LLC

Applicant: DK Patel, Lovefield Hospitality, LP Telephone: 972.600.8162

Mailing Address: 1200 Walnut Hill, #2525 Irving, Texas Zip Code: 75038

E-mail Address: dk@whitestonehm.com

Represented by: Maxwell Fisher, AICP, Masterplan Telephone: 214.761.9197

Mailing Address: 900 Jackson Street, Dallas Texas Zip Code: 75202

E-mail Address: maxwell@masterplantexas.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X of 26 parking spaces (18% parking reduction) for a hotel use. of the 147 required

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: a request to reduce parking requirement to align with actual parking demand supported by the enclosed parking demand analysis.

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.

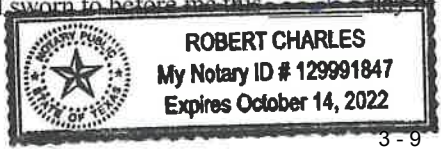
Affidavit

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

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

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

Subscribed and sworn to before me this 5 day of November, 2019



[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 Lovefield Hospitalitu Lp  
represented by Masterplan  
did submit a request for a special exception to the parking regulations  
at 4860 Harry Hines Blvd.

BDA190-008. Application of Lovefield Hospitality Lp represented by Masterplan for a special exception to the parking regulations at 4860 HARRY HINES BLVD. This property is more fully described as Lot 1E, Block 5745, and is zoned MU-2, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a hotel use and provide 121 of the required 147 parking spaces, which will require a 26 space special exception (18% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





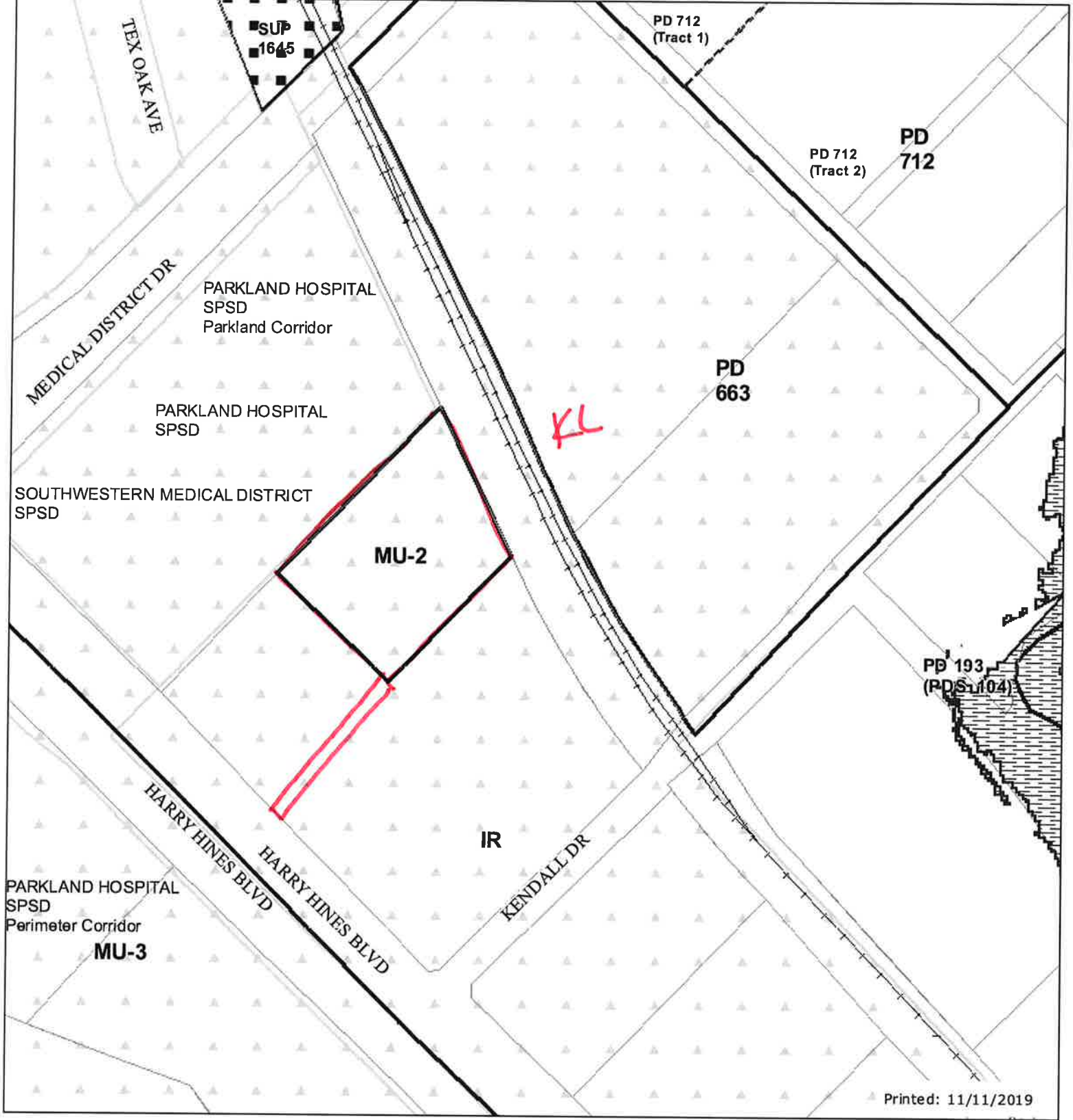
Whitestone Hospitality, LLC requests approval of a special exception to reduce the parking requirement for a hotel by 26 spaces from 147 to 121 parking spaces, or a 18% reduction. A 6-story, 141-room Home2 hotel is planned on a 1.718-acre parcel as part of redevelopment of the American Red Cross property at 2055 Kendall Drive.

The Dallas Development Code requires 1 parking space for each room plus 1 parking space per 200 square feet of meeting room floor area. With 141 rooms and 1,200-square feet of meeting room floor area, 147 parking spaces are required. Changes in the way people travel have lowered parking demand well below the city requirement. A greater proportion of travelers use different modes of transportation particularly when traveling. The following factors contribute to a lower parking demand:

- Home2 is a hybrid hotel between the conventional 1 to 2-day stay and the 1 to 2-week extended stays for business travel; the average stay is around 3 to 5 nights.
- The hotel will largely serve both visitors of the UT Southwestern Medical Center and business travel
- Alternate travel modes such as transit, taxi, shuttle reduce parking demand
- The ease of use of Uber or Lyft via electronic devices further reduces conventional vehicle parking demand
- Hotels near business centers and airports tend to have a greater-than-average proportion of mode trips that warrant additional parking reduction
- The DART light rail is approximately 950 feet from the property offering another feasible mode of transportation
- The ITE Manual projects a peak parking demand of 0.77 per room for a total of 109 occupied parking spaces, leaving a surplus of 12 parking spaces.
- The parking data collection at a Home2 in Irving, with many similar local dynamics, reveals an actual parking demand of 0.49 spaces per room, or 69 parking spaces. (The empirical data collected occurred during peak weekday – Monday – Wednesday.)

Whitestone Hospitality requests a reduction in the parking requirement to align with actual demand.





Printed: 11/11/2019

### 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        | SPSP 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    | 3 - 12                     |

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)





# PARKING DEMAND ANALYSIS

Project:

**Home2Suites - Harry Hines Boulevard**

*In Dallas, Texas*

Prepared for:

**City of Dallas**

On behalf of:

**Whitestone Hospitality Management LLC**

Prepared by:



Hunter W. Lemley, P.E.



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Dallas, Texas 75231-2388  
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TX.REG: ENGINEERING FIRM F-469  
TX. REG. SURVEYING FIRM LS-100080-00

# PARKING DEMAND ANALYSIS Home2Suites - Harry Hines Boulevard Dallas, Texas

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## INTRODUCTION

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The services of **Pacheco Koch (PK)** were retained by **Whitestone Hospitality Management LLC** to conduct a Parking Demand Analysis (PDA) for a proposed suites hotel located at 4800 Harry Hines Boulevard in Dallas, Texas. A preliminary site plan provided by **Whitestone Hospitality Management LLC** is provided for reference at the end of this report.

The Owner is seeking a Special Exception to the base parking requirement from the City of Dallas to facilitate development of the Project. Submittal of a PDA, prepared by a skilled professional, is one of the requirements of City's process. This PDA was prepared in accordance with applicable standards by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, parking analysis, and related fields.

### ***Purpose***

A PDA is an investigation of actual and/or published parking demand characteristics for a specific site with specific land use(s). The analysis is designed to take into consideration any site-specific factors that may affect parking demand. Therefore, the results presented in this analysis may not apply to other examples of the same land use.

Parking demand is theoretically represented by local zoning ordinances. However, in many cases, these ordinances are overly-simplified and/or over-generalized and do not sufficiently reflect actual parking needs of the Project. The purpose of this PDA is to compare the actual parking needs at similar facilities with the corresponding code requirements to illustrate the differences and validate the potential reduction in the corresponding code parking requirement. Approval of any reduction is a subject to the approval process of the City of Dallas.

### ***Project Description***

The Project is a suites hotel with approximately 141 guest rooms and accessory uses. Based upon information given, the on-site parking will be accommodated by a surface lot on the property.

## PARKING CODE REVIEW

---

### ***Base Code (No Reductions)***

The subject site is currently zoned IR (Industrial Research) as defined in Chapter 51A of the Dallas Development Code and is proposed to change to MU-2 (Mixed-Use). The proposed use, "Hotel or motel", is allowed under the current zoning designation. The base parking requirement for this use is: 1 space for each unit for units 1 to 250;  $\frac{3}{4}$  space for each unit for units 251 to 500;  $\frac{1}{2}$  space for all units over

500; plus, 1 space per 200 square feet of meeting rooms (Parking code reductions may apply in certain circumstances.).

A summary of the resulting net parking requirement is summarized in **Table 1**.

*Table 1. Base Code Parking Requirement*

LAND USE	QUANTITY	RATE	PARKING REQUIREMENT
Hotel and motel [51A-4.205(1)(C)]	141 Rooms	1 space per 1 Units (Guest Room)*	141
	1,200 SF of Meeting Space	1 space per 200 SF of Meeting Space	6
<i>Total</i>			147 <i>(no adjustments)</i>

\* 1 per room applies to the first 250 guest rooms; rooms in excess of 250 have a lower parking requirement.

## **Request**

In lieu of the 147 parking spaces required by the base code rates, the Applicant is seeking to provide 121 parking spaces for a reduction of 26 spaces (18%). [The net effective parking equates to 0.86 spaces per guest room, inclusive of meeting rooms.]

## **PARKING DEMAND ANALYSIS**

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This Parking Demand Analysis was prepared to validate the requested parking reduction for the Parking Demand Special Exception.

### **Approach**

To validate the parking demand for the Project, information was compiled from actual parking demand data collected at similar sites. The resulting data were then compared to the proposed parking ratios in the proposed zoning conditions.

### **Published Parking Data**

The *Parking Generation* manual, 5<sup>th</sup> Edition (2019), published by the **Institute of Transportation Engineers (ITE)**, is the preeminent source of technical parking demand data. The manual is a compilation of actual parking generation data and statistics by land use as collected over several decades by creditable sources across the country. Though the manual is not comprehensive, data are provided for several land uses. Use of the ITE equations and rates to project peak parking demand is widely recognized, when applicable; however, application of engineering judgment to interpret the data is strongly advised.

The ITE Parking Generation manual does provide estimated peak parking demand rates for an all-suites hotel use (ITE Land Use Code 311) of 0.77 parked vehicles per

occupied room (weekday). ITE does explain that an suites hotel use (and, therefore, the published parking demand rates) may include such accommodations as a small restaurant/lounge and meeting rooms. These parking demand rates reflect the overall peak demand for all aforementioned functions, collectively.

**Table 2** provides a summary of the projected parking demand for the main uses on site based upon ITE rates. Excerpts from the ITE Parking Generation manual are provided in the Appendix.

*Table 2. Projected Peak Parking Generation  
Summary Based Upon Published Data*

LAND USE	QUANTITY	RATE	PROJECTED PEAK PARKING DEMAND
All-Suites Hotel (ITE Land Use Code 311)	141 Rooms	0.77 per occupied room (weekday)	109 (weekday)

As shown in **Table 2** above, the projected peak parking demand for the proposed hotel development, based on ITE's methodology, is 109 parking spaces, or 38 spaces lower than the corresponding code parking requirement of 147 spaces. This "overstatement" of the code criteria justifies a request for a reduction of the requirement.

NOTE: According to the property manager for the Home2Suites hotel located at 4340 Airport Freeway in Irving, Texas, the typical occupancy is highest on weekdays (Monday through Wednesday) at 90-100%, lower (80%) on Sundays and Thursdays and lowest (70%) on Fridays and Saturdays. Therefore, this analysis focused on the weekday conditions.

### **Observed Parking Demand**

Actual, observed parking utilization counts are considered the best representation of site-specific parking demand characteristics. Ideally, factors affecting parking demand such as accessibility to transit, tenant/guest demographics, etc. can be accounted for in this approach. For this reason, Pacheco Koch sought to collect parking demand data at similar facilities. A summary of the data Pacheco Koch was able to obtain is provided in **Table 3**.

Table 3. Observed Parking Accumulation Data Summary  
(data collected by Pacheco Koch)

SITE	DATE OF COUNTS (Room Occupancy)	PEAK NUMBER OF PARKED VEHICLES	PARKING DEMAND RATE PER ROOM (Adjusted for Current Occupancy)
Home2Suites Hotel, 4340 W. Airport Freeway Irving, TX 75062 (109 Guest Rooms)	Mon/Tues, June 24 <sup>th</sup> /25 <sup>th</sup> , 2019 (99.1%)	46 (5:15 AM)	0.43
	Tues/Wed, June 25 <sup>th</sup> /26 <sup>th</sup> , 2019 (97.2%)	52 (3:30 AM)	0.49
	Wed/Thurs, June 26 <sup>th</sup> /27 <sup>th</sup> , 2019 (100%)	50 (1:40 AM)	0.46

The peak parking demand of 52 vehicles was observed on Wednesday evening, June 26<sup>th</sup>, 2019. After adjusting for occupancy at the time of the study, the parking demand rate was 0.49 parked vehicles per occupied room.

## SUMMARY OF FINDINGS

The following findings are based upon Pacheco Koch's analysis of parking demand characteristics for the proposed development outlined in the *Project Description* section of this report.

**FINDING:** The Applicant is seeking to provide a total parking supply of 121 parking spaces for the proposed 141-room hotel development in lieu of the 147 spaces that would be required by direct application of the Dallas Development Code. This equates to a parking reduction of 26 spaces (18%) or a net effective ratio of 0.86 spaces per guest room, inclusive of meeting rooms.

**FINDING:** The projected peak parking demand for the proposed use based upon published data from the **Institute of Transportation Engineers (ITE) Parking Generation** manual, 5<sup>th</sup> Edition (2019) is 0.77 parked vehicles per occupied room. This datum supports the proposed request.

**FINDING:** Pacheco Koch conducted on-site parking demand counts on three consecutive evenings at an existing Home2Suites hotel located at 4340 W Airport Freeway in Irving, Texas. The peak observed parking

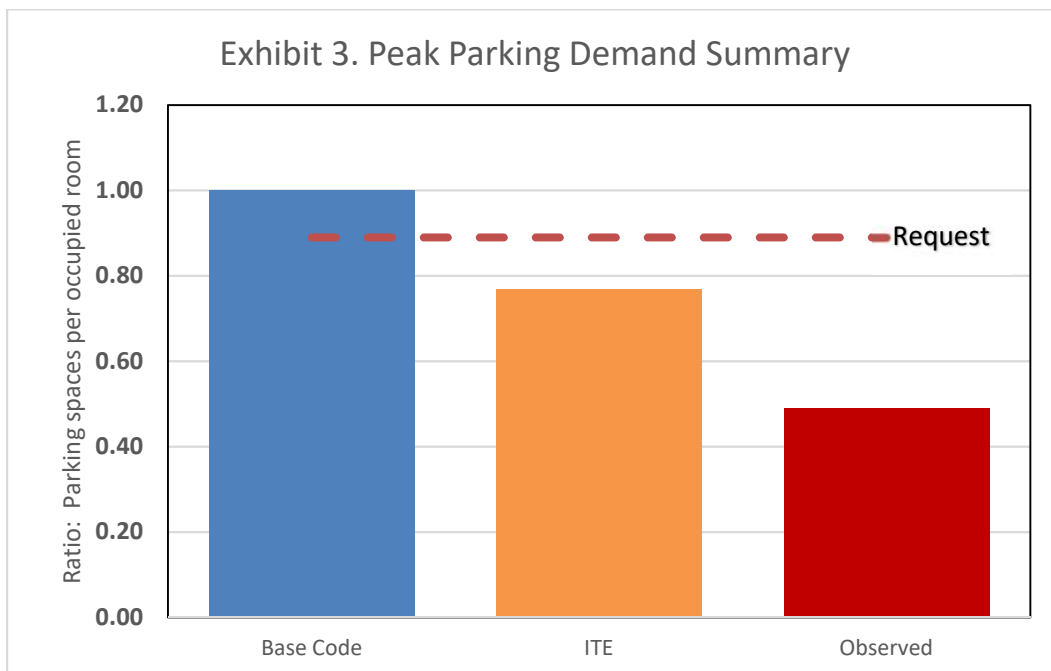


demand was 52 vehicles, or 0.49 parked vehicles per occupied guest room. These data support the proposed request.

A tabular summary of the analysis is provided in **Table 4**, and a graphical summary is provided in **Exhibit 3**.

Table 4. Analysis Summary Table

QUANTITY	PARKING SPACES (SUPPLY) / PARKED VEHICLES (DEMAND)	PARKING RATE
Base Parking Code Requirement per Direct Application of the Dallas Development Code	147	1 space per unit + 1 space per 200 SF of Meeting Room
<b>Requested Reduction (Special Exception)</b>	121	0.86 spaces per unit (net)
Projected Peak Parking Demand Based Upon Institute of Transportation Engineers <i>Parking Generation Manual</i> , 5 <sup>th</sup> Edition	109	0.77 per occupied room (weekday, net)
Projected Peak Parking Demand Based Upon Actual Parking Needs Observed At Existing Site	69	0.49 per occupied room (net)



Based upon the analysis provided herein, the request for a Special Exception of Parking Demand for 26 parking spaces (18%) is supported. The proposed parking supply of 121 parking spaces is expected to accommodate the projected peak parking demand at full occupancy based upon published data from the **Institute of Transportation Engineers** and based upon a study of existing parking demand characteristics at a similar site.

**Appendix A** provides a list of requisite considerations for a Special Exception as outlined in the Dallas Development Code.

END OF MEMO

## APPENDIX

## APPENDIX A – PARKING SPECIAL EXCEPTION CONSIDERATIONS

A Parking Special Exception is requested from the City of Dallas Board of Adjustments for the proposed suites hotel development located at 4800 Harry Hines Boulevard. Based upon the findings of this analysis, parking needs would easily be served the proposed parking supply of 121 spaces. The requested reduction of 26 required spaces is warranted based upon the preceding study.

Based upon §51A-4.311(a)(2) of the Dallas Development Code, granting a Special Exception shall take into account the following considerations:

- (A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

The proposed parking supply does not rely on remote, shared, or packed parking.

- (B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The anticipated parking demand and trip generation characteristics of the proposed use are expected to be typical and consistent with the corresponding data collected at a similar hotel.

- (C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is not part of a modified delta overlay district.

- (D) *The current and probable future capacities of adjacent and nearby streets based upon the city's thoroughfare plan.*

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides sufficient access to the surrounding roadway network and will not have a significant impact on the current volumes.

- (E) *The availability of public transit and the likelihood of its use.*

The site is located immediately adjacent to two existing DART public stops for Bus Route 27. The site is also within 0.5 miles of the DART Rail System's Blue/Green/Orange Lines (Market Center Station), which serves several other bus route transfers. It is anticipated that guests of the hotel will have a moderate likelihood of using transit.

- (F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

The hotel caters to travelers who frequently travel by alternative travel modes, which is highly effective at minimizing parking demand.

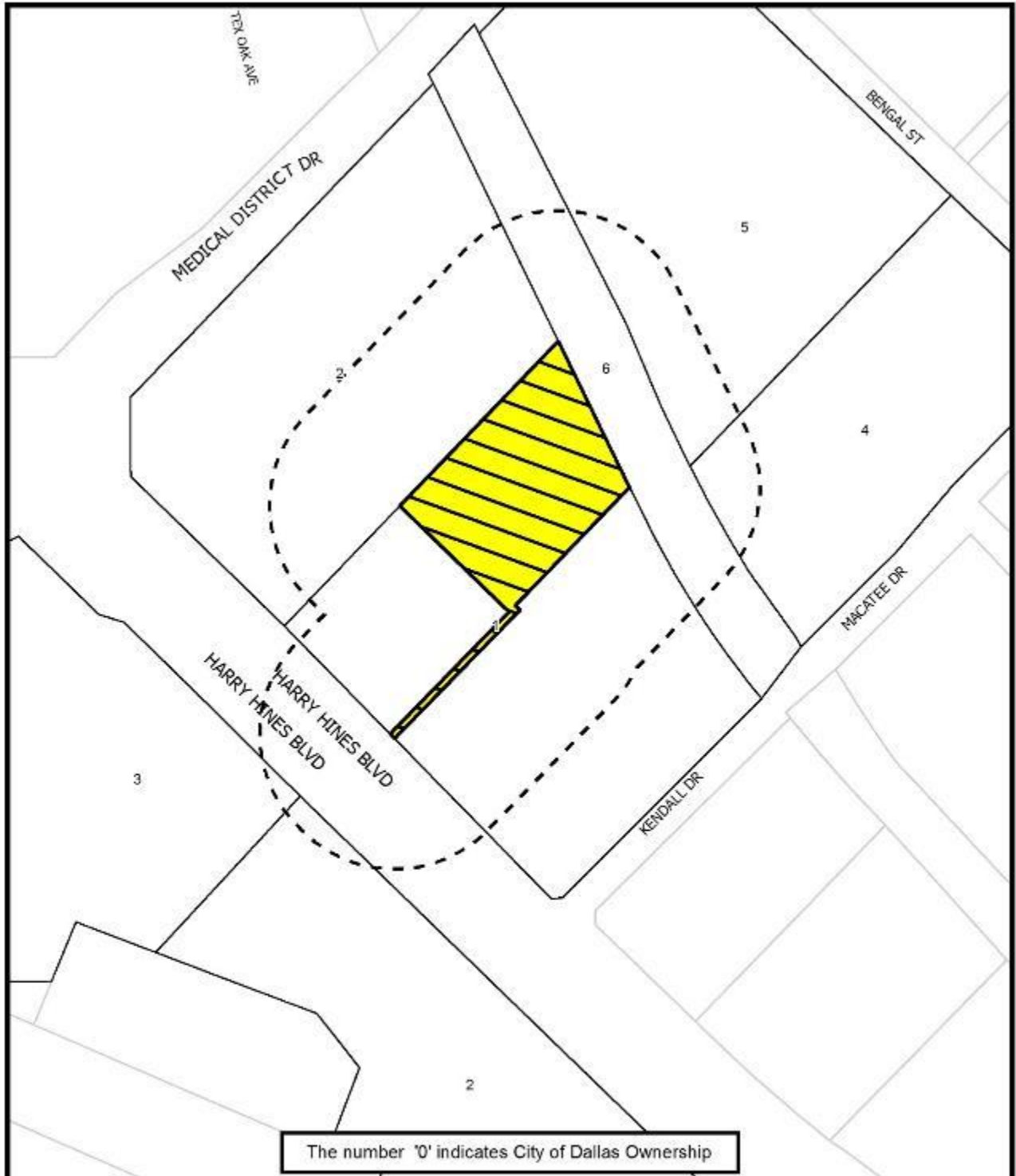
It is our opinion that the requested parking reduction will not create a traffic hazard nor result in increased traffic congestion on adjacent or nearby streets.

END









 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">6</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Case no: <b>BDA190-008</b> Date: <b>12/13/2019</b>
--	--	---

12/13/2019

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

***BDA190-008***

### ***6 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2055 KENDALL DR	BLUESCAPE ALTERA HARRY HINES LLC
2	4900 HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT
3	4801 HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT DBA
4	4707 BENGAL ST	RONALD MCDONALD HOUSE OF
5	2140 MEDICAL DISTRICT DRSPUS8	VIBE LP
6	555 2ND AVE	DART

**FILE NUMBER:** BDA190-009(OA)

**BUILDING OFFICIAL'S REPORT:** Application of John Ascenzo for a variance to the front yard setback regulations at 4632 Weldon Street. This property is more fully described as Lot 17, Block D/2002, and is zoned MF-2(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a single family structure and provide a 10-foot front yard setback, which will require a 15-foot variance to the front yard setback regulations.

**LOCATION:** 4632 Weldon Street

**APPLICANT:** John Ascenzo

**REQUEST:**

A request for a variance to the front yard setback regulations of 15 feet has been made to demolish an existing structure, construct and maintain a three-story duplex with approximately 5,431 square feet of floor area, (2,877 square feet in Unit A and 2,554 square feet in Unit B) part of which is to be located 10 feet from one of the site's two front property lines on Kirby Street or 15 feet into the 25-foot front yard setback on a site developed with a single family structure.

**STANDARD FOR A VARIANCE<sup>1</sup>:**

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

---

<sup>1</sup> Reference Section 51(A)-3.102(d)(10) of the Dallas Development Code.



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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the MF-2(A) zoning district as it is restrictive in area because it has an irregular shape that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning district.
- In addition, staff concluded that the applicant has demonstrated by submitting a document indicating, among other things, that the total structure size of the proposed duplex on the subject site is approximately 5,431 square feet, and the average of nine other properties in the same MF-2 zoning is approximately 8,402 square feet.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: MF-2(A) (Multifamily District)
- North: R-7.5(A) (Single Family District)
- East: R-7.5(A) (Single Family District)
- South: MF-2(A) (Multifamily District) & R-7.5(A) (Single Family District)
- West: MF-2(A) (Multifamily District)

**Land Use:**

The subject site is developed with a single family home that the applicant intends to demolish and construct a three-story duplex. The areas to the north, south, west, and east are developed with duplex and single family homes.

**Zoning/BDA History:**

There have not been any related board or zoning cases in the vicinity for the last five years.

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

- This request for a variance to the front yard setback requirement of 15 feet focuses on constructing a three-story duplex structure with approximately 5,431 square feet of floor area (2,877 square feet in Unit A and 2,554 square feet in Unit B), part of which is to be located 10 feet from one of the site's two front property lines on Kirby Street or 15 feet into the 25-foot front yard setback on a site currently developed with a single family structure:
- The property is located in an MF-2(A) zoning district which requires a minimum front yard setback of 15 feet. However, since the the blockface is divided by two zoning districts, MF-2(A) and R-7.5(A), the entire blockface must comply with the requirements of the district with the greatest front yard requirement, which is 25 feet.
- The subject site is located at the south corner of Weldon Street and Kirby Street. Regardless of how the structure is proposed to be oriented, the site has two front yard setbacks because it fronts two streets and the longer frontage on the southwest line of Kirby Street has block continuity with other lots with front yard setbacks on the southwest line of Kirby Street.
- The submitted site plan indicates the proposed structure is located 10 feet from the Kirby Street's front property line or 15 feet into the 25-foot front yard setback.
- DCAD records indicate the "main improvement" for the property at 4632 Welton Road is a structure built in 1944 with 952 square feet of living/total area with "additional improvements" that are listed as an 80-square-foot storage building.
- The subject site is flat, irregular in shape, and, according to the submitted application, is 8,262 square feet in area.
- The applicant submitted a document indicating that the total structure size of the proposed units on the subject site is approximately 5,431 square feet, and the average of other properties in the same zoning district is approximately 8,402 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 MF-2(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 MF-2(A) zoning classification.
- If the board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document.

**Timeline:**

November 11, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

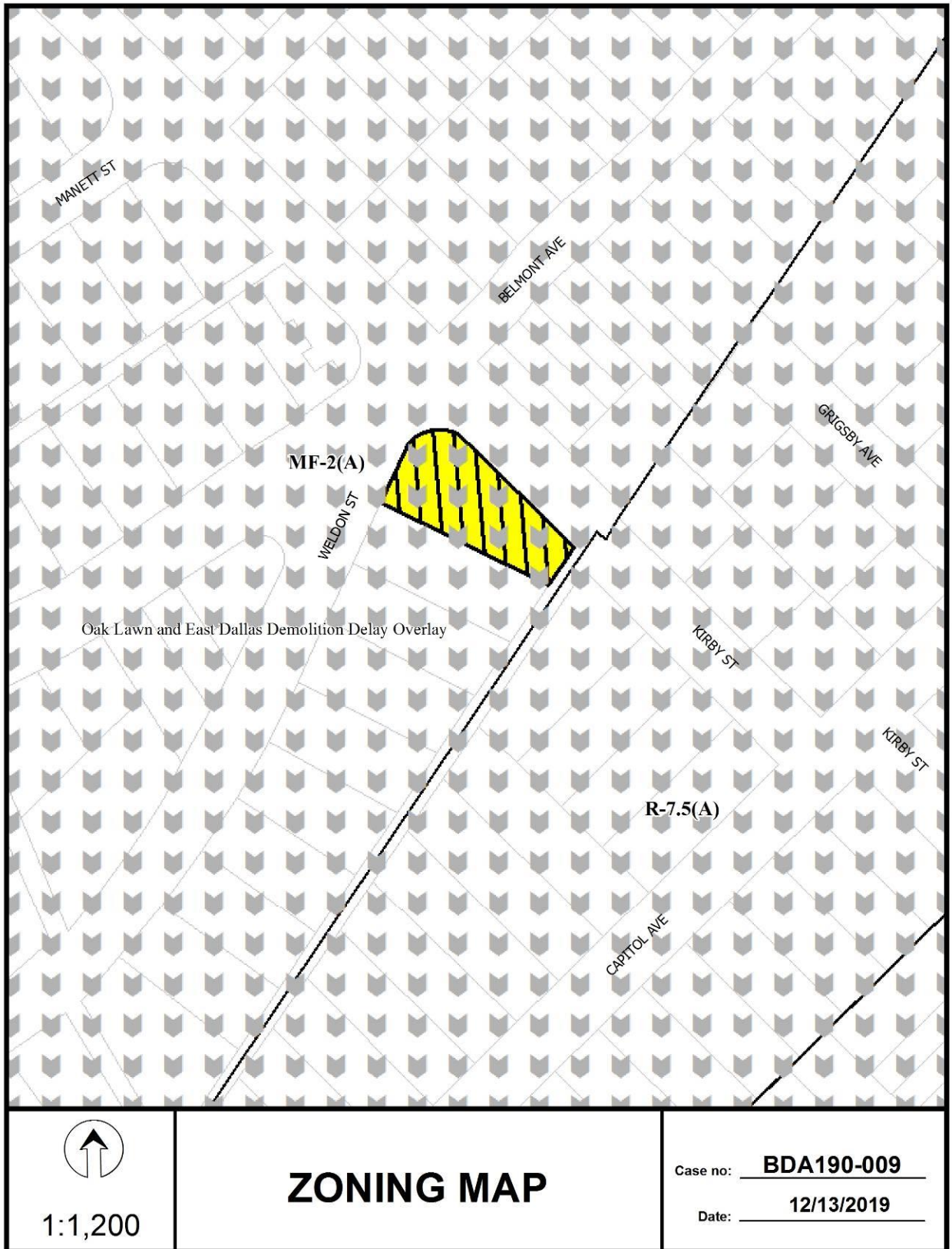
December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 17, 2019: The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

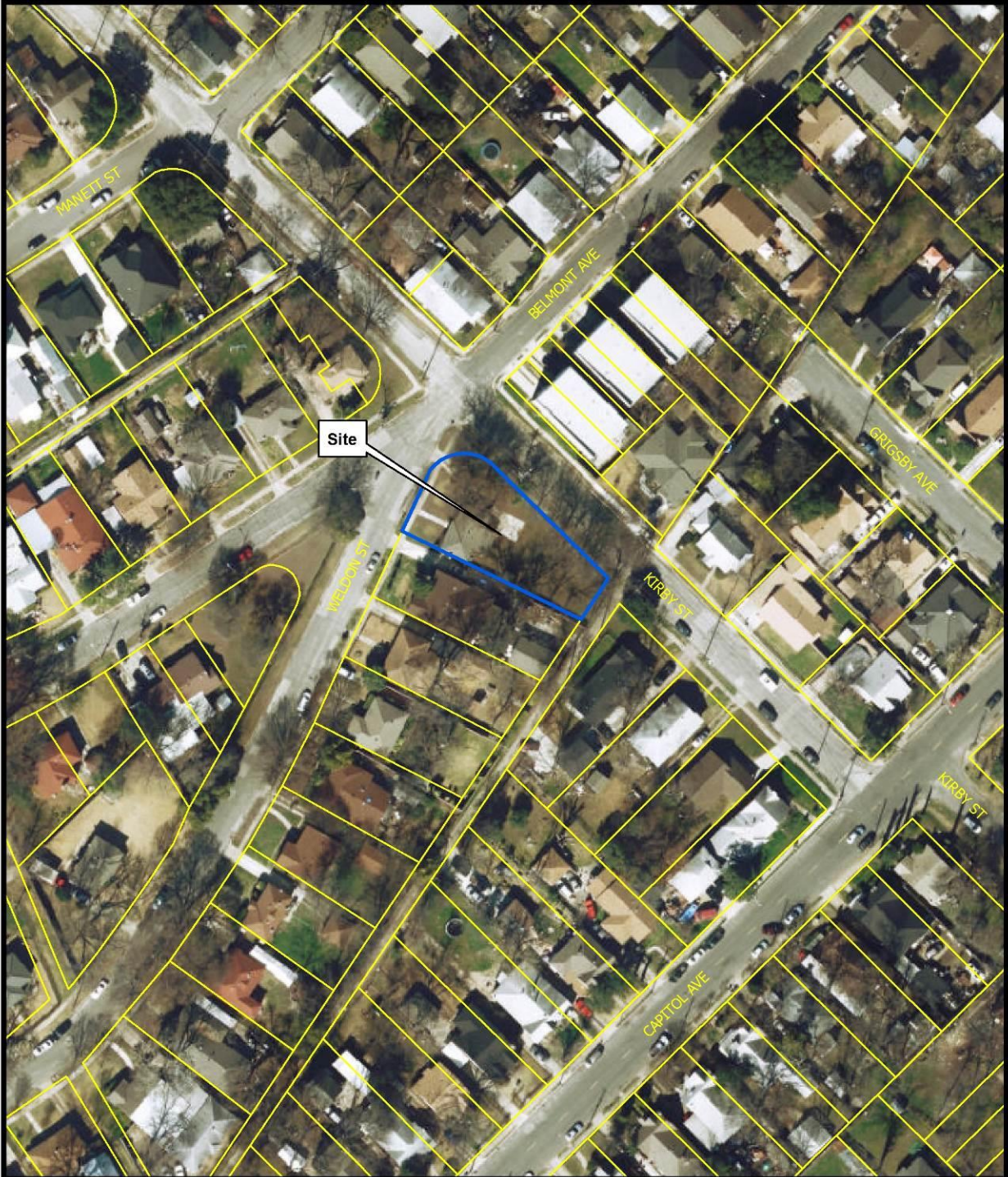
- a copy of the application materials including the Building Official’s report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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







1:1,200

# AERIAL MAP

Case no: **BDA190-009**

Date: **12/13/2019**





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-009

Date: 11-13-19

Data Relative to Subject Property:

Location address: 4632 Weldon St Zoning District: MF-2

Lot No.: 17 Block No.: D/2002 Acreage: 8.262 sq ft Census Tract: 8.00

Street Frontage (in Feet): 1) 128 2) 61 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 4632 Weldon St LLC

Applicant: John Ascenzo Telephone: 315 289 7517

Mailing Address: 408 Wendell Terr Syracuse, NY Zip Code: 13203

E-mail Address: jascenzo@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 15' to the  
required 25' FYSB + provide a 10' FYSB

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

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.

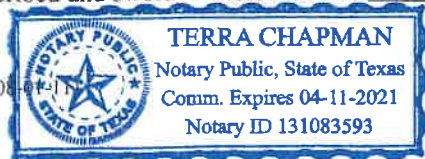
Affidavit

Before me the undersigned on this day personally appeared JOHN ASCENZO  
(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 19th day of SEPTEMBER, 2019



[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 JOHN ASCENZO  
did submit a request for a variance to the front yard setback regulations  
at 4632 Weldon St.

BDA190-009. Application of JOHN ASCENZO for a variance to the front yard setback regulations at 4632 WELDON ST. This property is more fully described as Lot 17, Block D/2002, and is zoned MF-2(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

## ANNEX I

The application is being made because my lot is of a restrictive shape and does not allow development commensurate with other parcels in the same area and zoning class.

The subject parcel is on a corner and is therefore subject to a front yard setback ("FYSB") on two sides (Weldon and Kirby). In addition, the lot narrows along the Kirby Street side, further exacerbating the limitation imposed by the double FYSB. It should also be noted that while I am not seeking any relief from the residential proximity slope, I would mention that the subject parcel is limited by the residential proximity slope, imposing yet further restrictions on its development.

This application is limited to a request for a reduction of the FYSB along Kirby Street from 15 feet to 10 feet. All other zoning impositions will remain.

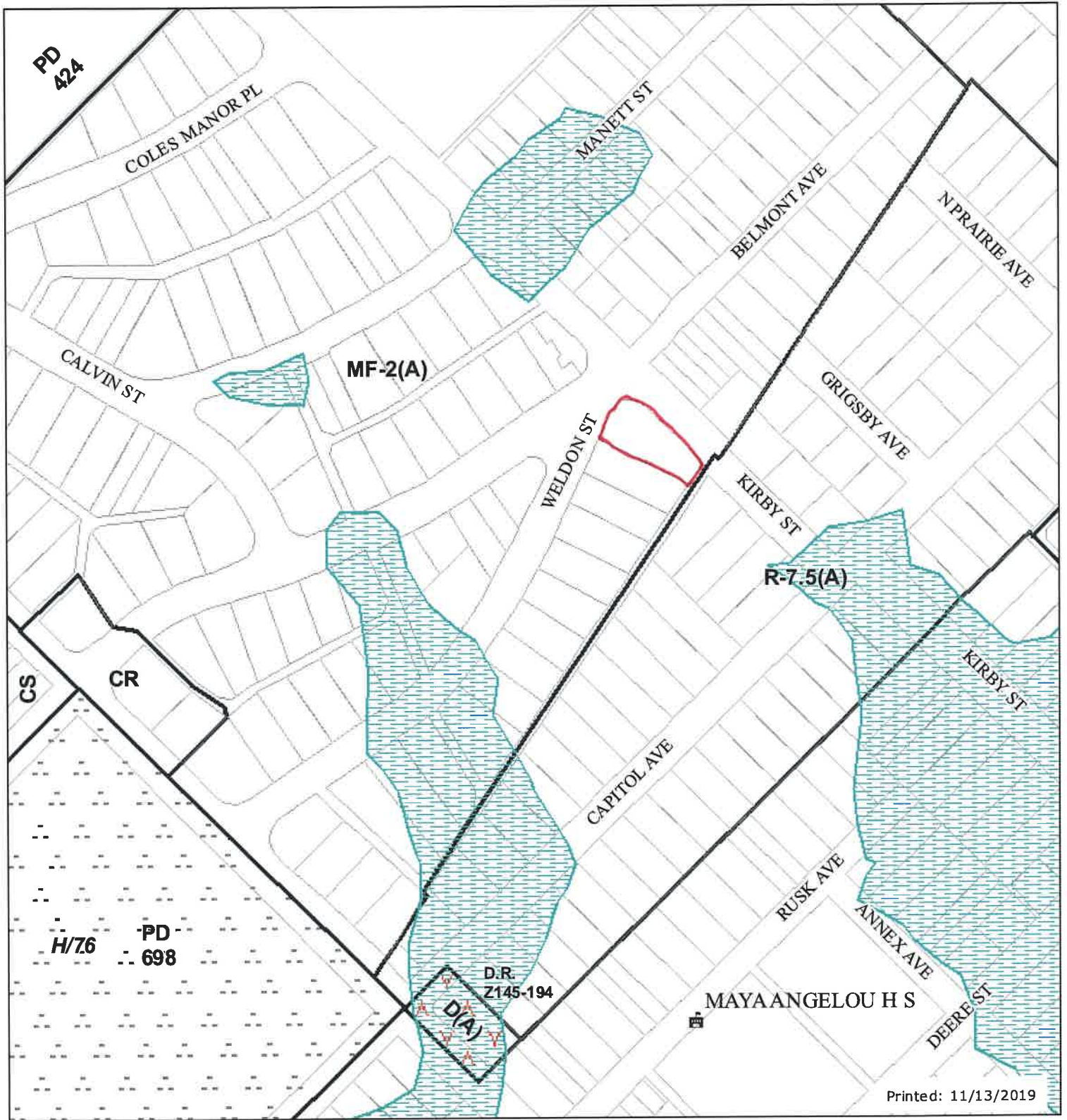
Granting the variance in this case would not be contrary to the public interest. The subject parcel will still have one FYSB (along Weldon) at the current zoning requirement of 15 ft (in fact, the FYSB along Weldon will be 20 ft in this proposed development).

The proposed development will still provide for ample visibility for traffic at the Weldon, Belmont and Kirby corners.

Please see the attached exhibit which reflects the averages of 10 comparable properties in the same zoning district illustrating that we are not trying to overdevelop this parcel.

We appreciate your consideration.

		Total Lot Sq Ft	Total Structure Sq Ft
1	4616 Coles Manor	8,329	5,765
2	2608 Calvin	8,625	5,222
3	2307 Kirby	8,750	7,550
4	2315 Kirby	9,802	9,780
5	2319 Kirby	8,580	8,484
6	5022 Belmont	10,000	9,757
7	2211 Moser	8,500	8,820
8	2215 Moser	8,500	10,628
9	2217 Moser	8,500	10,628
10	2222 N. Prairie	10,868	7,381
	AVERAGE	9,045	8,402
	SUBJECT 4632 Weldon	8,262	5,431



Printed: 11/13/2019

**Legend**

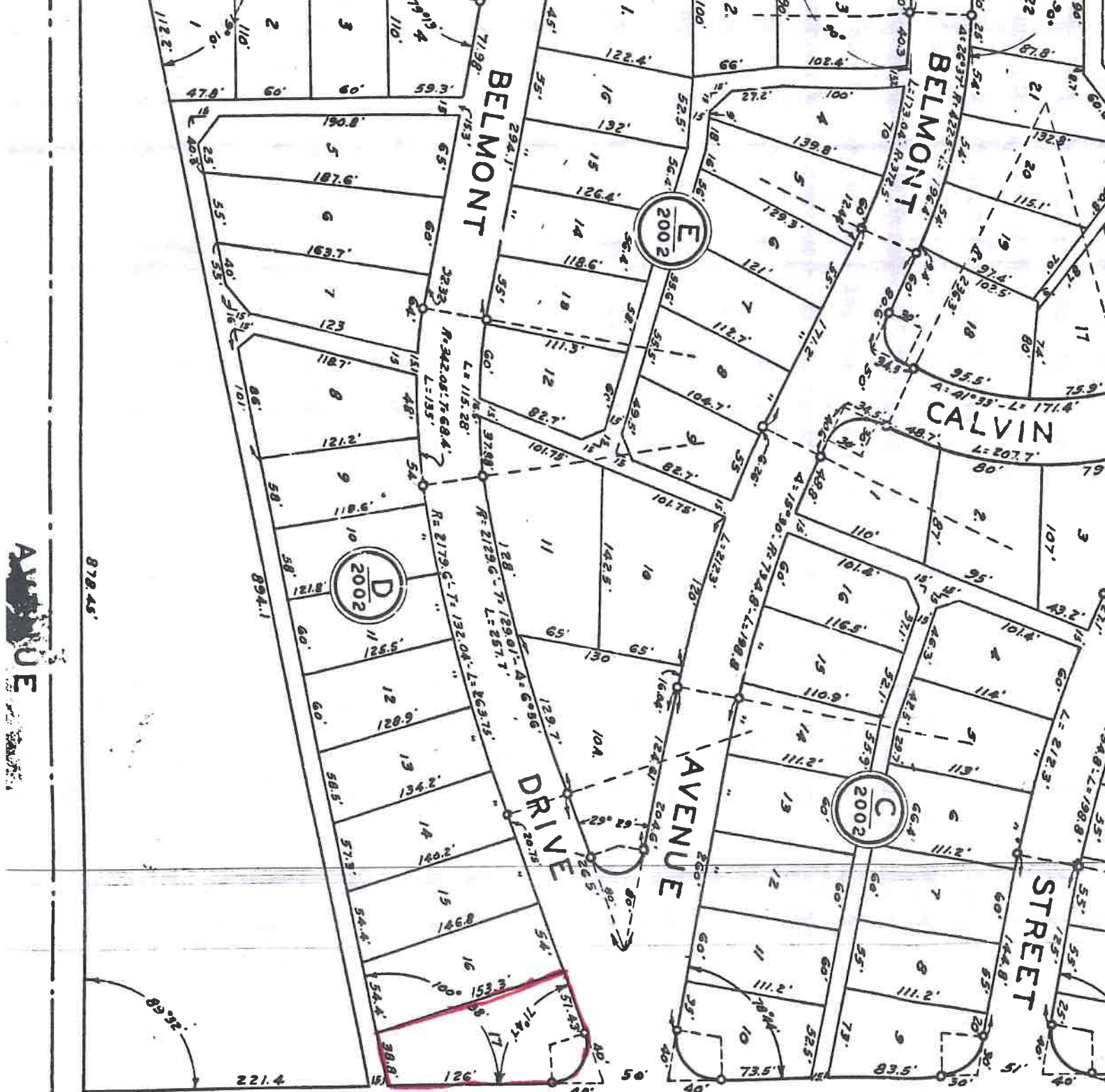
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Roodplain            | 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        | SPD 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)



1:2,400





AVENUE

878.45'

KIRBY



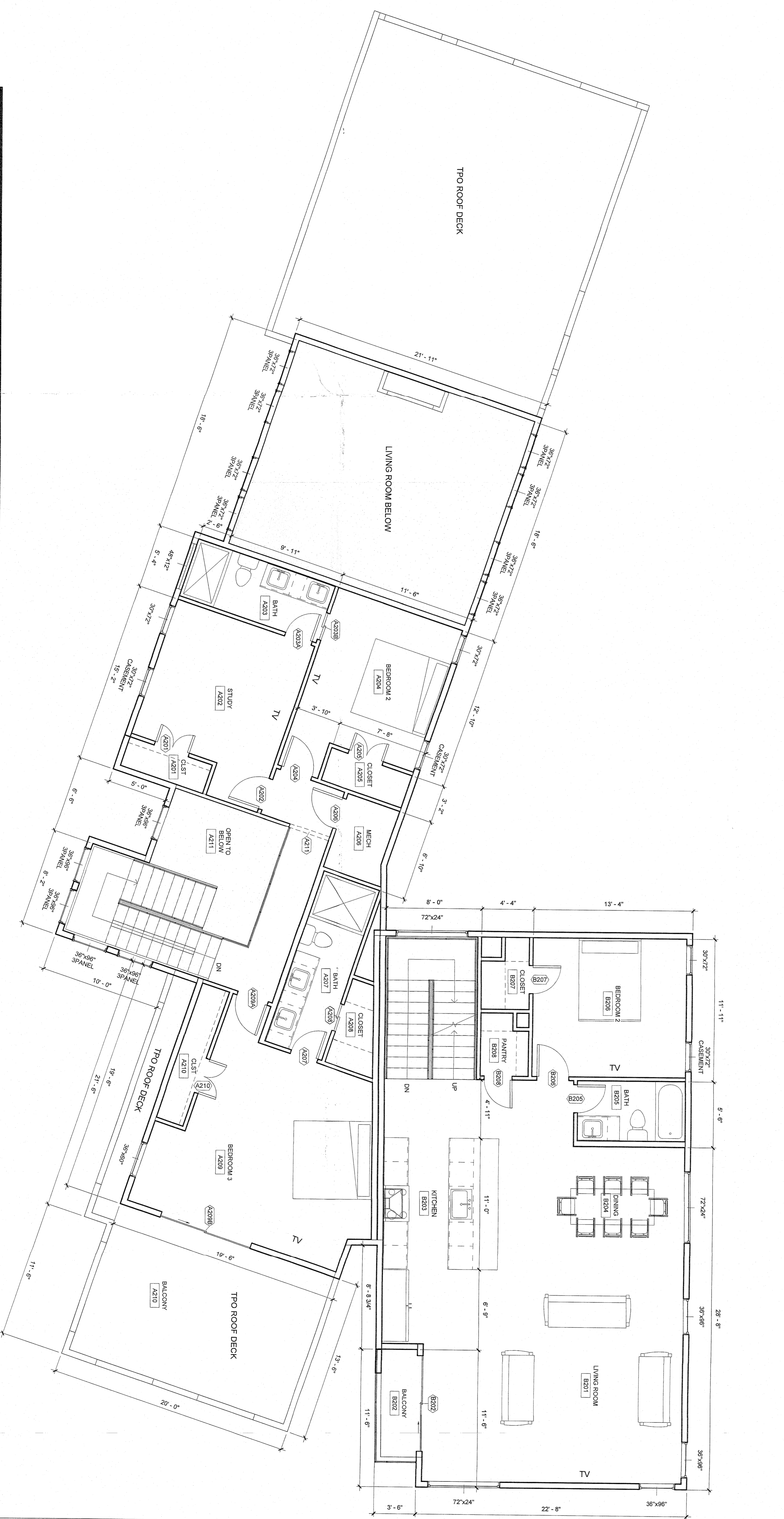








SQUARE FOOTAGE:	
<b>4632 WELDON UNIT A</b>	
1ST FLOOR SF	1,916 SF
1ST FLOOR COVERED PATIO	313 SF
2ND FLOOR SF	962 SF
2ND FLOOR BALCONY	372 SF
TOTAL LIVABLE SF:	2,877 SF
GARAGE SF:	692 SF
TOTAL BUILDING SF:	3,569 SF
<b>4632 WELDON UNIT B</b>	
1ST FLOOR SF	562 SF
1ST FLOOR COVERED PATIO	101 SF
2ND FLOOR SF	1,179 SF
2ND FLOOR COVERED BALCONY:	34 SF
3RD FLOOR SF:	813 SF
3RD FLOOR COVERED BALCONY:	201 SF
TOTAL LIVABLE SF:	2,554 SF
GARAGE SF:	440 SF
TOTAL BUILDING SF:	2,994 SF
TOTAL LIVABLE SF (BOTH):	5,431 SF
TOTAL BLDG SF (BOTH):	6,563 SF



4632  
WELDON STREET  
DALLAS, TX 75204

THESE PLANS ARE THE PROPERTY OF JACOBSON DESIGN AND ARE NOT TO BE REPRODUCED, TRACED, OR REUSED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF JACOBSON DESIGN. THESE PLANS ARE INTENDED TO PROVIDE ALL PROSPECTIVE CONTRACTORS, MANUFACTURERS, THE NECESSARY INFORMATION NEEDED TO DESIGN, BID AND CONSTRUCT THIS BUILDING. OWNER SHALL VERIFY AND CHECK ALL ASPECTS PRIOR TO ANY CONSTRUCTION. ANY JOBSITE CHANGES WILL VOID DESIGNER'S LIABILITY. DESIGNER'S LIABILITY NOT TO EXCEED FEE PAID FOR PLANS.

No.	Description	Date
1	PERMIT SET	10-28-2019

JA CUSTOM HOMES  
WELDON DUPLEX  
LEVEL 2 FLOOR PLAN

Project number: D - WELDON  
Date: 10/29/2019

A02.02

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

LEVEL 2 FLOOR PLAN

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









4632  
WELDON STREET  
DALLAS, TX 75204

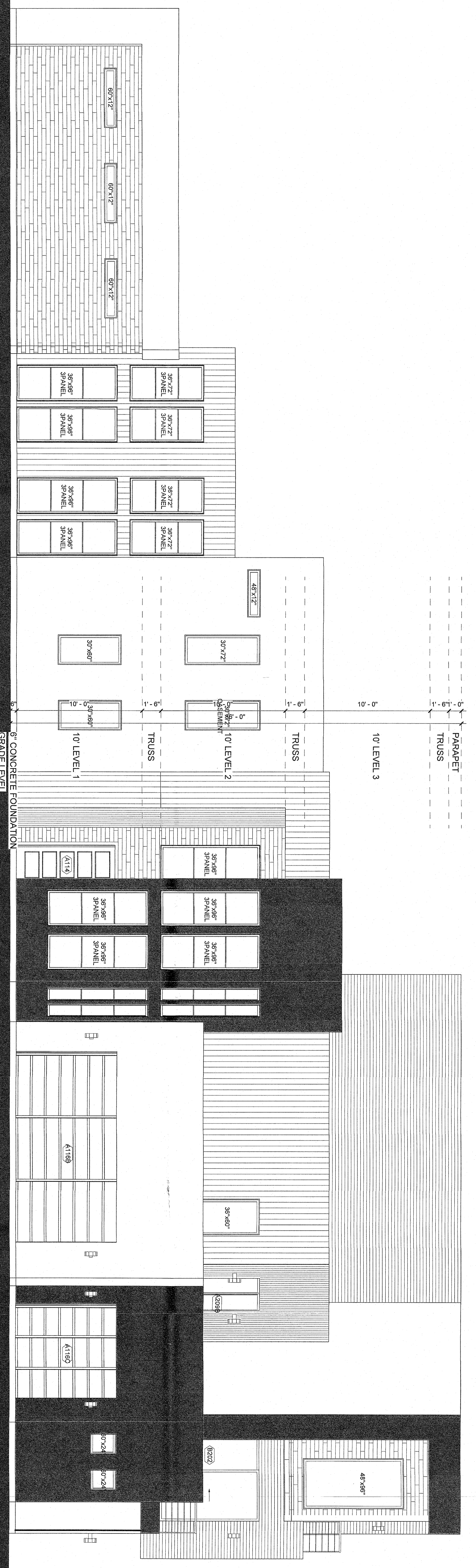
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No.	Description	Date
1	PERMIT SET	10-29-2019

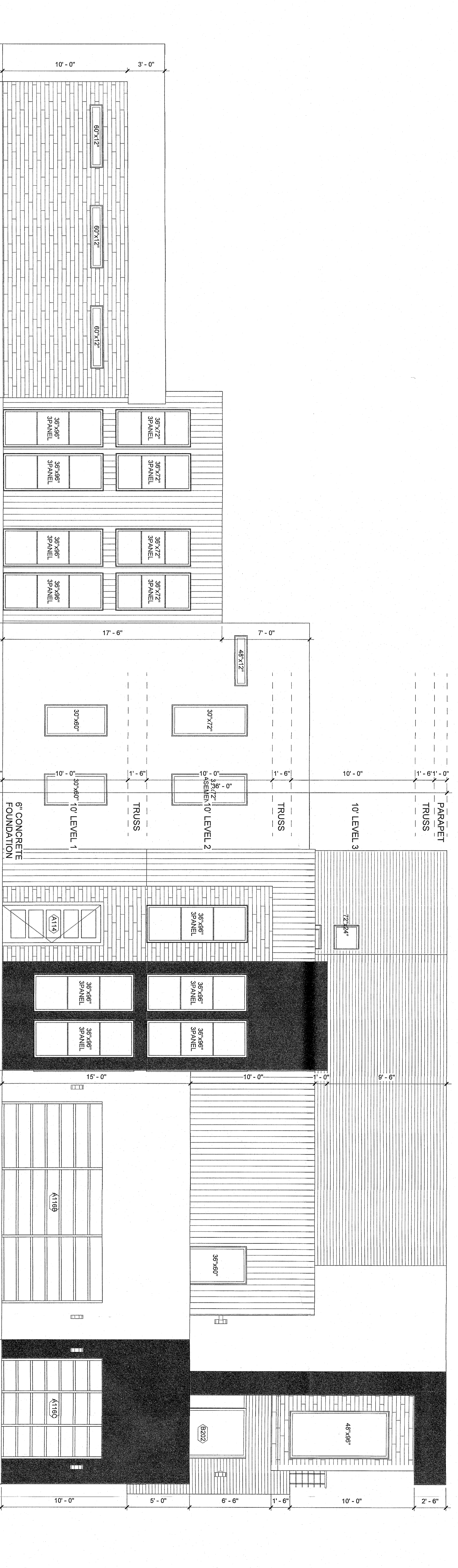
J/A CUSTOM HOMES  
WELDON DUPLEX  
ELEVATIONS

Project number D - WELDON  
Date 10/29/2019

Scale 1/4" = 1'-0"  
A03.02



LEFT ELEVATION B  
SCALE 1/4" = 1'-0"



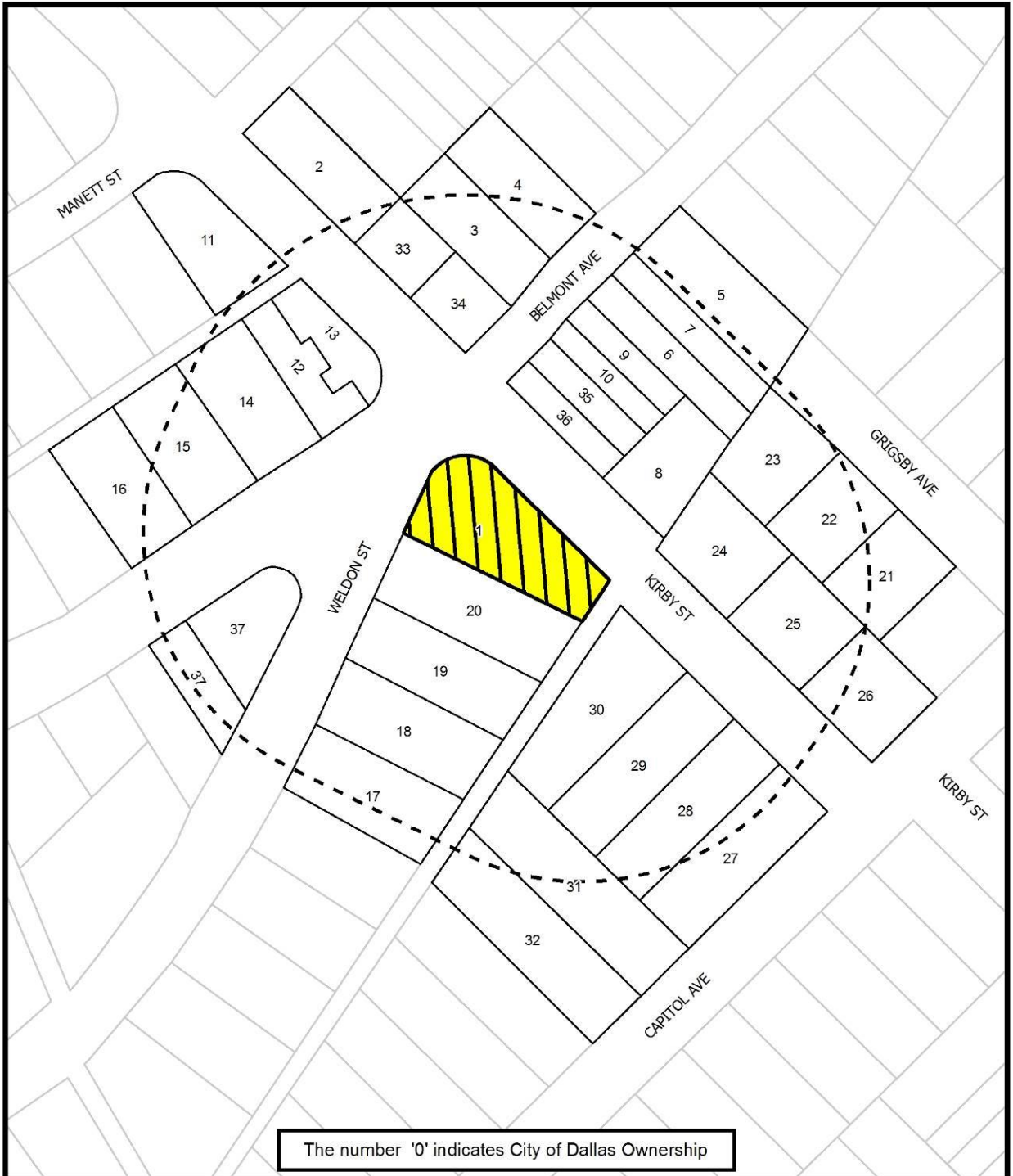
LEFT ELEVATION A  
SCALE 1/4" = 1'-0"











The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>37</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>37</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA190-009</b> Date: <b>12/13/2019</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>37</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



12/12/2019

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

***BDA190-009***

### ***37 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4632 WELDON ST	4632 WELDON ST LLC
2	4702 MANETT ST	NIETO GONZALO & ELENA
3	4707 BELMONT AVE	HERNANDEZ JESUS J &
4	4711 BELMONT AVE	MANZANARES ANSELMO
5	4714 BELMONT AVE	RAMIREZ MARIA
6	4710 BELMONT AVE	WALDROP ENTERPRISES LLC
7	4712 BELMONT AVE	WALDROP TYLER
8	2420 KIRBY ST	HOUSING AUTHORITY OF THE
9	4708 BELMONT AVE	LINGS HOLDINGS LLC
10	4706 BELMONT AVE	DANIELS MITCHELL RYAN &
11	4640 MANETT ST	PARVEEN TAHZEEBA
12	4639 BELMONT AVE	SZTAMENITS GABRIEL A
13	4641 BELMONT AVE	ZHOU JOANNA YUAN
14	4635 BELMONT AVE	LIM ELIENE &
15	4631 BELMONT AVE	ROMERO ROBERT VINCENT
16	4625 BELMONT AVE	CONTRERAS PETRA
17	4616 WELDON ST	FLORESRAMOS ANNA MARIA
18	4620 WELDON ST	FUENTES ANGEL H &
19	4624 WELDON ST	MORRIS PAULINE
20	4628 WELDON ST	CORIA NEMORIA
21	2407 GRIGSBY AVE	ORTIZ FRANCISCO
22	2415 GRIGSBY AVE	GUZMAN OFELIA
23	2419 GRIGSBY AVE	PETROVSKIY AMANDA L &
24	2416 KIRBY ST	JUAREZ ANGEL
25	2406 KIRBY ST	GONZALEZ SARA
26	4705 CAPITOL AVE	GALLEGOS ROSA &

12/12/2019

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4627 CAPITOL AVE	MERCADO MARIO &
28	2407 KIRBY ST	ZWASKA DAVID L
29	2411 KIRBY ST	HINKLE FAMILY REVOCABLE
30	2415 KIRBY ST	LEE STEVE W
31	4615 CAPITOL AVE	HERNANDEZ JULIO &
32	4611 CAPITOL AVE	PEREZ EMMANUEL &
33	2510 KIRBY ST	YOSS HARRISON H
34	2502 KIRBY ST	DONAHUE KEVIN
35	4704 BELMONT AVE	DANIELS MITCHELL
36	4702 BELMONT AVE	KOR EA PING &
37	4626 BELMONT AVE	REEDER TED

**FILE NUMBER:** BDA 190-001

**BUILDING OFFICIAL'S REPORT:** Application of the Dallas City Council, pursuant to Resolution 19-0916, represented by Keisha Crane and Zinzi Bonilla, to require compliance of a nonconforming use at 1101 S Haskell Avenue. This property is more fully described as parts of Lots 14 and 15, Block 24/1270, and is zoned CS, which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming alcoholic beverage establishment.

**LOCATION:** 1101 S Haskell Avenue

**APPLICANT:** Dallas City Council Resolution 19-0916  
Represented by Keisha Crane and Zinzi Bonilla

**REQUEST:**

A request is made for the Board of Adjustment to establish a compliance date for a nonconforming alcoholic beverage establishment use (Club Linares Bar) on the subject site.

**COMPLIANCE REGULATIONS FOR NONCONFORMING USES:** SEC. 51A-4.704. NONCONFORMING USES AND STRUCTURES of the Dallas Development Code provides the following provisions:

- (a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
  - (1) Amortization of nonconforming uses.
    - (A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties,



it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(B) Factors to be considered. The board shall consider the following factors when determining whether continued operation of the nonconforming use will have an adverse effect on nearby properties:

- (i) The character of the surrounding neighborhood.
- (ii) The degree of incompatibility of the use with the zoning district in which it is located.
- (iii) The manner in which the use is being conducted.
- (iv) The hours of operation of the use.
- (v) The extent to which continued operation of the use may threaten public health or safety.
- (vi) The environmental impacts of the use's operation, including but not limited to the impacts of noise, glare, dust, and odor.
- (vii) The extent to which public disturbances may be created or perpetuated by continued operation of the use.
- (viii) The extent to which traffic or parking problems may be created or perpetuated by continued operation of the use.
- (ix) Any other factors relevant to the issue of whether continued operation of the use will adversely affect nearby properties.

(C) Finality of decision. A decision by the board to grant a request to establish a compliance date is not a final decision and cannot be immediately appealed. A decision by the board to deny a request to establish a compliance date is final unless appealed to state court within 10 days in accordance with Chapter 211 of the Local Government Code.

(D) Determination of amortization period.

- (i) If the board determines that continued operation of the nonconforming use will have an adverse effect on nearby properties, it shall, in accordance with the law, provide a compliance date for the nonconforming use under a plan whereby the owner's actual investment in the use before the time that the use became nonconforming can be amortized within a definite time period.
- (ii) The following factors must be considered by the board in determining a reasonable amortization period:
  - (aa) The owner's capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property before the time the use became nonconforming.
  - (bb) Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages.

- (cc) Any return on investment since inception of the use, including net income and depreciation.
- (dd) The anticipated annual recovery of investment, including net income and depreciation.
- (E) Compliance requirement. If the board establishes a compliance date for a nonconforming use, the use must cease operations on that date and it may not operate thereafter unless it becomes a conforming use.
- (F) For purposes of this paragraph, "owner" means the owner of the nonconforming use at the time of the board's determination of a compliance date for the nonconforming use.

### **GENERAL FACTS:**

- City records indicate the following:
  - The nonconforming use at 1101 S. Haskell Avenue is an alcoholic beverage establishment.
  - Reason the use is classified as nonconforming: On June 23, 1993, City Council passed Ordinance No. 21735 which added a requirement that alcoholic beverage establishment uses must obtain a Specific Use Permit (SUP).
  - Date that the use became nonconforming: June 23, 1993
  - Date the nonconforming use was discontinued: June 5, 2019
  - Current zoning of the property on which the use is located: CS
  - A Certificate of Occupancy was issued on 05-05-2008 for property at 1101 S Haskell Avenue to owner Edgar Romano land use (5821) alcoholic beverage establishment with remarks: "Alcoholc [sic] beverage est. nonconforming per last CO#0401091101. See attached TABC records & letter. No change in ownership. Added square footage per record 3-23-15 BW."
- The Dallas Development Code defines a "nonconforming use" as "a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time."
- The subject site is zoned CS Commercial Service district, which does not permit an alcoholic beverage establishment use without a Specific Use Permit (SUP).

### **BACKGROUND INFORMATION:**

#### **Zoning:**

Site: CS (Commercial Service)  
North: CS (Commercial Service)

East: CS (Commercial Service)  
South: IR (Industrial Research)  
West: IR (Industrial Research)

**Land Use:**

The site is currently developed with a vacant structure. Surrounding land uses include a warehouses to the north, south, and west and undeveloped land separates the subject site from a retail business to the east.

**Zoning/BDA History:**

There have been no recent Board of Adjustment or zoning cases on or in the immediate vicinity of the subject site.

**TIMELINE:**

- October 18, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 31, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- November 14, 2019: The Interim Board Administrator wrote/sent the record owner of the property and use (Fermin and Gloria Lopez) a letter (with a copy to Keisha Crane) informing them that a Board of Adjustment case had been filed against the nonconforming alcoholic beverage establishment use. The letter included following enclosures:
1. A copy of the Board of Adjustment application and related materials.
  2. Dallas Development Code Section 51A-3.102 describing the Board of Adjustment.
  3. Dallas Development Code Section 51A-2.102(90), which defines a nonconforming use.
  4. Dallas Development Code Section 51A-4.704, provisions for nonconforming uses and structures.
  5. Dallas Development Code Section 51A-4.703, Board of Adjustment hearing procedures.
  6. City of Dallas Board of Adjustment Working Rules of

Procedures.

7. The hearing procedures for board of adjustment amortization of a nonconforming use.

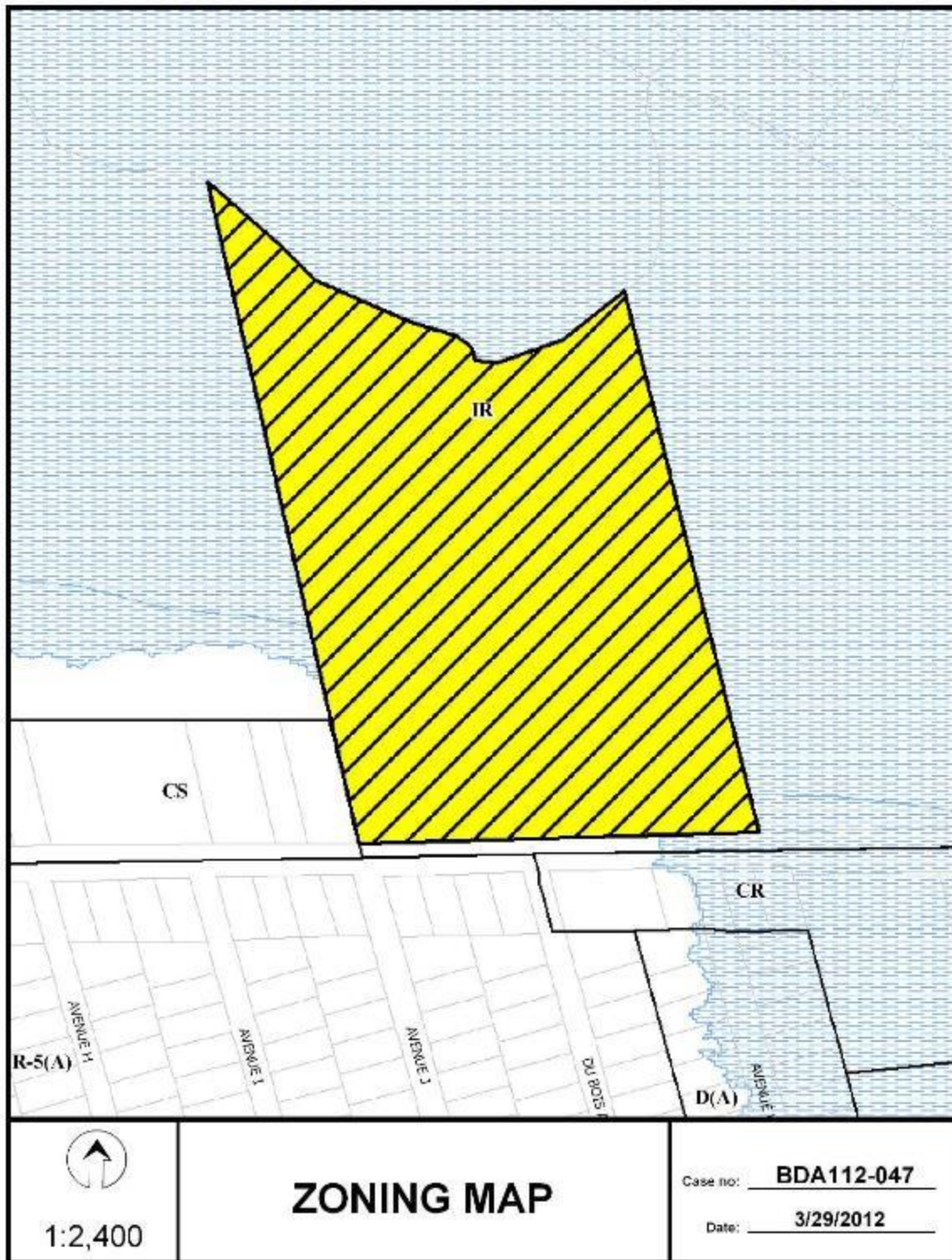
The letter also informed Mr. and Mrs. Lopez of the date, time, and location of the public hearing, and provided a deadline of January 10<sup>th</sup> to submit any information that would be incorporated into the board's docket.

December 24, 2019: The US Postal Service returned the above unopened letter with a note that the letter was unclaimed and unable to forward.

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

January 8, 2020: The applicant requested the case be held under advisement until March 17, 2020 (Attachment A).

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







1:2,400

# AERIAL MAP

Case no: BDA112-047

Date: 3/29/2012





January 8, 2020

Elaine Hill  
Board Secretary  
City of Dallas Board of Adjustment  
1500 Marilla 5BN  
Dallas, TX 75201  
*Via E-Mail to: [phyllis.hill@dallascityhall.com](mailto:phyllis.hill@dallascityhall.com)*

**Re: BDA190-001, Request to Continue Hearing**

Dear Ms. Hill:

The Dallas City Council submitted a request to set a compliance date for the nonconforming alcoholic beverage establishment use at 1101 South Haskell Avenue. The request is scheduled to be heard by Board of Adjustment Panel A at a public hearing on Tuesday, January 21, 2020.

I am requesting that the hearing be continued for at least 60 days. Fermin Lopez, the record owner of the property, has indicated that he no longer intends to operate an alcoholic beverage establishment at the property and plans to operate a tire shop instead. The 60-day continuance will allow the property owner time to follow through with his plans to operate a tire shop which may eliminate the need to set a compliance date for the nonconforming alcoholic beverage establishment use.

Sincerely,

**Keisha Crane**  
Assistant City Attorney  
**City of Dallas**  
Dallas City Attorney's Office  
1500 Marilla St., 7DN  
Dallas, TX 75201  
O: 214-789-6804  
F: 214-670-0622  
[keisha.crane@dallascityhall.com](mailto:keisha.crane@dallascityhall.com)



City of Dallas

APPLICATION TO THE BOARD OF ADJUSTMENT TO SET A COMPLIANCE DATE FOR A NONCONFORMING USE

CASE NO.: BDA 190-001

DATE: 10-18-19

Data Relevant to Subject Property:

Location address: 1101 S. Haskell Avenue Zoning District: CS

Name of Property Owner: Fermin Lopez & Gloria Lopez

Lot No.: SWPTS 1415 Block No.: 24/1270 Acreage: .016 Census Tract: 25

Street Frontage (in Feet): (1) 113.65 (2) 48.99 (3) 106.00 (4) (5)

To the Honorable Board of Adjustment:

Applicant: Dallas City Council Telephone: 214.670.4050

Mailing Address: 1500 Marilla St, Dallas, TX Zip Code: 75201

E-mail address:

Represented By: Asst. City Atty. Keisha Crane & Zinzi Bonilla Telephone: 214.789.6804

Mailing Address: 1500 Marilla St., 7DN, Dallas, TX Zip Code: 75201

E-mail address: keisha.crane@dallascityhall.com, zinzi.bonilla@dallascityhall.com

Affirm that a request has been made to establish a compliance date for the property described above for the following reason(s): Under Dallas City Code

Section SIA-4. 704(c)(1)(A), a compliance date for the nonconforming use should be established because continued operation of the use will have an adverse effect on nearby properties.

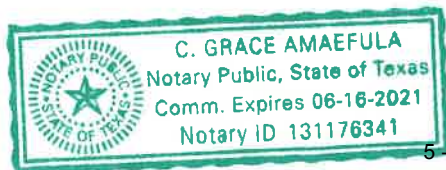
Respectfully submitted: Keisha Crane & Keisha Crane Print Applicant's name Applicant's Signature

Before me the undersigned on this day personally appeared Keisha Crane who on his or her oath certifies that the above statements are true and correct to his or her best knowledge and belief and that he or she resides or owns property in the City of Dallas.

Keisha Crane Affiant (Applicant's Signature)

Subscribed and sworn before me this 18th day of October 2019

C. Grace Amaefula 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**

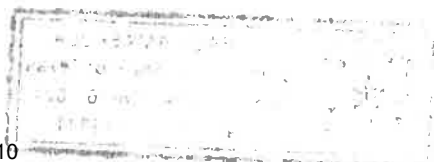
I hereby certify that Dallas City Council Resolution 19-0916

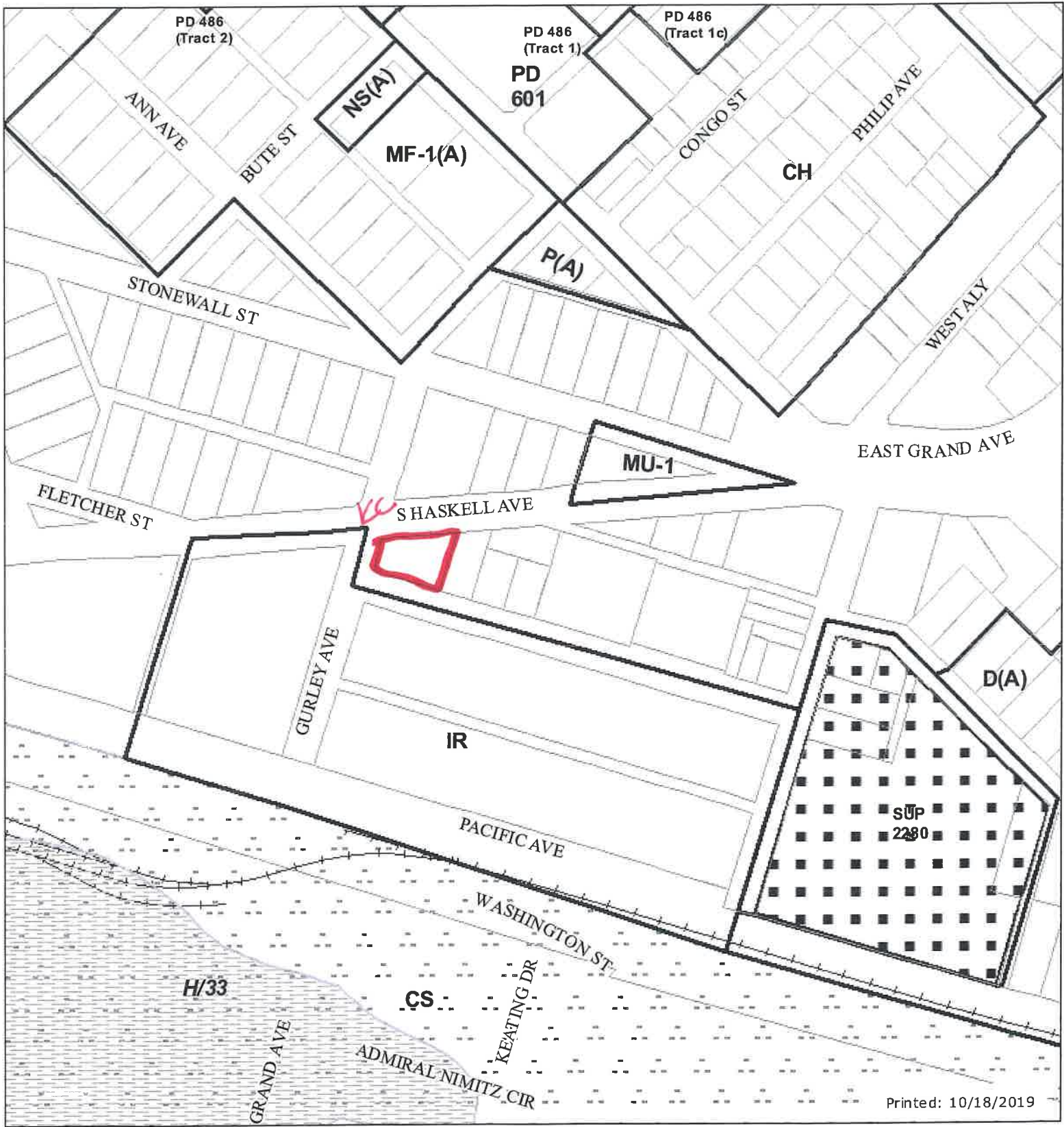
did submit a request to require compliance of a nonconforming use  
at 1101 S. Haskell Avenue

BDA190-001. Application of Dallas City Council Resolution 19-0916 to require compliance of a nonconforming use at 1101 S HASKELL AVE. This property is more fully described as: Part of Lot 14 and 15, Block 24/1270, and is zoned CS, which limits the legal uses in a zoning district. The applicant proposes to request that the Board establish a compliance date for a nonconforming alcoholic beverage establishment.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 10/18/2019

### 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        | SPD Overlay                    | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | - 11 Shop Front Overlay    |
|                      |                                | Height Map Overlay    |                            |

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# Memorandum



CITY OF DALLAS

DATE October 18, 2019

TO Board of Adjustment

SUBJECT Attachment to Application to the Board of Adjustment to Set a Compliance Date for a Nonconforming use at 1101 S. Haskell Avenue (the "Property")

---

The above-referenced application is submitted to the Board of Adjustment on behalf of the Applicant, the Dallas City Council, pursuant to City Council Resolution No. 19-0916, dated June 12, 2019, to establish a compliance date for Club Linares Bar located on the Property.

The Property is zoned as a Commercial Service District. Under Dallas City Code Section 51A-4.210(b)(4), an alcoholic beverage establishment is permitted in a Commercial Service District by specific use permit (SUP) only. Club Linares Bar does not have a SUP for an alcoholic beverage establishment; thus, its continued use is nonconforming.

Under Dallas City Code Section 51A-4.704(a)(1)(A), the Dallas City Council may request that the Board of Adjustment consider establishing a compliance date for a nonconforming use. It is the City Council's position that operation of the nonconforming alcoholic beverage establishment at the Property has, and will have, an adverse effect on nearby properties. More specifically, the Property is a common nuisance because the Property owners are maintaining it as a place where people habitually go to commit criminal activity, and, have failed to make reasonable attempts to abate criminal activity from occurring on the property. Thus, this nonconforming use presents a continued threat to public health and safety. Furthermore, the operation of an alcoholic beverage establishment is incompatible with the character of the surrounding neighborhood and public disturbances may be created or perpetuated by continued operation of the use.



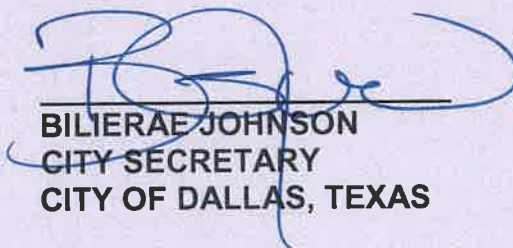
STATE OF TEXAS §  
COUNTY OF DALLAS §  
CITY OF DALLAS §

I, **BILIERAE JOHNSON**, City Secretary of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

**FILE NO. 19-0916**

filed in my office as official records of the City of Dallas, and that I have custody and control of said records.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **25<sup>th</sup>** day of **September, 2019**.

  
**BILIERAE JOHNSON**  
**CITY SECRETARY**  
**CITY OF DALLAS, TEXAS**



PREPARED BY: LJ

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 12, 2019

19-0916

Item 64: A resolution requesting the Board of Adjustment to authorize compliance proceedings for the Club Linares Bar located at 1101 South Haskell Avenue, Dallas, Texas - Financing: No cost consideration to the City (via Councilmembers Felder, Deputy Mayor Pro Tem Medrano, Kingston, Narvaez, and Arnold)

Councilmember Felder moved to adopt the item.

Motion seconded by Councilmember Kingston.

After discussion, Presiding Officer Thomas called a vote and declared the item adopted on a divided vote with Councilmember Kleinman voting "No." (Rawlings, Griggs absent)



June 12, 2019

**WHEREAS**, the Club Linares Bar is located at 1101 Haskell Avenue, Dallas, Texas; and

**WHEREAS**, the Club Linares Bar operates under a certificate of occupancy for an alcoholic beverage establishment; and

**WHEREAS**, the property at 1101 South Haskell Avenue is zoned as a CS Commercial Service District; and

**WHEREAS**, an alcoholic beverage establishment requires a specific use permit in a CS Commercial Service District; and

**WHEREAS**, the Club Linares Bar is operating without a specific use permit as it is a nonconforming use as defined in the Dallas Development Code; and

**WHEREAS**, the Dallas Development Code authorizes the City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the Board of Adjustment is requested to consider establishing a compliance date for the nonconforming use of an alcoholic beverage establishment known as Club Linares Bar located at 1101 South Haskell Avenue, Dallas, Texas.

**SECTION 2.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY  
CITY COUNCIL  
  
JUN 12 2019  
  
CITY SECRETARY



Agenda Information Sheet

---

**File #:** 19-660

**Item #:** 64.

---

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** June 12, 2019

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Mayor and City Council Office

**EXECUTIVE:** T.C. Broadnax

---

**SUBJECT**

A resolution requesting the Board of Adjustment to authorize compliance proceedings for the Club Linares Bar located at 1101 South Haskell Avenue, Dallas, Texas - Financing: No cost consideration to the City (via Councilmembers Felder, Deputy Mayor Pro Tem Medrano, Kingston, Narvaez, and Arnold)

**BACKGROUND**

The Club Linares Bar is located at 1101 South Haskell Avenue, Dallas Texas. The Club Linares Bar operates under a certificate of occupancy for an alcoholic beverage establishment. The property at 1101 South Haskell Avenue is zoned as a CS Commercial Service District. An alcoholic beverage establishment requires a specific use permit in a CS Commercial Service District. The Club Linares Bar is operating as a nonconforming use because it does not have a specific use permit. Section 51A-4.704(a)(1) allows City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.



City of Dallas

Memorandum

RECEIVED  
2019 APR 24 PM 3:54  
CITY SECRETARY

DATE April XX, 2019  
TO The Honorable Michael S. Rawlings  
FROM Kevin Felder  
SUBJECT Request for Placement of Agenda Item – Council Member(s)

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 6.2 of the City Council Rules of Procedure, please post the following item on the first **VOTING** agenda scheduled at least 30 calendar days after receipt of this request:

A resolution requesting the Board of Adjustment to authorize compliance proceedings for the Club Linares Bar located at 1101 South Haskell Avenue, Dallas, Texas – Financing: No cost consideration to the City

BRIEF BACKGROUND:

The Club Linares Bar is located at 1101 South Haskell Avenue, Dallas Texas. The Club Linares Bar operates under a certificate of occupancy for an alcoholic beverage establishment. The property at 1101 South Haskell Avenue is zoned as a CS Commercial Service District. An alcoholic beverage establishment requires a specific use permit in a CS Commercial Service District. The Club Linares Bar is operating as a nonconforming use because it does not have a specific use permit. Section 51A-4.704(a)(1) allows City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use.

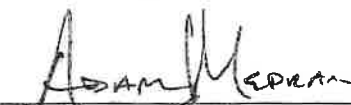
Submitted for consideration by:

Kevin Felder, District 7  
Printed Name, District #

  
Signature

Supporting Council Member Signatures (4 Signatures Only):

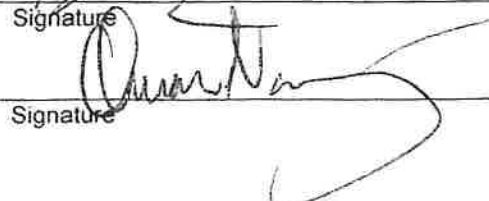
DMPT Adam Medrano District 2  
Printed Name, District #

  
Signature

Philip Kluyfou 14  
Printed Name, District #

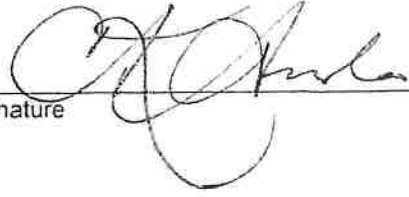
  
Signature

Onar Narvaez 6  
Printed Name, District #

  
Signature

*Carolyn K Arnold*

Printed Name, District #



Signature

**Attachment: Draft Resolution**

- c: Honorable Council Members
- T.C. Broadnax, City Manager
- Christopher J. Caso, Interim City Attorney
- Craig D. Kinton, City Auditor
- Biliera Johnson, City Secretary
- Scott Goldstein, Chief of Policy and Communications, Office of the Mayor



COUNCIL CHAMBER

\_\_\_\_\_ [DATE] \_\_\_\_\_

**WHEREAS**, the Club Linares Bar is located at 1101 South Haskell Avenue, Dallas Texas; and

**WHEREAS**, the Club Linares Bar operates under a certificate of occupancy for an alcoholic beverage establishment; and

**WHEREAS**, the property at 1101 South Haskell Avenue is zoned as a CS Commercial Service District; and

**WHEREAS**, an alcoholic beverage establishment requires a specific use permit in a CS Commercial Service District; and

**WHEREAS**, the Club Linares Bar is operating without a specific use permit as it is a nonconforming use as defined in the Dallas Development Code; and

**WHEREAS**, the Dallas Development Code authorizes the City Council to request that the Board of Adjustment consider establishing a compliance date for a nonconforming use; **Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the Board of Adjustment is requested to consider establishing a compliance date for the nonconforming use of an alcoholic beverage establishment known as the Club Linares Bar located at 1101 South Haskell Avenue, Dallas Texas.

**SECTION 2.** That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

**Each councilmember signing the five-person request to place an item on the agenda must review and confirm that they have read and agree with the draft resolution by dating, initialing, and placing their district number below.**

<u>4/24/19</u>	<u>4/24/19</u>	<u>4/24/19</u>	<u>4/24/19</u>	<u>4/24/19</u>
DATE	DATE	DATE	DATE	DATE
<u>KF</u>	<u>AM</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL	CM INITIAL
<u>7</u>	<u>2</u>	<u>14</u>	<u>6</u>	<u>4</u>
DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.

Details

Address...	1101 S HASKELL AVE
AddressType1	
AddressType2	
Airport	N
Alcohol	N
Applicant Name Lookup...	
Arborist	N
Base Zoning	
BI Flag	N
BI Flag Comments	
BI Flag Override	N
Bio-Diesel	N
Block	
Board of Adjustment	N
Building	N
Certificate Type	
Comments	
Conditions	
Construction Type	
Create ProjectDox Project	N
Dance Floor	N
Deed Restriction	N
Diesel	N
District	26A
District Office	NW
Doing Business As	
Dry	N
Dwelling Units	0
Electric	N
Email	
Expiration Date	
Flood Plain	N
Fraction	
Gas	N
GIS Flagged Area	
GIS NSOName	
Health	N
Health Inspection Needed	N
Health Permit Fee to Use	
Health Permit Number	
Historic	
Land Use	(5821) ALCOHOLIC BEVERAGE ESTABLISHMENT
Lot	
Manager Approval	N
Manager Name	
MD Overlay	
MD Review Needed	N
Moratorium Override	N
Natural Gas	N
Occupancy	B2
Occupancy Load	
Occupied Portion	
Other Fuel	
Other Fuel Type	N
OverBlock	

# Certificate of Occupancy

Address: 1101 S HASKELL AVE 75223 Issued: 05/05/2008

Owner: JUAN ORONA  
1101 S HASKELL  
DALLAS, TEXAS 75217

DBA: LINARES NUEVO LEON

Land Use: (5821) ALCOHOLIC BEVERAGE ESTABLISHMENT

Occupied Portion:

C.O.#: 0710021072

Lot:	14	Block:	24/1270	Zoning:	CS	PDD:	SUP:
Historic Dist:		Consrv Dist:		Pro Park:		Req Park:	Park Agrmt: N
Dwlg Units:		Stories:	A2	Occ Code:	A2	Lot Area:	Total Area: 1896
Type Const:	IIIB	Sprinkler:		Occ Load:	140	Alcohol:	Dance Floor: N

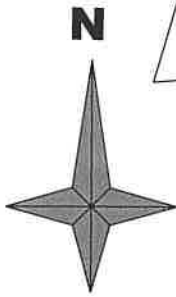
Remarks: ALCOHOLC BEVERAGE EST. NON CONFORMING PER LAST  
CO#0401091101. SEE ATTACHED TABC RECORDS & LETTER. NO CHANGE IN  
OWNERSHIP. ADDED SQUARE FOOTAGE PER RECORD 3-23-15 BW.

*Larry V. Holmes*

Larry Holmes, Building Official

This certificate shall be displayed on the above premise at all times.

**GURLEY AVENUE  
(50-Foot R/W)**

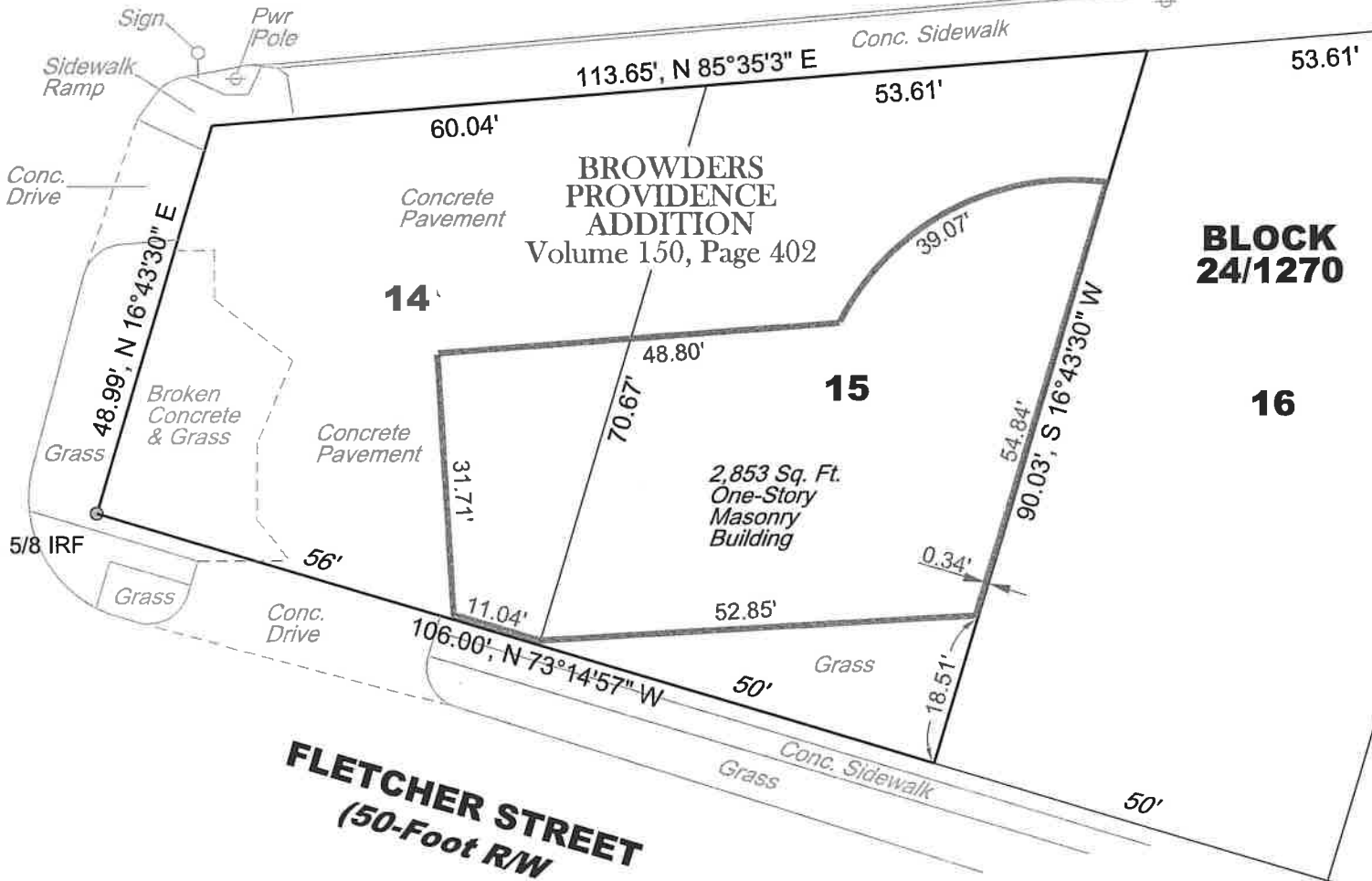



20 0 20



**14**

**HASKELL AVENUE  
(55-Foot R/W)**



			
<b>1101 S. HASKELL AVENUE</b>			
<b>Remainder; Lots 14 &amp; 15</b>			
<b>Block 24/1270</b>			
<b>DEPARTMENT OF PUBLIC WORKS</b>			
<b>SURVEY DIVISION CITY OF DALLAS, TEXAS</b>			
<b>OPER. NAME</b>	<b>DESIGN FILE NAME</b>	<b>SCALE</b>	<b>DATE</b>
Holt	N:\ENGR\SURVEY\HOLT\HASKELL\Haskell.dgn	As Noted	10/11/19
<b>PARTY CHIEF</b>	<b>CALCULATIONS</b>	<b>FOLDER</b>	<b>FILE NO.</b>
Prunty	Holt	Block 2/416	N/A





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

***BDA112-047***

## ***21 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2807 11TH ST	COLUMBIA PACKING OF TEXAS INC
2	3443 CEDAR CREST BLVD	ONDRUSEK W J
3	2519 11TH ST	CORIA DANIEL &
4	2507 11TH ST	CHECKERED ENTERPRISES LP
5	310 AVE I	TERRY RUBY J TR & ORAESTRESS TR
6	2502 11TH ST	ZUBIRI GERARDO
7	2510 11TH ST	HAYDEN SARAH
8	2514 11TH ST	MARTINEZ JOEL
9	311 AVE J	GREEN EMERSON & WARNIE SUE GREEN
10	310 AVE J	CLARK SANDRAL
11	2602 11TH ST	JONES GERALDINE
12	2606 11TH ST	MONTGOMERY ANNIE EST OF
13	2610 11TH ST	WILLIAMS DIANA
14	2614 11TH ST	COVERALL MANAGEMENT ASSOC
15	311 DU BOIS AVE	GILLIAN ORA
16	310 DU BOIS AVE	DEPAZ FELIPE
17	2702 11TH ST	PERSLEY BILLY RAY
18	2714 11TH ST	CARTER DOZIER
19	311 AVE L	LOCHE MICHAEL A #133
20	2808 11TH ST	PUGH PROPERTIES LLC
21	310 AVE L	REEVES GROUP LTD

**FILE NUMBER:** BDA190-014(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Welch Liles of AP Blanton Deep Ellum, LLC, represented by Karl A. Crawley of Masterplan, for a special exception to the parking regulations at 2801 Virgil Street. This property is more fully described as part of Lots 6 and 7, Block 12/192, and is zoned PD No. 269 (Tract A), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for an inside commercial amusement use, and provide five of the required 17 parking spaces, which will require a 12-space special exception (75% reduction) to the parking regulations.

**LOCATION:** 2801 Virgil Street

**APPLICANT:** Welch Liles of AP Blanton Deep Ellum, LCC  
Represented by Karl A. Crawley of Masterplan

**REQUEST:**

A request for a special exception to the off-street parking regulations of 12 spaces is made to remodel and maintain an inside commercial amusement structure contain 5,900 square feet of floor area and provide five of the 17 required off-street parking spaces.

**STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:**

Section 51A-4.311 of the Dallas Development Code states the following:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in

Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
  - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
  - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
  - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
  - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
  - (E) The availability of public transit and the likelihood of its use.
  - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
  - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
  - (B) Impose restrictions on access to or from the subject property; or
  - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
  - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.



**STAFF RECOMMENDATION:**

Denial.

Rationale:

- The Sustainable Development and Construction Department finds that the special exception would create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 269 (Planned Development Tract A)  
North: PD No. 269 (Planned Development Tract A)  
South: PD No. 269 (Planned Development Tract A)  
East: PD No. 269 (Planned Development Tract A)  
West: PD No. 269 (Planned Development Tract A)

**Land Use:**

The subject site is proposed to be converted into an inside commercial amusement use. The areas to the north, east, south, and west are developed with nonresidential uses.

**Zoning/BDA History:**

There have not been any related board or zoning cases in the immediate vicinity within the last five years.

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for a special exception to the off-street parking regulations of 12 spaces focuses on converting a structure into an inside commercial amusement use with 5,900 square feet of floor area with providing five on-street parking spaces of the 17 off-street required parking spaces .
- PD No. 269 does not require inside commercial amusement uses provide off-street parking spaces for the first 2,500 square feet of floor area in a ground-level use that has a separate certificate occupancy in an original building. A minimum of one space per 100 square feet of floor area is required for the remaining floor area of an inside

commercial amusement use. PD No. 269 also allows a 10-percent reduction to off-street parking requirements when a use is located within one-fourth mile of a DART light-rail station.

- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “denial”.
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the proposed inside amusement structure with 5,900 square feet of floor area does not warrant the number of off-street parking spaces required; and
  - The special exception of 12 spaces (or a 75-percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the board were to grant this request and impose the condition that the special exception of 12 spaces shall automatically and immediately terminate if and when the inside commercial amusement use with 5,900 square feet of floor area is changed or discontinued.

#### **TIMELINE:**

November 14, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

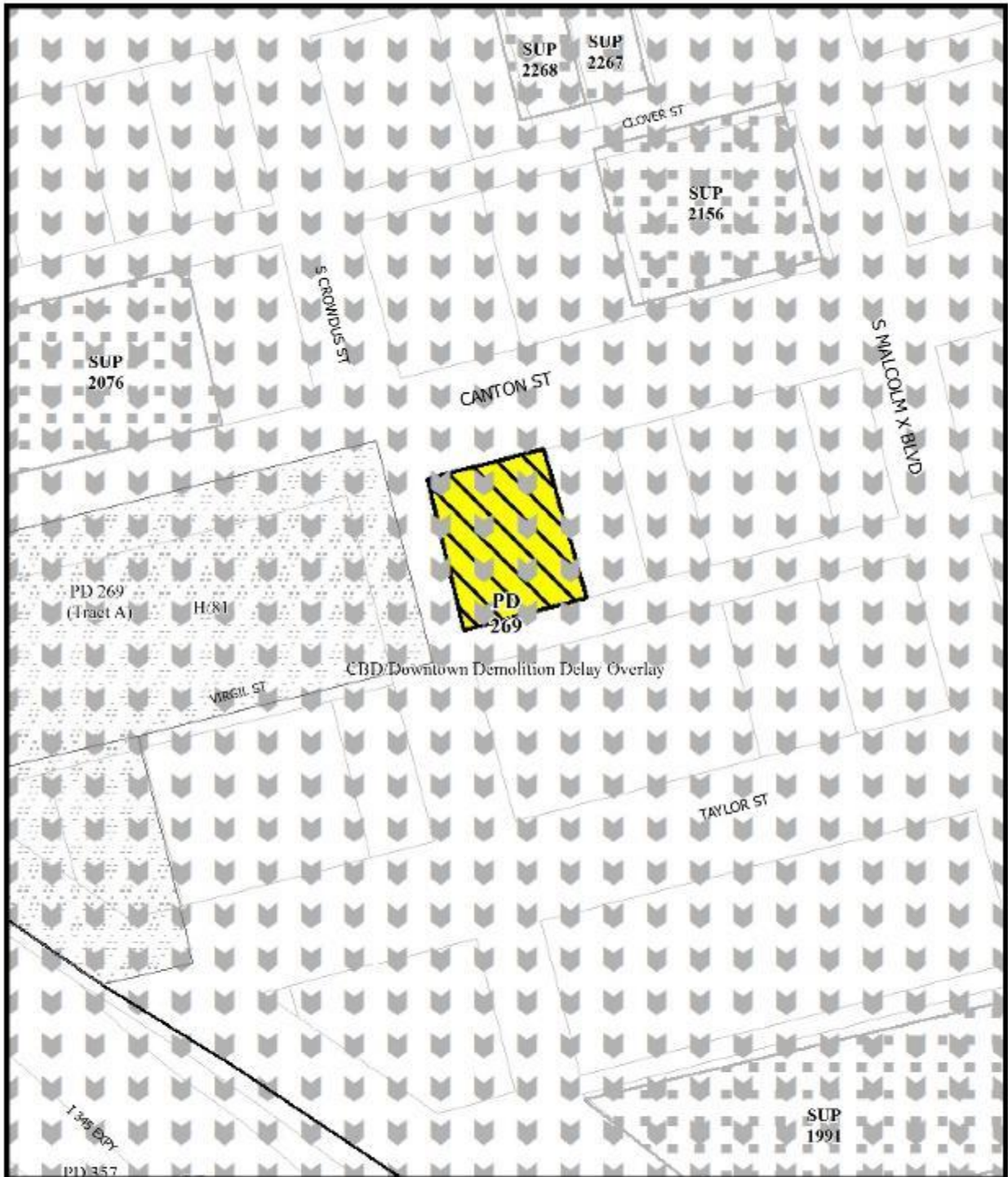
December 5, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 17, 2019: The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the December 27<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the January 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

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

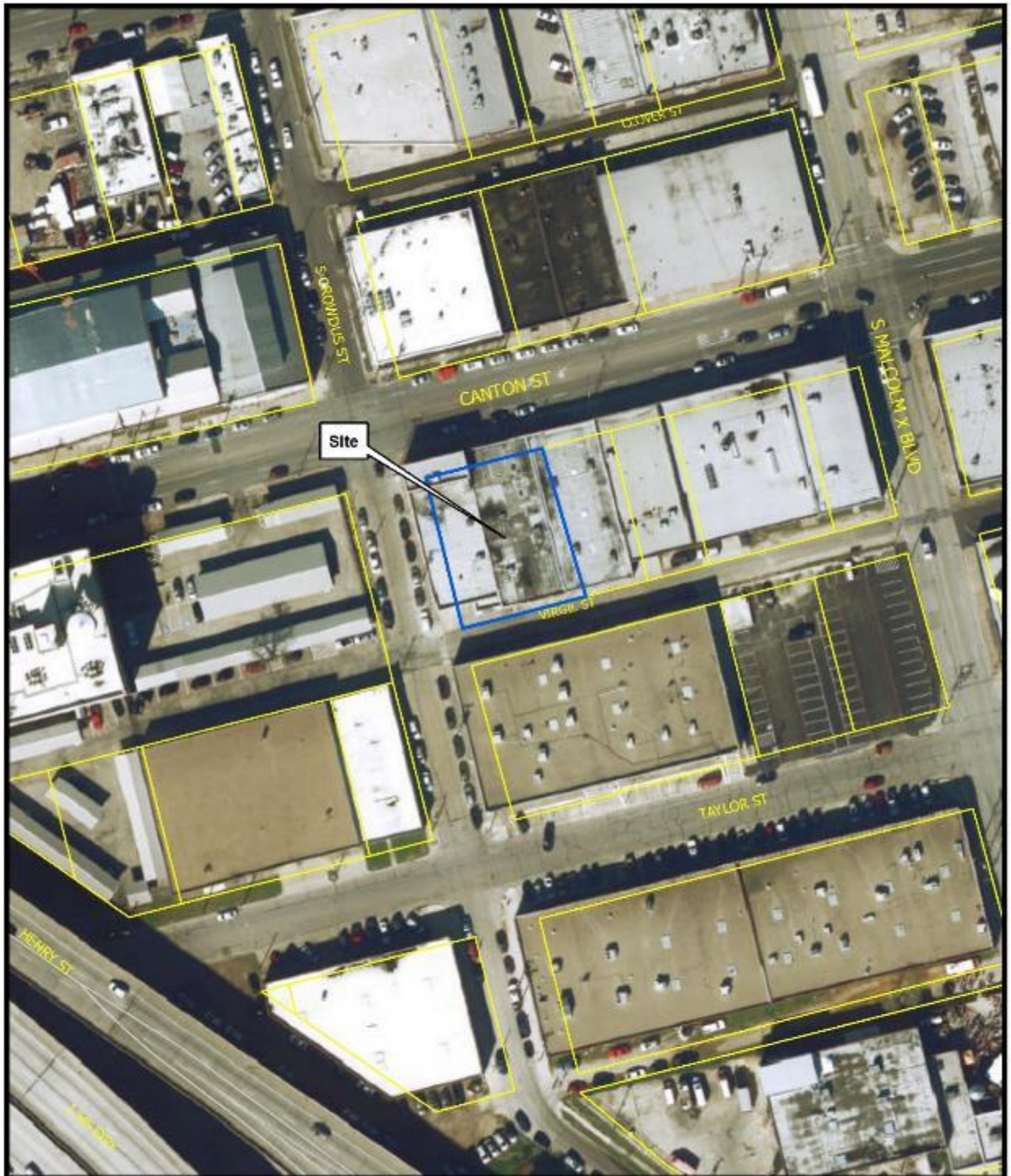
December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

December 30, 2019: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "Denial".



 1:1,200	<h1>ZONING MAP</h1>	Case no: <b>BDA190-014</b> Date: <b>12/13/2019</b>
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1:1,200

# AERIAL MAP

Case no: **BDA190-014**

Date: **12/13/2019**

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF **JANUARY 21, 2020 (A)**

Has no objections

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

Recommends denial  
(see comments below or attached)

No comments

COMMENTS:  
\_\_\_\_\_

BDA 189-109

BDA 189-124

BDA 190-001

BDA 190-003

BDA 190-006

BDA 190-008

BDA 190-009

BDA 190-013

BDA 190-014

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

\_\_\_\_\_  
Name/Title/Department

***12/30/2019***

\_\_\_\_\_  
Date

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



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-014

Data Relative to Subject Property:

Date: 11/14/2019

Location address: 2801 Virgil Street Zoning District: 2

Lot No.: 24.6+7 Block No.: 12/192 Acreage: 0.12 Census Tract: 0204.00

Street Frontage (in Feet): 1) 50 2) 94 3) — 4) 80 5) —

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): AP Blanton Deep Ellum LLC

Applicant: A Welch Likes, AP Blanton Deep Ellum LLC Telephone: (704) 423-1721

Mailing Address: 1616 Camden Road #210 Charlotte, NC Zip Code: 28203

E-mail Address: wlikes@asana-partners.com

Represented by: Karl A. Crawley / Masterplan Telephone: (214) 761-9197

Mailing Address: 90 Jackson Street #400 DALLAS, TX Zip Code: 75202

E-mail Address: Karl@masterplan-tpa.com

Affirm that an appeal has been made for a Variance   , or Special Exception X, of 17 Six parking spaces of 75% reduction of off-street parking requirements

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

To adjust parking requirement to align with parking demand

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.

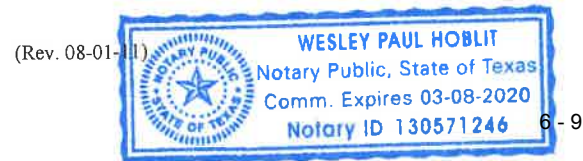
Affidavit

Before me the undersigned on this day personally appeared Karl A. Crawley (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 14th day of November, 2019



[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 AP Blanton Deep Ellum, LCC  
represented by KARL A. CRAWLEY  
did submit a request for a special exception to the parking regulations  
at 2801 Virgil Street

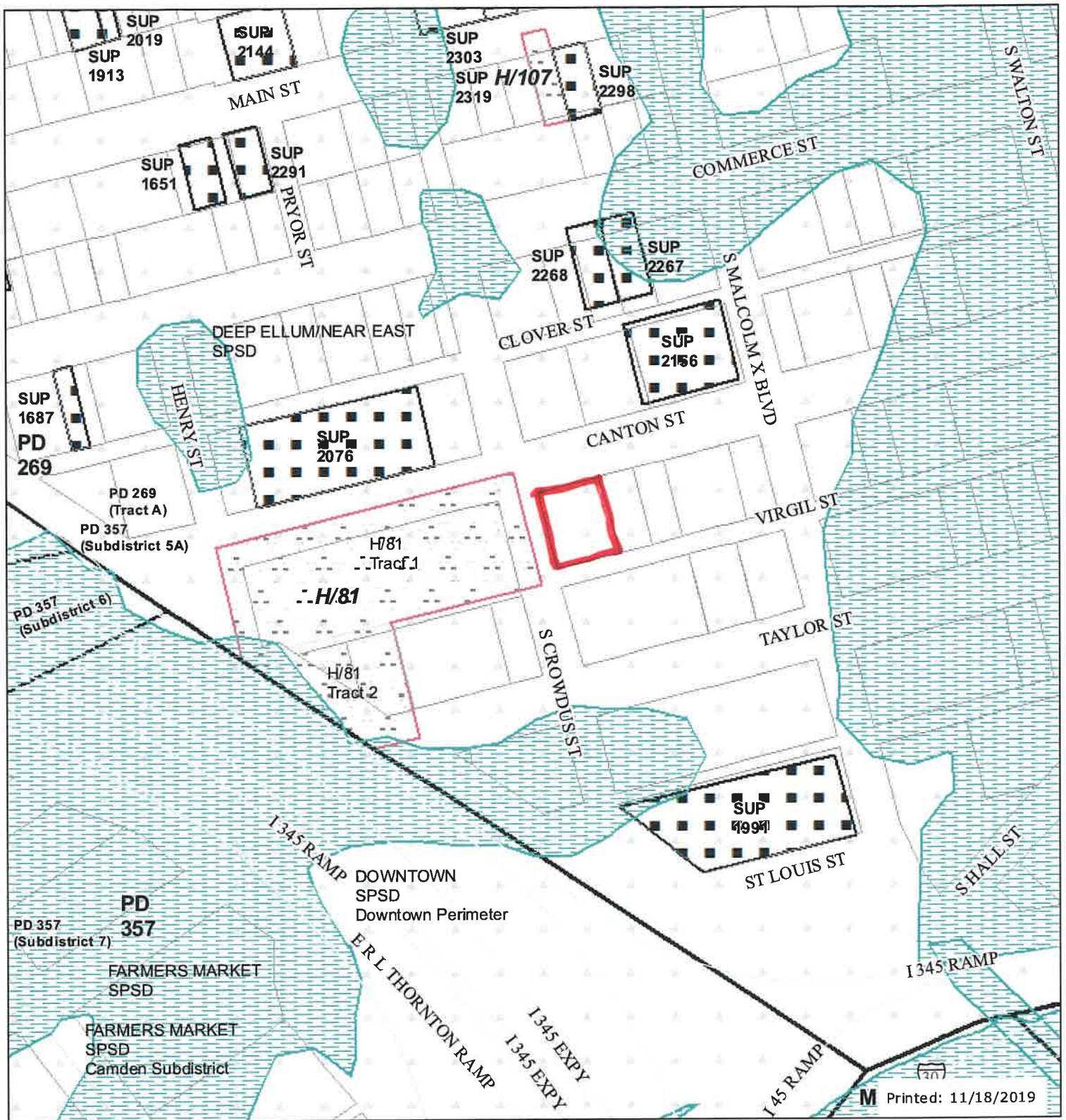
BDA190014. Application of AP Blanton Deep Ellum, LCC represented by KARL A. CRAWLEY for a special exception to the parking regulations at 2801 VIRGIL ST. This property is more fully described as Pt Of Lot 6 & 7, Block 12/192, and is zoned PD-269 (Tract A), which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a Commercial Amusement Inside use, and provide 5 of the required 17 parking spaces, which will require a 12 space special exception (75% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







M Printed: 11/18/2019

### 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        | SPSP 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)



1:2,400









 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA190-014</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>11</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>11</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>11</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				



12/13/2019

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

***BDA190-014***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2801 VIRGIL ST	AP BLANTON DEEP ELLUM LLC
2	2700 CANTON ST	WESTDALE ADAM HATS LTD
3	2725 TAYLOR ST	WESTDALE PROPERTIES
4	2805 CANTON ST	GEBHARDT BROADCASTING LLC
5	2809 CANTON ST	2809 CANTON LLC
6	2825 CANTON ST	INDUSTRIAL RESERVICIES LLC
7	2824 CANTON ST	HORTON T L DESIGN INC
8	2814 CANTON ST	FITZGERALD KAREN K & SEAN
9	2810 CANTON ST	WARREN PROPERTY HOLDINGS LLC
10	2803 TAYLOR ST	DEEP ELLUM CHURCH
11	2713 CANTON ST	2713 CANTON LTD

**FILE NUMBER:** BDA189-124(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Verizon Wireless, represented by Vincent G. Huebinger, for a variance to the side yard (tower spacing) setback regulations at 7817 Forest Lane. This property is more fully described as Lot 1, Block A/7740, and is zoned MU-3, which requires a side yard setback of 30 feet for tower spacing. The applicant proposes to construct and/or maintain a structure and provide a 22-foot side yard setback, which will require an eight-foot variance to the side yard (tower spacing) setback regulations.

**LOCATION:** 7817 Forest Lane

**APPLICANT:** Verizon Wireless  
Represented by Vincent G. Huebinger

**REQUEST:**

A request for a variance to the "tower spacing" side yard setback regulations of 8' is made to maintain a construct and maintain a 5' wide, 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback on a site developed with a commercial use.

**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.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

- Staff concluded that this request should be granted because the width of the subject site where the proposed 5’ wide, 125’ high cellular communications tower “structure” is to be located is 57 feet, and the height of this structure requires two 30’ side yard (tower spacing) setbacks.
- Staff concluded that granting this variance would not be contrary to public interest in that if the board were to grant this request and impose the submitted site plan/elevation as a condition, the side yard (tower spacing) encroachment would be limited to that what is shown on this document – a 5’ wide, 125’ high cellular communications tower “structure” located 22’ from the site’s eastern side property line or 8’ into this 30’ side yard setback.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: MU-3 (Mixed Use)
- North: MU-3 (Mixed Use)
- East: MU-3 (Mixed Use)
- South: MU-1 (Mixed Use)
- West: MU-3 (Mixed Use)

**Land Use:**

The subject site is developed with a commercial use. The areas to the north, east, south and west are developed with a mix of residential and nonresidential uses.

**Zoning/BDA History:**

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

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

- This request for variance to the side yard setback regulations of 8' focuses on constructing and maintaining a 5' wide, 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback on a site developed with a commercial use.
- The property is zoned MU-3 which states the following:
  - Minimum side and rear yard is:
    - (aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
    - (bb) no minimum in all other cases.
  - Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.
- The submitted site plan/elevation represents a 125' high structure cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback and 30' from the site's western side property line or in compliance with this side yard setback.
- According to DCAD records the "main improvement" listed for property addressed at 7817 Forest Lane is an "automotive service" structure built in 2016 with 1,082 square feet of total area.
- The subject site is flat, slightly irregular in shape (approximately 59' on the north, approximately 80' on the south, approximately 329' on the east, and approximately 318' on the west), and is, according to the application, 0.46 acres (or approximately 20,000 square feet) in area. The site is zoned MU-3.
- The applicant states (and the site plan represents) that the property in question is 57' wide where the monopole is proposed.
- 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 MU-3 zoning classification.



- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MU-3 zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan/elevation as a condition, the structure in the side yard setback would be limited to what is shown on this document which in this case is a 125' high cellular communications tower "structure" located 22' from the site's eastern side property line or 8' into this 30' side yard setback.

**Timeline:**

- August 21, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- October 14, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- October 14, 2019: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant's 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 October 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 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."
- October 31, 2019: The applicant's representative submitted additional documentation to staff (see Attachment A).
- November 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the November public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and

Construction Current Planning Division, the Assistant Director of Sustainable Development and Construction Engineering Division, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Interim Chief Planner, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, Sustainable Development and Construction Department Board of Adjustment Senior Planners, and the Assistant City Attorney to the Board.

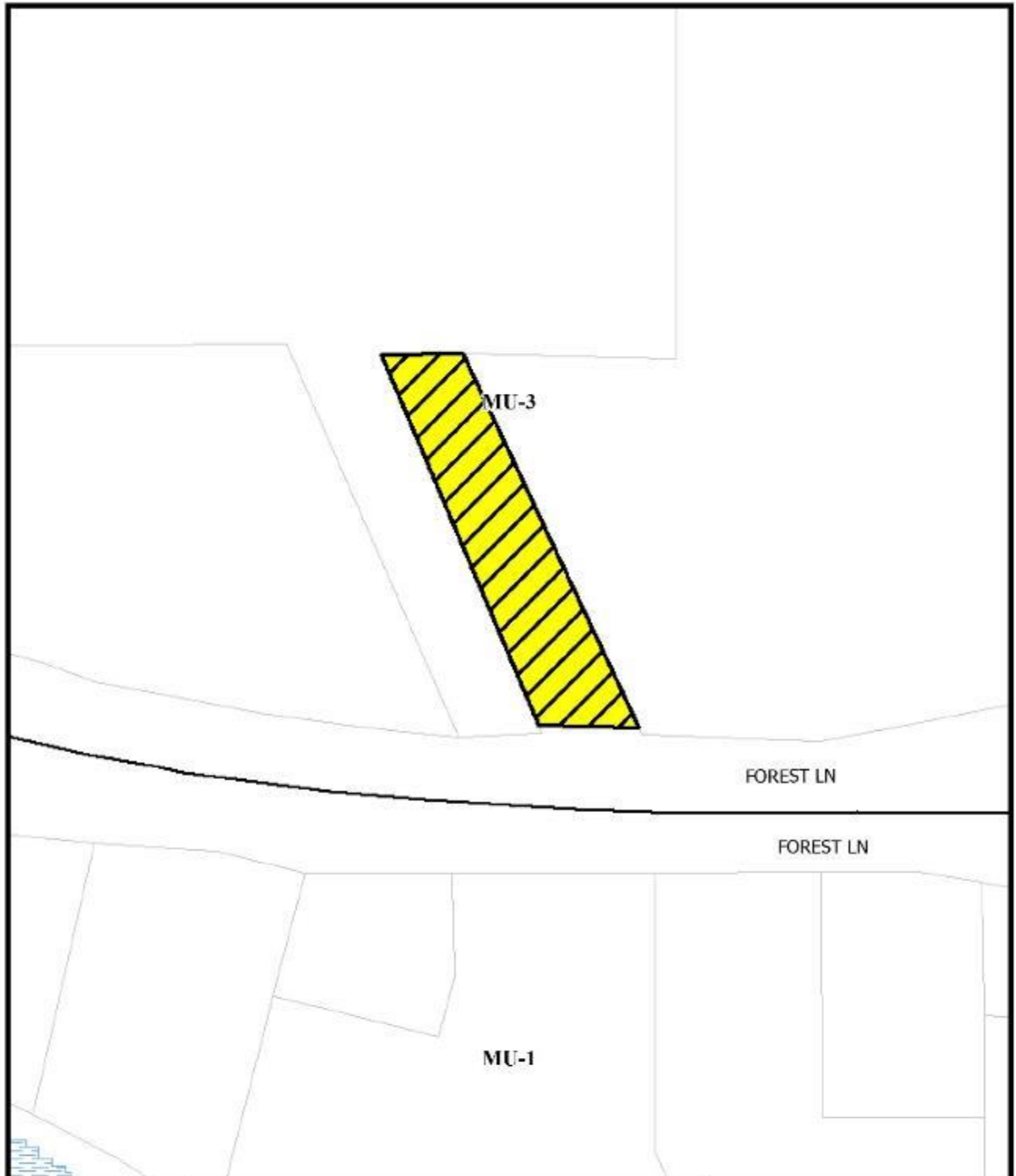
November 19, 2019: The board held this item under advisement to allow the applicant time to provide additional evidence that this application would not interfere with nearby air traffic.

November 20, 2019: The applicant provided additional information regarding its air space study (see Attachment B).

December 12, 2019: The applicant provided additional information regarding its air space study (see Attachment C).

December 30, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

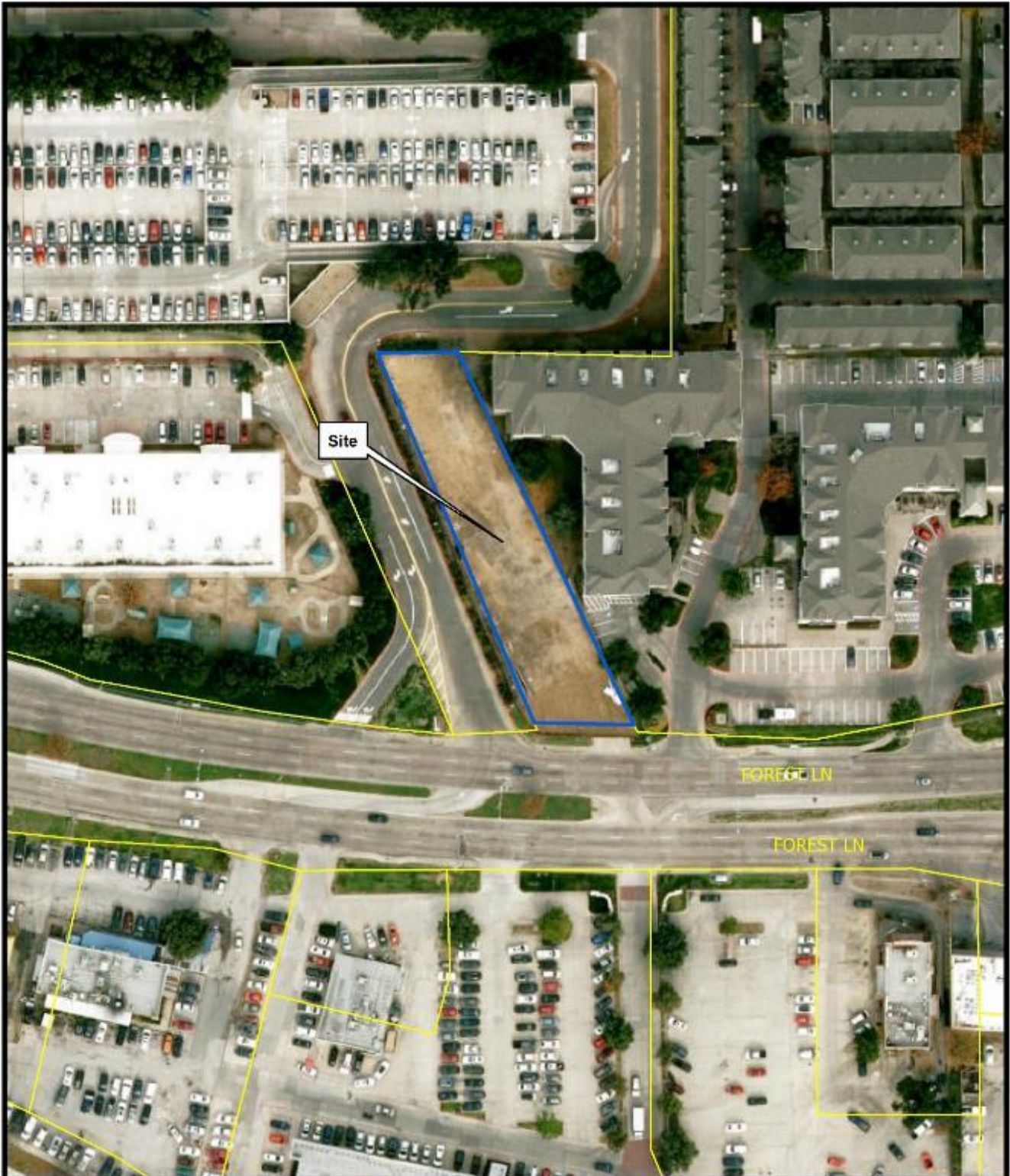
No review comment sheets were submitted in conjunction with this application.



  
1:1,200

# ZONING MAP

Case no: BDA189-124  
Date: 10/15/2019



1:1,200

# AERIAL MAP

Case no: BDA189-124

Date: 10/15/2019





BD A 189-124  
Attn: A  
PS'

VINCENT GERARD & ASSOCIATES, INC.

August 20, 2019

Board of Adjustment  
City of Dallas  
Attn: Charles Trammell  
1500 Marilla Street  
Dallas, Texas 75201

**RE: Variance Request to Setback Requirement for Verizon Wireless - Medical City  
7817 Forest Lane, Dallas, Texas 78231 | Lot 1, Block A/7740 Take 5 Addition**

Dear Board of Directors,

On behalf of our client, Verizon Wireless, we are respectfully submitting a variance request to allow encroachment into the required 30-foot side yard setback. Verizon is seeking to construct a new wireless telecommunication facility on a narrow tract of land, and the proposed monopole tower is shown to be 8 feet within the 30-foot required side yard setback to the eastern property line.

Section 51A-4.125(f)(4)(B)(ii) of the Dallas zoning regulations requires maximum side and rear setbacks of 30 feet for towers. The property in question is 57 feet wide where the monopole is proposed. Due to the width restrictions of this lot, the tower is able to meet the 30-foot rear setback, as well as the 30-foot side setback to the west. However, the remaining width to the eastern property line is only 22 feet. We respectfully request your consideration to allow Verizon to encroach 8 feet into this 30-foot setback requirement, providing a 22-foot side setback to the east.

Radio Frequency (RF) engineers have confirmed that this site was designed to improve the indoor service in the Medical City center and surrounding neighborhoods. This site is also an important capacity offload solution to surrounding towers covering the vicinity of Expressway 75, Medical City, and surrounding communities in north Dallas. With the addition of this tower, Verizon customers will experience less dropped calls and better cellular coverage.

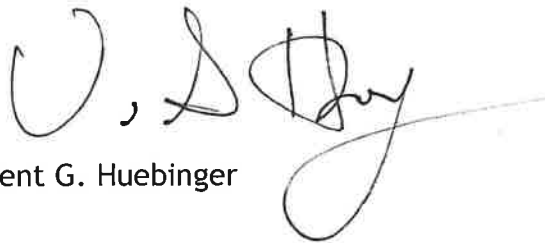
LAND PLANNING, DEVELOPMENT & ZONING CONSULTANTS  
1715 SOUTH CAPITAL OF TEXAS HIGHWAY • SUITE 207 • AUSTIN, TEXAS 78746  
[VINCENTGERARD.COM](http://VINCENTGERARD.COM) • (512) 328-2693

BOA109-124  
Att. A  
Pg 2

Verizon decided to request a variance to setback requirements from the BOA due to the physical characteristics of this property. The variance, if granted, will not alter the character of the area adjacent to the property and will not impair the purposes of the regulations of the zoning district in which the property is located. This request is a hardship based on the physical characteristics of the tract. It is not possible to comply with both 30-foot side setbacks when the lot is only 57 feet wide, and the tower base measures 5 feet in width. With respect to site selection, this property is appropriately zoned for wireless telecommunications and only needs a minor deviation from the code for a building permit. With this variance, this site will meet the coverage criteria for Verizon Wireless engineering and real estate needs.

Please see attached exhibit for details. We appreciate your consideration and are available for any questions.

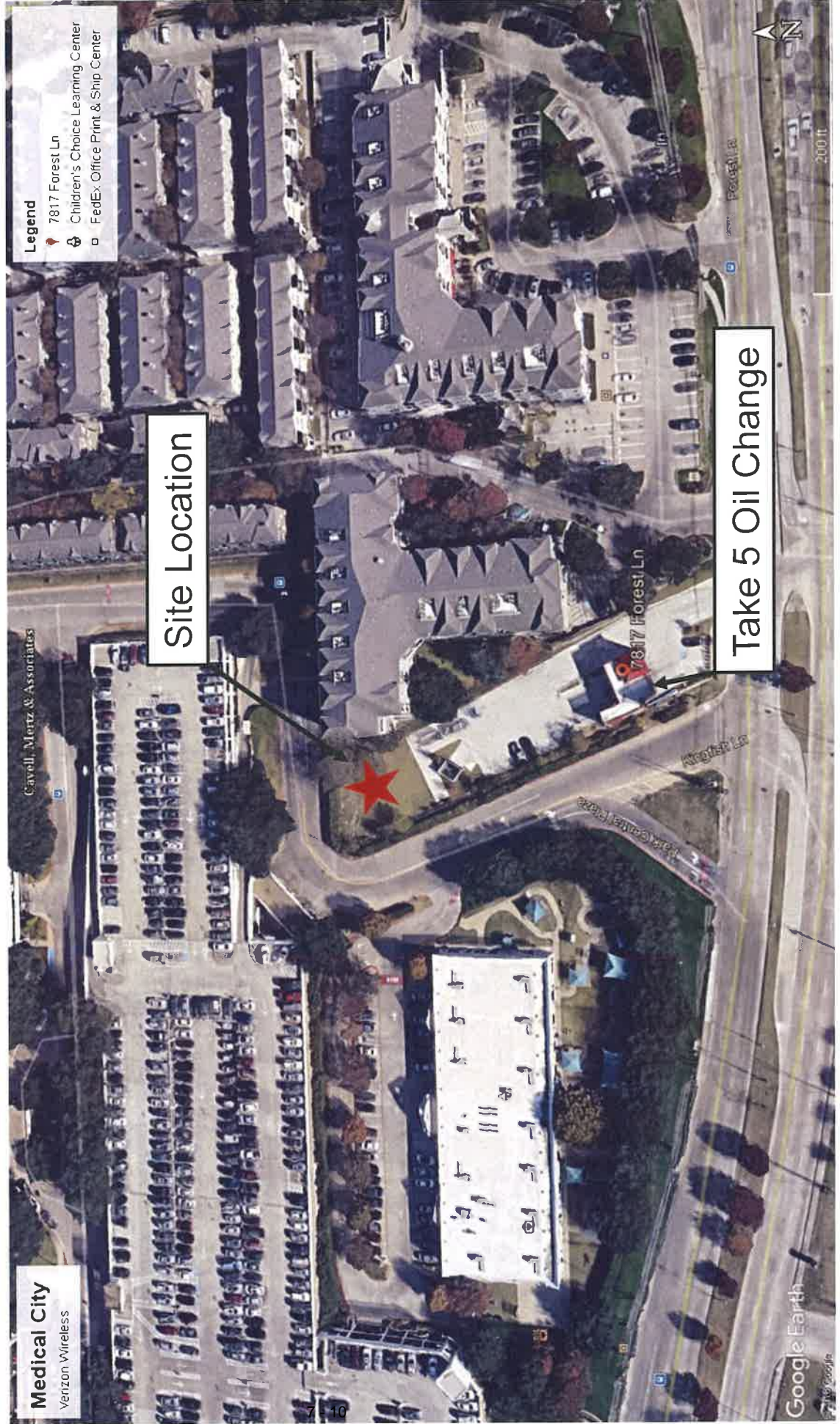
Sincerely,

A handwritten signature in black ink, appearing to read "V. G. Huebinger". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Vincent G. Huebinger



# Verizon - Medical City - 2019



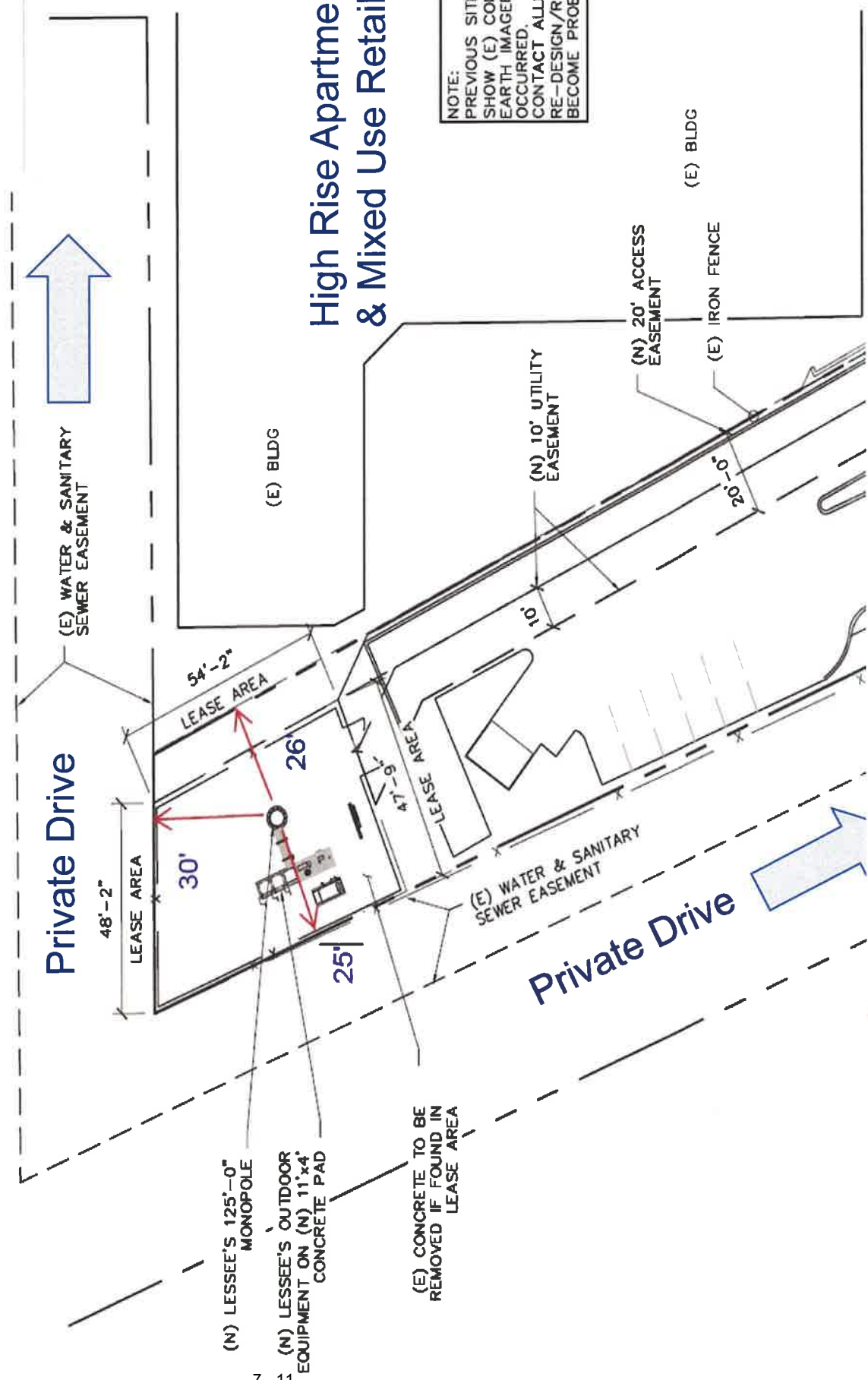
BDA 189-124 Att-4 A pg 3





# Verizon - Medical City - 2019

## • BOA Variance



NOTE:  
 PREVIOUS SITE WALK DATA,  
 SHOW (E) CONCRETE SURFA  
 EARTH IMAGERY, SOME SITE  
 OCCURRED.  
 CONTACT ALLPRO CONSULTI  
 RE-DESIGN/RE-WALK IF PR  
 BECOME PROBLEMATIC.

BDA189-124  
 Attach A  
 P24





# Verizon - Medical City - 2019

- **Benefit to the public Interest,**
  - Communications for Verizon & Others, 911 and inbuilding calls to Medical City
- **Special conditions on dimensions for property,**
  - Width of the tract created this situation
- **Relieve a self created personal hardship.**
  - Perfect location, zoning MU, unusable for anything else
  - Minor deviation , 21' of 30' required. Large structure adjacent to site.
- **Unnecessary Hardship,**
  - Search Ring limited – Coverage target is in building Hospital & capacity,
- **Special conditions on dimensions for property,**
  - Perfect location, zoning MU, unusable for anything else.

BD A189-124  
Attoral A  
PS 5





# Verizon - Medical City - 2019



## Coverage Without Site





# Verizon - Medical City - 2019



## Coverage With Site

RSRP 700 MHz

- Best Indoor Coverage
- In-Vehicle/Outdoor Coverage

BDA1891-124  
Attach A  
PS

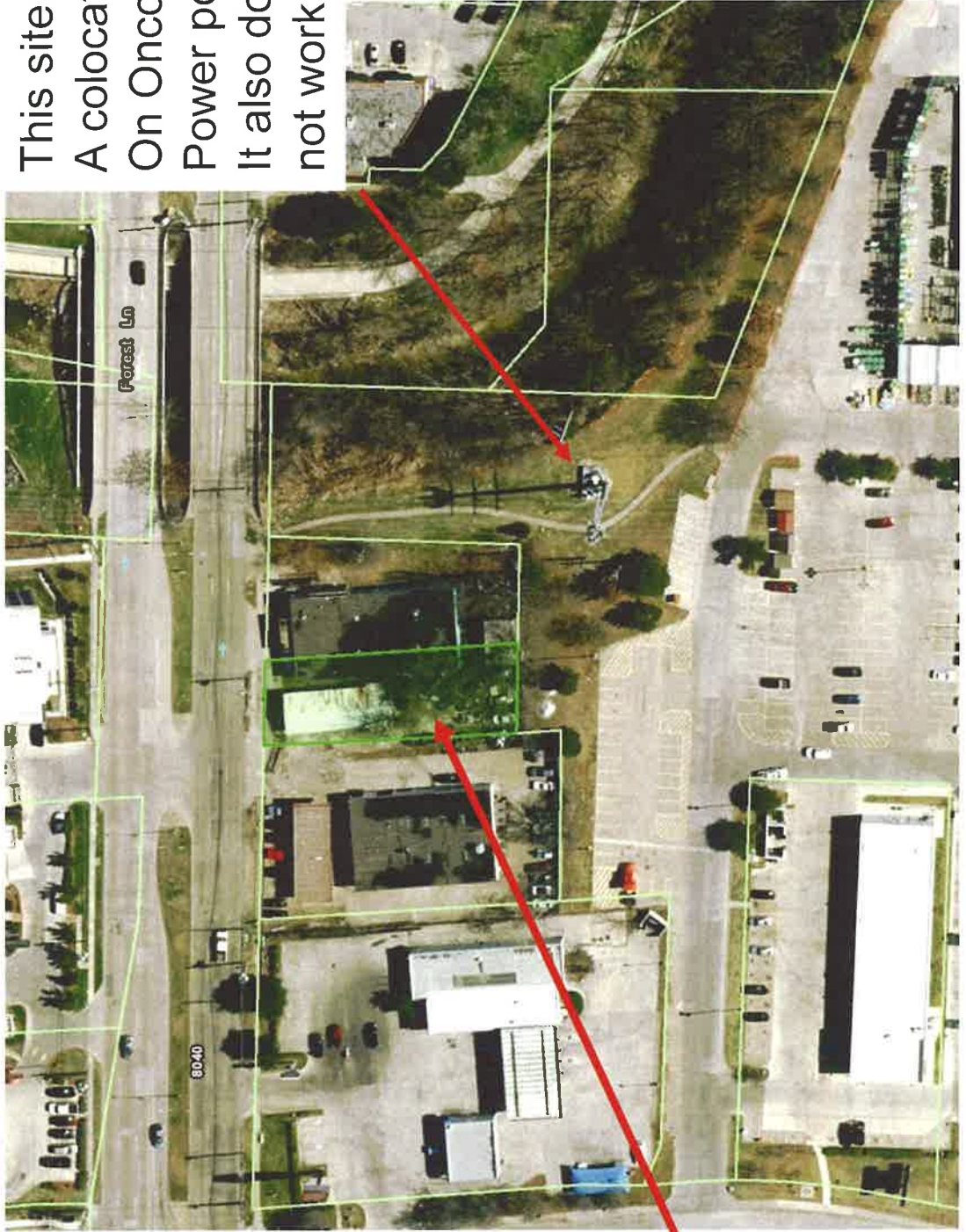




# Verizon Medical City 2019

Not many sites in the area at 50'-60' width

This property is approximately 1,700' east on Forest lane & does not work for coverage or capacity



This site is A colocation On Oncor Power pole It also does not work

BDA189-124  
Area A  
PS 9





# Verizon Medical City 2019



BD A189-124  
Attachment A  
p510





# Verizon Medical City 2019



BDA189-124  
Attach A  
P511



# Verizon Medical City 2019



ADA 109-124  
A.H.A.  
p. 12





# Verizon Medical City

## CAPACITY



- ✓ Emails
- ✓ Web Browsing
- ✓ GPS
- ✓ Weather
- ✓ Links
- ✓ Alerts
- ✓ Video Streaming

BOA 189-124  
Attach A  
ps 13



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-124

Date: 8/20/19

Data Relative to Subject Property:

Location address: 7817 Forest Lane Zoning District: MU-3

Lot No.: 1 Block No.: A/7740 Acreage: 0.46 Census Tract: 132

Street Frontage (in Feet): 1) 81' 2) 318' 3) 59' 4) \_\_\_\_\_ 5) \_\_\_\_\_

201

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alder, Inc.

Applicant: Verizon Wireless Telephone: 210-339-2614

Mailing Address: 6696 Tri County Pkwy #100, Schertz, TX Zip Code: 78154

E-mail Address: vinceh@vincentgerard.com, kaylab@vincentgerard.com

Represented by: Vincent G. Huebinger Telephone: 512-328-2693

Mailing Address: 1715 S. Capital of Texas Hwy #207, Austin, TX Zip Code: 78746

E-mail Address: vinceh@vincentgerard.com, kaylab@vincentgerard.com

Affirm that an appeal has been made for a Variance X, or Special Exception   , of lower spacing requirements. We are requesting a variance to encroach 8 feet into the 30-foot side setback for a new tower. The proposed tower is 30 feet from the western property line, 31 feet from the rear property line, and 22 feet from the eastern property line.

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 tract is restrictive in size and will not allow the tower spacing requirements for both sides of the property due to the narrow width.

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.

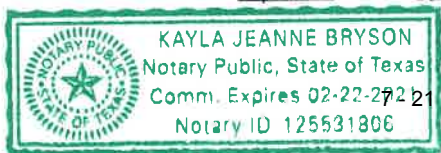
Affidavit

Before me the undersigned on this day personally appeared Vincent G. Huebinger  
(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 19th day of August, 2019



Kayla Jeanne Bryson  
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 Verizon Wireless  
represented by VINCENT HUEBINGER  
did submit a request for a variance to the side yard setback regulations  
at 7817 Forest Lane

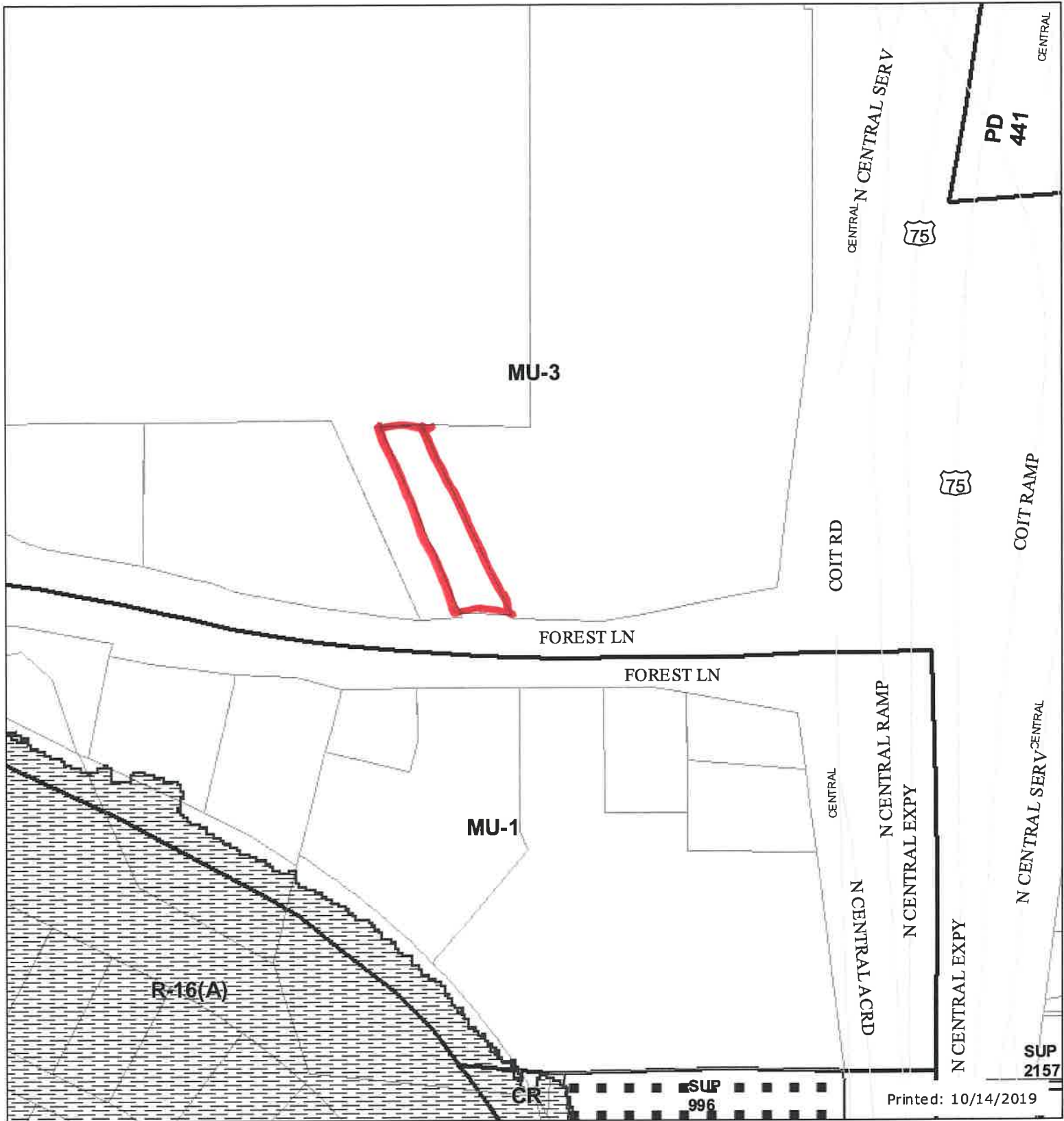
BDA189-124. Application of Verizon Wireless represented by VINCENT HUEBINGER for variance to the side yard setback regulations at 7817 FOREST LN. This property is more fully described as Lot 1, Block A/7740, and is zoned MU-3, which requires a side yard setback of 30 feet for tower spacing. The applicant proposes to construct a non-residential structure and provide a 22 foot side yard setback, which will require a 8 foot variance to the side yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







Printed: 10/14/2019

### 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      | 23 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)

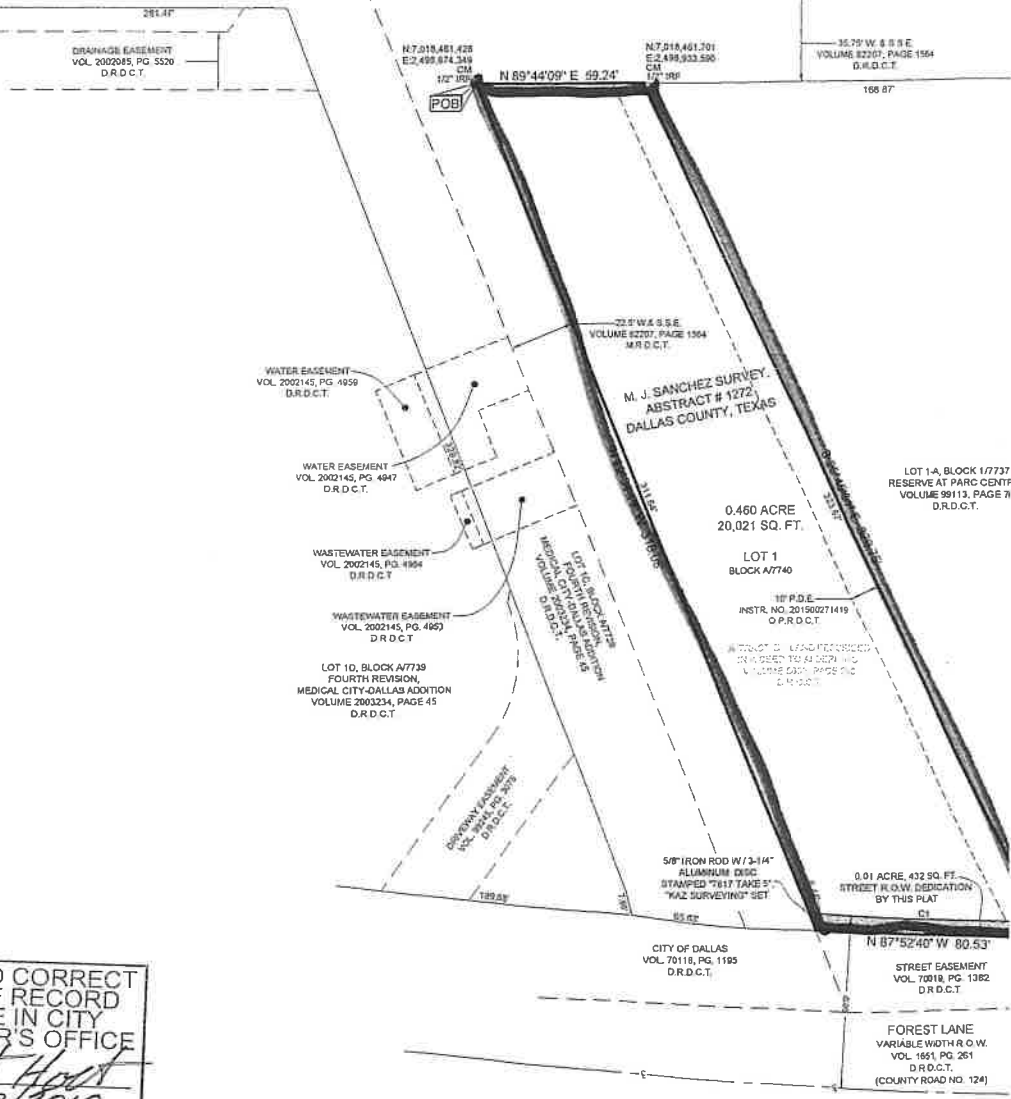






LOT 10, BLOCK A7739  
FOURTH REVISION,  
MEDICAL CITY-DALLAS ADDITION  
VOLUME 200324, PAGE 45  
D.R.D.C.T.

- GENERAL NOTES:
1. THE PURPOSE OF THIS FINAL PLAT IS TO CREATE 1 LOT.
  2. COORDINATES SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT AND ARE BASED ON VRS-RTK OBSERVATIONS.
  3. BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.
  4. LOT-TO-LOT DRAINAGE IS NOT PERMITTED WITHOUT ENGINEERING SECTION APPROVAL.



**CITY OF DALLAS TEXAS**  
TRUE AND CORRECT  
COPY OF RECORD  
ON FILE IN CITY  
SURVEYOR'S OFFICE  
BY: *[Signature]*  
DATE: *6/20/2019*



**LEGEND**

IRF = IRON ROD FOUND  
W & S.S.E. = WATER & SANITARY SEWER EASEMENT  
P.D.E. = PRIVATE DRAINAGE EASEMENT  
D.R.D.C.T. = DEED RECORDS DALLAS COUNTY TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS  
POB = POINT OF BEGINNING  
R.O.W. = RIGHT-OF-WAY  
INST. NO. = INSTRUMENT NUMBER  
VOL. = VOLUME  
PG. = PAGE  
CM = CONTROLLING MONUMENT  
—○— = CENTERLINE OF ROAD

**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2349.31'	80.3'	80.3'	N 87°32'22" W	1°57'31"

**SURVEYOR:**  
KAZ SURVEYING, INC.  
1720 WESTMINSTER STREET  
DENTON, TEXAS 76205  
PHONE: (940) 382-3446  
TBP'S FIRM # 110092100

**OWNER:**  
ALDERI, INC.  
5509 SAINT ANDREWS COURT  
PLANO, TX 75093  
CONTACT: ALLEN FELTMAN  
PHONE: (972) 599-1103

**ENGINEER:**  
CIVIL POINT ENGINEERS, INC.  
3102 MAPLE AVE. SUITE 400  
DALLAS, TX 75201  
(972) 554-1100  
TBPE FIRM # 9723

**074D-17012**

OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS, ALDERI, INC. is the owner of all that certain lot, tract or parcel of land situated in the M. J. Sanchez Survey, Abstract Number 1272, City of Dallas, Dallas County, Texas, City Block 7740, and being part of a tract of land described in a deed to ALDERI, INC., as recorded in Volume 5693, Page 660 of the Deed Records of Dallas County, Texas and being more particularly described as follows;

BEGINNING at a 1/4" iron rod found at an ell corner in Lot 1C, Block A/7739 of the Fourth Revision, of Medical City-Dallas Addition, an addition to the City of Dallas, Dallas County Texas as recorded in Volume 2003234, Page 45 of the Deed Records, Dallas County, Texas and being the Northwest corner of said ALDERI, INC tract;

Thence North 89 degrees 44 minutes 09 seconds East with the North line thereof, a South line of said Lot 1C a distance of 59.24 feet to a 1/4" iron rod found for the Northeast corner of said ALDERI, INC tract and the Northwest corner of Lot 1-A, Block 1/7737 of the Reserve at Parc Central, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 99113, Page 70 of the Deed Records, Dallas County, Texas;

Thence South 25 degrees 45 minutes 51 seconds East with the West line of said Lot 1-A, Block 1/7737 and the East line of said ALDERI, INC tract a distance of 329.75 feet to a point for the Southwest corner of said Lot 1-A and being in the North line of Forest Lane (variable width right-of-way).

Thence North 87 degrees 52 minutes 40 seconds West with the North line of Forest Lane a distance of 80.53 to a point for corner, being in the North line of said Forest Lane and the most Southerly Southeast corner of said Lot 1C;

Thence North 22 degrees 34 minutes 19 seconds West with an East line of said Lot 1C, Block A/7739 and the West line of said ALDERI, INC tract a distance of 318.08 feet to the PLACE OF BEGINNING and enclosing 20,453 square feet 0.470 of an acre of land more or less.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ALDERI, INC., ACTING BY AND THROUGH ITS DULY AUTHORIZED AGENT, ALLEN FELTMAN, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS TAKE 5 ADDITION AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN. SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME. ALL, AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR ORDINARILY PERFORMED BY THAT UTILITY).

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICES AND WASTEWATER SERVICES FROM THE MAIN TO THE CURB OR PAVEMENT LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF DALLAS.

WITNESS, MY HAND AT DALLAS, TEXAS, THIS THE 13 DAY OF January, 2017

ALDERI, INC.

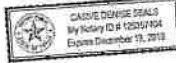
ALLEN FELTMAN  
VICE PRESIDENT

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALLEN FELTMAN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION AND UNDER THE AUTHORITY THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 13 DAY OF January, 2017

NOTARY PUBLIC FOR AND IN THE STATE OF TEXAS



SURVEYOR'S STATEMENT

STATE OF TEXAS  
COUNTY OF DENTON

I, KENNETH A. ZOLLINGER, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER RELIABLE DOCUMENTATION; AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, THE CITY OF DALLAS DEVELOPMENT CODE (ORDINANCE NO. 19455, AS AMENDED), AND TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A)(B)(C)(D) & (E); AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATED THIS THE 10 DAY OF January, 2017

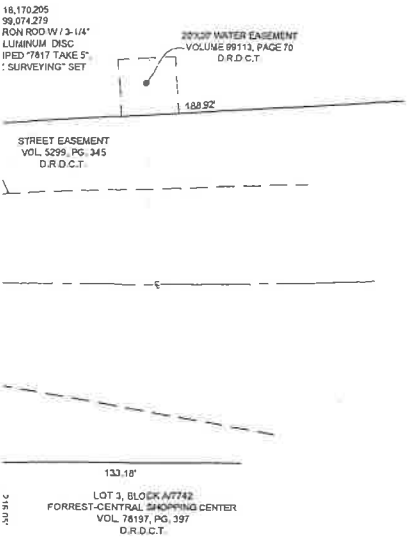
KENNETH A. ZOLLINGER  
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5212

STATE OF TEXAS  
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KENNETH A. ZOLLINGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE THIS 10 DAY OF January, 2017.

NOTARY PUBLIC, DENTON COUNTY, TEXAS.



KAZ SURVEYING  
1720 WESTMINSTER DENTON, TX 76205 (940)382-3446  
JOB NUMBER: 150195-PF  
DRAWN BY: TK  
DATE: 1-10-2017  
R.P.L.S. KENNETH A. ZOLLINGER

FINAL PLAT  
TAKE 5 ADDITION  
LOT 1, BLOCK A/7740  
BEING PART OF A TRACT OF LAND IN THE  
M. J. SANCHEZ SURVEY, ABSTRACT NUMBER 1272,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
CITY PLAN FILE NO. S145-233  
CITY ENGINEERING PLAN FILE NO. 311T-8863

074D-17012





# DCAD Map

Date of copy: 8/5/2019

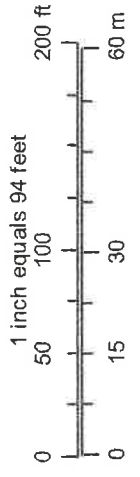
DCAD ID: 99170511110000000



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 75247-6195  
(214) 631-1342  
www.dallascad.org



DCAD, NCTCOG, USGS, Est.Inc



# MEDICAL\_CITY – RSRP Plots

RF Design Team

July 29, 2019



# MEDICAL\_CITY-- 700 MHz RSRP Current



RSRP 700 MHz



Best Indoor Coverage



In-Vehicle/  
Outdoor Coverage



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

# MEDICAL\_CITY-- 700 MHz RSRP Proposed 125'



RSRP 700 MHz



Best Indoor Coverage



In-Vehicle/  
Outdoor Coverage



# MEDICAL\_CITY-- 700 MHz RSRP Proposed 100'



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VINCENT GERARD & ASSOCIATES, INC.

August 20, 2019

Board of Adjustment  
City of Dallas  
Attn: Charles Trammell  
1500 Marilla Street  
Dallas, Texas 75201

**RE: Variance Request to Setback Requirement for Verizon Wireless - Medical City  
7817 Forest Lane, Dallas, Texas 78231 | Lot 1, Block A/7740 Take 5 Addition**

Dear Board of Directors,

On behalf of our client, Verizon Wireless, we are respectfully submitting a variance request to allow encroachment into the required 30-foot side yard setback. Verizon is seeking to construct a new wireless telecommunication facility on a narrow tract of land, and the preferred design shows the proposed monopole tower to be 8 feet within the 30-foot required side yard setback to the eastern property line.

Section 51A-4.125(f)(4)(B)(ii) of the Dallas zoning regulations requires maximum side and rear setbacks of 30 feet for towers. The property in question is 57 feet wide where the monopole is proposed. Due to the width restrictions of this lot, the tower is able to meet the 30-foot rear setback, as well as the 30-foot side setback to the west. However, the remaining width to the eastern property line is only 22 feet. We respectfully request your consideration to allow Verizon to encroach 8 feet into this 30-foot setback requirement, providing a 22-foot side setback to the east.

Radio Frequency (RF) engineers have confirmed that this site was designed to improve the indoor service in the Medical City center and surrounding neighborhoods. This site is also an important capacity offload solution to surrounding towers covering the vicinity of Expressway 75, Medical City, and surrounding communities in north Dallas. With the addition of this tower, Verizon customers will experience less dropped calls and better cellular coverage.

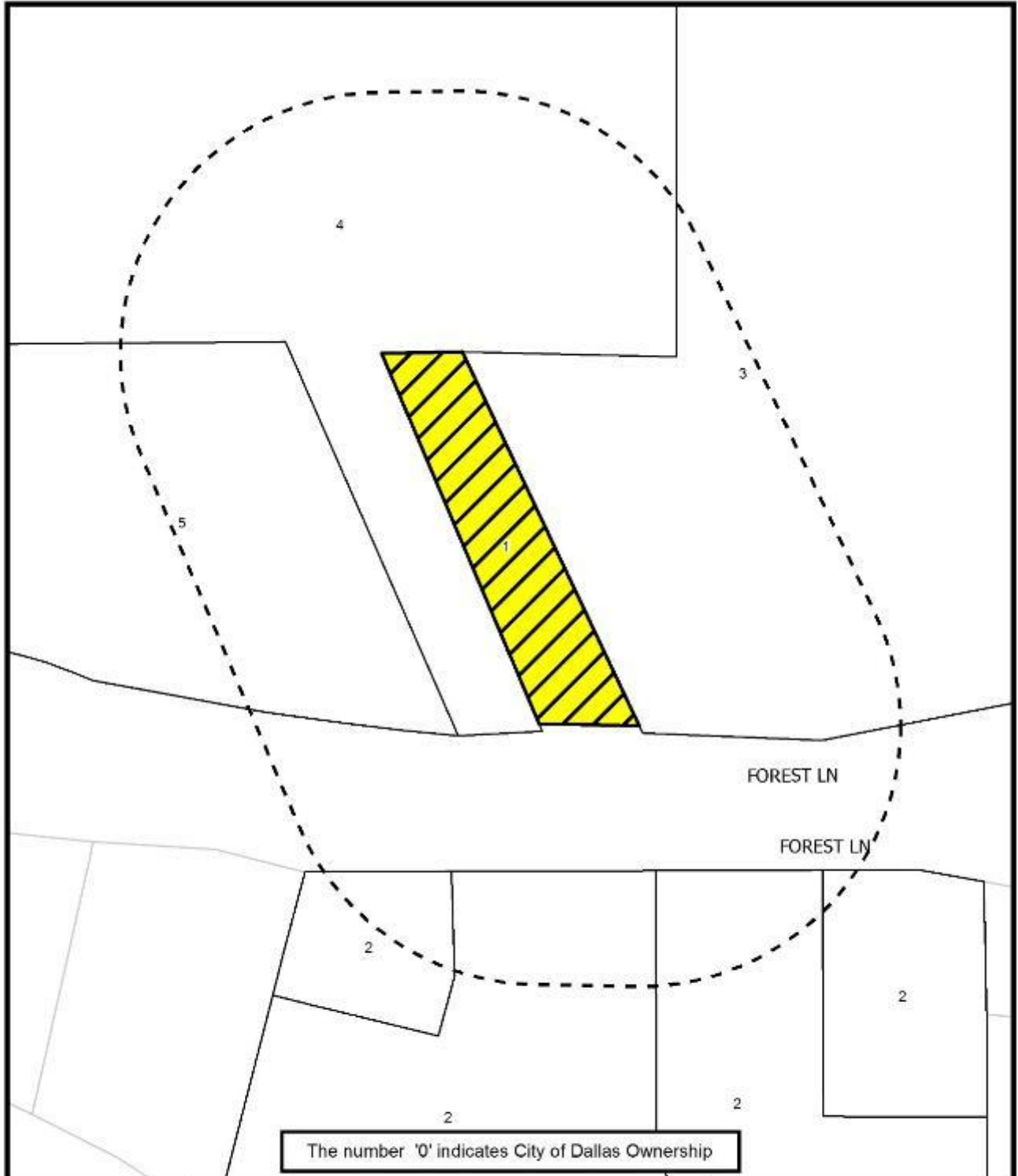
Verizon decided to request a variance to setback requirements from the BOA due to the physical characteristics of this property. The variance, if granted, will not alter the character of the area adjacent to the property and will not impair the purposes of the regulations of the zoning district in which the property is located. This request is a hardship based on the physical characteristics of the tract. It is not possible to comply with both 30-foot side setbacks when the lot is only 57 feet wide, and the tower base measures 5 feet in width. With respect to site selection, this property is appropriately zoned for wireless telecommunications and only needs a minor deviation from the code for a building permit. With this variance, this site will meet the coverage criteria for Verizon Wireless engineering and real estate needs.


Please see attached exhibit for details. We appreciate your consideration and are available for any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Huebinger", with a stylized flourish at the end.

Vincent G. Huebinger



  
 1:1,200

**NOTIFICATION**

200' AREA OF NOTIFICATION  
5 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA189-124  
 Date: 10/15/2019

10/15/2019

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

***BDA189-124***

### ***5 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7817 FOREST LN	ALDERI INC
2	11617 N CENTRAL EXPY	NEW CENTRAL FOREST S C LTD
3	11903 COIT RD	CH REALTY VII HC
4	7777 FOREST LN	HCP DR MCD LLC
5	7701 FOREST LN	GALTEX LLC