

BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, MARCH 18, 2020  
AGENDA

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|                |  |            |
|----------------|--|------------|
| BRIEFING       | L1FN AUDITORIUM<br>1500 MARILLA STREET<br>DALLAS CITY HALL | 11:00 A.M. |
| PUBLIC HEARING | L1FN AUDITORIUM<br>1500 MARILLA STREET<br>DALLAS CITY HALL | 1:00 P.M.  |

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**Neva Dean, Assistant Director**  
**Jennifer Muñoz, Chief Planner/Board Administrator**  
**Oscar Aguilera, Senior Planner**  
**LaTonia Jackson, Board Secretary**

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**PUBLIC TESTIMONY**

Minutes

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**MISCELLANEOUS ITEM**

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|   |    |
|---|----|
| Approval of the February 19, 2020 Board of Adjustment<br>Panel B Public Hearing Minutes | M1 |
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**UNCONTESTED CASES**

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|                       |  |   |
|-----------------------|--|---|
| <b>BDA190-030(OA)</b> | 8719 Diceman Drive<br><b>REQUEST:</b> Application of Danny Sipes for a special<br>exception to the single-family regulations.      | 1 |
| <b>BDA190-038(OA)</b> | 2601 Hudnall Street<br><b>REQUEST:</b> Application of Baldwin Associates for a special<br>exception to the landscaping regulations | 2 |

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## REGULAR CASES

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|                       |  |   |
|-----------------------|--|---|
| <b>BDA190-032(OA)</b> | 1518 Villars Street<br><b>REQUEST:</b> Application of Nick Curry for a variance to the off-street parking regulations  | 3 |
| <b>BDA190-033(OA)</b> | 1301 Chalk Hill Road<br><b>REQUEST:</b> Application of Dean Kraus for a special exception to the sign regulations  | 4 |
| <b>BDA190-035(OA)</b> | 4748 Elsby Avenue<br><b>REQUEST:</b> Application of Michael Coker for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations | 5 |

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## HOLDOVER CASE

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|                       |   |   |
|-----------------------|---|---|
| <b>BDA190-017(JM)</b> | 3510 Ross Avenue<br><b>REQUEST:</b> Application of Santos T. Martinez of La Sierra Planning Group, for a special exception to the parking regulations | 6 |
|-----------------------|---|---|

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## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA190-030(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Danny Sipes for a special exception to the single family use regulations at 8719 Diceman Drive. This property is more fully described as Lot 26, Block 5/5289, and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling non-rental unit, which will require a special exception to the single family use regulations.

**LOCATION:** 8719 Diceman Drive

**APPLICANT:** Danny Sipes

**REQUEST:**

A request for a special exception to the single family use regulations is made to construct and maintain a two-story additional home/dwelling unit structure on a site developed with a two-story main single family home/dwelling unit structure.

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

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

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

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when, in the opinion of the board, the structure or portion of the structure will be used by bonafide servants or caretakers and will not be rental accommodations.

## **BACKGROUND INFORMATION:**

### **Zoning:**

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

### **Land Use:**

The subject site is developed with a single family home. The areas to the north, west, south, and east 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 single family use regulations focuses on constructing and maintaining a two-story additional home/dwelling unit structure on a site developed with a two-story main single family home/dwelling unit structure.

The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

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

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”

- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing two-story single family main structure and the smaller of the two denoted as “new two-story masonry/wood garage studio”.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the “new two-story masonry/wood garage studio” structure, specifically its collection of rooms/features shown on the floor plan.

According to DCAD records, the “main improvement” for the property addressed at 8719 Diceman Drive is a structure built in 1941 with 1,085 square feet of living area with an “additional improvement,” a 234-square-foot attached garage.

According to the submitted site plan the main structure contains 2,591 square feet of total floor area and the proposed additional dwelling unit contains 641 square feet of total floor area (with garage 1282 square feet).

The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

If the board were to approve this request, the Board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. But granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).

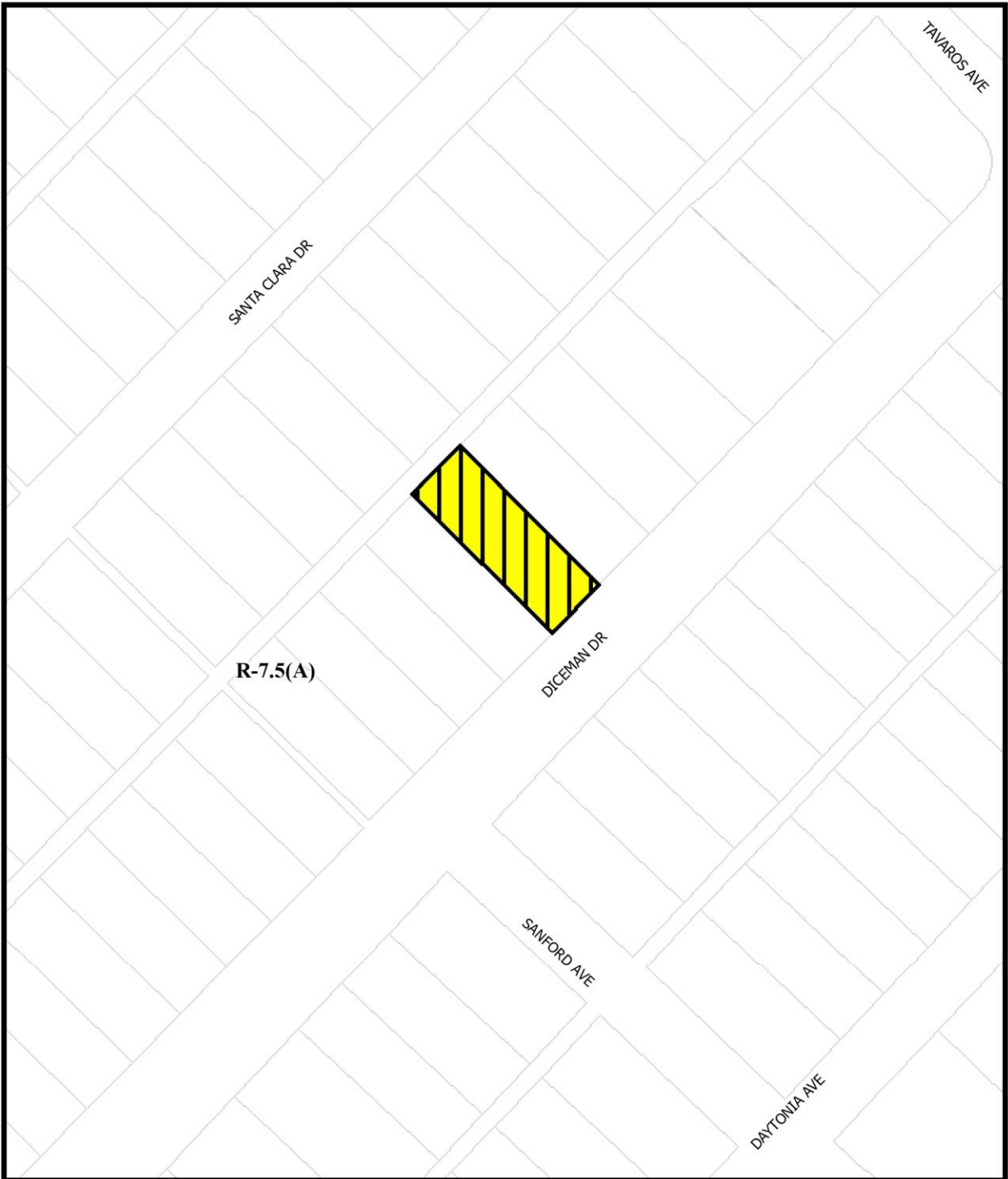
The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

On February 24, 2020, the applicant submitted a statement (Attachment A) noting how the proposed additional dwelling unit would be used as guest quarters and not used for rental accommodations. No further details were provided.

If the board were to grant this request, Building Inspection would view the structure denoted on the submitted site plan as “new two-story masonry/wood garage studio” as an additional “dwelling unit”.

## **Timeline:**

- January 10, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- February 11, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.
- February 14, 2020: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- February 25, 2020: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- February 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.



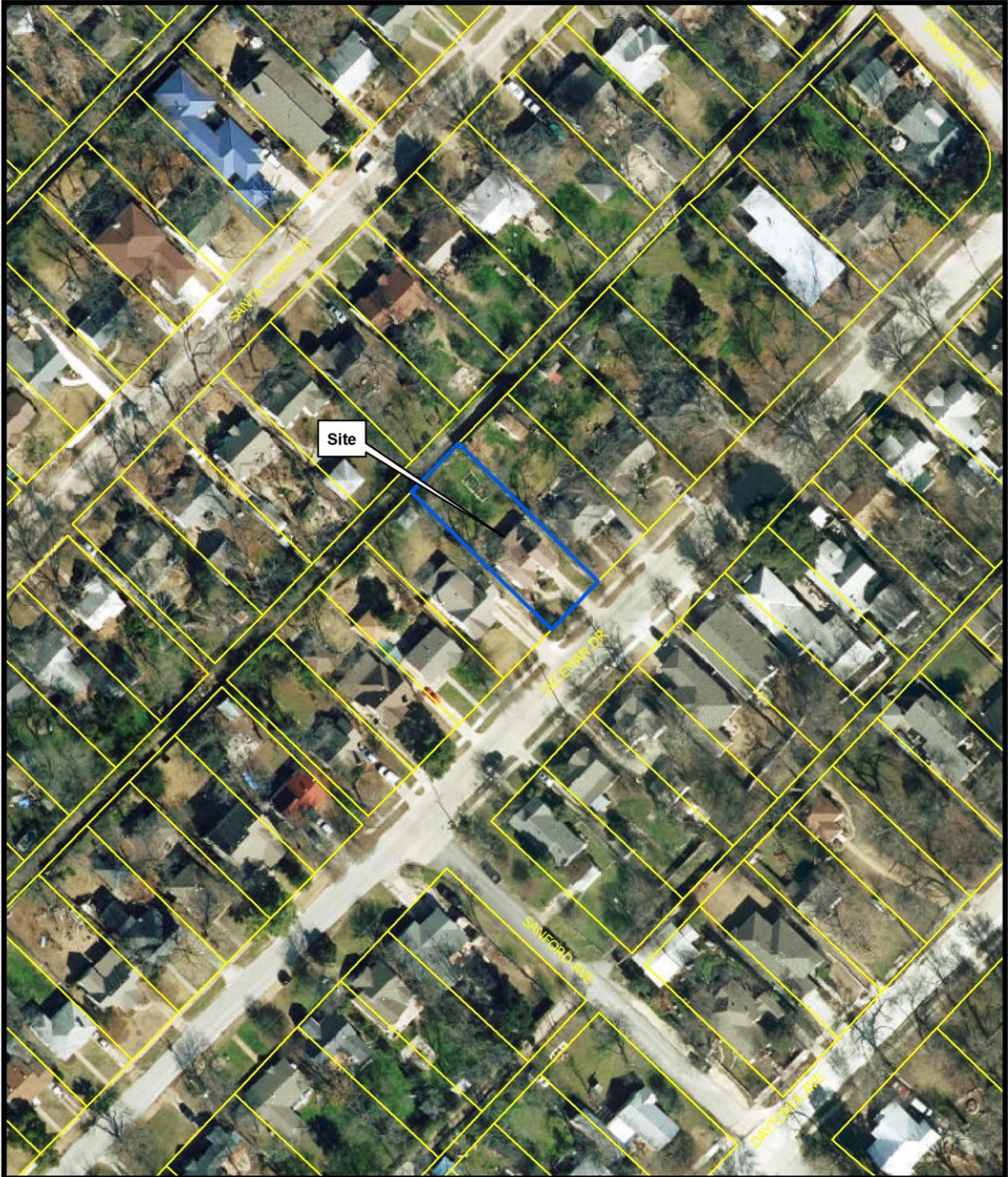
1:1,200

# ZONING MAP

Case no: **BDA190-030**

Date: **2/21/2020**





1:1,200

# AERIAL MAP

Case no: **BDA190-030**

Date: **2/21/2020**

RECEIVED  
JAN 10 2020  
BY: .....



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-030

Date: 12/13/19 1-10-20

Data Relative to Subject Property:

Location address: 8719 Diceman Dr. Zoning District: R-7.5(A)

Lot No.: 26 Block No.: 515289 Acreage: .182 Census Tract: 81.00

Street Frontage (in Feet): 1) 53' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Zahid R. Khalid

Applicant: Danny Sipes - Texas Permit Telephone: 214-794-0213

Mailing Address: PO Box 3293 Forney Tx Zip Code: 75126

E-mail Address: danny@txpermit.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 allow for an additional dwelling unit.

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

To allow for a guest quarters that will not be used for rental income.

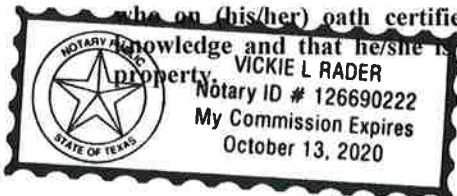
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

(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: Danny Sipes  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of January, 2020

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

(Rev. 08-01-11)

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks

Chairman

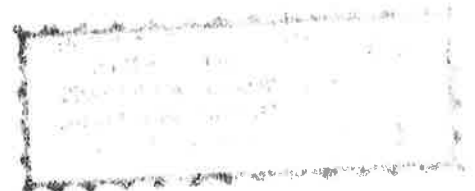
Building Official's Report

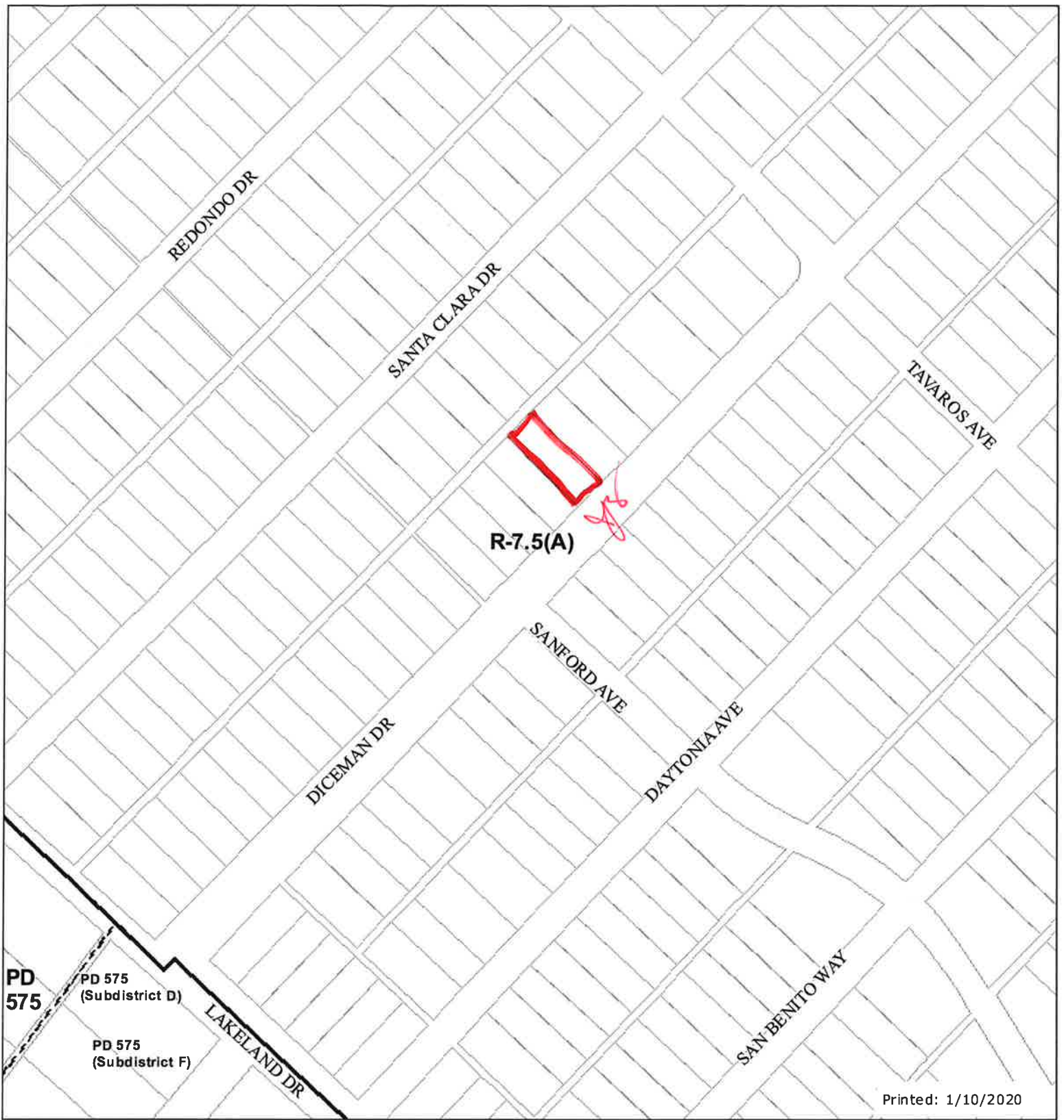
I hereby certify that Danny Sipes  
did submit a request for a special exception to the single family regulations  
at 8719 Diceman Drive

BDA190-030. Application of Danny Sipes for a special exception to the single family regulations at 8719 DICEMAN DR. This property is more fully described as Lot 26, Block 5/5289, and is zoned R-7 5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit for non-rental, which will require a special exception to the single family zoning use regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





Printed: 1/10/2020

### Legend

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

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



1:2,400



5227

30

SANTA CLARA

ADD.

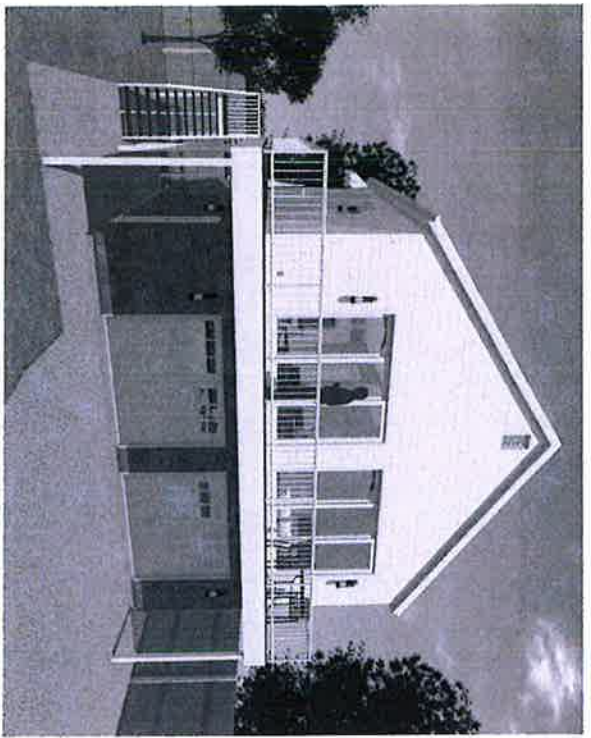
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8700

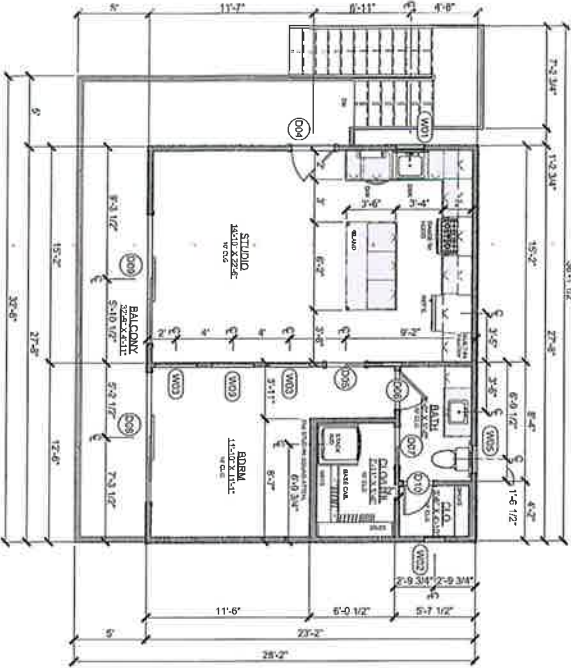
DICEMAN

5229  
TERRACE

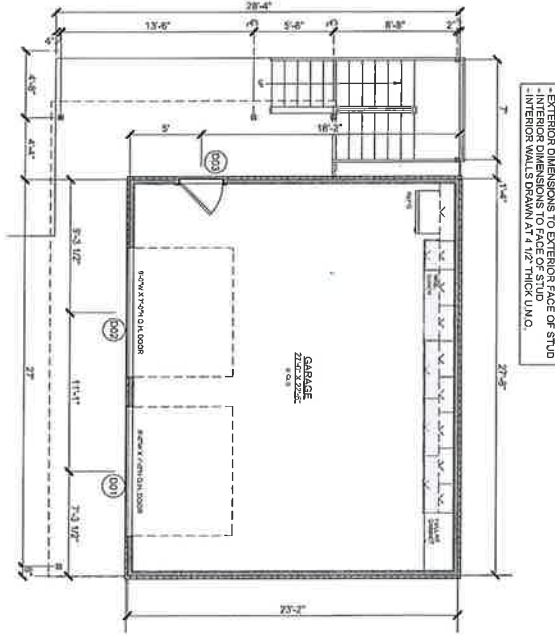
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05 PERSPECTIVE VIEW  
Scale: 1/8"=1'-0"

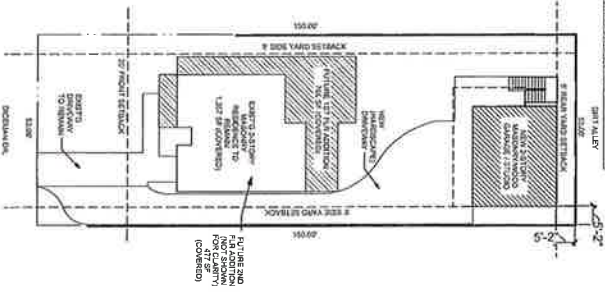


03 SECOND FLOOR PLAN  
Scale: 1/16"=1'-0"



04 ROOF PLAN  
Scale: 1/8"=1'-0"

02 FIRST FLOOR PLAN  
Scale: 1/16"=1'-0"



01 SITE PLAN  
Scale: 1/16"=1'-0"

**LEGAL DESCRIPTION:**  
PROPERTY IS LOCATED AT 8719 DICEMAN DRIVE IN THE CITY OF DALLAS, TEXAS, BEING A PORTION OF LOT 28, BLOCK 5, SUBDIVISION REFERRED TO AS LOT 28, BLOCK 5, 729 OF SHAWAROCK SMOKERS PER TAX RECORDS).

**ZONING:**  
CITY OF DALLAS, TEXAS DESIGNATION TC-7(AV) SINGLE FAMILY DWELLING PERMITTED USE (FRONT S.F.)

**PERMITTED USES:**  
FRONT YARD SETBACK: 25'-0"  
SIDE YARD SETBACK: 5'-0"  
MAXIMUM BLDG. HEIGHT: 35'-0"  
SITE SQUARE FOOTAGE: 7894 S.F.  
MAXIMUM LOT COVERAGE: 3599 S.F. (45% OF TOTAL LOT COVERAGE)  
TOTAL FUTURE COVERAGE: 1798 S.F. (22% OF TOTAL FUTURE COVERAGE)  
2472 S.F. (31%)

**EXISTING/FUTURE MAIN HOUSE AREA CALCUS**

| NO  | QTY | LABEL   | TOP  | TEMPERED | TYPE        | AREA     |
|-----|-----|---------|------|----------|-------------|----------|
| W01 | 1   | 20'0SH  | 95'  |          | SINGLE HUNG | 1,097 SF |
| W02 | 1   | 16'30SH | 95'  |          | SINGLE HUNG | 622 SF   |
| W03 | 3   | 30'18FX | 118' |          | FIXED GLASS | 641 SF   |
| W05 | 1   | 20'0SH  | 95'  |          | SINGLE HUNG | 641 SF   |

**PROPOSED GARAGE/STUDIO AREA CALCUS**

| NO  | QTY | LABEL   | TEMPERED | TYPE | AREA        |          |
|-----|-----|---------|----------|------|-------------|----------|
| W01 | 1   | 20'0SH  | 95'      |      | SINGLE HUNG | 1,097 SF |
| W02 | 1   | 16'30SH | 95'      |      | SINGLE HUNG | 622 SF   |
| W03 | 3   | 30'18FX | 118'     |      | FIXED GLASS | 641 SF   |
| W05 | 1   | 20'0SH  | 95'      |      | SINGLE HUNG | 641 SF   |

| NO  | DESCRIPTION         | QTY | UNIT  | AREA   |
|-----|---------------------|-----|-------|--------|
| 001 | EXISTING GARAGE     | 1   | SQ FT | 1,097  |
| 002 | EXISTING STUDIO     | 1   | SQ FT | 622    |
| 003 | EXISTING KITCHEN    | 1   | SQ FT | 170    |
| 004 | EXISTING DINING     | 1   | SQ FT | 234    |
| 005 | EXISTING LIVING     | 1   | SQ FT | 430    |
| 006 | EXISTING BEDRM      | 1   | SQ FT | 36     |
| 007 | EXISTING BATH       | 1   | SQ FT | 233    |
| 008 | EXISTING HALL       | 1   | SQ FT | 289    |
| 009 | EXISTING PORCH      | 1   | SQ FT | 1,301  |
| 010 | EXISTING PATIO      | 1   | SQ FT | 2,313  |
| 011 | EXISTING DRIVEWAY   | 1   | SQ FT | 2,291  |
| 012 | EXISTING SIDE YARD  | 1   | SQ FT | 2,291  |
| 013 | EXISTING FRONT YARD | 1   | SQ FT | 2,291  |
| 014 | EXISTING REAR YARD  | 1   | SQ FT | 2,291  |
| 015 | EXISTING TOTAL      | 1   | SQ FT | 12,894 |
| 016 | PROPOSED GARAGE     | 1   | SQ FT | 1,097  |
| 017 | PROPOSED STUDIO     | 1   | SQ FT | 622    |
| 018 | PROPOSED KITCHEN    | 1   | SQ FT | 170    |
| 019 | PROPOSED DINING     | 1   | SQ FT | 234    |
| 020 | PROPOSED LIVING     | 1   | SQ FT | 430    |
| 021 | PROPOSED BEDRM      | 1   | SQ FT | 36     |
| 022 | PROPOSED BATH       | 1   | SQ FT | 233    |
| 023 | PROPOSED HALL       | 1   | SQ FT | 289    |
| 024 | PROPOSED PORCH      | 1   | SQ FT | 1,301  |
| 025 | PROPOSED PATIO      | 1   | SQ FT | 2,313  |
| 026 | PROPOSED DRIVEWAY   | 1   | SQ FT | 2,291  |
| 027 | PROPOSED SIDE YARD  | 1   | SQ FT | 2,291  |
| 028 | PROPOSED FRONT YARD | 1   | SQ FT | 2,291  |
| 029 | PROPOSED REAR YARD  | 1   | SQ FT | 2,291  |
| 030 | PROPOSED TOTAL      | 1   | SQ FT | 14,991 |

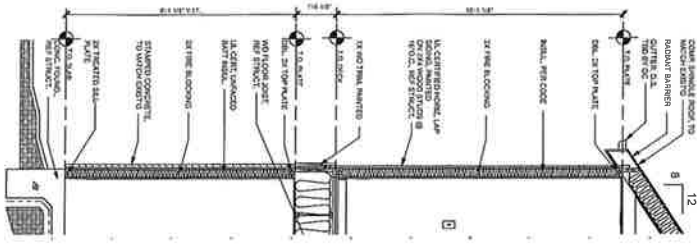
**PROPOSED MAIN HOUSE DOES NOT BE A FUTURE RENOVATION/ADDITION TO EXISTING MAIN HOUSE AREA (CALCS) TO BE PERMITTED WITHIN THE NEXT 12 MONTHS.**

THESE PLANS ARE INTENDED TO PROVIDE THE CONSTRUCTION INFORMATION NECESSARY TO COMPLETE THE DESIGN INTENT. THESE DRAWINGS MUST BE REVIEWED AND APPROVED BY THE CITY OF DALLAS BEFORE ANY CONSTRUCTION OR MATERIAL PROCUREMENTS ARE MADE. ALL LOCAL CODES, ORDINANCES & REQUIREMENTS, WHICH MUST BE ADHERED TO BEFORE & DURING ALL CONSTRUCTION, TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS, WHICH MAY BE IN CONFLICT WITH THE GOVERNING AGENCIES, CODES &/OR REQUIREMENTS.

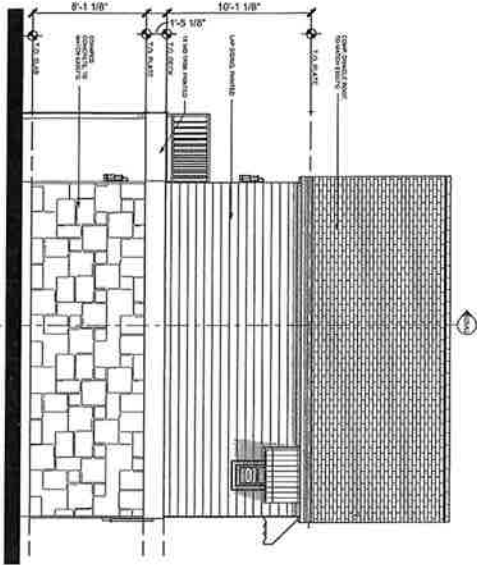
GARAGE|STUDIO ADDITION FOR:  
**8719 DICEMAN DR.**

**A1**

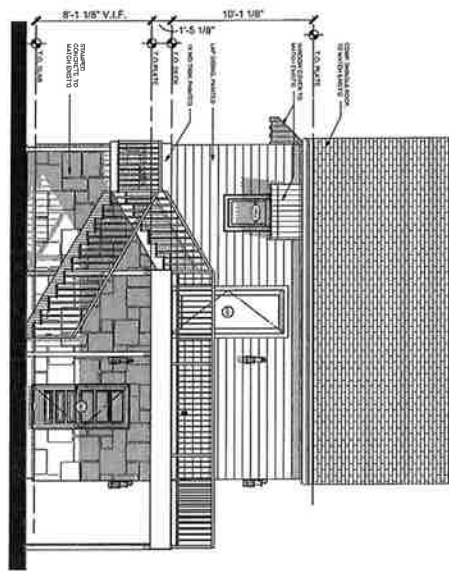
03 TYP. WALL SECTION  
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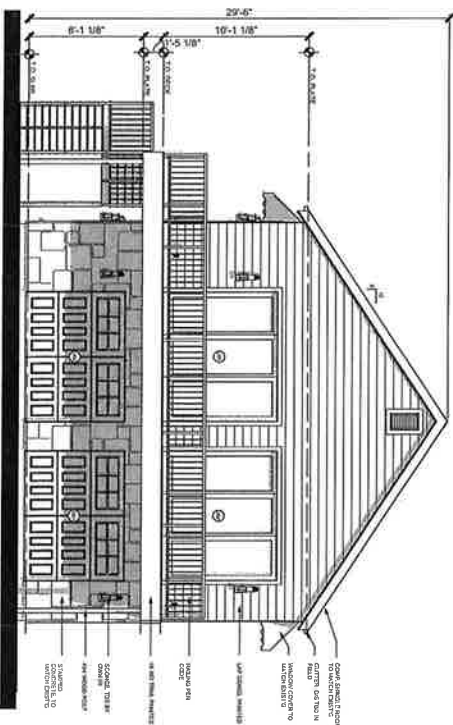
02 RIGHT ELEVATION  
Scale: 1/4"=1'-0"



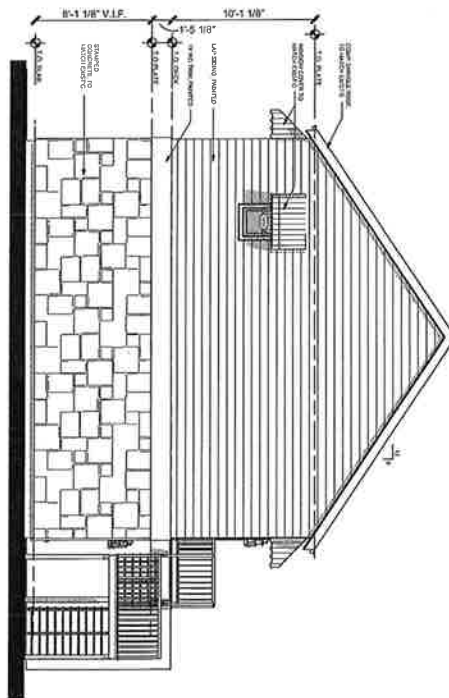
04 LEFT ELEVATION  
Scale: 1/4"=1'-0"



01 FRONT ELEVATION  
Scale: 1/4"=1'-0"



03 REAR ELEVATION  
Scale: 1/4"=1'-0"



A2

07.10.18

# GARAGE | STUDIO ADDITION FOR: 8719 DICEMAN DR.

THESE PLANS ARE INTENDED TO PROVIDE THE CONSTRUCTION INFORMATION NECESSARY TO COMPLETE THE DESIGN INTENT. THESE DRAWINGS MUST BE VERIFIED AND CHECKED COMPLETELY BY THE PERSON IN AUTHORITY OF THE JOB. ALL DISCREPANCIES, ERRORS & OR OMISSIONS, IF FOUND, ARE TO BE BROUGHT TO THE ATTENTION OF THE BUILDER BEFORE ANY CONSTRUCTION OR MATERIAL PROCUREMENTS ARE MADE. ALL LOCAL CODES, ORDINANCES & REQUIREMENTS, WHICH MUST BE ADHERED TO BEFORE & DURING ALL CONSTRUCTION, TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS, WHICH MAY BE IN CONFLICT WITH THE GOVERNING AGENCIES, CODES & OR REQUIREMENTS.

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# Texas Permit & Development

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February 24, 2020

To the City of Dallas Board of Adjustment Members

Re: 8719 Diceman

We are here before you requesting a special exception to allow for an additional dwelling unit at 8719 Diceman.

We are requesting the special exception to allow for guest quarters. The guest quarters will not be used for rental accommodations.

The proposed unit would be constructed above a two car garage.

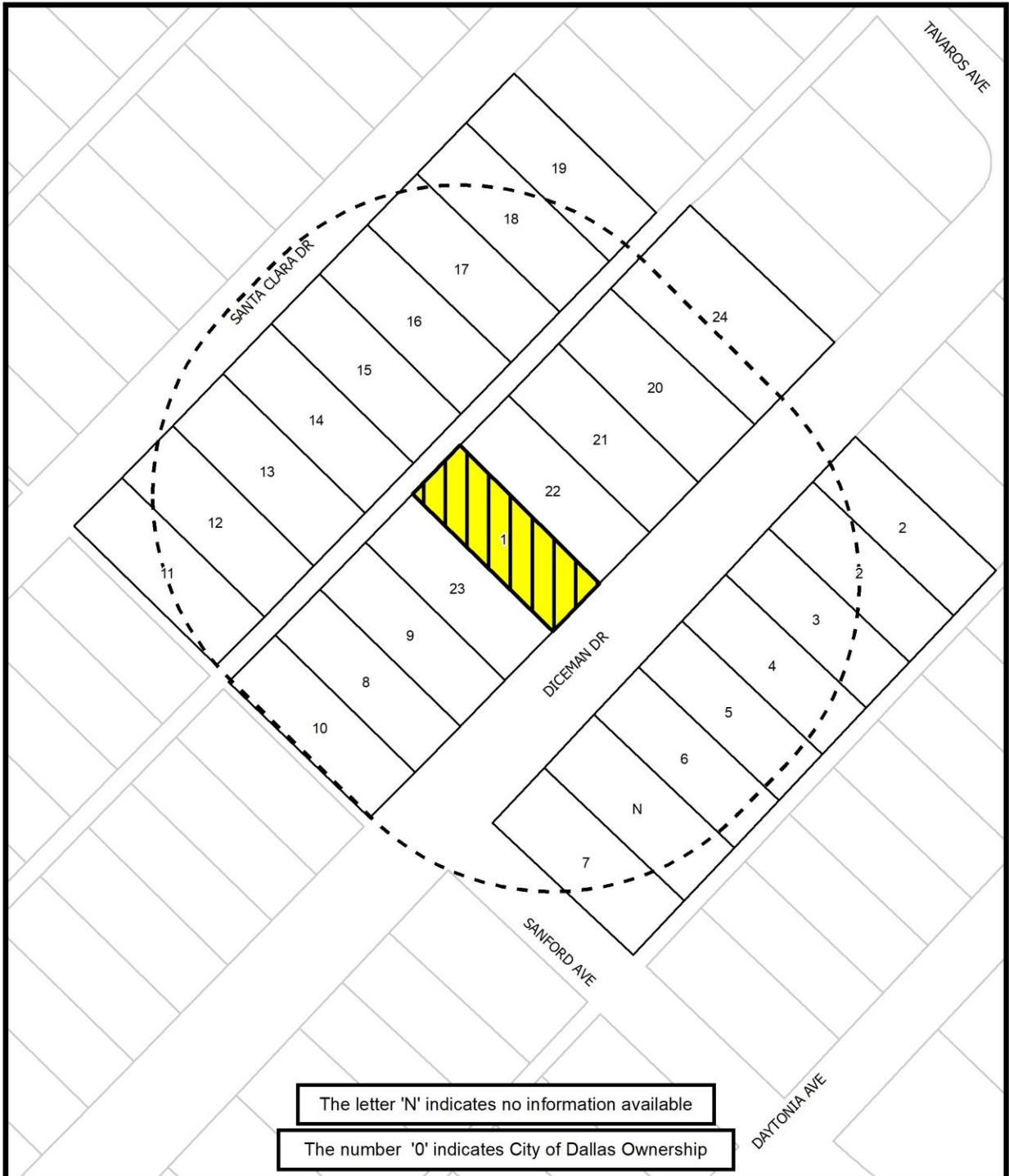
We thank you for your consideration in these matters.



Danny Sipes

Texas Permit





|  |   |                            |                      |    |                                    |
|--|---|----------------------------|----------------------|----|------------------------------------|
| <br>1:1,200 | <b>NOTIFICATION</b>   | Case no: <b>BDA190-030</b> |                      |    |                                    |
|  | <table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">24</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200'                       | AREA OF NOTIFICATION | 24 | NUMBER OF PROPERTY OWNERS NOTIFIED |
| 200'   | AREA OF NOTIFICATION  |                            |                      |    |                                    |
| 24   | NUMBER OF PROPERTY OWNERS NOTIFIED  |                            |                      |    |                                    |

02/20/2020

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

***BDA190-030***

### ***24 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>            |
|-----------------------|-----------------------|--------------------------------|
| 1                     | 8719 DICEMAN DR       | BOLTIN DINA                    |
| 2                     | 8806 DICEMAN DR       | ANDERSON DAVID                 |
| 3                     | 8722 DICEMAN DR       | BLACK HENRY                    |
| 4                     | 8718 DICEMAN DR       | BLACKMAN STEVE                 |
| 5                     | 8714 DICEMAN DR       | ZACHARY CURTIS                 |
| 6                     | 8710 DICEMAN DR       | MASTERSON THOMAS C             |
| 7                     | 8702 DICEMAN DR       | TUREK LISA MAUREEN             |
| 8                     | 8707 DICEMAN DR       | FARRIS JANE A                  |
| 9                     | 8711 DICEMAN DR       | GARD JOHN W & AZADEH MOZAFFARI |
| 10                    | 8703 DICEMAN DR       | COLE BARBARA JEAN              |
| 11                    | 8702 SANTA CLARA DR   | LEE CHARLOTTE                  |
| 12                    | 8706 SANTA CLARA DR   | YUHAS LAUREN M                 |
| 13                    | 8710 SANTA CLARA DR   | KIMBERLIN MARY                 |
| 14                    | 8714 SANTA CLARA DR   | SANDER DALE E &                |
| 15                    | 8718 SANTA CLARA DR   | THACKER RICHARD E              |
| 16                    | 8722 SANTA CLARA DR   | MARTINEZ ANTONIO JR &          |
| 17                    | 8726 SANTA CLARA DR   | HICKERSON BRAD & DOROTHY       |
| 18                    | 8802 SANTA CLARA DR   | GUAJARDO ELIZABETH JANE        |
| 19                    | 8806 SANTA CLARA DR   | SMITH DOUGLAS G                |
| 20                    | 8803 DICEMAN DR       | WEIS ANNE                      |
| 21                    | 8729 DICEMAN DR       | LUONG MINH T &                 |
| 22                    | 8723 DICEMAN DR       | NEWTON JULIA J                 |
| 23                    | 8713 DICEMAN DR       | HOPKINS BARBARA J              |
| 24                    | 8809 DICEMAN DR       | HUCKABAY CHERYL L              |

**FILE NUMBER:** BDA189-038(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Rob Baldwin of Baldwin and Associates for a special exception to the landscape regulations at 2601 Hudnall Street. This property is more fully described as Lot 1 Block A/5706, and is zoned PD 193 S-128, which requires mandatory landscaping. The applicant proposes to construct and/ maintain a multifamily residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 2601 Hudnall Street

**APPLICANT:** Rob Baldwin of Baldwin and Associates

**REQUESTS:**

A request for a special exception to the landscape regulations is made to construct and maintain a multifamily development with a parking structure on a site that is currently undeveloped, and not to fully provide the required landscaping. More specifically, the request includes (1) to relocate required sidewalks outside of the required zone of five to 12 feet from back of curb, and (2) to locate street trees outside of the two-and-a-half to five-feet from the back of curb zone on Hudnall Street.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS IN OAK LAWN:**

Section 51P-193-126(a) (4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property complies with a landscape plan as a condition to granting the special exception.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.

## **BACKGROUND INFORMATION**

- Site:** PD 193 PDS 128 (Planned Development)  
**North:** PD 193 (GR) (Planned Development, General Retail)  
**South:** PD 193 (MF-2) (Planned Development, Multifamily)  
**East:** PD 193 (R-7.5 H-6) (Planned Development, Single Family)  
**West:** PD 193 (GR) (Planned Development, General Retail)

### **Land Use:**

The site is being developed with a multifamily development. The areas to the north, east, and south and west are developed with retail, single family, and multifamily 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 landscape regulations focuses on constructing and maintaining a multifamily development with a parking structure on a site that is undeveloped and not to fully provide the required landscaping. The applicant proposes (1) to relocate required sidewalks outside of the required zone of five to 12 feet from back of curb, and (2) to locate street trees outside of the two-and-a-half to five-foot from the back of curb zone on Hudnall Street.

PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

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

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

The applicant is seeking a special exception to the landscaping requirements of PD 193 Part 1, as established under PDS 128 for the property. Under PDS 128, development follows regulations established for uses in GR subdistricts requiring 10 percent total landscape site area and 60 percent of the required front yard. Trees, sidewalks, and screening must comply with Section 51P-193.126.

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

The council approved development plan for PDS 128 establishes no designation of landscaping and the placement of trees. Therefore, there is no restriction on the review of landscaping by the board.

The alternate landscape plan provides for required street trees, landscape site areas, and sidewalk widths. The plan proposes to preserve five large mature trees along Hudnall Street and set back behind the sidewalk. No screening of off-street parking is required

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

The alternate landscape plan places sidewalks outside of the required zone of five to 12 feet from back of curb and relocates some street trees outside of the two-and-a-half to five feet from back of curb zone on Hudnall Street.

The five retained trees are set outside of the tree planting zone and the sidewalk is placed along the curb to help protect the root systems of the trees.

The chief arborist recommends approval of the alternate landscape plan because the special exception would not compromise the spirit and intent of PD 193 Part 1 landscape regulations.

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

The special exception (the required sidewalks outside of the required zone of five to 12 feet from back of curb and relocate some street trees outside of the two-and-a-half to five feet from back of curb zone of the PD 193 landscape requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards".

If the board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted an exception from full compliance to the requirements of the PD 193 landscape ordinance.

**Timeline:**

January 27, 2020: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

February 11, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

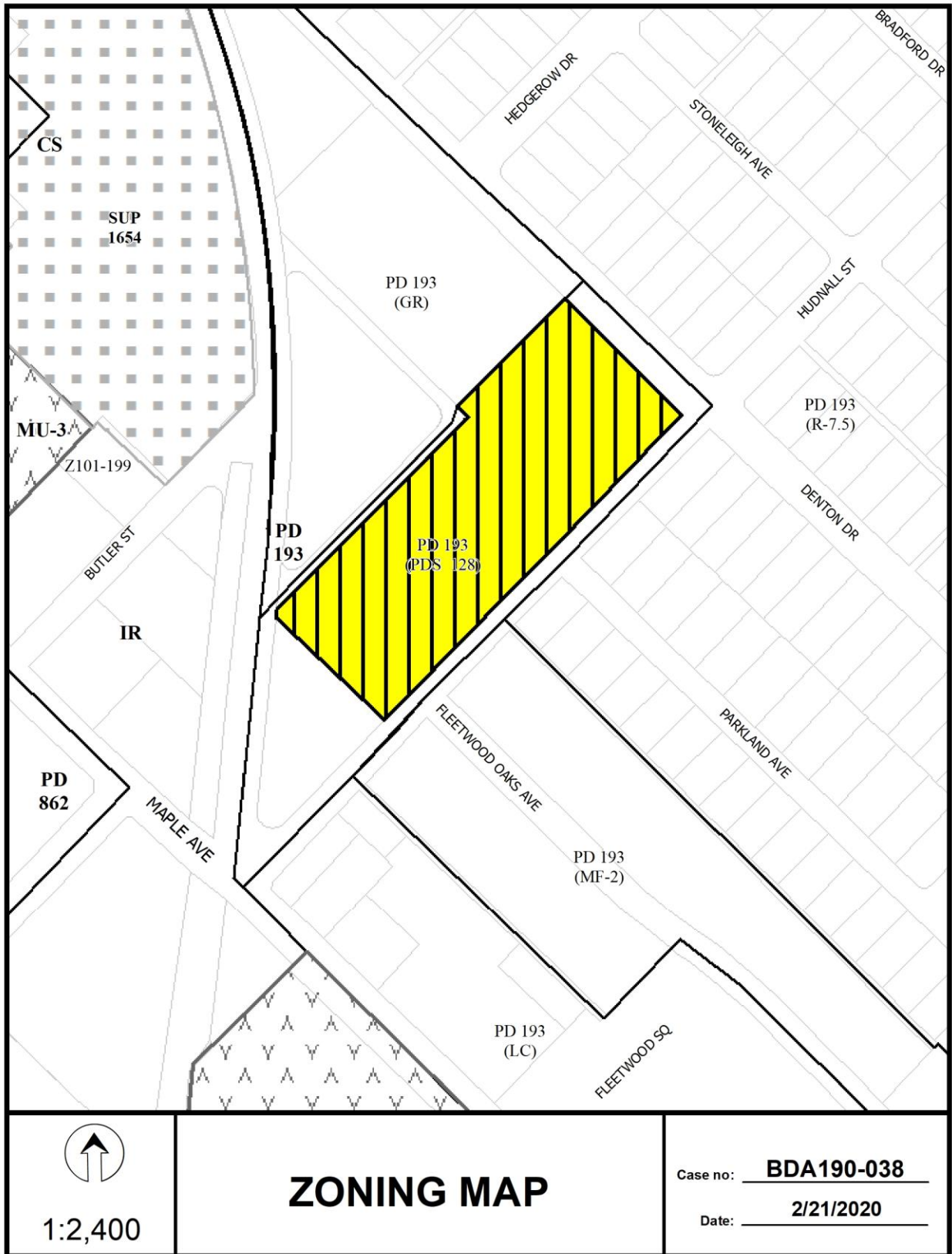
February 14, 2020: The Board Senior Planner emailed the applicant the following information:

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

- an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 27, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

March 2, 2019: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).

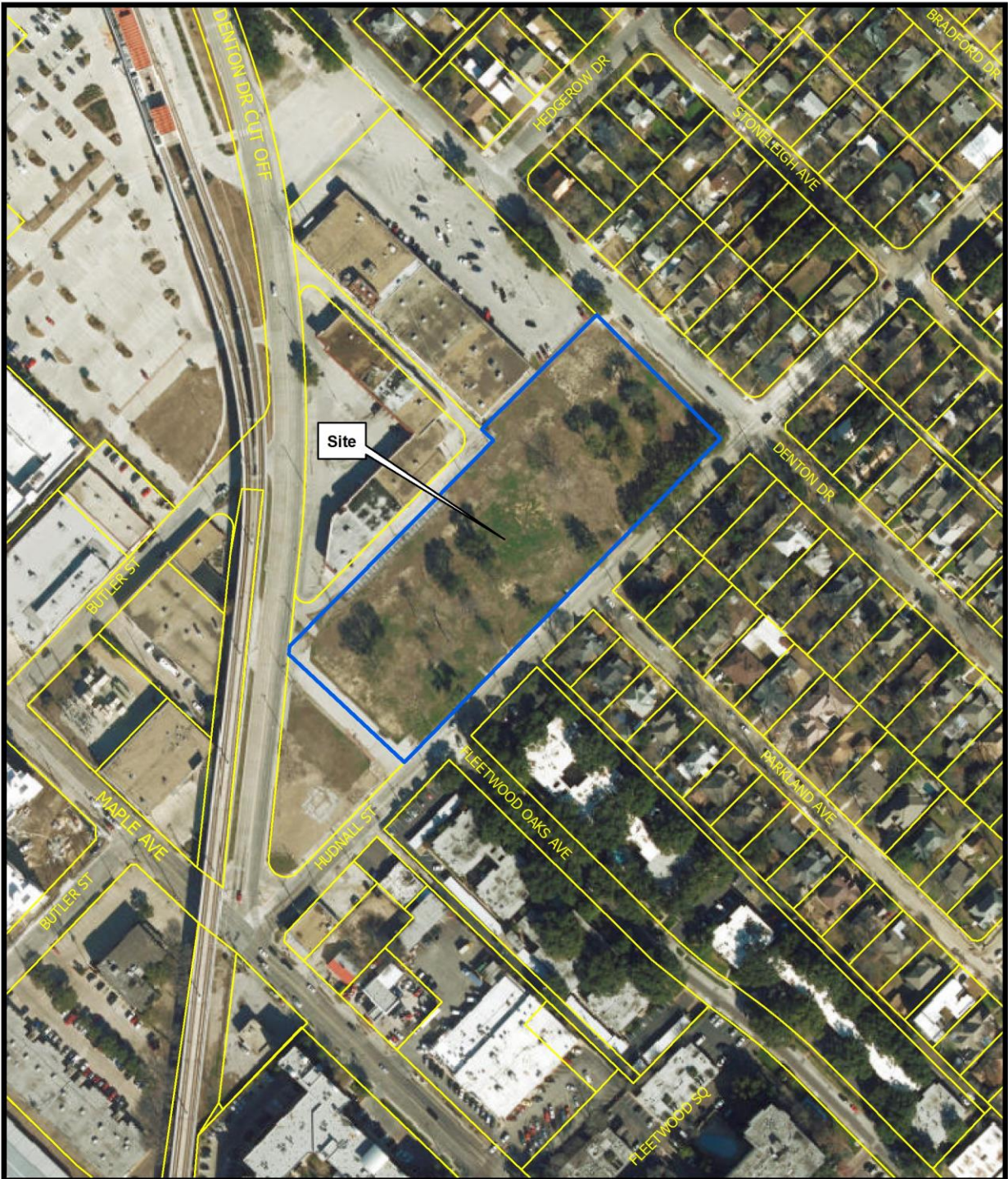


1:2,400

# ZONING MAP

Case no: **BDA190-038**

Date: **2/21/2020**



  
1:2,400

# AERIAL MAP

Case no: **BDA190-038**  
Date: **2/21/2020**





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-038

Data Relative to Subject Property:

Date: 1-27-20

Location address: 2601 Hudnall St Zoning District: PD 193 S128

Lot No.: 1 Block No.: A/5706 Acreage: 4.424 acres Census Tract: 4.04

Street Frontage (in Feet): 1) 288 ft 2) 675 ft 3) 71.8 ft 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): OH Maplewood, LP

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of landscaping

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:  
This request to save 5 mature Live Oaks will meet the spirit & intent of PD 193. Due to the location of these trees, strict compliance is not possible to meet the street tree requirement, street tree location, sidewalk location, and sidewalk width for this portion of the site as required by PD 193.

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

Affidavit

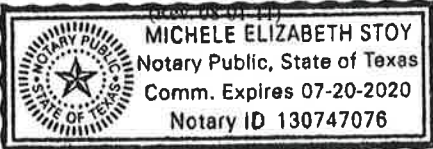
Before me the undersigned on this day personally appeared Robert Baldwin  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 24 day of January, 2020

[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 BALDWIN ASSOCIATES

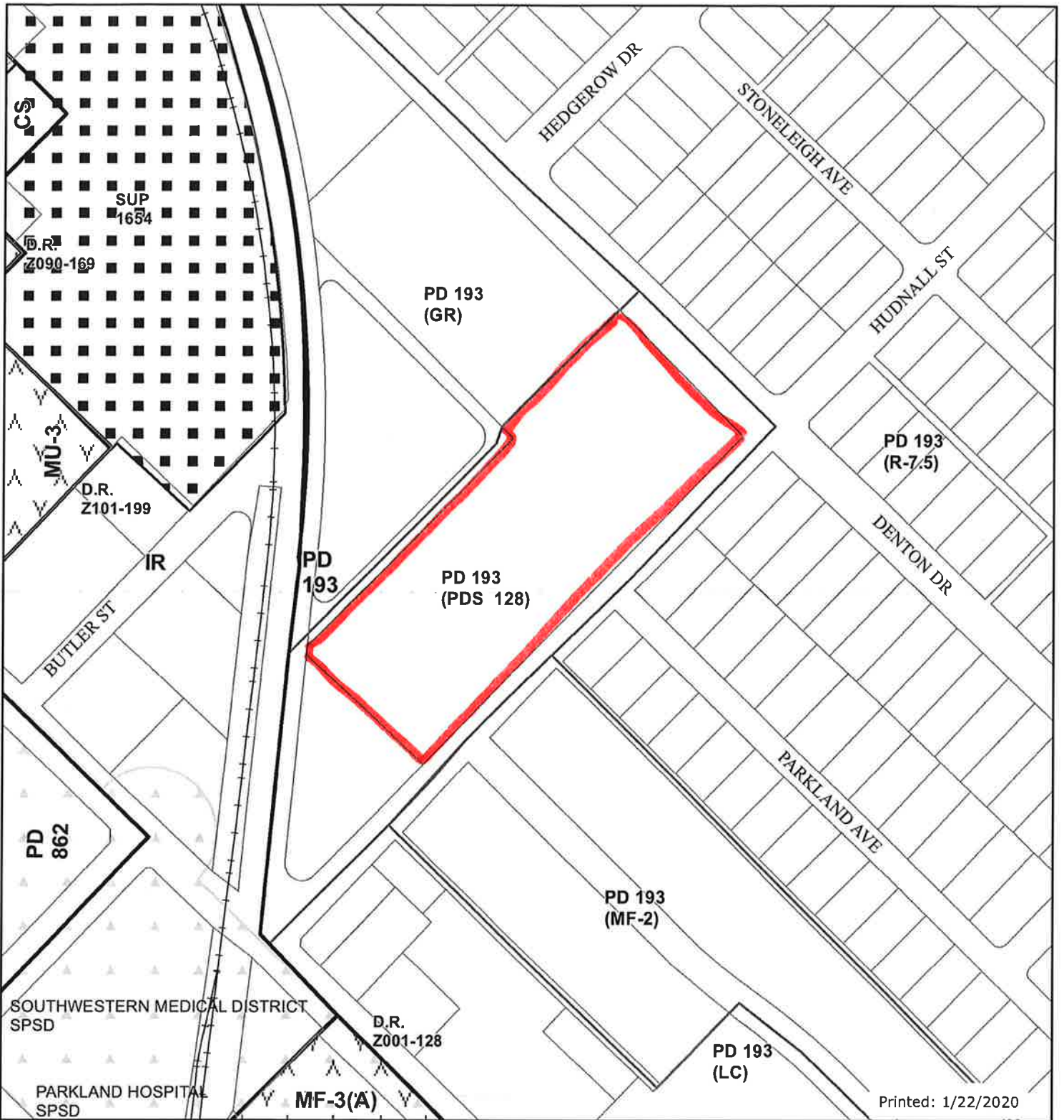
did submit a request for a special exception to the landscaping regulations  
at 2601 Hudnall Street

BDA190-038. Application of BALDWIN ASSOCIATES for a special exception to the landscaping regulations at 2601 HUDNALL ST. This property is more fully described as Lot 1, Block A/5706, and is zoned PD-193 S-128, which requires mandatory landscaping. The applicant proposes to construct a multi-family residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

*[Faint, illegible text, likely a stamp or signature bleed-through]*

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 1/22/2020

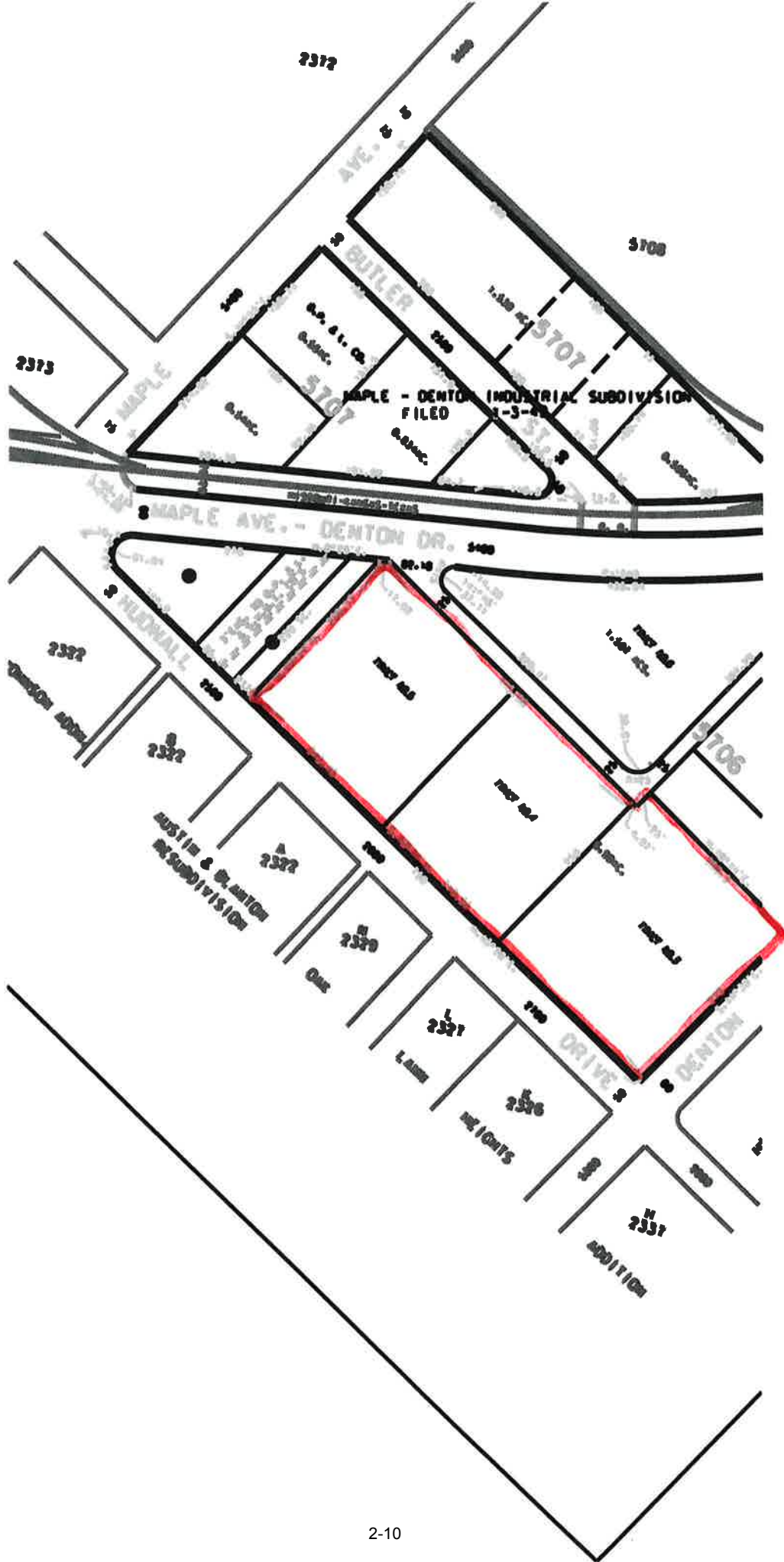
### Legend

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

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



1:2,400







PROJECT NAME  
**LENOX  
 MAPLEWOOD  
 LOT 2,  
 BUILDING 2**  
 OWNER  
**ODEN  
 HUGHES LLC.**  
 PROJECT LOCATION  
**DENTON  
 DRIVE AND  
 HUDNALL  
 DRIVE,  
 DALLAS, TX**

**TREE LEGEND**

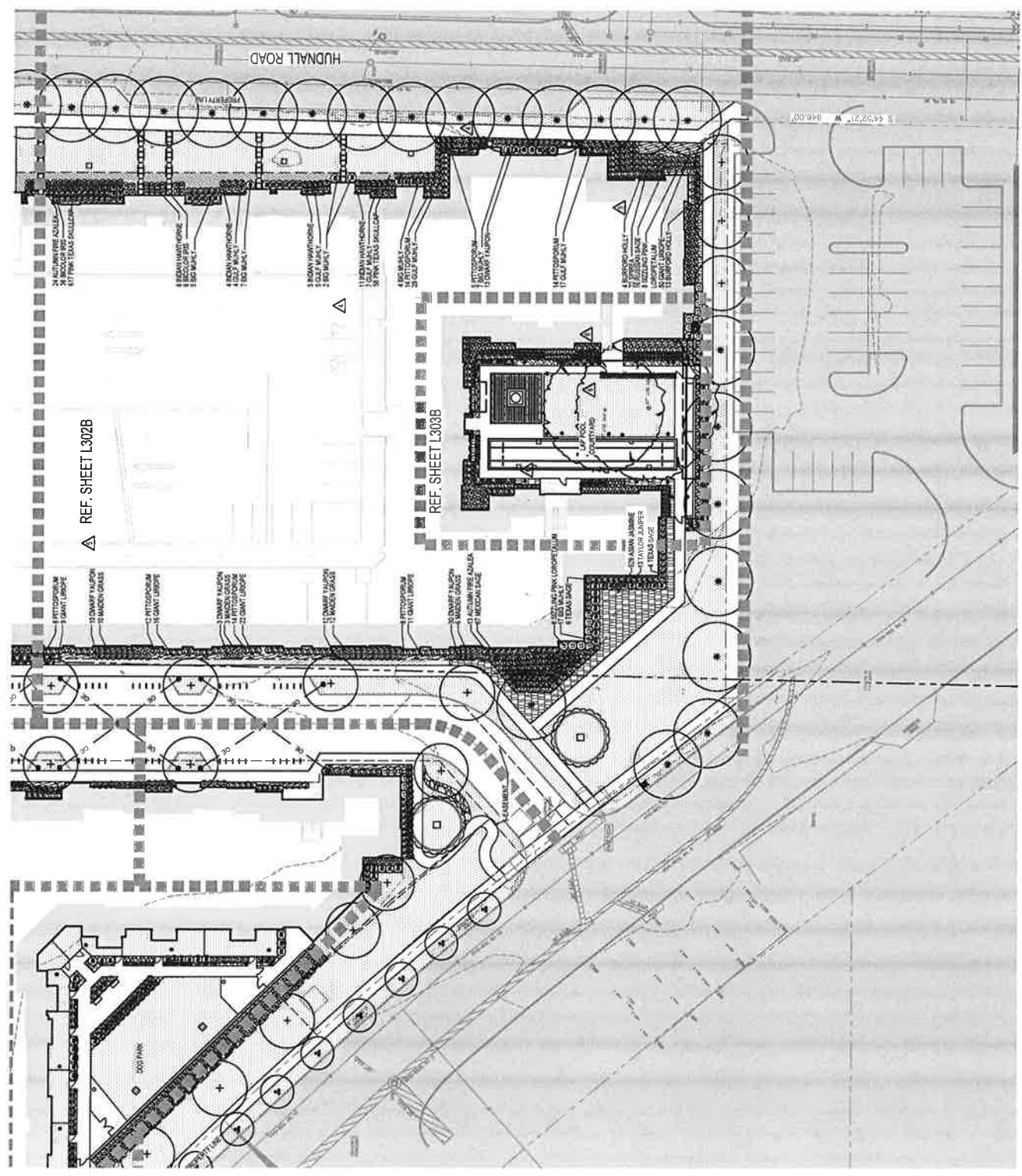
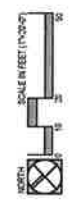
| SYMBOL  | COMMON NAME         |
|---|---------------------|
| Circle with square                            | LACINIA PALM        |
| Circle with plus                              | LIFE OAK            |
| Circle with dot                               | LIFE OAK            |
| Circle with cross                             | CEDEAR PALM         |
| Circle with square and dot                    | LITTLE OBI MAGNOLIA |
| Circle with dot and cross                     | FOSTER HOLLY        |
| Circle with cross and dot                     | TEXAS REDBUD        |
| Circle with cross and dot (different pattern) | MOUNTAIN LABEL      |
| Circle with cross and dot (different pattern) | POGGONIA PALM       |

**ISSUE FOR CONSTRUCTION**

|           |          |          |                        |
|-----------|----------|----------|------------------------|
| REVISIONS | NO. 1    | DATE     | DESCRIPTION            |
| 1         | 08/14/24 | 08/14/24 | ISSUE FOR CONSTRUCTION |

PROJECT NO. 241002P  
 DATE PLOTTED 08/14/24  
**PLANTING PLAN  
 (CITY SHEET)**

SHEET NO. **L302B**



REF. SHEET L302B

REF. SHEET L303B



# Memorandum



Date March 2, 2020

To Oscar Aguilera, Sr. Planner  
Jennifer Munoz, Board Administrator

Subject BDA #190-038 2601 Hudnall Street Arborist report

## Request

The applicant is seeking a special exception to the landscaping requirements of PD 193 Part 1, as established under PDS 128 for the property. Under PDS 128, development follows regulations established for uses in GR subdistricts requiring 10% total landscape site area and 60% of the required front yard. Trees, sidewalks, and screening must comply with Section 51P-193.126.

## Provision

The council approved development plan for PDS 128 establishes no designation of landscaping and the placement of trees. Therefore, there is no restriction on the review of landscaping by the board.

The alternate landscape plan provides for required street trees, landscape site areas, and sidewalk widths. The plan proposes to preserve five large mature trees along Hudnall Street and set back behind the sidewalk. No screening of off-street parking is required.

## Deficiency

The alternate landscape plan places sidewalks outside of the required zone of 5' to 12' from back of curb, and locates some street trees outside of the 2.5' to 5' from back of curb zone on Hudnall Street.

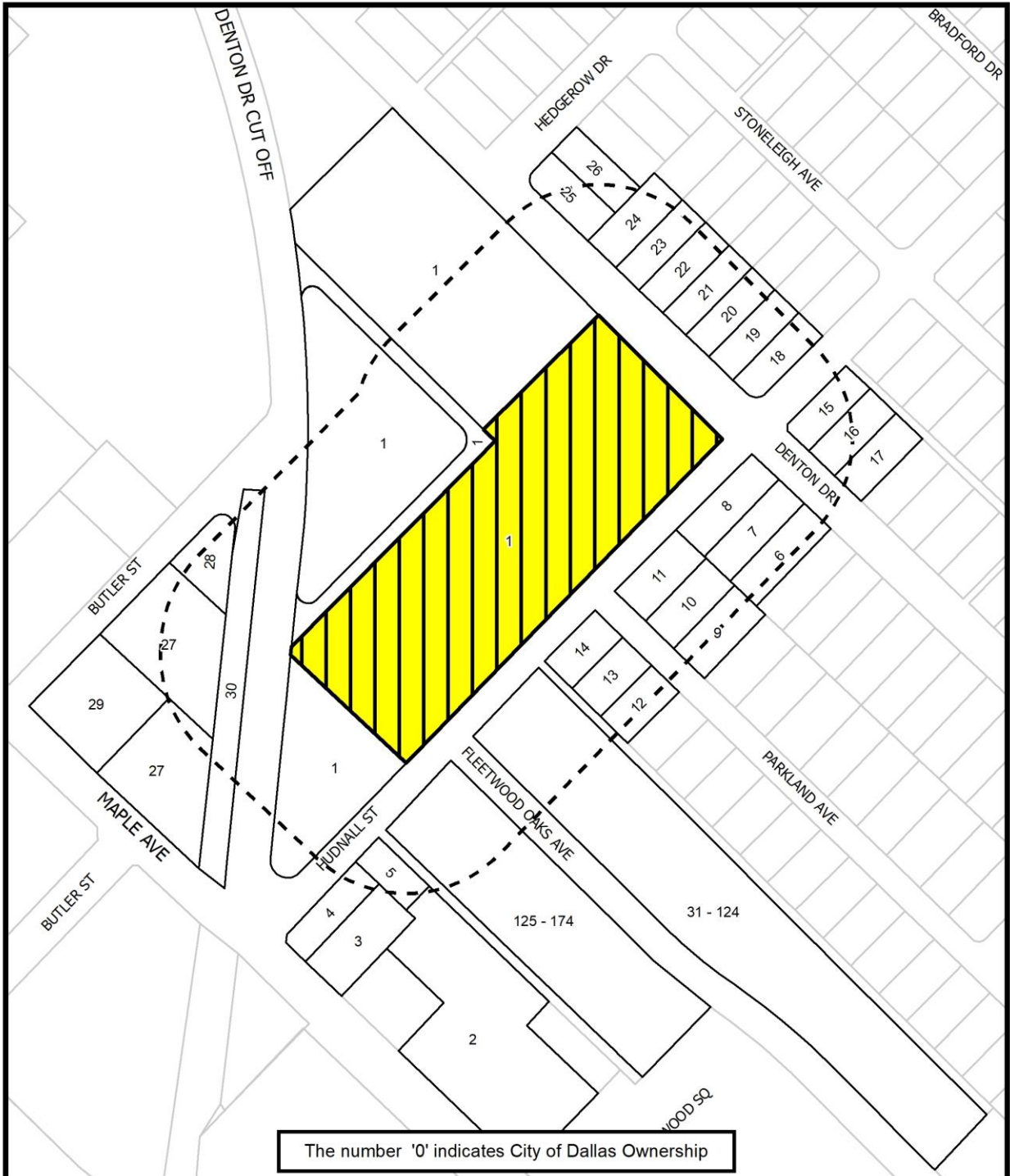
The five retained trees are set outside of the tree planting zone and the sidewalk is placed along the curb to help protect the root systems of the trees.

## Recommendation

The chief arborist recommends approval of the alternate landscape plan because the special exception would not compromise the spirit and intent of PD 193 Part 1 landscape regulations.

Philip Erwin  
Chief Arborist  
Building Inspection





|  |  |                            |
|--|--|----------------------------|
| <br>1:2,400 | <h2 style="margin: 0;">NOTIFICATION</h2>   | Case no: <b>BDA190-038</b> |
|  | <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">174</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div> | Date: <b>2/21/2020</b>     |

02/20/2020

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

***BDA190-038***

***174 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>              |
|-----------------------|-----------------------|----------------------------------|
| 1                     | 2601 HUDNALL ST       | RP DENTWOOD SC LP                |
| 2                     | 5308 MAPLE AVE        | MAYA FOODS INC                   |
| 3                     | 5320 MAPLE AVE        | ES & S REALTY LLC                |
| 4                     | 5326 MAPLE AVE        | ES & S REALTY LLC                |
| 5                     | 2514 HUDNALL ST       | RUBIN CANDACE                    |
| 6                     | 5319 DENTON DR        | TRAN JIMMY J                     |
| 7                     | 5323 DENTON DR        | BATCHELOR DOMINIC J              |
| 8                     | 5327 DENTON DR        | VONGPHACHANH XAYVIPHAEH          |
| 9                     | 5314 PARKLAND AVE     | BAX TERRENCE                     |
| 10                    | 5322 PARKLAND AVE     | JIMENEZ IRENE H & JOE            |
| 11                    | 5328 PARKLAND AVE     | FEDERAL NATIONAL MORTGAGE        |
| 12                    | 5315 PARKLAND AVE     | MITLYNG JAMES ALLAN & SUSAN JANE |
| 13                    | 5317 PARKLAND AVE     | GUTIERREZ MANUEL SR              |
| 14                    | 5323 PARKLAND AVE     | JARVIS STEVEN D                  |
| 15                    | 5328 DENTON DR        | DEPALMA MICHAEL A                |
| 16                    | 5322 DENTON DR        | WELF ERICK S                     |
| 17                    | 5318 DENTON DR        | KEESEE JEFFREY A &               |
| 18                    | 5402 DENTON DR        | MARTINEZ TRINIDAD A              |
| 19                    | 5406 DENTON DR        | CARRASCO VICENTE SR &            |
| 20                    | 5410 DENTON DR        | RUIZ DAVID GERARDO               |
| 21                    | 5414 DENTON DR        | MEYER LAURA A                    |
| 22                    | 5418 DENTON DR        | BYRKIT CHARLES & KRISTEN EDWARDS |
| 23                    | 5422 DENTON DR        | WILLIAMS JASON                   |
| 24                    | 5426 DENTON DR        | ALMARAZ TRINIDAD &               |
| 25                    | 2802 HEDGEROW DR      | TRINITY CARROLLTON LLC           |
| 26                    | 2806 HEDGEROW DR      | JC LEASING LLP                   |

02/20/2020

| <i>Label #</i> | <i>Address</i>         | <i>Owner</i>                       |
|----------------|------------------------|------------------------------------|
| 27             | 5454 MAPLE AVE         | PIMENTAL HOLDINGS LLC              |
| 28             | 2530 BUTLER ST         | 4152 BUENA VISTA LTD               |
| 29             | 2500 BUTLER ST         | ONCOR ELECRCIC DELIVERY COMPANY    |
| 30             | 555 2ND AVE            | DART                               |
| 31             | 5322 FLEETWOOD OAKS DR | FLEETWOOD OAKS 5322 143 LAND TRUST |
| 32             | 5322 FLEETWOOD OAKS DR | GUZMAN MANUEL                      |
| 33             | 5322 FLEETWOOD OAKS DR | LASKA DAVID                        |
| 34             | 5322 FLEETWOOD OAKS DR | LITTLE ROGER L                     |
| 35             | 5326 FLEETWOOD OAKS DR | STORY SHAN                         |
| 36             | 5326 FLEETWOOD OAKS DR | GONZALEZ JULIO E                   |
| 37             | 5326 FLEETWOOD OAKS DR | LIU ANQI                           |
| 38             | 5326 FLEETWOOD OAKS DR | BURK MICHAEL T &                   |
| 39             | 5322 FLEETWOOD OAKS DR | JOUZDANI ELAHE                     |
| 40             | 5322 FLEETWOOD OAKS DR | MIDDLETON RICHARD H                |
| 41             | 5322 FLEETWOOD OAKS DR | KEANE WILLIAM STARKEY              |
| 42             | 5322 FLEETWOOD OAKS DR | PELLEGRINE JOSEPH MARK             |
| 43             | 5326 FLEETWOOD OAKS DR | AURE GENE                          |
| 44             | 5326 FLEETWOOD OAKS DR | WATSON MATTHEW M                   |
| 45             | 5326 FLEETWOOD OAKS DR | DARTY STEPHANIE W                  |
| 46             | 5310 FLEETWOOD OAKS DR | WELTY TROY                         |
| 47             | 5310 FLEETWOOD OAKS DR | KALIENTE INC                       |
| 48             | 5310 FLEETWOOD OAKS DR | BENNETT HARALD                     |
| 49             | 5310 FLEETWOOD OAKS DR | MIDDLETON RICHARD                  |
| 50             | 5322 FLEETWOOD OAKS DR | MATA NORBERTO                      |
| 51             | 5322 FLEETWOOD OAKS DR | RIVERA JAIME ENRIQUE               |
| 52             | 5322 FLEETWOOD OAKS DR | HUNT AESHA J                       |
| 53             | 5322 FLEETWOOD OAKS DR | ZANONI MARK TRUST &                |
| 54             | 5310 FLEETWOOD OAKS DR | ARATA DAVID MICHAEL                |
| 55             | 5310 FLEETWOOD OAKS DR | JLC PROPERTIES LLC                 |
| 56             | 5310 FLEETWOOD OAKS DR | MIDDLETON RICHARD                  |
| 57             | 5310 FLEETWOOD OAKS DR | BARRETT JAMES                      |

02/20/2020

| <i>Label #</i> | <i>Address</i> | <i>Owner</i>                                 |
|----------------|----------------|--|
| 58             | 5322           | FLEETWOOD OAKS DR HENNEN WILMA MARIE &       |
| 59             | 5322           | FLEETWOOD OAKS DR MOSLEY ANGELA ET AL        |
| 60             | 5322           | FLEETWOOD OAKS DR SIMMONS CYNTHIA ANN        |
| 61             | 5322           | FLEETWOOD OAKS DR BOLIVER DOUGLAS            |
| 62             | 5310           | FLEETWOOD OAKS DR MORGAN BRYAN II            |
| 63             | 5310           | FLEETWOOD OAKS DR DUBE CHARLES M JR &        |
| 64             | 5310           | FLEETWOOD OAKS DR REGAN MICHAEL              |
| 65             | 5310           | FLEETWOOD OAKS DR TREDWAY ROBERT J           |
| 66             | 5310           | FLEETWOOD OAKS DR BLACHUT AGNES STELLA       |
| 67             | 5310           | FLEETWOOD OAKS DR PARAYIL TRUST              |
| 68             | 5306           | FLEETWOOD OAKS DR COLBERT KENNETH TAYLOR &   |
| 69             | 5306           | FLEETWOOD OAKS DR WILLIAMS DARYL             |
| 70             | 5306           | FLEETWOOD OAKS DR RODRIGUEZ ENRIQUE          |
| 71             | 5306           | FLEETWOOD OAKS DR MIDDLETON RICHARD          |
| 72             | 5310           | FLEETWOOD OAKS DR MAYIM FL LLC               |
| 73             | 5310           | FLEETWOOD OAKS DR SAUNDERS SARAH             |
| 74             | 5310           | FLEETWOOD OAKS DR LEBLANC STEPHEN BLAKE      |
| 75             | 5306           | FLEETWOOD OAKS DR VAUGHN MARY                |
| 76             | 5306           | FLEETWOOD OAKS DR MCCLURE WAYNE              |
| 77             | 5306           | FLEETWOOD OAKS DR OMAR YAZAN                 |
| 78             | 5306           | FLEETWOOD OAKS DR GALVAN STEVEN              |
| 79             | 5310           | FLEETWOOD OAKS DR SPENCER DAVID L            |
| 80             | 5310           | FLEETWOOD OAKS DR KORAS CHRISTOPHER          |
| 81             | 5310           | FLEETWOOD OAKS DR LEBLANC STEPHEN B          |
| 82             | 5234           | FLEETWOOD OAKS DR CASPER CHARLES             |
| 83             | 5234           | FLEETWOOD OAKS DR FERGUSON STEPHEN           |
| 84             | 5234           | FLEETWOOD OAKS DR DUBE CHARLES M &           |
| 85             | 5238           | FLEETWOOD OAKS DR MCCLURE WAYNE &            |
| 86             | 5238           | FLEETWOOD OAKS DR INNISHANNON COMPANY        |
| 87             | 5238           | FLEETWOOD OAKS DR MCGOWEN WILLIAM BUSTER III |
| 88             | 5234           | FLEETWOOD OAKS DR HAGE DONNA J LIVING TRUST  |

02/20/2020

| <i>Label #</i> | <i>Address</i> | <i>Owner</i>   |
|----------------|----------------|--|
| 89             | 5234           | FLEETWOOD OAKS DR DUBE CHARLES M &                   |
| 90             | 5234           | FLEETWOOD OAKS DR CAVAZOS DEBORAH JEAN               |
| 91             | 5238           | FLEETWOOD OAKS DR MCCLURE WAYNE                      |
| 92             | 5238           | FLEETWOOD OAKS DR LATA ARIJETA DOKO &                |
| 93             | 5238           | FLEETWOOD OAKS DR WHITTINGTON LARA J                 |
| 94             | 5218           | FLEETWOOD OAKS DR DEJA STAINSLAW MAREK &             |
| 95             | 5218           | FLEETWOOD OAKS DR WARREN MATTHEW S                   |
| 96             | 5220           | FLEETWOOD OAKS DR TABER WAYLAN                       |
| 97             | 5220           | FLEETWOOD OAKS DR HILL DARRYL W                      |
| 98             | 5222           | FLEETWOOD OAKS DR MORSHED TANYA F                    |
| 99             | 5222           | FLEETWOOD OAKS DR ULRICH HAROLD H                    |
| 100            | 5226           | FLEETWOOD OAKS DR MACMAHON PAUL WILLIAM ART &        |
| 101            | 5226           | FLEETWOOD OAKS DR WATERS BRIAN                       |
| 102            | 5232           | FLEETWOOD OAKS DR TOMASI SALVATORE                   |
| 103            | 5232           | FLEETWOOD OAKS DR SIMPSON JOHN K                     |
| 104            | 5218           | FLEETWOOD OAKS DR KRAATZ JERAMEY                     |
| 105            | 5218           | FLEETWOOD OAKS DR ALFARO MANUEL                      |
| 106            | 5220           | FLEETWOOD OAKS DR FLEETWOOD OAKS 5220#209 LAND TRUST |
| 107            | 5220           | FLEETWOOD OAKS DR KUZNETSOVA EKATERINA               |
| 108            | 5222           | FLEETWOOD OAKS DR MACMAHON PAUL                      |
| 109            | 5222           | FLEETWOOD OAKS DR JRTZ PROPERTIES LLC                |
| 110            | 5226           | FLEETWOOD OAKS DR PRIDDY SOPHIA                      |
| 111            | 5226           | FLEETWOOD OAKS DR SMITHERMAN THOMAS SCOTT            |
| 112            | 5232           | FLEETWOOD OAKS DR YU YONGHAO &                       |
| 113            | 5232           | FLEETWOOD OAKS DR NEWLAND ALAN R                     |
| 114            | 5212           | FLEETWOOD OAKS DR WILMORE DAVID E &                  |
| 115            | 5212           | FLEETWOOD OAKS DR BOLIVER DOUGLAS B                  |
| 116            | 5212           | FLEETWOOD OAKS DR HU GENE SEAN                       |
| 117            | 5214           | FLEETWOOD OAKS DR HART CHARLES                       |
| 118            | 5214           | FLEETWOOD OAKS DR HACKETT EDWARD PAUL                |
| 119            | 5212           | FLEETWOOD OAKS DR TIRADO THIERRY ROLAND              |

02/20/2020

| <i>Label #</i> | <i>Address</i> | <i>Owner</i>                                       |
|----------------|----------------|--|
| 120            | 5212           | FLEETWOOD OAKS DR BACALAO NELSON & MARIA DE ARIZON |
| 121            | 5212           | FLEETWOOD OAKS DR WHEELER PEGGY                    |
| 122            | 5214           | FLEETWOOD OAKS DR RATIGAN CHRISTOPHER R            |
| 123            | 5214           | FLEETWOOD OAKS DR PRENTICE PHILIP                  |
| 124            | 5214           | FLEETWOOD OAKS DR MARTINEZ FERNANDO &              |
| 125            | 5325           | FLEETWOOD OAKS DR BIRDWELL CARY                    |
| 126            | 5325           | FLEETWOOD OAKS DR LAMBERTY JEAN ANN                |
| 127            | 5325           | FLEETWOOD OAKS DR LI LIN &                         |
| 128            | 5323           | FLEETWOOD OAKS DR COCO MAR PROPERTIES COMPANY LLC  |
| 129            | 5323           | FLEETWOOD OAKS DR TURNER LARRY J                   |
| 130            | 5323           | FLEETWOOD OAKS DR BOLIVER DOUGLAS B                |
| 131            | 5325           | FLEETWOOD OAKS DR AHMADIAN AMIR                    |
| 132            | 5325           | FLEETWOOD OAKS DR WHITE CALEB BISHOP               |
| 133            | 5325           | FLEETWOOD OAKS DR DALLAS LA VIDA LLC               |
| 134            | 5323           | FLEETWOOD OAKS DR ANWEILER DAVID W                 |
| 135            | 5323           | FLEETWOOD OAKS DR REYNOLDS JEAN H                  |
| 136            | 5319           | FLEETWOOD OAKS DR MAO YI &                         |
| 137            | 5319           | FLEETWOOD OAKS DR GHEEN BOBBY D                    |
| 138            | 5315           | FLEETWOOD OAKS DR REYNOSO JOSE                     |
| 139            | 5315           | FLEETWOOD OAKS DR IVEY EDWARD W JR                 |
| 140            | 5315           | FLEETWOOD OAKS DR MARTIN CHARLES D                 |
| 141            | 5319           | FLEETWOOD OAKS DR ESPINO HECTOR                    |
| 142            | 5319           | FLEETWOOD OAKS DR HARRELL MICHAEL H                |
| 143            | 5315           | FLEETWOOD OAKS DR AHMED NIDA                       |
| 144            | 5315           | FLEETWOOD OAKS DR PANTOJA PONCIANO R               |
| 145            | 5311           | FLEETWOOD OAKS DR SHARKEY DANIEL P                 |
| 146            | 5311           | FLEETWOOD OAKS DR GIBSON MARK                      |
| 147            | 5311           | FLEETWOOD OAKS DR MOSHINSKI KEVIN C                |
| 148            | 5311           | FLEETWOOD OAKS DR ROMERO YINESSA                   |
| 149            | 5311           | FLEETWOOD OAKS DR FREEMAN RACHEL D                 |
| 150            | 5311           | FLEETWOOD OAKS DR MORENO NICOLE ELENA TRUST        |

02/20/2020

| <i>Label #</i> | <i>Address</i> | <i>Owner</i>                                 |
|----------------|----------------|--|
| 151            | 5311           | FLEETWOOD OAKS DR SECORE RACHEL              |
| 152            | 5311           | FLEETWOOD OAKS DR KAMY REAL PPTY TRUST       |
| 153            | 5311           | FLEETWOOD OAKS DR HENKE JOHN R               |
| 154            | 5311           | FLEETWOOD OAKS DR KAHN RICHARD               |
| 155            | 5311           | FLEETWOOD OAKS DR NASTASI RAYMOND LEE        |
| 156            | 5311           | FLEETWOOD OAKS DR KNIGHT CLYDE LEROY JR      |
| 157            | 5311           | FLEETWOOD OAKS DR HICKERSON KIM & STEVE      |
| 158            | 5311           | FLEETWOOD OAKS DR ILLIS BUFF H               |
| 159            | 5311           | FLEETWOOD OAKS DR PIERCE BARRY               |
| 160            | 5311           | FLEETWOOD OAKS DR RAMIREZ MARCO &            |
| 161            | 5311           | FLEETWOOD OAKS DR DENG YUE WEN               |
| 162            | 5311           | FLEETWOOD OAKS DR SWAN PAMELA &              |
| 163            | 5311           | FLEETWOOD OAKS DR PHAM DIANA                 |
| 164            | 5311           | FLEETWOOD OAKS DR CARROLL LEA                |
| 165            | 5305           | FLEETWOOD OAKS DR FINCH MAID SVC LC          |
| 166            | 5305           | FLEETWOOD OAKS DR JRTZ PROPERTIES LLC        |
| 167            | 5305           | FLEETWOOD OAKS DR HARRINGTON DANA            |
| 168            | 5303           | FLEETWOOD OAKS DR SHUEY CAROL ANN            |
| 169            | 5303           | FLEETWOOD OAKS DR BARROW THOMAS              |
| 170            | 5305           | FLEETWOOD OAKS DR BOLIVER DOUGLAS B          |
| 171            | 5305           | FLEETWOOD OAKS DR MCCAIN WILLIAM D &         |
| 172            | 5303           | FLEETWOOD OAKS DR ENGLESONGUNDERSON JODI ANN |
| 173            | 5303           | FLEETWOOD OAKS DR DALY PATRICK W             |
| 174            | 5303           | FLEETWOOD OAKS DR WERTHMANN GORDON CHANDLER  |

**FILE NUMBER:** BDA190-032(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Nicholas Curry for a variance to the off-street parking regulations at 1518 Villars Street. This property is more fully described as part of Lot 7, Block 511, and is zoned PD No. 298 Subarea 7 Track 2, which requires parking spaces to be at least 20 feet from the right-of-way line adjacent to a street or alley if the spaces are located in an enclosed structure and if the spaces face upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide parking spaces in an enclosed structure with a setback of five feet, which will require a variance of 15 feet to the off-street parking regulations.

**LOCATION:** 1518 Villars Street

**APPLICANT:** Nick Curry

**REQUEST:**

A request for a variance to the off-street parking regulations of five feet is made to convert a two-car carport to a two-car garage, an enclosed structure that would be located five feet from the property line adjacent to the street or as much as 15 feet into the required 20-foot distance requirement from the property line adjacent to Villars Street on a property developed with a three-story single family home.

**STANDARD FOR A VARIANCE:**

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

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

(B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and



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

**STAFF RECOMMENDATION (Variance to the Front Yard Setback Regulations):**

Denial.

Rationale:

- Staff concluded that this request is contrary to public interest in that the Sustainable Development and Construction Senior Engineer has objections to the request. In addition, the applicant had not substantiated how 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning district.

**Zoning:**

**Site:** PD No. 298 (Planned Development District Subarea 7 Track 2)

**North:** PD No. 298 (Planned Development District Subarea 7 Track 2)

**East:** PD No. 298 (Planned Development District Subarea 7 Track 2)

**South:** PD No. 298 (Planned Development District Subarea 7 Track 2)

**West:** PD No. 298 (Planned Development District Subarea 6)

**Land Use:**

The subject site is developed with a single family structure. Surrounding areas to the north and west are developed with single family uses and to the east and south are developed with a parking lot and multifamily 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 (parking variance):**

This request for a variance to the off-street parking regulations focuses on converting and maintaining a two-car carport to a two-car garage, an enclosed structure that would be located five feet from the property line adjacent to the street or as much as 15 feet into the required 20-foot distance requirement from the property line adjacent to Villars Street on a property developed with a three-story single family home.

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 five feet from the street's right-of-way line or 15 feet into the 20-foot setback 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 are approximately 5 feet from the Villars Street right-of-way line).

According to DCAD records, there are "no main improvements" and "no additional improvements" for property addressed at 1518 Villars Street".

The subject site is flat, rectangular in shape and, according to the submitted application, 1,785 square feet in lot area.

The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Recommends Denial" with the following comment:

- "Proposed garage would provide sufficient space to accommodate a car encroaching sidewalk and forcing pedestrians onto traveling lanes of Villars Street. Per Texas Transportation Code, a vehicle may not stop, stand or park, whether attended or unattended, while obstructing any portion of a sidewalk".

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

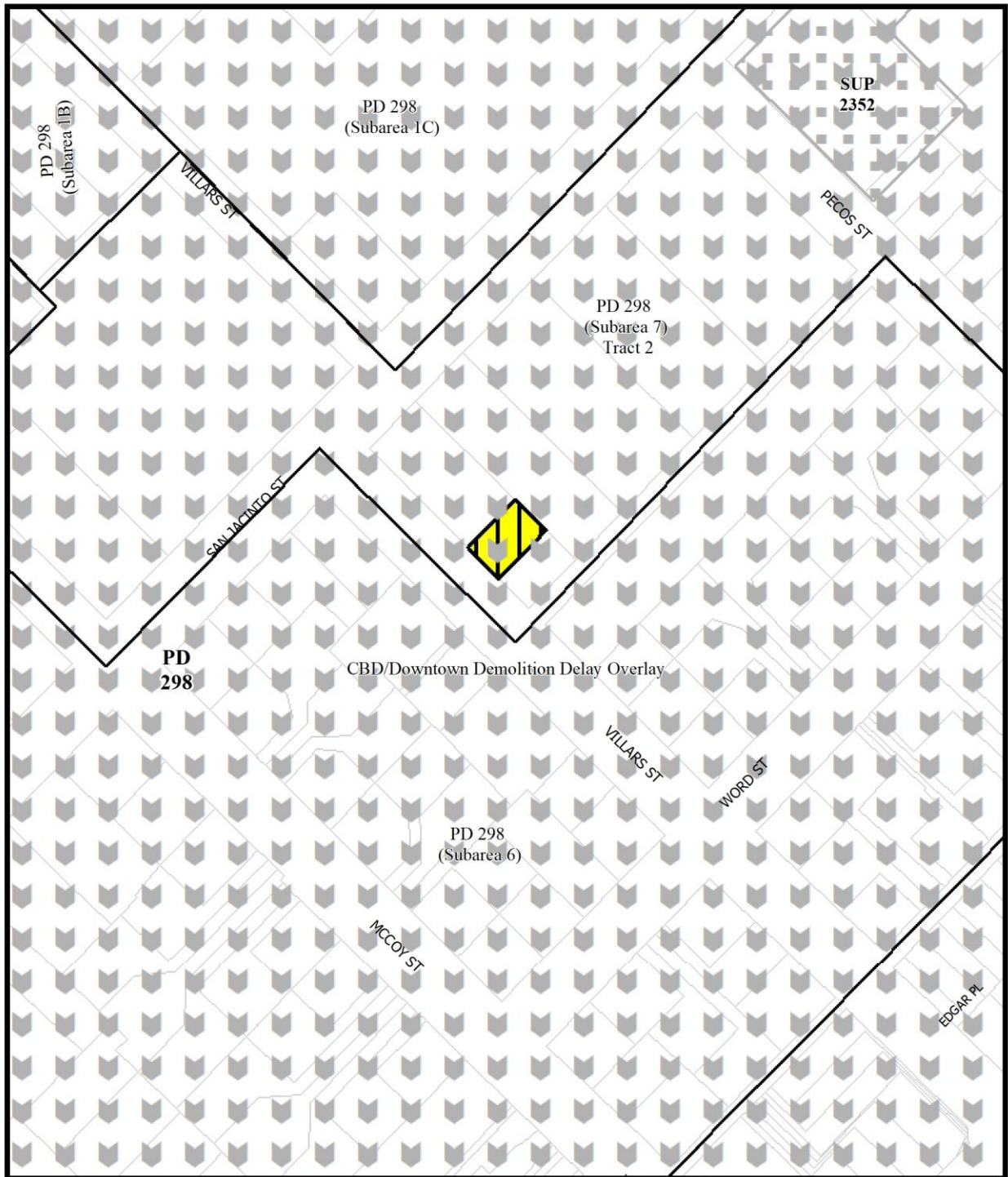
- That granting the variance to the off-street parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice 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. 298 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. 298 zoning classification.

If the board were to grant the request for a variance for an enclosed garage to be located five feet from the right-of-way line adjacent to the Villars Street or 15 feet 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:**

- January 14, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- February 11, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.
- February 14, 2020: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- February 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- February 28, 2020: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “Recommends Denial”.



  
 1:1,200

# ZONING MAP

Case no: **BDA190-032**  
 Date: **2/21/2020**



1:1,200

# AERIAL MAP

Case no: **BDA190-032**

Date: **2/21/2020**

RECEIVED  
JAN 14 2020  
BY: .....



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-032

Date: ~~1-14-20~~ 1-14-20

Data Relative to Subject Property:

Location address: 1518 Villars St Dallas 75204 Zoning District: PD298 Subchapter 7 tract 2  
PT of Lot 7 Block No.: 511 Acreage: 0.041 Census Tract: 16  
Lot No.: 7  
Street Frontage (in Feet): 1) 34' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): KH Solutions, Inc.  
Applicant: Nicholas Curry Telephone: 602-369-8825  
Mailing Address: 4 Narrow Creek Ct Roanoke Zip Code: 76262  
E-mail Address: curryni@hotmail.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 Parking setback adjustment of 15'. Per section 4.301(a)(9) Parking space must be minimum 20' from right of way line. This variance request will reduce it from 20' to 5'.

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

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

Affidavit

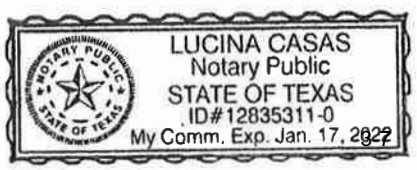
Before me the undersigned on this day personally appeared Nicholas Omar Olabisi Curry  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 14th day of January, 2020

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

**I hereby certify that**     NICK CURRY

**did submit a request**     for a variance to the off-street parking regulations

**at**     1518 Villars Street

BDA190-032. Application of NICK CURRY for a variance to the off-street parking regulations at 1518 VILLARS ST. This property is more fully described as PT of Lot 7, Block 511, and is zoned PD-298 Subarea 7 Tract 2, 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. The applicant proposes to construct a single family residential structure with a setback of 5 feet, which will require a variance of 15 feet to the off-street parking regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

January 14, 2020

City of Dallas Zoning Board of Adjustment

Property Address: 1518 Villars Street Dallas, TX 75204

This letter is to request a Variance of the required 2-car garage setback. The variance requested is as follows:

- Parking setback adjustment of 15' (from 20' to 5')

Per Section 4.301(a) (9) Parking space must be minimum 20' from right of way line adjacent to 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 streets or alley.

The property is zoned PD 298 subchapter 7 tract 2.

The lot located at 1518 Villars is 34' wide and 52.5' deep; the total square footage is 1,785 SF. The frontage of 34' is on Villars Street and Villars Street is the only way to access the property from the street, as the other three sides of the property are next to neighboring properties.

The variance is being requested for the following reasons:

- The lot is smaller in terms of total SF, depth, and width than the average property in that plat area
- The driveway proximity from the intersection corner (Villars Street and San Jacinto Street) is greater than 45' away, which ensures the required visibility triangle of 45' x 45'

|                  | Subject Property: 1518 Villars  | 1516 Villars                                 | 1517 Villars                                 | 1500 – 1598 Pecos                                       |
|------------------|---|--|--|---|
| Width (Frontage) | 34'   |  |  |   |
| Depth            | 52.5'   |  |  |   |
| Total SF         | 1,785   |  |  |   |
| Parking          | 2-car carport – request to convert to 2-car enclosed garage 5' from property line | No onsite parking available / Street Parking | No onsite parking available / Street Parking | 2-car enclosed garage. Approx. 5-10' from property line |

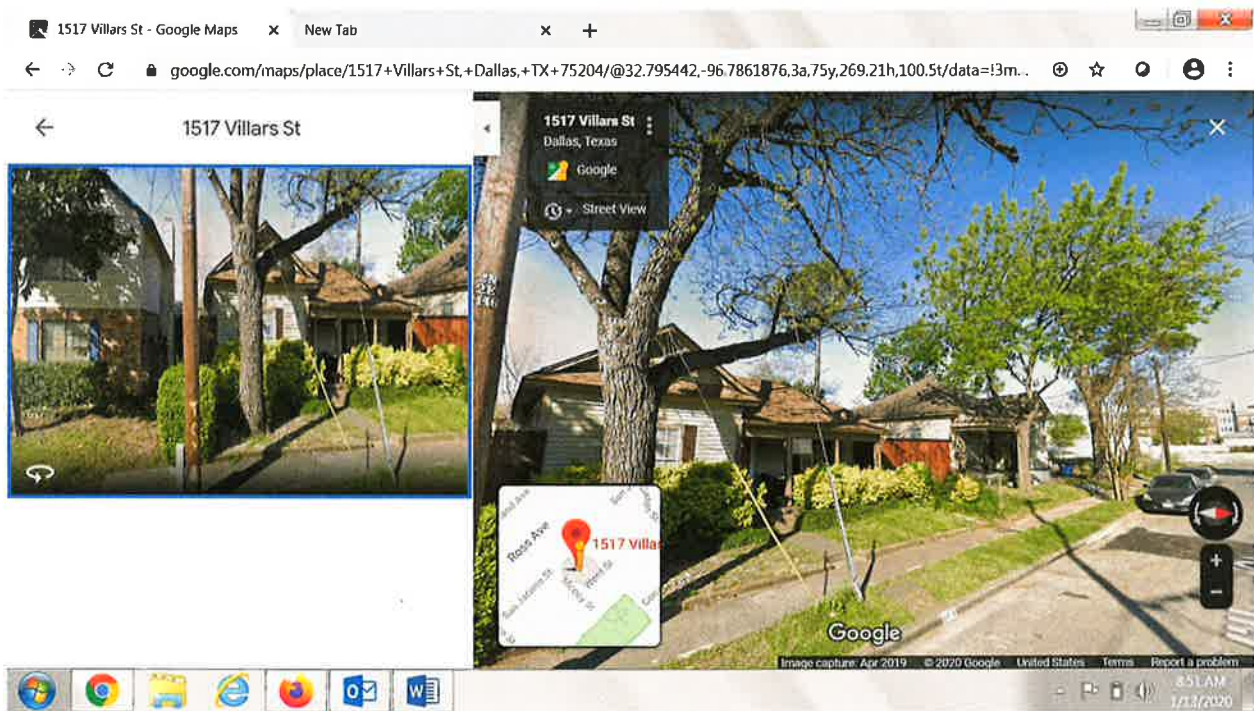
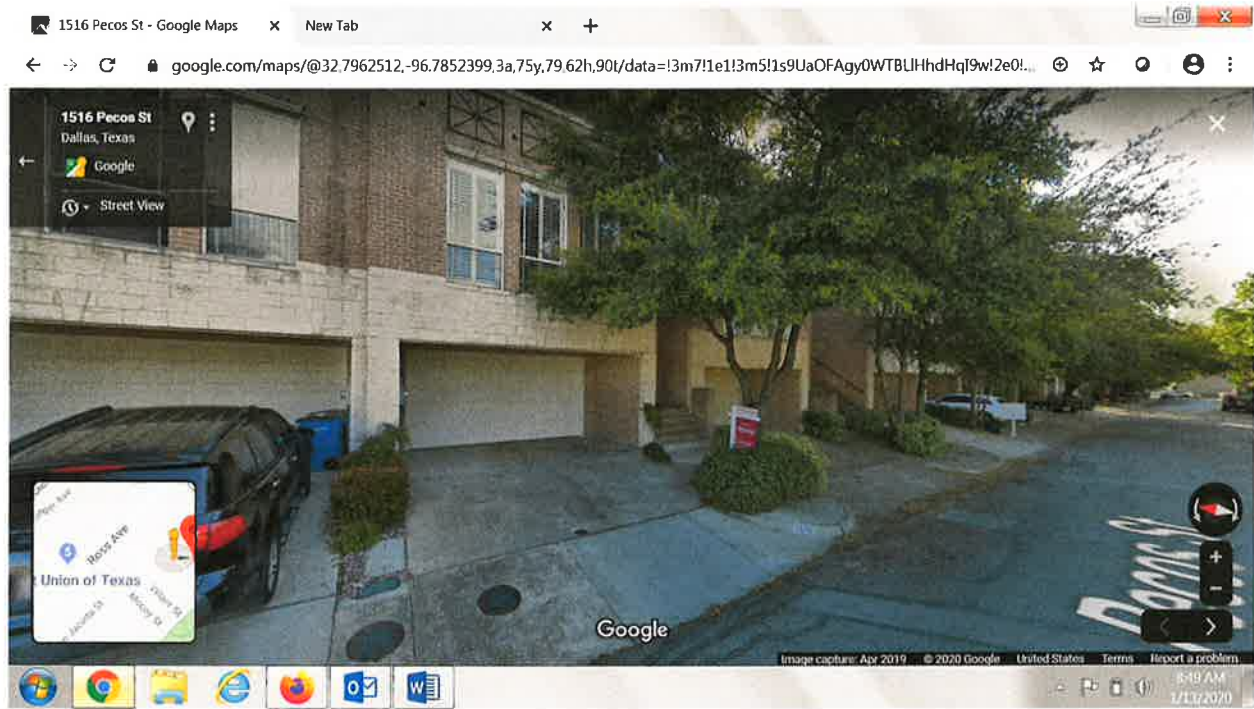
- A parking setback of 20' would leave a remaining depth of 32.5' (52.5' – 20'), however the zoning (PD298 subchapter 7 tract 2) also requires a rear yard setback minimum of 5'. Thereby the remaining depth would be limited to 27.5' (32.5' – 5').
  - The setback area would be need to be paved with a driveway.
  - The zoning for these property requires the following:
    - a 70% lot coverage
    - A side yard setback is not require however if one is provided it must be a minimum of 10'

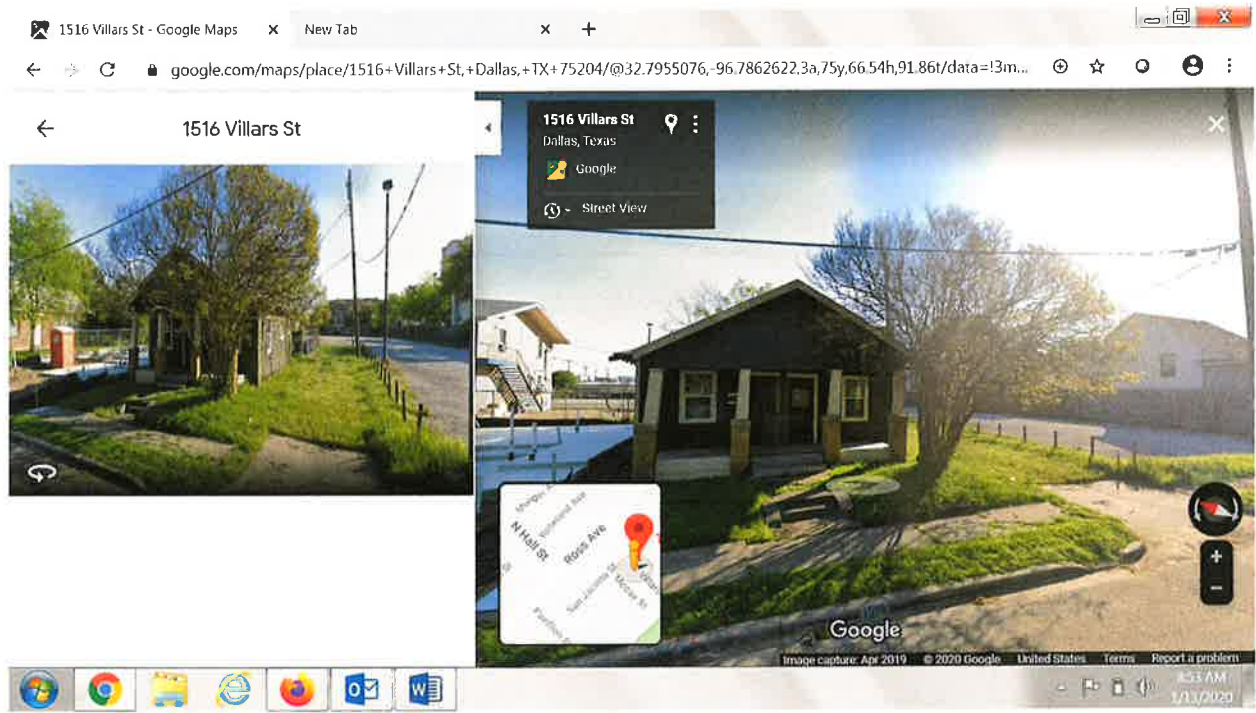


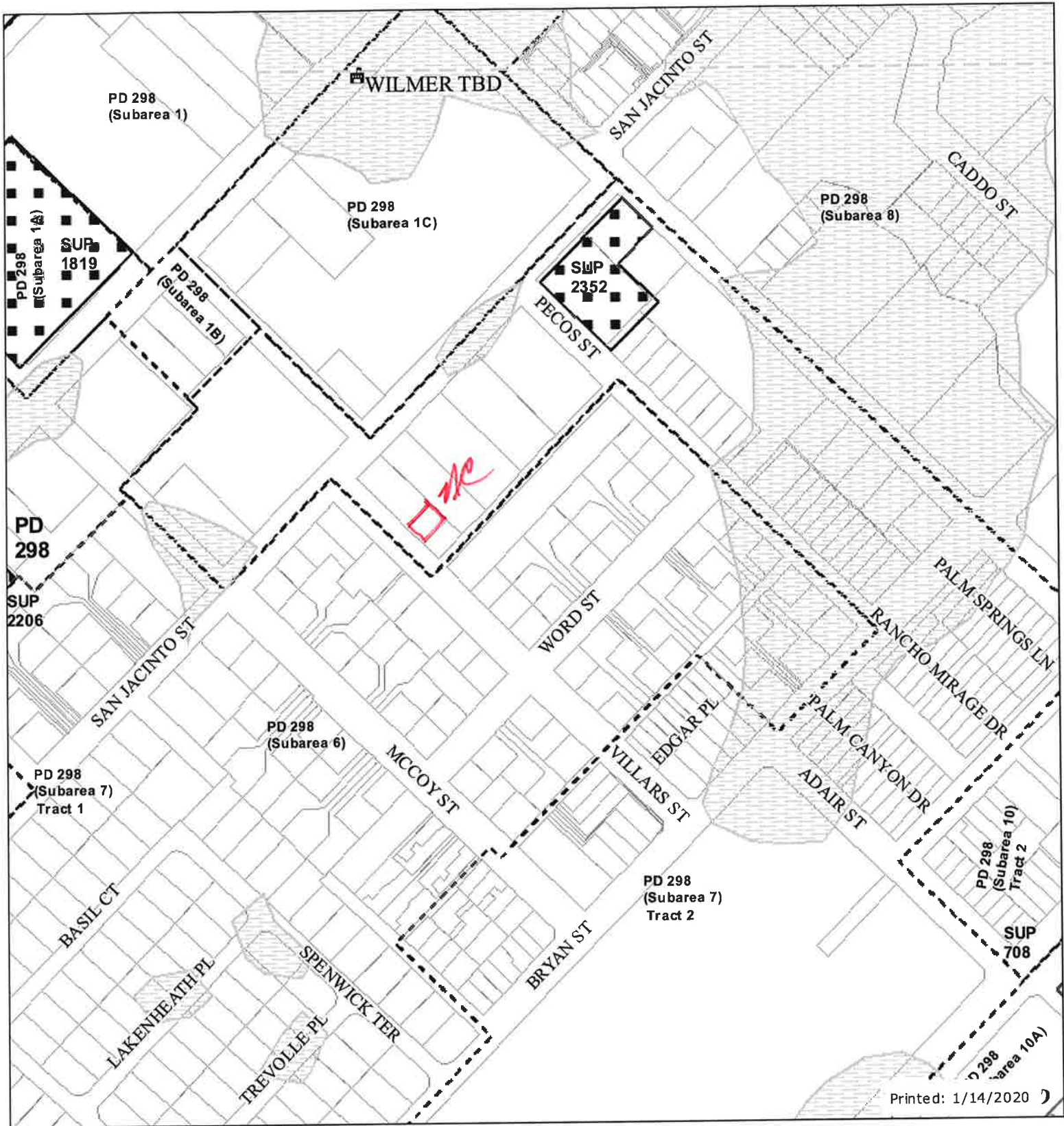
- Together the above factors limit the useful space of the lot, especially when compared to surrounding properties.
- The neighboring property at 1516 Villars St and the property directly across the street do not have driveways, and street parking is used.
- Newly constructed townhomes in the same PD 298 have enclosed 2-car garage near the property line (i.e. 1500 – 1598 Pecos Street).

Regards,

Nick Curry  
KH Solutions, Inc.  
Owner of 1518 Villars St.  
602-369-8825







Printed: 1/14/2020

### Legend

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

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

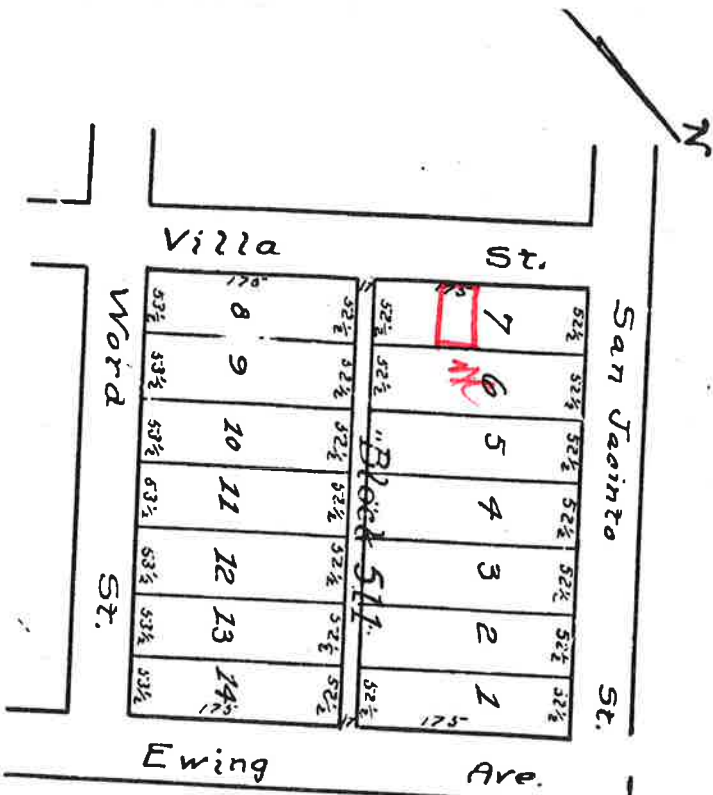


1:2,400

# MAP OF ADDITION TO THE CITY OF DALLAS TEXAS

Prepared by J.M. Strong C.E.

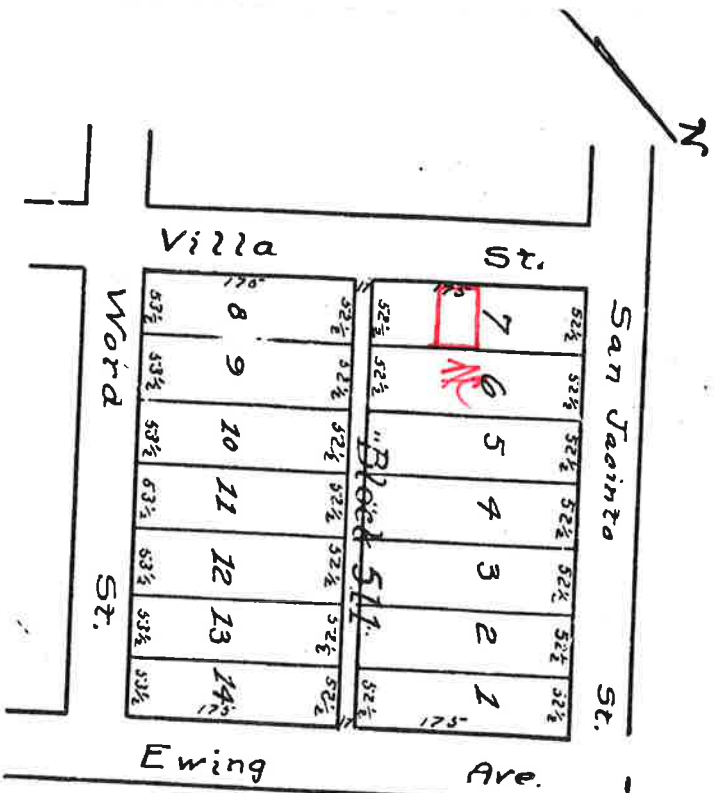
Scale 75' = 1"

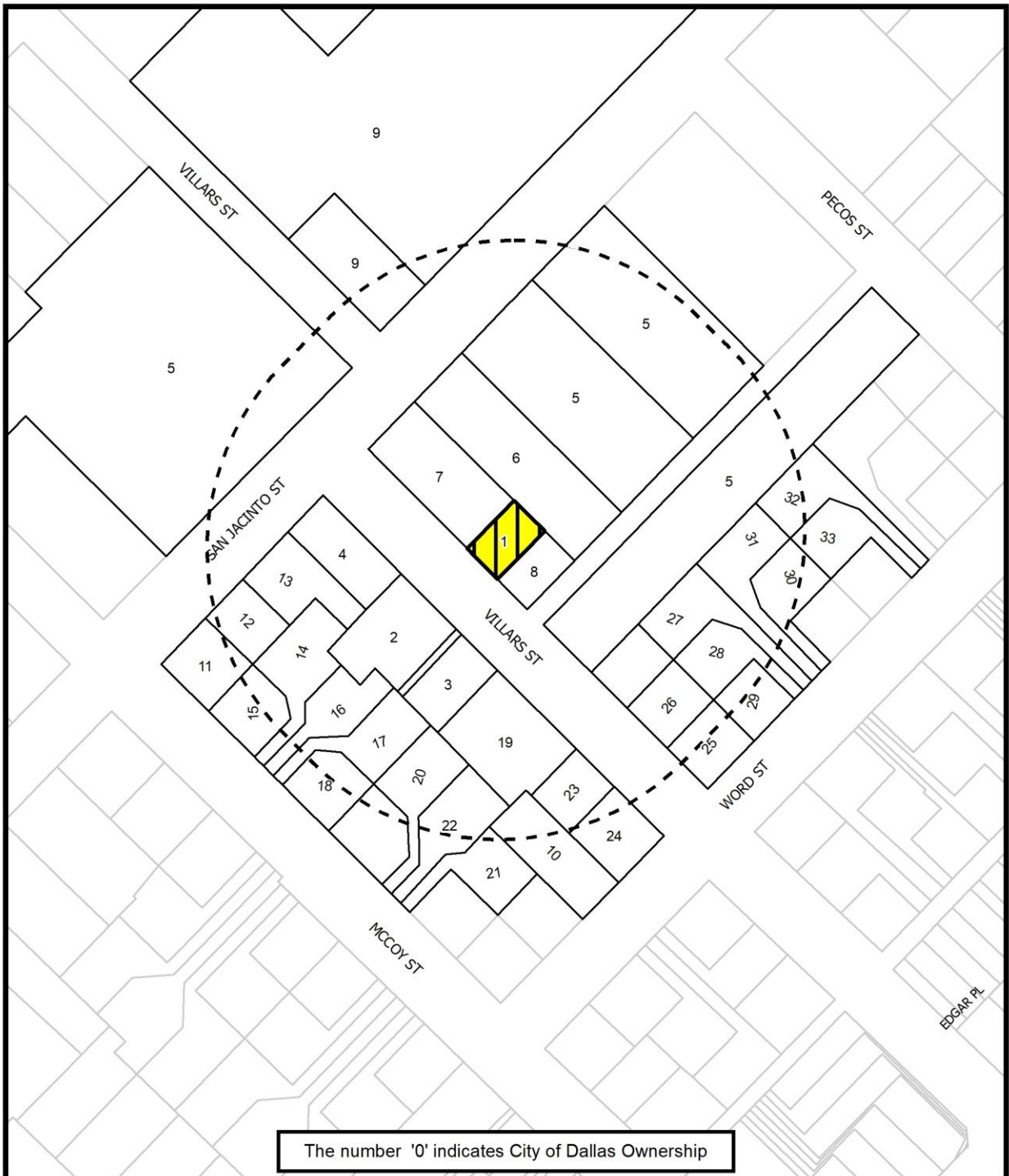




**MAP OF**  
**ADY VIEW PARK**  
 Addition to the City of Dallas Texas  
 Prepared by J.M. Strong C.E.

Scale 75' = 1"





|  |  |             |                      |           |                                    |  |
|--|--|-------------|----------------------|-----------|------------------------------------|--|
| <br>1:1,200 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>33</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | <b>200'</b> | AREA OF NOTIFICATION | <b>33</b> | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <b>BDA190-032</b><br>Date: <b>2/21/2020</b> |
| <b>200'</b>  | AREA OF NOTIFICATION   |             |                      |           |                                    |  |
| <b>33</b>  | NUMBER OF PROPERTY OWNERS NOTIFIED   |             |                      |           |                                    |  |



02/20/2020

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

***BDA190-032***

### ***33 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>             |
|-----------------------|-----------------------|---------------------------------|
| 1                     | 1518 VILLARS ST       | KH SOLUTIONS INC                |
| 2                     | 1521 VILLARS ST       | MAYFIELD ANTIE SHARIE           |
| 3                     | 1517 VILLARS ST       | KNIGHT ERICA N                  |
| 4                     | 3512 SAN JACINTO ST   | REEST CAPITAL PARTNERS LP       |
| 5                     | 3618 SAN JACINTO ST   | SUBDIVISIONS REALTY 11 LLC      |
| 6                     | 3604 SAN JACINTO ST   | MCMILLAN MORGAN                 |
| 7                     | 3600 SAN JACINTO ST   | ELDORADO PROPERTIES INC         |
| 8                     | 1516 VILLARS ST       | MALHOTRA VIKAS                  |
| 9                     | 3700 ROSS AVE         | LG EAST ROSS LLC                |
| 10                    | 3515 WORD ST          | USKOVICH MICHAEL                |
| 11                    | 3502 SAN JACINTO ST   | FOSTER MONICA D                 |
| 12                    | 3506 SAN JACINTO ST   | SMITH GREGORY                   |
| 13                    | 3510 SAN JACINTO ST   | HOWARD JOSHUA                   |
| 14                    | 1540 MCCOY ST         | CRAIG CHRISTOPHER R             |
| 15                    | 1544 MCCOY ST         | CHAPLOW ANASTACIA M &           |
| 16                    | 1536 MCCOY ST         | MANGUM CORY R & SYLVIA K        |
| 17                    | 1532 MCCOY ST         | SHEETS JANE & MANOLITO HERNANDO |
| 18                    | 1528 MCCOY ST         | NGUYEN CHARLIE                  |
| 19                    | 1515 VILLARS ST       | FLYNN EUGENE III                |
| 20                    | 1520 MCCOY ST         | DUMONT NICHOLAS R               |
| 21                    | 1512 MCCOY ST         | MASON KENNETH RANDALL           |
| 22                    | 1516 MCCOY ST         | MOSER MICHAEL B                 |
| 23                    | 1507 VILLARS ST       | EVANS RICHARD JR &              |
| 24                    | 1503 VILLARS ST       | GAFFNEY CARMEN G                |
| 25                    | 1502 VILLARS ST       | SMITH PAUL D                    |
| 26                    | 1504 VILLARS ST       | MEDFORD JOEL DAVID JR           |

02/20/2020

| <i>Label #</i> | <i>Address</i> | <i>Owner</i>              |
|----------------|----------------|---------------------------|
| 27             | 3615 WORD ST   | LORIEGA ROMULO LEBRILLA & |
| 28             | 3611 WORD ST   | BLACK HAROLD              |
| 29             | 3607 WORD ST   | MONTOYA DANIEL A          |
| 30             | 3623 WORD ST   | RUIZ DAVID M VAZQUEZ &    |
| 31             | 3619 WORD ST   | VEGA ROBERTO              |
| 32             | 3639 WORD ST   | ELLIOTT PAUL M            |
| 33             | 3635 WORD ST   | LORIEGA FRANZ             |

**FILE NUMBER:** BDA190-033(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Dean Kraus for a special exception to the sign regulations at 1301 Chalk Hill Road. This property is more fully described as Lot 4, Block 7192 and is zoned an IM Industrial Manufacturing District , which limits the number of detached signs on a premise to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct and maintain one additional detached premise sign, on nonresidential premises, which will require a special exception to the sign regulations.

**LOCATION:** 1301 Chalk Hill Road

**APPLICANT:** Dean Kraus

**REQUEST:**

A request for a special exception to the sign regulations is made to construct and maintain an additional detached premise sign on a site that is being developed with warehouse uses.

**STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:**

Section 51A-7.703(d)(2) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on a premise in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

**STAFF RECOMMENDATION (additional detached sign):**

Approval

Rationale:

- Staff concluded from the information submitted by the applicant that the applicant has substantiated that strict compliance with the requirement of the sign regulations

will result in inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site:** IM (Industrial Manufacturing District)
- North:** IM (Industrial Manufacturing District)
- East:** IR (Industrial Research District)
- South:** PD No. 631 ((Planned Development District)
- West:** R-7.5(A) (Single family district)

**Land Use:**

The site is being developed with a warehouse. The area to the north, south, and east are developed with industrial uses and vacant property; the area to the west is contains undeveloped land and 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 (additional detached sign):**

The property consists of over 90 acres of land being developed with a warehouse use. The request for a special exception to the sign regulations focuses on locating and maintaining an additional sign at one of the driveway frontages along Chalk Hill Road.

Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways. The size of the property is not taken into account.

The submitted site plan indicates the location of two detached monument signs, (represented as “monument sign location”) on the site’s Chalk Hill Road frontage, hence this request is for a special exception to the sign regulations for an additional detached monument sign.

A sign elevation denoting the two detached monument signs as “proposed monument sign” has been submitted.

The applicant submitted a document (see attachment A) that substantiates that strict compliance with the requirement of the sign regulations will result in inequity to the applicant without sufficient corresponding benefit to the city and its citizens due to

Amazon property being so large and having very heavy trucking traffic. Having one additional monument sign will allow Amazon to safely direct the visitor and public traffic to the correct entrance, while also helping limit traffic in the already very busy shipping and trucking entrance.

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

- That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage) will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

If the board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

**Timeline:**

January 15, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

February 11, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

February 14, 2020: The Board Senior Planner emailed the applicant the following information:

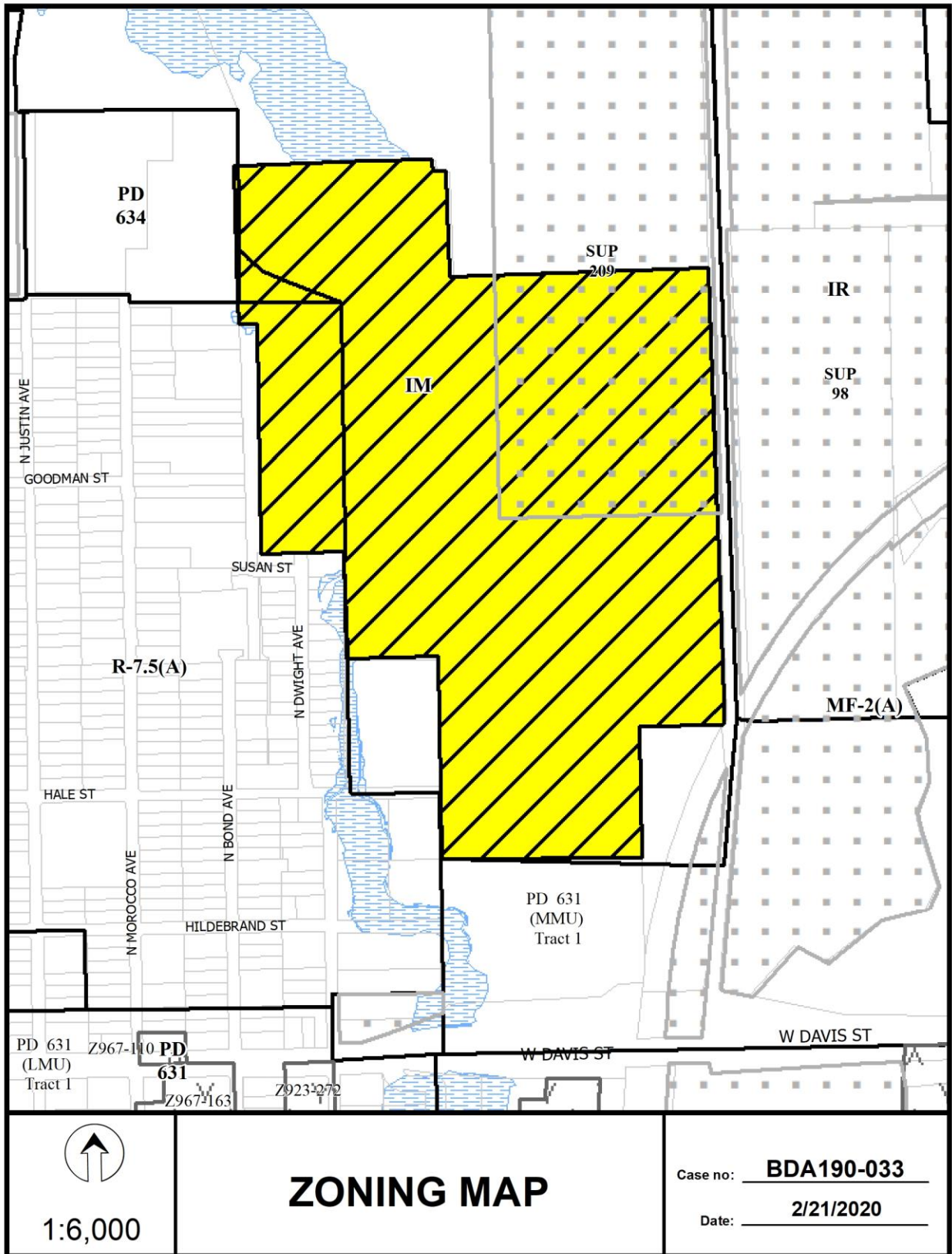
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March


public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

March 4, 2020:

The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).





  
 1:6,000

# AERIAL MAP

Case no: **BDA190-033**  
 Date: **2/21/2020**



RECEIVED  
JAN 15 2020  
BY: \_\_\_\_\_



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-033

Date: ~~10-20~~ 1-15-20

Data Relative to Subject Property:

Location address: 1301 Chalk Hill Rd. Zoning District: IM

Lot No.: 4 Block No.: 7192 Acreage: 90.186 Census Tract: 107.01

Street Frontage (in Feet): 1) 1766' 2) 783 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Commerce 30 Building C Inc.

Applicant: Dean Kraus Telephone: 817-791-2942

Mailing Address: 9800 Hillwood Pkwy #300 Ft. Worth TX Zip Code: 76177

E-mail Address: amanda.windle@hillwood.com

Represented by: Dean C. Kraus / Hancock Sign Telephone: 817-791-2942

Mailing Address: PO BOX 5966 Arlington, TX Zip Code: 76005

E-mail Address: dKraus@hancocksign.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception , of SLA 7.703 "D-2" ADDITIONAL Monument Sign.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
Please see attachment 1

**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

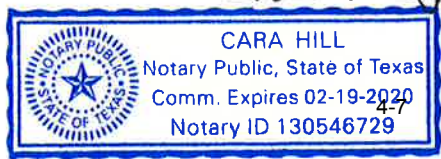
Before me the undersigned on this day personally appeared Dean C. Kraus  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 10 day of JANUARY, 2020

(Rev. 08-01-11)



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Dean Kraus

did submit a request for a special exception to the sign regulations  
at 1301 Chalk Hill Road

BDA190-033. Application of Dean Kraus for a special exception to the sign regulations at 1301 CHALK HILL RD. This property is more fully described as Lot 4, Block 7192, and is zoned IM, which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct one additional detached premises sign on a nonresidential premises, which will require a special exception to the sign regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

## Attachment 1

Due to the Amazon property being so large, and having very heavy trucking traffic, we feel the need to clearly differentiate between the shipping/trucking entrance and the visitor/public entrance. Having one additional monument sign will allow Amazon to safely direct the visitor/public traffic to the correct entrance, while also helping to limit traffic in the already very busy shipping/trucking entrance.

# DALLAS-FORT WORTH TURNPIKE/INTERSTATE HIGHWAY NO. 30

(VARIABLE WIDTH RIGHT-OF-WAY)



SEE SHEET 2 OF 4 AND 3  
OF 4 FOR NEW EASEMENT  
DETAILS AND  
SEE SHEET 3 OF 4 FOR  
STREET R.O.W. DEDICATION  
DETAIL

| STREET            | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY |
|-------------------|----------------------|----------------------|----------------------|
| SUSAN STREET      | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY |
| HALE STREET       | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY |
| HILDEBRAND STREET | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY |
| OWING AVENUE      | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY | 50-FOOT RIGHT-OF-WAY |

| PROPERTY            | ACRES    | AREA    |
|---------------------|----------|---------|
| LOT 1, BLOCK A/7192 | 4.301159 | 100,754 |
| LOT 2, BLOCK A/7192 | 0.235    | 0,212   |
| LOT 3, BLOCK A/7192 | 3.928187 | 90,186  |
| LOT 4, BLOCK A/7192 | 452.439  | 10,266  |

- GENERAL NOTES**
1. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (Adjustment, Reiteration 2011), Texas North Central Zone (AZ02). Distances shown have been adjusted to surface by applying the Dallas County 19801 factor of 1.000000000.
  2. The purpose of this plan is to create two lots from unimproved property for new development.
  3. The survey district lines shown herein are approximate and are not located on the ground.
  4. Lot to lot drainage will not be shown without City of Dallas Planning & Design Engineering Section approval.
  5. Consideration shall herein be given to the State Plane Coordinate System, North American Datum of 1983 (Adjustment, Reiteration 2011), Texas North Central Zone (AZ02), on grid unless, no stated and no projection.
  6. 10001 approval may be required for any driveway modification or new access point(s).

**OWNER:**  
COMMERCIAL REAL ESTATE GROUP, INC.  
3000 TURLE BREEK BOULEVARD  
DALLAS, TEXAS 75219  
CONTACT: MICHAEL D. JONES

**SURVEYOR / ENGINEER:**  
PACHECO KOCH, LLC  
7535 PEARSON ROAD, SUITE 1100  
DALLAS, TEXAS 75219  
PHONE: (214) 203-2319  
CONTACT: MICHAEL D. JONES

**DEVELOPERS:**  
HILWIND DEVELOPMENT, LLC  
11000 W. HILWIND DRIVE, SUITE 200  
DALLAS, TEXAS 75249  
PHONE: (214) 203-2319  
CONTACT: MICHAEL D. JONES

**FINAL PLAT**

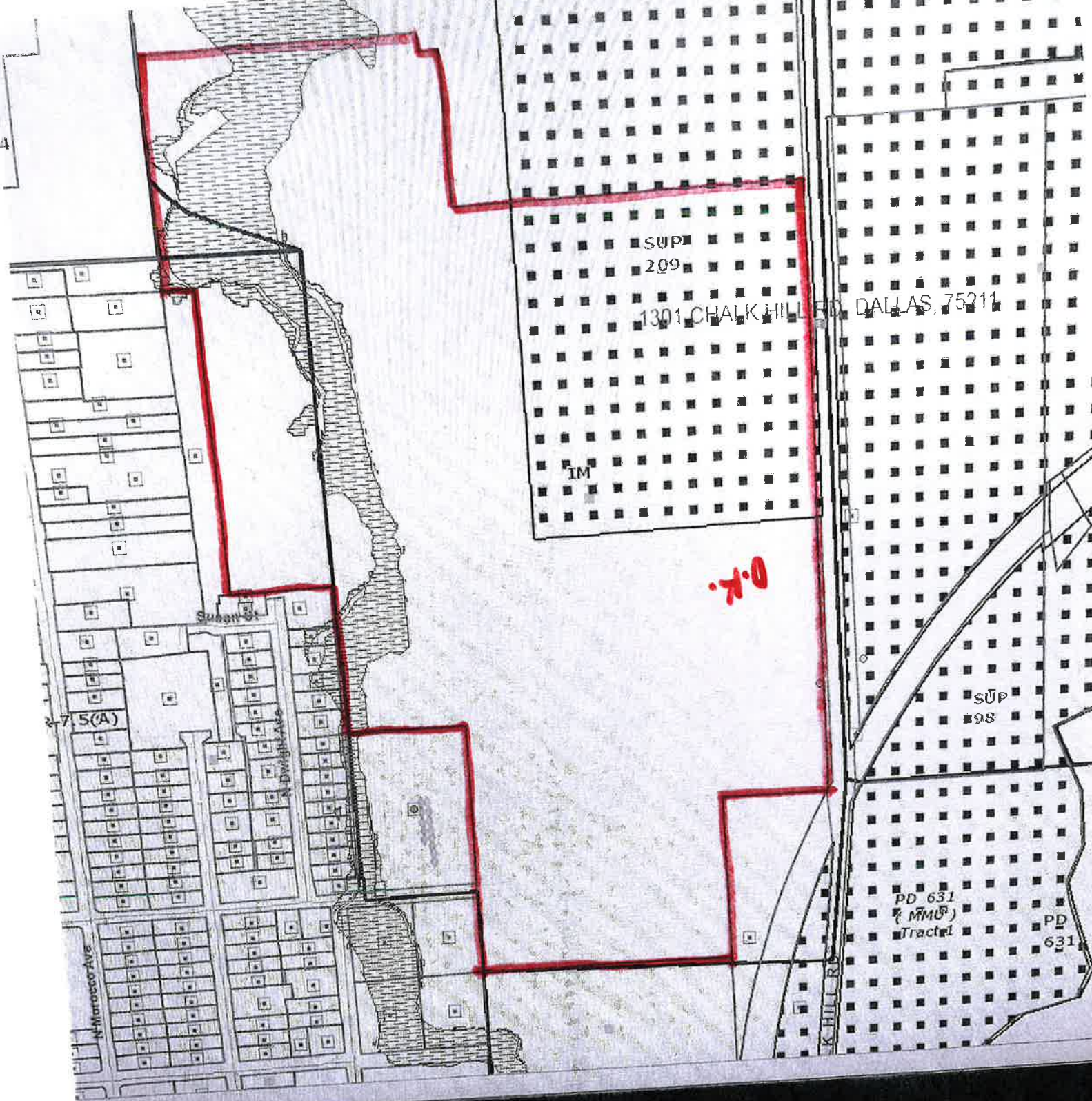
**COMMERCIAL REAL ESTATE GROUP, INC.**

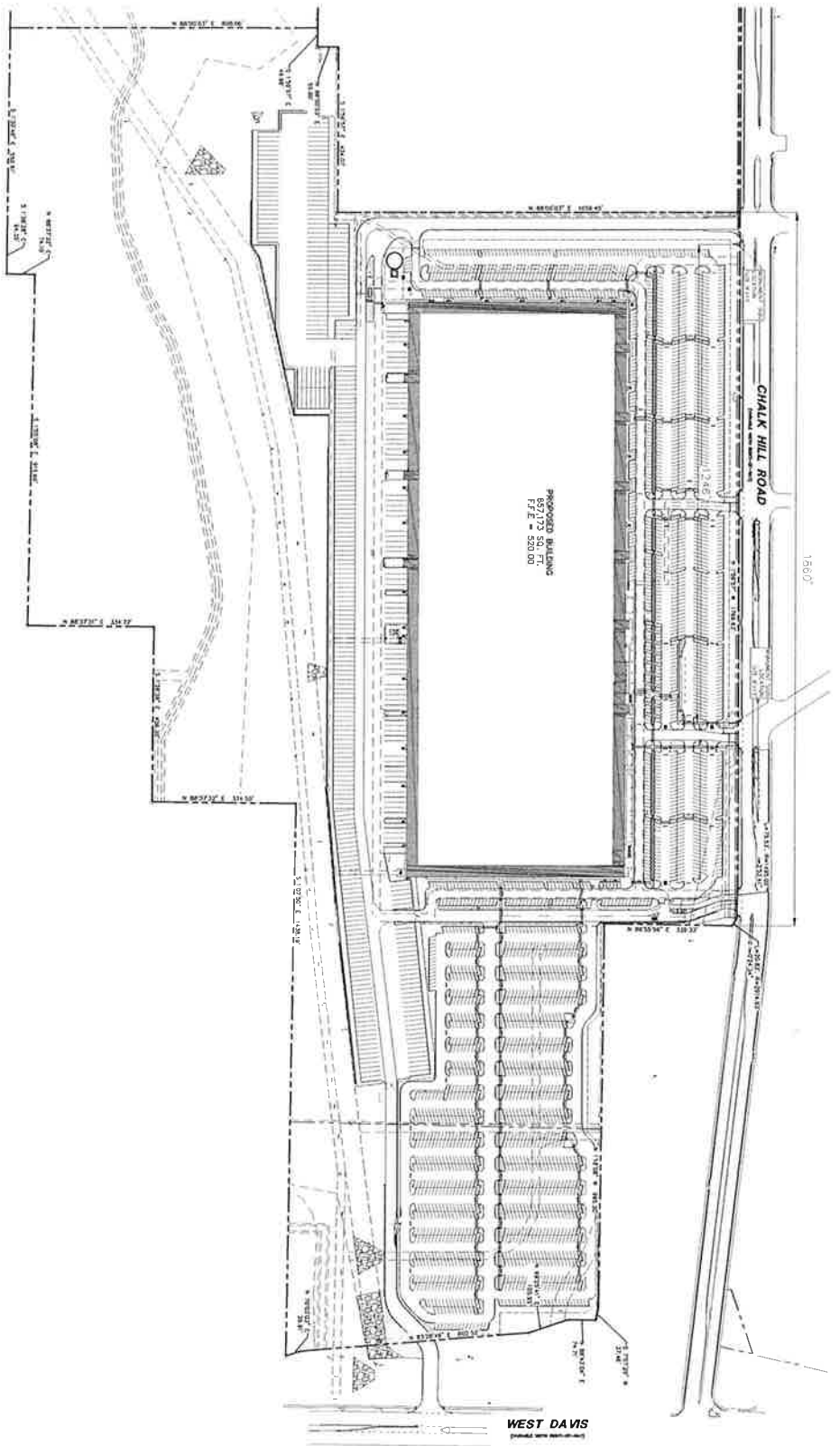
**LOTS 4 AND 5, BLOCK A/7192**

BEING PART OF  
OFFICIAL BLOCK NUMBER OF THE CITY OF DALLAS  
AND BEING OUT OF THE  
JAMES McLAUGHLIN SURVEY, ABBREVIATED NO. 847 AND  
THE THOMAS W. ARCHER PROPERTY, ABBREVIATED NO. 12  
CITY OF DALLAS, DALLAS COUNTY, TEXAS.

CITY PLAN FILE NUMBER: 5179-0734 AND  
ENGINEERING PLAN NUMBER: 5111-9705

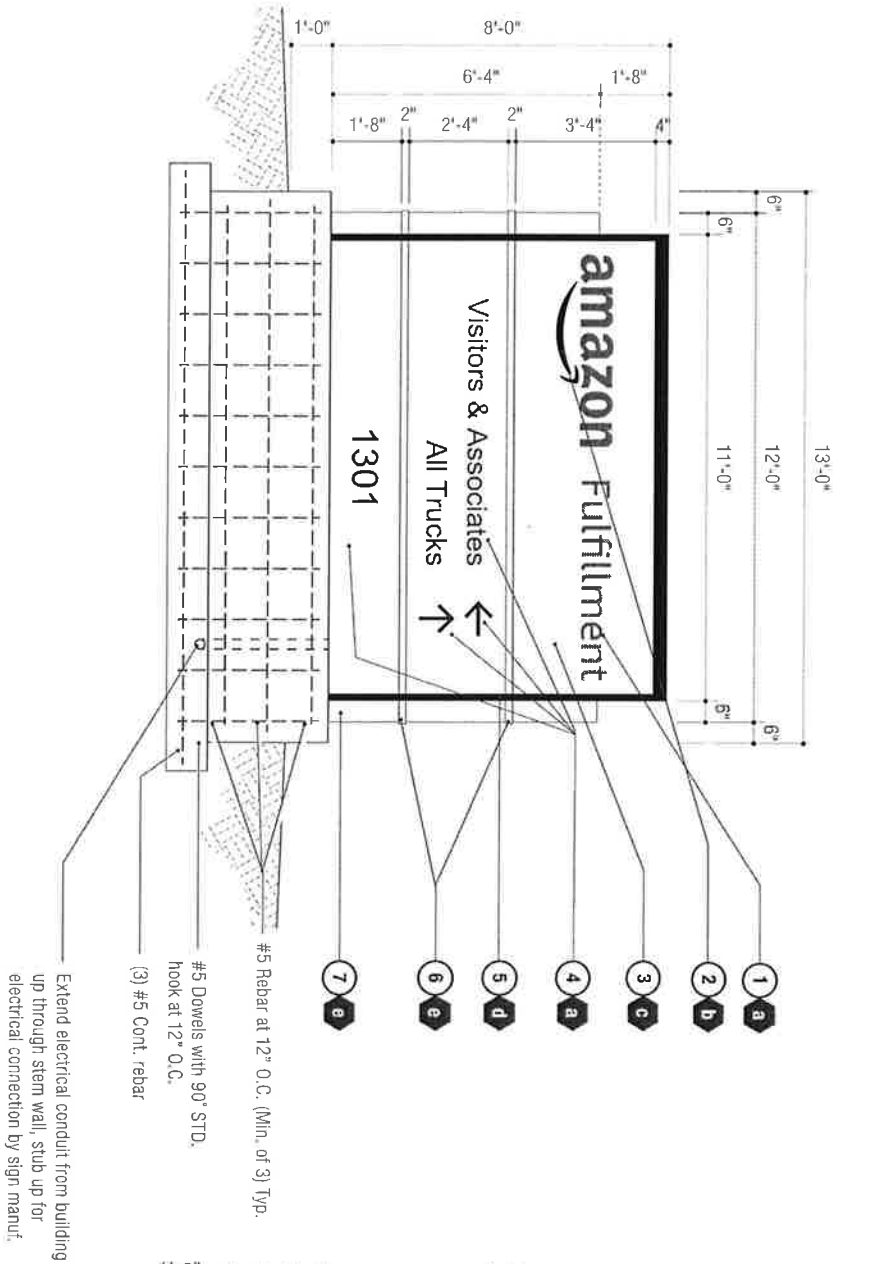
SHEET 1 OF 4





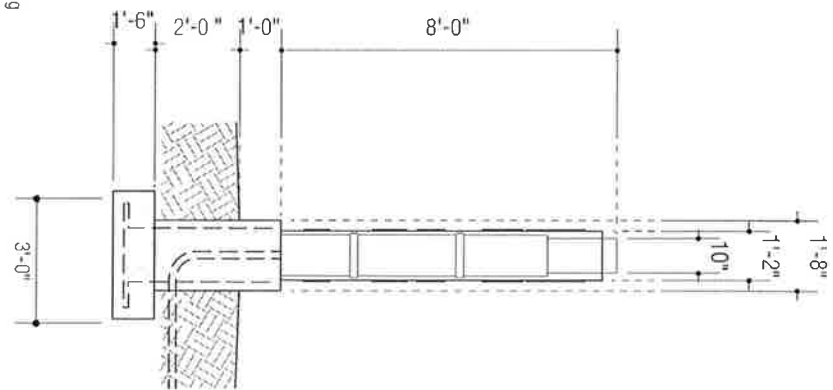
Graphic Scale in Feet

|                              |  |                                      |  |                     |  |
|------------------------------|--|--------------------------------------|--|---------------------|--|
| <b>Pacheco Koch</b>          |  | 1100 WEST L. PARK                    |  | DALLAS, TEXAS 75201 |  |
| <b>MONUMENT SIGN EXHIBIT</b> |  | PROJECT BONNIE                       |  | PHASE 1, BUILDING C |  |
| 1301 CHALK HILL ROAD         |  | CITY OF DALLAS, DALLAS COUNTY, TEXAS |  | DATE: 05/11/2011    |  |
| DRAWN BY: [Name]             |  | CHECKED BY: [Name]                   |  | SCALE: AS SHOWN     |  |
| DATE: 05/11/2011             |  | PROJECT NO: 3111                     |  | SHEET NO: 0800      |  |
| EXHIBIT 1.1                  |  | PROJECT BONNIE                       |  | S178-073A           |  |



**Front View**

Scale: 1" = 1' (1:12)



**Side View**

Scale: 1" = 1' (1:12)

Paint Color:  
Pantone 2995C

Provide concrete stem  
wall and concrete footing

(3) #5 Cont. rebar

## BDA190-033 Attachment A

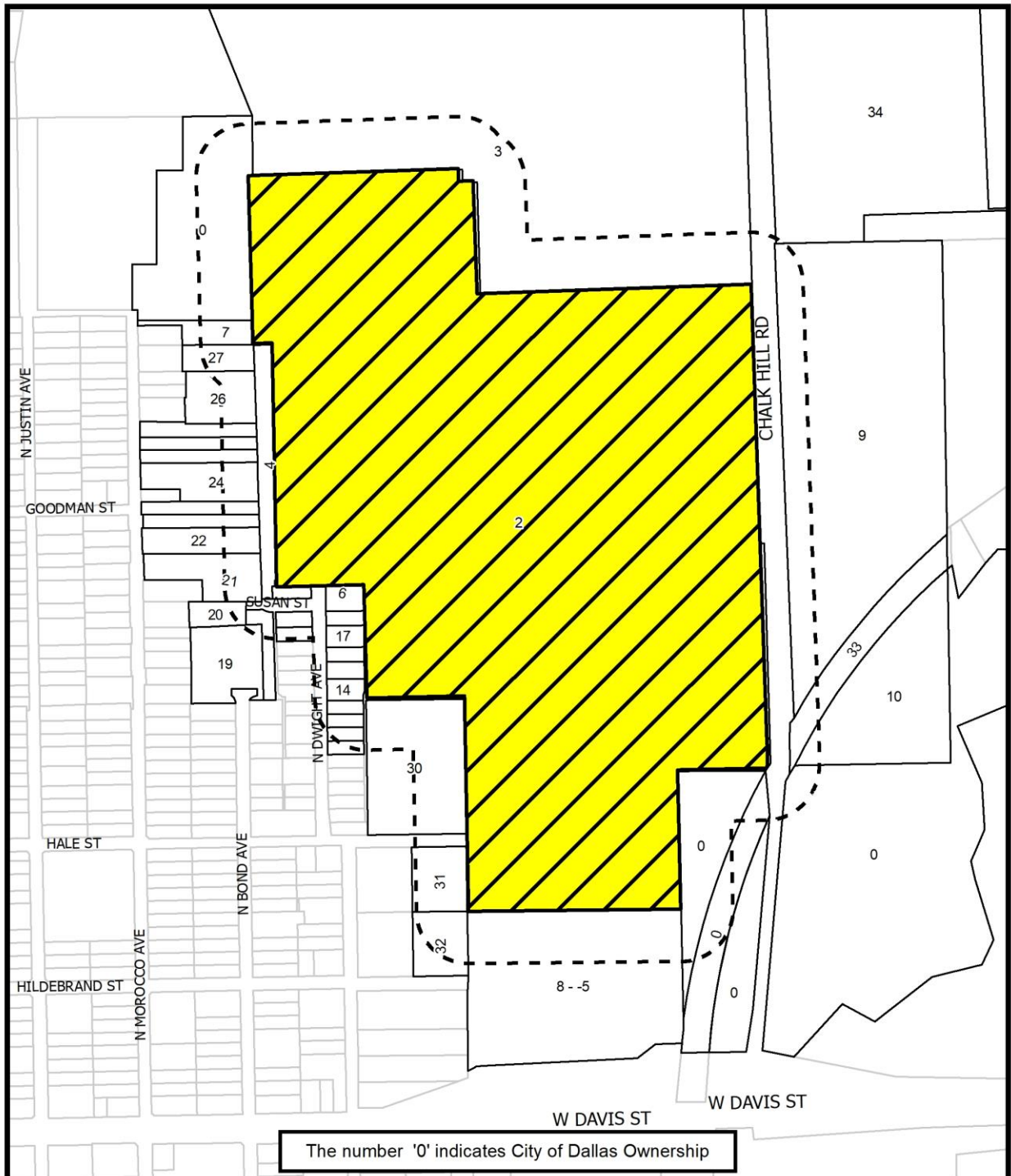
Due to the amazon property being so large (Over 3300' of frontage) and having very heavy trucking/delivery traffic, Amazon needs to clearly differentiate between the visitor/employee entrance and the shipping/receiving entrance to help with the flow of traffic. The distance between the two entrances is approximately 1300 feet, or over a ¼ mile. By adding an additional sign Amazon will be able to safely direct traffic to the correct entrance while also helping to limit unnecessary visitor traffic in the shipping and receiving lanes.


You can arrive to this property from exiting Hwy 30 at N Cockrell Hill and looping around to Chalk Hill driving South, or by exiting Loop 12 North at Davis Drive to Chalk Hill and driving North. Any truck drivers that arrive off Loop 12 to Chalk Hill would most likely enter at the first available entrance, which is the employee/visitor entrance. Having this proposed additional sign would clearly designate this entrance as the employee/visitor entrance only, and direct them further North to the correct shipping/receiving entrance that has a sign. The northern most entrance shipping & receiving sign is not visible from the south entrance due to trees, shrubs, fencing and a slight elevation difference.

There is no access to the shipping lanes from the visitor/employee entrance. If a truck were to enter at this point, there would be no safe place for them to turn their truck around in the visitor/employee lot. Having the second additional sign would help clearly identify each entrance and their uses, and hopefully stop any trucks from entering at this point.

This location is zoned as "IM" which only allows 1 sign per street elevation. With regular business zoning we would be able to have as many as four (4) monument signs due to the length of frontage. The zoning of this site limits the ability to safely direct the large amount of traffic using signage along the frontage road, per the sign ordinance. Having just one (1) additional sign would alleviate confusion and increase the safety of all traffic flow into the site.





  
 1:6,000

## NOTIFICATION

|             |                                    |
|-------------|------------------------------------|
| <b>200'</b> | AREA OF NOTIFICATION               |
| <b>34</b>   | NUMBER OF PROPERTY OWNERS NOTIFIED |

Case no: **BDA190-033**  
 Date: **2/21/2020**

02/20/2020

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

***BDA190-033***

### ***34 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>              |
|-----------------------|-----------------------|----------------------------------|
| 1                     | 1301 CHALK HILL RD    | COMMERCE 30 BUILDING C INC       |
| 2                     | 1301 CHALK HILL RD    | COMMERCE 30 BUILDING C INC       |
| 3                     | 1247 CHALK HILL RD    | COMMERCE 30 BUILDING B LLC       |
| 4                     | 1200 N DWIGHT AVE     | GARCIA JOSE JR & FELICITA        |
| 5                     | 1201 N DWIGHT AVE     | RAYMUNDO FAMILY TRUST            |
| 6                     | 1130 N DWIGHT AVE     | RAYMUNDO BRENDA                  |
| 7                     | 1252 N BOND AVE       | KURSHUDIAN ARTHUR                |
| 8                     | 1301 CHALK HILL RD    | COMMERCE 30 BUILDING C INC       |
| 9                     | 1350 CHALK HILL DR    | CHALK HILL DISTRIBUTION LLC      |
| 10                    | 900 CHALK HILL DR     | TXI OPERATIONS LP                |
| 11                    | 1123 N DWIGHT AVE     | ARMIJO RUBEN & MARY E            |
| 12                    | 1127 N DWIGHT AVE     | MILES HENRY L & FRANKIE J LF EST |
| 13                    | 4930 SUSAN ST         | SANCHEZ CARLOS & OFELIA          |
| 14                    | 1106 N DWIGHT AVE     | HASSMANN GUILLERMINA             |
| 15                    | 1110 N DWIGHT AVE     | ROBLES SIMON & EUTIQUIA          |
| 16                    | 1114 N DWIGHT AVE     | J C LEASING LLP                  |
| 17                    | 1120 N DWIGHT AVE     | GRIFFIN FRED W                   |
| 18                    | 1126 N DWIGHT AVE     | MENDOZA AIDA                     |
| 19                    | 1100 N BOND AVE       | HERNANDEZ ARTURO                 |
| 20                    | 1131 N BOND AVE       | CASTANEDA GUSTAVO &              |
| 21                    | 1146 N MOROCCO AVE    | HEGBOUM MARGARET A               |
| 22                    | 1154 N MOROCCO AVE    | HEGBOUM MARGARET A               |
| 23                    | 1166 N MOROCCO AVE    | EBERT ROBERT R                   |
| 24                    | 1214 N MOROCCO AVE    | GARCIA JOSE JR &                 |
| 25                    | 1218 N MOROCCO AVE    | KATTNER SHIRLEY                  |
| 26                    | 1222 N MOROCCO AVE    | KATTNER SHIRLEY A                |

02/20/2020

| <i>Label #</i> | <i>Address</i>          | <i>Owner</i>                       |
|----------------|-------------------------|------------------------------------|
| 27             | 1240 N BOND AVE         | KURSHUDIAN ARTHUR                  |
| 28             | 1024 N DWIGHT AVE       | HERNANDEZ STEPHANIE                |
| 29             | 1030 N DWIGHT AVE       | GALEANA EULALIA                    |
| 30             | 4811 HALE ST            | WHITELEY BROTHERS CONSTRUCTION LLC |
| 31             | 4810 HALE ST            | ALAMO AUTO SALES LLC               |
| 32             | 4811 HILDEBRAND ST      | ALAMO AUTO SALES LLC               |
| 33             | 800 CHALK HILL RD       | MORNING PARK INC                   |
| 34             | 1415 N COCKRELL HILL RD | LIT INDUSTRIAL LTD PS              |

**FILE NUMBER:** BDA190-035(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Michael Coker for a variance to the front yard setback regulations, a special exception to the fence height regulations, a special exception to the fence standards regulations, and a special exception to the visual obstruction regulations at 4748 Elsby Avenue. This property is more fully described as Lot 3, Block C/5681, and is zoned R-7.5(A) Single Family District, which limits the height of a fence in the front yard to four feet, requires a fence panel with a surface area that is less than 50 percent open, may not be located less than five feet lot line, requires a 20-foot visibility triangle at the driveway approaches, and requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a four-foot front yard setback, which will require a 21-foot variance to the front yard setback regulations and 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 and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which will require a special exception to the fence regulations and to construct and/or maintain items in a required visibility triangles, which will require a special exception to the visual obstruction regulation.

**LOCATION:** 4748 Elsby Avenue

**APPLICANT:** Michael Coker

**REQUESTS:**

The following requests have been made on a site that is being developed with a single family home:

1. A variance to the front yard setback regulations of 21 feet is made to construct/maintain a single family residential structure with an unknown square feet total "home size" (the applicant did not provide the floor area), part of which is to be located four feet from one of the site's two front property lines (Elsby Avenue) or 21 feet into this 25-foot front yard setback;
2. A special exception to the fence standards related to the height of four feet is made to construct/maintain an eight tall solid wood fence with an eight-high cedar wood rolling gate located in one of the site's two front property lines (Elsby Avenue);
3. A special exception to the fence standards related to fence panel materials/location from the front lot line is made to maintain the aforementioned, eight tall solid wood

fence, with panels with surface areas that are less than 50 percent open located less than 5' from Elsby Avenue front lot line; and

4. Special exceptions to the visual obstruction regulations are made to construct and maintain portions of the aforementioned eight tall solid wood fence with an eight-high cedar wood rolling gate in the two 20' visibility triangles on both sides of the driveway into the site on Elsby Avenue.

**STANDARD FOR A VARIANCE:**

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

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

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

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

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

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

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

Denial.

Rationale:

Staff concluded that the applicant had not substantiated how 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 it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) District.

**STAFF RECOMMENDATION (fence standards):**

No staff recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals is when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

**STAFF RECOMMENDATION (visual obstruction special exceptions 20' visibility triangles at the driveway):**

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that the request for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item located in the visibility triangles do not constitute a traffic hazard.

**Zoning:**

**Site:** R-7.5(A) (Single Family District)

**North:** R-7.5(A) (Single Family District)

**East:** R-7.5(A) (Single Family District)

**South:** R-7.5(A) (Single Family District)

**West:** R-7.5(A) (Single Family District)

**Land Use:**

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

**Zoning/BDA History:**

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

## **GENERAL FACTS/STAFF ANALYSIS (front yard variance:**

The subject site is zoned an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. The property is located at the southwest corner of Elsby Avenue and Linwood Avenue. Regardless of how the structure is proposed to be oriented to front Linwood Avenue, the lot has a 25-foot front yard setback along both street frontages in order to maintain the continuity of the established front yard setback established by the lots to the southwest that front and are oriented towards Elsby Avenue and the continuity of the established front yard setback established by the lots to the south that front and are oriented towards Linwood Avenue.

The request for a variance to the front yard setback regulations of 21 feet focuses on constructing and maintaining a single family residential structure with an unknown total floor area (the applicant did not provide the floor area), part of which is to be located four feet from one of the site's two front property lines (Elsby Avenue) or 21 feet into this 25-foot front yard setback.

The submitted site plan indicates the proposed structure is located four feet from the Elsby Avenue's front property line or 21 feet into this 25-foot front yard setback.

According to DCAD records, there are "no main improvement" and "no additional improvements" for property addressed at 4748 Elsby Avenue.

The subject site is flat, irregular in shape, and according to the application, it is 0.279 acres (or approximately 12,150 square feet) in area. In an R-7.5(A) District, the minimum lot size is 7,500 square feet.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

If the board were to grant the variance request and impose the submitted site plan as a condition, the single-family structure in the front yard setback would be limited to what is

shown on this document– which in this case is a structure that would be located four feet from the Elsby Avenue’s front property line or 21 feet into this 25-foot front yard setback.

**GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):**

The requests for special exceptions to the fence standards regulations related to height and fence panel materials/location from a front lot line focus on:

- constructing and maintaining an eight-foot tall solid wood fence with an eight-foot high cedar wood rolling gate, a portion of which sits atop a two-and-a-half-foot tall retaining wall, in one of the site’s two front yards (Elsby Avenue).
- constructing and maintaining an eight-foot tall solid wood fence, a portion of which sits atop a two-and-a-half-foot tall retaining wall, with panels with surface areas that are less than 50 percent open located less than five feet from the Elsby Avenue front lot line.

Section 51A-4.602(a)(2) of 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. As noted, the proposed fence would be within the required 25-foot front yard setback.

The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five from the front lot line.

The submitted site plan and elevation denote an eight-foot tall solid wood fence with a rolling solid wood gate a portion of which sits atop a one-foot tall retaining wall (the fence remains eight feet tall including the retaining wall) located less than five feet from Elsby Avenue front lot line.

The following additional information was gleaned from the submitted revised site plan:

- The proposal is represented as being approximately 40 feet in length parallel to Elsby Avenue and approximately 25 feet perpendicular to the street on the west and five feet on the east side of the site on the Elsby Avenue required front yard; located approximately at the front property line or approximately 12 feet from the pavement line.

The Board of Adjustment 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 a required front yard.

As of March 6, 2020, no letters have been submitted in support or in opposition to the request.



The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of four feet and to location and materials on Eslby Avenue will not adversely affect neighboring property.

Granting these special exceptions to the fence standards related to height of up to four feet and panel with a surface area that is less than 50 percent open to locate in certain areas on the site with a condition imposed that the applicant complies with the submitted site plan and elevation, would require the proposal exceeding four feet in height in the front yard setbacks and in some areas solid fence panels on Eslby Avenue's front lot line to be maintained in the locations and of the heights and materials as shown on these documents.

**GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception driveways):**

These requests for special exceptions to the visual obstruction regulations focus on constructing and maintaining portions of an eight-foot tall solid wood fence with an eight-foot high cedar wood rolling gate in the two 20-foot visibility triangles on both sides of the driveway into the site on Eslby Avenue.

The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:

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

The applicant is requesting special exceptions to the visual obstruction regulations for the two required 20-foot visibility triangles on each side of the driveway into the site on Eslby Avenue.

The applicant submitted a site plan and a site plan/elevation indicating portions of an eight-foot tall solid wood fence with an eight-foot high cedar wood rolling gate located in the two 20-foot visibility triangles on both sides of the driveway into the site on Eslby Avenue.

The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to locate and maintain portions of an eight-foot tall solid wood fence with an eight-foot high cedar wood rolling gate in

the two 20-foot visibility triangles on both sides of the driveway into the site on Elsby Avenue does not constitute a traffic hazard.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items located in the two 20-foot visibility triangles on each side of the driveway into the site on Elsby Avenue to that what is shown on these documents – an eight-foot tall solid wood fence with an eight-foot high cedar wood rolling gate.

**TIMELINE:**

January 23, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

February 11, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

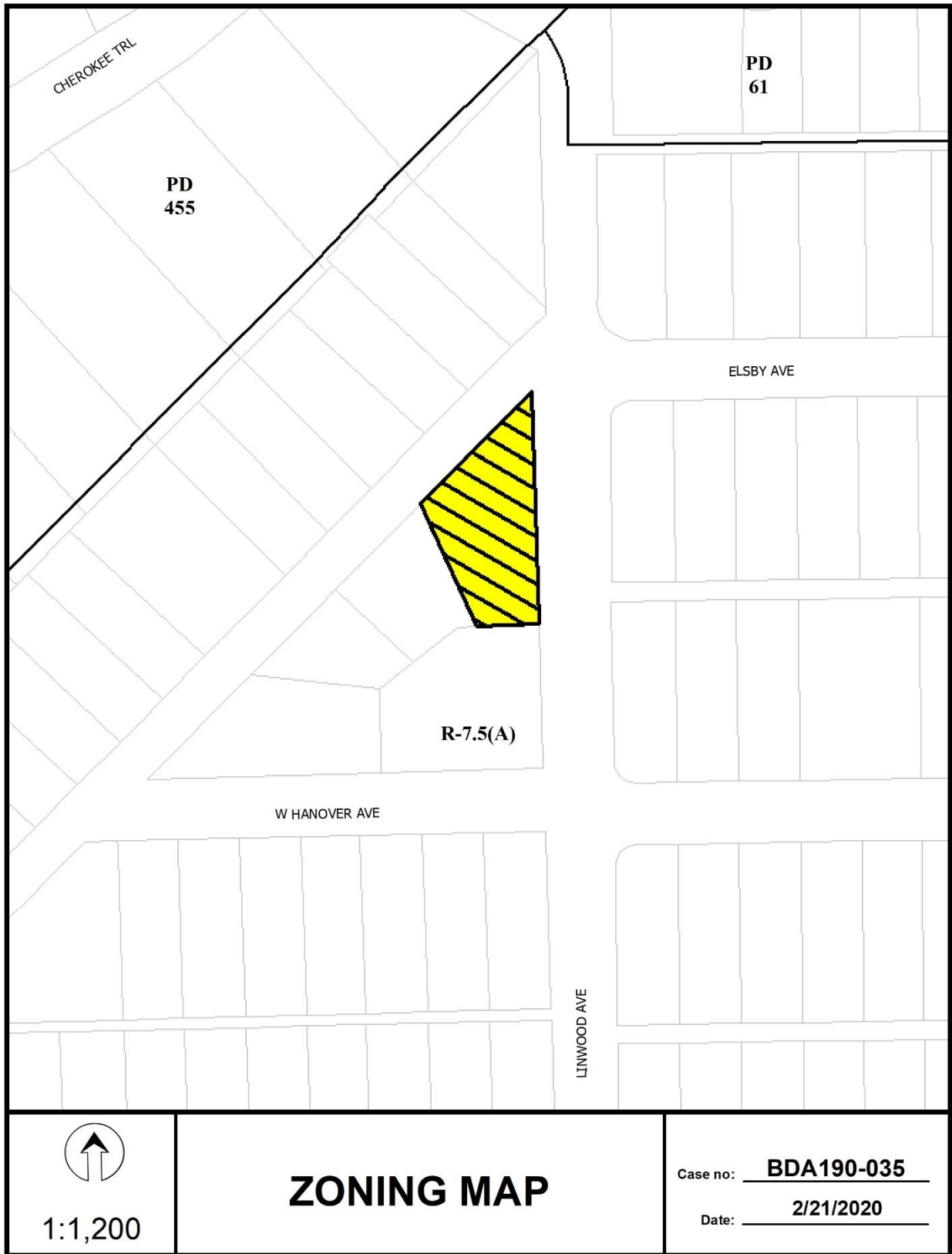
February 14, 2020: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

February 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department

Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

February 28, 2020: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

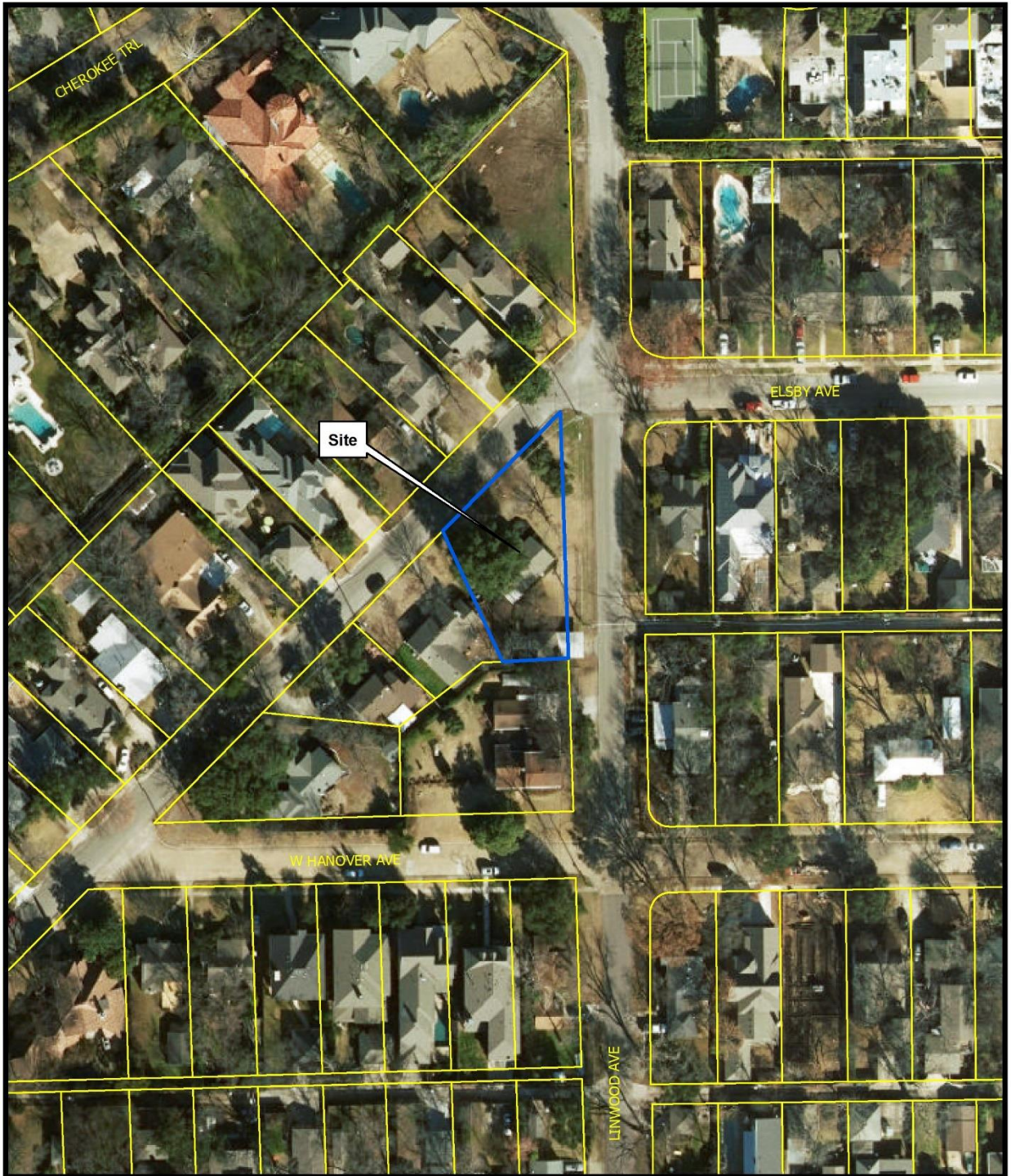


1:1,200

# ZONING MAP

Case no: BDA190-035

Date: 2/21/2020



1:1,200

# AERIAL MAP

Case no: BDA190-035

Date: 2/21/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-035

Date: 1-23-20

Data Relative to Subject Property:

Location address: 4748 Elsby Avenue Zoning District: R-7.5(A)

Lot No.: 3 Block No.: C/5681 Acreage: 0.279 Census Tract: 0073.02

Street Frontage (in Feet): 1) 198.20 2) 134.90 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Arlene Mead

Applicant: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Suite 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Represented by: Michael R. Coker, Michael R. Coker Company Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Suite 140 Zip Code: 75226

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of the required front yard setback regulations to allow for a portion of a new house, retaining walls, ac condensers and fencing; a special exception to fence height in front yard; a special exception to visibility triangle regulations; and a special exception to fence opacity in front yard

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:

This is a irregularly shaped corner lot with double frontage. The irregular shape and double frontage limits the buildable area of the lot. The new construction would be commensurate with other homes in the neighborhood.

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

Affidavit

Before me the undersigned on this day personally appeared MICHAEL R. COKER (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: Michael R. Coker (Affiant/Applicant's signature)

Subscribed and sworn to before me this 22 day of January, 2020

Notary Public in and for Dallas County, Texas



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that Michael Coker

did submit a request for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

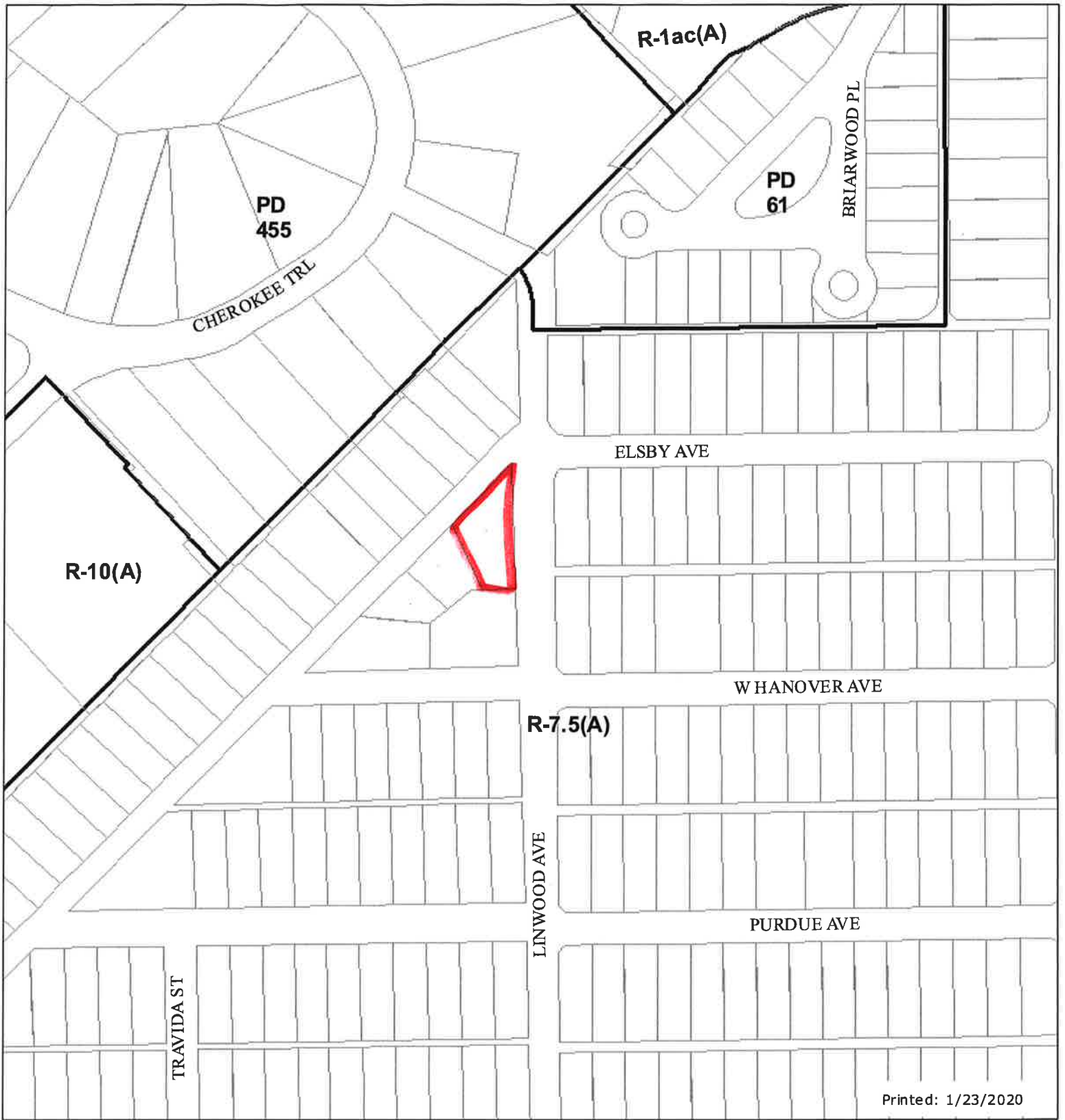
, and for a special exception to the visibility obstruction regulations

at 4748 Elsby Avenue

BDA190-035. Application of Michael Coker for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence standards regulations, and for a special exception to the visibility obstruction regulations at 4748 ELSBY AVE. This property is more fully described as Lot 3, Block C/5681, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line and requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 4 foot front yard setback, which will require a 21 foot variance to the front yard setback regulations, and to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



Printed: 1/23/2020

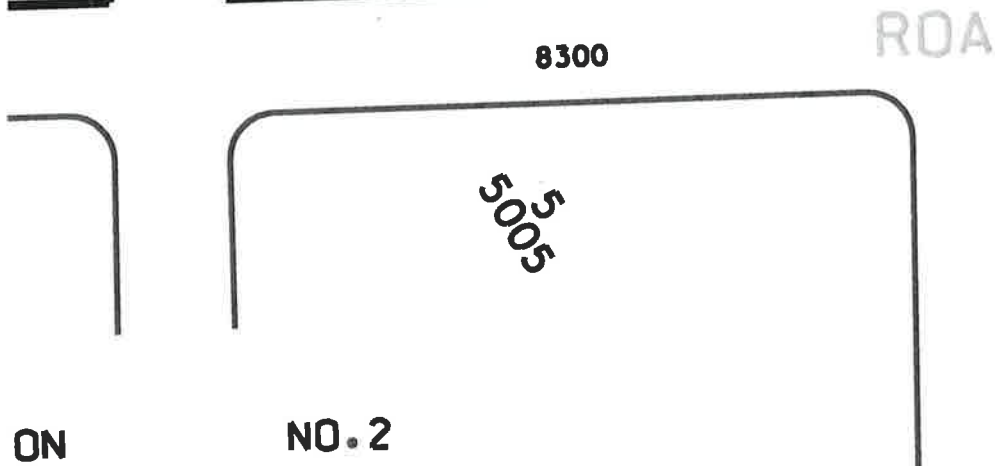
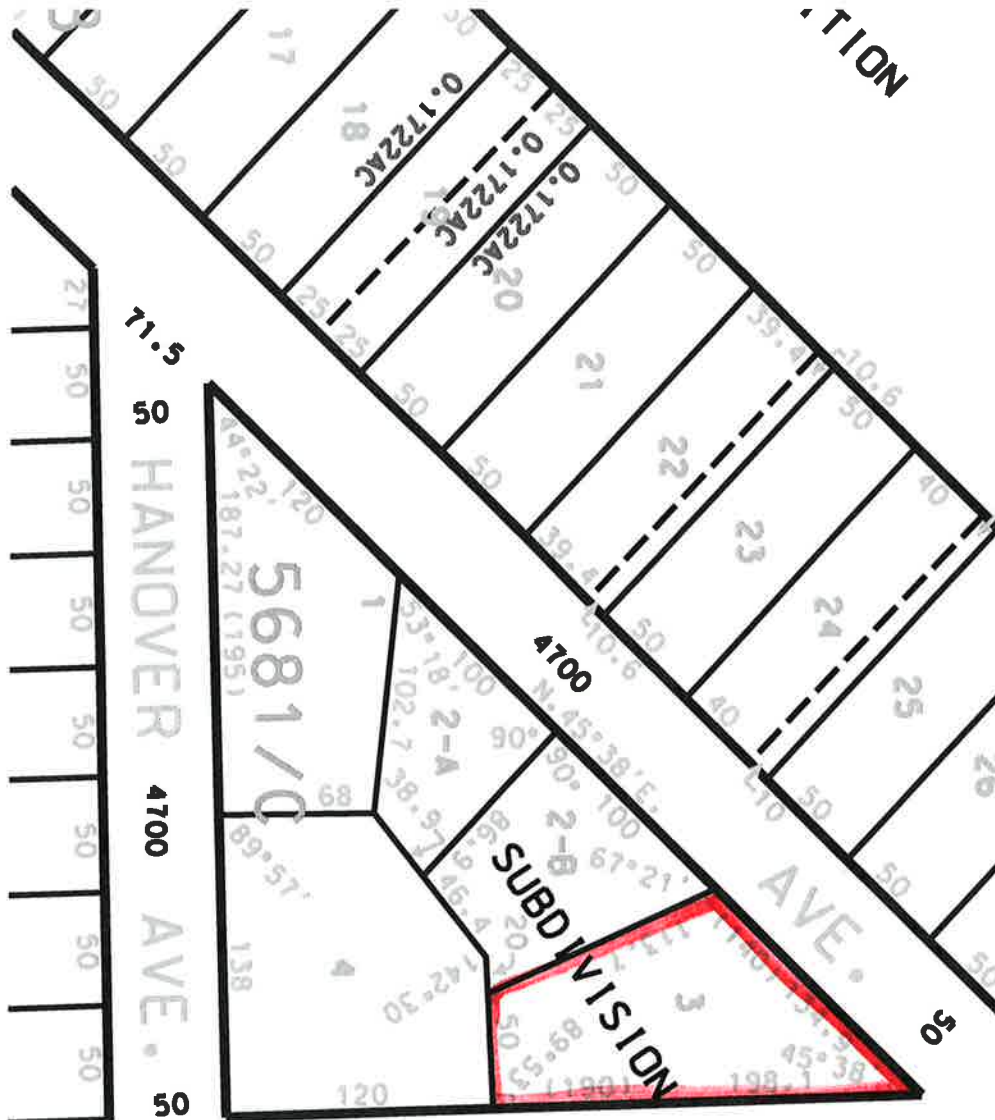
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Roadplains           | 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      | Storm Front Overlay        |
|                      |                                | Height Map Overlay    |                            |

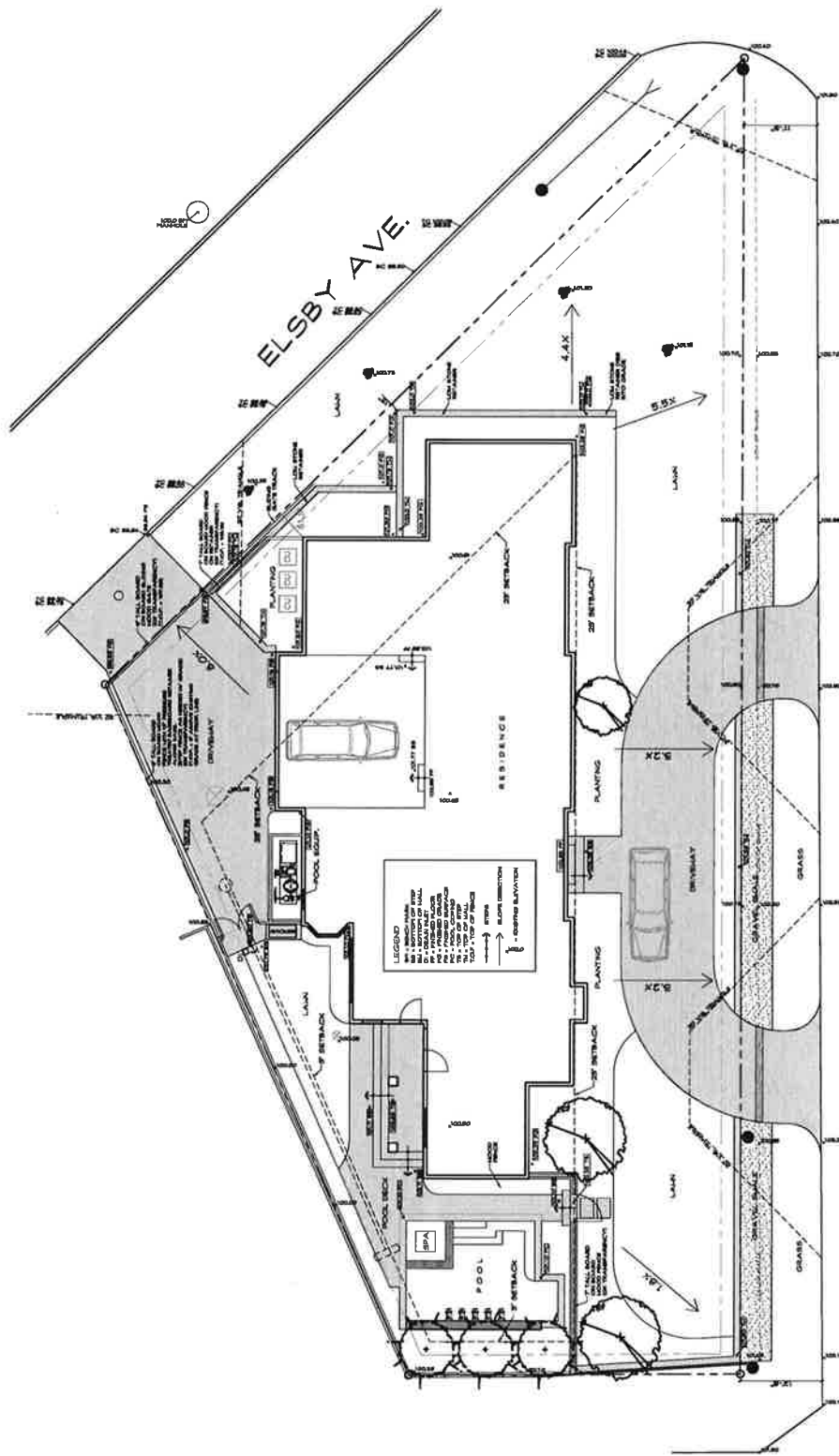
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)







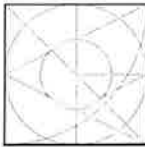
*P*



**THE MEAD RESIDENCE**  
SITE PLAN  
SCALE: 1/8"=1'-0"  
JAN. 15, 2020

LINKWOOD RD.





4748 Elsbey Avenue  
 In Dallas, Texas 75209

being architectural drawings for a project located at:

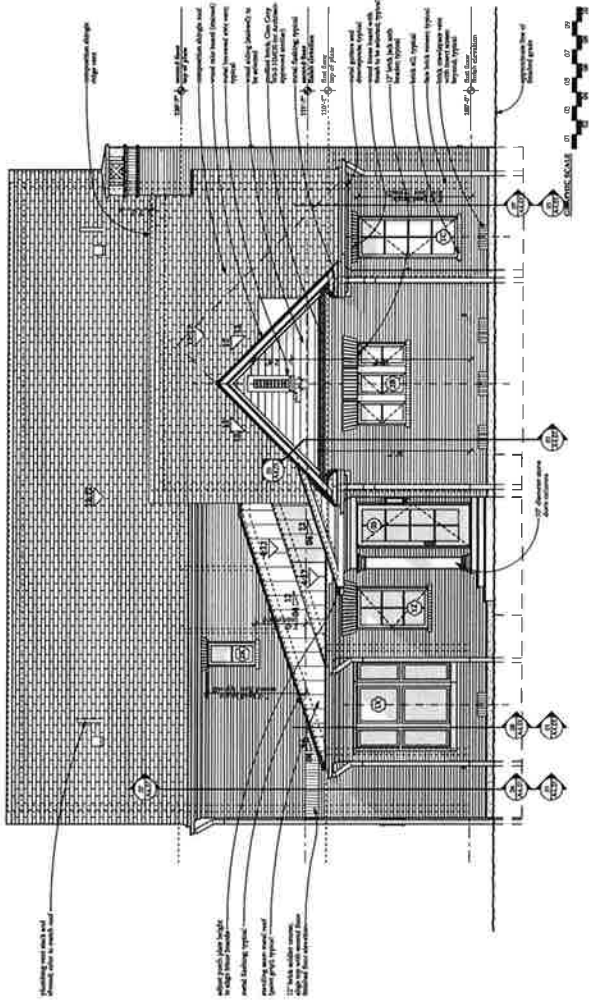
Issue Date: 22 November 2015, Issued for printing

NOT FOR CONSTRUCTION OR REGULATORY APPROVAL

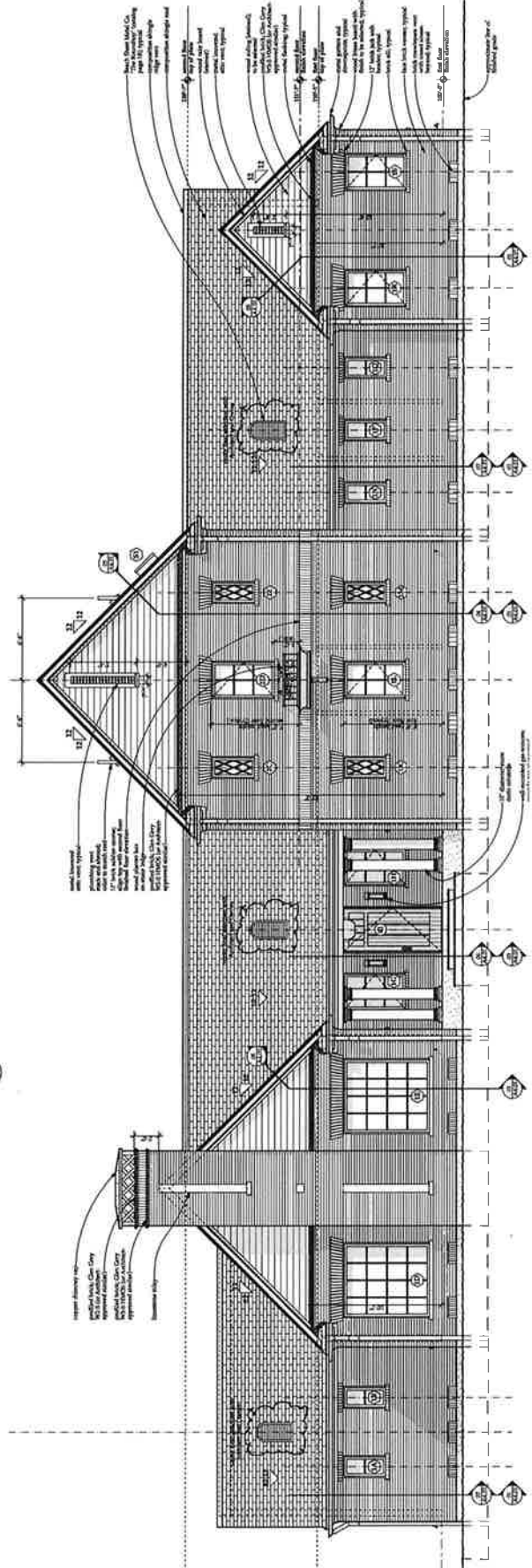
exterior elevations

A3.01

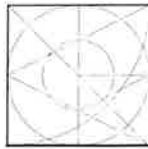
1/8" = 1'-0"



02. A3.01 EXTERIOR ELEVATION - WEST SCALE 1/8" = 1'-0"



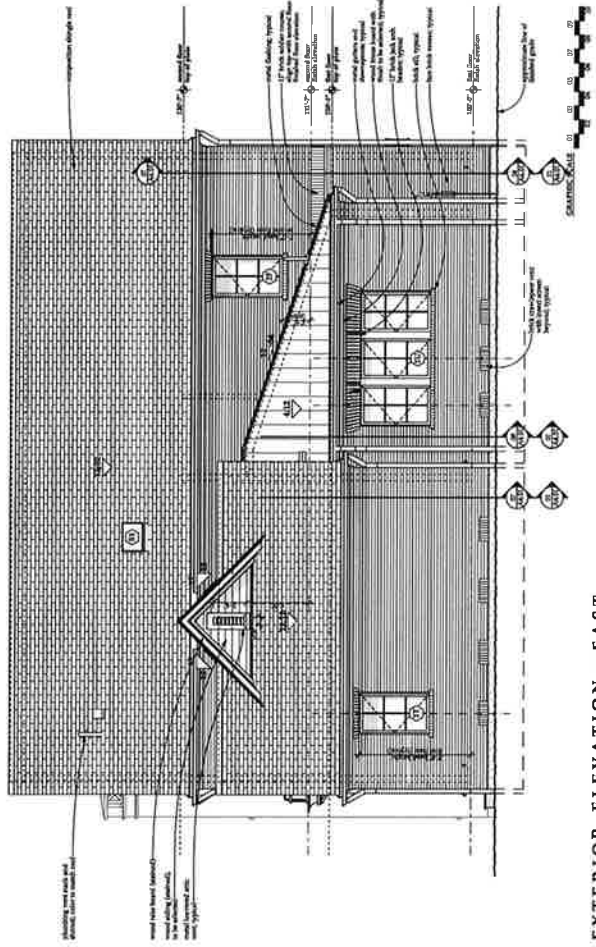
01. A3.01 EXTERIOR ELEVATION - SOUTH SCALE 1/8" = 1'-0"



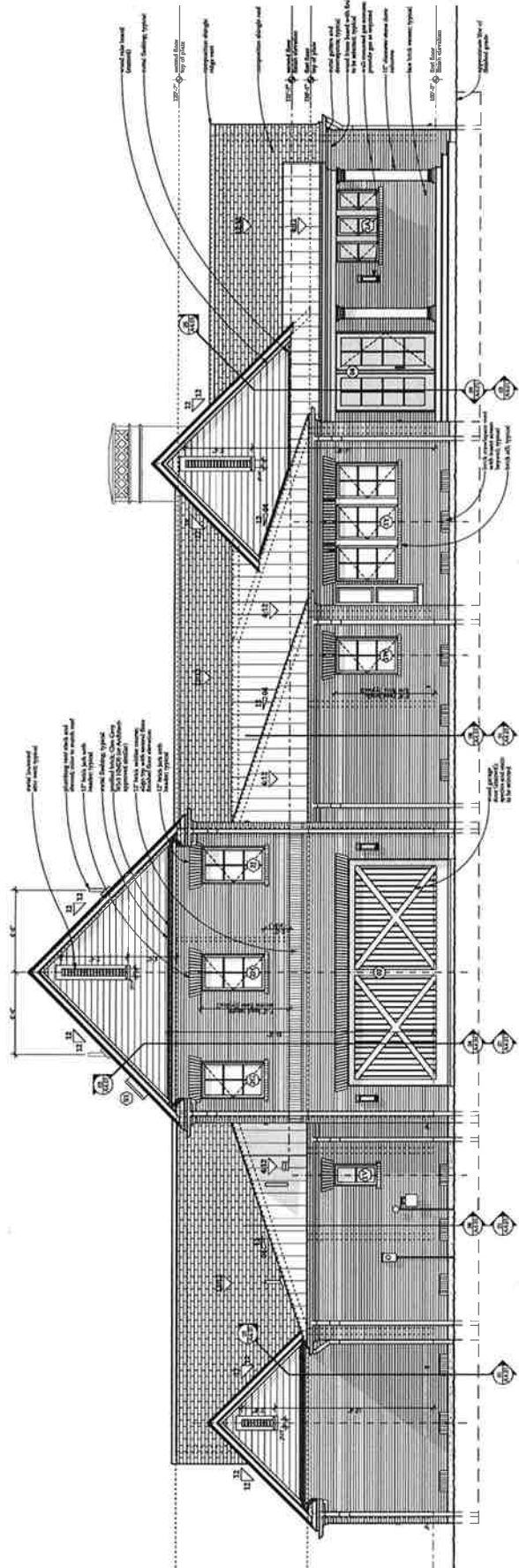
being architectural drawings for a project located at:  
**4748 Elsbey Avenue**  
 in Dallas, Texas 75209

Issue # 01  
 12 November 2019, Issued  
 for pricing

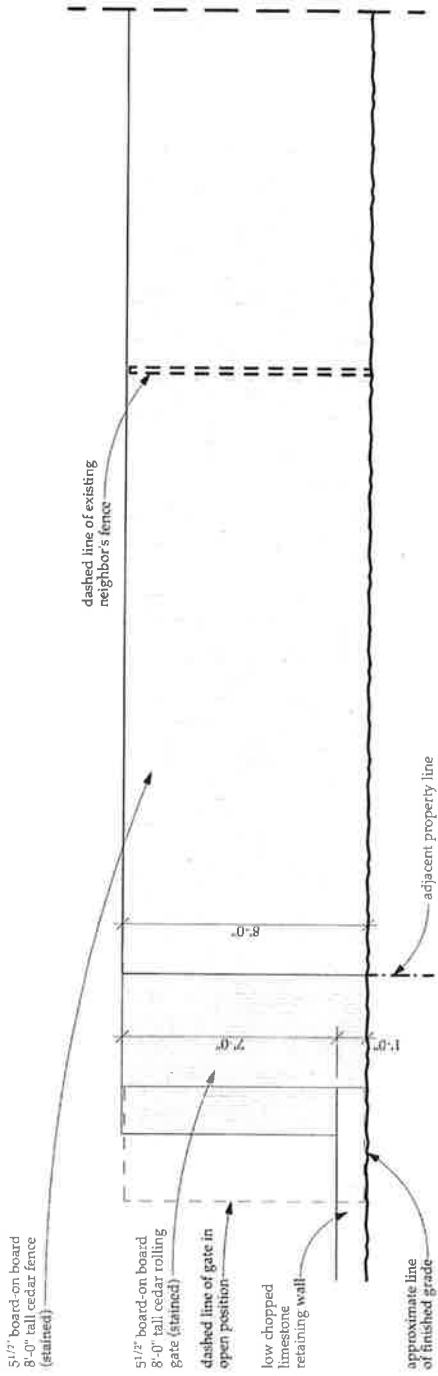
NOT FOR CONSTRUCTION  
 APPROVAL  
 exterior elevations  
**A3.02**  
 Job # 1832



**EXTERIOR ELEVATION - EAST**  
 SCALE: 1/4" = 1'-0"

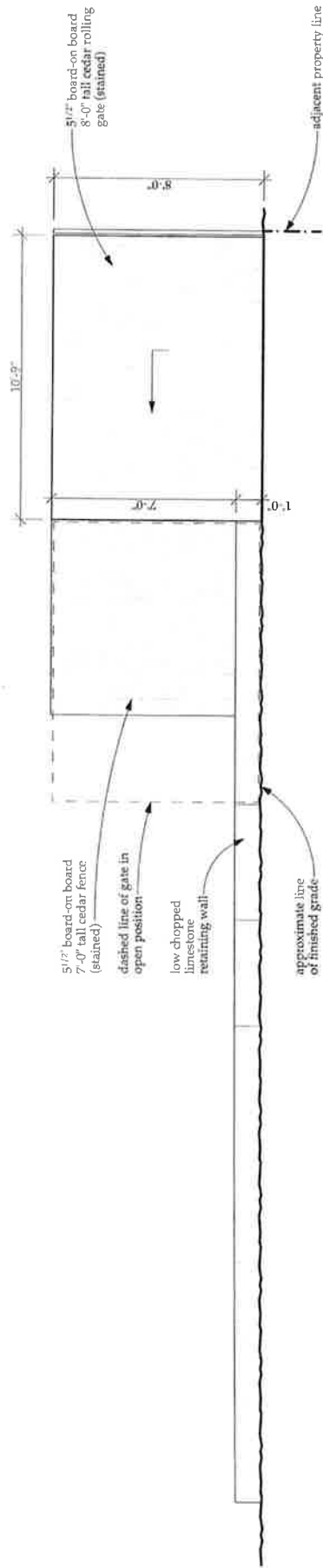


**EXTERIOR ELEVATION - NORTH**  
 SCALE: 1/4" = 1'-0"



**2 FENCE ELEVATION - ELSBY (NEIGHBOR'S)**

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



**FENCE ELEVATION - ELSBY (STREET)**

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

**WILLIAM S. BRIGGS**  
ARCHITECT



|  |  |  |
|--|--|--|
| <br>1:1,200 | <h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; display: inline-block;">200'</div> <div style="margin-left: 5px;">AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px 5px; display: inline-block;">31</div> <div style="margin-left: 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div> | Case no: <b>BDA190-035</b><br>Date: <b>2/21/2020</b> |
|--|--|--|

02/20/2020

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

### ***BDA190-035***

#### ***31 Property Owners Notified***

| <b><i>Label #</i></b> | <b><i>Address</i></b> | <b><i>Owner</i></b>             |
|-----------------------|-----------------------|---------------------------------|
| 1                     | 4748 ELSBY AVE        | MEAD ARLENE P                   |
| 2                     | 4618 CHEROKEE TRL     | BUDDRUS JAMES &                 |
| 3                     | 4614 CHEROKEE TRL     | CINDY LINN CAPITAL LLC          |
| 4                     | 4624 CHEROKEE TRL     | FRASER BRUCE M & CHRISTINE M    |
| 5                     | 4610 CHEROKEE TRL     | JONES DAVID B & SHANNON         |
| 6                     | 4800 W HANOVER AVE    | WOOD DICK P III ET AL           |
| 7                     | 4811 W HANOVER AVE    | TAMBAR UTTAM K &                |
| 8                     | 4807 W HANOVER AVE    | MOJICA ZERLINDA Y               |
| 9                     | 4801 W HANOVER AVE    | HARDAWAY ZACHARY                |
| 10                    | 4800 ELSBY AVE        | FENTON SUSAN ELIZABETH          |
| 11                    | 4806 ELSBY AVE        | REXING RICK                     |
| 12                    | 4810 ELSBY AVE        | STRIPH FAMILY TRUST THE         |
| 13                    | 4727 ELSBY AVE        | ROYAL MICHAEL PATRICK           |
| 14                    | 4743 ELSBY AVE        | SURVANT B K                     |
| 15                    | 4747 ELSBY AVE        | BUTLER MARK D & DARLA M         |
| 16                    | 4751 ELSBY AVE        | MAGLIOLO JOSEPH III& VIRGINIA H |
| 17                    | 4755 ELSBY AVE        | SNELL ANNE G                    |
| 18                    | 8401 LINWOOD AVE      | MANES BRIAN                     |
| 19                    | 4724 ELSBY AVE        | MARKWARDT MARION J              |
| 20                    | 4734 ELSBY AVE        | SILVERTHORN ANDREW & BETHANY    |
| 21                    | 4742 ELSBY AVE        | KANNY HEATHER A                 |
| 22                    | 4723 W HANOVER AVE    | GREENBERG JEFF C & LISA M       |
| 23                    | 4716 W HANOVER AVE    | WILLIAMS BRADLEY S              |
| 24                    | 4720 W HANOVER AVE    | WESTHOFF LOREN PAIGE            |
| 25                    | 4724 W HANOVER AVE    | RITTENMEYER HEDY A              |
| 26                    | 4728 W HANOVER AVE    | WILSON IDA ELIZABETH MACK       |

02/20/2020

| <i>Label #</i> | <i>Address</i> | <i>Owner</i>                  |
|----------------|----------------|-------------------------------|
| 27             | 4801 ELSBY AVE | GLANCY GREGORY                |
| 28             | 4807 ELSBY AVE | JORDAN CHRISTOPHER GOERGE JR. |
| 29             | 4811 ELSBY AVE | KALTENBACH KONRAD             |
| 30             | 4735 ELSBY AVE | EGGEMEYER ROBERT D &          |
| 31             | 4739 ELSBY AVE | LEE DIWEN & WEI WANG          |



**FILE NUMBER:** BDA190-017(JM)

**BUILDING OFFICIAL'S REPORT:** Application of Santos Martinez of La Sierra Planning Group, for a special exception to the parking regulations at 3510 Ross Avenue. This property is more fully described as a tract of land within Block 513 and is zoned Subarea 1 within Planned Development District No. 298, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a personal service use, general merchandise less than 3500, and general merchandise greater than 3500 and provide 31 of the required 41 parking spaces, which will require a 10-space special exception (25% reduction) to the parking regulation.

**LOCATION:** 3510 Ross Avenue

**APPLICANT:** Santos T. Martinez of La Sierra Planning Group

**REQUEST:**

A request for a special exception to the off-street parking regulations of eight spaces is made to convert an existing florist use with 8,250 square feet of floor area to a personal service use, a general merchandise or food store use 3,500 square feet or less use, and/or a general merchandise or food store greater than 3,500 square feet use and will provide 31 parking spaces (or 75 percent) of the 41 required parking spaces for the subject site.

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

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

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

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

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

**ORIGINAL STAFF RECOMMENDATION (February 19, 2020):**

Denial.

The Sustainable Development and Construction Senior Engineer made the following statement:

The Institute of Transportation Engineers' Parking Generation manual (5th Edition) provides data for similar uses. It estimates a peak parking demand on a typical day anywhere between 39 and 70 parked vehicles. The applicant did not provide a parking analysis or data to justify the request.

**REVISED STAFF RECOMMENDATION (March 18, 2020):**

Approval, limited to a general merchandise or food store 3,500 square feet or less or a general merchandise or food store greater than 3,5000 square feet use.

The Sustainable Development and Construction Senior Engineer made the following statement:

Upon review of report dated February 25, 2020, Engineering staff recommends the special parking exception should automatically and immediately terminate if and when a general merchandise or food store 3,500 square feet or less or a general merchandise or food store greater than 3,5000 square feet use is changed or discontinued. The same parking study does not support a special exception based on anticipated parking demand for fitness studio (personal service use).

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** Planned Development No. 298 (Subarea 1)  
**Northeast:** Planned Development No. 298 (Subarea 1B)

**Southeast:** Planned Development No. 298 (Subarea 7)  
**Southwest:** Planned Development No. 298 (Subarea 1)  
**Northwest:** Planned Development No. 298 (Subarea 1A) with Specific Use Permit No. 1819

**Land Use:**

The subject site is developed with vacant building which was previously occupied by a florist. Surrounding uses include a vacant vehicle or engine repair or maintenance shop to the northeast, a church and a construction site for a future multifamily use is to the southeast, parking lots to the southwest, and a multifamily use across Ross Avenue.

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

The purpose of this request for a special exception to the off-street parking regulations of eight spaces is made to convert an existing 8,250-square-foot building, previously occupied by a florist, to a personal service use<sup>1</sup>, which the applicant intends to operate as a gym or fitness center, a general merchandise or food store use 3,500 square feet or less use, a general merchandise or food store greater than 3,500 square feet use, or a combination of these uses. The applicant proposes to provide 31 of the 41 required parking spaces parking spaces on the subject site.

The Dallas Development Code requires, one space for each 200 square feet of floor area for a personal service use, a general merchandise or food store use 3,500 square feet or less use, and a general merchandise or food store greater than 3,500 square feet use. The Dallas Development Code also allows for a one-space parking reduction for each six bicycle parking spaces provided<sup>2</sup>. Therefore, the proposed uses require 41 parking spaces if no bicycle parking reductions are applied or 39 parking spaces if a minimum of 12 bicycle parking spaces are provided.

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

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<sup>1</sup> Personal service use means, "A facility for the sale of personal services. Typical personal service uses include a barber/beauty shop, shoe repair, a tailor, an instructional arts studio, a photography studio, a laundry or cleaning pickup and receiving station, a handcrafted art work studio, safe deposit boxes, a travel bureau, and a custom printing or duplicating shop." Reference Section 51A-4.210(23) of the Dallas Development Code.

<sup>2</sup> Reference Section 51A-4.314 of the Dallas Development Code.

- The parking demand generated by the personal service use on the site does not warrant the number of off-street parking spaces required, and
- The special exception of eight spaces would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the Board were to grant this request, and impose the condition that the special exception of ten spaces shall automatically and immediately terminate if and when the personal service use, general merchandise or food store use 3,500 square feet or less use, general merchandise or food store greater than 3,500 square feet use, or a combination of these uses are changed or discontinued, the applicant would be allowed to lease and maintain the structure on the site with these specific uses with the specified square footage, and provide 31 of the 41 code required off-street parking spaces.

**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 B.

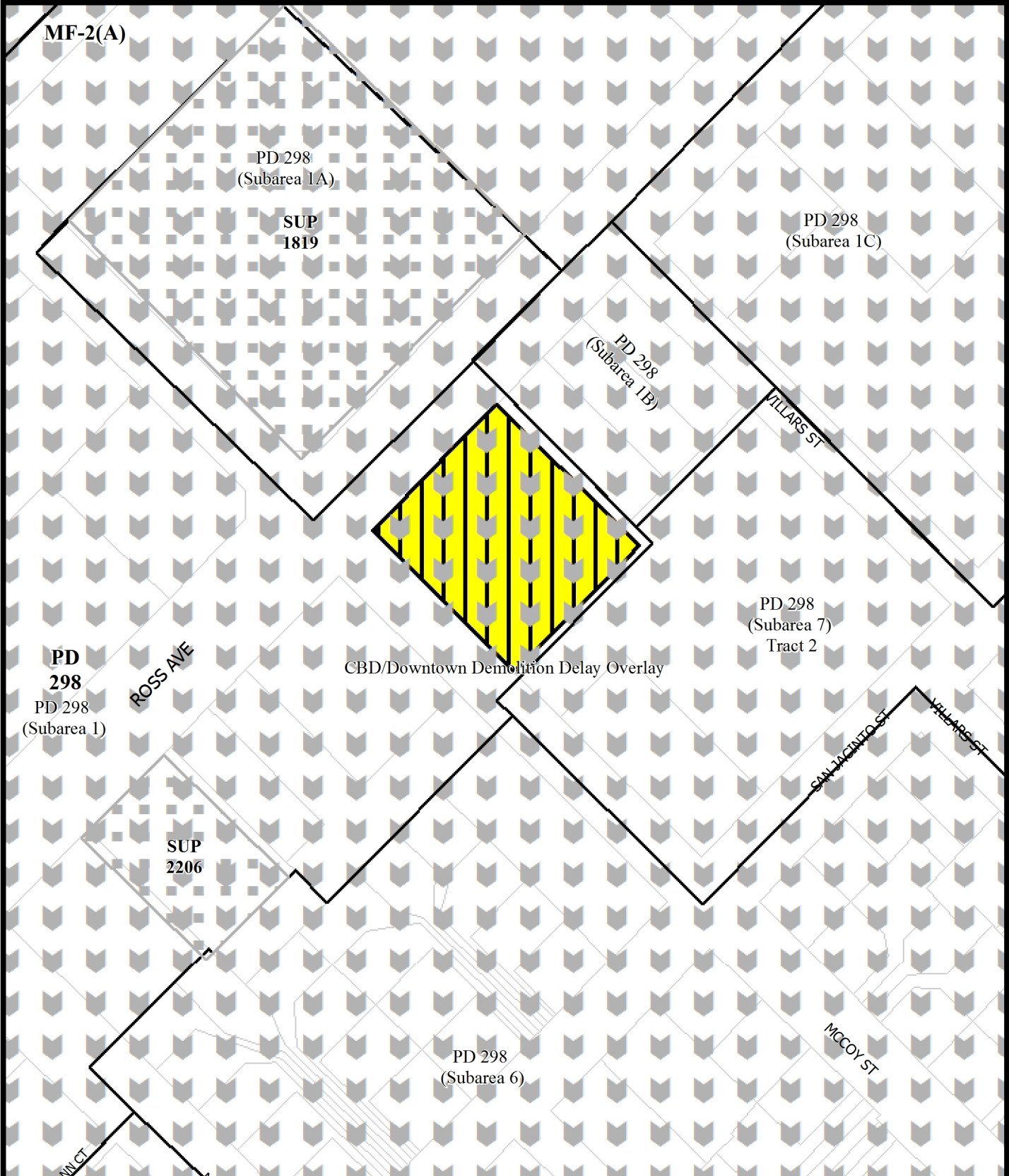
January 14, 2020: The Interim Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the January 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the February 7<sup>th</sup> deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

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

January 23, 2020: The applicant’s representative added “or retail use” to the original request to reduce parking requirements.

- 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 30, 2020: The City of Dallas Sustainable Development and Construction Senior Engineer submitted a memo regarding this application (see Attachment A).
- February 19, 2020: The Board of Adjustment Panel B conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held under advisement until March 18, 2020 and instructed staff to re-advertise the case to include retail use.
- February 21, 2020: The applicant's representative was emailed a letter of the board's action, the February 25<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis, and the March 6<sup>th</sup> deadline to submit additional evidence to be incorporated into the board's docket materials.
- February 25, 2020: The applicant submitted a letter and parking study beyond what was submitted with the original application (see Attachment B).
- February 28, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March 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 Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Building Official, Assistant Building Official, and Chief Planner; and Engineering Division staff including the Senior Engineer.

March 3, 2020: The City of Dallas Sustainable Development and Construction Senior Engineer submitted a memo regarding this application (see Attachment C).



MF-2(A)

PD 298  
(Subarea 1A)

SUP  
1819

PD 298  
(Subarea 1C)

PD 298  
(Subarea 1B)

VILLARS ST

PD 298  
(Subarea 7)  
Tract 2

CBD/Downtown Demolition Delay Overlay

PD  
298  
PD 298  
(Subarea 1)

ROSS AVE

SUP  
2206

SAN JACINTO ST

VILLARS ST

PD 298  
(Subarea 6)

MCCOY ST



1:1,200

# ZONING MAP

Case no: BDA190-017

Date: 1/22/2020





Site

ROSS AVE

VILLARS ST

SAN JACINTO ST

VILLARS ST

MCCOY ST



1:1,200

# AERIAL MAP

Case no: BDA190-017

Date: 1/22/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-017

Data Relative to Subject Property:

Date: NOV 21, 2019

Location address: 3510 Ross

Zoning District: PDD 298 SA 1A

Lot No.: tract 1 Block No.: 513 Acreage: .47 Census Tract: 16.00

Street Frontage (in Feet): 1) 135.5 2) 154.1 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 3510 RA LLC

Applicant: SANTOS T. MARTINEZ Telephone: 214 684 2775

Mailing Address: P.O. Box 1275 Angel Fire NM 5910 N. Central Exp. Suite 1670 Dallas, TX Zip Code: 87710 75206

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

Represented by: Santos T. Martinez; La Sierra Planning Group Telephone: 214-684-2775

Mailing Address: P.O.Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception x, of \_\_\_\_\_  
special exception of eight parking spaces for a personal service use or retail use.

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

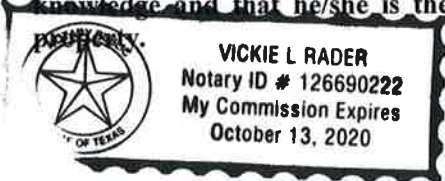
Property owner seeks to operate a personal service use within the main building of 8250 square feet. They are required to provide 39 parking spaces but can maintain 31 spaces on site. They seek a reduction of 8 spaces to operate this proposed use.

**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 Santos T. Martinez  
(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



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

Subscribed and sworn to before me this 21<sup>st</sup> day of November, 2019

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

(A series of 18 vertical lines for notes)

**Building Official's Report**

I hereby certify that SANTOS MARTINEZ

did submit a request for a special exception to the parking regulations  
at 3510 Ross Avenue

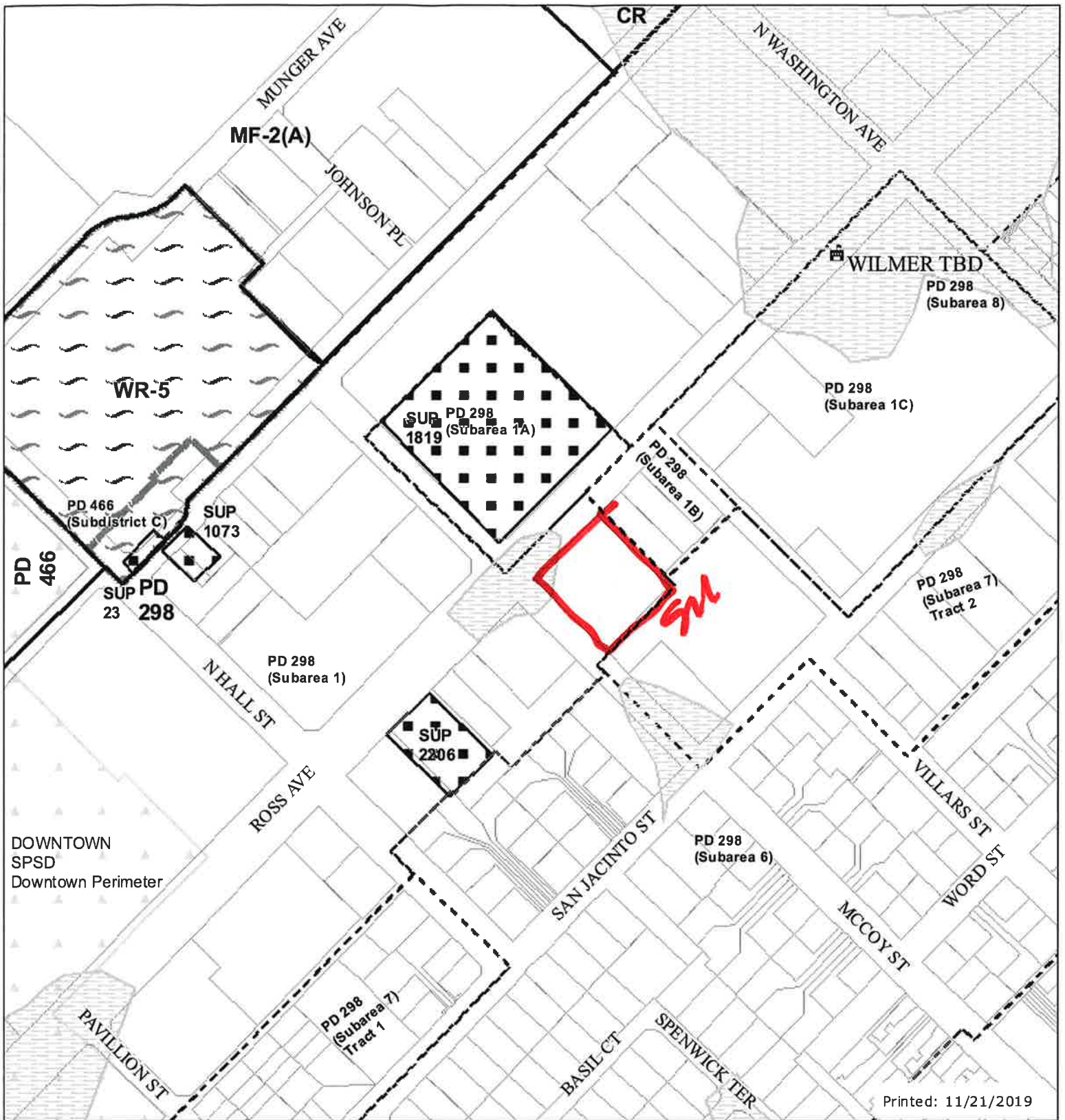
BDA190-017. Application of SANTOS MARTINEZ for a special exception to the parking regulations at 3510 ROSS AVE. This property is more fully described as Tract 1, Block 513, and is zoned PD-298 (Subarea1A), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a personal service use, general merchandise less than 3500 and general merchandise greater than 3500 and provide 31 of the required 41 parking spaces, which will require a 10 space special exception (25% reduction) to the parking regulation.

*Held to 3.18.20 and  
instructed to re-notice  
to add retail uses*

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



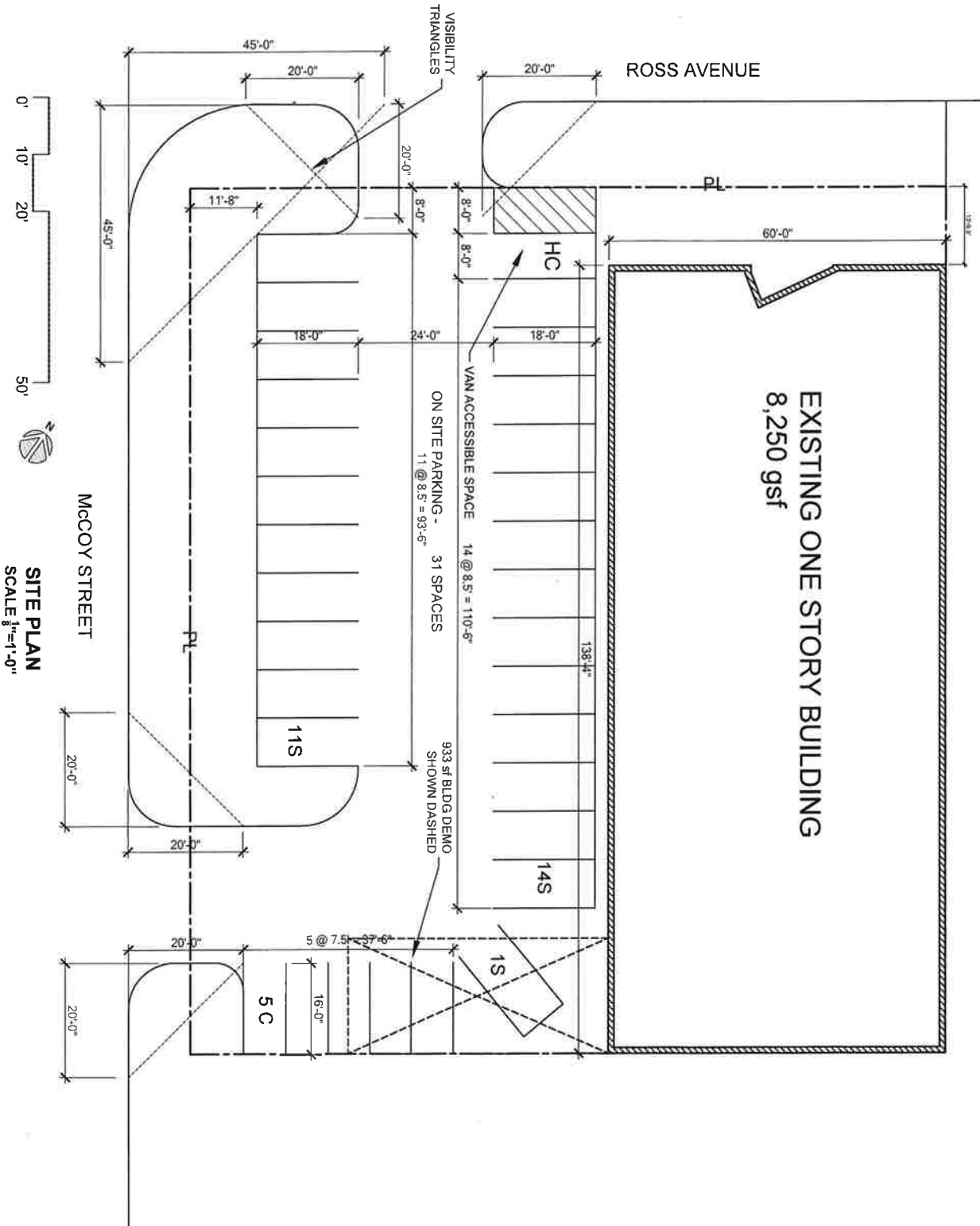


### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Sub districts           |
| 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)





F&A CONSULTANTS  
112019

Neighborhood Athletic  
Life Fitness

3510 ROSS

6-14

DATE  
11/20/19

DRAWN BY:

CHECKED BY:

REVISION NUMBER

SHEET NUMBER

A1



FARRELL architects  
3140 Ross Street, Suite 100  
San Francisco, CA 94134  
415.774.8888  
farrellarchitects.com

### Neighborhood Athletic Life Fitness

3510 ROSS  
6-15

DATE  
1/12/2019

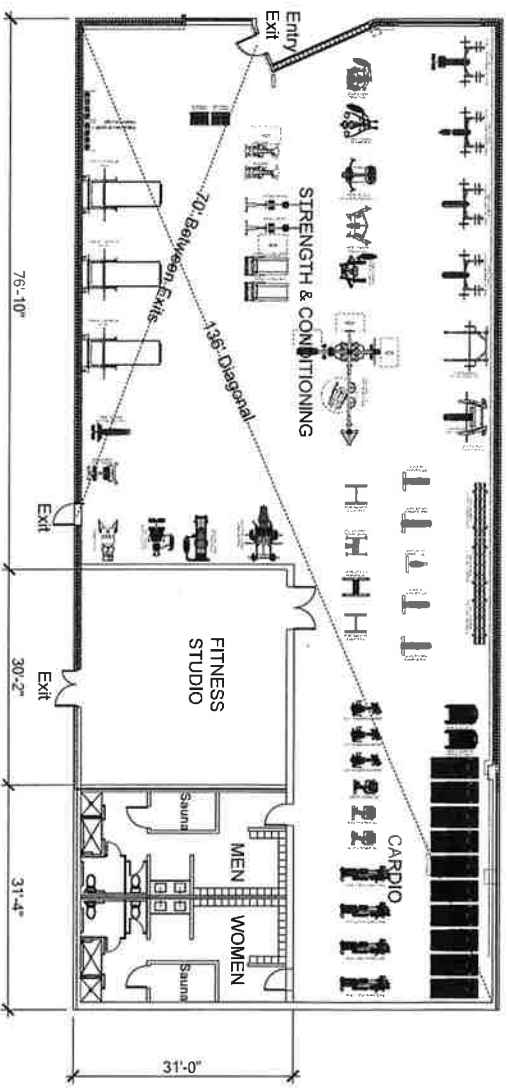
DRAWN BY

CHECKED BY

REVISION NUMBER

SHEET NUMBER

# A2



#### OCCUPANT CALCULATIONS

EXERCISE AREAS 8250 GSF @ 1:50 = 165 OCCUPANTS

A3 Occupancy Plumbing Calculations: 1:150m; 1:75f Occupants = 1 WC for Male and Female  
= 1 LAV each for Male and Female

EXITS - 2 Exits Required

#### BUILDING DATA

AREA - 8250 GSF  
TYPE II B  
NON - SPRINKLED  
ONE STORY



#### FLOOR PLAN

SCALE  $\frac{1}{8}"=1'-0"$

REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING OF **FEBRUARY 19, 2020 (B)**

- |   |   |
|---|---|
| <input type="checkbox"/> Has no objections  |   |
| <input type="checkbox"/> Has no objections if certain conditions are met (see comments below or attached) | <input checked="" type="checkbox"/> BDA 190-017 |
| <input checked="" type="checkbox"/> Recommends denial (see comments below or attached)                    | <input type="checkbox"/> BDA 190-019            |
| <input type="checkbox"/> No comments  | <input type="checkbox"/> BDA 190-022            |
|   | <input type="checkbox"/> BDA 190-026            |

COMMENTS:

---

**The Institute of Transportation Engineers' Parking Generation manual (5th Edition) provides data for similar uses. It estimates a peak parking demand on a typical day anywhere between 39 and 70 parked vehicles.**

**The applicant did not provide a parking analysis or data to justify the request.**

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

---

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

Name/Title/Department

---

***1/30/2019***

Date

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





February 25, 2020

Ms. Sarah May  
City of Dallas  
1500 Marilla, 5BN  
Dallas, Tx. 75201

RE: BDA 190-017

Dear Ms. May

Please review the attached parking study that was prepared for this BDA request. The engineering firm conducted field observations of existing retail and personal service uses within a half mile of this location. The attached study reviews their findings and its impact on this request.

Please note that our research has revealed that there are no delta credits on the property. The previous tenant maintained a warehouse use on their certificate of occupancy. In order to redevelop this site for retail or personal service uses, we will have to remove roughly 1,000 square feet of the existing structure to provide parking that is within our projected demand for proposed uses.

Please let me know if you may have any questions with this study or need any other items clarified regarding this request.

Sincerely,

Santos T. Martinez  
Authorized representative for  
Property owner

# Parking Analysis

**3510 Ross Avenue  
Dallas, Texas**

February 25, 2020

Prepared for:  
Mr. Stephen Schwartz  
Gideon Interests, Inc.  
5910 N. Central Expressway, Suite 1670  
Dallas, TX 75206

Prepared By:  
Christy Lambeth, P.E., PTOE  
Lambeth Engineering Associates, PLLC  
8637 CR 148, Kaufman, TX 75142 | 972.989.3256  
Texas Registered Engineering Firm# F-19508  
Project #014DAL



*Christy Lambeth*  
February 25, 2020

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## Introduction

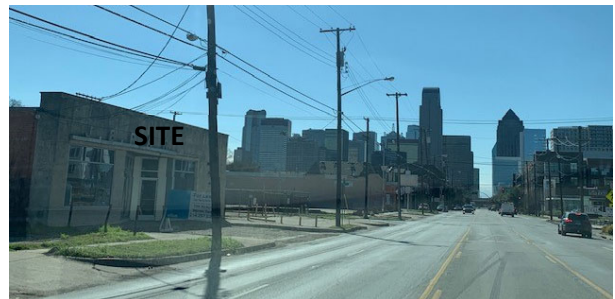
The services of Lambeth Engineering Associates, PLLC, (herein Lambeth) were retained to conduct a parking analysis for 3510 Ross Avenue located northeast of the Ross Avenue/McCoy Street intersection in Dallas, Texas. The site currently has a vacant building. The prior tenant was a wholesale florist. The site will be redeveloped, and the existing building will be renovated.

The property is zoned Planned Development (PD) 298, Subarea A (Bryan Area Special Purpose District, Lower Ross Area), which has specific parking requirements for some uses and refers to Chapter 51A for non-specified parking requirements.

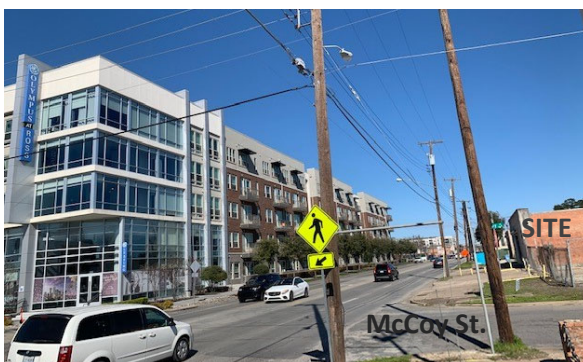
The purpose of this study is to project the parking demand for the site considering the planned uses and determine whether the requested parking reduction will provide adequate parking supply. As shown in this analysis, the development is projected to provide sufficient parking taking into consideration a 10-space parking reduction based upon parking rates published in the Institute of Transportation Engineers' (ITE) *Parking Generation Manual*, 5<sup>th</sup> Edition, parking observations conducted in the area, and the site's location with close proximity to over 1,900 homes. Therefore, approval of the 10-space parking special exception is recommended.

## Project Description

The site is located just northeast of downtown Dallas amongst a dense area of residential developments including multifamily, townhomes, duplexes, and single-family homes. Approximately 1,000 SF of the existing building will be removed in order to provide additional parking than currently exist; approximately 8,250 SF of the existing building is planned to remain and be renovated into a shopping center with suites and contain uses such as general merchandise, nail salon, dry cleaners, hair saloon, health studio, office, and/or medical office or similar uses.



**Figure 1. Proximity to Downtown Dallas**



**Figure 2. Pedestrian Crossing Next to Site**

Considering the 380-unit multifamily development currently under construction a block from the site, there are over 1,900 homes within 1,200 feet of the site – a five- to six-minute walk. There are over 2,700 homes within 1,700 feet of the site – a seven- to eight-minute walk. A crosswalk on Ross Avenue is located next to the site, on the south side of McCoy Street and sidewalks are provided in the area to accommodate pedestrians to/from the site. Sidewalks on the site, adjacent to McCoy Street will be reconstructed with redevelopment of the property.

A vicinity map of the site, which illustrates the vast amount of residential development in the area, is provided in **Exhibit 1** and a conceptual site plan is provided in the **Exhibit 2**. A Dallas County Appraisal District map is provided in the **Appendix** which also illustrates the residential lots in the area.

## Parking Supply

The site is planned to have 31 on-site parking spaces and two (2) on-street, indented, parallel parking spaces on Ross Avenue for a total of 33 spaces on-site and adjacent to the site. However, parallel parking adjacent to the property does not apply towards code parking requirement in PD 278. Therefore, only 31 spaces would satisfy the City of Dallas parking code requirement.

Two additional on-street parking spaces are available on McCoy Street adjacent to the site *if* the City were to remove or modify the current, on-street parking restrictions. Lambeth Engineering spoke with Mr. Gabriel Dowell, P.E., District Engineer with the City of Dallas Department of Transportation, regarding the no parking sign on McCoy Street and Mr. Dowell has no objections to re-evaluating the no parking sign and feels it is likely the sign may be removed. It is understood this will need further evaluation; however, based upon observations conducted, it appears removal of the parking restriction will not hinder traffic flow in the area. If parking restriction on McCoy Street are removed, then there will be a total of 35 spaces available on-site and adjacent to the site, although, only 31 spaces count towards the City of Dallas parking code requirement.

Not directly taken into consideration in this study is on-street parking around the site and surplus of parking at the site across from McCoy Street.

**Figure 3** illustrates the availability of parking on McCoy Street and across the street.



**Figure 3. McCoy Street, Adjacent to Site**

## Code Parking Requirement

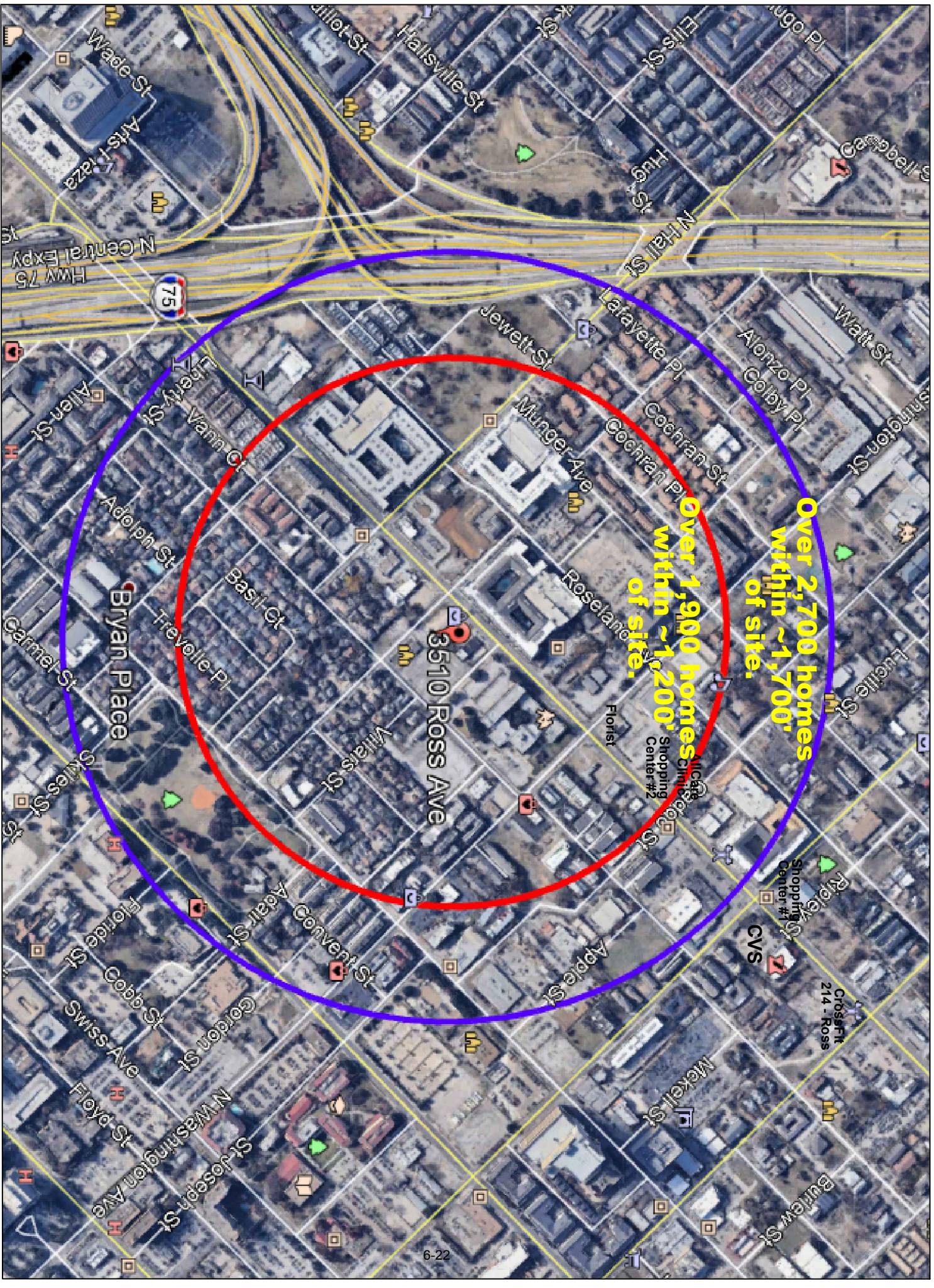
PD 278 sets forth parking restrictions for the subject site for some uses such as office; uses not specifically noted in PD 278 have parking restrictions based on Chapter 51A. Parking requirements for *general merchandise less than 10,000 SF* or *personal service* uses are one space per 200 SF, which results in a parking requirement of 41 spaces for an 8,250 SF facility.

It is important to note that although this study refers to general merchandise and personal service uses, the shopping center could contain personal service, office and dry cleaner uses without any general merchandise – such as is the case for the observed Shopping Center #2 which contains Dallas Fit Body Boot Camp. Therefore, it is recommended the special exception be related to personal service uses since it is highly likely a personal service will be provided such as a hair salon, nail salon, or a small health studio.



1

Vicinity Map  
Not to Scale





## Projected Parking Demand

In order to project the parking demand at the proposed 3510 Ross Avenue shopping center, parking observations were conducted at several similar sites within the project area. The study also considered parking rates provided in the ITE *Parking Generation Manual*.

### Parking Observations

Lambeth Engineering conducted parking observations over three days at sites along Ross Avenue which have similar uses as those planned for the project site and were within a half mile of the site.

Two shopping centers were observed; both contained a mix of uses. Shopping Center #1 included a variety of both personal service and general merchandise uses. Shopping Center #2 included a dry cleaner, office, and two different personal service uses: a health studio and hair salon.

Since a health studio has a high parking demand of the potential personal service uses, a stand-alone health studio near the site was observed. Observations were also conducted at a nearby medical office building, CVS, and a florist.

It is important to note that although the shopping centers and the health studio observed are within a half mile of the site, they are not surrounded by as much dense residential development as the subject site. Therefore, the actual parking demand rate for the site is expected to be less than the observed parking rates.

Parking counts were collected on Monday, February 3, 2020, Friday, February 7, 2019, and Saturday, February 8, 2019. The weather was clear and sunny during observations. The sites observed are described in **Table 1** and detailed parking observations are provided in the **Appendix**.

**Table 1. Parking Observation Summary**

| Study Site                | Cross Streets                  | Address        | Use                  | Size (SF) | Req'd Parking Ratio | Parking Spaces Required | Parking Req'd Per Study Site | Peak Observed Parking Demand | Observed Pkg Rate (1 space per X SF) |
|---------------------------|--------------------------------|----------------|----------------------|-----------|---------------------|-------------------------|------------------------------|------------------------------|--------------------------------------|
| CVS                       | Ross Ave. at N. Haskell Ave.   | 4202 Ross Ave. | Retail > 3,500 SF    | 11,952    | 1 space per 220 SF  | 54.3                    | 54                           | 17                           | 703                                  |
| Shopping Center #1        | Ross Ave. at N. Haskell Ave.   | 4101 Ross Ave. |                      | 7,230     |                     | 36.2                    | 36                           | 26                           | 278                                  |
| 5 Star Salon and Spa      |                                |                | Personal Service     | 1,300     | 1 space per 200 SF  | (6.5)                   |                              |                              |                                      |
| Little Caesars            |                                |                | Retail < 3,500       | 1,430     | 1 space per 200 SF  | (7.2)                   |                              |                              |                                      |
| Cell Phone Repair         |                                |                | Retail < 3,500       | 1,400     | 1 space per 200 SF  | (7.0)                   |                              |                              |                                      |
| Mimy's Studio Salon       |                                |                | Personal Service     | 800       | 1 space per 200 SF  | (4.0)                   |                              |                              |                                      |
| Glo Beauty Bar            |                                |                | Personal Service     | 2,300     | 1 space per 200 SF  | (11.5)                  |                              |                              |                                      |
| AllCare Clinic            | Ross Ave. at Caddo St.         | 3825 Ross Ave. | Medical Clinic       | 3,137     | 1 space per 200 SF  | 15.7                    | 16                           | 12                           | 261                                  |
| Shopping Center #2        | Ross Ave., S. of Caddo St.     |                |                      | 7,381     |                     | 32.7                    | 33                           | 18                           | 410                                  |
| Classic Cleaners          |                                | 3811 Ross Ave. | Dry Cleaners         | 1,696     | 1 space per 200 SF  | (8.5)                   |                              |                              |                                      |
| Hair N Color              |                                | 3815 Ross Ave. | Personal Service     | 968       | 1 space per 200 SF  | (4.8)                   |                              |                              |                                      |
| Atlas Credit Loans        |                                | 3819 Ross Ave. | Office               | 1,200     | 1 space per 366 SF* | (3.3)                   |                              |                              |                                      |
| Dallas Fit Body Boot Camp |                                | 3821 Ross Ave. | Personal Service     | 3,219     | 1 space per 200 SF  | (16.1)                  |                              |                              |                                      |
| It's Your Florist         | Ross Ave. at N. Washington Ave | 3801 Ross Ave. | Gen Merch < 3,500 SF | 2,100     | 1 space per 200 SF  | 10.5                    | 11                           | 3                            | 700                                  |
| Cross Fit 24 - Ross       | Ross Ave. at N. Peak St.       | 4226 Ross Ave. | Personal Service     | 7,100     | 1 space per 200 SF  | 35.5                    | 36                           | 32                           | 222                                  |

\*PD 298, Subarea 1: Office Parking 1/366 SF



### **Projected Parking Demand Based Upon Observations**

Based upon shopping center parking observations in the lower Ross Avenue Area, the proposed shopping center is projected to have a peak parking demand of 20-30 spaces.

Considering the CVS near the site, the projected parking demand is 12 spaces.

In order to represent a worst-case scenario—which is not planned, but Lambeth Engineering is aware this could be an option if personal service special exception is approved—the parking demand for an 8,250-SF stand-alone health studio is also considered. Based upon observations at CrossFit 214, which is near townhomes, but not as dense multifamily as the 3510 Ross Avenue site, the projected peak park parking demand is 34-37 spaces for a two-hour period on Saturday morning. Outside of Saturday mornings, the peak parking demands are under 20 spaces, well within the 31-space on-site parking supply. Since the Saturday morning peak parking demand only exceeds the 35-space total parking supply by two spaces for one hour, this overflow could be accommodated on McCoy Street near the site and by sharing parking with adjacent neighbors for this short time period. However, the project site is amongst higher density multifamily than the observed health studio and additional multifamily is being constructed near the site; therefore, it is expected to have more pedestrian activity than the observed health studio site. During the one-hour time when the parking demand could exceed the 35-space parking supply by only two spaces, it is highly likely that this will be resolved by additional pedestrians walking to the site due to over 1,900 homes within a five- to six-minute walk to the site.

***Note: The stand-alone health-studio projected parking demand is provided for reference only; health studio is not the planned or expected use. In addition, the pedestrian demand at the subject site is expected to be higher than that at the observed health studio site; therefore, the resulting parking demand would be less than shown.***

The observed Shopping Center #2 has a 3,219-SF health studio. Both Shopping Center #1 and #2 contain approximately 60% personal service uses and based upon that data the projected parking demand is 20-30 spaces, within the 31-space on-site parking supply.

## **ITE Parking Rates**

The *ITE Parking Generation Manual* provides parking rates based upon observed sites throughout the US. The average ITE peak period parking demand was considered in this analysis to project parking demand for the site.

- **Shopping Center (ITE #820)** - The *ITE Parking Generation Manual* shopping center use “database includes data from strip, neighborhood, community, town center, and regional shopping centers. Some of the centers contain non-merchandising facilities such as office buildings, movie theaters, restaurants, post offices, banks, health clubs, and recreational facilities.”

The *ITE Parking Generation Manual* notes the average peak period parking demand for shopping centers in general urban/suburban areas on weekday is one space per 383 SF on a Friday and one space per 343 SF on a Saturday.

Although the City of Dallas does not have a “shopping center” land use, this ITE use is applied for comparison purposes of the observed shopping centers.

- **Medical Office (ITE #720)** - The *ITE Parking Generation Manual* notes the average peak period parking demand for medical-dental office buildings (ITE Use #720) is one space per 310 SF.
- **Health Studio (ITE #492)** - The *ITE Parking Generation Manual* notes the average peak period parking demand for health/fitness clubs (ITE Use #492) is one space per 211 SF on a weekday and one space per 307 SF on a Saturday.

## **Projected Parking Demand Based Upon Observations**

Based upon the *ITE Parking Generation Manual*, the projected parking demand for a shopping center is 24 spaces, which accounts for retail uses and contains uses such as personal service, restaurant, and office.

Based upon a combination of shopping center with 5,250 SF of health studio (to represent worst-case scenario), the projected parking demand is 31 spaces.

Based upon ITE’s Health Studio use as a standalone use, the projected parking demand is 39 spaces. However, this is not considered to be applicable to this study since the ITE subject sites are nationwide and not specifically in a dense, urban environments with a high amount of multifamily surrounding the site.

The projected demand throughout a weekday and Saturday are graphically illustrated in **Figure 4** and **Figure 5**, respectively.

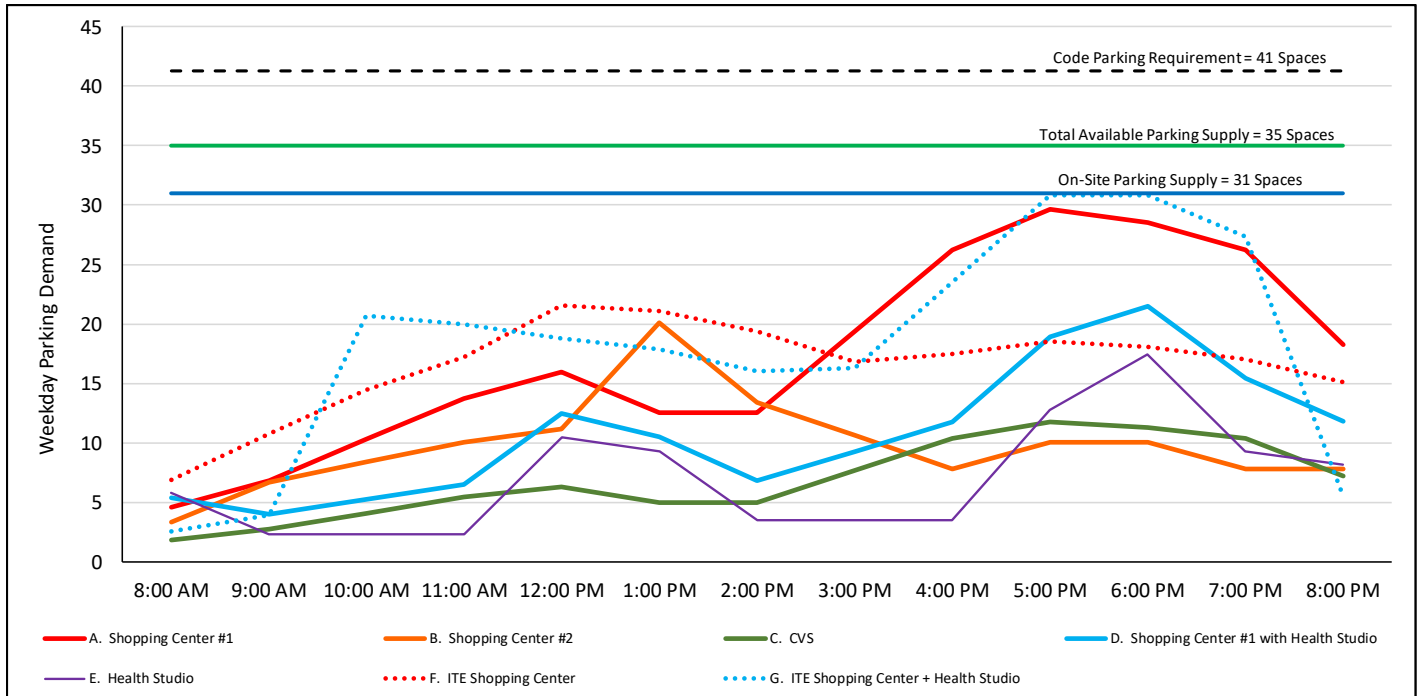


Figure 4. Projected Weekday Parking Demand

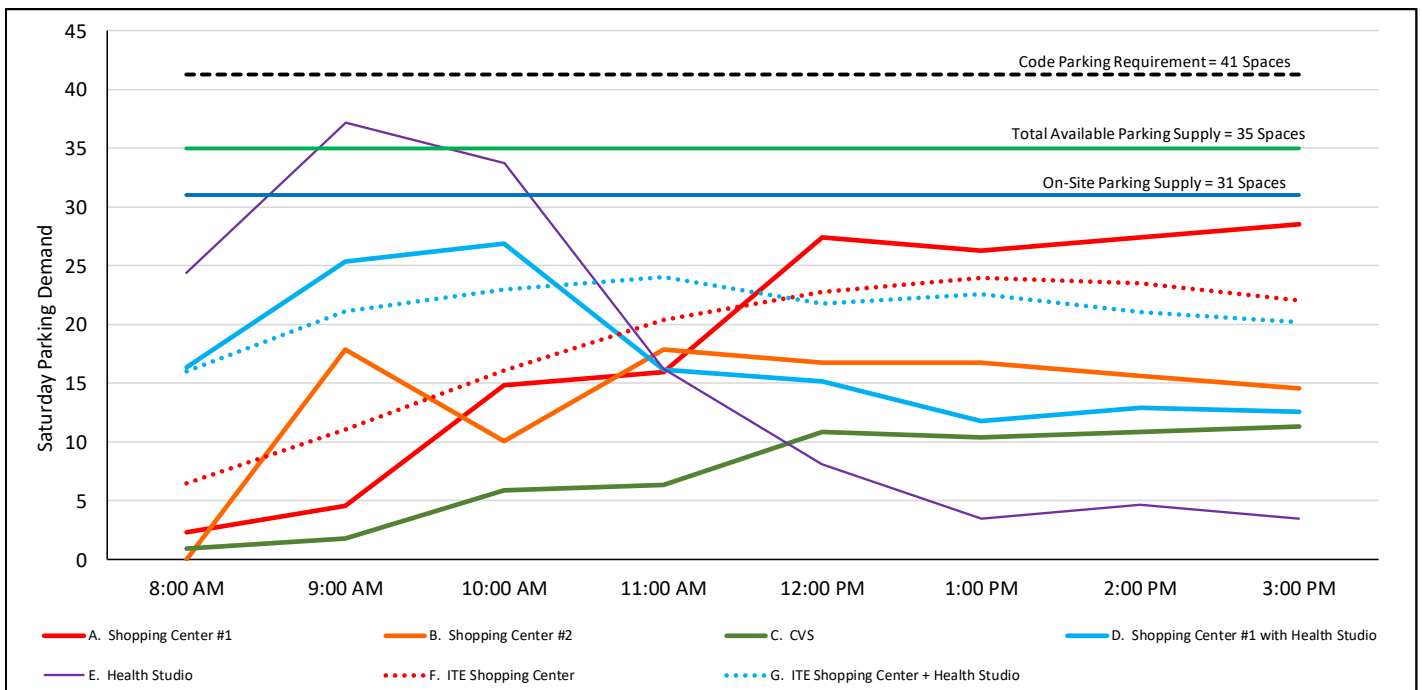


Figure 5. Projected Saturday Parking Demand

## Parking Special Exception

The City of Dallas code does not specify parking rates relative to the amount of residential homes and density of the area unless specified in a PD. As shown in this parking analysis, the parking demands on lower Ross Avenue are less than the City's requirements, which is expected due to the dense developments. In order to redevelop the 3510 Ross Avenue site in a desirable manner that will also serve the residents, a parking special exception is needed to allow the City to permit less than the required one space per 200 SF for personal service and/or retail type uses.

The City of Dallas requires 41 spaces for a shopping center containing 8,250 SF personal service and/or retail uses (or similar uses with a rate of 1 space per 200 SF). Based upon the parking analysis, a **10-space reduction is supported** and results in a parking requirement of 31 spaces. The projected parking demand for the shopping center is 20-30 spaces, below the recommended requirement of 31 parking spaces.

The Dallas City Code specifies that the Zoning Board of Adjustments consider the following factors in determining whether to grant the special exception request.

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

Parking spaces that satisfy code parking requirement will be provided on-site. Adjacent, on-street parking is also available to serve the site, as is common on lower Ross Avenue.

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

Considering the ITE *Parking Generation* data and field observations over three days, the peak parking demand of a shopping center use with personal service uses is projected to be 20-30 spaces and will be satisfied on-site.

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

The property is not in a modified delta overlay district.

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

Site access is provided on Ross Avenue, a five-lane roadway, and McCoy Street, a two-lane undivided roadway. The roadway network will accommodate the proposed project.

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

DART bus route 24 has a stop within 140 feet of the site and bus route number 31 has a stop less than 600 feet from the site. During observations, bus stops were observed being utilized, and it is likely residents may go to the shopping center on their way between the bus stop and their home. Transit reduction was not accounted for in the parking analysis and may further support the parking reduction.

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

The site is located within 1,200 feet of over 1,900 homes. A significant portion of patrons of the shopping center are expected to be walking from their nearby homes.

The proposed shopping center is among dense, residential development and sidewalks are provided in the area. Approval of the parking exception will support a pedestrian-oriented, walkable mixed-use community as residents will be able to walk from their homes to the shopping center.

## Summary

Lambeth Engineering conducted a parking analysis for 3510 Ross Avenue in Dallas, Texas.

City of Dallas 51A and PD 298 requires 41 parking spaces for the proposed 8,250 SF building if it were to contain personal service, general merchandise, or any other retail/service type use which requires one space per 200 SF. A parking special exception for a reduction of 10-spaces (25% reduction) from the code requirement is supported by this analysis which results in a parking requirement of 31 spaces.

Based upon observations on Ross Avenue, ITE publications, the site's location among dense, residential development and the site's proximity to downtown Dallas, the projected parking demand for a shopping center is 20-30 spaces, below the requested 31 parking space on-site supply. Therefore, **a 10-space parking reduction is warranted**. In addition, four spaces adjacent to the site can also be used by the patrons although they do not count towards the parking code requirement for a total parking supply of 35 parking spaces.

The parking reduction will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. **The site is located within a five- to six-minute walk to over 1,900 homes. Granting the reduction will allow retail and personal service type uses which will serve the residents in the area and thereby contribute to creating a walkable neighborhood** since residents will not have to travel by vehicle or transit for these services.

Lambeth Engineering Associates, PLLC, recommends approval of a 10-space (25%) reduction for the proposed shopping center development at 3510 Ross Avenue to include personal service, general merchandise, **and/or** other similar uses that have a parking requirement of one space per 200 SF or a greater requirement.

**END**

# Appendix

# Parking Observations for 3510 Ross Avenue

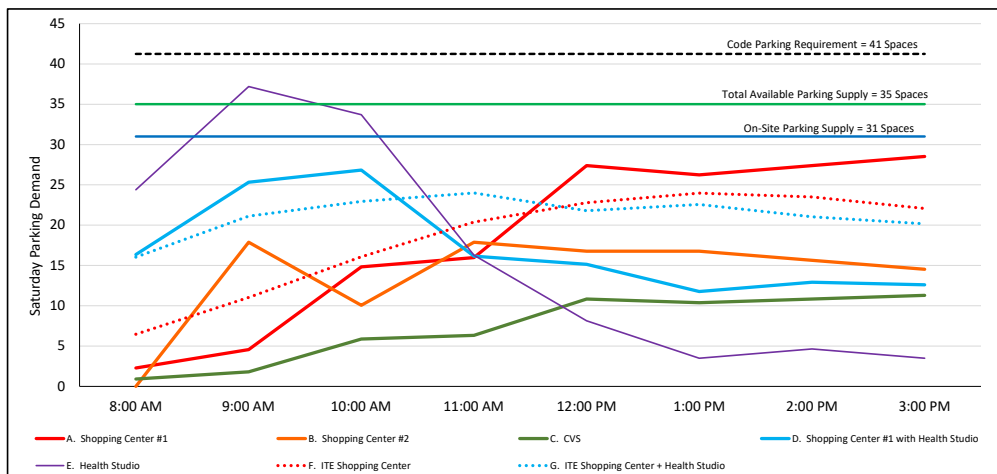
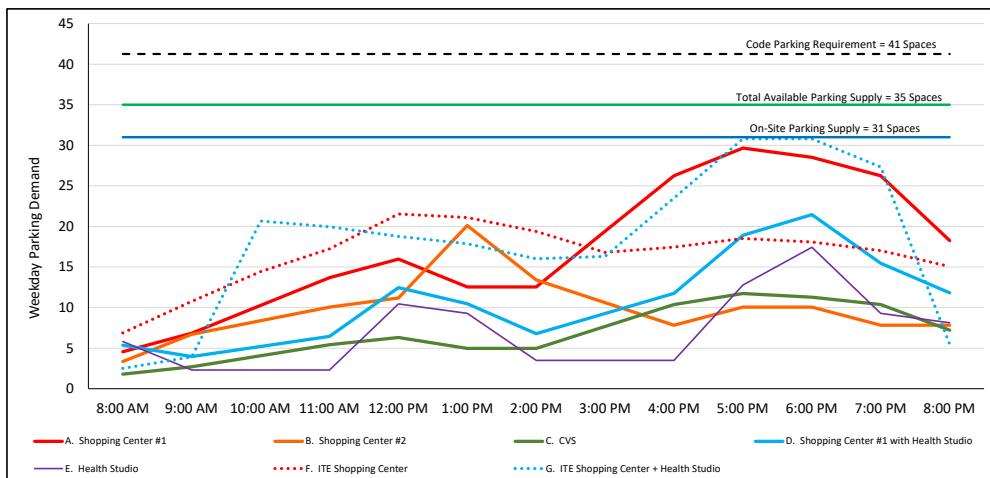
|                              | CrossFit 214<br>- Ross | CVS       | Shopping Center 1 (Includes<br>Personal Service) | AllCare Clinic | Shopping Center 2 (Includes<br>Health Studio and Other<br>Personal Service) | It's Your Florist |
|------------------------------|------------------------|-----------|--|----------------|---|-------------------|
| Monday, 02.03.20<br>12:00 PM | 9                      | 12        | 10   | 12             | 5   | 1                 |
| Friday, 02.07.20             |                        |           |  |                |   |                   |
| 6:45 AM                      | 13                     | 1         | --   | --             | 8   | --                |
| 7:00 AM                      | 8                      | 1         | --   | --             | 1   | --                |
| 7:15 AM                      | 7                      | 1         | --   | --             | 1   | --                |
| 7:40 AM                      | 5                      | 1         | 1  | --             | 2   | --                |
| 8:30 AM                      | 2                      | 7         | 4  | 6              | 3   | --                |
| 9:00 AM                      | 2                      | 11        | 6  | 9              | 6   | 1                 |
| 11:15 AM                     | 2                      | 9         | 12   | 10             | 9   | 1                 |
| 12:00 PM                     | 8                      | 15        | 14   | 11             | 10  | 2                 |
| 12:30 PM                     | 11                     | 15        | 12   | 10             | 18  | 3                 |
| 1:00 PM                      | 8                      | 14        | 11   | 11             | 16  | 2                 |
| 1:30 PM                      | 4                      | 13        | 15   | 7              | 13  | 1                 |
| 2:00 PM                      | 3                      | 14        | 11   | 7              | 12  | 0                 |
| 4:00 PM                      | 3                      | 17        | 23   | 2              | 7   | 2                 |
| 5:00 PM                      | 11                     | 11        | 26   | 2              | 9   | 1                 |
| 5:30 PM                      | 14                     | 15        | 23   | 2              | 9   | 1                 |
| 6:00 PM                      | 15                     | 7         | 25   | 2              | 9   | 0                 |
| 6:30 PM                      | 18                     | 8         | 26   | 2              | 8   | 1                 |
| 7:00 PM                      | 8                      | 11        | 23   | --             | 7   | --                |
| 7:30 PM                      | 7                      | 10        | 16   | --             | 7   | --                |
| Saturday, 02.08.20           |                        |           |  |                |   |                   |
| 8:30 AM                      | 21                     | 3         | 2  | 1              | 0   | --                |
| 8:45 AM                      | 27                     | 4         | 2  | 1              | 4   | --                |
| 9:00 AM                      | 32                     | 9         | 4  | 1              | 16  | --                |
| 9:15 AM                      | 26                     | 9         | 5  | 1              | 16  | --                |
| 9:30 AM                      | 24                     | 11        | 5  | 1              | 16  | --                |
| 10:00 AM                     | 29                     | 7         | 13   | 4              | 9   | --                |
| 10:30 AM                     | 14                     | 8         | 15   | 7              | 9   | 2                 |
| 11:00 AM                     | 14                     | 9         | 14   | 11             | 12  | 1                 |
| 11:45 AM                     | 7                      | 12        | 24   | 9              | 10  | 1                 |
| 12:15 PM                     | 3                      | 15        | 24   | 8              | 15  | 2                 |
| 1:00 PM                      | 3                      | 6         | 23   | 8              | 15  | 2                 |
| 2:00 PM                      | 4                      | 13        | 24   | 4              | 14  | 2                 |
| 3:00 PM                      | 3                      | 12        | 25   | --             | 13  | --                |
| 3:15 PM                      | 0                      | 10        | 21   | --             | 10  | --                |
| <b>Max:</b>                  | <b>32</b>              | <b>17</b> | <b>26</b>  | <b>12</b>      | <b>18</b>   | <b>3</b>          |
| <b>Parking Rate:</b>         | 222                    | 703       | 278  | 261            | 410   | 700               |

Shopping Center 1 - Little Caesars, etc.  
 Shopping Center 2 - Dallas Fit Body, etc.

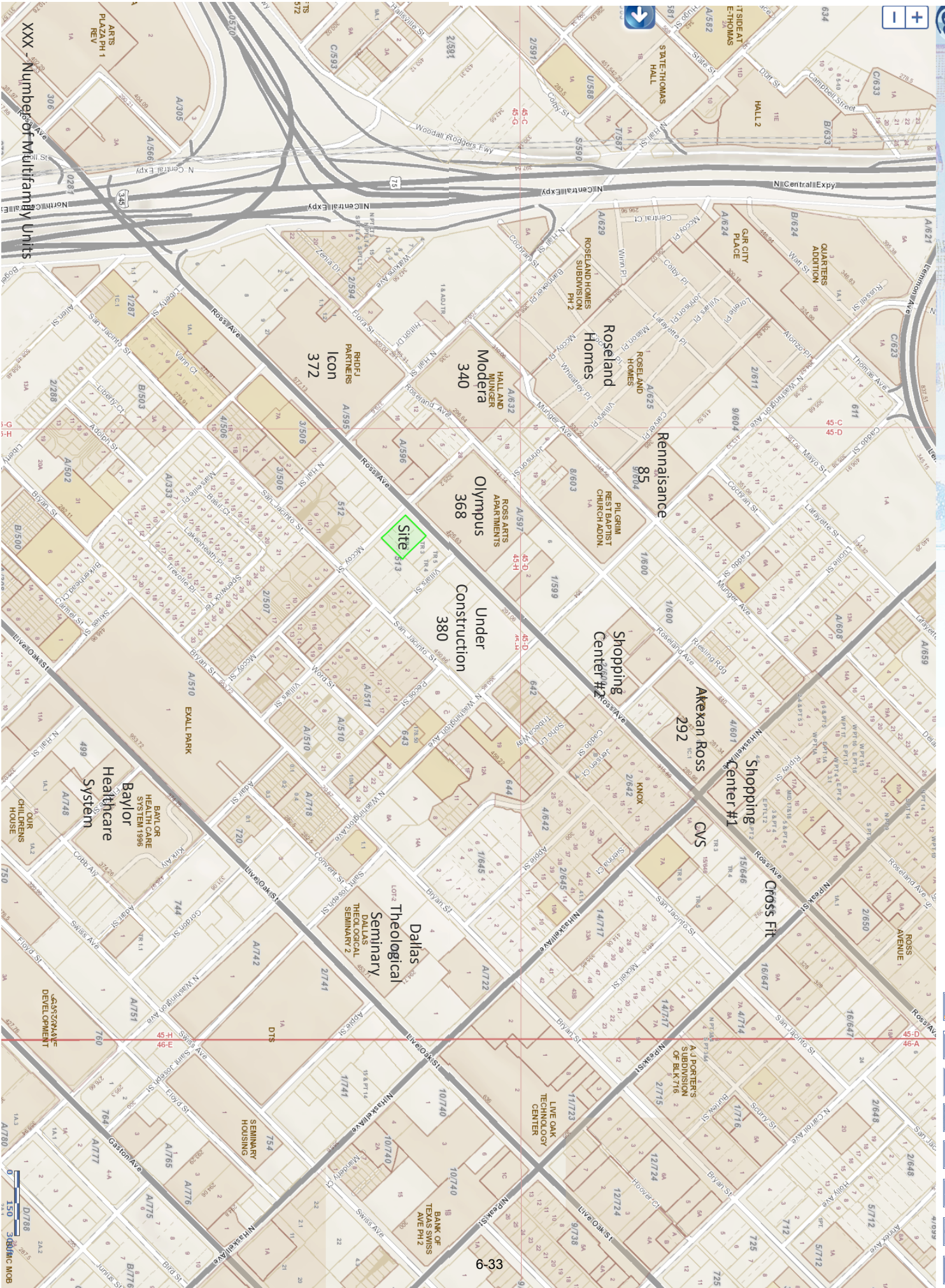
Collected by: Christy Lambeth  
 Weather: Sunny and Dry

## Projected Parking Demand for 3510 Ross Avenue

|                               | Based on Observations by Lambeth Engineering   |   |         |   |                    |         |                   | Based on Data from ITE Parking Generation |                     |               |         |               |  |
|-------------------------------|--|---|---------|---|--------------------|---------|-------------------|---|---------------------|---------------|---------|---------------|--|
|                               | A  | B   | C       | D   |                    | E       | F                 | G   |                     | H             |         |               |  |
|                               | Shopping Center #1 with Hair Salon, Nail Salon, Carry-out Pizza, and General Merchandise | Shopping Center #2 with Health Studio, Dry Cleaners, Hair Salon, and Office | CVS     | Shopping Center #1 with Hair Salon, Nail Salon, and Carry-out Pizza | Cross-Fit 214-Ross | Total   | CrossFit 214-Ross | ITE Shopping Center                       | ITE Shopping Center | Health Studio | Total   | Health Studio |  |
| SF:                           | 8,250  | 8,250   | 8,250   | 3,000   | 5,250              | 8,250   | 8,250             | 8,250                                     | 3,000               | 5,250         | 8,250   | 8,250         |  |
| <b>Weekday (Friday)</b>       |  |   |         |   |                    |         |                   |   |                     |               |         |               |  |
| Parking Ratio:                | 278  | 410   | 703     | 278   | 222                |         | 222               | 383                                       | 383                 | 211           | --      | 211           |  |
| Peak Parking Demand Per Use:  | 30   | 20  | 12      | 11  | 24                 | 34      | 37                | 22  | 8                   | 25            | 33      | 39            |  |
| 8:00 AM                       | 5  | 3   | 2       | 2   | 4                  | 5       | 6                 | 7   | 3                   | 0             | 3       | 0             |  |
| 9:00 AM                       | 7  | 7   | 3       | 2   | 1                  | 4       | 2                 | 11  | 4                   | 0             | 4       | 0             |  |
| 10:00 AM                      | 10   | 8   | 4       | 4   | 1                  | 5       | 2                 | 14  | 5                   | 15            | 21      | 24            |  |
| 11:00 AM                      | 14   | 10  | 5       | 5   | 1                  | 6       | 2                 | 17  | 6                   | 14            | 20      |               |  |
| 12:00 PM                      | 16   | 11  | 6       | 6   | 7                  | 12      | 10                | 22  | 8                   | 11            | 19      | 17            |  |
| 1:00 PM                       | 13   | 20  | 5       | 5   | 6                  | 10      | 9                 | 21  | 8                   | 10            | 18      | 16            |  |
| 2:00 PM                       | 13   | 13  | 5       | 5   | 2                  | 7       | 3                 | 19  | 7                   | 9             | 16      | 14            |  |
| 3:00 PM                       | 19   | 11  | 8       | 7   | 2                  | 9       | 3                 | 17  | 6                   | 10            | 16      | 16            |  |
| 4:00 PM                       | 26   | 8   | 10      | 10  | 2                  | 12      | 3                 | 17  | 6                   | 17            | 24      | 27            |  |
| 5:00 PM                       | 30   | 10  | 12      | 11  | 8                  | 19      | 13                | 19  | 7                   | 24            | 31      | 38            |  |
| 6:00 PM                       | 29   | 10  | 11      | 10  | 11                 | 21      | 17                | 18  | 7                   | 25            | 31      | 39            |  |
| 7:00 PM                       | 26   | 8   | 10      | 10  | 6                  | 15      | 9                 | 17  | 6                   | 21            | 27      | 33            |  |
| 8:00 PM                       | 18   | 8   | 7       | 7   | 5                  | 12      | 8                 | 15  | 5                   | 0             | 5       | 0             |  |
| <b>Saturday</b>               |  |   |         |   |                    |         |                   |   |                     |               |         |               |  |
| Parking Ratio:                | 278  | 410   | 703     | 278   | 222                |         | 222               | 344                                       | 344                 | 307           | --      | 307           |  |
| Peak Parking Demand Per Use:  | 30   | 20  | 12      | 11  | 24                 |         | 37                | 24  | 9                   | 17            |         | 27            |  |
| 8:00 AM                       | 2  | 0   | 1       | 1   | 16                 | 16      | 24                | 6   | 2                   | 14            | 16      | 21            |  |
| 9:00 AM                       | 5  | 18  | 2       | 2   | 24                 | 25      | 37                | 11  | 4                   | 17            | 21      | 27            |  |
| 10:00 AM                      | 15   | 10  | 6       | 5   | 21                 | 27      | 34                | 16  | 6                   | 17            | 23      | 27            |  |
| 11:00 AM                      | 16   | 18  | 6       | 6   | 10                 | 16      | 16                | 20  | 7                   | 17            | 24      | 26            |  |
| 12:00 PM                      | 27   | 17  | 11      | 10  | 5                  | 15      | 8                 | 23  | 8                   | 14            | 22      | 21            |  |
| 1:00 PM                       | 26   | 17  | 10      | 10  | 2                  | 12      | 3                 | 24  | 9                   | 14            | 23      | 22            |  |
| 2:00 PM                       | 27   | 16  | 11      | 10  | 3                  | 13      | 5                 | 24  | 9                   | 12            | 21      | 20            |  |
| 3:00 PM                       | 29   | 15  | 11      | 10  | 2                  | 13      | 3                 | 22  | 8                   | 12            | 20      | 19            |  |
| 4:00 PM                       |  |   |         |   |                    |         |                   | 21  | 8                   | 12            | 19      | 19            |  |
| 5:00 PM                       |  |   |         |   |                    |         |                   | 19  | 7                   | 11            | 18      | 17            |  |
| 6:00 PM                       |  |   |         |   |                    |         |                   | 17  | 6                   | 11            | 17      | 17            |  |
| Peak Parking Demand (Spaces): | Max: 30  | Max: 20   | Max: 12 |   |                    | Max: 27 | Max: 37           | Max: 24                                   |                     |               | Max: 31 | Max: 39       |  |







REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING OF **MARCH 18, 2020 (B)**

Has no objections

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

Recommends denial  
 (see comments below or attached)

No comments

BDA 190-030

BDA 190-032

BDA 190-033

BDA 190-035

BDA 190-038

BDA 190-017

COMMENTS:

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***Upon review of report dated February 25, 2020, Engineering staff recommends the special parking exception should automatically and immediately terminate if and when a general merchandise or food store 3,500 square feet or less or a general merchandise or food store greater than 3,5000 square feet use is changed or discontinued.***

***The same parking study does not support a special exception based on anticipated parking demand for fitness studio (personal service use).***

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

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***3/3/2020***

Name/Title/Department

Date

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