

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JUNE 21, 2022

BRIEFING: 11:00 a.m. via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via **Videoconference and** in **6ES**, Dallas City Hall, 1500 Marilla Street

* The Board of Adjustment hearing will be held by videoconference and in Council Chambers at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://form.jotform.com/210537186514151> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Friday, June 17, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall) and the WebEx link: <https://bit.ly/BDA062122>

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 A
TUESDAY, JUNE 21, 2022
AGENDA

BRIEFING: 11:00 a.m. via Videoconference and in 6ES
Dallas City Hall, 1500 Marilla Street

HEARING: 1:00 p.m. via Videoconference and in 6ES
Dallas City Hall, 1500 Marilla Street

Andreea Udrea, PhD, AICP, Assistant Director
Jennifer Muñoz, Chief Planner/Board Administrator
Pamela Daniel, MURP, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

MISCELLANEOUS ITEM

The Board of Adjustment Panel A will meet in a closed executive session to seek the advice of its attorney about pending or contemplated litigation regarding BDA 212-018(JM). [Tex. Gov't Code § 551.071] (Room 5BN)	M1
The Board of Adjustment Panel A will meet in a closed executive session to seek the advice of its attorney about pending or contemplated litigation regarding BDA 212-028(JM). [Tex. Gov't Code § 551.071] (Room 5BN)	M2
Approval of the May 17, 2022 Board of Adjustment Panel A Public Hearing Minutes	M3

UNCONTESTED CASES

- BDA212-049(PD)** 4256 Park Lane 1
REQUEST: Application of Rob Baldwin, Baldwin Associates representing Hudson CG LLC for special exceptions to the fence height and fence standards regulations
- BDA212-050(PD)** 10602 Bridge Hollow Court 2
REQUEST: Application of Rob Baldwin, Baldwin Associates representing Bob and Jennifer Family Trust for a special exception to the fence height regulations
-

HOLDOVERS

- BDA212-020 (PD)** 1218 N. Clinton Avenue 3
REQUEST: Application of Stephen Marley for 1) a variance to the side yard setback regulations; 2) a variance to the single-family use regulations
- BDA212-031(JM)** 1805 S. Edgefield Avenue 4
REQUEST: Application of German G. Sierra for a variance to the parking regulations
-

REGULAR 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: BDA212-049(PD)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin, Baldwin Associates representing Hudson CG LLC for special exceptions to the fence height and fence standards regulations at 4256 Park Lane. This property is more fully described as a tract of land in City Block 5548 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-tall fence with fence panels that do not meet the minimum opacity requirement in a required front yard, which will require a four-foot special exception to the fence regulations and a special exception to the fence standards regulations.

LOCATION: 4256 Park Lane

APPLICANT: Rob Baldwin, Baldwin Associates representing Hudson CG LLC

REQUEST:

The applicant proposes a fence of eight-feet-in-height, constructed of an iron sliding gate, stucco walls with cast stone caps, stucco columns with cast stone caps, and iron fencing painted black located along Park Lane with a width of 125 feet. The site is currently being constructed with a two-story single family dwelling unit.

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:

<u>Site:</u>	R-10(A) (Single Family District)
<u>Northwest:</u>	R-10(A) (Single Family District)
<u>Northeast:</u>	R-10(A) (Single Family District)
<u>East:</u>	R-10(A) (Single Family District)
<u>South:</u>	R-10(A) (Single Family District)
<u>West:</u>	R-10(A) (Single Family District)

Land Use:

The subject site is currently under construction with a single-family use. Surrounding properties to the northwest, northeast, east, south, and west are developed with single-family uses as well.

Zoning/BDA History:

There have been two related board cases in the vicinity within the last five years.

1. BDA190-074: On August 18, 2020, Panel A, Board of Adjustment granted a special exception to the fence height regulations to construct and maintain six-foot-six-inch-high fence in a required front yard, which required a two-foot-six-inch special exception at 4211 Brookview Drive.
2. BDA190-042: On June 24, 2020, Panel B, Board of Adjustment granted a request for a special exception to the fence height regulations to construct and maintain a seven-foot-high fence in a required front yard, which required a three-foot special exception at 4523 Park Lane.

GENERAL FACTS/STAFF ANALYSIS:

The subject site is zoned an R-10(A) Single Family District and requires a minimum front yard setback of 30 feet. 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.

Two requests exist for the subject site. The first request for a special exception to the fence height regulations of four-feet is made to construct and maintain an eight-foot-tall fence which will require a four-foot special exception.

The second request for a special exception is made to the fence standards regulations to construct and maintain 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.

The property is currently under construction. According to internal records, the property was permitted in August 2021 to be developed with a two-story single-family dwelling unit constructed. The single-family dwelling unit consists of approximately 9,972 square feet of floor area, an underground pool, a motor court, and a three-car attached garage.

According to the elevation plan submitted, the applicant proposes a fence with a maximum height of eight feet, constructed of stucco walls with cast stone caps, stucco columns with cast stone caps, and iron fencing painted black stucco walls with an iron sliding gate painted black.

Additionally, the following information is shown on the submitted site plan:

- The proposed fence with access gates along Park Lane runs along the front lot line with a depth of 56 feet.
- The portion of the fence where the iron gate is proposed is located or setback 31 feet from the front lot line.

As of June 10, 2022, no letters have been submitted in support of the request and no letters have been submitted in opposition to the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of eight feet located on Park Lane will not adversely affect neighboring properties.

Granting the special exceptions to the fence standards related to the height and opacity would require the proposal exceeding four feet-in-height in the front yard setback located along Park Lane to be maintained in the locations, heights, and opacity/openness as shown on the site plan and elevation plan.

Timeline:

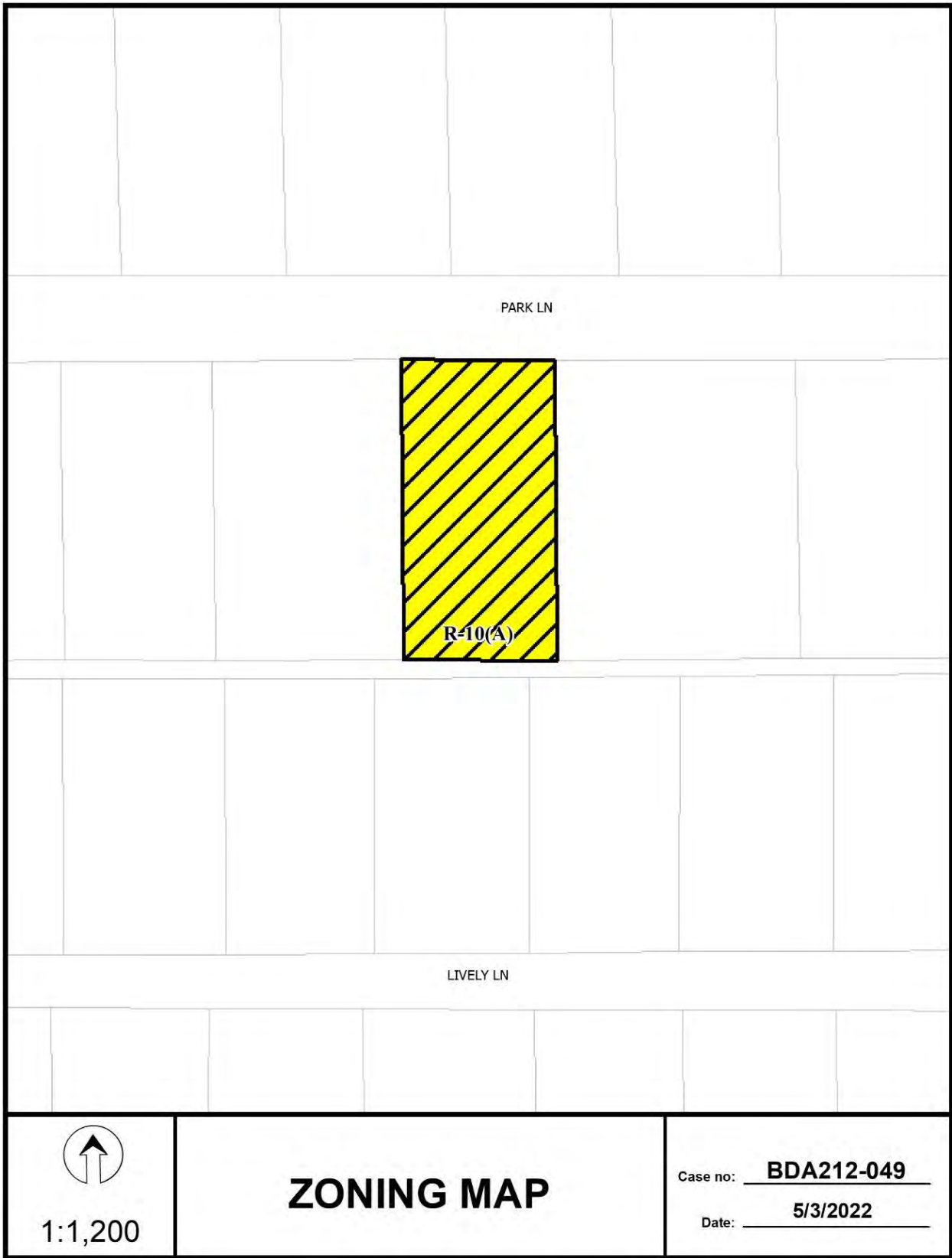
- April 15, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents (**Attachment A**) that have been included as part of this case report.
- May 2, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 2, 2022: The Board Senior Planner emailed the representative the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the May 25th deadline to submit additional evidence for staff to factor into their analysis; and the

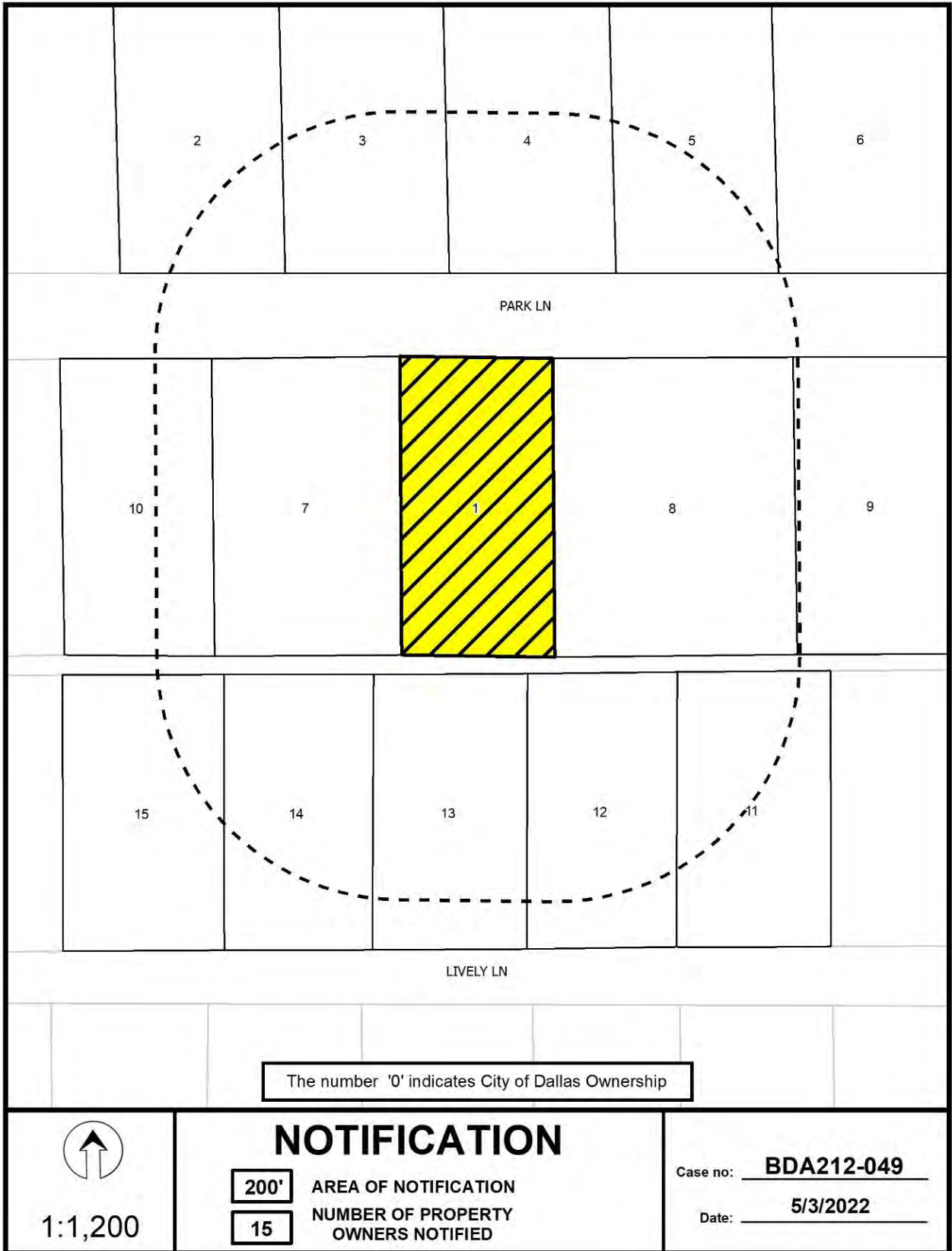
June 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

May 26, 2022:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Conservation District Chief Planner, the Board Senior Planner, and the Assistant City Attorney to the Board.





05/03/2022

Notification List of Property Owners

BDA212-049

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4256 PARK LN	HUDSON CG LLC
2	4241 PARK LN	SHABOT CAROL A
3	4251 PARK LN	HEIN H A TILLMAN &
4	4259 PARK LN	LILAND DAVID LYNN
5	4309 PARK LN	COTTEN KENDALL G &
6	4319 PARK LN	MAYROSH JARRED ELLIS & KAREN
7	4242 PARK LN	FARUKHI IRFAN & MARCIA SCHNEIDER
8	4300 PARK LN	LANGHAM JAY & BILLIE J
9	4330 PARK LN	TREVINO LEE B & CLAUDIA M
10	4230 PARK LN	BLACK JENNIFER B & ROBERT G JR
11	4325 LIVELY LN	HUSS MICHAEL G &
12	4315 LIVELY LN	DE LA MATA TOMAS
13	4305 LIVELY LN	STALLINGS LYNN
14	4247 LIVELY LN	BUSH LORI E & WILLIAM B
15	4237 LIVELY LN	HIGHTOWER RICHARD N &



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-049
Date: 4/15/22

Data Relative to Subject Property:

Location address: 4256 Park Lane Zoning District: R-10(A)
Tract 7
Lot No.: _____ Block No.: 5548 Acreage: 0.70 acres Census Tract: 133.00
Street Frontage (in Feet): 1) 125 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Hudson CG LLC
Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226
E-mail Address: rob@baldwinplanning.com
Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226
E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of _____
4' to the fence height regulations to allow a 8' fence in the front yard setback
& less than 50% open fence panels (SH)

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The proposed fencing and gates will be similar in height and appearance to other fences in the area. The approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

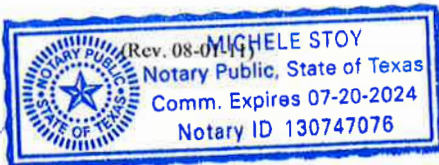
Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin
(Affiant/Applicant's name printed)
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 4 day of April, 2022

[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 BALDWIN ASSOCIATES

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations
at 4256 Park Ln.

BDA212-049. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 4256 PARK LN. This property is more fully described as Tract 7, Block 5548, 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



AFFIDAVIT

Appeal number: BDA 212-049

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

at: 4256 Park Lane
(Address of property as stated on application)

Authorize: Rob Baldwin, Baldwin Associates
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Fence

Blake Evenson
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 3/30/22

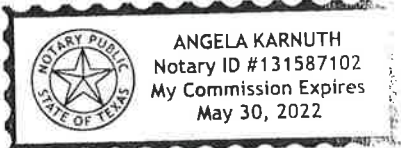
Before me, the undersigned, on this day personally appeared Blake Evenson

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

Subscribed and sworn to before me this 30th day of March, 2022

[Signature]
Notary Public for Dallas County, Texas

Commission expires on May 30, 2022





Printed: 4/1/2022

- | | | |
|----------------------------------|--------------------------------|----------------------------|
| City Limits | Base Zoning | Historic Subdistricts |
| Railroads | Demolition Delay Overlay | Historic Overlay |
| Public Schools | PD193 Oak Lawn | Height Map Overlay |
| Floodplain | Dallas Environmental Corridors | CD Subdistricts |
| 0.2 Pct Annual Flood Hazard | SPSP Overlay | PD Subdistricts |
| 1 Pct Annual Chance Flood Hazard | Deed Restrictions | PDS Subdistricts |
| East Peak's Branch | SUP | NSO Subdistricts |
| Floodway | Dry Overlay | NSO_Overlay |
| Mill Creek | D | Escarpment Overlay |
| Peak's Branch | D-1 | Parking Management Overlay |
| X Protected By Levee | CP | Shop Front Overlay |
| Parks | SP | |
| Certified Parcels | MD Overlay | |

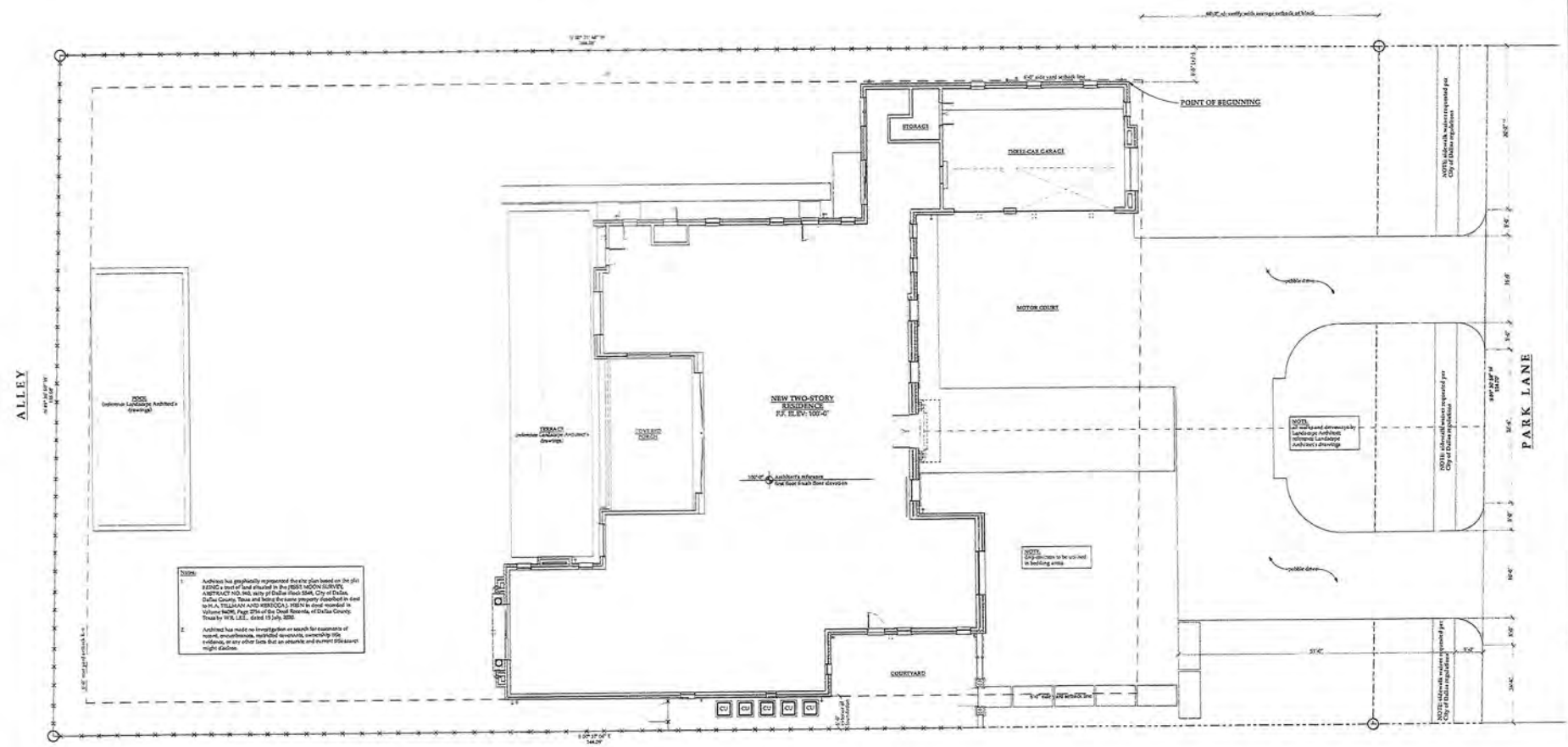
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



1:2,400




RANGES A WINN ABST. 1578




NOTES:
 1. Architect has prepared this plan based on the site survey and information provided by the client. The client is responsible for the accuracy of the information provided. The architect is not responsible for the accuracy of the information provided by the client.
 2. Architect has made no investigation or search for encumbrances of record, easements, restrictions, or other matters which may affect the project. The architect is not responsible for the accuracy of the information provided by the client.

01 SITE PLAN
 SCALE: 1/8" = 1'-0"
 1" = 30'


 The seal on this document was authorized by William S. Briggs, Architect #12345 on 18 August 2021. The document may not be changed in any fashion without permission from William S. Briggs, Architect.

WILLIAM S. BRIGGS
 ARCHITECT
 4256 PARK LANE DRIVE, SUITE B
 DALLAS, TEXAS 75220
 WILLIAMBRIGGS.COM

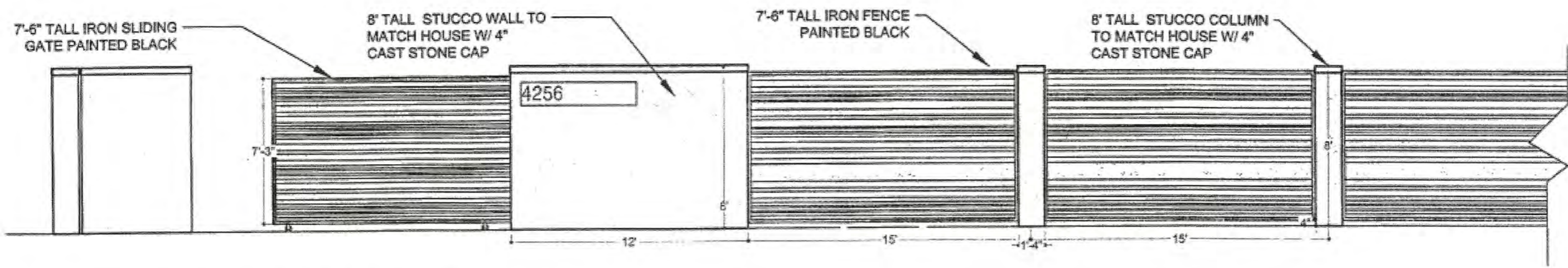


being architectural drawings for a project located at:
4256 Park Lane
 in Dallas, Texas 75220

Issue date:
 18 August 2021, issued for
 permit and construction

site plan
A1.02
 Job # 2124

212-049



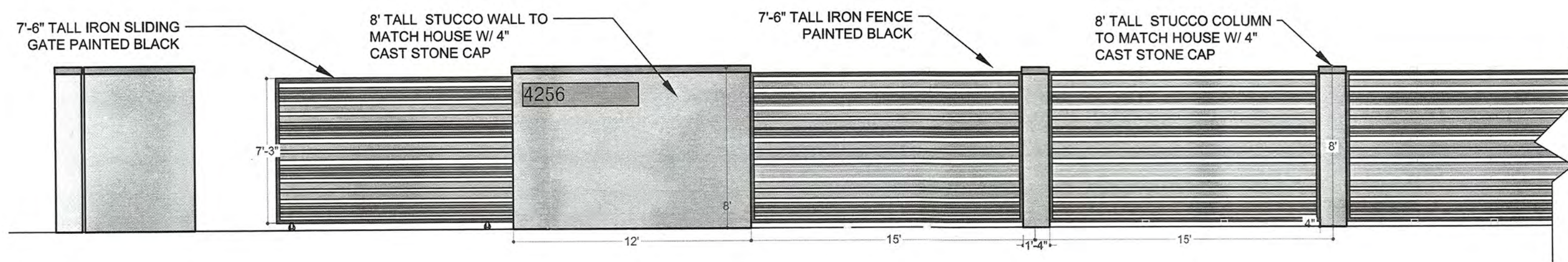
(A) SLIDING GATE / FRONT FENCE WITH COLUMNS ELEVATION

SCALE: 3/16" = 1'-0" ✓

212-049

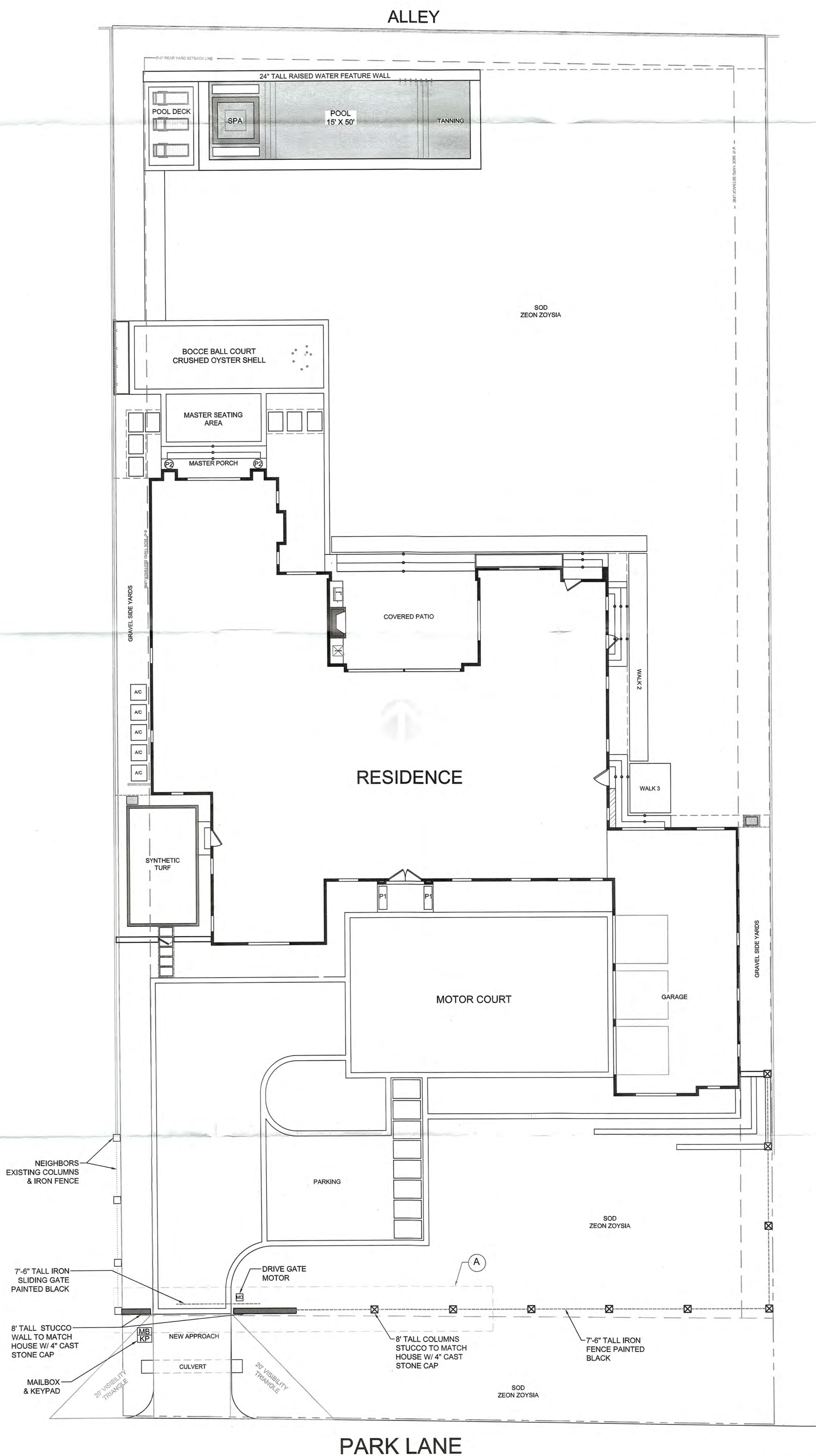
PLAN KEY

- PROPERTY LINE
- SETBACKS & EASEMENTS
- ☒ 8' TALL COLUMN STUCCO W/ 4" CAST STONE CAP (1/4" OVERHANG)
- 7' - 6" STANDARD IRON FENCE PAINTED BLACK (MAX HEIGHT 6')
- MB KP MAILBOX & DRIVE GATE KEYPAD (VERIFY W/ OWNER)
- MO DRIVE GATE MOTOR
- NEIGHBORS EXISTING COLUMNS
- NEIGHBORS EXISTING FENCE



A SLIDING GATE / FRONT FENCE WITH COLUMNS ELEVATION

SCALE: 3/16" = 1'-0"



212-049

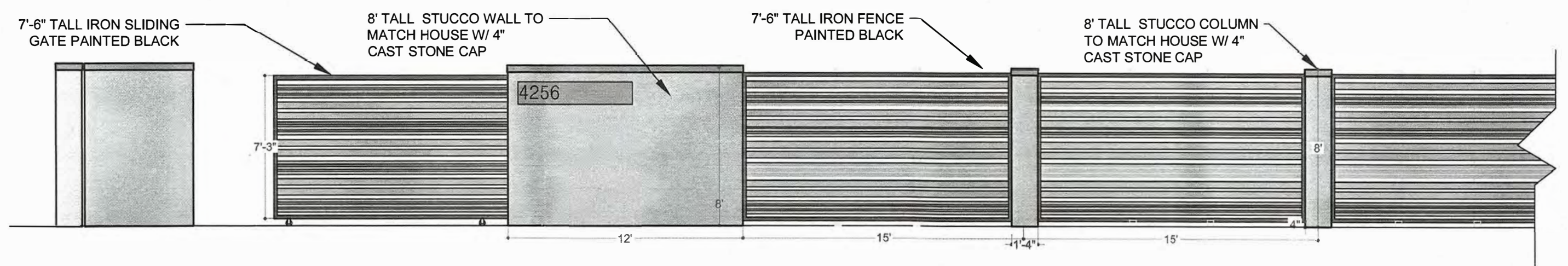
BDA212-049_ATTACHMENT_A

PLAN KEY

- PROPERTY LINE
- SETBACKS & EASEMENTS

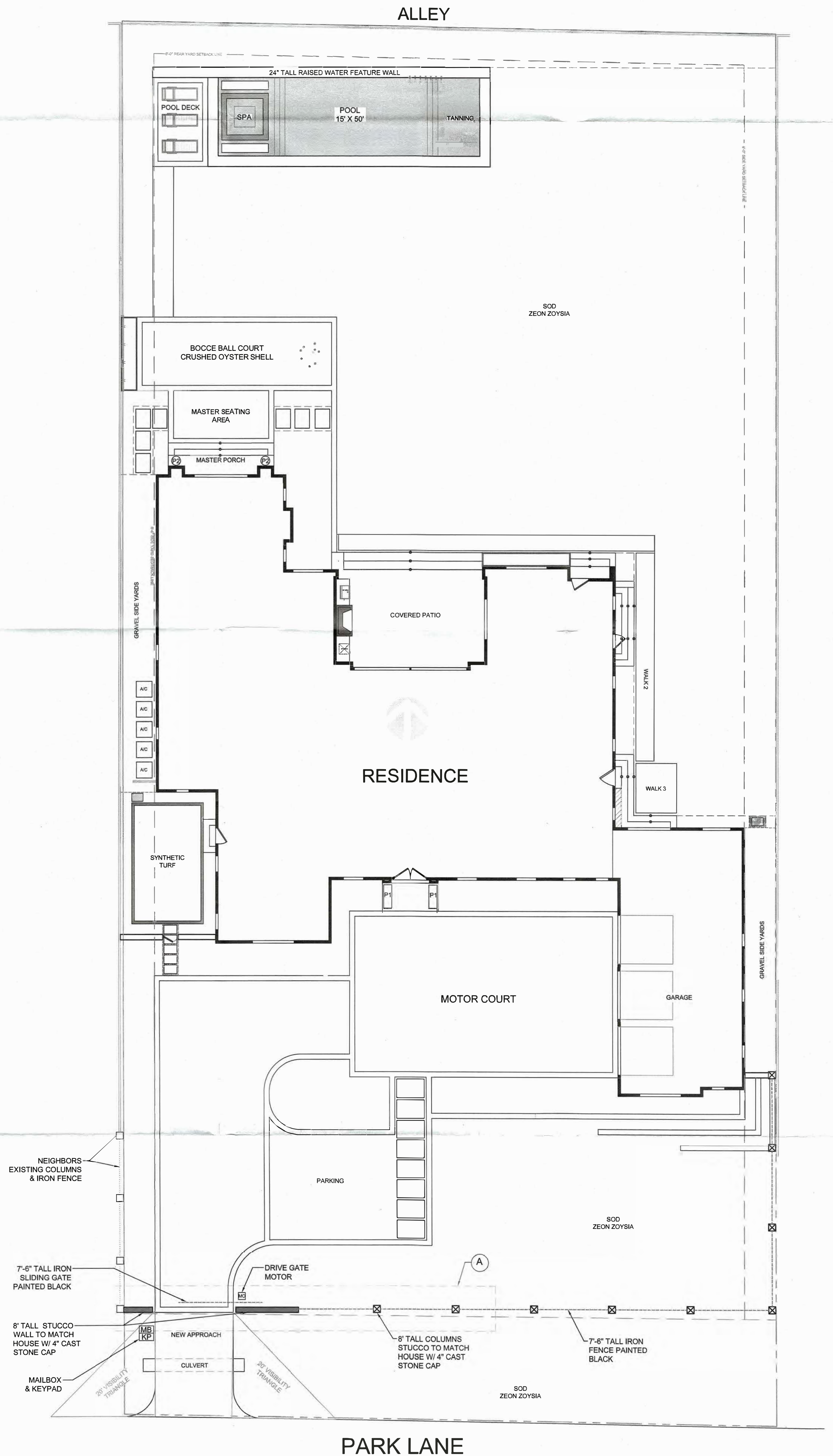
PLAN KEY

- 8' TALL COLUMN STUCCO W/ 4" CAST STONE CAP (1/4" OVERHANG)
- 7' - 6" STANDARD IRON FENCE PAINTED BLACK (MAX HEIGHT 6")
- MAILBOX & DRIVE GATE KEYPAD (VERIFY W/ OWNER)
- DRIVE GATE MOTOR
- NEIGHBORS EXISTING COLUMNS
- NEIGHBORS EXISTING FENCE



A SLIDING GATE / FRONT FENCE WITH COLUMNS ELEVATION

SCALE: 3/16" = 1'-0"



212-049

FILE NUMBER: BDA212-050(PD)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin, Baldwin Associates representing Bob and Jennifer Family Trust for a special exception to the fence height regulations at 10602 Bridge Hollow Court. This property is more fully described as Lot 4 in City Block G/5518 and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a six-foot-eight-inch-tall fence in a required front yard, which will require a two-foot-eight-inch special exception to the fence regulations.

LOCATION: 10602 Bridge Hollow Court

APPLICANT: Rob Baldwin, Baldwin Associates representing Bob and Jennifer Family Trust

REQUEST:

The applicant proposes a fence of six-feet eight-inches-in-height, constructed of wrought iron with three-eighths-by-two-inch solid bars spaced four inches on-center with two-inch-by-two-inch-and-three-sixteenths of an inch posts located along Bridge Hollow Court. The site is developed with a two-story single family dwelling unit.

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-1ac(A) (Single Family District) and private street easement
North: R-1ac(A) (Single Family District) and private street easement
East: R-1ac(A) (Single Family District)
Southeast: R-1ac(A) (Single Family District)

South: R-1ac(A) (Single Family District)
Southwest: R-1ac(A) (Single Family District)
West: R-1ac(A) (Single Family District)

Land Use:

The subject site is developed with a single family use. Surrounding properties to the north east, southeast, south, southwest, and west are developed with single-family uses as well.

Zoning/BDA History:

There have been seven related board cases in the vicinity within the last five years.

1. BDA212-014: On April 18, 2022, the Panel C Board of Adjustment granted a special exception to the fence height regulations to construct and maintain an eight-foot-tall fence in a required front yard, which required a four-foot special exception at 10625 Lennox Lane.
2. BDA201-092: On March 21, 2022, the Panel C Board of Adjustment granted a special exception to the fence height regulations to construct and maintain a nine-foot-tall fence in a required front yard, which required a five-foot special exception at 10645 Lennox Lane.
3. BDA201-083: On September 22, 2021, the Panel B Board of Adjustment granted a special exception to the fence height regulations to construct and maintain a six-foot-four-inch-tall fence in a required front yard, which required a two-foot-four-inch-tall special exception at 4727 Kelsey Road.
4. BDA190-079: On October 19, 2020, the Panel C Board of Adjustment granted a special exception to the visibility obstruction regulations to construct a seven-foot-high fence in a required front yard, which will require a three-foot special exception to the fence regulations, and to construct a single-family residential fence structure in a required visibility obstruction triangle, which required a special exception to the visibility obstruction regulations at 4651 Catina Lane.
5. BDA190-050: On June 22, 2020, the Panel A Board of Adjustment granted a special exception to the fence height regulations to construct an eight-foot six-inch-high fence in a required front yard, which required a four-foot six-inch special exception to the fence regulations at 4610 Catina Lane.
6. BDA189-099: On October 21, 2019, the Panel C Board of Adjustment granted a special exception to the fence height regulations to construct and maintain a six-foot-tall fence in a required front yard, which required a two-foot special exception to the fence regulations at 4554 Harry's Lane.

7. BDA189-083: On August 20, 2019, the Panel A Board of Adjustment granted a special exception to the fence standards regulations to construct and maintain an eight-foot-tall fence in a required front yard, which required a four-foot special exception to the fence regulations at 5300 Royal Lane.

GENERAL FACTS/STAFF ANALYSIS:

The subject site is zoned an R-1ac(A) Single Family District and requires a minimum front yard setback of 40 feet. 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 request for a special exception to the fence height regulations of two-feet-eight-inches is made to construct and maintain a six-foot eight-inch-tall fence. According to the elevation provided, the proposed fence will consist of wrought iron with three-eighths-by-two-inch solid bars spaced four inches on-center with two-inch-by-two-inch-and-three-sixteenths of an inch posts located along Bridge Hollow Court.

Per Dallas County Appraisal District, DCAD, the property is developed with a two-story single-family dwelling unit constructed in 2019. The single-family dwelling unit consists of approximately 13,210 square feet of floor area, an underground pool, an approximately 3,312-square-foot basement, two attached garages consisting of approximately 2,526 square feet, an approximately 1,188-square-foot outdoor living area, and attached quarters consisting of approximately 1,193 square feet.

The following information is shown on the submitted site plan:

- The proposed fence along Bridge Hollow Court would be located approximately 34 feet from the front lot line with an approximate length of 70 feet.

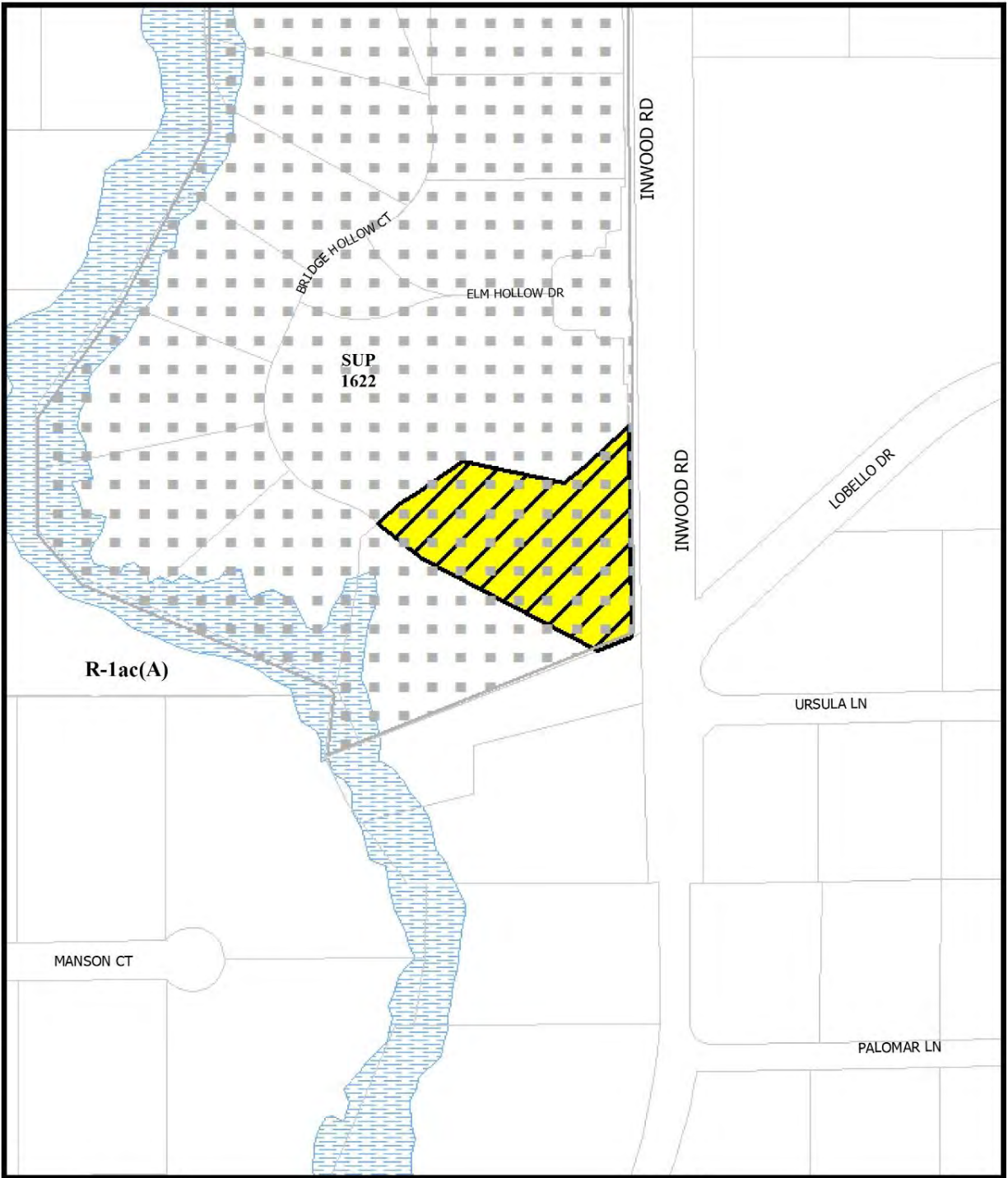
As of June 10, 2022, no letters have been submitted in support of the request and no letters have been submitted in opposition to the request.


The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of six-foot-eight-inches-tall located on Bridge Hollow Court will not adversely affect neighboring properties.

Granting the special exception to the fence standards related to the height and opacity would require the proposal exceeding four feet in height in the front yard setback located along Bridge Hollow Court to be maintained in the locations and height as shown on the site plan and elevation plan.

Timeline:

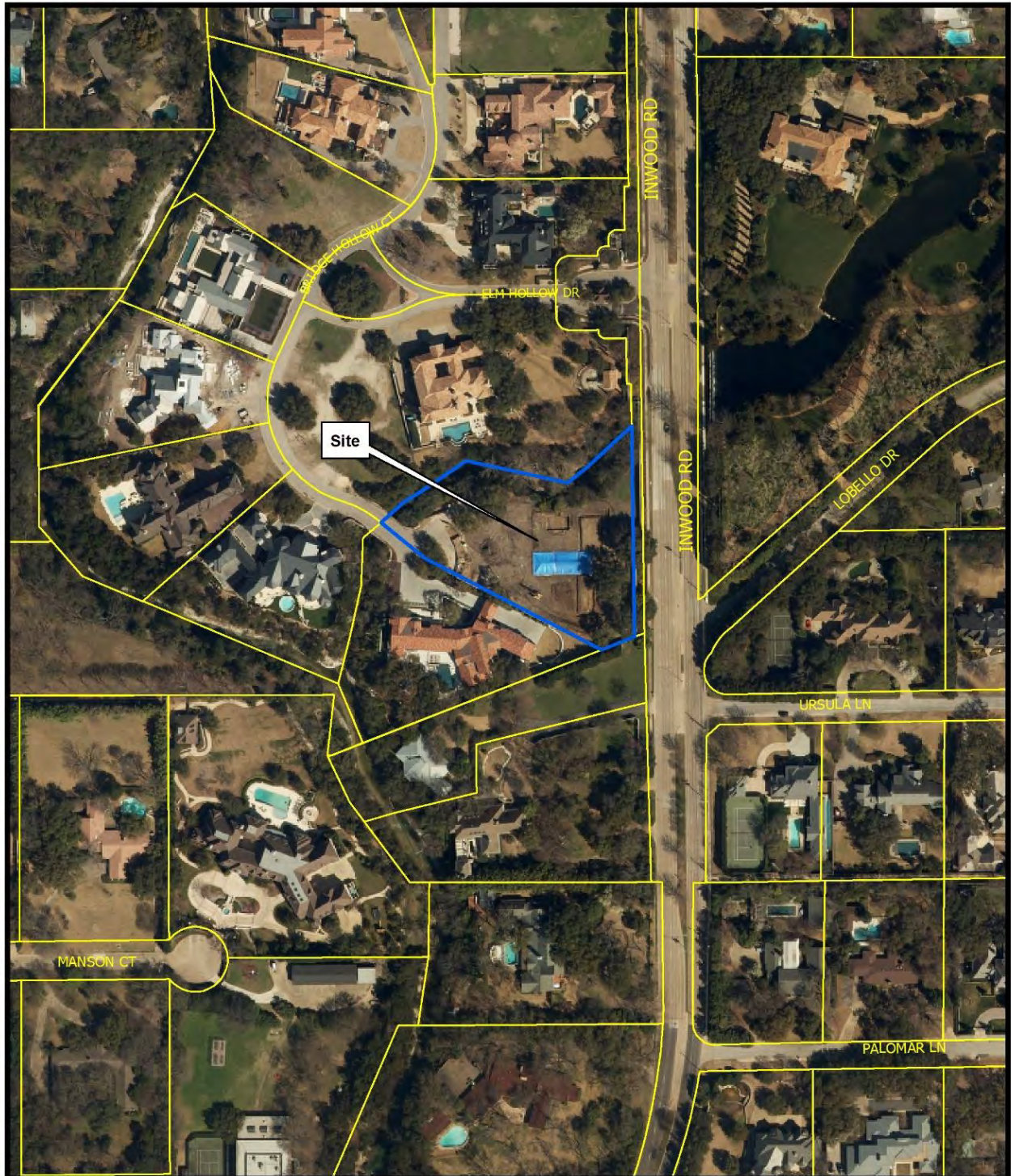
- April 15, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents (**Attachments A & B**) that have been included as part of this case report.
- May 2, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- May 2, 2022: The Board Senior Planner emailed the representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the May 25th deadline to submit additional evidence for staff to factor into their analysis; and the June 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- May 26, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Conservation District Chief Planner, the Board Senior Planner, and the Assistant City Attorney to the Board.




 1:2,400

ZONING MAP

Case no: **BDA212-050**
 Date: **5/3/2022**

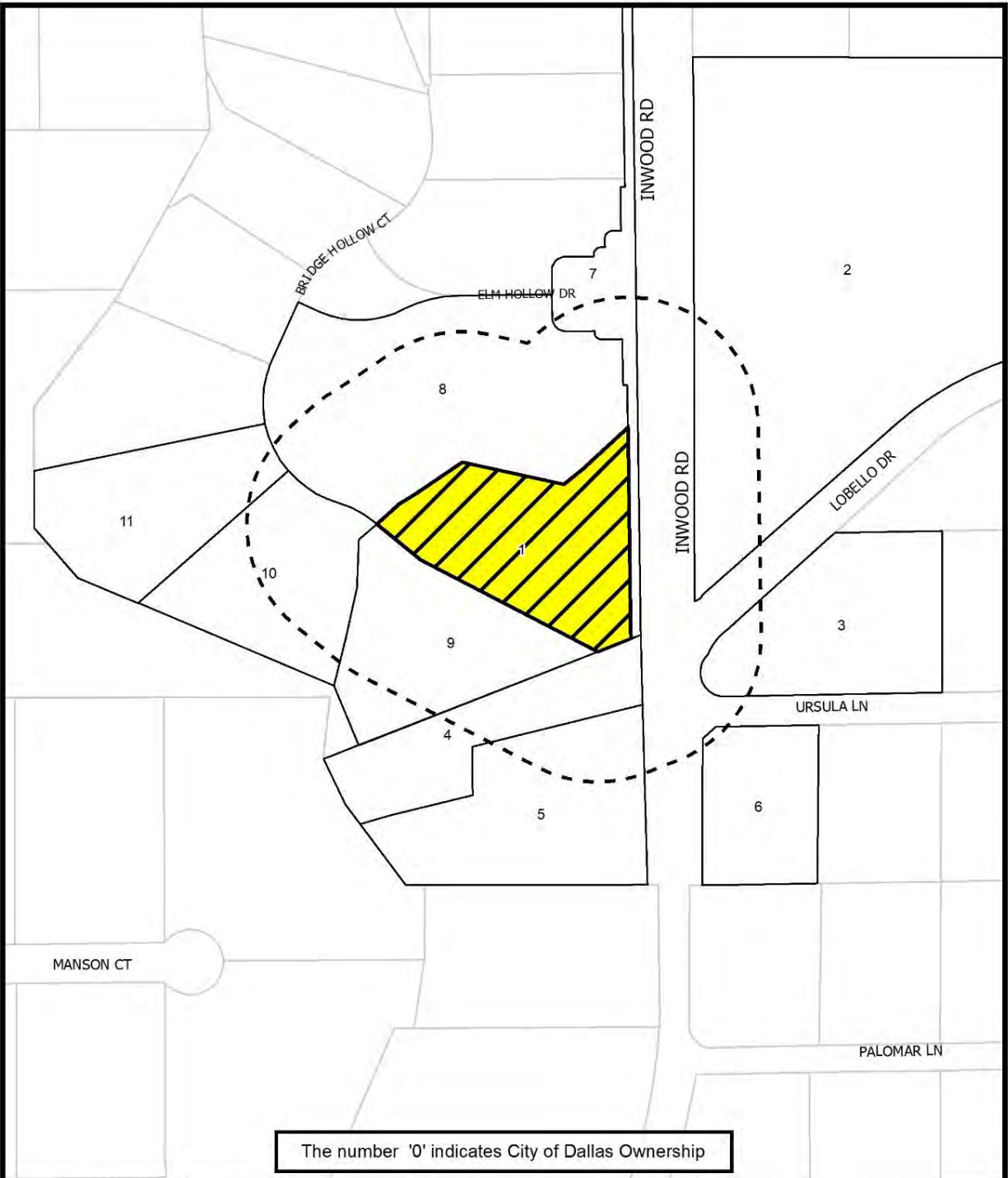



1:2,400

AERIAL MAP

Case no: BDA212-050

Date: 5/3/2022




 1:2,400

NOTIFICATION

200'	AREA OF NOTIFICATION
11	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-050**
 Date: **5/3/2022**

05/03/2022

Notification List of Property Owners

BDA212-050

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10602 BRIDGE HOLLOW CT	BOB AND JENNIFER FAMILY TRUST
2	10710 INWOOD RD	JAIN VINAY DR &
3	5115 URSULA LN	SARDINA ALEXANDER JOSE &
4	10601 INWOOD RD	ALLISON MARGARET SEAY OGLESBY
5	10573 INWOOD RD	PARK ROYAL 10573
6	5106 URSULA LN	SOLOMAN MARK S &
7	5000 ROYAL LN	CREEKS OF PRESTON HOLLOW HOMEOWNERS ASSOCIATION
8	5020 ELM HOLLOW DR	ELM HOLLOW TRUST
9	10603 BRIDGE HOLLOW CT	KRONBACH KEVIN C
10	10617 BRIDGE HOLLOW CT	CARTER ROBERT W & JANICE
11	10627 BRIDGE HOLLOW CT	QUINN DAVID W & STEPHANIE



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212.050

Date: 4-15-22

Data Relative to Subject Property:

Location address: 10602 Bridge Hollow Ct Zoning District: R-1AC(A) with SUP 1622

Lot No.: 4 Block No.: G/5518 Acreage: 1.699 acres Census Tract: 76.01

Street Frontage (in Feet): 1) 95 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bob and Jennifer Family Trust

Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949

Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 2'8" to the fence height regulations to allow a 6'8" fence in the front yard setback

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property has front yard on Bridge Hollow Court, which is a private street (SUP 1622). The proposed fencing will be similar in height and appearance to other fences in the area and located along the inside of the floodway easement on the north side of the property. This fence will be separated from the neighbor's property by a creek. The approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

Affidavit

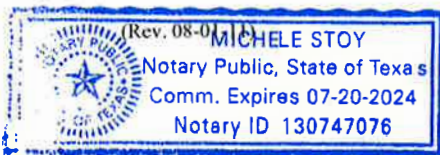
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 5 day of April, 2022

[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 Rob Baldwin

did submit a request for a special exception to the fence height regulations
at 10602 Bridge Hollow Ct.

BDA212-050. Application of Rob Baldwin for a special exception to the fence height regulations at 10602 BRIDGE HOLLOW CT. This property is more fully described as Lot 4, Block G/5518, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot 8 inch high fence in a required front yard, which will require a 2 foot 8 inch special exception to the fence regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-050

I, Jennifer Donnelly, Trustee of the Bob and Jennifer Family Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10602 Bridge Hollow Court
(Address of property as stated on application)

Authorize: Rob Baldwin
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Fence

Jennifer Donnelly
Print name of property owner or registered agent

J. Donnelly
Signature of property owner or registered agent

Date 3/14/2022

Before me, the undersigned, on this day personally appeared Jennifer Donnelly

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

Subscribed and sworn to before me this 14th day of March, 2022



Tevin Scott
Notary Public for Dallas County, Texas
Commission expires on August 16th, 2025



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-050

I, Robert Thomas, Trustee of the Bob and Jennifer Family Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10602 Bridge Hollow Court
(Address of property as stated on application)

Authorize: Rob Baldwin
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Fence

Robert R Thomas [Signature]
 Print name of property owner or registered agent Signature of property owner or registered agent

Date 3/14/2022

Before me, the undersigned, on this day personally appeared Robert Thomas

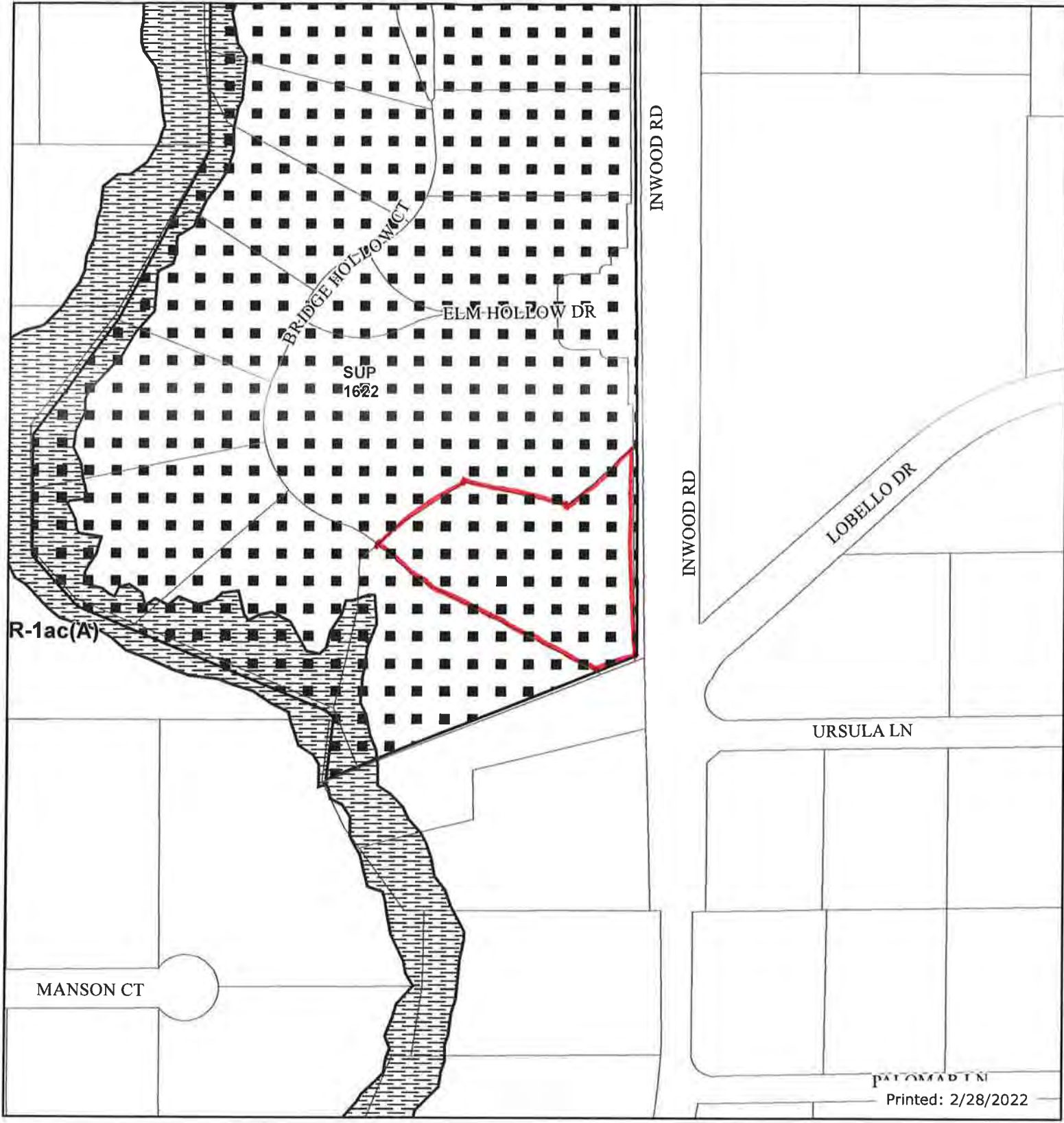
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 14th day of March, 2022



[Signature]
Notary Public for Dallas County, Texas

Commission expires on August 16th 2025



Printed: 2/28/2022

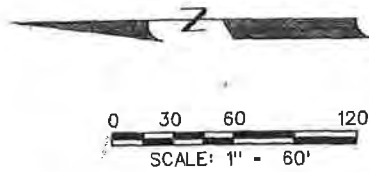
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay 5-5 |
| | | 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)



BERT E. WOOLEY
 MAINDR LOT 1,
 BLOCK A/5518
 VOL. 99161, PG. 2672
 D.R.D.C.T.



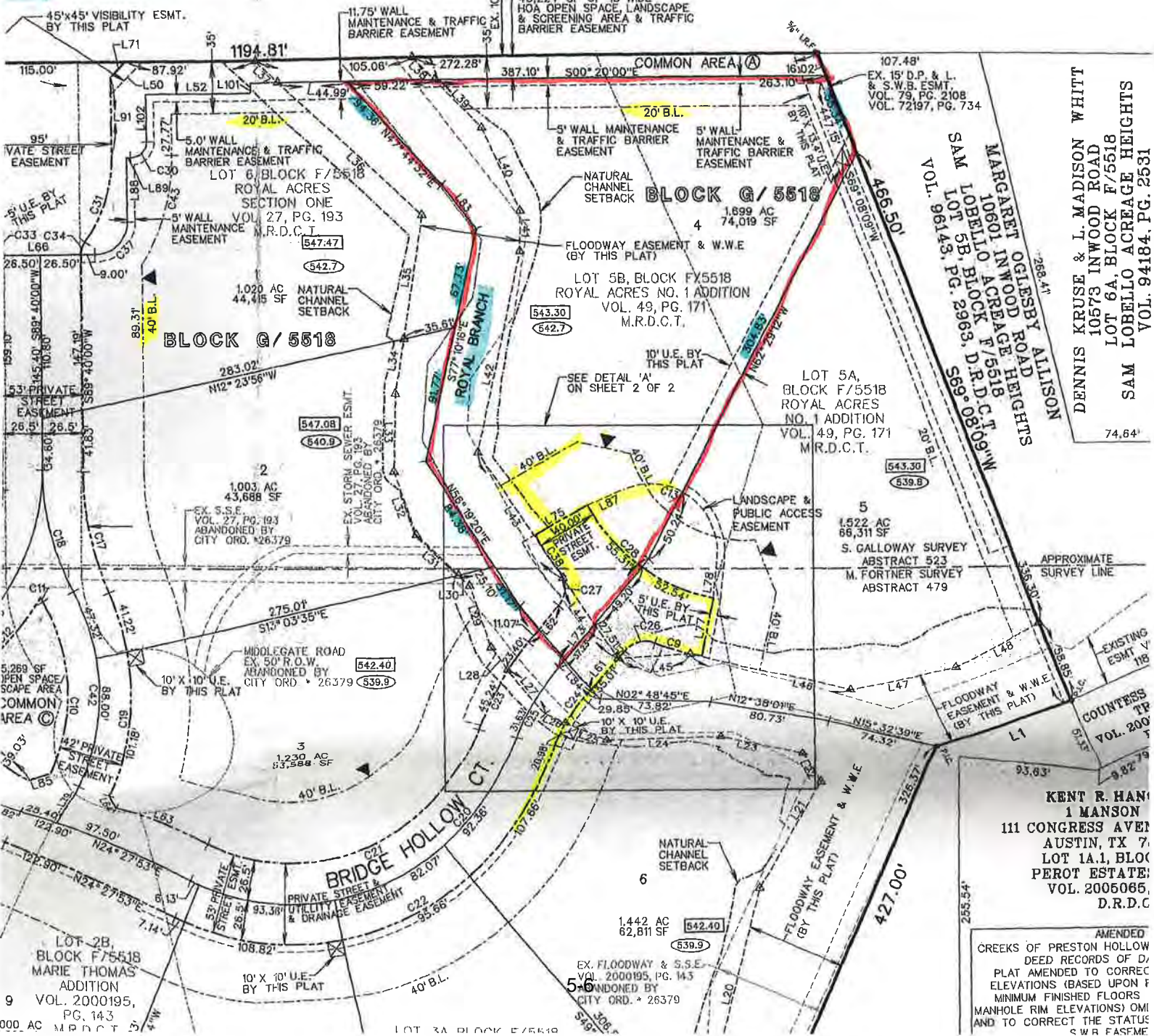
JOEL M. RAY
 LOT 19, BLOCK A/5518
 5117 URSULA LANE
 LOBELLO ESTATES
 VOL. 98237,
 PG. 1175
 D.R.D.C.T.

URSULA DRIVE
 (50' R.O.W.)

MARK S. &
 5106
 LOT
 LOB
 VOL

764.00'

JAD (100' R.O.W.)



DENNIS KRUSE & L. MADISON WHITT
 10573 INWOOD ROAD
 LOT 6A, BLOCK F/5518
 SAM LOBELLO ACREAGE HEIGHTS
 VOL. 94184, PG. 2531

MARGARET OGLESBY ROAD HEIGHTS
 10601 INWOOD ROAD
 LOT 5B, BLOCK F/5518
 SAM LOBELLO ACREAGE HEIGHTS
 VOL. 96143, PG. 2963, D.R.D.C.T.

KENT R. HANSON
 1 MANSON
 111 CONGRESS AVEN
 AUSTIN, TX 7
 LOT 1A.1, BLOC
 PEROT ESTATE;
 VOL. 2006065,
 D.R.D.C

AMENDED
 CREEKS OF PRESTON HOLLOW
 DEED RECORDS OF D/
 PLAT AMENDED TO CORREC
 ELEVATIONS (BASED UPON F
 MINIMUM FINISHED FLOORS
 MANHOLE RIM ELEVATIONS) OMI
 AND TO CORRECT THE STATUS
 SWR FASME

Baldwin Associates

April 15, 2021

Diana Barkume

City of Dallas Board of Adjustment

320 E. Jefferson Blvd

Dallas, TX 752203

RE: 10602 Bridgehollow fence special exception

Dear Ms. Barkume,

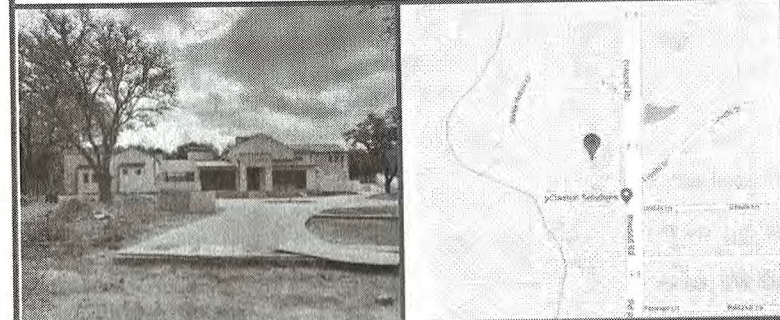
Please accept this letter acknowledging that a fence within an easement requires written approval prior to the issuance of a fence permit and that, should the Board of Adjustment approve the requested fence height, a fence permit is required within 180 days of the Board action. The homeowner and fence contractor are included on the email in delivery.

Please contact our office should you have any questions.

Thanks,



Jennifer Hiromoto



PROPERTY ADDRESS:
10602 BRIDGE HOLLOW COURT, DALLAS, TEXAS 75229

SURVEY NUMBER: 2104.4414

CERTIFIED TO:
ROBERT R. THOMAS, SENDERA TITLE, FIDELITY NATIONAL TITLE
INSURANCE COMPANY, QUICKEN LOANS LLC

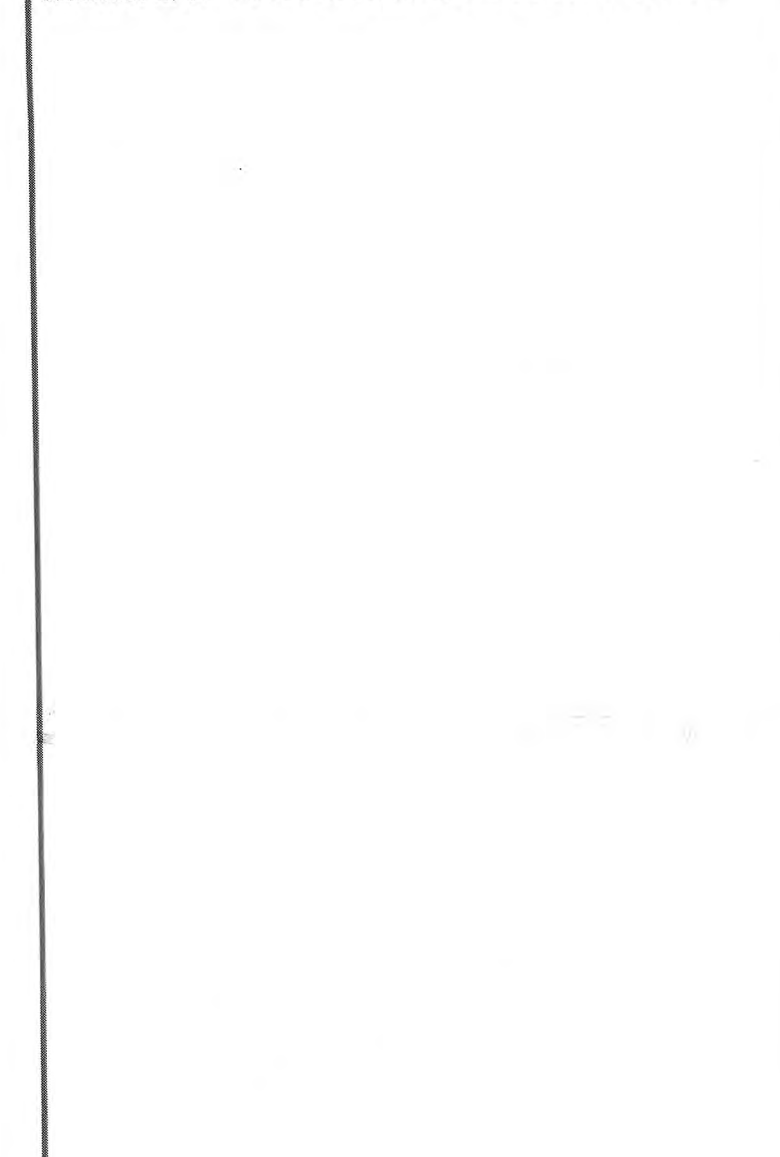
BUYER: ROBERT R. THOMAS

LENDER: QUICKEN LOANS LLC

TITLE COMPANY: SENDERA TITLE

TITLE COMMITMENT: CLIENT FILE NO: 2004003-VG-1A

LEGAL DESCRIPTION:
LOT 4, BLOCK G/5518, OF CREEKS OF PRESTON HOLLOW, AN
ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS,
ACCORDING TO PLAT RECORDED UNDER INSTRUMENT NO.
2008002143, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.



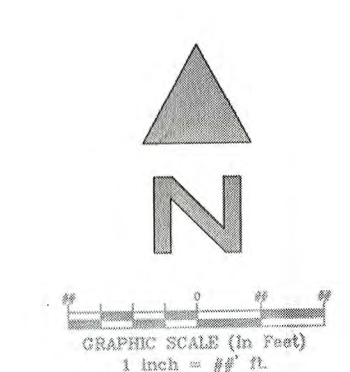
JOB SPECIFIC SURVEYOR NOTES
Surveyor did not disturb subject property. This survey was prepared with information contained in the Commission of No. 2004003-VG-1A of Fidelity National Title Company, effective date of November 16, 2020, issued date of November 20, 2020 and is subject to the limitations of that commitment.
Subject to assessment and setbacks as per restrictions recorded to Volume 8, Page 481, Volume 45, Page 173, Volume 20081195, Page 143, Instrument No. 2008002143, Map Record, Volume 3310, Page 170, Local Records, Instrument No. 20040031790, 20040031792, 20070191038, 201000124882 and 201000129738, Official Public Records of Dallas County, Texas.

DATE: 05/10/21 FIELD WORK DATE: 5/9/2021

REVISION DATE(S):
(rev.1 5/11/2021)

POINTS OF INTEREST
NONE VISIBLE

SURVEYORS CERTIFICATE
The undersigned, being a Registered Professional Land Surveyor in the State of Texas, does hereby certify that the Plat or Survey hereon correctly represents the results of an actual survey made on the ground under my direction and meets the standards of practice promulgated by the Texas Board of Professional Engineers and Land Surveyors.



EXACTA
Land Surveyors, LLC
11111 Richmond Ave, Suite 150 | Houston, TX 77082
Phone: 281.994.2121

EXACTA
Land Surveyors, LLC
11111 Richmond Ave, Suite 150 | Houston, TX 77082
Phone: 281.994.2121

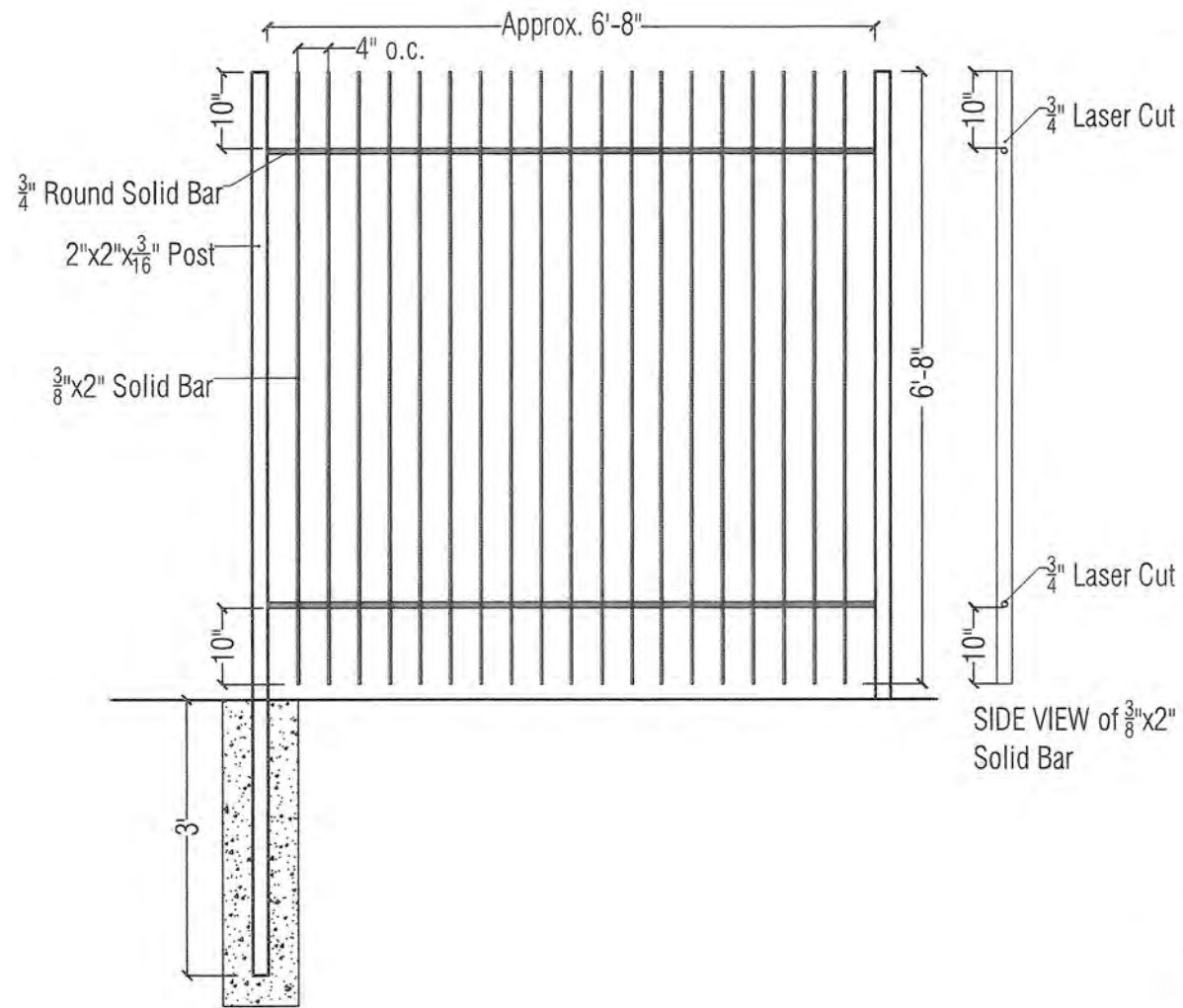
GENERAL SURVEYORS NOTES:

- Unless otherwise noted, the Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- Controlling Monuments ("CM") designated on the survey indicate the corners found or recovered and are the basis of the referenced bearing for this survey. Unless otherwise noted the bearings depicted hereon are based on the record map or plat.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection only. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
- Unless otherwise noted "SIRC" indicates a Set Iron Rebar with Cap stamped LBR 10063800 or LBR 10194357, a minimum half inch in diameter and eighteen inches long.
- If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Texas State Statutes 663.18. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor.
- The symbols reflected in the surveyor's legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Due to varying construction standards, house dimensions are approximate and are not intended to be used for new construction or planning. Dimensions are in feet and decimals thereof.

SURVEYORS LEGEND:

LINETYPES	ABBREVIATIONS	ME - Maintenance Easement
Boundary Line	(C) - Calculated	MES - Mitered End Section
Center Line	(D) - Deed	MF - Metal Fence
Chain Link or Wire Fence	(F) - Field	MH - Manhole
Easement	(M) - Measured	NR - Non-Radial
Edge of Water	(P) - Plat	NTS - Not to Scale
Iron Fence	(S) - Survey	NAV88 - North American Vertical Datum 1988
Overhead Lines	A/C - Air Conditioning	NGVD29 - National Geodetic Vertical Datum 1929
Structure	AE - Access Easement	OG - On Ground
Survey Tie Line	ANE - Anchor Easement	ORB - Official Records Book
Vinyl Fence	ASBL - Accessory Setback Line	ORB - Official Record Volume
Wall or Party Wall	B/W - Bay/Box Window	O/A - Overall
Wood Fence	BC - Block Corner	O/S - Offset
	BFP - Backflow Preventer	OFF - Outside Subject Property
	BLDG - Building	OH - Overhang
	BLK - Block	OHL - Overhead Utility Lines
	BM - Benchmark	ON - Inside Subject Property
	BR - Bearing Reference	PE - Pool Equipment
	BRL - Building Restriction Line	PB - Plat Book
	BSMT - Basement	PC - Point of Curvature
	C - Curve	PCC - Point of Compound Curvature
	C/L - Center Line	PCP - Permanent Control Point
	CP - Covered Porch	PI - Point of Intersection
	C/S - Concrete Slab	PLS - Professional Land Surveyor
	CATV - Cable TV Riser	PLT - Planter
	CB - Concrete Block	POB - Point of Beginning
	CH - Chord Bearing	POC - Point of Commencement
	CHIM - Chimney	PRC - Point of Reverse Curvature
	CLF - Chain Link Fence	PRM - Permanent Reference Monument
	CME - Canal Maintenance Easement	PSM - Professional Surveyor & Mapper
	CO - Clear Out	PT - Point of Tangency
	CONC - Concrete	PUE - Public Utility Easement
	COR - Corner	R - Radius or Radial
	CS/W - Concrete Sidewalk	R/W - Right of Way
	CUE - Control Utility Easement	RES - Residential
	CVG - Concrete Valley Gutter	RGE - Range
	D/W - Driveway	ROE - Roof Overhang Easement
	DE - Drainage Easement	RP - Radius Point
	DF - Drain Field	S/W - Sidewalk
	DIH - Drill Hole	SBL - Setback Line
	DUE - Drainage & Utility Easement	SCL - Survey Closure Line
	ELEV - Elevation	SCR - Screen
	EM - Electric Meter	SEC - Section
	ENCL - Enclosure	SEP - Septic Tank
	ENT - Entrance	SEW - Sewer
	EOP - Edge of Pavement	SIRC - Set Iron Rod & Cap
	EW - Edge of Water	SMWE - Storm Water Management Easement
	ESMT - Easement	SN&D - Set Nail and Disc
	EUB - Electric Utility Box	SQFT - Square Feet
	F/DH - Found Drill Hole	STL - Survey Tie Line
	FCM - Found Concrete Monument	STY - Story
	FF - Finished Floor	SV - Sewer Valve
	FIP - Found Iron Pipe	SWE - Sidewalk Easement
	FIPC - Found Iron Pipe & Cap	TBM - Temporary Bench Mark
	FIRC - Found Iron Rod & Cap	TEL - Telephone Facilities
	FN - Found Nail	TOB - Top of Bank
	FN&D - Found Nail & Disc	TUE - Technological Utility Easement
	FRSPK - Found Road Road Spike	TWP - Township
	GAR - Garage	TX - Transformer
	GM - Gas Meter	TYP - Typical
	ID - Identification	UE - Utility Easement
	IE/E - Ingress/Egress Easement	UG - Underground
	ILL - Illegible	UP - Utility Pole
	INST - Instrument	UR - Utility Riser
	INT - Intersection	VF - Vinyl Fence
	IRRE - Irrigation Easement	W/C - Witness Corner
	L - Length	WF - Water Filter
	LAE - Limited Access Easement	WM - Water Meter/Valve Box
	LBP - License No. (Business)	WV - Water Valve
	LBE - Limited Buffer Easement	
	LE - Landscape Easement	
	LME - Lake/Landscape Maintenance Easement	
	LSF - License No. (Surveyor)	
	MB - Map Book	

FLOOD ZONE INFORMATION:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, PER 48071.0190K, DATED: 07/07/2014.



fence length: ~75ft

CONCEPTUAL DRAWING All measurements to be field verified

<p>CLIENT: 10602 Bridge Hollow Ct. FENCE DETAIL</p>	<p>DATE 07.15.21 Revised</p>	<p>Southwest Fence & Deck, Inc. 10000 Canyon Blvd Suite 100 Colorado Springs, CO 80901 617.264.9441 www.SouthwestFence.com</p>		<p>NOT FOR CONSTRUCTION WITHOUT WRITTEN PERMISSION OF SOUTHWEST FENCE & DECK © COPYRIGHT 2021 SOUTHWEST FENCE & DECK ALL RIGHTS RESERVED</p>
---	----------------------------------	--	--	--

212-050

BDA212-050 ATTACHMENT_A

SurveySTARS

PROPERTY ADDRESS:
10602 BRIDGE HOLLOW COURT, DALLAS, TEXAS 75229

SURVEY NUMBER: 2104.4414

CERTIFIED TO:
ROBERT R. THOMAS, SENDERA TITLE, FIDELITY NATIONAL TITLE INSURANCE COMPANY, QUICKEN LOANS LLC

BUYER: ROBERT R. THOMAS

LENDER: QUICKEN LOANS LLC

TITLE COMPANY: SENDERA TITLE

TITLE COMMITMENT: CLIENT FILE NO: 2004003.VC.IA

LEGAL DESCRIPTION:
LOT 4, BLOCK G/5518, OF CREEKS OF PRESTON HOLLOW, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO PLAT RECORDED UNDER INSTRUMENT NO. 20080028143, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.

JOB SPECIFIC SURVEYOR NOTES
Surveyor did not abstract subject property. This survey was prepared with information contained in The Commission of Professional Land Surveyors of the State of Texas, effective date of November 19, 2005, issued date of November 30, 2020 and is subject to the limitations of that commission.
Subject to easements and setbacks as per restrictions recorded in Volume 8, Page 481, Volume 45, Page 171; Volume 2001195, Page 143; Instrument No. 2000028143, Map Records, Volume 3216, Page 518; Deed Records, Instrument No. 20040011902, 20060033159, 20060439223, 20070191036, 201000124882 and 201000129738, Official Public Records of Dallas County, Texas.

DATE: 05/10/21 FIELD WORK DATE: 5/8/2021

REVISION DATE(S):
(rev.1 5/11/2021)

POINTS OF INTEREST:
NONE VISIBLE

SURVEYORS CERTIFICATE
The undersigned, being a Registered Professional Land Surveyor in the State of Texas, does hereby certify that the Plat or Survey hereon correctly represents the results of an actual survey made on the ground under my direction and meets the standards of practice promulgated by the Texas Board of Professional Engineers and Land Surveyors.

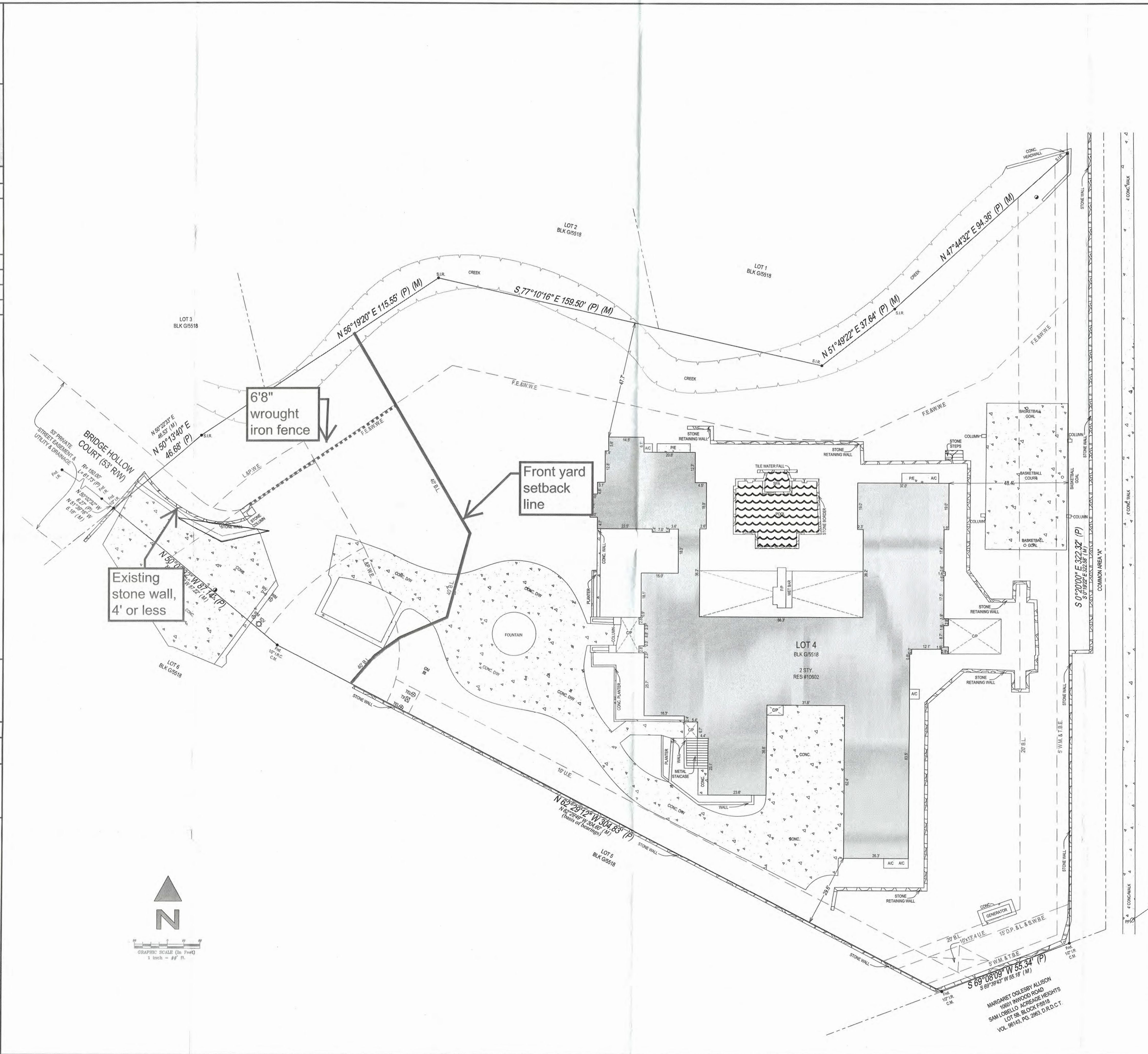
PAUL A. JURICA JR.
REGISTERED PROFESSIONAL LAND SURVEYOR
4264

Headquarter's Office
866.735.1916 (T) 866.744.2882
220 Elm St | Lewisville, TX 75057
Fax No: 956.8800

Branch Office
866.735.1916 (T) 866.744.2882
11111 Richmond Ave, Suite 150 | Houston, TX 77062
Fax No: 956.8800

EXACTA
Land Surveyors, LLC

EXACTA
Land Surveyors, LLC



GENERAL SURVEYORS NOTES:

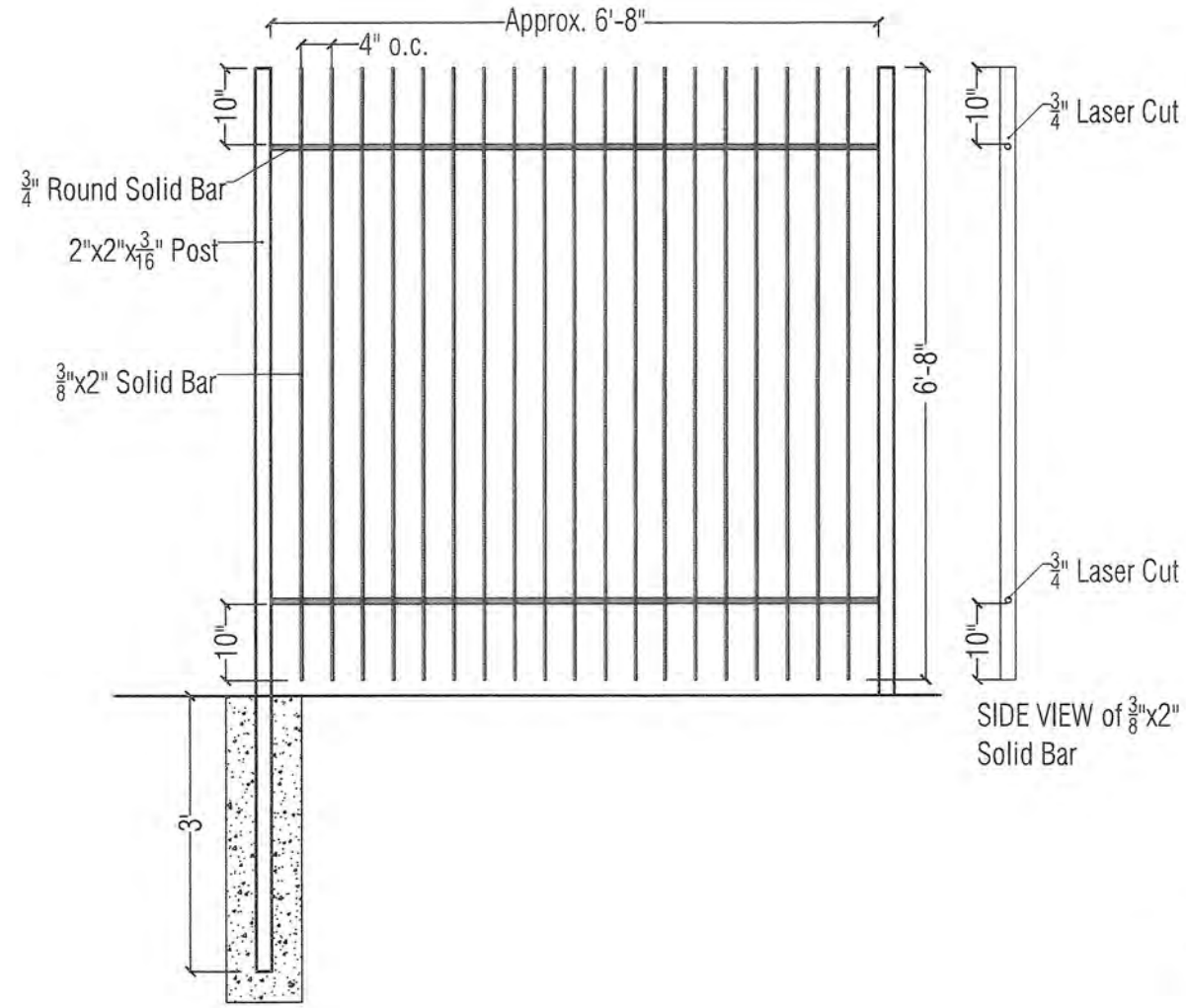
- Unless otherwise noted, the Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
- The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
- Controlling Monuments ("CM") designated on the survey indicate the corners found or recovered and are the basis of the referenced bearing for this survey. Unless otherwise noted the bearings depicted hereon are based on the record map or plat.
- If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection only. No excavation was performed to determine its location.
- This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
- Alterations to this survey map and report by other than the signing surveyor are prohibited.
- Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
- Unless otherwise noted "SIRC" indicates a Set Iron Rebar with Cap Stamped LBM# 10063800 or LBM# 10194357, a minimum half inch in diameter and eighteen inches long.
- If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Texas State Statutes 603.18. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor.
- The symbols reflected in the surveyor's legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
- Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
- Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
- The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
- Due to varying construction standards, house dimensions are approximate and are not intended to be used for new construction or planning. Dimensions are in feet and decimals thereof.

SURVEYORS LEGEND:

LINETYPES	ABBREVIATIONS	ME - Maintenance Easement
Boundary Line	(C) - Calculated	MES - Mixed End Section
Center Line	(D) - Deed	MF - Metal Fence
Chain Link or Wire Fence	(F) - Field	MH - Manhole
Easement	(M) - Measured	NR - Non-Radial
Edge of Water	(P) - Plat	NTS - Not to Scale
Iron Fence	(S) - Survey	NAVD83 - North American Vertical Datum 1988
Overhead Lines	A/C - Air Conditioning	NGVD29 - National Geodetic Vertical Datum 1929
Structure	AE - Access Easement	OG - On Ground
Survey Tie Line	ANE - Anchor Easement	ORB - Official Records Book
Vinyl Fence	ASBL - Accessory Setback Line	ORV - Official Record Volume
Wall or Party Wall	B/W - Bay/Box Window	O/A - Overall
Wood Fence	BC - Block Corner	O/S - Offset
Asphalt	BFP - Backflow Preventer	OFF - Outside Subject Property
Brick or Tile	BLDG - Building	OH - Overhang
Concrete	BLK - Block	OHL - Overhead Utility Lines
Covered Area	BM - Benchmark	ON - Inside Subject Property
Water	BR - Bearing Reference	P/E - Pool Equipment
Wood	BRL - Building Restriction Line	PB - Plat Book
Benchmark	BSMT - Basement	PC - Point of Curvature
Center Line	C - Curve	PCC - Point of Compound Curvature
Central Angle or Delta	C/L - Center Line	PCP - Permanent Control Point
Common Ownership	C/P - Covered Porch	PI - Point of Intersection
Control Point	C/S - Concrete Slab	PLS - Professional Land Surveyor
Catch Basin	CATV - Cable TV Riser	PLT - Planter
Elevation	CB - Concrete Block	POB - Point of Beginning
Fire Hydrant	CH - Chord Bearing	POC - Point of Commencement
Find or Set Monument	CHM - Chimney	PRM - Permanent Reference Monument
Guywire or Anchor	CLF - Chain Link Fence	PSM - Professional Surveyor & Mapper
Manhole	CME - Canal Maintenance Easement	PT - Point of Tangency
Tree	CO - Clean Out	PUE - Public Utility Easement
Utility or Light Pole	CONC - Concrete	R - Radius or Radial
	COR - Corner	R/W - Right of Way
	CS/W - Concrete Sidewalk	RES - Residential
	CUE - Control Utility Easement	RGE - Range
	CVG - Concrete Valley Gutter	ROE - Roof Overhang Easement
	D/W - Driveway	RP - Radius Point
	DE - Drainage Easement	S/W - Sidewalk
	DF - Drain Field	SCL - Setback Line
	DH - Drill Hole	SCL - Survey Closure Line
	DUE - Drainage & Utility Easement	SCR - Screen
	EM - Electric Meter	SEC - Section
	ENCL - Enclosure	SEP - Septic Tank
	ENT - Entrance	SEW - Sewer
	EOP - Edge of Pavement	SIRC - Set Iron Rod & Cap
	EOW - Edge of Water	SMWE - Storm Water Management Easement
	ESMT - Easement	SMB - Set Nail and Disc
	EUB - Electric Utility Box	SQFT - Square Feet
	FIDH - Found Drill Hole	STL - Survey Tie Line
	FCM - Found Concrete Monument	SV - Sewer Valve
	FF - Finished Floor	SWE - Sidewalk Easement
	FIP - Found Iron Pipe	TBM - Temporary Bench Mark
	FIPC - Found Iron Pipe & Cap	TEL - Telephone Facilities
	FIR - Found Iron Rod	TOP - Top of Bank
	FN - Found Nail	TUE - Technological Utility Easement
	FND - Found Nail & Disc	TWP - Township
	FRSPK - Found Rail Road Spike	TX - Transformer
	GAR - Garage	TYP - Typical
	GM - Gas Meter	UE - Utility Easement
	ID - Identification	UG - Underground
	IE/E - Ingress/Egress Easement	UP - Utility Pole
	ILL - Illegible	UR - Utility Riser
	INT - Instrument	VF - Vinyl Fence
	INT - Intersection	W/C - Witness Corner
	IRRE - Irrigation Easement	W/F - Water Filter
	L - Length	W/F - Wood Fence
	LAE - Limited Access Easement	WM - Water Meter/Valve Box
	LBN - License No. (Business)	WV - Water valve
	LBE - Limited Buffer Easement	
	LE - Landscape Easement	
	LME - Lake/Landscape Maintenance Easement	
	LS# - License No. (Surveyor)	
	MB - Map Book	

FLOOD ZONE INFORMATION:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, PER 4801.71 019X, DATED: 07/31/2014.

BDA212-050_ATTACHMENT_B



fence length: ~75ft

*CONCEPTUAL DRAWING * All measurements to be field verified

<p>CLIENT: 10602 Bridge Hollow Ct. FENCE DETAIL</p>	<p>DATE 07.15.21 Revised</p>	<p>Southwest Fence & Deck, Inc. 1800 Dallas Rd. Carrington, North Carolina 27520 919.394.9414 www.southwestfence.com</p>		<p>NOT FOR CONSTRUCTION WITHOUT WRITTEN PERMISSION OF SOUTHWEST FENCE & DECK © COPYRIGHT 2011 SOUTHWEST FENCE & DECK ALL RIGHTS RESERVED</p>
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212-050

FILE NUMBER: BDA212-020(PD)

BUILDING OFFICIAL'S REPORT: Application of **Stephen Marley** for 1) a variance to the side yard setback regulations of five-feet to construct an accessory structure zero feet from the property line, within a required five-foot side yard setback; and, 2) a variance to the single-family use regulations to construct and maintain a 778.5-square-foot accessory structure (29 percent of the 2,701-square-foot floor area of the main structure) which will require a 103.25-square-foot variance to the floor area ratio of the main structure at 1218 N. Clinton Avenue. This property is more fully described as Lot 5 in City Block 15/3802 and is zoned Subarea 1 within Conservation District No. 13, in which a minimum side yard setback of five feet must be maintained, and an accessory structure may not exceed 25 percent of the floor area of the main structure.

LOCATION: 1218 N. Clinton Avenue

APPLICANT: **Stephen Marley**

REQUESTS:

The applicant proposes to construct and maintain an accessory structure with approximately **778.5 square feet** of floor area wholly into a required five-foot side yard setback on a site developed with a single-family dwelling.

UPDATES:

On May 24, 2022, the applicant provided revised evidence (**Attachment A**) consistent with staff's calculations. As a result, on May 25, 2022, staff revised the BO report (**Attachment D**) to reflect the consistent calculations as well as the staff report for the request.

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 and FAR variance):

Approval, subject to compliance with the submitted site plan:

Rationale:

Staff concluded that the subject site is unique and different from most lots in Subarea 1 within Conservation District No. 13 considering its restrictive lot area of 10,800 square feet. Evidence (**Attachment A**) provided by the applicant, reflects a comparison of six lots within the same zoning district. Per the comparative analysis, the average lot area is 13,894 square feet. Thus, in analyzing the comparative properties the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

BACKGROUND INFORMATION:

Zoning:

- Site: Subarea 1 within Conservation District No. 13
- North: Subarea 1 within Conservation District No. 13
- South: Subarea 1 within Conservation District No. 13
- East: Subarea 1 within Conservation District No. 13
- West: Subarea 1 within Conservation District No. 13

Land Use:

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

Zoning/BDA History:

There have been five recent related board cases in the vicinity within the last five years.

1. **BDA201-082:** On September 20, 2021, Panel C, Board of Adjustment approved 1) a variance to the side yard setback regulations of four-feet to construct an accessory dwelling unit one-foot from the property line, within a required five-foot side yard setback; and 2) a variance to the single-family use regulations to construct and maintain a 699-square-foot accessory structure (34.8 percent of the 2,005-square-foot floor area of the main structure) at 1107 S. Canterbury.

2. **BDA189-040:** On April 16, 2019, Panel A, Board of Adjustment denied a variance for to the off-street parking regulations of 15' is made to replace an existing approximately 360 square foot garage with parking spaces in it that are accessed from N. Edgefield Avenue to the east with a new approximately 650 square foot garage with parking spaces in it that would be accessed from the alley to the west – parking spaces in this new enclosed structure/garage that would be located 5' from the right-of-way line adjacent to the alley or 15' into the 20' required distance these enclosed parking spaces must be from the alley right-of-way line on a site developed with a single family home at 1107 N. Edgefield Avenue.
3. **BDA189-052:** On May 21, 2019, Panel A, Board of Adjustment approved a variance to the front yard setback regulations to provide a 21-foot front yard setback, which will require a 51-foot variance to the front yard setback at 1828 Kessler Parkway.
4. **BDA178-033:** On March 21, 2018, Panel B, Board of Adjustment approved a variance to the front yard setback regulations of 19' is requested to construct and maintain the aforementioned structure 16' from the front property line or 19' into the required 35' front yard setback; 2. a variance to the off-street parking regulations of 4' is requested as the proposed home would have parking spaces in an enclosed structure (an attached garage) that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to Kessler Parkway at 2016 Kessler Parkway.
5. **BDA178-030:** On March 19, 2018, Panel C, Board of Adjustments approved a variance to the front yard of setback 11-foot-three-inch variance to the front yard setback regulations to provide a 20-foot three-inch front yard setback at 1520 Olympia Drive.

GENERAL FACTS/STAFF ANALYSIS:

The subject property zoned Subarea 1 within Conservation District No. 13. In this district, a minimum side yard setback of five feet is required. Additionally, an accessory structure cannot exceed 25 percent of the floor area ratio of the main structure. The requests for variances to the side yard setback and maximum floor area ratio regulations focus on constructing and maintaining a 778.5-square-foot accessory structure. The proposed unit is 29 percent of the 2,701-square-foot floor area of the main structure, which will require a 103.25-square-foot variance to the floor area ratio of the main structure. **While the first story of the existing structure encroaches wholly into the required five-foot side yard setback, the proposed second story addition will comply with the required five-foot side yard setback. Sec. 51A-4.402(b)(3) of the Dallas Development Code allows encroachment of a structure accessory to a residential use,**

including a generator, if the structure a) does not exceed 15 feet in height, and b) is located in the rear 30 percent of the lot. Additionally, Sec. 51A-4.403(b)(2) of the Development Code allows the encroachment of structures accessory to a residential use, including a generator with the same requirements, however, where the rear yard is adjacent to an alley a minimum three-foot rear yard setback is required.

DCAD records indicate the following improvements for the property located at 1218 N. Clinton Avenue: “main improvement”: a structure with 2,018 square feet of living area built-in 1924” and “additional improvements”: a 400-square-foot detached garage, a 232-square-foot “detached quarters,” and a swimming pool. The DCAD calculations do not include the proposed addition of 684 square feet to the second story.

The site plan depicts an existing one-story accessory structure with approximately 287 square feet of floor area. The applicant proposes to construct a second story accessory structure with approximately 778.5 square feet, with the proposed second story addition in compliance with the side yard setback while the existing first story encroaches wholly into the required five-foot side yard setback. The second story addition with stairs will equate to approximately 29 percent of the existing 2,701-square-foot floor area ratio of the main structure.

The property is irregular in shape since it is neither rectangular nor square and according to the application, contains 0.248 acres, or approximately 10,802 square feet in lot area. In Subarea 1 within Conservation District No. 13 the minimum lot size is 7,500 square feet. However, properties within the vicinity are one-and-one-half times greater than the minimum lot size.

The applicant has submitted evidence (**Attachment A**) comparing the lot sizes of the subject site with six adjacent properties in the same zoning district. Thus, staff concludes that the subject site is unique and different from most lots in Subarea 1 within Conservation District No. 13 considering its restrictive lot area of 10,800 square feet. Per the comparative analysis, the average lot area is 13,894 square feet and the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

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

- That granting the variances will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.

- The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- The variances 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 zoning classification.

As of June 10, 2022, staff has received 16 letters in support of the request and none in opposition to the request.

If the board were to grant a variance to the floor area regulations and a variance to the side yard setback for structures accessory to single-family uses and impose the submitted site plan as a condition, the building footprint of the structure on the site would be limited to what is shown on this document. However, granting these variances will not provide any relief to the Dallas Development Code regulations other than allowing an additional structure on the site to exceed the floor area ratio and encroach into the side yard setback as depicted on the site plan (i.e. development on the site must meet all other code requirements).

Timeline:

- January 7, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report. Additionally, the applicant submitted evidence (**Attachment A**) with the application.
- March 1, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- February 3, 2022: The 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 February 23rd deadline to submit additional evidence for staff to factor into their analysis; and the March 4th 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 2, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Senior Engineer, and the Assistant City Attorney to the board. No review comment sheets were submitted in conjunction with this application.

March 22, 2022: The Board held the request under advisement until April 19, 2022.

April 8, 2022: The applicant requested a postponement (**Attachment B**) to allow more time to garner support from neighbors.

April 19, 2022: The Board held the request under advisement until May 17, 2022.

April 27, 2022: The applicant provided revised evidence (**Attachment A**).

May 17, 2022: The Board held the request under advisement until June 17, 2022 to allow accuracy in calculation in reviewing the revised site plan.

May 24, 2022: The applicant provided revised evidence (**Attachment A**) and a revised site plan (**Attachment C**) consistent with staff's calculations.

May 25, 2022: Staff revised the BO report (**Attachment D**) to reflect the consistent calculations for the request.

BOARD OF ADJUSTMENT ACTION: May 17, 2022

APPEARING IN FAVOR: Stephen Marley 1218 N. Clinton Ave. Dallas, TX
Fred Pena 410 E. 5th St. Dallas TX

APPEARING IN OPPOSITION: None.

MOTION: Lamb

I move that the Board of Adjustment in request No. BDA 212-020, **hold** this matter under advisement until **June 21, 2022**.

SECONDED: Halcomb

AYES: 5 – Narey, Frankford Lamb, Halcomb, Neumann

NAYS: 0 -

MOTION PASSED: 5-0 (unanimously)

BOARD OF ADJUSTMENT ACTION: April 19, 2022

APPEARING IN FAVOR: Stephen Marley 1218 N. Clinton Ave. Dallas, TX
Jason Michael 1300 W. Canterbury Dallas TX

APPEARING IN OPPOSITION: None.

MOTION: Lamb

I move that the Board of Adjustment in request No. BDA 212-020, **hold** this matter under advisement until **May 17, 2022**.

SECONDED: Halcomb

AYES: 5 – Narey, Frankford Lamb, Halcomb, Neumann

NAYS: 0 -

MOTION PASSED: 5-0 (unanimously)

BOARD OF ADJUSTMENT ACTION: March 22, 2022

APPEARING IN FAVOR: Alfredo Pena 410 E. 5th St. Dallas, TX
Stephen Marley 1218 N. Clinton Ave. Dallas, TX
Jason Michael 1300 W. Canterbury Dallas TX

APPEARING IN OPPOSITION: None.

MOTION: Halcomb

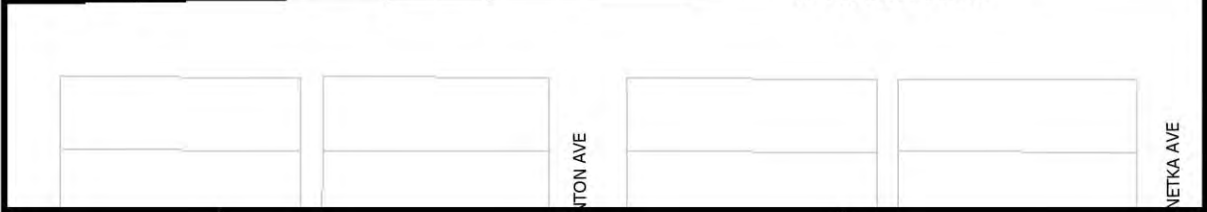
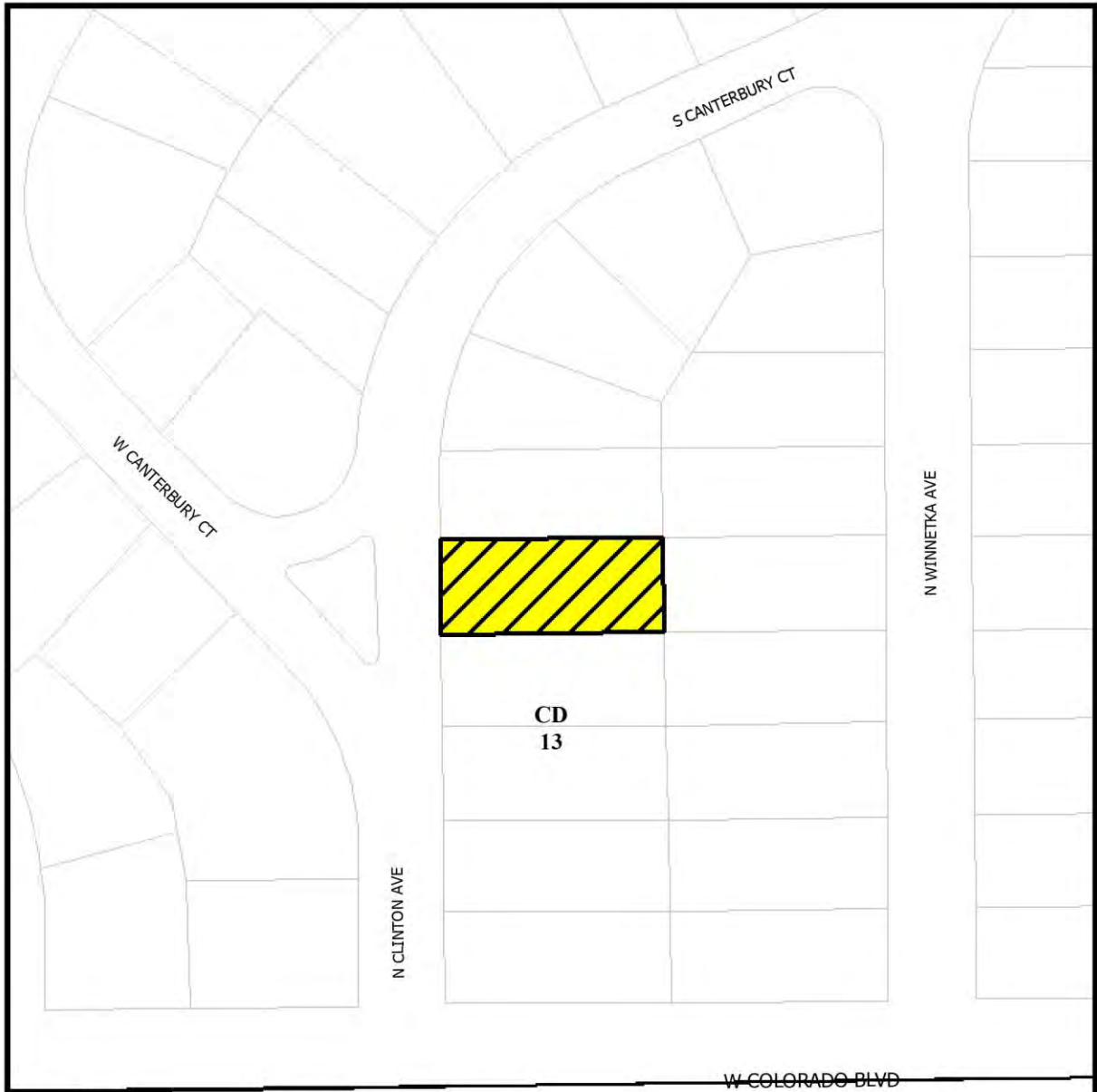
I move that the Board of Adjustment in request No. BDA 212-020, **hold** this matter under advisement until **April 19, 2022**.


SECONDED: Frankford

AYES: 5 – Narey, Frankford Lamb, Halcomb, Neumann

NAYS: 0 -

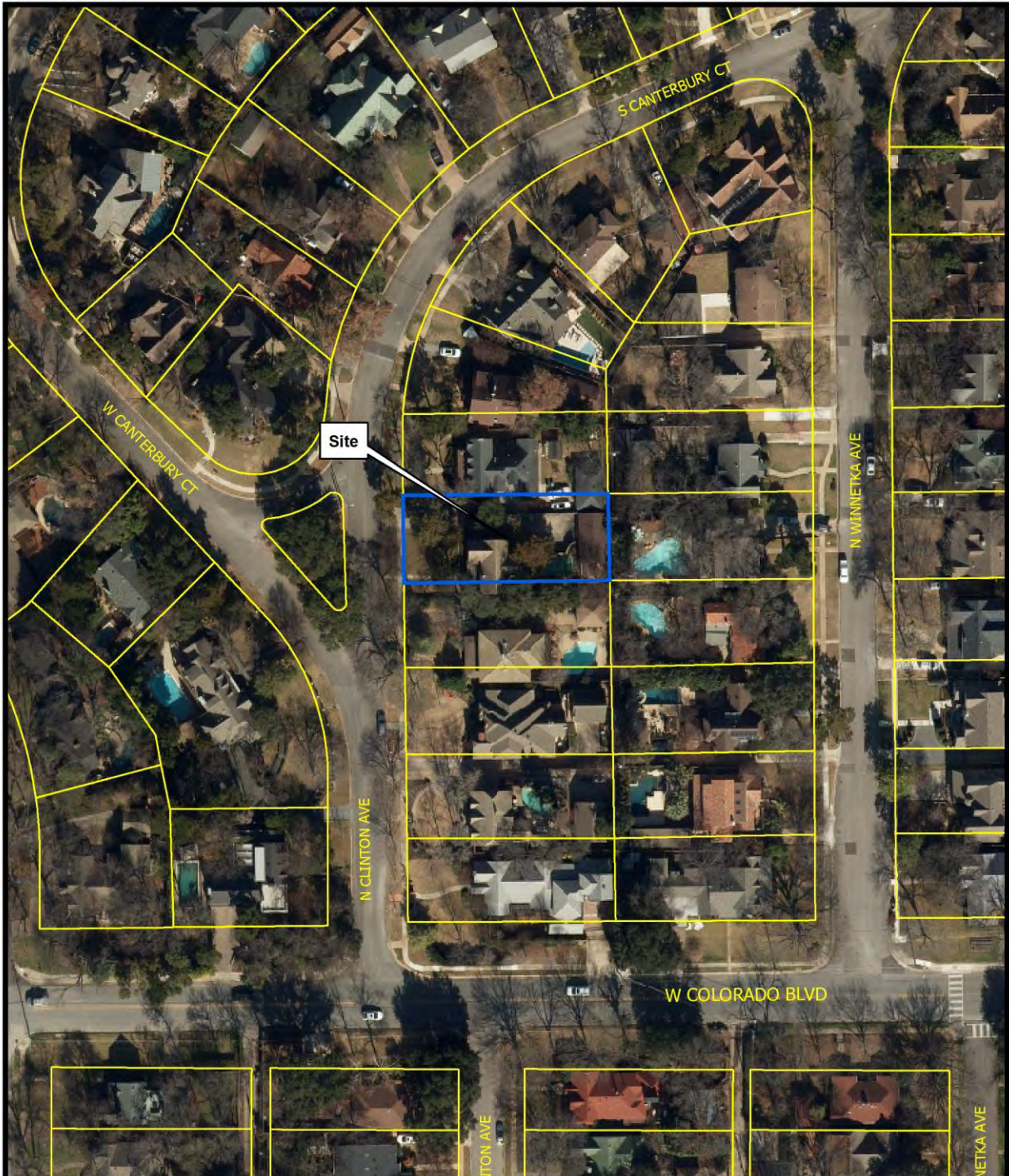
MOTION PASSED: 5-0 (unanimously)




 1:1,200

ZONING MAP

Case no: BDA212-020
 Date: 2/1/2022

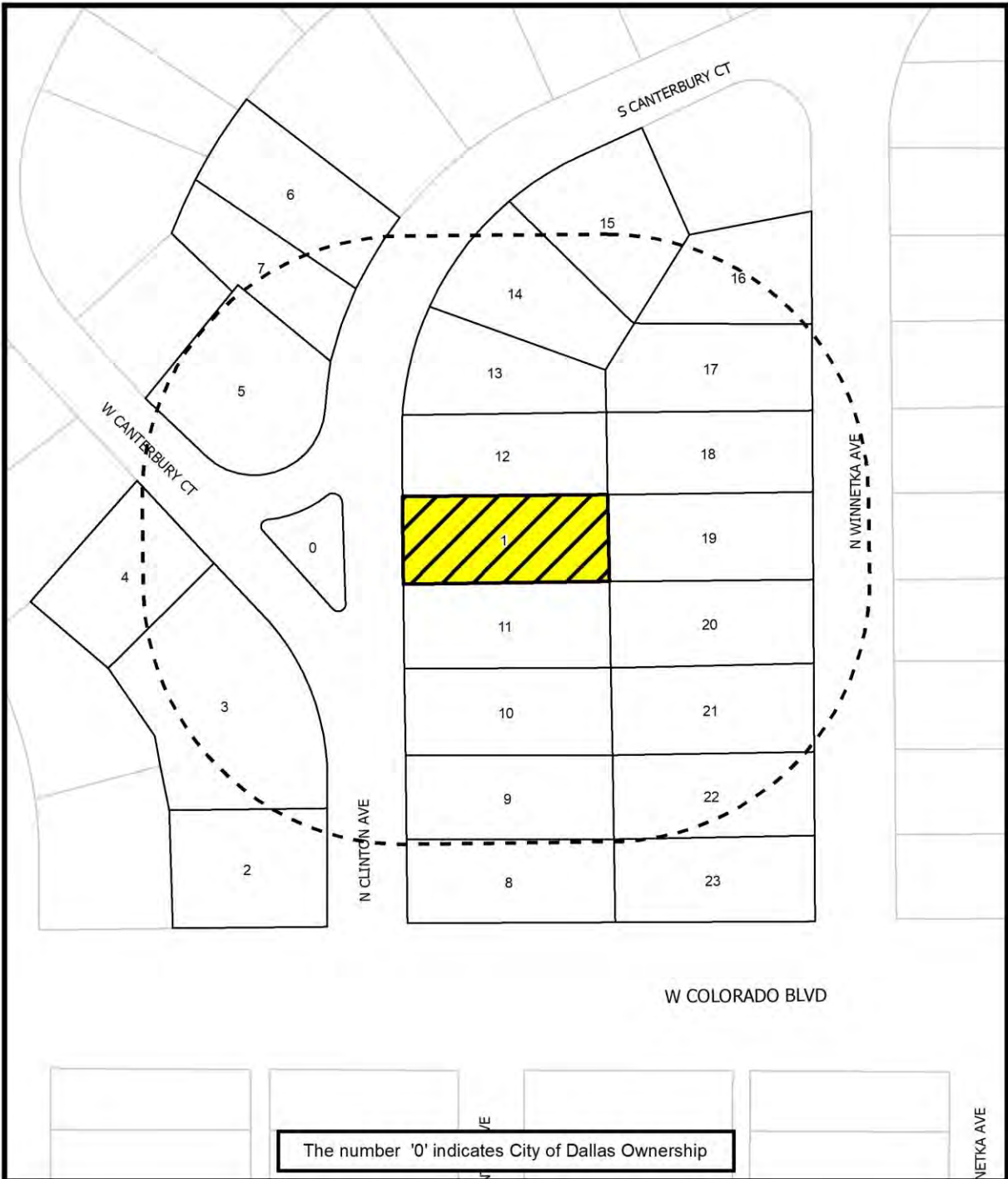


1:1,200

AERIAL MAP

Case no: BDA212-020

Date: 2/1/2022



 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;">23</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	23	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA212-020 Date: 2/1/2022
200'	AREA OF NOTIFICATION					
23	NUMBER OF PROPERTY OWNERS NOTIFIED					

02/01/2022

Notification List of Property Owners

BDA212-020

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1218 N CLINTON AVE	MARLEY STEPHEN
2	1203 N CLINTON AVE	ROGERS SAMUEL H & KELLY C
3	1217 N CLINTON AVE	GULATI KUNAL & JOSEFA
4	1303 W CANTERBURY CT	SHAW BRIAN PATRICK &
5	1300 CANTERBURY CT	MICHAEL JASON & NICOLE
6	1127 CANTERBURY CT	VAUGHN KATHLEEN S
7	1131 CANTERBURY CT	ZARRELLA JOHN & NANCY
8	1202 N CLINTON AVE	PETERSON JILL
9	1206 N CLINTON AVE	BRUMBAUGH R DAVID &
10	1210 N CLINTON AVE	MONKRES J PIERCE & SANDRA
11	1214 N CLINTON AVE	KOZACK DAVID E &
12	1222 N CLINTON AVE	HARPER STEPHEN PAUL
13	1124 CANTERBURY CT	HILL ANN JOHNSON
14	1118 CANTERBURY CT	LEFTWICH GREGORY S &
15	1112 CANTERBURY CT	ROBINSON REBECCA &
16	1231 N WINNETKA AVE	EVETTS GREGORY A &
17	1227 N WINNETKA AVE	WAKS LAWRENCE & ERIN
18	1225 N WINNETKA AVE	ESCOBEDO CHRIS
19	1219 N WINNETKA AVE	MARTENSEN JEFFREY B &
20	1215 N WINNETKA AVE	MCLARTY CHRISTOPHER &
21	1211 N WINNETKA AVE	MURPHY REBECCA &
22	1207 N WINNETKA AVE	Taxpayer at
23	1203 N WINNETKA AVE	ELLIS LEONARD L III



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-020

Data Relative to Subject Property:

Date: ~~01-06-22~~ 1-7-22 col

Location address: 1218 N Clinton Avenue

Zoning District: CD13 (Subarea 1)

Lot No.: 5 Block No.: 15/3802 Acreage: 0.248 Census Tract: 44.00

Street Frontage (in Feet): 1) 67.2 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Stephen Marley

Applicant: Stephen Marley Telephone: _____

Mailing Address: 1218 N Clinton, Dallas, TX Zip Code: 75208

E-mail Address: swmarley@gmail.com

Represented by: Alfredo Peña Telephone: 817-602-8161

Mailing Address: 410 E 5th St., Dallas, TX Zip Code: 75203

E-mail Address: fred@tezanto.com

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

1 - Increase Accessory Structure living space size

2 - Reduce side setback to allow existing structure location to remain

Please Note - The Conservation District zoning allows one accessory dwelling unit.

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:

Owner wishes to add on to the house in the future but due to proximity slope, the house can only extend rearward on the north half which is limited by a large existing tree and the existing swimming pool. The house is one of the smaller ones on the block making the 25% of living space not sufficient to properly have both a home office and guest suite above the existing garage. The garage footprint is NOT changing.

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

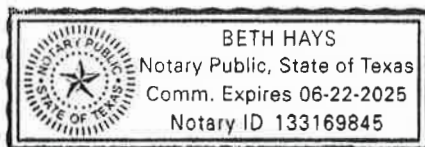
Before me the undersigned on this day personally appeared STEPHEN MARLEY
(Affiant/Applicant's name printed)

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 7th day of JANUARY, 2022

(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 STEPHEN MARLEY
represented by ALFREDO PENA
did submit a request for a variance to the floor area ratio regulations, and for a variance to the
 side yard setback regulations
at 1218 N. Clinton Avenue

BDA212-020. Application of STEPHEN MARLEY represented by ALFREDO PENA for a variance to the floor area ratio regulations, and for a variance to the side yard setback regulations at 1218 N CLINTON AVE. This property is more fully described as Lot 5, Block 15/3802, and is zoned CD-13 (Subarea 1), which an accessory structure may not exceed 25% of the floor area of the main structure and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a single family residential accessory structure with 798 square feet of floor area (39.54% of the 2018 square foot floor area of the main structure), which will require a 294 square foot variance to the floor area ratio regulations, and to construct and maintain a single family residential accessory structure and provide a 0 foot side yard setback, which will require a 5 foot variance to the front side rear yard setback regulations.

Sincerely,

David Session
David Session, Building Official



Printed: 1/7/2022

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 | Sign 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)

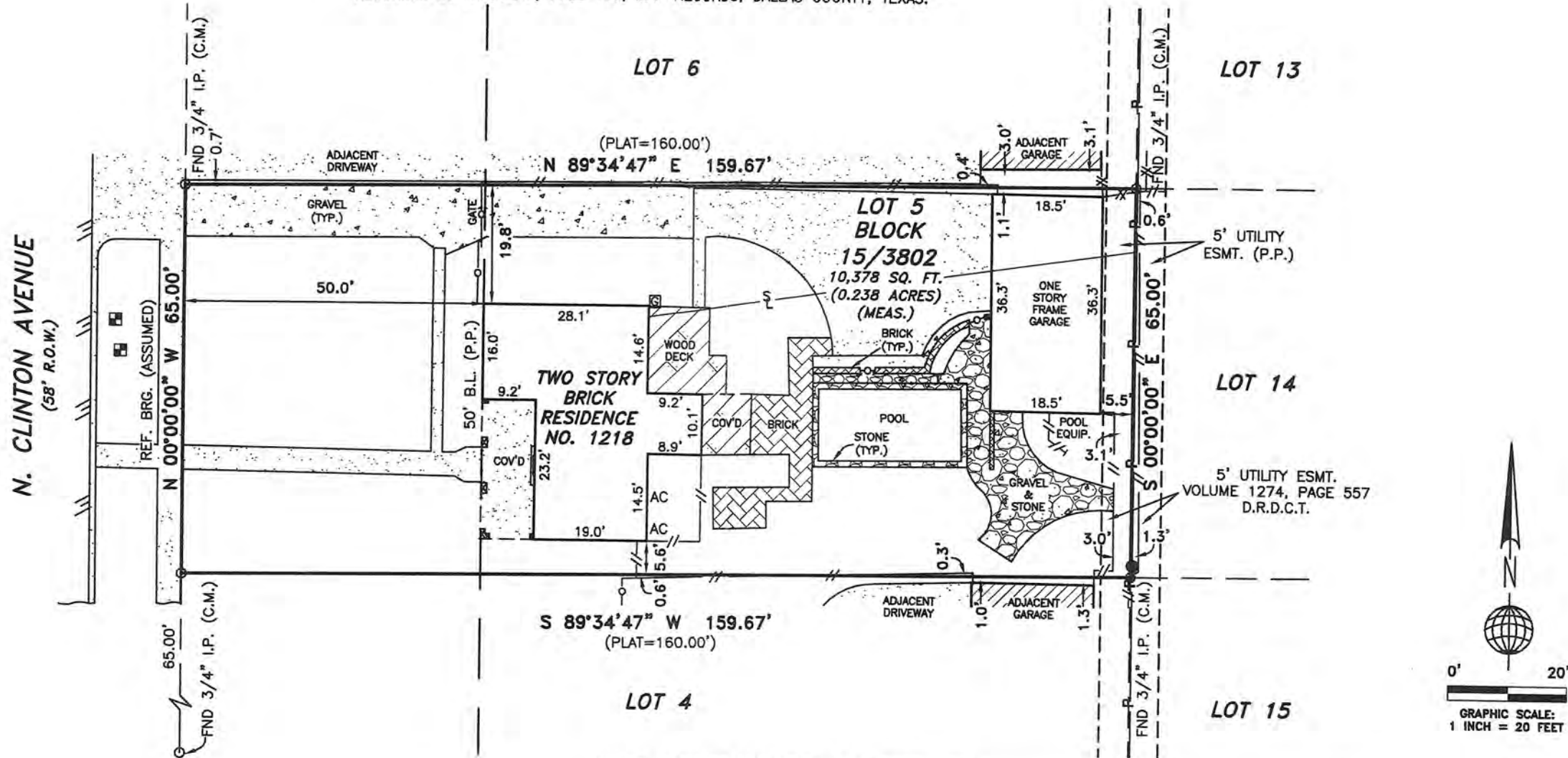




5829

"SURVEY PLAT"

LOT 5, BLOCK 15, FIRST INSTALLMENT OF KESSLER PARK, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 3, PAGE 147, MAP RECORDS, DALLAS COUNTY, TEXAS.



TEZANTO
817.602.8161
fred@tezanto.com



Alfredo Peña
01-07-22

**JESSICA MAROS AND
STEPHEN MARLEY**
1218 N CLINTON
DALLAS, TX 75208

**SURVEY - FOR
REFERENCE**

212-020

Project number: 21.06-01
Date: 01-07-22

SURVEY EXAMINED AND ACCEPTED BY PURCHASERS: _____ DATE: _____

CERTIFIED TO: HSTX TITLE AND STEPHEN MARLEY GF#:HSTX21-00171 DATE: 03/29/2021 JOB NO.:21-03-081

SYMBOL LEGEND	FND= FOUND	I.R.= IRON ROD	I.P.= IRON PIPE	ESMT.= EASEMENT	B.L.= BUILDING LINE	(C.M.)= CONTROL MONUMENT
--- WOOD FENCE						
-x- CHAIN LINK FENCE						
-x- WIRE FENCE						
o WROUGHT IRON FENCE						
□ COLUMN						
● POWER POLE						
⊠ WATER METER						
— POWERLINE						
— OVER-HEAD SERVICE LINE						
⊠ TRANSFORMER AND PAD						
⊠ GAS METER						
/// ASPHALT SURFACE						
■ CONCRETE						

I, JASON L. MORGAN, REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE SUBJECT PROPERTY AS DETERMINED BY AN ON THE GROUND SURVEY UNDER MY SUPERVISION. THIS SURVEY MEETS OR EXCEEDS THE MINIMUM STANDARDS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND WAS PERFORMED IN CONNECTION WITH TITLE COMMITMENT OF NO. HSTX21-00171 PROVIDED BY HSTX TITLE REFLECTING ONLY THE EASEMENT(S) LISTED IN SCHEDULE "B" OF SAID COMMITMENT. USE OF THIS SURVEY BY ANY OTHER PARTY SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. THIS SURVEY IS NOT VALID WITHOUT A RED SEAL AND SIGNATURE.

Jason L. Morgan
JASON L. MORGAN TXRPLS 5587

Global Land Surveying, Inc.
SERVING COLLIN, DALLAS AND DENTON COUNTIES SINCE 2002

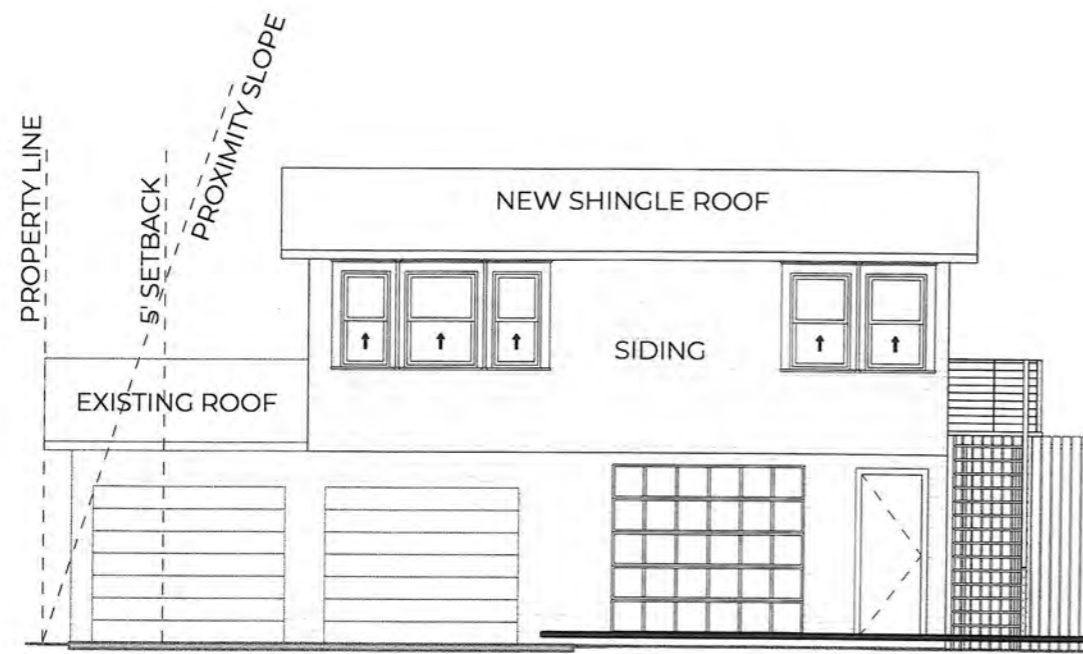
GLOBAL LAND SURVEYING, INC.
P.O. BOX 280369
PLANO, TEXAS 75026
PHONE (972) 881-1700
JMORGAN@GLS-INC.COM
TBPELS FIRM NO. 10016300

ADDRESS: 1218 N. CLINTON AVENUE

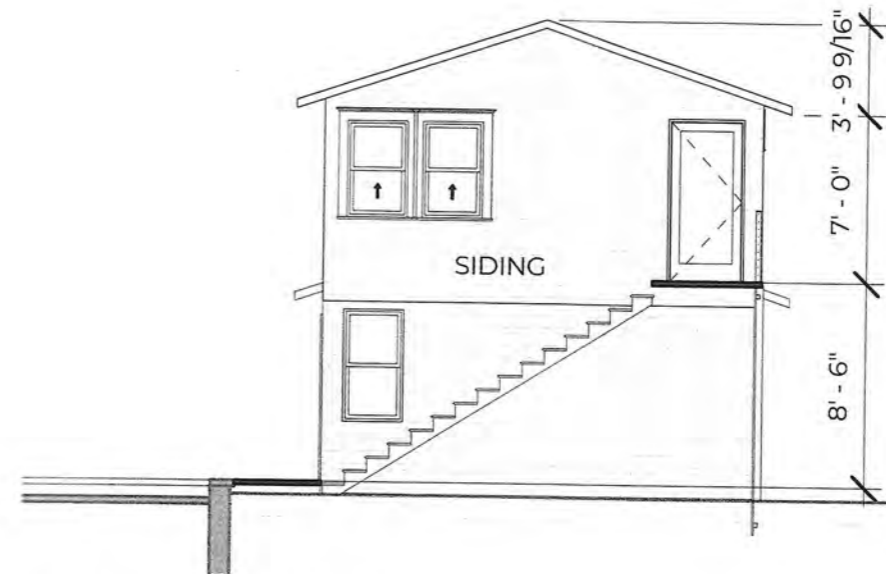
- NOTES:
- 1) (P.P.) INDICATES BUILDING LINES, EASEMENTS, R.O.W.S, DIMENSIONS, ETC. ARE PER PLAT REFERENCED IN LEGAL DESCRIPTION ABOVE.
 - 2) THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE EASEMENTS RECORDED IN VOLUME 1274, PAGE 557, REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS.
 - 3) THE PROPERTY SHOWN HEREON APPEARS TO BE SUBJECT TO THE TERMS, PROVISIONS, CONDITIONS, BUILDING LINES AND EASEMENTS DESCRIBED IN RESTRICTIVE COVENANTS RECORDED IN VOLUME 1105, PAGE 530, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS.

FLOOD STATEMENT:
ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. 480171 0340J, DATED 08/23/2001, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR DALLAS COUNTY, TEXAS, THE SUBJECT PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

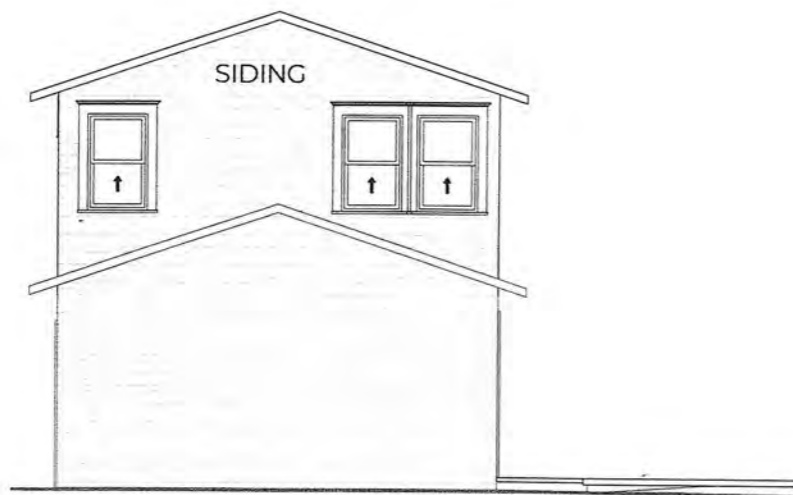
1/7/2022 9:03:54 AM



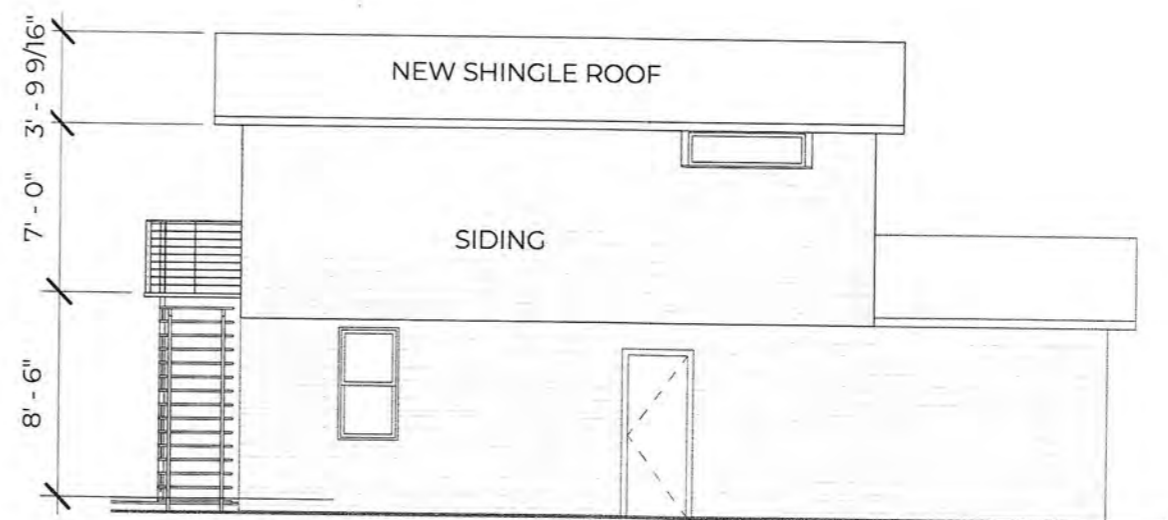
④ **WEST ELEVATION**
1/8" = 1'-0"



③ **SOUTH ELEVATION**
1/8" = 1'-0"



② **NORTH ELEVATION**
1/8" = 1'-0"



① **EAST ELEVATION**
1/8" = 1'-0"



TEZANTO

817.602.8161

fred@tezanto.com



Alfredo Peña
01-07-22

**JESSICA MAROS AND
STEPHEN MARLEY**
1218 N CLINTON
DALLAS, TX 75208

**EXTERIOR
ELEVATIONS**

212-020

Project number:

21.06-01

Date:

01-07-22

A-21

ZONING INFORMATION

ZONING TYPE: CD-13 (SUBAREA 1)
R-7.5(A)

"EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE DEVELOPMENT STANDARDS OF THE R-7.5(A) SINGLE FAMILY DISTRICT APPLY TO THIS DISTRICT"

DATE LIMIT OF CONTRIBUTING STRUCTURES: 1947

SITE RESTRICTIONS:

FRONT SETBACK: 25 FT (R-7.5(A))
AVERAGE OF BLOCK (CD013)
SIDE/REAR SETBACKS: 5 FT
HEIGHT: 30 FT
HEIGHT LOOMING: 3x DISTANCE FROM SIDE PROPERTY LINE
LOT COVERAGE: 45%
FLOOR AREA RATIO: 0.5

LOT COVERAGE:

LOT SIZE: 10,378 SQ FT
ALLOWED LOT COVERAGE: 4,670.10 SQ FT
FLOOR AREA RATIO SQ FT LIMIT: 5,189 SQ FT
CURRENT COVERAGE: 1,372 SQ FT - RESIDENCE
800 SQ FT - ACCESSORY STRUCT.
2,172 SQ FT - TOTAL EXISTING COVERAGE
CURRENT PERCENTAGE: 20.9%
PROPOSED INCREASE: 0 SQ FT

LIVING AREA SQ FT CALCULATIONS FOR ACCESSORY STRUCTURE:

HOUSE CALCULATIONS:

1ST FLR EXISTING SQUARE FOOTAGE (INCLUDING PORCHES): 1,208 SQ FT

2ND FLR EXISTING: 993 SQ FT

TOTAL:

2,201 SQ FT - TOTAL PROPOSED LIVING AREA

25% FOR ACCESSORY STRUCTURE: 550 SQ FT

EXISTING ACCESSORY STRUCTURE: 800 SQ FT TOTAL

513 SQ FT (PARKING/GARAGE)

287 SQ FT - EXISTING STUDIO

POSSIBLE STUDIO INCREASE: 263 SQ FT

PROPOSED STUDIO ADDITION: 486 SQ FT



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**JESSICA MAROS AND
STEPHEN MARLEY**
1218 N CLINTON
DALLAS, TX 75208

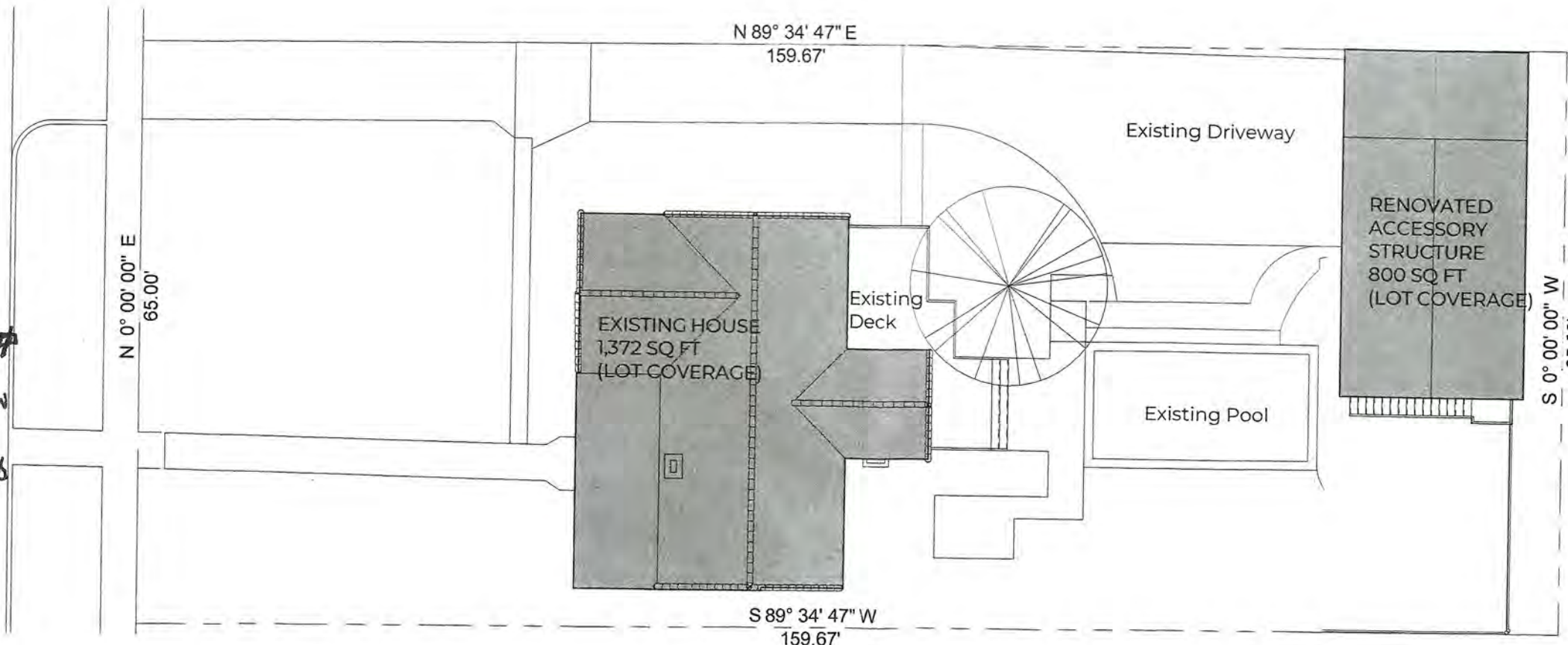
SITE PLAN

212-020

Project number: 21.06-01
Date: 01-07-22

A-01

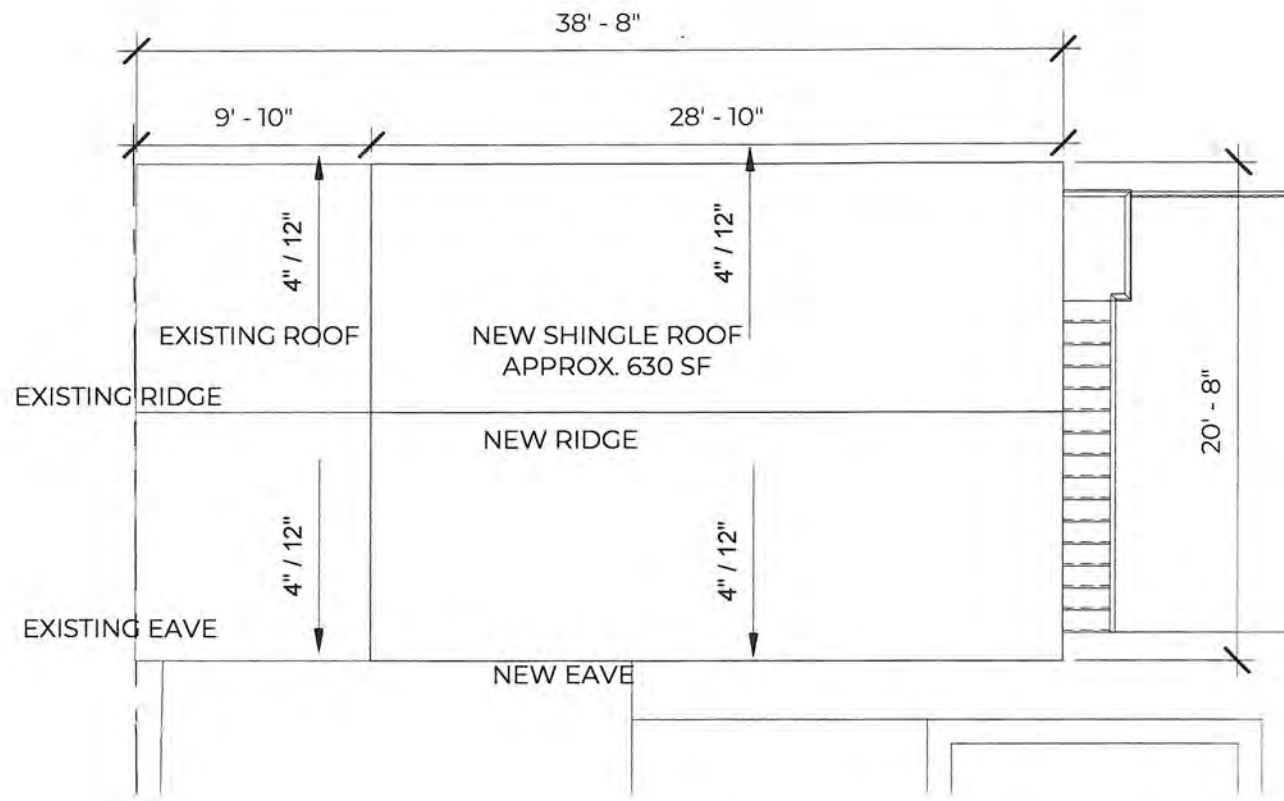
main Structure per Dead is 2018#
2018# x .25 = 504#
Existing Accessory Structure is 672#
Credit for parking space is 374#
Existing Studio is 287#
Proposed Studio Addition is 486#
672 + 486 + 287 = 1445#
1445 - 374 = 1071#



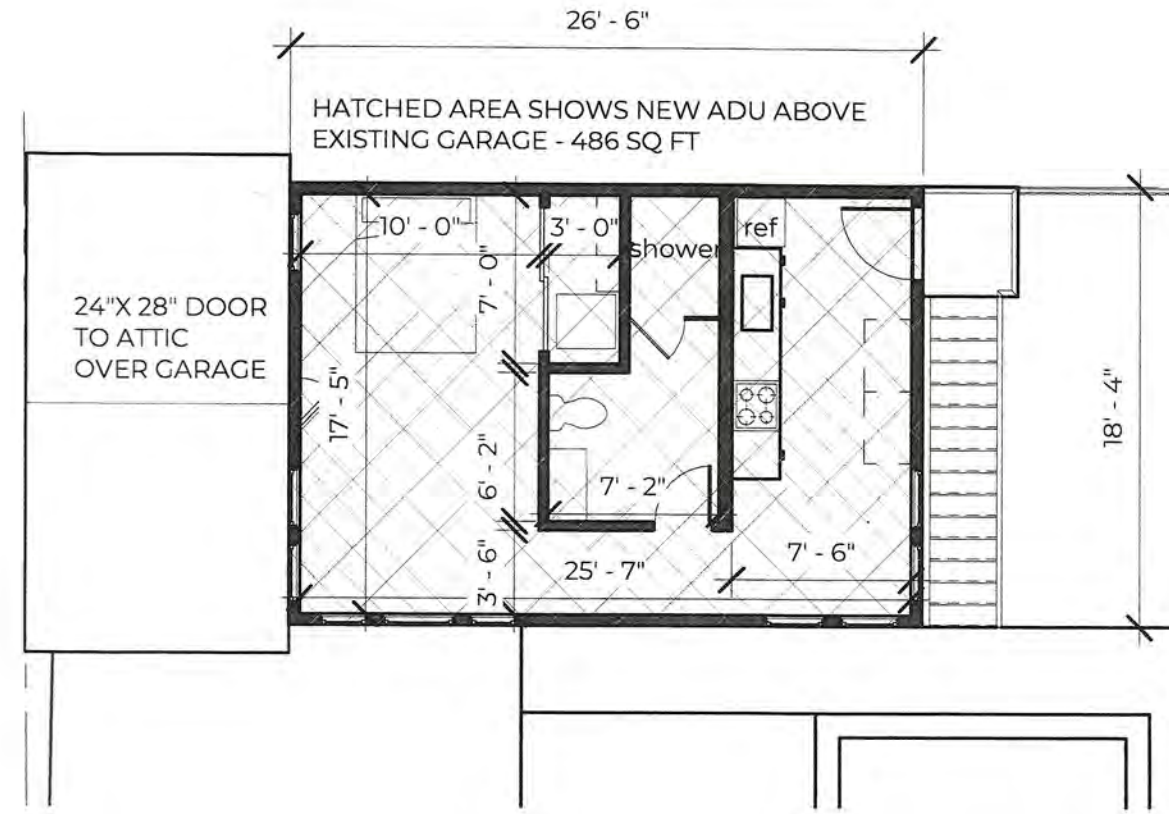
1 SITE PLAN
1/16" = 1'-0"

1/7/2022 1:55:25 PM

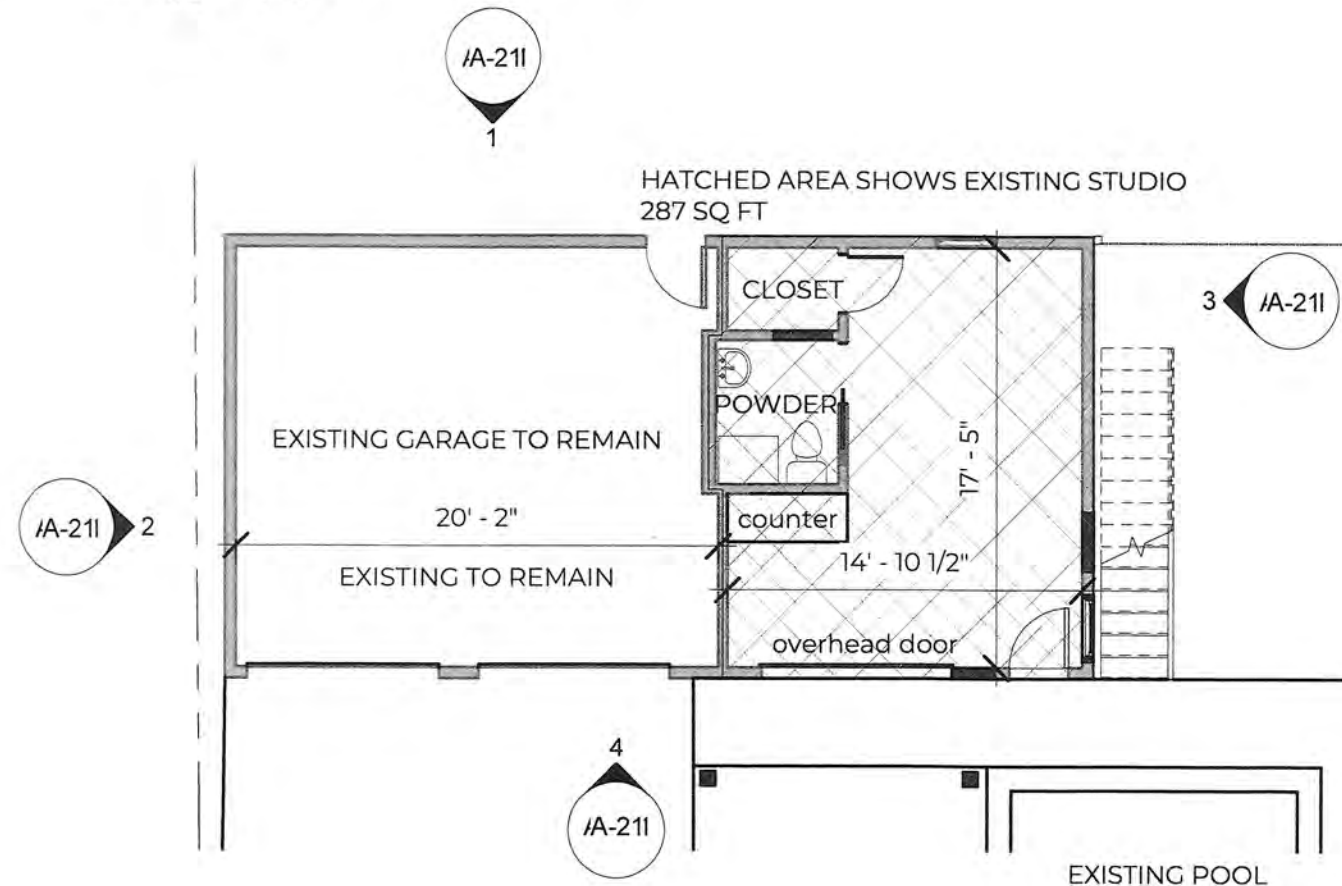




3 GARAGE ROOF PLAN
1/8" = 1'-0"



2 GARAGE SECOND FLOOR
1/8" = 1'-0"



1 GARAGE FIRST FLOOR
1/8" = 1'-0"



TEZANTO

817.602.8161
fred@tezanto.com



Alfredo Peña
01-07-22

**JESSICA MAROS AND
STEPHEN MARLEY**
1218 N CLINTON
DALLAS, TX 75208

FLOOR PLANS

212-020

Project number: 21.06-01

Date: 01-07-22

A-12

Case Summary

BOA Case No: BDA212-020 for 1218 N Clinton Ave, Dallas, TX 75208

Purpose:

The current owner of 1218 N Clinton Ave desires to develop his property in a commensurate fashion as the neighbors and add square footage onto existing structures; however, as a result of several significant constraints, the property cannot be developed in a straightforward manner and the development plan requires two variances. The purpose of this appeal is to seek a variance to CD-13, Subarea 1 code requirements, specifically:

- An accessory structure (“AU”) may not exceed 25% of the floor area of the main structure; and
- A side yard setback of 5 feet.

Key Details & Measurements:

- Main Structure = 2,701 SF (proposed improved SF** – see **Appendix** for more detail)
- Allowable | Proposed AU = 675 SF (per improved SF) | 778 SF (292 SF existing + 486 SF addition), representing a +4% variance request
- Approx. AU construction year = July 2001, prior to the setback requirements implemented with the creation of CD-13 in May 2005
- Existing accessory structure was built to code in 2001 and grandfathered once CD-13 was implemented

Request & Rationale:

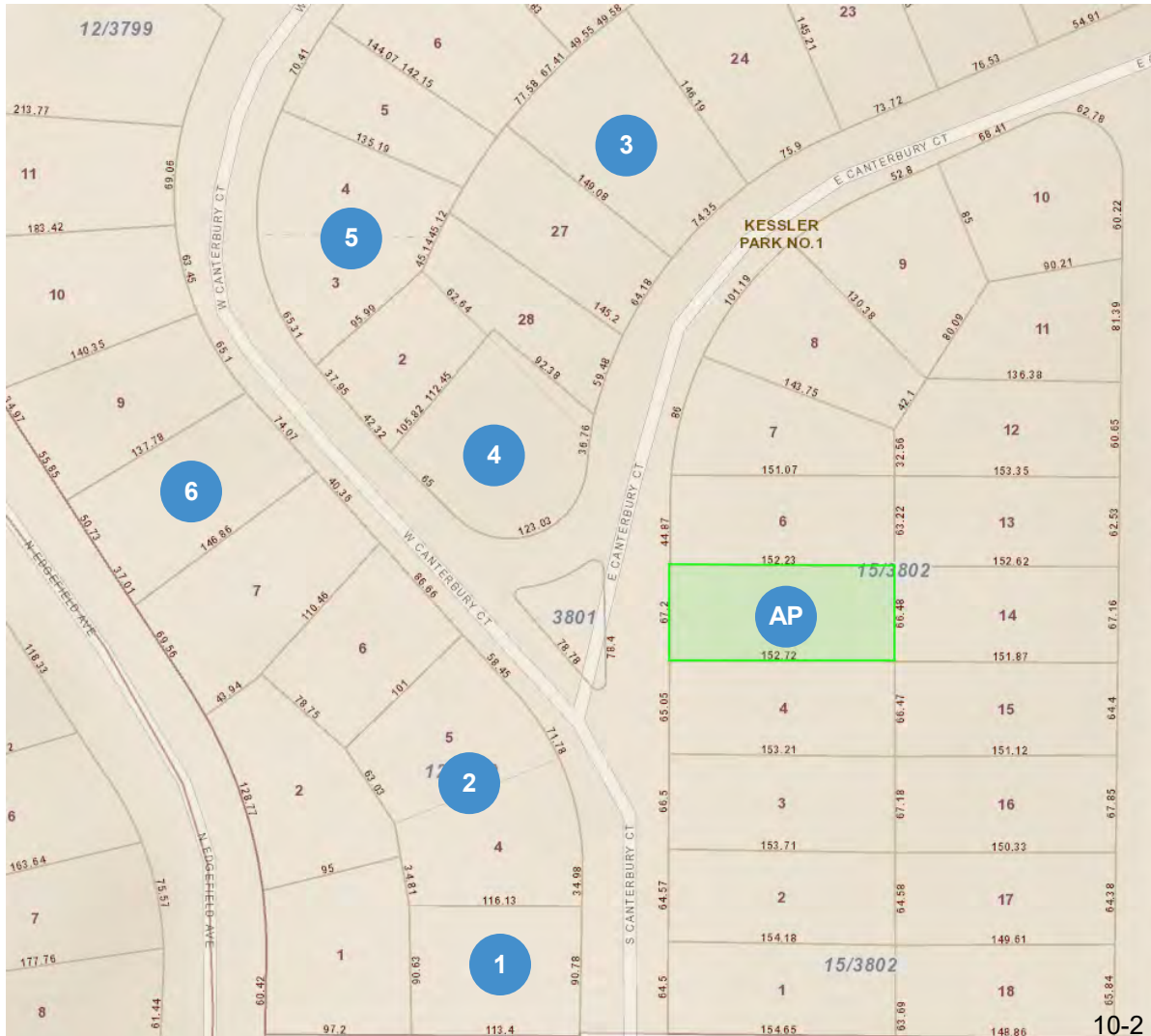
We are requesting a) a 105 SF, or +4%, variance to the 25% AU to main structure floor area, and b) a waiver of the 5ft side yard setback of the existing structure due to the following key factors preventing us from developing the property in a commensurate fashion to properties in the immediate vicinity with the same zoning:

1. Disparity in lot size, approximately 22% smaller in SF, to comparative properties in the immediate vicinity that are within CD-13;
2. Limitations to develop property are environmental (significant tree), code (anti-looming), and historical (existing structure and infrastructure) constraints, not self-created; and
3. Significant public interest and support of our intended development plan and request.

1

Discrepancy In Lot Size

Substantial lot size discrepancy exists comparative to many adjacent properties in the area.



ID	St No.	St Name	Lot SF
1	1203	N Clinton Ave	11,403
2	1217	N Clinton Ave	19,765
AP	1218	N Clinton Ave	10,800
3	1123	Canterbury Ct	12,905
4	1300	Canterbury Ct	12,440
5	1316	W Canterbury Ct	14,820
6	1317	W Canterbury Ct	12,030
Avg. excluding Applicant Property			13,894
Shortage in lot area from comparable average			(3,094)
% shortage			(22.3%)

Source: DCAD

Limitations Impacting Site

In addition to lot size, several limitations exist that are not self created.

A. Environmental

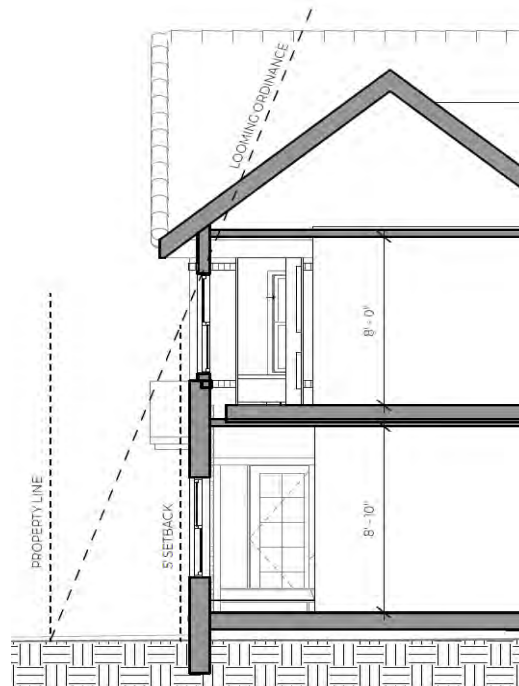
Expansion rearwards on the northern side of the main house is blocked by a grand, mature eastern redcedar (*Juniperus Virginiana*) designated as "significant" by the City of Dallas under Article X Tree Conservation Regulations as it measures 24" in diameter at 4'6" off the ground. Based on its growing timeline, the age of this tree is estimated to be ~100+ years old. Removal of the tree would have a detrimental impact to the Applicant Property and the surrounding neighborhood.

We have made a commitment to keep and maintain the tree



B. Code (Anti-looming)

Conservation District ordinances, setback rules, anti-looming rules and design requirements of contributing houses make expansion rearwards on the southern side of the main house prohibitive.



C. Historical

Existing AU structure was built prior to implementation of CD-13 and the 5ft side yard setback regulation. The goal of this setback variance is to maintain what is already existing and add a partial second floor to the structure, not place a larger footprint in the setback area.



The footprint of the existing structure cannot be shifted into (south) the property due to existing pool equipment installed by the previous owners and the code requirement to maintain access to the utility easement behind the property.



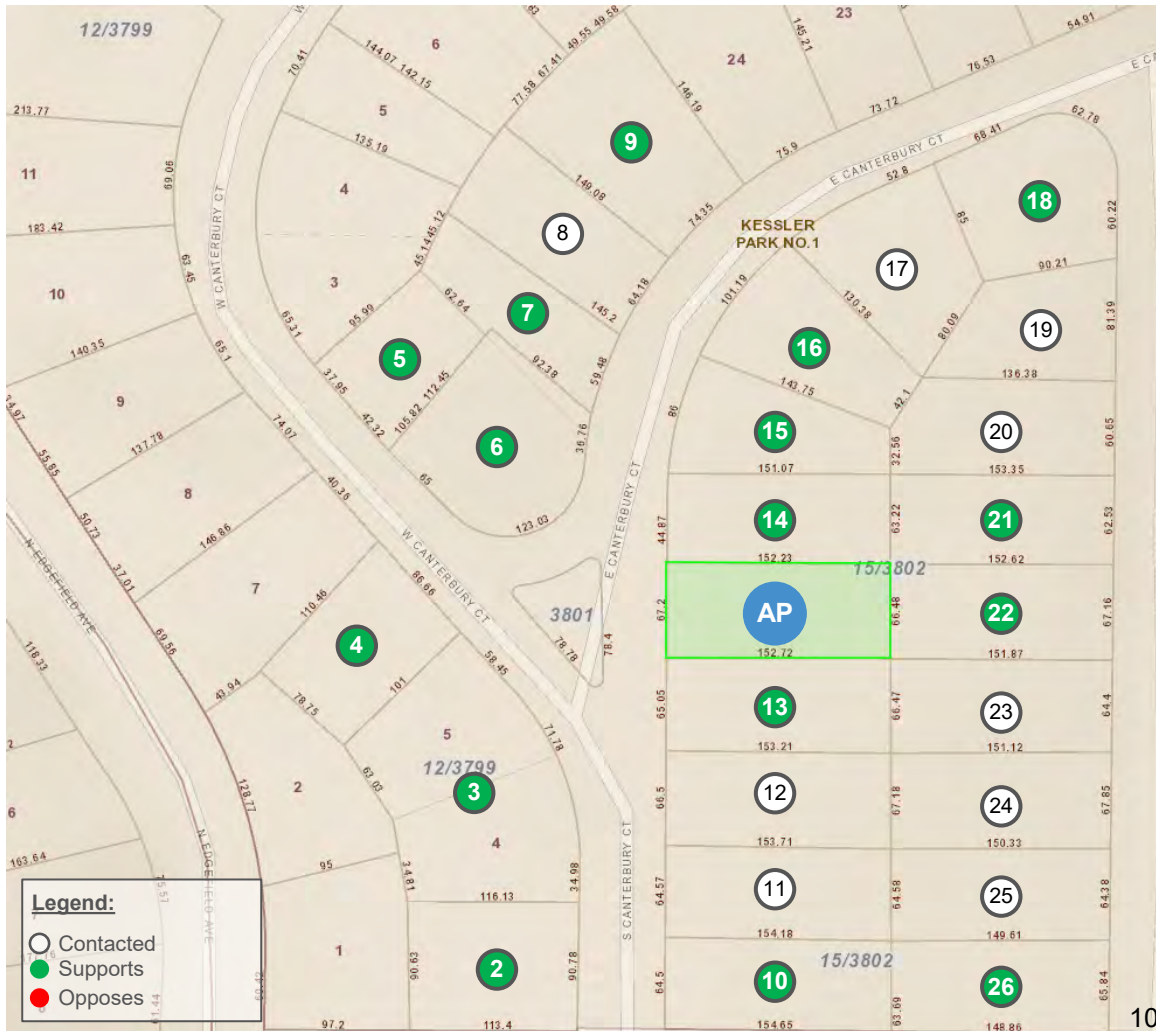
Pool equipment Access to alleyway.

Constraints A and B negatively impact the potential SF of the main house, resulting in an AU to main house ratio greater than the required 25% threshold and the need for a variance. Constraint C results in the need for a variance to improve a structure that was grandfathered into CD-13.

3

Substantial Neighbor Support For Proposed Investment

After speaking directly with neighbors, we have received significant support with most committing to writing a letter to the City to directly support our proposed development plan.



ID	Address	Disposition
AP	1218 N Clinton Ave	n/a
2	1203 N Clinton Ave	Supports
3	1217 N Clinton Ave	Supports
4	1303 W Canterbury Ct	Supports
5	1310 W Canterbury	Supports
6	1300 Canterbury Ct	Supports
7	1131 Canterbury Ct	Supports
8	1127 Canterbury Ct	
9	1123 Canterbury Ct	Supports
10	1202 N Clinton Ave	Supports
11	1206 N Clinton Ave	
12	1210 N Clinton Ave	
13	1214 N Clinton Ave	Supports
14	1222 N Clinton Ave	Supports
15	1124 Canterbury Ct	Supports
16	1118 Canterbury Ct	Supports
17	1112 Canterbury Ct	
18	1235 N Winnetka Ave	Supports
19	1231 N Winnetka Ave	
20	1227 N Winnetka Ave	
21	1225 N Winnetka Ave	Supports
22	1219 N Winnetka Ave	Supports
23	1215 N Winnetka Ave	
24	1211 N Winnetka Ave	
25	1207 N Winnetka Ave	
26	1203 N Winnetka Ave	Supports

In total, 16 neighbors have expressed support for our variance, either verbally or in writing

Summary

We believe the BOA should grant the variance requests as:

- The variance is necessary to develop the property in a commensurate fashion given lot constraints
- The variance is necessary to develop the property in a commensurate fashion not to relieve a self-created or personal hardship
- The variance is not contrary to public interest and has significant neighbor support
- The development plan does not expand the footprint of the existing grandfathered structure

APPENDIX

Site Plan, Floor Plans, & Elevations

Site Plan

ZONING INFORMATION

ZONING TYPE: CD-13
(SUBAREA 1)

R-7.5(A)

"EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE DEVELOPMENT STANDARDS OF THE R-7.5(A) SINGLE FAMILY DISTRICT APPLY TO THIS DISTRICT"

DATE LIMIT OF CONTRIBUTING STRUCTURES: 1947

SITE RESTRICTIONS:

FRONT SETBACK: 25 FT (R-7.5(A))
AVERAGE OF BLOCK (CD013)

SIDE/REAR SETBACKS: 5 FT

HEIGHT: 30 FT

HEIGHT LOOMING: 3x DISTANCE FROM SIDE PROPERTY LINE

LOT COVERAGE: 45%

FLOOR AREA RATIO: 0.5

LIVING AREA SQ FT CALCULATIONS FOR ACCESSORY STRUCTURE:

HOUSE CALCULATIONS:

FLOOR AREA PER DCAD: 2,018 SQ FT

1ST FLOOR PROPOSED AREA (EXISTING+NEW): 1,474 SQ FT
2ND FLOOR PROPOSED AREA (EXISTING+NEW): 1,227 SQ FT
(REFER TO PAGE A-13)

TOTAL: 2,701 SQ FT - TOTAL PROPOSED FLOOR AREA

25% OF MAIN HOUSE: 675.25 SQ FT

ACCESSORY STRUCTURE:

EXISTING ACCESSORY STRUCTURE: 667 SQ FT TOTAL
(375 SQ FT - PARKING)

PROPOSED STUDIO ADDITION: 486 SQ FT

PROPOSED TOTAL FLOOR AREA: 778 SQ FT OR 28.8%

LOT COVERAGE:

LOT SIZE: 10,378 SQ FT

ALLOWED LOT COVERAGE: 4,670.10 SQ FT

FLOOR AREA RATIO(F.A.R.) SQ FT LIMIT: 5,189 SQ FT

CURRENT COVERAGE: 1,372 SQ FT - RESIDENCE
249 SQ FT - ADDITION

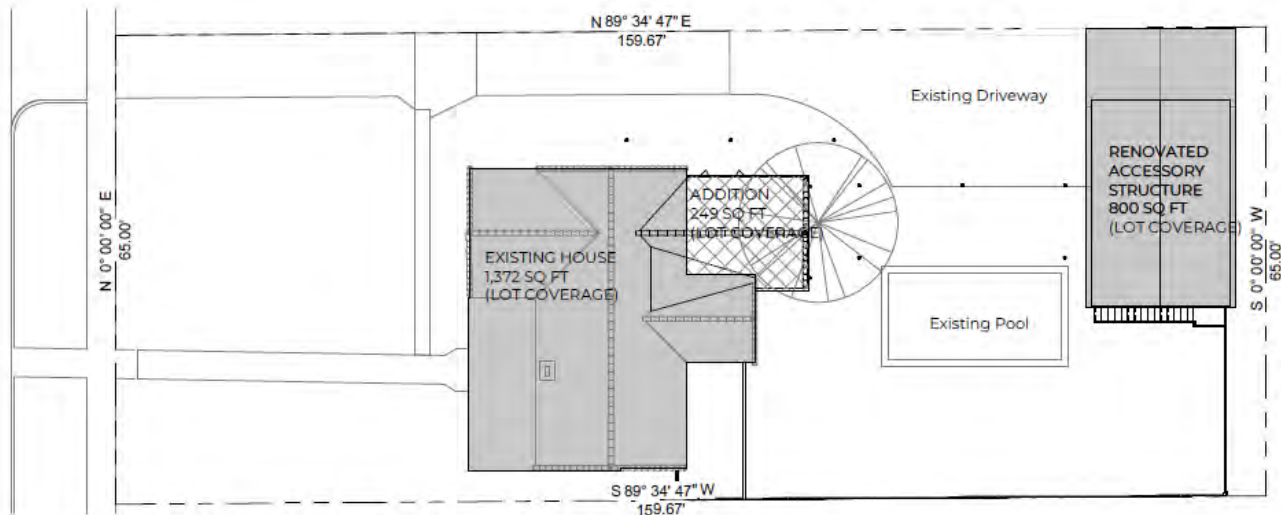
800 SQ FT - ACCESSORY STRUCT.

2,421 SQ FT - TOTAL COVERAGE

CURRENT PERCENTAGE: 20.9%

PROPOSED INCREASE: 249 SQ FT

PROPOSED COVERAGE: 2,421 SQ FT OR 23.3%



5/24/2022 2:33:35 PM

① SITE PLAN
1/16" = 1'-0"

10-7



Floor Plans – First And Second Floor



SECOND FLOOR PROPOSED FLOOR AREA
 EXISTING: 947 SQ FT
 ADDITION: 280 SQ FT
 TOTAL: 1,227 SQ FT

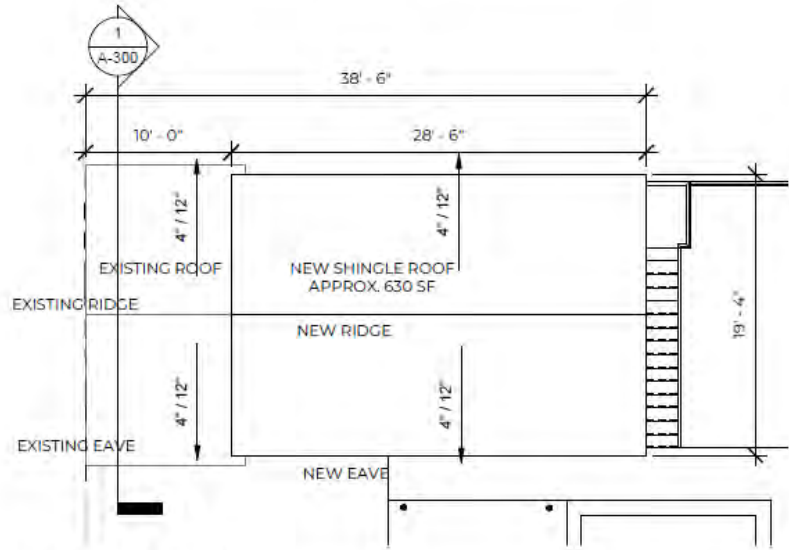
② MAIN HOUSE - SECOND FLOOR SQ FT DIAGRAM
 1/8" = 1'-0"



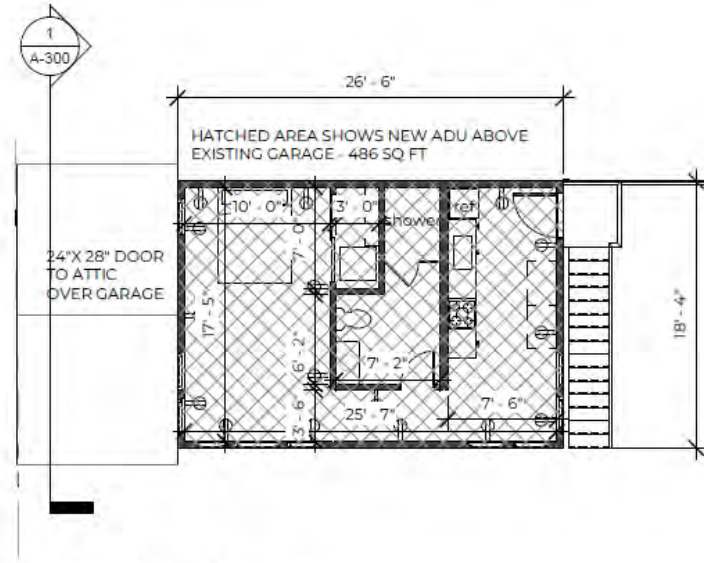
FIRST FLOOR PROPOSED FLOOR AREA
 EXISTING: 1,194 SQ FT
 ADDITION: 280 SQ FT
 TOTAL: 1,474 SQ FT

① MAIN HOUSE - FIRST FLOOR SQ FT DIAGRAM
 1/8" = 1'-0"

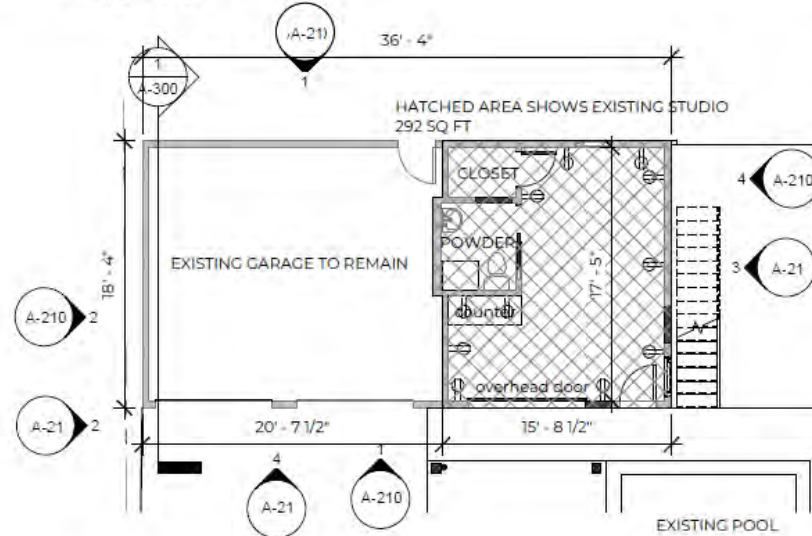
Floor Plan Detail – Proposed Accessory Structure



3 GARAGE ROOF PLAN
1/8" = 1'-0"



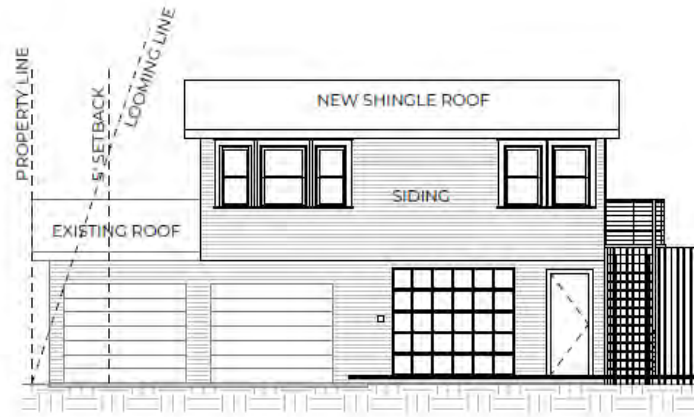
2 GARAGE SECOND FLOOR
1/8" = 1'-0"



10-9

1 GARAGE FIRST FLOOR
1/8" = 1'-0"

Elevations – Proposed Accessory Structure



④ WEST ELEVATION
1/8" = 1'-0"



③ SOUTH ELEVATION
1/8" = 1'-0"



② NORTH ELEVATION
1/8" = 1'-0"



10-10 ① EAST ELEVATION
1/8" = 1'-0"

Elevation & Height Comparison Of Structures



① HEIGHT COMPARISON DIAGRAM
1/4" = 1'-0"

From: [Stephen Marley](#)
To: [Daniel, Pamela](#)
Cc: [Jackson, Latonia](#)
Subject: Fwd: BDA212-020 (3-22-22)
Date: Friday, April 8, 2022 12:47:08 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[BOA Panel A Hearing Materials for 1218 N Clinton - BDA212-020 04182022.pdf](#)

External Email!

Pamela,

Attached are additional materials for the BOA related to our case - BDA212-020. As mentioned prior, we are requesting a postponement to the May hearing to further compile supporting evidence, perform additional neighbor outreach and receive / document feedback, and submit main house plans to the City that would ultimately impact the size request of one of our variances. I know you mentioned we would have to request that postponement at the April hearing date, but I just wanted to reiterate our desire to postpone.


Given the 1p deadline today, please confirm receipt of this email + materials.

Thank you,

Stephen Marley
M: (214) 732-5784

----- Forwarded message -----
From: **Fred Peña** <fred@tezanto.com>
Date: Wed, Mar 30, 2022 at 5:09 PM
Subject: Fwd: BDA212-020 (3-22-22)
To: Stephen Marley <swmarley@gmail.com>

see below/attached.

	Fred Peña, AIA
	Owner Architect
	<input type="checkbox"/> 817.602.8161 tezanto.com
	<input type="checkbox"/> Dallas, TX

----- Forwarded message -----
From: **Jackson, Latonia** <latonia.jackson@dallascityhall.com>
Date: Fri, Mar 25, 2022 at 1:16 PM

Subject: RE: BDA212-020 (3-22-22)
To: Fred Peña <fred@tezanto.com>
Cc: Daniel, Pamela <pamela.daniel@dallascityhall.com>

Good afternoon,

Please see attached in reference to your case. Please let us know if you have any questions.

Thank you,



LaTonia Y. Jackson
Board Secretary
City of Dallas | DallasCityNews.net
Department of Planning and Urban
Design

Board of Adjustment

Dallas City Hall

1500 Marilla St. 5BN

O: (214) 670-4545

latonia.jackson@dallascityhall.com



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How am I doing? Please contact my supervisor at jennifer.munoz@dallascityhall.com

PUBLIC OFFICIALS – a “Reply All” e-mail may lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

From: Daniel, Pamela <pamela.daniel@dallascityhall.com>
Sent: Thursday, March 17, 2022 5:06 PM
To: Fred Peña <fred@tezanto.com>
Cc: Jackson, Latonia <latonia.jackson@dallascityhall.com>
Subject: BDA212-020 (3-22-22)

Fred,

Good afternoon! Please see attached information regarding the Board of Adjustment and your scheduled March case.

It is highly recommended that the representative and/or applicant is registered to speak or is available for questions on behalf of their respective case. *Please submit speaker registration online at the link below. Registration must be submitted no later than Monday, March 21, 2022 for Panel A.*

Online registration isn't required for in-person attendance, however it is helpful to know the capacity in advance. If planning to attend the live hearing, please respond to this email so that I may notate your attendance for record when submitting the anticipated speaker list.

If you have any questions or concerns regarding speaker registration... or any issues with signing up, please feel free to email latonia.jackson@dallascityhall.com or contact the office at 214-670-4209.

The docket is also on our webpage at the following link:

<http://dallascityhall.com/government/meetings/Pages/zoning-board.aspx>

With Gratitude!



Pamela F. Riley Daniel
Senior Planner
City of Dallas |
www.dallascityhall.com
Planning & Urban Design

1500 Marilla St., 5BN

Dallas, TX 75201
O: (214) 671-5098
pamela.daniel@dallascityhall.com



jennifer.munoz@dallascityhall.com.

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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.

Case Summary

BOA Case No: BDA212-020 for 1218 N Clinton Ave, Dallas, TX 75208

Purpose:

The current owner of 1218 N Clinton Ave desires to develop his property in a commensurate fashion as the neighbors and add square footage onto existing structures; however, as a result of several significant constraints, the property cannot be developed in a straightforward manner and the development plan requires two variances. The purpose of this appeal is to seek a variance to CD-13, Subarea 1 code requirements, specifically:

- An accessory structure (“AU”) may not exceed 25% of the floor area of the main structure; and
- A side yard setback of 5 feet.

Key Details & Measurements:

- Lot size = 10,800 SF
- Main Structure = 2,720 SF (proposed improved SF – see **Appendix** for more detail)
- Allowable | Proposed AU = 680 SF (per DCAD SF) | 798 SF (comprised of 298 SF existing and a 500 SF addition), representing a +4% variance request
- Approx. AU construction year = July 2001
- Implementation of CD-13 = May 2005

Rationale for Request:

We are requesting this variance due to the following key factors preventing us from developing the property in a commensurate fashion to properties in the immediate vicinity with the same zoning:

1. Disparity in lot size, approximately 22% smaller in SF, to comparative properties in the immediate vicinity that are within CD-13;
2. Limitations to develop property are environmental (significant tree), code (anti-looming), and historical (existing structure and infrastructure) constraints, not self-created
3. Significant public interest and support of our intended development plan and request.

1

Discrepancy In Lot Size

Substantial lot size discrepancy exists comparative to many adjacent properties in the area.



ID	St No.	St Name	Lot SF
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AP	1218	N Clinton Ave	10,800
3	1123	Canterbury Ct	12,905
4	1300	Canterbury Ct	12,440
5	1316	W Canterbury Ct	14,820
6	1317	W Canterbury Ct	12,030
Avg. excluding Applicant Property			13,894
Shortage in lot area from comparable average			(3,094)
% shortage			(22.3%)

Source: DCAD

Limitations Impacting Site

In addition to lot size, several limitations exist that are not self created.

A. Environmental

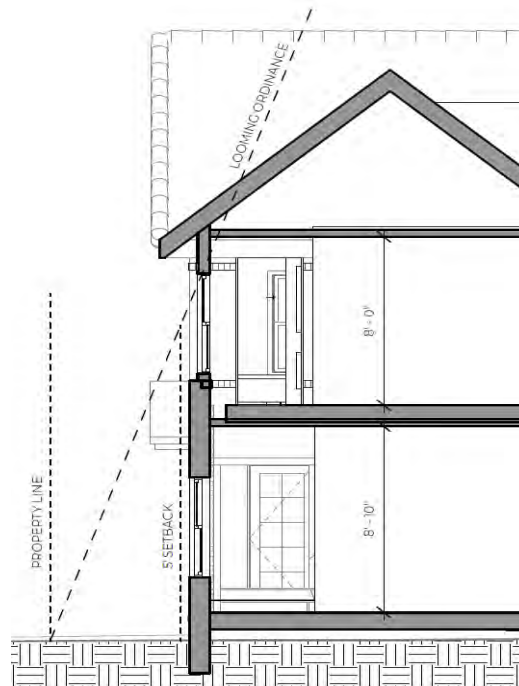
Expansion rearwards on the northern side of the main house is blocked by a grand, mature eastern redcedar (*Juniperus Virginiana*) designated as "significant" by the City of Dallas under Article X Tree Conservation Regulations as it measures 24" in diameter at 4'6" off the ground. Based on its growing timeline, the age of this tree is estimated to be ~100+ years old. Removal of the tree would have a detrimental impact to the Applicant Property and the surrounding neighborhood.

We have made a commitment to keep and maintain the tree



B. Code (Anti-looming)

Conservation District ordinances, setback rules, anti-looming rules and design requirements of contributing houses make expansion rearwards on the southern side of the main house prohibitive.



C. Historical

Existing AU structure was built prior to implementation of CD-13 and the 5ft side yard setback regulation. The goal of this setback variance is to maintain what is already existing and add a partial second floor to the structure, not place a larger footprint in the setback area.



The footprint of the existing structure cannot be shifted into (south) the property due to existing pool equipment installed by the previous owners and the code requirement to maintain access to the utility easement behind the property.



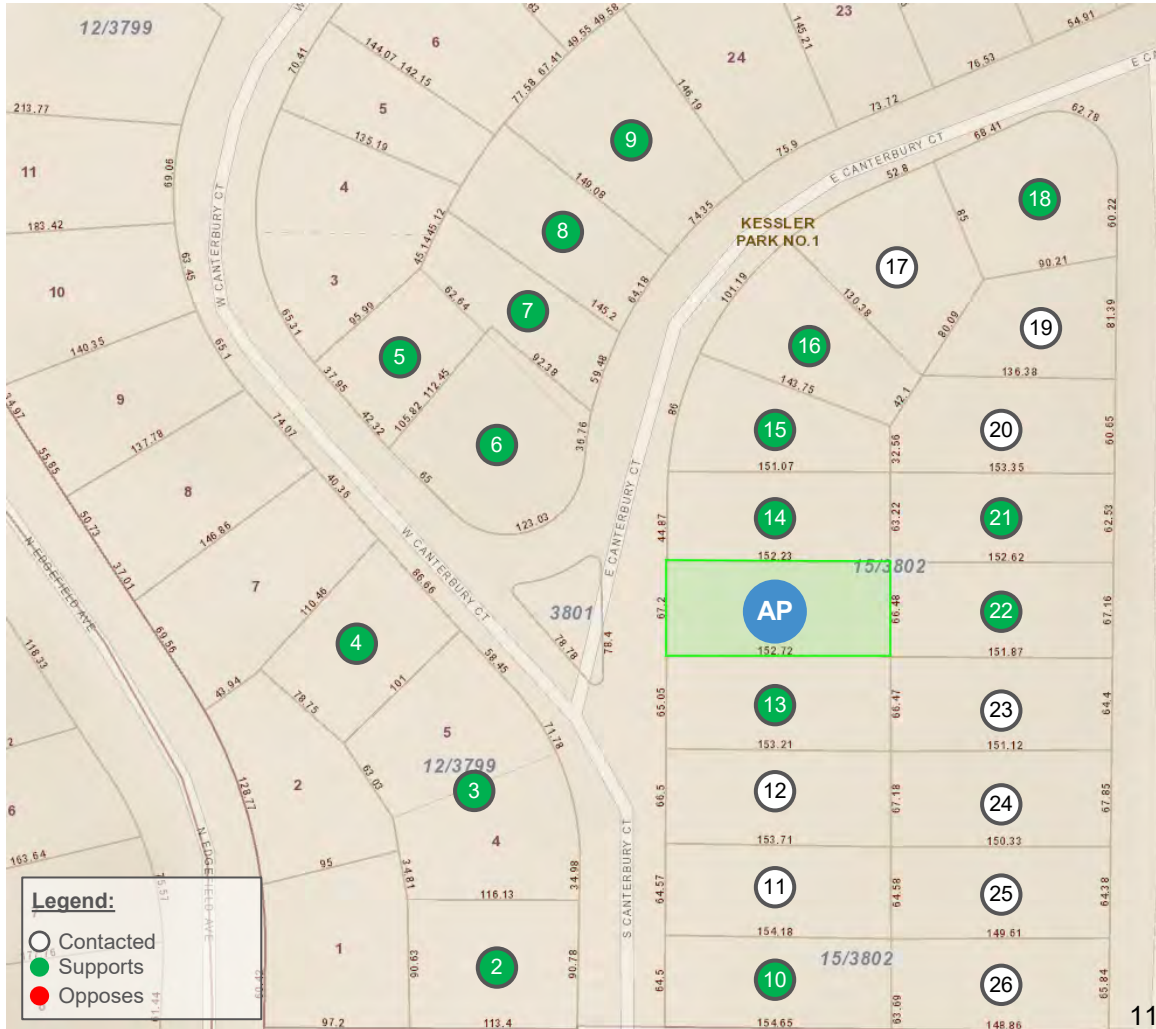
Pool equipment Access to alleyway.

Constraints A and B negatively impact the potential SF of the main house, resulting in an AU to main house ratio greater than the required 25% threshold and the need for a variance. Constraint C results in the need for a variance to improve a structure that was grandfathered into CD-13.

3

Substantial Neighbor Support For Proposed Investment

After speaking directly with neighbors, we have received significant support with most committing to writing a letter to the City to directly support our proposed development plan.



ID	Address	Disposition
AP	1218 N Clinton Ave	n/a
2	1203 N Clinton Ave	
3	1217 N Clinton Ave	Supports
4	1303 W Canterbury Ct	Supports
5	1310 W Canterbury	Supports
6	1300 Canterbury Ct	Supports
7	1131 Canterbury Ct	Supports
8	1127 Canterbury Ct	Supports
9	1123 Canterbury Ct	Supports
10	1202 N Clinton Ave	Supports
11	1206 N Clinton Ave	
12	1210 N Clinton Ave	
13	1214 N Clinton Ave	Supports
14	1222 N Clinton Ave	Supports
15	1124 Canterbury Ct	Supports
16	1118 Canterbury Ct	Supports
17	1112 Canterbury Ct	
18	1235 N Winnetka Ave	Supports
19	1231 N Winnetka Ave	
20	1227 N Winnetka Ave	
21	1225 N Winnetka Ave	Supports
22	1219 N Winnetka Ave	Supports
23	1215 N Winnetka Ave	
24	1211 N Winnetka Ave	
25	1207 N Winnetka Ave	
26	1203 N Winnetka Ave	

In total, 15 neighbors have expressed support for our variance, either verbally or in writing

Summary

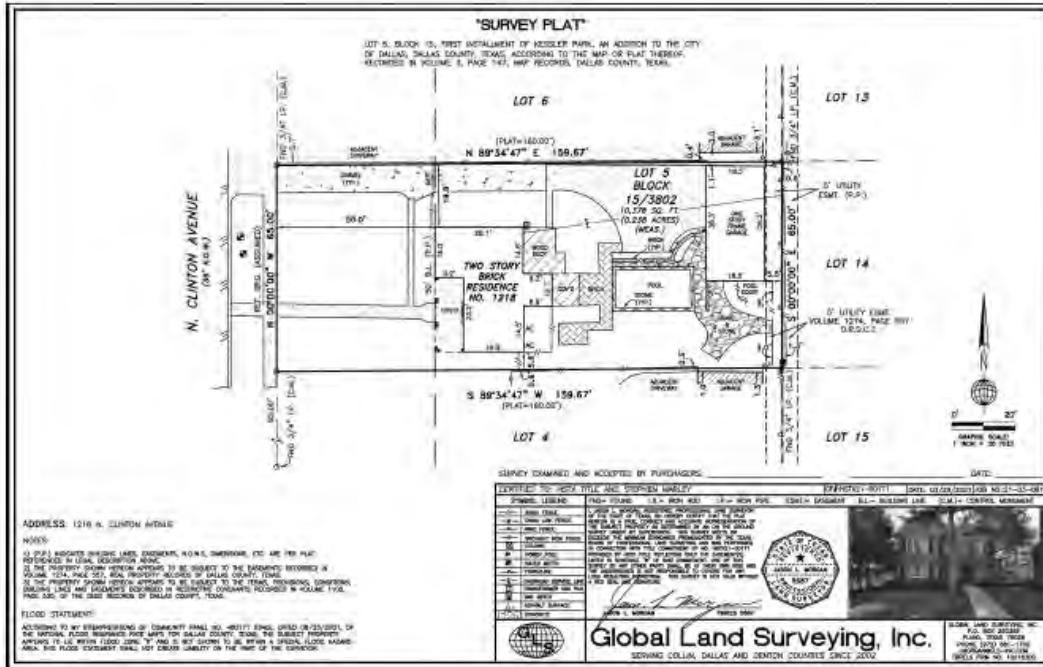
We believe the BOA should grant the variance requests as:

- The variance is necessary to develop the property in a commensurate fashion given lot constraints
- The variance is necessary to develop the property in a commensurate fashion not to relieve a self-created or personal hardship
- The variance is not contrary to public interest and has significant neighbor support
- The development plan does not expand the footprint of the existing grandfathered structure

APPENDIX

Site Plan, Floor Plans, & Elevations

Site Plan



ZONING INFORMATION

ZONING TYPE: C-2 (SUBURBAN 1)
 R-75(A)

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE DEVELOPMENT STANDARDS SET FORTH IN THIS SECTION SHALL APPLY TO THIS SUBSECTION.

DATE LIMIT OF CONTRIBUTING STRUCTURES (A):

SITE RESTRICTIONS:

- FRONT SETBACK: 25 FT (R-75(A))
- REAR SETBACK: 10 FT (R-75(A))
- SIDE REAR SETBACKS: 5 FT
- HEIGHT: 30 FT
- HEIGHT LOOKING: 10' DISTANCE FROM SIDE PROPERTY LINE
- LOT COVERAGE: 45%
- FLOOR AREA RATIO: 65

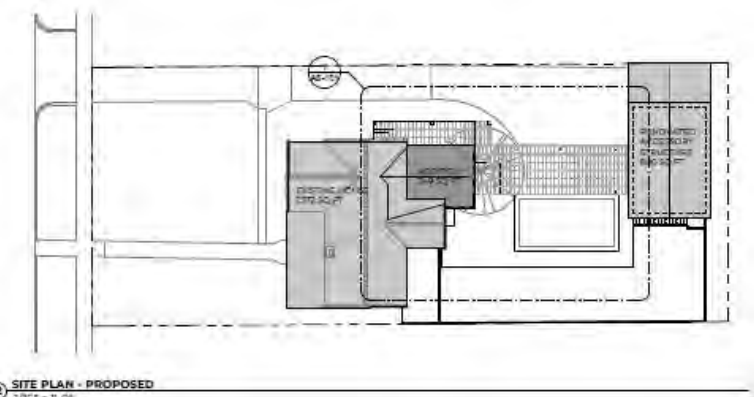
LIVING AREA SQ FT CALCULATIONS FOR ACCESSORY STRUCTURE:

HOUSE CALCULATIONS:	
FLOOR AREA PER DCAD:	2,000 SQ FT
1ST FLOOR PROPOSED AREA:	1,470 SQ FT
2ND FLOOR PROPOSED AREA:	1,344 SQ FT
TOTAL:	2,730 SQ FT - TOTAL PROPOSED FLOOR AREA
35% FOR ACCESSORY STRUCTURE	
PER DCAD AREA:	700 SQ FT
PER PROPOSED DESIGN:	580 SQ FT
EXISTING ACCESSORY STRUCTURE:	
PER DCAD AREA:	200 SQ FT TOTAL
PER PROPOSED DESIGN:	200 SQ FT - EXISTING STUDIO
PROPOSED STUDIO ADDITION:	
PROPOSED TOTAL FLOOR AREA:	175 SQ FT (R-75(A))

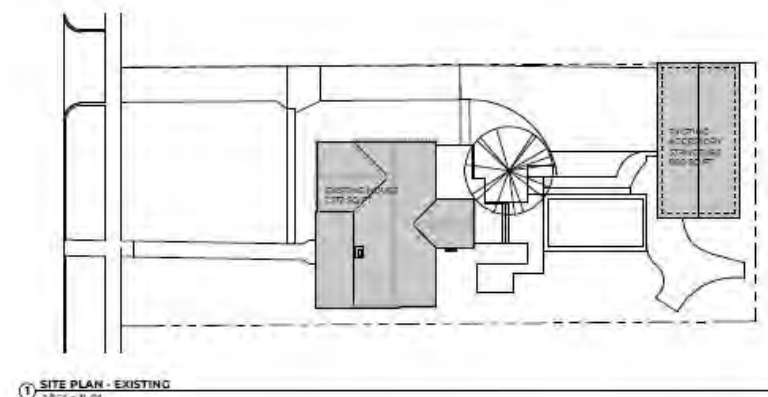
LOT COVERAGE

LOT AREA:	10,178 SQ FT
ALLOWED LOT COVERAGE:	4,578 SQ FT
FLOOR AREA RATIO (FAR) SQ FT LIMIT:	6,618 SQ FT
CURRENT COVERAGE:	1,370 SQ FT - RESIDENCE
	800 SQ FT - ACCESSORY STRUCTURE
TOTAL EXISTING COVERAGE:	2,170 SQ FT - TOTAL EXISTING COVERAGE
CURRENT PERCENTAGE:	13.9%
PROPOSED INCREASE:	246 SQ FT
PROPOSED COVERAGE:	2,416 SQ FT (23.7%)

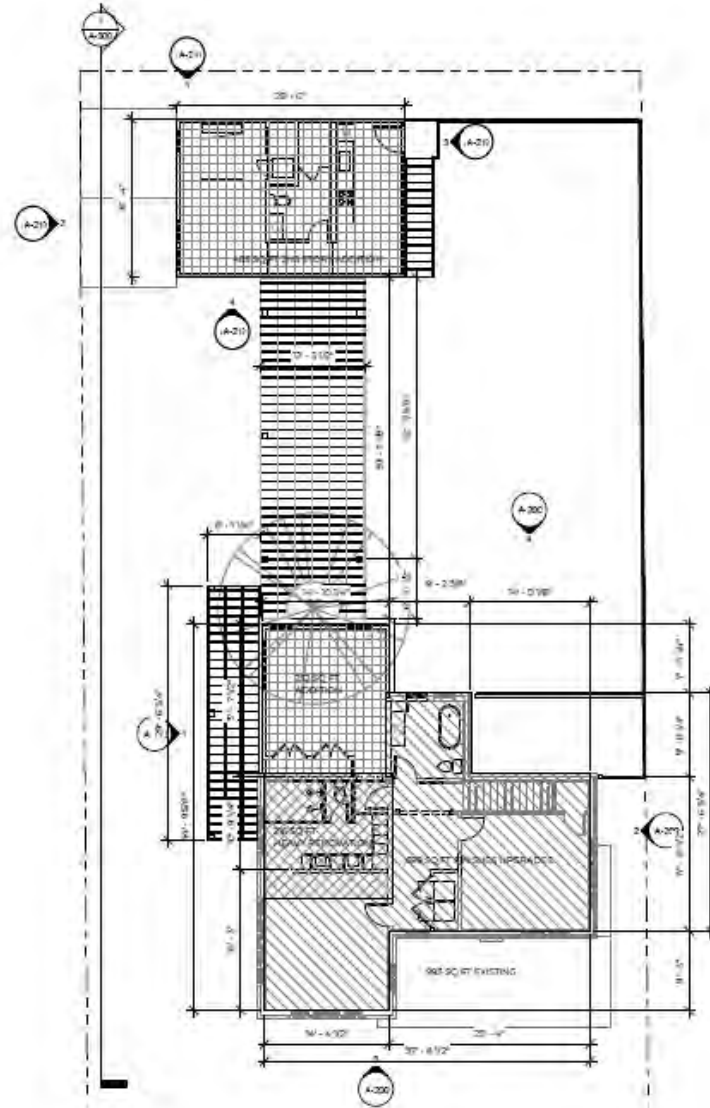
SITE SURVEY - FOR REFERENCE



11-11

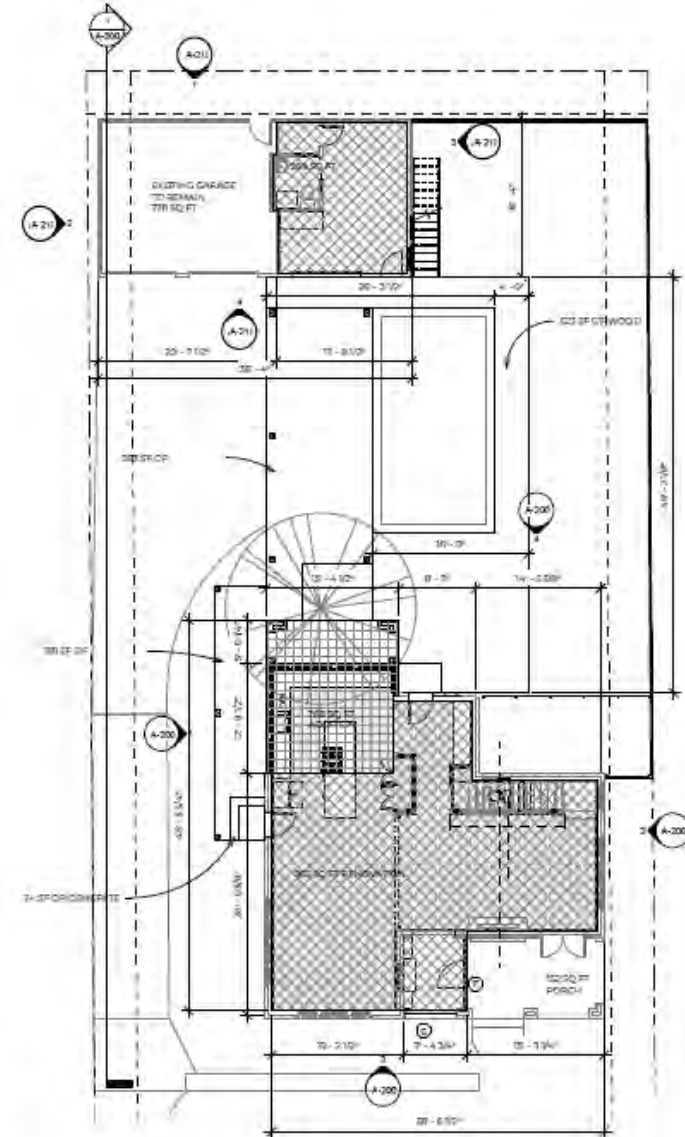


Floor Plans – First And Second Floor



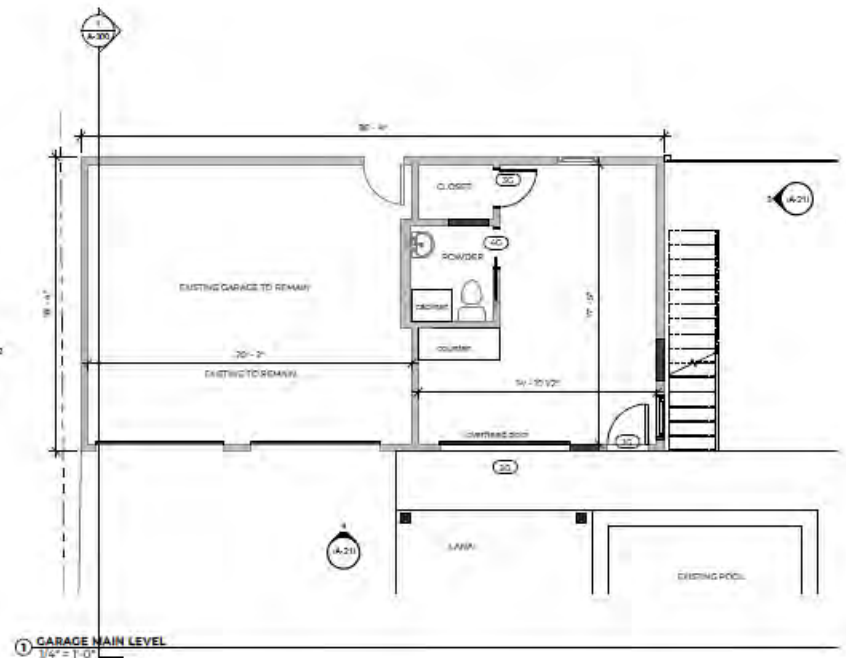
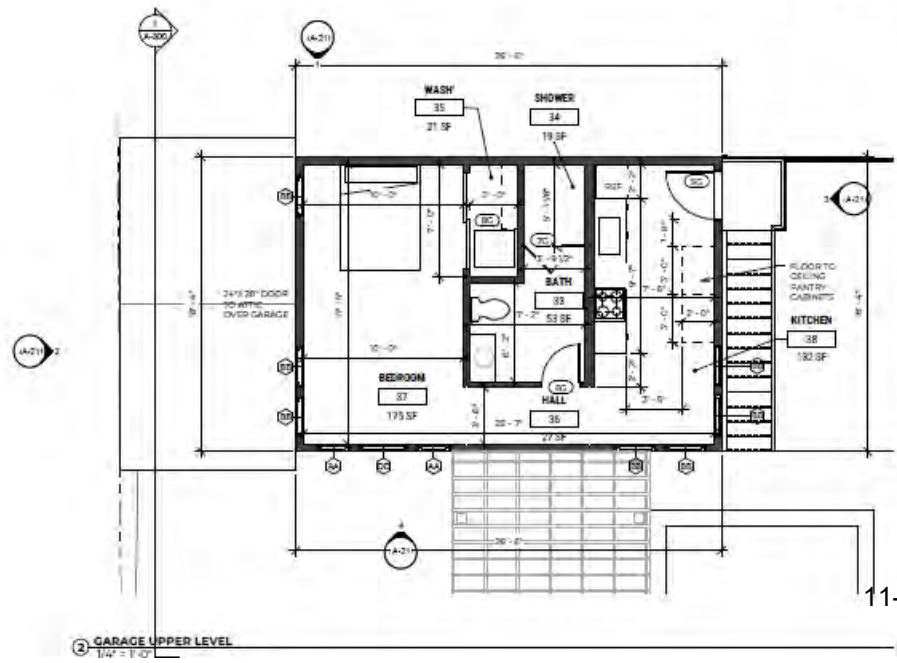
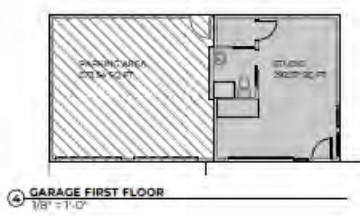
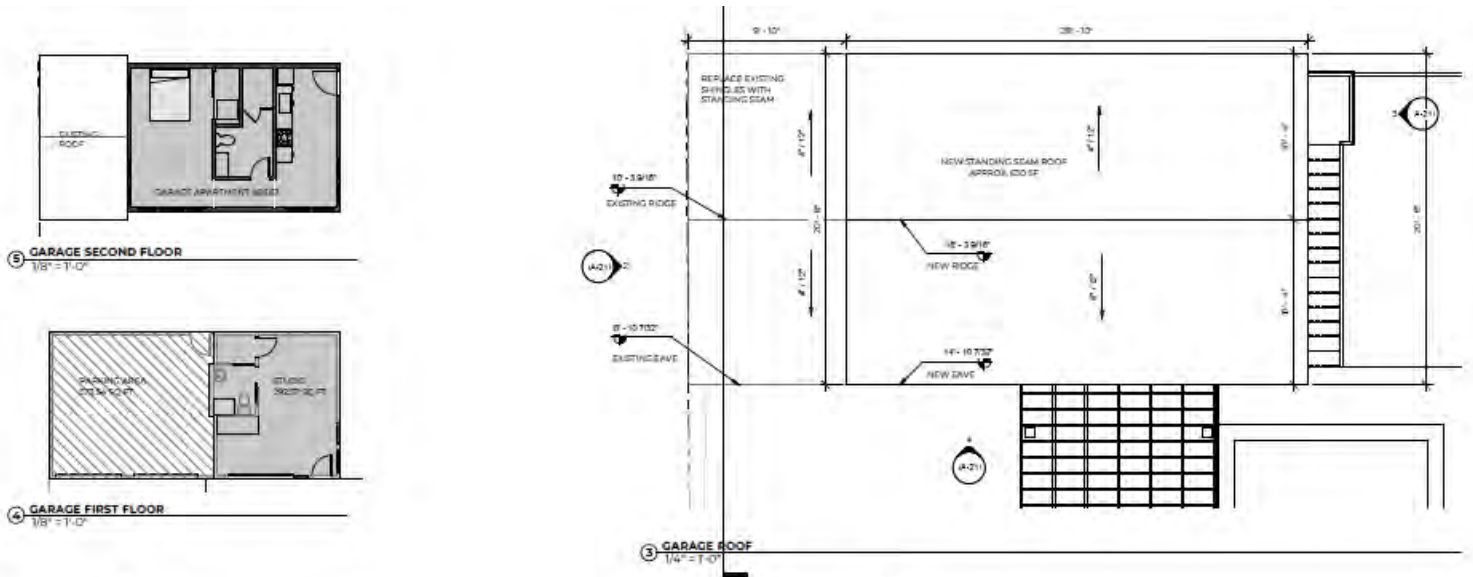
2 OVERALL SECOND FLOOR PLAN
1/8" = 1'-0"

11-12

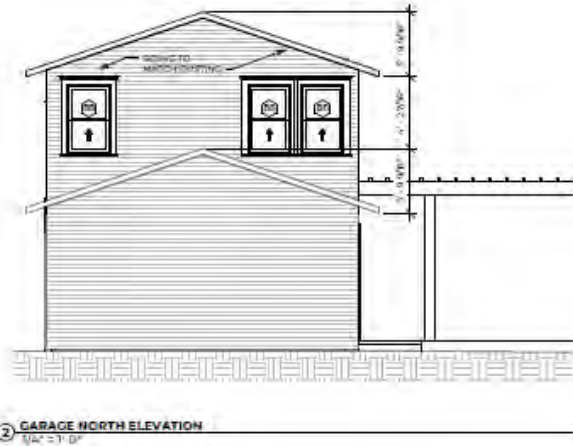
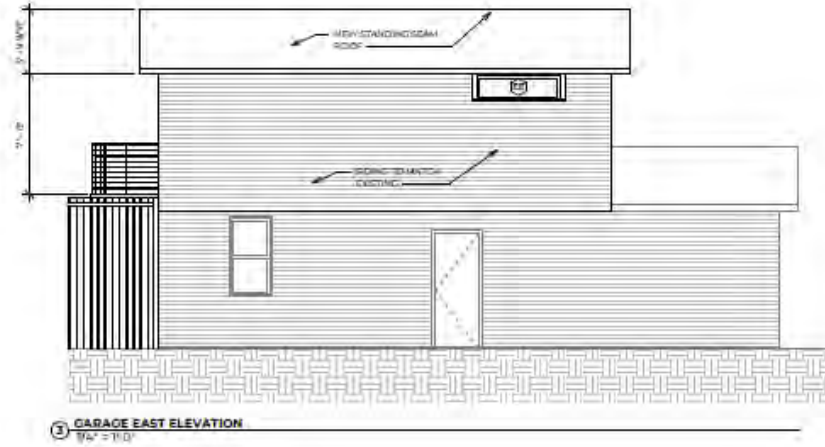
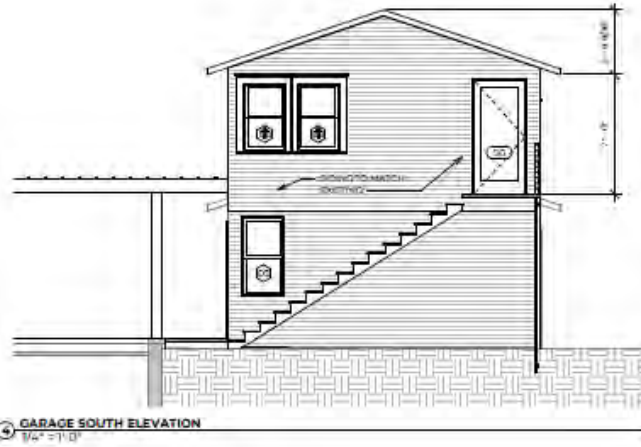


1 OVERALL FIRST FLOOR PLAN
1/8" = 1'-0"

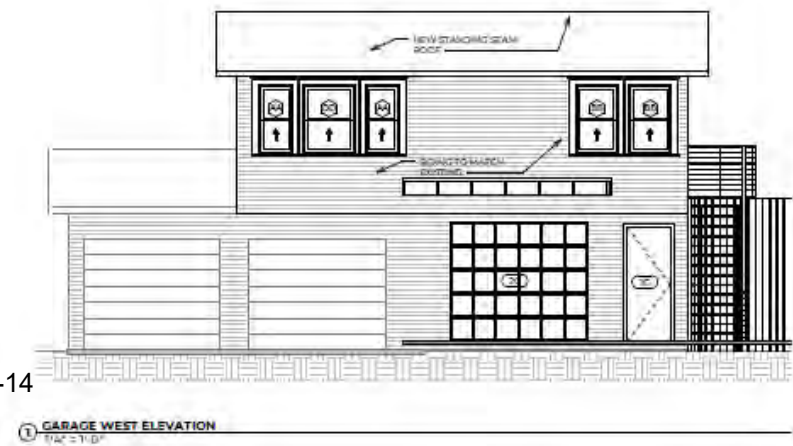
Floor Plan Detail – Proposed Accessory Structure



Elevations – Proposed Accessory Structure



11-14



Elevation & Height Comparison Of Structures



① HEIGHT COMPARISON DIAGRAM
1/4" = 1'-0"

ZONING INFORMATION

ZONING TYPE: CD-13 (SUBAREA 1)
R-7.5(A)

"EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE DEVELOPMENT STANDARDS OF THE R-7.5(A) SINGLE FAMILY DISTRICT APPLY TO THIS DISTRICT"

DATE LIMIT OF CONTRIBUTING STRUCTURES: 1947

SITE RESTRICTIONS:

FRONT SETBACK: 25 FT (R-7.5(A))
AVERAGE OF BLOCK (CD013)
SIDE/REAR SETBACKS: 5 FT
HEIGHT: 30 FT
HEIGHT LOOMING: 3x DISTANCE FROM SIDE PROPERTY LINE
LOT COVERAGE: 45%
FLOOR AREA RATIO: 0.5

LIVING AREA SQ FT CALCULATIONS FOR ACCESSORY STRUCTURE:

HOUSE CALCULATIONS:

FLOOR AREA PER DCAD: 2,018 SQ FT
1ST FLOOR PROPOSED AREA (EXISTING+NEW): 1,474 SQ FT
2ND FLOOR PROPOSED AREA (EXISTING+NEW): 1,227 SQ FT
(REFER TO PAGE A-13)

TOTAL: 2,701 SQ FT - TOTAL PROPOSED FLOOR AREA

25% OF MAIN HOUSE: 675.25 SQ FT

ACCESSORY STRUCTURE:

EXISTING ACCESSORY STRUCTURE: 667 SQ FT TOTAL (375 SQ FT - PARKING)
292 SQ FT - EXISTING STUDIO
PROPOSED STUDIO ADDITION: 486 SQ FT
PROPOSED TOTAL FLOOR AREA: 778 SQ FT OR 28.8%

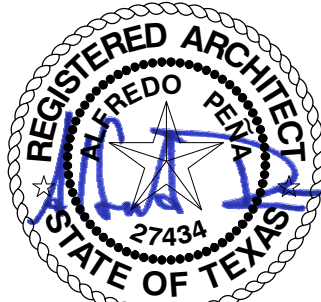
LOT COVERAGE:

LOT SIZE: 10,378 SQ FT
ALLOWED LOT COVERAGE: 4,670.10 SQ FT
FLOOR AREA RATIO(F.A.R.) SQ FT LIMIT: 5,189 SQ FT
CURRENT COVERAGE: 1,372 SQ FT - RESIDENCE
249 SQ FT - ADDITION
800 SQ FT - ACCESSORY STRUCT.
2,421 SQ FT - TOTAL COVERAGE
CURRENT PERCENTAGE: 20.9%
PROPOSED INCREASE: 249 SQ FT
PROPOSED COVERAGE: 2,421 SQ FT OR 23.3%



TEZANTO

817.602.8161
fred@tezanto.com



Alfredo Peña
05-24-22

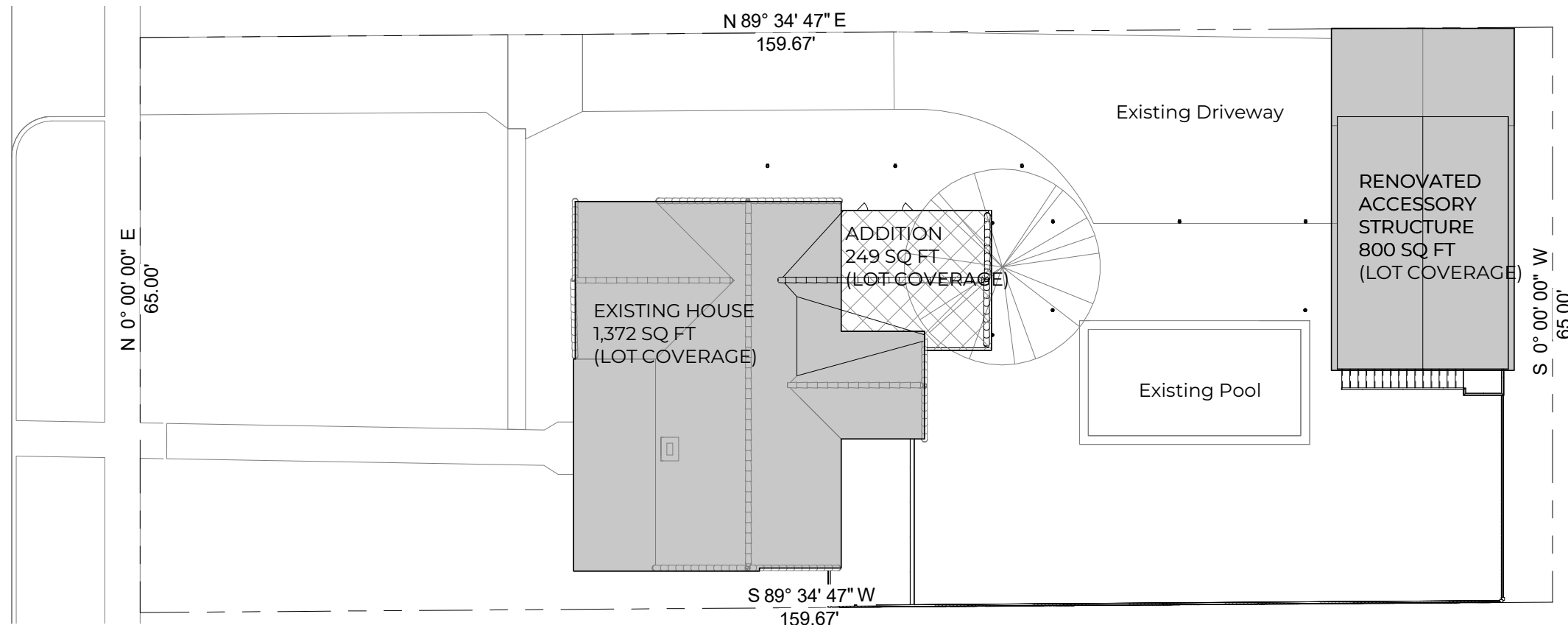
**JESSICA MAROS AND
STEPHEN MARLEY**

1218 N CLINTON
DALLAS, TX 75208

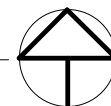
SITE PLAN

Project number: 21.06-01

Date: 05-24-22



1 SITE PLAN
1/16" = 1'-0"



Panel A

06-21-22

BDA212-020

1218 N. Clinton Ave.

(Support Letters

Previous)

From: [ellis1203](#) [REDACTED]
To: [Daniel, Pamela](#)
Cc: ["Irene Ellis"; swmarley](#) [REDACTED]
Subject: Support for BDA212-020
Date: Saturday, April 9, 2022 10:56:53 AM

External Email!

Dear Pamela,

We are in support of our neighbor's plans to update/add onto the existing structure on their property and do not feel it will negatively impact our property or the neighborhood.

Sincerely,

Leonard & Irene Ellis
1203 N Winnetka Ave
Dallas, TX 75208

([REDACTED]
[REDACTED]

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.

From: [Celeste Escobedo](#)
To: [Daniel, Pamela](#)
Subject: Support for BDA212-020
Date: Sunday, April 3, 2022 1:29:50 PM

External Email!

Hi Pamela,

I'm writing in support of our neighbor's plans to update/add onto the existing structure on their property. My husband and I are in full support and do not feel it will negatively impact our property or the neighborhood.

Thank you,

Celeste and Christopher Escobedo
1225 N Winnetka Ave, Dallas 75208

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From: happyjarvis@gmail.com
To: [Daniel, Pamela](#)
Cc: swmarley@gmail.com
Subject: Support for BDA212-020
Date: Wednesday, April 6, 2022 12:13:16 PM

External Email!

Dear Pamela,

We have no objections of our neighbor's plan to add a partial second story to their existing garage structure. We do not believe it will impact our property or the values of the neighborhood.

Best,

Feliz & Kirk Jarvis
1235 N. Winnetka Ave.
Dallas, TX 75208

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.

From: [Gregory Leftwich](#)
To: [Daniel, Pamela](#)
Subject: Support for BDA212-020
Date: Sunday, April 3, 2022 3:40:26 PM

External Email!

Dear Pamela -

We are in support of our neighbor's plans to update/add onto the existing structure on their property and do not feel it will negatively impact my property or the neighborhood.

Sincerely,

Greg and Julie Leftwich
1118 S. Canterbury Ct.

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From: [Blake Martensen](#)
To: [Daniel, Pamela](#)
Cc: swmarley@gmail.com
Subject: Support for BDA212-020
Date: Tuesday, April 5, 2022 3:37:30 PM

External Email!

Dear Pamela,

I am writing to you in regard to the case number BDA212-020 for the residence at 1218 N. Clinton Avenue. We are in support of our neighbor's plans to update/add onto the existing structure on their property and do not feel it will negatively impact my property or the neighborhood. Our home is located directly behind this residence and we are in complete support of their plans. Please let me know if there is anything else I can do to assist in their process of approval.

Sincerely,
Blake and Dorsey Martensen
1219 N. Winnetka Avenue
Dallas, Texas 75208

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.

From: [Mitchell, Ellen](#)
To: [Daniel, Pamela](#)
Subject: BDA212-020
Date: Tuesday, April 5, 2022 8:46:31 AM

External Email!

Pamela,

I am writing in support of our neighbor’s plans to update/add onto the existing structure on their property (1218 N Clinton Ave). As their next door to the south, I do not feel like the addition will negatively impact my property or the neighborhood.

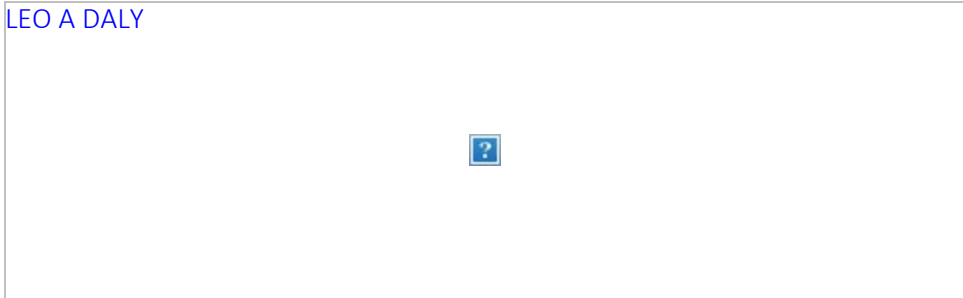
Thanks,
Ellen Mitchell Kozack
1214 N Clinton Ave, Dallas TX 75208



Ellen Mitchell-Kozack, AIA, LEED BD+C, WELL AP
Vice President, Chief Sustainability Officer

3232 McKinney Avenue, Suite 800, Dallas, TX 75204-8589
214.526.1144 **D** 469.697.0764 **M** 214.364.9283
leoadaly.com emkozack@leoadaly.com

PLANNING ARCHITECTURE ENGINEERING INTERIORS



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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.

From: [Brian Shaw](#)
To: [Daniel, Pamela](#)
Cc: [Lauren Scroggins](#)
Subject: Support for BDA212-020
Date: Monday, April 4, 2022 7:36:11 PM

External Email!

Dear Pamela:

We support our neighbor's plan to update/add onto the existing structure on their property and do not feel it will negatively impact our property or the neighborhood.

Let 'em do it!!!!

Sincerely,

Brian and Lauren Shaw
1303 W. Canterbury Ct.
Dallas, TX 75208

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.

From: [Rose Zei](#)
To: [Daniel, Pamela](#)
Cc: swmarley@gmail.com
Subject: Support for BDA212-020
Date: Sunday, April 3, 2022 9:36:13 PM

External Email!

Dear Pamela,

We are in support of Jessica and Stephen's plans to update/add onto the existing structure on their property and do not feel it will negatively impact our property or the neighborhood. Thank you for considering their request!

Sincerely,

Rose and Billy Zei
1310 W Canterbury Ct
Dallas, TX 75208

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.

Ref: BDA212-020(PD) 1218 N. Clinton Ave.

We have no issues with our neighbor's plans to update/ or add on to the existing structure on their property. There are other properties in the neighborhood with additions. We do not feel that this would compromise our backyard privacy what so ever.

Stephen and Bridgette Harper 1222 N. Clinton Ave., Dallas, Tx 75208

FILE NUMBER: BDA212-031(JM)

BUILDING OFFICIAL'S REPORT: Application of German G. Sierra for a variance to the parking regulations at 1805 S. Edgefield Avenue. This property is more fully described as Lots 14,15,16, and Pt of Lots 17,18, Block 2/4742, and is zoned a CR Community Retail District, which requires parking to be provided.

LOCATION: 1805 S. Edgefield Avenue

APPLICANT: German G. Sierra

REQUESTS: The applicant proposes to maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide three of the required 48 **17** parking spaces, which will require a 15-**14**-space variance (~~83.33~~ **82.35** percent reduction) to the parking regulations.

UPDATE: On June 10, 2022, the applicant provided additional information including a presentation (**Attachment C**), a site plan (**Attachment D**), and an alternate site plan (**Attachment E**). More support letters were also provided which are included in the letters section of materials for this case. All revised information is **highlighted**.

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.

State Law/HB 1475 effective 9-1-21

- the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 - (a) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code;
 - (b) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
 - (c) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 - (d) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 - (e) the municipality consider the structure to be a nonconforming structure.

STAFF RECOMMENDATION: ENGINEER OPINION

Approval, subject to the following condition:

- Compliance with the submitted **revised** site plan is required.

Rationale:

- The Transportation Development Services Senior Engineer reviewed the submitted evidence (**Attachment A**) and found no objection to the variance request (**Attachment B**).

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is being redeveloped with a restaurant without drive-in or drive-through service use (coffee shop). All surrounding properties are developed with single-family uses.

Zoning/BDA History:

1. **Z178-142:** an authorized hearing to determine proper zoning on this site and adjacent CR District properties in Elmwood. No action taken.

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned CR Community Retail District, where the typical lot size varies significantly. Per DCAD records, the property is 6,680 square feet-in-size with a 1,235-square-foot structure erected in 1948, and a 400-square-foot detached accessory structure (no date provided). The property is located at the southwest corner of Tennessee Avenue and South Edgefield Avenue and has additional frontage along an alleyway to the west. The applicant is seeking to maintain these structures to house a coffee shop. The coffee shop is considered a restaurant use and requires parking at a ratio of one space per 100 square feet of floor area.

The applicant states that due to the residential configuration and size of the lot, the property cannot be used in a manner commensurate to other properties with the same CR District zoning (**Attachment A**), some found within the same Elmwood area.

According to the site plan submitted with the request, the detached accessory structure contains 446 square feet. Combined with the main structure of 1,235 square feet, the total restaurant area is considered 1,681 square feet and requires a minimum of 17 parking spaces. However, the parking required, ratio for the land use, and parking reduction for providing bicycle parking were misstated. It should also be noted that bicycle parking reductions are only allowed if the total required parking is 20 spaces per Sec.51A-4.314.

On June 10, 2022, the applicant submitted a revised site plan (**Attachment D**) which now shows the correct required parking ratio for a restaurant without drive-in or drive-through service use (coffee shop) at one space per 100 square feet of floor area. The site plan indicates that three spaces will be provided, plus 12 bicycle parking spaces which would only allow for a reduction for three spaces if the original parking requirement was for 20 or more parking spaces. Therefore, the variance request is for the remainder of 14 spaces.

An alternate site plan (**Attachment E**) was also provided on June 10th which identifies additional parking spaces within the 446-square-foot detached structure previously

labeled as “dry storage area.” However, at the time of this report, the alternate plan had not been reviewed by staff for accuracy/compliance.

The applicant’s evidence includes supportive passages from a pending neighborhood plan WOCAP the West Oak Cliff Area Plan, as well.

Ultimately, the Transportation Development Services Senior Engineer reviewed the submitted evidence and found no objection to the variance request (**Attachment B**). *Due to the additional evidence and revised/alternate plans provided on June 10th, the senior engineer may provide a revised response by the hearing date.*

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

- That granting the variance to the parking regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CR 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 CR zoning classification.

The board may also consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

- (f) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01 (Submission of Rolls to Taxing Units), Tax Code;
- (g) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development is authorized to physically occur;
- (h) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (i) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (j) the municipality consider the structure to be a nonconforming structure.

As of June 10, 2022, staff had received 32 letters of support of which 18 are within the 200-foot notification radius. No letters in opposition have been received.

If the board were to grant the variance request and impose the submitted revised site plan as a condition, the proposed parking would be limited to what is shown on this document. No additional relief is provided with this request.

TIMELINE:

- February 2, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- March 15, 2022: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- March 31, 2022: 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 Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board
- March 21 & 30, 2022: The applicant submitted additional evidence for consideration (**Attachment A**).
- March 31, 2022: The Transportation Development Services Senior Engineer submitted a comment sheet (**Attachment B**). *Due to the additional*

evidence and revised/alternate plans provided on June 10th, the senior engineer may provide a revised response by the hearing date.

April 19, 2022: The Board of Adjustment Panel A decided to hold this case under advisement until June 21, 2022.

June 10, 2022: The applicant provided additional information including a presentation (**Attachment C**), a site plan (**Attachment D**), and an alternate site plan (**Attachment E**). More support letters were also provided which are included in the letters section of materials for this case.

BOARD OF ADJUSTMENT ACTION: April 19, 2022

APPEARING IN FAVOR: German Sierra 1805 S. Edgefield Ave. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: **Lamb**

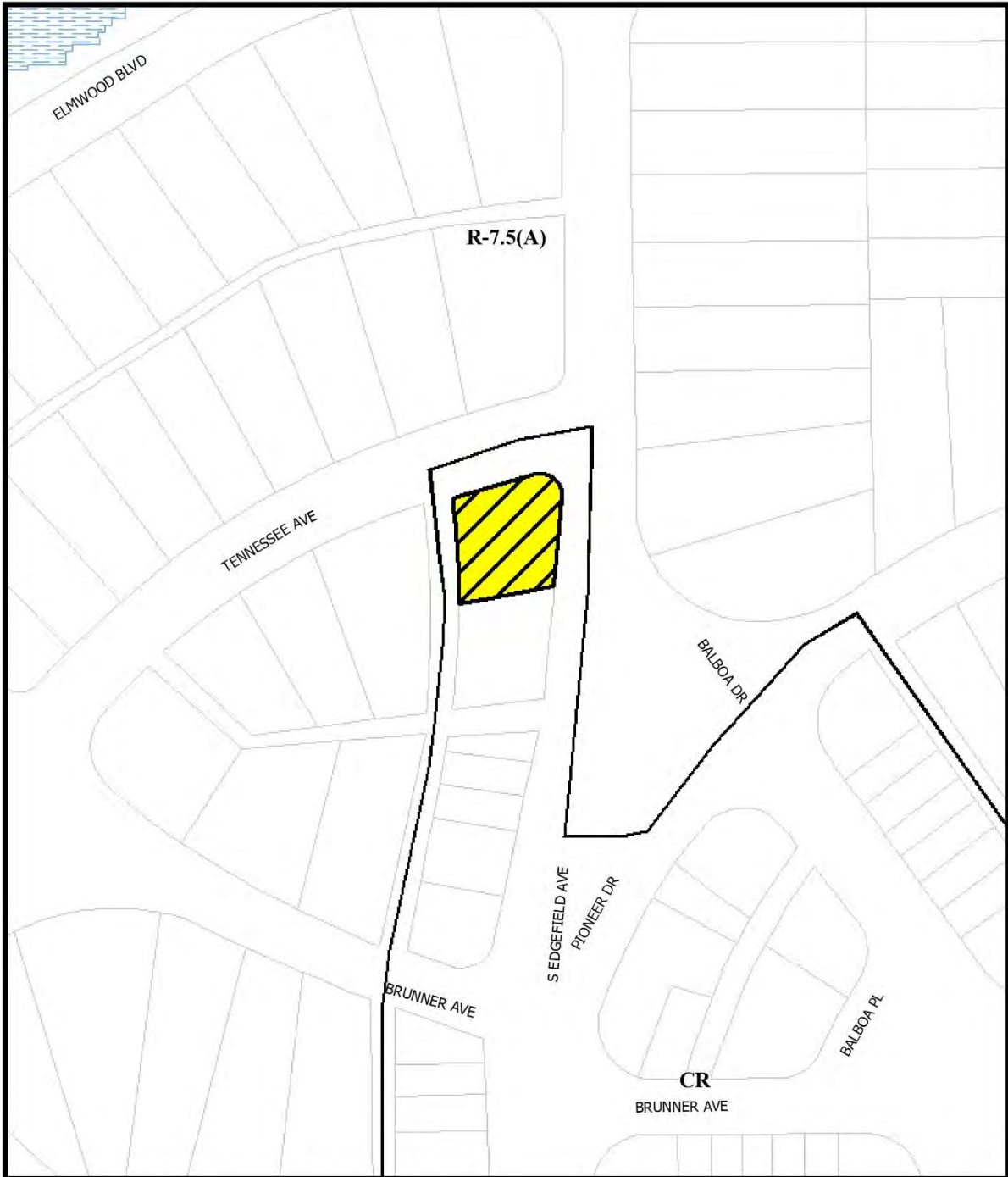
I move that the Board of Adjustment, in Appeal No. BDA 212-031, **hold** this matter under advisement until **June 21, 2022**.

SECONDED: **Narey**

AYES: 5 – Lamb, Halcomb, Narey, Frankford, Neumann

NAYS: 0-

MOTION PASSED: 5-0 (unanimously)



1:1,200

ZONING MAP

Case no: **BDA212-031**

Date: **3/9/2022**

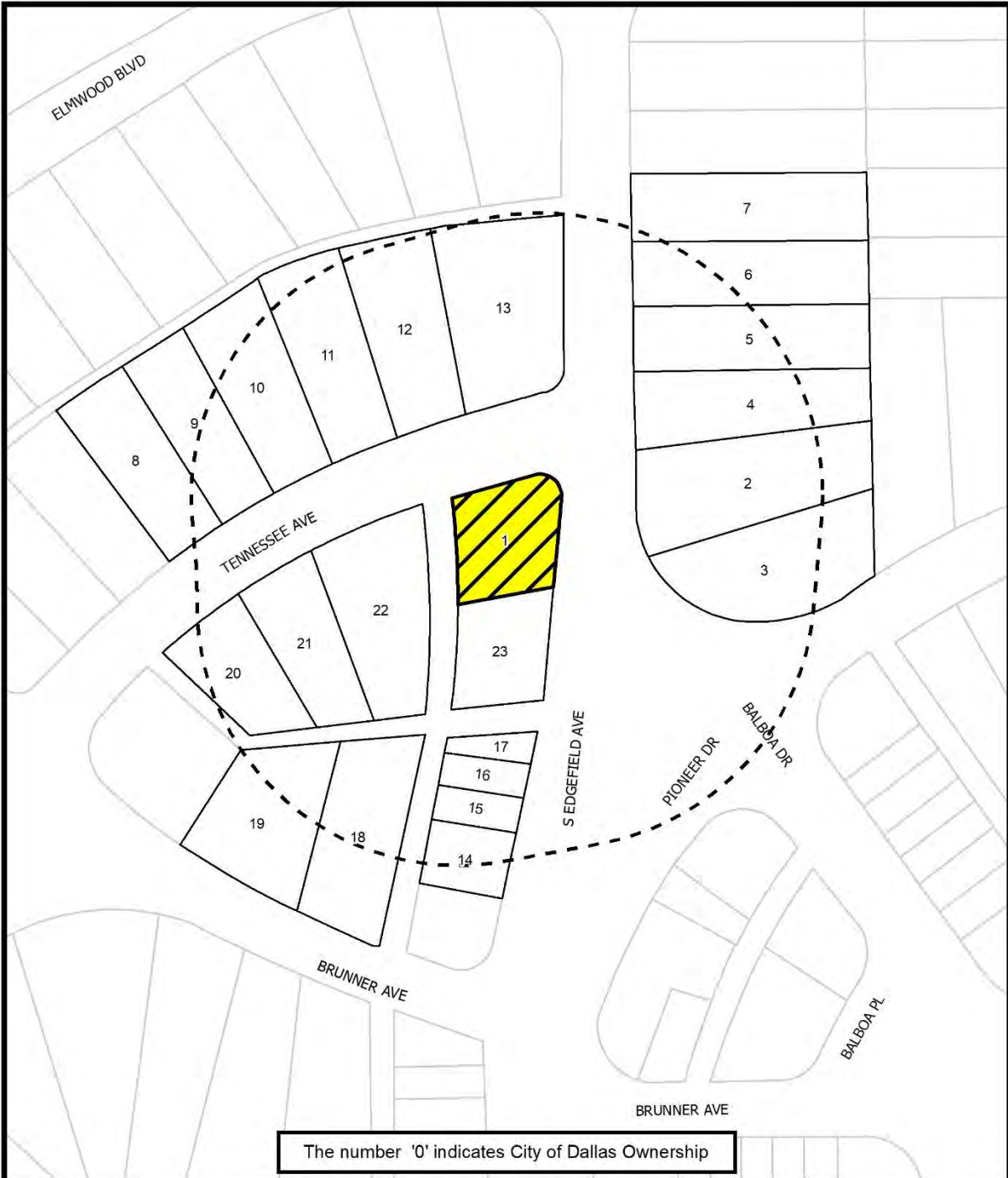


1:1,200

AERIAL MAP

Case no: BDA212-031

Date: 3/9/2022



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
23 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-031**
 Date: **3/9/2022**

03/09/2022

Notification List of Property Owners

BDA212-031

23 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1805 S EDGEFIELD AVE	SIERRA GERMAN GREGORIO JR &
2	1732 S EDGEFIELD AVE	CONGER TRAVIS K &
3	1736 S EDGEFIELD AVE	TASSET CHARISSE LEA
4	1726 S EDGEFIELD AVE	REYES CAROLINA ETAL
5	1722 S EDGEFIELD AVE	WALTHER DON B & BLAIR B
6	1718 S EDGEFIELD AVE	HERNANDEZ JUAN ANTONIO
7	1714 S EDGEFIELD AVE	CERDA MARIO &
8	1827 TENNESSEE AVE	RUBIO JAVIER &
9	1823 TENNESSEE AVE	SUHREN DAVID
10	1819 TENNESSEE AVE	GALINDO LILIA A
11	1815 TENNESSEE AVE	SALAS JOSE &
12	1811 TENNESSEE AVE	DELAROSA SALVADOR H &
13	1717 S EDGEFIELD AVE	MEZA JESSE
14	1823 S EDGEFIELD AVE	SAI E & E PROPERTIES INC
15	1821 S EDGEFIELD AVE	SAI E & E PROPERTIES INC
16	1819 S EDGEFIELD AVE	SAI E A& E PROPERTIES INC
17	1817 S EDGEFIELD AVE	RUIZ JUAN R & EUSTOLIA V
18	1411 BRUNNER AVE	ACOSTA TINA
19	1419 BRUNNER AVE	GUERRA JOE D
20	1826 TENNESSEE AVE	ROY ERIN W & KYLE A
21	1818 TENNESSEE AVE	ESPINOSA KATHLEEN
22	1814 TENNESSEE AVE	QUIRINO NORA
23	1815 S EDGEFIELD AVE	PEREZ PEDRO S &



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-031

Data Relative to Subject Property:

Date: 12/9/21 2-10-22 col

Location address: 1805 S. Edgefield Ave Dallas TX 75224 Zoning District: CR

Lot No.: 14, 15, 16 Block No.: 2/4742 Acreage: 0.160 Census Tract: 63.02

Pl. Lt: 17, 18

Street Frontage (in Feet): 1) 92 2) 97.7 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): German Gregorio Sierra, Jr and Jael Abigail Sierra

Applicant: German G. Sierra Telephone: (323) 377-4353

Mailing Address: 1635 Champagne Dr Dallas TX Zip Code: 75224

E-mail Address: gsierra@graphcoffee.com

Represented by: self Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 15 Parking spaces reduction

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: see attached document

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.

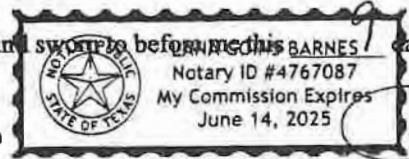
Affidavit

Before me the undersigned on this day personally appeared German G. Sierra (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 9 day of December, 2021
Notary ID #4767087
My Commission Expires June 14, 2025
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 German G Sierra

did submit a request for a variance to the parking regulations
at 1805 S. Edgefield Avenue

BDA212-031. Application of German G Sierra for a variance to the parking regulations at 1805 S EDGEFIELD AVE. This property is more fully described as Lots 14,15,16, and Pt of Lots 17,18, Block 2/4742, and is zoned CR, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, and provide 3 of the required 18 parking spaces, which will require a 15 space variance (83.33% reduction) to the parking regulation.

Sincerely,


 David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-031

I, Jael Abigail Sierra, Owner of the subject property
(Owner of "Grantee" of property as it appears on the Warranty Deed)

at: 1805 S Edgefield Ave Dallas TX 75224
(Address of property as stated on application)

Authorize: German Gregorio Sierra
(Applicant's name as stated on application)

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

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: 15 parking space reduction variance

Jael Abigail Sierra
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 2/8/22

Before me, the undersigned, on this day personally appeared Jael Abigail Sierra

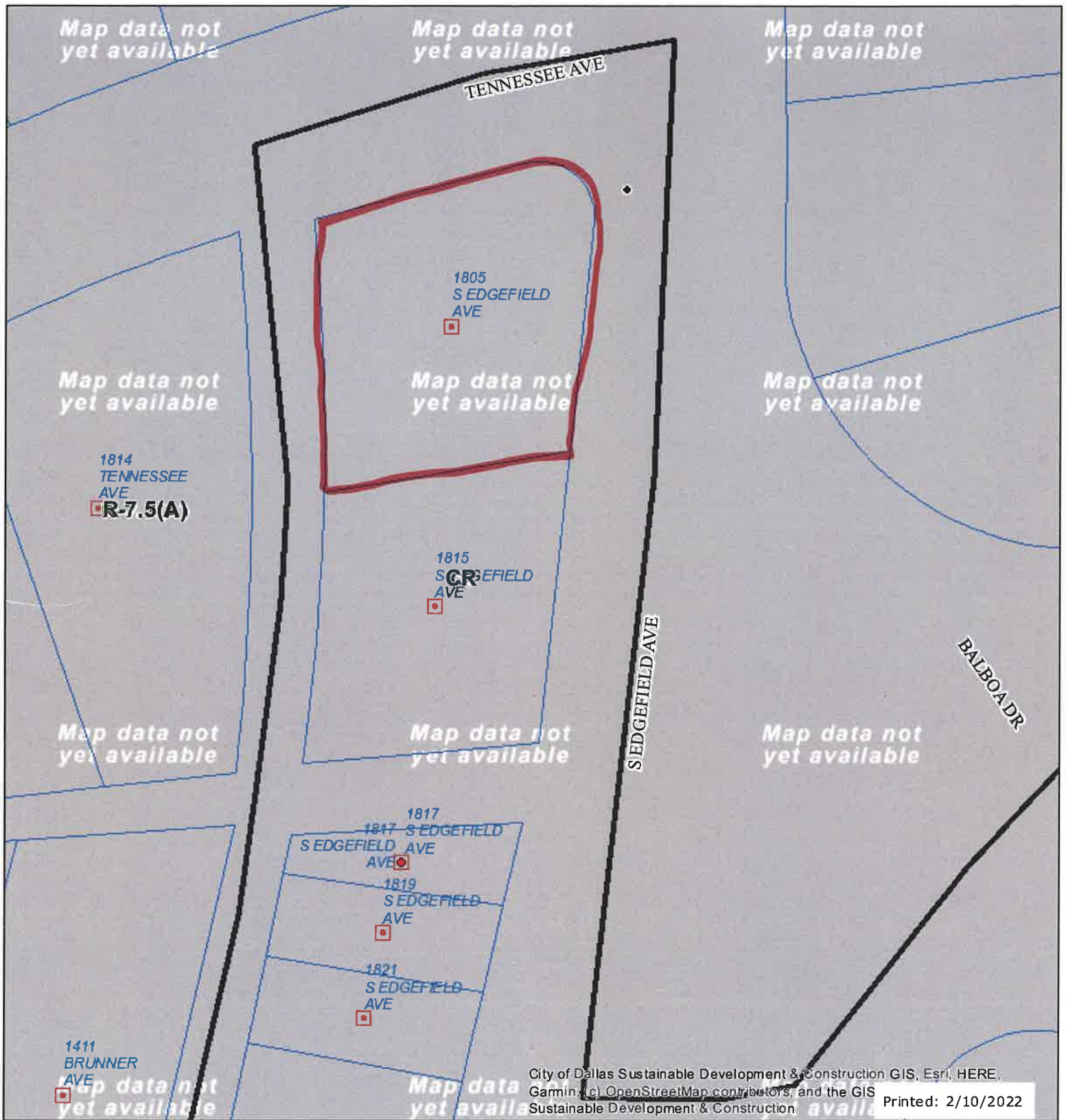
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 8 day of February, 2022

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 06-14-2025





City of Dallas Sustainable Development & Construction GIS, Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS User Community
 Sustainable Development & Construction
 Printed: 2/10/2022

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 | 15-4 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)



ADDITION ELMWOOD

ABST. 775

SCALE

1700



Wednesday, December 8, 2021

1805 S EDGEFIELD AVE

PARKING VARIANCE EXPLANATION

Due to the reason that the property was originally constructed for use as a Single Family Dwelling, there is not enough land within the property limits to provide 18 parking spaces as calculated based on total square footage requirements.

After thorough review and design, the property has the capability of providing a total of three (3) parking spaces with reasonable maneuverability, which includes one space designated for handicap. While this number of parking spaces might seem limited, there is also street parking available along the property lines on Tennessee Ave, even though it's understood this cannot be included to fulfill the parking requirement since it falls outside the property limits.

As noted on the Site Plan submitted, the CR zoning commences on the corner of the subject property. There are several other locally-owned businesses along this small commercial district that are comparable to the subject property, and/or larger than the subject property, that also provide limited parking spaces. This is likely because this commercial district is adjacent to residential properties and the lot sizes simply do not offer the amount of land needed for parking.

Because the subject property is within the established Elmwood neighborhood in Oak Cliff, we look forward to primarily serving the local neighborhood. In speaking with many of the neighbors, they have expressed their excitement of having a local coffee house they can walk to from their own homes, without the need to drive to and/or park at the subject property.

We also hope the approval of this Parking Variance will encourage the desired walkability for the Elmwood neighborhood, as well as reengage city officials to move forward with revitalization and rezoning efforts already presented and proposed since 2019 by Bob Stimson and Chad West (see attached Exhibit: "Rezoning & complete streets: Elmwood edition")

Thank you in advance for your consideration of this parking variance request.



German Sierra (Applicant/Owner)

PROJECT INFORMATION	
ZONING	CR
LEGAL DESCRIPTION	ELMWOOD LOTS 14-15-16 & PT 17 & 18-90X92X
CLIMATE ZONE	ZONE 3A (MOIST)
HOUSE DESCRIPTION	EXISTING GENERAL MERCHANDISE BUILDING ONE STORY DETACHED GARAGE

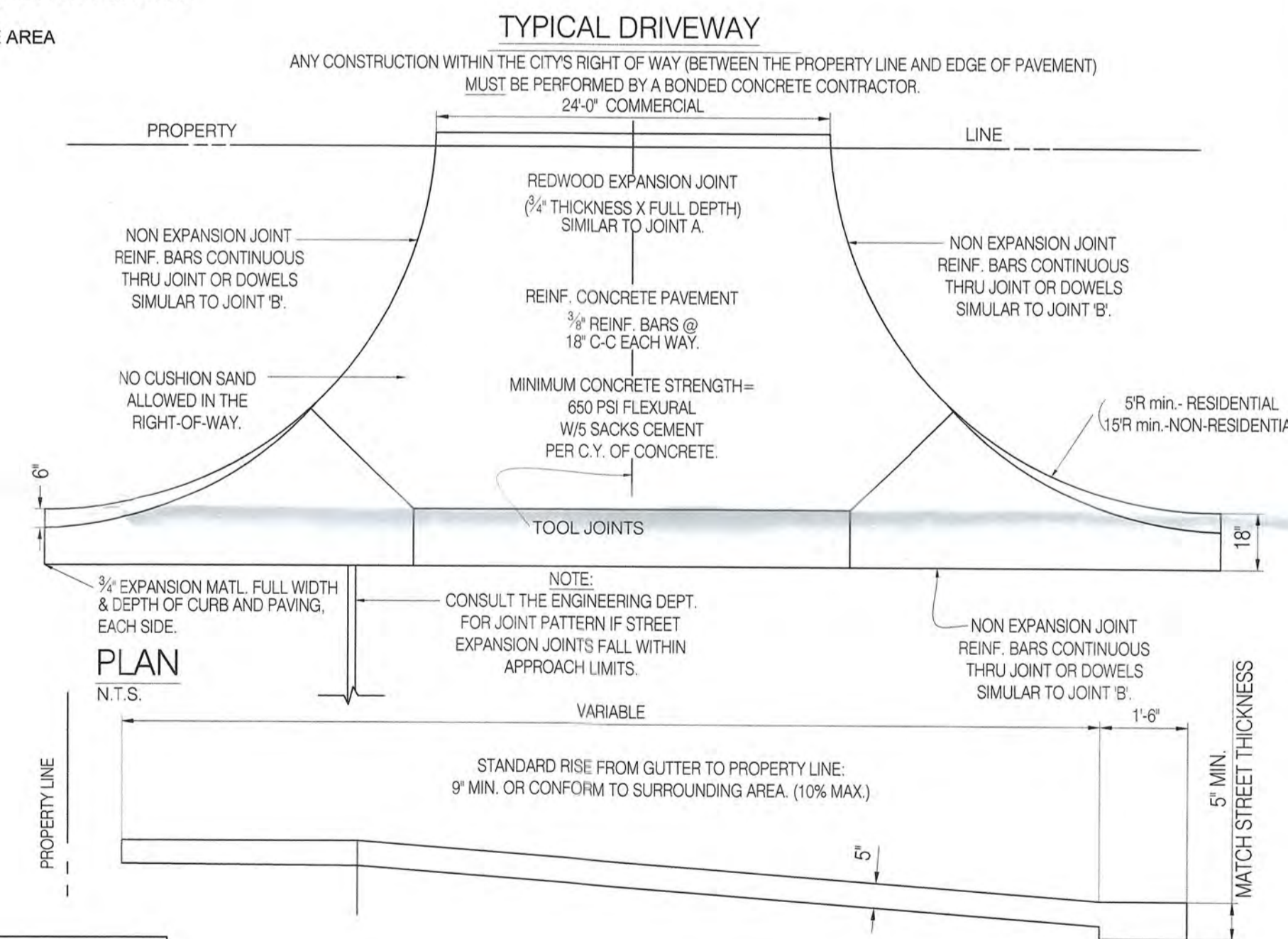
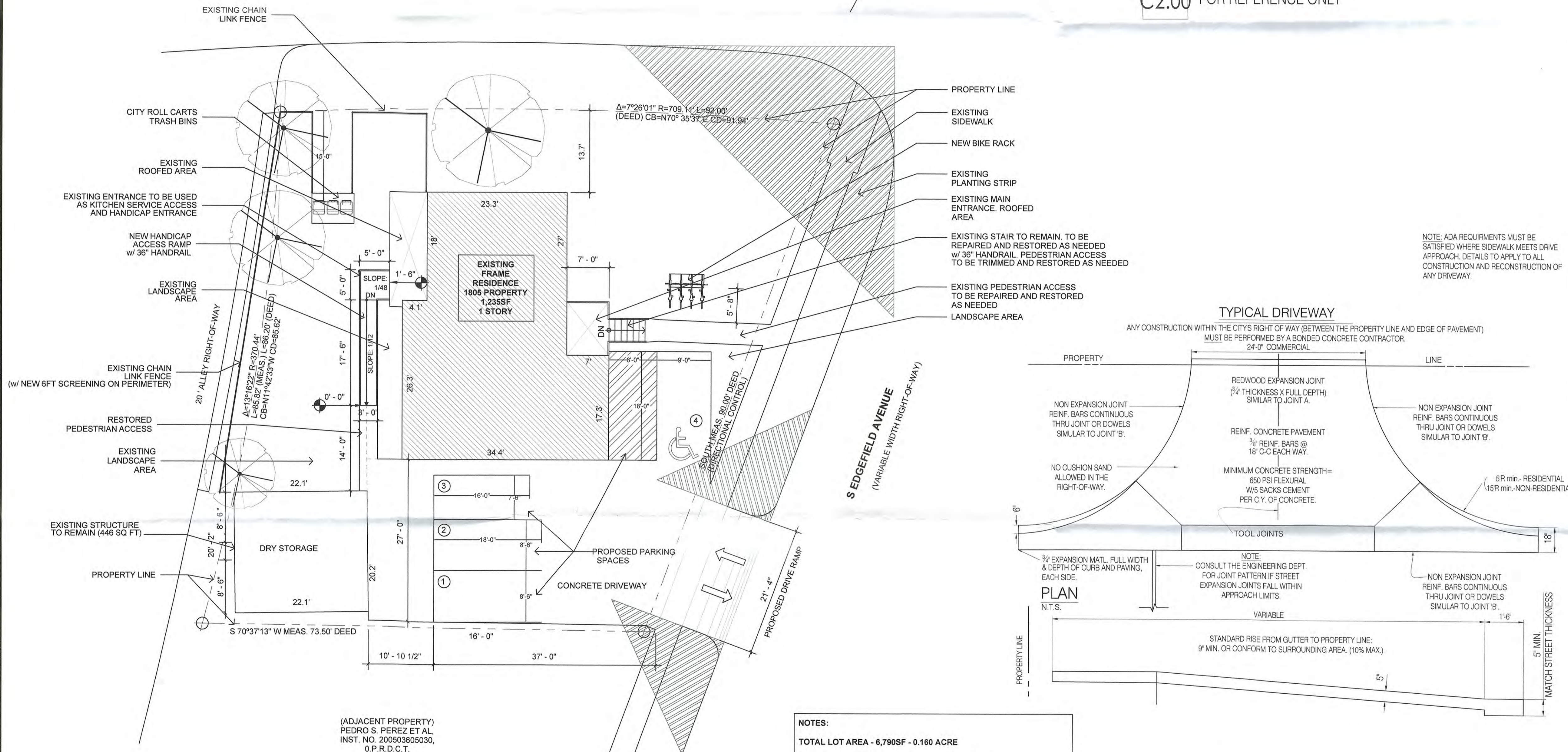
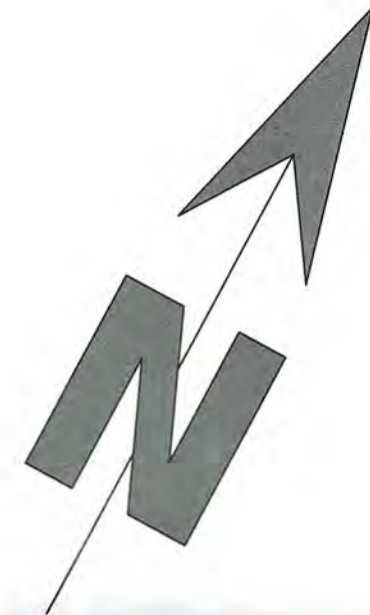
PROJECT AREA CALCULATIONS	
EX. LIVING AREA (AC)	TOTAL LIVING AREA (AC)
FIRST FLOOR 1,235.00 S.F.	1,235.00 S.F.
	TOTAL UNDER ROOF 1,681.00 S.F.
	FOOTPRINT 1,681.00 S.F.
NON-CONDITIONED AREA	LOT USAGE
GARAGE 446.00 S.F.	LOT SIZE 6,790.00 S.F.
	NON ROOF AREA 5,109.00 S.F.
	% OF LOT 24.75%

PARKING ANALYSIS				
SPACES	8'6" X 18'0"	7'6" X 16'0"	9'0" X 18'0"	8'0" X 22'0"
REGULAR	2			
COMPACT-CAR		1		
HANDICAP			1	0
OFF STREET PARKING	1 SPACE PER 200 SQ. FT. FOR TOP-60 RESTAURANT TOTAL 1,681 / 200 SF = 8.41 SPACES			
PARKING REQ.	8			
PARKING PROV.	6			
2 BICYCLE SPACES = 1 CAR SPACE				



2 VICINITY MAP
C2.00 FOR REFERENCE ONLY

TENNESSEE AVENUE
(50' RIGHT OF WAY)



- NOTES:**
- TOTAL LOT AREA - 6,790SF - 0.160 ACRE
 - TOTAL EXISTING MAIN BUILDING AREA - 1,235SF
 - TOTAL STORAGE (EXISTING GARAGE) AREA - 446SF
 - 1. ALL PAVEMENT SURFACES TO BE SEALED AND RESTORED. STRIPING TO BE PROVIDED AS NEEDED.
 - 2. ALL LANDSCAPE TO BE RESTORED.
 - 3. BUILDING EXTERIOR TO BE REPAIRED AND RESTORED AS NEEDED. NO ADDITIONAL EXTERIOR CONSTRUCTION HAS BEEN ANTICIPATED.
 - 4. ALL INFORMATION PROVIDED IS BASED ON MUNICIPALITY, GIS AND OWNER RECORDS.

3 DRIVE APPROACH DETAIL
C2.00 SCALE: N.T.S.

SEAL

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

REVISIONS	
SENT DATE	APPROVED DATE
12/14/2021	
12/15/2021	

ADDRESS
1805 S EDGFIELD AVE
DALLAS, TEXAS
75224

DATE
02/09/2022

DRAWN BY
ASM-IB

CHECKED BY
ER

DESCRIPTION
EXISTING
GENERAL MERCHANDISE BUILDING
ONE STORY - DETACHED GARAGE

SCALE
1" = 10' - 0"

SHEET TITLE
SITE PLAN

SHEET #
C2.00

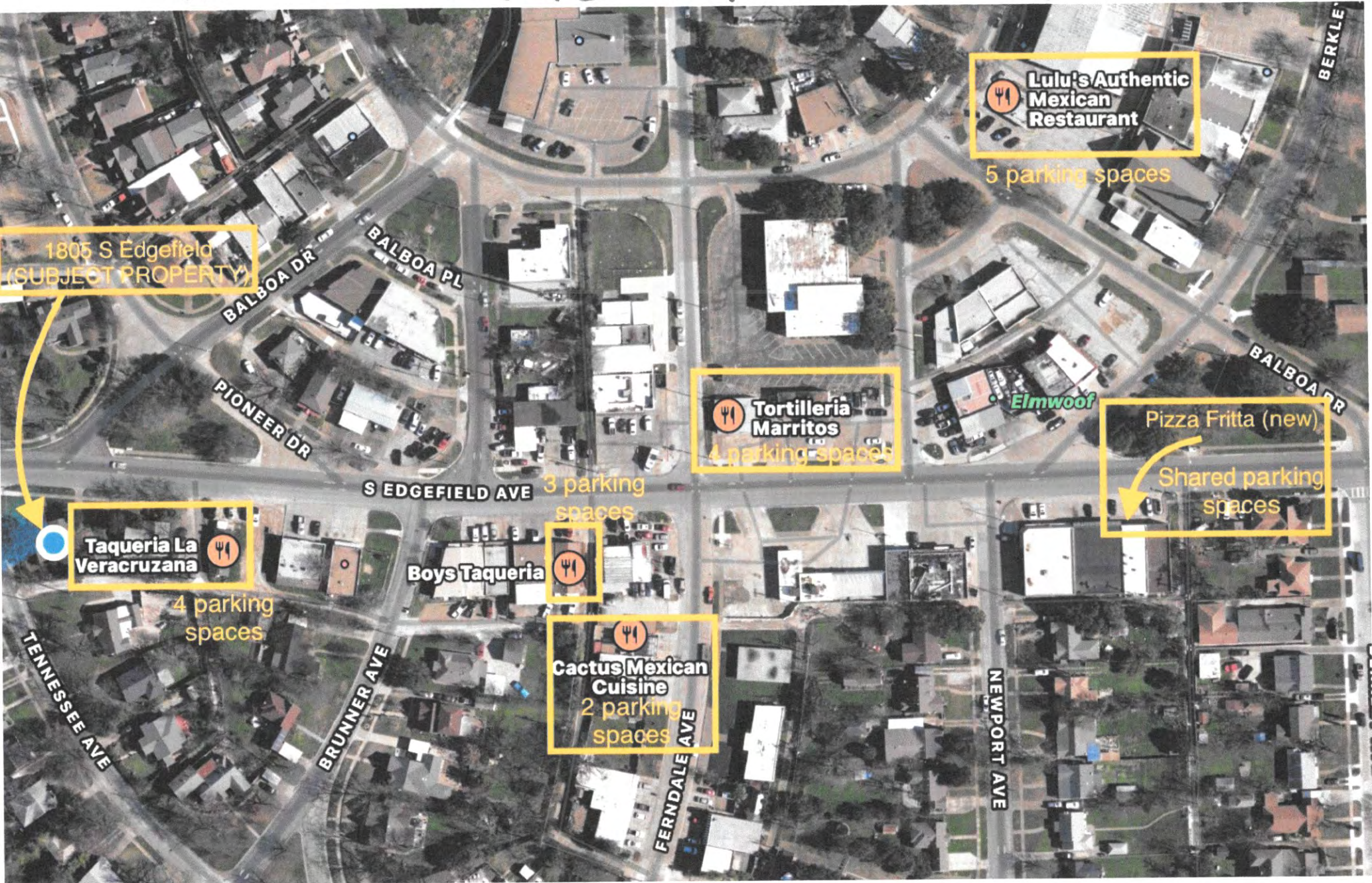
FILE NAME
C2.00_SITE_PLAN

1 SITE PLAN
C2.00 1" = 10' - 0"

212-031

**PARKING COMPS WITH
NEARBY RESTAURANTS/FOOD
ESTABLISHMENTS**

PARKING COMPS WITH NEARBY RESTAURANTS

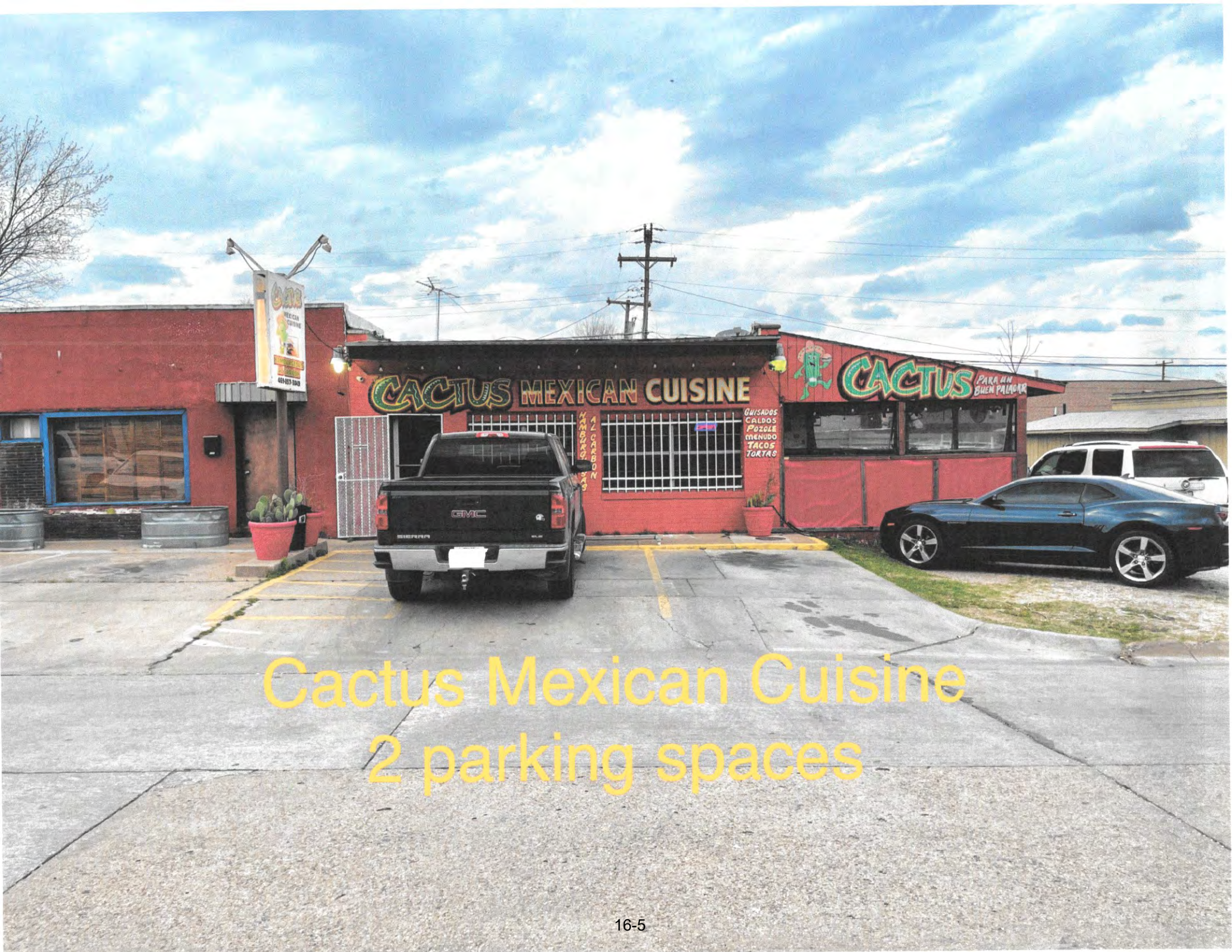


Taqueria La Veracruzana



Boy's Taqueria Dba: Morales Restaurant





Cactus Mexican Cuisine
2 parking spaces

Tortilleria Marritos (Recently changed to "La Milpa")



4 parking spaces



Lulu's Authentic Mexican
Restaurant
5 parking spaces



Pizza Fritta (New)
Shared parking with
5 other retail locations

**WEST OAK CLIFF AREA
PLANING (“WOCAP”)
COMPREHENSIVE CITY DRAFT
PLAN**

**(EXCERPTS REFERRING TO
DOWNTOWN ELMWOOD
SPECIFICALLY)**



WEST OAK CLIFF AREA PLAN

DRAFT PLAN
MARCH 9, 2022

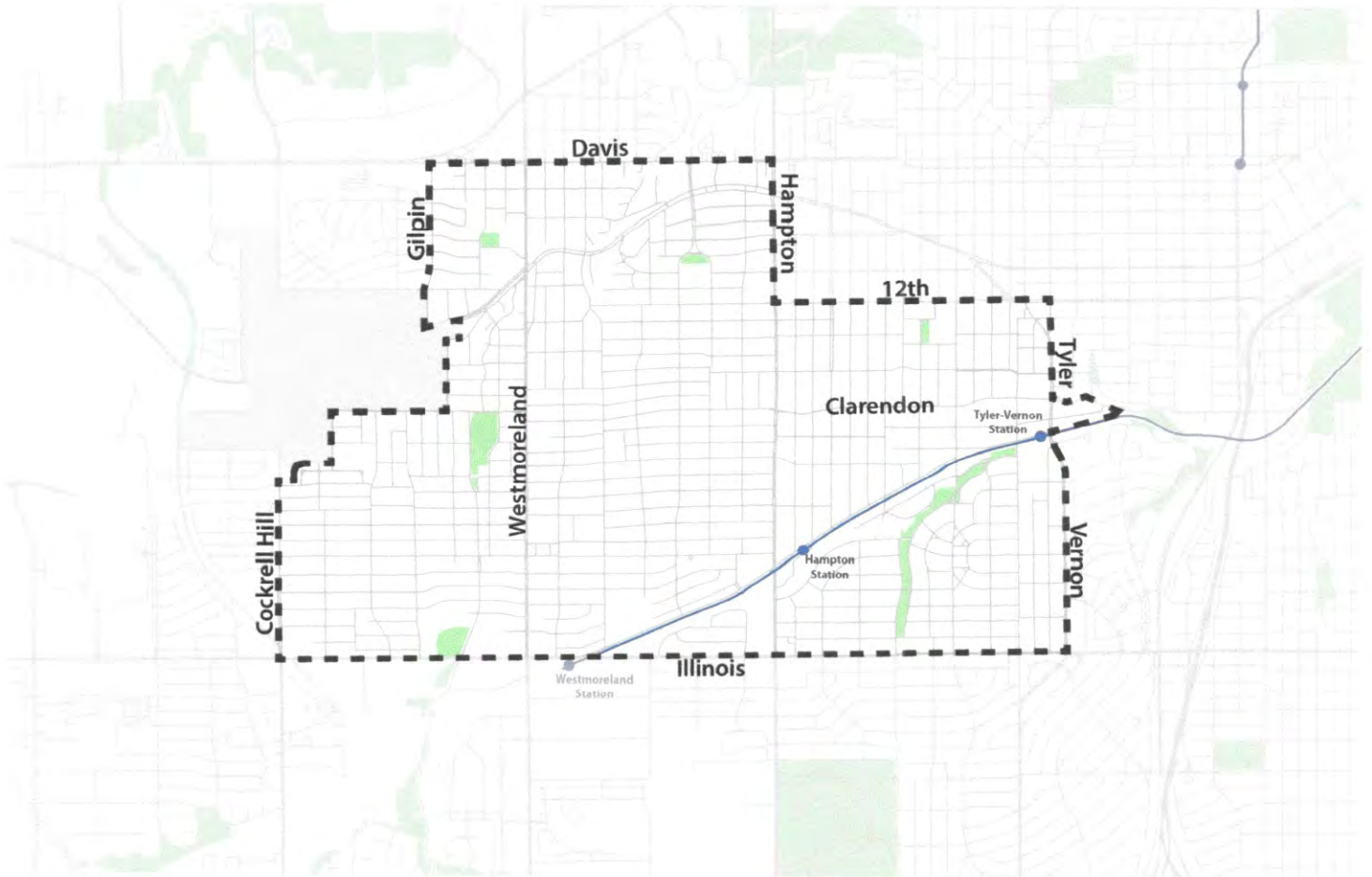


City of Dallas

16-10

P+UD PLANNING +
URBAN DESIGN

Urban Design | Strategic Planning & Policy | Neighborhood Vitality



West Oak Cliff Area Plan

The West Oak Cliff Area Planning initiative began in 2020 by City Councilmember Chad West and the Planning and Urban Design Department. This area of Oak Cliff has numerous areas that are upcoming authorized hearing locations for rezoning. Additionally, this area also contains three DART light-rail stations with potential opportunities for transit-oriented development nearby. This planning effort will work to help create a land use and land development vision for this area.



IMPLEMENTATION



Land Use and Development

Preserve and protect existing single-family neighborhoods

Single-family neighborhoods are at the heart of what makes West Oak Cliff a special community. Maintaining the current zoning in these neighborhoods will help to preserve their historic charm and reinforce the cultural identity of this area.

Promote transit-oriented development opportunities near high-quality transit

Prioritizing opportunities for mixed-income, mixed-use development near the DART light-rail stations and high-frequency bus will help enhance access to jobs, goods, and services, improve safety, and help ensure great affordability for residents.

Create walkable, neighborhood-scale mixed-use centers

Through strategic urban design enhancements along with zoning changes in specific areas, many of the small commercial nodes in West Oak Cliff can find new life, allowing new jobs, retail, and cultural opportunities to thrive.

Preserve historic buildings and character through neighborhood-sensitive design

Although some new development is necessary for all areas of the city, it is important that significant existing historic structures are retained to preserve Oak Cliff culture, while new development is designed to be compatible in scale and character with surrounding single-family neighborhoods.



Inclusive Community Development and Quality of Life

Ensure neighborhood affordability through strategic policies and programs

Critical to preserving neighborhood character and protecting existing residents is implementing strategic policies and zoning tools for new affordable housing, along with education and assistance for existing homeowners.

Support local, minority, immigrant, and women-owned small businesses.

One of the defining elements of Oak Cliff is its local, grassroots, and human-oriented businesses. Economic development incentives and tools should help support small business owners get started as well as remain in place over time.

Promote local arts and culture through initiatives and dedicated physical space

Numerous tools can allow Oak Cliff culture to continue to flourish, including public events for visual and musical arts, utilizing public right-of-way to showcase artists, the creation of artist studios, or the creation of a local cultural center.

Enhance safety through improved design of buildings and public realm

Comments on public safety were common comment during public engagement. Although the area plan cannot specifically address policing, it is critical that streets and buildings be designed using CPTED principles to reduce opportunities for crime.



Transportation and Infrastructure

Prioritize new sidewalks and sidewalk repair to improve accessibility

There are numerous streets in West Oak Cliff with sidewalks in either disrepair or non-existent entirely. Using the Dallas Sidewalk Master Plan as a guide, sidewalk construction and repair should be prioritized, focusing first on areas near transit, schools, and destinations.

Utilize design improvements within the public right-of-way to enhance placemaking and safety

There are numerous commercial areas where public realm enhancements such as wider sidewalks, reconfigured intersections, public art, street trees, and furniture would create people-oriented spaces while also enhancing pedestrian safety.

Construct new multimodal improvements and bike lanes throughout West Oak Cliff

Currently there are no bike lanes and very few trails in the area. Prioritizing multimodal movement on specific streets will help increase neighborhood mobility, safety, and enable easier access to destinations such as DART.

Evaluate traffic calming through street design enhancements

Some residential streets in West Oak Cliff are wide, encouraging fast vehicular traffic while reducing safety for residents, particularly children. Improvements such as street trees, curb extensions, and crosswalks can help to mitigate these current conditions.



Parks and Open Space

Create opportunities for smaller parks, plazas, and parklets in existing neighborhood nodes

Excess city right-of-way and small, vacant spaces between existing buildings can be repurposed to create small open spaces for passive and active recreation, including plazas, dog parks and playgrounds.

Public school sites should be utilized as opportunities for public greenspace

Building off work from the Texas Trees Foundation's Cool School Program, the area's eleven public schools can provide small-scale opportunities for shade, recreation, and interaction with nature.

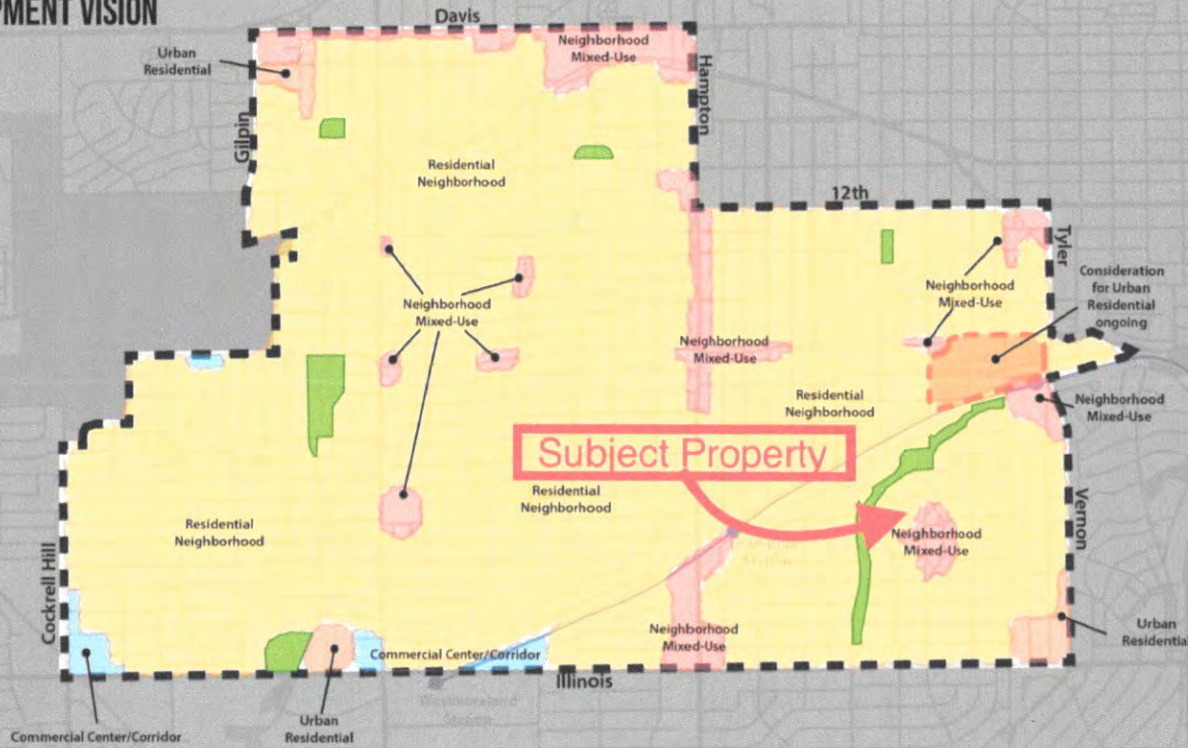
Create new and enhance existing green linkages, utilizing city streets and right-of-way whenever possible

Greenways along existing creeks and riparian areas can help connect existing open spaces, transit stations, and public schools, while also reconnecting ecosystems, helping to better enhance the area's ecological health and habitat.

Improve and enhance existing parks and greenspaces

West Oak Cliff has numerous parks that are heavily utilized and loved by residents, but all are in need of upgrades and improvements in order to improve livability and quality of life for residents.

DEVELOPMENT VISION



PLANNING GOALS



Protect existing single-family neighborhoods



Preserve natural areas and expand public parks and trails



Preserve historic buildings by encouraging renovation and reuse



Improve transportation access through better street design and suitable development around DART light rail stations



Encourage businesses that are compatible with surrounding neighborhoods



Retain current residents and attract new residents by encouraging new and affordable housing choices



Create walkable neighborhood centers that provide a variety of work, cultural, shopping and living opportunities

VALUES



Equitable



Safe and Healthy



Enriching



Economically Resilient



Welcoming

PLAN FRAMEWORK



Land Use and Development



Transportation and Infrastructure

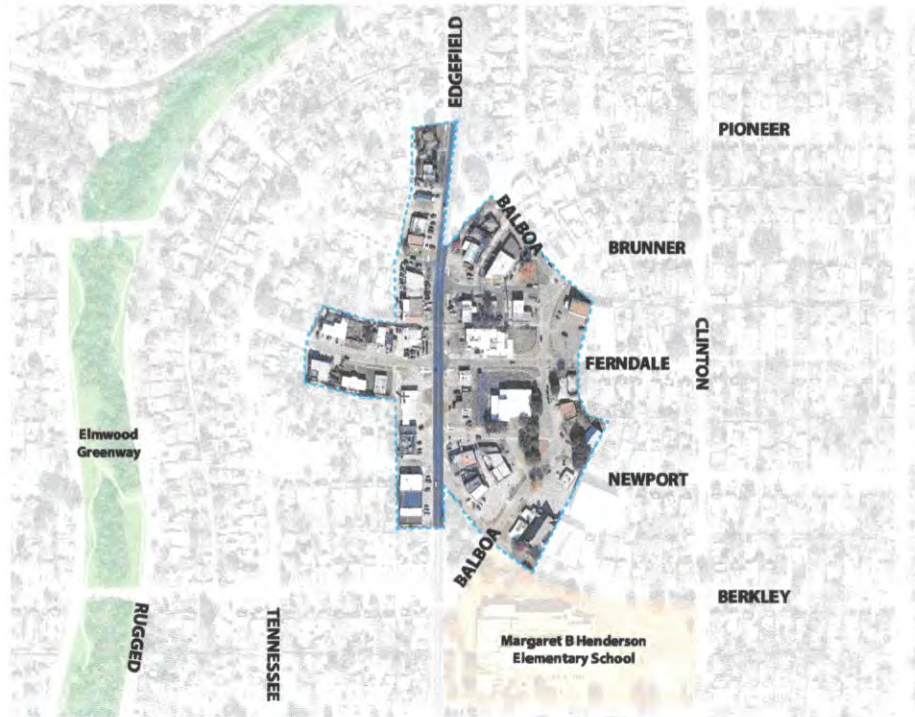


Inclusive Community Development and Quality of Life



Parks and Open Space

DOWNTOWN ELMWOOD



Area Context and Existing Conditions

Downtown Elmwood is a roughly 15 acre commercial node in the heart of the Elmwood neighborhood, centered along Edgefield Avenue. This area currently has numerous small retail and personal service uses, including convenience stores, barber shops, auto repair shops, and small restaurants. In total, Downtown Elmwood is home to over two dozen small, locally-owned businesses. Additionally, the area is also home to several key community assets, including the Elmwood Dog Park, Margaret B Henderson Elementary School, the Elmwood El Buen Samaritano United Methodist Church, and the Ferndale Baptist Church. The area also lies two blocks east of the Elmwood Greenway and roughly one-half mile to the Tyler-Vernon DART Station.

Although Downtown Elmwood is home to numerous successful businesses, the area is in need of infrastructure improvements. Edgefield Avenue is a wide, yet low-traffic two-lane street lacking sidewalks in many locations and with numerous curb cuts and driveways that make pedestrian travel difficult. The additional streets in the area, including Ferndale, Brunner, Berkeley, and Newport, are narrow and low-traffic, but also lack basic pedestrian amenities. The area has a unique street grid, with Edgefield and Ferndale meeting perpendicularly, but with most other streets intersecting at odd angles, creating dangerous pedestrian conditions and awkward and potential unsafe traffic movements. While the current design creates hazard, it provides for future redesign opportunities.



Downtown Elmwood is home to numerous small businesses and community gathering places, including Elmwood Dog Park, Ferndale Baptist Church, Elmwood Community Garden, Margaret B. Henderson Elementary School, and the Oak Cliff Masonic Center.

The well-connected street grid layout in this area has the foundation to be a walkable, connected neighborhood center if the severe infrastructure issues can be improved. It is also worth noting that some existing commercial uses such as auto repair shops and large parking lots also contribute to the generally poor pedestrian experience in this area and reinforce this neighborhood node as an underperforming heart of the district.

Today, Downtown Elmwood is entirely zoned CR (Community Retail). Community Retail zoning allows for community-serving retail, personal service, and office uses that are compatible with residential communities, but does not permit residential uses. Additionally, CR zoning allows for structures up to 54'

(or four stories) in height, but structures are subject to residential-proximity-slope requirements over 26' in height. Due to the close proximity of surrounding single-family neighborhoods and lot size, most of Downtown Elmwood would be unable to achieve the full height permitted by the zoning.

The community provided excellent feedback as to existing infrastructure and land use concerns they have in this area, as well as the types of changes and improvements they would like to see in the future. The feedback collected from the community is the basis for the recommendations for future land use changes and infrastructure improvements highlighted on the next several pages.



Future land uses should include neighborhood-scale mixed-uses that promote a walkable, neighborhood node.

Future Land Uses

As its name implies, Downtown Elmwood is already functioning as a neighborhood node for the Elmwood neighborhood. That said, due to infrastructure issues and current zoning, the area is limited in its ability to function as a vibrant neighborhood center. Through engagement, the neighborhood expressed a strong desire for the area to retain its “neighborhood feel”, including many small-scale local businesses. The current CR zoning is limiting the ability to provide for a more diverse mixture of land-uses. As was expressed by the community, there is a desire for this area to be a vibrant node many hours of the day. Allowing for additional residential land uses such as townhomes,

small multifamily structures, and live-work spaces will help to increase the residential population of the area and can help to provide some new housing types that do not currently exist in the areas. This will help create new, more affordable housing options for residents to live and allow for a more diverse group of incomes and family types to inhabit the area. These additional residents will aid in making retail more viable as well.

Additionally, many lots in Downtown Elmwood are small, narrow in width and/or depth. While this scale gives the area its current charm, it also makes infill development challenging due to existing setback

requirements. Compounding these issues, existing parking requirements mean that existing or new structures have to dedicate large amounts of land to parking unless they already have existing delta-credits for parking. Reconsidering the existing parking requirements and ratios for the area while also considering alternative parking strategies such as allowing on-street parking to count towards requirements and/or creating shared parking options will help to alleviate these problems. This should help make new uses more viable in existing structures while also making new infill development on vacant land easier for developers.

An additional hinderance to new development is that the current zoning does not allow for alcohol sales in close proximity to the elementary school and churches in Downtown Elmwood. Although the neighborhood does not desire bars for the area, there is a strong desire for restaurants, yet most restaurants will be reluctant to enter a market where they are unable to sell any alcohol. In order to attract new businesses, amending the zoning to allow alcohol sales for restaurants closer to the school should be considered through a Special Use Permit.

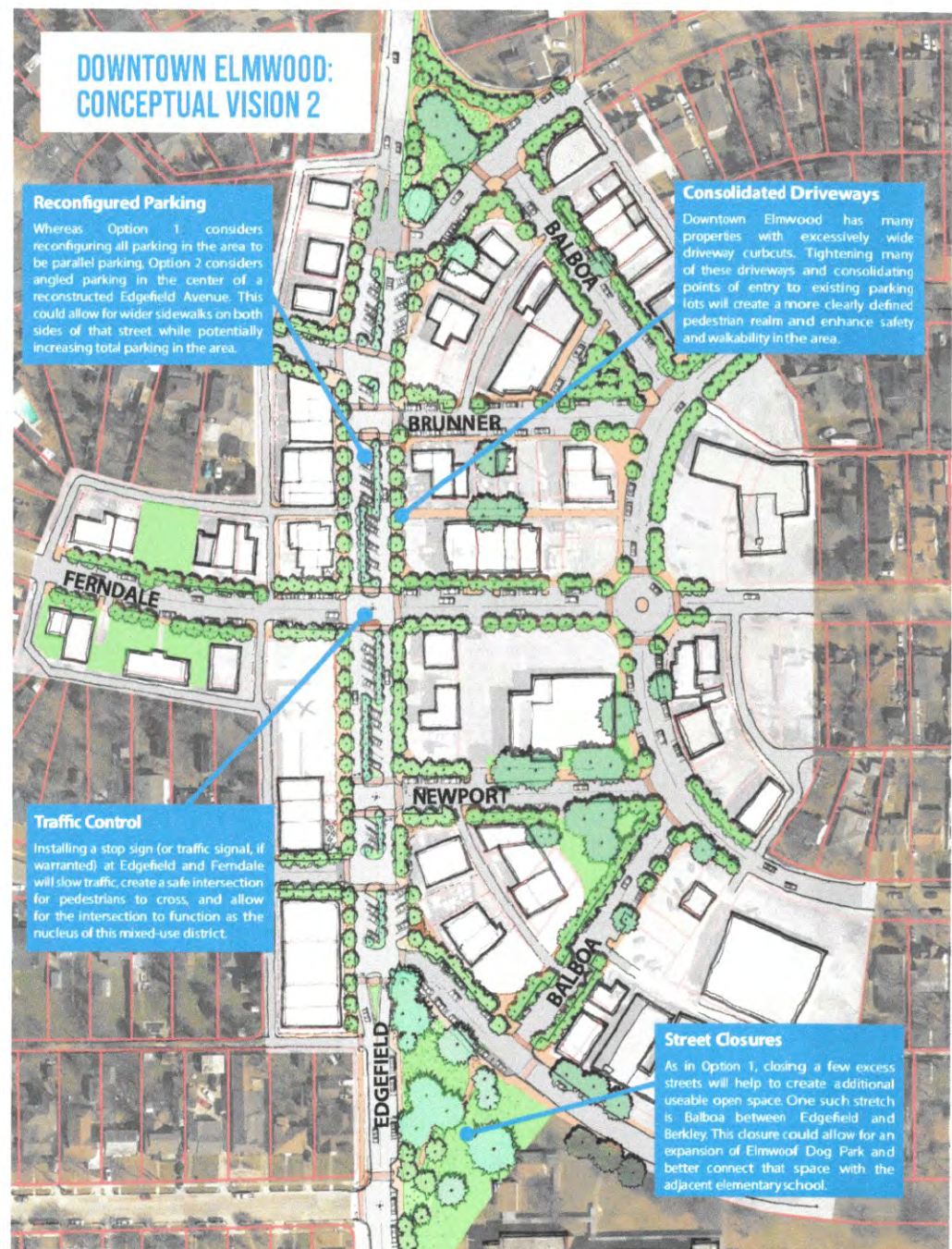
The last major change that should be considered to the existing zoning is to prohibit automotive-centric uses, including drive-thru restaurants, drive-thru banks, car washes, gas stations, and auto repair shops in order to facilitate the type of walkable, mixed-use development desired by the community. Downtown Elmwood is

defined by its many auto-repair shops. While those uses would be grandfathered in, new auto-repair uses or gas stations would only further detract from creating a walkable node.

When considering potential future changes to the zoning, it is important to consider the potential scale and context of any new development. Since the area is surrounded on all sides by single-family residential, no new development should be taller than three stories in height. Additionally, development directly adjacent to single-family homes should still use residential proximity slope as a guide to minimize its impact on nearby neighbors. Most critical to future zoning changes is to require the types of urban design enhancements to new buildings that generate active, pedestrian-friendly ground-floors, including wide sidewalks and transparent ground-levels with outdoor dining spaces, patios, and stoops. With these desires in mind, a form-based zoning district is optimal for the area, allowing for the type of building placement and pedestrian amenities highlighted by the community while also allowing for a greater mixture of uses in the area.



The Elmwood Neighborhood Association has already expressed the desire to implement some tactical improvements to the public realm in Downtown Elmwood to create a more pedestrian-friendly neighborhood center.





Creating enhanced public realm improvements will reinforce Downtown Elmwood as a walkable node. Some of these enhancements might include activating excess city right-of-way, redesigning intersections to be safer for pedestrian, and improved sidewalks.

Infrastructure Needs

Presently, there are many locations throughout Downtown Elmwood where the public realm infrastructure is lacking. Besides simply repairing existing sidewalks and constructing new sidewalks on blocks where sidewalks are lacking, larger traffic calming and public realm design measures are needed to deliver the type of walkable environment desired by the community.

One of the most common complaints about Downtown Elmwood related to high traffic speeds. As such, future improvements should include a traffic control device at the intersection of Ferndale and

Edgefield to slow traffic and create a safer pedestrian crossing point. Other intersection improvements are also worth exploring. One of the defining features of Downtown Elmwood is the unique street grid. That said, it currently creates many awkward and wide intersections which create for long, uncomfortable crossing distances for pedestrians and unsafe and unwieldy movements for drivers. Reconfiguring some of these intersections will produce a more uniform pedestrian experience. As a part of future improvements, elimination of excess curb-cuts should also be considered to better separate pedestrian movements from parking areas and vehicular drives.

The public realm should also be enhanced through street trees, benches, pedestrian lighting, and public art.

As a part of future street and intersection reconstruction, excess city right-of-way should be considered as opportunities for new public open spaces and plazas. Two different design concepts are shown on Pages 78 and 79 highlighting some of

the possibilities that exist for reimagining the public realm in Downtown Elmwood. These were derived by using the Elmwood Neighborhood Association's past ideas and combining those with other feedback received from the community through engagement. Although these are highly conceptual, they each provide elements that should be considered for future capital improvements in the area.

RECOMMENDATIONS



Land Use and Development

- Consider amending the existing CR zoning to allow for mixed-use development. New zoning should consider a form-based district that will result in a walkable urban form such as activated facades and wide sidewalks while also ensuring appropriate setbacks and proximity slopes to adjacent single-family uses. Development should be limited to the existing height limit of 54' (as allowed in CR zoning). Permitted residential uses should include small multifamily developments (12 units or smaller) and townhomes.
- Consider amending the existing CR zoning to permit restaurants to sell alcohol near schools and churches (by special use permit) to enable easier establishment of restaurant uses.
- As a way to ensure affordability of future multifamily development, explore inclusion of the mixed-income density bonus to allow for additional density with the provision for setting aside affordable units.
- Consider amending the existing CR zoning to prohibit automotive-centric uses, including drive-thru restaurants, drive-thru banks, car washes, gas stations, and auto repair shops in order to facilitate the type of walkable, mixed-use development desired by the community.
- In conjunction with citywide parking code reform, consider parking code reductions for new structures, greater parking reductions for legacy commercial structures, and shared parking use agreements with surrounding properties and permitting adjacent on-street parking to count towards parking requirements to enable easier redevelopment of historic commercial buildings.



Transportation and Infrastructure

- Explore public realm, street, and intersection redesign of Edgefield, Ferndale, Balboa, Brunner, Newport, Berkley, Pioneer Drive in Downtown Elmwood to improve pedestrian safety, fix unsafe vehicular movements, improve property access, and create community green space opportunities
- Create a Safe Routes to School plan for Margaret B Henderson identifying improvements that will help make it easier and more comfortable for students to walk and bicycle to school. Once plans have been completed, the City of Dallas Department of Transportation should seek funding for implementation through external grants, such as the federal Transportation Alternatives program.
- Explore opportunities to provide a new traffic signal or traffic control devices along Edgefield in Downtown Elmwood to help calm traffic speeds and enhance the pedestrian nature of these roadways.



Parks and Open Space

- Taking advantage of excess city right-of-way and adjacent private property, work to create a series of small public plazas and parks in Downtown Elmwood.



TRANSPORTATION AND INFRASTRUCTURE

Like many areas of the city, West Oak Cliff has numerous infrastructure issues that make multimodal transportation, accessing transit, and simply walking difficult. Additionally, there are many geographies within West Oak Cliff that have the potential to be successful commercial corridors but currently lack adequate pedestrian infrastructure, subsequently hindering their potential. Throughout the community engagement process, residents and stakeholders expressed a desire for the City to make investments in streets and public rights-of-way in order to allow for alternative ways of traveling in the area. Although improving existing and constructing new sidewalks was often the most desired outcome, there was also a great deal of emphasis on calming traffic on both residential and arterial streets, creating pedestrian-friendly environments in many commercial areas, and investing in bike lanes and multimodal facilities to make mobility in the area easier for all.



Residents expressed a desire for safe, protected bike facilities to better connect areas of West Oak Cliff.
Source: <https://bkyner.com/>

Construct new multimodal improvements and bike lanes

Currently, there are no dedicated bike lanes in West Oak Cliff, although several streets have been marked as shared-lane streets (or “sharrows”). Additionally, the only off-street facility designed to accommodate cycling is the Elmwood Greenway, a 1.5-mile multipurpose trail recently expanded to link it to the Tyler-Vernon DART Station. Not surprisingly, there were many comments from the public concerning the desire to invest in dedicated bike lanes, with 45% of surveyed residents expressing a desire for new bike lanes in the area. Luckily, there are some planned investments for bike lanes in West Oak Cliff, including on Vernon Avenue and Davis Street. While these new investments are a step in the right direction, additional investments are needed.

Through online and in-person mapping exercises, many additional streets and areas were identified as opportunities for bike lanes and trails. Creating a connected network of trails and bike lanes will improve quality of life by making getting around via alternative modes such as cycling and scooters easier and safer. The map on Page 56 highlights all of the streets identified by the community as optimal for multimodal connectivity, helping to link parks, schools, and commercial areas to peoples’ homes.



Reconstruction of sidewalks and the public realm in some of the commercial areas of West Oak Cliff will help to create a sense of place, improve pedestrian safety, and enhance access to surrounding businesses.



Utilize design improvements to enhance placemaking and safety

Scattered throughout West Oak Cliff are numerous commercial corridors and retail centers of various sizes. Many of these have their roots as neighborhood nodes around old streetcar stops when the area was constructed as a streetcar suburb. Due to this development history, most of these areas have attributes that could enable them to once again be pedestrian-oriented spaces. Unfortunately, today most have poor infrastructure conditions which detract from their walkability and viability.

In these areas, many of which are also identified as Focus Areas discussed in Chapter IV, there are various types of infrastructure improvements that could contribute to creating environments that are more conducive to pedestrian mobility. Additionally, these improvements could also be opportunities to use the public right-of-way to provide desired elements such as parklets, public art, opportunities for parking, and neighborhood storytelling that can reinforce and enhance the culture and history of the area. In order to help these areas thrive while also promoting pedestrian safety, the various improvements can be grouped into two

main buckets: projects that will require substantial reconstruction of the public realm, and smaller, pedestrian-safety oriented projects.

Due to the cost associated with major public realm reconstruction projects and urban design enhancement projects, the West Oak Cliff Area Planning taskforce prioritized the most important areas for future capital improvements, including Downtown Elmwood, Hampton/Clarendon, and Pierce/Catherine. These improvements could include full street-reconstruction, street cross-section changes, traffic pattern changes, and new pedestrian amenities. Improvements in these areas will be synergistic with proposed land use and zoning changes in those areas, all helping to generate more pedestrian-friendly neighborhood mixed-use districts. The other bucket of projects related to pedestrian enhancements in existing areas will be smaller, less expensive projects, such as ADA enhancements, pedestrian signalization, pedestrian refuge islands, improved lighting, and Safe Routes to School programs, which will all enhance pedestrian safety throughout West Oak Cliff.

BDA212-031_ATTACHMENT_B

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF APRIL 19, 2022

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 212-013

BDA 212-026

BDA 212-027

BDA 212-031

BDA 212-034

COMMENTS:

None

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

3/31/2022

Date

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

Case Summary

BDA212-031_ATTACHMENT_C

BOA Case#: 212-031

1805 S Edgefield Ave Dallas TX 75224

Request:

Propose to convert existing residential structure located in Downtown Elmwood into a small community-focused coffee house. Due to the uniqueness of the property, lot size and residential configuration, there are significant size constraints that do not physically allow to provide 18 parking spaces as calculated per city ordinance. After architectural review, the property only allows a maximum of 3 of the 18 spaces; thus, we are seeking a parking variance of 15 parking spaces (84% reduction). While this may seem like a large variance request, we are confident the following evidence satisfactorily substantiates the parking options on-site are more than adequate. Additionally, we otherwise would have provided 2 additional parking spaces via a bicycle parking reduction but were recently informed that city ordinance only provides this exception for parking requirements of 20 spaces or greater.

Key Details & Measurements:

- Lot size: 6,680 sq ft (property is a corner lot)
- Main structure: 1,235 sq ft (plus detached storage space: 446 sq ft & covered patio: 90 sq ft)
- Maximum Occupancy: 15
- Zoned: CR – Community Retail
- Residential Use prohibited (per Dallas Zoning Uses 3)

Rationale for Request:

- Property was built in 1948 as a single-family dwelling in a residential lot (subsequently zoned as CR by City of Dallas); thus, creating a restrictive site area that does not allow for multiple parking spaces
- Approval of this variance request will be considered fair and reasonable because proposed parking is commensurate with other food establishments within same CR zoning district
- Detached storage space will not be for customer use and will not equate to additional cars/customers; but existing ordinance states it must be included as total floor area (overestimating parking demand by 4 parking spaces)
- Approval of this variance will not be contrary to public interest (33 support letters signed by local neighbors indicate this is a much-desired amenity for the community)
- Ample parking mitigation measures are available because public street parking not facing residences or businesses offers over 30 parallel parking spaces
- Proposed changes to Downtown Elmwood are underway by City of Dallas to reconfigure Edgefield Ave to allow for wider sidewalks and bike lanes while also adding more parallel and/or angled public parking for businesses (dallascityhall.com: **"West Oak Cliff Area Plan"**). Approval of this variance aligns with the vision already being proposed by City of Dallas (Authorized Hearing Case: Z178-142 – City Council for Adoption: August 2022)
- Proximity to residential community, along with nearby public transit services (DART's Tyler-Vernon/Hampton Station), and recently developed pedestrian-oriented pathways intersecting with subject property are key indicators that large percentage of customers will be pedestrians or cyclists

RESTRICTIVE SITE AREA

- Property originally built as single-family dwelling in 1948
- Lot configuration was not originally intended for multiple vehicle parking on-site
- City of Dallas zoned this property as “CR – Community Retail” decades ago
- Per “Dallas Zoning Uses 3”, Residential Use is prohibited
- Large tree next to property along Tennessee Ave cannot be removed (city protected) to use space for additional parking spaces
- Utility lines/poles along front and right side of property also restrict possibility of additional driveway approaches and paved parking
- Public alley adjacent to back yard is not allowed as access point because of adjacency to residential properties (SEC. 51A-4.301)

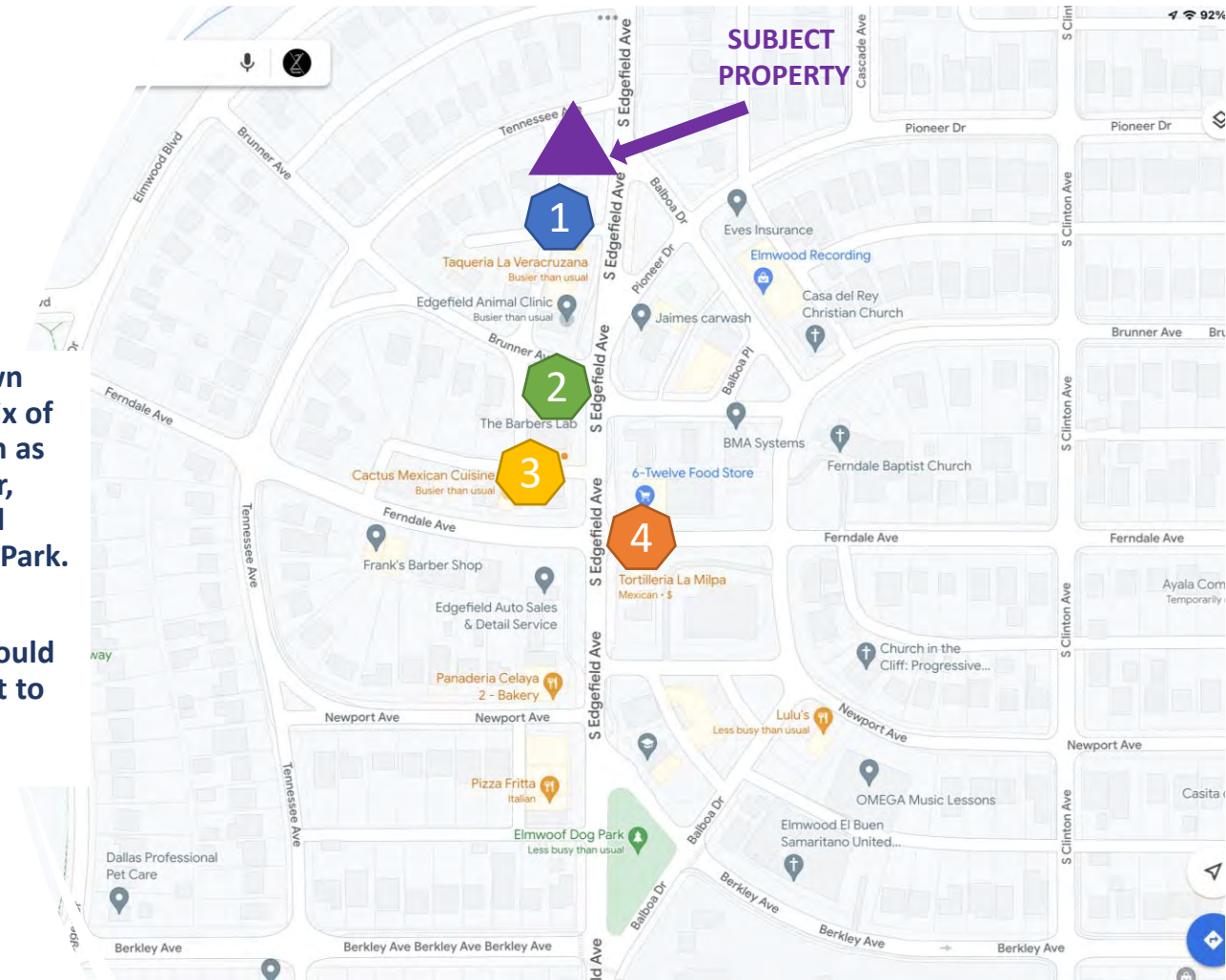


PARKING IS COMMENSURATE WITH OTHER FOOD ESTABLISHMENTS IN SAME “CR” ZONING DISTRICT

- **▲ SUBJECT PROPERTY**
- **Comp# 1: Taqueria La Veracruzana**
 - Structure: 900 sq feet (dallascad.org)
 - Offers 4 parking spaces
 - 150 ft from subject property
- **Comp# 2: Morales Restaurant**
 - Structure: 1,250 sq feet (dallascad.org)
 - Offers 3 parking spaces
 - 500 ft from subject property
- **Comp# 3: Cactus Mexican Cuisine**
 - Structure: 800 sq feet (dallascad.org)
 - Offers 2 parking spaces
 - 800 ft from subject property
- **Comp# 4: Tortilleria La Milpa**
 - Structure: 1,150 sq feet (dallascad.org)
 - Offers 4 parking spaces
 - 900 ft from subject property

As map also indicates, Downtown Elmwood is full of an eclectic mix of other varying business uses such as barber & hair salons, auto repair, furniture shop, office space, and even its very own Elmwoof Dog Park.

Our property is located within existing commercial area and would not create an unforeseen impact to existing traffic conditions



PARKING IS COMMENSURATE WITH OTHER FOOD ESTABLISHMENTS IN SAME "CR" ZONING DISTRICT

Taqueria
La Veracruzana



Boy's Taqueria
Dba: Morales Restaurant



PARKING IS COMMENSURATE WITH OTHER FOOD ESTABLISHMENTS IN SAME "CR" ZONING DISTRICT



NON-CUSTOMER FLOOR AREA OVERESTIMATING PARKING DEMAND BY 4 SPACES

- Detached storage space that will not be used to seat or serve customers is overestimating the parking demand by 4 spaces to total requirement
- City Plans Examiner acknowledges the ordinances regarding floor area use calculations have been written this way “for decades now”
- City Plans Examiner also acknowledges the City of Dallas is “pushing to rewrite these ordinances”, and “regretfully does not help right now”
- Denial of this variance will impede progress with development because of known and press-documented issues with existing parking ordinances that are “burdensome and outdated”
 - **Citation source:** www.dmagazine.com/publications/d-magazine/2021/march/she-came-to-fix-the-parking/



Ann Hamilton

To: German Sierra >

5/12/22



RE: 1805 S EDGEFIELD AVE

Good Morning,

Unfortunately, the way the ordinance is written currently, all floor area counts toward your business floor area and is used in the square footage for calculating parking. This is the way the ordinances **have been written for decades now**. I do know **we are pushing to rewrite these ordinances**, but, this is a long process and regretfully does not help right now.

Thank you,
Ann



Ann Hamilton
Senior Plans Examiner
City of Dallas | DallasCityNews.net
Development Services
320 E. Jefferson Blvd. #118
Dallas, TX 75203
214-948-4551
ann.hamilton@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.****

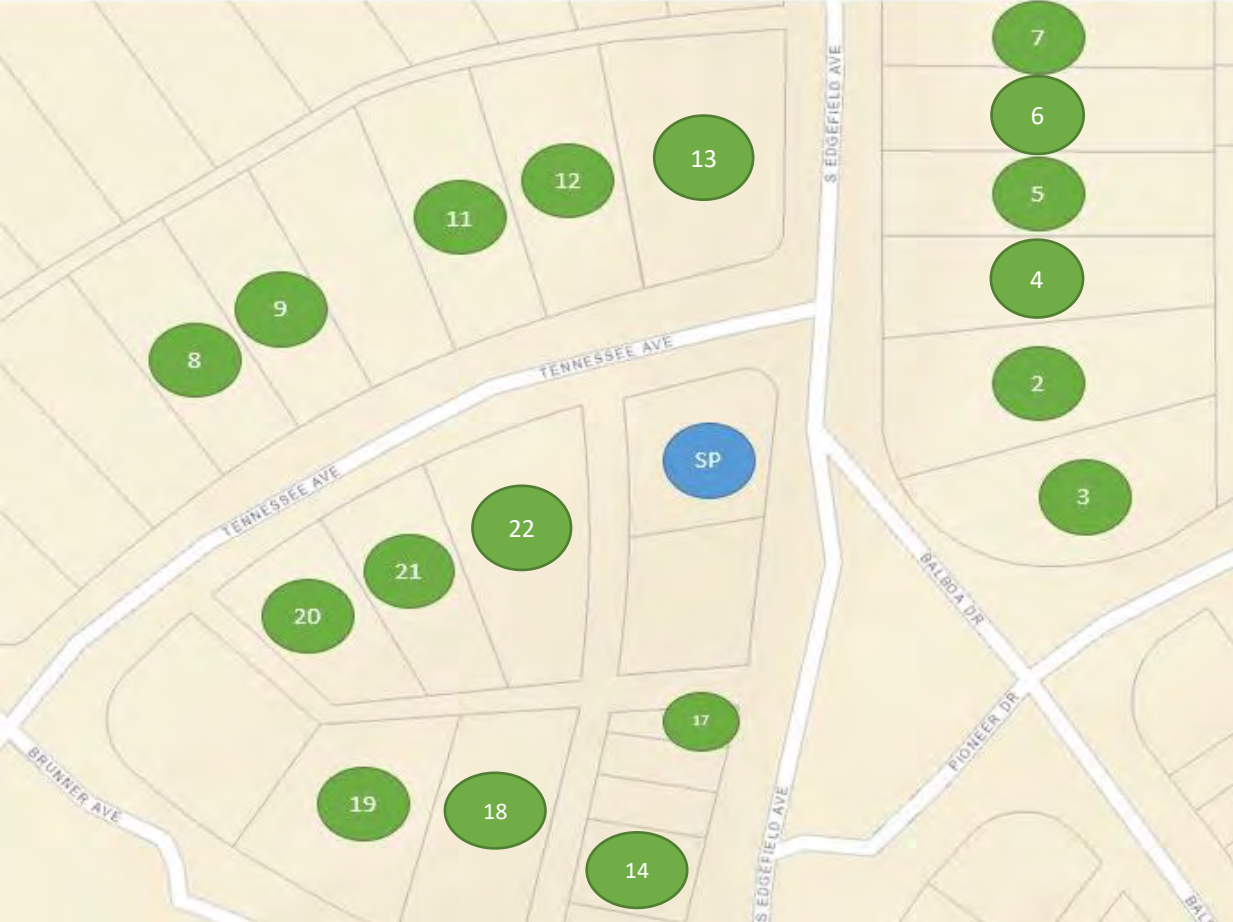
NOT CONTRARY TO PUBLIC INTEREST
SUBSTANTIAL SUPPORT LETTERS

33 SUPPORT LETTERS, NONE IN OPPOSITION

Map below shows 18 Support Letters that were signed by neighbors within 200' Notification Area

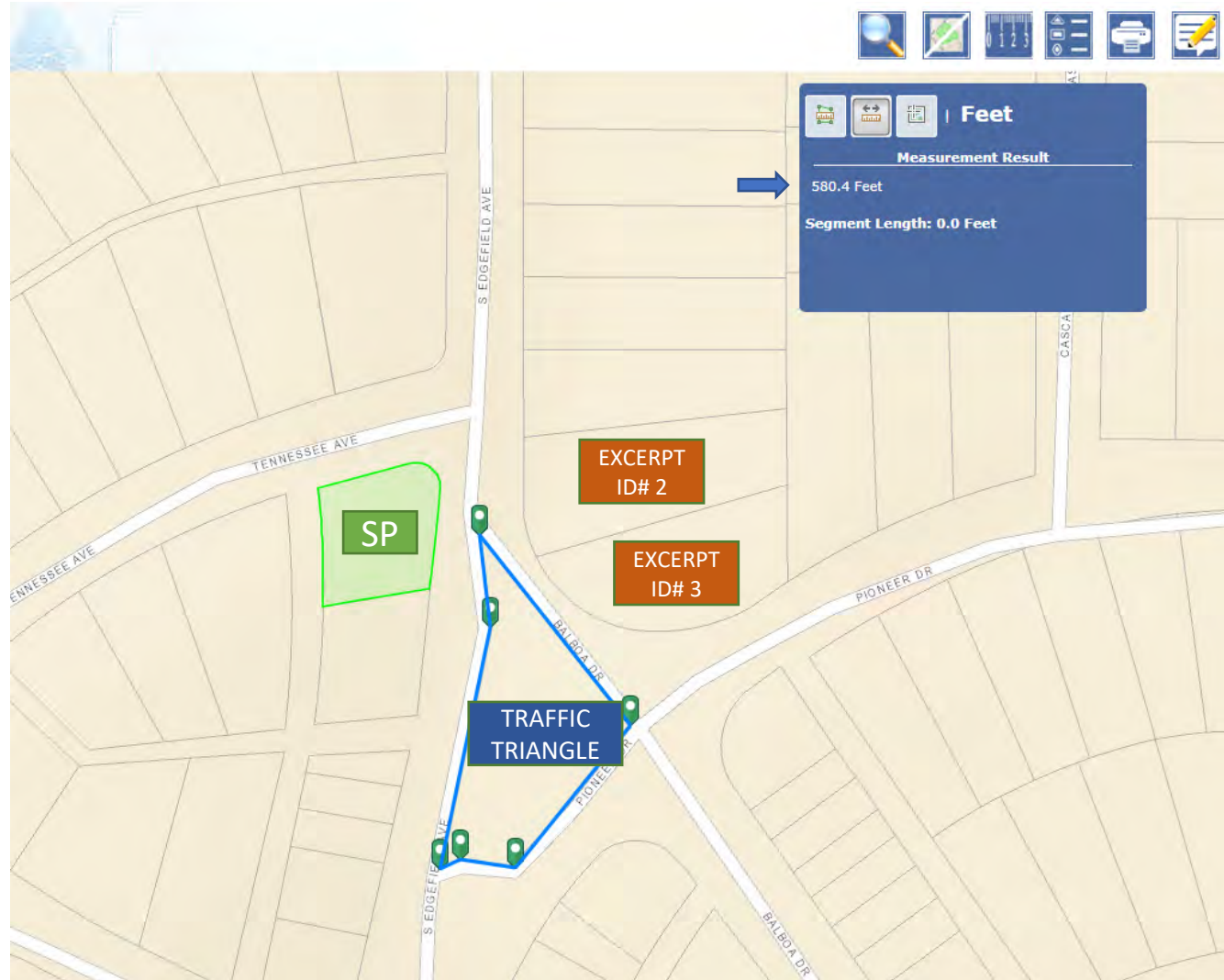
Neighbor ID# 5 withdrew initial opposition – NOW SUPPORTS

ID	Address	Disposition
SP - Subject Property	1805 S Edgefield Ave	N/A
2	1732 S Edgefield Ave	Supports
3	1736 S Edgefield Ave	Supports
4	1726 S Edgefield Ave	Supports
5	1722 S Edgefield Ave	Supports
6	1718 S Edgefield Ave	Supports
7	1714 S Edgefield Ave	Supports
8	1827 Tennessee Ave	Supports
9	1823 Tennessee Ave	Supports
10	1819 Tennessee Ave	Contacted
11	1815 Tennessee Ave	Supports
12	1811 Tennessee Ave	Supports
13	1717 S Edgefield Ave	Supports
14	1823 S Edgefield Ave	Supports
15	1821 S Edgefield Ave	Empty Lot
16	1819 S Edgefield Ave	Empty Lot
17	1817 S Edgefield Ave	Supports
18	1411 Brunner Ave	Supports
19	1419 Brunner Ave	Supports
20	1826 Tennessee Ave	Supports
21	1818 Tennessee Ave	Supports
22	1814 Tennessee Ave	Supports
23	1815 S Edgefield Ave	Vacant



PARKING MITIGATION MEASURES: OVER 30 STREET PARKING SPACES AVAILABLE

- Ample public parking on traffic triangle not facing residents or businesses offers at least ~25 parallel parking spaces (Per DCAD Measurement Results: Total linear feet: 580' / 18' = 32 spaces, minus reduction of 7 spaces for spacing buffer)
- Additional ~6 parallel street parking spaces along property itself (Edgefield Ave & Tennessee Ave)
- Neighbor letters clearly support the use of street parking by future patrons:
- **Excerpt from Support Letter - Travis Conger & Larissa Morehead (ID# 2):** “I do not mind if cars park along Edgefield in front of my house in order to patron a daytime business. In fact, I believe this will assist traffic calming[...]which is sorely needed.”
- **Excerpt from Support Letter - Charisse Tasset (ID#3):** “Let the patrons park on the street as necessary[...] I think it would be aesthetically unpleasing to see paved parking instead of the grass on the front and side yards surrounding the house/coffeeshop.”



- Map Source: DCAD Property Map (<https://maps.dcad.org>)

PARKING MITIGATION MEASURES: OVER 30 STREET PARKING SPACES AVAILABLE

- Top Google image shows proximity to traffic triangle across from property (approx. vehicle spaces: 25)
- Bottom image shows substantial street parking along property on Edgfield Ave & Tennessee Ave (approx. vehicle spaces: 6)



ALIGNS WITH DALLAS VISION: “WEST OAK CLIFF AREA PLAN” (WOCAP)

- **Proposed changes to Downtown Elmwood include but are not limited to:**
- “Reconfiguration of Edgefield Ave to provide on-street parking (concepts offer either parallel or angled parking) while also allowing for 15’ sidewalks and potentially increasing total public parking in area” (pg. 78-79)
- “Construct new multimodal improvements and bike lanes” (pg.52)
 - This business will be very cyclist friendly, with several bike racks on-site to encourage more pedestrian-oriented traffic
- “Create walkable, neighborhood centers that provide a variety of work, cultural, shopping and living opportunities” and “Encourage businesses that are compatible with surrounding neighborhoods” (pg.11)
 - This business location is compatible with surrounding neighborhood as it will be primarily a community-focused coffee house
- “It will be critical for the zoning changes in these areas to identify[...]potential barriers to new retail from entering the area, such as parking requirements.” (pg. 47)
- “Through engagement, the neighborhood expressed a strong desire for the area to retain its “neighborhood feel”, including many small-scale local businesses” (pg.77)
 - We chose to rebuild a dilapidated home rather than erecting a new building to preserve the “look and feel” of Oak Cliff and out of respect for the community
- “Support local, minority, immigrant, and women-owned small businesses” (pg.13)
 - This is a minority-owned business with hopes of weaving itself in the cultural fabric that is Oak Cliff



*WOCAP Draft Plan Found at: [Planning & Urban Design West Oak Cliff Area Planning \(dallascityhall.com\)](https://planning.dallascityhall.com/)

***WOCAP Taskforce meeting held 5/16/22 concluded that no recommended changes or amendments to draft plan for Downtown Elmwood after strong supportive community feedback:** [Branding guide \(dallascityhall.com\)](https://branding.dallascityhall.com/)

“WEST OAK CLIFF AREA PLAN” PROPOSED STREET DESIGNS FOR EDGEFIELD AVE

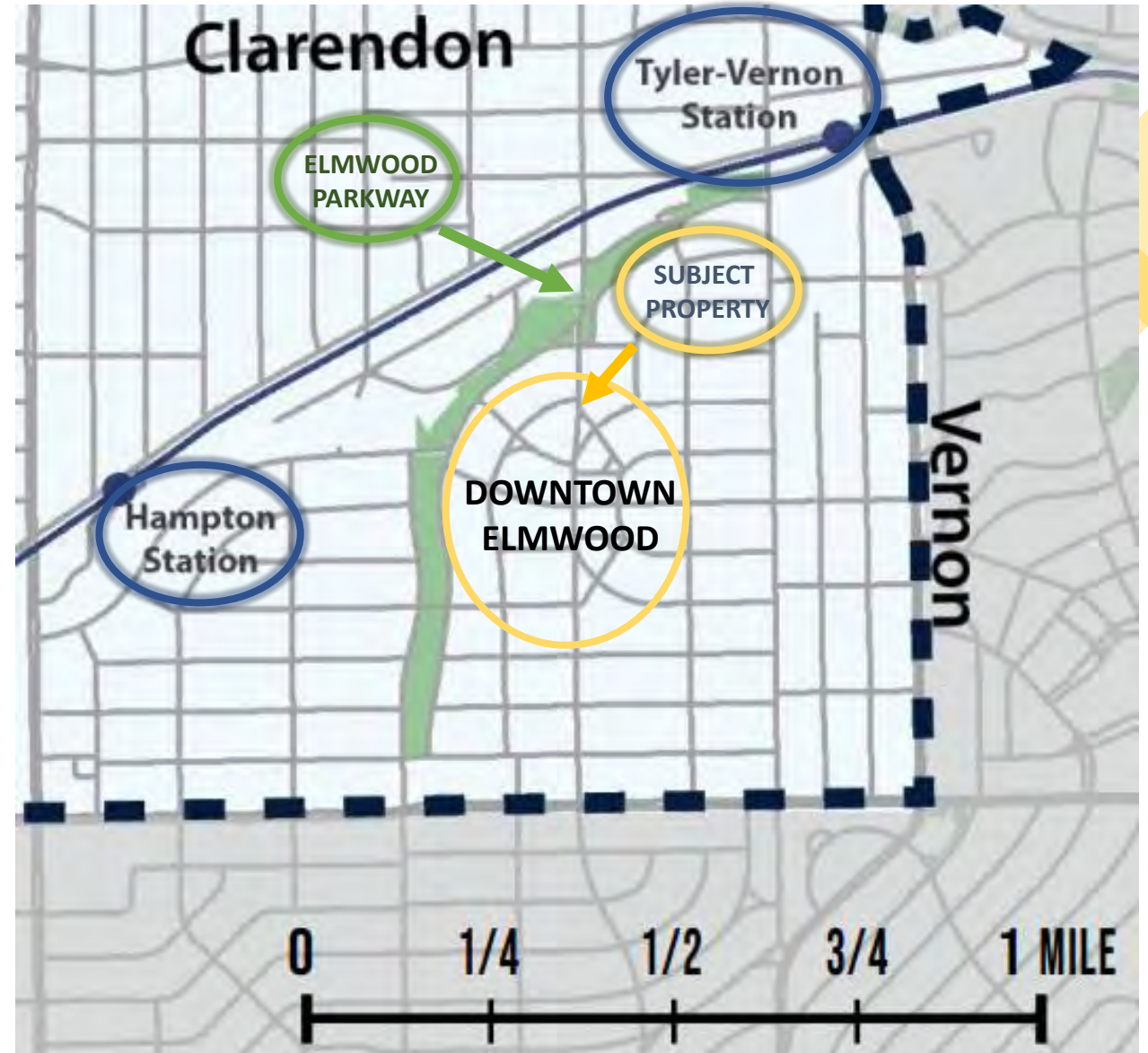
- Above image shows one proposed design image for a reconfigured Edgefield Ave that maximizes the width potential by adding desired sidewalks and dedicated bike lanes
- Bottom image shows a modern rendering of the proposed design found in the Dallas-published “West Oak Cliff Area Plan”
 - Image source:
<https://dallascityhall.com/departments/pnv/Pages/West-Oak-Cliff-Area-Planning.aspx>

Downtown Elmwood



PROXIMITY TO PUBLIC TRANSIT SERVICES & WALKING/BICYCLE PATHWAYS

- Aerial map image shows $\frac{1}{2}$ mile proximity to public transit services such as:
 - DART Tyler/Vernon Station
 - DART Hampton Station
- Aerial map image also shows less than $\frac{1}{4}$ mile proximity to walking and bicycle pathways that stretch along Elmwood Parkway, and intersect with subject property on Edgefield Ave:
 - Residential homes adjacent to newly developed and/or improved walking/bicycle pathways
 - New pedestrian pathway connects Tyler Station → Elmwood Parkway → Downtown Elmwood
 - Partnership has been established with owner of **Oak Cliff Bike Synergy** located at nearby Tyler Station to further encourage cyclists and coffee-enthusiasts alike to patronize each business by future planned bike routes, discount offerings, etc.



PROXIMITY TO PUBLIC TRANSIT SERVICES & WALKING/BICYCLE PATHWAYS

- Google Map Images show the nearby Elmwood Parkway walking and bicycle pathways that intersect with subject property on Edgefield Ave:
 - The recent pedestrian-oriented development implemented by City of Dallas within immediate proximity of property are key indicators that higher pedestrian (non-vehicular) traffic is not only expected, but encouraged
 - This fundamentally demonstrates that a large percentage of customers will be pedestrians and/or cyclists



RECENT PEDESTRIAN-ORIENTED IMPROVEMENTS ALONG EDGEFIELD AVE INTERSECT WITH SUBJECT PROPERTY

GOOGLE MAP IMAGE AS OF FEB 2021



GOOGLE MAP IMAGE AS OF APR 2022



IMPROVEMENT TO COMMUNITY BY RENOVATING FORMERLY DILAPIDATED PROPERTY

GOOGLE MAP IMAGE AS OF FEB 2021



GOOGLE MAP IMAGE AS OF APR 2022



IMPROVEMENT TO COMMUNITY BY RENOVATING FORMERLY DILAPIDATED PROPERTY

INTERIOR – POINT OF SALE AREA



INTERIOR SEATING AREA



PLANNED EFFICIENCIES DURING PEAK TIMES

- According to point-of-sale data collected by Square, Inc., the busiest hours for cafes in the U.S are only between 8am-10am
 - source link: [Square Is Collecting Coffee Shop Data And You Won't Believe What They Found \(sprudge.com\)](https://www.sprudge.com/square-is-collecting-coffee-shop-data-and-you-won-t-believe-what-they-found/)
- This collected data substantiates that parking demand will only peak during 2 business hours daily on average
- Given small shop size and limited customer capacity (max occupancy 15), only one employee will be needed on-site
- The property is not located in a large commercial district, or near any highway exit ramps that would understandably require multiple parking spaces

CLOSING SUMMARY

Upon review of the substantial supporting evidence provided in preceding pages, we ask the Board of Adjustment to grant the variance request based on the principles as set forth below:

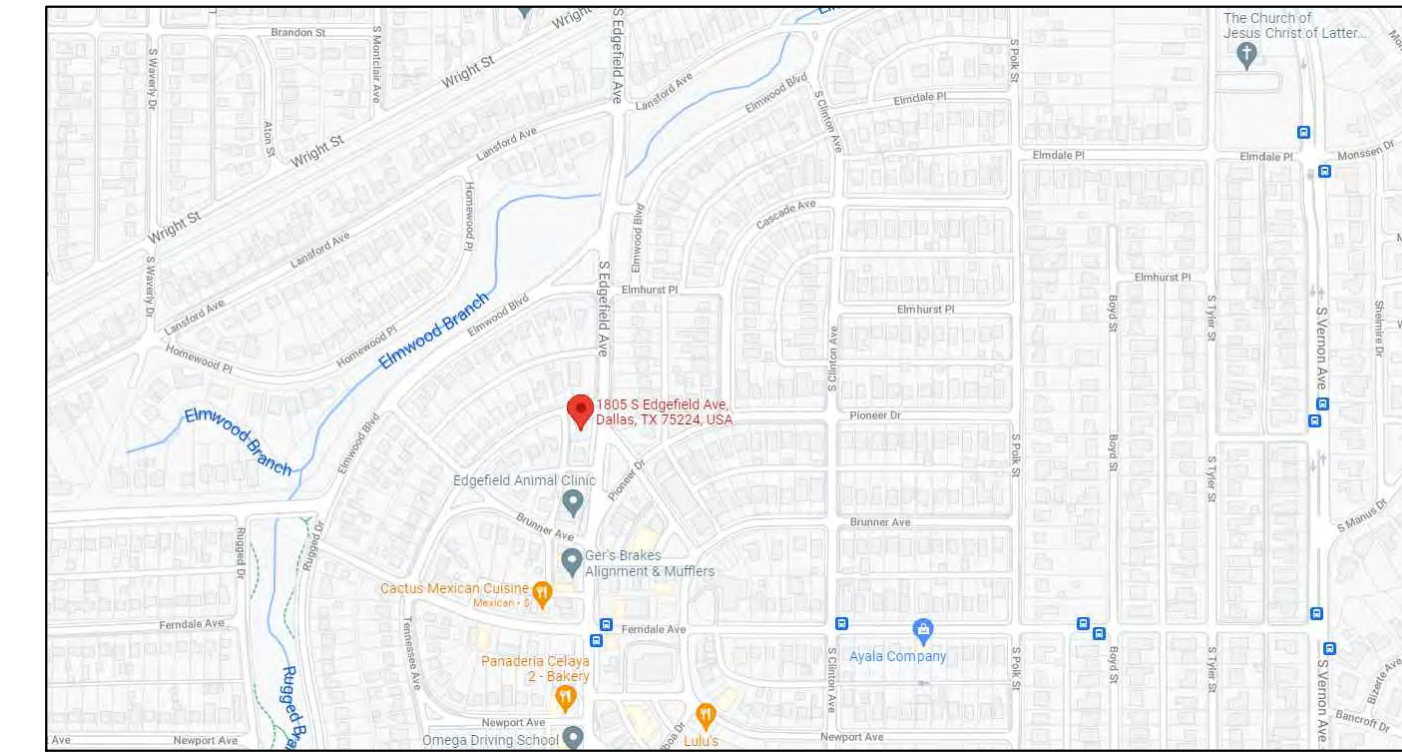
- The variance is not contrary to the public interest[...]and so that the spirit of the ordinance will be observed and substantial justice done ([Ordinance Section 51\(A\)-3.102\(d\)\(10\)\(A\)](#))
 - Substantial neighbor support letters signed and submitted as documentary evidence
- The variance is necessary to permit development of a specific parcel of land that differs from other parcels of land[...]with the same zoning ([Ordinance Section 51\(A\)-3.102\(d\)\(10\)\(B\)](#))
- The variance is not granted to relieve a self-created or personal hardship[...]nor to permit any person a privilege in developing a parcel of land not permitted[...]with the same zoning ([Ordinance Section 51\(A\)-3.102\(d\)\(10\)\(C\)](#))
- The board may consider granting parking reductions “if the board finds[...]that the parking demand generated by the use does not warrant the number of off-street parking spaces required ([Ordinance Section 51\(A\)-4.311\(a\)\(1\)](#))
- [Ordinance Section 51\(A\)-4.311\(a\)\(2\)](#) further states:
 - “The board shall consider the following factors:
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness”

BDA212-031 ATTACHMENT D SITE PLAN

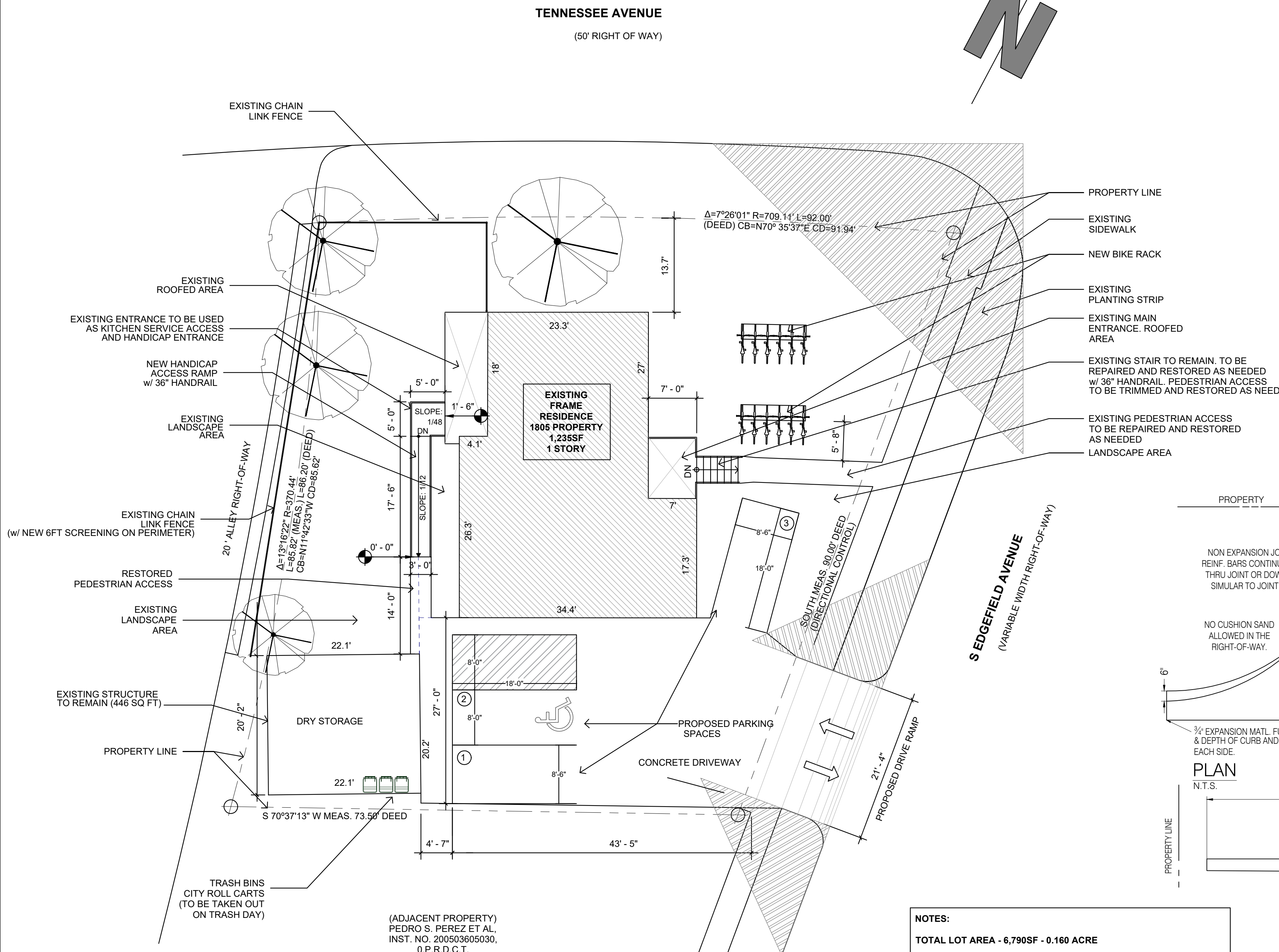
PROJECT INFORMATION	
ZONING	CR
LEGAL DESCRIPTION	ELMWOOD LOTS 14-15-16 & PT 17 & 18-90X92X
CLIMATE ZONE	ZONE 3A (MOIST)
HOUSE DESCRIPTION	EXISTING GENERAL MERCHANDISE BUILDING ONE STORY DETACHED GARAGE

PROJECT AREA CALCULATIONS	
EX LIVING AREA (AC)	TOTAL LIVING AREA (AC)
FIRST FLOOR 1,235.00 S.F.	1,235.00 S.F.
	TOTAL UNDER ROOF 1,681.00 S.F.
	FOOTPRINT 1,681.00 S.F.
NON-CONDITIONED AREA	LOT USAGE
GARAGE 446.00 S.F.	LOT SIZE 6,790.00 S.F.
	NON ROOF AREA 5,109.00 S.F.
	% OF LOT 24.75%

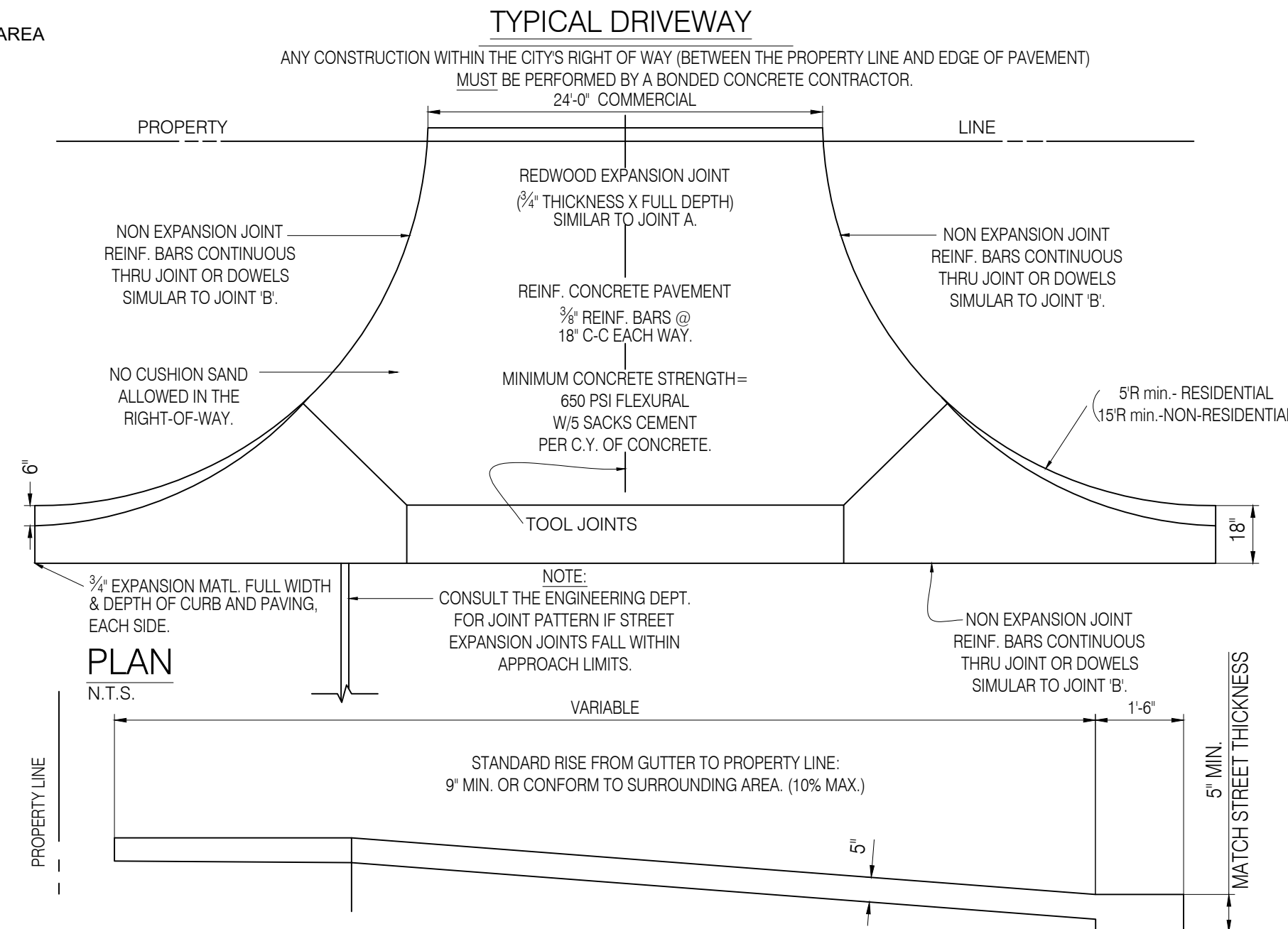
PARKING ANALYSIS				
SPACES	8'6" X 18'0"	7'6" X 16'0"	16'0" X 18'0"	8'0" X 22'0"
REGULAR	2			
COMPACT-CAR		0		
HANDICAP			1	
OFF STREET PARKING				0
1 SPACE PER 100 SQ. FT. FOR DINE-IN RESTAURANT				
TOTAL 1,681 / 100 SF = 16.81 SPACES				
PARKING REQ.	17			
PARKING PROV.	6			
4 BICYCLE SPACES = 1 CAR SPACE				



2 VICINITY MAP
C2.00 FOR REFERENCE ONLY



- NOTES:**
- TOTAL LOT AREA - 6,790SF - 0.160 ACRE
 - TOTAL EXISTING MAIN BUILDING AREA - 1,235SF
 - TOTAL STORAGE (EXISTING GARAGE) AREA - 446SF
 - 1. ALL PAVEMENT SURFACES TO BE SEALED AND RESTORED. STRIPING TO BE PROVIDED AS NEEDED.
 - 2. ALL LANDSCAPE TO BE RESTORED.
 - 3. BUILDING EXTERIOR TO BE REPAIRED AND RESTORED AS NEEDED. NO ADDITIONAL EXTERIOR CONSTRUCTION HAS BEEN ANTICIPATED.
 - 4. ALL INFORMATION PROVIDED IS BASED ON MUNICIPALITY, GIS AND OWNER RECORDS.



3 DRIVE APPROACH DETAIL
C2.00 SCALE: N.T.S.

SEAL

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

REVISIONS	
SENT DATE	APPROVED DATE
12/14/2021	
12/15/2021	

ADDRESS
1805 S EDGEFIELD AVE
DALLAS, TEXAS
75224

DATE
06/10/2022

DRAWN BY
ASM-IB

CHECKED BY
ER

DESCRIPTION
EXISTING
GENERAL MERCHANDISE BUILDING
ONE STORY - DETACHED GARAGE

SCALE
1" = 10' - 0"

SHEET TITLE
SITE PLAN

SHEET #
C2.00

FILE NAME
C2.00_SITE_PLAN

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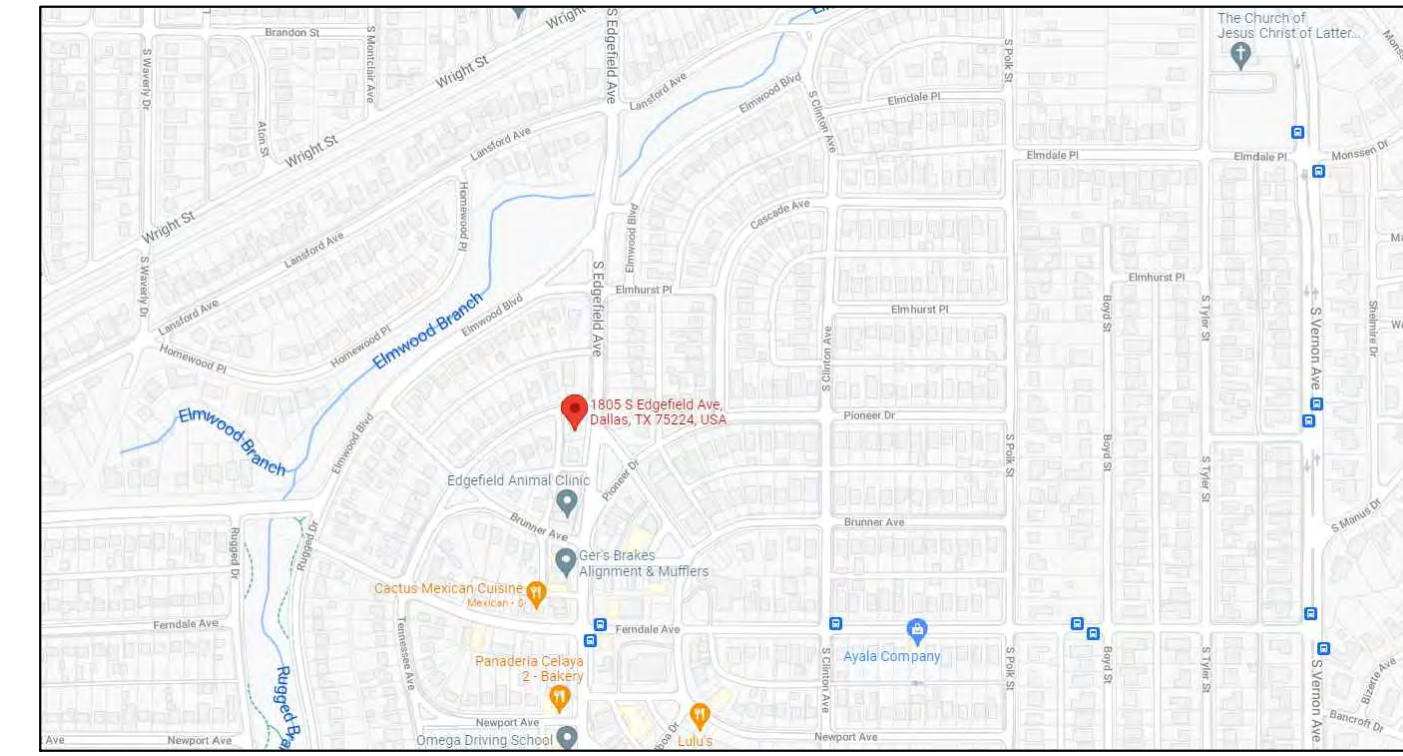
1 SITE PLAN
C2.00 1" = 10' - 0"

BDA212-031 ATTACHMENT E ALTERNATE PLAN

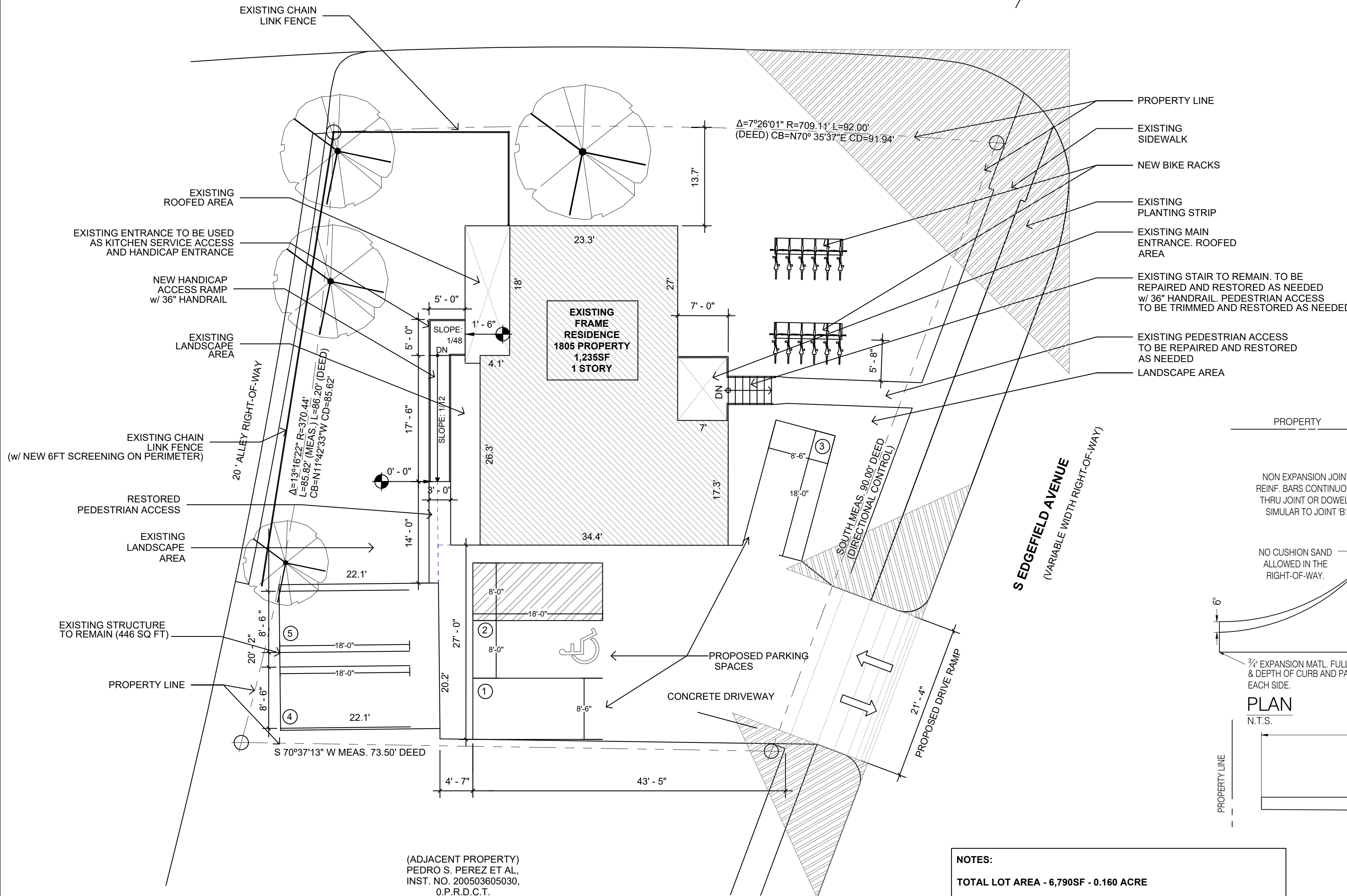
PROJECT INFORMATION	
ZONING	CR
LEGAL DESCRIPTION	ELMWOOD LOTS 14-15-16 & PT 17 & 18-90X92X
CLIMATE ZONE	ZONE 3A (MOIST)
HOUSE DESCRIPTION	EXISTING GENERAL MERCHANDISE BUILDING ONE STORY DETACHED GARAGE

PROJECT AREA CALCULATIONS	
EX LIVING AREA (AC)	TOTAL LIVING AREA (AC)
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	FOOTPRINT 1,681.00 S.F.
NON-CONDITIONED AREA	LOT USAGE
GARAGE 446.00 S.F.	LOT SIZE 6,790.00 S.F.
	NON ROOF AREA 5,109.00 S.F.
	% OF LOT 24.75%

PARKING ANALYSIS				
SPACES	8'6" X 18'0"	7'6" X 16'0"	16'0" X 18'0"	8'0" X 22'0"
REGULAR	4			
COMPACT-CAR		0		
HANDICAP			1	
OFF STREET PARKING				0
1 SPACE PER 100 SQ. FT. FOR DINE-IN RESTAURANT				
TOTAL 1,681 / 100 SF = 16.81 SPACES				
PARKING REQ.	17			
PARKING PROV.	8			
4 BICYCLE SPACES = 1 CAR SPACE				

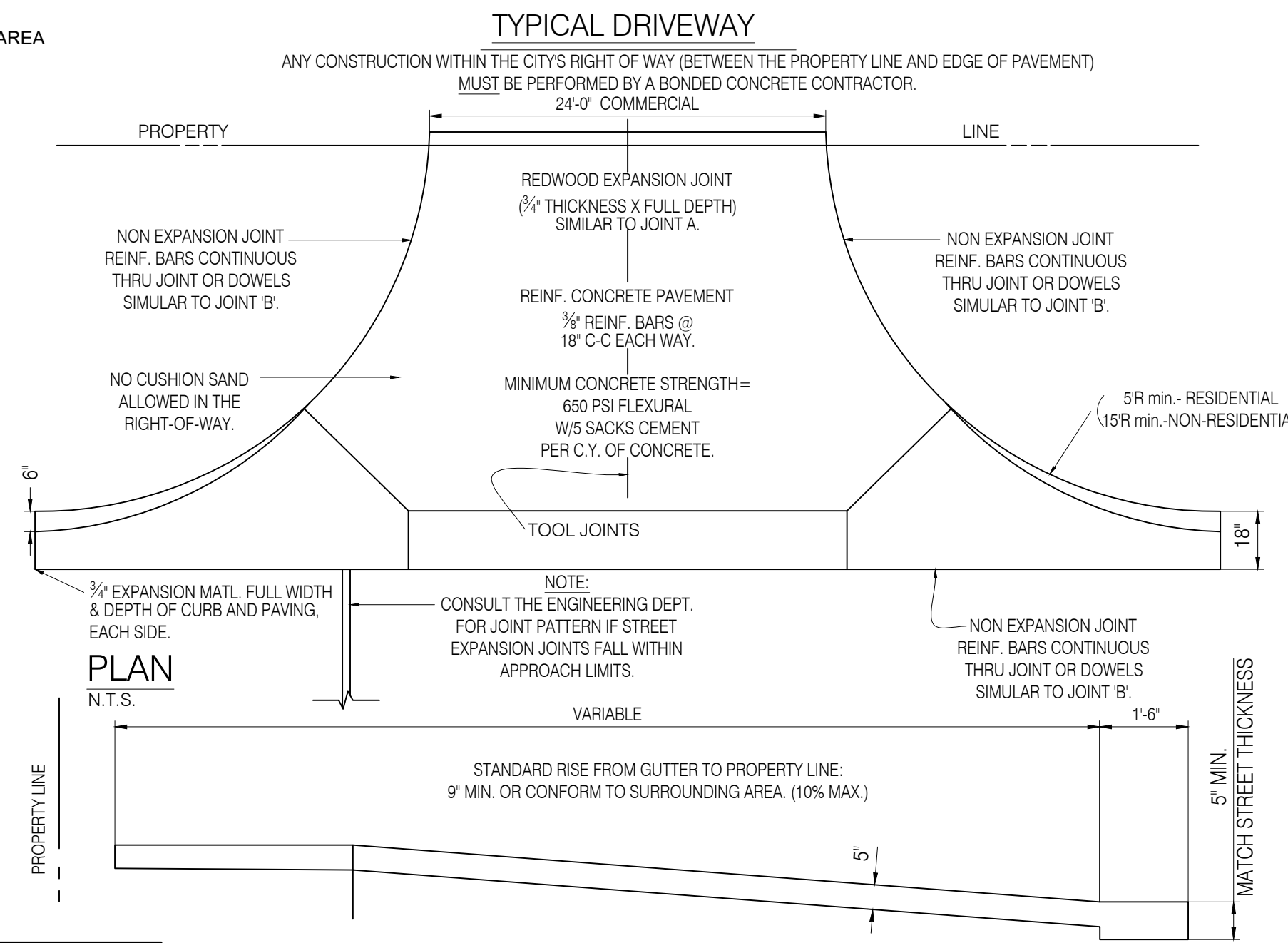


2 VICINITY MAP
C2.00 FOR REFERENCE ONLY



(ADJACENT PROPERTY)
PEDRO S. PEREZ ET AL.
INST. NO. 200503605030,
O.P.R.D.C.T.

- NOTES:**
- TOTAL LOT AREA - 6.790SF - 0.160 ACRE
 - TOTAL EXISTING MAIN BUILDING AREA - 1,235SF
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 - 1. ALL PAVEMENT SURFACES TO BE SEALED AND RESTORED. STRIPING TO BE PROVIDED AS NEEDED.
 - 2. ALL LANDSCAPE TO BE RESTORED.
 - 3. BUILDING EXTERIOR TO BE REPAIRED AND RESTORED AS NEEDED. NO ADDITIONAL EXTERIOR CONSTRUCTION HAS BEEN ANTICIPATED.
 - 4. ALL INFORMATION PROVIDED IS BASED ON MUNICIPALITY, GIS AND OWNER RECORDS.



3 DRIVE APPROACH DETAIL
C2.00 SCALE: N.T.S.

SEAL

CONSTRUCTION CONCEPTS INC.
"Planning and Designing a Better Tomorrow"
317 E. JEFFERSON BLVD.
DALLAS, TX. 75203
TEL. (214) 946-4300
FAX. (214) 948-9544

REVISIONS	
SENT DATE	APPROVED DATE
12/14/2021	
12/15/2021	

ADDRESS
1805 S EDGEFIELD AVE
DALLAS, TEXAS
75224

DATE
06/10/2022

DRAWN BY
ASM-IB

CHECKED BY
ER

DESCRIPTION
EXISTING
GENERAL MERCHANDISE BUILDING
ONE STORY - DETACHED GARAGE

SCALE
1" = 10' - 0"

SHEET TITLE
SITE PLAN

SHEET #
C2.00

FILE NAME
C2.00_SITE_PLAN

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1 SITE PLAN
C2.00 1" = 10' - 0"

LETTERS OF SUPPORT

From: Whitney Marsh whitneykburnett@gmail.com
Subject: Letter of Support
Date: Mar 30, 2022 at 6:56:35 AM
To: Germán Sierra gsierra@graphcoffee.com

March 30, 2022

RE: BDA212—031

Subject Property: 1805 S Edgefield Ave. Dallas

Dear Members of the Board:

The purpose of this letter is to inform you of the Elmwood Neighborhood Associations abounding support for Germán Sierra, owner of Graph Coffee, LLC, who plans to bring a local neighborhood coffee house to our Downtown Elmwood neighborhood.

It is our understanding that the City of Dallas has requested a total of 18 parking spaces in order to meet the parking requirement for a restaurant and/or food establishment. While we understand the importance of parking for this particular use, many businesses in the area have long thrived for years (some even decades), with an average of just 3-5 parking spaces; also thanks in large part to the amount of street parking readily available. As a result, Elmwood has been able to maintain its neighborhood charm, while still supporting its small commercial district.

The Elmwood neighborhood is filled with a diverse style of architecture; including Tudor cottages, craftsman bungalows and a variety of ranch style homes built anywhere between the 20's and 60's. Germán's property was originally built in 1948 as a Single Family Residence, but also benefits from being zoned as CR - Community Retail. While Germán has recently renovated the property, we're extra appreciative that the renovations have stayed true to the look and feel of the neighborhood, while adding a splash of modern flair. Also, this renovation took a dilapidated property in the center of Oak Cliff and turned it into an interesting focal point for our neighborhood.

Here in Elmwood, we constantly find ways to encourage more walkability within the neighborhood. Many of us work from home or in a coworking environment. Elmwood hosts 1500 homes all within walking distance of Graph Coffee. We welcome a coffee shop we can walk to. In the occasion that walking isn't an option the street parking options are plentiful. An authorized hearing will be held for Downtown Elmwood in the very near future and we plan on implementing parallel street parking so issues like this won't be a problem in the very near future. In speaking with German, he has confirmed there will also be bike racks, which will complement the proposed new bike lanes found in the current West Oak Cliff Area Planning ("WOCAP") draft proposals led by Mayor Pro Tem Chad West and other City Officials.

As a resident of Elmwood, a small business owner in Downtown Elmwood and the Elmwood Neighborhood Association's president, I very much support Germán and his business. We believe supporting Graph coffee is a way to support our neighborhood and Oak Cliff as a whole. We hope this letter can aid him with obtaining your full approval of his request.

Thank You Kindly,
Whitney Marsh
Elmwood Neighborhood Association President

From: Travis conger tkconger@hotmail.com
Subject: Fw: CASE# BDA212-031 - Graph Coffee Parking Variance
Date: Mar 30, 2022 at 11:04:41 AM
To: gsierra@graphcoffee.com
Cc: larissaarin@yahoo.com

Hey German,

Below is what was sent to "jennifer.munoz@dallascityhall.com", forwarding for your records,

Good luck!!

From: Travis conger
Sent: Wednesday, March 30, 2022 10:41 AM
To: jennifer.munoz@dallascityhall.com <jennifer.munoz@dallascityhall.com>
Cc: larissaarin@yahoo.com <larissaarin@yahoo.com>
Subject: CASE# BDA212-031 - Graph Coffee Parking Variance

Good Morning Ms. Munoz,

I am writing to you in support of granting a parking variance that reduces the required parking spaces for Graph Coffee at 1805 S Edgefield Ave **Case#BDA212-031**,

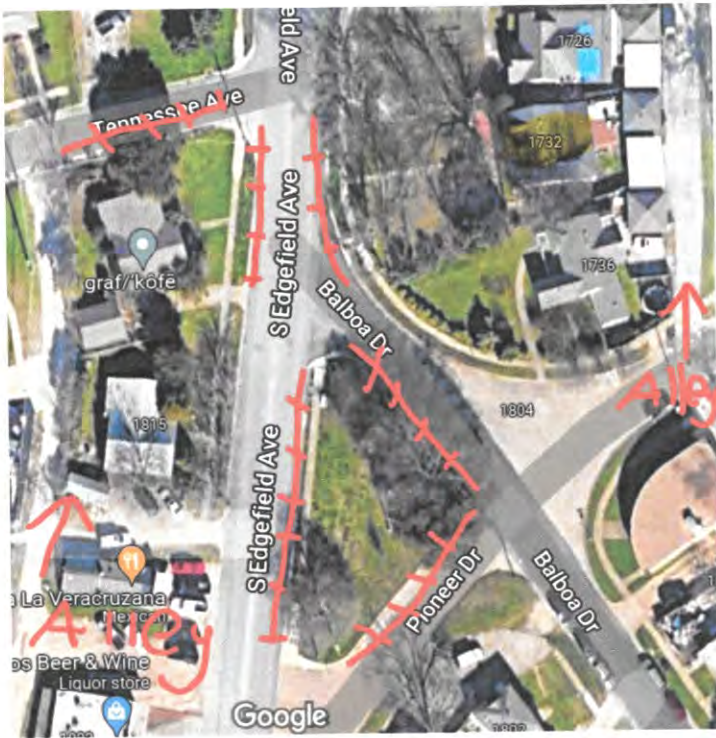
We are the neighbors that live directly across the street (1732 S Edgefield). We have been able to see German & Whitney do incredible work on the dilapidated house restoring what was once a falling building into a stunning coffee shop that the whole neighborhood is eagerly anticipating it's opening. I understand that due to the laws written over 50 years ago the city is requiring this house to have a significant amount of parking which makes no sense and conflicts with the current direction, aspirations, and investments of this neighborhood.

First, I would like to point out alternative transportation options that will be used. Graph coffee is located .1 miles away from a brand new trail along elmwood creek that connects the dart station at Tyler (less than .5 miles from Graph, and is a Rail and bus line hub) all the way to Kiest park. There is an expected extension of an on street bike lane as well along Edgefield which will stretch south to Illinois and continue north in the direction of bishop arts. This allows the entire neighborhood within multiple miles radius to walk or bike when visiting the coffee shop, as well as dart rail and bus connections for folks further away.

secondly, I do not mind if cars park along Edgefield in front of my house in order to patron a daytime business. In fact I believe this will assist traffic calming on the street which is sorely needed and act as barrier to trash blowing in my yard from downtown elmwood and block stray bullets that seem to be fired off frequently in this area (I kid . . . mostly). It is worth noting having cars in front of my house patronizing a local business makes the area safer as there are more eyes and general awareness which acts as a deterrent for mal behavior.

It's important to note that the block the coffee shop is on as well as my residential block both have alleyways where residents park behind their house and the alley is wide enough to accommodate parallel parking as well, meaning each house can fit around 4 cars behind their house alone. For this reason I only ever see work vehicles park on the street as is.

The current street design also allows for significant parking spaces right by the coffee shop. As my very scientific illustration below points out, there is space for almost 30 street parking spots just along the coffee shops property, my property and across the street by a large traffic island with no residents/ businesses and is rarely used for parking now.



Hopefully I have established that there will be no harm to the area and only benefit if a parking variance reducing the amount of parking (maximum reduction preferred) is granted. But I still want to point out the harm if it is not.

Creating a huge parking lot across the street from me where many cars are pulling in and out of will create a traffic and pedestrian hazard right in front of my house. cars slowing down to turn in, and pulling out of a parking lot is bound to cause harm to traffic flow, potentially cause accidents, and in the worst case makes pedestrian access to the business difficult or dangerous. you only have to look a few buildings south on the street to see how cramming vehicles onto a property creates a pedestrian hazard and turns what should be a sidewalk into multiple blocks of a driveway. This is specifically what this neighborhood is trying to reverse and build a better pedestrian neighborhood focused community. Forcing parking on the coffee shop will directly go against this neighborhoods vision. If you look at the West oak cliff area plan (still pending, currently a first draft) It is looking to ban car centric and drive throughs in this area. besides the harm to the community I am greatly concerned about the additional burden of expense that German and Whitney

will incur that is completely unnecessary and outdated. They have worked so hard to transform a house that easily could have been demo, but their investment and tireless labor have turned the property around (looks even better then the pic with recently installed patio railing)



I am gravely concerned that a burdensome parking requirement is a further strain on this business which has worked through the pandemic and done so much already for the community even before opening. If the costs of a burdensome parking requirement ended up forcing closure of the business before they began It would be the most nauseating thing to witness for this community but unfortunately would be very Dallas as usual (lived in the metro for 20+ years). Please let's turn this around and start helping businesses and communities thrive and require the absolute minimum parking for this business.

If you made it this far, Thank you so much for the time and consideration given,

**Travis Conger
Larissa Morehead
1732 S Edgefield**

From: West, Chad chad.west@dallascityhall.com
Subject: Re: Elmwood Coffee Shop - Permitting Delays
Date: February 10, 2022 at 5:57 AM
To: Germán Sierra gsierra@graphcoffee.com
Cc: Whitney Marsh whitneyburnett@gmail.com

Thank you, and let me know if you continue to experience problems. I look forward to meeting you and supporting your business when you open

Sent from my iPhone

On Feb 9, 2022, at 9:52 PM, Germán Sierra <gsierra@graphcoffee.com> wrote:

External Email!

Thanks for the info, Chad. I'm moving forward with the BDA process and hopefully we'll be able to get that approved without any issues... fingers crossed.

Really exciting about the pending zoning case for Elmwood. I can assure you one of the reasons why I took a chance on Elmwood was because of the potential for that to pull through.

Again, appreciate your time and looping in additional contacts to this conversation.

Thanks,
Germán

On Feb 9, 2022, at 1:53 PM, West, Chad <chad.west@dallascityhall.com> wrote:

German,

Good afternoon, and congratulations on your upcoming business!

I am not aware of a mechanism for reducing the parking requirement other than the Board of Adjustment for downtown Elmwood. There is an authorized hearing/zoning case that has been pending for downtown Elmwood for around three years now – when that matter is finally heard, neighbors will have an opportunity to weigh in on the option of reducing parking requirements for small businesses, in order to encourage new businesses and walkability.

I am looping in Andreea Udrea from Development Services and the City Attorney, Chris Caso, to correct me if I am missing other opportunities for a possible parking reduction.



Chad West
Mayor Pro Tem
City of Dallas |

www.dallascityhall.com

Mayor and City Council, District 1
1500 Marilla St, Room 5FN
Dallas, TX 75201

O: 214-670-0776

chad.west@dallascityhall.com



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

From: Germán Sierra <gsierra@graphcoffee.com>

Sent: Wednesday, February 9, 2022 1:19 PM

To: West, Chad <chad.west@dallascityhall.com>

Subject: Elmwood Coffee Shop - Permitting Delays

External Email!

Hi Chad,

I'm Germán, owner of Graph Coffee and I'm trying to open my first brick & mortar in downtown Elmwood. I spoke to Whitney Marsh yesterday and she mentioned she spoke to you about some of the delays and hurdles I've been dealing with.

The biggest issue is the 18 parking space requirement, and the hurdles I need to go through to file an appeal with the Board of Adjustments. I was just told yesterday the next case hearing I can be entered for won't be until April.

As you can imagine, these delays and additional expenses are detrimental. I completely understand and am willing to cooperate with the protocols put in place... but any help, if any, that you can provide will be a huge lift.

From: [Crystal Gutierrez](#)
To: [Munoz, Jennifer](#)
Subject: BDA212-031
Date: Thursday, March 31, 2022 3:34:30 PM

External Email!

Dear Ms. Muñoz,

I'm writing this letter today to fully support a parking reduction for German Sierra's business located at 1805 S Edgefield Ave in the Elmwood Neighborhood.

As a neighbor and future employee, the proximity of my job being so close to home will benefit me very much, I could walk to work if I wanted to. But having the 18 parking spaces will only take up a unnecessary amount of space. Not only will it present a conflict to German, but to the entire Elmwood neighborhood as well. Most customers are neighbors who like me, will walk or take their bike to Graph Coffee and probably won't even be using those spaces. Also I have a concern for German who has worked very hard and has already been delaying his opening date for months now. This will add a huge and unnecessary expense to him.

I understand that parking is inevitable and the City of Dallas requires a business this big to meet the requirement of a restaurant/food establishment but I ask for the City to reconsider and to support a small business.

Crystal Gutierrez
762 S Manus Dr
Dallas TX 75224

Sent from my iPad

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.

From: [Abraham Ortega](#)
To: [Munoz, Jennifer](#)
Subject: Graph Coffee - BDA212-031
Date: Thursday, April 7, 2022 10:19:47 PM

External Email!

Dear Members of the Board,

I am writing this email to appeal the parking permit that was denied to German Sierra owner of Graph Coffee at the property located in 1805 S Edgefield Dallas TX. A local coffee business in the Elmwood neighborhood is just what this neighborhood is missing. Watching the coffee shop be rehabbed to a beautiful building and even participating, I have witnessed the hard work that was put in to it. It would be a waste if the reasoning behind not granting permission is because of the lack of parking. Most business in the Edgefield street do not meet the current requirement for 18 parking spaces. A small community coffee shop where people can walk too and has more than enough parking from the street to does not need to have 18 parking spots. We ask that you please grant permission for the parking permit not just so the residents of the Elmwood neighborhood can benefit from Graph Coffee but so can all of Dallas.

Thank you,
Abraham Ortega - Owner
Ortex Inspections

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.

From: [Munoz, Jennifer](#)
To: [Jackson, Latonia](#)
Subject: Fw: Parking reduction
Date: Thursday, April 7, 2022 4:36:38 PM

From: Weston Stewart <westonstewart1@gmail.com>
Sent: Thursday, April 7, 2022 4:32 PM
To: Munoz, Jennifer <jennifer.munoz@dallascityhall.com>
Subject: Parking reduction

External Email!

I'm writing this letter to respectfully request a parking reduction for German Sierra's business located at 1805 S Edgefield Ave in the Elmwood Neighborhood.

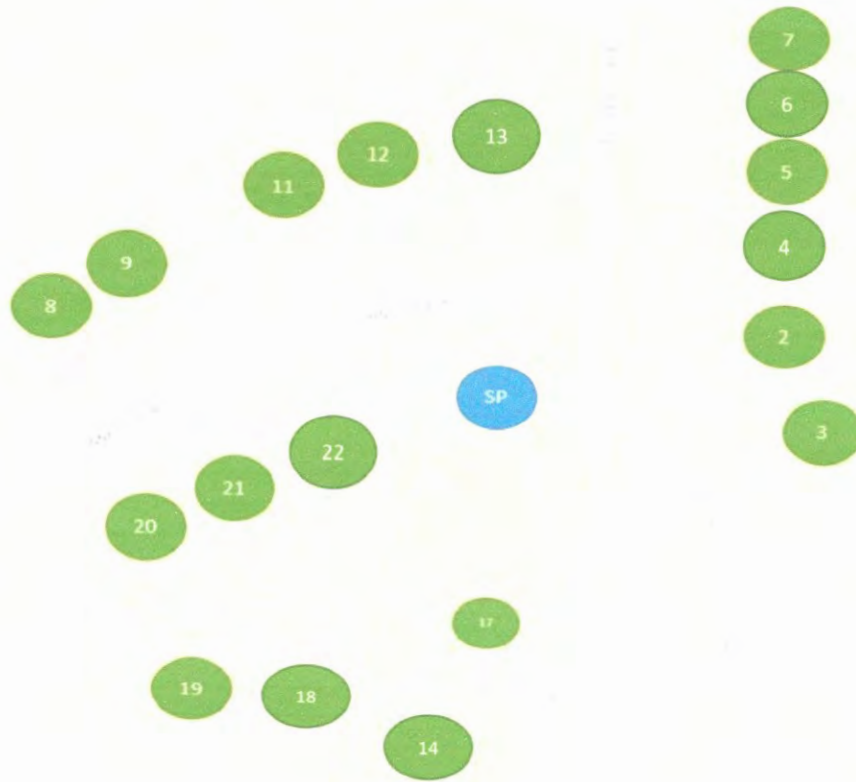
I have three generations of family who hail from the oak cliff area. My great grandmother in fact owned her own business in oak cliff not far from where the coffee shop is. My brother went to school at Greiner elementary school located on Edgefield.

Simply put, as someone with a strong love and good will for the history of this neighborhood, I don't want to turn part of this historical neighborhood into an 18 space parking lot. Our goal is just to bring world class speciality coffee to Oak cliff with authentic Dallas hospitality. We only want to do it with the oak cliff charm attached.

Thanks for considering this email. I know the coffee establishment will create jobs for local people like myself and will bring people together.

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.

SUPPORT LETTERS WITHIN 200' NOTIFICATION AREA



From: Charisse Tasset charisse@carpentryassociates.com
Subject: Fwd: Board of Adjustment BDA212-031(JM) German Sierra - I am in support of street parking, instead of requiring 15 additional parking spaces
Date: Apr 30, 2022 at 12:05:56 PM
To: gsierra@graphcoffee.com

Notification list: #3

Get [Outlook for Android](#)

From: Charisse Tasset <charisse@carpentryassociates.com>
Sent: Tuesday, April 19, 2022, 1:05 PM
To: jennifer.munoz@dallascityhall.com <jennifer.munoz@dallascityhall.com>
Cc: pamela.daniel@dallascityhall.com <pamela.daniel@dallascityhall.com>; latonia.jackson@dallascityhall.com <latonia.jackson@dallascityhall.com>; Charisse Tasset <charisse@carpentryassociates.com>; Charisse Tasset <kaliconstruction@gmail.com>
Subject: Board of Adjustment BDA212-031(JM) German Sierra - I am in support of street parking, instead of requiring 15 additional parking spaces

Good Afternoon Jennifer,
I am in support of German Sierra's application. BDA212-031(JM)
My address is 1736 S Edgefield Ave. I live across the street from 1805 S. Edgefield Ave. I could not make it to the hearing today.

I can see the business from all my front facing widows and I think it would be esthetically unpleasing to see paved parking instead of the grass on the front and side and back yards surrounding the house/coffeeshop. Please do not require additional parking, let the patrons park on the street as necessary.

Thank you, feel free to reach out with any questions,

Charisse Tasset
Project Manager



Carpentry
ASSOCIATES

www.carpentryassociates.com

Office: (469) 766-1069

Cell: (972) 922-8036

626 N Great SW PKWY

Arlington, TX 76011

Notification List: # 4

Date: 6/9/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Name: Rosa Amey R. Anita

Address: 1726 S Edgefield Ave.
Dallas TX 75224

Notification List: #5

1722 S Edgefield Avenue
Dallas TX 75224

June 1, 2022

Board of Adjustment
City of Dallas
1500 Marilla Street 5BN
Dallas, TX 75201

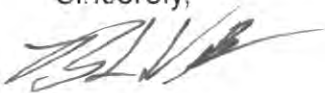
RE: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Avenue

To Whom It May Concern:

We, the undersigned, are neighbors of the above-referenced property. We previously registered our objection to the parking variance application for that property pending before the Board. Since then, we have met with the property owners, who provided us with additional information about their proposed business. That information has allayed our original concerns about the variance application.

Accordingly, we hereby withdraw our objection to the property owners' application. We believe that their proposed number of parking places is sufficient to support the clientele because the business is a coffeehouse and not a full-service restaurant. We hope the Board will agree and grant the variance, so the property owners may move forward with their business plan.

Sincerely,



Blair B. Walther



Don B. Waitner

Notification List: # 6

Date: 06/9/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Name: Juan Hernandez

Address: 1718 S Edgefield Dallas TX 75224

Notification List: #7

Date: 5/22/2022

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Cynthia Rereles
469-630-4638 Cynthiarereles@yahoo.com

Name: Cynthia Rereles

Address: 1714 S. Edgefield ave Dallas, TX 75224

Notification List #: 8

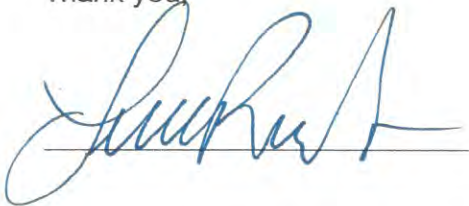
Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Name: Luis E. Rubio

Address: 1827 Tennessee Ave 75229

469-586-6811

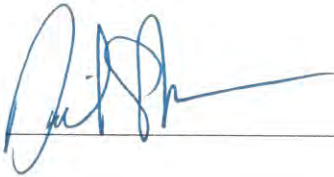
Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Name: DAVID SUHLEN 214-797-0996

Address: 1823 TENNESSEE AVE, DALLAS, TX 75235

Notification list: #11

Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Name: Jose Salas

Address: 1815 Tennessee Ave

(469) 235-1652

Notification List: #12

Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Name: Salvador Lopez. 214. 881. 7678

Address: 1811. Tennessee. 060. P.O. Box. 75224

Notification List: #13

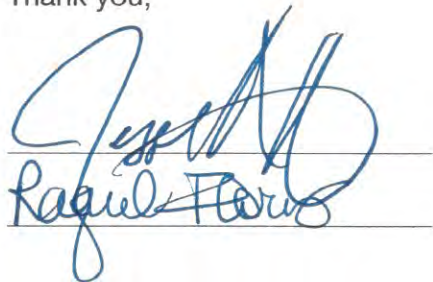
Date: 6/7/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Raquel Flores

Name: Jesse Meza & Raquel Flores

Address: 1717 S. Edgefield Ave Dallas, TX 75224

Notification List: # 14

Date: 6-9-22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Ramon Alvarado

Name: Ramon Alvarado

Address: 1823 S Edgefield Ave Hugo's Beer & Wine

Date: 5/26/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Jose Carrera

Name: José Carrera

Address: 1817 Edgefield ave.

214-943-3616

Notification List: #18

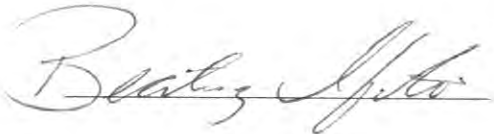
Date: 6/9/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Name: Beatriz Intake

Address: 1411 Brunner Ave Dallas Texas 75224

Notification list: #19

Date: 6-5-22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Candey Guerra
Joe D Guerra

Name: Joe & Candey Guerra

Address: 1419 Brunner Ave Dallas TX 75224
1


Date: April 30, 2022

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Name: Kyle Roy

Address: 1826 Tennessee Avenue, Dallas TX 75224

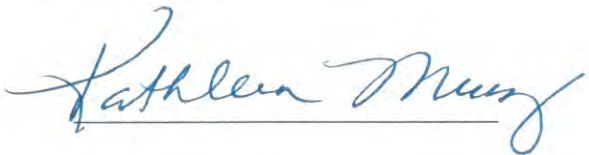
Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Name: Kathleen Mung

Address: 1818 Jeanese
Dallas, TX 75224

Notification List: #22

Date: 10/7/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Juan Carmo

Name: Juan C Quirino

Address: 1814 Tennessee av Dallas TX 75224

**11 ADDITIONAL SUPPORT
LETTERS FROM COMMUNITY
outside notification area**

Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Chandler Cagle

Name: Chandler Cagle

Address: 1420 Brunner Ave.

Very happy to have Graf in
our neighborhood!

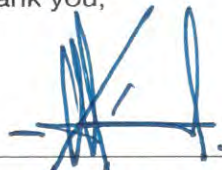
Date: 6/9/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



OWNER OF "OAK CLIFF BIKE SYNERGY"

Name: JORGE SAMANO

Address: 1300 S. POLK ST. SUITE #152
TYLER STATION BUILDING
DALLAS, TX 75224
469 456 1136

Date: June 9th 2022

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Marylou Caroliel

Name: Marylou Caroliel "Lulu's Authentic Mexican Restaurant"

Address: 1234 Newport ave. Dallas, Tx 75224
(214) 339-1661

Date: 5/17/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Francisco Torres
(214) 258-8272

Name: FRANCISCO J. TORRES JR

Address: 1424 FERNDALE AV. DALLAS TX 75224
"FRANK'S BARBERSHOP" IN DOWNTOWN ELMWOOD

Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,



Christopher Chambers - Jr

Name: Christopher Chambers - Jr

Address: 1718 Lawford Ave Dallas, TX 75229

Date: 5/6/2022

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Daniel Brown
Rebecca Brown

Name: Daniel & Rebecca Brown

Address: ~~2343~~ 2313 Elmwood Blvd. Dallas
214-356-8291

Date: 4/30/22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Whitney Marsh

Name: Whitney Marsh

Address: 1610 Cascaele Ave 75224

Date: 30 April 22

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Hugh Corn

Name: HUGH CORN

Address: 1904 Tennessee Ave Dallas 75224
214. 282. 4360
hdcorn@gmail.com

Date: 4/30/2022

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Alma Rubio

Name: Alma Rubio

Address: 1420 Fernside Ave Dallas TX 75224

Date: 05/02/2022

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Liliana Verdin

Name: Liliana Verdin

Address: 1127 Ferndale Ave.

Date: 05-26-2020

Attn: Board of Adjustments
Re: Case BDA: 212-031
Parking Variance: 1805 S Edgefield Ave

Dear Board Members,

This letter is to notify you that we are in favor of our neighbor German Sierra to move forward with his request to open a local coffee house at 1805 S Edgefield Ave. We understand the obstacle he is facing obtaining approval by the city due to the code parking requirements, but believe the parking options provided on site are considered **fair and reasonable** and will not be a burden to the community.

Thank you,

Jaime Mora
214-234-5668

Name: Jaime Mora

Address: 1810 S. Edgefield Av. Dallas Tx 75224