

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, APRIL 20, 2015
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:30 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the March 16, 2015 Board of Adjustment Panel C Public Hearing Minutes	M1
--	----

UNCONTESTED CASE

BDA 145-045	2324 S. Vernon Avenue REQUEST: Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence height regulations	1
--------------------	---	---

REGULAR CASES

BDA 145-026	1018 Gallagher Street REQUEST: Application of Robert Baldwin of Baldwin and Associates for a variance to the off-street parking regulations	2
BDA 145-042	4331 Belmont Avenue REQUEST: Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations	3

EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

(Rev. 6-24-02)

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel C March 16, 2015 public hearing minutes.

FILE NUMBER: BDA 145-045

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for special exceptions to the fence height regulations at 2324 S. Vernon Avenue. This property is more fully described as a 4.31 acre parcel in Block 5973, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain a 6 foot high fence, which will require a 2 foot special exception to the fence height regulations.

LOCATION: 2324 S. Vernon Avenue

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUESTS:

Requests for special exceptions to the fence height regulations of 2' is made to maintain a 6' high open chain link fence and gates in the site's three front yard setbacks (Ludlow Drive on the north, Wynnewood Drive on the east, and S. Vernon Avenue on the west) on a site that is developed with a charter school (Academy of Dallas).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the height requirement for fences 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 height regulations since the basis for this type of appeal is when in the opinion of the board, the special exception will not adversely affect neighboring property.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district 7,500 square feet)
North: R-7.5(A) and RR (Single family district 7,500 square feet and Regional Retail)
South: LO-3 (Limited office)
East: RR (Regional retail)
West: MF-2(A) (Multifamily)

Land Use:

The subject site is developed with a charter school (Academy of Dallas). The areas to the north, south, and east are developed with nonresidential uses; and the area to the west is developed with residential uses.

Zoning/BDA History:

- | | |
|---------------------------------|--|
| 1. Z 145-106 (the subject site) | An application for a Specific Use Permit (SUP) for an open-enrollment charter school has been filed with a City Plan Commission public hearing date pending. |
|---------------------------------|--|

GENERAL FACTS/STAFF ANALYSIS:

- These requests focus on maintaining a 6’ high open chain link fence and gates in the site’s three front yard setbacks (Ludlow Drive on the north, Wynnewood Drive on the east, and S. Vernon Avenue on the west) on a site that is developed with a charter school (Academy of Dallas).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The site is located at the southeast corner of Ludlow Street and Wynnewood Drive and the southwest corner of Ludlow Street and S. Vernon Avenue. Regardless of how the school on the site is oriented, the site has a 25’ front yard setback along Ludlow Drive, the shortest of the three frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district; and 15’ front yard setbacks along Wynnewood Drive and S. Vernon Street, the longer of the three frontages of this corner lot, which are typically regarded as side yards where a 9’ high fence is allowed by right. But the site’s Wynnewood Drive and S. Vernon Street frontages are also deemed front yard setbacks to maintain the continuity of the established front yard setback established by the lot south of the site zoned LO- 3 that front/is oriented eastward towards Wynnewood Drive and westward towards S. Vernon Street.
- The applicant has submitted a site plan/elevation of the proposal in the front yard setbacks with notations indicating that the fence reaches a maximum height of 6’.
- The following additional information was gleaned from the submitted site plan:
 - The fence proposal is represented as being approximately 360’ in length parallel to the Ludlow Drive on the north; approximately 420’ in length parallel to Wynnewood Drive on the east; and approximately 510’ in length parallel to S. Vernon Street on the west.
 - The fence proposal is represented as being located on the property lines of all three streets, and at a range of 0’ to approximately 40’ from pavement lines of these streets. (Note that the gates on S. Vernon Avenue and Wynnewood Drive

are recessed from these streets and represented to be in compliance with visual obstruction regulations).

- Only two single family homes front this fence in the site's three front yard setbacks—single family homes zoned MF-2(A) that front westward toward the fence on S. Vernon Avenue. These single family homes do not have fences in their front yard setback along S. Vernon Avenue but would be allowed to construct and maintain a 9' high fence in their front yard setback given that are located in MF-2(A) zoning.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback- an approximately 7' high open chain link fence immediately south of the site on property zoned LO-3 where a 9' high fence can be constructed and maintained by right.
- As of April 13, 2015, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations of 2' will not adversely affect neighboring property.
- Granting these special exceptions of 2' with a condition imposed that the applicant complies with the submitted site plan/elevation would require the proposal exceeding 4' in height in the three front yard setbacks to be maintained in the location and of the heights and materials shown on this document.

Timeline:

January 29, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

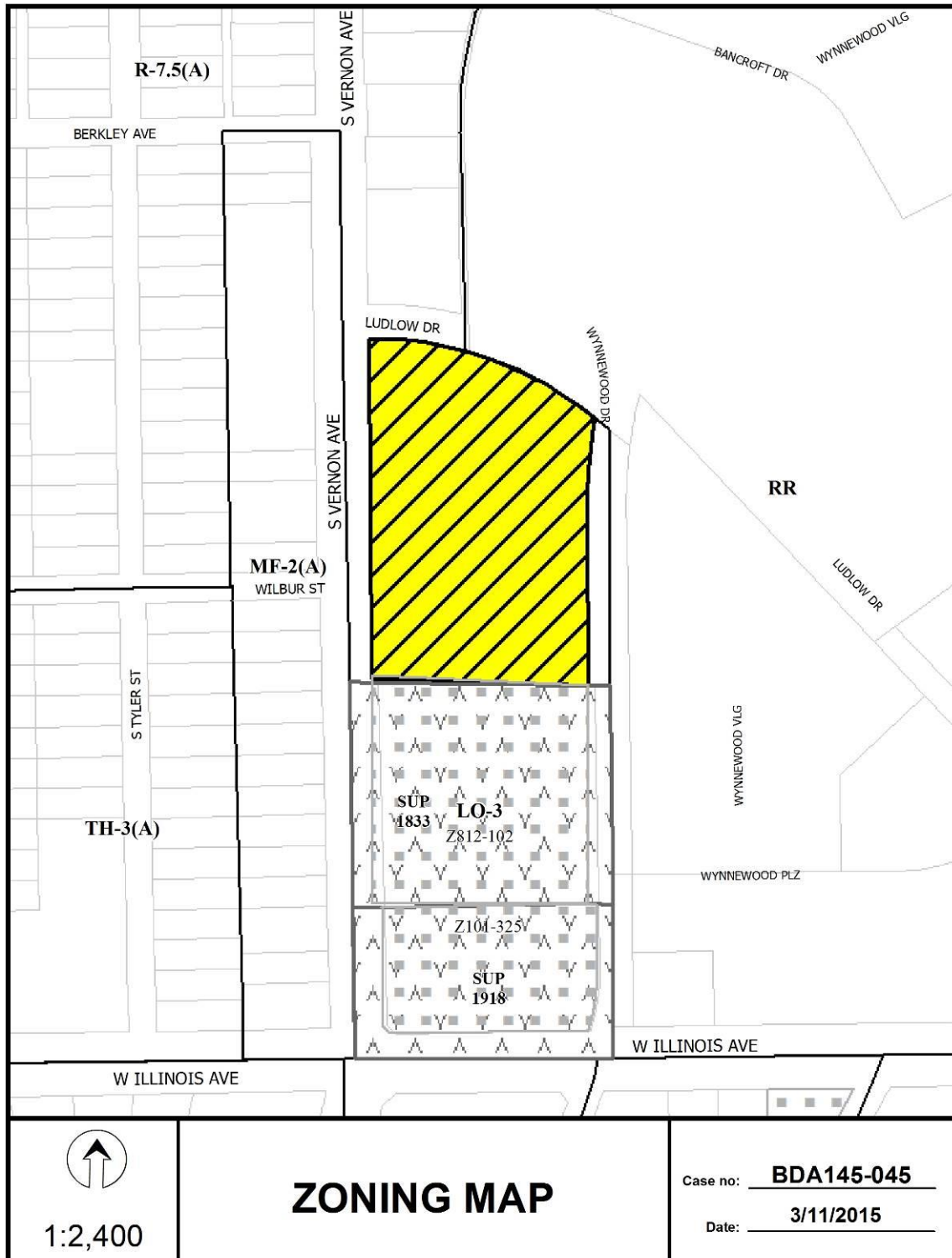
March 11, 2015: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 1st deadline to submit additional evidence for staff to factor into their analysis; and the April 10th 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 7, 2015:

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

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



1:2,400

ZONING MAP

Case no: BDA145-045

Date: 3/11/2015



1:2,400

AERIAL MAP

Case no: BDA145-045

Date: 3/11/2015



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145045

Data Relative to Subject Property:

Date: January 29, 2015

Location address: 2324 S. Vernon Ave Zoning District: R-7-5(A)

Lot No.: _____ Block No.: 5973 Acreage: 4.31 acres Census Tract: 62.00

Street Frontage (in Feet): 1) 549.85 2) 185.95 3) 477.13 4) _____ 5) gnis

To the Honorable Board of Adjustment :

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

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 fence height of 2 feet to allow a 6-foot fence on property within a residential zoning district in front yd.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The existing fence was permitted and approved on April 16, 2014. The property is developed with a charter school that is occupying a former church structure. The fencing was installed to secure the property and prevent walk-through traffic from the neighborhood to the Wynnewood shopping center to ensure the safety of the children and staff.

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.

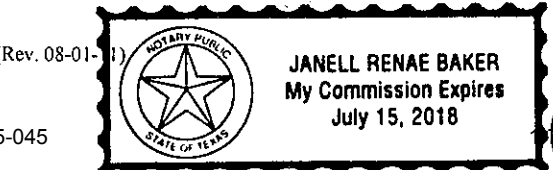
Affidavit

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 26 day of January, 2015



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

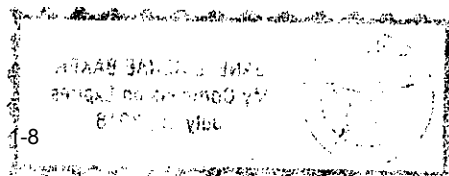
I hereby certify that Robert Baldwin

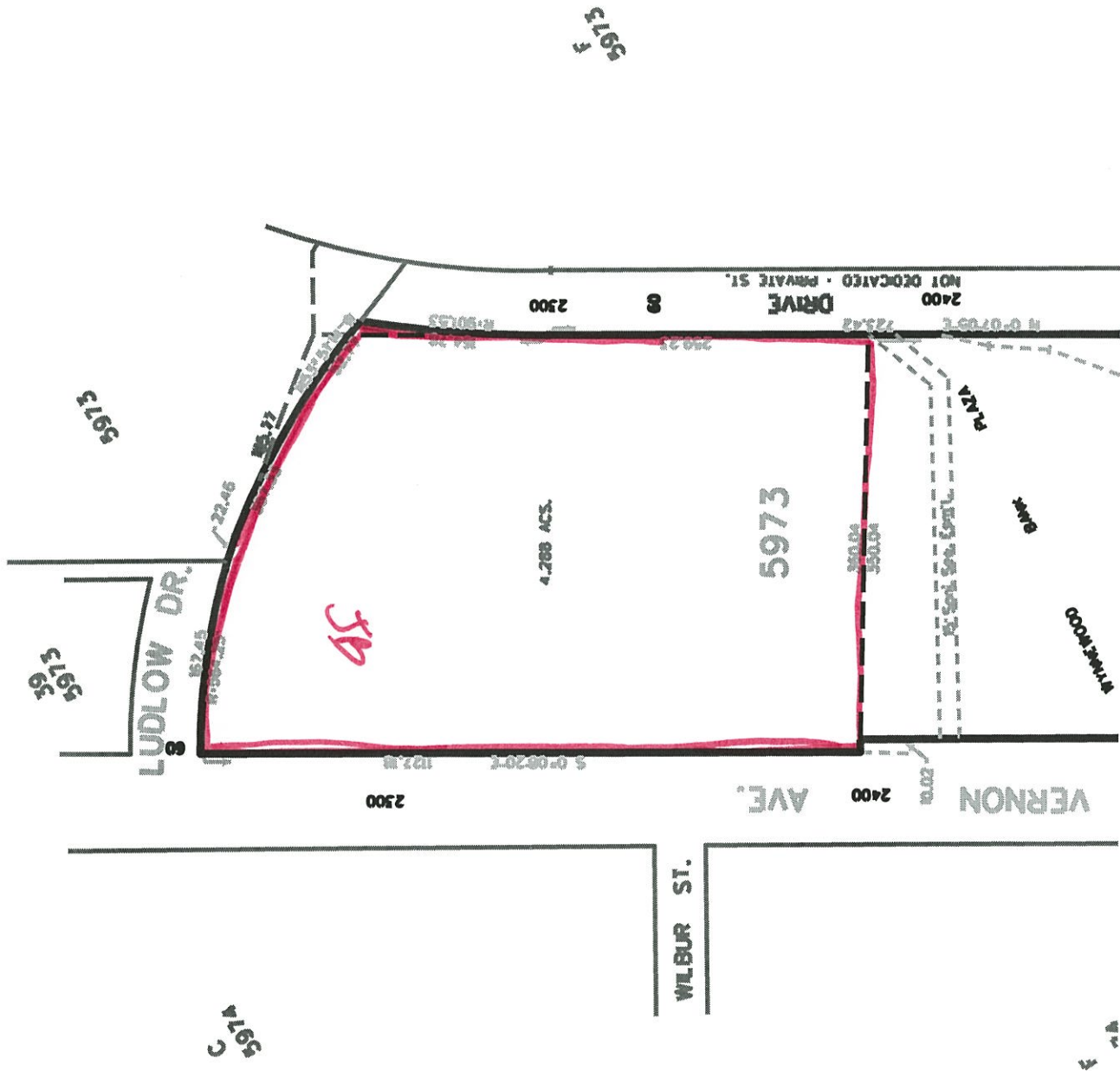
did submit a request for a special exception to the fence height regulations
at 2324 S. Vernon Avenue

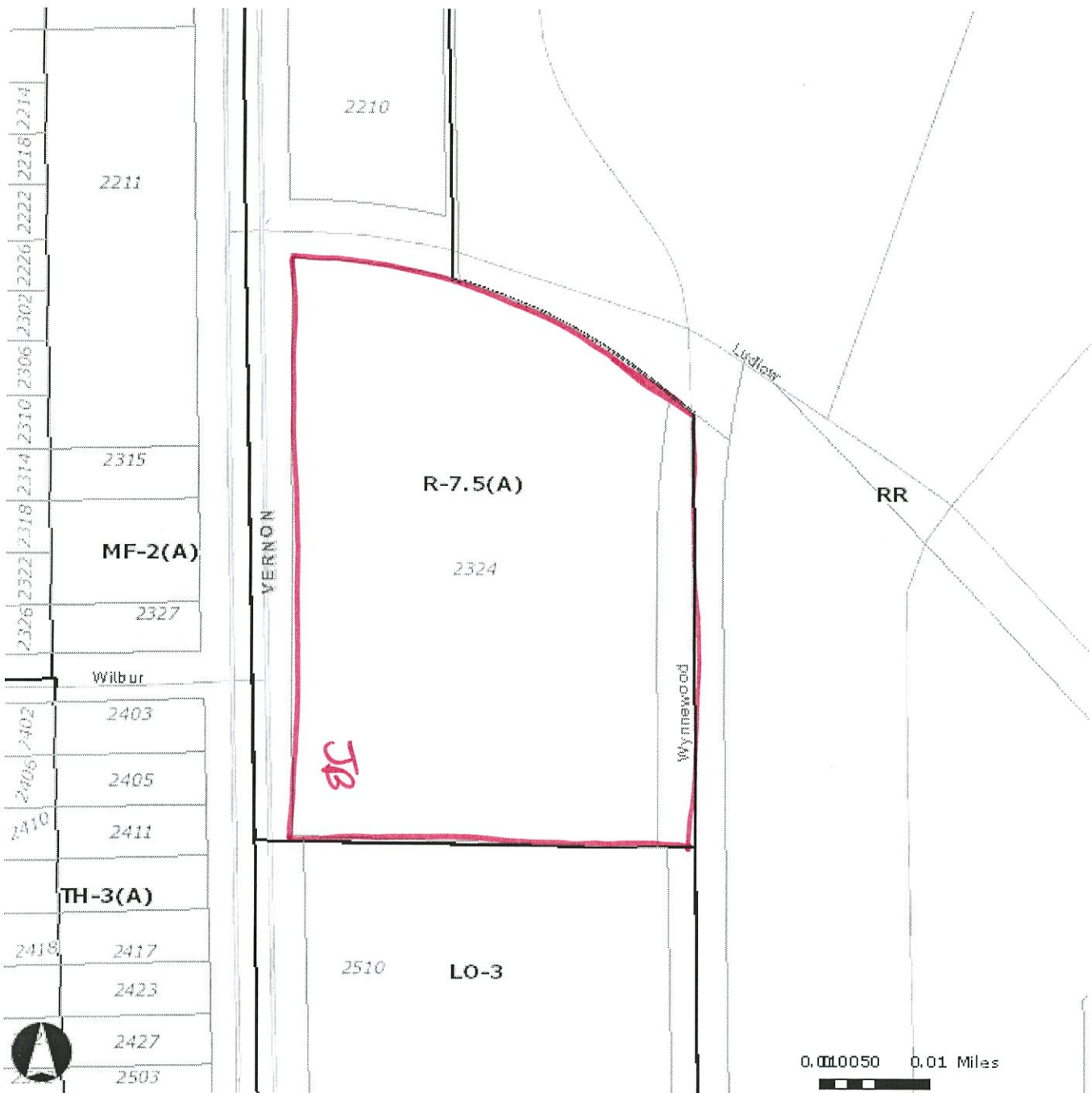
BDA145-045. Application of Robert Baldwin for a special exception to the fence height regulations at 2324 S. Vernon Avenue. This property is more fully described as a 4.31 acre parcel in Block 5973, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official







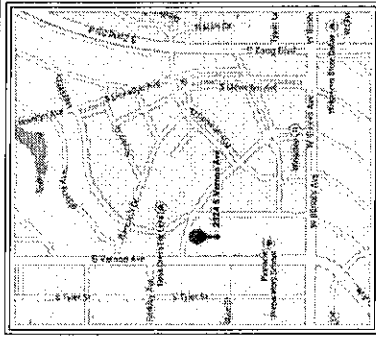
PROJECT NUMBER
02/26/15

CASE NUMBER

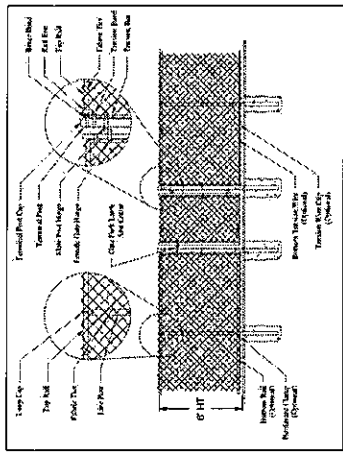
BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
OFFICE: 214.824.7949
MOBILE: 214.729.7949
rb@baldwinplanning.com

Baldwin
Associates

2324 S. VERNON AVE.
CITY OF DALLAS, TEXAS

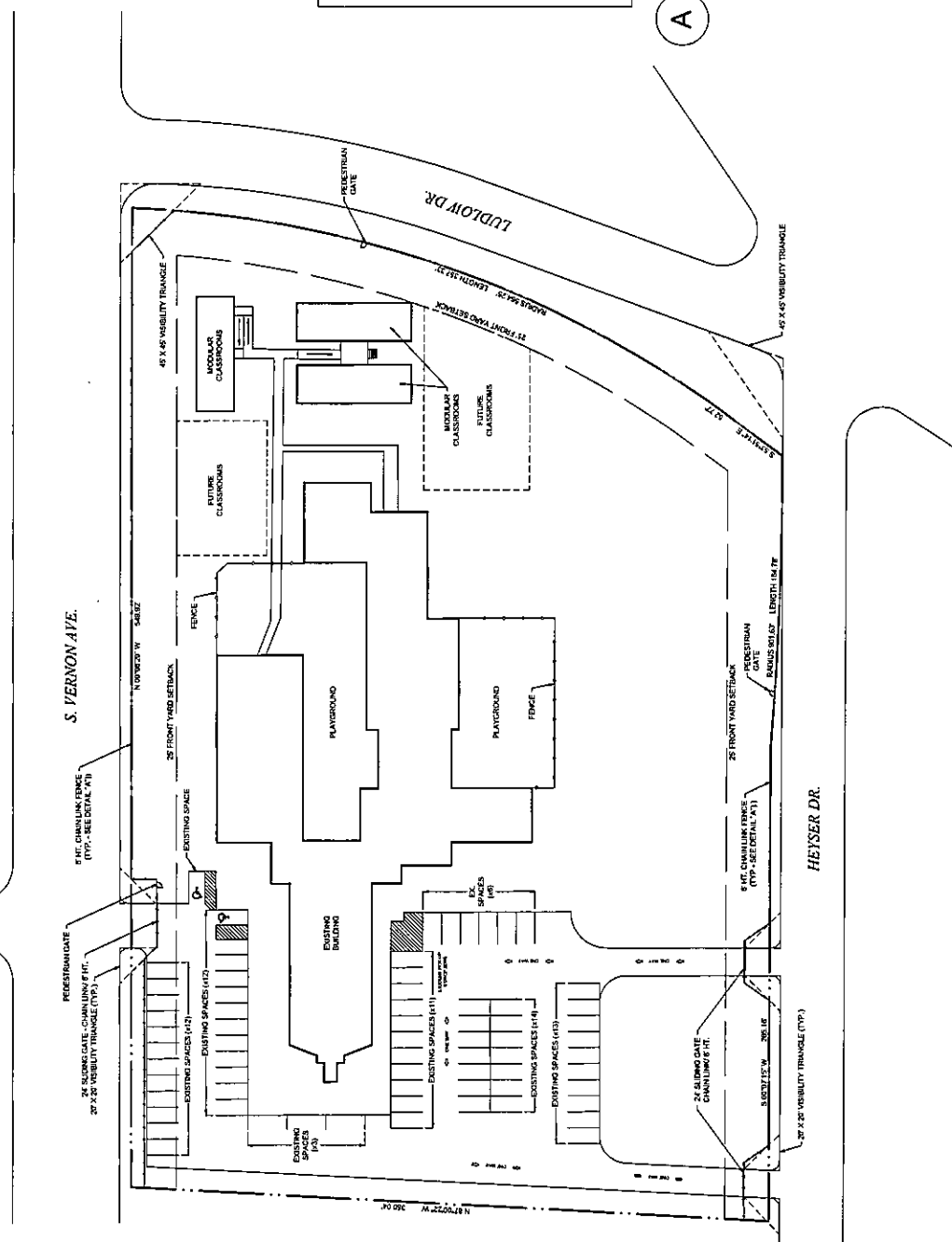


VICINITY MAP
NTS

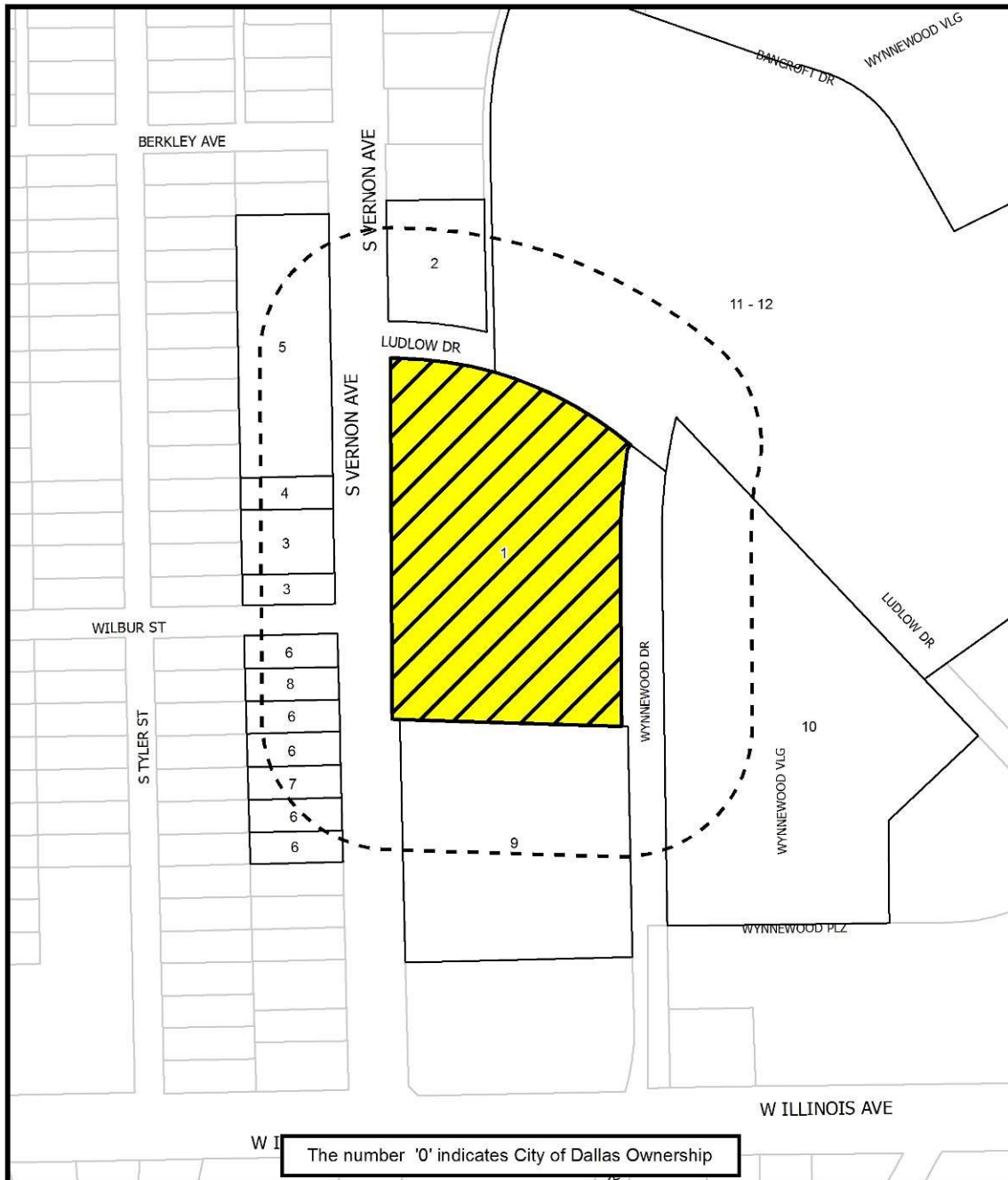


A TYP. CHAIN LINK FENCE DETAIL
SCALE: 1" = 4'-0"

- NOTES:
1. PROPOSED FENCE HEIGHT IN REQUIRED FRONT YARD 6 FT.
 2. SLIDING GATE IS SAME MATERIAL AND HEIGHT AS FENCE



BDA SITE PLAN - 2324 S. VERNON AVE.
SCALE: 1" = 30'-0"



 1:2,400	NOTIFICATION		Case no: BDA145-045
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 3/11/2015	

Notification List of Property Owners

BDA145-045

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2324 VERNON AVE	ACADEMY OF DALLAS
2	2210 VERNON AVE	WORLD MISSIONARY
3	2327 VERNON AVE	WALKER CHARLES FRANKLIN
4	2315 VERNON AVE	OSBORN CHARLES A JR
5	2211 VERNON AVE	KARIKAL GEORGE JOSEPH
6	2427 VERNON AVE	WALKER CHARLES FRANKLIN
7	2417 VERNON AVE	WALKER CHARLES F &
8	2405 VERNON AVE	WALKER CHARLES FRANKLIN &
9	2510 VERNON AVE	UPLIFT EDUCATION
10	701 ILLINOIS AVE	CENTRO NP HOLDINGS 12 SPE LLC
11	701 ILLINOIS AVE	CENTRO NP HOLDINGS 12 SPE LLC
12	701 ILLINOIS AVE	BELLAIRE CAPITAL PS LP

FILE NUMBER: BDA 145-026

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a variance to the parking regulations at 1018 Gallagher Street. This property is more fully described as Lot 1A, Block B/7099, and is zoned R-5(A), which requires parking to be provided. The applicant proposes to construct and/or maintain a nonresidential structure for a community service center use and provide 19 of the required 25 parking spaces, which will require a 6 space variance to the parking regulation.

LOCATION: 1018 Gallagher Street

APPLICANT: Robert Baldwin

REQUEST:

A request for a variance to the off-street parking regulations of 6 spaces is made where the applicant proposes to provide 19 of the required 25 off-street parking spaces on a site that is developed with a community service use [Vickery Meadow Learning Center] in order to maintain a playground area.

STANDARD FOR A VARIANCE:

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, 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:

Denial

Rationale:

- While the Sustainable Development and Construction Project Engineer has no objections to the request based on supply and demand, staff recommends denial because the standard for a variance has not been met. The site is flat, rectangular in shape, and, according to the application, 0.512 acres in area where none of these features/conditions preclude the applicant from developing the subject site in a manner commensurate with the development of other parcels of land in the same R-5(A) zoning.
- The applicant has also not substantiated how this variance for this specific use (community service center) at its proposed size is not needed to relieve a self-created hardship. The features/conditions of this flat, rectangular-shaped site do not appear to restrict the applicant from developing it with a smaller sized development that could provide the number of off-street parking spaces required by code.

BACKGROUND INFORMATION:

- Site: R-5(A) (Single family residential district, 5,000 square feet)
- North: R-5(A) (Single family residential district, 5,000 square feet)
- South: R-5(A) (Single family residential district, 5,000 square feet)
- East: R-5(A) (Single family residential district, 5,000 square feet)
- West: R-5(A) (Single family residential district, 5,000 square feet)

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| <p>1. Z134-245, Property at 1018
Gallagher Street (Subject Site)</p> | <p>On August 27, 2014, December 10, 2014, and March 25, 2015, the City Council voted to hold under advisement an application for the amendment and renewal of SUP No. 1763 so the applicant could submit an application to the Board of Adjustment for a parking reduction.</p> |
| <p>2. BDA 089-063(K), Property at 1018
Gallagher Street (Subject Site)</p> | <p>On May 18, 2009, the Board of Adjustment Panel C granted a variance to the front yard setback and imposed the following condition: Compliance with the submitted site plan is required.
The case report stated the request for a variance of 11 feet to the front yard setback regulations was made to provide for off-street parking.</p> |

GENERAL FACTS/ STAFF ANALYSIS:

- The request focuses on maintaining a playground area for a community service center [Vickery Meadow Learning Center]. The applicant proposes to provide 19 of the required 25 required off-street parking spaces.
- The subject site is zoned R-5(A) but is developed with a community service use that requires the following off-street parking requirement:
 - Community Service Center Use: One space per 200 square feet of floor area.
- Normally, a request for a parking reduction that equals 25 percent or less of the required off-street parking would qualify for a special exception to the off-street parking regulations.
- Dallas Development Code Section 51A-4.311(a)(1) states that the Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required *under this article* if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets; and that the maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to already existing nonconforming rights.
- However, Dallas Development Code Section 51A-311(a)(5) states that the Board of Adjustment *shall not* grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- On June 24, 2009, City Council approved Ordinance No. 27576, which granted, for a five-year time period, a community service use at 1018 Gallagher Street under Specific Use Permit No. 1763. Condition No. 8 of SUP No. 1763 states: “Off-street parking spaces must be located as shown on the attached site plan.”
- Therefore, the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for a community service center use even though the reduction request is 24 percent of the required off-street parking.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”
- The site is flat, rectangular in shape, and according to the application, 0.512 acres in area. The site is zoned R-5(A).
- DCAD records indicate that the “improvements” at 1018 Gallagher Street is a “church building” with 4,096 square feet built in 1985.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same R-5(A) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-5(A) zoning classification.
- If the Board were to grant this request for a variance, the applicant would be allowed to provide 19 of the 25 off-street parking spaces required for a community service center use at approximately 4,977 square feet in order to maintain a playground area.

Timeline:

December 18, 2014: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

February 9, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

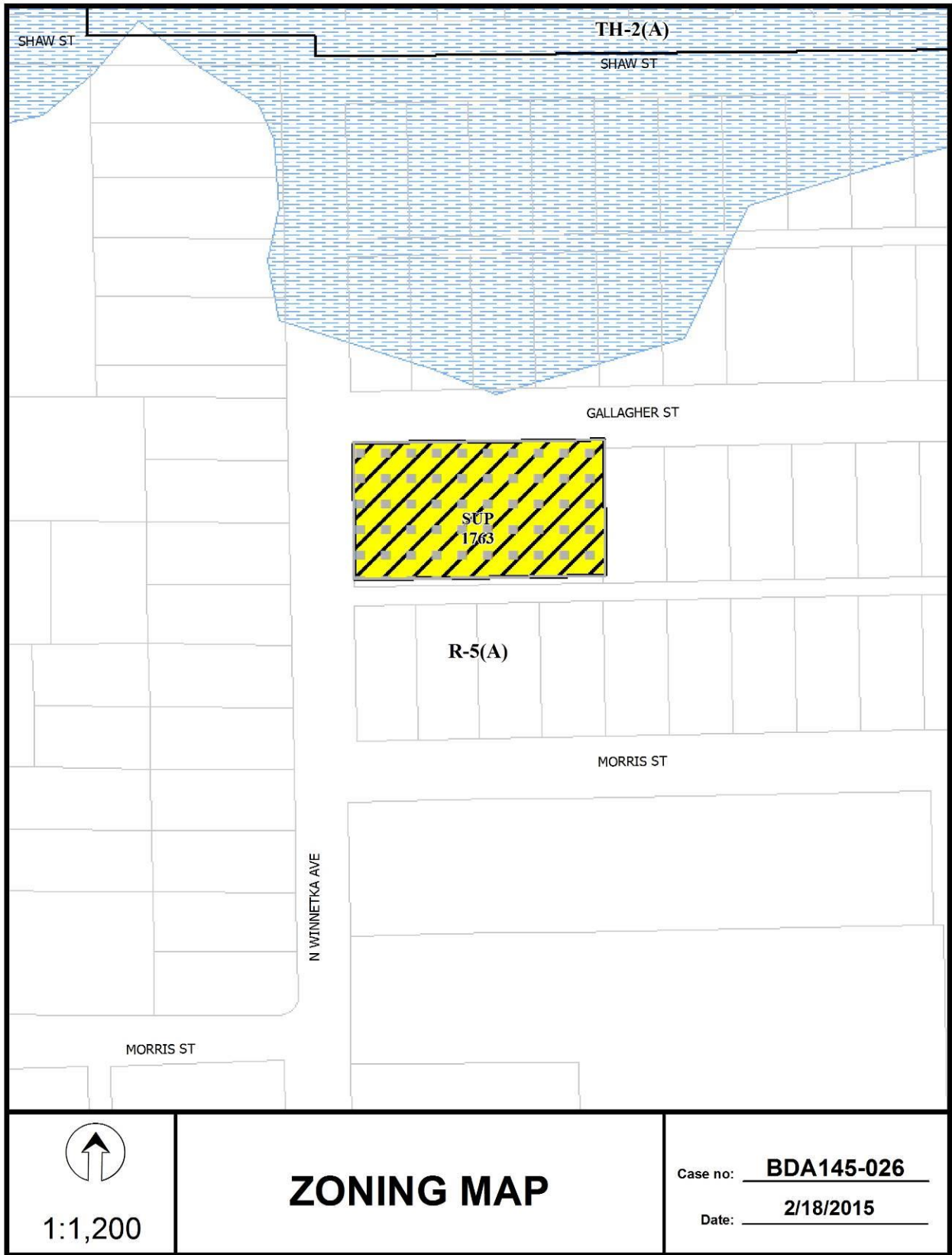
February 18, 2015: The Current Planner shared the following information with the applicant via e-mail:


- 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, 2015: The Current Planner e-mailed the applicant to inform him that the Board could not consider a special exception to the off-street parking regulations. There is a Specific Use Permit (SUP No. 1763) at the site, and condition number eight states that off-street parking spaces must be located as shown on the site plan attached to the ordinance. Therefore, because there is an ordinance granting a specific use permit that requires parking at the site, the Board can only consider an application to reduce the number of off-street parking spaces under the standard for a variance and not as a special exception to parking demand.

March 3, 2015: The applicant contacted the Building Inspection Senior Plans Examiners/Development Code Specialist and updated the application to request a variance to the off-street parking regulations.

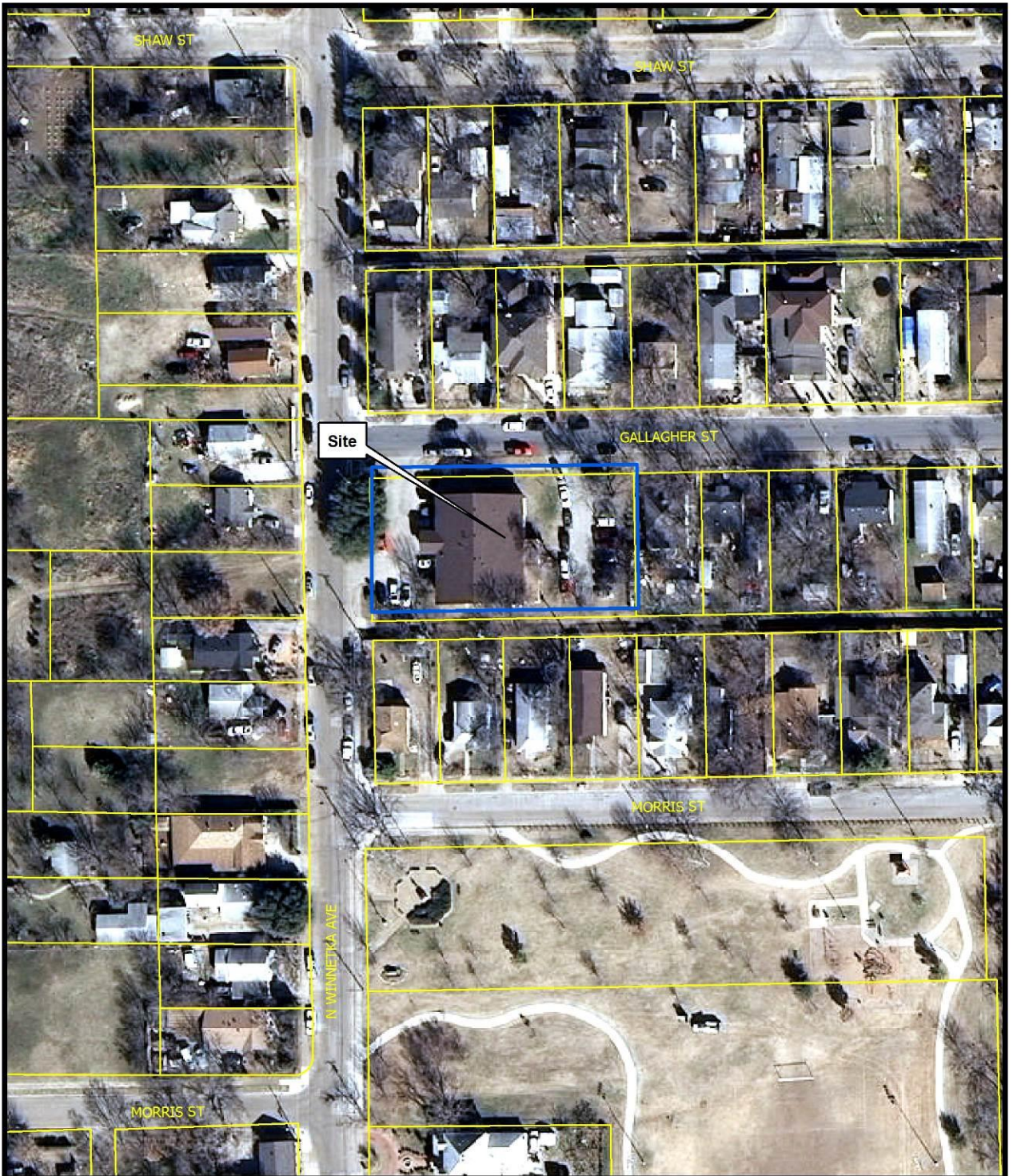
- March 16, 2015: The Current Planner updated the applicant with the following information via e-mail:
- a copy of the application materials, including the Building Official's report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the April 1st deadline to submit additional evidence for staff to factor into their analysis; and the April 10th 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.
- March 26, 2015: The applicant submitted revised site plans on this application to the Building Inspection Senior Plans Examiner/Development Code Specialist.
- April 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- April 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."




 1:1,200

ZONING MAP

Case no: BDA145-026
 Date: 2/18/2015



1:1,200

AERIAL MAP

Case no: BDA145-026

Date: 2/18/2015



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-026

Data Relative to Subject Property:

Date: December 18, 2014

Location address: 1018 Gallagher Zoning District: R-5(A)

Lot No.: 1A Block No.: B/7099 Acreage: 0.512 acres Census Tract: 101.02

Street Frontage (in Feet): 1) 203 ft 2) 110 ft 3) 4) 5) 5019

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Vickery Meadow Learning Center

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 6 off-street parking spaces from 25 for a Community Svc Ctr. use.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Requesting to provide 19 off-street parking spaces out of the 25 spaces required for a community service center. Please note the property received variance approval in 2009 to retain 2 parking spaces within a required front yard. The community service center primarily offers English literacy classes to nearby residents.

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

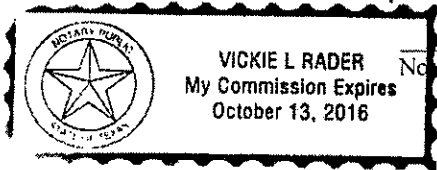
Before me the undersigned on this day personally appeared [Signature] Affiant/Applicant's name printed)

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: Robert Baldwin (Affiant/Applicant's signature)

Subscribed and sworn to before me this 18th day of December, 2014

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

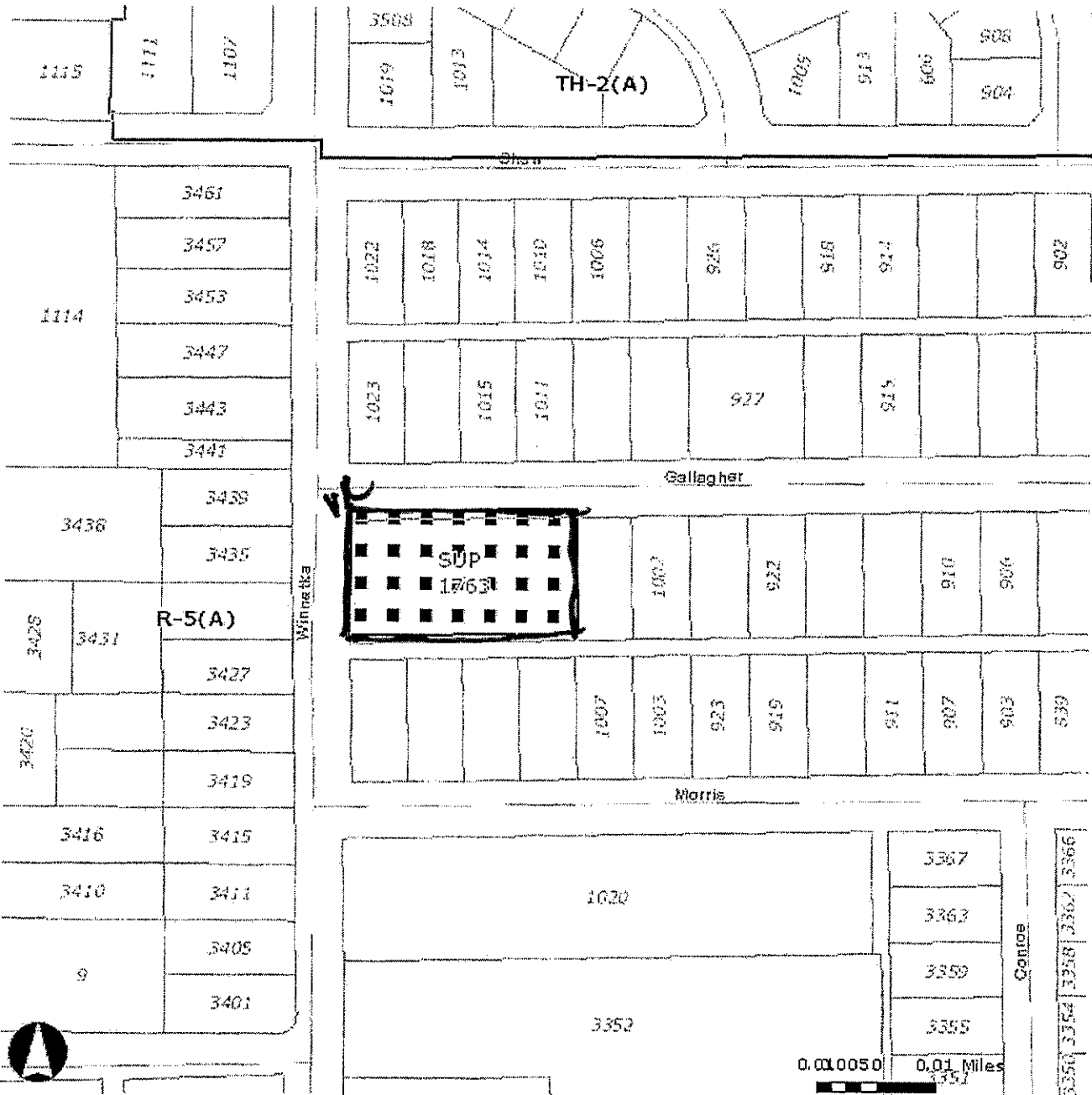
I hereby certify that Robert Baldwin

did submit a request for a variance to the parking regulations
at 1018 Gallagher Street

BDA145-026. Application of Robert Baldwin for a variance to the parking regulations at 1018 Gallagher Street. This property is more fully described as Lot 1A, Block B/7099, and is zoned R-5(A), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a community service center use and provide 19 of the required 25 parking spaces, which will require a 6 space variance to the parking regulation.

Sincerely,


Larry Holmes, Building Official



7110

BRANTLEY'S

JOHN G. COKE SUR. ABST. 242 (COUNT)

ABST. 564
3400

15																				
10	20	21	22	23	24	25	26	27	28	29	30	7099/A								
50	50	50	51	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52

GALLAGHER (TIPTON)

900
S89° 47' 40" E

1000

15																				
10	50	51	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52
				15. X 15' ALLEY SIGHT ESM.T.				1-A 0.5126 AC.				6' DRAIN ESM.T.				7099/B				
15	203																			

ADDITION

25 30

7109

ANNEX

15																				
10	20	21	22	23	24	25	26	27	28	29	30	7099/B								
50	50	50	51	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52

MORRIS (BIGFORD)

900

1000

15																				
49	50	50	51	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52
				15. X 15' ALLEY SIGHT ESM.T.				1-A 0.5126 AC.				6' DRAIN ESM.T.				7099/B				
15	203																			

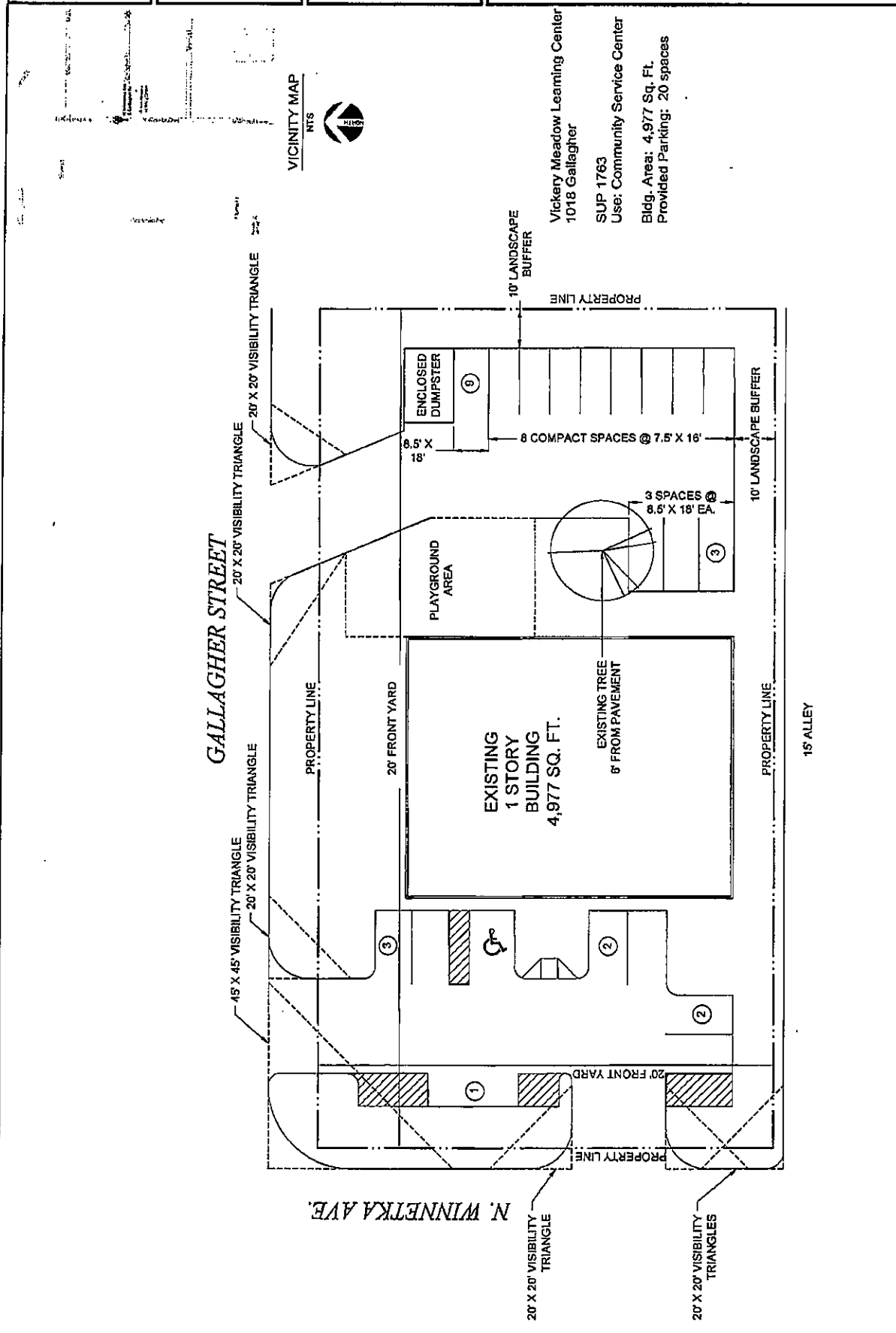
PROJECT NUMBER
12/18/14

CSS NUMBER

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
OFFICE: 214.824.7949
MOBILE: 214.729.7949
rob@baldwinplanning.com

Baldwin
Associates

VICKERY MEADOW LEARNING CENTER
CITY OF DALLAS, TEXAS



Vickery Meadow Learning Center
1018 Gallagher
SUP 1763
Use: Community Service Center
Bldg. Area: 4,977 Sq. Ft.
Provided Parking: 20 spaces



SITE PLAN
SCALE: 1" = 10'-0"



- [Home \(/\)](#)
- [Mission \(/pages/mission\)](#)
- [About \(/pages/about\)](#)
- [Literacy \(/pages/literacy\)](#)
- [News \(/pages/news\)](#)
- [Contact \(/pages/contact\)](#)



- [Programs » \(/pages/programs\)](#)
- [Programs \(/pages/programs\)](#)
- [Workforce Literacy \(/pages/workforce-literacy\)](#)
- [Family Literacy \(/pages/family-literacy\)](#)
- [Early Childhood \(/pages/early-childhood\)](#)
- [Empowerment \(/pages/empowerment-parenting\)](#)
- [Learn English \(/pages/learn-english\)](#)
- [Our Students \(/pages/our-students\)](#)
- [Volunteer » \(/pages/volunteer\)](#)
- [Donate » \(/pages/donate\)](#)

About VMLC

HISTORY

VMLC was founded in 1997 by Preston Hollow Presbyterian Church as an independent 501(c)(3) nonprofit organization to address the critical community need for English literacy classes in Vickery Meadow, an extremely high-density, low-income neighborhood in Northeast Dallas. The program began with volunteers providing classes in neighborhood apartment clubhouses in the evenings. By 1999, a permanent facility was acquired in Vickery Meadow, and over the next 10 years the program was expanded to include both day and evening classes, as well as a preschool education program. In 2009, VMLC opened its first satellite campus in West Dallas at the former home of Trinity River Mission in the Los Altos neighborhood, and in its first year, the classes were filled to capacity.

Today, VMLC classes for both adults and young children are at full capacity at both the Vickery Meadow and West Dallas sites, with a total of more than 1000 adult students and 200 children. To meet the ever increasing demand for our English literacy services, in January of 2012 VMLC expanded services at our West Dallas site by offering afternoon classes for both adults and children.

Volunteers are vital to VMLC – more than 200 regular weekly volunteers teach all adult classes. Additional volunteers work in the computer lab, assist in the office and support the children's program – allowing VMLC to deliver services efficiently and effectively.

BOARD OF DIRECTORS

President: Camille Owens - Community Volunteer

Vice President: Cory Sulker - Attorney, Cooper & Scully, P.C.

Treasurer: Kevin Jackson - Federal Tax Partner, KPMG

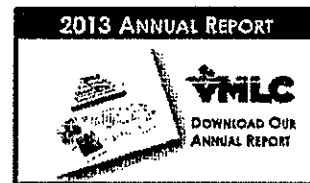
Secretary: Marian Spitzberg - Belo Corporation (Retired, Sr. VP Human Resources)

Immediate Past President: Gayle G. Johansen - Sr. VP, Briggs Freeman Sotheby's Int'l Realty

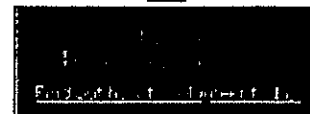
Clinton Coleman - Managing Director, Newcastle Capital Management, L.P.

"Learning English has helped me because when my child's teacher called and told me he was hurt I could come to school to pick him up."

[More About Our Students \(/our-students\)](#)



http://issuu.com/vmlcdallas/docs/vmlc_2013_annual_report_final



[\(/volunteer\)](#)

Anjie Coplin - Regional Director of Communications, Aetna, Inc.

Bill Dix - Bear Stearns (Retired)

Ricki Ebner - Community Volunteer

Kevin Hall - Vice President, Group Account Director, Integer Dallas

Margaret Hirsch - Community Volunteer

David Hundley - Attorney, Counsel Rees-Jones Family Office

Kelly A. Katzman - Attorney

Julie Lowenberg - Community Volunteer

Patricia Massey - Sr. VP, Dave Perry-Miller & Associates

Ted M. Moore, D.D.S. - Woodhill Dental Associates

Rev. Trucy R. Morphew - Retired, Presbyterian minister

Kimberly Rogers - Teacher at Episcopal School of Dallas

Alan Rosenberg - Partner, The Willis Law Group

Marnie Wildenthal - Community Volunteer

Patti Flowers - Ex Officio, Crystal Charity Ball Liasion

Lindsay Valle - Ex Officio, Junior League Dallas Liasion

Sarah Papert - Ex Officio, Executive Director of VMLC

ADVISORY BOARD

Ruben E. Esquivel

Sharon & Luis Martin

Morton Meyerson

The Rev. Dr. Blair R. Monie

Sammye Myers

Lori S. White, Ph.D.

Bob Wright

You can reach VMLC at:
(214) 265-5057

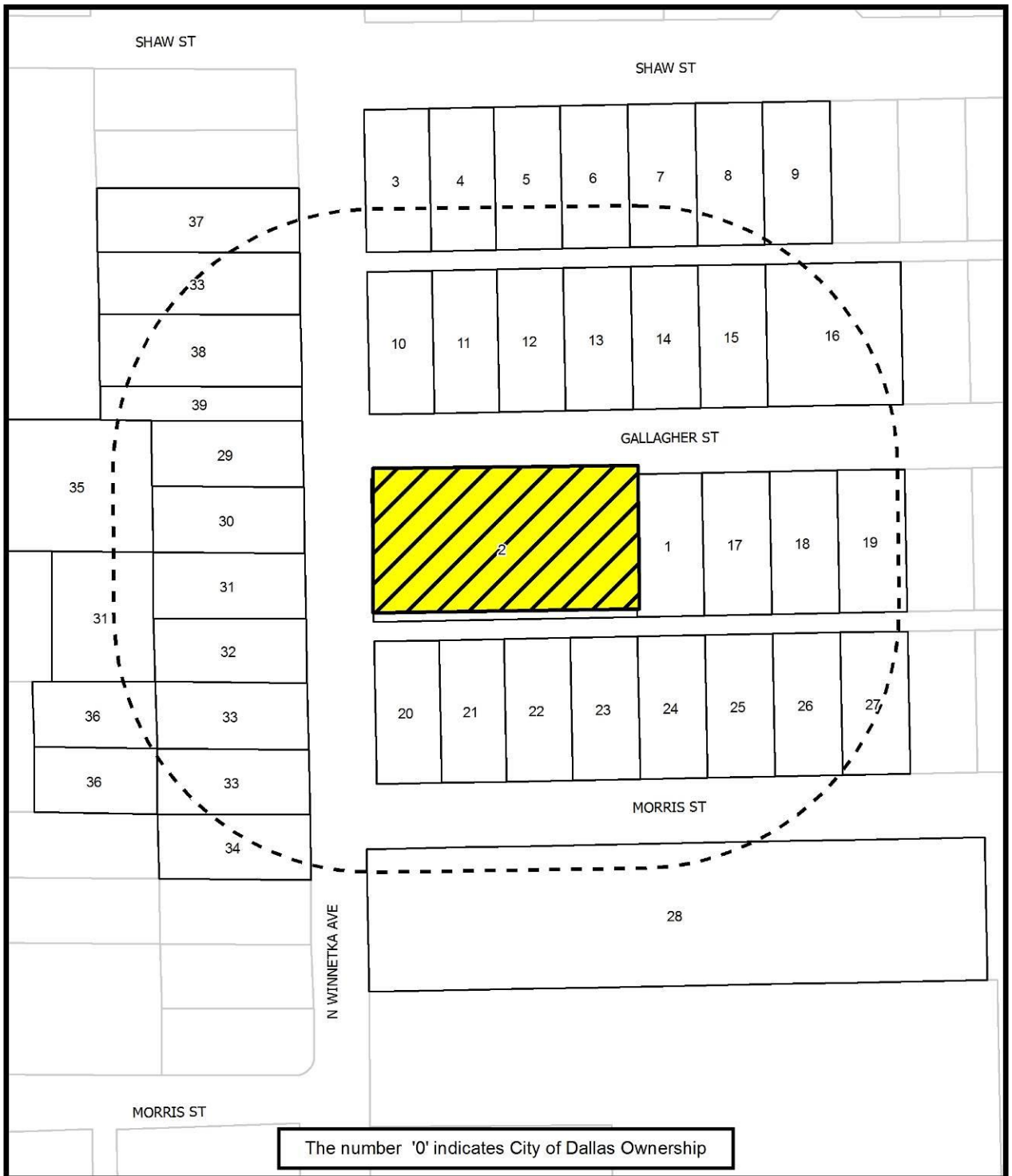
[Staff Listing \(our-staff\)](#) | [Contact Form](#)
[/frontpage](#)

Vickery Meadow Campus
6329 Ridgecrest Dallas, TX 75231
Map & Directions
<http://mlc.www.madquest.com/>
version: 1.0&nu=7-01.0z1

Email Newsletter Registration

Email:*
First Name:*
Last Name*

To prevent spam, please tell us:



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; padding: 2px;">39</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Case no: BDA145-026 Date: 2/18/2015
---	--	--

Notification List of Property Owners

BDA145-026

39 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1006 GALLAGHER ST	RUSSELL W A EST
2	1018 GALLAGHER ST	VICKERY MEADOW LEARNING CENTER
3	1022 SHAW ST	TORRES ODILON &
4	1018 SHAW ST	SALAZAR MAXIMINO &
5	1014 SHAW ST	LEIJA ANGELITA
6	1010 SHAW ST	ARREDONDO MARIA O &
7	1006 SHAW ST	LEOS ALVENIO & ELENA
8	1002 SHAW ST	CASTILLO PETE &
9	926 SHAW ST	MARTINEZ MARINO CERDA
10	1023 GALLAGHER ST	MARTINEZ DIONICIO
11	1019 GALLAGHER ST	LUGO RACHEL FLORES ET AL
12	1015 GALLAGHER ST	TORRES MARIA CONSUELO
13	1011 GALLAGHER ST	SHERIN FREIDA M &
14	1007 GALLAGHER ST	ELIZONDO AMY
15	1003 GALLAGHER ST	CASANOVA PAMELA
16	927 GALLAGHER ST	SALAZAR JUAN &
17	1002 GALLAGHER ST	REYES TERESA
18	926 GALLAGHER ST	SIMMONS DOYLE L
19	922 GALLAGHER ST	CRUZ ABAD &
20	1023 MORRIS ST	MARTINEZ JUANA
21	1019 MORRIS ST	TIPTON TOM L JR
22	1015 MORRIS ST	DANIEL FRANCISCO C &
23	1011 MORRIS ST	FLORES HECTOR D & EDITH F
24	1007 MORRIS ST	FLORES HECTOR
25	1003 MORRIS ST	LOVATO BERTHA
26	923 MORRIS ST	HEREDIO ISIDRO CRUZ &

Label #	Address	Owner
27	919 MORRIS ST	MARISCAL FRANCISCO
28	1020 MORRIS ST	Dallas ISD
29	3439 WINNETKA AVE	MATA JOSE ANTONIO &
30	3435 WINNETKA AVE	IPINA AGUSTIN
31	3431 WINNETKA AVE	SLATE LARRY GENE ET AL
32	3427 WINNETKA AVE	GLORIA LUIS ETAL
33	3423 WINNETKA AVE	HMK LTD
34	3415 WINNETKA AVE	VEGA ALBERTO C
35	3438 CROSSMAN AVE	CABALLERO FELIX
36	3411 WINNETKA AVE	TOSCANO JUAN
37	3453 WINNETKA AVE	SANCHEZ UBALDO &
38	3443 WINNETKA AVE	VILLATORO SANTOS E
39	3441 WINNETKA AVE	MATA JOSE A & MA M

FILE NUMBER: BDA 145-042

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations at 4331 Belmont Avenue. This property is more fully described as Lot 16 and Lot 17, a 0.166 acre building site, Block 21/2005, and is zoned CS, which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a personal service use, and provide 10 of the required 13 parking spaces, which will require a 3 space special exception to the off-street parking regulations.

LOCATION: 4331 Belmont Avenue

APPLICANT: Robert Baldwin of Baldwin and Associates

REQUEST:

A request for a special exception to the off-street parking regulations of 3 spaces is made to transition the use within an existing approximately 2,600 square foot one-story structure on the subject site from office use to personal service use, and provide 10 (or 77 percent) of the 13 required off-street parking spaces.

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 3 spaces shall automatically and immediately terminate if and when the personal service use that would normally need no more than 13 required parking spaces is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Project Engineer has indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: CS (Commercial service)
North: PD 889 (Planned Development)
South: PD 698 (Planned Development)
East: CS (Commercial service)
West: CS (Commercial service)

Land Use:

The subject site is developed with an existing one-story structure that has approximately 2,600 square feet of floor area that the applicant intends to retain on the site and lease with personal service use which requires a greater number of off-street parking spaces than the previous use on the subject site (office) and what the applicant proposes to provide. The area to the north is undeveloped; the areas to the east and west are developed with commercial uses; and the area to the south is developed as a school (Spence Middle School).

Zoning/BDA History:

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

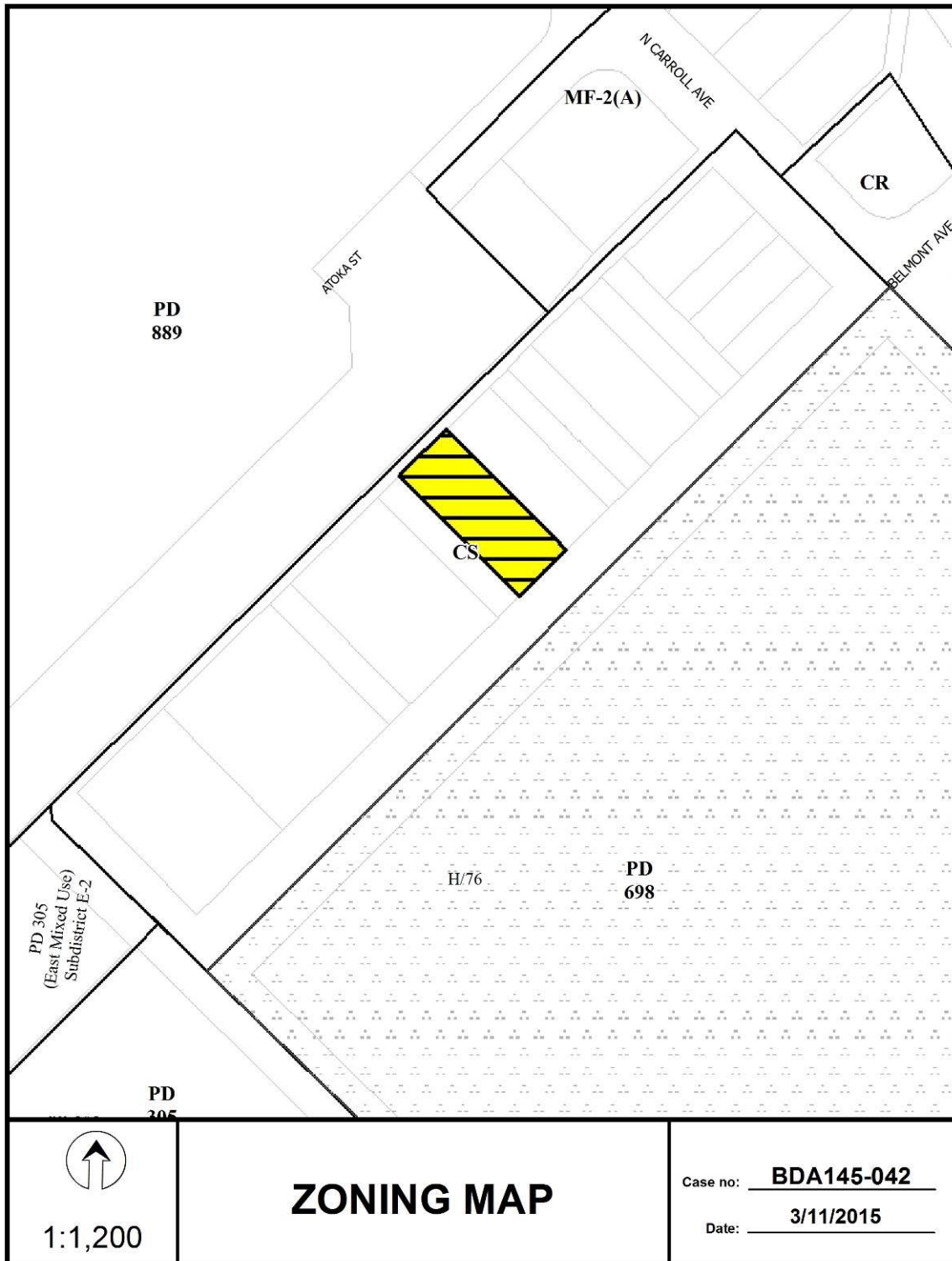
GENERAL FACTS/STAFF ANALYSIS:

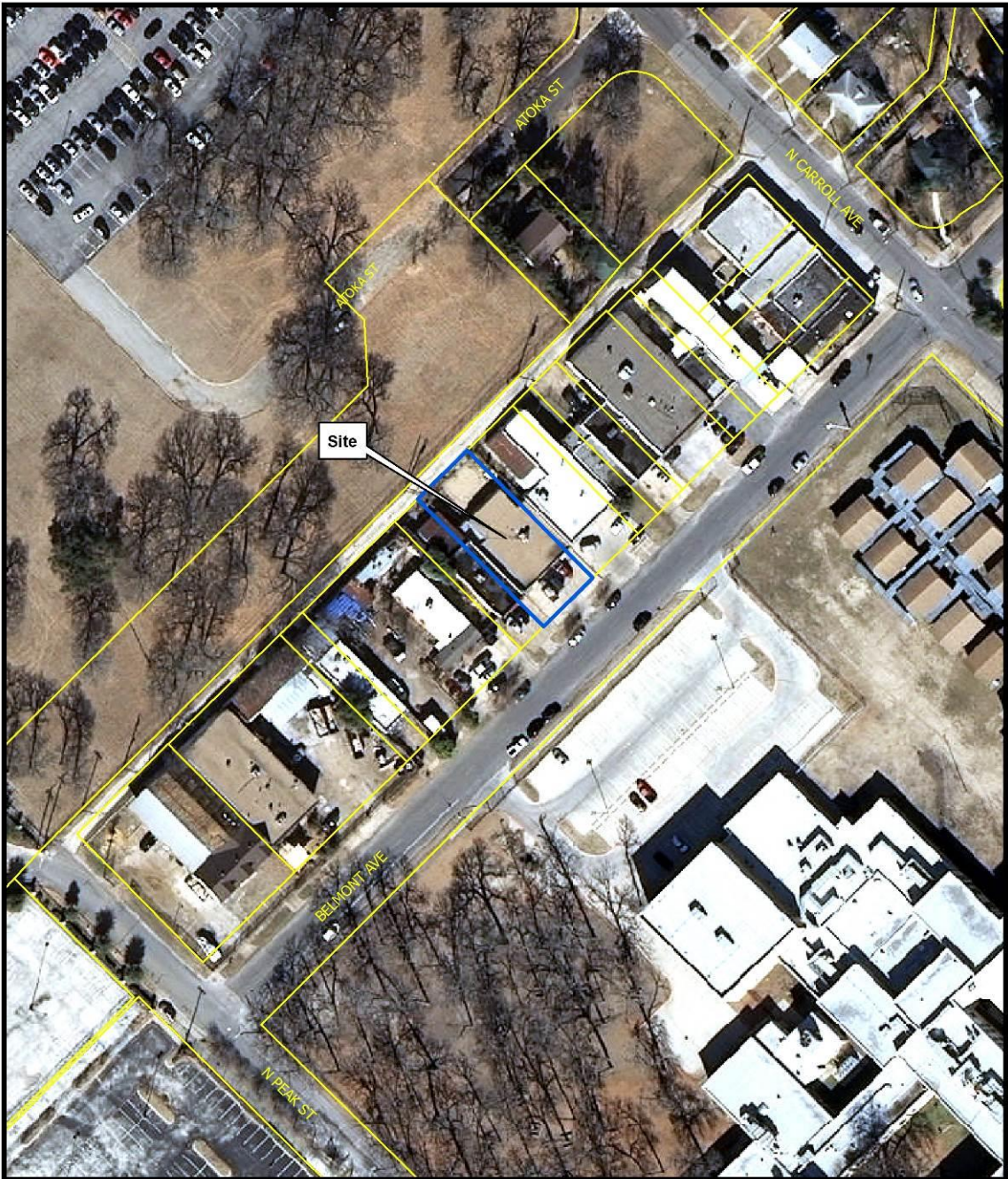
- This request focuses on transitioning the use within an existing approximately 2,600 square foot one-story structure on the subject site from office use to personal service use, and providing 10 (or 77 percent) of the 13 required off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
 - Personal service use: 1 space per 200 square feet of floor area.
- The applicant proposes to provide 10 (or 77 percent) of the required 13 off-street parking spaces in conjunction with the existing structure on the site being leased with and/or maintained with a combination of the uses mentioned above.
- The Sustainable Development Department Project Engineer has indicated that he has no objections to the request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the personal service use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 3 spaces (or a 23 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

- If the Board were to grant this request, and impose the condition that the special exception of 3 spaces shall automatically and immediately terminate if and when the personal service use is changed or discontinued, the applicant would be allowed to lease and maintain the structure on the site with this specific use with the specified square footage, and provide 10 of the 13 code required off-street parking spaces.

Timeline:

- January 22, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- March 11, 2015: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the April 1st deadline to submit additional evidence for staff to factor into their analysis; and the April 10th 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 7, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- April 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”





1:1,200

AERIAL MAP

Case no: BDA145-042

Date: 3/11/2015



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-042

Data Relative to Subject Property:

Date: January 22, 2015

Location address: 4331 Belmont Ave Zoning District: CS

Lot No.: 16 & 17 Block No.: 21/2005 Acreage: 7,238 sf Census Tract: 8.00

Street Frontage (in Feet): 1) 52 ft 2) _____ 3) _____ 4) _____ 5) _____ 3023

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jonas Park

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

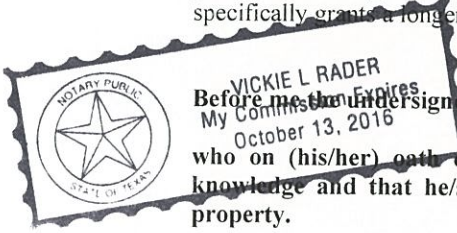
E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance , or Special Exception X, of the parking regulations of 3 spaces from the 13 spaces that are required

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The existing building was last used as an office and the proposed use is a personal service use for a yoga studio.

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
My Commission Expires October 13, 2016
(Affiant/Applicant's name printed)
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

(Affiant/Applicant's signature)

Subscribed and sworn to before me on this day of January, 2015



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

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

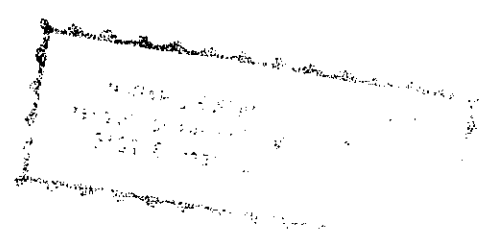
Chairman

Building Official's Report

I hereby certify that Robert Baldwin

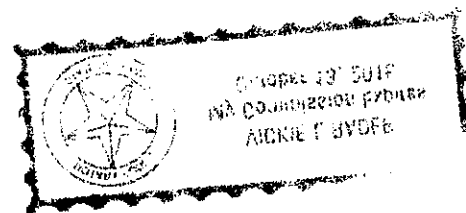
did submit a request for a special exception to the parking regulations
at 4331 Belmont Avenue

BDA145-042. Application of Robert Baldwin for a special exception to the parking regulations at 4331 Belmont Avenue. This property is more fully described as Lot 16 and Lot 17, a .166 acre building site, Block 21/2005, and is zoned CS, which requires parking to be provided. The applicant proposes to construct and maintain nonresidential structure for a personal service use, and provide 10 of the required 13 parking spaces, which will require a 3 space special exception (23% reduction) to the parking regulation.

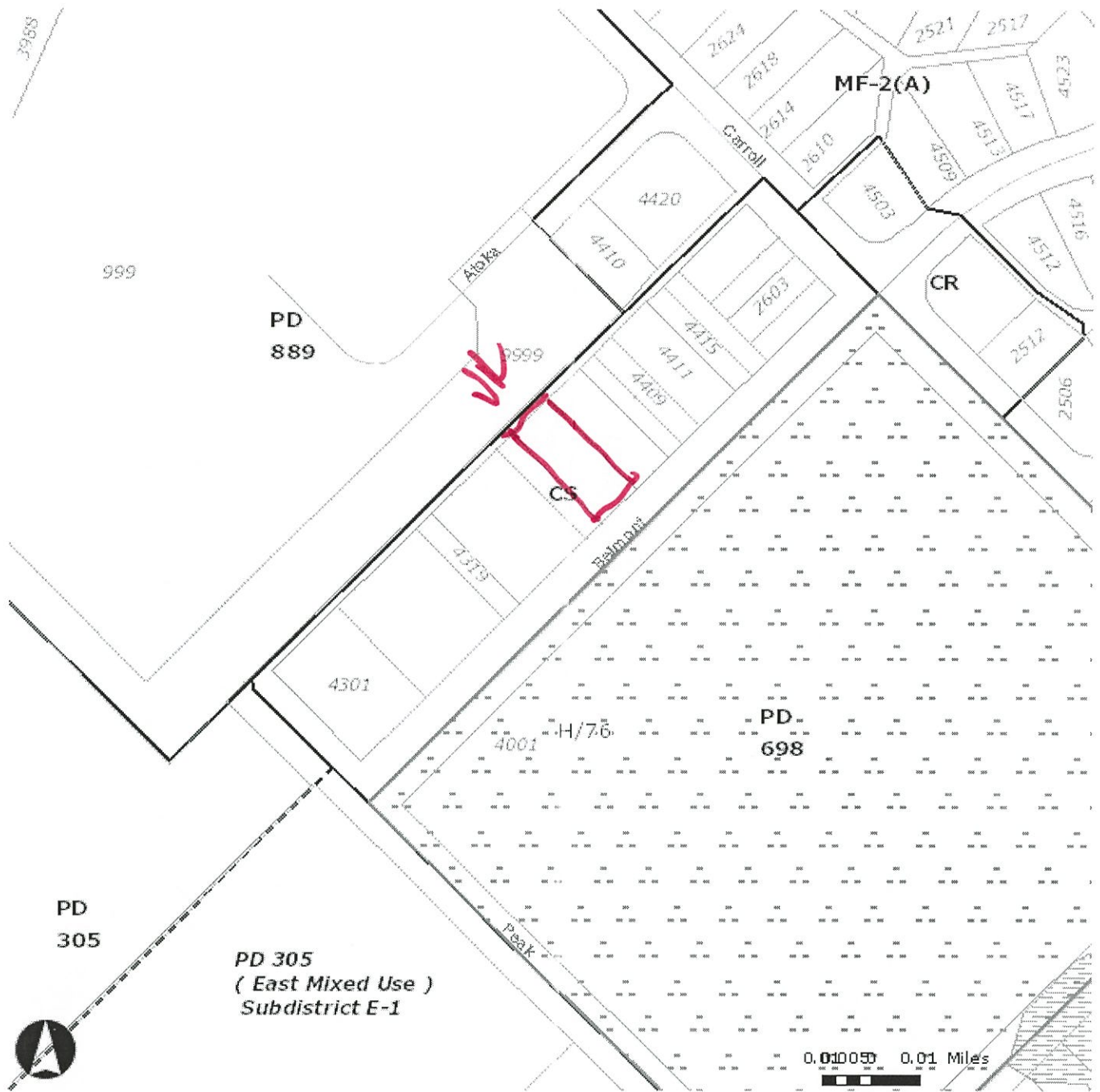


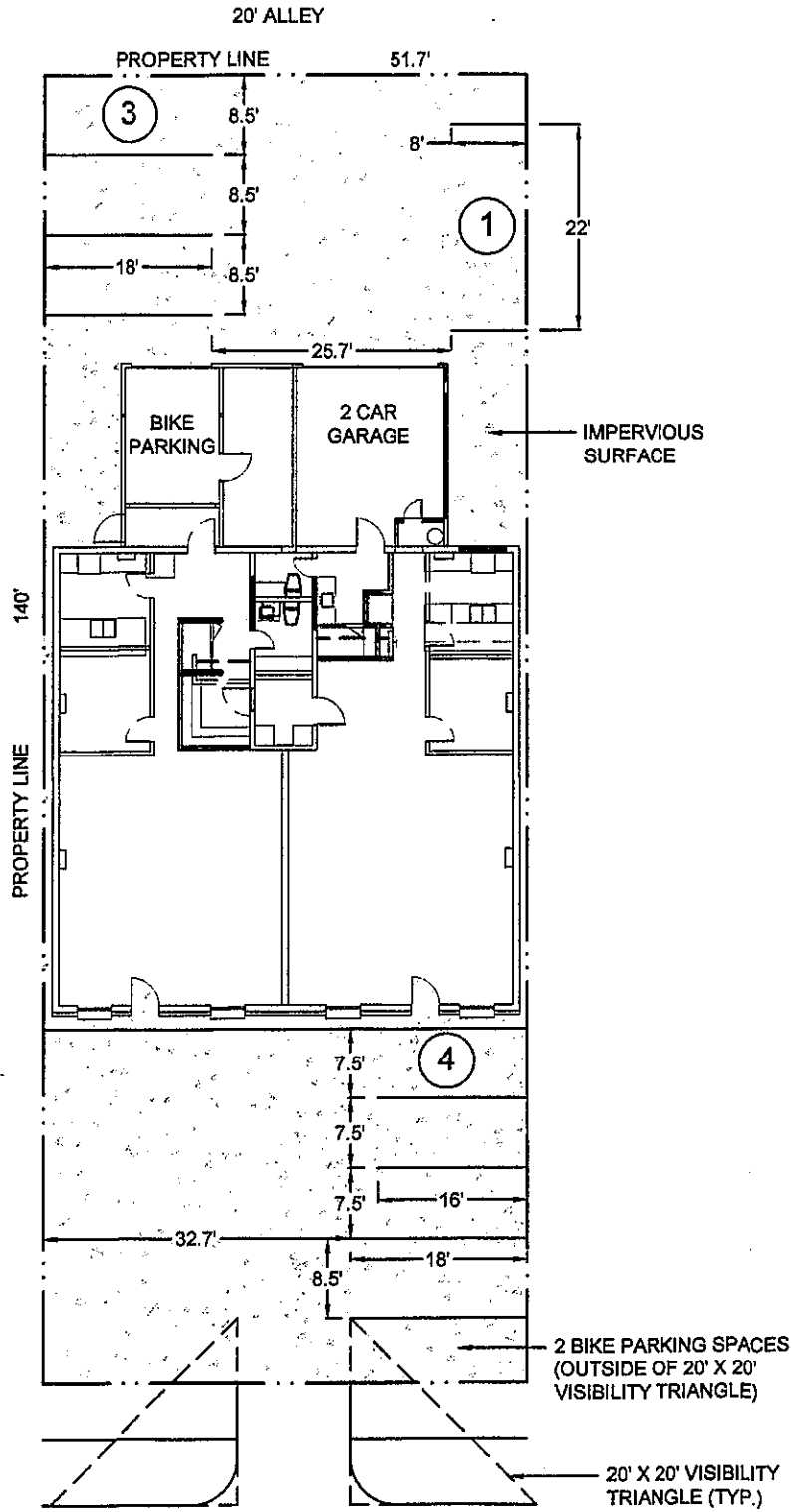
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



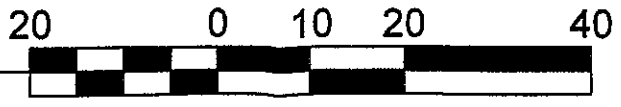






331 BELMONT AVE. BDA SITE PLAN

ALE: 1" = 20'-0"



4331 BELMONT AVE.
CITY OF DALLAS, TEXAS

Baldwin
Associates

BALDWIN
ASSOCIATES
3804 Elm St., Suite B
Dallas, Texas 75226
MOBILE: 214.824.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

CASE NUMBER

PROJECT NUMBER
01/27/15

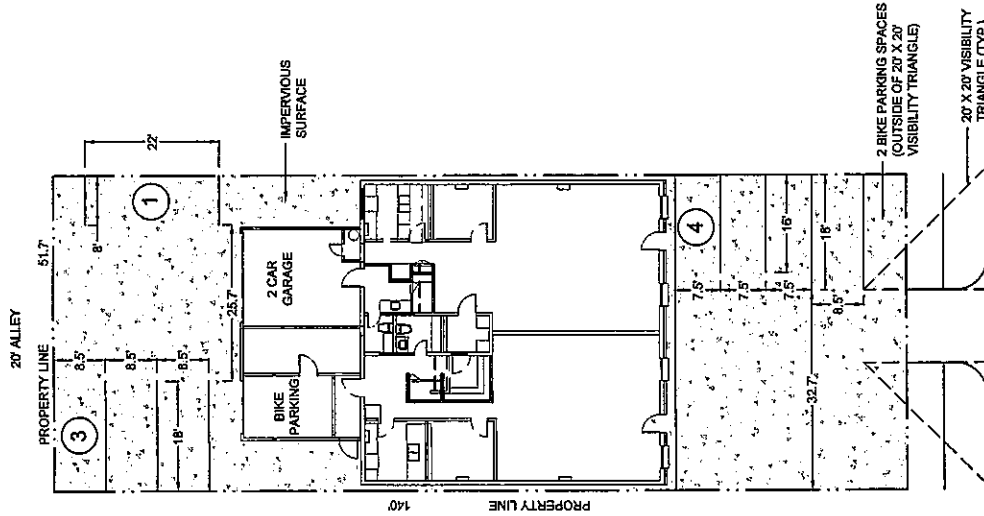


VICINITY MAP
NTS



4331 BELMONT AVE.
BDA SITE PLAN

Site Area: 7,238 sq. ft.
Bldg. Area: 2,600 sq. ft.
Zoning: CS
Use: Personal Service
Required Parking (1/200): 13 spaces
Provided Parking: 10 spaces (including two garage spaces, three compact spaces, one parallel space, and four 8.5' x 11' spaces)



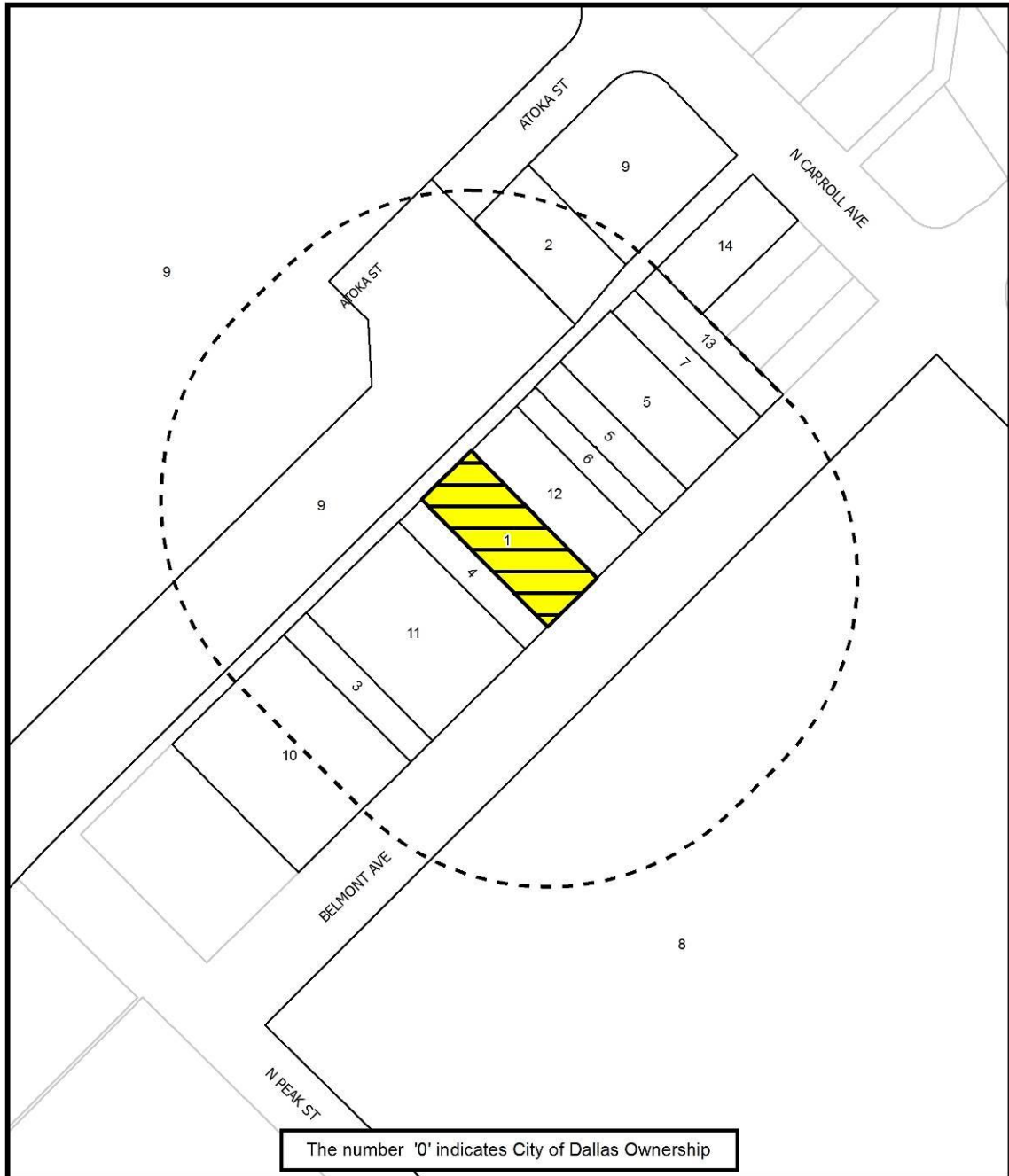
BELMONT AVE.



4331 BELMONT AVE. BDA SITE PLAN

SCALE: 1" = 20'-0"






 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
14	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA145-042**
 Date: **3/11/2015**

Notification List of Property Owners

BDA145-042

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4331 BELMONT AVE	PARK JONAS J
2	4410 ATOKA ST	HERRERA HORTENCIA
3	4319 BELMONT AVE	BELMONT STUDIOS LLC
4	4329 BELMONT AVE	MOTT W E JR SPOUSAL TRUST
5	4409 BELMONT AVE	CORE COMMERCIAL INV PPTIES LLC
6	4407 BELMONT AVE	MM WHITETAIL PPTIES LP
7	4415 BELMONT AVE	REEVES GEORGE
8	4001 CAPITAL AVE	Dallas ISD
9	4420 ATOKA ST	TC CENTRAL ASSOCIATES LLC
10	4311 BELMONT AVE	DUDE CHARLES M &
11	4325 BELMONT AVE	MJRP CORPORATOIN ET AL
12	4405 BELMONT AVE	MM WHITETAIL PPTIES LP
13	4417 BELMONT AVE	BOYD KYLE SCOTT & BETSEY JILL TRUSTEES
14	2609 CARROLL AVE	CORE COMMERCIAL INVESTMENT PROPERTIES LLC