

**NOTICE FOR POSTING**  
**MEETING OF**  
**BOARD OF ADJUSTMENT, PANEL B**  
**WEDNESDAY, JUNE 24, 2020**  
**REVISED**

<b>Briefing*:</b>	<b>10:00 A.M.</b>	<b>Video Conference</b>
<b>Public Hearing*:</b>	<b>1:00 P.M.</b>	<b>Video Conference</b>

**\*The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, June 19, 2020. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and the WebEx link:**

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=eb7d590676a6ec8d136d1f3f72ffc3b1a>

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

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

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

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

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

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

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



CITY OF DALLAS

BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, JUNE 24, 2020  
AGENDA

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BRIEFING	Video Conference	10:00 A.M.
PUBLIC HEARING	Video Conference	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  
Fee Waiver for 6749 Hillbriar Dr.

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**MISCELLANEOUS ITEM**

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	Approval of the May 20, 2020 Board of Adjustment Panel B Public Hearing Minutes	M1
<b>FEE WAIVER</b>	6749 Hillbriar Dr. <b>REQUEST:</b> Of Jeff Saba and Kristen Mitchell to waive the filing fees to be paid in association with a request for special exceptions to the fence height regulations and the fence standards regulations	M2

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## UNCONTESTED CASES

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<b>BDA190-042(OA)</b>	4523 Park Ln <b>REQUEST:</b> Application of Luke Gardner for a special exception to the fence height regulations	1
<b>BDA190-051(OA)</b>	4514 Cole Ave <b>REQUEST:</b> Application of Brett Merz represented by Andy Harcar for a special exception to the landscaping regulations	2
<b>BDA190-059(OA)</b>	7315 Kaywood Dr <b>REQUEST:</b> Application of Lisa Hudspeth Guerriero represented by Joseph Troskie for a special exception for the handicapped to the single-family regulations	3
<b>BDA190-060(OA)</b>	5507 Bryan St <b>REQUEST:</b> Application of James William Heathcott represented by Kevin Parma for a variance to the rear yard setback regulations	4
<b>BDA190-062(OA)</b>	3 Rosalie Dr <b>REQUEST:</b> Application of Mark D. Massey represented by Angela Massey for a special exception to the fence height regulations	5
<b>BDA190-066(OA)</b>	5050 Walnut Hill Ln <b>REQUEST:</b> Application of Jackson Walker LLP for a variance to the building height regulations	6

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## REGULAR CASE

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<b>BDA190-045(OA)</b>	3024 Encino Dr <b>REQUEST:</b> Application of Stephen Eddings for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations	7
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## HOLDOVER CASE

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None

## EXECUTIVE SESSION NOTICE

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

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



**FILE NUMBER:** BDA190--FEE WAIVER

**BUILDING OFFICIAL'S REPORT:** Application of Jeff Saba and Kristen Mitchell for a fee waiver for special exceptions to the fence height and standards regulations at 6749 Hillbriar Drive.

**LOCATION:** 6749 Hillbriar Drive

**APPLICANT:** Jeff Saba and Kristen Mitchell

**REQUESTS:**

The applicant is requesting a fee waiver for the two special exceptions needed to maintain an existing fence in the required front yard on Hillbriar Drive.

**STANDARD FOR A FEE WAIVER:**

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

**STAFF RECOMMENDATION:**

Staff does not make a recommendation on a fee waiver request since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

Dear Board of Adjustment Administrator,

We are writing to you today to request that the filing fee for our appeal be waived. We live at 6749 Hillbriar, Dallas 75248. We are applying for a special exception for our front fence that we built in 2013.

We have obtained all of the required material for filing an appeal to the Board of Adjustment, and will include a copy of this communication when we visit the permitting office.

We are a one income household as my husband stays home with our 8mo old daughter. In September of 2018 he had to have back surgery which prevented him from being able to continue his work in construction. Our oldest daughter has a rare blood disease called X-linked Phosphatamia. She requires regular intravenous medicine administered by a registered nurse, hospital and doctors visits, and multiple scheduled surgeries on her legs. We rely on my husband being available to take her those appointments as well as care for all three daughters while I am at work.

We are doing our very best not accumulate debt, however, recently it has been challenging. In the last week we have encountered unexpected repairs on our primary vehicle, and at our house that have cost nearly 3000.00.

Unfortunately, we had to put both on a credit card which we will have to pay down over the next several months.

We are embarrassed to admit, we have also incurred 4 overdraft charges over the last 2 pay periods, and we are waiting until Friday's 2 week pay check to arrive before we can do any more spending on groceries and bills.

In addition, we had to take out a home equity loan last year in order to consolidate bills.

We know these are pretty normal budget issues that many families in our class face. We also understand that there are a lot of other families that are struggling a lot worse than we are. We appreciate what we have and we give back on a daily and weekly basis.

It would be very helpful if you would allow us to process the application without having to pay the 1200.00 fee.

Thank you so much for your consideration. Please let us know if there is anything else we can do on our end.

Jeff Saba and Kristen Mitchell  
[214-842-9394](tel:214-842-9394)

On Thursday, January 23, 2020, 01:54:57 PM CST, [REDACTED] wrote:

Good afternoon Mr. Trammell,

Thank you for meeting with me today. I have attached the revised request for waiver of fee (to accompany the elevations I turned in to you today) to reflect the 1200.00 application fee.

I have include Inspector Price on this email.

Ms. Price, please feel free reach out to Mr. Trammell to confirm my visit yesterday and today.

I have obtained all necessary documents to submit an application for a special exception for the front fence at 6749 Hillbriar 75248. We have elected to request a waiver of fees for the exception application. This request will go in front of the Board of Approvals in March. At that time they will decide weather or not to hear the request for waiver of fee.

As I understand it, once we recieve an answer to the request, we will either be scheduled to go in front of the Board to hear the request, or we will begin the application process for the special exception.

Please accept this email as proof of our forward motion in resolving the issues concerning our fence. We will contact you as soon as we have received any communication from the board.

Thanks again to both of you fir your assistance in this matter. Your communication and professionalism has been very helpful.

Sincerely,

Jeff Saba  
[REDACTED]

**FILE NUMBER:** BDA190-042(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Luke Gardner for a special exception to the fence height regulations at 4523 Park Lane. This property is more fully described as Lot 3A.1, Block C/5546, and is zoned an R-10(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and maintain a seven-foot-high fence in a required front yard, which will require a three-foot special exception to the fence regulations.

**LOCATION:** 4523 Park Lane

**APPLICANT:** Luke Gardner

**REQUEST:**

A request for a special exception to the fence standards regulations related to height of three feet is made to construct and maintain a seven-foot solid cinderblock fence with a seven-foot wood veneer with a polished iron gate in the required front yard on a site developed with a single family home.

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

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

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

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

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

The request for a special exception to the fence height regulations focuses on constructing and maintaining a seven-foot solid cinderblock fence with a seven-foot wood veneer and a polished iron gate in the site's front yard. The property is developed with a single family home.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned R-10 (A) which requires a 30-foot front yard setback.

According to the site plan submitted, the fence is represented as being 70 feet-in-length parallel to the street and approximately 12 feet perpendicular to the street on the sides in this required front yard, located on the front property line or approximately 30 feet from the pavement line.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted two other fences that appear to be above four feet-in-height and located in a front yard setback.

As of June 12, 2020, one letter has been submitted in support and no letters in opposition to this request.

The applicant has the burden of proof in establishing that the special exception to the fence standards related to the height of three feet will not adversely affect neighboring property.

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding four feet-in-height

to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on this document.

**Timeline:**

February 4, 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.

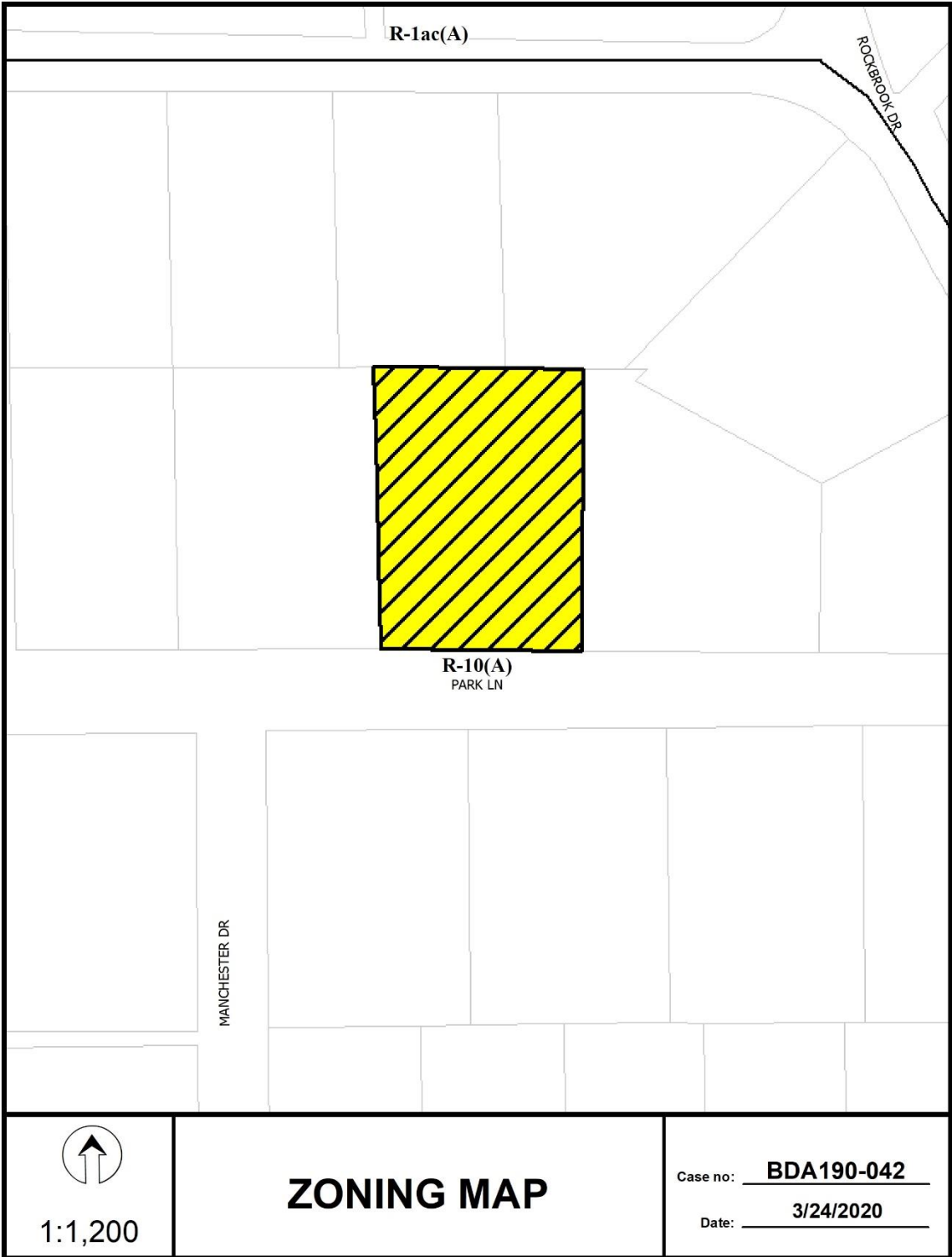
March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel B.

March 23, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

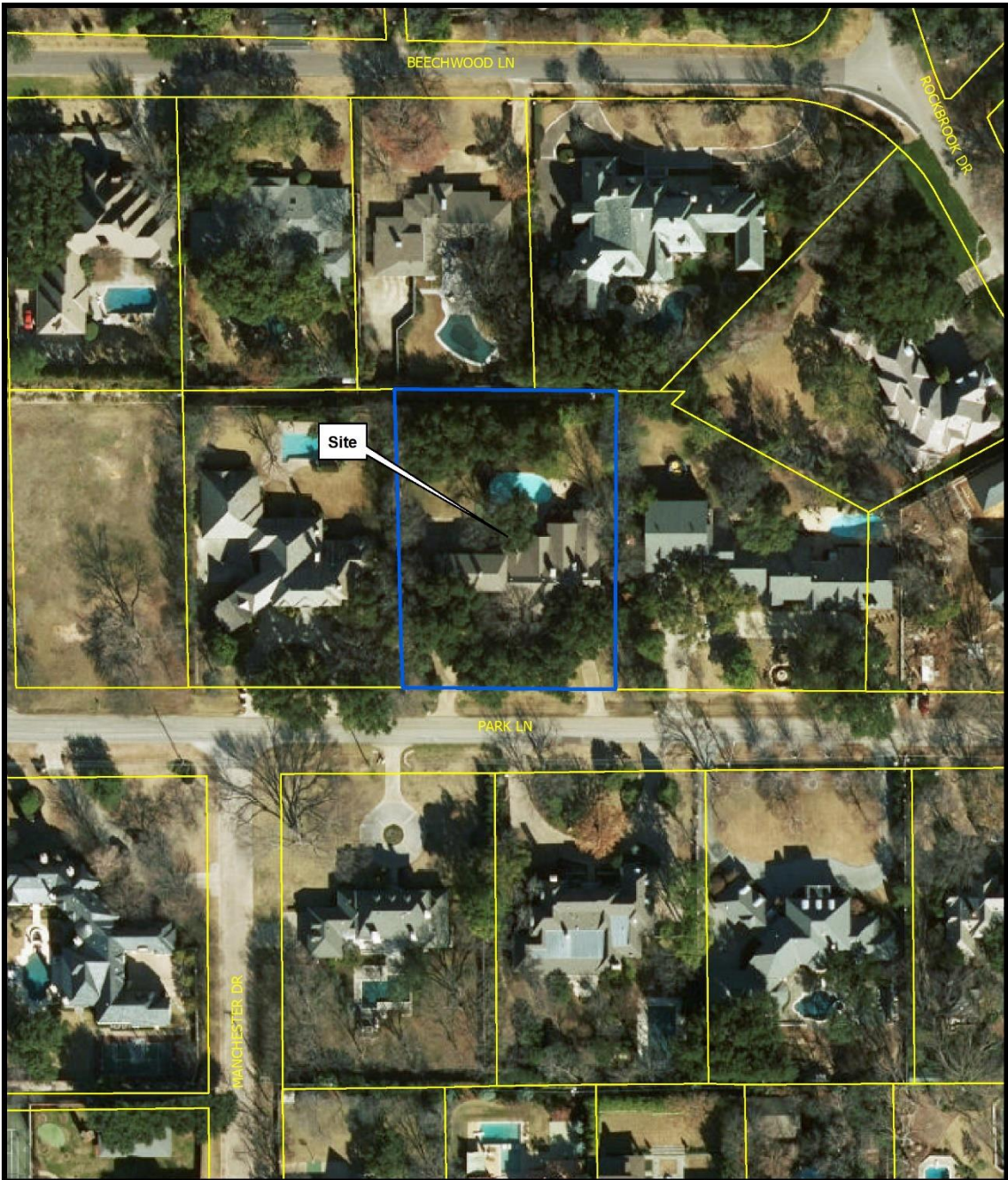
- an attachment that provided the public hearing date and panel that will consider the application; the April 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Interim Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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







1:1,200

# AERIAL MAP

Case no: BDA190-042

Date: 3/24/2020





City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-042

Data Relative to Subject Property:

Date: Jan 16, 2020 2-4-20

Location address: 4523 PARK LANE

Zoning District: R-10(A)

Lot No.: 3A.1 Block No.: C/5546 Acreage: 0.906

Census Tract: 206-00

Street Frontage (in Feet): 1) 175' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LANCE & JESSICA HUBES

Applicant: LAWN OF DALLAS / LUKE GARDNER Telephone: 214.454.1061

Mailing Address: 8400 AMBASSADOR ROW Zip Code: 75247

E-mail Address: LUKE@LAWNSOFDALLAS.COM

Represented by: LUKE GARDNER Telephone: 214.454.1061

Mailing Address: (SAME) Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of FRONT ENTRY PRIVACY AUTOMATIC GATE AND SUPPORTING MASONRY WALL AT DRIVENWAY ENTRANCE, 3' TO THE REQUIRED 4' FOOT FRONT YARD FENCE HEIGHT.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: TO REMOVE NEIGHBORING PROPERTIES ADDING TO THE OVERALL VISUAL APPEAL OF THE NEIGHBORHOOD WHILE NOT IMPEDING ANY VIEWS NECESSARY FROM DRIVENWAY OR STREET VIEW.

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.

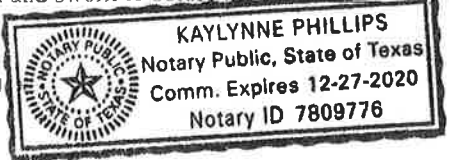
Affidavit

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

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

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

Subscribed and sworn to before me this 20 of December 2019



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

(Rev. 08-01-1)

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 Luke Gardner

did submit a request for a special exception to the fence height regulations  
at 4523 Park Lane

BDA190-042. Application of Luke Gardner for a special exception to the fence height regulations at 4523 PARK LN. This property is more fully described as Lot 3A.1, Block C/5546, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-042

I, LANCE HUDER, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4523 PARK LANE DALLAS TX 75240  
(Address of property as stated on application)

Authorize: LAWNS OF DALLAS / LUKE GARDNER (CONTACT)  
(Applicant's name as stated on application)

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

         Variance (specify below)

Special Exception (specify below)

         Other Appeal (specify below)

Specify: Fence Height

Lance Huder  
Print name of property owner or registered agent

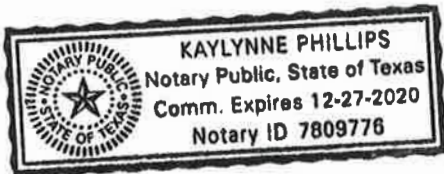
[Signature]  
Signature of property owner or registered agent

Date 12/20/19

Before me, the undersigned, on this day personally appeared Lance Huder

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

Subscribed and sworn to before me this 20 day of December 2019



[Signature]  
Notary Public for Dallas County, Texas  
Commission expires on 12/27/20



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-042

I, Jessica Hudes, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4523 Park Lane Dallas, TX 75220  
(Address of property as stated on application)

Authorize: LAWNS OF DALLAS / LUKE GARDNER (CONTACT)  
(Applicant's name as stated on application)

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

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

Specify: Fence Height

Jessica Hudes  
Print name of property owner or registered agent

Jessica Hudes  
Signature of property owner or registered agent

Date 1/14/2020

Before me, the undersigned, on this day personally appeared Jessica Hudes

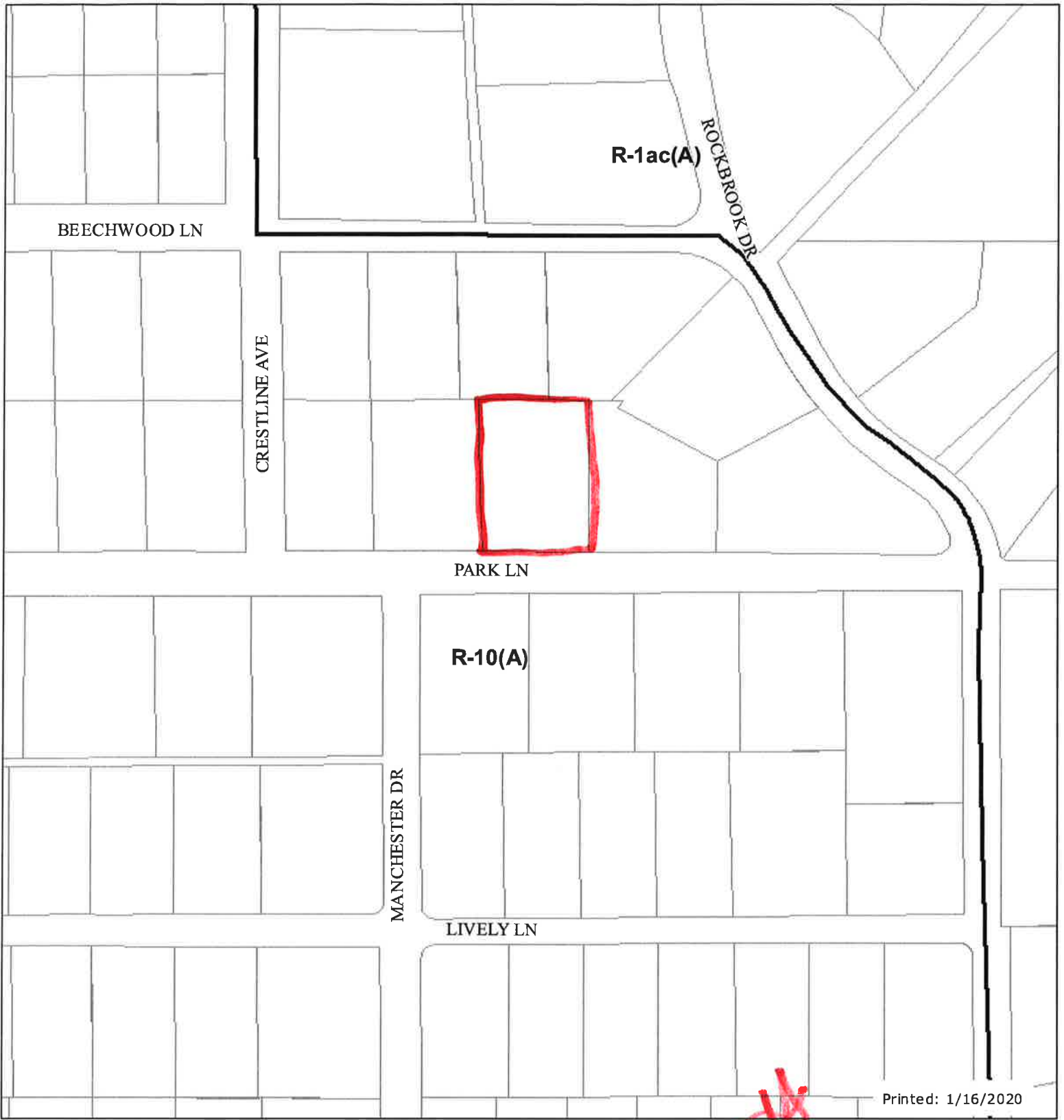
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

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



Kaylynne Phillips  
Notary Public for Dallas County, Texas

Commission expires on 12/27/2020



Printed: 1/16/2020

*Handwritten initials in red ink.*

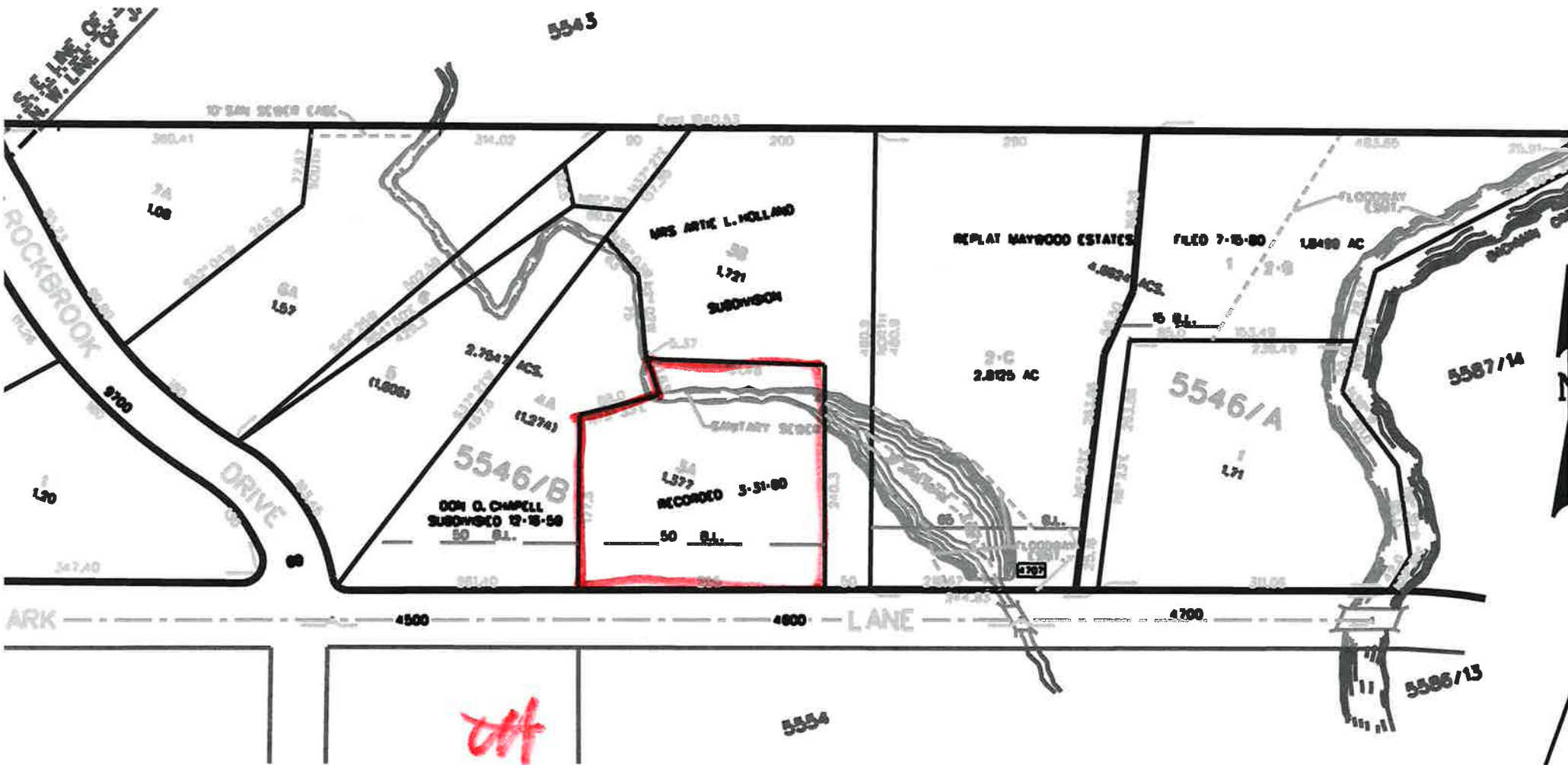
**Legend**

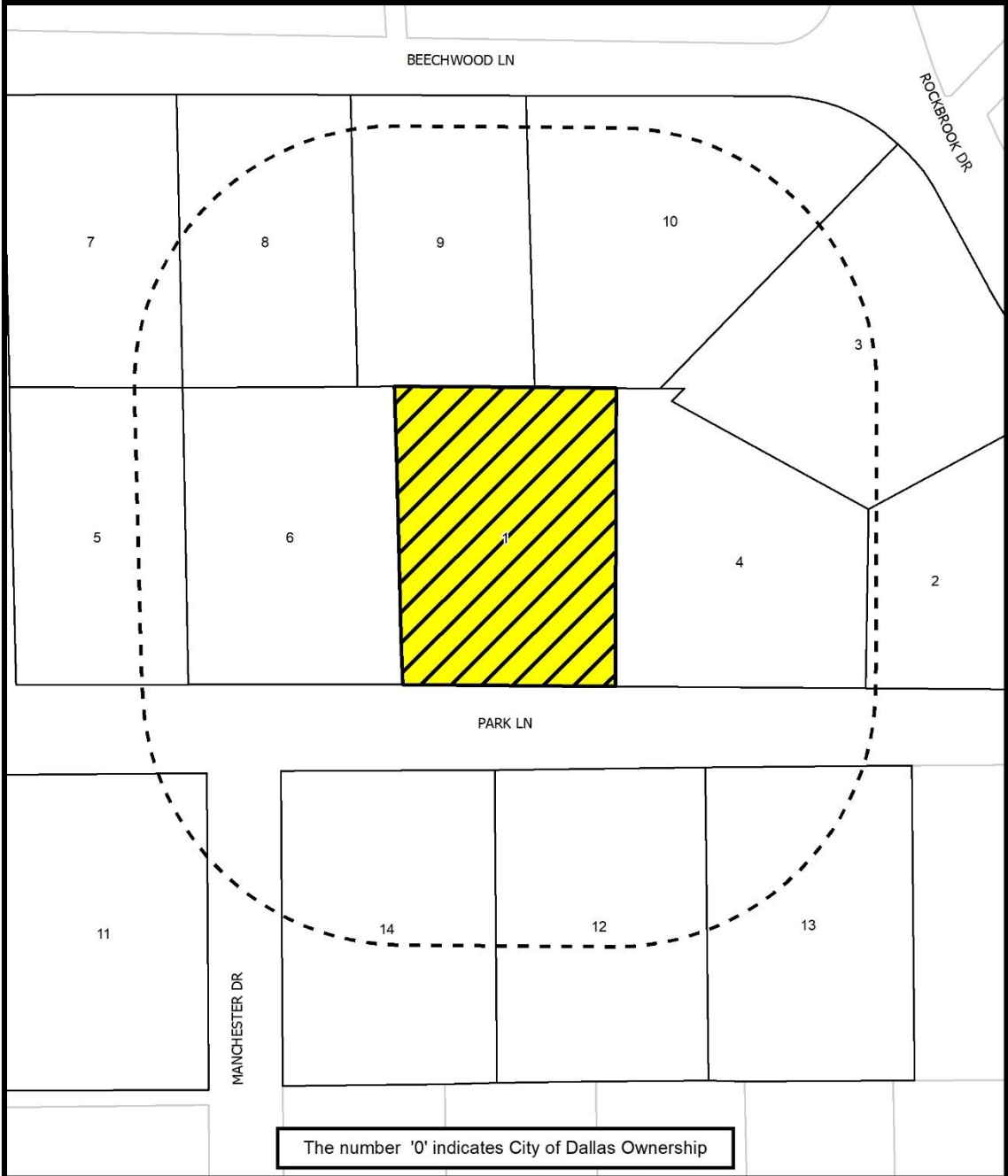
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Roodplain            | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | 2-10 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)









 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA190-042</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>14</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>14</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>14</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

03/24/2020

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

***BDA190-042***

### ***14 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4523 PARK LN	HUDES LANCE &
2	9727 ROCKBROOK DR	MOON DANIEL & TIFFANY S
3	9739 ROCKBROOK DR	DAVIS GARY LEE & TRUDIE A
4	4531 PARK LN	LOOPER STEVEN E &
5	4337 PARK LN	BT LOT INVESTORS LLC
6	4345 PARK LN	RANA TAHIR & AISHA
7	4408 BEECHWOOD LN	QUINN BRIAN F & KATIE M
8	4418 BEECHWOOD LN	HAMER ROBERT S
9	4430 BEECHWOOD LN	POER MARVIN F &
10	4440 BEECHWOOD LN	CONNER F WILLIAM &
11	4346 PARK LN	SEIDEMAN SCOTT R
12	4420 PARK LN	CONDRA Y ANSEL L &
13	4428 PARK LN	WOODALL MARTIN
14	4406 PARK LN	GOSS KYLE D & MARGOT



**FILE NUMBER:** BDA190-051(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Brett Merz represented by Andy Harcar for a special exception to the landscape regulations at 4514 Cole Avenue. This property is more fully described as Lots 13-16, Block K/1535, and is zoned PD 193 (LC), which requires mandatory landscaping. The applicant proposes to construct and/maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 4514 Cole Avenue

**APPLICANT:** Brett Merz  
represented by Andy Harcar

**REQUESTS: .**

A request for a special exception to the landscape regulations is made to construct and maintain a patio on a site that is currently developed with a nonresidential structure, 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. The applicant is seeking a special exception to the landscaping requirements of PD 193 Part 1, as established for LC Subdistricts. The proposed construction of a new exterior patio with a small increase of impervious surface will require compliance with PD 193 (LC) landscape requirements. The alternate landscape plan provides no trees in the required tree planting zone.

**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 comply with an alternate 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 Part 1 (Planned Development)  
**North:** PD 193 Part 1 (Planned Development)  
**South:** PD 193 (PDS141) (Planned Development)  
**East:** PD 193 Part 1 (Planned Development)  
**West:** PD 193 Part 1 (Planned Development)

### **Land Use:**

The site developed with mixed uses. The areas to the north, east, and south and west are developed with retail, multifamily, and mixed 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 patio on a site that is currently developed with a nonresidential structure, 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. The applicant is seeking a special exception to the landscaping requirements of PD 193 Part 1, as established for LC districts. The proposed construction of a new exterior patio with a small increase of impervious surface will require compliance with PD 193 (LC) landscape requirements. The alternate landscape plan provides no trees in the required tree planting zone.

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 for LC districts. The proposed construction of a new exterior patio with a small increase of impervious surface will require compliance with PD 193 (LC) landscape requirements.

The Chief Arborist's memo states the following with regard to "provision":

The property was developed and constructed prior to the implementation of PD 193 regulations. The patio is the first construction to initiate landscape requirements under the ordinance. Existing landscaping with established mature trees provides a suitable environment for the use of the property.

The alternate landscape plan removes five established trees to make way for new pedestrian and vehicular ingress/egress points to the street and to provide the space for the patio improvements. The greater extent of existing landscaping will remain from the original landscape design.

The Chief Arborist's memo states the following with regard to "deficiencies":

PD 193 LC requires 10 percent landscape site area with 60 percent landscape area for the required front yard. A tree planting zone is required two-and-a-half to five feet from back of curb and a six-foot sidewalk. The sidewalk along Armstrong is placed along the street curb where it should be spaced five feet from curb by ordinance. The alternate landscape plan provides no trees in the tree planting zone. The property has significant landscape area along Armstrong but a driveway occupies to the property line along Cole. The large mature trees are in sufficient planting space but not in compliance with PD 193 for new landscapes.

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

The special exception (providing no trees in the tree planting 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:**

February 24, 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.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 23, 2020:

March 23, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant's representative the following information:

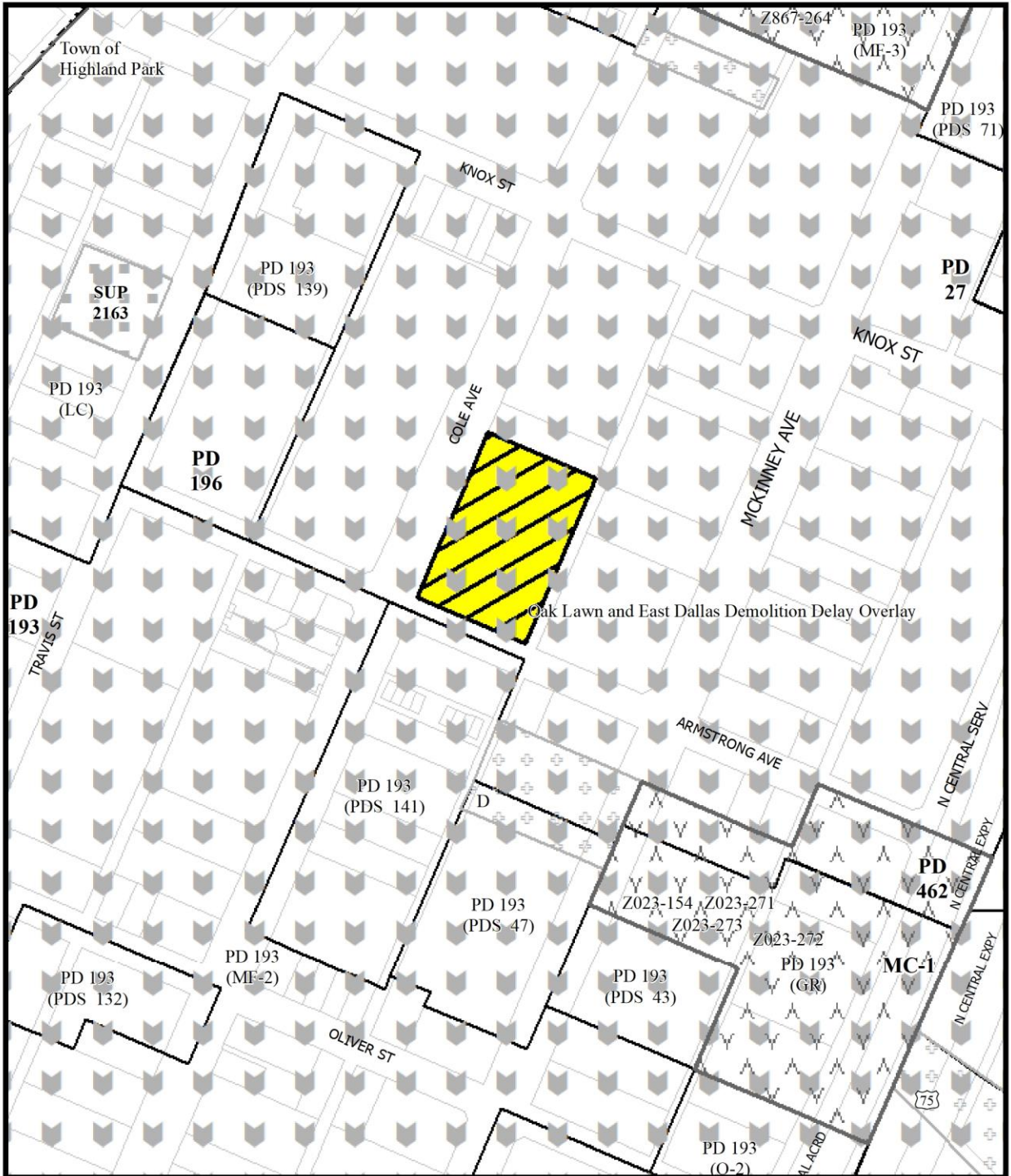
- an attachment that provided the public hearing date and panel that will consider the application; the April 28<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

June 5, 2020:

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

April 2, 2019:

The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



  
 1:2,400

# ZONING MAP

Case no: **BDA190-051**  
 Date: **3/24/2020**



Town of  
Highland Park



1:2,400

# AERIAL MAP

Case no: BDA190-051

Date: 3/24/2020



RECEIVED  
FEB 24 2020  
BY: D.T.H.

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-051

Data Relative to Subject Property:

Date: February 24, 2020

Location address: 4514 Cole Avenue

Zoning District: PD193 LC

Lot No.: 13-16 Block No.: K/1535 Acreage: 1.14 Census Tract: 7.02

Street Frontage (in Feet): 1) 125' 2) 180' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): EOS II at Highland Park Place, LLC

Applicant: Brett Merz Telephone: 949-417-6545

Mailing Address: 800 Newport Center Dr, #700, Newport Beach, CA Zip Code: 92660

E-mail Address: bmerz@kbs.com

Represented by: SWA Group - Andy Harcar Telephone: 214.954.0016

Mailing Address: 2001 Irving Blvd. Suite 157, Dallas, Texas Zip Code: 75207

E-mail Address: aharcar@swagroup.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception b, of PD193 landscape requirements for the subject property. An Alternate Landscape Plan is being submitted.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The owner desires to add a small exterior patio, which requires the relocation of the autocourt exit drive. Because of this, the landscape for the whole site must be brought into compliance with PD193. Doing so would require demolition of a well established landscape with mature trees and will be extremely cost prohibitive.

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 Brett Merz  
(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 19 day of February, 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 Brett Merz  
represented by ANDY HARCAR  
did submit a request for a special exception to the landscaping regulations  
at 4514 Cole Ave

BDA190-051. Application of Brett Merz represented by ANDY HARCAR for a special exception to the landscaping regulations at 4514 COLE AVE. This property is more fully described as Lots 13-16, Block K/1535, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-051

I, EOS II at Highland Park Place, LLC, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4514 Cole Avenue, Dallas, TX 75205  
(Address of property as stated on application)

Authorize: Brett Merz  
(Applicant's name as stated on application)

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

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

Specify: ~~boards~~ Alternate Landscape Plan  
(landscape or tree preservation special exception or variance appeal)

Brett Merz  
Print name of property owner or registered agent

[Signature]  
Signature of property owner or registered agent

Date 2/19/2020

Before me, the undersigned, on this day personally appeared Brett Merz

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

Subscribed and sworn to before me this 19 day of February, 2020 <sup>SF</sup>



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 3/20/2023



CITY OF DALLAS

February 20, 2020

ADDRESS: **4514 Cole Ave.**

RE: **#00000159100000000**

DEAR SIR/MADAM

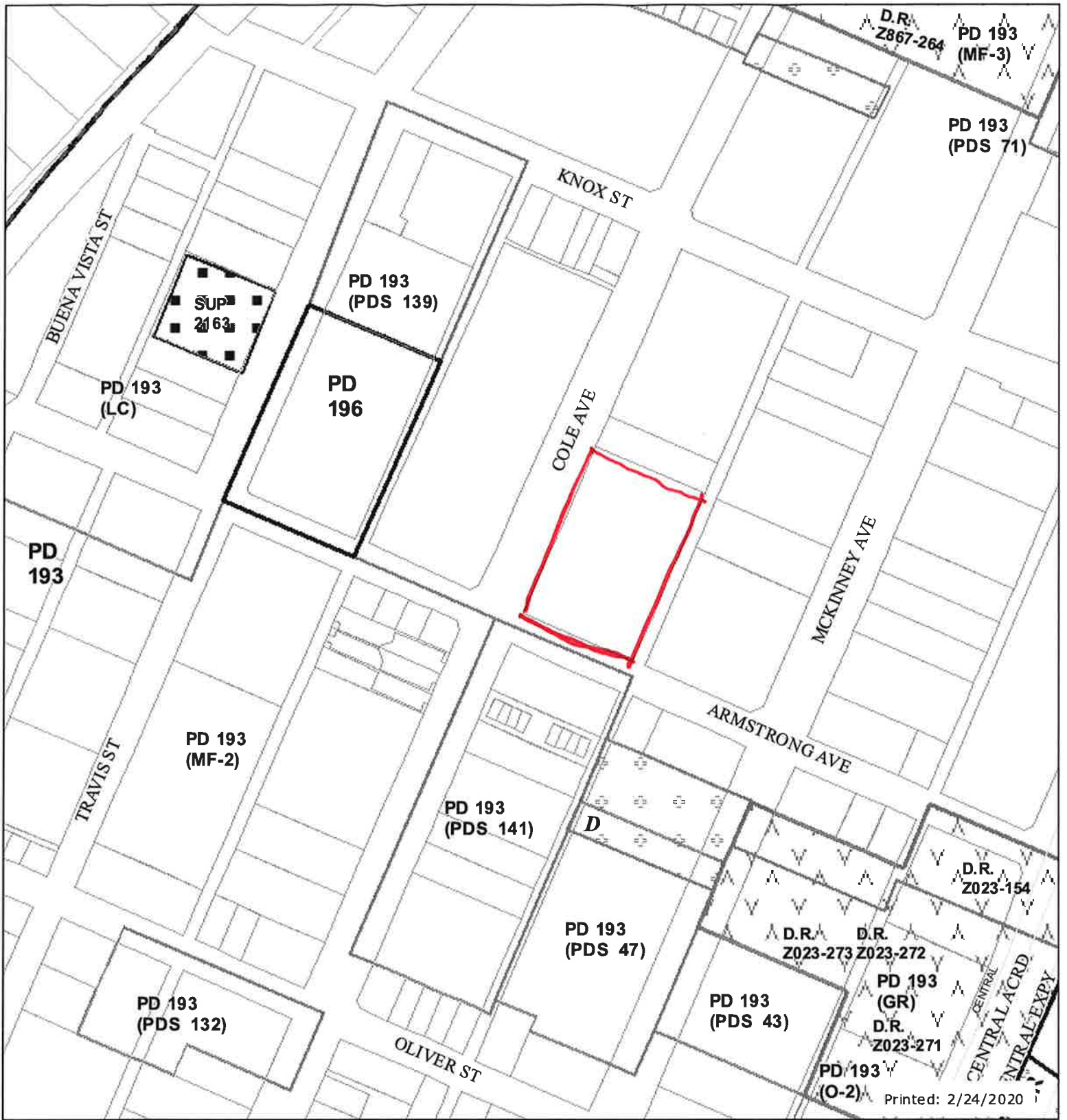
No information was found responsive to your request for identification of City liens in the records of Special Collections. This response does not constitute legal advice regarding the status of the real property: **4514 Cole Ave.**

There may be additional liens of record in the County Clerk's office. This response is made to your request for public information and constitutes neither estoppel against the City of Dallas nor relinquishment, waiver, release, or other change in any lien interest of record.

Should you have any further questions please contact [DLDWULienInfo@DallasCityHall.com](mailto:DLDWULienInfo@DallasCityHall.com)

Sincerely,

  
Special Collections Division  
Dallas Water Utilities



Printed: 2/24/2020

### 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)

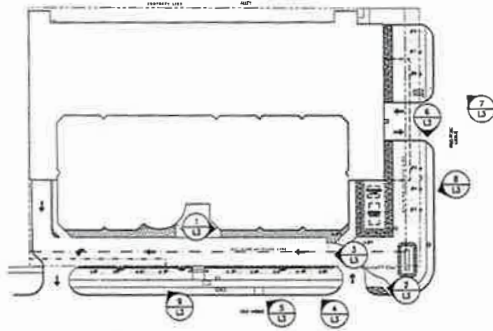


BDA 190-050

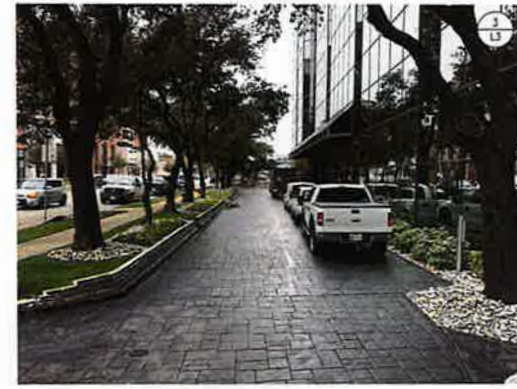




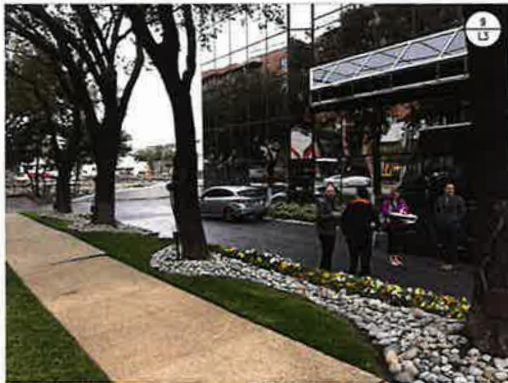
**KEY PLAN:**



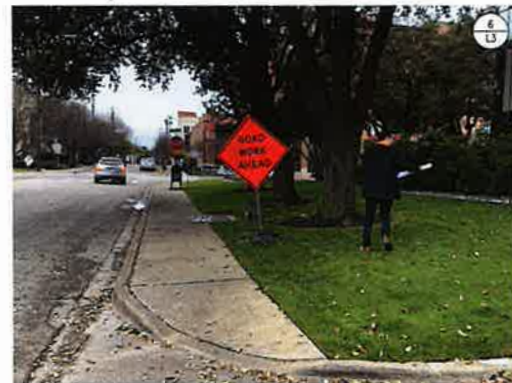
EXISTING 5'-0" SIDEWALK AND MATURE TREES ALONG ARMSTRONG. PROPOSING NO IMPROVEMENTS OR CHANGES IN THIS AREA.



EXISTING AUTO COURT/ DRIVE LANE AND EXISTING MATURE LANDSCAPE ALONG COLE AVENUE



GENERAL AREA OF NEW EXTERIOR PATIO, TREES AND WALKWAY TO REMAIN.



EXISTING 5'-0" SIDEWALK AND MATURE TREES ALONG ARMSTRONG. PROPOSING NO IMPROVEMENTS OR CHANGES IN THIS AREA.



EXISTING 5'-0" SIDEWALK AND MATURE TREES ALONG COLE AVENUE



EXISTING PLANTINGS ALONG BUILDING FOUNDATION FACING ARMSTRONG



TREE #5 (LEFT) AND TREE #8 (RIGHT). DYING OR DAMAGED TREE, WITH DEAD PORTIONS IN TRUNK. POTENTIAL HAZARDS. PROPOSED TO REMOVE THESE 2 TREES WITHOUT MITIGATION



EXISTING 4'-6" WIDE PLANTING AREA AT BUILDING FOUNDATION

**HIGHLAND PARK PLACE**  
DALLAS, TEXAS

CLIENT  
HKS, INC.  
305 N. SAINT PAUL STREET  
SUITE 100  
DALLAS, TEXAS 75201-4240

Landscape Architect

**swa**

2001 Irving Boulevard  
Suite 157  
Dallas, Texas  
75207-6603  
United States  
www.swagroup.com  
+1.214.854.0018

Consultant

Stamp

Revisions

- 1
- 2
- 3
- 4
- 5

Date  
FEBRUARY 21, 2020  
Phase  
BOARD OF ADJUSTMENT  
Job Number  
HKSS919

Scale

North



Drawing Title

BOARD OF ADJUSTMENT SUBMITTAL  
EXISTING SITE CONDITIONS

Drawing Number

NOT FOR CONSTRUCTION

**L3**

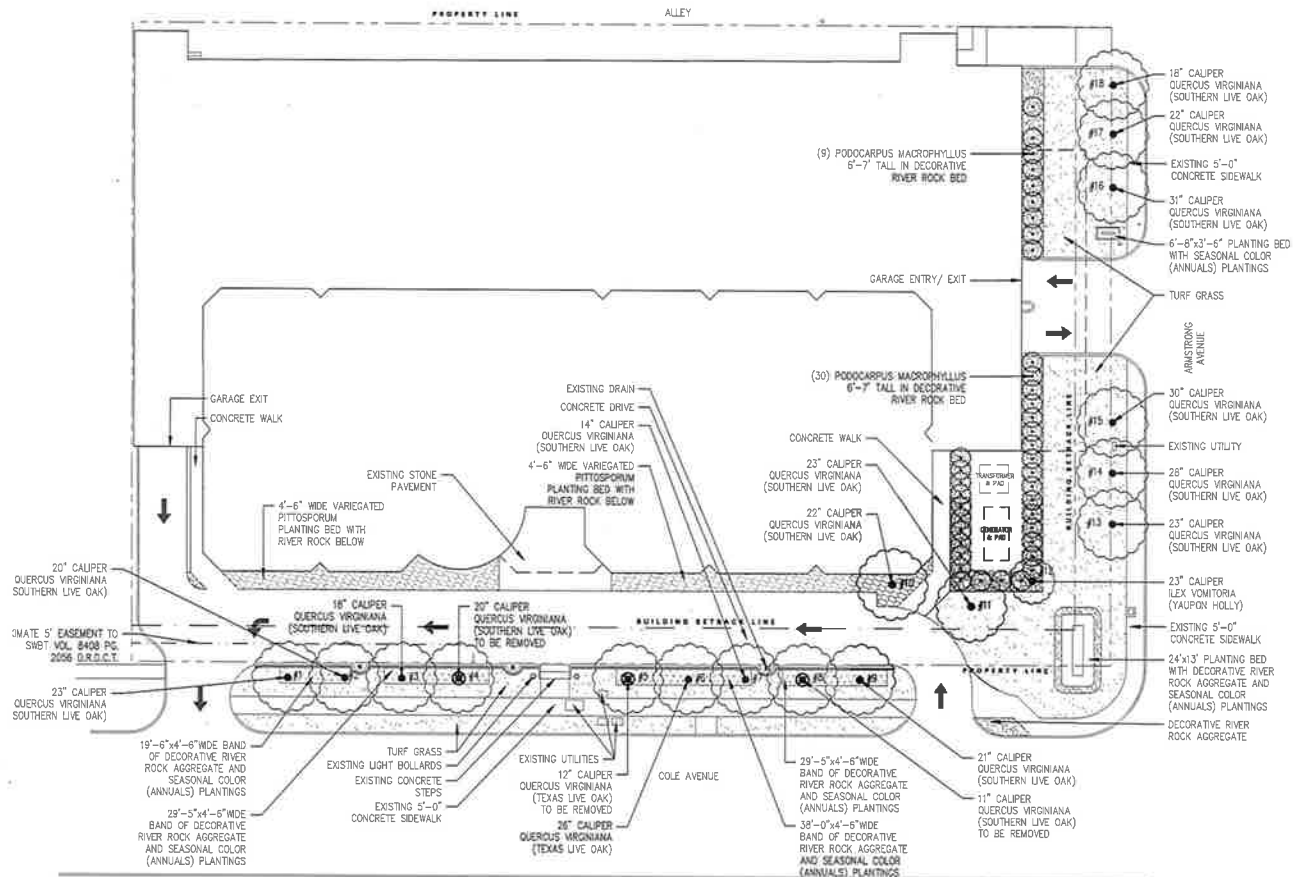
© 2015 SWA

EXISTING TREE LIST:

TREE NUMBER	CALIPER INCHES	TREE SPECIES	INCHES TO BE REMOVED	INCHES TO MITIGATE	TREE CLASS	COMMENTS / NOTES
1	23"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
2	20"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
3	18"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
4	20"	QUERCUS VIRGINIANA	●	14"	CLASS 2	TREE TO BE PROTECTED AND MITIGATED
5	12"	QUERCUS VIRGINIANA	●		CLASS 2	TREE HAS BEEN DAMAGED AND IS A POTENTIAL HAZARD
6	26"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
7	14"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
8	17"	QUERCUS VIRGINIANA	●		CLASS 2	TREE IS DRYING AND IS A POTENTIAL HAZARD; REFER TO PAGE 2
9	21"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
10	22"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
11	23"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
12	23"	ILEX VOMITORIA			CLASS 2	TREE TO BE PROTECTED
13	23"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
14	25"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
15	30"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
16	31"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
17	22"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
18	18"	QUERCUS VIRGINIANA			CLASS 2	TREE TO BE PROTECTED
TOTAL	355"		3	14"		

NOTE: THE CALIPER SIZES ARE BASED ON FIELD MEASUREMENTS. IDENTIFICATION NUMBERS HAVE NOT BEEN PROVIDED IN THE SURVEY. THE LANDSCAPE ARCHITECT HAS SET NUMBERS FOR REFERENCE. THIS WILL BE COORDINATED ON THE FUTURE SURVEY BETWEEN THE CIVIL ENGINEER AND LANDSCAPE ARCHITECT.

NOTE: AT THE TIME OF THIS PLAN SUBMITTAL, IT HAS BEEN DETERMINED THAT THE OWNER WILL MAKE A PAYMENT TO THE CITY OF DALLAS FOR THE MITIGATION QUANTITY NOTED IN THE CHART. THIS IS DUE TO A LACK OF SPACE ON THE PROPERTY TO PLANT REPLACEMENT MITIGATION INCHES.



**HIGHLAND PARK PLACE**  
DALLAS, TEXAS

**CLIENT**  
HKS, INC.  
305 N. SAINT PAUL STREET  
SUITE 100  
DALLAS, TEXAS 75201-4240

**Landscape Architect**

**swa**

2001 Irving Boulevard  
Suite 457  
Dallas, Texas  
75207-9000  
United States  
www.swagroup.com  
+1.214.954.0038

**Consultant**

**Stamp**

**Revisions**

- 1
- 2
- 3
- 4
- 5

**Date**  
FEBRUARY 21, 2020  
**Phase**  
BOARD OF ADJUSTMENT  
**Job Number**  
HKSS819

**Scale**  
1" = 10'  
**North**

**Drawing Title**

**BOARD OF ADJUSTMENT SUBMITTAL**  
EXISTING SITE PLAN

**Drawing Number**  
NOT FOR CONSTRUCTION

**L1**  
© 2015 SWA

**EXISTING TREE LIST:**

TREE NUMBER	CALIPER INCHES	TREE SPECIES	INCHES TO MITIGATE	TREE CLASS	COMMENTS/NOTES
1	21"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
2	20"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
3	18"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
4	20"	QUERCUS VIRGINIANA	0	CLASS 2	TREE TO BE REMOVED AND MITIGATED
5	12"	QUERCUS VIRGINIANA	0	CLASS 2	TREE IS BEING REMOVED AND IS A POTENTIAL HAZARD
6	26"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
7	14"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
8	18"	QUERCUS VIRGINIANA	0	CLASS 2	TREE IS BEING REMOVED AND IS A POTENTIAL HAZARD. REFER TO WASTE.
9	21"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
10	22"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
11	23"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
12	23"	ELIX VIMTORIA		CLASS 2	TREE TO BE PROTECTED
13	23"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
14	28"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
15	30"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
16	31"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
17	22"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
18	18"	QUERCUS VIRGINIANA		CLASS 2	TREE TO BE PROTECTED
TOTAL	385"		3	14"	

NOTE: THE CALIPER SIZES ARE BASED ON FIELD MEASUREMENTS. IDENTIFICATION NUMBERS HAVE NOT BEEN PROVIDED IN THE SURVEY. THE LANDSCAPE ARCHITECT HAS SET NUMBERS FOR REFERENCE. THIS WILL BE COORDINATED ON THE FUTURE SURVEY BETWEEN THE CIVIL ENGINEER AND LANDSCAPE ARCHITECT.

**SITE TREE AND MITIGATION SUMMARY:**

SUMMARY	TREE QTY.	CALIPER IN.
SITE TREE MITIGATION REQUIRED (CALIPER INCH) REQUIREMENT OF 0.7 CALIPER INCH (0.7") PER ONE CALIPER INCH (1") REMOVED. (CALCULATION = CALIPER INCH REMOVED (-) (NON MITIGATION + MITIGATION CREDIT))	1	14
SITE TREE MITIGATION PROVIDED (CALIPER INCH) (TOTAL CALIPER INCH PROVIDED)	0**	0**
MITIGATION CALIPER INCH BALANCE FOR SITE (CALIPER INCHES REMOVED - CALIPER INCHES PROPOSED) (+) INDICATES AN OVERAGE AND (-) INDICATES A SHORTAGE OF THE REQUIREMENT	N/A	N/A

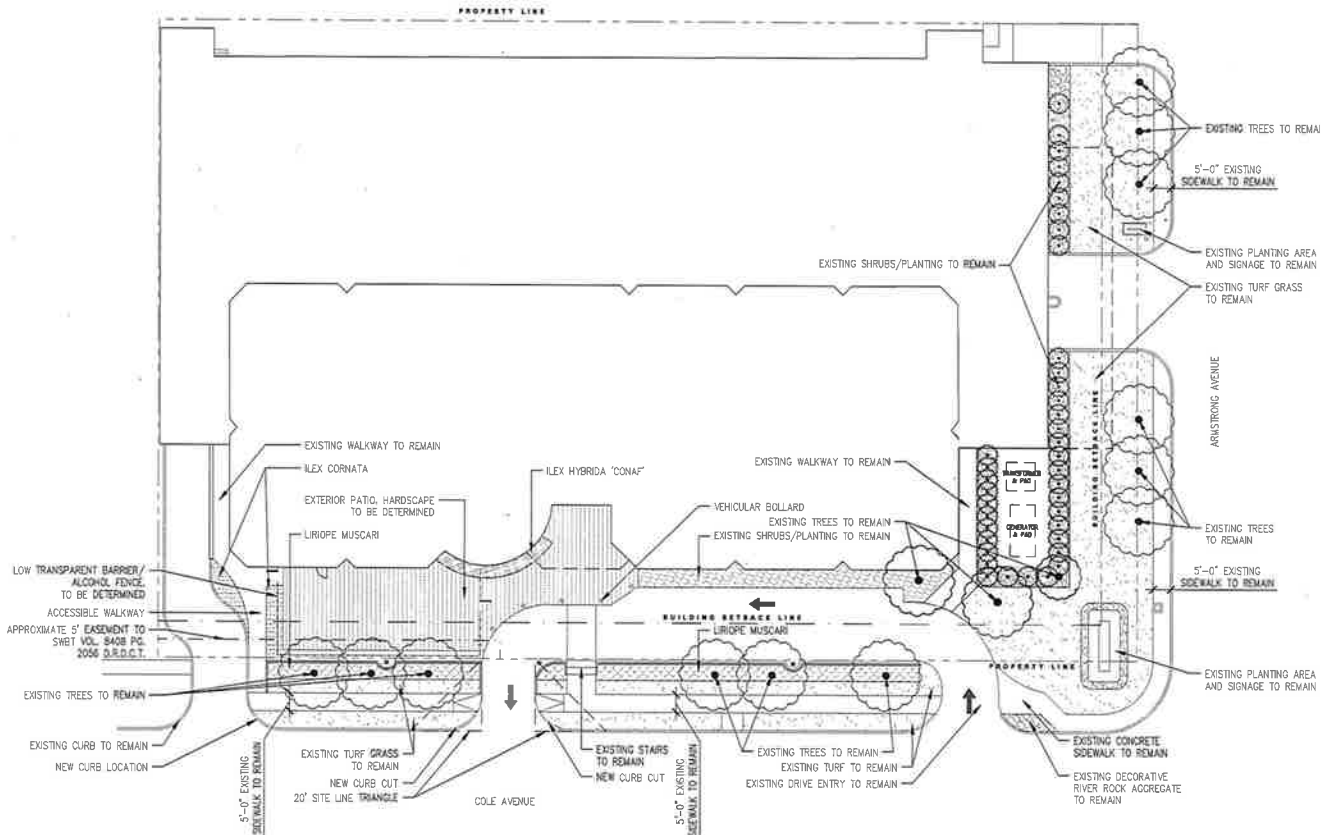
\*\*NOTE: AT THE TIME OF THIS PLAN SUBMITTAL, IT HAS BEEN DETERMINED THAT THE OWNER WILL MAKE A PAYMENT TO THE CITY OF DALLAS FOR THE MITIGATION QUANTITY NOTED IN THE CHART. THIS IS DUE TO A LACK OF SPACE ON THE PROPERTY TO PLANT REPLACEMENT MITIGATION INCHES.

**PD 193 LANDSCAPE AREA CALCULATIONS CHART (GR/LC SUBDISTRICT):**

AREA 'S IN SQ. FT.	LANDSCAPE SITE AREA	GENERAL PLANTING AREA	SPECIAL PLANTING AREA
LOT AREA	10%	N/A	N/A
REQUIRED FRONT YARD	60% (OF RFY)	12% (OF RFY)	8% (OF RFY) W/ 1 PLANTIS S.F.
	REQUIRED	PROVIDED	REQUIRED
	30,932sf	13,564sf (24%)	30,932sf
LOT AREA	6,893sf	N/A	N/A
REQUIRED FRONT YARD	2,905sf	2,407sf (24%)	533sf
			238 (2.30%)
			290 (17.44)
			46 (1.6)

NOTE: LANDSCAPE SITE AND REQUIRED FRONT YARD AREA CALCULATIONS INCLUDE PEDESTRIAN HARDSCAPE LOCATED ON THE PROPERTY AND OUTSIDE OF THE PUBLIC RIGHT-OF-WAY

PROPOSED PLANTING SCHEDULE					
SHRUBS					
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS/COMMENTS
[Symbol]	ILEX CORNATA 'DWARF BURFORD'	DWARF BURFORD HOLLY	24"HX24" W	48" O.C.	FULL WELL ROOTED, MATCHING IN FORM AND CHARACTER
[Symbol]	ILEX HYBRIDA 'CONAF'	OAK LEAF HOLLY	48"HX18"-24" W	48" O.C. SINGLE ROW	FULL WELL ROOTED, MATCHING IN FORM AND CHARACTER
PERENNIALS AND GROUNDCOVERS					
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS/COMMENTS
[Symbol]	LIRIOPE MUSCARI	LILY TURF	6"HX8" W	12" O.C.E.W	FULL WELL ROOTED, MATCHING IN FORM AND CHARACTER



**HIGHLAND PARK PLACE**  
DALLAS, TEXAS

CLIENT  
HKS, INC.  
306 N. SAINT PAUL STREET  
SUITE 100  
DALLAS, TEXAS 75201-4240

Landscape Architect

**swa**

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75207-4803  
United States  
www.swagroup.com  
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Consultant

Stamp

Revisions

- 1
- 2
- 3
- 4
- 5

Date  
FEBRUARY 21, 2020  
Phase  
BOARD OF ADJUSTMENT  
Job Number  
HKSS19

Scale  
1" = 10'  
North

Drawing Title

BOARD OF ADJUSTMENTS SUBMITTAL  
ALTERNATE LANDSCAPE PLAN

Drawing Number

NOT FOR CONSTRUCTION

**L2**

\*2/19/20





# Memorandum



Date April 1, 2020  
To Oscar Aguilera, Sr. Planner  
Jennifer Munoz, Board Administrator  
Subject BDA #190-051 4514 Cole Avenue Arborist report

## Request

The applicant is seeking a special exception to the landscaping requirements of PD 193 Part 1, as established for LC districts. The proposed construction of a new exterior patio with a small increase of impervious surface will require compliance with PD 193 (LC) landscape requirements.

## Provision

The property was developed and constructed prior to the implementation of PD 193 regulations. The patio is the first construction to initiate landscape requirements under the ordinance. Existing landscaping with established mature trees provides a suitable environment for the use of the property.

The alternate landscape plan removes five established trees to make way for new pedestrian and vehicular ingress/egress points to the street and to provide the space for the patio improvements. The greater extent of existing landscaping will remain from the original landscape design.

## Deficiency

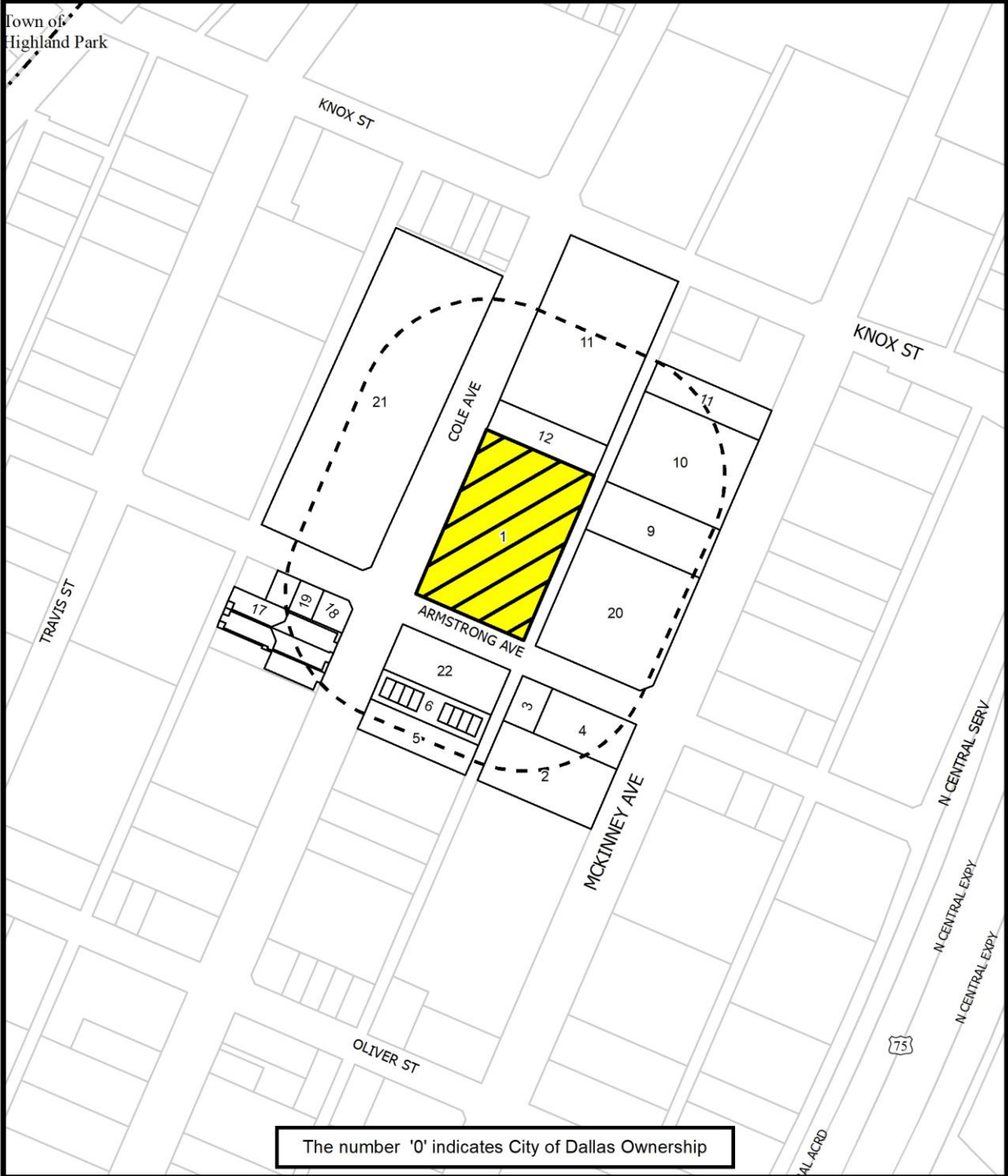
PD 193 LC requires 10% landscape site area with 60% landscape area for the required front yard. A tree planting zone is required 2.5-5' from back of curb and a six-foot sidewalk. The sidewalk along Armstrong is placed along the street curb where it should be spaced 5' from curb by ordinance. The alternate landscape plan provides no trees in the tree planting zone. The property has significant landscape area along Armstrong but a driveway occupies to the property line along Cole. The large mature trees are in sufficient planting space but not in compliance with PD 193 for new landscapes.

## 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





 1:2,400	<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>22</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>22</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA190-051</b> Date: <b>3/24/2020</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>22</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/24/2020

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

### ***BDA190-051***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4514 COLE AVE	EOSII AT HIGHLAND PARK PLACE LLC
2	4433 MCKINNEY AVE	KNOX PROMENADE IV LP
3	3111 ARMSTRONG AVE	KNOX PROMENADE PARK LLC
4	4447 MCKINNEY AVE	KNOX PROMENADE LLC
5	4432 COLE AVE	BROADSTONE COLE AVENUE LLC
6	4438 COLE AVE	BROADSTONE COLE AVE LLC
7	4438 COLE AVE	BROADSTONE COLE AVENUE LLC
8	4438 COLE AVE	BROADSTONE COLE AVENUE LLC
9	4519 MCKINNEY AVE	GILLILAND PROPERTIES II LTD
10	4525 MCKINNEY AVE	GILLILAND PPTIES III LTD
11	4531 MCKINNEY AVE	GILLILAND PPTIES II LTD
12	4524 COLE AVE	GILLILAND PPTIES II LTD
13	4431 COLE AVE	LINDSTROM SOREN
14	4435 COLE AVE	GILLS JOHN C & BARBARA A
15	4437 COLE AVE	POTTER JEFFERY T &
16	4433 COLE AVE	SCHEBLE KRISTEN M
17	4439 COLE AVE	RESTREPO WILLIAM JR &
18	3171 ARMSTRONG AVE	SMITHGUIEL REVOCABLE LIVING TR
19	3175 ARMSTRONG AVE	SARGENT JOHN CAIN & BRITTANY B
20	4511 MCKINNEY AVE	MAJAHUAL LP
21	4525 COLE AVE	KD COLE ARMSTRONG HOLDCO LLC
22	3131 ARMSTRONG AVE	BROADSTONE COLE AVENUE LLC

**FILE NUMBER:** BDA190-059(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Lisa Hudspeth Guerriero represented by Joseph Troskie for a special exception to the single family regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the single family regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling at 7315 Kaywood Drive. This property is more fully described as Lot 19, Block 4/4831, and is zoned an R-7.5(A) Single Family District, in which an accessory structure may not exceed 25 percent of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit for non-rental, which will require a special exception to the single family zoning use regulations, and to construct a single family residential accessory structure with 1,234 square feet of floor area (41.2 percent of the 3,000 square foot floor area of the main structure), which will require a 484-square-foot special exception to the floor area ratio regulations.

**LOCATION:** 7315 Kaywood Drive

**APPLICANT:** Lisa Hudspeth Guerriero  
represented by Joseph Troskie

**REQUESTS:**

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

1. a request for a special exception for the handicapped equal opportunity to enjoy, construct, and maintain a 980 square foot accessory dwelling unit structure.
2. a request for a special exception for the handicapped equal opportunity to enjoy, construct, and maintain an accessory dwelling unit structure 41.2 percent the floor area of the main structure.

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

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

**STAFF RECOMMENDATION:**

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

**Zoning:**

Site: R-7.5(A) (Single family district)

North: R-7.5(A) (Single family district)

South: R-7.5(A) (Single family district)

East: R-7.5(A) (Single family district)

West: R-7.5(A) (Single family district)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

The requests for special exceptions for the handicapped focus on constructing and maintaining a 1,234-square-foot accessory dwelling unit structure on a site being developed with a single family home. The accessory dwelling unit structure represents 41.2 percent the floor area of the main structure proposed at 3,000 square feet.

The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot and an accessory structure may not exceed 25 percent of the floor area of the main structure.

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 a proposed two-story single family main structure and the smaller of the two denoted as “additional dwelling unit”. The site plan indicates the additional dwelling unit will exceed the permissible 25 percent of the floor area

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, there is only a “storage building” at the property addressed at 7315 Kaywood Drive, built in 2000, with 1,200 square feet in area.

According to the submitted application, the main structure is proposed to contain 3,000 square feet of total floor area and according to the site plan, the proposed additional dwelling unit contains 1,234 square feet of total floor area.

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

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

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

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

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

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

- The special exceptions are necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
- There is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.

If the board were to grant the requests and impose conditions that compliance with the submitted site plan is required and that the special exceptions expire when a handicapped person no longer resides on the property, the structure could be maintained in the location shown on the submitted site plan in the front and side yard setbacks for as long as the applicant or any other handicapped person resides on the site.

**Timeline:**

February 13, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 13, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

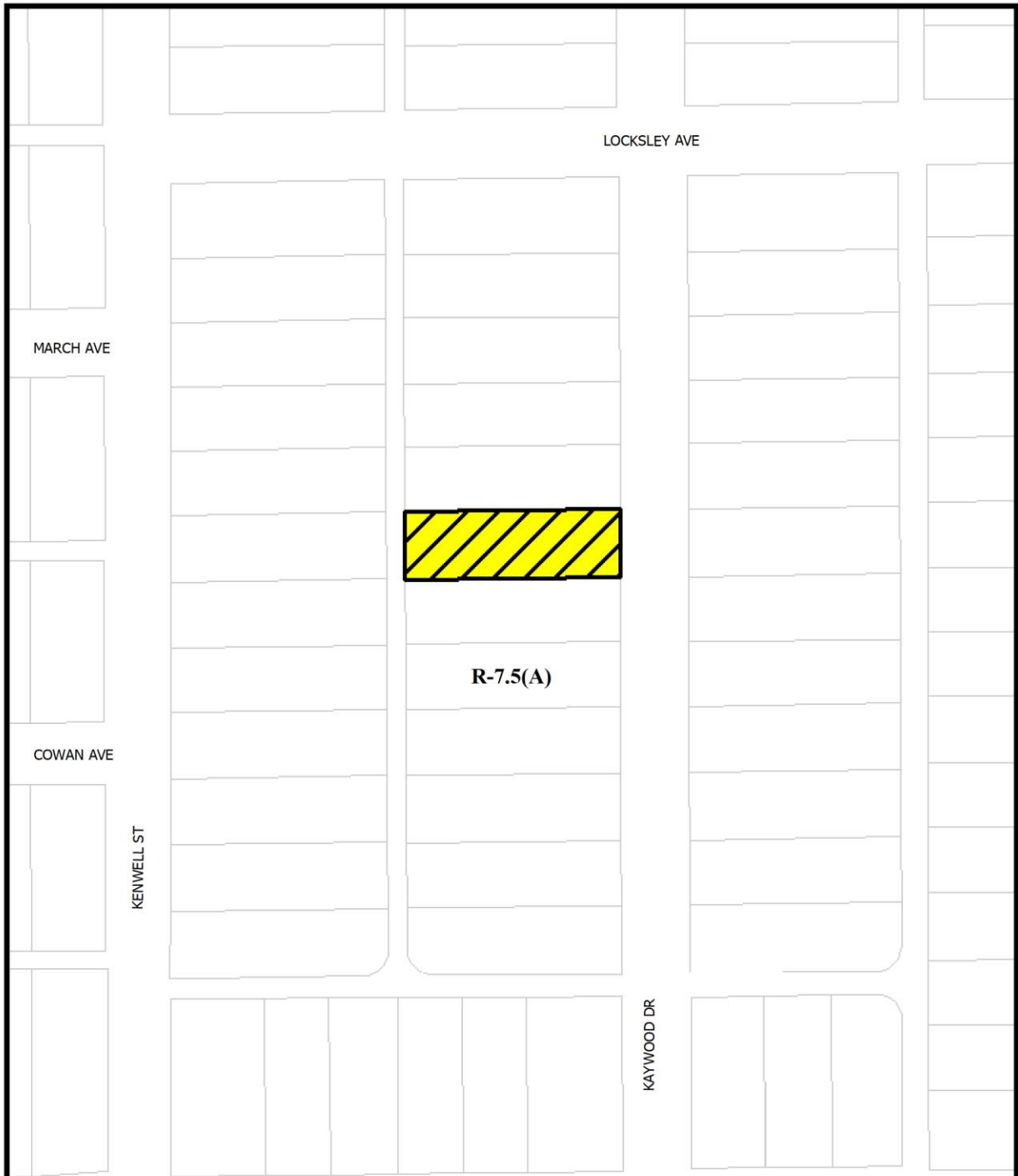
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 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.”



June 5, 2020:

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

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

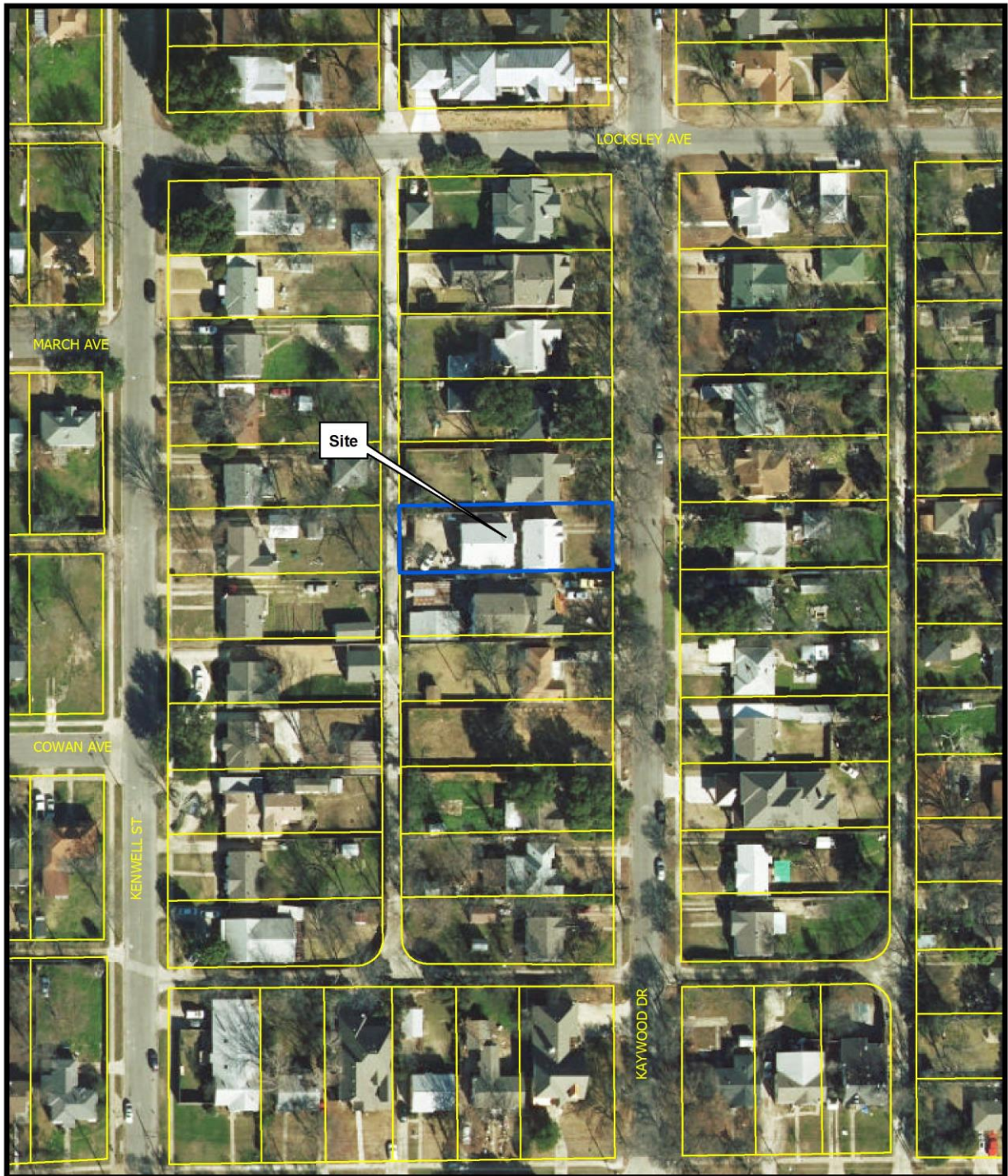


1:1,200

# ZONING MAP

Case no: BDA190-059

Date: 5/29/2020



1:1,200

# AERIAL MAP

Case no: BDA190-059

Date: 5/29/2020

RECEIVED  
MAR 18 2020\*  
BY: O.T.H.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-059

Data Relative to Subject Property:

Date: 2/26/2020

Location address: 7315 Kaywood Dr Zoning District: R7500

Lot No.: 19 Block No.: 4/4831 Acreage: 0.187 Census Tract: \_\_\_\_\_

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LISA HUDSPETH GUERRIERO

Applicant: LISA HUDSPETH GUERRIERO Telephone: 214-460-9728

Mailing Address: 7315 KAYWOOD DRIVE Zip Code: 75209

E-mail Address: LCGUERRIERO@GMAIL.COM

Represented by: Joseph TRASKIE Telephone: 214-534-0240

Mailing Address: 7214 KAYWOOD DRIVE Zip Code: 75209

E-mail Address: joseph@RED BUTTERFLY HOMES.COM

Affirm that an appeal has been made for a Variance , or Special Exception  of SPECIAL EXCEPTION FOR AN ADDITIONAL DWELLING UNIT AND VARIANCE FOR FLOOR AREA. WE ARE REQUESTING AN ADDITIONAL 11.29 PERCENT FLOOR AREA FOR 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:

HANDICAPPED MOTHER TO LIVE IN ADDITIONAL DWELLING UNIT.

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

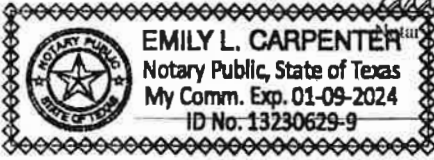
Before me the undersigned on this day personally appeared Lisa Hudspeth Guerrero  
(Affiant/Applicant's name printed)

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: Lisa Hudspeth Guerrero  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 26<sup>th</sup> day of February, 2020

(Rev. 08-01-11) \_\_\_\_\_  
Notary Public in and for Dallas County, Texas



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

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

*original*

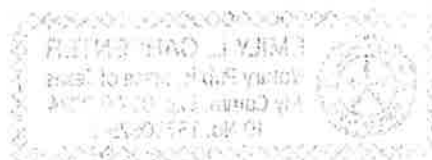
**Building Official's Report**

**I hereby certify that** Lisa Hudspeth  
**represented by** JOSEPH TROSKIE  
**did submit a request** for a special exception to the single family regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling  
**at** 7315 Kaywood Drive

BDA190-059. Application of Lisa Hudspeth represented by JOSEPH TROSKIE for a special exception to the single family regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for a special exception to the single family regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, 7315 KAYWOOD DR. This property is more fully described as Lot 19, Block 4/4831, and is zoned R-7.5(A), which an accessory structure may not exceed 25% of the floor area of the main structure and limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit for non-rental, which will require a special exception to the single family zoning use regulations, and to construct a single family residential accessory structure with 1,234 square feet of floor area (41.2% of the 3,000 square foot floor area of the main structure), which will require a 484 square foot special exception to the floor area ratio regulations.

Sincerely,

*Philip Sikes*  
 Philip Sikes, Building Official







CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-059

I, Lisa Hudspeth Guerniero, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7315 Kaywood Dr  
(Address of property as stated on application)

Authorize: Joseph Troske  
(Applicant's name as stated on application)

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

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

Specify: SPECIAL EXCEPTION FOR AN ADDITIONAL DWELLING UNIT. VARIANCE FOR FLOOR AREA. REQUESTING 11.29% ADDITIONAL FLOOR AREA

Lisa Hudspeth Guerniero  
Print name of property owner or registered agent

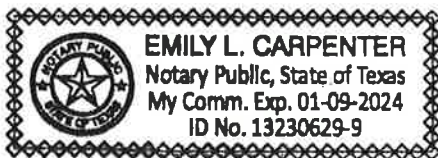
Lisa Hudspeth Guerniero  
Signature of property owner or registered agent

Date 2-26-2020

Before me, the undersigned, on this day personally appeared Lisa Hudspeth Guerniero

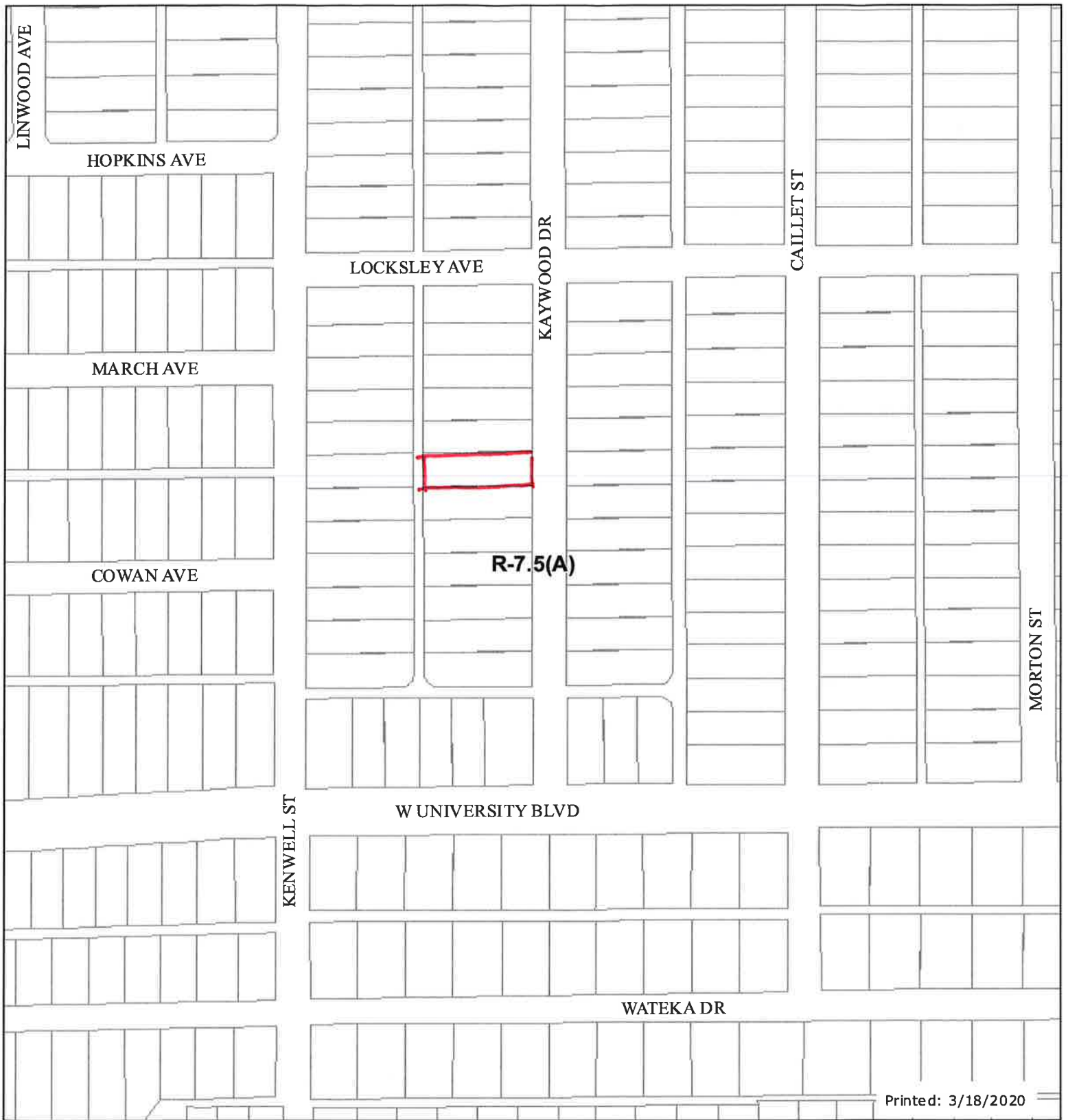
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 26<sup>th</sup> day of February, 2020



Emily Carpenter  
Notary Public for Dallas County, Texas  
Commission expires on 01-09-2024





Printed: 3/18/2020

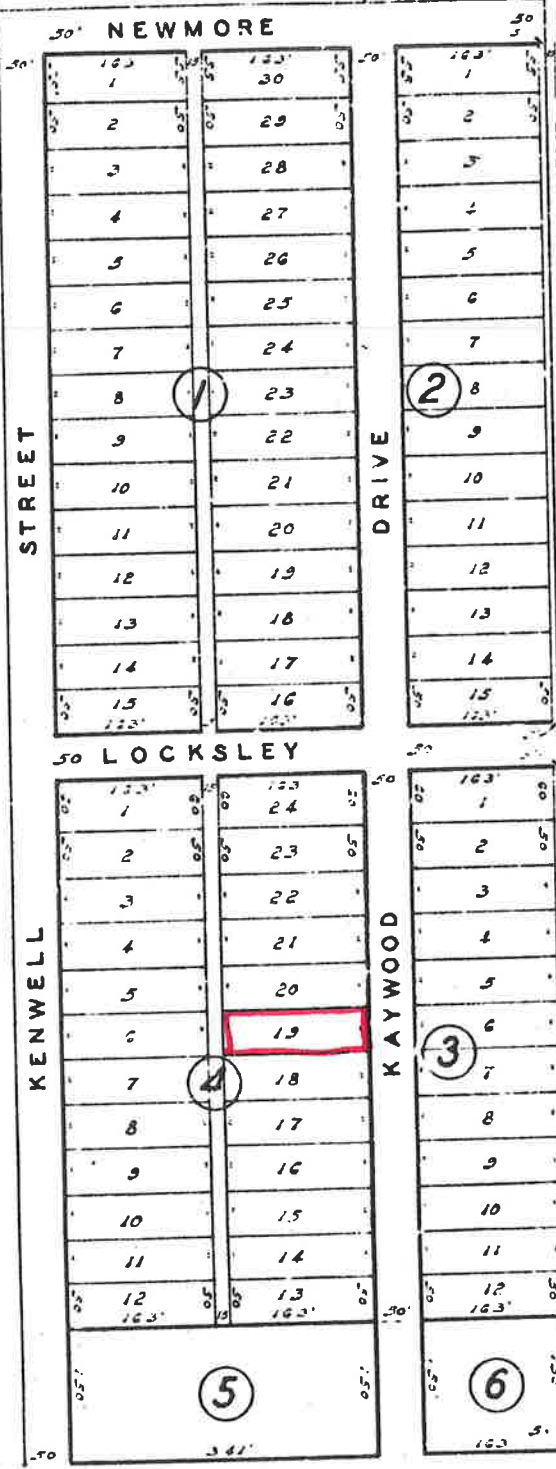
### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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)



2ND. NORTH PARK ADDN.



AVE.

AVE.

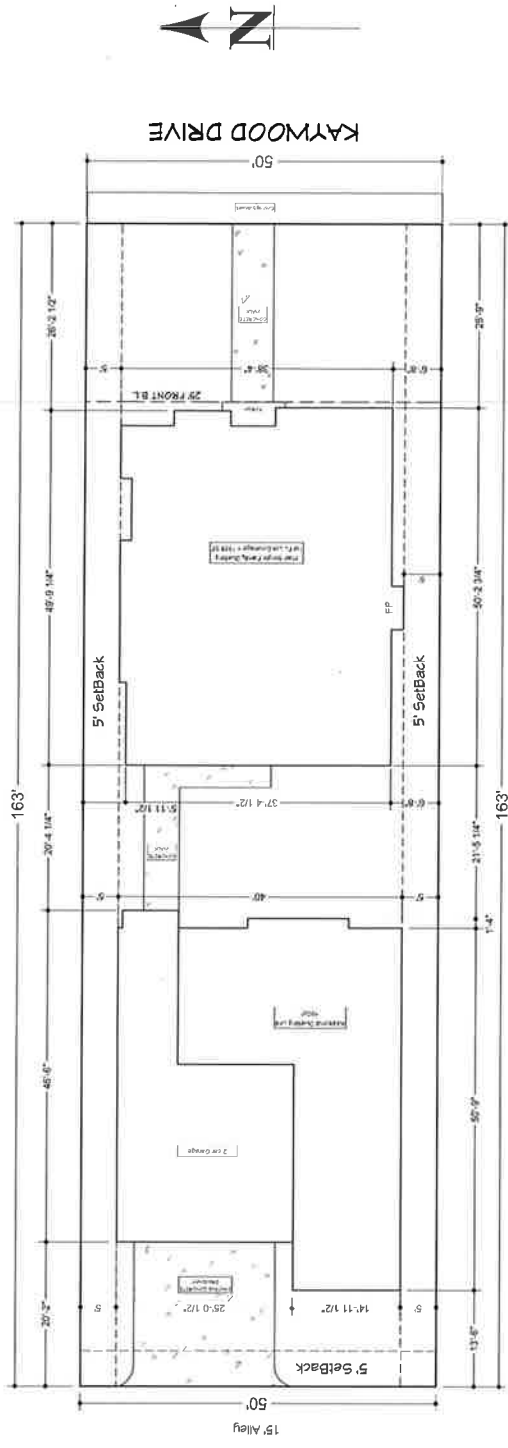
LOVERS LANE

UNIVERSITY

BLVD.

BDA 190-059  
Lot 19 4/4831

R. C. COLE SUR ABST. 320



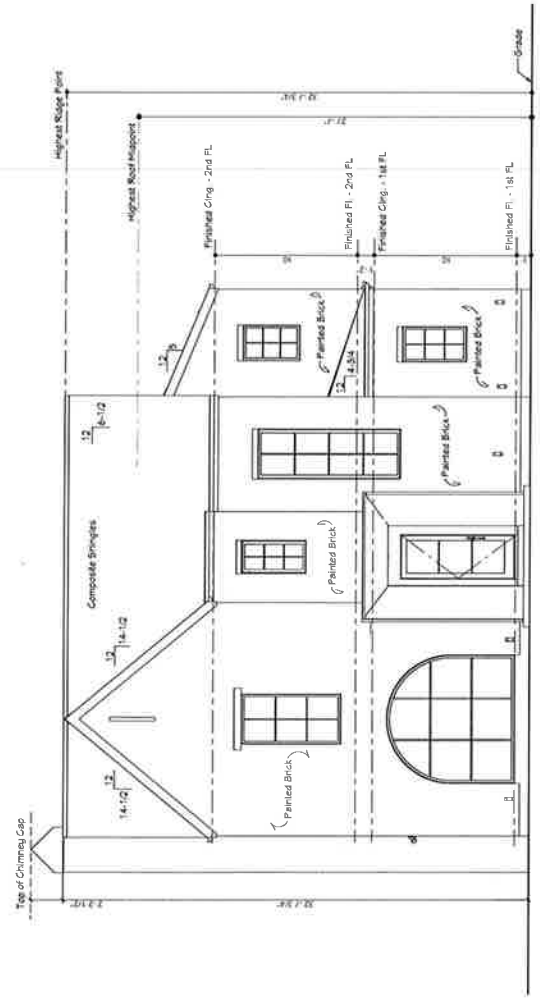
**7315 KAYWOOD DRIVE  
 SITE PLAN 1/8" = 1'0"**

7315 KAYWOOD DRIVE, DALLAS, TX 75209  
 UNIVERSITY BOULEVARD TERRACE  
 BLK 4/4831 LT 19

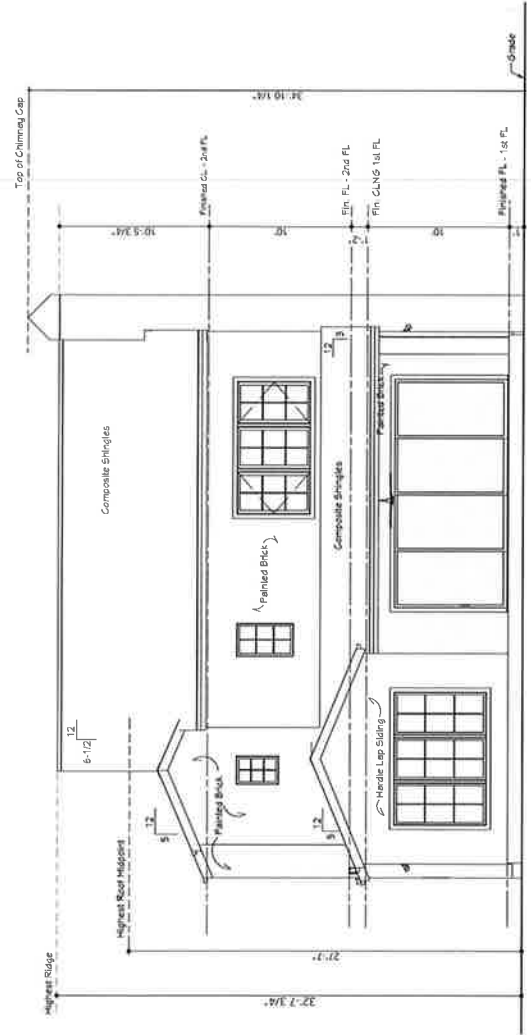
MAIN DWELLING UNIT  
 EXTERIOR ELEVATIONS  
 FRONT & REAR

Red Butterfly Homes LLC  
 DRAWINGS PROVIDED BY:

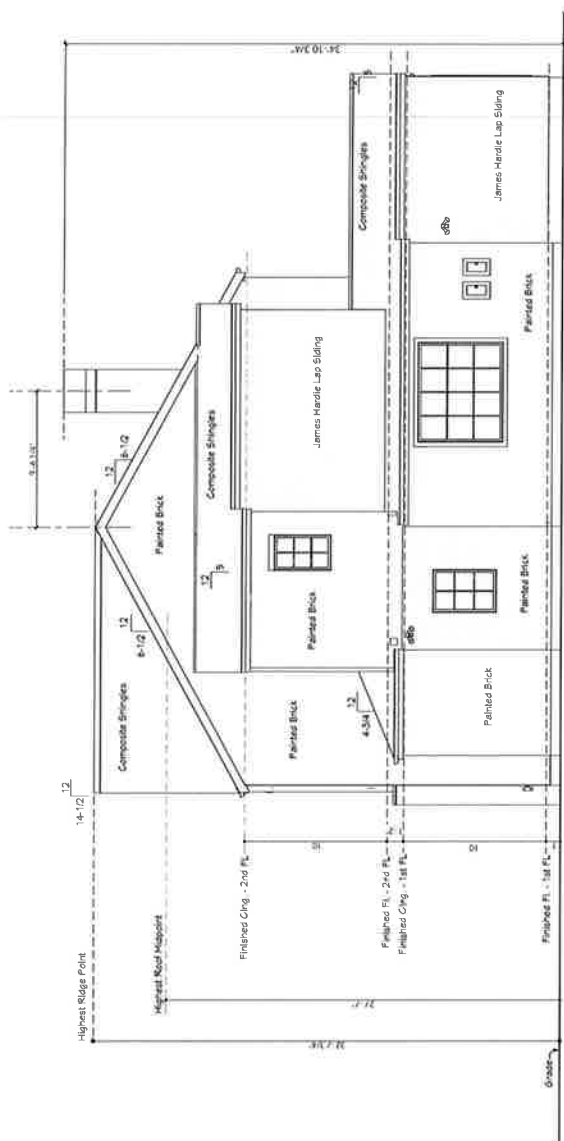
DATE:	2/24/20
SCALE:	1/4" = 1'0"
SHEET:	E-0



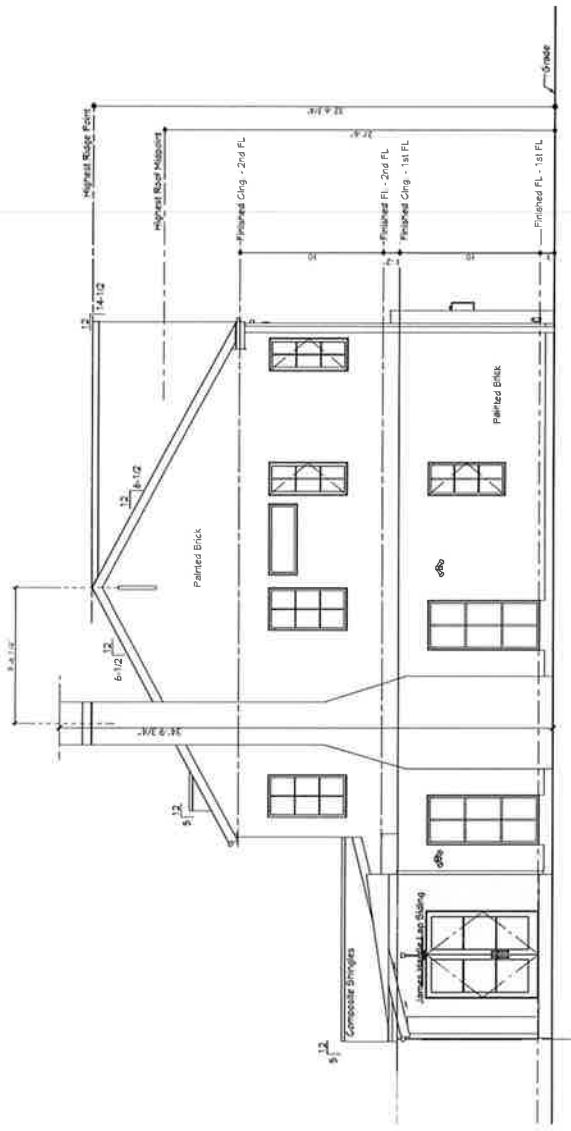
MAIN DWELLING UNIT  
 EAST ELEVATION (FRONT) 1/4" = 1'0"



MAIN DWELLING UNIT  
 WEST ELEVATION (REAR) 1/4" = 1'0"



MAIN DWELLING UNIT  
NORTH ELEVATION (RIGHT) 1/4" = 1'0"



MAIN DWELLING UNIT  
SOUTH ELEVATION (LEFT) 1/4" = 1'0"

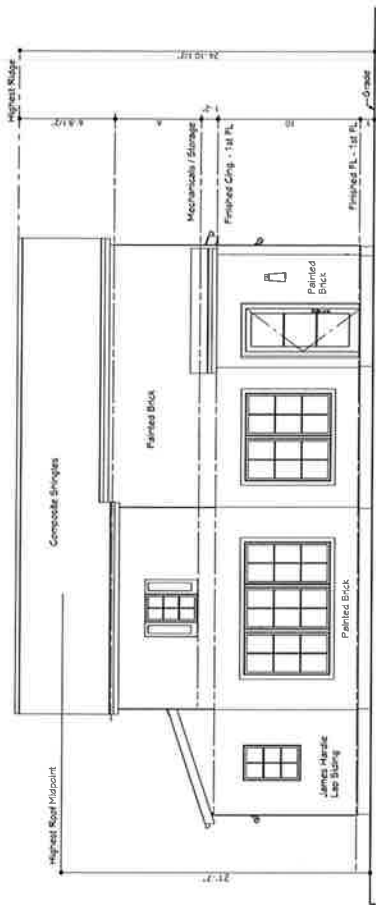


3715 KAYWOOD DRIVE, DALLAS, TX 75209  
 UNIVERSITY BOULEVARD TERRACE  
 BLK 4/4831 LT 19

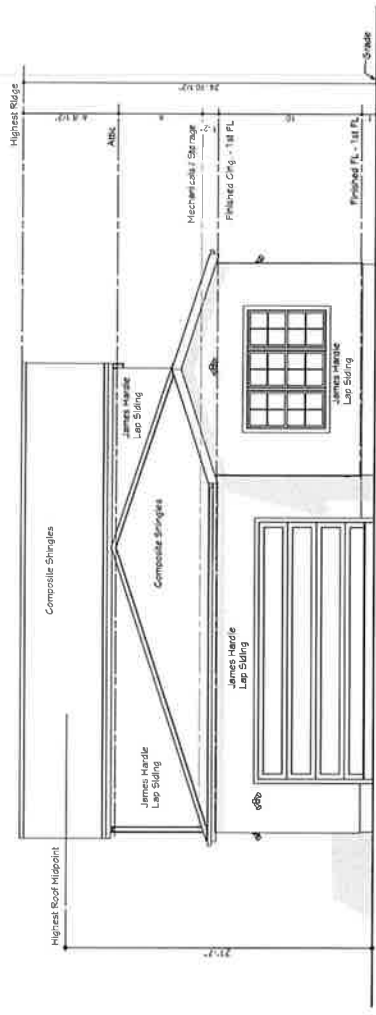
ADDITIONAL DWELLING UNIT  
 EXTERIOR ELEVATIONS  
 FRONT / REAR

Red Butterfly Homes LLC  
 DRAWINGS PROVIDED BY:

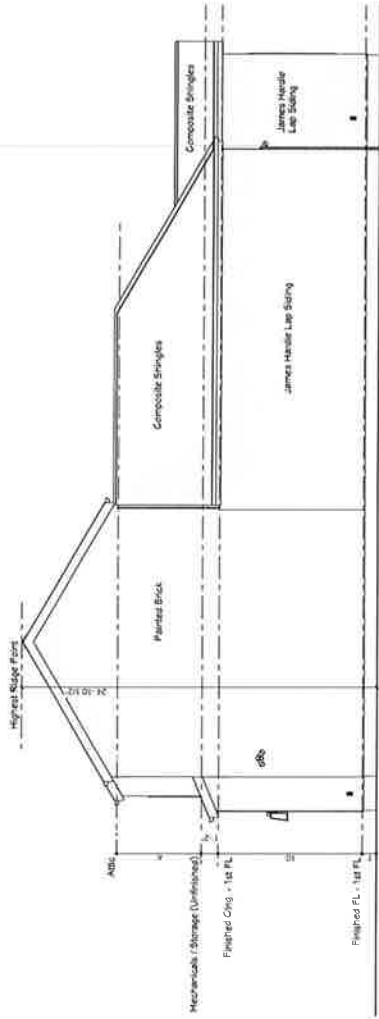
DATE:	2/24/20
SCALE:	1/4" = 1'-0"
SHEET:	E-2



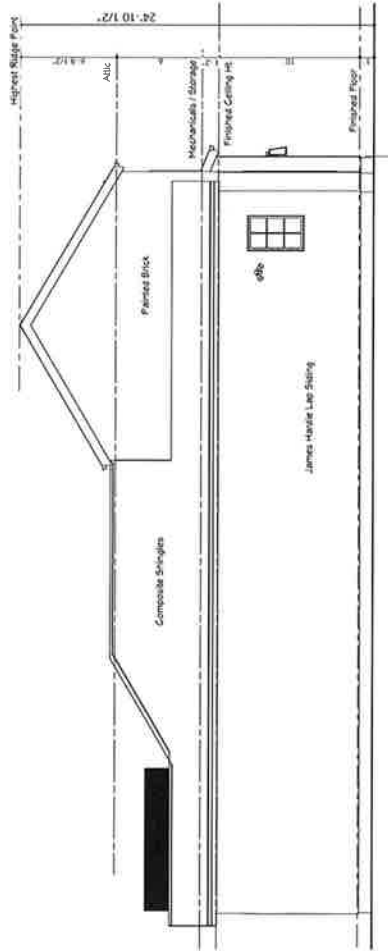
ADDITIONAL DWELLING UNIT  
 EAST ELEVATION (FRONT) 1/4" = 1'-0"



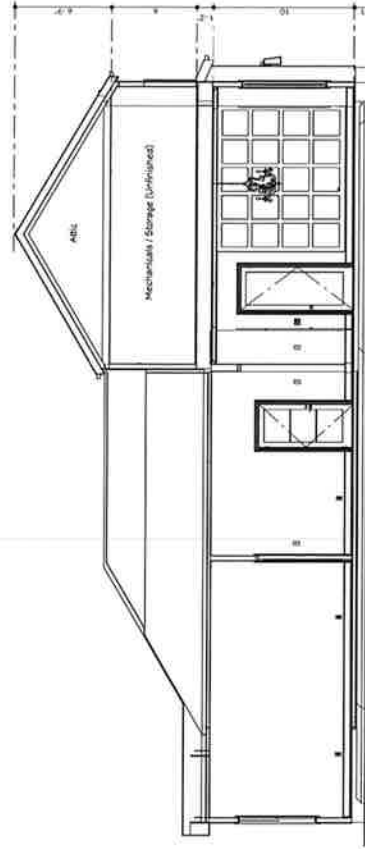
ADDITIONAL DWELLING UNIT  
 WEST ELEVATION (REAR) 1/4" = 1'-0"



ADDITIONAL DWELLING UNIT  
NORTH ELEVATION (RIGHT SIDE) SCALE 1/4" = 1'0"

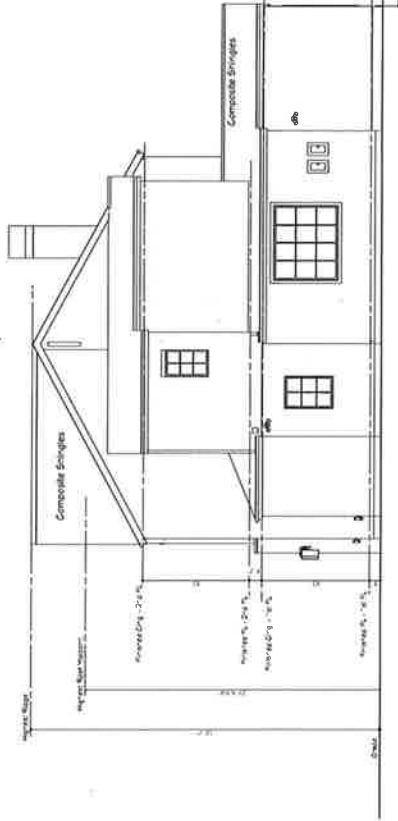


ADDITIONAL DWELLING UNIT  
SOUTH ELEVATION (LEFT SIDE) SCALE 1/4" = 1'0"

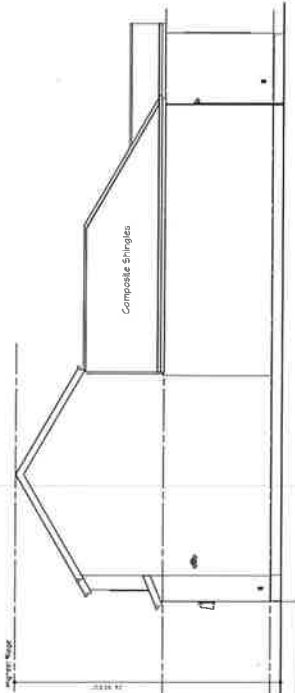


ADDITIONAL DWELLING UNIT  
SOUTH SECTION VIEW (LEFT SIDE) SCALE 1/4" = 1'0"

Main Dwelling Unit

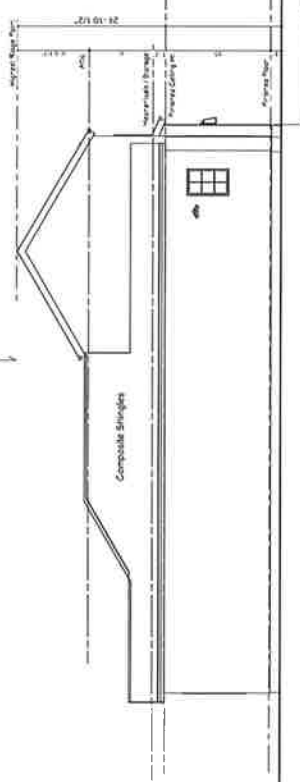


Additional Dwelling Unit /  
Detached Garage

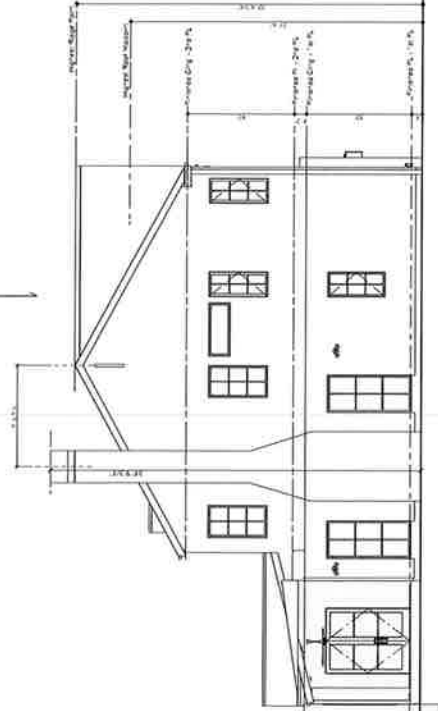


7315 KAYWOOD DRIVE - LOT ELEVATION - RIGHT SIDE (NORTH)  
SCALE 3/16" = 1'0"

Additional Dwelling Unit /  
Detached Garage



Main Dwelling Unit



7315 KAYWOOD DRIVE - LOT ELEVATION - LEFT SIDE (SOUTH)  
SCALE 3/16" = 1'0"

7315 KAYWOOD DRIVE, DALLAS, TX 75209  
UNIVERSITY BOULEVARD TERRACE  
BLK 4/4831 LT 19

7315 KAYWOOD DR.  
SIDE LOT ELEVATIONS

Red Butterfly Homes LLC  
DRAWINGS PROVIDED BY:

DATE:

2/24/20

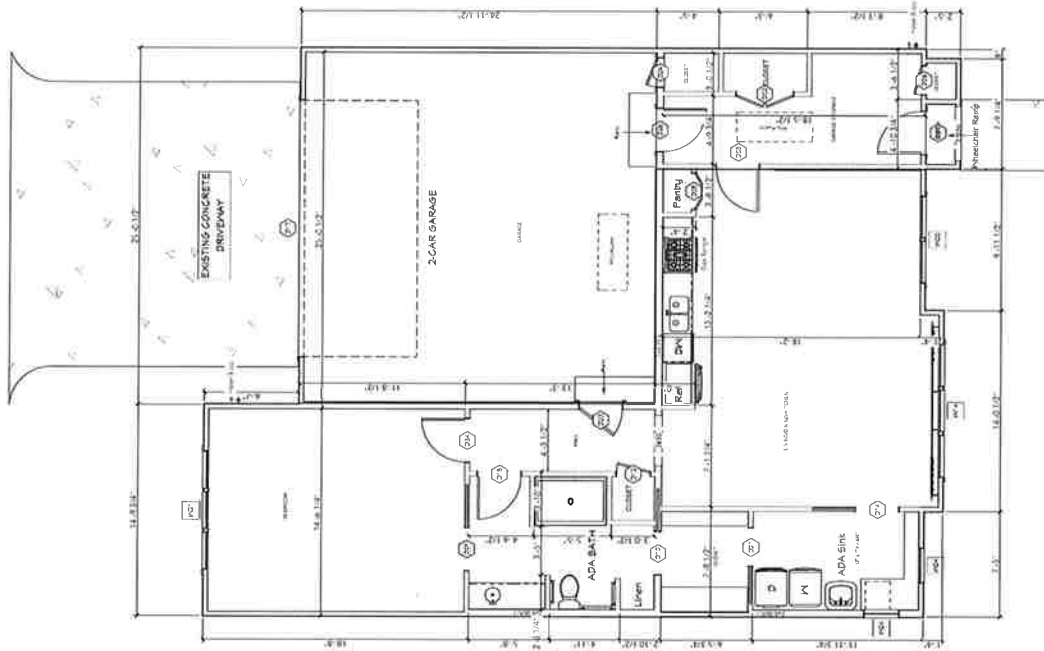
SCALE:

3/16" = 1'0"

SHEET:

E-4

15' ALLEY



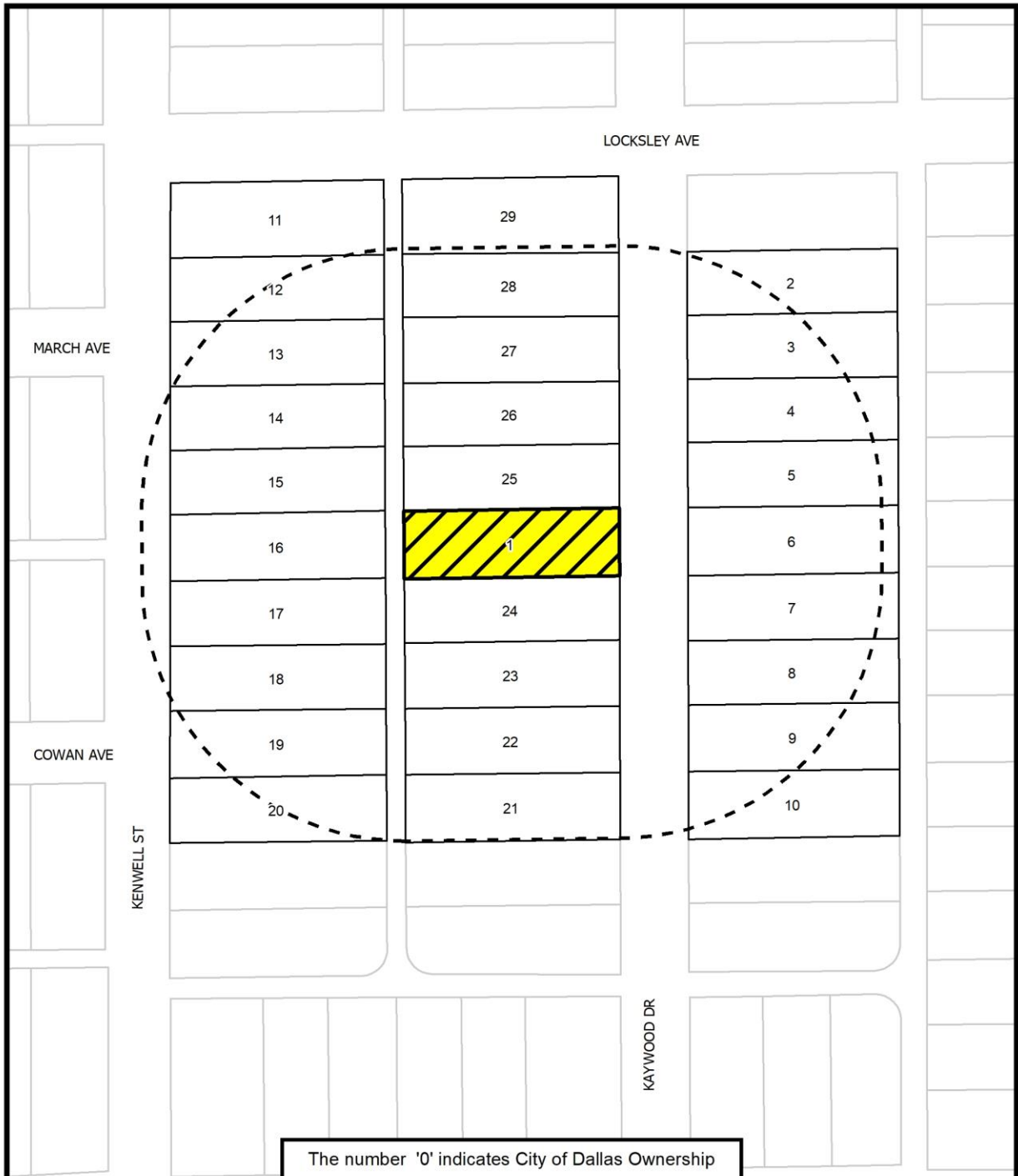
ADDITIONAL DWELLING UNIT: FLOOR PLAN  
SCALE 1/4" = 1'0"


7315 KAYWOOD DRIVE, DALLAS, TX 75209  
UNIVERSITY BOULEVARD TERRACE  
BLK 4/4831 LT 19

ADDITIONAL DWELLING UNIT  
FLOOR PLAN

Red Butterfly Homes LLC

DATE:	2/24/20
SCALE:	1/4"=1'0"
SHEET:	F-2



  
 1:1,200

## NOTIFICATION

200' AREA OF NOTIFICATION  
29 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-059  
 Date: 5/29/2020



05/27/2020

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

***BDA190-059***

***29 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	7315 KAYWOOD DR	GUERRIERO LISA HUDSPETH
2	7414 KAYWOOD DR	BUFFIN BARBARA ANN
3	7410 KAYWOOD DR	TWINE MATTHEW JR
4	7406 KAYWOOD DR	CARDENAS JOHN A & LESLIE A
5	7402 KAYWOOD DR	OLERIO HOMES LLC
6	7314 KAYWOOD DR	MERMAID PPTIES FOUR LLC
7	7310 KAYWOOD DR	HOLLINS IHERIA
8	7306 KAYWOOD DR	WILLIAMS ILEAINE &
9	7302 KAYWOOD DR	GALVAN ROSAURA & ERISTEO
10	7222 KAYWOOD DR	ARNEY JOHN M &
11	7418 KENWELL ST	WILLIAMS RETHIA
12	7414 KENWELL ST	CHATMAN DOROTHY J
13	7410 KENWELL ST	BOLTEX HOLDINGS LTD
14	7406 KENWELL ST	WARFIELD ODESSA M
15	7402 KENWELL ST	GRISBY JO ANN &
16	7314 KENWELL ST	RICHARDSON LETHA MAE
17	7310 KENWELL ST	RICHARDSON KEMESHIA K
18	7306 KENWELL ST	WATSON MICHAEL A
19	7302 KENWELL ST	PORTER JOHN L II
20	7222 KENWELL ST	PORTER BILLIE
21	7221 KAYWOOD DR	RAM 7221 LLC
22	7303 KAYWOOD DR	ROBBINS JOEL & KEVIN M MOORE
23	7307 KAYWOOD DR	HOSSEINY MONA
24	7311 KAYWOOD DR	WRIGHT PAUL C
25	7403 KAYWOOD DR	BOLTEX HOLDINGS LTD
26	7407 KAYWOOD DR	GONZALEZ FERNANDO

**FILE NUMBER:** BDA190-060(OA)

**BUILDING OFFICIAL'S REPORT:** Application of James William Heathcott represented by Kevin Parma for a variance to the rear yard setback regulations at 5507 Bryan Street. This property is more fully described as Lot 4, Block 17/1871, and is zoned PD-63 (Area C), which requires a rear yard setback of 50 feet. The applicant proposes to construct a single-family residential structure and provide a 45-foot six-inch rear yard setback, which will require a four-foot six-inch variance to the rear yard setback regulations.

**LOCATION:** 5507 Bryan Street

**APPLICANT:** James William Heathcott  
represented by Kevin Parma

**REQUESTS:**

A request for a variance to the rear yard setback regulations of four-feet six-inches is made to add and maintain an attached covered rear patio to the existing single family structure 45-feet six-inches from the rear property line or up to four-feet six-inches into the required 50-foot rear yard setback on a site that is developed with a two-story residential structure.

**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 (rear yard variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD No. 63 (Area C) zoning district by its restrictive area due to being irregular in shape and smaller in lot size than all of the six lots in PD No. 63 (Area C) zoning district that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same PD No. 63 (Area C) zoning district.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed addition on the subject site is commensurate to 25 other lots located in the rear of the lot and in the same PD No. 63 zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 63 (Planned Development District)  
North: R-7.5 (A) (Single Family District)  
South: PD No. 63 (Planned Development District)  
East: PD No. 63 (Planned Development District)  
West: PD No. 63 (Planned Development District)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS (rear yard variance):**

This request focuses on adding and maintaining an attached covered rear patio to the existing single family structure 45-feet six-inches from the rear property line or up to four-feet six-inches into the required 50-foot rear yard setback on a site that is developed with a two-story residential structure.

Structures on lots zoned PD No. 63 (Area C) are required to provide a rear yard setback of 50 feet. A site plan has been submitted denoting the proposed enclosed rear patio structure located structure 45-feet six-inches from the rear property line. The site plan shows that approximately 30 percent of the accessory structure will be located in the site's 50-foot rear yard setback.

The subject site is irregular in shape and smaller than the average lot within the PD No. 63 (Area C) with 11,900 square feet in area; however, the minimum lot size required by the PD is 7,500 square feet.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed attached covered rear patio structure on the subject site is commensurate to 25 other lots in the same PD No. 63 zoning district. Attachment A also notes the average lot size of 25 lots in this district is 12,488 square feet while the subject lot is only 11,900 square feet.

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

- That granting the variance to the rear 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 PD No. 63 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. 63 zoning classification.

If the board were to grant this rear yard setback variance request and impose the submitted site plan as a condition, the structures in the rear yard setback would be limited to what is shown on this document. Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than for an attached covered rear patio to the existing single family structure to be 45-feet six-inches from the rear

property line or up to four-feet six-inches into the required 50-foot rear yard setback on a site that is developed with a two-story residential structure.

**Timeline:**

March 19, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

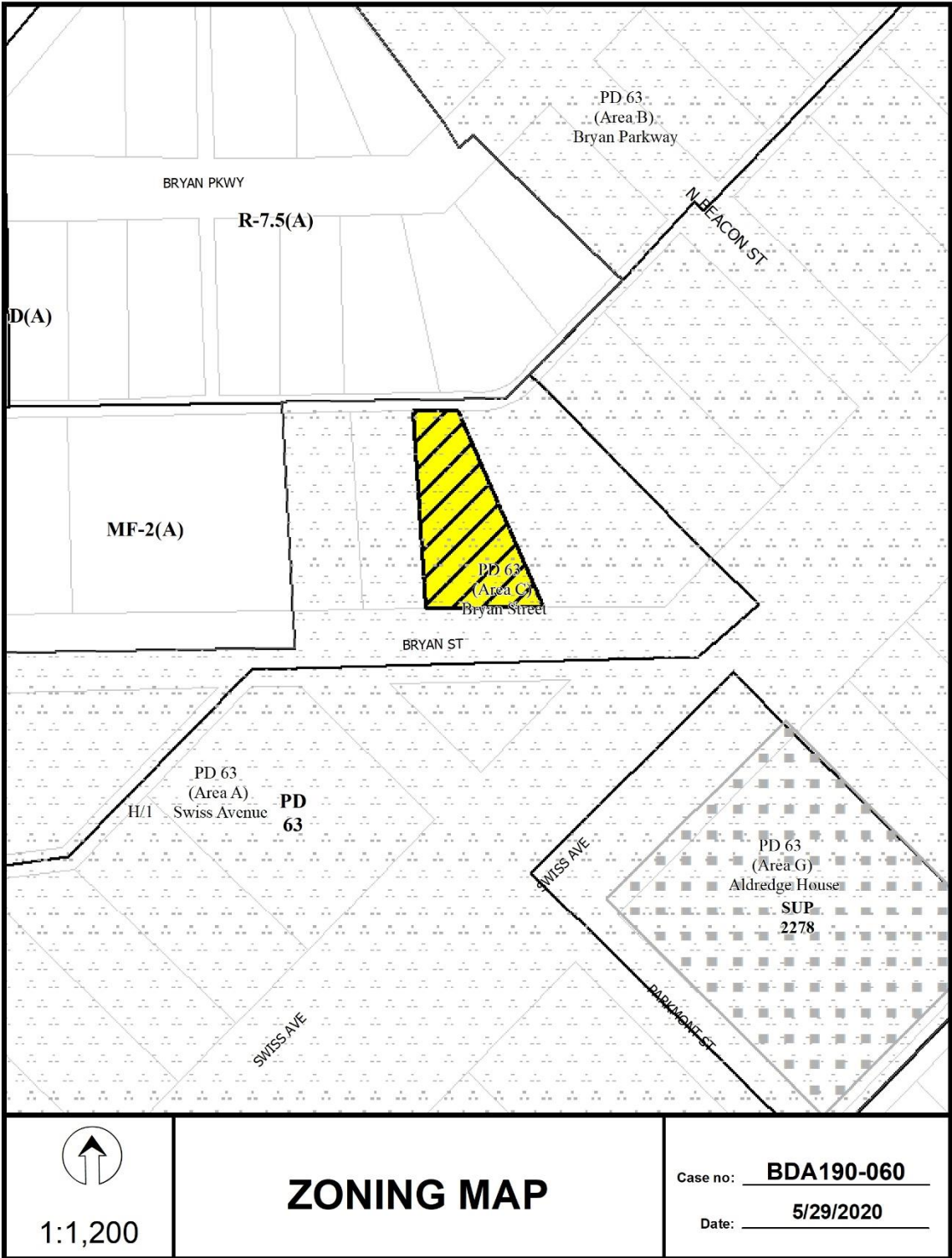
May 13, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 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.”

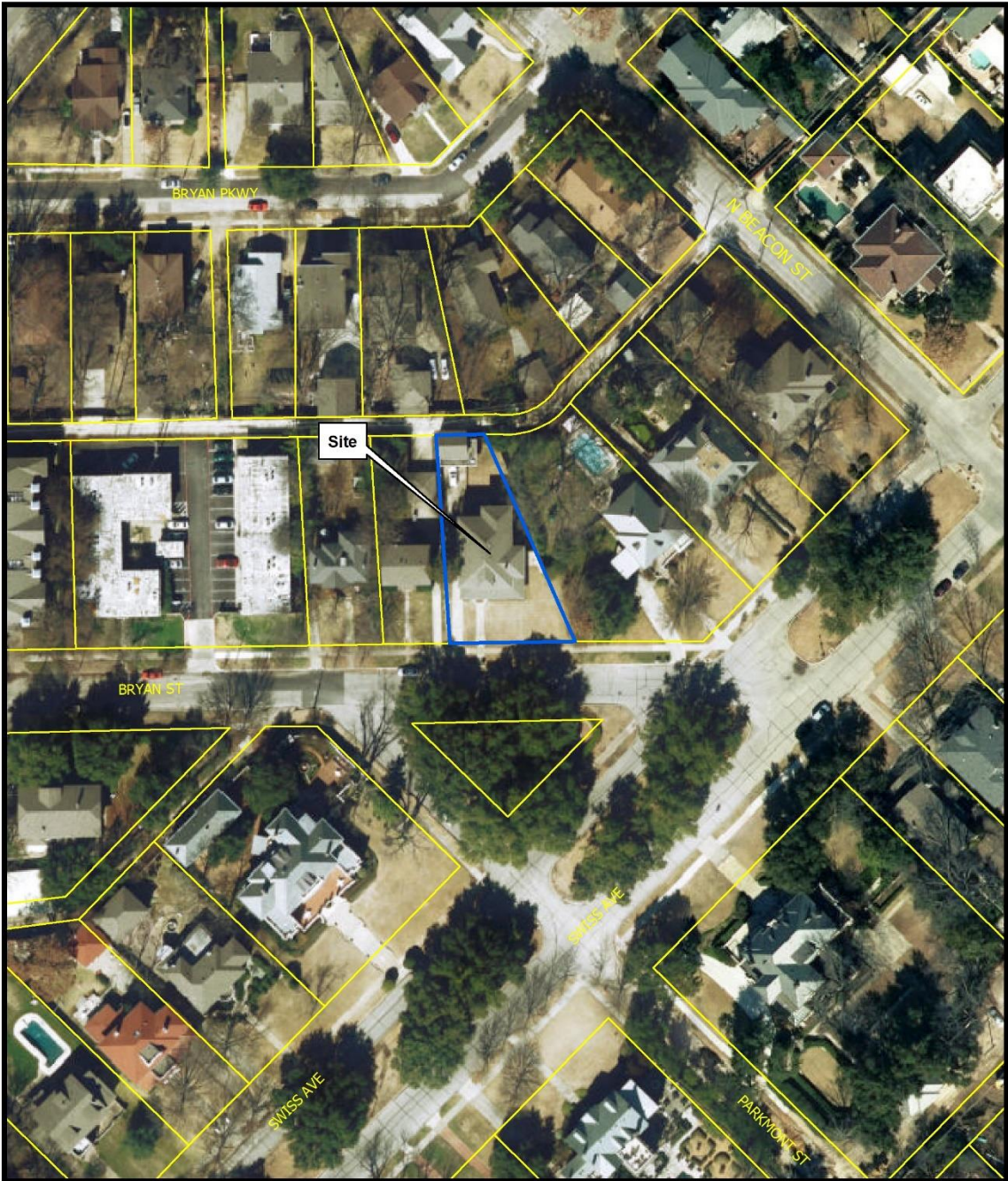
June 4, 2020: The applicant submitted additional evidence (Attachment A).

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board

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







1:1,200

# AERIAL MAP

Case no: BDA190-060

Date: 5/29/2020

RECEIVED  
MAR 20 2020  
BY: SRM



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-060

Data Relative to Subject Property:

Date: 3/20/2020

Location address: 5507 Bryan Street

Zoning District: PD63-AREA C

Lot No.: 4 Block No.: 17/1871 Acreage: 11.900 sqft Census Tract: 14.00

Street Frontage (in Feet): 1) 100' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James W. Heathcott and Debora S Heathcott

Applicant: James William Heathcott Telephone: 512-748-5731

Mailing Address: 6015 Bryan Parkway Dallas, TX Zip Code: 75206

E-mail Address: billheathcott@gmail.com

Represented by: Kevin Parma Telephone: 214-761-0318

Mailing Address: 1712 S. Akard Dallas, TX Zip Code: 75215

E-mail Address: kevpeparmadesign.com

Affirm that an appeal has been made for a Variance , or Special Exception , of THE 50' MINIMUM REAR YARD SETBACK FOR MAIN BUILDINGS OF UP TO 4'-3-3/4"

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 COMPLETE AND MAINTAIN A ONE STORY COVERED PATIO ATTACHED TO A TWO STORY SINGLE FAMILY STRUCTURE DUE TO THE IRREGULAR SHAPE OF THE SITE AND DUE TO THE PRESERVATION CRITERIA TO MEET HISTORICAL DESIGN STANDARDS ON THE FRONT HALF OF THE STRUCTURE.

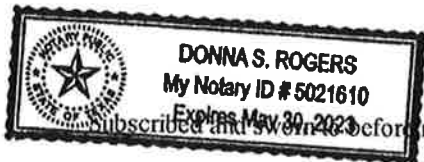
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared JAMES WILLIAM HEATHCOTT (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 19 day of MARCH 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 James William Heathcott  
represented by PARMA DESIGN  
did submit a request variance to the rear yard setback regulations  
at 5507 Bryan Street

BDA190-060. Application of James William Heathcott represented by Kevin Parma for a variance to the rear yard setback regulations at 5507 BRYAN ST. This property is more fully described as Lot 4, Block 17/1871, and is zoned PD-63 (Area C), which requires a rear yard setback of 50 feet. The applicant proposes to construct a single family residential structure and provide a 45 foot 6 inch rear yard setback, which will require a 4 foot 6 inch variance to the rear yard setback regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-060

I, DEBORAH S. HEATHCOTT, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5507 BRYAN ST.  
(Address of property as stated on application)

Authorize: JAMES W. HEATHCOTT  
(Applicant's name as stated on application)

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

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

Specify: REAR YARD SETBACK VARIANCE

DEBORAH S. HEATHCOTT Debra Heathcott 4/30/2020  
 Print name of property owner/agent    Signature of property owner/agent    Date

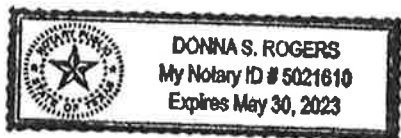
Before me, the undersigned, on this day personally appeared Debra Heathcott

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

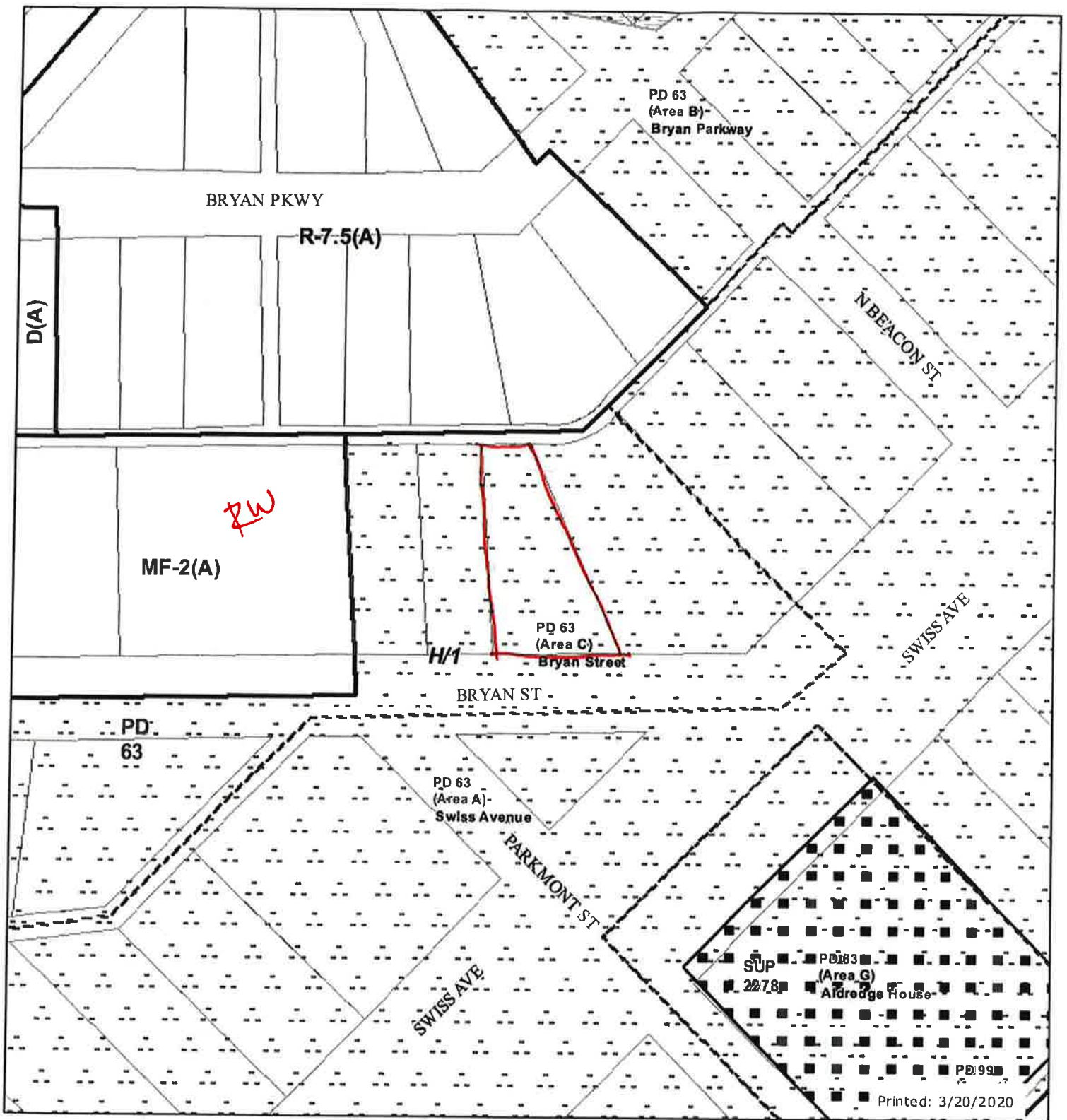
Subscribed and sworn to before me this 30 day of April 2020

Donna Rogers  
Notary Public for Dallas County, Texas

Commission expires on 5-30-2023







### 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           |
| Mills 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)





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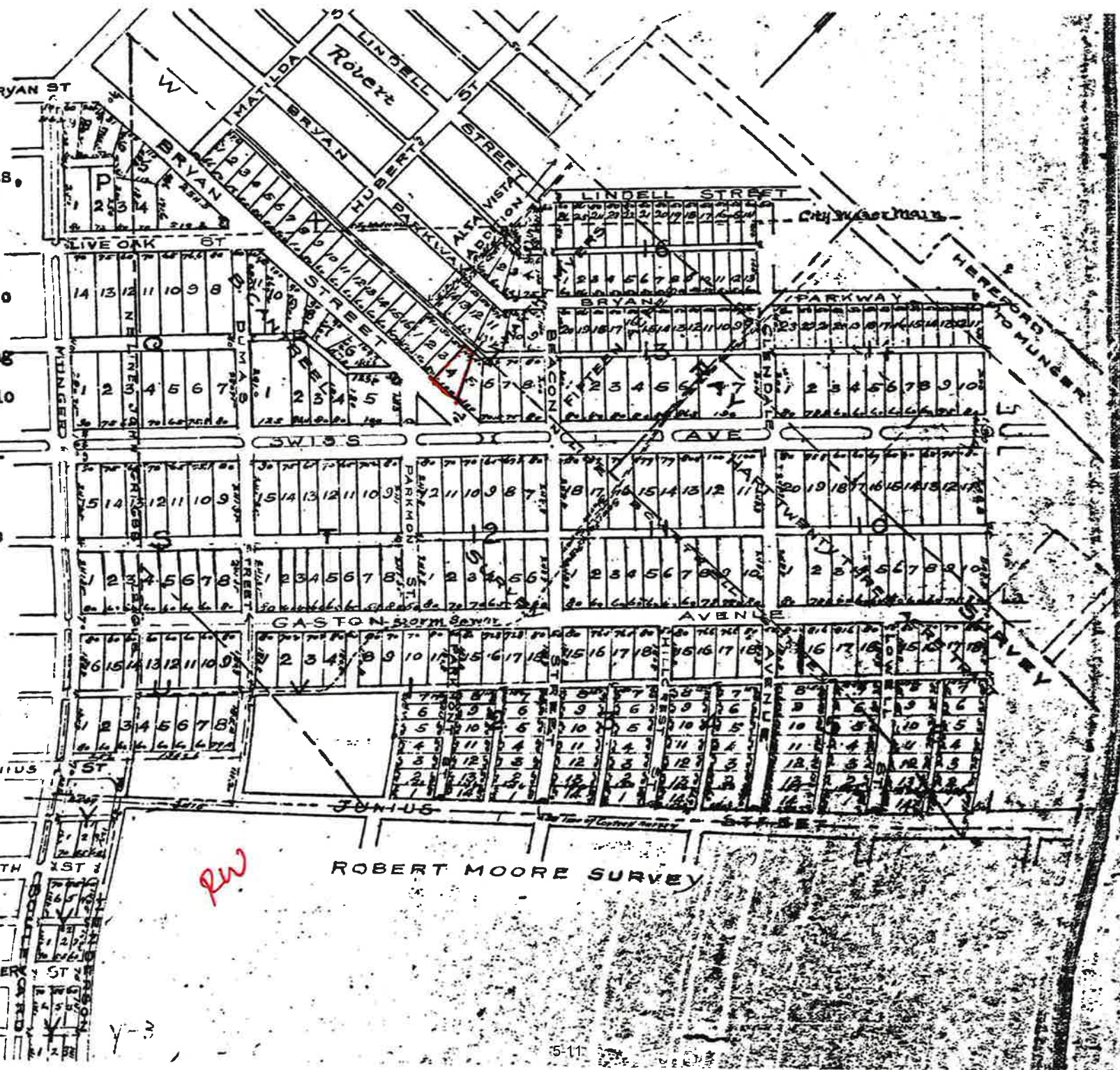
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APPLICATION TO THE BOARD OF ADJUSTMENTATTACHMENT A

## Appeal:

A request for a variance to the 50 foot minimum rear yard setback for main buildings of up to 4'-3 ¾" is made to complete and maintain a one story covered patio attached to a two story single family structure due to the irregular shape of the site and due to the preservation criteria to meet historical design standards on the front half of the structure.

## Context:

The property is located in the Swiss Avenue Historic District (PD-63, Area C). A 3,644 sqft single family main structure exists on the lot originally built in 1915 which received a renovation and addition to the rear of the house more recently. A 360 sqft detached garage with 360 sqft living quarters above also exist on the property at the rear of the site. The existing main structure sits 46.1 ft from the front property line, a full 16' behind the required front yard setback. PD-63 Area C requires a 50' rear yard setback for main structures and a 5' rear yard setback for other structures. The eastern property line sits at a 69.4° angle giving the property lines and therefore setback lines an irregular shape. The current owner purchased this property in 2020. The owner proposes a renovation to the most recent remodel at the rear of the main structure that will include a small addition (137 sqft on the first floor and 157 sqft on the second floor) which includes a 294 sqft attached covered rear patio which meets the district's preservation criteria and is in the same scale and character as the existing structure's preserved front porch.

The proposals to construct a rear addition on the main structure, construct a rear porch on the main structure, and installing an exterior stairway and trellis on side façade of the rear accessory structure was reviewed and approved by the Landmark Commission on 6/1/2020.

## Explanation of Hardships:

- 1) The shape of this lot is irregular and is 578 sqft smaller than the average lot size when compared to all lots in PD-63 Area C. 5507 Bryan is also 11,778 sqft smaller in lot size than 25 selected properties in Area A. 5507 Bryan's proposed living area size is 950 sqft smaller than 25 selected properties in Area A. A literal enforcement of the setbacks on this property results in an unnecessary hardship in terms of developing the site commensurately with other lots in Area C as well as the broader Swiss Avenue Historic District. A covered rear porch cannot be placed in the side yard due to the sharp angle of the eastern property line. Furthermore, a covered rear patio on the side of the house would not be compatible with the craftsman style of this historic home nor compatible with the historic nature of the Swiss Avenue Historic District. Please see Tables 1 and 2 for a list of all lots in Area C and the average lot and living area sizes compared to 5507 Bryan. Please see Tables 3 and 4 for a list of 25 lots in Area A and their average lot and living area sizes compared to 5507 Bryan.

- 2) The existing main structure sits 46.1 ft from the front property line, a full 16' behind the required 30' front yard setback. Per PD-63 preservation criteria, the front 50% of the main structure which includes the front porch cannot be modified. Therefore the existing location of the historically protected main structure sitting further from the front yard setback line than required, plus the 50' rear yard setback in conjunction with the irregular shape of the lot restricts the development of the rear 50% of the main structure. Literal enforcement of the 50' rear yard setback would require the addition of a rear patio to be shallower than the existing front porch meaning the rear patio would not be compatible with the scale and character of the existing historical front porch. PD-63's design criteria and review process are meant to enforce and preserve the historic nature of the neighborhood, however the 50' rear yard setback prevents the owner from matching the historic front porch.

<u>PD 63 Area C</u>	<u>Lot Area (sq ft.)</u>	<u>Living Area (sq ft.)</u>
<b>5507 Bryan Existing</b>	<b>11,900</b>	<b>3,644</b>
<b>5507 Bryan Proposed</b>	<b>11,900</b>	<b>3,938</b>
5418 Bryan	10,241	2,444
5420 Bryan	16,166	3,814
5501 Bryan	8,960	2,285
5503 Bryan	8,000	1,998
5521 Swiss	19,602	3,652

Table 1

<u>PD 63 Area C</u>	<u>6 Lots</u>
Avg Lot Area	12,478 sqft
5507 Bryan Lot Area	11,900 sqft
Lot Area Difference	578 sqft
Avg Living Area	2,973 sqft
5507 Bryan Living Area - Existing	3,644 sqft
5507 Bryan Living Area - Proposed	3,938 sqft
Living Area Difference From Proposed	-965 sqft

Table 2

<u>PD 63 Area A Selected Properties</u>	<u>Lot Area (sq ft.)</u>	<u>Living Area (sq ft.)</u>	<u>Comments</u>
5411 Swiss	22,008	4,161	Interior lot w/in same blocok as 5507 Bryan
5527 Swiss	15,075	6,320	Interior lot w/in same blocok as 5507 Bryan
5417 Swiss	13,455	4,137	Interior lot w/in same blocok as 5507 Bryan
5416 Swiss	21,850	4,052	Interior lot w/in same blocok as 5507 Bryan
5408 Swiss	19,780	4,432	Interior lot w/in same blocok as 5507 Bryan
5518 Swiss	16,214	4,586	Interior lot w/in same blocok as 5507 Bryan
5922 Swiss	20,240	4,385	Interior lot
5112 Swiss	23,324	5,915	Interior lot
5105 Swiss	33,320	6,141	Interior lot
5215 Swiss	27,440	5,513	Interior lot
5731 Swiss	29,835	4,003	Interior lot
5614 Swiss	22,895	4,086	Interior lot
5520 Swiss	23,958	4,536	
5928 Swiss	21,505	4,720	Interior lot
4926 Swiss	19,040	4,140	Interior lot
4930 Swiss	19,516	4,824	Interior lot
4937 Swiss	27,146	5,728	Interior lot
5007 Swiss	31,920	5,744	Interior lot
5020 Swiss	38,794	5,542	Interior lot
5017 Swiss	22,878	5,268	Interior lot
5109 Swiss	27,800	4,055	Interior lot
5303 Swiss	28,100	5,166	Interior lot
5305 Swiss	28,560	4,982	Interior lot
5302 Swiss	20,930	5,162	Interior lot
5901 Swiss	16,362	4,610	Interior lot

Table 3

<u>PD 63 Area A Selected Properties</u>	<u>25 Lots</u>
Avg Lot Area	23,678 sqft
5507 Bryan Lot Area	11,900 sqft
Lot Area Difference	11,778 sqft
Avg Living Area	4,888 sqft
5507 Bryan Living Area - Existing	3,644 sqft
5507 Bryan Living Area - Proposed	3,938 sqft
Living Area Difference From Proposed	950 sqft

Table 4





*Existing main structure from front yard*



*Existing main structure from rear yard.*



*View of angled eastern property line at side yard.*

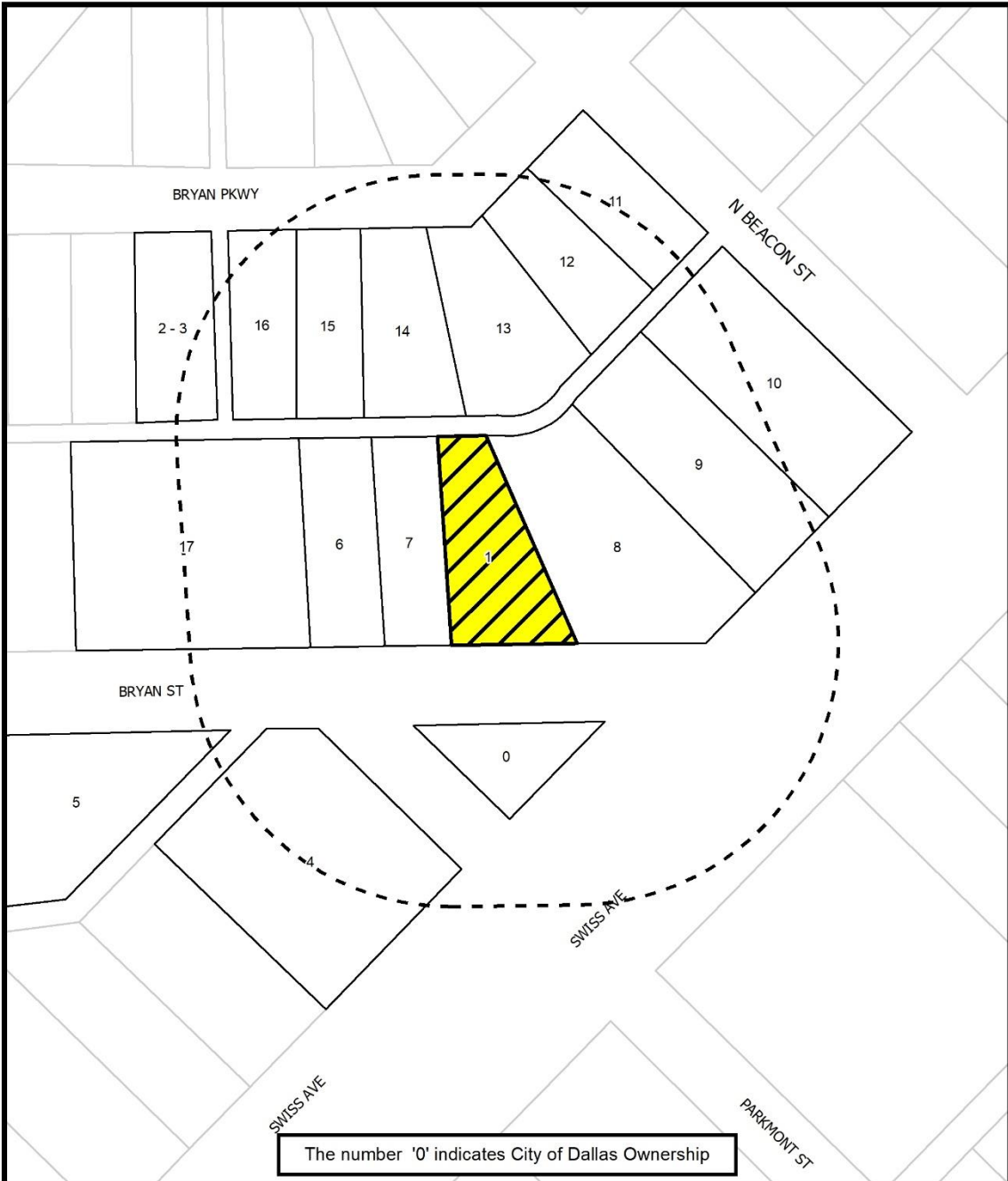


*View of existing historic front porch.*



*View of existing rear façade modified during previous remodel by different owner.*





 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>17</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>17</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA190-060</b> Date: <b>5/29/2020</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>17</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					



05/27/2020

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

***BDA190-060***

### ***17 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5507 BRYAN ST	DUNKERLEY JAMES F &
2	5924 BRYAN PKWY	HOGUE THOMAS II
3	5924 BRYAN PKWY	HOGUE THOMAS M II
4	5439 SWISS AVE	MCDANIEL BARBARA JEAN
5	5420 BRYAN ST	VAUGHAN ROBERT B
6	5501 BRYAN ST	WEINBERGER RISA
7	5503 BRYAN ST	MOBLEY THERESA & ORAN
8	5521 SWISS AVE	HAMILTON CHRISTOPHER SCOTT & ANNE LANGDON
9	5527 SWISS AVE	HARTMANN PAUL T & JULIE L
10	5533 SWISS AVE	MCCAVID TODD A & LAURA W
11	5948 BRYAN PKWY	SCHAUB ROBYN & ADAM C
12	5944 BRYAN PKWY	MEYER MICHELLE &
13	5940 BRYAN PKWY	ALVES ANTONIO &
14	5936 BRYAN PKWY	WERNITZ AARON & ANDREA
15	5930 BRYAN PKWY	MCCOLLUM ROBERT H
16	5926 BRYAN PKWY	HOGUE THOM
17	5421 BRYAN ST	HETRICK DENNIS W &

**FILE NUMBER:** BDA190-062(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Mark D Massey represented by Angela Massey for special exceptions to the fence height regulations at 3 Rosalie Drive. This property is more fully described as Lot 3, Block 4/8711, and is zoned PD No. 226, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a five-foot-high fence in a required front yard, which will require a one-foot special exception to the fence standards regulations.

**LOCATION:** 3 Rosalie Drive

**APPLICANT:** Mark D Massey  
represented by Angela Massey

**REQUESTS:**

A request for a special exception to the fence height regulations of one foot is made to construct and maintain a fence higher than four feet-in-height in both front yard setbacks:

- a) Along Rosalie Drive: a five-foot wrought iron fence with a swing wrought iron gate; and
- b) Along Pleasant Ridge Drive: a five-foot wrought iron fence with a sliding wrought iron gate.

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

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

**STAFF RECOMMENDATION:**

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

## **BACKGROUND INFORMATION:**

### **Zoning:**

Site: PD No 226 (Plan Development District)  
North: PD No 226 (Plan Development District)  
South: PD No 226 (Plan Development District)  
East: PD No 226 (Plan Development District)  
West: PD No 226 (Plan Development District))

### **Land Use:**

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

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

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

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

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.

The subject site is zoned PD No 226 which has a requires a 35-foot front yard setback.

The undeveloped site is located at the northeast corner of Rosalie Drive and Pleasant Ridge Drive. Given the curvature of the street and the street name changed after the curve the subject site has one required front yard with two different street names. The Sustainable Development and Construction Department Senior Engineer has provided a statement (Attachment B) regarding the proposed fence along the curved lot, noting:

- Engineering has no objections with the proposed fence based on our evaluation of proposed conditions if enough space is dedicated for any future sidewalk.
- Any proposed driveway along this curve must be reviewed and approved based on sight distances and observed speeds on Pleasant Ridge at permitting.

The applicant has submitted a site plan and elevation of the proposal along Rosalie Drive and Pleasant Ridge Drive that shows the fence in these front yard setbacks reaching a maximum height of five feet. Particularly, along Rosalie Drive, the fence is represented as being approximately 140 feet-in-length parallel to the street and

approximately 35 feet perpendicular to the street on the east and west side of the site within the required front yard; located approximately five feet from the front property line or about 25 feet from the pavement line. Additionally, on Pleasant Ridge Drive, the fence is represented as being approximately 135 feet-in-length parallel to the street and approximately 35 feet perpendicular to the street on the southwest and northwest side of the site within the required front yard; located approximately at the front property line or about 25 feet from the pavement line.

Staff conducted a field visit of the site and the surrounding area approximately 400 feet north, south, east, and west of the site and noted no other fences that appeared to be above four feet-in-height and located in a front yard setback.

As of June 12, 2020, a petition of support with 10 signatures has been submitted in support (Attachment A) and no letters have been submitted in opposition to the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of one foot in these front yard setbacks will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding one foot-in-height in the front yard setbacks to be maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

January 3, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 13, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

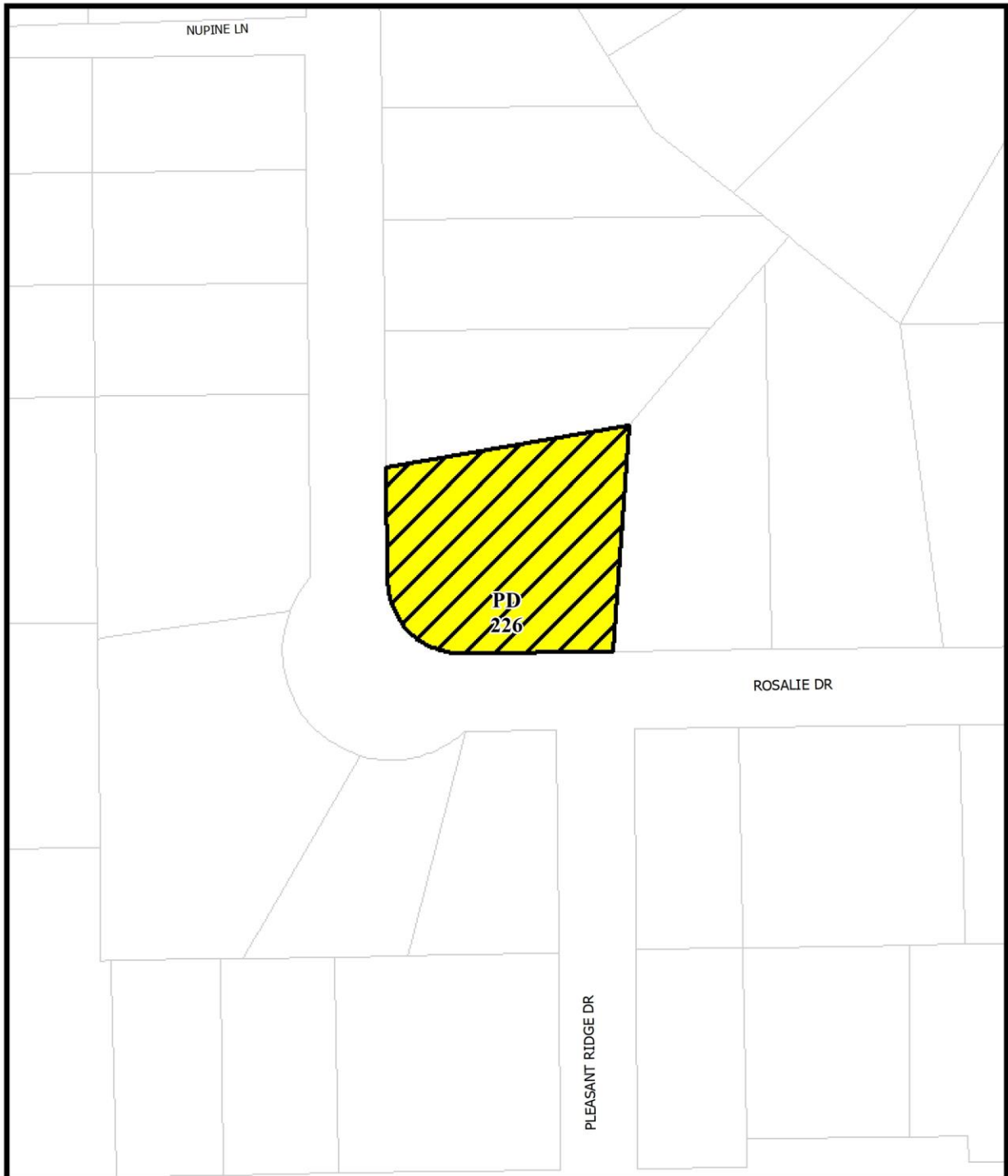
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 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.”

June 2, 2020: The applicant submitted additional documentation (Attachment A).

June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Sustainable Development and Construction Senior Engineer, the Board of Adjustment Senior Planner the Building Inspection Senior Plans Examiner/Development Code Specialist, and the Assistant City Attorney to the board.

June 15, 2020: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “has no objections” (Attachment B).



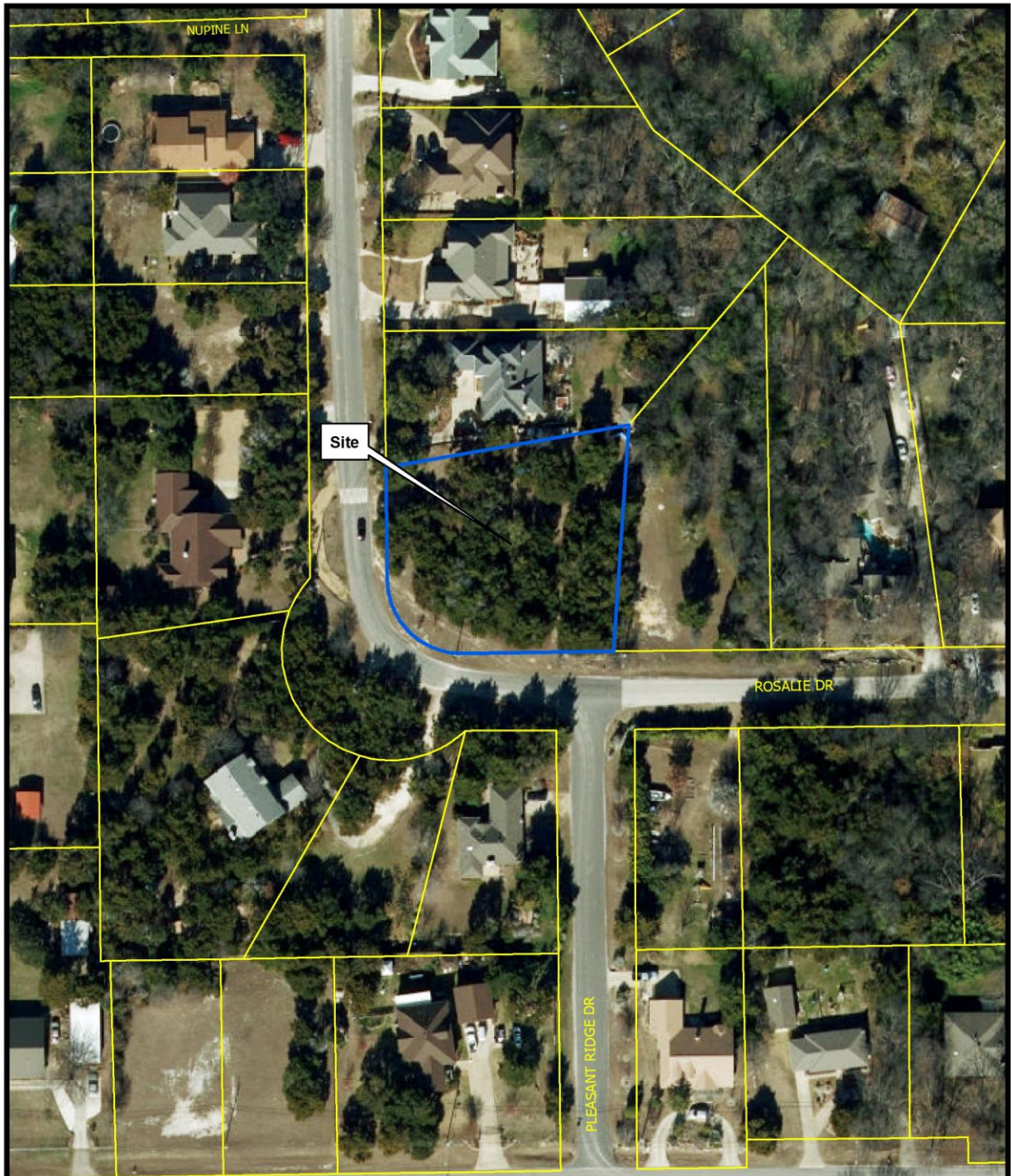
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# ZONING MAP

Case no: BDA190-062

Date: 5/29/2020





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# AERIAL MAP

Case no: BDA190-062

Date: 5/29/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-062

Data Relative to Subject Property:

Date: 4-14-2020

Location address: 3 Rosalie Dr. Zoning District: PD 226

Lot No.: 3 Block No.: 4/8711 Acreage: .1638 Census Tract: 165.21

Street Frontage (in Feet): 1) 120' 2) 163' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARK D MASSEY

Applicant: MARK D MASSEY Telephone: (214) 876-0642

Mailing Address: 5618 Pleasant Ridge Rd. Zip Code: 75236

E-mail Address: mdmassey.mm@gmail.com

Represented by: ANGELA MASSEY Telephone: (214) 876-0975

Mailing Address: 5618 Pleasant Ridge Rd. Zip Code: 75236

E-mail Address: massey@34@aol.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of 2' to the required 4' Fence Height for A total fence height of 6'

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

my fence is constructed in same material, height, and placement as most fences located in my neighborhood.

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

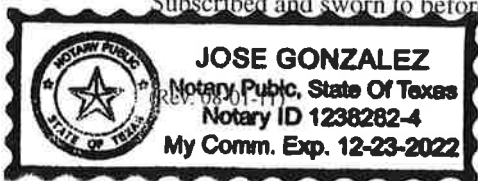
Affidavit

Before me the undersigned on this day personally appeared Mark Massey  
(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 3RD 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 Mark D Massey  
represented by ANGELA MASSEY  
did submit a request for a special exception to the fence height regulations  
at 3 Rosalie Drive

BDA190-062. Application of Mark D Massey represented by Angela Massey for a special exception to the fence height regulations at 3 Rosalie Drive. This property is more fully described as Lot 3, Block 4/8711, and is zoned Pd 226, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a ~~5~~ foot high fence in a required front yard, which will require a ~~7~~ foot special exception to the fence regulations.

*Plus 1' (one)*

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







Printed: 1/2/2020

### 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      | 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)

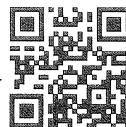


1:2,400



Know what's below.  
Call before you dig.

# BOUNDARY SURVEY



WWW.RHODESSURVEYING.COM

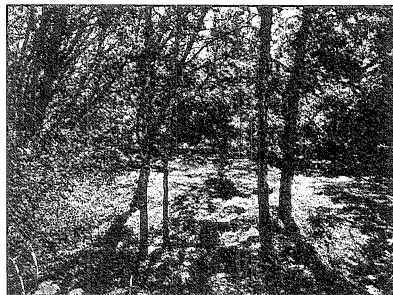
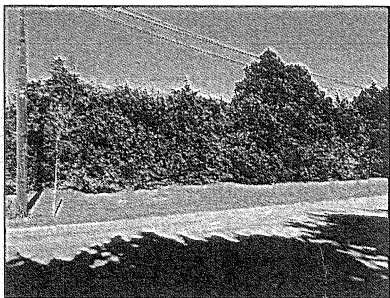
BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 3 ROSALIE DRIVE, in the city of DALLAS Texas.

Lot No. 3, Block No. 4/8711

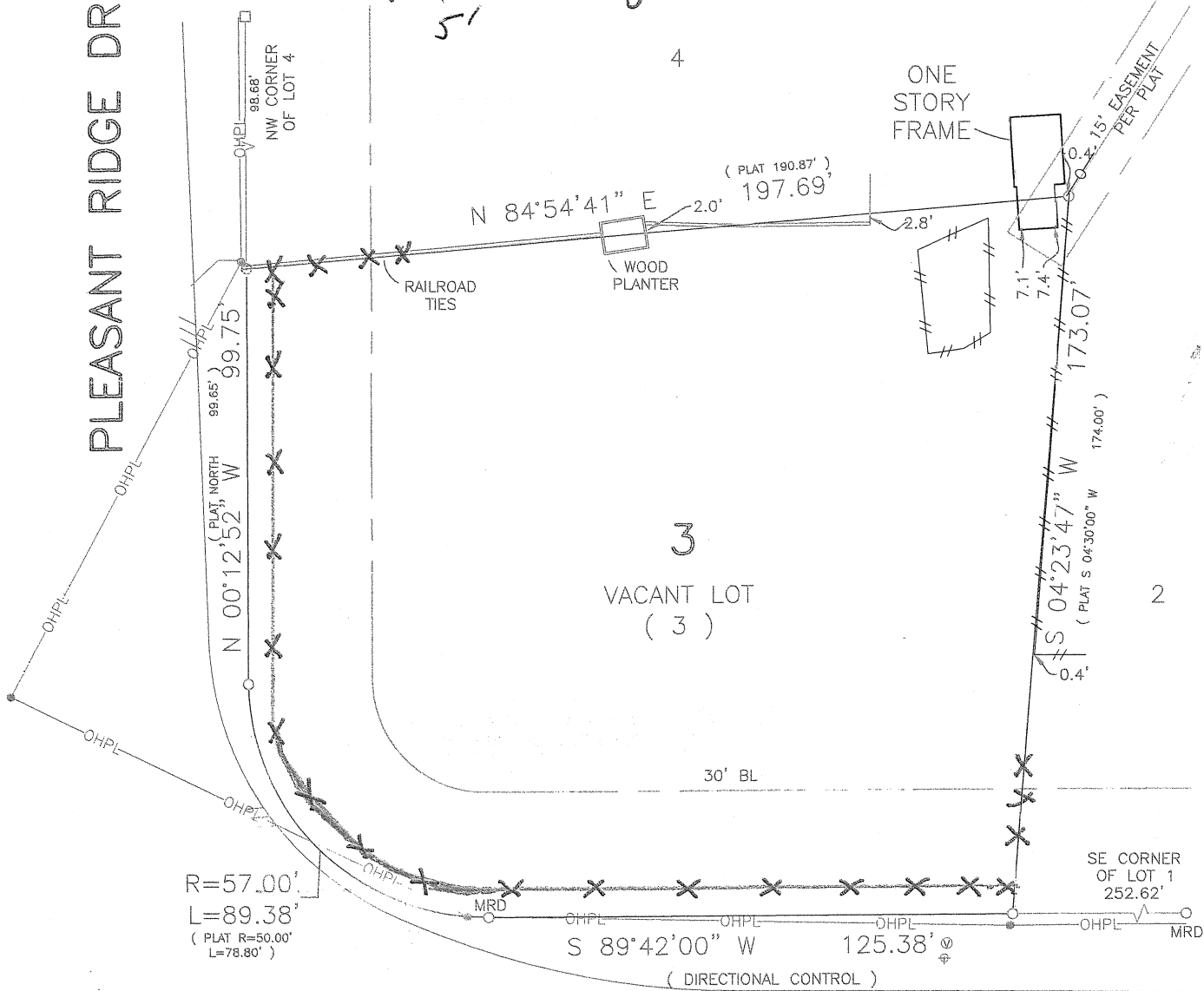
of RED BIRD NO. 7, an addition in the city of

DALLAS, DALLAS COUNTY Texas according to the PLAT RECORDED in VOLUME 20 at PAGE 201 of the PLAT records of DALLAS COUNTY, TEXAS.



PLEASANT RIDGE DRIVE

X=~~5~~ Wrought IRION Fence  
5'



ROSALIE DRIVE

THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE.

1529 E. I-30, STE. 106 - GARLAND, TX 75043 - FIRM REGISTRATION NO. 10194052  
The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSTRACTING WORK FURNISHED BY CORPCARE, INC.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 40'

Date: 01/20/2020

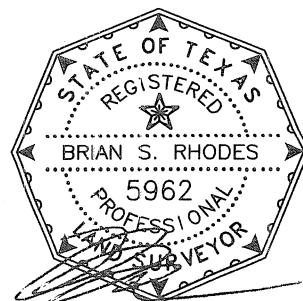
G. F. No.: -

Job no.: 106059

Drawn by: CP

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR ANY LOSS RESULTING THEREFROM.  
THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR CORPCARE, INC.

LEGEND	
WOOD FENCE	--- TEXT
CHAIN LINK	--- IMPROVEMENTS
IRON FENCE	--- BOUNDARY LINE
WIRE FENCE	--- EASEMENT SETBACK
	--- RESIDENCE/BUILDING
MRD - MONUMENTS OF RECORD DIGNITY	
○ 1/2" IRON ROD FOUND	
○ 1/2" YELLOW-CAPPED IRON ROD SET	
□ SET 'X'	
□ FOUND 'X'	
○ 5/8" IRON ROD FOUND	
○ PK NAIL FOUND	
○ CABLE	⊕ - ELECTRIC
○ CLEAN OUT	⊕ - POOL EQUIP
○ GAS METER	⊕ - POWER POLE
○ FIRE HYDRANT	⊕ - TELEPHONE
○ LIGHT POLE	⊕ - WATER METER
○ MANHOLE	⊕ - WATER VALVE
( UNLESS OTHERWISE NOTED )	

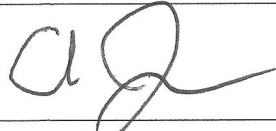
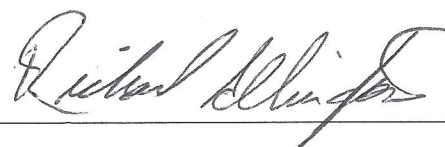




We, the neighbors of Vista Ridge sign this petition in support for the City of Dallas to allow Mark and Angela Massey to install a 5ft wrought iron fence around their property at 3 Rosalie. The one extra foot they are requesting will not impede on the appearance of our neighborhood and would provide them the security they desire for their home. The Massey's have made major improvements to their property which is evident as other neighbors follow suit to do the same.

Name	Address	Email	Zip Code
Alejandro Jaimes	5615 Pleasant Ridge Drive Dallas, TX 75236	ajaimes114@gmail.com	75236
Michael Drake, Jr.	5604 Pleasant Ridge Drive Dallas, TX 75236	mjd Drake@protonmail.com	75236
KEN VAN DOUTEN	5538 Pleasant Ridge Drive DALLAS, TX 75236	Pooch@WAVES.COM	75236
Joshua and Mikara Casey	5566 Pleasant Ridge Dr Dallas TX 75236	joshuatcasey@gmail.com	75236
Christine & Justin Cormier	6431 Rosalie Drive Dallas TX 75236	Christine P. Cormier@ gmail.com	75236

We, the neighbors of Vista Ridge sign this petition in support for the City of Dallas to allow Mark and Angela Massey to install a 5ft wrought iron fence around their property at 3 Rosalie. The one extra foot they are requesting will not impede on the appearance of our neighborhood and would provide them the security they desire for their home. The Massey's have made major improvements to their property which is evident as other neighbors follow suit to do the same.

Name	Address	Email	Zip Code
	5611 Pleasant Ridge	IRA 068.ATL.net	75236
Willie Jimenez	5519 Pleasant Ridge	NTXautoplex@gmail.com	75236
Claudia Huerta	5534 Pleasant Ridge	Claudia.nicole.thornton@gmail.com	75236
Juana Martinez	6414 Rosalie Dr.	Martinez7302@dallasisd.org <del>juana.martinez2@</del>	75236
	5627 PLEASANT RIDGE	R-ELLINGTON@YAHOO.COM	75236

REVIEW COMMENT SHEET  
 BOARD OF ADJUSTMENT  
 HEARING OF **June 24, 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 190-059

BDA 190-060

BDA 190-062

BDA 190-066

COMMENTS:

---

***Engineering has no objections with the proposed fence based on our evaluation of proposed conditions as long as enough space is dedicated for any future sidewalk.***

***Any proposed driveway along this curve must be reviewed and approved based on sight distances and observed speeds on Pleasant Ridge at permitting.***

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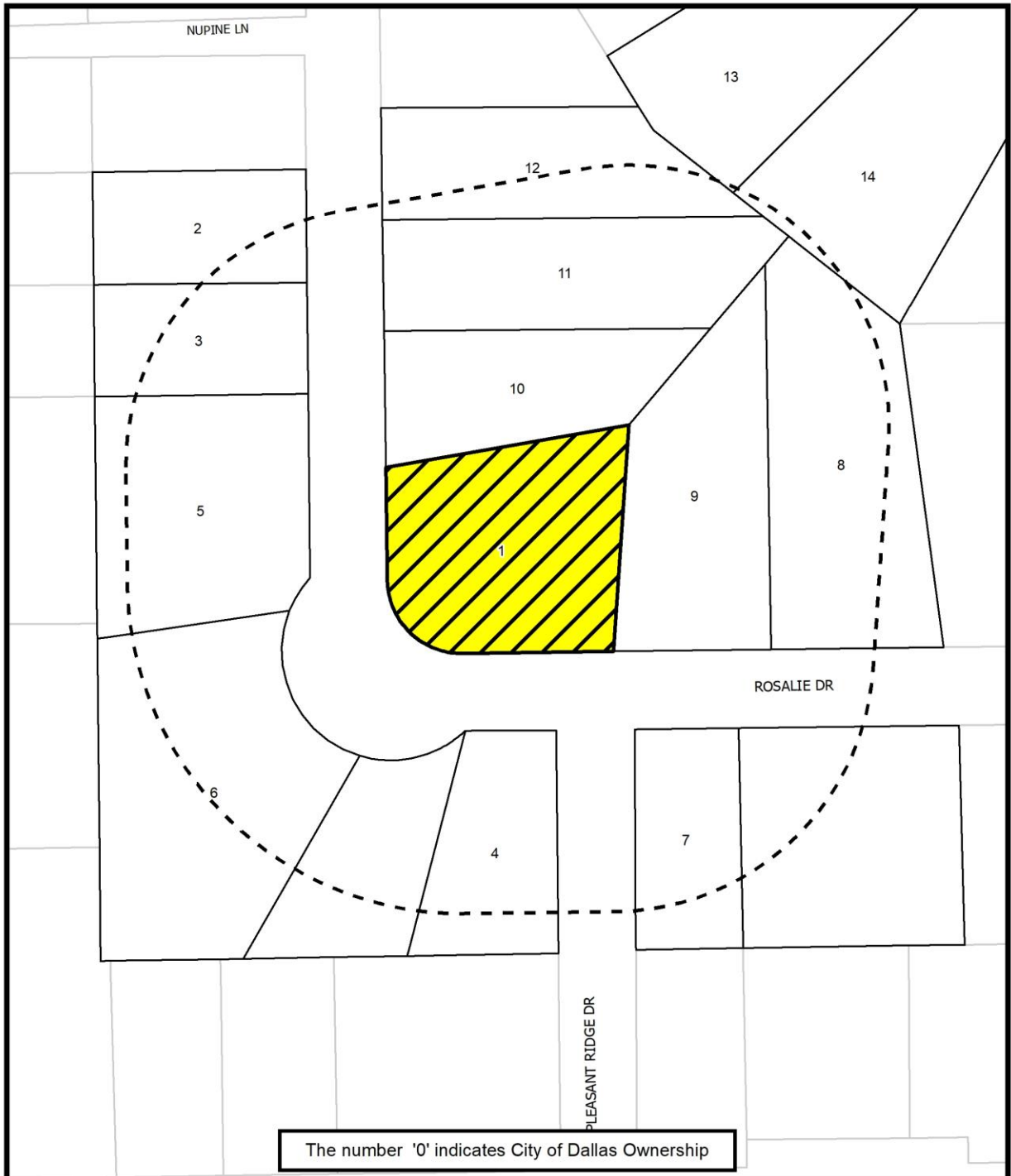
***David Nevarez, PE, PTOE, DEV - Engineering***

***6/11/2020***

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.



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-062</u> Date: <u>5/29/2020</u>
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/29/2020

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

***BDA190-062***

### ***14 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3 ROSALIE DR	MASSEY MARK D
2	5611 PLEASANT RIDGE DR	JACKSON ANTHONY &
3	5615 PLEASANT RIDGE DR	JAIMES ALEJANDRO & MARIANA
4	6438 ROSALIE DR	HAYNES NANCY RUTH &
5	5627 PLEASANT RIDGE DR	ELLINGTON RICHARD & SUSAN
6	5631 PLEASANT RIDGE DR	MILLER JAMES R &
7	99 ROSALIE DR	MOLINAR JOEL & NYDIA C
8	6427 ROSALIE DR	GROS DAVID T & LYNN B
9	6431 ROSALIE DR	CORMIER JUSTIN D & CHRISTINE P
10	5618 PLEASANT RIDGE DR	MASSEY MARK
11	5614 PLEASANT RIDGE DR	JONES SHAWN & KATHLEEN M
12	5610 PLEASANT RIDGE DR	WILKINS SHARON
13	5511 LEEWAY DR	GARCIA ISRAEL &
14	5519 LEEWAY DR	MERAZ NIVARDO OROZCO &

**FILE NUMBER:** BDA190-066(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Jackson Walker LLP for a variance to the height regulations at 5050 Walnut Hill Lane. This property is more fully described as Lot 1A, Block B/5544, and is zoned PD No. 385, which limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a non-residential structure with a building height of 45 feet, which will require a nine-foot variance to the maximum building height regulations.

**LOCATION:** 5050 Walnut Hill Lane

**APPLICANT:** Jackson Walker LLP

**REQUEST:**

A variance to the building height regulations of 9 feet is made to construct and maintain a 45 feet tall Theater and Arts Building on a site that is currently developed as a private school.

**STANDARD FOR A VARIANCE:**

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

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



**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique by its restrictive area, shape and slope. The site has two floodways one located in the east side and one in the west side of the property and a slope that precludes the applicant from developing the site with a structure that can comply with the building height regulations.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD No. 385 (Planned Development )

North: R-1ac(A) (single family districts)

South: R-1ac(A) (single family districts)

East: R-1ac(A) (single family districts)

West: R-1ac(A) (single family districts)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

The request for a variance the building height regulations of nine feet is made to construct and maintain a theater and arts building where portion of the building will be 45 feet tall on a site that is currently developed with a private school use.

The subject site is located in PD No. 385, which states the following with regard to the maximum structure height:

- 80 feet for the theater.
- 46 feet for the bell tower.

- 44 feet for the gymnasium.
- 25 feet for competitive athletic field netting and support poles, inclusive
- of any retaining wall.
- 45 feet above finished grade of the field for light standards used in
- conjunction with a competitive athletic field, as measured to the top of the fixture; and
- 36 feet for all other structures.

In this case, portion of the proposed structure is not considered part of the theater building that is allowed to be 80 feet tall by the building official. The applicant has submitted site plans and elevations that represent theater and arts building where portion of the building will be 45 feet tall, hence the nine-foot variance to the building height regulations.

According to DCAD records, the “main improvement” at 5050 Walnut Hill Lane are two school building structures, a D-wood frame structure built in 1978 with 14,828 square feet of area and a C-masonry structure built in 2008 with 77,392 square feet.

The subject site is sloped, irregular in shape, and according to the application contains approximately 25.8 acres in area.

The submitted site plan denotes the site has a 103.37-foot wide floodway easement fronting Walnut Hill and a 139.91-foot wide floodway easement fronting Inwood Road. This floodway easement limits and restricts the area where the proposed building may be place and the site plan indicates the height of the building is affected by the slope.

The applicant has provided a document stating among other things, that the subject site is unique in that it contains a natural creek/floodway with steep slopes and many trees. Additionally, the natural creek/floodway and slope prevents the site from building in this floodway area. The document indicates that the creek/floodway and steep grades adjacent to the creek/floodway limits and prevents the applicant from complying with PD No. 385 building height regulations.

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

- That granting the variance to the PD No. 385 building height 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 variances to PD No. 385 building height regulations are 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. 385 zoning classification.

- The variances to front yard setback regulations 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 385 zoning classification.

If the Board were to grant the request for a variance to the PD No. 385 building height regulations and impose the applicant's submitted site plan as a condition, the structure that does not comply the 36-foot building height regulations would be limited to that what is shown on this document.

**Timeline:**

April 24, 2020: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

May 13, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

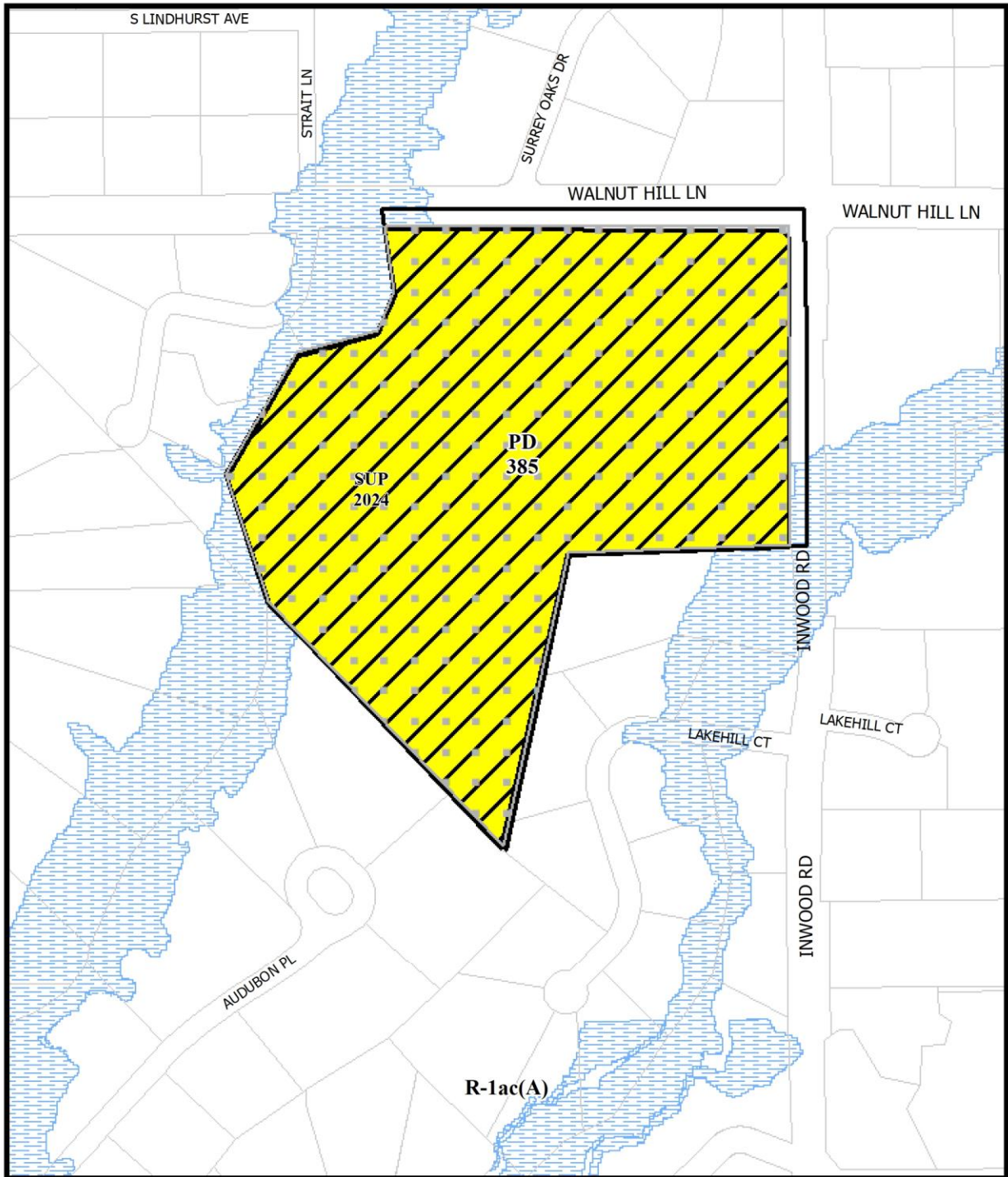
May 13, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 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."

June 5, 2020: The applicant submitted additional documentation on this application to the Construction Department Board of Adjustment Senior Planner beyond what was submitted with the original application (see Attachment A).

June 5, 2020:

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



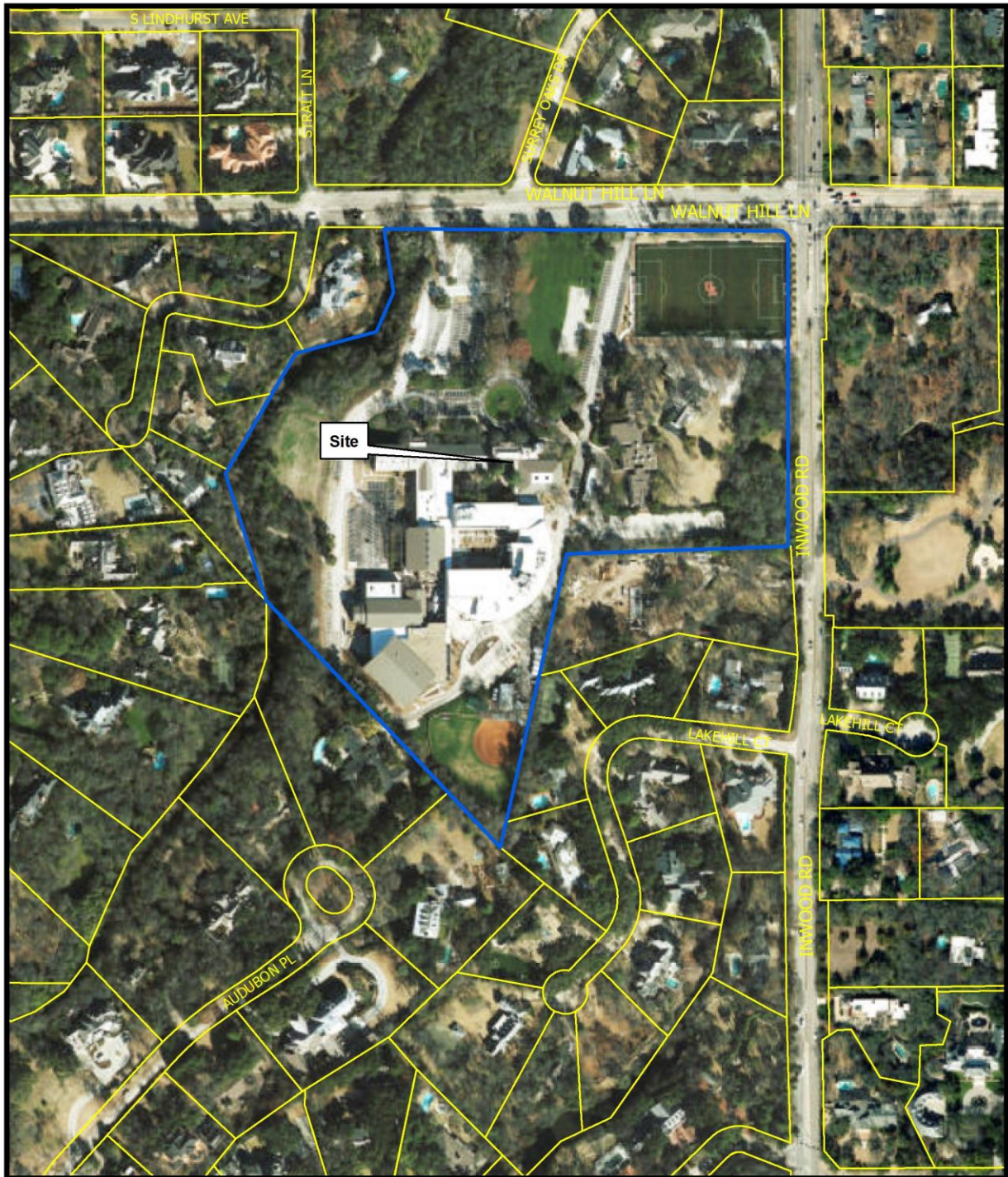
1:3,600

# ZONING MAP

Case no: BDA190-066

Date: 5/29/2020





1:3,600

# AERIAL MAP

Case no: BDA190-066

Date: 5/29/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-066

Date: ~~April 21, 2020~~ 4-28-20

Data Relative to Subject Property:

Location address: 5050 Walnut Hill Lane Zoning District: PD 385

Lot No.: 1A Block No.: B/5544 Acreage: 25.8 acres Census Tract: 206

Street Frontage (in Feet): 1) 918 feet 2) 715 feet 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ursuline Academy of Dallas

Applicant: Jackson Walker LLP/Bill Dahlstrom Telephone: 214-953-5932

Mailing Address: 2323 Ross Avenue, Ste. 600, Dallas, Texas Zip Code: 75201

E-mail Address: wdahlstrom@jw.com

Represented by: Jackson Walker LLP/Bill Dahlstrom Telephone: 214-953-5932

Mailing Address: 2323 Ross Avenue, Ste. 600, Dallas, Texas Zip Code: 75201

E-mail Address: wdahlstrom@jw.com

Affirm that an appeal has been made for a Variance X , or Special Exception    , of nine feet to the height regulations under Sec. 51P-385.109(e)(2)(F), specifically as to a portion of the East Campus Humanities Building.

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

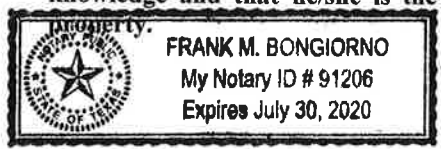
A portion of the site has such an extreme grade from the northwest to the southeast that it lowers the average grade to an unreasonable degree. The variance should be granted because it is not contrary to the public interest since, owing to special conditions, literal enforcement of Chapter 51A and the definition of average grade would result in unnecessary hardship, and the variance is necessary to permit development commensurate with development upon other parcels with the same zoning, all of which will be documented further in additional materials to be provided later.

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

Affidavit

Before me the undersigned on this day personally appeared WILLIAM S. DAHLSTROM (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: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 24 day of April 2020  
[Signature]  
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 Jackson Walker LLP

did submit a request for a variance to the building height regulations  
at 5050 Walnut Hill Lane

BDA190-066. Application of Jackson Walker LLP for a variance to the building height regulations at 5030 WALNUT HILL LN. This property is more fully described as Lot 1A, Block B/5544, and is zoned PD-385, which limits the maximum building height to 36 feet. The applicant proposes to construct a non-residential structure with a building height of 45 feet, which will require a 9 foot variance to the maximum building height regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official







CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-066

I, Gretchen Kane, President of Ursuline Academy of Dallas, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5050 Walnut Hill Lane  
(Address of property as stated on application)

Authorize: Jackson Walker LLP/Bill Dahlstrom and Shannon Quine  
(Applicant's name as stated on application)

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

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

Specify: to the height regulations of Planned Development District 385

Ursuline Academy of Dallas By: [Signature] Its: [Signature]  
 Print name of property owner or registered agent Signature of property owner or registered agent  
 Date 4/23/20

Before me, the undersigned, on this day personally appeared Gretchen Kane

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

Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 2020

[Signature]  
Notary Public for Dallas County, Texas

Commission expires on 10/03/2022



**AFTER RECORDING RETURN TO:**

John R. Lane  
Hallett & Perrin, P.C.  
1445 Ross Avenue, Suite 2400  
Dallas, Texas 75202

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

STATE OF TEXAS           §  
  §       KNOW ALL MEN BY THESE PRESENTS THAT:  
COUNTY OF DALLAS       §

WHEREAS, on September 3, 1942, URSULINE SISTERS OF DALLAS, a Texas non-profit corporation formerly known as THE URSULINE ACADEMY OF DALLAS, with a filing number issued by the Secretary of State of the State of Texas of 8193601 ("URSULINE SISTERS") acquired that certain 28.58 acre tract of land, more or less, located in Dallas County, Texas, more specifically described in deed recorded in Volume 0002368, Page 00122, of the Deed Records of Dallas County, Texas (hereinafter referred to as "Tract 1");

WHEREAS, on January 23, 1963, URSULINE SISTERS acquired that certain 5.308 acre tract of land, more or less, located in Dallas County, Texas, more specifically described in deed recorded in Volume 5949, Page 460, of the Deed Records of Dallas County, Texas (hereinafter referred to as "Tract 2");

WHEREAS, on December 14, 1998, THE URSULINE ACADEMY OF DALLAS, a Texas non-profit corporation with a filing number issued by the Secretary of State of the State of Texas of 14308850 ("URSULINE ACADEMY"), acquired Lots 1 and 2 of a Subdivision of a part of City Block 5544, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 51, Page 5, Map Records, Dallas County, Texas, as described in deed recorded in Volume 98249, Page 00019, of the Deed Records of Dallas County, Texas (hereinafter referred to as "Tract 3");

WHEREAS, by Plat recorded under Clerk's File No(s). 201500163452, Map Records, Dallas County, Texas, Tract 1, Tract 2 and Tract 3 were combined into a single tract of land now known as Lot 1A, Block B/5544, Ursuline Academy of Dallas, an addition to the City of Dallas, Dallas County, Texas (the "Lot 1A Property");

WHEREAS, by Deed dated November 24, 2015, recorded under Clerk's File No(s). 201500324315, Official Public Records, Dallas County, Texas, URSULINE ACADEMY conveyed to URSULINE SISTERS all of URSULINE ACADEMY'S right, title and interest in the Lot 1A Property to URSULINE SISTERS; and

WHEREAS, URSULINE SISTERS now desires to convey to URSULINE ACADEMY all right, title and interest in the Lot 1A Property.

NOW, THEREFORE, URSULINE SISTERS (herein referred to as "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by URSULINE ACADEMY (herein referred to as "Grantee"), whose mailing address is 4900 Walnut Hill Lane, Dallas, Texas 75229, and other good and valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, has GRANTED, SOLD, and CONVEYED and by these presents does GRANT, SELL, and CONVEY unto Grantee the real property situated in Dallas County, Texas described on Exhibit A attached hereto and made a part hereof for all purposes (herein referred to as the "Land"), together with (i) any and all rights, privileges, and appurtenances belonging or pertaining to the Land; (ii) any and all improvements, structures, and fixtures located on, over, and under the Land; (iii) any and all easements or rights-of-way affecting the Land and any of Grantor's rights to use the same; (iv) any and all rights of ingress and egress to and from the Land and any of Grantor's rights to use the same; and (v) all right, title, and interest of Grantor, if any, in and to (a) any and all roads (open or proposed) affecting, crossing, fronting, or bounding the Land, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to the same, (b) any and all air rights, water rights, claims, and permits relating to the Land, and (c) any and all reversionary interests in and to the Land (the Land, together with any and all of the related improvements, rights, privileges, appurtenances, and interests referenced in items (i) through (v) above, are herein collectively referred to as the "Property").

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor but not otherwise, subject to the limitations set forth herein.

Except as specifically stated herein, Grantor hereby specifically disclaims any warranty, guaranty, or representation, oral or written, past, present or future, of, as, to, or concerning (i) the nature and condition of the Property, including but not by way of limitation, the water, soil, geology and the suitability thereof, and of the Property, for any and all activities and uses which Grantee may elect to conduct thereon or any improvements Grantee may elect to construct thereon, income to be derived therefrom or expenses to be incurred with respect thereto, or any obligations or any other matter or thing relating to or affecting the same; (ii) the manner of construction and condition and state of repair or lack of repair of any improvements located thereon; (iii) except for any warranties contained herein, the nature and extent of any easement, right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; and (iv) the compliance of the Property or the operation of the Property with any laws, rules, ordinances, or regulations of any government or other body. THE CONVEYANCE OF THE PROPERTY AS PROVIDED FOR HEREIN IS MADE ON AN "AS IS" BASIS, AND





EXHIBIT A  
LEGAL DESCRIPTION

Lot 1A, Block B/5544, Ursuline Academy of Dallas, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Clerk's File No(s). 201500163452, Map Records, Dallas County, Texas, said property being all or a portion of the property conveyed to Ursuline Sisters of Dallas, a Texas non-profit corporation (formerly known as The Ursuline Academy of Dallas), by the following deeds:

- 1) Deed dated September 3, 1942, recorded in Volume 0002368, Page 00122, of the Deed Records of Dallas County, Texas;
- 2) Deed dated January 23, 1963, recorded in Volume 5949, Page 460, of the Deed Records of Dallas County, Texas;
- 3) Deed dated November 24, 2015, recorded under Clerk's File No. 201500324315, in the Official Public Records of Dallas County, Texas.

EXHIBIT B  
PERMITTED EXCEPTIONS

- a. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: July 18, 1962  
Recording No: in Volume 5818, Page 70, Real Property Records, Dallas County, Texas
  
- b. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: February 11, 1965  
Recording No: in Volume 502, Page 1374, Real Property Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael  
Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
  
- c. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: February 28, 1949  
Recording No: in Volume 3098, Page 4, Real Property Records, Dallas County, Texas
  
- d. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: Dallas Power & Light Company and Southwestern Bell Telephone Company  
Purpose: As provided in said document  
Recording Date: March 14, 1950  
Recording No: in Volume 3273, Page 534, Real Property Records, Dallas County, Texas
  
- e. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: February 16, 1951  
Recording No: in Volume 3456, Page 455, Real Property Records, Dallas County, Texas
  
- f. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: October 22, 1968  
Recording No: in Volume 68208, Page 793, Real Property Records, Dallas County,  
Texas

- g. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: September 27, 1972  
Recording No: in Volume 72190, Page 235, Real Property Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
- h. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: Texas Power & Light Company  
Purpose: As provided in said document  
Recording Date: April 6, 1915  
Recording No: in Volume 644, Page 416, Real Property Records, Dallas County, Texas
- i. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: Dallas Power & Light Company  
Purpose: As provided in said document  
Recording Date: October 17, 1932  
Recording No: in Volume 1772, Page 234, Real Property Records, Dallas County, Texas
- j. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: First National Bank of Dallas  
Purpose: As provided in said document  
Recording Date: June 22, 1973  
Recording No: in Volume 73123, Page 523, Real Property Records, Dallas County, Texas
- k. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: March 7, 1980  
Recording No: in Volume 80049, Page 893, Real Property Records, Dallas County, Texas, and as shown on plat under Clerk's File No(s). 20080280667, Map Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
- l. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: September 7, 1994  
Recording No: in Volume 94172, Page 5122, Real Property Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264

- m. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: July 21, 1994  
Recording No: in Volume 94139, Page 3201, Real Property Records, Dallas County, Texas, and as shown on plat under Clerk's File No(s). 20080280667 and 201500163452, Map Records, Dallas County, Texas
- n. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: August 24, 1983  
Recording No: in Volume 83167, Page 3714, Real Property Records, Dallas County, Texas, and as shown on plat under Clerk's File No(s). 20080280667 and 201500163452, Map Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
- o. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: June 13, 2008  
Recording No: under Clerk's File No(s). 20080197196, Real Property Records, Dallas County, Texas and as shown on plat under Clerk's File No(s). 20080280667 and 201500163452, Map Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
- p. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: December 15, 1982  
Recording No: in Volume 82243, Page 2452, Real Property Records, Dallas County, Texas
- q. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: August 23, 1989  
Recording No: in Volume 89164, Page 2602, Real Property Records, Dallas County, Texas

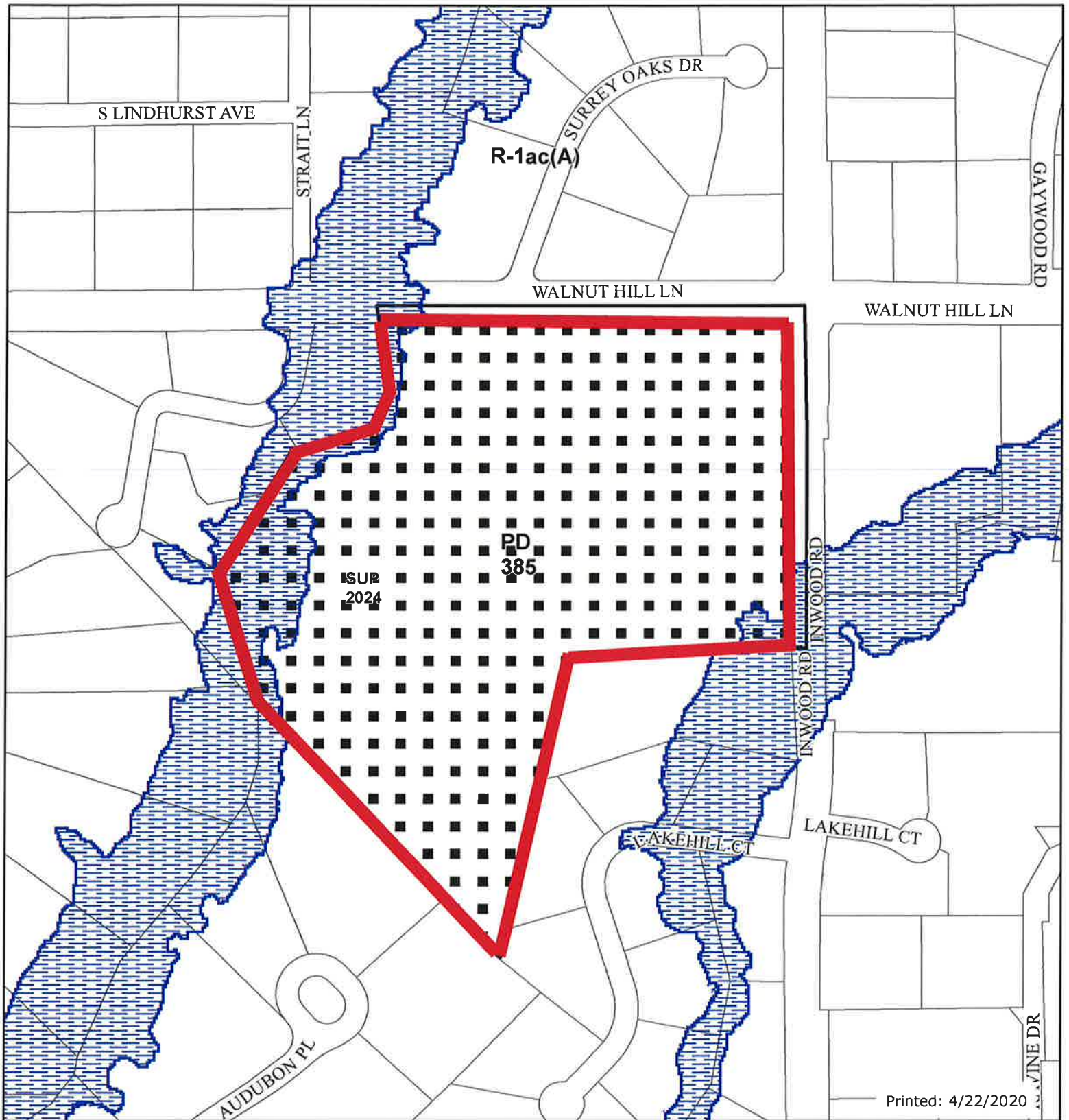


- r. Easement(s) and rights incidental thereto, as granted in a document:  
 Granted to: Oncor Electric Delivery  
 Purpose: As provided in said document  
 Recording Date: October 7, 2009  
 Recording No: under Clerk's File No(s). 200900286602, Real Property Records, Dallas County, Texas  
 Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
  
- s. Easement(s) and rights incidental thereto, as granted in a document:  
 Granted to: Oncor Electric Delivery Company LLC  
 Purpose: As provided in said document  
 Recording Date: August 28, 2014  
 Recording No: under Clerk's File No(s). 201400219640, Real Property Records, Dallas County, Texas  
 Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
  
- t. Easement(s) and rights incidental thereto, as granted in a document:  
 Granted to: Oncor Delivery Company LLC  
 Purpose: As provided in said document  
 Recording Date: August 28, 2014  
 Recording No: under Clerk's File No(s). 201400219641, Real Property Records, Dallas County, Texas  
 Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
  
- u. Easement(s) and rights incidental thereto, as granted in a document:  
 Granted to: City of Dallas  
 Purpose: As provided in said document  
 Recording Date: August 17, 1983  
 Recording No: in Volume 83162, Page 3021, Real Property Records, Dallas County, Texas and as shown on plat under Clerk's File No(s). 20080280667 and 201500163452, Map Records, Dallas County, Texas  
 Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
  
- v. Easements as shown on plat under Clerk's File No(s). 20080280667 and 201500163452, Map Records, Dallas County, Texas  
 5 foot right-of-way Dedication  
 15 foot water easement, as affected by Ordinance No. 27149, under Clerk's File No(s). 20080197129, Real Property Records, Dallas County, Texas  
 Natural Channel Setback  
 Floodway Monument Set  
 Floodway Easement  
 Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264

- w. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: City of Dallas  
Purpose: As provided in said document  
Recording Date: March 7, 1980  
Recording No: in Volume 80049, Page 889, Real Property Records, Dallas County, Texas  
Shown on Survey dated September 15, 2015, by Pacheco Koch, prepared by Michael Larry Lewis Registered Professional Land Surveyor #5773, Job Number 1247-15.264
- x. Easement(s) and rights incidental thereto, as granted in a document:  
Granted to: Dallas Power & Light Company  
Purpose: As provided in said document  
Recording Date: June 9, 1926  
Recording No: in Volume 1324, Page 156, Real Property Records, Dallas County, Texas

**Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
12/09/2015 04:03:13 PM  
\$58.00  
201500325413**





Printed: 4/22/2020

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| <b>Floodplain</b>    | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSD Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Site 20 Overlay            |
|                      |                                | Height Map Overlay    |                            |

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Jonathan G. Vinson  
(214) 953-5941 (Direct Dial)  
(214) 661-6809 (Direct Fax)  
jvinson@jw.com

June 3, 2020

Mr. Oscar Aguilera  
Board Administrator, Zoning Board of Adjustment  
Department of Sustainable  
Development and Construction  
City of Dallas  
1500 Marilla Street, Room 5BN  
Dallas, Texas 75201

Re: BDA 190-066; 5050 Walnut Hill Lane.

Dear Mr. Aguilera:

In preparation for the Staff team meeting on this case, I am sending you this letter to explain the rationale for our nine foot height variance request and how it meets the required variance standard, and to respectfully ask for a Staff recommendation of approval.

**I. The Site; Existing Conditions.** The total request site, the Ursuline Academy of Dallas campus (only a very limited portion of which contains our height variance request) consists of 25.747 acres of land addressed as 5050 Walnut Hill Lane, at the southwest corner of Walnut Hill Lane and Inwood Road (the "Campus"). Ursuline Academy of Dallas was founded in 1874 and is the oldest continually operating school in Dallas. Ursuline Academy has been at its present location beginning in 1950. Our height variance request of nine feet, specifically, is for one limited portion of a new theater and arts building, also called the Humanities Building, to be constructed on the Campus.

Accompanying this letter are a zoning map excerpt and an aerial photograph to orient you to the Campus. The Campus is zoned P.D. 385, which is a stand-alone P.D. passed in 1993 specifically for Ursuline Academy. I have also included a copy of the most recent approved P.D. 385 Development Plan, approved as a Minor Amendment earlier this year.

**II. Our Request; Site Analysis.** Our application is for a variance to the applicable height regulations of P.D. 385, which in accordance with Sec. 51P-385.109(e)(2) allows a maximum structure height of 80 feet for the theater, varying heights for certain specified other structures, and 36 feet for "all other structures". The limited and specified portion of the proposed building which is the subject of our variance request is limited by the P.D. to 36 feet in height. It is also important to note that the theater portion of the proposed Humanities Building, which is

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allowed 80 feet in height, is designed only to reach approximately 57 feet above average grade, that is, we are not maximizing the allowable height for the theater.

The portion of the proposed Humanities Building for which we are requesting a height variance of nine feet above the otherwise-allowed 36 feet is shown as shaded in gray on the included Enlarged Architectural Site Plan. As you can see, this request is limited solely to that portion of the building specified on the Site Plan. The reason why our request became necessary is that the building was designed to comply with the 36 foot maximum height limitation. However, the Campus property as a whole, which constitutes our building site for permitting purposes, has severe slopes on the east side (adjacent to the proposed Humanities Building) and the west side with consequent steep falls in topography. In addition to the property conditions created by these factors in and of themselves, this also makes accurate calculation of the “average grade” upon which to base structure heights for design purposes very complex and difficult.

In fact, this project has been in design and under review for almost two years, and a pre-development meeting occurred at Building Inspection early in that process at which grade was originally determined. Subsequent to that determination, the average grade was recalculated and the second calculation, because of the slope and topography, actually lowered the average grade for the purpose of calculating the baseline for maximum structure height.

This, in turn, rendered the affected portion of the Humanities Building, as already designed and reviewed, non-compliant as to the applicable 36 foot maximum height, even though the design itself had not changed. I have included an Overall Exterior Elevations exhibit which illustrates the current calculation of average grade versus the original calculation, showing how the building as designed did not change, the grade calculation was what changed.

It would be possible to redesign the project to achieve compliance under the new grade measurement, but this would entail a very significant change in design to construct a retaining wall facing the south and east to change the grade calculation to enable compliance. Besides being very expensive, this would be visually intrusive and would require removal of more mature trees from the project site between the new Humanities Building and the adjacent property to the south, which we believe is a very undesirable solution.

**III. How We Meet the Variance Standard.** This variance request meets the property hardship standard mandated by the *Dallas Development Code* in several respects. First, there are several very significant physical property hardship conditions present. As you will see from the accompanying grading plan and Perspective Views illustrating the adjacent topography, there is a very severe slope immediately adjacent to the location of the proposed Humanities Building. This is a virtually unbuildable area, containing numerous large, mature trees and other vegetation on two of the four sides of the proposed building.

In addition, there is also a large drop-off in topography, including the presence of Floodplain, on the other (west) side of the campus. While not close to the proposed new Humanities Building, this does further limit the buildable area of the Campus site as a whole and must be taken into account in site planning the Campus. Further, the Campus as a whole is very

irregularly shaped, and much of it is, as a practical matter, unavailable for development, not just due to the generous setbacks, low FAR (0.3) and limited lot coverage (60 percent) provided in P.D. 385, but also because the open area from the main buildings north to Walnut Hill Lane is used for graduations and other events and also visually benefits the neighbors, and thus is intended by Ursuline Academy to remain open and park-like.

Further, in reference to the other standards, this request is necessary to permit commensurate development in this Planned Development District, which does not have any other comparable zoning classifications in this area (and we are remaining well under the lot coverage and FAR limits in the P.D.); this situation was not in any way self-created by Ursuline Academy; nor is it personal to Ursuline Academy; nor is the variance requested for financial reasons only.

**IV. The Public Interest.** Finally, the granting of this variance will not in any way be contrary to the public interest, and actually granting the requested variance, thereby allowing the project to be completed as designed, will strongly support the public interest. Allowing this portion of the proposed building to be constructed as currently designed will have absolutely no adverse impact on anyone else anywhere in the neighborhood. We have also communicated with our neighbors about what we are requesting and the reasons for our request.

In fact, the proposed design is far superior to an alternate “compliant” design, which would entail building a visually much more noticeable retaining wall facing south and east, which in turn would necessitate the removal of significantly more mature trees between the new building and the property line, a much less attractive and desirable alternative. The portion of the building for which the variance is requested is on the other (west and north) sides of the proposed new building from the Campus’s perimeter and from our neighbors, so it is in essence screened from view.

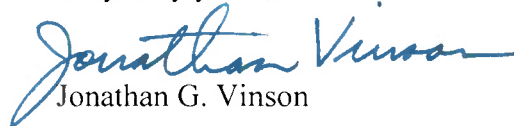
To further illustrate the very thoughtful and considerate nature of the project design, and the desirability of executing on that design (for which the variance is necessary), I have included a Zoning Comparison exhibit prepared by our architects at Glenn Partners, showing the important differences between the “original design” that we want to build and for which the variance is necessary, and the “raised design” with the large retaining wall and fewer trees. We think you will agree that the “original design” is a far superior solution.

Finally, I have included a series of rendered images, which will not only give you a good idea of what the project will look like, but more importantly for your purposes illustrate the sensitivity and thoughtfulness of the design, in particular the fact that the portion of the Humanities Building for which the variance is requested is very largely open in character, so that, in addition to it being screened by the remaining, compliant portion of the building, it has a much lower impact in terms of its massing and how the building reads visually.

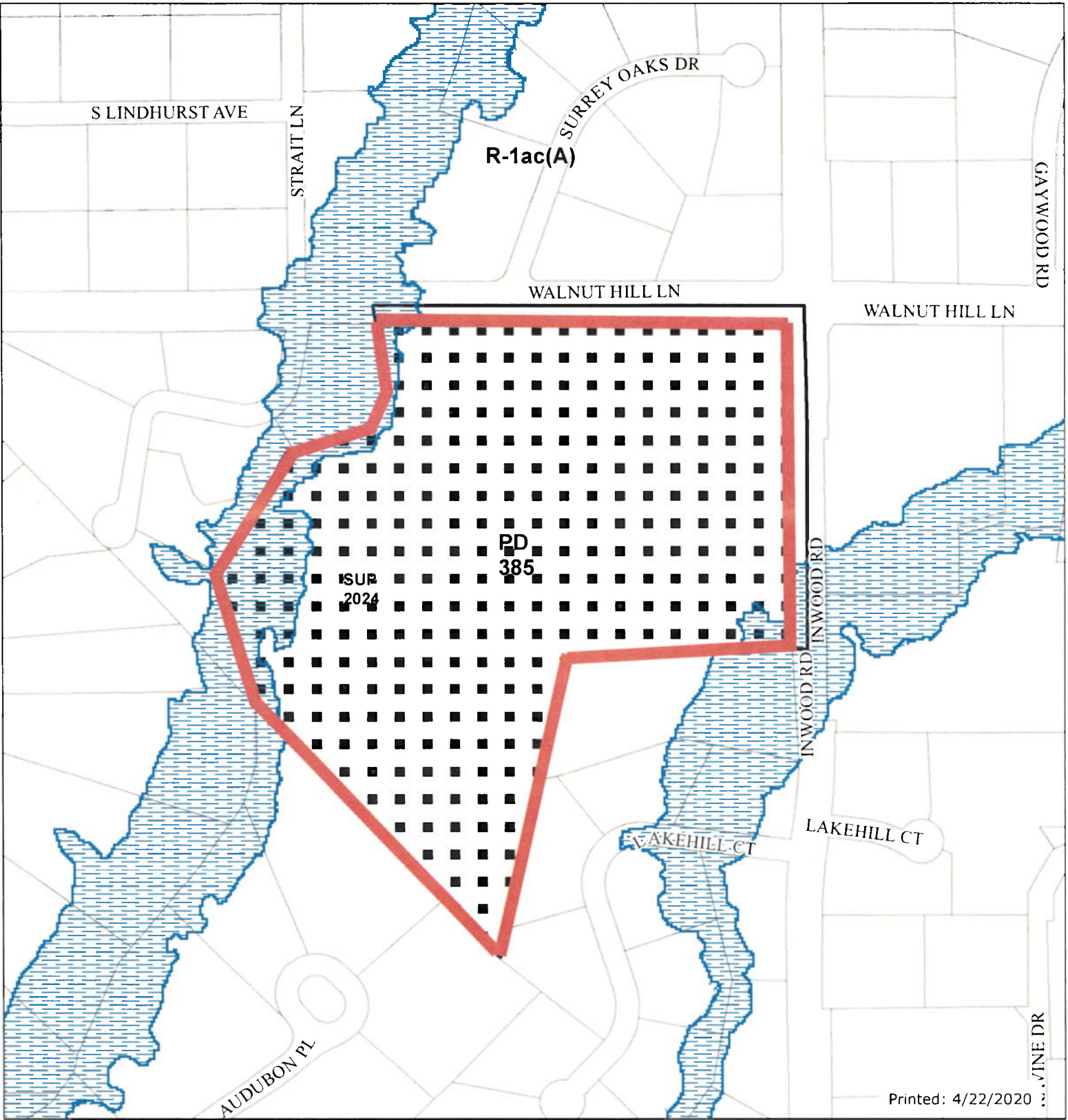
Taken together, all of these points underline the importance to the public interest of our being able to construct the Humanities Building project in accordance with our original design, which in turn requires the nine foot height variance on that limited and specified portion of the proposed new building.

V. **Conclusion.** Thank you very much for your consideration of these points. If you have any questions, please let us know. Otherwise, we respectfully ask that the Current Planning Staff make a recommendation of approval for our building height variance request. Thank you very much.

Very truly yours,

  
Jonathan G. Vinson

cc: Gretchen Kane  
Win Bell  
Briar Glenn  
Bill Dahlstrom  
Shannon Quine



Printed: 4/22/2020

### Legend

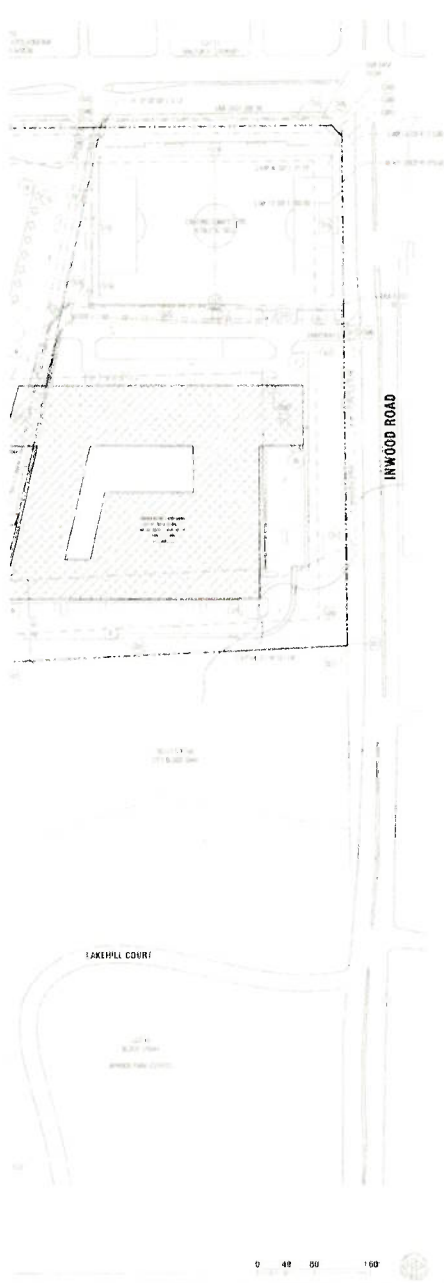
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | 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 7-28    |
|                      |                                | Height Map Overlay    |                            |

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**DEVELOPMENT PLAN SUMMARY**

**PROJECT INFORMATION:**  
 PROJECT NAME: URSULINE ACADEMY CAMPUS  
 PROJECT ADDRESS: 4200 WALNUT HILL LANE, DALLAS, TEXAS 75245  
 PROJECT NUMBER: PD-001  
 PROJECT DATE: 06/26/2020

**PREPARED BY:**  
 G/P ARCHITECTS, P.C.  
 1000 WEST STREET, SUITE 400  
 DALLAS, TEXAS 75201  
 TEL: 214.760.1234  
 WWW.GPARCHITECTS.COM

**DESIGNED BY:**  
 G/P ARCHITECTS, P.C.  
 1000 WEST STREET, SUITE 400  
 DALLAS, TEXAS 75201  
 TEL: 214.760.1234  
 WWW.GPARCHITECTS.COM

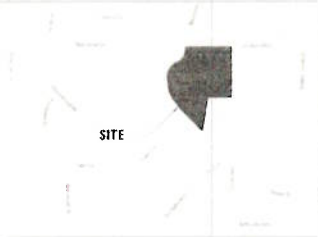
**DATE:** 06/26/2020

**SCALE:** 1" = 40'

**NOTES:**  
 1. SEE DEVELOPMENT PLAN FOR ALL NOTES.  
 2. SEE CITY ORDINANCES FOR ALL REGULATIONS.  
 3. SEE SITE PLAN FOR ALL DETAILS.  
 4. SEE SPECIFICATIONS FOR ALL MATERIALS.  
 5. SEE CONTRACT FOR ALL TERMS AND CONDITIONS.

**CONTRACTOR:**  
 G/P ARCHITECTS, P.C.  
 1000 WEST STREET, SUITE 400  
 DALLAS, TEXAS 75201  
 TEL: 214.760.1234  
 WWW.GPARCHITECTS.COM

**SITE MAP**

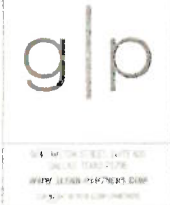


**SITE PLAN LEGEND**

- BUILDING FOOTPRINT
- PARKING LOT
- DRIVEWAY
- LANDSCAPE AREA
- UTILITY LINES
- STREET
- PROPERTY BOUNDARY
- EASEMENT
- RIGHT-OF-WAY
- WATER FEATURE
- FENCING
- SIGNAGE
- ACCESS POINT
- UTILITY POLE
- STREET LIGHT
- FIRE HYDRANT
- MANHOLE
- STORM DRAIN
- SEWER LINE
- WATER LINE
- GAS LINE
- ELECTRIC LINE
- TELEPHONE LINE
- CABLE LINE
- FIRE ALARM LINE
- SECURITY SYSTEM LINE
- IRRIGATION SYSTEM LINE
- LANDSCAPE LIGHTING LINE
- AUDIO SYSTEM LINE
- VIDEO SYSTEM LINE
- ACCESS CONTROL SYSTEM LINE
- INTERCOM SYSTEM LINE
- PUBLIC ADDRESS SYSTEM LINE
- FIRE ALARM CONTROL PANEL LINE
- SECURITY CONTROL PANEL LINE
- ACCESS CONTROL CONTROL PANEL LINE
- INTERCOM CONTROL PANEL LINE
- PUBLIC ADDRESS CONTROL PANEL LINE
- FIRE ALARM CONTROL PANEL LINE
- SECURITY CONTROL PANEL LINE
- ACCESS CONTROL CONTROL PANEL LINE
- INTERCOM CONTROL PANEL LINE
- PUBLIC ADDRESS CONTROL PANEL LINE

**NOTES BY NUMBER**

01. SEE DEVELOPMENT PLAN FOR ALL NOTES.
02. SEE CITY ORDINANCES FOR ALL REGULATIONS.
03. SEE SITE PLAN FOR ALL DETAILS.
04. SEE SPECIFICATIONS FOR ALL MATERIALS.
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21. SEE DEVELOPMENT PLAN FOR ALL NOTES.
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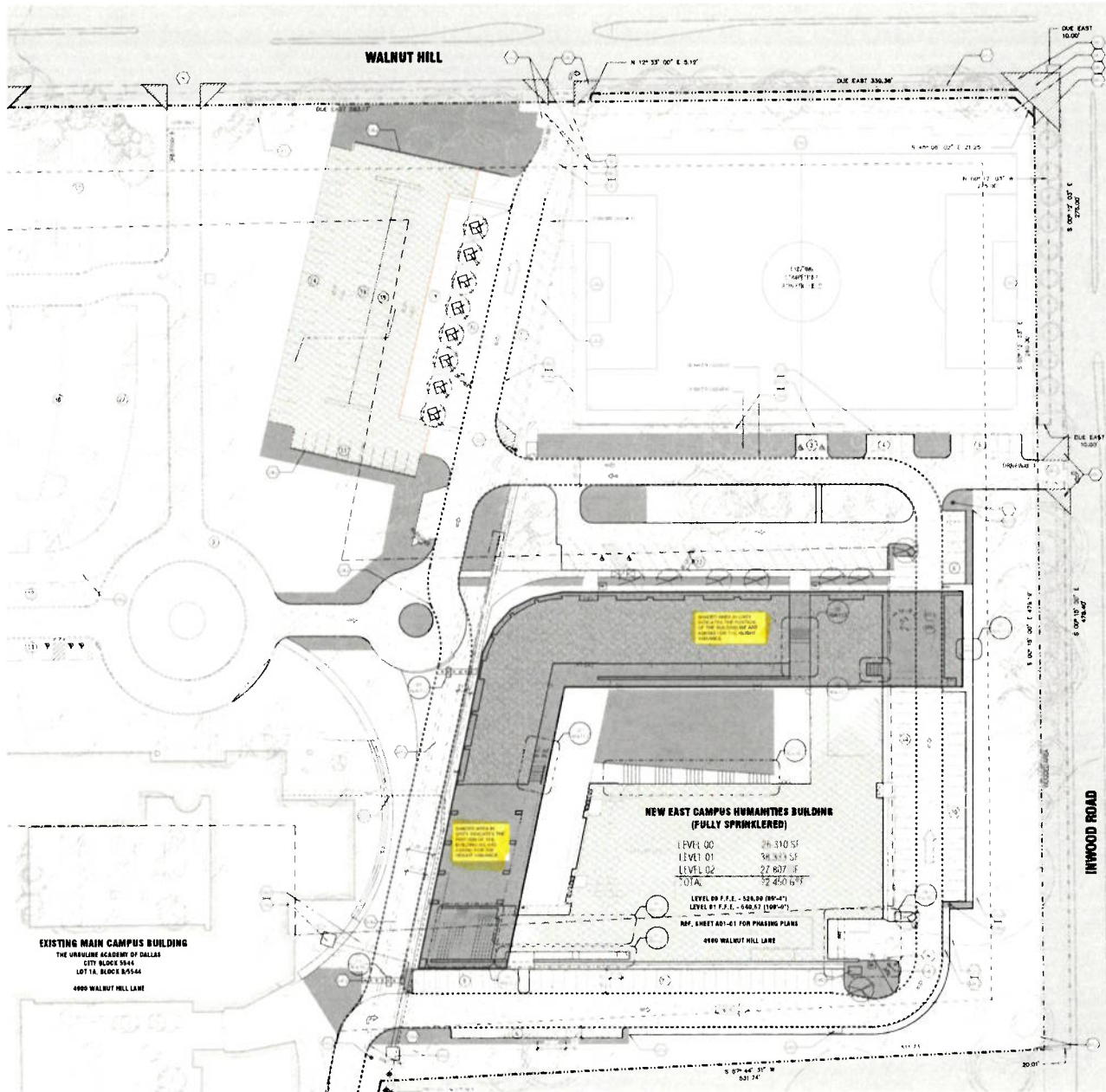
**URSULINE ACADEMY CAMPUS SITE MODEL**  
**URSULINE ACADEMY**  
 4200 WALNUT HILL LANE  
 DALLAS, TEXAS 75245

APPROVED BY CITY PLANNING COMMISSION  
 PD-001  
 06/26/2020

**PD-001**  
**PD #385**  
**DEVELOPMENT**  
**PLAN**







**EXISTING MAIN CAMPUS BUILDING**  
 THE URSULINE ACADEMY OF DALLAS  
 CITY BLOCK 5944  
 LOT 1A, BLOCK 5944  
 4900 WALNUT HILL LANE

**NEW EAST CAMPUS HUMANITIES BUILDING  
 (FULLY SPRINKLERED)**

LEVEL 00	26,310 SF
LEVEL 01	38,333 SF
LEVEL 02	27,807 SF
<b>TOTAL</b>	<b>92,450 SF</b>

LEVEL 00 F.F.E. - 526.00 (00'-0")  
 LEVEL 01 F.F.E. - 540.07 (100'-0")  
 REF. SHEET A01-01 FOR PHASING PLANS  
 4900 WALNUT HILL LANE

**PLAN NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
2. ALL UTILITIES SHALL BE DEPTH MARKED AND SHOWN ON THE PLAN.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
4. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).

**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
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**LEGEND**

- 1. EXISTING PAVEMENT
- 2. EXISTING ASPHALT DRIVE
- 3. EXISTING ASPHALT DRIVE
- 4. EXISTING ASPHALT DRIVE
- 5. EXISTING ASPHALT DRIVE
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- 19. EXISTING ASPHALT DRIVE
- 20. EXISTING ASPHALT DRIVE

**PARKING REQUIREMENTS**

- 1. ALL PARKING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
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4300 W. PARKWAY, SUITE 200  
 DALLAS, TEXAS 75244  
 WWW.GP-ARCHITECTS.COM

**NEW EAST CAMPUS BUILDING - PHASE 2**

**URSULINE ACADEMY**  
 4900 WALNUT HILL LANE  
 DALLAS, TEXAS 75229



**A04-02.2  
 ENLARGED  
 ARCHITECTURAL  
 SITE PLAN**

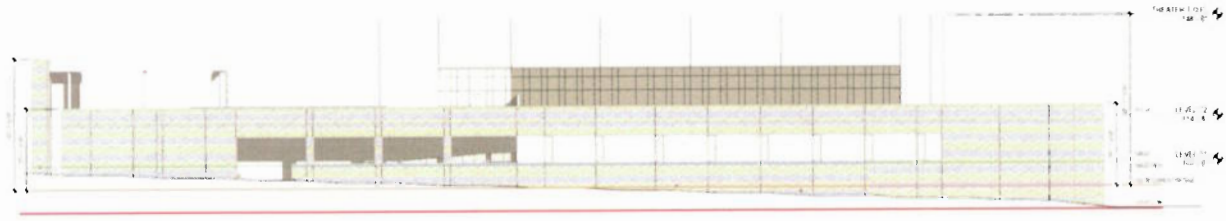
ISSUE FOR BID AND PERMIT  
 01/02/2024

01 ARCHITECTURAL SITE PLAN ENLARGED

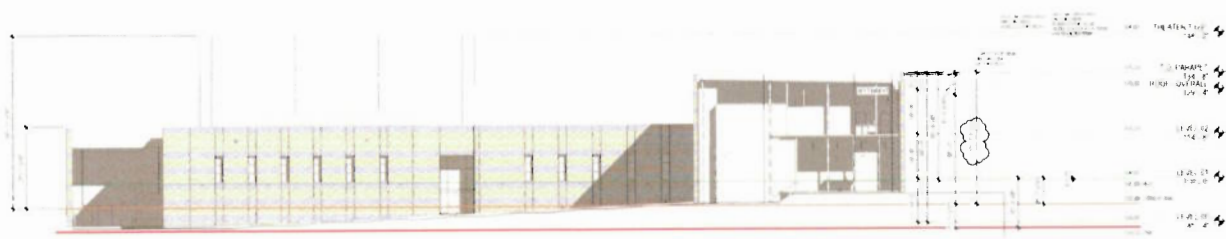




04 OVERALL - WEST ELEVATION



03 OVERALL - SOUTH ELEVATION



02 OVERALL - EAST ELEVATION



01 OVERALL - NORTH ELEVATION

**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

2. ALL MATERIALS AND FINISHES TO BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE NOTED.

3. ALL MATERIALS AND FINISHES TO BE APPROVED BY THE ARCHITECT PRIOR TO ORDERING.

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10. ALL MATERIALS AND FINISHES TO BE APPROVED BY THE ARCHITECT PRIOR TO ORDERING.

**LEGEND**

- 1. BRICK (AS SHOWN ON THE DRAWINGS)
- 2. CONCRETE (AS SHOWN ON THE DRAWINGS)
- 3. GLASS (AS SHOWN ON THE DRAWINGS)
- 4. METAL PANELS (AS SHOWN ON THE DRAWINGS)
- 5. STONE (AS SHOWN ON THE DRAWINGS)
- 6. TERRAZZO (AS SHOWN ON THE DRAWINGS)
- 7. WOOD (AS SHOWN ON THE DRAWINGS)
- 8. PAINT (AS SHOWN ON THE DRAWINGS)
- 9. OTHER (AS SHOWN ON THE DRAWINGS)

**ELEVATION NOTES**

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**KEY PLAN**

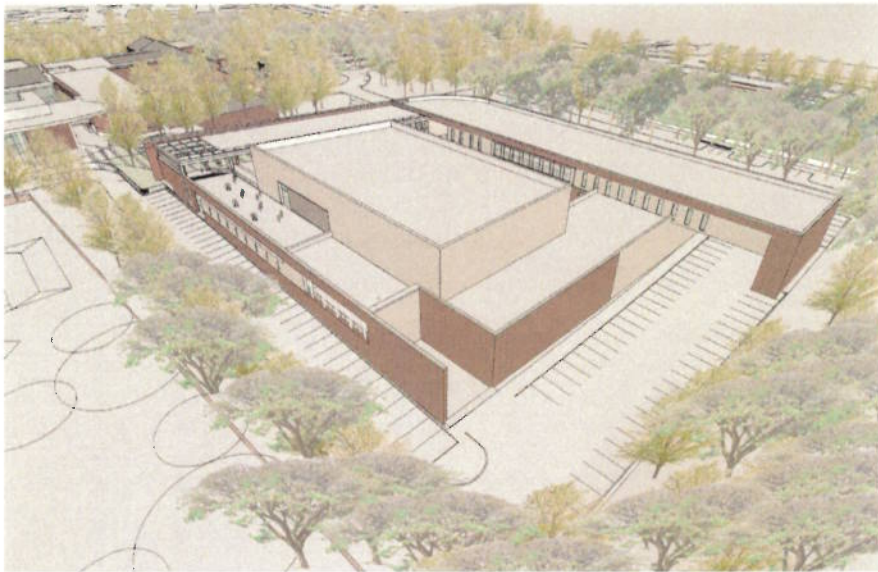
**NEW EAST CAMPUS BUILDING - PHASE 2**  
**URSULINE ACADEMY**  
 4800 W.A. NUT HILL LANE  
 DALLAS, TEXAS 75229

ISSUE FOR BID AND PERMIT  
 03/16/2024

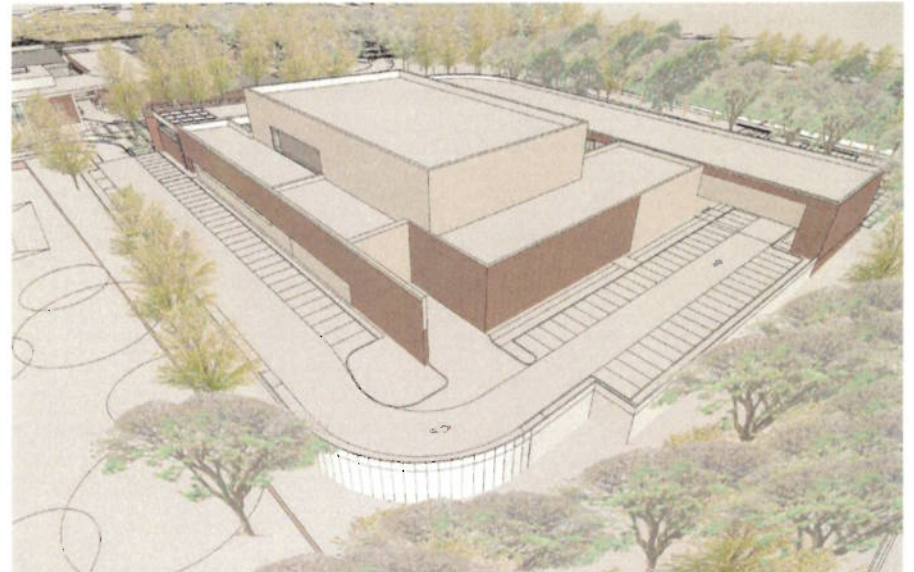
ISSUE FOR BID AND PERMIT  
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ISSUE FOR BID AND PERMIT  
 03/16/2024





original design | perspective view of massing



raised design | perspective view of massing



original design | perspective view of massing & retaining wall



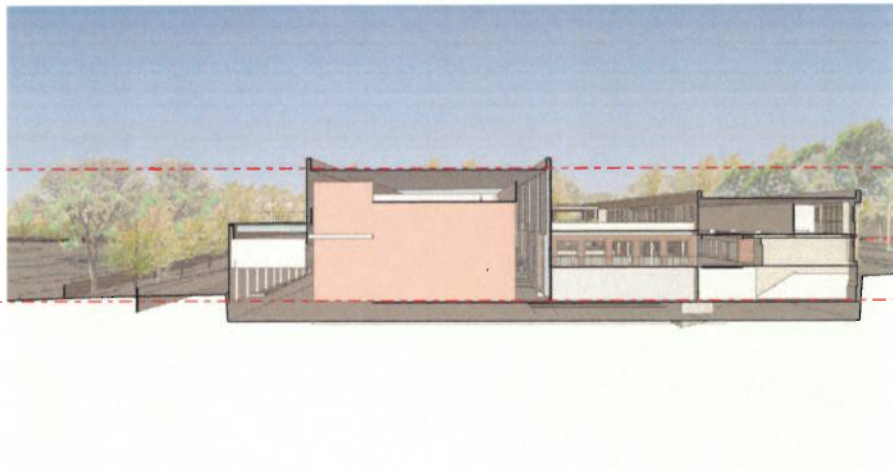
raised design | perspective view of massing & retaining wall



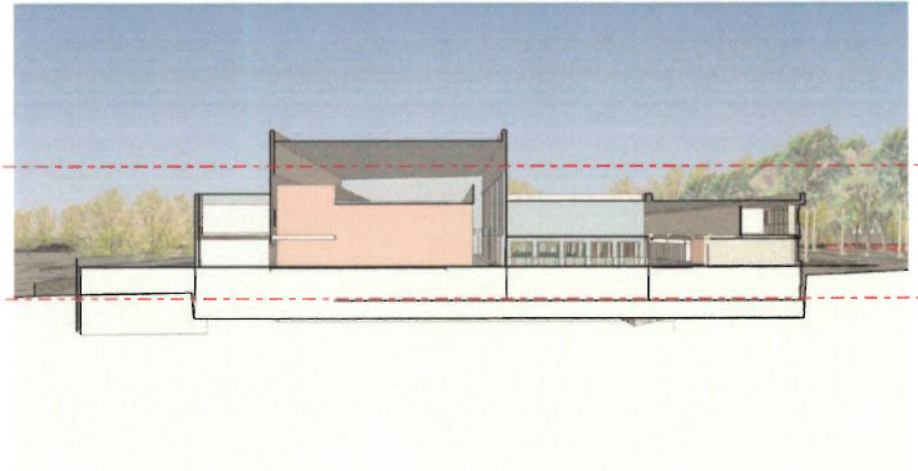
original design | view from south neighboring lot



raised design | view from south neighboring lot



original design | section view

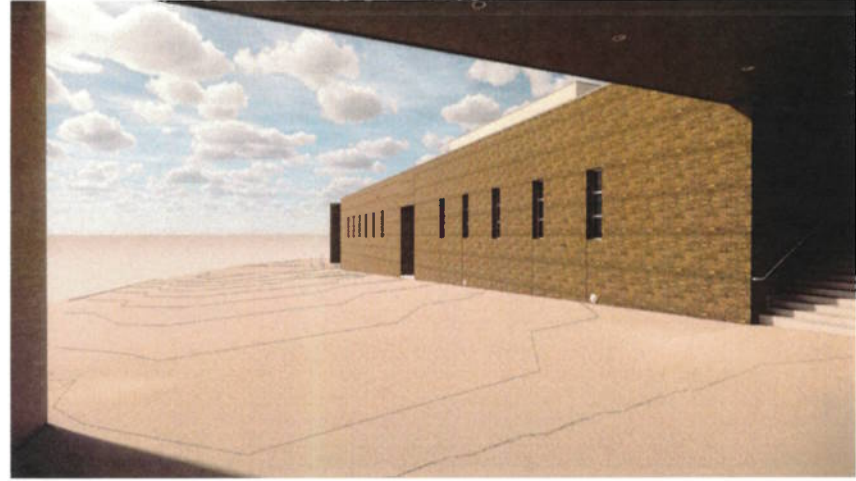


raised design | section view

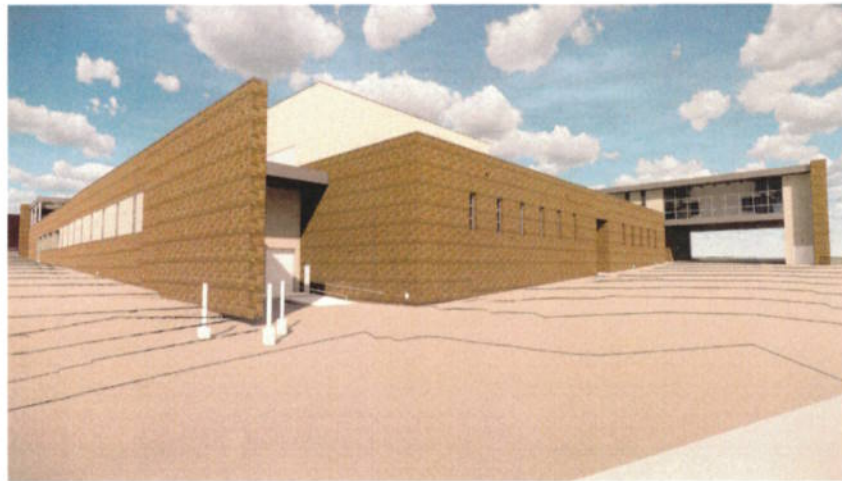




04 | EXTERIOR TOPO AT SOUTH



03 | EXTERIOR TOPO AT BRIDGE



02 | EXTERIOR TOPO AT LOADING DOCK



01 | EXTERIOR VIEW AT CORNER



4900 WALNUT HILL LANE  
DALLAS, TEXAS 75229  
WWW.GLP-CUSTOMERS.COM

**NEW EAST CAMPUS BUILDING - PHASE 2**  
**URSULINE ACADEMY**

4900 WALNUT HILL LANE  
DALLAS, TEXAS 75229

NO. 202004

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**EXHIBIT H**  
**UA PERSPECTIVE**  
**VIEWS**

ISSUE FOR BID AND PERMIT  
04/02/2016

04







ursuline academy | east campus building | view from soccer field  
january 6, 2020

glenn | partners





ursuline academy | overall campus aerial view:  
july 1, 2020

glenn | partners





ursuline academy | overall campus main entry view  
january 9, 2020

glenn | partners





ursuline academy | east campus building | west elevation  
january 6, 2020

glenn | partners

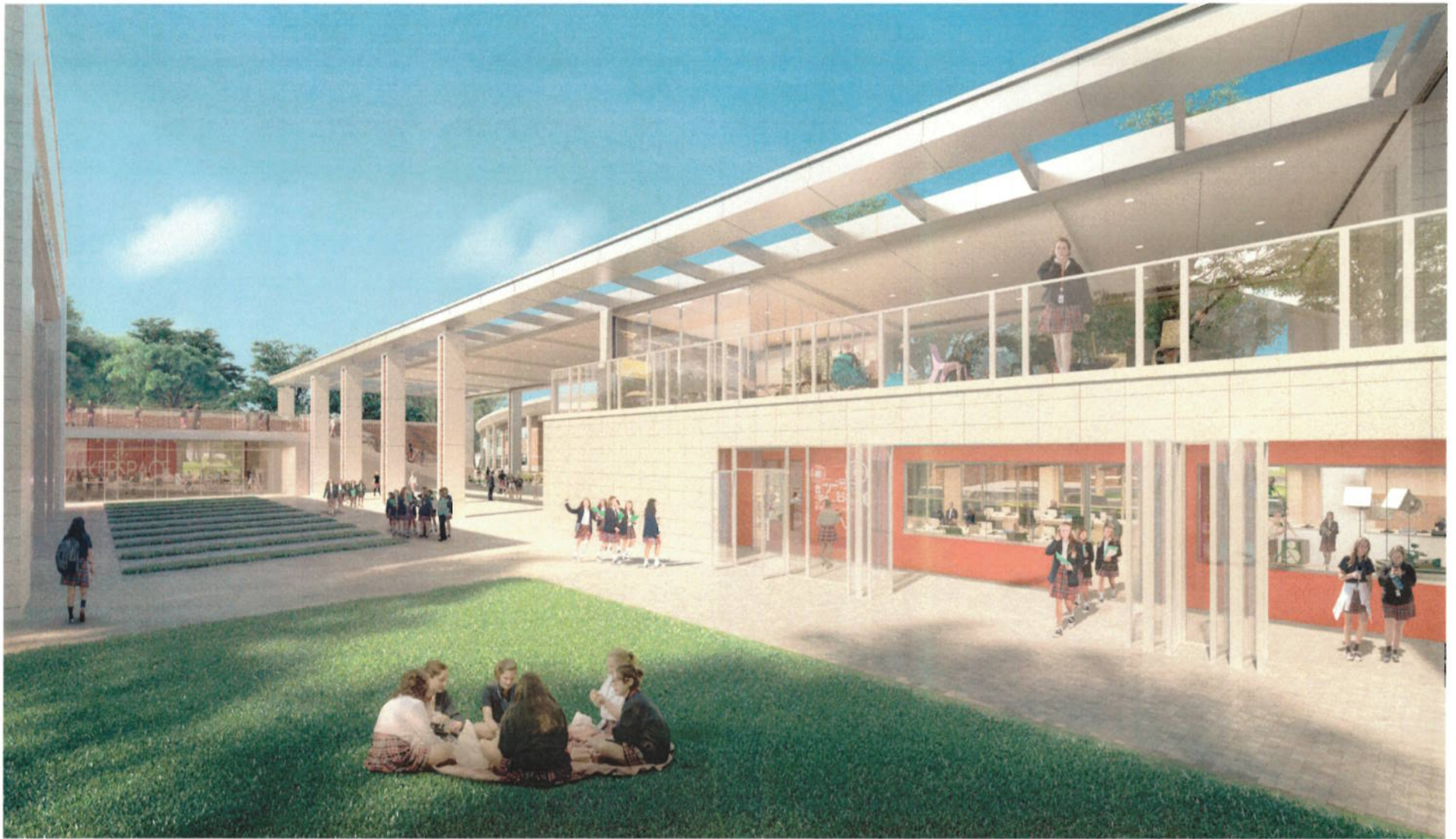




ursuline academy | east campus building | theater view  
january 9, 2020

glenn | partners

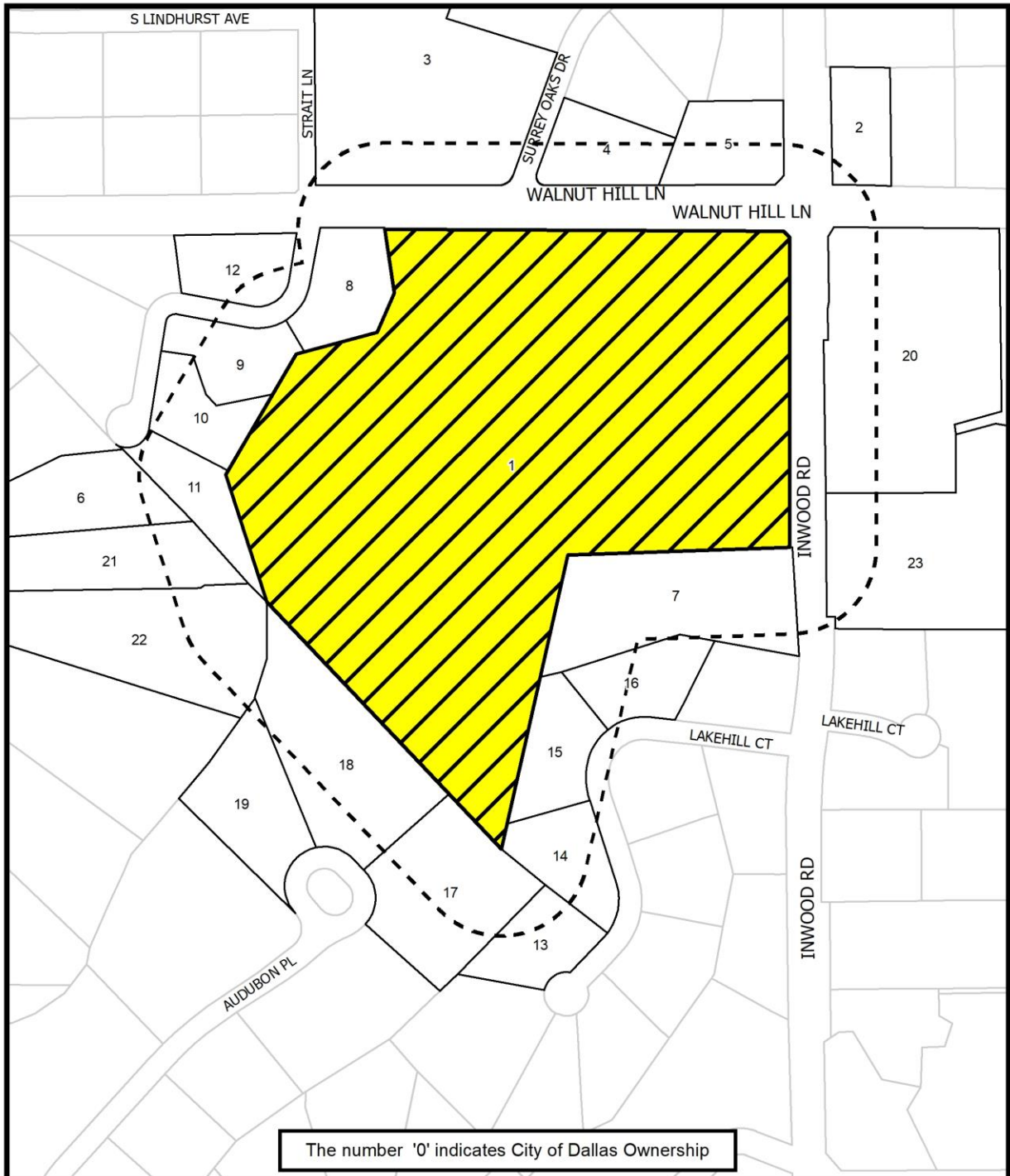




ursuline academy | east campus building | outdoor learning courtyard  
january 4, 2020

glenn | partners





 1:3,600	<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>23</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>23</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA190-066</b></u> Date: <u><b>5/29/2020</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>23</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/29/2020

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

***BDA190-066***

### ***23 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5050 WALNUT HILL LN	URSULINE ACADEMY OF DALLAS
2	10000 INWOOD RD	COFFEY WILLIAM J &
3	10010 STRAIT LN	REESE NINETTA SPEARMAN REV TR
4	10014 SURREY OAKS DR	LEE RICHARD R JR REVOCABLE TRUST
5	5055 WALNUT HILL LN	STEWART WALTON H
6	4664 MEADOWOOD RD	HAYES COLLEEN A &
7	9807 INWOOD RD	HILLMAN ANDREW & ERIN
8	9970 STRAIT LN	MEHERALI RAFIQ & SONITA
9	9950 STRAIT LN	BRODSKY FAMILY TRUST
10	9930 STRAIT LN	DAVIDSON ANNE L
11	9920 STRAIT LN	SECOND PHOENIX GROWTH FUND LTD
12	9949 STRAIT LN	GILES CLARICE T & STEPHEN
13	5035 LAKEHILL CT	FITTS JOHN STUART
14	5045 LAKEHILL CT	ZAINFELD JEAN BALLAS
15	5055 LAKEHILL CT	BECK MICHAEL R &
16	5065 LAKEHILL CT	THOMSON BONNIE & CLIFFORD REV TRUST THE
17	9784 AUDUBON PL	ALFALAH KASIM & WASAN
18	9785 AUDUBON PL	FEARON JEFFREY ARCHER &
19	9779 AUDUBON PL	JLE PARTNERS LLC
20	9910 INWOOD RD	DOMINION NORTH DALLAS PPTIES LP
21	4660 MEADOWOOD RD	BLACKIE GARY
22	4656 MEADOWOOD RD	FOJTASEK JACQUELINE E QUALIFIED PER RES TR 1 & 2
23	9806 INWOOD RD	9806 INWOOD ROAD TRUST

**FILE NUMBER:** BDA190-045(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Stephen Eddings for special exceptions to the fence height regulations and the visual obstruction regulations at 3024 Encino Drive. This property is more fully described as Lot 18B, Block 7/7498, and is zoned R-7.5(A), which limits the height of a fence in the front yard to four feet and requires a 20-foot visibility triangle at the intersections of streets and driveway approaches. The applicant proposes to construct and/or maintain a five-foot six-inch-high fence in a required front yard, which will require a one-foot six-inch special exception to the fence regulations, and to construct and/or maintain items in a visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION:** 3024 Encino Drive

**APPLICANT:** Stephen Eddings

**REQUESTS:**

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

1. A request for a special exception to the fence standards regulations related to the fence height of one foot and six inches is made to construct and maintain a five-foot six-inch iron fence with stone columns and a five-foot six-inch iron gate in the required front yard.
2. A request for special exceptions to the visual obstruction regulations is made to locate and maintain portions of the aforementioned five-foot six-inch iron fence with stone columns and a five-foot six-inch iron gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Encino Drive.

**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 (fence standards regulations):**

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

**STAFF RECOMMENDATION (visual obstruction regulations):**

Denial.

Rationale:

- The Sustainable Development Department Senior Engineer has objections to the requests. The Senior Engineer finds that the fence should be designed and constructed outside the visibility triangles because any deviation would compromise visibility of pedestrians or any moving object on the sidewalk or adjacent street.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should not be granted because the items to be located and maintained in the visibility triangles constitute traffic hazards.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5 (A) (Single family district)

North: R-7.5 (A) (Single family district)

East: R-7.5 (A) (Single family district)

South: R-7.5 (A) (Single family district)

West: R-7.5 (A) (Single family district)

**Land Use:**

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



**Zoning/BDA History:**

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

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

The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus on constructing and maintaining a five-foot six-inch iron fence with stone columns and a five-foot six-inch iron gate in site's front yard.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned R-7.5 (A) which requires a 25-foot front yard setback.

The applicant has submitted a site plan and elevation of the proposal. The plans show the proposal is represented as being approximately 54 feet-in-length parallel to the street and approximately 25 feet perpendicular to the street on the sides in the required front yard, located on the front property line or approximately 11 feet from the pavement line.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted three other fences that appear to be above four feet-in-height and located in a front yard setback.

As of May 8, 2020, no letters have been submitted in support of or in opposition to this request; however, on May 1<sup>st</sup>, the applicant submitted a letter in support with signatures from two neighbors (Attachment B).

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of one-foot six-inches will not adversely affect neighboring property.

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four feet-in-height to be located in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on these documents.

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

The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus on constructing and maintaining portions of the aforementioned five-foot six-inch iron fence with stone columns and a five-foot six-inch iron gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Encino Drive.

Section 51A-4.602(d) of 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 property is located in an R-7.5 (A) District which requires the portion of a lot with a triangular area formed by connecting the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

A site plan and elevation have been submitted indicating portions of a five-foot six-inch iron fence with stone columns and a five-foot six-inch iron gate will be located in the 20-foot visibility triangle on both sides of the driveway that intersects with Encino Drive.

The Sustainable Development Department Senior Engineer has objections to the requests. The Senior Engineer finds that the fence should be designed and constructed outside the visibility triangles because any deviation would compromise visibility of pedestrians or any moving object on the sidewalk or adjacent street.

The applicant has the burden of proof in establishing how granting this request to maintain the proposed items in the two 20-foot visibility triangles on both sides of the driveway that intersect with Encino Drive does not constitute a traffic hazard.

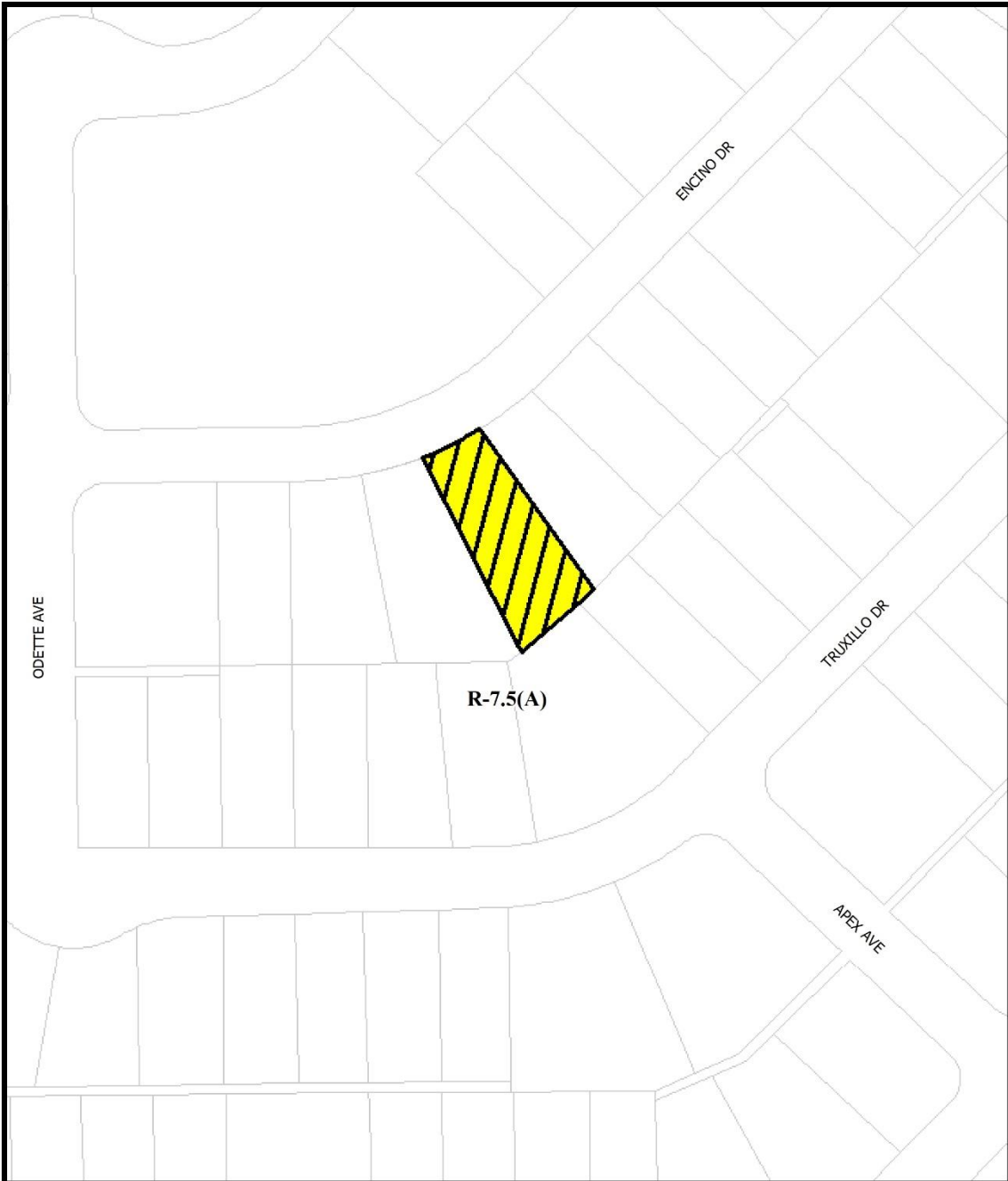
Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20-foot visibility triangles formed on each side of the driveway that intersects with Encino Drive to that what is shown on these documents, the aforementioned five-foot six-inch iron fence with stone columns and a five-foot six-inch iron gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Encino Drive.

**Timeline:**

January 31, 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.

March 17, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

- March 23, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application.
  - an attachment that provided the public hearing date and panel that will consider the application; the June 3<sup>rd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the June 12, 2020 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."
- May 1, 2020: The applicant submitted a letter signed by two neighbors in support of the request (Attachment B).
- June 5, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.
- June 15, 2020: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked "recommends denial" (see Attachment A).

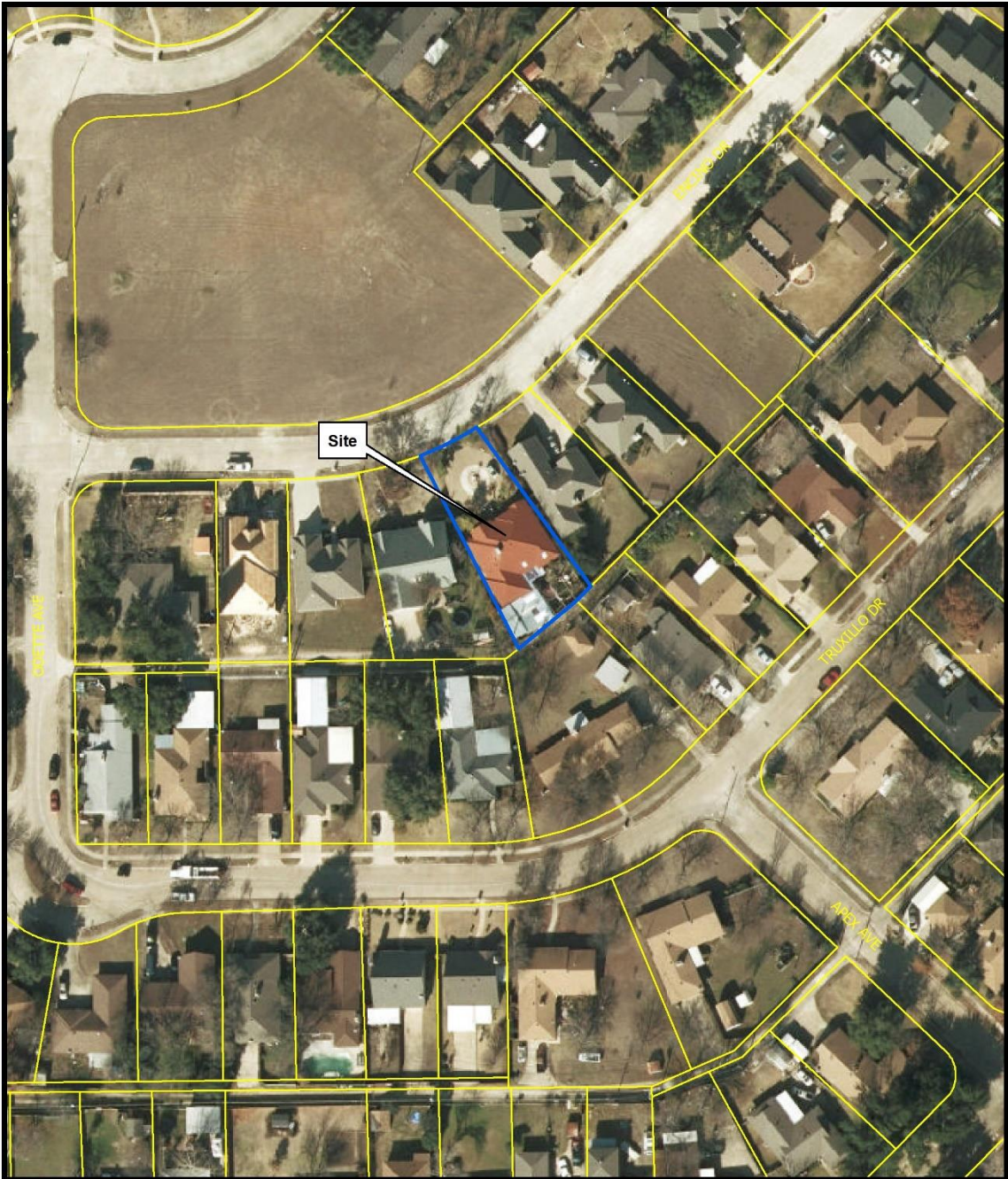


1:1,200

# ZONING MAP

Case no: BDA190-045

Date: 3/24/2020



1:1,200

# AERIAL MAP

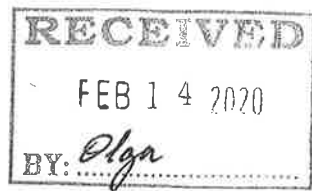
Case no: BDA190-045

Date: 3/24/2020





City of Dallas



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-045

Data Relative to Subject Property:

Date: 01/31/2020

Location address: 3024 Encino Dr, Dallas, Tx 75228

Zoning District: R-7.5(A)

Lot No.: 18-B Block No.: 7/7498 Acreage: 0.22 Census Tract: 126.01

Street Frontage (in Feet): 1) 53.96' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stephen N Eddings

Applicant: Stephen N Eddings Telephone: 214-926-9945

Mailing Address: 3024 Encino Dr., Dallas, Texas Zip Code: 75228

E-mail Address: sneddings@msn.com

Represented by: Stephen N Eddings Telephone: \_\_\_\_\_

Mailing Address: 3024 Encino Dr., Dallas, Tx Zip Code: 75228

E-mail Address: sneddings@msn.com

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

\*Special exception to the fence height by 1.5' from 4' to 5.5'

\*Special exception to the required 20' visibility triangle

\*Variance to the off street parking regulation

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:

\*Personal safety for myself and my wife. We are senior citizens that live in high crime rate neighborhood. Burgaries of houses and cars, robberies and shootings and just in general crimes of violences. I am getting to old to be able to defend myself or my wife. A taller fence that is not easily jumped over is what we need.

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.

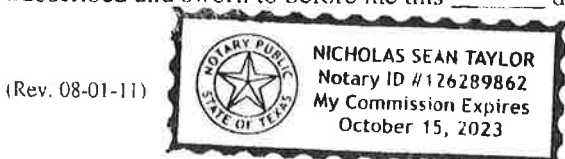
Affidavit

Before me the undersigned on this day personally appeared Stephen N Eddings  
(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 12th day of February, 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 STEPHEN EDDINGS

did submit a request for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations  
at 3024 Encino Dr.

BDA190-045. Application of STEPHEN EDDINGS for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 3024 ENCINO DR. This property is more fully described as Lot 18B, Block 7/7498, 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. The applicant proposes to construct a 5 foot 6 inch high fence in a required front yard, which will require a 1 foot 6 inch 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



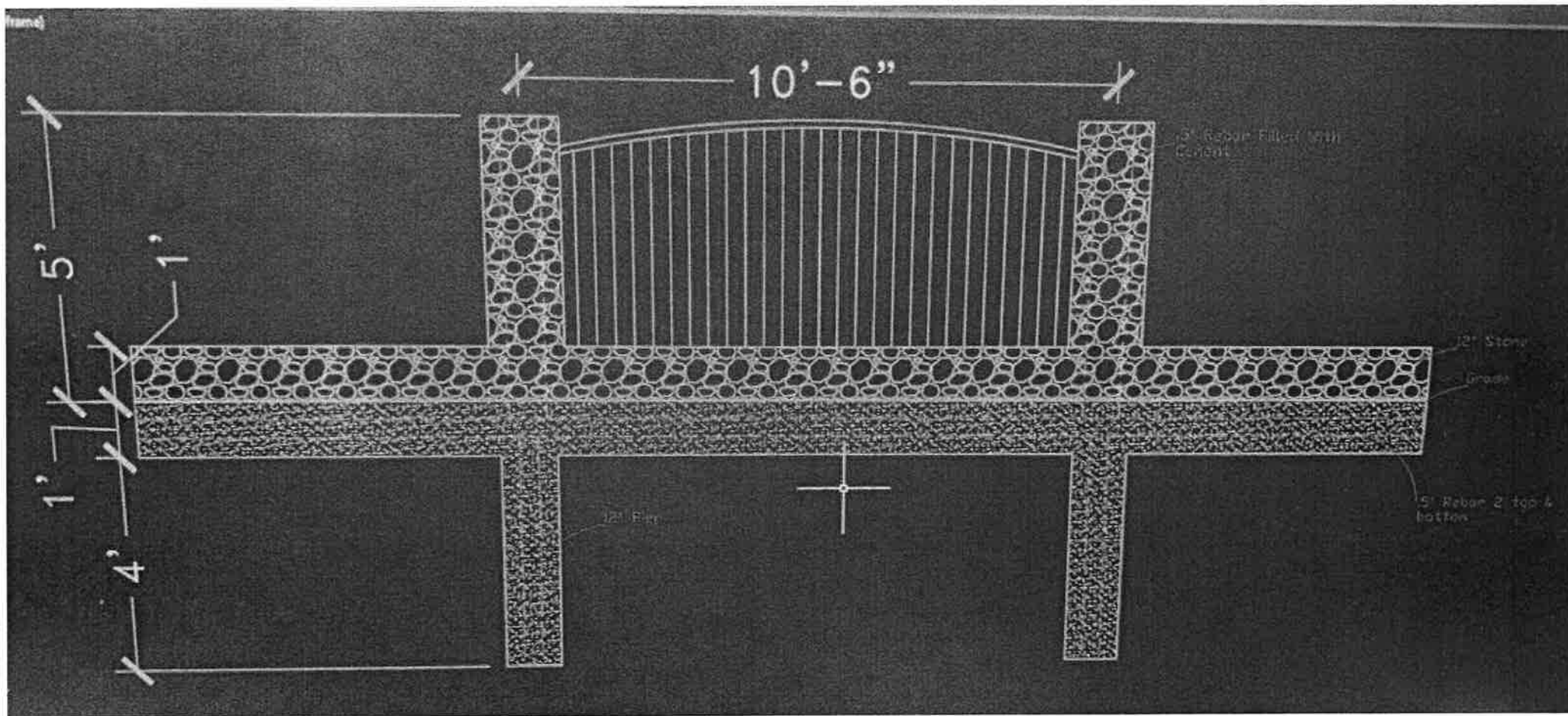


Printed: 2/10/2020

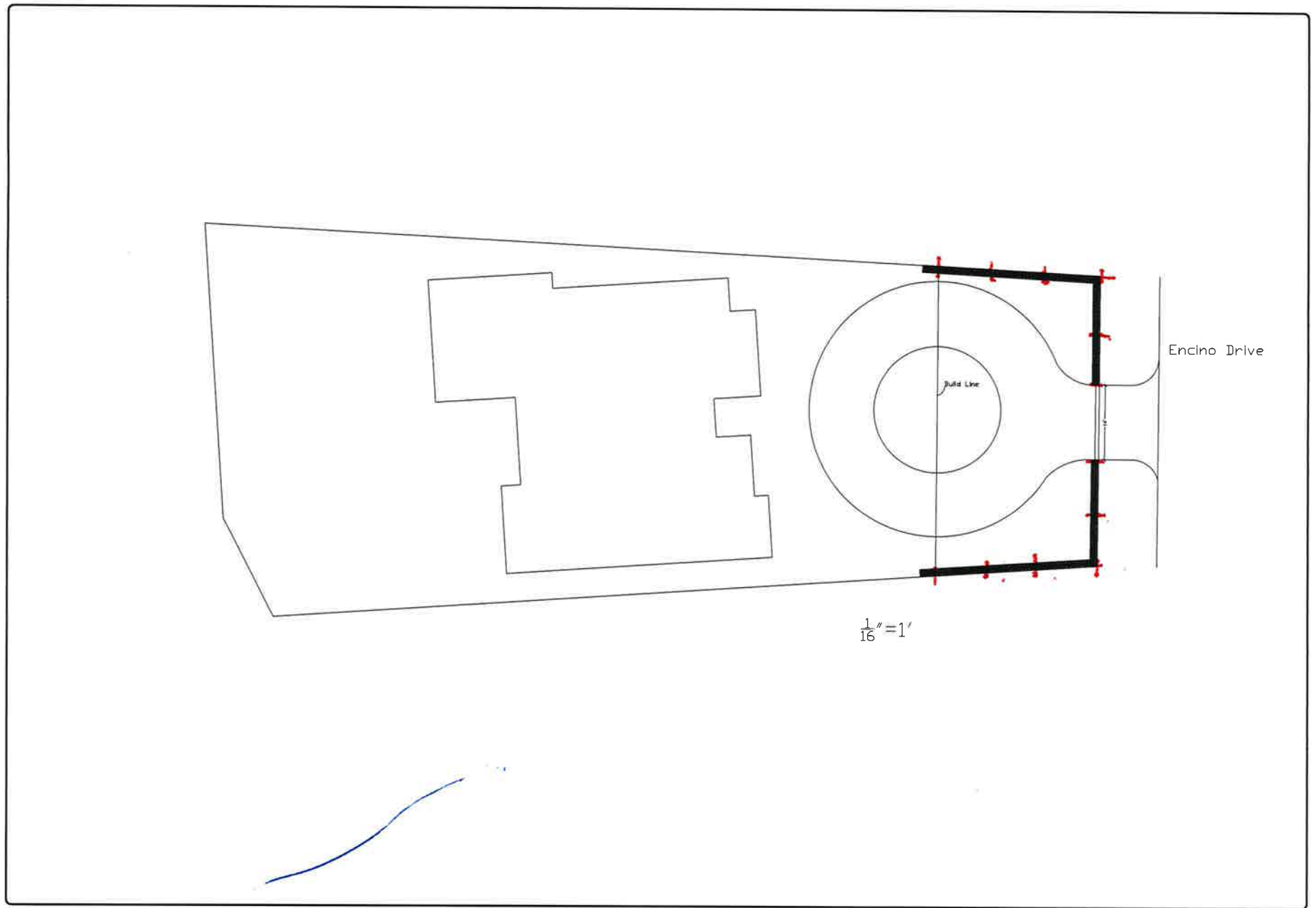
**Legend**

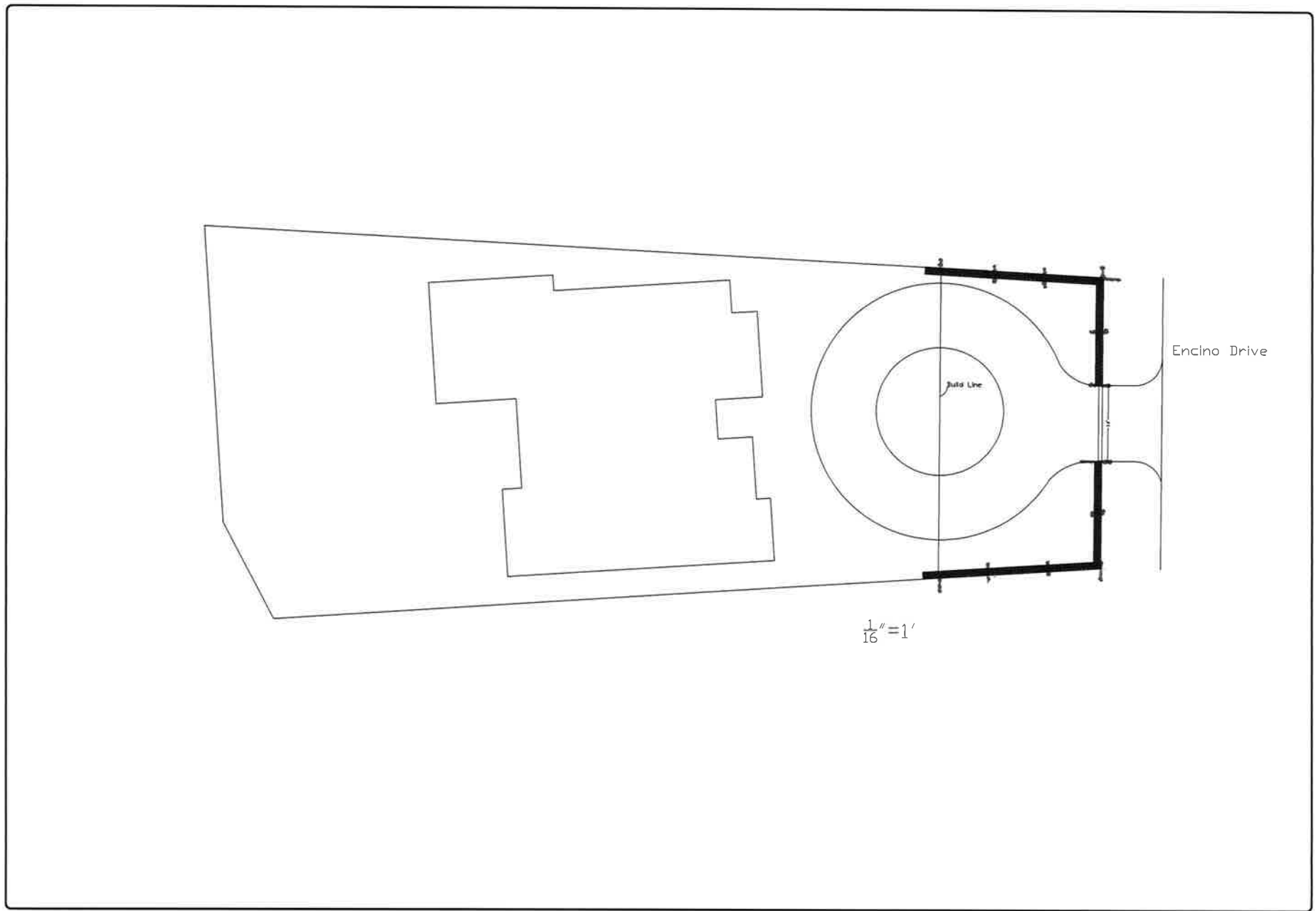
- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSPD Overlay                  | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | SUP                            | Historic Overlay      | Shop Front Overlay         |
|                      |                                | Height Map Overlay    | 8-11                       |

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)

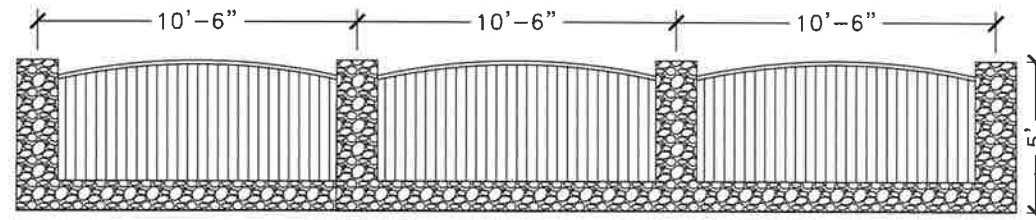




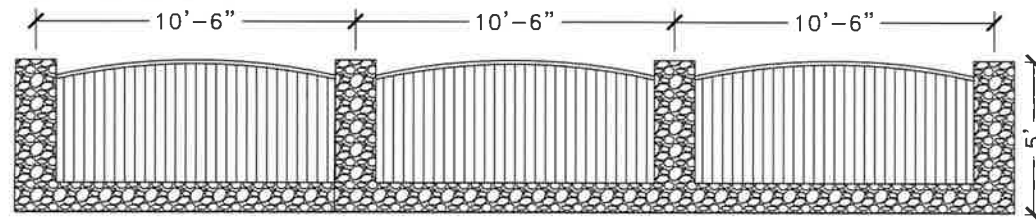




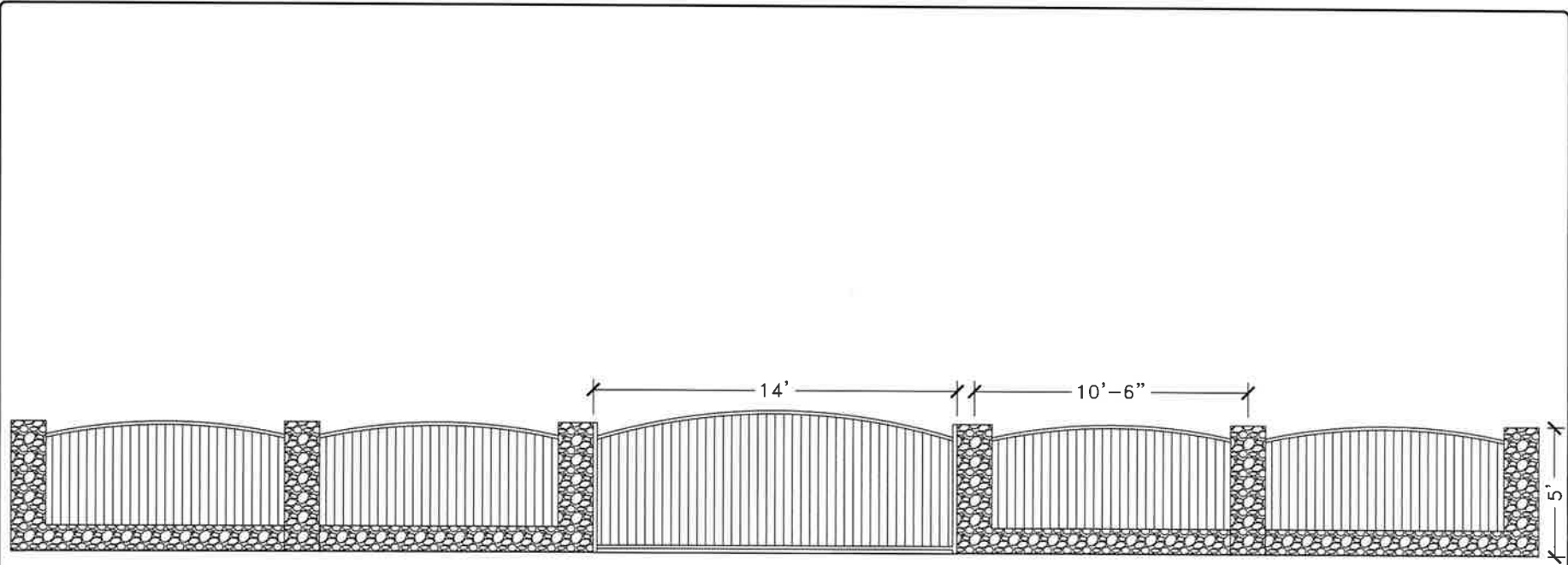
East Elevation



West Elevation



$\frac{1}{4}''=1'$  Scale



$\frac{1}{4}'' = 1'$  Scale

REVIEW COMMENT SHEET  
BOARD OF ADJUSTMENT  
HEARING OF **June 24, 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 190-059

BDA 190-060

BDA 190-062

BDA 190-066

BDA 190-045

COMMENTS:

---

***Fence should be designed and constructed  
outside of the visibility triangle. Any  
deviation would compromise visibility of  
pedestrians or any moving object on the  
sidewalk or adjacent street.***

---

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

Name/Title/Department

---

***6/15/2020***

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.



1<sup>ST</sup> of May 2020

To: City of Dallas  
Board of Adjustments  
for Dallas Development codes

From: Stephen N. Eddings  
3024 Encino Dr.  
Dallas, Texas 75228

Subject: Special Exemption/Waiver  
CASE #: BDA190-045

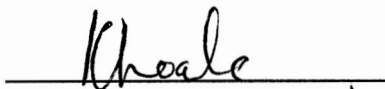
As per instructions from the City, I have collected signatures from adjacent neighbors that they have no objections from my security fence in my front yard being 5.5 ft tall as opposed to a 4ft tall fence with a sliding gate. Their signatures are written below. If any other neighbors signatures are needed, please let me know! Also I have no idea why the city left out street number 3026 Encino Dr. on my street.

Thank you for your consideration,



Stephen N Eddings

I have no objections to fence height or  
gate



Khoa Le  
3022 Encino Dr.  
Dallas, Texas 75228

I have no objections to fence height or  
gate



Gary Daniel Peoples  
3028 Encino Dr.  
Dallas, Texas 75228



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">25</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	25	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA190-045</b> Date: <b>3/24/2020</b>
200'	AREA OF NOTIFICATION					
25	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/24/2020

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

***BDA190-045***

### ***25 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3024 ENCINO DR	EDDINGS STEPHEN NEWELL
2	3106 TRUXILLO DR	WILK CLAUDIA &
3	3111 TRUXILLO DR	CLOPP CLARENCE M &
4	3115 TRUXILLO DR	ALMAZAN J JESUS & GRACE
5	3103 TRUXILLO DR	MOSALMANI ESMAEIL EST OF
6	3107 TRUXILLO DR	RIDDLE JOYCE D
7	3035 TRUXILLO DR	WILLIAMS DOUG A
8	3025 TRUXILLO DR	SALDANA MARTIN
9	3021 TRUXILLO DR	NUNEZ MOISA A ZELAYA &
10	3015 TRUXILLO DR	SALDANA MARTIN
11	3011 TRUXILLO DR	HOYOS JOEL
12	11024 ODETTE AVE	ANDRADE JOSE LUZ & ANTONIA
13	3034 ENCINO DR	NUNES DANIEL ALMEIDA DE SOUZA &
14	3038 ENCINO DR	MURILLO ALEJANDRA &
15	3027 ENCINO DR	STIFF DAVID C JR
16	3036 TRUXILLO DR	MIGLIERINI MARIA TERESA
17	3030 TRUXILLO DR	BURRELL RICKEY L & KAREN
18	3026 TRUXILLO DR	IBARRA JAVIER &
19	3010 ENCINO DR	PADILLA RICARDO &
20	3014 ENCINO DR	FORD BENITA C
21	3022 ENCINO DR	LE KHOA K & HANH KIM
22	3028 ENCINO DR	PEEPLES GARY DANIEL
23	3030 ENCINO DR	SZENASI JUDIT &
24	3041 ENCINO DR	NGUYEN THINH
25	3037 ENCINO DR	RAMSEY SYLVIA