ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 19, 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 ITEMS

	Approval of the September 21, 2015 Board of Adjustment Panel C Public Hearing Minutes	M1
	Consideration and approval of Panel C's 2016 Public Hearing Calendar	M2

UNCONTESTED CASES

BDA145-104(SL)	8441 San Benito Way **REQUEST:** Application of Robert Hopson for a variance to the front yard setback regulations	1
BDA145-107(SL)	7130 Brookcove Lane **REQUEST:** Application of Claude Allen Stringer, Jr. for a special exception to the fence height regulations	2

REGULAR CASE

BDA145-106(SL)	1523 San Saba Drive **REQUEST:** Application of Mary Lynn Swayze for variances to the side yard setback 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 compliant 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 September 21, 2015 public hearing minutes.

FILE NUMBER: BDA 145-104

BUILDING OFFICIAL'S REPORT: Application of Robert Hopson for a variance to the front yard setback regulations at 8441 San Benito Way. This property is more fully described as Lot 2, Block 25/5278, and is zoned PD 575 (Subdistrict D), which requires a front yard setback of 50 feet. The applicant proposes to construct and maintain a structure and provide a 16 foot 5 inch front yard setback, which will require a 33 foot 7 inch variance to the front yard setback regulations.

LOCATION: 8441 San Benito Way

APPLICANT: Robert Hopson

REQUEST:

A request for a variance to the front yard setback regulations of 33' 7" is made to construct and maintain additions to an existing single family home structure/use, part of which would be located as close as 16' 5" from the site's San Pedro Parkway front property line or 33' 7" into this 50' front yard setback.

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, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots in the PD 575 zoning district in that it is irregular in shape and restrictive in area due to having two, 50' front yard setbacks. Most lots in this zoning district are rectangular in shape and have one 50' front yard setback. The area left for development on this triangular shaped lot once both 50' front yard setbacks are accounted for ranges from 0' – 96' in width.
- Furthermore, the applicant provided information documenting that the existing home with proposed additions would total approximately 4,700 square feet of living space. This total living space appeared to be commensurate with other developments identified by the applicant in the same PD 575 zoning district - information stating: 1) that the average of 14 other new houses in the zoning district is over 6,700 square feet or approximately 2,000 square feet or larger than is proposed on the subject site, and 2) that the average of 45 other houses in the zoning district is approximately 5,600 square feet, or approximately 900 square feet larger than what is proposed on the subject site.

BACKGROUND INFORMATION:

Zoning:

Site: PD 575 (Subdistrict D) (Planned Development)
North: PD 575 (Subdistrict D) (Planned Development)
South: PD 575 (Subdistrict D) (Planned Development)
East: PD 575 (Subdistrict H) (Planned Development)
West: PD 575 (Subdistrict D) (Planned Development)

Land Use:

The subject site is developed with a single family home structure that is nonconforming as to the front yard setback regulations along San Benito Way and San Pedro Parkway. The areas to the north, east, and south are developed with single family uses; and the area to the west is undeveloped.

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 constructing and maintaining additions (air conditioned living space and carport with building footprints of approximately 1,500 square feet) to an existing single family home structure/use that has (according to the applicant) approximately 4,100 square feet, part of which would be located as close as 16' 5" from the site's San Pedro Parkway property line or 33' 7" into this 50' front yard setback.

- The subject site is located between San Benito Way and San Pedro Parkway. Regardless of how the existing single-family structure is oriented to front San Benito Way and to back to San Pedro Parkway, the site has two 50' front yard setbacks since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- The minimum front yard setback on lots zoned PD 575 (Subdistrict D) is 50'.
- A scaled site plan has been submitted indicating that part of the new addition structure is located as close as 16' 5" from the site's San Pedro Parkway front property line or 33' 7" into this 50' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 8441 San Benito Way is a structure built in 1960 with 4,137 square feet of living/total area; and with the following additional improvements: a pool.
- The applicant has chosen only to seek variance to the front yard setback regulations for the new construction/additions to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site's front yard setbacks on San Benito Way and San Pedro Parkway.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is sloped, triangular in shape, and according to the submitted application is 0.75 acres (or approximately 33,500 square feet) in area. The site is zoned PD 575.
- Prior to the creation of PD 575 in 2000 the property had been zoned R-10(A) where lots are typically 10,000 square feet in area and are required to provide a 30' front yard setback.
- The triangular shaped site has two 50' front yard setbacks and one 6' side yard setback. Most lots in this zoning district are rectangular in shape and have one 50' front yard setback, two 6' side yard setbacks, and 6' rear yard setback.
- No part of this application has been made for any structure to encroach into the San Benito Way 50' front yard setback.
- The area left for development on the triangular shaped lot once both 50' front yard setbacks are accounted for ranges from 0' – 96' in width.
- The applicant has provided documents stating that the total living area (or air-conditioned space) once the additions are made to the home on the site is about 4,700 square feet – "substantially below the average new house being built." The applicant documents that of 45 houses he found in the area commonly defined as Forest Hills Subdivision, the average size of these homes was approximately 5,600 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 575 zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 575 zoning classification.

- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case are additions to the existing nonconforming single family home structure located as close as 16' 5" from the site's San Pedro Parkway front property line or 33' 7" into this 50' front yard setback.

Timeline:

August 15, 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.

September 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 9th 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."

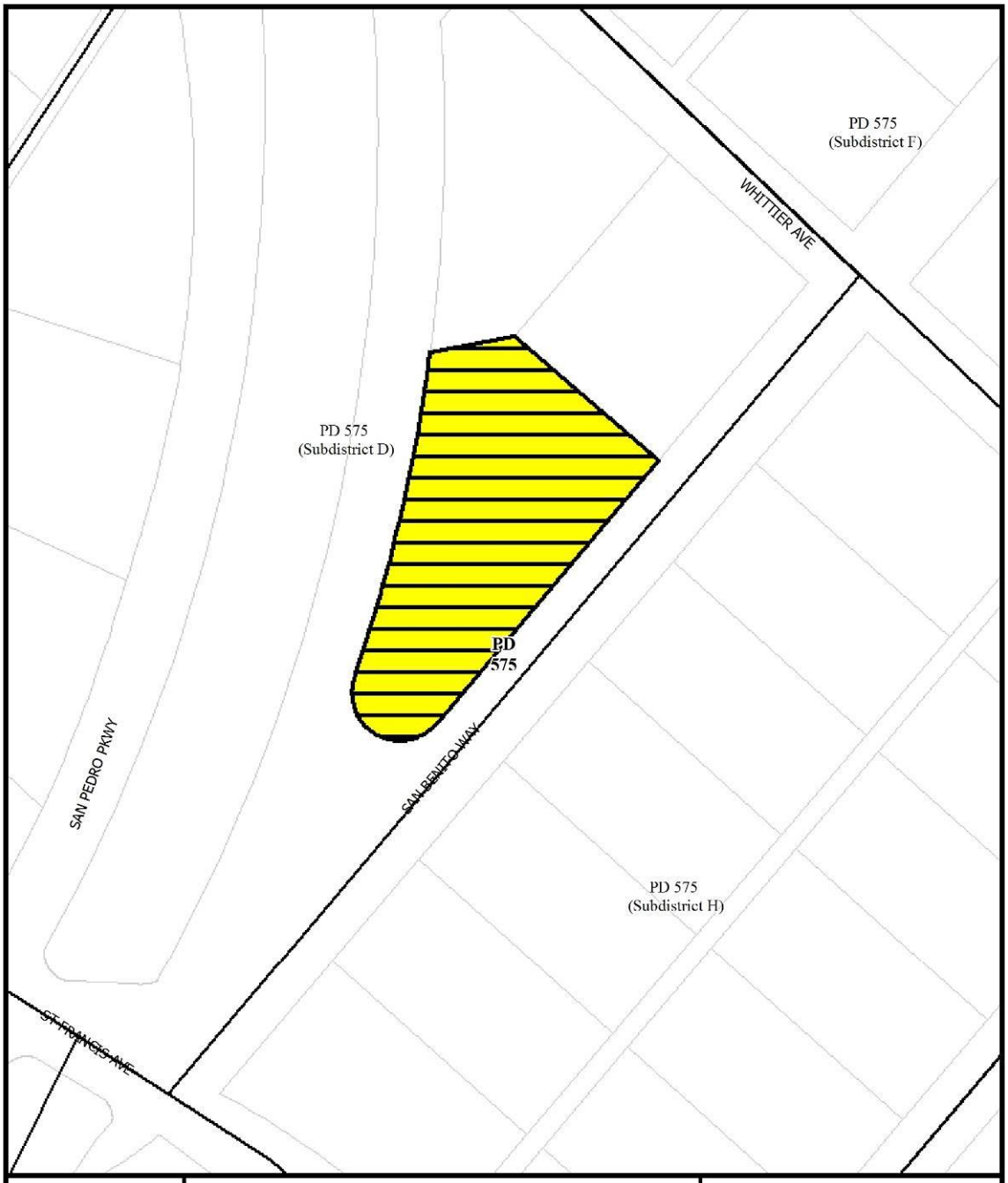
September 28, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

October 1, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public

hearings. Review team members in attendance included: 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.



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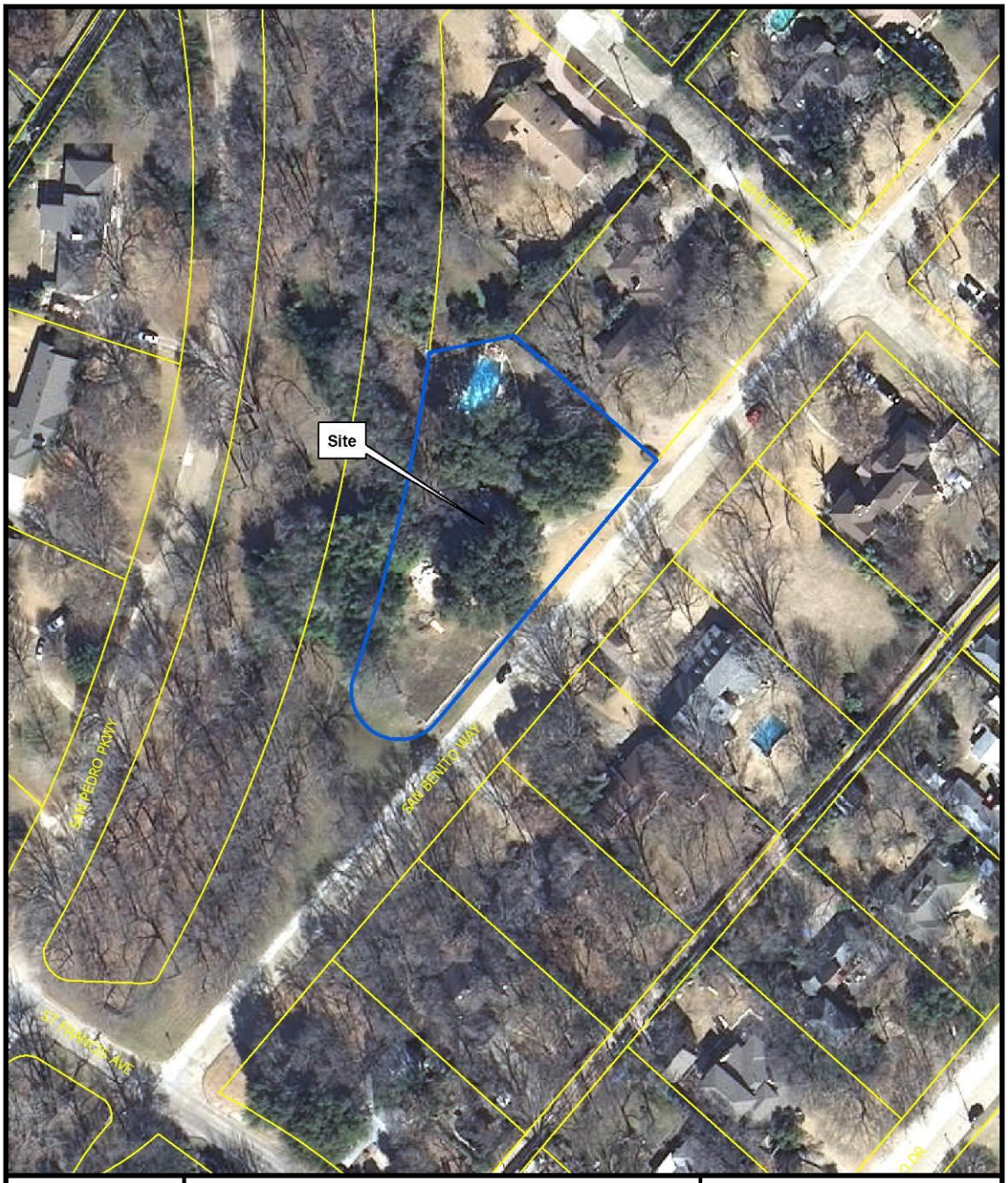
ZONING MAP

Case no: BDA145-104

Date: 10/1/2015



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AERIAL MAP

Case no: BDA145-104

Date: 10/1/2015

BDA145-104
Attach A pg 1

Long, Steve

From:	Robert Hopson <robert@roberthopsongroup.com>
Sent:	Monday, September 28, 2015 8:34 PM
To:	Long, Steve
Cc:	Duerksen, Todd
Subject:	Re: BDA 145-104, Property at 8441 San Benito Way
Attachments:	Forest Hills Sq Footages.xlsx

Mr Long,
Please enter this information for my hearing:
(please see attached spreadsheet, note 2 tabs for different data)

Data copied directly from DCAD.... On the area commonly defined as Forest Hills Subdivision consisting of four primary streets (San Fernando, Forest Hills Blvd, Santa Clara, San Benito Way / San Pedro) from the 8100 block through the 8500 block we found:

- 45 existing houses with square footage equal to or greater than our proposed addition
- Of these 45, The average lot size was .603 acres (less than 30% smaller than our lot size)
- Of these 45, the average size of these houses is 5647 sqft, much larger than our proposed addition.

This data was pulled from City of Dallas Online Permit Center.

- There are a total of 14 new houses under construction currently, these are all larger than our proposed addition.
- Of these new houses, the average size is over 6700 sqft (almost 30% larger on average)
- The closest house to our new addition is over 400' away due to the (un-built) street and parkway.
- The height of the new proposed addition, which is essentially a 1.5 story, will barely allow the roof to be visible from the closest neighbor (over 400' away)
- I inquired with the Permit Center on E. Jefferson when I initially pulled the subdivision plat concerning the unbuilt street behind me (San Pedro Parkway). I was sent to see an individual over the street development. He told me the city has no plans to ever build this street and even the land was deemed available for purchase if I so wanted.

Hopefully the board will see my request as being commensurate with other current houses in the immediate neighborhood and well below the average size of construction in the area. Due primarily to the hardship of an unusual lot size and dual front-yard setbacks for a confirmed never-to-be-built street, we ask for the Board to grant a variance. I have spoken with several neighbors and they are in full agreement with our request and plan to provide letters of support.

Robert Hopson

DATA FROM DCAD - HOUSES THE SAME SIZE OR LARGER THAN OUR PROPOSED ADDITION

Street #	Street	Subdivision	Lot Size
8205	Forest Hills	FOREST HILLS	0.5911
8367	Forest Hills	FOREST HILLS	0.5739
8441	Forest Hills	FOREST HILLS	0.5739
8467	Forest Hills	FOREST HILLS	0.5739
8507	Forest Hills	FOREST HILLS	0.7461
8515	Forest Hills	FOREST HILLS	0.5739
8522	Forest Hills	FOREST HILLS	0.5739
8523	Forest Hills	FOREST HILLS	0.5739
8530	Forest Hills	FOREST HILLS	0.5739
8531	Forest Hills	FOREST HILLS	0.5739
8539	Forest Hills	FOREST HILLS	0.5739
8170	San Benito	FOREST HILLS	0.4591
8184	San Benito	FOREST HILLS	0.4591
8214	San Benito	FOREST HILLS	0.4591
8222	San Benito	FOREST HILLS	0.4591
8311	San Benito	FOREST HILLS ADD	0.7612
8129	San Fernando	FOREST HILLS	0.756
8146	San Fernando	FOREST HILLS	0.5739
8147	San Fernando	FOREST HILLS ADD	0.5739
8223	San Fernando	FOREST HILLS ADD	0.5739
8303	San Fernando	FOREST HILLS	0.8609
8310	San Fernando	FOREST HILLS	0.8609
8318	San Fernando	FOREST HILLS	0.5739
8351	San Fernando	FOREST HILLS	0.5739

BDA145-104
Attach A pg 2

8400	San Fernando	FOREST HILLS	0.7174
8427	San Fernando	FOREST HILLS ADD	1.1478
8432	San Fernando	FOREST HILLS	0.5739
8441	San Fernando	FOREST HILLS	0.9757
8508	San Fernando	FOREST HILLS	0.7461
8548	San Fernando	FOREST HILLS	0.5739
8556	San Fernando	FOREST HILLS	0.5739
8531	San Pedro	FOREST HILLS	0.4409
8566	San Pedro	FOREST HILLS REV	0.459
1430	San Rafael	FOREST HILLS	0.4567
1433	San Rafael	FOREST HILLS	1.1064
8178	Santa Clara	FOREST HILLS	0.4591
8351	Santa Clara	FOREST HILLS	0.4591
8359	Santa Clara	FOREST HILLS ADD	0.4591
8366	Santa Clara	FOREST HILLS	0.4591
8416	Santa Clara	FOREST HILLS	0.4591
8431	Santa Clara	FOREST HILLS	0.4591
8460	Santa Clara	FOREST HILLS	0.8219
8530	Santa Clara	FOREST HILLS	0.4683
8538	Santa Clara	FOREST HILLS	0.5028
8554	Santa Clara	FOREST HILLS ADD	0.5188
8555	Santa Clara	FOREST HILLS	0.4729
			AVG SQ FOOTAGE

BDA 145-104 Attach A pg 3

Sq Footage
5,372
6946
5,481
5261
4,592
6,052
5,403
5857
6122
5,408
4934
5,185
8,057
5,103
5396
5222
5710
6103
6,626
6050
4,231
8,173
5,463
4,163

BDA 145-104
Attach A Pg 4

7,043
5,185
4,385
4,824
6,860
6,553
4,344
4,959
5142
5,017
7,067
5723
5624
5538
6748
5497
5245
5,944
5304
5,121
5566
5174
5,647

BDA 145-104 Attach A Pg 5

BDA 145-104
Attach B

Long, Steve

From: Robert Hopson <robert@roberthopsongroup.com>
Sent: Thursday, October 01, 2015 8:08 PM
To: Long, Steve
Subject: Re: FW: BDA 145-104, Property at 8441 San Benito Way

Please add this as a clarification point to my earlier email:
Our house is currently 4137 sqft (DCAD). We are adding 608sf of conditioned space to bring the total living space to 4,745 (substantially below the average new house being built).
Robert Hopson

On Thu, Oct 1, 2015 at 9:00 AM, Long, Steve <steve.long@dallascityhall.com> wrote:

Dear Mr. Hopson,

Please feel free to forward the information that we discussed this morning on this via email.

Thank you,

Steve

From: Long, Steve
Sent: Tuesday, September 29, 2015 7:05 AM
To: Moorman, Donna; Way, Jamilah; Duerksen, Todd
Cc: 'robert@roberthopsongroup.com'
Subject: FW: BDA 145-104, Property at 8441 San Benito Way

Attached is additional information from the applicant (Robert Hopson) regarding the application referenced above that I have labeled as Attachment A. This information will be added to the case file, part of what is discussed at the staff review team meeting on October 6th, and incorporated into the docket that is emailed to you, the applicant and the board members near/on October 12th.

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

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-104

Date: 8.14.15

Data Relative to Subject Property:

Location address: 8441 San Benito Way

Zoning District: PD575 (Subd. D)

Lot No.: 2 Block No.: 27/5272 Acreage: .75 Census Tract: 81.00

Street Frontage (in Feet): 1) 251.69 2) 252.90 3) 4) 5) SE7

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert J Hopson and Michelle M. Hopson

Applicant: Robert Hopson Telephone: 469.583.5444

Mailing Address: 8441 San Benito Way Zip Code: 75218

E-mail Address: robert@roberthopsongroup.com

Represented by: self Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance ✓, or Special Exception __, of ~~building into~~ 33'7" into the ~~rear~~ front setback of 50'.

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:

Due to the unusual shape of our property it restricts our ability to do an addition. We are restricted by a rear-front yard setback for a street that does not exist. New houses in our neighborhood are well over 5000 sq feet. or more. So we ask for relief from those restrictions so we are able to build in a manner commensurate with others in our area.

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 Hopson
(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 17th day of August, 2015

Nisha Patel
Notary Public in and for Dallas County, Texas

NISHA PATEL
Notary Public, State of Texas
My Commission Expires
January 27, 2019

(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 Hopson

did submit a request for a variance to the front yard setback regulations

at 8441 San Benito Way

BDA145-104. Application of Robert Hopson for a variance to the front yard setback regulations at 8441 San Benito Way. This property is more fully described as Lot 2, Block 25/5278, and is zoned PD-575 (Subdistrict D), which requires a front yard setback of 50 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 16 foot 5 inch front yard setback, which will require a 33 foot 7 inch variance to the front yard setback regulation.

Sincerely,

Larry V. Holmes

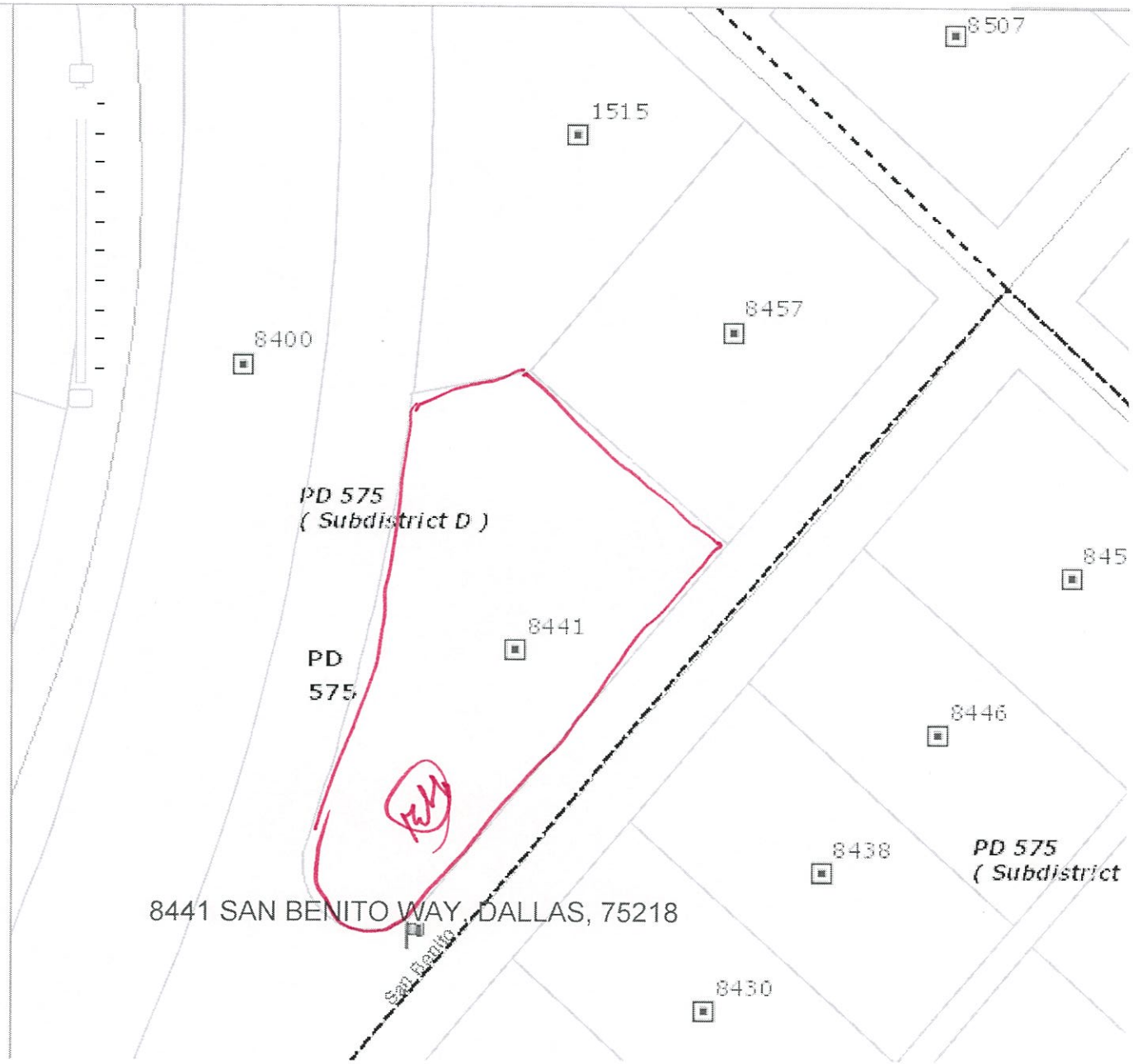
Larry Holmes, Building Official

City of Dallas

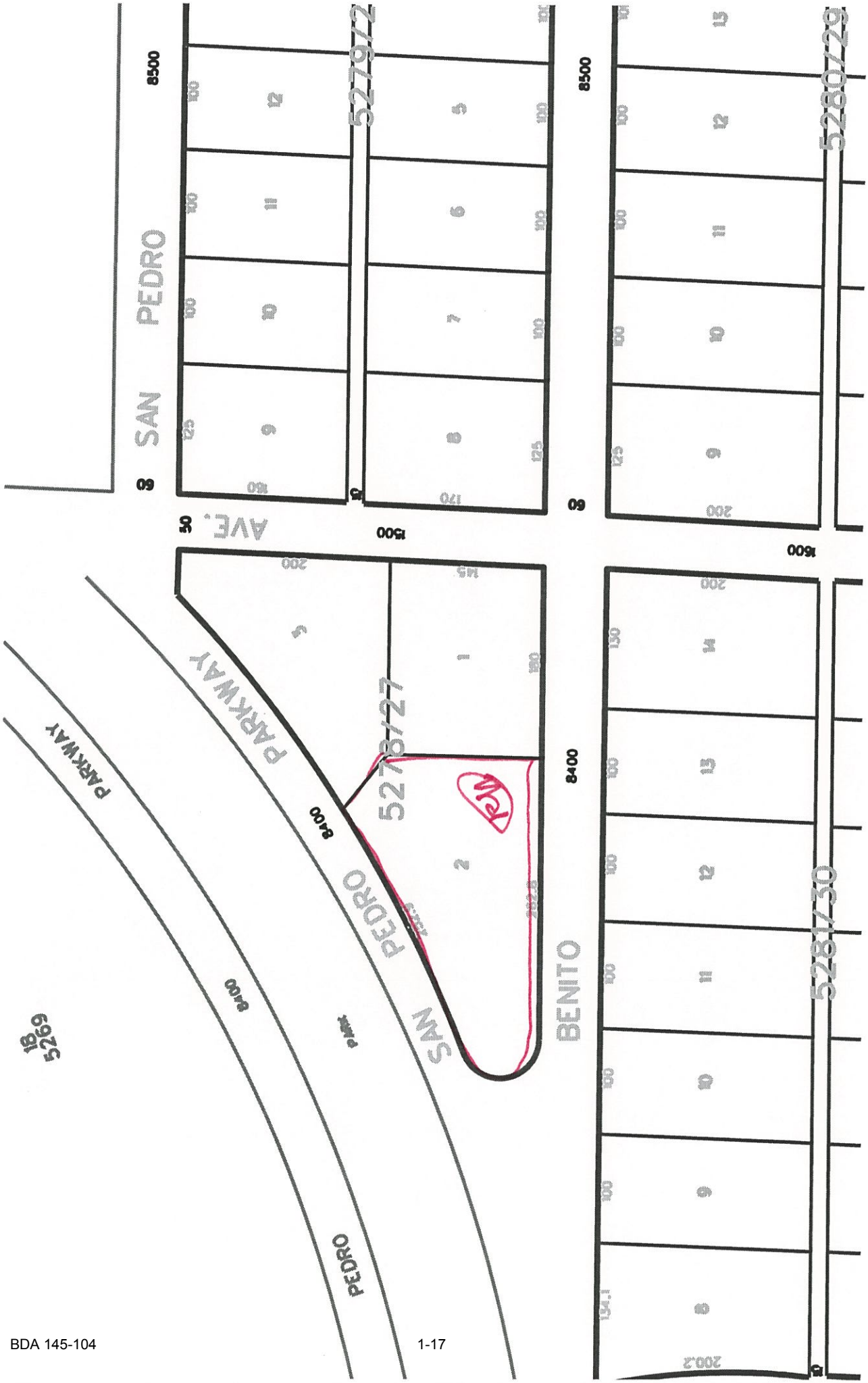
Internal Development Research Site

BDA 145-104

Legend



1-16


SAN PEDRO AVE.
SAN PEDRO BENITO
PARKWAY
PARKWAY
PEDRO
PARK
8500
8400
8400
8500
8400
1500
1600
60
50
60
5269
18
527977
528730
528720

BDA 145-104

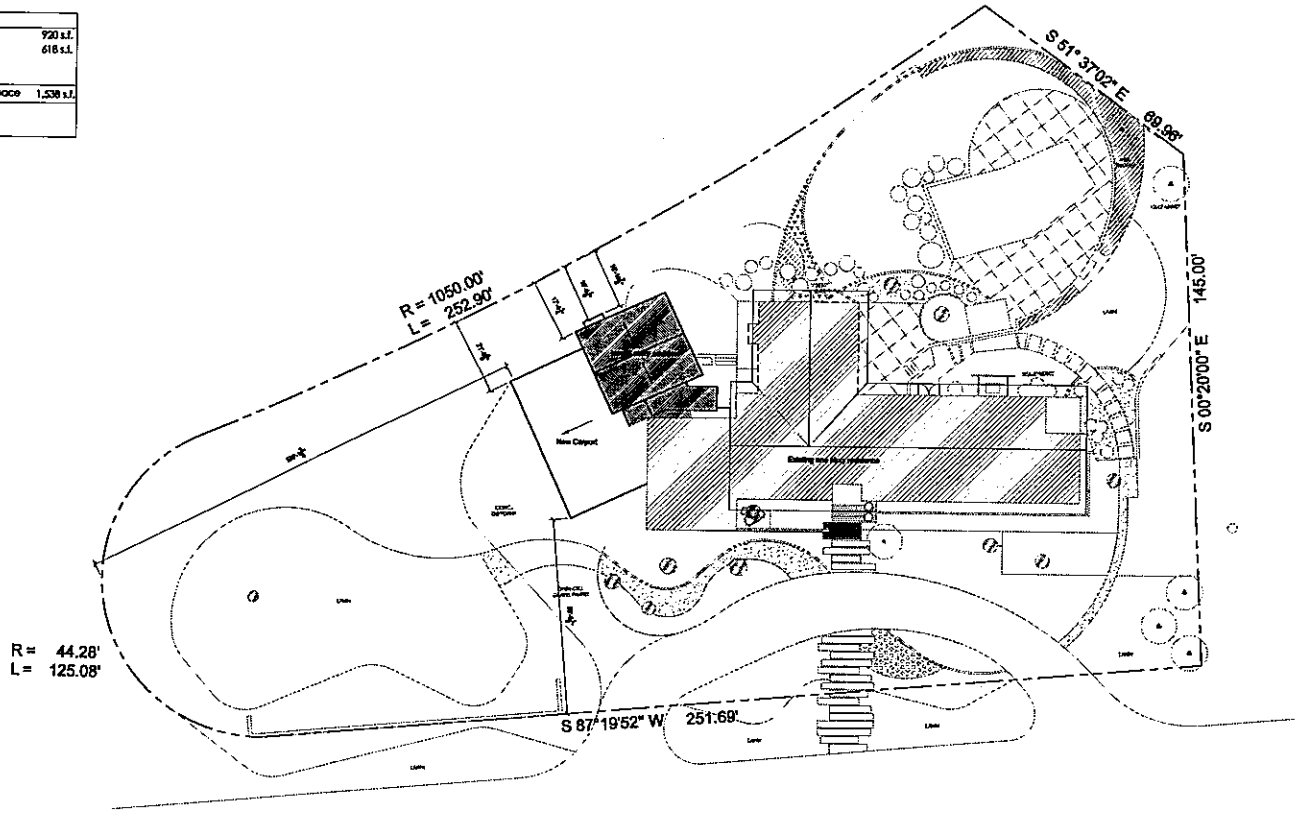
HOPSON RESIDENCE

AUGUST 11, 2015
8441 San Benito Way
Dallas, Texas

Legal Description
Lot 2, Block 27 / 5278, of Forest Hills, an Addition to the City of Dallas, Dallas County, Texas, According to the Plat Thereof Recorded in Volume 3, Page 117, of the Map Records of Dallas County, Texas.

SQUARE FOOTAGES

Conditioned: New Addition		Unconditioned	
Second Floor	608 s.f.	Carport	920 s.f.
		Storage	618 s.f.
Total A/C Space	608 s.f.	Total Unconditioned Space	1,538 s.f.



1. SITE PLAN

SCALE: 1/16" = 1'-0"

1-18

domiteaux boggett architects

SEAL

CONSULTANTS

REVISIONS

HOPSON ADDITION
8441 SAN BENITO WAY
DALLAS, TEXAS 75218

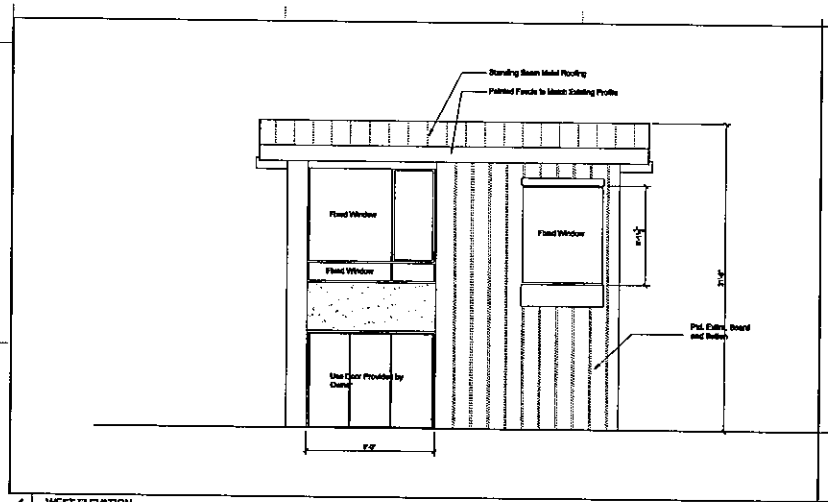
08.11.15

SITE PLAN

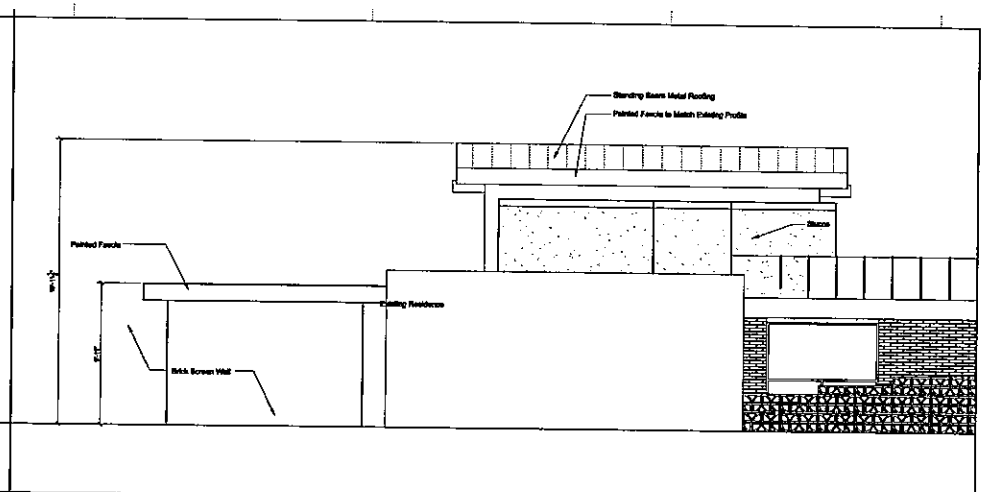
A0.0

PLAN FIRST
A1.0
HOPSON ADDITION
8841 SAN BENITO WAY
DALLAS, TEXAS 75218
08.11.15
REVISIONS
CONSULTANT
SEAL
domlegaux
baggett
architects
SCALE: 3/16" = 1'-0"
EXISTING RESIDENCE - NO WORK
EXISTING RESIDENCE - NO WORK
HERE
STORAGE
100
MECHANICAL
101
VESTIBULE
102
DOWN
CARPORT
140
Brick Screen Wall
Brick Screen Wall
4" Gal Steel
Column
1. MAIN FLOOR PLAN
COPYRIGHT 2012 ALL RIGHTS RESERVED MARK R. DOMITEAUX

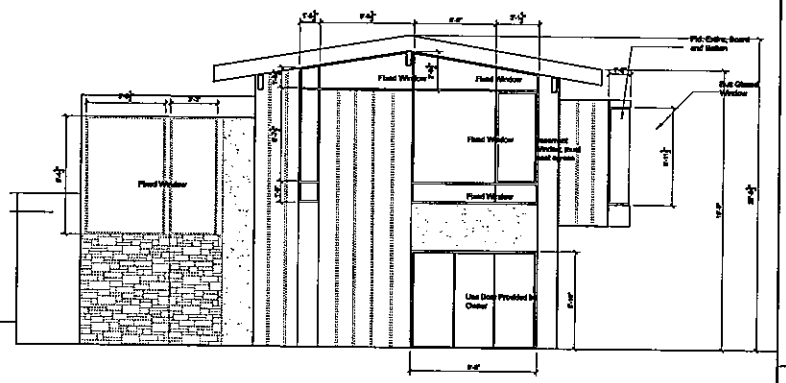
BDA 145-104



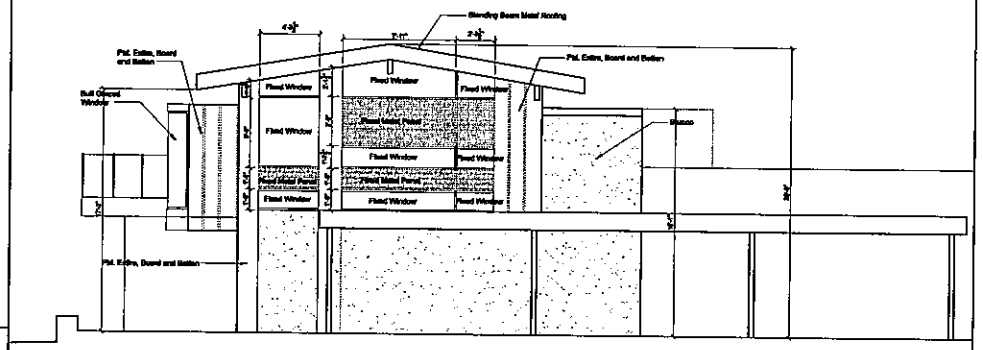
4. WEST ELEVATION



3. EAST ELEVATION



1. WEST ELEVATION



2. SOUTH ELEVATION

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

1-20

COPYRIGHT 2012 REVISED 11/14/2015 MARK R. DONTEAUX

dontleaux bogger architects

SEAL

These documents are incomplete and shall NOT be used for regulatory approval, permit or construction. Mark R. Donteaux TBAE # 14060

CONSULTANT

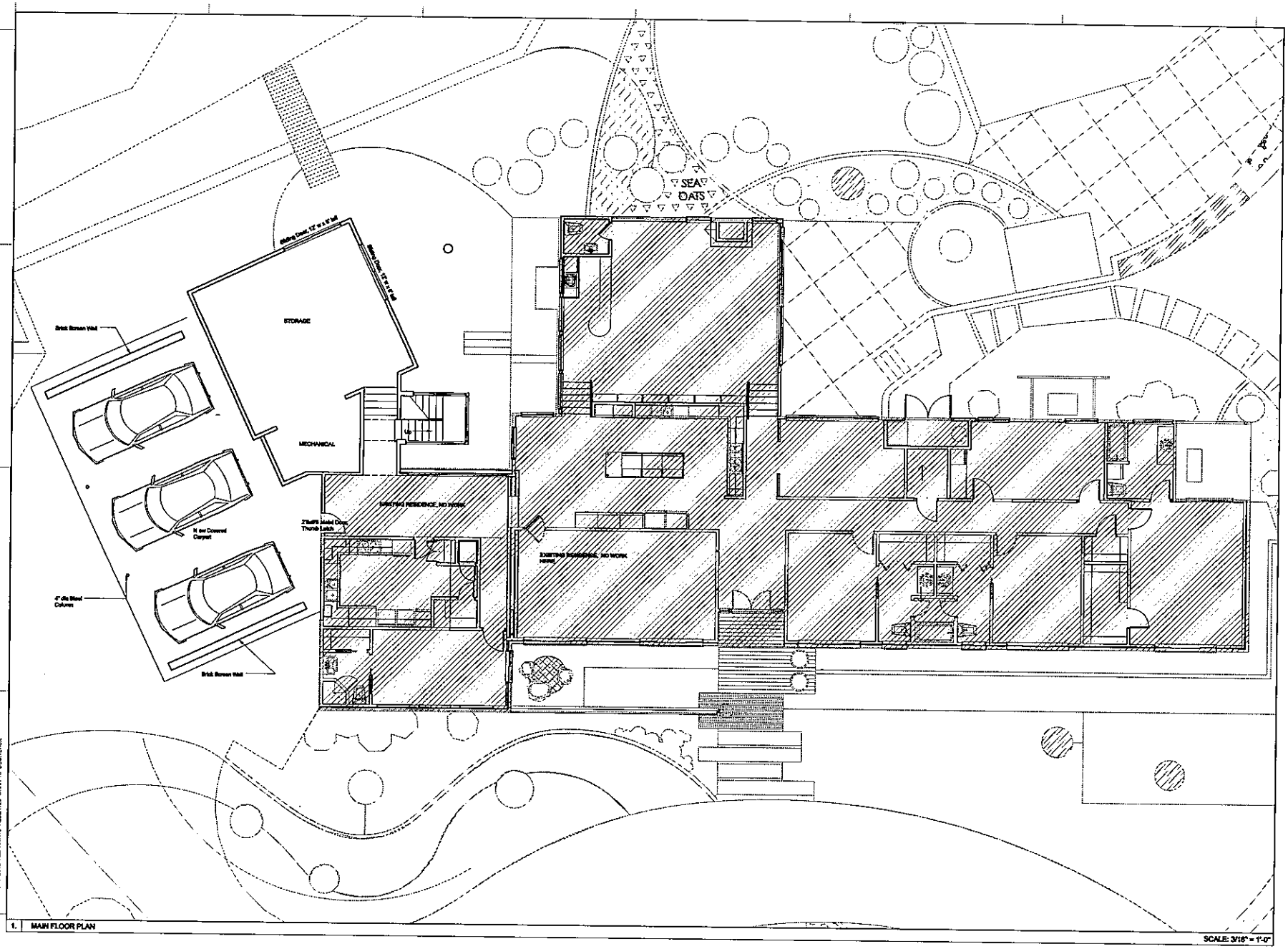
REVISIONS

HOPSON ADDITION
8841 SAN BENITO WAY
DALLAS, TEXAS 75218

08.11.15

ELEVATIONS

A2.0



1. MAIN FLOOR PLAN

SCALE: 3/16" = 1'-0"

dcmiteaux
boggett
architects

REVISIONS

CONSULTANT

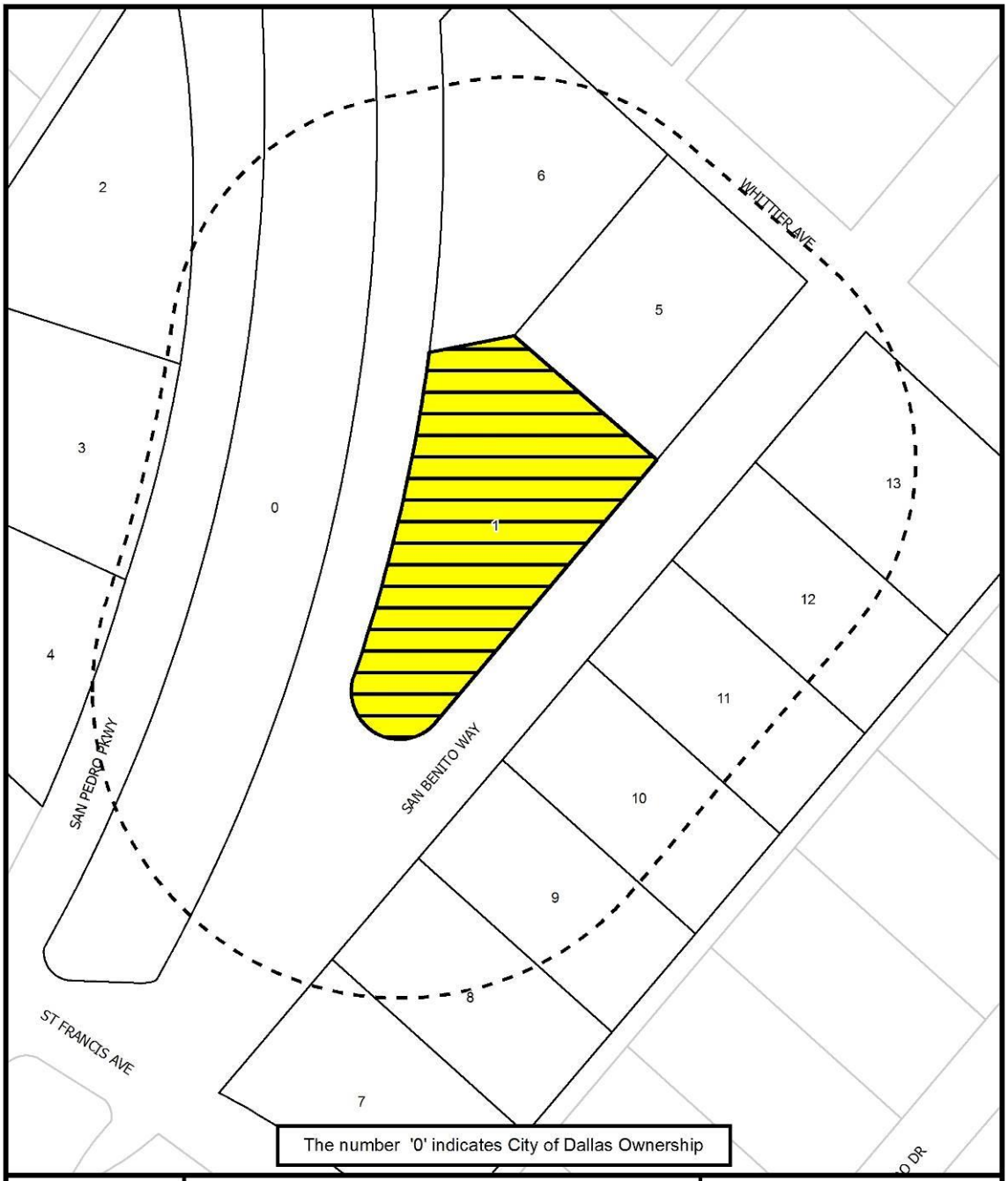
SEAL

HOPSON ADDITION
8BXX SAN BENITO WAY
DALLAS, TEXAS

08.11.15

PLAN FIRST

A1.0



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA145-104

Date: 10/1/2015

10/01/2015

Notification List of Property Owners

BDA145-104

13 Property Owners Notified

Label #	*Address*		*Owner*
1	8441	SAN BENITO WAY	HOPSON ROBERT J &
2	8441	SAN PEDRO PKWY	SILAV ERIN Z
3	8435	SAN PEDRO PKWY	STEPHENS JEFFREY S
4	8423	SAN PEDRO PKWY	PASCOE JOHN D & RANA S
5	8457	SAN BENITO WAY	DENAME KARA MACKLEY
6	1515	WHITTIER AVE	SWIRCZYNSKI HERBERT B
7	8400	SAN BENITO WAY	JOSSELYN GUY F IV
8	8414	SAN BENITO WAY	DICKEY J R
9	8422	SAN BENITO WAY	CAMPBELL RANDY &
10	8430	SAN BENITO WAY	YOUNGBLOOD GARY K TR
11	8438	SAN BENITO WAY	CROW KYLE
12	8446	SAN BENITO WAY	BELL MICHAEL B & JENELLE HAMPTON BELL
13	8458	SAN BENITO WAY	KOELLNER MATTHEW JACK & JULIE B

FILE NUMBER: BDA 145-107

BUILDING OFFICIAL'S REPORT: Application of Claude Allen Stringer, Jr. for a special exception to the fence height regulations at 7130 Brookcove Lane. This property is more fully described as Lot 3, Block B/4404, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to maintain a 9 foot 4 inch high fence, which will require a 5 foot 4 inch special exception to the fence height regulations.

LOCATION: 7130 Brookcove Lane

APPLICANT: Claude Allen Stringer, Jr.

REQUEST:

A request for a special exception to the fence height regulations of 5' 4" is made to maintain two, 9' 4" high, approximately 12' wide stone pedestrian archways on a site developed with a single family home.

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.

Zoning:

Site: R-16(A) (Single family district 16,000 square feet)
North: R-16(A) (Single family district 16,000 square feet)
South: R-16(A) (Single family district 16,000 square feet)
East: R-16(A) (Single family district 16,000 square feet)
West: R-16(A) (Single family district 16,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining two, 9' 4" high, approximately 12' wide stone pedestrian archways on a site developed with a single family home.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The applicant has submitted a scaled site plan and an elevation. The elevation represents that the highest component of the "fence" in the 35' front yard setback are two stone pedestrian archways that reach 9' 4" in height.
- The submitted site plan represents that the archways that exceed 4' in height are 18' – 25' from the front property line. (While the submitted site plan makes notations of a fence in the front yard setback, the submitted elevation represents that the fence at its highest height is 38" high – less than the 4' allowed by right for a fence located in the front yard setback).
- The archways that exceed 4' in height in the site's 35' front yard setback are located on the site where two lots have frontage – neither of which have a fence in the front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Brookcove Lane (approximately 400 feet in either direction of the site) and noted no other visible fences above 4 feet high which appeared to be located in a front yard setback.
- As of October 9, 2015, no letters had been submitted in support of the request, and no letters had been submitted in opposition.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 5' 4" will not adversely affect neighboring property.
- Granting this special exception of 5' 4" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 20, 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.

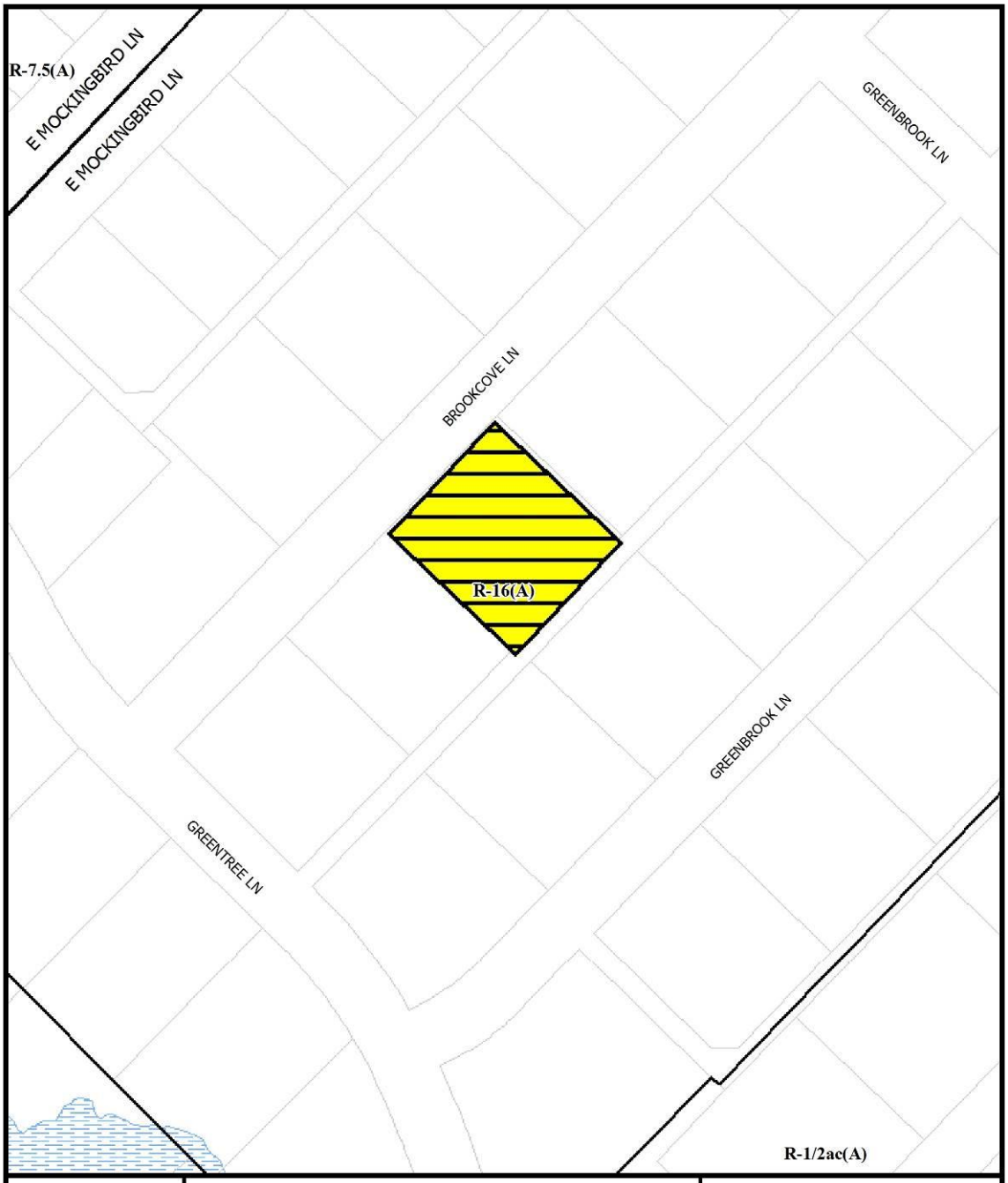
September 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 9th 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."

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: 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 were submitted in conjunction with this application.



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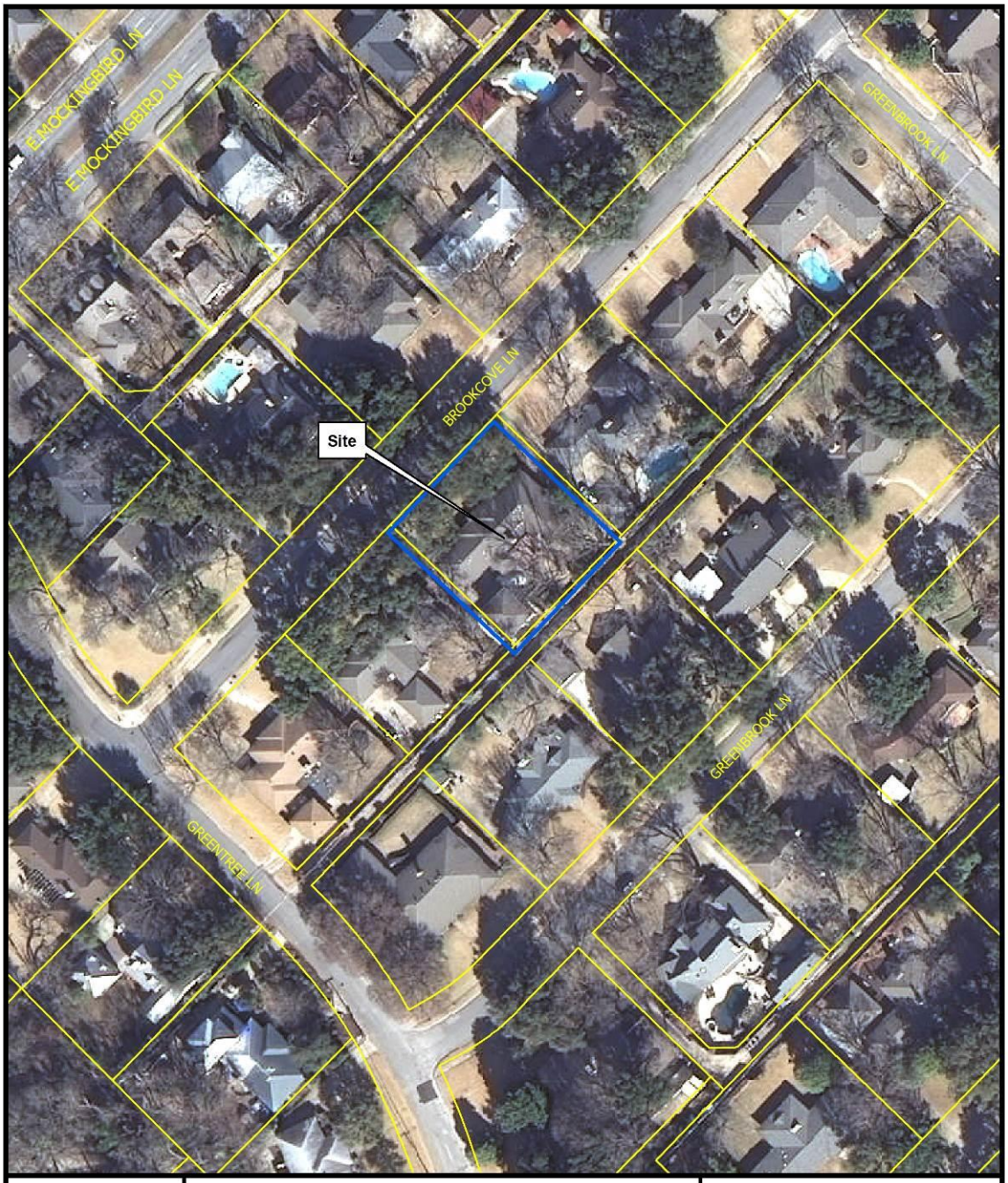
ZONING MAP

Case no: BDA145-107

Date: 10/1/2015



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AERIAL MAP

Case no: BDA145-107

Date: 10/1/2015

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-107

Data Relative to Subject Property: Date: 8-20-15

Location address: 7130 Brookcove Ln Zoning District: R-16(A)

Lot No.: 3 Block No.: B/4404 Acreage: .368 Census Tract: 80.00

Street Frontage (in Feet): 1) 119.' 2) 3) 4) 5) SC5B

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Claude Allen Stringer Jr

Applicant: Claude Allen Stringer Jr Telephone:

Mailing Address: 7130 Brookcove Ln Zip Code: 75214

E-mail Address: claudestringer@gmail.com

Represented by: Telephone: 214.232.9379

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance __, or Special Exception X, of our two stone arches in front of our house at 7130 Brookcove Ln Dallas, TX 75214

Special exception of a *5.4" fence height in the front yard

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

When the issue of whether or not the arches represented a code violation arose, our builder, Tory Gustafson, spoke to an employee of the city of Dallas who said the code regarding the "gateway", is open to interpretation. In light of the fact that it posed absolutely no restriction to access in the event of an emergency, & in the absence of a clear cut violation of code, we elected to proceed.

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 Claude Allen Stringer Jr
(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 17th day of Aug, 2015

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

STEVE E. HAZEN
Notary Public, State of Texas
My Commission Expires
September 19, 2015

(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 Claude Allen Stringer, Jr.

did submit a request for a special exception to the fence height regulations

at 7130 Brookcove Lane

BDA145-107. Application of Claude Allen Stringer, Jr. for a special exception to the fence height regulations at 7130 Brookcove Lane. This property is more fully described as Lot 3, Block B/4404, and is zoned R-16(A), which limits the height of a fence in the front yard to feet. The applicant proposes to construct a 9 foot 4 inch high fence in a required front yard which will require a 5 foot 4 inch special exception to the fence regulation.

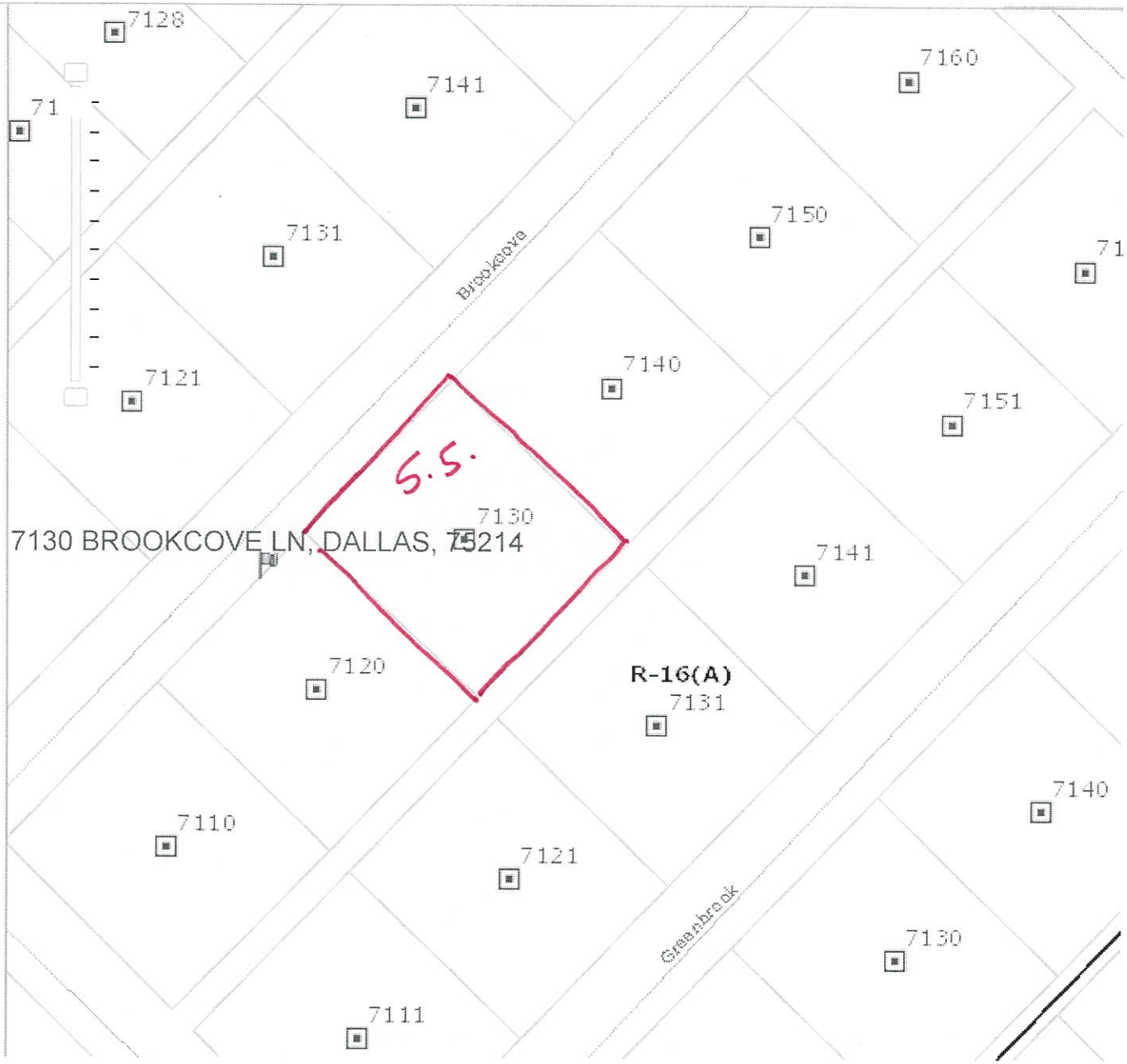
Sincerely,

Larry Holmes, Building Official

City of Dallas

Internal Development Research Site

Legend



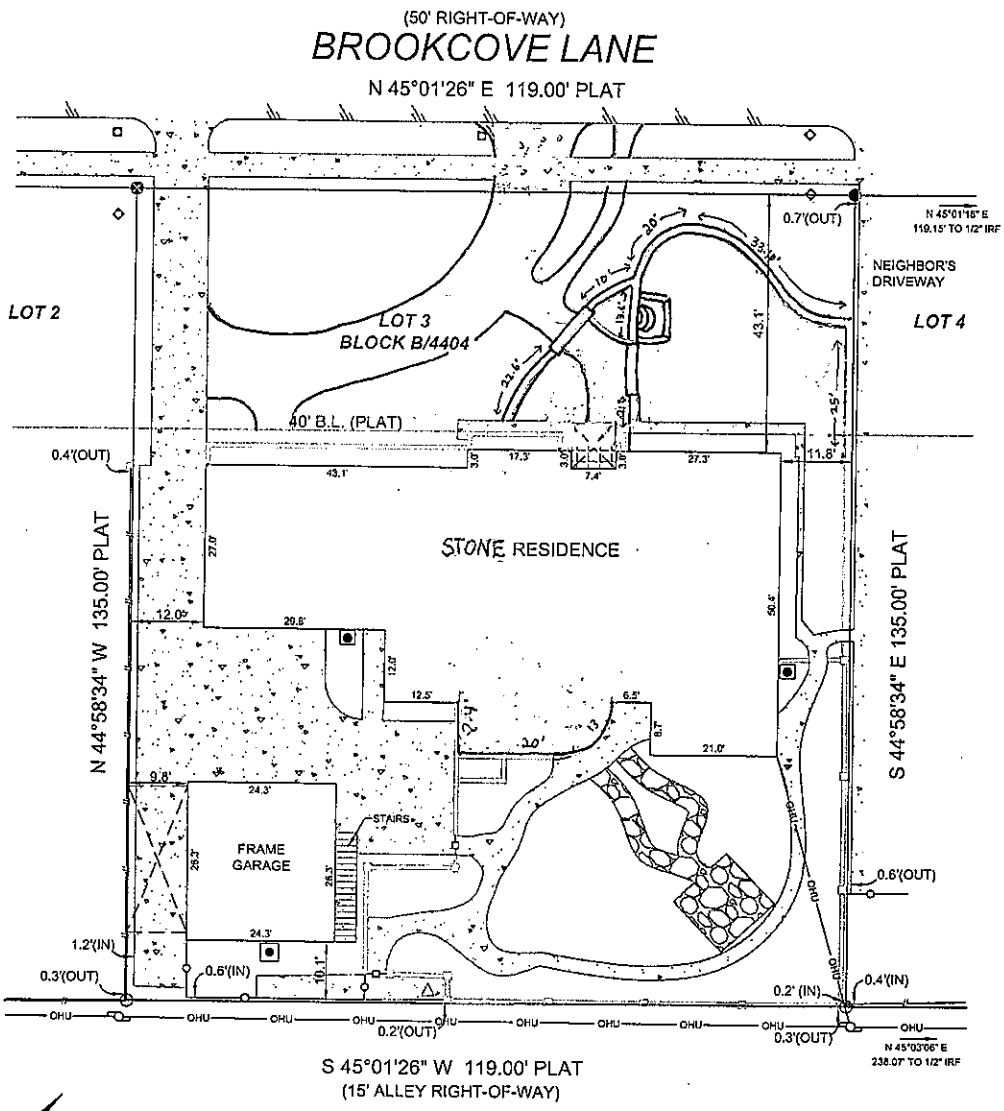
BDA 145-107

2-8


BROOKCOVE
(PIN OAKS)
7100
7000
4404/B
S.S.3
40'
B.L.
10' EASEMENT
30' B.L.
50

SURVEY PLAT: 7130 BROOKCOVE LANE

Being Lot 3, Block B/4404, of Green Cove Estates, an Addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof, recorded in Volume 26, Page 27, Map Records, Dallas County, Texas.



0 20
GRAPHIC SCALE
1-INCH = 20 FEET

NOTES

1) This survey was performed without the benefit of an abstractor, therefore, no search of record easements was performed on subject property.

Site Plan

LEGEND

1/2" IR FOUND	X-FOUND	TELE. BOX	GUARD POST	UTILITY POLE	OVERHEAD UTILITY LINE	PLASTIC FENCE	CONCRETE	BUILDING LINE
1/2" IR SET	X-SET	CABLE BOX	SEPTIC COVER	WATER METER	GUY WIRE ANCHOR	ASPHALT	GRAVEL	EASEMENT
5/8" IR FOUND	1" IR FOUND	ELECTRIC BOX	SAN. SEW. MH.	GAS METER	BARBED WIRE FENCE	FIRE LANE STRIPE	BRICK	BOUNDARY
3/8" IR FOUND	1" IP FOUND	BRICK COLUMN	IRRIGATION VALVE	A.C. PAD	IRON FENCE	BRICK RET. WALL	STONE	CREEK LINE
60-D NAIL FOUND	POINT FOR CORNER	STONE COLUMN	WATER VALVE	TRANS. BOX	CHAINLINK FENCE	STONE RET. WALL	WOOD DECK	
PK NAIL SET	CON. MONUMENT	STORM DRAIN MH.	FIRE HYDRANT		WOOD FENCE	CON. RET. WALL	BUILDING WALL	
1/2" IP FOUND	3/4" IP FOUND	SAN. SEW. CO.	LIGHT POLE	P.E. POOL EQUIP	PIPE RAIL FENCE	STUC. RET. WALL	TILE	

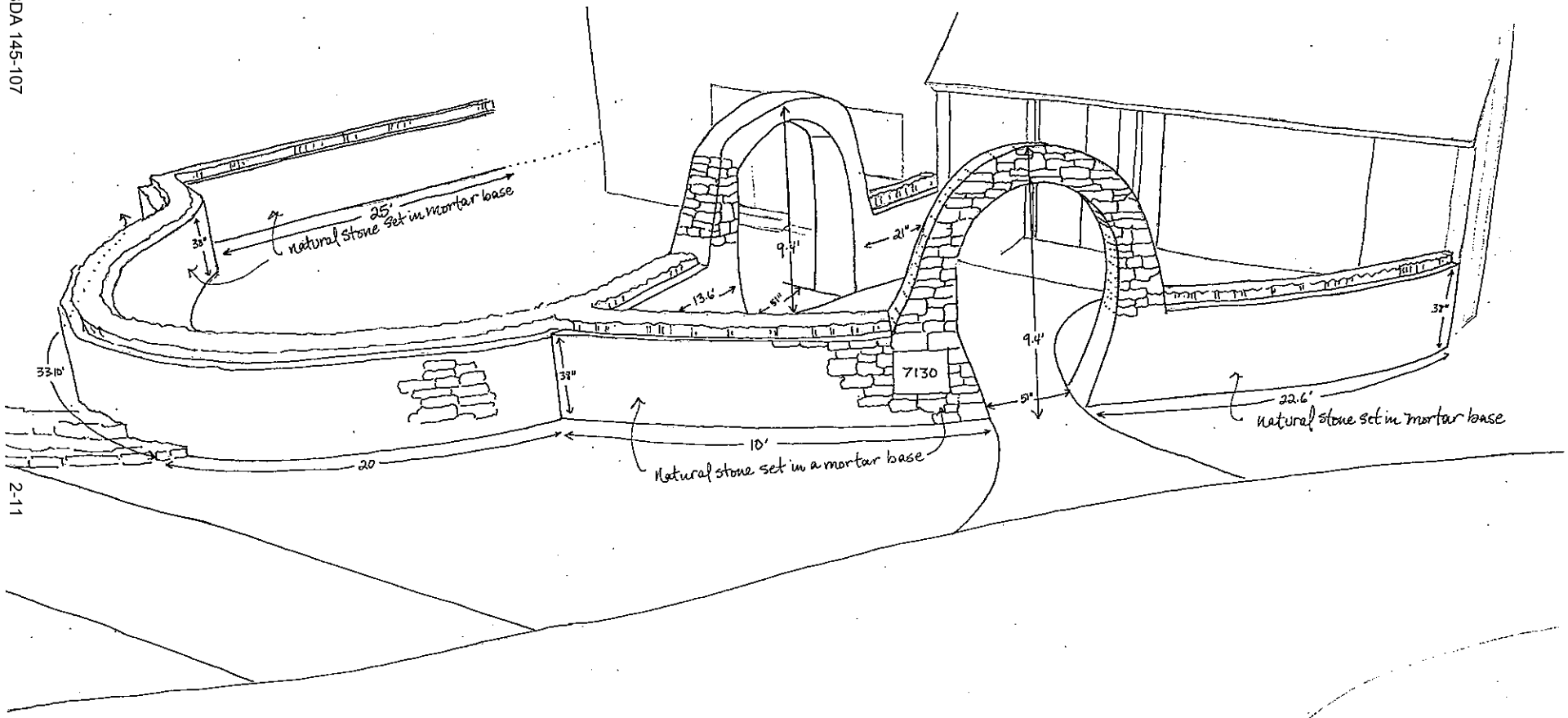
The plat shown hereon is a correct and accurate representation of the property, lines and dimensions as shown hereon, and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated, EXCEPT AS SHOWN, there are no visible apparent easements, encroachments or protusions on the ground.

JOHN S. TURNER RPLS 5310

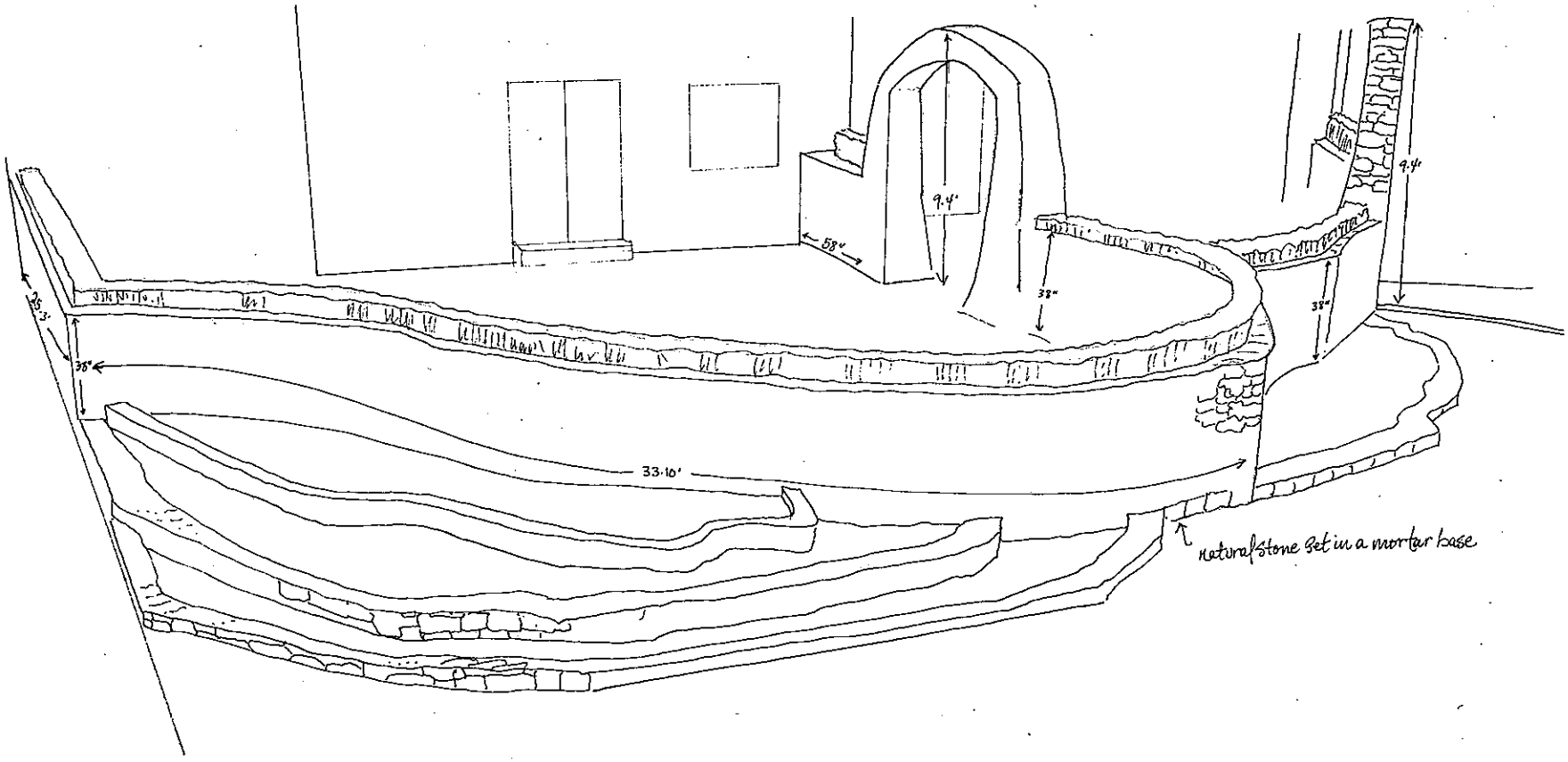
STATE OF TEXAS REGISTERED JOHN S. TURNER 5310 PROFESSIONAL SURVEYOR

A&W SURVEYORS, INC.
Professional Land Surveyors
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM

JOB# 11-1815 DRAWN BY: 345
DATE 12-22-2011
CERTIFY TO: GUSTAFSON CUSTOM HOMES
"A professional company operating in your best interest"

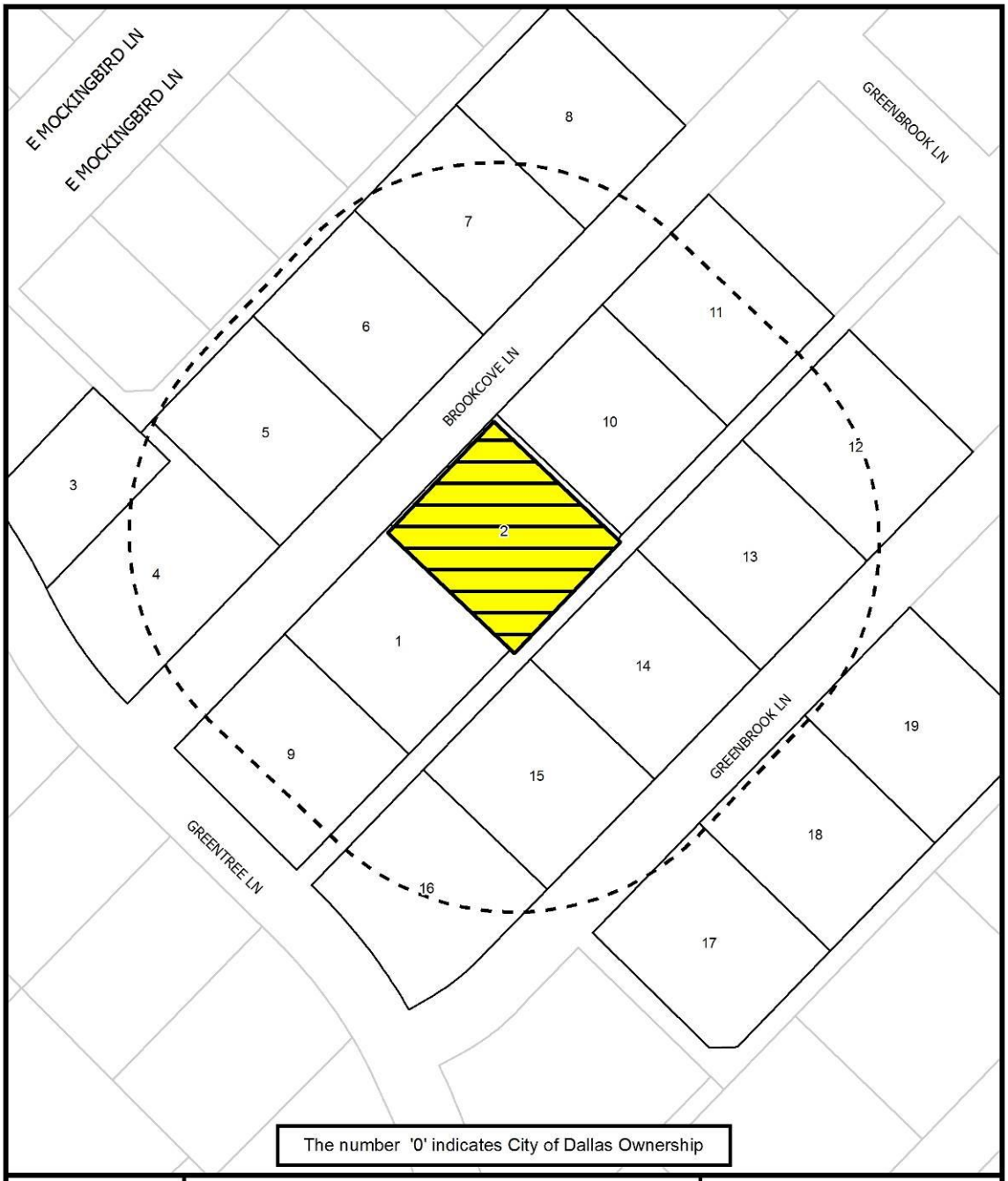


Brookcove Lane: Arches Elevation Drawings:
~~Scale: 1 inch = 2.1 feet~~



Brookcove Lane: Arches Elevation Drawings

~~Scale: 1 inch = 2.1 feet~~



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION

19 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA145-107

Date: 10/1/2015

10/01/2015

Notification List of Property Owners

BDA145-107

19 Property Owners Notified

Label #	*Address*		*Owner*
1	7120	BROOKCOVE LN	KRIETE BRIAN & TIFFANY
2	7130	BROOKCOVE LN	STRINGER CLAUDE ALLEN JR
3	7012	GREENTREE LN	STIEVE JAMES J & JANET M
4	7020	GREENTREE LN	ARCHER SUSAN GAIL
5	7121	BROOKCOVE LN	DICKMAN DALE A & KIM M
6	7131	BROOKCOVE LN	ROMANOWSKI SONJA BILGER
7	7141	BROOKCOVE LN	MERRIMAN CRAIG L & SARAH S
8	7151	BROOKCOVE LN	ANDREWS JACQUELYN VALERIE RAVAN
9	7110	BROOKCOVE LN	AMIEL PAUL H
10	7140	BROOKCOVE LN	DAVIS EUGENE W &
11	7150	BROOKCOVE LN	STRONG COLIN & MARGOT H
12	7151	GREENBROOK LN	SHEANER HERBERT M JR
13	7141	GREENBROOK LN	SCHIRICO DEBRA F
14	7131	GREENBROOK LN	CARROLL DAVID S &
15	7121	GREENBROOK LN	MILLER MICHAEL F &
16	7111	GREENBROOK LN	BENEDETTO REVOCABLE TRUST
17	7120	GREENBROOK LN	BORDELON BRUCE &
18	7130	GREENBROOK LN	MULLER JOHN
19	7140	GREENBROOK LN	SMITH HAROLD

FILE NUMBER: BDA 145-106

BUILDING OFFICIAL'S REPORT: Application of Mary Lynn Swayze for variances to the side yard setback regulations at 1523 San Saba Drive. This property is more fully described as Lot 27, Block D/5312, and is zoned R-10(A), NSO 5, which requires a side yard setback of 12 feet on interior side yards. The applicant proposes to construct and/or maintain a structure and provide as close as a 7 foot side yard setback, which will require as much as a 5 foot variance to the side yard setback regulations.

LOCATION: 1523 San Saba Drive

APPLICANT: Mary Lynn Swayze

REQUESTS:

On October 9, 2015, the applicant emailed the Board Administrator a request for the Board to deny her variance requests without prejudice (see Attachment E). Requests for variances to the side yard setback regulations of up to 5' had been made to construct and maintain additions to the first floor of the existing one story single family home on site, part of which were to have been located as close as 7' from one of the side property lines or as much as 5' into the required 12' side yard setbacks. (Note that while the applicant also proposed to add a second floor, it was not proposed to be located in either of the 12' side yard setbacks).

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, 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:

Denial

Rationale:

- The applicant has requested that her request for variances to the side yard setback regulations be denied without prejudice.
- Prior to the applicant requesting that her application be denied without prejudice, staff had made the following conclusion:
  - Even while staff had recognized that the site was sloped to a creek bed and with two front yard setbacks, the applicant had not substantiated at the time of the October 6th staff review team meeting how the features of the R-10(A)(NSO 5)-zoned, sloped, somewhat irregular in shape, and approximately 29,500 square foot subject site precluded her from developing it in a manner commensurate with other developments found on similarly-zoned R-10(A)(NSO 5) lots. Staff had concluded that the features of this site did not preclude the applicant from making what appeared to be reasonably sized-additions to and/or enlargement of the existing single family home to the size proposed while simultaneously meeting required setbacks.

BACKGROUND INFORMATION:

Zoning:

Site:	R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
North:	R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
South:	R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
East:	R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
West:	R-10(A) (Single family residential 10,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- On October 9, 2015, the applicant emailed the Board Administrator a request for the Board to deny her variance requests without prejudice (see Attachment E).
- These requests focused on constructing and maintaining additions (an approximately 90 square foot laundry room addition on the southeast side of the site

and an approximately 400 square foot master bedroom/bath/closet addition on the northwest side of the site) to the first floor of the existing approximately 1,500 square foot one story single family home on site, part of which would have been located as close as 7' from one of the side property lines or as much as 5' into one of the required 12' side yard setbacks.

- Structures on lots zoned R-10(A) are required to provide a minimum side yard setback of 6', however, structures zoned R-10(A) NSO 5 are required to provide an minimum interior side yard setback of 12'.
- Prior to the creation of the NSO (Neighborhood Stabilization Overlay) district in 2007, the minimum side yard setback was 6'.
- The submitted site plan represented that the proposed addition (laundry room) on the southeast side of the site was located 7' 2" ± from that side property line (or 5' into this 12' side yard setback) and that the proposed addition (master bedroom/bath/closet) on the northwest side of the site was located 9' 3" from that side property line (or 2' 9" into that 12' side yard setback).
- The submitted site plan noted that the total area of air conditioned space of the existing one story home was 1,626 square feet, the new addition to the first floor was 480 square feet, and the total amount of air conditioned space with the second floor would have been 3,437 square feet.
- It had appeared from the site plan that the approximately ½ of the proposed laundry room addition on the southeast side of the site would have been located in this 12' side yard setback and approximately 1/6 of the proposed master bedroom/bath/closet addition on the northwest side of the site would have been located in that 12' side yard setback.
- According to DCAD records, the "main improvement" for property addressed at 1523 San Sabo Drive is a structure built in 1945 with 1,656 square feet of living/total area; and with no additional improvements.
- The applicant had chosen only to seek variance to the side yard setback regulations for the new construction/additions to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming rear deck structure that was located in the site's side yard setbacks on southeast side of the site.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The subject site is sloped, somewhat irregular in shape, and according to the submitted application is 0.68 acres (or approximately 29,500 square feet) in area.
- The subject site has two 50' front yard setbacks – one on San Saba Drive; the other on Old Gate Lane; and two 12' interior side yard setbacks. The site is zoned R-10(A)(NSO 5) where most lots in this zoning have 10,000 square feet, one 50' front yard setback, two 12' interior side yard setbacks, and one 6' rear yard setback.

- According to calculations made by the Board Administrator from information submitted by the applicant, the average of the 12 "house/servants quarters" square footages is 3,975 square feet. The submitted site plan noted that the total a/c floor area of the proposal on the subject site is 3,437 square feet. The applicant's document noted: "main house/w addition 3,593."
- The applicant would have had the burden of proof in establishing the following:
  - That granting the variances to the side yard setback regulations would not had been contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances were 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-10(A)(NSO 5) zoning classification.
  - The variances would not had been 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-10(A)(NSO 5) zoning classification.
- If the Board were to have granted the variance requests, and imposed the submitted site plan as a condition, the structure in the side yard setbacks would have been limited to what was shown on this document– which in this case was a portion of a structure would have been located as close as 7' from one of the site's side property lines (or as much as 5' into the 12' side yard setback).

Timeline:

August 19, 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.

September 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 September 30th deadline to submit additional evidence for staff to factor into their analysis; and the October 9th 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.”
-

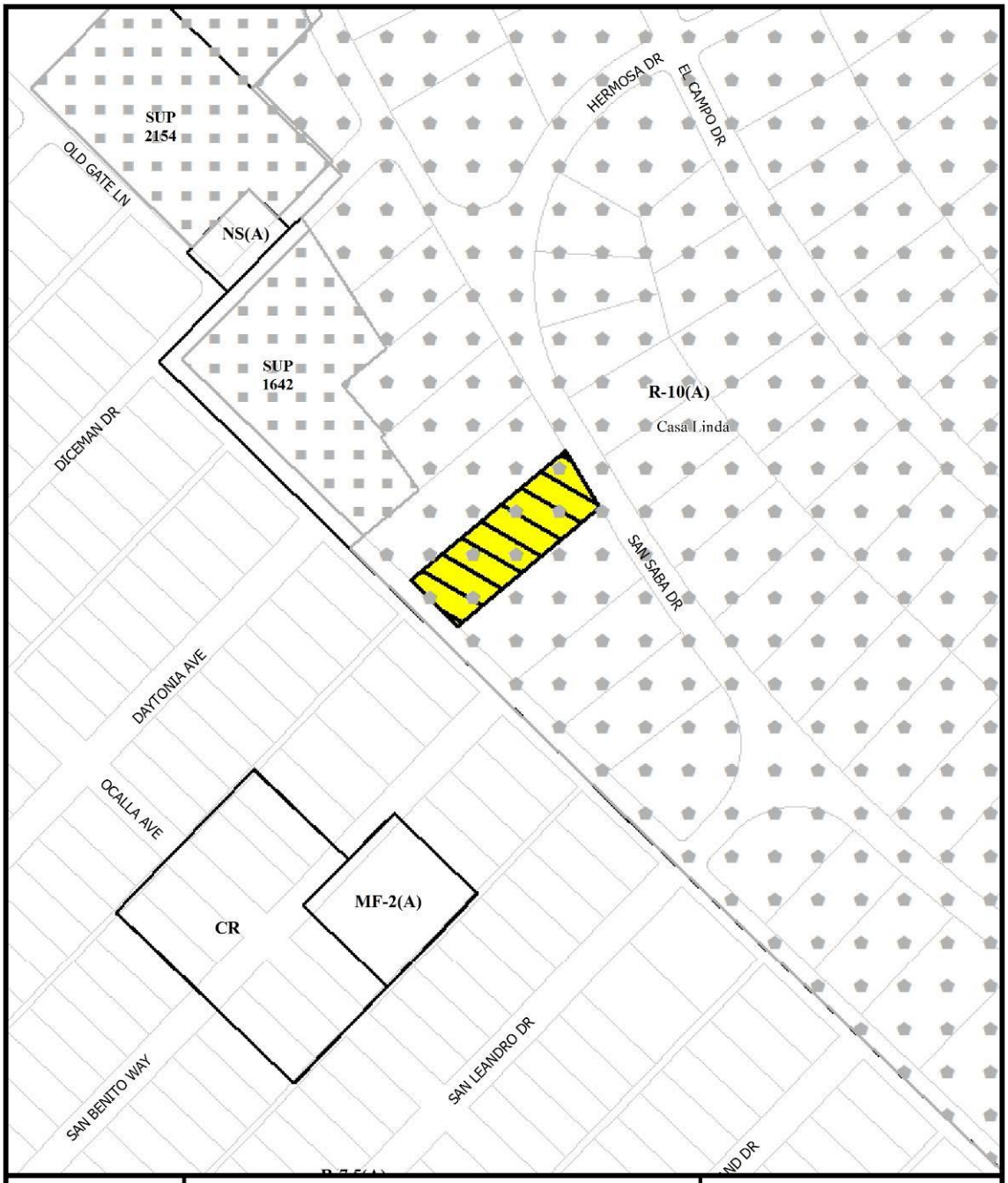
September 18, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).

September 25, 30 & October 2, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachments B, C, and D).

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: 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.

October 9, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment E).



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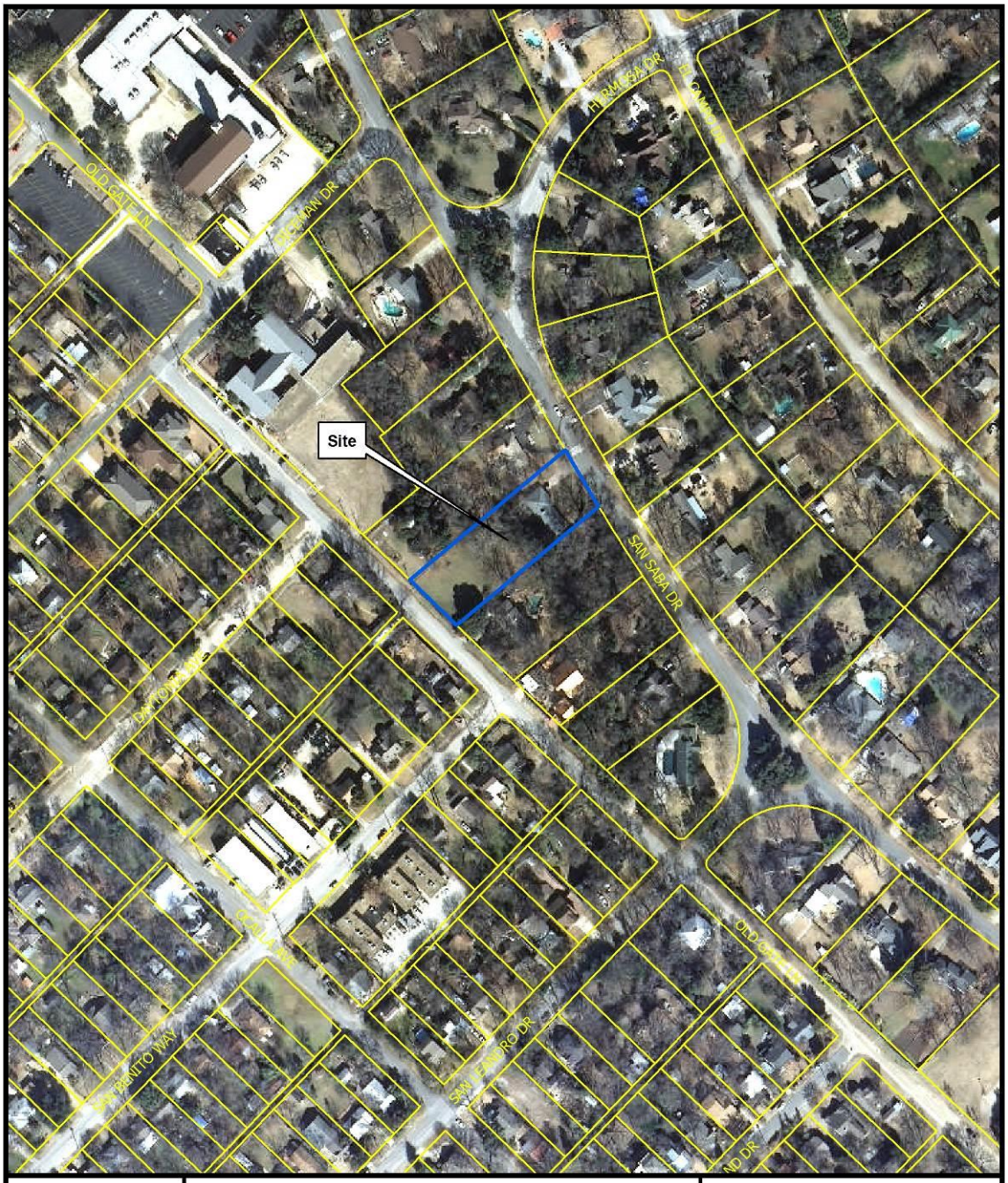
ZONING MAP

Case no: BDA145-106

Date: 10/1/2015



1:2,400

AERIAL MAP

Case no: BDA145-106

Date: 10/1/2015

BDA145-106
Attach A

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 Mary Lynn Swayze

did submit a request for a special exception to the side yard setback regulations

at 1523 San Saba Drive

BDA145-106. Application of Mary Lynn Swayze for a variance to the side yard setback regulations at 1523 San Saba Drive. This property is more fully described as Lot 27, Block D/5312, and is zoned R-10(A), NSO 5, which requires a side yard setback of 12 feet on interior side yards. The applicant proposes to construct and maintain a single family residential structure and provide a 7 foot side yard setback measured at the foundation, which will require a 5 foot variance to the side yard setback regulation.

Sincerely,

Larry Holmes, Building Official

BDA145-106

Attach B
Pg 1

1523 San Saba
RE: Application for Side Yard Set-Back Variance
Residential Square Foot Comparatives
Casa Linda Estates I
Zone R-10(A) - N505

New Construction		
1555 San Saba	4,000	

1508 El Campo		
House	4,974	Approved May 5
Garage	1,170	Approved June 22
	6,144	

Existing Homes

1531 San Saba	
Main House	3,297
Servants Quarters	600
Attached Garage	700
Detached Garage	-
Carport	432
	5,029

1414 Bella Vista	
Main House	3,090
Servants Quarters	900
Attached Garage	400
Detached Garage	-
Carport	-
	4,390

1548 San Saba	
Main House	2,968
Servants Quarters	700
Attached Garage	420
Detached Garage	-
Carport	-
	4,088

1517 Bella Vista	
Main House	3,801
Servants Quarters	-
Attached Garage	621
Detached Garage	-
Carport	-
	4,422

1436 San Saba	
Main House	3,023
Outbuilding	300
Attached Garage	360
Detached Garage	480
Carport	-
	4,163

1537 Bella Vista	
Main House	3,316
Servants Quarters	-
Attached Garage	640
Detached Garage	-
Porte Corchere	460
	4,416

1413 San Saba	
Main House	3,000
Servants Quarters	-
Attached Garage	-
Detached Garage	672
Carport	-
	3,672

1418 Bella Vista	
Main House	3,837
Servants Quarters	-
Attached Garage	576
Detached Garage	928
Outbuilding	320
	5,661

1512 El Campo	
Main House	3,051
Room Addition	308
Attached Garage	-
Detached Garage	440
Carport	-
	3,799

1557 El Campo	Built 2007
Main House	5,258
Room Addition	1,632
Attached Garage	-
Detached Garage	576
Carport	-
	7,466

1523 San Saba

Main House w/ addition 3,593

BDA145-106

Attach B
PS 2

Todd Duerkson
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd
Room 105
Dallas, TX 75203

RE: Appeal to the Board Adjustment for 1523 San Saba

To Whom It May Concern:

I am a homeowner within 200 feet of the property at 1523 San Saba. I support the request for a side yard variance as it has been presented to me. Please consider my approval as part of your review.

Homeowner Jean Blalock

Address 1514 San Saba Dr. Dallas TX. 75218

Dated 08-16-2015

BDA 145-106
Attach C
pg 1

RCS Enterprises, LP
Engineering & Inspection Services

400 N. Allen Dr.
Suite # 205
Allen, Texas 75013
(972) 727–8572

September 29, 2015

To: Board of Adjustment Administrator City of Dallas Sustainable Development and Construction
Attn: Steve Long
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

RE: Addition Placement/Lot Configuration
Robert and Mary Lynn Swayze
1523 San Saba
Dallas, Texas 75218

This letter is intended to provide additional information as you requested relating to the planned home addition at the above noted address. All references herein (left/right) are considered when facing the residence from the street in the front.

The residence is located to the front of the subject lot. There is a sizable creek routing mostly from the rear right-to-left middle across the lot located directly to the rear of the residence. To the rear left corner of the residence the creek is just a few feet away. The rear right, the creek is at a somewhat further distance away. The detailed addition design that we developed extends the rear right of the residence to such a point that any further expansion would not be recommended as it would begin to encroach on the creek bank and water flow path.

As such, it is my opinion, the current layout is the best and most proper approach. Further expansion to the rear (toward the creek) beyond what is currently designed is not recommended.

If you have any questions, feel free to let me know.

J. Martin Montgomery
'00'05- 11:57:49 2015.09.29

STATE OF TEXAS
J. MARTIN MONTGOMERY
90427
LICENSED
PROFESSIONAL ENGINEER

J. Martin Montgomery
Registered Professional Engineer
State of Texas No. 90427
F-2071

BDA 145-106
Attach C
pg 2

BORDEAUX
Company
Custom Homes & Remodeling

Rudy Bañuelos
2707 Whispering Oaks Street
Rockwall, TX 75087
September 29, 2015

Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, TX 75201

RE: The Swayze Project at 1523 San Saba, Dallas, TX 75218

Dear Mr. Long:

Could you please do me a favor and review the following opinion?

In my professional opinion, the current floor plan design for 1523 San Saba, Dallas, TX 75218 is the only option for the unusual lot site.

As you may know, the current home is built very close to a creek that bisects the property with a severe slope on the north side of the property. It is my opinion that building any closer to the north side slope will increase the likelihood that the creek may compromise the structural integrity of the house. With respect to the limitations of the lot, the submitted floor plan design is the only solution for expanding the current house.

If I can be of further assistance, please call me on my mobile telephone at 214-498-9664.

Regards,

Rudy Bañuelos
Building Contractor

2707 Whispering Oaks Street, Rockwall, TX 75087
Telephone# 469-338-0343 - Fax# 469-338-0344 – email: rudy@rudban.com

BDA 145-106

Attach C
Pg 3

Todd Duerkson
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd
Room 105
Dallas, TX 75203

RE: Appeal to the Board Adjustment for 1523 San Saba

To Whom It May Concern:

I am a homeowner within 200 feet of the property at 1523 San Saba. I support the request for a side yard variance as it has been presented to me. Please consider my approval as part of your review.

Homeowner Myles Turner

Address 1515 San Saba Dr

Dated 9/26/15

To: Steve Long, Board of Adjustments Administrator
City of Dallas Sustainable Development and Construction
1500 Marilla Street, Room 5BN
Dallas, Texas. 75201

RE: Addition Placement/Lot Configuration
Robert and Mary Lynn Swayze
1523 San Saba Drive
Dallas, Texas 75218

Please recognize the severe constraints of this lot:

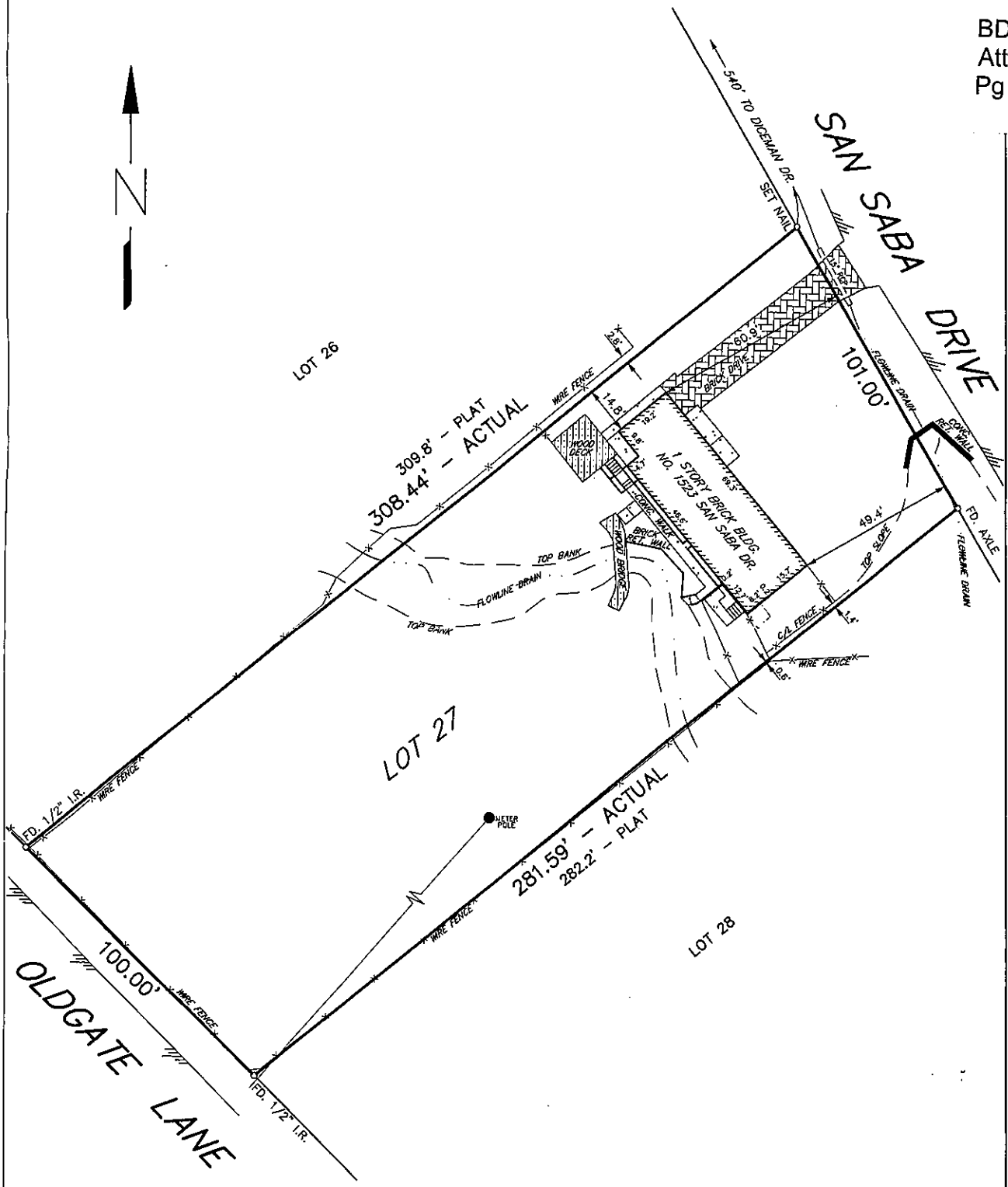
In all of the 300+ homes in Casa Linda Estates only one street, San Saba Drive, has a creek on the properties. Of these 7 lots, the creek crosses the lot far from the house, except on this lot, 1523. Our property backs up with less than 8 feet to a severe drop off with the creek at the bottom, plunging 10 feet down. Nothing can be built behind the original house because of this creek and nothing can be built in front of the house due to the 50 ft. frontage requirements . This is not commensurate with the neighborhood (please note the list of 11 remodeled homes in our zone, Attachment B). The lot immediately to our north has more than double the space to add square footage, which they have done, as does the property to our south and the other 4 properties with this creek. All of the properties with this creek have added square footage, except ours.
1523 San Saba Drive is completely unique in its severe lot restrictions in Zone R-10(A)-N505
Please note that the addition on the north side is being built over an existing deck that has been on the property since 1974. The north side addition, over the old deck, is behind that north side property owner's house, not adjacent to their edifice. (see the Davis Land Surveying map).

Robert and Mary Lynn Swayze

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
The undersigned does hereby certify that I have, this day, made an actual and accurate survey on the ground of the property located at No. 1523 San Saba Drive, in the City of Dallas, Texas, described as follows: Lot 27, Block D, City Block 5312 of CASA LINDA ESTATES, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 5, Page 424A of the Map Records of Dallas County, Texas.

BDA 145-106
Attach D
Pg 2



This plat correctly shows the lines and dimensions of subject property. The size, location and type of buildings and improvements are as shown hereon, and set back from the property lines the distances indicated and there are no discrepancies, conflicts, encroachments or overlapping of improvements onto or from adjoining property except as shown hereon. This property has access to and from a dedicated roadway, and unless otherwise noted, this property does not lie within any known designated flood plain or flood hazard area. This survey meets or exceeds the Minimum Standards Detail Requirements of Land Title Surveys established and adopted by ALTA, ACSM and TSPS. This property lies within Zone X, as shown on Flood Insurance Rate Map No. 48113C0355 J, dated 8/23/2001.

STATE OF TEXAS REGISTERED SCOTT DAVIS 5111 PROFESSIONAL LAND SURVEYOR

Scott Davis

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5111

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

SCALE: 1" = 30'
DATE: 6/13/13
JOB NO. 13057

BDA 145-106
Attach D
Pg 3

BDA 145-106
Attach D
Pg 4

BDA 145-106

Attach E

Long, Steve

From: Long, Steve
Sent: Friday, October 09, 2015 12:42 PM
To: 'Mary Lynn'
Cc: Moorman, Donna; Way, Jamilah; Duerksen, Todd
Subject: RE: BDA 145-106, Propertty at 1523 San Saba Drive

Dear Mr. and Mrs. Swayze,

Please be advised that this email will be printed out, added to your file, and forwarded to the board members in their docket next week prior to the public hearing on this application referenced above to be held on Monday, October 19th. It will be at this public hearing where the Board will take action on your application where they will consider your request for them to deny your application without prejudice.

Please feel free to write or call me at 214/670-4666 if I can assist you in any other way on this matter.

Thank you,

Steve

-----Original Message-----
From: Mary Lynn [mailto:mlswayze@sbcglobal.net]
Sent: Friday, October 09, 2015 12:26 PM
To: Long, Steve
Cc: Skipp
Subject: 1523 San Saba Dr.

Steve,

As per our conversation today, October 9, 2015, we are requesting the board to deny our variance request for 1523 San Saba Dr., without prejudice. As you explained, this will end the matter, now no longer available for review.

Thank you for your assistance,

Robert and Mary Lynn Swayze

Sent from my iPhone

City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-106

Date: 8-19-15

Data Relative to Subject Property:

Location address: 1523 San Saba Dr. Zoning District: R-10(A), NSO 5

Lot No.: 27 Block No.: D/5312 Acreage: 0.68 acres Census Tract: 81.00

Street Frontage (in Feet): 1) 100 ft. 2) 101' 3) _____ 4) _____ 5) 567

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert and Marylynn Swayze

Applicant: MaryLynn Swayze Telephone: 469-487-6463

Mailing Address: 1523 San Saba Dr. Zip Code: 75218

E-mail Address: mlswayze@sbcglobal.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance ✓, or Special Exception __, of 4 feet ~~Requesting a Variance of 8 ft.~~ for the side yard setbacks instead of 12 ft. 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:
1523 SAN SABA DR. backs up to a steep slope with a creek at the bottom prohibiting any building/remodeling commensurate with the neighborhood without side yard or front yard variances.
(The houses adjacent & across support the variance * please see enclosed *)

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 Mary Lynn Swayze
(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: Mary Lynn Swayze
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 18th day of August, 2015

LUZ PADRON
My Commission Expires
September 9, 2018

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 Mary Lynn Swayze

did submit a request for a special exception to the side yard setback regulations

at 1523 San Saba Drive

BDA145-106. Application of Mary Lynn Swayze for a variance to the side yard setback regulations at 1523 San Saba Drive. This property is more fully described as Lot 27, Block D/5312, and is zoned R-10(A), NSO 5, which requires a side yard setback of 12 feet on interior side yards. The applicant proposes to construct and maintain a single family residential structure and provide an 8 foot side yard setback, which will require a 4 foot variance to the side yard setback regulation.

Sincerely,

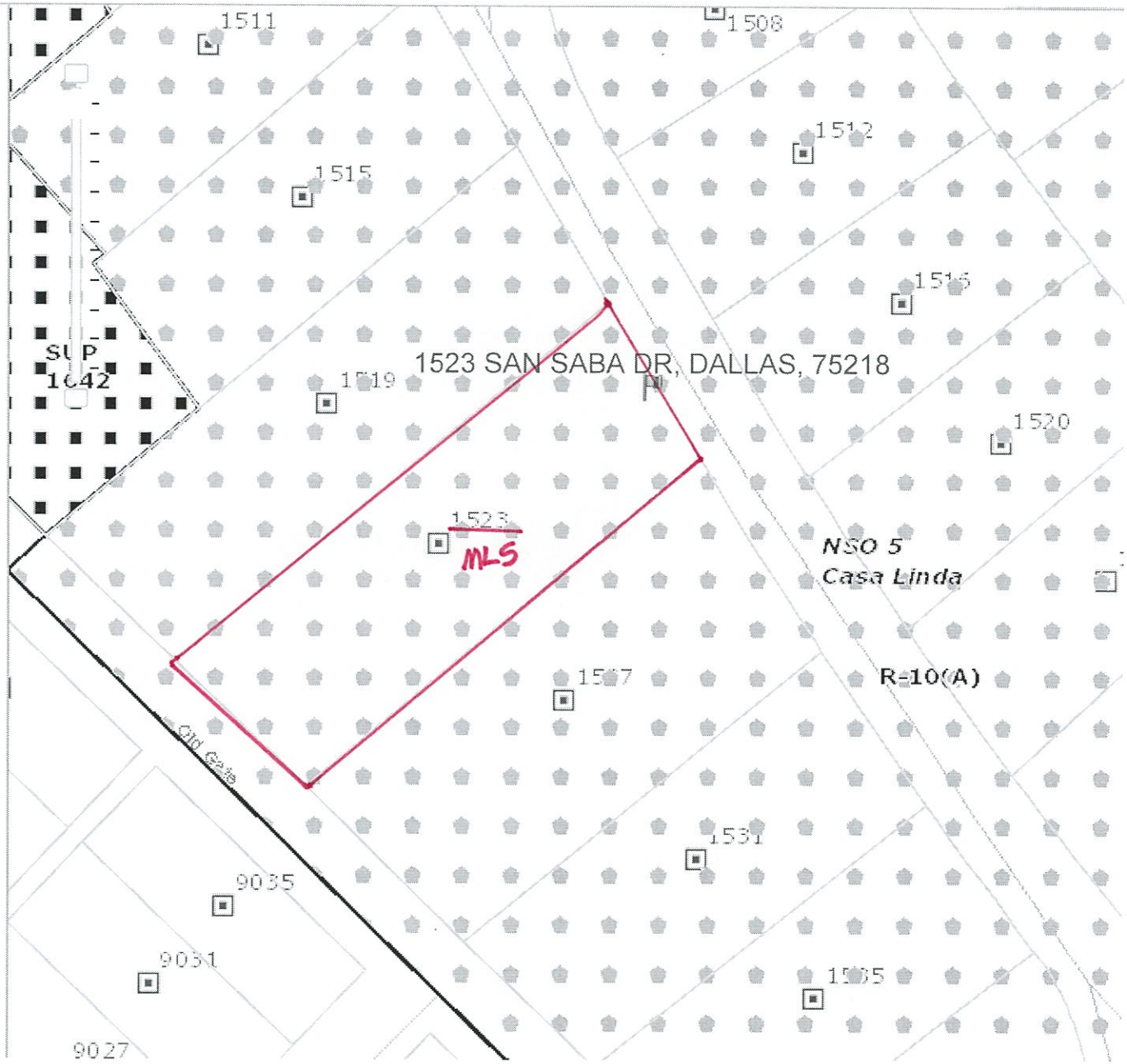
Larry Holmes, Building Official


ESTATES
K
5318
DRIVE
S29°49'E
R=2317.1
125.6
174.3
101.0
102.0
30
29
28
27
26
25
24
23
5312/D
MLS
15' STORM
WTR. DRAIN
ESM'T.
FED
STREAM
SPRING
5
5232
TERRACE
(TAMPA)
OLD GATE
4
5231

City of Dallas

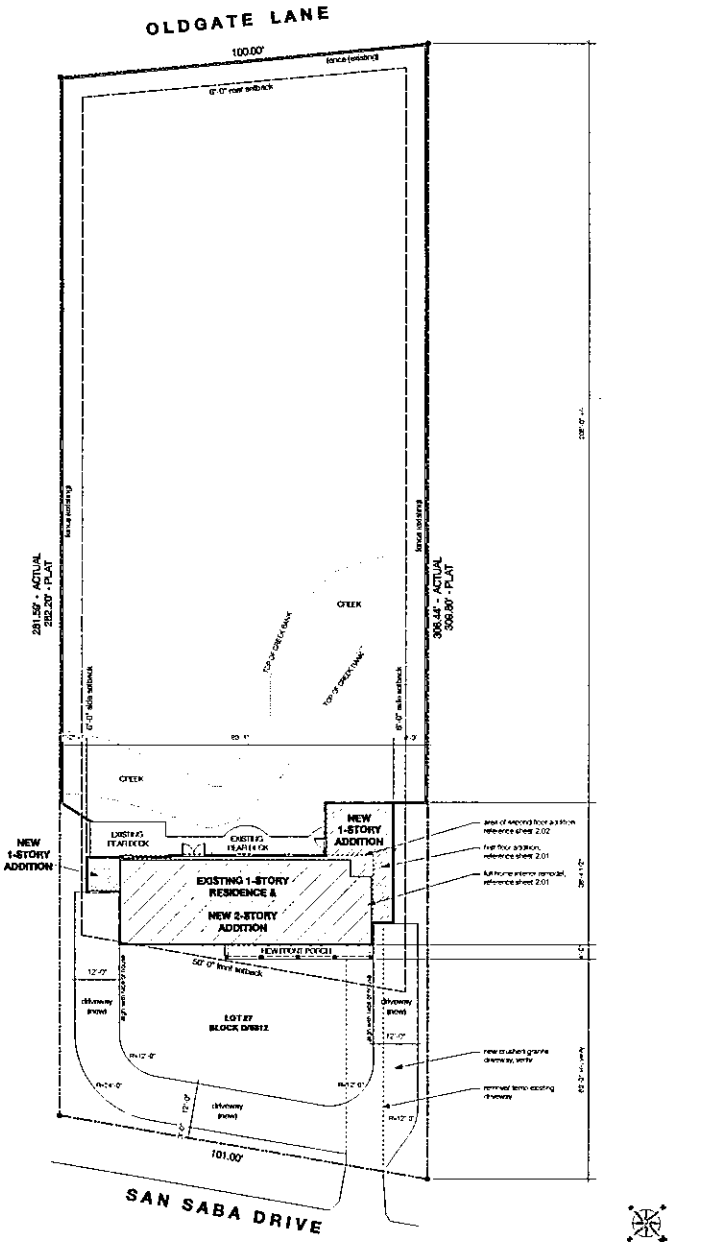
Internal Development Research Site

Legend



BDA 145-106

3-22



01 SITE PLAN
1.00 Scale: 1/16" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/32" = 1'-0"

GENERAL NOTES

1. The foundation subcontractor and the framing subcontractor shall verify all dimensions in the field prior to starting any work and notify Bella Vista of any discrepancies between the drawings and the actual field conditions before proceeding with the work.
2. The dimensions shown on the drawings are to face to stud, face of masonry, or centerline of column, as indicated on the drawings.
3. If applicable, after the foundation has been formed, prior to the pouring of concrete, the builder shall provide an accurate survey performed by a registered surveyor or a registered engineer showing the location of the forms on the lot and their relationship to the property lines, setbacks, etc.
4. The typical interior wall construction is to be 1/2" thick gypsum wall board on no. 2 grade (fingerjoint is acceptable) douglas fir 2 x 4 studs (unless noted otherwise on plans) @ 16" on center maximum. All tub and shower enclosures shall receive 1/2" thick cementitious backer board or equal.
5. No water heaters, or HVAC equipment shall be located in any attic space without prior review and approval by the Owner. All plumbing lines shall be wrapped in insulation per code.
6. No electrical equipment, lighting fixtures or other miscellaneous electrical items shall be installed without the prior written approval by the Owner
7. The electrical subcontractor shall provide smoke detectors detectors in all bedrooms, hallways just outside bedrooms, at each floor level and in the garage.
8. All interior materials and finishes shall be as selected and approved by the Owner.
9. Each subcontractor on this project shall perform his/her work as prescribed in these drawings and in complete compliance with all applicable Codes and Ordinanaces and according to the tenets of good practice.
10. These drawings and any accompanying written documents, provided by Bella Vista Company, are to be considered as one; whatever is called for by one shall be as binding as called for by all. Where the drawings and the written documents disagree the better quality or greater quantity of the work or materials shall be estimated upon, and unless ordered by Bella Vista in writing, shall be performed or furnished. Should discrepancies or doubt occur, the subcontractor shall not proceed with the work without written clarification from Bella Vista
11. These drawings and any accompanying written material, the intellectual property contained therein, and any and all reproductions of these documents are the sole property of Bella Vista Company. No reproductions of any kind may be made or transmitted without the express permission of Bella Vista Company

SIGNATURE BLOCK

Owner:

AREA CALCULATIONS

first floor a/c	=	2,106 sq.ft.
existing = 1,626 sq.ft.		
new = 480 sq.ft.		
new second floor a/c	=	1,331 sq.ft.
total a/c floor area	=	3,437 sq.ft.
new second floor unfinished	=	327 sq.ft.
new front porch	=	160 sq.ft.
total under roof	=	3,924 sq.ft.

ZONING

Single Family District : R-10 (A)

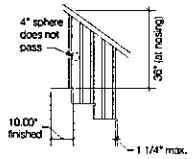
COVERAGE CALCULATIONS

site area = 29,414 sq.ft.
allowable coverage : 40% = 11,766 sq.ft.
coverage area: res. + porch = 2,282 sq.ft.
coverage provided : 2,266 / 29,414 = 7.7%

STAIR CALCULATIONS

MAIN STAIRS
FLR. to FLR. = 9'-5" = 113"
(16) risers at 7.06" = 113"
(15) treads at 10.00"

Notes:
stair nosing to be 3/4"min. & 1 1/4"max.
stair handrail shall be 36" a.f.f. at nosing
balcony guardrail shall be 42" a.f.f.
balusters shall be 3 7/8" max. clearance
balcony low wall with cap shall be 42" a.f.f.



SHEET INDEX

1.00 cover, project area calculations, general notes & site plan

2.00 floor plan - existing first floor
2.01 floor plan - new first floor
2.02 floor plan - new second floor
2.03 power & lighting plan - new first floor
2.04 power & lighting plan - new second floor
2.05 roof plan, door & window schedules

3.01 exterior elevations
3.02 exterior elevations

4.01 wall sections & details

DRAWING ISSUE:
28, July 2015 :
permit & construction

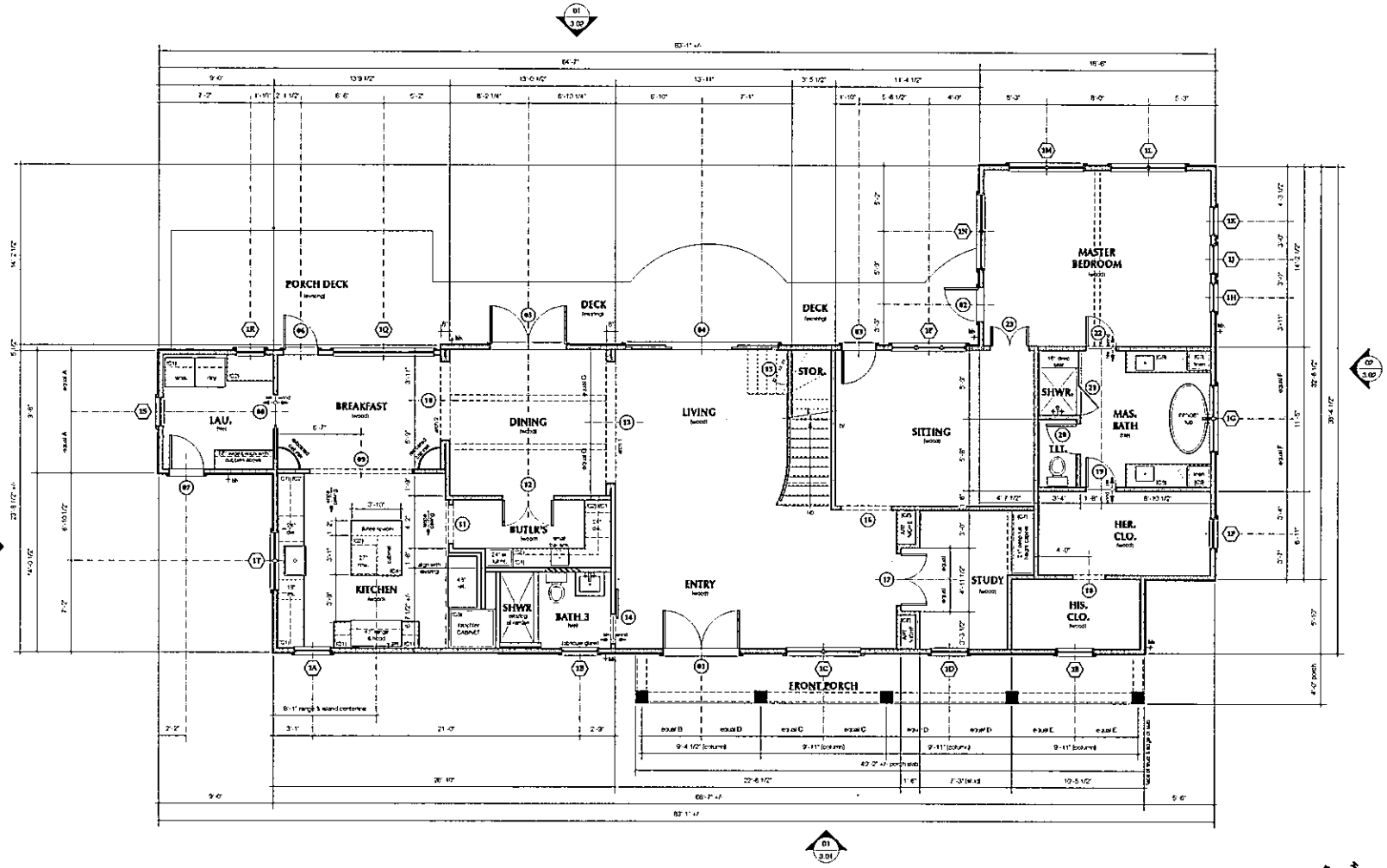
SIGNATURE BLOCK
Bella Vista Company Construction Services, L.P.
By: Bella Vista Construction, L.L.C., Its General Partner
By: Darin Breedlove or Lance Tyler, Its Managing Member

BellaVista COMPANY
Design • Build • Remodel

...bing design drawings for a new renovation to be built for:
Mr. & Mrs. Swayze
1523 San Saba Drive
Dallas, Texas

SITE PLAN

1.00



FLOOR PLAN - PROPOSED FIRST FLOOR

Scale: 1/4" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/8" = 1'-0"

SIGNATURE BLOCK

Owner:

WALL LEGEND

- new 2 x 4 exterior veneer
- new 2 x 4 exterior siding
- new 2 x 6 exterior
- new 2 x 4 exterior
- existing 2 x 4 exterior veneer
- existing 2 x 4 exterior siding
- existing interior

DRAWING ISSUE:
28, July 2015 :
permit & construction

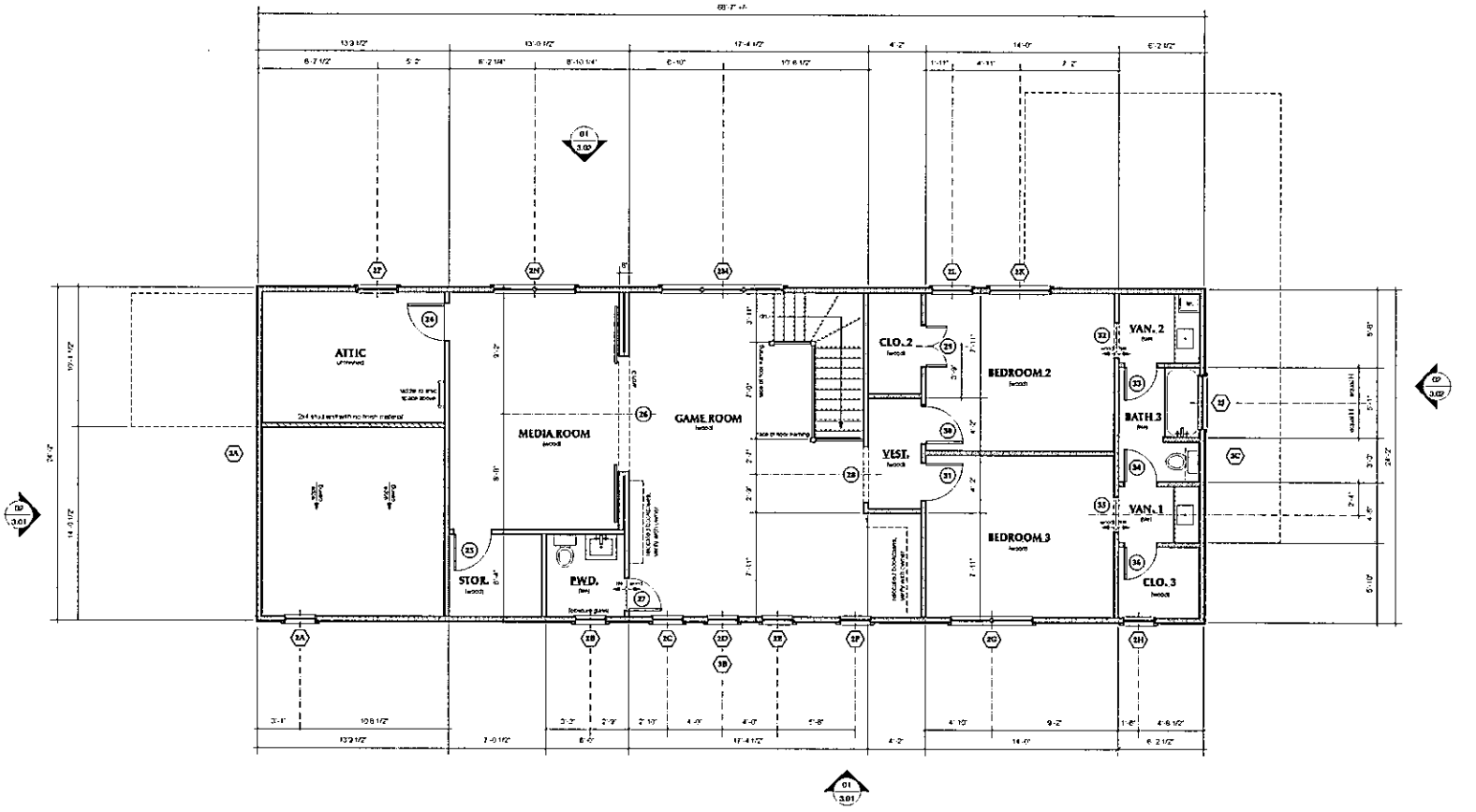
SIGNATURE BLOCK
Bella Vista Company Construction Services, L.P.
By: Bella Vista Construction, LLC, its General Partner
By: Dana Breedlove or Lance Tylet,
its Managing Member

BellaVista
COMPANY
Design • Build • Remodel

:: being design drawings for a new renovation to be built for:
Mr. & Mrs. Swayze
1523 San Saba Drive
Dallas, Texas

NEW FIRST FLOOR PLAN

2.01



01 FLOOR PLAN - PROPOSED SECOND FLOOR
2.02 Scale: 1/4" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/8" = 1'-0"

SIGNATURE BLOCK
Owner:

DRAWING ISSUE:
28, July 2015 :
permit & construction

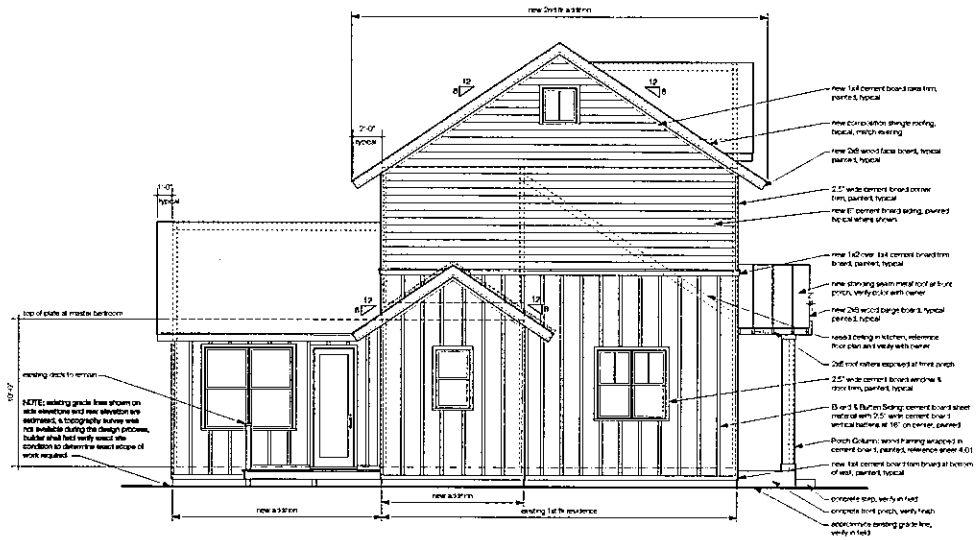
SIGNATURE BLOCK
Bella Vista Company Construction Services, L.P.
By: Bella Vista Construction, LLC, Its General Partner
By: Darin Beardslee or Lance Tyler,
Its Managing Member

BellaVista
COMPANY
Design • Build • Remodel

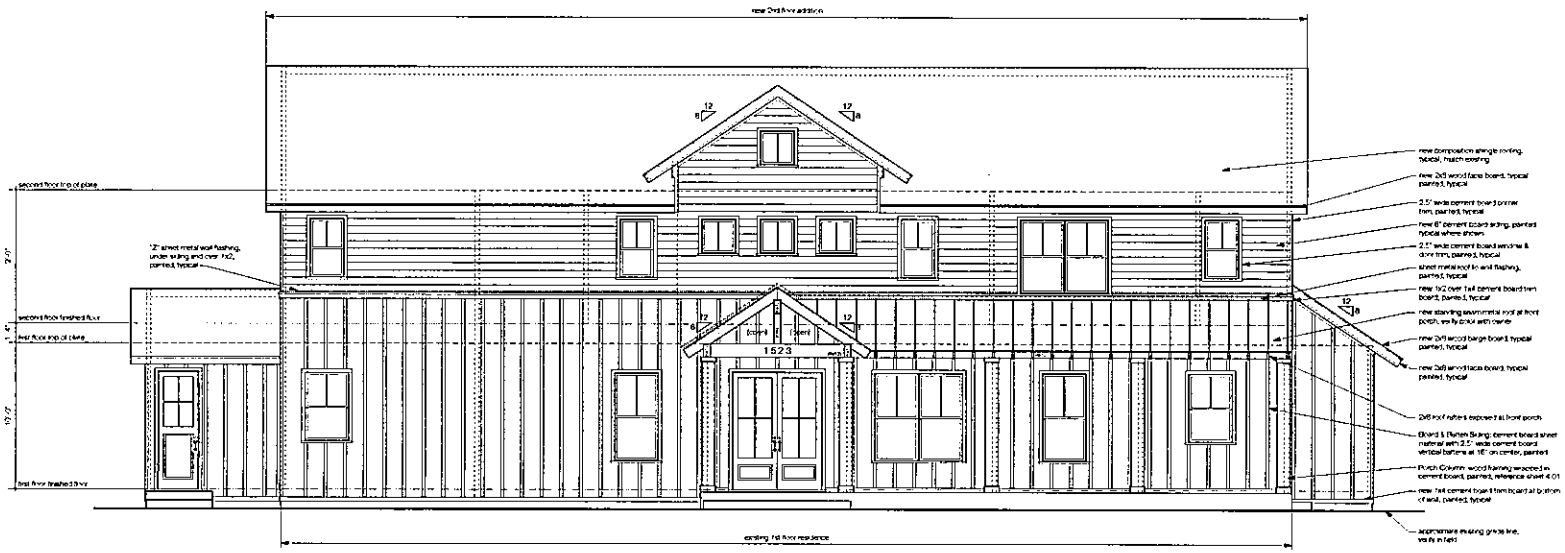
:tbeing design drawings for a new renovation to be built for:
Mr. & Mrs. Swayze
1523 San Saba Drive
Dallas, Texas

NEW SECOND FLOOR PLAN

2.02



02 / 2.01 **EXTERIOR ELEVATION - SOUTH (RIGHT)**
Scale: 1/4" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/8" = 1'-0"



01 / 2.01 **EXTERIOR ELEVATION - EAST (FRONT)**
Scale: 1/4" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/8" = 1'-0"

SIGNATURE BLOCK

Owner:

DRAWING ISSUE:
28, July 2015 :
permit & construction

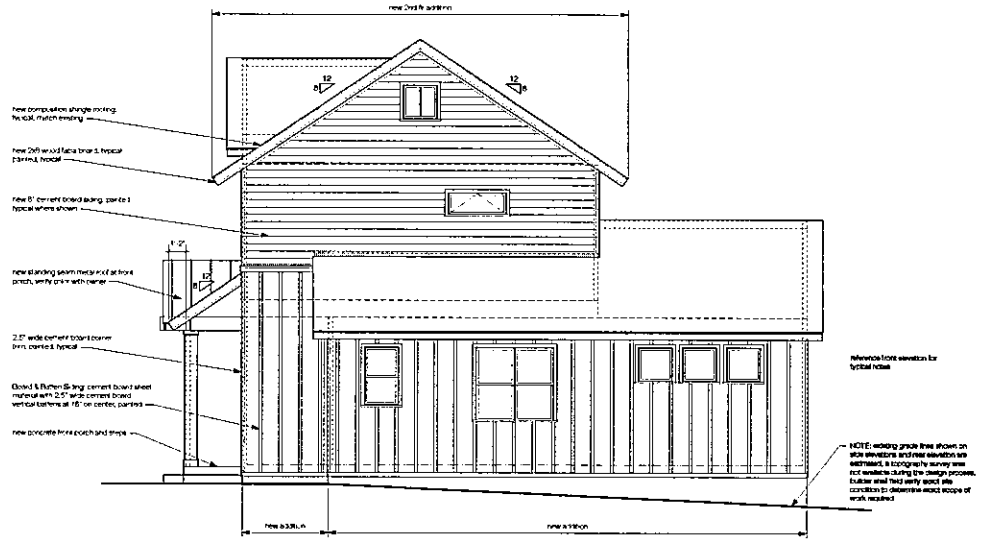
SIGNATURE BLOCK
Bella Vista Company Construction Services, L.P.
By: Bella Vista Construction, LLC, its General Partner
By: Dana Breedlove or Lance Tyler,
its Managing Member

BellaVista
COMPANY
Design • Build • Remodel

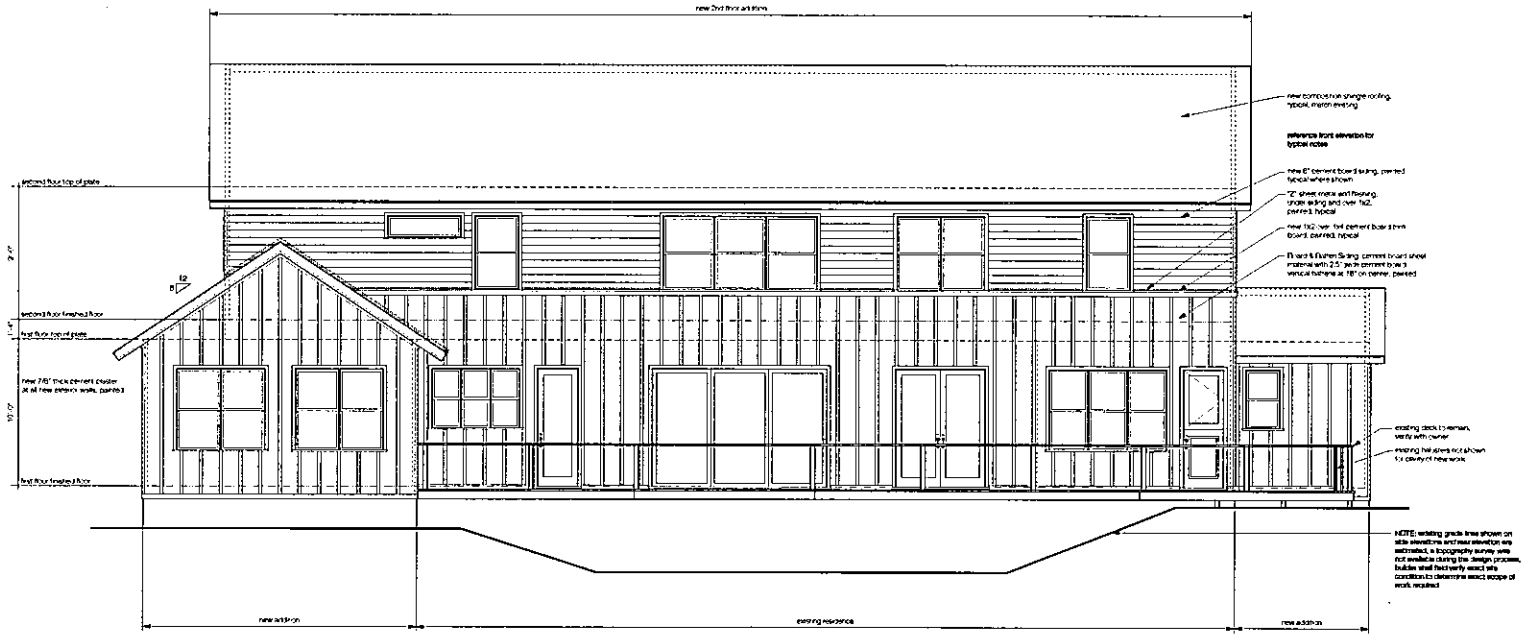
::being design drawings for a new renovation to be built for::
Mr. & Mrs. Swayze
1523 San Saba Drive
Dallas, Texas

EXTERIOR ELEVATIONS

3.01



02 EXTERIOR ELEVATION - NORTH (LEFT)
3.02 Scale: 1/4" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/8" = 1'-0"



01 EXTERIOR ELEVATION - WEST (REAR)
3.02 Scale: 1/4" = 1'-0" if printed on 24x36 paper (if printed on 12x18 or 11x17 paper, scale is 1/8" = 1'-0"

SIGNATURE BLOCK

Owner:

DRAWING ISSUE:
28, July 2015 :
permit & construction

SIGNATURE BLOCK
Bella Vista Company Construction Services, L.P.
By: Bella Vista Construction, LLC, Its General Partner
By: Darin Beedlow or Lance Tyler, Its Managing Member

BellaVista COMPANY
Design • Build • Remodel

:being design drawings for a new renovation to be built for:
Mr. & Mrs. Swayze
1523 San Saba Drive
Dallas, Texas

EXTERIOR ELEVATIONS

3.02

Todd Duerkson
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd
Room 105
Dallas, TX 75203

RE: Appeal to the Board Adjustment for 1523 San Saba

To Whom It May Concern:

I am a homeowner within 200 feet of the property at 1523 San Saba. I support the request for a side yard variance as it has been presented to me. Please consider my approval as part of your review.

Homeowner Charles Hooker

Address 1519 San Saba Dr.

Dated 8/15/15

Todd Duerkson
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd
Room 105
Dallas, TX 75203

RE: Appeal to the Board Adjustment for 1523 San Saba

To Whom It May Concern:

I am a homeowner within 200 feet of the property at 1523 San Saba. I support the request for a side yard variance as it has been presented to me. Please consider my approval as part of your review.

Homeowner _____

Address 1527 San Saba drive

Dated 8-16-15

Todd Duerkson
Department of Sustainable Development & Construction
Oak Cliff Municipal Center
320 E. Jefferson Blvd
Room 105
Dallas, TX 75203

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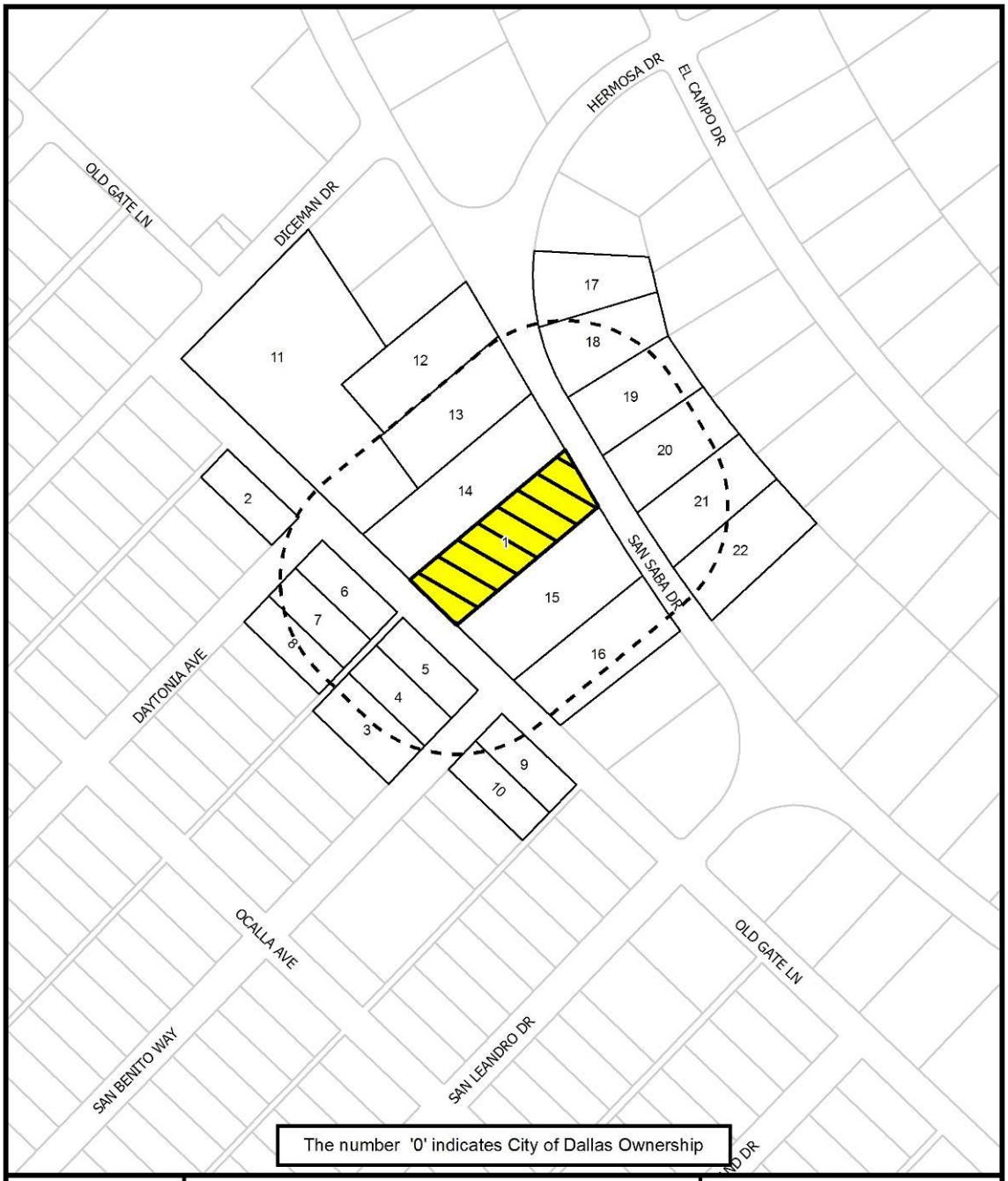
I am a homeowner within 200 feet of the property at 1523 San Saba. I support the request for a side yard variance as it has been presented to me. Please consider my approval as part of your review.

Homeowner Robert & Mk Swayze

Address 1508 San Saba Dr., Dallas, TX 75218

Dated 8/16/15



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION

22 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA145-106

Date: 10/1/2015

10/01/2015

Notification List of Property Owners

BDA145-106

22 Property Owners Notified

Label #	*Address*		*Owner*
1	1523	SAN SABA DR	SWAYZE ROBERT L & MARY LYNN
2	9035	DAYTONIA AVE	GANTER ELAINE
3	9027	SAN BENITO WAY	GANTER KEVIN &
4	9031	SAN BENITO WAY	NOVAK HOWARD JAY
5	9035	SAN BENITO WAY	MITCHELL BEAU L
6	9034	DAYTONIA AVE	JAROSZ CHRISTINE M
7	9030	DAYTONIA AVE	BLEVENS CATHERINE & SPENCER
8	9026	DAYTONIA AVE	SIMMONS PAUL LUTHER III
9	9034	SAN BENITO WAY	GANTER KEVIN &
10	9030	SAN BENITO WAY	QUALLS KRISTEN BROOKE &
11	1600	OLDGATE LN	ALLEN CHUCK M & LORI M
12	1511	SAN SABA DR	VAN PELT BARBARA
13	1515	SAN SABA DR	TURNER MYLES C &
14	1519	SAN SABA DR	HOOKER CHARLES R &
15	1527	SAN SABA DR	DAVIS LESLIE GAY &
16	1531	SAN SABA DR	THOMAS CLARK D
17	1504	SAN SABA DR	LOPEZ MARK
18	1508	SAN SABA DR	HANNAH FIELDS MARY JANE &
19	1512	SAN SABA DR	ZITMORE MILES & ESTHER
20	1516	SAN SABA DR	WOODS TERRI M
21	1520	SAN SABA DR	RENTFRO KEVIN
22	1524	SAN SABA DR	GUESS EVERETT & TWYNNE