



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, APRIL 20, 2021

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 March 16, 2021 Board of Adjustment Panel A Public Hearing Minutes	M1
BDA201-FW2(OA)	819 Rockwood St. REQUEST: Application of Gregory S. Bowden requesting a fee waiver for special exceptions to the to the prohibited fence materials regulations and to the visibility obstruction regulations.	M2

UNCONTESTED CASES

BDA201-033(OA) 5539 Belmont Avenue 1
REQUEST: Application of La Sierra Planning Group for a
variance to the front yard setback regulations

REGULAR CASES

None.

HOLDOVER CASES

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: BDA201-FW2

BUILDING OFFICIAL'S REPORT: Application of Gregory S. Bowden, for a special exception to the prohibited fence materials regulations and for special exceptions to the visibility obstruction regulations at 819 Rockwood Street.

LOCATION: 819 Rockwood Street

APPLICANT: Gregory S. Bowden

REQUESTS:

The applicant is requesting a fee waiver for a special exceptions to the to the prohibited fence materials regulations and to the visibility obstruction regulations. The fee waiver is requested to maintain an eight-foot-tall corrugated metal fence fronting the alley.

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 apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The 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.

Aguilera, Oscar

From: Gregory Bowden
Sent: Wednesday, March 10, 2021 11:33 AM
To: Aguilera, Oscar
Subject: Fw: Fwd: Benefit Exhaustion Approaching / Aproximación al Agotamiento de Beneficios

External Email!

Mr. Aguilera: Enclosed is a copy from the Texas Unemployment Commission for myself; Gregory S. Bowden, as part of my Financial Hardship Record of Proof as per our discussion on 03-10-2021 11am. Thank you for your request and assistance. Sincerely, Gregory S. Bowden

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Gregory Bowden"

To:

Sent: Mon, Mar 8, 2021 at 10:37 AM

Subject: Fwd: Benefit Exhaustion Approaching / Aproximación al Agotamiento de Beneficios

----- Forwarded message -----

From: <do-not-reply@twc.state.tx.us>

Date: Mon, Mar 8, 2021, 7:16 AM

Subject: Benefit Exhaustion Approaching / Aproximación al Agotamiento de Beneficios

To: <bowdengregory>

Subject: Benefit Exhaustion Approaching

You have less than three (3) weeks of unemployment benefits remaining on your current claim. When you exhaust your regular unemployment benefits and if you are still unemployed, TWC will automatically determine if you qualify for additional benefits. If you do, we will automatically enroll you in one of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) pandemic program claims or in Extended Benefits (EB). You will be notified by mail or electronic correspondence of your eligibility. You do not need to submit another claim application.

Please note - if you do qualify for these additional benefits, the enrollment process may take up to two business days.

While you are still unemployed, continue to request benefit payment every two weeks either on Unemployment Benefits Services at ui.texasworkforce.org, select Payment Request, or by calling Tele-Serv between 7 a.m. and 6 p.m. Central time at 800-558-8321, select Option 1.

Subject: Aproximación al Agotamiento de Beneficios

Tiene menos de tres (3) semanas de beneficios de desempleo restantes en su reclamo actual. Cuando agote sus beneficios de desempleo normales y si todavía está desempleado, la TWC determinará automáticamente si califica para beneficios adicionales. Si lo hace, lo inscribiremos automáticamente en uno de los reclamos del programa de pandemia de la Ley de Ayuda, Alivio y Seguridad Económica por Coronavirus (Ley CARES) o en Beneficios Extendidos (EB). Se le avisará por correo o correspondencia electrónica de su elegibilidad. No es necesario que envíe otra solicitud de reclamo.

Tenga en cuenta que - si califica para estos beneficios adicionales, el proceso de inscripción puede demorar hasta dos días hábiles.

Mientras esté desempleado, continúe solicitando el pago de beneficios cada dos semanas, ya sea en Servicios de Beneficios de Desempleo en ui.texasworkforce.org, seleccione Solicitud de Pago o llame a Servi-Tel de las 7 a.m. a 6 p.m. Hora central al 800-558-8321, seleccione la Opción 1.

Texas Workforce Commission

Aguilera, Oscar

From: Gregory Bowden
Sent: Wednesday, March 10, 2021 11:41 AM
To: Aguilera, Oscar
Subject: Fw: Incident# 7609166 - Call In Available - Active is Resolved

External Email!

Mr. Aguilera: Enclosed is another copy for my Financial Hardship Records from my Employer Randstad USA showing I have Called In Available as per my requirements each and every week for any work that may be available to me during the COVID19 Pandemic thus resulting in my reduction of hours that I have for my employment. Thank you for your request and assistance in this matter as per our discussion on 03-10-2021 11am. Sincerely, Gregory S. Bowden

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "services.desk2"
To: "bowdengregory"
Sent: Wed, Mar 10, 2021 at 5:58 AM
Subject: Incident# 7609166 - Call In Available - Active is Resolved

Hi Gregory Scott Bowden,

Incident# 7609166 has been resolved:

Resolution

Employee record has been updated.

Your incident 7609166 has been resolved and will automatically close in 72 hours. If you need further assistance with this Incident or believe this has been resolved in error, please reply to this email.

Incident #	7609166
Summary:	Call In Available - Active
Customer Name:	Gregory Scott Bowden
Location:	
Priority:	3
Status:	Resolved
Category:	IVR Call In Avail Active - RSR
Resolved On:	3/10/2021 11:58:09 AM (UTC - Etc/UTC)
Resolved By:	ValluRa

Description

Active talent called in Available

Email Listener

IncidentNumber\$ 7609166

CAUTION: This email originated from outside of the organization. Please, do not click links or open attachments unless you recognize the sender and know the content is safe.

FILE NUMBER: BDA201-033(OA)

BUILDING OFFICIAL'S REPORT: Application of La Sierra Planning Group for a variance to the front yard setback regulations at 5539 Belmont Avenue. This property is more fully described as Lot 8, Block 2/2066, and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single-family residential structure and provide a six-foot eight-inch front yard setback, which will require an 18-foot four-inch variance to the front yard setback regulations.

LOCATION: 5539 Belmont Avenue

APPLICANT: Santos Martinez of La Sierra Planning Group

REQUEST:

A request for a variance to the front yard setback regulations on Summit Avenue is made to construct and maintain a two-story single-family structure with approximately 4,032 square feet on a site that is undeveloped. A portion of the proposed structure is to be located six-feet eight-inches from one of the site's two front property lines or 18-feet four-inches into the 25-foot required front yard setback.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) Zoning District in that it is restrictive in area due to having two, 25-foot front yard setbacks when most lots in this zoning district have one front yard setback. These restrictions make the subject property incapable of being developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- Staff concluded that the applicant has shown by submitting a document (**Attachment A**) indicating among other things that the total home size of the proposed home on the subject site at approximately 4,032 square feet is commensurate to 25 other homes ranging in size from 2,912 square feet to 4,462 square feet within the same R-7.5(A) District.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single family district)
- North: Conservation District No. 15
- South: R-7.5(A) (Single family district)
- East: MF-3(A) (Multifamily district)
- West: R-7.5(A) (Single family district)

Land Use:

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

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:

The property is currently undeveloped and located in an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. This request for an 18-foot four-

inch variance to the front yard setback requirement focuses on constructing and maintaining a two-story single family structure with a total of approximately 4,032 square feet, part of which is to be located six-feet eight-inches from one of the site's two front property lines along Summit Avenue; 18-feet four-inches into this 25-foot front yard setback.

The subject site is located at the northwest corner of Belmont Avenue and Summit Avenue. Regardless of how the structure is proposed to be oriented to front Belmont Avenue, the subject site has a 25-foot front yard setback along both street frontages. The site has a 25-foot front yard setback along Belmont Avenue, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district. The site also has a 25-foot front yard setback along Summit Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a five-foot side yard setback is required. However, the site's Summit Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the front yard setback established by the lots to the north that are oriented to front east towards Summit Avenue.

The submitted site plan indicates the proposed structure is located approximately six-feet 10-inches from the Summit Avenue front property line. However, the request is for six-feet eight-inches from one of the site's two front property lines (Summit Avenue) or 18-feet four-inches into this 25-foot front yard setback.

According to DCAD records, the site is undeveloped.

The subject site is flat, rectangular (approximately 61 feet by 144 feet), and according to the submitted application is 0.20 acres (or 8,712 square feet) in area. The site is zoned an R-7.5(A) District where lots are typically 7,500 square feet in area. Most lots in the R-7.5(A) District have one 25-foot front yard setback, two five-foot side yard setbacks, and one five-foot rear yard setback. As noted, this site has two 25-foot front yard setbacks and two five-foot side yard setbacks. The submitted site plan represents that approximately 50 percent of the structure is located in the 25-foot Summit Avenue front yard setback. No variance would be necessary if the Summit Avenue frontage were a side yard since the site plan represents that the proposed home is six-feet 10-inches from the Summit Avenue property line which would exceed the typical five-foot side yard setback for properties zoned an R-7.5(A) District.

The applicant has submitted a document indicating among other things that the total home size of the proposed home on the subject site is approximately 4,032 square feet and stating that since 2006, all new single-family construction has been two stories. The applicant claims that of the 25 new homes, the size ranges from 2,912 square feet to 4,462 square feet. Four have pools, as well. Five of these new homes have outside living areas. The proposed construction on this property is within the commensurate

floor area of recent construction. It should also be noted that the proposed new home utilizes only 27 percent of the allowable 45 percent lot coverage.

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

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) 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 single-family structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located six-feet eight-inches from one of the site’s two front property lines along Summit Avenue; 18-feet four-inches into this 25-foot front yard setback.

Timeline:

- February 23, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- March 4, 2021: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.
- March 8, 2021: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the March 30, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the April 9, 2021 deadline to submit

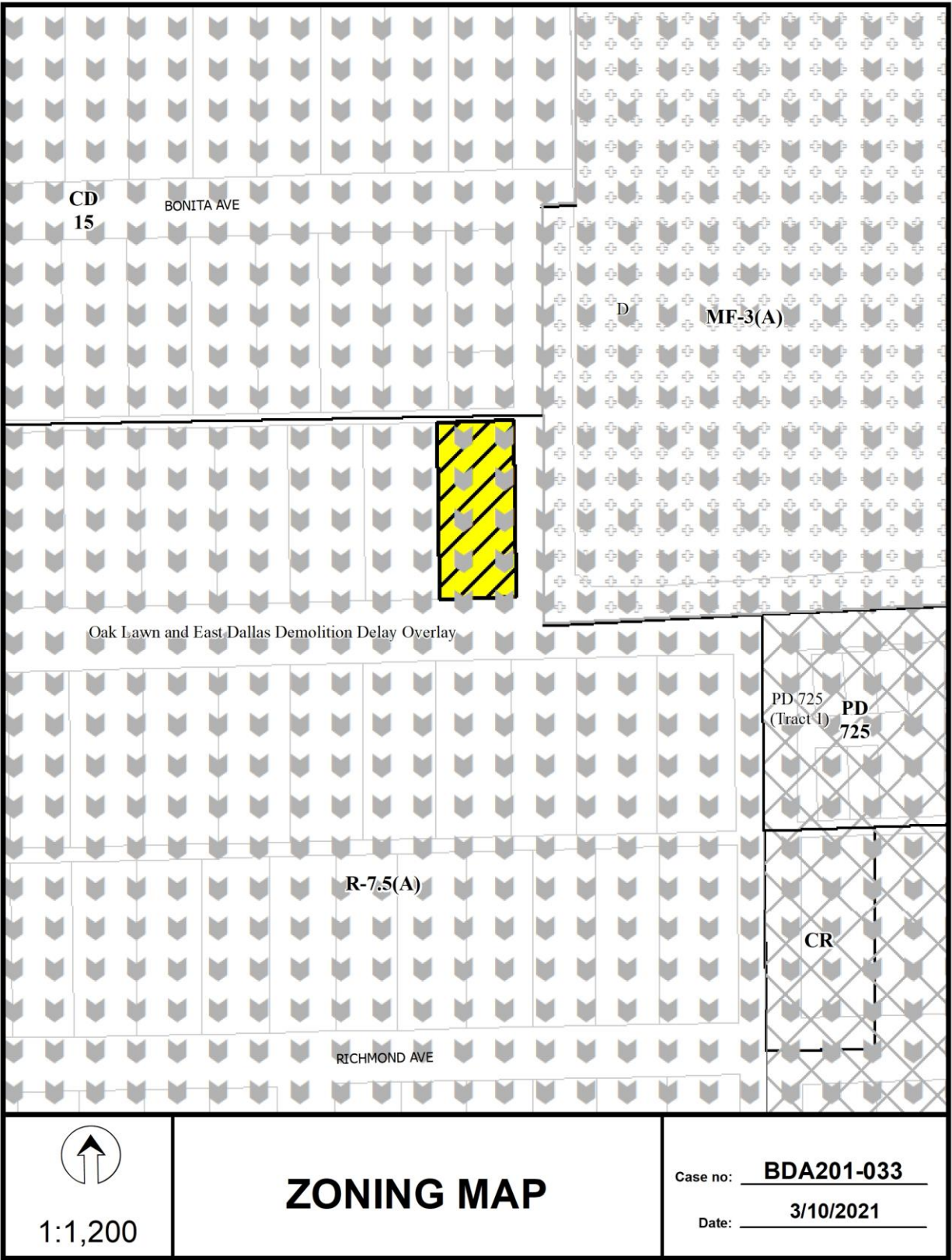
additional evidence to be incorporated into the Board's docket materials;

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

March 26, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

April 2, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Project Engineer, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

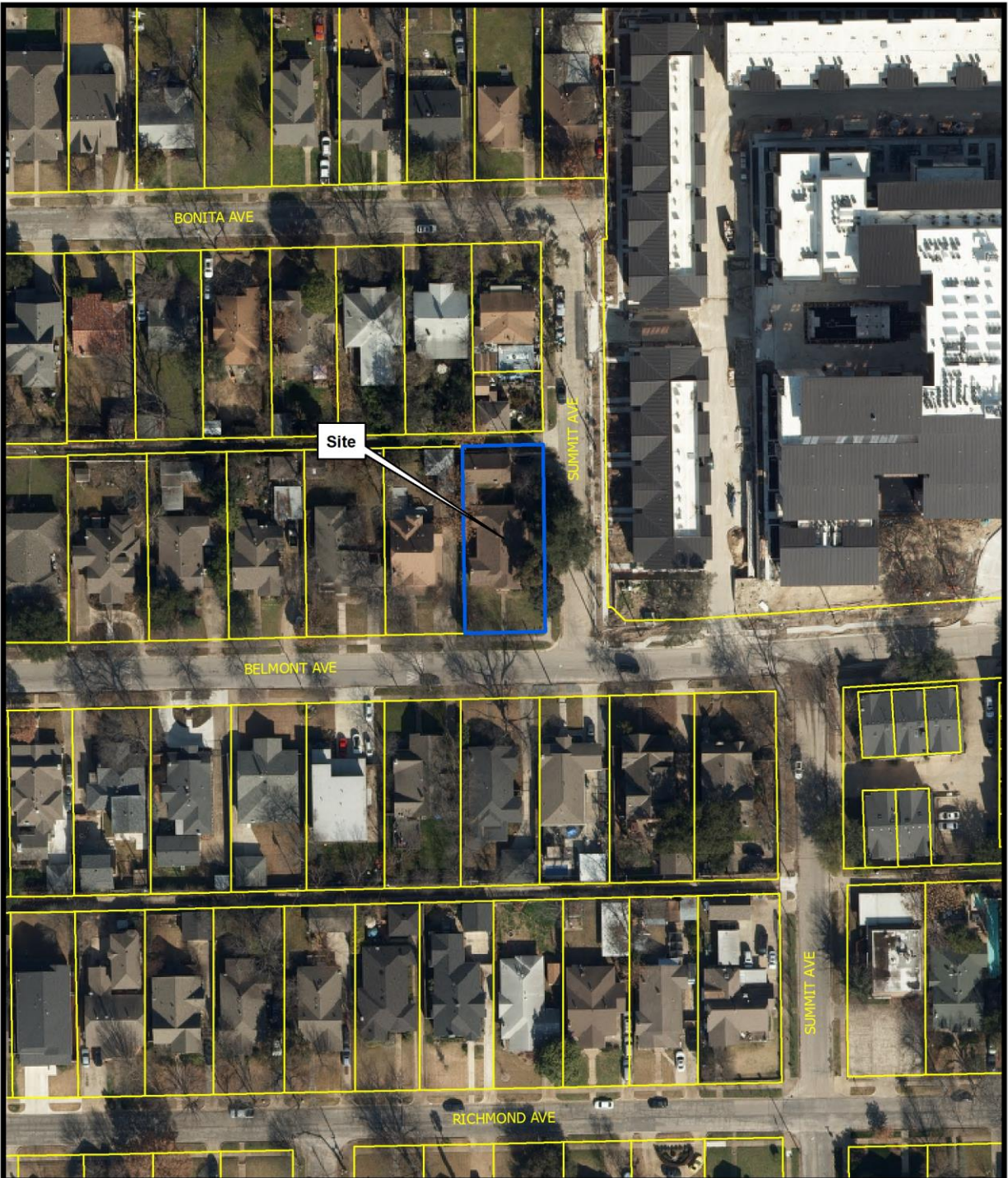


1:1,200

ZONING MAP

Case no: **BDA201-033**

Date: **3/10/2021**



1:1,200

AERIAL MAP

Case no: BDA201-033

Date: 3/10/2021



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-033

Data Relative to Subject Property:

Date: 2-23-21

Location address: 5539 Belmont Ave. Zoning District: R-7.5(A)

Lot No.: 8 Block No.: 2/2066 Acreage: .20 Census Tract: 10.01

Street Frontage (in Feet): 1) 62 2) 144 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ms. Adean Kingston

Applicant: La Sierra Planning Group - Santos Martinez Telephone: _____

Mailing Address: 3306 Blackburn Dallas, TX Zip Code: 75204

E-mail Address: _____

Represented by: La Sierra Planning Group Telephone: 214 684 2775

Mailing Address: P.O. Box 1275 Angel Fire, NM Zip Code: 87710

E-mail Address: santos@lasierrapg.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____ of 49'-4-1/4"
to the required front yard setback along Summit Avenue. KL 18' Encroachment
to the required 25' provisions 17' KL

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:
Property is on a corner lot and has two required front yards. The 600 s.f. dwelling unit on the north side of the alley was subdivided into a separate property. This triggers an additional front yard setback calculation in order to maintain a contiguous block face. Unfortunately, 2 required front yards limit the amount of developable area on the lot. Property owner seeks relief from additional setback along Summit Avenue.

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.

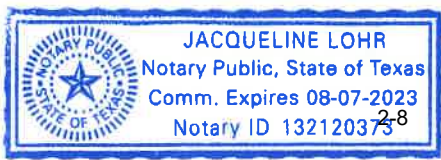
Affidavit

Before me the undersigned on this day personally appeared Kendra Larach - La Sierra Planning Group
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 22 day of February, 2021

(Rev. 08-01-11)  Jacqueline Loehr
Notary Public in and for Dallas County, Texas



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 |
| Mills' 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 | Snow 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)





BELMONT RESIDENCE

ISSUE FOR REVIEW FEB. 16, 2021

PROJECT LOCATION:

5539 BELMONT AVE
DALLAS, TX, 75208

PROJECT DESCRIPTION:

BEING LOT 8, IN BLOCK 2/2088 OF CARLUTH PLACE, AN ADDITION TO THE CITY OF DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 2, PAGE 100, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

ZONING DESCRIPTION:

ZONING R-7.5 (A)

SETBACKS:

FRONT -	25'
SIDE -	5'
REAR -	5'

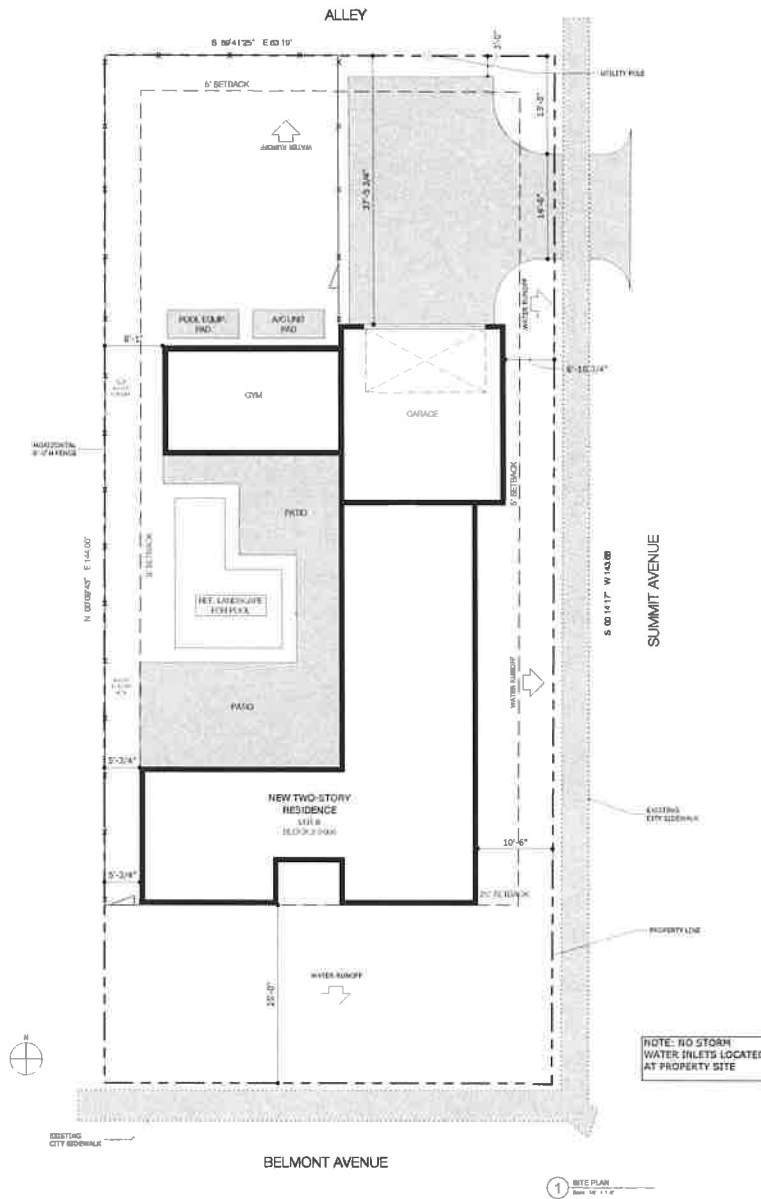
LOT COVERAGE:

LOT SIZE -	(0.208 AGRES) 9076 SF
MAX LOT COVERAGE -	45%
COVERAGE FLOOR AREA -	2488 SF
PERCENT LOT COVERAGE -	27.5%

SQUARE FOOTAGE CALCULATIONS:

1ST FLOOR AC -	1784 SF
2ND FLOOR AC -	2288 SF
TOTAL AC -	4032 SF

GARAGE -	528 SF
GARAGE STORAGE -	20 SF
COVERED FRONT PORCH -	52 SF
UNCOVERED BALCONY -	132 SF
TOTAL NON-AC -	732 SF



PROJECT:

BELMONT RESIDENCE

5539 BELMONT AVE
DALLAS, TX, 75208

DRAFTER:

ARK
STUDIOS

ARK Studios

1201 Rainbow Circle
Plano, TX 75075

214.631.9408
ark@ark-studios.com

ISSUES:

DRAWING TITLE:

Site Plan

ISSUED FOR: BDA Review Set

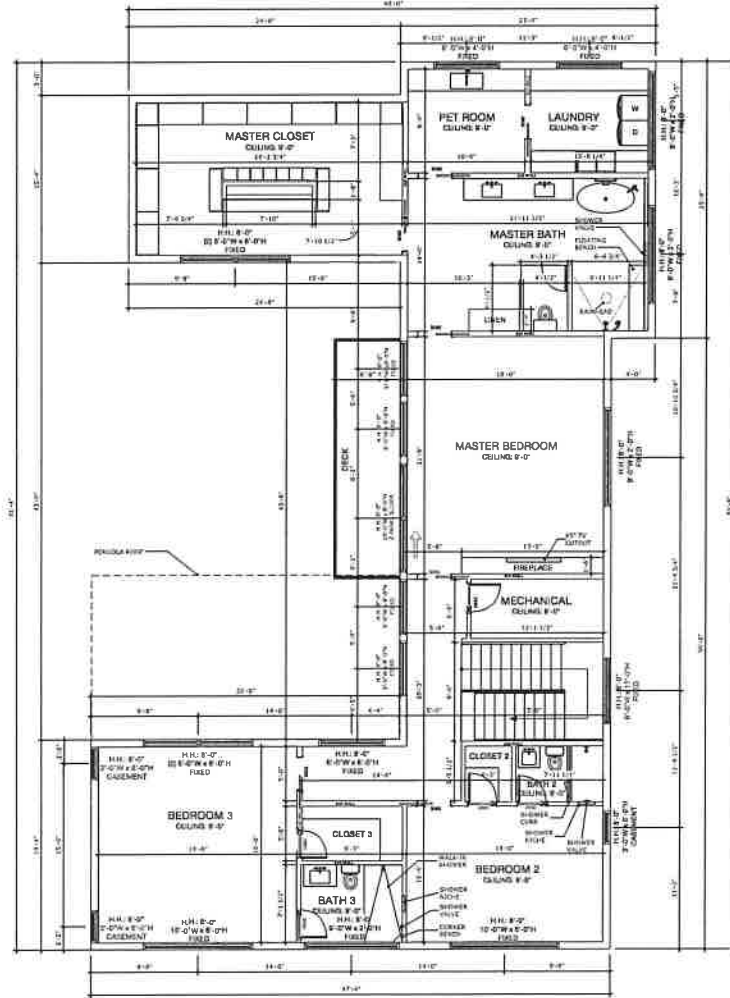
DATE: February 16, 2021

SHEET NUMBER:

A1.0

NOT FOR CONSTRUCTION

This drawing is not intended to be used for construction or fabrication purposes at this time.



PROJECT:

BELMONT RESIDENCE

5305 BELMONT AVE
DALLAS, TX, 75206

DRAWER:



ARK Studio

1201 Rainbow Circle
Plano, TX 75075

214.631.8408
ange@ark-studio.com

DRAWING TITLE:

2nd Floor Plan

ISSUED FOR:

DATE: February 24, 2021

SHEET NUMBER:

A2.2

Reference only

PROJECT:

**BELMONT
RESIDENCE**

5530 BELMONT AVE
DALLAS, TX, 75208

DRAFTER:

ARK
STUDIOS

ARK Studios

1201 Rainbow Circle
Plano, TX 75075

214.631.9408
angela@ark-studios.com

ISSUES:

00 ISSUE FOR PERMIT 06.23.2020

DRAWING TITLE:

Elevations

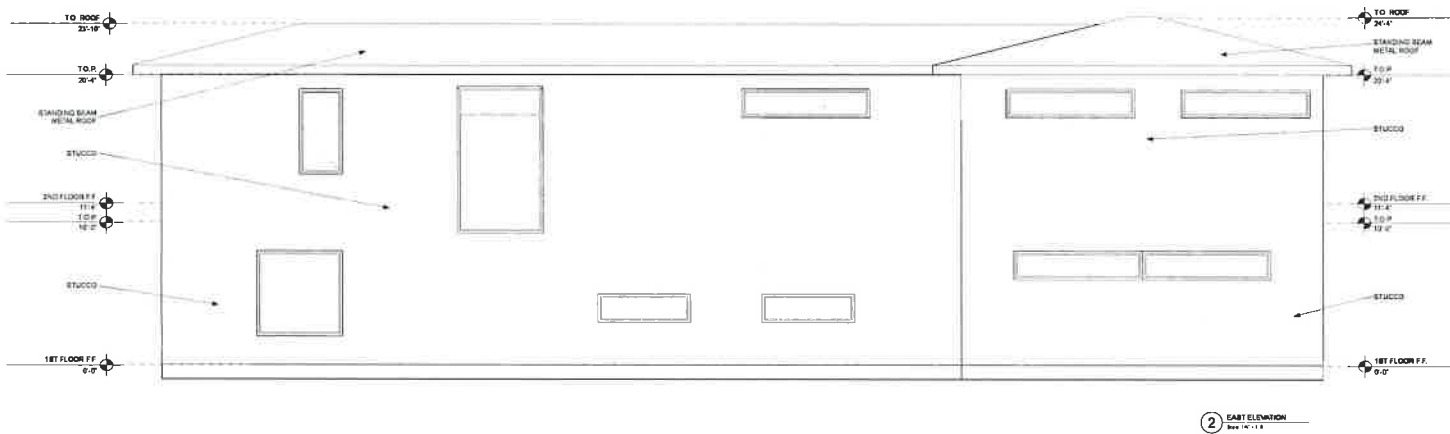
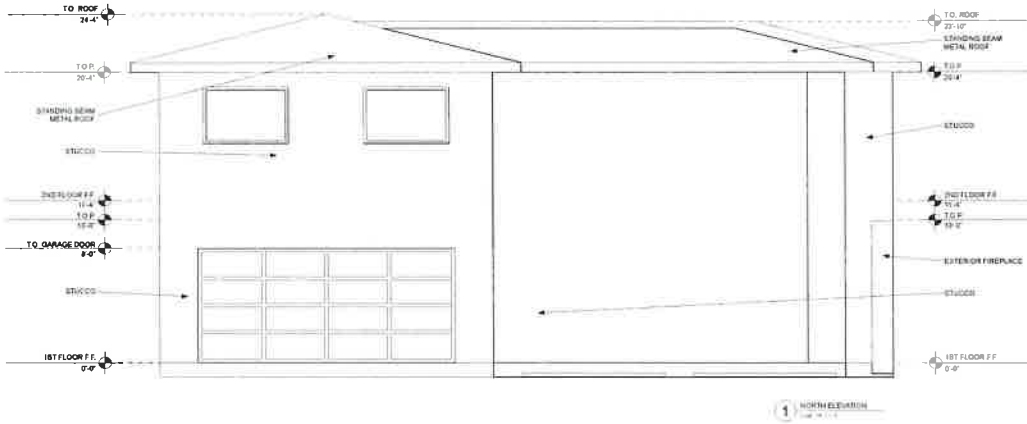
ISSUED FOR:

Permit Plan Set

DATE:

February 16, 2021

SHEET NUMBER:



Reference only

PROJECT:

BELMONT RESIDENCE

5539 BELMONT AVE
DALLAS, TX, 75206

DRAFTER:

ARK
STUDIO

ARK Studios

1201 Rainbow Circle
Plano, TX 75075

214.631.9408
angela@ark-studios.com

ISSUES:

00 ISSUE FOR PERMIT 06.23.2020

DRAWING TITLE:

Elevations

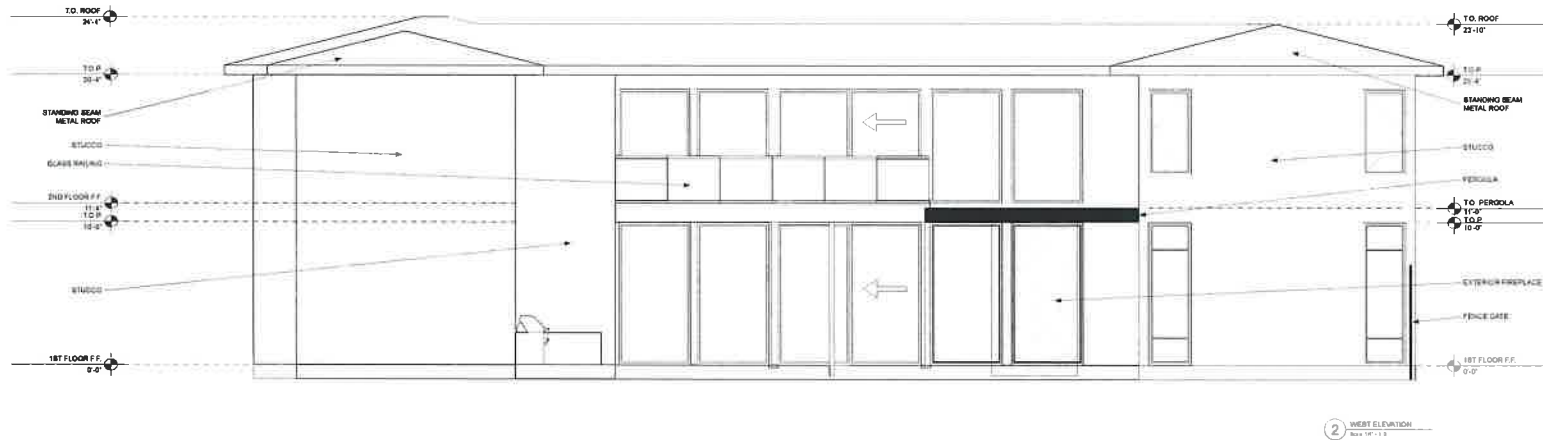
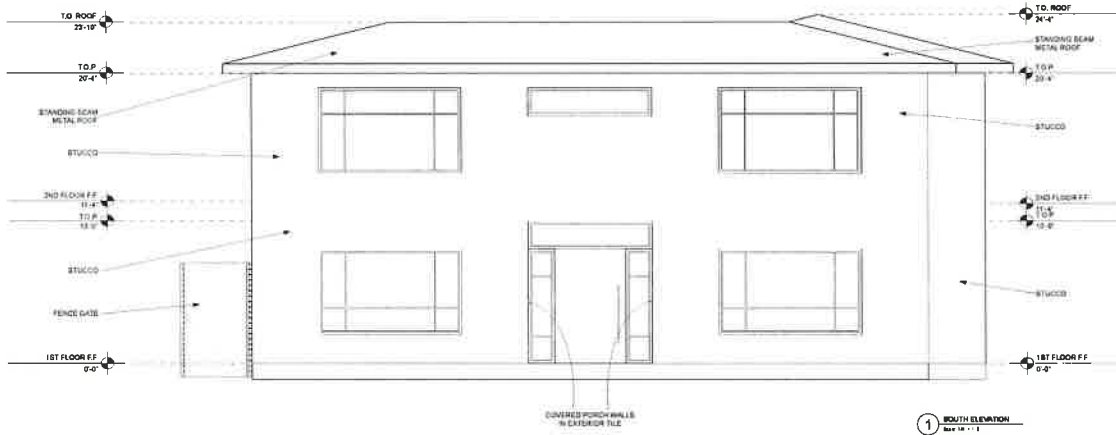
ISSUED FOR:

Permit Plan Set

DATE:

February 16, 2021

SHEET NUMBER:





March 26, 2021

Ms. Jennifer Munoz
Chief Planner
City of Dallas
1500 Marilla, 5BN
Dallas, TX 75201

RE: BDA 201-033; 5539 Belmont Avenue

Dear Ms. Munoz,

The property listed above is greatly impacted by provisions identified in the development code regarding the continuation of block face generating a required front yard. To the north of the site, there is a small home (600 square feet constructed in 1938) that faces Summitt Avenue (Exhibit A).

We cannot locate another 2300 square foot lot within this subdivision for a main residence. The subdivision of this property to the north occurred prior to the enactment of Chapter 51A as it does not meet the minimum land area for an R-7.5(A) zoning district. This action by the property owner to the north severely limits the development rights for this property.

By maintaining two required front yards on this corner lot, the allowable developable area is diminished significantly. If the property maintained only one required front yard along Belmont Avenue, it would be permitted to develop within 66% of the area outside of the required setbacks (roughly 6,042 square feet). However, with the overlay of a second required front yard, the developable area is reduced to 3,762 square feet (41% of the overall lot area). Exhibit B shows the impact of all required setbacks on the proposed construction of a new home. By reducing the allowable area for construction on this lot creates an undue hardship for this property owner that is not commensurate with other R-7.5(A) lots. Rather than having a lot width of 53' outside of required setbacks, the lot width is reduced to 33' with the application of a second required front yard.

In researching new single family home construction within this subdivision, we have calculated that the proposed construction is commensurate. Since 2006, all new single-family construction has been two stories. Of the twelve new homes, the size ranges from 2912 square feet to 4462 square feet. Four have pools as well. Five of these new homes have outside living areas. The proposed construction on this property is within the commensurate floor area of recent construction. It should also be noted that the proposed new home utilizes only 27% of the allowable 45% lot coverage.

The restrictive area of this property due to the application of a second required front yard is not a self-created hardship. This setback is created by the action of the property owner to the north of this lot. The property owner is seeking to construct a new two-story home that is commensurate with the new construction within this subdivision.



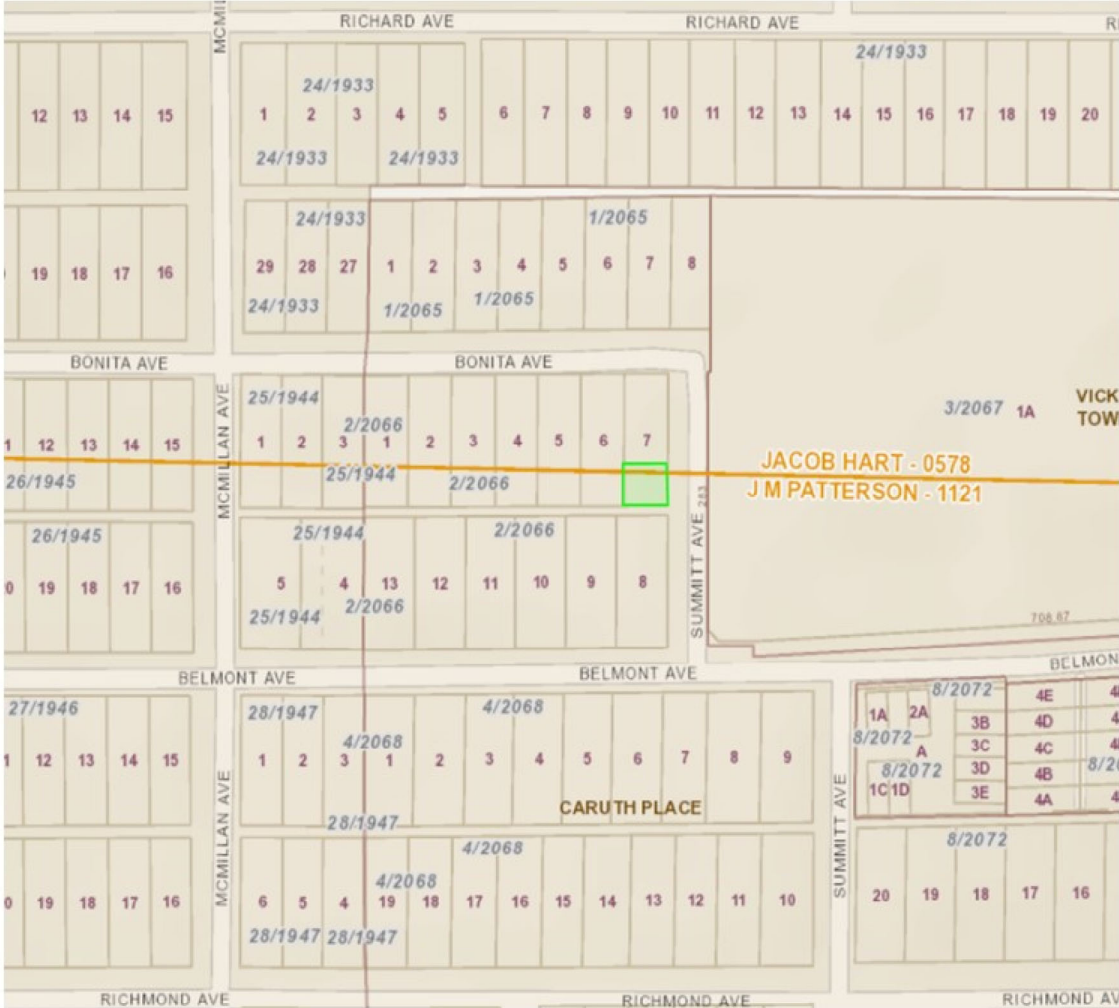
Please feel free to contact my office if you have any questions regarding these items.

Sincerely,

A handwritten signature in black ink, appearing to read "Santos T. Martinez", with a large, sweeping flourish at the end.

Santos T. Martinez
Authorized representative for
Property owner

EXHIBIT A



PROJECT:

BELMONT RESIDENCE

5539 BELMONT AVE
DALLAS, TX, 75206

DRAFTER:



ARK Studios

1201 Rainbow Circle
Plano, TX 75075

214.631.9408
angela@ark-studios.com

ISSUES:

DRAWING TITLE:

Zoning Plan

ISSUED FOR: BDA Review Set

DATE: February 16, 2021

SHEET NUMBER:

LEGEND:

- - - R7.5 (A) SETBACK OUTLINE
- BUILDING FOOTPRINT
- - - BLOCKFACE SETBACK OUTLINE

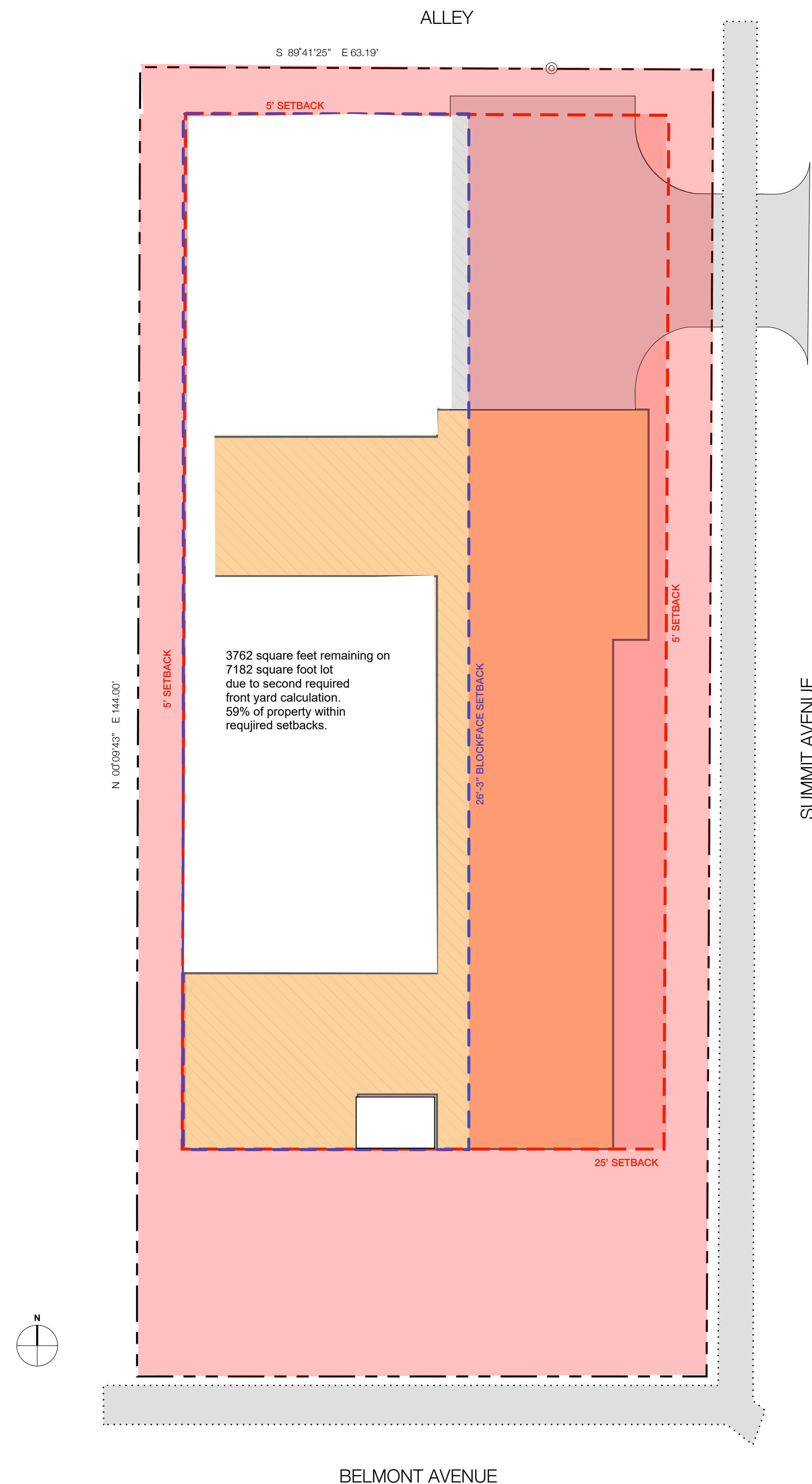


EXHIBIT C

ADDRESS	YEAR BUILT	FLOOR AREA	DETACHED GARAGE	DETACHED GUEST QUARTERS	OUTSIDE LIVING AREA	POOL
5425 Belmont	2012	2582				
5442 Richmond	2020	2776			204	
5410 Richmond	2015	2912	504		273	
5528 Belmont	2015	2999				yes
5402 Richmond	2015	2999			623	
5432 Richmond	2006	3000	484			
5459 Richmond	2015	3148			300	yes
5431 Belmont	2016	3148	528		200	
5422 Richmond	2014	3152	506		210	yes
5424 Richmond	2015	3188	484		296	
5407 Belmont	2014	3285				yes
5406 Richmond	2015	3286	506		210	
5427 Richmond	2014	3437				
5430 Belmont	2018	3508				yes
5442 Belmont	2007	3666	1242	621	285	
5438 Belmont	2006	3679	552	480		
5435 Richmond	2017	3749			450	yes
5514 Richmond	2007	3874	400			yes
5403 Belmont	2008	3902	805	713		
5414 Belmont	2016	3929			270	yes
5419 Richmond	2018	4099			252	
5431 Richmond	2015	4114				yes
5437 Richmond	2019	4225				yes
5447 Richmond	2017	4368	575			yes
5414 Richmond	2017	4462				

5539 Belmont

4032 s.f. attached garage 528 s.f. and pool



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">21</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	21	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA201-033</u> Date: <u>3/10/2021</u>
200'	AREA OF NOTIFICATION					
21	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/10/2021

Notification List of Property Owners

BDA201-033

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5539 BELMONT AVE	KINGSTON ADEAN AUDACE
2	5518 BONITA AVE	CLINCH CHAD & KELLEY &
3	5522 BONITA AVE	PARDUN MICAH PAGE
4	5526 BONITA AVE	ATKINSON C J
5	5530 BONITA AVE	GUIDRY MICHAEL
6	5534 BONITA AVE	LYONS ROBERT E III
7	5538 BONITA AVE	TORRES CANDELARIO &
8	2315 SUMMIT AVE	TORRES CANDELARIO &
9	5533 BELMONT AVE	SOPP RICHARD &
10	5529 BELMONT AVE	PATEL VIJAY SHASHIKANT
11	5525 BELMONT AVE	CANO ISIDORO &
12	5519 BELMONT AVE	RAZO MIGUEL P
13	5518 BELMONT AVE	TOPLETZ WENDY SKYLER
14	5524 BELMONT AVE	SPEESE ALLISON
15	5528 BELMONT AVE	Taxpayer at
16	5532 BELMONT AVE	BURTON JOHN SCOTT
17	5536 BELMONT AVE	ANDERSON SHIRLEY F
18	5542 BELMONT AVE	HOLT JAMES CRAIG &
19	5546 BELMONT AVE	KLINE CHAD
20	5552 BELMONT AVE	PAGE RALPH
21	5619 BELMONT AVE	CH MF BTH I DALLAS LOWER