

ZONING BOARD OF ADJUSTMENT, PANEL C
THURSDAY, FEBRUARY 20, 2020
AGENDA

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the December 16, 2020 Board of Adjustment M1
Panel C Public Hearing Minutes

UNCONTESTED CASES

BDA190-016(OA)	3451 St. Cloud Circle REQUEST: Application of William Peter Grimmett for a special exception to the fence height regulations	1
BDA190-018(OA)	10150 Marsh Lane REQUEST: Application of Christopher M. Joe for a special exception to the fence height regulations	2

BDA190-024(OA) 228 S Windomere Avenue 3
REQUEST: Application of Jim Sanford for a special exception to the side yard setback regulations for tree preservation and for a variance to the off-street parking regulations

REGULAR CASES

BDA190-020(OA) 2803 W. Illinois Avenue 4
REQUEST: Application of Ramin Amini for a special exception to the landscape regulations

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: BDA190-016(OA)

BUILDING OFFICIAL'S REPORT: Application of William Peter Grimmett for a special exception to the fence height regulations at 3451 Saint Cloud Circle. This property is more fully described as Lot 7, Block 9/6442, and is zoned R-10(A), which limits the height of a fence in the front yard to four-feet. The applicant proposes to construct and/or maintain an eight-foot high fence in a required front yard, which will require a four-foot special exception to the fence regulations.

LOCATION: 3451 Saint Cloud Circle

APPLICANT: William Peter Grimmett

REQUEST:

A request for a special exception to the fence standards regulations related to height of four-feet is made to construct and maintain an eight-foot high solid wood fence in the required front yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-10(A) (Single Family District)

North: R-10(A) (Single Family District)

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of four-feet focuses on constructing/maintaining an eight-foot high solid wood fence in the required front yard on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed four-feet above grade when located in the required front yard.
- The subject site is zoned R-10(A) which requires a 30-foot front yard setback along the entire frontage of Saint Cloud Circle, which wraps the north and east sides of the subject site.
- The submitted site plan and elevation show the proposed fence in the front yard setback reaches a maximum height of eight feet.
- The following additional information was gleaned from the submitted site plan:
 - The length of the proposed fence is approximately 95 feet and runs parallel to Saint Cloud Circle on the east side of the site and turns perpendicular to Saint Cloud Circle on the south property line of the site for approximately 19 feet in length and 11 feet from the east property line in this front yard setback.
 - The minimum distance between the proposed fence and the pavement line is approximately 20 feet.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above four feet in height in the area in a front yard setback.
- As of February 7, 2020, no letters have been submitted in opposition and a petition with 14 signatures have been submitted in support of the request.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach eight feet in height) will not adversely affect neighboring property.
- Granting this special exception of four feet with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four feet in height to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

November 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.

January 13, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

January 17, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 28, 2020: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

January 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Interim Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director;

Building Inspection Division staff including the Senior Plans Examiner, Building Official, and Assistant Building Official; and Engineering Division staff including the Senior Engineer and Assistant Director.

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

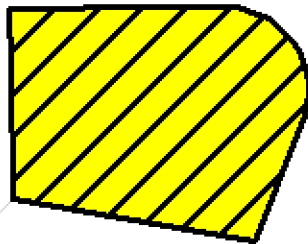
PD
693

PD
315

CR

SUP
4

ST CLOUD CIR



R-10(A)

SONNET DR

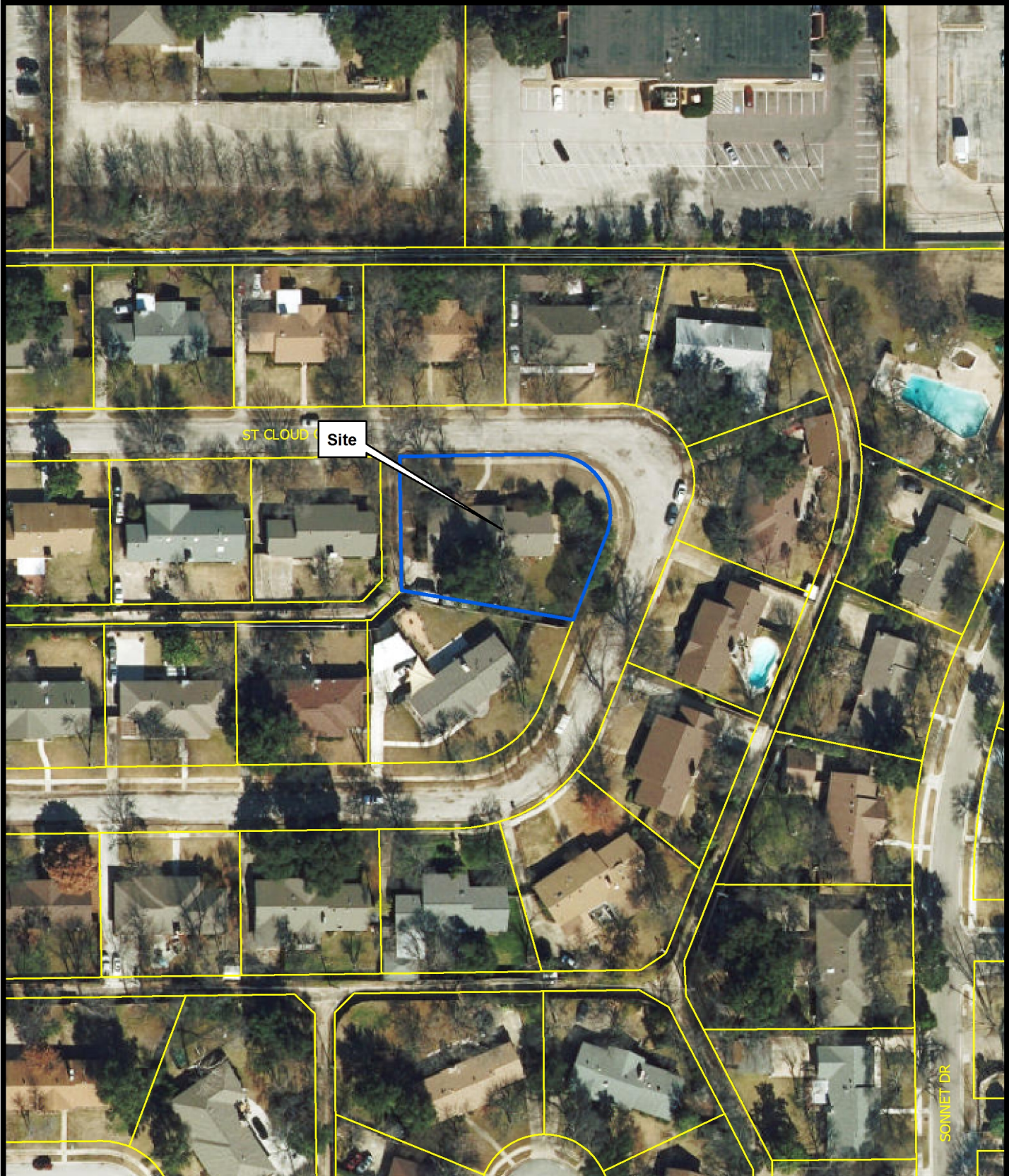


1:1,200

ZONING MAP

Case no: BDA190-016

Date: 1/22/2020



1:1,200

AERIAL MAP

Case no: BDA190-016

Date: 1/22/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-016

Date: 11-21-19

Data Relative to Subject Property:

Location address: 3451 SAINT CLOUD Circle Zoning District: R-10 (A)

Lot No.: 7 Block No.: 9/6442 Acreage: 0.40 Census Tract: 96.07

Street Frontage (in Feet): 1) 159 2) 92 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): William Detr Grimmatt

Applicant: William Detr Grimmatt Telephone: 214-380-3339

Mailing Address: 3451 Saint Cloud Circle Zip Code: 75229

E-mail Address: Peter@petergrimmatt.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 the fence standards to allow for an 8' wood fence 4' to provide 8'

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

I have documentation of copies jumping the 4' preshitting fence into the yard. If I had been outside they could have attacked me. I would like to have the same privacy as all my neighbors for our intersection neighbors. My house is not an angled house. The house lines up just like all the other houses making the side fence above SIDE fence not a front yard fence. The fence will bump up next to the neighbor fence, same height ect.

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.

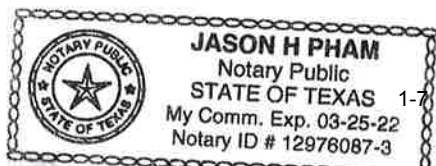
Affidavit

Before me the undersigned on this day personally appeared William Detr Grimmatt (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: William Detr Grimmatt (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of November, 2019



Jason Pham
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

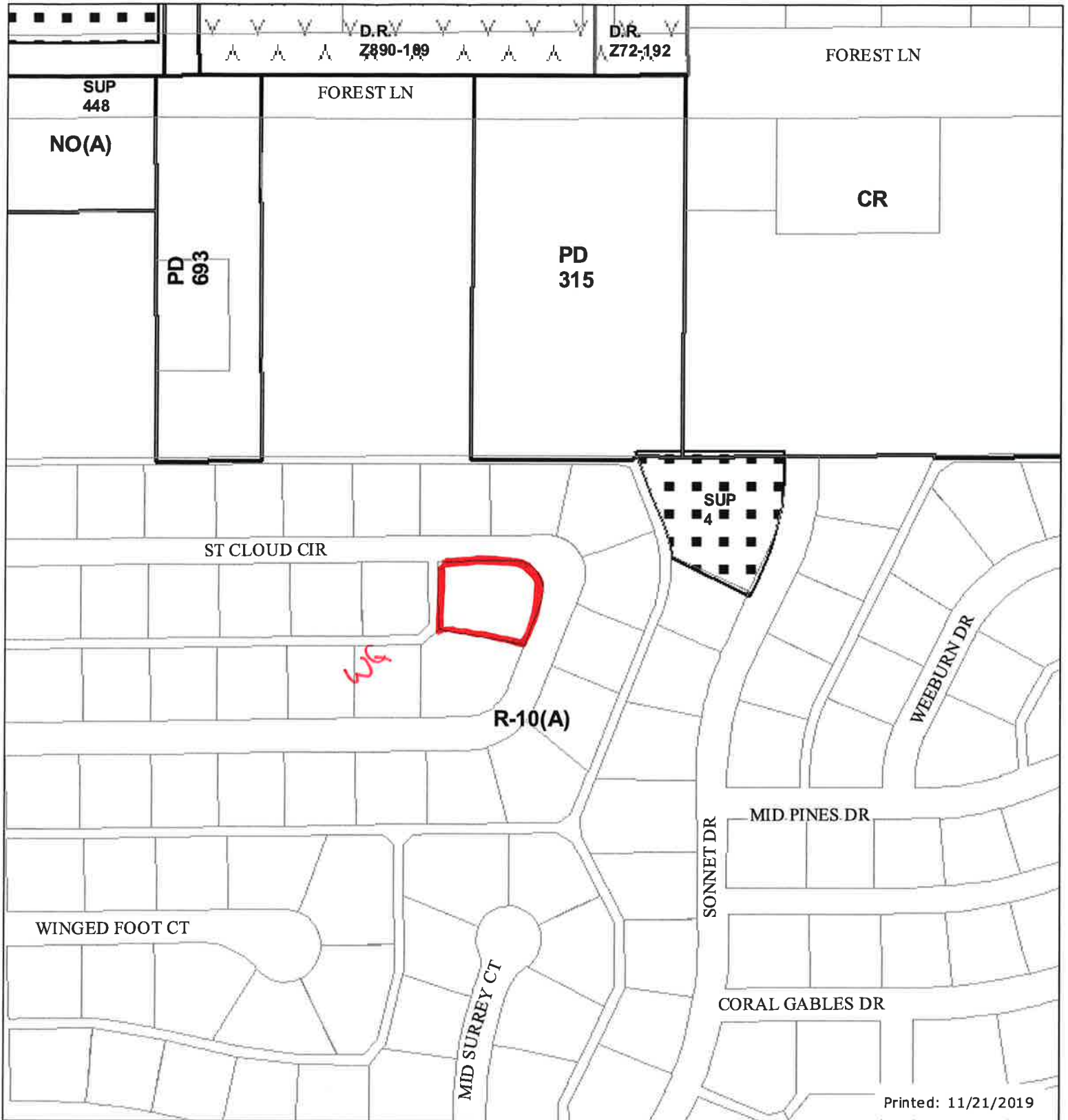
Building Official's Report

I hereby certify that WILLIAM GRIMMETT
did submit a request for a special exception to the fence height regulations
at 3451 Saint Cloud Circle

BDA190-016. Application of WILLIAM GRIMMETT for a special exception to the fence height regulations at 3451 ST CLOUD CIR. This property is more fully described as Lot 7, Block 9/6442, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



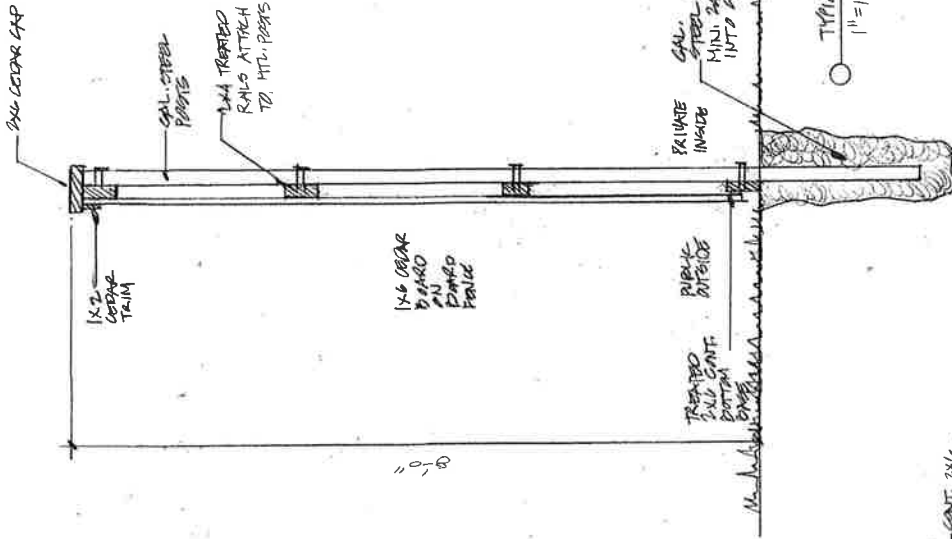
Printed: 11/21/2019

Legend

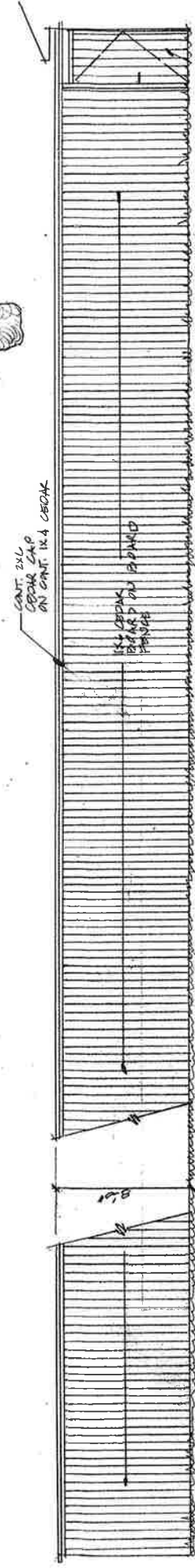
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | Shoestring 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)





TYPICAL FENCE DETAIL
1" = 1'-0"



30" WIDE
GATE W/
STEEL FRAME
& SLIDING BOLT
INSIDE

PROPOSED FENCE SMOOTH SIDE OUT ELEVATION
1/4" = 1'-0"

NOVEMBER 2019

PROPOSED NEW FENCE FOR
GRIMMETT RESIDENCE
3451 ST. CLOUD DRIVE
DALLAS, TEXAS



TODD HAMILTON AIA
214 770 4449

11.16.19

Hello my name is William Peter Grimmett, I reside at 3451 Saint Cloud Circle Dallas, TX 75229. I am in the process of attempting to install an 8' borad on board cedar fence for privacy and safty from intruders, coyotes roaming the neighborhood, and anything else that might harm the property. I think it would improve the look of our street/neighborhood and possibly increase the value of our property. I would appreciate your approval and support as I go befor the advisory board in the month of February 2020.

Thank you!
William Peter Grimmett

- 1 Name: ~~William Peter Grimmett~~ Allison Plutko
Address: 3415 Saint Cloud Circle Dallas 75229
Phone Number: 972 989-6484
- 2 Name: Christy ; Brennan Russo
Address: 3457 St. Cloud Cir. Dallas 75229
Phone Number: 214-908-3207
- 3 Name: Brennan Russo
Address: 3457 St. Cloud Cir DALLAS 75229
Phone Number: 214-733-7869
- 4 Name: Adam Plutko
Address: 3415 Saint Cloud Cir Dallas 75229
Phone Number: (909) 790-4349
- 5 Name: ymannel ; Silvio Perez
Address: 3458 Saint Cloud Cir
Phone Number: 469-767-8698
- 6 Name: Casey Blackets
Address: 3427 St Cloud Cir
Phone Number: 469-338-1609

Hello my name is William Peter Grimmert, I reside at 3451 Saint Cloud Circle Dallas, TX 75229. I am in the process of attempting to install an 8' board on board cedar fence for privacy and safety from intruders, coyotes roaming the neighborhood, and anything else that might harm the property. I think it would improve the look of our street/neighborhood and possibly increase the value of our property. I would appreciate your approval and support as I go before the advisory board in the month of February 2020.

Thank you!
William Peter Grimmert

7 Name: Amy George

Address: 3423 St. Cloud Circle

Phone Number: 214-621-1011

8 Name: Landon Benjamin

Address: 3446 St. Cloud Circle

Phone Number: 682-551-6416

9 Name: Fernando Martinez

Address: 3450 Saint Cloud Cir

Phone Number: 214-769-5267

10 Name: Suley Castillo

Address: 3450 Saint Cloud Cir

Phone Number: 414-388-5647

11 Name: Annie Lai Howard

Address: 3430 Saint Cloud Circle

Phone Number: (972)672-1658

12 Name: MIKE HOWARD

Address: 3430 SAINT CLOUD CIRCLE

Phone Number: (214)208-7418

Hello my name is William Peter Grimmatt, I reside at 3451 Saint Cloud Circle Dallas, TX 75229. I am in the process of attempting to install an 8' board on board cedar fence for privacy and safety from intruders, coyotes roaming the neighborhood, and anything else that might harm the property. I think it would improve the look of our street/neighborhood and possibly increase the value of our property. I would appreciate your approval and support as I go before the advisory board in the month of February 2020.

Thank you!
William Peter Grimmatt

13 Name: Martha H. McMurtry
Address: 3462 St. Cloud Cir Dallas TX 75229
Phone Number: 972-953-9850

14 Name: Sean Baugh
Address: 3470 St. Cloud Cir. Dallas TX 75229
Phone Number: 214-641-1819

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

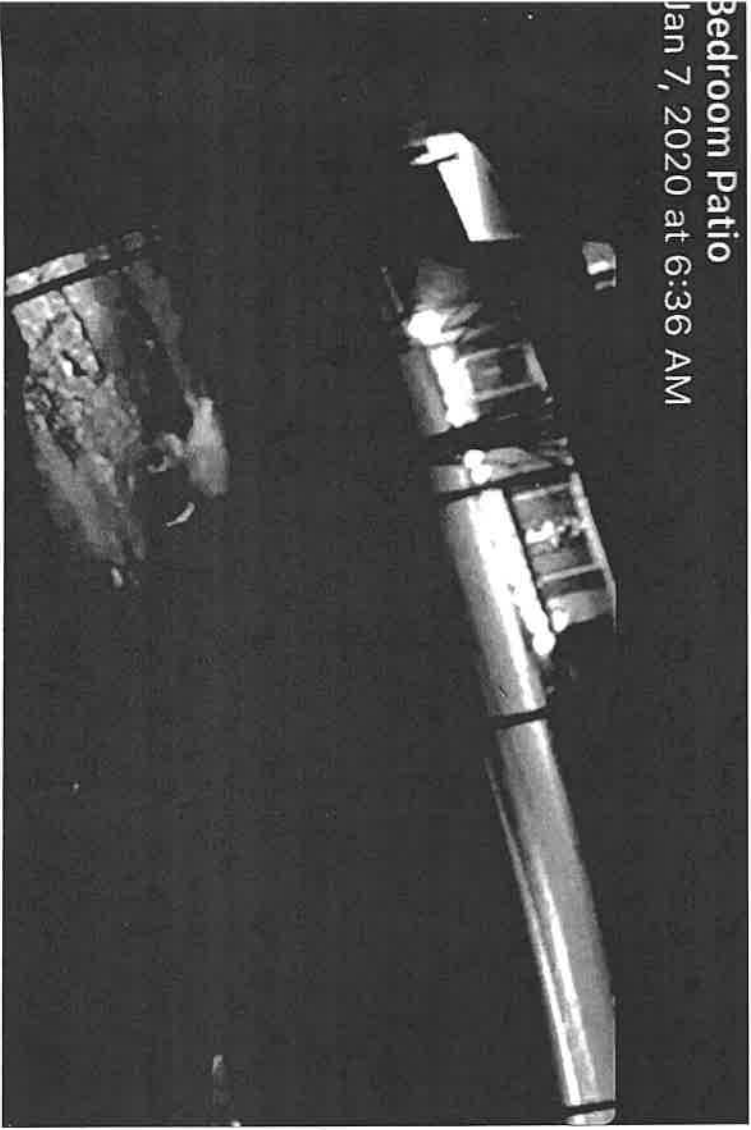
Name: _____

Address: _____

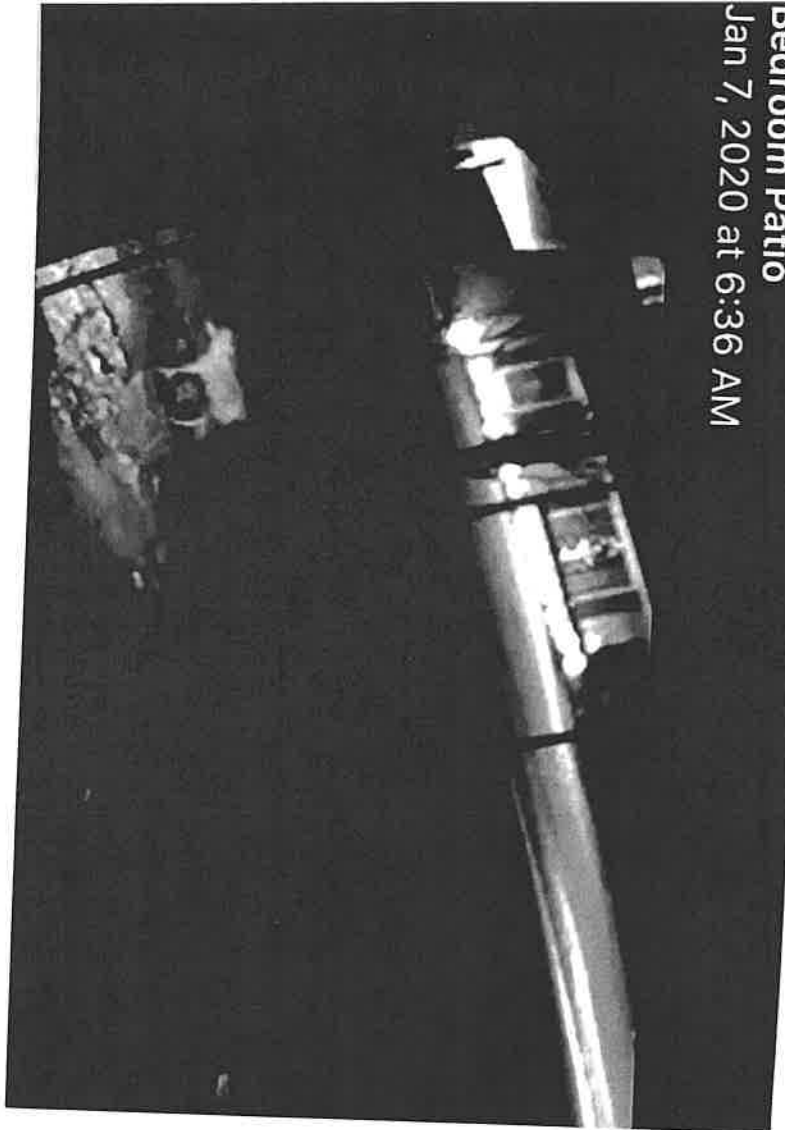
Phone Number: _____

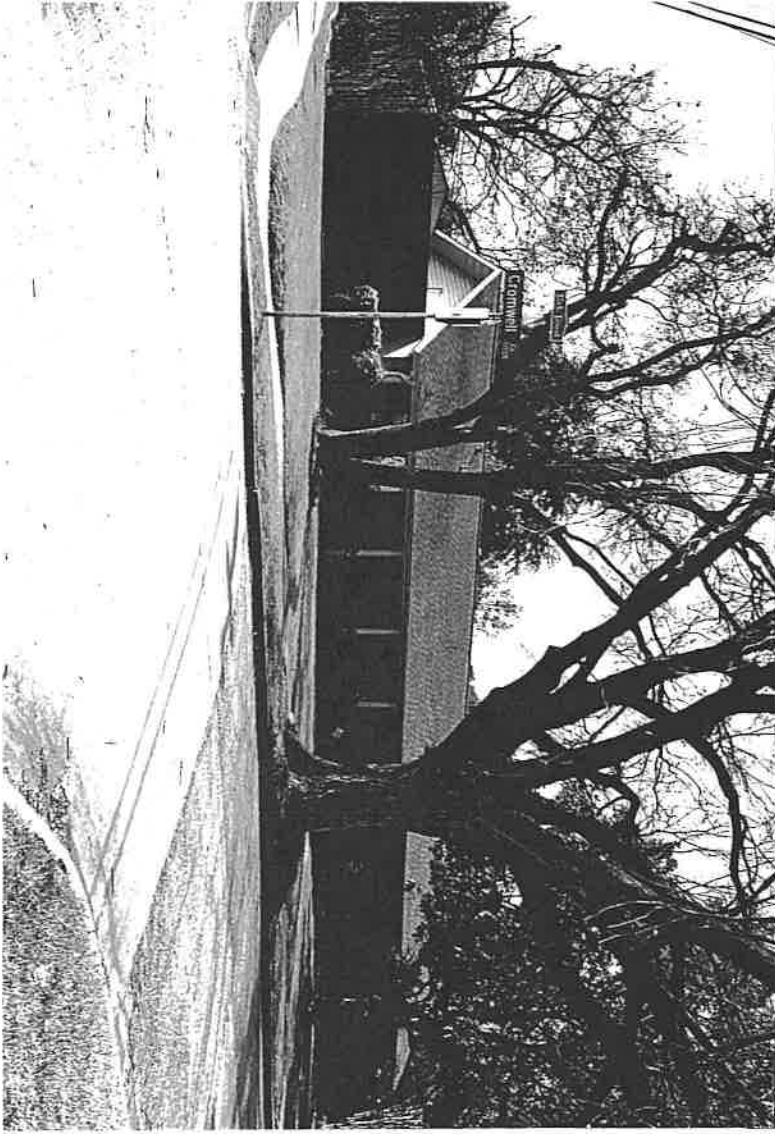


Bedroom Patio
Jan 7, 2020 at 6:36 AM

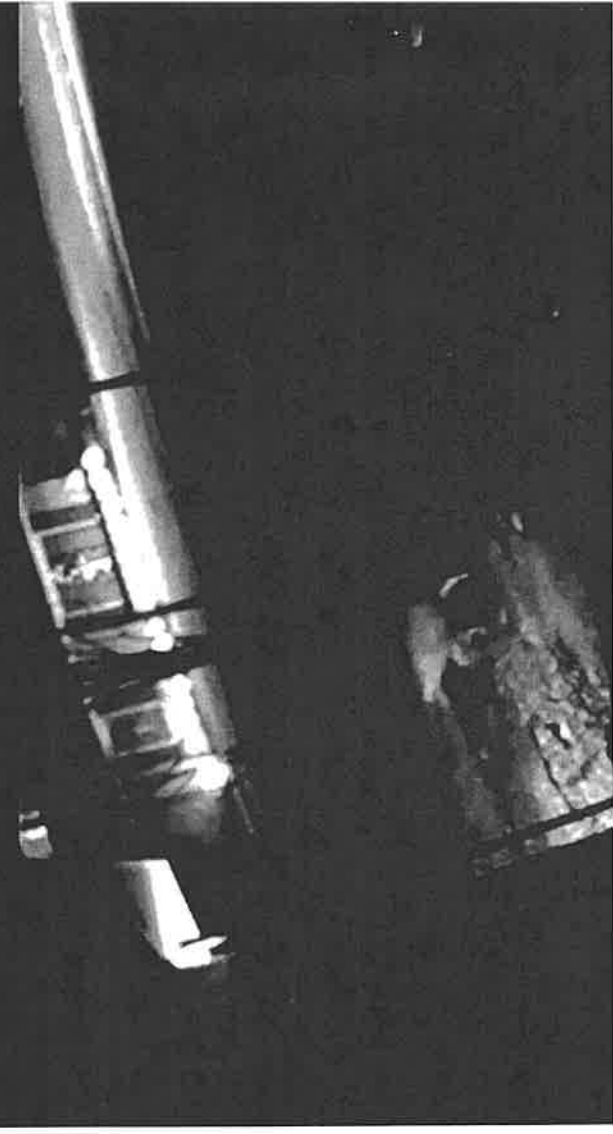


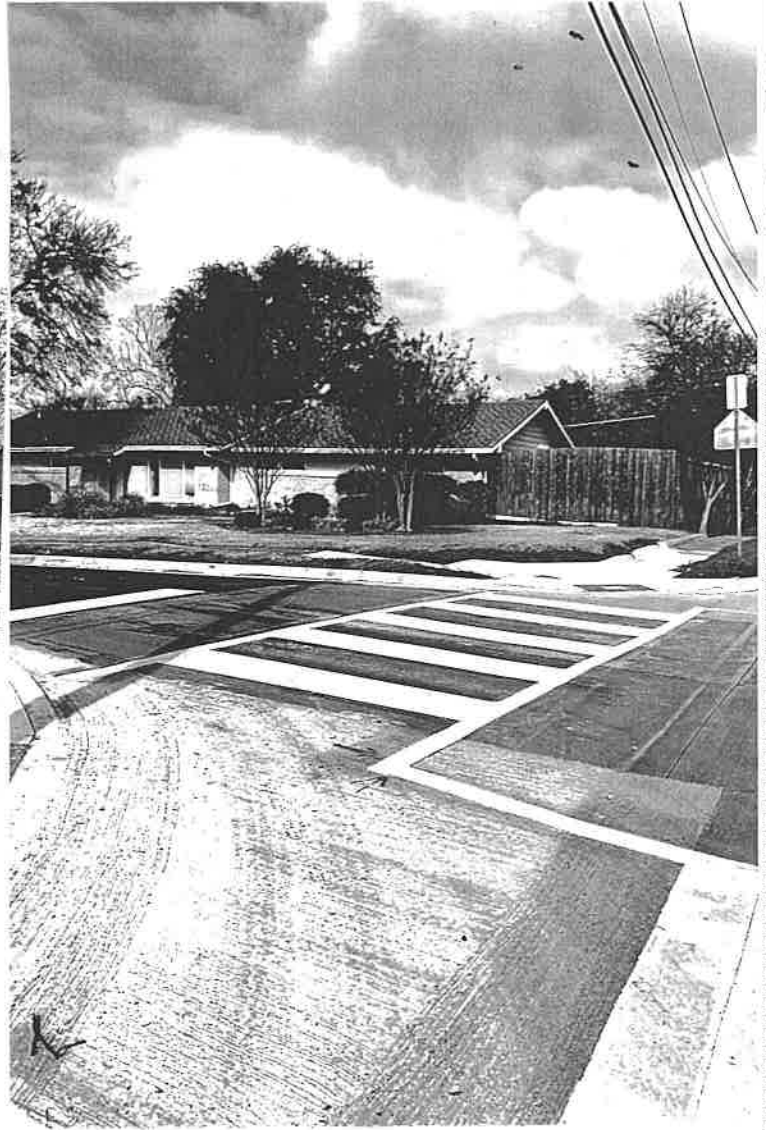
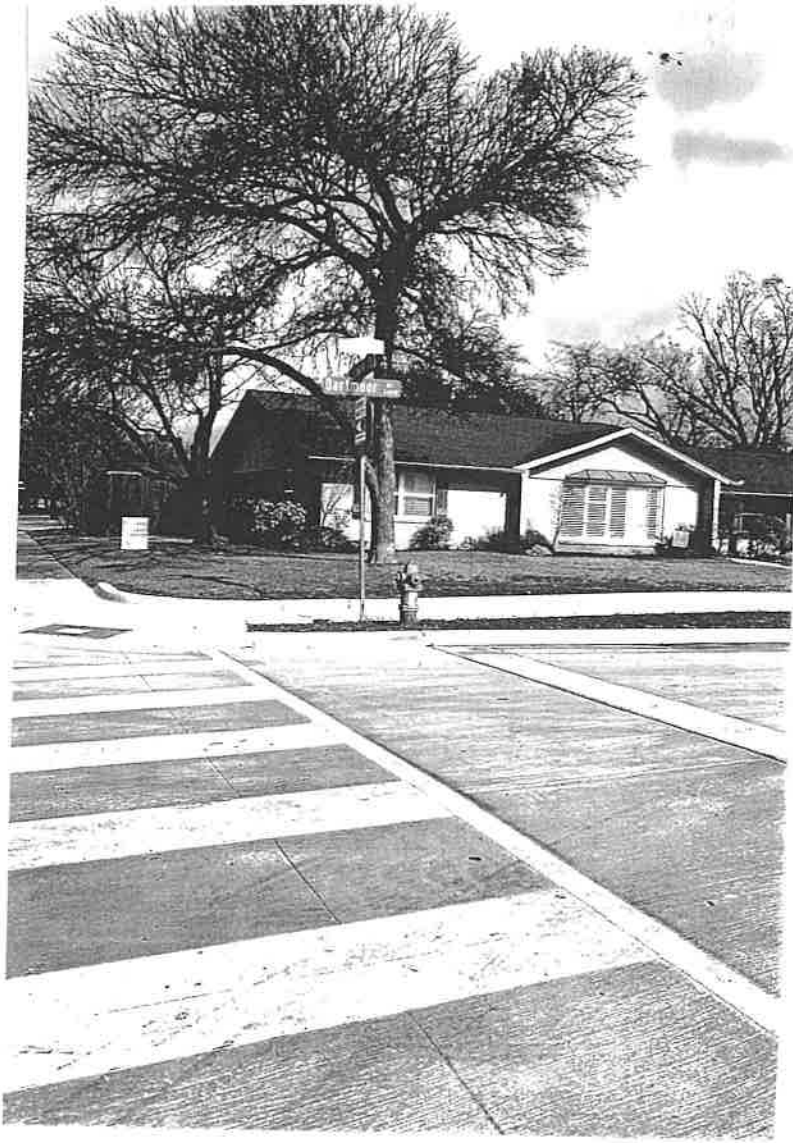
Bedroom Patio
Jan 7, 2020 at 6:36 AM

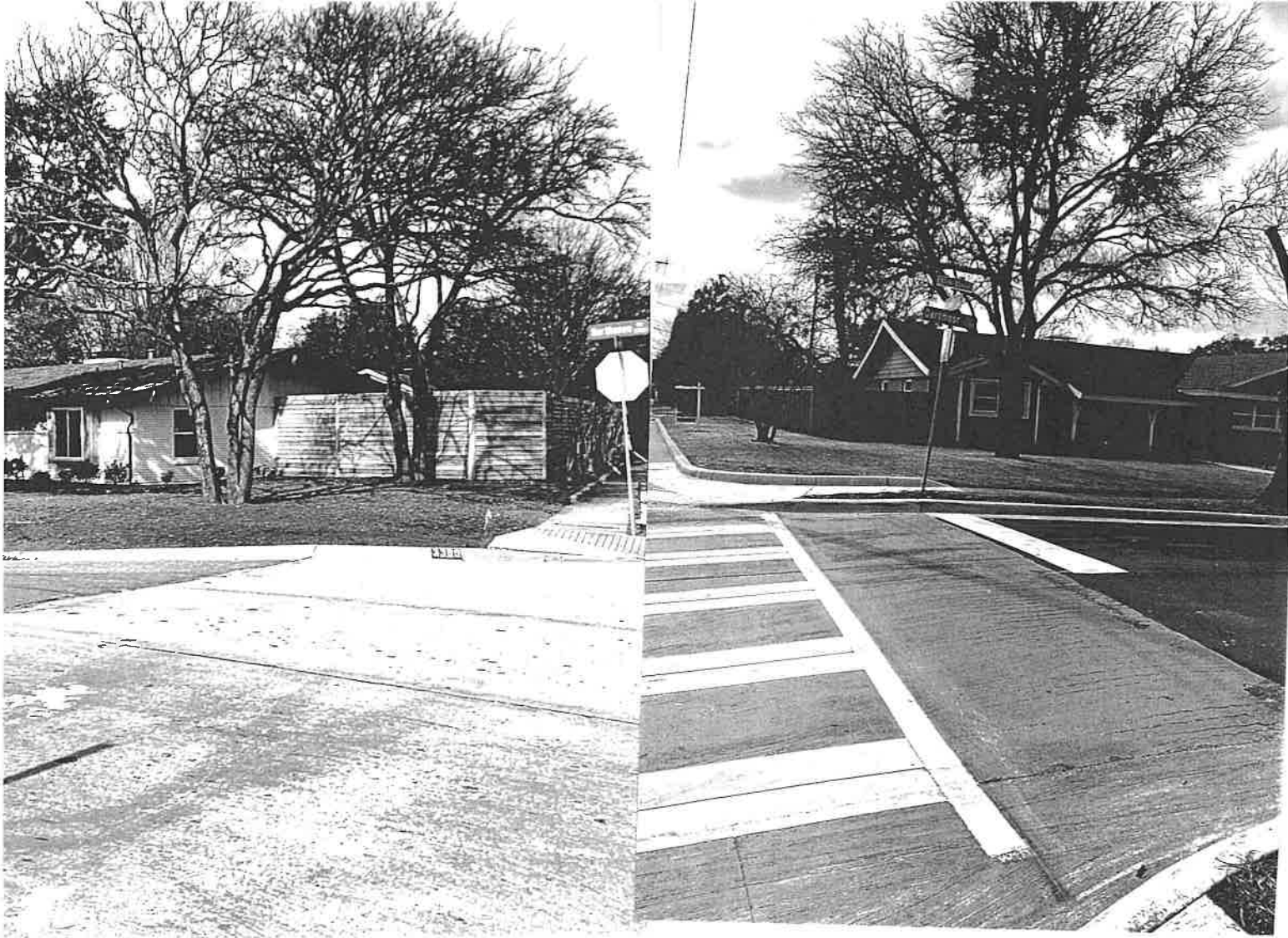


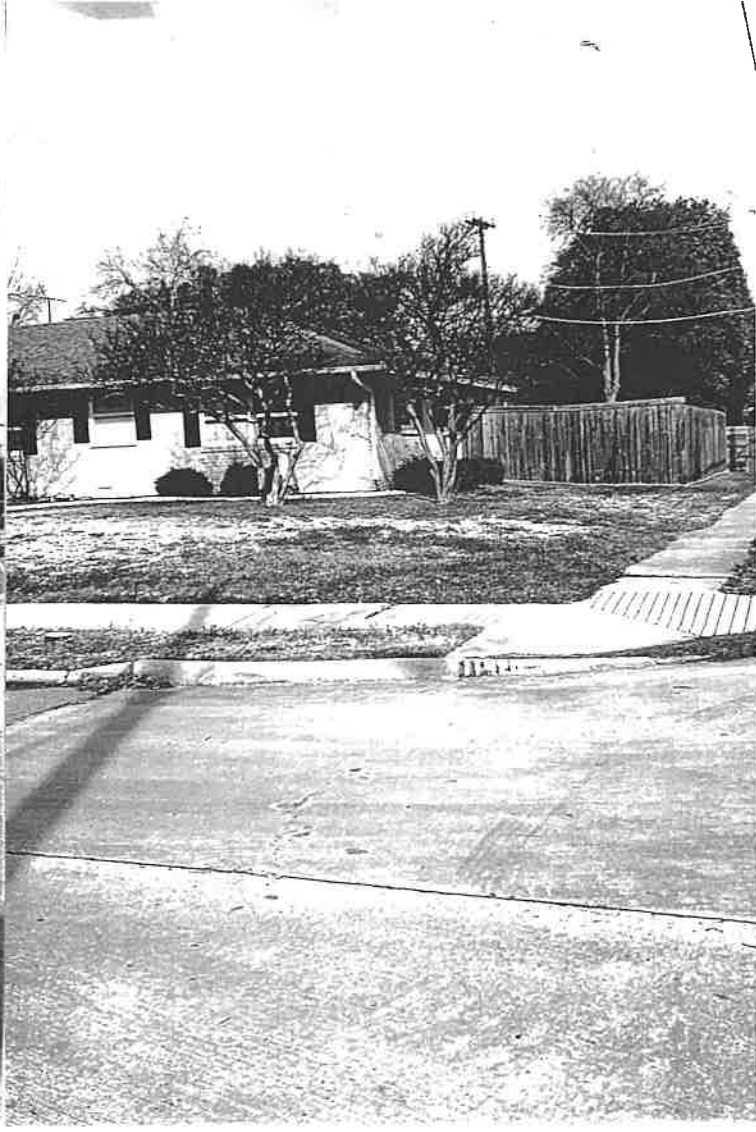
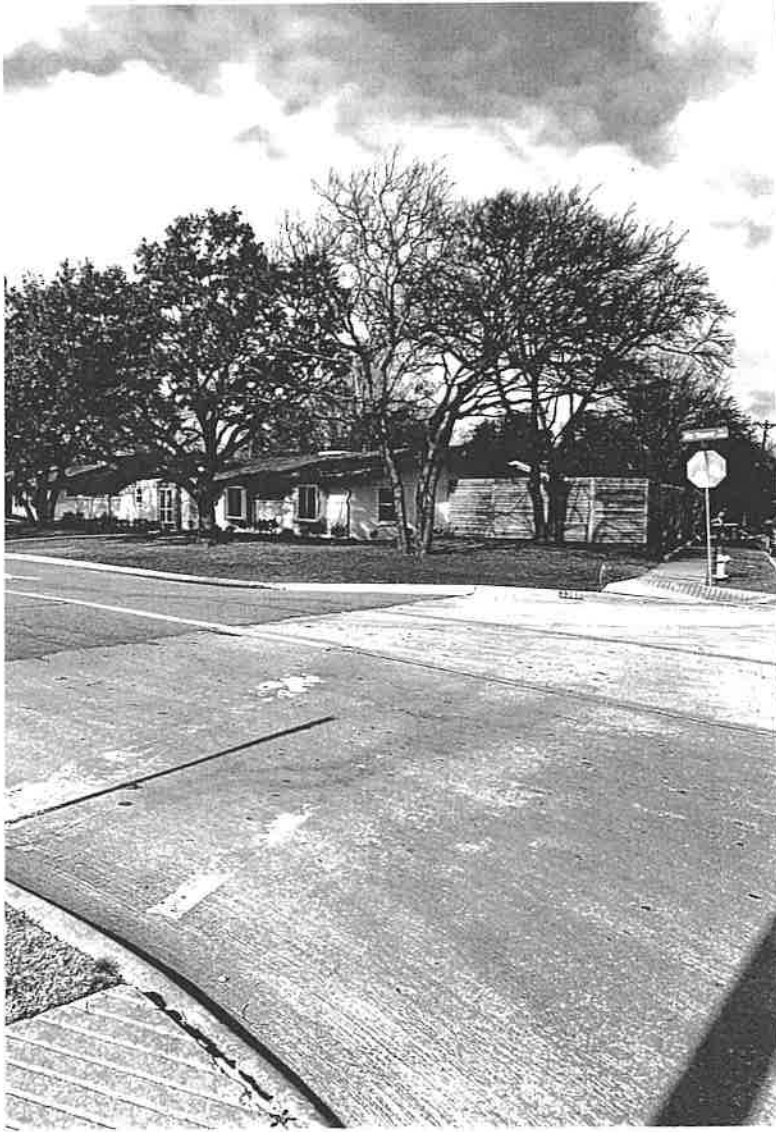


Bedroom Patio
Jan 7, 2020 at 6:36 AM



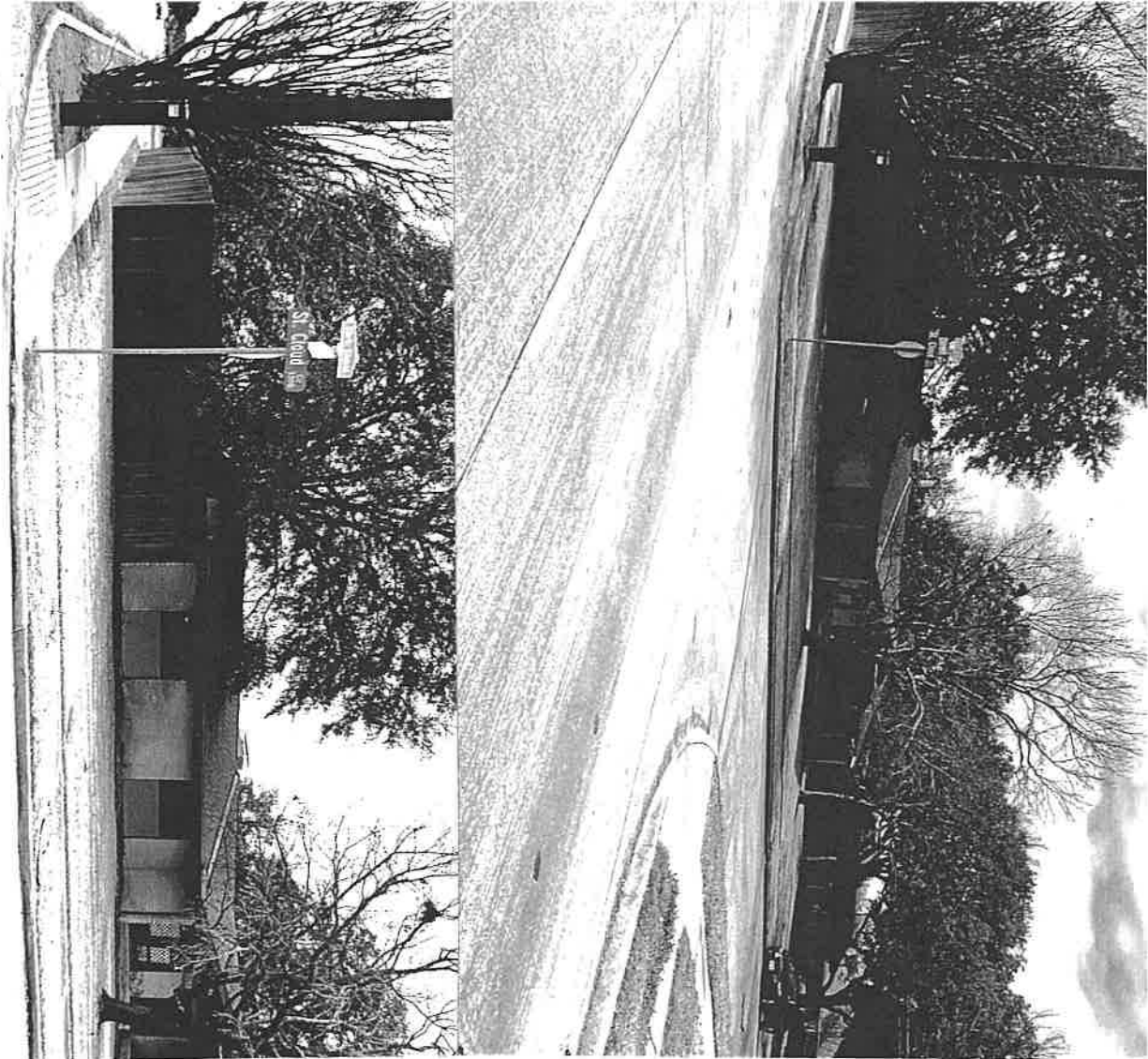






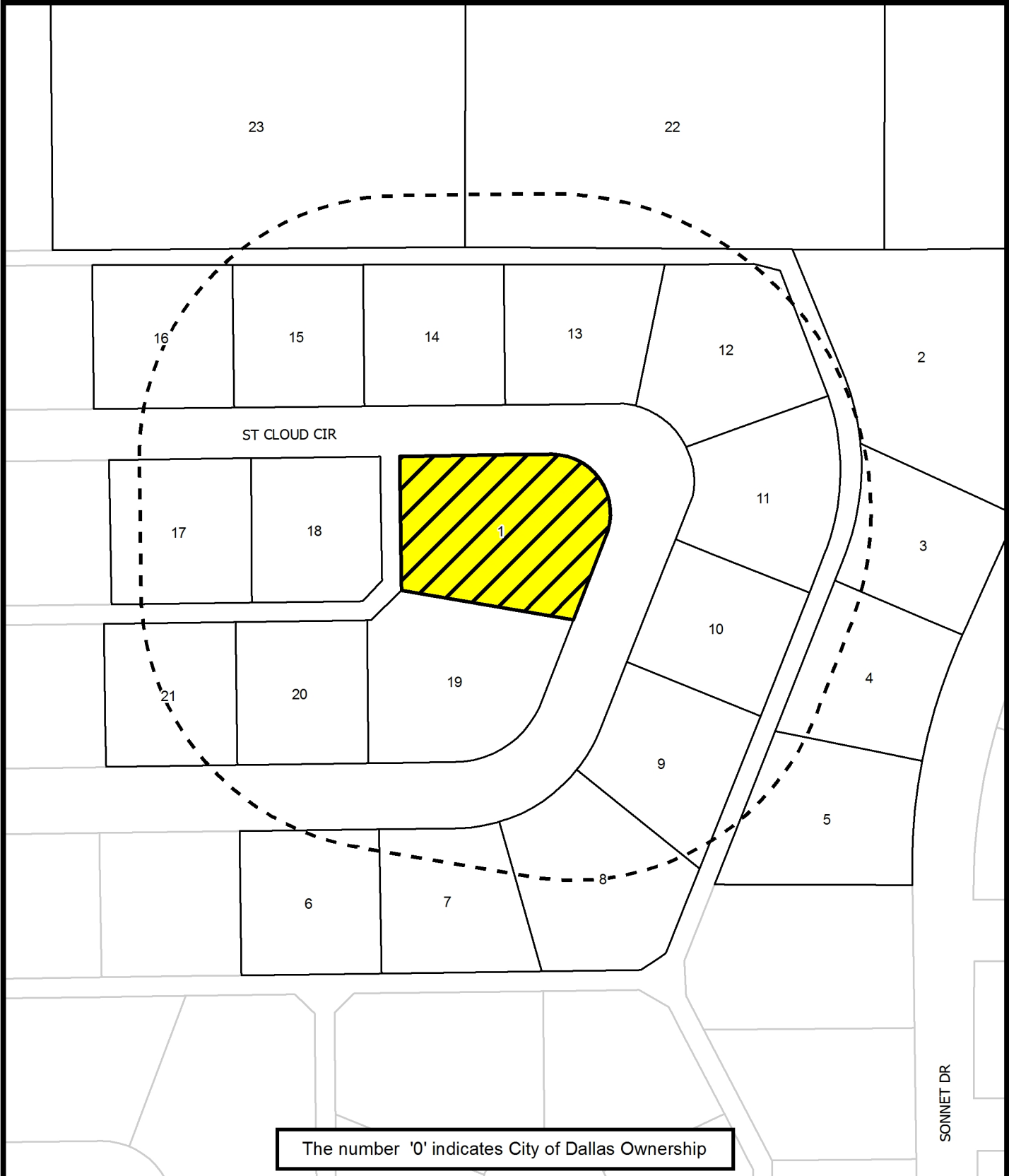






Bedroom Patio
an 12, 2020 at 10:09 PM





The number '0' indicates City of Dallas Ownership

SONNET DR



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

23

NUMBER OF PROPERTY OWNERS NOTIFIED

1-25

Case no: **BDA190-016**

Date: **1/22/2020**

Notification List of Property Owners

BDA190-016

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3451 ST CLOUD CIR	GRIMMETT WILLIAM PETER
2	11629 SONNET DR	PARK FOREST COMMUNITY
3	11621 SONNET DR	ARTHUR ADAM &
4	11615 SONNET DR	MCDERMOTT SHARON ANN
5	11609 SONNET DR	STARE NANCY L
6	3422 ST CLOUD CIR	BLACKETER CASEY & MICHELLE
7	3426 ST CLOUD CIR	BEASLEY B EILEEN
8	3430 ST CLOUD CIR	EDRON REVOCABLE LIVING TRUST
9	3434 ST CLOUD CIR	HILLS SUSANNAH J
10	3438 ST CLOUD CIR	ROTH BARBARA J
11	3442 ST CLOUD CIR	RINGHOLM JAMES H
12	3446 ST CLOUD CIR	BENJAMIN LANDON COLE & HOLLY
13	3450 ST CLOUD CIR	MARTINEZ FERNANDO &
14	3454 ST CLOUD CIR	BLICKENSTAFF TODD &
15	3458 ST CLOUD CIR	PEREZ SILVIANA O & MANUEL H
16	3462 ST CLOUD CIR	MCMURTRAY MARTHA H
17	3461 ST CLOUD CIR	STEPHENS LAWRENCE G &
18	3457 ST CLOUD CIR	PEREZ CHRISTINA & MARK B RUSSO
19	3427 ST CLOUD CIR	GROTH SHAWN S
20	3423 ST CLOUD CIR	GEORGE AMY
21	3419 ST CLOUD CIR	SAUNDERS MELVIN L &
22	3530 FOREST LN	BOP PARK FOREST LLC
23	3460 FOREST LN	ST MATTHIAS CHURCH OF DALLAS

FILE NUMBER: BDA190-018(OA)

BUILDING OFFICIAL'S REPORT: Application of Christopher M. Joe for a special exception to the fence height regulations at 10150 Marsh Lane. This property is more fully described as Tract 6, Block 6416, and is zoned R-16(A), which limits the height of a fence in the front yard to four feet. The applicant proposes to construct an eight-foot, two-inch high fence in a required front yard, which will require a four-foot, two-inch special exception to the fence regulations.

LOCATION: 10150 Marsh Lane

APPLICANT: Christopher M. Joe

REQUEST:

A request for a special exception to the fence standards regulations related to height of four feet, two inches is made to demolish a damaged fence and to reconstruct and maintain an eight-foot, two-inch high brick/metal wall fence in the required front yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single Family District)

North: R-16(A) (Single Family District)
East: R-16(A) (Single Family District)
South: R-16(A) (Single Family District)
West: R-16(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the fence standards regulations related to height of four feet, two inches focuses on demolishing a damaged eight-foot high fence which is constructed outside of the required front yard and constructing an eight-foot, two-inch high brick/metal-wall fence in the required front yard on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts, except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.
- The subject site is zoned R-16(A) which requires a 35-foot front yard setback.
- The submitted site plan and elevation show the proposed fence in the front yard setback reaches a maximum height of eight feet, two inches.
- The following additional information was gleaned from the submitted site plan:
 - The location of the proposed fence is primarily 11 feet from the front lot line parallel to Marsh Lane or approximately 18 feet from the pavement line.
 - The length of the proposed fence in the front yard setback, parallel to Marsh Lane, is approximately 130 feet and then runs east, perpendicular to Marsh Lane, 24 additional feet in length.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and the surrounding area. Three other fences that appear to be of above four feet in height were noted to be located south and north of the subject site. These existing fences have no recorded BDA history.
- As of February 7, 2020, two letters had been submitted in support of the request and no letters had been submitted in opposition.

- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach eight feet, two inches in height) will not adversely affect neighboring property.
- Granting this special exception of four feet, two inches with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposed fence, which exceeds four feet in height, to be constructed in the location and of the heights and materials shown on these documents.

Timeline:

November 22, 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.

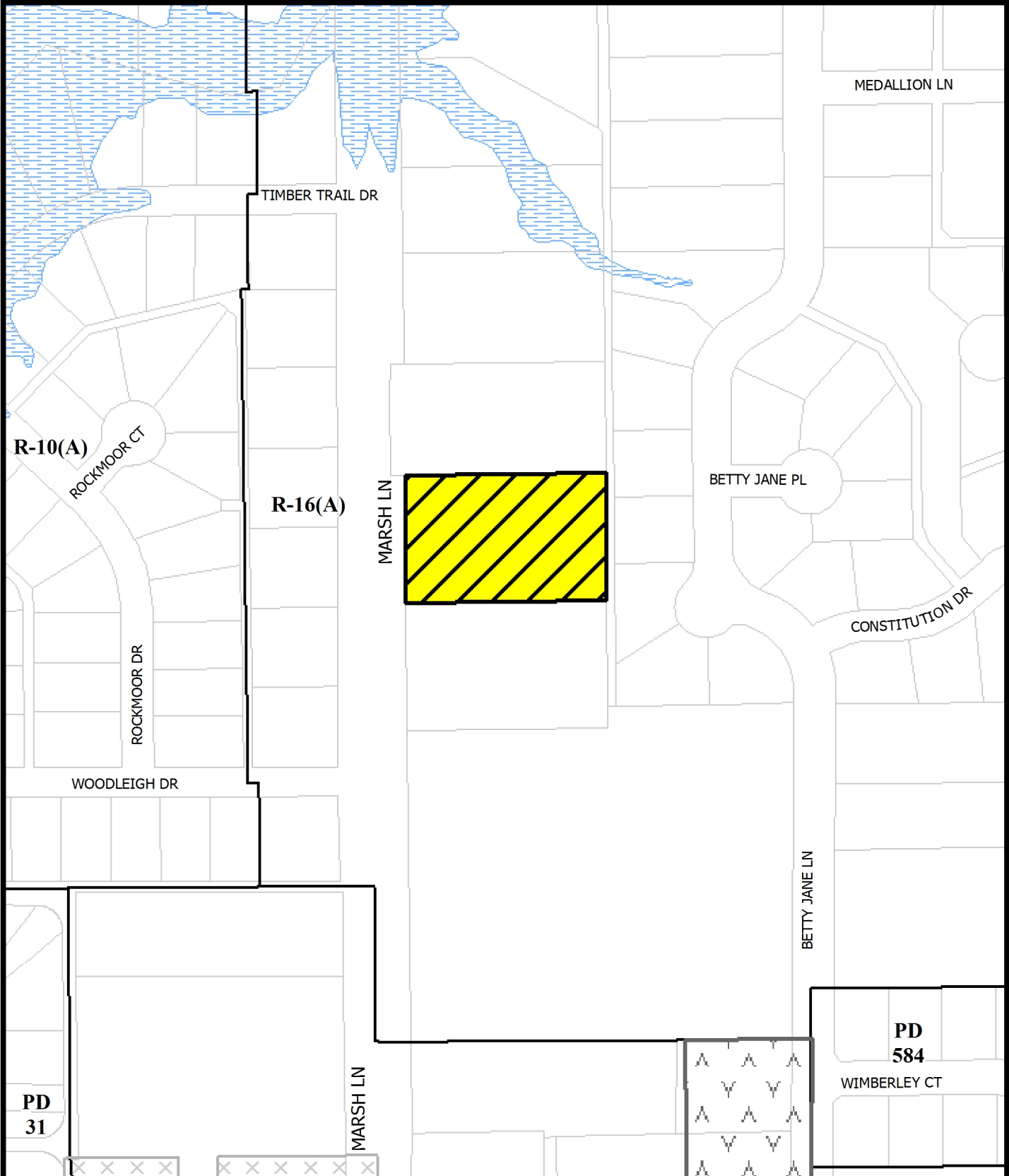
January 13, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

January 17, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

January 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Interim Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Senior Plans Examiner, Building Official, and Assistant Building Official; and Engineering Division staff including the Senior Engineer and Assistant Director.

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



1:2,400

ZONING MAP

Case no: BDA190-018

Date: 1/22/2020



1:2,400

AERIAL MAP

Case no: BDA190-018

Date: 1/22/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-018

Date: 11-22-19

Data Relative to Subject Property:

Location address: 10150 Marsh Ln, Dallas, TX 75229 Zoning District: R-16A

Lot No.: 6 UBR Block No.: 6416 Acreage: 1.39 A Census Tract: 95

Street Frontage (in Feet): 1) 195.28 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Christopher M. Joe

Applicant: Christopher M. Joe Telephone: (214) 207-0873

Mailing Address: 10150 Marsh Ln, Dallas, TX Zip Code: 75229

E-mail Address: cmjesquire@yahoo.com

Represented by: Self Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of Four (4) feet two (2) inches to the maximum allowable fence height in the required front yard [Dallas Development Code Sec. 4.602(2)] TOTAL HEIGHT - 8'2" UBR

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 existing front privacy fence was damaged by the 10/20/19 tornado and must be demolished. I am seeking to reconstruct the fence commensurate with other 8-foot tall fences on Marsh Ln and to provide security for the property and residence. My adjacent neighbors do not believe this exception will adversely impact their properties.

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

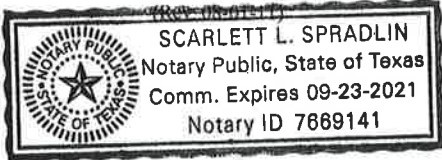
Before me the undersigned on this day personally appeared Christopher M. Joe
(Affiant/Applicant's name printed)

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 15th day of November, 2019

Scarlett L. Spradlin
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 Christopher M Joe
did submit a request for a special exception to the fence height regulations
at 10150 Marsh Lane

BDA190-018. Application of Christopher M Joe for a special exception to the fence height regulations at 10150 MARSH LN. This property is more fully described as Tract 6, Block 6416, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 8 foot 2 inch high fence in a required front yard, which will require a 4 foot 2 inch special exception to the fence regulations.

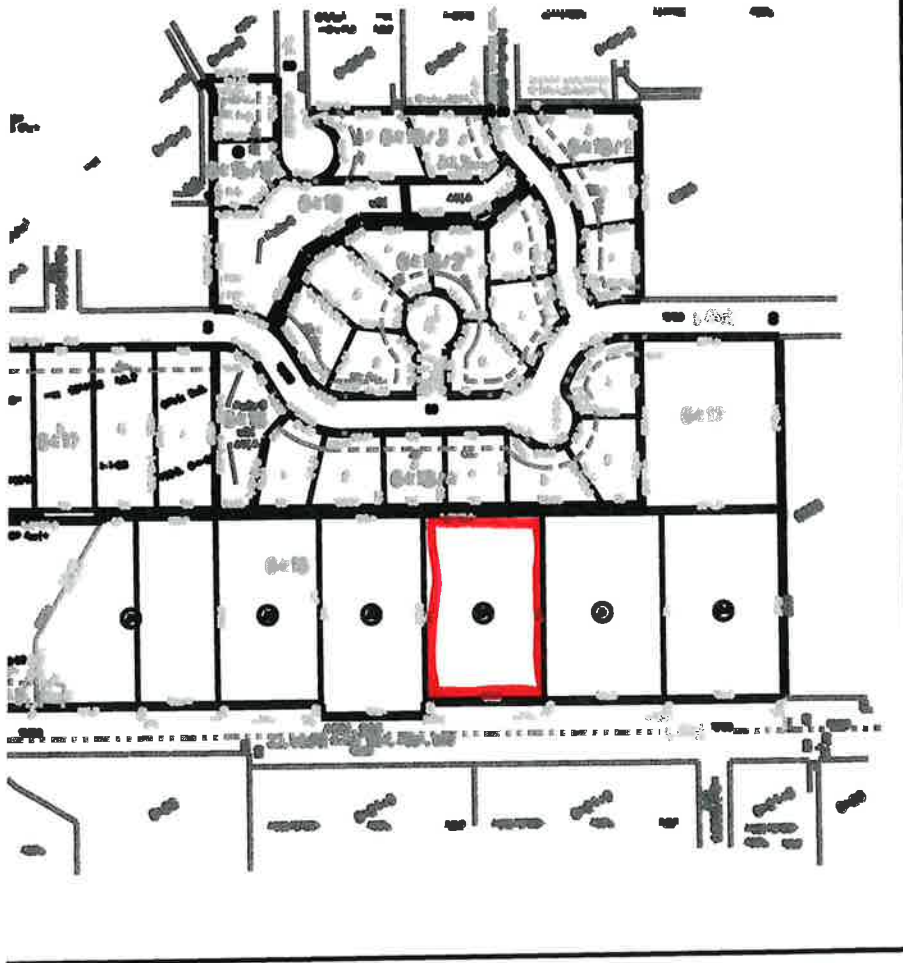
Sincerely,

Philip Sikes
Philip Sikes, Building Official

CITY OF DALLAS PLAT BOOKS

ADDITION _____
SCALE _____ FT. EQUALS 1 INCH

BLOCKS _____
SCHOOL DISTRICT _____

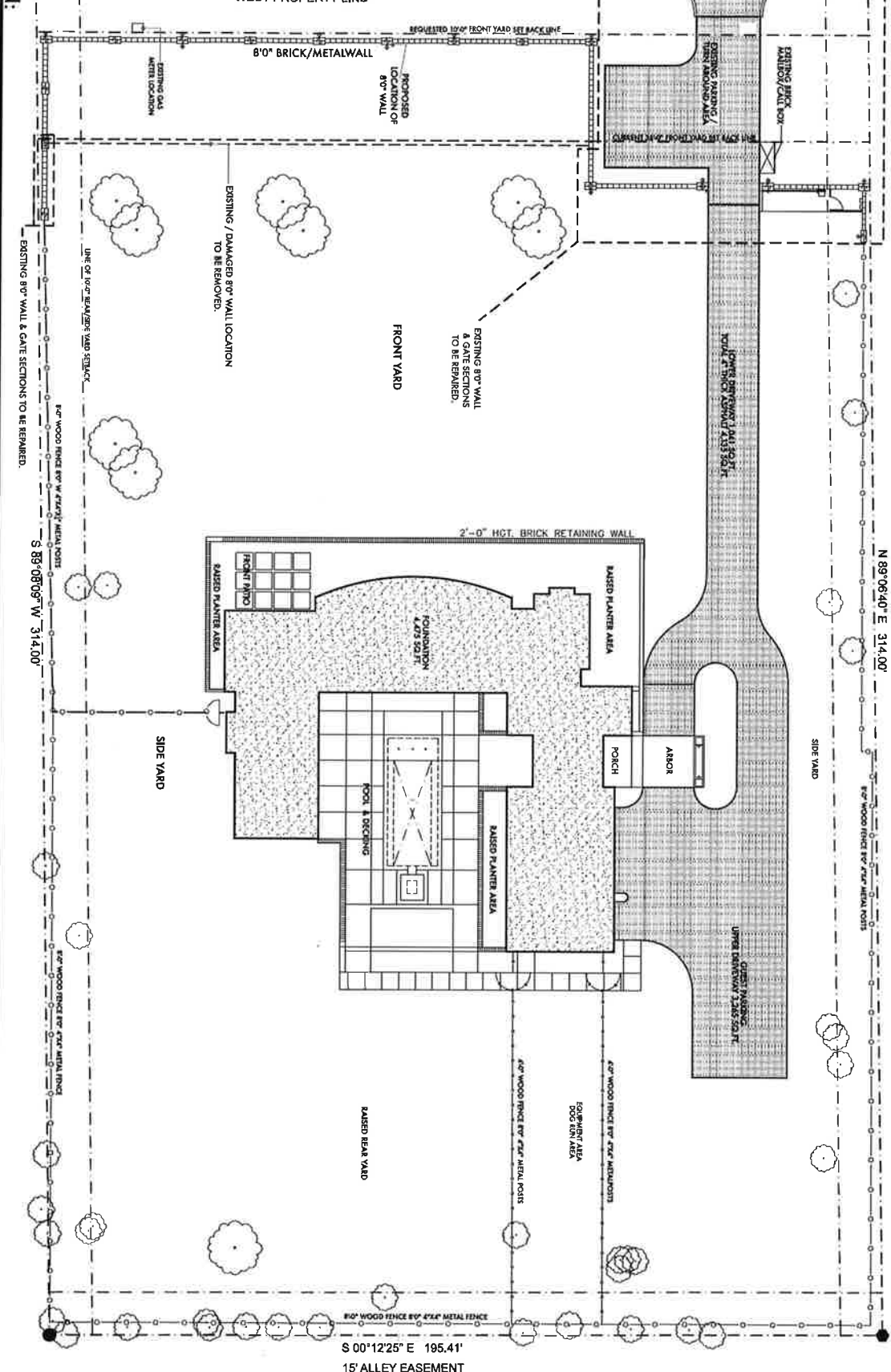


UBOL

MARSH LANE
VARIABLE WIDTH R.O.W.

N 00°24'25" W 195.27'
WEST PROPERTY LINE

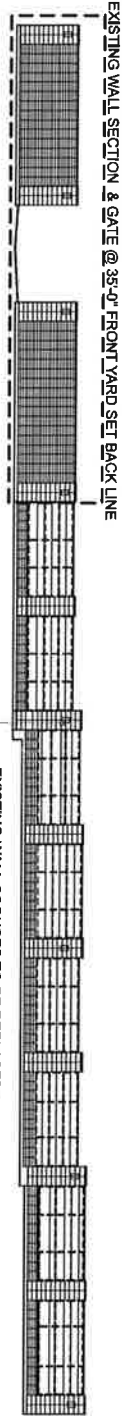
SITE PLAN:



N 89°06'40" E 314.00'

S 00°12'25" E 195.41'
15' ALLEY EASEMENT

STREET WALL ELEVATION



EXISTING WALL SCONCES TO BE REPLACED.

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

LOT AREA CALCULATIONS:
60,851 SQ.FT. OF LAND

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



GENERAL CONTRACTOR
CONTRACT BLANK LAYOUT
INTEGRO DEVELOPMENT L.L.C.
1435 PARKLAND WOOD PLACE
DALLAS, TEXAS 75244
PHONE: 214 882 2842
PHONE: 214 991 4840
WWW.INTEGRODEVELOPMENT.COM
EIN@INTEGRODEVELOPMENT.COM

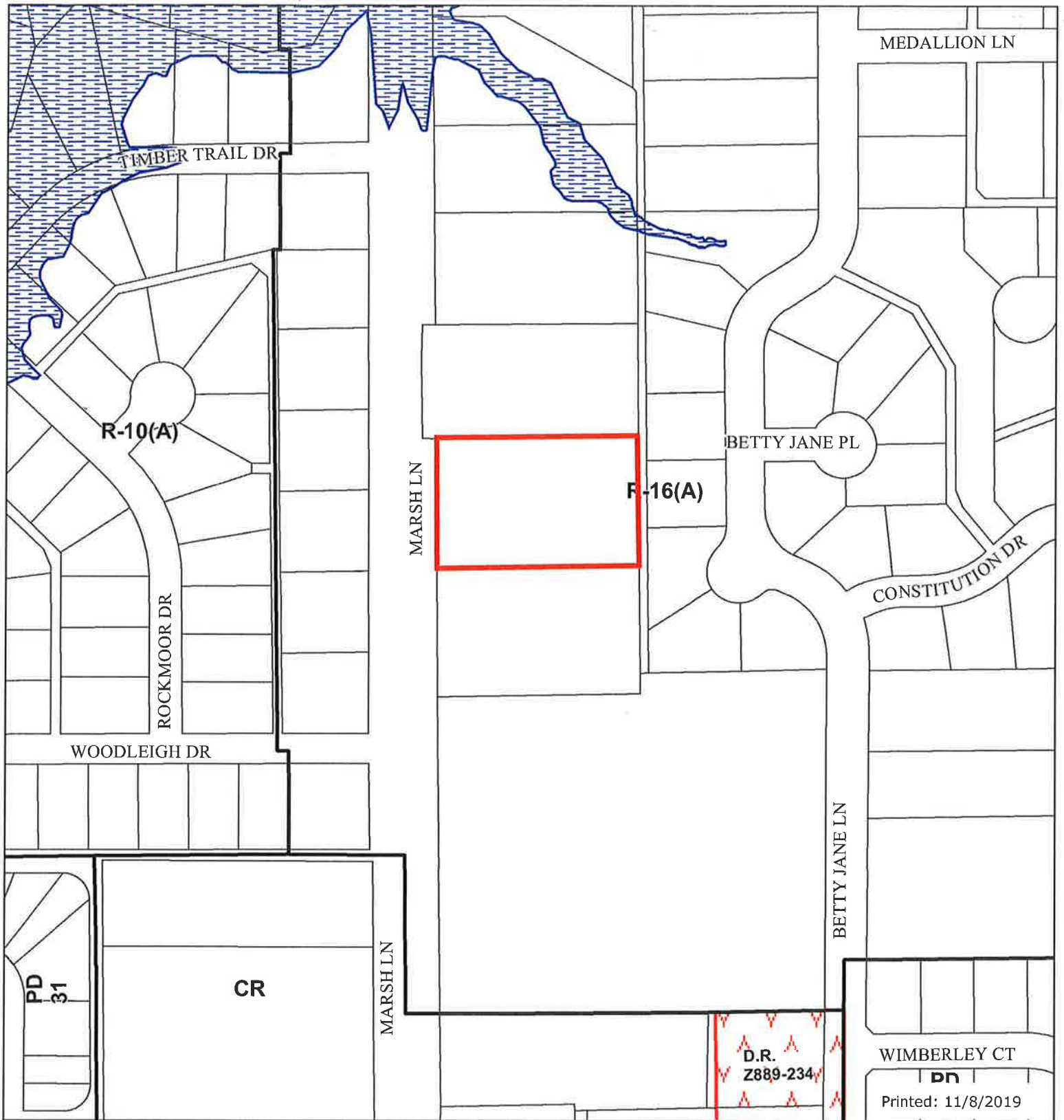
JOE RESIDENCE
10150 MARSH LANE
DALLAS, TEXAS 75229
BENJAMIN MERKELL SURVEY #933 BLOCK 4416 1323A



OWNER: JOE RESIDENCE
This plan, and the property of INTGRO DEVELOPMENT L.L.C. and its staff is for the exclusive use of the client. It is not to be reproduced, copied, or distributed without the written consent of Integro Development L.L.C. Integro Development L.L.C. is not responsible for any errors or omissions in this plan. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client is responsible for obtaining all necessary approvals from the appropriate authorities. The client is responsible for obtaining all necessary approvals from the appropriate authorities.

REVISED: NOV 18TH, 2013

PRINT DATE:
OCTOBER 9, 2013
SITE PLAN
C1.0



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 | 2-11 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)

UBK



**J. ELMER TURNER,
REALTORS INC.**

MICHAEL C. TURNER
PRESIDENT

PATRICK J. TURNER
VICE-PRESIDENT

JELMERTURNER.COM

Property Management
Sales • Leases
Telephone 214-954-1221
Fax 214-954-6410
2626 Cole, Suite 606, LB 8
Dallas, Texas 75204
e-mail: jetrinc@att.net

November 12, 2019

Mr. Steve Long
City of Dallas
Board of Adjustment – Sustainable Development and Construction
1500 Marilla Street 5DN
Dallas, Texas 75201

Dear City of Dallas:

I am the general partner of Tomaino Properties, LP. Tomaino Properties, LP owns the property directly across Marsh Lane from Chris Joe's property located at 10150 Marsh Lane, Dallas, Texas 75229. The address of the property owned by Tomaino Properties, LP is 10207 Marsh Lane.

Chris has informed me of his request to the Board of Adjustment for a special exception to the 35' setback requirement for the 8 foot privacy fence in his front yard. About 70% of his privacy fence was damaged by the tornado on October 20, 2019. Chris indicated that that part of the privacy fence will need to be demolished and rebuilt due to the tornado damage. Chris indicated that he is requesting the Board to grant a special exception so that the placement of an eight foot fence can be moved to about 16' from Marsh, which would allow him to have greater use of the front yard.

Tomaino Properties, LP does not oppose Chris' request, and we do not believe that this would have any adverse impact on our property.

Thank you.

Yours truly,



Michael C. Turner
Manager, Tomaino GP, LLC, the
General Partner of Tomaino Properties, LP

Lisa Bowden
10220 Marsh Ln
Dallas, Texas 75229
November 12, 2019

City of Dallas
Board of Adjustment – Sustainable Development and Construction
1500 Marilla Street 5DN
Dallas, Texas 75201

Dear City of Dallas:

I live directly north and adjacent to Chris Joe's property located at 10150 Marsh Ln, Dallas, Texas 75229. My address is 10220 Marsh Ln.

Chris has informed me of his request to the Board of Adjustment for a special exception to the 35' setback requirement for the 8 foot privacy fence in his front yard. About 70% of his privacy fence was damaged by the tornado on October 20, 2019. Chris indicated that that part of the privacy fence will need to be demolished and rebuilt due to the tornado damage.

Chris indicated that he is requesting the Board to grant a special exception so that the placement of an eight foot fence can be moved to about 16' from Marsh, which would allow him to have greater use of the front yard.

I do not oppose Chris' request, and I do not believe that this would have any adverse impact on me or my residence.

Thank you.

Sincerely,



Lisa Bowden



10418 Marsh

10424 Marsh Ln has an 8' tall wrought iron fence with bushes approximately 15' from Marsh. See photo below.



10424 Marsh

Application to the Board of Adjustment (continued)

As indicated in the site plan, the portion of the wall and rolling gate at my driveway entrance would remain as-is. Those distances from the wall/rolling gate to Marsh, as well as the driveway and parking area, would not change. The only portion of the wall that would change would be that portion damaged by the 10/20/19 tornado.

My adjacent neighbors' line of vision of traffic when exiting their driveways in their cars will not be adversely impacted by moving my privacy wall to 16' from Marsh, as they will still have a clear sight line up and down Marsh.

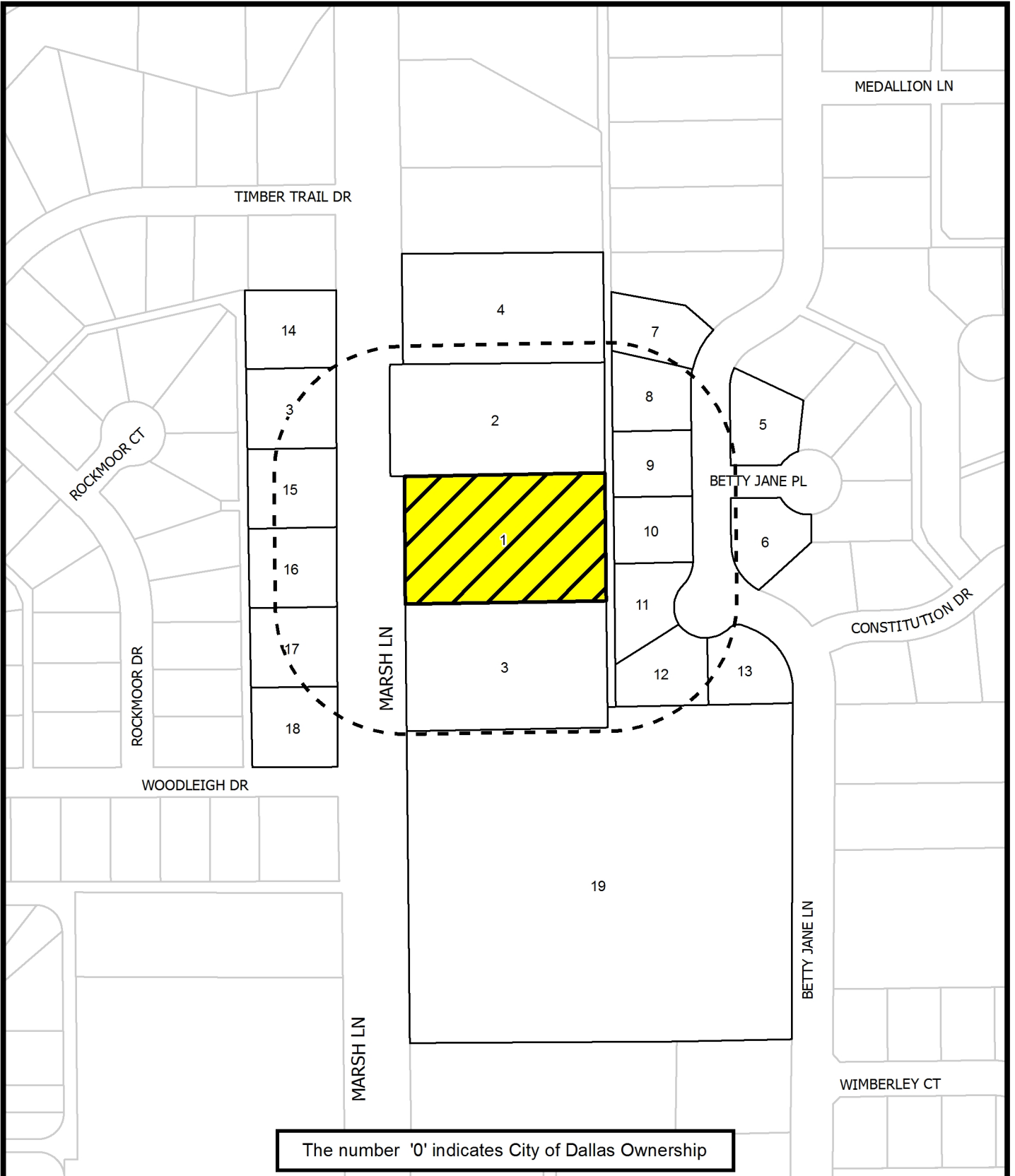
I have included with my application letters from my adjacent neighbors indicating that they do not oppose this application for special exception and that they do not believe they would be adversely impacted by it.

Additionally, other neighbors to the north on the same east side of Marsh appear to have received special exceptions to the 35' setback requirement of R-16(A) as shown in the photos below.


10416 and 10418 Marsh Ln (a block north of my house on Marsh) have 8' tall fences approximately 8' to 10' from Marsh. See photos below.



10416 Marsh



The number '0' indicates City of Dallas Ownership


 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
19 NUMBER OF PROPERTY OWNERS NOTIFIED

2-16

Case no: **BDA190-018**
 Date: **1/22/2020**

Notification List of Property Owners

BDA190-018

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10150 MARSH LN	JOE CHRISTOPHER M
2	10220 MARSH LN	BOWDEN LISA L
3	10134 MARSH LN	TOMAINO PPTIES LP
4	10230 MARSH LN	MARCUIS ALAN JEFFREY &
5	10176 BETTY JANE PL	GEMOETS DEENA JANELLE & RAFAEL CRISTIAN
6	10156 BETTY JANE PL	JOERSZ JEREMY & CHILLON
7	10225 BETTY JANE LN	KAAR DARIAN
8	10217 BETTY JANE LN	DALLAS NEW HOME BUILDERS LLC
9	10209 BETTY JANE LN	GREEN KENNETH L & ELIZABETH J
10	10155 BETTY JANE LN	ESHELBRENNER ALEX &
11	10151 BETTY JANE LN	HOUSTON BRENT A &
12	10145 BETTY JANE LN	LEWIS JAMES T
13	10141 BETTY JANE LN	RAFTER KATHRYN
14	10215 MARSH LN	CHAUDHRY FIAZ M
15	10149 MARSH LN	LOZANO JUAN A JR &
16	10141 MARSH LN	ARBAIZA DOXITO & EMMA A
17	10133 MARSH LN	COOKE LESLIE
18	10125 MARSH LN	GONZALEZ MIGUEL A
19	10066 MARSH LN	WALNUT HILL UNITED

FILE NUMBER: BDA190-024(OA)

BUILDING OFFICIAL'S REPORT: Application of Jim Sanford for a special exception to the side yard setback regulations for tree preservation and for a variance to the off-street parking regulations at 228 S Windomere Avenue. This property is more fully described as Lot 7, Block 38/3295, and is zoned PD No. 87 with Historic Overlay No. 15, which requires a requires side yard setback of 10 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct and/or maintain a structure and provide a two-foot seven-inch side yard setback, which will require a seven-foot five-inch special exception to the side yard setback regulations, and to construct and/or maintain parking spaces in an enclosed structure with a setback of 12 feet three inches, which will require a variance of seven feet nine inches to the off-street parking regulations.

LOCATION: 228 S Windomere Avenue

APPLICANT: Jim Sanford

REQUEST:

The following requests have been made on a property that is currently developed with a single family home and a detached accessory structure that the applicant intends to increase the height by lifting the roof and replace doors and windows, including the existing garage door:

1. A request for a special exception to the minimum side yard requirements to preserve existing trees with a diameter of 36 inches is made to modify an approximately 400-square-foot accessory structure which is located two feet seven inches from the north side property line or seven feet five inches into the 10-foot north side yard setback.
2. A request for a variance to the off-street parking regulations of seven feet nine inches is made to maintain two parking spaces in an enclosed structure of the aforementioned 400-square-foot accessory structure on the subject site where spaces in this enclosed garage would be located 12 feet three inches from the right-of-way line adjacent to the alley or seven feet nine inches into the required 20-foot setback distance from the right-of-way line adjacent to the alley.

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM SIDE YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.402(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum side yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.
- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

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

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 (Tree preservation):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the trees denoted on the submitted site plan, are worthy of preservation.

STAFF RECOMMENDATION (parking variance):

Approval

Rationale:

- The applicant substantiated how the variance to the off-street parking regulations is necessary to permit development by demonstrating that the total size of the subject site is approximately 7,500 square feet which is smaller than that of 27 other lots listed of properties in PD No. 87 with Historic Overlay No. 15 zoning district (average 8, 265 square feet) and that staff concluded that the subject site is unique and different from most lots in PD No. 87 with Historic Overlay No. 15 zoning district. The Sustainable Development and Construction Senior Engineer has submitted a review comment sheet marked “Has no objections”. Therefore, the request is commensurate with other properties and is not considered contrary to public interest.

BACKGROUND INFORMATION:

Zoning:

- Site: PD No. 87 with Historic Overlay No. 15 (Planned Development Historic Overlay District No. 15)
- North: PD No. 87 with Historic Overlay No. 15 (Planned Development Historic Overlay District No. 15)
- South: PD No. 87 with Historic Overlay No. 15 (Planned Development Historic Overlay District No. 15)
- East: PD No. 87 with Historic Overlay No. 15 (Planned Development Historic Overlay District No. 15)
- West: PD No. 87 with Historic Overlay No. 15 (Planned Development Historic Overlay District No. 15)

Land Use:

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

Zoning/BDA History:

There have 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 a special exception to the minimum side yard requirements to preserve existing trees of 36 feet focuses on maintaining an approximately 400-square-foot accessory structure which is located two feet seven inches from the north side property line or seven feet five inches into the 10-foot north side yard setback on a site that is developed with a single family home.
- The property is located in the PD No. 87 zoning district which requires a minimum side yard of 10 feet.
- The submitted site plan indicates an accessory structure located two feet seven inches from the north side property line or seven feet five inches into the 10-foot north side yard setback and two trees within the site.
- The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B) and stated the following: “The applicant at 228 S Windomere requests a special exception for tree preservation to the side yard setback regulations. The opinion of the Chief Arborist is requested to determine if the trees are worthy of preservation. The Chief Arborist has determined that the two trees in the rear yard identified on the Tree Preservation Plan are worthy of preservation. Placement of the designed driveway and structure to the south (image #2) would likely require the removal of both trees”.
- The applicant has the burden of proof in establishing the following:
 - Whether the requested special exception is compatible with the character of the neighborhood.
 - Whether the value of surrounding properties will be adversely affected.
 - Whether the tree is worthy of preservation.
- If the Board were to grant the special exception request and impose the submitted site plan 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 an accessory structure that is located two feet seven inches from the site’s side property line (or seven feet five inches into the 10-foot side yard setback).

GENERAL FACTS/STAFF ANALYSIS (parking variance):

- This request for a variance to the off-street parking regulations focuses on maintaining an enclosed parking space in a 400-square-foot accessory structure on the subject site where the parking space in this enclosed garage would be located 12 feet three inches from the right-of-way line adjacent to the street or seven feet

nine inches into the required 20-foot setback from the right-of-way line adjacent to the alley.

- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of parking spaces in the enclosed structure located 12 feet three inches from the alley's right-of-way line or seven feet nine inches into the 20-foot setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure is approximately 16 feet from the alley's pavement line).
- DCAD records indicate the following improvements for property located at 228 S Windomere Avenue: "main improvement: "residence" with 2,352 square feet built in 1913 and a 400-square-foot detached garage".
- The subject site is flat, rectangular in shape (approximately 50 feet by 150 feet), and, according to the submitted application, is 7,500 square feet in area.
- The applicant submitted a document with the application materials indicating that the total size of the subject site is approximately 7,500 square feet which is smaller than that of 27 other corner lots in PD No. 87 zoning he listed. (The average lot size of 27 other properties listed in the applicant's document is approximately 8,265 square feet).
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections" with the following comment:
 - "Access Point is located on a residential alley (without sidewalk). Request is commensurate with other properties and, therefore, is not considered contrary to public interest." (Attachment C).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of 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 PD No. 87 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 PD No. 87 zoning classification.

- If the Board were to grant the request for a variance for an enclosed garage to be located 12 feet three inches from the right-of-way line adjacent to the alley or seven - feet nine inches into the required 20-foot setback, staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. An automatic garage door must be installed and maintained in working order at all times.

Timeline:

December 19, 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.

January 13, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

January 21, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.”

January 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Interim Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Senior Plans

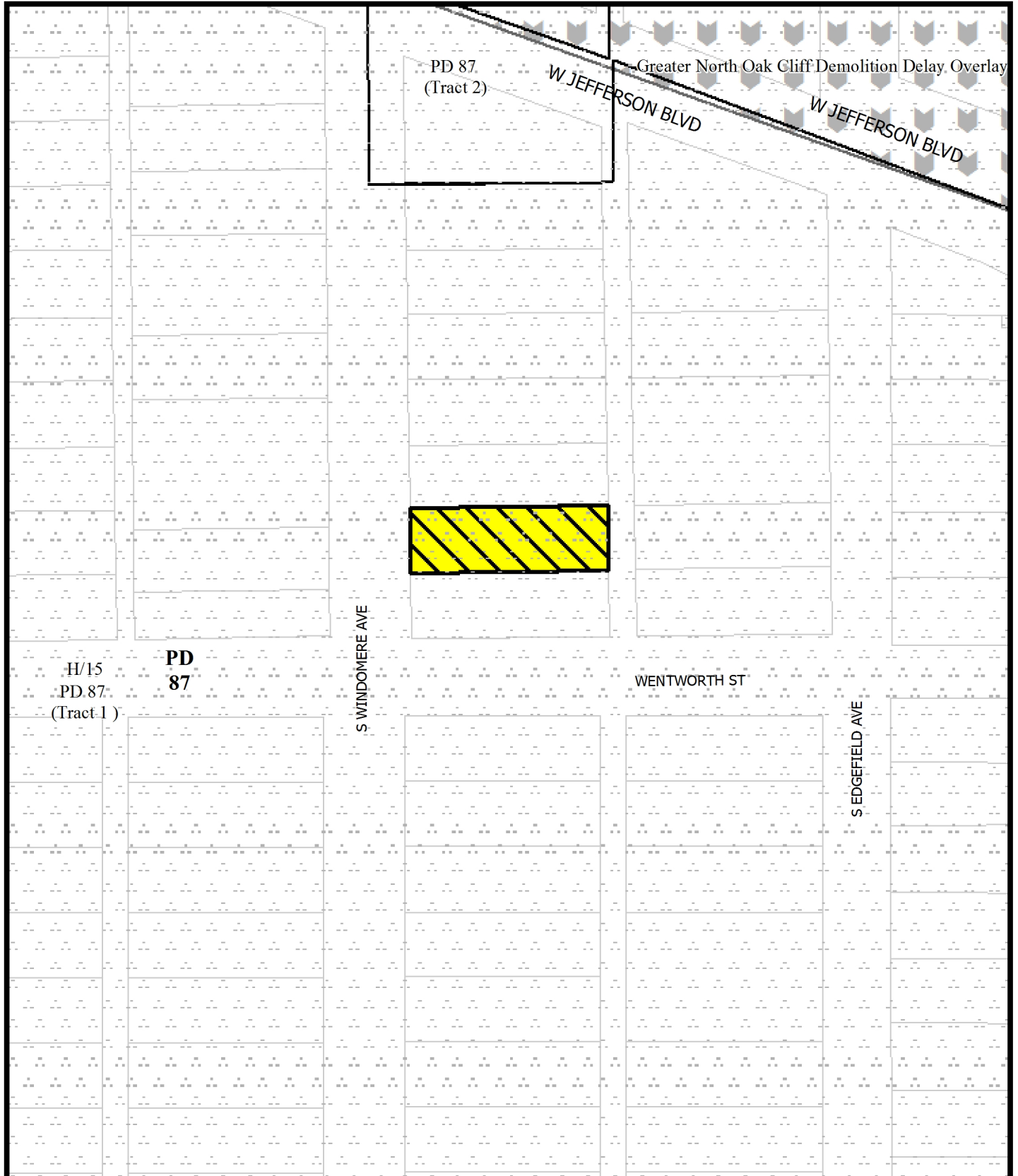
Examiner, Building Official, and Assistant Building Official; and Engineering Division staff including the Senior Engineer and Assistant Director.


January 31, 2018: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official's report on this application to the Board Administrator (see Attachment A).

February 5, 2020: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (see Attachment B).

February 7, 2020: The applicant submitted additional documentation (letter of support from a neighbor) on this application beyond what was submitted with the original application (see Attachment C).

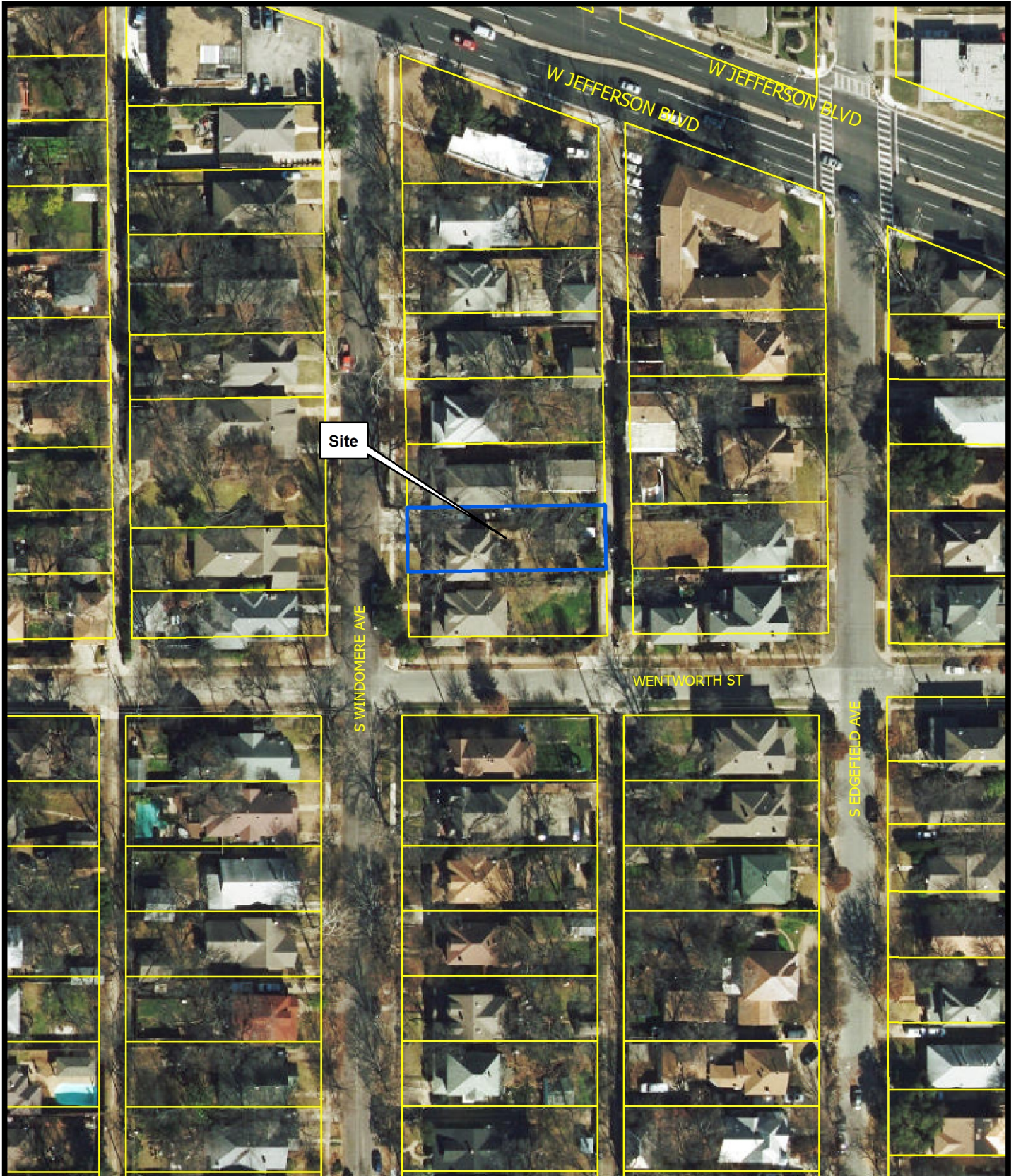
February 7, 2020: The applicant submitted additional documentation (Photo of Windomere Avenue looking south) on this application beyond what was submitted with the original application (see Attachment D).




 1:1,200

ZONING MAP

Case no: BDA190-024
 Date: 1/24/2020



1:1,200

AERIAL MAP

Case no: BDA190-024

Date: 1/24/2020

RECEIVED
DEC 19 2019
BY: *COT*



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-024

Date: 12-19-19

Data Relative to Subject Property:

Location address: 228 S. Windomere Ave., Dallas, TX 75208

Zoning District: ~~R-7.5(A)~~ PD87+H/15

Lot No.: 7 Block No.: 38/3295 Acreage: 0.172 Census Tract: 52.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jim Sanford & Emily Hopkins (Sanford)

Applicant: Jim Sanford Telephone: 214-773-0626

Mailing Address: 228 S. Windomere Ave., Dallas, TX Zip Code: 75208

E-mail Address: jdsanford9905@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception X, of - Special Exceptions for Ordinance (PD 87) rear- and side-yard set backs. - Variance for parking (<20' right of way)
9' + provide 8' Sys B

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

See Attachment A

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.

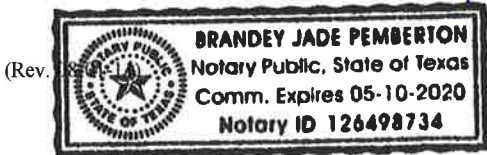
Affidavit

Before me the undersigned on this day personally appeared James D. Sanford
(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 December, 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

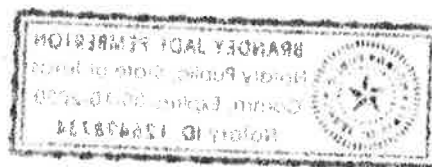
I hereby certify that JIM SANFORD

did submit a request for a special exception to the side yard setback regulations, and for a variance to the off-street parking regulations
at 228 S. Windomere Avenue

BDA190-024. Application of Jim Sanford for a special exception to the side yard setback regulations, and for a variance to the off-street parking regulations at 228 S Windomere Ave. This property is more fully described as Lot 7, Block 38/3295, and is zoned PD-87 H/15, which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires side yard setback of 10 feet. The applicant proposes to construct and maintain a residential accessory structure and provide a 1 foot side yard setback, which will require a 9 foot special exception to the side yard setback regulations, and to construct and maintain a single family residential accessory structure with a setback of 4 feet 11 inches, which will require a variance of 15 feet 1 inch to the off-street parking regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 12/18/2019

Legend

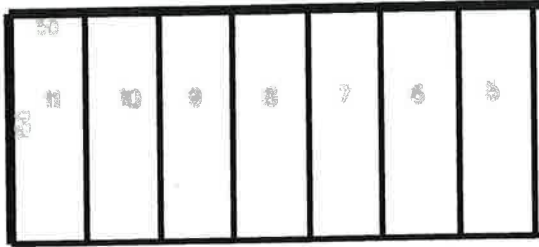
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | 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)





T CLAIR

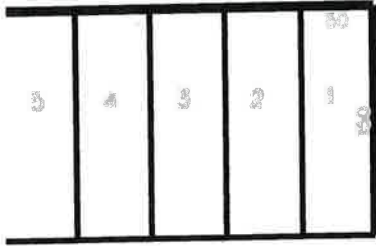


01/42

(ADELE)

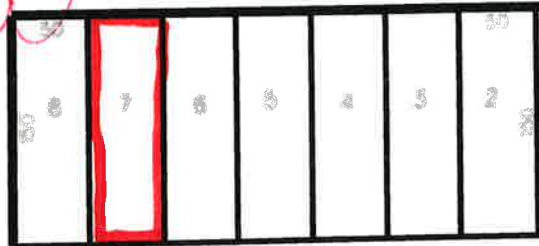


3296/38



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WEST WORTH



102/43



3295/38



193





STUDIO ELITE

ERIC LAPOINTE
ARCHITECT
414 477 9402
erlapointe@studioelite.com

228
S. WINDOMERE
DALLAS, TX.
75208

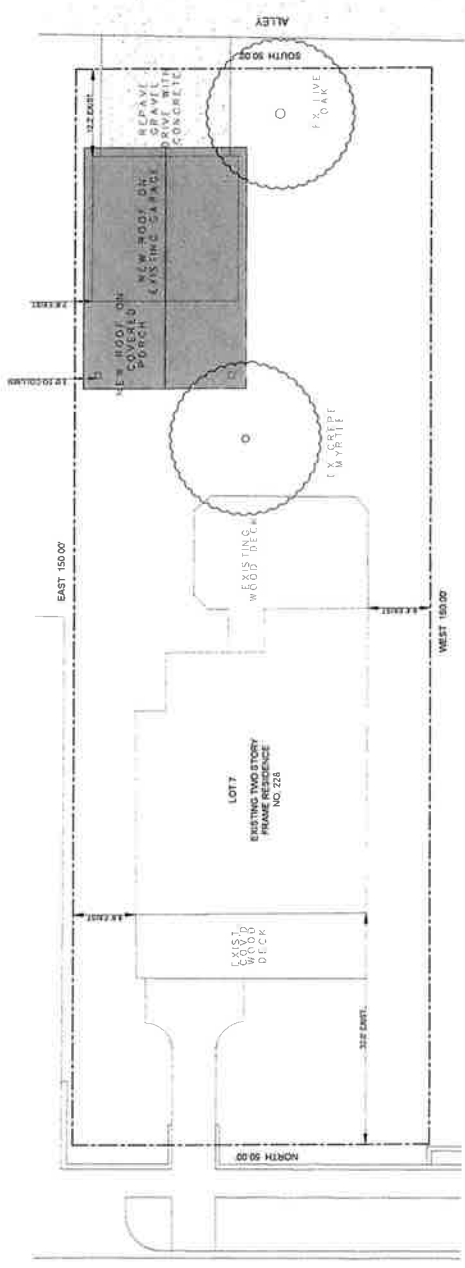
PROJECT TITLE
SANDFORD RESIDENCE
LOT 7, BLOCK 303255

DATE
12/19/2019

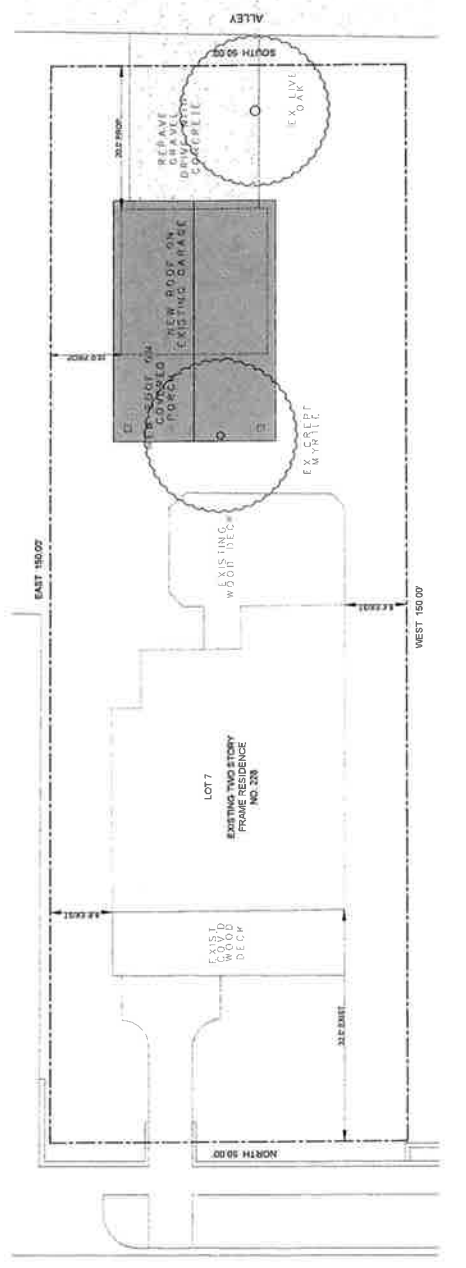
ISSUE
PERMIT SET

SHEET TITLE
TREE MITIGATION PLAN

SHEET NO.
1.1



1 TREE MITIGATION PLAN - EXISTING CONDITIONS
SCALE: 1/8" = 1'-0"



2 TREE MITIGATION PLAN - IMPACT OF TREES WITH REQUIRED SETBACKS
SCALE: 1/8" = 1'-0"

S. WINDOMERE AVENUE
60' R.O.W.

S. WINDOMERE AVENUE
60' R.O.W.

October 11, 2019

JIM SANFORD
228 S WINDOMERE,
DALLAS, TX 75208

**RE: CA189-836(MLP)
REVIEW OF YOUR CERTIFICATE OF APPROPRIATENESS APPLICATION
228 S WINDOMERE AVE**

Dear JIM SANFORD:

Enclosed is a copy of the Certificate of Appropriateness (CA) application that you submitted for review by the Landmark Commission on October 7, 2019.

Be aware that you may need to bring your CA and approved drawings and/or blueprints to Building Inspection for a building permit. Before starting any approved work, be sure to post your CA in a front window or other prominent location on the structure so it may be seen by City officials to ensure work is performed as approved by the Landmark Commission. Please see enclosed Certificate of Appropriateness for Details.

If you have any questions, please contact me by email at melissa.parent@dallascityhall.com.



Melissa Parent

Enclosure

Certificate of Appropriateness

October 7, 2019

Information regarding requests:

- 5) Replace garage door on rear accessory structure with new garage door.

Approve with Conditions

Conditions: Approve drawings and specifications dated 10/7/19 with the condition that a variance is obtained through Board of Adjustment with the finding the proposed work is consistent with the criteria for Accessory buildings in the preservation criteria Section 51P-87.111(a)(1) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

- 6) Replace patio roof of rear accessory structure to match new roof height.

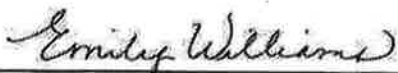
Approve with Conditions

Conditions: Approve drawings and specifications dated 10/7/19 with the condition that a variance is obtained through Board of Adjustment with the finding the proposed work is consistent with the criteria for Accessory buildings in the preservation criteria Section 51P-87.111(a)(1) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).

- 7) Replace brick hardscaping with new concrete pad in rear yard.

Approve

Conditions: Approve site plan dated 10/7/19 with the finding the proposed work is consistent with the criteria for landscaping in the preservation criteria Section 51P-87.111(b)(9)(iii) and meets the standards in City Code Section 51A-4.501(g)(6)(C)(i).



Landmark Commission Chair

October 7, 2019

Date



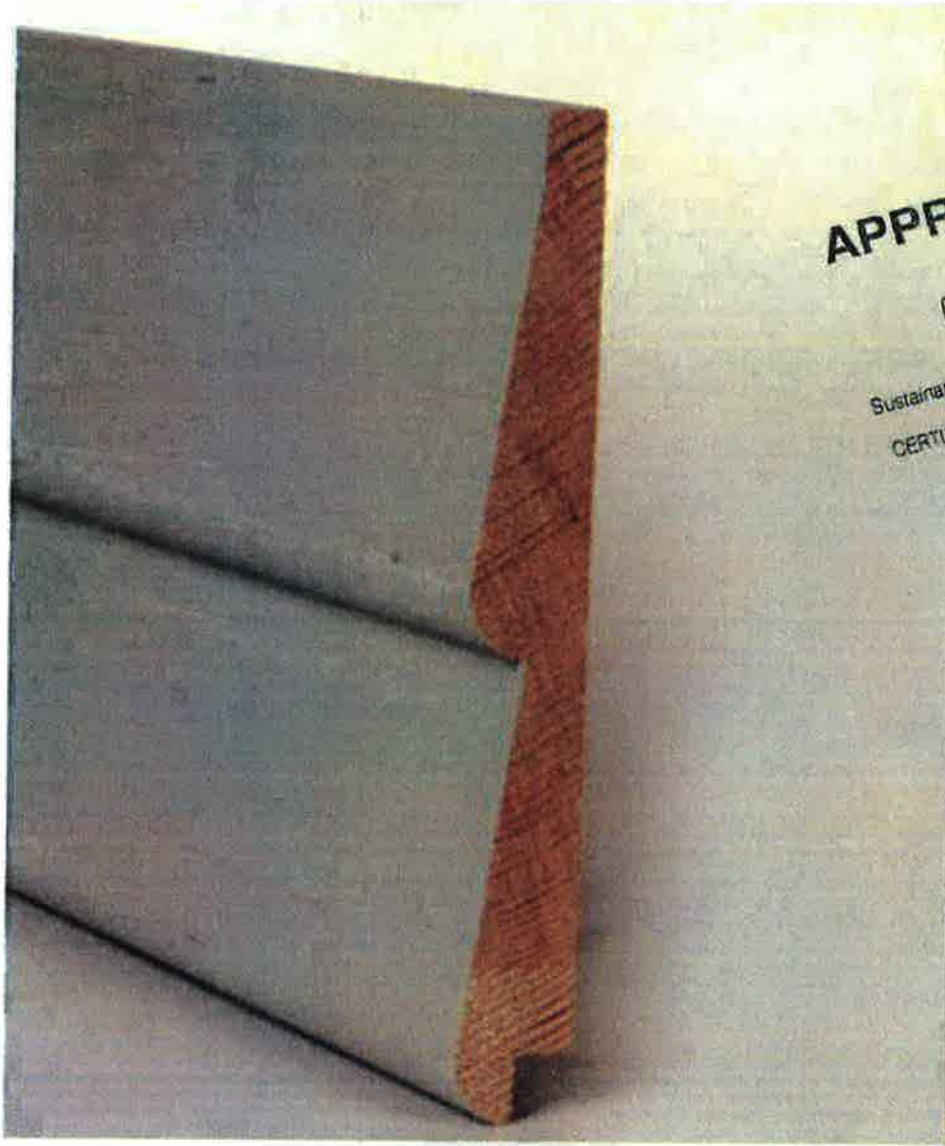
SIDING

Proposed siding #117. Nominal size 6"x1"x12'.

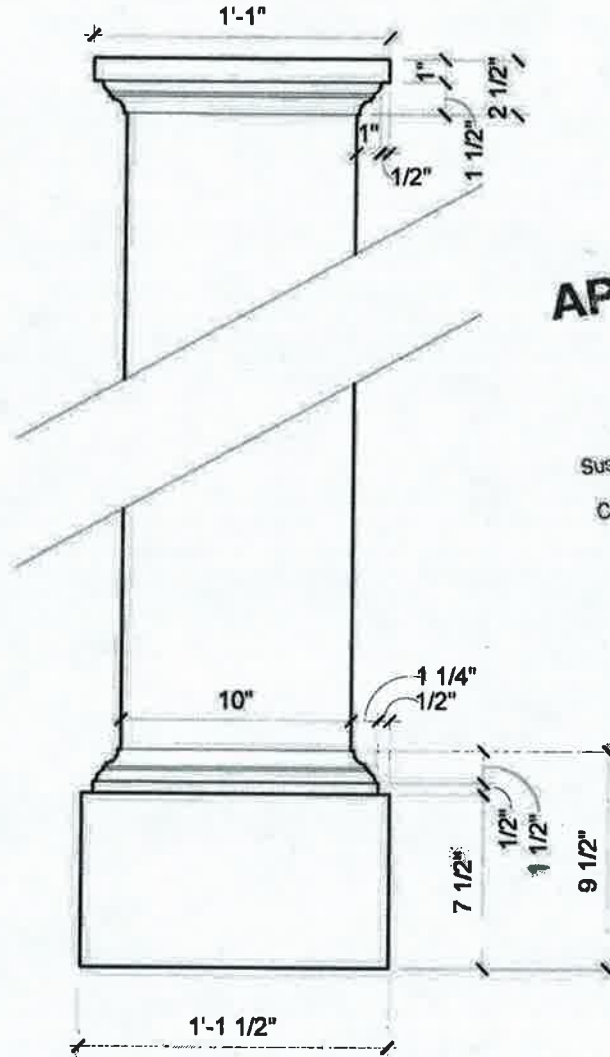
Matching existing garage and existing main house.

Approximately 35% of siding to be new.

*Note: The first row of siding around the base of the garage will be hardi-siding and will cover approx. 8". This is to prevent wood rot of the siding due to rain splash. (It will be painted same color as siding).



NOTE: TRIM PROFILE IS
 BASED ON EXISTING
 COLUMNS ON FRONT
 OF HOUSE. ALL MATERIALS
 AND COLORS TO BE
 CONSISTENT WITH
 EXISTING HOUSE.



APPROVED BY
myp
 OCT 07 2019

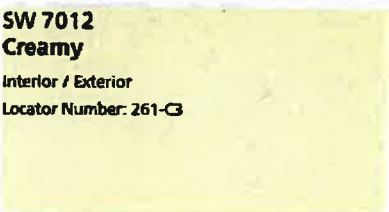
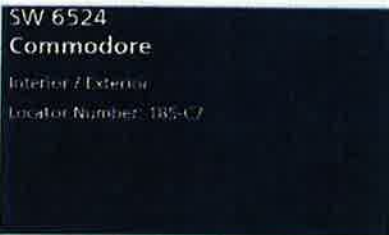
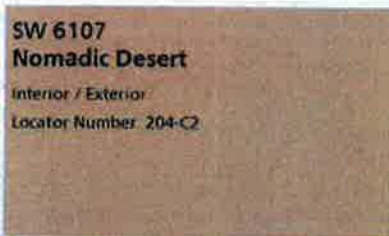
Sustainable Development & Construction
 Long Range Planning
 CERTIFICATE OF APPROPRIATENESS

COLUMN BASE AND CAPITOL
 SCALE: 1-1/2" = 1'-0"

PAINT

Proposed paint colors:

- 1) Sherwin Williams SW6107 Nomadic Desert
 - a. Siding
- 2) Sherwin Williams SW6524 Commodore
 - a. Patio structure (beams, exposed rafters, wood undersiding, columns, exposed rafter tails)
- 3) Sherwin Williams SW7012 Creamy
 - a. Entry door and trim
 - b. Garage door and trim



APPROVED BY

MT
OCT 07 2019

Sustainable Development & Construction
Long Range Planning
CERTIFICATE OF APPROPRIATENESS

PHOTOS of existing structure.



ATTACHMENT A - APPLICATION/ APPEAL TO THE BOARD OF ADJUSTMENT

Address: 228 S. Windomere Ave., Dallas
Owner: Jim & Emily Sanford
Email: jdsanford9905@gmail.com
Tel.: 214.773.0626

APPEAL

Appeal is made for (1) a parking variance to the alley right-of-way and (2) special exceptions to the side- and rear-yard setbacks under the historical ordinance (PD-87).

BACKGROUND

The property is located in Winnetka Heights (PD-87). A 400 ft.² rear accessory building with an alley-facing garage door existed on the property when the Owner purchased the property in 2012, and in all likelihood existed in its present location and form for decades before that. Owner does not believe that the building is original to the property based on review of the 1922 Sanborn map (p. 533). Moreover, the property does not support a front-entry garage for modern vehicles, as house is located too close to the property line. In order to remedy the building's deteriorated state and to create a useable, attractive, and functional garage in line with the district's historical standards and modern needs, Owner proposes to renovate the detached garage.

The Landmark Commission approved a Certificate of Appropriateness (#CA-189-836(MLP)) for the garage renovation project on October 7, 2019 (see attached).



[Current side and rear views]

REASONS TO GRANT THE APPEAL

The variance and special exceptions should be granted for at least four reasons. None of these reasons is contrary to – but rather all are consistent with – the public interest.

First, the property is below-average for lots on its block. A literal enforcement of the set-back requirements would require placement of the building (20' x 20') virtually in the center of the yard.

Second, at least two mature trees worthy of preservation are located adjacent to the current location. A literal enforcement of the set-back requirements – and thus the need to move the building – would not only encroach on, but eliminate, these trees. Accordingly, Owner seeks the special exceptions for tree preservation.

Third, the parking variance is needed in order to use the building as a rear-access garage (as it is currently configured). The older homes in Winnetka Heights, designed as they were for smaller automobiles, tend to encourage on-street parking, leading to congested streets. The proposed garage is designed with an eye toward the goal of R-7.5(A) zoning to provide for one or more off-street parking spaces.

Fourth, the building's current state of disrepair renders the building virtually unusable. The renovation of the building into a functional building, while still honoring the historical-district and city zoning requirements, promotes several purposes of the City's Historical Overlay Districts (Sec. 51A-4.501), including to create a more livable urban environment.

For these reasons, a literal enforcement of the zoning ordinance would result in unnecessary hardship, in that the Owner would need to relocate the garage to the center of an already-small lot (and harm mature trees in the process). Moreover, fairness requires the Owner to note that he came into the property with the building in its current location and that the situation is not one of his making.

Below Average Lot Size

The property is below-average for lots on its block. A literal enforcement of the set-back requirements would result in unnecessary hardship and prevent the property from being developed commensurate with other parcels in the surrounding blocks. Such a literal enforcement would require placement of the building (20' x 20') virtually in the center of the yard.

According to DCAD, the property is a lot measuring 7,500 ft.² The detached garage measures only 400 ft.², covering just 5.33% of the lot. A building covering a comparable space on the average-sized lot on the immediate and adjacent blocks would be over 40 ft.² larger, or 441 ft.²

Address (Blocks 38/3295 and 39/3295)	Lot size (ft ² , per DCAD)
227 S. Edgefield [Block 38/3295]	Unable to determine
221 S. Edgefield [Block 38/3295]	7,420
215 S. Edgefield [Block 38/3295]	14,785
209 S. Edgefield [Block 38/3295]	7,530
201 S. Edgefield (multi-unit) [Block 38/3295]	Excluded
210 S. Windomere [Block 38/3295]	7711
214 S. Windomere [Block 38/3295]	7379
216 S. Windomere [Block 38/3295]	7580
218 S. Windomere [Block 38/3295]	7609
222 S. Windomere [Block 38/3295]	7356
228 S. Windomere [Block 38/3295]	7500
232 S. Windomere [Block 38/3295]	7692
205 S. Windomere [Block 39/3295]	7564
209 S. Windomere [Block 39/3295]	7371
211 S. Windomere [Block 39/3295]	11502
217 S. Windomere [Block 39/3295]	7401
225 S. Windomere [Block 39/3295]	14839
233 S. Windomere [Block 39/3295]	7283
237 S. Windomere [Block 39/3295]	5351
1510 W. Jefferson (multi-unit) [Block 39/3295]	Excluded
1516 W. Jefferson [Block 39/3295]	11,125
110 S. Montclair [Block 39/3295]	7,512
114 S. Montclair [Block 39/3295]	7,497
120 S. Montclair [Block 39/3295]	7,647
122 S. Montclair [Block 39/3295]	7,503
124 S. Montclair [Block 39/3295]	7,894
206 S. Montclair [Block 39/3295]	Unable to determine
210 S. Montclair [Block 39/3295]	7,759
214 S. Montclair [Block 39/3295]	7,315
218 S. Montclair [Block 39/3295]	7,414
222 S. Montclair [Block 39/3295]	7,620
Average Lot	8,265

Block 38/3295 Ave.	8,256
Block 39/3295 Ave.	8,270

Owner's property is 765 ft² smaller than the average lot on the immediate and adjacent blocks. Consequently, the side- and rear-yard set backs pose a hardship on Owner in the use and improvement of the garage. Meanwhile, the proposed renovation does not risk overdeveloping the lot, since it proposes only to increase the building's ceiling plate (by 2') without increasing the building's footprint.

Risk to Mature Trees Worthy of Preservation

A literal enforcement of the set-back and right-of-way requirements would result in unnecessary hardship for a second reason. At least two mature trees worthy of preservation are located adjacent to the current building. A literal enforcement of the set-back requirements – and thus the need to move the building – would not only encroach on, but eliminate, these trees. Accordingly, Owner seeks the special exceptions for tree preservation.

Mature Tree #1: Live Oak

A mature live oak tree sits along the current fence on the east-side of the property. The tree measures at:

- 36" diameter at chest height.



[Live Oak, December 2019]

This tree is worthy of preservation. Moving the garage building further into the yard to comply with the side-yard setback would place this tree in the middle of the driveway. A literal enforcement of the setbacks consequently would eliminate this tree. Rather than eliminate this tree, Owner hopes to preserve this tree and, indeed, has taken steps to do so. Owner has had periodic pruning done by a certified arborist (Brown's Tree Care),¹ most recently in 2017. The power company also has done maintenance pruning (at least once since 2012) to protect the electrical service line.



[Live Oak, December 2019 - Clear of utility service line]

Accordingly, Owner seeks a special exception to the side- and rear-yard setbacks for tree preservation.

Mature Tree #2: Crepe Myrtle

A mature crepe myrtle tree sits just off the current southwest corner of the garage portico. The tree measures at:

- Cane 1 = 24" diameter at chest height.
- Cane 2 = 19" diameter at chest height.
- Cane 3 = 16" diameter at chest height.
- Cane 4 = 13" diameter at chest height.
- Largest cane + Ave of remaining canes = 24" + 16" = 40"

¹ <https://www.brownstreecare.com/>



[Crepe Myrtle, December 2019]



[Crepe Myrtle, December 2019 (L) and summer 2016 (R)]

This tree is worthy of preservation. Moving the garage building further into the yard to comply with the side-yard setback would place building directly on top of the tree's root system and place the roof in contact with the tree. A literal enforcement of the setbacks consequently would eliminate this tree. Rather than eliminate this tree, Owner hopes to preserve this tree and, indeed, has taken steps to do so. Owner has had annual maintenance pruning to maintain and improve tree health, structure, and

appearance done by a certified arborist (Brown's Tree Care),² most recently in March 2019.

Accordingly, Owner seeks a special exception to the side- and rear-yard setbacks for tree preservation.

Construction Plan: to protect Mature Trees

Arborist recommendation is for trunk protection for trees during construction. The large size of tree relative to the small yard size make other options not feasible as they might be at other, larger construction sites. Bark protection may include some form of covering for trunks during construction. In addition, Owner intends to have the certified arborist mentioned above (Brown's Tree Care) inspect trees during construction as part of annual service.

Current Unusable State

The building's current state of disrepair renders the building virtually unusable. Since acquiring the property in March 2012, Owner has never been able to park a vehicle in the garage. The rear-facing garage door is opposite from the street, there is no driveway, and the building itself is unsuitable for that purpose.



[Garage interior, Sep. 2019]

² <https://www.brownstreecare.com/>

The renovation of the building into a functional building, while still honoring the historical-district and city zoning requirements, promotes several purposes of the City's Historical Overlay Districts (Sec. 51A-4.501), including to create a more livable urban environment.

For these reasons, a literal enforcement of the zoning ordinance would result in unnecessary hardship, in that the property could not be developed commensurate with other properties in the district. Owner would need to relocate the garage to the center of an already-small lot (and harm mature trees in the process).

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 JIM SANFORD

did submit a request for a special exception for tree preservation to the side yard setback regulations, and for a variance to the off-street parking regulations
at 228 S. Windomere Avenue

BDA190-024. Application of Jim Sanford for a special exception to the side yard setback regulations for tree preservation, and for a variance to the off-street parking regulations at 228 S Windomere Ave. This property is more fully described as Lot 7, Block 38/3295, and is zoned PD-87 H/15, which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley and requires side yard setback of 10 feet. The applicant proposes to construct and maintain a residential accessory structure and provide a 2 foot 7 inch side yard setback, which will require a 7 foot 5 inch special exception to the side yard setback regulations, and to construct and maintain a single family residential accessory structure with a setback of 12 feet 3 inch, which will require a variance of 7 feet 9 inch to the off-street parking regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

Memorandum



Date February 5, 2020

To Oscar Aguilera, Sr. Planner
Sarah May, interim Board Administrator

Subject BDA #190-024 228 S Windomere Arborist report

Request

The applicant at 228 S Windomere requests a special exception for tree preservation to the side yard setback regulations. The opinion of the chief arborist is requested to determine if the trees are worthy of preservation.

Provision

The chief arborist has determined that the two trees in the rear yard identified on the Tree Preservation Plan are worthy of preservation. Placement of the designed driveway and structure to the south (image #2) would likely require the removal of both trees.

Philip Erwin
Chief Arborist
Building Inspection



Jim Sanford <jdsanford9905@gmail.com>

Letter

Rachel Hoehn <rphoehn@swbell.net>
To: Jim Sanford <jdsanford9905@gmail.com>

Wed, Feb 5, 2020 at 5:08 PM

To Whom It May Concern,

Our neighbors, Jim and Emily Sanford (228 S. Windomere) are working on a renovation plan of their backyard structure. They are applying for an easement appeal on this project.

They have been great about explaining this project to us and have repeatedly asked for our input on the project. We are pleased with the plan. Very little visible change will be made to the structure as viewed from our backyard. The appeal to keep the existing easement is totally acceptable to us. We are in favor of saving trees whenever possible and the trees in their backyard help shade our property during the hot summer months. We wish to acknowledge our support of this project.

Sincerely,

Paul C. Hoehn
Rachel E. Hoehn
222 S Windomere

ATTACHMENT D

Aguilera, Oscar E

From: Jim Sanford
Sent: Friday, February 07, 2020 9:56 AM
To: Aguilera, Oscar E
Subject: Re: BDA190-024, Property at 228 S Windomere Avenue

External Email!

Mr. Aguilera,

If it's not too late, may I add this photo of Windomere looking south to the file? This is 8:07a on Friday morning.

Thank you.

Jim Sanford
214-373-1111

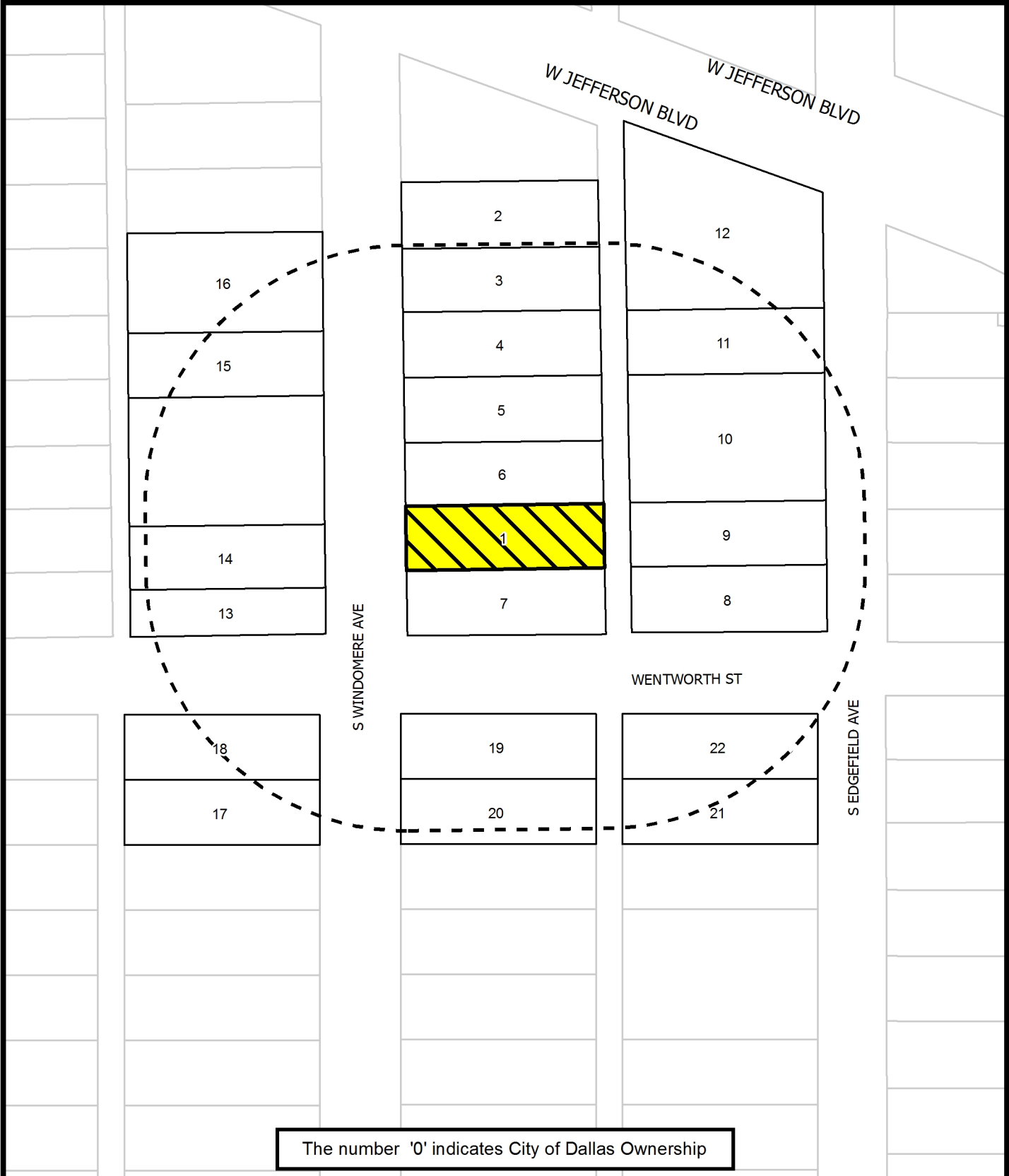
On Feb 6, 2020, at 4:55 PM, Aguilera, Oscar E <oscar.aguilera@dallascityhall.com> wrote:

Attached is additional information from the applicant (Jim Sanford) regarding the application referenced above that I have labeled Attachment C. This information will become part of what is included in the docket that is assembled and emailed to you, the applicant, and the board members next week.




Please write or call me if you have questions or concerns.

Sincerely,



The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-024**
 Date: **1/24/2020**

Notification List of Property Owners

BDA190-024

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	228 S WINDOMERE AVE	SANFORD JIM &
2	210 S WINDOMERE AVE	SAMUEL D HAWK
3	214 S WINDOMERE AVE	BUSCH TINA & DANIEL
4	216 S WINDOMERE AVE	JACKSON STANLEY O
5	218 S WINDOMERE AVE	BENGFORT LINDSEY & AMY MOHON
6	222 S WINDOMERE AVE	HOEHN RACHEL & PAUL C
7	232 S WINDOMERE AVE	CHESNUT JEFF & SARA
8	229 S EDGEFIELD AVE	BRYANT KHALIQ
9	221 S EDGEFIELD AVE	SHIRLEY LISA &
10	215 S EDGEFIELD AVE	HANKS JAMES C III
11	209 S EDGEFIELD AVE	STEEL STEPHANIE ANN
12	201 S EDGEFIELD AVE	MARTINEZ JOSEPH R &
13	237 S WINDOMERE AVE	BOLAND TIMOTHY
14	233 S WINDOMERE AVE	FINESKE CYNTHIA MAURINE & KEVIN RICHARD
15	217 S WINDOMERE AVE	GALLOWAY JENNIFER L &
16	211 S WINDOMERE AVE	MCBETH ZACHARY
17	305 S WINDOMERE AVE	DAYWOOD SUSAN K &
18	301 S WINDOMERE AVE	PARAMOUNT LAURELS LLC
19	302 S WINDOMERE AVE	SAN DALLAS INVESTMENTS LLC
20	306 S WINDOMERE AVE	306 S WINDOMERE LLC
21	305 S EDGEFIELD AVE	HOPEWELL BAY HOLDINGS LLC
22	301 S EDGEFIELD AVE	EDGEFIELD LLC

FILE NUMBER: BDA190-020(OA)

BUILDING OFFICIAL'S REPORT: Application of Ramin Amini for a special exception to the landscape regulations at 2803 W. Illinois Avenue. This property is more fully described as Tract 13, Block 5966, and is zoned MF-1(A), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2803 W. Illinois Avenue

APPLICANT: Ramin Amimi

REQUEST:

A request for a special exception to the landscape regulations is made to maintain a multifamily use and not fully meet the landscape regulations or, more specifically, to not provide the required site trees, landscape design points, street buffer zone requirements, parking lot landscaping, and the residential adjacency buffer requirements on the subject site.

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

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

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

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;

- the extent to which landscaping exists for which no credit is given under this article;
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Denial

Rationale:

- Although the Chief Arborist does agree that full compliance with the requirements of Article X will unreasonably burden the use of the established use on the property, the Chief Arborist recommends denial of the special exception because additional landscape elements could be applied to the street buffer zone to enhance the aesthetic and buffering aspects along the street frontage and further landscape improvements along the public right-of-way could reduce negative impacts to neighboring properties.

BACKGROUND INFORMATION:

Zoning:

Site: MF-1(A) (Multifamily District)
North: PD No. 831(Planned Development District)
East: R-7.5 (A) (Single Family District)
South: L1 (Light Industrial District)
West: CR (Community Retail District)

Land Use:

The subject site is developed with multifamily use. The area to the north is developed with school use; the areas to the east is develop with single family homes; the area to the south, and west are developed with light industrial and retail uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on maintaining multifamily use and not fully meeting the landscape regulations, or more specifically, not providing the required site trees, landscape design points, street buffer zone requirements, parking lot landscaping, and the residential buffer zone requirements on the subject site.
- The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A).
- Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to Article X landscape regulations required with the addition of new impervious surface exceeding 2,000 square feet.
- The Chief Arborist's memo states the following with regard to "provision":
 - The property has an existing multifamily use (MF-1(A)) developed prior to city zoning regulations for landscaping. According to a 2003 certificate of occupancy for Oakridge Apartments, the property has been renovated and maintained since 1958. Existing landscape trees are primarily along the fence line perimeter of the lot with a few planted trees along the street front façade of the structure. A large elm is at the southeast corner (street front) of the lot.
 - In response to site complaints by the City for various code matters, the owner recently removed the lawn turf in the front and interior court area to establish new parking spaces with an impervious surface but had not done so by permit. In the process of seeking a new permit for a small addition, the permit violation was discovered, and the owner moved to seek a special exception for an alternative landscape plan.
 - The property is subject to compliance with the 2018 amendments to Article X. The property has residential adjacency (R-7.5(A)) to the east of the lot. The property exceeds the 17 site tree requirement with existing tree credits on the lot and near the boundary
- Chief Arborist's memo states the following with regard to "deficiencies":
 - The proposed landscape plan is deficient 1) the required street buffer zone and 2) residential buffer zone requirements. The 3) interior landscape requirements for lots with 101 or more parking spaces are not met (10.125).
 - The 1.53 acre lot requires 20 landscape design points (10.126). Up to 10 points may be provided for building façade landscape design grouping of small/medium

trees. Additional landscaping could be provided for screening of off-street parking for 5 points, or a maximum of 10 points but no landscape improvement is indicated on the plan. Irrigation is not identified for the landscape area on the plan.

- The street buffer zone described on the plan would meet the minimum requirements for buffer zone dimensions (minimum of 5 feet and average of 10 feet depth) but does not provide the sufficient number of street buffer zone trees and plants.
- The residential buffer zone does not provide appropriate buffering function with insufficient vegetation and provides no fence screening element from the residences across the alley. However, it is recognized there are concerns for public safety along this buffer and a reduced buffer element as currently provided may be appropriate for security purposes both on the property and for the adjacent residential lots.
- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property; and
 - The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from providing the site trees in the required location and the residential adjacency buffer requirements on the subject site.

Timeline:

December 16, 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.

January 13, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

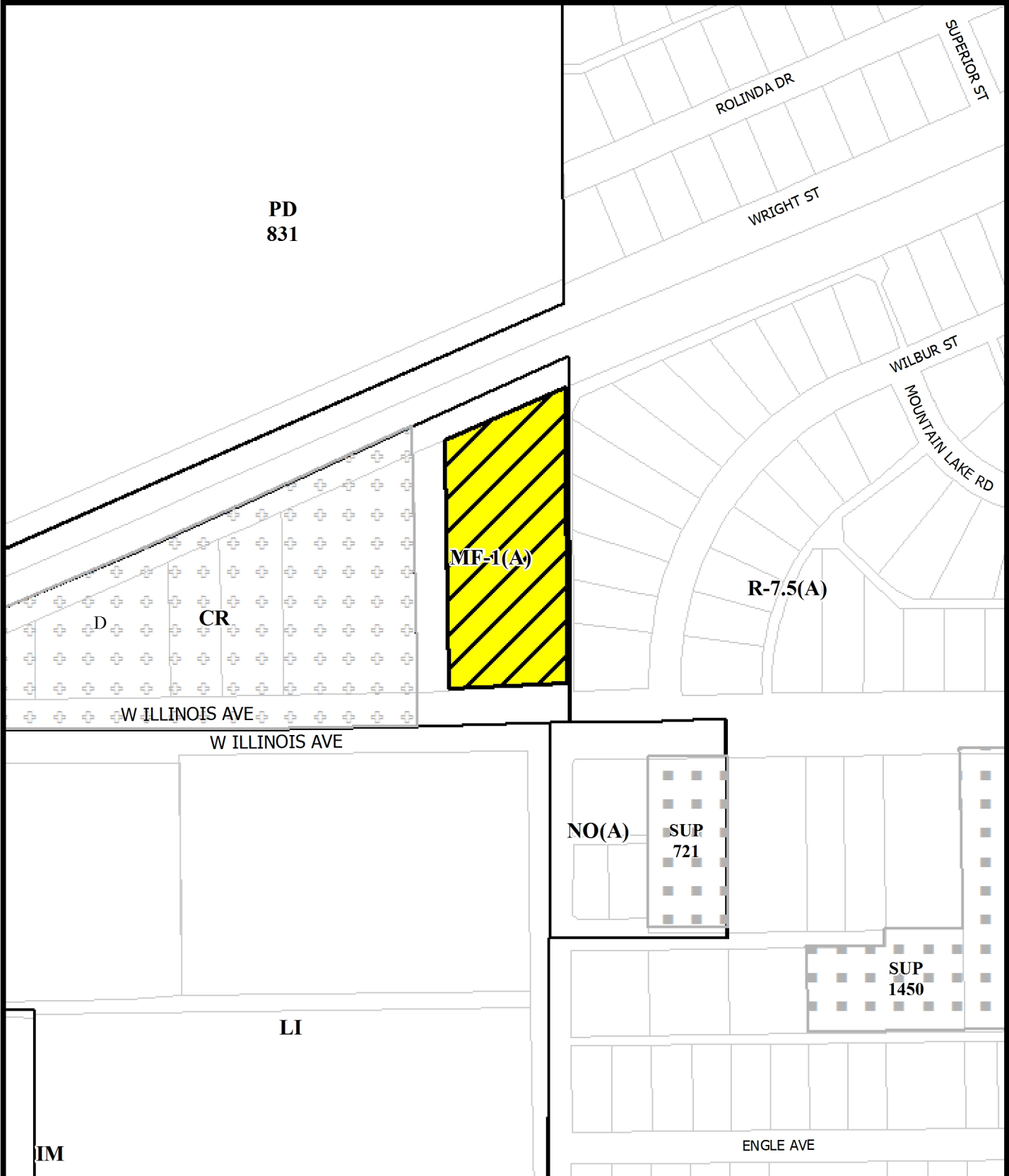
January 17, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the January 30th deadline to submit additional evidence for staff to factor into their analysis; and the February 7th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

January 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Interim Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Senior Plans Examiner, Building Official, and Assistant Building Official; and Engineering Division staff including the Senior Engineer and Assistant Director.

February 5, 2020: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).



1:2,400

ZONING MAP

Case no: BDA190-020

Date: 1/23/2020



1:2,400

AERIAL MAP

Case no: BDA190-020

Date: 1/23/2020

RECEIVED
DEC 16 2019
BY: *col*



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-020

Data Relative to Subject Property:

Date: 12-14-19

Location address: 2803 W. ILLINOIS AVE. Zoning District: MF 2(A)

TRACT
Lot No.: 13 Block No.: 5966 Acreage: 1.53 Census Tract: 108.04

Street Frontage (in Feet): 1) 192' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): AHOURAMAZDA LLC / RAMIN AMINI

Applicant: RAMIN AMINI Telephone: 214-682-2999

Mailing Address: 2803 W. Illinois ave # 114 Zip Code: 75233

E-mail Address: Raminthebuilder@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 Alternate Landscape Plan.

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:

By asking city if permite was needed + told no owner added additional concrete to prevent parking in fire lane + on grass. We fill the request will NOT adversely affect neighboring property, In fact it will make the property more attractive.

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 Ramin Dezeki Amini

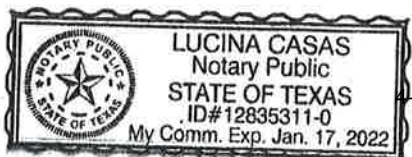
(Affiant/Applicant's name printed)

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

Respectfully submitted: _____

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of December, 2019



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

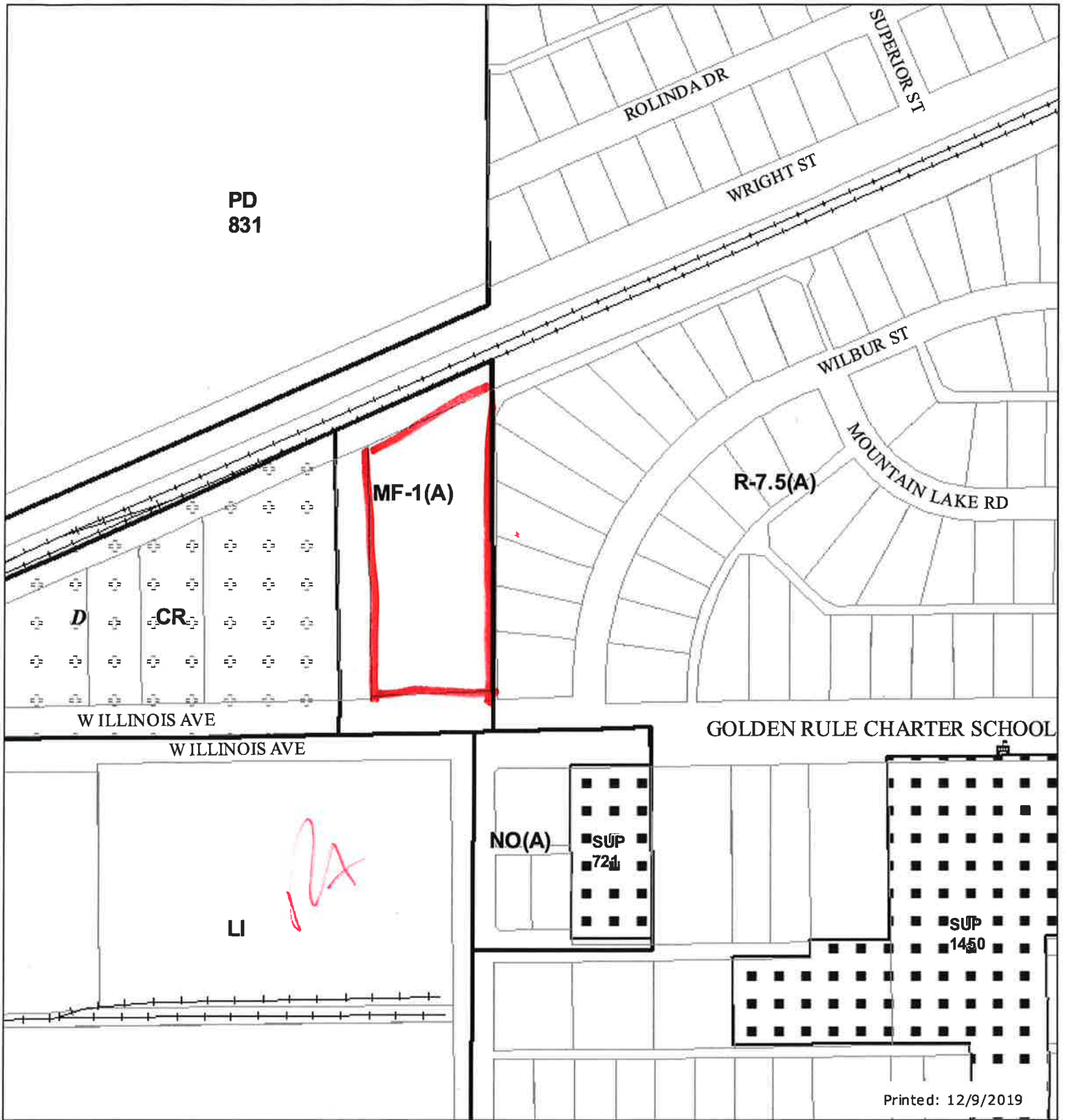
I hereby certify that Ramin Amini

did submit a request for a special exception to the landscaping regulations
at 2803 W. Illinois Avenue

BDA190-020. Application of Ramin Amini for a special exception to the landscaping regulations at 2803 W ILLINOIS AVE. This property is more fully described as Tract 13, Block 5966, and is zoned MF-1(A), which requires mandatory landscaping. The applicant proposes to maintain a multi-family residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



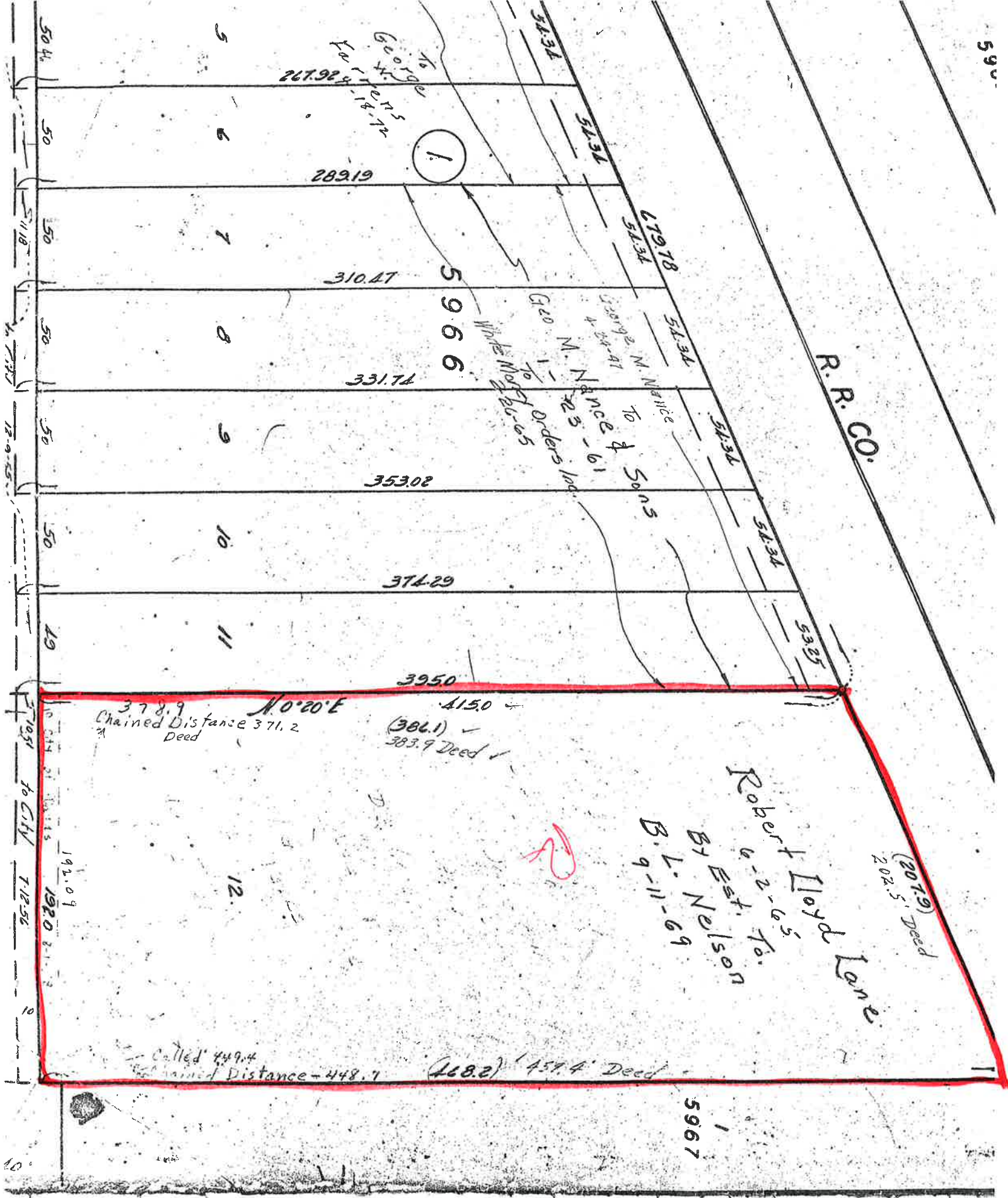
Printed: 12/9/2019

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





To
George
for 1-18-72
267.92

1

289.19

310.47

5966

331.74

Geo. N. Nance & Sons
White No. 1-65
Orders 1-65

353.02

374.29

395.0

378.9
Chained Distance 371.2
Deed

415.0
(386.1) ✓
383.9 Deed ✓

R

Robert & Lloyd Lane
B. Est. Nelson
B. L. Nelson
B. 9-11-69

(2019) Deed
202.5

Called 449.4
Chained Distance - 448.7
(468.2) 457.4 Deed

5967

Memorandum



Date February 5, 2020

To Oscar Aguilera, Sr. Planner
Sarah May, interim Board Administrator

Subject BDA #190-020 2803 W Illinois Avenue Arborist report

Request

The applicant is requesting a special exception to Article X landscape regulations required with the addition of new impervious surface exceeding 2,000 square feet.

Provision

- The property has an existing multifamily use (MF-1(A)) developed prior to city zoning regulations for landscaping. According to a 2003 certificate of occupancy for Oakridge Apartments, the property has been renovated and maintained since 1958. Existing landscape trees are primarily along the fence line perimeter of the lot with a few planted trees along the street front façade of the structure. A large elm is at the southeast corner (street front) of the lot.
- In response to site complaints by the City for various code matters, the owner recently removed the lawn turf in the front and interior court area to establish new parking spaces with an impervious surface but had not done so by permit. In the process of seeking a new permit for a small addition, the permit violation was discovered and the owner moved to seek a special exception for an alternative landscape plan.
- The property is subject to compliance with the 2018 amendments to Article X. The property has residential adjacency (R-7.5(A)) to the east of the lot. The property exceeds the 17 site tree requirement with existing tree credits on the lot and near the boundary.

Deficiency

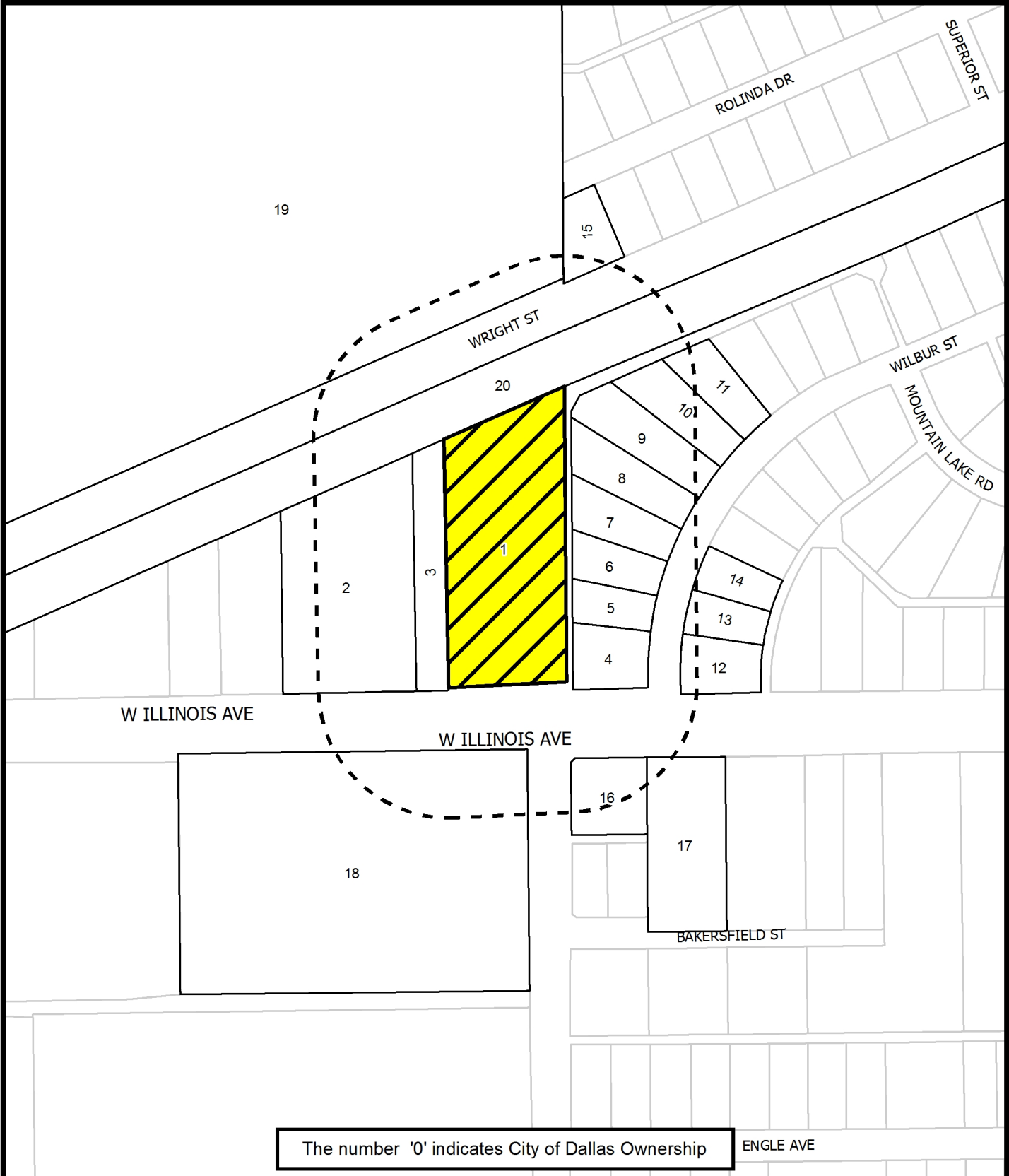
- The proposed landscape plan is deficient 1) the required street buffer zone and 2) residential buffer zone requirements. The 3) interior landscape requirements for lots with 101 or more parking spaces are not met (10.125).
- The 1.53 acre lot requires 20 landscape design points (10.126). Up to 10 points may be provided for building façade landscape design grouping of small/medium trees. Additional landscaping could be provided for screening of off-street parking for 5 points, or a maximum of 10 points but no landscape improvement is indicated on the plan. Irrigation is not identified for the landscape area on the plan.
- The street buffer zone described on the plan would meet the minimum requirements for buffer zone dimensions (minimum of 5 feet and average of 10 feet depth) but does not provide the sufficient number of street buffer zone trees and plants.
- The residential buffer zone does not provide appropriate buffering function with insufficient vegetation and provides no fence screening element from the residences across the alley.

However, it is recognized there are concerns for public safety along this buffer and a reduced buffer element as currently provided may be appropriate for security purposes both on the property and for the adjacent residential lots.

Recommendation

The chief arborist recommends denial of the special exception in that additional landscape elements could be applied to the street buffer zone to enhance the aesthetic and buffering aspects along the street frontage. I do agree that full compliance with the requirements of Article X will unreasonably burden the use of the established use on the property. Further landscape improvements along the public right-of-way could reduce negative impacts to neighboring properties.

Philip Erwin
Chief Arborist
Building Inspection



The number '0' indicates City of Dallas Ownership

ENGLE AVE



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

20

NUMBER OF PROPERTY OWNERS NOTIFIED

4-15

Case no: **BDA190-020**

Date: **1/23/2020**

Notification List of Property Owners

BDA190-020

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2803 W ILLINOIS AVE	AHOURAMAZDA LLC
2	2819 W ILLINOIS AVE	KHOJA REAL ESTATE INVESTMENTS
3	2807 W ILLINOIS AVE	KHOJA REAL ESTATE
4	2757 WILBUR ST	JACKSON SIDNEY B SR
5	2751 WILBUR ST	CARDOZA ALFONSO G
6	2747 WILBUR ST	NORRELL MARILYN KAY &
7	2741 WILBUR ST	GAMEZ LIBORIO & IRMA
8	2737 WILBUR ST	GAMEZ LIBORIO
9	2731 WILBUR ST	PRICE BROOKE E
10	2727 WILBUR ST	MARTINEZ GERARDO
11	2721 WILBUR ST	CALZADA PABLO
12	2754 WILBUR ST	CASTILLEJO CELESTINO &
13	2746 WILBUR ST	MONTERO GUILLERMINA
14	2740 WILBUR ST	ESCOBEDOROSALES JAVIER ALEJANDRO &
15	2740 ROLINDA DR	DELAROSA JOSE LUIS
16	2736 W ILLINOIS AVE	KANASE HEENA N &
17	2726 W ILLINOIS AVE	CHAPMAN BEVERLY D
18	2800 W ILLINOIS AVE	462 THOMAS FAMILY PROPERTIES LP
19	2300 S RAVINIA DR	Dallas ISD
20	401 S BUCKNER BLVD	DART