

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, JANUARY 19, 2021
(REVISED)

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

***The Board of Adjustment hearing will be held by videoconference. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure should contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, January 15, 2021. Only registered speakers will be allowed to address the Board during the public hearing.** The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall) and the WebEx link: http://bit.ly/1-19-21_Panel_A_attendee

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, JANUARY 19, 2021
AGENDA**

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

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

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the November 17, 2020 Board of Adjustment Panel A Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA190-117(OA)	4923 Deloache Ave. REQUEST: Application of Baldwin Associates for a special exception to the fence height regulations.	1
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BDA201-001(OA)	2615 Elm St. REQUEST: Application of Baldwin Associates for a special exception to the parking regulations.	2
BDA201-002(OA)	5420 Bryan St. REQUEST: Application of Robert B. Vaughan for a variance to the front yard setback regulations.	3
BDA201-008 (OA)	4536 Garrison St. REQUEST: Application of Jessica Brewer represented by Kevin Brewer for a variance to the front yard setback regulations.	4
BDA201-010 (OA)	4516 Bluffview Blvd. REQUEST: Application of Thomas W. Taylor for a variance to the floor area ratio regulations.	5

REGULAR CASES

BDA201-007(OA)	325 W. 12 th St. REQUEST: Application of Texans Can Academy represented by National Signs Inc. for a special exception to the sign regulations.	6
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HOLDOVER CASES

None

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

FILE NUMBER: BDA190-117(OA)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for a special exception to the fence height regulations at 4923 Deloache Avenue. This property is more fully described as Part of Lot 4 and Part of Lot 5, Block 10/5583, 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-high fence in a required front yard, which will require a two-foot special exception to the fence regulations.

LOCATION: 4923 Deloache Avenue

APPLICANT: Baldwin Associates represented by Rob Baldwin

REQUEST:

A request for a special exception to the fence standards regulations related to height of two feet is made to construct and maintain a six-foot-high wrought iron fence with two wrought iron vehicular gates and masonry columns located in the site's required front yard on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

Section 51A-4.602 of the Dallas Development Code states that the board may grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property.

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)
North: R-1ac(A) (Single Family District)
East: R-1ac(A) (Single Family District)
South: R-1ac(A) (Single Family District)
West: R-1ac(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

1. BDA167-131, Property at 4907 Deloache Avenue (northwest of the subject site)

On November 13, 2017, the Board of Adjustment Panel B approved requests for special exceptions to the fence height regulations of four-feet-in-height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than five feet from the front lot line.

2. BDA156-045, Property at 4926 Deloache Avenue (southeast, across the street, of the subject site)

On May 18, 2016, the Board of Adjustment Panel B approved a request for a special exception to the fence height regulations of six-feet six-inches.

The case report stated that the request was made to construct/maintain a six-foot three-inch-high open wrought iron fence with seven-foot-high cement plaster columns; an approximately eight-foot-high open metal pedestrian gate with approximately eight-foot-high cement plaster columns topped with approximately two-foot-high decorative urns, and an approximately nine-foot six-inch-high open metal vehicular entry gate with an approximately eight-foot six-inch-high cement plaster columns topped with two-foot-high decorative urns.

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the fence standards regulations related to height of two feet is made to construct and maintain a six-foot-high wrought iron fence with two wrought iron vehicular gates and masonry columns located in the site's required front yard on a site developed with a single family home.

Dallas Development Code states that in all residential districts except multifamily districts a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-1ac(A) Single Family District, which requires a 40-foot front yard setback.

The applicant has submitted a site plan and elevation of the proposal showing the proposed fence in the front yard setback reaches a maximum height of six feet.

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

- The location of the proposed fence is located two feet from the front lot line parallel to Deloache Avenue or approximately 22 feet from the pavement line.
- The length of the proposed fence in the front yard setback parallel to Deloache Avenue is approximately 170 feet and 40 feet along the west side.

Staff conducted a field visit of the site and the surrounding area. One other fence which appears to be above four feet-in-height was noted northwest of the subject site. The existing fence has a recorded BDA history as stated in this report (BDA167-131).

As of January 8, 2021, no letters have been submitted in support of or in opposition to this request.

The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach six-feet-in-height) will not adversely affect neighboring property.

Granting this special exception with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding two-feet-in-height to be located in the front yard setback and to be constructed and maintained in the location and of the heights as shown on this document.

Timeline:

October 26, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

December 9, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

December 11, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 28, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the January 8, 2021 deadline

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

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

December 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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

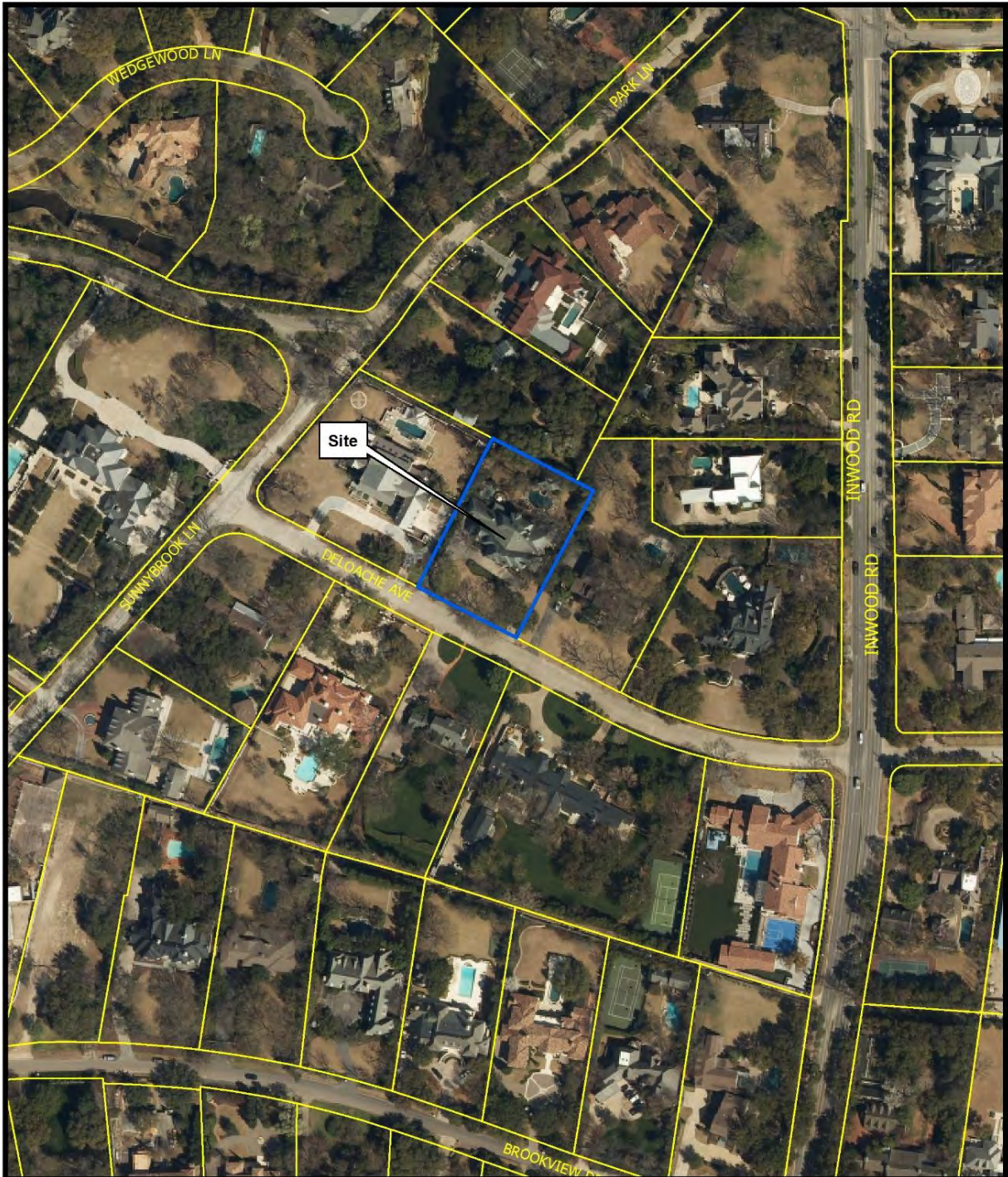


1:2,400

ZONING MAP

Case no: BDA190-117

Date: 12/11/2020



1:2,400

AERIAL MAP

Case no: BDA190-117

Date: 12/11/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-117

Data Relative to Subject Property:

Date: 11-2-20

Location address: 4923 Deloache Avenue Zoning District: R-1AC(A)

Lot No.: Pt 4 & Pt 5 Block No.: 10/5583 Acreage: 1.0 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 170 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): David C. Greenstone and Joanna Greenstone

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 fence height of 2 feet to allow a 6-foot tall fence in a required front yard

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 fence will not adversely impact surrounding properties. Other fences exceeding four feet in height exist in the immediate area.

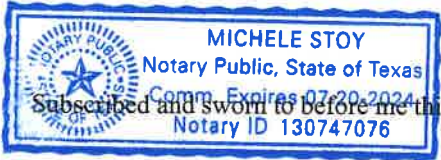
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared 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 20 day of October, 2020

[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

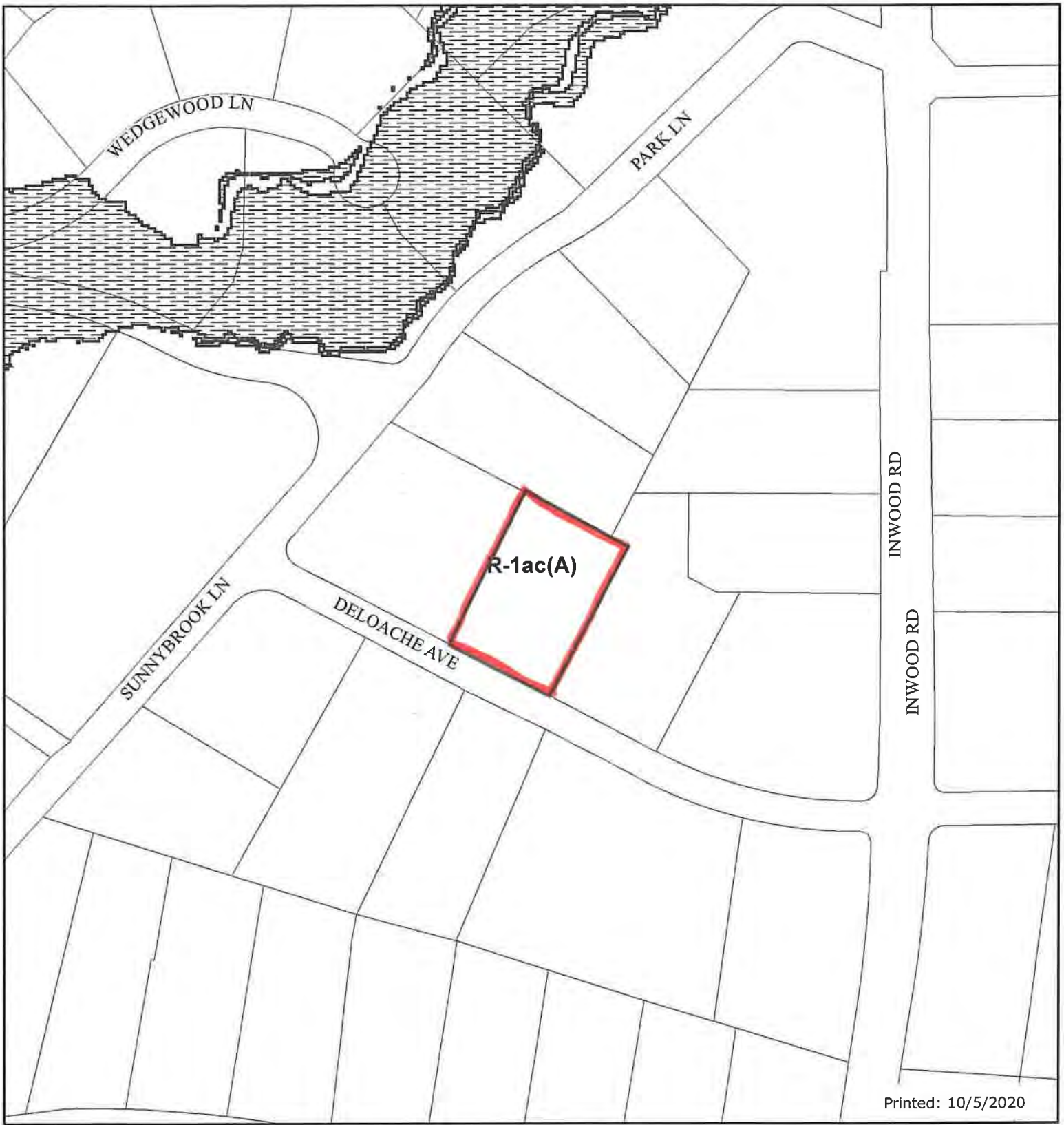
I hereby certify that BALDWIN ASSOCIATES
did submit a request for a special exception to the fence height regulations
at 4923 Deloache Avenue

BDA190-117. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations at 4923 DELOACHE AVE. This property is more fully described as Part of Lot 4 and Part of Lot 5, Block 10/5583, 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 high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,


David Session, Building Official





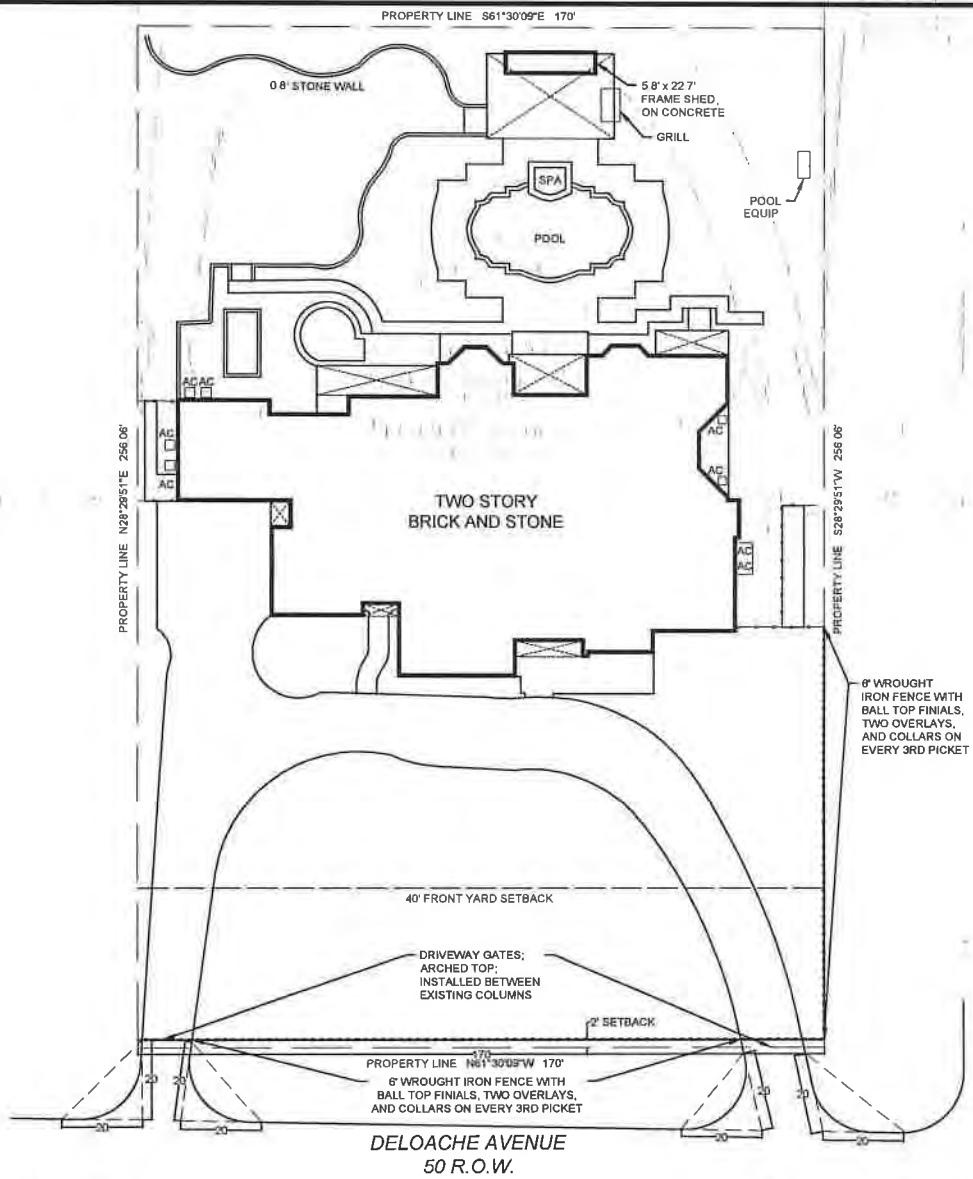
Printed: 10/5/2020

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | rallroad | 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 | 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)



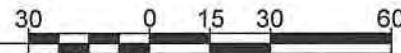


VICINITY MAP

NTS



1A SITE PLAN
SCALE: 1:30

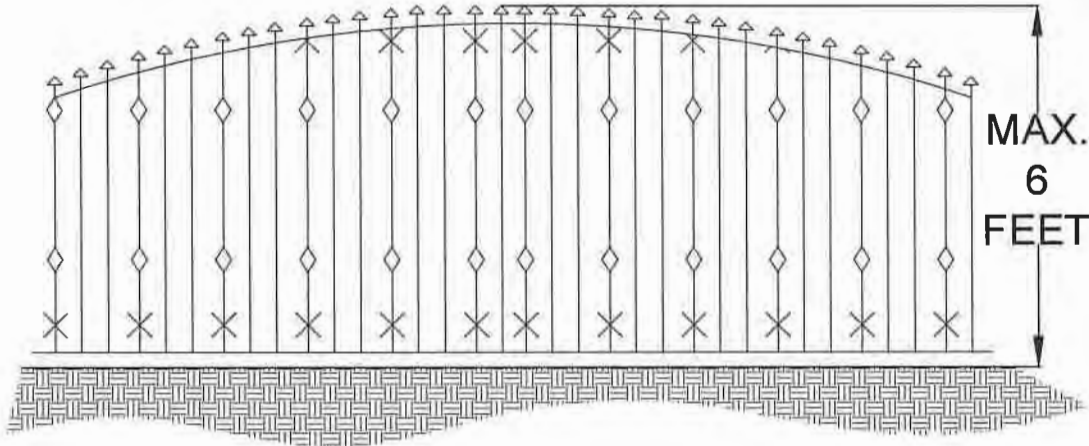
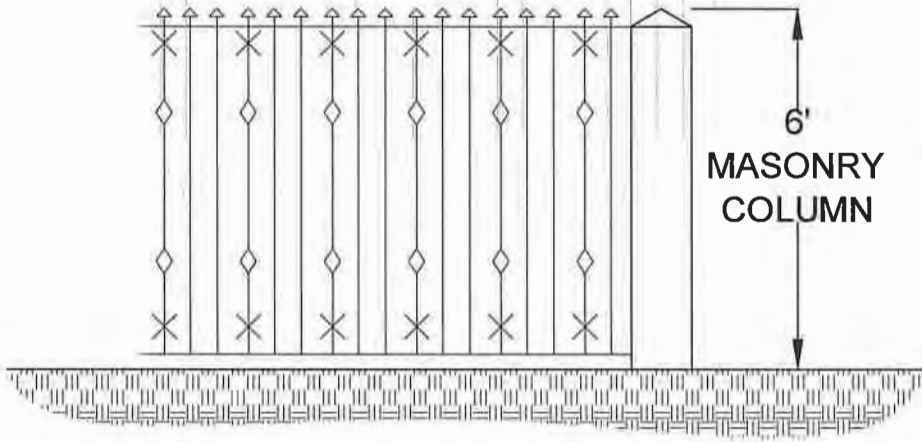


11/03/2020
PROJECT NUMBER
DATE NUMBER

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214 729 7949
OFFICE: 214 824 7949
rob@baldwinplanning.com

Baldwin Associates

4923 Deloache Ave
DALLAS, TX



1B FENCE ELEVATIONS
SCALE: 1/2"=1'-0"

11/03/2020

PROJECT NUMBER

CORE NUMBER


**BALDWIN
ASSOCIATES**

3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214 729 7949
OFFICE: 214 824 7949
rd@baldwinplanning.com

**Baldwin
Associates**

4923 DeLoache Ave
DALLAS, TX




 1:2,400

NOTIFICATION

200'	AREA OF NOTIFICATION
12	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-117**
 Date: **12/11/2020**

12/11/2020

Notification List of Property Owners

BDA190-117

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4923 DELOACHE AVE	GREENSTONE DAVID C & JOANNA
2	9435 INWOOD RD	ROME RICHARD L & NANCY
3	5007 DELOACHE AVE	KIRK JAMES C & MIRJAM
4	5031 DELOACHE AVE	MCCOY MICHAEL V & JONI K
5	4907 DELOACHE AVE	PORTER J REID &
6	9426 SUNNY BROOK LN	ENGSTROM KATHARINE
7	5020 PARK LN	CHEHABI SAAD & RANA
8	4938 DELOACHE AVE	HAEMISEGGER DAVID J &
9	4926 DELOACHE AVE	TERRA LOAM LLC
10	9505 INWOOD RD	VERGNEMARINI PEDRO &
11	5006 DELOACHE AVE	HAEMISEGGER DAVID J &
12	4906 DELOACHE AVE	BECKWITT RICHARD &

FILE NUMBER: BDA201-001(OA)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for a special exception to the parking regulations at 2615 Elm Street. This property is more fully described as Lots 6 and 12, Block 286, and is zoned Planned Development District No. 269 (Tract A), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a commercial amusement (inside) use, and provide 46 of the required 115 parking spaces, which will require a 69-space special exception (60 percent reduction) to the parking regulation.

LOCATION: 2615 Elm Street

APPLICANT: Baldwin Associates represented by Rob Baldwin

REQUEST:

A request for a special exception to the off-street parking regulations of 69 spaces is made to remodel and maintain an commercial amusement (inside) use within a structure containing 15,230 square feet of floor area and to provide 46 of the 115 required off-street parking spaces.

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

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

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article *if the board finds*, after a public hearing, that *the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets*. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking

spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:

- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
- (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval.

Rationale:

- The Sustainable Development and Construction Department Senior Engineer reviewed the provided parking study and has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 269, Tract A
North: PD No. 269, Tract A
South: PD No. 269, Tract A
East: PD No. 269, Tract A
West: PD No. 269, Tract A

Land Use:

The subject site is proposed to be a commercial amusement (inside) use. The areas to the north, south, and west are developed with commercial uses. The area to the east is developed with institutional use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

This request for a special exception to the off-street parking regulations of 69 spaces is made to remodel and maintain a structure containing 15,230 square feet of floor area to be utilized as a commercial amusement (inside) use and provide 46 of the 115 required off-street parking spaces.

PD No. 269 does not require inside commercial amusement (the PD refers to the use in this manner) uses to provide off-street parking spaces for the first 2,500 square feet of floor area in a ground-level use that has a separate certificate occupancy in an original building. A minimum of one space per 100 square feet of floor area is required for the remaining floor area of an inside commercial amusement use. PD No. 269 also allows a 10-percent reduction to off-street parking requirements when the use is located within a one-fourth mile of a DART light-rail station.

The Sustainable Development and Construction Department Senior Engineer has no objections to the request.

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

- The parking demand generated by the proposed commercial amusement (inside) use in a structure with 15,230 square feet of floor area does not warrant the number of off-street parking spaces required: and
- The special exception of 69 spaces (or a 60 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

If the board were to grant this request a condition may be imposed that the special exception of 69 spaces shall automatically and immediately terminate if and when the inside commercial amusement use with 15,230 square feet of floor area is changed or discontinued.

TIMELINE:

November 11, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

December 9, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

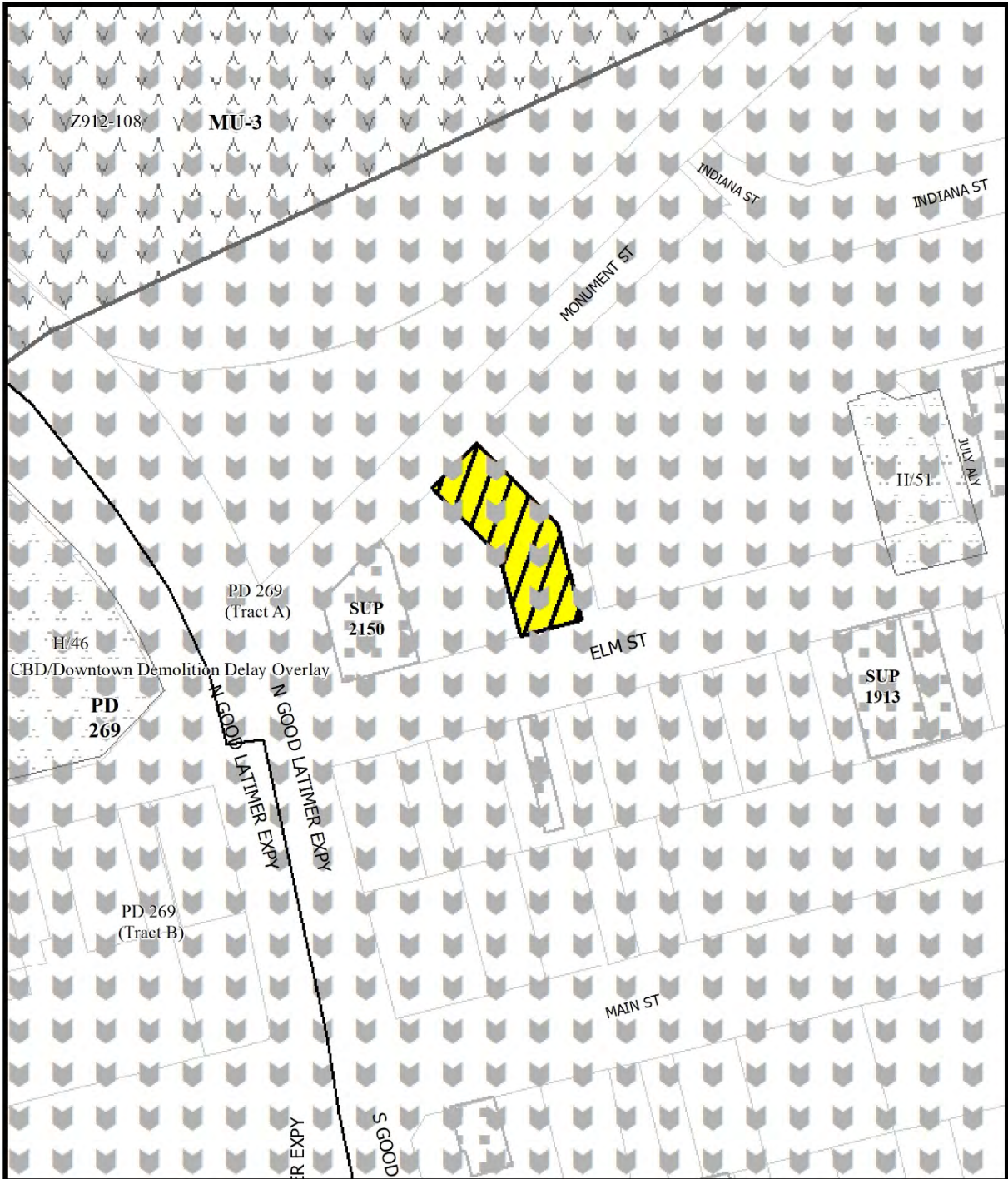
December 11, 2020: The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the December 29, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the January 8, 2021 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

December 16, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)

December 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

December 31, 2020: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "no objections" (**Attachment B**)

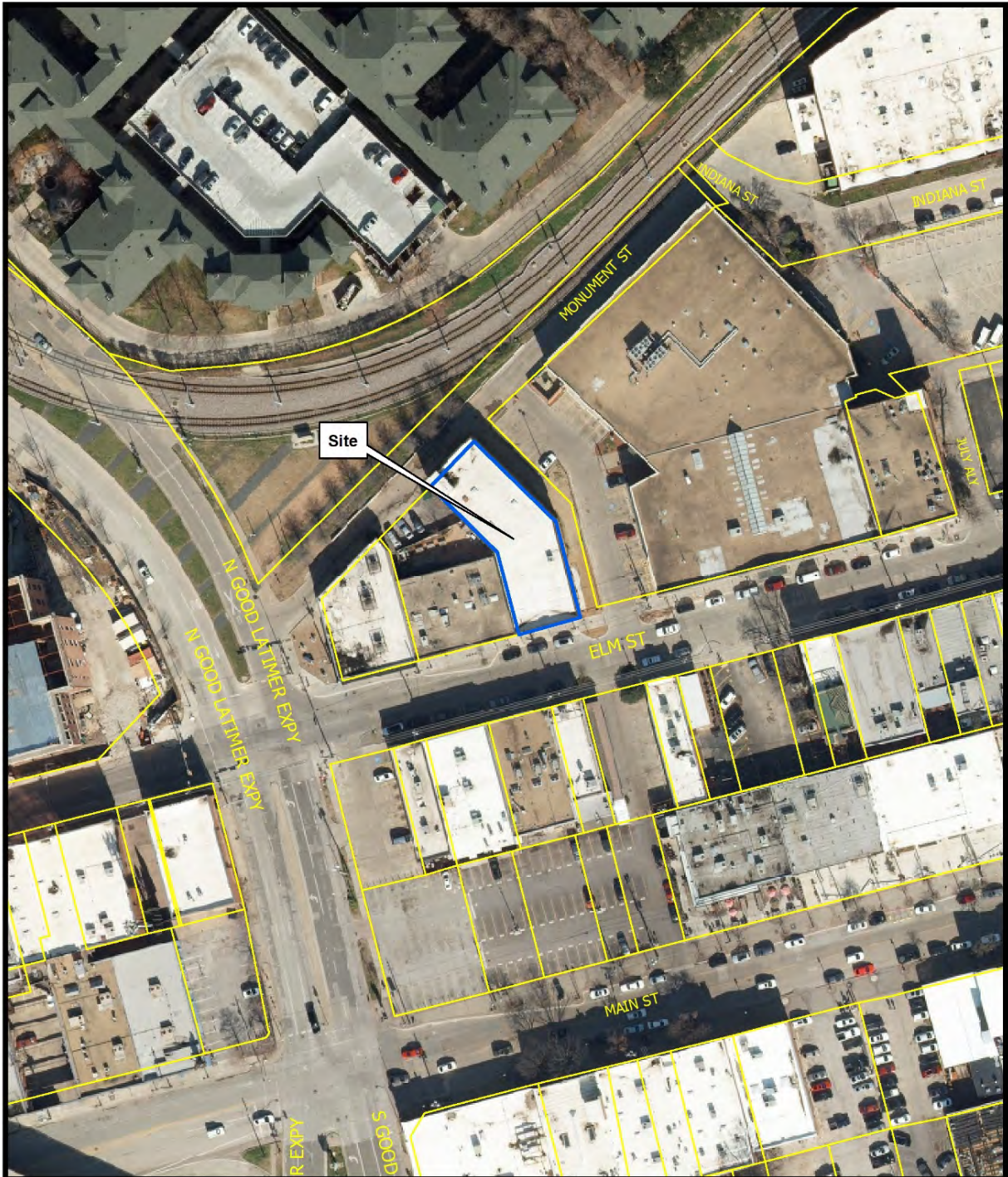


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ZONING MAP

Case no: BDA201-001

Date: 12/11/2020



1:1,200

AERIAL MAP

Case no: BDA201-001

Date: 12/11/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-001

Date: 11-6-20

Data Relative to Subject Property:

Location address: 2615 Elm Street Zoning District: PD 269 Tr. 1

Lot No.: 6 & 12 Block No.: 286 Acreage: 7,650 sf Census Tract: 204.00

Street Frontage (in Feet): 1) 60 ft 2) 60 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Westdale Properties America I, Ltd.

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 the parking regulations of 59 spaces (51%) for an inside commercial amusement use of the 115 spaces required.

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 inside commercial amusement will be for shuffle board with 20 tables within the existing building. The property has multiple public owned parking lots and commercial parking lots within 1,500 feet of the site. It is within walking distance to the Deep Ellum DART station and within the core area for Rideshare service. The requested parking reduction will further the purpose of promoting Deep Ellum as a viable, pedestrian-friendly, walkable mixed use community.

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

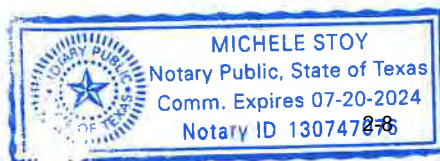
Before me the undersigned on this day personally appeared Robert Baldwin
(Affiant/Applicant's name printed)

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 3 day of November, 2020

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

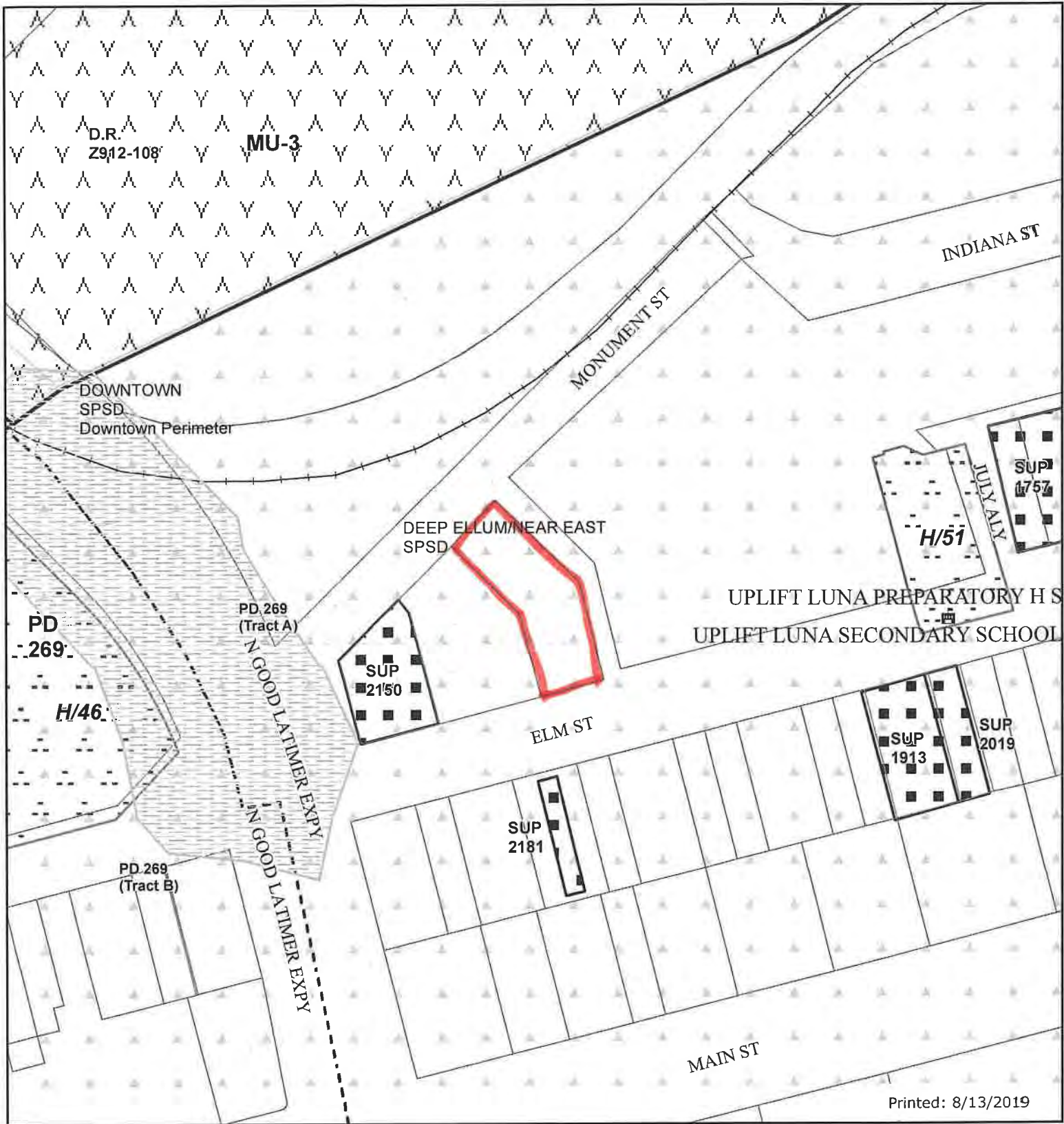
I hereby certify that Rob Baldwin

did submit a request for a special exception to the parking regulations
at 2615 Elm Street

BDA190-001. Application of BALDWIN ASSOCIATES for a special exception to the parking regulations at 2615 ELM ST. This property is more fully described as Lot 6 and 12, Block 286, and is zoned PD-269 (Tract A), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a Commercial Amusement (Inside) use, and provide 46 of the required 115 parking spaces, which will require a 69 space special exception (60% reduction) to the parking regulation.

Sincerely,


David Session, Building Official



Printed: 8/13/2019

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 | 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)



MAP OF MONUMENT TRIANGLE

Belonging to **AH SHEPHERD**

Surveyed and drawn by
JENKINS & DUNCAN

SCALE 50 FEET TO 1 INCH

A. H. Shepherd

CANTON GRASS

W. B. BIRNALL'S

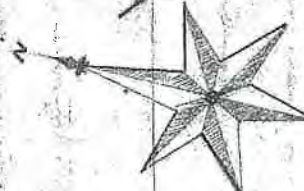
W. B. WINDON

STREET

STREET

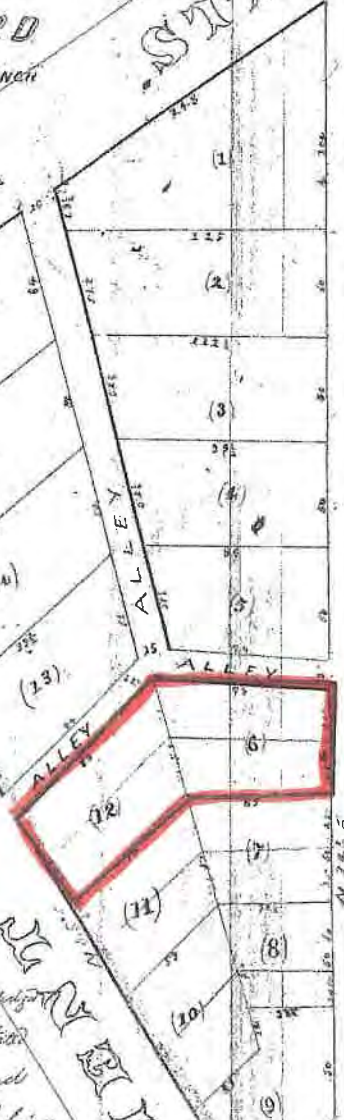
STREET

GOOD



State of Texas
County of Dallas
Before me, Alexander Hammond, Clerk
of the District Court of Dallas County,
Texas (personally) appeared *A. H. Shepherd*
who is to me well known and acknowledged
that he signed the above map and that
and his oath that it is a true and
correct plat of "Monument Triangle" lying
in the City of Dallas and State of Texas
and County of Dallas. A. Hammond clk

Filed for Record Dec 5. 1874 at 9 o'clock
A. Hammond clk
By R. H. Collins
Recorded Dec 5. 1874.

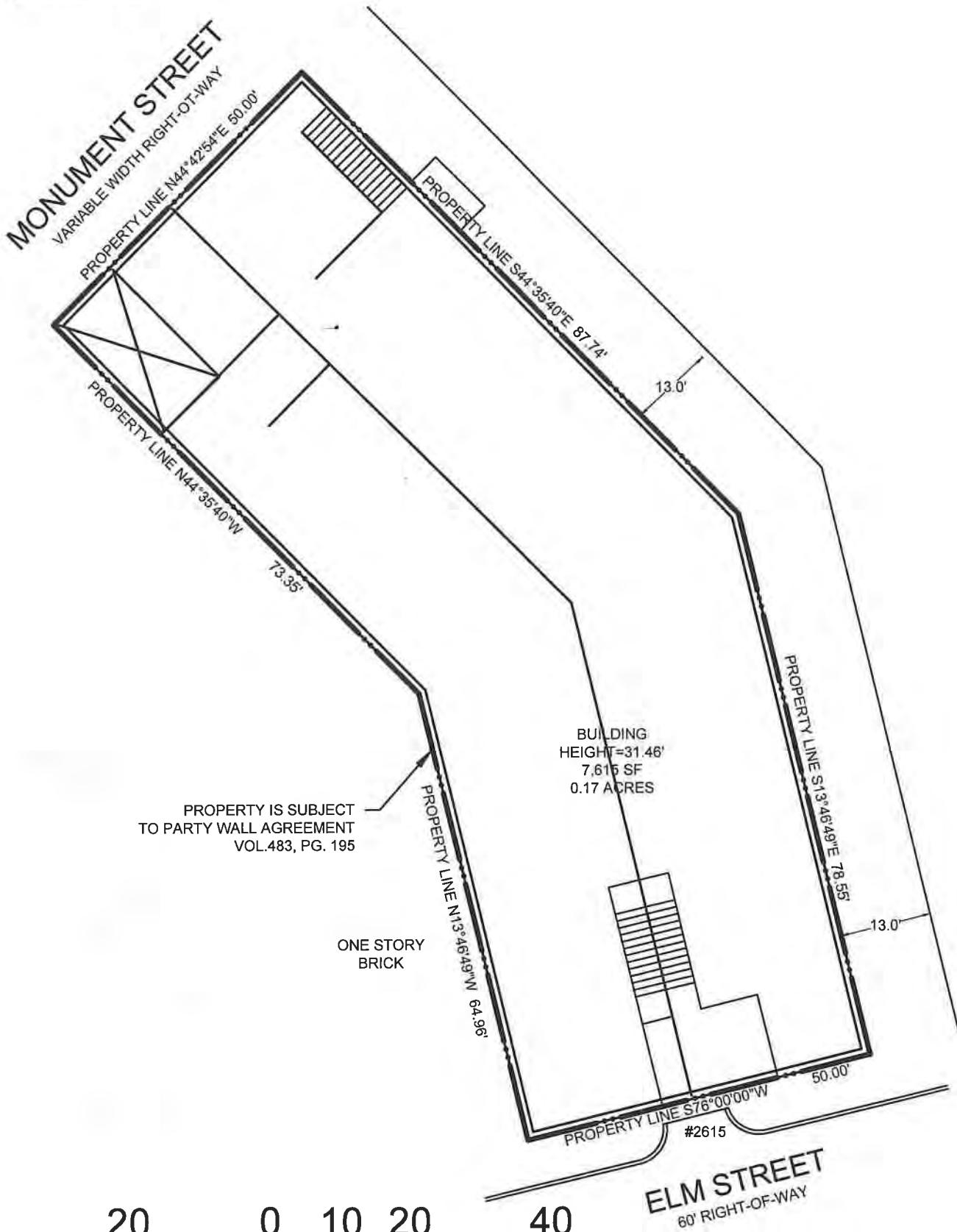




WESTDALE COMMERCIAL
3100 Monticello Avenue
STE 100
Dallas, Texas. 75205
tel. 214.515.7000
www.westdale.com

2615 ELM STREET

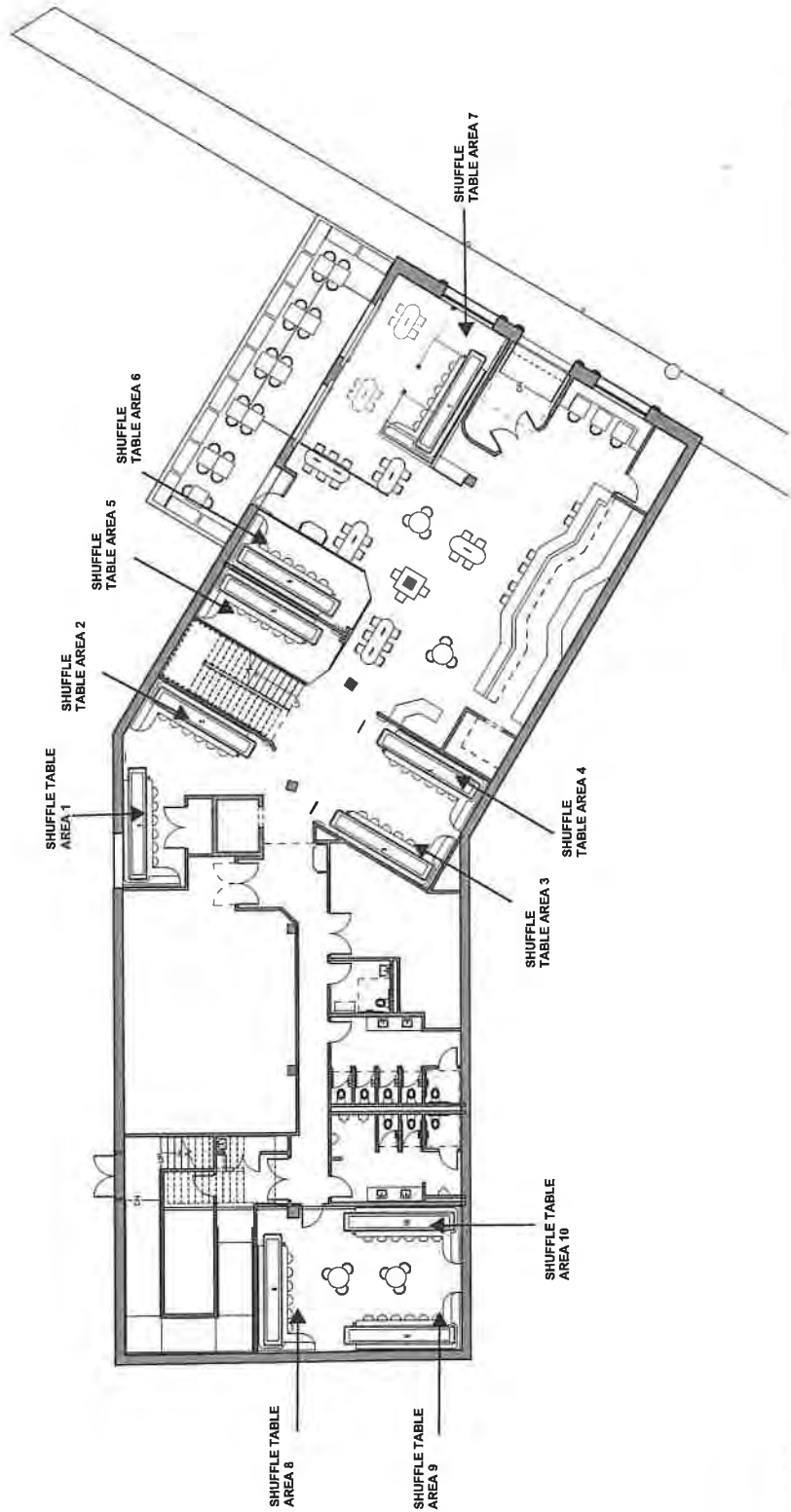
SITE PLAN



20 0 10 20 40

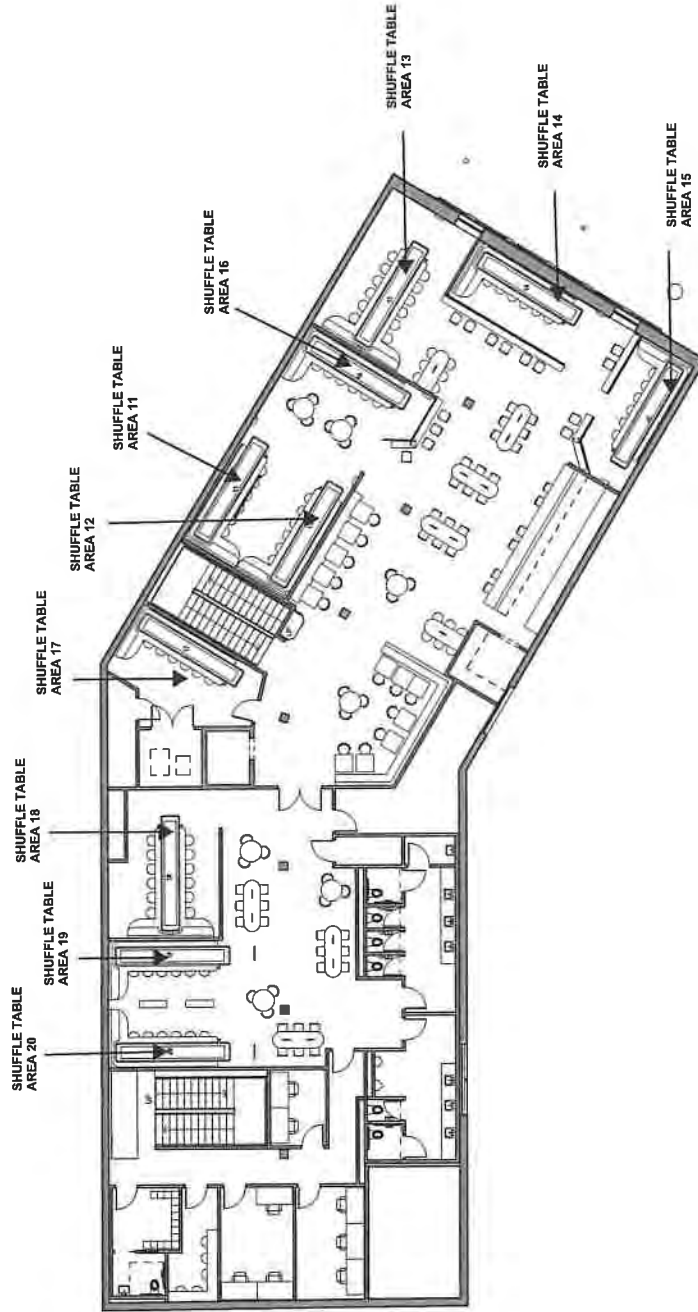


SCALE: 1 IN. = 20 FT.



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

ELECTRIC SHUFFLE
2415 BURNING STREET
DALLAS, TX 75244



1 LEVEL 2
SCALE: 1/8" = 1'-0"

ELECTRIC SHUFFLE
2415 ELM STREET
DALLAS, TX 75226



Parking Analysis

To: Mr. Gene Ball, Electric Shuffle USA

From: Christy Lambeth, P.E., PTOE, Lambeth Engineering Associates, PLLC, F-19508

Date: December 15, 2020

Re: Parking Analysis for Proposed Electric Shuffle in Deep Ellum in Dallas, Texas

Introduction

Electric Shuffle, an indoor amusement venue located at 2615 Elm Street in Dallas, Texas, is being remodeled to include electric shuffleboards. The site is currently vacant. The property is located in Planned Development (PD) 269, the Deep Ellum/Near East Side District.

The City of Dallas code does not specify a use for an electric shuffleboard venue; therefore, it is considered an inside commercial amusement use with a parking requirement of one space per 100 SF. A parking special exception is being filed, requesting a reduction of 69 spaces (60% reduction) from the code requirement.

The purpose of this study is to evaluate the projected parking demand for the shuffleboard venue, to determine whether approval of the requested parking reduction will provide an adequate parking supply to satisfy the projected demand for the development. As shown in this analysis, the proposed parking requirement is projected to provide sufficient parking for the shuffleboard venue, taking into consideration the requested 69-space parking reduction. Approval of the parking reduction is recommended.

Proposed Development Program

The proposed 15,230-SF development program will include 20 electric shuffleboard tables.

Parking Supply

There are two on-street parking spaces adjacent to the site on Elm Street. The remaining parking spaces will be provided through a remote parking agreement.

The remote parking spaces are planned to be provided at The Epic's parking garage, located at 2550 Pacific Avenue, with a walking distance of approximately 880 feet. PD 269 requires remote parking for an "original structure" to be within 1,200 feet. Therefore, the planned remote parking facility is within the acceptable walking distance per PD 269.

Illustration of remote parking and walking pathway is provided in the **Appendix**.

Parking Opportunities Around Site

Several factors for parking opportunities are important to take into consideration for this property.

- **Rideshare Zones** – The City of Dallas and the Deep Ellum Foundation have worked together to designate five (5) rideshare drop-off/pick-up zones. The Main Street/Good-Latimer Expressway rideshare zone is about 550 feet from the site—only a three-minute walk away. The rideshare program has been successful, and improvements to the program are planned. Having designated rideshare zones so close to the site reduces the number of parking spaces needed compared to locations in other parts of Dallas. In addition, the fact that the City established five rideshare zones in the area illustrates the significance of ridesharing in Deep Ellum and the value of space that would otherwise be for parking.
- **DART Light Rail** – The subject site is less than 700 feet from the Deep Ellum DART Light Rail Station. Electric shuffleboard patrons are able to ride the light rail and walk to the site within about four minutes, thereby reducing the need for as many parking spaces required otherwise.
- **DART Bus Stops** – The subject site is about 350 feet from the DART Elm Street/Good-Latimer stop and about 430 feet from the Main Street/Good-Latimer Expressway stop.
- **Public Parking** – There are several public parking lots open to the public within walking distance of the site.

Code Parking Requirement

PD 269 allows parking reductions for inside commercial amusement in original buildings. PD 269 notes the following for commercial amusement, in Section 51P-269.105(j)(1)(K).

(i) For inside commercial amusement uses other than dance hall uses, no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground-level use that has a separate certificate of occupancy if the use is located in an original building.....

(iv) An outdoor seating area that is uncovered or has a permeable cover is not considered floor area and is not included in the required off-street parking calculations.

PD 269 defines “original building” in Section 51P-269.104(c)(27), as follows.

(27) ORIGINAL BUILDING means a building constructed on or before June 27, 1984, the floor area of which has not since June 27, 1984, been increased by more than:

- (A) 150 percent if the increase is 5,000 square feet or less; or*
- (B) 100 percent if the increase is more than 5,000 square feet.*

PD 269 allows parking reductions for uses located within one-fourth mile of a DART light rail station and notes the following DART reductions in Section 51P-269.105(j)(5).

(5) Parking reduction for proximity to DART stations. The off-street parking requirement for uses located within one-fourth mile of a DART light-rail station may be reduced by 10 percent.

Uses that do not have specific parking requirements in PD 269 follow off-street parking requirements in Section 51-4.200 (not 51A). Section 51-4.208(6) specifies a parking requirement of one space per 100 SF for inside commercial amusement uses. Therefore, the proposed development requires one space per 100 square feet of floor area for the commercial amusement use minus the first 2,500 square feet of floor area in an *original building*. A 10% parking reduction may also be applied, taking into consideration the DART proximity reduction. This results in a parking requirement of 115 spaces for the proposed indoor commercial amusement use, as summarized below in **Table 1**.

Table 1. Code Parking Requirement (as required, with Indoor Commercial Amusement)

	SF	Rate	Spaces
Total SF (Indoors)	15,230	--	--
First 2,500 SF - No Parking Required per Deep Ellum PD 269	2,500	--	--
Inside Commercial Amusement SF Requiring Parking	12,730	100	127.3
10% Reduction for Proximity to DART Light Rail		0.1	12.7
Total Spaces Required per PD 269:			114.6

Projected Parking Demand

This study projects parking demand for the proposed electric shuffleboard venue considering parking rates obtained from the Institute of Transportation Engineers (ITE) and parking observations conducted by Lambeth Engineering.

ITE Parking Generation Manual

Parking Generation, 5th Edition, by ITE provides parking rates for bowling alleys and billiard halls. Parking demands for these uses were calculated for comparison to the electric shuffleboard venue. Since the *Parking Generation* manual has a “dense, urban” classification for bowling alleys, that parking rate was applied in this study and no further reductions were applied to the ITE bowling alley rate (assuming an electric shuffleboard table is equivalent to a bowling lane).

The ITE study sites for billiard halls were in suburban areas; therefore, a 10% reduction was applied since the subject site is located within 700 feet of the Deep Ellum DART Light Rail Station. An additional 15% reduction for ride-share was assumed and applied since the site is within 550 feet of the Main Street/Good-Latimer Expressway rideshare drop-off/pick-up location and within approximately 800 feet of the Main Street/Pryor Street rideshare drop-off/pick-up location. This additional 15% reduction also accounts for synergy between sites—such as a patron visiting more than one location during their trip to Deep Ellum.

The resulting projected parking demand, comparing the electric shuffleboard venue with a bowling alley and billiard hall, is 40–44 spaces, as shown in **Table 2**.

Parking Observations

Specific data is not published for a shuffleboard facility; however, Lambeth Engineering observed the parking usage at Bowlounge, an existing bowling alley that provides additional entertainment opportunities inside, including two shuffleboard tables.

Bowlounge is located at 167 Turtle Creek Boulevard. Lambeth conducted parking observations over three different time periods from Friday, June 1, to Sunday, June 3, 2018. Bowlounge has tables for eating, a bar, 12 bowling lanes, 3 pool tables, ping-pong tables, dart boards, shuffleboards, and other entertainment opportunities. There are a total of 21 “indoor entertainment items,” which is similar to the number at the proposed shuffleboard venue. Bowlounge provides full food service to each entertainment area and has separate eating tables and bar space seating. The peak parking demand for the total indoor amusement was 64 spaces at 9:00 PM on Saturday, or 3.05 spaces per “entertainment use.” Notes from the Bowlounge observations are provided in the **Appendix**.

Bowlounge is a good comparison site of base parking requirement for this parking study. However, since Bowlounge is not located in a dense, urban environment, a 10% reduction was applied to the observed

Bowlounge parking rate to account for the proximity of the DART light rail station, and a 15% reduction was assumed for rideshare usage and synergy of patrons visiting more than one site while in Deep Ellum. The resulting peak projected parking demand for Electric Shuffle is 46 vehicles, as shown in **Table 2**.

Projected Parking Demand

Based upon observations, ITE publications, the site’s proximity to both the DART light rail Deep Ellum’s rideshare program, and patrons visiting multiple sites during a trip to Deep Ellum, a peak parking demand of 40-46 vehicles is projected for the proposed shuffleboard venue, as summarized below in **Table 2**.

Table 2. Projected Parking Demand

Use	Source	Parking Rate	Parking Demand	Parking Reductions		Projected Parking Demand
				10% DART	15% Rideshare	
Bowling Alley	ITE, Use #437 (Dense, Urban)	2.21 Spaces/Lane (Table)	44.2	--	--	44.2
Billiard Hall	ITE, Use #438	2.69 Spaces/Table	53.8	5.4	8.1	40.3
Bowlounge	Lambeth Engineering	3.05 Spaces/Entertainment Unit	61.0	6.1	9.1	45.8

Parking Special Exception

The City of Dallas code does not specify a shuffleboard table venue as a use; it falls under the general “commercial amusement inside - other uses” category at a rate of one space per 100 SF. Therefore, a parking special exception is needed to allow the City to permit less than the required one space per 100 SF.

PD 269 requires 115 parking spaces for the proposed electric shuffleboard venue. The proposed parking supply is 46 spaces. The projected parking demand is 40–46 spaces, below the proposed requirement of 46 parking spaces. Based upon the parking analysis, the **69-space reduction is supported**.

The Dallas City Code specifies that the Zoning Board of Adjustments consider the following factors in determining whether to grant the special exception request.

- (A) ***The extent to which the parking spaces provided will be remote, shared, or packed parking.***
 Parking spaces will be provided on the street and remotely. Designated rideshare drop-off/pick-up locations are located within 550-800 feet of the site. Paid, public parking is also available in Deep Ellum.
- (B) ***The parking demand and trip generation characteristics of all uses, for which the special exception is requested.***
 Considering the ITE *Parking Generation* data, field observations during three peak periods and Lambeth’s professional engineering judgment and experience, a peak parking demand of 46 vehicles for the shuffleboard venue was projected. The actual demand is expected to be less than projected due to the walkable, dense, urban environment and synergy between the Deep Ellum venues.
- (C) ***Whether or not the subject property or any property in the general area is part of a modified delta overlay district.***
 The property is not in a modified delta overlay district. The property is zoned PD 269; the request is based solely upon the site’s parking demand.

(D) *The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.*

Site access is provided on Elm Street, which is a two-lane, one-way roadway, with parking on both sides of the roadway. The roadway network will accommodate the proposed project.

(E) *The availability of public transit and the likelihood of its use.*

DART's Deep Ellum Light Rail Station is located less than 700 feet from the site. It is likely many patrons will use the light rail, and potential transit usage was included in the parking analysis.

(F) *The feasibility of parking mitigation measures and the likelihood of their effectiveness.*

Ridesharing—such as with Uber and Lyft—and synergy between the varied uses in Deep Ellum is highly effective. The City of Dallas program for the five designated rideshare drop-off/pick-up locations in Deep Ellum has been successful and is continuing.

PD 269 notes the following regarding special exceptions in Section 51P-269.105(j)(1)(O).

Special exceptions for parking reductions and Director-authorized parking reductions may not be combined. In considering a special exception or a parking reduction, the board of adjustment and the Director shall also consider the intent of this article to reduce parking to promote a viable, pedestrian-friendly, walkable mixed-use community.

The proposed electric shuffleboard venue supports Deep Ellum's intent of being a pedestrian-friendly, walkable mixed-use community as patrons will be walking from DART light rail stations, rideshare zones, public parking locations, or the remote parking.

Summary

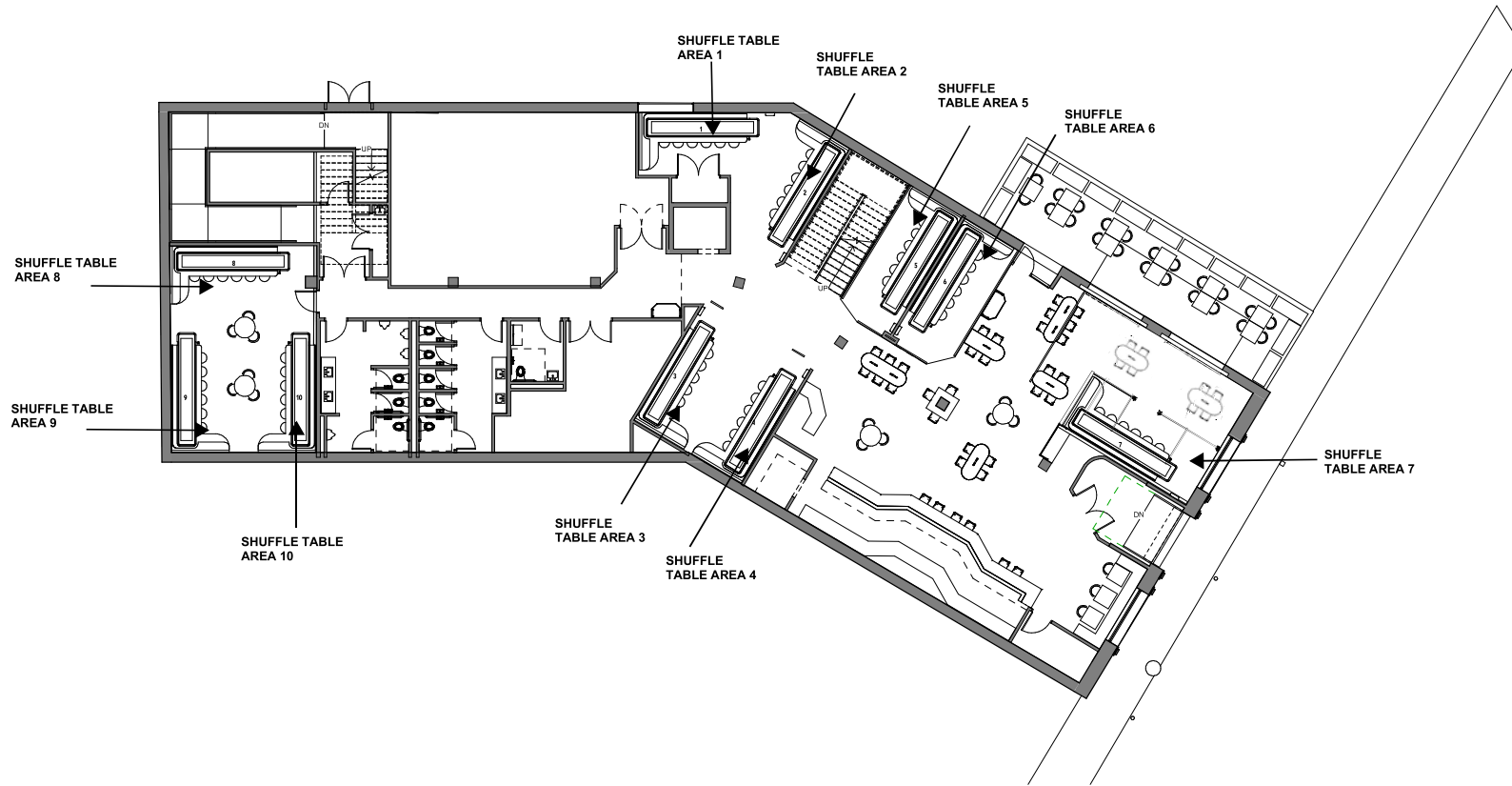
PD 269 requires 115 parking spaces for the proposed electric shuffleboard venue. A parking special exception for a reduction of 69 spaces (60% reduction) from the code requirement is being requested. The 69-space reduction results in a parking requirement of 46 spaces.

Based upon observations, ITE publications, the site proximity to both the DART light rail station Deep Ellum's rideshare program, and patrons visiting multiple sites during a trip to Deep Ellum, the projected parking demand is 40–46 spaces. The projected parking demand is satisfied with the proposed 46-space parking space requirement; therefore, **the 69-space parking reduction is warranted**. The reduction will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

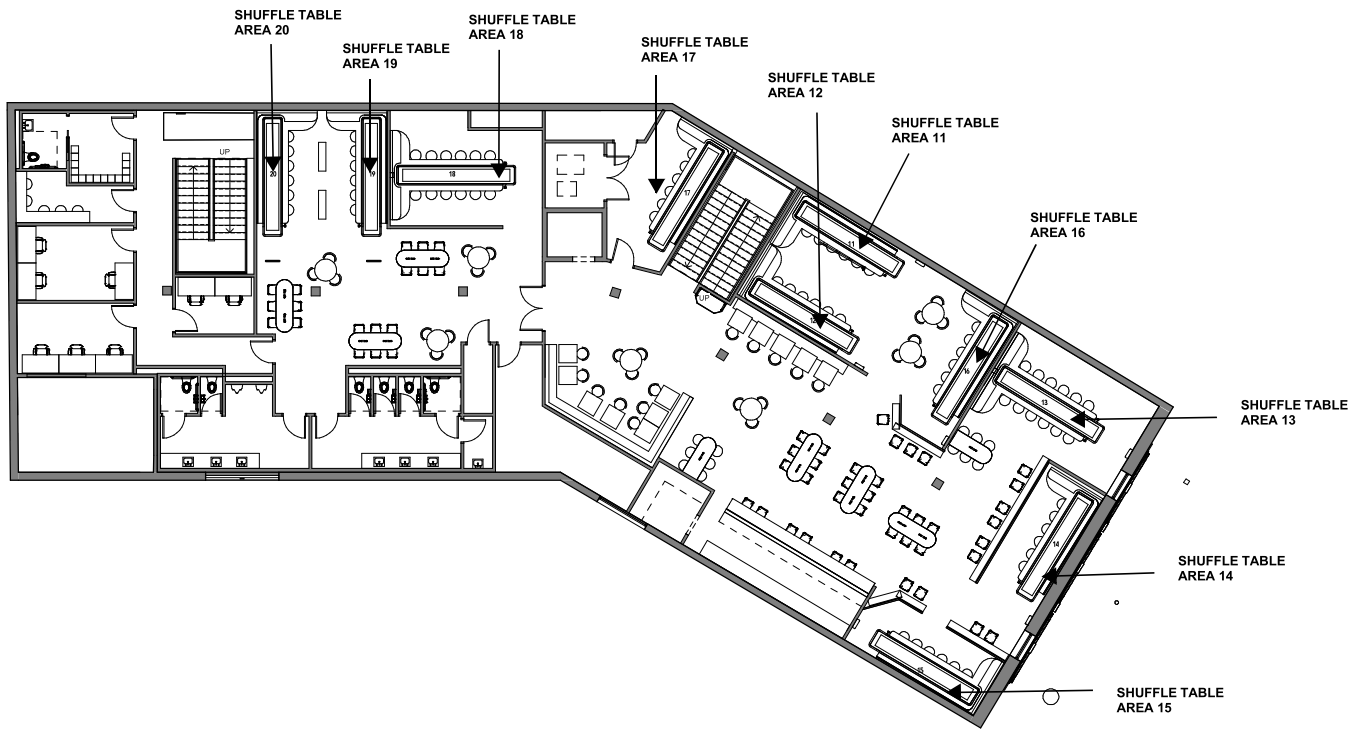
Lambeth Engineering recommends approval of the 69-space (60% reduction) for the proposed Electric Shuffle shuffleboard venue.

END

Appendix



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



1 LEVEL 2
SCALE: 1/8" = 1'-0"

Remote Parking

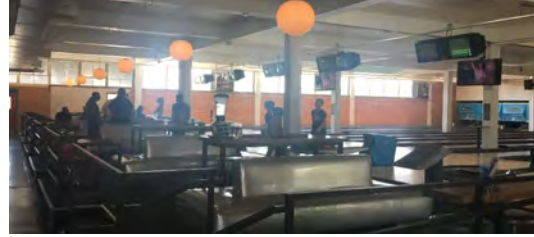
Remote for Electric Shuffle, 2615 Elm Street, is planned to be provided in the The Epic's parking garage at 2550 Pacific Avenue, with approximately 880 feet walking distance. Below is illustration of



Bowlounge Observations



Date: Friday - Sunday, June 1-3, 2018
 Location: Bowlounge: 167 Turtle Creek Blvd #103, Dallas, TX
 Description: Indoor Entertainment with Bar and Restaurant
 Observed by: Christy Lambeth, Sarah Nichols and Ronnie Lambeth
 Project: Parking Analysis for 1231 Wycliff Ave in Dallas, TX
 LEAP #18105



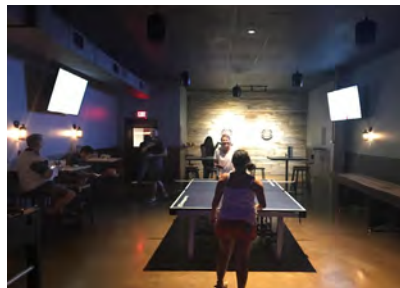
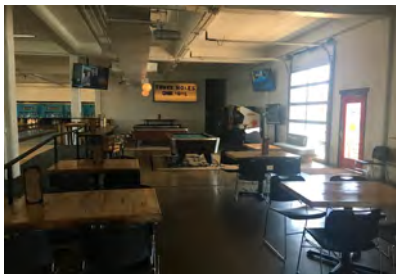
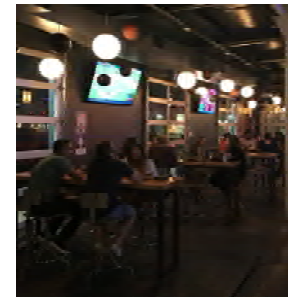
Time	Front Parking	Back Parking ¹	Total	% of Peak Observed ²
Fri, 06-01-18				
11:30 AM	5	6	11	17%
11:45 AM	6	6	12	19%
12:50 PM	10	9	19	30%
1:10 PM	6	9	15	23%
2:00 PM	13	6	19	30%
2:20 PM	12	6	18	28%
Sat, 06-02-18				
7:00 PM	20	15	35	55%
8:00 PM	37	20	57	89%
9:00 PM	41	23	64	100%
10:00 PM	30	22	52	81%
Sun, 06-03-18				
8:50 PM	11	8	19	30%

1. Back parking lot shared with office, 5-8 employees parked in back, an average of 6 spaces was removed from weekday, daytime counts.
2. Percentage of Peak observed is total parking including employees, restaurant, bar and bowling uses.

Peak Observed: 64 Vehcles at 9:00 PM on Saturday

Bowlounge:

- 30 Tables
- 24 Barstools
- 12 Bowling Lanes; can sit 8 people each
- 3 Pool Tables
- Video Games
- 2 Shuffleboard Tables
- Ping Pong Table
- 2 Dart Boards
- 3 Couches
- 2 Cornholes



(Pictures taken during off-peak hours.)



6 MONTHS AGO

CITY NEWSFEATUREPUBLIC SAFETYSTREETS

Rideshare pilot to launch in Deep Ellum

Need a Lyft? There's a place for that.

The City of Dallas and the Deep Ellum Foundation have collaborated with rideshare companies Uber and Lyft to address concerns about public safety, traffic flow and quality of life in the Deep Ellum area. To reduce congestion in the core area of activity in Deep Ellum, designated zones will be marked for rideshare drivers to stage and wait for riders, as well as where to pick them up. New zone identification signs and wayfinding markers will be placed in the zones, and new lighting has been installed in select locations to support this pilot and related nighttime activity. After the April 18 launch, the zones will be in effect 24 hours a day, seven days a week.

This pilot will provide the first coordinated, neighborhood-wide designated rideshare drop off and pick up zones outside of Dallas/Fort Worth International Airport. These new zones will provide customers access within one to two blocks of the core activity in Deep Ellum, while improving congestion and emergency vehicle access in the area. Geo-fencing technology will

show riders and drivers in the area where to meet. The pilot is subject to change, and the zones may shift as the program is continually assessed.

Signage marking the staging, pick up and drop off zones:



Drop off and pickup zones:

- **Good Latimer Expressway** northbound between Main and Commerce Streets
- **Commerce Street** eastbound between Crowdus Street and Malcolm X Boulevard
- **Pryor Street** southbound between Main and Commerce Streets
- **Malcolm X Boulevard** northbound between Indiana and Julius Streets
- **Swiss Avenue** westbound between North Hawkins Street and Good Latimer Expressway

Rideshare driver staging areas:

- **Main Street** between Cesar Chavez Boulevard and Good Latimer Expressway
- **Commerce Street** between Cesar Chavez Boulevard and Good Latimer Expressway



2615 Elm Street

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF JANUARY 19, 2021 (A)

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 190-117 (OA)

BDA 201-001 (OA)

BDA 201-002 (OA)

BDA 201-007 (OA)

BDA 201-008 (OA)

BDA 201-010 (OA)

COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

12/30/2020

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.



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-001**

Date: **12/11/2020**

12/11/2020

Notification List of Property Owners

BDA201-001

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2615 ELM ST	WESTDALE PPTIES AMERICA I LTD
2	2626 ELM ST	ELM STREET LOFTS LTD
3	2634 ELM ST	ROSE BARSHOP RESIDUARY TR
4	2628 ELM ST	ROSE BARSHOP RESIDUARY TR
5	2604 ELM ST	SEJ ASSET MGMT & INVESTMENT CO
6	2610 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
7	2621 MAIN ST	AP DEEP ELLUM LLC
8	2634 ELM ST	BAZZLE S WAYNE &
9	2603 MAIN ST	PARKIN ART JOINT VENTURE
10	2625 ELM ST	UPLIFT EDUCATION
11	2600 MONUMENT ST	DALLAS AREA RAPID TRANSIT
12	2752 GASTON AVE	DEEP ELLUM MARQUIS LP
13	2638 ELM ST	Taxpayer

FILE NUMBER: BDA201-002(OA)

BUILDING OFFICIAL'S REPORT: Application of Robert B. Vaughan for a variance to the front yard setback regulations at 5420 Bryan Street. This property is more fully described as Lot 6 and Part of Lot 7, Block R/1860, and is zoned Planned Development District No. 63 (Area C), H-1 (Swiss Avenue Historic District), which requires a front yard setback of 30 feet. The applicant proposes to construct a single family residential accessory structure and provide an 18-foot front yard setback, which will require a 12-foot variance to the front yard setback regulations.

LOCATION: 5420 Bryan Street

APPLICANT: Robert B. Vaughan

REQUESTS:

A request for a variance to the front yard setback regulations of 12 feet is made to construct and maintain an approximately 1,100 square-foot pool located 18 feet from the site's front property line or 12 feet into the 30-foot front yard setback on a site that is developed with a two-story single family structure.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION (front yard variance):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD No. 63 (Area C) H-1 zoning district due to its restrictive area and irregular shape creating a smaller lot size than nine other lots in Area C of PD No. 63. Ultimately, the property cannot be developed in a manner commensurate with the development upon other parcels of land with the same Area C portion of PD No. 63.
- The applicant submitted a document (Attachment A) indicating, among other things, that the proposed pool addition on the subject site is commensurate to nine other lots in Area C of PD No. 63.

BACKGROUND INFORMATION:

Zoning:

- Site: Planned Development No.63, Area C, H-1 Overlay District
- North: MF-2(A) Multifamily District
- South: Planned Development No.63, Area A, H-1 Overlay District
- East: Planned Development No.63, Area A, H-1 Overlay District
- West: Planned Development No.63, Area A, H-1 Overlay District

Land Use:

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

Zoning/BDA History:

1. BDA190-060, Property at 5507 Bryan Street (northeast of the subject site)

On June 24, 2020, the Board of Adjustment Panel B approved the request for a variance to the rear yard setback regulations of four-feet six-inches made to add and maintain an attached covered rear patio to the existing single family structure 45-feet six-inches from the rear property line or up to four-feet six-inches into the required 50-foot rear yard setback on a site that is developed with a two-story residential structure and imposed the submitted site plan as a condition.

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

This request focuses on adding and maintaining an approximately 1,100 square-foot pool located 18 feet from the site's front property line or 12 feet into the 30-foot front yard setback on a site that is developed with a two-story residential structure.

Structures on lots zoned PD No. 63 (Area C) H-1 must have a minimum front yard setback of 30 feet. A site plan has been submitted denoting the proposed pool structure will be located 18-feet from the front property line. The site plan shows that approximately 40 percent of the pool structure will be located in the site's 30-foot front yard setback.

The subject site is irregular in shape and the lot is approximately 16,166 square feet in area. PD No.63, Area C, H-1 zoning requires lots within this area to have a minimum lot size of 7,500 square feet.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed pool structure on the subject site is commensurate to nine other lots in the same PD No. 63 zoning district. Attachment A also notes the average lot size of nine lots in this district is 23,074 square feet while the subject lot is 16,116 square feet.

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

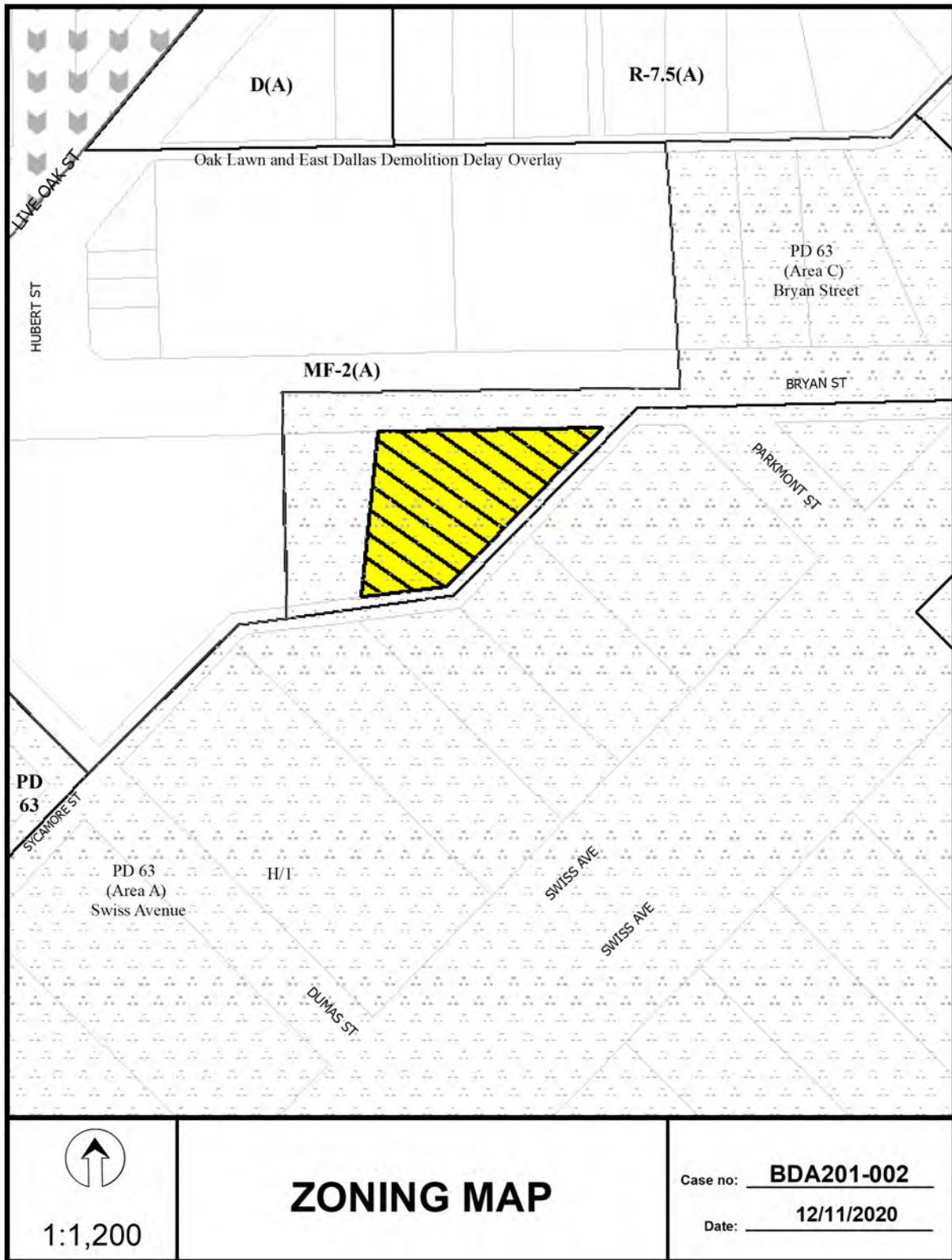
- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same Planned Development No.63, Area C, H-1 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 Planned Development No.63, Area C, H-1 zoning classification.

If the board were to grant this front yard setback variance request and impose the submitted site plan as a condition, the pool structure in the front yard setback would be limited to what is shown on this document. Granting this special exception request will not provide any relief to the Dallas Development Code regulations other than for an approximately 1,100 square-foot pool located 18 feet from the site's front property line or 12 feet into the 30-foot front yard setback on a site that is developed with a two-story residential structure.

Timeline:

- November 11, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- December 9, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.
- December 11, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the December 28, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the January 8, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- December 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)
- December 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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



ZONING MAP

Case no: BDA201-002
 Date: 12/11/2020



1:1,200

AERIAL MAP

Case no: BDA201-002

Date: 12/11/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-002

Data Relative to Subject Property:

Date: 11-10-20

Location address: 5420 Bryan Street, Dallas, Texas 75206 Zoning District: H-1

Lot No.: 6+7 Block No.: R/1860 Acreage: 0.37 Census Tract: 14.00

Street Frontage (in Feet): 1) 179.62 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert Brandt Vaughan

Applicant: Robert Brandt Vaughan Telephone: 469-888-1102

Mailing Address: 5420 Bryan Street, Dallas, Texas Zip Code: 75206

E-mail Address: VINCEL7@AIRMAIL.NET

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of Front variance to locate part of in ground pool in the area speecivied as side yard

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

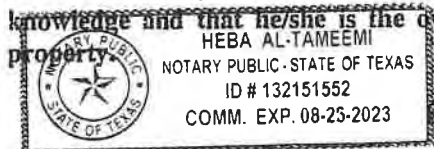
a variance is requested because the irregular shape of the property prevents the pool from being located in the rear yard, the existing side yard is completely fenced

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 B. VAUGHAN (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: Robert B Vaughan (Affiant/Applicant's signature)

Subscribed and sworn to before me this 09 day of 25, 2020

3-7 Heba Al-tameemi 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

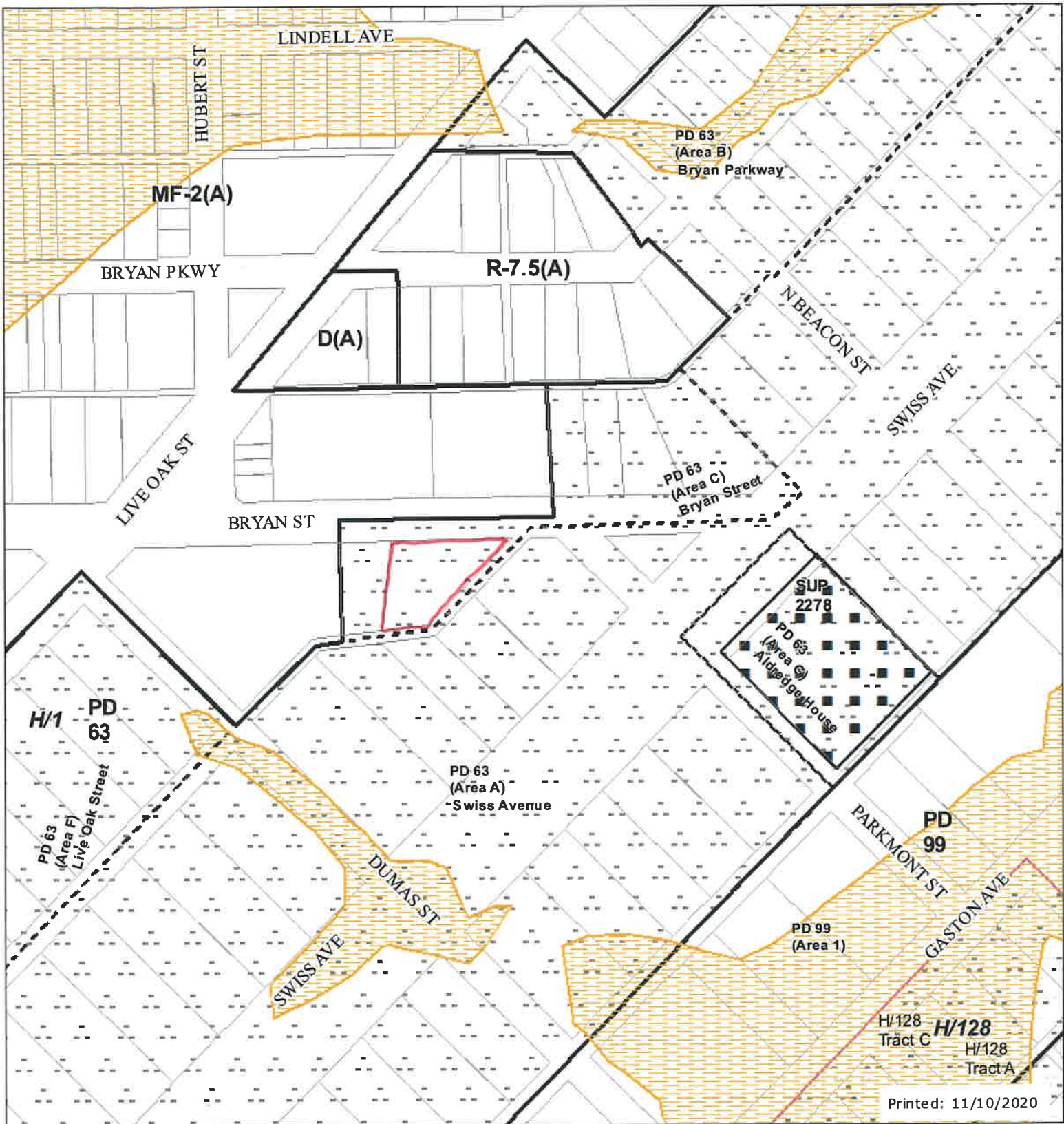
I hereby certify that Robert B Vaughan

did submit a request for a variance to the front yard setback regulations
at 5420 Bryan Street

BDA201-002. Application of Robert B Vaughan for a variance to the front yard setback regulations at 5420 BRYAN ST. This property is more fully described as Lot 6 and Part of Lot 7, Block R/1860, and is zoned PD 63 area C, H-1, which requires a front yard setback of 30 feet. The applicant proposes to construct a single family residential accessory structure and provide a 18 foot front yard setback, which will require a 12 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



Printed: 11/10/2020

Legend

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





ROBERT MOORE SURVEY

SURVEY PLAT

STATE OF TEXAS
COUNTY OF DALLAS

BEING LOT SIX (6) and part of Lot SEVEN (7), BLOCK R/1860 of MUNGER PLACE, an addition to the City of Dallas, Texas, according to the map thereof recorded in Volume 1, Page 524, Map Records of Dallas County, Texas, and being more fully described as follows:

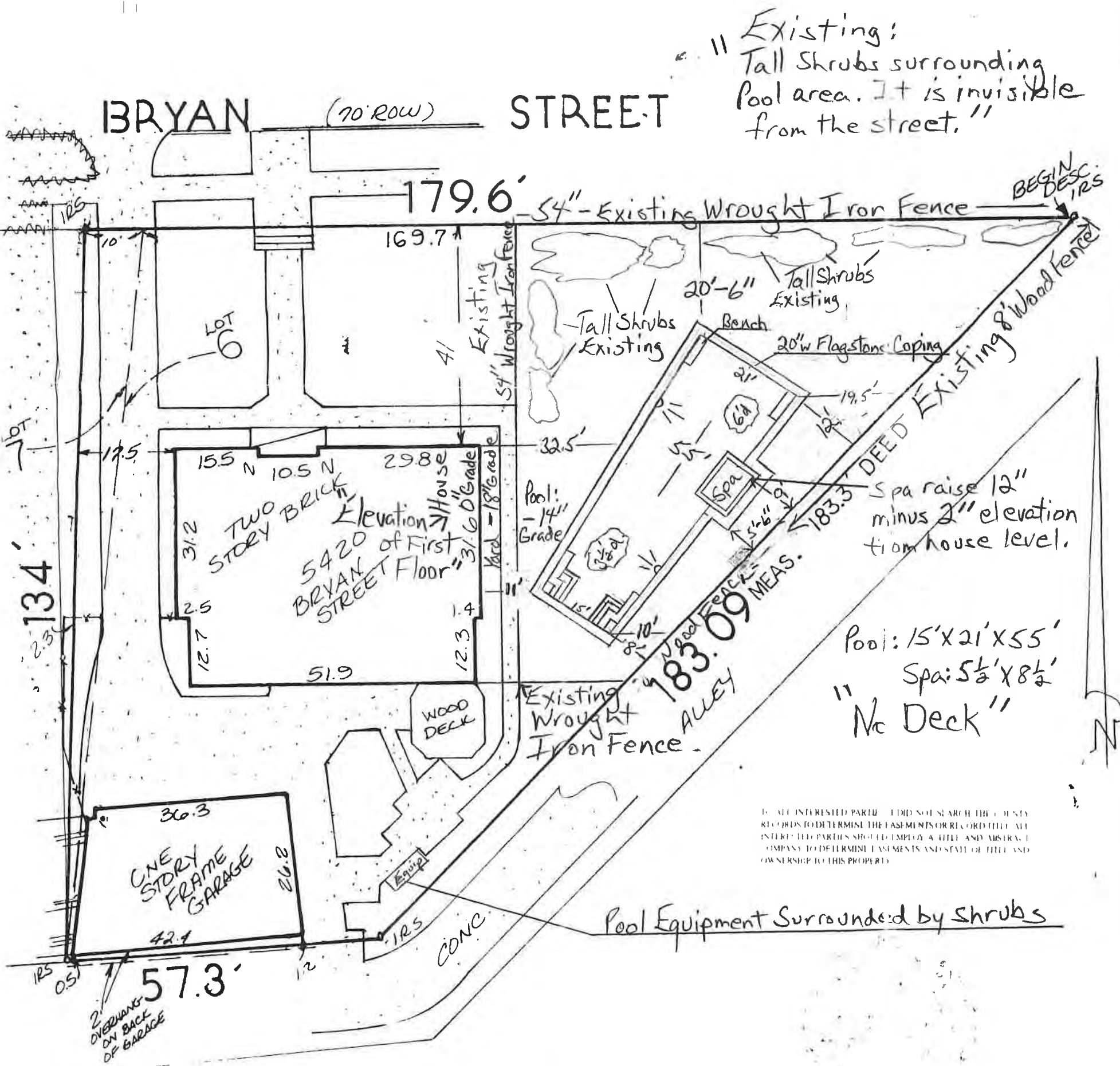
BEGINNING at an iron rod set in the South line of Bryan Street at the intersection of the West line of an alley running through said Block "R";

THENCE WEST along the South line of Bryan Street, 179.6 feet to an iron rod set for corner;

THENCE Southeasterly 134 ft. to the Southwest corner of said Lot 6, an iron rod set in the North line of said alley;

THENCE EAST along the North line of said alley, 57.3 feet to an iron rod set;

THENCE Northeast along the Northwest line of said alley, (183.3 feet deed) 183.09 feet measured to THE PLACE OF BEGINNING.



Existing;
Tall Shrubs surrounding
Pool area. It is invisible
from the street."

ALL INTERESTED PARTIES DID NOT SEARCH THE COUNTY RECORDS TO DETERMINE THE EASEMENTS OR RECORD TITLE. ALL INTERESTED PARTIES SHOULD EMPLOY A TITLE AND ABSTRACT COMPANY TO DETERMINE EASEMENTS AND STATE OF TITLE AND OWNERSHIP TO THIS PROPERTY.

Pool Equipment Surrounded by Shrubs

The plat hereon is a true, correct, and accurate representation of the property, as determined by on the ground survey, the lines and dimensions of said property being as indicated by the plat, the size, location and type of buildings and improvements are as shown, and improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown, and
THERE ARE NO ENCROACHMENTS OR PROTRUSIONS, EXCEPT AS SHOWN.
Scale: 1" = 20'
Date: 7-10-90
JOB No: 53144
This survey was performed FOR: (829-3999)
ROBERT VAUGHAN
USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

Paul A. Hidalgo
PAUL A. HIDALGO, REGISTERED
PROFESSIONAL LAND SURVEYOR
NO. 4490
JIMMY W. POGUE, INC.
3510 Marvin D. Love
Dallas, Texas 75224
371 0666

Robert Vaughan and spouse Vince Liggett are residents at 5420 Bryan Street, Dallas, Texas. We have contracted with Emerald Pools to construct an in-ground pool and spa in the fenced side yard at 5420 Bryan Street. We are requesting that the Board of Adjustment grant a variance to the front yard setback so that the pool and spa can be constructed as indicated on the plans submitted. No changes are proposed for the main building or the existing fence that surrounds the side yard on the east side of the main building.

Per item 10 of the Powers and Duties of the Board, we are requesting a variance of 22 feet 11 inches to the front yard setback. Regarding sub paragraphs (A), (B), and (C) this variance is not contrary to public interest. The variance is necessary to permit development of this property because it is of a restrictive shape and area that cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. This variance is not to permit any person a privilege in developing a property permitted to other properties with the same zoning.

There are only two single family residences on this block of Bryan Street, 5418 Bryan and 5420 Bryan. 5420 Bryan does not conform to the standards for Area C of the Swiss Avenue Historical District. Page 39, Section 19, (c), (1) states that Each lot must have a minimum depth of 150 feet, 5420 Bryan does not meet this minimum depth of 150 feet. The depth of our lot is 134 feet. That and the fact that our lot is of a very irregular shape as compared to the other lots on our block, neighborhood, and the Historical District. The frontage along Bryan Street is 179 feet, which is two to three times the width of the other single family properties with Bryan Street addresses. One side of our lot runs along an alley as well as the back lot line which is only 57 feet wide, the property does not share a side lot line with the neighbor to the east, that

property has a rear lot line along the alley. Because of the odd shape and non-confirming size the area where the pool is proposed is very much appropriate in size and style for this property, commensurate with other lots in the district that have pools and spas constructed on those properties. I have a list of exhibits with descriptions noted below.

EXHIBITS:

Exhibit A, a table that shows all the properties along Bryan Street and our neighbors that have pools either near our property or in the Neighborhood defined as 1DMS18. Please note that the property 5521 Swiss is composed of two lots, evident by the large frontage along the street.

Exhibit B 5420 Bryan Street, Area C Property Swiss Avenue Historic District

Exhibit C 5418 Bryan Street, Area C Property Swiss Avenue Historic District

Exhibit D 5501 Bryan Street, Area C Property Swiss Avenue Historic District

Exhibit E 5503 Bryan Street, Area C Property Swiss Avenue Historic District

Exhibit F 5507 Bryan Street, Area C Property Swiss Avenue Historic District

Exhibit G 5521 Bryan Street, Area C Property Swiss Avenue Historic District

Exhibit H 5527 Swiss Avenue

Exhibit I 5323 Swiss Avenue

Exhibit J 5411 Swiss Avenue

Exhibit K 5420 Swiss Avenue

Exhibit L 5315 Live Oak

Exhibit M 5204 Live Oak

Exhibit N 5214 Live Oak

Exhibit O 5220 Live Oak

Exhibit P 5316 Live Oak

	A	B	C	D	E	F	G	H	
1	EXHIBIT A								
2									
3	Address	Street	Lot Area sq ft	Frontage ft	Depth ft	Rear Lot Width ft	Pool	Spa	
4	5420	Bryan	16,166	179	134	57			
5	5418	Bryan	10,241	80	139	61			
6	5501	Bryan	8,960	56	160	55			
7	5503	Bryan	8,000	50	160	50			
8	5507	Bryan	11,900	70	170	37			
9	5521	Swiss 2 lots	19,602	152	173	71	x	x	
10	Area C Averages		12,478	98	156	55			
11									
12									
13	Neighbors [1DSM18 neighborhood] or within 500 feet with pool								
14	5527	Swiss	15,075	75	201	77	x	x	
15	5323	Swiss	33,439	119	281	119	x		
16	5411	Swiss	22,008	84	262	101	x		
17	5420	Swiss	28,520	124	230	124	x		
18	5315	Live Oak	29,940	221	171	253	x	x	
19	5204	Live Oak	21,075	75	281	78	x		
20	5214	Live Oak	18,265	65	281	65	x		
21	5220	Live Oak	18,265	65	281	67	x		
22	5316	Live Oak	21,075	75	281	74	x		
23	Neighbors Averages		23,074	100	252	106			

5420 Bryan

DCAD ID: 00000181684000000

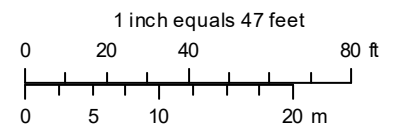
Date of copy: 12/29/2020



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Dallas, TX 75247-6195
(214) 631-1342
www.dallasdcad.org



DCAD, NCTCOG, USGS, Esri, Inc

5418 Bryan

DCAD ID: 00000181687000000

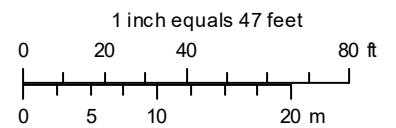
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5501 Bryan

DCAD ID: 00000182101000000

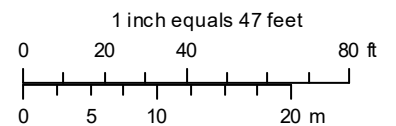
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5503 Bryan

DCAD ID: 00000182104000000

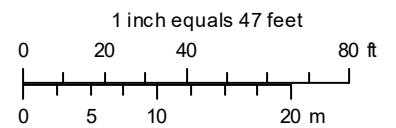
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5507 Bryan

DCAD ID: 00000182107000000

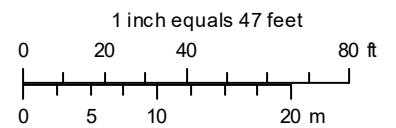
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Neighbor 1

DCAD ID: 00000182110000000

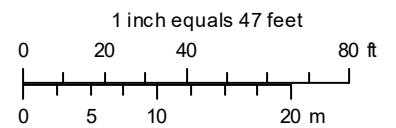
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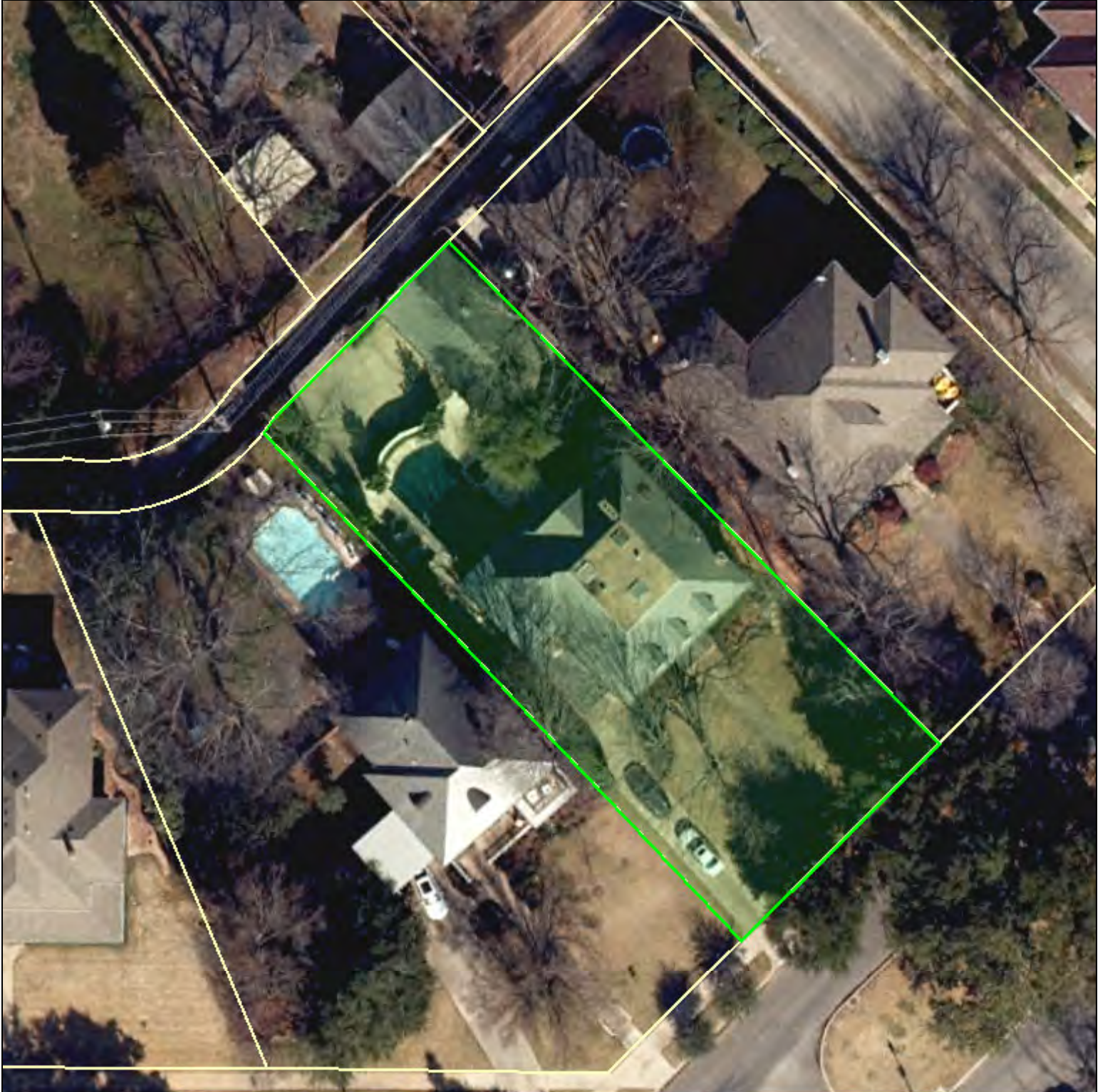


DCAD, NCTCOG, USGS, Esri, Inc

Neighbor 2

DCAD ID: 0000018211300000

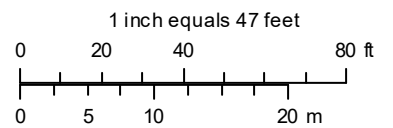
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5323 Swiss

DCAD ID: 00000156898000000

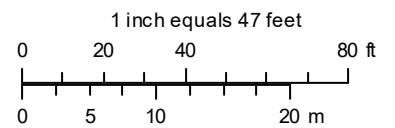
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neighbor 3

DCAD ID: 00000181672000000

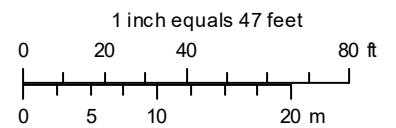
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5420 Swiss

DCAD ID: 00000181747000000

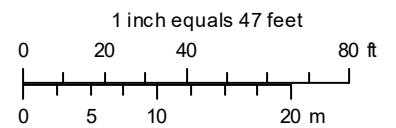
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5315 Live Oak

DCAD ID: 00000181594000000

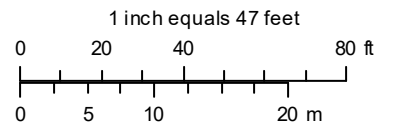
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DCAD, NCTCOG, USGS, Esri, Inc

5204 Live Oak

DCAD ID: 00000156916000000

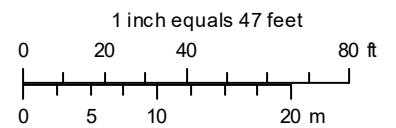
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 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
45	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-002**
 Date: **12/11/2020**

12/11/2020

Notification List of Property Owners

BDA201-002

45 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5420 BRYAN ST	VAUGHAN ROBERT B
2	5405 SWISS AVE	MCCOLL CASSANDRA A & ARCHIBALD C III
3	5411 SWISS AVE	Taxpayer at
4	5417 SWISS AVE	Taxpayer at
5	5421 SWISS AVE	FINLEY JAMES NEAL & LOUISE MCCLINTOCK
6	5439 SWISS AVE	MCDANIEL BARBARA JEAN
7	5418 BRYAN ST	BURGER NEIL R
8	5400 LIVE OAK ST	C & B POWER 5400 INC
9	5501 BRYAN ST	WEINBERGER RISA
10	5503 BRYAN ST	MOBLEY THERESA & ORAN
11	5507 BRYAN ST	DUNKERLEY JAMES F &
12	5421 BRYAN ST	HETRICK DENNIS W &
13	1302 HUBERT ST	PALAS DIANA
14	5407 BRYAN ST	MILLER SHERYL
15	5407 BRYAN ST	BELL MICHAEL CALDWELL
16	5407 BRYAN ST	YOUNGER SUZAN L
17	5407 BRYAN ST	SIMS TIMOTHY
18	5407 BRYAN ST	PATTERSON EARL T
19	5407 BRYAN ST	SMID SUSAN M
20	5407 BRYAN ST	MICMAHAN STEVEN ALLEN
21	5407 BRYAN ST	LONG LAURA KAREN
22	5407 BRYAN ST	HOCKENBERRY STEVEN S
23	5407 BRYAN ST	HALL LAUREN ELIZABETH
24	5407 BRYAN ST	GARCIA DIANA
25	5407 BRYAN ST	FOSTER TERESA
26	5407 BRYAN ST	SCHULTZ CHRISTOPHER &

12/11/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5407 BRYAN ST	WALLACE MARY E
28	5407 BRYAN ST	MULCH BRITTANY MEGAN
29	5407 BRYAN ST	FERNANDES MICHAEL & TERRI
30	5407 BRYAN ST	ECHOLS WILLIAM
31	5407 BRYAN ST	LE JENNIFER S
32	5407 BRYAN ST	GOUGH DONNA L TRUST
33	5407 BRYAN ST	HOOKER JACK HULEN
34	5407 BRYAN ST	FERNANDES CYRIL J
35	5407 BRYAN ST	CHABERSKI KIRK
36	5407 BRYAN ST	MINICK MATTHEW E
37	5407 BRYAN ST	MARCAU DE GANDOLFO ANA MARIA
38	5407 BRYAN ST	ZELENIAK ANN MARIE TRUST THE
39	5407 BRYAN ST	BIERSCHENK STEPHEN W
40	5407 BRYAN ST	FAVELA RICARDO
41	5407 BRYAN ST	HANSEN CARLY M
42	5407 BRYAN ST	DUBORD CATHERINE D
43	5407 BRYAN ST	HOOKER JACK HULEN
44	5407 BRYAN ST	REID KATHRYN
45	5407 BRYAN ST	DEORE WENDY

FILE NUMBER: BDA201-008(OA)

BUILDING OFFICIAL'S REPORT: Application of Jessica Brewer represented by Kevin Brewer for a variance to the front yard setback regulations at 4536 Garrison Street. This property is more fully described as Lot 10, Block B/5148, and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family residential structure and provide a 10-foot front yard setback, which will require a 15-foot variance to the front yard setback regulations.

LOCATION: 4536 Garrison Street

APPLICANT: Kevin Brewer

REQUEST:

A request for a variance to the front yard setback regulations of 15 feet is made to construct and maintain a one-story single family structure with a total of approximately 1,730 square feet, part of which is to be located 10 feet from one of the site's two front property lines (Kilburn Avenue) or 15 feet into this 25-foot front yard setback on a site that is undeveloped.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) zoning district in that it is restrictive in area due to having two, 25-foot front yard setbacks when most lots in this zoning district have one front yard setback. Additionally, the lot is restricted by only being 7,000 square feet when most lots in this zoning district are a minimum of 7,500 square feet. These restrictions make the subject property incapable of being developed in a manner commensurate with the development upon other parcels of land with the same zoning.
- Staff concluded that the applicant has shown by submitting a document indicating among other things that the total home size of the proposed home on the subject site at approximately 1,730 square feet is commensurate to 12 other homes in the same R-7.5(A) zoning district that have an average home size of approximately 2,340 square feet.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5(A) (Single family district)
- North: R-7.5(A) (Single family district)
- South: R-7.5(A) (Single family district)
- East: R-7.5(A) (Single family district)
- West: R-7.5(A) (Single family district)

Land Use:

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

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS /STAFF ANALYSIS:

The property is currently undeveloped and located in an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. This request for a 15-foot

variance to the front yard setback requirement focuses on constructing and maintaining a one-story single family structure with a total of approximately 1,730 square feet.

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

The submitted site plan indicates the proposed structure is located 10 feet from the Kilburn Avenue front property line or 15 feet into this 25-foot front yard setback.

According to DCAD records, there are "no main improvement" or "no additional improvements" for this property.

The subject site is flat, rectangular (approximately 140 feet by 50 feet), and according to the submitted application is 0.160 acres (or approximately 7,000 square feet) in area. The site is zoned an R-7.5(A) District where lots are typically 7,500 square feet in area. Most lots in the R-7.5(A) zoning district have one 25 foot front yard setback, two five-foot side yard setbacks, and one five-foot rear yard setback. As noted, this site has two 25-foot front yard setbacks and two five-foot side yard setbacks. The submitted site plan represents that approximately 40 percent of the structure is located in the 25-foot Kilburn Avenue front yard setback. No variance would be necessary if the Kilburn Avenue frontage were a side yard since the site plan represents that the proposed home is 10 feet from the Kilburn Avenue property line which would exceed the five-foot side yard setback for properties zoned an R-7.5(A) District.

The applicant has submitted a document indicating among other things that the total home size of the proposed home on the subject site is approximately 1,730 square feet, and the average of 12 other properties in the same zoning is approximately 2,340 square feet.

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

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

If the board were to grant the variance request and impose the submitted site plan as a condition, the single-family structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 10 feet from the site’s Kilburn Avenue front property line (or 15 feet into this 25-foot front yard setback).

Timeline:

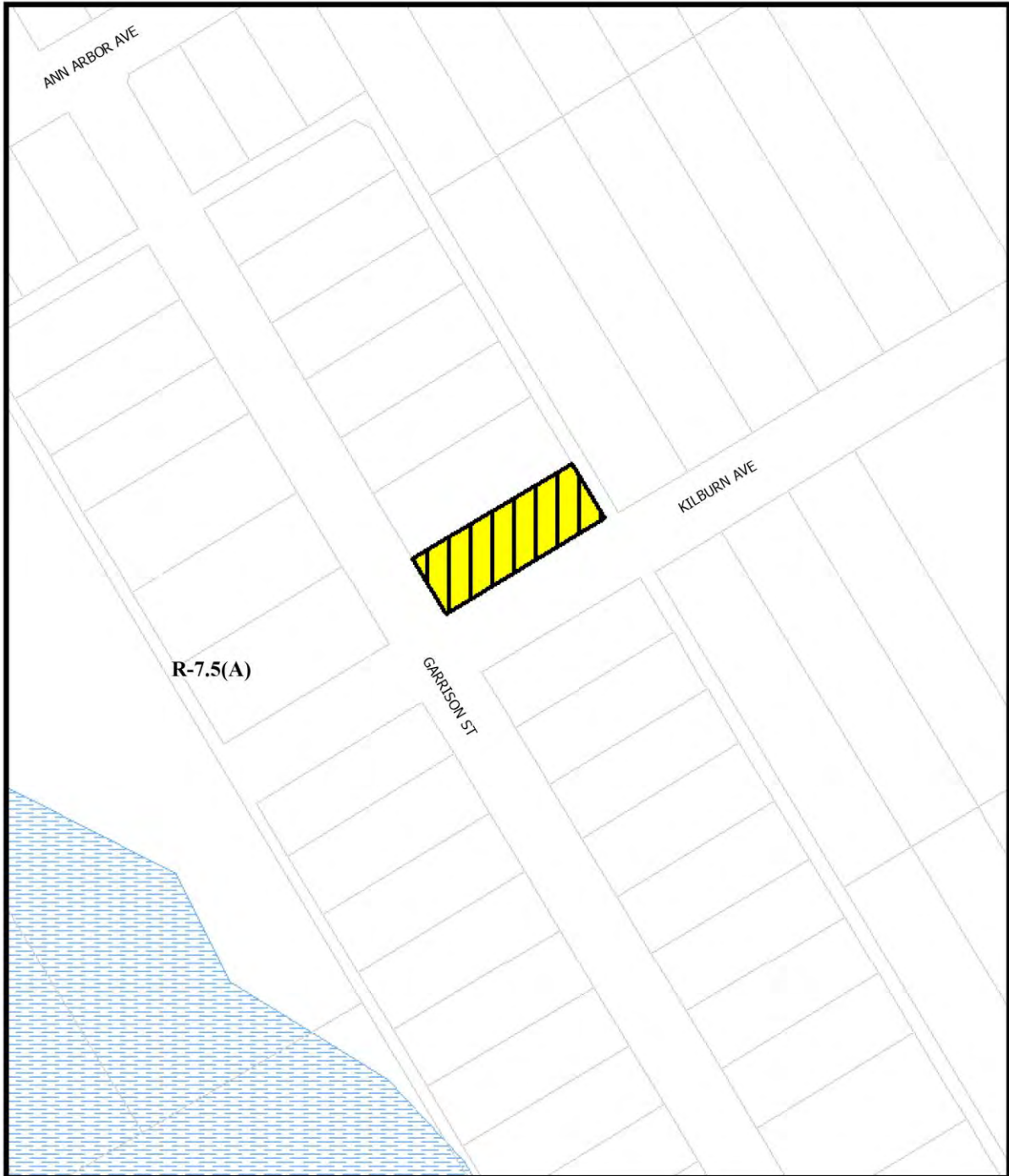
- November 20, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- December 9, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.
- December 11, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the December 28, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the January 8, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

December 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

December 31, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

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



1:1,200

ZONING MAP

Case no: **BDA201-008**

Date: **12/14/2020**



1:1,200

AERIAL MAP

Case no: BDA201-008

Date: 12/14/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-008

Data Relative to Subject Property:

Date: 11-20-2020

Location address: 4536 GARRISON AVE DALLAS, TX Zoning District: R 7.5(A)

Lot No.: 10 Block No.: B15148 Acreage: .160 Census Tract: 84.04

Street Frontage (in Feet): 1) 50' 2) 140' 3) 125' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Preferred Innovations LLC

Applicant: Jessica Brewer Telephone: 972-921-4766

Mailing Address: 280 Brookbend WAXAHACHIE, TX Zip Code: 75115

E-mail Address: preferredinnovationsllc@gmail.com

Represented by: Kerwin Brewer Telephone: 972-8805100

Mailing Address: 280 Brookbend Dr WAXAHACHIE, TX Zip Code: 75115

E-mail Address: preferredinnovationsllc@gmail.com

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

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

Requesting side setback along Kilburny be changed to 10 ft to match location of original home. AS WELL AS match the City approved home built in 2019 on the exact adjacent lot at 4102 Garrison Ave.

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

Affidavit

Before me the undersigned on this day personally appeared Jessica Brewer (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 17 day of November, 2020



[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

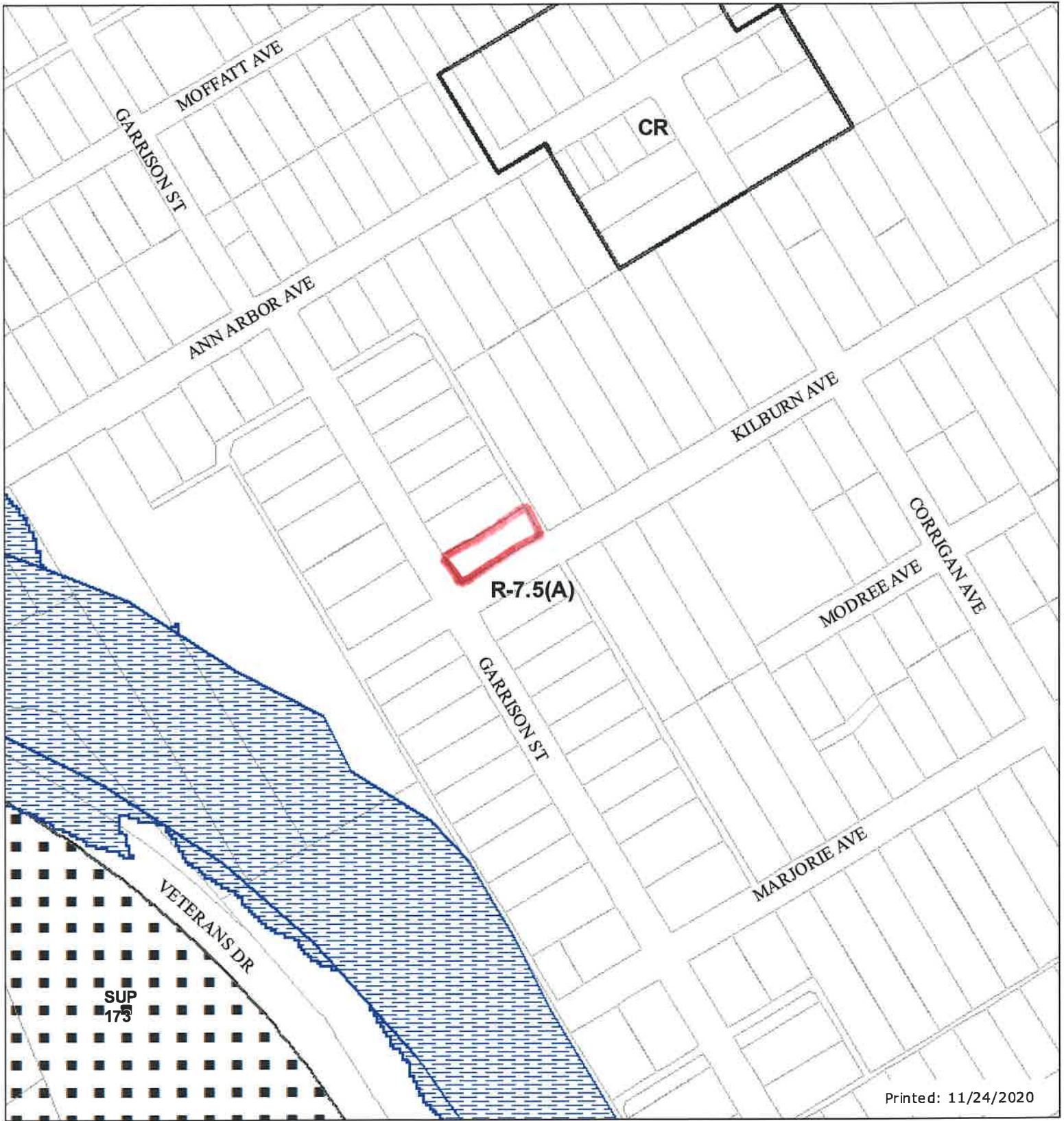
Building Official's Report

I hereby certify that Jessica Brewer
represented by KEVIN BREWER
did submit a request for a variance to the front yard setback regulations
at 4536 Garrison Street

BDA201-008. Application of Jessica Brewer represented by KEVIN BREWER for a variance to the front yard setback regulations at 4536 GARRISON ST. This property is more fully described as Lot 10, Block B/5148, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback, which will require a 15 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



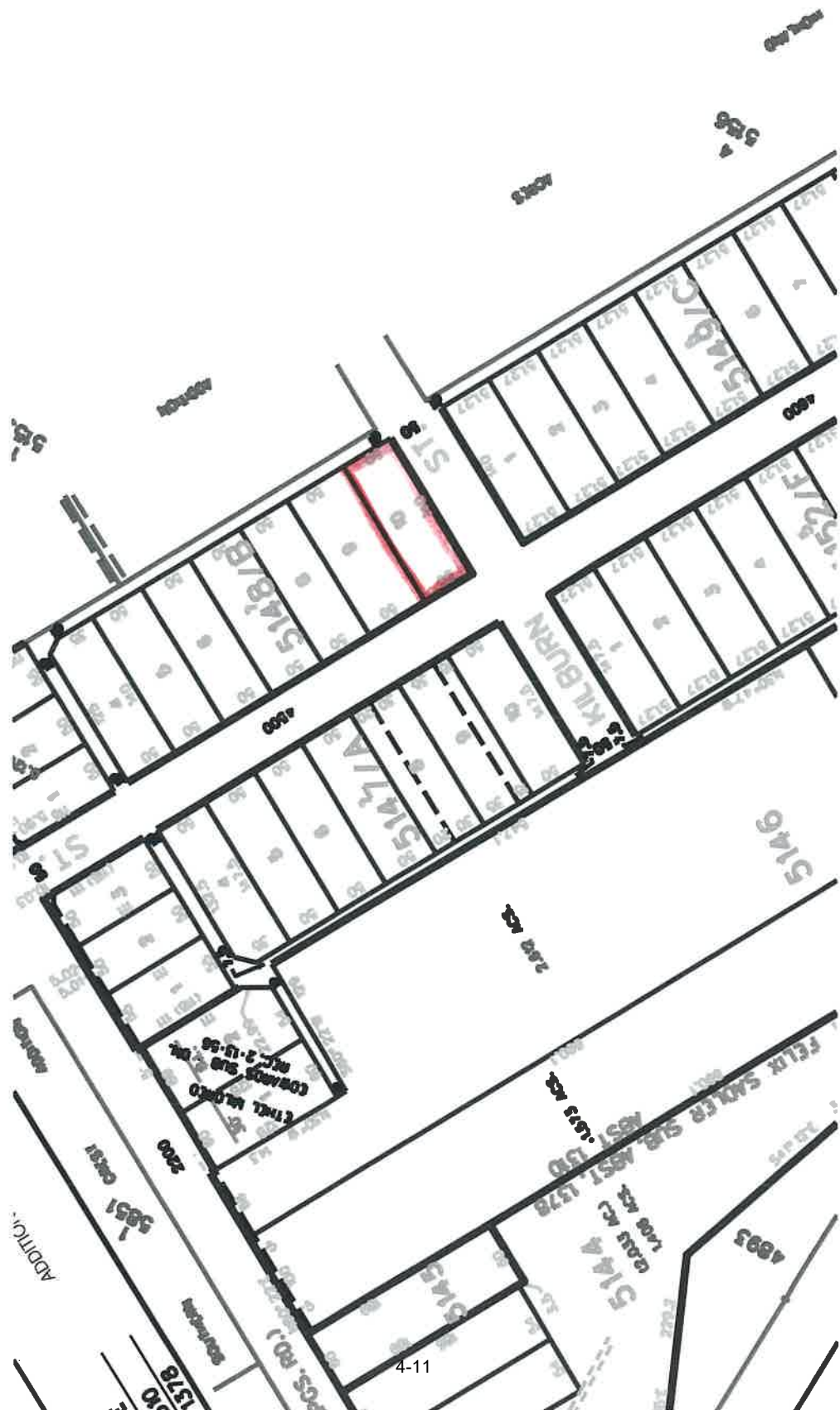
Printed: 11/24/2020

Legend

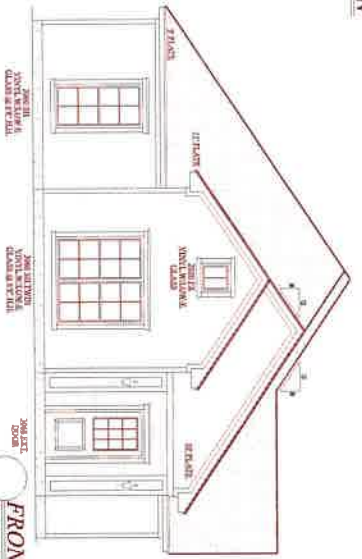
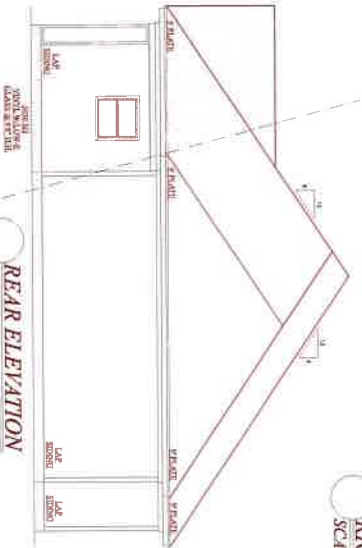
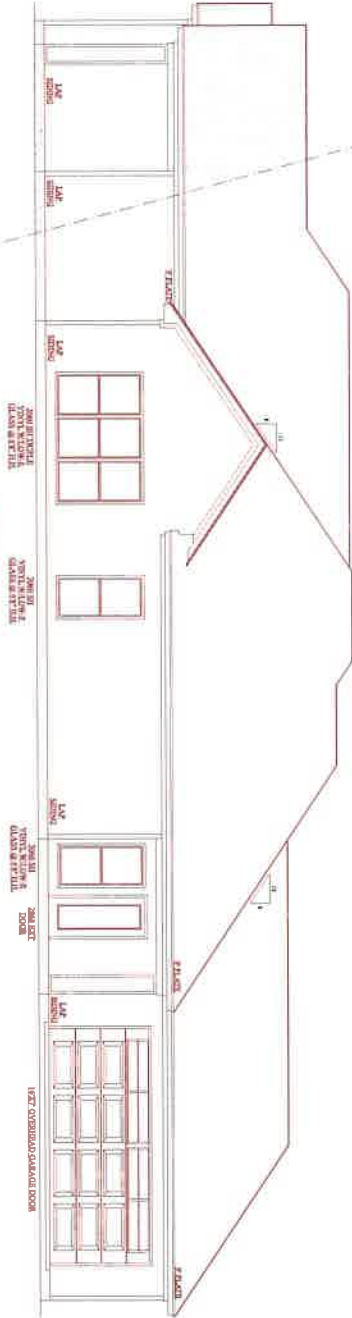
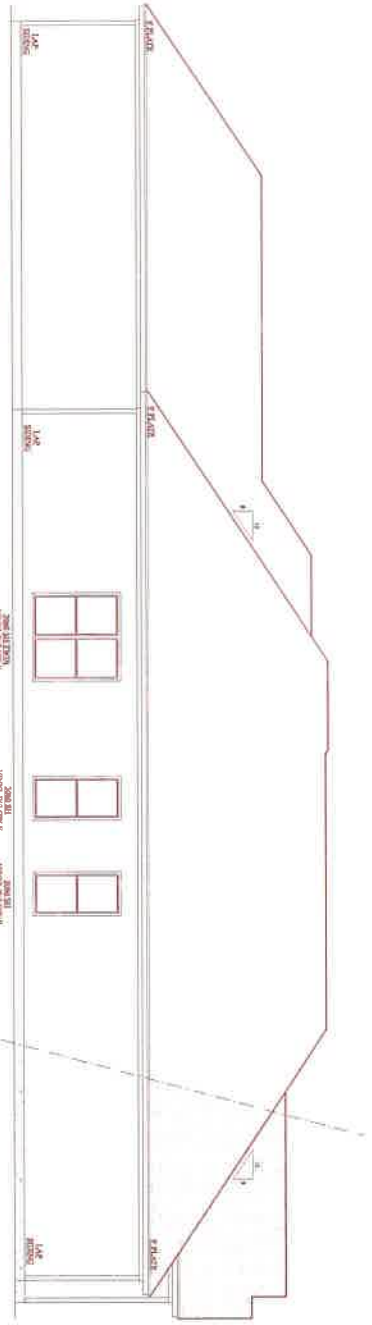
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 4-10 Front Overlay |
| | | Height Map Overlay | |

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





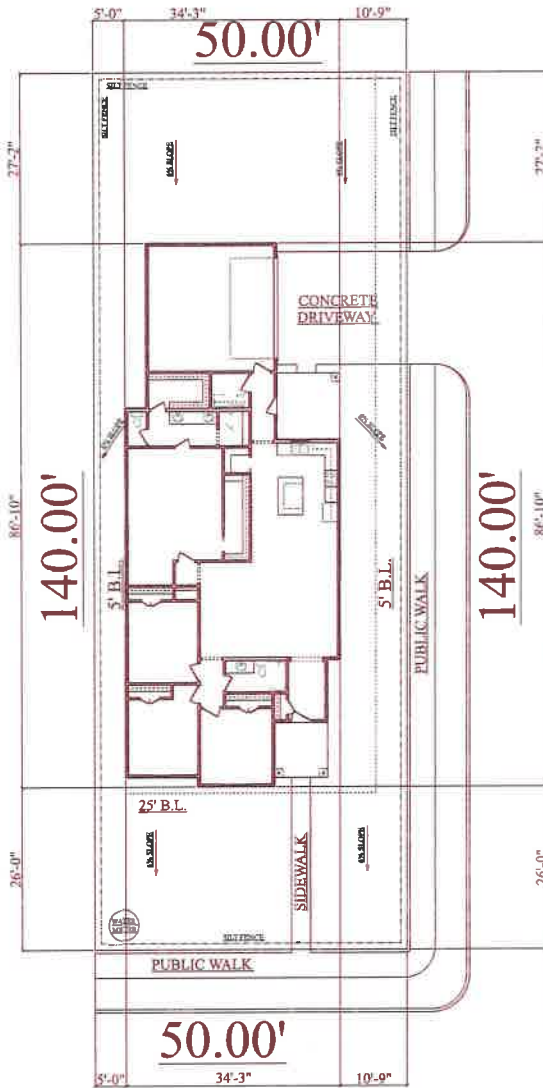
Reference only



Plan, Section, Elevation and Detail drawings are prepared by the Architect in accordance with the requirements of the International Building Code (IBC) and the International Residential Code (IRC) as adopted by the City of Dallas, Texas. The Architect is not responsible for the accuracy of the information provided by the client. The Architect is not responsible for the accuracy of the information provided by the client. The Architect is not responsible for the accuracy of the information provided by the client.

- NOTES:**
1. These plans are intended to provide the basic information for the construction of the project. They are not intended to be used as a substitute for the actual construction documents.
 2. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities.
 3. The owner is responsible for providing all necessary information and data for the design of the project.
 4. The owner is responsible for providing all necessary information and data for the design of the project.
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 15. The owner is responsible for providing all necessary information and data for the design of the project.

LOT 10 BLOCK B/5148
EVELYN HEIGHTS
DALLAS, TEXAS
DALLAS COUNTY



KILBURN AVE

4536 GARRISON

VARIANCE REQUEST:
 Requesting 10 ft setback to match location of original house
 AS WELL as match the City approved house
 built in 2019 on the exact adjacent lot.

WATER DRAINAGE
 EASEMENT PLAN

SITE PLAN
 SCALE: 1" = 20'-0"



APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

Zoning R-7.5
 Fire Limits _____
 OC I TC II
 Checked and Approved by JG
 Date 8-23-61
 San. Map Page _____

Building Inspection Division

Public Works Department
 CITY OF DALLAS, TEXAS

Block No. B/5149
 Lot 10
50 X 160
 Plans Sub. _____
 Inspector 11
 Permit No. M-4279
 Appl. No. 7-27

(Above to be filled in by Permit Clerk)
 (Below to be filled in by Applicant)

SUBMIT PLANS IN DUPLICATE

To the Building Inspector:

Application is hereby made for a building permit to cover the following described work:

Repair damaged lumber on siding with new or better material on side of front side of street. Also want to repair improved part of windows on same side of house.

(Use reverse side if necessary)

NOTE: Permit will cover only the work requested by written application.

Property located at (Street and Number) Harrison Street 4536

Lot size _____ Lot _____ Block No. _____

Owner of Land: Name T. B. Lovejoy Address 4536 Harrison, Dallas, TX

Owner of Building (if not same as owner of Lot) _____

Contractor: Name none Address _____

Plans by _____ Address _____

Source of Water Supply: City of Dallas _____ Independent System _____

Gas _____ Butane _____ Private Well _____ Other _____ City Sewer _____

Have lot lines been determined by surveyor? _____ Is Septic Tank to be used? _____
(Must be certified if requested by the Building Inspector)

Request is made for a Certificate of Occupancy, or approval of continued use, of the above premises upon which application for Building Permit is made **WHICH PREMISES WILL BE USED FOR:**

my home or dwelling.

(Give all uses to which building is to be put, using reverse side if necessary)

Cost of Plumbing & Fixtures \$	Cost of Elevators \$
Cost of Wiring & Fixtures \$	Cost of Sprinkler System \$
Cost of Heating Equipment \$	Cost of Air Conditioning \$

COST OF ALL WORK TO BE DONE UNDER THIS PERMIT: Total Value \$22.00

I agree to allow no work on which separate permits are required (such as elevators, signs, gasoline tanks, plumbing installation, electrical work, awnings, etc.) to be done until such permits are obtained. I have carefully examined and read the completed application and know the same to true and correct and hereby agree that if a permit is issued, all the provisions of the City Ordinances and State Laws will be complied with, whether herein specified or not. I further agree to comply with all property restrictions. I am the owner of the above property or his duly authorized agent. Permission is hereby granted to enter premises and make all inspections.

Address 4536 Harrison, Dallas 16 Signed T. B. Lovejoy

Phone No. F.R. 1-7154 Date Aug 21/61 By T. B. Lovejoy

VALID ONLY WHEN ACCOMPANIED BY FEE RECEIPT

DIVISION OF BUILDING INSPECTION

PUBLIC WORKS DEPARTMENT

CITY OF DALLAS, TEXAS

PERMIT

For the erection, extension, repairing, demolition of buildings or parts thereof as provided in the Dallas Building Ordinances

Reading *R-75*

Fire Limits *See Plans*

Occupancy *T*

Type Code *T*

San. Map Page *1-1*

Location *1576 Lantana*

Use *Garage*

Permit for *To build a one-story frame garage on lot 12711 of Block D, Subd. C*

Owner of Lot *T. C. Lockhart #536*

Owner of Encumbrance *None*

Contractor *None*

Issued by *None*

Remarks *None*

Plot No. *B-512*

Lot No. *10*

Block No. *30*

Place No. *None*

Inspector *None*

Permit No. *None*

Front

Rear

Side III

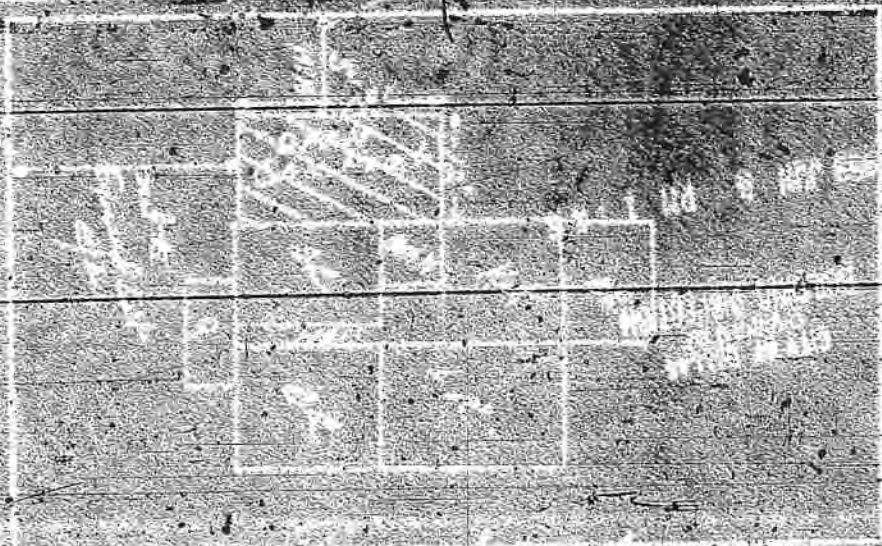
Side

Reading *None*

San. Map *None*

San. Sys. *W.D. #*

Estimate Total Cost *None*



Front Footing

W. S.

Back

Side

Front

Area

Volume

Volume of Dig. *None*

Application No. *None*

Checked and Approved for City of Dallas, Texas
"A" Index

CITY OF DALLAS
DEPT. OF PUBLIC WORKS

By *None*

Date *None*

Total = ft

Total sq. ft

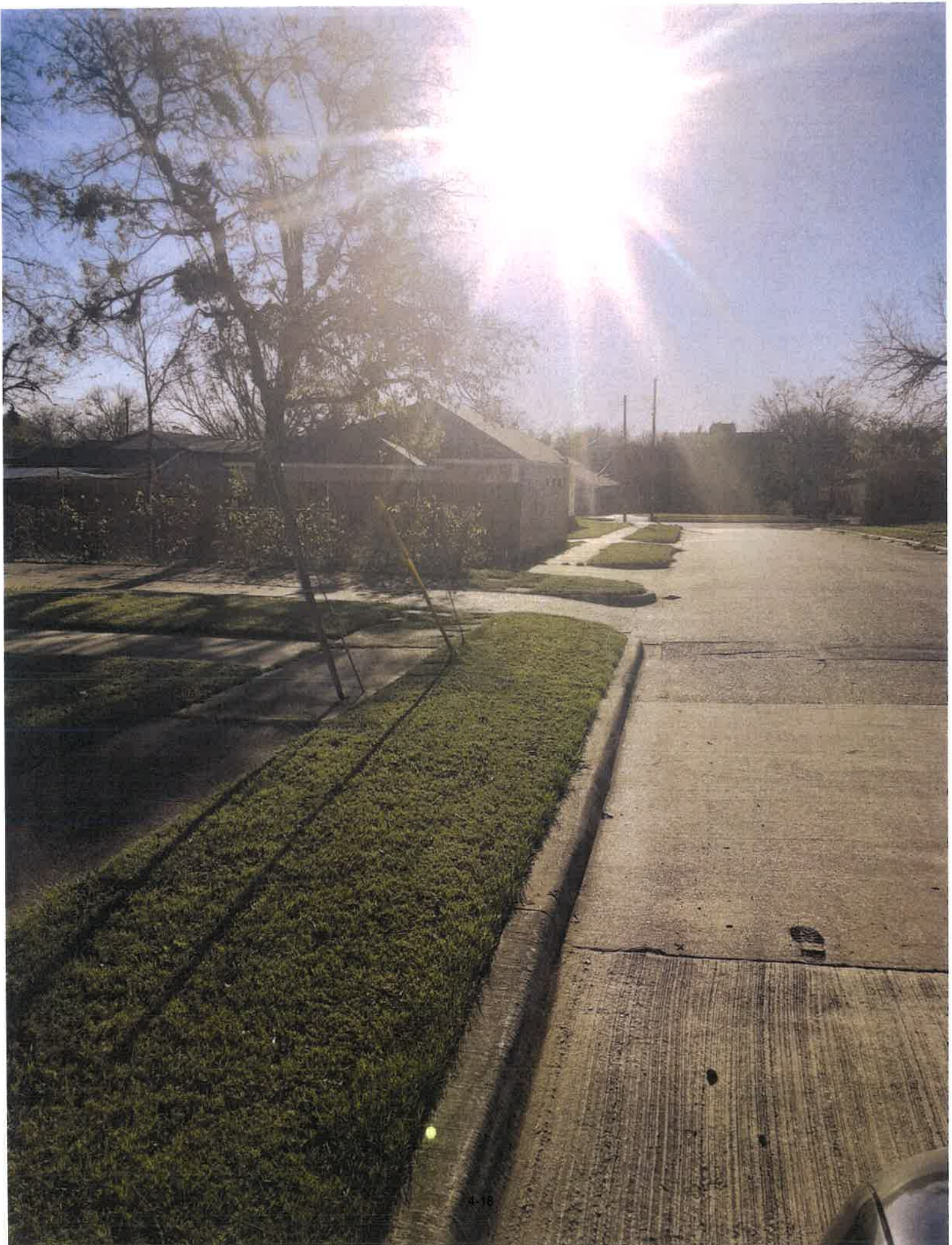
sq. ft. of

Vol. of ft

Vol. of ft

Total Vol

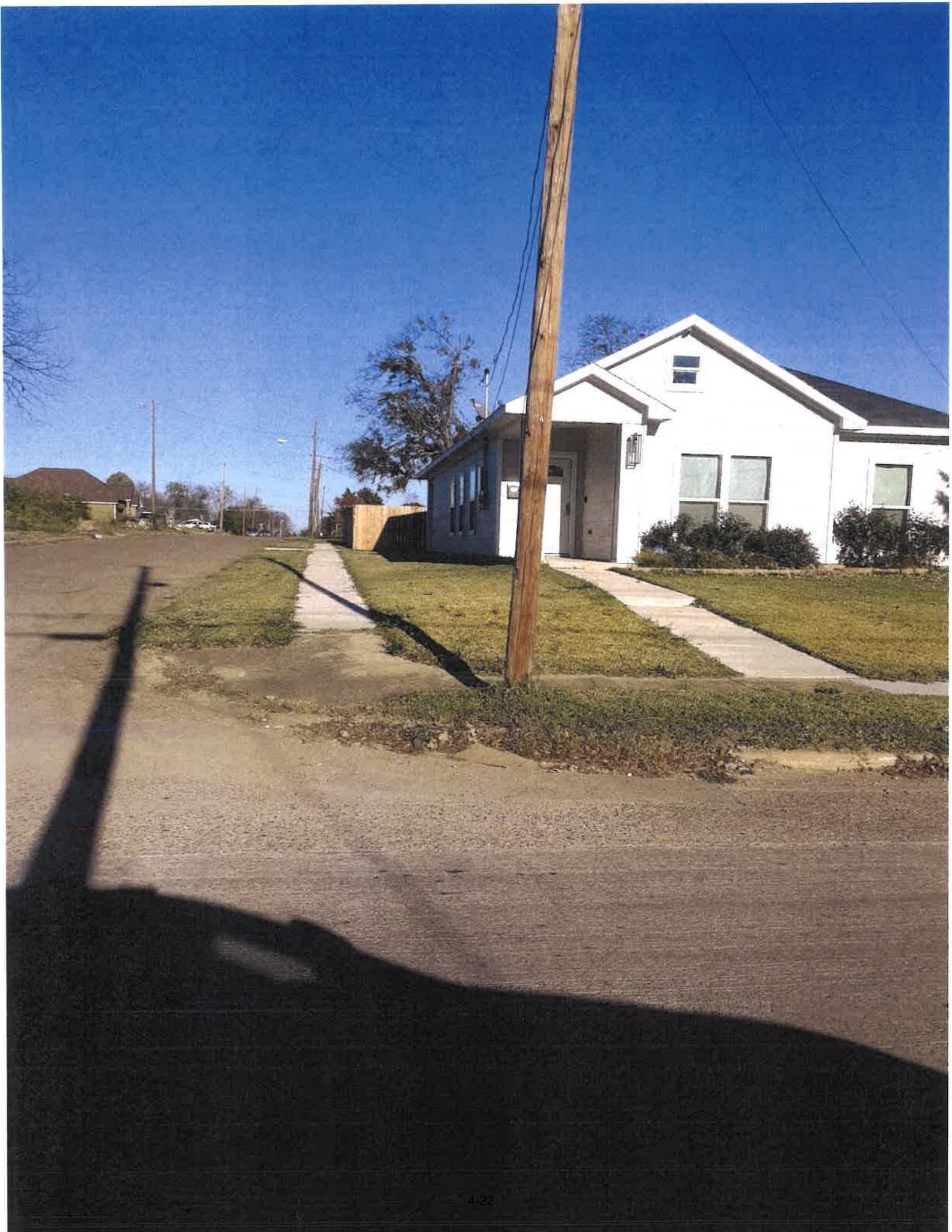
Add Vol

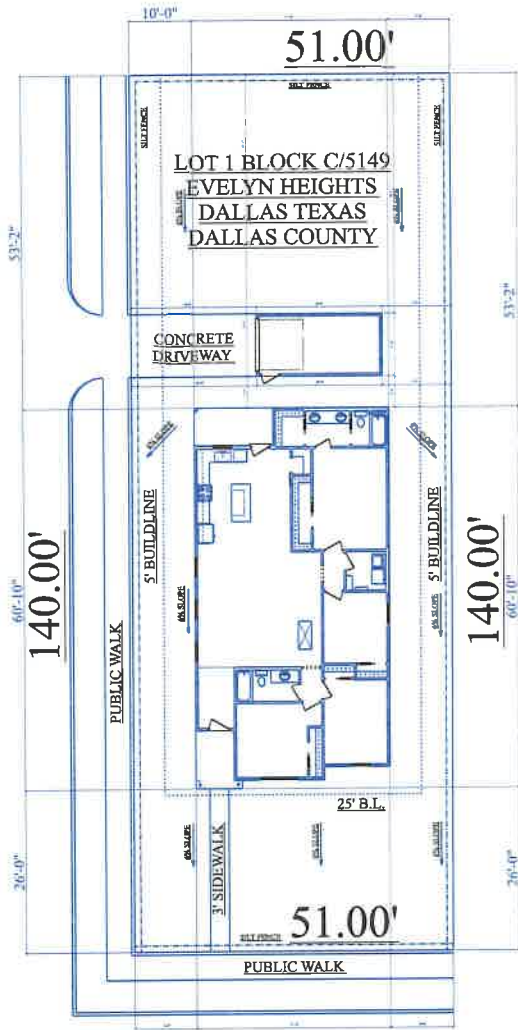












4602 GARRISON ST

WATER
DRAINAGE
PLAN

SITE PLAN
SCALE: 1" = 20'-0"



130 CHESTNUT DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE # 972.915.9710
WWW.PLAN-MASTER.COM



JUNE 5th, 2019
4-23
A NEW SINGLE FAMILY HOME
TO BE LOCATED @ 4602 GARRISON
LOT 1 BLOCK C/5149 - EVELYN HEIGHTS
DALLAS, TEXAS
DALLAS COUNTY

**SIMMONS
HOME
BUILDERS**



Dallas homes zoned R.75 that do not have 25ft side set backs.

1801 MICHIGAN, DALLAS, TX 75216



1734 MICHIGAN, DALLAS, TX 75216



2503 51ST ST, DALLAS, TX 75216



2602 MODREE, DALLAS, TX 75216



2270 ANN ARBOR, DALLAS, TX 75216



2668 ANN ARBOR, DALLAS, TX 75216



1703 S MARSALIS, DALLAS, TX 75216



5353 BONITA, DALLAS, TX 75206



5303 BONITA, DALLAS, TX 75206



5330 BONITA, DALLAS, TX 75206



1632 MICHIGAN, DALLAS, TX 75216



1901 ALASKA, DALLAS, TX 75216



1) Zoning is R75A- requires a lot to be a minimum of 7500 square feet.

My Lot is only 7000 square feet.

2) Average structure size is 2341 square feet.

My structure is only 2000 square feet.

Average lot is 7307 square feet.

My lot is only 7000 square feet.

5001 STANFORD AVE	8740 LOT	3196 STRUCTURE
5007 STANDFORD AVE	7373 LOT	2482 STRUCTURE
5127 STANDFORD AVE	7694 LOT	3476 STRUCTURE
7301 OAKMORE DR	7160 LOT	2392 STRUCTURE
7305 OAKMORE DR.	6570 LOT	1911 STRUCTURE
7309 OAKMORE DR.	6632 LOT	2201 STRUCTURE
9624 WHITE ASH	7081 LOT	1911 STRUCTURE
9620 WHITE ASH	7157 LOT	2165 STRUCTURE
9616 WHITE ASH	7104 LOT	2106 STRUCTURE
1734 MICHIGAN AVE	7377 LOT	1924 STRUCTURE
1801 MICHIGAN AVE	7585 LOT	2262 STRUCTURE
1632 MICHIGAN AVE	7216 LOT	2060 STRUCTURE



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">16</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	16	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA201-008</u> Date: <u>12/14/2020</u>
200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/11/2020

Notification List of Property Owners

BDA201-008

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4536 GARRISON ST	PREFERRED INNOVATIONS LLC
2	4521 GARRISON ST	TANDEES ENTERPRISES INC
3	4525 GARRISON ST	LAGOW DEVELOPMENT PROJECT LLC
4	4529 GARRISON ST	JAIMES IRMA
5	4537 GARRISON ST	JOYFUL TABERNACLE CHURCH INC
6	4520 GARRISON ST	Taxpayer at
7	4524 GARRISON ST	CALVO ARMANDO RODRIGUEZ &
8	4528 GARRISON ST	VILLANUEVA ANA &
9	4532 GARRISON ST	HERNANDEZ LORENZO & GUADALUPE BAIRES
10	4602 GARRISON ST	BICKHAM WILLIE LEE III &
11	4606 GARRISON ST	PUENTE FRANCISCO & MARTHA CALVILLO
12	4610 GARRISON ST	GOMEZ LEOBARDO
13	4601 GARRISON ST	AGUILAR SONIA MARGARITA &
14	4607 GARRISON ST	KOLOBOTOS PROPERTIES LLC
15	4609 GARRISON ST	GOMEZ LEOBARDO &
16	2431 KILBURN AVE	TRUE BELIEVERS COMMUNITY DEVELOPMENT CORP

FILE NUMBER: BDA201-010(OA)

BUILDING OFFICIAL'S REPORT: Application of Thomas W. Taylor for a variance to the floor area for structures accessory to single-family uses regulations at 4516 Bluffview Boulevard. This property is more fully described as the Northeast 1/2 of Lot 2, Block O/4984, and is zoned Planned Development District No. 455 (Subdistrict B), in which all accessory structures may not exceed 50 percent of the floor area of the main structure. The applicant proposes to construct and maintain all single family residential accessory structures with 1,761 square feet of floor area (67.8 percent of the 2,598-square-foot floor area of the main structure), which will require a 462-square-foot variance to the floor area ratio regulations.

LOCATION: 4516 Bluffview Boulevard

APPLICANT: Thomas W. Taylor

REQUESTS:

A request for a variance to the floor area regulations of 462 square feet (or 67.8 percent) for structures accessory to single-family uses is made to construct and maintain an accessory structure with 512 square feet of floor area. The proposed additional accessory structure would raise the total floor area to 1,761 square feet for all accessory structures, which is 67.8 percent of the existing 2,598-square-foot floor area of the main structure on a site that is developed with a single-family home.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

- (C) not granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land with the same zoning.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is restrictive in area due to being smaller in lot size than nine lots in Planned Development District No. 455 (Subdistrict B). Ultimately, the lot cannot be developed in a manner commensurate with the development upon other parcels of land within PD No. 455.
- The applicant submitted a document (**Attachment A**) indicating, among other things, that the proposed addition on the subject site is commensurate to nine other lots in the same zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: Planned Development District No. 455 (Subdistrict B)
North: Planned Development District No. 455 (Subdistrict B)
South: R-10(A) (Single Family District)
East: Planned Development District No. 455 (Subdistrict B)
West: Planned Development District No. 455 (Subdistrict B)

Land Use:

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

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on constructing and maintaining an accessory structure with 512 square feet of floor area. The proposed additional accessory structure would raise the total floor area to 1,761 square feet for all accessory structures, which is 67.8 percent of the existing 2,598-square-foot floor area of the main structure on a site that is

developed with a single-family home. The site is located in Planned Development District No. 455 (Subdistrict B) which refers to the R-10(A) Single Family District regulations within the Dallas Development Code and where the maximum lot coverage for residential structures is 45 percent. Furthermore, the Dallas Development Code states that the total floor area of all accessory structures on a lot may not exceed 50 percent of the floor area of the main building.

DCAD records indicate the following improvements for the property located at 4516 Bluffview Boulevard: “main improvement: a structure with 3,045 square feet of living area built-in 2012” and “additional improvements: a 156-square-foot storage building and a 456-square-foot detached carport”.

The submitted site plan makes the following notations:

- Existing house: 2,598 square feet.
- Total floor area for accessory structures: 1,761 square feet
- Proposed studio accessory structure: 512 square feet.
- Guest room: 484 square feet.
- Daughter’s Room: 619 square feet
- Carport: 156
- Maximum floor area for accessory structures: 50 percent.
- Total floor area of all accessory structures: 67.8 percent.

The site plan represents that the proposed accessory structure would push the total floor area for the collection of accessory structures to exceed the maximum of 50 percent floor area of the main building requirements on the subject site.

The subject site is rectangular, flat, and according to the application, is 0.55 acres (or approximately 24,000 square feet) in area. The site is zoned PD No. 455 where lots are a minimum of 21,780 square feet in area for Subdistrict B.

The applicant has submitted a document indicating among other things that the total home size and proposed additional improvements on the subject site is 4,359 square feet, and the average of nine other properties in the same zoning have a lot average of 25,500 square feet with about 5,968 square feet in improvements.

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

- That granting the variance to the floor area regulations for structures accessory to single-family uses 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 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 zoning classification.

If the board were to grant a variance to the floor area regulations for structures accessory to single-family uses and impose the submitted site plan as a condition, the building footprints of the structures on the site would be limited to what is shown on this document.

Timeline:

November 25, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

December 9, 2020: The Board of Adjustment Secretary assigned this case to the Board of Adjustment Panel A.

December 11, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 28, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the January 8, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

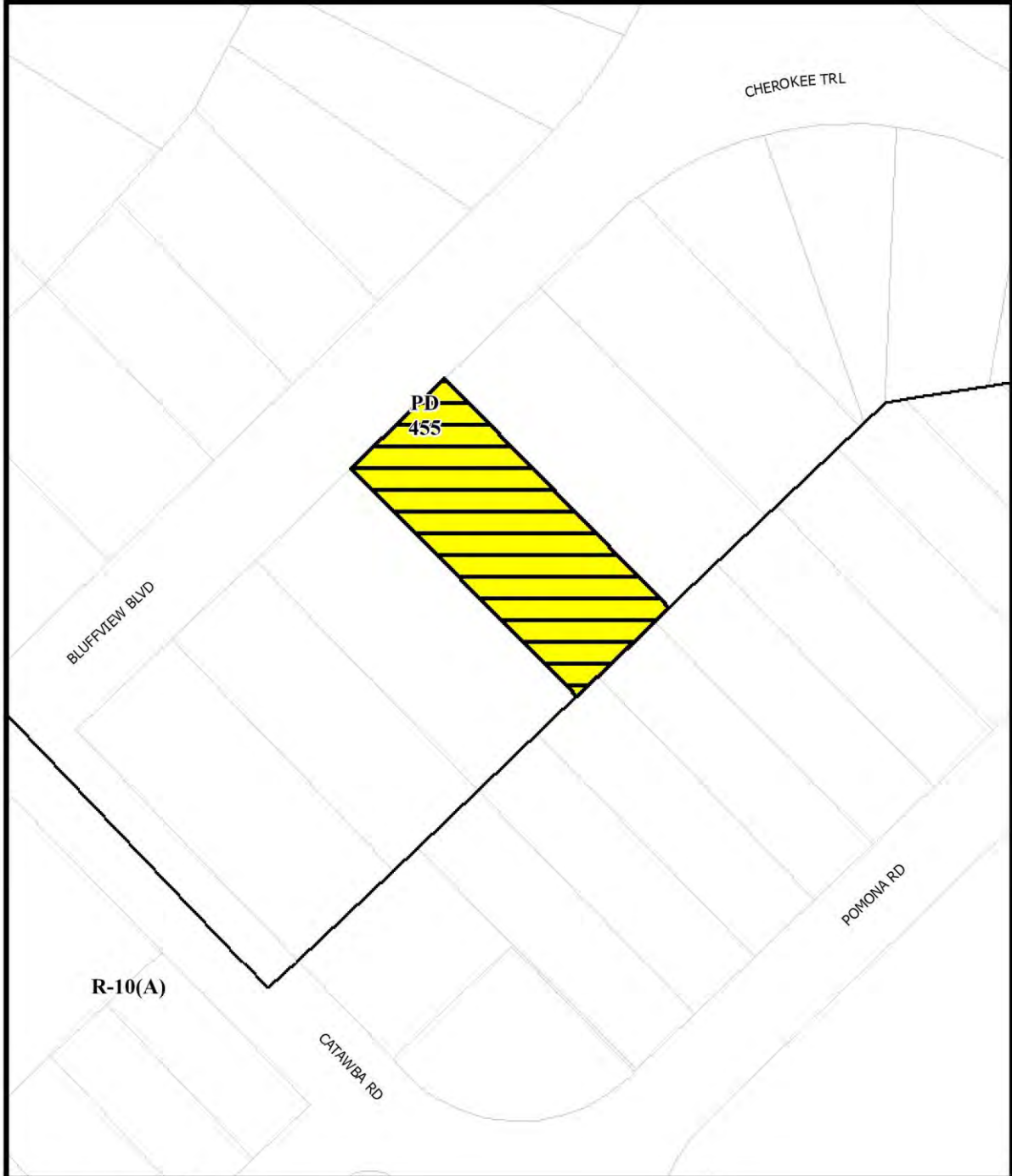
December 23, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

December 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Sing Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

December 31, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment B**).

January 5, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment C**).

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

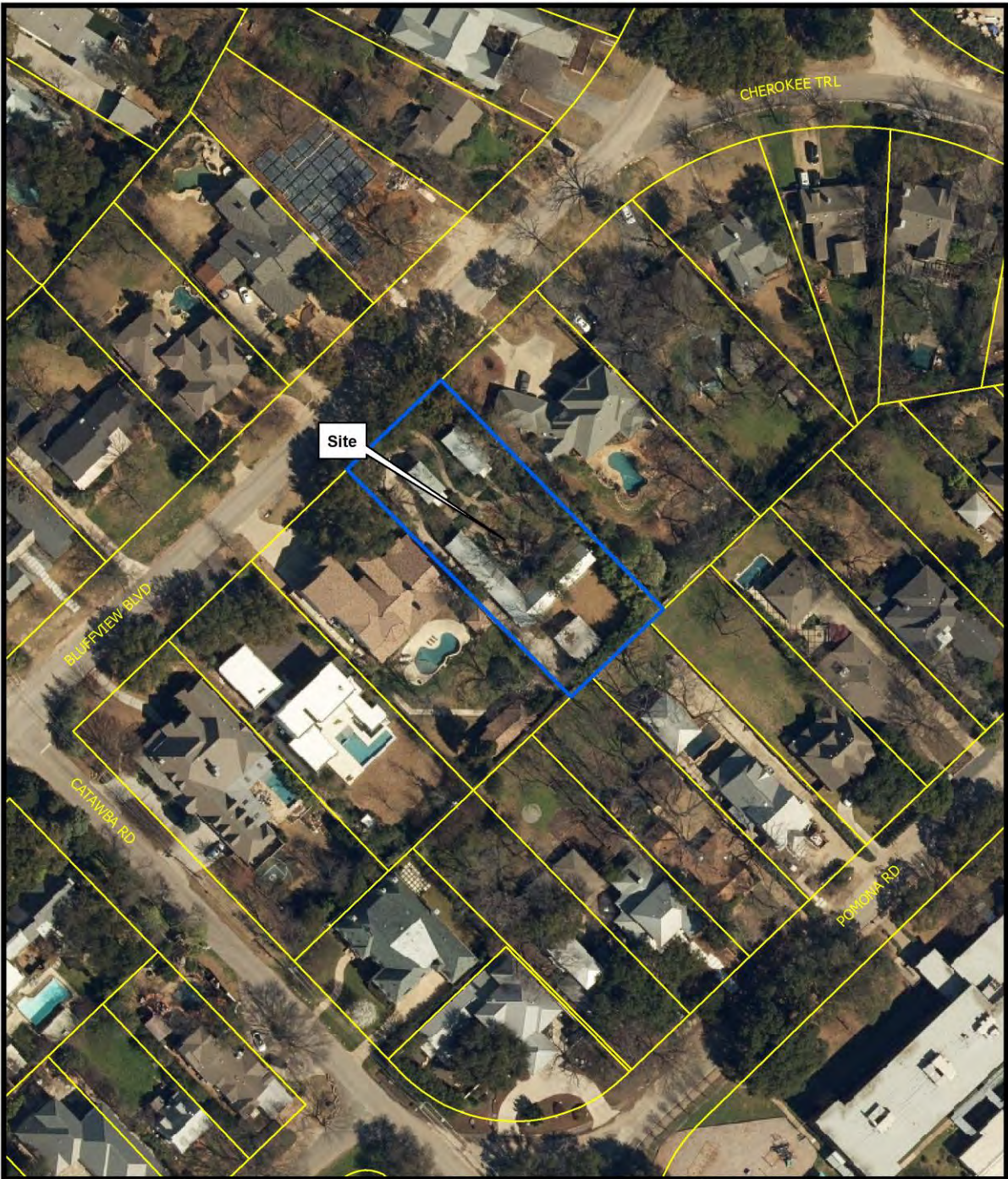


1:1,200

ZONING MAP

Case no: BDA201-010

Date: 12/14/2020



1:1,200

AERIAL MAP

Case no: BDA201-010

Date: 12/14/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-010

Data Relative to Subject Property:

Date: 11-25-20

Location address: 4516 Bluffview Zoning District: PD. 455

Lot No.: 1/2 # 2 Block No.: 0/4984 Acreage: .550 ~~27,000 sq ft~~ Census Tract: 73.02

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Thomas W. Taylor + Diane Lindsay Taylor

Applicant: Thomas W Taylor Telephone: (214) 289-4478

Mailing Address: 4516 Bluffview Zip Code: 75209

E-mail Address: Thomas@datumengineers.com

Represented by: N.A. Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception _____, of We think the 512 sq study & closet may be classified as an accessory building but functional as a part of our home

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 house is only 3000sq ft on a 24000sq ft lot due to the unique architectural to design around the heavy tracts. 14.5% coverage. In spite of the large lot and small house, there is only one location to locate an addition

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.

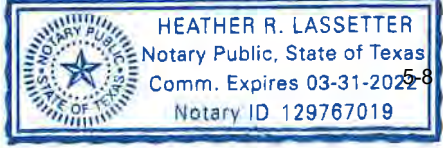
Affidavit

Before me the undersigned on this day personally appeared Thomas W. Taylor
(Affiant/Applicant's name printed)

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

Respectfully submitted: _____
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 29 day of September, 2020



Heather R. Lassetter
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

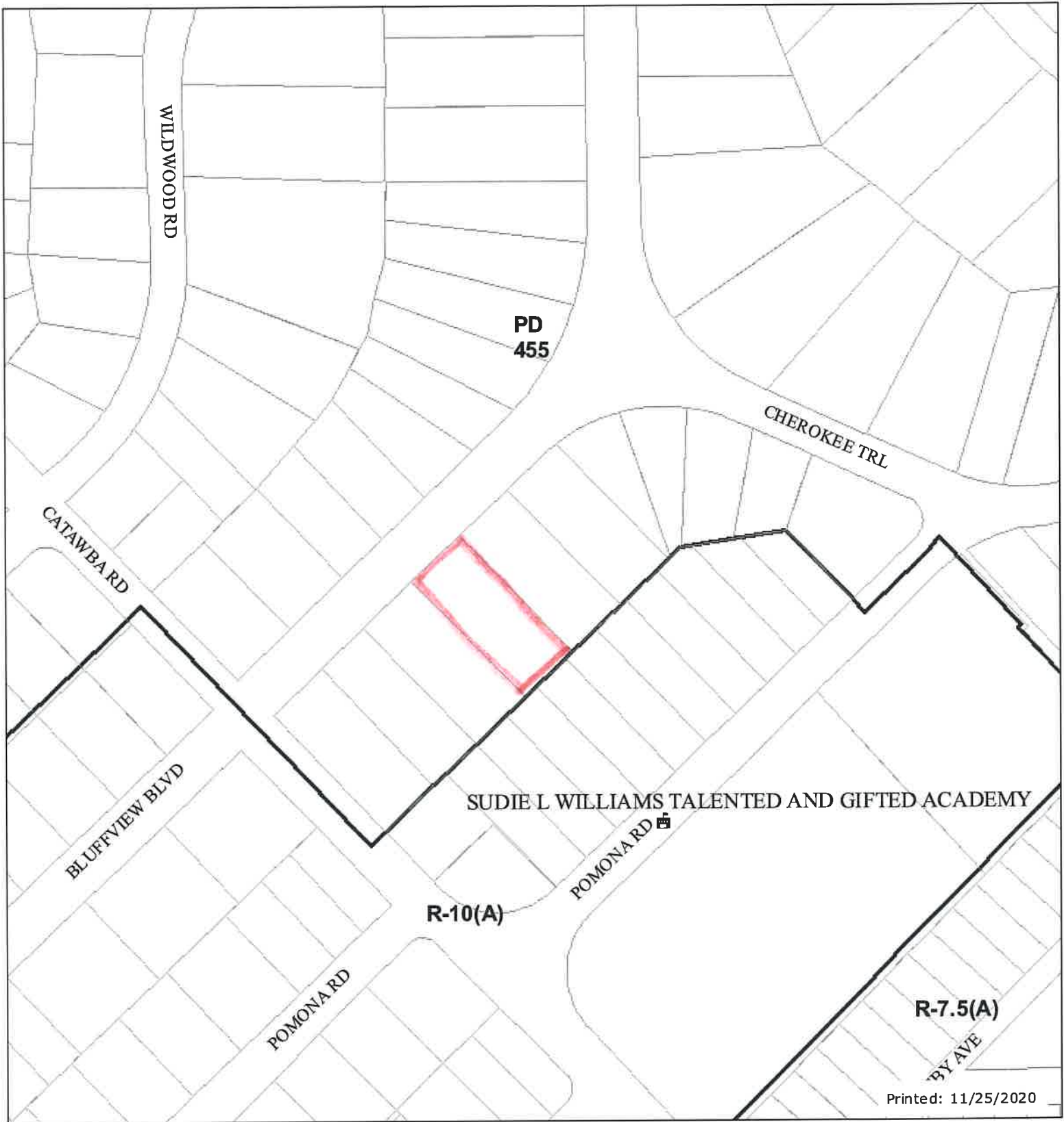
I hereby certify that Thomas W. Taylor

did submit a request for a variance to the floor area ratio regulations
at 4516 Bluffview Blvd

BDA201-010. Application of Thomas W. Taylor for a variance to the floor area ratio regulations at 4516 BLUFFVIEW BLVD. This property is more fully described as the Northeast 1/2 of Lot 2, Block O/4984, and is zoned PD-455 (subarea B), which all accessory structures may not exceed 50% of the floor area of the main structure. The applicant proposes to construct and maintain all single family residential accessory structures with 1761 square feet of floor area (67.8% of the 2598 square foot floor area of the main structure), which will require a 462 square foot variance to the floor area ratio regulations.

Sincerely,


David Session, Building Official



Printed: 11/25/2020

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 5-11 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)



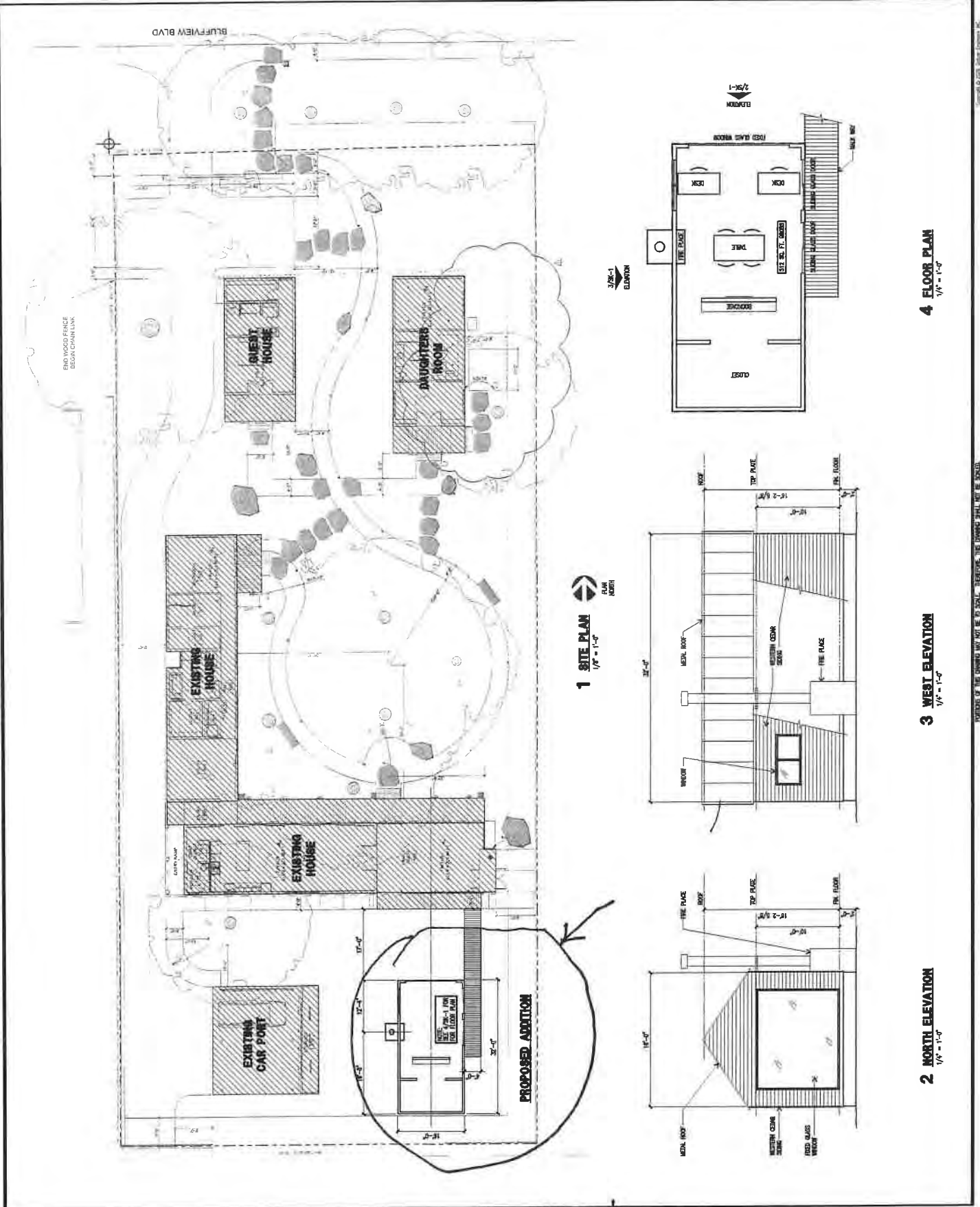
**BLUFFVIEW
 RESIDENCE**

4516 Bluffview Blvd
 Dallas, TX 75206

TAYLOR -
 PORCH HOUSE

SITE PLAN
 FLOOR PLAN
 ELEVATIONS

SK-1



PORTIONS OF THE DRAWING MAY NOT BE IN SCALE. THEREFORE, THE DIMENSIONS SHALL PREVAIL.

Residential Property
Near by in Bluffview

<u>Address</u>	<u>Sq. ft. of land</u>	<u>Sq. ft. of improvements</u>
4516 Wildwood	64,000	6599
4604 " "	46,000	4107
4610 " "	56,700	6995
4709 Bluffview	43,800	6654
4700 " "	40,145	6213
4501 Cherokee	54,875	6503
4637 " "	45,880	3326
5643 " "	45,209	1956
4703 " "	45,245	5545
4711 " "	43,865	6599
4519 " "	36,787	10,327
4511 " "	38,229	3,463
4505 " "	47,480	8,556
4501 " "	54,809	6,503

TOTAL SQUARE FEET AFTER THE ADDITION AND LAND COVERAGE

MAIN HOUSE:

2598 SQ. FT

CARPORT STORAGE

145.0 SQ.FT. ACCESSORY BUILDING

GUEST HOUSE:

484.0 SQ. FT. ACCESSORY BUILDING

DAUGHTER'S HOUSE

619.0 SQ. FT. ACCESSORY BUILDING

NEW PROPOSED ADDITION

513.0 SQ.FT. NEW ACCESSORY BUILDING

TOTAL SQUARE FEET

4359 SQ. FT.

67.8% ACCESSORY BUILDING

18% LAND COVERAGE

Thomas Taylor

From: Thomas Taylor <thomas@datumengineers.com> on behalf of Thomas Taylor
Sent: Tuesday, December 22, 2020 7:03 PM
To: TWT
Subject: 4516 Bluffview Variance

Oscar

Enclosed is the final additional information we would like to submit for review of our request for a variance at 4516 Bluffview

In addition, we have included signed letters of approval from all but one neighbor within 200 feet plus 25 other Bluffview residents

The one missing next door lives in California and the house is rented. We didn't think a letter from a tenant was appropriate and

Did not approach them. Otherwise we have 35 approvals from the neighbors and more if you feel we should call on more. Everyone

In our neighborhood know our award winning property and the contribution we make to the environment of Bluffview

Thank you and I would appreciate guidance regarding attending the executive committee and the hearing virtually

Thank you again

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

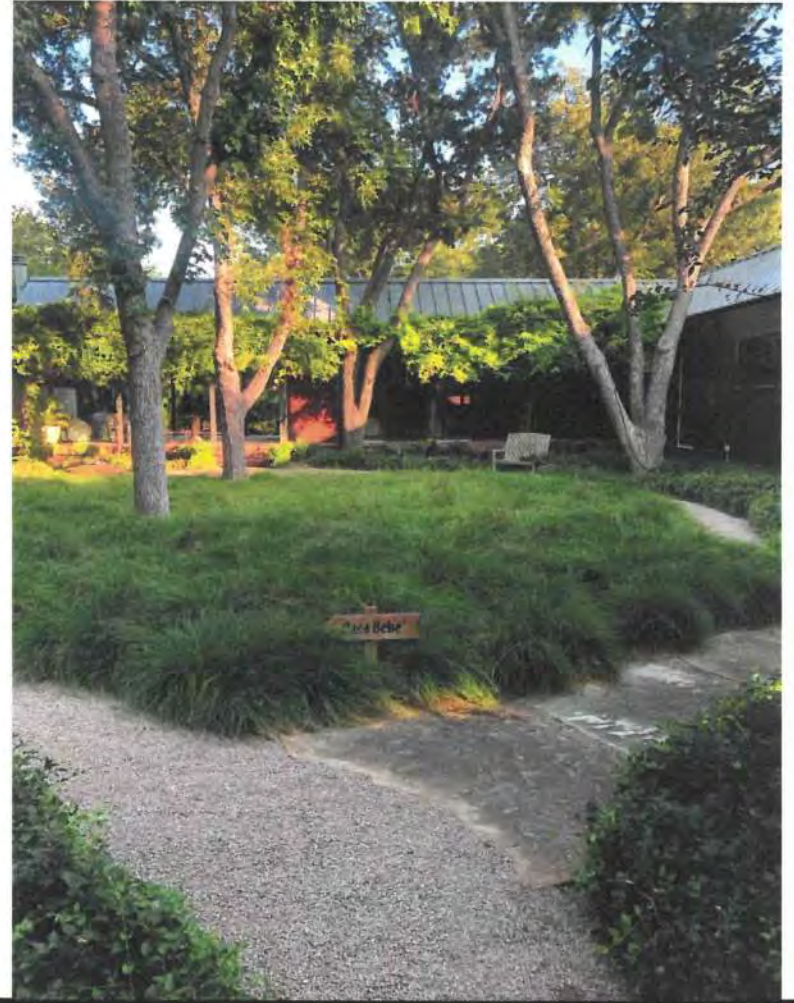
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datumengineers.com | F-2819



4516 BLUFFVIEW VARIANCE REQUEST

The Taylor Residence

PROPOSAL FOR AN ADDITION
OF A 500 SF LIBRARY AT
4516 BLUFFVIEW



Lake|Flato Architects
was presented with a Merit
Award by the San Antonio
American Institute of Architects
in recognition of outstanding
architectural design and
achievement for my house.



BLUFFVIEW NEIGHBORHOOD

These are shots of many of the houses in Bluffview that have similar landscape concept. Wooded area on streets that have no curbs, gutters or sidewalks. The streets are often curvy and some small hills. A unique neighborhood with unique homes that influenced our design.



BLUFFVIEW NEIGHBORHOOD



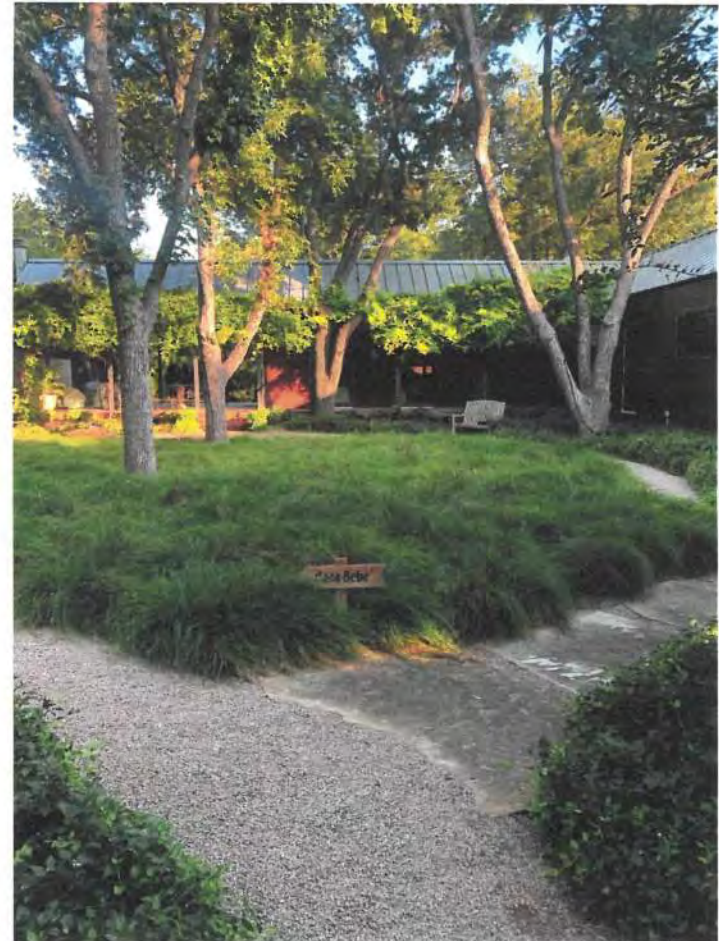
RESIDENCE AT 4516 BLUFFVIEW



4516 BLUFFVIEW



4516 BLUFFVIEW



4516 BLUFFVIEW



4516 BLUFFVIEW



4516 BLUFFVIEW

- Our home is an architectural award winner, consistent with many of the homes in Bluffview and we don't feel the addition will in any way adversely affect the adjacent properties. We feel this is the criteria for granting permission to build the new addition.
- We don't believe our home conflicts with the intent of the city code to minimize the number of storage sheds, incinerators, or other non-residential structures.
- We don't believe the addition adversely affects the neighboring property. Nor do our neighbors.
- The board has the right to make special exceptions for tree preservation, which is the primary criteria that established our award winning architectural concept. We built the existing home around the trees, which only leaves this small site in the rear of the property for an addition.
- Our home meets the requirements of the BLUFFVIEW SPECIAL PURPOSE DISTRICT.
- We have a 24,000 sq. ft. lot with only 3,500 sq. ft. of air conditioned space.
- The ordinance allows 10,800 sq. ft. residential structures on our lot.
- We meet all front, side, and rear yard set back requirements of the District.
- We are not asking for any fencing.
- The addition does not include a kitchen or bathrooms.
- The following accessory buildings are not permitted in the District: Helistop, medical incinerator, outside display of merchandise, outside sales, or pathological waste incinerators. We are not requesting any of these.
- We are also not asking for a storage shed.
- The city is classifying my garage, my guest houses, and this library as accessory buildings since they are detached and thus exceed the square feet of accessory buildings allowed.

From: Thomas Taylor thomas@datumengineers.com
Subject: variance letters to neighbors
Date: November 28, 2020 at 12:53 PM
To: Dane dane@swbell.net



Dear Bluffview Neighbors

My Husband and I would like to receive a variance from the City of Dallas to build a study and storage closet addition to our residence. We are not adding a kitchen or bathroom. No plumbing. The proposed addition is in our backyard as shown on the attached plan and not visible by adjacent neighbors as shown in the attached photograph.

The need for a variance is due to the open boardwalk from the house to the new addition. This is a consistent design concept of our home which will let North light into the study. We meet all zoning requirements of the City of Dallas. Side yard, front yard, and rear yard set backs, height restrictions, and lot coverage.

It doesn't seem to us to be contrary to the public interest nor adversely affect the neighboring property. Therefore, we would appreciate a letter of approval sent to the city in the attached envelope.

If you want to see our property or ask any questions, please call me at (214) 808-3095

Thank you for your consideration

Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Address 4505 Bluffview Blvd. 75209
Dallas, TX Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

The Art of Structural Engineering
datumengineers.com | F-2819

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Thank you for your consideration

Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by
Kum Kanzler
4515 Bluffview Blvd
Address Dallas TX 75209
Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

SARAH Titus Approved by
4505 Cherokee TRAIL

Address _____ Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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datumengineers.com | F-2819

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Thank you for your consideration

Dane Taylor

Approved by

4516 Bluffview

Dallas, Texas

Encl.

CHRIS + Denise Stewart
Address 4603 Cherokee Ave
Dallas, TX 75209 Dallas, Texas
Dec 1, 2020

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by
Joanne Sanders
Address 8 Britton Woods Way 75220
Dallas, Texas
214-505-8955

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Deborah B Evans

Address 9030 Briarwood Ln.

Dallas, Texas

15209

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

Approved by

4516 Bluffview

Dallas, Texas

Address

Dallas, Texas

Encl.

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Approved by

4516 Bluffview

Dallas, Texas

Encl.

Beth Glickman
Address 4615 N. Watouga Rd
Dallas, Texas
Dallas TX 75209

THOMAS TAYLOR, PE
Principal Design Engineer



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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by
Armen M. Knight
Address 4511 Bluffview Blvd
Dallas, Texas
Dallas 75207
12/1/2020

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Address 4527 Bluffview Blvd

Dallas, Texas

12/1/2020

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

The Art of Structural Engineering
datumengineers.com | F-2819

From: Thomas Taylor thomas@datumengineers.com
Subject: variance letters to neighbors
Date: November 28, 2020 at 12:53 PM
To: Dane dane@swbell.net



Dear Bluffview Neighbors

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Thank you for your consideration

Dane Taylor

Approved by

4516 Bluffview

Dallas, Texas

Encl.

NOELLE + MIKE WHEELER
Address 4520 Bluffview Blvd
Dallas, Texas
DALLAS, TX 75209

THOMAS TAYLOR, PE
Principal Design Engineer



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Dane Taylor

Approved by

4516 Bluffview

Dallas, Texas

Encl.

Nicci Raessler
Address 4523 Bluffview
Dallas, Texas 75209

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Tracy Willis

Approved by

Address 4525 Bluffview Blvd.
Dallas, Texas

1 Dec 20

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Carylyn Speed

Address

4500 Bluffview Blvd

Dallas, Texas

75209

479-651-7306

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Susan Mueller

Address 4503 Bluffview Blvd
Dallas, Texas

75209

12/1/20

THOMAS TAYLOR, PE
Principal Design Engineer



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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.



12-10-2020

Approved by

Address 4508 Wildwood Rd
Dallas, TX 75209

Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

CHRISTOPHER I. CLARK

Address 4515 PULLONA RD.

Dallas, Texas

(214) 893-3954

THOMAS TAYLOR, PE
Principal Design Engineer



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Dane Taylor

ALAN COOPER Approved by

4516 Bluffview

Address 4505 PSMONA - 12.6.2020

Dallas, Texas

Dallas, Texas

Encl.

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

The Art of Structural Engineering
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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Michael W. Howard Approved by
4513 Rowan Rd
Dallas, TX 75209
Address _____ Dallas, Texas

12-6-20
[Signature]

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Approved by

4516 Bluffview

Dallas, Texas

Encl.

Dani Shepira
4512 Charalcee Trail
Address Dallas TX 75209 Dallas, Texas
214.507.0824


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Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Reed Stansell
Reed Stansell

Address 4529 Pomona Rd. -

Dallas, Texas 75209

THOMAS TAYLOR, PE
 Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Address 4501 Pomona Rd - _____
Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by
Laura & Paul Jasin

Address 4519 Pomona Rd. 75209
Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



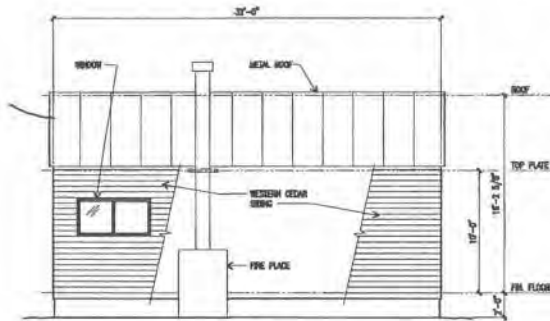
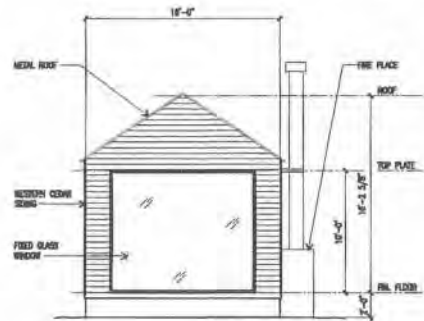
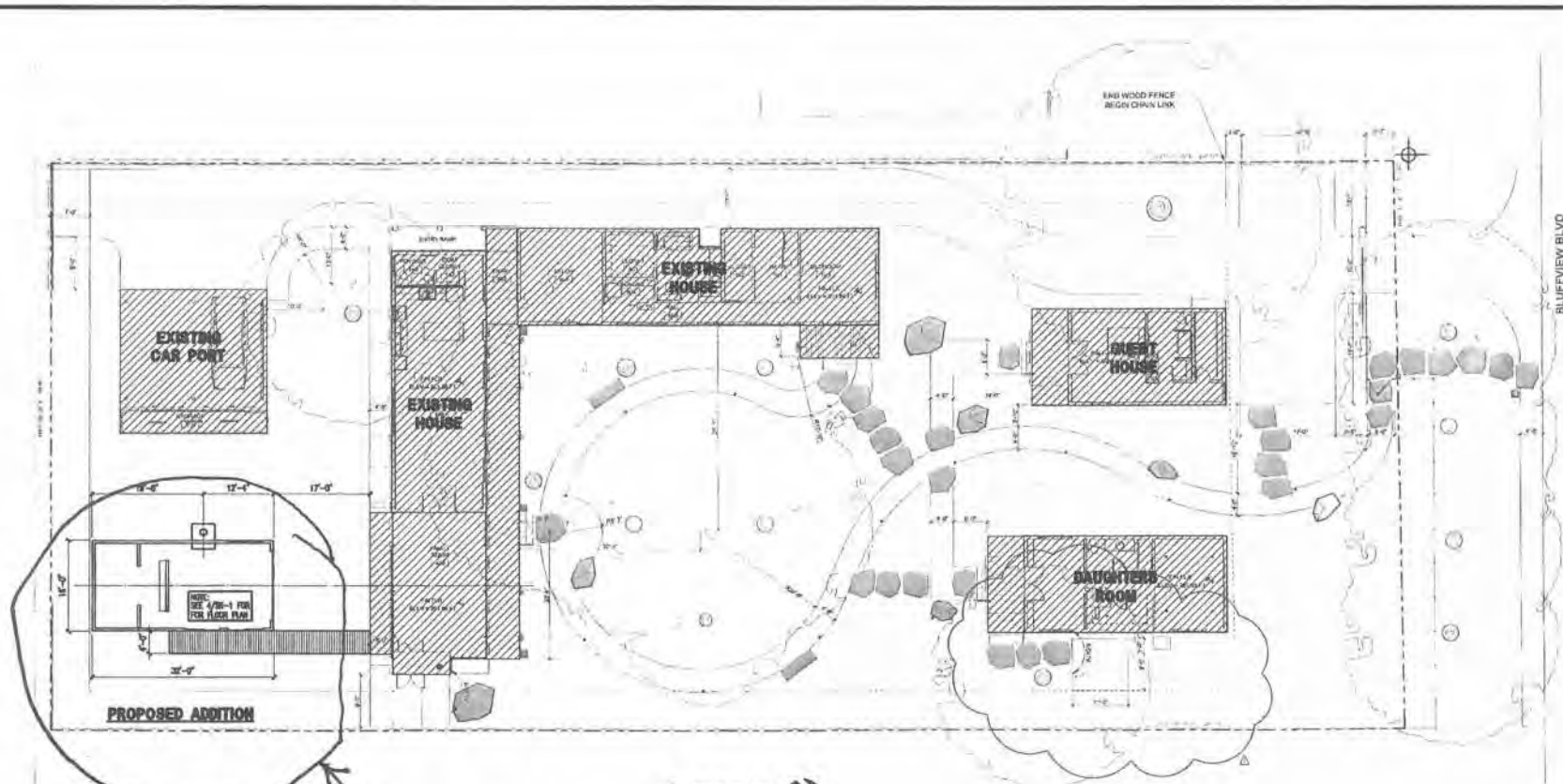
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BLUFFVIEW RESIDENCE

4516 Bluffview Blvd
 Dallas, TX 75209

SITE PLAN
 FLOOR PLAN
 ELEVATIONS



Sheet Date: 02/20/03
 Scale: 1/8" = 1'-0"

PORTIONS OF THIS DRAWING MAY NOT BE TO SCALE. THEREFORE, THIS DRAWING SHALL NOT BE SCALED.



Site view to neighbors

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Jake Baker

Address 4509 Pomona Rd.

Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

The Art of Structural Engineering
datumengineers.com | F-2819

Approved by

Sheldon Gray

Address 5053 Horseshoe Trail 75209
Dallas, Texas

Phone # 214 616 1791
Date # 12-9-20

From: Thomas Taylor thomas@datumengineers.com
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Dane Taylor

Approved by 
Neil Chapman

4516 Bluffview

Address 4516 BLUFFVIEW BLVD

Dallas, Texas

Dallas, Texas 75209

Encl.

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Christopher Crosslove

Address 4506 Bluffview Blvd

Dallas, Texas

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Principal Design Engineer



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Dane Taylor

Kelly + Jane Taylor
Approved by

4516 Bluffview

Dallas, Texas

Address 4524 Bluffview Blvd
Dallas, Texas

Encl.

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Dane Taylor

Horvath Bonds
Approved by

4516 Bluffview

Dallas, Texas

Address 4521 Pomona Rd. Dallas, Texas

Encl.

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

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4516 Bluffview

Dallas, Texas

Encl.

Approved by

Address 4508 Cherokee Tr.

Dallas, Texas

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It doesn't seem to us to be contrary to the public interest nor adversely affect the neighboring property. Therefore, we would appreciate a letter of approval sent to the city in the attached envelope.

If you want to see our property or ask any questions, please call me at (214) 808-3095

Thank you for your consideration

Dane Taylor

4516 Bluffview

Dallas, Texas

Encl.

Approved by

Address 4525 Pomona Road

Dallas, Texas

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

The Art of Structural Engineering
datumengineers.com | F-2819

Hi, Dane,

Sorry for the late reply.

Good luck with the addition.

I would love to come by
and see your property
sometime.

Chris Chicostak

4506 Bluffview

214-384-0864

Aguilera, Oscar

From: Thomas Taylor <thomas@datumengineers.com>
Sent: Wednesday, December 30, 2020 7:19 PM
To: Aguilera, Oscar
Subject: property information in District B in Bluffview

External Email!

Address	land size sq. ft.	improvements sq. ft.
4500 Bluffview	24,000	5634
4512 Bluffview	24,000	5897
4501 Cherokee	54,870	6503
4508 cherokee	17,685	5302
4512 cherokee	12,415	4900
4520 cherokee	26,964	7606
4606 cherokee	26,349	5257
4618 cherokee	20,525	7141
4624 cherokee	23,095	5473

THOMAS TAYLOR, PE
Principal Design Engineer



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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.

*EMAIL to
Oscar Aguilera
City of Dallas*

From: Thomas Taylor thomas@datumengineers.com
Subject: variance letters to neighbors
Date: November 28, 2020 at 12:53 PM
To: Dane dane@swbell.net

Dear Bluffview Neighbors

My Husband and I would like to receive a variance from the City of Dallas to build a study and storage closet addition to our residence. We are not adding a kitchen or bathroom. No plumbing. The proposed addition is in our backyard as shown on the attached plan and not visible by adjacent neighbors as shown in the attached photograph.

The need for a variance is due to the open boardwalk from the house to the new addition. This is a consistent design concept of our home which will let North light into the study. We meet all zoning requirements of the City of Dallas. Side yard, front yard, and rear yard set backs, height restrictions, and lot coverage.

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If you want to see our property or ask any questions, please call me at (214) 808-3095

Thank you for your consideration

Dane Taylor

Approved by

4516 Bluffview

Greg Benson

Dallas, Texas

Address 4520 Chero Kee

Dallas, Texas

75209

Encl.

Greg Benson

THOMAS TAYLOR, PE
Principal Design Engineer



214.358.0174 ext 101 | 214.289.4478 cell

The Art of Structural Engineering
datumengineers.com | F-2819

*Oscar
Another mail in
support from
a neighbor. 3G now
Thanks
Thomas*

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

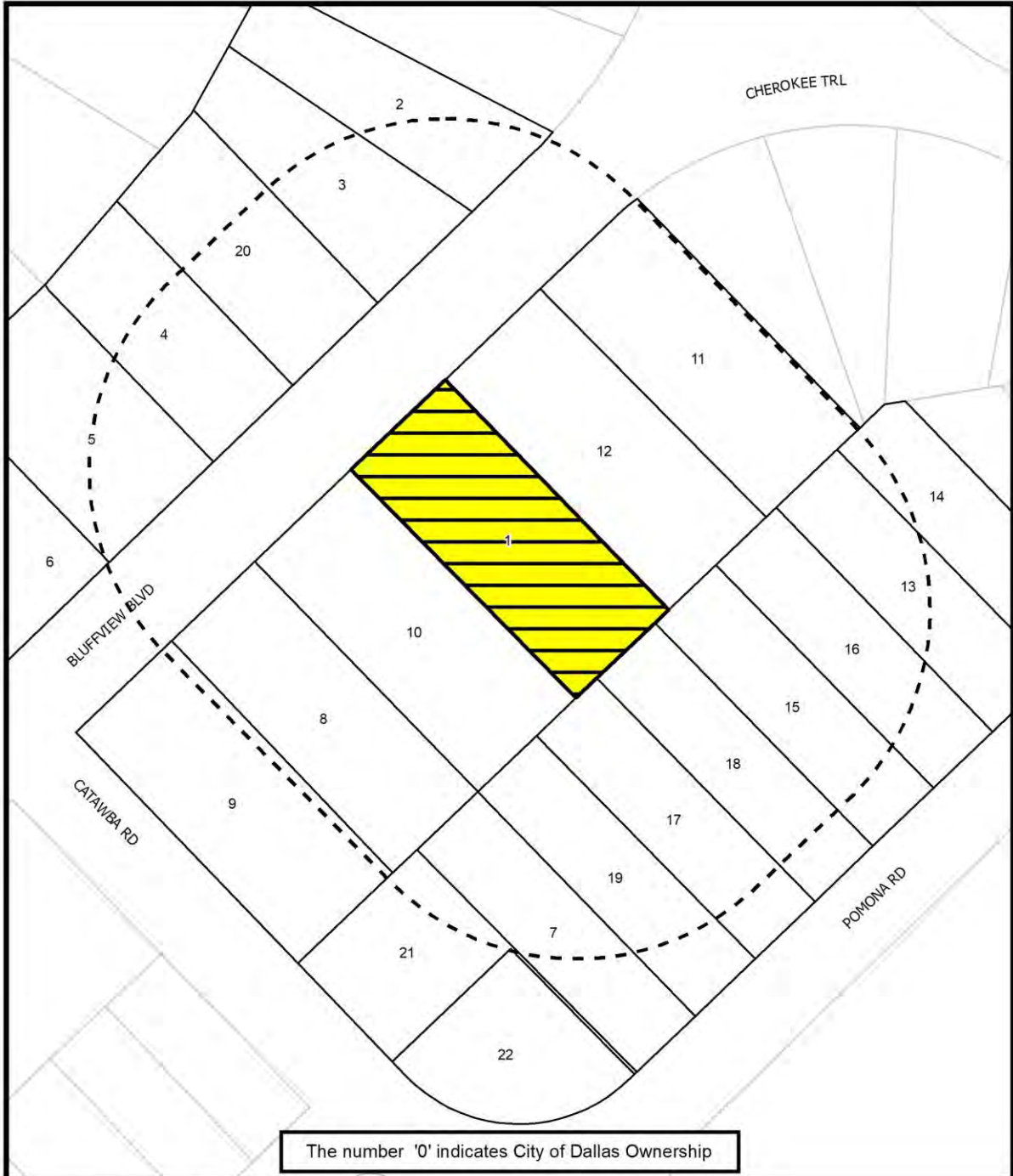
I hereby certify that Thomas W. Taylor

did submit a request for a variance to the floor area ratio regulations
at 4516 Bluffview Blvd

BDA201-010. Application of Thomas W. Taylor for a variance to the floor area ratio regulations at 4516 BLUFFVIEW BLVD. This property is more fully described as the Northeast 1/2 of Lot 2, Block O/4984, and is zoned PD-455 (subarea B), which all accessory structures may not exceed 50% of the floor area of the main structure. The applicant proposes to construct and maintain all single family residential accessory structures with 1761 square feet of floor area (67.8% of the 2598 square foot floor area of the main structure), which will require a 462 square foot variance to the floor area ratio regulations.

Sincerely,


David Session, Building Official



The number '0' indicates City of Dallas Ownership

 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;">22</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	22	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA201-010 Date: 12/14/2020
200'	AREA OF NOTIFICATION					
22	NUMBER OF PROPERTY OWNERS NOTIFIED					

12/11/2020

Notification List of Property Owners

BDA201-010

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4516 BLUFFVIEW BLVD	TAYLOR THOMAS W & DANE LINDSAY
2	4525 BLUFFVIEW BLVD	TUCKER WILLIS
3	4523 BLUFFVIEW BLVD	COLMAT 4523 BLUFFVIEW LLC
4	4511 BLUFFVIEW BLVD	MCKNIGHT CATHERINE M
5	4505 BLUFFVIEW BLVD	CLARK DAVID L &
6	4503 BLUFFVIEW BLVD	MUELLER FAMILY TRUST THE
7	4503 POMONA RD	LARSON SIDNEY
8	4506 BLUFFVIEW BLVD	CHICOSKIE CHRISTOPHER J
9	4500 BLUFFVIEW BLVD	SPEED CAROLYN W
10	4512 BLUFFVIEW BLVD	LONGHI VINCENT R &
11	4520 BLUFFVIEW BLVD	WHEELER MICHAEL W &
12	4518 BLUFFVIEW BLVD	CHAPMAN NEIL A & ELIZABETH J
13	4519 POMONA RD	JASIN PAUL NICHOLAS
14	4521 POMONA RD	BONDS HARRIET LYN
15	4513 POMONA RD	WOLKOWICZ MICHAEL R &
16	4515 POMONA RD	CLARK CHRISTOPHER I
17	4509 POMONA RD	BAKER JAMES & KAREN
18	4511 POMONA RD	Taxpayer at
19	4505 POMONA RD	COOPER ALAN & MAUREEN KELLY
20	4515 BLUFFVIEW BLVD	KANZLER KEVIN D &
21	8306 CATAWBA RD	GARTON JOHN & GRACIELA
22	4501 POMONA RD	MATTINGLY JAMES R &

FILE NUMBER: BDA201-007(OA)

BUILDING OFFICIAL'S REPORT: Application of Texans Can Academy represented by National Signs Inc. for a special exception to the sign regulations at 325 W. 12th Street. This property is more fully described as Lot 1A, Block 57/3177, and is zoned Planned Development District No. 316 (Subarea 3), which limits the number of detached signs on a premises to one per street frontage other than expressways and allows only one detached sign for every 450 feet of frontage or fraction thereof on an expressway. The applicant proposes to construct one additional detached premises sign on a nonresidential premise, which will require a special exception to the sign regulations.

LOCATION: 325 W. 12th Street

APPLICANT: Texans Can Academy represented by National Signs Inc.

REQUEST:

A request for a special exception to the sign regulations is made to construct and maintain an additional detached premises sign on a site that developed as a Texas Can Academy Charter School.

STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR AN ADDITIONAL DETACHED SIGN:

Section 51A-7.703(d)(2) of the Dallas Development Code states that the Board of Adjustment may, in specific cases and subject to appropriate conditions, authorize one additional detached sign on-premises in excess of the number permitted by the sign regulations as a special exception to these regulations when the board has made a special finding from the evidence presented that strict compliance with the requirement of the sign regulations will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

STAFF RECOMMENDATION (additional detached sign):

Denial

Rationale:

- The applicant did not provide any evidence as to how strict compliance with the requirement of the sign regulations will result in substantial financial hardship or

inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

BACKGROUND INFORMATION:

Zoning:

Site: Planned Development District No. 316, Subarea 3

North: Planned Development District No. 316, Subarea 3

East: Planned Development District No. 316, Subarea 3

South: Planned Development District No. 316, Subarea 4

West: Planned Development District No. 316, Subarea 4

Land Use:

The site is developed with an institutional use. The area to the north, south, east, and west are developed with retail, institutional, and single family uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS/STAFF ANALYSIS (additional detached sign):

The property consists of 2.11 acres of land developed with a charter school. The request for a special exception to the sign regulations focuses on adding and maintaining an additional sign along 12th Street.

Section 51A-7.304(b) (4) of the Dallas Development Code states that only one detached sign is allowed per street frontage other than expressways. The size of the property is not taken into account.

The submitted site plan indicates the location of two detached non-monument signs, (represented as “sign LS” for the existing sign and as “sign I” for the proposed sign) on the site’s 12th Street frontage; hence, this request for a special exception to the sign regulations for an additional detached sign. The plan shows the property has approximately 500 feet of frontage along 12th Street. The proposed sign is 420 feet from the existing sign. A sign elevation denoting the proposed detached non-monument sign has been submitted.

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

- That strict compliance with the requirement of the sign regulations (where in this case, the site would be limited to having only one sign along the street frontage)

will result in substantial financial hardship or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of the sign regulations.

If the board were to approve the request for a special exception to the sign regulations, the board may consider imposing a condition that the applicant complies with the submitted site plan and sign elevation.

Timeline:

November 11, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

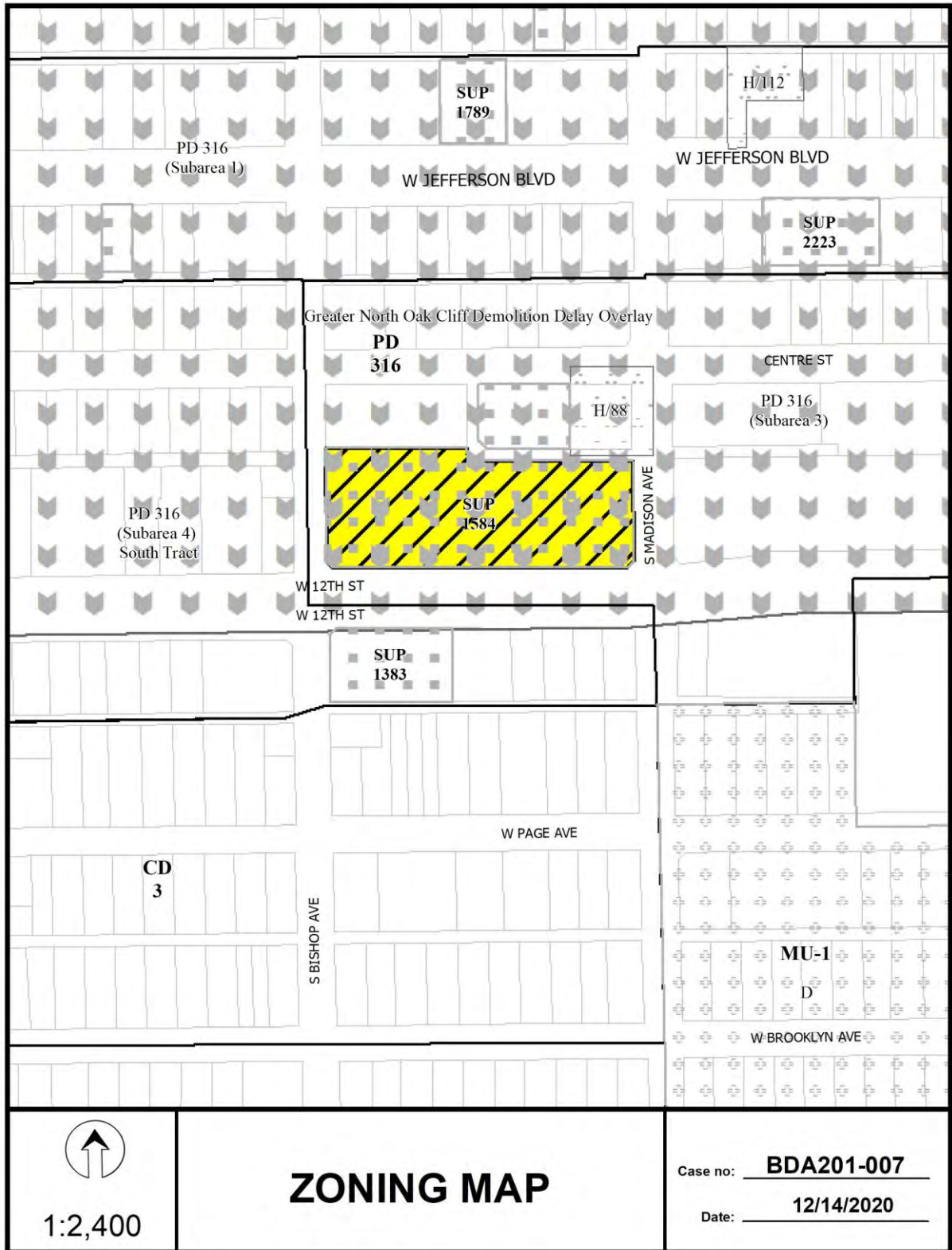
December 9, 2020: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

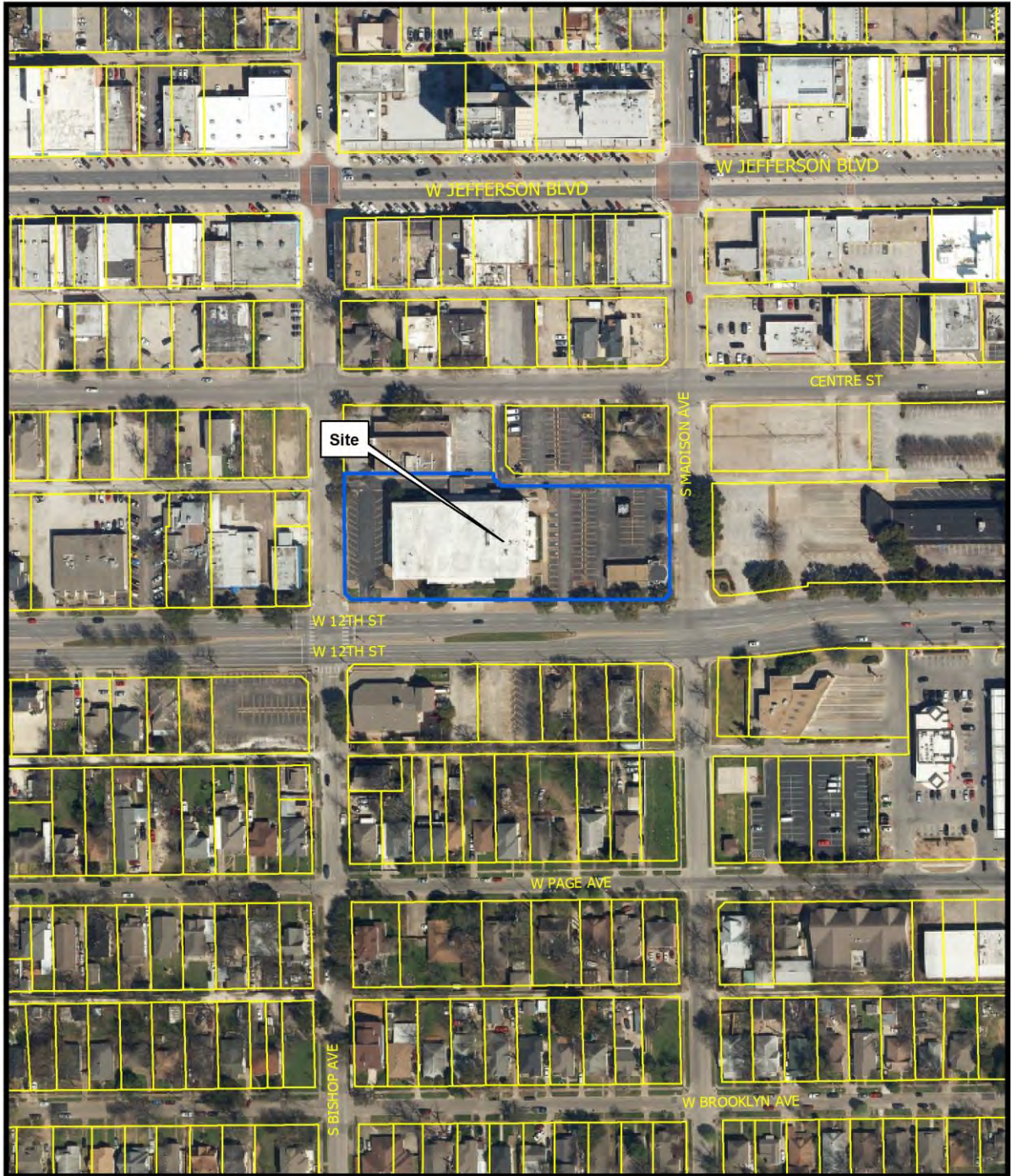
December 11, 2020: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the December 28, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the January 8, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

December 30, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

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





1:2,400

AERIAL MAP

Case no: BDA201-007

Date: 12/14/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-007

Data Relative to Subject Property:

Date: ~~9/23/2020~~ 11-20-20 *col*

Location address: 325 W 12th St Dallas TX 75208 Zoning District: PD316 Subarea 3
commercial business

Lot No.: 1A Block No.: 57/3177 Acreage: 2.114 Census Tract: 50.00
First TX Savings Addition

Street Frontage (in Feet): 1) 500' - w/12th 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Texans Can Academy

Applicant: Texans Can Academy/Scott Barrow Telephone: 713-440-3617

Mailing Address: 325 W 12th St Dallas TX Zip Code: 75208

E-mail Address: sbarrow@texanscan.org

Represented by: National Signs Telephone: 713 4403617

Mailing Address: 2611 El Camino Houston TX Zip Code: 75208

E-mail Address: alicia.ramos@nationalsigns.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of install for a 6x4 illuminated monument sign, will be installed on same frontage as existing LED sign, 250' apart.

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:

to provide surrounding area from school with better visibility/advertising, existing ground LED sign is on rear corner of property and is secluded, This sign will give a better visual of the schools front/main entrance.

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 Scott Barrow
(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.

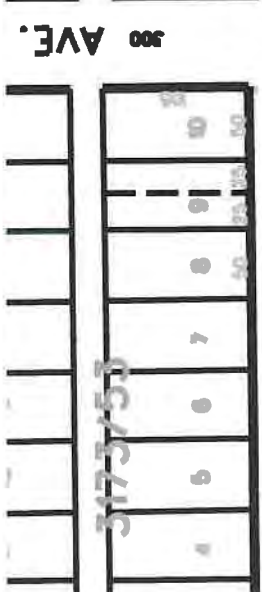
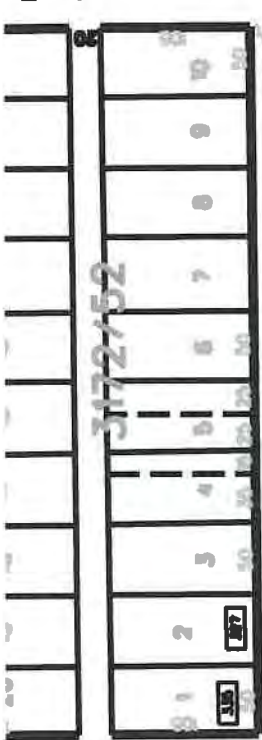
Respectfully submitted: [Signature]
(Affiant/Applicant's signature)

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

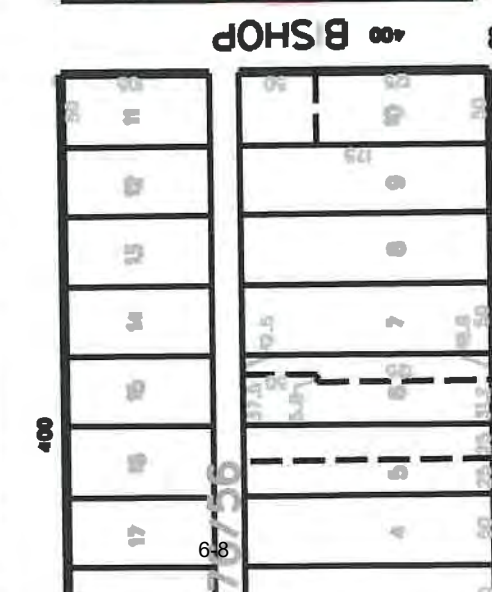
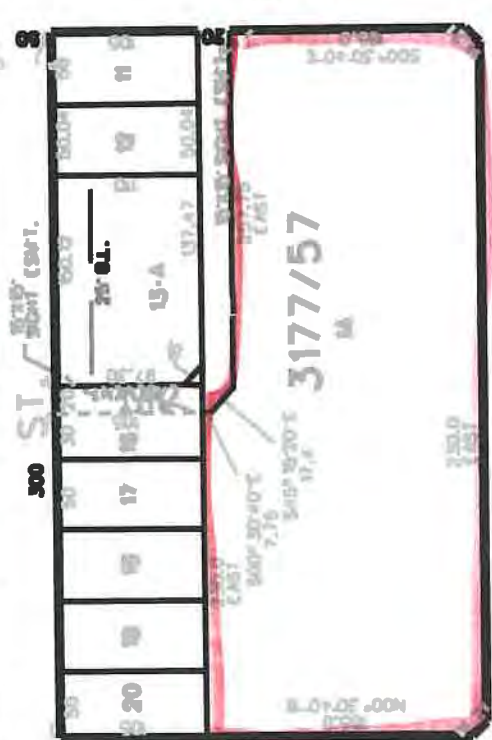


[Signature]
Notary Public in and for Dallas County, Texas

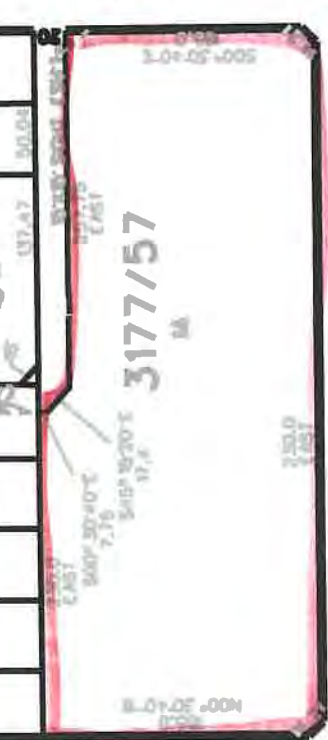
317 27 52



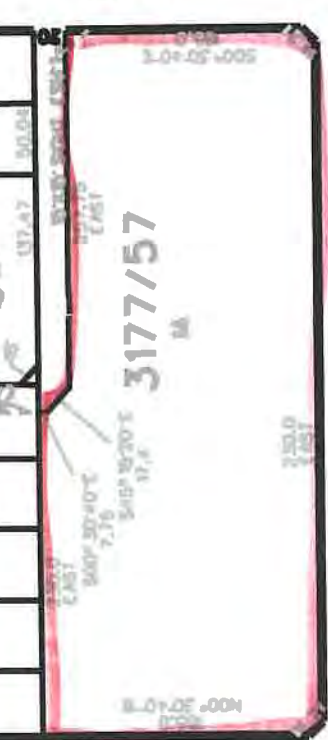
317 37 56



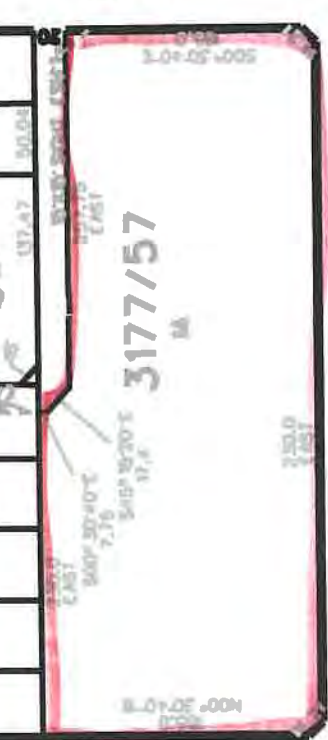
317 7 57



317 27 58



317 27 59



300 AVE.

400 MADISON

400 BSHOP

300 ST.

317 27 52

317 37 53

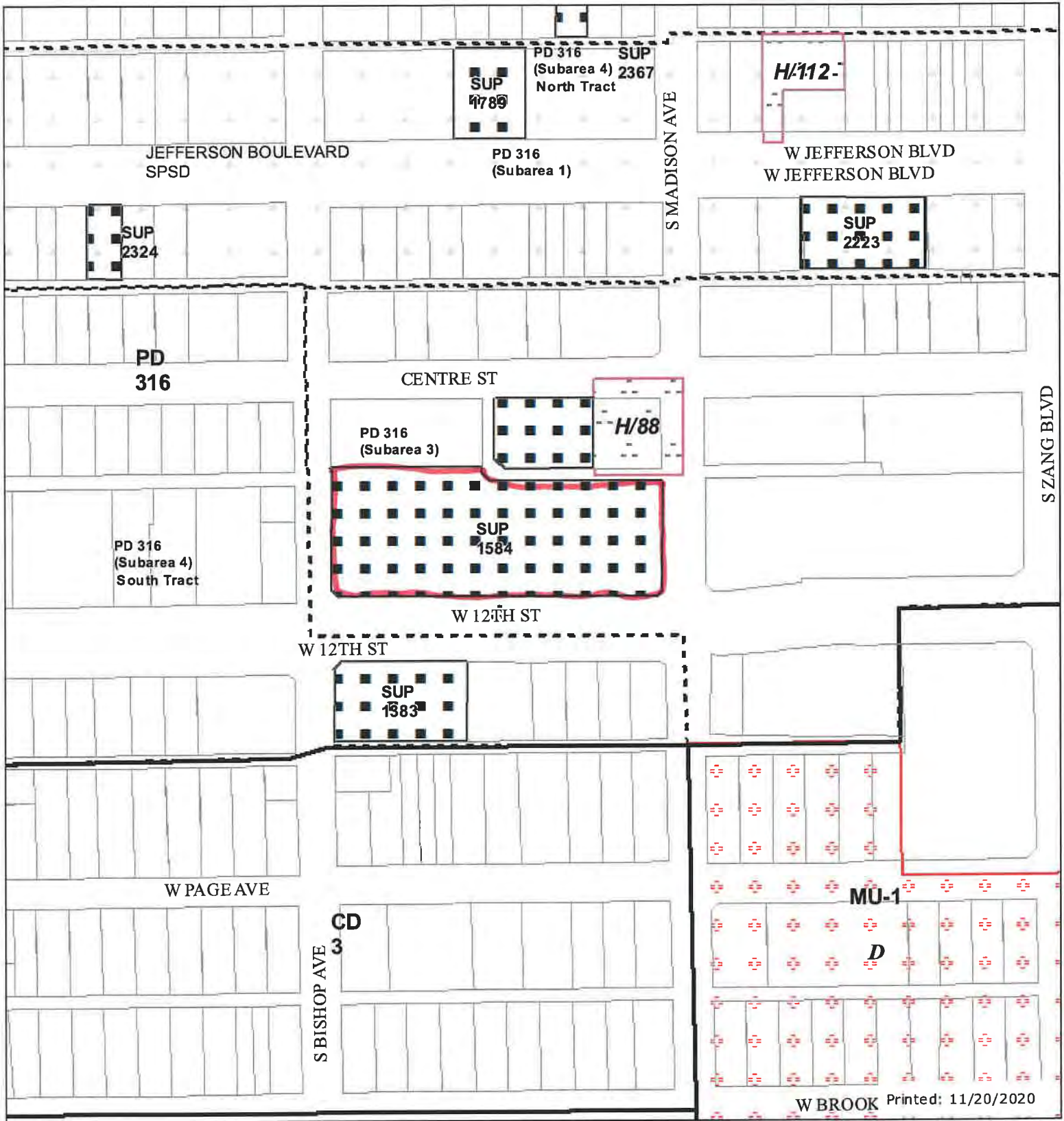
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317 1

317 8

317 9

317 2



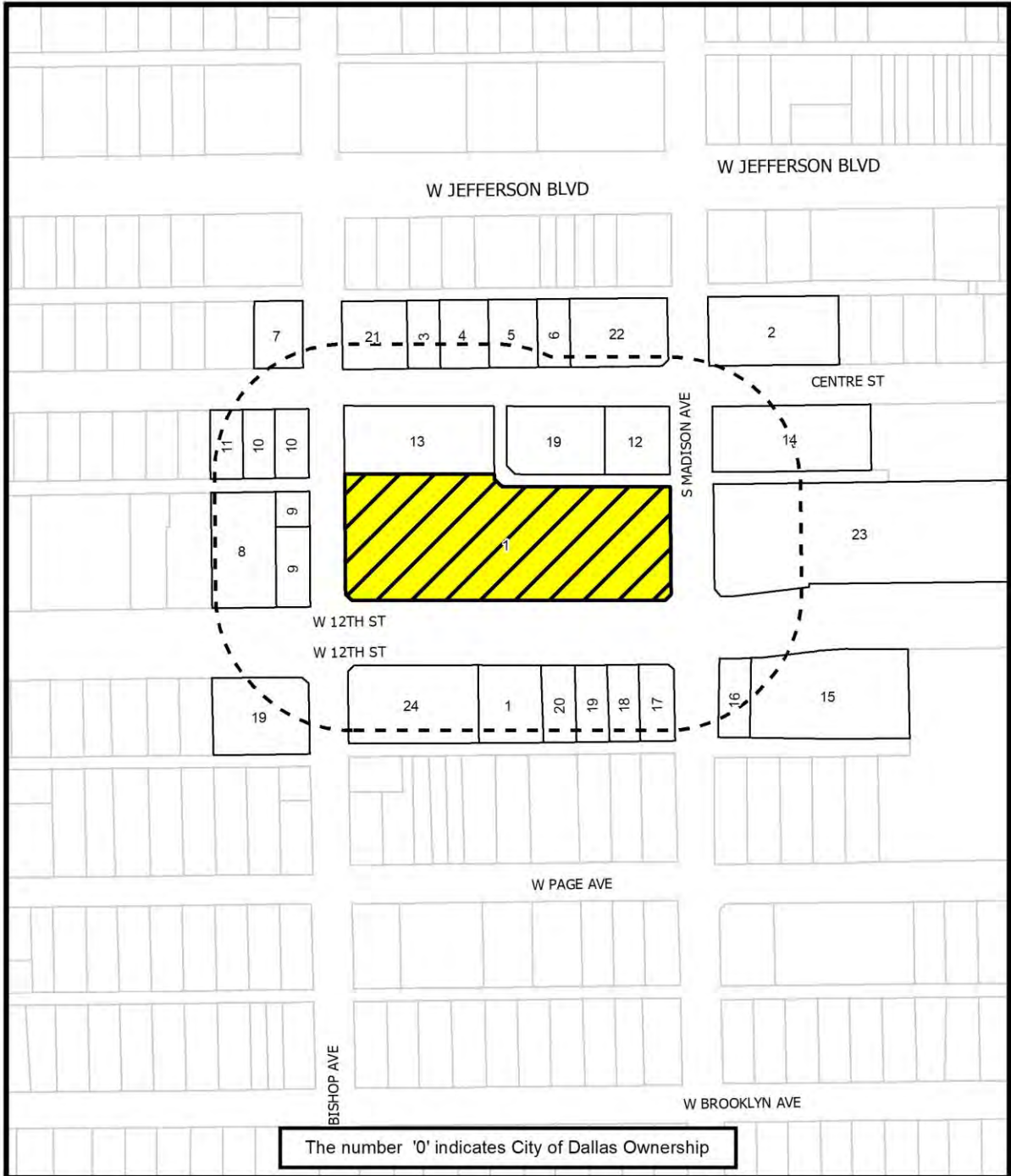
W BROOK Printed: 11/20/2020

Legend

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

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





1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-007**
 Date: **12/14/2020**

12/11/2020

Notification List of Property Owners

BDA201-007

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	316 W 12TH ST	TEXANS CAN
2	235 CENTRE ST	OLIVAREZ MARCIANO & ROSA
3	329 CENTRE ST	SHACKELFORD CHARLES D
4	321 CENTRE ST	COUCH JUANITA LANETTE
5	319 S MADISON AVE	CENTRO DE ADORACION
6	315 S MADISON AVE	JUSTICE RENTAL COMPANY
7	401 CENTRE ST	400 JEFFERSON LTD PS
8	403 W 12TH ST	BIXEL D W JR ETAL
9	425 S BISHOP AVE	BIXEL DAVID W JR
10	400 CENTRE ST	BIXEL DAVID W & MADELINE
11	410 CENTRE ST	WATKINS MICHAEL NEAL
12	300 CENTRE ST	JC LEASING LLP
13	334 CENTRE ST	Taxpayer at
14	220 CENTRE ST	SWISS AVENUE STATE BANK
15	218 W 12TH ST	OAK CLIFF TOWER LIMITED
16	238 W 12TH ST	ROJAS DANIEL & ANITA
17	300 W 12TH ST	VIEW OF THE ZOO LTD
18	304 W 12TH ST	SCHULZ JEWEL LYNN EST OF
19	310 W 12TH ST	TEXANS CAN
20	312 W 12TH ST	GUTIERREZ JOSE ANGEL
21	335 CENTRE ST	335 CENTER ST PARTNERS LLC
22	309 CENTRE ST	Taxpayer at
23	201 W 12TH ST	SWISS AVE STATE BANK
24	328 W 12TH ST	PETERS DONALD A & LINDA N REV LIV TR &