

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, JUNE 20, 2018
AGENDA

BRIEFING	L1FN AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	10:30 A.M.
PUBLIC HEARING	L1FN AUDITORIUM 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 May 23, 2018 Board of Adjustment Panel B Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA178-061(OA)	7203 Benning Avenue REQUEST: Application of Oraldo Guerrero, represented by Karla Calderon, for a special exception to the fence standards regulations	1
BDA178-068(OA)	5224 W. Jefferson Boulevard REQUEST: Application of Olegario Estrada, represented by Santos T. Martinez of Masterplan, for a special exception to the landscape regulations	2
BDA178-071(OA)	6207 Yorkshire Drive REQUEST: Application of Maxwell J. Fisher of Masterplan for special exceptions to the fence standards regulations	3

REGULAR CASES

BDA178-045(SL)	5838 Monticello Avenue REQUEST: Application of V. C. Seth for a variance to the front yard setback regulations	4
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BDA178-048(OA)	11021 Royalshire Drive REQUEST: Application of Eric Messer for a variance to the front yard setback regulations	5
BDA178-055(SL)	13907 Noel Road REQUEST: Application of Robert Reeves and Associates, represented by Robert Reeves, for a special exception to the off-street parking regulations	6
BDA178-060(OA)	2907 Canberra Street REQUEST: Application of Jorge Rojas, represented by Karla Calderon, for a special exception to the fence standards regulations	7
BDA178-063(OA)	3802 Carl Street REQUEST: Application of Ricardo Alonso-Carrillo for a variance to the front yard setback regulations	8
BDA178-070(SL)	2016 Kessler Parkway REQUEST: Application of James Poulin, represented by Curtis Burlbaw, for variances to the front yard setback and off-street parking regulations	9
BDA178-076(OA)	4406 N. Ottawa Road REQUEST: Application of Ricardo Alonso-Carrillo for a variance to the front yard setback regulations	10

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: BDA178-061(OA)

BUILDING OFFICIAL'S REPORT: Application of Oraldo Guerrero, represented by Karla Calderon, for a special exception to the fence standards regulations at 7203 Benning Avenue. This property is more fully described as Lot 27A, Block 5823, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 7203 Benning Avenue

APPLICANT: Oraldo Guerrero
Represented by Karla Calderon

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.

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:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a 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:

- The request for a special exception to the fence standards regulations related to fence materials is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing corrugated metal fence on the property.
- The submitted elevation represents an 8' high corrugated metal fence.
- The submitted site plan represents a site that is approximately 7,500 square feet in area where approximately 226 linear feet of prohibited fence material (corrugated metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Several corrugated metal fences were noted within the area.
- As of June 8, 2018, no letters had 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 regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception, and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

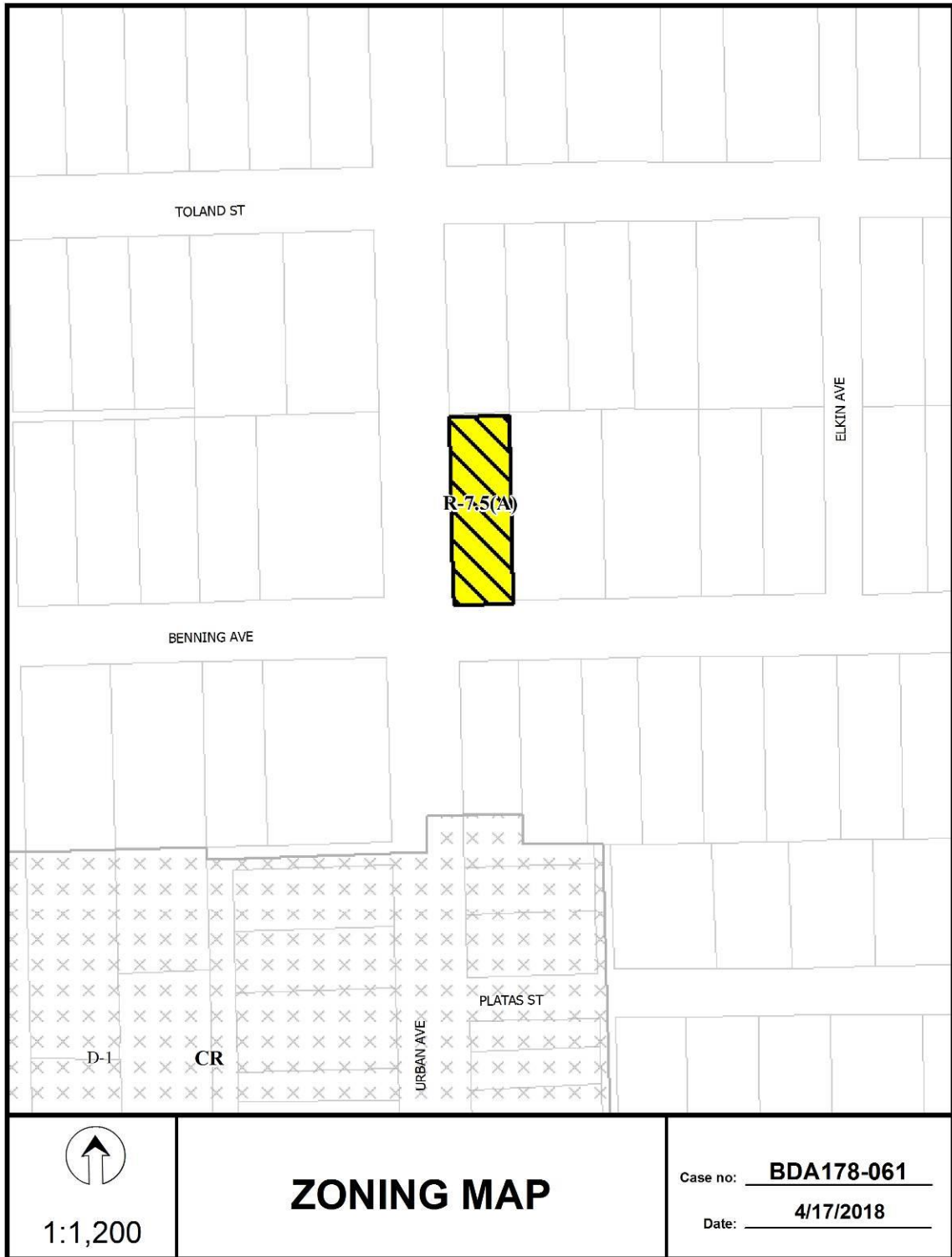
Timeline:

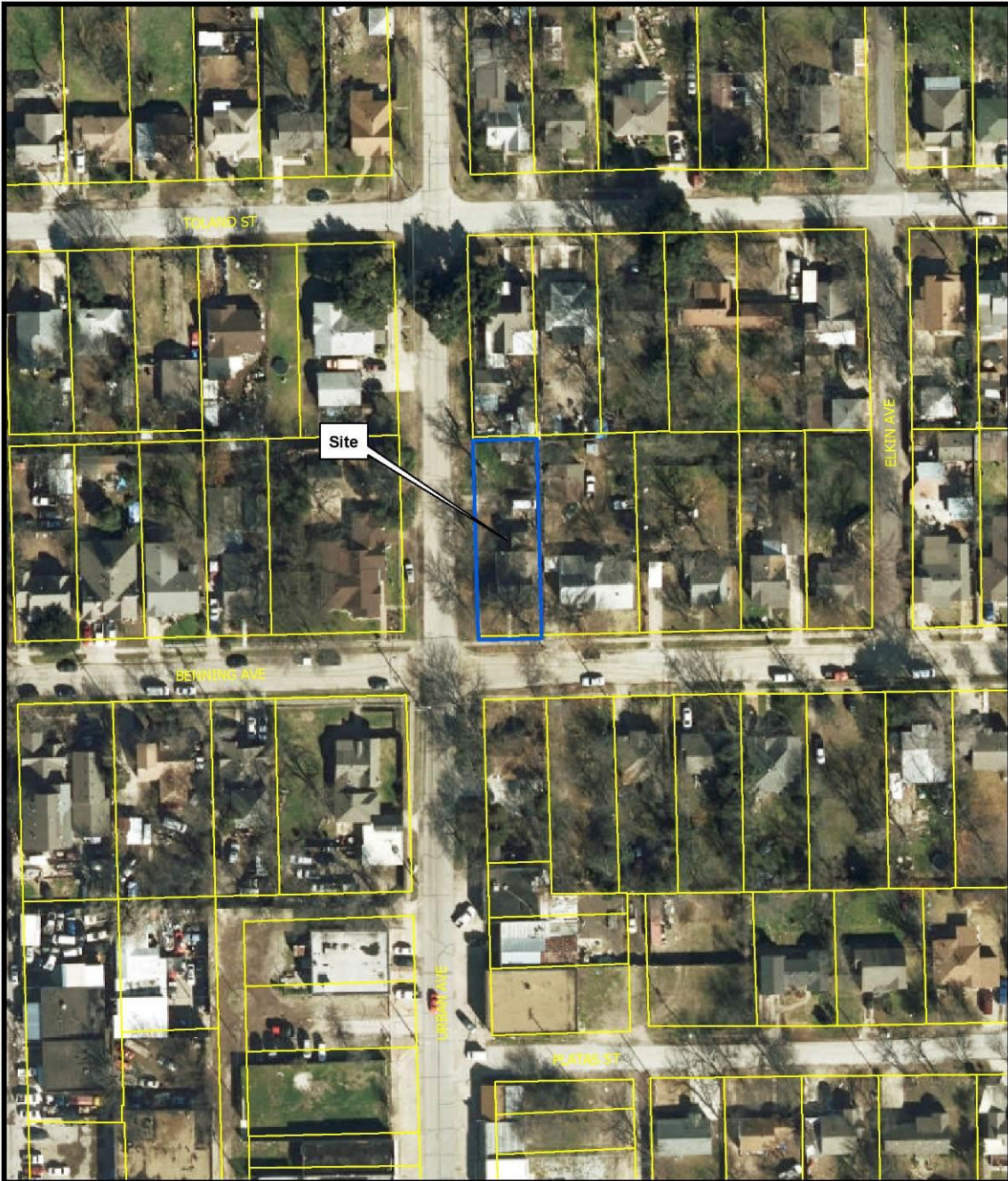
- March 13, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 13, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th 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.”
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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 Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- May 23, 2018: The public hearing in which this application was scheduled was canceled to due lack of quorum of members. This application was rescheduled to be heard by Panel B on June 20, 2018. The Board Administrator emailed the applicant of this cancellation and of this rescheduling.

June 5, 2018:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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: BDA178-061

Date: 4/17/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA / 78-061

Data Relative to Subject Property:

Date: 3/19/18

Location address: 7203 Benning Ave Zoning District: R-7.5 (A)

Lot No.: 27A Block No.: 5823 Acreage: 0.17 Census Tract: 85.00

Street Frontage (in Feet): 1) 50 2) 150 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Oraldo Guerrero & Josefina Guerrero

Applicant: Oraldo Guerrero Telephone: 469 569 4941

Mailing Address: 1004 Placid Dr, Mesquite Tx Zip Code: 75150

E-mail Address:

Represented by: Karla Calderon Telephone: 469 987 6047

Mailing Address: 351 W Jefferson Blvd, Dallas Tx Zip Code: 75208

E-mail Address: karla@projectsplans.net

Affirm that an appeal has been made for a Variance, or Special Exception, of

Metal Fence on sides and rear of property up to 9' in height.

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

Due to high criminal activity in that area, we decided to invest in a sturdy and durable fence to protect our house. We were unaware that it was required to obtain a permit for an 8' fence or more. Later on we were notified by city reviewers that our fence material was not allowed.

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.

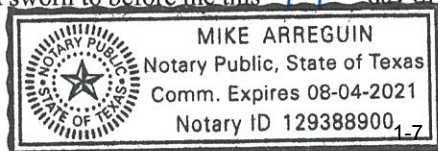
Affidavit

Before me the undersigned on this day personally appeared Oraldo Guerrero (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: Oraldo Guerrero (Affiant/Applicant's signature)

Subscribed and sworn to before me this 19 day of March, 2018



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

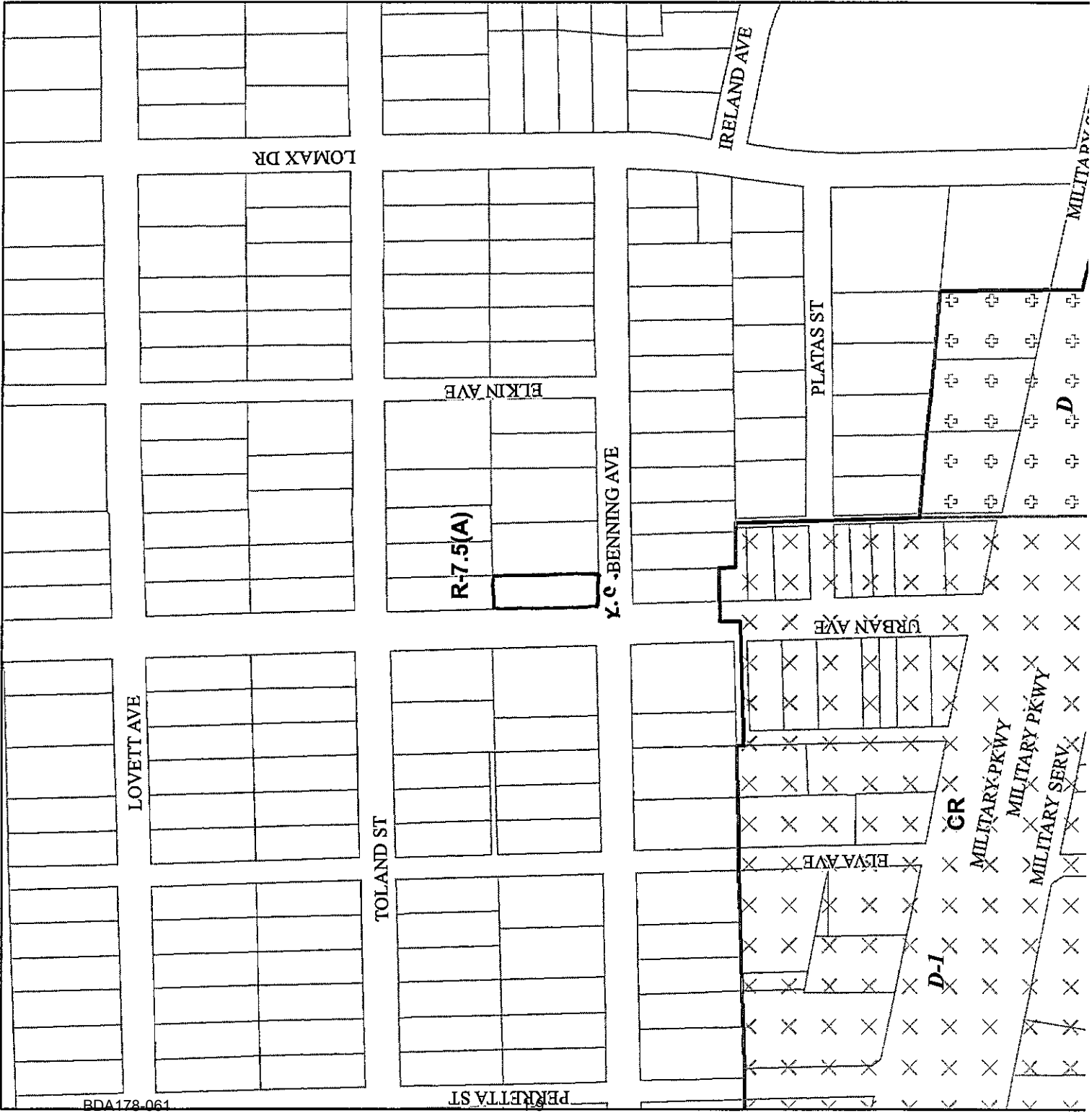
Building Official's Report

I hereby certify that Oraldo Guerrero
represented by KARLA CALDERON
did submit a request for a special exception to the fence standards regulations
at 7203 Benning Avenue

BDA178-061. Application of Oraldo Guerrero represented by Karla Calderon for a special exception to the fence standards regulations at 7203 Benning Ave. This property is more fully described as Lot 27A, Block 5823, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



OF DALLAS PLAT BOOKS
URBANDALE NO. 1

SCALE 100 FT. EQUALS 1 INCH

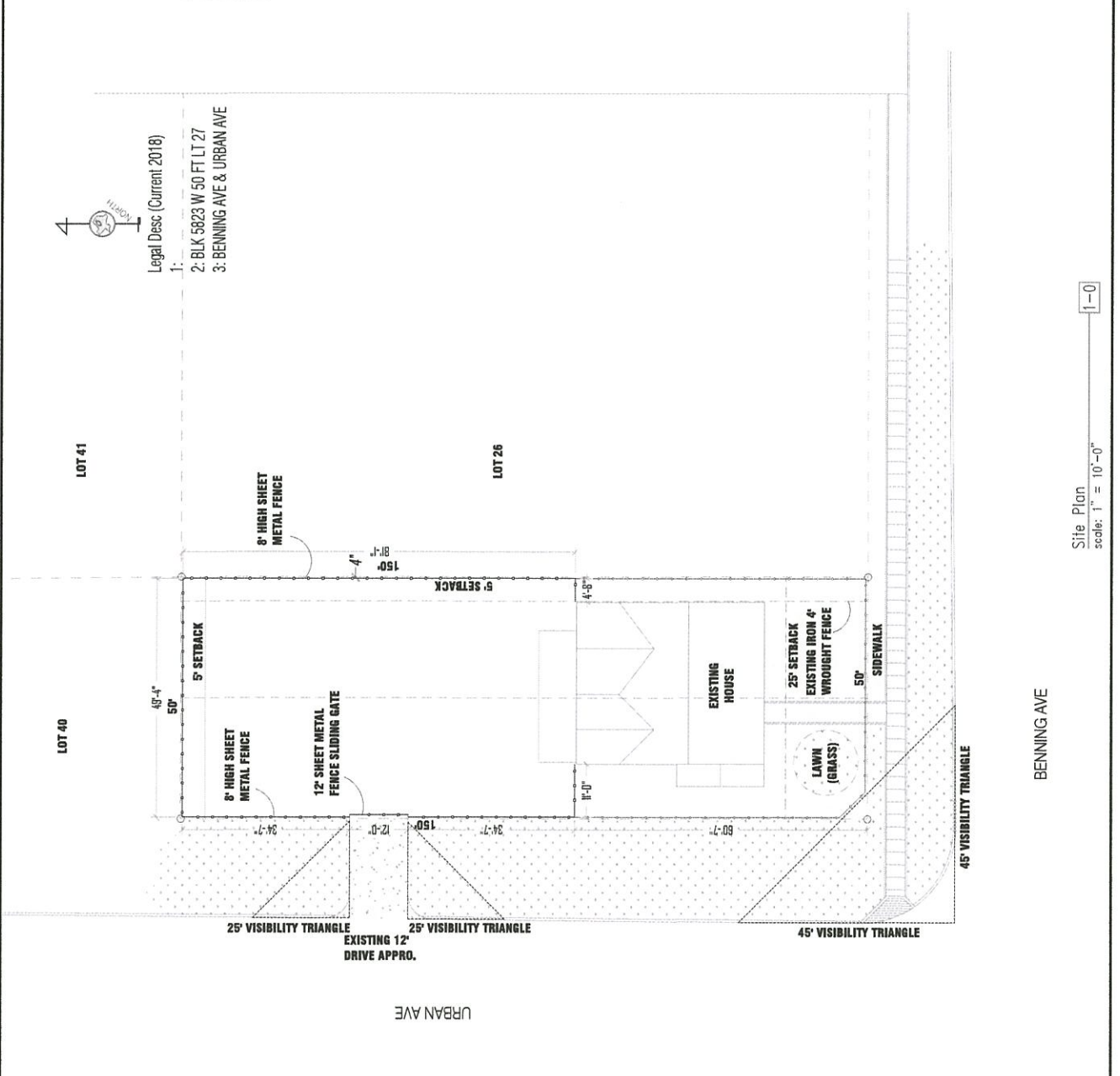
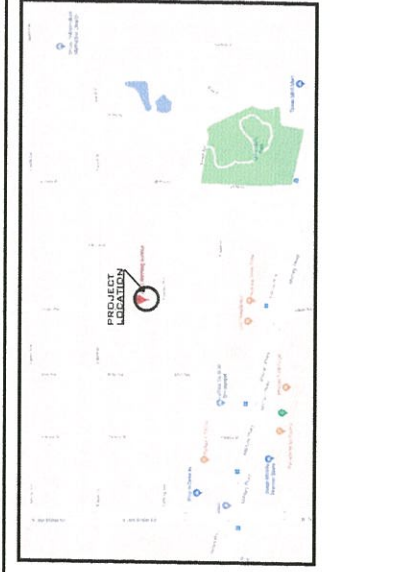


Scale: 1" = 10'-0"
 Date: 03.16.2018
 Sheet: 1-0

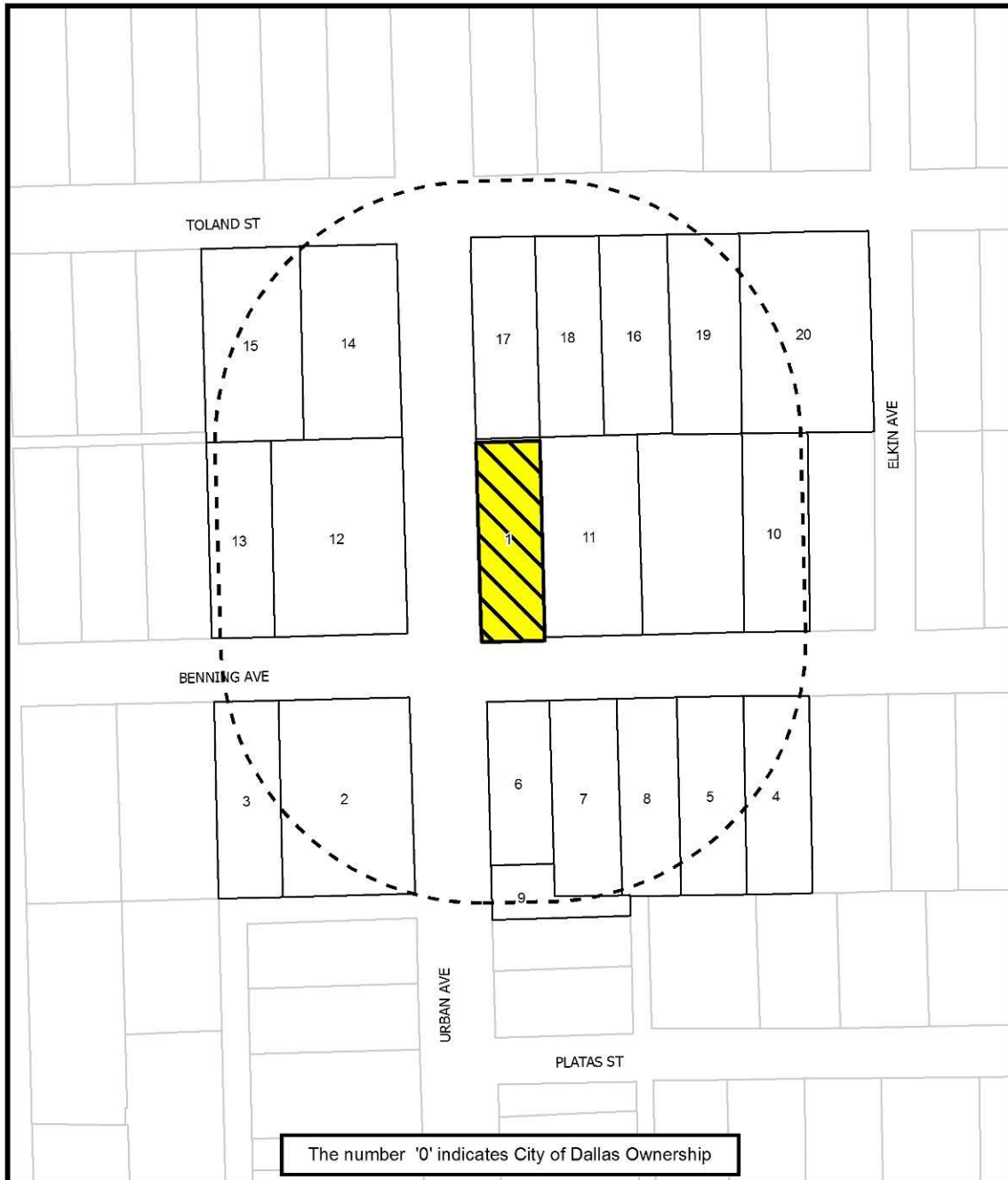
PROJECTS & PLANS LLC
 351 W JEFFERSON BLVD #750 DALLAS TX 75208
 214-264-7242 / 469-987-6047

7203 BENNING AVE
 DALLAS, TX
 75227

1-0
 SITE PLAN



Site Plan
 scale: 1" = 10'-0"
 1-0



 1:1,200	NOTIFICATION		Case no: BDA178-061
	<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;">20</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/17/2018	

Notification List of Property Owners

BDA178-061

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7203 BENNING AVE	HUNTER KELSEY OF TEXAS LLC
2	7122 BENNING AVE	ALVARADO SANTIAGO &
3	7114 BENNING AVE	GUILLEN GILBERTO &
4	7218 BENNING AVE	MARQUEZ PATRICIA
5	7214 BENNING AVE	PARKER KENNETH IRBY
6	7202 BENNING AVE	ESQUIVEL JOSE &
7	7206 BENNING AVE	SUCHIL ISIDRO
8	7210 BENNING AVE	CASTILLO JAVIER &
9	4108 URBAN AVE	ARIAS JOSE &
10	7219 BENNING AVE	VASQUEZ ESTANISLADO
11	7207 BENNING AVE	TREVINO JAVIER & VERONICA
12	7123 BENNING AVE	MUNOZ KAREN SOFIA & JORGE A
13	7115 BENNING AVE	MARTINEZ MELCHOR
14	7114 TOLAND ST	LLAMAS VICTORIA
15	7122 TOLAND ST	RODRIGUEZ NELVIA
16	7210 TOLAND ST	COFFER JIMMY W ETAL
17	7206 TOLAND ST	MENDEZ SANDRA &
18	7202 TOLAND ST	RAMIREZ JUAN A
19	7222 TOLAND ST	MARTINEZ ERICA SANCHEZ
20	7214 TOLAND ST	PEREZ JESUS

FILE NUMBER: BDA178-068(OA)

BUILDING OFFICIAL'S REPORT: Application of Olegario Estrada, represented by Santos T. Martinez of Masterplan, for a special exception to the landscape regulations at 5224 W Jefferson Boulevard. This property is more fully described as Lot 6A, Block 17/8342, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct/maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5224 W Jefferson Boulevard

APPLICANT: Olegario Estrada
Represented by Santos T. Martinez of Masterplan

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain an office use/structure, and not fully meet the landscape regulations, more specifically, the perimeter buffer requirements on the site, and the street tree location requirements along Jefferson Boulevard.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the alternative landscape plan because strict compliance with the Article X regulations for the street trees and the perimeter landscape buffer will unreasonably burden the use of the property.

BACKGROUND INFORMATION:

Zoning:

- Site: CR (Community Retail)
- North: CR (Community Retail)
- South: R-7.5(A) (Single family residential, 7,500 square feet)
- East: CR (Community Retail)
- West: CR-D (Community Retail)

Land Use:

The subject site is undeveloped. The area to the south is developed with single family residential uses; the area to the west is developed with auto service uses; and the areas to the north and east are developed with office/retail uses.

Zoning/BDA History:

1. BDA89-023, Property at 5224 W Jefferson Boulevard (subject site)

On June 17, 2009, the Board of Adjustment Panel B granted a request for a side yard variance, front yard variance and a special exception to the landscape regulations and imposed the submitted site plan and alternate landscape plan as a condition.

The case report stated that the request was made to maintain an office use/structure 10' 10" from the side yard setback along S. Bagley Street, 0' along the southern property line, and a special exemption to the required landscape regulations, more specifically, to not provide the landscape buffers adjacent to residential zoned property requirements on the subject site.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining an office use/structure, and not fully meeting the landscape regulations, more specifically, not fully providing the perimeter buffer requirements on the site, and the street tree location requirements along Jefferson Boulevard.
- The Dallas Development Code requires full compliance with the landscape regulations when non-permeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of an alternate landscape plan for a portion of the perimeter buffer and buffer plant material required and the street trees are set further than 30 feet from a curb or edge of street pavement along Jefferson Boulevard.
- The Chief Arborist's memo states the following with regard to "provision":
 - The alternate landscape plan provides all Article X landscape requirements with the exceptions noted below. Irrigation provisions are sufficient to maintain the plants in a healthy growing condition.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The property is adjacent to a single family residential district to the south and west. As a result, a perimeter landscape buffer strip of a minimum of 10' width is required along the southern and a portion of the western perimeters. The existing pavement is set to the edge of the property boundary with the exception of the corners of the lot. There is no current screening fence on the lot boundary.
 - Three large trees are indicated along the southern perimeter. The ordinance requires one large tree per 50 feet of perimeter when a screening fence is required. A minimum of 4 trees are required.
 - Street trees are required and provided at one per 50 feet of street frontage but are not placed within 30 feet of the street curb as required. The dimensions and condition of Jefferson Boulevard do not support placing street trees in the public right-of-way to situate required landscaping. The placement of the large trees in the front yard is beneficial and supportive.
- The City of Dallas Chief Arborist recommends approval of the alternative landscape plan because strict compliance with the Article X regulations for the street trees and the perimeter landscape buffer will unreasonably burden the use of the property, noting that if approved, he recommends the plan be subject to approval of screening fence on the perimeter of the lot as required by city ordinance.

- The applicant has the burden of proof in establishing the following:
 - Strict compliance with the requirements of the landscape regulations of the Dallas Development Code will unreasonably burden the use of the property and the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided exception from fully providing the perimeter buffer and buffer plant material requirements on the site, and street trees requirements along Jefferson Boulevard.
- The request for a special exception to the landscape requirements will not provide any relief to any existing or proposed noncompliance on the site related to off-street parking regulations related to screening.

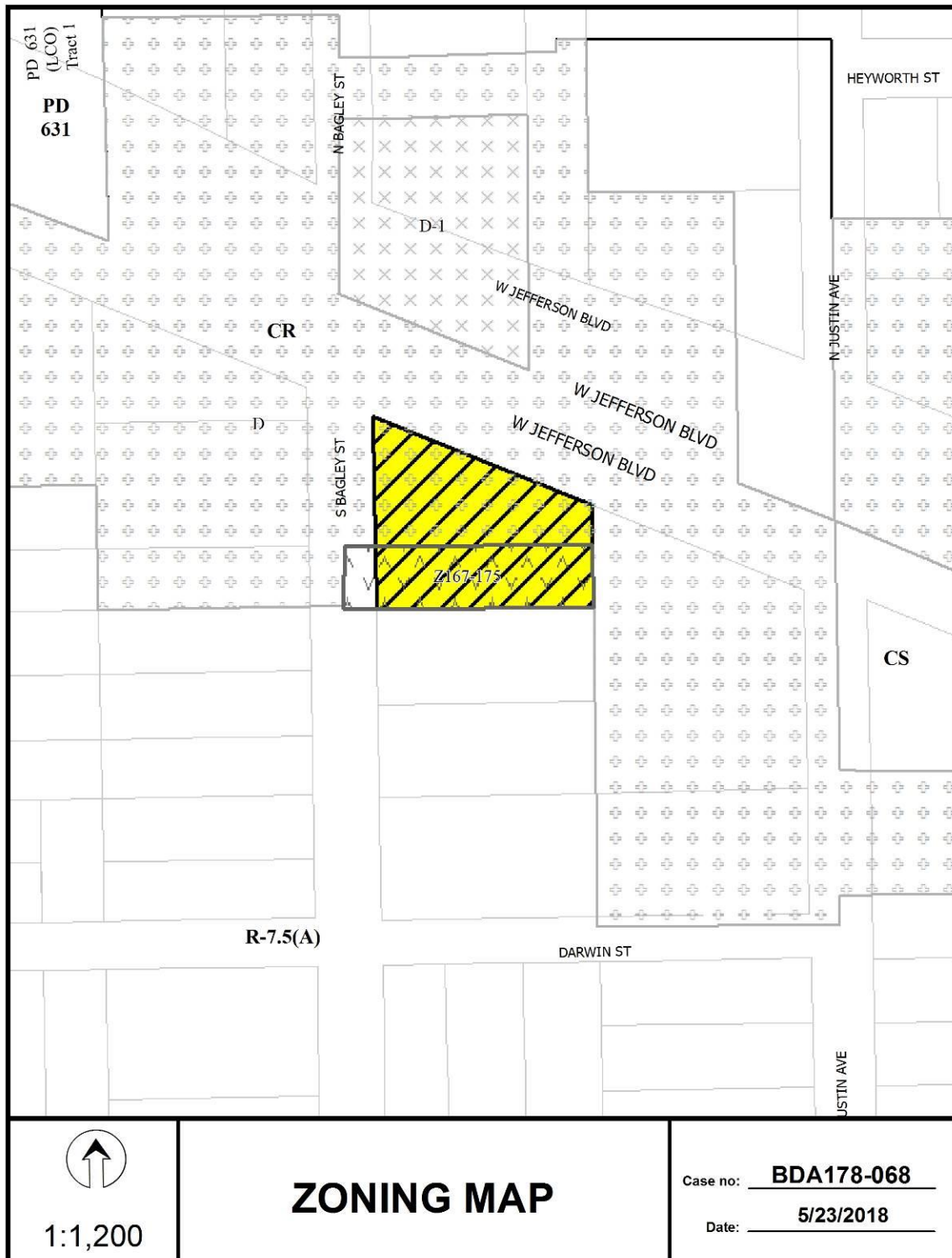
Timeline:

- March 26, 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.
- May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- May 15, 2018: The Board Administrator emailed the applicant’s representative the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th 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.
- May 31, 2018: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and

Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

June 7, 2018

The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment B).





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AERIAL MAP

Case no: BDA178-068

Date: 5/23/2018



Masterplan

Land Use Consultants

BDA 178-068 ATTACH A
(Pg. 1/3)

May 28, 2018

Mr. Oscar Aguilera
Senior Planner
City of Dallas
1500 Marilla, 5BN
Dallas, TX 75201

RE: BDA 178-068, 5224 W. Jefferson

Mr. Aguilera:

The property owner seeks to redevelop the property above with a new office use. The original structure was constructed prior to 1960 on an irregular shaped lot. The property was shortened for required right of way dedication for Jefferson Boulevard. The property maintains an angle along the entire Jefferson frontage. If this angled portion of the property was not dedicated for right of way purposes, and the lot could then be squared accordingly, it would represent approximately an additional 6300 square feet of developable area for this property.

The original structure could not be maintained as part of the proposed redevelopment. It was originally designed for retail uses and several portions were in deteriorating conditions. In order to redevelop the property with the required building setbacks, the property owner had to rezone the adjacent lot to the south and combine both lots. This is the only way to satisfy the new building setback line of twenty feet along the southern property line. This also enables the property owner to satisfy all required parking for the new structure.

However, by creating a new lot to satisfy the required building setbacks, the irregularity of the property still creates a hardship to maintain an additional ten feet along the southern property line as an open landscape buffer. The proposed structure is set at the minimum front yard setback along West Jefferson Boulevard. The property owner can maintain the required six-foot screening fence and tree plantings along this property line. They can also screen the required parking along Bagley Street with hedges. The exception being sought is to the required ten feet of open space for nine of the required parking spaces.

Adjacent properties located to the east and west maintain the same zoning classifications. The property to the east runs further south for commercial uses. This would be the only property along this section of West Jefferson Boulevard that would be in compliance with most of the required elements of Article X. It is also one of only three properties in the area that is developed with non-auto related uses.

BDA178-068 ATTACH A
(pg. 2/3)

The property owner has a proposed office development that can satisfy all other required provisions for development . The only provision that it cannot satisfy is the dedication of ten feet along the southern property line to be open space. He can still provide a solid screening element, trees, and parking lot screening. He is willing to install a taller fence if required.

I have attached a highlighted portion of the required landscape plan that demonstrates the one landscaping deficiency on the property. It is the hatched area in red. I have also highlighted our screening fence in blue, screening hedges and new trees in this buffer zone.

Please let me know if you may have any questions regarding these items.

Sincerely,



Santos T. Martinez
Authorized representative for
Property owner

Memorandum



CITY OF DALLAS

Date June 7, 2018
To Oscar Aguilera, Board Administrator
Subject BDA #178-068, 5224 W Jefferson Blvd.

Request

The applicant requests a special exception to the landscape regulations in Article X. Specifically, the applicant requests approval of an alternate landscape plan for a portion of the perimeter buffer and buffer plant material required (10.125(b)(1) and (7)), and the street trees are set further than 30 feet from a curb or edge of street pavement along Jefferson Boulevard (10.125(b)(4)).

Provision

The alternate landscape plan provides all Article X landscape requirements with the exceptions noted below. Irrigation provisions are sufficient to maintain the plants in a healthy growing condition.

Deficiencies

The property is adjacent to a single family residential district to the south and west. As a result, a perimeter landscape buffer strip of a minimum of 10' width is required along the southern and a portion of the western perimeters. The existing pavement is set to the edge of the property boundary with the exception of the corners of the lot (10.125(b)(1)). There is no current screening fence on the lot boundary.

Three large trees are indicated along the southern perimeter. The ordinance requires one large tree per 50 feet of perimeter when a screening fence is required. A minimum of 4 trees are required (10.125(b)(7)).

Street trees are required and provided at one per 50 feet of street frontage but are not placed within 30 feet of the street curb as required. The dimensions and condition of Jefferson Boulevard do not support placing street trees in the public right-of-way to situate required landscaping. The placement of the large trees in the front yard is beneficial and supportive (10.125(b)(4)).

Factors

- A minimum of 6 feet high screening fence is required by zoning between the commercial use and the residential district. The design and materials for this fence will be determined through the building permit process and approved by inspection. The current southern perimeter fence south of the pavement (property) line did not exist prior to January, 2017.

Recommendation

The chief arborist recommends approval of the alternative landscape plan because strict compliance with the Article X regulations for the street trees and the perimeter landscape buffer will unreasonably burden the use of the property. If approved, I recommend the plan be subject to approval of screening fence on the perimeter of the lot as required by city ordinance.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-068

Data Relative to Subject Property:

Date: 3-26-18

Location address: 5224 W. Jefferson and ~~102 S. Bagley~~ Zoning District: CR

Lot No.: 6A Block No.: 17/8342 Acreage: .48 Census Tract: 107.04

Street Frontage (in Feet): 1) 149' 2) 191' 3) 0 4) 0 5) 0

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Olegario Estrada

Applicant: Olegario Estrada Telephone: _____

Mailing Address: 5224 W. Jefferson Dallas, TX Zip Code: 75211

E-mail Address: _____

Represented by: Masterplan (Santos T. Martinez) Telephone: 214-761-9197

Mailing Address: 900 Jackson, Suite 640 Dallas, TX Zip Code: 75202

E-mail Address: santos@masterplanconsultants.com

Affirm that an appeal has been made for a Variance __, or Special Exception X __, of _____
landscape regulations to the required buffers adjacent to residential zoned property

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 property has an irregular shape and creates challenges to maintain a required ten foot landscape
buffer along the side yard.

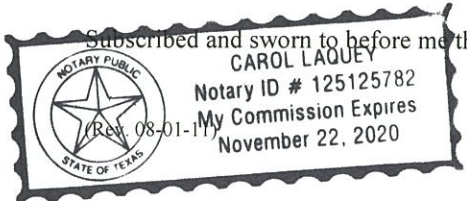
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a
permit must be applied for within 180 days of the date of the final action of the Board, unless the Board
specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Santos T. Martinez
(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 36 day of March, 2018
Carol Laquey
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

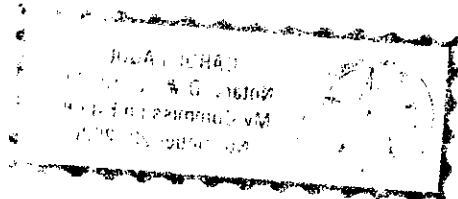
Building Official's Report

I hereby certify that OLEGARIO ESTRADA
represented by SANTOS MARTINEZ
did submit a request for a special exception to the landscaping regulations
at 5224 W. Jefferson Blvd.

BDA178-068. Application of Olegario Estrada represented by Santos Martinez for a special exception to the landscaping regulations at 5224 W Jefferson Blvd. This property is more fully described as Lot 6A, Block 17/8342, and is zoned CR, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 3/23/2018

Legend

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



1:2,400



SURVEY

ENOCH HORTON

ABST. 613

SCALE 100

FT. EQUALS 1 INCH

SCHOOL DIST

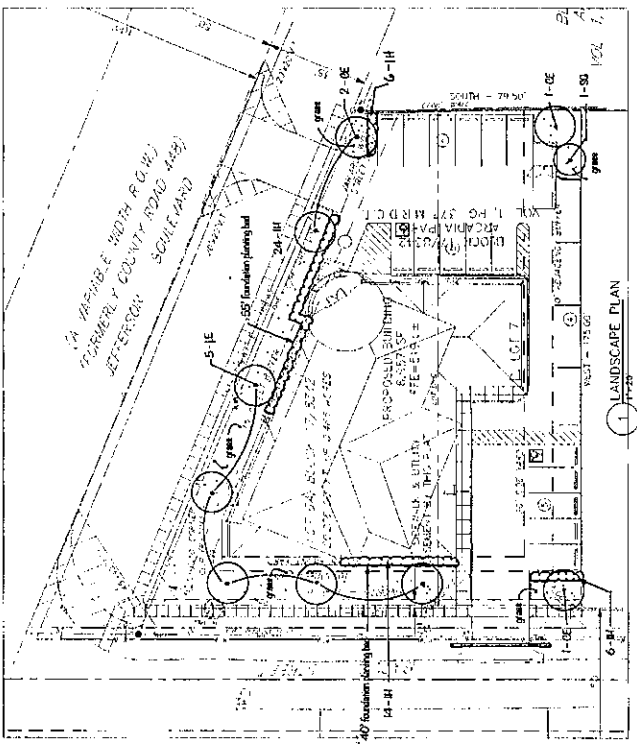


ESTRADA LAW OFFICES
OLEGARIO ESTRADA
5224 West Jefferson Blvd, Dallas, TX 75211

INDICATOR: [Table with 2 columns: NO, DATE]
177-068 NUMBER
DATE ISSUED: 10/16/00
DATE REVISION: 01-18-2016
PROJECT: LANDSCAPE PLAN
SHEET NUMBER: L100

LANDSCAPE PLAN DATA

- Site Landscape Area: 20% of total Site Area
20% of 202556 sf = 40511 sq ft required
50281 sq ft provided
- Site Type: 1) Impervious Area: 4000 sq ft site area
20250/4000 = 500 (meat required, 0) provided
- Street Trees: 1) Impervious Area: 15011 sq ft site area (157' x 100' x 100')
2) Impervious Area: 18042/15011 = 3.78 (meat req'd, 0) trees provided
3) Impervious Area: 1507/15011 = 3.0 (meat req'd, 0) trees provided
4) Impervious Area: 1507/15011 = 3.0 (meat req'd, 0) trees provided
- Parking Lot Trees: Required parking spaces must be within 20' of front of canopy zone
0' canopy, 40' requirement met
- Design Standards: meat provide two (2)
1) Seeding of Off-street Parking - 100 sq ft, 3' x 3' x 3" soil planting bed
2) Foundation Planting Strip - must be planted along minimum of 50% of Building facing street, 3' x 3' x 3" soil planting bed
Jefferson Blvd - 50% of 78' = 39' required, 40' provided
Bagley St - 50% of 78' = 39' required, 40' provided



PLANT MATERIALS

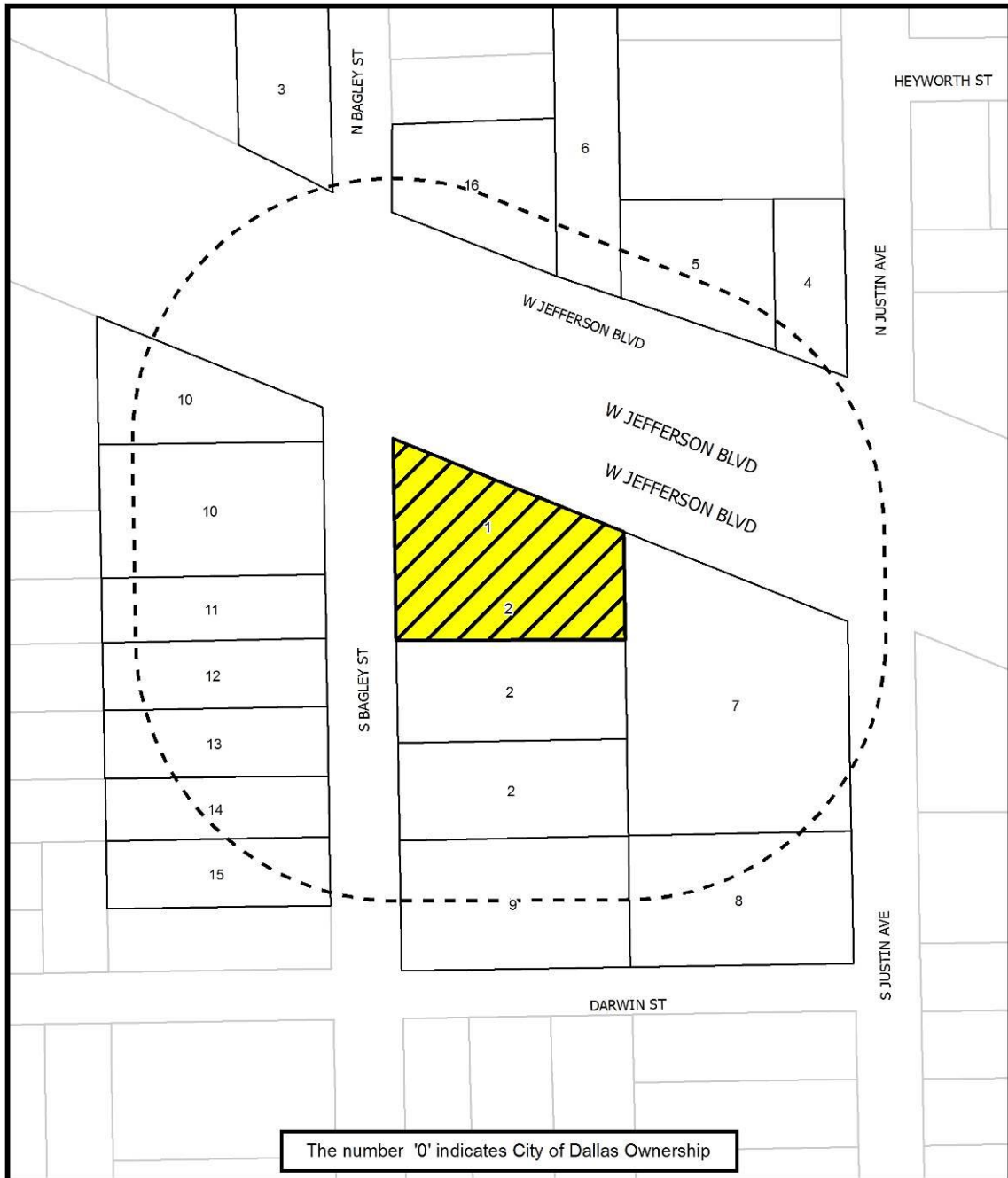
Key	Description	Quantity	Size	Notes
CE	Color Shrub	4	3' x 4'	6.67' x 2.3' sp.
LE	Landscaping	5	3' x 4'	6.67' x 2.3' sp.
SE	Seeds	1	2' x 4'	2.3' sp. 180
SI	Soil	50	7' x 4'	3' x 3' x 3" soil
grass	Common Bermuda	as noted		36' x 36' x 3" soil w/ mulch and fertilizer

GENERAL NOTES:
1. Irrigation to be provided to all landscape areas. Irrigation to provide 100% coverage to all planted areas.
2. Irrigation to be maintained and kept operational at all times to provide for efficient water distribution.

LANDSCAPE MAINTENANCE: The Owner, tenant, or agent shall be responsible for providing, protecting and maintaining all landscape in a healthy growing condition. Requirements to be made in a timely manner to ensure continuous performance per the landscape requirements, and within the use season period. All landscape areas to be kept free of debris and trash in accordance to applicable codes of the city.



SUSAN KLEIN ARCHITECT
LANDSCAPE ARCHITECTURE
RESIDENTIAL & COMMERCIAL
ARCHITECT 205 First Street, Dallas, TX 75202 214-760-3228



 1:1,200	NOTIFICATION	Case no: BDA178-068			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
16	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA178-068

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5224 W JEFFERSON BLVD	ESTRADA MANUEL
2	102 S BAGLEY ST	ESTRADA OLEGARIO
3	5301 W JEFFERSON BLVD	FERNANDEZ JUVENTINO
4	5201 W JEFFERSON BLVD	DAVILA JUAN &
5	5205 W JEFFERSON BLVD	RUIZ FRANCISCO AMADO
6	5219 W JEFFERSON BLVD	ENRIQUEZ VIOLETA MIRNA FLORES
7	103 S JUSTIN AVE	LOPEZ MARIA CARMEN
8	115 S JUSTIN AVE	ANDRADE JOSE C
9	5213 DARWIN ST	GARCIA JOSE A
10	5300 W JEFFERSON BLVD	JEMINEZ REGINA IRENE
11	101 S BAGLEY ST	VELAZQUEZ HURVANO
12	107 S BAGLEY ST	OJEDA MIGUEL A
13	111 S BAGLEY ST	VAZQUEZ SYLVIA
14	115 S BAGLEY ST	VASQUEZ HIPOLITO &
15	119 S BAGLEY ST	SIERRA MANUEL S
16	5221 W JEFFERSON BLVD	MARRUJO JOSE M & JOSEFINA

FILE NUMBER: BDA178-071(OA)

BUILDING OFFICIAL'S REPORT: Application of Maxwell J. Fisher of Masterplan for special exceptions to the fence standards regulations at 6207 Yorkshire Drive. This property is more fully described as Lot 1, Block 12/6378, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct/maintain a 7 foot 9 inch high fence in a required front yard, which will require a 3 foot 9 inch special exception to the fence standards regulations, and to construct/maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards regulations.

LOCATION: 6207 Yorkshire Drive

APPLICANT: Maxwell J. Fisher of Masterplan

REQUEST:

The following requests have been made on a site that is being developed with a single family home:

1. A request for a special exception to the fence standards regulations related to height of 3' 9" is made to maintain a 4' 3" – 7' 9" high solid stucco fence in one of the site's two required front yards (Royalshire Drive); and,
2. A request for a special exception to the fence standards related to fence materials with panels with surface areas that are less than 50 percent open less than 5' from the front lot line is made to maintain the aforementioned 4' 3" – 7' 9" high solid stucco fence along Royalshire Drive located less than 5' from this front lot line.

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-16(A) (Single family district 16,000 sq. ft.)
North: R-16(A) (Single family district 16,000 sq. ft.)
South: R-16(A) (Single family district 16,000 sq. ft.)
East: R-16(A) (Single family district 16,000 sq. ft.)
West: R-16(A) (Single family district 16,000 sq. ft.)

Land Use:

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

Zoning/BDA History:

1. BDA 178-023, Property at 6207 Yorkshire Drive (the subject site) On February 21, 2018, the Board of Adjustment Panel D denied a request for a special exception to the fence height regulations to construct and maintain an 8' high solid stucco fence in one of the site's two required front yards (Royalshire Drive) on a site that is developed with a single family home without prejudice.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The requests for special exceptions to the fence standard regulations are twofold. A special exception to the fence standards regulations related to height of 4' is to maintain a 4' 3" – 7' 9" high stucco fence in one of the site's two required front yards (Royalshire Drive). A special exception to the fence standard regulations related to a fence with panels with surface areas less than 50 percent open is made to maintain a 4' 3" – 7' 9" high stucco fence located on Royalshire Drive's front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-16(A).
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The site is located at the northeast corner of Yorkshire Drive and Royalshire Drive. Regardless of how the structure is proposed to be oriented to front Yorkshire Drive and the site has two required front yards. The site has a 40' required front yard along Yorkshire Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district, and a 20' required front yard along Royalshire Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 4' 3" – 7' 9" high stucco fence would be allowed by right. However, the site's Royalshire Drive frontage is a side yard treated

as a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots developed with single family homes north of the site that front/are oriented westward towards Royalshire Drive.

- The applicant has submitted a site plan and elevation of the proposal Royalshire Drive with a fence that reaches up to 7' 9" in height and with fence panels having a surface area that is less than 50 percent open and located less than 5' from this front lot line.
- No part of the application is made to address any fence in the site's Yorkshire Drive required front yard.
- The following additional information was gleaned from the submitted site plan:
 - The proposal is represented as being approximately 90' in length parallel to the Royalshire Drive, and approximately 20' perpendicular to Royalshire Drive on the north and south sides of the site in this front yard setback.
 - The proposal is represented as being located approximately on the Royalshire Drive front property line. (The distance between the fence and the pavement line is approximately 12' – 23').
- The submitted site plan and elevation represents that of the fence approximately 122' in length of which approximately 84' of its length is 4' 3" high, and approximately 38' of its length is 7' 9" high.
- The Senior Planner conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above 4' in height and located in a front yard setback.
- As of June 8th, no letters had been submitted in opposition to the request, and 12 letters had been in support.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height regulation of 3' 9" and to materials/location will not adversely affect neighboring property.
- Granting this special exception of 3' 9" with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the Royalshire Drive required front yard to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

April 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.

May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

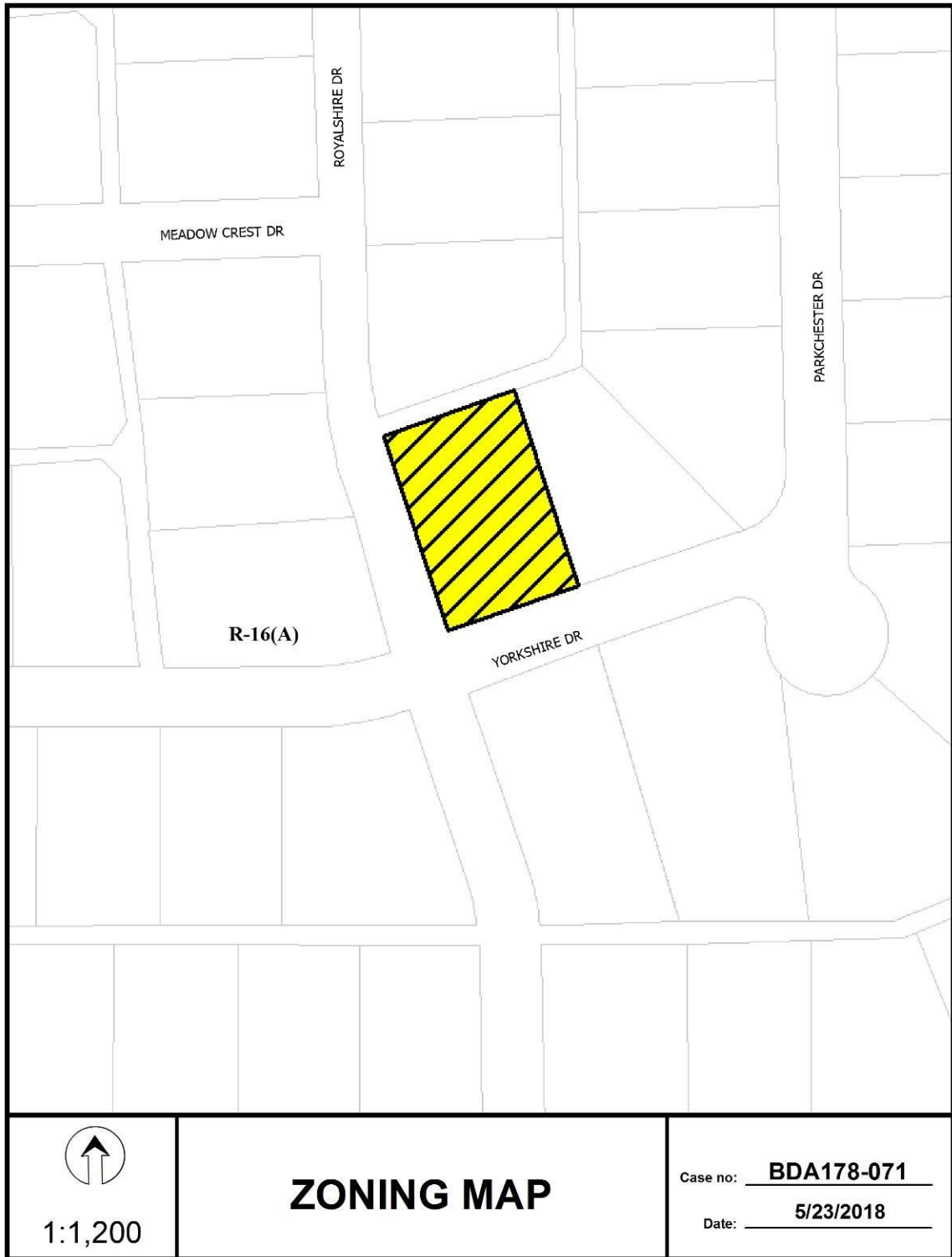
May 15, 2018: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:

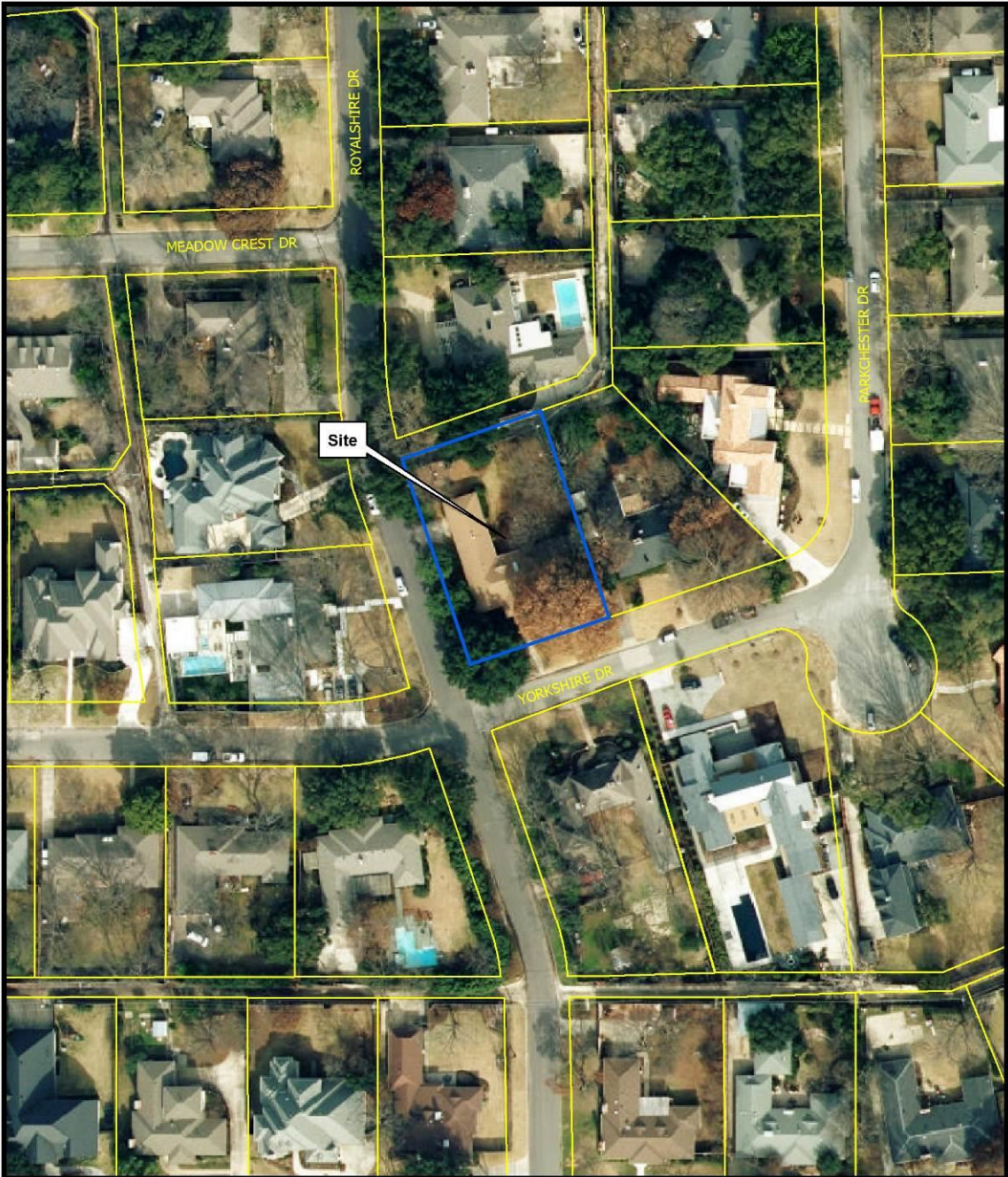
- an attachment that provided the public hearing date and panel that will consider the application; the May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- 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.

May 30, 2018: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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: BDA178-071

Date: 5/23/2018

BDA178-071 ATTACH A

(pg. 1/7)



Masterplan

30 May 2018

TO: Dallas Board of Adjustment

FROM: Maxwell J. Fisher, AICP

RE: BDA178-071 -- 6207 Yorkshire Lane

On behalf of the Liberi family (Robert Raymond Construction), Masterplan requests special exception to both fence height and type in the Royalshire yard of the single family residential property at 6207 Yorkshire Lane. Previous requests for special exception were denied by the Board of Adjustment, Panel B on February 21, 2018 (BDA 178-024). Please consider the following modified proposal:

Wall modification. Since the previous Board hearing, the majority of the wall/fence has been reduced at certain locations to ensure compatibility. Approximately 75% of the length of the wall in the Royalshire Yard has been reduced to 4-foot, 3-inches tall. The two remaining taller, 7-foot, 9-inches tall sections of wall include an approximate 18-foot long section near the alley and a 16-foot long section at the front gate.

The reduction in wall height significantly reduces the massing and any perceived visual impact along Royalshire. Moreover, the Liberis have added landscaping material to soften the view and improve aesthetics along Royalshire. The remaining taller sections of wall at each end of the Royalshire wall will provide security and privacy where yard access, and master bed and bathrooms are in proximity to the Royalshire yard. The taller section near the rear is essentially an extension of the rear yard along the alley. Please refer to the site plan and elevations submitted with the application.

Previous Fence. There was a solid fence in the Royalshire yard as part of the previous house. The previous fence not only had a greater section of fence over 6 feet in height but it also encroached into the visibility triangle at the alley. This proposal fully complies with visual intrusion standards and provides a predominately shorter and more aesthetically pleasing wall with landscaping. Refer to the enclosed pictures of the previous fence. Please refer to the enclosed photographs of previous fence.

Precedence. The immediate area of Preston Haven Estates contains a minimum of three similar arrangements of a solid wall or fence in a front yard exceeding the 4-foot height parameter adjacent to a key lot.

1. 11437 Royalshire Drive (Baco Raton and Royalshire, northwest corner)
2. 11339 Royalshire Drive (Royalshire and Yorkshire, northwest corner)
3. 11355 Royalshire Drive (Meadow Crest and Royalshire, southwest corner)

The proposed solid wall is predominately less tall, and has less overall massing and encroachment into the front yard than all the aforementioned properties. This proposal will have no adverse impact on adjacent properties.

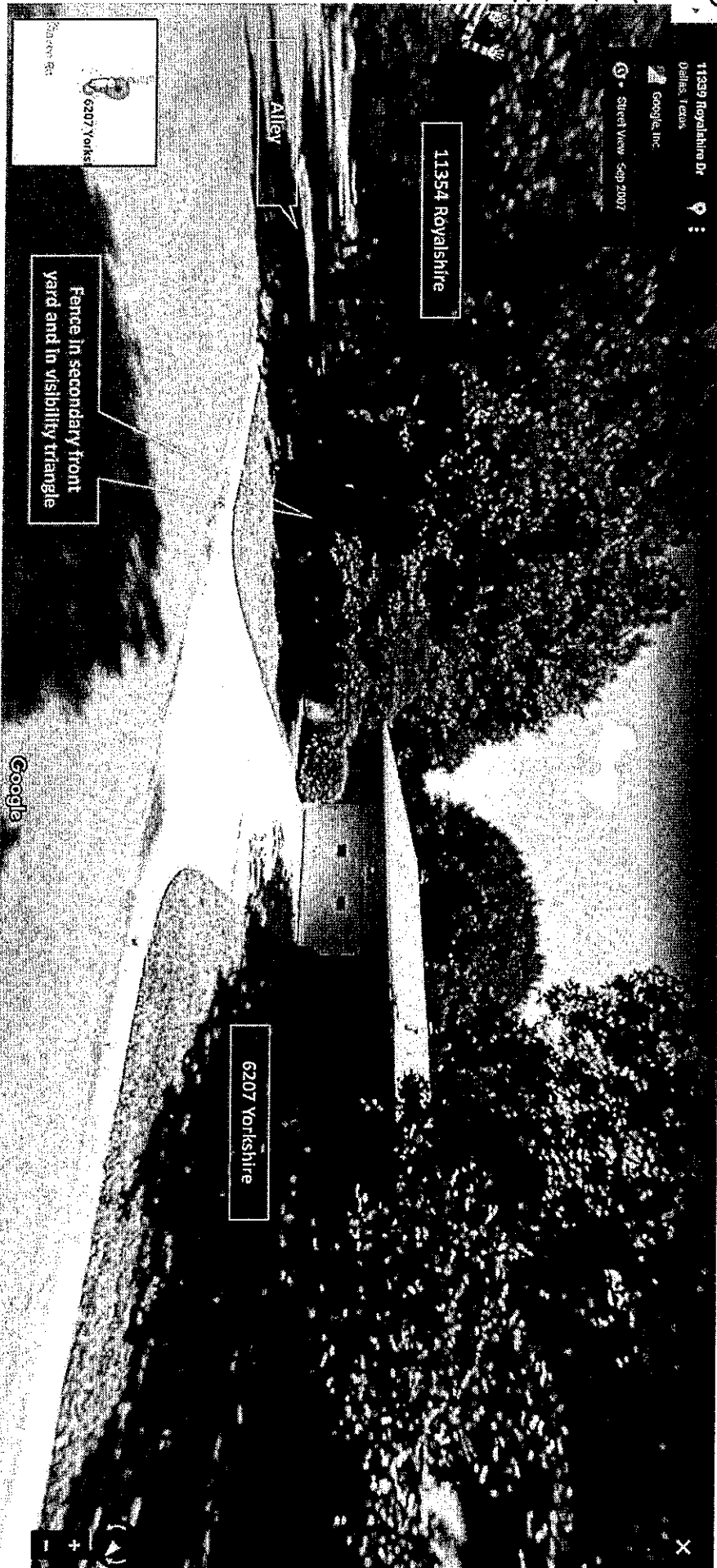
Royalshire Curvature. The purpose of the secondary front yard setback requirement is to protect adjacent key lots. Although not a required test for warranting a special exception, in this particular case, there is a unique physical characteristic of Royalshire Drive that provides a greater view corridor on Royalshire. Royalshire runs essentially north-south, except it turns east at the subject property before its intersection with Yorkshire. As such, the road and the setback are placed farther east maintaining a greater view corridor and setback for those on Royalshire. Likewise, the city's traffic engineering experts affirm the proposal maintains adequate sight lines for motorists on Royalshire or at its intersection with Yorkshire.

The Royalshire Yard is a secondary front yard and to some degree, functions as a typical long side yard. The property is a corner lot and does not have the luxury of a typical side yard and greater fence allowances. This proposal presents a reasonable solution that provides a compatible and aesthetically appealing streetscape while preserving use and privacy of the side and rear portions of the property.

The Liberis look forward to working with city officials and presenting to the Board on this endeavor. Should you have any questions or need additional information, please contact me at maxwell@masterplanconsultants.com or by phone at 214.761.9197. Thank you for your time and consideration.



Pre demolition 6207 Yorkshire



Pre demolition 6207 Yorkshire



Pre demolition 6207 Yorkshire

BDA178-071 ATTACH A
(Pg. 6/7)

April 6, 2018

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, John Andrew Kerner, owner/resident of

11419 Parkchester Drive, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.



(signature)

5/6/18

(date)

BDA178-071 ATTACH A
(PS 7/7)

April 6, 2018

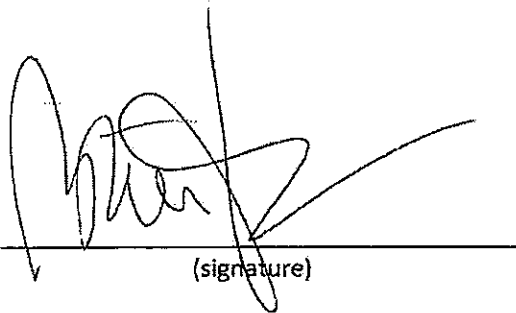
Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

Brett Johnston, owner/resident of

11437 Parkchester Dr., are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.


(signature)

5.6.18
(date)

BDA178-071 ATTACH A
(ps. 87)

April 6, 2018

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

Maria C. Savant, Attorney, owner/resident of
11404 Royalshire Dr. Dallas, TX are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.

Maria C. Savant
(signature)

4-22-18
(date)

BDA178-071 ATTACH A
(Pg. 9/9)

April 6, 2018

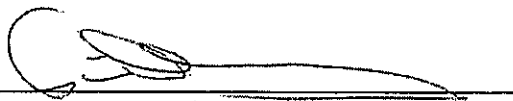
Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

TIM GARNEY, owner/resident of

6207 YORKSHIRE, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.


(signature)

4/16/2018
(date)

April 6, 2018

BDA178-071 ATTACH A
(pg. 10/17)

Attention: City of Dallas
Board of Adjustment

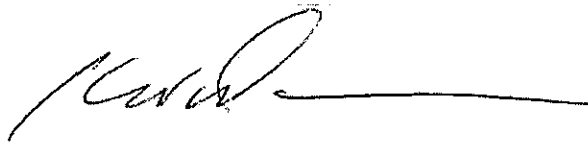
Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, KEVIN L. WOODRUFF, owner/resident of

6206 YORKSHIRE DR. DALLAS, TX 75230, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 6" and the fence standard to solid (stucco), are acceptable.

⑨
W



(signature)

4-9-18

(date)

BDA178-071 ATTACH A
(pg. 1/7)

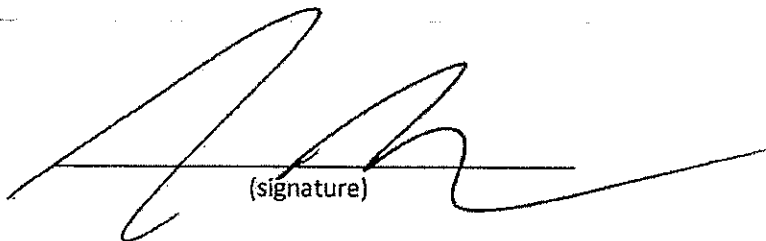
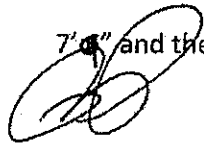
April 6, 2018

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

Bruno Pasquinelli, owner/resident of
6216 Yorkshire Dr, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7'6" and the fence standard to solid (stucco), are acceptable.



(signature)

(date)

BDA178-071 ATTACH A
(pg. 12/77)

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, Jack + Elizabeth Morris, owner/resident of
11402 Parkchester, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.

Elizabeth Morris
(signature)

May 17, 2018
(date)

BDA178-071 ATTACH A
(pg. 13/17)

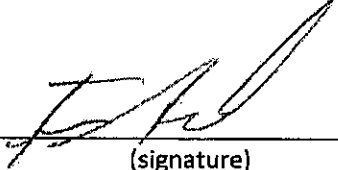
Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, Timothy Singel, owner/resident of

60162 Yorkshire Dr. Dallas, TX 75230, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.



(signature)

5/17/18

(date)

BDA178-071 ATTACH A
(PS. 14/7)

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, Jose H. Ortega Jr, owner/resident of

11414 Parkchester Dr., Dallas, TX 75230, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.



(signature)

5/18/18

(date)

BDA 178-071 ATTACH A
(PS. 15/9)

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, Ellen & Stewart Keller, owner/resident of

11408 Parkchester Dr. 75230, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.

Ellen Keller
(signature)
Stewart Keller

5/16/18
(date)

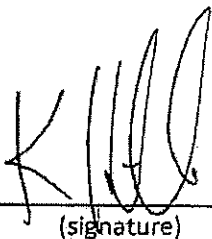
BDA178-071 ATTACH A
(pg. 16/77)

Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, Kamil Habibi, owner/resident of
11339 Royalshire, Dallas TX 75230, are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.


(signature)

5/17/18
(date)

BDA178-071 ATTACH A
(Pg. 17)

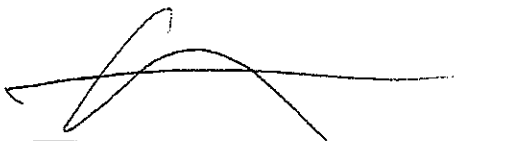
Attention: City of Dallas
Board of Adjustment

Regarding: 6207 Yorkshire Drive fence special exceptions BDA178-071

I, Alex Perry, owner/resident of

6170 Yorkshire Ln., are in full support

of the two special exceptions for 6207 Yorkshire Drive. The proposed fence heights of 4'3" and 7' 9" and the fence standard to solid (stucco), are acceptable.


(signature)

5-22-18
(date)



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-071

Data Relative to Subject Property:

Date: 6 April 2018

Location address: 6207 Yorkshire Drive Zoning District: R16(A)

Lot No.: 1 Block No.: 12/6378 Acreage: 0.43 Census Tract: 0133.00

Street Frontage (in Feet): 1) 113' 2) 168' 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Yorkshire Residential Partners, LLC

Applicant: Maxwell J. Fisher, AICP - Masterplan Telephone: 214.761.9197

Mailing Address: 900 Jackson Street, Suite 640, Dallas, TX Zip Code: 75202

E-mail Address: maxwell@masterplanconsultants.com

Represented by: -- Telephone: --

Mailing Address: -- Zip Code: --

E-mail Address: --

Affirm that an appeal has been made for a Variance, or Special Exception X, of 1) fence height ranging from 3 inches to 3 feet, 9 inches above maximum height parameter; and 2) open fence standards of less than 50% open surface area.

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:

Fence height is commensurate with neighboring corner properties with secondary front yard fences adjacent to "key lot" properties. The majority of front yard fence has been lowered to 4 feet, 3 inches to ensure no adverse impact to neighboring properties. A solid fence above 4 feet in height is necessary to ensure privacy in "side" and rear yards.

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 Maxwell Fisher (Affiant/Applicant's name printed)

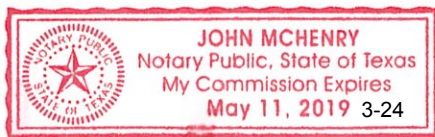
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 6 day of April, 2018

(Rev. 08-01-11)

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Maxwell Fisher

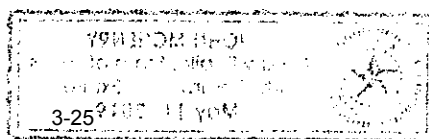
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 6207 Yorkshire Drive

BDA178-071. Application of Maxwell Fisher for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 6207 YORKSHIRE DR. This property is more fully described as Lot 1, Block 12/6378, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct a 7 foot 9 inch high fence in a required front yard, which will require a 3 foot 9 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 4/6/2018

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

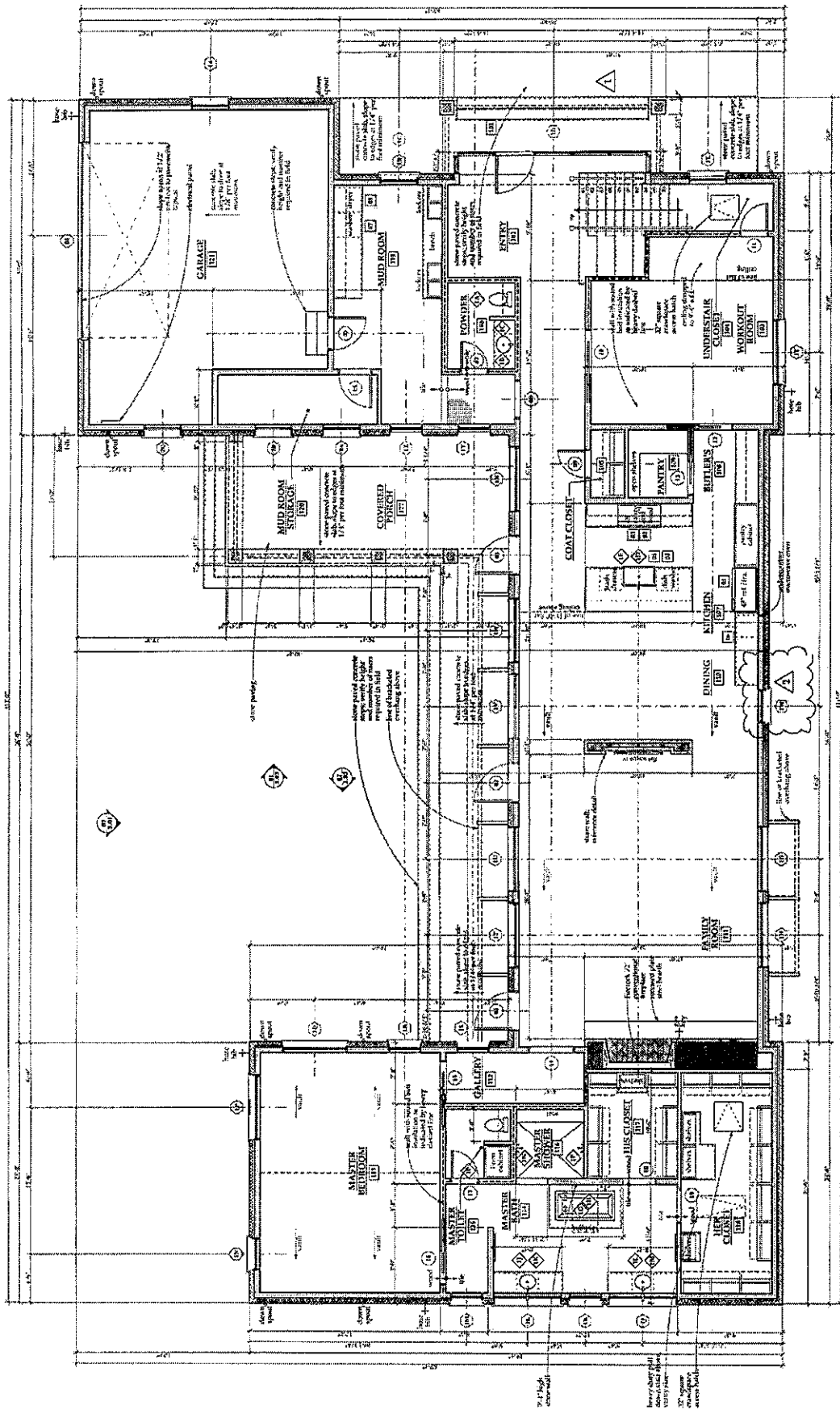
BDA178-071


3-26

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)




1:2,400



N  **FIRST FLOOR PLAN**
 SCALE: 1/8" = 1'-0"

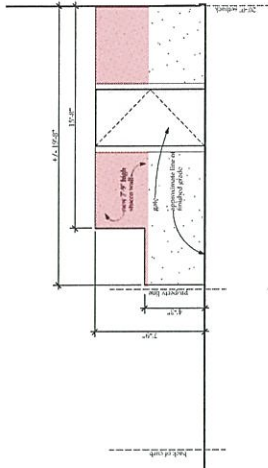
William S. Briggs, Architect, p.l.l.c.
 3488 Adams Street, Suite 201
 Dallas, Texas 75226
 M.S.B. No. 1252
 214.566.1978



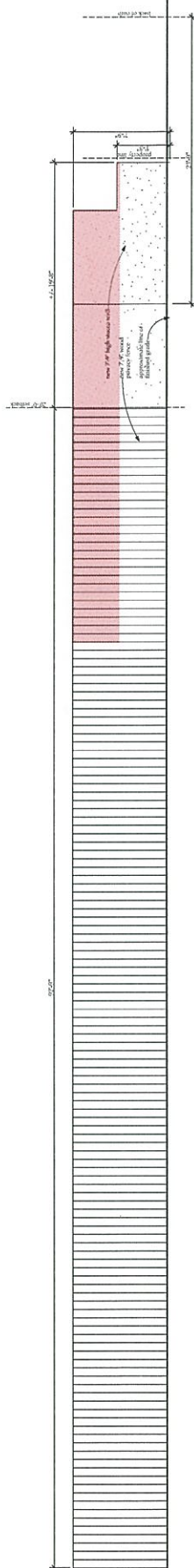
Being architectural drawings for a project located at:
6207 Yorkshire Drive
 Dallas, Texas 75230

FIRST FLOOR PLAN
 2.00
 1/8" = 1'-0"

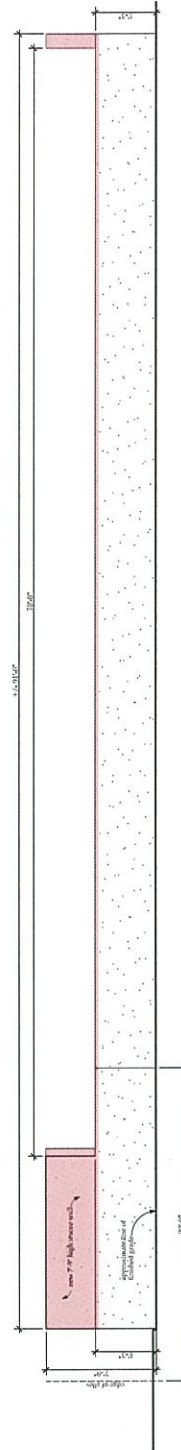
See Note:
 07 August 2016 listed for permit and construction
 08 December 2015 revised and listed for permit and construction



03 STUCCO WALL ELEVATION (SOUTH)
SCALE: 1/4" = 1'-0"



02 STUCCO WALL ELEVATION (NORTH)
SCALE: 1/4" = 1'-0"



01 STUCCO WALL ELEVATION (WEST)
SCALE: 1/4" = 1'-0"

William S. Briggs, Architect, P.L.L.C.
2646 Milburn Street, Suite 217
Dallas, Texas 75206
wbriggs@wbriggs.com
214.696.1388



being architectural drawings for a project located at:
6207 Yorkshire Drive
Dallas, Texas 75230

Spec. Date: 02 August 2016 issued for permit and construction
5 April 2018 revised and issued for permit and construction
3-01
A/E # 1304



 1:1,200	NOTIFICATION		Case no: BDA178-071
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/23/2018	

Notification List of Property Owners

BDA178-071

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6207 YORKSHIRE DR	YORKSHIRE RESIDENTIAL PTNRS LLC
2	6206 YORKSHIRE DR	WOODRUFF KEVIN L&
3	6216 YORKSHIRE DR	PASQUINELLI BRUNO H &
4	11402 PARKCHESTER DR	MORRIS JACK L JR &
5	6162 YORKSHIRE DR	SINGEL TIMOTHY R & MARY E
6	6170 YORKSHIRE DR	MADE PROPERTIES LLC
7	11355 ROYALSHIRE DR	MCWHORTER FRANCES BERTELSEN
8	11347 ROYALSHIRE DR	DODGEN KENNETH M & KATHLEEN F
9	11339 ROYALSHIRE DR	TOUDOUZE ELIZABETH F
10	6215 YORKSHIRE DR	GARVEY HANSEN LLC
11	11419 PARKCHESTER DR	KERNER JOHN A & LINDA K
12	11429 PARKCHESTER DR	2L PH2 LLC
13	11437 PARKCHESTER DR	JOHNSTON BRETT A & SHERI A
14	11354 ROYALSHIRE DR	PETERS MARK T & KRISANN B

FILE NUMBER: BDA178-045(SL)

BUILDING OFFICIAL'S REPORT: Application of Virendra Seth for a variance to the front yard setback regulations at 5838 Monticello Avenue. This property is more fully described as Lot 22, Block 8/2153, and is zoned CD 11, which requires a front yard setback of 36 feet. The applicant proposes to construct and/or maintain a structure and provide a 28 foot 6 inch front yard setback, which will require a 7 foot 6 inch variance to the front yard setback regulations.

LOCATION: 5838 Monticello Avenue

APPLICANT: Virendra Seth

REQUEST:

A request for variance to the front yard setback regulations of 7' 6" is made to maintain and to modify/maintain an existing single family home structure, a portion of which is located 28' 6" from the front property line or 7' 6" into the 36' front yard setback. The existing structure in the front yard setback on the subject site is in part a nonconforming structure (steps and single family home structure constructed in the 1920's), and in part an illegal structure (an attached porch structure built in 2016).

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:

- The applicant had not substantiated how the rectangular-shaped, flat, approximately 7,250 square foot subject site cannot be developed in a manner commensurate with the development upon other parcels of land with the same CD 11 zoning district. Other than the part of the existing structure in the CD 11 front yard setback that is assumed to have been built in the 1920's, features of the site have allowed it to be developed with an approximately 2,000 square foot single family home that had complied with front yard setbacks in the previous R-7.5(A) zoning, and as a nonconforming structure in the existing CD 11 zoning.
- Staff concluded that the applicant had not substantiated how if the Board were to grant the variance for an attached porch structure added to the nonconforming structure without a permit in 2016, it would not be to relieve a self-created or personal hardship, nor for financial reasons only.

BACKGROUND INFORMATION:

Zoning:

- Site: CD 11 (Conservation District)
- North: CD 11 (Conservation District)
- South: CD 11 (Conservation District)
- East: CD 11 (Conservation District)
- West: CD 11 (Conservation District)

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 residential uses.

Zoning/BDA History:

- | | |
|--|--|
| 1. BDA178-014, Property at 5838 Monticello Avenue (the subject site) | On February 21, 2018, the Board of Adjustment Panel B denied the applicant's appeal of the decision of an administrative official. |
| 2. BDA178-015, Property at 5838 Monticello Avenue (the subject site) | On February 21, 2018, the Board of Adjustment Panel B denied a request for a variance to the front yard setback regulations of 7' 6" without prejudice. The case report stated the request was |

made to maintain and to modify/maintain an existing single family home structure, a portion of which is located 28' 6" from the front property line or 7' 6" into the 36' front yard setback whereby the existing structure on the subject site was in part a nonconforming structure (a step structure constructed in the 1920's), and in part a structure that was an illegal structure (a porch structure built in 2016).

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the front yard setback regulations of 7' 6" focuses on: 1) maintaining a nonconforming structure (steps and single family home) constructed in the 1920's, and 2) modifying and maintaining an illegal attached porch structure added to the existing single family home in 2016, both of which are located 28' 6" from the front property line or 7' 6" into the front yard setback.
- The site is located in CD 11 which states that minimum front yard setback is the average of the front yard of the contributing structures on the block face, with the average front yard of contributing main structures block face listed in Exhibit B of the ordinance. (Exhibit B lists that the average setback of the blockface is 36'). Prior to the creation of CD 11 in 2004, the property had been zoned R-7.5(A).
- The submitted scaled site plan indicates the following in the 36' front yard setback: 1) a "new awning over existing built area (5' 6" x 10') located 28' 6" from the front property line, and 2) "existing building footprint" located 34' 1" from the front property line.
- According to DCAD records, the "main improvement" for property addressed at 5838 Monticello Avenue is structure built in 1926 with 2,018 square feet of living/total area, and that "additional improvements" is a 420 square foot attached garage and pool. Because records show that the main improvement/structure on this site was built in the 1920's, it is assumed that the part of the existing structure on the site 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 nonconforming and illegal structures in the front yard setback.

- The site is flat, rectangular in shape (145' x 50') and 7,250 square feet in area. The site is zoned CD 11, however the site had been zoned R-7.5(A) where lots are typically 7,500 square feet in area prior to the creation of the CD in 2004.
- 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 CD 11 zoning classification.
 - If the Board were to grant the variance, it would not be 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 CD 11 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 nonconforming structure (steps and single family home) and an illegal structure (attached porch) that are located as close as 28' 6" from the front property line (or 7' 6" into this 36' front yard setback).
- Granting the front yard variance request will not provide any relief to architectural requirements of CD 11.

Timeline:

February 26, 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.

March 13, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case".

March 13, 2018: 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 March 28th deadline to submit additional evidence for staff to factor into their analysis; and April 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

March 27, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application (see Attachment A).

April 3, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant 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 Senior Planner, and the Assistant City Attorney to the Board.

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

April 18, 2018: The Board of Adjustment Panel B conducted a public hearing on this application, and delayed action on this application until their next public hearing to be held on May 23, 2018.

April 24, 2018: The Board Administrator wrote the applicant a letter of the board’s action; the May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board’s docket materials.

May 1, 4, & 7, 2018: The applicant submitted additional documentation on this appeal to the Board Administrator beyond what was submitted with the original application and at the April public hearing (see Attachments B, C, and D).

May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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 Senior Planner, and the Assistant City Attorney to the Board.

May 23, 2018: The public hearing in which this application was scheduled was canceled due to lack of quorum of members. This application was rescheduled to be heard by Panel B on June 20, 2018. The Board Administrator emailed the applicant of this cancellation and of this rescheduling.

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director, the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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 APRIL 18, 2018

APPEARING IN FAVOR: Devika Seth, 1305 Normandy Ct., Southlake, TX
Devik Seth, 5838 Monticello Ln., Dallas, TX

APPEARING IN OPPOSITION: No One

MOTION#1: Bartos

I move that the Board of Adjustment, in Appeal No. BDA 178-045, on application of V.C. Seth, **GRANT** the seven-foot six-inch variance to the front yard setback regulations requested by this applicant because our evaluation of the property and testimony shows that the physical character of this property is such that a literal enforcement of the provisions of the Dallas Development Code, as amended, would result in unnecessary hardship to this applicant.

I further move that the following condition be imposed to further the purpose and intent of the Dallas Development Code:

- Compliance with the submitted site plan is required.

SECONDED: Shouse

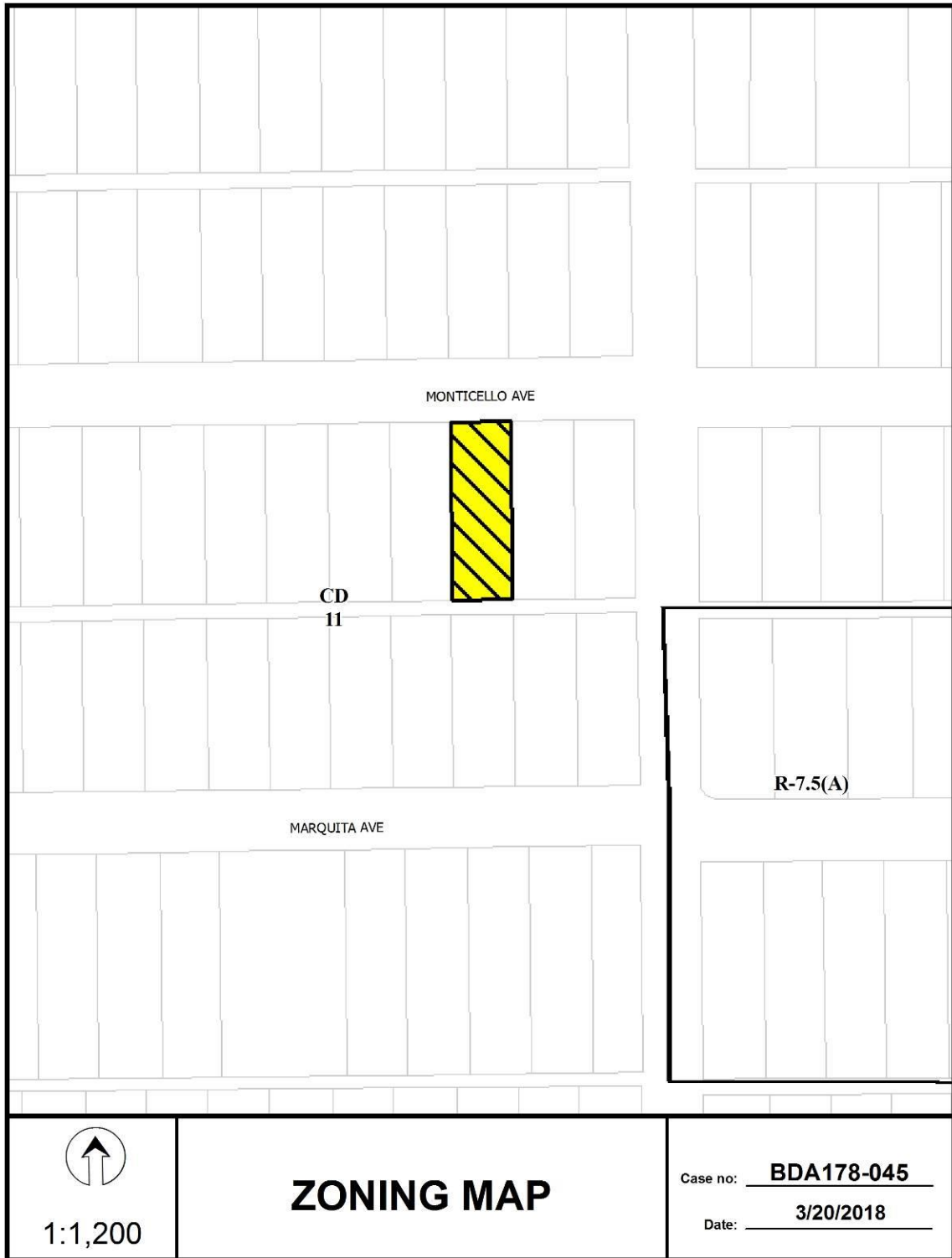
AYES: 3 – Torres Shouse ,Bartos
NAYS: 2 - Beikman ,Sahuc
MOTION FAILED: 3 – 2

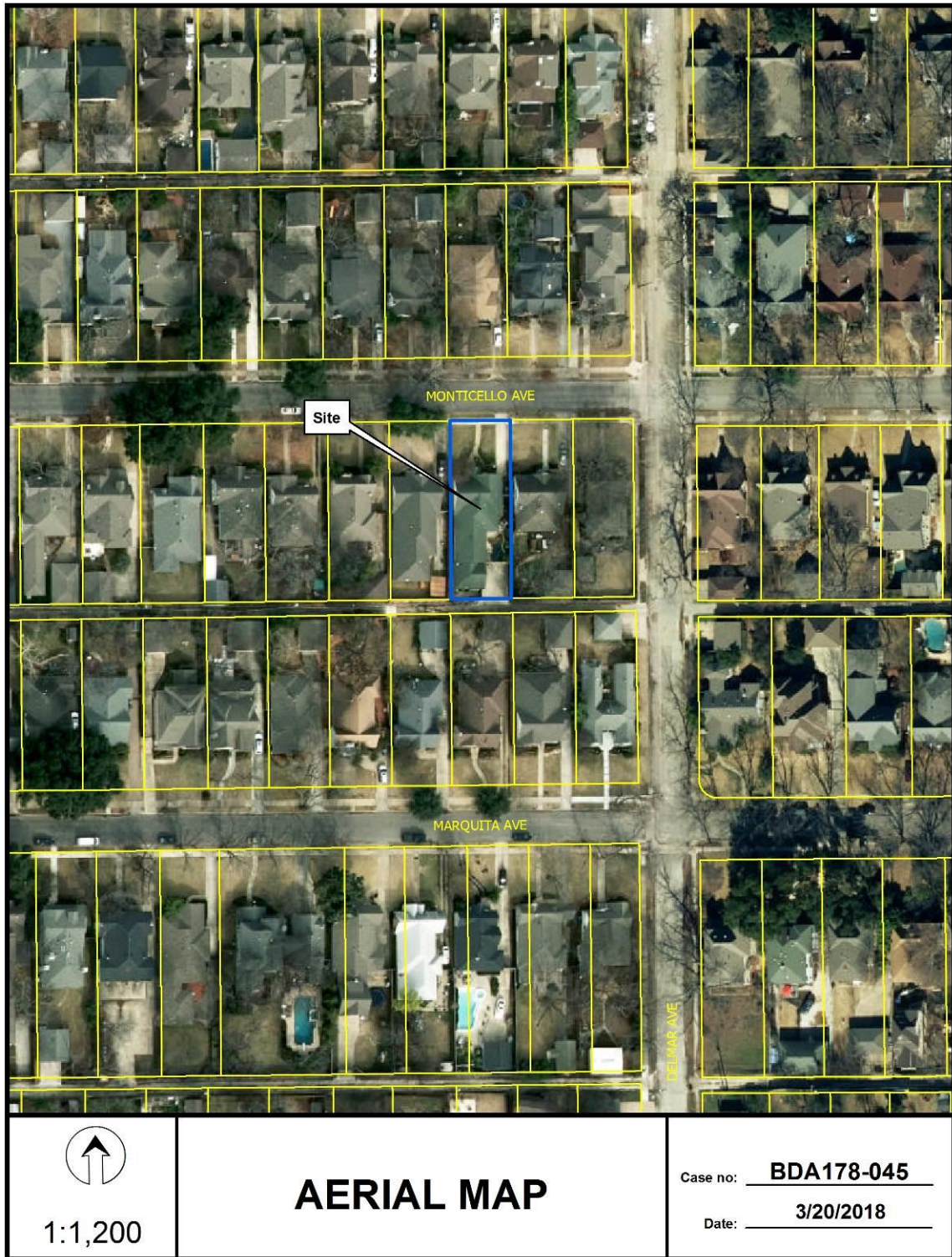
MOTION#2: **Bartos**

I move that the Board of Adjustment, in Appeal No. BDA 178-045, hold this matter under advisement until May 23, 2018.

SECONDED: **Torres**

AYES: 4 – Torres, Shouse, Sahuc, Bartos
NAYS: 1 - Beikman
MOTION PASSED: 4 – 1





27 March 2018

5838 Monticello Avenue
Dallas, TX 75206

BDA: 178-045

Showing changes on the drawing sheets submitted last time:

Sheet 1

36'-0" Average front yard, results in:

- 2'-0" home foyer nonconforming, and
- 5'-6" deep 2 steps with awning above the steps nonconforming

Sheet 2

- New brick/stone columns to support awning

Sheet 3 (new)

- Shows various set-backs

Sheet 4 (new)

Shows extensive drainage on the north-west front corner:

- One gutter and one downspout resulted in water accumulation in a small area causing cracking of the front steps and damage to the foundation
- Additional gutter and a second downspout located at the awning allows water to spread over a larger area; no foundation damage or cracking of the stone steps has occurred since the awning was built

Sheet 5

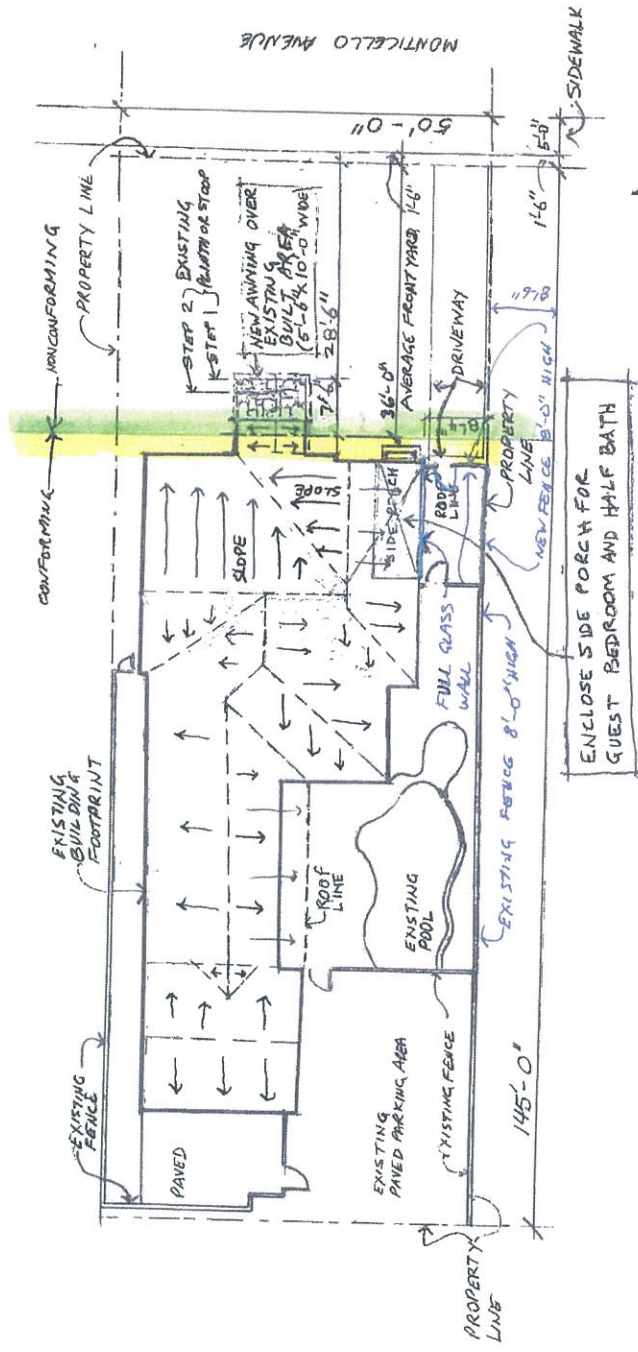
- Immediate neighbors to the side and in front are in favor of the awning



SHEET 1

23 FEB 2018

SCALE: 1" = 16'-0"



SITE PLAN



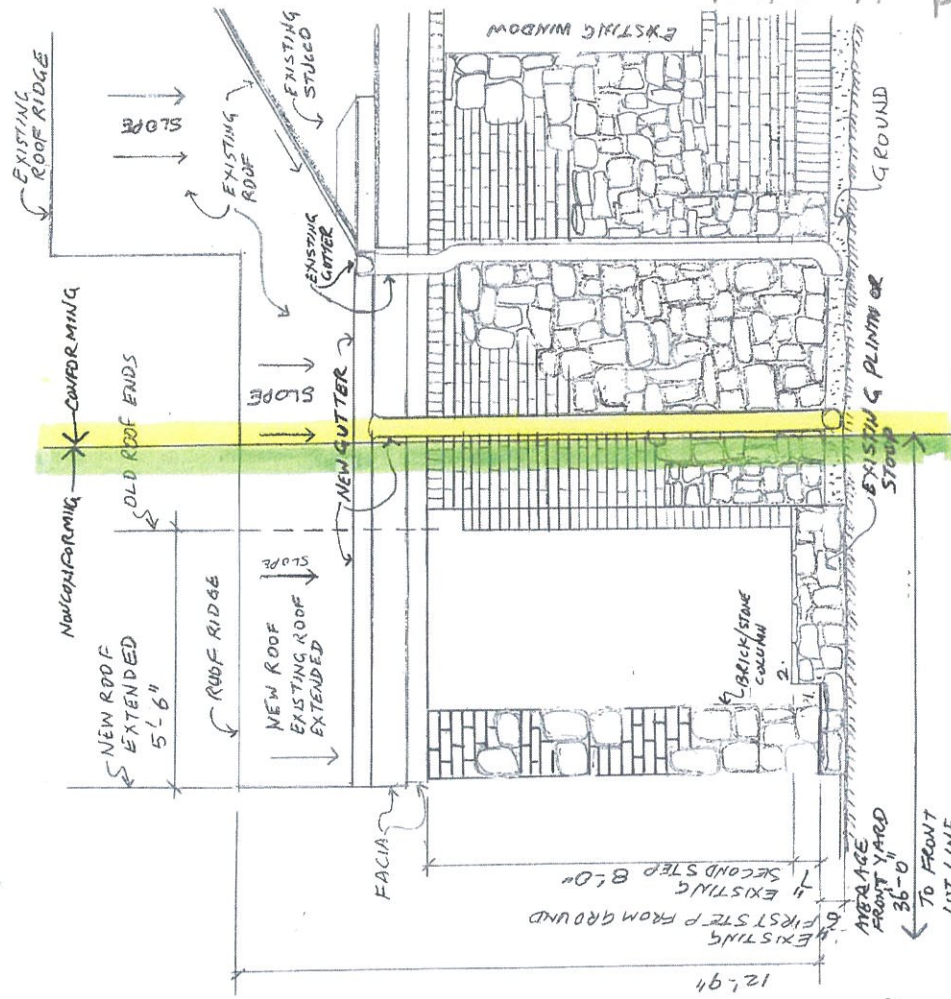
CONFORMING



NONCONFORMING

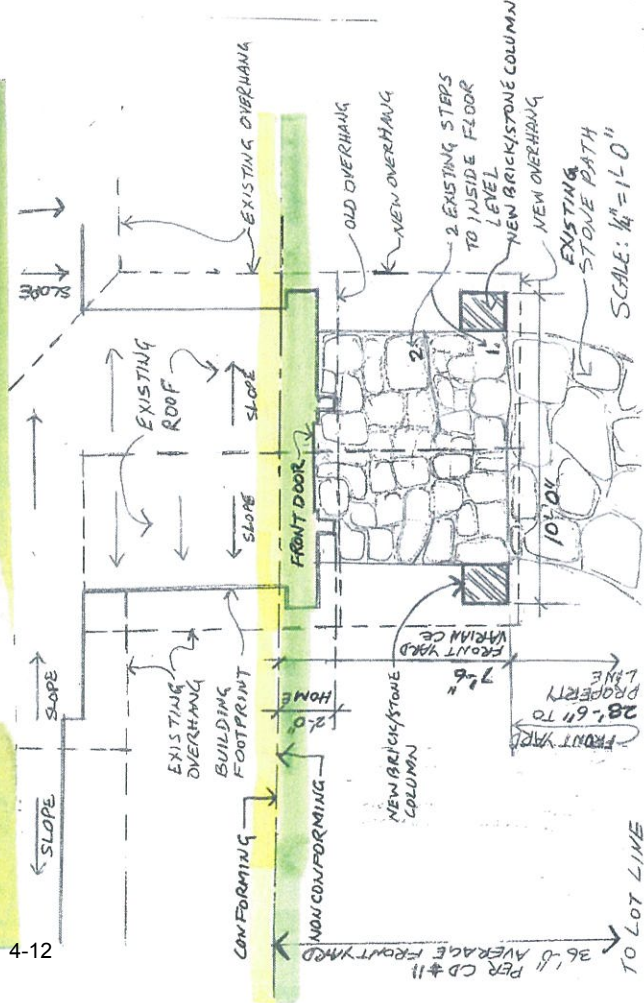


CONFORMING
 NONCONFORMING



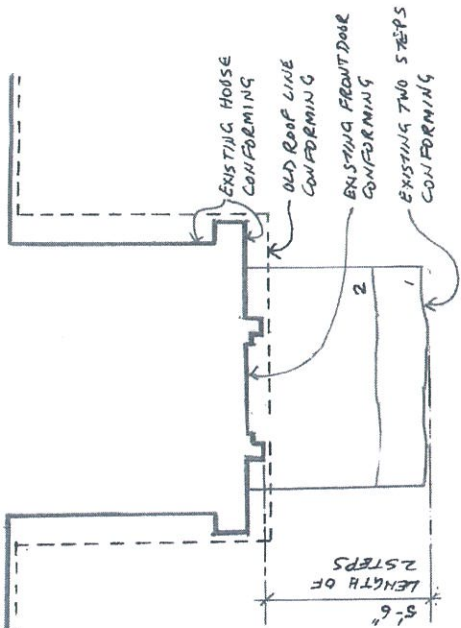
SHEET 2
 23 FEB 2018

BDA178-045 Attach A Ps 3



TO LOT LINE
 36'-0" PER CD #11 AVERAGE FRONT YARD
 28'-6" TO PROPERTY LINE
 FRONT YARD

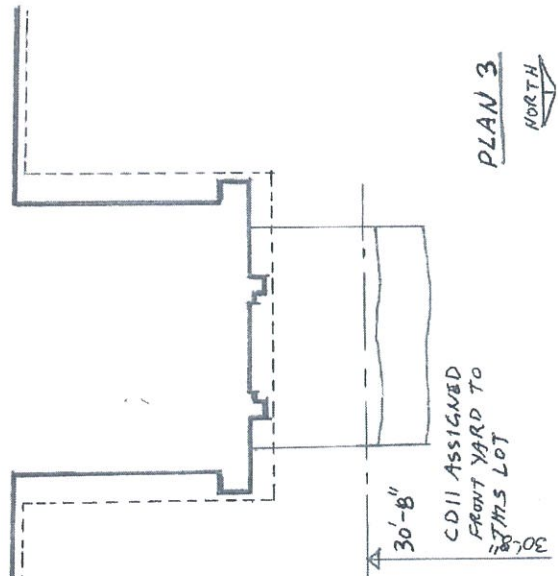
ZONING R-7.5
24'-0" FRONT YARD



PLAN 1

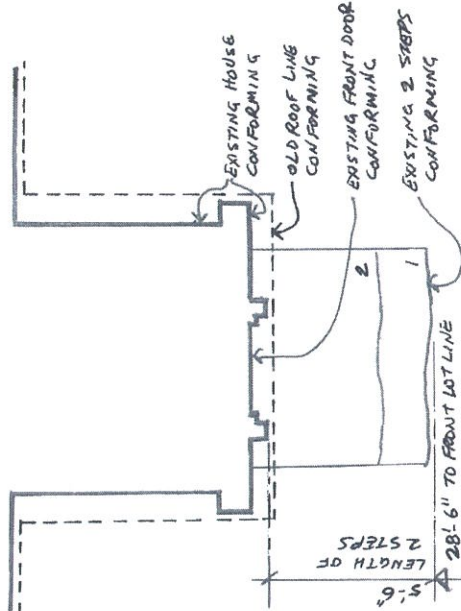


ZONING CD11
30'-8" CD11 ASSIGNED FROM YARD TO THIS LOT



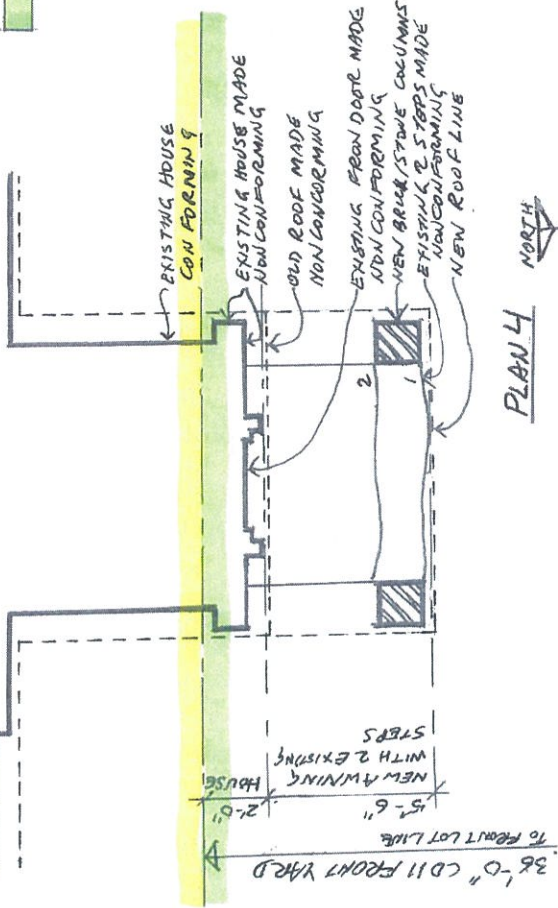
PLAN 3

ZONING R-7.5
28'-6" 2 STEPS FROM FRONT LOT LINE

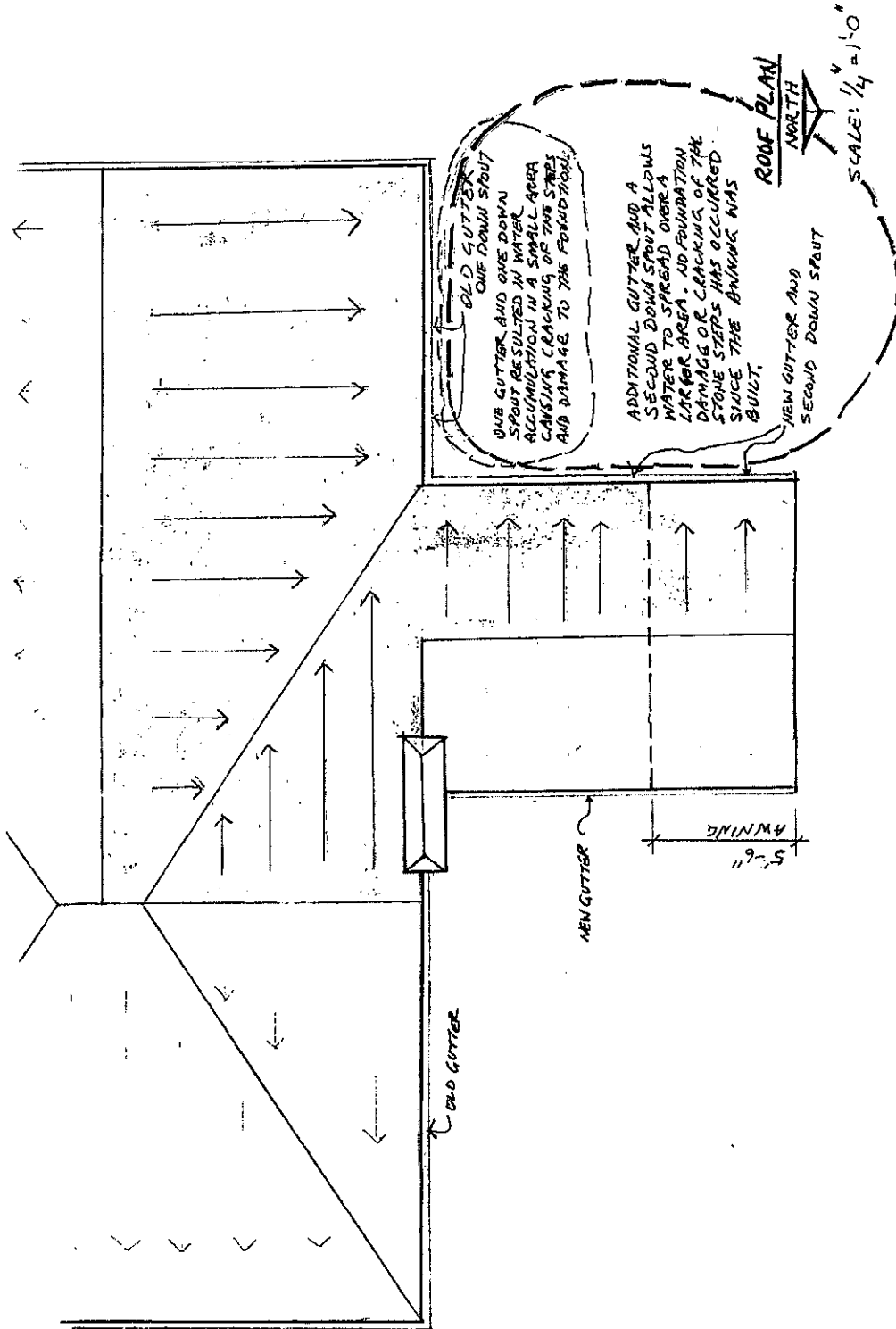


PLAN 2

ZONING CD11
36'-0" AVERAGE FRONT YARD



PLAN 4



Long, Steve

PS1

From: Seth, Virendra C. <SethV@aafes.com>
Sent: Tuesday, May 01, 2018 11:38 AM
To: Long, Steve
Cc: Trammell, Charles; Aguilera, Oscar E
Subject: RE: BDA178-045, Property at 5838 Monticello Avenue
Attachments: 5838 Monticell Avenue_BDAS 178-045_23 May 2018.pdf

Hello Steve ... These are for y'all's review for your report and for distribution to the BDA members.

SHEET 2A is new with photos of that area, these photos explain how large amount of water comes down the roof on to the two northwest side gutters and the two downspouts. These also explains why the downspout on the awning side gutter is located where it is because the stone part of the front wall extends out to the west-side and if the downspout was moved further north it could only be placed north of the stone wall and then would be visible from the awning and visually incompatible.

Also, if you notice the extended parts of the downspouts disperse water on two separate sides to protect the structural foundations on that side of the house.

We have asked the foundation company, that repaired the foundation when we moved in, to send us their analysis of awning side gutter/downspout requirement. We will send that to you as soon as we receive it. Thanks

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, April 24, 2018 12:41 PM
To: Seth, Virendra C. <SethV@aafes.com>
Subject: [External-Mail]-RE: BDA178-045, Property at 5838 Monticello Avenue

Very good – it may save you a trip. ☺

Steve

From: Seth, Virendra C. [<mailto:SethV@aafes.com>]
Sent: Tuesday, April 24, 2018 11:38 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: RE: BDA178-045, Property at 5838 Monticello Avenue

Hello Steve ... Got it.

Greatly appreciate your help and support.

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, April 24, 2018 11:04 AM

BDA178-045

Attachment B

PS2

To: Seth, Virendra C. <SethV@aafes.com>

Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>

Subject: [External-Mail]-RE: BDA178-045, Property at 5838 Monticello Avenue

Dear V.C.,

Please remember the following with regard to the submission of any additional documents beyond what is attached on your board of adjustment application referenced above:

1. Any revised site plan should be "to scale" and include an 8.5 X 11 reduction, and should be submitted to Charles Trammell first, and then if/when accepted by Charles, to me.
2. Any other documents other than a revised site plan can be submitted directly to me via email that I can print on 8.5 x 11 paper. If any other paper documents are hand-delivered to me, an 8.5 x 11 reduction copy should be included in addition to larger paper copies.

Thank you,

Steve



Steve Long
 Chief Planner
 City of Dallas | 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



****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.**

From: Seth, Virendra C. [<mailto:SethV@aafes.com>]
Sent: Tuesday, April 24, 2018 10:53 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: RE: BDA178-045, Property at 5838 Monticello Avenue

Thanks Steve, I will hand deliver the documents to you before May 11th.

Appreciate it.

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, April 24, 2018 10:44 AM
To: Seth, Virendra C. <SethV@aafes.com>

BDA178-045

Attach B

Pg 3

Cc: Trammell, Charles <charles.trammell@dallascityhall.com>
Subject: [External-Mail]-RE: BDA178-045, Property at 5838 Monticello Avenue

Dear V.C.,

Attached is a document that provides deadlines for the submittal of additional information to staff and the board on your application referenced above.

Please let me know if I can assist you in any other way on your application.

Sincerely,

Steve



Steve Long
Chief Planner
City of Dallas | 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



****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. **

From: Seth, Virendra C. [<mailto:SethV@aafes.com>]
Sent: Friday, April 20, 2018 8:10 AM
To: Long, Steve <steve.long@dallascityhall.com>
Subject: Board of Adjustment: 23 May Public Hearing

Hello Steve ... I called you but you were out of office till Tuesday 24 April.

what is your deadline to send Public Hearing information to the Board members? Or could we hand the information to them at the time of the hearing? Thanks

Have a wonderful weekend.

VC

18 April 2018

5838 Monticello Avenue
Dallas, TX 75206

BDA: 178-045

Showing changes on the drawing sheets submitted last time:

Sheet 1

- 36'-0" Average front yard, results in:
 - 2'-0" home foyer nonconforming, and
 - 5'-6" deep 2 steps with awning above the steps nonconforming

Sheet 2

- New brick/stone columns to support awning
- 36'-0" Average front yard, results in:
 - 2'-0" home foyer nonconforming, and
 - 5'-6" deep 2 steps with awning above the steps nonconforming

Sheet 3 (new)

- Shows various set-backs

Sheet 4 (new)

- Shows extensive drainage on the north-west front corner.
- One gutter and one downspout resulted in water accumulation in a small area causing cracking of the front steps and damage to the foundation
- Additional gutter and a second downspout located at the awning allows water to spread over a larger area; no foundation damage or cracking of the stone steps has occurred since the awning was built

Sheet 5

- Immediate neighbors to the side and in front are in favor of the awning

BDA 178-045

A.H.A.B

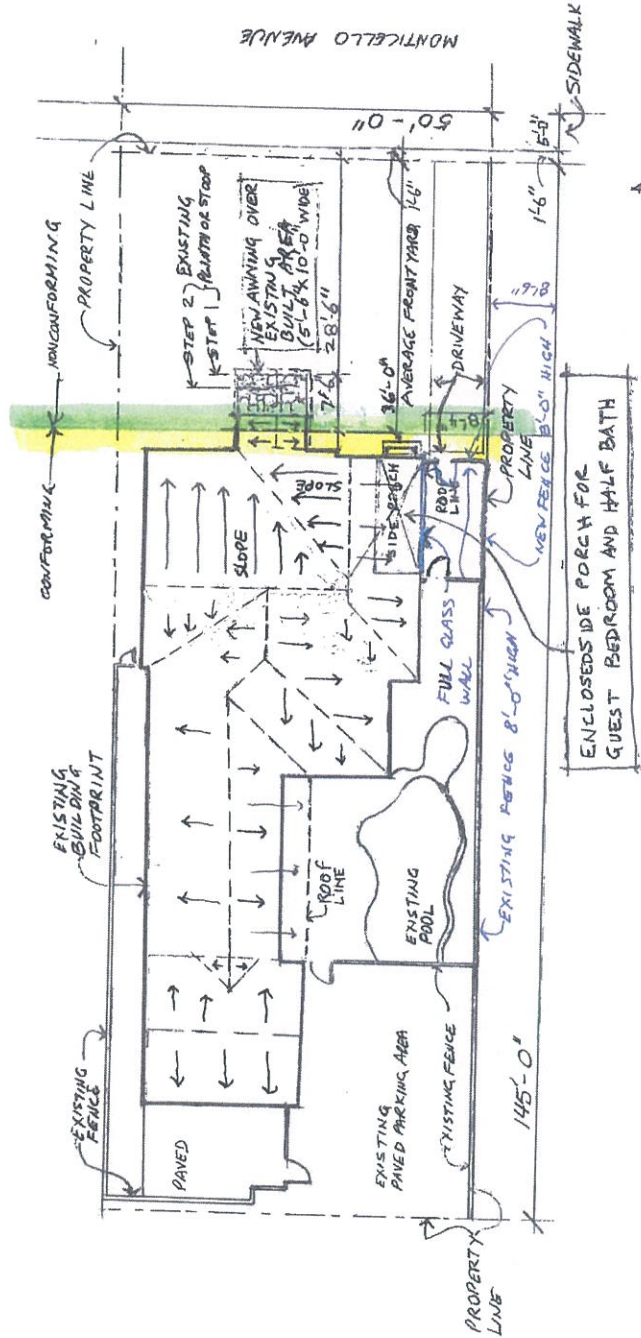
P34



SHEET 1

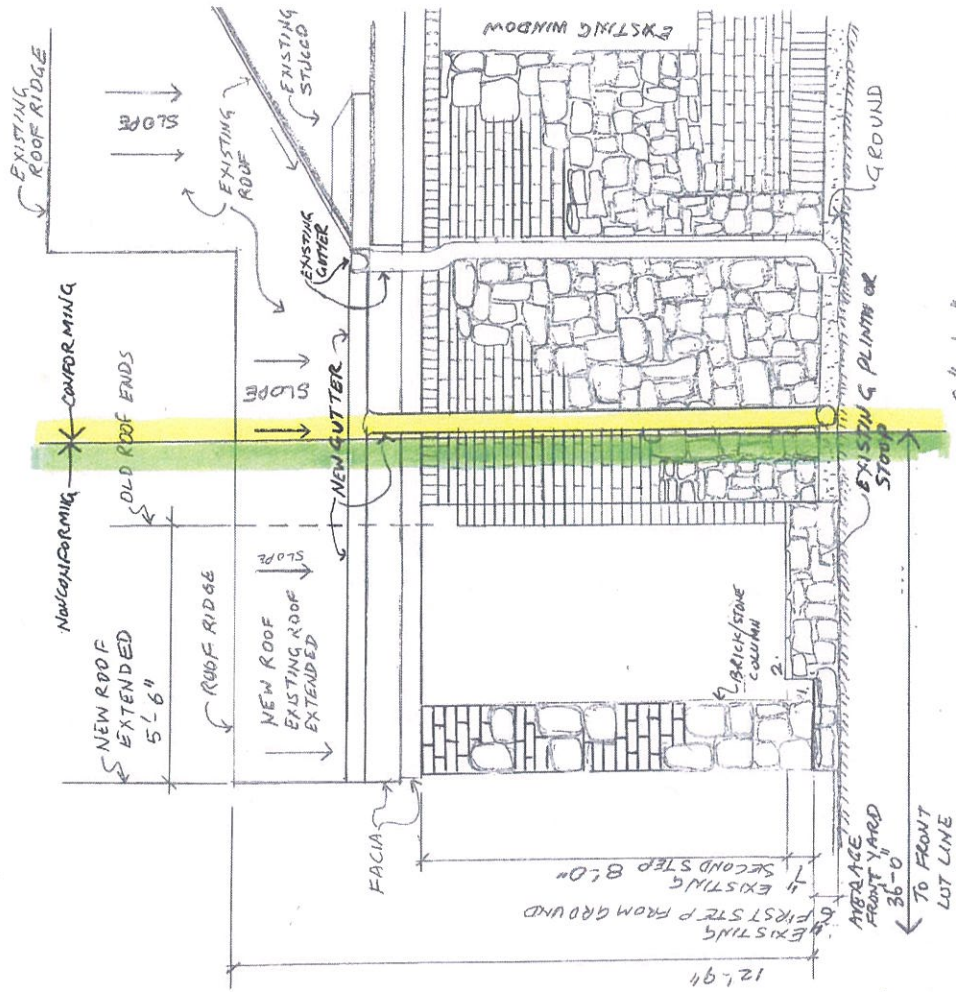
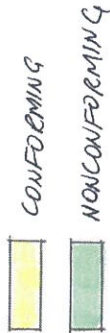
23 FEB 2018

SCALE: 1" = 16'-0"



SITE PLAN

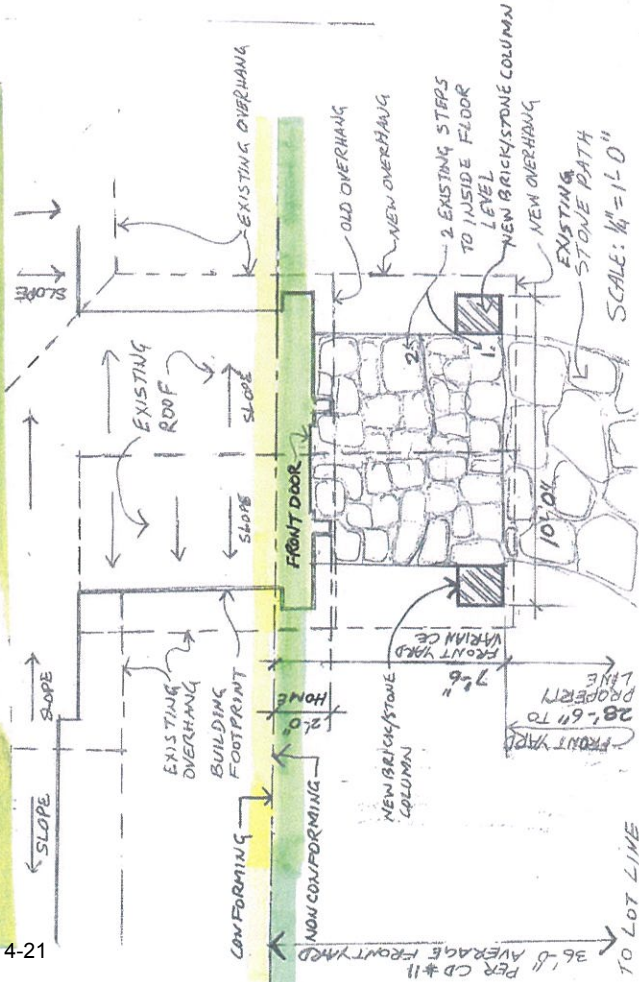
- CONFIRMING
- NONCONFIRMING

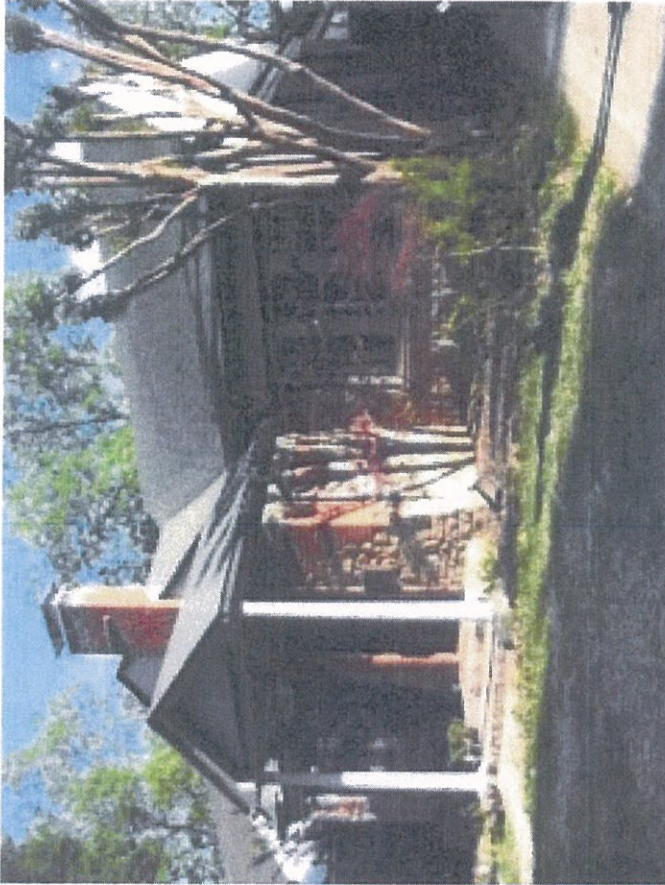


SHEET 2

23 FEB 2018

BDA 178-045
Attach B
Pg 6





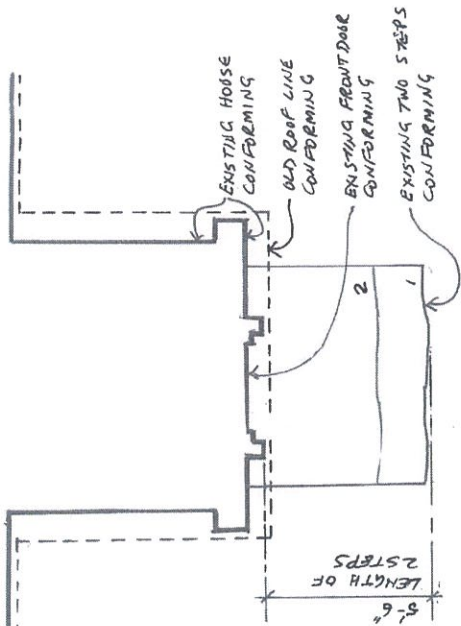
SHEET 2A

1 MAY 2018

BDA
178-
045
Attach
B
PS 7



ZONING R-7.5
24'-0" FRONT YARD

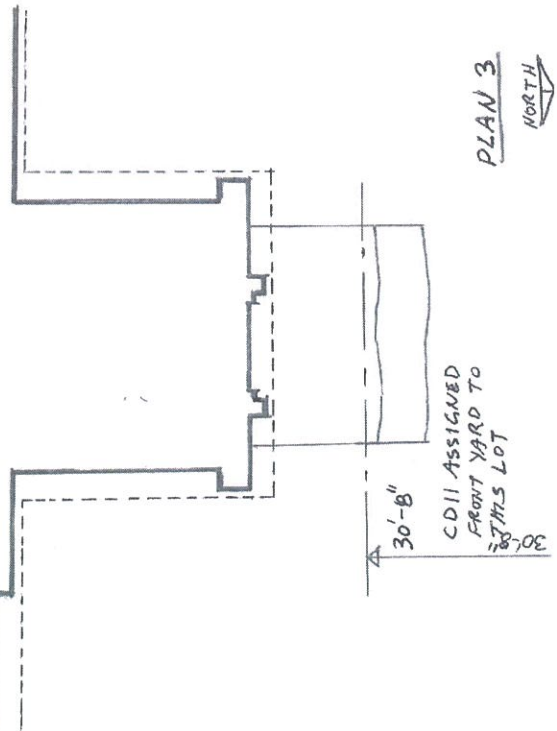


PLAN 1



25'-0" TO FRONT LOT LINE

ZONING CD11
30'-8" CD11 ASSIGNED FRONT YARD TO THIS LOT

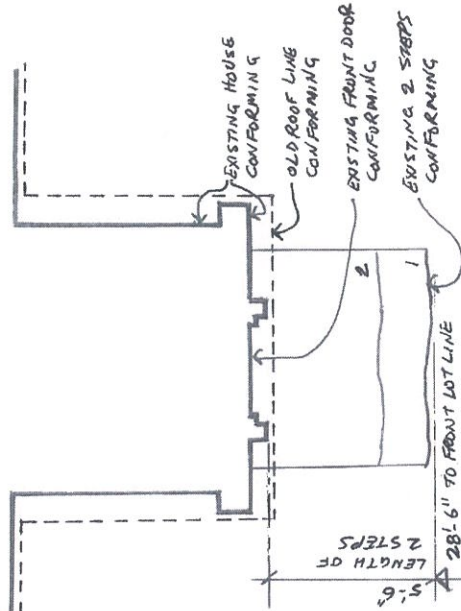


PLAN 3



30'-8" CD11 ASSIGNED FRONT YARD TO THIS LOT

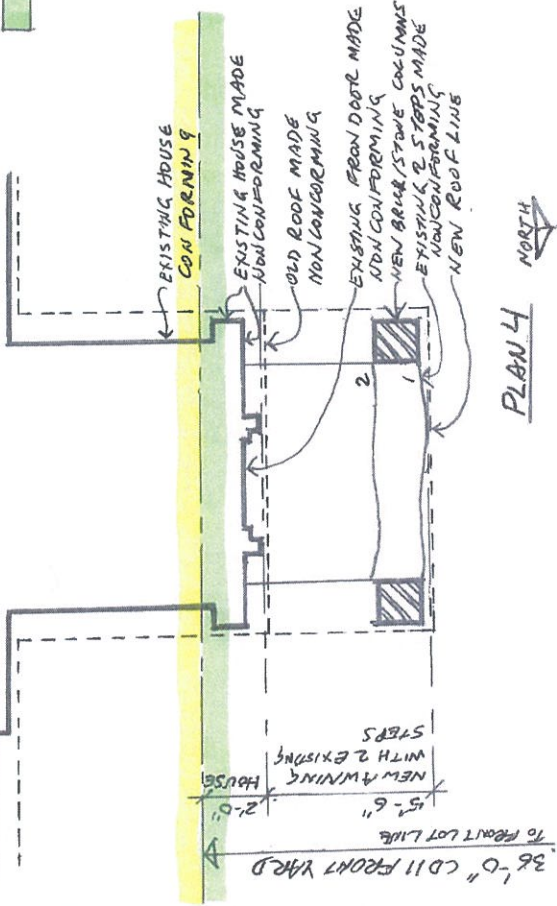
ZONING R-7.5
28'-6" 2 STEPS FROM FRONT LOT LINE



PLAN 2



ZONING CD11
36'-0" AVERAGE FRONT YARD



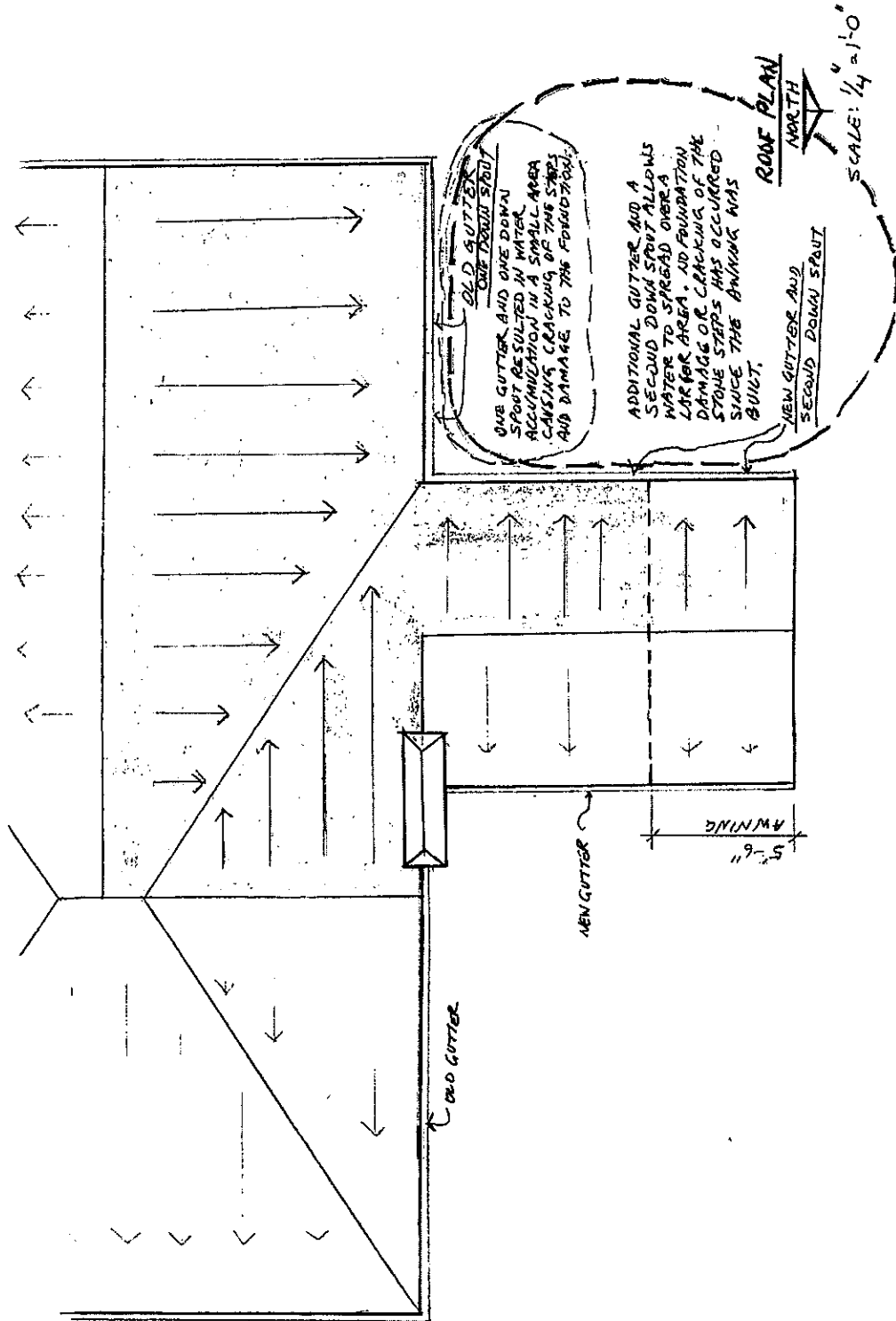
PLAN 4

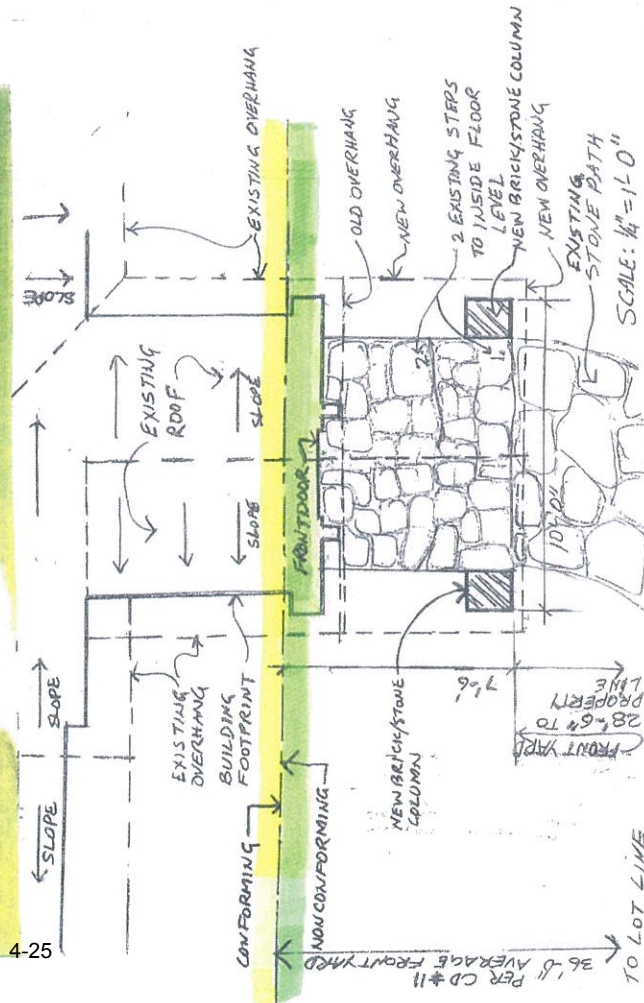
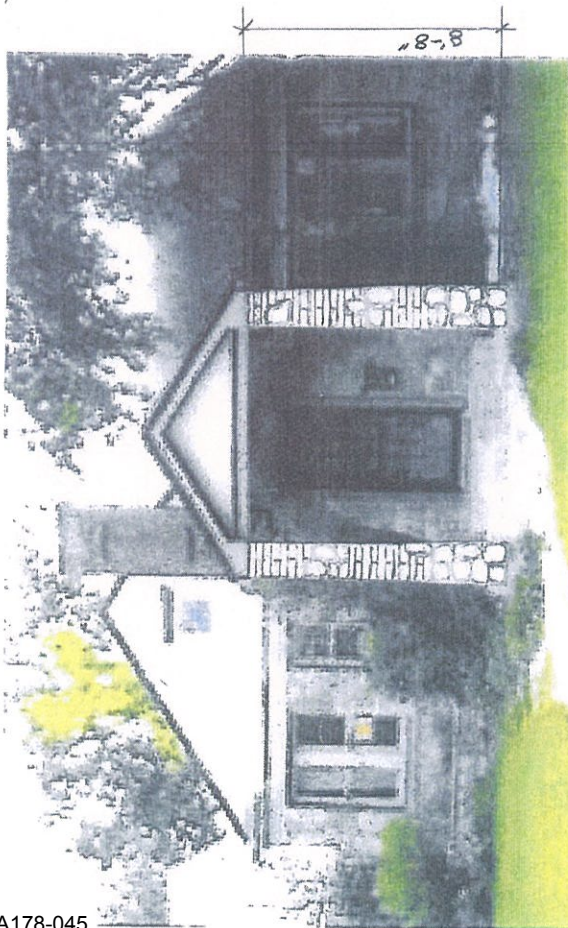


SHEET 3
26 MARCH 2018

RDA
178-
045
AZ-04
B
PS 6

BOA
178-045
Attach
B
PS 9





Address	Owner	In Favor	In Opposition
5830 Monticello	Robert S. Bloss Jr <i>REVO PATHS</i>	✓	
5834	Casey Evans	✓	
5842	Cynthia G. Neighbor & Ron Samples <i>Cynthia Samples</i>	✓	
5846	Hunter J. & Erica Austin <i>HJA</i>	✓	
5831	Clifton K. & Madeline B. Gulick <i>CG</i>	✓	
5835	Steven M. Lobo <i>Steven Lobo</i>	✓	
5839	Campbell B. Reed <i>CB Reed</i>	✓	
5843	Thomas & Tracy Chiang <i>TTC</i>	✓	
5847	Philip T. & Jessica L. Dieke <i>PDieke</i>	✓	

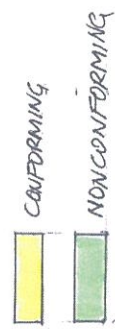
5838 Monticello Avenue
Dallas, TX 75206

Our neighbor Mr. and Mrs. Seth are requesting the city of Dallas for approval of the following improvement:

- 7'-6" Front Yard Variance for Entryway Awning

This includes -

- 2'-0" inside the house; and
- 5'-6" Awning that covers the 2 Front Steps.



BDA178-045
Attachment C

Long, Steve

From: Seth, Virendra C. <SethV@aafes.com>
Sent: Friday, May 04, 2018 8:28 AM
To: Long, Steve
Cc: Trammell, Charles; Aguilera, Oscar E; Hersch, William; Dean, Neva
Subject: RE: BDA 178-045, Property at 5838 Monticello Avenue
Attachments: 5838 Minticello Ave Dallas.pdf

P31

Hello Steve ... We found the letter we had misplaced that we received from the foundation repair company in 2016 (copy attached). Hope this will be helpful to you at your staff discussion on 8 May and at the Board meeting on 23 May. Thanks

Greatly appreciate y'all's help and support.

Sincerely,

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, May 1, 2018 11:55 AM
To: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>
Cc: v.seth@sbcglobal.net; Seth, Virendra C. <SethV@aafes.com>
Subject: [External-Mail]-FW: BDA 178-045, Property at 5838 Monticello Avenue

Attached is additional information from the applicant (Virendra Seth) regarding the application referenced above that I have labeled Attachment B. This information will become part of what is discussed at the May 8th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of May 14th.

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

Sincerely,

Steve



Steve Long
Chief Planner
City of Dallas | 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





BDA178-045

Attch C
pg 2

To: Mrs. Seth

From: Kevin Proctor - A1 Guaranteed Foundation Repair

Re: Foundation recheck Performed 07/19/16, 5838 Monticello Ave. Dallas

Mrs Seth,

I measured your home today and found that the elevations show that there needs adjustments to be made to level the floor. Please find an attached quote to fix it.

"Complete leveling of the house should not be anticipated. We will raise the foundation only as much as the house will allow without creating additional stress or cosmetic damage."

During inspection I found the front of the house has a drainage issue causing water to migrate under the house. The ground slopes toward the house.

Part of the issue is there are no gutters on the front of the house. Adding gutters will help distribute the water further from the house and keep it out from under the house and stop the continued movement of the house.

Kevin Proctor
A1 Guaranteed Foundation Repair

Long, Steve

From: Seth, Virendra C. <SethV@aafes.com>
Sent: Monday, May 07, 2018 6:57 AM
To: Long, Steve
Cc: Trammell, Charles; Aguilera, Oscar E; Hersch, William; Dean, Neva
Subject: RE: BDA 178-045, Property at 5838 Monticello Avenue
Attachments: Foundation Repare Work Estimate & Payment for Work Completed.pdf

Hello Steve ... This is a follow up of my message of May 4th.

We also found rest of the papers for the foundation work and just to keep the record straight, I am attaching cost estimate for the foundation work done and copy of payment made for that work through PayPal. Thanks

Appreciate your help.

VC

From: Seth, Virendra C.
Sent: Friday, May 4, 2018 8:28 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>
Subject: RE: BDA 178-045, Property at 5838 Monticello Avenue

Hello Steve ... We found the letter we had misplaced that we received from the foundation repair company in 2016 (copy attached). Hope this will be helpful to you at your staff discussion on 8 May and at the Board meeting on 23 May. Thanks

Greatly appreciate y'all's help and support.

Sincerely,

VC

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Tuesday, May 1, 2018 11:55 AM
To: Trammell, Charles <charles.trammell@dallascityhall.com>; Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>; Hersch, William <william.hersch@dallascityhall.com>; Dean, Neva <neva.dean@dallascityhall.com>
Cc: v.seth@sbcglobal.net; Seth, Virendra C. <SethV@aafes.com>
Subject: [External-Mail]-FW: BDA 178-045, Property at 5838 Monticello Avenue

Attached is additional information from the applicant (Virendra Seth) regarding the application referenced above that I have labeled Attachment B. This information will become part of what is discussed at the May 8th staff review team meeting, and what is included in the docket that is assembled and emailed to you, the applicant, and the board members the week of May 14th.

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



AGREEMENT

Phone - 214-392-2633

Fax - 972-353-7703

a1guaranteedfr@gmail.com

BDA178-045

Attach D

Pg 2

Date: 7/19/2016
 Owner: Mrs V. Seth
 Phone: 469-563-4212 Cell 214-692-9431 Home
 E-mail: v.seth@sbcglobal.net
 Project Address: 5838 Monticello Ave Dallas

Description and Cost of Repair:

Exterior Piers Concrete	<u>0</u>	no. @	<u>\$330.00</u>	each	<u>\$0.00</u>
Block and Pad Piers	<u>3</u>	no. @	<u>\$150.00</u>	each	<u>\$450.00</u>
Block and Pad Piers	<u>30</u>	Ft @	<u>\$100.00</u>	each	<u>\$3,000.00</u>
Engineering report	<u>1</u>	no. @	<u>\$550.00</u>	each	<u>\$550.00</u>
Add Beam	<u>20</u>	Sq Ft@	<u>\$18.00</u>	each	<u>\$360.00</u>
Plumbing	<u>0</u>	no. @	<u>\$250.00</u>	each	<u>\$0.00</u>
Permit	<u>1</u>	no. @	<u>\$150.00</u>	each	<u>\$150.00</u>
Repair Sill Plate	<u>20</u>	Sq Ft@	<u>\$28.00</u>	each	<u>\$560.00</u>
					<u>\$0.00</u>
				Total	<u>\$5,070.00</u>

Scope We will install two metal brackets to secure the cracks on the grade beam.
We will add a couple piers in areas of cracks in the grade beam.
We will replace the bad sill plate that is rotted.
We will re-shim under the house in these areas.
The house will not be perfectly level.

Cost of work	\$5,070.00
Discount	\$300.00
Total	\$4,770.00
Payment to Engineer	\$550.00
Payment to A-1 at Completion	\$4,220.00

Payments due as follows:

All materials used are guaranteed to be as specified. The work will be performed in accordance with the drawings and specifications shown on the engineer's report and completed in a workmanlike manner.

Our workers are employees of A1 Guaranteed Foundation Repair and are covered by general liability and Workers Compensation insurance. Proof of insurance is available on request.

The prices, terms, specifications, and conditions in this Agreement are satisfactory. I have received and understand all provisions of this Agreement and "Foundation Information and Preparation for Repair". I accept the prices, terms, specifications, and conditions and agree to pay for the work as outlined above.

DATE: _____ SIGNATURE: _____

See next page for General Conditions and Warranty Information

BDA178-045

Attach D

PS 3

On Thursday, September 1, 2016 10:13 AM, "service@paypal.com" <service@paypal.com> wrote:



Sep 1, 2016 08:04:09 PDT
Transaction ID: 54K231273S928904L

Hello VC Seth,

You sent a payment of \$4,220.00 USD to A1 Guaranteed Foundation Repair.

It may take a few moments for this transaction to appear in your account.

Merchant

A1 Guaranteed Foundation Repair

Instructions to merchant

You haven't entered any instructions.

Shipping address - confirmed

VC Seth
5838 Monticello Ave
Dallas, TX 75206
United States

Shipping details

The seller hasn't provided any shipping details yet.

<u>Description</u>	<u>Unit price</u>	<u>Qty</u>	<u>Amount</u>
Payment to A1 Guaranteed Foundation Repair for invoice 0294	\$4,220.00 USD	1	\$4,220.00 USD
	Subtotal		\$4,220.00 USD
	Total		\$4,220.00 USD
	Payment		\$4,220.00 USD

Charge will appear on your credit card statement as "PAYPAL *A1GUARANTEE"

Invoice ID: INV2-T3MQ-EY2J-EC7U-DEDB

Issues with this transaction?

You have 180 days from the date of the transaction to open a dispute in the Resolution Center.

? Questions? Go to the Help Center at www.paypal.com/help.

For assistance with matters regarding your PayPal account not identified above, please contact us toll free at 1-888-221-1161.

Please do not reply to this email. This mailbox is not monitored and you will not receive a response. For assistance, log in to your PayPal account and click **Help** in the top right corner of any PayPal page.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-045

Data Relative to Subject Property:

Date: 26 FEB 2018

Location address: 5838 MONTICELLO Av, DALLAS Zoning District: CD 11

Lot No.: 22 Block No.: 8/2153 Acreage: 0.166 Census Tract: 2, 02

Street Frontage (in Feet): 1) 50'-0" 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): VIRENDRA C. & LAKSHMI D. SETH

Applicant: VIRENDRA C. SETH Telephone: 214-692-9431

Mailing Address: 5838 MONTICELLO Av, DALLAS, TX Zip Code: 75206

E-mail Address: V.Seth@shcglobal.net

Represented by: KARL CRAWLEY, MASTERPLAN Telephone: 214-761-9197

Mailing Address: 900 JACKSON ST, SUITE 640, DALLAS, TX Zip Code: 75202

E-mail Address: Karl@masterplanconsultants.com

Affirm that an appeal has been made for a Variance FRONT YARD SETBACK OF 7'-6" FROM THE 36' REQUIREMENT, or Special Exception FRONT YARD SETBACK OF 7'-6" FROM THE 36' REQUIREMENT, of FRONT YARD SETBACK OF 7'-6" FROM THE 36' REQUIREMENT

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

REQUESTING APPROVAL OF 7'-6" FRONT YARD VARIANCE TO ALLOW FOR 2'-0" EXISTING HOUSE BUILT IN 1926, AND 5'-6" AWNING BUILT IN 2016, ABOVE THE 2 STEPS (LEADING TO FRONT DOOR) WHICH ARE A TOTAL OF 5'-6" LONG AND 1'-3" HIGH FROM THE GROUND.

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

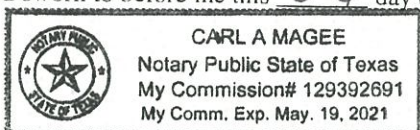
Before me the undersigned on this day personally appeared VIRENDRA C. SETH (Affiant/Applicant's name printed)

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 26 day of February 2018



Carl A Magee
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

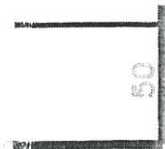
I hereby certify that V. C. Seth

did submit a request for a variance to the front yard setback regulations
at 5838 Monticello Avenue

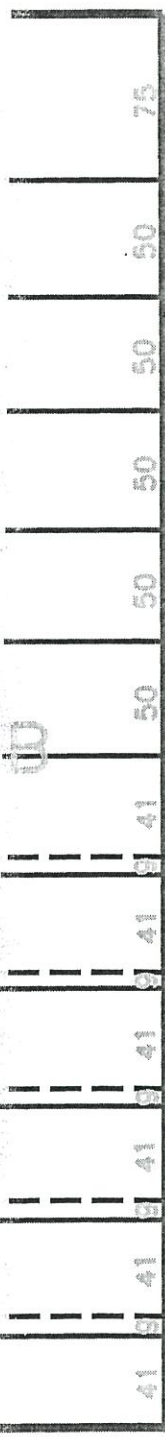
BDA178-045. Application of V. C. Seth for a variance to the front yard setback regulations at 5838 Monticello Avenue. This property is more fully described as Lot 22, Block 8/2153, and is zoned CD-11, which requires a front yard setback of 36 feet. The applicant proposes to construct a single family residential structure and provide a 28 foot 6 inch front yard setback, which will require a 7 foot 6 inch variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



60



10

5800

MARQUITA



12
145



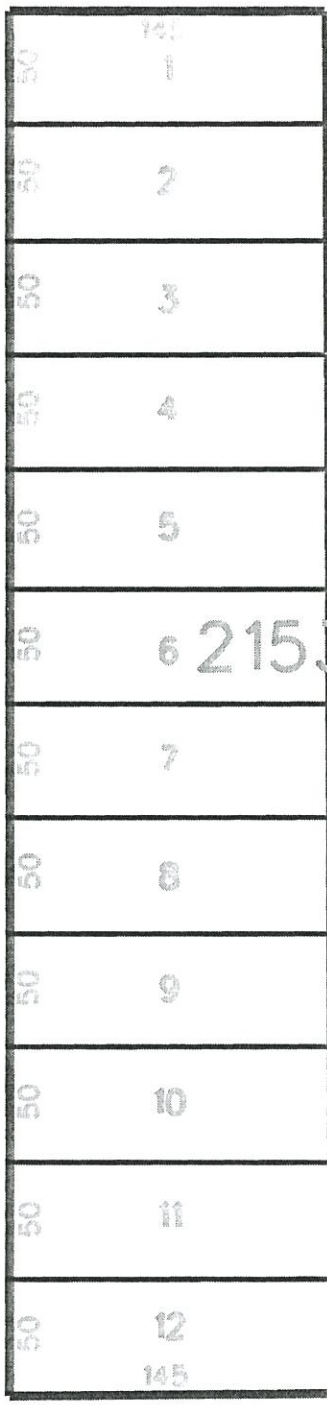
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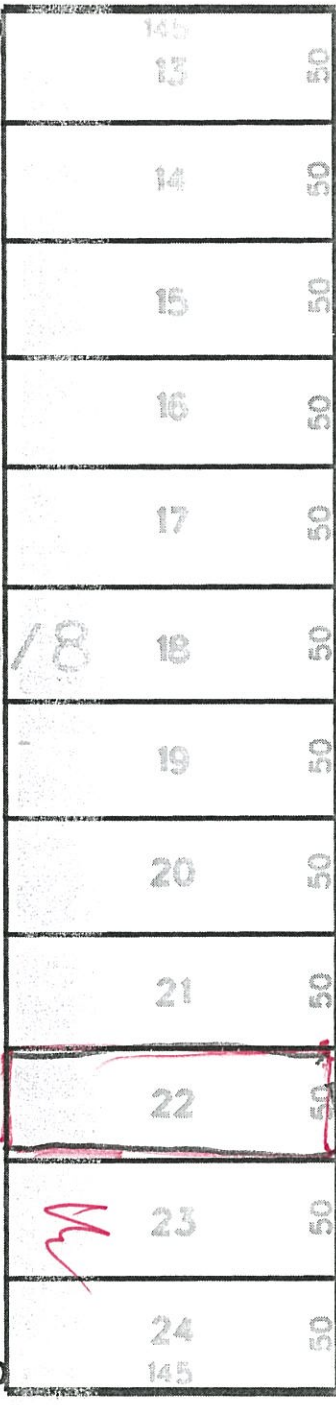
90

(FLORENCE ST.) 3100



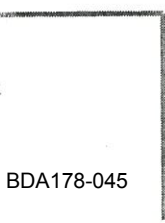
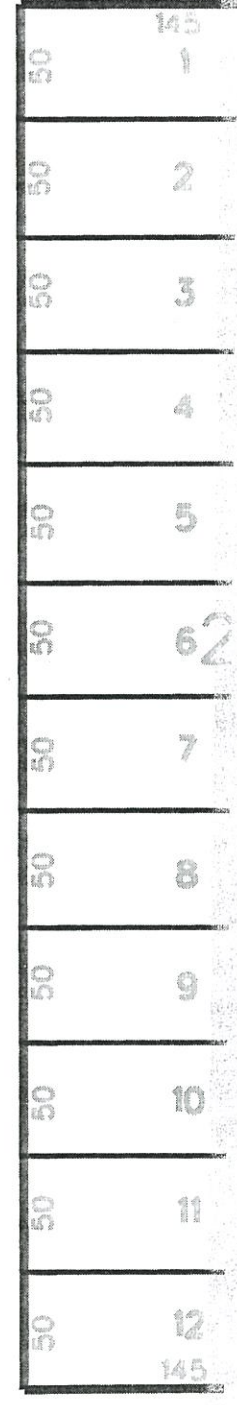
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5800

MONTICELLO



BDA178-045

5900



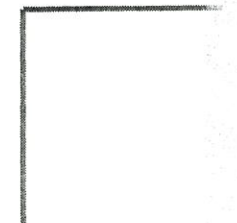
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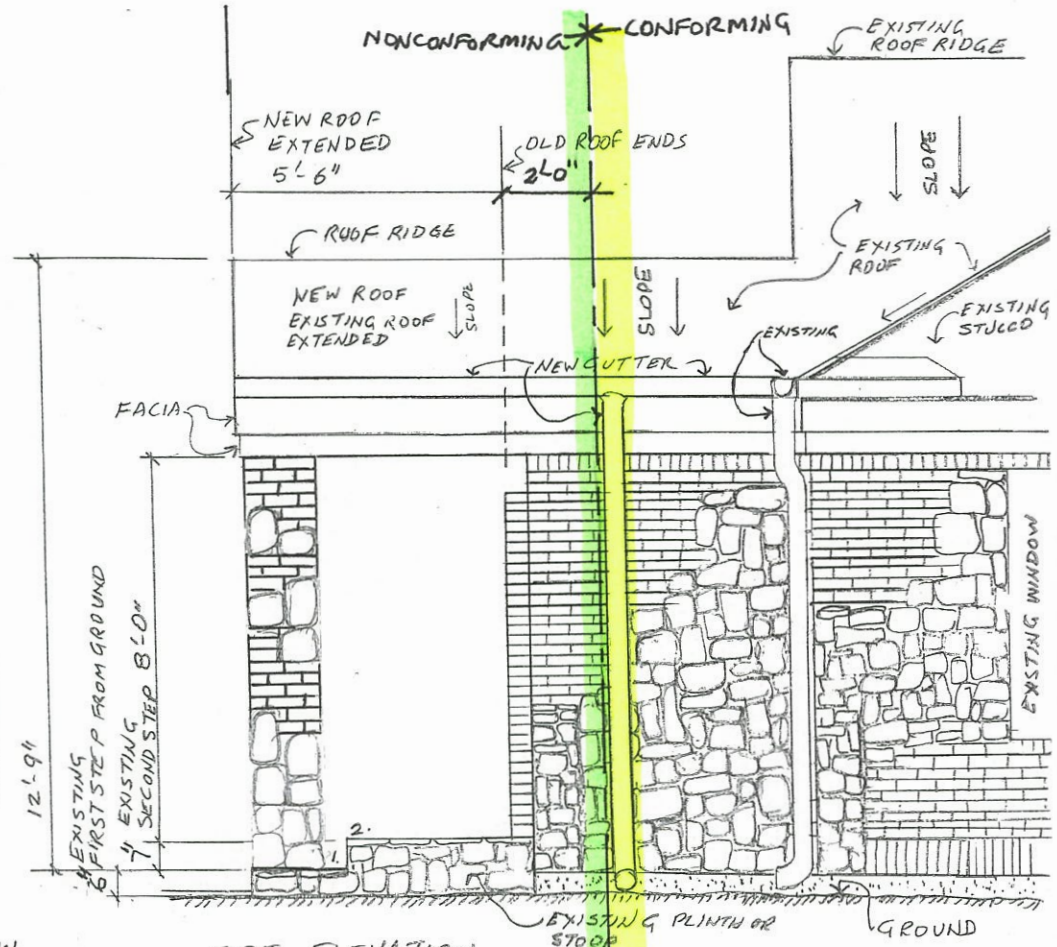
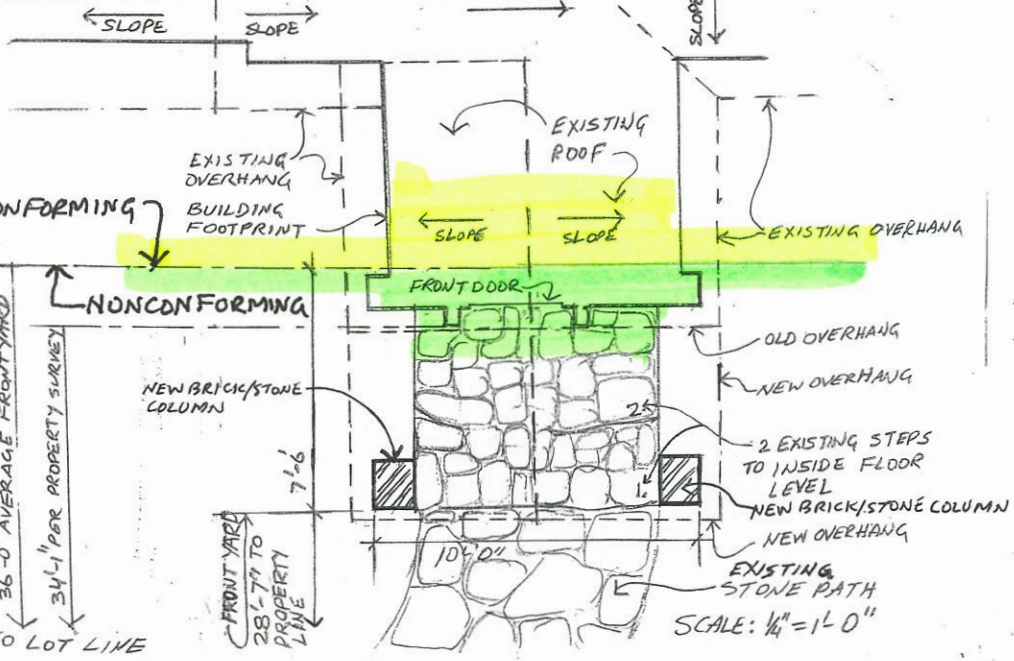
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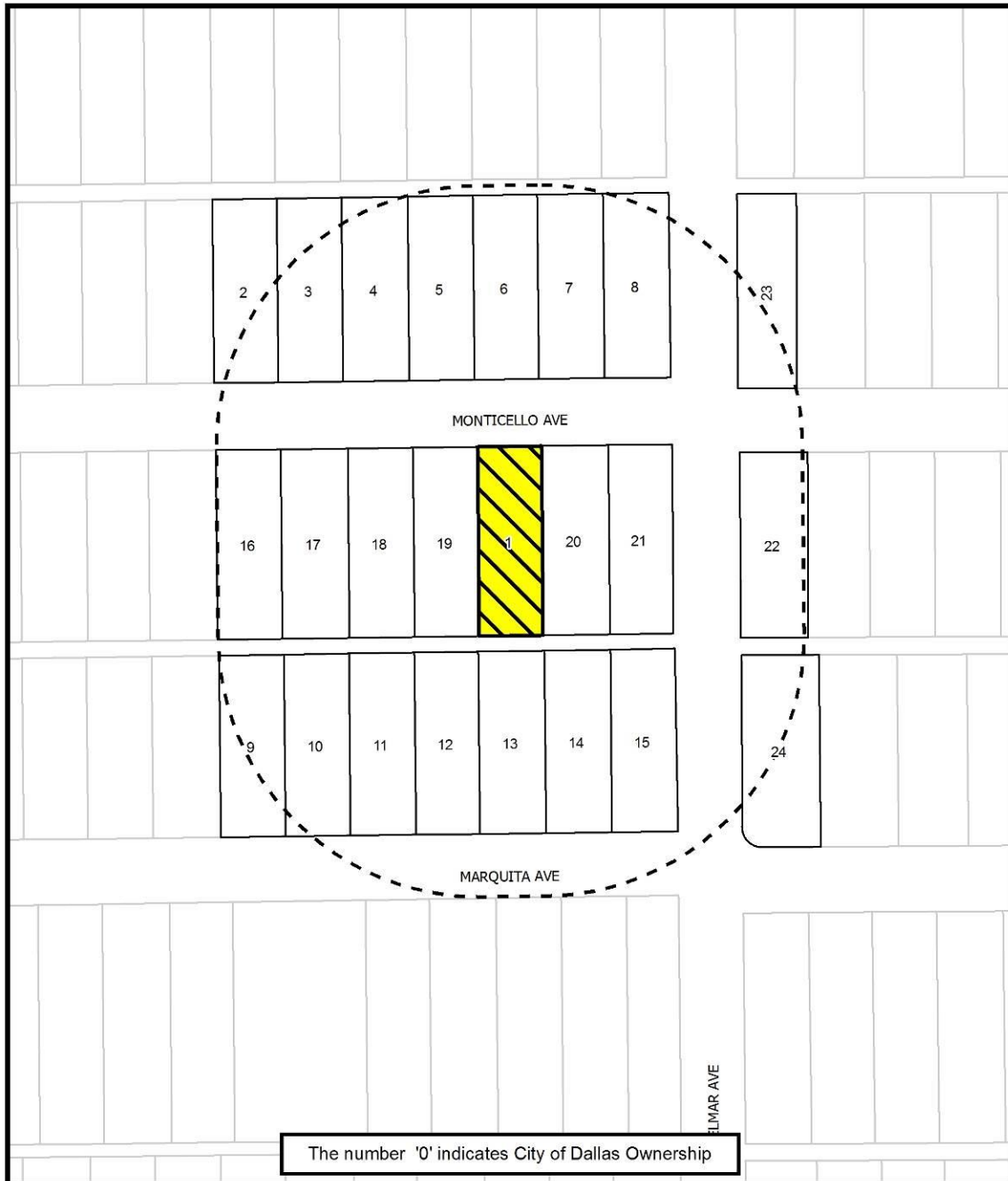


SIDE ELEVATION AWNING FRONTING NORTH

SCALE: 3/8" = 1'-0"

SHEET 2

26 FEB 2018



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 0 auto;"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">200'</td> <td style="padding: 2px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">24</td> <td style="padding: 2px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	24	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA178-045</u> Date: <u>3/20/2018</u>
200'	AREA OF NOTIFICATION					
24	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA178-045

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5838 MONTICELLO AVE	SETH VIRENDRA C & LAKSHMI D
2	5823 MONTICELLO AVE	MOQUIST BRIAN
3	5827 MONTICELLO AVE	WILLIFORD CHRISTINE
4	5831 MONTICELLO AVE	GULICK CLINTON K & MADELINE B
5	5835 MONTICELLO AVE	LOBO STEVEN M
6	5839 MONTICELLO AVE	READ CAMPBELL B &
7	5843 MONTICELLO AVE	CHIANG THOMAS & TRACY
8	5847 MONTICELLO AVE	DIEKE PHILLIP T & JESSICA L
9	5823 MARQUITA AVE	ALLEN ASHLEY
10	5827 MARQUITA AVE	TRAN JOHN
11	5831 MARQUITA AVE	BURNS WARREN T
12	5835 MARQUITA AVE	KOONTZ CARL H
13	5839 MARQUITA AVE	JABLONSKI JOSEPH STEVEN &
14	5843 MARQUITA AVE	FAUCHER MARYANN
15	5847 MARQUITA AVE	CLARY TAMMY L
16	5822 MONTICELLO AVE	LAFUZE WILLIAM L JR
17	5826 MONTICELLO AVE	SULLIVAN OLIVIA R
18	5830 MONTICELLO AVE	BLOSS ROBERT S JR
19	5834 MONTICELLO AVE	EVANS CASEY
20	5842 MONTICELLO AVE	NEIGHBOR CYNTHIA G
21	5846 MONTICELLO AVE	AUSTIN HUNTER J & ERICA
22	5902 MONTICELLO AVE	COONEY BETH
23	5901 MONTICELLO AVE	LOVETT SUZANNE
24	5903 MARQUITA AVE	FRATER GORDON H

FILE NUMBER: BDA178-048(OA)

BUILDING OFFICIAL'S REPORT: Application of Eric Messer for a variance to the front yard setback regulations at 11021 Royalshire Drive. This property is more fully described as Lot 4, Block 3/5500 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and/or maintain a structure and provide a 10 foot front yard setback, which will require a 25 foot variance to the front yard setback regulations.

LOCATION: 11021 Royalshire Drive

APPLICANT: Eric Messer

REQUEST:

A request for a variance to the front yard setback regulations of 25' is made to construct and maintain a two-story single family home structure with a total "slab area" of approximately 5,800 square feet or with a total "home size" of approximately 6,100 square feet, part of which is to be located 10' from one of the site's two front property lines (Rex Drive) or 25' into this 35' 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-16(A) zoning district in that it is restrictive in area due to having two, 35' front yard setbacks when most lots in this zoning district have one 35' front yard setback. The 95' wide subject site has 50' of developable width available once a 35' front yard setback is accounted for on the north and a 10' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 95' wide site would have 75' of developable width.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that that the total home size of the proposed home on the subject site at approximately 6,100 square feet is commensurate to 31 other homes in the same R-16(A) zoning district that have average home size of approximately 6,400 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) (Single family district 16000 square-feet)
North: R-16(A) (Single family district 16000 square-feet)
South: R-16(A) (Single family district 16000 square-feet)
East: R-16(A) (Single family district 16000 square-feet)
West: R-16(A) (Single family district 16000 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:

1. BDA 167-076, Property at 6143 Royalton Drive (Property located one block south of subject site)

On August 14, 2017, the Board of Adjustment Panel C denied requests for variances to the front yard setback regulations made to construct and maintain a single family structure in the front yard setbacks on one of the site's two front property lines (Azalea Drive).

The case report stated the request was made to construct and maintain a single family structure, part of which would be located 14' from the site's front property line) or 21' into the 35' front yard setback along Azalea Lane.

GENERAL FACTS /STAFF ANALYSIS:

- This request for variance to the front yard setback requirement of 25' focuses on constructing and maintaining a two-story single family home structure with a total "slab area" of approximately 5,800 square feet or with a total "home size" of approximately 6,100 square feet, part of which is to be located 10' from one of the site's two front property lines (Rex Drive) or 25' into this 35' front yard setback on a site that is undeveloped.
- The property is located in an R-16(A) zoning district which requires a minimum front yard setback of 35 feet.
- The subject site is located at the southwest corner of Royalshire Drive and Rex Drive. Regardless of how the structure is proposed to be oriented to front Royalshire Drive, the subject site has a 35' front yard setback along both street frontages. The site has a 35' front yard setback along Royalshire 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 35' front yard setback along Rex Drive, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 10' side yard setback is required. However, the site's Rex Drive 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 northward towards Rex Drive.
- The submitted site plan indicates the proposed structure is located 10' from the Rex Drive's front property line or 25' into this 35' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 11021 Royalshire Drive.

- The subject site is flat, rectangular in shape (approximately 160' x 95'), and according to the submitted application is 0.348 acres (or approximately 15,200 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- Most lots in the R-16(A) zoning district have one 35' front yard setback, two 10' side yard setbacks, and one 10' rear yard setback; this site has two 35' front yard setbacks and two 10' side yard setbacks.
- The site plan represents that approximately 1/3 of the structure is located in the 35' Rex Drive front yard setback.
- The 95' wide subject site has 50' of developable width available once a 35' front yard setback is accounted for on the north and a 10' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 95' wide site would have 75' of developable width.
- No variance would be necessary if the Rex Drive frontage were a side yard since the site plan represents that the proposed home is 10' from the Rex Drive property line and the side yard setback for properties zoned R-16(A) is 10'.
- 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 6100 square feet, and the average of 31 other properties in the same zoning is approximately 6,400 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-16(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-16(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 10' from the site's Rex Drive front property line (or 25' into this 35' front yard setback).

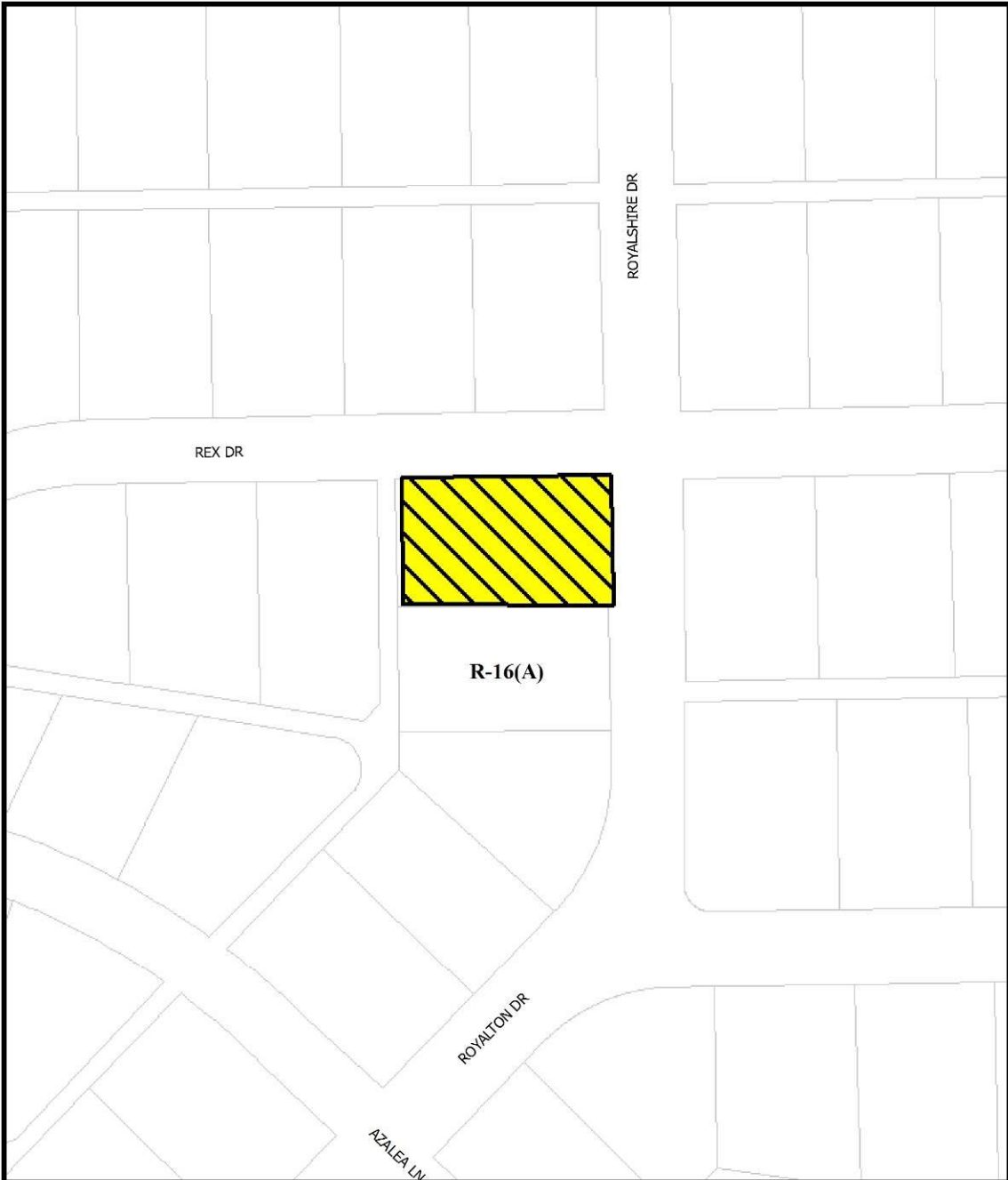
Timeline:

February 20, 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.

- April 11, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 12, 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 25, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- May 1, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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 Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- May 23, 2018: The public hearing in which this application was scheduled was canceled to due lack of quorum of members. This application was rescheduled to be heard by Panel B on June 20, 2018. The Board Administrator emailed the applicant of this cancellation and of this rescheduling.
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

ZONING MAP

Case no: BDA178-048

Date: 4/17/2018



1:1,200

AERIAL MAP

Case no: BDA178-048

Date: 4/17/2018



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-048

Data Relative to Subject Property:

Date: 2/20/18

Location address: 11021 ROYALSHIRE Zoning District: R-16(A)

Lot No.: 4 Block No.: 3/5500-1/2 Acreage: .363 Census Tract: 133.00

Street Frontage (in Feet): 1) 161 2) 160 3) 160 4) 97 5) _____

To the Honorable Board of Adjustment :

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

Applicant: ERIC MESSER Telephone: 972 741 6087

Mailing Address: 6312 WIDGEON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.COM

Represented by: ERIC MESSER Telephone: 9727416887

Mailing Address: 6312 WIDGEON DR, PLANO TX Zip Code: 75024

E-mail Address: ERIC@ERICMESSER.COM

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 25' TO THE FRONT YARD SET BACK TO CURRENT SET BACK ON REX DRIVE CREATING NEW FRONT YARD SET BACK OF 10' WITH A 1 FOOT ROOF EAVE OVERHANG

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 CURRENT FRONT YARD SETBACK FACING REX IS CAUSING A HARDSHIP THE RESTRICTIONS CAUSED BY THE CURRENT SET BACKS ARE NOT SELF-CREATED AND DO NOT ALLOW FOR A HOME TO BE BUILT THAT MEETS CURRENT VALUES BASED ON LAND VALUES FOR THE AREA

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

Affidavit

Before me the undersigned on this day personally appeared ERIC MESSER (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 20th day of February, 2018

[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 ERIC MESSER

did submit a request for a variance to the front yard setback regulations
at 11021 Royalshire Drive

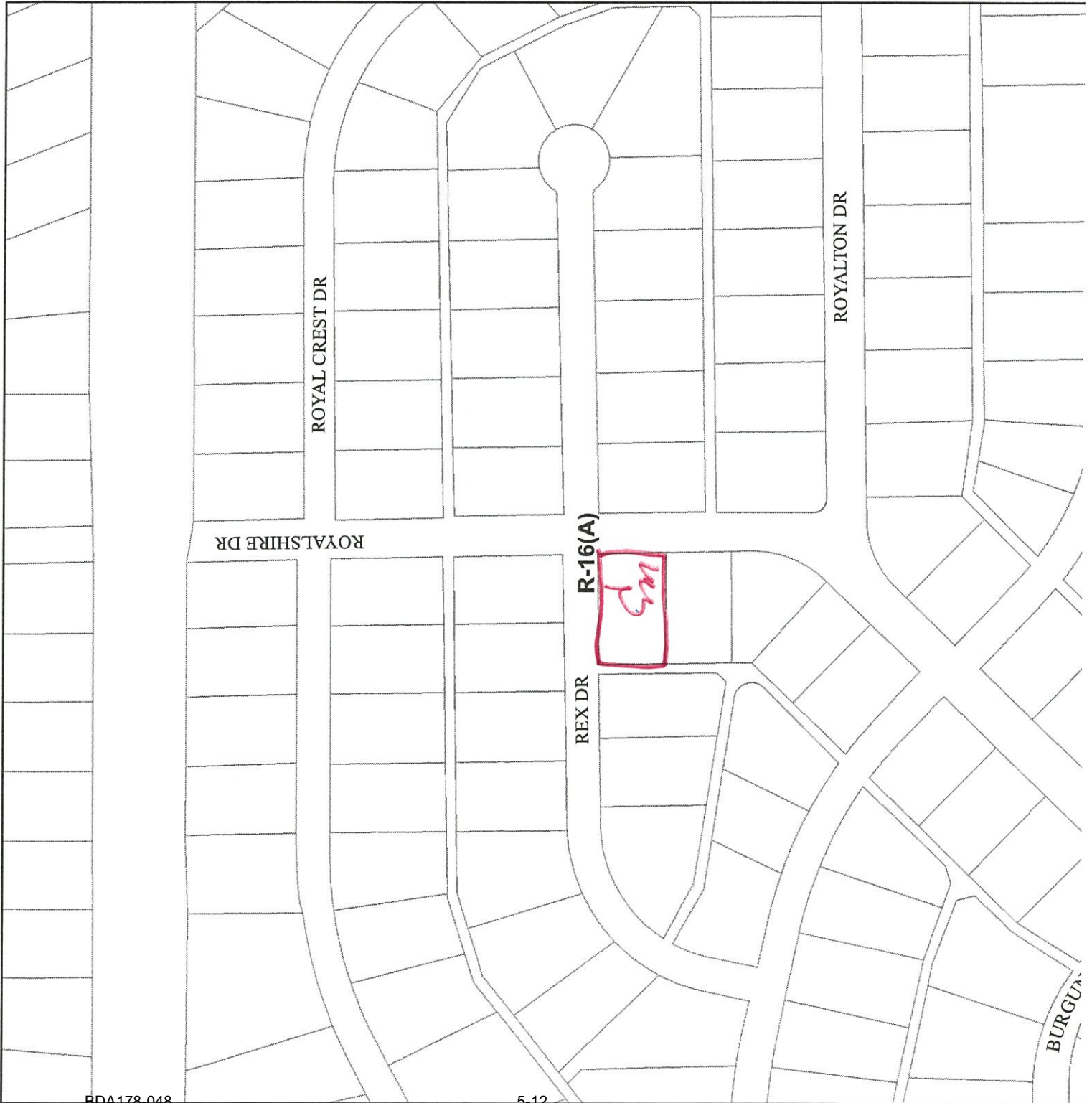
BDA178-048. Application of Eric Messer for a variance to the front yard setback regulations at 11021 ROYALSHIRE DR. This property is more fully described as Lot 4, Block 3/5500 and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback measured at the foundation (with a 1 foot roof eave), which will require 25 foot variance to the front yard setback regulation.

Sincerely,

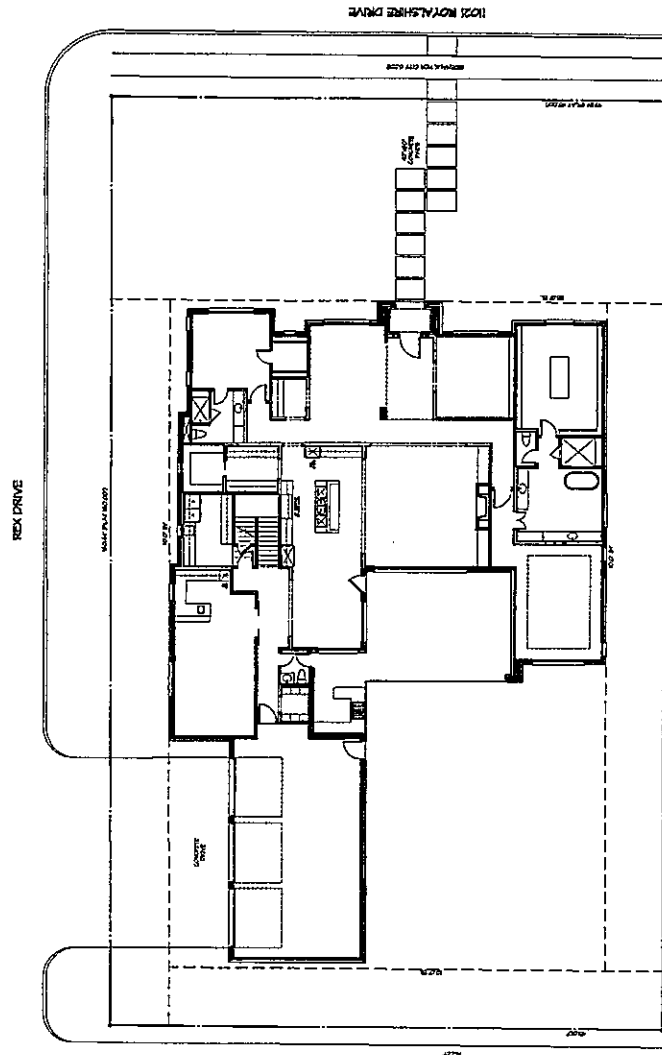
Philip Sikes
Philip Sikes, Building Official





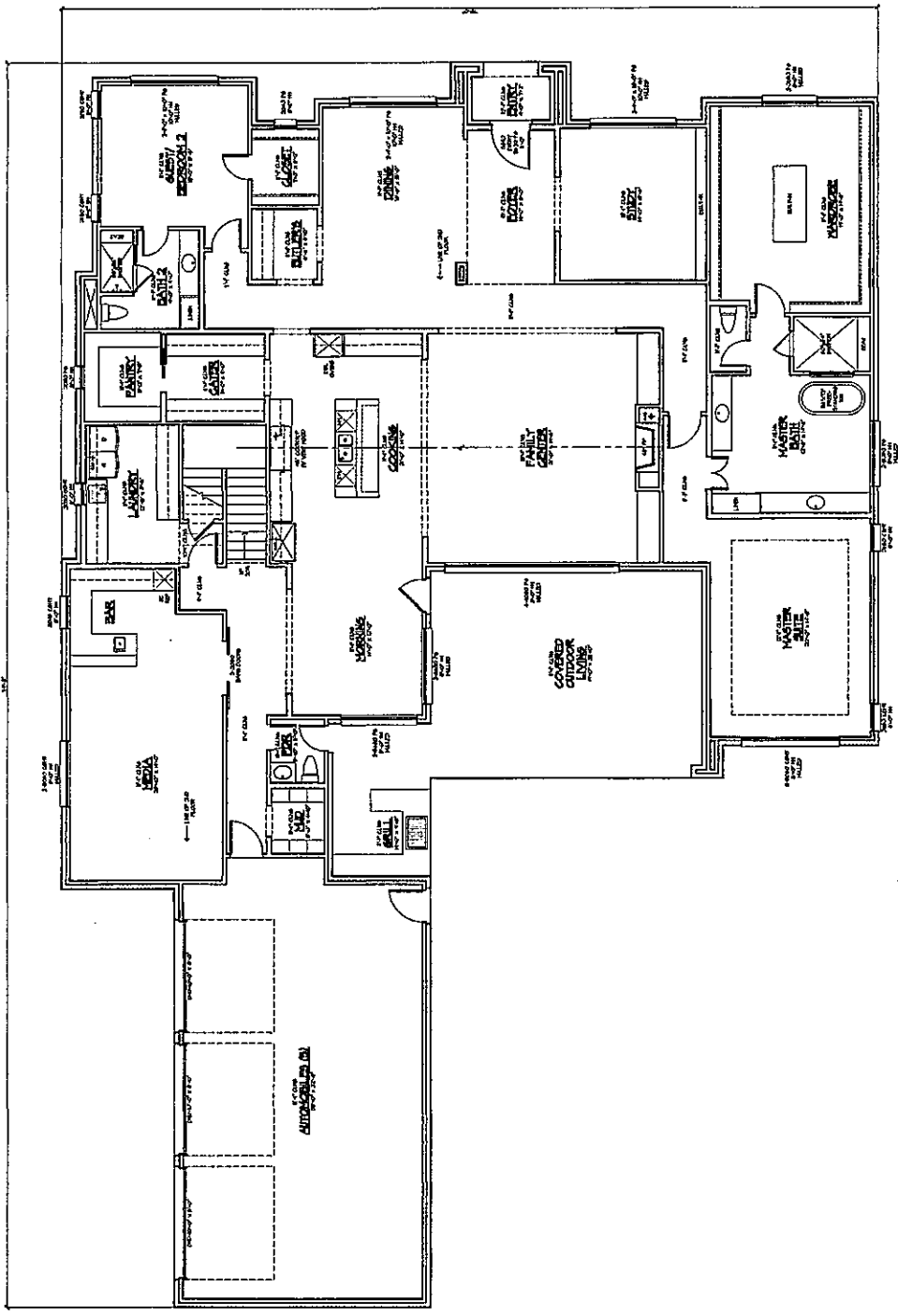


REVIEW SET: NOT FOR CONSTRUCTION



SITE PLAN
 SCALE: 1/8" = 1'-0"
 DATE: 09/10/08
 DRAWN BY: [Name]
 CHECKED BY: [Name]

REVIEW SET; NOT FOR CONSTRUCTION



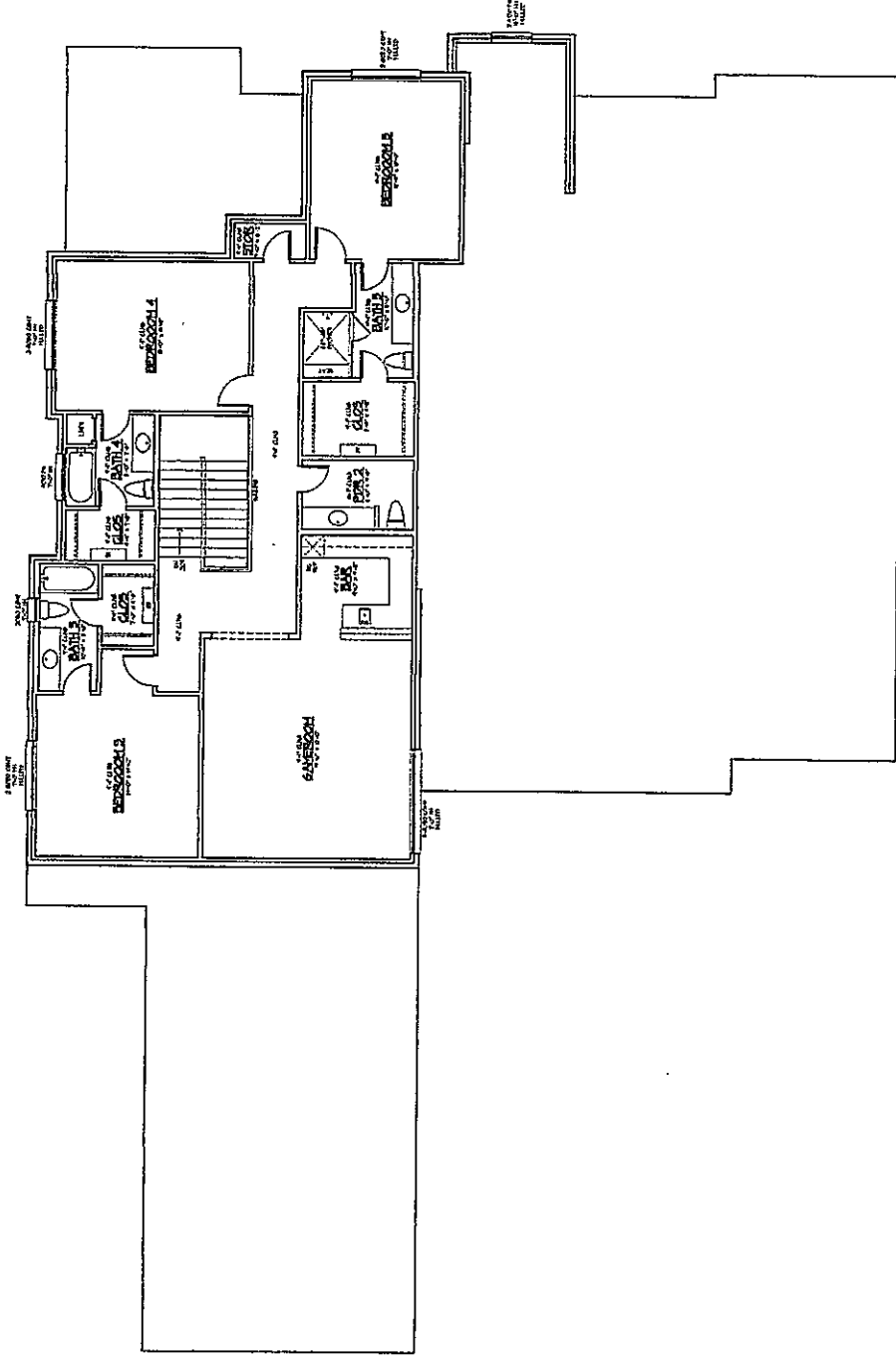
AREAS

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AREA 3	128.00
AREA 4	128.00
AREA 5	128.00
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AREA 7	128.00
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AREA 97	128.00
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AREA 99	128.00
AREA 100	128.00

LOWER LEVEL FLOOR PLAN

WALLS: 1/2" - 1/2"
 DOORS: 1/2" - 1/2"
 WINDOWS: 1/2" - 1/2"
 STAIRS: 1/2" - 1/2"
 CLOSETS: 1/2" - 1/2"
 CABINETS: 1/2" - 1/2"
 CARPET: 1/2" - 1/2"
 TILE: 1/2" - 1/2"
 CONCRETE: 1/2" - 1/2"
 BRICK: 1/2" - 1/2"
 MASONRY: 1/2" - 1/2"
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 ALL INTERIORS ARE TO BE FINISHED UNLESS NOTED OTHERWISE.
 ALL EXTERIORS ARE TO BE FINISHED UNLESS NOTED OTHERWISE.
 ALL FINISHES TO BE SPECIFIED IN THE SPECIFICATIONS.

REVIEW SET, NOT FOR CONSTRUCTION



UPPER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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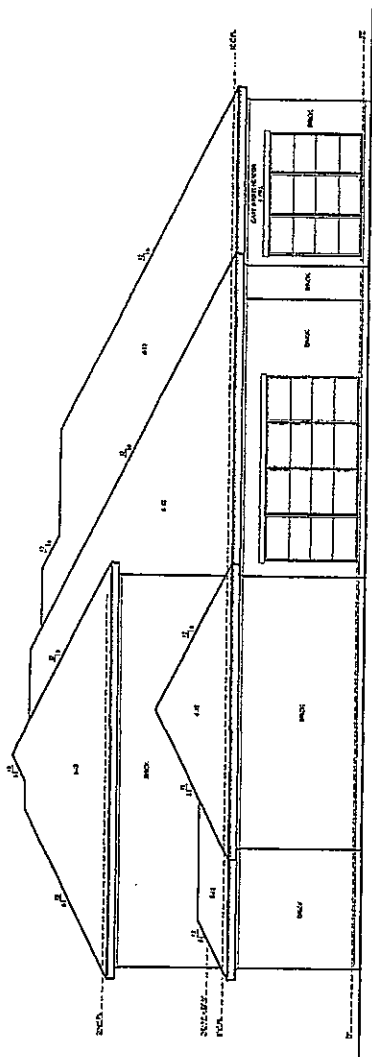
A. LITTLE KENNEDY ARCHITECTS
 1001 AVENUE D
 DALLAS, TEXAS

DESCO HOMES
 17810 DAVENPORT, SUITE 111, DALLAS, TX 75222
 972-783-4000 BLEVCAT@HOTMAIL.COM

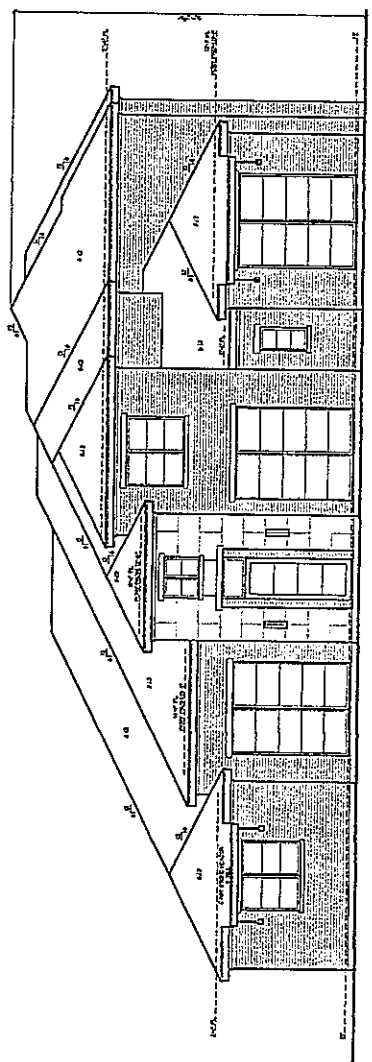
COVERT + ASSOCIATES

DATE	4	OF 3

REVIEW SET, NOT FOR CONSTRUCTION

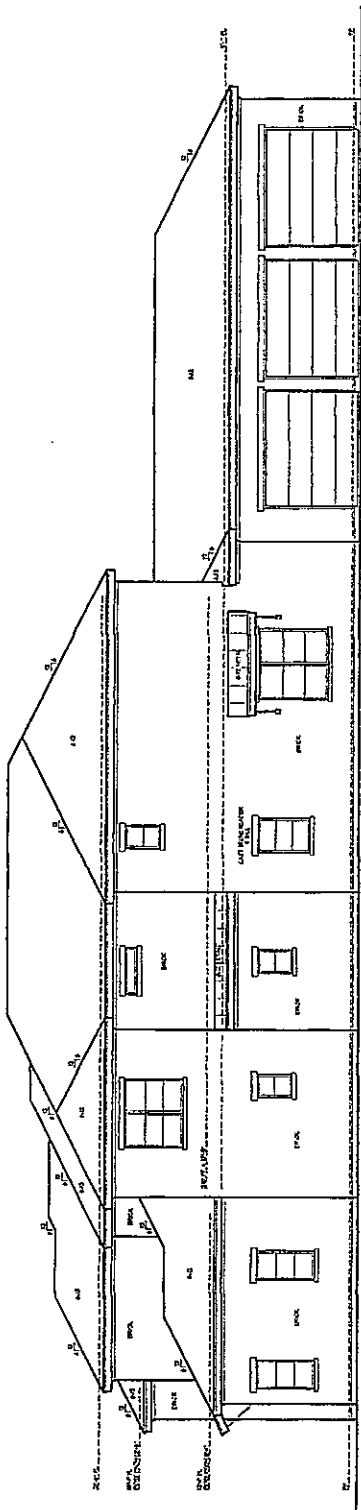


REAR ELEVATION
 SCALE 1/4" = 1'-0"

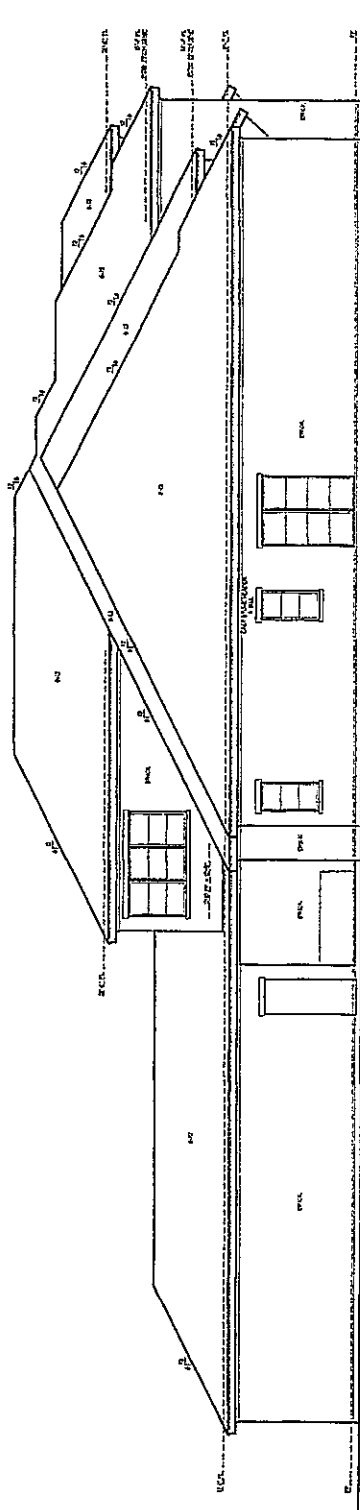


FRONT ELEVATION
 SCALE 1/4" = 1'-0"

REVIEW SET, NOT FOR CONSTRUCTION



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



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

To: The Board of Adjustment

I am providing you with information that I hope will help you and your board better understand the need for a variance and show that the home to be built at 11021 Royalshire is commensurate to other properties zoned R-16(A). I have attached a list of properties that I believe are comparable in lot size and home square footage.

The home to be constructed at 11021 Royalshire will be 6114 square feet with a 3-car garage. The lot is .363 acres. The comparables are all within a couple of hundred feet in square footage and similar lot size. 11021 Royalshire is a corner lot and some of the properties used to compare are also corner lots.

11021 Royalshire is a corner lot and zoned with two front yards and two side yards. The front yard facing Royalshire is a 35-foot setback and the front yard facing Rex is a 35-foot set back. It is the front yard facing Rex that is causing the hardship. The restrictions caused by the current setbacks are not self-created and do not allow for a home to be built that will meet current market values based on land values for the area.

The home will not be contrary to the public interest and as mentioned above is commensurate with other properties zoned R-16(A) as shown on the attached list.

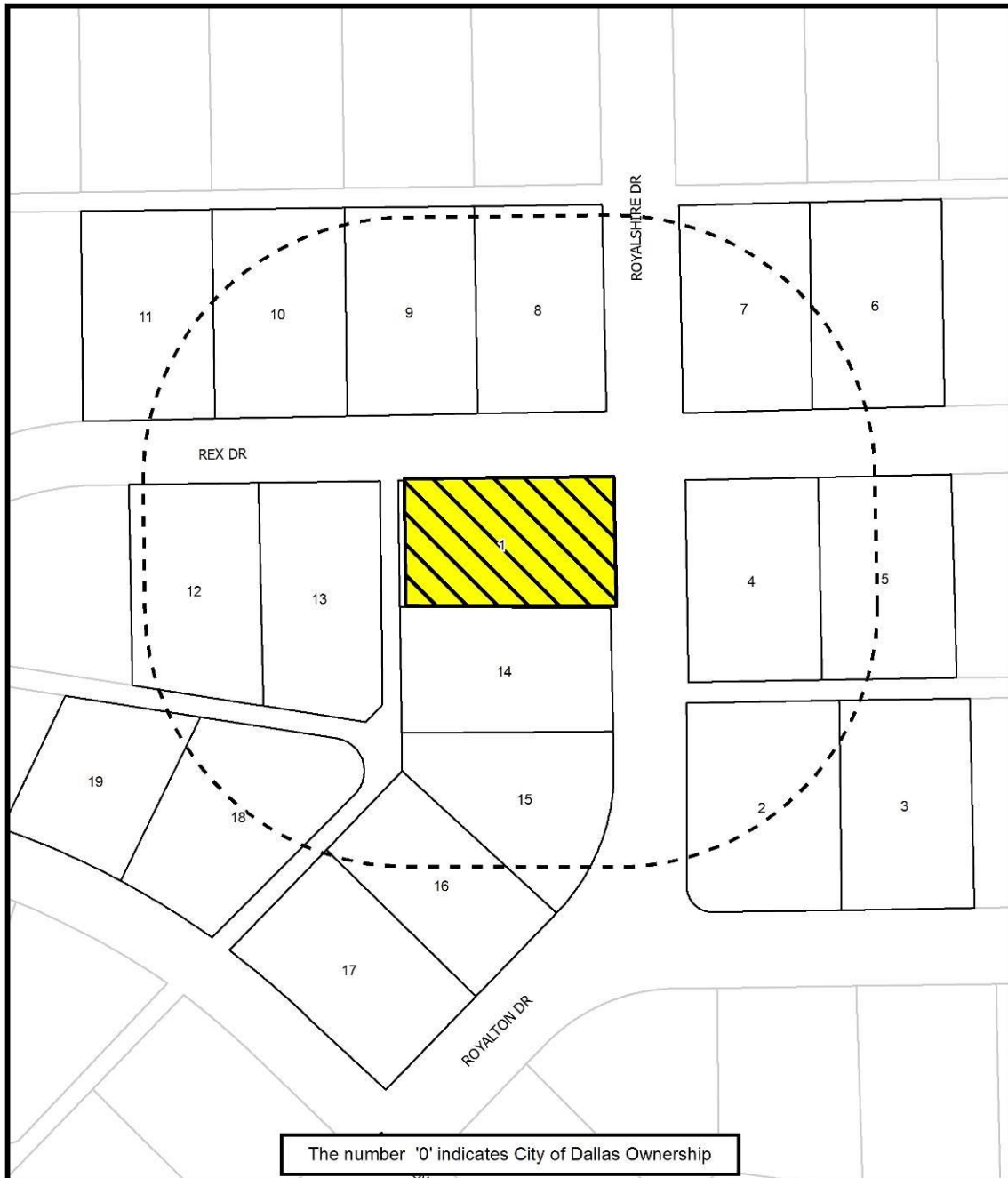
I am asking that the board adjust the set-backs for 11012 Royalshire. This will include the front yard facing Royalshire will have a 35 foot set-back, the front yard facing Rex will have a 10 foot set back and the two side yards each with 10 foot set-backs.

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

Eric Messer
972-741-6887
eric@ericmesser.com

LIST OF PROPERTIES ZONED R-16(A)

Subject Address	SqFt Total	Lot Size Area	Lot Location	Zoned
11021 Royalshire	6114	0.363	Corner	R-16(A)
Comparable Address SqFt Total Lot Size Area Lot Location Zoned				
1 5592 Rex	5,592	0.363	Corner	R-16(A)
2 6553 Rex	6,553	0.363	Corner	R-16(A)
3 6163 Rex	4,626	0.357	Corner	R-16(A)
4 6214 Rex	7,385	0.367		R-16(A)
5 11015 Royalshire	6,492	0.358		R-16(A)
6 6142 Rex	5,336	0.375		R-16(A)
7 6132 Rex	6,749	0.372		R-16(A)
8 6247 Rex	5,362	0.372		R-16(A)
9 6139 Royal Crest	6,228	0.35	Corner	R-16(A)
10 6114 Royal Crest	5,831	0.384		R-16(A)
11 6223 Rex	6,097	0.367		R-16(A)
12 6001 Rex	6,001	0.363		R-16(A)
13 6636 Willow	6,083	0.367		R-16(A)
14 6238 Royal Crest	5,701	0.367		R-16(A)
15 6222 Royal Crest	6,132	0.362		R-16(A)
16 11429 Parkchester	6,198	0.366		R-16(A)
Average	6,023	0.365		R-16(A)



 1:1,200	NOTIFICATION		Case no: BDA178-048
	<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: 4/17/2018	

Notification List of Property Owners

BDA178-048

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11021 ROYALSHIRE DR	MESSER HOLDINGS SERIES LLC
2	11000 ROYALSHIRE DR	BAUER KATHERINE
3	6215 ROYALTON DR	JONES JEANNE KAY
4	6206 REX DR	FAGAN HUGH & AIMEE
5	6214 REX DR	METZ MATTHEW L & MARY A
6	6215 REX DR	WEST MIKE & TERRI
7	6207 REX DR	BONN JOHN E & ROBIN M
8	6163 REX DR	JAYARAMAN VIDYASAGAR &
9	6155 REX DR	GRAY STEVEN DIRK & DEBORAH K
10	6147 REX DR	REIHSEN GERALD J &
11	6139 REX DR	DETIENNE MARY L
12	6132 REX DR	STOLER ROBERT C
13	6142 REX DR	COBEN CHAD E & AMBER M
14	11015 ROYALSHIRE DR	DUNN JOSHUA JETT
15	6155 ROYALTON DR	WEINSTEIN GREG M
16	6151 ROYALTON DR	GOLDSMITH REGINALD M &
17	6143 ROYALTON DR	LOMAT INVESTMENTS INC
18	6069 AZALEA LN	WEINREB KAREN S
19	6063 AZALEA LN	HEXT GREGORY & KIMBERLY

FILE NUMBER: BDA178-055(SL)

BUILDING OFFICIAL'S REPORT: Application of Robert Reeves and Associates, represented by Robert Reeves, for a special exception to the off-street parking regulations at 13907 Noel Road. This property is more fully described as Lot 1B, Block A/7005, and is zoned MU-3(SAH), which requires off-street parking to be provided. The applicant proposes to construct and/or maintain a structure for hotel or motel use, general merchandise or food store 3500 square feet or less use, and an animal shelter or clinic without outside runs uses, and provide 236 of the required 270 of-street parking spaces, which will require a 34 space special exception to the off-street parking regulations.

LOCATION: 13907 Noel Road

APPLICANT: Robert Reeves and Associates
Represented by Robert Reeves

REQUEST:

A request for a special exception to the off-street parking regulations of 34 spaces is made to construct and maintain a structure with a mix of hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses where 236 of the required 270 spaces are proposed to be provided on a site that is currently undeveloped.

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

Section 51A-4.311 of the Dallas Development Code states the following:

- 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 34 spaces shall automatically and immediately terminate if and when the hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer indicated that he has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: MU-3(SAH)(Deed restricted)* (Mixed use)
North: GO(A)(SAH)(Deed restricted) (General Office)
South: PD 887 (Planned Development)
East: PD 216 (Planned Development)
West: MU-3(SAH) (Mixed use)

- * Note that in January of 2018, the same applicant who filed an application to the Board of Adjustment at this time on this site for variances to front yard, side yard, loading regulations, and a similar requests for a special exception to off-street parking regulations for the same uses applied for in this application, represented in an email to the Board Administrator/Chief Planner that the deed restrictions on this property in no way conflicted with the requests made to the board of adjustment on that application (BDA178-020).

Land Use:

The subject site is undeveloped. The areas to the north is developed with a hotel use; the area to the east is developed with multifamily use; the area to the south is developed with an office use, and the area to the west is developed with retail use.\

Zoning/BDA History:

1. BDA178-020, Property at 13907 Noel Road (the subject site)

On February 21, 2018, the Board of Adjustment Panel B denied requests for variances to the front and side yard setback regulations, a variance to the off-street loading regulations, and a special exception to the off-street parking regulations of 33 spaces without prejudice.

The case report stated that the requests were made to construct and maintain a 6-story, approximately 72' high, approximately 170,000 square foot mixed structure (hotel or motel use, general merchandise or food

store 3,500 square feet or less use, animal shelter or clinic without outside runs use) (Plush Galleria Hotel) on a site that was currently undeveloped.

2. BDA990-372, Property at 13907 Noel Road (the subject site)

On December 6, 2000, the Board of Adjustment Panel B granted a request for a special exception to the off-street parking regulations of 6 spaces and imposed the following condition: the special exception granted automatically and immediately terminates if and when the retail and restaurant uses on the site are changed or discontinued.

The case report stated that the request was made to construct and maintain a retail development and restaurant on the undeveloped site and provide 95 of the required 101 off-street parking spaces required by code.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 34 spaces focuses on constructing and maintaining a structure with a mix of hotel or motel (a 236 room hotel), general merchandise or food store 3,500 square feet or less (1,800 square feet of retail use), animal shelter or clinic without outside runs (7,300 square foot “doggy day care”) uses, and providing 236 (or 87 percent) of the 270 off-street parking spaces required by code.
- Chapter 51A requires the following off-street parking requirement:
 - Hotel or motel: one space for each unit for units 1 to 250; $\frac{3}{4}$ space for each unit for units 251 to 500, $\frac{1}{2}$ space for each unit for all units over 500; plus one space per 200 square feet of meeting room.
 - General merchandise or food store 3,500 square feet or less: one space per 200 square feet of floor area.
 - Animal shelter or clinic: One space per 300 square feet of floor area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the proposed hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses does not warrant the number of off-street parking spaces required, and
 - The special exception of 34 spaces (or a 13 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 34 spaces shall automatically and immediately terminate if and when the hotel or motel, general merchandise or food store 3,500 square feet or less, animal shelter or clinic without outside runs uses are changed or discontinued, the applicant could develop the site with a structure with these uses, and provide 236 (or 87 percent) of the 270 required off-street parking spaces.

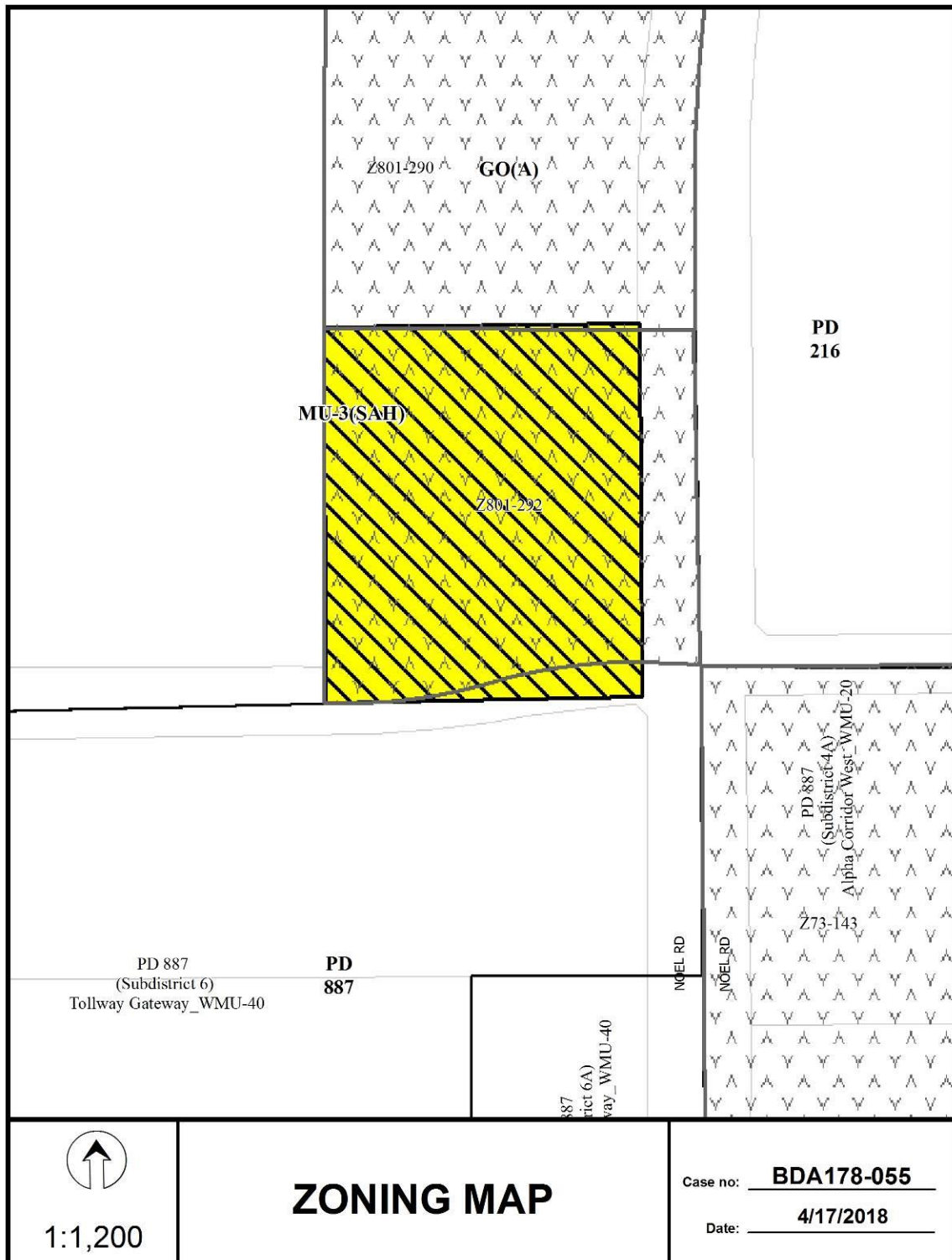
Timeline:

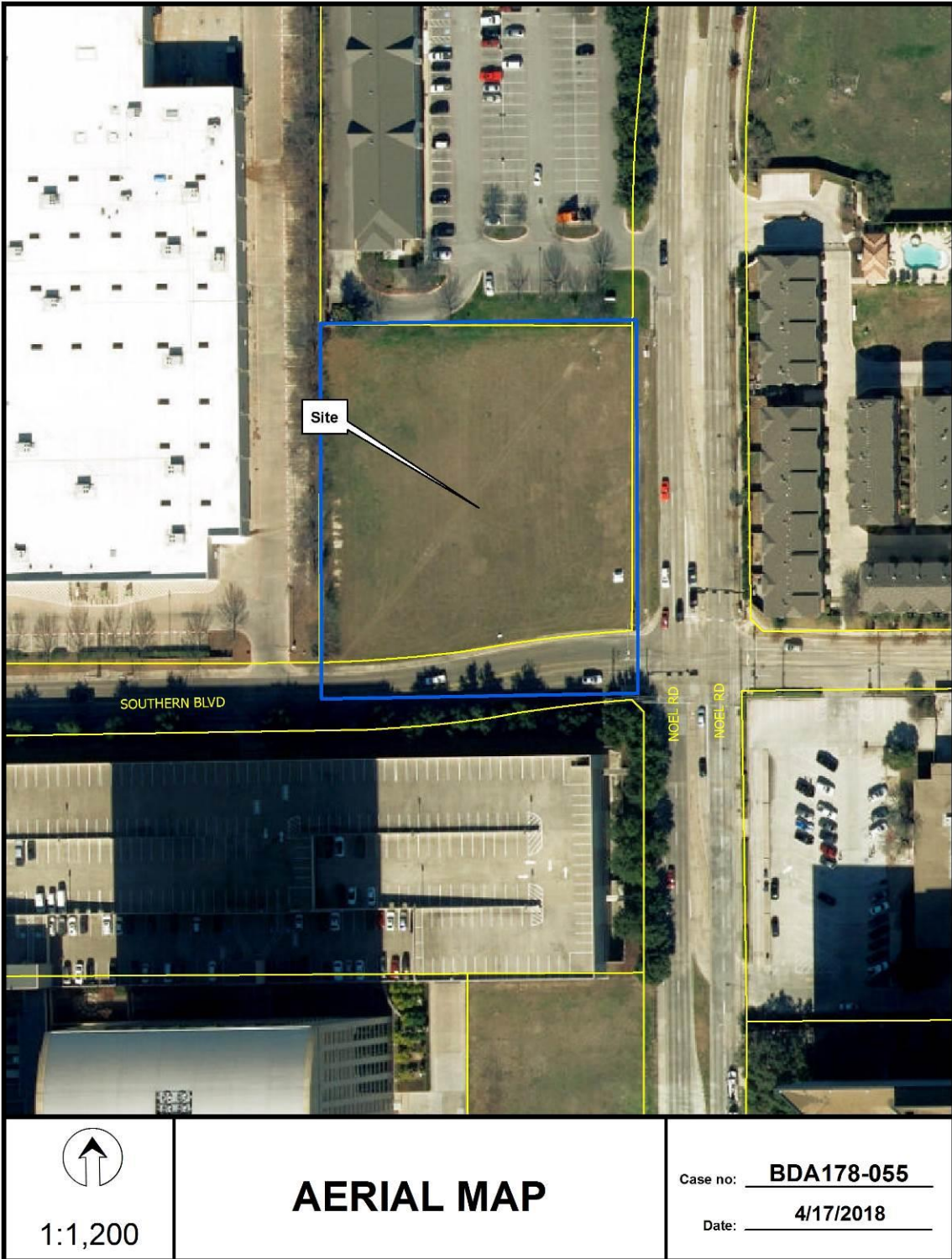
- March 8, 2018: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 10, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.
- April 10, 2018: 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th 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.”
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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 Senior Planner, and the Assistant City Attorney to the Board.
- May 9, 2018: The Sustainable Development Department Senior Engineer submitted a review comment sheet marked “Has no objections”.

May 23, 2018: The public hearing in which this application was scheduled was canceled to due lack of quorum of members. This application was rescheduled to be heard by Panel B on June 20, 2018. The Board Administrator emailed the applicant of this cancellation and of this rescheduling.

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

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







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-055

Data Relative to Subject Property:

Date: 03/09/2018

Location address: 13907 Noel Rd. Zoning District: MU-3(SAH)
Lot No.: 1B Block No.: A/7005 Acreage: 1.7473 Census Tract: 0136.26
Street Frontage (in Feet): 1) 297.64' Noel Rd. 2) 255.8' Southern Blvd. 3) 4) 5)

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Curtis D. Hodgson and Kenneth Shipley, individuals (together, "Grantee")
Applicant: Robert Reeves & Associates, Inc. Robert Reeves Telephone: 214-749-0530
Mailing Address: 900 Jackson Street, Suite 160 Dallas, Texas Zip Code: 75202
E-mail Address: rob.reeves@sbcglobal.net
Represented by: Robert Reeves Telephone: 214-749-0530
Mailing Address: 900 Jackson Street, Suite 160 Dallas, Texas Zip Code: 75202
E-mail Address: rob.reeves@sbcglobal.net

Affirm that an appeal has been made for a Variance, or Special Exception X, a request for a special exception of 34 parking spaces, a 12.6% reduction, from 270 required parking spaces to 236 parking spaces,

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 A request to construct a mixed-use structure for a 236-room hotel or motel use; a 1,800 sq. ft. general merchandise or food store 3,500 sq. ft. or less use, or a 1,800 sq. ft. personal service use; and a 7,300 sq. ft. animal shelter or clinic without outside runs use which would require 270 parking spaces, we are requesting a 34 parking space special exception which would provide 236 parking spaces, a 12.6% parking special exception.

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.

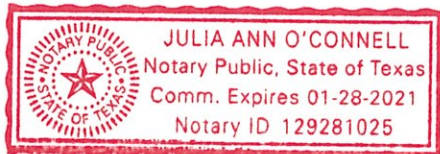
Affidavit

Before me the undersigned on this day personally appeared Robert Reeves (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 9th day of March, 2018.



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

(Rev. 08-01-11)

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Robert Reeves
represented by Robert Reeves
did submit a request for a special exception to the parking regulations
at 13907 Noel Road

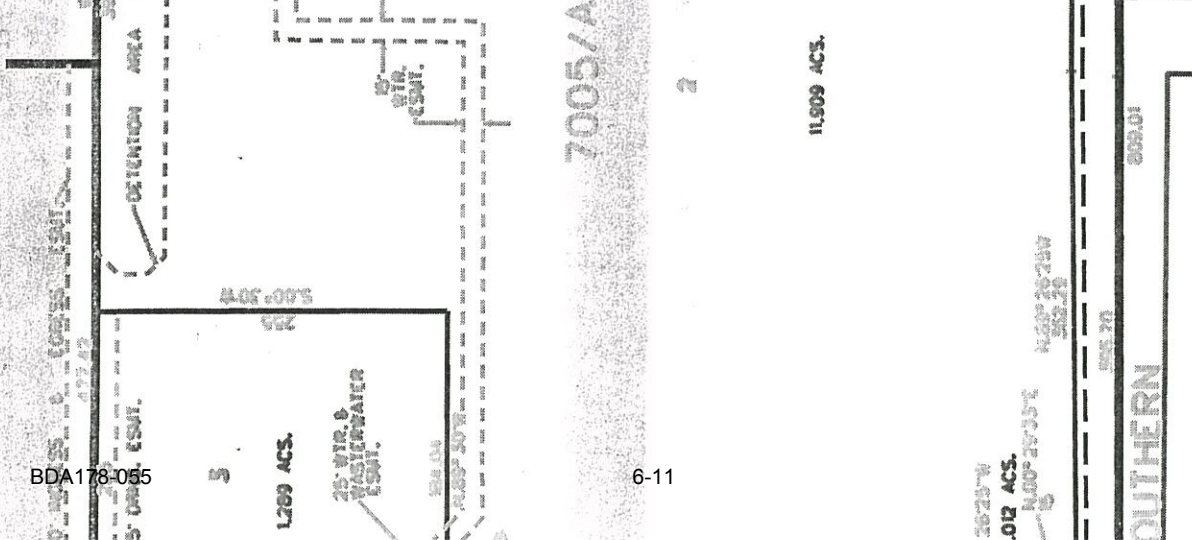
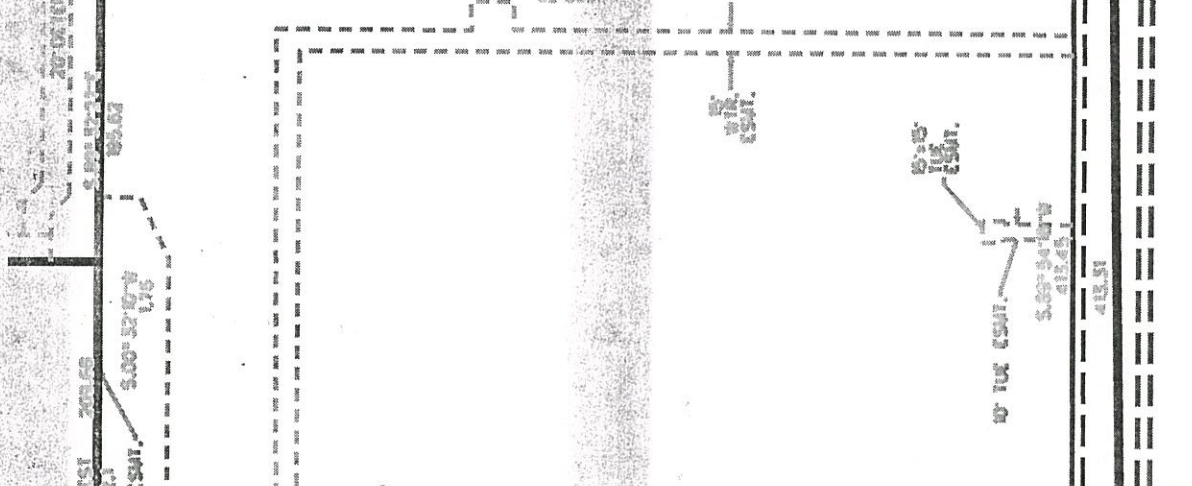
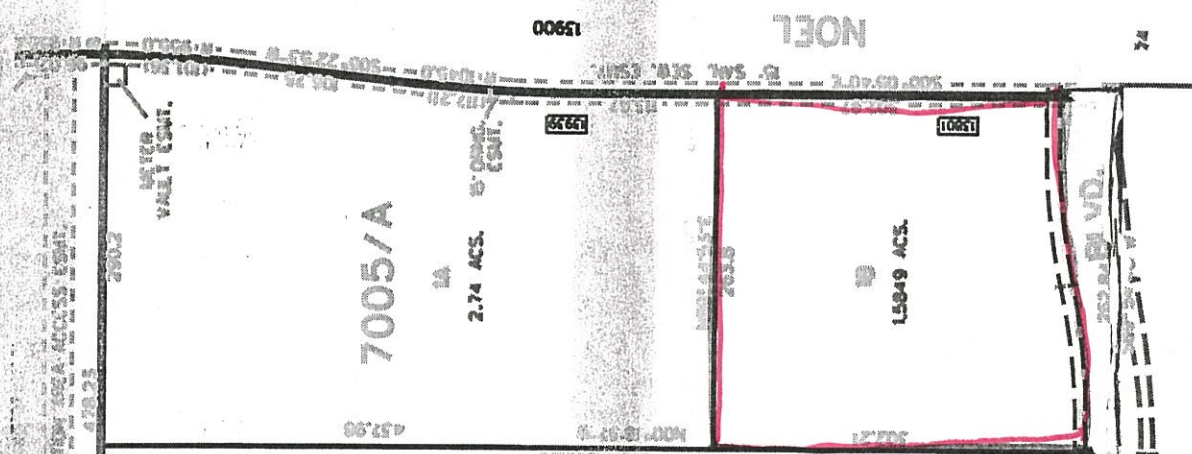
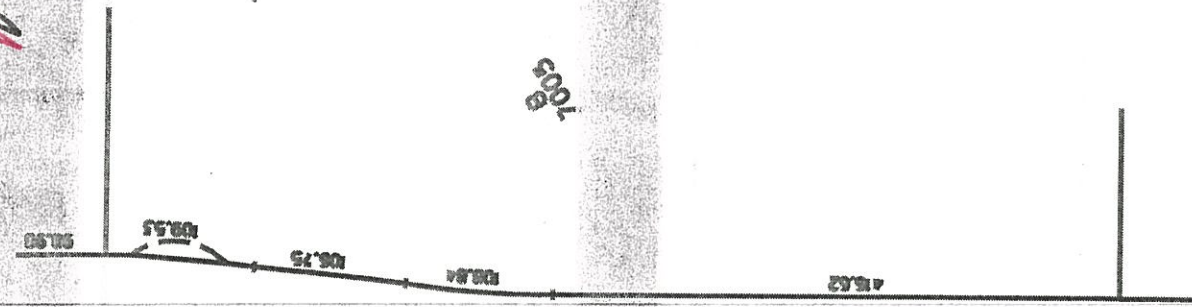
BDA178-055. Application of Robert Reeves represented by Robert Reeves for a special exception to the parking regulations at 13907 NOEL RD. This property is more fully described as Lot 1B, Block A/7005, and is zoned MU-3(SAH), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a hotel or motel use, a general merchandise or food store 3500 square feet or less use, and an animal shelter or clinic without outside runs use, and provide 236 of the required 270 parking spaces, which will require a 34 space special exception (12.6% reduction) to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Handwritten initials in red ink.



BDA 178-055

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

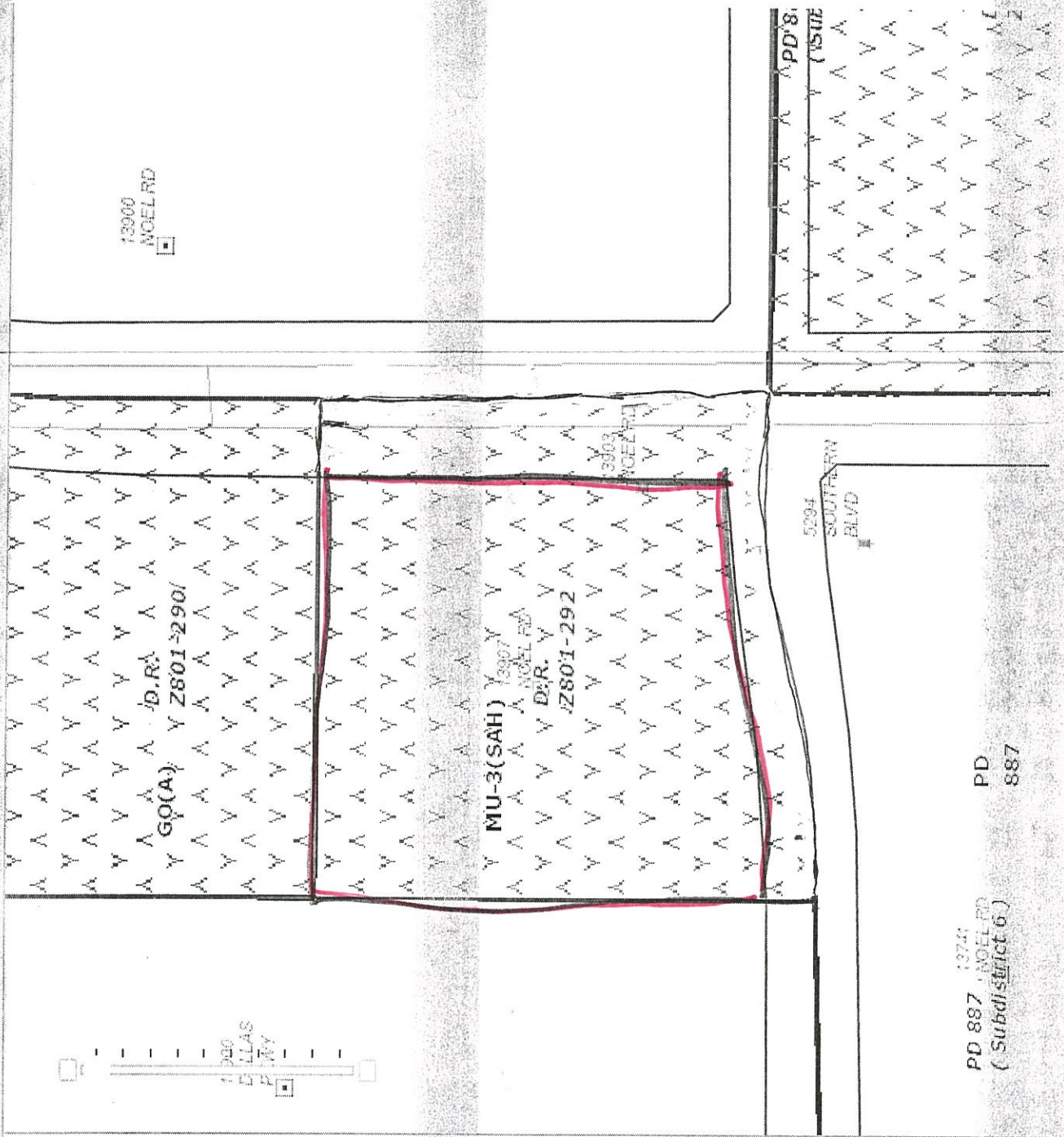
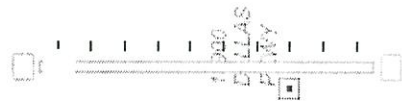
Locate

OR

Parcel address.

Use street type for better results

Locate



3/9/2018

Exhibits
13907 Noel Rd.

Site Plan:

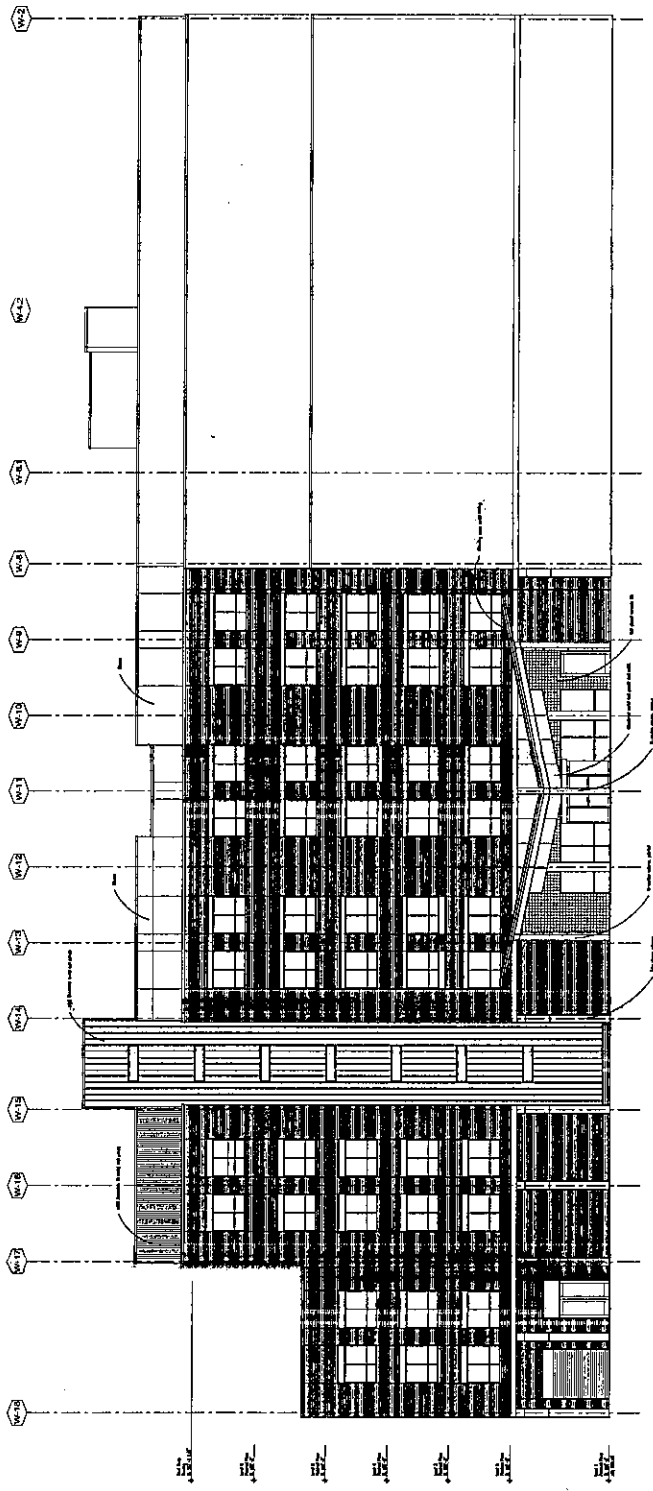
C2 - Site Plan – Plush Suites, 03/08/2018

Elevations:

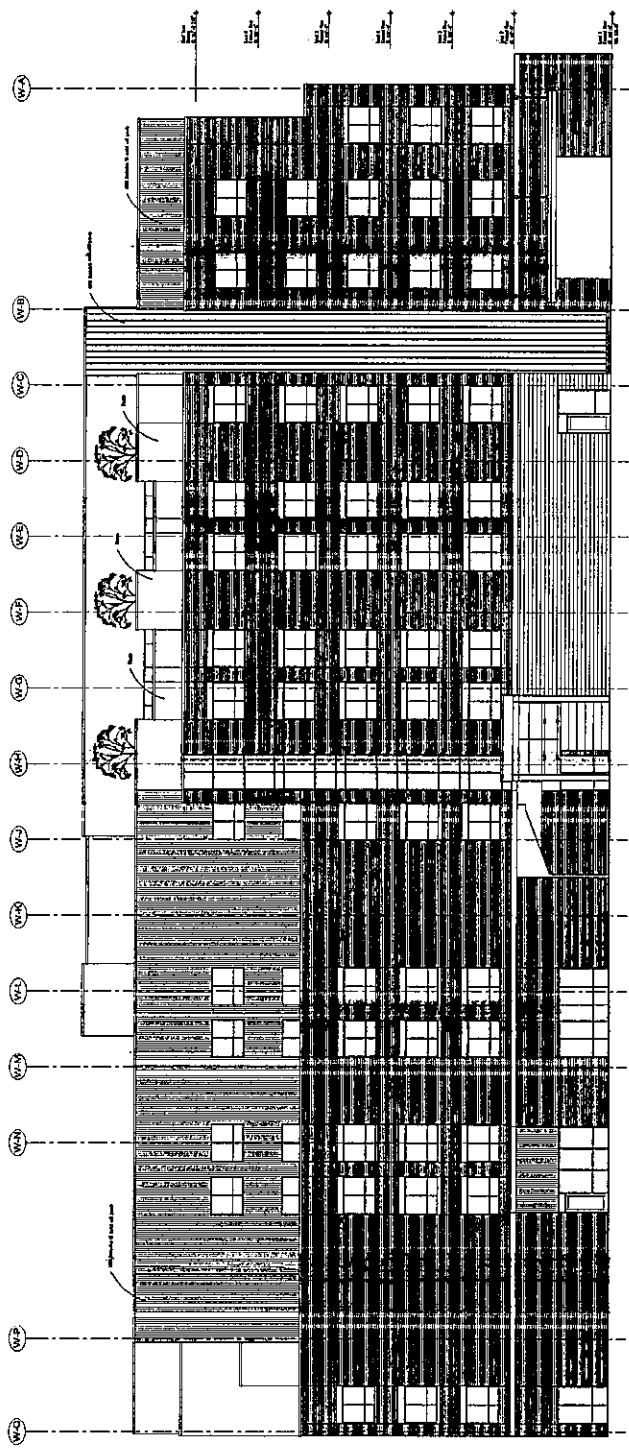
- 4.04 – Building Elevation – Main Entry
- 4.01 - Building Elevation - Facing Noel Rd
- 4.02 - Building Elevations – Facing Bed Bath & Beyond
- 4.03 - Building Elevation – Facing Southern
- 4.04 - Building Elevation - Facing Candlewood

Floor Plans:

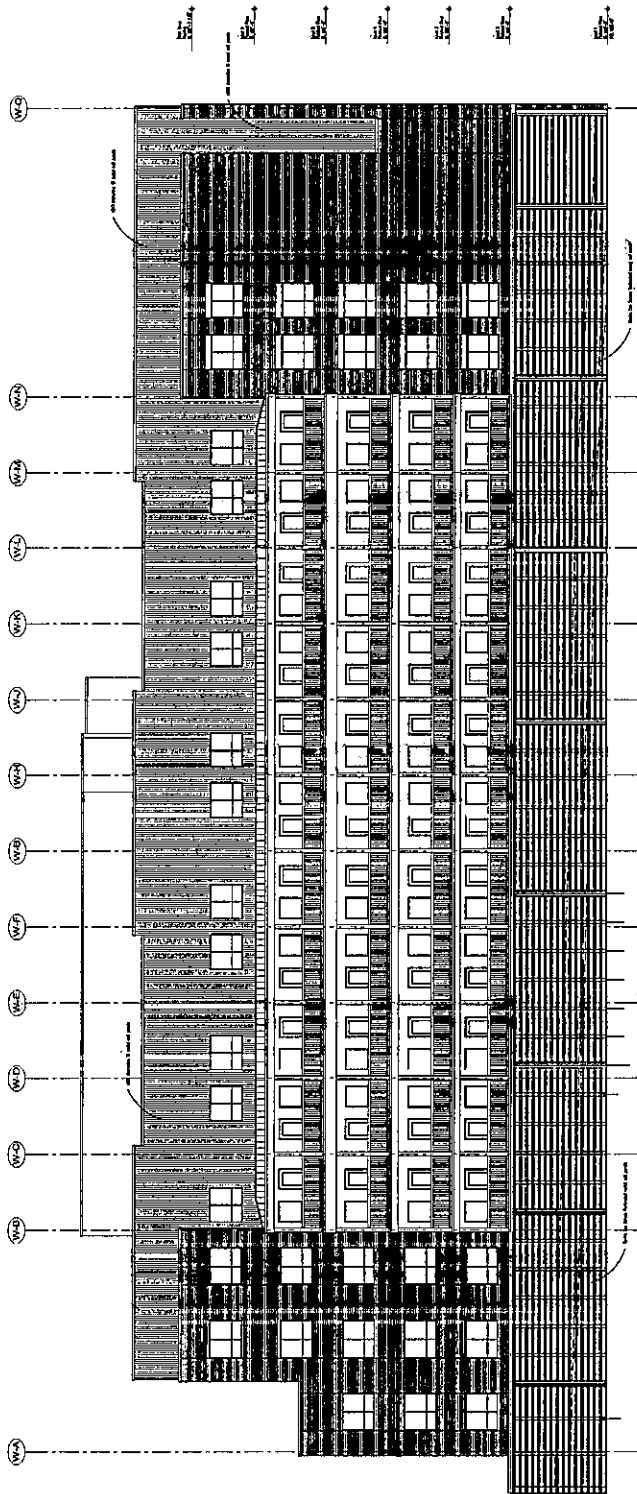
- 5.01 - Building Plan Level 1
- 5.02 - Building Plan Level 2



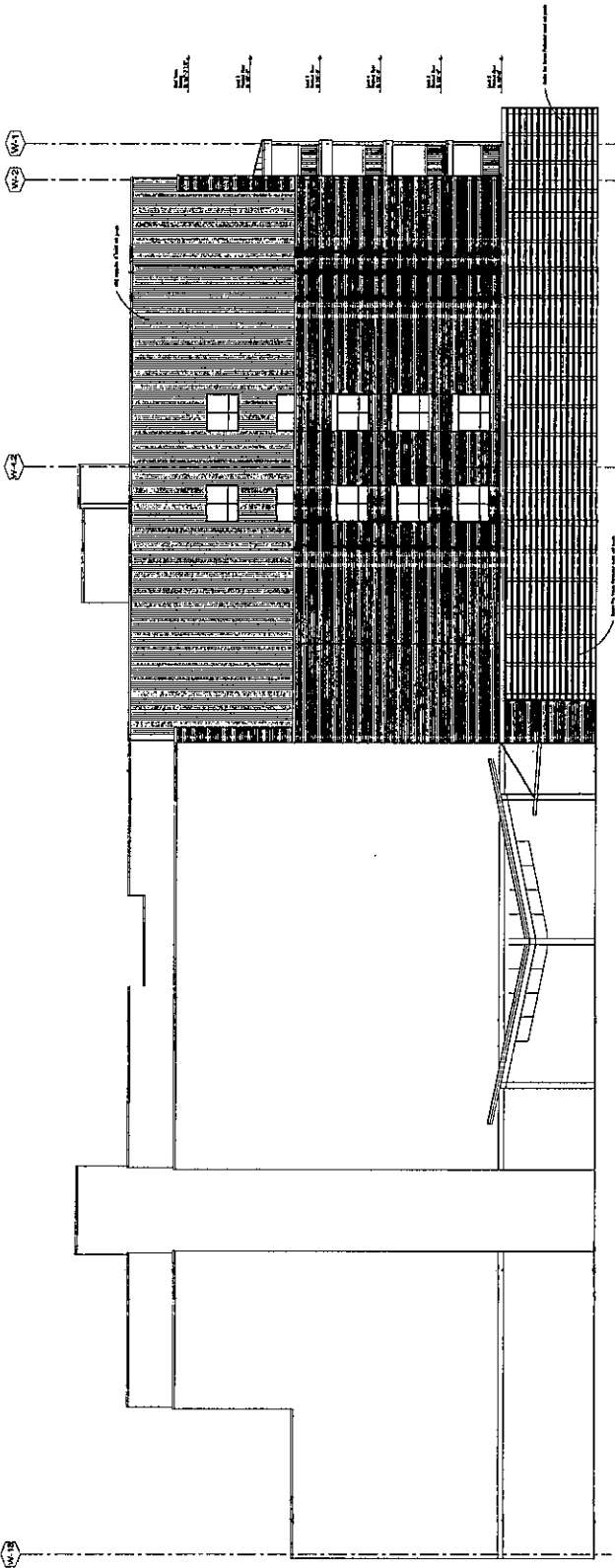
4.00-1 BUILDING ELEVATION-MAIN ENTRY
1/8" = 1'-0"



4.01-1 BUILDING ELEVATION-FACING NOEL
 1/8" = 1'-0"



4.02-1 BUILDING ELEVATION-FACING BED BATH & BEYOND
1/8" = 1'-0"



4.04-1 BUILDING ELEVATION-FACING CANDLEWOOD
1/8" = 1'-0"

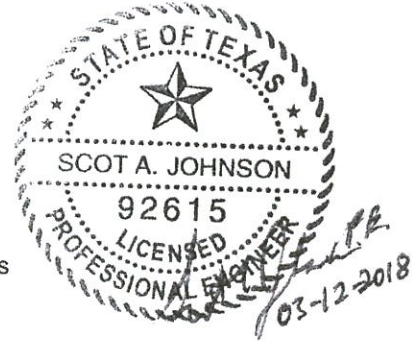
MEMORANDUM

To: Plush Hotel Dallas

From: Scot Johnson, P.E., PTOE
Kimley-Horn and Associates, Inc.
Registered Firm F-928

Date: March 12, 2018

Subject: Parking Demands for Modern Hotel Uses in Dallas



Introduction

The proposed Plush Hotel would contain 236 rooms and would be located on the northwest corner of Noel Road and Southern Boulevard in Dallas, Texas. Compared to traditional hotels, the proposed Plush Hotel would follow a new business model that serves a modern business user with different amenities. These differences mean the hotel's users would need fewer parking spaces than the City code would normally require. The site is proposed to provide 0.85 spaces per room, a reduction of 15% from the City code requirement of 1 space per room for the first 250 rooms in a hotel.

The hotel site will also contain 1,800 SF of retail uses and 7,300 SF of doggy day care uses. Both of these are assumed to be standalone operations, not accessory uses of the hotel. Code parking for the retail area is 1 space per 200 SF, and the doggy day care is 1 space per 300 SF.

Careful sizing of parking areas to specific uses will prevent the waste of space and building materials that is caused by providing parking that is rarely if ever used. Excessive parking also has negative impacts on often-hidden issues like walkable design, stormwater runoff, and urban heat island effects.

This memorandum describes the differences of the Plush Hotel, and then documents the two lines of inquiry which were investigated to find a reasonable parking supply requirement for the special hotel use. The investigation included a review of national parking research and observations of parking occupancy at comparable local sites.

Plush Hotel Characteristics

The proposed Plush Hotel would have amenities targeting guests' business and travel needs rather than operating a restaurant in an area already well-supplied with independent options, or a pool which appeals mostly to children. The hotel's value will be concentrated in the room finishes and in its integration with the surrounding neighborhood. The hotel's primary guests would be business users who are accessing the surrounding high density of office uses. The rooms would offer only king size beds, limiting the attractiveness to vacationing families or groups that tend to have multiple vehicles.

The hotel would not have a restaurant or pool. There would be a small gym space and a limited bar area for guests only. There may be limited banquet or conference spaces for use by guests, but the hotel would not offer catering or other support. Guest needs for restaurant, retail, and other non-lodging uses would be met in the nearby mixed-use areas of the Galleria and the upcoming Dallas Midtown district. As examples of services requiring less parking, keyless entry on all rooms reduces front desk staffing, and housekeeping would not serve every room every day. These procedures would significantly reduce the number of staff on site.

As business travelers, the Plush guests will have fewer personal vehicles than other hotel guests. Transportation network companies like Uber and Lyft will be popular, in addition to traditional taxis and the Plush site's shuttle service. The site will also provide bike rentals for local trips. With the proximity of the office areas for business uses and the mixed-use areas for eating and entertainment, guests will know they will not need a rental car to satisfy their basic needs during their stay.

Parking Research

The acknowledged source for national-level parking demand data is the Institute of Transportation Engineers (ITE) publication *Parking Generation, 4th Edition (2010)*. The category most closely matching the Plush Hotel is Land Use #312 Business Hotel. ITE's Business Hotel definition is lodging with limited facilities aimed at business travelers. The hotels have limited or no food service and no meeting spaces.

ITE observations show an average weekday parking demand of 0.60 vehicles per occupied room and an 85th-percentile demand, often used for design, of 0.75 vehicles per occupied room. Showing the business focus of the hotels, the weekend parking demand is nearly equal, with an average of 0.66 and an 85th-percentile of 0.72 vehicles per occupied room. These observations of business hotel parking demand are significantly lower than the Dallas code parking requirement of 1 space per room.

Dallas Observations

Multiple observations were made at two nearby hotels, Le Meridien at 13402 Noel Road and the Sheraton at 4801 LBJ Freeway. These peer hotels serve similar demographics as the proposed Plush Hotel, but are larger and have extensive amenities such as restaurants and meetings spaces. Observations were conducted nightly after 1:00 AM to focus on the peak of lodging parking demand, removing most of the parking demand that may be due to non-guest use of the amenities. With some influence of the amenities and the higher staffing levels, these observations can be considered to be conservatively high for actual lodging parking demand. **Table 1** shows the details of each site and the observations conducted in March 2017.

Across the week of data, the observed parking demand averaged 0.40 per room for Le Meridien and 0.44 per room for the Sheraton. The highest observed demand was 0.68 spaces per room for Le Meridien on Friday night, when there was an obvious late-night event still underway. All other observations at both sites were under 0.59 spaces per room, with the Monday to Thursday weeknight demands ranging from 0.24 to 0.44 spaces per room. These observed parking demands at nearby similar hotels show that these active, successful hotels are still generating much less parking demand than the Dallas city code supply requirement of 1 space per room.

Table 1. Dallas Hotel Parking Occupancy (2017)

Site	Day	Vehicles Parked	Parking Demand Per Room
Le Meridien 13402 Noel Road, Dallas 258 Rooms	Monday	70	0.27
	Tuesday	65	0.25
	Wednesday	61	0.24
	Thursday	89	0.34
	Friday	175	0.68
	Saturday	152	0.59
	Mon-Sat Average		
Sheraton 4801 LBJ Freeway 308 Rooms	Monday	118	0.38
	Tuesday	120	0.39
	Wednesday	120	0.39
	Thursday	136	0.44
	Friday	171	0.56
	Saturday	161	0.52
	Mon-Sat Average		

Applied Parking Requirement

Using the 0.85 spaces per room rate, the site’s parking requirement and supply for the current site plan would be as follows:

236 Hotel Rooms at 0.85 spaces per room	=	201 spaces
1,800 SF retail at 1 space per 200 SF	=	9 spaces
7,300 SF doggy day care at 1 space per 300 SF	=	25 spaces
Total Requirement		= 235 spaces
Site Supply		= 236 spaces
Surplus		= 1 spaces

The site’s proposed supply of 236 spaces is a reduction of 34 spaces from the basic code requirement of 270 spaces shown on the site plan. 34 spaces is an overall 13% reduction from the basic code requirement.

Shared Parking

While not necessary to meet the site’s code parking requirement, the site will additionally benefit from shared parking, where multiple users can occupy the same parking space across the course of a day. The retail use would typically see its peak demand at midday, with demand lower in the mornings and evenings, and no demand overnight. The doggy day care has a small staff parking demand throughout

the day, and then small peaks parking activity around the commuter peak hours for drop-off and pick-up. The hotel demand peaks overnight. With the parking usage spread out across 24 hours, the highest level of actual parking demand at any given time on the site will be somewhat lower than the sum of the parking requirements. This shared parking synergy provides an additional conservative margin between actual demand and the site's supply.

Summary

A parking supply of 0.85 spaces per room is reasonable and appropriate for the Plush Hotel development. The Plush Hotel is focused on lodging for business travelers and will provide minimal staffing and amenities. The 0.85 per room parking supply is above the observed parking demand at business hotels in national studies and comparable local hotels, leaving a comfortable margin. The other retail and doggy day care uses on the site can be served at the normal City code rates.

END

ROBERT REEVES
& Associates, Inc.

PLANNING AND ZONING CONSULTANTS

March 13, 2018

Building Inspection
City of Dallas
320 E. Jefferson Blvd., Room 105
Dallas, Texas 75203

RE: Request for a Board of Adjustment Request
Parking Special Exception

To Whom It May Concern:

This is a request to construct a nonresidential mixed-use structure located on the northwest corner of Noel Road and Southern Blvd. in an area zoned MU-3(SAH) with the following uses:

- A 236-room hotel or motel use
- An 1,800 sq. ft. general merchandise or food store 3,500 sq. ft. or less, or an 1,800 sq. ft. personal service use
- A 7,300 sq. ft. animal shelter or clinic without outside runs, (doggy daycare).

The above uses would require 270 parking spaces. We are requesting a 34-parking space special exception, which would provide 236 parking spaces, a 12.6% parking special exception.

The hotel use is based on a modern business model called Plush Hotel, which will serve a modern business user. Unlike other surrounding hotels, the Plush Hotel will have different amenities. It will have amenities targeting guests' business and travel needs rather than providing restaurants, large conference rooms, and pool, which appeal mostly to children. Often restaurants and conference facilities attract non-hotel users. Only king size beds will be provided limiting the appeal to families. Less parking is needed because there will be keyless entry on all rooms, which reduces front desk staffing and housekeep would not serve every room every day. The hotel will concentrate on room finishes and integration into the surrounding area.

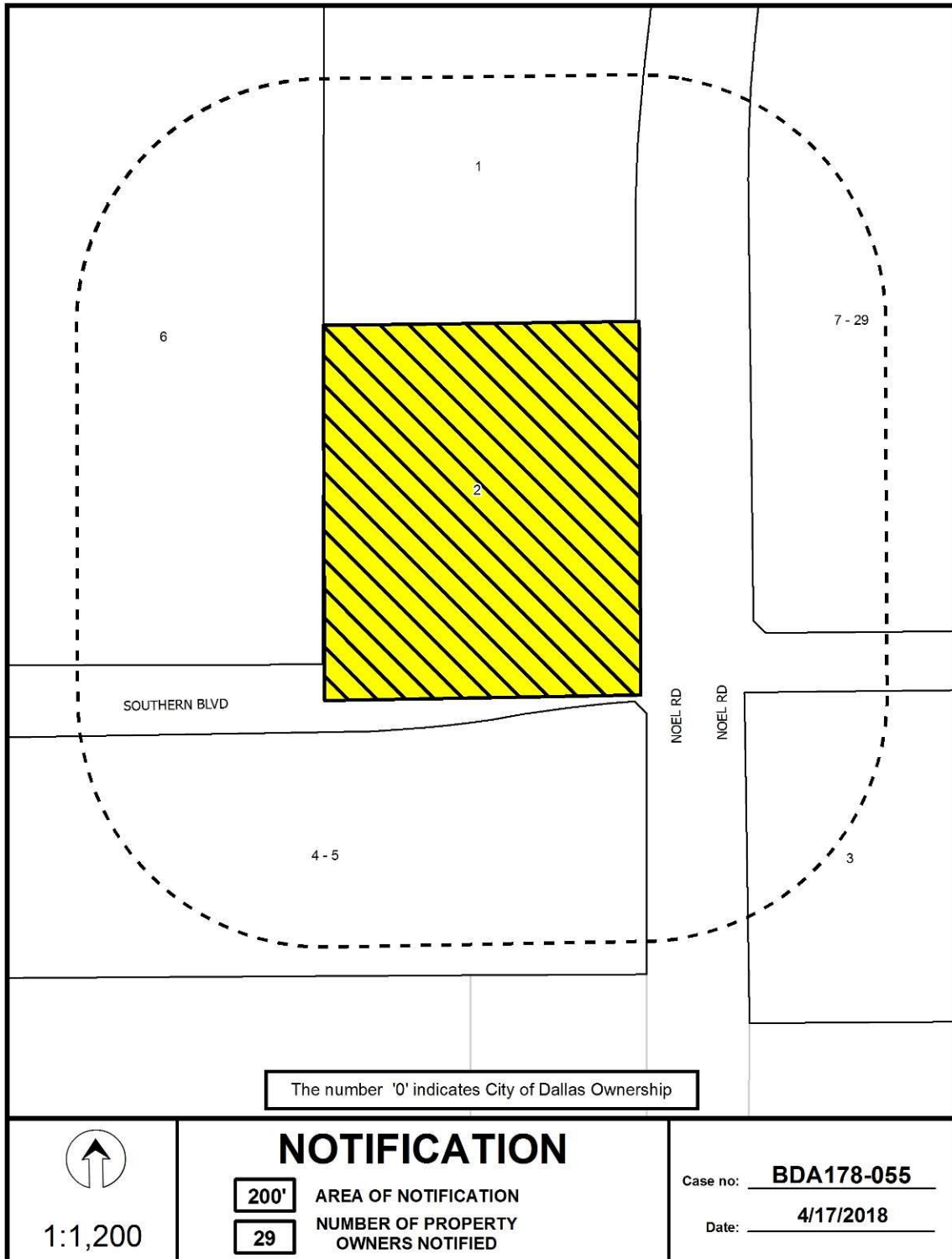
Less parking will be required because Plush Hotel guests would take advantage of transportation network companies like Uber and Lyft along with the Plush site's shuttle service to access the mixed-use office and restaurant/entertainment areas near the site.

Based on the above information, and the information provided in the enclosed parking demand study, we believe that our request would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Respectfully:

A handwritten signature in black ink, appearing to read 'Robert Reeves', with a long horizontal flourish extending to the right.

Robert Reeves



Notification List of Property Owners

BDA178-055

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	13939 NOEL RD	HPT CW PROPERTIES TRUST
2	13907 NOEL RD	HODGSON CURTIS D &
3	13780 NOEL RD	U S POSTAL SERVICE
4	13741 NOEL RD	IPERS GALLERIA NORTH TOWER I &
5	13741 NOEL RD	GALLERIA HORIZONTAL ASSET LLC
6	13910 DALLAS PKWY	BED BATH & BEYOND INC
7	13900 NOEL RD	CORREA HERMINIA
8	13900 NOEL RD	EVANS AMY
9	13900 NOEL RD	ZHONG XIN
10	13900 NOEL RD	SABETI ARMIN & WENDY
11	13900 NOEL RD	GUERRA KARINA
12	13900 NOEL RD	NGUYEN TUONG V
13	13900 NOEL RD	MALIK IMAD
14	13900 NOEL RD	HOSEY KEVIN E
15	13900 NOEL RD	HARRIS MEGHAN A
16	13900 NOEL RD	HILL CHRISTOPHER M
17	13900 NOEL RD	BERGEN JACQUELINE A &
18	13900 NOEL RD	BOROWSKI OTYLIA
19	13900 NOEL RD	BALOUCHE FAHIM
20	13900 NOEL RD	HAGHI BEHZAD & YVETTE
21	13900 NOEL RD	NGO MAI T
22	13900 NOEL RD	ROBINSON MARIA C
23	13900 NOEL RD	BELLA FLUCHAIRE LLC
24	13900 NOEL RD	VILLERE MICHAEL PIERRE
25	13900 NOEL RD	WATSON ROBERT
26	13900 NOEL RD	WYLIE CINDY L

04/17/2018

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	13900 NOEL RD	WINSLOW WARREN A III
28	13900 NOEL RD	SU KORBAN C & NINTHALA
29	13900 NOEL RD	COLLI JULIANA M

FILE NUMBER: BDA178-060(OA)

BUILDING OFFICIAL'S REPORT: Application of Jorge Rojas, represented by Karla Calderon, for a special exception to the fence standards regulations at 2907 Canberra Street. This property is more fully described as Lot 34, Block 18/5975, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 2907 Canberra Street

APPLICANT: Jorge Rojas
Represented by Karla Calderon

REQUEST:

A request for a special exception to the fence standards regulations is made to maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.

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:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is developed with a 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:

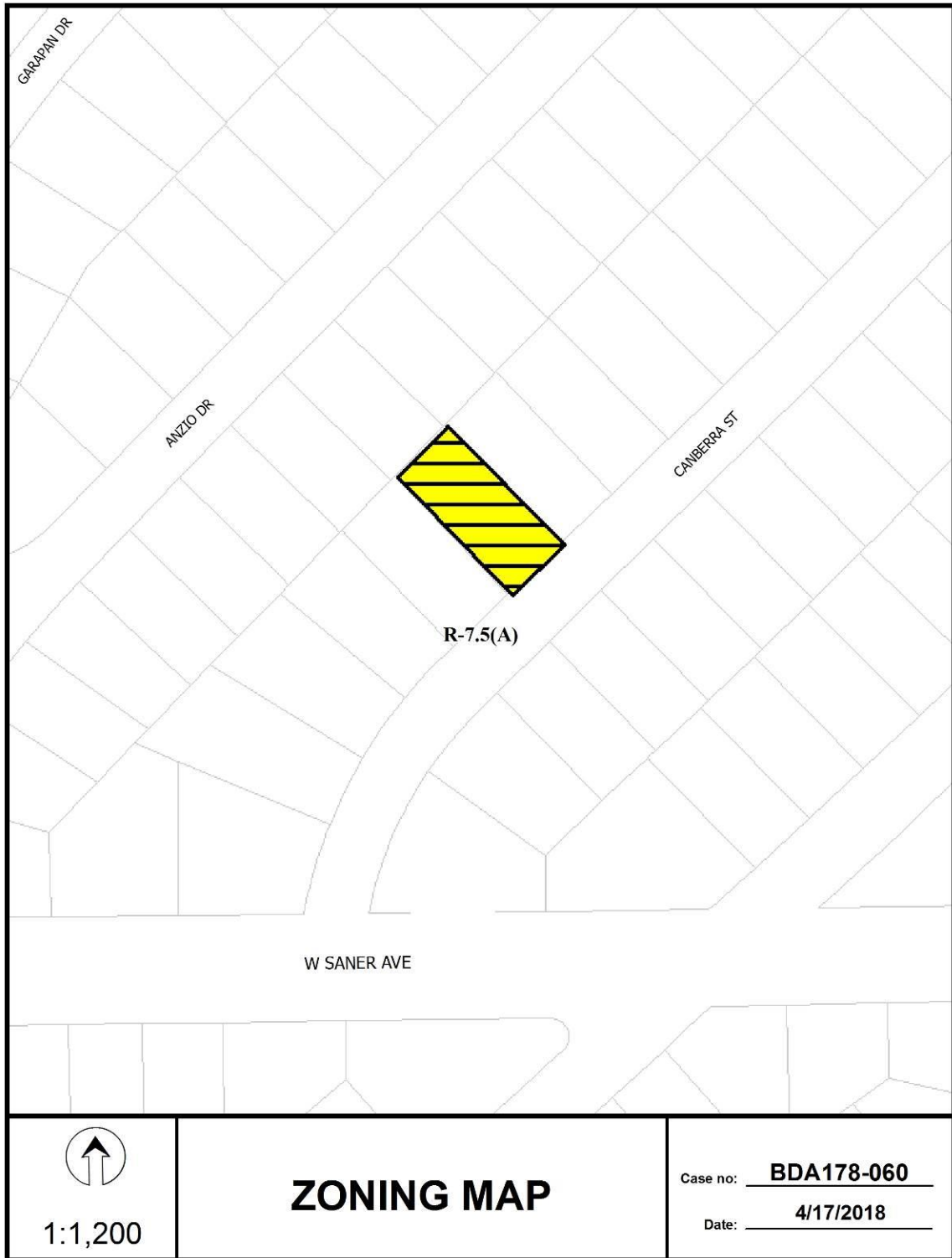
- The request for a special exception to the fence standards regulations related to fence materials is made maintain a fence of a prohibited fence material (corrugated metal) on a site developed with a single family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan and elevation that represents the location of the existing corrugated metal fence on the property.
- The submitted elevation represents an 8' high corrugated metal fence.
- The submitted site plan represents a site that is approximately 8,000 square feet in area where approximately 205 linear feet of prohibited fence material (corrugated metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area. Several corrugated metal fences were noted within the area.
- As of June 8, 2018, 1 letter had been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (corrugated metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception, and impose the submitted site plan and elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

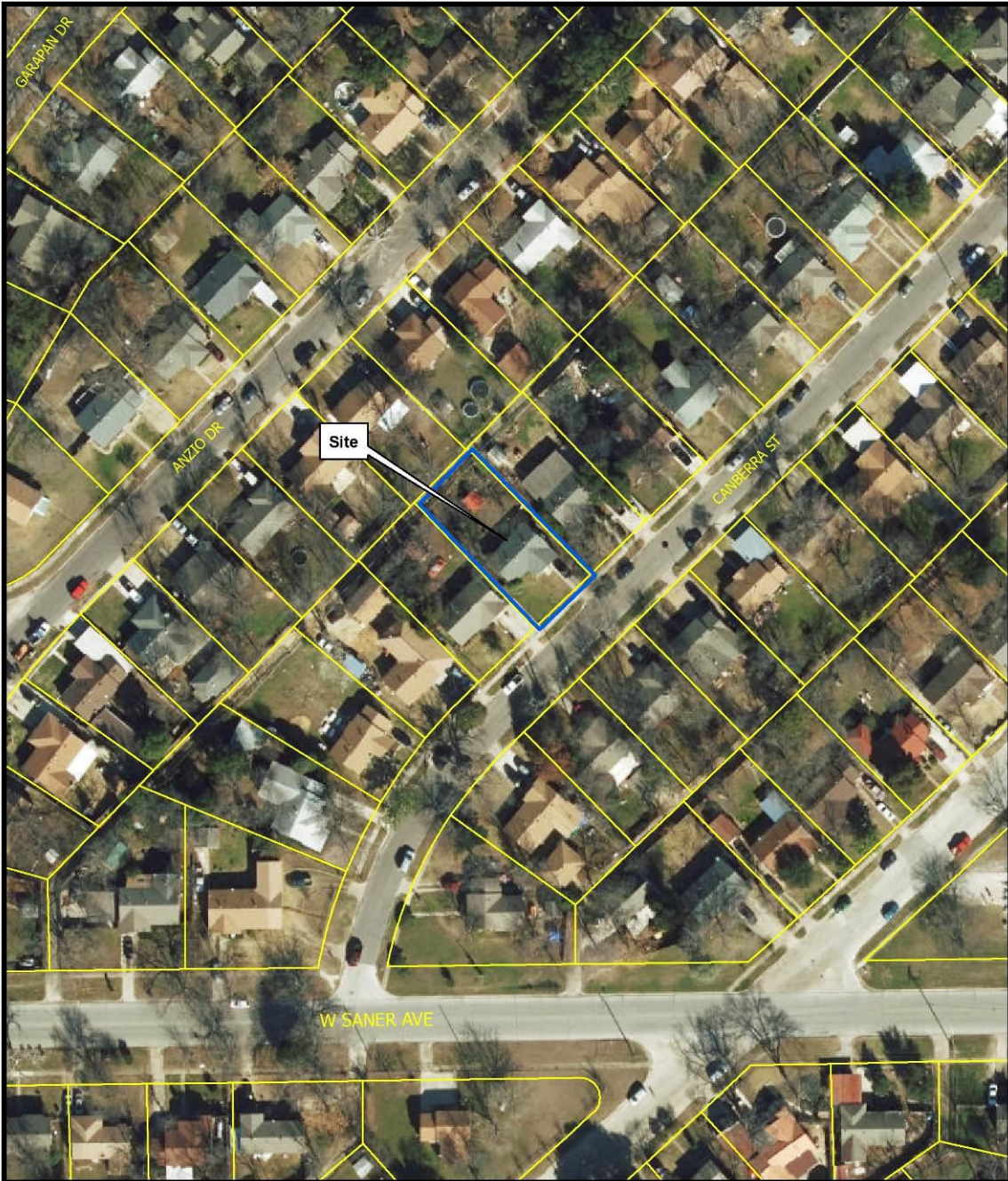
Timeline:

- March 13, 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.
- April 10, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 13, 2018: The Sustainable Development and Construction Department Senior Planner, emailed the applicant’s representative 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 May 2nd deadline to submit additional evidence for staff to factor into their analysis; and the May 11th 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.”
- May 8, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, 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 Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- May 23, 2018: The public hearing in which this application was scheduled was canceled to due lack of quorum of members. This application was rescheduled to be heard by Panel B on June 20, 2018. The Board Administrator emailed the applicant of this cancellation and of this rescheduling.
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the

Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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: BDA178-060

Date: 4/17/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-060

Data Relative to Subject Property:

Date: 3/19/18

Location address: 2907 Canberra St Zoning District: R-7.5(A)

Lot No.: 34 Block No.: 18/5975 Acreage: 0.18 Census Tract:

Street Frontage (in Feet): 1) 69 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jorge Rojas & Sofia Guerra

Applicant: Jorge Rojas Telephone: 214 650 4553

Mailing Address: 2907 Canberra St, Dallas TX Zip Code: 75224

E-mail Address:

Represented by: Karla Calderon Telephone: 469 987 6047

Mailing Address: 351 W. Jefferson Blvd, Dallas TX Zip Code: 75208

E-mail Address: Karla@projectsplans.net

Affirm that an appeal has been made for a Variance, or Special Exception, of

Metal Fence on rear and sides of Property up to 9 feet of height

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:

A few year ago we paid a contractor to build this metal fence for us. The price charged included labor, material & permit. We found out later on that such permit was never obtained. Because of the current ordinance metal is not allowed. We want to get the required fence permit but we cannot afford to have it changed to another material.

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.

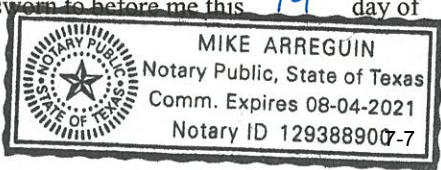
Affidavit

Before me the undersigned on this day personally appeared Jorge Rojas (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 19 day of March, 2018



[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 Jorge Rojas
represented by KARLA CALDERON
did submit a request for a special exception to the fence standards regulations
at 2907 Canberra Street

BDA178-060. Application of Jorge Rojas represented by Karla Calderon for a special exception to the fence standards regulations at 2907 Canberra St. This property is more fully described as Lot 34, Block 18/5975, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

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 Jorge Rojas
represented by KARLA CALDERON
did submit a request for a special exception to the fence standards regulations
at 2907 Canberra Street

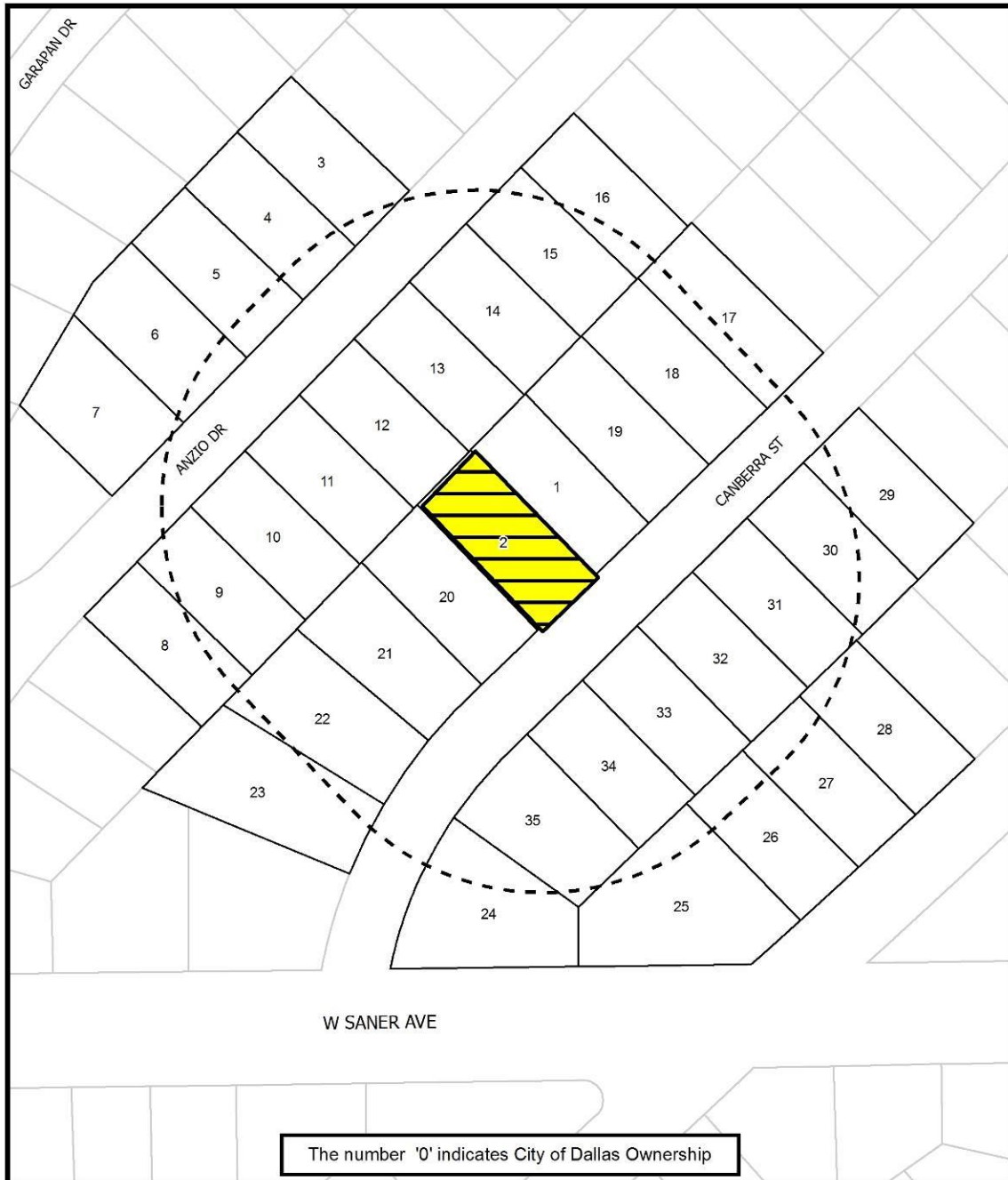
BDA178-060. Application of Jorge Rojas represented by Karla Calderon for a special exception to the fence standards regulations at 2907 Canberra St. This property is more fully described as Lot 34, Block 18/5975, and is zoned R-7.5(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct a fence using a prohibited material, which will require a special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official







 1:1,200	NOTIFICATION		Case no: BDA178-060
	<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;">35</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 4/17/2018	

Notification List of Property Owners

BDA178-060

35 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2903 CANBERRA ST	ARELLANO DAVID &
2	2907 CANBERRA ST	ROJAS JORGE &
3	2727 ANZIO DR	ARELLANO GONZALO
4	2803 ANZIO DR	GILLON CAROLYN JONES
5	2807 ANZIO DR	FOREMAN JOHNNIE
6	2815 ANZIO DR	ROBLES BERNARDO &
7	2819 ANZIO DR	2012 PROPERIES LLC
8	2826 ANZIO DR	ORTIZ DAMIAN
9	2822 ANZIO DR	JOHNSON JOANN
10	2818 ANZIO DR	WILLIAMS ETHEL LEE
11	2812 ANZIO DR	JENKINS CHARLES RAY &
12	2808 ANZIO DR	SOLORZANO MARIO
13	2802 ANZIO DR	MARTINEZ MIGUEL &
14	2726 ANZIO DR	GILLON CAROLYN FAYE JONES
15	2722 ANZIO DR	BURRELL IRENE T EST OF
16	2718 ANZIO DR	REYES JUAN FRANCISCO &
17	2817 CANBERRA ST	ORTUNO HERMENEGILDO C
18	2823 CANBERRA ST	SHANNON EVELYN M
19	2827 CANBERRA ST	ORTA EVELIA & JESUS
20	2913 CANBERRA ST	TORRES JOSE & MARIA LUISA
21	2919 CANBERRA ST	JUAREZ MELITON &
22	2923 CANBERRA ST	JASSO LINO & RITA
23	2927 CANBERRA ST	CORLEY STEPHANIE ESTATE OF
24	2928 CANBERRA ST	GOMEZ ARMANDO S &
25	2837 GRAYSON DR	ELIZONDO RICARDO
26	2833 GRAYSON DR	CABRERA DOMINGA & TOBIAS

Label #	Address	Owner
27	2829 GRAYSON DR	VALENZUELA MARIA A
28	2823 GRAYSON DR	PALACIO RAMIRO M &
29	2816 CANBERRA ST	SOLIS SABINO S & ARACELI
30	2822 CANBERRA ST	JONES LEONARD
31	2826 CANBERRA ST	RAMIREZ ERNESTO & MARTHA
32	2904 CANBERRA ST	BANALES FERNANDO
33	2908 CANBERRA ST	ROBERSON CAROL EVETTE
34	2912 CANBERRA ST	GONZALEZ RUBEN L
35	2918 CANBERRA ST	BADILLO JOSE REFUGIO &

FILE NUMBER: BDA178-063(OA)

BUILDING OFFICIAL'S REPORT: Application of Ricardo Alonso-Carrillo for a variance to the front yard setback regulations at 3802 Carl Street. This property is more fully described as Tract 1, Block 1813, and is zoned PD 595 R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to construct/maintain a structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

LOCATION: 3802 Carl Street

APPLICANT: Ricardo Alonzo-Carrillo

REQUEST:

A request for a variance to the front yard setback regulations of 15' is made to construct and maintain a one-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "living area" of approximately 1,400 square feet, part of which is to be located 5' from one of the site's two front property lines (Cross Street) or 15' into this 20' 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:

Denial

Rationale:

- While staff recognized that the site had two front yard setbacks, 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 PD 595 (R-5(A)) zoning district.

BACKGROUND INFORMATION:

Zoning:

- Site: PD 595 (R-5(A)) (Single family district 5,000 square-feet)
- North: PD 595 (R-5(A)) (Single family district 5,000 square-feet)
- South: PD 595 (R-5(A)) (Single family district 5,000 square-feet)
- East: PD 595 (R-5(A)) (Single family district 5,000 square-feet)
- West: PD (595 R-5(A)) (Single family district 5,000 square-feet)

Land Use:

The subject site is undeveloped. The areas to the northeast and southwest are undeveloped single family lots; and the areas to the northwest and southeast are developed with single family uses.

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request, for variance to the front yard setback regulations of 15’ focuses on constructing and maintaining a one-story single family home structure with a total “slab area” of approximately 1,800 square feet or with a total “living area” of approximately 1,400 square feet, part of which is to be located 5’ from one of the site’s two front property lines (Cross Street) or 15’ into this 20’ front yard setback on an undeveloped site.
- The property is located in a PD 595 (R-5(A)) (Single family district 5,000 square-feet) zoning district which requires a minimum front yard setback of 20 feet.
- The subject site is located at the southeast corner of Carl Street and Cross Street. Regardless of how the structure is proposed to be oriented to front Carl Street, the subject site has 20’ front yard setbacks along both street frontages. The site has a 20’ front yard setback along Carl Street, 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 20’ front yard setback along Cross Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5’ side yard

setback is required. However, the site's Cross Street 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 lot to the southeast that fronts/is oriented southwest towards Cross Street.

- The submitted site plan indicates that the proposed structure is located 5' from the Cross Street front property line or 15' into this 20' front yard setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 3802 Carl Street.
- The subject site is flat, rectangular in shape (approximately 125' x 50'), and according to the submitted application is 0.13 acres (or approximately 6,250 square feet) in area. The site is zoned PD 595 (R-5(A)) where lots are typically 5,000 square feet in area.
- The site plan represents that approximately 1/3 of the structure is located in the 20' Cross Street front yard setback.
- The 50' wide subject site has 25' of developable width available once a 20' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast. 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 Cross Street frontage were a side yard since the site plan represents that the proposed home is 5' from the Cross Street property line and the side yard setback for properties zoned PD 595 (R-5(A)) is 5'.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 595 (R-5(A)) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 595 (R-5(A)) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 5' from the site's Cross Street front property line (or 15' into this 20' front yard setback).

Timeline:

March 23, 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.

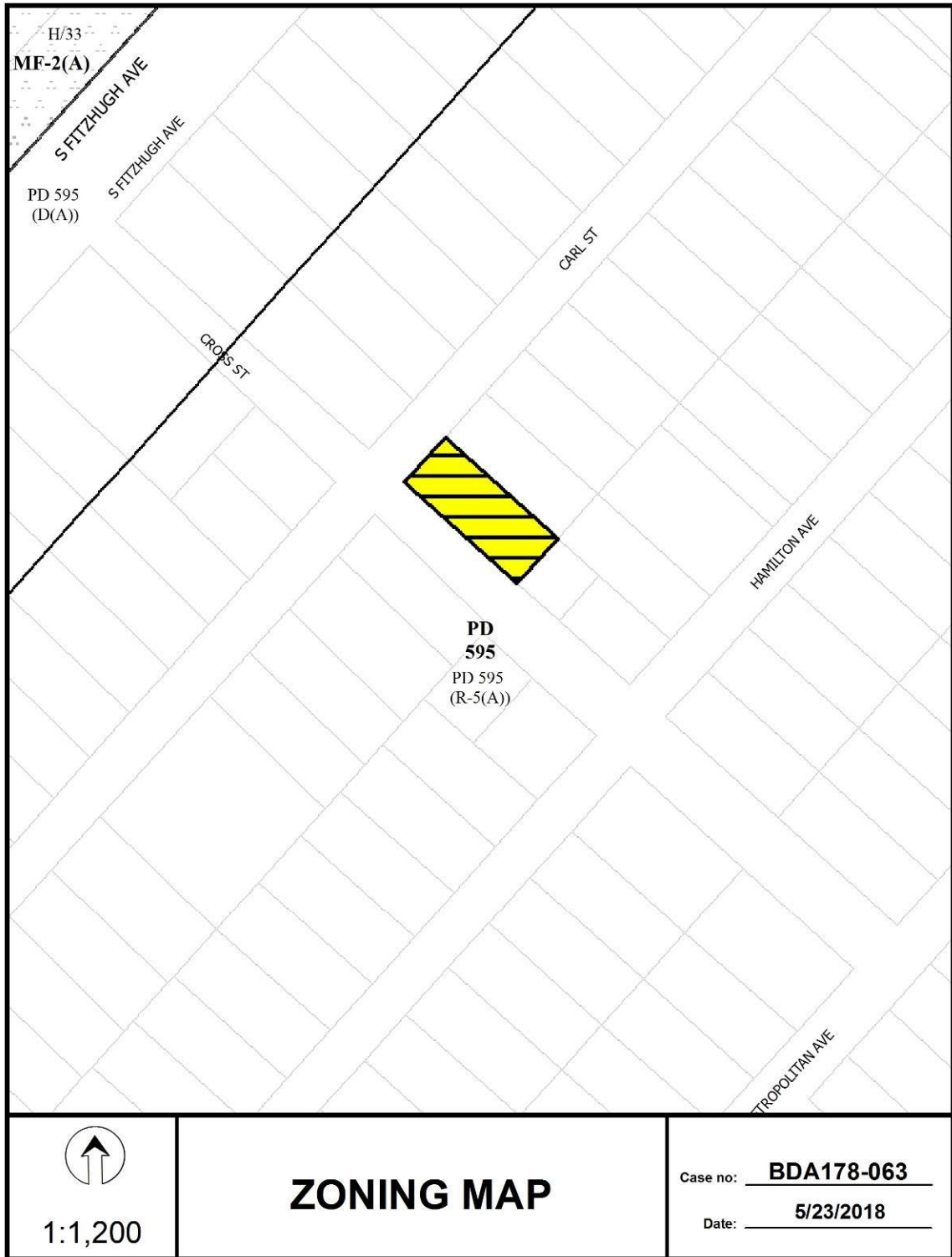
May 15, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 15, 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 May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th 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.

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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: BDA178-063

Date: 5/23/2018



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-063

Data Relative to Subject Property:

Date: 03/22/2018

Location address: 3802 CARL ST

Zoning District: PD 595 R5(A)
~~SINGLE FAMILY~~

Lot No.: TR 1 Block No.: 1813 Acreage: 5.13 of ~~5.973~~ Census Tract: 27.02

Street Frontage (in Feet): 1) 50 2) 125 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): OPPORTUNITY CONSTRUCTION, LLC

Applicant: RICARDO ALONSO-CARRILLO Telephone: (214) 890-4025

Mailing Address: 10000 NCX, SUITE 450, DALLAS, TX, 75231 Zip Code: 75031

E-mail Address: ricardo.alonso@confiahomes.com

Represented by: JOHN EVANS SULLIVAN Telephone: (469) 360-6927

Mailing Address: 6601 THORNTREE, MCKINNEY, TX Zip Code: 75070

E-mail Address: john@sullivanrealestate.net

Affirm that an appeal has been made for a Variance , or Special Exception , of reducing the setback on the side of the lot facing Cross St., from 20.5 ft to 5 ft. Request also a 15' variance to the required 20.5' front yard setback and provide a 5' front setback on Cross St.

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:

In order to build a single family home on this lot, we require sufficient buildable area. To accomplish this, the exception to one of the 20' setbacks will allow us to build on the site.

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 RICARDO ALONSO-CARRILLO

(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: R. Alonso

(Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of MARCH, 2018.

[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

Vertical lines for notes or remarks.

Chairman

Building Official's Report

I hereby certify that RICARDO ALONZO

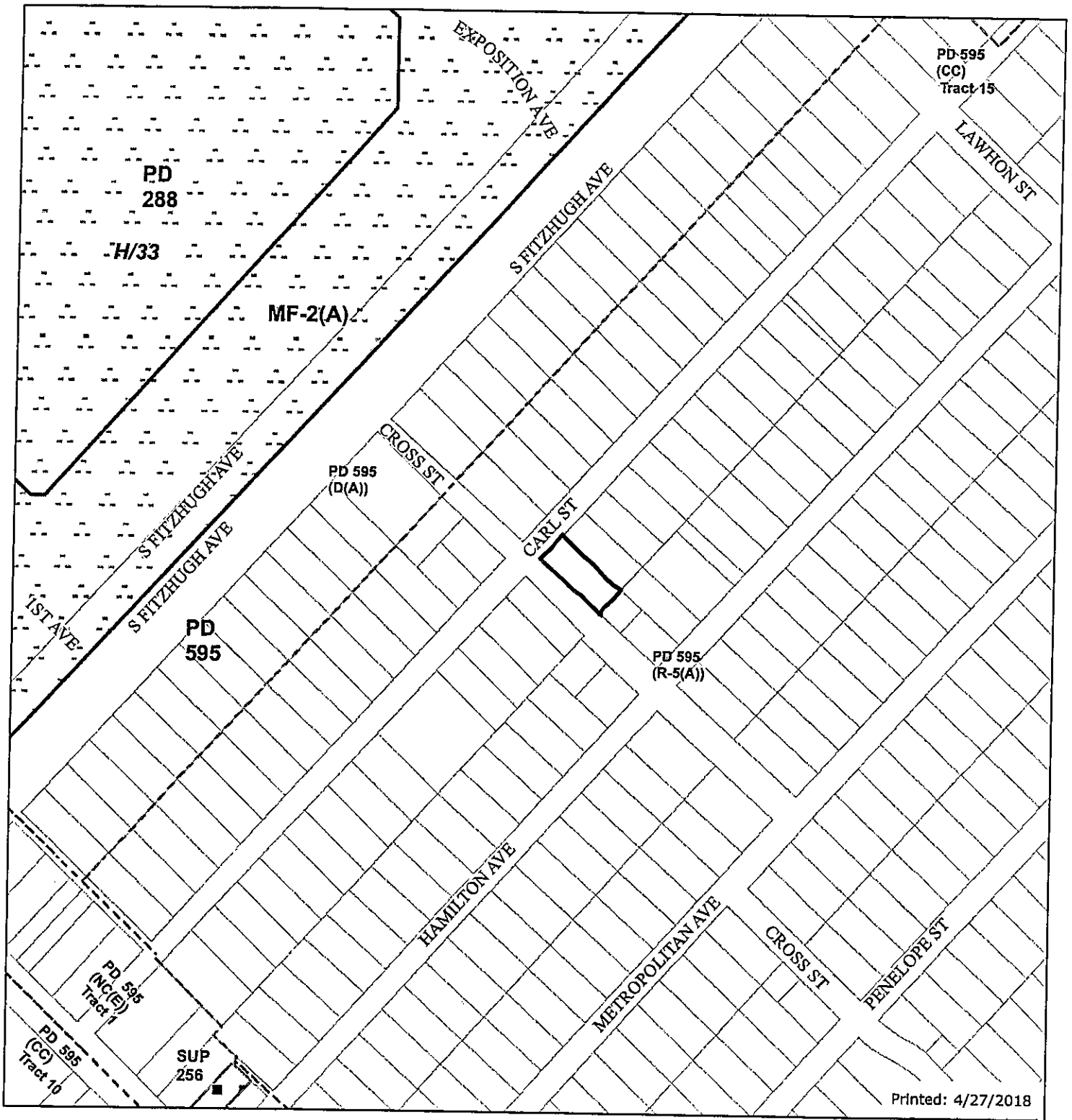
did submit a request for a variance to the front yard setback regulations

at 3802 Carl Street

BDA178-063. Application of Ricardo Alonzo for a variance to the front yard setback regulations at 3802 Carl St. This property is more fully described as Tract 1, Block 1813, and is zoned PD-595 R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to construct a single family residential structure and provide a 5 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations

Sincerely,

Philip Sikes
Philip Sikes, Building Official



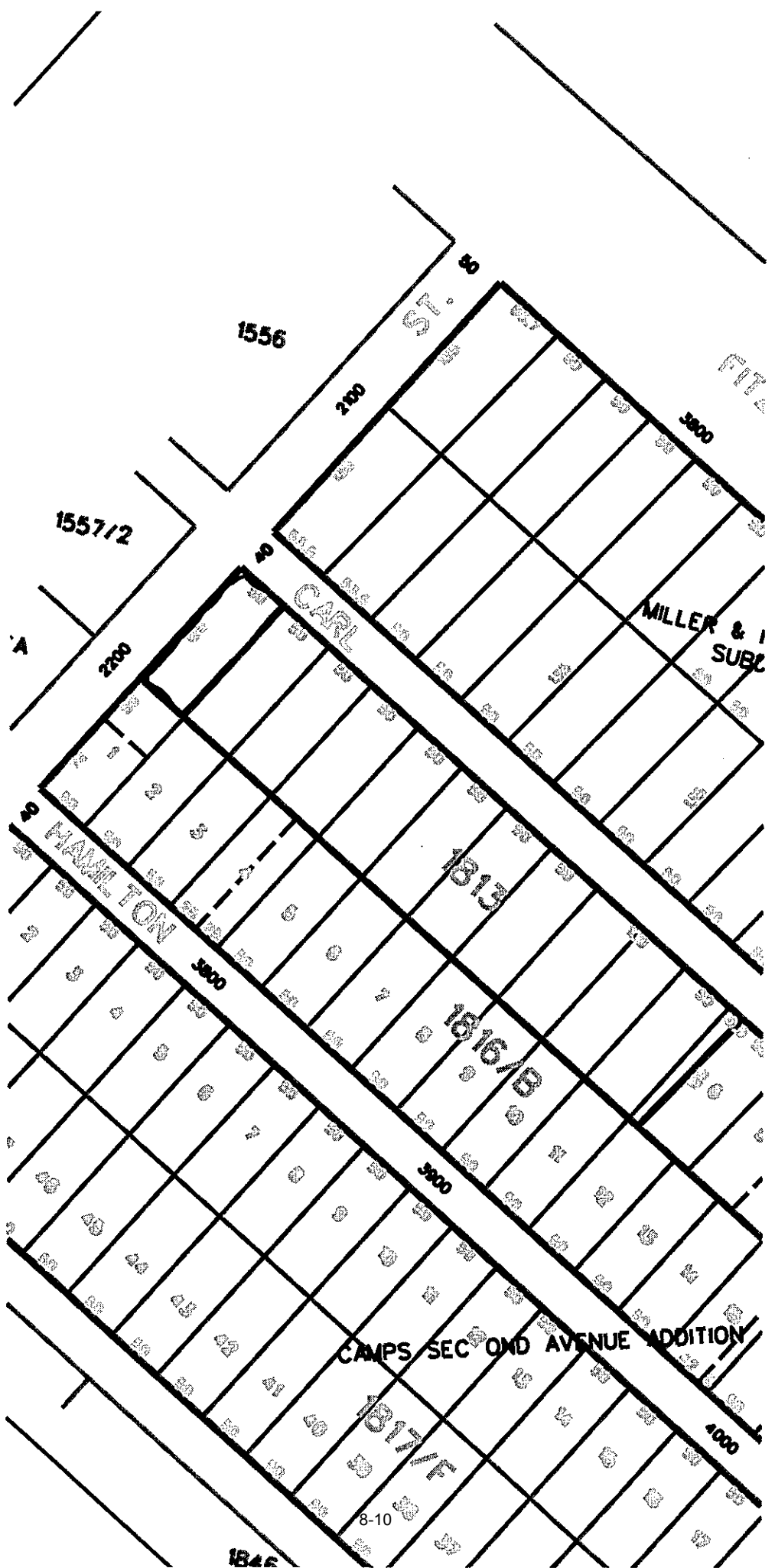
Printed: 4/27/2018

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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map 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)





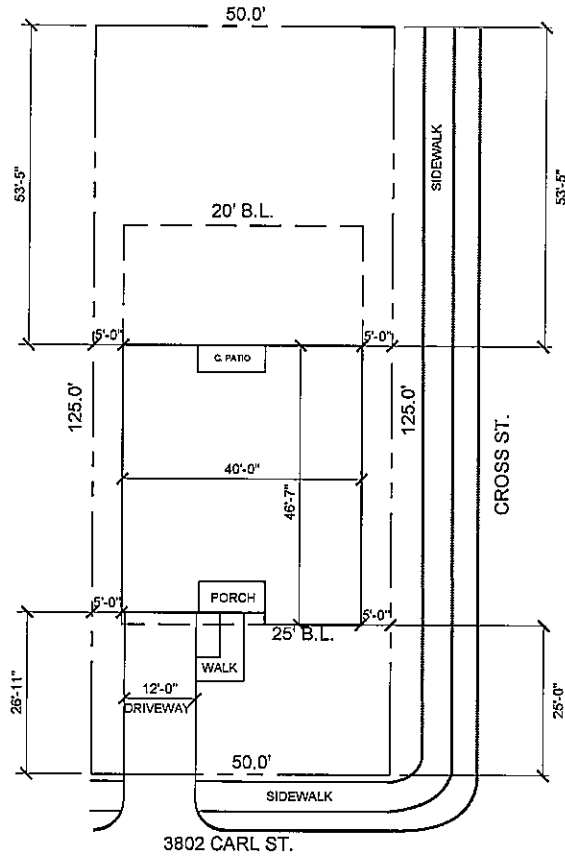
CAMPS SEC QND AVENUE ADDITION

CONFIA HOMES

PLOT PLAN / <i>Site plan</i>			
SUBDIVISION	BUYER Spec.		
LOT - TR 1	BLK - BLK 1813		
ADDRESS	3802 CARL ST		
DATE	08/27/17	DRAWN BY:	AW
PLAN NUMBER	DALIA-1392	700	SQ. FT. FLATWORK



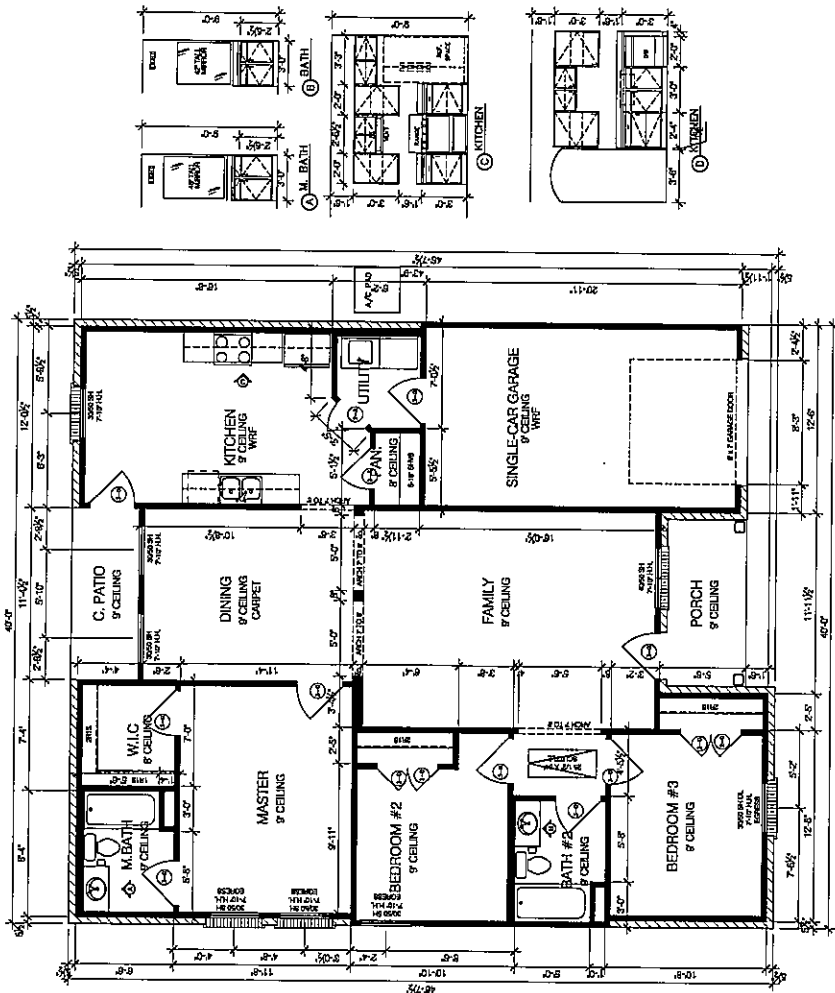
NORTH
SCALE: 1"=20'



Type " B " Drainage

GENERAL NOTES FOR M.E.P. INFO:

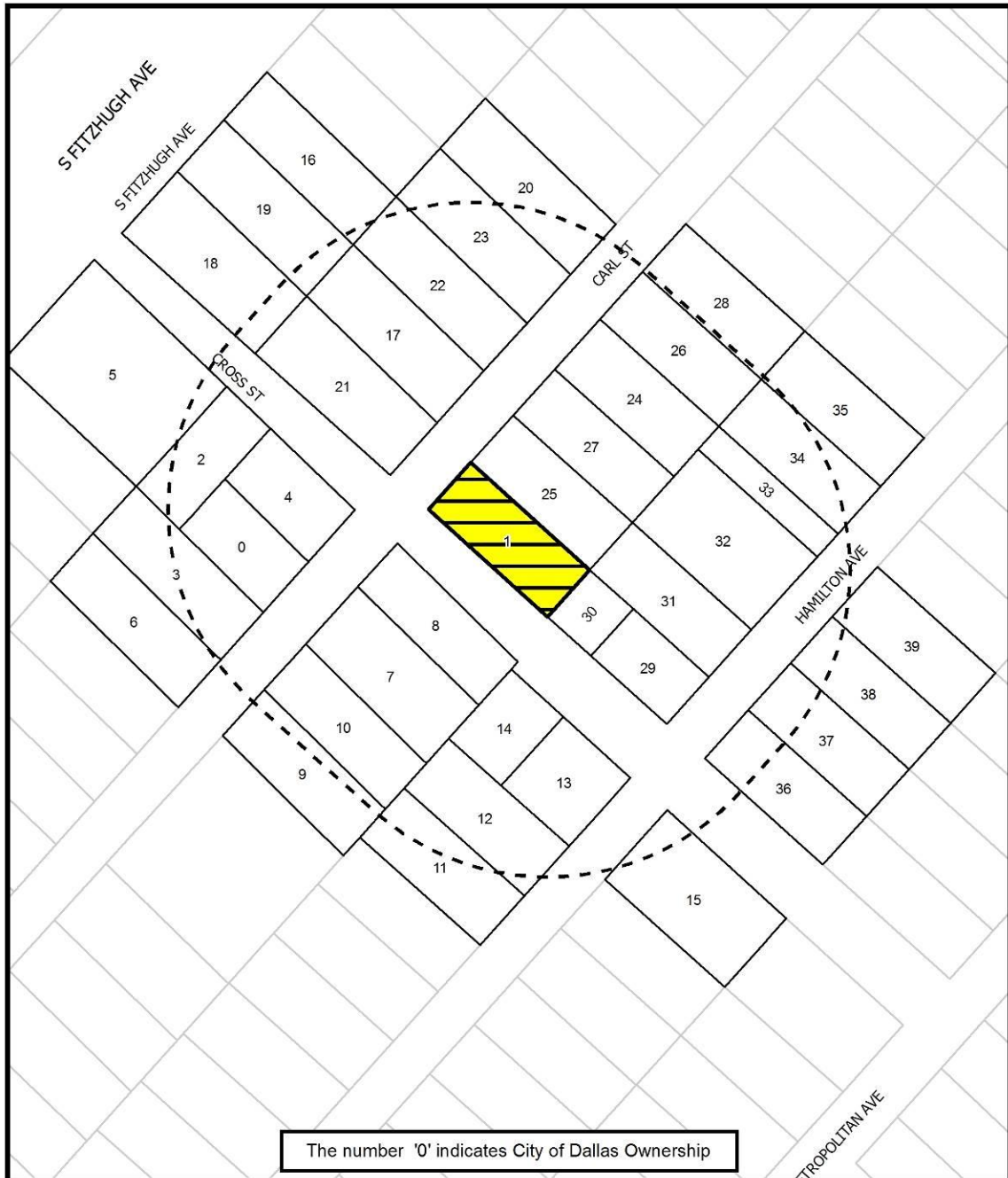
1. ALL ELECTRICAL AND PLUMBING WORK TO BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
2. ALL ELECTRICAL AND PLUMBING WORK SHALL TAKE PRECEDENCE OVER THESE DRAWINGS. REPORT ANY CONFLICTS TO THE ARCHITECT IMMEDIATELY.
3. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
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15. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
16. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
17. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
18. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
19. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).
20. ALL ELECTRICAL AND PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL PLUMBING CODE (NPC).



FRAME	AREA
FIRST FLOOR	1382 SF
SECOND FLOOR	0 SF
PORCH	133 SF
GARAGE	56 SF
FRONT PORCH	51 SF
COVERED PATIOS	0 SF
TOTAL	1723 SF
SLAB INTERIORS	1817 SF

1/8" = 1'-0"

PROJECT	NO. 1
DATE	10/1/10
DESIGNER	ARCHITECT
CLIENT	RESIDENT
SCALE	AS SHOWN
KEY	A-1



 1:1,200	NOTIFICATION		Case no: BDA178-063
	<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;">39</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/23/2018	

Notification List of Property Owners

BDA178-063

39 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3802 CARL ST	OPPORTUNITY CONSTRUCTION LLC
2	2113 CROSS ST	HALL DWAIN E
3	3721 CARL ST	HAWKINS JIMMIE LEE JR
4	3727 CARL ST	RIVERA PAULA
5	3724 S FITZHUGH AVE	AGUILAR EDGAR
6	3713 CARL ST	MATHIS CURTIS ESTATE
7	3722 CARL ST	VASQUEZ JOSE CRUZ
8	3724 CARL ST	RODRIGUEZ YOLANDA
9	3712 CARL ST	GENERAL ASSEMBLY OF THE CHURCH OF THE LORD JESUS
10	3716 CARL ST	GENERAL ASSEMBLY OF THE CHURCH OF THE LORD JESUS
11	3719 HAMILTON AVE	TEAGUE KATHYE LYNNETTE
12	3723 HAMILTON AVE	MCDUFF DARIT M
13	3727 HAMILTON AVE	STEPHENS CARL EDWARD &
14	2211 CROSS ST	STEPHENS CARL
15	3726 HAMILTON AVE	SANDS JEFFERY & DEBRA
16	3810 S FITZHUGH AVE	RICHARDSON HARRIETT
17	3807 CARL ST	WATERS EUNICE
18	3802 S FITZHUGH AVE	COLLINS MICHELLE
19	3806 S FITZHUGH AVE	JOHNSON WILLIAM & LINDA
20	3819 CARL ST	BOYKIN JAMES
21	3803 CARL ST	PIERCE FRANCESCA JEANNINE &
22	3811 CARL ST	AZTECA VALLEY HOLDINGS INC
23	3815 CARL ST	TAYLOR OPAL SESSION EST OF
24	3814 CARL ST	NKOMEZI NAHIMANA ALIMASI
25	3806 CARL ST	MAGEE JAMES FLEET JR ETAL
26	3818 CARL ST	DANDRIDGE JERRI MARIE

Label #	Address	Owner
27	3810 CARL ST	SOUTH DALLAS FAIR PARK INNERCITY
28	3822 CARL ST	SALVO JAMES J
29	3801 HAMILTON AVE	LAKES ANTHONY RAY
30	2208 CROSS ST	CHRISS RITA
31	3805 HAMILTON AVE	MUENNINK 35 HOMES LLC
32	3811 HAMILTON AVE	LAURY GLADYS
33	3815 HAMILTON AVE	THOMAS ROSA L &
34	3819 HAMILTON AVE	QUINONES MANUEL RENTERIA
35	3817 HAMILTON AVE	RENTERIA JORGE ANTONIO &
36	3802 HAMILTON AVE	JOHNSON JOE
37	3806 HAMILTON AVE	SHEEDAK INC &
38	3810 HAMILTON AVE	MARTINEZ MARTIN S
39	3812 HAMILTON AVE	DAVIS JESSIE MAE

FILE NUMBER: BDA178-070(SL)

BUILDING OFFICIAL'S REPORT: Application of James Poulin, represented by Curtis Burlbaw, for variances to the front yard setback and off-street parking regulations at 2016 Kessler Parkway. This property is more fully described as Lot D-1, Block 13/3800 and is zoned CD 13, which requires a front yard setback of 35 feet and requires a parking space to be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct/maintain structure and provide a 16 foot front yard setback, which will require a 19 foot variance to the front yard setback regulations, and to locate and maintain parking spaces in an enclosed structure with a setback of 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 2016 Kessler Parkway

APPLICANT: James Poulin
Represented by Curtis Burlbaw

REQUESTS:

The following requests have been made to construct and maintain a single family home structure on a site that is currently undeveloped:

1. a variance to the front yard setback regulations of 19' is requested to construct and maintain the aforementioned structure 16' from the front property line or 19' into the required 35' front yard setback;
2. a variance to the off-street parking regulations of 4' is requested as the proposed home would have parking spaces in an enclosed structure (an attached garage) that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to Kessler Parkway.

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 (front setback variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the lot's restrictive area caused by the slope precludes it from being developed in a manner commensurate with the development upon other parcels of land that are flat/without slope on similarly-zoned CD 13 (Subarea 3) lots. The applicant's representative has submitted a document indicating that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 22 other homes he listed of properties in the same CD 13 (Subarea 3) zoning. (The average square footage of 22 other properties listed in the applicant's document is approximately 3,300 square feet).

STAFF RECOMMENDATION (off-street parking variance):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. Automatic garage doors must be installed and maintained in working order at all times.

Rationale:

- Staff concluded that the lot's restrictive area caused by the slope of the site precludes it from being developed in a manner commensurate with the development upon other parcels of land that are flat/without slope on similarly-zoned CD 13 (Subarea 3) lots. The applicant's representative has submitted a document indicating that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 22 other homes he listed of properties in the same CD 13 (Subarea 3) zoning. (The average square footage of 22 other properties listed in the applicant's document is approximately 3,300 square feet).
- Granting this request is not contrary to the public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request given the distance between the pavement line and building footprint.

BACKGROUND INFORMATION:

Zoning:

Site: CD 13 (Subarea 3) (Conservation District)
North: CD 13 (Subarea 4) (Conservation District)
South: CD 13 (Subarea 3) (Conservation District)
East: CD 13 (Subarea 3) (Conservation District)
West: CD 13 (Subarea 3) (Conservation District)

Land Use:

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

Zoning/BDA History:

1. BDA178-033, Property at 2016 Kessler Parkway (the subject site)

On March 21, 2018, the Board of Adjustment Panel B denied requests variances to the front yard setback regulations of 19' and off-street parking regulations of 4' without prejudice.

The case report stated the following: a variance to the front yard setback regulations of 19' was requested to construct and maintain the aforementioned structure 16' from the front property line or 19' into the required 35' front yard setback; and that a variance to the off-street parking regulations of 4' was requested as the proposed home would have parking spaces in an enclosed structure (an attached garage) that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to Kessler Parkway

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- This request for a variance to the front yard setback regulations focuses on constructing and maintaining a two-story, single family home with approximately 3,000 square feet of AC space on an undeveloped site that is proposed to be located 16' from the front property line or 19' into the site's 35' front yard setback.
- The subject site is zoned CD 13 (Subarea 3).
- CD 13 states that the minimum front yard must equal the average of the front yards of the houses on contiguous lots.
- The applicant has submitted a document that represents the location and setbacks of the houses to the east and west of the subject site (see Attachment B).
- The submitted plan represents that the single family home structure is located 16' from the site's front property line (or 19' into the 35' front yard setback).
- The site plan shows that over half of the proposed building footprint is to be located in the site's 35' front yard setback.
- DCAD records indicate "no main improvements" for the property at 2016 Kessler Parkway.

- The applicant's representative has submitted a document indicating that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 22 other homes he listed of properties in the same CD 13 (Subarea 3) zoning. (The average square footage of 22 other properties listed in the applicant's document is approximately 3,300 square feet).
- The applicant has submitted a topographic representation of the site indicating a slope in approximately the southern half of the subject site – a slope beginning at 460' up to 490' over a length of approximately 60'. The topographic representation includes a note pointing to an area of the building footprint: "Shaded area represents buildable area in escarpment as defined by City of Dallas Engineering Department beyond the 35' front yard setback".
- A document has been submitted that represents the proposed building footprint and the topographic lines on the site with an approximate 8' – 25' range of distance between the 35' setback line and the slope beginning on roughly the southern half of the property.
- The submitted site/roof plan represents the proposed building footprint with "unshaded area represents buildable area in the escarpment as defined by City of Dallas Engineering Department in front of the 35' front yard setback (i.e. the area requested for variance)" and "shaded area represents remaining buildable area in the escarpment as defined by City of Dallas Engineering Department beyond the 35' front yard setback" (see Attachment D).
- The subject site is sloped, slightly irregular in shape, and approximately 12,000 square feet in area. Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet and where the front yard setback was 25'.
- 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 CD 13 (Subarea 3) 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 CD 13 (Subarea 3) zoning classification.
- If the Board were to grant this 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 is a structure to be located 16' from the site's front property line or 19' into the required 35' front yard setback.

GENERAL FACTS/STAFF ANALYSIS (parking variance):

- This request for a variance to the off-street parking regulations of 4' focuses on locating parking spaces in an enclosed structure (a garage attached/within the proposed single family home), where these parking spaces entered from the street right-of-way line would be located 16' from the Kessler Parkway street right-of-way line or 4' into the required 20' distance from this right-of-way line.
- Section 51(A)-4.301(a)(9) of the Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 46' from the Kessler Parkway pavement line).
- DCAD records indicate "no main improvements" for the property at 2016 Kessler Parkway.
- The applicant's representative has submitted a document indicating that that the total "maximum AC space" of the proposed home on the subject site is approximately 3,000 square feet which is smaller than that of 22 other homes he listed of properties in the same CD 13 (Subarea 3) zoning. (The average square footage of 22 other properties listed in the applicant's document is approximately 3,300 square feet).
- The subject site is sloped, slightly irregular in shape, and is approximately 12,000 square feet in area. Prior to the creation of CD 13 in 2005, the subject site and surrounding properties had been zoned R-7.5(A) where the typical lot size is 7,500 square feet.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections" given the distance between the pavement and the building footprint".
- The applicant has the burden of proof in establishing the following:
 - That granting the variance 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 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 CD 13 (Subarea 3) 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 CD 13 (Subarea 3) zoning classification.
- If the Board were to grant the request for a variance of 4', staff recommends imposing the following conditions:

1. Compliance with the submitted site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.

(These conditions are imposed to help assure that the variance will not be contrary to the public interest).

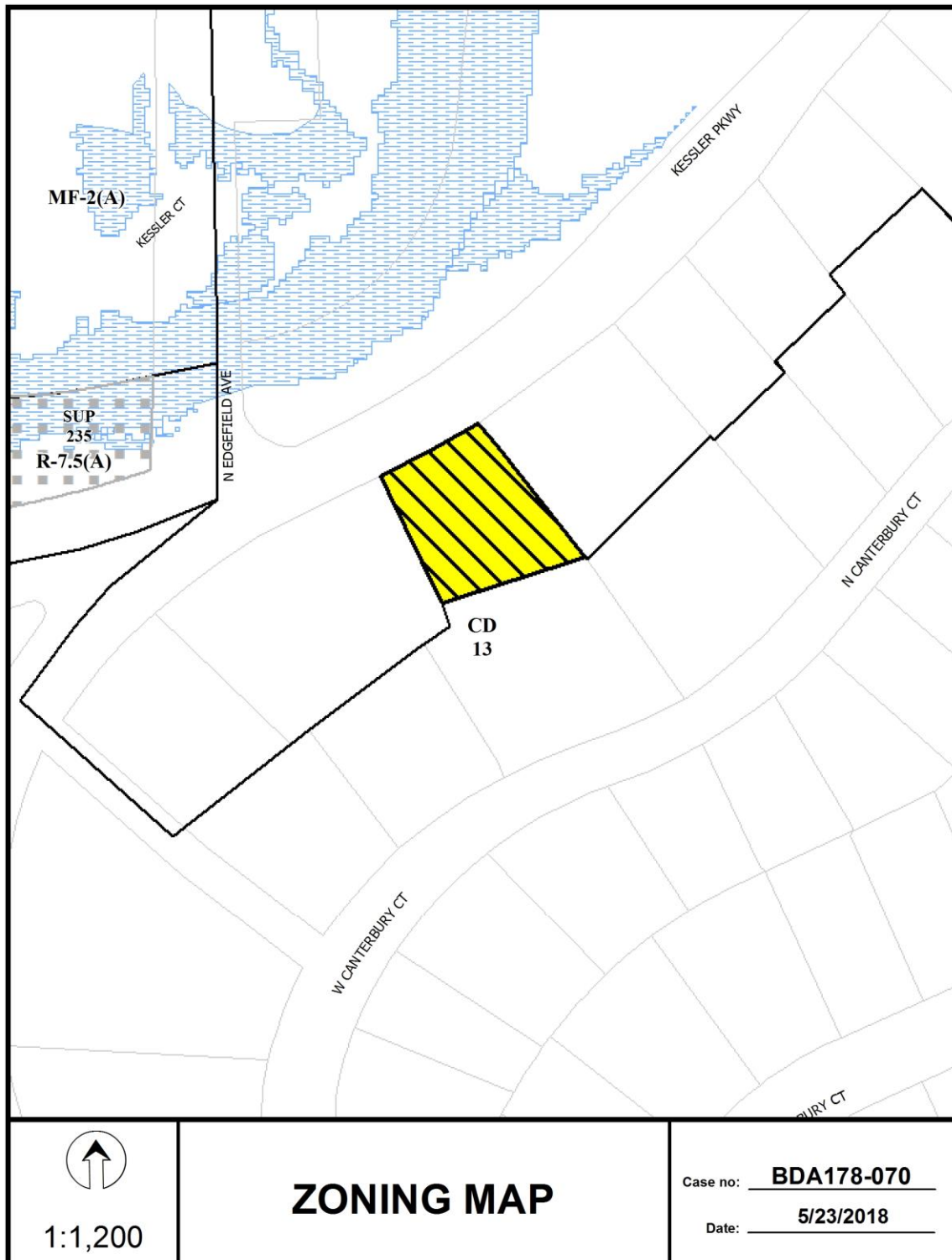
Timeline:

- March 29, 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.
- May 15, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.
- May 15, 2018: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th 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.
- May 24 & 31, 2018 The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachments A and B).
- June 5, 2018: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment C).
- June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment Senior Planner, and the Assistant City Attorney to the Board.

June 7, 2018 The applicant's representative submitted additional information to staff beyond what was submitted with the original application (see Attachment D).

June 8, 2018: The Sustainable Development and Construction Senior Engineer forwarded documents to the Board Administrator/Chief Planner (see Attachment E).

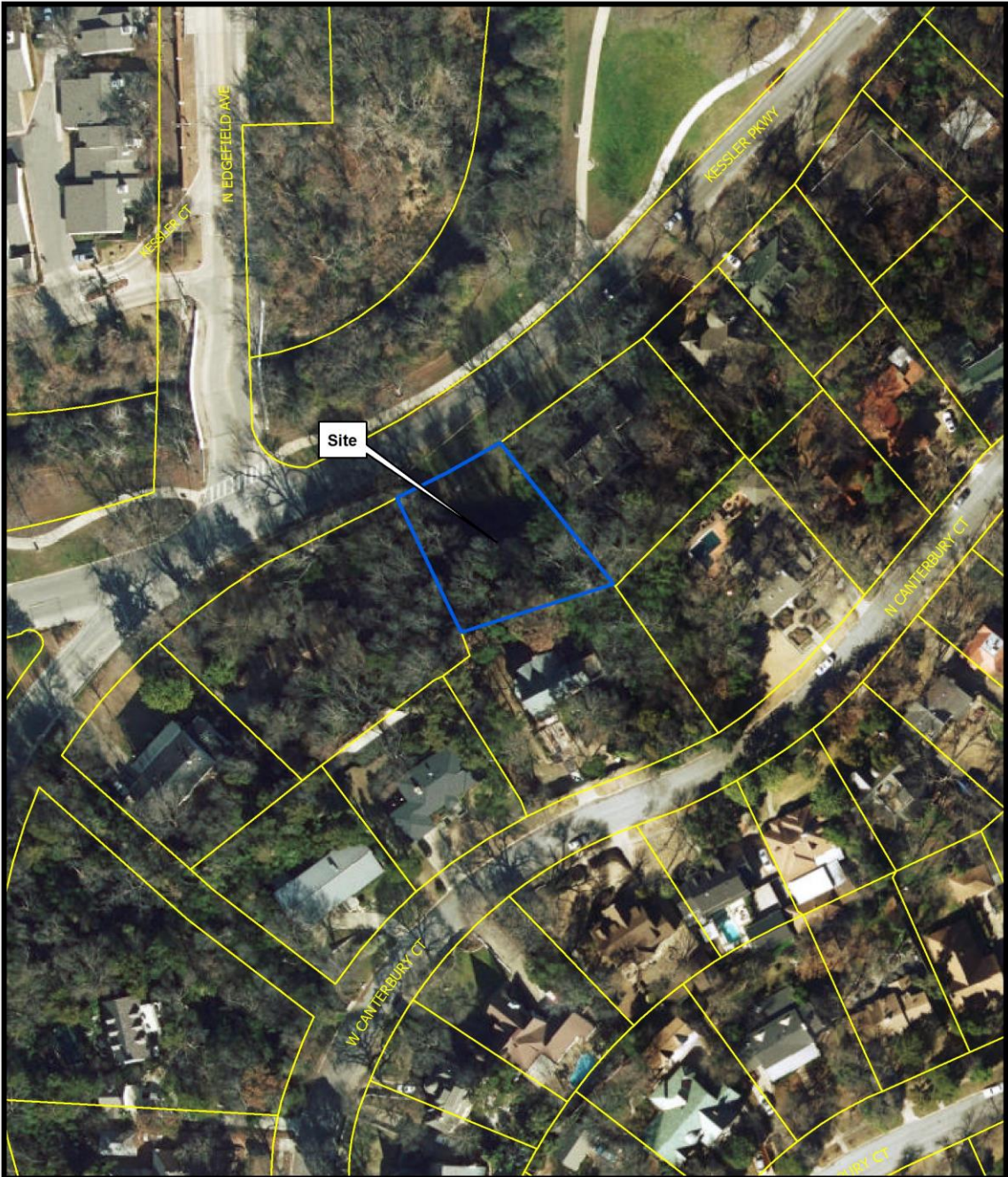


1:1,200

ZONING MAP

Case no: BDA178-070

Date: 5/23/2018



 1:1,200	<h1>AERIAL MAP</h1>	Case no: <u>BDA178-070</u> Date: <u>5/23/2018</u>
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2016 Kessler Parkway - Residential Comparison Document

Residence to be built at 2016 Kessler Parkway within CD-13 - Subarea 3 is designed for a maximum AC space of 2,985 square feet

2016 Kessler Parkway 2,985 sf 12,225 sq ft

Comp Address	AC Sq Ft	Lot Size
1714 Kessler Pkwy	2,814 sf	
1820 Kessler Pkwy	2,977 sf	
1834 Kessler Pkwy	3,157 sf	
1511 N Clinton Ave	3,021 sf	
1954 Kessler Pkwy	3,638 sf	
2040 Kessler Pkwy	3,880 sf	
831 Evergreen Hills	3,318 sf	
837 Evergreen Hills	2,807 sf	
1650 Kessler Canyon Dr	3,102 sf	
1662 Kessler Canyon Dr	3,015 sf	
1651 Nob Hill Rd	3,829 sf	
1645 Nob Hill Rd	2,996 sf	
1639 Nob Hill Rd	3,091 sf	
840 Evergreen Hills	3,234 sf	
1010 Evergreen Hills	3,130 sf	
939 Knott Pl	3,591 sf	
919 Knott Pl	3,202 sf	
835 Knott Pl	3,300 sf	
823 Knott Pl	2,827 sf	

BDA178-070

AHCA

PS2

1346 Rainbow Dr			3,630 sf					
1306 Rainbow Dr			3,566 sf					
923 Leatrice Dr			3,831 sf					

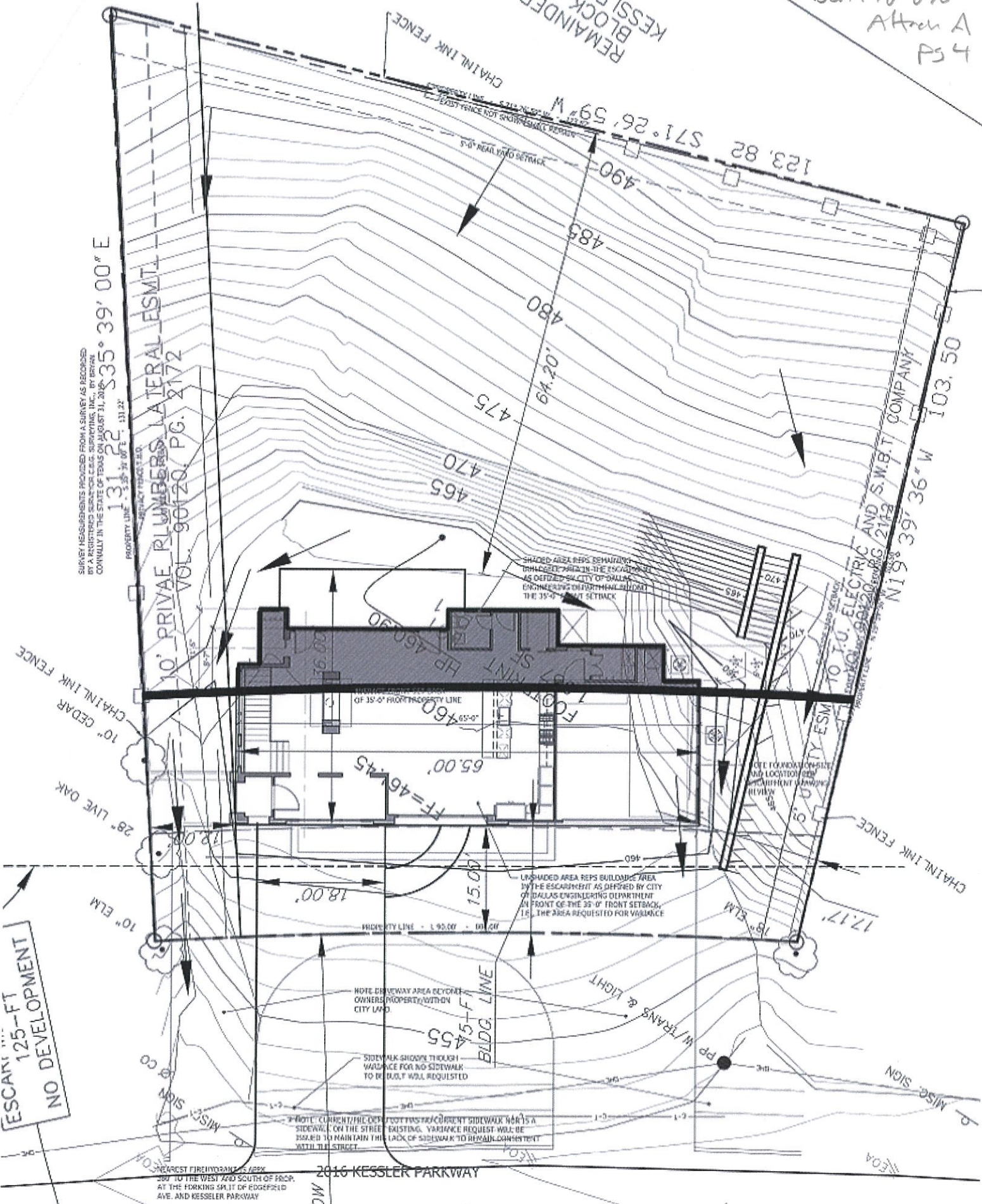
BDA178-070
A
54

REMAINDER OF
BLOCK 13/
KESSELLER P 13/

PROPERTY LINE 131.22' 335° 39' 00" E
VOL. 90120, PG. 2172

10' PRIVATE RUMBERS LATERAL ESMT.
VOL. 90120, PG. 2172

TO T.O. ELECTRIC AND S.W.B.T. COMPANY
VOL. 90120, PG. 2172
N19° 39' 36" W 103.50'



ESCAPMENT
125-FT
NO DEVELOPMENT

BDA178-070



04

BUILDABLE SITE BASED UPON 35'-0" SETBACK (CONTOURS INCLUSIVE)

Long, Steve

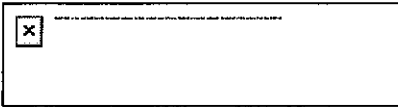
From: Curtis Burlbaw <curtisburlbaw@gmail.com>
Sent: Thursday, May 31, 2018 11:40 AM
To: Trammell, Charles; Long, Steve
Subject: 2016 Kessler Parkway
Attachments: 2018.01.22 - adjacent property survey.pdf

PS 1

Steve + Charles,

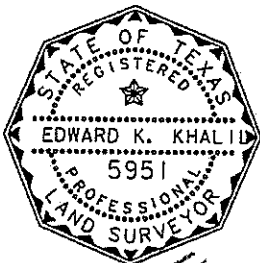
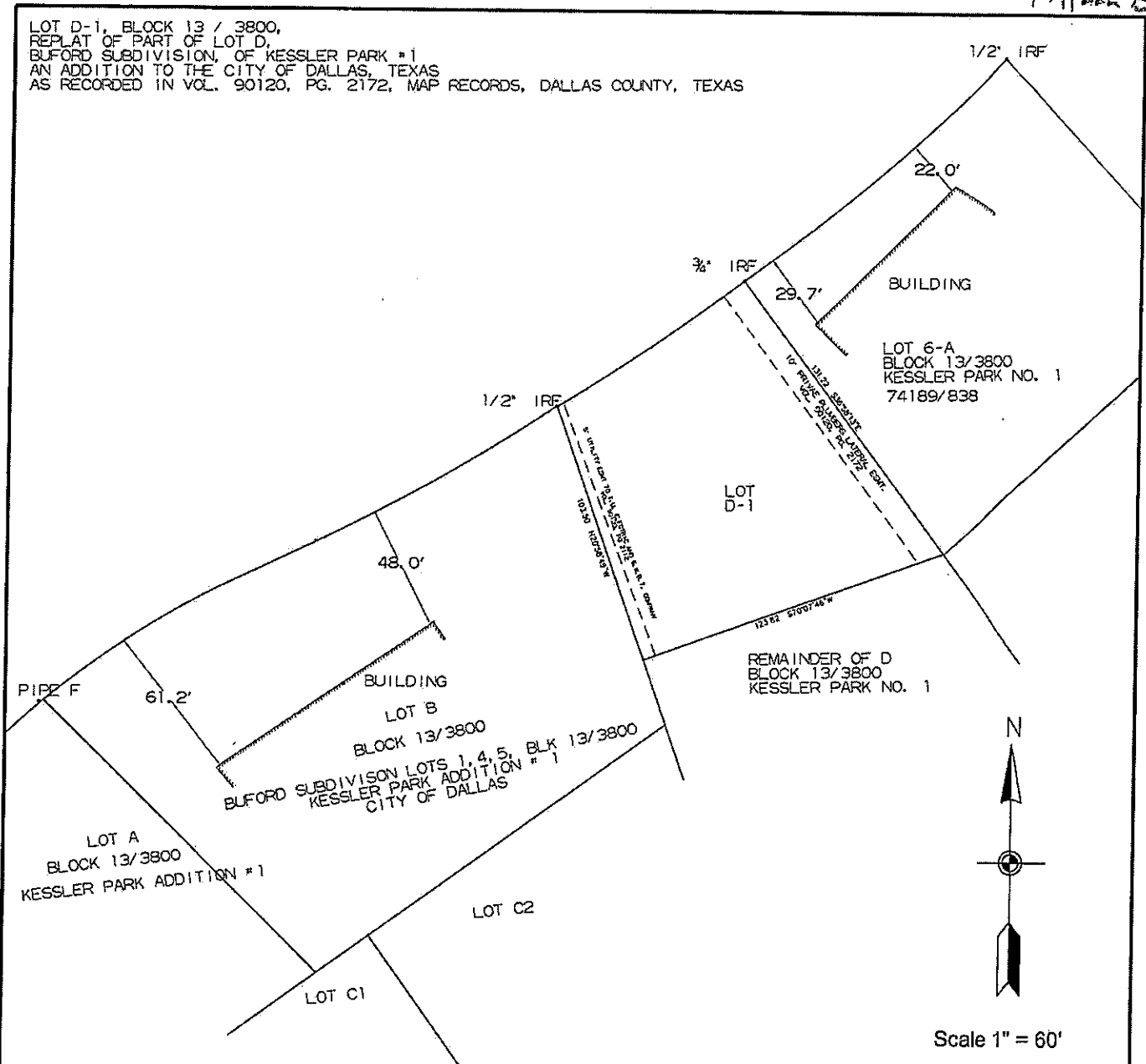
Here's a doc for how the front setback got set for 2016 Kessler Parkway. It's based upon the civil engineer survey. Please add this as an attachment to case.

Thanks,



Curtis Burlbaw
214.906.4883
www.blue-c-designs.com
www.houzz.com

LOT D-1, BLOCK 13 / 3800,
REPLAT OF PART OF LOT D,
BUFORD SUBDIVISION, OF KESSLER PARK #1
AN ADDITION TO THE CITY OF DALLAS, TEXAS
AS RECORDED IN VOL. 90120, PG. 2172, MAP RECORDS, DALLAS COUNTY, TEXAS



Signed: *[Signature]*
 Date: 1-22-18

EXHIBIT
 SHOWING
 FRONT BUILDING'S CORNERS
 LOCATION IN REGARD TO
 FRONT PROPERTY LINE
 IN LOT 6-A, AND LOT B,
 BLOCK 13 / 3800
 CITY OF DALLAS

DRAWN BY: EK
DATE: 01-22-18
DGN. NO.: 160430
APPROVED BY: EK
REVISED:



A.N.A. CONSULTANTS, L.L.C.
 5000 Thompson Terrace
 Colleyville, Texas 76034
 Office: (817) 335-9900
 Fax: (817) 335-9955
 F.R.NO. 10090800

SHT. NO. : 1 OF 1

BDA178-070

Attach C

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Date of Hearing

Appeal was--Granted OR Denied

Remarks

Chairman

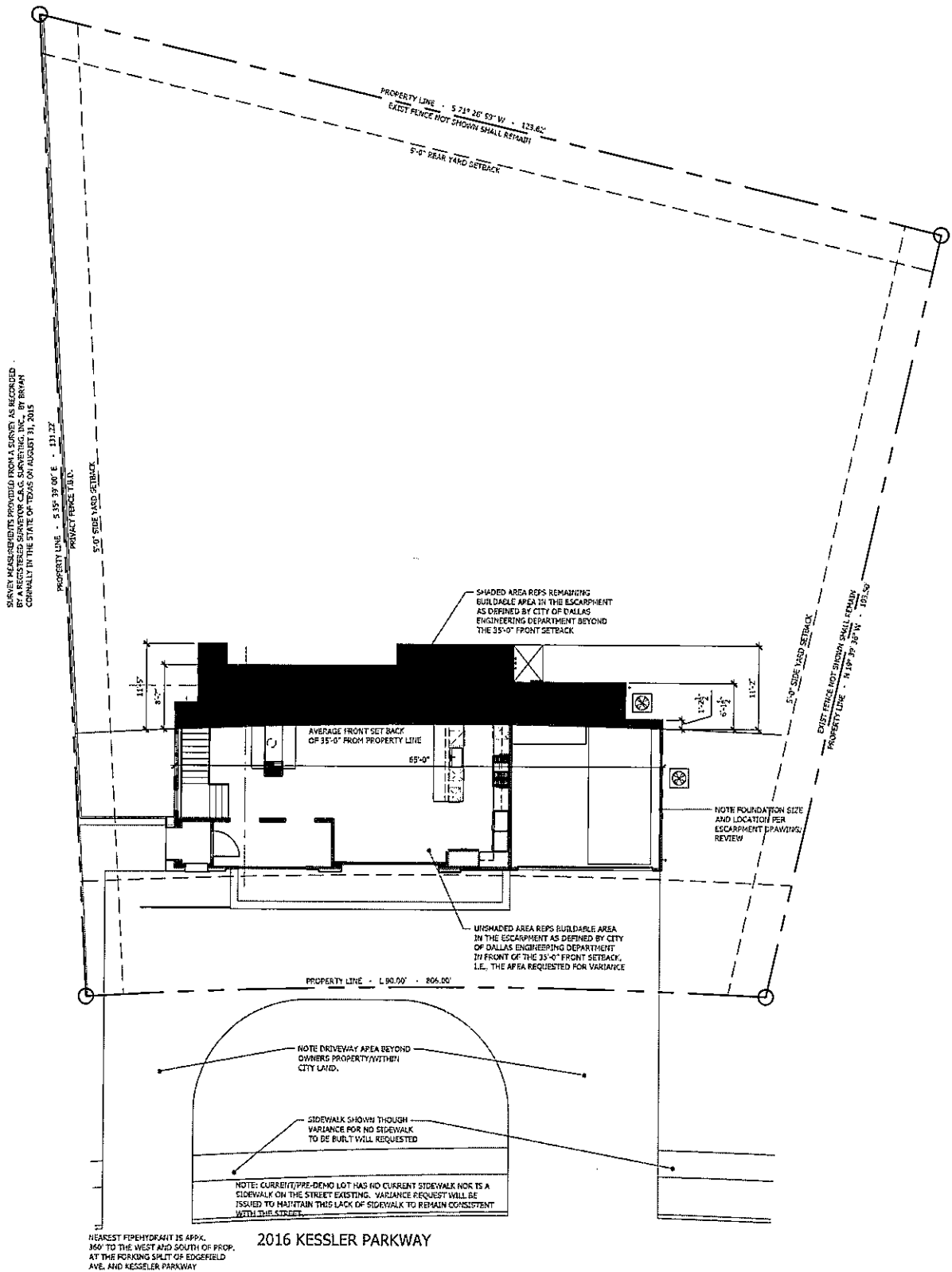
Building Official's Report

I hereby certify that James Poulin represented by Curtis Burlbaw did submit a request for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations at 2016 Kessler Parkway

BDA178-070. Application of James Poulin represented by Curtis Burlbaw for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations : 2016 KESSLER PKWY. This property is more fully described as Lot D-1, Block 13/3800 and is zoned CD-13, which requires a front yard setback of 35 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 16 foot front yard setback, which will require a 19 foot variance to the front yard setback regulations, and to construct a single family residential structure with a setback of 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,

Philip Sikes, Building Official



01 SITE/ROOF PLAN

Scale: 1/8" = 1'-0"

Long, Steve

PS 1

From: Nevarez, David
Sent: Friday, June 08, 2018 9:55 AM
To: Long, Steve
Cc: Aguilera, Oscar E; Denman, Lloyd; Trammell, Charles
Subject: RE: REVISED BDA178-070 - 2016 Kessler Parkway
Attachments: BDA178-070 REVIEW COMMENT SHEET--Engineering_REV.pdf; 170112_Escarpment Permit Approval.pdf; Section 08_Drawings.pdf; Section 07_Escarpment Zone Exhibit.pdf; Section 03_Photos.pdf

Steve,

See attached revised comments on behalf of engineering.

I am also attaching documents considered relevant to this case for your use and distribution.

David Nevarez, P.E., PTOE

City of Dallas | Sustainable Development & Construction | (214) 671.5115

From: Nevarez, David
Sent: Thursday, June 07, 2018 11:44 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: REVISED BDA178-070 - 2016 Kessler Parkway

Mr. Long,

See attached review comments on behalf of engineering.

In addition, based on the applicant's last hearing, I am also attaching documents considered relevant to the case that I wished I had had with me at our last hearing—for your use and distribution.

I'm available to answer questions related to the decision of the Escarpment Area Review Committee.

NOTE: the response form on Panel B Memo (sent on May 31) is incorrectly dated for June 19. This second email has been revised to show correct date.



David Nevarez, P.E., PTOE
 Sustainable Development & Construction
 City of Dallas | www.dallascityhall.com
 1500 Marilla St., L1BS, Dallas, TX 75201
 (214) 671-5115 | david.nevarez@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.**

REVIEW COMMENT SHEET BOARD
OF ADJUSTMENT
HEARING OF JUNE 20, 2018 (B)

Has no objections

Has no objections if certain conditions
are met (see comments below or attached)

Recommends denial
(see comments below or attached)

No comments

BDA 178-045 (SL)

BDA 178-048 (OA)

BDA 178-055 (SL)

BDA 178-060 (OA)

BDA 178-061 (OA)

BDA 178-063 (OA)

BDA 178-068 (OA)

BDA 178-070 (SL)

COMMENTS:

Engineering has no objection to the enclosed parking structure less than 20 feet from the setback, given the distance between the pavement and building footprint.

NOTE ABOUT ESCARPMENT:

1. As required by City Code (51A-5.200), the applicant submitted an escarpment review application in 2016.
2. Based on findings of a Slope Stability Analysis (dated July 2016) and a technical review from the Escarpment Area Review (EAR) Committee, the escarpment application for the proposed development of 2016 Kessler Parkway was approved limited to a specific buildable area as shown on plans submitted for this request.

Per SEC. 51A-5.209(a), decisions from the EAR committee are intended to assist the board of adjustment in the interpretation of the escarpment regulations.

David Nevarez, P.E., PTOE, SDC-Engineering

Name/Title/Department

June 8, 2018

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



CITY OF DALLAS

January 12, 2017

Jeffery Ground P.E.
2465 Southwell Road
Dallas, Texas 75229

Re: 2016 Kessler Parkway, Dallas, Texas 75211
Escarpment Permit Application

Mr. Ground:

Your escarpment application for the proposed development off of 2016 Kessler has been reviewed and is approved. This permit only applies to the property covered by the site plan submitted by you on November 17, 2016.

You may proceed with the platting and development of the property in accordance with the Dallas Development Code. The Monumentation of the escarpment on your property is required if found according to City Ordinance No. 23384, Section 51A-8.617.

The following guidelines will apply to the area, which is considered as geologically similar area (GSA)

1. A tree protection plan and a tree removal permit is required. Please contact Phil Erwin, Chief Arborist, at (214) 948-4117.
2. Paving and drainage plans must be approved by Engineering Division of the Sustainable Development and Construction Department.
3. Compliance with PD conditions and deed restrictions, if any.
4. Detention may be required for additional storm water runoff discharging onto the face of the escarpment.

BDA178-070

Att. 4 E

PS 4

2016 Kessler Parkway, Dallas, Texas 75211
Escarpment Permit
Page 2
January 12, 2017

Should you need additional information, please feel free to contact M. Samuel
Eskander, P.E., Sr. Program Manager, Engineering Division, at (214) 948-4029.

Sincerely,



Lloyd Denman, P.E., CFM
Assistant Director
Engineering Division
Department of Sustainable Development and Construction

c: David Cossum, Director
Phil Erwin, Chief Arborist
Steve Parker, Sr. Program Manager
Sam Eskander, Sr. Program Manager
Jason Ney, Manager III
Paul Nelson, Subdivision Administrator

Attach E
PSS

DRAWINGS

- 1 DETAILED CROSS SECTION
- 2 EROSION CONTROL PLAN
- 3 GRADING PLAN
- 4 DRAINAGE AREA MAP
- 5 SITE PLAN
- 6 PLAT



OWNER:
 JIM POULIN
 5605 CHAM BL, UNIT 3
 DALLAS, TX 75248
 PHONE: (972) 207-7714
 CONTACT PERSON: JIM POULIN

ENGINEER:
 J.S. GROUND ENGINEERING, LLC
 2445 SOUTHWALL ROAD
 SUITE 100
 DALLAS, TX 75229
 PHONE: (972) 333-4000
 FAX: (972) 333-4000
 FIRM REGISTRATION NO. F-12776

REV. NO.	DATE	DESCRIPTION	BY

FOR EXAMINATION ONLY. REVIEW NOT FOR CONSTRUCTION.

Prepared by:
 J. S. Ground Engineering, LLC
 2445 Southwall Road
 Suite 100
 Dallas, TX 75229
 (972) 333-4000
 Firm Registration No. F-12776

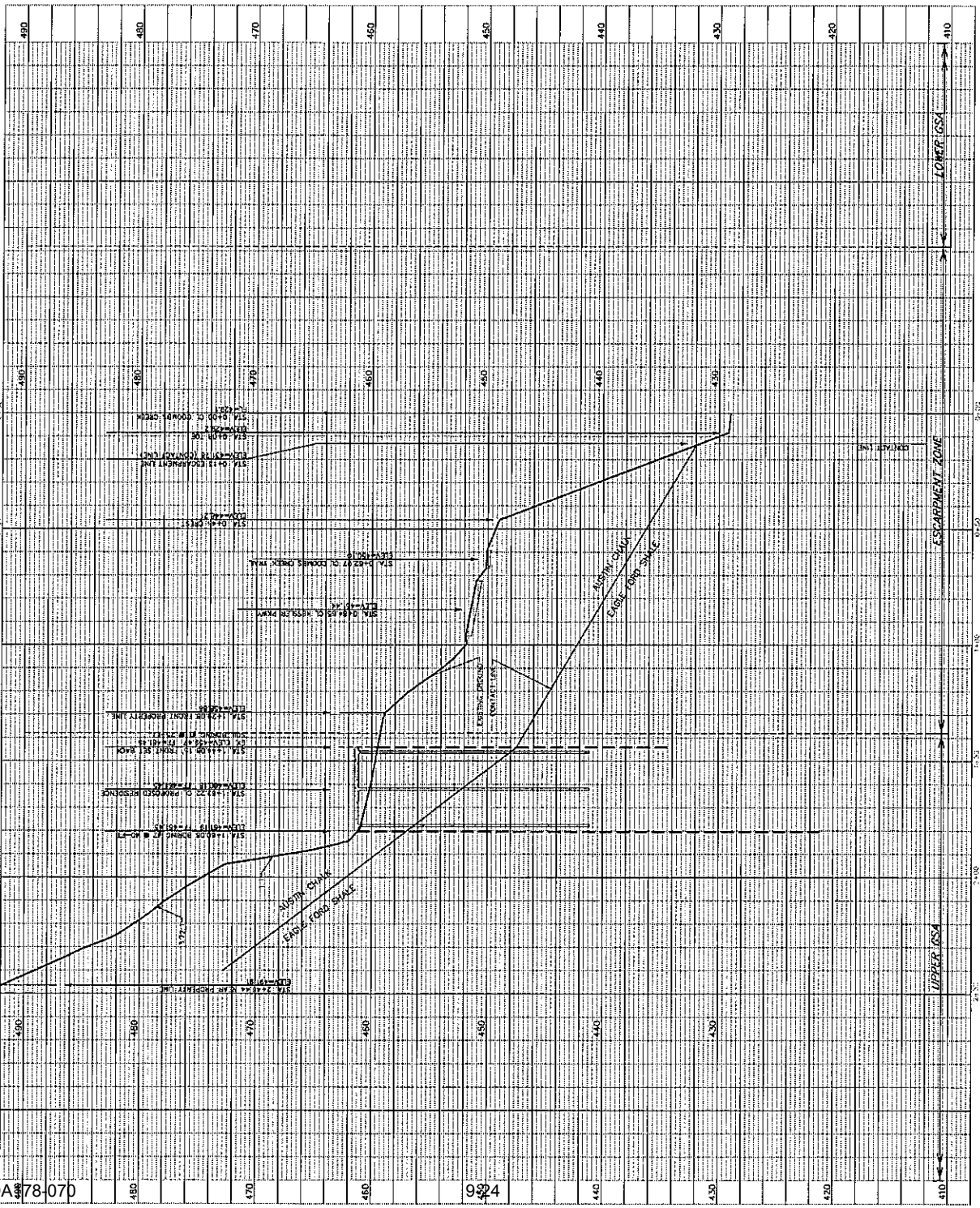
REFERENCES:
 WATER

CITY PLAN FILE NUMBER: _____

DETAILED CROSS SECTION
 2016 KESSLER PKWY, DALLAS, TX, 75208

CITY OF DALLAS, TEXAS

DESIGN	URBAN	DATE	FILE	NUMBER	SHEET
206		11/17/16			1



- NOTES:**
- A. All materials and workmanship shall conform to the Standard Specifications for Public Works Construction for Major Central Texas, latest edition, and the City of Dallas Department of Public Works and Transportation Addendum.
 - B. During the construction of these improvements, any interpretation of the Contract Documents shall be made by the Engineer. The Engineer shall be approved by the Director of Public Works and Transportation or his designee. The Engineer shall be responsible for the construction of these improvements and shall be responsible for the construction of these improvements. Assumptions about level these decisions, which shall be made during the bidding phase will have no bearing on the station.
 - C. For adjustment of Dallas Water Utilities requirements or to verify locations of existing water and wastewater mains in area, call (214) 870-1770 or least (3) three working days prior to construction.
 - D. Streets, alleys, sidewalks, driveways, and storm abridge facilities in the public right-of-way shall be constructed in conformance with the City of Dallas, Standard Construction Details, File 2510-1, latest edition.
 - E. An concrete for pavement shall be 4000 psi for machine finish and 4500 psi if it is necessary for hand finish.
 - F. Proposed house footprint and driveway layout is conceptual.
 - G. Adjacent house setback is 15-ft.

CONTACT TEXAS ONE This Service Code For Is Submittal Ref: 81	CAUTION - FIBER OPTIC Fiber optic cables are located in the area shown on this plan. Do not dig or disturb these cables. Call (214) 870-1770 for more information.	CAUTION - GAS Gas lines are located in the area shown on this plan. Do not dig or disturb these lines. Call (214) 870-1770 for more information.	CAUTION - TELEPHONE Telephone lines are located in the area shown on this plan. Do not dig or disturb these lines. Call (214) 870-1770 for more information.	CAUTION - POWER Power lines are located in the area shown on this plan. Do not dig or disturb these lines. Call (214) 870-1770 for more information.
---	--	--	--	--

REV. NO.	DATE	DESCRIPTION	BY

FOR ESCARPMENT COMMITTEE REVIEW
NOT FOR CONSTRUCTION

Horizontal Scale: 1" = 10'
1" = 20'

Prepared By
Ground Engineering, LLC
2405 Southwell Road
Dallas, TX 75229
(817) 326-5330
Form Registration No. F-1278

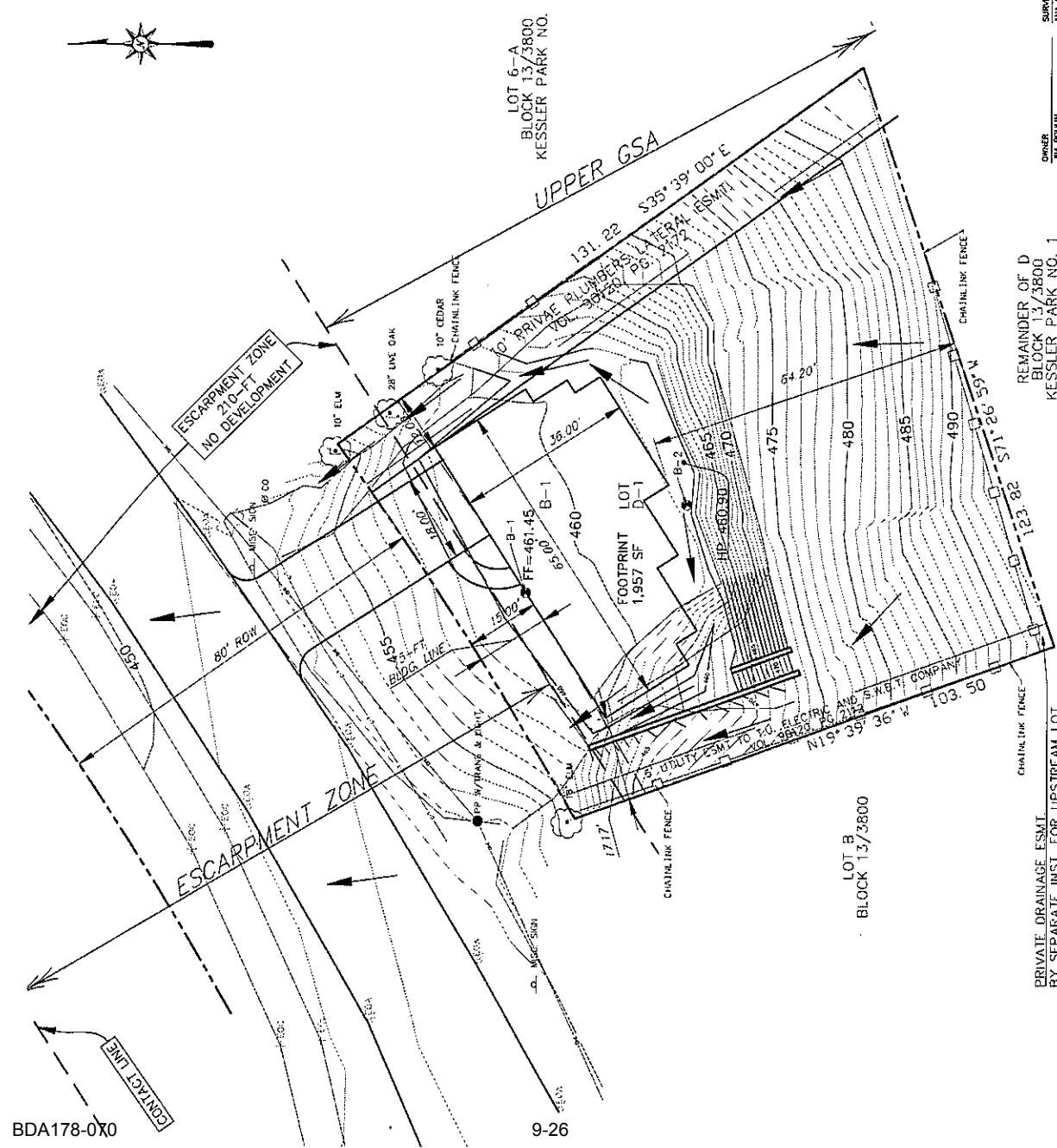
REFERENCES
WATER
WASTEWATER

CITY PLAN FILE NUMBER:

GRADING PLAN
2016 KESSLER PKWY, DALLAS, TX, 75208

CITY OF DALLAS, TEXAS

DESIGN DRAWN DATE NUMBER SHEET
50 11/17/14 1 3

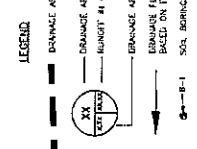


OWNER:
JIM TOLLIN
2409 W. WAIN ST., UNIT 3
DALLAS, TX 75227
PHONE: (214) 207-7714
FAX: (214) 207-7714
CONTACT PERSON: JIM TOLLIN

SURVEYOR:
AKA CONSULTANTS, LLC
5000 THOMPSON TERRACE
DALLAS, TX 75242
PHONE: (972) 353-4000
FAX: (972) 353-4000
FIRM NO. 1006880

ENGINEER:
J. S. GROUND ENGINEERING, LLC
11/17/14
2405 SOUTHWELL ROAD
DALLAS, TX 75229
PHONE: (817) 326-5330
FAX: (817) 326-5330
FIRM REGISTRATION NO. F-1278

- GROSS SECTION LINE
(POINTS PER ESCARPMENT ZONE (ARBIT))
- A DRAINAGE OUNDLE LINE
 - B UPPER GSA / ESCARPMENT ZONE
 - C CREST / TOP OF CREEK BANK
 - D CONTACT LINE / CONTACT POINT
 - E THE GRADE BREAK / BOTTOM CREEK
 - F ESCARPMENT ZONE / LOWER GSA



EXISTING CONDITIONS	PROPOSED	CHANGES	COMMENTS
1. 15' TO 20' HIGH	15'	15'	NO CHANGE
2. 10' TO 15' HIGH	10'	10'	NO CHANGE
3. 5' TO 10' HIGH	5'	5'	NO CHANGE
4. 2' TO 5' HIGH	2'	2'	NO CHANGE
5. 1' TO 2' HIGH	1'	1'	NO CHANGE
6. 0' TO 1' HIGH	0'	0'	NO CHANGE
7. 0' TO 0.5' HIGH	0'	0'	NO CHANGE
8. 0' TO 0.25' HIGH	0'	0'	NO CHANGE
9. 0' TO 0.125' HIGH	0'	0'	NO CHANGE
10. 0' TO 0.0625' HIGH	0'	0'	NO CHANGE
11. 0' TO 0.03125' HIGH	0'	0'	NO CHANGE
12. 0' TO 0.015625' HIGH	0'	0'	NO CHANGE
13. 0' TO 0.0078125' HIGH	0'	0'	NO CHANGE
14. 0' TO 0.00390625' HIGH	0'	0'	NO CHANGE
15. 0' TO 0.001953125' HIGH	0'	0'	NO CHANGE
16. 0' TO 0.0009765625' HIGH	0'	0'	NO CHANGE
17. 0' TO 0.00048828125' HIGH	0'	0'	NO CHANGE
18. 0' TO 0.000244140625' HIGH	0'	0'	NO CHANGE
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20. 0' TO 0.00006103515625' HIGH	0'	0'	NO CHANGE
21. 0' TO 0.000030517578125' HIGH	0'	0'	NO CHANGE
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100. 0' TO 0.0000000000000000000000000000504870008361328125' HIGH	0'	0'	NO CHANGE

STATEMENT OF CERTIFICATION
I, JIM POULIN, AS THE ENGINEER OF RECORD, CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS. I HAVE REVIEWED THE PROJECT AND THE INFORMATION CONTAINED HEREIN AND I AM Satisfied THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS. I HAVE REVIEWED THE PROJECT AND THE INFORMATION CONTAINED HEREIN AND I AM Satisfied THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS.

LIMITS OF DISTURBANCE
THIS PROJECT IS FOR RECONSTRUCTION OF A SINGLE FAMILY RESIDENCE. THE DISTURBANCE IS LIMITED TO THE LOT AND THE ROW BETWEEN THE EDGE OF PAVEMENT AND THE ADJACENT LOT LINE. THE AREA OF DISTURBANCE IS 9,700 SF AND IT IS LESS THAN 1 ACRE.

NOTE:
THIS PROJECT IS BASED OFF THE MANUAL INTERPRETATION OF THE CITY OF DALLAS DRAINAGE DESIGN MANUAL (1983). MINOR DIFFERENCES MAY BE BASED OFF THE ZONE R-7.5(A) FROM THE CITY OF DALLAS DRAINAGE DESIGN MANUAL (1983).

DRAINAGE DESIGN CRITERIA
RATIONAL METHOD
100 YEAR DESIGN
S = FLOW IN CUBIC FEET PER SECOND = Q/S
P = ROUGHNESS COEFFICIENT (MANNING'S N)
A = DRAINAGE AREA = AREA IN ACRES

REVISIONS

REV. NO.	DATE	DESCRIPTION	BY

FOR ESCARPMENT COMMITTEE REVIEW
NOT FOR CONSTRUCTION

Prepared by: Engineering, LLC
2482 Southmead Rd.
Dallas, TX 75229
(817) 320-3339
Item Registration No. F-1278

WATERWASTER

CITY PLAN FILE NUMBER: 1

DRAINAGE AREA MAP
2016 KESSLER PKWY, DALLAS, TX, 75208

CITY OF DALLAS, TEXAS

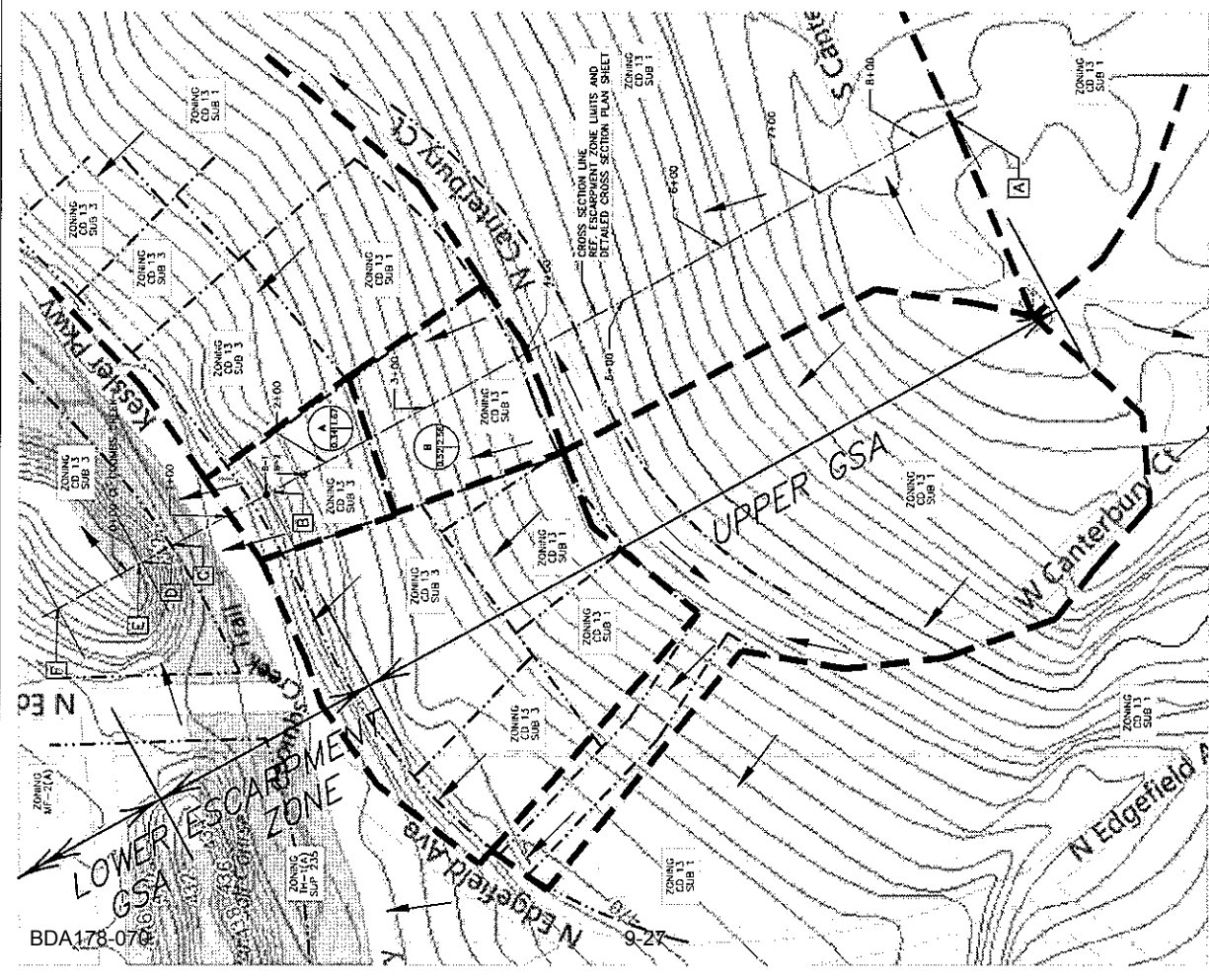
DESIGNER: J. S. GROUND ENGINEERING, LLC
1417 W. WILSON ST., SUITE 200
DALLAS, TEXAS 75209
PHONE: (817) 320-4333
FAX: (817) 320-4333
ITEM REGISTRATION NO. F-1278

ENGINEER: J. S. GROUND ENGINEERING, LLC
1417 W. WILSON ST., SUITE 200
DALLAS, TEXAS 75209
PHONE: (817) 320-4333
FAX: (817) 320-4333
ITEM REGISTRATION NO. F-1278

141774

DESIGNER: JIM POULIN
1417 W. WILSON ST., SUITE 200
DALLAS, TEXAS 75209
PHONE: (817) 320-4333
FAX: (817) 320-4333
ITEM REGISTRATION NO. F-1278

ENGINEER: JIM POULIN
1417 W. WILSON ST., SUITE 200
DALLAS, TEXAS 75209
PHONE: (817) 320-4333
FAX: (817) 320-4333
ITEM REGISTRATION NO. F-1278



NOTES.

- A. All materials and workmanship shall conform to the Standard Specifications for Public Works Construction for North Central Texas, 1984 edition, and Addendum.
- B. Before the construction of these improvements, the Superintendent of the Texas Department of Public Works and Transportation shall be notified of the Standard Specifications for Public Works Construction, the location of the work, and any matter which requires the approval of the owner, must be approved by the Director of Public Works and Transportation or his representative. The contractor shall be responsible for obtaining all necessary Assurances about what these decisions might be which are made during the bidding phase will have no bearing on the decision.
- C. For adjustment of Dallas Water Utilities, appliances or to verify locations of existing water and waste-water mains in area, call (214) 670-1776 at least (5) three working days prior to construction.
- D. Streets, alleys, sidewalks, driveways, and storm drainage facilities in the public right-of-way shall be constructed in accordance with the City of Dallas, Standard Construction Details, File 250-1-1, latest edition.
- E. All concrete for pavement shall be 4000 psi for machine finish and 4500 psi if it is necessary for night finish.
- F. Proposed house footprint and driveway layout is conceptual.
- G. Adjacent house setback is 15'-ft.

CONTACT TEXAS ONE
 2485 Southwell Rd.
 Dallas, TX 75229
 Tel: (214) 342-1111

CAUTION - GAS
 Excavation for this project may uncover gas lines. Call 800-368-5877 for more information.

CAUTION - TELEPHONE
 Excavation for this project may uncover telephone lines. Call 800-368-5877 for more information.

CAUTION - POWER
 Excavation for this project may uncover power lines. Call 800-368-5877 for more information.

REV. NO.	DATE	REVISIONS	BY

FOR ESCARPMENT COMMITTEE REVIEW
 NOT FOR CONSTRUCTION

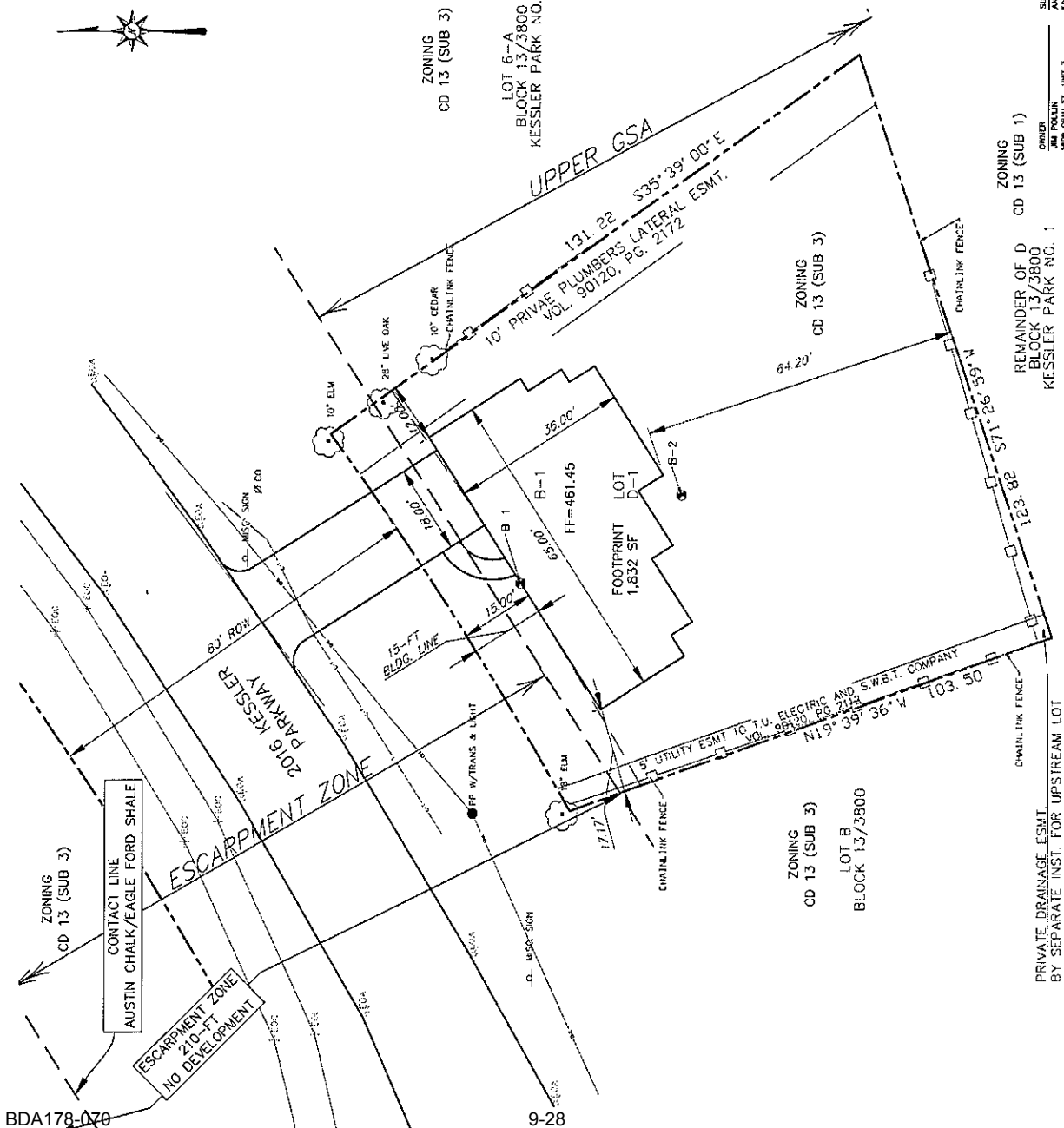
Prepared by: **Engineers, LLC**
 J. S. Ground Engineering, LLC
 2485 Southwell Rd.
 Dallas, TX 75229
 (214) 342-1111
 Fax: (214) 342-1112
 License Registration No. F-1276

CITY PLAN FILE NUMBER:

2016 KESSLER PKWY, DALLAS, TX. 75208

CITY OF DALLAS, TEXAS

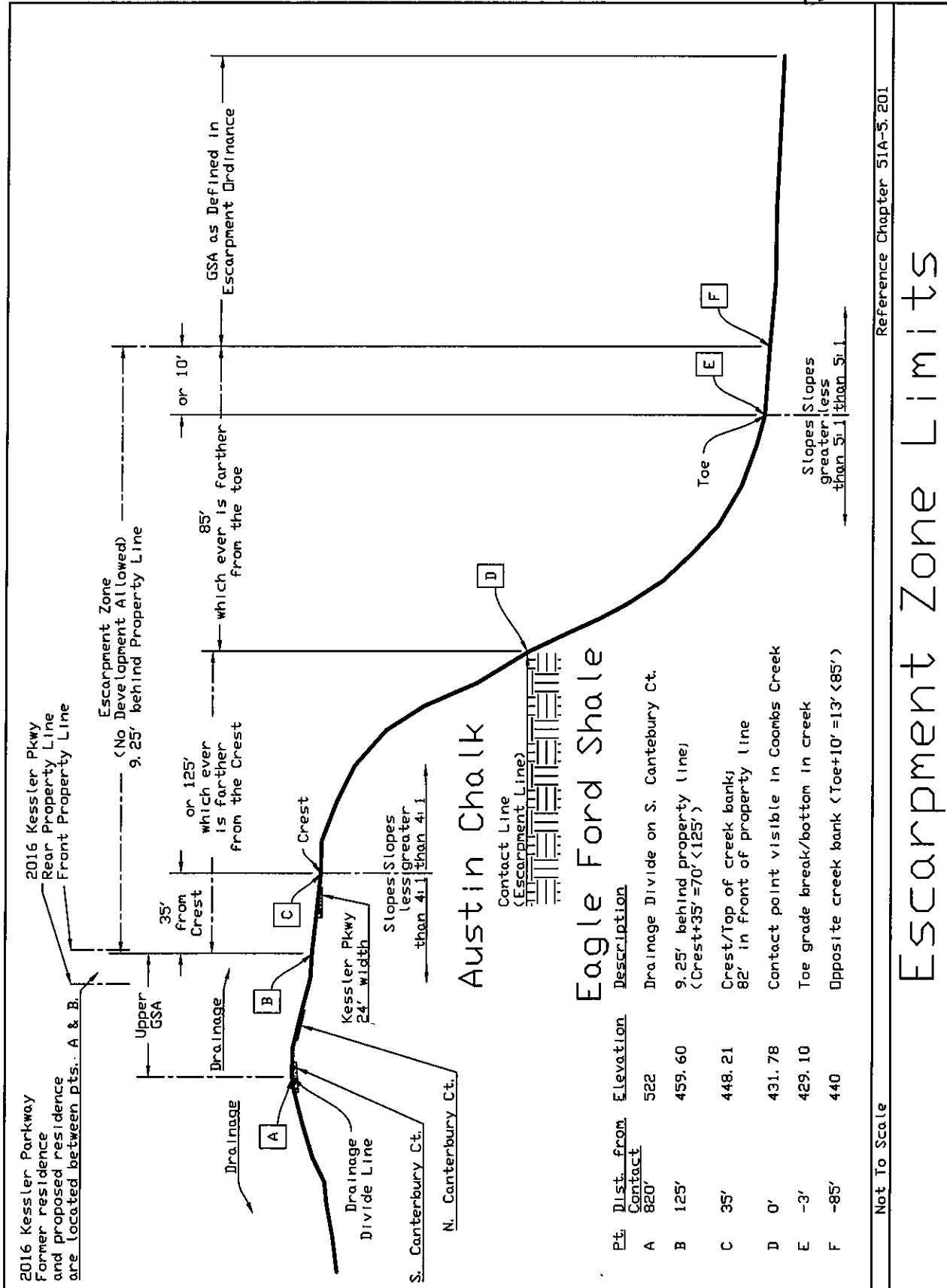
REVISION	DATE	FILE	NUMBER	SHEET



ENGINEER
 J. S. GROUND ENGINEERING, LLC
 101076
 2485 SOUTHWELL ROAD
 DALLAS, TEXAS 75229
 PHONE: (214) 342-1111
 FAX: (214) 342-1112
 LICENSE REGISTRATION NO. F-1276

SUPERVISOR
 ANA CONSULTANTS, LLC
 101076
 2485 SOUTHWELL ROAD
 DALLAS, TEXAS 75229
 PHONE: (214) 342-1111
 FAX: (214) 342-1112
 LICENSE REGISTRATION NO. F-1276

OWNER
 JIM POLKIN
 101076
 2485 SOUTHWELL ROAD
 DALLAS, TEXAS 75229
 PHONE: (214) 342-1111
 FAX: (214) 342-1112
 LICENSE REGISTRATION NO. F-1276





2016 Kessler Parkway – View from park across the street



View of park from center of lot

BDA178-070
Attach E
p. 14



Looking east along Kessler Parkway



Building pad from previous structure (50-ft W x 40-ft D; 15-ft setback)

BDA178-070
A Hoch E
P315



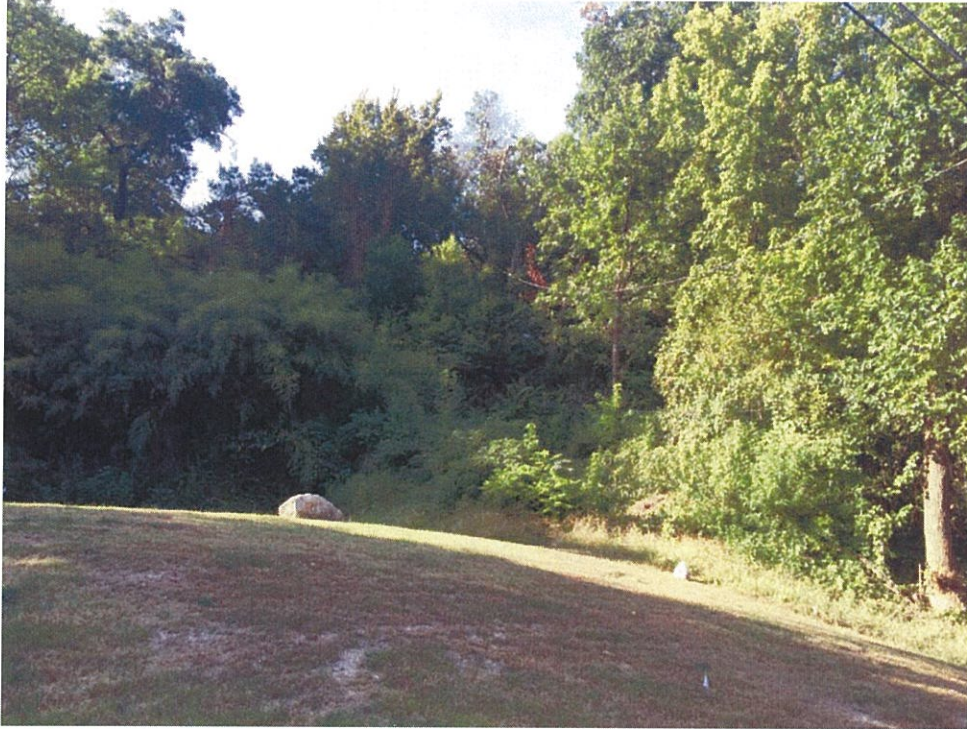
Steep grade across rear of building pad



Austin Chalk Formation visible across back side of building pad

BDA178-070

AH.4.E
PS16



West side of lot with 5-ft utility easement



East side of lot with 10-ft private plumbing lateral easement



From rear of building pad looking north towards Kessler Parkway



2010 Kessler Parkway – Adjacent property to the east

BDA178-070
Attch E
PS18

2016 Kessler Parkway
Photos Page 6 of 6



2016 Kessler Parkway

Panoramic View

2010 Kessler Parkway



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-070

Data Relative to Subject Property:

Date: 3-29-18

Location address: 2016 Kessler Parkway Zoning District: CP-13

Lot No.: D-1 Block No.: 13/3600 Acreage: .80 Census Tract: 44.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jim Paulin

Applicant: Jim Paulin Telephone: 972-207-7748

Mailing Address: 5160 Tennyson Pkwy. Ste. 100 Zip Code: Plano, 75024

E-mail Address: j.paulin@benchmark.us

Represented by: Curtis Burlbaw Telephone:

Mailing Address: 16 Bishop Gate, Allen, TX Zip Code: 75002

E-mail Address: curtisburlbaw@gmail.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of 22'-0" to the front yard setback; a variance of 4'-0" to the 20'-0" setback from R.O.W. for an enclosed parking space

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: existing hardship on the lot. The lot w/out variance is a non developable or commensurate w/ homes in the neighborhood

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

Affidavit

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

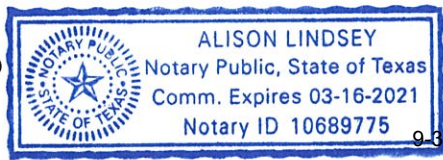
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 28th day of March, 2018

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 James Poulin
represented by Curtis Burlbaw
did submit a request for a variance to the front yard setback regulations, and for a variance to the
off-street parking regulations
at 2016 Kessler Parkway

BDA178-070. Application of James Poulin represented by Curtis Burlbaw for a variance to the front yard setback regulations, and for a variance to the off-street parking regulations at 2016 KESSLER PKWY. This property is more fully described as Lot D1, Block 13/3800, and is zoned CD-13, which requires a front yard setback of 35 feet and requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure and provide a 13 foot front yard setback, which will require a 22 foot variance to the front yard setback regulations, and to construct a single family residential structure with a setback of 16 feet, which will require a variance of 4 feet to the off-street parking regulations

Sincerely,

Philip Sikes
Philip Sikes, Building Official

221C UCL100

W. M. MYERS SURVEY
ABST. NO. 880

BLOCK A/3954

CITY PARK

COOMBS

BLOCK 3831
347.17'

EDGEFIELD DRIVE

BLOCK 3954

BLOCK 3830

CREEK

KESLER

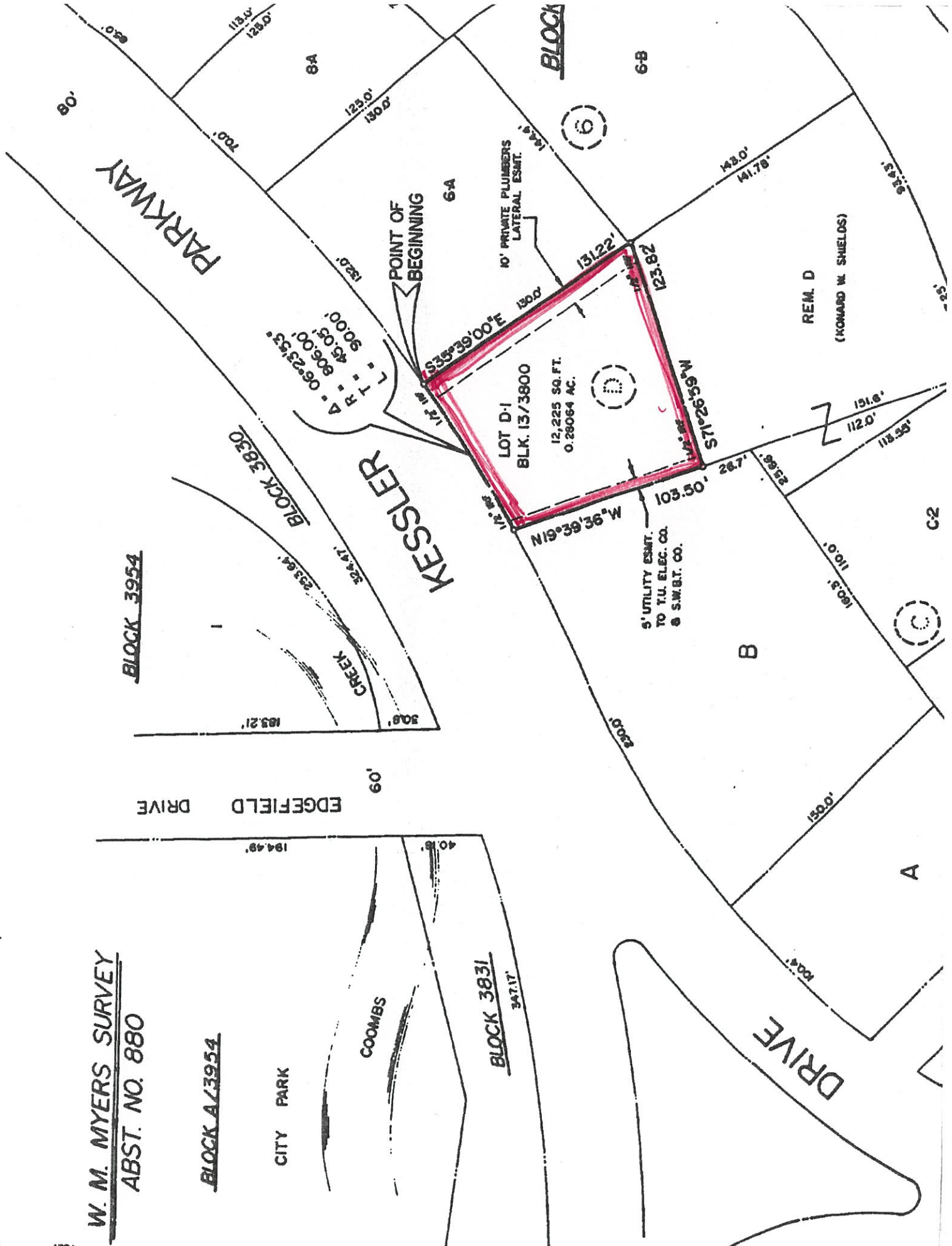
LOT D-1
BLK. 13/3800
12,225 SQ. FT.
0.28064 AC.

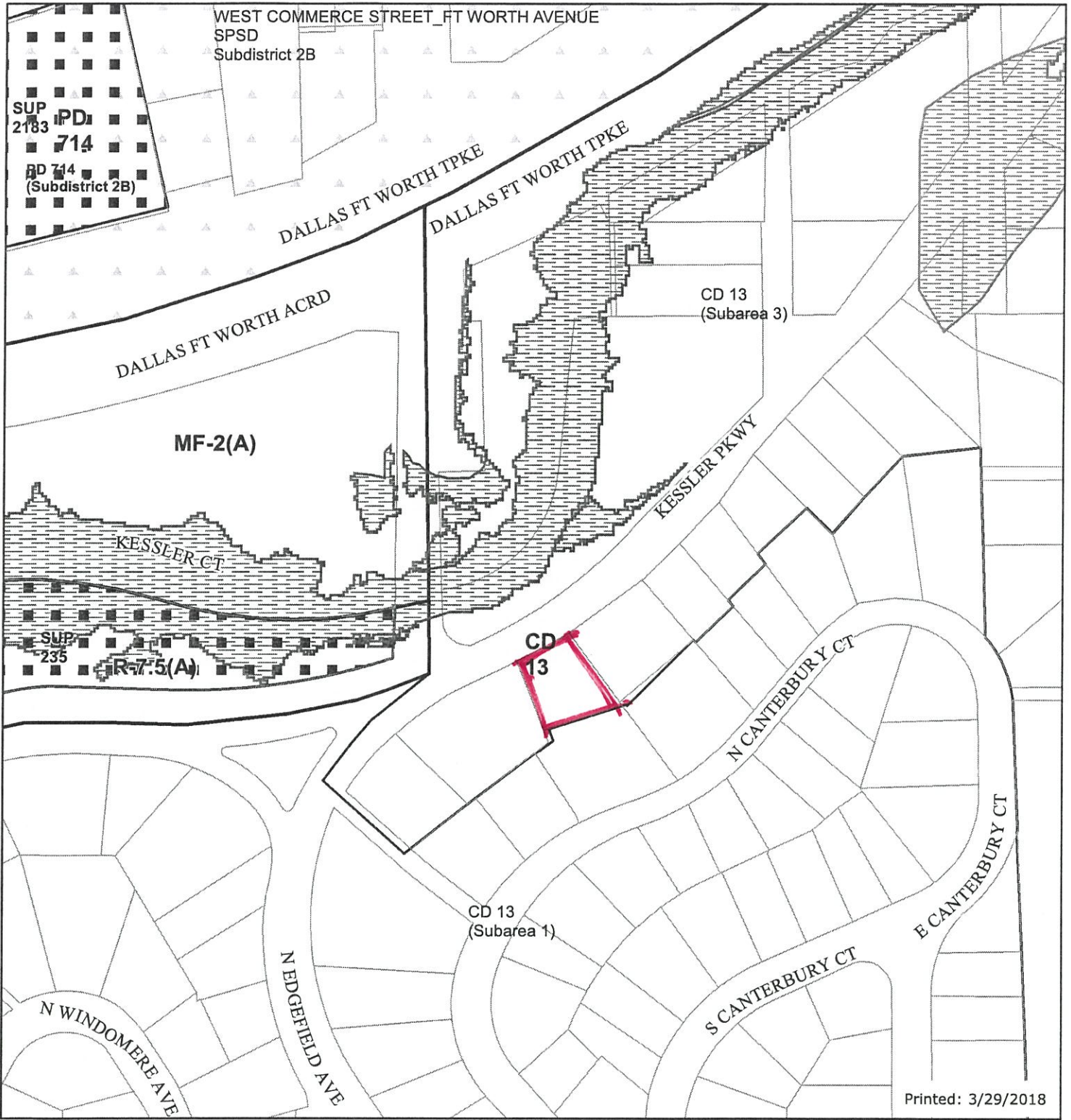
POINT OF BEGINNING

10' PRIVATE PLUMBERS LATERAL ESMT.

5' UTILITY ESMT. TO T.U. ELEC. CO. & S.W.B.T. CO.

REM. D (KONARD W. SHIELDS)





Legend

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

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STAIR NOTES

REGARD TO FLOOR HEIGHT, SET BACK TO 2ND FLOOR = 4'-0"
 22 TREADS SHOWN WITH 12 RISES

NO. OF RISERS TO EACH FLOOR = 12
 NO. OF TREADS TO EACH FLOOR = 22
 MIN. TREAD DEPTH = 11" (SEE 2009 IBC, SECTION 103.5)

2017 BLUE PRINTS - CREATION/REVISIONS

2017 BLUE PRINTS - CREATION/REVISIONS

2017 BLUE PRINTS - CREATION/REVISIONS

2017 BLUE PRINTS - CREATION/REVISIONS

2017 BLUE PRINTS - CREATION/REVISIONS

2017 BLUE PRINTS - CREATION/REVISIONS

2017 BLUE PRINTS - CREATION/REVISIONS

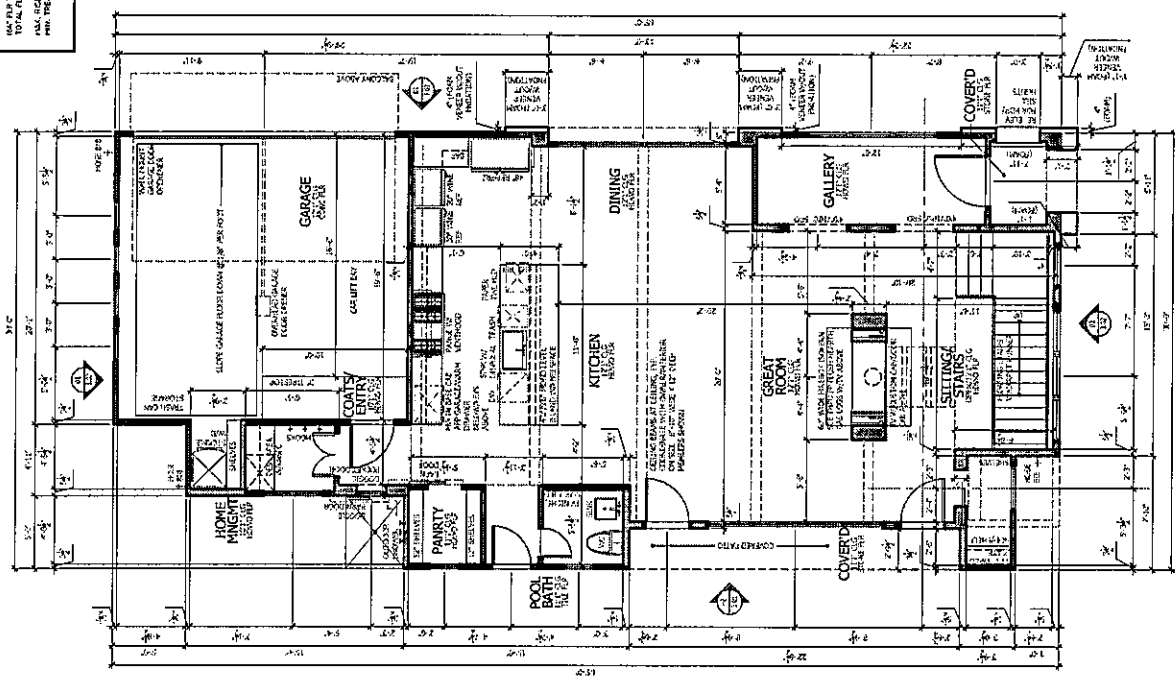
2017 BLUE PRINTS - CREATION/REVISIONS

A NEW SINGLE FAMILY RESIDENCE AT
 2016 KESSLER PARKWAY
 IN THE CITY OF DALLAS, TEXAS
 FOR JIM AND HILLARY

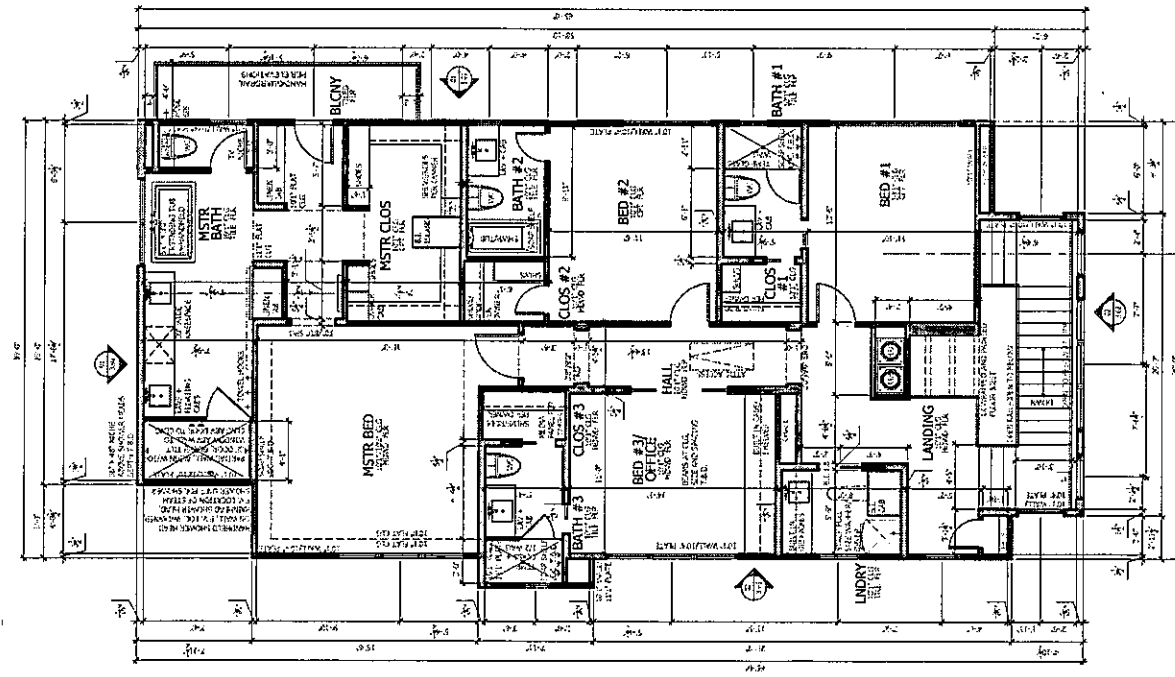
ISSUE DATE
 2017-07-07 - OWNER REVIEW
 01-10-2017 - PERMIT/CONSTRUCTION
 2017-07-07 - OWNER REVIEW
 2017-07-07 - OWNER REVIEW
 2017-07-07 - OWNER REVIEW

SHEET #
A2.01
 PROJECT #
 17-01

issued for owner PERMIT/CONSTRUCTION



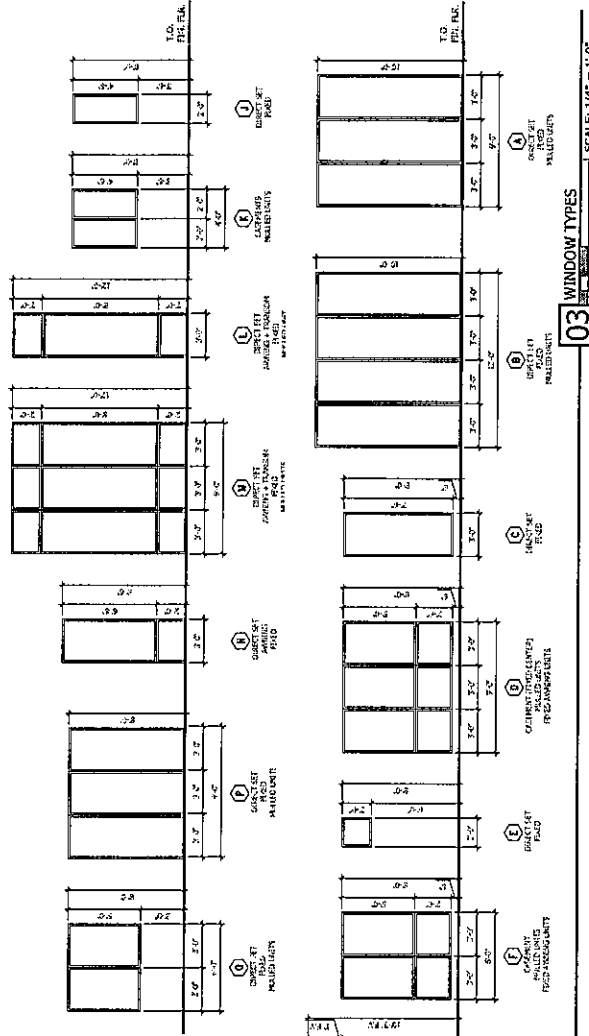
01 1ST FLOOR ARCHITECTURAL PLAN
 SCALE: 1/4" = 1'-0"



02 2ND FLOOR ARCHITECTURAL PLAN
 SCALE: 1/4" = 1'-0"

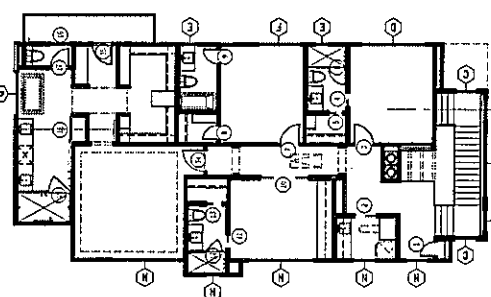
GENERAL WINDOW NOTES

1. ALL WINDOW SCHEDULES ARE BASED ON WINDOW SIZES FROM LANSOLU WHITE WINDOW SERIES.
2. FOR ALL WINDOWS, REFER TO EXTERIOR ELEVATIONS FOR FINISHES AND COORDINATE EXTERIOR WINDOW SCHEDULES WITH FINISHES PROVIDED IN THE WINDOW SCHEDULE.
3. GENERAL CONTRACTOR SHALL VERIFY INSIDE OPENING DIMENSIONS SHOWN IN THE WINDOW SCHEDULE ARE TO THE RESPONSIBILITY OF THE CONTRACTOR.
4. ANY WINDOW SCHEDULES FOR OPERABLE WINDOWS AND FINISHES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
5. SLOPE ALL WINDOW SILLS AWAY FROM WINDOW A MINIMUM OF 1/8" PER FOOT.



2ND FLOOR DOOR SCHEDULE

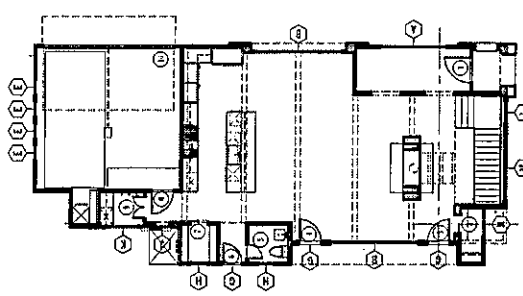
UNIT #	UNIT SIZE (WIDTH/HEIGHT)	TYPE	DESCRIPTION
1	2'0\"/>		



02 2ND FLOOR PLAN DOOR & WINDOW REF PLAN
SCALE: 1/8" = 1'-0"

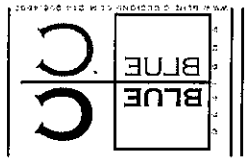
1ST FLOOR DOOR SCHEDULE

UNIT #	UNIT SIZE (WIDTH/HEIGHT)	TYPE	DESCRIPTION
1	3'5\"/>		



01 1ST FLOOR PLAN DOOR & WINDOW REF PLAN
SCALE: 1/8" = 1'-0"

A NEW SINGLE FAMILY RESIDENCE AT
2016 KESSLER PARKWAY
IN THE CITY OF DALLAS, TEXAS
FOR JIM AND HILLARY



SHEET #
A2.02

PROJECT #
17-01

SHEET TITLE
WINDOW + DOOR
REFERENCE PLAN

ISSUE DATE
2/28/2017 - OWNER REVIEW
01 IMP. 2017 - PERMIT/CONSTR
30 MAR 2017 - OWNER REVIEW
02 JAN 2018 - CONTRACT COMMENTS

issued for owner PERMIT/CONSTRUCTION

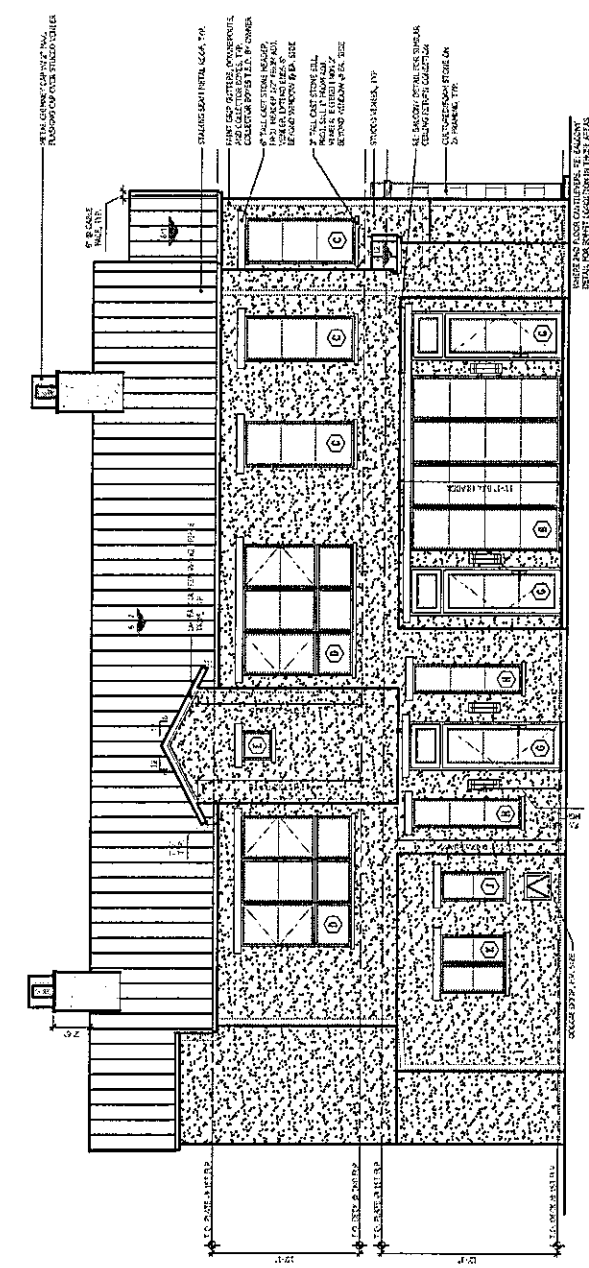
A NEW SINGLE FAMILY RESIDENCE AT
 2016 KESSLER PARKWAY
 IN THE CITY OF DALLAS, TEXAS
 FOR JIM AND HILARY

PROJECT #	17-01
SHEET #	A3.01
SHEET TITLE	
EXTERIOR ELEVATIONS	
ISSUE DATE	
2/15/2017 - OWNER/ARCHIT	
01 MAR 2017 - PERMIT/CONSTR	
30 MAR 2017 - OWNER REVISIONS	
08 APR 2018 - CITY COMMENTS	

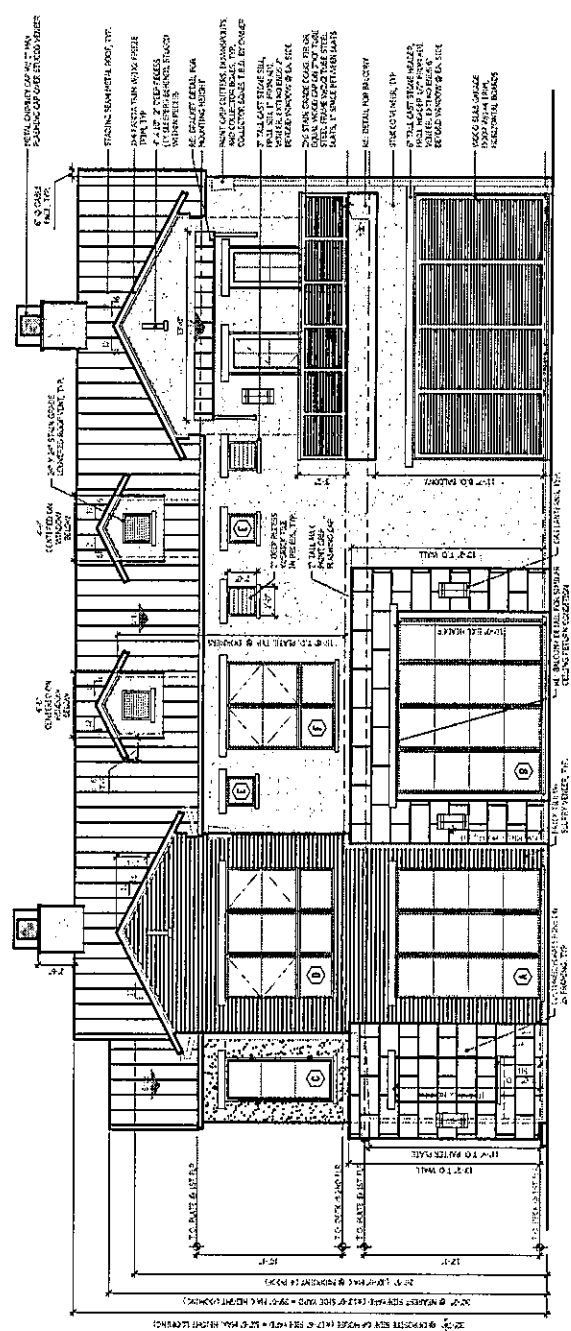


2017 RIA GROUP - GREENHAWK.COM
 16 RIA GROUP - GREENHAWK.COM
 16 NORTH OF HICKORY, SUITE 200
 1600 WEST END AVENUE, SUITE 200
 DALLAS, TEXAS 75201
 214.741.1111

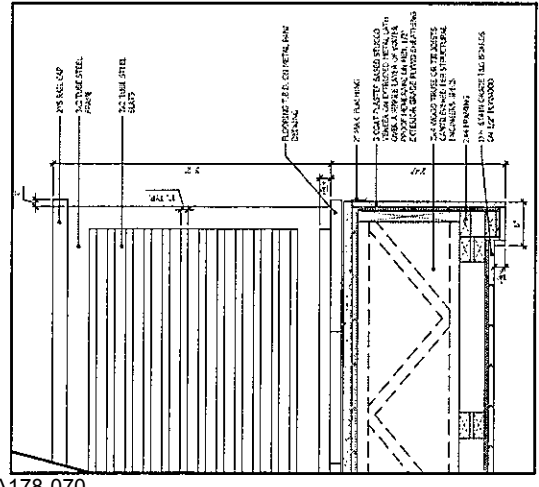
02 EAST FACE / REAR ELEVATION
 SCALE: 1/8" = 1'-0"



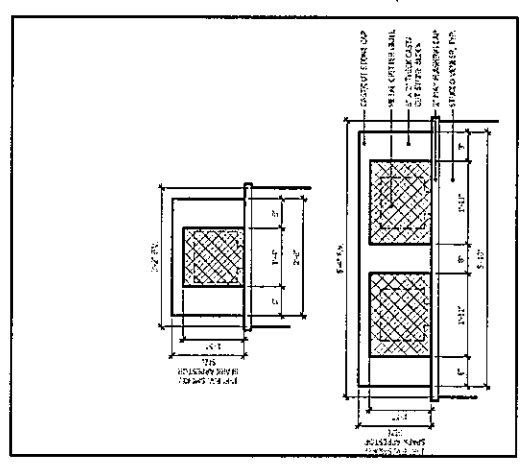
01 NORTH FACE / FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

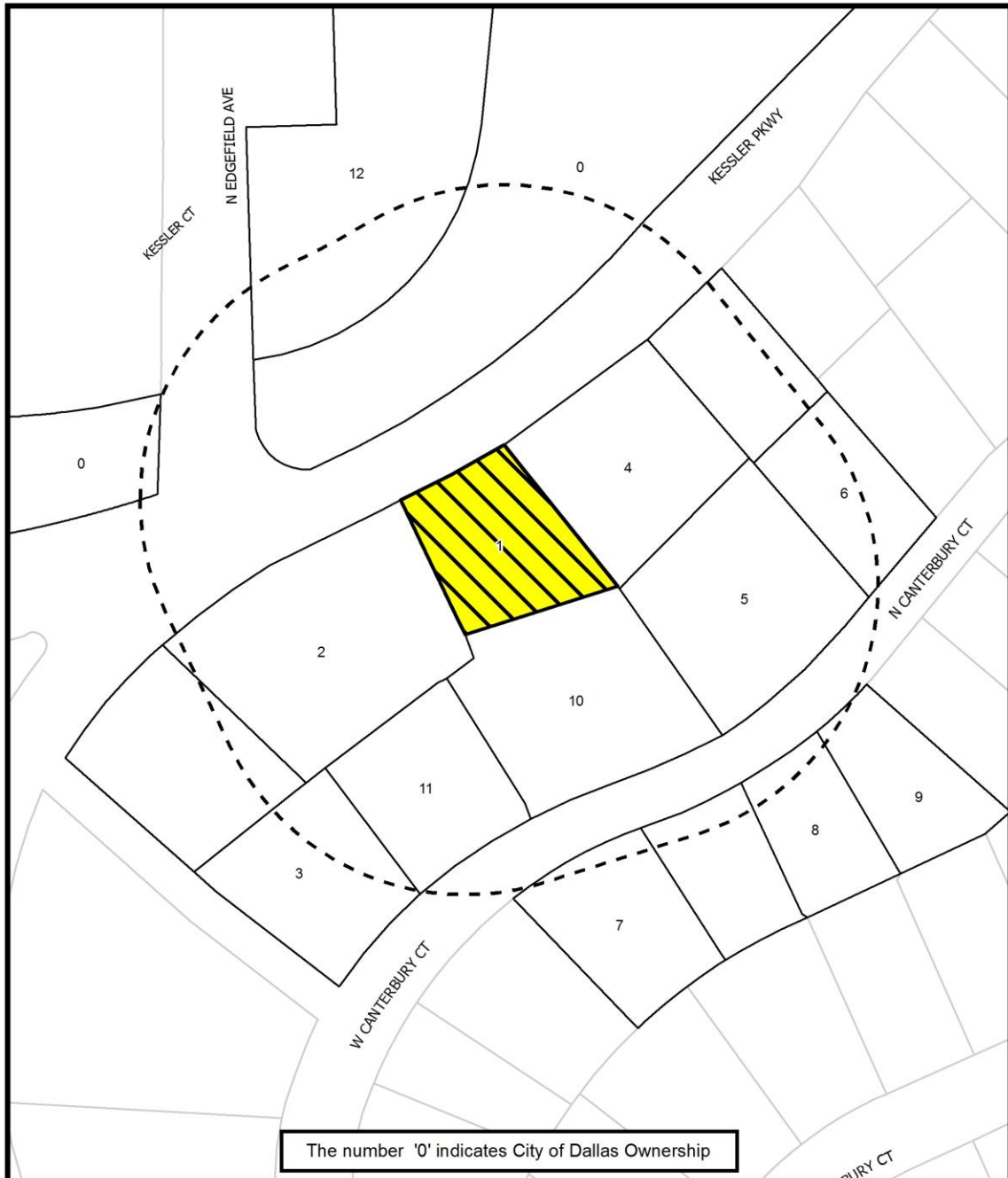


04 BALCONY DETAIL
 SCALE: 1/8" = 1'-0"



03 CHIMNEY DETAIL
 SCALE: 1/8" = 1'-0"





 1:1,200	NOTIFICATION		Case no: BDA178-070
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">12</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/23/2018	

Notification List of Property Owners

BDA178-070

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2016 KESSLER PKWY	POULIN JAMES D
2	2022 KESSLER PKWY	BOLEY ROBERT G
3	1169 N CANTERBURY CT	ABERLE KAREN
4	2010 KESSLER PKWY	BROWN LINDA S &
5	1139 N CANTERBURY CT	AVERY HEATHER M
6	1133 N CANTERBURY CT	TORRES PATRICIO JR & VENNESSA VILLARREAL
7	1138 N CANTERBURY CT	MANKIN GARY DON & ROXANNE
8	1128 N CANTERBURY CT	FOWLER CHARLES A
9	1122 N CANTERBURY CT	WARD JOHN F
10	1153 N CANTERBURY CT	DUFF TYLER J
11	1161 N CANTERBURY CT	NOBLES TIMOTHY L
12	1500 N EDGEFIELD AVE	EVE CAPITAL LLC

FILE NUMBER: BDA178-076(OA)

BUILDING OFFICIAL'S REPORT: Application of Ricardo Alonzo-Carrillo for a variance to the front yard setback regulations at 4406 N. Ottawa Road. This property is more fully described as Lot 13, Block 17/7161, and is zoned R-5(A), which requires a front yard setback of 20 feet. The applicant proposes to construct/maintain a structure and provide a 12 foot 5 inch front yard setback, which will require a 7 foot 7 inch variance to the front yard setback regulations.

LOCATION: 4406 N. Ottawa Road

APPLICANT: Ricardo Alonso-Carrillo

REQUEST:

A request for a variance to the front yard setback regulations of 7' 7" is made to construct and maintain a one-story single family home structure with a total "slab area" of approximately 2,600 square feet or with a total "home size" of approximately 1,900 square feet, part of which is to be located 12' 5" from one of the site's two front property lines (N. Ottawa Road) or 7' 7" into this 20' 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:

Denial

Rationale:

- While staff recognized that the site had two front yard setbacks and was slightly irregular in shape, 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-5(A) zoning district.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS /STAFF ANALYSIS:

- This request for a variance to the front yard setback regulations of 7' 7" focuses on constructing and maintaining a one-story single family home structure with a total "slab area" of approximately 2,600 square feet or with a total "home size" of approximately 1,900 square feet, part of which is to be located 12' 5" from one of the site's two front property lines (N. Ottawa Road) or 7' 7" into this 20' front yard setback on an undeveloped site.
- The property is located in an R-5(A) (Single family district 5,000 square-feet) zoning district which requires a minimum front yard setback of 20 feet.
- The property is located in a 100 year floodplain.
- The subject site is located at the southwest corner of S. Ottawa Road and N. Ottawa Road. Regardless of how the structure is proposed to be oriented to front S. Ottawa

Road, the subject site has 20' front yard setbacks along both street frontages. The site has a 20' front yard setback along S. Ottawa Road, 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 20' front yard setback along N. Ottawa Road, 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 N. Ottawa Road 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 northward towards N. Ottawa Road.

- The submitted site plan indicates that the wall of the proposed structure is located 12' 5" from the N. Ottawa Road front property line or 7' 7" into this 20' front yard setback on N. Ottawa Road to establish a 12' 5" setback.
- According to DCAD records, there are "no main improvement" or "no additional improvements for property addressed at 4406 N. Ottawa Road.
- The subject site has generally flat, slightly irregular in shape (approximately 130' x 53'), and according to the submitted application is 0.173 acres (or approximately 6,890 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area and the property is located in a 100 year floodplain.
- The site plan represents that approximately 1/5 of the structure is located in the 20' N Ottawa Road front yard setback.
- The 53' wide subject site has 28' of developable width available once a 25' front yard setback is accounted for on the north and a 5' side yard setback is accounted for on the south. If the lot were more typical to others in the zoning district with only one front yard setback, the 53' wide site would have 43' of developable width.
- No variance would be necessary if the N. Ottawa Road frontage were a side yard since the site plan represents that the proposed home is 12' 5" from the N. Ottawa Road property line and the side yard setback for properties zoned R-5(A) is 5'.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-5(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 12'

5" from the site's N. Ottawa Road front property line (or 7' 7" into this 20' front yard setback).

- Granting this request for a variance to the front yard setback regulations would provide no relief to the Flood Plain regulations on the site.

Timeline:

March 23, 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.

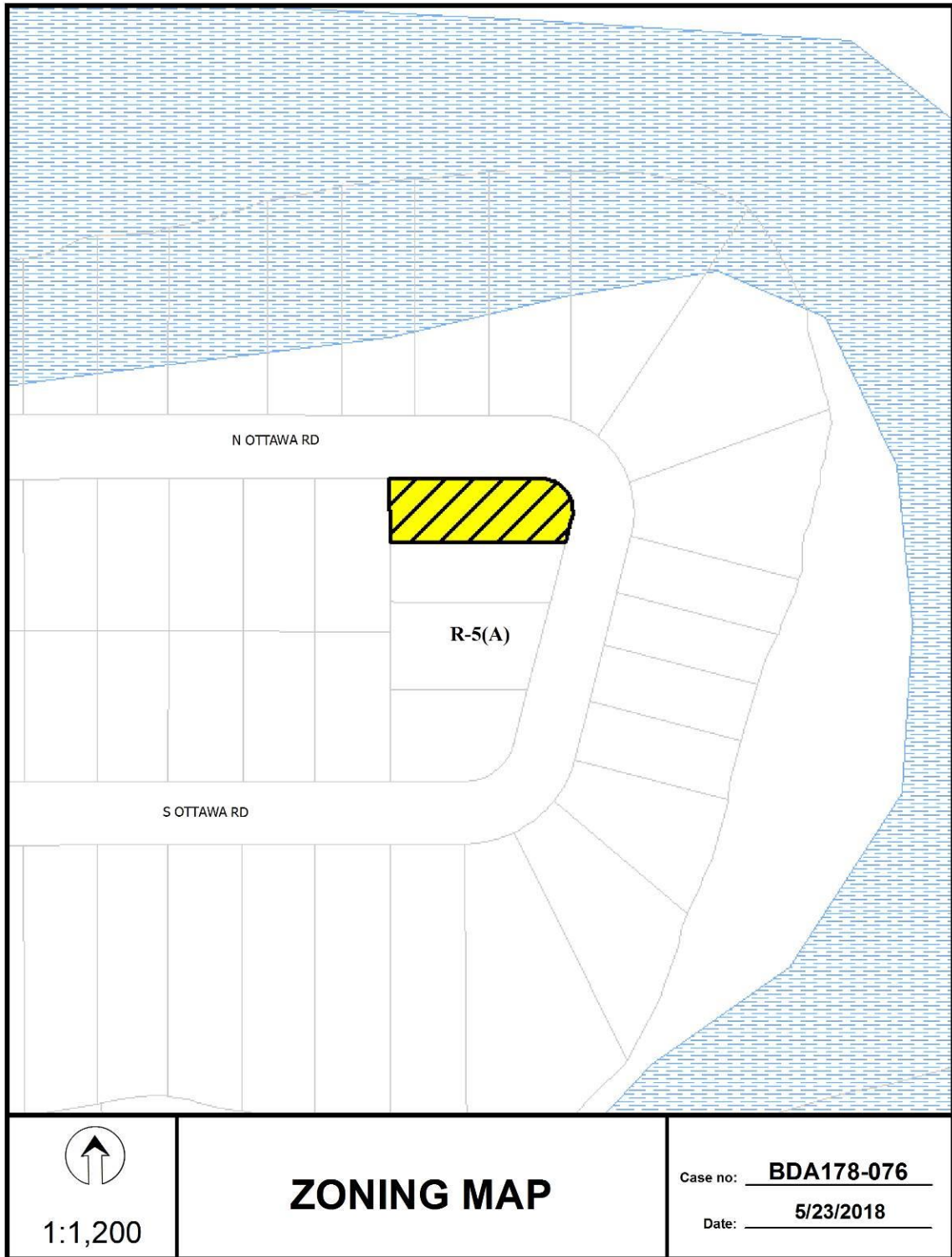
May 15, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

May 15, 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 May 30th deadline to submit additional evidence for staff to factor into their analysis; and the June 8th 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.

June 5, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Sustainable Development and Construction Director the Sustainable Development and Construction Assistant Director, 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 Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Sustainable Development and Construction Department Authorized Hearing/Code Amendment 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: BDA178-076

Date: 5/23/2018

B



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 178-076

Data Relative to Subject Property:

Date: 04/18/2018

Location address: 4406 N OTTAWA RD, DALLAS, TX Zoning District: R5-(A)

Lot No.: 13 Block No.: 17/7161 Acreage: 0.173 Census Tract: 106.01

Street Frontage (in Feet): 1) 50 2) 130 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CONFIA HOMES, LLC

Applicant: RICARDO ALONSO-CARRILLO Telephone: (214) 890-4025

Mailing Address: 10000 N CENTRAL EXPWY, STE. 452 Zip Code: 75231

E-mail Address: ricardo.alonso@confiahomes.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of 7'7" TO THE REQUIRED 20' SETBACK ON FRONT YARD ON NORTH SIDE OF PROPERTY AND PROVIDE A 12'5" SETBACK ON THE NORTH SIDE OF PROPERTY FACING OTTAWA RD.

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 VARIANCE WILL ALLOW US TO BUILD A SINGLE FAMILY RESIDENCE COMMENSURATE IN DIMENSIONS AND LIVABLE SQUARE FOOTAGE WITH OTHER RESIDENCES IN THE STREET AND NEIGHBORHOOD.

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

Affidavit

Before me the undersigned on this day personally appeared RICARDO ALONSO-CARRILLO (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: R. Alonso (Affiant/Applicant's signature)

Subscribed and sworn to before me this 18th day of April, 2018

(Rev. 08-01-11) ANIKA THOMAS-WILLIAMS Notary Public, State of Texas Comm. Expires 10-03-2021 Notary ID 131301358 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

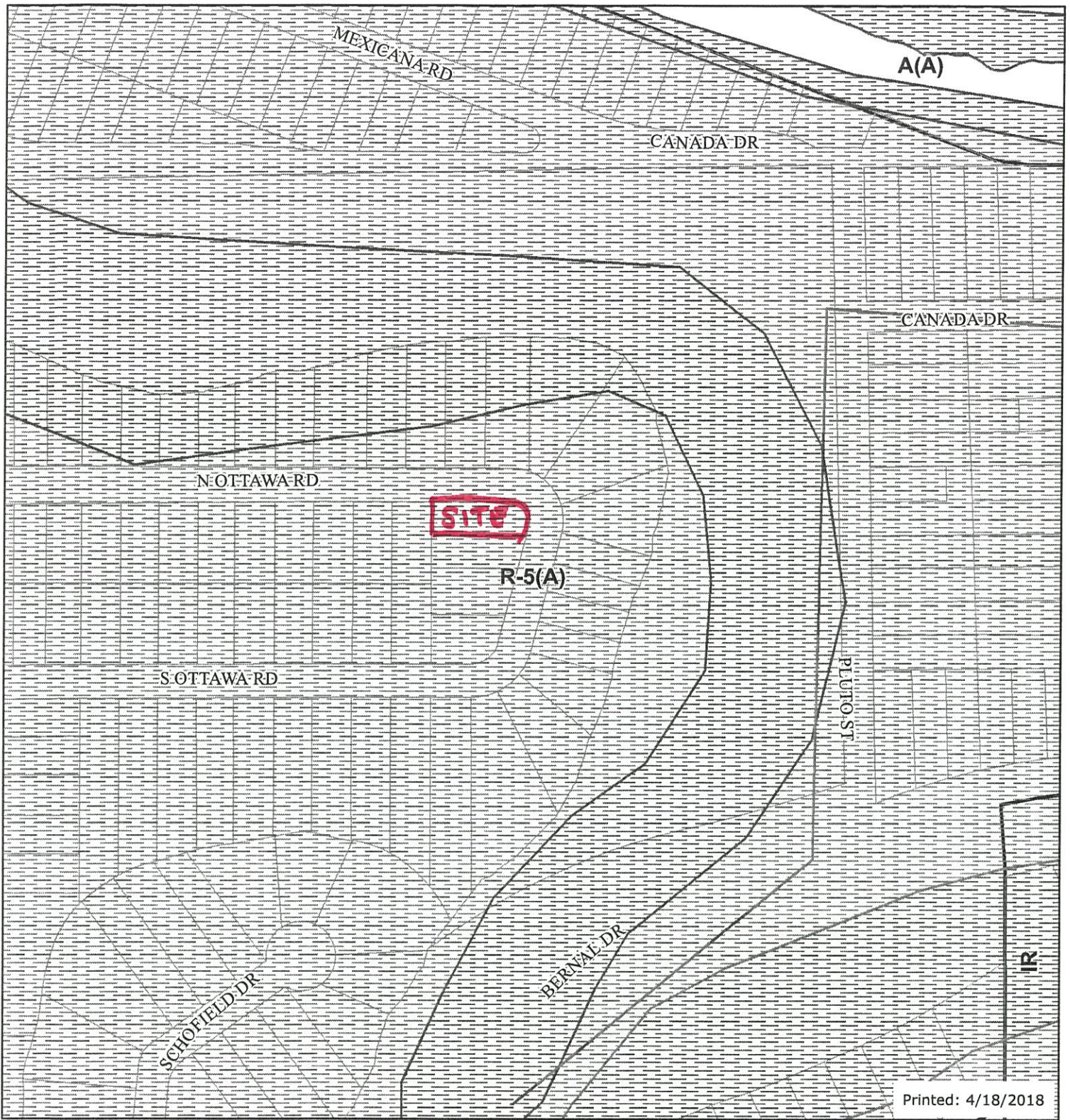
I hereby certify that RICARDO ALONZO

did submit a request for a variance to the front yard setback regulations
at 4406 N. Ottawa Rd.

BDA178-076. Application of RICARDO ALONZO for a variance to the front yard setback regulations at 4406 N OTTAWA DR. This property is more fully described as Lot 13, Block 17/7161, and is zoned R-5(A), which requires a front yard setback of 20 feet. The applicar proposes to construct a single family residential structure and provide a 12 foot 5 inch front yard setback, which will require a 7 foot 7 inch variance to the front yard setback regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

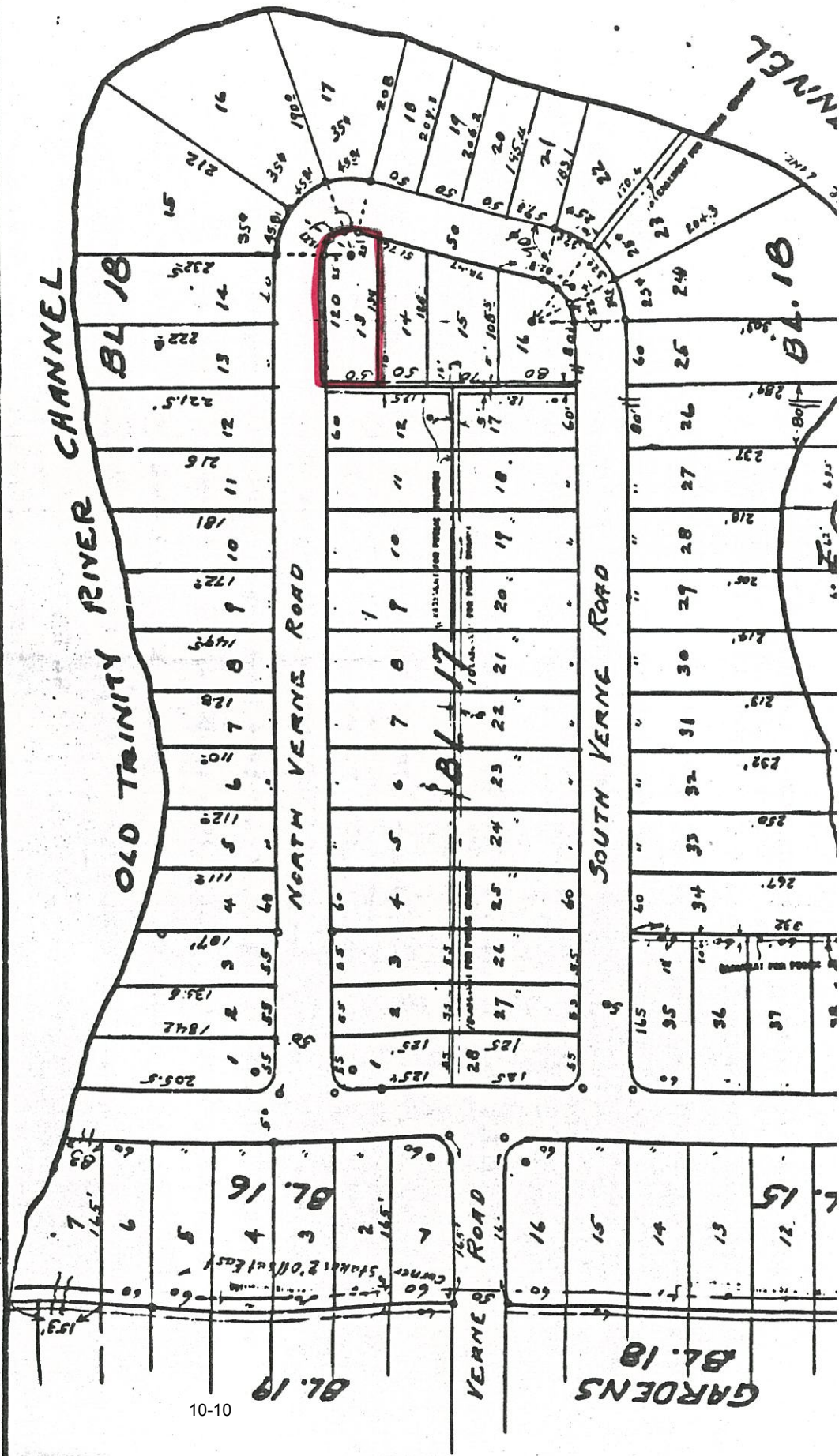


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
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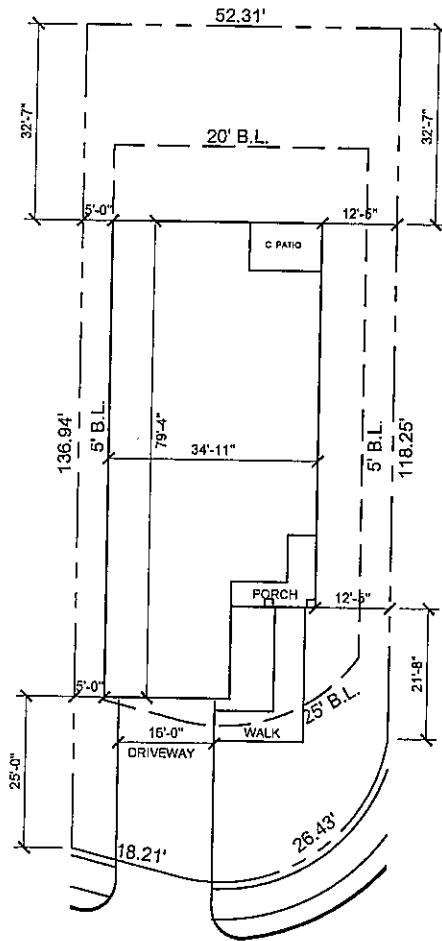
CONFIA HOMES

PLOT PLAN

SUBDIVISION	EAGLE FORD PLAZA	BUYER	Spec.
LOT -	13/7181	BLK -	14
ADDRESS	4406 N. OTTAWA DR		
DATE	04/09/18	DRAWN BY:	AW
PLAN NUMBER	1877	983	SQ. FT. FLATWORK

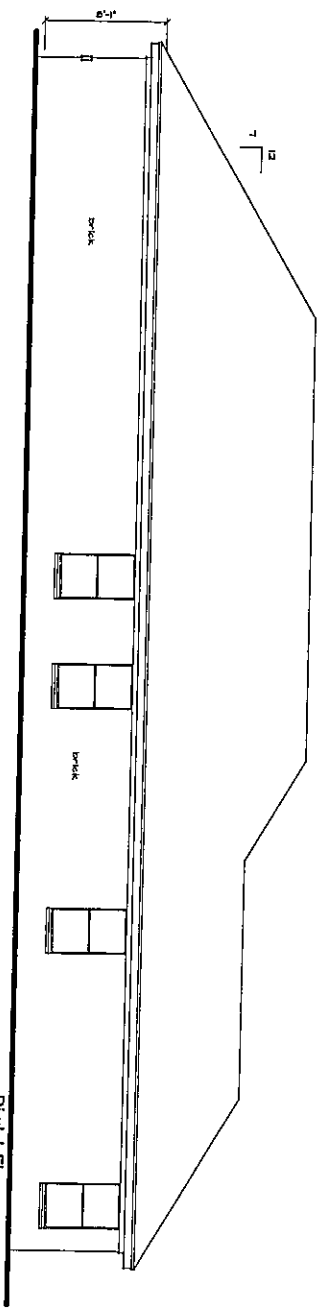
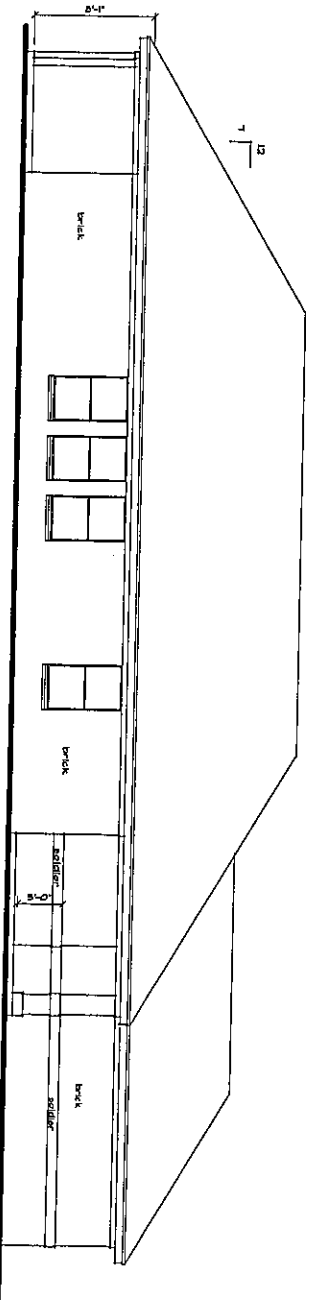
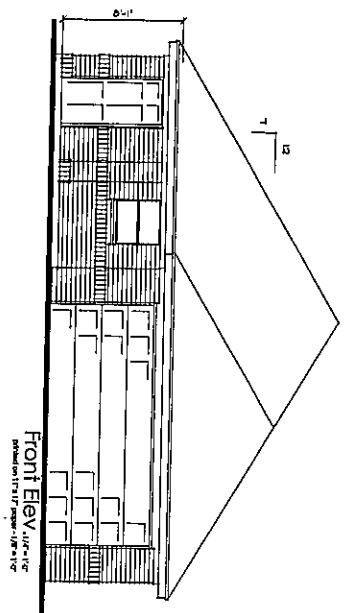
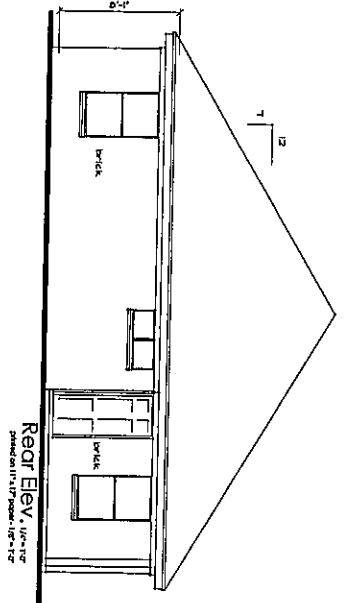
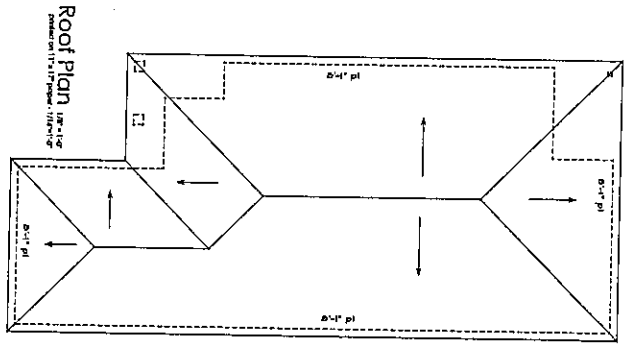


NORTH
SCALE: 1"=20'



4406 N. OTTAWA

Type " B " Drainage



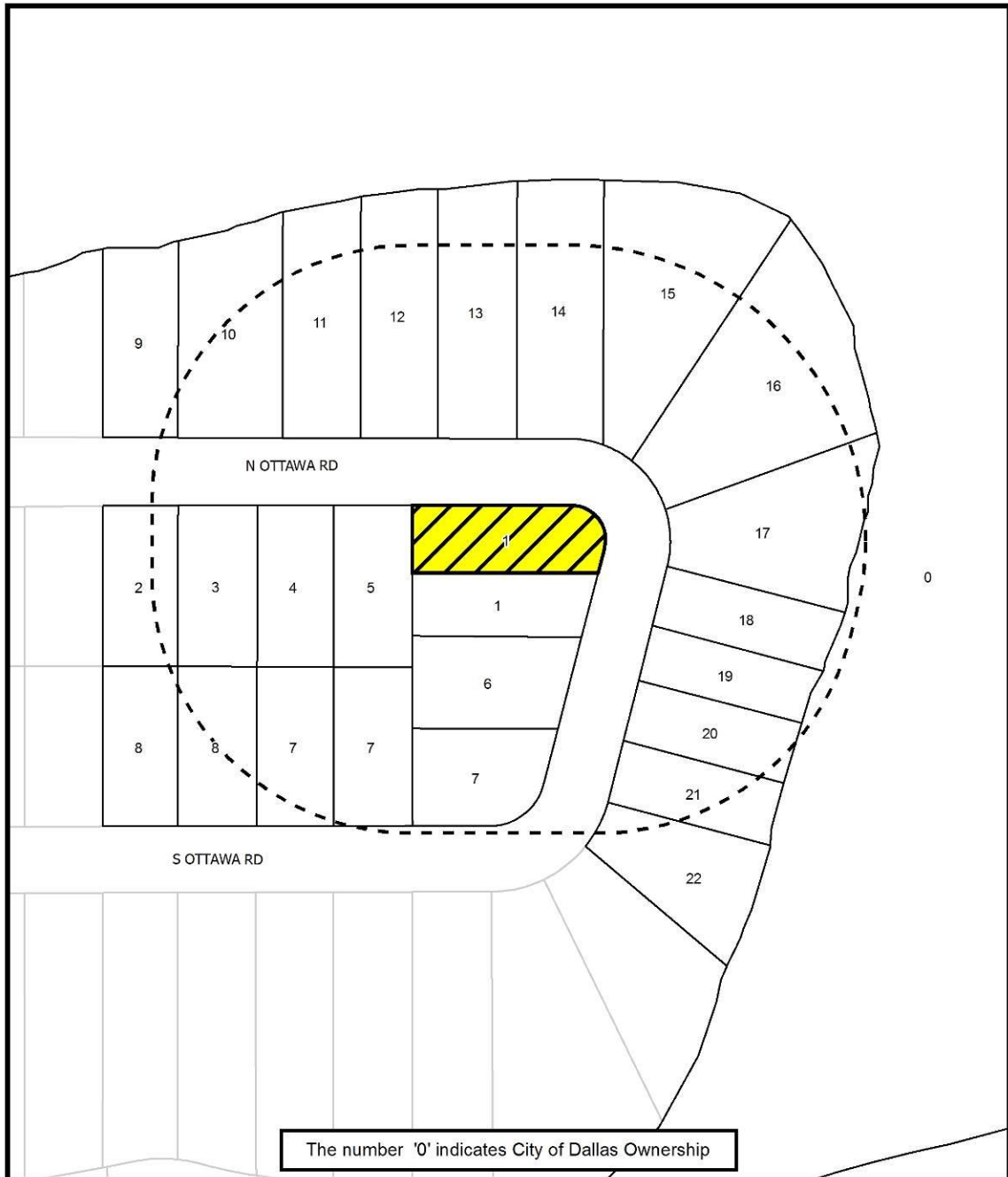
revisions:

10-13 1877 Plan



creativearchitects
 scott b. roberts, architect

20162402
 1504L 18 2016
 02
 1877



 1:1,200	NOTIFICATION		Case no: BDA178-076
	<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;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/23/2018	

Notification List of Property Owners

BDA178-076

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4406 N OTTAWA DR	CONFIA HOMES LLC
2	4436 N OTTAWA DR	MEZA DELORES &
3	4432 N OTTAWA DR	MEZA GUADALUPE
4	4426 N OTTAWA DR	TRISTAN JOHNNY MANUEL
5	4422 N OTTAWA DR	GALEN ROSA MARIA
6	4405 N OTTAWA DR	TORREZ SAMUEL
7	4411 S OTTAWA DR	ROGERS TONY G JR
8	4431 S OTTAWA DR	MONTEMAYOR ERMINIA E
9	4447 N OTTAWA DR	SILVA ANNIE
10	4443 N OTTAWA DR	ENEDELIA SILVA
11	4439 N OTTAWA DR	SILVA SYLVIA
12	4435 N OTTAWA DR	ESPINOSA NICK
13	4429 N OTTAWA DR	ESPINOSA NICANDRO
14	4423 N OTTAWA DR	ESPINOSA JESSE
15	4419 N OTTAWA DR	TORREZ STEVE G &
16	4415 N OTTAWA DR	WRIGHT GEORGE W &
17	4411 N OTTAWA DR	TORREZ SAMUEL & ROBIN L
18	4402 S OTTAWA DR	HERNANDEZ RAUL &
19	4403 N OTTAWA DR	TORREZ ROBIN
20	4404 S OTTAWA DR	TORREZ VICTOR & J ROSA
21	4406 S OTTAWA DR	GUERRA ARNOLDO H &
22	4410 S OTTAWA DR	RIOS JORGE JR