

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, DECEMBER 14, 2020

Briefing*:	11:00 A.M.	Video Conference
Public Hearing*:	1:00 P.M.	Video Conference

***The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, December 11, 2020. Only registered speakers will be allowed to address the Board during the public hearing. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; on [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/BDA121420>.**

Purpose: To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL C
MONDAY, DECEMBER 14, 2020
AGENDA

BRIEFING	Video Conference	11:00 A.M.
PUBLIC HEARING	Video Conference	1:00 P.M.

Neva Dean, Assistant Director
Jennifer Muñoz, Chief Planner/Board Administrator
Oscar Aguilera, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

	Approval of the November 16, 2020 Board of Adjustment Panel C Public Hearing Minutes	M1
FEE WAIVER 2	7330 Gaston Ave. REQUEST: Application of DeShazo Group, represented By Chuck DeShazo for a fee waiver for special exceptions to the parking regulations	M2

UNCONTESTED CASES

BDA190-114(OA)	1907 Kessler Parkway REQUEST: Application of Jessica Hall for a special exception to the fence height regulations, and for a special exception to the front yard setback regulations for tree preservation.	1
BDA190-115(OA)	7208 Meadow Lake Avenue REQUEST: Application of Ken Fitzgerald for a variance to the rear yard setback regulations, and for a variance to the building height regulations, and for a special exception to the single-family regulations.	2

REGULAR CASES

BDA190-103(OA)	6749 Hillbriar REQUEST: Application of Jeff Saba for a special exception to the fence height regulations, and a special exception to the fence standards regulations.	3
BDA190-116(OA)	7227 Bramlett Drive REQUEST: Application of Juan G. Cortez represented by Francisca Cortez for a variance to the side yard setback regulations.	4

HOLDOVERS

None

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: BDA190--FEE WAIVER2

BUILDING OFFICIAL'S REPORT: Application of DeShazo Group, represented by Chuck DeShazo for a fee waiver for special exceptions to the parking regulations at 7330 Gaston Avenue.

LOCATION: 7330 Gaston Avenue

APPLICANT: DeShazo Group, represented by Chuck DeShazo

REQUESTS:

The applicant is requesting a fee waiver for a parking variance of thirteen (13) spaces application. The fee waiver is requested to accommodate the affected parking supply at Lakeview Centre due to the taking by the right-of-way along East Grand Avenue.

STANDARD FOR A FEE WAIVER:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not file the application until the merits of the request for waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

Staff does not make a recommendation on a fee waiver request since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.



Monday, December 14, 2020

Dallas Board of Adjustment
City of Dallas
1500 Marilla Street
Dallas, Texas 75201

To Whom It May Concern,

In January of 2019, the Texas Department of Transportation (TxDOT) made a final decision regarding the redevelopment of the '3G' intersection in East Dallas; that is, the intersection of Garland Road, Gaston Avenue and East Grand Avenue. They proposed to move forward with plans to redevelop the intersection into a reverse-T format. With the redevelopment of the intersection, traffic control will change from all-way stop to signalized. As part of the redevelopment process, it was necessary for TxDOT to obtain additional land along Gaston and East Grand for right-of-way (ROW).

Eminent domain, in short, is a special privilege granted to state or government to acquire the property or land of a private person for public use. The Fifth Amendment to the United States Constitution bars the usage of this power by the government without due and fair compensation to the affected party. Article I, Section 17 of the Texas Constitution states the following regarding eminent domain:

"No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for: the ownership, use, and enjoyment of the property, notwithstanding and incidental use, by: the State, a political subdivision of the State, or the public at large; or an entity granted the power of eminent domain under law; or the elimination of urban blight on a particular parcel of property."

Parking variances, as detailed in the City of Dallas Code of Ordinances, are modifications to development standards that are not otherwise permitted based on extenuating circumstances. Parking variances are typically granted when a property falls out of compliance with city code due to factors beyond the owner's control such as the loss of land to a government entity via eminent domain.

Thirteen (13) parking spaces are impacted by the right-of-way taking along East Grand Avenue and will be removed. This will cause the property to fall out of compliance with code parking requirements with a deficiency of one space. While not the subject of this hearing, a parking variance of thirteen (13) spaces shall be requested to accommodate the affected parking supply at Lakeview Centre due to the taking of right-of-way for the 3G intersection improvement (i.e. circumstances beyond the owner's control).

Typically, a requisite fee must be paid upon filing a request for a parking variance with the City of Dallas which equates to nine-hundred dollars plus one-hundred dollars for each parking space in the variance request. For this particular request, the total filing fee would be two-thousand two hundred dollars (\$2,200.00). Given the information outlined above, however, as land was taken from Lakeview Centre by TxDOT for additional right-of-way for the 3G intersection project, it is requested that this filing fee be waived for Lincoln Property Company. This circumstance falls beyond the owner's control. By virtue of this, the owner should not be required to pay the significant fee outlined above to file this request.

Sincerest regards,

DESHAZO GROUP, INC.

A handwritten signature in black ink, appearing to read 'Chuck DeShazo', written in a cursive style.

Chuck DeShazo

President

DeShazo Group, Inc.

400 South Houston St., Ste. 330

Dallas, Texas 75202

FILE NUMBER: BDA190-114(OA)

BUILDING OFFICIAL’S REPORT: Application of Jessica Hall for a special exception to the fence height regulations, and a special exception to the front yard setback regulations for tree preservation at 1907 Kessler Parkway. This property is more fully described as part of Lot 8, Block 18/3979, and is zoned Conservation District No.13 (Subarea 3), which limits the height of a fence in the front yard to four feet and requires a front yard setback of 25 feet. The applicant proposes to construct a six-foot-high fence in a required front yard, which will require a two-foot special exception to the fence regulations, and to construct a single family residential accessory structure and provide a 17-foot front yard setback, which will require an eight-foot special exception to the front yard setback regulations.

LOCATION: 1907 Kessler Parkway

APPLICANT: Jessica Hall

REQUESTS:

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 minimum front yard setback requirements to preserve existing tree is made to locate and maintain an approximately 341-square-foot pool which is located 17-feet from the Clinton Avenue front property line or eight-feet into the 25-foot front yard setback; and
2. a special exception to the fence standards related to the height of two feet is made to construct and maintain a six-foot-tall solid wood picket tubular steel post frame fence located in both of the site’s two front yard setbacks (Kessler Parkway and Clinton Avenue).

STANDARD FOR A SPECIAL EXCEPTION TO THE MINIMUM SIDE YARD REQUIREMENTS TO PRESERVE AN EXISTING TREE:

Section 51(A)-4.401(d) of the Dallas Development Code specifies that the board may grant a special exception to the minimum front yard requirements in this section to preserve an existing tree. In determining whether to grant this special exception, the board shall consider the following factors:

- (A) Whether the requested special exception is compatible with the character of the neighborhood.

- (B) Whether the value of surrounding properties will be adversely affected.
- (C) Whether the tree is worthy of preservation.

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 (Tree preservation):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

Staff concluded that the requested special exception was compatible with the character of the neighborhood; the value of surrounding properties will not be adversely affected; and that, according to the City of Dallas Chief Arborist, the tree denoted on the submitted site plan, is worthy of preservation.

STAFF RECOMMENDATION (fence standards):

No staff recommendations are made on these or any requests for a special exception to the fence standards since the basis for this type of appeals is when in the opinion of the board, the special exceptions will not adversely affect neighboring property.

Zoning:

- Site:** Conservation District No. 13, Subarea 3
- North:** Conservation District No. 13, Subarea 3
- East:** Conservation District No. 13, Subarea 3
- South:** Conservation District No. 13, Subarea 3
- West:** Conservation District No. 13, Subarea 3

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases near the subject site within the last five years.

GENERAL FACTS /STAFF ANALYSIS (tree preservation):

This request for a special exception to the minimum front yard requirements to preserve existing trees focuses on locating and maintaining an approximately 341-square-foot pool located as close as 17-feet from the Clinton Avenue front property line or eight-feet into the 25-foot front yard setback. This property is located in Conservation District No. 13 which requires a minimum front yard of 25 feet.

The submitted site plan depicts a proposed 341-square-foot pool located between 17-feet and 22-feet from the Clinton Avenue front property line and three trees within the property.

The City of Dallas Chief Arborist submitted a memo regarding this request (**Attachment A**) and stated the following: “The applicant at 1907 Kessler Parkway requests a special exception for tree preservation to the front yard setback regulations. The opinion of the Chief Arborist the tree designated on the building site plan for 1907 Kessler Parkway in near proximity to a proposed pool is worthy of preservation. The healthy tree is established in the front yard and is adjacent to a public parkway with trail.

The applicant has the burden of proof in establishing the following:

- Whether the requested special exception is compatible with the character of the neighborhood.
- Whether the value of surrounding properties will be adversely affected.
- Whether the tree is worthy of preservation.

If the board were to grant the special exception request and impose the submitted site plan as a condition, the structure in one of the two front yards setbacks would be limited to what is shown on this document – which in this case is a pool that is 17-feet feet from the Clinton Avenue front property line or eight feet five into the 25-foot front yard setback.

GENERAL FACTS/STAFF ANALYSIS (fence standards special exception):

The request for a special exception to the fence standards regulations related to height focuses on constructing and maintaining a six-foot-tall solid wood picket tubular steel post frame fence located in both of the site’s two front yard setbacks (Kessler Parkway and Clinton Avenue).

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The submitted site plan and elevation denote a six-foot-tall solid wood picket tubular steel post frame fence located in both of the site's two front yard setbacks (Kessler Parkway and Clinton Avenue).

The following additional information was gleaned from the submitted revised site plan:

- The proposal is represented as being approximately 80 feet in length parallel to Clinton Avenue and approximately 5 feet perpendicular to the street on the south side and approximately 15 feet perpendicular to the street on the north side and located approximately between 20 to 26 feet from the pavement line; and
- The proposal is represented as being approximately 30 feet in length parallel to Kessler Parkway and approximately 5 feet perpendicular to the street on the south side and approximately 24 feet 4 inches perpendicular to the street on the north side and located approximately between 35 to 45 feet from the pavement line

Staff conducted a field visit of the site and surrounding area and noted no other fences that appeared to be above four-feet-in-height in the required front yard on Clinton Avenue or Kessler Parkway.

As of December 4, 2020, no letters have been submitted in opposition or support of the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of two feet on Clinton Avenue and Kessler Parkway will not adversely affect neighboring property.

Granting these special exceptions to the fence standards related to the height of up to two feet to locate in certain areas on the site with a condition imposed that the applicant complies with the submitted site plan and elevation, would require the proposal exceeding four feet-in-height in the front yard setbacks located on Clinton Avenue and Kessler Parkway front yard setbacks to be maintained in the locations and of the heights as shown on these documents.

TIMELINE:

October 14, 2020: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

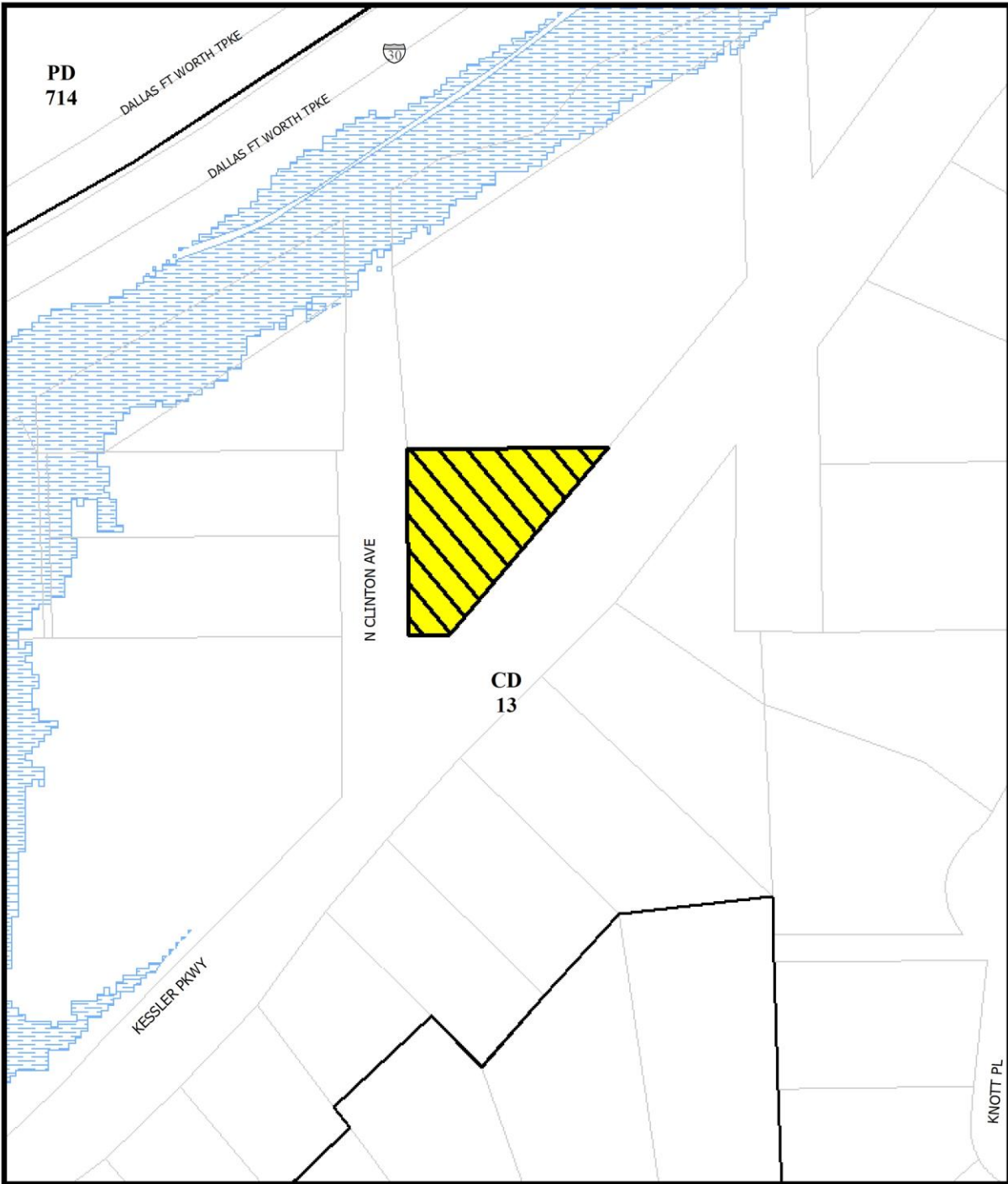
November 5, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

November 6, 2020: 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 November 24, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the December 4, 2020 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 1, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, The City of Dallas Chief Arborist, The Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

December 1, 2020: The City of Dallas Chief Arborist emailed the Board Administrator information regarding this application (**Attachment A**).

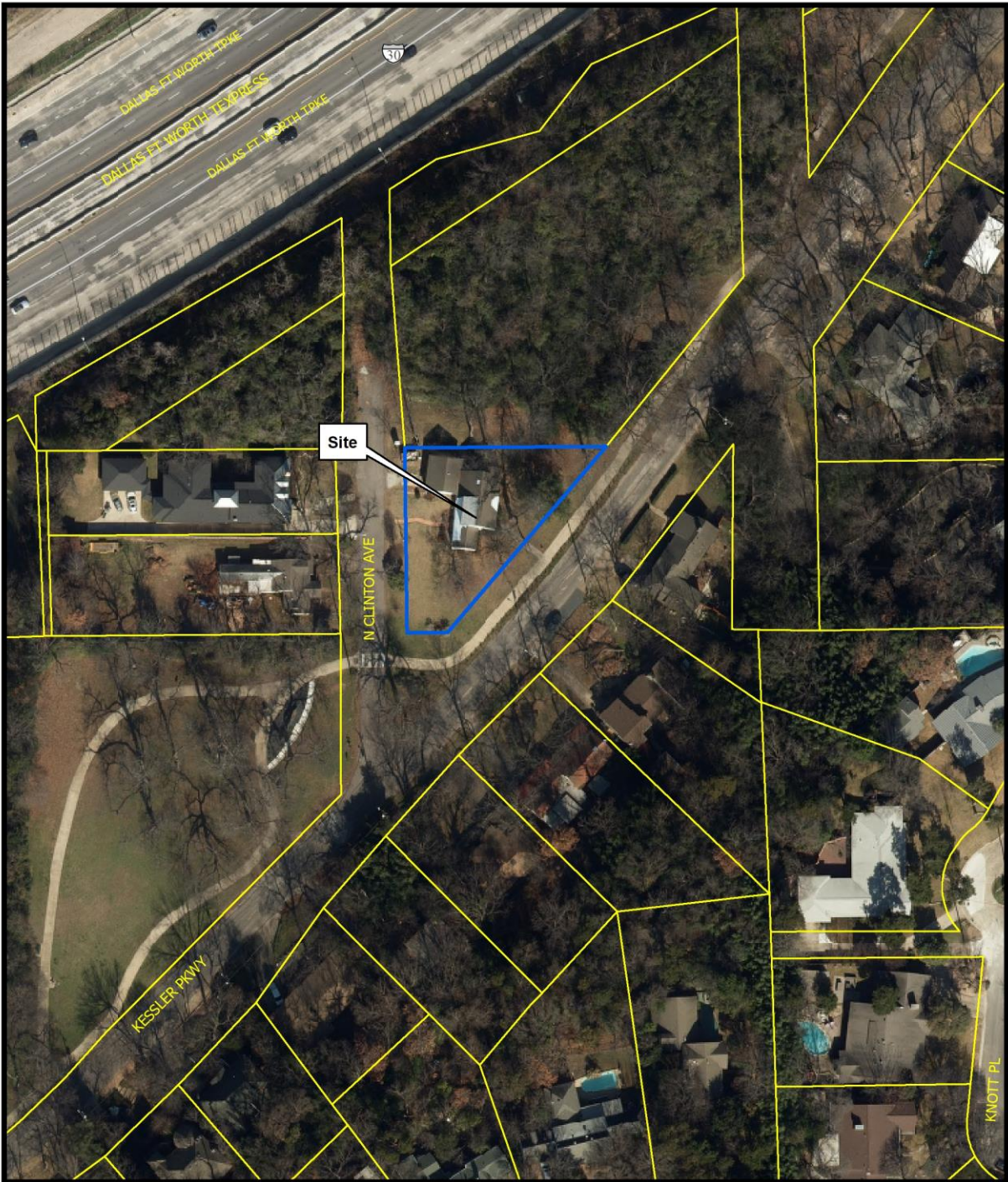


1:1,200

ZONING MAP

Case no: BDA190-114

Date: 11/23/2020



1:1,200

AERIAL MAP

Case no: BDA190-114

Date: 11/23/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-114

Date: ~~September 16, 2020~~ 10-14-20 *cot*

Data Relative to Subject Property:

Location address: 1907 Kessler Parkway Dallas, TX 75208 Zoning District: CD 13 SUBAREA 3 FLANDERS HEIGHTS REV.

Lot No.: 8 Block No.: BLK 18/3979 Acreage: 0.304 Census Tract: 44.00

Street Frontage (in Feet): 1) 187.67' 2) 31.56' 3) 142' 4) 455' 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jessica Hall + Daniel T Hall

Applicant: Jessica Hall Telephone: 972-804-2032

Mailing Address: 1907 Kessler Parkway Dallas, TX Zip Code: 75208

E-mail Address: jessiofhall@gmail.com

Represented by: Self Telephone: n/a

Mailing Address: n/a Zip Code: n/a

E-mail Address: n/a

Affirm that an appeal has been made for a Variance X, or Special Exception __, of _____
To include a fenced-in pool on the Clinton side of the house.

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:
Our property is uniquely set off a walking trail with high traffic (especially since COVID19 became a reality). Privacy and safety are our priority since we have no private yard on any side of our home.
As the board can see from our property, we care very much to improve it with respect for our neighborhood and with the goal of enhancing rather than tearing down what makes our neighborhood special. We'd like to continue that effort while creating a private place to be a family outside.

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 Jessica Hall
(Affiant/Applicant's name printed)

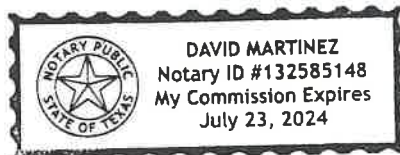
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: J. Hall
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 25 day of September, 2020

David Martinez
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

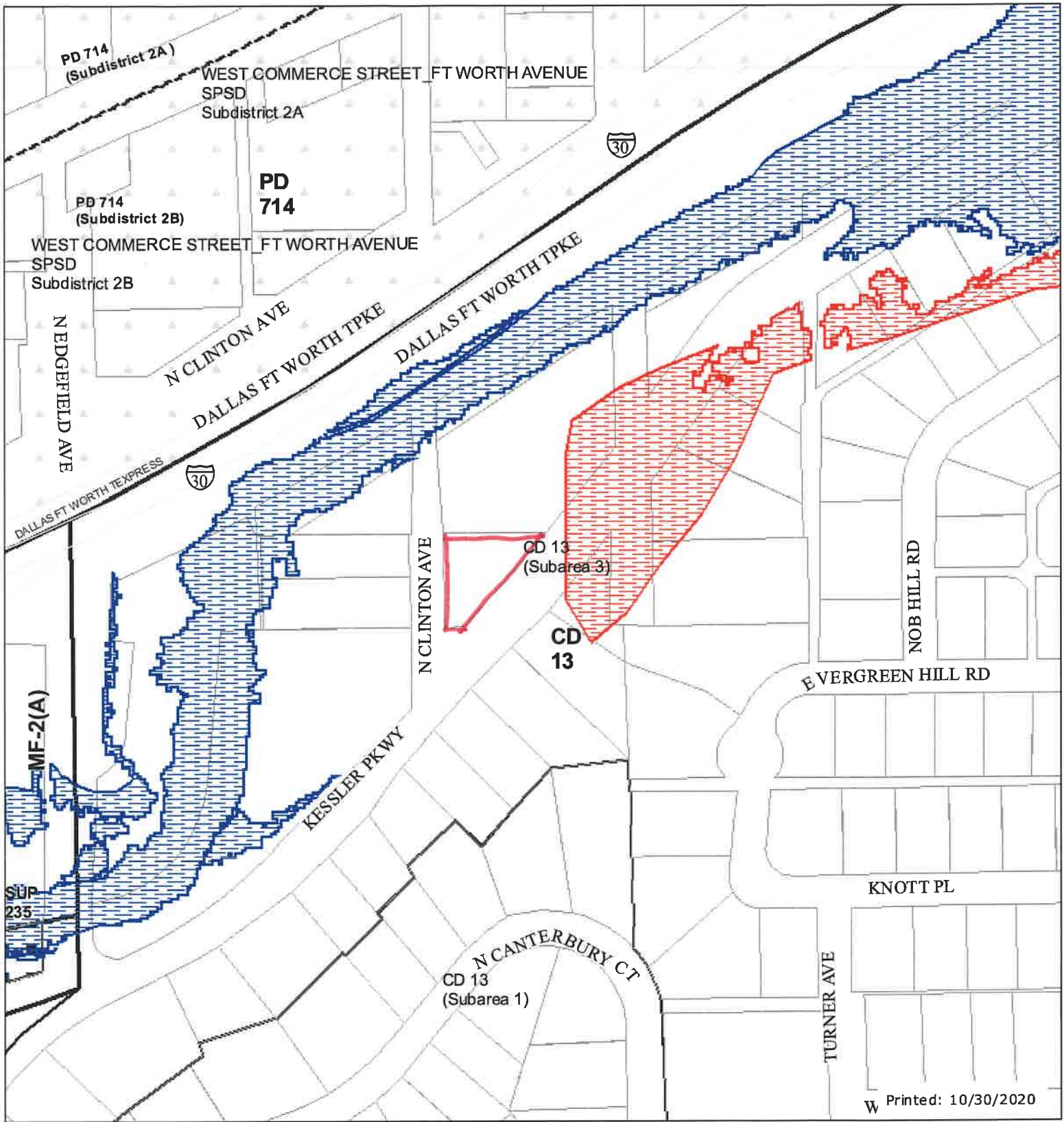
I hereby certify that Jessica Hall

did submit a request for a special exception to the fence height regulations, and for a special exception to the front yard setback regulations for tree preservation
at 1907 Kessler Pkwy

BDA190-114. Application of Jessica Hall for a special exception to the fence height regulations, and for a special exception to the front yard setback regulations for tree preservation at 1907 KESSLER PKWY. This property is more fully described as Part Of Lot 8, Block 18/3979, and is zoned CD-13 (Subarea 3), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 25 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations, and to construct a single family residential accessory structure and provide a 17 foot front yard setback, which will require a 8 foot special exception to the front yard setback regulations.

Sincerely,


David Session, Building Official



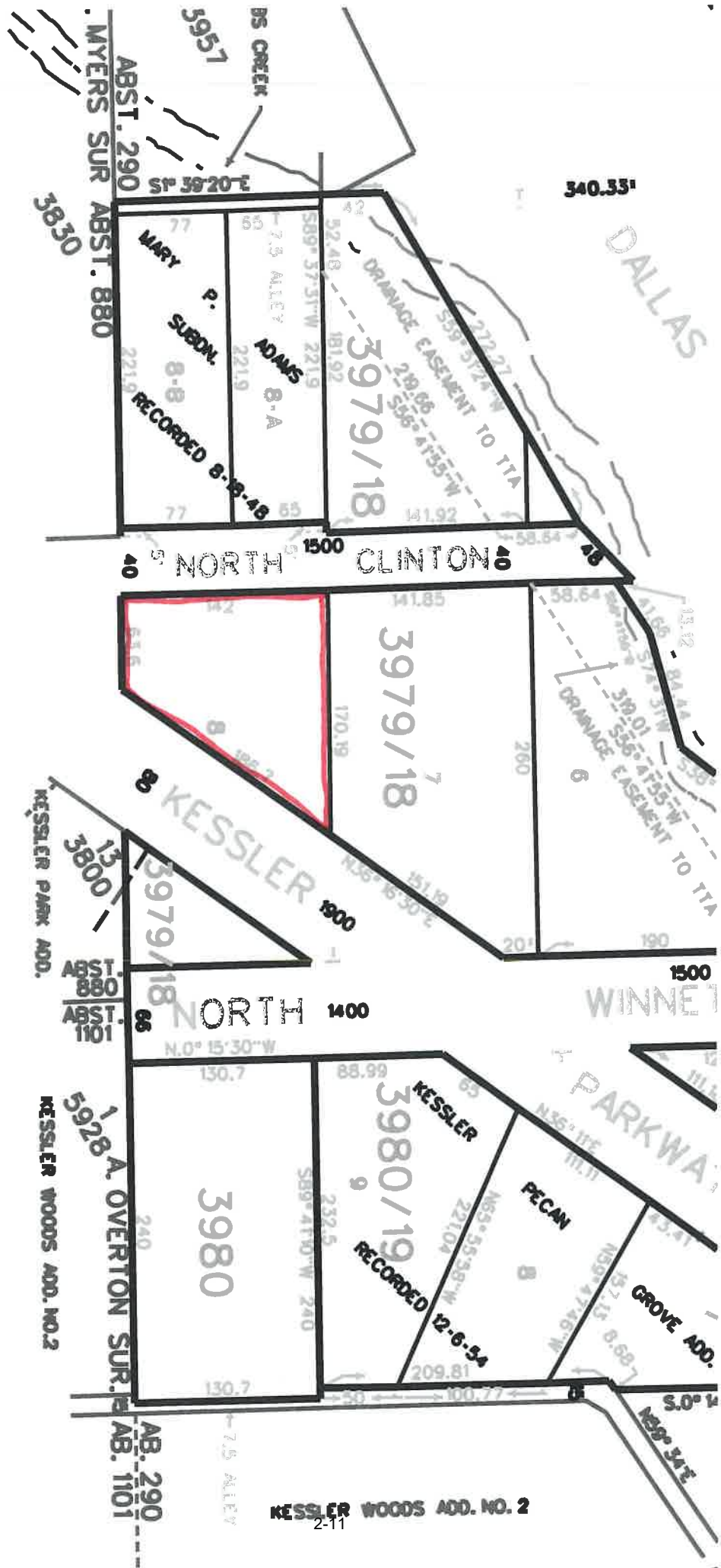
Printed: 10/30/2020

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 | 2-10 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)





KESSLER WOODS ADD. NO. 2

8' ENCROACHMENT

Provide 17' front yard

Required front yard setback is 25'

Mary P. Adams
Subdivision
Volume 12, Page 455
M.R.D.C.T.

called "Tract 3"
City of Dallas - Volume 77025,
Page 2258; D.R.D.C.T.

FIELD NOTE DESCRIPTION:

BEING a 0.304 acre tract of land situated in the City of Dallas, Dallas County, Texas, and being a portion of Lot 8, Block 18/3979, of Revised Map of Flanders Heights, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 90, Page 20, of the Map Records of Dallas County, Texas, and being that same tract of land described by deed to Joyce A. Sexton, as recorded in Volume 79212, Page 1586, of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 3/4 inch iron pipe found for the northwest corner of the herein described tract, same being in the north line of said Lot 8 and the south line of Lot 7 of said Addition, same being the southwest corner of that certain called "Tract 2" as described by deed into the City of Dallas, as recorded in Volume 77025, Page 2258, D.R.D.C.T., and being in the east line of N. Clinton Avenue (a variable width right-of-way);

THENCE South 89 degrees 42 minutes 10 seconds East, with the south line of said City of Dallas tract, a distance of 155.00 feet to a 3/4 inch iron pipe found for corner, same being in the northwest line of Kessler Parkway;

THENCE South 41 degrees 07 minutes 41 seconds West (Basis of bearings per deed: V. 79212, P. 1586), with the northwest line of said Kessler Parkway and traversing over and across said Lot 8, a distance of 187.67 feet to a 3/4 inch iron pipe found for corner;

THENCE North 89 degrees 42 minutes 10 seconds West, with the south line of said Lot 8, a distance of 31.56 feet to a 1/2 inch capped iron rod stamped "ARTHUR SURVEYING COMPANY" set for corner, same being in the east line of said N. Clinton Avenue, same from which a 3/4 inch iron pipe found bears South 11 degrees 17 minutes 08 seconds East, a distance of 3.69 feet;

THENCE North 00 degrees 00 minutes 00 seconds East, with the east line of said N. Clinton Avenue and traversing over and across said Lot 8, a distance of 142.00 feet to the POINT OF BEGINNING and containing a total of 0.304 acres of land, more or less, and being subject to any and all easements that may affect.

1907 Kessler Parkway

LEGEND

	FENCE		WATER METER
	OVERHEAD UTILITY		WATER VALVE
	POWER POLE		IRRIGATION CONTROL VALVE
	LIGHT POLE		TELEPHONE CABLE MARKER
	GULLY WIRE(S)		TELEPHONE MAN HOLE
	IRON ROD FOUND		CABLE TELEVISION SUB-SURFACE BOX
	IRON ROD SET		CONCRETE
	TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT		EDGE OF ASPHALT
	FENCE CORNER POST		COVERED AREA
	IRON PIPE FOUND		
	FIRE HYDRANT		
	SANITARY SEWER CLEAN-OUT		
	SANITARY SEWER MAN HOLE		

C.M. = Controlling Monument. Iron rods set are 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted.

ASC No.	A-030518218	Client:	Legacy Texas Title
PC/Tech	CW/SWIM	G.F. No.:	180194PC
Date:	03-07-18		

The undersigned have/has received and reviewed a copy of this survey.



1907 Kessler Parkway
Dallas, Texas

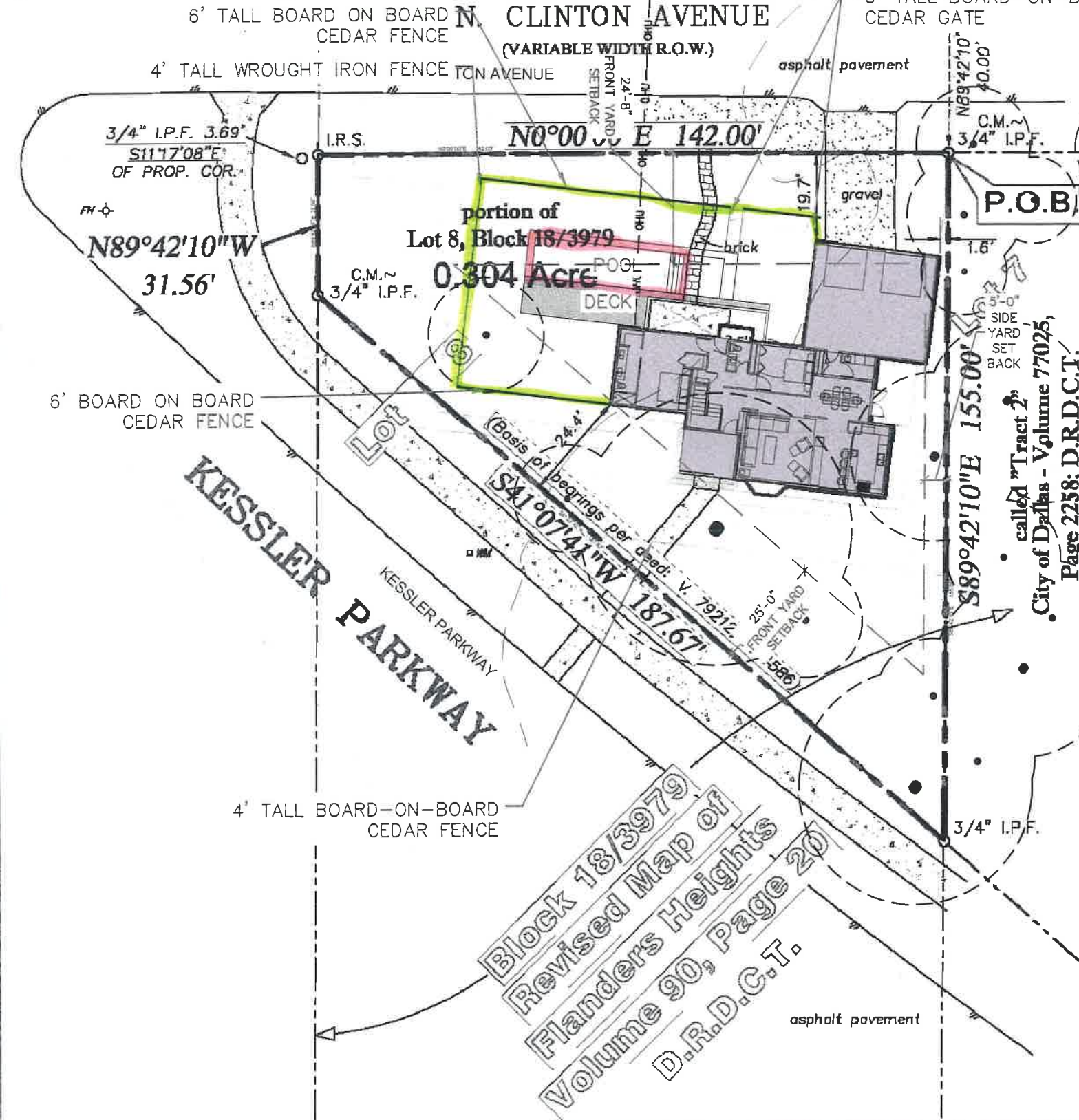
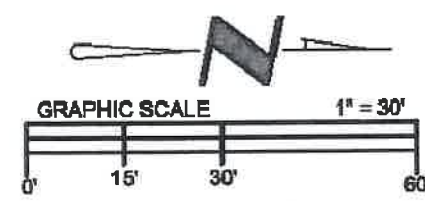
FLOOD NOTE: It is my opinion that the property described herein is not within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 480171 0340 J, present Effective Date of map August 23, 2001, herein property situated within Zone "X" (Shaded and Unshaded).

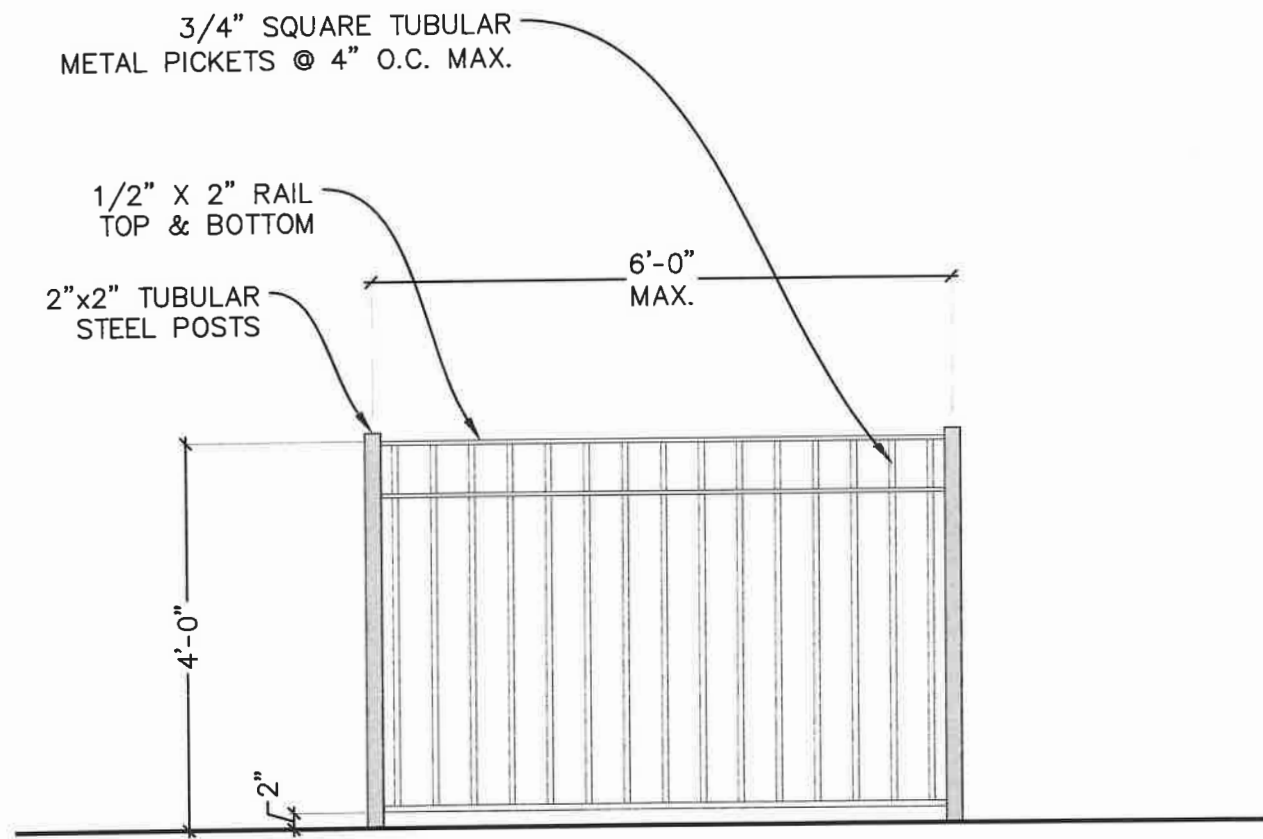
SURVEYORS CERTIFICATION:
The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. Corner noted as set will be set at a later date. Basis of bearings per Deed recorded in Volume 79212, Page 1586, D.R.D.C.T.



ARTHUR LAND SURVEYING
220 Elm St., #200 - Lewisville, TX 75057
Ph. 972.221.9439 - TFRN# 10063800
arthursurveying.com Established 1986

F.H. Westphall

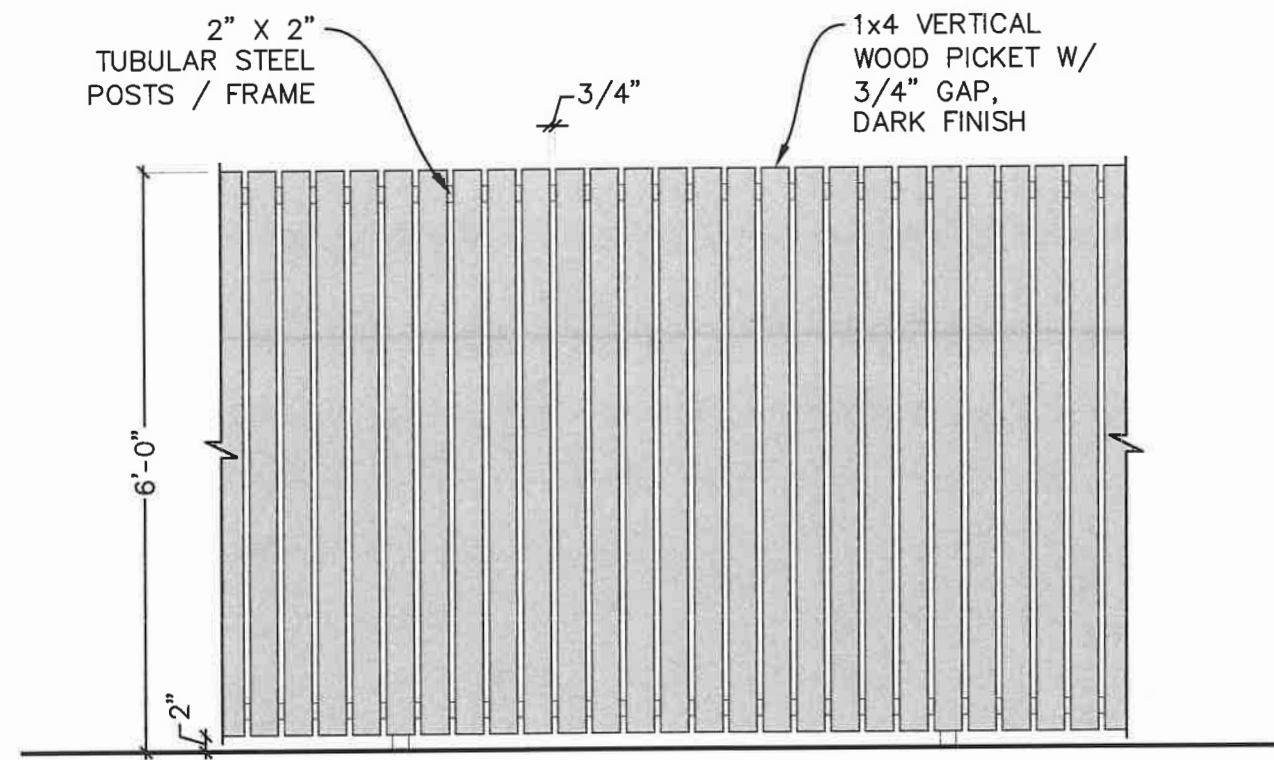




**SOUTH FENCE
(WILL BE COVERED BY HOLLY HEDGE)**

HALL RESIDENCE | 1907 KESSLER PKWY, DALLAS, TX

1/2" = 1'-0"



WEST / EAST FENCE

1/2" = 1'-0"



HALL RESIDENCE

1907 Kessler Parkway,
Dallas, TX 75208

AGANIPPE ATELIER

11219 Lanewood Circle, Dallas, TX 75218
p: 214.385.0787

Memorandum



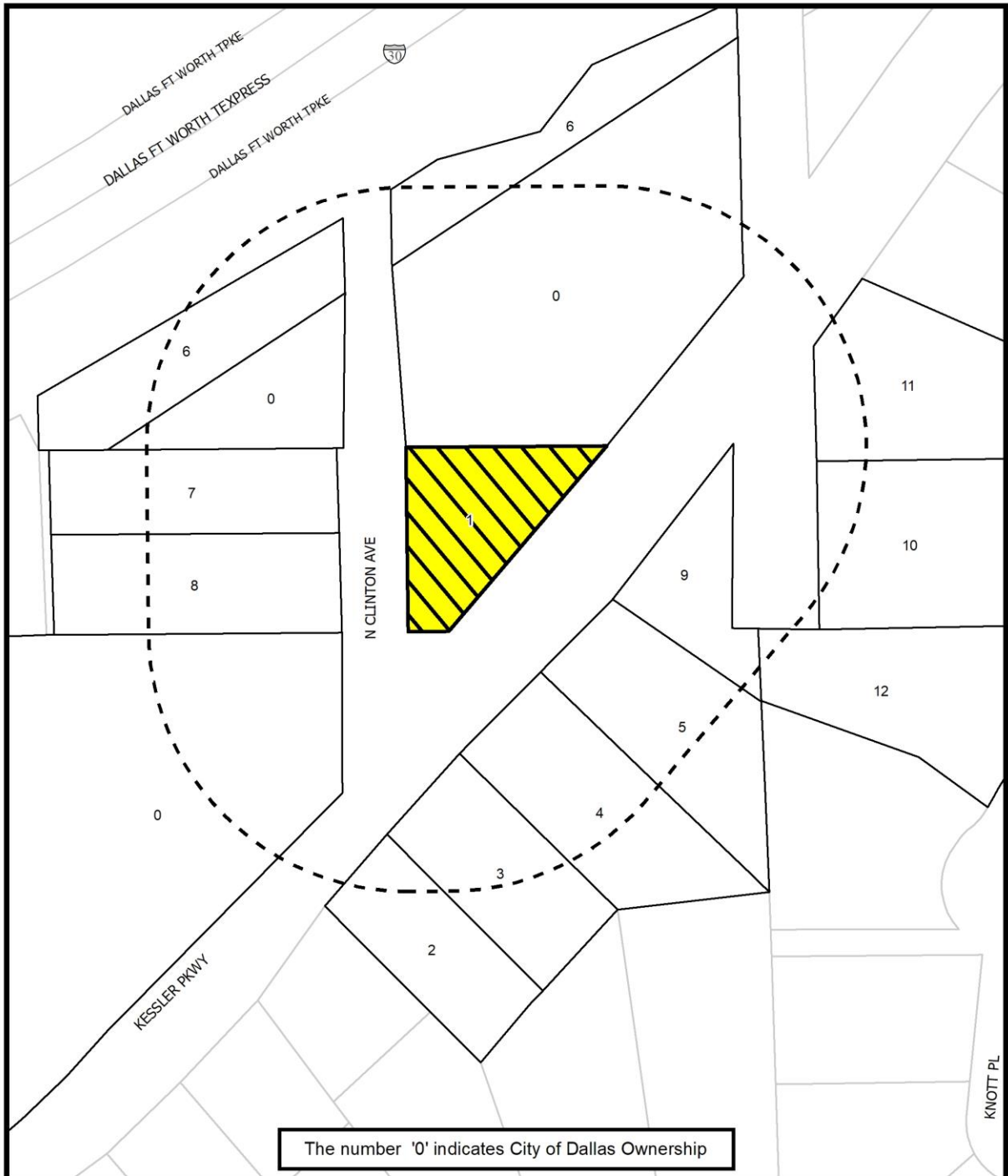
Date December 1, 2020

To Oscar Aguilera, Sr. Planner
Jennifer Munoz, Board Administrator

Subject BDA #190-114 1907 Kessler Parkway Arborist report

In my opinion, the tree designated on the building site plan for 1907 Kessler Parkway in near proximity to a proposed pool is worthy of preservation. The healthy tree is established in the front yard and is adjacent to a public parkway with trail.

Philip Erwin
Chief Arborist
Building Inspection



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA190-114</u> Date: <u>11/23/2020</u>
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

11/20/2020

Notification List of Property Owners

BDA190-114

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1907 KESSLER PKWY	HALL DANIEL T & JESSICA J
2	1934 KESSLER PKWY	SMITHER E MURRAY
3	1924 KESSLER PKWY	ANDERSON JESSE G
4	1914 KESSLER PKWY	VUONG NICHOLAS M
5	1910 KESSLER PKWY	JACKSON JARROD BRENT
6	1520 N CLINTON AVE	BOUCHER HARRY H
7	1511 N CLINTON AVE	RHINE RITA BOGAN &
8	1509 N CLINTON AVE	HENDRICKS JOHN C & KELI J
9	1906 KESSLER PKWY	KITCHENS MONTY & DONNA
10	1834 KESSLER PKWY	HEYNE EDWARD F
11	1828 KESSLER PKWY	HEYNE EDWARD
12	1019 EVERGREEN HILLS RD	WILSON GLENN E & KAREN A

FILE NUMBER: BDA190-115(OA)

BUILDING OFFICIAL'S REPORT: Application of Ken Fitzgerald for a variance to the rear yard setback regulations, and for a variance to the building height regulations, and for a special exception to the single-family regulations at 7208 Meadow Lake Avenue. This property is more fully described as Part of Lot 2 and 3, Block Q/2833, and is zoned an R-7.5(A) Single Family District, which 1) limits the height of an accessory structure to not exceed the height of the main building; 2) limits the number of dwelling units to one; and, 3) requires a rear yard setback of five feet. The applicant proposes to construct and maintain a single family residential accessory structure and provide no rear yard setback, which will require a five-foot variance to the rear yard setback regulations, and to construct and maintain a single family residential accessory structure with a building height of 22-feet 11-inches, which will require a one-foot four-inch variance to the maximum building height regulations, and to construct and maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

LOCATION: 7208 Meadow Lake Avenue

APPLICANT: Ken Fitzgerald

REQUESTS:

The following requests have been made on a site that is developed with a two-story single family dwelling unit:

1. A request for a special exception to the single family use regulations is made to construct and maintain a non-rentable additional dwelling unit;
2. A variance to the building height regulations of one-foot four-inches is made to remodel, construct, and maintain a proposed two-story structure, with a 448 square-foot additional dwelling unit atop an existing detached garage structure, with a building height of 22-feet 11-inches, which will require a one-foot four-inch variance to the maximum building height regulation; and,
3. A request for a variance to the rear yard setback regulations of five feet is made to remodel, construct, and maintain the above proposed accessory structure zero feet from the rear property line or up to five feet into the required five-foot rear yard setback.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE FAMILY USE REGULATIONS TO AUTHORIZE AN ADDITIONAL DWELLING UNIT:

Section 51-4.201(b)(1)(E)(i) of the Dallas Development Code specifies that the board may grant a special exception to the single family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

In granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

STANDARD FOR A VARIANCE (height and rear yard):

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 (single family regulations):

No staff recommendation is made on this or any request for a special exception to authorize an additional dwelling unit since the basis for this type of appeal is when in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

STAFF RECOMMENDATION (building height and rear yard variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the December 1st staff review team meeting that the site slopes from the front of the property to the rear and prevents the structure from being placed in a different location. Therefore, staff feels that the variance is necessary to permit development of the subject site that differs from other parcels of land since it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5 zoning district.
- The applicant submitted a document (**Attachment A**) indicating, among other things, that the proposed structure on the subject site is commensurate to 10 other lots located within the same subdivision and in the same R-7(A) District.

BACKGROUND INFORMATION

Zoning:

Site: R-7.5 (A) Single Family District
North: R-7.5 (A) Single Family District
South: R-7.5 (A) Single Family District
East: R-7.5 (A) Single Family District
West: R-7.5 (A) Single Family District

Land Use:

The subject site and surrounding properties are developed with single family uses.

Zoning/BDA History:

There have not been any related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS (single family regulations):

This request for a special exception to the single family use regulations focuses on constructing and maintaining a one-story additional dwelling unit atop a garage (two-stories total) on a site developed with a two-story single family structure.

The site is zoned an R-7.5(A) Single Family District where the Dallas Development Code permits one dwelling unit per lot.

The single family use regulations of the Dallas Development Code state that only one dwelling unit may be located on a lot and that the Board of Adjustment may grant a special exception to this provision and authorize an additional dwelling unit on a lot when, in the opinion of the board, the special exception will not: (1) be use as rental accommodations; or (2) adversely affect neighboring properties.

The Dallas Development Code defines:

- a “single family” use as “one dwelling unit located on a lot;” and a “dwelling unit” as “one or more rooms to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.”
- a “kitchen” as “any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities.”
- a “bathroom” as “any room used for personal hygiene and containing a shower or bathtub or containing a toilet and sink.”
- a “bedroom” as “any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sunrooms, and other similar rooms are considered bedrooms.”

The submitted site plan denotes the location of two building footprints, the larger of the two denoted as “two-story wood frame residence,” which is the existing single family main structure. The smaller of the two structures is denoted as a “one-story wood frame garage”.

This request centers on the function of what is proposed to be inside the smaller structure on the site – the “proposed granny flat” structure, specifically its collection of rooms/features shown on the floor plan.

According to DCAD records, the “main improvement” for the property at 7208 Meadow Lake Avenue is a structure built in 2000 with 2,571 square feet of total living area with the following “additional improvements”: a 400-square-foot detached garage.

According to the submitted site plan the main structure contains 2,571 square feet of total living area and the proposed additional dwelling unit contains 448 square feet of living area (with garage 833 square feet).

The applicant has the burden of proof in establishing that the additional dwelling unit will not be used as rental accommodations (by providing deed restrictions, if approved) and will not adversely affect neighboring properties.

As of December 4, 2020, no letters have been submitted in support of or in opposition to the request.

If the board were to approve this request, the board may choose to impose a condition that the applicant complies with the site plan if they feel it is necessary to ensure that the special exception will not adversely affect neighboring properties. However, granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all required code requirements).

The Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations.

GENERAL FACTS/STAFF ANALYSIS (Height Variance):

This request focuses on remodeling, constructing, and maintaining a two-story structure, with an approximately 448 square-foot additional dwelling unit atop an existing detached garage structure, with a building height of 22-feet 11-inches which requires a one-foot four-inch variance to the maximum building height regulation and located in an R-7.5(A) Single Family Zoning District, which states the following with regard to the maximum structure height:

- The height of an accessory structure may not exceed the height of the main building.

The applicant has submitted a site plan and elevation that represent the accessory structure will be 22-feet 11-inches in height; thereby, requiring the one-foot four-inch variance to the building height regulations.

The subject site is sloped, rectangular in shape, and approximately 7,940 square feet in area. The site is zoned R-7.5(A) Single Family District where lots are typically 7,500 square feet in area.

Furthermore, the evidence submitted indicates that the total of all combined structures for the property including the proposed accessory structure would be approximately 3,011 square feet, which is commensurate to 10 other lots located within the same subdivision and in the same zoning district.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the R-7.5 (A) Single Family District building height 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 to the R-7.5 (A) Single Family District building height regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 (A) Single Family District zoning classification.
- The variance to the R-7.5 (A) Single Family District building height regulations would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 (A) Single Family District zoning classification.

If the board were to grant the request for a variance to the R-7.5 (A) Single Family District regulations and impose the applicant's submitted site plan as a condition for the height of an accessory structure that exceeds the height of the main building would be limited to that what is shown on this document.

GENERAL FACTS/STAFF ANALYSIS (rear yard variance):

The subject property is located in an R-7.5(A) Single Family Zoning District, which requires a five-foot minimum rear yard setback. This request focuses on remodeling, constructing, and maintaining a two-story structure accessory structure, as previously described, zero feet from the rear property line or up to five feet into the required five-foot rear yard setback.

The submitted site plan indicates that the proposed two-story additional dwelling unit structure is located at the property line (zero feet) or five feet into this five-foot rear yard setback. Note that the additional unit will be constructed atop the existing garage that is located in the rear of this lot and up to the rear property line.

The subject site is sloped, rectangular in shape, and approximately 7,940 square feet in area. The site is zoned R-7.5(A) Single Family District where lots are typically 7,500 square feet in area.

Furthermore, the evidence submitted indicates that the total of all combined structures for the property including the proposed accessory structure would be approximately 3,011 square feet, which is commensurate to 10 other lots located within the same subdivision and in the same zoning district.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the R-7.5 (A) Single Family District rear 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 to the R-7.5 (A) Single Family District rear yard setback regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5 (A) Single Family District zoning classification.
- The variance to the R-7.5 (A) Single Family District rear yard setback regulations would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5 (A) Single Family District zoning classification.

If the board were to grant this rear yard setback variance request and impose the submitted site plan as a condition, the structure in the rear yard setback would be limited to what is shown on this document. Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than for a two-story structure, with a 448-square-foot additional dwelling unit atop an existing detached garage structure to be located zero feet from the rear property line or up to five feet into the required five-foot rear yard setback on a site that is developed with a two-story residential structure.

Timeline:

October 16, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

November 5, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

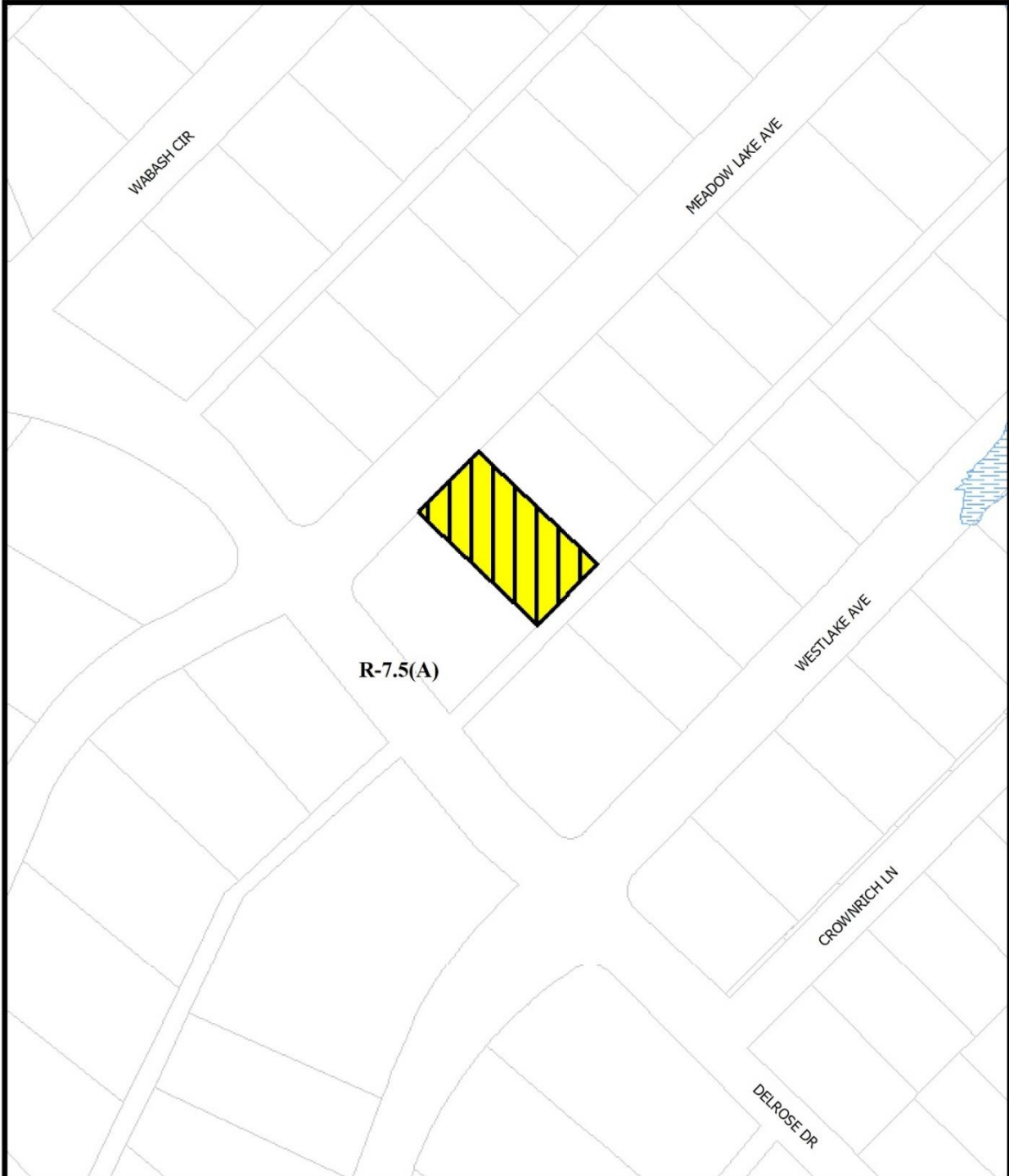
November 6, 2020: The Sustainable Development and Construction Department Senior Planner emailed the applicant’s representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the November 24, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the December 4, 2020 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standards that the board will use in their decision to approve or deny the requests; and
- The Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

November 30, 2020: The applicant submitted a letter to the board (**Attachment A**).

December 1, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

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

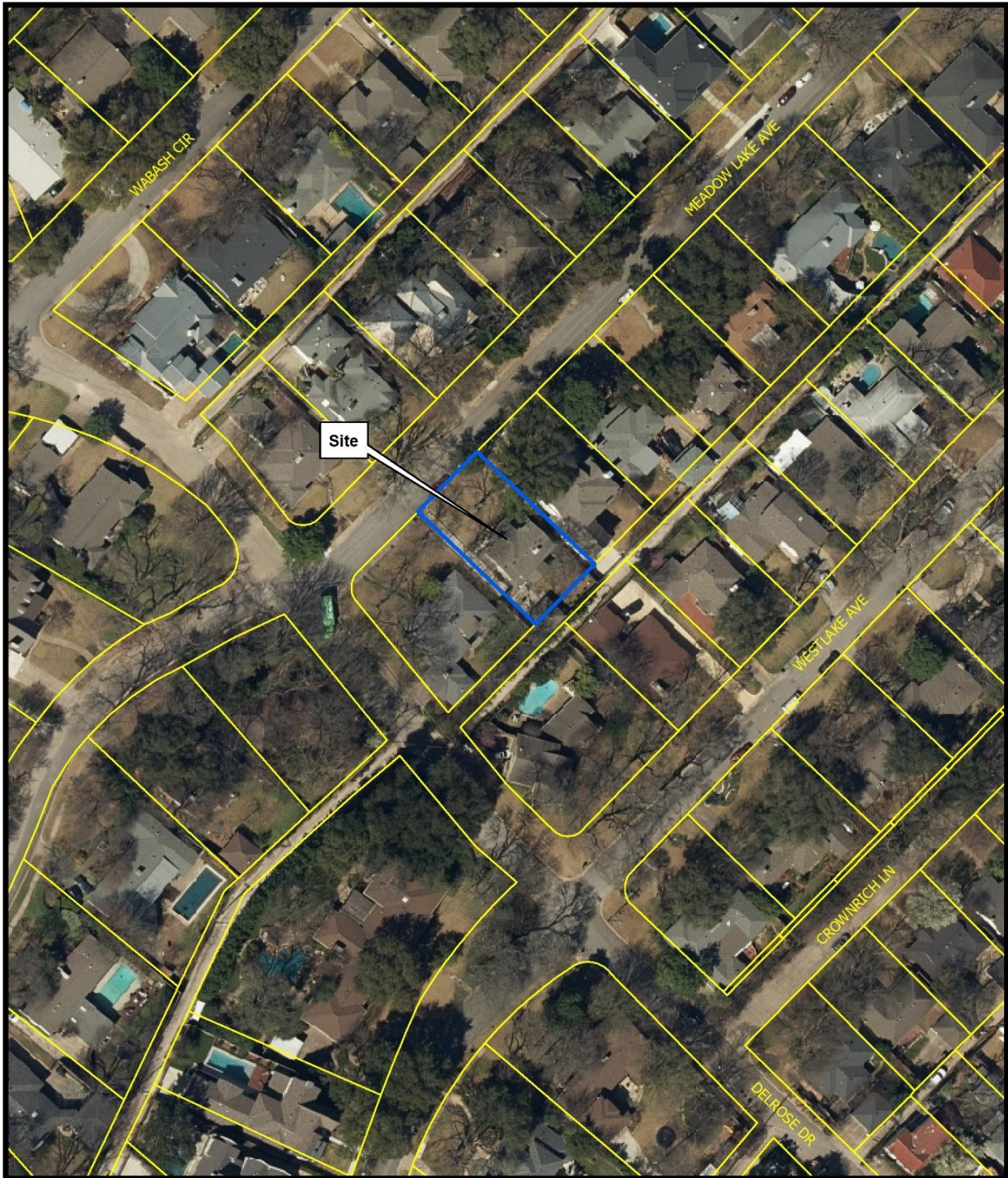


1:1,200

ZONING MAP

Case no: BDA190-115

Date: 11/23/2020



1:1,200

AERIAL MAP

Case no: BDA190-115

Date: 11/23/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-115

Data Relative to Subject Property:

Date: 10/16/2020

Location address: 7208 Meadowlake Ave Zoning District: R 7.5 A

Lot No.: 2/3 Block No.: Q/2833 Acreage: _____ Census Tract: 80.00

Street Frontage (in Feet): 1) 63.98 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ken & Rachel Fitzgerald

Applicant: Ken Fitzgerald Telephone: 801-369-2788

Mailing Address: 7208 Meadowlake Ave, Dallas, TX Zip Code: 75214

E-mail Address: kenmfitz@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception X, of A rear yard encroachment, height adjustment and as additional dwelling unit for non-rental use.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: Due to the proposed second story addition, the structure will not meet the current zoning requirements. This request is made to preserve the existing footprint of the structure.

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 Ken Fitzgerald (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: Ken Fitzgerald (Affiant/Applicant's signature)

Subscribed and sworn to before me this 16th day of October, 2020

Betty Bell 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 Ken Fitzgerald

did submit a request for a variance to the rear yard setback regulations, and for a variance to the building height regulations, and for a special exception to the single family regulations

at 7208 Meadow Lake Avenue

BDA190-115. Application of Ken Fitzgerald for a variance to the rear yard setback regulations, and for a variance to the building height regulations, and for a special exception to the single family regulations at 7208 MEADOW LAKE AVE. This property is more fully described as Part Of Lot 2 and 3, Block Q/2833, and is zoned R-7.5(A), which limits the height of an accessory structure to not exceed the height of the main building and limits the number of dwelling units to one and requires a rear yard setback of 5 feet. The applicant proposes to construct and maintain a single family residential accessory structure and provide a 0 foot rear yard setback, which will require a 5 foot variance to the rear yard setback regulations, and to construct a single family residential accessory structure with a building height of 22 feet 11 inches, which will require a 1 foot 4 inch variance to the maximum building height regulations, and to construct and maintain an additional dwelling unit, which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official





Printed: 10/30/2020

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 | Ship 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)





PROPERTY DESCRIPTION

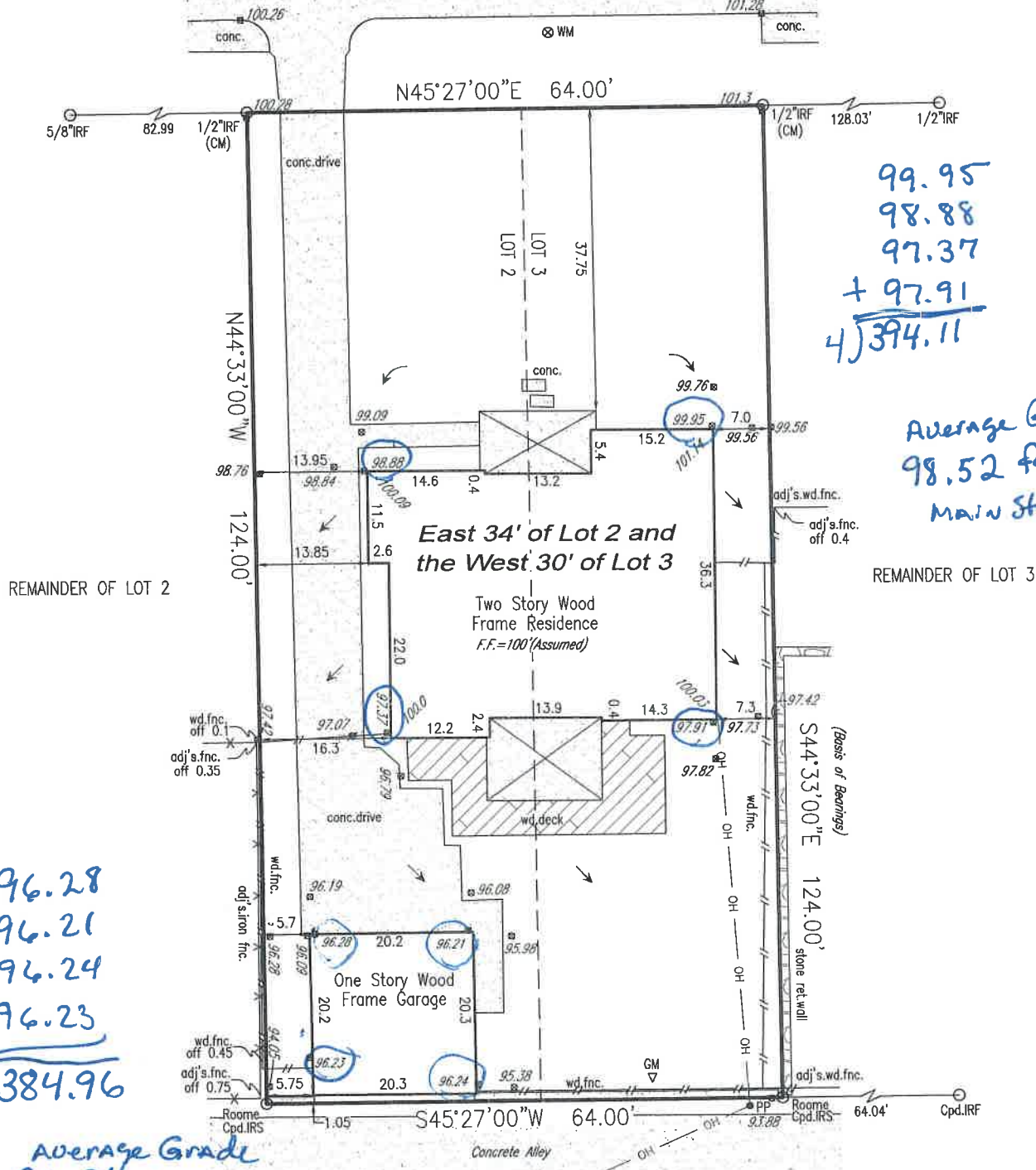
Address: 7208 Meadow Lake Avenue, Being the East 34' of Lot 2 and the West 30' of Lot 3, in Block Q/2833, of Monticello Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map/Plat thereof recorded in Volume 8, Page 393, of the Map Records, of Dallas County, Texas.



Roome Land Surveying

2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

Meadow Lake Avenue



99.95
98.88
97.37
+ 97.91
4) 394.11

Average Grade
98.52 for
MAIN Structure

96.28
96.21
96.24
+ 96.23
4) 384.96

Average Grade
96.24 for Accessory
Structure.

WM=Water Meter
WV=Water Valve
FH=Fire Hydrant
LP=Light Pole
PP=Power Pole
OH=Overhead Line
Cpd.=Capped
IRF=Iron Rod Found
GM=Gas Meter
BL=Building Line
PH=Handhole
adj.s.=Adjuster's
T.O.F.=Top of Form
Min.F.=Minimum Finished Floor
F.P.=Finished Pad
MH=Manhole

LEGEND

SCALE: 1" = 20'



NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48113C 0355K of the F.E.M.A. Flood Insurance Rate Maps for Dallas County, Texas & Incorporated Area dated July 7, 2014. (Zone X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat. (8) Survey performed without a title commitment. There may be easements, or other matters, not shown.

CERTIFICATION
On the basis of my knowledge, information & belief, I certify to **New Leaf Custom Homes** that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

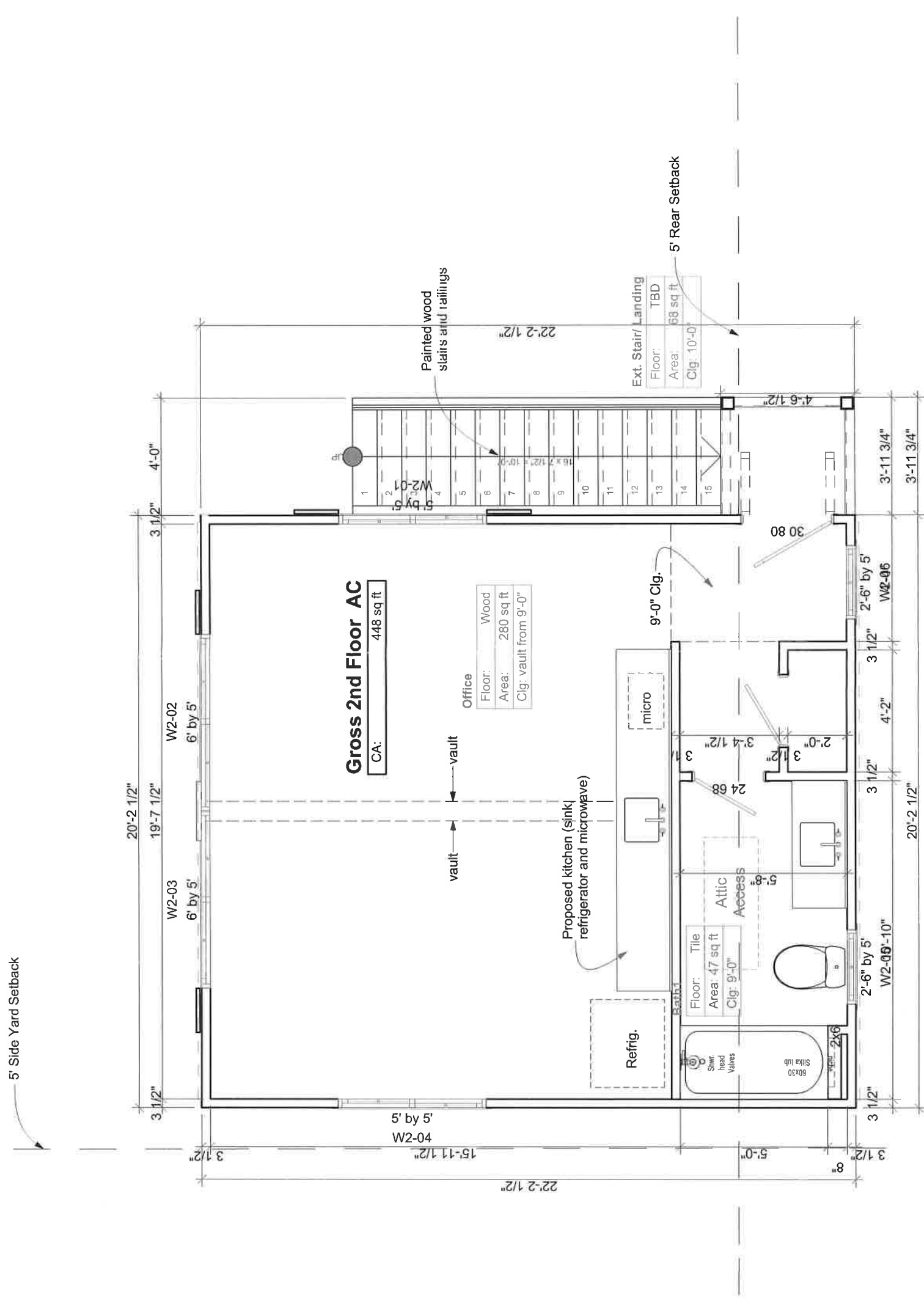
Date: 10/26/2020 Revised: _____ Job No. ES669546

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

Design Status:
BOA Submittal
10/27/2020

Fitzgerald Residence
Ken & Rachel Fitzgerald
7208 Meadow Lake Ave Dallas TX 75214

SHEET TITLE
2nd Floor Plan

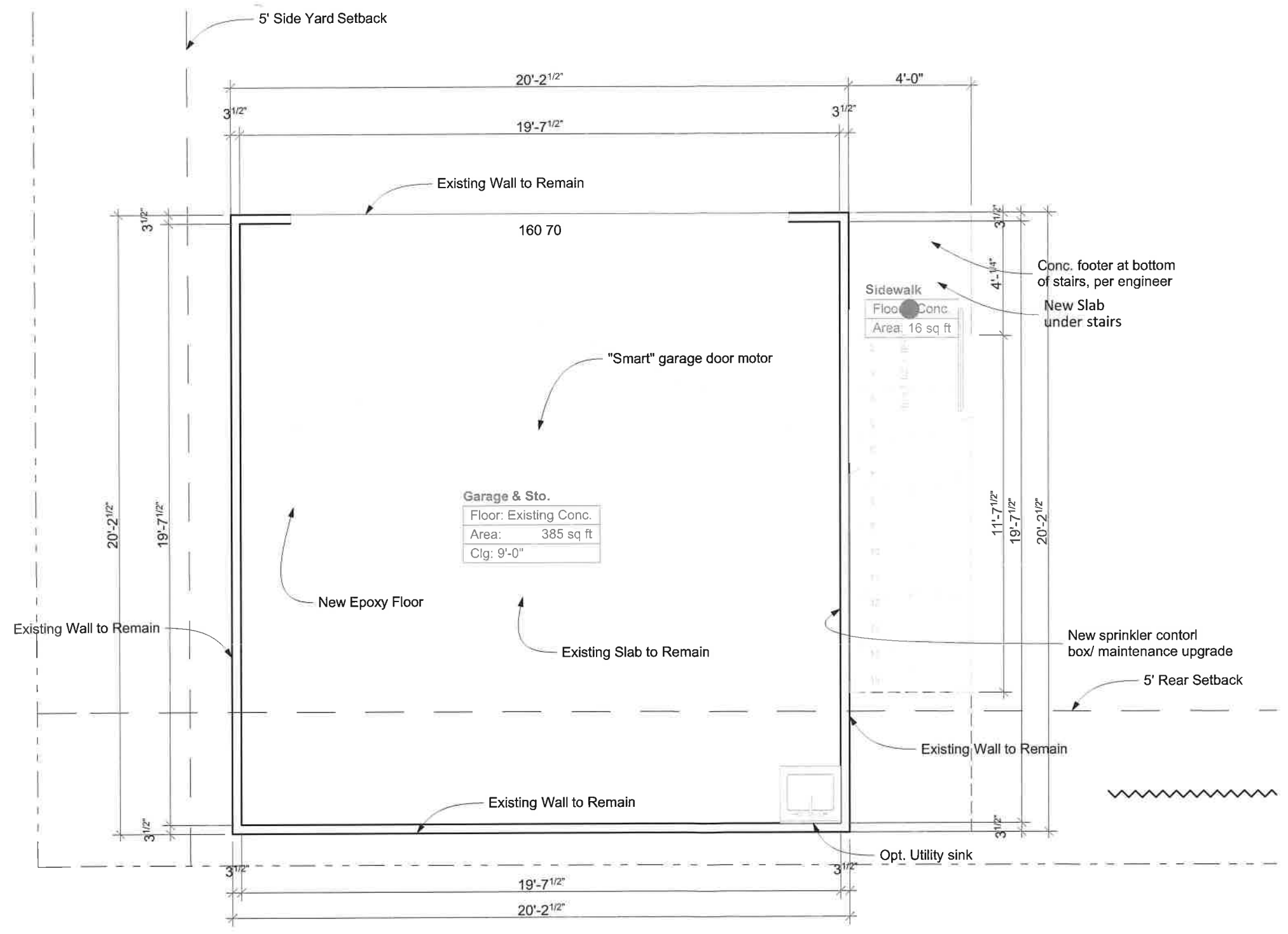


2nd Floor

<p>Fitzgerald Residence Ken & Rachel Fitzgerald 7208 Meadow Lake Ave Dallas TX 75214</p>	<p>Design Status: BOA Submittal 10/27/2020</p>
	<p>All drawings, images and arrangements are the sole property of New Leaf Custom Homes. No part thereof shall be copied or used with any other work than the specific project for which they have been developed, nor shall they be assigned to any third party without the written consent of New Leaf Custom Homes.</p>

SHEET TITLE
1st FLOOR PLAN

A-20



1st FLOOR

3-17

1/4" = 1'-0"

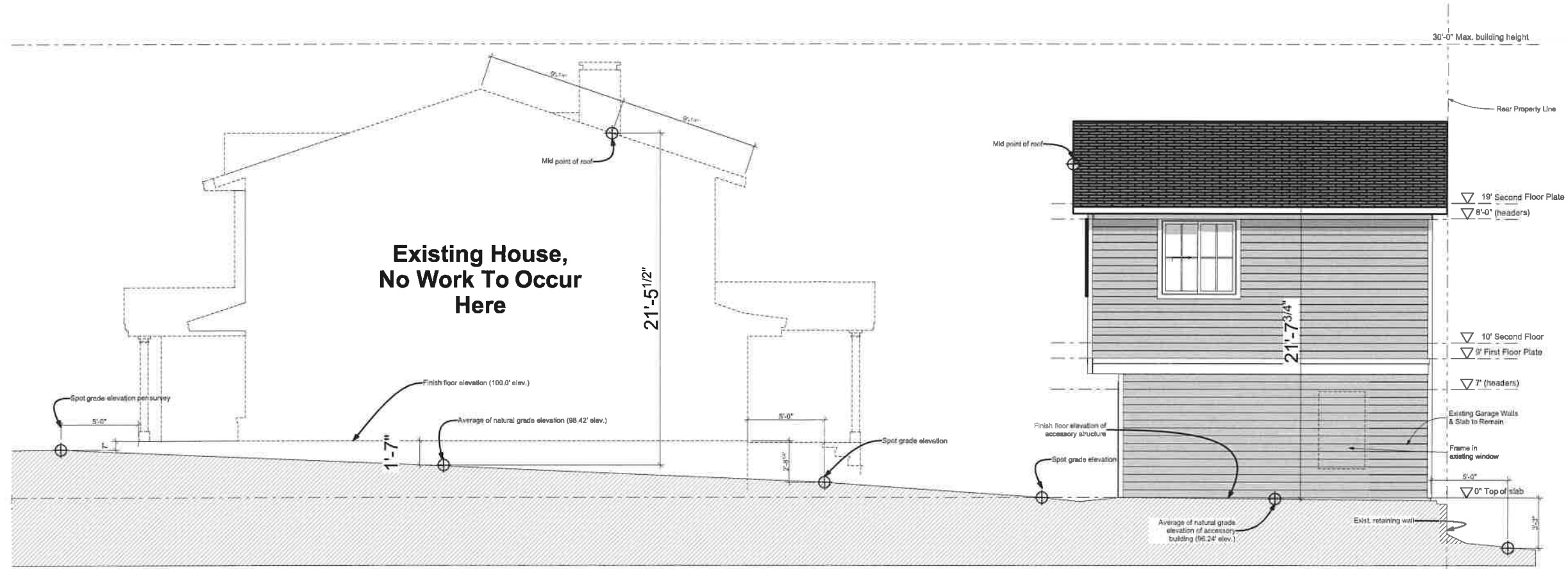
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Design Status:
BOA Submittal
10/27/2020

Fitzgerald Residence
Ken & Rachel Fitzgerald
7208 Meadow Lake Ave Dallas TX 75214

SHEET TITLE
Site Sections

A-22



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

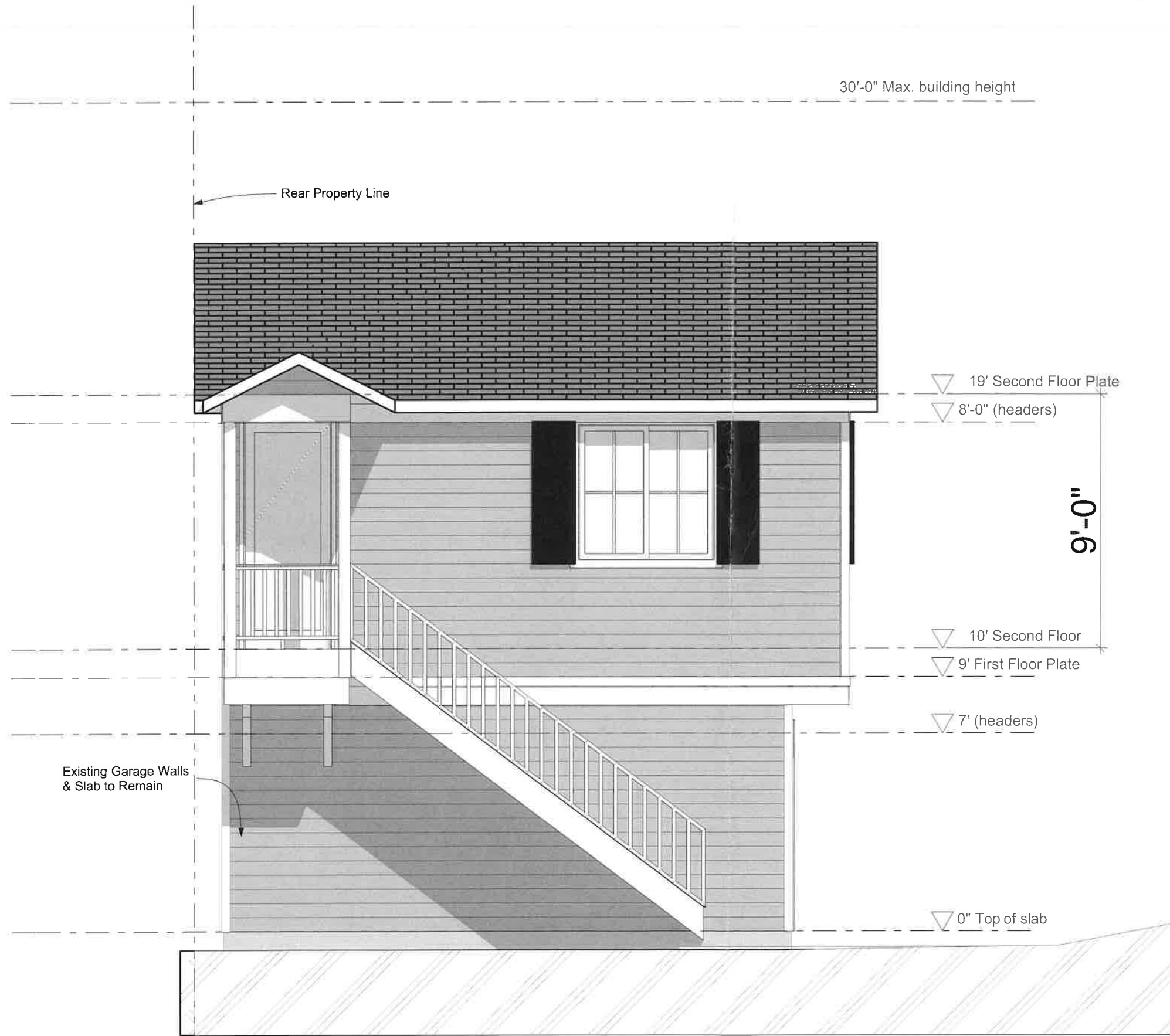


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Design Status:
BOA Submittal
10/27/2020

Fitzgerald Residence
Ken & Rachel Fitzgerald
7208 Meadow Lake Ave Dallas TX 75214

SHEET TITLE
ELEVATIONS



7

Left ELEVATION

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



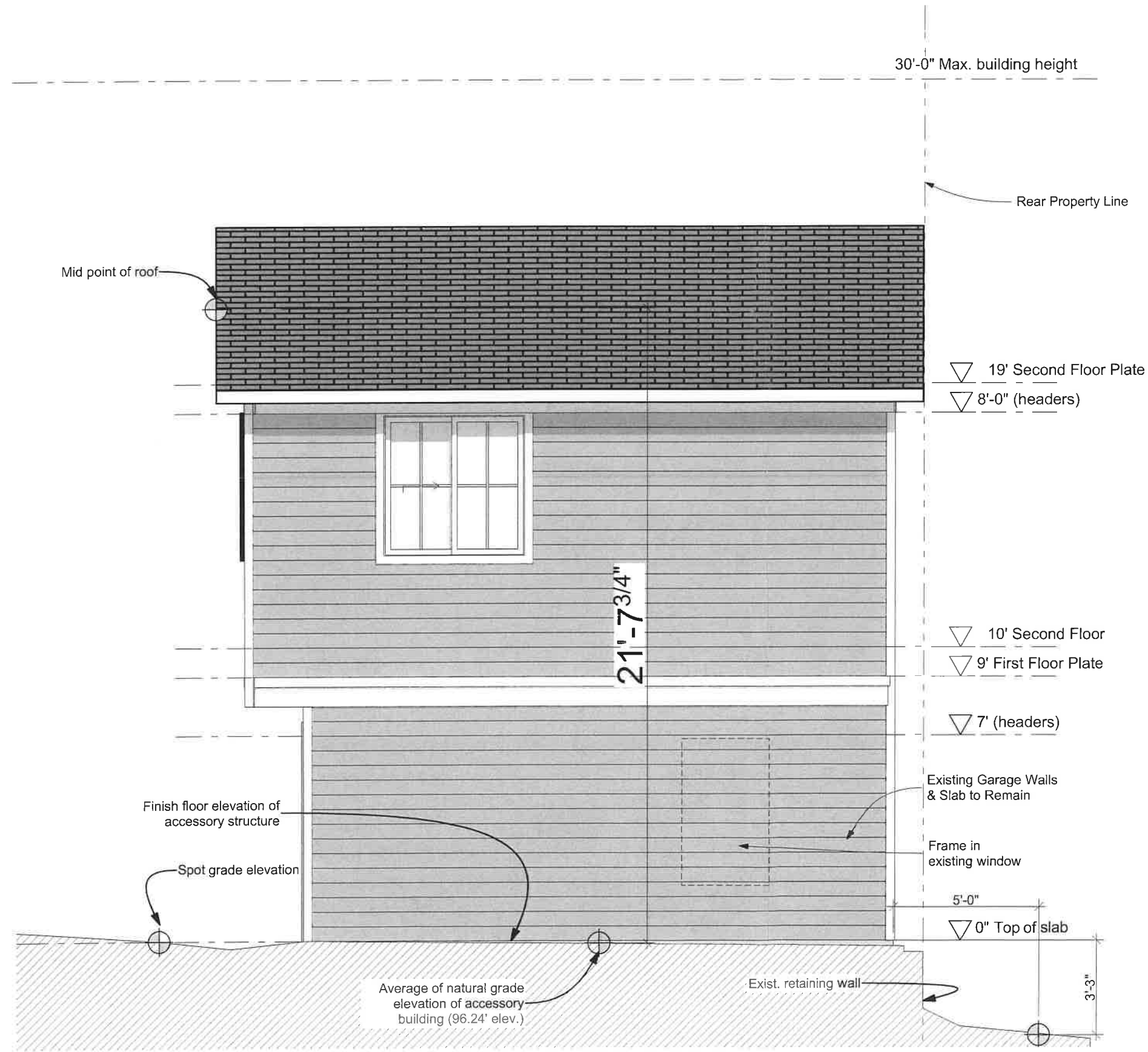
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Design Status:
BOA Submittal
10/27/2020

Fitzgerald Residence
Ken & Rachel Fitzgerald
7208 Meadow Lake Ave Dallas TX 75214

SHEET TITLE
ELEVATIONS

A-25



7

Right ELEVATION

SCALE 1/4" = 1'-0"

3-20



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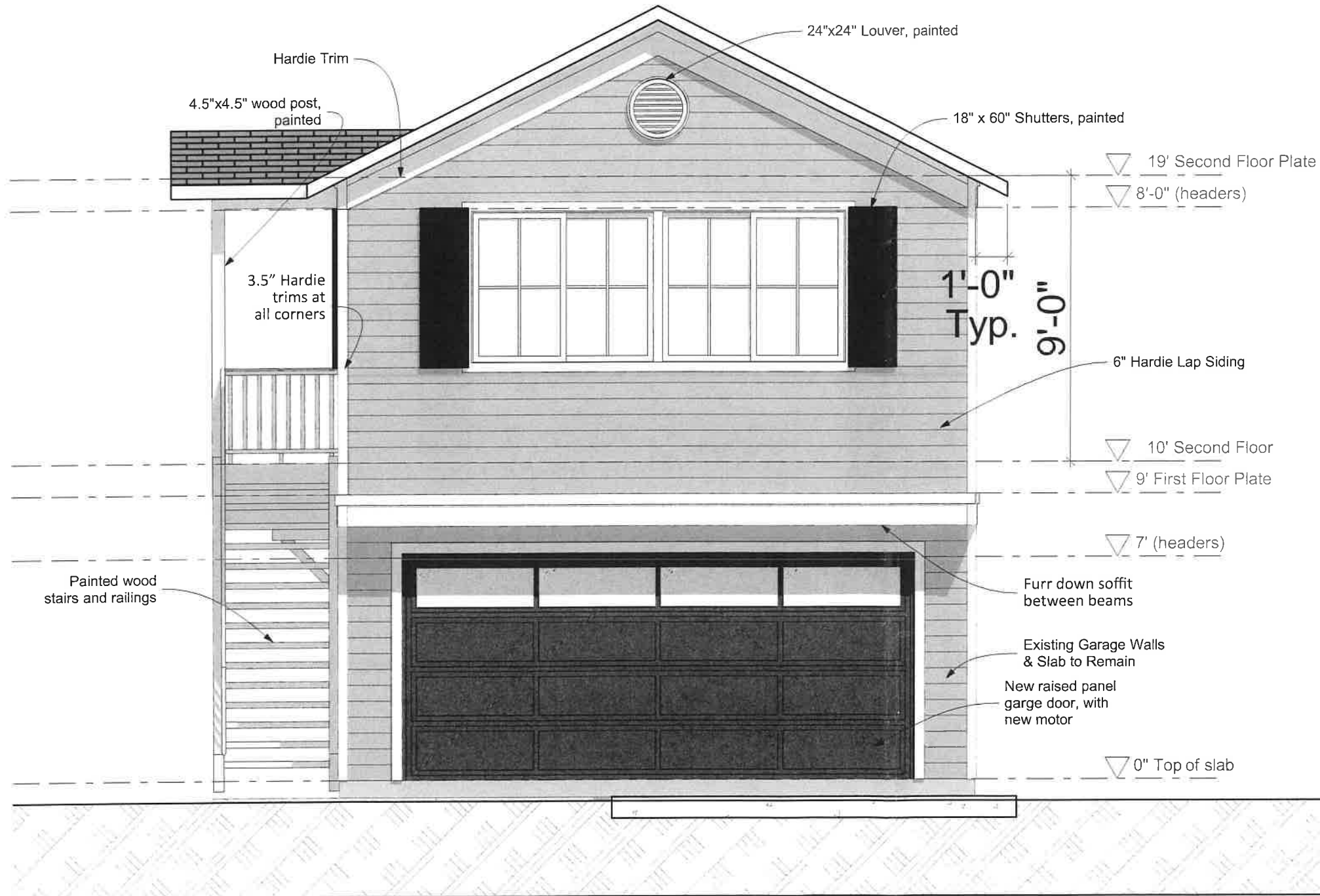
Design Status:
BOA Submittal
10/27/2020

Fitzgerald Residence
Ken & Rachel Fitzgerald
7208 Meadow Lake Ave Dallas TX 75214

SHEET TITLE

ELEVATIONS

A-23



1

Front ELEVATION

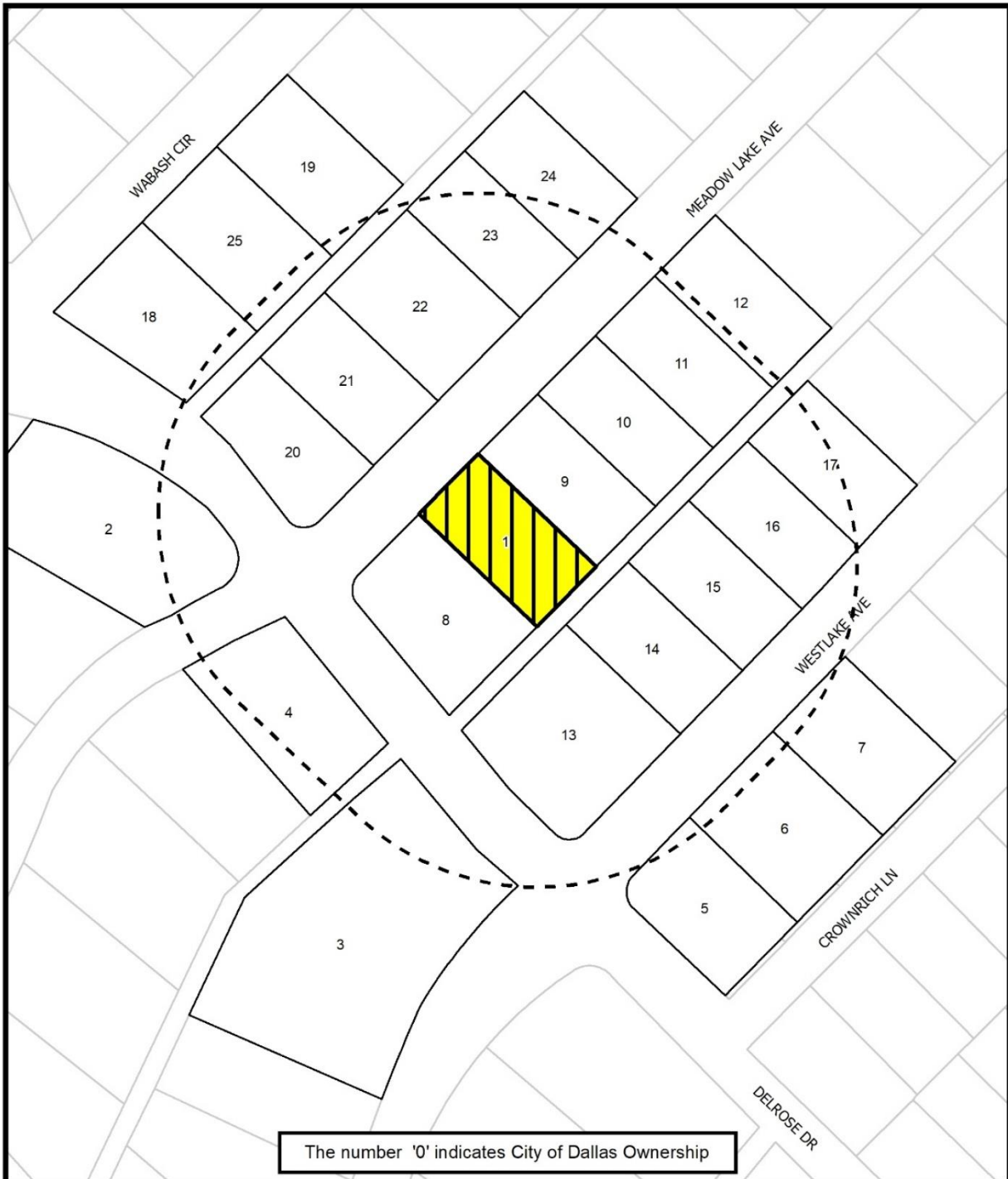
SCALE: 1/4" = 1'-0"



- 1- This application proposes to add a second story dwelling unit to the existing accessory structure (garage) for use by family members and guests. The dwelling unit will not be used for rental purposes.
- 2- The existing accessory structure has a zero (0) feet rear yard setback. Zoning District R-7.5(A) requires a five (5) feet rear yard setback. The property has a downward slope. The current location of the accessory structure is on a level area of the rear portion of the property. Complying with the five feet setback requirement would mean the existing accessory structure would need to be demolished and rebuilt on the sloped portion of the property. Due to the slope the accessory structure is restricted to its currently location only.
- 3- The average lot size is 13,861 square feet and average structure size is 3,910 in Zoning District R-7.5A. The lot size of 7208 Meadow Lake Ave is 8,135 and structure size is 2,571. The proposed accessory structure will be approximately 440 square feet. The combined structure size for the property included the proposed accessory structure would be approximately 3,011 square feet. Permitting the proposed accessory structure would not exceed the average structure size and the average ratio of structure size to lot size of the Zoning District.
- 4- Multiple properties in the surrounding area have a second story dwelling unit above the garage (7218 & 7112 Meadow Lake are two examples of such properties). Further, the property has a downward slope from the front yard to the rear yard. Due to the downward slope, the accessory building is approximately five (5) feet lower than the main structure on the property. As a result, the proposed accessory structure will not exceed the overall height of the main structure.

Address	Street	Lot Size (Sqft)	Structure Size
7236	Meadow Lake Ave	12,340	3,299
7136	Meadow Lake Ave	11,761	3,637
7128	Meadow Lake Ave	15,504	2,868
7125	Meadow Lake Ave	15,058	3,352
7038	Meadow Lake Ave	12,876	4,428
7210	Meadow Lake Ave	8,076	4,108

7215	Meadow Lake Ave	11,070	3,909
7203	Westlake Ave	14,578	3,387
7147	Westlake Ave	19,000	5,190
7140	Westlake Ave	18,343	4,917
	Average	13,861	3,910



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">25</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	25	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA190-115 Date: 11/23/2020
200'	AREA OF NOTIFICATION					
25	NUMBER OF PROPERTY OWNERS NOTIFIED					

11/20/2020

Notification List of Property Owners

BDA190-115

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7208 MEADOW LAKE AVE	FITZGERALD KEN & RACHEL
2	7145 MEADOW LAKE AVE	INGRAM MARY ANNE &
3	7147 WESTLAKE AVE	EWERT CARL F & PATRICIA R
4	7144 MEADOW LAKE AVE	LAND XIAO S
5	7200 WESTLAKE AVE	DIX ROBERT M & JENNIFER DAWN
6	7214 WESTLAKE AVE	MCDANIEL KATHLEEN SUE
7	7218 WESTLAKE AVE	JOUBRAN BREEANNA KATHLEEN
8	7204 MEADOW LAKE AVE	RUTLEDGE MARJORIE J TR
9	7210 MEADOW LAKE AVE	LENTZ PAUL J &
10	7218 MEADOW LAKE AVE	HEATLY TREY & KELLY B
11	7224 MEADOW LAKE AVE	SHIPP JORDAN & LINDSEY
12	7230 MEADOW LAKE AVE	SALTZSTEIN EDWARD C
13	7203 WESTLAKE AVE	PHILLIPS WILLIAM R III & ANNA L
14	7215 WESTLAKE AVE	CHASEY DAVID PAUL
15	7221 WESTLAKE AVE	BERRY TIMOTHY J & LESLEY
16	7225 WESTLAKE AVE	TERRY ROBERT LEE
17	7231 WESTLAKE AVE	HOLLINGSWORTH JOHN MARK &
18	7204 WABASH CIR	OHANLON MICHAEL A
19	7216 WABASH CIR	SHETH NIKUL S & ERIN W
20	7203 MEADOW LAKE AVE	VONDERFECHT WILLIAM
21	7209 MEADOW LAKE AVE	TOMASINO AUGUSTUS JOSEPH &
22	7215 MEADOW LAKE AVE	HARRISON LES M & LAUREN A
23	7221 MEADOW LAKE AVE	SOSOLIK SETH & ANNA E
24	7227 MEADOW LAKE AVE	MEGAHAN SANDRA L
25	7208 WABASH CIR	VERMANDEL LISA A

FILE NUMBER: BDA190-103(OA)

BUILDING OFFICIAL'S REPORT: Application of Jeff Saba for a special exception to the fence height regulations, and a special exception to the fence standards regulations at 6749 Hillbriar Drive. This property is more fully described as Lot 17, Block 8/8189, and is zoned an R-10(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct an eight-foot-high fence in a required front yard, which will require a four-foot 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 five feet from the front lot line, which will require a special exception to the fence regulations.

LOCATION: 6749 Hillbriar Drive

APPLICANT: Jeff Saba

REQUESTS:

REQUEST:

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

1. A request for a special exception to the maximum fence height of four feet to construct and maintain an eight-foot-high factory edge cedar plank fence with two pedestrian gates located in the required Hillbriar Drive front yard.
2. A request for a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line is made to construct and maintain the aforementioned eight-foot-high solid wood fence as close as two feet from the 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:

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

BACKGROUND INFORMATION:

Zoning:

- Site: R-10(A) (Single Family District)
- North: R-10(A) (Single Family District)
- East: R-10(A) (Single Family District)
- South: R-10(A) (Single Family District)
- West: R-10(A) (Single Family District)

Land Use:

The subject site and all surrounding properties are developed with a single family uses.

Zoning/BDA History:

There have not been any board or zoning cases recorded within the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on:

1. constructing/maintaining an eight-foot-high factory edge cedar plank fence with two pedestrian gates located in the required Hillbriar Drive front yard;
2. constructing/maintaining the aforementioned eight-foot-high solid wood fence located less than five feet from this front lot line.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-10(A) Single Family District. The minimum front yard setback is 30 feet. The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet-in-height above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line

The proposed fence is to be located in this required front yard. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 195 feet-in-length parallel to Hillbriar Drive along the property line.
- The distance between the proposed fence and the property line is approximately between two feet and 25 feet.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, east and west, and south of the subject site) and noted no other fences that appeared to be above four feet-in-height and located in a front yard setback.

The Sustainable Development and Construction Senior Engineer advised that the residential property at 6749 Hillbriar Drive is located along a pronounced roadway curve that limits sight distance from approaching vehicular and pedestrian traffic. The fence further encroaches into the horizontal sight distance and presents a traffic safety hazard. This existing condition that must be mitigated. Theoretically speaking, the location of the fence limits a motorist reaction time and the distance required to brake. If the exception is approved or the fence remains in place, the City should install traffic warning signs indicating the horizontal alignment combined with an advisory speed of 20 MPH, based on calculations for stopping sight distance for horizontal curves.

Furthermore, images from staff's recent site visit show recently planted trees along the parkway (adjacent to the curb). These trees constitute a code violation and must be removed immediately or allowed with written permission of the City Arborist and Director of Park Department, as stated in Sec 48-4 of the Dallas Development Code. However, the location of the trees will further block traffic visibility through the curve which is a public safety concern. The new trees should not be approved for planting in their current location but rather should be relocated to an area that does not block visibility of oncoming traffic. Note: If approved, the special exception to the front fence height does not grant an exception to any encroachment to the visibility triangle at the intersection of with the alley.

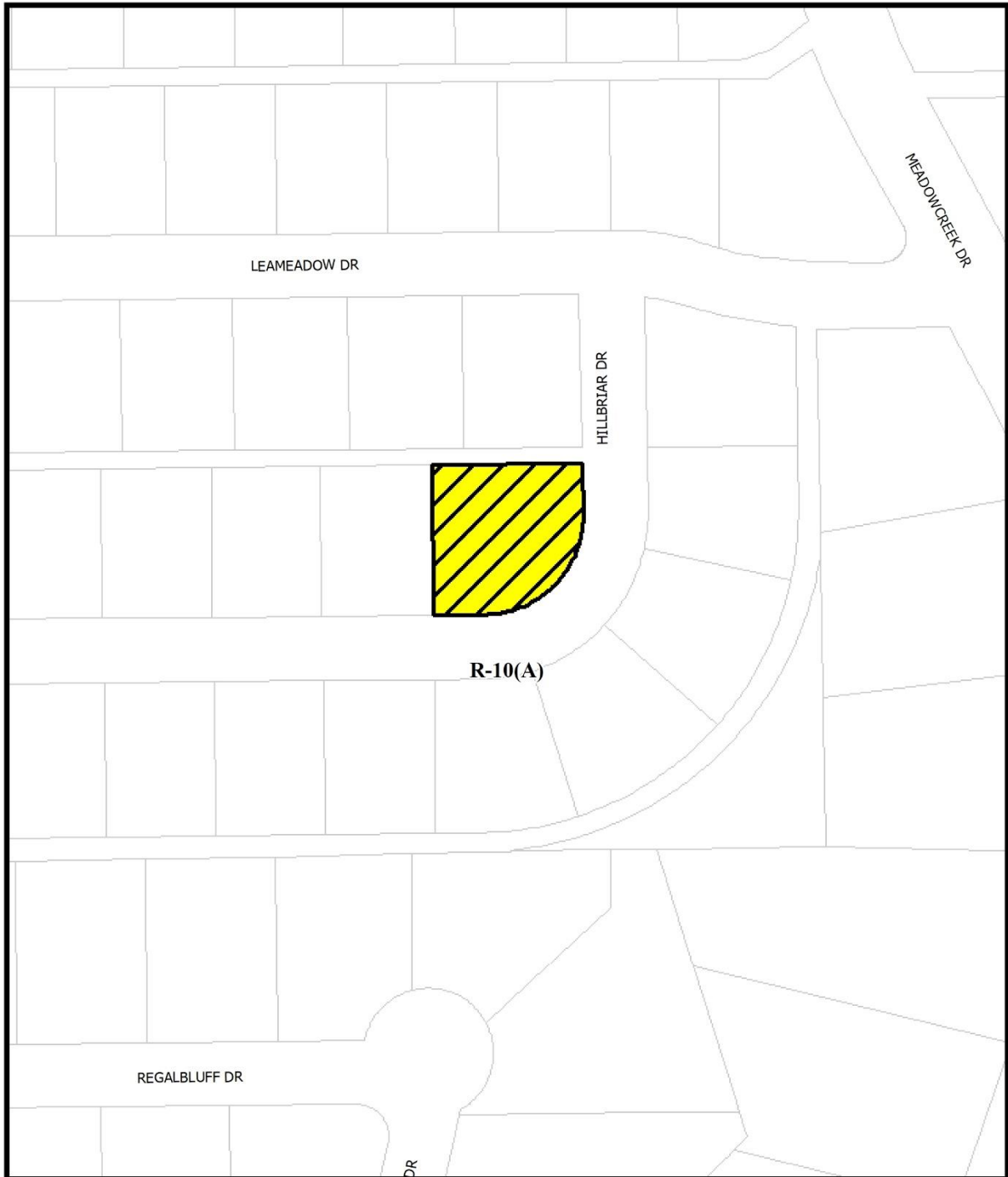
As of December 4, 2020, four letters have been submitted in support and none in opposition to this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of four feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposed fence reaching up to eight-feet-in-height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than five feet from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

- July 23, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- November 5, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel C.
- November 6, 2020: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the November 24, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the December 4, 2020 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.”
- December 1, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.
- December 2, 2020 the Sustainable Development and Construction Senior Engineer submitted a memo regarding this request (**Attachment A**).

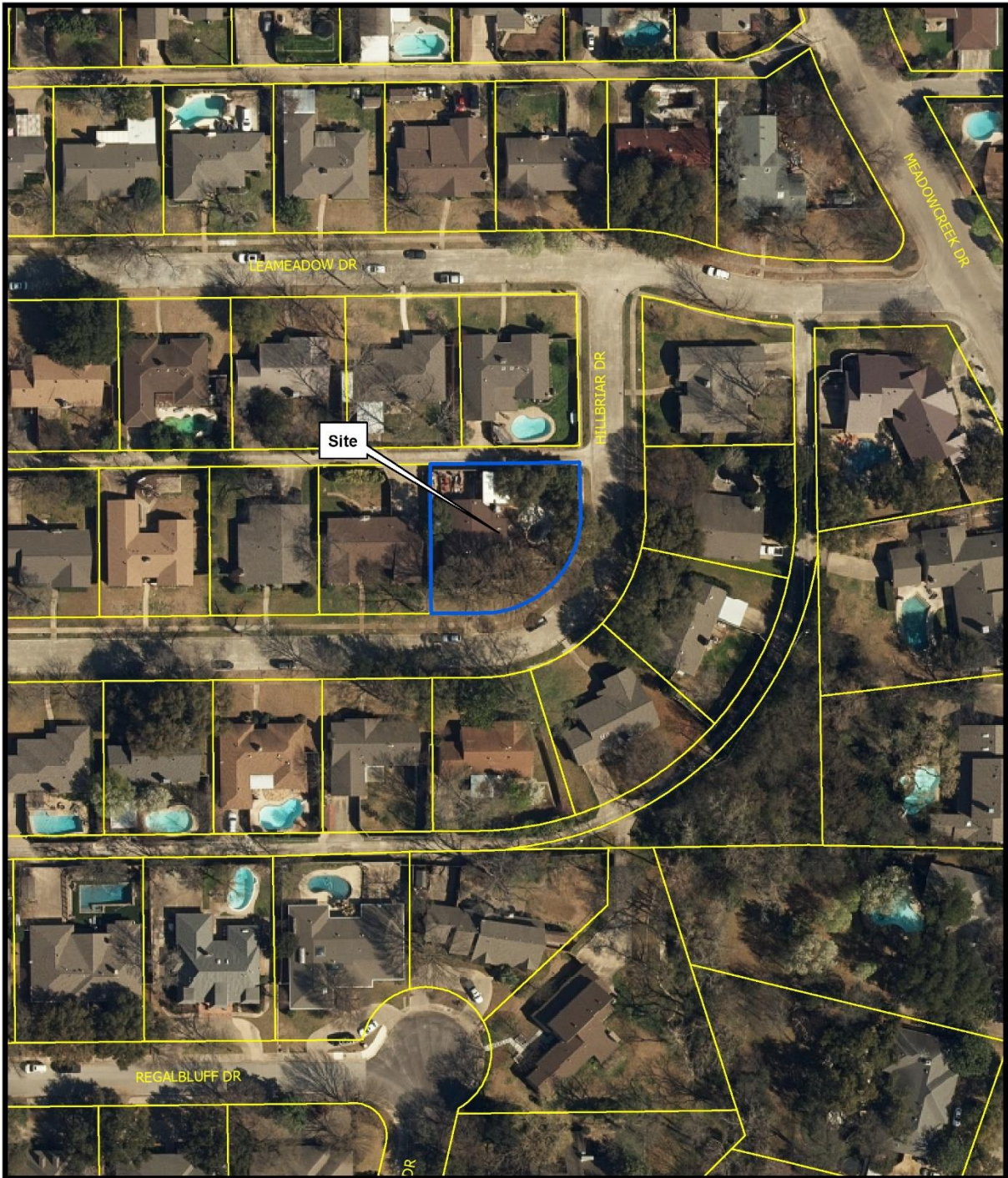


1:1,200

ZONING MAP

Case no: BDA190-103

Date: 11/23/2020



1:1,200

AERIAL MAP

Case no: BDA190-103

Date: 11/23/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-103

Data Relative to Subject Property:

Date: 7-23-2020

Location address: 6749 HILBRIAR DR. Zoning District: _____

Lot No.: 17 Block No.: 816189 Acreage: .28 Census Tract: 13607

Street Frontage (in Feet): 1) 187.64 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): KRISTEN MITCHELL

Applicant: JEFF SABA Telephone: 214-842-9394

Mailing Address: 6749 HILBRIAR DR. Zip Code: 75248

E-mail Address: JEFFSABA@42100.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of 7' 4"
FRONT FENCE HIGHEST POINT IS 7' 8"
APPLYING FOR 3' 4" EXCEPTION.

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 IS STRUCTURALLY SOUND, PROVIDES SAFE SPACE FOR WIFE & 3 DAUGHTERS AND IS NOT UNLIKE OTHER STRUCTURES LOCATED IN 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

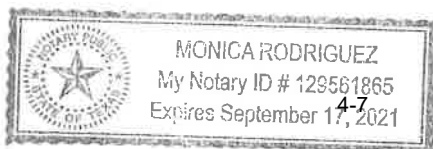
Before me the undersigned on this day personally appeared JEFF SABA
(Affiant/Applicant's name printed)

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 23 day of July, 2020

(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 Jeff Saba

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations
at 6749 Hillbriar Drive

BDA190-103. Application of Jeff Saba for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 6749 Hillbriar Dr. This property is more fully described as Lot 17, Block 8/8189, and is zoned R-10(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 an 8 foot high fence in a required front yard, which will require a 4 foot 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,


David Session, Building Official



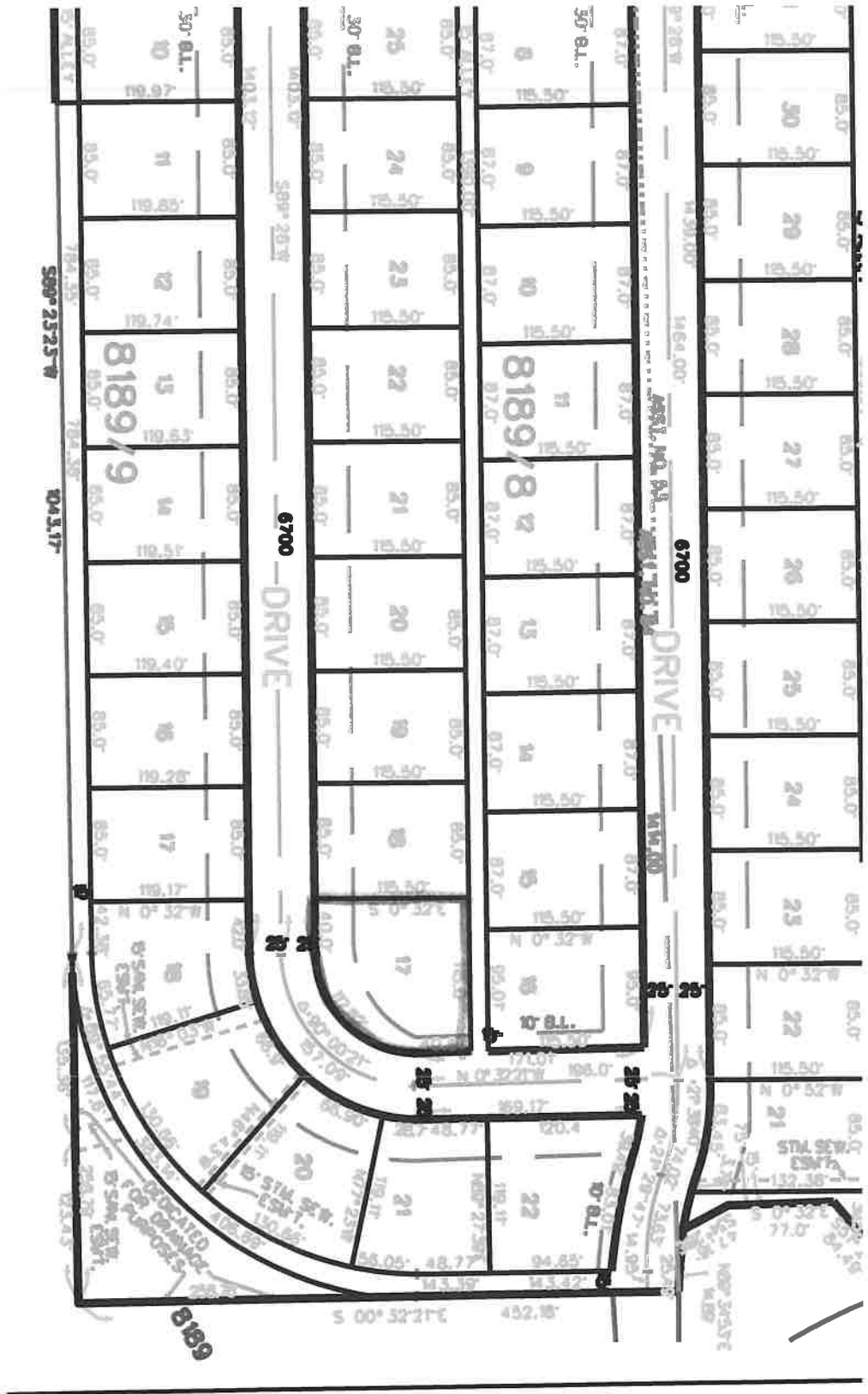
Printed: 9/10/2020

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 | Stop 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)







June 29, 2020

Jeff Saba
6749 Hillbriar Dr.
Dallas, TX. 75248

Re: BDA190-Fee Waiver (JM) Property at 6749 Hillbriar Dr.

Dear Mr. Saba:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, June 24, 2020, **granted** the request to waive the filing fees to be paid in association with a request for special exceptions to the fence height regulations and the fence standards regulations.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4208.

 for
Jennifer Munoz, Chief Planner/Board Administrator
Board of Adjustment
Sustainable Development and Construction

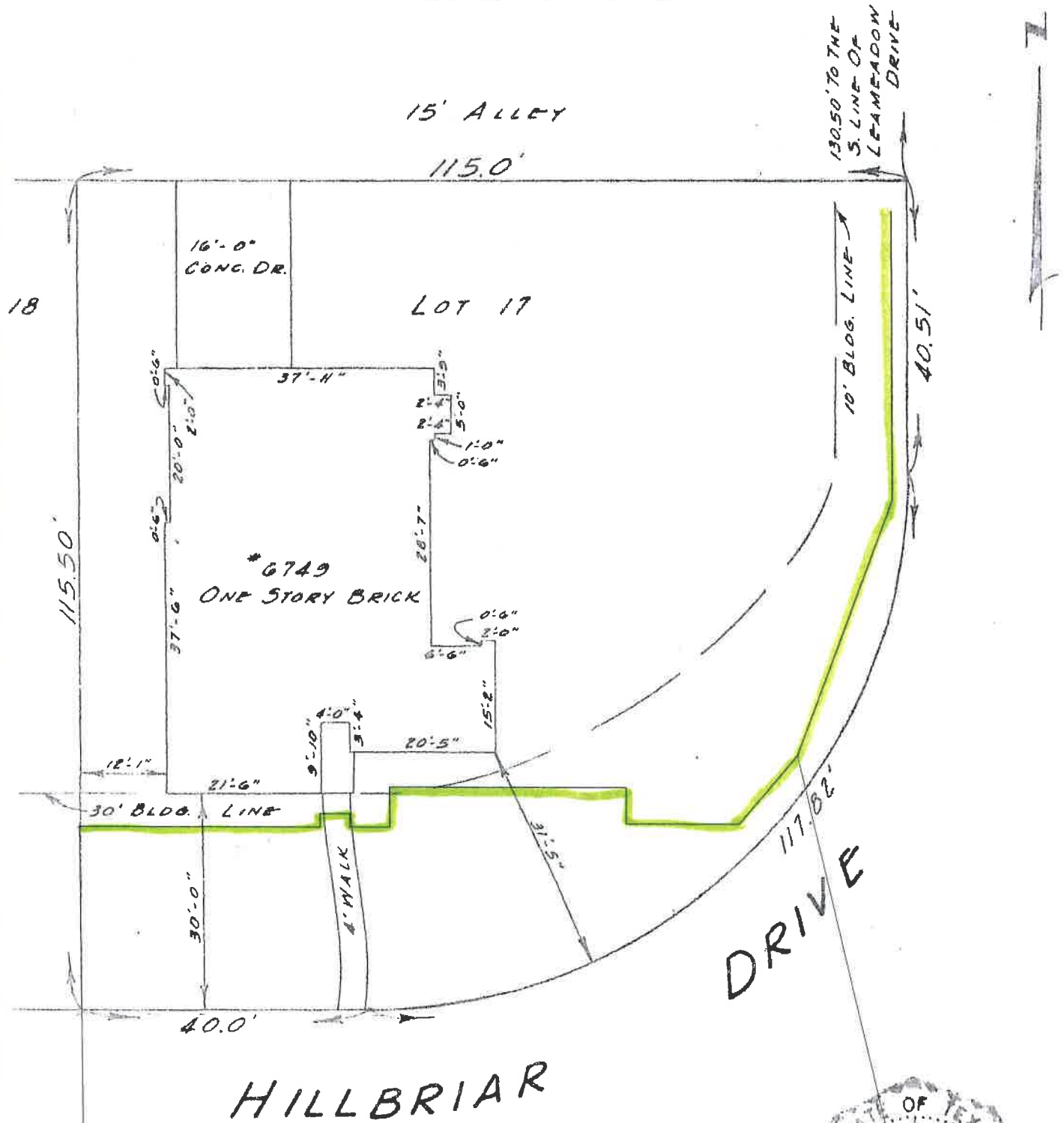
c: Code Enforcement, 3112 Canton, Room 100
Charles Trammell, Bldg. Inspection, 320 E. Jefferson #105

1" = 20'

915 NORTH BOWSER
RICHARDSON, TEXAS 75080

J. L. & A. W. CO.
REGISTERED PUBLIC SURVEYORS

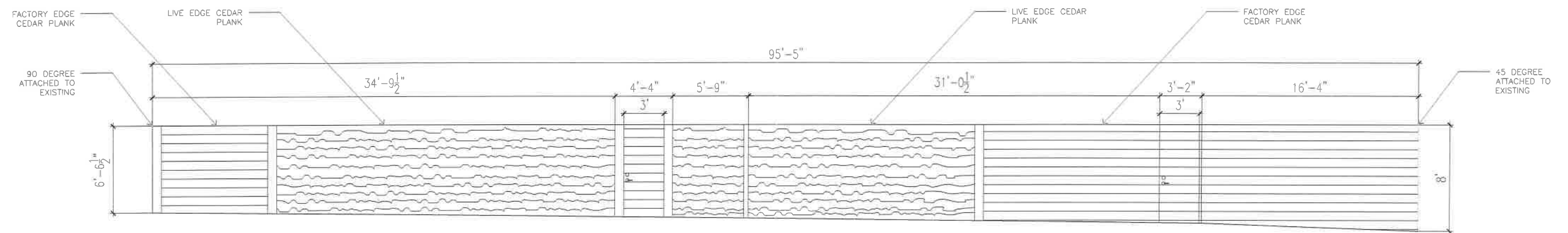
BUS. PHONE 231-6721



TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
 THIS IS TO CERTIFY THAT I HAVE THIS DATE MADE A CAREFUL AND ACCURATE SURVEY OF THE ABOVE

START OF
 PROPOSED
 FENCE.
 EXCEPTION FOR
 EXISTING FENCE,
 BUILT 2013

END OF
 PROPOSED
 FENCE.
 EXCEPTION FOR
 EXISTING FENCE,
 BUILT 2013



Aguilera, Oscar

From: Nevarez, David
Sent: Wednesday, December 2, 2020 8:38 AM
To: Aguilera, Oscar
Cc: Trammell, Charles; Munoz, Jennifer; Denman, Lloyd; Avatapalli, Shailaja; Erwin, Philip
Subject: BDA190-103(OA) Engineering Review Comments

Oscar,

The residential property at 6749 Hillbriar Drive is located along a pronounced roadway curve that limits sight distance from approaching vehicular and pedestrian traffic. The fence further encroaches into the horizontal sight distance and presents a traffic safety hazard—an existing condition that must be mitigated. Theoretically speaking, the location of the fence limits a motorist reaction time and the distance required to break. If the exception is approved or the fence remains in place, the City should install traffic warning signs indicating the horizontal alignment combined with an advisory speed of 20 MPH, based on calculations for stopping sight distance for horizontal curves.

Images from your recent visit also show recently planted trees along the parkway (adjacent to the curb). These trees constitute a code violation and must be removed immediately or allowed with written permit of arborist and director of park department, as stated in Sec 48-4 of the Dallas Development Code.

NOTE: If approved, the special exception to the front fence height does not grant an exception to any encroachment to the visibility triangle at the intersection of with the alley.



David Nevarez, P.E., PTOE, CFM

Traffic Engineering & Transportation Planning

Sustainable Development & Construction

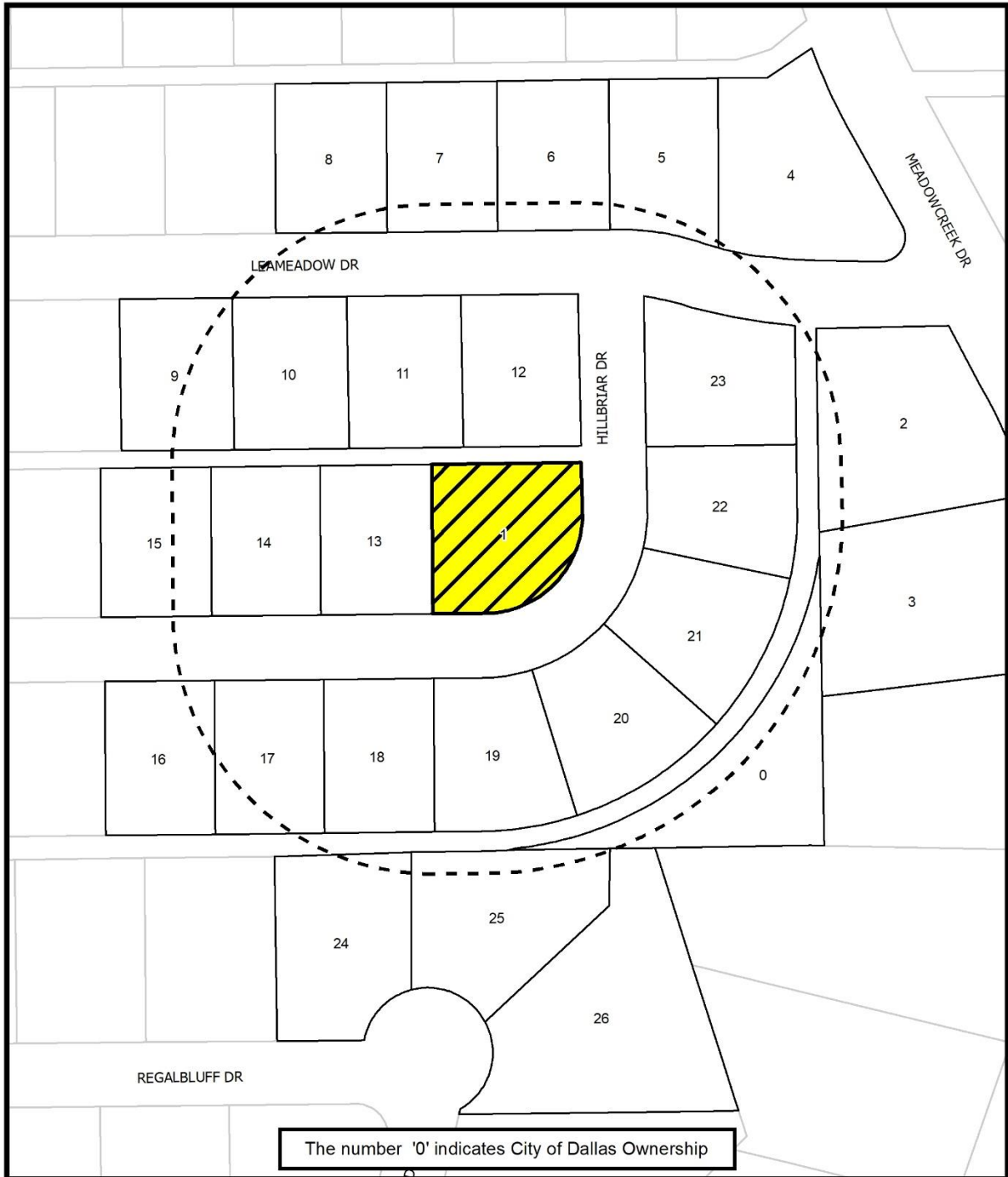
City of Dallas | www.dallascityhall.com

1500 Marilla St., 5BN, 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.**



1:1,200

NOTIFICATION

200'

AREA OF NOTIFICATION

26

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-103**

Date: **11/23/2020**

11/20/2020

Notification List of Property Owners

BDA190-103

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6749 HILLBRIAR DR	MITCHELL KRISTEN
2	5830 MEADOWCREEK DR	LAZA RANDALL J & DEBORAH D
3	5840 MEADOWCREEK DR	MONACO DAVID W & MOLLIE Y
4	6773 LEAMEADOW DR	ARENDR HENRY PAUL
5	6765 LEAMEADOW DR	MUELLER TIMOTHY &
6	6757 LEAMEADOW DR	ARENDR RESIDENTIAL RENTALS LP
7	6749 LEAMEADOW DR	PENA SHERRIE A
8	6741 LEAMEADOW DR	HUNNICUTT RHONDA S
9	6732 LEAMEADOW DR	CLARKE PATRICK T
10	6740 LEAMEADOW DR	HUNT BARBARA J
11	6748 LEAMEADOW DR	WEST NATALIE
12	6756 LEAMEADOW DR	EMPIRE MASTERMIND LLC
13	6741 HILLBRIAR DR	CASTRO MARICELLA NICOLE
14	6733 HILLBRIAR DR	RIVERA ALFREDO E & VIVIAN LEE
15	6725 HILLBRIAR DR	ALBON RICHARD & AILEEN
16	6724 HILLBRIAR DR	STASKO GERALD &
17	6732 HILLBRIAR DR	HELDMAN PETER & NANCY FAMILY
18	6740 HILLBRIAR DR	ARRINGTON JANE ADELE
19	6748 HILLBRIAR DR	CIMPL MADISON
20	6756 HILLBRIAR DR	ZWIEBEL JEFFREY LEE
21	6760 HILLBRIAR DR	JOHNSON TY M
22	6764 HILLBRIAR DR	HAMILTON FREDERICK D
23	6768 HILLBRIAR DR	ZECH ALFRED K
24	6737 REGALBLUFF DR	GRAHAM MICHAEL
25	6741 REGALBLUFF DR	SUTTON LOUIS A &
26	6818 HARVEST GLEN DR	DUKE RICHARD & JUDITH

FILE NUMBER: BDA190-116(OA)

BUILDING OFFICIAL'S REPORT: Application of Juan G. Cortez represented by Francisca Cortez for a variance to the side yard setback regulations at 7227 Bramlett Drive. This property is more fully described as Lot 16, Block 1/6290, and is zoned an R-7.5(A) Single Family District, which requires a side yard setback of five feet. The applicant proposes to construct and maintain a single family residential structure and provide a four-foot one-inch side yard setback, which will require an 11-inch variance to the side yard setback regulations.

LOCATION: 7227 Bramlett Drive

APPLICANT: Francisca Cortez

REQUESTS:

A variance to the side yard setback regulations of is made to remodel and maintain an approximately 1,700-square-foot single family structure four-feet one-inch from the side property line (western) or 11 inches into the five-foot side yard setback on a site that is developed with a single family home.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (side yard variance):

Denial

Rationale:

- Staff gathered from the site plan submitted by the applicant that the site has a restrictive area due to a rear easement that reduces the developable area of the lot from 5,164 to 4,997 square feet after subtracting the easement and the required setbacks.
- However, no comparison or other lots with the same zoning or supplemental evidence was provided by the time this report was completed. Therefore, staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site or whether the property differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning designation.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family district)

North: R-7.5(A) (Single family district)

South: R-7.5(A) (Single family district)

East: R-7.5(A) (Single family district)

West: R-7.5(A) (Single family district)

Land Use:

The subject site and surrounding properties are developed with single family uses.

Zoning/BDA History:

There have not been any related board or zoning cases within the vicinity of the subject site within the last five years.

GENERAL FACTS /STAFF ANALYSIS:

The purpose of this request for a variance to the side yard setback regulations of 11 inches focuses on remodeling and maintaining an approximately 1,700-square-foot single family home structure four-feet one-inch from the side property line (western) or 11 inches into the five-foot side yard setback. This property is located in an R-7.5(A) Single Family District which requires a minimum side yard setback of five feet.

According to DCAD records, the “main improvements” for the property addressed at 7227 Bramlett Drive, include a single family structure built in 1949 with 690 square feet of living/total area. DCAD shows an 804-square-foot room addition and a 140-square-foot detached storage building for this property.

The subject site is flat, virtually rectangular (approximately 137 feet x 56 feet), and according to the submitted application, is 0.177 acres (or 7,672 square feet) in area. The site is zoned an R-7.5(A) Single Family District where lots are typically 7,500 square feet in area. The subject site has a 14-foot four-inch easement that reduces the development area for this property.

The submitted site plan indicates the proposed structure is to be located 11 inches from the west side property line or four-feet one-inch into this five-foot side yard setback.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) Single Family District zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) Single Family District zoning classification.

If the board were to grant the variance request and impose the submitted site plan as a condition, the structure in the side yard setbacks would be limited to what is shown on this document– which in this case is a structure that would be located 11-inches from the west side property line or four-feet one-inch into this five-foot side yard setback.

Timeline:

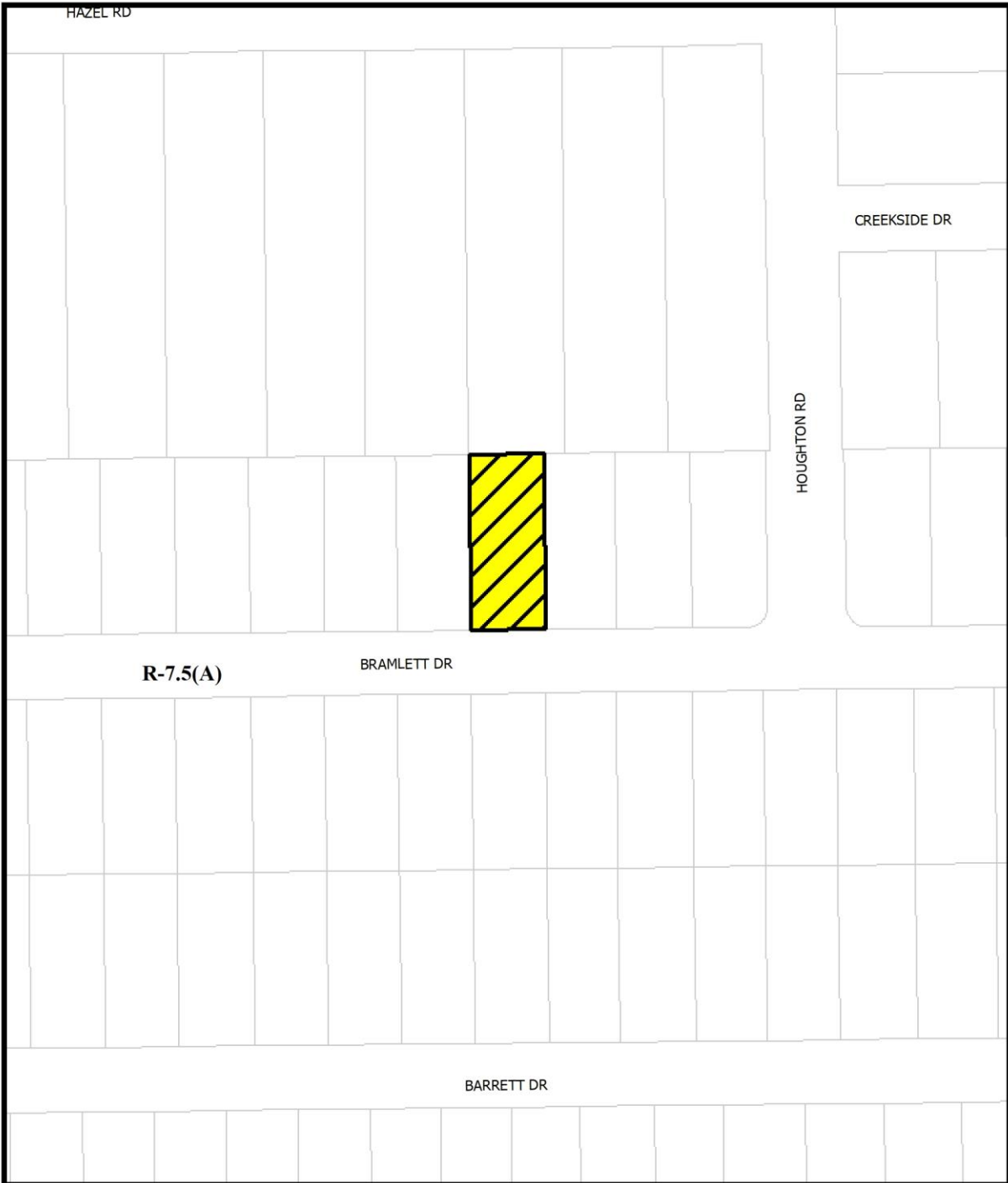
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- an attachment that provided the public hearing date and panel that will consider the application; the November 24, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the December 4, 2020 deadline to submit additional 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."

December 1, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the December public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Department Building Inspection Senior Plans Examiner, the Sustainable Development and Construction Assistant Director of Engineering, the Sustainable Development and Construction Senior Engineer, Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the board.

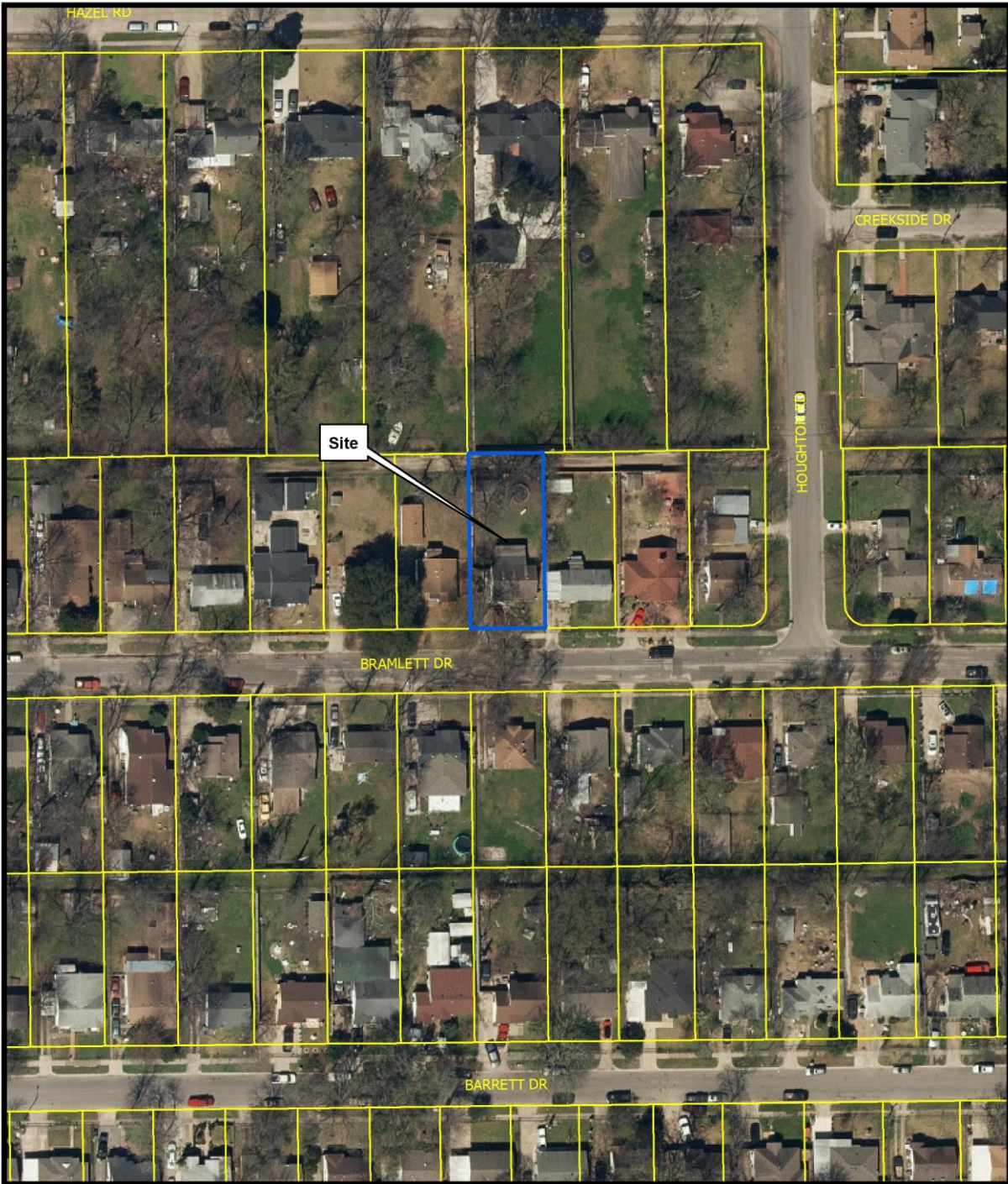


1:1,200

ZONING MAP

Case no: BDA190-116

Date: 11/23/2020



1:1,200

AERIAL MAP

Case no: BDA190-116

Date: 11/23/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-116

Data Relative to Subject Property:

Date: 11-2-20

Location address: 7227 Bramlett Dr Zoning District: R-7.5 (K)

Lot No.: 16 Block No.: 1/6296 Acreage: .177 Census Tract: 93.01

Street Frontage (in Feet): 1) 56' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Juan G.

Applicant: Juan G. Cortez Telephone: 214-758-9560

Mailing Address: 7227 Bramlett Dr Zip Code: 75217

E-mail Address: Francisca.Cortez@yahoo.com

Represented by: Francisca Cortez Telephone: 214-797-9486

Mailing Address: 7227 Bramlett Dr Zip Code: 75217

E-mail Address: Francisca.Cortez@yahoo.com

Affirm that an appeal has been made for a Variance , or Special Exception _____, of 10" to the Required 5' 5y 5B + provide A 4' 2" 5y 5B

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:

I would be very grateful for the extra space I want over the reason been I have a big family and extra space could mean will will to use and we are in need in more space for are family. Also are house was to small and are family is growing.

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

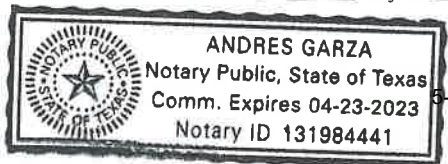
Before me the undersigned on this day personally appeared Juan G. Cortez
(Affiant/Applicant's name printed)

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: Juan Cortez
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 1st day of November, 2020

(Rev. 08-01-11)



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

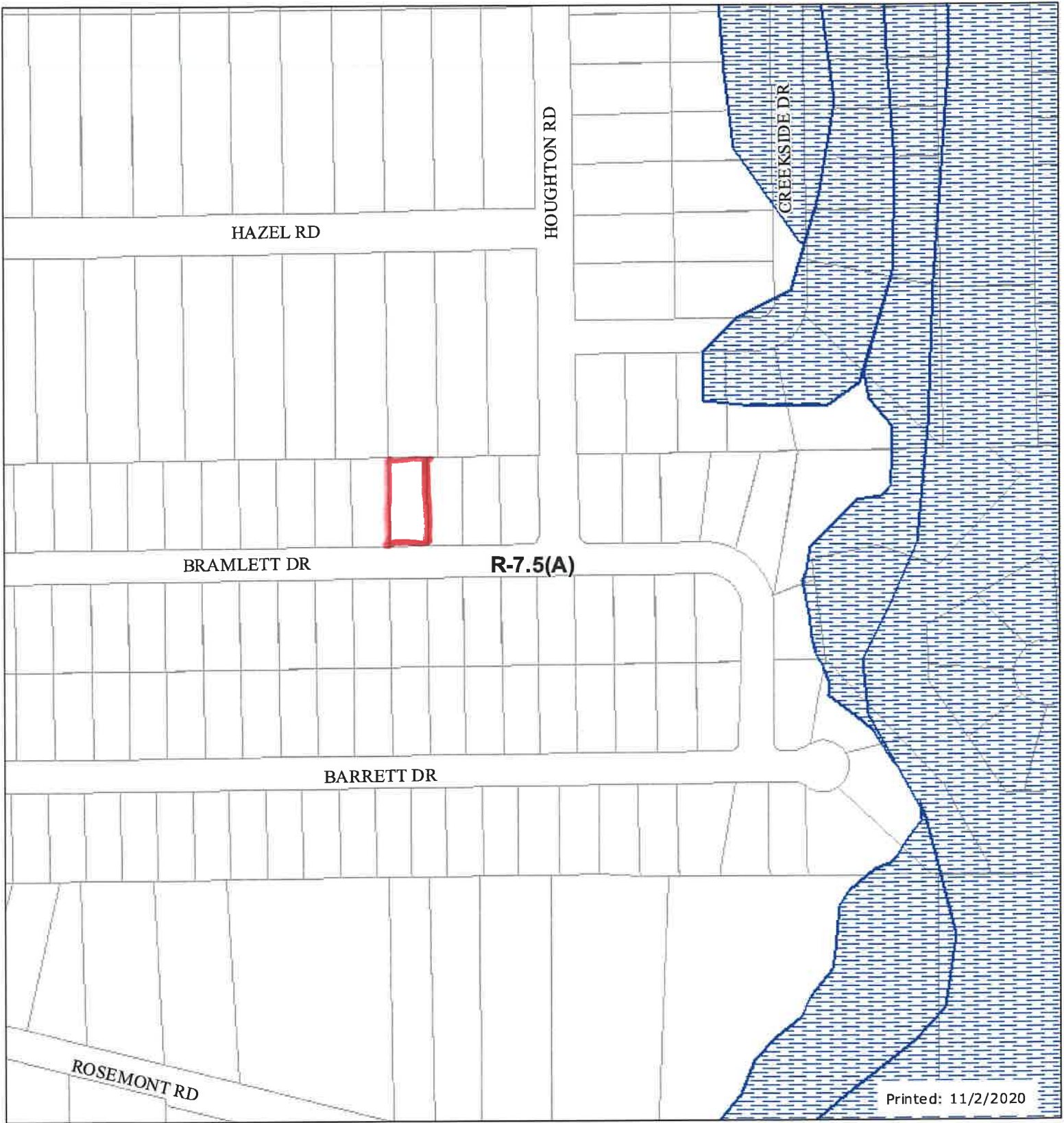
Building Official's Report

I hereby certify that JUAN G CORTEZ
 represented by FRANCISCA CORTEZ
 did submit a request for a variance to the side yard setback regulations
 at 7227 Bramlett Drive

BDA190-116. Application of JUAN G CORTEZ represented by FRANCISCA CORTEZ for variance to the side yard setback regulations at 7227 BRAMLETT DR. This property is more fully described as Lot 16, Block 1/6290, and is zoned R-7.5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 4 foot 1 inch side yard setback, which will require an 11 inch variance to the side yard setback regulations.

Sincerely,


 David Session, Building Official



Printed: 11/2/2020

Legend

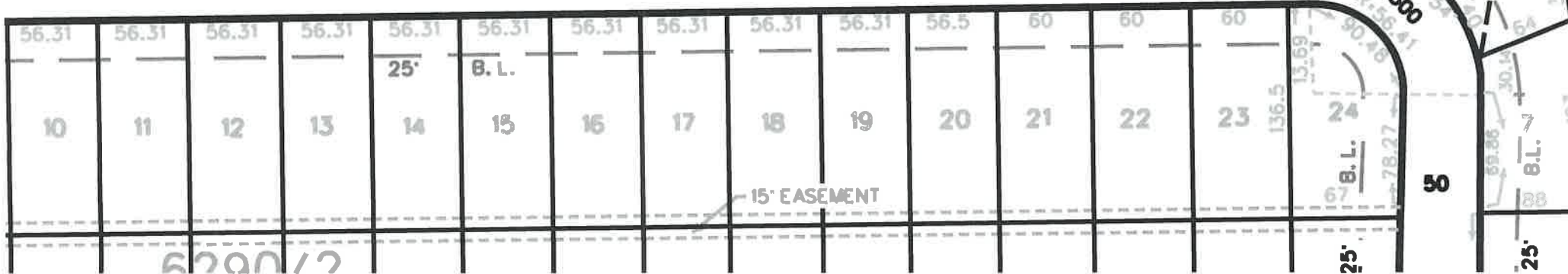
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Roadplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | 5.9 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)



3
6292

5
6292



B & D SURVEYING, INC.

FIRM NO. 101247-00



P.O. BOX 293264
LEWISVILLE, TEXAS 75029
PHONE: 972-221-2838
bd@bandsurveying.com

DATE: 08/26/2020
B & D JOB #: 20080770
TECH: JAV

LEGEND

	CONCRETE		WOOD FENCE
	BRICK		CHAIN LINK FENCE
	ASPHALT		WROUGHT IRON FENCE
	WOOD		WOOD POST ONLY
	STONE		OVERHEAD TELEPHONE LINE
"B&D" = RED CAP STAMPED "B&D SURVEYING"			OVERHEAD ELECTRIC LINE
PRDCT = PLAT RECORDS DALLAS COUNTY, TEXAS			IRF(S) = IRON ROD FOUND (SET)
			IPF = IRON PIPE FOUND
			CM = CONTROLLING MONUMENT
			FD. = FOUND MON.

BOUNDARY SURVEY

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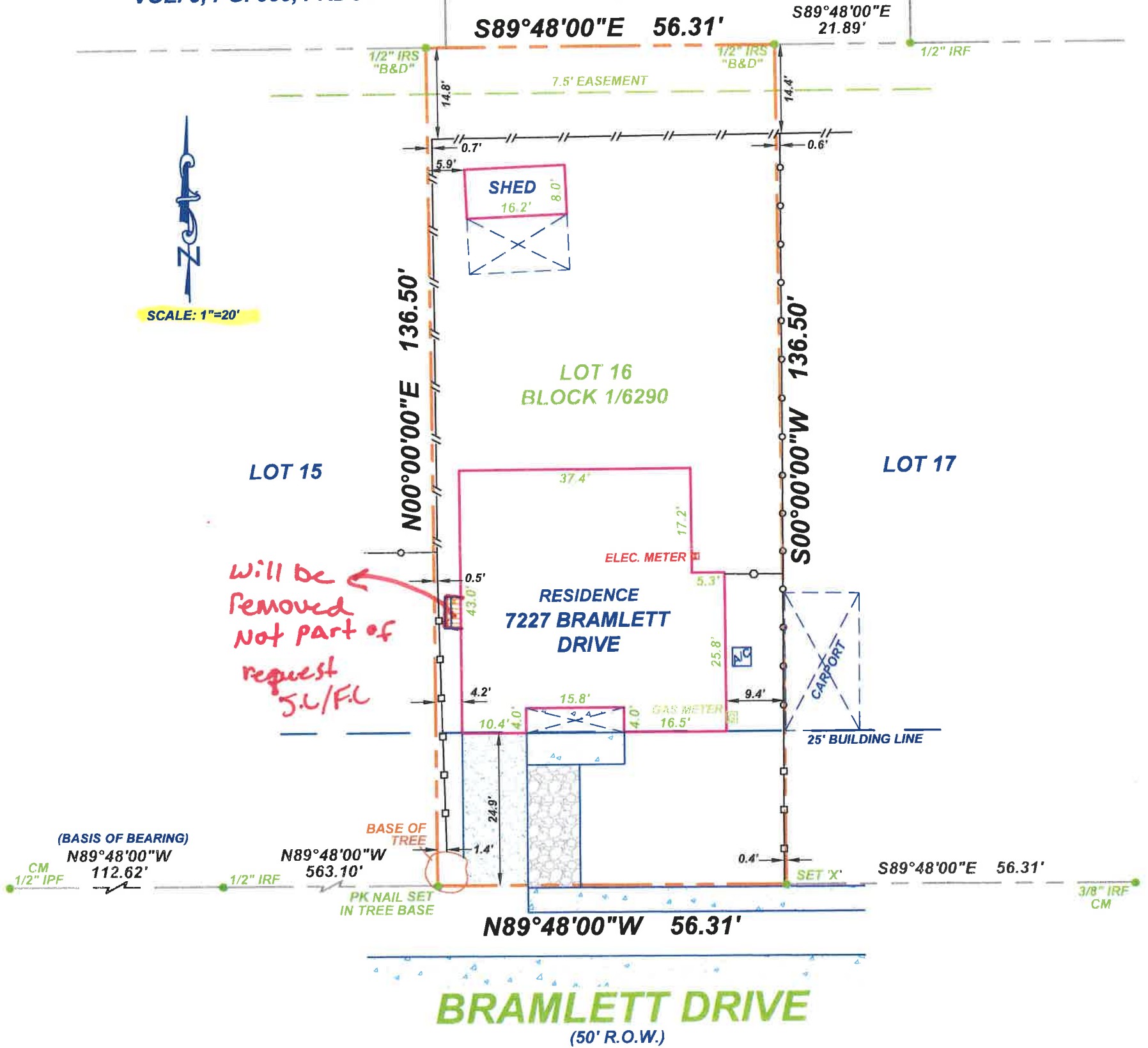
GF#: N/A

Juan G. Cortez
7227 Bramlett Drive
Dallas, Texas 75217

LOT 11, BLOCK 3/6292
CLOVER LAWN SUBDIVISION
VOL. 9, PG. 359, PRDCT

LOT 12, BLOCK 3/6292
CLOVER LAWN SUBDIVISION
VOL. 9, PG. 359, PRDCT

LOT 13, BLOCK 3/6292
CLOVER LAWN SUBDIVISION
VOL. 9, PG. 359, PRDCT



PROPERTY DESCRIPTION

7227 BRAMLETT DRIVE, LOT 16 IN BLOCK 1/6290, OF GROVE HAVEN ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 13, PAGE 333, MAP RECORDS, DALLAS COUNTY, TEXAS.

SURVEYORS CERTIFICATION

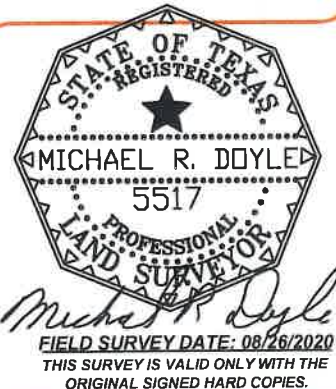
THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON, IS CORRECT, AND TO THE BEST OF MY KNOWLEDGE THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS AND EASEMENTS OF RIGHT-OF-WAY THAT I HAVE BEEN ADVISED OF EXCEPT AS SHOWN HEREON. SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

FLOOD STATEMENT

THE PROPERTY DESCRIBED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 48113C0505J PRESENT EFFECTIVE DATE OF MAP AUGUST 23, 2001, HEREIN PROPERTY SITUATED WITHIN ZONE X (UNSHADED).

GENERAL NOTES

- 1.) THE BASIS OF BEARING FOR THIS SURVEY WAS DERIVED FROM DATA PROVIDED ON THE RECORDED PLAT.
- 2.) THERE ARE NO VISIBLE CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.
- 3.) THIS SURVEY IS FOR THE EXCLUSIVE USE OF THE NAMED CLIENT, MORTGAGE COMPANY, TITLE COMPANY, AND IS MADE PURSUANT TO THAT ONE CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER, IF ANY, LISTED HEREON.
- 4.) AS OF THIS DATE, ALL EASEMENTS, RIGHTS-OF-WAY OR OTHER LOCATABLE MATTERS OF RECORD SHOWN OR NOTED HEREON WERE DERIVED FROM THE RECORDED PLAT, THE VESTING DEED, OR THE TITLE REPORT AND SUPPORTING DOCUMENTS. ALL SUCH ITEMS WERE OBTAINED DURING THE RESEARCH PHASE OF THIS SURVEY OR PROVIDED BY THE CLIENT/TITLE COMPANY LISTED HEREON. B & D SURVEYING, INC. MAKES NO REPRESENTATION AS TO THE ACCURACY OR COMPLETENESS OF SUCH ITEMS AND HAS MADE NO ATTEMPTS TO OBTAIN OR SHOW ANY ADDITIONAL RESTRICTIONS ON OR NEAR THIS PROPERTY PUT IN PLACE BY LOCAL MUNICIPALITIES OR ASSOCIATIONS.
- 5.) BEFORE STARTING ANY CONSTRUCTION, CALL DIGTEST TO LOCATE ANY POSSIBLE UNDERGROUND LINES. "CALL 811 BEFORE YOU DIG, ITS THE LAW."
- 6.) THE EXISTING UTILITIES DEPICTED HEREON ARE BASED ON FIELD LOCATION OF VISIBLE, ABOVE GROUND EVIDENCE. UNDERGROUND UTILITIES AND OTHER MINOR IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY. B & D SURVEYING, INC. IS NOT RESPONSIBLE FOR THE EXACT LOCATION OF SUBSURFACE UTILITIES, OR FOR ANY DAMAGES BY ANY CONSTRUCTION OR EXCAVATION ON OR NEAR SAID UTILITIES.
- 7.) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF TITLE COMMITMENT; THEREFORE, NO SEARCH OF RECORDED EASEMENTS WAS PERFORMED.
- 8.) RECORDED PLAT DOES NOT REFERENCE TYPE OF MONUMENTS SET BY ORIGINAL SURVEYOR, ENGINEER OR DEVELOPER. THEREFORE, ORIGINAL MONUMENTS MAY OR MAY NOT HAVE BEEN SET.



No.	REVISION/ISSUE	DATE

PROJECT NAME

SINGLE FAMILY RESIDENCE

ADDRESS

7227 BRAMLETT DR
DALLAS, TEXAS 75217

SHEET TITLE:

EXISTING ELEVATION PLAN

SCALE

3/16" = 1'-0"

DRAWN BY:

REVISED BY:

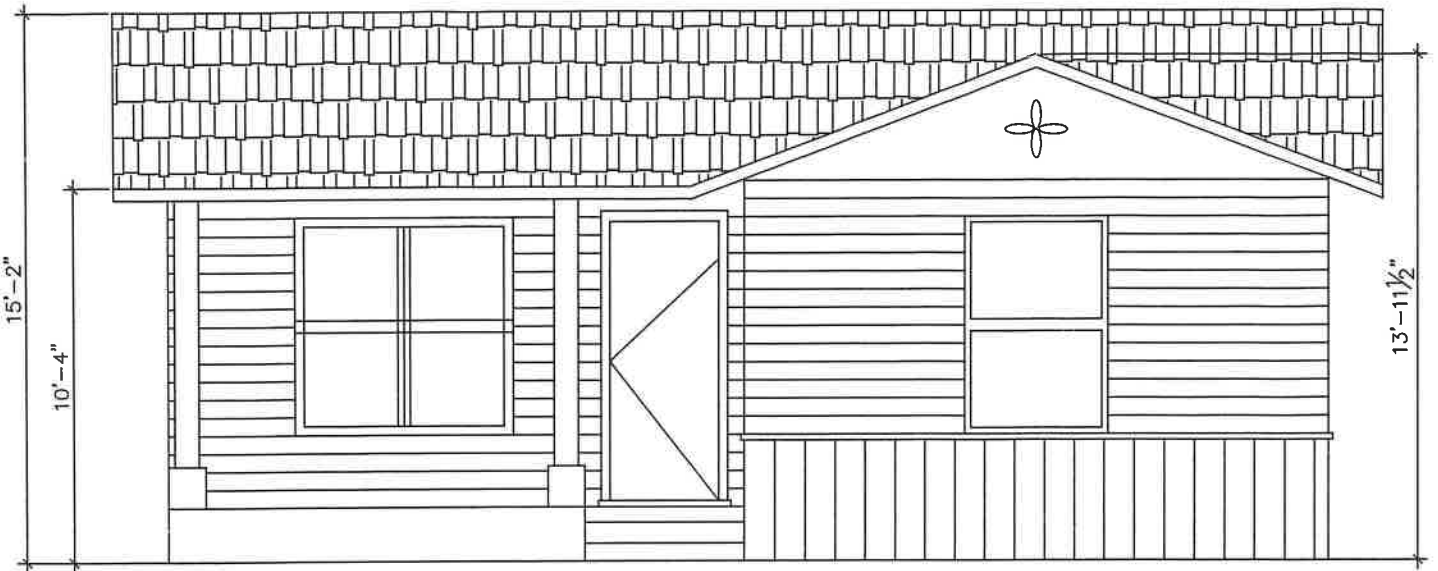
ISSUED FOR

SHEET No.

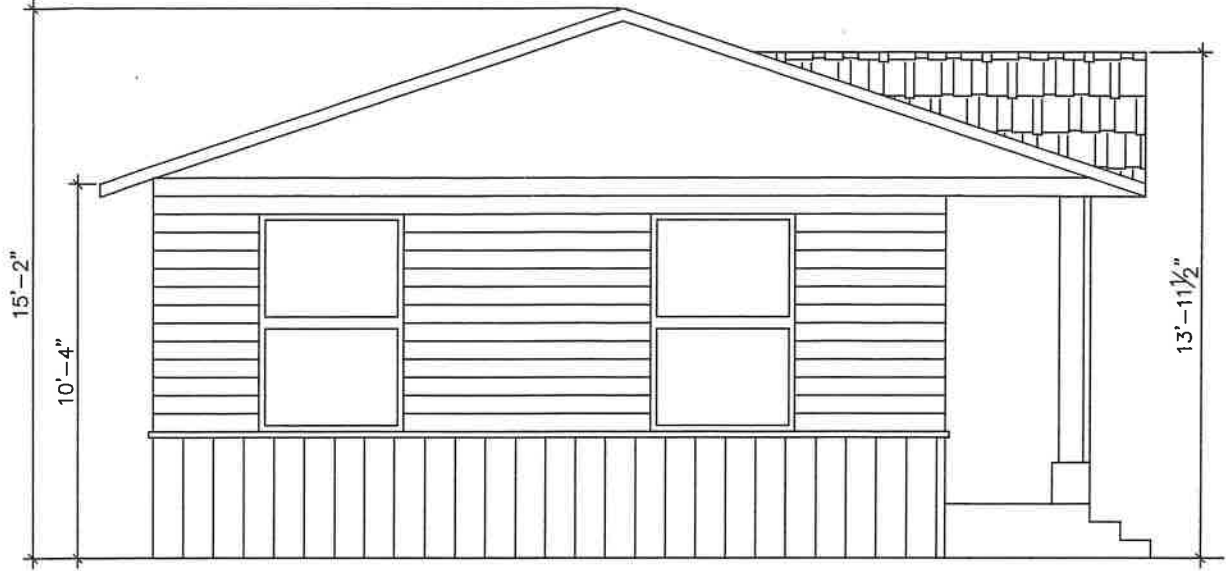
DATE

09.23.2018

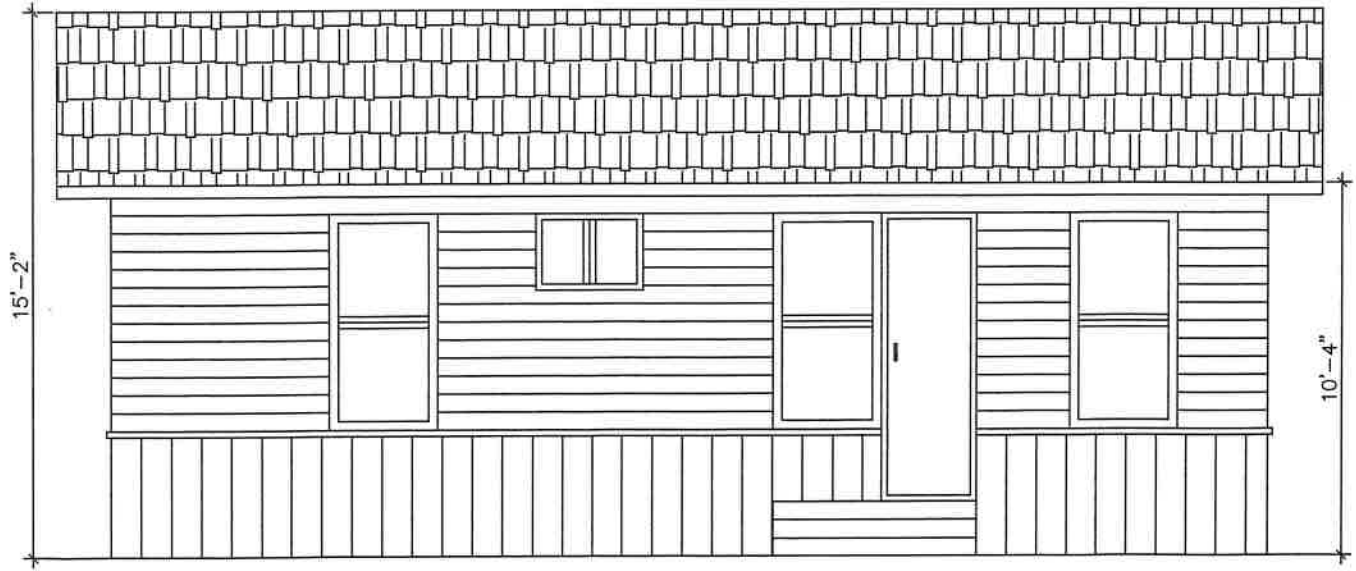
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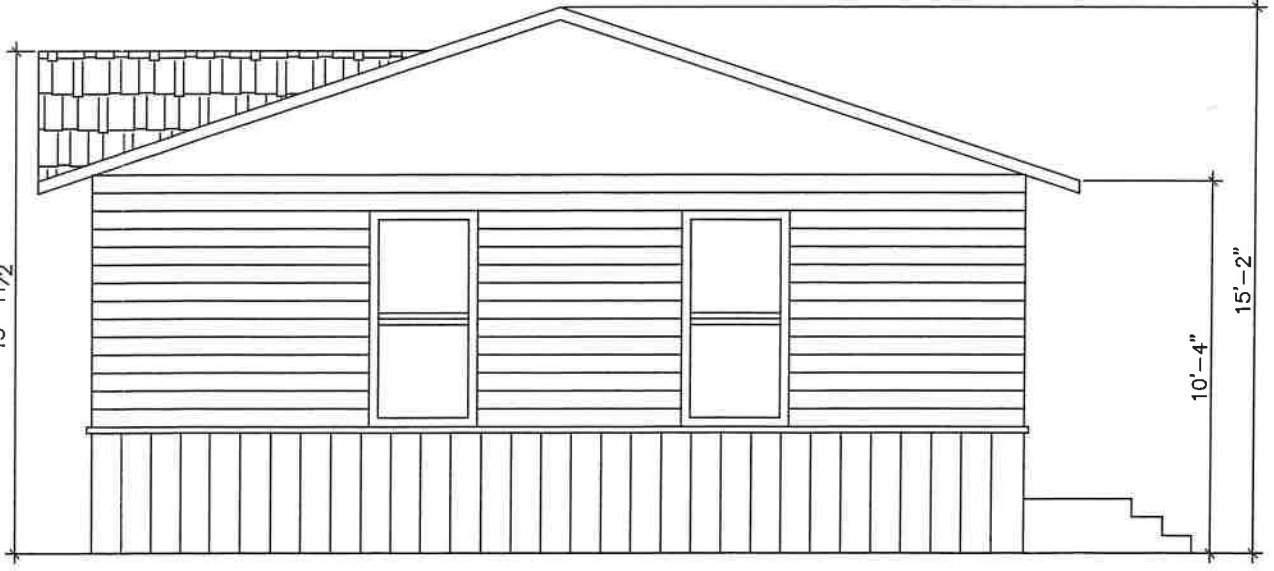
FRONT ELEVATION



RIGTH ELEVATION



REAR ELEVATION



LEFT ELEVATION

OWNER

No.	REVISION/ISSUE	DATE

PROJECT NAME

SINGLE FAMILY RESIDENCE

ADDRESS

7227 BRAMLETT DR
DALLAS, TEXAS 75217

SHEET TITLE:

FLOOR PLAN

SCALE

3/16" = 1'-0"

DRAWN BY:

REVISED BY:

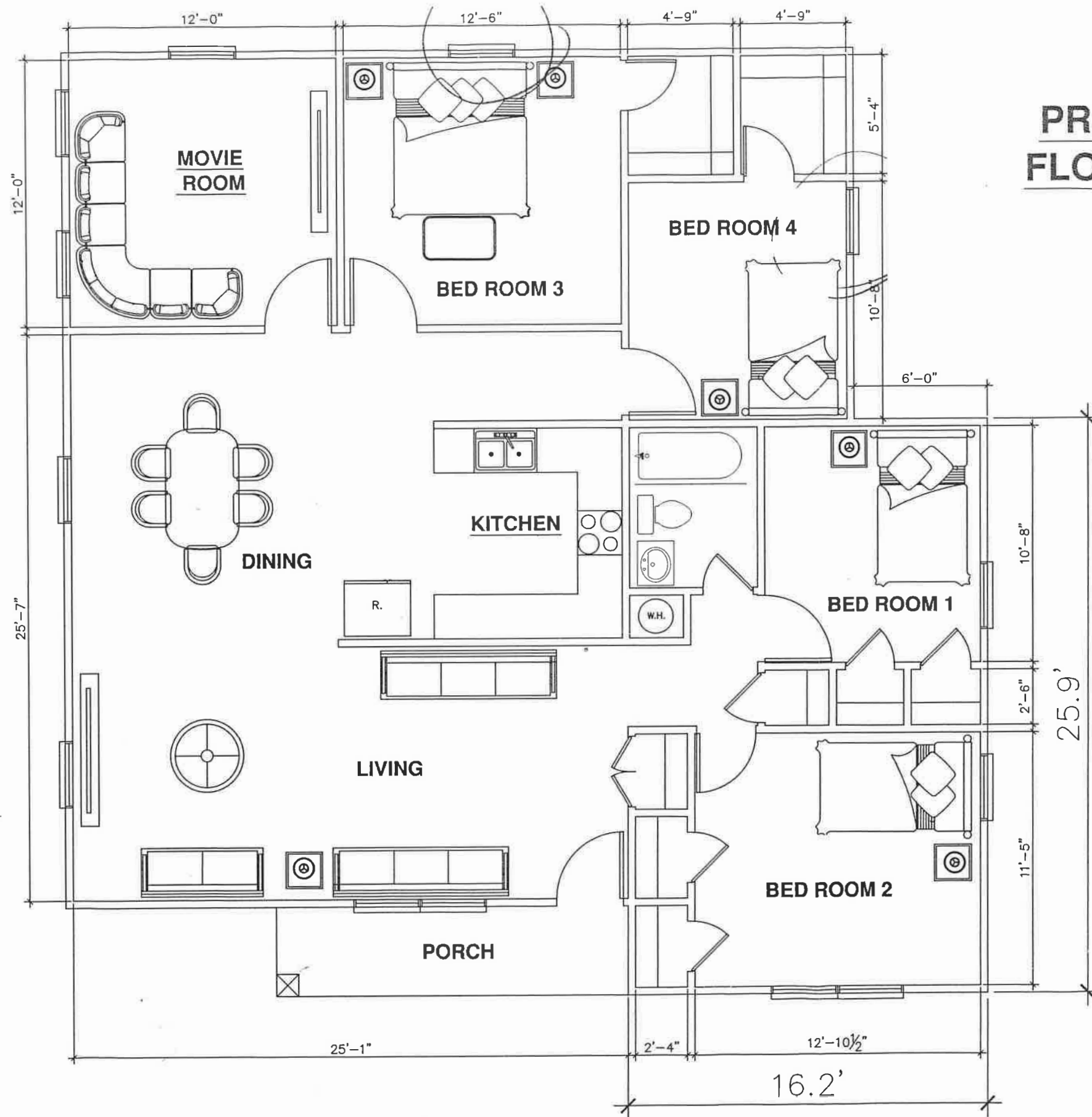
ISSUED FOR

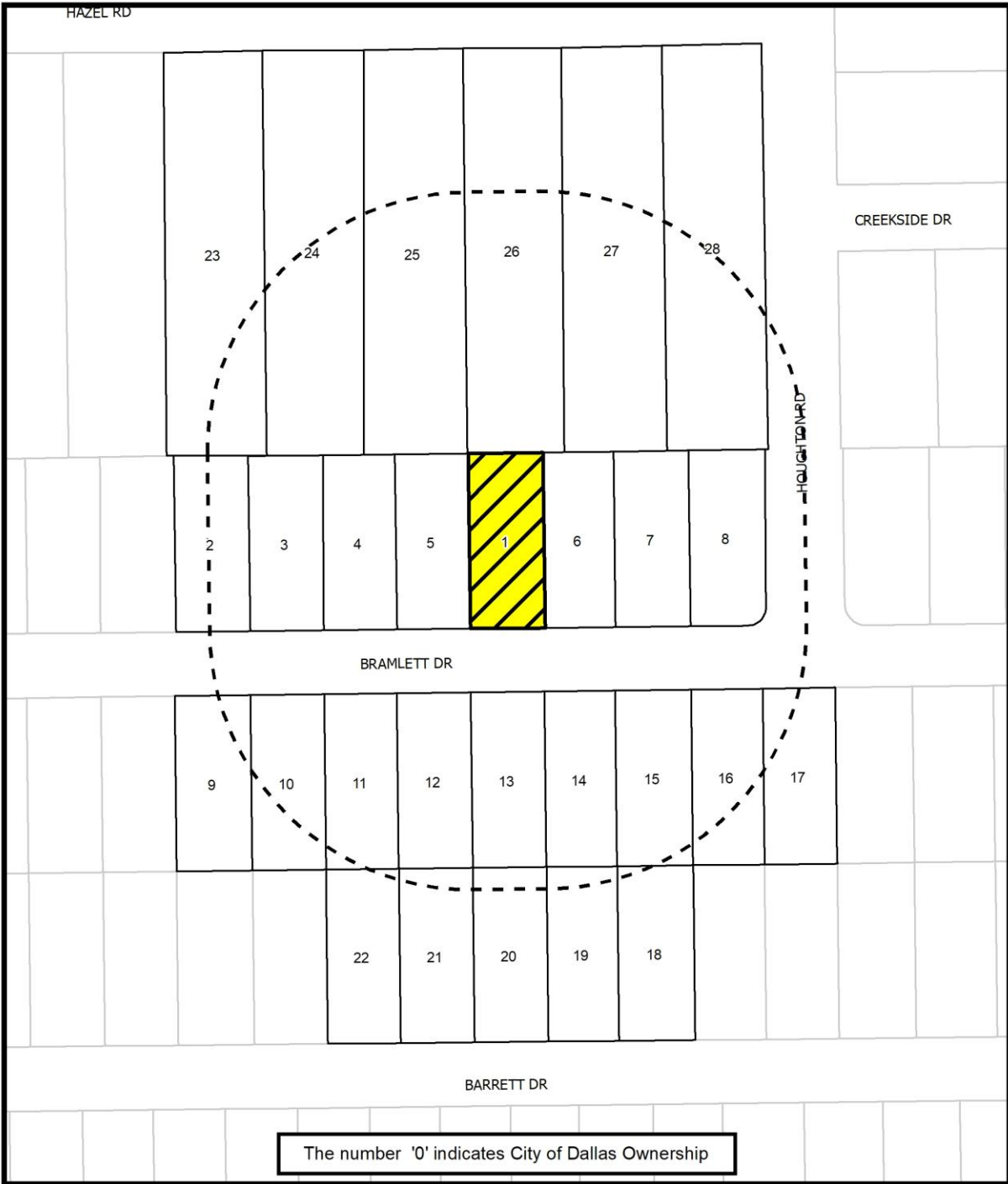
SHEET No.

DATE
09.23.2018

3.0

PROPOSED FLOOR PLAN





 1:1,200	<h2>NOTIFICATION</h2> <p> 200' AREA OF NOTIFICATION 28 NUMBER OF PROPERTY OWNERS NOTIFIED </p>	Case no: <u>BDA190-116</u> Date: <u>11/23/2020</u>
--	---	---

11/20/2020

Notification List of Property Owners

BDA190-116

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7227 BRAMLETT DR	CORTEZ JUAN G
2	7207 BRAMLETT DR	CASTRO CARLOS
3	7211 BRAMLETT DR	MARTINEZ RAYMOND ROBERT &
4	7217 BRAMLETT DR	DELAROSA MARY L
5	7221 BRAMLETT DR	MANNING JAYNE LAVON
6	7231 BRAMLETT DR	RAMIREZ JUAN GABRIEL
7	7235 BRAMLETT DR	VILLASENOR ESTHER &
8	7239 BRAMLETT DR	AYALA BETTIE IRENE
9	7206 BRAMLETT DR	LOPEZ NEMIAS
10	7210 BRAMLETT DR	HERNANDEZ JUAN
11	7216 BRAMLETT DR	JER REALTY INC
12	7220 BRAMLETT DR	OROZCO VIRIDIANA
13	7226 BRAMLETT DR	IPINA RAUL
14	7230 BRAMLETT DR	GALAVIZ CARLOS & ROSALBA SECILLON
15	7234 BRAMLETT DR	ALLINDER PROPERTIES LLC
16	7238 BRAMLETT DR	FLORES JORGE IBARRA
17	7242 BRAMLETT DR	OBREGON NELLY
18	7235 BARRETT DR	MARTINEZ GILDARDO R
19	7231 BARRETT DR	FIGUEROA MANUEL A & ROSA
20	7227 BARRETT DR	MARTINEZ ENRIQUE
21	7221 BARRETT DR	THOMPSON DARRELL
22	7217 BARRETT DR	HERNANDEZ CELIA
23	7206 HAZEL RD	CASTILLO JOSE DE TRANSITO
24	7212 HAZEL RD	MORALES ALMA E
25	7218 HAZEL RD	JORDAN ROBERT L &
26	7224 HAZEL RD	DIAZ ARMANDO & ANTONIA
27	7230 HAZEL RD	HERIBERTO CHAPARRO
28	7236 HAZEL RD	SANTANA YOHANA