



CITY OF DALLAS

**BOARD OF ADJUSTMENT, PANEL A
TUESDAY, MAY 19, 2020
AGENDA**

BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

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

PUBLIC TESTIMONY

Minutes

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

MISCELLANEOUS ITEM

Approval of the February 18, 2020 Board of Adjustment Panel A Public Hearing Minutes	M1
--	----

UNCONTESTED CASES

BDA190-037(OA) 1606 Rio Vista Drive REQUEST: Application of Sarah Alexander for a special exception to the single-family regulations	1
---	---

BDA190-043(OA)	6833 Prosper Street REQUEST: Application of Mark Brinkerhoff for a special exception to the single-family regulations, and provide an additional electrical meter	2
BDA190-046(OA)	7817 Forest Lane REQUEST: - Application of Verizon Wireless represented by Vincent Huebinger for a variance to the side yard setback regulations	3
BDA190-053(OA)	6023 Orchid Lane REQUEST: Application of Baldwin Associates for a special exception to the fence height regulations	4
BDA190-054(OA)	6031 Orchid Lane REQUEST: Application of Baldwin Associates for a special exception to the fence height regulations	5
BDA190-055(OA)	6039 Orchid Lane REQUEST: Application of Baldwin Associates for a special exception to the fence height regulations	6

REGULAR CASES

None

HOLDOVER CASE

BDA190-001(JM)	1101 S Haskell Avenue REQUEST: Application of Dallas City Council, pursuant to Resolution 19-0916 to require compliance of a nonconforming use	7
-----------------------	--	---

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA190-037(OA)

BUILDING OFFICIAL'S REPORT: Application of Sarah Alexander for a special exception to the single family use regulations at 1606 Rio Vista Drive. This property is more fully described as Lot 14, Block 2/4634 1/2, and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one. The applicant proposes to construct and/or maintain an additional dwelling non-rental unit, which will require a special exception to the single family use regulations.

LOCATION: 1606 Rio Vista Drive

APPLICANT: Sarah Alexander

REQUEST:

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

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site:** R-7.5(A) (Single Family District)
North: R-7.5(A) (Single Family District)
East: PD 468 (Planned Development District)
South: PD 468 (Planned Development District)
West: R-7.5(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single family use regulations focuses on constructing and maintaining a one-story additional dwelling unit on a site developed with a one-story single family structure.

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

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

The Dallas Development Code defines:

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

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

The submitted site plan denotes the locations of two building footprints, the larger of the two with what appears to be the existing single family main structure and the smaller of the two denoted as a “proposed granny flat”.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the “proposed granny flat” structure, specifically its collection of rooms/features shown on the floor plan.

According to DCAD records, the “main improvement” for the property at 1606 Rio Vista Drive is a structure built in 1959 with 2,603 square feet of total living area with the following “additional improvements”: a 528-square-foot detached garage and a 240-square-foot detached garage.

According to the submitted site plan the main structure contains 2,603 square feet of total living area and the proposed additional dwelling unit contains 494 square feet of living area (with garage and porches 830 square feet).

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

As of May 14, 2020, no letters have been submitted in support of or in opposition to the request

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

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

If the board were to grant this request, building inspection would view the structure denoted on the submitted site plan as a “proposed granny flat” as an “additional dwelling unit”.

Timeline:

January 29, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

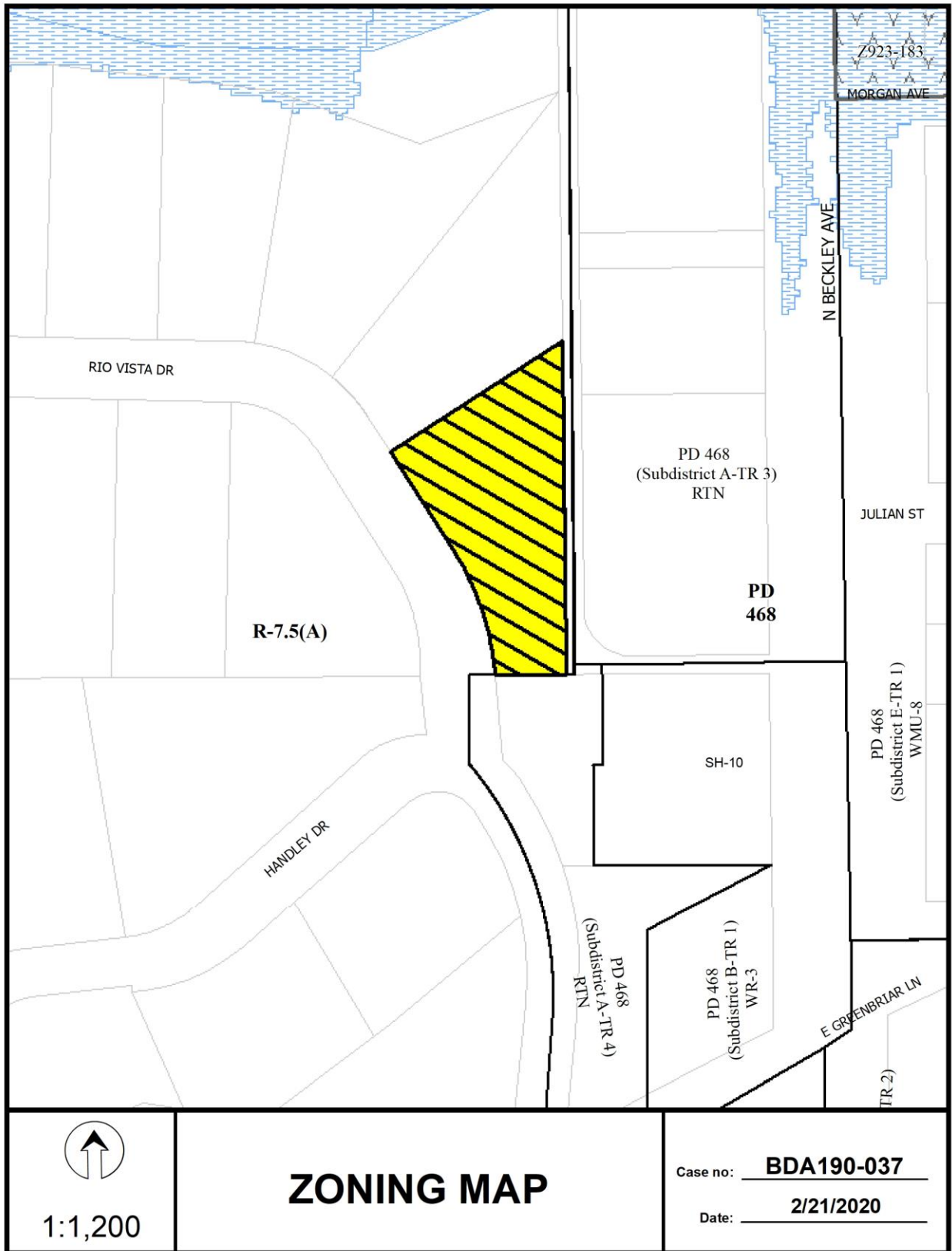
February 11, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

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

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

February 27, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Senior Engineer, the 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: **BDA190-037**

Date: **2/21/2020**



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-037

Data Relative to Subject Property:

Date: ~~1/27/2020~~ 1-29-20

Location address: 1606 Rio Vista Dr. Zoning District: R-7.5(A)

Lot No.: 14 Block No.: 2/4634 1/2 Acreage: .525 Census Tract: 42.01

Street Frontage (in Feet): 1) 203' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): BRIAN ALEXANDER + SARAH ALEXANDER

Applicant: SARAH ALEXANDER Telephone: 214-498-5478

Mailing Address: 1606 Rio Vista Dr. Zip Code: 75208

E-mail Address: Sillywillow1971@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of AN ADDITIONAL Dwelling unit.

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

- The architectural style of additional dwelling unit is the same as the main home
- Applicant will deed restrict additional dwelling unit from being rental property
- The additional unit is for personal use only to accommodate family members

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

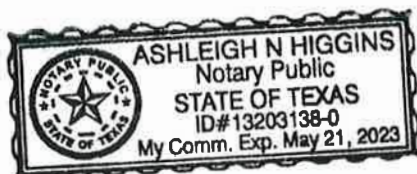
Before me the undersigned on this day personally appeared Sarah Alexander (Affiant/Applicant's name printed)

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: Sarah Alexander (Affiant/Applicant's signature)

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

(Rev. 08-01-11)



Ashleigh Higgins 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

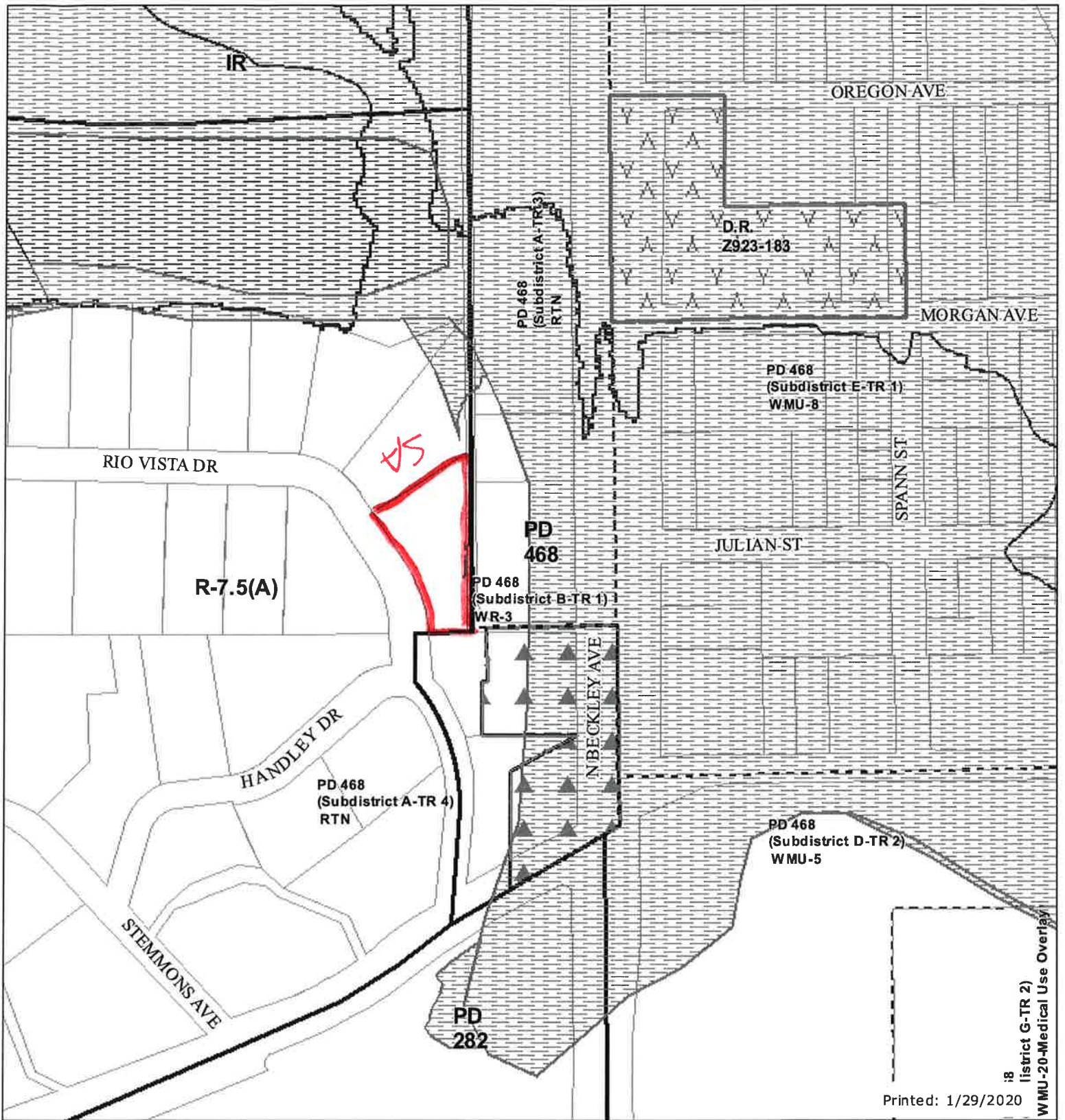
I hereby certify that Sarah Alexander

did submit a request for a special exception to the single family regulations
at 1606 Rio Vista Drive

BDA190-037. Application of Sarah Alexander for a special exception to the single family regulations at 1606 RIO VISTA DR. This property is more fully described as Lot 14, Block 2/4634 1/2, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 1/29/2020

WMU-20-Medical Use Overlay

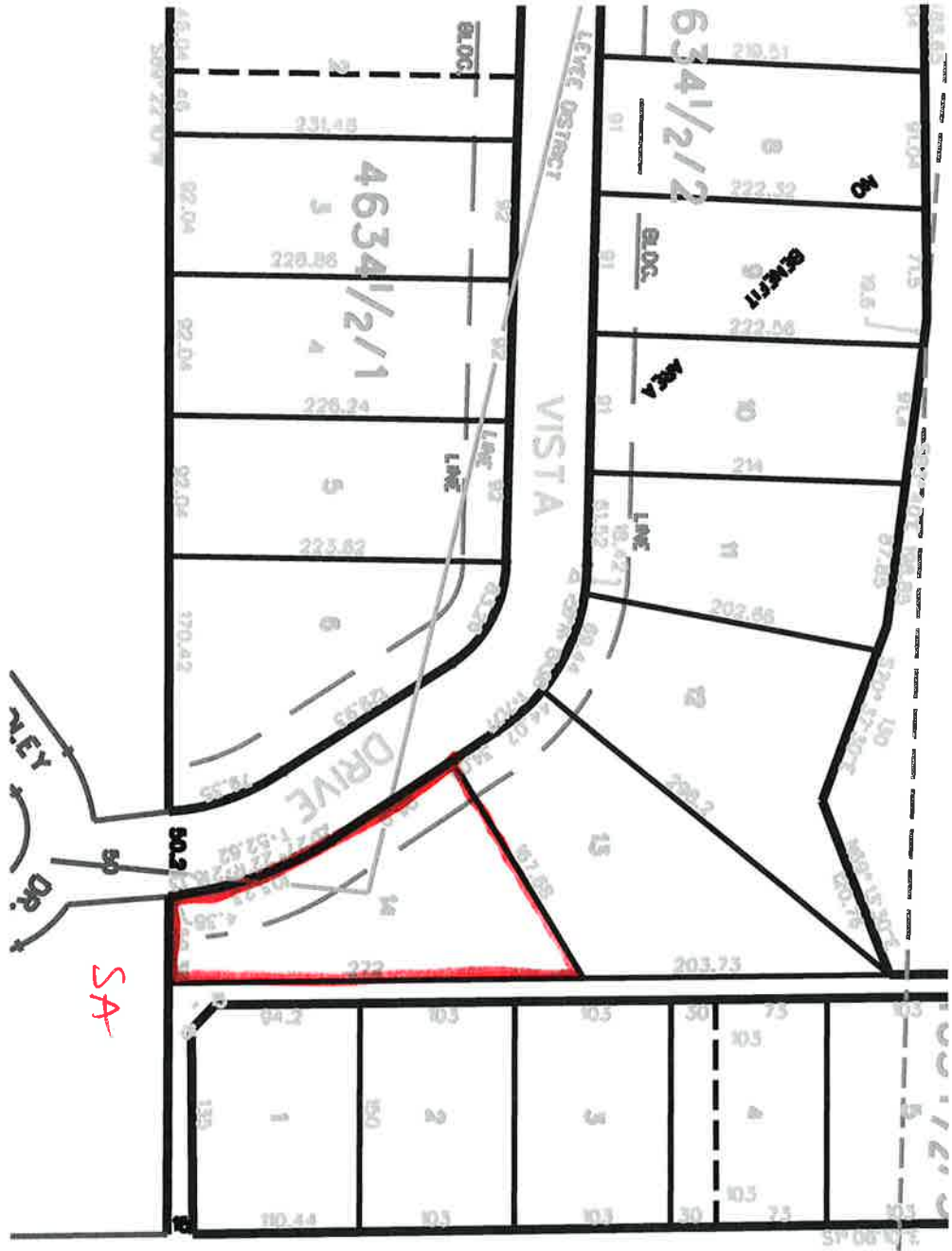
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | Sign 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)



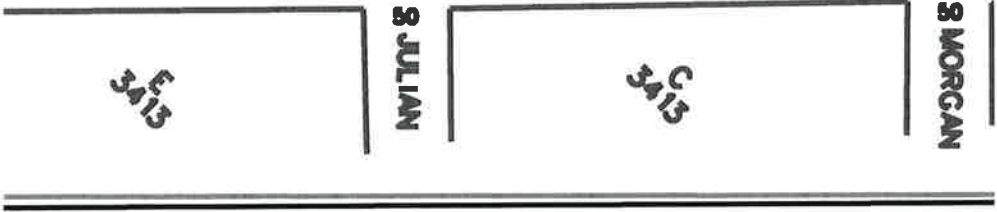
1:2,400

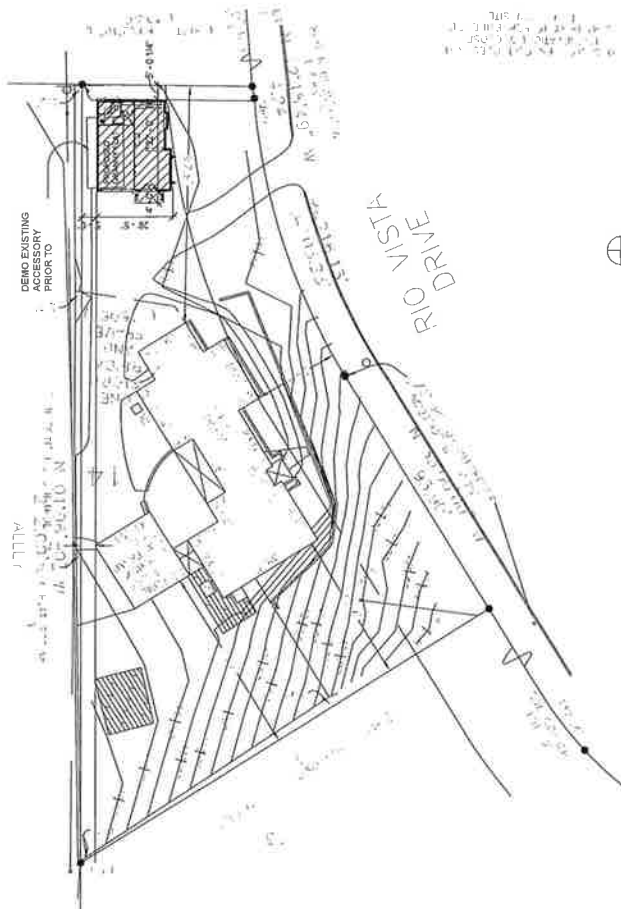


NORTH

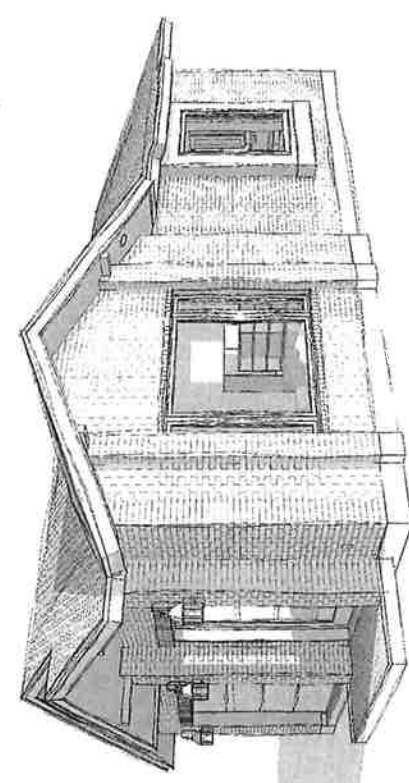
1700

BECK

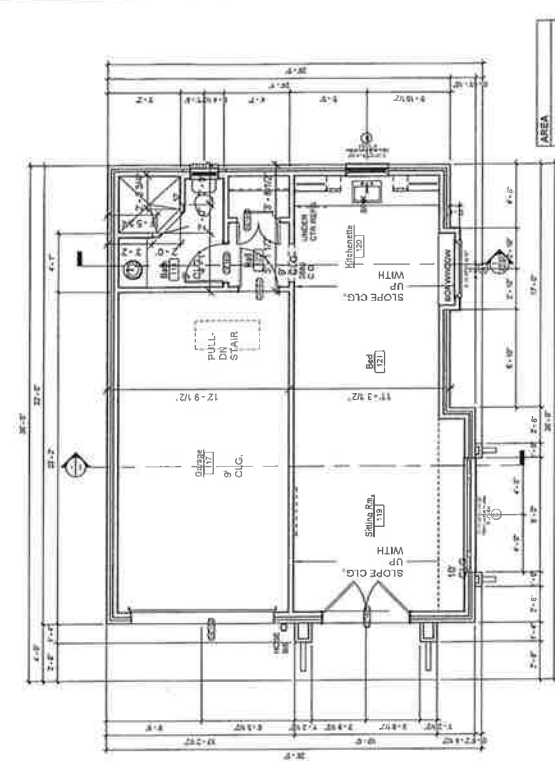




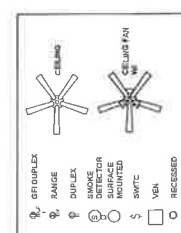
2 .Site Plan Working
 1/4" = 1'-0"



4 3D Front
 1/4" = 1'-0"

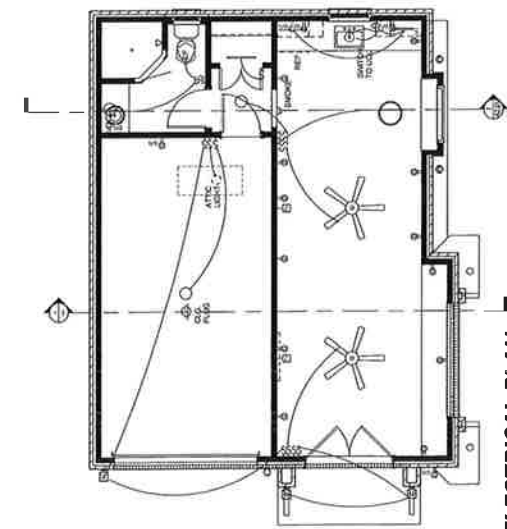


1 1ST FLOOR OVERALL PLAN
 1/4" = 1'-0"

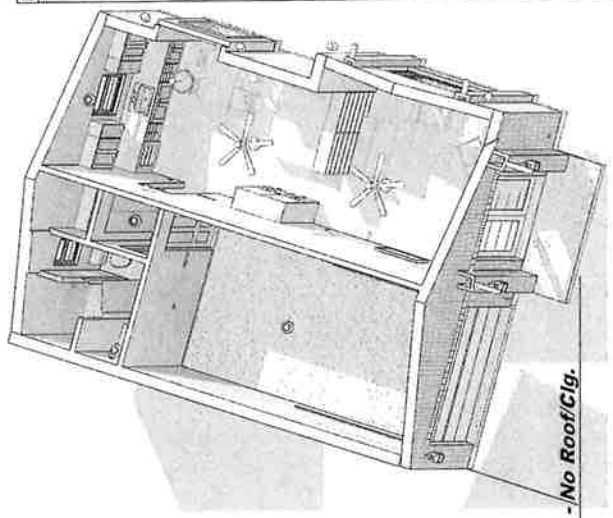


Window Schedule

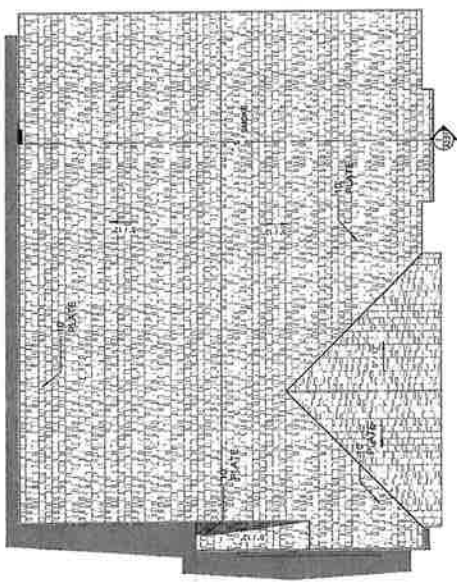
Window	Code	Size	Material
1	1	2'-11 1/2" x 11'-10"	1/2" x 11'-10"
2	2	2'-11 1/2" x 11'-10"	1/2" x 11'-10"
3	3	2'-11 1/2" x 11'-10"	1/2" x 11'-10"
4	4	2'-11 1/2" x 11'-10"	1/2" x 11'-10"



3 ELECTRICAL PLAN
 1/4" = 1'-0"

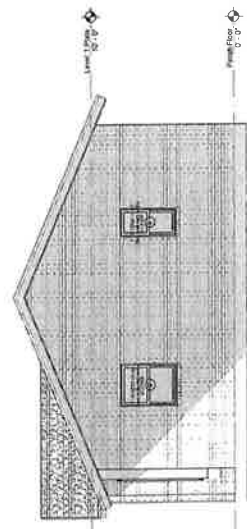


③ 3d - No Roof/Clg.

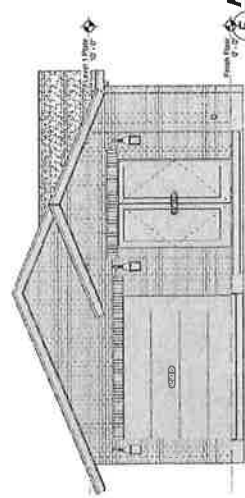


⑤ Roof Plan
1/4" = 1'-0"

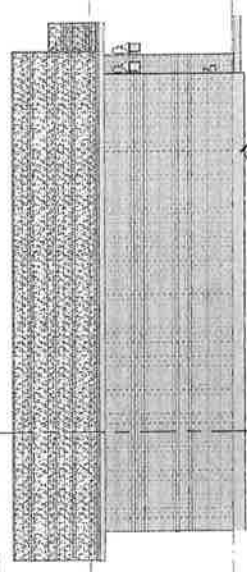
TYPE	SYMBOL	TYPE	SYMBOL	TYPE	SYMBOL
A	[Symbol]	B	[Symbol]	C	[Symbol]
D	[Symbol]	E	[Symbol]	F	[Symbol]



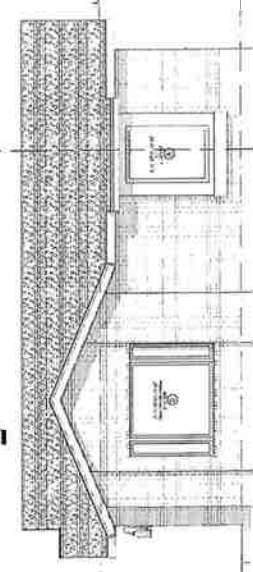
③ RIGHT ELEVATION
1/4" = 1'-0"



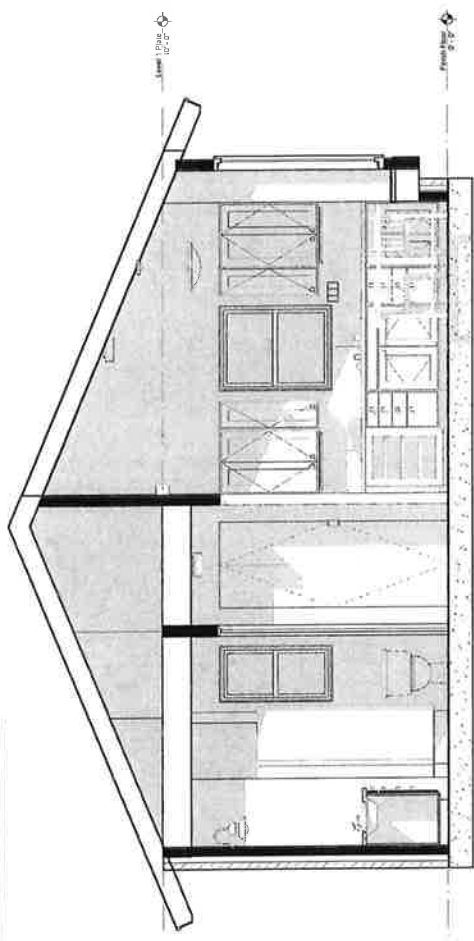
④ LEFT ELEVATION
1/4" = 1'-0"



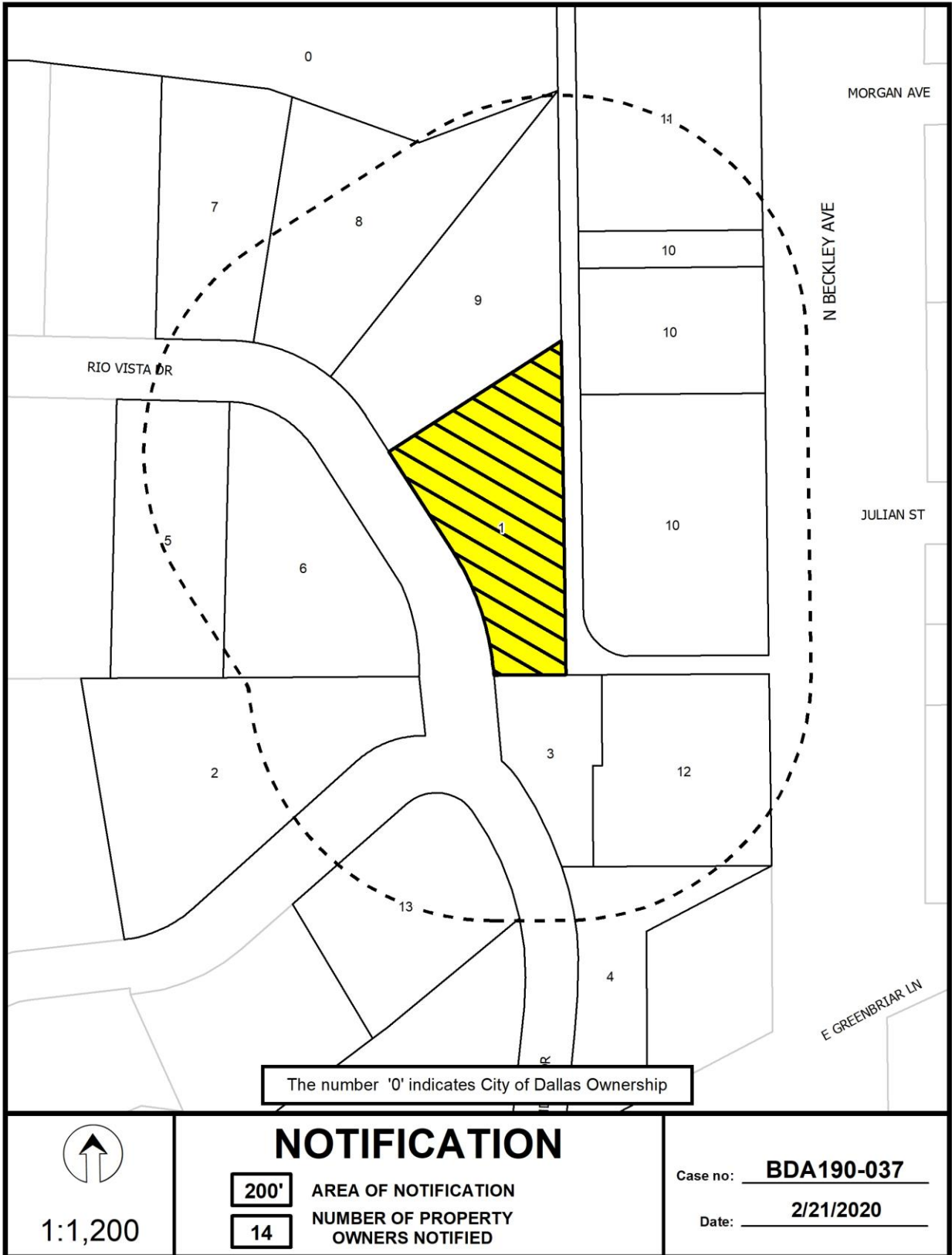
① REAR ELEVATION
1/4" = 1'-0"



② FRONT ELEVATION
1/4" = 1'-0"



⑦ Section 1
1/2" = 1'-0"



02/20/2020

Notification List of Property Owners

BDA190-037

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1606 RIO VISTA DR	ALEXANDER BRIAN & BICK SARAH
2	1640 HANDLEY DR	MALLINSON LUKE W &
3	1620 HANDLEY DR	KAVANAGH PETER
4	115 W GREENBRIAR LN	DSGN ASSOCIATES INC
5	1619 RIO VISTA DR	WARREN MARK W & FAITH C
6	1611 RIO VISTA DR	CHERNOCK CHRISTIAN S
7	1620 RIO VISTA DR	GULLEY JOHN F & DAWN
8	1616 RIO VISTA DR	DANIEL LYNSEY
9	1612 RIO VISTA DR	TRAYLOR GARY L &
10	1717 N BECKLEY AVE	BG BROOKVIEW PARTNERS LTD
11	1909 N BECKLEY AVE	BURDINE INDUSTRIES INC
12	1619 N BECKLEY AVE	AUSBROOKE LLC
13	1629 HANDLEY DR	HOMAN KATHERINE LIFE ESTATE
14	133 W GREENBRIAR LN	JOHNSTON JOHN & PATRICIA

FILE NUMBER: BDA190-043(OA)

BUILDING OFFICIAL'S REPORT: Application of Mark Brinkerhoff for a special exception to the single family use regulations and to provide an additional electrical meter at 6833 Prosper Street. This property is more fully described as Lot 8, Block C/5048 and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one and requires that single family dwelling use in a single family, duplex, or townhouse may be supplied by not more than one electrical utility service and metered by no more than one electrical meter. The applicant proposes to construct and/or maintain an accessory dwelling unit for rent, which will require a special exception to the single family use regulations and to add an additional electrical utility service and metered, which will require a special exception to the single family zoning regulations.

LOCATION: 6833 Prosper Street

APPLICANT: Mark Brinkerhoff

REQUEST:

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 single family use regulations is made to construct and maintain a two-story accessory dwelling unit structure for rent on a site developed with a two-story single family structure.
2. A request to install and maintain an additional electrical utility service and electrical meter on a site that is currently developed with a single family use

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

The board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize a rentable accessory dwelling unit on a lot when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to:

1. deed restrict the subject property to require owner-occupancy on the premises; and,
2. annually register the rental property with the city's single family non-owner occupied rental program.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will:

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

STAFF RECOMMENDATION ACCESSORY DWELLING UNIT :

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

STAFF RECOMMENDATION ADDITIONAL ELECTRICAL METER:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the single family use regulations focuses on constructing and maintaining a two-story additional dwelling unit and installing and maintaining a second electrical utility service and electrical meter on a site that is currently developed a two-story single family structure.

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

The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize a rentable accessory dwelling unit on a lot when, in the opinion of the board, the accessory dwelling unit will not adversely affect neighboring properties.

In addition, the Dallas Development Code states that in a single family, duplex, or townhouse district, a lot for a single family use may be supplied by not more than one electrical service, and metered by not more than one electrical meter; and that the Board of Adjustment may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single family use on a lot in a single family zoning district when in the opinion of the board, the special exception will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and 3) not be used to conduct a use not permitted in the zoning district

The Dallas Development Code states that *single family* means one dwelling unit located on a lot and that a *dwelling unit* means one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens¹, one or more bathrooms², and one or more bedrooms³.

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

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

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

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

These requests center on the function of what is proposed to be inside the smaller structure on the site – the accessory dwelling unit-- specifically its collection of rooms/features shown on the floor plan. The site plan that does not indicate the location of the two electrical meters on the subject site.

According to DCAD records and the submitted site plan, the “main improvement” for the property at 6833 Prosper Street is a structure built in 2015 with 2,012 square feet of total living area with no additional improvements. Furthermore, the site plan indicates the proposed accessory dwelling unit contains 400 square feet of living area.

The applicant has the burden of proof in establishing that the accessory dwelling unit will not adversely affect neighboring properties. In addition, the applicant has the burden of proof in establishing that the additional electrical meter to be installed on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties; and, 3) not be used to conduct a use not permitted in the zoning district.

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

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant deed restrict the subject property to require owner-occupancy on the premises and to annually register the rental property with the city’s single family non-owner occupied rental program.

Timeline:

February 5, 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 A.

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

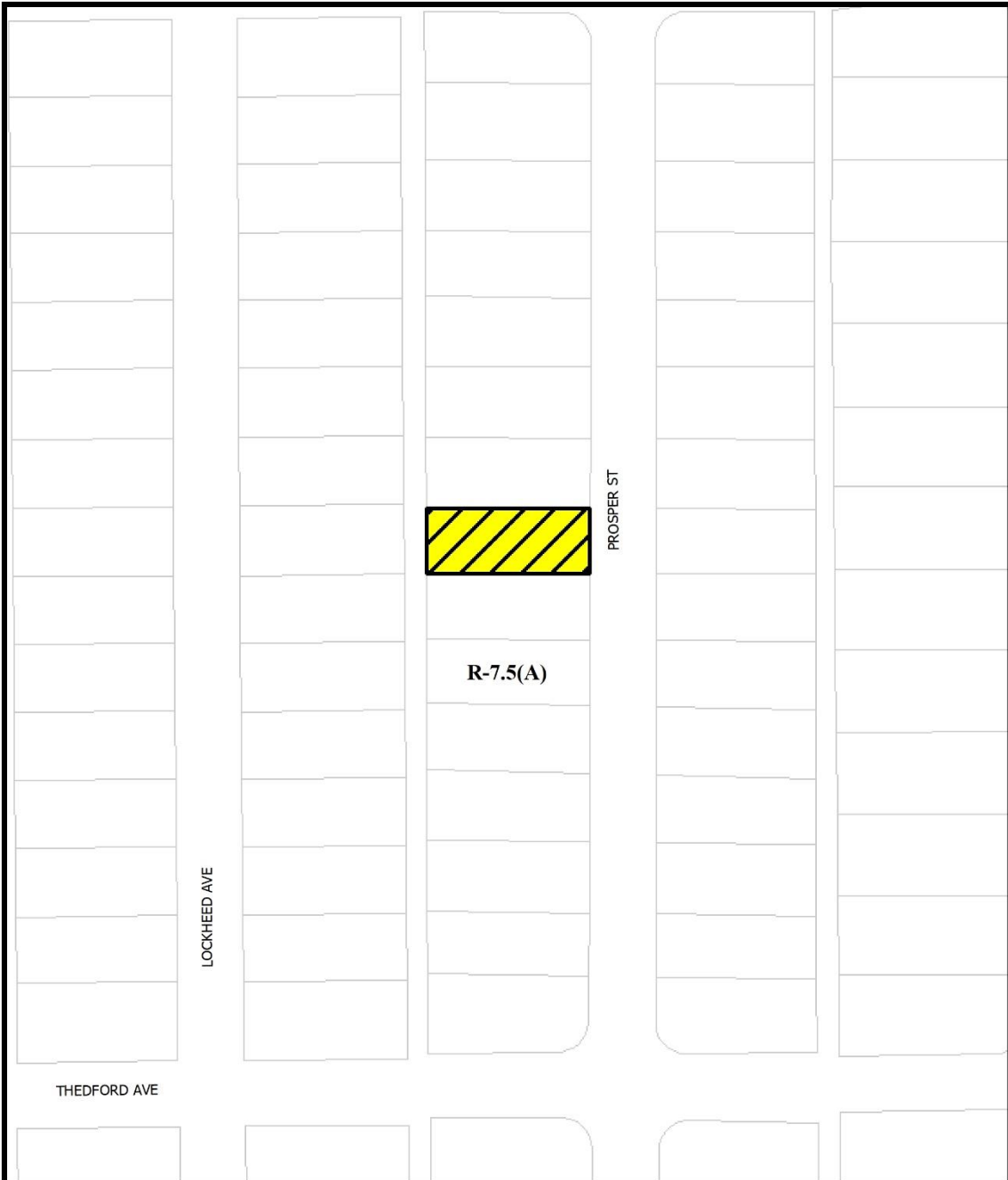
- an attachment that provided the public hearing date and panel that will consider the application; the April 28th deadline to submit additional evidence for staff to factor into their analysis; and the

May 8th deadline to submit additional evidence to be incorporated into the board's docket materials;

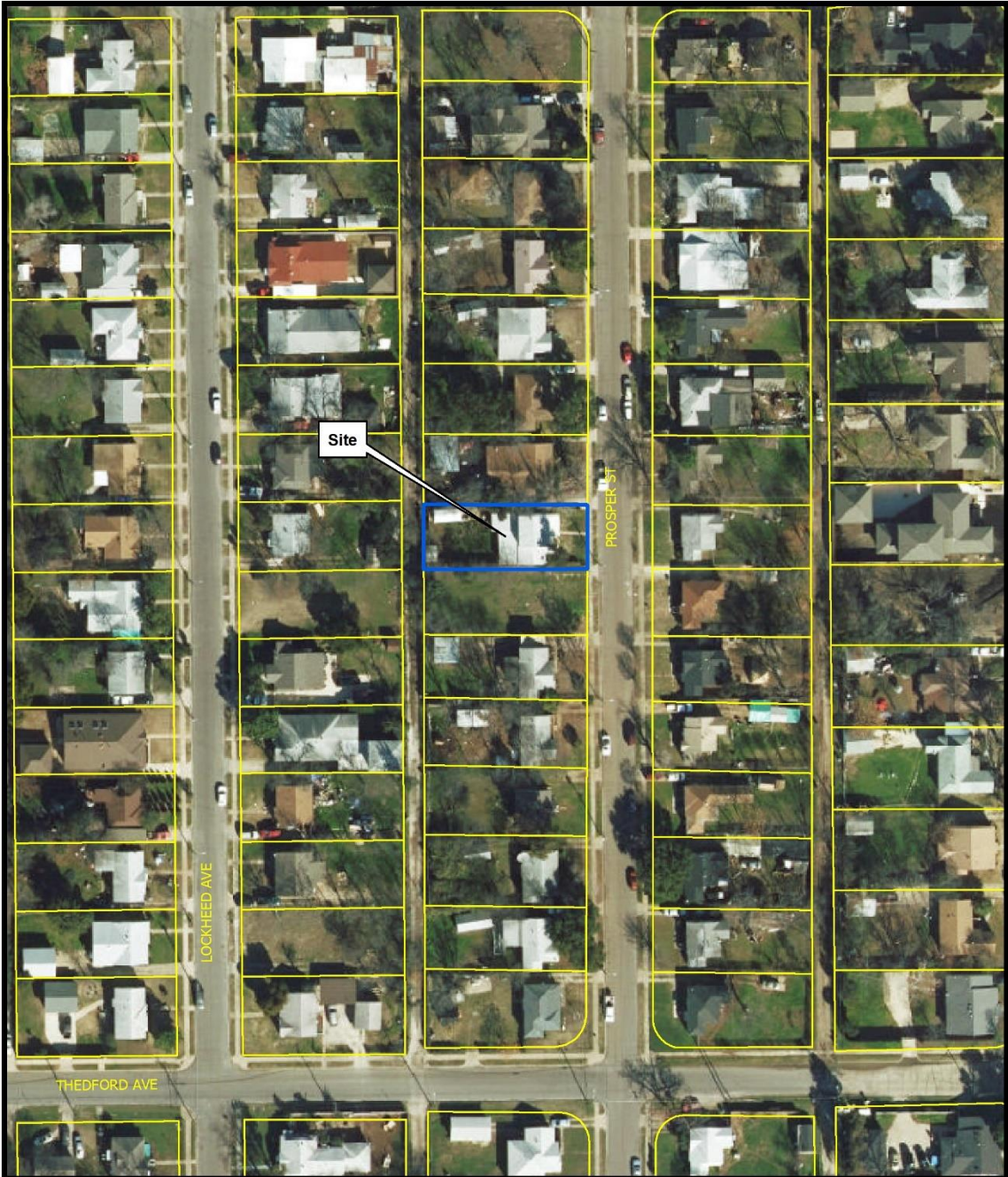
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 2, 2020:

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



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA190-043</u> Date: <u>3/24/2020</u>
--	---------------------	--



1:1,200

AERIAL MAP

Case no: BDA190-043

Date: 3/24/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-043

Data Relative to Subject Property:

Date: Feb. 5, 2020

Location address: 6833 Prosper Street Zoning District: R-7.5(A)

Lot No.: 8 Block No.: C/5048 Acreage: 0.14 Census Tract: 71.02

Street Frontage (in Feet): 1) 49.4 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mark Brinkerhoff

Applicant: Mark Brinkerhoff Telephone: (817)681-5739

Mailing Address: 6833 Prosper Street Zip Code: 75209

E-mail Address: think.brink@icloud.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception , of Accessory Dwelling Unit and an extra meter

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

I would like an ADU to create a more affordable housing unit in my neighborhood, where I've lived for the past decade.

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

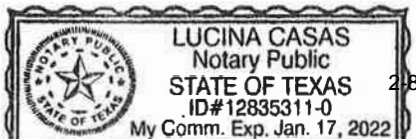
Before me the undersigned on this day personally appeared Mark Andrew Brinkerhoff
(Affiant/Applicant's name printed)

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: Mark Brinkerhoff
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 5 day of February, 2020

Lucina Casas
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 BRINKERHOFF

did submit a request for a special exception to the single family regulations, and provide an additional electrical meter

at 6833 Prosper Street

BDA190-043. Application of MARK BRINKERHOFF for a special exception to the single family regulations, and provide an additional electrical meter at 6833 PROSPER ST. This property is more fully described as Lot 8, BlockC/5048, and is zoned R-7.5(A), which limits the number of dwelling units to one and requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct an accessory dwelling unit for rent, which will require a special exception to the single family zoning use regulations, and to construct a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

ORD. NO. _____ CITY OF D
 ADDITION MOUNT
G. COLE ABST. **320** SCALE _____

SHANON ESTA

D
5699

121	1	2	3	4	5	6	7	8	9	10	11	12	13	14

5047/B

PROSPER 6000 — 6000 (STEVENS)

121	1	2	3	4	5	6	7	8	9	10	11	12	13	14

5048/C

LOCKHEED

B
5040

HILLS

LOCKHEED

MB



Printed: 2/5/2020

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 | 2-11 |

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)



1:2,400

MB



RESIDENTIAL DESIGNER
 4 ONE STUDIO, LLC
 214.513.2108
 info@asbestus.com
 www.asbestus.com

BRINKERHOFF RESIDENCE
 6833 PROSPER STREET
 DALLAS TEXAS 75209

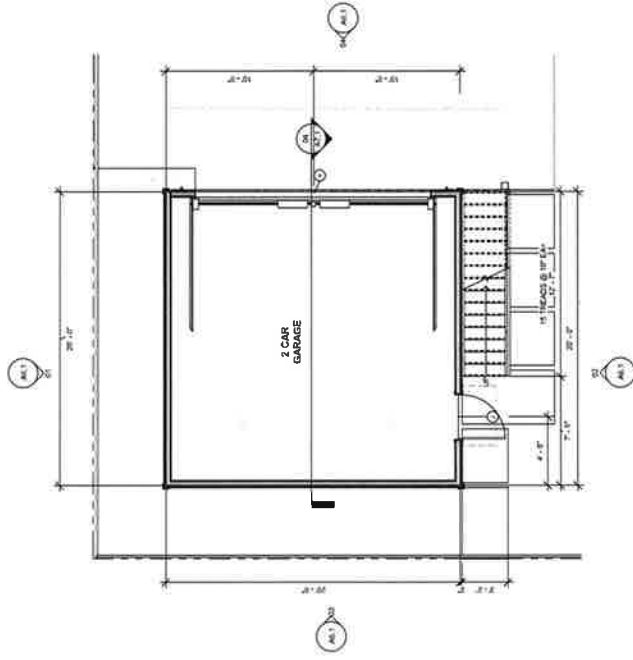
FLOOR PLAN

A2.1

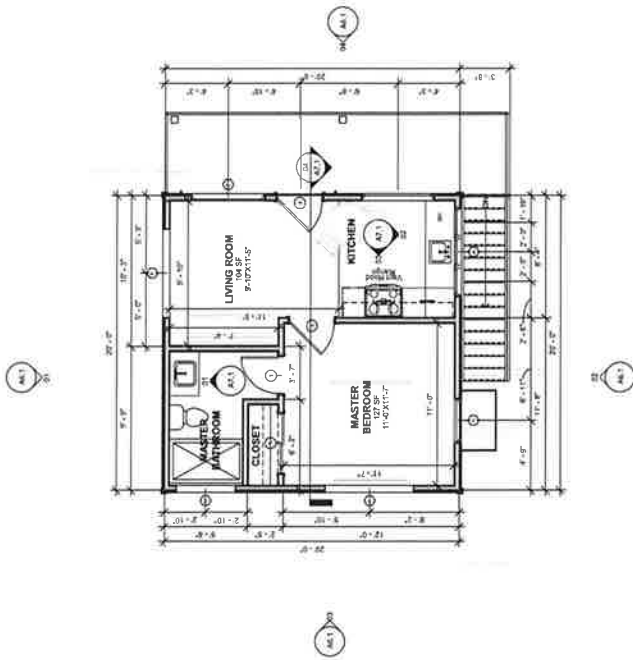
Project #
 Date
 A3/2024

GENERAL NOTES

1. ALL WORK TO COMPLY WITH APPLICABLE BUILDING CODES AND ALL APPLICABLE ORDINANCES IN THE JURISDICTION.
2. DO NOT SCALE DRAWINGS. ANY DIMENSIONS SHOWN TAKE PRECEDENCE TO THE ATTENTION OF THE DESIGNER.
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
4. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
6. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
7. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
8. ALL WORK MUST BE DONE ACCORDING TO MANUFACTURER'S SPECIFICATIONS AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
9. CONTRACTOR TO FIELD VERIFY BUILDING CODES AND ALL APPLICABLE ORDINANCES IN THE JURISDICTION.
10. VERIFY CLEARANCES ARE REQUIRED FOR ALL EQUIPMENT.
11. BEFORE PROCEEDING WITH ANY WORK OR CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND OTHER GOVERNMENTAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE IMPORTANCE OF THE CONSTRUCTION.
12. CONTRACTOR AND/OR SUBCONTRACTORS SHALL VERIFY ALL MEASUREMENTS AND DIMENSIONS BEFORE CONSTRUCTION AND MAKE ADJUSTMENTS TO ANY DIMENSIONS BETWEEN THE PLANS AND THE FIELD AS NECESSARY.
13. ALL STAIRS TO BE MAXIMUM HEIGHT OF 7'-6" AND MIN. TREAD DEPTH OF 10"



01 1ST FLOOR
 SCALE 1/4" = 1'-0"



02 2ND FLOOR
 SCALE 1/4" = 1'-0"



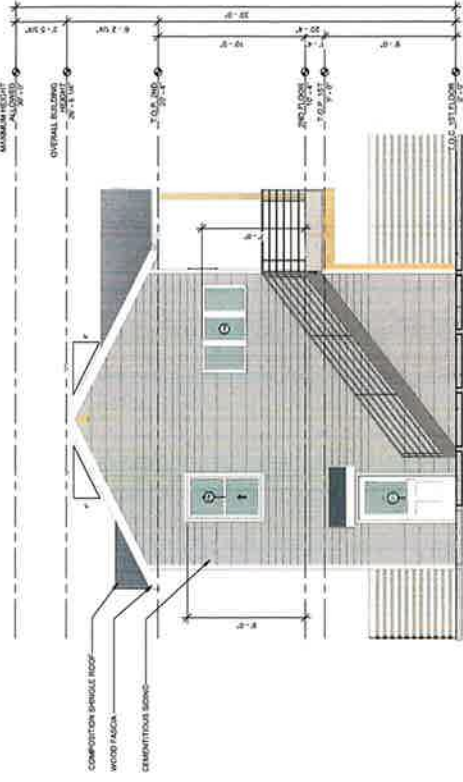
RESIDENTIAL DESIGNER
 A. BISE STUDIO, LLC
 214.512.5200
 www.abistudio.com

BRINKERHOFF RESIDENCE
 6833 PROSPER STREET
 DALLAS TEXAS 75209

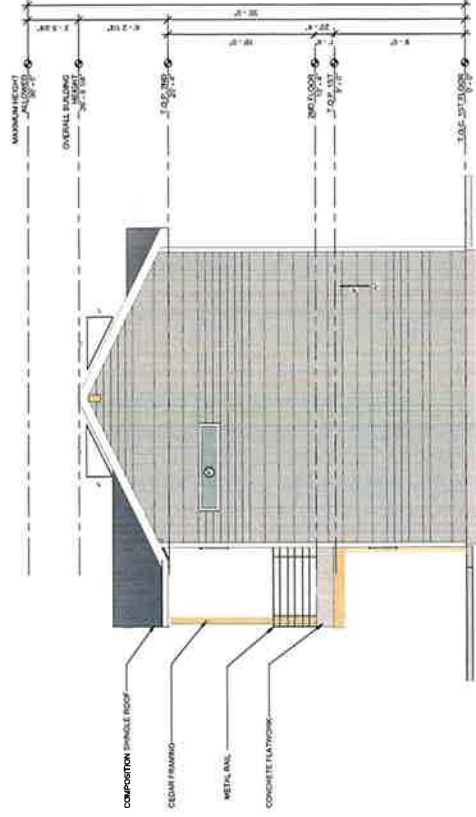
EXTERIOR ELEVATIONS

A6.1

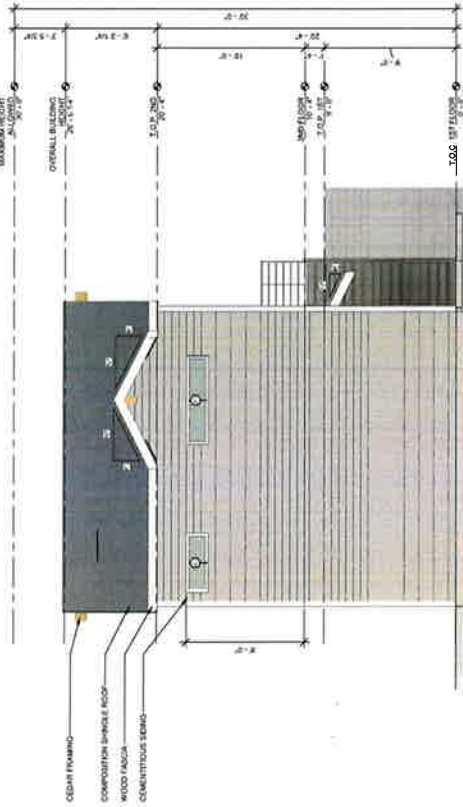
Sheet # 8
 Scale: 1/4" = 1'



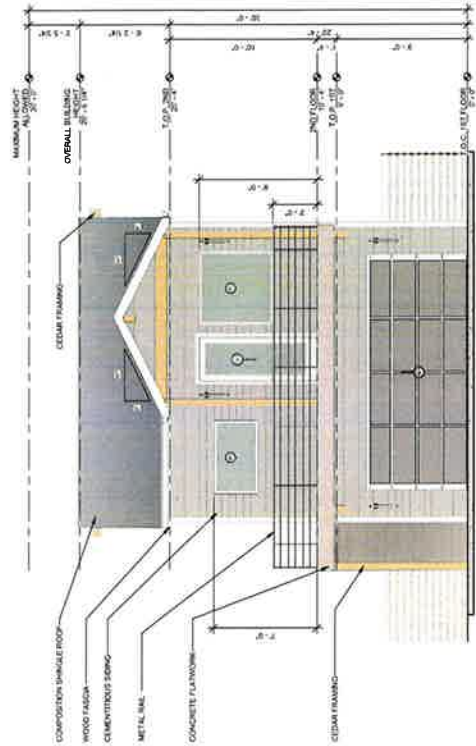
02 NORTH (FRONT) ELEVATION
 SCALE: 1/4" = 1'



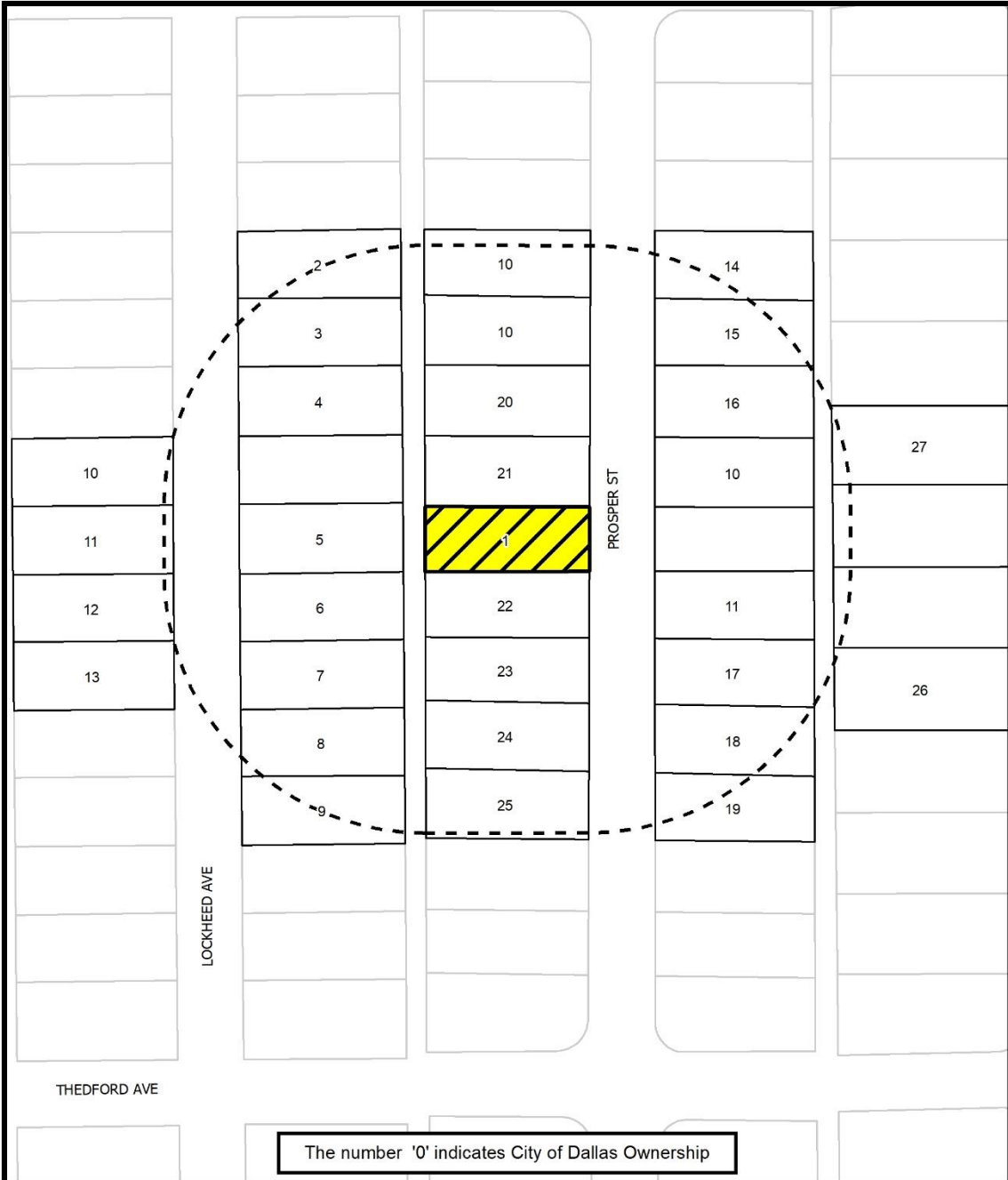
01 SOUTH (REAR) ELEVATION
 SCALE: 1/4" = 1'



03 EAST ELEVATION
 SCALE: 1/4" = 1'



04 WEST ELEVATION
 SCALE: 1/4" = 1'



 1:1,200	NOTIFICATION		Case no: BDA190-043
	200' AREA OF NOTIFICATION 27 NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/24/2020

03/24/2020

Notification List of Property Owners

BDA190-043

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6833 PROSPER ST	BRINKERHOFF MARK
2	6914 LOCKHEED AVE	GOMEZ JUAN B &
3	6910 LOCKHEED AVE	LI HUIFANG &
4	6906 LOCKHEED AVE	GONZALEZ JULIAN &
5	6832 LOCKHEED AVE	JC LEASING LLP
6	6828 LOCKHEED AVE	1250 WDT LTD
7	6822 LOCKHEED AVE	RUIZ HECTOR
8	6818 LOCKHEED AVE	REED WELLINGTON BERNARD &
9	6814 LOCKHEED AVE	LOCKHEED JOINT VENTURE
10	6903 LOCKHEED AVE	JC LEASING LLP
11	6833 LOCKHEED AVE	NUNLEY WALKER LP
12	6829 LOCKHEED AVE	LOCKHEED FAMILY TRUST
13	6823 LOCKHEED AVE	CARROLL KERMIT LF EST
14	6914 PROSPER ST	TRAMEL EARL JOE
15	6910 PROSPER ST	MCCONNIEL JONATHAN J &
16	6906 PROSPER ST	ALONSO EVA
17	6822 PROSPER ST	ROBBINS SEAN &
18	6818 PROSPER ST	HORACE SHERRY
19	6814 PROSPER ST	TOAM LLC
20	6907 PROSPER ST	WHITE KENNETH
21	6903 PROSPER ST	HOLLENSTEIN ERIN
22	6829 PROSPER ST	FLORES BILLY MOISES
23	6823 PROSPER ST	MURDINE BERRY FAMILY TRUST
24	6819 PROSPER ST	TR SCOTT CAPITAL 6819 SERIES I
25	6815 PROSPER ST	TRI SCOTT CAPITAL
26	6903 KENWELL ST	DEVOCO LLC
27	6919 KENWELL ST	RYLOR GROUP LLC &

FILE NUMBER: BDA190-046(OA)

BUILDING OFFICIAL'S REPORT: Application of Verizon Wireless, represented by Vincent G. Huebinger, for a variance to the side yard (tower spacing) setback regulations at 7817 Forest Lane. This property is more fully described as Lot 1, Block A/7740, and is zoned an MU-3 Mixed Use District,, which requires a side yard setback of 30 feet for tower spacing. The applicant proposes to construct and/or maintain a structure and provide a 15-foot side yard setback, which will require a 15-foot variance to the side yard (tower spacing) setback regulations.

LOCATION: 7817 Forest Lane

APPLICANT: Verizon Wireless
Represented by Vincent G. Huebinger

REQUEST:

A request for a variance to the “tower spacing” side yard setback regulations of 15 feet is made to construct and maintain a 125-foot-high cellular communications tower “structure” 15 feet from the site’s eastern side property line or 15 feet into the 30-foot side yard setback on a site developed with a commercial use.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- Staff concluded that this request should be granted because the width of the subject site where the proposed 125’ high cellular communications tower “structure” is to be located 57 feet, and the height of this structure requires two 30’ side yard (tower spacing) setbacks.
- Staff concluded that granting this variance would not be contrary to public interest in that if the board were to grant this request and impose the submitted site plan/elevation as a condition, the side yard (tower spacing) encroachment would be limited to that what is shown on this document a 125’ high cellular communications tower “structure” located 15’ from the site’s eastern side property line or 15’ into this 30’ side yard setback.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| 1. BDA189-124, Property located at 7817 Forest Lane (the subject site) | The Board of Adjustment Panel A, at its public hearing held on Tuesday, January 21, 2020, denied your request for a request for the eight-foot variance to the side yard setback regulations for tower spacing without prejudice. |
|--|---|

The case report stated that the request was made to maintain a construct and maintain a 5-foot wide, 125-foot-high cellular communications tower “structure” located 22 feet from the site’s eastern side property line or 8 feet into this 30-foot side yard setback on a site developed with a commercial use.

GENERAL FACTS /STAFF ANALYSIS:

This request for a variance to the side yard setback regulations of 15 feet focuses on constructing and maintaining a 125-foot-high cellular communications tower “structure” located 15 feet from the site’s eastern side property line or 15 feet into this 30-foot side yard setback, as confirmed by the submitted site/elevation plan. The property is developed with a commercial use.

The property is zoned an MU-3 Mixed Use District which requires no minimum side and rear yard except when adjacent to or directly across an alley from residential district, a 20-foot setback is required.

Additionally, tower spacing, an additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet.

According to DCAD records, the “main improvement” listed for property addressed at 7817 Forest Lane is an “automotive service” structure built in 2016 with 1,082 square feet of total area.

The subject site contains 0.46 acres, is flat, and slightly irregular in shape (approximately 59 feet wide to the north, 80 feet wide to the south, 329 feet long to the east, and 318 feet long to the west). The lot is 57’ wide where the monopole is proposed.

As of May 14, 2020, no letters have been submitted in support of or in opposition to the request.

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

1. That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
2. The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same MU-3 zoning classification.

3. The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MU-3 zoning classification.

If the Board were to grant the variance request and impose the submitted site/elevation plan as a condition, the structure in the side yard setback would be limited to what is shown on this document which in this case is a 125-foot-high cellular communications tower “structure” located 15 feet from the site’s eastern side property line or 15 feet into this 30-foot side yard setback.

Timeline:

March 18, 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.

April 6, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

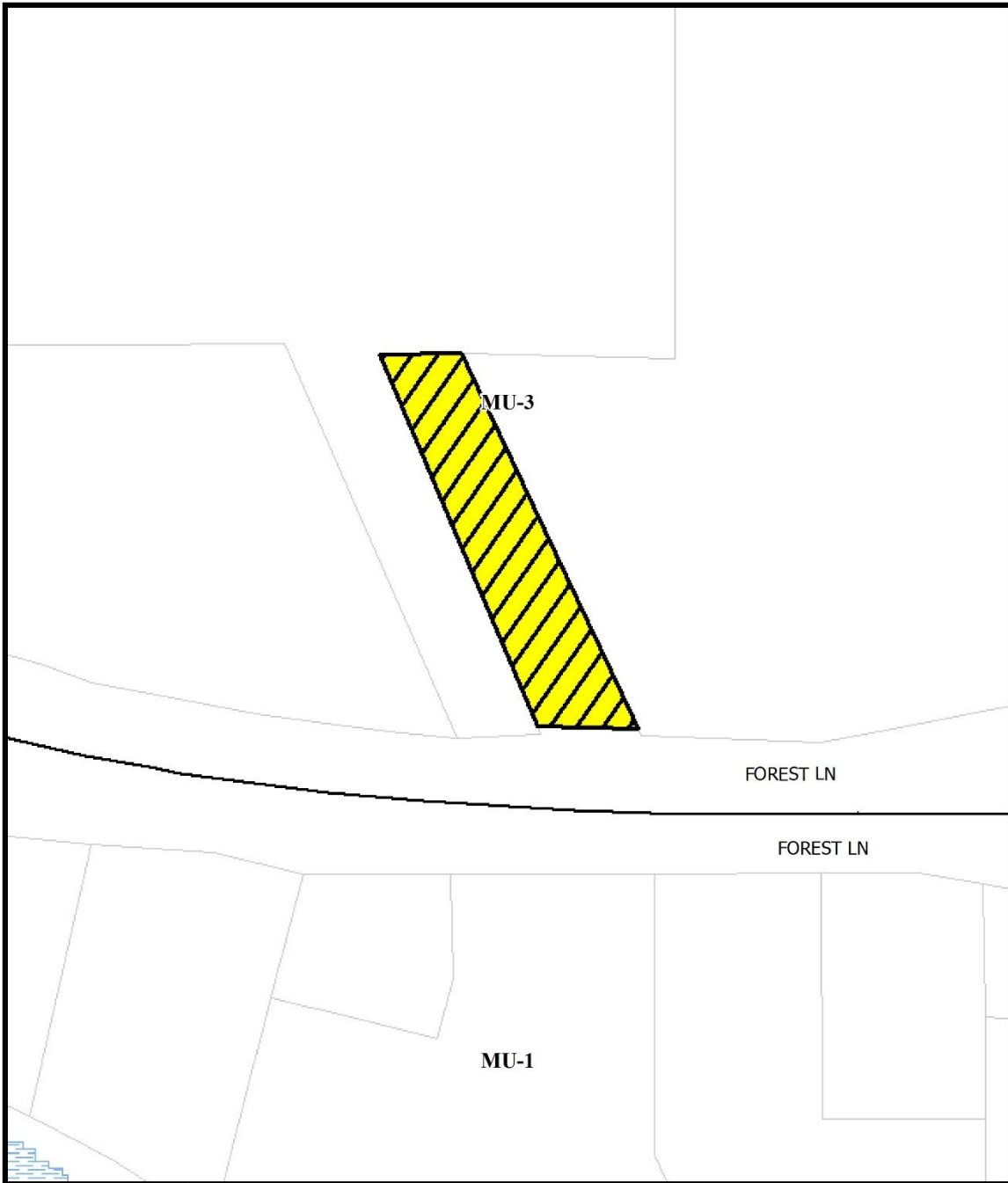
April 17, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant’s representative the following information:

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

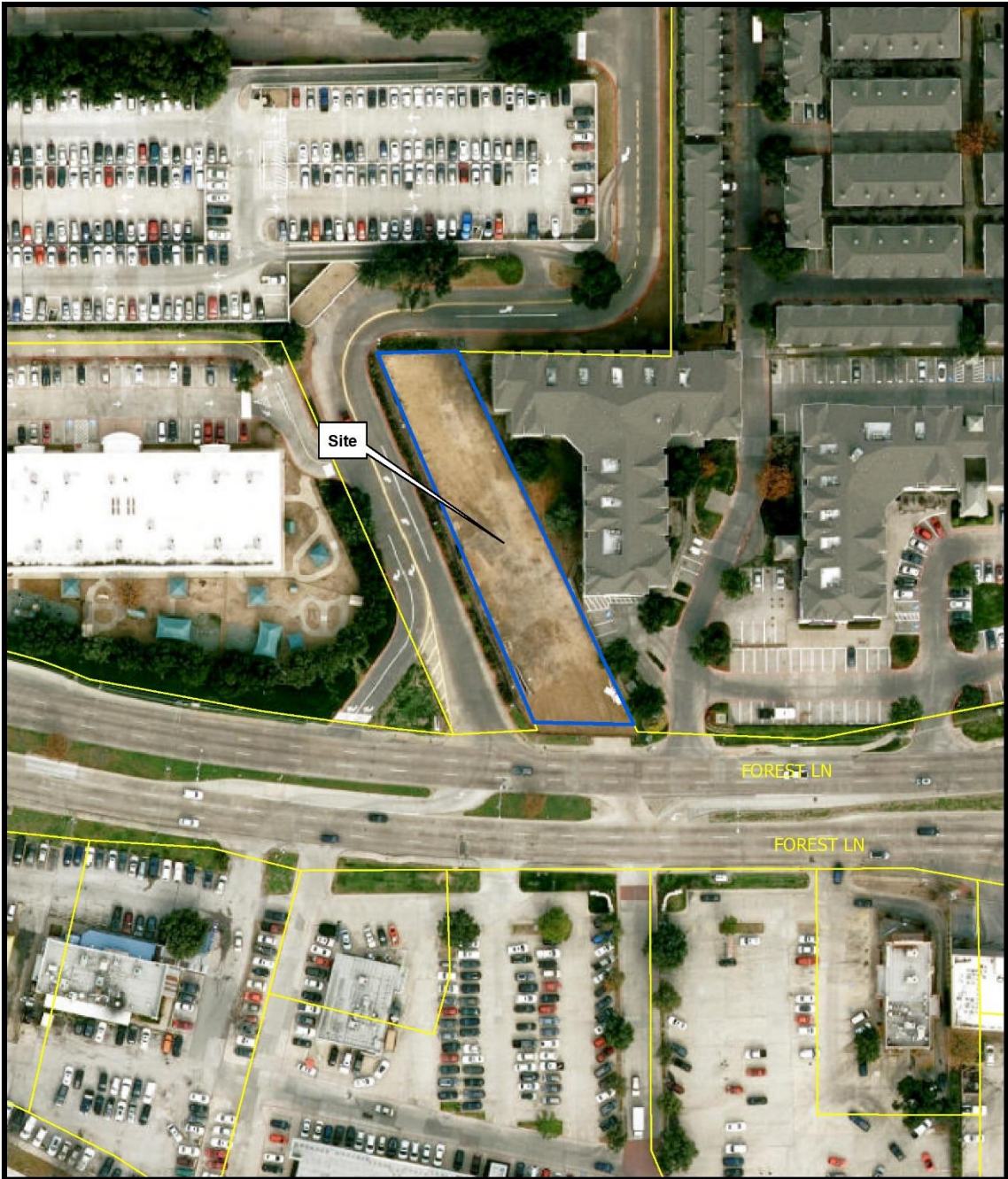
April 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the following: the Assistant Director of Sustainable Development and

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

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



 1:1,200	<h1>ZONING MAP</h1>	Case no: <u>BDA190-046</u> Date: <u>4/27/2020</u>
--	---------------------	--



1:1,200

AERIAL MAP

Case no: BDA190-046

Date: 4/27/2020

RECEIVED
MAR 17 2020
BY: Olga Torres



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-046

Data Relative to Subject Property:

Date: March 16, 2020

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

Lot No.: 1 Block No.: A7740 Acreage: 0.46 ac (Lease) Census Tract: 132

Street Frontage (in Feet): 1) 80' 2) Private 3) Private 4) _____ 5) _____

To the Honorable Board of Adjustment :

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

Applicant: Verizon Wireless Telephone: (210) 488-2623

Mailing Address: 6966 Tri County Parkway Schertz Texas Zip Code: 78154

E-mail Address: lucas.corder@verizonwireless.com

Represented by: Vincent Gerard & Associates Inc. Vincent Huebinger Telephone: 512 328-2693

Mailing Address: 1715 Capital Texas Hwy suite 207, Austin Tx Zip Code: 78746

E-mail Address: Vinceh@vincentgerard.com

Affirm that an appeal has been made for a Variance x, or Special Exception , of wireless tower spacing requirements from property lines requesting a variance on a street side yard - required 30' provided 16" on west side along private roadway. All other property lines are being met.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The tract is restricted in size, the site is the only wireless option found in the search ring that meets coverage objectives of in building coverage in Medical City Campus. The code does not consider property line setbacks along private roads or street side yards. The property line across the street is over 74' distance from structure. Code is not clear on antenna, only stating "Tower spacing".

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

Affidavit

Before me the undersigned on this day personally appeared Vincent G. Huebinger
(Affiant/Applicant's name printed)

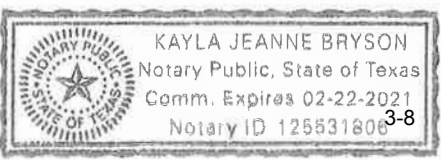
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 16th day of March, 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 Verizon Wireless
represented by Vincent Huebinger
did submit a request for a variance to the side yard setback regulations
at 7817 Forest Lane

BDA189-124. Application of Verizon Wireless represented by VINCENT HUEBINGER for variance to the side yard setback regulations at 7817 FOREST LN. This property is more fully described as Lot 1, Block A/7740, and is zoned MU-3, which requires a side yard setback of 30 feet for tower spacing. The applicant proposes to construct a non-residential structure and provide a 15 foot side yard setback, which will require a 15 foot variance to the side yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



AFFIDAVIT

Appeal number: BDA 190-046

I, Alderi, Inc., Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 7817 Forest Lane
(Address of property as stated on application)

Authorize: Vincent G. Huebinger/Vincent Gerard & Associates, Inc.
(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: Setback variance for structure

Allen M. Feltman, Pres.
Print name of property owner or registered agent

Allen M. Feltman
Signature of property owner or registered agent

Date February 10th, 2020

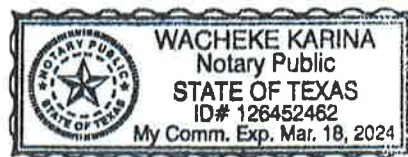
Before me, the undersigned, on this day personally appeared Allen M. Feltman

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 10th day of February, 2020

Wacheke Karina
Notary Public for Dallas County, Texas

Commission expires on 03/18/2024





5804 Tri County Parkway
Schertz, TX 78154

To Whom it may concern:

I, Tim Caletka (Principal Const. Engineer-Verizon Wireless) hereby authorize Vincent Gerard & Associates to file and pull all appropriate documents, permits and applications with respect to Verizon permits on our projects. Vincent Gerard & Associates is an authorized agent for Verizon Wireless.

Thank You,

A handwritten signature in blue ink that reads "Tim Caletka". The signature is written in a cursive style and is positioned above a horizontal line.

Tim Caletka –Sr. Construction Engineer

**WIRELESS COMMUNICATION FACILITY
RF LOCATION STATEMENT**

**Re: Verizon Wireless –Telecommunication facility located at 7817 Forest Lane,
Dallas, Texas**

I Raul Ramos-Quintana am the Verizon Wireless Radio Frequency Engineer on this project. I have 20 years of experience in Wireless and my education consists of a Bachelor of Science, Electrical Engineering.

Verizon Wireless hereby states that a careful review of the geographical area to be served by the proposed new tower was made, which revealed that an antenna height of 120 feet would be required.

This tower will be located on a specific parcel, and sits in a location designed to enhance and expand both the available in-building coverage and the necessary capacity for the citizens of north Dallas, all customers within the Medical City Hospital complex and first responders. Currently our data shows that these medical facilities have very poor indoor coverage. Approval of this location will allow for a safer, more secure area around Medical City, Dallas Texas.

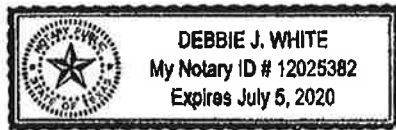
Verizon Wireless considered other locations and heights, but no other option was available that would allow Verizon Wireless to utilize a tower or rooftop while serving the intended coverage area and providing sufficient capacity. No other viable candidate was located to provide maximum in-building penetration and capacity improvement. This site provides the optimal solution for our main coverage concerns and objectives.

This RF Location Statement confirms the importance of this specific location in order to provide service, i.e. in building coverage and capacity, to the Medical City Hospital complex.



Raul Ramos-Quintana
Principal Engineer - RF, Verizon Wireless

February 12, 2020



Debbie J. White 02/12/2020

MEDICAL_CITY – RSRP Plots

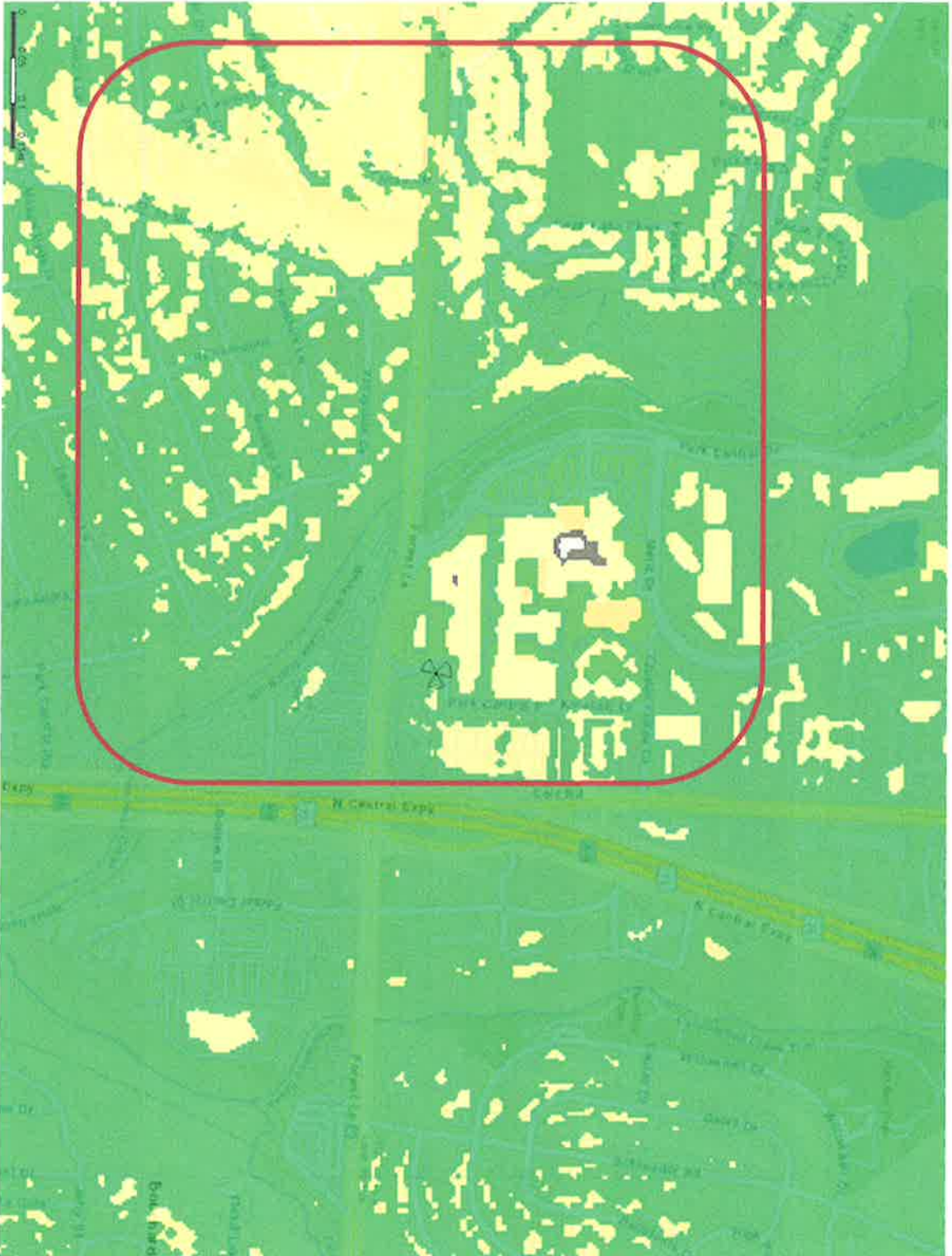
RF Design Team


February 11, 2020



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

MEDICAL_CITY-- 700 MHz RSRP Current

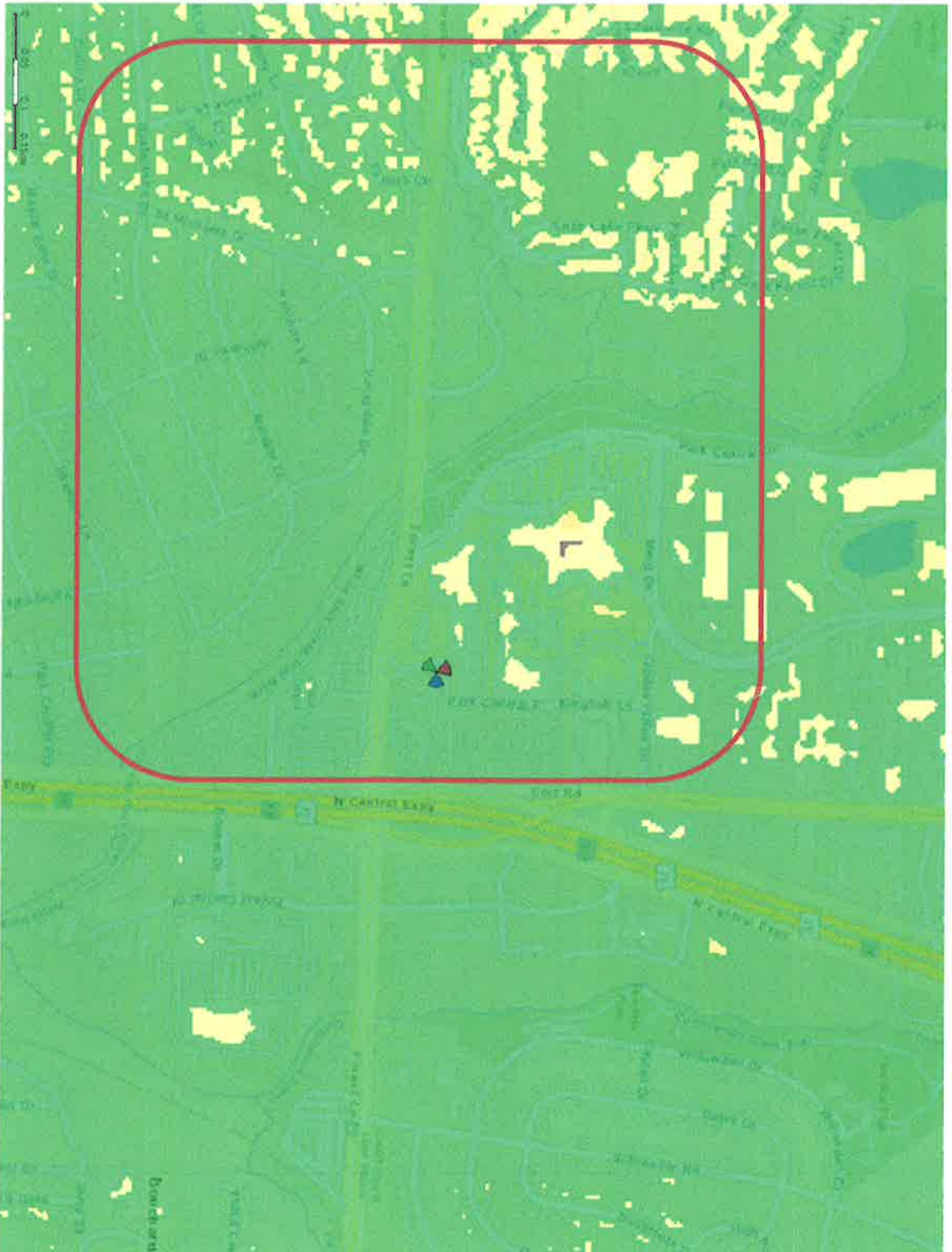




- RSRP 700 MHz**
-  Best Indoor Coverage
-  In-Vehicle/
Outdoor Coverage



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

MEDICAL_CITY-- 700 MHz RSRP Proposed Tower



- RSRP 700 MHz**
-  Best Indoor Coverage
-  In-Vehicle/
Outdoor Coverage



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

Airspace User: Patricia Jones

File: MEDICAL_CITY

Location: Buckingham, TX

Latitude: 32°-54'-36.6"

Longitude: 96°-46'-17.32"

SITE ELEVATION AMSL.....519.1 ft.

STRUCTURE HEIGHT.....135 ft.

OVERALL HEIGHT AMSL.....654 ft.

SURVEY HEIGHT AMSL.....654 ft.

NOTICE CRITERIA

FAR 77.9(a): NNR (DNE 200 ft AGL)

FAR 77.9(b): NNR (DNE Notice Slope)

FAR 77.9(c): NNR (Not a Traverse Way)

FAR 77.9: NNR FAR 77.9 IFR Straight-In Notice Criteria for

ADS

FAR 77.9: NNR FAR 77.9 IFR Straight-In Notice Criteria for

DAL

FAR 77.9(d): NNR (Off Airport Construction)

NR = Notice Required

NNR = Notice Not Required

PNR = Possible Notice Required (depends upon actual IFR procedure)

For new construction review Air Navigation Facilities at bottom of this report.

Notice to the FAA is not required at the analyzed location and height for slope, height or Straight-In procedures. Please review the 'Air Navigation'

section for notice requirements for offset IFR procedures and EMI.

OBSTRUCTION STANDARDS



VINCENT GERARD & ASSOCIATES, INC.

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

March 16, 2020

RE: Appeal to case 189-124 Variance Request to Setback Requirement for Verizon Wireless - Medical City. 7817 Forest Lane, Dallas, Texas 78231 | Lot 1, Block A/7740 Take 5 Addition

Dear Board of Directors,

On behalf of our client, Verizon Wireless, we are respectfully submitting an appeal to a variance request to allow encroachment into the required 30-foot side yard setback. Verizon is seeking to construct a new wireless telecommunication facility on a narrow tract of land. In an attempt to address the boards concerns for the previous denial, the monopole site has shifted to the west and is shown to be 16' feet from the property line & the water and sanitary sewer easement along the private drive lot to the west. It is 29' from the existing back of curb for the private drive, however, it does not meet the 30-foot required side yard setback to our western property line.

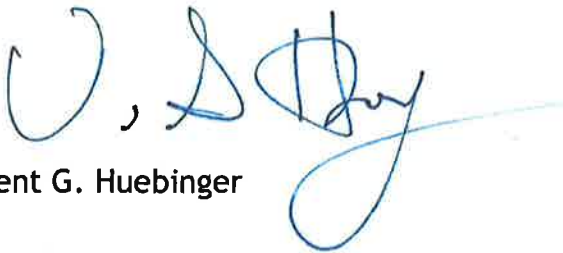
Section 51A-4.125(f)(4)(B)(ii) of the Dallas zoning regulations requires maximum side and rear setbacks of 30 feet for towers. The property in question is 57.5' feet wide where the monopole is now proposed. Due to the width restrictions of this lot, the tower is able to meet the 30-foot rear setback, and now able to meet the 30-foot side setback to the east. However, the remaining width to the eastern property line is only 23.05' with a 4' wide monopole. The distance to the back of curb on the west line is 35', Total width of the easement and private drive lot is 58'.

Radio Frequency (RF) engineers have confirmed that this site was designed to improve their indoor service in the Medical City center and surrounding neighborhoods. RF engineering data has also confirmed through data & studies that the majority of Medical City facilities do not have "inbuilding" coverage. This site is also an important capacity offload solution to surrounding towers covering the vicinity of Expressway 75, Medical City, and surrounding communities in north Dallas. With the addition of this tower, Verizon customers, patients, family and first responders will be able to make a call or download data in the Medical Facility Campus. Currently they do not have the reliability of great coverage in all places within that facility.

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

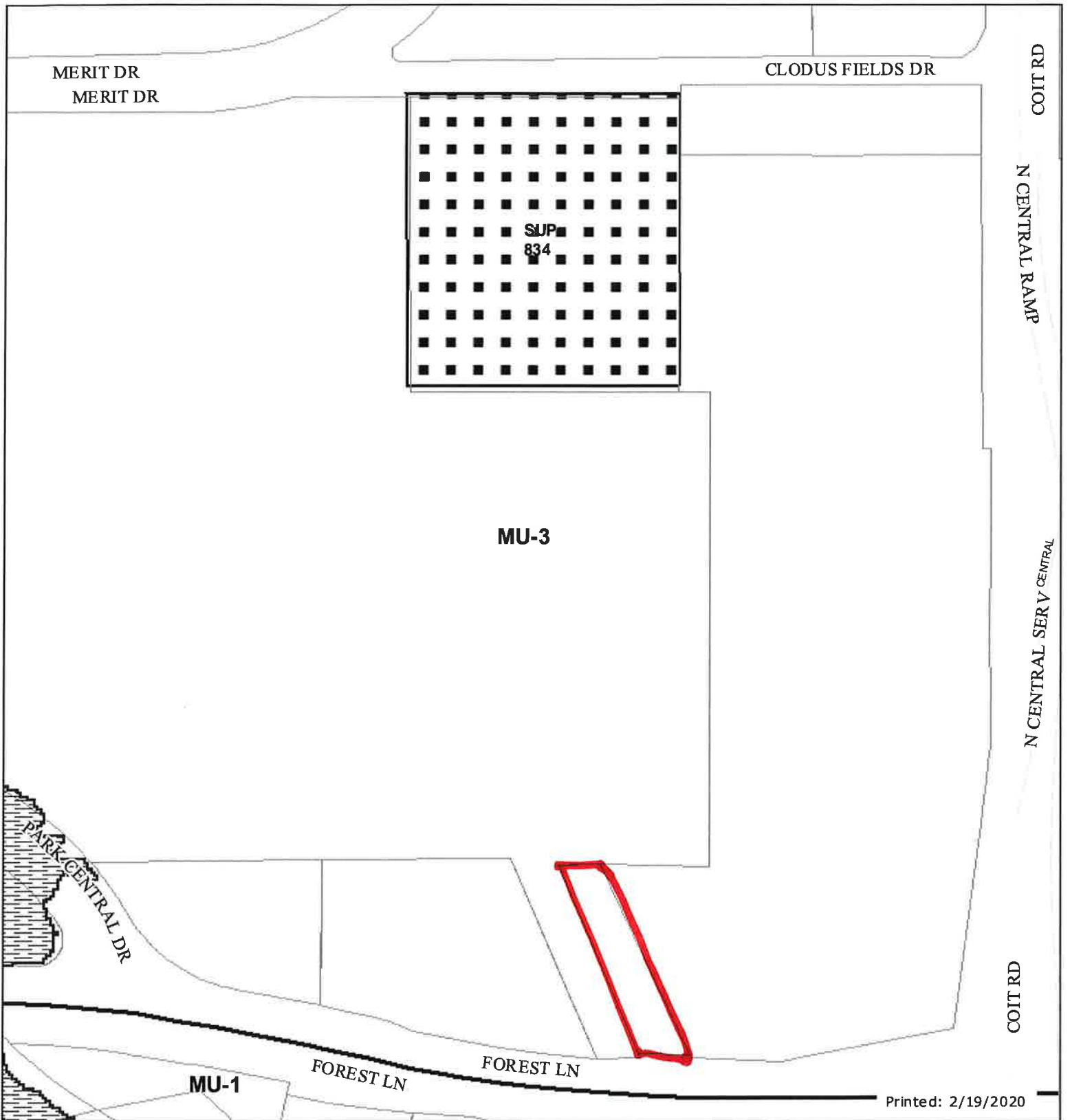
Verizon decided to request a variance to setback requirements from the BOA due to the physical characteristics of this property. The variance, if granted, will not alter the character of the area adjacent to the property and will not impair the purposes of the regulations of the zoning district in which the property is located. This request is a hardship based on the physical characteristics of the tract. It is not possible to comply with both 30-foot side setbacks when the lot is only 57.5' feet wide at this location, and the tower base measures 3.5' feet in width. With respect to site selection, this property is appropriately zoned for wireless telecommunications. After denial in January, we discussed this site location with the Verizon Radio Frequency engineers. Their opinion is that this tract is the only viable option. All others were not zoned properly, had unwilling landowners, had real estate concerns or had undesirable locations. The greatly improved coverage to Medical City will enhance the communications for first responders, including E911 calls from this facility. The adjoining properties are also zoned MU-3, are mixed use apartment & retail uses and a major medical complex with very little single family residential in the area. Dallas development code allows wireless on all MU-3 sites. This request is a minor deviation from the code for a 30' on a side yard line along an easement & private street. It is 74' from the property line across the private street to the west base of the monopole, over 65% of the tower height from the adjoining property line on the west. There are no alternative locations in the entire search ring that work for Verizon for better coverage solutions. Approval of this will be beneficial to the community in case of emergencies & 911 calls, will provide patient and family in-hospital coverage and provide a basis for future expanded medical telecom benefits. We appreciate your reconsideration and are available for any questions.

Sincerely,



Vincent G. Huebinger

Xc: Sarah May; COD

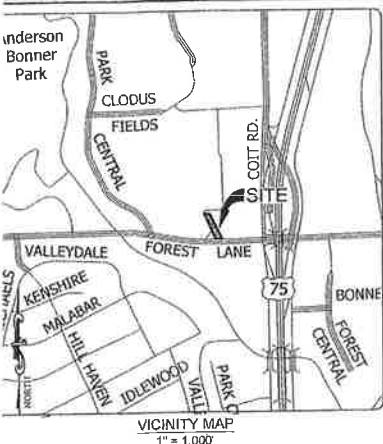


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | NSD Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO Subdistricts |
| Peak's Branch | SPSP Overlay | MD Overlay | NSO_Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Escarpment Overlay |
| Parks | SUP | Historic Overlay | Parking Management Overlay |
| | | Height Map Overlay | Front Overlay |

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

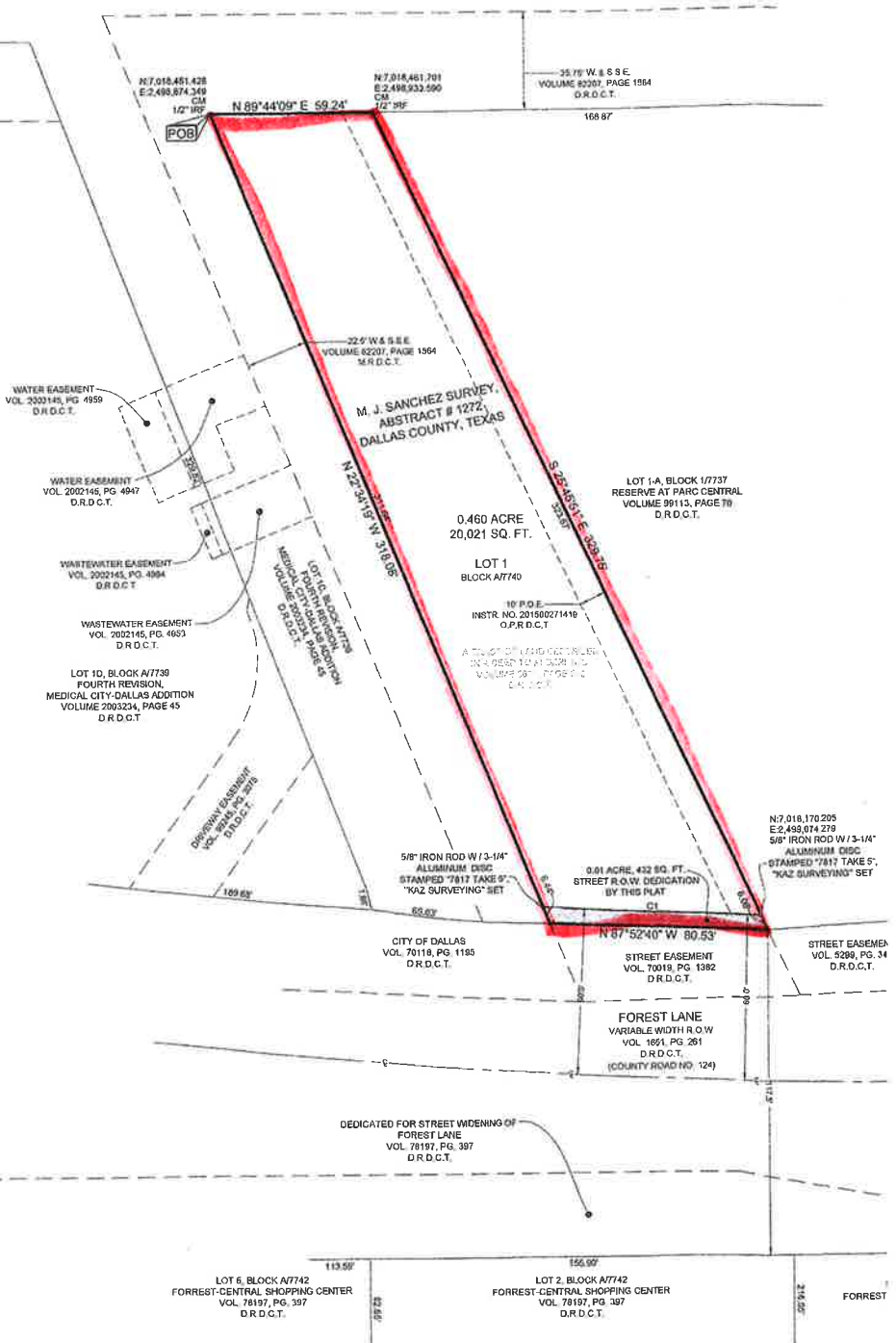




LOT 1C, BLOCK A7739
FOURTH REVISION,
MEDICAL CITY-DALLAS ADDITION
VOLUME 2003234, PAGE 45
D.R.D.C.T.

DRAINAGE EASEMENT
VOL. 2002055, PG. 5520
D.R.D.C.T.

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



CITY OF DALLAS
TRUE AND CORRECT
COPY OF RECORD
ON FILE IN CITY
SURVEYOR'S OFFICE
BY: *Justin Hood*
DATE: *8/20/2019*



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2340.39'	80.39'	80.39'	N 87°32'22" W	1°57'37"

LEGEND

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

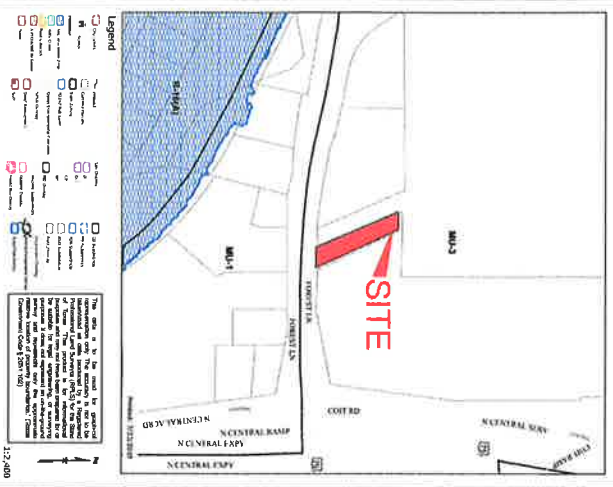
SURVEYOR:
KAZ SURVEYING, INC.
1720 WESTMINSTER STREET
DENTON, TEXAS 76205
PHONE: (940) 382-3445
TBPFS FIRM #10002100

OWNER:
ALDERI, INC.
5609 SAINT ANDREWS COURT
PLANO, TX 75093
CONTACT: ALLEN FELTMAN
PHONE: (972) 598-1103

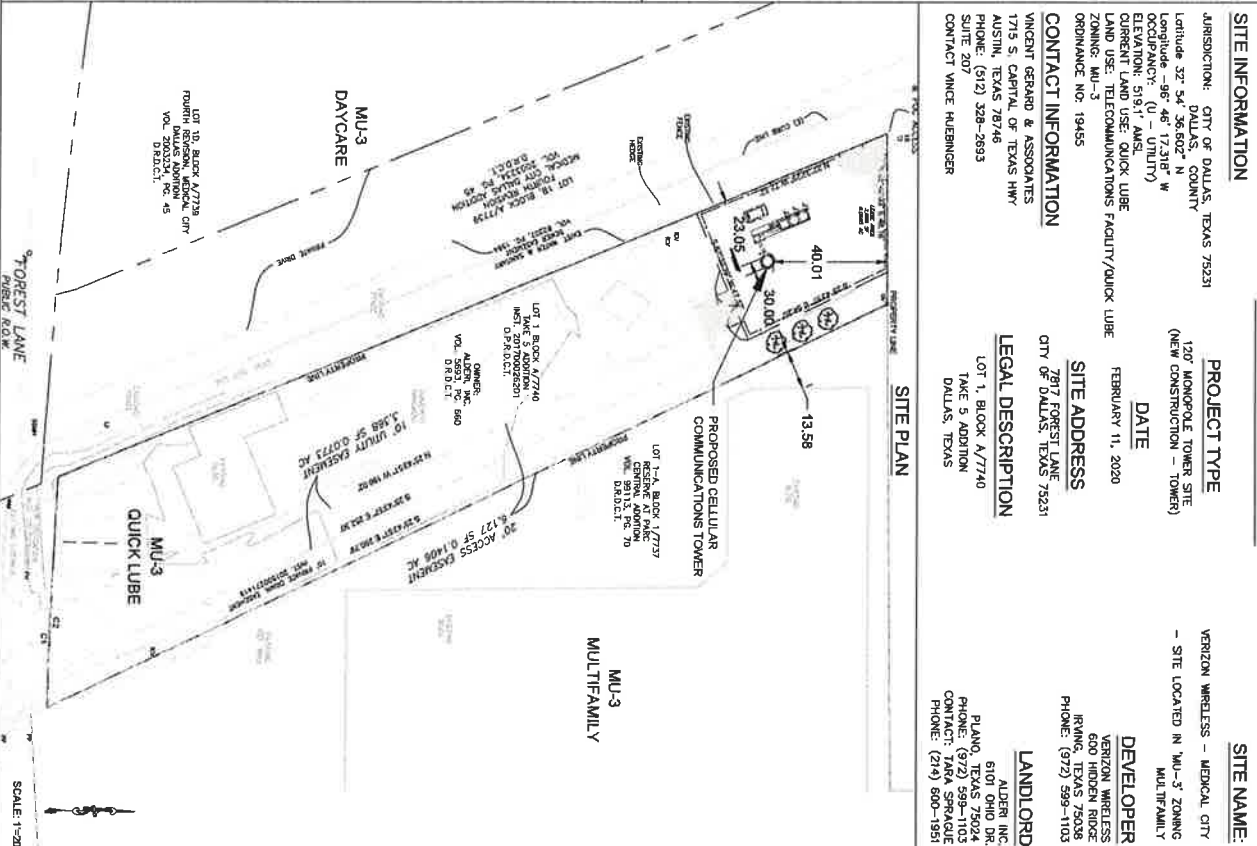
ENGINEER:
CIVIL POINT ENGINEERS, INC.
3102 MAPLE AVE. SUITE 400
DALLAS, TX 75201
(972) 554-1100
TBPFS FIRM # 9723

074D-17012

ZONING DISTRICT MAP



ZONING SITE PLAN



SITE INFORMATION

ADDRESS: CITY OF DALLAS, TEXAS 75231
PROJECT TYPE: 120' MONOPOLE TOWER SITE (NEW CONSTRUCTION - TOWER)
DATE: FEBRUARY 11, 2020
LEGAL DESCRIPTION: LOT 1, BLOCK A/7740 TAKE 5 ADDITION DALLAS, TEXAS
CONTACT: VINCE HUBENGER

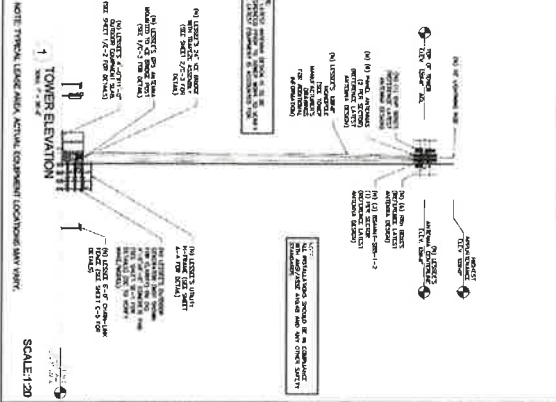
SITE NAME:

VERIZON WIRELESS - MEDICAL CITY
 - SITE LOCATED IN "MU-3" ZONING MULTIFAMILY
DEVELOPER: VERIZON WIRELESS 600 HIDDEN RIDGE RYAN, TEXAS 75036
LANDLORD: ALDEN INC. 610 LINDEN BLVD PLANO, TEXAS 75075
 PHONE: (972) 599-1103
 CONTACT: TARA SPRAGUE
 PHONE: (214) 800-1951

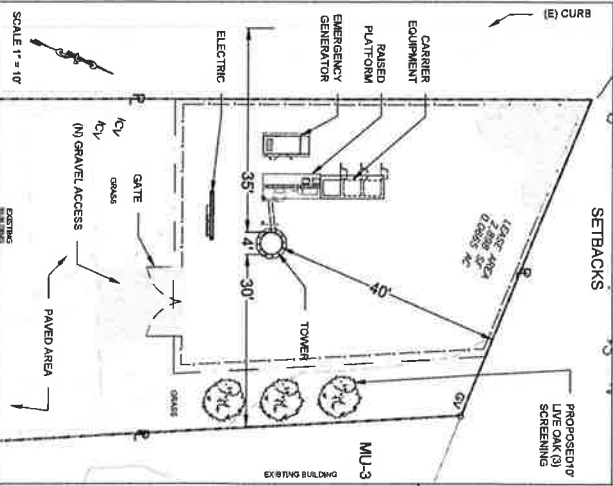
VICINITY MAP



TOWER - TYPICAL



DETAIL SITE PLAN



VINCENT GERARD & ASSOCIATES
 LAND PLANNING & ZONING CONSULTANTS
 1715 CAPITAL OF TEXAS HWY SOUTH, STE. 207
 AUSTIN, TEXAS 78746
 (512) 728-2693 - vincent@vincentgerard.com

ZONING SITE PLAN
MEDICAL CITY
VERIZON
7817 FOREST LANE
CITY OF DALLAS, TEXAS 75231



LOT 1B, BLOCK A/7739
FOURTH REVISION
MEDICAL CITY DALLAS ADDITION
VOL. 2003234, PG. 45
D.R.D.C.T.

EXIST. WATER & SANITARY
SEWER EASEMENT
VOL. 82207, PG. 1564

POB LEASE AREA
& POC ACCESS

LEASE AREA
2,898 SF
0.0665 AC

NUMBER	DIRECTION	DISTANCE
L1	S 62°22'25" E	16.76'
L2	N 00°13'03" E	50.97'
L3	N 62°22'25" W	26.87'
L4	N 67°32'39" E	26.08'
L5	N 67°32'39" E	13.04'
L6	S 62°22'25" E	21.81'

LOT 1-A, BLOCK 1/7737
RESERVE AT PARC
CENTRAL ADDITION
VOL. 99113, PG. 70
D.R.D.C.T.

LOT 1B, BLOCK A/7739
FOURTH REVISION, MEDICAL CITY
DALLAS ADDITION
VOL. 2003234, PG. 45
D.R.D.C.T.

LOT 1 BLOCK A/7740
TAKE 5 ADDITION
INST. 201700026201
O.P.R.D.C.T.

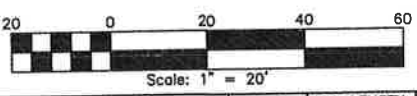
OWNER:
ALDERI, INC.
VOL. 5693, PG. 660
D.R.D.C.T.

LOT 1D, BLOCK A/7739
FOURTH REVISION, MEDICAL CITY
DALLAS ADDITION
VOL. 2003234, PG. 45
D.R.D.C.T.

FOREST LANE
PUBLIC R.O.W.

ROW DEDICATION
INST. 201700026201 FH

STREET EASEMENT
VOL. 70019, PG. 1382



NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	01°10'00"	2349.39	23.92	47.83	47.83	N 87°54'16" W
C2	00°53'31"	2349.39	18.29	36.57	36.57	N 87°46'02" W

SITE PLAN SCALE: 1" = 20'

NOTE: IF DRAWING IS 11"X17"
REFER TO GRAPHIC SCALE.

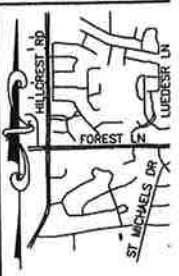
3-22

BDA 190-046
7819 Forest Lane.

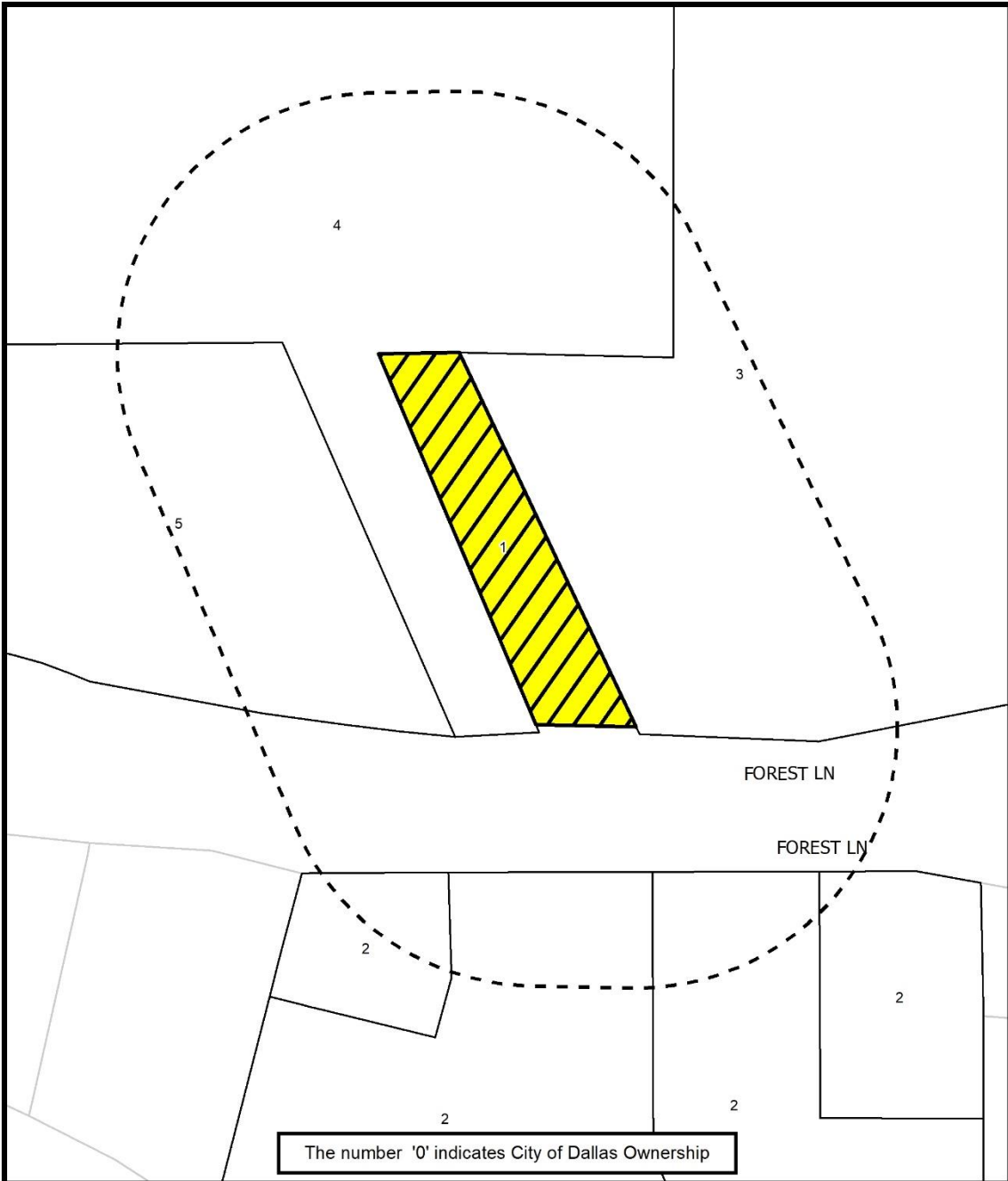
LEGE

- PP - PO'
- TPED - 1
- WW - WATI
- PH - FIR
- ⊕ TOWER CI
- ⊗ LP - LIG
- ⊗ EM - EL
- ⊗ GM - GA
- IRS - IR
- IRF - IR
- TBM BENI
- BUIL
- FEN
- POW

VICIN



FEB. 09. 12. 2019 12:10 P
 D:\AA-L\PERSONAL\MEDICAL CITY\284457_SV.DWG
 X-REFS: 284457_BEL.DWG



 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;">5</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	5	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-046</u> Date: <u>4/27/2020</u>
200'	AREA OF NOTIFICATION					
5	NUMBER OF PROPERTY OWNERS NOTIFIED					

04/23/2020

Notification List of Property Owners

BDA190-046

5 Property Owners Notified

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

FILE NUMBER: BDA190-053(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the height fence standards regulations at 6023 Orchid Lane. This property is more fully described as Lot 3, Block 4/5499, and is zoned an R-16(A) Single Family District, which limits the height of a fence in the rear yard to nine feet. The applicant proposes to construct a 12-foot high fence in a required rear yard, which will require a three-foot special exception to the fence standards regulations.

LOCATION: 6023 Orchid Lane

APPLICANT: Baldwin Associates

REQUESTS:

A request for a special exception to the fence standards regulations related to the height of three feet is made to construct and maintain a 12-foot-high solid wood fence in the site's rear yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site:** R-16(A) (Single Family District)
- North:** CR (Community Retail District)
- East:** R-16(A) (Single Family District)
- South:** PD No. 553 (Planned Development District)
- West:** R-16(A) (Single Family District)

Land Use:

The subject site is being developed with a single-family home. Surrounding land uses include retail to the north; a private school to the south; and, single family to the east and west.

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 purpose of this request for a special exception to the fence height standards is to construct a solid wood fence with a maximum height of 12 feet within the rear yard of a property developed with a single family home.

Section 51A-4.602(a) (2) of the Dallas Development Code states that in all residential districts except multifamily districts, a person shall not erect or maintain a fence in a required yard more than nine feet above grade.

The submitted site/elevation plan shows the proposed fence in the rear yard reaches a maximum height of 12 feet. The proposed fence is approximately 100 feet long parallel to the public alley on the east side of the site.

The Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above nine feet in height in the area in a rear yard setback.

As of May 14, 2020, no letters have been received regarding the request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 12 feet-in-height) will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site/elevation plan would require the proposal exceeding three feet-in-height in the rear yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

February 27, 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.

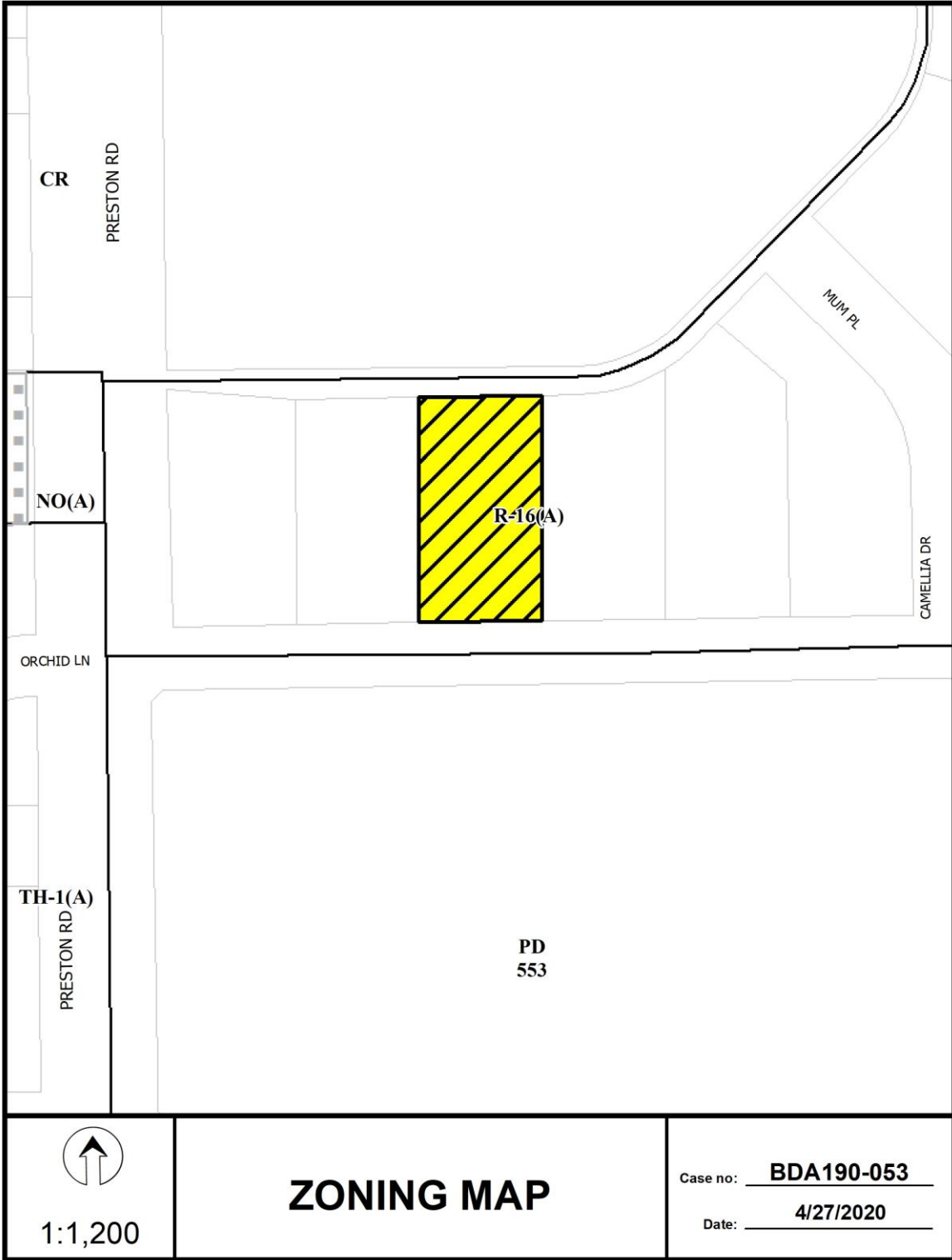
April 6, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 16, 2020: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 28th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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.”

April 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December 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 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: **BDA190-053**
 Date: **4/27/2020**



1:1,200

AERIAL MAP

Case no: BDA190-053

Date: 4/27/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-053

Date: 2-27-20

Data Relative to Subject Property:

Location address: 6023 Orchid Lane Zoning District: R-16(A)

Lot No.: 3 Block No.: 4/5499 Acreage: 0.41 acres Census Tract: 76.04

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Joseph M. Difrancesco, III and Margaret M. Difrancesco

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 3 feet to the fence height regulations to allow a 12-foot fence in a rear yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property is across the alley from a shopping center that is being demolished and rebuilt due to the tornado damage from October 2019. The shopping center does not have a landscape buffer or screening from its service area. The single family home on the property is also being reconstructed due to the tornado damage. The proposed fence height is requested to block the construction activity and provide privacy to the homeowners. The proposed fence does not adversely impact surrounding properties.

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

Affidavit

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

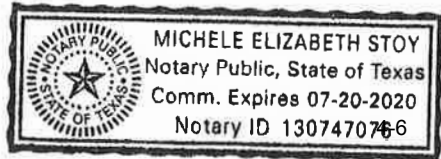
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 25 day of February, 2020

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

(Rev. 08-01-11)





AFFIDAVIT

Appeal # / BDA Case # 190-053

I, Joseph M. DiFrancesco, III, Owner of the subject property

(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6023 Orchid Lane (address of property as state on application)

Authorize (applicant) Rob Baldwin, Baldwin Associates

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

 Variance (specify below)

 X Special Exception (specify below)

 Other Appeal (specify below)

Specify: Fence

Joseph M. DiFrancesco, III
Print name of property owner

[Signature]
Signature of property owner or registered agent

Date 2-17-20

Before me the undersigned on the day of personally appeared Joseph M. DiFrancesco, III

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

Subscribed and sworn to before me this 17 day of February, 2020

Ginga A. Day



Notary Public for Dallas County, Texas

Commission expires on MAY 29, 2021



AFFIDAVIT

Appeal # / BDA Case # 190-053

I, Margaret M. DiFrancesco, Owner of the subject property

(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6023 Orchid Lane (address of property as state on application)

Authorize (applicant) Rob Baldwin, Baldwin Associates

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

 Variance (specify below)

 X Special Exception (specify below)

 Other Appeal (specify below)

Specify: Fence

Margaret M. DiFrancesco
Print name of property owner

Margaret M. DiFrancesco
Signature of property owner or registered agent

Date 2-17-20

Before me the undersigned on the day of personally appeared Margaret M. DiFrancesco

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

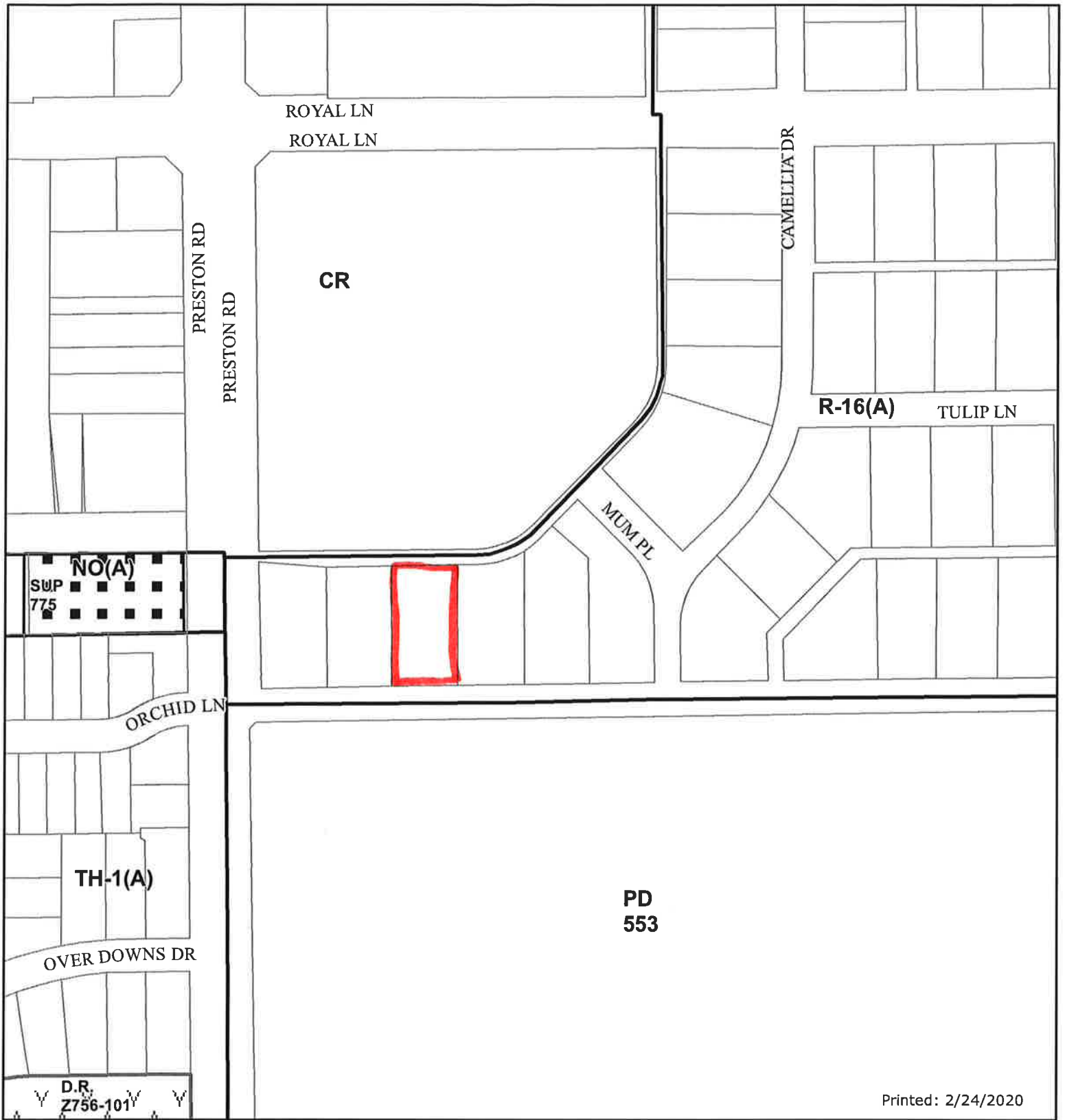
Subscribed and sworn to before me this 17 day of February, 2020



Ginger A. Day

Notary Public for Dallas County, Texas

Commission expires on May 29, 2021



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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay 4-10 |
| | | 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)





5499/1

5499/2

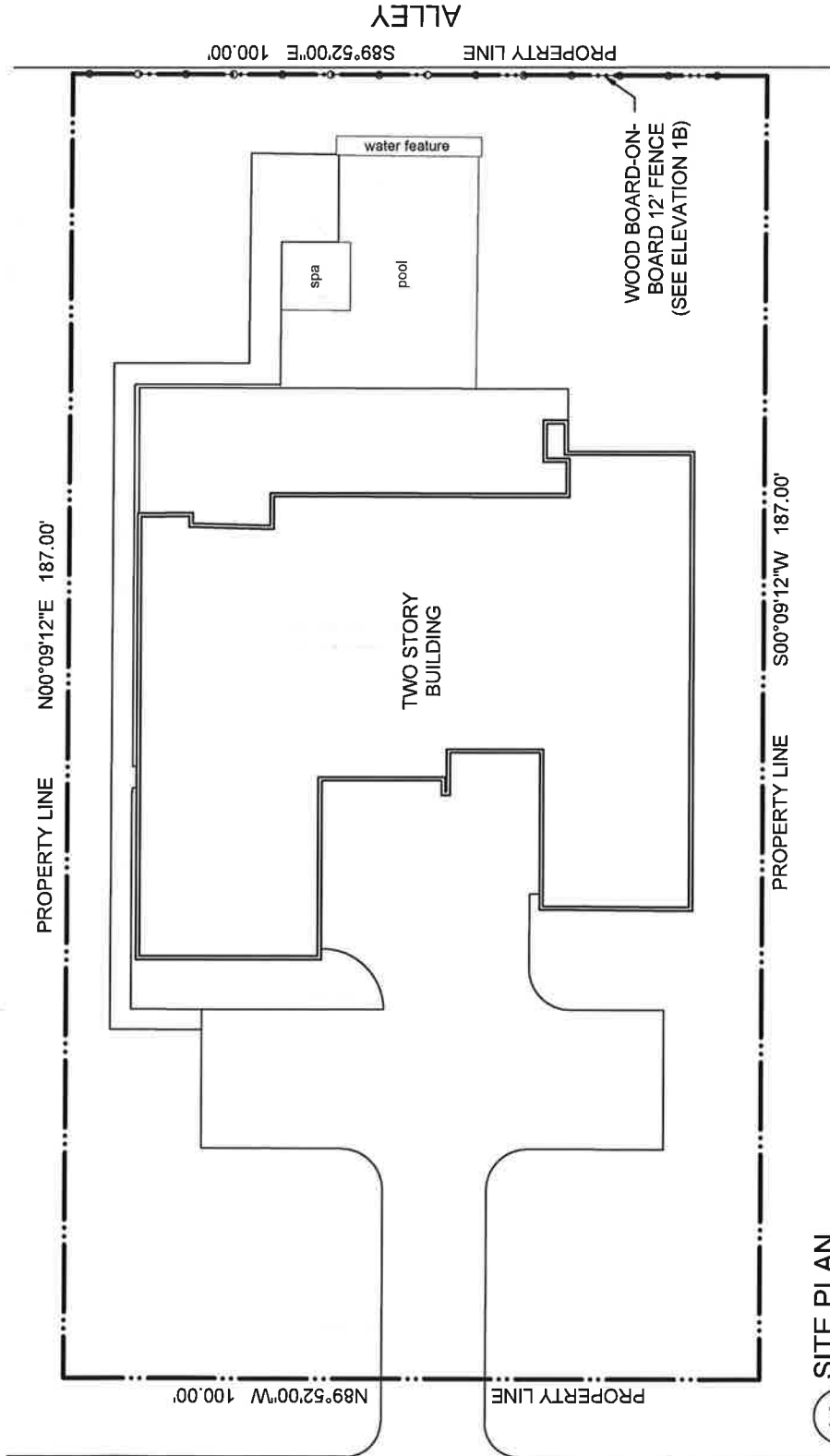
5499/3

CITY OF DALLAS, TEXAS
6023 ORCHID LANE

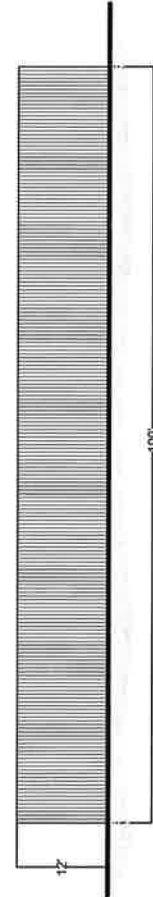
Baldwin
Associates

BALDWIN
ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7849
OFFICE: 214.824.7849
rob@baldwinplanning.com

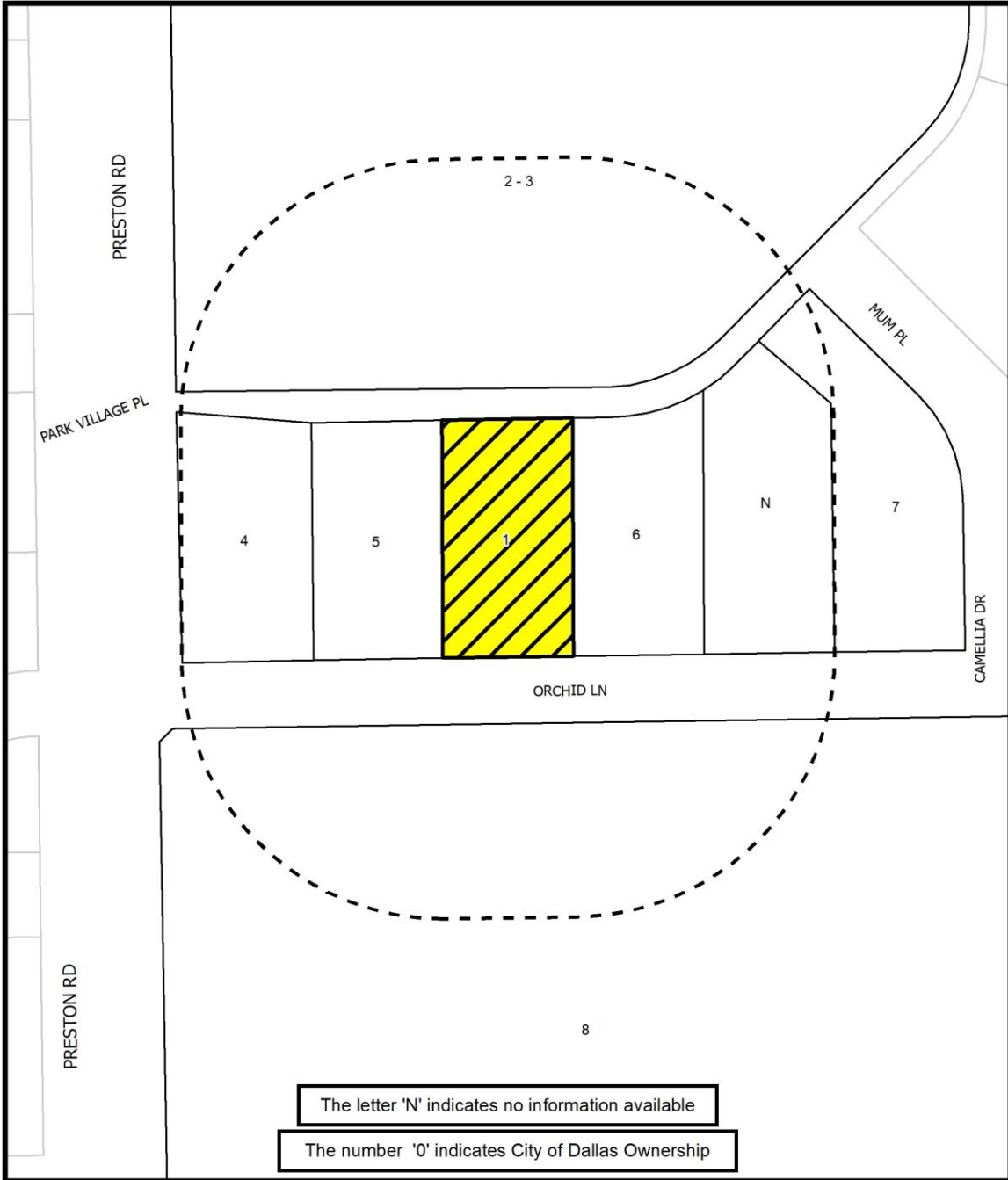
PROJECT NUMBER
02/26/2020
CASE NUMBER



1A SITE PLAN
SCALE: 1/16" = 1'-0"



1B FENCE ELEVATION
SCALE: 1/16" = 1'-0"



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">8</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	8	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-053</u> Date: <u>4/27/2020</u>
200'	AREA OF NOTIFICATION					
8	NUMBER OF PROPERTY OWNERS NOTIFIED					

04/24/2020

Notification List of Property Owners

BDA190-053

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6023 ORCHID LN	DIFRANCESCO JOSEPH M III &
2	10720 PRESTON RD	SEPR REGENCY LLC
3	10720 PRESTON RD	BAI MAC INC
4	6007 ORCHID LN	SIDDAMSHETTY ARVIND &
5	6015 ORCHID LN	LABARBA LUCIAN M &
6	6031 ORCHID LN	SARDAS JACQUES R TRUST
7	6047 ORCHID LN	THE SHELLY M ROBINSON REVOCABLE TRUST
8	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS

FILE NUMBER: BDA190-054(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the height fence standards regulations at 6031 Orchid Lane. This property is more fully described as Lot 4, Block 4/5499, and is zoned an R-16(A) Single Family District, which limits the height of a fence in the rear yard to nine feet. The applicant proposes to construct a 12-foot high fence in a required rear yard, which will require a three-foot special exception to the fence standards regulations.

LOCATION: 6031 Orchid Lane

APPLICANT: Baldwin Associates

REQUESTS:

A request for a special exception to the fence standards regulations related to the height of three feet is made to construct and maintain a 12-foot-high solid wood fence in the site's rear yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-16(A) (Single Family District)
- North: CR (Community Retail District)
- East: R-16(A) (Single Family District)
- South: PD No. 553 (Planned Development District)
- West: R-16(A) (Single Family District)

Land Use:

The subject site is developed with a singlefamily home. Surrounding land uses include retail to the north; a private school to the south; and, single family to the east and west.

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 purpose of this request for a special exception to the fence height standards is to construct a solid wood fence with a maximum height of 12 feet within the rear yard of a property developed with a single family home.

Section 51A-4.602(a) (2) of the Dallas Development Code states that in all residential districts except multifamily districts, a person shall not erect or maintain a fence in a required yard more than nine feet above grade.

The submitted site/elevation plan shows the proposed fence in the rear yard reaches a maximum height of 12 feet. The proposed fence is approximately 100 feet long parallel to the public alley on the east side of the site.

The Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above nine feet in height in the area in a rear yard setback.

As of May 8, 2020, no letters have been received regarding the request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 12 feet-in-height) will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site/elevation plan would require the proposal exceeding three feet-in-height in the rear yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

February 27, 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.

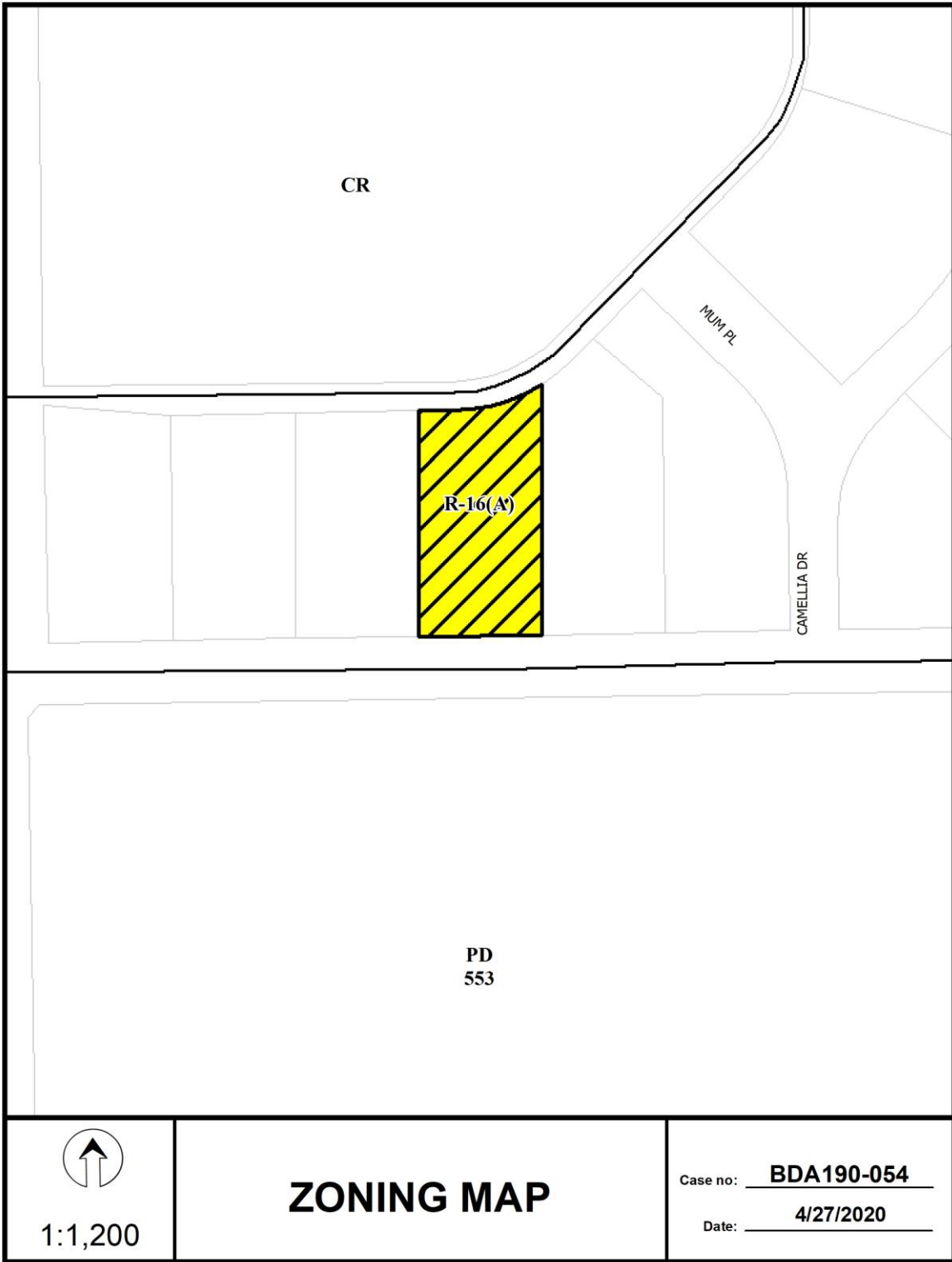
April 6, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 16, 2020: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 28th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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.”

April 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December 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 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.

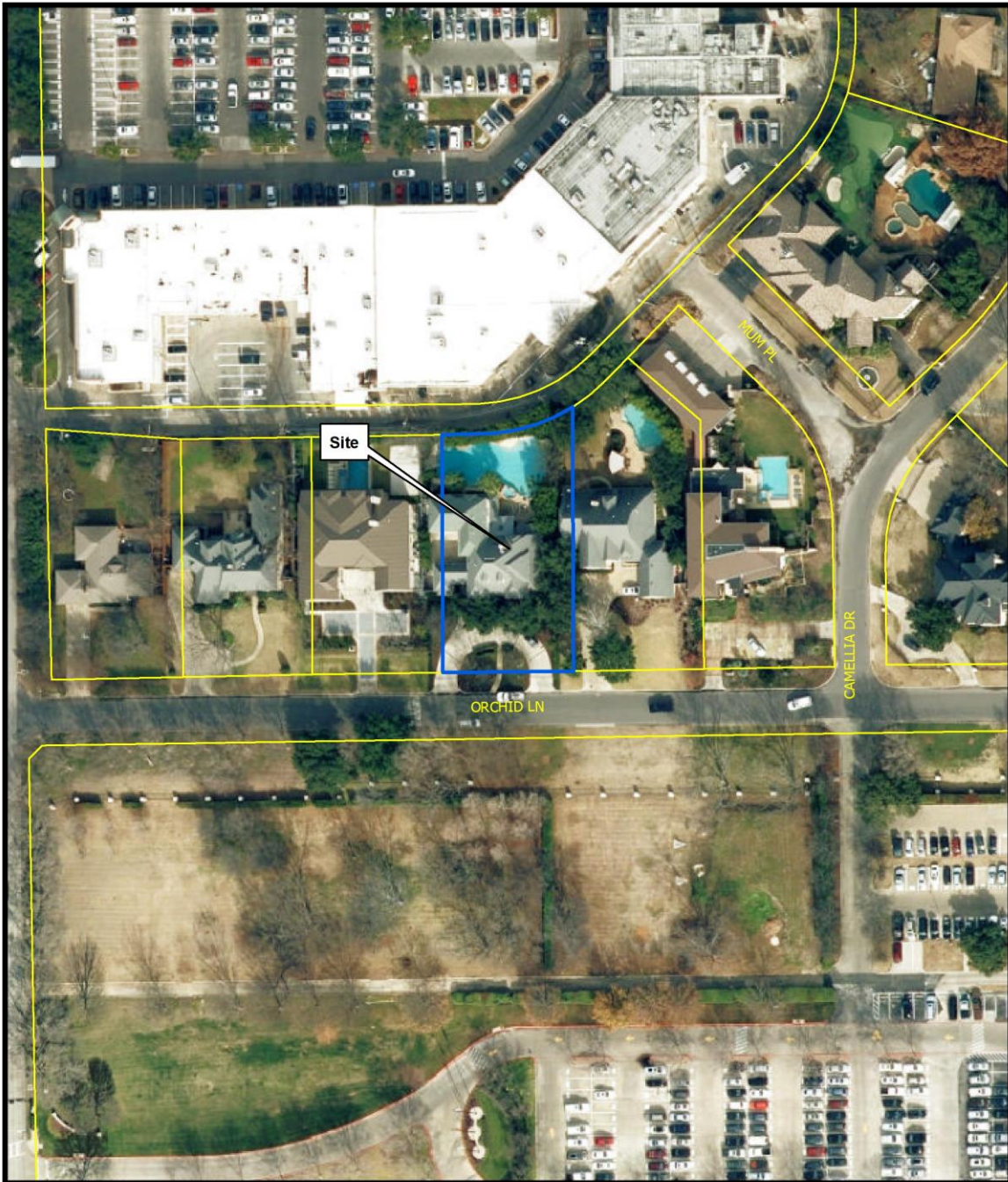


1:1,200

ZONING MAP

Case no: BDA190-054

Date: 4/27/2020



Site

ORCHID LN

MOUY PL

CAMELLIA DR



1:1,200

AERIAL MAP

Case no: BDA190-054

Date: 4/27/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-054

Date: 2-27-20

Data Relative to Subject Property:

Location address: 6031 Orchid Lane Zoning District: R-16(A)

Lot No.: 4 Block No.: 4/5499 Acreage: 0.43 acres Census Tract: 76.04

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jacques R. Sardas Trust

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 3 feet to the fence height regulations to allow a 12-foot fence in a rear yard setback

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

The property is across the alley from a shopping center that is being demolished and rebuilt due to the tornado damage from October 2019. The shopping center does not have a landscape buffer or screening from its service area. The single family home on the property is also being reconstructed due to the tornado damage. The proposed fence height is requested to block the construction activity and provide privacy to the homeowners. The proposed fence does not adversely impact surrounding properties.

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

Affidavit

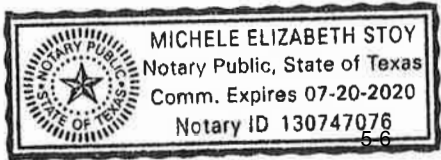
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 25 day of February, 2020

(Rev. 08-01-11)



Michele Stoy Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a special exception to the fence height regulations
at 6031 Orchid Lane

BDA190-054. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations at 6031 ORCHID LN. This property is more fully described as Lot 4, Block 4/5499, and is zoned R-16(A), which limits the height of a fence in the rear yard to 9 feet. The applicant proposes to construct an 12 foot high fence in a required rear yard, which will require a 3 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



AFFIDAVIT

Appeal # / BDA Case # 190-054

I, Jacques R. Sardas, Owner of the subject property

(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6031 Orchid Lane (address of property as state on application)

Authorize (applicant) Rob Baldwin, Baldwin Associates

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

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

Specify: Fence

JACQUES R SARDAS
Print name of property owner

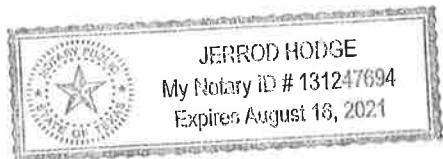
[Signature]
Signature of property owner or registered agent

Date FEBRUARY 15, 2020

Before me the undersigned on the day of personally appeared Jacques Raphael Sardas

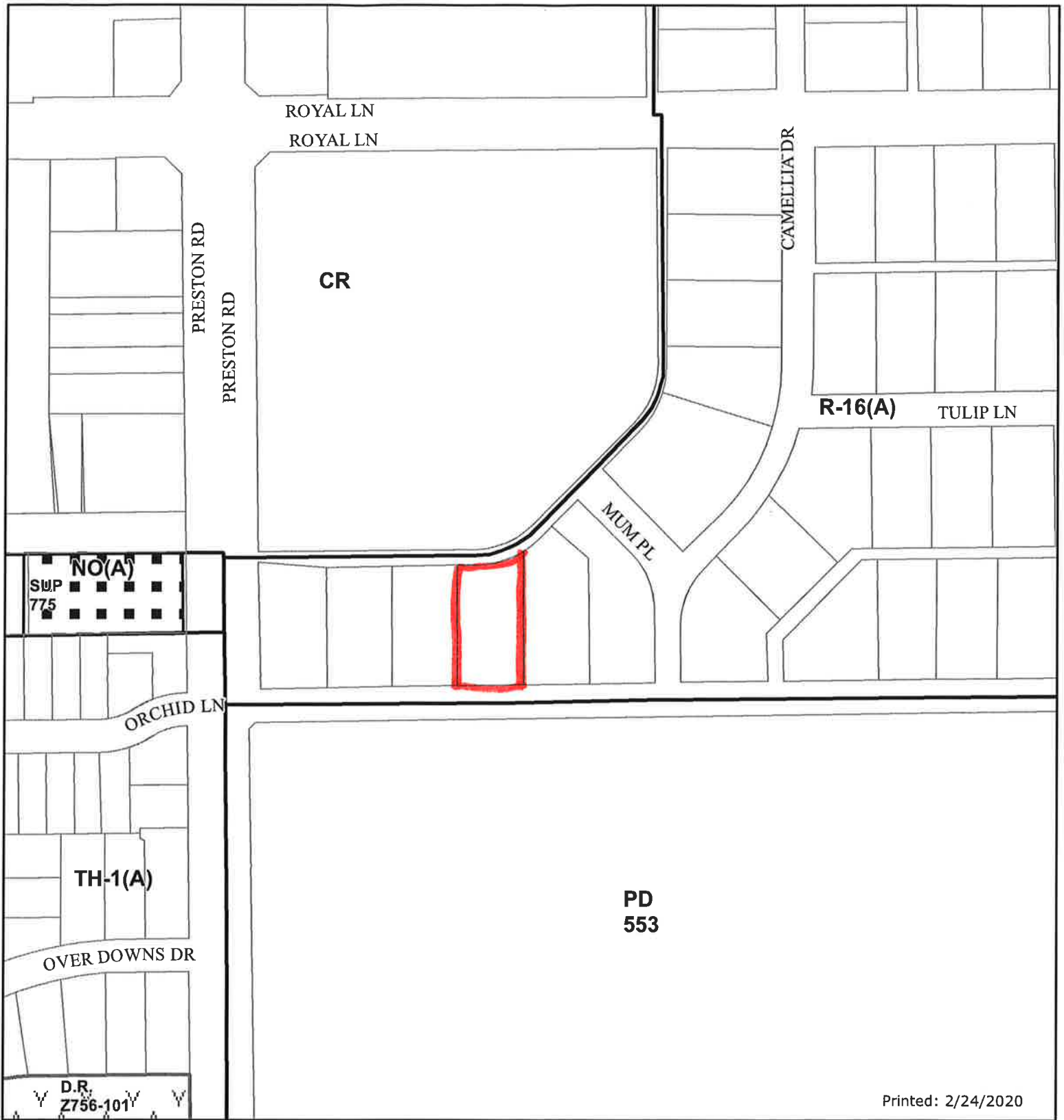
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 15 day of February, 2020
[Signature]



Notary Public for Dallas County, Texas

Commission expires on 8-16-21



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 | 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)

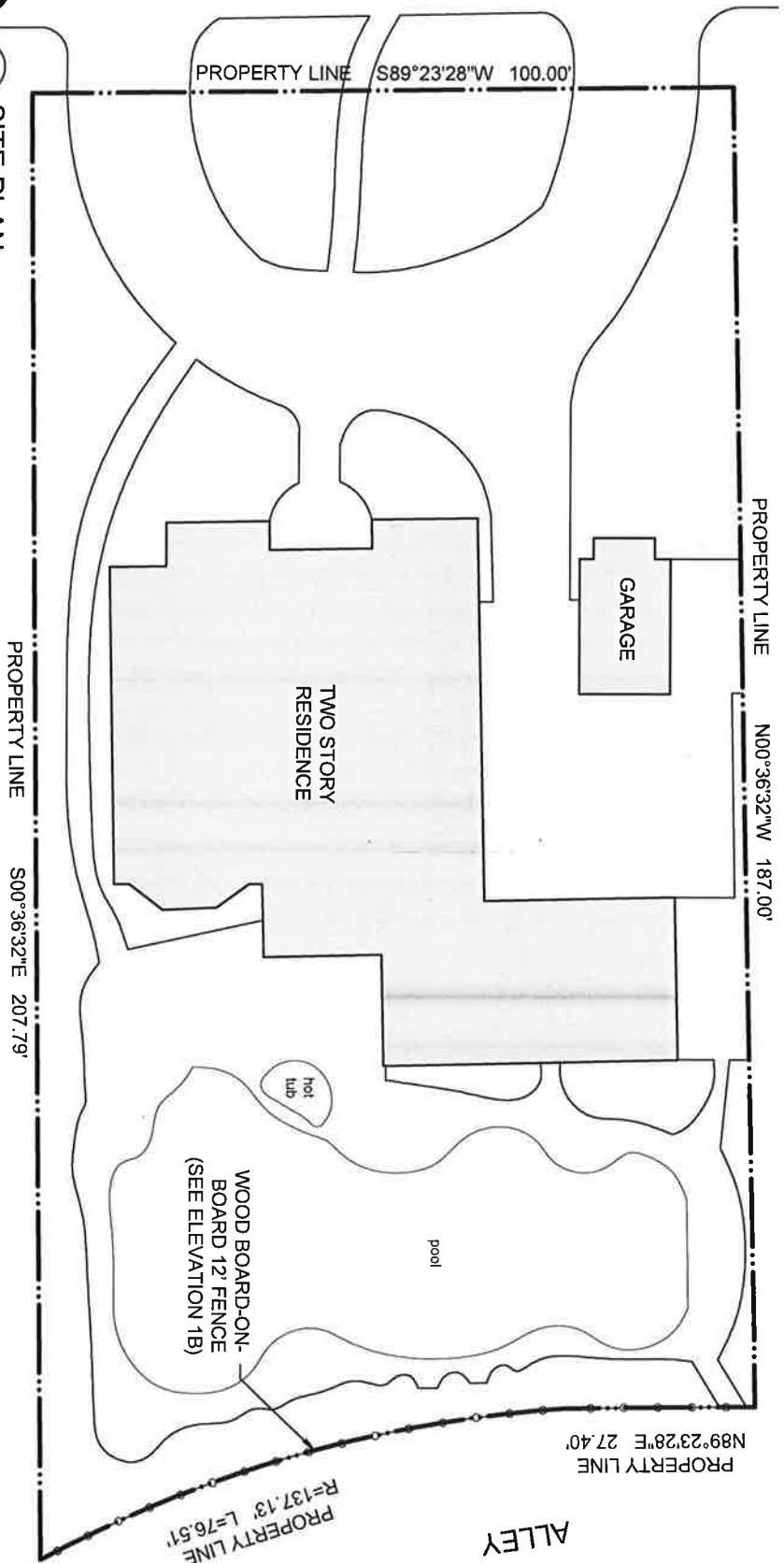




ORCHID LANE



1A SITE PLAN
SCALE: 1/16" = 1'-0"



1B FENCE ELEVATION
SCALE: 1/16" = 1'-0"



APPROX. 104'

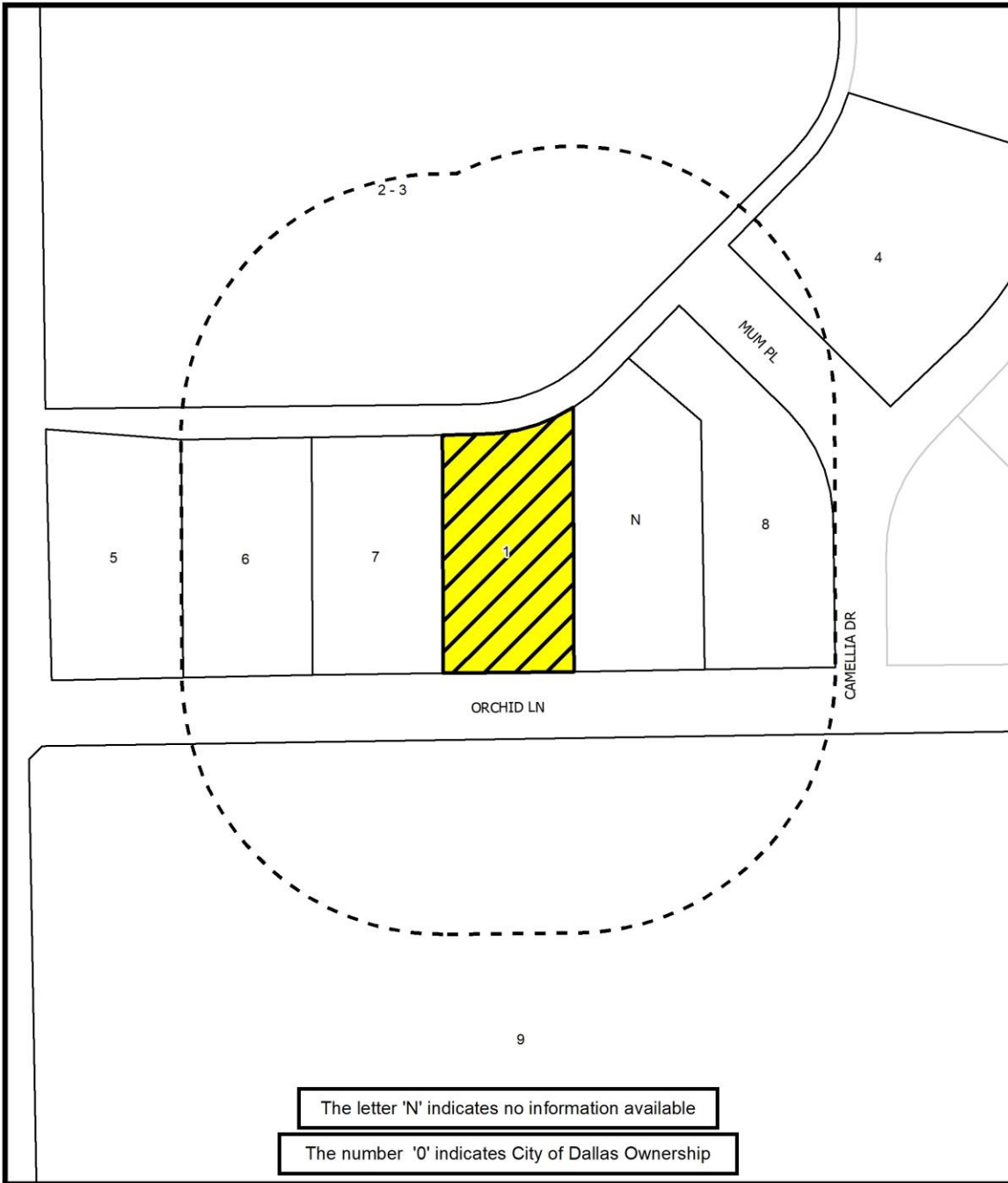


6031 ORCHID LANE
CITY OF DALLAS, TEXAS

Baldwin
Associates

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.728.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

02/26/2020
PROJECT NUMBER
CASE NUMBER



 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;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-054</u> Date: <u>4/27/2020</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

04/27/2020

Notification List of Property Owners

BDA190-054

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6031 ORCHID LN	SARDAS JACQUES R TRUST
2	10720 PRESTON RD	SEPR REGENCY LLC
3	10720 PRESTON RD	BAI MAC INC
4	10727 CAMELLIA DR	CAMELLIA TRUST UTA THE
5	6007 ORCHID LN	SIDDAMSHETTY ARVIND &
6	6015 ORCHID LN	LABARBA LUCIAN M &
7	6023 ORCHID LN	DIFRANCESCO JOSEPH M III &
8	6047 ORCHID LN	THE SHELLY M ROBINSON REVOCABLE TRUST
9	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS

FILE NUMBER: BDA190-055(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the height fence standards regulations at 6039 Orchid Lane. This property is more fully described as Lot 5, Block 4/5499, and is zoned R-16(A), which limits the height of a fence in the rear yard to nine feet. The applicant proposes to construct a 12-foot high fence in a required rear yard, which will require a three-foot special exception to the fence standards regulations.

LOCATION: 6039 Orchid Lane

APPLICANT: Baldwin Associates

REQUESTS:

A request for a special exception to the fence standards regulations related to the height of three feet is made to construct and maintain a 12-foot-high solid wood fence in the site's rear yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-16(A) (Single Family District)
- North: CR (Community Retail District)
- East: R-16(A) (Single Family District)
- South: PD No. 553 (Planned Development District)
- West: R-16(A) (Single Family District)

Land Use:

The subject site is developed with a singlefamily home. Surrounding land uses include retail to the north; a private school to the south; and, single family to the east and west.

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 purpose of this request for a special exception to the fence height standards is to construct a solid wood fence with a maximum height of 12 feet within the rear yard of a property developed with a single family home.

Section 51A-4.602(a) (2) of the Dallas Development Code states that in all residential districts except multifamily districts, a person shall not erect or maintain a fence in a required yard more than nine feet above grade.

The submitted site/elevation plan shows the proposed fence in the rear yard reaches a maximum height of 12 feet. The proposed fence is approximately 57 feet long parallel to the public alley on the east side of the site.

The Board of Adjustment Senior Planner conducted a field visit of the site and surrounding area and noted two other fences that appeared to be above nine feet in height in the area in a rear yard setback.

As of May 8, 2020, no letters have been received regarding the request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 12 feet-in-height) will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site/elevation plan would require the proposal exceeding three feet-in-height in the rear yard setback to be constructed in the location and heights as shown on these documents.

Timeline:

February 27, 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.

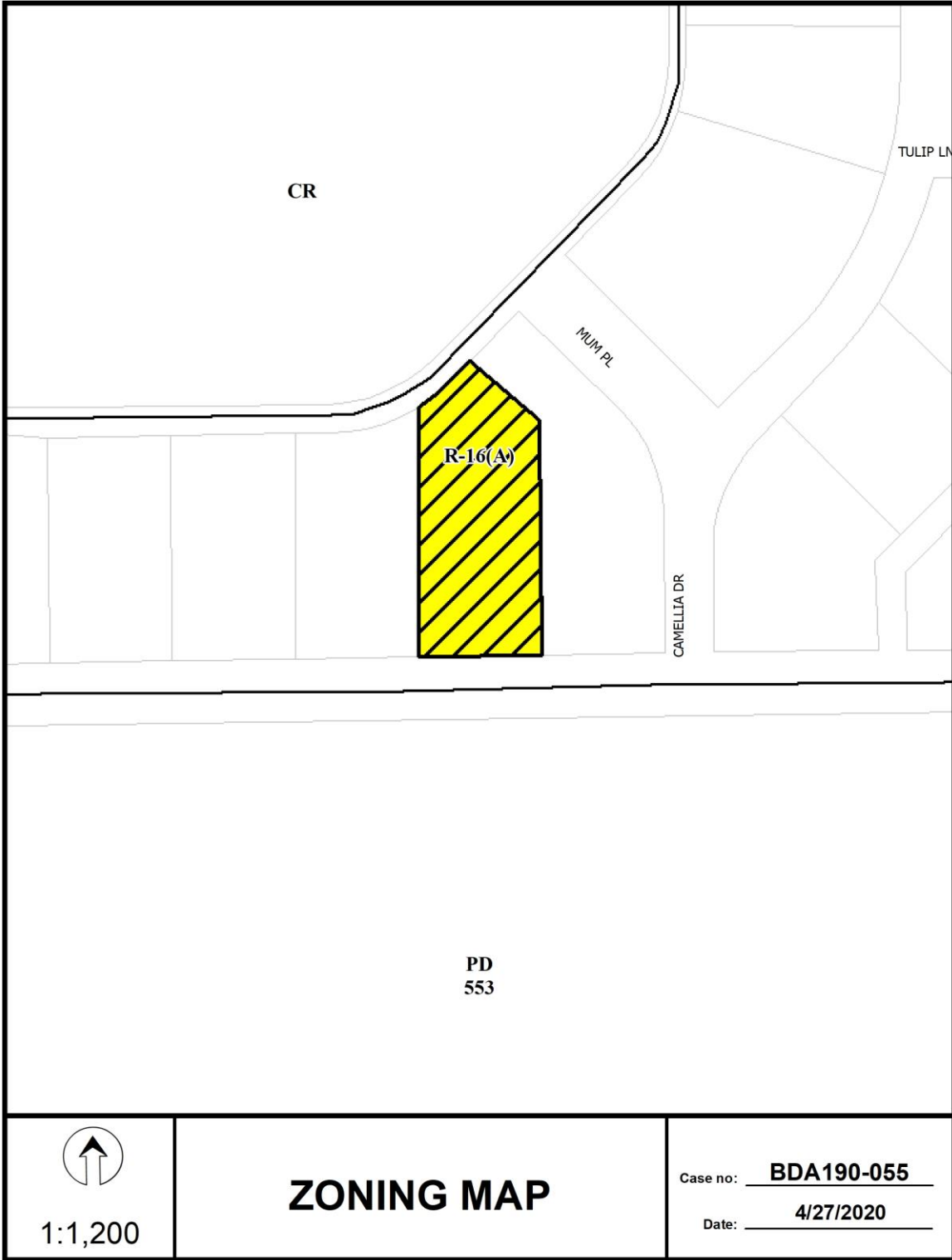
April 6, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 16, 2020: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 28th deadline to submit additional evidence for staff to factor into their analysis; and the May 8th 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.”

April 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December 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 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.

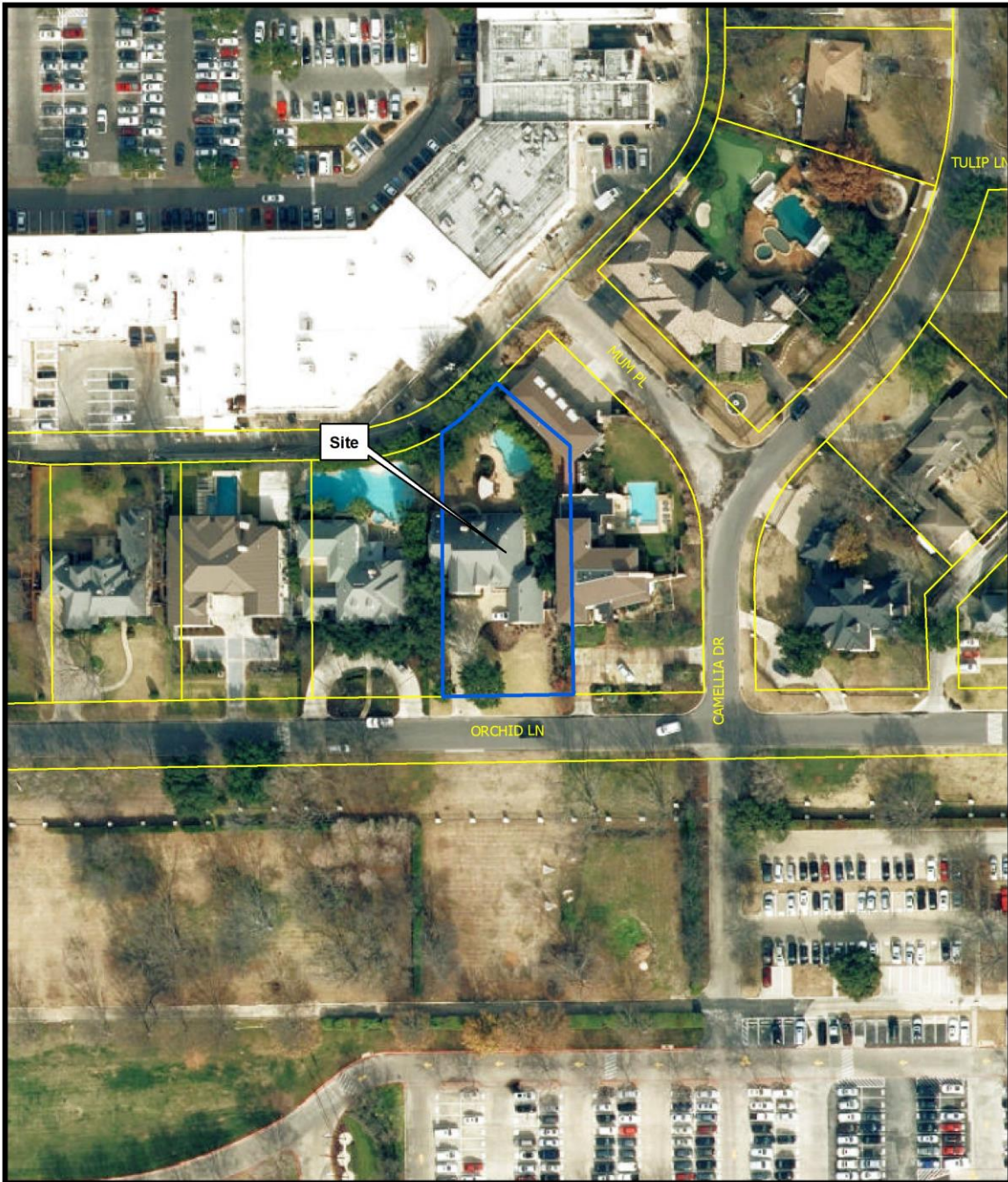
No review comment sheets were submitted in conjunction with this application.



1:1,200

ZONING MAP

Case no: BDA190-055
Date: 4/27/2020



1:1,200

AERIAL MAP

Case no: BDA190-055

Date: 4/27/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-055

Date: 2-27-20

Data Relative to Subject Property:

Location address: 6039 Orchid Lane Zoning District: R-16(A)

Lot No.: 5 Block No.: 4/5499 Acreage: 0.43 acres Census Tract: 76.04

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Donald C. Templin and Srah R. Saldana

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 3 feet to the fence height regulations to allow a 12-foot fence in a rear yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property is across the alley from a shopping center that is being demolished and rebuilt due to the tornado damage from October 2019. The shopping center does not have a landscape buffer or screening from its service area. The single family home on the property is also being reconstructed due to the tornado damage. The proposed fence height is requested to block the construction activity and provide privacy to the homeowners. The proposed fence does not adversely impact surrounding properties.

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

Affidavit

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

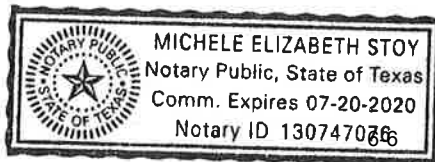
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 25 day of February, 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 BALDWIN ASSOCIATES
did submit a request for a special exception to the fence height regulations
at 6039 Orchid Lane

BDA190-055. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations at 6039 ORCHID LN. This property is more fully described as Lot 5, Block 4/5499, and is zoned R-16(A), which limits the height of a fence in the rear yard to 9 feet. The applicant proposes to construct an 12 foot high fence in a required rear yard, which will require a 3 foot special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



AFFIDAVIT

Appeal # / BDA Case # 190-055

I, Donald C. Templin, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6039 Orchid Lane (address of property as state on application)

Authorize (applicant) Rob Baldwin, Baldwin Associates

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

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

Specify: Fence

DONALD C TEMPLIN 
 Print name of property owner Signature of property owner or registered agent

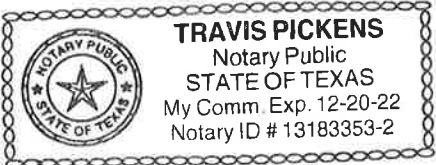
Date 2-14-2020

Before me the undersigned on the day of personally appeared Donald C Templin

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 14th day of Feb., 2020





Notary Public for Dallas County, Texas
Commission expires on 12-20-22



AFFIDAVIT

Appeal # / BDA Case # 190-055

I, Sarah R. Saldana, Owner of the subject property

(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6039 Orchid Lane (address of property as state on application)

Authorize (applicant) Rob Baldwin, Baldwin Associates

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

 Variance (specify below)

 X Special Exception (specify below)

 Other Appeal (specify below)

Specify: Fence

SARAH R. SALDAÑA
Print name of property owner

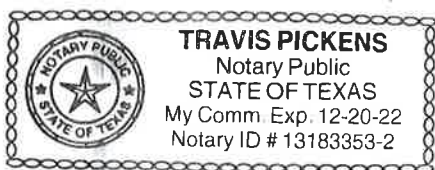
[Signature]
Signature of property owner or registered agent

Date 2.14.2020

Before me the undersigned on the day of personally appeared Sarah R Saldana

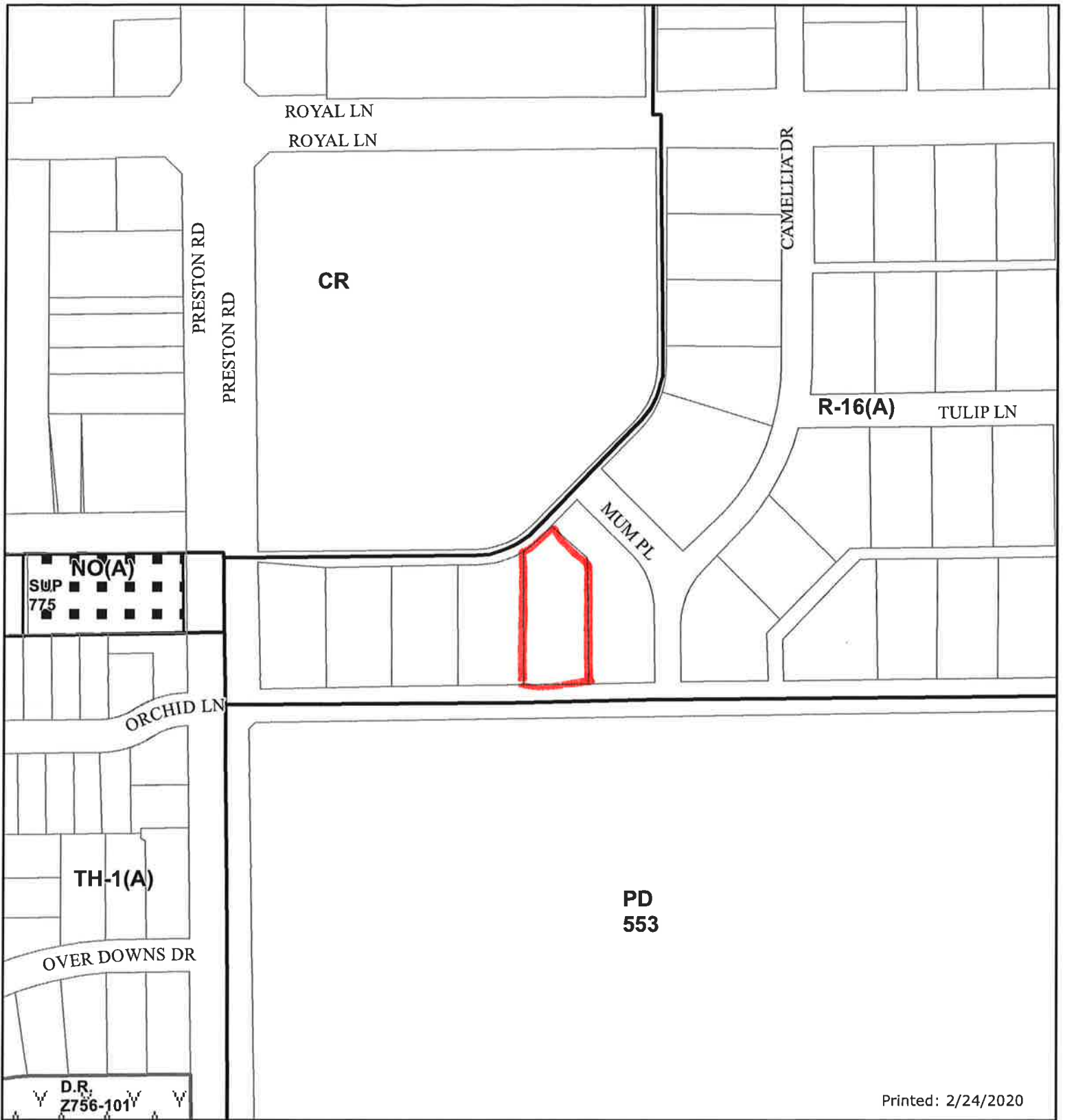
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

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



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 12-20-22



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 6-10 |
| | | 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)





6039 ORCHID LANE
CITY OF DALLAS, TEXAS

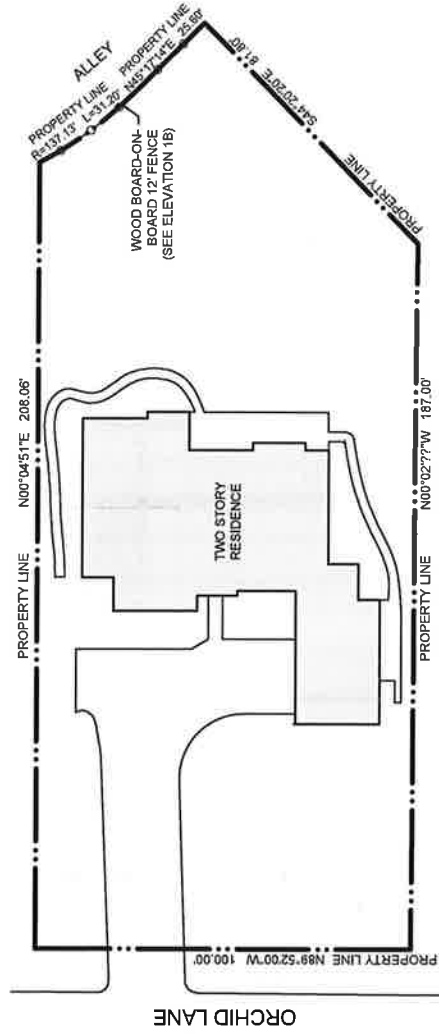
Baldwin
Associates

BALDWIN
ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
OFFICE: 214.824.7849
MOBILE: 214.729.7849
job@baldwinplanning.com

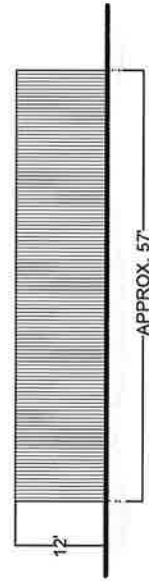
CASE NUMBER
PROJECT NUMBER
02/26/2020



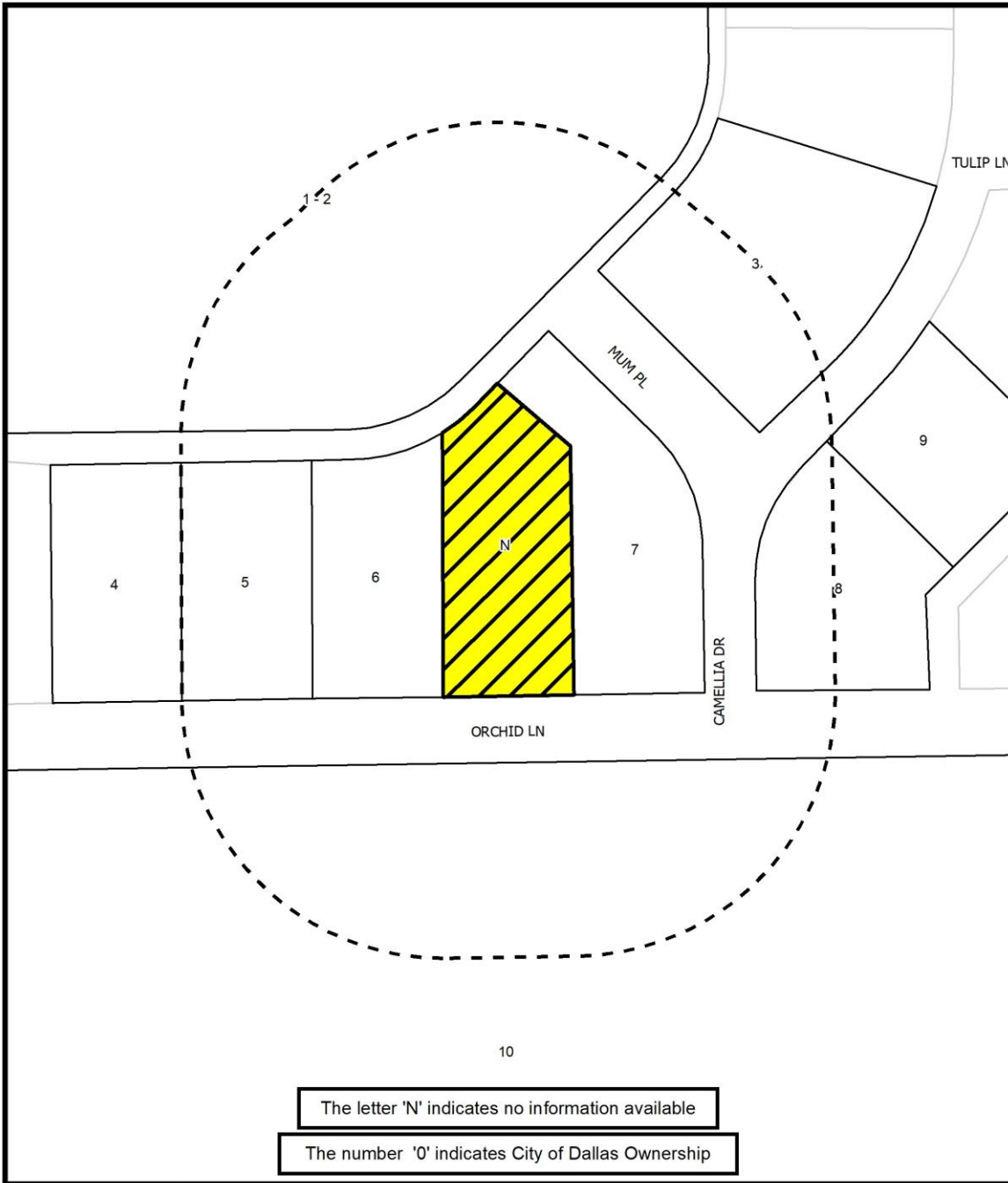
VICINITY MAP
NTS



1A SITE PLAN
SCALE: 1/32" = 1'-0"



1B FENCE ELEVATION
SCALE: 1/16" = 1'-0"



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA190-055
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">10</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 4/27/2020

04/27/2020

Notification List of Property Owners

BDA190-055

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10720 PRESTON RD	SEPR REGENCY LLC
2	10720 PRESTON RD	BAI MAC INC
3	10727 CAMELLIA DR	CAMELLIA TRUST UTA THE
4	6015 ORCHID LN	LABARBA LUCIAN M &
5	6023 ORCHID LN	DIFRANCESCO JOSEPH M III &
6	6031 ORCHID LN	SARDAS JACQUES R TRUST
7	6047 ORCHID LN	THE SHELLY M ROBINSON REVOCABLE TRUST
8	6109 ORCHID LN	LEE CLYDE R & JULIE L
9	10722 CAMELLIA DR	TAYLOR BETTY J
10	10600 PRESTON RD	ST MARKS SCHOOL OF TEXAS

FILE NUMBER: BDA 190-001

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

LOCATION: 1101 S Haskell Avenue

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

REQUEST:

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

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

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

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

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

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

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

(D) Determination of amortization period.

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

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

GENERAL FACTS:

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

BACKGROUND INFORMATION:

Zoning:

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

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

Land Use:

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

Zoning/BDA History:

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

TIMELINE:

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

Procedures.

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

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

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

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

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

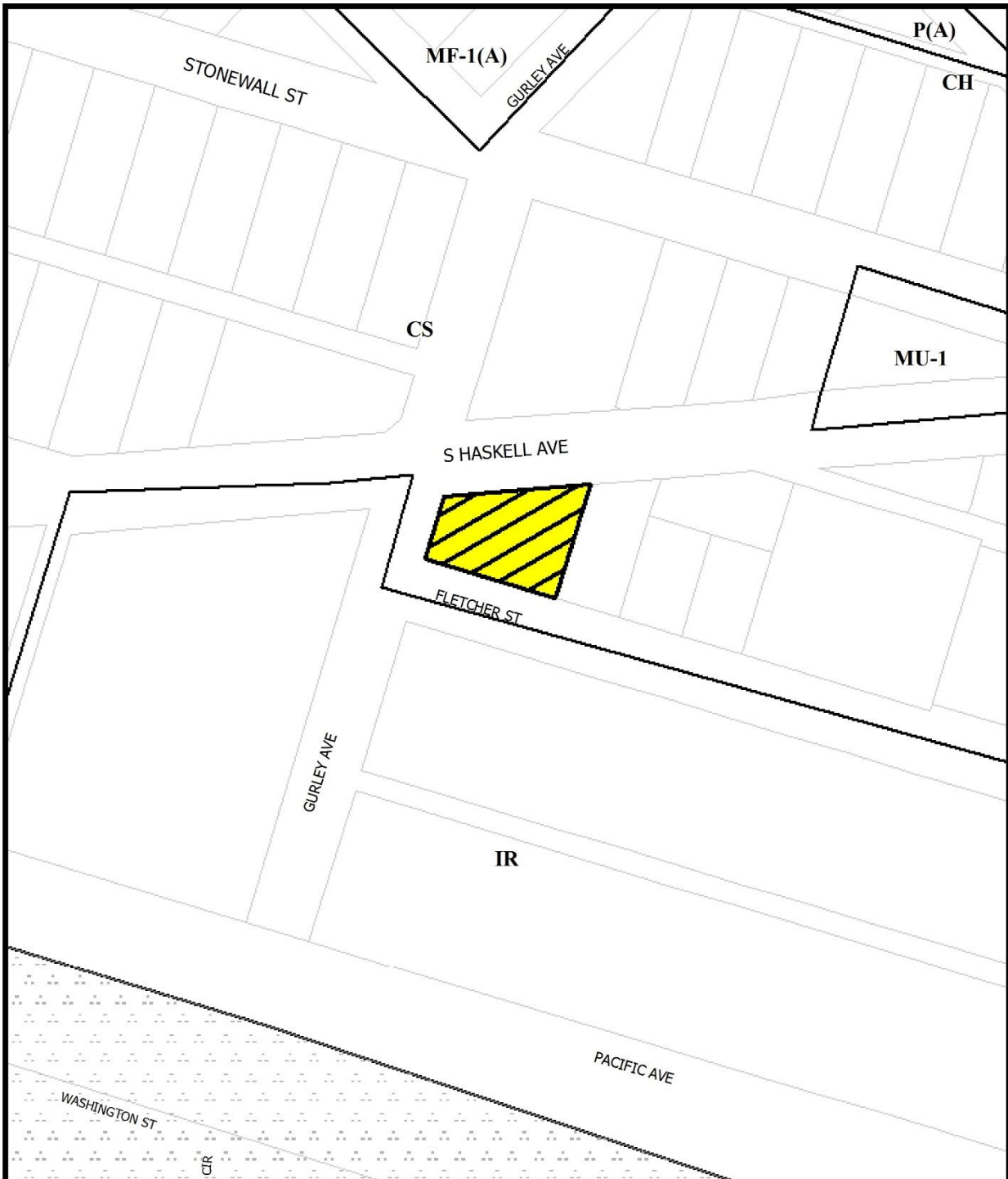
January 21, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application until the next public hearing to be held under advisement until March 17, 2020.

February 28, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included the Assistant City Attorney to the board and the following from the Sustainable Development and Construction Department: Board of Adjustment staff including the Chief Planner/Board Administrator, the Senior Planner, and the Assistant Director; Building Inspection Division staff including the Senior Plans Examiner, Building Official, Assistant Building Official, and Chief Planner; and

Engineering Division staff including the Senior Engineer and Assistant Director.

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

March 10, 2020: The representative, on behalf of the applicant, requested to withdraw the application (Attachment B).



1:1,200

ZONING MAP

Case no: BDA190-001

Date: 12/13/2019



1:1,200

AERIAL MAP

Case no: BDA190-001

Date: 12/13/2019



City of Dallas

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

CASE NO.: BDA 190-001

DATE: 10-18-19

Data Relevant to Subject Property:

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

Name of Property Owner: Fermin Lopez & Gloria Lopez

Lot No.: SWPTS1415 Block No.: 24/1270 Acreage: .016 Census Tract: 25

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

To the Honorable Board of Adjustment:

Applicant: Dallas City Council Telephone: 214.670.4050

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

E-mail address: _____

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

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

E-mail address: Keisha.Crane@dallascityhall.com, zinzi.bonilla@dallascityhall.com

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

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

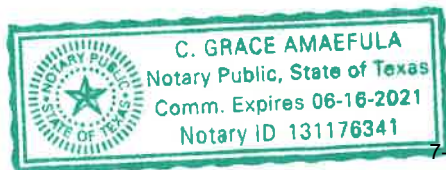
Respectfully submitted: Keisha Crane KCrane
Print Applicant's name Applicant's Signature

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

KCrane
Affiant (Applicant's Signature)

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

C. Grace Amaefula
Notary Public in and for Dallas County, Texas



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Dallas City Council Resolution 19-0916

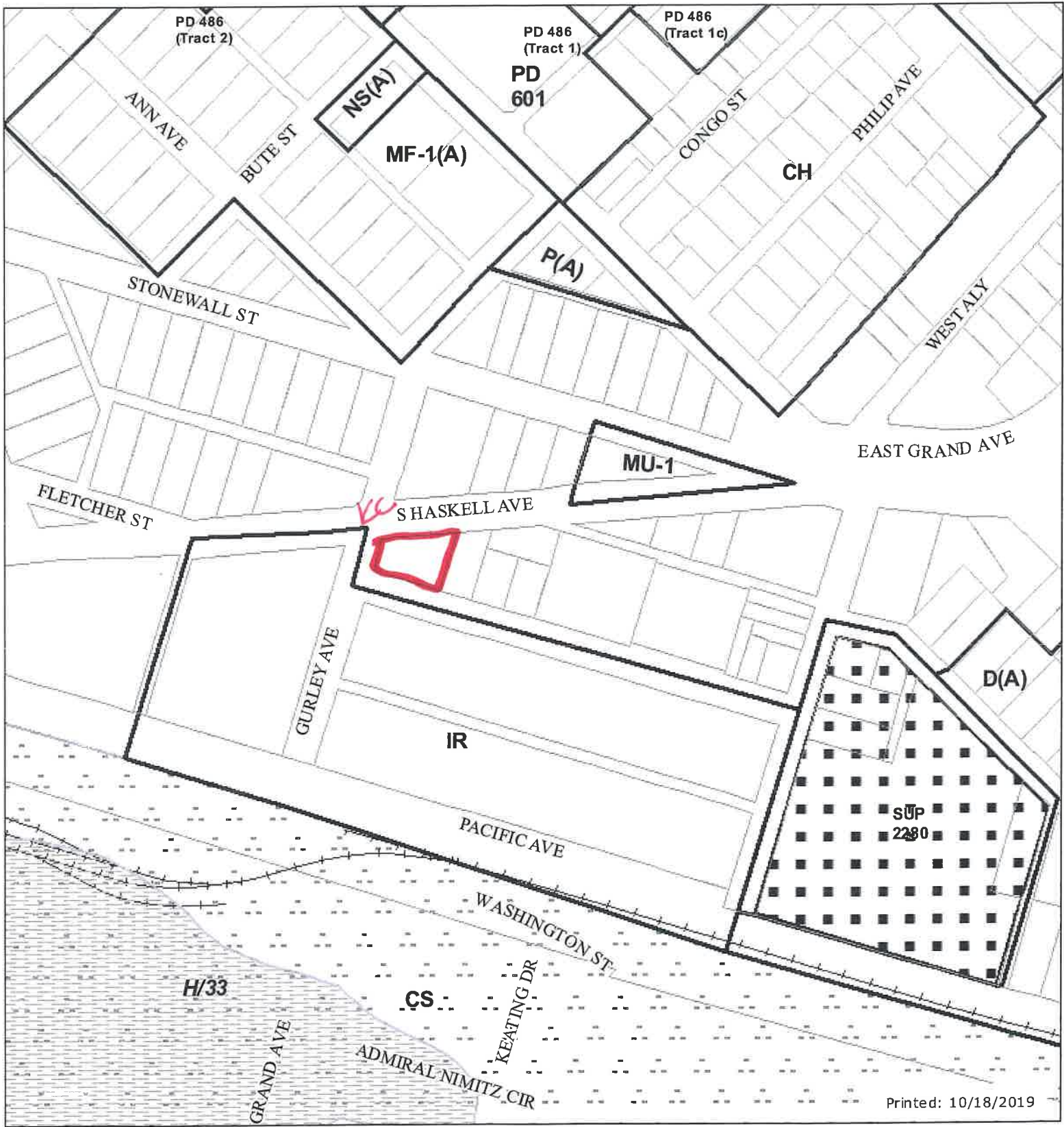
did submit a request to require compliance of a nonconforming use
at 1101 S. Haskell Avenue

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

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 10/18/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 7-11 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)





Memorandum



CITY OF DALLAS

DATE October 18, 2019

TO Board of Adjustment

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

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

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

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



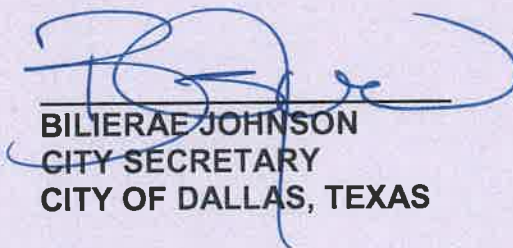
STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

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

FILE NO. 19-0916

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

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


BILIERAE JOHNSON
CITY SECRETARY
CITY OF DALLAS, TEXAS



PREPARED BY: LJ

OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

JUNE 12, 2019

19-0916

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

Councilmember Felder moved to adopt the item.

Motion seconded by Councilmember Kingston.

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

June 12, 2019

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

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

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

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

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

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

Now, Therefore,

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

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

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





Agenda Information Sheet

File #: 19-660

Item #: 64.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: June 12, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

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

BACKGROUND

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.



City of Dallas

Memorandum

RECEIVED
2019 APR 24 PM 3:54
CITY SECRETARY

DATE April XX, 2019

TO The Honorable Michael S. Rawlings

FROM Kevin Felder

SUBJECT Request for Placement of Agenda Item – Council Member(s)

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

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

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

BRIEF BACKGROUND:

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

Submitted for consideration by:

Kevin Felder, District 7

Printed Name, District #

Signature

Supporting Council Member Signatures (4 Signatures Only):

DMPT Adam Medrano District 2

Printed Name, District #

Signature

Philip Kluyfou 14

Printed Name, District #

Signature

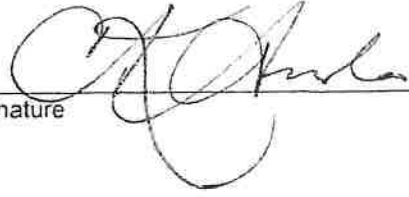
Onar Narvaez 6

Printed Name, District #

Signature

Carolyn K Arnold

Printed Name, District #



Signature

Attachment: Draft Resolution

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

COUNCIL CHAMBER

_____ [DATE] _____

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

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

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

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

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

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

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

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

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

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

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

Details

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

Certificate of Occupancy

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

Owner: JUAN ORONA
1101 S HASKELL
DALLAS, TEXAS 75217

DBA: LINARES NUEVO LEON

Land Use: (5821) ALCOHOLIC BEVERAGE ESTABLISHMENT

Occupied Portion:

C.O.#: 0710021072

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

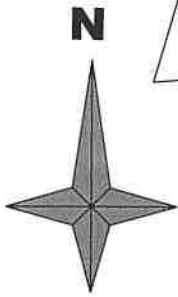
Remarks: ALCOHOLC BEVERAGE EST. NON CONFORMING PER LAST CO#0401091101. SEE ATTACHED TABC RECORDS & LETTER. NO CHANGE IN OWNERSHIP. ADDED SQUARE FOOTAGE PER RECORD 3-23-15 BW.

Larry V. Holmes

Larry Holmes, Building Official

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

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



20 0 20



14

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



1101 S. HASKELL AVENUE
Remainder; Lots 14 & 15
Block 24/1270

DEPARTMENT OF PUBLIC WORKS
SURVEY DIVISION CITY OF DALLAS, TEXAS

OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\MOLTHASKELL\Haskell.dgn	As Noted	10/11/19
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Prunty	Holt	Block 2/416	N/A



January 8, 2020

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

Re: BDA190-001, Request to Continue Hearing

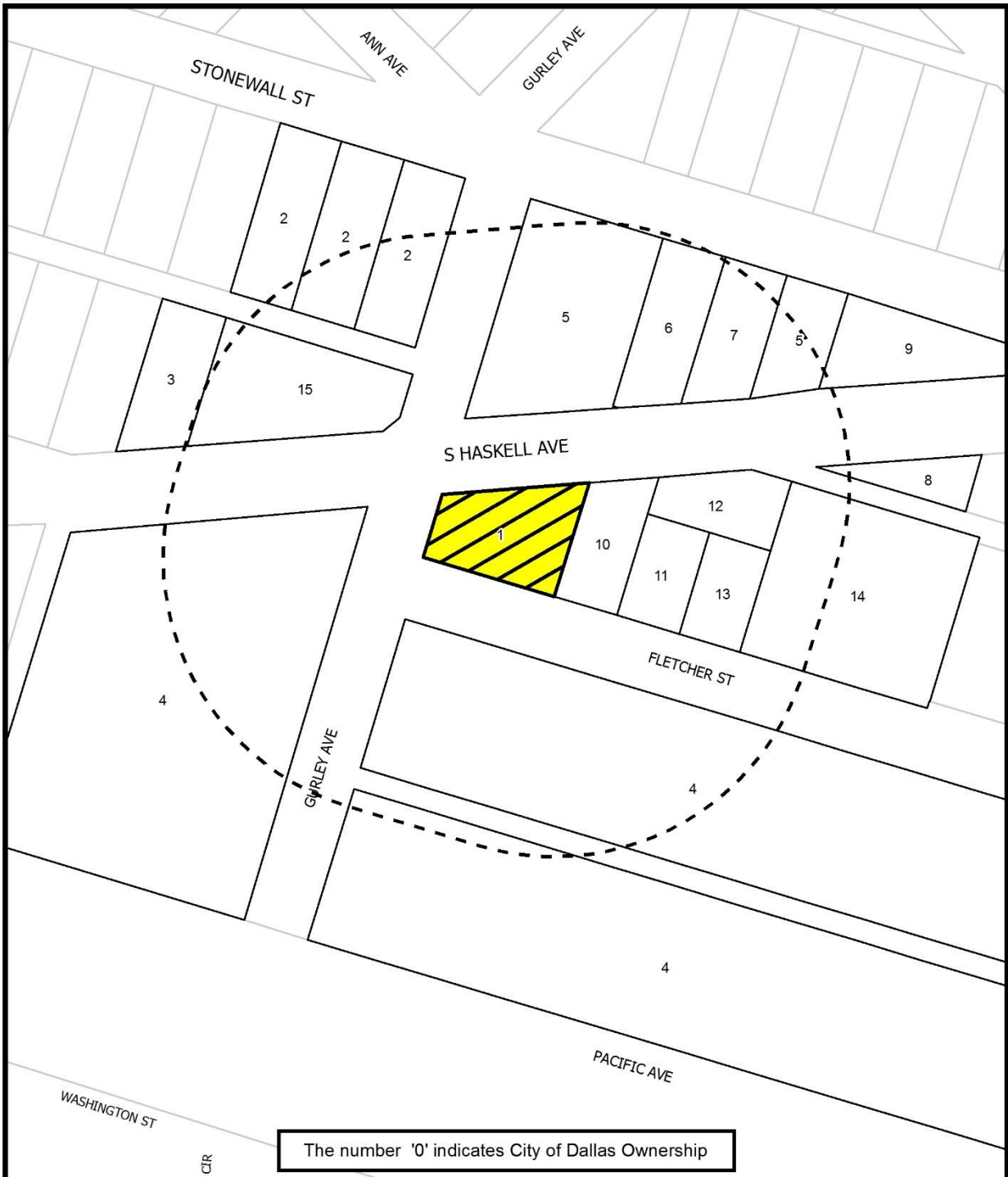
Dear Ms. Hill:

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

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

Sincerely,

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



 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;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	15	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA190-001 Date: 12/13/2019
200'	AREA OF NOTIFICATION					
15	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA190-001

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1101 S HASKELL AVE	LOPEZ FERMIN & GLORIA
2	1033 STONEWALL ST	BLUE SKY MANAGMENT INC
3	1024 S HASKELL AVE	DENNIS RIALS
4	1031 S HASKELL AVE	SUTTON STEELE & STEELE
5	1100 S HASKELL AVE	REIGER ASSOCIATES 90 I LTD
6	1110 S HASKELL AVE	TRS ASSET PARTNERS LTD
7	1114 S HASKELL AVE	MSC I LTD
8	1127 S HASKELL AVE	MANZANARES PILAR & ANSELMO
9	1136 S HASKELL AVE	WARD DONALD L
10	1111 S HASKELL AVE	WELCOME HOUSE INC
11	1112 FLETCHER ST	MURDINE BERRY FAMILY TRUST
12	1121 S HASKELL AVE	GURROLA SANDRA NANCY
13	1116 FLETCHER ST	MALLET CHARLES JR
14	1124 FLETCHER ST	SANCHEZ JOSE L &
15	1036 S HASKELL AVE	GARDEA URIEL M