# ZONING BOARD OF ADJUSTMENT, PANEL A TUESDAY, NOVEMBER 13, 2018 AGENDA

BRIEFING	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.						
Neva Dean, Assistant Director Steve Long, Board Administrator/ Chief Planner Oscar Aguilera, Senior Planner								
	MISCELLANEOUS ITEM							
	Approval of the October 16, 2018 Board of Adjustment Panel A Public Hearing Minutes	M1						
	UNCONTESTED CASES							
BDA178-091(OA)	714 Monte Vista Drive  REQUEST: Application of Christi Guess for a special exception to the visual obstruction regulations	1						
BDA178-119(OA)	4323 Aztec Drive REQUEST: Application of Harold Lewis for a variance to the front yard setback regulations	2						
BDA178-126(OA)	5746 Velasco Avenue  REQUEST: Application of Andrew Williams for a special exception to the visual obstruction regulations	3 I						

REGULAR	CASES
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BDA178-128(OA)	13315 Garden Grove Drive  REQUEST: Application of Jorge Hernandez for a variance to the front yard setback regulations	4
BDA178-140(OA)	7301 Oakmore Drive  REQUEST: Application of Monica Torrez for a variance to the front yard setback regulations	5

# **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: BDA178-091OA)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Christi Guess for a special exception to the visual obstruction regulations at 714 Monte Vista Drive. This property is more fully described as Lot 1, Block 9/2217, and is zoned CD 6, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION**: 714 Monte Vista Drive

**APPLICANT:** Christi Guess

# **REQUEST:**

A request for special exception to the visual obstruction regulations is made to maintain portions of a 6' high solid wood fence with a 6' high swing wood gate in the 20' visibility triangle on the southwest side of the driveway into the site from Lindsley Avenue on a site developed with a single-family home.

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

Section 51A-4.602(d)(3) of the Dallas Development Code states that 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 elevation is required.

### Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that request for special exception to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located in the visibility triangle do not constitute a traffic hazard.

# **BACKGROUND INFORMATION:**

### Zoning:

BDA178-091 1 - 1 Panel A

Site: CD 6 (Conservation District)
 North: CD 6 (Conservation District)
 South: CD 6 (Conservation District)
 East: CD 6 (Conservation District)
 West: CD 6 (Conservation District)

# Land Use:

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

# Zoning/BDA History:

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

# **GENERAL FACTS/STAFF ANALYSIS:**

- This request for special exception to the visual obstruction regulations focuses on maintaining portions of a 6' high solid wood fence with a 6' high swing wood gate in the 20' visibility triangle on the southwest side of the driveway into the site from Lindsley Avenue on a site developed with a single-family home.
- Section 51A-4.602(d) of 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).
- The property is located in Conservation District 6 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of a 6' high solid wood fence with a 6' high swing wood gate in the 20' visibility triangle on the southwest side of the driveway into the site from Lindsley Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for special exception, to the visual obstruction regulations, to maintain portions of a 6' high solid wood fence with a 6' high swing wood gate in the 20' visibility triangle on the southwest side of the driveway into the site from Lindsley Avenue do not constitute a traffic hazard.

BDA178-091 1 - 2 Panel A

 Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be maintained in the southwest side of the 20' drive approach visibility triangle into the site from Lindsley Avenue to that what is shown on these documents – portions of a 6' high solid wood fence and a 6' high wood swing gate.

# Timeline:

April 12, 2018: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as

part of this case report.

October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to

the Board of Adjustment Panel A.

October 10, 2017: The Sustainable Development and Construction Department Senior Planner emailed the applicant/owner the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the October 24<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

 the criteria/standards that the board will use in their decision to approve or deny the requests; and

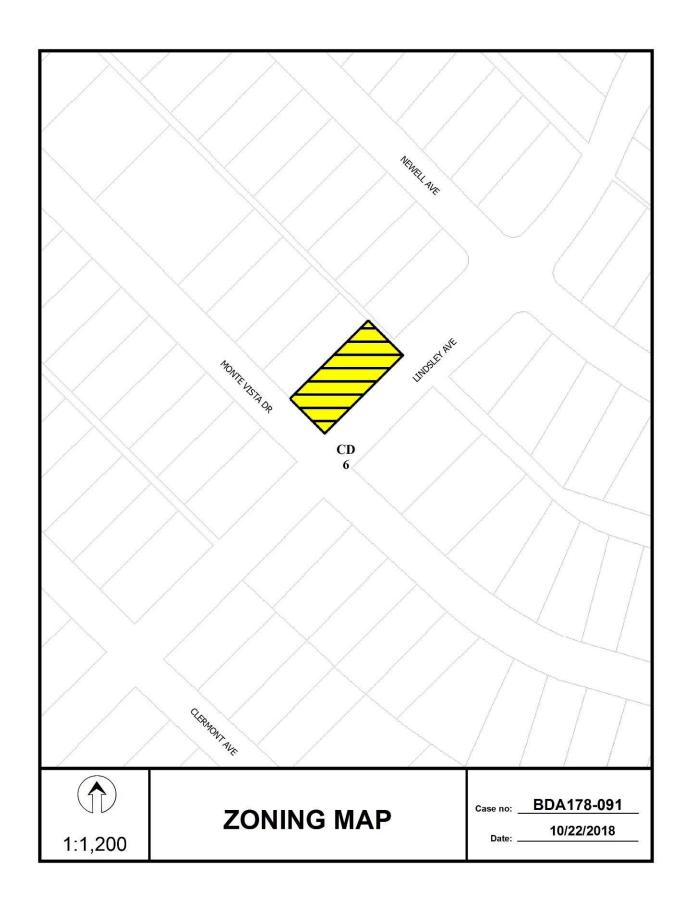
• The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

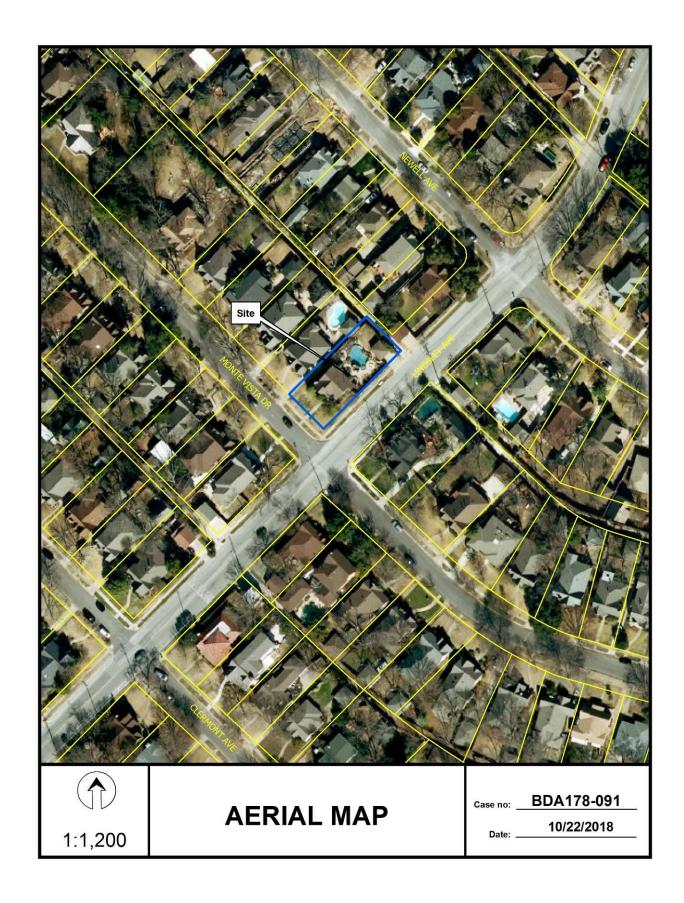
October 30, 2018:

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

October 30, 2018: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

BDA178-091 1 - 3 Panel A







# APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 78-09/
Data Relative to Subject Property:	Dall as TX Date: 4/12/18
Location address: 714 Monte Vista Dive	Dall AS TX 75223 Zoning District: 4500 S CD 6
	ge: 84575F/.194 Census Tract: 4217 /2.02
Street Frontage (in Feet): 1) 60' 2) 143' de	acres 5)
To the Honorable Board of Adjustment :	
Owner of Property (per Warranty Deed):	Gyess and Kathlein A. Benanti
al tal a	Telephone: 214-766-5523
Mailing Address: 714 Monte Vista Dove	
E-mail Address: Christi guesse vizienti	10.com
Represented by:	Telephone:
Mailing Address:	
E-mail Address:	
Affirm that an appeal has been made for a Variance V, visibility to angle rule for fences, alter ways.	or Special Exception 1, of the 20' Idjacent to doveways and
Application is made to the Board of Adjustment, in according to be present the described appeal for the The 20' Visibility triangle would preduce the and side of the wall and side of the visibility that and side of the visibility that and side of the visibility that and hardson note to Applicant: If the appeal requested in this appliparmit must be applied for within 180 days of the date specifically grants a longer period.  Affidavi	following reason:  Vent me having a back gate to  roach on haviscand retaining  gate. I am asking for a miner  than to be 18 versus 20.  Level to allowing safe visibility as well  ication is granted by the Board of Adjustment, a  of the final action of the Board, unless the Board
Before me the undersigned on this day personally appe	<del>-</del>
who on (his/her) oath certifies that the above stat knowledge and that he/she is the owner/or principal property.	(Affiant/Applicant's name printed)
Respectfully subm	itted: (Affiant/Applicant's signature)
Subscribed and sworn to before me this day of _	May (Amanu Applicant's signature)
(Rev. 08-01-11)  KAREN G. ECHOLS Notary Public, State of Texas Comm. Expires 04-30-2022	Notary Public in and for Dallas County, Texas
A178-091 Notary ID 1224847 1 - 6	Panel A

BDA178-091

Chairman
Remarks
Appeal wasGranted OR Denied
Date of Hearing
MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

# **Building Official's Report**

I hereby certify that

CHRISTI GUESS

did submit a request

for a special exception to the visibility obstruction regulations

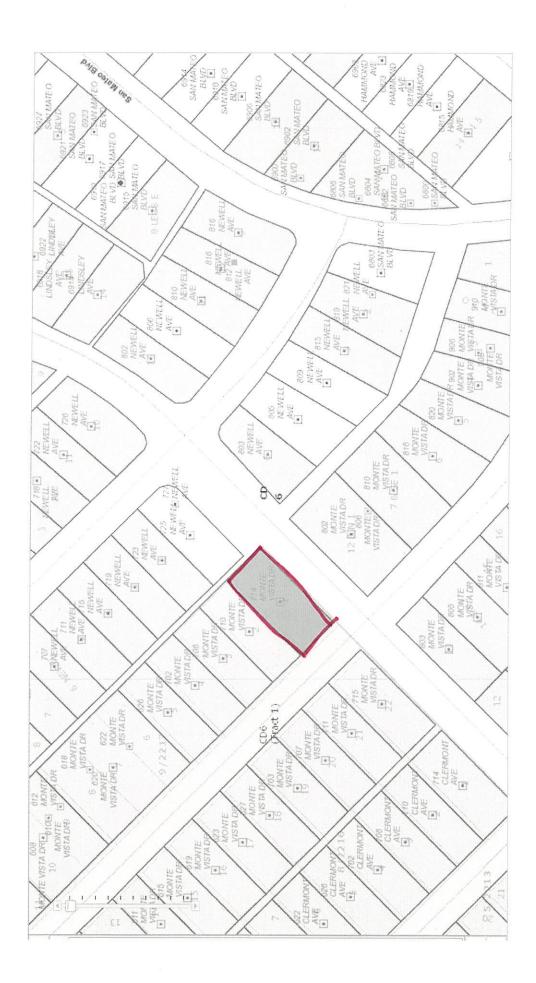
at

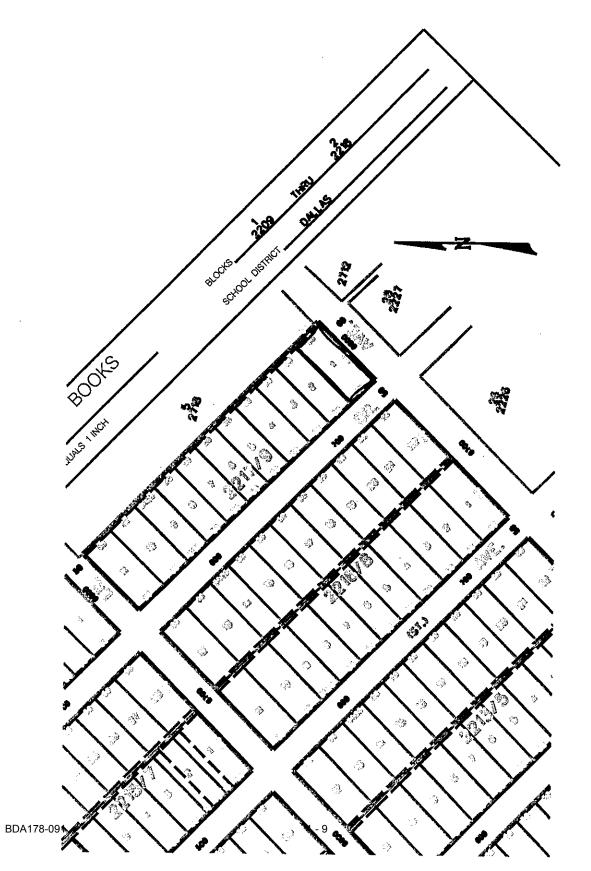
714 Monte Vista Drive

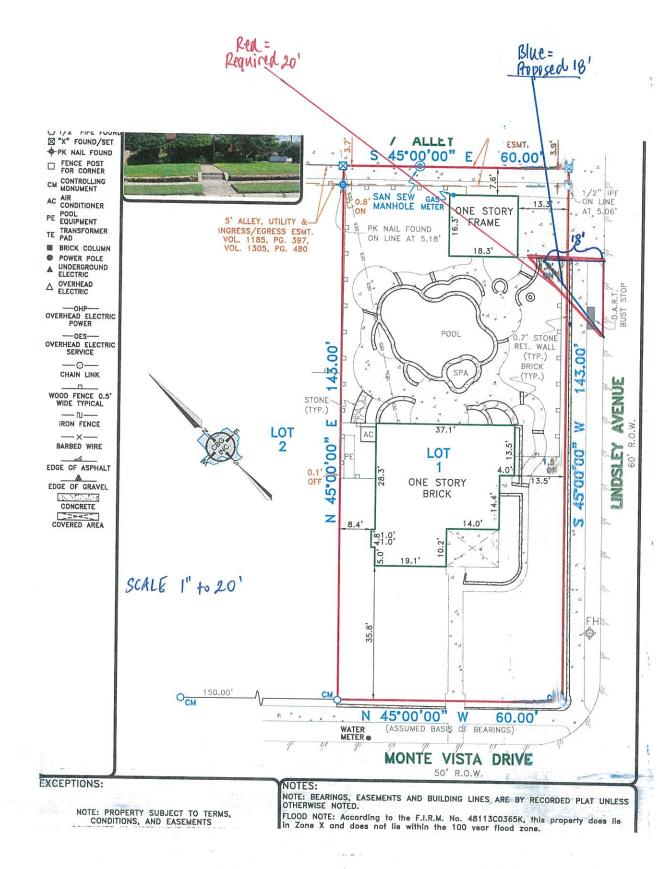
BDA178-091. Application of CHRISTI GUESS for a special exception to the visibility obstruction regulations at 714 MONTE VISTA DR. This property is more fully described as Lot 1, Block 9/2217, and is zoned CD-6, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

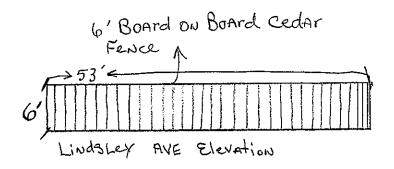
Philip Sikes, Building Official

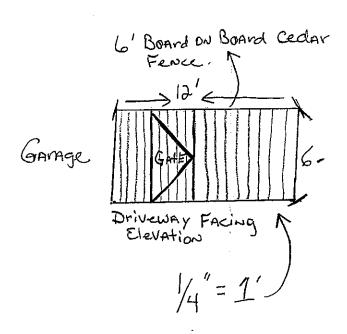


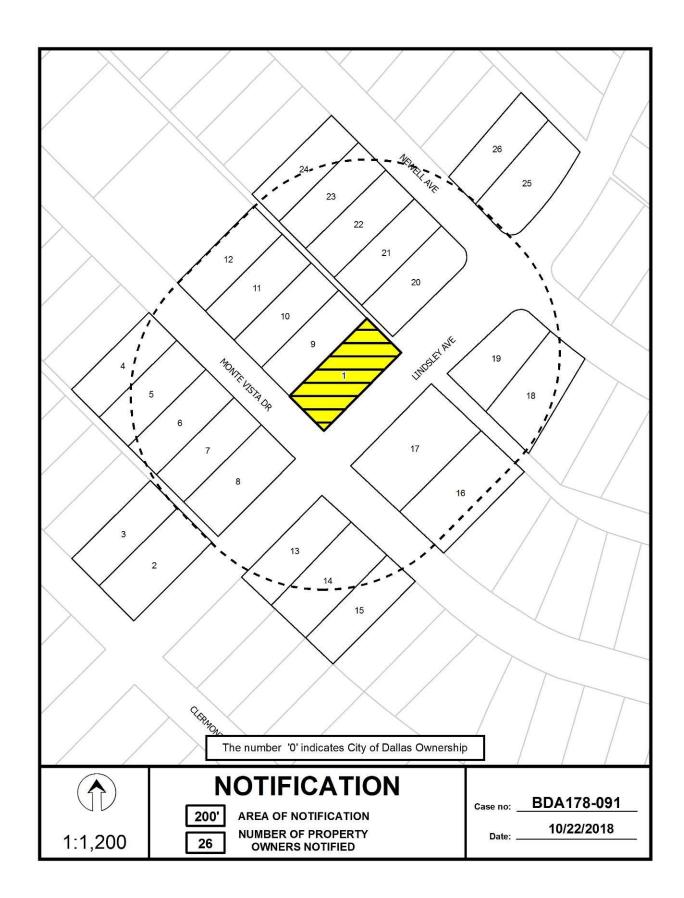




BDA178-091







# Notification List of Property Owners BDA178-091

# 26 Property Owners Notified

Label #	Address		Owner
1	714	MONTE VISTA DR	GUESS CHRISTI L &
2	714	CLERMONT AVE	QUICKSALL ANDREW N & AMANDA J
3	710	CLERMONT AVE	SZCZACHOR MICHAEL &
4	627	MONTE VISTA DR	PASQUALINI JULEANN
5	703	MONTE VISTA DR	MARTIN KRISTIN A
6	707	MONTE VISTA DR	CHILDS JESSICA JOHNS & MARK
7	711	MONTE VISTA DR	MCEACHERN FRANK &
8	715	MONTE VISTA DR	PEGGS STEVE ROBERT &
9	710	MONTE VISTA DR	HARWOOD EMILY WHORTON
10	706	MONTE VISTA DR	GIBSON BONNI K
11	702	MONTE VISTA DR	ORTIZ BELYNDA
12	626	MONTE VISTA DR	LYKE JOANNE B
13	803	MONTE VISTA DR	HOPKINS TIM T & GAYLE A
14	805	MONTE VISTA DR	LINDEN RICHARD M
15	811	MONTE VISTA DR	SIMMONS AGNES CARROLL
16	810	MONTE VISTA DR	ROSSI JASON C III &
17	802	MONTE VISTA DR	SARPONG BENJAMIN &
18	805	NEWELL AVE	MORRIS RHONDA P
19	803	NEWELL AVE	RAUGHTON TYLER EVERETT &
20	725	NEWELL AVE	CHENG CHIH HSIUNG
21	723	NEWELL AVE	LYNCH MICHAEL F
22	719	NEWELL AVE	SPENCE DAVID L &
23	715	NEWELL AVE	COLMENERO DAVID
24	711	NEWELL AVE	LOMAT INVESTMENTS INC
25	726	NEWELL AVE	GARVIN DANIEL MATTHEW &
26	722	NEWELL AVE	EISENSTEIN GWEN M

FILE NUMBER: BDA178-119(OA)

<u>BUILDING OFFICIAL'S REPORT</u>: Application of Harold Lewis for a variance to the front yard setback regulations at 4323 Aztec Drive. This property is more fully described as Lot 8, Block 1/6083, and is zoned R 7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

**LOCATION**: 4323 Aztec Drive

**APPLICANT:** Harold Lewis

# REQUEST:

A request for a variance to the front yard setback regulations of 20' is made to construct and maintain a one-story single family home structure with a total "slab area" of approximately 2,400 square feet or with a total "home size" of approximately 1,900 square feet, part of which is to be located 5' from one of the site's two front property lines (Moffatt Avenue) or 20' into this 25' front yard setback on a site that is undeveloped.

# STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) Not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

# **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

Compliance with the submitted site plan is required.

#### Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5 (A) zoning district in that it is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northwest If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the total home size of the proposed home on the subject site at approximately 1,900 square feet is commensurate to 3 other homes in the same R-7.5 (A) zoning district that have an average home size of approximately 1,700 square feet.

# **BACKGROUND INFORMATION:**

# **Zoning:**

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

# Land Use:

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

# **Zoning/BDA History**:

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

# **GENERAL FACTS /STAFF ANALYSIS**:

- This request for variance to the front yard setback requirement of 20' focuses on constructing and maintaining a one-story single family home structure with a total "slab area" of approximately 2,400 square feet or with a total "home size" of approximately 1,900 square feet, part of which is to be located 5' from one of the site's two front property lines Moffatt Avenue) or 20' into this 25' front yard setback on a site that is undeveloped.
- The property is located in an R-7.5 (A) zoning district which requires a minimum front yard setback of 25 feet.

- The subject site is located at the northwest corner of Aztec Drive and Moffatt Avenue. Regardless of how the structure is proposed to be oriented to front Aztec Drive, the subject site has a 25' front yard setback along both street frontages. The site has a 25' front yard setback along Aztec Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25' front yard setback along Moffatt Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's Moffatt Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the west that front/are oriented southeast towards Moffatt Avenue.
- The submitted site plan indicates the proposed structure is located 5' from the Moffatt Avenue's front property line or 20' into this 25' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements" for property addressed at 4323 Aztec Drive.
- The subject site is flat, rectangular in shape (approximately 150' x 50'), and according to the submitted application is 0.175 acres (or approximately 7,600 square feet) in area. The site is zoned R-7.5 (A) where lots are typically 7,500 square feet in area.
- Most lots in the R-7.5 (A) zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 55' front yard setbacks and two 5' side yard setbacks.
- The submitted site plan represents that approximately 1/2 of the structure is located in the 55' Moffatt Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southeast and a 5' side yard setback is accounted for on the northwest. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- No variance would be necessary if the Moffatt Avenue frontage were a side yard since the site plan represents that the proposed home is 5' from the Moffatt Avenue property line and the side yard setback for properties zoned R-7.5 (A) is 5'.
- The applicant has submitted a document indicating among other things that the total home size of the proposed home on the subject site is approximately 1,900 square feet, and the average of 3 other properties in the same zoning is approximately 1,700 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 (A) zoning classification.

BDA178-119 2 - 3 Panel A

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

# Timeline:

August 15, 2018: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as

part of this case report.

October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to

the Board of Adjustment Panel A.

October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant's representative the following information:

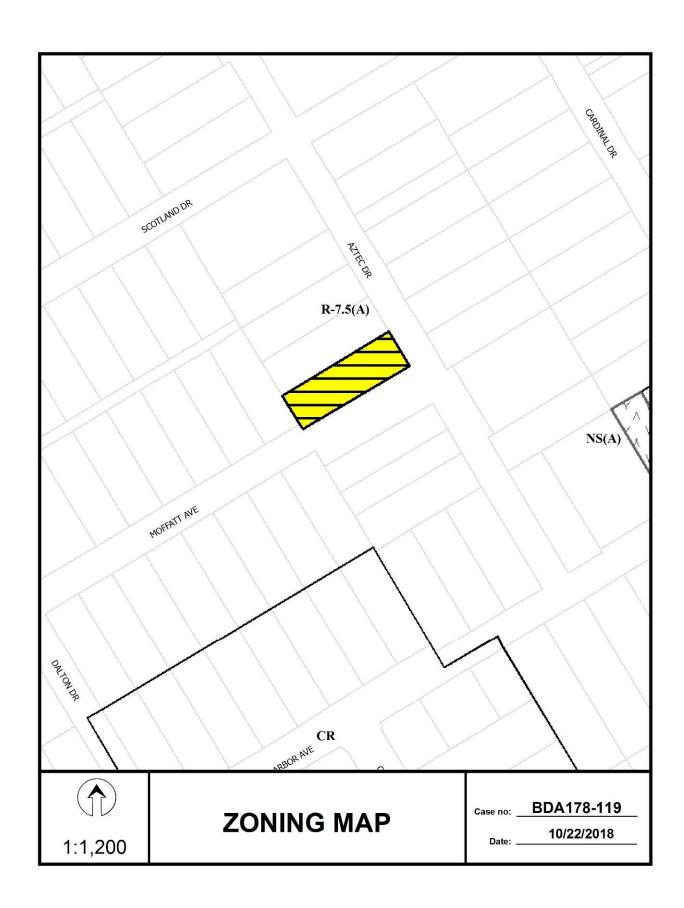
- an attachment that provided the public hearing date and panel that will consider the application; the October 24<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into 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.

October 24, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

October 30, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Examiner/Development Code Specialist. the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

BDA178-119 2 - 5 Panel A





BDA178-119 ATTACH A

October 24,2018

**Board of Adjustments** 

Re: Lot Verience

### Dear Board Members,

My name is Harold Lewis and I am submitting this letter in regards to an easement veriance requested at 4323 Aztec Dr. Dallas, Tx. Upon Completing a lengthy research of the area i found that I plan to build is comparable to the homes is the immediate area. Most of the lots in that area is 50'x 150' which is the standard size lot to accomodate between 1,300 to 2,000 square feet house. The lot at 4323 Aztec Dr. has diffirent easements because it's a cornor lot where a single family home was before Maffatt St. was extended to connect to Aztec Dr. Therefore, I am asking that a 20 foot veriance is granted to build a structure that's comparable to the houses in the area. I have a short list of square footage of homes and the lot that they were built on to show the compatibility.

- 1)4216 Aztec. Dr. house 1,400 sq. ft. lot 50 ft. x 150 ft., total sq. ft. 7,340 sq. ft.
- 2) 4306 Aztec Dr. house 2,000 sq. ft. lot 50 ft. x 150 ft. total sq. ft. 7,500
- 3) 4208 Aztec Dr. house 1,550 sq. ft. lot 40x150 total sq. ft. 5,963

Respectfully Submitted,

Harold Lewis



# APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 178 - 119
Data Relative to Subject Property:	Date: 8 6 18
Location address: 4323 AZCEO DR	Zoning District: R 7-5/A
Lot No.: Block No.: 16080 Acreage:	8/122
Street Frontage (in Feet): 1) 50 2) 50 3)	Census Tract: 07.03
To the Honorable Board of Adjustment :	4) 5)
Owner of Property (per Warranty Deed): HAROUS	
Applicant: Harris Harris	
(Viniting Address: IIS) ( ** -> IIS	Telephone:
E-mail Address: haroldbewrx by builder. Con	Zip Code: 1010Ψ
Mailing Address:	Telephone:
Е-mail Address:	Zip Code:
Affirm that an appeal has been made for a Variance , or Special Excep  Application is made to the Board of Adjistment, in accordance with the property of the following reservoirs.	ECRAEK AND FRONTON
House to be Rayled To build Any Structures In Build In this application is granted permit must be applied for within 180 day and the second in this application is granted permit must be applied for within 180 day and the second in this application is granted permit must be applied for within 180 day and the second in this application is granted permit must be applied for within 180 day and the second in this application is granted permit must be applied for within 180 day and the second in the second	WILL NOT GIVE ME CODER TO GET THE EI ENCEMENT WILL IN ENCEMENT ALMS
Before me the undersigned on this day persually appeared	NFL
who on (his/her) oath certifies that the above statements are true knowledge and that he/she is the owner/or rincipal/or authorized property.  Respectfully submitted:	t/Applicant's name printed) and correct to his/her best representative of the subject
Subscribed and sworn to before me this 15th  Aug ost  Ryan Riggs  My Commission Expires  OS/17/2022  Aug ost  2 Purpose  3 Purpose  4 Purpose  4 Purpose  4 Purpose  5 Purpose  6 Purpose  7 Purpose	nt/Applicant's signature)
Evillation III	and for Dallas County, Texas

Panel A

» «	96													-
Chairman											Remarks	Appeal wasGranted OR Denied	Date of Hearing	MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

# **Building Official's Report**

I hereby certify that

HAROLD LEWIS

did submit a request

for a variance to the front yard setback regulations

at

4323 Aztec Drive

BDA178-119. Application of HAROLD LEWIS for a variance to the front yard setback regulations at 4323 Aztec Dr. This property is more fully described as Lot 8, Block 1/6083, and is zoned R 7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 20 foot variance to the front yard setback regulations.

Sincerely,

Philip Sikes, Building Official



City Limits	$\sim$ railroad	Dry Overlay	CD Subdistricts
School	Certified Parcels	C p	PD Subdistricts
loodplain	Base Zoning	D-1 CP	PDS Subdistricts
100 Year Flood Zone	PD193 Oak Lawn	SP	NSO Subdistricts
Mill's Creek Peak's Branch	Dallas Environmental Corridors	MD Overlay	NSO_Overlay
X Protected by Levee	SPSD Overlay	Historic Subdistricts	Escarpment Overlay
Parks	Deed Restrictions	Historic Overlay	Parking Management Ove
	SUP	Height Map Overlay	Shop Front Overlay

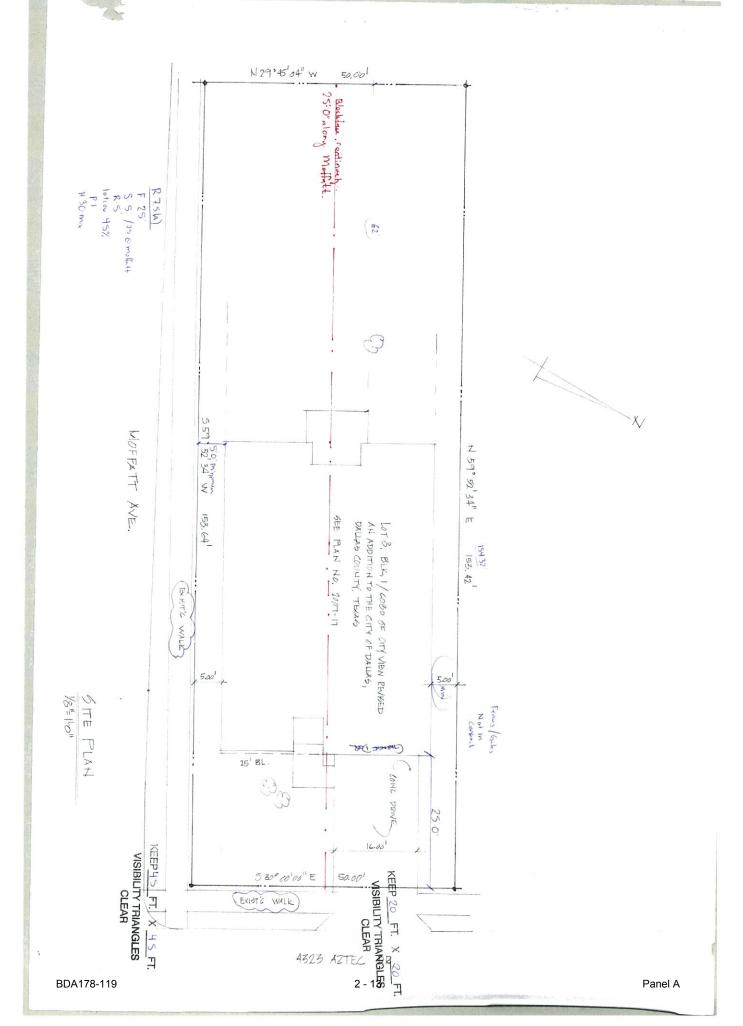
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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

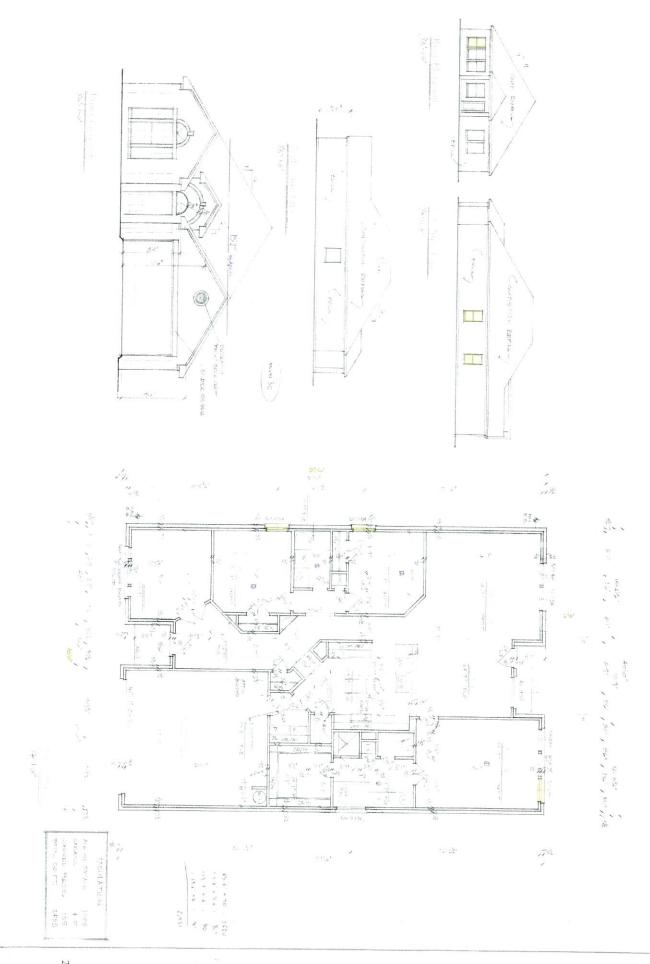


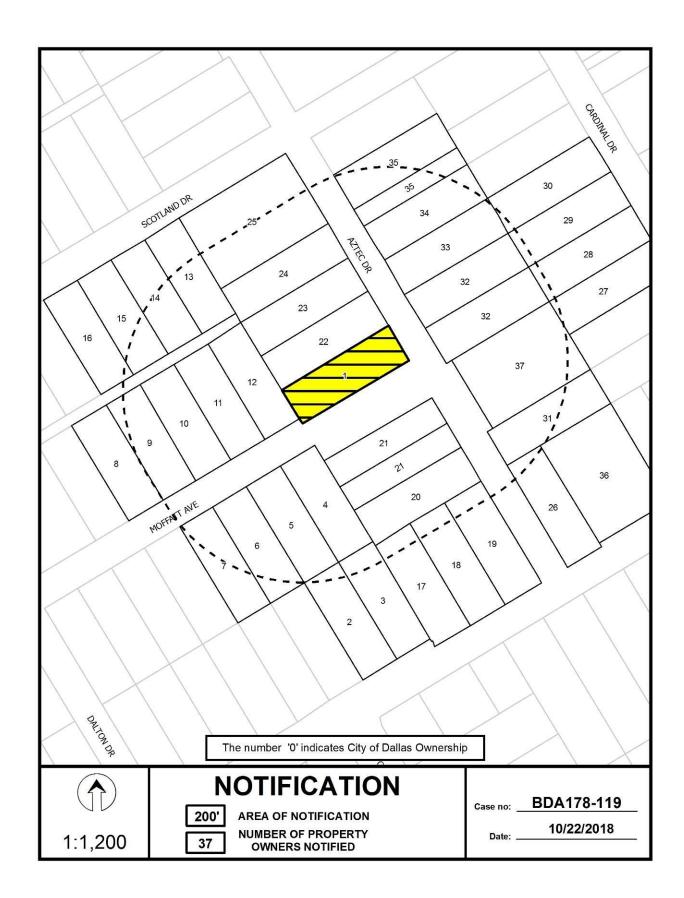
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BDA178-119 2 - 11 Panel A









# Notification List of Property Owners BDA178-119

# 37 Property Owners Notified

Label #	Address		Owner
1	4323	AZTEC DR	LEWIS HAROLD
2	2501	E ANN ARBOR AVE	TAULTON LESTER
3	2507	E ANN ARBOR AVE	BRITTON DEON
4	2430	MOFFATT AVE	DAVIS SHAQUITA
5	2426	MOFFATT AVE	HILL AMANDA
6	2422	MOFFATT AVE	RAINEY JAMES
7	2418	MOFFATT AVE	BROWN LAKEYSHIA
8	2415	MOFFATT AVE	RONIN HOME BUILDER LLC
9	2419	MOFFATT AVE	JOHNSON MARSHA
10	2423	MOFFATT AVE	HADNOT THERWANDA
11	2427	MOFFATT AVE	HOUSTON CRYSTAL G
12	2431	MOFFATT AVE	VAZQUEZ MANUEL &
13	2430	SCOTLAND DR	BROWN LESTER
14	2426	SCOTLAND DR	METROPLEX AFFORDABLE HOUSING LLC
15	2422	SCOTLAND DR	SPELLS CAROLYN E
16	2418	SCOTLAND DR	APARICIO MISAEL
17	2511	E ANN ARBOR AVE	BRITTON DEON
18	2515	E ANN ARBOR AVE	DOUGLAS ANGEL
19	2519	E ANN ARBOR AVE	TEJEDA EFRAIN DIAZ
20	4411	AZTEC DR	JONES MACK JR
21	4405	AZTEC DR	JONES MACK
22	4317	AZTEC DR	BELL ERMA
23	4315	AZTEC DR	COLE HILTON & DIANNE
24	4311	AZTEC DR	JDS Q SERVICES LLC
25	4303	AZTEC DR	SOUL WINNER FOR CHRIST
26	2527	E ANN ARBOR AVE	GLADEWATER ROAD MISSIONARY BAPTIST CHURCH

Label #	Address		Owner
27	4407	CARDINAL DR	COMMON GROUND COMMUNITY
28	4403	CARDINAL DR	CUNIGAN JONES NAQUITA
29	4321	CARDINAL DR	WILLIAMS TARAELLAN
30	4317	CARDINAL DR	MANNING BERTRIC L
31	4414	AZTEC DR	JAIMES CARRILLO MARIA CRYSTAL
32	4402	AZTEC DR	JONES MACK & ANNIE
33	4316	AZTEC DR	PARKER BELINDA
34	4312	AZTEC DR	GIRON GABRIEL & ADRIANA VEGA
35	4308	AZTEC DR	DALLAS AREA HABITAT FOR HUMANITY INC
36	2535	E ANN ARBOR AVE	GLADEWATER ROAD MISSIONARY BAPTIST
37	4410	AZTEC DR	JONES MACK JR & ANNIE M

FILE NUMBER: BDA178-126OA)

**BUILDING OFFICIAL'S REPORT:** Application of Andrew Williams for a special exception to the visual obstruction regulations at 5746 Velasco Avenue. This property is more fully described as Lot 12, Block 8/1888, and is zoned CD 12, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to locate and maintain items in a required visibility triangle, which will require a special exception to the visual obstruction regulations.

**LOCATION**: 5746 Velasco Avenue

**APPLICANT**: Andrew Williams

# **REQUEST:**

A request for special exception to the visual obstruction regulations is made to modify and maintain portions of an 8' high solid wood fence in the 20' visibility triangle on the north side of the driveway into the site from Matilda Avenue on a site developed with a single-family home.

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

Section 51A-4.602(d) (3) of the Dallas Development Code states that 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 elevation is required.

### Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the request.
- Staff concluded that request for special exception to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item to modified and maintained in the visibility triangle does not constitute a traffic hazard.

# **BACKGROUND INFORMATION:**

# Zoning:

Site: CD 12 (Conservation District)
 North: CD 12 (Conservation District)
 South: CD 12 (Conservation District)
 East: CD 12 (Conservation District)
 West: CD 12 (Conservation District)

## Land Use:

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

# **Zoning/BDA History**:

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

# **GENERAL FACTS/STAFF ANALYSIS:**

- This request for special exception to the visual obstruction regulations focuses on modifying and maintaining portions of an 8' high solid wood fence in the 20' visibility triangle on the north side of the driveway into the site from Matilda Avenue on a site developed with a single-family home.
- Section 51A-4.602(d) of 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).
- The property is located in Conservation District 12 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.
- A site plan and elevation have been submitted indicating portions of an 8' high solid wood fence in the 20' visibility triangle on the north side of the driveway into the site from Matilda Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the request for a special exception, to the visual obstruction regulations to modify and maintain portions of an 8' high solid wood fence in the 20' visibility triangle on the north side of the driveway into the site from Matilda Avenue do not constitute a traffic hazard.

BDA178-126 3 - 2 Panel A

 Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be modified and maintained in the north side of the 20' drive approach visibility triangle into the site from Matilda Avenue to that what is shown on these documents.

# **Timeline**:

September 6, 2018: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as

part of this case report.

October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to

the Board of Adjustment Panel A.

October 10, 2017: The Sustainable Development and Construction Department Senior Planner emailed the applicant/owner the following information:

 an attachment that provided the public hearing date and panel that will consider the application; the October 24<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;

 the criteria/standards that the board will use in their decision to approve or deny the requests; and

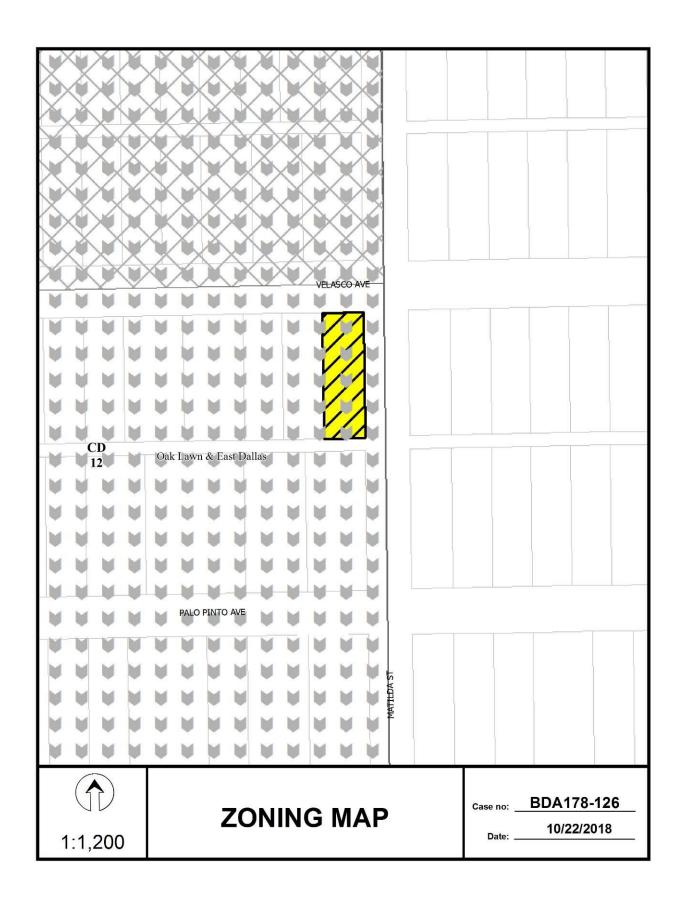
 The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

October 30, 2018:

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

October 30, 2018:

The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections" (Note that the submitted site plan shows that a 17' by 17' visibility triangle will be maintained on the north side of the driveway into the site from Matilda Avenue).







## APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 178 - 126		
Data Relative to Subject Property:	Date: 9-6-18		
Location address: 5746 Velako Ave Dallas, TX 7520	Zoning District: CD 12		
Lot No.: 12 Block No.: 8/1888 Acreage: 0.18	Census Tract: 11.01		
Street Frontage (in Feet): 1) 5° 0 2) 159, 41 3)	4) 5)		
To the Honorable Board of Adjustment :			
Owner (per Warranty Deed): Andrew Williams	-		
Applicant: Andrew Williams			
Mailing Address: 5746 Velasco Ave Dallos, TX	75206 Zip Code: 75206		
E-mail Address: drew wllms @gmail. (om			
Representative:	Telephone:		
Mailing Address:	Zip Code:		
E-mail Address:			
Affirm that an appeal has been made for a Variance $\frac{1}{2}$ , or Special Excellent of the visibility of my garage Driveway.	eption v, of 3 ft, x 3 ft, 1+y + racing le		
Application is made to the Board of Adjustment, in accordance with the Development Code, to grant the described appeal for the following reasons of the are as the following reasons of the followin	on: ecial exception because		
Before me the undersigned on this day personally appeared	ndrew Williams		
(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 30 day of Augus	£ , 2018		
(Rev. 05-01-18) BDA178-126  LUCINA CASAS Notary Public STATE OF TEXAS 3 - 10, 10, 10, 10, 10, 10, 10, 10, 10, 10,	olic in and for Dallas County, Texas Panel A		

Chairman
The state of the s
Parkey and the second
A ANNA CALLER CONTRACTOR CONTRACT
The state of the s
Tools III
Remarks
Appeal wasGranted OR Denied
Date of Hearing
MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

#### **Building Official's Report**

I hereby certify that ANDREW WILLIAMS

did submit a request for a special exception to the visibility obstruction regulations

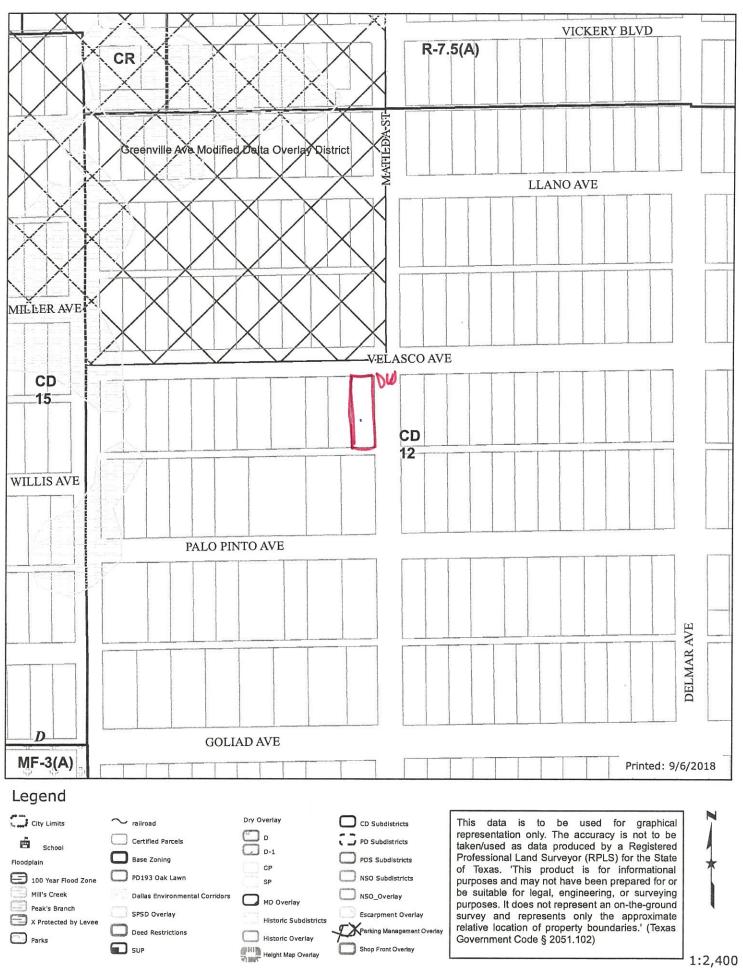
at 5746 Velasco Avenue

BDA178-126. Application of ANDREW WILLIAMS for a special exception to the visibility obstruction regulations at 5746 VELASCO AVE. This property is more fully described as Lot 12, Block 8/1888, and is zoned CD-12, which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,

BDA178-126 3 - 7 Panel A

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TEPARTIN. BU 6 Pr.

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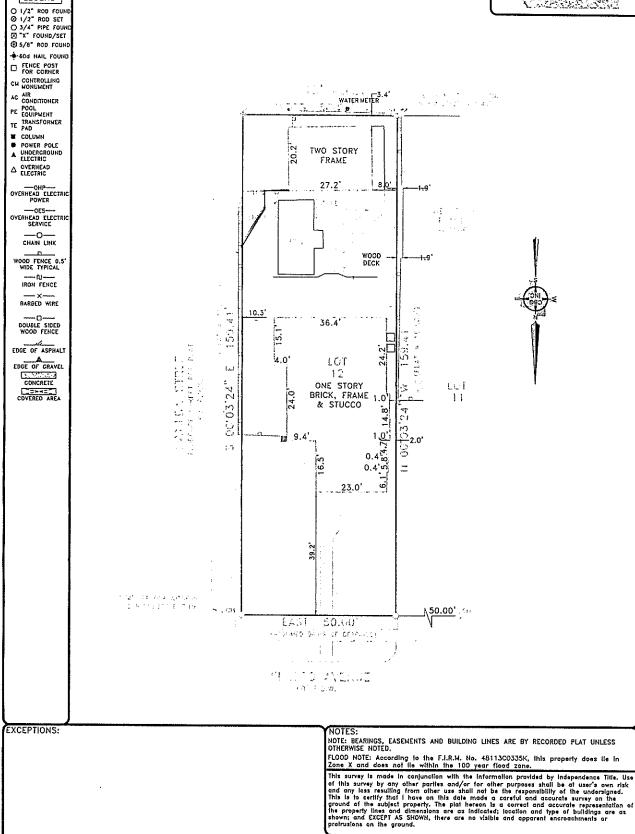
Panel A



Being Lot 12, Block 8/1888, BELMONT ADDITION, an Addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 124, Page 16, Plot Records, Dallas County, Texas.

Explore \_\_\_\_\_\_





Drawn By: MARIA Scale: 1" = 20' Dale: 08/22/17 GF No.:

12025 Shiloh Road, Ste. 230 Dallas, TX 75228 P 214,349,9485 F 214,349,2216 Firm No. 10168800 www.cbgiactx.com

4604 6 U.R. HOLLES, NO.

Accepted by: Purchaser

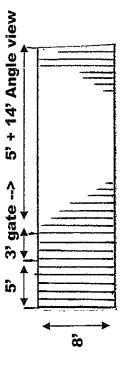
3 - 10

Purchaser

1732234-MODA Job No. <u>1718961</u>

BDA178-126 Date:

Scale: 1" = 10'



East facing fence line (Matilda Avenue) 8ft tall cedar wood fence, board on board

**Property:** 

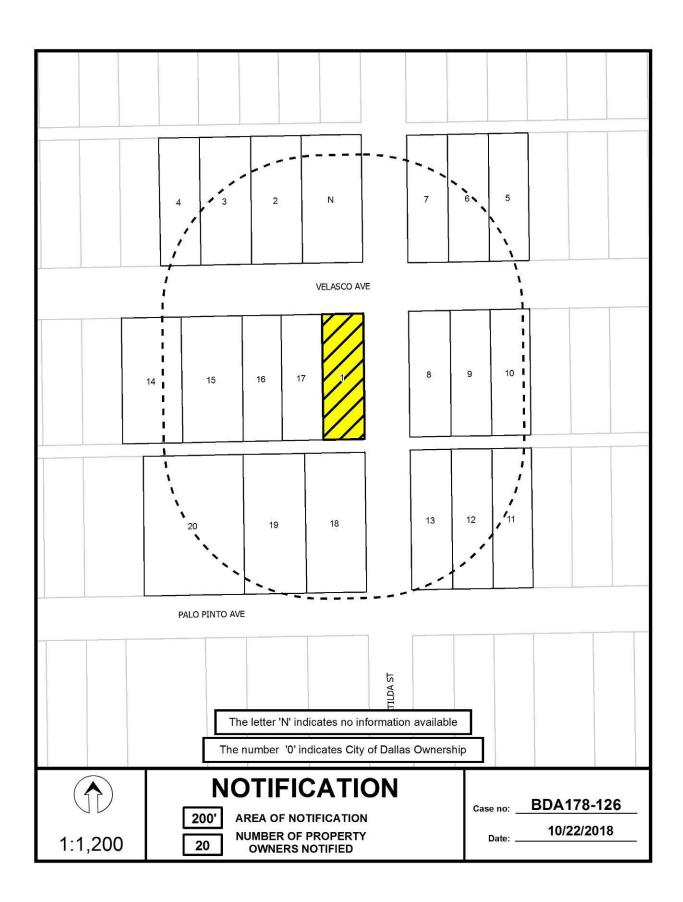
5746 Velasco Avenue Dallas Lot 12 Block 8 Belmont Addition

Home Owner:

**Andrew Williams Phone 214-686-5590** 

Contractor:

Texas Best Stain c/o Brad Parr M469-878-3301



# Notification List of Property Owners BDA178-119

# 37 Property Owners Notified

Label #	Address		Owner
1	4323	AZTEC DR	LEWIS HAROLD
2	2501	E ANN ARBOR AVE	TAULTON LESTER
3	2507	E ANN ARBOR AVE	BRITTON DEON
4	2430	MOFFATT AVE	DAVIS SHAQUITA
5	2426	MOFFATT AVE	HILL AMANDA
6	2422	MOFFATT AVE	RAINEY JAMES
7	2418	MOFFATT AVE	BROWN LAKEYSHIA
8	2415	MOFFATT AVE	RONIN HOME BUILDER LLC
9	2419	MOFFATT AVE	JOHNSON MARSHA
10	2423	MOFFATT AVE	HADNOT THERWANDA
11	2427	MOFFATT AVE	HOUSTON CRYSTAL G
12	2431	MOFFATT AVE	VAZQUEZ MANUEL &
13	2430	SCOTLAND DR	BROWN LESTER
14	2426	SCOTLAND DR	METROPLEX AFFORDABLE HOUSING LLC
15	2422	SCOTLAND DR	SPELLS CAROLYN E
16	2418	SCOTLAND DR	APARICIO MISAEL
17	2511	E ANN ARBOR AVE	BRITTON DEON
18	2515	E ANN ARBOR AVE	DOUGLAS ANGEL
19	2519	E ANN ARBOR AVE	TEJEDA EFRAIN DIAZ
20	4411	AZTEC DR	JONES MACK JR
21	4405	AZTEC DR	JONES MACK
22	4317	AZTEC DR	BELL ERMA
23	4315	AZTEC DR	COLE HILTON & DIANNE
24	4311	AZTEC DR	JDS Q SERVICES LLC
25	4303	AZTEC DR	SOUL WINNER FOR CHRIST
26	2527	E ANN ARBOR AVE	GLADEWATER ROAD MISSIONARY BAPTIST CHURCH

Label #	Address		Owner
27	4407	CARDINAL DR	COMMON GROUND COMMUNITY
28	4403	CARDINAL DR	CUNIGAN JONES NAQUITA
29	4321	CARDINAL DR	WILLIAMS TARAELLAN
30	4317	CARDINAL DR	MANNING BERTRIC L
31	4414	AZTEC DR	JAIMES CARRILLO MARIA CRYSTAL
32	4402	AZTEC DR	JONES MACK & ANNIE
33	4316	AZTEC DR	PARKER BELINDA
34	4312	AZTEC DR	GIRON GABRIEL & ADRIANA VEGA
35	4308	AZTEC DR	DALLAS AREA HABITAT FOR HUMANITY INC
36	2535	E ANN ARBOR AVE	GLADEWATER ROAD MISSIONARY BAPTIST
37	4410	AZTEC DR	JONES MACK JR & ANNIE M

FILE NUMBER: BDA178-128(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Jorge Hernandez for a variance to the front yard setback regulations at 13315 Garden Grove Drive. This property is more fully described as Tract 118, Block 8822, and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and/or maintain a structure and provide a 9 foot 8 inch front yard setback, which will require a 20 foot 4 inch variance to the front yard setback regulations.

**LOCATION**: 13315 Garden Grove Drive

**APPLICANT**: Jorge Hernandez

### **REQUEST:**

A request for variance to the front yard setback regulations of 20' 4" is made to maintain a nonconforming structure (single-family home) constructed in the 1940's, and to maintain an addition to the existing nonconforming single-family home, both of which are located 9' 8" from the front property line or 20' 4" into the 30' front yard setback.

## STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

## **STAFF RECOMMENDATION**:

Denial

Rationale:

BDA178-128 4 - 1 Panel A

• Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-10 (A) zoning district. The subject site at approximately one acre (or approximately 40,000 square feet) in area is approximately 4 times larger than lots typically found in the R-10(A) zoning district that are 10,000 square feet in area.

#### **BACKGROUND INFORMATION:**

## **Zoning:**

Site: R-10(A) (Single family district 10,000 square feet)
North: R-10(A) (Single family district 10,000 square feet)

South: PD 162 (Planned Development)

<u>East</u>: R-10(A) (Single family district 10,000 square feet) West: R-10(A) (Single family district 10,000 square feet)

#### Land Use:

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

# Zoning/BDA History:

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

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

- The request for a variance to the front yard setback regulations of 20' 4" focuses on; 1) maintaining a nonconforming structure (single-family home) constructed in the 1940's and 2) maintaining an addition to the existing nonconforming single-family home, both of which are located 9' 8" from the front property line or 20' 4" into the 30' front yard setback.
- Structures on lots zoned R-10 (A) are required to provide a minimum front yard setback of 30'.
- A site plan has been submitted denoting the existing nonconforming structure home and existing addition are located 9' 8" from the site's front property line (or 20' 4" into the 30' front yard setback).
- DCAD records indicate the following improvements for property located at 13315 Garden Grove Drive: "main improvement: a structure with 744 square feet of living area built in 1940" and "additional improvements: a 400 square foot attached garage, and a 400 square foot detached garage".

BDA178-128 4 - 2 Panel A

- 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 a variance to the front yard setback regulations for both the nonconforming and addition located in the front yard setback.
- The subject site is rectangular in shape, flat, and according to the application, is 0.942 acres (or approximately 41,000 square feet) in area. The site is zoned R-10 (A) where lots are typically 10,000 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-10 (A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10 (A) zoning classification.
- If the Board were to grant this front yard setback variance request and impose the submitted site plan as a condition, the structure and addition in the front yard setback would be limited to what is shown on this document- which is a structure and addition located as close as 9' 8" from the site's front property line or as much as 20' 4" into the required 30' front yard setback.

### Timeline:

September 12, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

October 8, 2018: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel A.

October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

 a copy of the application materials including the Building Official's report on the application;

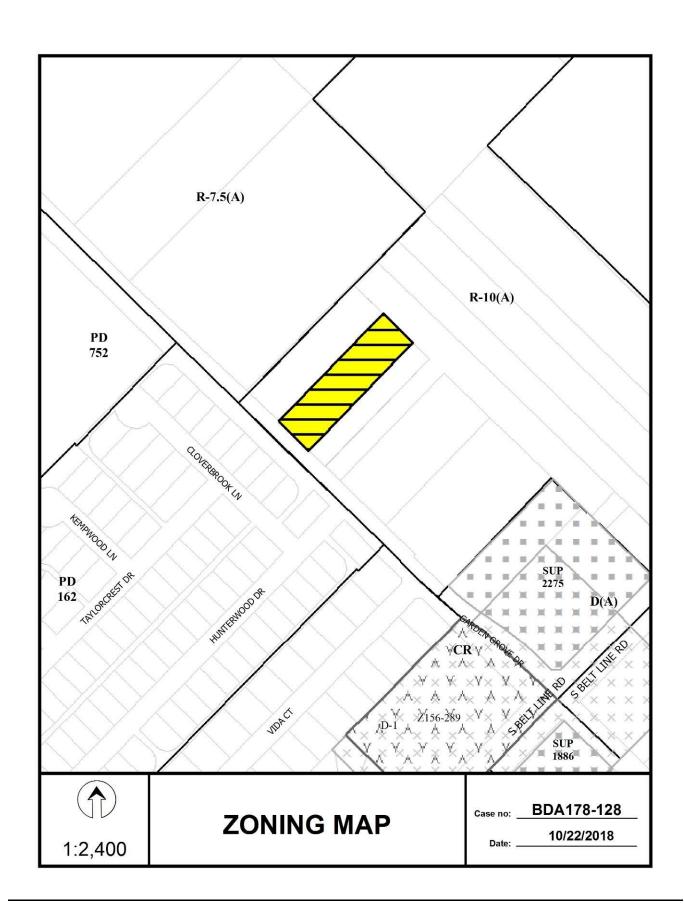
- an attachment that provided the public hearing date and panel that will consider the application; the October 24<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 2<sup>nd</sup> deadline to submit additional evidence to be incorporated into 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.

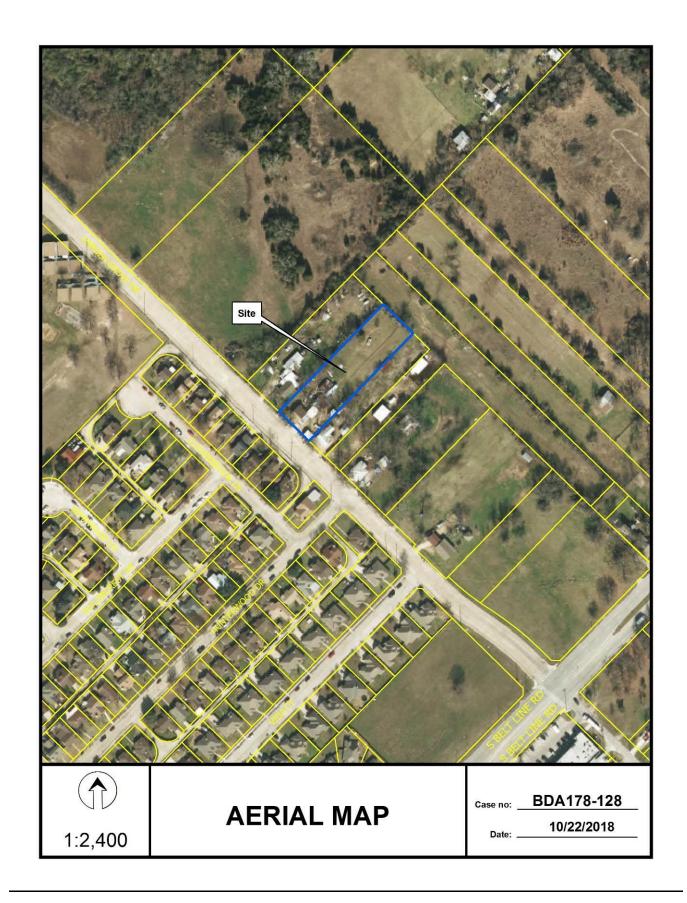
October 30, 2018:

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

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

BDA178-128 4 - 4 Panel A







# APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 178-128
Data Relative to Subject Property:	Date: 9/12//8
Location address: 13315 Garden Grove Dr.	Zoning District: PD162 R10 -(A)
Lot No.: TR18 Block No.: 8822 Acreage: 942	Census Tract: \71,0
Street Frontage (in Feet): 1) 105 2) 3)	4)5)
To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed): Amador Jose & Marilu O	
Applicant: Jorge Hernandez	Telephone:(972)214-9811
Mailing Address: 1919 Mckinney Ave Dallas TX	Zip Code:
E-mail Address: Jorge@americapermits.com	
Represented by: Jorge Hernandez Tel	lephone: (972)214-9811
Mailing Address:1919 Mckinney AveDallas TX	Zip Code:75201
E-mail Address: <u>Jorge@americapermits.com</u>	<del></del>
Affirm that an appeal has been made for a Variance *, or Special Exce the YEAUYEA 30ft front yard set provide a 9 foot 8 inches front yard set	ption_, of 20'-4" to back, and set back.
Application is made to the Board of Adjustment, in accordance with the Development Code, to grant the described appeal for the following reason are asking for a variance of 20-4"  NON CONFORMING THE STRUCTURE and to be will be the nome.	to rectify the
Note to Applicant: If the appeal requested in this application is granted applied for within 180 days of the date of the final action of the Board period.  Affidavit	d, unless the Board specifically grants a longer
Before me the undersigned on this day personally appeared (Aff	Jorge Hernancez
who on (his/her) oath certifies that the above statements are true an he/she is the owner/or principal/or authorized representative of the s	
Respectfully submitted:	affiant/Applicant's signature)
Subscribed and sworn to before me this 29th day of Avgust	, 2018
(Rev. 08-01-11) Notary 4	ublic in and for Dallas County, Texas

## **Building Official's Report**

I hereby certify that

JORGE HERNANDEZ

did submit a request

for a variance to the front yard setback regulations

at

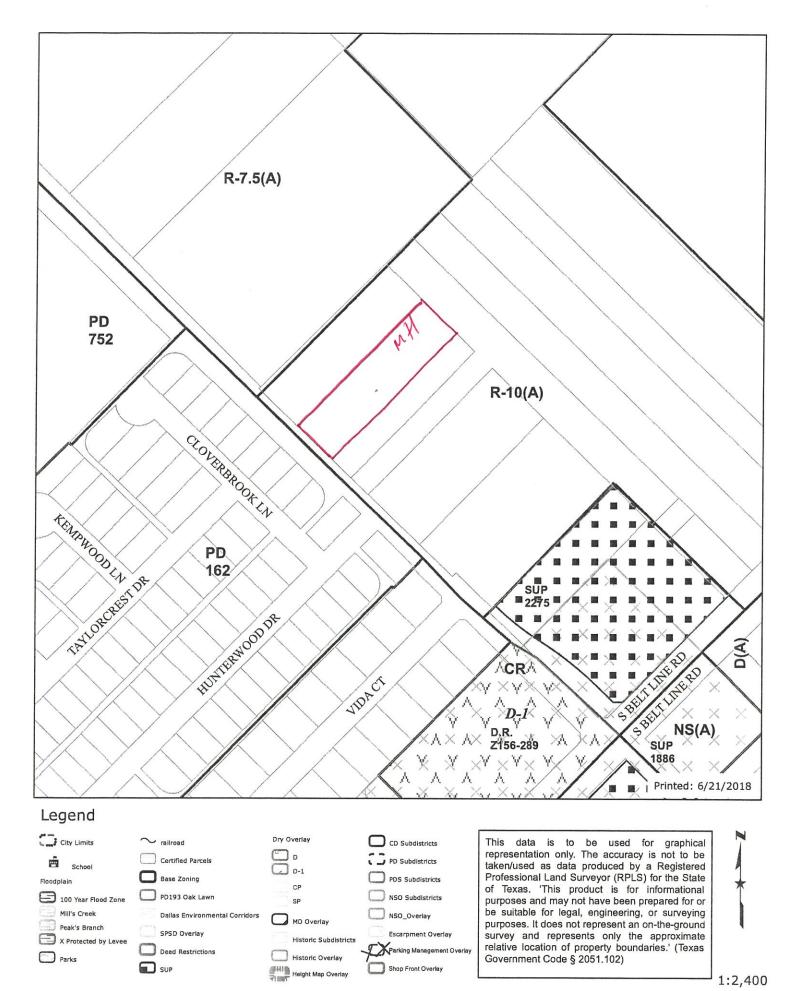
13315 Garden Grove Drive

BDA178-128. Application of JORGE HERNANDEZ for a variance to the front yard setback regulations at 13315 GARDEN GROVE DR. This property is more fully described as Tract 118, Block 8822, and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct a single family residential structure and provide a 9 foot 8 inch front yard setback, which will require a 20 foot 4 inch variance to the front yard setback regulations.

Sincerely,

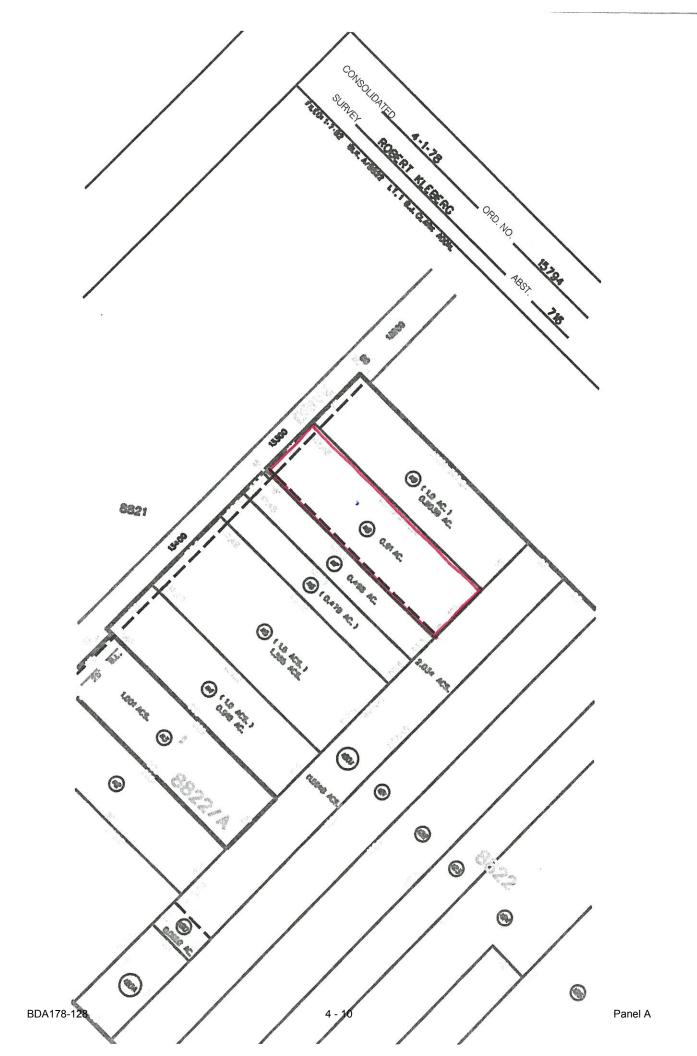
Philip Sikes, Building Official

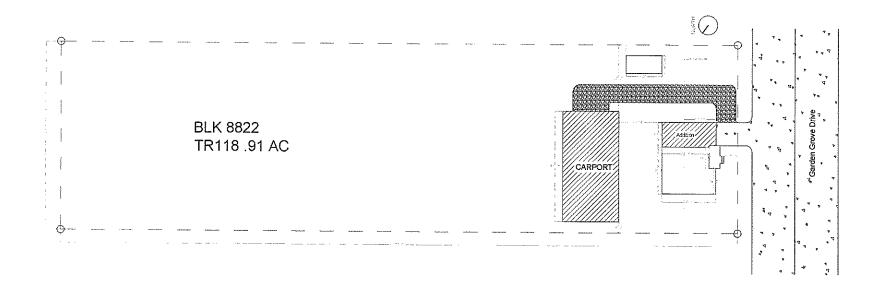




BDA178-128

Panel A



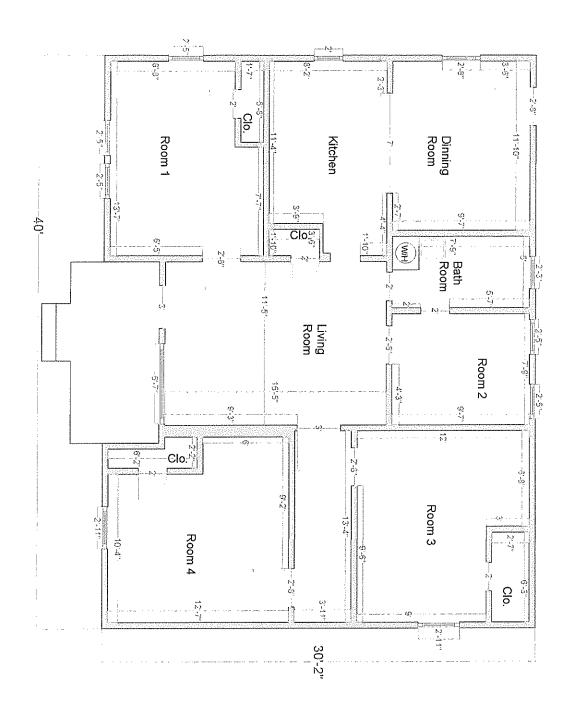


13315 Garden Grove Dr.

Dallas, Texas 75253



BDA178-128 4 - 11 Panel A



4 - 12

Proposed Plan

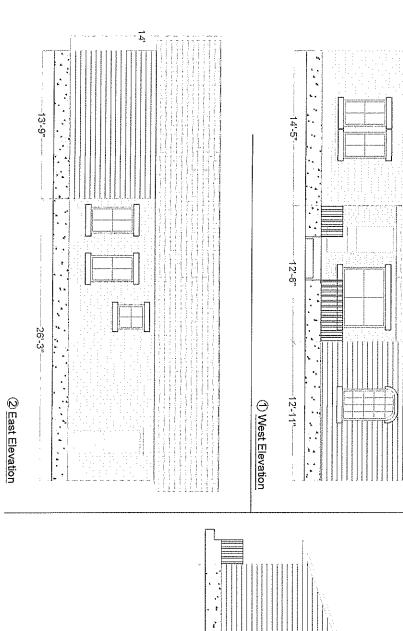
Proposed Plan

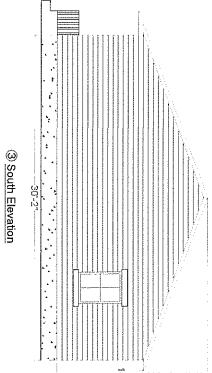
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13315 Garden GroveDr.

Dallas, TX 75253





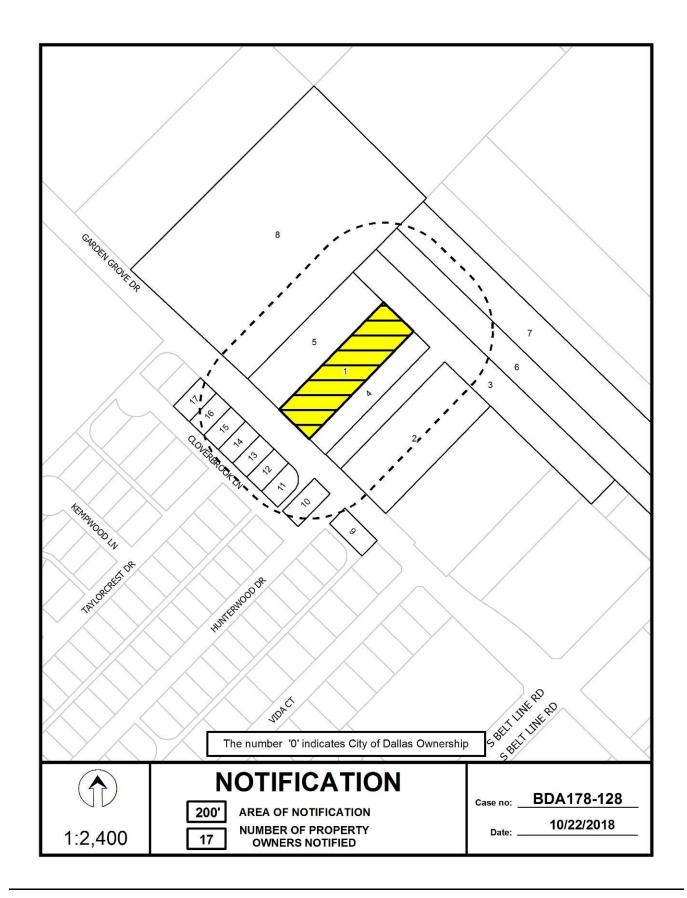




DRAWNS SET

13315 Garden Grove Dr.
Dallas, TX 75253

4 - 13



# Notification List of Property Owners BDA178-128

## 17 Property Owners Notified

Label #	Address		Owner
1	13315	GARDEN GROVE DR	AMADOR JOSE & MARILU O
2	13405	GARDEN GROVE DR	AMADOR ADRIAN &
3	13327	GARDEN GROVE DR	SOTO GUADALUPE
4	13321	GARDEN GROVE DR	CASTANON TOMASA L
5	13311	GARDEN GROVE DR	TURNER EARL A
6	1415	S BELTLINE RD	EASTER AVAN SR
7	1407	S BELTLINE RD	EASTER AVAN SR
8	13301	GARDEN GROVE DR	NAN INVESTMENTS LLC
9	1504	HUNTERWOOD DR	GM CAPITAL LLC
10	13339	CLOVERBROOK LN	LEE CHRISTOPHER W
11	13335	CLOVERBROOK LN	CRARE INC
12	13331	CLOVERBROOK LN	GALGUERA YORDANIS
13	13327	CLOVERBROOK LN	RIZO MARY P
14	13323	CLOVERBROOK LN	COTHARD JOHN WILBUR
15	13319	CLOVERBROOK LN	PURPLE SPRINGS LLC
16	13315	CLOVERBROOK LN	SOLIS JAVIER
17	13311	CLOVERBROOK LN	DECKER STEPHEN M

FILE NUMBER: BDA178-140(OA)

**BUILDING OFFICIAL'S REPORT:** Application of Monica Torrez for a variance to the front yard setback regulations at 7301 Oakmore Drive. This property is more fully described as Lot 18, Block A/8606, and is zoned R-7.5 (A), which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide an 11 foot 6 inch front yard setback, which will require a 13 foot 6 inch variance to the front yard setback regulations.

**LOCATION**: 7301 Oakmore Drive

**APPLICANT**: Monica Torrez

#### **REQUEST:**

A request for a variance to the front yard setback regulations of 13' 6" is made to maintain portion of a one-story single-family home structure part of which is to be located 11' 6" from the front property line or 13' 6" into this 25' front yard setback on a site developed with single family home.

## STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

### **STAFF RECOMMENDATION:**

Denial

Rationale:

• While staff recognized the restrictive area of the subject site at only 7,143 square feet in the R-7.5 (A) zoning district where lots are typically 7,500 square feet, staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5 (A) zoning district.

#### **BACKGROUND INFORMATION:**

## **Zoning:**

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

### Land Use:

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

## **Zoning/BDA History**:

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

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

- This request for a variance to the front yard setback regulations of 13' 6" focuses on maintaining portion of a one-story single-family home structure part of which is located 11' 6" from the front property line or 13' 6" into this 25' front yard setback on a site developed with single family home.
- The property is located in an R-7.5 (A) zoning district which requires a minimum front yard setback of 25 feet.
- The subject site is located at the northwest corner of Oakmore Drive and White Ash Road. This site has one front yard setback on Oakmore Drive.
- The submitted site plan represents that an existing structure is located as close as 11' 6" from the site's front property line (or 13' 6" into the 25' front yard setback).
- According to DCAD records, the "main improvement" for property addressed at 7301
   Oakmore Drive is a structure built in 1979 with 2,392 square feet of total/living area
   with the following "additional improvements": a 418 square-feet attached garage and
   a 400 square-feet detached carport.

BDA178-140 5 - 2 Panel A

- The subject site is flat, rectangular in shape, and according to the application, is 0.164 acres (or 7,143 square feet) in area. The site is zoned R-7.5 (A) where the typical lot size is 7,500 square feet.
- The site plan represents that approximately 1/6 of the structure is located in the 25' front yard setback.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 (A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 (A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document— which in this case is a structure that is located 11' 6" from the site's front property line (or 13' 6" into this 25' front yard setback).

### **Timeline**:

October 1, 2018: The applicant submitted an "Application/Appeal to the Board of

Adjustment" and related documents which have been included as

part of this case report.

October 8, 2018: The Board of Adjustment Secretary randomly assigned this case to

the Board of Adjustment Panel A.

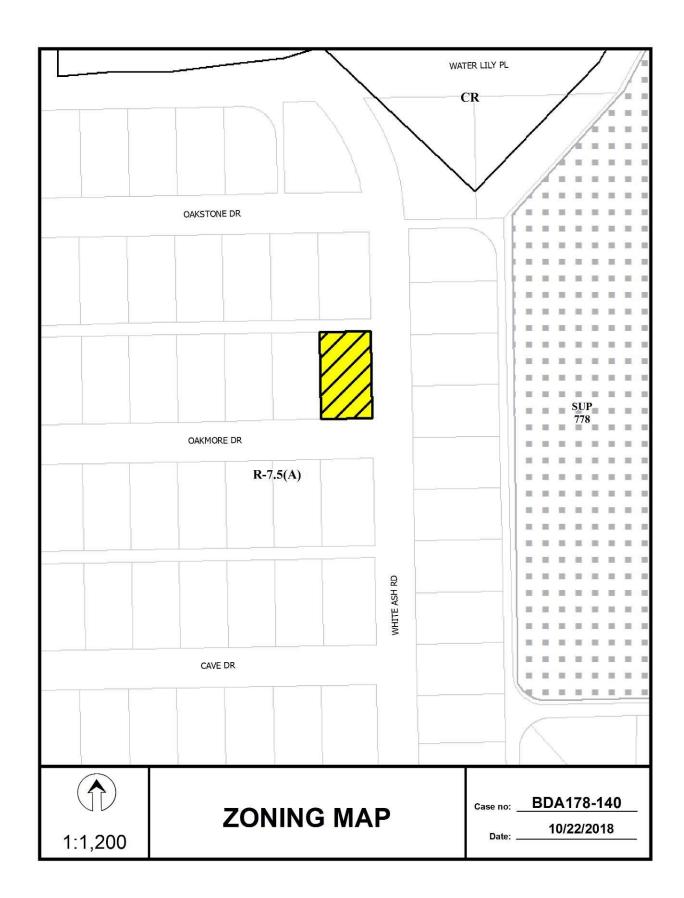
October 10, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the October 24<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the November 12<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.

October 30, 2018:

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

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



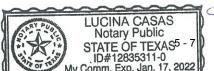




## APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

	Case No.: BDA 178-140
Data Relative to Subject Property:	Date: 10-1-18
Location address: 7301 Oakmore Dr.	Zoning District: R-7.5 (A)
Lot No.: 18 Block No.: A 8606 Acreage:	Census Tract: 165. 11
Street Frontage (in Feet): 1) 65' 2) 110. 60 3)	4) 5)
To the Honorable Board of Adjustment:	
Owner of Property (per Warranty Deed): David Torrez	+ Monica Torrez
Applicant: Monica Torrez	Telephone: <u>972) 800-9</u> 784
Mailing Address: 7301 Oakmore Dr.	Zip Code: <u>7524</u> 9
E-mail Address: mytorrez ogmail. com	
Represented by:	
Mailing Address:	Zip Code:
E-mail Address:	
Affirm that an appeal has been made for a Variance $\pm$ , or Special Exception the required 25 front yard setback a front yard setback.	otion_, of 13.6 to nd provide 11.6
Application is made to the Board of Adjustment, in accordance with the Development Code, to grant the described appeal for the following reason by Property has less 59ft than the Personal Form R 7.5 (A). Therefore Th	
<b>Note to Applicant:</b> If the appeal requested in this application is grant permit must be applied for within 180 days of the date of the final actispecifically grants a longer period.	
<u>Affidavit</u>	0 7
Before me the undersigned on this day personally appeared (Aff	iant/Applicant's name printed)
who on (his/her) oath certifies that the above statements are to knowledge and that he/she is the owner/or principal/or authorized	rue and correct to his/her best
property.	
Respectfully submitted:(A	ffiant/Applicant's signature)
Subscribed and sworn to before me this day of day of	r ,6018
(Rev. 08-01-11) LUCINA CASAS Notary Public	ic in and for Dallas County, Texas

(Rev. 08-01-11) BDA178-140



Chairman
The contraction of the contracti
Remarks
Appeal wasGranted OR Denied
Date of Hearing
MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

#### **Building Official's Report**

I hereby certify that

MONICA TORREZ

did submit a request

for a variance to the front yard setback regulations

at

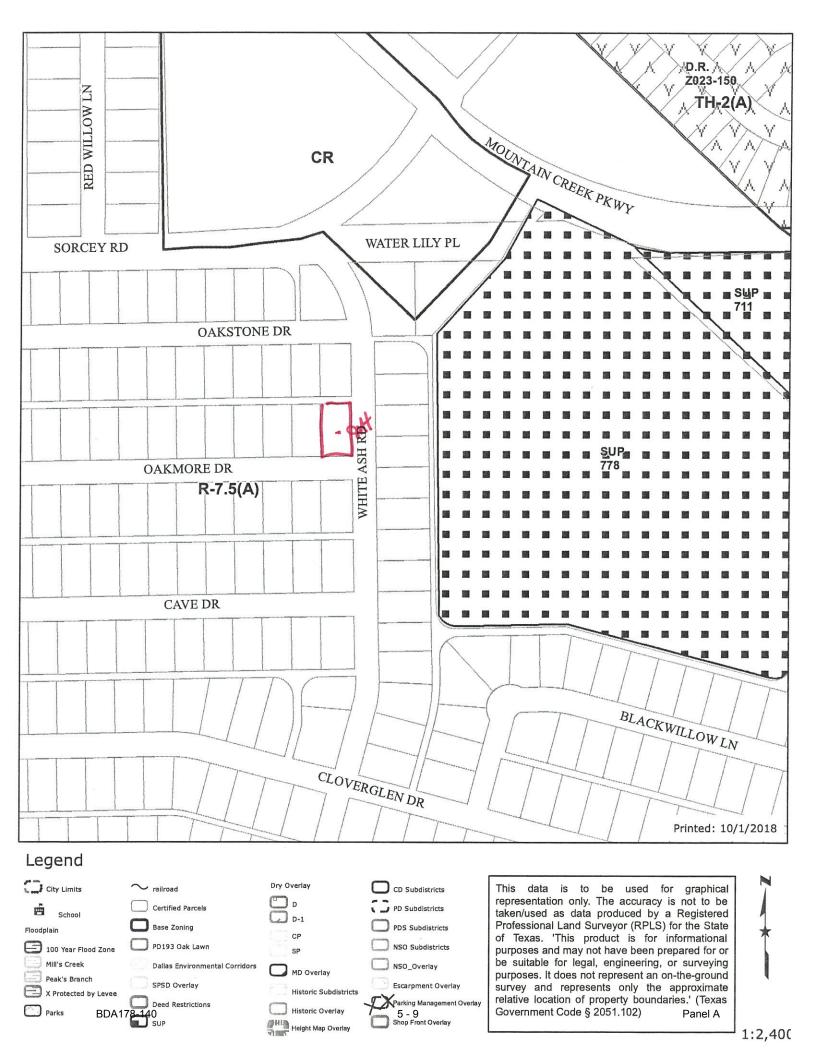
7301 Oakmore Drive

BDA178-140. Application of MONICA TORREZ for a variance to the front yard setback regulations at 7301 OAKMORE DR. This property is more fully described as Lot 18, Block A/8606, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 11 foot (inch front yard setback, which will require a 13 foot 6 inch variance to the front yard setback regulations.

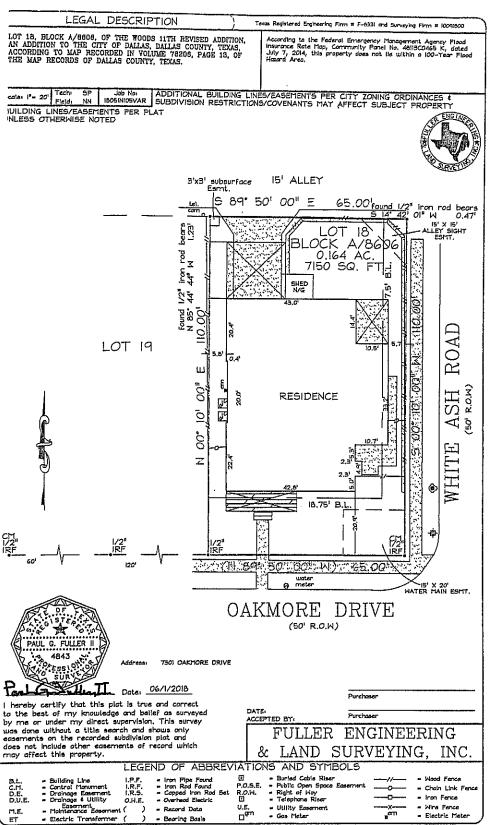
Sincerely,

Philip Sikes, Building Official

BDA178-140 5 - 8 Panel A







24II GARDEN PARK COURT, ARLINGTON, TX. 76013 - PH# (817)856-2442, FAX# (817)451-5676

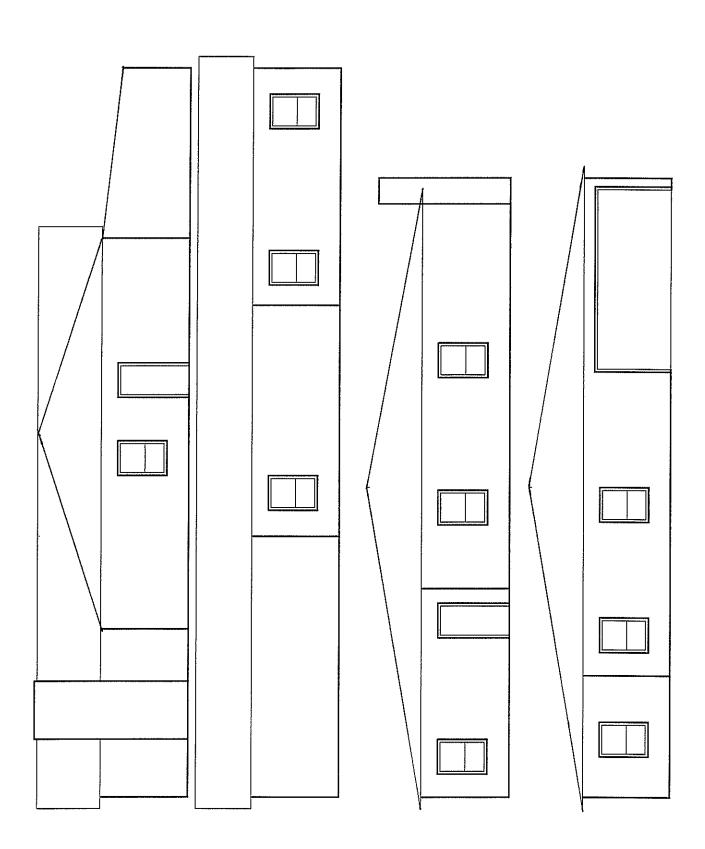


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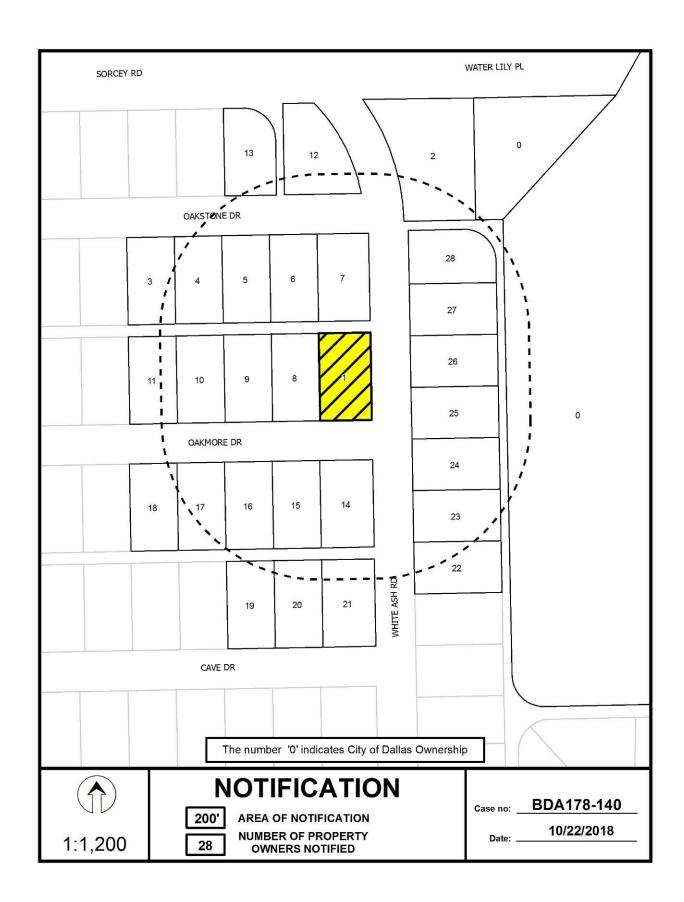
BDA178-140

4 South

Panel A



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# Notification List of Property Owners BDA178-140

## 28 Property Owners Notified

Label #	Address		Owner
1	7301	OAKMORE DR	TORREZ DAVID &
2	7200	WATER LILY PL	SORCEY MOUNTAIN CREEK JV
3	7318	OAKSTONE DR	SESSION BARBARA A
4	7314	OAKSTONE DR	FOWLKS MYRTLE
5	7310	OAKSTONE DR	THOMAS MERLENE S
6	7306	OAKSTONE DR	RAMIREZ LEONARD & YOLANDA
7	7302	OAKSTONE DR	HEAD BENNY & MONICA
8	7305	OAKMORE DR	NICHOLS CARRIE
9	7309	OAKMORE DR	SARMIENTO REYNALDO & OFELIA
10	7315	OAKMORE DR	FORD LEWIE J & SIGRUMM
11	7319	OAKMORE DR	BUNDRED LEROY JR &
12	7301	OAKSTONE DR	WILLIAMS MILLIE NELL W
13	7305	OAKSTONE DR	CULTON TREVON D
14	7302	OAKMORE DR	GARDNER WILFORD RAY &
15	7306	OAKMORE DR	MUNOZ URIEL
16	7310	OAKMORE DR	FLACH ROBERT R & BEVERLY
17	7314	OAKMORE DR	STRINGER MARLYNE N
18	7318	OAKMORE DR	WEST ROYCE BARRY
19	7309	CAVE DR	LIEU ANNA JIN &
20	7305	CAVE DR	SARAVIA BLANCA LILIAN
21	7301	CAVE DR	COLLINS ALI JR & MARIA L
22	9706	WHITE ASH RD	JOHNSON YOLANDA A
23	9704	WHITE ASH RD	GUERRERO ANTONIO C
24	9702	WHITE ASH RD	HOLLEY EDNA F ESTATE OF
25	9624	WHITE ASH RD	BENITEZ MIGUEL & MARIA
26	9620	WHITE ASH RD	THOMAS BETTY MAE

Label #	Address		Owner
27	9616	WHITE ASH RD	DAVIS DELERNA V
28	9612	WHITE ASH RD	MECCA APRIL INC