

ZONING BOARD OF ADJUSTMENT, PANEL C  
MONDAY, SEPTEMBER 18, 2017  
AGENDA

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BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the August 14, 2017 Board of Adjustment Panel C Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-094(SL)</b>	6410 Joyce Way <b>REQUEST:</b> Application of Julie Weissmueller for a variance to the front yard setback regulations and special exceptions to the fence standards	1
<b>BDA167-097(SL)</b>	2600 (aka 2604) Main Street <b>REQUEST:</b> - Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations	2
<b>BDA167-099(SL)</b>	2401 Britton Avenue <b>REQUEST:</b> Application of Luis Leija for a variance to the front yard setback regulations	3

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### HOLDOVER CASE

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**BDA167-081(SL)** 400 Bobbie Street 4  
**REQUEST:** Application of Fred Brown for variances to the front and side yard setback regulations

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### REGULAR CASES

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**BDA167-100(SL)** 2820 Reagan Street 5  
**REQUEST:** Application of Steve Gottsaker, represented by John Hamilton, for a special exception to the landscape regulations

**BDA167-104(SL)** 7303 Casa Loma Avenue 6  
**REQUEST:** Application of Dave Bornheim, represented by Nate Farish, for a variance to the front yard setback regulations

**FILE NUMBER:** BDA167-094(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Julie Weissmueller for a variance to the front yard setback regulations and special exceptions to the fence standards at 6410 Joyce Way. This property is more fully described as Lot 1, Block 2/5478, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and maintain a structure and provide a 13 foot front yard setback, measured at the foundation, which will require a 12 foot variance to the front yard setback regulations, and to construct and maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require special exceptions to the fence standards.

**LOCATION:** 6410 Joyce Way

**APPLICANT:** Julie Weissmueller

**REQUESTS:**

The following requests have been made on a site that is currently developed with a single family home structure that the applicant intends to demolish:

1. A variance to the front yard setback regulations of 12' is made to construct and maintain single family home and pool structures, part of which are to be located in one of the site's two 25' front yard setbacks (Tibbs Road).
2. Special exceptions to the fence standards are made:
  - A) related to fence height to construct and maintain an 8' high solid wood fence in the Tibbs Road front yard setback; and
  - B) related to fence materials to construct and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned 8' high solid wood fence" in the Tibbs Road front yard setback on this front property line (or less than 5' from this front lot line).

(No request has been made in this application to construct/maintain any structure or fence in the site's Joyce Way 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.

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

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

### **STAFF RECOMMENDATION (variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district given that: 1) it is irregular in shape, 2) it is a corner lot with a restrictive area due to its two front yard setbacks, 3) it is a site with a restrictive area due to a 15' wide easement located on the eastern side of the subject site. The features of this irregularly-shaped lot with two front yard setbacks and easement preclude the applicant from developing it in a manner commensurate with development found on other similarly zoned R-7.5(A) properties that are regular in shape, with one front yard setback, and no easement. Documentation submitted by the applicant shows that the proposed home with approximately 5,500 square feet is lower in square footage than 65 other properties in the same R-7.5(A) zoning district.
- Staff concluded that granting the variance does not appear to be contrary to public interest since the structures proposed to encroach into the setback are for relatively small areas of porch and pool structures.



**STAFF RECOMMENDATION (fence standard special exceptions):**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-7.5(A) (Single family district 7,500 square feet)  
North: R-7.5(A) (Single family district 7,500 square feet)  
South: R-7.5(A) (Single family district 7,500 square feet)  
East: R-7.5(A) (Single family district 7,500 square feet)  
West: R-10(A) (Single family district 10,000 square feet)

**Land Use:**

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

**Zoning/BDA History:**

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

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

- The request for a variance to the front yard setback regulations of 12' focuses on constructing and maintaining single family home and pool structures that would be located 13' from one of the site's two 25' front property lines (Tibbs Street) or 12' into this 25' required front yard setback.
- The subject site is zoned R-7.5(A) where the minimum front yard setback is 25'.
- The site is located on the southeast corner of Joyce Way and Tibbs Road. The site has two 25' front yard setbacks. The site has a 25' front yard setback along Tibbs Road because it is the shorter of the two frontages (approximately 202' in length), which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25' front yard setback along Joyce Way, the longer of the two frontages of this corner lot (approximately 211' in length) which is typically regarded as a side yard where only a 5' setback is required. But the site's Joyce Way frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the east of the site that front/are oriented northward towards Joyce Way. (Tibbs Road is a front yard because it is 9' shorter in length than Joyce Way).

- Regardless of how the home is oriented to front onto Joyce Way (and “side” to Tibbs Road), the site has two 25’ front yard setbacks where the focus of the applicant’s request in this application is only to construct and maintain structures in the site’s front yard setback on Tibbs Road. (No part of the application is made to construct/maintain a structure in the site’s Joyce Way front yard setback).
- The submitted site plan denotes that only a portion of a porch and pool are proposed to be located in the 25’ Tibbs Road front yard setback. The site plan denotes that these structures are proposed to be located 13’ from the Tibbs Road front property line or 12’ into this 25’ front yard setback.
- The applicant has submitted a document that lists 65 other properties zoned R-7.5(A) where the square footage of all of these homes is greater than the approximately 5,500 square foot home proposed on the subject site.
- The subject site is flat, irregular in shape, and according to the applicant’s representative, is 0.366 acres (or approximately 15,900 square feet) in area. The site is zoned R-7.5(A) where lots typically are 7,500 square feet in area. The site has a 15’ wide utility easement in the eastern part of the subject site.
- The site has two front 25’ front yard setbacks; and two 5’ side yard setbacks; most R-7.5(A) residentially-zoned lots have one 25’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback. (Note that if this were a typical R-7.5(A) zoned lot with one front yard, two side yards, and one rear yard, the applicant would not be required to seek a variance to the side yard setback since the porch and pool structures are proposed to be located 13’ from the Tibbs Road property line, and a 5’ side yard setback is required in this zoning district).
- According to DCAD records, there are “main improvements” at 6410 Joyce Way is a structure built in 1950 with 2,166 square feet of living/total area. The “additional improvements” at this address include a 441 square foot attached garage and a 168 square foot addition.
- If the subject site were more typical to other parcels of land in the same zoning district (one front yard, one rear yard, and two side yards), no variance would be required since the applicant is providing a 5’ setback (the side yard setback for properties zoned R-7.5(A)) on the north side of the site that is a front yard.
- If the subject site were more typical to other parcels of land in the same zoning district (one front yard, one rear yard, and two side yards), no variance would be required since the applicant is providing a 5’ setback (the side yard setback for properties zoned R-7.5(A)) on the north side of the site that is a front yard.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the Tibbs Road front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case are porch and pool structures located 13’ from the site’s Tibbs Road front property line (or 12’ into this 25’ front yard setback).

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

- These requests for special exceptions to the fence standards focus on constructing and maintaining an 8’ high solid wood fence on the site’s Tibbs Road front lot line or in one of the site two 25’ front yard setbacks.
- The subject site is zoned R-7.5(A) where the minimum front yard setback is 25’.
- The site is located on the southeast corner of Joyce Way and Tibbs Road. The site has two 25’ front yard setbacks. The site has a 25’ front yard setback along Tibbs Road because it is the shorter of the two frontages (approximately 202’ in length), which is always deemed the front yard setback on a corner lot in a single-family zoning district. The site also has a 25’ front yard setback along Joyce Way, the longer of the two frontages of this corner lot (approximately 211’ in length) which is typically regarded as a side yard where only a 5’ setback is required. But the site’s Joyce Way frontage is a side yard treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots to the east of the site that front/are oriented northward towards Joyce Way. (Tibbs Road is a front yard because it is 9’ shorter in length than Joyce Way).
- Regardless of how the home is oriented to front onto Joyce Way (and “side” to Tibbs Road), the site has two 25’ front yard setbacks where the focus of the applicant’s request in this application is only to construct and maintain a fence in the site’s front yard setback on Tibbs Road. (No part of the application is made to construct/maintain a fence in the site’s Joyce Way front yard setback).
- 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 Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
- The submitted site plan denotes the only fence proposed to exceed 4’ in height on the subject site is in the Tibbs Road front yard setback. This fence is proposed to be 8’ in height, approximately 75’ in length parallel to the street and approximately 25’ in length perpendicular to the street on the north and south sides of the site in this front yard setback.
- The submitted partial elevation denotes an 8’ high wood fence.

- Requests for special exceptions to the fence standards are made to construct and maintain a fence higher than 4' in the Tibbs Road front yard setback and to construct and maintain a solid fence (a fence panel with a surface area that is less than 50 percent open) on the Tibbs Road front property/lot line (or less than 5' from this lot line). (The site plan denotes that the proposed fence is located approximately 13' from the pavement line).
- The proposal is located across from one single family home which has a fence higher than 4' along Tibbs Road.
- The Board Administrator conducted a field visit of the site and surrounding area and noted a number of other fences along Tibbs Road that appeared to be above 4' in height. It could not be determined whether these fences are permitted by right since a determination could not be made as to whether these fences were in front or side yards. There is no recorded BDA history of any fence special exception in the immediate area of the subject site.
- As of September 8, 2017, no letters have been submitted in support of or in opposition to these requests.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the Tibbs Road front yard setback and materials/height of the proposed fence relative to the front lot line will not adversely affect neighboring property.
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and partial elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

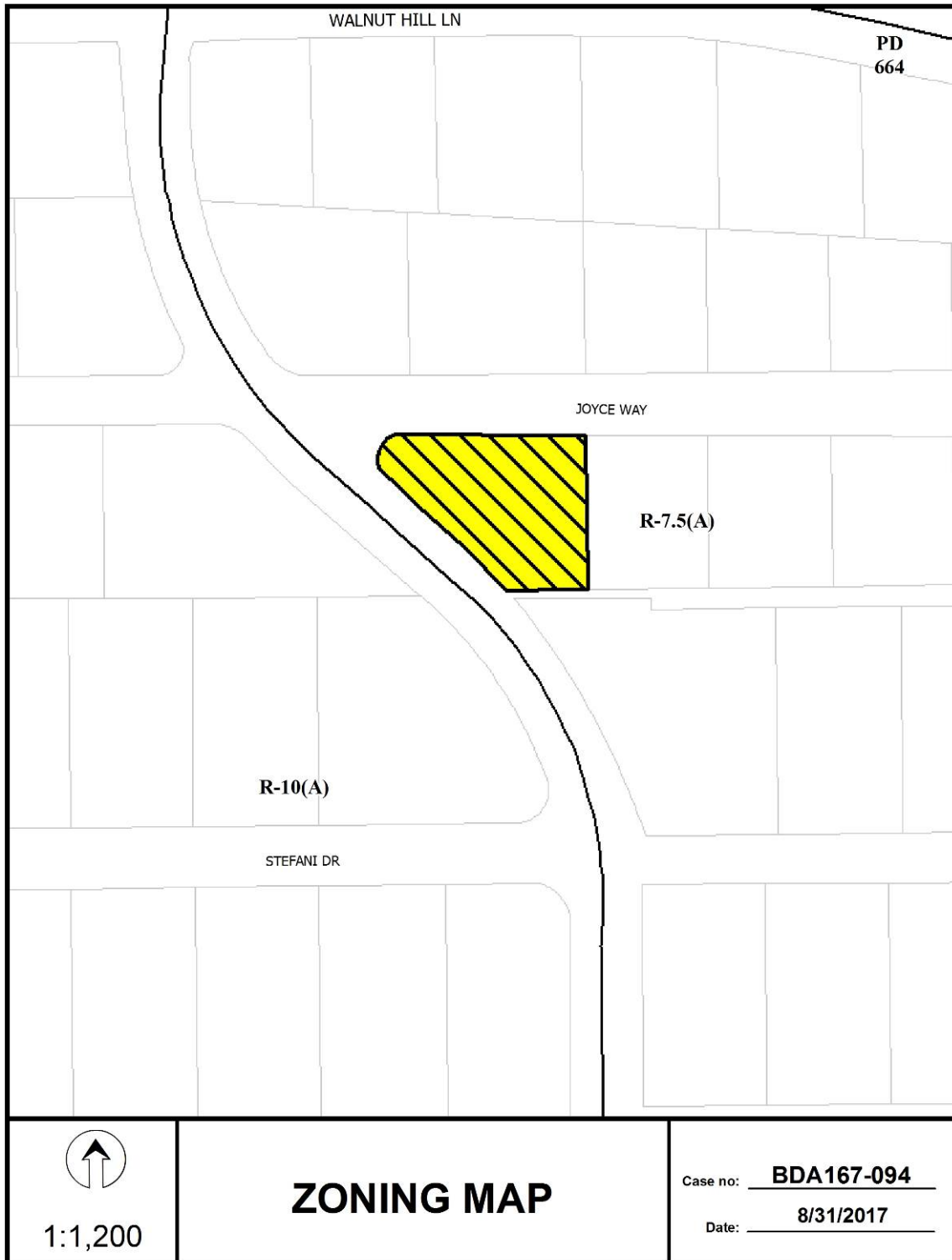
**Timeline:**

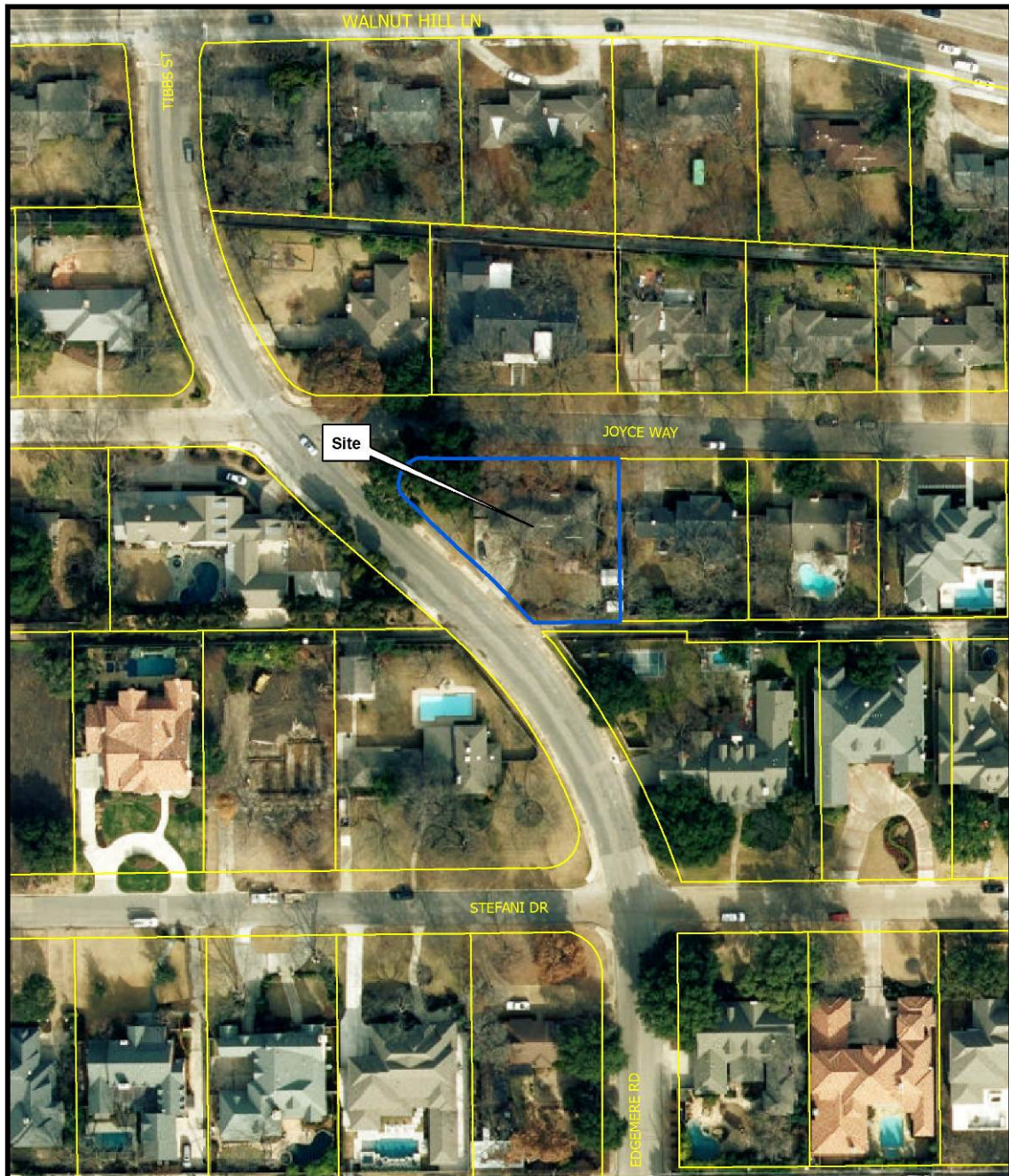
- June 20, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 8, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

August 28, 2017: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

# AERIAL MAP

Case no: BDA167-094

Date: 8/31/2017



BDA 167-094  
 Attach A  
 pg 1

The table below lists some of the homes in zoning district R-7.5(A) with the square footage. We, Stephen Todd and Julie Weissmueller want to build an approximately 5500 sq ft home on the 6410 Joyce Way lot. The home we plan to build is commensurate of the neighborhood. It is actually on the lower end of sq footage compared to many of the newer builds. The information was obtained through Dallas Central Appraisal District.

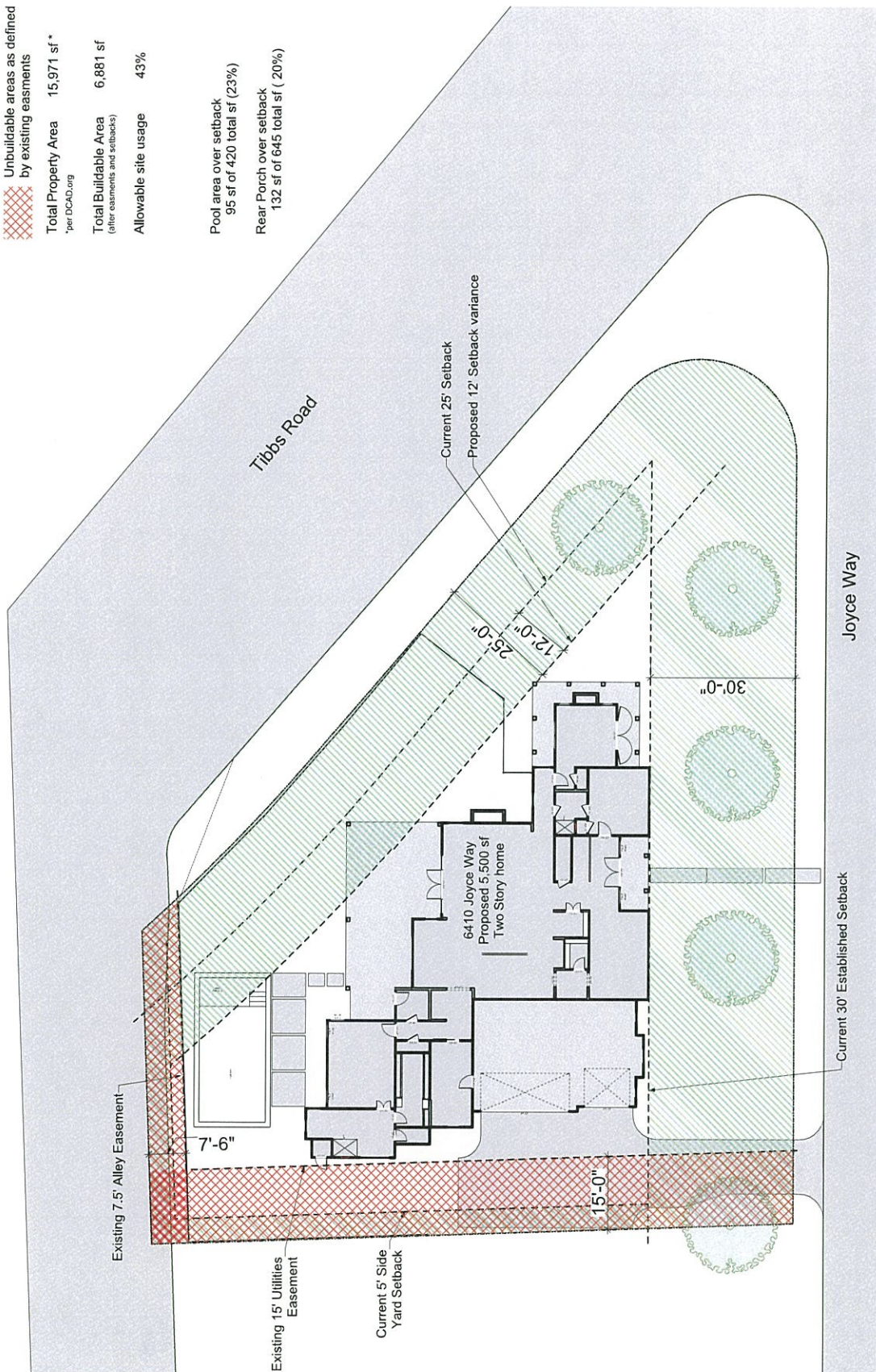
Address	Sq footage	Address	Sq footage
6417 Joyce Way	6436	6407 Stefani	8079
6511 Joyce Way	5972	6423 Stefani	5818
6807 Joyce Way	6691	6415 Stefani	7858
6504 Joyce Way	5304	6824 Lupton	6544
6714 Joyce Way	5651	6423 Lupton	6042
6724 Joyce Way	5137	6431 Lupton	6697
6740 Joyce Way	5704	6523 Lupton	6638
6738 Stefani	6148	6607 Lupton	6258
6630 Stefani	6225	6707 Lupton	5776
6614 Stefani	6664	6715 Lupton	5968
6606 Stefani	6274	6739 Lupton	6725
6514 Stefani	6301	6807 Lupton	5593
6506 Stefani	6215	6422 Lupton	7981
6446 Stefani	6580	6438 Lupton	5862
6438 Stefani	6105	6446 Lupton	7198
6430 Stefani	7126	6530 Lupton	6727
6422 Stefani	7274	6606 Lupton	5440
6414 Stefani	7420	6614 Lupton	6718
6807 Stefani	5531	6622 Lupton	7115
6739 Stefani	6450	6722 Lupton	5851
6623 Stefani	6431	6746 Lupton	5990
6607 Stefani	6274	6822 Lupton	6277
6531 Stefani	6016	6830 Prestonsire	6778
6507 Stefani	5929	6822 Prestonsire	6016



<u>Address</u>	<u>Sq footage</u>	<u>Address</u>	<u>Sq footage</u>
6451 Stefani	5483	6725 Prestonshire	7256
6738 Prestonshire	6114	6712 Prestonshire	6078
6615 Prestonshire	8205	6606 Prestonshire	5953
6530 Prestonshire	8224	6531 Prestonshire	7524
6523 Prestonshire	5577	6517 Prestonshire	7584
6507 Prestonshire	6968	6446 Prestonshire	6915
6439 Prestonshire	6847	6423 Prestonshire	6509
6422 Prestonshire	7116	6414 Prestonshire	8037
6407 Prestonshire	6704		

The hardship with our property being deemed to have two front yards with 25' setbacks each comes down to a difference of less than 9 ft. Joyce Way (the natural front yard) is almost 9 ft longer than Tibbs (the natural side yard) which is why our property was deemed to have two front yards. We are requesting the 12 ft variance on the Tibbs side b/c the rear porch is currently 645 sq ft, and of that, 132 sq ft of it is over the current 25' setback which is 20% of it. The proposed pool is currently 420 sq ft, and of that, 95 sq ft of it is over the current setback which is 23%. If we could move the whole house over 12 feet to the east we would not be here requesting the variance but the 15' public utility easement on the east side of the property is prohibiting us from moving it over. Furthermore, there are 24 homes along Tibbs/Edgemere starting at Walnut Hill and extending to Northwood that have 8' privacy fences including the home directly behind us. Thus, we believe a similar fence on our property would not be damaging to the neighborhood when the majority of other homes running along Tibbs/Edgemere have 8 ft privacy fences.

- Legend**
- Unbuildable areas as defined by current setbacks
  - Unbuildable areas as defined by existing easements
- Total Property Area 15,971 sf \*  
\*per DCAD.org
- Total Buildable Area 6,881 sf  
(after easements and setbacks)
- Allowable site usage 43%
- Pool area over setback 95 sf of 420 total sf (23%)
- Rear Porch over setback 132 sf of 645 total sf (20%)

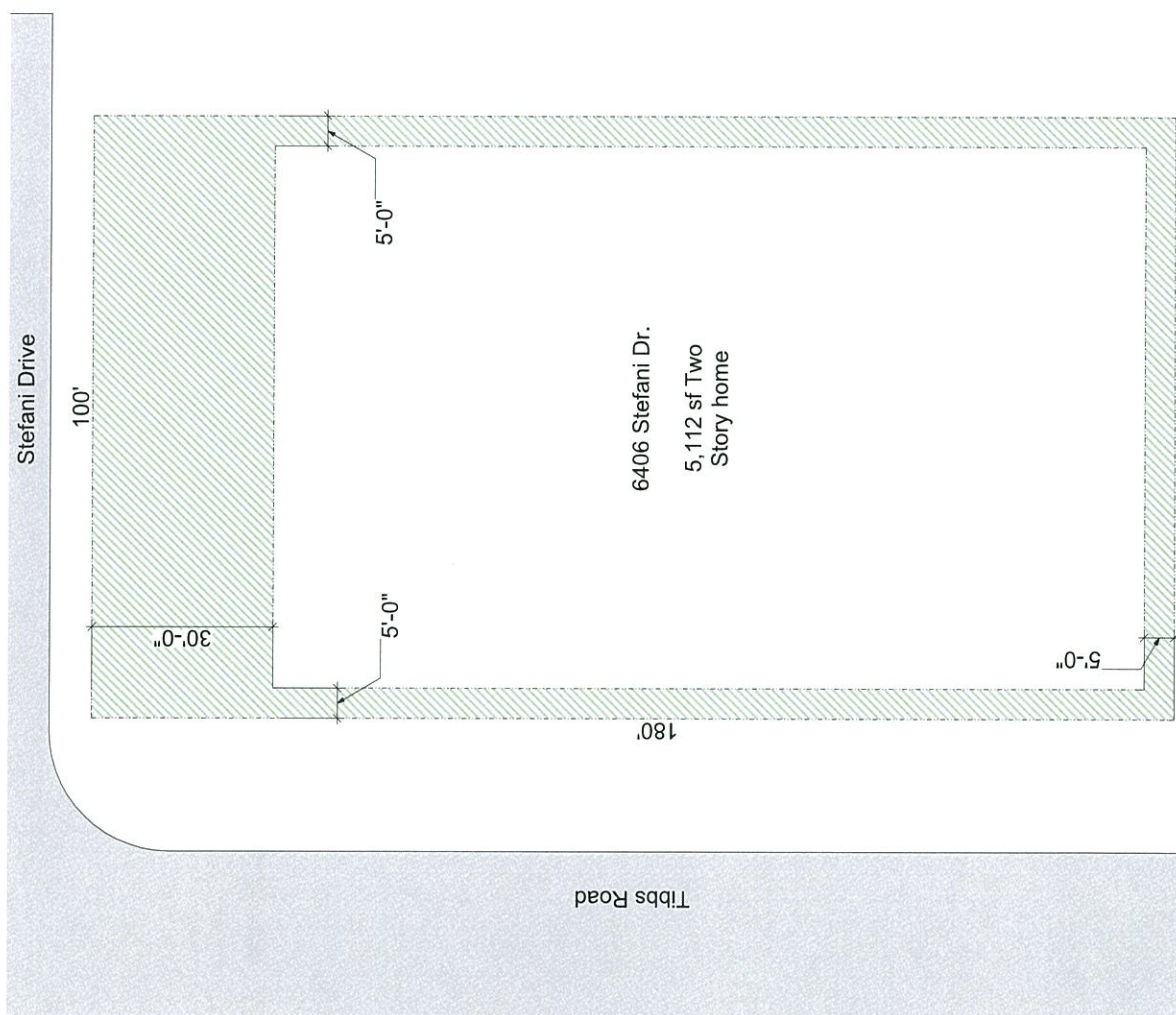


1 Allowable Building Envelope Diagram

SCALE: 1" = 20'



BDA 167-094  
 Attach A  
 pg 4



**Legend**

Unbuildable areas as defined by current setbacks

Unbuildable areas as defined by existing easements

Total Property Area 18,000 sf\*  
\*per DCAD.org

Total Buildable Area 13,050 sf  
(after easements and setbacks)

Allowable site usage 73%

1 Typical Allowable Building Envelope Diagram  
 SCALE: 1" = 20'





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-094

Data Relative to Subject Property:

Date: 6/20/17

Location address: 6410 Joyce Way Zoning District: R-7.5(A)

Lot No.: 1 Block No.: 2/5478 Acreage: .366 Census Tract: 77.00

Street Frontage (in Feet): 1) 157 2) 148 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stephen T. Weissmueller / Julie Weissmueller

Applicant: Julie Weissmueller Telephone: (214) 695-8859

Mailing Address: 5605 Meletio Ln. Zip Code: 75230

E-mail Address: jweissmueller@yahoo.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Affirm that an appeal has been made for a Variance X, or Special Exception   , of 12' to the setback of the front yard (Tibbs Edgemere side). A special exception of 4' to the fence height on the front yard (Tibbs / Edgemere side). A special exception to the 50% fence panel surface area condition on the front yard. Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas (Tibbs / Edgemere side) Development Code, to grant the described appeal for the following reason:

The variance is requested to overcome the restrictive hardship of our property being deemed to have 2 front yards taking into consideration the irregular shape of the lot. A special exception in fence height and fence panel surface area condition is being requested because the restrictions are prohibiting us from building a home that is commensurate with other homes on the street & neighborhood.

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

Affidavit

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

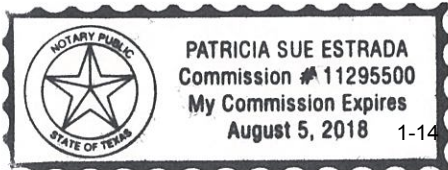
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Julie Weissmueller (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21 day of June, 2017

Patricia Sue Estrada  
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 Julie Weissmueller

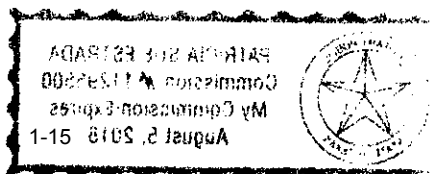
did submit a request for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, and for a special exception to the fence regulations

at 6410 Joyce Way

BDA167-094. Application of Julie Weissmueller for a variance to the front yard setback regulations and special exceptions to the fence regulations at 6410 Joyce Way. This property is more fully described as Lot 1, Block 2/5478, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 6 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a single family residential structure and provide a 13 foot front yard setback, measured at the foundation, which will require a 12 foot variance to the front yard setback regulation, and to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

6410 joyce

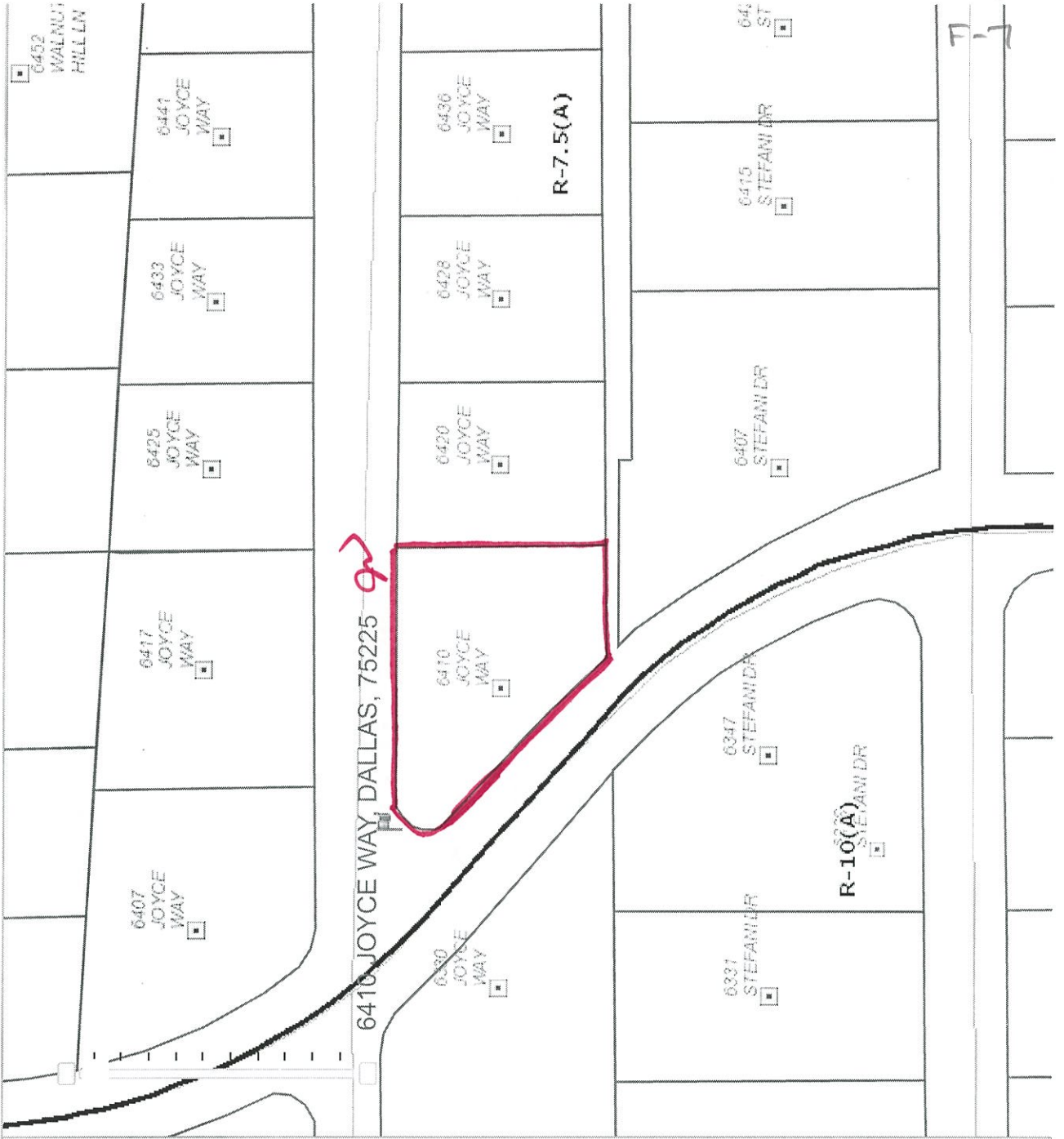
Locate

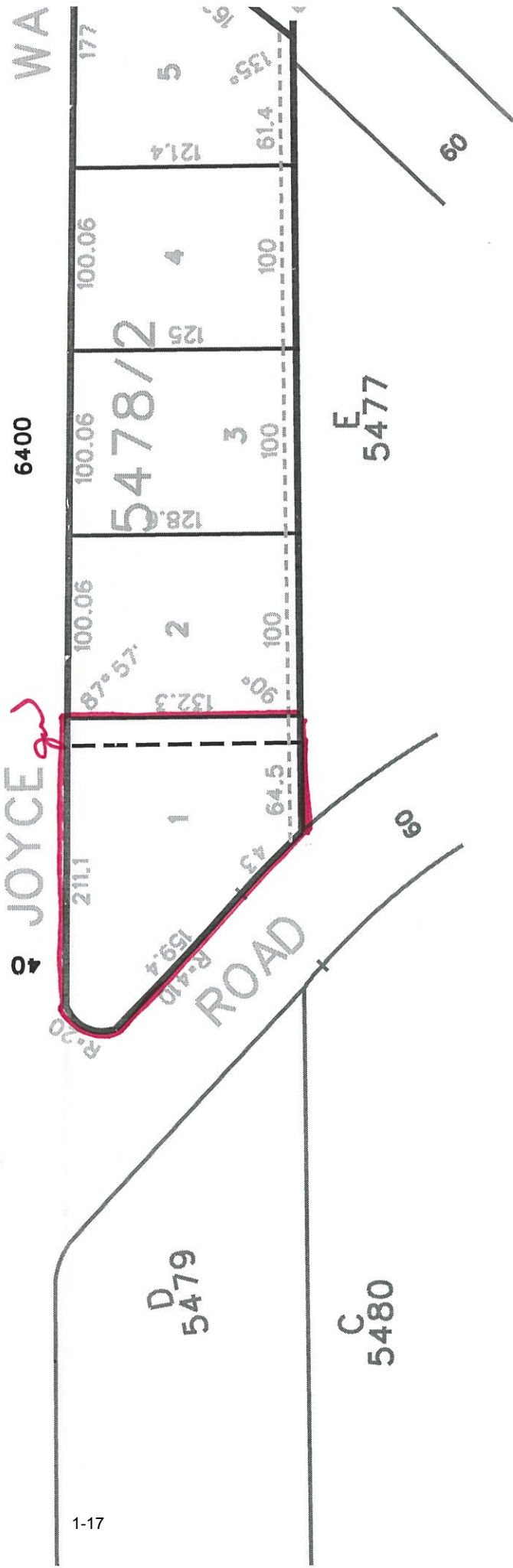
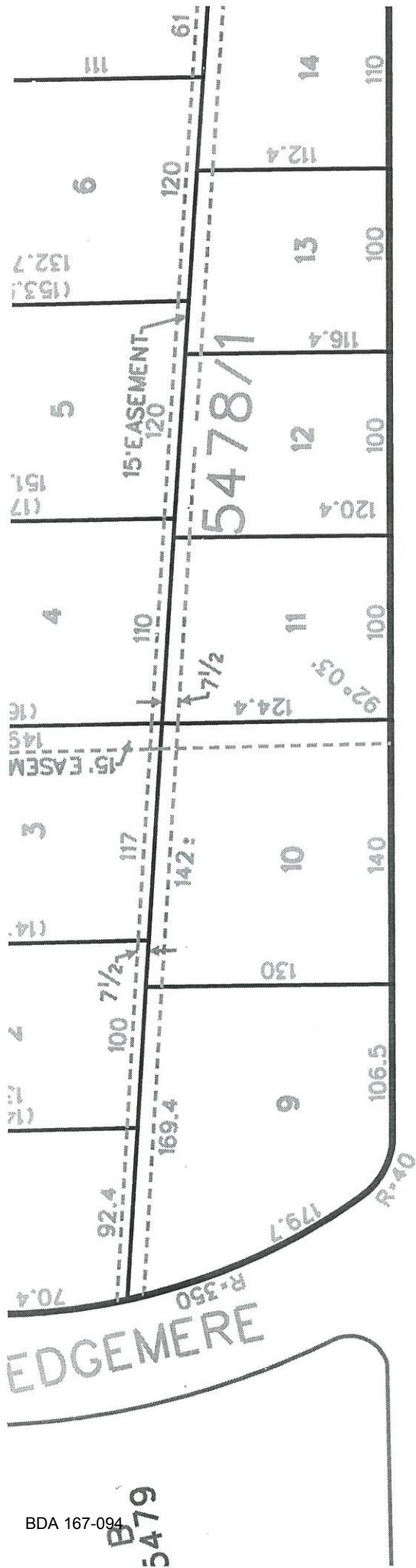
OR

Parcel address.

Use street type for better re

Locate





**B 5479**

**D 5479**

**C 5480**

## Attachment 1

Our property has an irregular shape for a corner lot which under strict interpretation of code section 51A-4.401 requires dual front yards, each with a 25-foot setback (on both Joyce Way and Tibbs / Edgemere). A 12' variance is being requested to overcome this restrictive hardship to our property in order to better conform / blend in our property with every other home that borders Tibbs / Edgemere (which have regulated side yards on Tibbs / Edgemere Rd, not dual front yards). We believe this restrictive code results in an unintended consequence that does not allow us to build a home that is commensurate of other properties on the street and neighborhood. With the current zoning, Tibbs would be the face of the house because it is shorter than the Joyce Way side. This is not commensurate with any other homes on the street or neighborhood. The restrictive double front yard setback, irregular lot shape and east side easement have made it extremely difficult to design a home of the size and quality of other homes in the neighborhood. By comparison, a house behind us on 6406 Stefani with similar acreage is a typical rectangular corner lot and has a buildable area (considering setbacks) of 73% allowable design area. Our irregular shaped lot on Joyce Way only has a buildable area (considering setbacks and easement) of 43% allowable design area. The 12' variance requested would simply allow us to build a home that is commensurate with other homes on the street and neighborhood (with the front of the house facing Joyce Way) and use the west side of the property as a side yard.

Furthermore, we are requesting a special exception of 4 feet to the maximum fence height allowed in the front yard. As noted above the property has been deemed to have two front yards based on the zoning codes. Consistent with the surrounding homes we intend to use the west side of the property, Tibbs, as the side yard and therefore request that we be allowed to retain an 8 foot fence along the property line. This height would retain consistency along Tibbs / Edgemere Rd. with the surrounding homes that have predominately 8 foot fences built. Additionally, we are requesting a special exception to the 50 percent fence panel surface area condition for the front yard (Tibbs / Edgemere side). The west side faces the street and this special exception would allow for privacy for our children as they play in the yard.

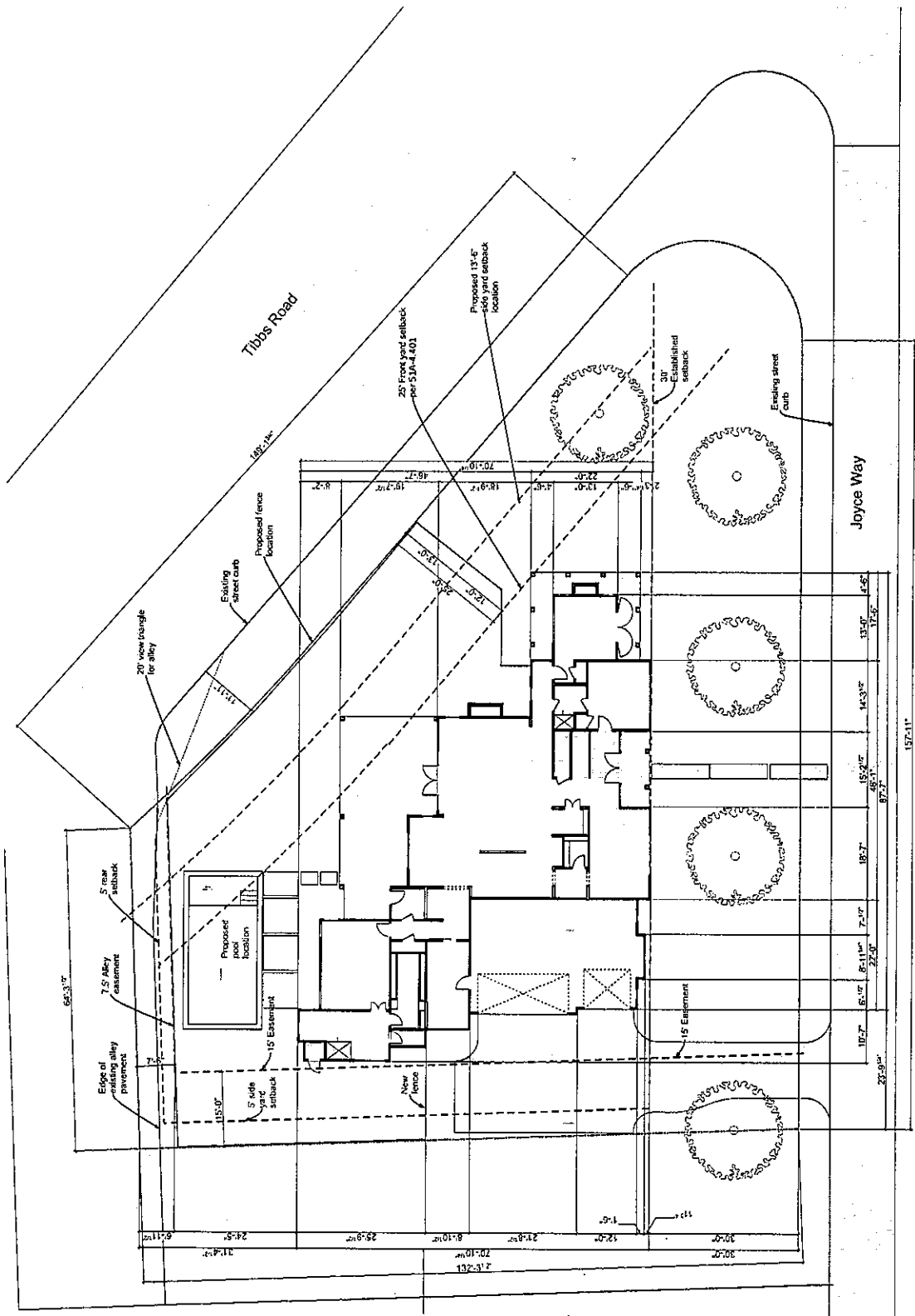




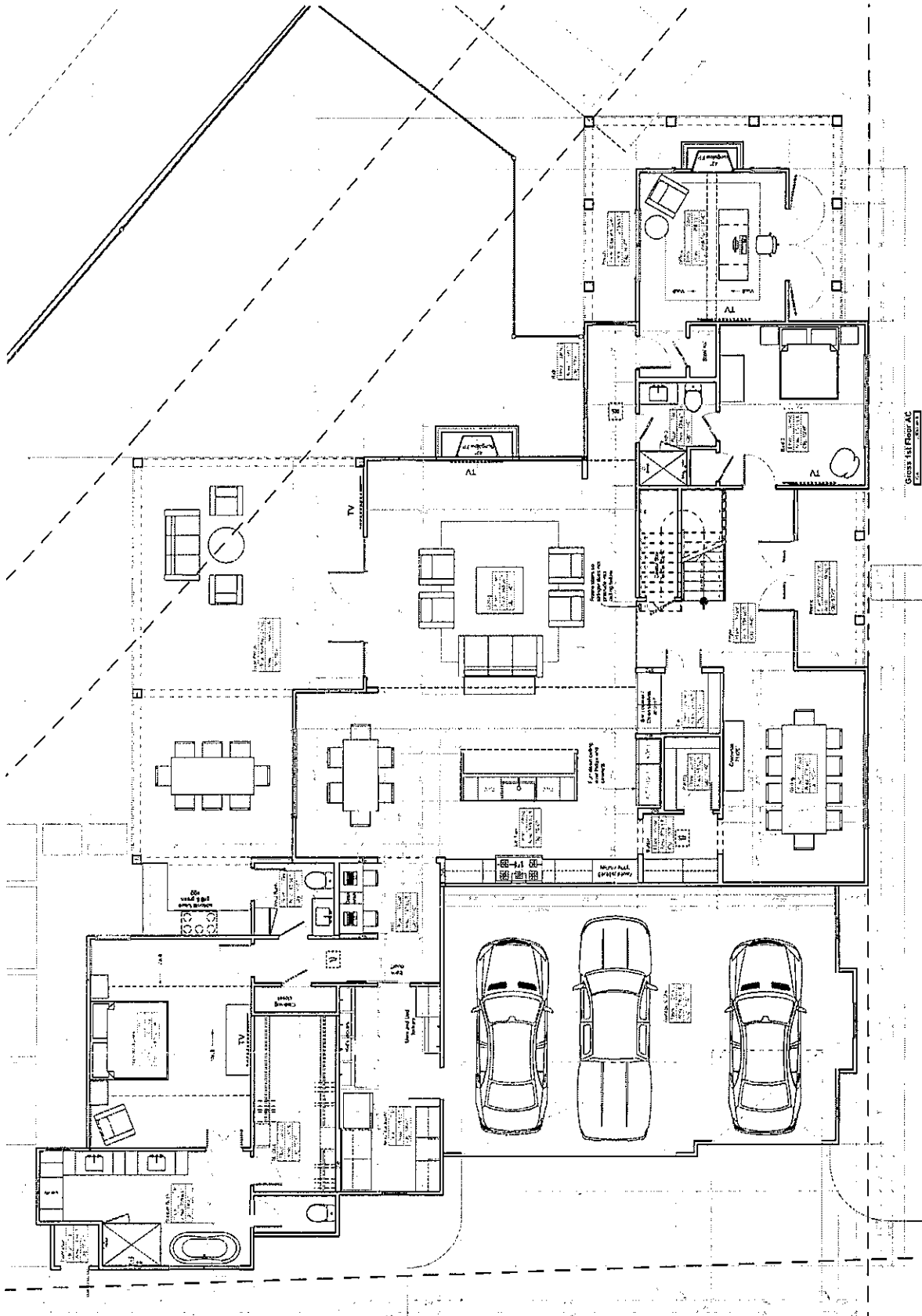
WEISSMULLER RESIDENCE  
 610 JOYCE WAY, PLUM 15255  
 TOWN & COUNTRY RESIDENTIAL  
 ALL DIMENSIONS, MERGES AND ARRANGEMENTS ARE THE SOLE PROPERTY OF  
 HOWARD ARCHITECTS, INC. AND SHOULD NOT BE REPRODUCED OR COPIED OR  
 USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF HOWARD ARCHITECTS, INC.

Site Plan  
 SHEET TITLE

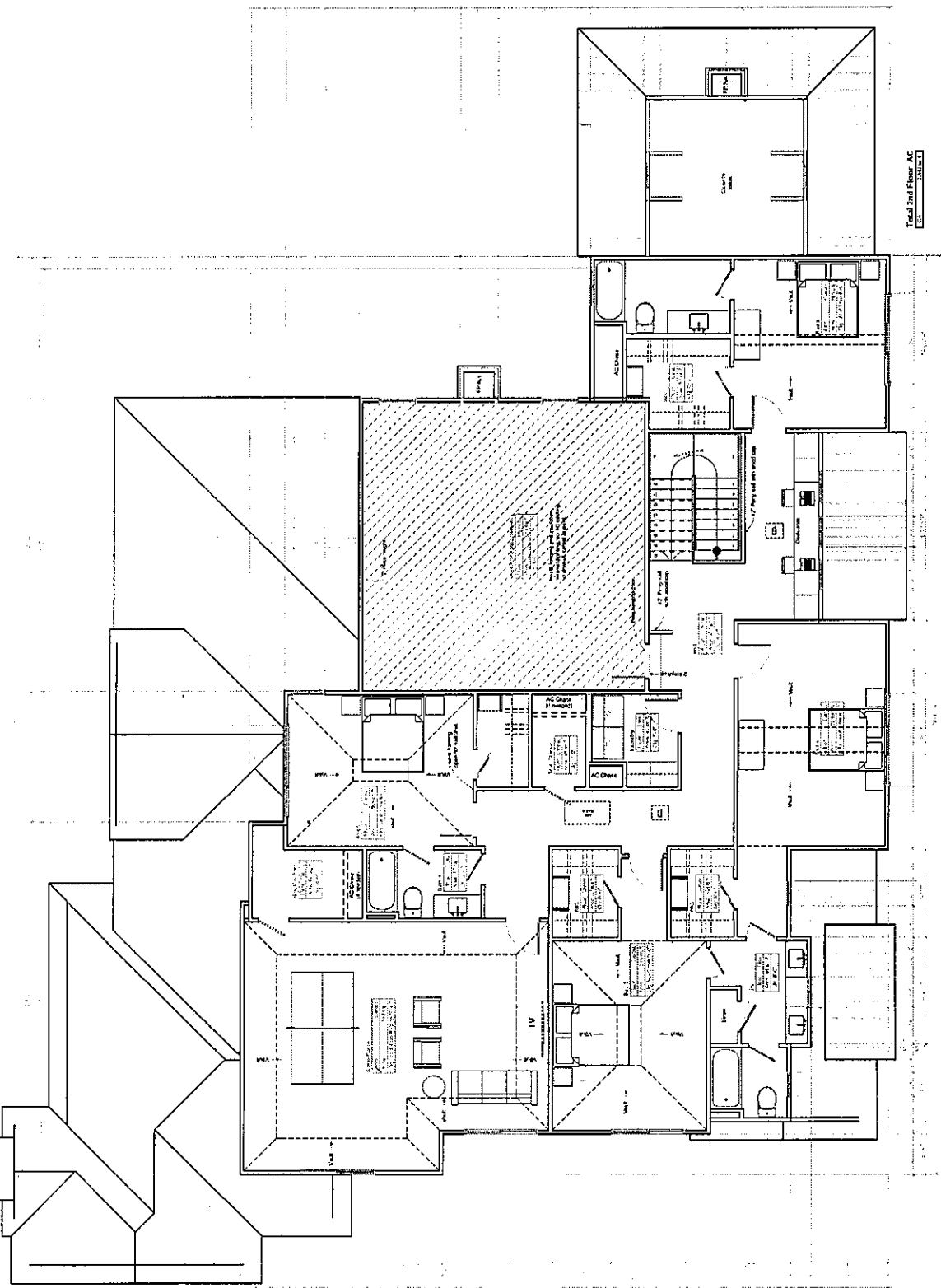
A-146



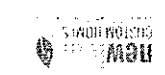
1 Proposed Site Plan  
 SCALE: 1" = 20'



1 Proposed 1st Floor Plan  
 SCALE: 1/8" = 1'-0"



1 Proposed 2nd Floor  
 SCALE: 1/8" = 1'-0"



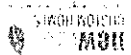
All drawings, designs and arrangements are the sole property of TGM ARCHITECTS. No part thereof shall be copied or used without the written consent of TGM ARCHITECTS.

When developed, not shall they be assigned to any third party with any other work than the specific project for which they have been developed. No part thereof shall be copied or used without the written consent of TGM ARCHITECTS.

6410 Joyce Way Dallas, TX 75225  
 Weissmuller Residence  
 7099 S. Julie Weissmuller  
 6410 Joyce Way Dallas, TX 75225

SHEET TITLE  
 Proposed 2nd Floor

A-148

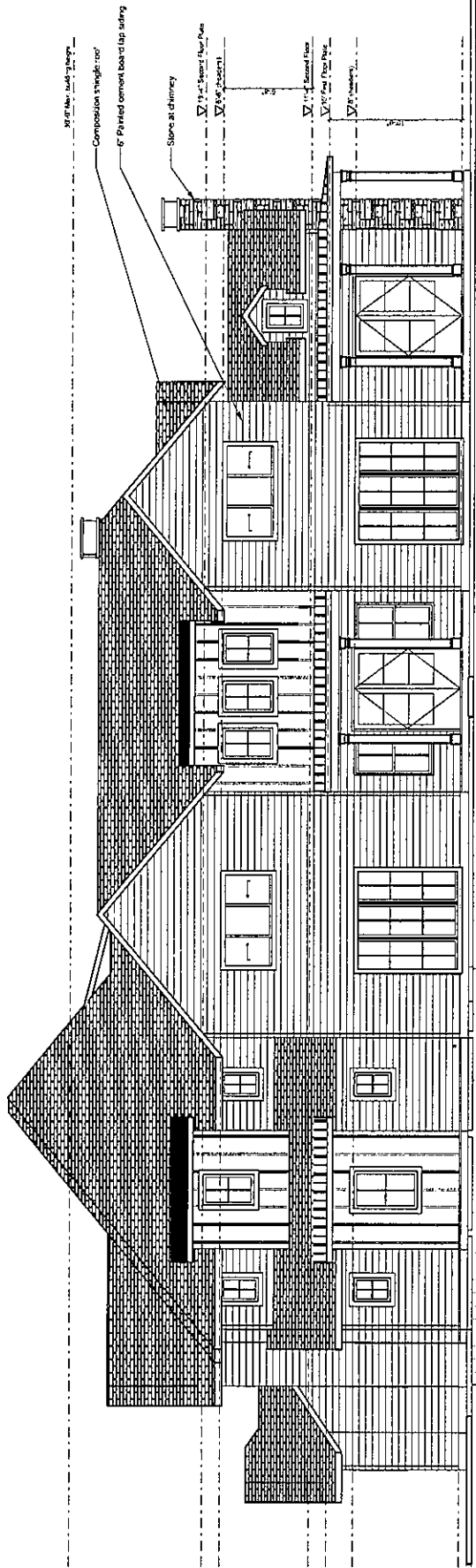


All drawings, designs and arrangements are the sole property of the architect. No part thereof shall be copied or used in any other work without the express written consent of the architect. Any other work done by the architect for which they have not been developed, nor shall they be assigned to any third party.

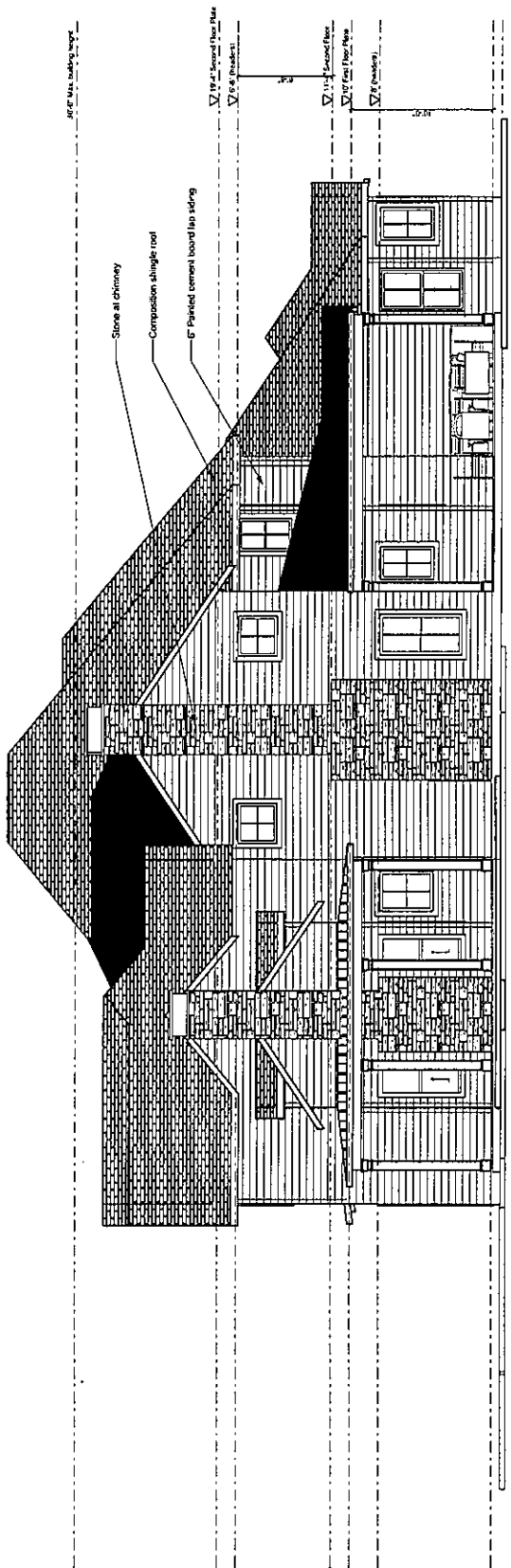
Weissmuelle Residence  
Todd & Julie Weissmuelle  
6410 Joyce Way Dallas TX 75225

Proposed Elevations  
SHEET TITLE

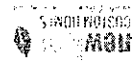
A-149



② FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



① RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

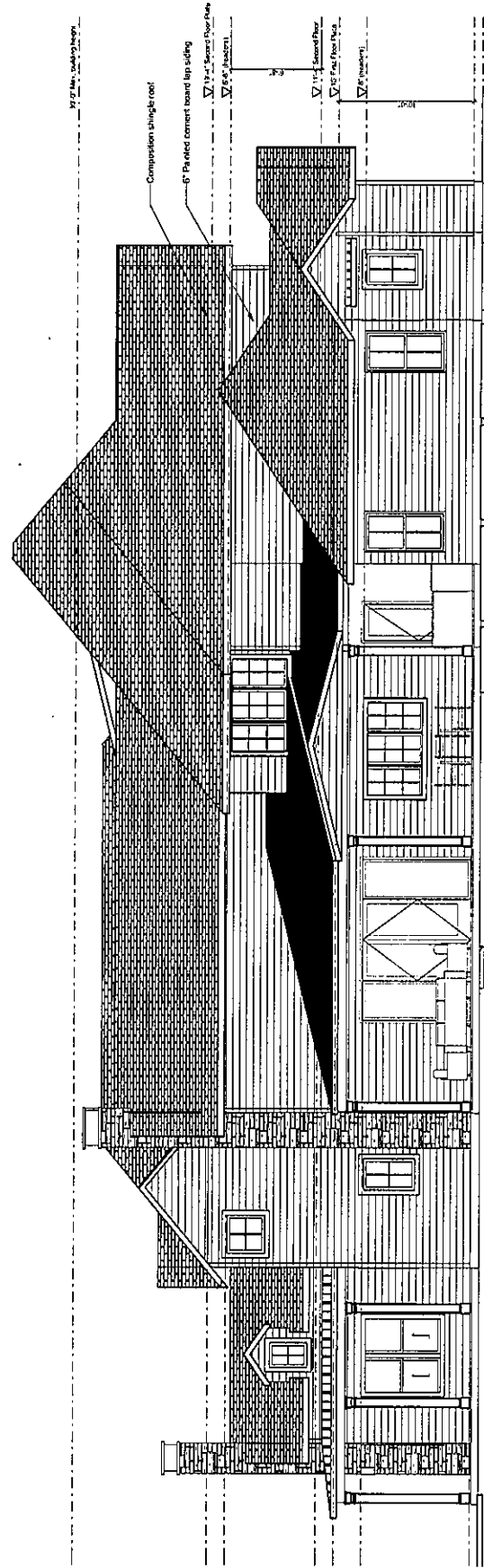


All drawings, notes and arrangements are the property of Weismuller Residence. No part thereof shall be copied or used for any other work than the specific project for which they have been developed, nor shall they be assigned to any other party without the written consent of New Leaf Custom Homes.

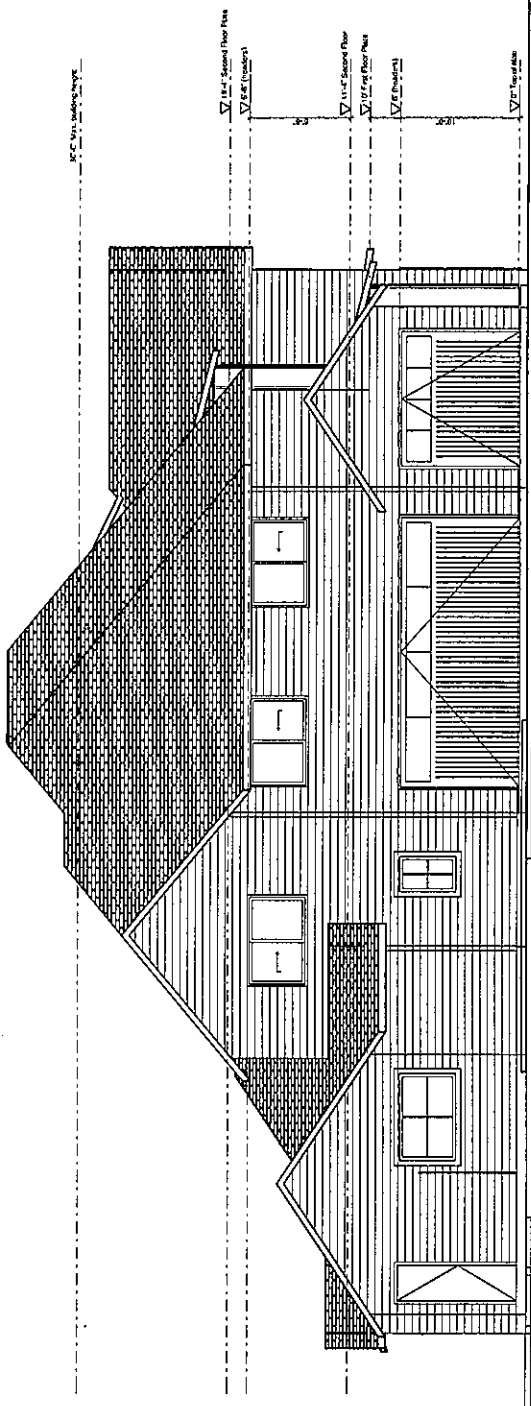
Weismuller Residence  
 6410 Joyce Way, Dallas, TX 75225  
 Todd & Ann Weismuller

SHEET TITLE  
 Proposed Elevations

A-150

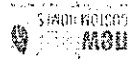


2 Rear ELEVATION  
 SCALE: 1/8" = 1'-0"



1 Left ELEVATION  
 SCALE: 1/8" = 1'-0"



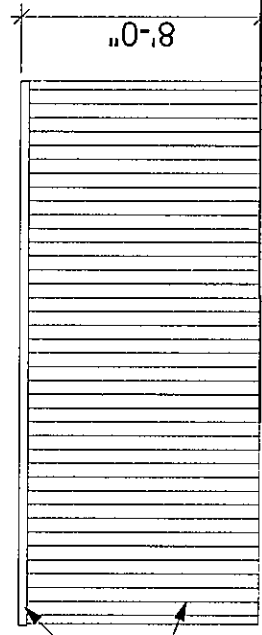


All drawings, images and documents are the sole property of New Leaf Custom Homes, Inc. and shall remain the property of New Leaf Custom Homes, Inc. All other work shall remain the property of New Leaf Custom Homes, Inc. No part thereof shall be copied or used in any other work without the express written consent of New Leaf Custom Homes, Inc.

Weissmuller Residence  
 6410 Joyce Way Dallas TX 75225  
 7001 & Julia Weissmuller

Fence Elevation  
 SHEET TITLE

A-151

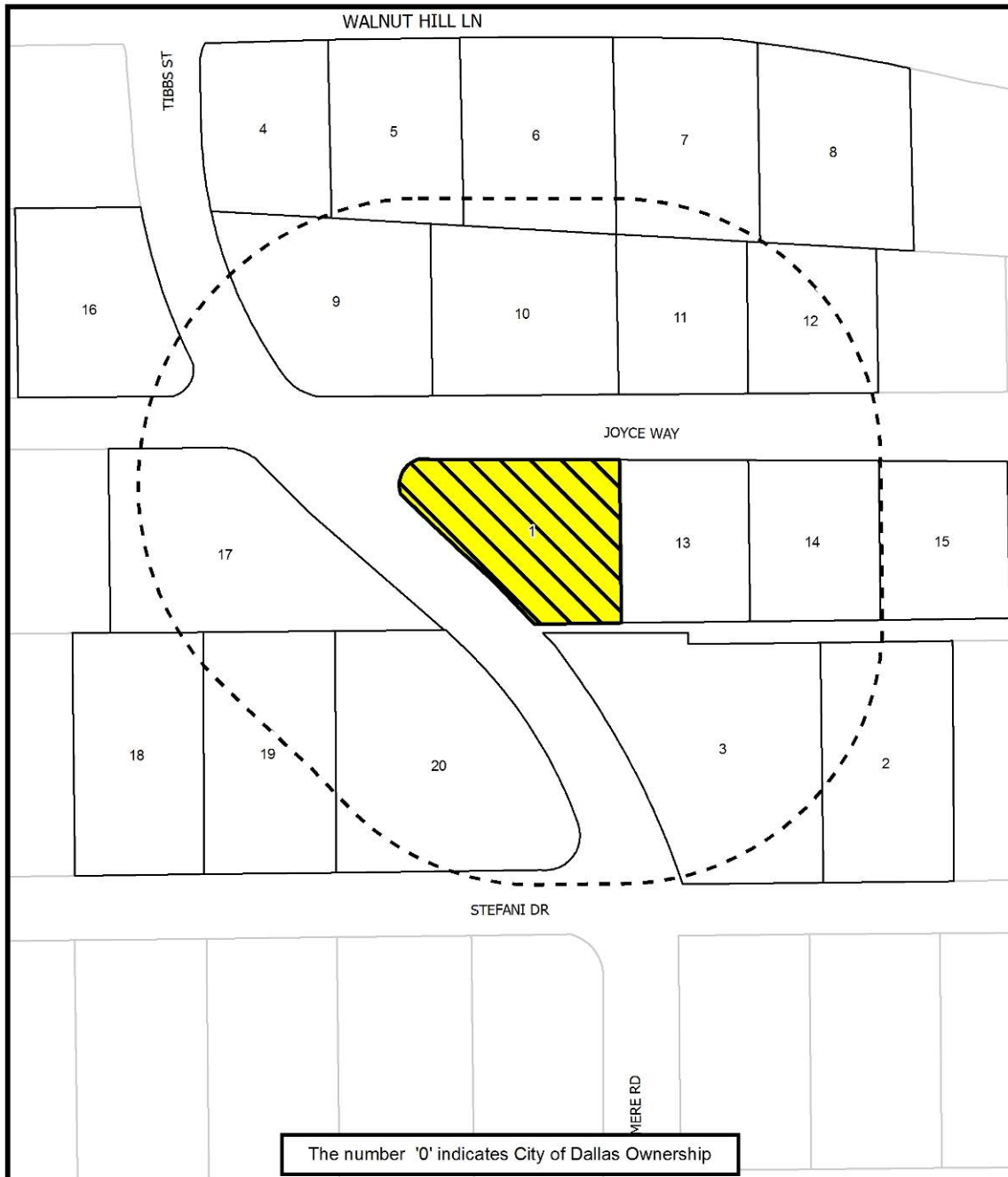


1x4" top rail board.  
 Stain dipped medium brown.

5 1/2" vertical fence  
 boards, typ. Stain  
 dipped medium brown.

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





 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA167-094</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">20</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	20	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
20	NUMBER OF PROPERTY OWNERS NOTIFIED				

## *Notification List of Property Owners*

***BDA167-094***

***20 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6410 JOYCE WAY	JONES ROBERT ALLEN
2	6415 STEFANI DR	HAVARD L CADE & ANNEAL O
3	6407 STEFANI DR	HAGAR KELBY
4	6406 WALNUT HILL LN	SUBRAMANIAN KRISHNA & RAJALAKSHMI
5	6414 WALNUT HILL LN	NUGENT WARREN R &
6	6422 WALNUT HILL LN	LAMBERT BYRON TR &
7	6432 WALNUT HILL LN	DENIGER WILLIAM S JR
8	6444 WALNUT HILL LN	NGO TIEN T
9	6407 JOYCE WAY	MURPHY J FRASHER &
10	6417 JOYCE WAY	CHAVALA SAI HEMANTH & SUSMITA
11	6425 JOYCE WAY	WESTERBURG MARK H
12	6433 JOYCE WAY	WOLDERT THOMAS & LINSDAY
13	6420 JOYCE WAY	WILSON THOMAS & HUDGDON ASHLEY
14	6428 JOYCE WAY	GOULD PATRICIA ANN &
15	6436 JOYCE WAY	RUDMAN JODY LYNN &
16	6329 JOYCE WAY	NANCE FRANCES FOWLER
17	6330 JOYCE WAY	MCMAHAN BARBARA BURNS
18	6323 STEFANI DR	RAIS LIVING TRUST
19	6331 STEFANI DR	MCKINNEY ROBERT BURNS
20	6347 STEFANI DR	MCKINNEY ROBERT B & BARBARA B



**FILE NUMBER:** BDA167-097(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for a special exception to the off-street parking regulations at 2600 (aka 2604) Main Street. This property is more fully described as Lot 2, Block A/183, and is zoned PD-269 (Tract A), which requires parking to be provided. The applicant proposes to construct and/or maintain a structure for a commercial amusement (inside) use, and provide 48 of the required 192 off-street parking spaces, which will require a 144 space special exception to the off-street parking regulations.

**LOCATION:** 2600 (aka 2604) Main Street

**APPLICANT:** Robert Baldwin of Baldwin and Associates

**REQUEST:**

A request for a special exception to the off-street parking regulations of 144 spaces is made to occupy and lease an existing approximately 21,000 square foot vacant structure, and construct and maintain an approximately 3,000 square foot addition with an inside commercial amusement (bowling alley) use, and provide 48 (or 25 percent) of the 192 off-street parking spaces required by code.

**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 144 spaces shall automatically and immediately terminate if and when the commercial amusement (inside) is changed or discontinued.

Rationale:

- The Sustainable Development Department Assistant Director of Engineering indicated that he has no objections to the applicant's request.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	PD 269 (Tract A) (Planned Development)
<u>North:</u>	PD 269 (Tract A) (Planned Development)
<u>South:</u>	PD 269 (Tract A) (Planned Development)
<u>East:</u>	PD 269 (Tract A) (Planned Development)
<u>West:</u>	PD 269 (Tract B) (Planned Development)

### **Land Use:**

The subject site is developed with a vacant, approximately 21,000 square foot vacant structure. The area immediately north is a surface parking lot; and the areas to the east, south, and west are developed with a mix of residential and nonresidential uses.

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

1. BDA012-119, Property at 2600 Main Street (the subject site)

On January 22, 2002, the Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations and imposed the following conditions: 1) compliance with the submitted site plan is required; and 2) that the variances be changed from 15 spaces to 8 spaces.

The case report states that the request for variance to the off-street parking regulations of 15 spaces was made to transition and expand spaces in an existing vacant restaurant/bar structure (a structure that formerly housed the Copper Tank Brewing Company was being transitioned to the American's Pub).
2. BDA956-134, Property at 2600 Main Street (the subject site)

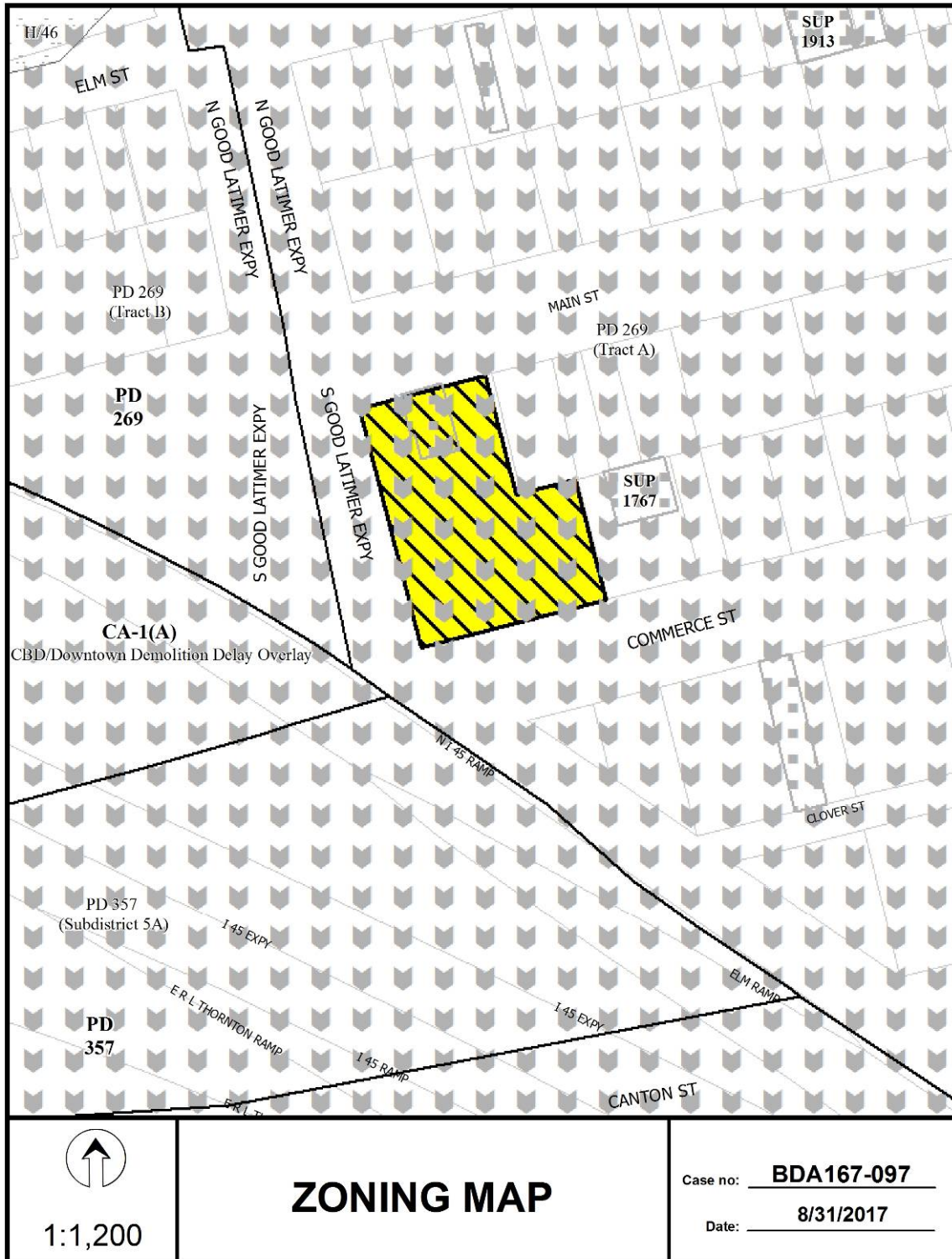
On January 23, 1996, the Board of Adjustment Panel C granted a request for a variance to the off-street parking regulations of 31 spaces needed to complete and maintain a 14,000 square foot restaurant/bar use (Copper Tank Brewing Company). The Board imposed the following conditions: That this variance terminates in two years or when the zoning regulations applying to this use are amended by the City Council to reduce the number of parking spaces whichever comes first.

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

- This request focuses on occupying and leasing an existing approximately 21,000 square foot vacant structure, and constructing and maintaining an approximately 3,000 square foot addition with an inside commercial amusement (bowling alley) use, and providing 48 (or 25 percent) of the 192 off-street parking spaces required by code.
- While PD 269 specifies off-street parking requirements for certain uses permitted in the zoning district, does not provide a specific off-street parking requirement for the proposed inside commercial amusement use. As a result, the PD ordinance states that the off-street parking requirement for this use is that what is provided in Chapter 51. Chapter 51 requires the following off-street parking requirement:
  - Inside commercial amusement: one space per 100 square feet of floor area.
- The applicant notes that PD 269 states that no off-street parking is required for the first 2,500 square feet of floor area in an original building; that no off-street parking spaces are required for the first 5,000 square feet of floor area in an original building for retail-related uses or professional, personal service, and custom craft uses; and that a reduction of 10 percent of the parking requirement is allowed for uses located within one-fourth of a mile from a rail station.
- The applicant has submitted a table indicating that while 213 off-street parking spaces are required for the proposed use on the site, the applicant is entitled to the 10 percent parking reduction for proximity to a DART station hence an off-street parking requirement of 192 spaces.
- The applicant has submitted a document which states among other things that: 1) while PD 269 does not provide stipulations or parking requirements specifically for bowling alleys (instead, bowling alleys are classified as “inside commercial amusement” use, the parking requirement for bowling alleys per Chapter 51A is six spaces per land, where the theoretical parking requirement for the proposed 8-lane tenant would be 39 spaces; and 2) the ITE’s projected peak demand of the use on the subject site is 30 vehicles. (The applicant proposes to provide 48 off-street parking spaces).
- The Sustainable Development Department Assistant Director of Engineering has submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the proposed inside commercial inside (live music venue) use does not warrant the number of off-street parking spaces required, and
  - The special exception of 89 spaces (or a 22 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 144 spaces shall automatically and immediately terminate if and when the commercial amusement inside use is changed or discontinued, the applicant could occupy and lease the existing structure and construct and maintain the addition on the subject site with commercial amusement inside use, and provide 48 (or 25 percent) of the 192 required off-street parking spaces.

## **Timeline:**

- July 12, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.
- August 8, 2017: 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 August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- September 7, 2017: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”



1:1,200

# ZONING MAP

Case no: BDA167-097  
 Date: 8/31/2017





1:1,200

# AERIAL MAP

Case no: BDA167-097

Date: 8/31/2017





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-097

Data Relative to Subject Property:

Date: July 12, 2017

Location address: 2600 and 2604 Main St Zoning District: PD 269 Tract A

Lot No.: Tr 2 Block No.: 183 Acreage: 0.5 ac Census Tract: 204.00

Street Frontage (in Feet): 1) 200 2) 104.5 3) 110 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): AP Deep Ellum, LLC

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 144 spaces (75%) for an inside commercial amusement use of the 192 spaces 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 proposed commercial amusement will be for a bowling alley with eight bowling lanes. The property has multiple public owned parking lots and commercial parking lots within 1,500 feet of the site. It is within walking distance to the Deep Ellum DART station. Also see submitted parking study.

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)

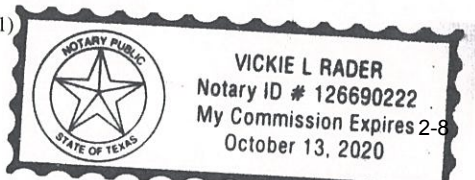
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 12th day of July, 2017

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

(Rev. 08-01-11)





MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

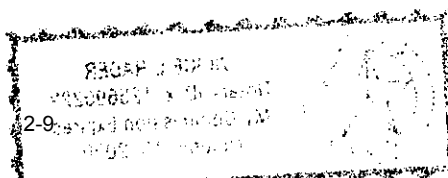
I hereby certify that Robert Baldwin

did submit a request for a special exception to the parking regulations  
at 2600 Main Street (aka: 2604 Main Street)

BDA167-097. Application of Robert Baldwin for a special exception to the parking regulations at 2600 Main Street. This property is more fully described as tract 2, Block 183 and is zoned PD-269 (Tract A), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a commercial amusement (inside) use and provide 48 of the required 192 parking spaces, which will require a 144 space special exception (75% reduction) to the parking regulation.

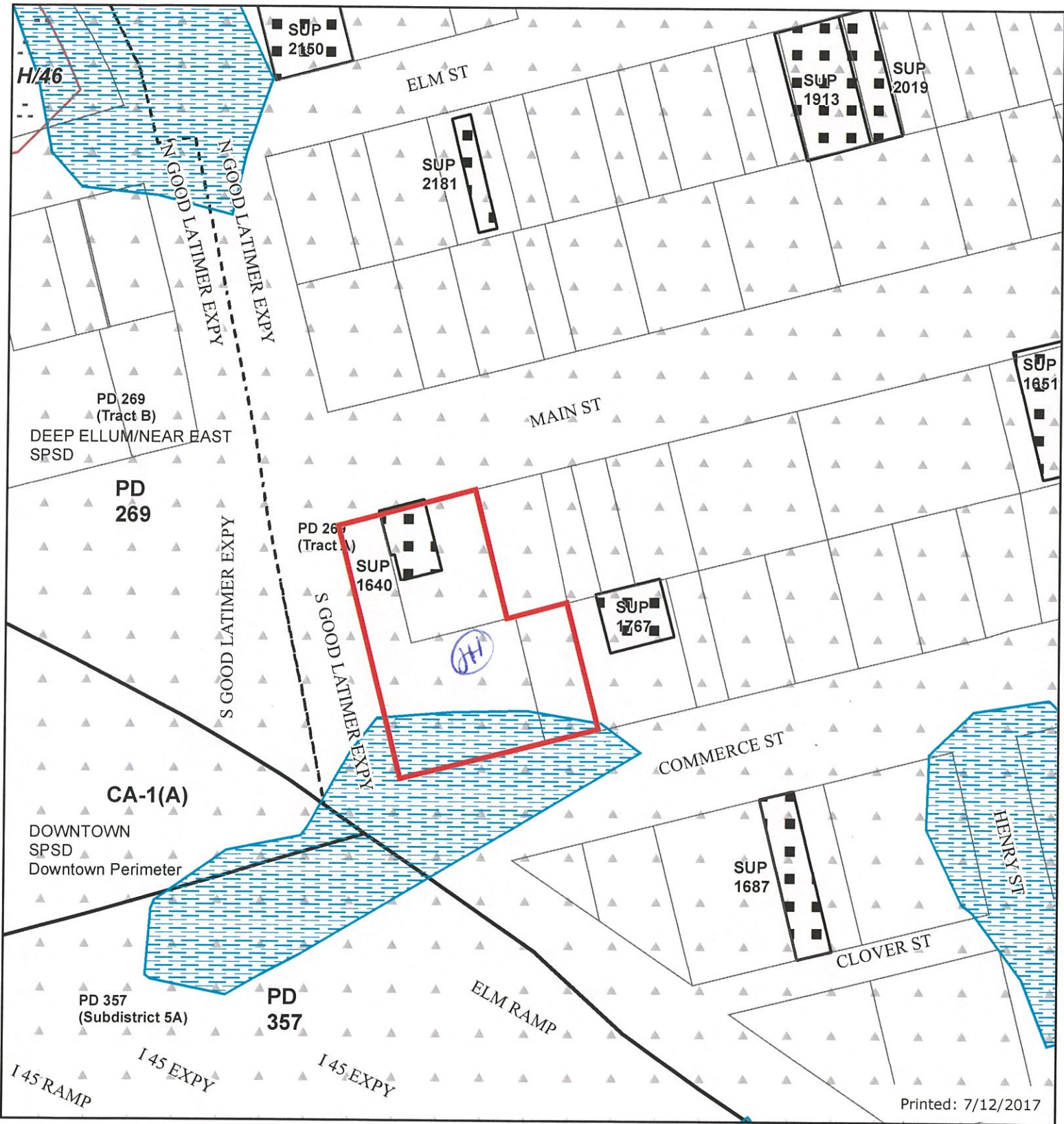
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official









Printed: 7/12/2017

### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSP Overlay                   | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | SPSP Overlay                   | Historic Subdistricts | Barking Management Overlay |
| Parks                | Deed Restrictions              | Historic Overlay      | 2-11                       |
|                      | SUP                            | Height Map Overlay    | Shop Front Overlay         |

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

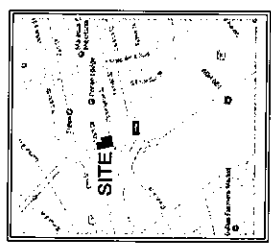


07/19/2017

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

**Baldwin**  
 Associates

**2600 MAIN STREET**  
 CITY OF DALLAS, TEXAS



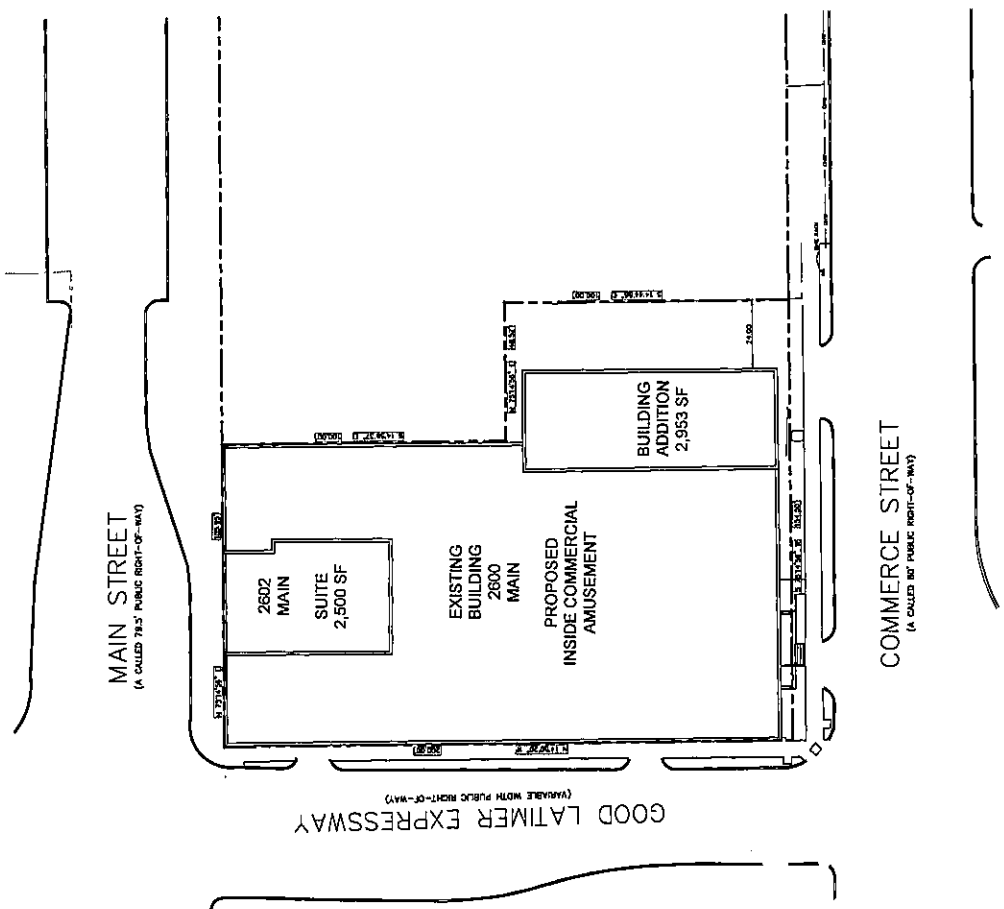
VICINITY MAP  
 NTS



**SITE INFORMATION**

2600 MAIN STREET  
 USE: INSIDE COMMERCIAL AMUSEMENT  
 AREA: 23,855 SF

2602 MAIN STREET  
 USE: TATTOO PARLOR  
 AREA: 2,500 SF



**1** BOARD OF ADJUSTMENT SITE PLAN  
 SCALE: 1" = 20'-0"





## TECHNICAL MEMORANDUM

**To:** Scott Rohrman — 42 Deep Ellum, LP  
**Cc:** Robert Baldwin — Baldwin Associates  
**From:** David Nevarez, PE, PTOE — *DeShazo Group, Inc.*  
**Date:** June 20, 2017  
**Re:** **Parking Analysis for Coppertank Building at 2600 Main Street in Dallas, Texas**  
*DeShazo Project No. 17075*

### INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained to study the parking needs for a proposed commercial development located at 2600 Main Street in Dallas, Texas. The property owner is proposing to replat 2600 Main Street with an adjacent property (2604 Main Street) to build a one-story building with a total of 23,835 square feet of gross building area. The proposed tenant is an 8-lane bowling alley.

This report presents a summary of a technical evaluation of the parking needs for the proposed eight-lane bowling alley at 2600 Main Street. Findings of this analysis are intended to support a reduction of the City of Dallas off-street parking requirements.

### CODE PARKING REQUIREMENT

The property is located in Planned Development (PD) District 269—the Deep Ellum/Near East Side District. It is subject to the off-street parking requirements stipulated in Section 51P-269.105(j)(1): An Inside Commercial Amusement use requires one space per 100 square feet of floor area. However, no off-street parking is required for the first 2,500 square feet of floor area in an *Original Building*<sup>1</sup>. Also, no off-street parking spaces are required for the first 5,000 square feet of floor area in an *Original Building* for retail-related uses or professional, personal service, and custom crafts uses. **Table 1** provides a summary of the Code parking requirement for 2600 Main Street.

**Table 1. Default City Code Parking Requirement for 2600 Main Street**

TENANT	LAND USE	CITY CODE	AMOUNT	RATE <i>(1 space per)</i>	REQUIRED PARKING
Suite A	Personal Service	51P-269.105(j)(1)(M)	2,263 SF	--	0
Suite 110	Inside Comm. Amusement	51P-269.105(j)(1)(K)	23,835 SF <i>minus 2,500 SF</i>	100 SF	213
<b>TOTAL:</b>					<b>213 spaces</b>

<sup>1</sup> An *Original Building* is defined in section 51P-269.104(c)(27) as a *building constructed on or before June 27, 1984, with a floor area that has not been increased by more than 5,000 square feet.*

Furthermore, Section 51P-269.105(j)(4)(5) allows a reduction of ten percent of the parking requirement for uses located within one-fourth of a mile (or 1,320 feet) of a rail station. The property is located approximately 1,000 feet from the Deep Ellum DART Station and qualifies for the reduction as calculated in Table 2.

**Table 2. Code Parking Requirement for 2600 Main Street**

PARKING REQUIREMENT	SPACES
Default Parking Requirement (See Table 1)	213
10% Reduction for proximity to DART Station [51P-269.105(j)(4)(5)]	-21
<b>Total Parking Requirement:</b>	<b>192 Spaces</b>

As shown in Table 2, a total of 192 spaces are required to satisfy the City of Dallas Code parking requirement based upon direct application of the Dallas Development Code. DeShazo acknowledges that City Code requirements establish standards for the functional design of efficient parking facilities, thus reducing congestion and minimizing external effects on neighboring land uses, as stated in the *City of Dallas Development Code*. However, based upon DeShazo’s professional experience in the analysis of parking demands, the operational characteristics and, consequently, parking needs of the proposed land use, there is merit in examining the parking demand for this specific property.

**NOTE: PD 269 does not provide stipulations or parking requirements specifically for bowling alleys. Instead, bowling alleys are classified as Inside Commercial Amusement use. For reference purpose only, the parking requirement for bowling alleys per Chapter 51A [Section 51A-4.210(a)(7)(C)(ii)] is six spaces per lane. 51A also allows an administrative reduction of twenty percent for retail and personal services uses located within 1,200 feet of a rail station. Thus, the theoretical parking requirement per Chapter 51A for the proposed eight-lane tenant would be 39 spaces.**

**PUBLISHED DATA**

As a validation for the recommended parking supply for the proposed bowling alley, published parking demand data is available from the Institute of Transportation Engineers (ITE). Their *Parking Generation* manual, 4th Edition (2010) provides a reliable compilation of parking demand data from various land uses collected around the country over several years. ITE defines a Bowling Alley (LU 437) as “...recreational facilities that include bowling lanes. A small lounge, restaurant, and/or snack, video games and pool tables may also be available.” Table 3 provides an excerpt of the published parking demand rates.

**Table 3. Published Parking Demand Data for Bowling Alley**

	URBAN	SUBURBAN (for reference only)
Observed Range	2.21-4.08 vehicles per lane	4.42-5.95 vehicles per lane
Avg. Peak Demand	3.13 vehicles per lane	5.02 vehicles per lane
<b>85<sup>th</sup> Percentile</b>	<b>3.78 vehicles per lane</b>	5.58 vehicles per lane

SOURCE: The Institute of Transportation Engineers (ITE) *Parking Generation* manual, 4th Edition (2010), LU 437

Based upon ITE data, the 85<sup>th</sup> percentile peak parking demand (a design value) of 3.78 spaces per lane equates to 30 vehicles for the proposed eight-lane bowling alley.



## UNIQUE PARKING CHARACTERISTICS

The proposed bowling alley will consist of eight bowling lanes. Bowling alleys are generally visited by patrons arriving in groups. It is common for a significant number of guests to arrive in single vehicles. In addition, given the trends and characteristics of the Deep Ellum district, it is reasonable to anticipate a significant number of patrons to use alternative modes of transportation such as ride-sharing companies (e.g. Uber, Lyft).

The site is located within convenient walking distance (approximately 1,000 linear feet or less than five minutes) of DART Rail System's Green Line (the Deep Ellum Station). Several DART public bus routes (11; 19; 76; and D-LINK, Route 722) are also within walking distance and provide an alternative mode of transportation for employees and patrons.

## AVAILABLE PUBLIC PARKING

DeShazo conducted field observations and parking accumulation counts of available public parking in the immediate vicinity of the subject site on Saturday, June 10 and June 17, 2017. Field observations consisted of parking accumulation counts at 9:00 PM and 11:00 PM, which are typical peak hours for both the proposed tenant and adjacent uses. Findings indicate that sufficient pay-for-parking is currently available in the immediate vicinity of the subject property—specifically in City-owned public lots located immediately west of the site, across from Good Latimer Expressway. Parking lot locations and utilization data are illustrated in **Exhibit 1**.

## SUMMARY

This study summarizes the Code parking requirement and projected parking needs for a proposed bowling alley (or "Inside Commercial Amusement" use) located at 2600 Main Street in Dallas, Texas. Based upon application of the standard parking requirements from the City of Dallas Development Code, 192 parking spaces are required for the development. However, a parking reduction is supported based upon the property's specific location, the proposed land use's specific characteristics, and anecdotal experience from similar developments in the Dallas-Fort Worth area.

In accordance with Section 51A-4.311(a)(1), the Board of Adjustment may grant a special exception to authorize a maximum reduction of 75% of the number of off-street parking spaces required for "Inside Commercial Amusement" uses. DeShazo supports the maximum exception allowed (i.e. a reduction) of 144 spaces (or 75% of the required 192 spaces) based upon the results of this technical analysis, professional judgment and experience from similar parking. Table 4 summarizes parking comparisons for the proposed bowling alley.

**Table 4. Parking Analysis Summary for the Proposed Bowling Alley**

REFERENCE	PARKING
ITE's Projected Peak Demand	30 vehicles
Ch. 51A ( <i>For reference purpose only</i> )	39 spaces
Proposed Supply (75% Reduction)	48 spaces
Code Requirement per PD 269	192 spaces

## PARKING SPECIAL EXCEPTION REQUEST

A Parking Special Exception is requested from the City of Dallas Board of Adjustment. Based upon findings of this analysis, a requirement of 48 spaces will satisfy the parking needs for the proposed bowling alley at 2600 Main Street in Dallas, Texas. A reduction of 144 required spaces is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.311(a)(2):

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

The parking reduction request is a function of the site's specific parking demand characteristics. This analysis includes public pay-for-parking available in the immediate vicinity of the site. In addition, per Section 51P-269.105(j)(4)(5), *on-street parking spaces may be counted toward the parking requirement of the use adjacent to the on-street parking space*. A total of eleven public, metered parking spaces are provided along the frontage on Good Latimer Expressway and Commerce Street.

***(B) The parking demand characteristics for the occupancy for which the reduction is requested.***

According to the ITE *Parking Generation* manual (4<sup>th</sup> Edition), the projected 85<sup>th</sup> percentile parking demand for the proposed bowling alley is 30 parking cars based on a rate of 3.78 *vehicles per lane*. Furthermore, the projected parking generation for this use is expected to be significantly reduced due to the typical characteristics of the urban environment in the Deep Ellum area.

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

The requested parking reduction is based upon the site's unique parking demand characteristics and is not based upon any special zoning adjustments.

***(D) Current and probably future capacities of adjacent streets based upon city's thoroughfare plan.***

The surrounding street system is developed and is generally constructed to the anticipated ultimate plans. The site provides ample site access to the surrounding roadway network.

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

The site is located within convenient walking distance (approximately 1,000 linear feet or less than five minutes) of DART Rail System's Green Line (the Deep Ellum Station). Several DART public bus routes (11; 19; 76; and D-LINK, Route 722) are also within walking distance and provide an alternative mode of transportation for employees and patrons.

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

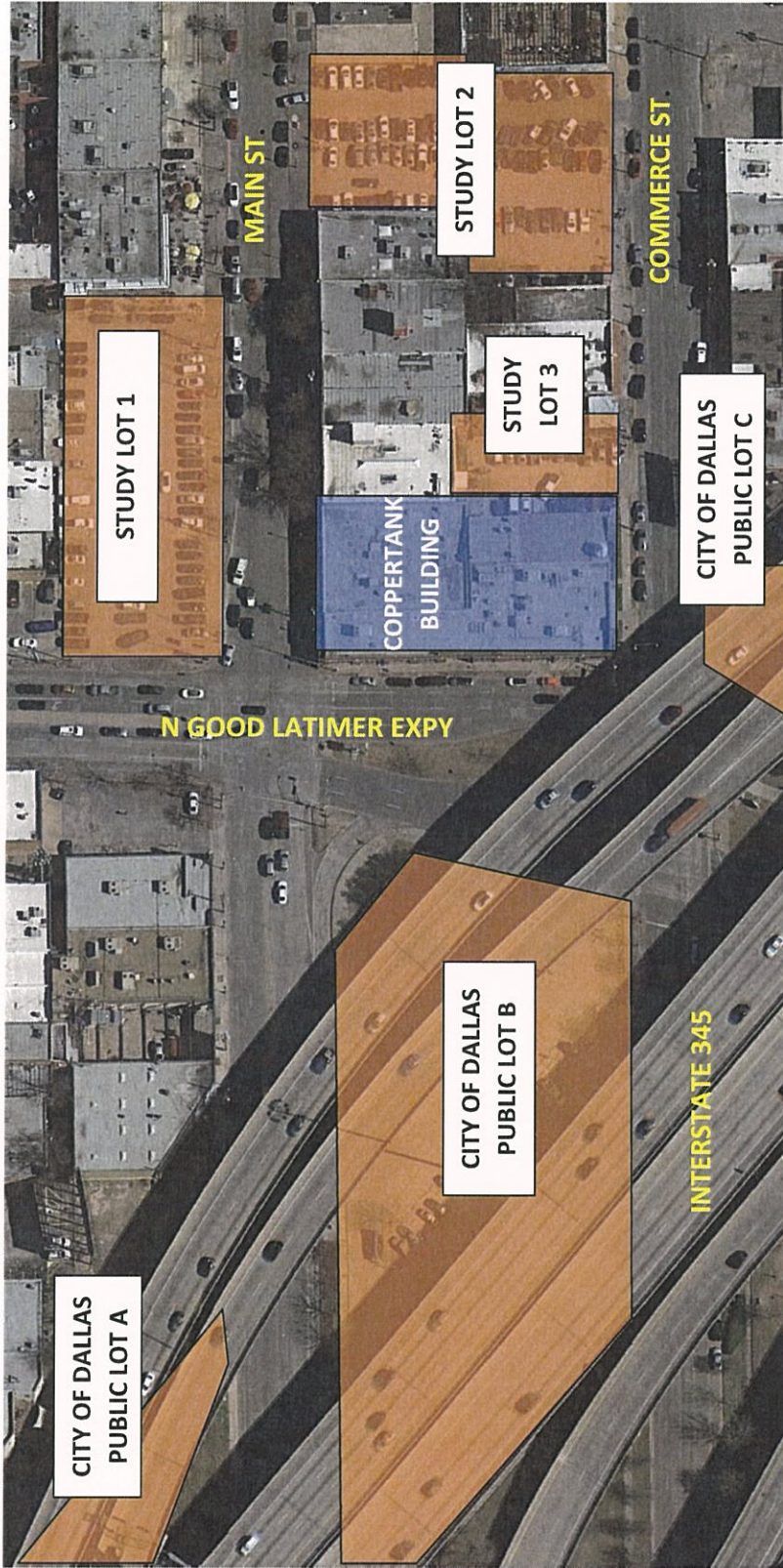
The use of alternative modes of transportation is a significant factor in the determination of an adequate parking supply for the proposed bowling alley. The site's strategic location in the Deep Ellum area is an attractive destination for employees and patrons to rely on public transit and other alternative modes of transportation (e.g. Uber, Lyft). The projected parking demand should also include efficiencies as a result of synergy among other uses in the area (e.g., patrons visiting other bars or restaurants before and/or after visiting the bowling alley).

In summary, DeShazo recommends approval of the 144-space reduction to authorize the proposed land use operation. The requested parking reduction will neither create a traffic hazard nor restrict the subject property's operations. It is also presumed that it is in the best interest of the property owner to provide an appropriate parking environment for their patrons.

**END OF MEMO**



Exhibit 1. Available Off-Street Public Parking Data



NOTE: DeShazo commissioned additional parking demand observations on Saturday, June 17, 2017 during a scheduled event at *The Bomb Factory*. Public lots A and B still provided more than 80 available spaces during the event around 9:00 PM.

Lot	Supply	Observed Parking on June 10, 2017		Available	
		9 PM	11 PM	Parking at 9 PM	Parking at 9 PM
Public Lot A	50	4 (8%)	4 (8%)	46 (92%)	46 (92%)
Public Lot B	159	68 (43%)	78 (49%)	91 (57%)	91 (57%)
Public Lot C	90	33 (37%)	24 (27%)	57 (63%)	57 (63%)
Study Lot 1	75	75 (100%)	75 (100%)	--	--
Study Lot 2	93	93 (100%)	93 (100%)	--	--
Study Lot 3	19	17 (89%)	17 (89%)	--	--
<b>Total:</b>					<b>194 spaces</b>

# ***APPENDIX***

*Parking Analysis for  
2600 Main Street*

# Land Use: 437 Bowling Alley

## Description

Bowling alleys are recreational facilities that include bowling lanes. A small lounge, restaurant and/or snack bar, video games and pool tables may also be available.

## Database Description

The database consisted of a mix of suburban and urban sites. Parking demand rates at the suburban sites differed from those at urban sites and, therefore, the data were analyzed separately.

- Average site parking supply ratio: 5.6 spaces per lane (13 study sites).

Saturday parking demand was observed at one study site with 64 lanes in a suburban setting. The peak period parking demand ratio was 3.47 vehicles per lane between 11:00 p.m. and 12:00 a.m.

All of the study sites were counted during non-summer months.

Factors such as the extent of ancillary activities (for example, billiards, lounge) and transitions between activities (when one bowling league had not yet ended and the next was about to begin) may have affected parking demand.

The following table presents the time-of-day distribution of parking demand, based on data from the two suburban sites and three urban sites.

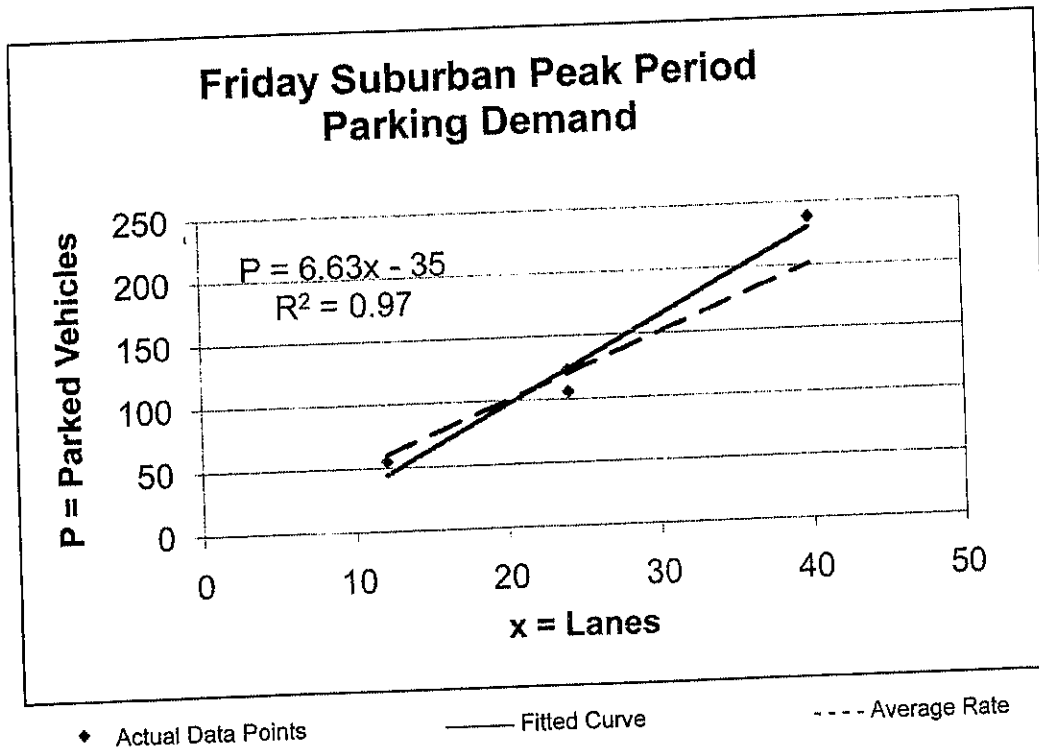
<i>Based on Vehicles per Lane</i>	<i>Non-Friday Weekday</i>	
	<i>Percent of Peak Period</i>	<i>Number of Data Points*</i>
Hour Beginning		
12:00-4:00 a.m.	-	0
5:00 a.m.	-	0
6:00 a.m.	-	0
7:00 a.m.	-	0
8:00 a.m.	-	0
9:00 a.m.	-	0
10:00 a.m.	-	0
11:00 a.m.	-	0
12:00 p.m.	-	0
1:00 p.m.	-	0
2:00 p.m.	-	0
3:00 p.m.	-	0
4:00 p.m.	-	0
5:00 p.m.	51	5
6:00 p.m.	83	5
7:00 p.m.	99	5
8:00 p.m.	100	5
9:00 p.m.	81	5
10:00 p.m.	-	0
11:00 p.m.	-	0

\* Subset of database

# Land Use: 437 Bowling Alley

Average Peak Period Parking Demand vs. Lanes  
On a: Friday  
Location: Suburban

Statistic	Peak Period Demand
	Peak Period
Number of Study Sites	4
Average Size of Study Sites	25 lanes
Average Peak Period Parking Demand	5.02 vehicles per lane
Standard Deviation	0.69
Coefficient of Variation	14%
Range	4.42-5.95 vehicles per lane
85th Percentile	5.58 vehicles per lane
33rd Percentile	4.58 vehicles per lane

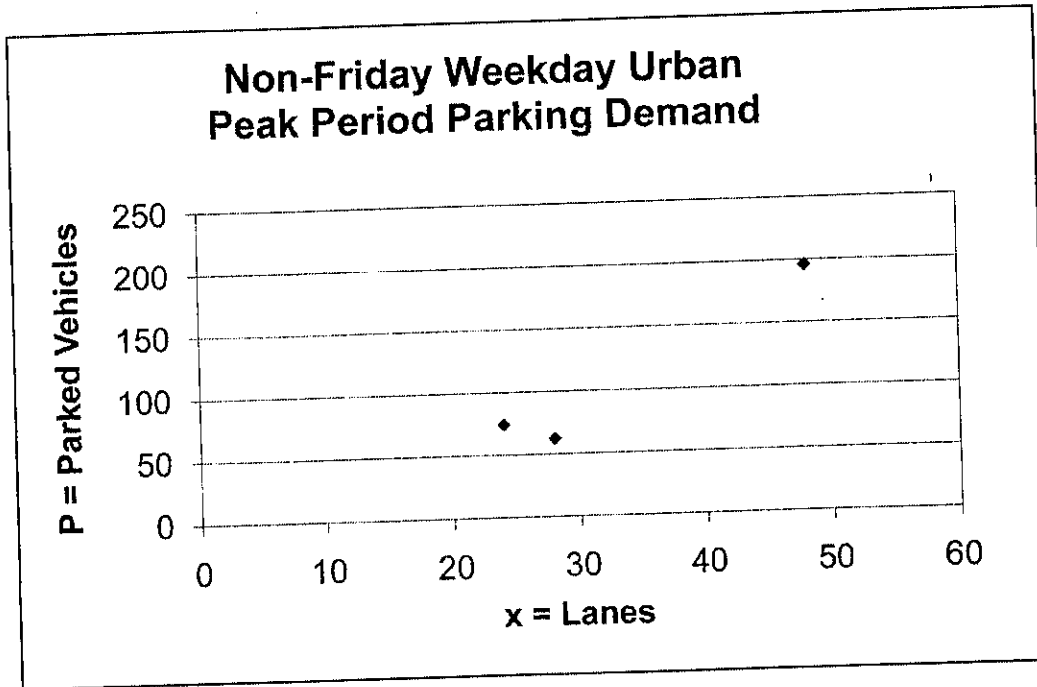




# Land Use: 437 Bowling Alley

Average Peak Period Parking Demand vs. Lanes  
On a: Non-Friday Weekday  
Location: Urban

Statistic	Peak Period Demand
Peak Period	7:00–10:00 p.m.
Number of Study Sites	3
Average Size of Study Sites	33 lanes
Average Peak Period Parking Demand	3.13 vehicles per lane
Standard Deviation	0.94
Coefficient of Variation	30%
Range	2.21–4.08 vehicles per lane
85th Percentile	3.78 vehicles per lane
33rd Percentile	2.79 vehicles per lane



◆ Actual Data Points



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA167-097</b>			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
14	NUMBER OF PROPERTY OWNERS NOTIFIED				

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

## ***BDA167-097***

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

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	2611 COMMERCE ST	42 DEEP ELLUM LLC
2	2625 MAIN ST	42 DEEP ELLUM LP
3	2509 MAIN ST	WESTDALE MAIN LTD
4	2612 COMMERCE ST	DEEP ELLUM HOLDINGS LLC
5	2604 ELM ST	SEJ ASSET MGMT & INVESTMENT CO
6	2610 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
7	2523 MAIN ST	ELM STREET LOFTS LTD
8	2603 MAIN ST	PARKIN ART JOINT VENTURE
9	2612 MAIN ST	KRISITIAN KEVIN 2612 LLC
10	2623 COMMERCE ST	KLUCK LINDA LOU
11	2620 MAIN ST	BLANTON JEANNE
12	2630 COMMERCE ST	WESTDALE PPTIES AMERICA I
13	2622 COMMERCE ST	SDL PARTNERS LTD
14	2616 COMMERCE ST	NOLA LTD

**FILE NUMBER:** BDA167-099(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Luis Leija for a variance to the front yard setback regulations at 2401 Britton Avenue. This property is more fully described as Lot 6, Block 27/4226, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 5 foot front yard setback, measured at the foundation, which will require a 20 foot variance to the front yard setback regulations.

**LOCATION:** 2401 Britton Avenue

**APPLICANT:** Luis Leija

**REQUEST:**

A request for a variance to the front yard setback regulations of 20' is made to construct and maintain a one-story single family home structure with an approximately 1,800 square foot building footprint, part of which is to be located 5' 5" from one of the site's two front property lines (E. Ohio Avenue) or approximately 20' into this 25' front yard setback on a site that is undeveloped.

**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:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25’ front yard setbacks. Most lots in this zoning district have one 25’ front yard setback. The 50’ wide subject site has 20’ of developable width available once a 25’ front yard setback is accounted for on the north and a 5’ side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 50’ wide site would have 40’ of developable width.
- Staff concluded that granting the variance would allow a one-story, approximately 1,800 square foot single family home – a home that is of a size the applicant states he has built on a site that did not require variance since that parcel of land was more typical with one front yard setback, and of a size similar to seven other homes that applicant provided photos of in the same R-7.5(A) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single family residential 7,500 square feet)
- North: MF-2(A) (Multifamily)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: R-7.5(A) (Single family residential 7,500 square feet)
- West: R-7.5(A) (Single family residential 7,500 square feet)

**Land Use:**

The subject site is undeveloped. The areas to the north and east are developed with a residential uses, and the areas to the south and west are 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 for variance to the front yard setback regulations of 20’ focuses on constructing and maintaining a one-story single family home structure with an approximately 1,800 square foot building footprint, part of which is to be located 5’ 5” from one of the site’s two front property lines (E. Ohio Avenue) or approximately 20’ into this 25’ front yard setback on an undeveloped site.

- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the southwest corner of Britton Avenue and E. Ohio Avenue. Regardless of how the structure is proposed to be oriented to front Britton Avenue, the subject site has 25' front yard setbacks along both street frontages. The site has a 25' front yard setback along Britton Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along E. Ohio Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. But the site's E. Ohio Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots (currently undeveloped) to the west that front/are oriented northward towards E. Ohio Avenue.
- The submitted scaled site plan indicates that a portion of the proposed structure is located 5' 5" from the E. Ohio Avenue front property line or approximately 20' into this 25' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 2410 Britton Avenue.
- The subject site is relatively flat, rectangular in shape (approximately 182' x 50'), and according to the submitted application is 0.2 acres (or approximately 8,700 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- Most lots in the R-7.5(A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and two 5' side yard setbacks.
- The site plan represents that approximately 1/2 of the approximately 1,800 square foot house footprint is located in the 25' E. Ohio Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the north and a 5' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- If the subject site were more typical to other parcels of land in the same zoning district (one front yard, one rear yard, and two side yards), no variance would be required since the applicant is providing a 5' setback (the side yard setback for properties zoned R-7.5(A) is 5') on the north side of the site that is a front yard.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.



- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that is located 5’ 5” from the site’s E. Ohio Avenue front property line (or approximately 20’ into this 25’ front yard setback).

**Timeline:**

July 18, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

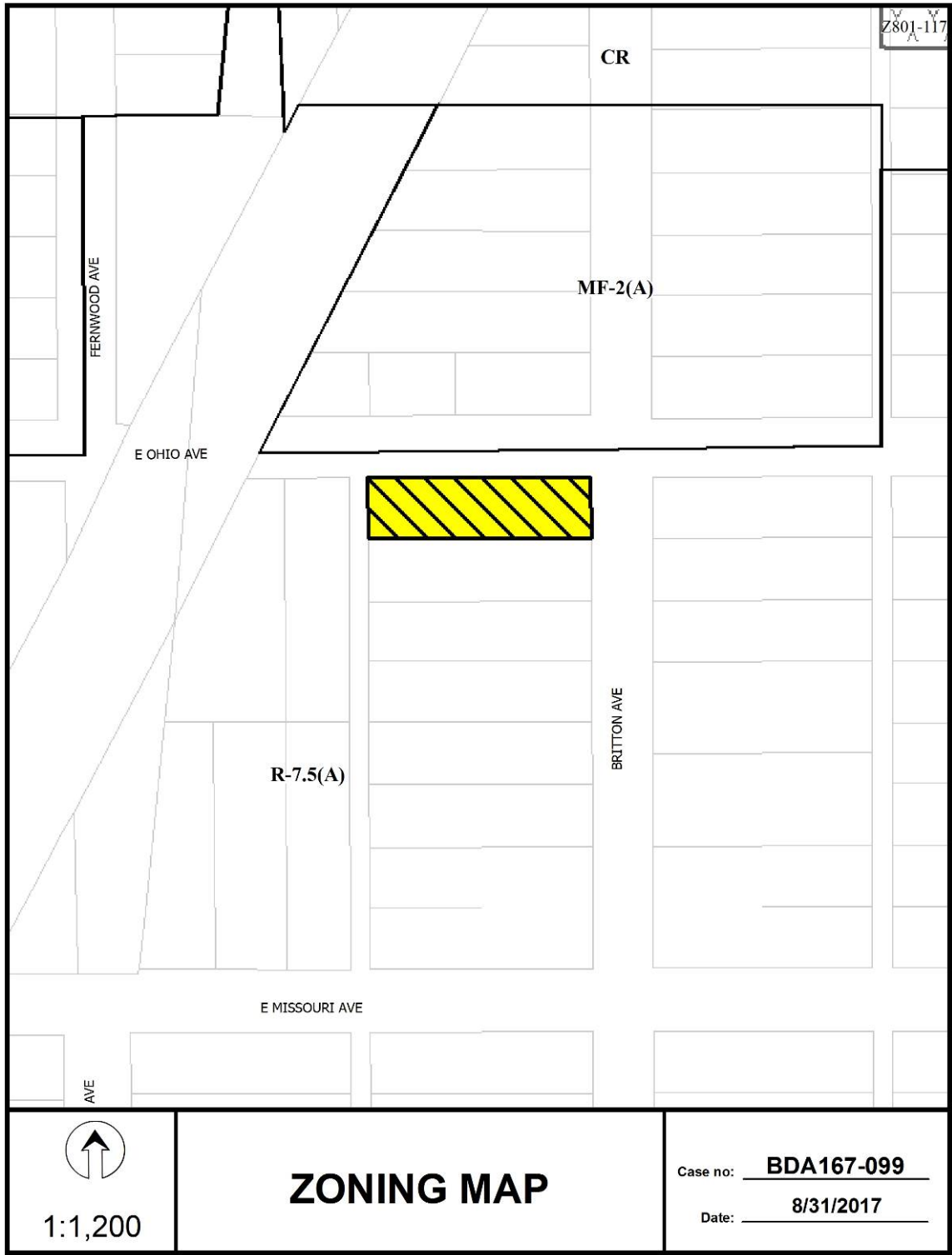
August 8, 2017: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

August 30, 2017: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

# AERIAL MAP

Case no: BDA167-099

Date: 8/31/2017

## 2401 Britton Ave Dallas, TX 75216

As a builder I, Luis Leija believe this lot address as 2401 Britton Ave with a double frontage which is a constrain that wouldn't let me build a house like others in this neighborhood. My brother and I just build a house in the same street and is also a corner lot address as 2334 Britton Drive. The house I am trying to build on my lot is the same exact house that my brother and I build. The house I want to build is about 1,800 sq. ft. and if we take away the 20 ft. from the left side of Ohio Ave and the other 5 between the other house I would only be able to build on 20 ft. which is a very small amount and it wouldn't be a livable size home for anyone.

The list below are addresses of new homes that were just build around the neighborhood that are corner lots that might have had a double frontage: (Pictures have been provided as well)

2334 Britton Drive Dallas, Texas 75216

903 E Woodin Blvd Dallas, Texas 75216

2505 Crest Ave Dallas, Texas 75216

603 E Woodin Blvd Dallas, Texas 75216

This list below are addresses of older houses in the same side of the street with double frontages that were converted into one frontage. These properties also have the same size lot and show how our lot would fit in and create a suitable home.:

2331 Britton Drive

2433 Britton Drive

2501 Britton Dive



BDA167-097  
Attach A pg 2

**Long, Steve**

---

**From:** Luis Leija <luisleija10@yahoo.com>  
**Sent:** Monday, August 28, 2017 11:11 PM  
**To:** Long, Steve  
**Subject:** Property 2401 Britton Ave

These are the pictures for the properties I listed in the other email.

2334 Britton Ave





BDA167-097 Attach 4  
pg 3



2505 Crest Ave











BDA 167-097 Attachment A P37



903 E Woodin Blvd



BDA 167-097 Attach A P. 8



BDA 167-097 Attach A pg 9









603 E Woodin Blvd















City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-099

Data Relative to Subject Property:

Date: 07-18-17

Location address: 2401 Britton Drive Ave. Zoning District: R-7.5(A)

Lot No.: 6 Block No.: 27/226 Acreage: .208 Census Tract: 55.00

Street Frontage (in Feet): 1) 50.00' 2) 182.00' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Luis Leija

Applicant: Luis Leija Telephone: 214-681-6580/214-554-7989

Mailing Address: 344 Vermont Ave Zip Code: 75216

E-mail Address: luisleija10@yahoo.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

Affirm that an appeal has been made for a Variance , or Special Exception \_\_\_\_\_, of 20 feet on the longer side which is Ohio Ave to the front yard setback.

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

We need a variance of 20 feet because we have such a restricted area that doesn't allow us to build a safe home and as well as the house to fit in with the houses around.

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 Luis Leija (Affiant/Applicant's name printed)

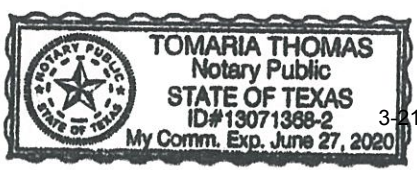
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Luis Leija (Affiant/Applicant's signature)

Subscribed and sworn to before me this 17 day of July, 2017

(Rev. 08-01-11)

BDA 167-099



[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 \_\_\_\_\_

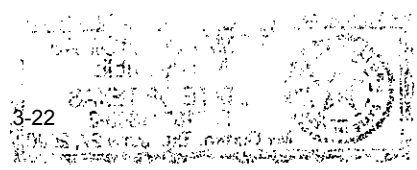
Chairman

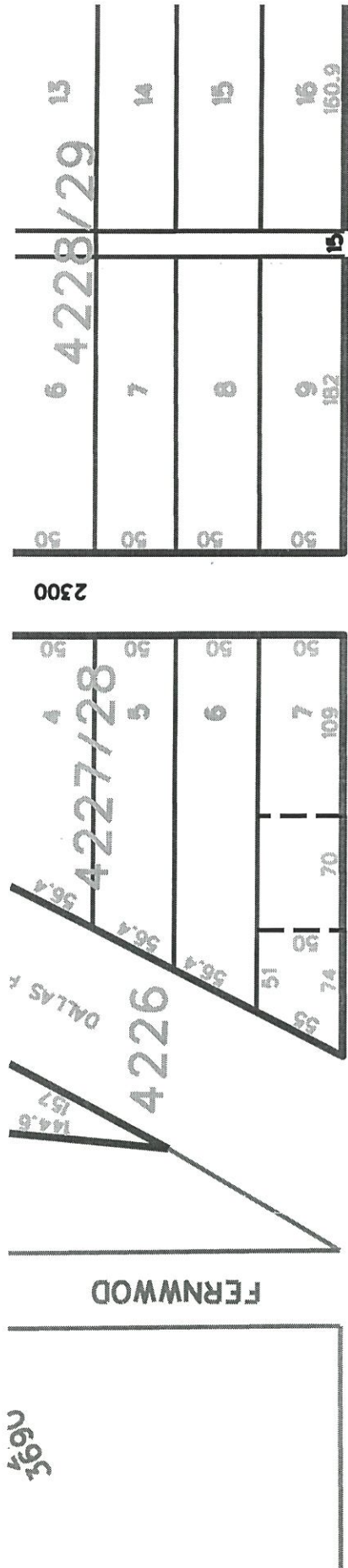
**Building Official's Report**

I hereby certify that Luis Leija  
did submit a request for a variance to the front yard setback regulations  
at 2401 Britton Avenue

BDA167-099. Application of Luis Leija for a variance to the front yard setback regulations at 2401 Britton Avenue. This property is more fully described as Lot 6, Block 27/4226, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes construct a single family residential structure and provide a 5 foot front yard setback, measured at the foundation, which will require a 20 foot variance to the front yard setback regulation.

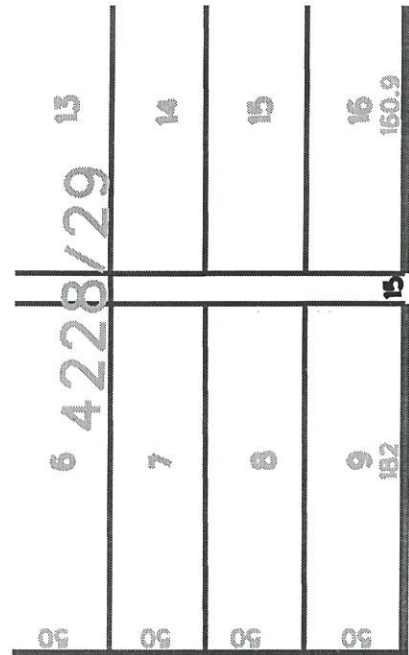
Sincerely,  
*Philip Sikes*  
Philip Sikes, Building Official





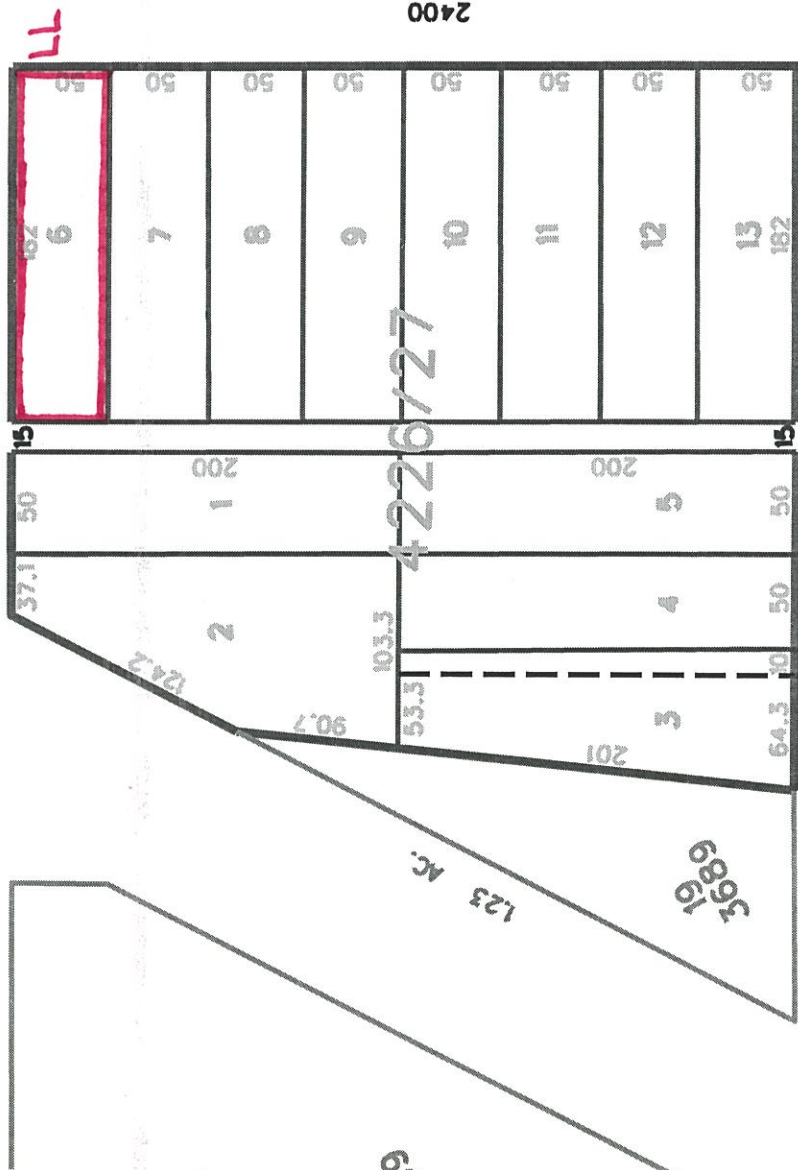
OHIO 1200

2300

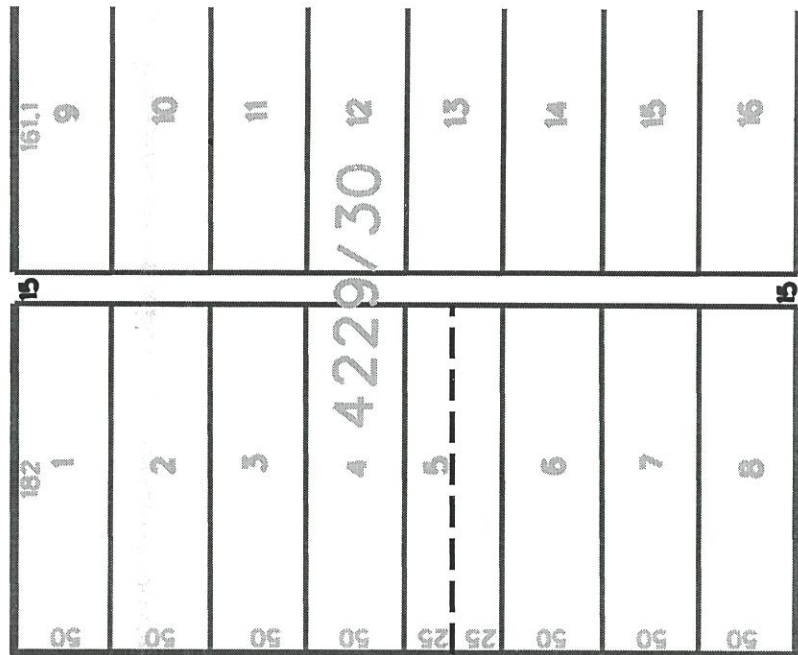


1200

AVE.



2400



1200

AVE.

3690

FERNWOOD

4226

4227/28

4228/29

3689

1.23 AC.

4226/27

4229/30

5661

LL



# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

2401 britton

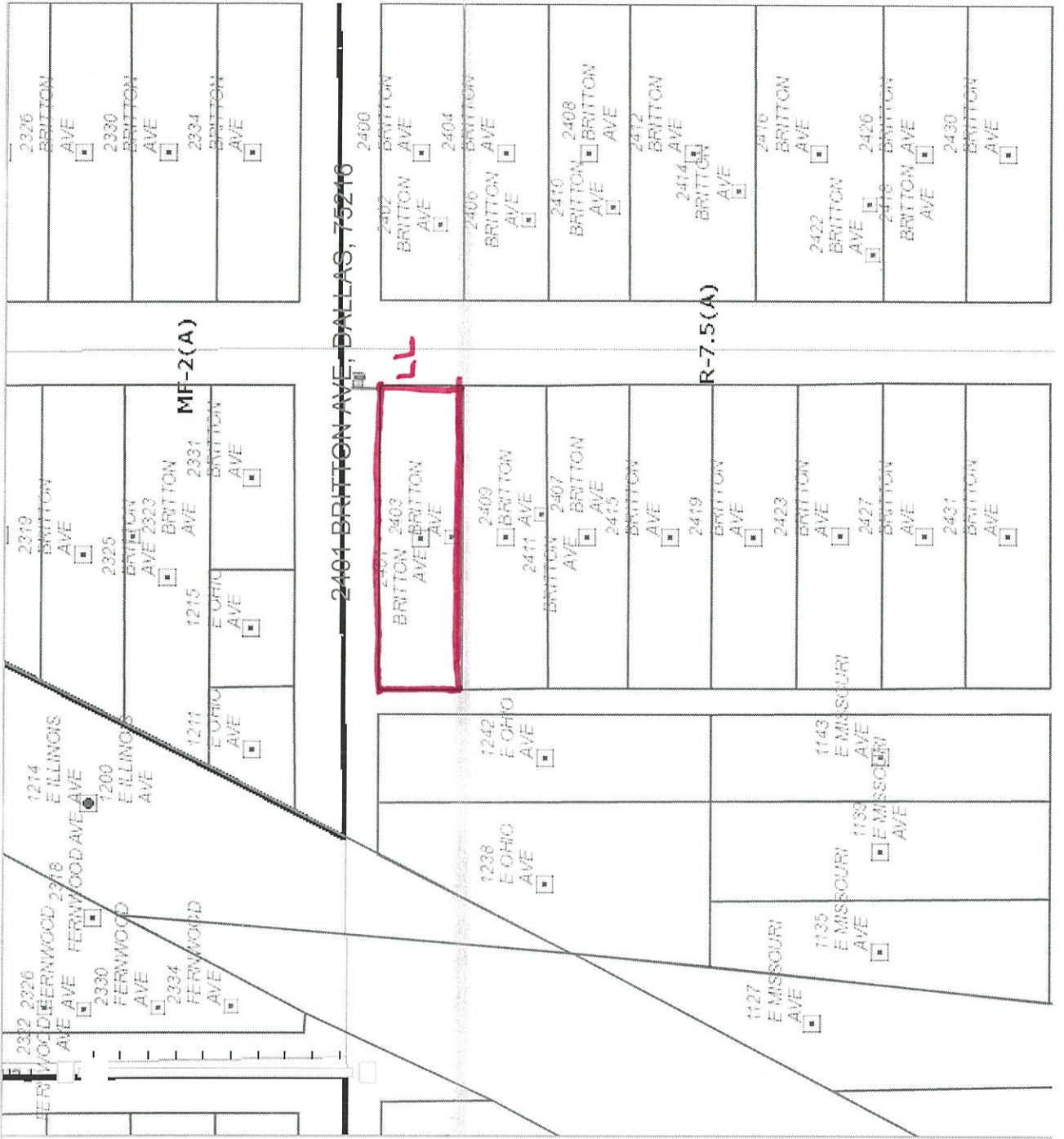
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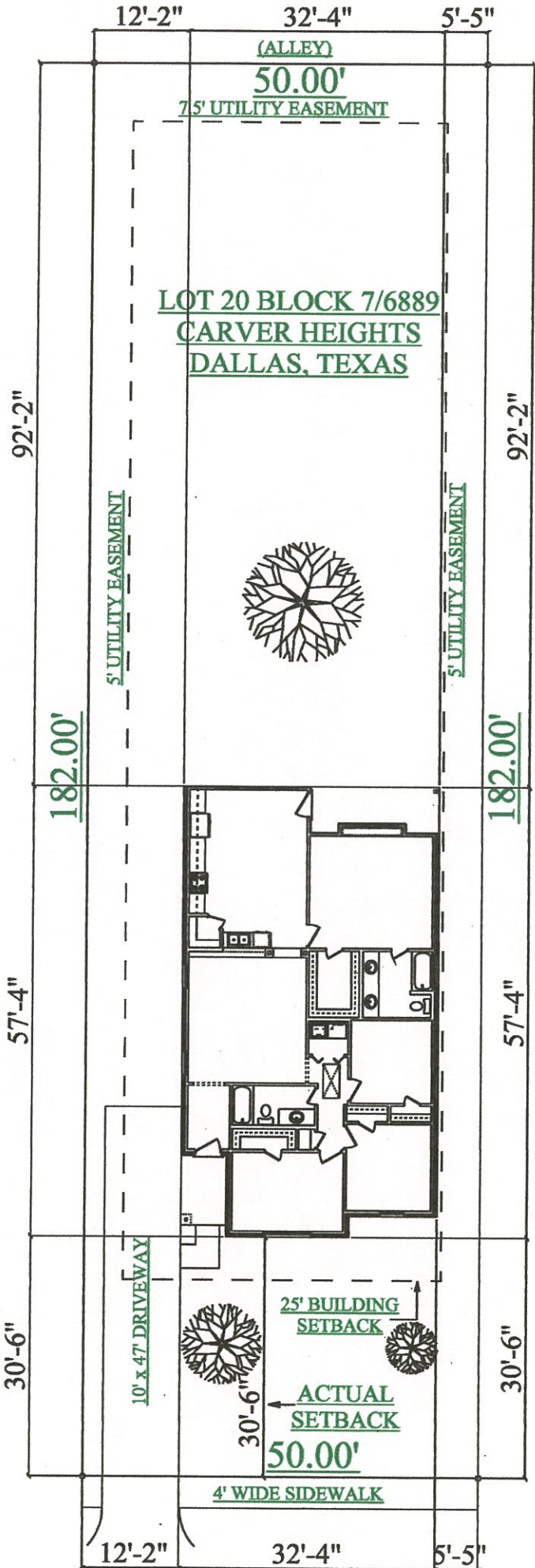
OR

Parcel address.

Use street type for better re

Locate





E. OHIO AVE




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



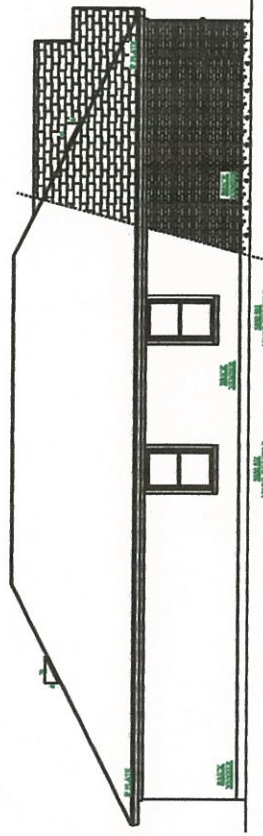
DATE:  
MAY 27, 2012

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TO BE LOCATED AT 2401 BRITTON  
BLK 27/4226 LT 6  
BROADMOOR  
DALLAS, TEXAS

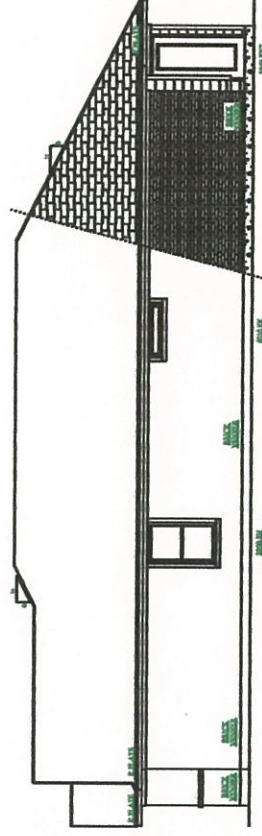
DC TEXAS DESIGNS  
115 PARK PLACE BLYD, SUITE 500  
WAXAHACHIE, TEXAS 75165  
PHONE # 972-351-4558 or 972-921-7306

A NEW SINGLE FAMILY RESIDENCE  
TO BE LOCATED AT 2401 BRITTON  
BLK 27/4226 LT 6  
BROADMOOR  
DALLAS, TEXAS

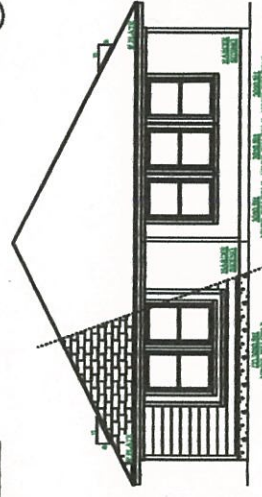
FINAL PLANS



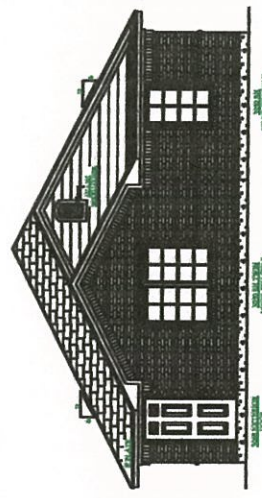
LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



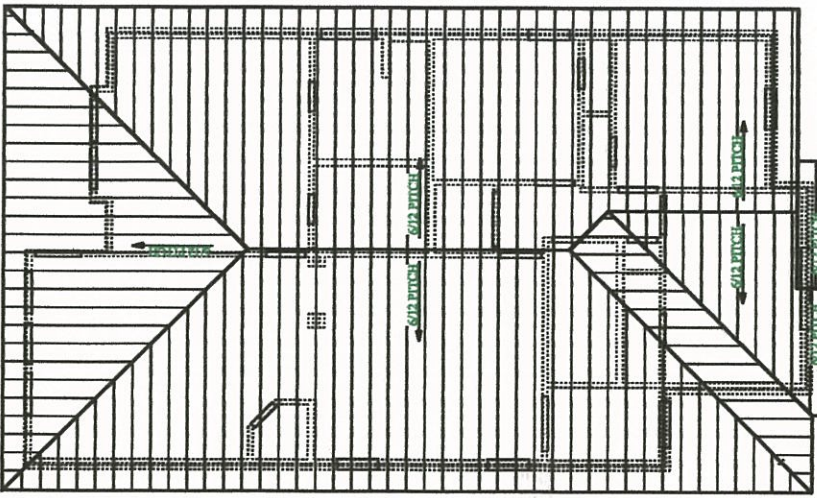
RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"



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



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

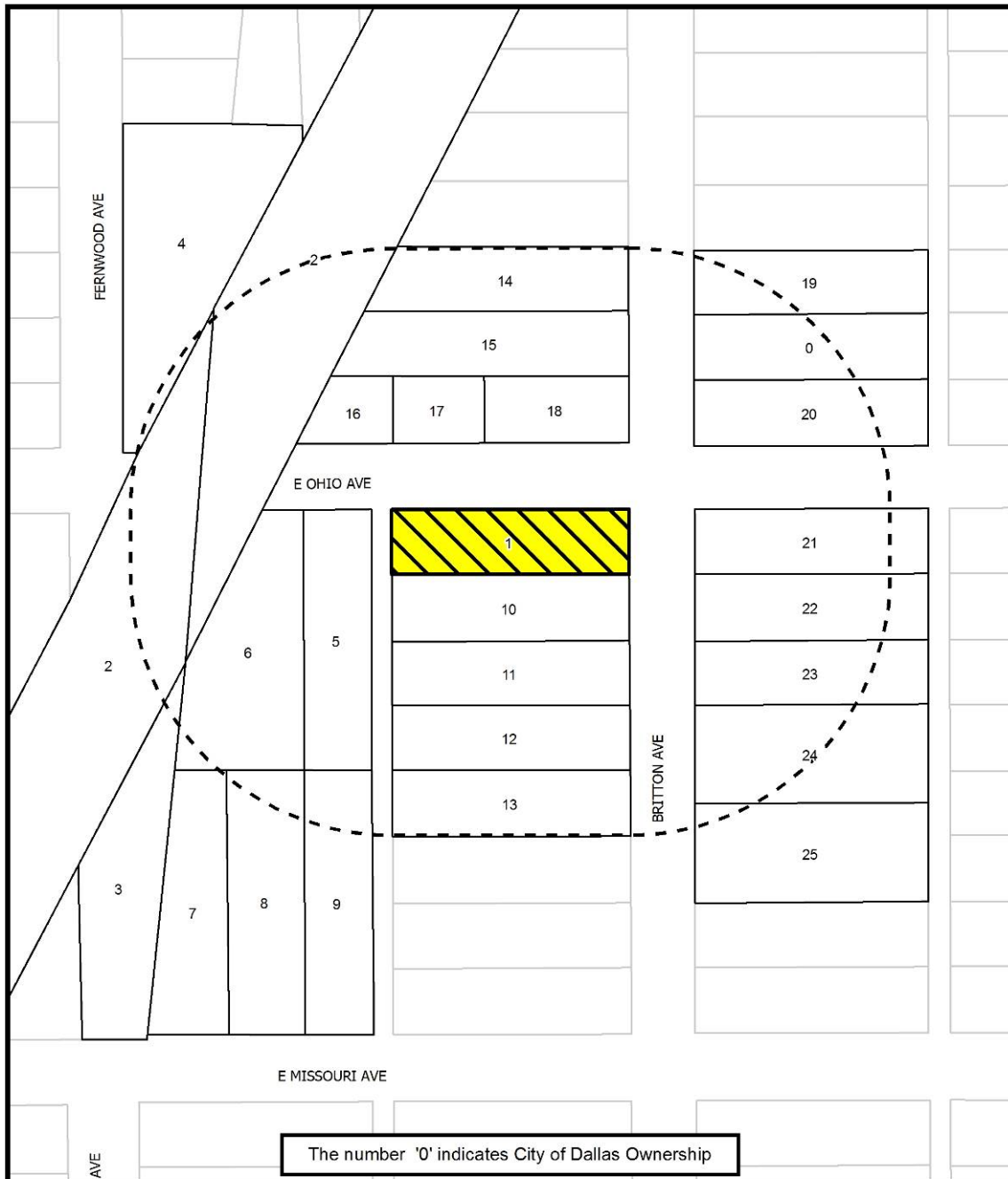


ROOF FRAMING PLAN  
SCALE: 1/4" = 1'-0"

PLEASE CONSULT THE ARCHITECT AND LANDSCAPE ARCHITECT FOR ALL NECESSARY PERMITS AND REGULATIONS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT ASSUME RESPONSIBILITY FOR THE DESIGN OR CONSTRUCTION OF ANY OTHER STRUCTURES OR UTILITIES. THE ARCHITECT'S DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S DESIGN IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ARCHITECT'S DESIGN IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT'S DESIGN IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT'S DESIGN IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE ARCHITECT'S WRITTEN CONSENT. THE ARCHITECT'S DESIGN IS NOT TO BE REPRODUCED OR COPIED WITHOUT THE ARCHITECT'S WRITTEN CONSENT.







 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA167-099</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>25</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>25</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>25</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				



## *Notification List of Property Owners*

### *BDA167-099*

#### *25 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2401 BRITTON AVE	DALLAS NEIGHBORS INC
2	1101 E ELMORE AVE	TEXAS UTILITIES ELEC CO
3	1127 E MISSOURI AVE	WESSON MARY L ESTATE OF
4	2318 FERNWOOD AVE	JIMENEZ PARRO JOSE ANTONIO
5	1242 E OHIO AVE	DALLAS HOSUING ACQUISITION & DEV CORP
6	1238 E OHIO AVE	DADE MALCOLM
7	1135 E MISSOURI AVE	DANIELS EDDIE B
8	1139 E MISSOURI AVE	MARTINEZ YOLANDA GONZALEZ &
9	1143 E MISSOURI AVE	DALLAS HOUSING ACQUISITION & DEV CORP
10	2409 BRITTON AVE	BLACKNOLD HAROLD JR
11	2411 BRITTON AVE	GREEN L T JR
12	2415 BRITTON AVE	GREEN L T
13	2419 BRITTON AVE	REYES PERFECTO
14	2319 BRITTON AVE	CGSZ LLC
15	2325 BRITTON AVE	TRAYLOR WILLIAM C
16	1211 E OHIO AVE	TRAYLOR WILLIAM C & MARLA
17	1215 E OHIO AVE	TRAYLOR MARLA
18	2331 BRITTON AVE	HERNANDEZ OTONIEL
19	2326 BRITTON AVE	RAFTER WALKER REAL EST I
20	2334 BRITTON AVE	JOHNSON BURRELL JR
21	2400 BRITTON AVE	VILLANUEVA ELIZABETH
22	2404 BRITTON AVE	REAGOR KENNETH RAY &
23	2408 BRITTON AVE	MORENO WILLIAM J
24	2412 BRITTON AVE	RAMOS SATURNINO ALVAREZ &
25	2416 BRITTON AVE	CITYWIDE DEVELOPMENT & CONSTRUCTION LLC

**FILE NUMBER:** BDA167-081(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Fred Brown for variances to the front and side yard setback regulations at 400 Bobbie Street. This property is more fully described as Lot 1, Block 7/7679, and is zoned R-5(A), which requires a front yard setback of 20 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback measured at the foundation, which will require a 10 foot variance to the front yard setback regulations, and provide a 2 foot 6 inch side yard setback measured at the foundation, which will require a 2 foot 6 inch variance to the side yard setback regulations.

**LOCATION:** 400 Bobbie Street

**APPLICANT:** Fred Brown

**REQUESTS:**

The following requests are made on a site that is undeveloped:

1. A variance to the front yard setback regulations of 10' is made to construct and maintain a 1 ½ -story single family home structure to be located 10' from the site's front property line or 10' into this 20' front yard setback.
2. A variance to the side yard setback regulations of 2' 6" is made to construct and maintain the aforementioned structure to be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required side 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.

**ORIGINAL STAFF RECOMMENDATION (August 14, 2017):**

Denial

- While staff recognized that subject site was somewhat sloped and slightly irregular in shape, and that the proposed single family home with approximately 2,000 of “livable area” was commensurate with others homes in the R-5(A) zoning district (the average of 10 other properties zoned R-5(A) from the applicant was approximately 2,300 square feet), staff concluded the slope and shape of the site with slightly over 5,000 square feet in area did not preclude the applicant from developing it with a single family home/use that could comply with the front and side yard setbacks.

**UPDATED STAFF RECOMMENDATION (September 18, 2017):**

Denial

- Once again, while staff recognized that subject site was somewhat sloped and slightly irregular in shape, and that the proposed single family home with approximately 2,000 of “livable area” was commensurate with others homes in the R-5(A) zoning district (the average of 10 other properties zoned R-5(A) from the applicant was approximately 2,300 square feet), staff concluded the slope and shape of the site with slightly over 5,000 square feet in area did not preclude the applicant from developing it with a single family home/use that could comply with the front and side yard setbacks.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is undeveloped. The areas to the north, south, east, and west are 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 (front yard variance):**

- The request for a variance to the front yard setback regulations of 10' focuses on constructing and maintaining a 1 ½ -story single family home structure with an approximately 1,500 square foot building footprint to be located 10' from the site's front property line or 10' into the 20' required front yard setback on a site that is undeveloped.
- A 20' front yard setback is required in the R-5(A) zoning district.
- The subject site is located at the northeast corner of Canyon Street and Bobbie Street. The site has one 20' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The submitted site plan represents that the proposed structure is located 10' from the front property line or 10' into the 20' required front yard setback.
- There are no DCAD records found for property addressed at 400 Bobbie Street.
- The subject site is somewhat sloped, slightly irregular in shape, and according to the submitted application is 0.12 acres (or approximately 5,200 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area.
- The applicant submitted a document (Attachment A) that denoted that the "livable area" of the proposed home on the subject site was approximately 2,000 square feet, and that the average "livable area" of 10 other properties zoned R-5(A) was approximately 2,300 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-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 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 is a structure that would be located 10' from the site's front property line (or 10' into the 20' required front yard setback).

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

- The request for a variance to the side yard setback regulations of 2' 6" focuses on constructing and maintaining a 1 ½ -story single family home structure with an approximately 1,500 square foot building footprint to be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required side yard setback on a site that is undeveloped.



- A 5' side yard setback is required in the R-5(A) zoning district.
- The subject site is located at the northeast corner of Canyon Street and Bobbie Street. The site has one 20' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback.
- The submitted site plan represents that the proposed structure is located 2' 6" from the northern side property line or 2' 6" into this 5' required side yard setback.
- There are no DCAD records found for property addressed at 400 Bobbie Street.
- The subject site is somewhat sloped, slightly irregular in shape, and according to the submitted application is 0.12 acres (or approximately 5,200 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area.
- The applicant submitted a document (Attachment A) that denoted that the "livable area" of the proposed home on the subject site was approximately 2,000 square feet, and that the average "livable area" of 10 other properties zoned R-5(A) was approximately 2,300 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-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 the side yard variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required side yard setback.

**Timeline:**

- April 21, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

- July 11, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 4<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).
- August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- August 14, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. A person appeared on behalf of the applicant and submitted additional information to the Board at the public hearing (see Attachment B). The Board delayed action on this application until their next public hearing to be held on September 18, 2017.
- August 21, 2017: The Board Administrator wrote the applicant a letter of the board's action; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building

Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION: AUGUST 14, 2017**

APPEARING IN FAVOR: Brian Williams, 134666 Thunderbrook Dr.. DeSoto, TX

APPEARING IN OPPOSITION: No one

MOTION: **Foster**

I move that the Board of Adjustment, in Appeal **No. BDA 167-081**, hold this matter under advisement until **September 18, 2017**.

SECONDED: **Agnich**

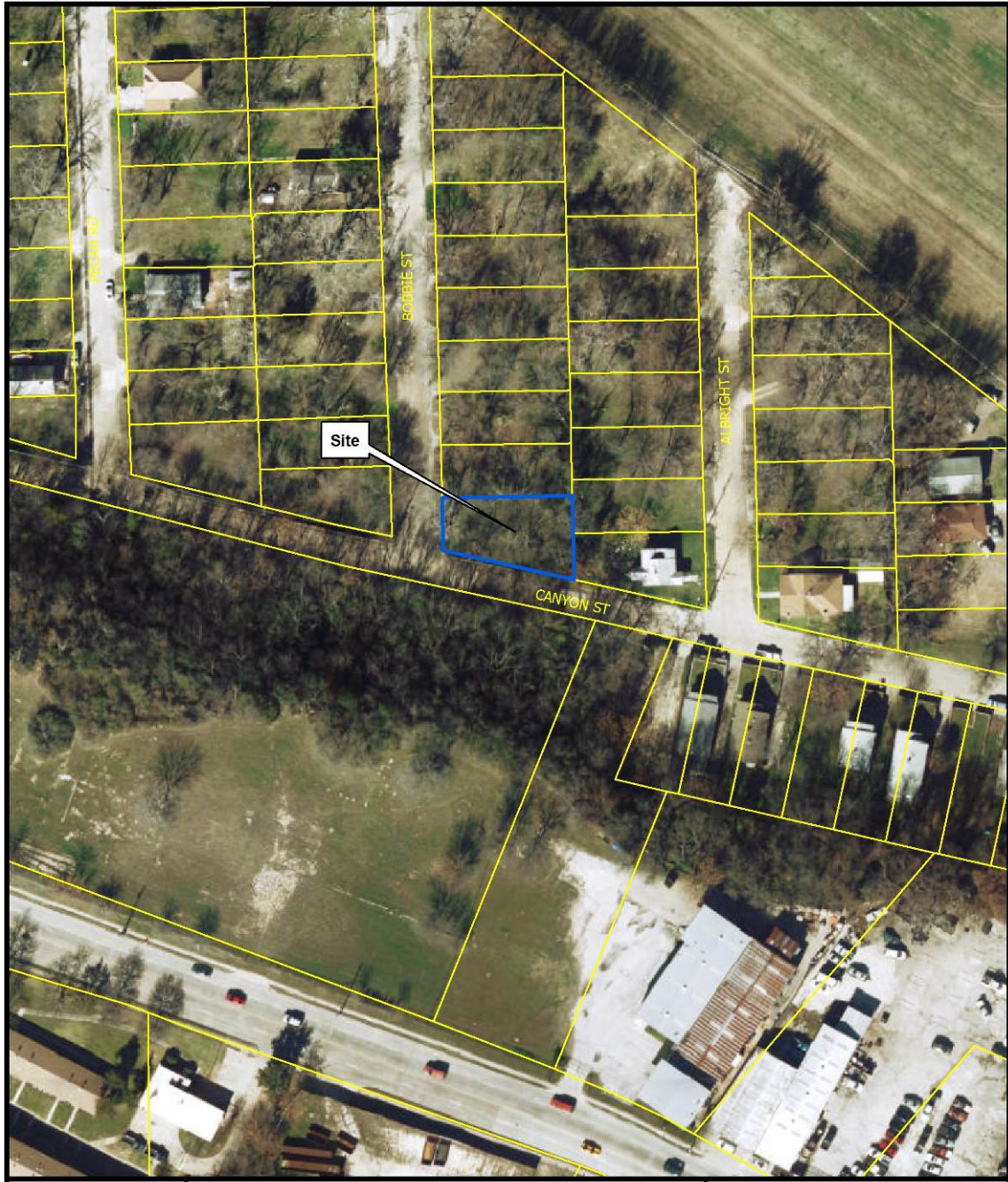
AYES: 5 – Richardson, Foster, Gambow, Agnich, Lewis

NAYS: 0

MOTION PASSED:5 – 0 (unanimously)







1:1,200

# AERIAL MAP

Case no: BDA167-081

Date: 7/17/2017

## 400 Bobbie Street

The subject property, 400 Bobbie Street is zoned R5(A), which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement (which is a rarity in The Bottom neighborhood) at 5,254/sf, the irregular pie shape of the lot creates significant challenges in delivering commensurate development to The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street created by the irregularity of the pie shaped lot configuration. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas.

Below is a chart of randomly selected R5(A) zoned lots and housing stock in the city of Dallas. Please note that the livable area and improvements of the subject property, 400 Bobbie Street are commensurate of other R5(A) zoning in the city of Dallas.

R5(A) Zoned Lots & Housing					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,000/SF (50x100)	2542 Friendly Lane	2,274/SF	409/SF	2,683/SF
R5(A)	5,000/SF (50x100)	2560 Pilgrim Rest	2,274/SF	409/SF	2,683/SF
R5(A)	5,000/SF (50x100)	7927 Peaceful Bend Drive	2,324/SF	429/SF	2,753/SF
R5(A)	5,000/SF (50x100)	2826 Gospel Drive	2,363/SF	424/SF	2,787/SF
R5(A)	5,000/SF (50x100)	2838 Gospel Drive	2,679/SF	400/SF	3,079/SF
R5(A)	5,000/SF (50x100)	2850 Gospel Drive	2,358/SF	424/SF	2,782/SF
R5(A)	5,000/SF (50x100)	2903 Gospel Drive	2,394/SF	420/SF	2,814/SF
R5(A)	5,000/SF (50x100)	119 Idlewheat Lane	2,028/SF	400/SF	2,428/SF
R5(A)	5,000/SF (50x100)	116 Idlewheat Lane	2,428/SF	462/SF	2,890/SF
R5(A)	5,000/SF (50x100)	148 Triumph Road	2,076/SF	484/SF	2,560/SF

400 Bobbie Street					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,254/SF (Irregular)	400 Bobbie Street	2,050/SF	400/SF	2,450/SF

In addition to delivering commensurate development to The Bottom that is commensurate of other R5(A) zoning in the city of Dallas, this variance request strives to ensure that the standard of housing options in The Bottom meet the intent of the design guidelines adopted for the neighborhood in 2015 (The Bottom Urban Structure) and establish a benchmark for single-family housing that define the community's vision and prioritizes a framework to realize the potential for the area. As such, this is one of the first of the twenty lots that we are in partnership with the City of Dallas, or have purchased from the City of Dallas that will be submitted for variances this year. The fundamental objective is to provide a more sustainable and equitable redevelopment approach while we work on a comprehensive zoning plan for the entirety of The Bottom. These are the bones from which we will begin the transformation of this once strong and vital single-family neighborhood and build a diverse, sustainable community, reviving the original spirit of The Bottom - a place for new beginnings and greater opportunity.



## 400 Bobbie Street

The subject property, 400 Bobbie Street is zoned R5(A), which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement (which is a rarity in The Bottom neighborhood) at 5,254/sf, the irregular pie shape of the lot creates significant challenges in delivering commensurate development to The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street created by the irregularity of the pie shaped lot configuration. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas.

Below is a chart of randomly selected R5(A) zoned lots and housing stock in the city of Dallas. Please note that the livable area and improvements of the subject property, 400 Bobbie Street are commensurate of other R5(A) zoning in the city of Dallas.

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R5(A)	5,000/SF (50x100)	2826 Gospel Drive	2,363/SF	424/SF	2,787/SF
R5(A)	5,000/SF (50x100)	2838 Gospel Drive	2,679/SF	400/SF	3,079/SF
R5(A)	5,000/SF (50x100)	2850 Gospel Drive	2,358/SF	424/SF	2,782/SF
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R5(A)	5,000/SF (50x100)	116 Idlewheat Lane	2,428/SF	462/SF	2,890/SF
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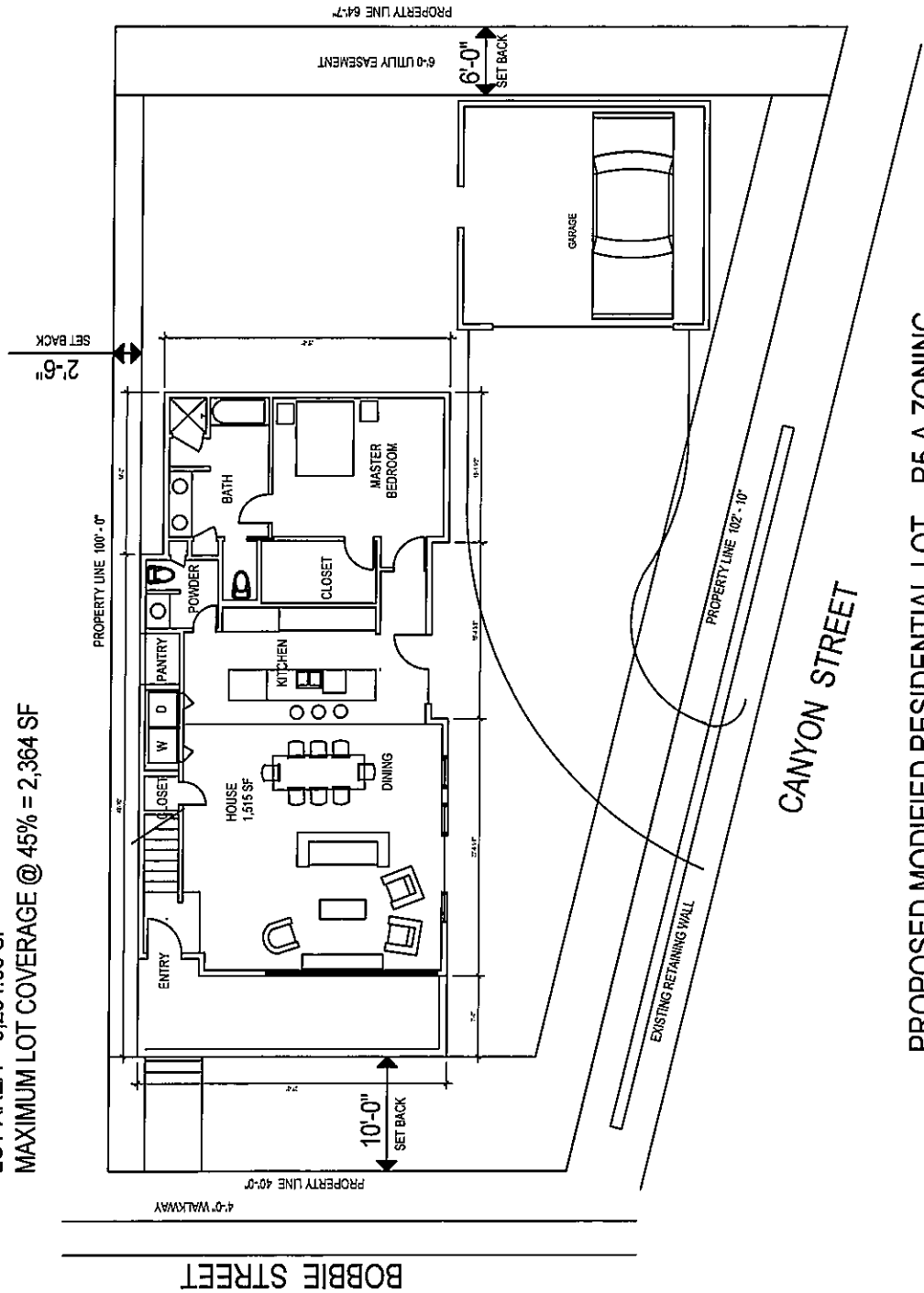
400 Bobbie Street					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,254/SF (Irregular)	400 Bobbie Street	2,050/SF	400/SF	2,450/SF

In addition to delivering commensurate development to The Bottom that is commensurate of other R5(A) zoning in the city of Dallas, this variance request strives to ensure that the standard of housing options in The Bottom meet the intent of the design guidelines adopted for the neighborhood in 2015 (The Bottom Urban Structure) and establish a benchmark for single-family housing that define the community's vision and prioritizes a framework to realize the potential for the area. As such, this is one of the first of the twenty lots that we are in partnership with the City of Dallas, or have purchased from the City of Dallas that will be submitted for variances this year. The fundamental objective is to provide a more sustainable and equitable redevelopment approach while we work on a comprehensive zoning plan for the entirety of The Bottom. These are the bones from which we will begin the transformation of this once strong and vital single-family neighborhood and build a diverse, sustainable community, reviving the original spirit of The Bottom - a place for new beginnings and greater opportunity.

DESIGN	ALCHEMY
--------	---------

ARCHITECTURE  
INTERIOR DESIGN  
GRAPHIC DESIGN

LOT AREA = 5,254.00 SF  
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF

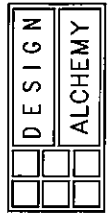


PROPOSED MODIFIED RESIDENTIAL LOT - R5-A ZONING

DATE: APRIL 21, 2017	PROJ. NO.: 16013
SCALE: NTS	DRAWING NO.:
<p><b>THE BOTTOM</b> Single Family Residence 400 Bobbie Street Dallas, Texas 75203</p>	
<p>428 W. Davis St., Studio 3 Dallas, Texas 75208</p>	

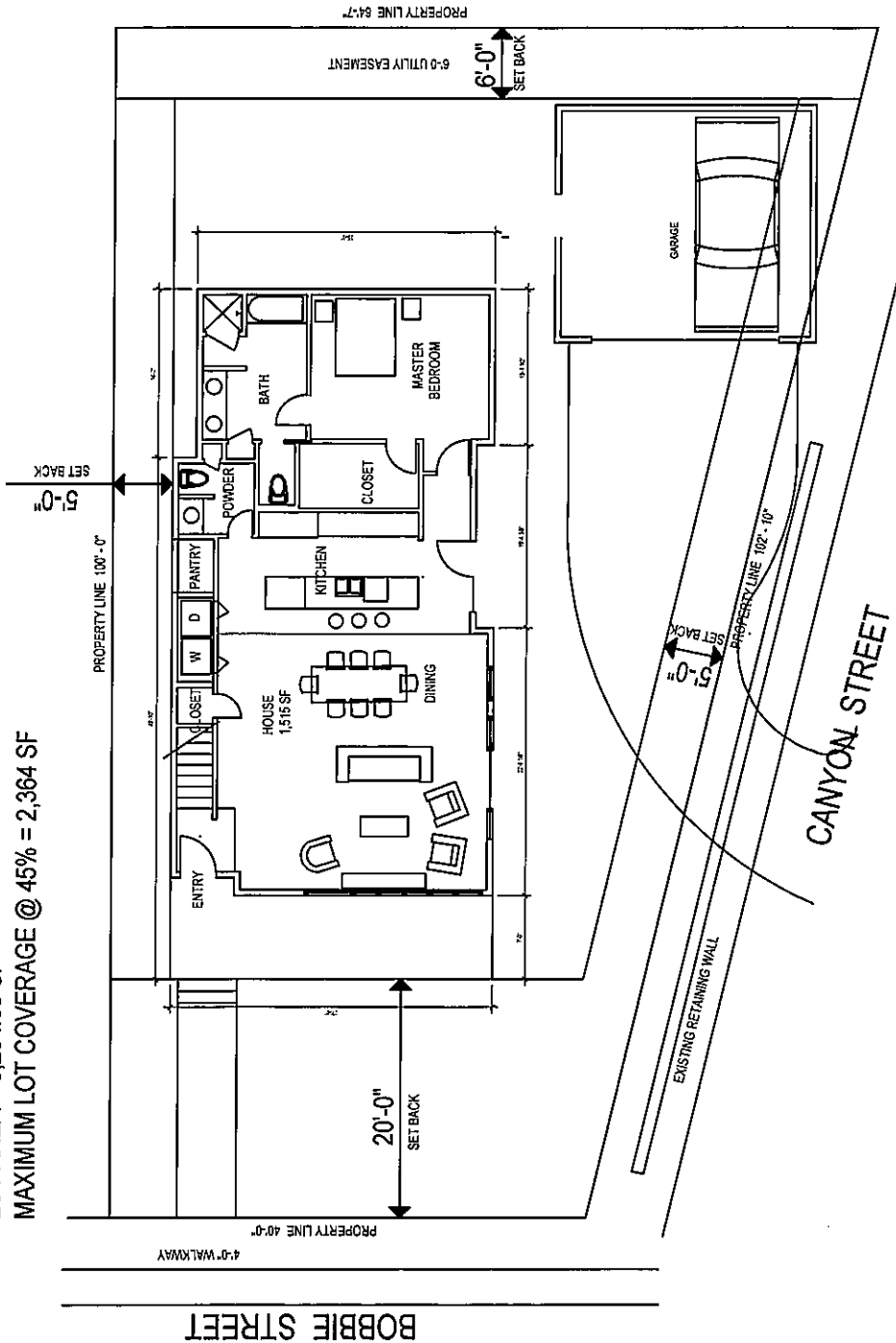
DESIGN ALCHEMY, L.L.C.  
214.693.7543





ARCHITECTURE  
INTERIOR DESIGN  
CHARLIE PERCIVAL

LOT AREA = 5,254.00 SF  
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



RESIDENTIAL LOT - R5-A ZONING

PROJ. NO.:  
16013

DRAWING NO.:

**THE BOTTOM**  
Single Family Residence  
400 Bobbie Street  
Dallas, Texas 75203

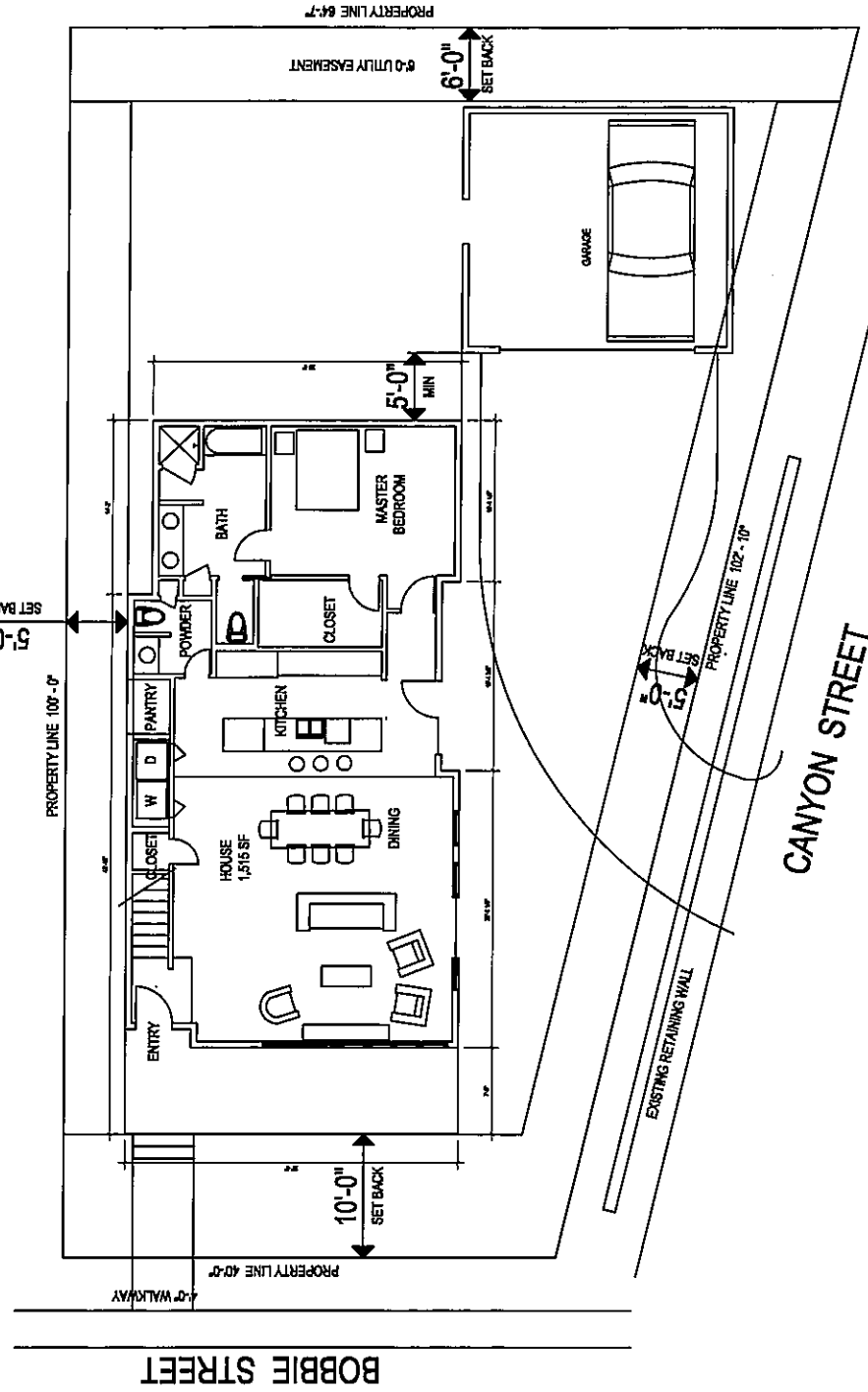
428 W. Davis St., Studio 3  
Dallas, Texas 75208

DATE:  
AUGUST 14, 2017

SCALE:  
NTS"

DESIGN ALCHEMY, LLC.  
2.1.1 8037542

LOT AREA = 5,254.00 SF  
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED 10'-0" FRONT SET BACK OPTION  
RESIDENTIAL LOT - R5-A ZONING

CANYON STREET

BOBBIE STREET

PROJ. NO.:	16013
DRAWING NO.:	

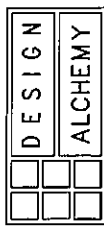
THE BOTTOM  
Single Family Residence  
Dallas, Texas 75203

Dallas, Texas 75208

DATE:	JUNE 18, 2015
SCALE:	1/4" = 1'-0"

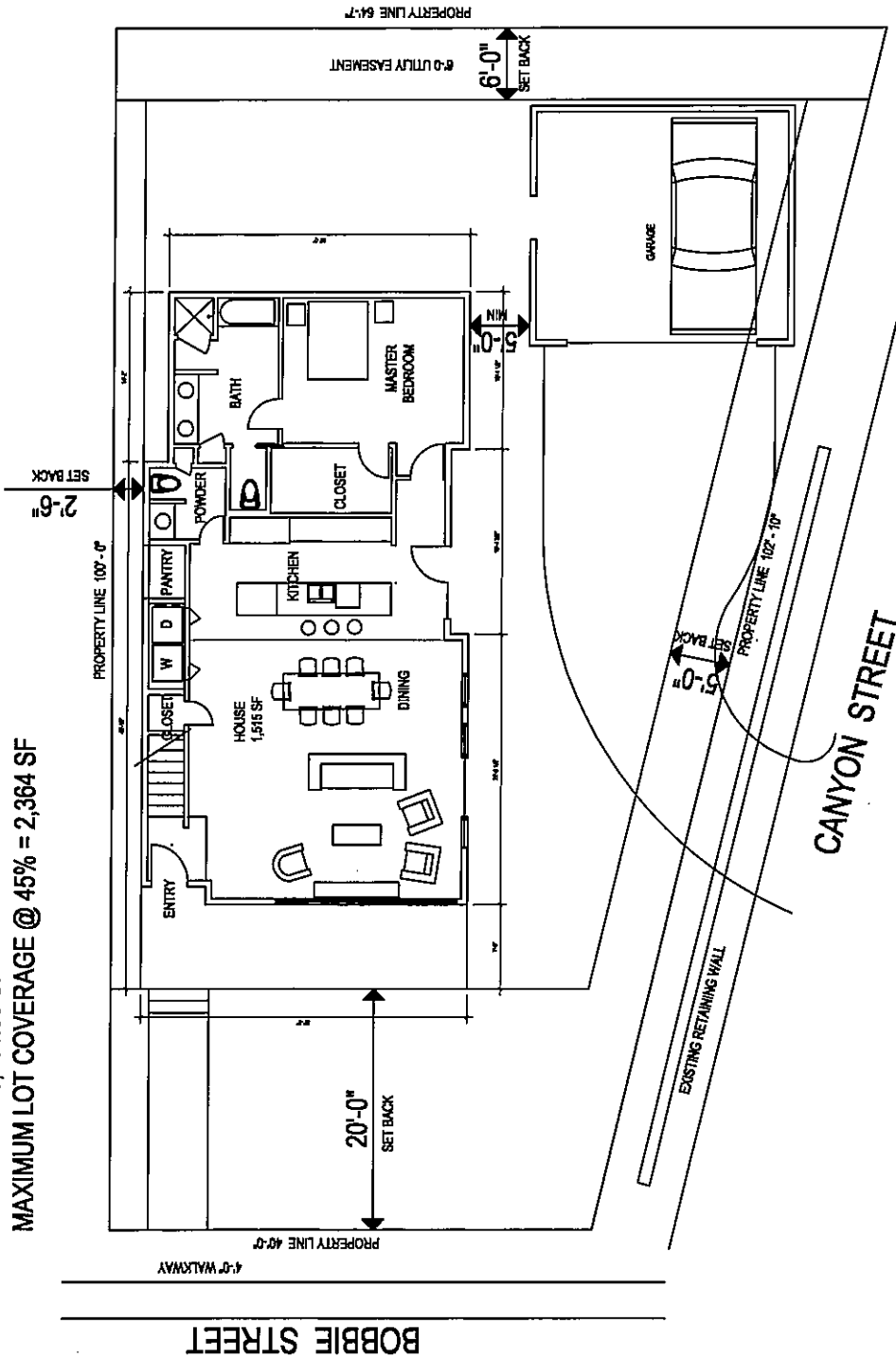
DESIGN ALCHEMY, LLC.  
214.893.7543

BDA167-081 Attach B  
P 3 D



ARCHITECTUR  
INTERIOR DESIGN  
GRAPHIC DESIGN

LOT AREA = 5,254.00 SF  
MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED 2'-6" SIDE SET BACK OPTION  
RESIDENTIAL LOT - R5-A ZONING

PROJ. NO.:	16013
DRAWING NO.:	

**THE BOTTOM**  
Single Family Residence  
Dallas, Texas 75203

Dallas, Texas 75208

DATE:	JUNE 18, 2015
SCALE:	1/4" = 1'-0"

DESIGN ALCHEMY, LLC.  
214.893.7543



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-081

Data Relative to Subject Property:

Date: 4/21/2017

Location address: 400 Bobbie Street Zoning District: R5(A)

Lot No.: 1 Block No.: 7/7679 Acreage: .12 Census Tract: 41.00

Street Frontage (in Feet): 1) 40 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): B & J Custom Homes dba Redline Development Group

Applicant: Fred Brown Telephone: 817.658.0179

Mailing Address: P.O. Box 3578, Cedar Hill, Texas Zip Code: 75104

E-mail Address: brownfred@bjcustomhomes.com

Represented by: Fred Brown Telephone: 817.658.0179

Mailing Address: P.O. Box 3578, Cedar Hill, Texas Zip Code: 75104

E-mail Address: brownfred@bjcustomhomes.com

Affirm that an appeal has been made for a Variance X, or Special Exception \_\_, of \_\_\_\_\_  
Front Yard Setback (10') Side Yard Setback (2'6")

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The subject property, 400 Bobbie Street is zoned R5A, which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement, the irregular shape of the lot creates significant challenges to delivering commensurate development to The Bottom neighborhood. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood.

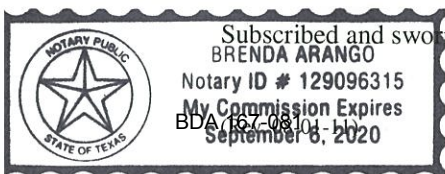
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Fred Brown  
(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 21 day of April, 2017  
Brenda Arango  
4-15 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 Fred Brown

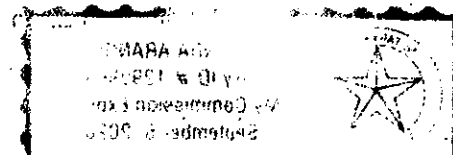
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations

at 400 Bobbie Street

BDA167-081. Application of Fred Brown for a variance to the front yard setback regulations and a variance to the side yard setback regulations at 400 Bobbie Street. This property is more fully described as Lot 1, Block 7/7679, and is zoned R-5(A), which requires a front yard setback of 20 feet and requires a side yard setback of 5 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback measured at the foundation, which will require a 10 foot variance to the front yard setback regulation, and provide a 2 foot 6 inch side yard setback measured at the foundation, which will require a 2 foot 6 inch variance to the side yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.  
402 pecan

Locate

OR

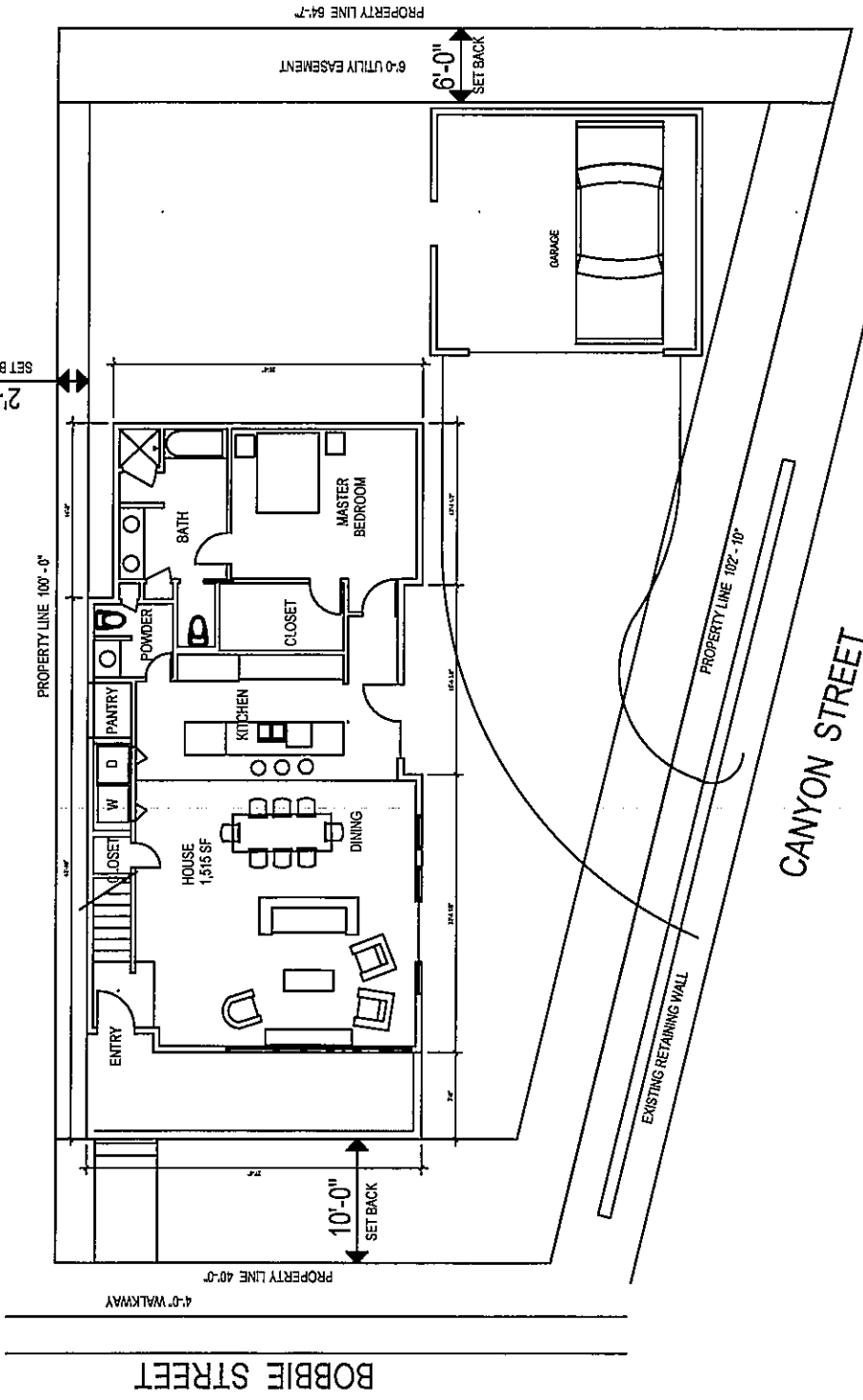
Parcel address.  
Use street type for better re

Locate





LOT AREA = 5,254.00 SF  
 MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



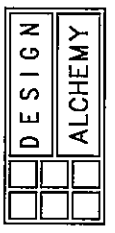
PROPOSED MODIFIED RESIDENTIAL LOT - R5-A ZONING

DATE: APRIL 21, 2017	PROJ. NO.: 16013
SCALE: NTS	DRAWING NO.:

**THE BOTTOM**  
 Single Family Residence  
 400 Bobbie Street  
 Dallas, Texas 75203

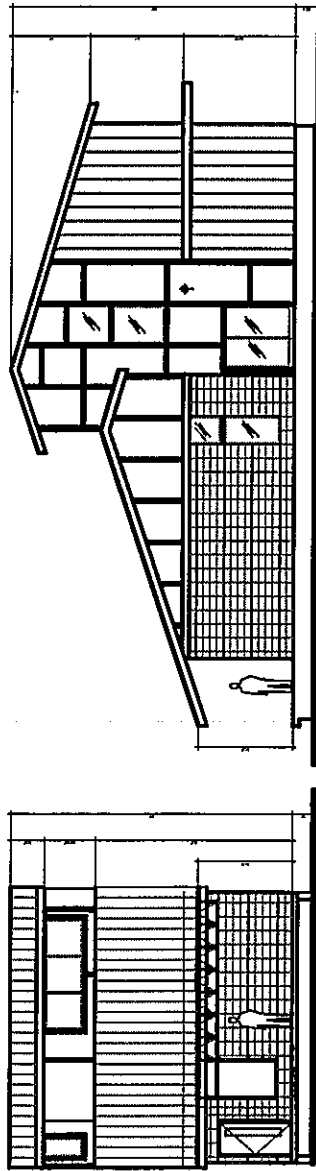
DESIGN ALCHEMY, L.L.C.  
 214.893.7543

428 W. Davis St., Studio 3  
 Dallas, Texas 75208



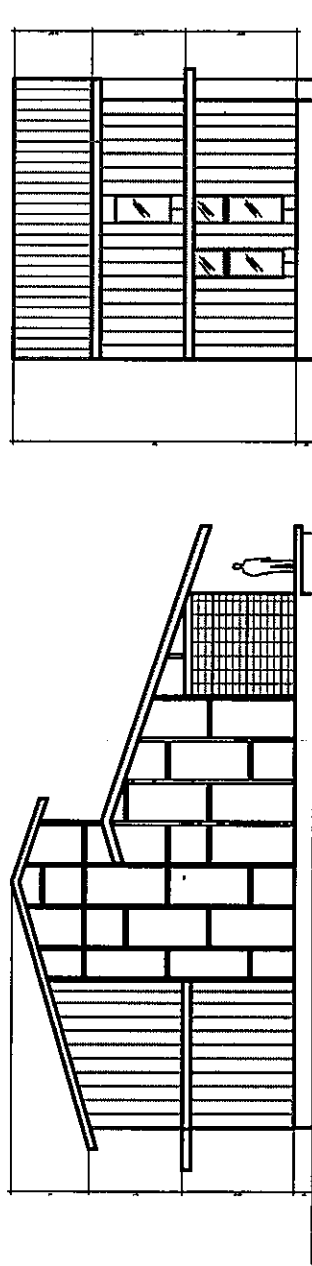
ARCHITECTURE  
 INTERIOR DESIGN  
 GRAPHIC DESIGN





FRONT ELEVATION

SIDE ELEVATION



SIDE ELEVATION

BACK ELEVATION

DATE:  
APRIL 18, 2017

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

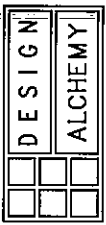
THE BOTTOM  
 400 BOBBIE STREET  
 DALLAS, TEXAS

PROJ. NO.:

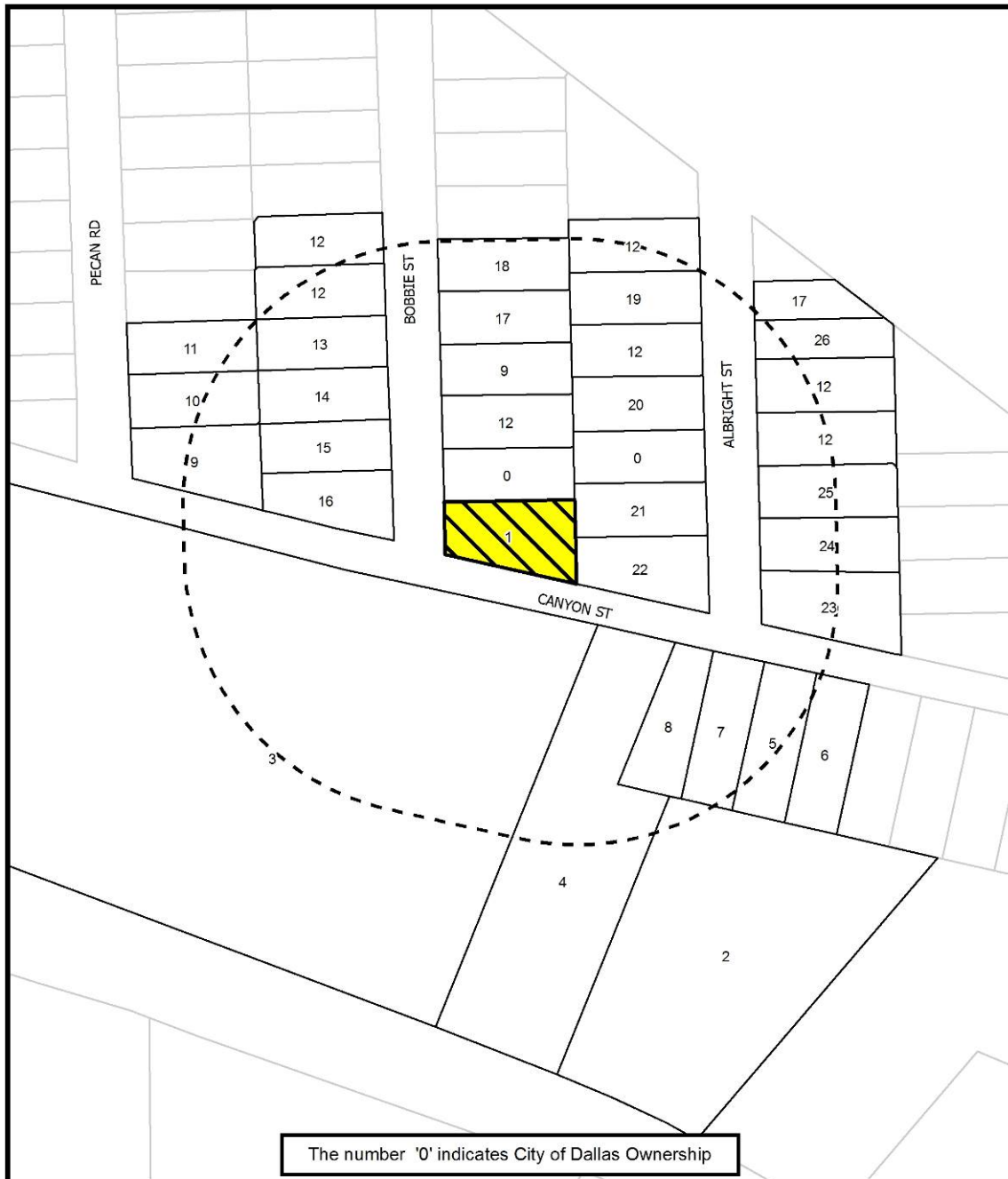
DRAWING NO.:

DESIGN ALCHEMY, L.L.C.  
 214.693.7543

428 W. Davis St., Studio 3  
 Dallas, Texas 75208



DESIGN  
 ALCHEMY  
 ARCHITECTURE  
 INTERIOR DESIGN  
 GRAPHIC DESIGN



 1:1,200	<b>NOTIFICATION</b>	Case no: <b>BDA167-081</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>26</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>26</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

# *Notification List of Property Owners*

## *BDA167-081*

### *26 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	400 BOBBIE ST	PAYNE DORA EST
2	1609 E 8TH ST	1609 PARTNERS LLC
3	1515 E 8TH ST	EAST EIGHTS STREET GROUP LLC
4	1607 E 8TH ST	THERM PROCESSES INC
5	2004 CANYON ST	FORTSON LEON EST OF
6	2006 CANYON ST	APEX FINANCIAL CORP
7	2002 CANYON ST	LISTER WILLIE JR
8	2000 CANYON ST	CALAHAN STACEY L &
9	400 PECAN DR	TEXAS HEAVENLY HOME BUILDERS LTD
10	402 PECAN DR	DALLAS HOUSING ACQUISITION & DEV CORP
11	404 PECAN DR	PARKER DE LAWRENCE
12	411 BOBBIE ST	TEXAS HEAVENLY HOMES LTD
13	407 BOBBIE ST	MCFARLAND GLADYS MARIE
14	405 BOBBIE ST	CANYON O C & DELMA
15	403 BOBBIE ST	FAIRCHILD M E
16	401 BOBBIE ST	SMITH NAOMI JOE
17	408 BOBBIE ST	TEXAS HEAVENLY HOMES
18	410 BOBBIE ST	NELSON GEORGE W
19	411 ALBRIGHT ST	PRICE RACHAEL D
20	407 ALBRIGHT ST	HMK LTD
21	403 ALBRIGHT ST	TOLIVER WILLIE MAE EST OF
22	401 ALBRIGHT ST	SOWARDS REBECCA
23	400 ALBRIGHT ST	GAMBER MONTY
24	402 ALBRIGHT ST	J E M COLOR INC
25	404 ALBRIGHT ST	J E M COLOR INC
26	410 ALBRIGHT ST	NEW COVENANT PENTECOSTAL EVANGELIST HOLY TEMPLE

**FILE NUMBER:** BDA167-100(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Steve Gottsaker, represented by John Hamilton, for a special exception to the landscape regulations at 2820 Reagan Street. This property is more fully described as Lot 9, 10, & 11, Block 2/1336, and is zoned PD-193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

**LOCATION:** 2820 Reagan Street

**APPLICANT:** Steve Gottsaker  
Represented by John Hamilton

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain an approximately 450 square foot office structure on a site developed with a 1960's multifamily use, and not fully provide required landscaping.

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- The City of Dallas Chief Arborist recommends denial of the applicant's request because it is viewed that the limited planting plan does compromise the spirit and intent of the PD 193 landscape regulations for multifamily development.



## **BACKGROUND INFORMATION:**

Site: PD 193 (MF-2) (Planned Development, Multifamily)  
North: PD 193 (MF-2) (Planned Development, Multifamily)  
South: PD 193 (MF-3) (Planned Development, Multifamily)  
East: PD 193 (MF-2) (Planned Development, Multifamily))  
West: PD 193 (MF-2) (Planned Development, Multifamily))

## **Land Use:**

The subject site is developed with a multifamily use that according to DCAD was constructed in 1967. The areas to the north, east, south, and west are developed with multifamily 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:**

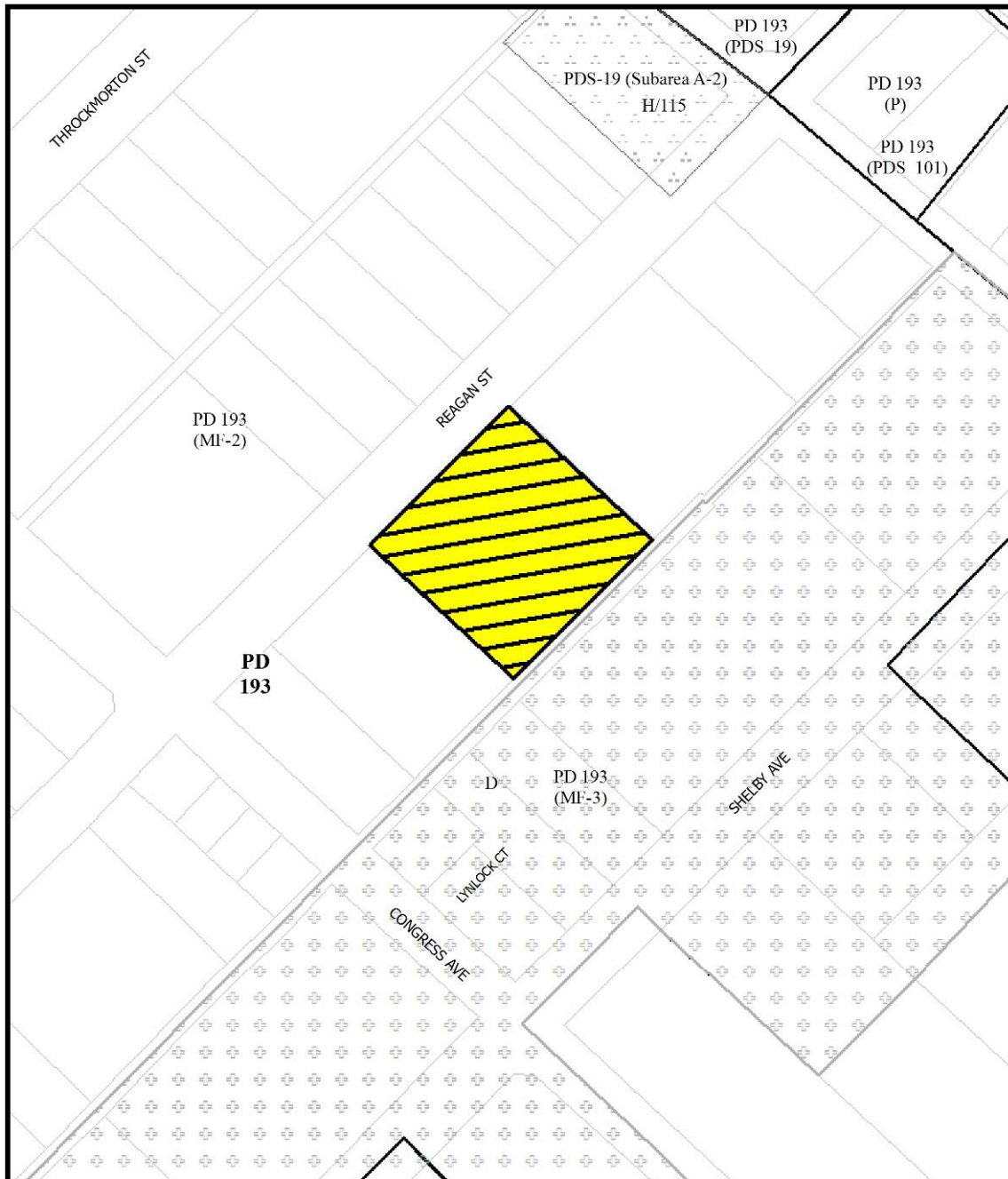
- This request for a special exception to the landscape regulations focuses on constructing and maintaining an approximately 450 square foot office structure on a site developed with a 1960's multifamily use, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the proposed alternate landscape plan is deficient in surface parking area screening, sidewalk and street tree, and landscape site area, general planting area, and special planting area requirements of the PD 193 landscape requirements.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The Chief Arborist states the applicant is requesting a special exception to the landscape regulations of PD 193 (MF-2) related to a building permit for construction with an increase of 450 square feet of new floor area, which will require compliance with PD 193.126 landscape regulations).

- The Chief Arborist states how the submitted alternate landscape plan provides for existing landscaping within the interior of the property and introduces two 'street trees' and two 'site trees' in the required front yard, and three 'new site trees' behind the main structure; that an existing 'street tree' in the parking lot is incorrectly located; and that the plan does not provide a list of tree sizes or species to be applied on the landscape.
- The Chief Arborist's memo states the following regarding deficiencies:
  1. An automatic irrigation system is not specified. (.126(b)(2)).
  2. All surface parking is required to be screened at a minimum height of 3.5 feet above the parking surface. No screening of parking is provided and paved parking surfaces are established in the required front yard adjacent to the driveway entries. (.126(b)(3)).
  3. Sidewalks in residential districts are required at a minimum of 4' wide and between 5' and 10' from back of curb. The sidewalks are at about 4 feet from back of curb. (.126(b)(4))
  4. Trees of 3.5" caliper are required within the tree planting zone of 2.5' – 5' from back of curb at 1 per 25 feet of frontage. Four trees are located in the required front yard. (.126(b)(5))
  5. The alternate landscape plan does not designate the amount of the required 20% landscape site area (50% required front yard), nor the applicable General Planting Area, or Special Planting Areas on the property. A minimum of 20% of the parkway must be designated as parkway planting area. (.126(f)). (The memo also includes a table that shows how the site is deficient with regard to landscape site area, general planting area, and special planting area.
- The Chief Arborist's memo lists the following factors for consideration:
  1. The property has an existing multifamily use with a planned small office addition.
  2. The placement of four large trees in the required front yard would be favorable to avoid planting large trees under overhead electric utility lines in the parkway.
  3. The property was built and maintained before the PD 193 regulations were initiated. In 2015, the property was renovated, and established large trees and other landscaping, including large shrubs in front of a recessed front yard fence, were removed from the front and rear of the lot. Permits have not been identified to determine the scope of work which included a patio area shown on the landscape plan and the new fence in the required front yard.
- The City of Dallas Chief Arborist recommends denial of this request because it is viewed that the limited planting plan does compromise the spirit and intent of the PD 193 landscape regulations for multifamily development.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the surface parking area screening, sidewalk and street tree, and landscape site area, general planting area, and special planting area requirements of the PD 193 landscape requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards".

- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to surface parking area screening, sidewalk and street tree, and landscape site area, general planting area, and special planting area requirements of the PD 193 landscape requirements of the Oak Lawn PD 193 landscape ordinance.

**Timeline:**

- June 21, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- August 8, 2017: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- September 6, 2017: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).



1:1,200

# ZONING MAP

Case no: BDA167-100

Date: 8/31/2017





1:1,200

# AERIAL MAP

Case no: BDA167-100

Date: 8/31/2017

# Memorandum



CITY OF DALLAS

Date September 6, 2017  
 To Steve Long, Board Administrator  
 Subject BDA #167-100 Arborist report – 2820 Reagan Street

## Request

The applicant is requesting a special exception to the landscape regulations of PD 193 (MF-2). A building permit has been submitted for construction with an increase of 450 square feet of new floor area, which will require compliance with PD 193.126 landscape regulations.

## Provision

The alternate landscape plan provides for existing landscaping within the interior of the property and introduces two ‘street trees’ and two ‘site trees’ in the required front yard, and three ‘new site trees’ behind the main structure. An existing ‘street tree’ in the parking lot is incorrectly located. The plan does not provide a list of tree sizes or species to be applied on the landscape.

## Deficiencies

- An automatic irrigation system is not specified. (.126(b)(2))
- All surface parking is required to be screened at a minimum height of 3.5 feet above the parking surface. No screening of parking is provided and paved parking surfaces are established in the required front yard adjacent to the driveway entries. (.126(b)(3))
- Sidewalks in residential districts are required at a minimum of 4’ wide and between 5 and 10’ from back of curb. The sidewalks are at about 4 feet from back of curb. (.126(b)(4))
- Trees of 3.5” caliper are required within the tree planting zone of 2.5 – 5’ from back of curb at 1 per 25 feet of frontage. Four trees are located in the required front yard. (.126(b)(5))
- The alternate landscape plan does not designate the amount of the required 20% landscape site area (50% required front yard), nor the applicable General Planting Area, or Special Planting Areas on the property. A minimum of 20% of the parkway must be designated as parkway planting area. (.126(f)). The following table is added for reference.

**☐ Designated Landscape Areas / Features** · MF subdistricts

- Front yard setback = 15'

area %'s in sqft	Landscape Site Area		General Planting Area		Special Planting Area	
Lot Area	20%		50% (of LSA)		20% (of GPA)	
Required FY	50%		25%		5%	
	Required	Provided	Required	Provided	Required sqft / plants	Provided sqft / plants
Lot Area						
Required FY						

- A minimum of 20% of the parkway must be designated as parkway planting area

**Factors**

- The property has an existing multifamily use with a planned small office addition.
- The placement of four large trees in the required front yard would be favorable to avoid planting large trees under overhead electric utility lines in the parkway.
- The property was built and maintained before the PD 193 regulations were initiated. In 2015, the property was renovated, and established large trees and other landscaping, including large shrubs in front of a recessed front yard fence, were removed from the front and rear of the lot. Permits have not been identified to determine the scope of work which included a patio area shown on the landscape plan and the new fence in the required front yard.

**Recommendation**

The chief arborist recommends denial of the alternate landscape plan because it is viewed that the limited planting plan does compromise the spirit and intent of the PD 193 landscape regulations for multifamily development.

Philip Erwin  
Chief Arborist  
Building Inspection





APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-100

Data Relative to Subject Property:

Date: 6/21/17

Location address: 2820 REAGAN ST.

Zoning District: PD-193 (MF-2)

Lot No.: 9/10/11 Block No.: 2/13316 Acreage: .517 Census Tract: 5.00

Street Frontage (in Feet): 1) 200 2) - 3) - 4) - 5) -

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SPG Apartments Esperanza, LLC

Applicant: STEVE GOTTSACKER Telephone: 214.808.0616

Mailing Address: 2820 REAGAN Zip Code: \_\_\_\_\_

E-mail Address: STEVE@GOTTBROS.COM

Represented by: JOHN HAMILTON Telephone: \_\_\_\_\_

Mailing Address: 2802 N. CARROLL AVE #4309 DALLAS Zip Code: 75204

E-mail Address: JHAMILTON@HAMILTONWOLF.COM

Affirm that an appeal has been made for a Variance, or Special Exception X, of PD-193 LANDSCAPE REQUIREMENTS FOR AN ALTERNATE LANDSCAPE PLAN

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:

EXISTING CONDITIONS NOT ABLE TO COMPLY W/ REQUIREMENTS AND NEW LANDSCAPE WILL NOT HAVE ANY ADVERSE EFFECT ON NEIGHBORHOOD OR NEIGHBORS

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 Steve Gottsacker (Affiant/Applicant's name printed)

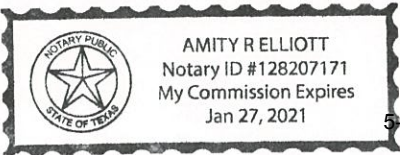
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 22nd day of June, 2017

[Signature] Amity R Elliott 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 Steve Gottsaker  
represented by John Hamilton  
did submit a request for a special exception to the landscaping regulations  
at 2820 Reagan Street

BDA167-100. Application of Steve Gottsaker represented by John Hamilton for a special exception to the landscaping regulations at 2820 Reagan Street. This property is more fully described as Lot 9, 10, & 11, Block 2/1336, and is zoned PD-193 (MF-2), which requires mandatory landscaping. The applicant proposes to construct a multifamily residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

Street address,

2820 reagan

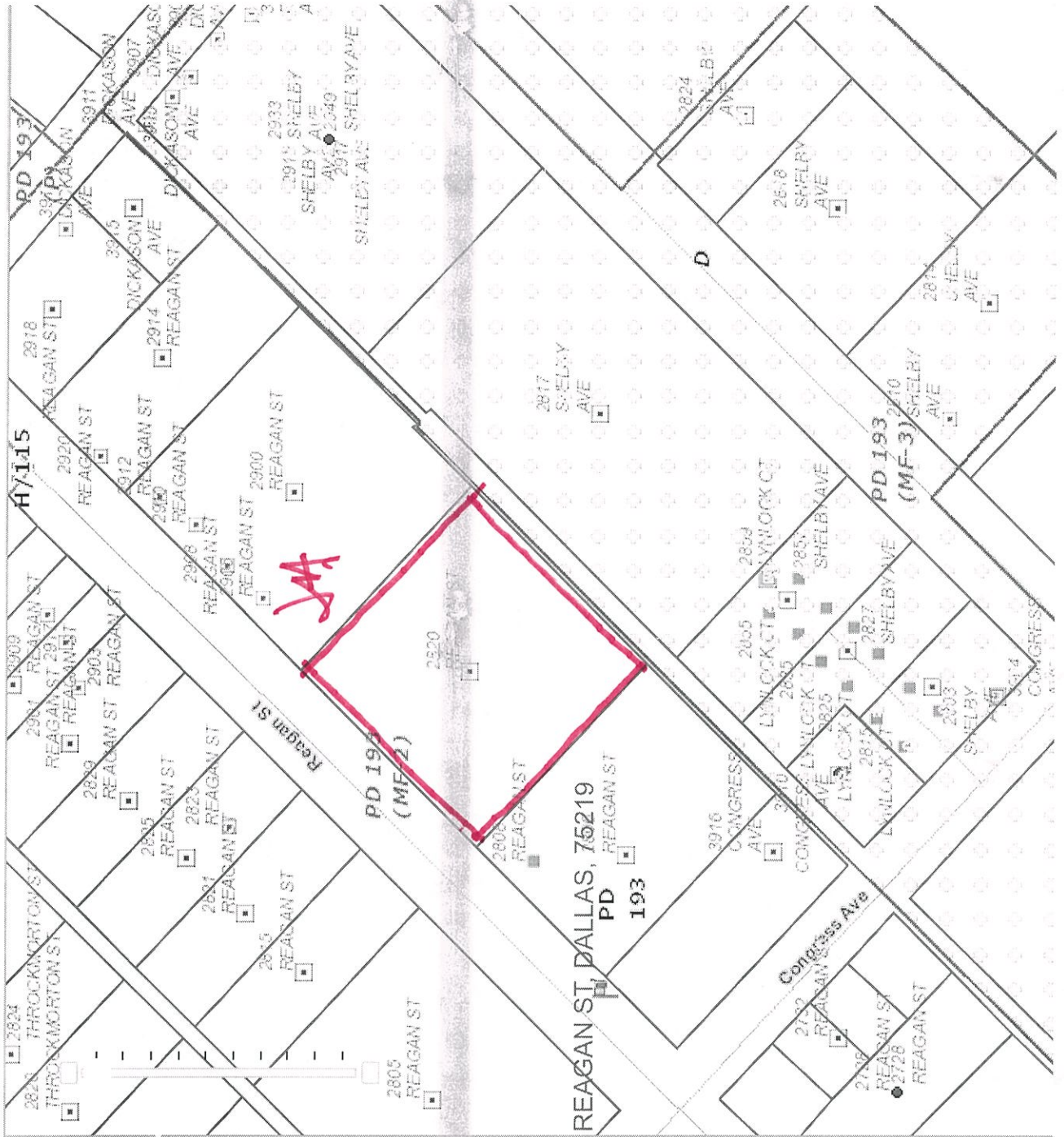
Locate

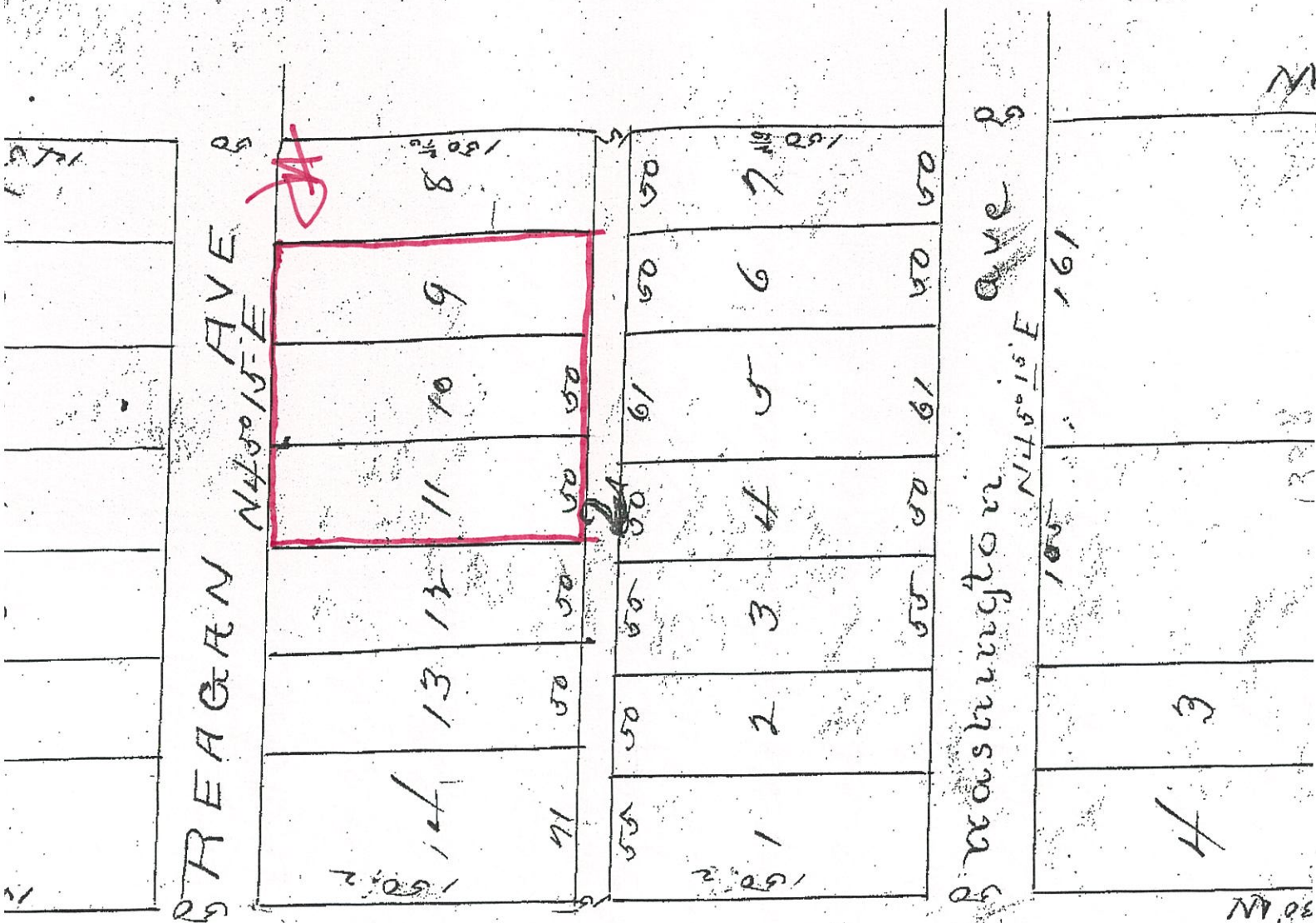
OR

Parcel address,

Use street type for better re

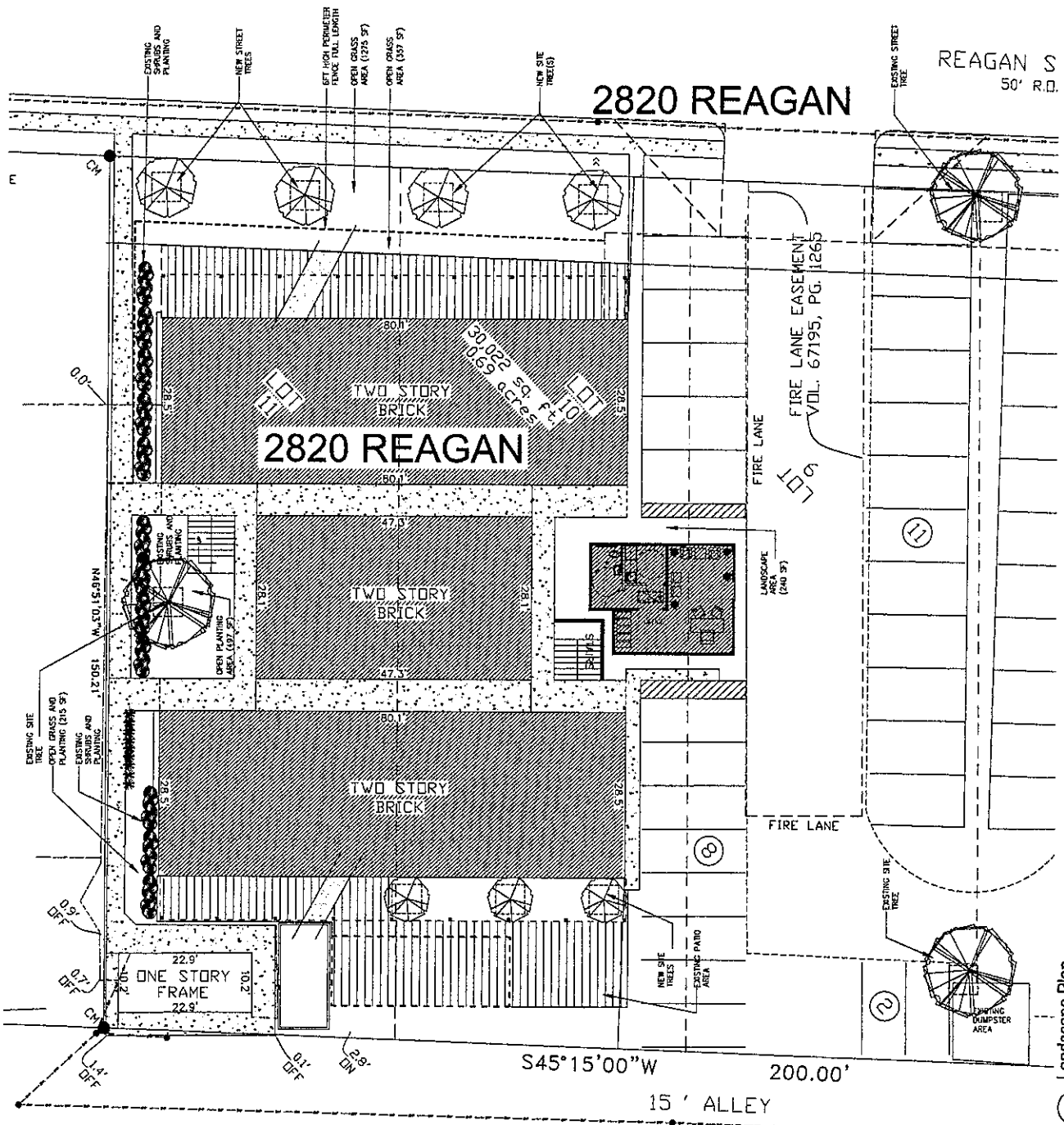
Locate





OAK LAWN AVE











 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>37</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>37</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA167-100</b></u> Date: <u><b>8/31/2017</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>37</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA167-100*

#### *37 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2820 REAGAN ST	SPG APARTMENTS ESPERANZA LLC
2	2914 REAGAN ST	JUREK PROPERTIES
3	2900 REAGAN ST	SPG APARTMENTS ESPERANZA LLC
4	2901 REAGAN ST	WEISFELD HERSCHEL ALAN
5	2909 REAGAN ST	RODRIGUEZ ALAN F
6	2911 REAGAN ST	JIANG SHUKMAN OLIVIA
7	2913 REAGAN ST	HUGH ROGER P &
8	2915 REAGAN ST	ZELMAN BRIAN &
9	2805 REAGAN ST	LH 2805 REAGAN LLC
10	2815 REAGAN ST	CINCO ACES PROPERTIES LLC
11	2821 REAGAN ST	REAGAN TERRACE LLC
12	2825 REAGAN ST	S WALSH DESIGN LLC
13	2829 REAGAN ST	ELLERBACH LYLE
14	3910 CONGRESS AVE	TEXAS INTOWNHOMES LLC
15	2806 REAGAN ST	LH 2806 REAGAN LLC
16	2817 SHELBY AVE	GUEFENLIGHT SHELBY LLC
17	2907 SHELBY AVE	KELSCH DAVID R
18	2909 SHELBY AVE	BUSHE PRISCILLA W
19	2929 SHELBY AVE	MAH YEE CHING
20	2931 SHELBY AVE	BERG JOHN RYAN
21	2925 SHELBY AVE	ALOISIO GINA M
22	2927 SHELBY AVE	BOLDEN LARRY
23	2947 SHELBY AVE	ALLEN DENZEL
24	2949 SHELBY AVE	THRESHER STUART D
25	2911 SHELBY AVE	MENDOLIA PAUL JR
26	2913 SHELBY AVE	RAMIREZ VIRGINIA NOEMI SANZ

08/31/2017

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
27	2915 SHELBY AVE	JJEMMA LLC
28	2919 SHELBY AVE	DUGAS KEVIN
29	2921 SHELBY AVE	519 LLC
30	2923 SHELBY AVE	HEADINGS THEODORE H
31	2933 SHELBY AVE	RIVIELLO CHRISTINE
32	2935 SHELBY AVE	BRAY WADE
33	2937 SHELBY AVE	RODRIGUEZ ROSA M
34	2939 SHELBY AVE	JACOBSEN DESIREE A
35	2941 SHELBY AVE	SIGLER JACOB M
36	2943 SHELBY AVE	YOUNG KAREN E
37	2945 SHELBY AVE	OBRIEN ANN LOUISE



**FILE NUMBER:** BDA167-104(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Dave Bornheim, represented by Nate Farish, for a variance to the front yard setback regulations at 7303 Casa Loma Avenue. This property is more fully described as Lot 1, Block E/2738, and is zoned R-7.5(A), which requires a front yard setback of 15 feet. The applicant proposes to construct and/or maintain a structure and provide a 6 foot 6 inch front yard setback, measured at the roof eave, which will require an 8 foot 6 inch variance to the front yard setback regulations.

**LOCATION:** 7303 Casa Loma Avenue

**APPLICANT:** Dave Bornheim  
Represented by Nate Farish

**REQUEST:**

A request for a variance to the front yard setback regulations of 8' 6" is made to maintain a two-story single family home structure with an approximately 3,400 square foot building footprint, part of which is located 6' 6" from one of the site's two front property lines (Tucker Street) or 8' 6" into this 15' 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:**

Denial

Rationale:

- While staff recognized at the time of the September 5<sup>th</sup> staff review team meeting that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two front yard setbacks, staff concluded that the applicant had not substantiated that the development on the site was commensurate with the development upon other parcels of land with the same R-7.5(A) zoning.

**BACKGROUND INFORMATION:**

**Zoning:**

- Site: R-7.5(A) (Single family residential 7,500 square feet)
- North: MF-2(A) (Multifamily)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: R-7.5(A) (Single family residential 7,500 square feet)
- West: R-7.5(A) (Single family residential 7,500 square feet)

**Land Use:**

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

**Zoning/BDA History:**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. BDA145-047, Property located at 7303 Casa Loma Avenue (the subject site)</li> </ol> | <p>On March 31, 2015, the applicant withdrew a request for a variance to the front yard setback regulations of 3' that had been tentatively scheduled to be heard by Board of Adjustment Panel C on April 20, 2015.</p> |
|---|---|

**GENERAL FACTS/STAFF ANALYSIS:**

- This request for variance to the front yard setback regulations of 8' 6" focuses on maintaining a two-story, approximately 5,000 square foot single family home structure (with an approximately 3,400 square foot building footprint), part of which is to be located 6' 6" from one of the site's two front property lines (Tucker Street) or 8' 6" into this 15' front yard setback.
- The property is located in an R-7.5(A) zoning district which requires a minimum front yard setback of 25 feet.

- The subject site is located at the east corner of Casa Loma Avenue and Tucker Street. Regardless of how the structure is oriented to front Casa Loma Avenue, the subject site has front yard setbacks along both street frontages. The site has a 25' front yard setback along Casa Loma Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 15' front yard setback along Tucker Street\*, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. But the site's Tucker Street frontage that functions as a side yard on the property is treated as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lot (currently developed as a multifamily use and zoned MF-2(A)) to the northeast that fronts/is oriented northwestward towards Tucker Street. (\*The Dallas Development Code states that if street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greater front yard requirement).
- The submitted scaled site plan indicates that a portion of the existing structure is located 6' 6" from the Tucker Street front property line or 8' 6" into this 15' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 7303 Casa Loma Avenue is a structure built in 2016 with 4,500 square feet of living/total area, and the "additional improvements" is a 484 square foot attached garage.
- The subject site is somewhat sloped, rectangular in shape (145' x 60'), and according to the submitted application is 8,700 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- Most lots in the R-7.5(A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two front yard setbacks (one 25' front yard setback on Casa Loma Avenue; one 15' front yard setback on Tucker Street) and two 5' side yard setbacks.
- On September 7, 2017, the owner of the subject site submitted information that represented the total square feet on the property was 5,053, and that average square footage of 21 other properties in the same R-7.5(A) zoning was 5,008. (Note that this information was not factored into the staff recommendation since it was submitted after the September 5<sup>th</sup> staff review team meeting).
- The 60' wide subject site has 40' of developable width available once a 15' front yard setback is accounted for on the northwest and a 5' side yard setback is accounted for on the southeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 60' wide site would have 50' of developable width.
- If the subject site were more typical to other parcels of land in the same zoning district (one front yard, one rear yard, and two side yards), no variance would be required since the applicant is providing a 6' 6" setback (the side yard setback for properties zoned R-7.5(A) is 5') on the west side of the site that is a front yard.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document – which in this case is a structure that is located 6’ 6” from the site’s Tucker Street front property line (or 8’ 6” into this 15’ front yard setback).

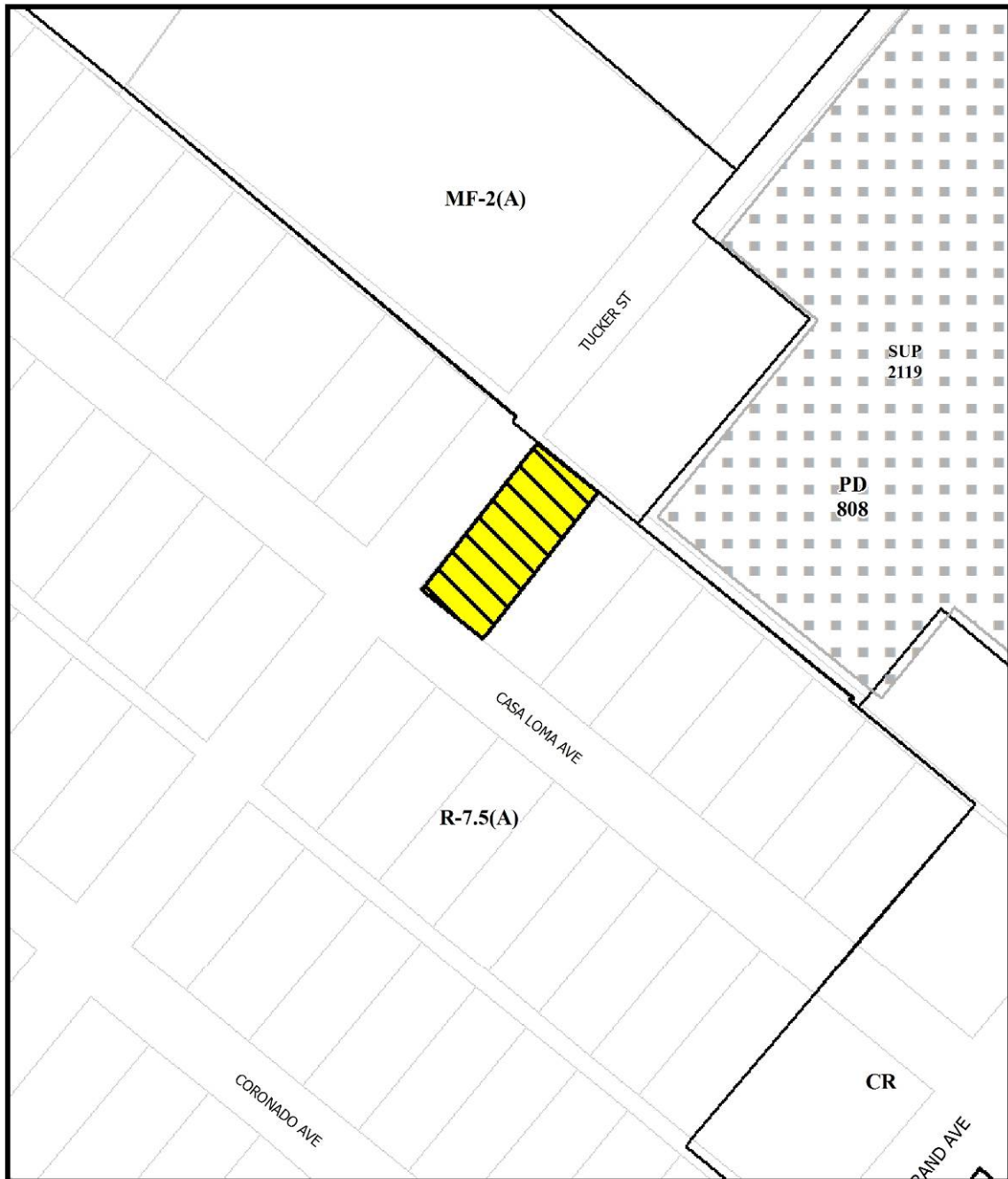
**Timeline:**

- July 20, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.
- August 8, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- September 5, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.



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

September 7, 2017: The owner of the subject site submitted additional information to staff beyond what was submitted with the original application (see Attachment A). Note that this information was not factored into the staff recommendation since it was submitted after the September 5<sup>th</sup> staff review team meeting.

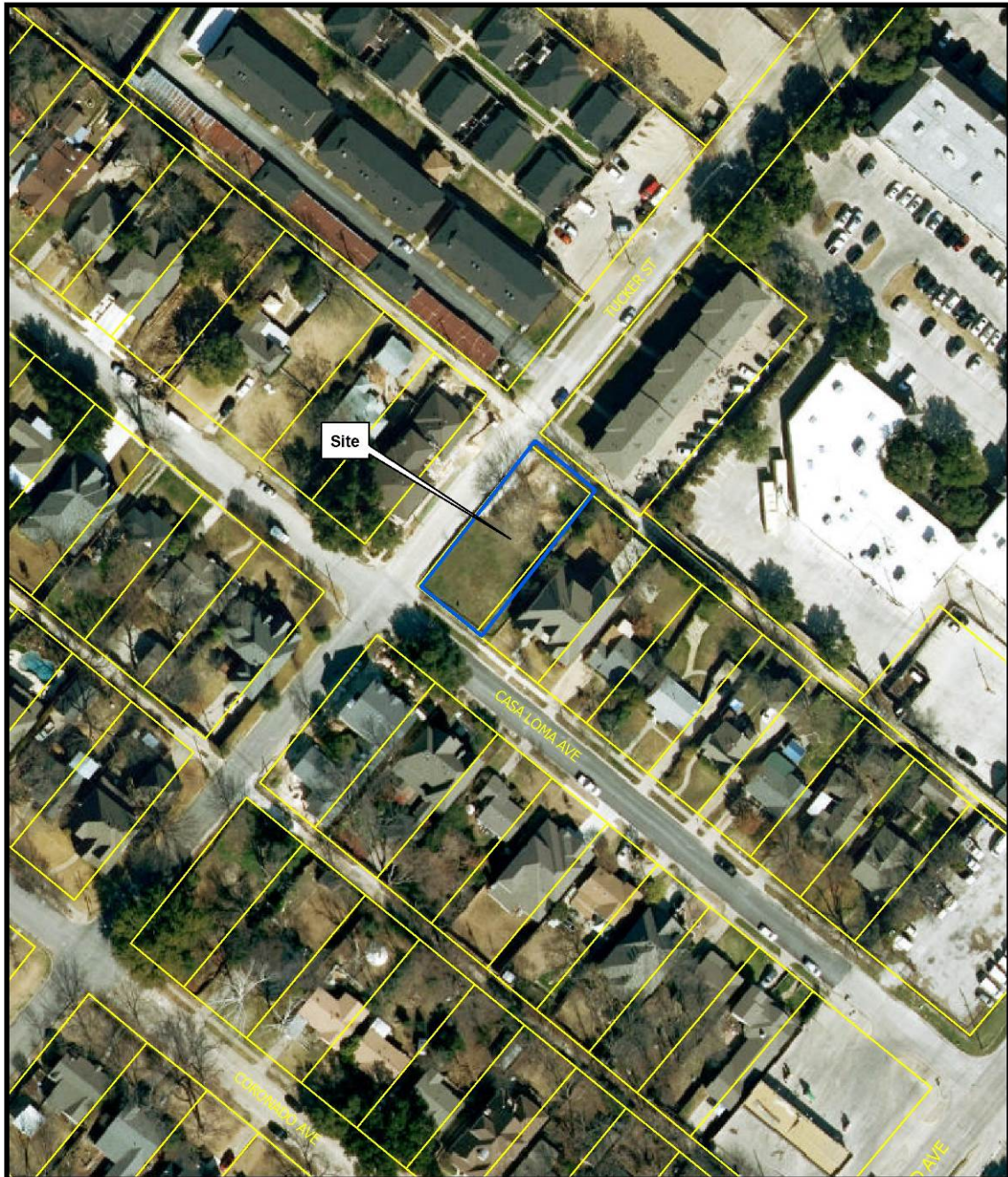


1:1,200

# ZONING MAP

Case no: BDA167-104

Date: 8/31/2017



1:1,200

## AERIAL MAP

Case no: BDA167-104

Date: 8/31/2017

**Long, Steve**

---

**From:** x Eric Messer <eric@ericmesser.com>  
**Sent:** Thursday, September 07, 2017 9:58 PM  
**To:** Long, Steve  
**Subject:** Re: 7303 Casa Loma  
**Attachments:** 7303 Casa Loma Comparables.pdf

Steve,

I cannot thank you enough for spending the time with me and helping me navigate through the process. Your department has been great.

As I mentioned, my builder (New Summit Homes) is not responding to me or providing any information on this matter. Therefore, if possible, I would like to remove Nate Farish as my representative and have all communication directed to me, the home owner. (See contact information below)

I am providing you with information that I hope will help you and your board better understand the need for a variance and show that the property at 7303 Casa Loma is commensurate to other properties zoned R-7.5(A). I have attached a list of properties that I believe are comparable in lot size and home square footage.

The home as constructed at 7303 Casa Loma is 5053 square feet and the lot is .2 acres. The comparables are all within a couple of hundred feet in square footage and similar lot size. 7303 Casa Loma is a corner lot and some of the properties used to compare are also corner lots.

7303 Casa Loma is a corner lot and zoned with two front yards and two side yards. The front yard facing Casa Loma has a 25-foot setback and the front yard facing Tucker has a 15-foot set back. It is the front yard facing Tucker that is causing the hardship. The restrictions caused by the current setbacks are not self-created and do not allow for a home to be built that will meet current market values based on land values for the area.

I understand that the variance should have been requested prior to construction, however due to various circumstances this was overlooked. The home currently is not contrary to the public interest and as mentioned above is commensurate with other properties zoned R-7.5(A) as shown on the attached list.

I am asking that the board adjust the set-backs for 7303 Casa Loma. This will include that the front yard faces Casa Loma and has a 25 foot set-back, two side yards each with 5 foot set-backs (one on the East side of the property and the other adjacent to Tucker) and the back yard facing the alley.

Thank you for your time and feel free to contact me with any questions. I look forward to seeing you again soon.

Eric Messer  
972-741-6887  
[eric@ericmesser.com](mailto:eric@ericmesser.com)



## LIST OF PROPERTIES ZONED R-7.5(A)

	Subject Address	SqFt Total	Lot Size Area	Lot Location	Zoned
	7303 Casa Loma	5053	0.2	Corner	R-7.5(A)
	Comparable Address	SqFt Total	Lot Size Area	Lot Location	Zoned
1	6942 La Vista	5031	0.184		R-7.5(A)
2	7019 La Vista Drive	4,971	0.188		R-7.5(A)
3	6816 Woodland Drive	5,255	0.2		R-7.5(A)
4	6722 Vanderbilt Avenue	4,545	0.179		R-7.5(A)
5	6704 Woodland	5,258	0.196	Corner	R-7.5(A)
6	7006 Shook Avenue	4,617	0.183		R-7.5(A)
7	6540 Sondra Drive	5,017	0.206		R-7.5(A)
8	6733 Lake Circle Drive	5,017	0.214	Corner	R-7.5(A)
9	6713 Lake Circle Drive	4,800	0.184		R-7.5(A)
10	7803 Amherst Avenue	5,049	0.193		R-7.5(A)
11	8414 Ridgelea Street	4,911	0.17		R-7.5(A)
12	5000 W. Hanover Ave.	4,868	0.199	Corner	R-7.5(A)
13	7314 Centenary Ave.	5,190	0.2		R-7.5(A)
14	4428 Greenbrier Dr.	5,056	0.192		R-7.5(A)
15	4325 Caruth	5,197	0.185		R-7.5(A)
16	7319 Centenary Ave.	5,136	0.203		R-7.5(A)
17	6547 Lake Circle	5,004	0.214		R-7.5(A)
18	4111 Rock Creek	5,138	0.213		R-7.5(A)
19	5426 Purdue Ave	4,862	0.206		R-7.5(A)
20	6600 Vanderbilt	5,127	0.198	Corner	R-7.5(A)
21	4930 Elsby Ave	5,126	0.199		R-7.5(A)
	<b>Average</b>	<b>5008</b>	<b>0.195</b>		



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-104

Data Relative to Subject Property:

Date: 7-20-17

Location address: 7303 CASA LOMA AVE. Zoning District: R-7.5(A)

Lot No.: 1 Block No.: E/2738 Acreage: 8700<sup>sq</sup> Census Tract: 7.00

Street Frontage (in Feet): 1) 60' 2) 145' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MESSER HOLDINGS SERIES LLC - SERIES 7303CL

Applicant: DAVE BORNHEIM Telephone: 817-819-2222

Mailing Address: 1901 CENTRAL DR. #100 BEDFORD, TX. Zip Code: 76021

E-mail Address: dave@newsummithomes.com

Represented by: NATE FARISH Telephone: 817-889-3998

Mailing Address: 1901 CENTRAL DR. #100 BEDFORD TX. Zip Code: 76021

E-mail Address: nate@newsummithomes.com

Affirm that an appeal has been made for a Variance , or Special Exception , of 8'6" ~~TO THE CURRENT FRONT YARD~~ 15' SETBACK THIS ALLOWING 7' SETBACK DUE TO THE EXCESSIVE SLOPE ON THE PROPERTY. THIS REQUIRES THE HOME TO BE WIDER INSTEAD OF LONGER SO TO BE COMMENSURATE WITH OTHER HOMES IN THE SAME R-7.5A ZONING.

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

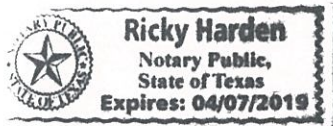
Before me the undersigned on this day personally appeared DAVE BORNHEIM  
(Affiant/Applicant's name printed)

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: Bornheim  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 16 day of June, 2017

(Rev. 08-01-11)



Ricky Harden  
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

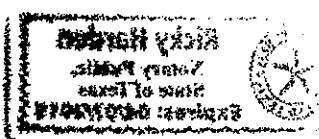
**Building Official's Report**

I hereby certify that Dave Bornheim  
represented by Nate Farish  
did submit a request for a variance to the front yard setback regulations  
at 7303 Casa Loma Avenue

BDA167-104. Application of Dave Bornheim represented by Nate Farish for a variance to the front yard setback regulations at 7303 Casa Loma Avenue. This property is more fully described as Lot 1, Block E/2738, and is zoned R-7 5(A), which requires a front yard setback of 15 feet. The applicant proposes to construct a single family residential structure and provide a 6 foot 6 inch front yard setback, measured at the roof eave, which will require an 8 foot 6 inch variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

7303 casa loma

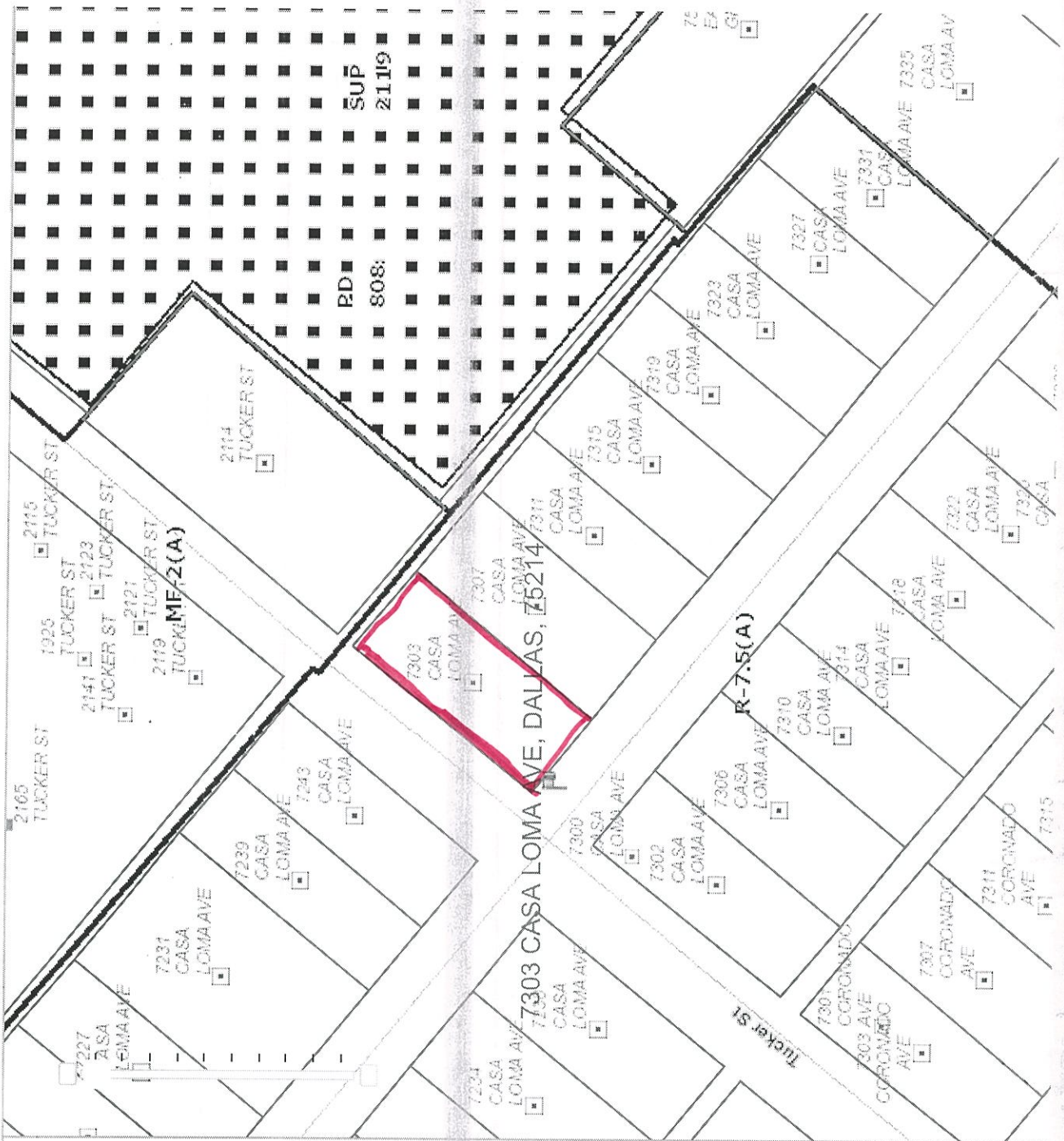
Locate

OR

Parcel address.

Use street type for better re

Locate





# SYLLAS PLAT BOOKS

SCALE 100 FT. EQUALS 1 INCH

REVISED--04-16-98--H.  
SEE 2727.DGN--LAKEWLC

E 2738

2738/E6





1251 1252 1253 1254 1255 1256 1257 1258 1259 1260 1261 1262 1263 1264 1265 1266 1267 1268 1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282 1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293 1294 1295 1296 1297 1298 1299 1300

PROPERTY ADDRESS  
7303 CASA LOMA AVE  
DALLAS, TX 75214



112 NW 24th Street  
Suite 118  
Fort Worth, TX, 76164  
Phone: 817.690.5921  
www.jrkdesign.us



SLAB SQFT.  
3,326 SQFT

SOFT CALCS.

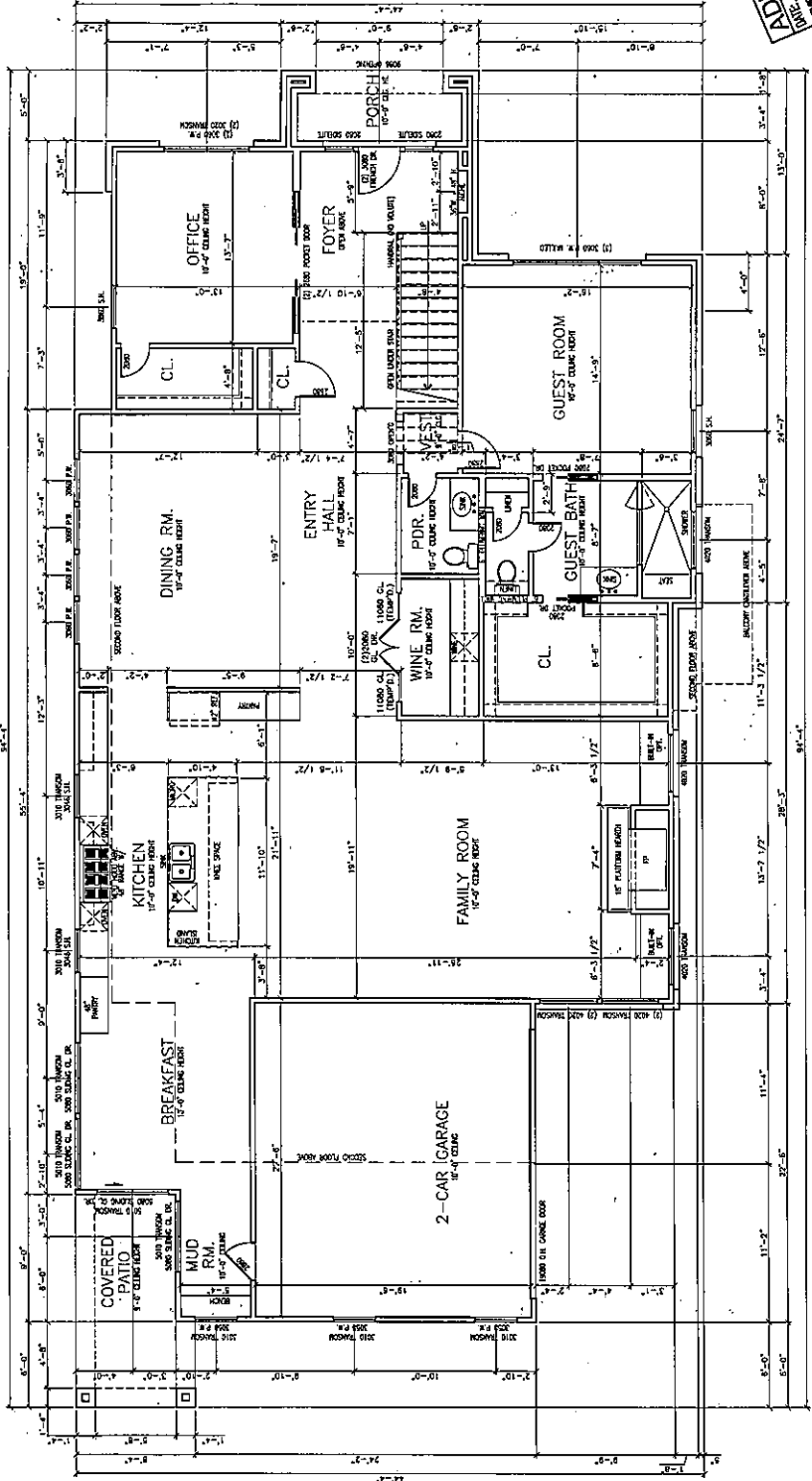
TOTAL AC. 5,053  
FIRST FL. 2,848  
SECOND FL. 2,405  
PORCH 85  
PATIO 113  
BALCONY 51  
GARAGE 448  
B.L. 34  
TOTAL UR. 5,762

REVISION

PLAN NO.  
TX-16037

A200

ADDITION  
DATE: 11/11/10  
BY: JRK



NOTE:  
1. FEATURES MAY VARY DEPENDING ON NON STANDARD FEATURES IN SPECIFIC COMMUNITY.  
2. THIS PLAN IS A GENERAL REPRESENTATION AND SOME ELEMENTS WILL VARY WITH SUD BY NGR.  
3. SOME ELEMENTS ON PLANS "ARE" SUBJECT TO CHANGE.

1 FIRST FLOOR PLAN  
1/4" = 1'-0"





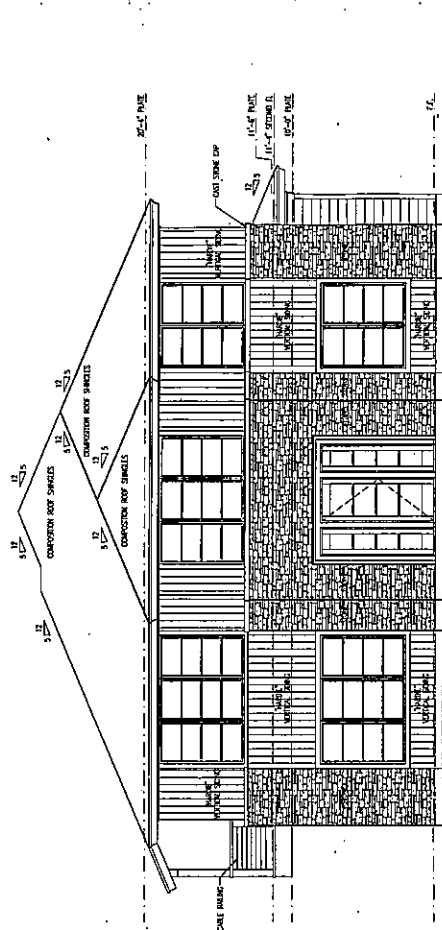
1521 1521 1521 1521 1521 1521 1521 1521 1521

PROPERTY ADDRESS  
 7303 CASA LOMA AVE.  
 DALLAS, TX 75214

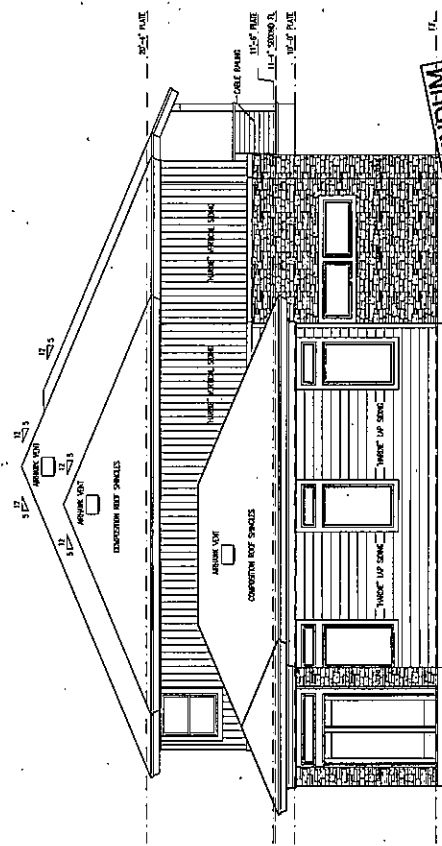


www.jirkdesign.us  
 Phone: 817.680.5921  
 112 NW 24th Street  
 Suite 116  
 Fort Worth, TX, 76164

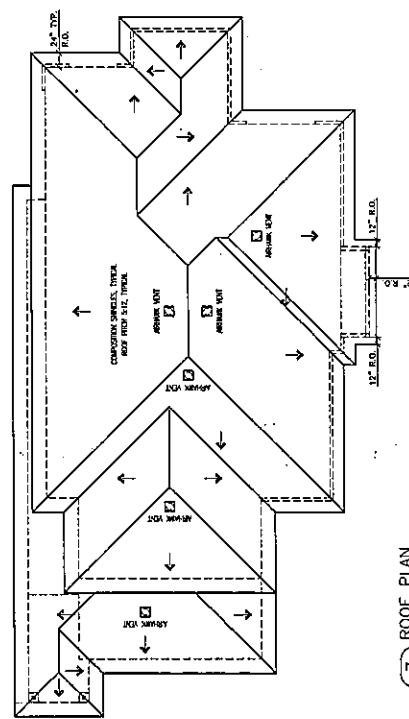
PLAN NO.	TX-16037
A300	



1 FRONT ELEVATION  
 1/4" = 1'-0"



2 REAR ELEVATION  
 1/4" = 1'-0"



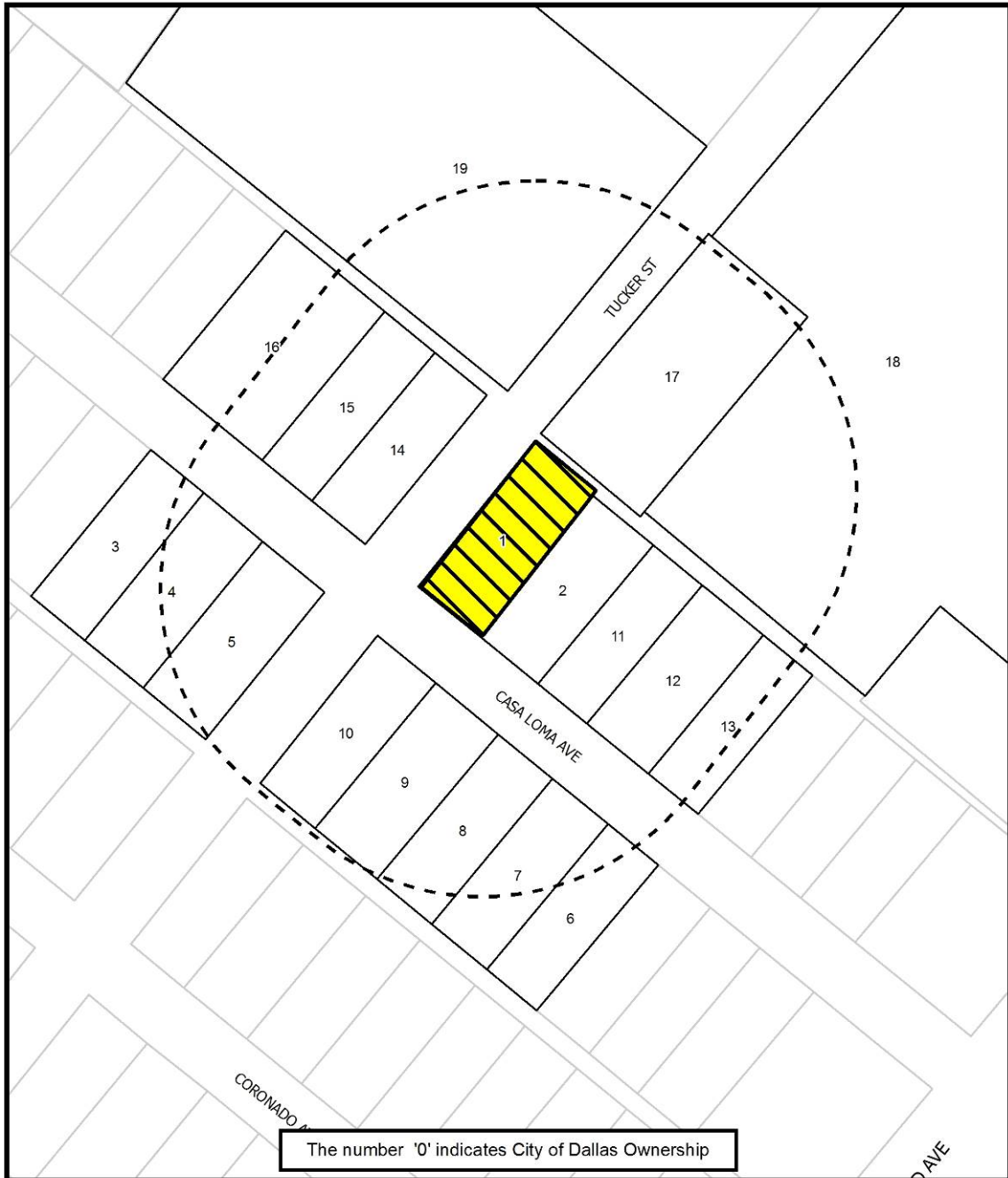
3 ROOF PLAN  
 1/8" = 1'-0"

**ADDENDUM**  
 DATE: 11/11/16  
 PROJECT: 16037  
 TELEPHONE: 214.680.5921

DESIGNED BY ARCHITECT

NOTE:  
 1. DIMENSIONS MAY VARY DEPENDING ON NON-STANDARD FEATURES IN SPECIFIC COMMUNITY.  
 2. THIS PLAN IS A PRELIMINARY REPRESENTATION AND SOME ELEMENTS WILL VARY WHEN BUILT BY RSH.  
 3. SOME ELEMENTS ON PLANS ARE UPGRADE OPTIONS.





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <p> <span style="border: 1px solid black; padding: 2px;">200'</span> AREA OF NOTIFICATION  <span style="border: 1px solid black; padding: 2px;">19</span> NUMBER OF PROPERTY OWNERS NOTIFIED         </p>	Case no: <u>  BDA167-104  </u> Date: <u>  8/31/2017  </u>
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## *Notification List of Property Owners*

### *BDA167-104*

#### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7303 CASA LOMA AVE	MESSER HOLDINGS SERIES LLC SERIES 7303CL
2	7307 CASA LOMA AVE	GRIFFIN DIANA DEE
3	7230 CASA LOMA AVE	HALTOM JEROME I
4	7234 CASA LOMA AVE	BURROWS JANICE & JARRETT
5	7238 CASA LOMA AVE	MAJOR ERRIN C
6	7318 CASA LOMA AVE	SNAPPY REAL ESTATE INVESTORS
7	7314 CASA LOMA AVE	REID BRADLEY MD
8	7310 CASA LOMA AVE	CAMPAGNA ANTHONY J SR
9	7306 CASA LOMA AVE	ALLEN DANA L & CHRISTINE E
10	7302 CASA LOMA AVE	BIRDI KANU & MARISSA
11	7311 CASA LOMA AVE	RATCLIFF KIMBERLY SUE
12	7315 CASA LOMA AVE	HAMMACK HOMES LLC
13	7319 CASA LOMA AVE	CULLIVAN MARISSA T
14	7243 CASA LOMA AVE	TUNCER ENIS
15	7239 CASA LOMA AVE	CASTRO JASON &
16	7231 CASA LOMA AVE	GORDY JUDITH FOWLER &
17	2114 TUCKER ST	SHELTON SYLVIA KIRKWOOD
18	7330 GASTON AVE	7324 GASTON AVE LTD
19	2115 TUCKER ST	MPC LAKEWOOD LLC