

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, SEPTEMBER 19, 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 15, 2017 Panel A Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-018(SL)</b>	6455 Dixie Garden Court <b>REQUEST:</b> Application of Quincy Roberts for a special exception to the fence standards	1
<b>BDA167-019(SL)</b>	10 Dixie Garden Court <b>REQUEST:</b> Application of Quincy Roberts for a special exception to the fence standards	2
<b>BDA167-095(SL)</b>	804 4th Avenue <b>REQUEST:</b> Application of Evan Godwin for a special exception to the off-street parking regulations	3
<b>BDA167-101(SL)</b>	5546 McCommas Boulevard <b>REQUEST:</b> Application of David Drinkwater, represented by John Hamilton, for special exceptions to the visual obstruction regulations	4

**BDA167-121(SL)** 5300 University Hills Boulevard 5  
**REQUEST:** Application of Douglas Denton for a special exception to restore a nonconforming use

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**HOLDOVER CASE**

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**BDA167-086(SL)** 10727 Midway Road 6  
**REQUEST:** Application of Robert Baldwin of Baldwin and Associates for variances to the front yard setback and off-street parking regulations

## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA167-018(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Quincy Roberts for a special exception to the fence standards at 6455 Dixie Garden Court. This property is more fully described as Lot 9B, Block 7/8711, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence standards.

**LOCATION:** 6455 Dixie Garden Court

**APPLICANT:** Quincy Roberts

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 5' 6" is made to maintain a fence/gate (a 6' 6" high metal picket fence with an approximately 5' – 7' high entry gate with 7' high entry columns topped with approximately 2' 6" high lanterns) higher than 4' in height in the site's front yard setback on a site developed with a single family home.

(Note that this application is made on property immediately south of a property where the same applicant seeks a similar special exception to the fence standards from the Board of Adjustment Panel A on September 19<sup>th</sup>: BDA167-019).

**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 (fence standards):**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-10(A) (Single family district 7,500 square feet)

North: PD 226 (Planned Development)

South: R-10(A) (Single family district 7,500 square feet)

East: R-10(A) (Single family district 7,500 square feet)  
West: PD 226 (Planned Development)

### **Land Use:**

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

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

1. BDA167-019, Property located at 10 Dixie Garden Court (the property north of the subject site) On September 19, 2017, the Board of Adjustment Panel A will consider a request for a special exception to the fence standards made to construct and maintain a fence (a 6' 6" high metal picket fence with 7' high columns) higher than 4' in height in the site's front yard setback.

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

- This request for a special exception to the fence standards related to fence height of 5' 6" focuses on maintaining a 6' 6" high metal picket fence with an approximately 5' – 7' high entry gate with 7' high entry columns topped with approximately 2' 6" high lanterns on a site developed with a single family home.
- The subject site is zoned R-10(A) which requires a 30' 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.
- A site plan and partial elevation of the fence in the front yard setback have been submitted with notations indicating that the proposal reaches a maximum height of 9' 6" for two entry columns that are topped with lanterns.
- The following additional information was gleaned from the submitted site plan:
  - The proposal/existing fence is represented as being approximately 40' in length parallel to the street and 30' in length perpendicular to the street on the south side of the site in the front yard setback.
  - The fence proposal is represented as being located approximately on the front property line.
- One single family lot fronts the proposal, a lot that has no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback. This approximately 6' 6" high open metal picket fence is immediately north of the subject site and is the focus of BDA167-019 to be heard by Board of Adjustment Panel A on September 19<sup>th</sup>.
- As of September 8<sup>th</sup>, 2017, no letters have been submitted in support of or in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence standards of 5' 6" will not adversely affect neighboring property.
- Granting this special exception to the fence standards of 5' 6" 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 required front yard to be maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

December 19, 2016: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

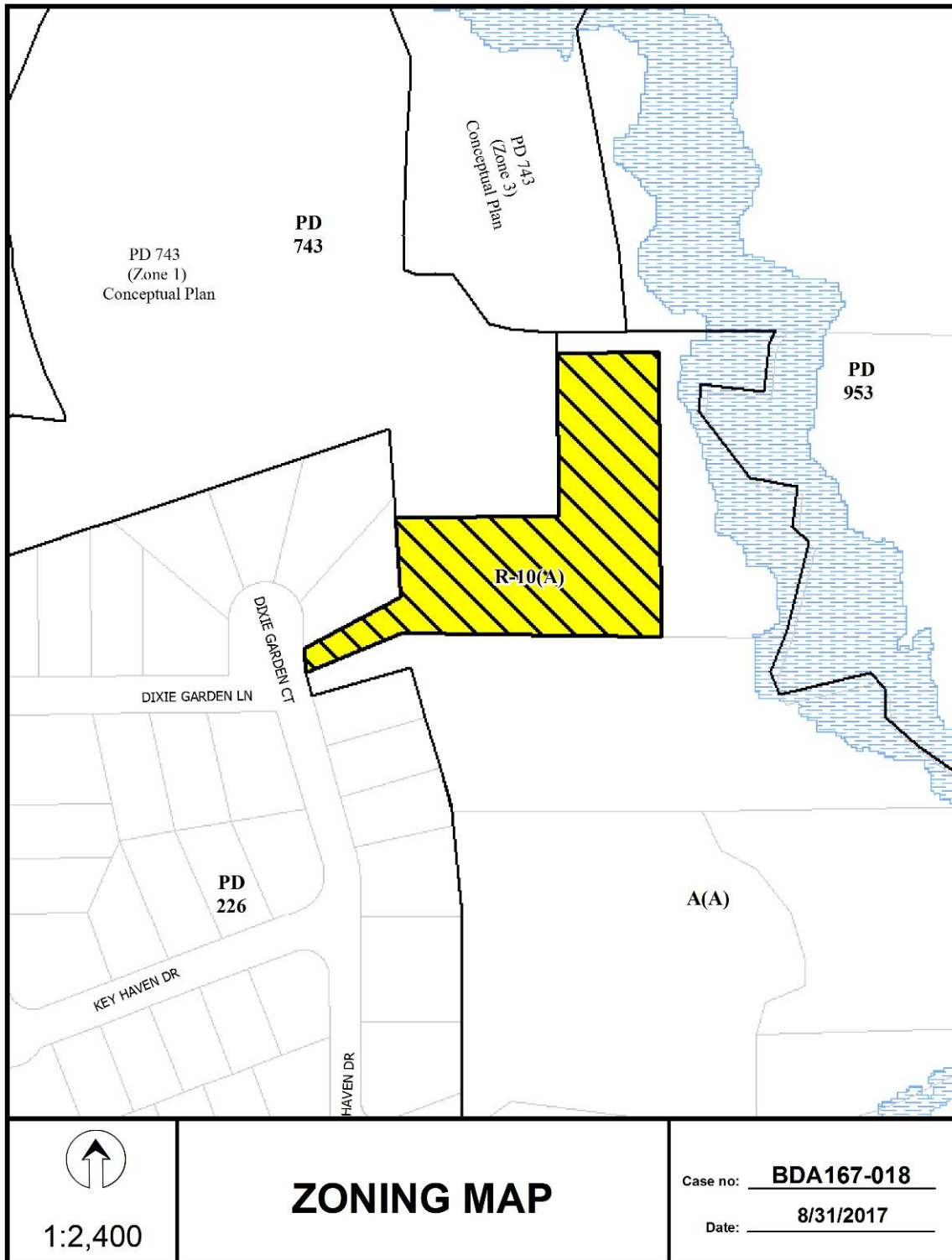
August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

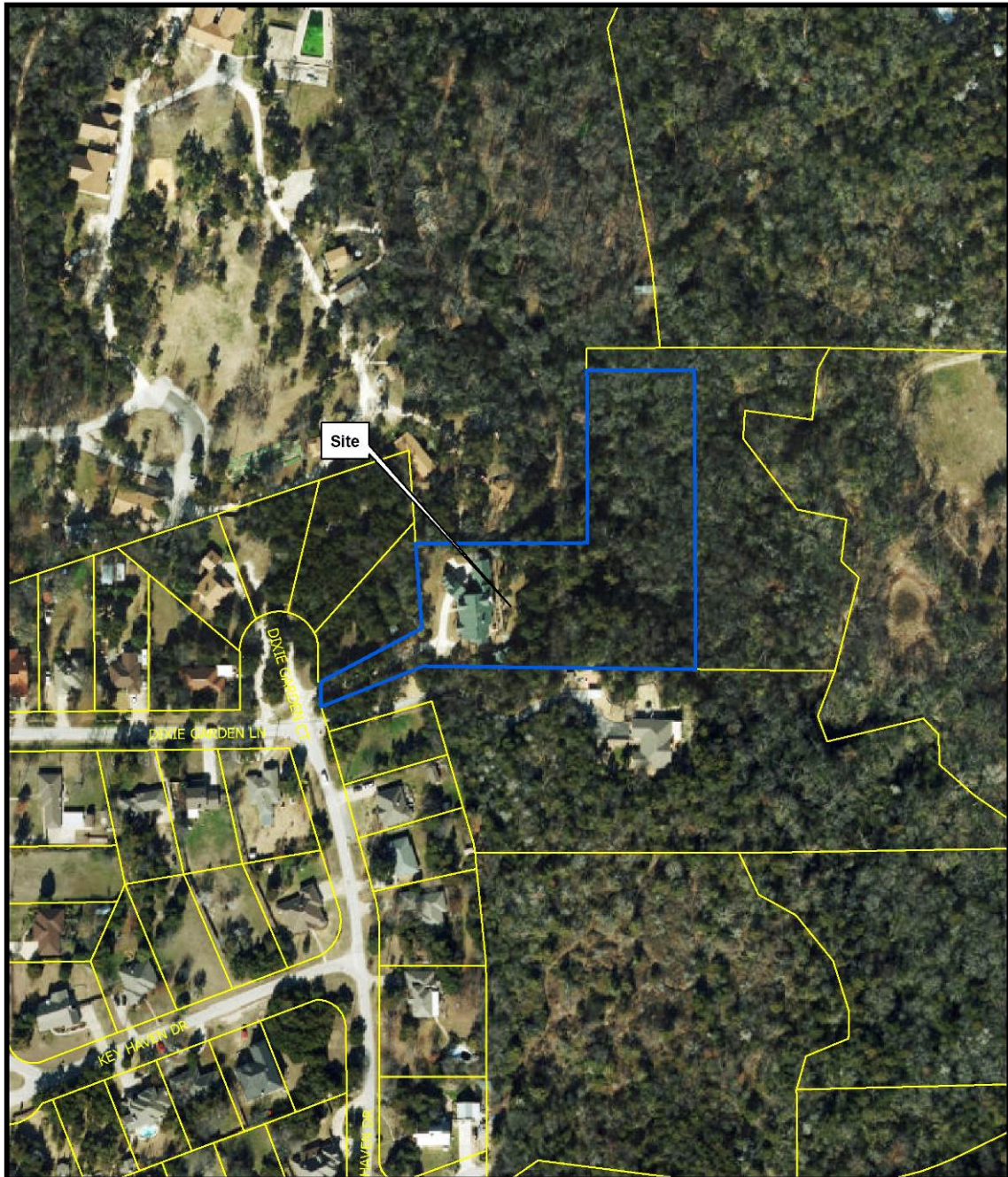
August 8, 2017: The Board Administrator emailed the applicant the following information:

- 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.





1:2,400

# AERIAL MAP

Case no: BDA167-018

Date: 8/31/2017





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-018

Data Relative to Subject Property:

Date: 12/9/16

Location address: 6455 Dixie Garden Ct Zoning District: R-10(A)

Lot No.: 9B Block No.: 718711 Acreage: 3,039 Census Tract: 165.21

Street Frontage (in Feet): 1) 39' 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*SWH*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Quincy Roberts

Applicant: Quincy Roberts Telephone: 214-843-5443

Mailing Address: 6455 Dixie Garden Ct Zip Code: 75236

E-mail Address: qroberts@me.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 iron fence in the front yard 5ft-6.4

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

This fence will not have an adverse reaction for neighboring property as there are no residences located in view of the fence

**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 Quincy Roberts  
(Affiant/Applicant's name printed)

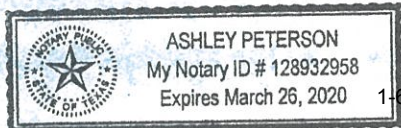
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: \_\_\_\_\_  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of December, 2016

Ashley Peterson  
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

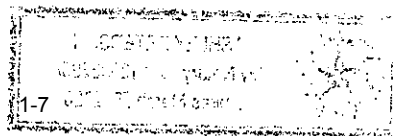
**Building Official's Report**

I hereby certify that Quincy Roberts  
did submit a request for a special exception to the fence height regulations  
at 6455 Dixie Garden Court

BDA167-018. Application of Quincy Roberts for a special exception to the fence height regulations at 6455 Dixie Garden Court. This property is more fully described as Lot 9B, Block 7/8711, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 9 foot 6 inch high fence in a required front yard which will require a 5 foot 6 inch special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

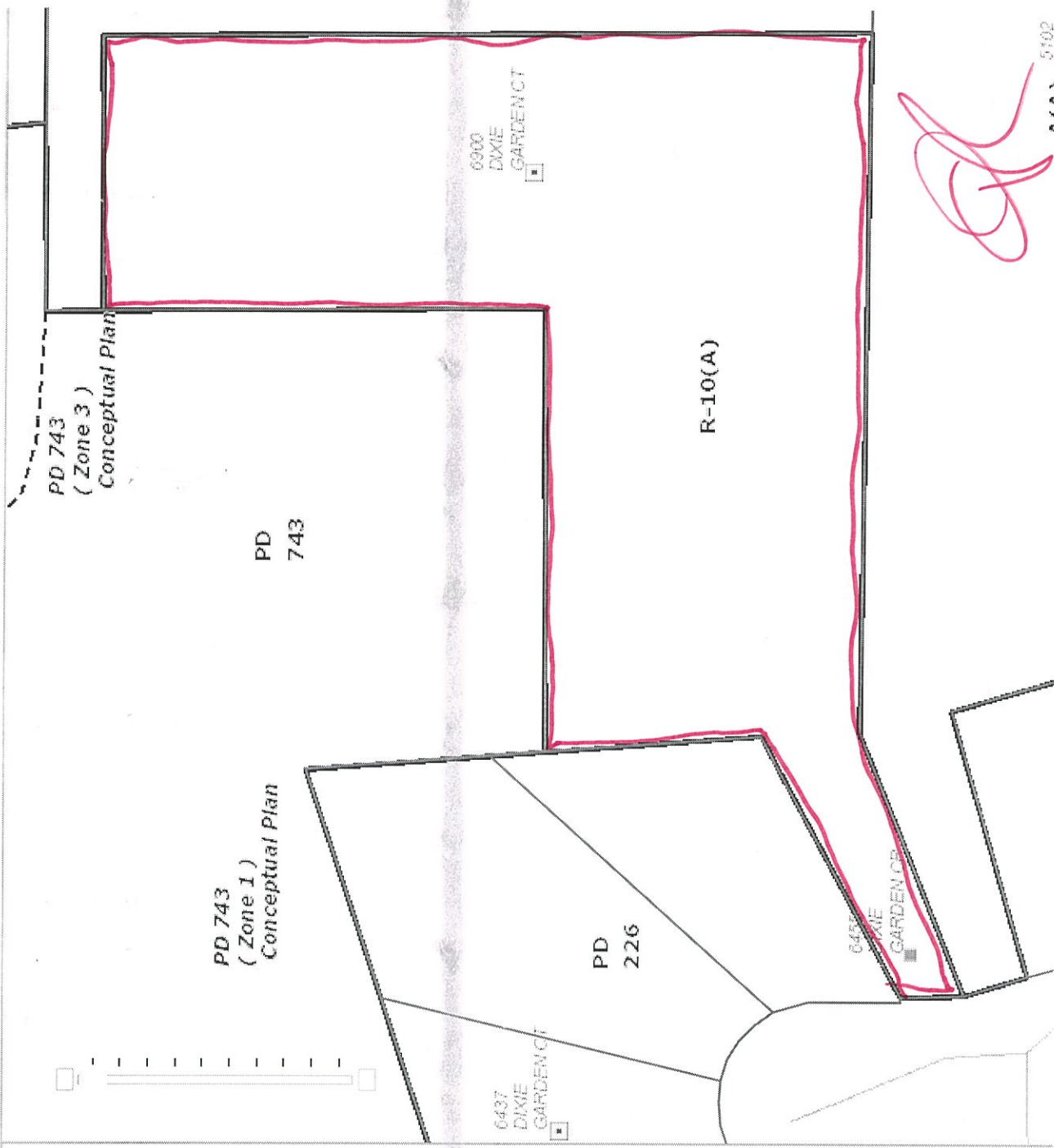


# City of Dallas

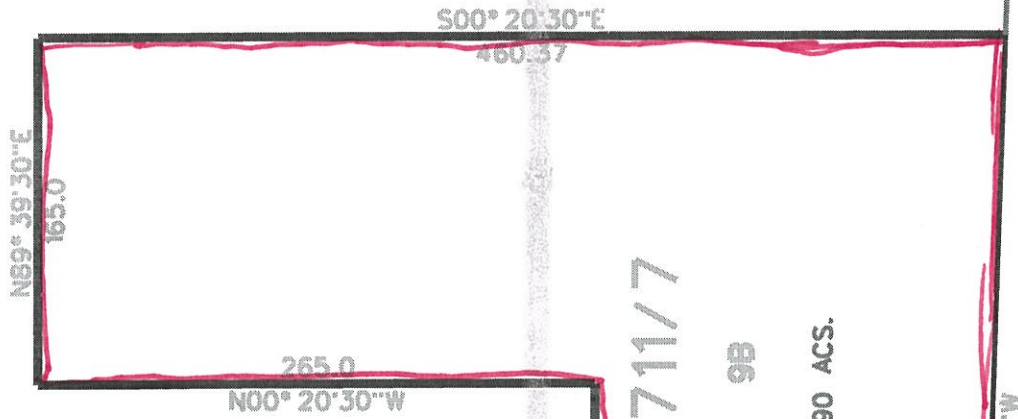
Internal Development Research Site

Legend

Locate Property



QR



8711/7

9B

4.90 ACS.



10' UTIL. ESMT.



8711/7

DIXIE GARDEN CT.

60

KIE DEN

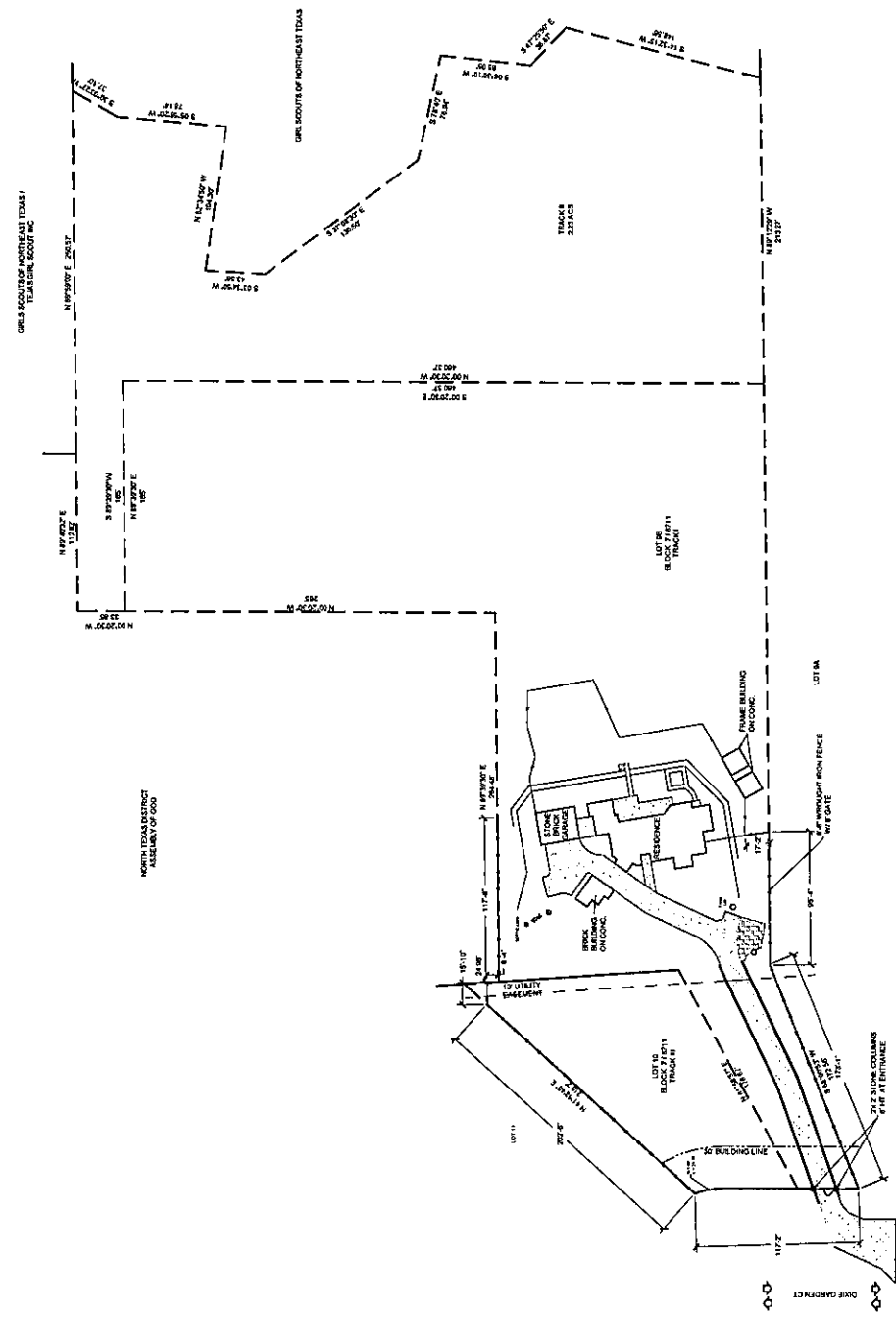
CONSTRUCTION CONCEPTS INC.  
 "Planning and Designing a Better Tomorrow"

317 E. JEFFERSON BLVD.  
 DALLAS, TX. 75203  
 TEL: (214) 946-4300  
 FAX: (214) 948-9544

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS OF SERVICES, HVAC, AND STRUCTURAL BEFORE BEGINNING CONSTRUCTION OF ANY KIND. THE JOB PRIOR TO CONSTRUCTION. BUILDER SHOULD CONSULT ENGINEERING LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONCEPTS, INC. WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS. PERMITTED, VIOLATIONS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS. ONLY ONCE ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO CONSTRUCT THIS HOUSE.

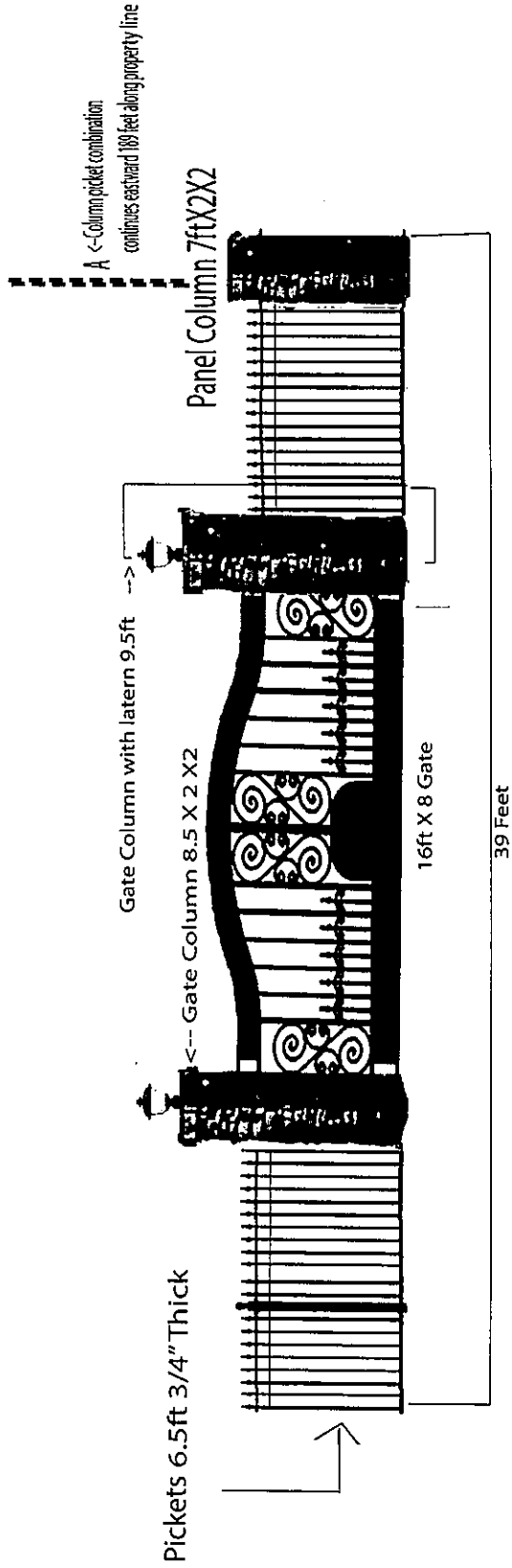
Project Name & Address  
 6455 DIXIE GARDEN CT  
 DALLAS, TX.  
 75236

Project	Sheet
SITE PLAN	
Date	12/05/16
Scale	1"=40'-0"
Drawn By	AC
	<b>1</b>

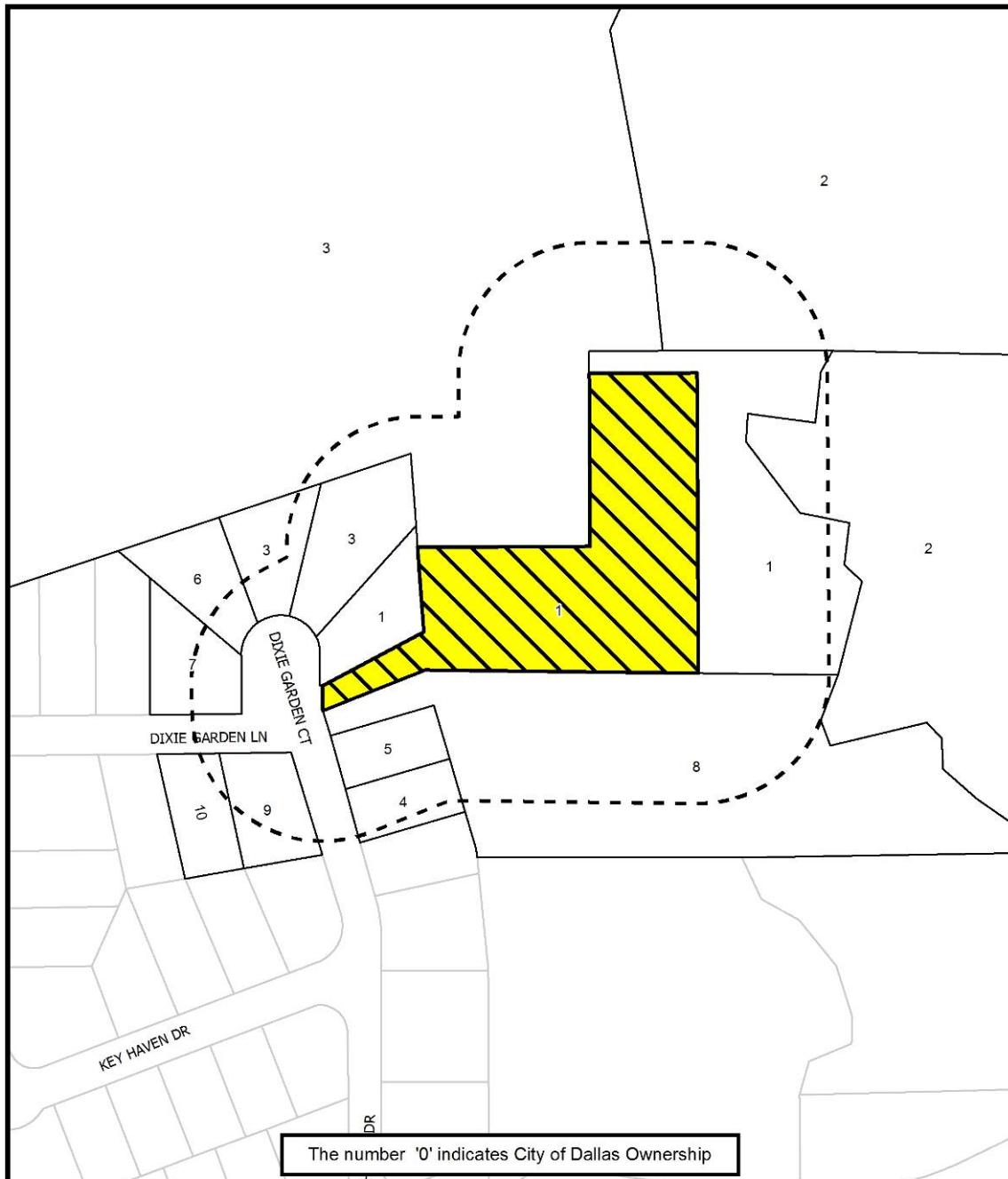


Fence Elevation

6455 Dixie Garden Ct Dallas TX 75236  
Lot 9b



Scale 1/4" = 1'



1:2,400

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**10**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-018**

Date: **8/31/2017**

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

### ***BDA167-018***

#### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6900 DIXIE GARDEN CT	ROBERTS QUINCY
2	6010 WHISPERING CEDAR DR	GIRL SCOUTS OF NORTHEAST TEXAS
3	6600 GRADY NIBLO RD	NORTH TEXAS DISTRICT ASSEMBLY OF GOD
4	5112 CLIFF HAVEN DR	WEBB DOUGLAS F & JOANNE
5	8 CLIFF HAVEN DR	ROSS PATRICIA L
6	6429 DIXIE GARDEN CT	NORTH TEXAS DISTRICT ASSEMBLY OF GOD
7	6423 DIXIE GARDEN LN	BUNGER JOSEPH REID
8	5102 CLIFF HAVEN DR	ROSS PATRICIA LYNN TR
9	6430 DIXIE GARDEN LN	LOMAX CHRISTENE
10	6424 DIXIE GARDEN LN	DYKMAN DANIEL & AZELLA



**FILE NUMBER:** BDA167-019(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Quincy Roberts for a special exception to the fence standards at 10 Dixie Garden Court. This property is more fully described as Lot 10, Block 7/8711, and is zoned PD 226, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence standards.

**LOCATION:** 10 Dixie Garden Court

**APPLICANT:** Quincy Roberts

**REQUEST:**

A request for a special exception to the fence standards related to fence height of 3' is made to maintain a fence (a 6' 6" high metal picket fence with 7' high columns) higher than 4' in height in the site's front yard setback on a site that is undeveloped.

(Note that this application is made on property immediately north of a property where the same applicant seeks a similar special exception to the fence standards from the Board of Adjustment Panel A on September 19<sup>th</sup>: BDA167-018).

**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 (fence standards):**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 226 (Planned Development)  
North: PD 226 (Planned Development)  
South: R-10(A) (Single family district 7,500 square feet)  
East: R-10(A) (Single family district 7,500 square feet)  
West: PD 226 (Planned Development)

## **Land Use:**

The subject site is undeveloped. The areas to the north, east, south, and west are a mix of single family uses and undeveloped land.

## **Zoning/BDA History:**

1. BDA167-018, Property located at 6455 Dixie Garden Court (the property south of the subject site) On September 19, 2017, the Board of Adjustment Panel A will consider a request for a special exception to the fence standards made to construct and maintain a fence (a 6' 6" high metal picket fence with an approximately 5' – 7' high entry gate with 7' high entry columns topped with approximately 2' 6" high lanterns) higher than 4' in height in the site's front yard setback.

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

- This request for a special exception to the fence standards related to fence height of 3' focuses on maintaining a 6' 6" high metal picket fence with 7' high columns on a site that is undeveloped.
- The subject site is zoned PD 226 which requires a 35' 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.
- A site plan and partial elevation of the fence in the front yard setback have been submitted with notations indicating that the proposal reaches a maximum height of 7' for columns.
- The following additional information was gleaned from the submitted site plan:
  - The proposal/existing fence is represented as being approximately 75' in length parallel to the street and 35' in length perpendicular to the street on the north side of the site in the front yard setback.
  - The fence proposal is represented as being located approximately on the front property line.
- One single family lot fronts the proposal, a lot that has no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted one other fence that appeared to be above 4' in height and located in a front yard setback. This approximately 6' 6" high open metal picket fence with gate and entry gate columns that reach 9' 6" is immediately south of the subject site and is the focus of BDA167-018 to be heard by Board of Adjustment Panel A on September 19<sup>th</sup>.
- As of September 8<sup>th</sup>, 2017, no letters have been submitted in support of or in opposition to the request.

- The applicant has the burden of proof in establishing that the special exception to the fence standards of 3' will not adversely affect neighboring property.
- Granting this special exception to the fence standards of 3' 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 required front yard to be maintained in the location and of the heights and materials as shown on these documents.

**Timeline:**

June 22, 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.

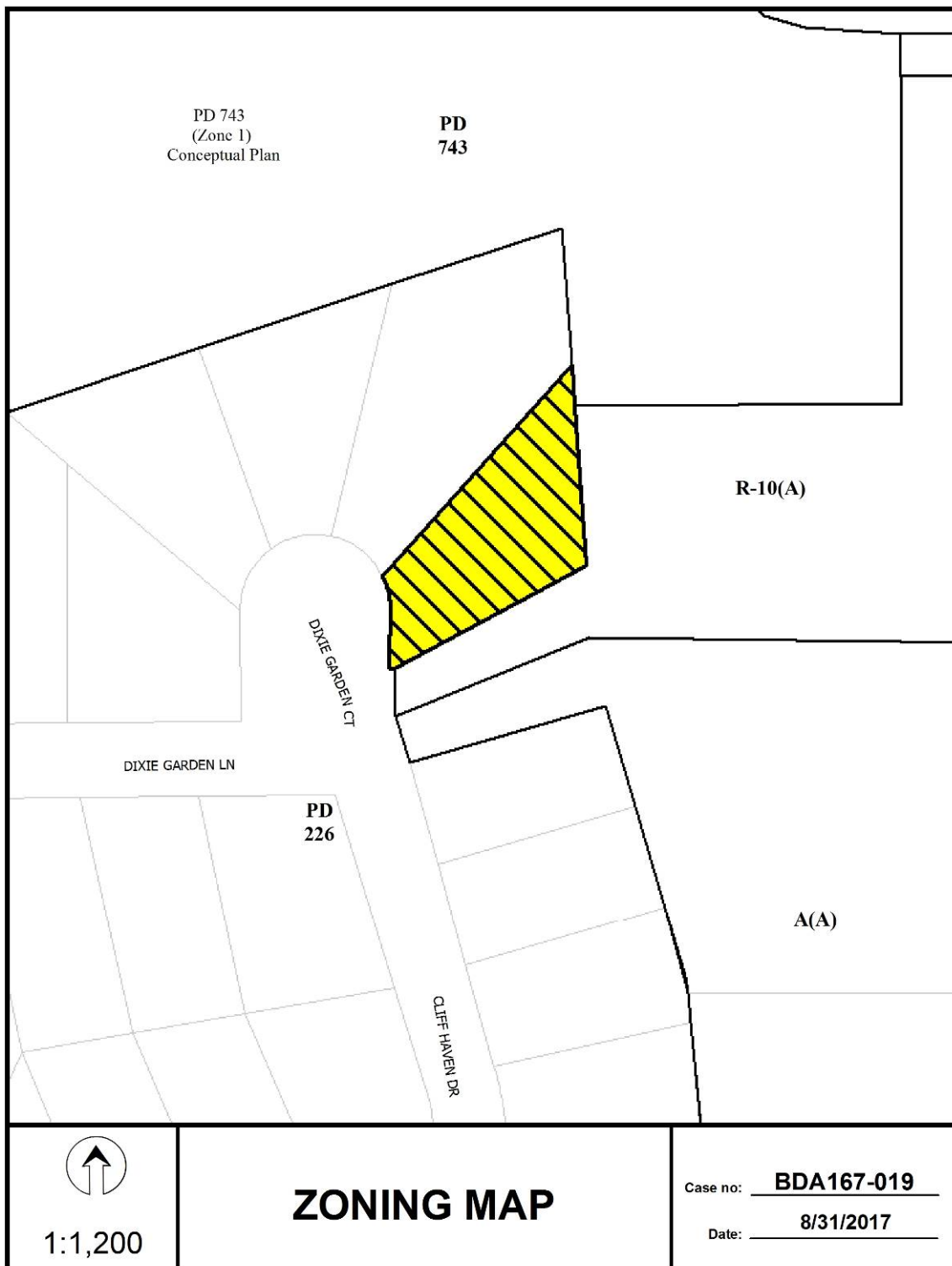
August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

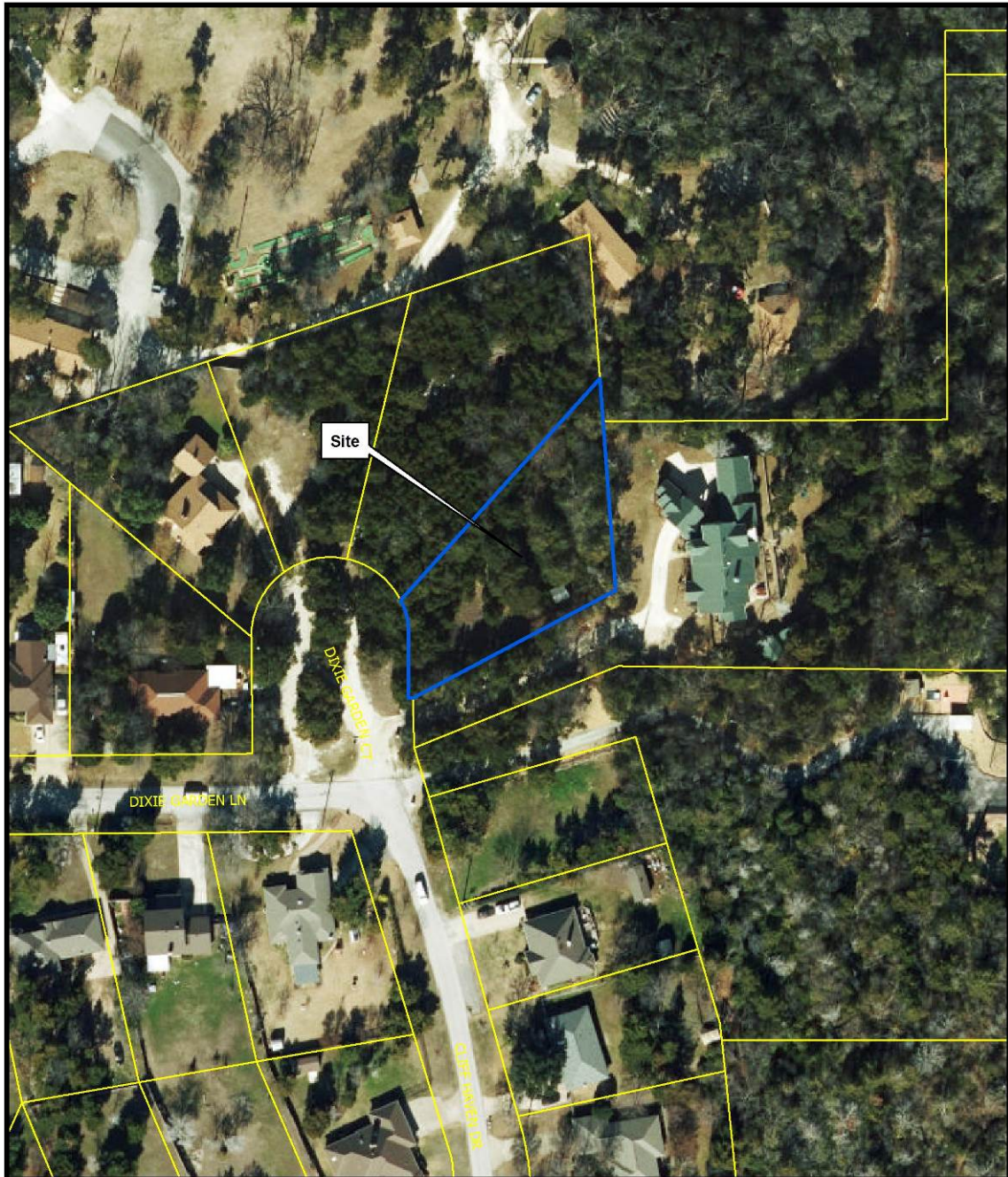
August 8, 2017: The Board Administrator emailed the applicant the following information:

- 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.





1:1,200

# AERIAL MAP

Case no: BDA167-019

Date: 8/31/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-019

Date: 6/22/17

Data Relative to Subject Property:

Location address: 10 Dixie Garden Ct Zoning District:

Lot No.: 10 Block No.: 77711 Acreage: Census Tract:

Street Frontage (in Feet): 1) 76.76 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Quincy Roberts

Applicant: Quincy Roberts Telephone: 214-843-5743

Mailing Address: 6455 Dixie Garden Ct Zip Code: 75236

E-mail Address: quincy@robertstruckinginc.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 9ft 6" to the fence height in a front yard

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

The fence will not have an adverse reaction to neighboring residences, there are not any neighboring residences adjacent to the property that can view the fence, the fence is decorative

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 Quincy Roberts (Affiant/Applicant's name printed)

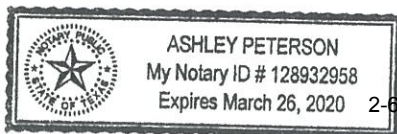
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

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

(Rev. 08-01-11)

BDA 167-019



[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**

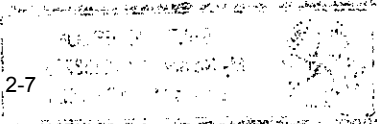
I hereby certify that Quincy Roberts

did submit a request for a special exception to the fence height regulations  
at 10 Dixie Garden Court

BDA167-019. Application of Quincy Roberts for a special exception to the fence height regulations at 10 Dixie Garden Court. This property is more fully described as Lot 10, Block 7/8711, and is zoned PD 226, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

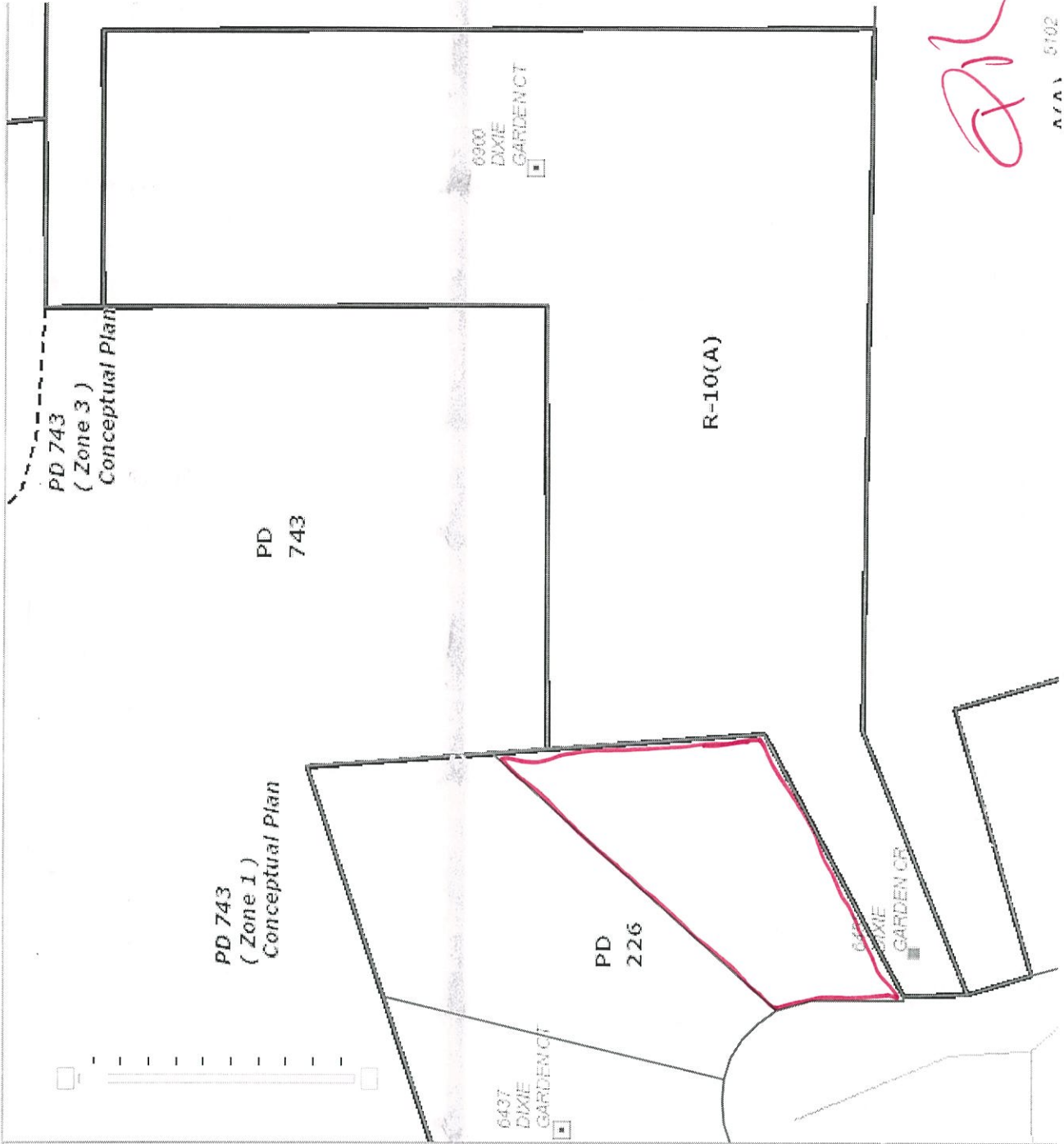


# City of Dallas

Internal Development Research Site

Legend

Locate Property

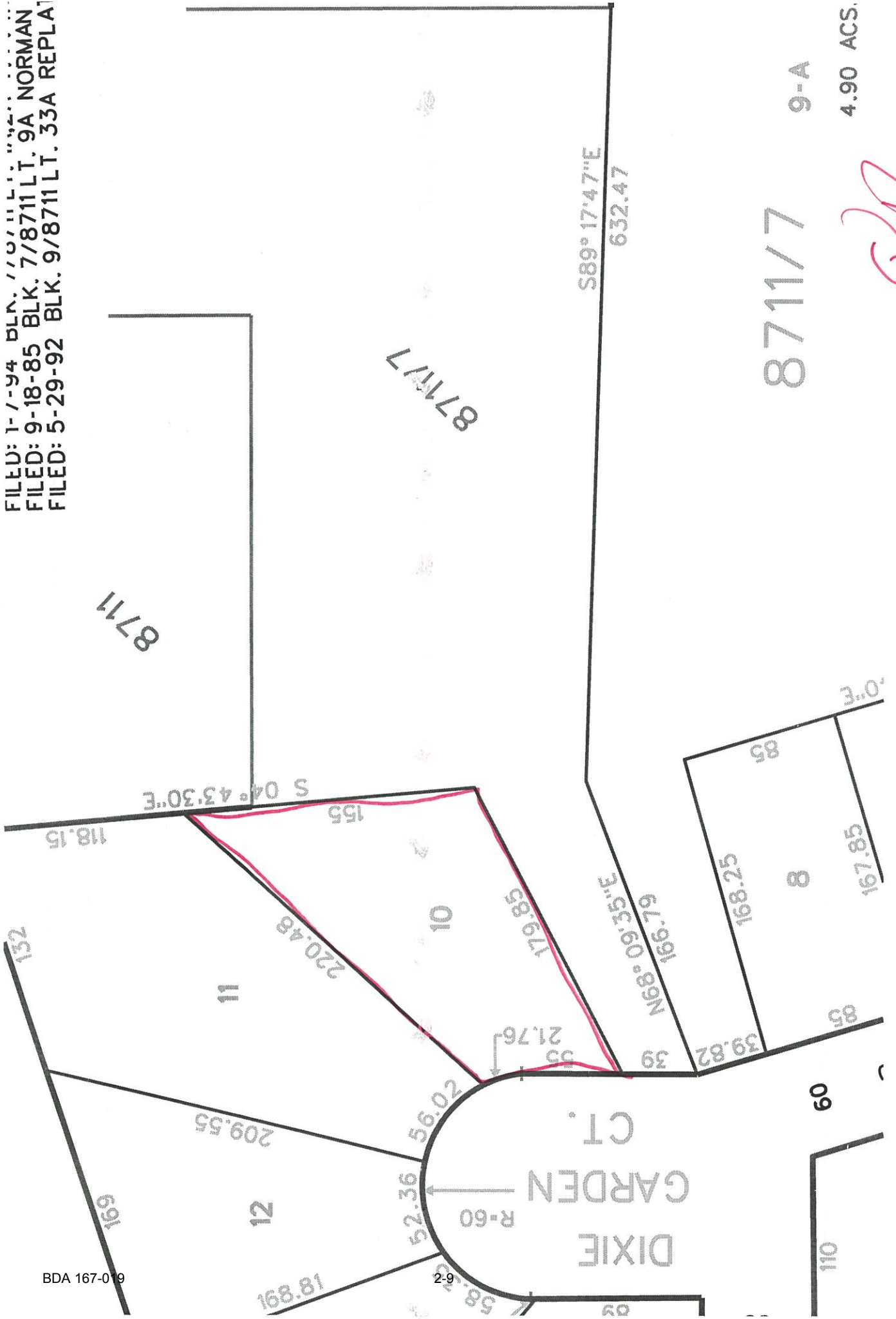


*AK*

A/A) 5102



FILED: 1-7-94 BLK. 7/8711 LT. 9A NORMAN  
 FILED: 9-18-85 BLK. 7/8711 LT. 9A NORMAN  
 FILED: 5-29-92 BLK. 9/8711 LT. 33A REPLA



BDA 167-019

S89° 17' 47" E  
 632.47

9-A  
 4.90 ACS.

8711/7

*PR*

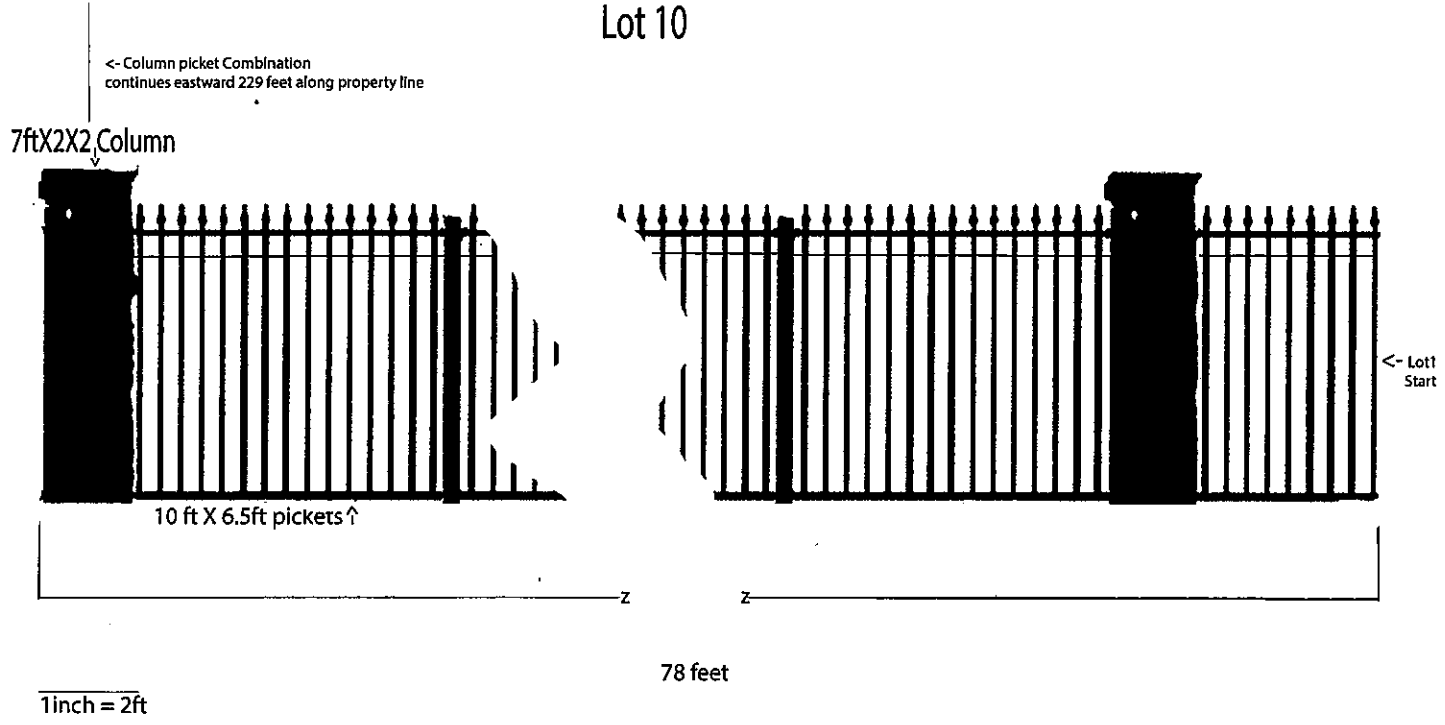
8711

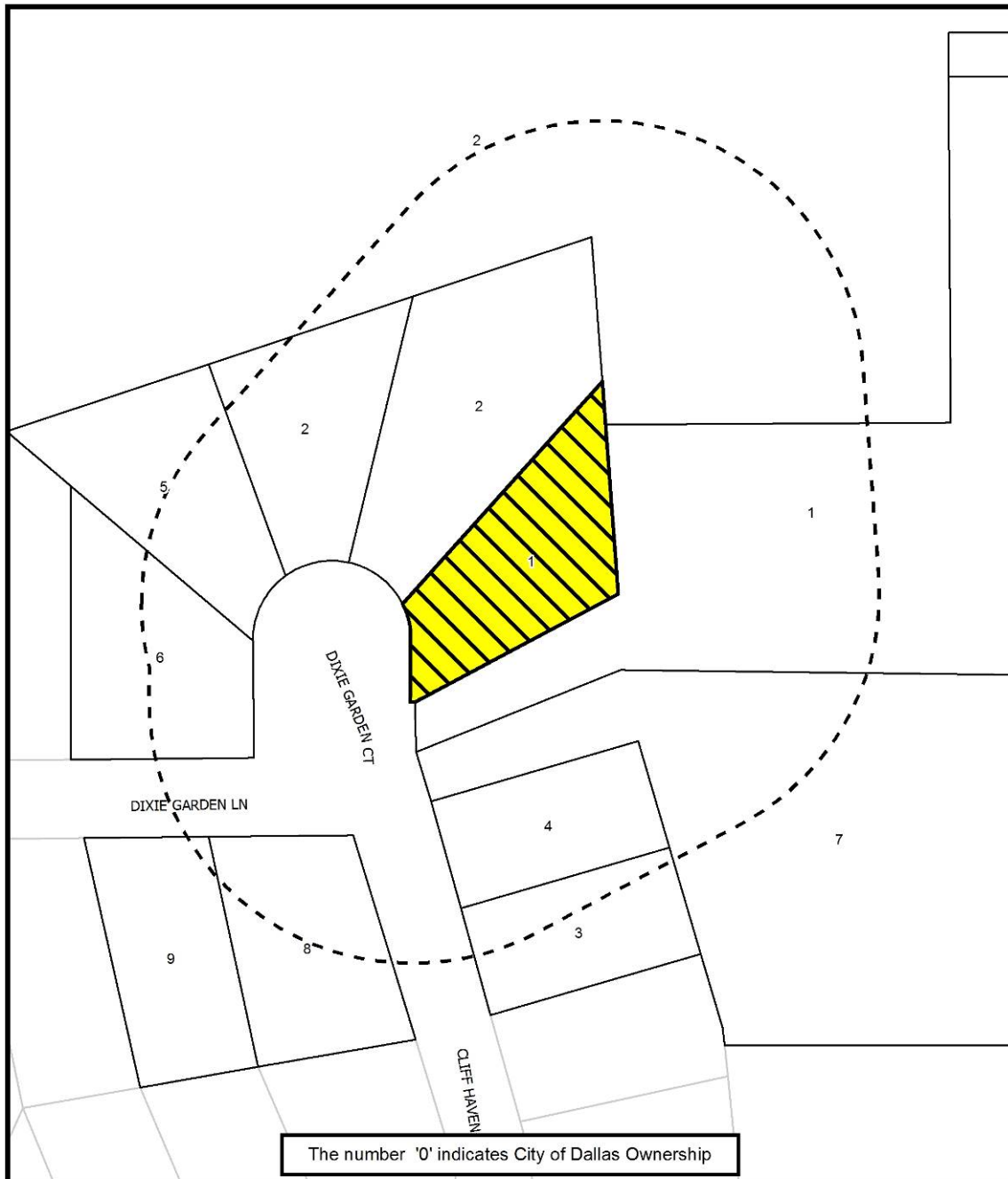
8711/7

DIXIE  
 GARDEN  
 CT.

R-60

10 Dixie Garden CT  
Lot 10





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-019</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>8/31/2017</b>

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

***BDA167-019***

### ***9 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10 DIXIE GARDEN CT	ROBERTS QUINCY
2	6600 GRADY NIBLO RD	NORTH TEXAS DISTRICT ASSEMBLY OF GOD
3	5112 CLIFF HAVEN DR	WEBB DOUGLAS F & JOANNE
4	8 CLIFF HAVEN DR	ROSS PATRICIA L
5	6429 DIXIE GARDEN CT	NORTH TEXAS DISTRICT ASSEMBLY OF GOD
6	6423 DIXIE GARDEN LN	BUNGER JOSEPH REID
7	5102 CLIFF HAVEN DR	ROSS PATRICIA LYNN TR
8	6430 DIXIE GARDEN LN	LOMAX CHRISTENE
9	6424 DIXIE GARDEN LN	DYKMAN DANIEL & AZELLA

**FILE NUMBER:** BDA167-095(SL)

**BUILDING OFFICIAL'S REPORT: BDA167-095(SL)** - Application of Evan Godwin for a special exception to the off-street parking regulations at 804 4th Avenue. This property is more fully described as Lot 19, Block 13/812, and is zoned PD 595 (RS-MU), which requires parking to be provided. The applicant proposes to construct and maintain a structure for an office use, and provide 4 of the required 5 parking spaces, which will require a 1 space special exception to the off-street parking regulations.

**LOCATION:** 804 4th Avenue

**APPLICANT:** Evan Godwin

**REQUEST:**

A request for a special exception to the off-street parking regulations of 1 space is made to construct and maintain an approximately 1,600 square foot structure as an office use, and provide 4 (or 80 percent) of the 5 required off-street parking spaces on a site that is undeveloped.

**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 1 space shall automatically and immediately terminate if and when the office use 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 595 (RS-MU) (Planned Development)
<u>North:</u>	PD 595 (RS-MU) (Planned Development)
<u>South:</u>	PD 595 (RS-MU) (Planned Development)
<u>East:</u>	PD 595 (RS-MU) (Planned Development)
<u>West:</u>	PD 595 (RS-MU) (Planned Development)

### **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:**

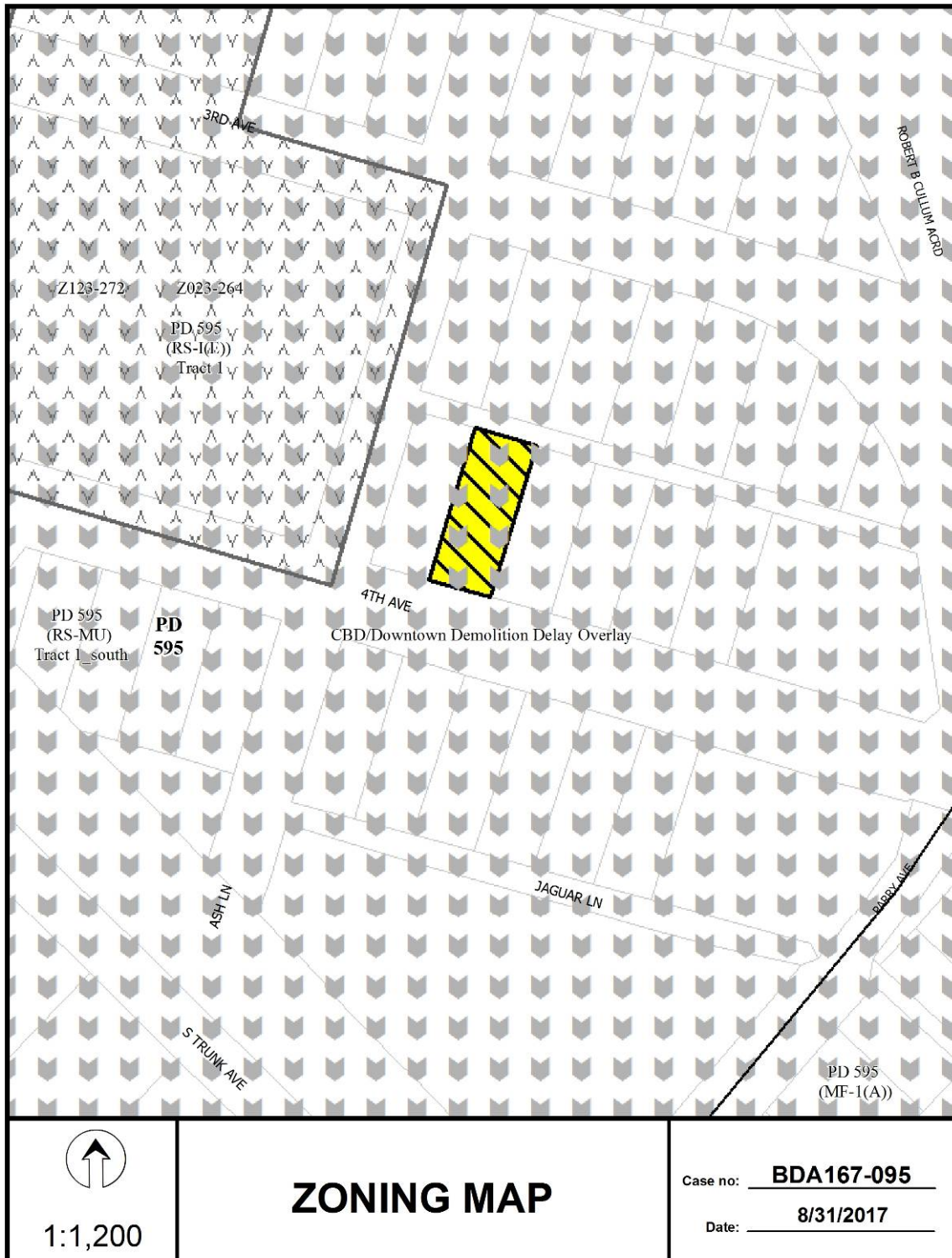
- This request for a special exception to the off-street parking regulations of 1 space focuses on constructing and maintaining an approximately 1,600 square foot structure as an office use, and providing 4 (or 80 percent) of the 5 required off-street parking spaces on a site that is undeveloped.
- The subject site is zoned PD 595 RS-MU that refers to 51(A) with regard to off-street parking requirements.
- The Dallas Development Code requires the following off-street parking requirement:
  - Office use: 1 space per 333 square feet of floor area. (In this particular case, a 1,600 square foot structure for office use would require 5 spaces).
- The applicant states on his application that all employees use alternative methods of transportation, and expected peak capacity does not exceed 50 percent of required spaces.
- The applicant has submitted a document stating among other things that the propose office will have 2 employees both of which bicycle to work.
- 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 “office” use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 1 space (or a 20 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 1 space shall automatically and immediately terminate if and when the office use is changed or discontinued, the applicant could construct and maintain the approximately 1,600 square foot structure as an office use, and provide 4 (or 80 percent) of the 5 required off-street parking spaces on the site.

**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 A.
- 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.
- September 9, 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: **BDA167-095**

Date: **8/31/2017**



1:1,200

# AERIAL MAP

Case no: BDA167-095

Date: 8/31/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-095

Data Relative to Subject Property:

Date: 6/21/2017

Location address: 804 4th Ave Zoning District: PD 595 (RS-MU)

Lot No.: 19 Block No.: 13/812 Acreage: 0.15 Census Tract: 203.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Evan Godwin Photography

Applicant: EVAN GODWIN Telephone: 214-699-7431

Mailing Address: 1910 PACIFIC AVE STE 17230 Zip Code: 75201

E-mail Address: EVAN@EMGODWINVENTURES.COM

Represented by: EVAN GODWIN Telephone: \_\_\_\_\_

Mailing Address: 1910 PACIFIC AVE STE 17230 Zip Code: 75201

E-mail Address: EVAN@EMGODWINVENTURES.COM

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of Parking space reduction by 1 space from the required 5 spaces for office use.

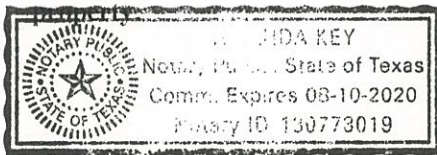
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: All employees use alternate methods of transportation and expected peak capacity does not exceed 50% of required spaces.

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 EVAN M GODWIN (Affiant/Applicant's name printed)

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



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

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

[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**

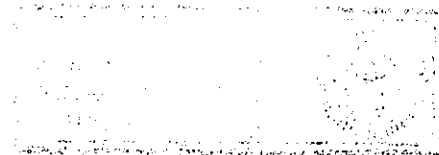
I hereby certify that Evan Godwin

did submit a request for a special exception to the parking regulations  
at 804 4th Avenue

BDA167-095. Application of Evan Godwin for a special exception to the parking regulations at 804 4th Avenue. This property is more fully described as Lot 19, Block 13/812, and is zoned PD-595 (RS-MU), which requires parking to be provided . The applicant proposes to construct a nonresidential structure for an office use, and provide 4 the required 5 parking spaces, which will require a 1 space special exception (20% reduction) to the parking regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



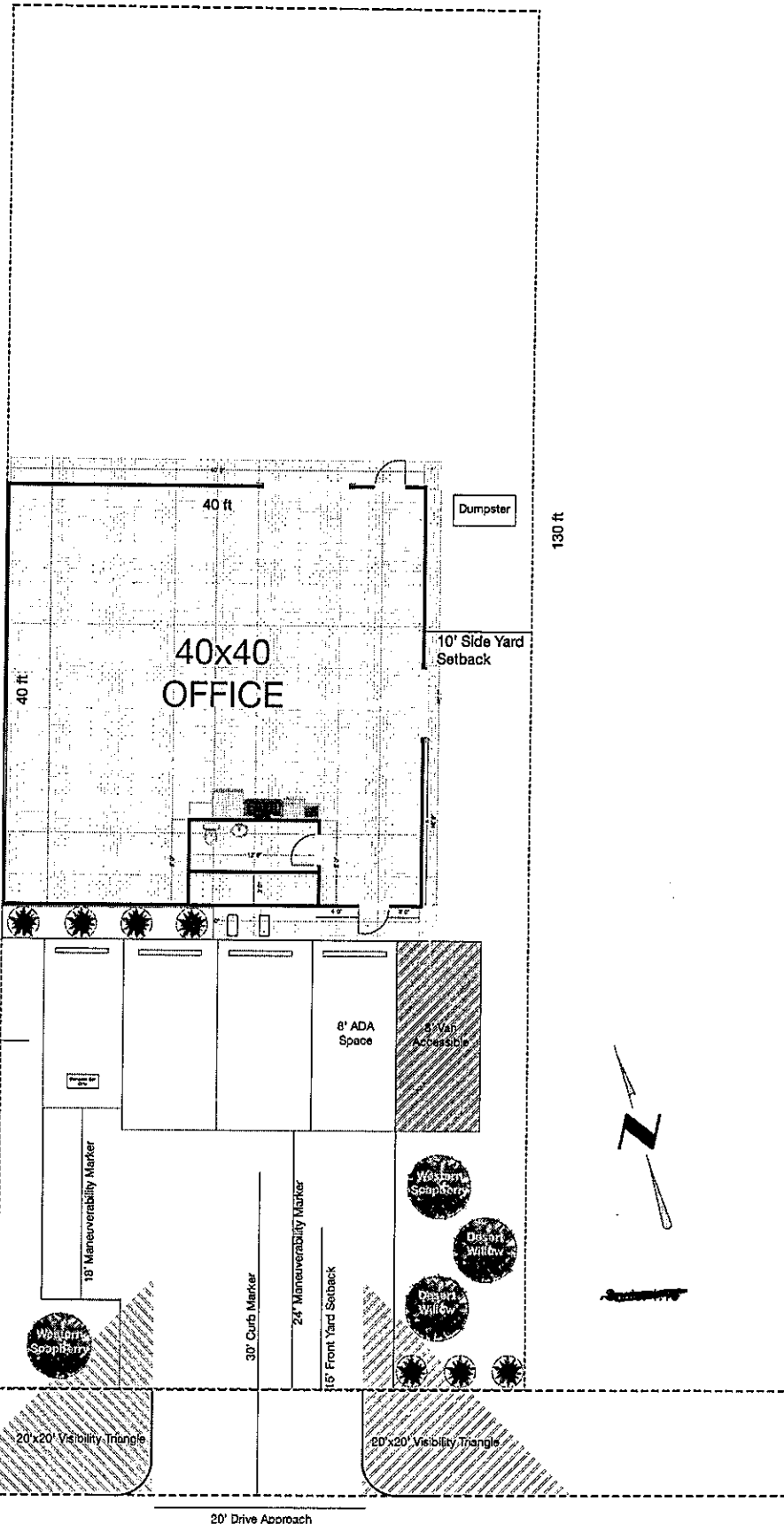


*Handwritten signature*



812/3  
V-1  
2.4793 ACS.  
8/218

50ft



Special exception reducing one (1) parking space is requested. This is the proposed post-reduction layout for parking. Paving to be constructed of concrete..

Parking Analysis  
804 4th Avenue Dallas, TX 75226

Parking analysis was completed to accurately quantify both existing parking needs as well as forecast future business requirements for off-street parking for the purpose of obtaining a special exception to reduce 1 parking space requirement.

Current parking space requirements by code:

The proposed construction will consist of one 1,600 sq. ft. building for the use of office space. Approximately 1,500 square feet will be dedicated to office space, with the remaining dedicated to restroom and storage use. Using the off-street parking requirement calculation of one space for every 333 sq. ft., that results in 5 spaces required (rounded up from 4.8).

Analysis of supply and demand with proposed reduction:

The proposed building will be occupied by 2 employees, both of which live 1.1 miles away and will bicycle to work, between the hours of 9:00AM and 5:00PM. Ample convenient public transportation is also available. The property is located 0.2 miles (4 minute estimated walk) from the 1st @ Ash-W-NS bus stop and 0.4 miles (8 minute estimated walk) from the Fair Park Dart Station. The proposed parking plan will include 2 standard-sized parking spaces, 1 compact car parking space and 1 handicap van-accessible parking space, for a total of 4 available parking spaces. On our busiest day, we estimate peak parking occupancy of 50%, resulting in an excess of 2 parking spaces (2 of the 4 spaces to be occupied).

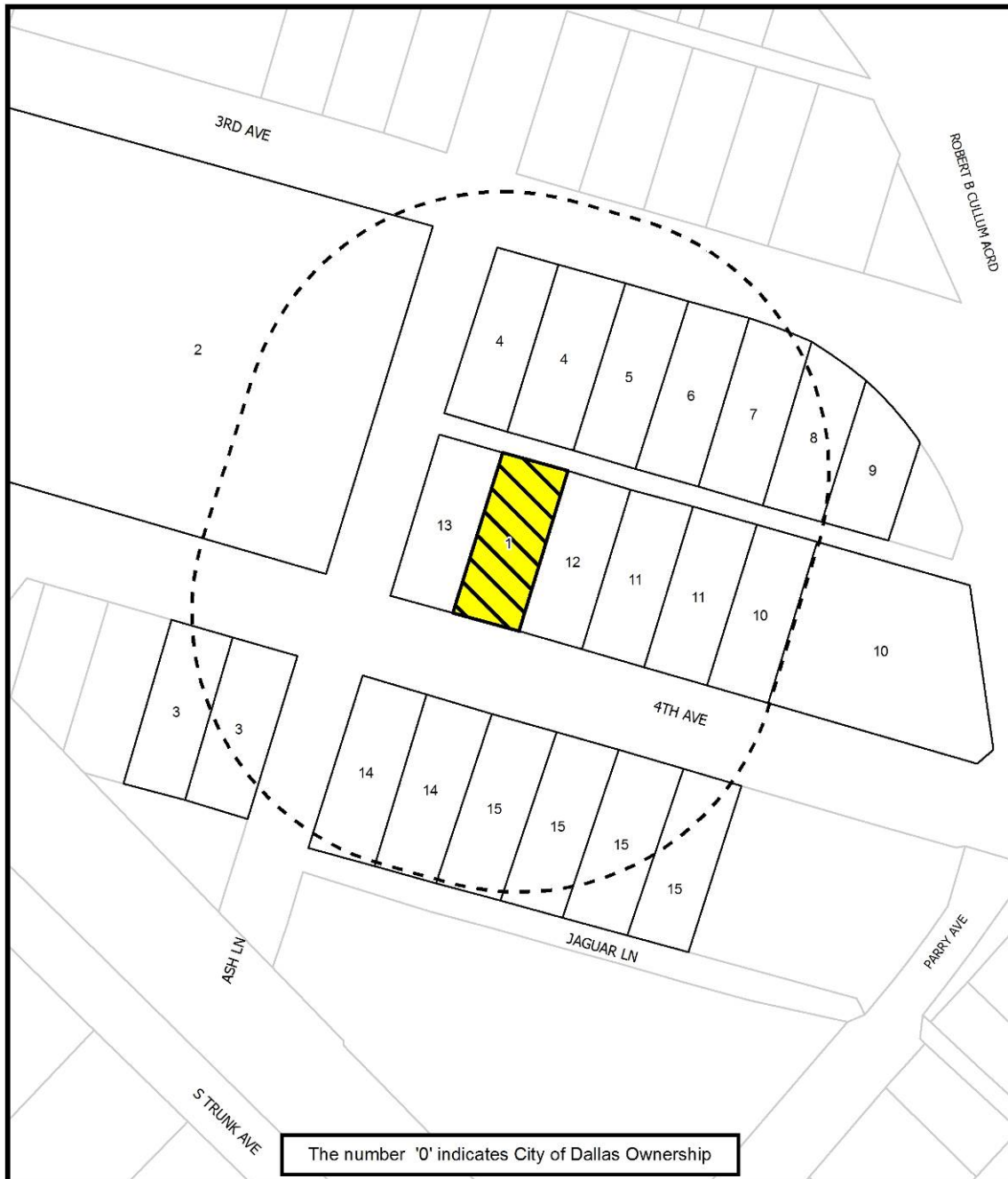
Future demand projections and needs:

We currently have no short-term or long-term projections for adding additional employees at this location, and thus will run a surplus of available off-street parking for the foreseeable future.

Impact on neighboring property:

With the parking reduction of one space, at peak expected occupancy, there would be no impact on neighboring properties. Both bordering properties are currently vacant lots.





1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**15**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-095**

Date: **8/31/2017**

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

### ***BDA167-095***

#### ***15 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	804 J B JACKSON JR BLVD	WWM PARTNERSHIP TRUST
2	725 3RD AVE	THIRD AND ASH LLC
3	723 J B JACKSON JR BLVD	VILLANUEVA OMAR
4	801 3RD AVE	DARBY ELSON III ET AL
5	809 3RD AVE	DARBY MAYE E THOMPSON REVOCABLE TRUST THE
6	813 3RD AVE	DARBY ELSON JR EST OF &
7	817 3RD AVE	MYERS RANDALL F
8	821 3RD AVE	RESOURCES ASSISTANT CORPORATION
9	825 3RD AVE	RESOURCES ASSISTANT CORP
10	820 J B JACKSON JR BLVD	RESOURCES ASSISTANT CORPORATION
11	816 J B JACKSON JR BLVD	BELCLAIRE REALTY LTD
12	808 J B JACKSON JR BLVD	MUHAMMAD NISSA
13	800 J B JACKSON JR BLVD	C E EDENS FINANCIAL
14	801 J B JACKSON JR BLVD	CHAMPION DAVID
15	809 J B JACKSON JR BLVD	WEISS ALLAN C

**FILE NUMBER:** BDA167-101(SL)

**BUILDING OFFICIAL'S REPORT:** Application of David Drinkwater, represented by John Hamilton, for special exceptions to the visual obstruction regulations at 5546 McCommas Boulevard. This property is more fully described as Lot 12, Block 8/2200, and is zoned CD 9, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in required triangles, which will require special exceptions to the visual obstruction regulations.

**LOCATION:** 5546 McCommas Boulevard

**APPLICANT:** David Drinkwater  
Represented by John Hamilton

**REQUESTS:**

Requests for special exceptions to the visual obstruction regulations are made to construct and maintain an approximately 8' high solid wood slide gate in the two, 20' visibility triangles on both sides of the driveway into the site from Worcola Avenue on a site developed with a single family home.

**STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:**

The Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

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

Rationale:

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 9 (Conservation District)  
North: CD 9 (Conservation District)  
South: CD 9 (Conservation District)  
East: CD 9 (Conservation District)

West: CD 9 (Conservation District)

**Land Use:**

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

**Zoning/BDA History:**

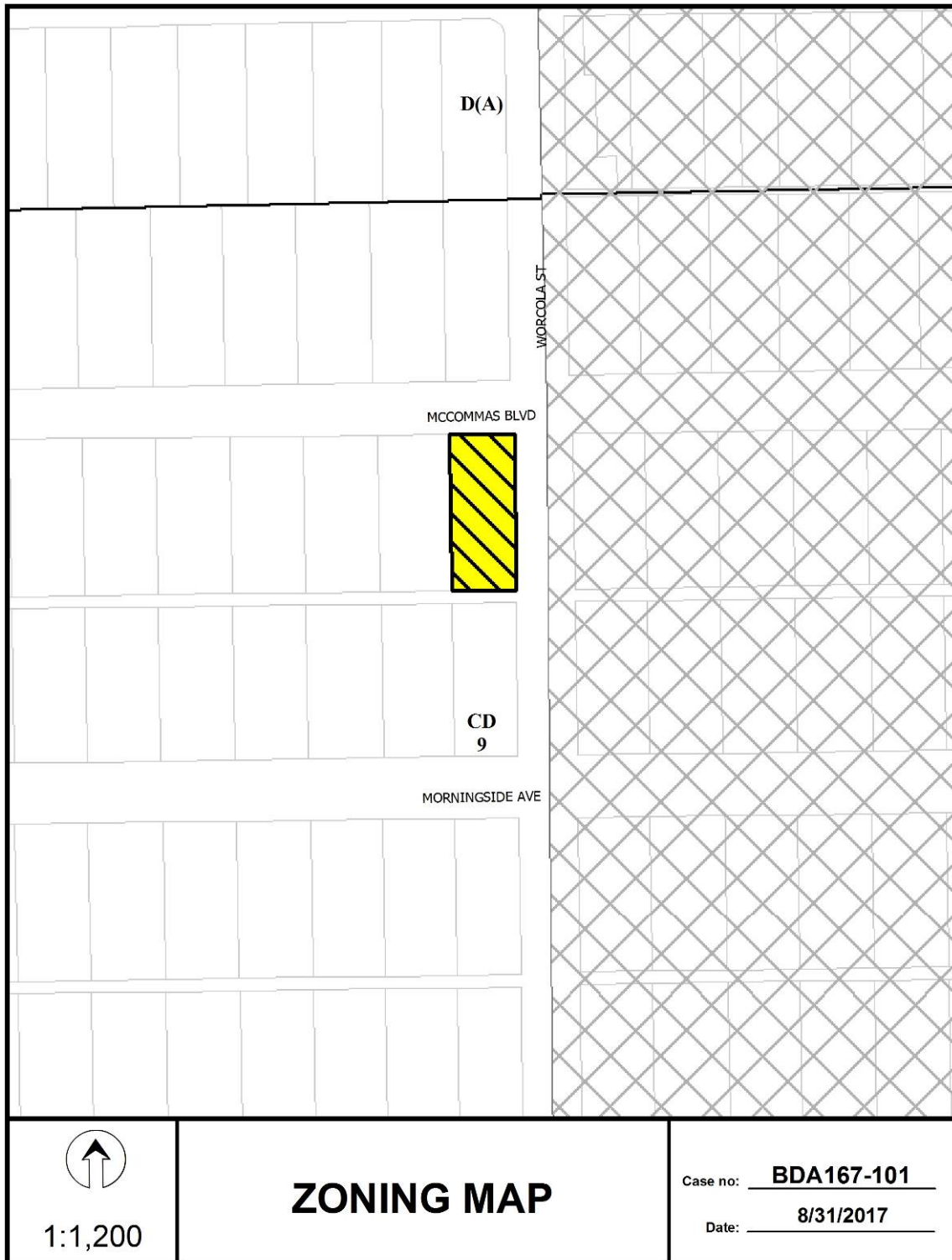
There has not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

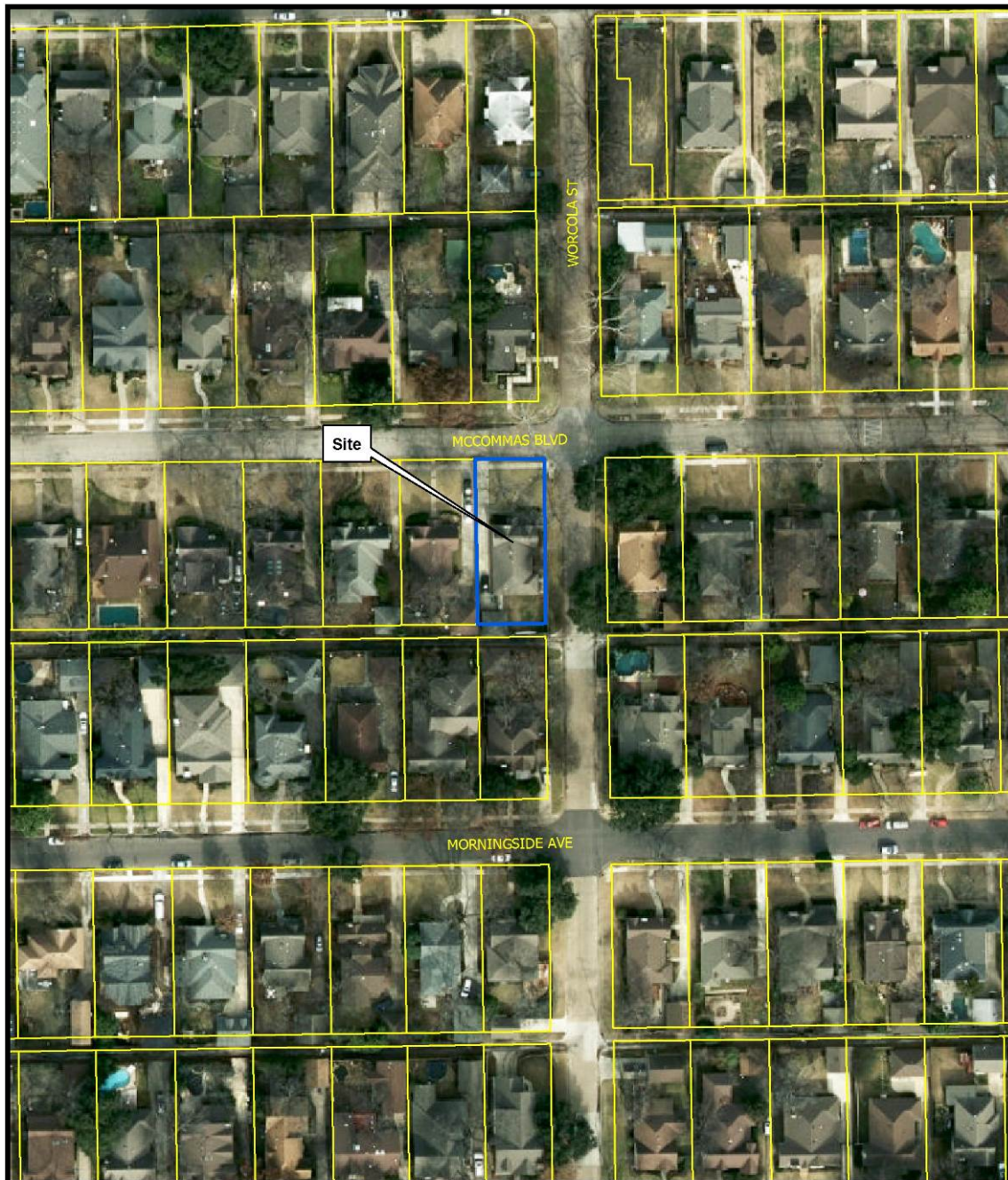
**GENERAL FACTS/STAFF ANALYSIS:**

- These requests for special exceptions to the visual obstruction regulations focus on constructing and maintaining an approximately 8' high solid wood slide gate in the two, 20' visibility triangles on both sides of the driveway into the site from Worcola Avenue on a site developed with a single family home.
- The Dallas Development Code states the following: A person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
  - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20 foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
  - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- A site plan and site plan/elevation have been submitted indicating portions of "static door slide gate" located in the 20' visibility triangles on both sides of the driveway into the site from Worcola Avenue.
- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections" commenting: "Note: City Code Ch. 48-4 regulates planting trees in the parkway and City Code Ch. 43-93 regulates curb restoration if existing drive is removed".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations to complete and maintain an approximately 8' high solid wood slide gate in the two, 20' visibility triangles on both sides of the driveway into the site from Worcola Avenue does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and site plan/elevation would limit the items located in the 20' drive approach visibility triangles into the site from Worcola Avenue to that what is shown on these documents – an approximately 8' high solid wood slide gate.

## **Timeline:**

- June 16, 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 A.
- August 8, 2017: The Board Administrator emailed the applicant’s representative 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 9, 2017: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections” commenting: “Note: City Code Ch. 48-4 regulates planting trees in the parkway and City Code Ch. 43-93 regulates curb restoration if existing drive is removed”.





1:1,200

# AERIAL MAP

Case no: BDA167-101

Date: 8/31/2017



A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-101

Data Relative to Subject Property:

Date: 6-16-17

Location address: 5546 M'COMMAS Blvd. Zoning District: CO-9

Lot No.: 12 Block No.: 8/2200 Acreage: .155 Census Tract: ~~22~~ 3.00

Street Frontage (in Feet): 1) 130 2) 52 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): DAVID DRINKWATER

Applicant: DAVID DRINKWATER Telephone: 214.673.1224

Mailing Address: 5546 M'COMMAS Zip Code: 75206

E-mail Address: DEMDDAVE@MAC.COM

Represented by: JOHN HAMILTON Telephone: 469.951.2547

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

E-mail Address: JHAMILTON@HAMILTONWOLF.COM

Affirm that an appeal has been made for a Variance  or Special Exception  of ~~FENCE CONFIN-~~  
AND SLIDING PORTION AND RELATED TO VISIBILITY TRIANGLE  
FOR GARAGE ACCESS @ driveway

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:

LOCATED ON MINOR STREET ; NOT IN SCHOOL ZONE ; NO  
PEDESTRIAN TRAFFIC ; NO PARKS NEARBY - ; NOT INTO ALLEY  
SEE ALSO ATTACHED ADDED INFO.

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

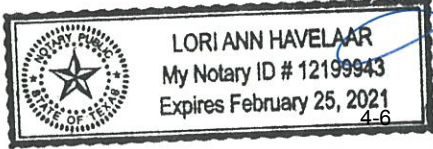
Before me the undersigned on this day personally appeared David Drinkwater  
(Affiant/Applicant's name printed)

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: DE Drinkwater  
(Affiant/Applicant's signature)

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

(Rev. 08-01-11)



Lori Ann Havelaar  
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

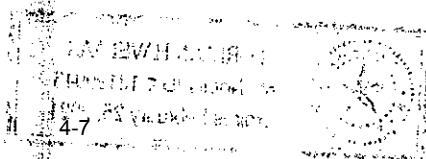
**Building Official's Report**

I hereby certify that David Drinkwater  
represented by John Hamilton  
did submit a request for a special exception to the visibility obstruction regulations  
at 5546 McCommas Blvd.

BDA167-101. Application of David Drinkwater represented by John Hamilton for a special exception to the visibility obstruction regulations at 5546 McCommas Blvd. This property is more fully described as Lot 12, Block 8/2200, and is zoned CD-9, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a residential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

OR

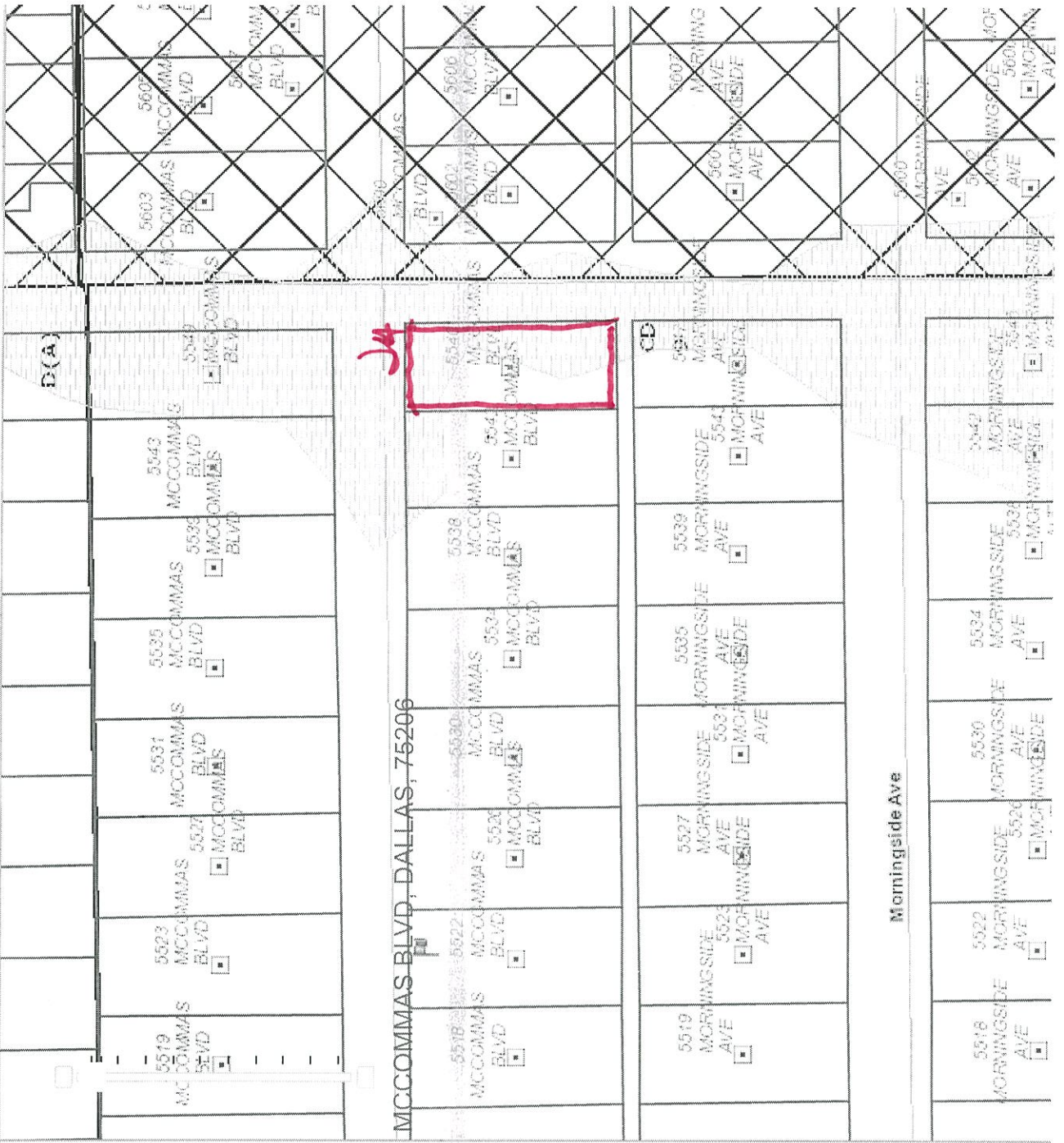
Street address.

5546 mccomm

OR

Parcel address.

Use street type for better re



2914

2913

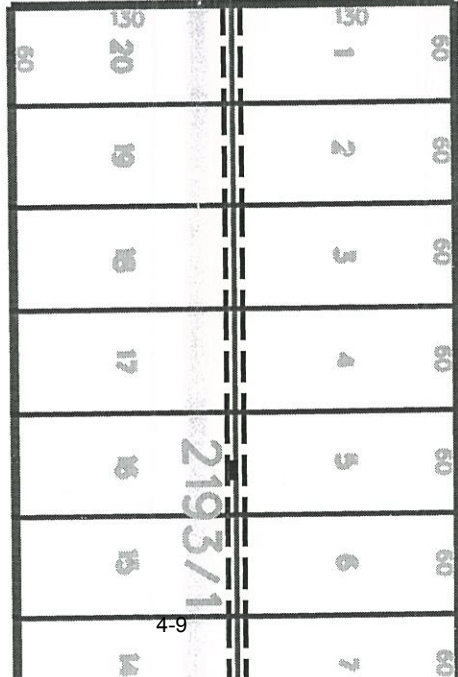
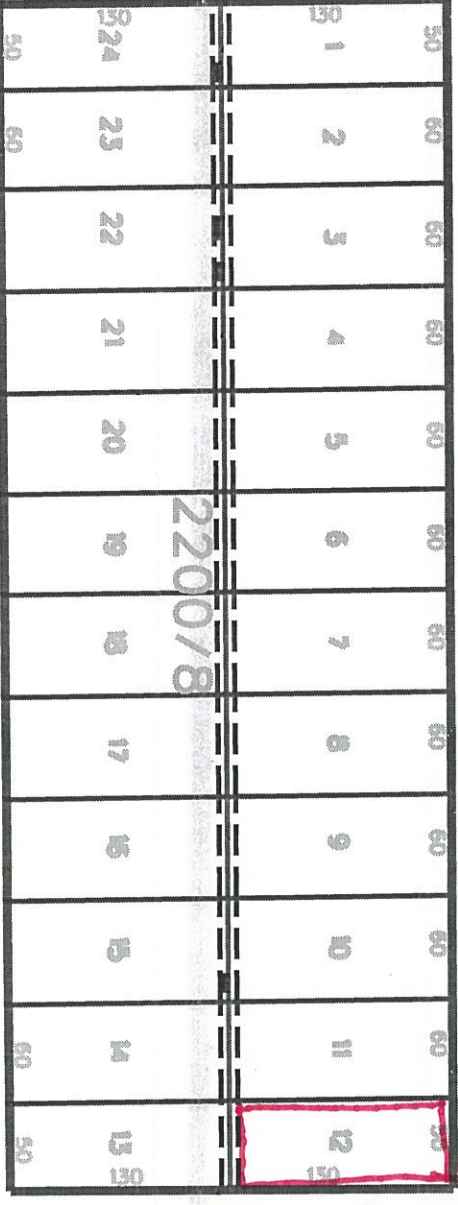
MC COMMAS

5500

5600

AVE. 60

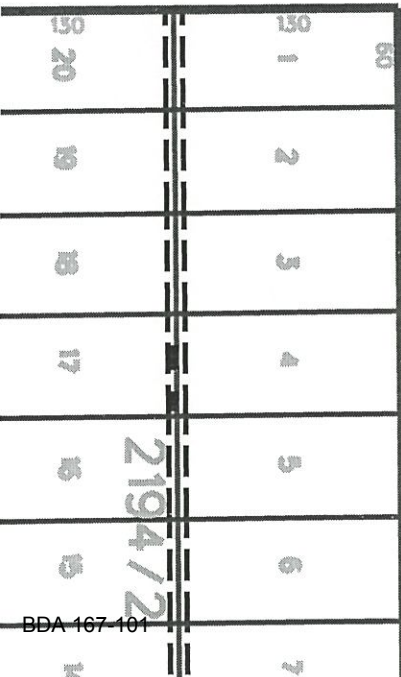
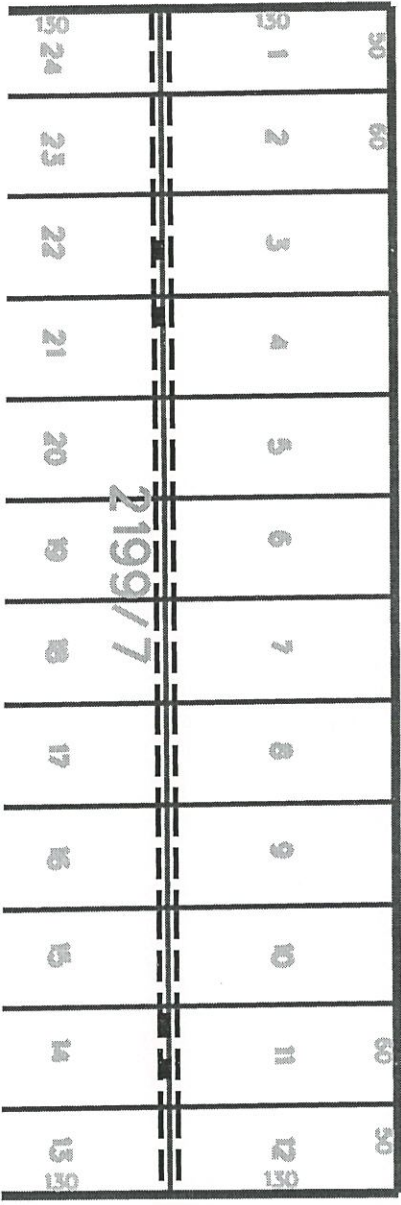
AVE. 50



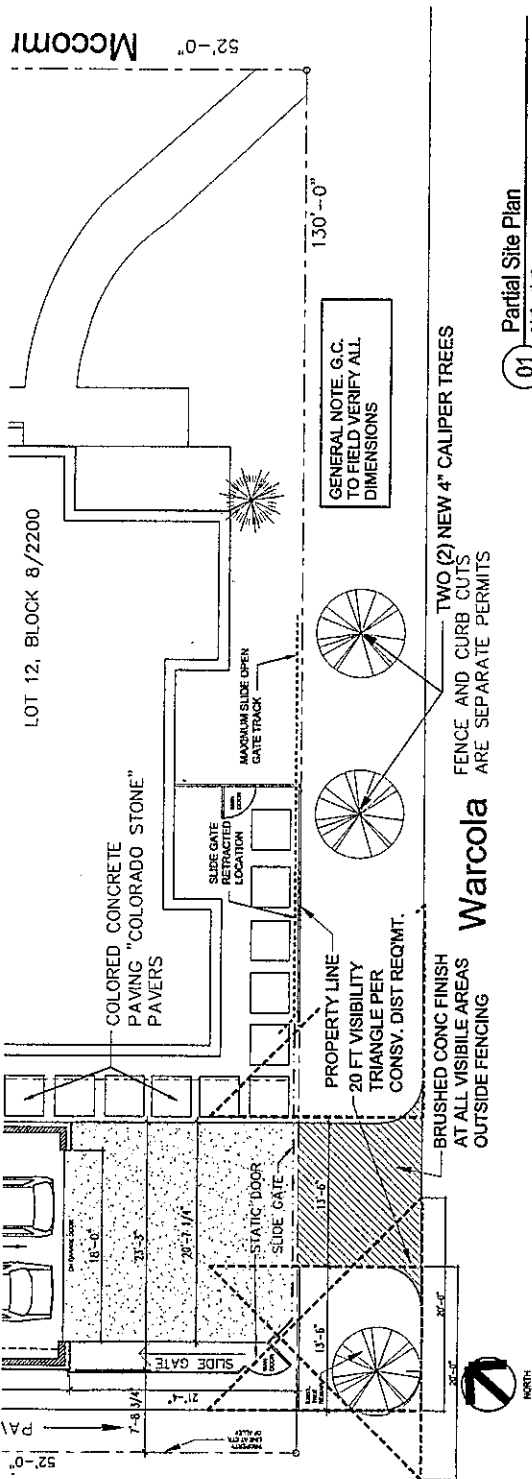
MORNINGSIDE

5500

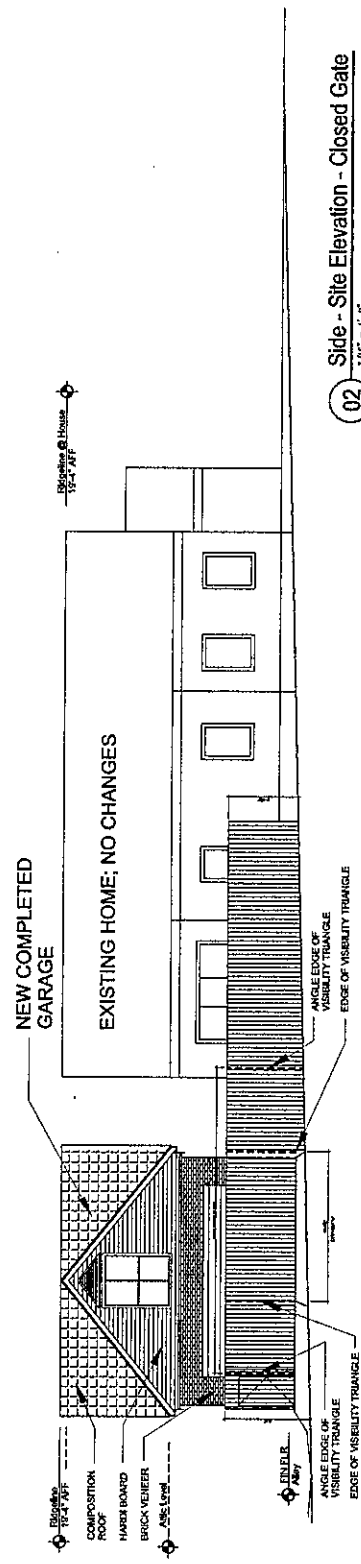
5600



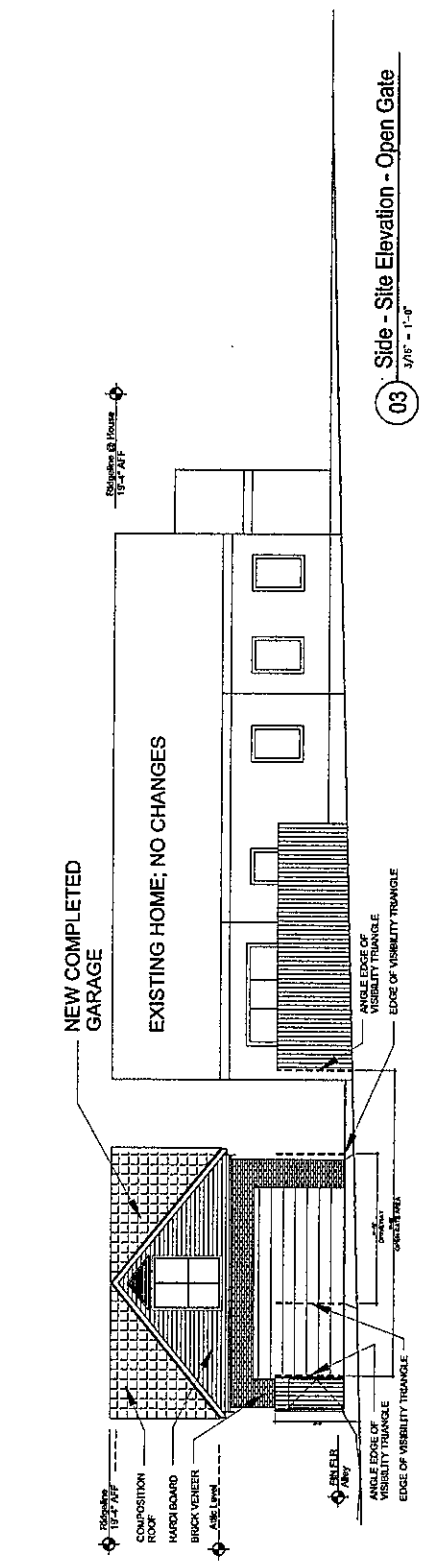




01 Partial Site Plan  
3/16" = 1'-0"



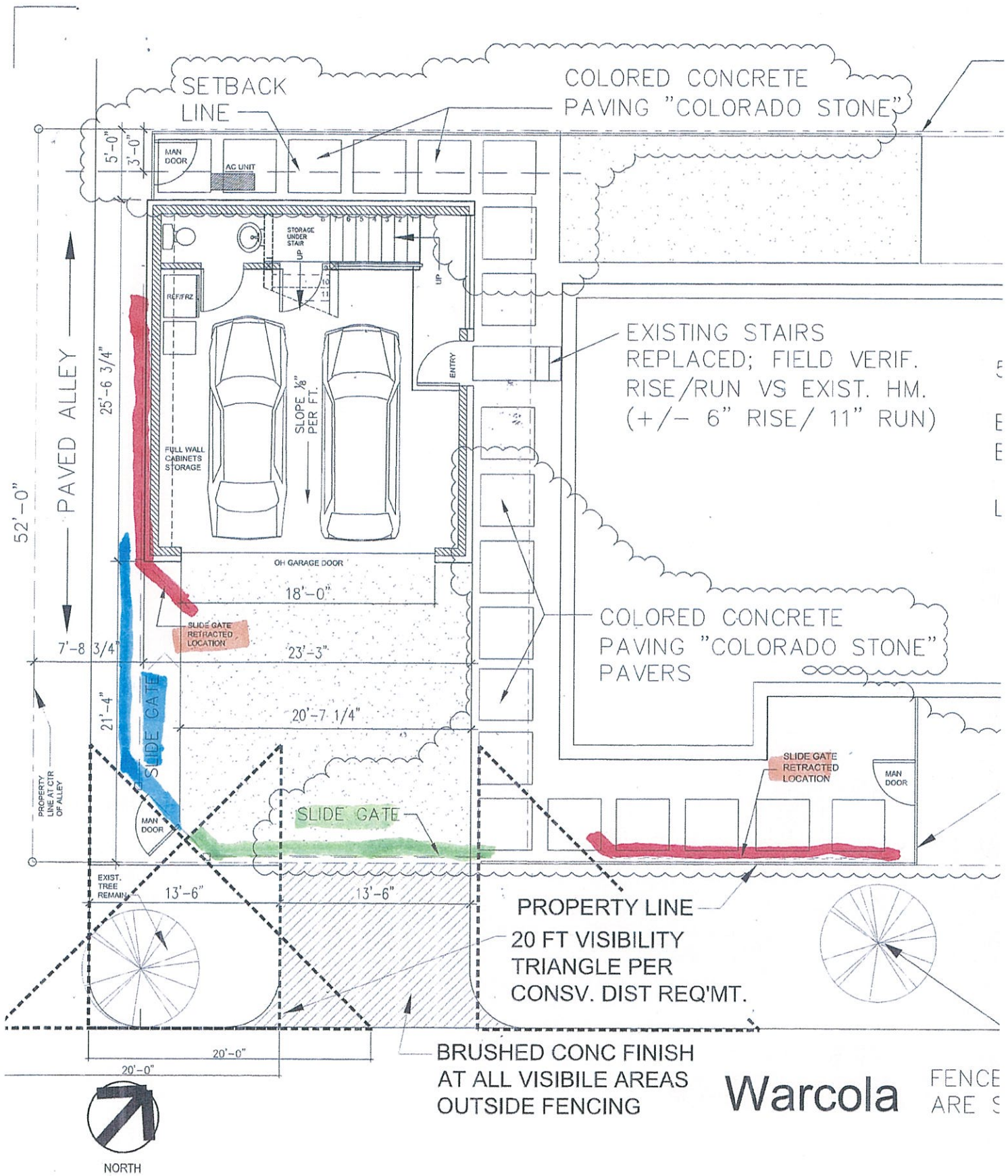
02 Side - Site Elevation - Closed Gate  
3/16" = 1'-0"



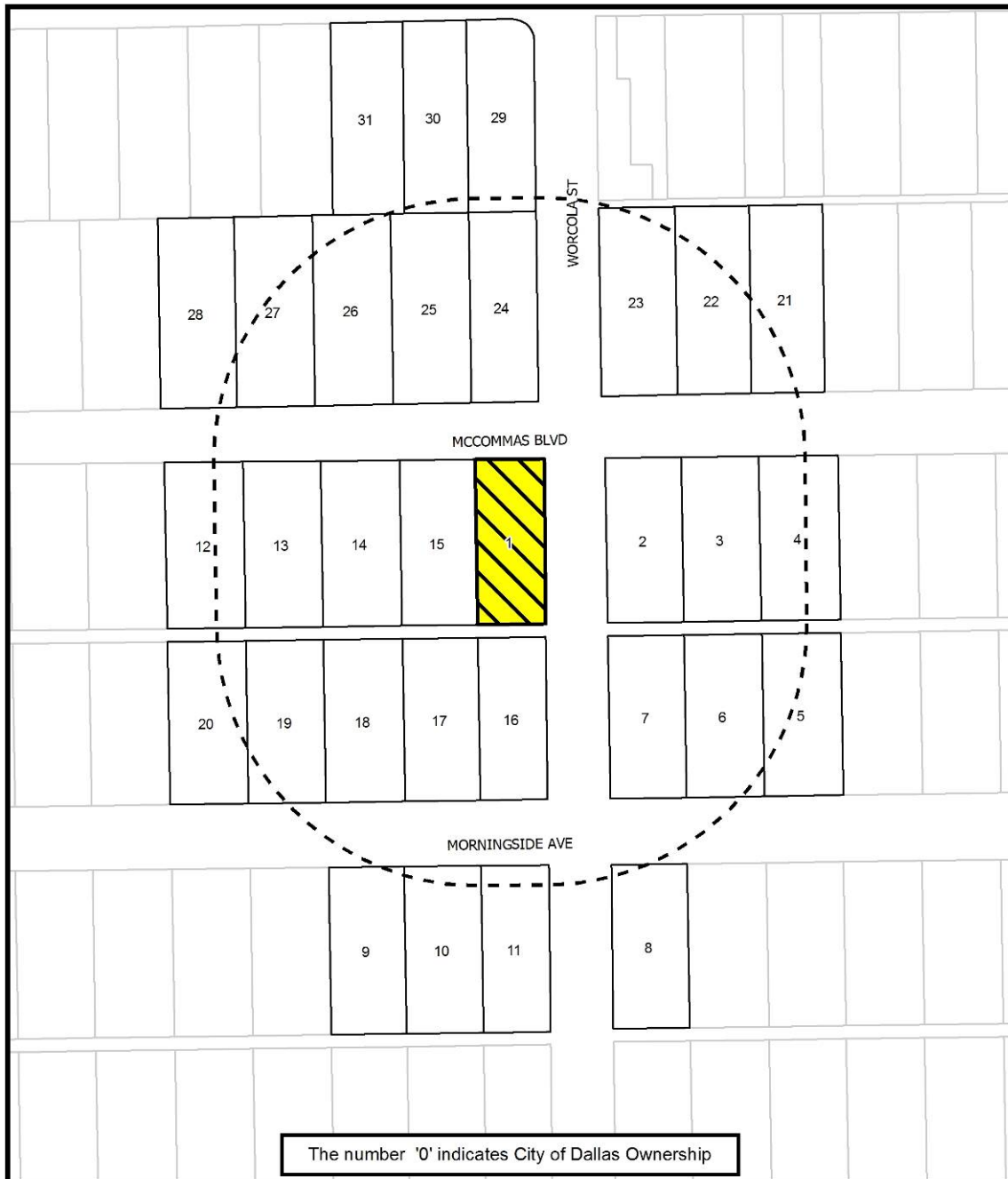
03 Side - Site Elevation - Open Gate  
3/16" = 1'-0"

PROJECT / CLIENT Drinkwater Garage 5546 McComas Dallas, Tx	PROJECT / DESIGNER Hamilton Wolf Andrews Design / Development 1500 Ross Avenue, Suite 1000 Dallas, TX 75201 Phone: 214.760.1100 Fax: 214.760.1101 Email: info@hwa.com	PERMIT / LICENSE Permit 5-12-2012 Permit 4-4-2018 Permit 3-1-2018 Permit 2-2-2015 Permit 1-4-2016 Elec 10-1-2015 Comm Dist 4-27-15 Comm Dist 4-17-15 Comm Dist 3-17-15	DRAWN BY: HAMILTON JOB NUMBER: DATE: July 2017 SHEET NO. A-50.2
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BOARD OF ADJUSTMENT



01 Site Plan  
1/4" = 1'-0"



1:1,200

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**31**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-101**

Date: **8/31/2017**

# *Notification List of Property Owners*

## *BDA167-101*

### *31 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5546 MCCOMMAS BLVD	DRINKWATER DAVID
2	5602 MCCOMMAS BLVD	LEE JOHN S
3	5606 MCCOMMAS BLVD	BERGER RICHARD K & CHRISTINA S
4	5610 MCCOMMAS BLVD	HACKMEYER JEFFREY & KLEA
5	5609 MORNINGSIDE AVE	ARNOLD SARAH O & KENNETH
6	5607 MORNINGSIDE AVE	SHROPSHIRE WILLIAM C JR &
7	5601 MORNINGSIDE AVE	BALLAS CARY & TRACY
8	5602 MORNINGSIDE AVE	DAVIS ANDREW D & KWI
9	5538 MORNINGSIDE AVE	BRAKHAGE ELAINE C PERAKIS &
10	5542 MORNINGSIDE AVE	CORTINAS GEORGE JR
11	5546 MORNINGSIDE AVE	DAVIES JEFFREY L & EMILIA I
12	5530 MCCOMMAS BLVD	HERNANDEZ ROY
13	5534 MCCOMMAS BLVD	CRANDALL DAVID E
14	5538 MCCOMMAS BLVD	JOHNSON EDNA SUE EST OF
15	5542 MCCOMMAS BLVD	MATLOCK DANIEL L &
16	5547 MORNINGSIDE AVE	SHOWALTER LARRY D &
17	5543 MORNINGSIDE AVE	GHOBRIAL HOLLIS & RHEA LI
18	5539 MORNINGSIDE AVE	WHIPPLE CRAIG
19	5535 MORNINGSIDE AVE	MILLER C A
20	5531 MORNINGSIDE AVE	MCCORD MATTHEW P & KELSEY R
21	5619 MCCOMMAS BLVD	ALLEN ROBIN & JENNIFER N
22	5605 MCCOMMAS BLVD	PENA SHERRIE A
23	5603 MCCOMMAS BLVD	VANDERLAAN CRAIG &
24	5549 MCCOMMAS BLVD	GAERTNER THEODORE H
25	5543 MCCOMMAS BLVD	MCCOMMAS 5443 PROJECT LLC
26	5539 MCCOMMAS BLVD	JACKSON BRENDA LOUISE



08/31/2017

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5535 MCCOMMAS BLVD	MACMILLAN BRUCE & ROSEMARY
28	5531 MCCOMMAS BLVD	TILBURY JACK
29	5552 LONGVIEW ST	BERMAN ALBERT
30	5550 LONGVIEW ST	POTTER GREGG R
31	5544 LONGVIEW ST	ONO PROPERTIES LLC

**FILE NUMBER:** BDA167-121(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Douglas Denton for a special exception to restore a nonconforming use at 5300 University Hills Boulevard. This property is more fully described as an unplatted 2.2627 acre tract in Block 6900, and is zoned CR, which limits the legal uses in a zoning district. The applicant proposes to restore a nonconforming convalescent and nursing home, hospice care, and related institutions use, which will require a special exception to the nonconforming use regulations.

**LOCATION:** 5300 University Hills Boulevard

**APPLICANT:** Douglas Denton

**REQUEST:**

A request for a special exception to restore/reinstate nonconforming use rights for a convalescent and nursing home, hospice care, and related institutions use on the subject site that was discontinued for a period of six months or more is made to obtain a Certificate of Occupancy (CO) for this use.

**STANDARD FOR A SPECIAL EXCEPTION TO OPERATE A NONCONFORMING USE IF THAT USE IS DISCONTINUED FOR SIX MONTHS OR MORE:** The Dallas Development Code states that the Board may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

**STAFF RECOMMENDATION:**

No staff recommendation is made on this or any request for a special exception to operate a nonconforming use if that use is discontinued for six months or more since the basis for this type of appeal is based on whether the board determines that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.

**BACKGROUND INFORMATION:**

**Zoning:**

**Site:** CR (Community retail)  
**North:** CR (Community retail)  
**South:** R-7.5(A) (Single family residential 7,500 square feet)  
**East:** PD 12 (Planned Development)

West: PD 522 (Planned Development)

**Land Use:**

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

**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 focuses on restoring/reinstating nonconforming use rights for a convalescent and nursing home, hospice care, and related institutions use that has been discontinued for six months or more in order for the applicant to obtain a Certificate of Occupancy (CO) for this use.
- The Dallas Development Code defines “nonconforming use” as “a use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time”.
- The nonconforming use regulations state it is the declared purpose of the nonconforming use section of the code that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.
- The nonconforming use regulations also state that the right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more, and that the board of adjustment may grant a special exception to operate a nonconforming use that has been discontinued for six months or more if the owner can show that there was a clear intent not to abandon the nonconforming use even though the use was discontinued for six months or more.
- The site is zoned CR (Community retail) that does not permit a convalescent and nursing home, hospice care, and related institutions use.
- A document has been included in the case file that states the convalescent and nursing home, hospice care, and related institutions use at 5300 University Hills Boulevard has been identified by Building Inspection to be a nonconforming use.
- A Certificate of Occupancy has been included in the case file for a “convalescent and nursing homes and related institutions” at 5300 Houston School Road dba Southhaven Nursing Center on January, 6, 1999.
- According to DCAD records, the “improvements” for the property addressed at 5300 University Hills Boulevard is a 58,555 square foot “convalescent hosp./nursing home” constructed in 1969.

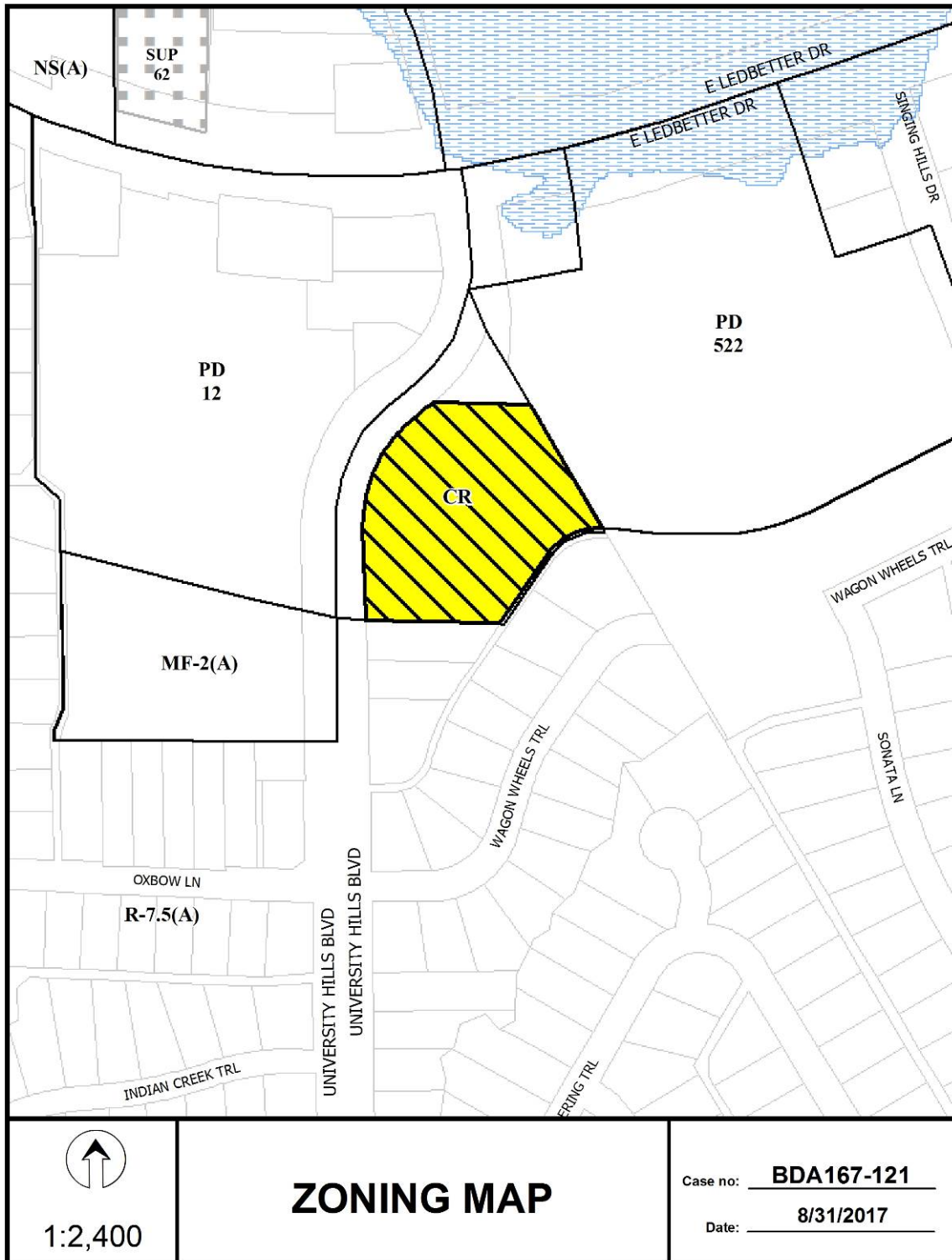
- Building Inspection has stated that these types of special exception requests originate from when an owner/officer related to the property applies for a CO and Building Inspection sees that the use is a nonconforming use. Before a CO can be issued, the City requires the owner/officer related to the property to submit affidavits stating that the use was not abandoned for any period in excess of 6 months since the issuance of the last valid CO. The owners/officers must submit documents and records indicating continuous uninterrupted use of the nonconforming use, which in this case, they could not.
- The applicant has the burden of proof in establishing the following related to the special exception request:
  - There was a clear intent not to abandon the nonconforming convalescent and nursing home, hospice care, and related institutions use on the subject site even though the use was discontinued for six months or more.
- Granting this request would reinstate/restore the nonconforming convalescent and nursing home, hospice care, and related institutions use rights that were lost when the use was abandoned for a period of six months or more.
- If restored/reinstated, the nonconforming use would be subject to compliance with use regulations of the Dallas Development Code as any other nonconforming use in the city. (The applicant has been advised by staff of Section 51A-4.704 which is the provision in the Dallas Development Code pertaining to “Nonconforming Uses and Structures”).

**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 29, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- August 29, 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;
  - the section from the Dallas Development Code pertaining to nonconforming uses and structures; 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.



1:2,400

# ZONING MAP

Case no: BDA167-121

Date: 8/31/2017



1:2,400

# AERIAL MAP

Case no: BDA167-121

Date: 8/31/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-121

Data Relative to Subject Property:

Date: 7-18-17

Location address: 5300 University Hills Blvd. Zoning District: CR

Lot No.: \_\_\_\_\_ Block No.: 6900 Acreage: 2.2627 Census Tract: 113

Street Frontage (in Feet): 1) 362.51 2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): UHH Holdings, LLC

Applicant: ~~Homeward Bound, Inc.~~ Telephone: 214-941-3500

Mailing Address: P.O. Box 222194 Dallas, TX Zip Code: 75222

E-mail Address: ddenton@homewardboundinc.org

Represented by: Douglas Denton Telephone: 214-941-3500

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

E-mail Address: Same

Affirm that an appeal has been made for a Variance \_\_, or Special Exception , of ~~continuing~~ restoring a nonconforming use of convalescent/nursing facility in existence since 1969

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:

UHH Holdings purchased South Haven Nursing Center in April 2016 to operate or lease as a convalescent facility. They began minor repairs and renovation allowing facility to be out-of-service for more than 6 months. The new owners were not aware of the 6 month rule. Homeward Bound now wants to lease building to use as a convalescent center.

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 \_\_\_\_\_ (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.

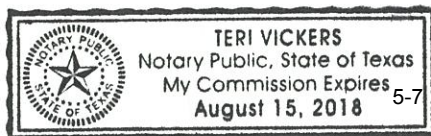
Respectfully submitted: Douglas Denton (Affiant/Applicant's signature)

Subscribed and sworn to before me this 18<sup>th</sup> day of August, 2017

Teri Vickers  
Notary Public in and for Dallas County, Texas

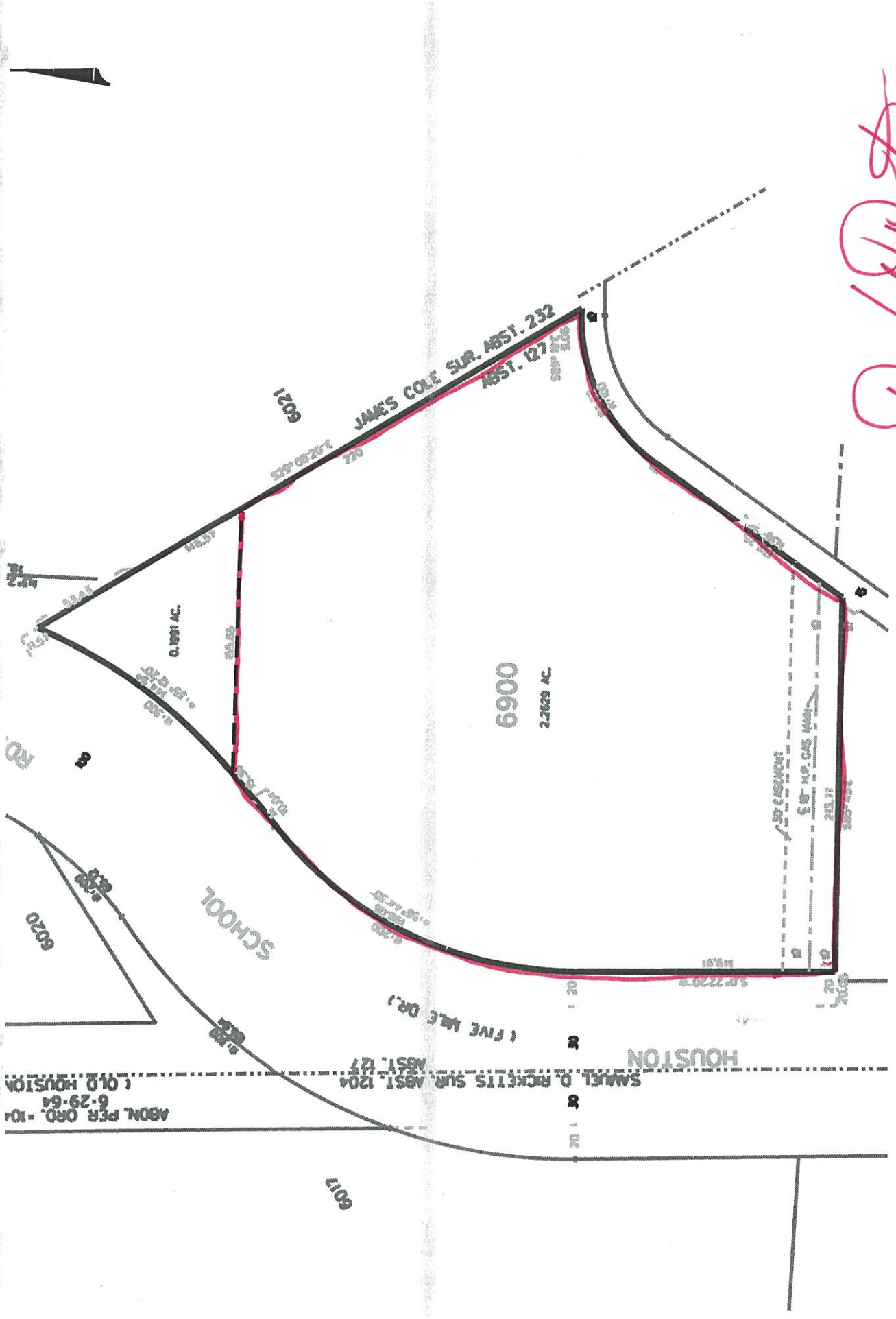
(Rev. 08-01-11)

BDA 167-121









# City of Dallas

## Internal Development Research Site

### Legend

#### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5300 university hills

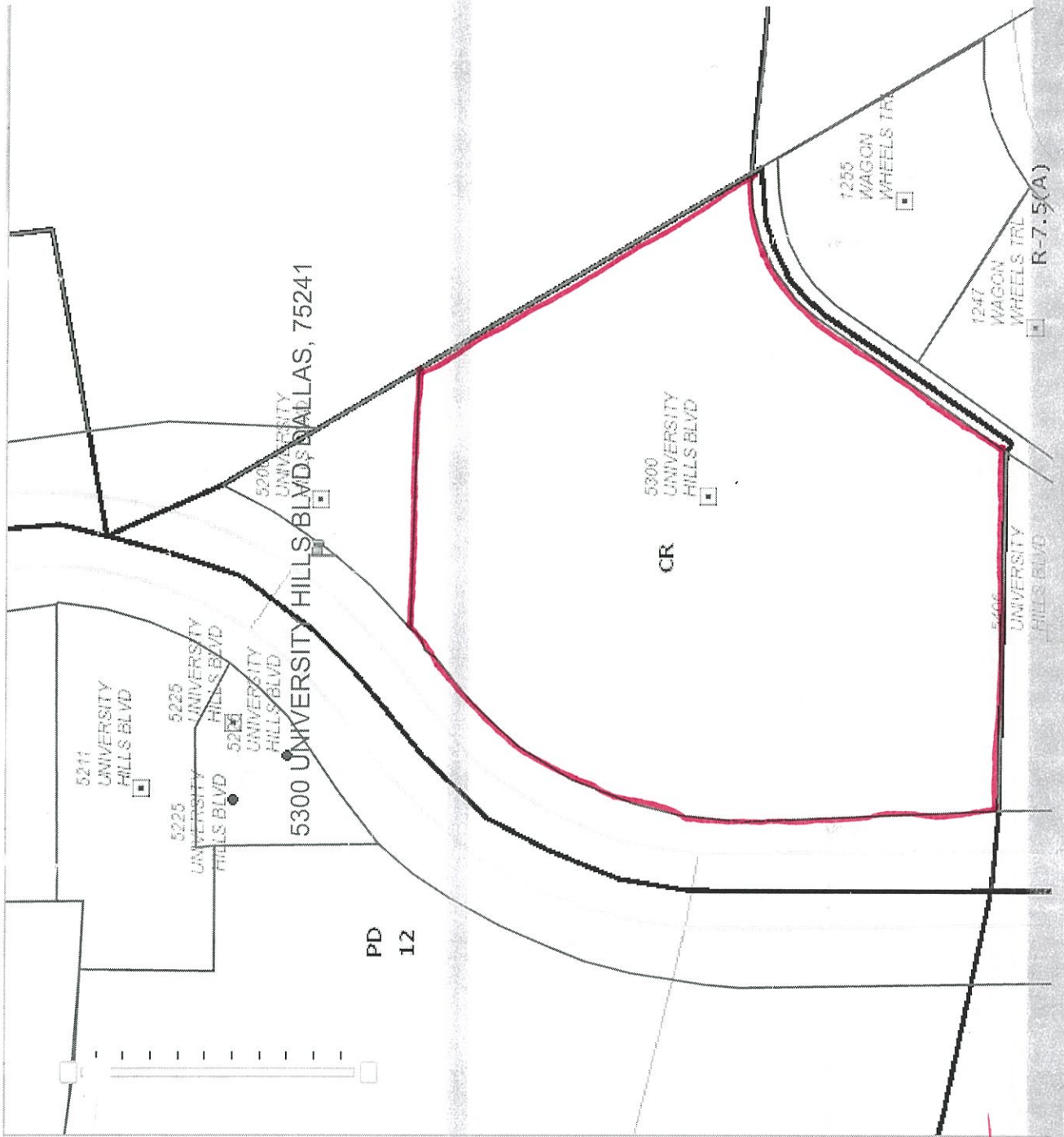
Locate

OR

Parcel address.

Use street type for better re

Locate



*Douglas B. Denton*





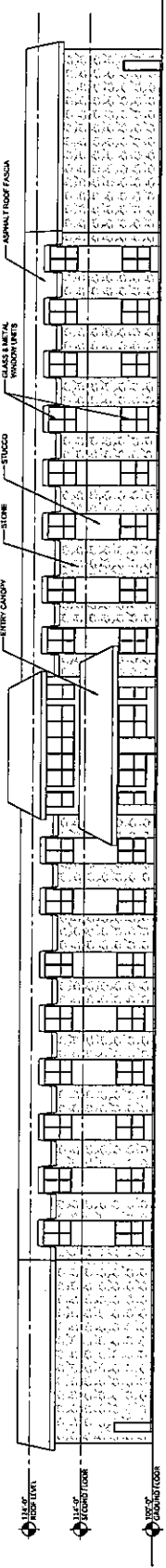
**HOMeward BOUND**  
 5300 UNIVERSITY HILLS BLVD  
 DALLAS, TEXAS

**ARCHITECT**  
**AGUIRRE**  
**RODEN**  
 ESTABLISHED 1960  
 1501 W. CENTRAL EXPRESSWAY  
 DALLAS, TEXAS 75201  
 214.760.1500  
 1410 PINEBARK DR

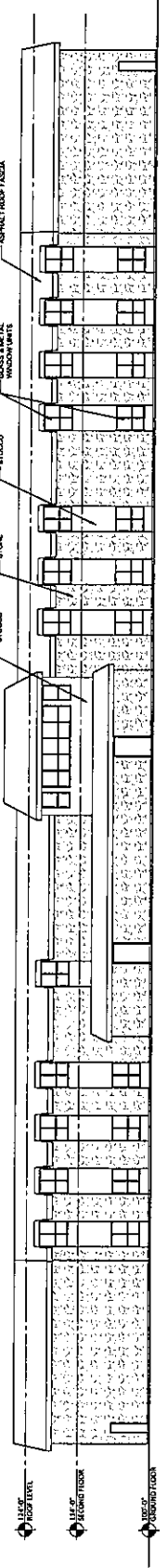
THIS DRAWING IS AN EXHIBIT FOR THE PROJECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY IMPROVEMENTS TO THE PROPERTY.  
 THIS DRAWING IS NOT FOR CONSTRUCTION, BIDDING, OR PERMITTING.

DATE: 08.05.2017  
 PROJECT: 171039-00  
 DRAWING: C-GORSUCH  
 CHECKED BY: E-TRAVIS

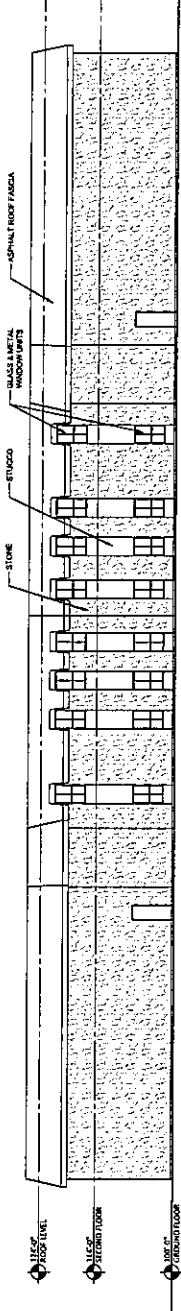
EXTERIOR ELEVATIONS  
 SHEET: EL101



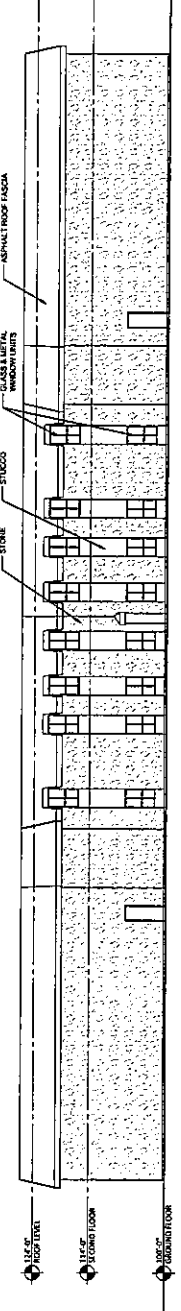
**1 FRONT ELEVATION**  
 300' x 112'



**2 REAR ELEVATION**  
 300' x 112'



**3 SIDE ELEVATION**  
 300' x 112'



**4 SIDE ELEVATION**  
 300' x 112'



# Certificate of Occupancy

City of Dallas

Address: 5300 HOUSTON SCHOOL RD 75241

Owner: SOUTHAVEN NURSING CENTER  
005300 HOUSTON SCHOOL RD DALLAS TX 75241

DBA: SOUTHAVEN NURSING CENTER

Land Use: (6516) CONVALESCENT & NURSING HOMES & RELATED INSTITUTI

C.O #: 9901061058 Issue Date: 01/06/1999

Lot:	Block:	Zoning:	CR	PDD:	0	SUP:
Historic Dist:	Consv Dist:	Pro Park:	0	Req Park:	0	Park Agrmt: N
Dwlg Units: 0	Stories: 2	Occ Code:	B2	Lot Area:	0	Total Area: 0
Type Const:	Sprinkler:	Occ Load:		Alcohol:	N	Dance Floor: N

Remarks:

Building Official

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

Development Services Department | Building Inspection Division | 214/948-4480 | www.dallascityhall.com

Board of Adjustment Appeal BDA 167-121

Property address: 5300 University Hills Blvd.

The use in the above appeal,

Convalescent and nursing homes, hospice care,  
and related institutions

has been identified by Building Inspection to be a nonconforming use.

***Appeal for a special exception to enlarge a nonconforming use per Sec. 51A-4.704(b)(5)***

Section 51A-4.704. Nonconforming uses and structures.

(b) Changes to nonconforming uses.

(5) Enlargement of a nonconforming use.

(A) In this subsection, enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

(B) The board may allow the enlargement of a nonconforming use when, in the opinion of the board, the enlargement:

- (i) does not prolong the life of the nonconforming use;
- (ii) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
- (iii) will not have an adverse effect on the surrounding area.

***Appeal to establish a compliance date for a nonconforming use per Sec. 51A-4.704(a)(1)(A)***

*or*

***Appeal to reinstate a nonconforming use per Sec. 51A-4.704(a)(2)***

SECTION 51A-4.704. NONCONFORMING USES AND STRUCTURES.

(a) Compliance regulations for nonconforming uses. It is the declared purpose of this subsection that nonconforming uses be eliminated and be required to comply with the regulations of the Dallas Development Code, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.

(1) Amortization of nonconforming uses.

(A) Request to establish compliance date. The city council may request that the board of adjustment consider establishing a compliance date for a nonconforming use. In addition, any person who resides or owns real property in the city may request that the board consider establishing a compliance date for a nonconforming use. Upon receiving such a request, the board shall hold a public hearing to determine whether continued operation of the nonconforming use will have an adverse effect on nearby properties. If, based on the evidence presented at the public hearing, the board determines that continued operation of the use will have an adverse effect on nearby properties, it shall proceed to establish a compliance date for the nonconforming use; otherwise, it shall not.

(2) The right to operate a nonconforming use ceases if the nonconforming use is discontinued for six months or more. The board may grant a special exception to this provision only if the owner can show that there was a clear intent not to abandon the use even though the use was discontinued for six months or more.





AFFIDAVIT

Appeal number: BDA 167-121

I, UHH Holdings, LLC, Owner of the subject property  
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5300 University Hills Blvd., Dallas, TX 75241  
(Address of property as stated on application)

Authorize: Douglas Denton  
(Applicant's name as stated on application)

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

         Special Exception (specify below)

Other Appeal (specify below)

Specify: Restore nonconforming use as Convalescent & Nursing Home & Related Institutions

Greg Ticknor, UHH Holdings LLC  
Print name of property owner or registered agent

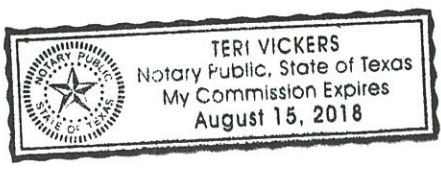
[Signature]  
Signature of property owner or registered agent

Date 8-24-2017

Before me, the undersigned, on this day personally appeared Greg J. Ticknor

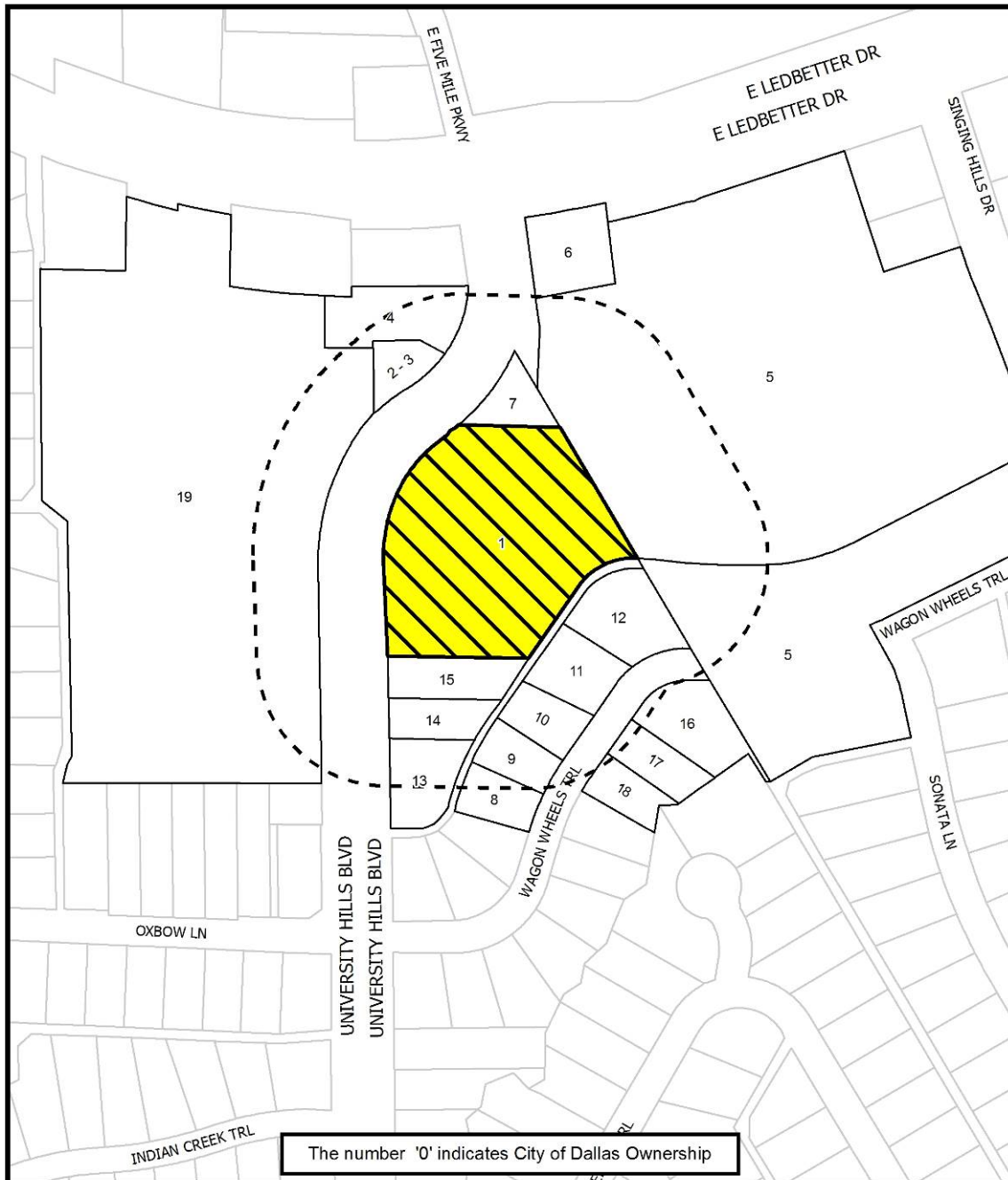
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 24<sup>th</sup> day of August, 2017



[Signature]  
Notary Public for Dallas County, Texas

Commission expires on August 15, 2018



 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA167-121</b>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>8/31/2017</b>	

# *Notification List of Property Owners*

## *BDA167-121*

### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5300 UNIVERSITY HILLS BLVD	UHH HOLDINGS LLC
2	5225 UNIVERSITY HILLS BLVD	SCHEPPS M E
3	5225 UNIVERSITY HILLS BLVD	HENDERSON HERMAN
4	5211 UNIVERSITY HILLS BLVD	MCDONALD KENNETH E
5	1 WAGON WHEELS TRL	LJP REALTY LTD
6	1224 E LEDBETTER DR	SMITH LESSIE ET AL
7	5200 UNIVERSITY HILLS BLVD	CANTON INTERNATIONAL
8	1231 WAGON WHEELS TRL	WASHINGTON MARVIN C &
9	1237 WAGON WHEELS TRL	GREEN CHARLES W
10	1241 WAGON WHEELS TRL	BONDS SHANNON A
11	1247 WAGON WHEELS TRL	PATRICK CARLA & OLIVER
12	1255 WAGON WHEELS TRL	ONE PINE VIII LLC
13	5424 UNIVERSITY HILLS BLVD	STEPHENS LUTHER E
14	5412 UNIVERSITY HILLS BLVD	MILTON JESSIE LEE
15	5406 UNIVERSITY HILLS BLVD	PAISON ENTERPRISES CO
16	1254 WAGON WHEELS TRL	MCCALISTER JOE B
17	1242 WAGON WHEELS TRL	GREEN HARRY JR
18	1238 WAGON WHEELS TRL	STEPHENS R L
19	1130 E LEDBETTER DR	VARGAS MIGUEL & TANIA

**FILE NUMBER:** BDA167-086(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Robert Baldwin of Baldwin and Associates for variances to the front yard setback and off-street parking regulations at 10727 Midway Road. This property is more fully described as an unplatted 4.28 acre parcel in Block C/6154, and is zoned R-16(A), which requires a front yard setback of 35 feet, requires that in residential districts, any off-street parking for nonresidential uses must comply with the minimum front yard requirements, and that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an R(A) district and the parking area serves a nonresidential use. The applicant proposes to construct and maintain a structure and provide a 20 foot front yard setback, which will require 15 foot variances to the front yard setback regulations, to locate and maintain off-street parking in the front yard setbacks, which will require variances to the off-street parking regulations, and to locate and maintain a parking area and not provide the required screening, which will require a variance to the off-street parking regulations.

**LOCATION:** 10727 Midway Road

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

**REQUESTS:**

The following requests are made on a site that is developed with church use/ structure (Providence Presbyterian Church):

1. Variances to the front yard setback regulations of up to 15' is made to:
  1. construct and maintain structures (dumpster, sanctuary, and classroom) to be located as close as 20' from the site's front property line on the north (Royal Lane) or as much as 15' into this 35' required front yard setback; and
  2. maintain an existing nonconforming structure located 23' 10" from the site's other front property line on the south (Brookport Drive) or 11' 2" into this required front yard setback.
2. Variances to the off-street parking regulations are made to:
  1. locate and maintain off-street parking spaces in the site's two 35' front yard setbacks on the north along Royal Lane and on the south along Brookport Drive;
  2. construct and maintain a surface parking area/lot, and not fully meet off-street parking regulations related to required screening of the off-street parking area on the west side of the subject site that is contiguous to residential uses and adjacent to property zoned R-16(A).

Note that the applicant has not submitted any additional documentation to staff since the August 15, 2017 public hearing.

## **STANDARD FOR A VARIANCE:**

The Dallas Development Code Section 51A-3.102(d)(10) 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 (front yard and parking variances) (August 15, 2017):**

Denial

- While staff recognized at the time of the August 1<sup>st</sup> staff review team meeting that subject site was unique from most R-16(A) zoned lots with 2 front yard setbacks, and was somewhat irregular in shape, and with easements that limited area that could be further developed beyond the existing church use on the property, staff concluded from the facts submitted by the applicant from the time in which the application was submitted on May 31<sup>st</sup> to what had been added by the applicant at the time of this staff review team meeting that these features/characteristics on the approximately 186,000 square foot lot zoned R-16(A) did not preclude the applicant from developing it with an expanded church use that could comply with the front setbacks and off-street parking regulations.
- From the facts that the applicant had submitted between when the application was submitted on May 31<sup>st</sup> and added to by the applicant at the time of the August 1<sup>st</sup> staff review team meeting, staff had concluded that the applicant had not demonstrated how the features of the site (which is relatively flat, irregular in shape, and according to the application is 4.28 acres in area) preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification – the site is currently developed a church use/structure most of which complies with the Dallas Development Code other than the nonconforming structure aspect of the structure built (according to DCAD) in the 40's located in the 35' Brookport Drive front yard setback.

**STAFF RECOMMENDATION (front yard and parking variances) (September 20, 2017):**

Denial

- While staff recognized that subject site was unique from most R-16(A) zoned lots with 2 front yard setbacks, and was somewhat irregular in shape, and with easements that limited area that could be further developed beyond the existing church use on the property, staff concluded that these features/characteristics on the approximately 186,000 square foot lot zoned R-16(A) did not preclude the applicant from developing it with an expanded church use that could comply with the front setbacks and off-street parking regulations.
- Staff concluded that the applicant had not demonstrated how the features of the site (which is relatively flat, irregular in shape, and according to the application is 4.28 acres in area) preclude it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification – the site is currently developed a church use/structure most of which complies with the Dallas Development Code other than the nonconforming structure aspect of the structure built (according to DCAD) in the 40's located in the 35' Brookport Drive front yard setback.

**BACKGROUND INFORMATION:**

**Zoning:**

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

**Land Use:**

The subject site is developed with a church use (Providence Presbyterian Church). The area to the north is developed with a church use, the areas to the east and west are developed with single family uses, and the area to the south is undeveloped.

**Zoning/BDA History:**

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

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

- The requests for variances to the front yard setback regulations of up to 15' focus on constructing and maintaining an approximately 40 square foot dumpster structure,

an approximately 18,500 square foot “future sanctuary” structure, and an approximately 8,900 square foot “new classroom building” structure as close as 20 from one of the site’s two front property lines (Royal Lane) or as much as 15’ into this 35’ required front yard setback, and maintaining an existing nonconforming structure located 23’ 10” from the site’s other front property line on the south (Brookport Drive) or 11’ 2” into this required front yard setback.

- The subject site is zoned R-16(A) which requires a minimum 35’ front yard setback.
- The subject site is located at the southwest corner of Royal Lane and Midway Road. The site is bounded by Royal Lane on the north, Midway Road on the east, and Brookport Drive on the south. The site has two 35’ front yard setbacks (one on the north along Royal Lane, the other on the south along Brookport Drive) since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. (Midway Road is a side yard where the minimum setback is 15’).
- The applicant has submitted site plan denoting the dumpster, future sanctuary, and new classroom structures to be located in the 35’ required front yard setback on the north along Royal Lane, and an “existing one story brick” structure in the 35’ front yard setback on the south along Brookport Drive.
- According to DCAD records, the “improvement” for property addressed at 10727 Midway Road is structure built in 1941 with 15,735 square feet. Because records show that the main improvement/structure on this site was built in the 40’s, it is assumed that the existing “one-story brick building” structure located in the 35’ required front yard setback on the south along Brookport Drive is a nonconforming structure.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant has chosen to seek variance to the front yard setback regulations for both the proposed structures to be located in the 35’ required front yard setback on the north along Royal Lane, and the nonconforming existing one-story brick” nonconforming structure in the site’s 35’ required front yard setback on the south along Brookport Drive.
- The site is relatively flat, irregular in shape, and according to the application is 4.28 acres (or approximately 186,000 square feet) in area. The site is R-16(A) where lots are typically 16,000 square feet. The site developed with a church use has two 35’ front yard setbacks and two 15’ side yard setbacks. Most lots in this zoning district developed with single family structures have one 35’ front yard setback, two 10’ side yard setbacks, and one 10’ rear yard setback.
- The applicant submitted a document indicating an existing storm detention area and three easements for storm drainage which along with setbacks creates a buildable area of the property at 61 percent.

- The applicant has the burden of proof in establishing the following:
  - That granting the variances 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 variances to front yard setback regulations are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variances to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the requests, and impose the submitted site plan as a condition, the structures in the front yard setbacks would be limited to what is shown on this document– which, in this case, are proposed structures located as close as 20’ from the Royal Lane front property line or as much as 15’ into this 35’ required front yard setback, and an existing nonconforming structure located 23’ 10” from the site’s other front property line on the south (Brookport Drive) or 11’ 2” into this required front yard setback.

**GENERAL FACTS /STAFF ANALYSIS (off-street parking variances):**

- The requests for variances to the off-street parking regulations focus on: 1) locating and maintaining off-street parking spaces in the site’s two front yard setbacks (Royal Lane on the north and Brookport Drive on the south); and 2) constructing and maintaining a surface parking area/lot, and not fully meeting off-street parking regulations related to required screening of the off-street parking area/lot on the west side of the subject site that is contiguous to residential uses and adjacent to property zoned R-16(A).
- The subject site is zoned R-16(A) which requires a minimum 35’ front yard setback.
- The subject site is located at the southwest corner of Royal Lane and Midway Road. The site is bounded by Royal Lane on the north, Midway Road on the east, and Brookport Drive on the south. The site has two 35’ front yard setbacks (one on the north along Royal Lane, the other on the south along Brookport Drive) since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. (Midway Road is a side yard where the minimum setback is 15’).
- The subject site is a church or nonresidential use located in a residential zoning district where there are residential uses to the west on property zoned R-16(A).
- The Off-Street Parking Regulations of the Dallas Development Code states the following with regard to off-street parking provisions for residential uses:
  - In residential districts, any off-street parking for nonresidential uses must comply with the minimum front yard requirements.



- The submitted site plan denotes a row of off-street parking spaces located in the 35' required front yard setbacks on the north side of the site along Royal Lane and on the south side of the site along Brookport Drive.
- The Off-Street Parking Regulations of the Dallas Development Code states the following with regard to "screening provisions for off-street parking":
  - The owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an agricultural, single family, or multifamily district and the parking area serves a nonresidential use.
  - Screening for off-street parking required must be a brick, stone, or concrete masonry, stucco, concrete, or wood wall that is not less than six feet in height.
- The submitted site plan denotes no screening between the surface parking area/lot and the contiguous residential use zoned R-16(A) to the west of the subject site.
- According to DCAD records, the "improvement" for property addressed at 10727 Midway Road is structure built in 1941 with 15,735 square feet.
- The site is relatively flat, irregular in shape, and according to the application is 4.28 acres (or approximately 186,000 square feet) in area. The site is R-16(A) where lots are typically 16,000 square feet. The site developed with a church use has two 35' front yard setbacks and two 15' side yard setbacks. Most lots in this zoning district developed with single family structures have one 35' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback.
- The applicant submitted a document indicating an existing storm detention area and three easements for storm drainage which along with setbacks creates a buildable area of the property at 61 percent.
- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances to off-street parking regulations 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-16(A) zoning classification.
  - The variances to off-street parking regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the requests, and impose the submitted site plan as a condition, the applicant would be permitted to locate and maintain off-street parking spaces in the 35' required front yard setbacks on the north along Royal Lane and on the south along Brookport Drive, and to not provide required screening of the off-street parking area/lot on the west side of the subject site that is contiguous to residential uses and adjacent to property zoned R-16(A).

## **Timeline:**

- May 31, 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 A.
- July 11, 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 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 definition of nonconforming structure and the provision from the Dallas Development Code related to nonconforming structures (51A-4.704(c));
  - 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."
- July 26, 2017: The applicant submitted additional information to staff 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 4, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B). Note that this information was not factored into the August 15<sup>th</sup> staff recommendation for the variances since it was submitted after the August 1<sup>st</sup> staff review team meeting.

August 15, 2017: The Board of Adjustment Panel A conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on September 19, 2017.

August 22, 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. (Note that the applicant has not submitted any additional documentation to staff since the August 15, 2017 public hearing).

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 15, 2017**

APPEARING IN FAVOR: Rob Baldwin, 3904 Elm, Dallas, TX  
Mark Hossery, 1409 Bella Vista, Dallas, TX

APPEARING IN OPPOSITION: Phyllis Foer, 4170 Brookport, Dallas, TX  
Joe Cardinele, 4171 Brookport Dr., Dallas, TX

**MOTION #1: Agnich**

I move that the Board of Adjustment suspend its rules and accept the evidence that is being presented today.

**SECONDED: Schulte**

AYES: 5 – Schulte, Agnich, Sibley, Lewis, Sahuc

NAYS: 0 -

**MOTION PASSED: 5 – 0 (unanimously)**

MOTION: **Schulte**

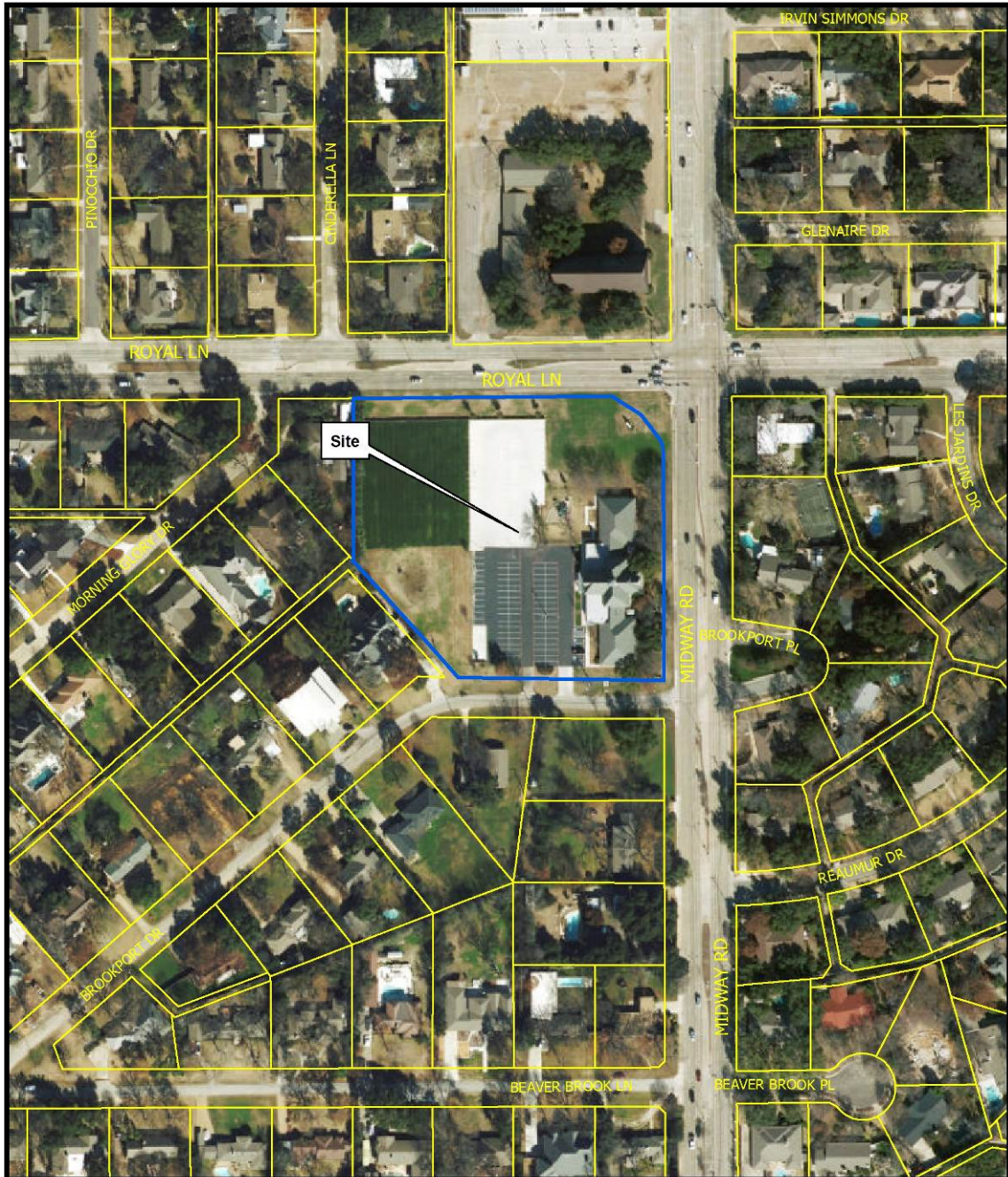
I move that the Board of Adjustment, in request No. **BDA 167-086**, hold this matter under advisement until **September 19, 2017**.

SECONDED: **Agnich**

AYES: 5 – Schulte, Agnich, Sibley, Lewis, Sahuc

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)



1:2,400

# AERIAL MAP

Case no: BDA167-086

Date: 7/17/2017

**Baldwin**  
**Associates**

July 26, 2017

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

RE: BDA 167-086, Royal Lane & Midway Road, southwest corner  
Providence Presbyterian Church

Dear Mr. Long:

Our firm is assisting Providence Presbyterian Church in their variance requests to the Board of Adjustment. The Church is proposing a building addition on the north side of the existing building. The work will also expand the parking lot, which will help relieve parking on neighborhood streets during church services and events.

The Church's property is zoned an R-16(A) Single Family District, which has a greater front yard setback (35 feet) than the existing Church building provides today (23 feet) and restricts parking spaces from being in a front yard setback. The Property has front yard setback requirements on both Brookport Drive and Royal Lane.

The Church participated in a predevelopment meeting with City staff prior to completing the design of the proposed additions. In that meeting, the Church was instructed to treat Royal Lane as a side yard since the property's narrowest frontage is along Brookport Drive. This information was erroneous since the front yard regulations call for both yards to be considered front yards when a property runs from one street to another (51A-4.401(a)(5)). Design of the additions proceeded based on the erroneous information, which was learned at time of building permit submittal.

We are requesting to the Board of Adjustment to provide a 20-foot setback along Royal Lane for the proposed building additions and to maintain the 23-foot setback for the existing building on Brookport Drive. We are also requesting approval of the location of parking spaces in both front yard setbacks and to allow the required landscaping buffer to serve as the parking lot screening. These are all variance requests.

The property has an irregular shape and has three street frontages, two of which are front yards per zoning. The property's topography falls about six feet from the northeast corner near the Royal/Midway intersection towards the southwest. There is an existing storm detention area that slopes down another 10 feet. The property also has three easements for storm drainage that encumber the property, making the western side of the property unbuildable except for parking. An existing 15-foot drainage easement will be expanded to 30-feet and a new 20-foot drainage easement will be provided by platting and engineering requirements. This drives the location of the church expansion to the northeast corner of the property. Our architect calculates approximately 61% of the property is buildable due to the site restrictions from easements and required setbacks.

Currently, parking for church services and events overflows onto the residential streets. The site plan shows that there will be more parking than what the Dallas Development Code requires for the number of seats in the sanctuary; this is in order to provide the amount of parking spaces that are expected as demanded by the church with the proposed building additions. In the Church's conversations with immediate neighbors, the additional parking is needed for the public interest. In order to accommodate the demand, parking spaces are provided on the site plan within the front yard setback.

Parking spaces require screening when abutting residential uses and must be a 6-foot solid screening fence. This requirement will apply on the western side of the property between the parking lot and the west property line. We are requesting to vary this requirement for a few reasons. Due to the previously mentioned site fall, there will be a 4-foot retaining wall at the edge of the southwest line of the parking lot. If we did provide the 6-foot screening fence, it would appear as either 2-feet of screening if it is placed on the property line or 10-feet if it is placed on the retaining wall, neither of which are desirable for the neighbors or the Church. The abutting neighbor on the southwest has an existing 8-foot tall privacy fence on their property line abutting the Church property behind the front façade of their home; the neighbor has requested of the Church to not provide a screening fence for the Church's parking lot. The neighbor on the northwest has dense landscaping and open fencing.

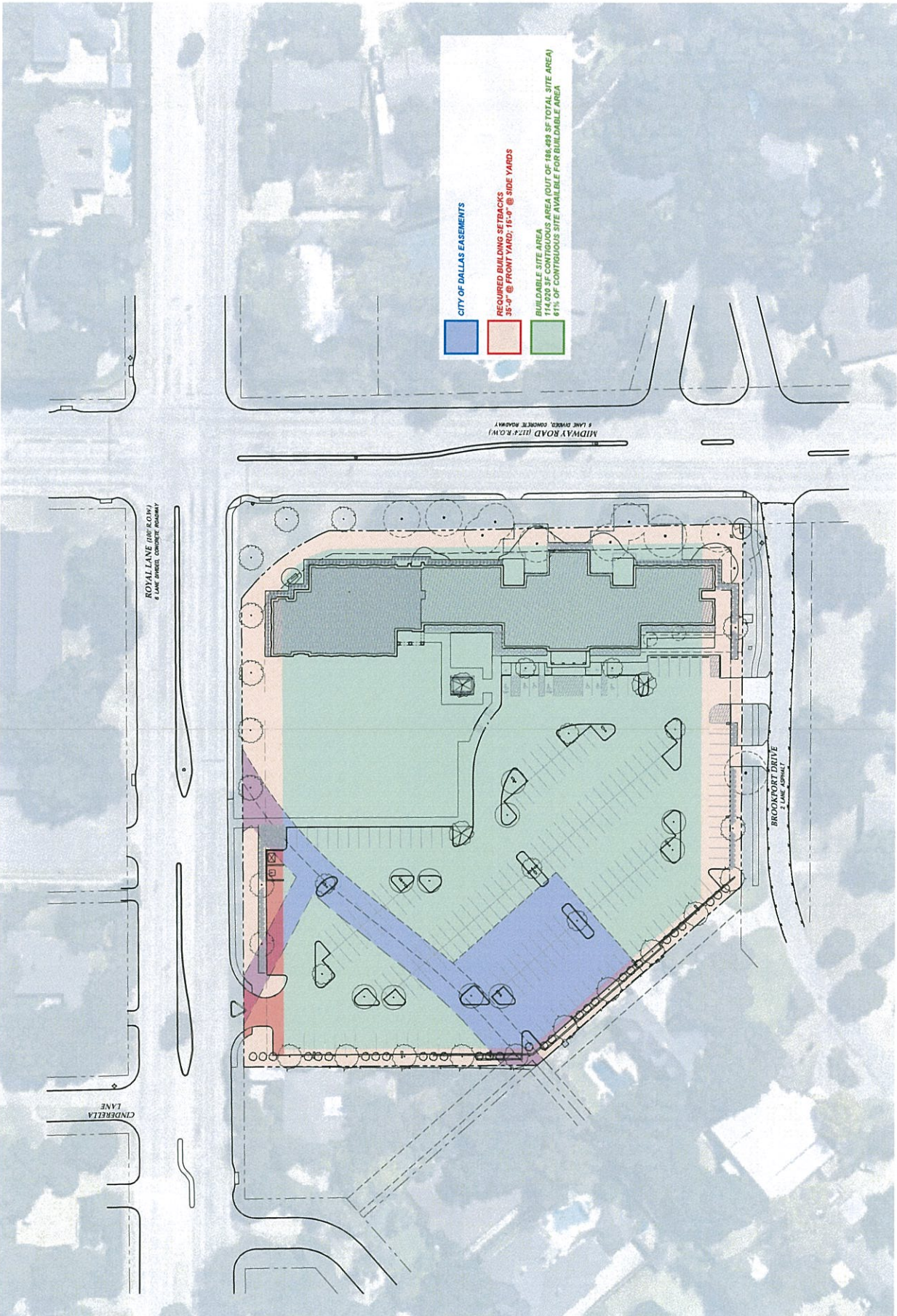
The property's R-16(A) zoning district is primarily for single family uses on 16,000 square foot lots. On a typical single family lot, the maximum lot coverage for a home is 40% but the buildable area (lot area minus setbacks) is 57% of the lot area. This allows for flexibility on the location of where the home can be placed outside of setbacks. It is most common for public utility and drainage easements to be located along boundary lines and preserves flexibility for where buildings can be placed within the buildable area. In researching three nearby churches in the immediate area and zoned R-16(A), we found that public and private easements were either neatly located along a property line or only about 700 square feet in the case of Midway Hills Christian Church. The area of the easements on the subject property is 26,067 square feet. These easements create a property hardship by reducing the possible locations for buildings.

We believe the proposed site plan balances the needs of the Church with reasonable protections for the neighbors. The proposed site plan also makes the best use of the land given the easements that are restricting building locations. We hope staff can support our request. Please contact me if you have any questions or concerns.

With kind regards,



Rob Baldwin





**Long, Steve**

**From:** Jennifer Hiromoto <jennifer@baldwinplanning.com>  
**Sent:** Friday, August 04, 2017 12:41 PM  
**To:** Long, Steve  
**Subject:** RE: BDA167-086 , Property at 10727 Midway Road

Yes sir. Thank you.

Jennifer Hiromoto  
Baldwin Associates  
3904 Elm Street Suite B  
Dallas, TX 75226  
Office: 214-824-7949  
Cell: 469-275-2414

---

**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Friday, August 4, 2017 12:39 PM  
**To:** Jennifer Hiromoto <jennifer@baldwinplanning.com>  
**Cc:** Moorman, Donna <donna.moorman@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>; Rob Baldwin <rob@baldwinplanning.com>  
**Subject:** RE: BDA167-086 , Property at 10727 Midway Road

Dear Jennifer,

Please be advised that your email below and attached documents will be included in the board's docket seeing that they were submitted before the 1 p.m. deadline today. From your experience with the board of adjustment, I believe you know that staff will note that the information is this newly submitted document was not factored into the staff recommendation given that it was submitted past the August 1<sup>st</sup> staff review team meeting that you and Rob were made aware of on or near July 11<sup>th</sup>.

Thank you,

Steve



**Steve Long**  
*Board of Adjustment Administrator*  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN  
Dallas, TX 75201  
O: 214-670-4666  
[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)



**\*\*OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.\*\*

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**From:** Jennifer Hiromoto [<mailto:jennifer@baldwinplanning.com>]  
**Sent:** Friday, August 04, 2017 12:32 PM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Cc:** Rob Baldwin <[rob@baldwinplanning.com](mailto:rob@baldwinplanning.com)>  
**Subject:** BDA167-086 Midway - exhibits for Board docket

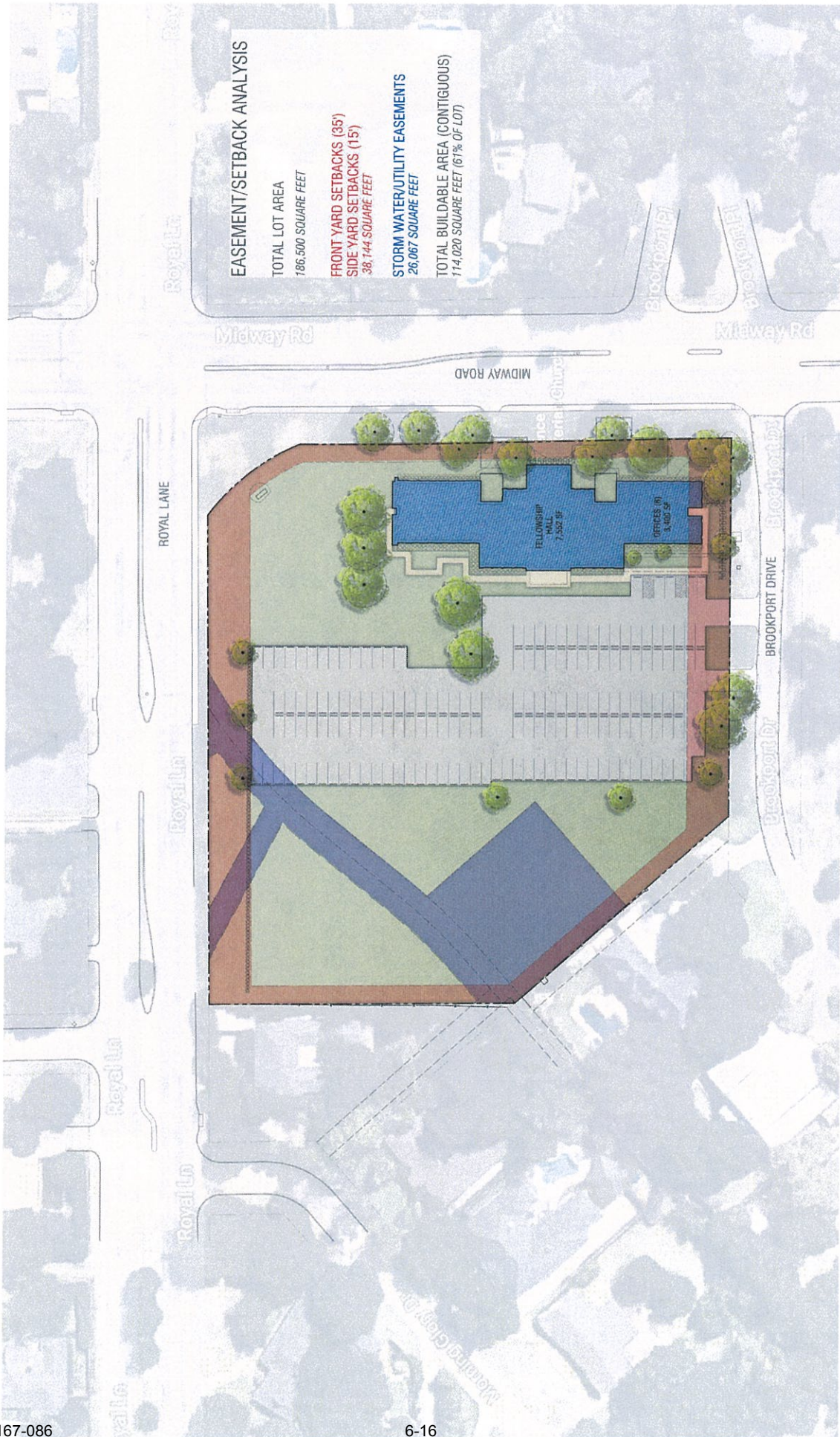
Attach B  
Pg 2

Good afternoon Steve,

Attached please find additional materials for our case at Midway & Royal. We hope this helps demonstrate the variance requests and existing challenges we are proposing to improve with these additions to the Church. Please note that these exhibits show the proposed building addition (in yellow) because that is the immediate addition we are seeking to permit. I want to be clear that the other building footprint and courtyard/playground shown on the site plan are a future expansion included in this application.

Thanks,  
Jennifer

Jennifer Hiromoto  
Baldwin Associates  
3904 Elm Street Suite B  
Dallas, TX 75226  
Office: 214-824-7949  
Cell: 469-275-2414



**EASEMENT/SETBACK ANALYSIS**

TOTAL LOT AREA  
186,500 SQUARE FEET

FRONT YARD SETBACKS (35)  
SIDE YARD SETBACKS (15)  
38,144 SQUARE FEET

STORM WATER/UTILITY EASEMENTS  
26,067 SQUARE FEET

TOTAL BUILDABLE AREA (CONTIGUOUS)  
114,020 SQUARE FEET (61% OF LOT)



SCALE: 1" = 30'



STOCKER HOESTERY MONTENEGRO

PROVIDENCE PRESBYTERIAN CHURCH  
MASTER SITE PLAN  
SHM # 16-040 / 15 August 2017



**VARIANCE SUMMARY ANALYSIS**

**NEW PARKING IN FRONT YARD SETBACK**  
2,358 SQUARE FEET  
\*MOVES DUMPSTER AWAY FROM RESIDENTIAL AREA

**NEW ADDITION IN FRONT YARD SETBACK**  
475 SQUARE FEET

**TOTAL VARIANCE REQUEST**  
2,833 SQUARE FEET

**EXISTING PARKING IN FRONT YARD SETBACK**  
3,432 SQUARE FEET

**EXISTING BUILDING IN FRONT YARD SETBACK**  
500 SQUARE FEET



STOCKER HOESTERY MONTENEGRO



**EXISTING PARKING ANALYSIS**

APPROXIMATELY 40 CARS USE "OVERFLOW" PARKING AREA ON GRASS FIELD DURING HOLIDAY SERVICES

CONGREGATION PARKS IN NEIGHBORHOOD WHEN PARKING IS FULL - CREATING PEDESTRIAN SAFETY ISSUES

400 SEATS IN SANCTUARY  
200 PARKING SPOTS REQUIRED (@ 1:2 RATIO)  
164 PARKING SPOTS PROVIDED CURRENTLY

300-PERSON BIBLE STUDY  
200 PARKING SPOTS REQUIRED (@ 1:1.5 RATIO)  
164 PARKING SPOTS PROVIDED CURRENTLY

STOCKER HOESTERY MONTENEGRO







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-086

Data Relative to Subject Property:

Date: May 31, 2017

Location address: 10727 Midway Road Zoning District: R-16(A)

Lot No.: Block No.: C/6154 Acreage: 4.28 acres Census Tract: 75.00

Street Frontage (in Feet): 1) 314' 2) 359' 3) 520' 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Providence Presbyterian Church PCA

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 X, or Special Exception, of 15' to the 35-foot front yard requirement along Royal Lane and Brookport Drive and a variance to the parking regulations to allow parking within a front yard setback and a variance to the off-street parking screening requirements.

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

The existing church provides a 23' setback along Brookport Drive today. The proposed addition to the church must be pushed up to Royal Lane due to the site's topography and flow of storm drainage for the site. The proposed new parking is necessary to provide adequate parking for the church's patrons on Sunday and reduce the impact on the neighborhood streets. The site has an irregular shape, three street frontages, two front yards, and the location of drainage easements also contribute to the property hardship.

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.

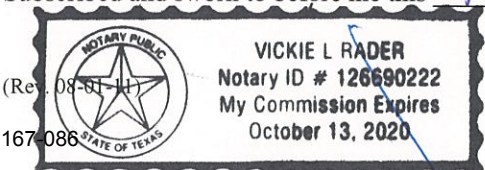
Affidavit

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 15th day of June, 2017



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

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

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

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

Building Official's Report

I hereby certify that Robert Baldwin

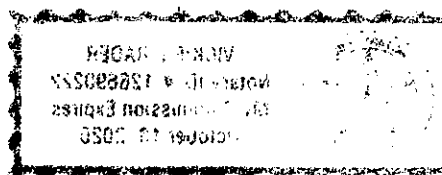
did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations, and for a variance to the off-street parking regulations

at 10727 Midway Road

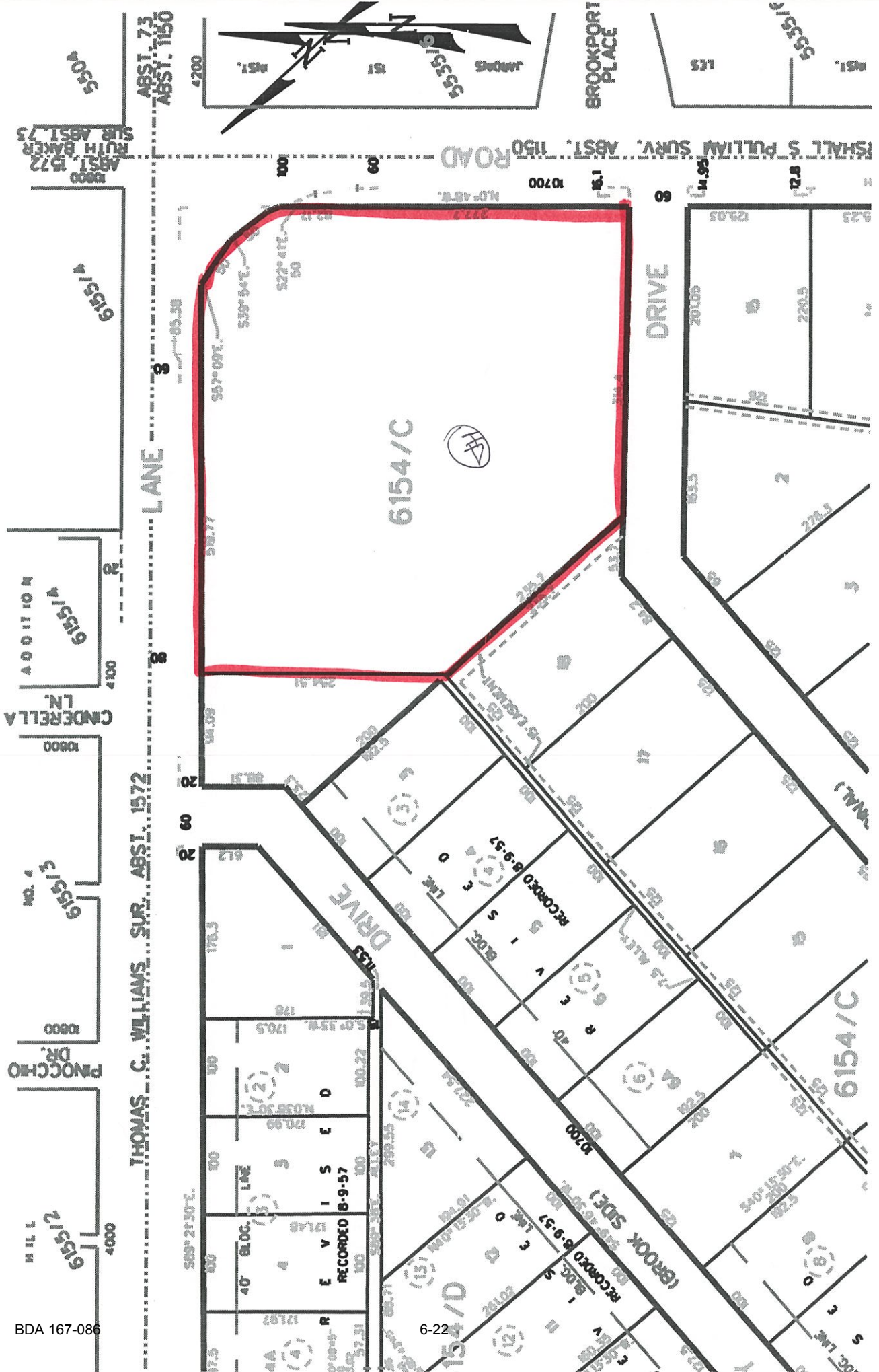
BDA167-086. Application of Robert Baldwin for a variance to the front yard setback regulations and variances to the off-street parking regulations at 10727 Midway Road. This property is more fully described as an unplatted 4.28 acre parcel in Block C/6154, and is zoned R-16(A), which requires a front yard setback of 35 feet, and requires that in residential districts, any off-street parking for nonresidential uses must comply with the minimum front yard requirements, and that the owner of off-street parking must provide screening to separate the parking area from a contiguous residential use or vacant lot if either is in an R(A) district and the parking area serves a nonresidential use. The applicant proposes to construct a nonresidential structure and provide a 20 foot front yard setback, which will require a 15 foot variance to the front yard setback regulation, and to construct a nonresidential use with parking in the front yard setback, which will require a variance to the off-street parking regulation, and to construct a nonresidential use and not provide the required screening, which will require a variance to the off-street parking screening regulation.

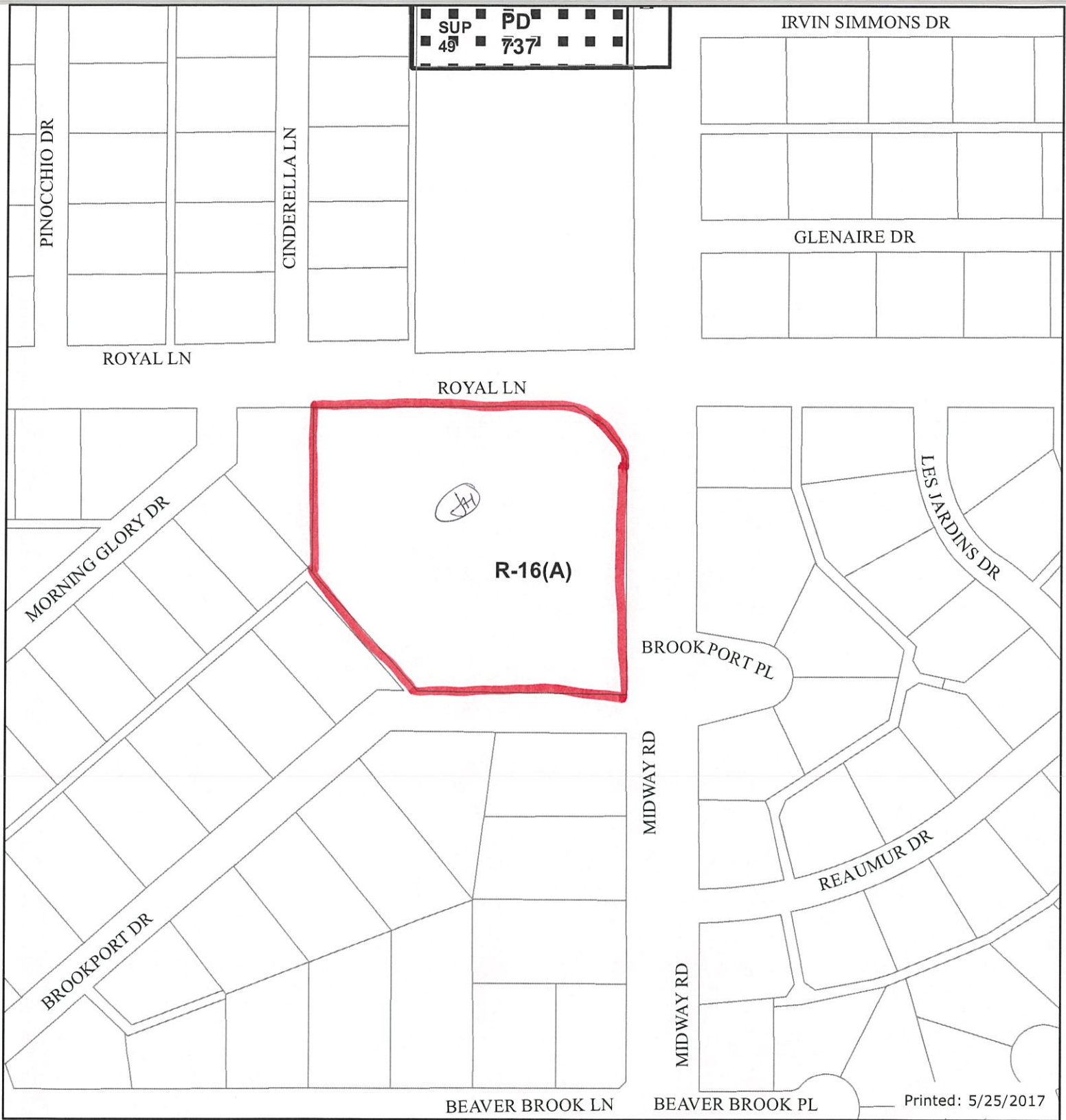
Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official









### Legend

- |                      |                                |                       |                            |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits          | railroad                       | Dry Overlay           | CD Subdistricts            |
| School               | Certified Parcels              | D                     | PD Subdistricts            |
| Floodplain           | Base Zoning                    | D-1                   | PDS Subdistricts           |
| 100 Year Flood Zone  | PD193 Oak Lawn                 | CP                    | NSO Subdistricts           |
| Mill's Creek         | Dallas Environmental Corridors | SP                    | NSO_Overlay                |
| Peak's Branch        | SPSPD Overlay                  | MD Overlay            | Escarpment Overlay         |
| X Protected by Levee | Deed Restrictions              | Historic Subdistricts | Parking Management Overlay |
| Parks                | BDA 167-086 SUP                | Historic Overlay      | 6-23                       |
|                      |                                | Height Map Overlay    | Front Overlay              |

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





**PROVIDENCE PRESBYTERIAN CHURCH**

STOCKER HOESTREY MONTENEGRO  
4514 TRAVIS, SUITE 202 DALLAS, TEXAS 75204  
214.522.2800 214.522.2840

2017.02.03 | ISSUE FOR BID & PERMIT

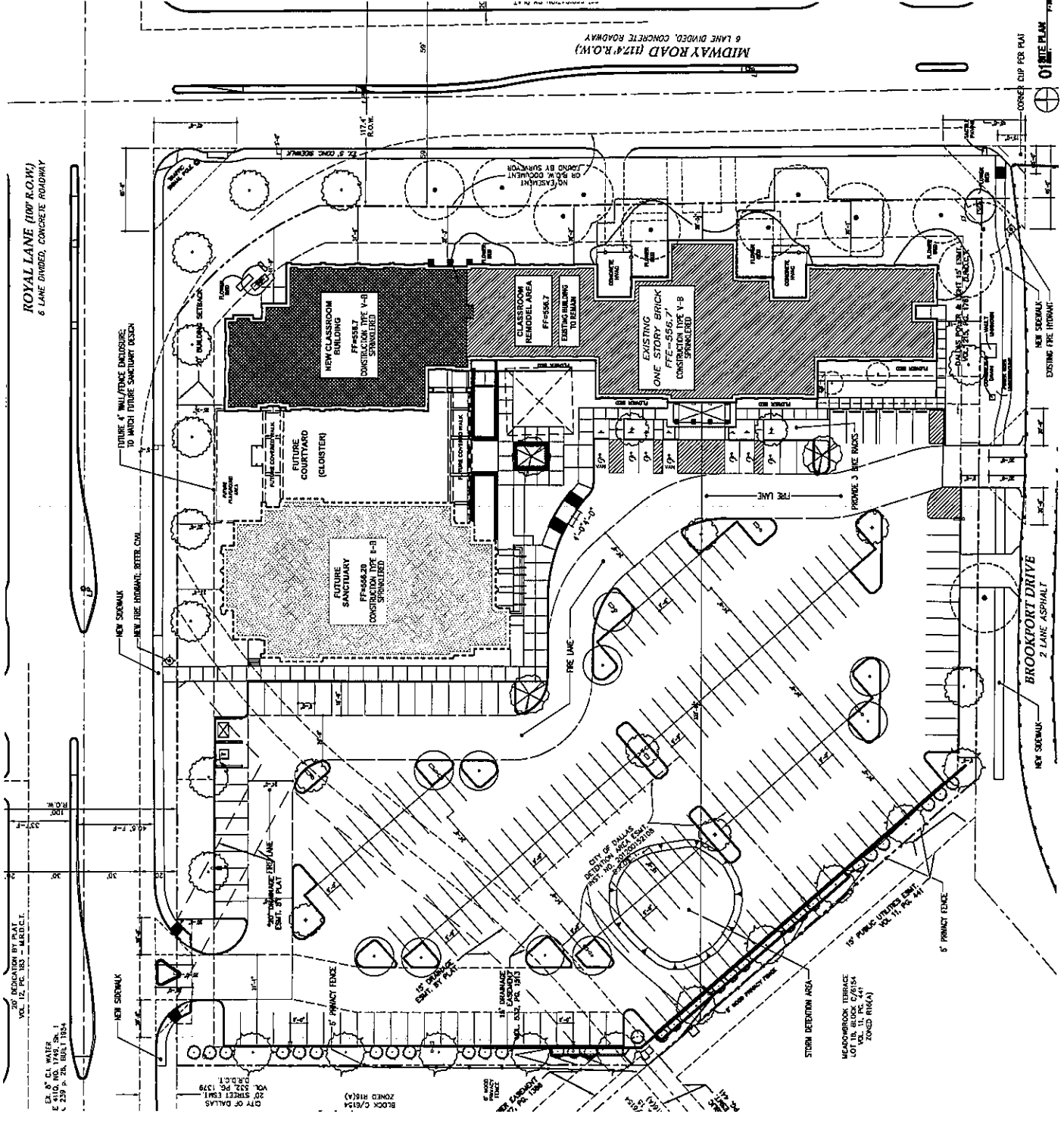
PROJECT # SHM-16\_040  
2017.02.03 Issue for Bid & Permit  
Addendum No. 5 04.26.17

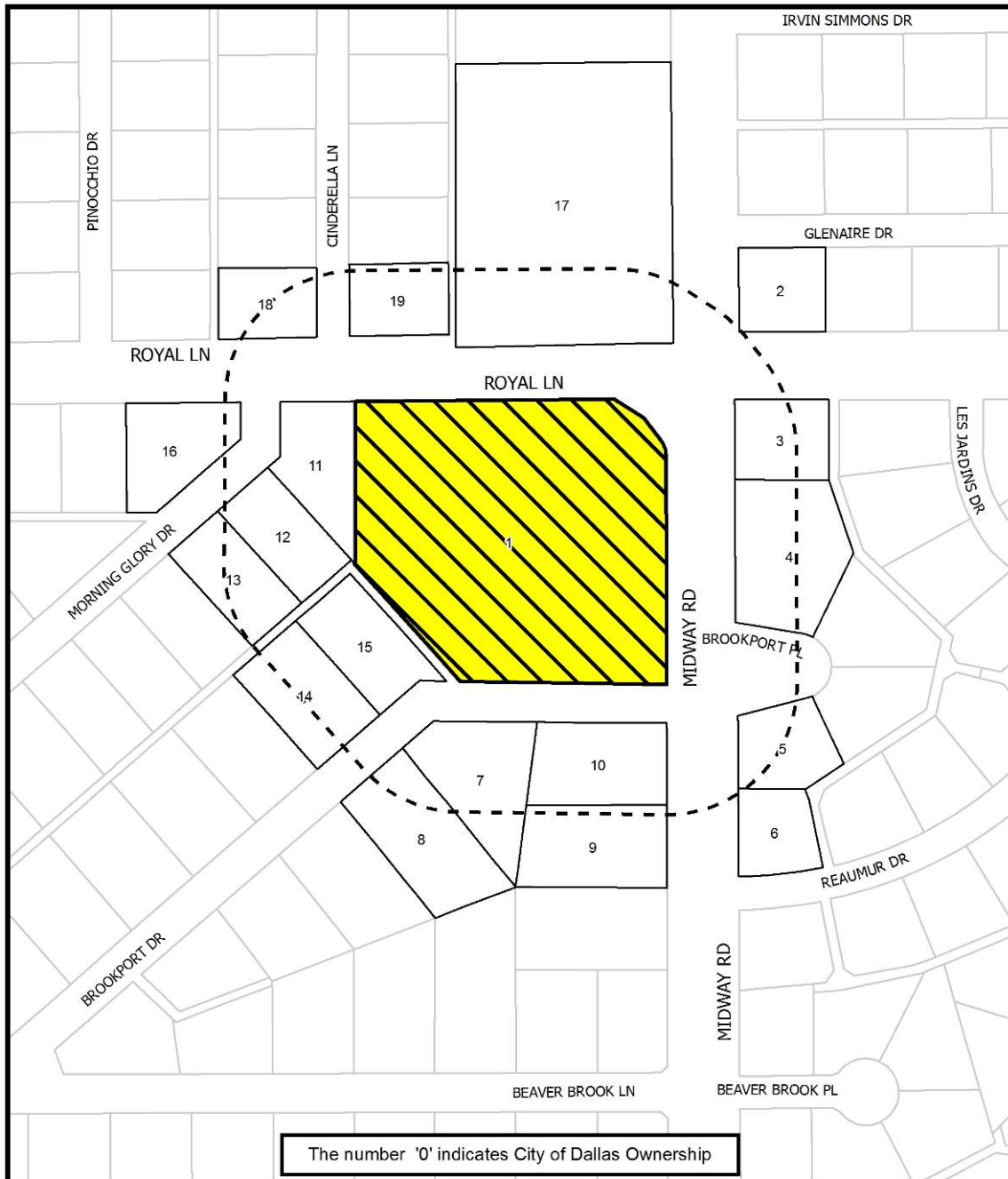
DATE 03 FEBRUARY 2017

SITE PLAN

A1.00

- GENERAL NOTES**
1. THE CITY OF DALLAS CODE OF ORDINANCES, AS AMENDED, SHALL APPLY TO THIS PROJECT.
  2. THE CITY OF DALLAS CODE OF ORDINANCES, AS AMENDED, SHALL APPLY TO THIS PROJECT.
  3. THE CITY OF DALLAS CODE OF ORDINANCES, AS AMENDED, SHALL APPLY TO THIS PROJECT.
  4. THE CITY OF DALLAS CODE OF ORDINANCES, AS AMENDED, SHALL APPLY TO THIS PROJECT.
- PERMITS/EXEMPTION NOTES**
- THE CITY OF DALLAS CODE OF ORDINANCES, AS AMENDED, SHALL APPLY TO THIS PROJECT.
- (C) CHURCH
- (D) REQUIRED OFF-STREET PARKING
- FOR EACH 100 SQUARE FEET OF FLOOR AREA, THERE SHALL BE PROVIDED ONE (1) OFF-STREET PARKING SPACE. THE MINIMUM SIZE OF EACH PARKING SPACE SHALL BE AS FOLLOWS:
- | TYPE OF VEHICLE | MINIMUM SIZE (FEET) | MINIMUM WIDTH (FEET) |
|-----------------|---------------------|----------------------|
| 1. PASSENGER    | 18' 0" X 8' 0"      | 5' 0"                |
| 2. TRUCK        | 24' 0" X 8' 0"      | 8' 0"                |
| 3. BICYCLE      | 5' 0" X 3' 0"       | 2' 0"                |
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE DALLAS CODE OF ORDINANCES, AS AMENDED, AND THE DALLAS DEPARTMENT OF PUBLIC WORKS, AS AMENDED.





1:2,400

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**19**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-086**

Date: **7/17/2017**

## *Notification List of Property Owners*

***BDA167-086***

***19 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10727 MIDWAY RD	PROVIDENCE PRESBYTERIAN
2	4208 GLENAIRE DR	HUNT BETTY JEAN LIFE ESTATE
3	4202 ROYAL LN	TSAI DENIS & SUZIE
4	10728 BROOKPORT PL	WILSON RALPH & EUGENIA
5	10710 BROOKPORT PL	MILLER GAYLE T
6	4207 REAUMUR DR	TUCKER GREGORY B &
7	4170 BROOKPORT DR	FOER S PHYLLIS
8	4154 BROOKPORT DR	REYNOLDS DIANE I &
9	10709 MIDWAY RD	JOUANA JOSEPH R & DIANE C
10	10719 MIDWAY RD	SEYFFERT ANA
11	10796 MORNING GLORY DR	WRIGHT KENNETH PATRICK &
12	10794 MORNING GLORY DR	CHEVALIER KRISTI LYNN
13	10784 MORNING GLORY DR	MATHEWS JOSEPH L &
14	4163 BROOKPORT DR	TOMETICH GEORGE B
15	4171 BROOKPORT DR	CARDINALE JOSEPH A
16	4098 ROYAL LN	ANDER STUART DALE &
17	4151 ROYAL LN	JOHN CALVIN PRES CHURCH
18	10807 CINDERELLA LN	STUBEL BRENDA
19	10808 CINDERELLA LN	VITALE ROCCO J III & SELENA