

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, MAY 18, 2022

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

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

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, must register online at <https://form.jotform.com/210536758715158> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Tuesday, April 19, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall and the WebEx link: <https://bit.ly/051822BDA>

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."

UNCONTESTED CASE(S)

- BDA212-037(PD)** 2921 Sale Street 1
REQUEST: Application of Alexander Quintanilla for a variance to the front yard setback regulations
- BDA212-041(PD)** 6806 Wander Place 2
REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the fence height regulations
-

REGULAR CASE(S)

- BDA212-038(PD)** 17515 River Hill Drive 3
REQUEST: Application of Narayanan Venkatakrishnan represented by Jeffery Riddle for a special exception to the fence standards regulations and a special exception to the visibility obstruction regulations
- BDA212-042(JM)** 2730 N. Henderson Avenue 4
REQUEST: Application of Audra Buckley of Permitted Development for a variance to the parking regulations
- BDA212-035(JM)** 1918 Moser Avenue 5
REQUEST: Application of Rob Baldwin for a variance to the building height regulations
-

HOLDOVER CASE(S)

- BDA212-033(JM)** 10001 Meadowbrook Drive 6
REQUEST: Application of Mehrdad Ghani for a variance to the front yard setback regulations
- BDA212-036(JM)** 1000 Fort Worth Avenue 7
REQUEST: Application of Rob Baldwin for a variance to the front yard setback regulations

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA212-037(PD)

BUILDING OFFICIAL'S REPORT: Application of Alexander Quintanilla for a variance to the front yard setback regulations at 2921 Sale Street. This property is more fully described as Lot 16 in City Block 1030 and is zoned an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, which requires a front yard setback of 20 feet. The applicant proposes to construct a second story atop of an existing single-family dwelling with porch and provide a 12-foot front yard setback, which will require an eight-foot variance to the front yard setback regulations.

LOCATION: 2921 Sale Street

APPLICANT: Alexander Quintanilla

REQUESTS:

A request for a variance to the front yard setback regulations of eight feet is made to construct and maintain a second story with a porch atop of an existing single-family residential dwelling within the subject site's 20-foot front yard setback on a site currently developed and situated on an interior lot.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval, subject to compliance with the submitted site plan:

Rationale:

- Staff concluded that the subject site is unique and different from most parcels in an MF-3 Multiple Family Subdistrict developed with single-family dwellings. Utilizing the evidence provided by the applicant (**Attachment A**), the subject site provides a lot area of 3,900 square feet while the comparative analysis of four properties with similar zoning and development provides an average lot area of 4,228 square feet. The restrictive lot area conclusively encumbers the site to a maximum lot coverage of 2,340 square feet while the four comparative properties permit a maximum lot coverage of 2,070 square feet, 1,950 square feet, 3,302 square feet, and 2,825 square feet, respectively. Currently the site is developed with a one-story single-family dwelling unit with a total floor area of 1,040 square feet and a lot coverage of 26 percent while the MF-3 Multiple Family Subdistrict permits a maximum lot coverage of 60 percent. Thus, the evidence establishes that the subject property has an unnecessary hardship and is unable to be developed in a manner commensurate with the development upon other parcels of land with the same MF-3 Subdistrict zoning classification.

BACKGROUND INFORMATION:

Zoning:

Site: MF-3 Multiple Family Subdistrict within PDD No. 193
North: MF-3 Multiple Family Subdistrict within PDD No. 193
South: O-2 Office Subdistrict within PDD No. 193
East: MF-3 Multiple Family Subdistrict within PDD No. 193
West: MF-3 Multiple Family Subdistrict within PDD No. 193

Land Use:

The subject site and property immediately adjacent to the west are developed with single-family dwelling units while surrounding properties to the south, east, and north are developed with multiple-family dwelling units.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on constructing and maintaining a second story addition with a porch atop of an existing one-story single-family dwelling unit. While a porch exists on the one-story single-family dwelling unit within the required 20-foot setback, the existing porch is considered non-conforming and permitted to remain provided there are no enlargements. The construction of the proposed second story with porch atop of the existing structure proposes the same encroachment yet triggers compliance with the required 20-foot front yard setback. However, the footprint of the existing one-story single-family dwelling unit provides a front yard setback of 12-feet from the subject site's front property line, into the required 20-foot front yard setback, which requires an eight-foot variance.

Sec. 51P-193.118(b)(9) which regulates the minimum front yard provisions for residential structures on lots zoned an MF-3 Multiple Family Subdistrict stipulates an applicable modification that residential development tracts and single family uses in MF-1, MF-2, and MF-3 subdistricts shall provide a minimum front yard setback of 20 feet.

A site plan has been submitted denoting the proposed second story addition will be located twelve feet from the front property line along Sale Street. Further, the site plan depicts an approximately 1,406-square-foot second story addition, with an existing 1,378-square-foot first story and 254-square-foot detached garage situated along an

interior yard fronting Sale Street. If approved, the subject site will provide a total floor area of 3,038 square feet.

The subject site is not irregular in shape and provides approximately 3,920 square feet in lot area. An MF-3 Multiple Family Subdistrict requires lots to have a minimum lot size of 2,000 square feet for single-family structures.

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 MF-3 Multiple Family Subdistrict 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 MF-3 Multiple Family Subdistrict zoning classification.

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

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

As of May 10, 2022, no letters have been submitted in opposition of the request or in support of the request.

If the board were to grant this front yard setback variance request and impose the submitted site plan as a condition, development would be limited to what is shown on this document. Granting this variance request will not provide any relief to the Dallas Development Code regulations.

Timeline:

February 15, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

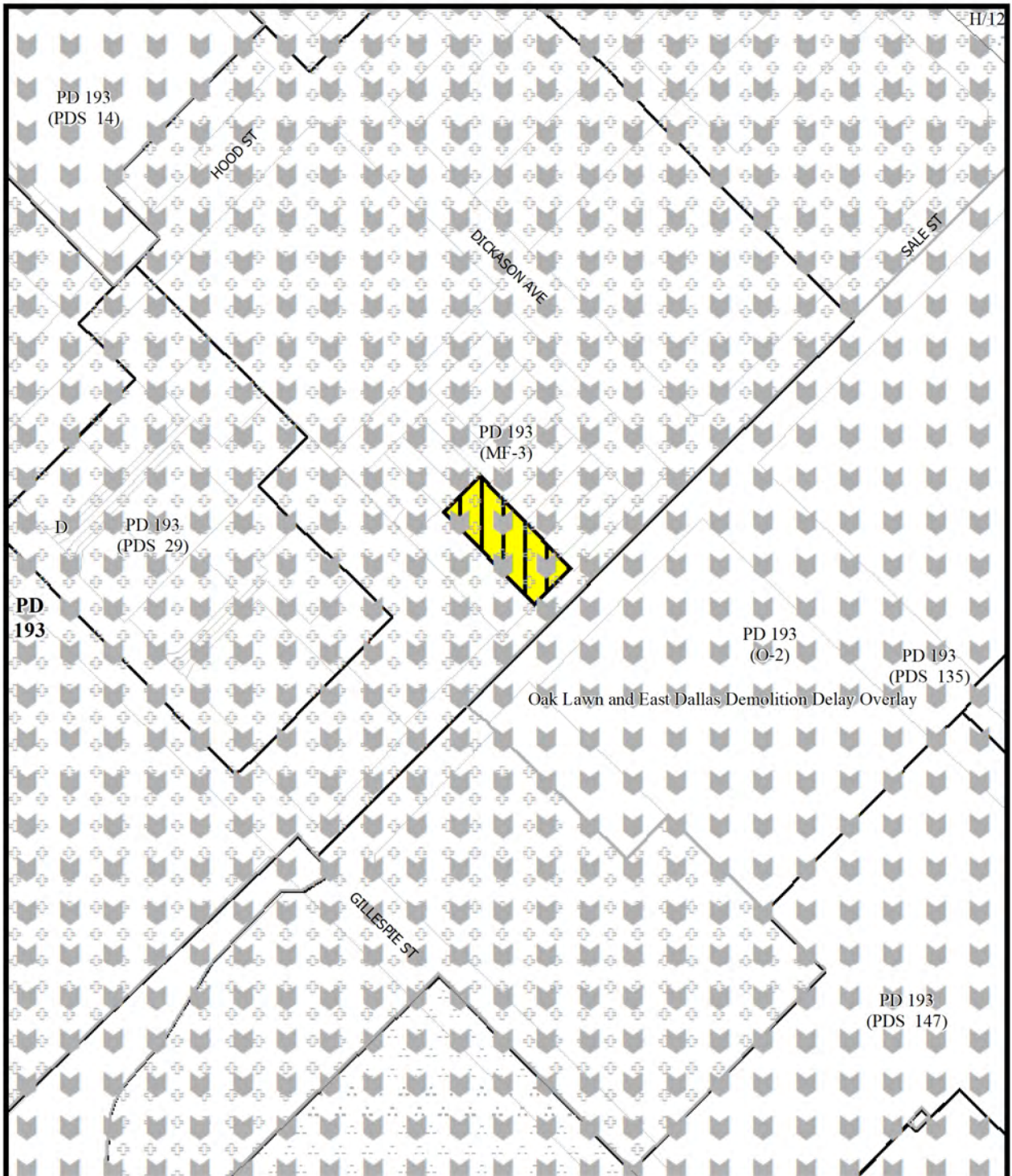
April 12, 2022: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.


April 4, 2022: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the April 27, 2022 deadline to submit additional evidence for staff to factor into their analysis; and the May 6, 2022 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Board Senior Planner, the Chief Arborist, the Development Services Chief Planner, the Transportation Development Services Senior Engineer, and the Assistant City Attorney to the Board.

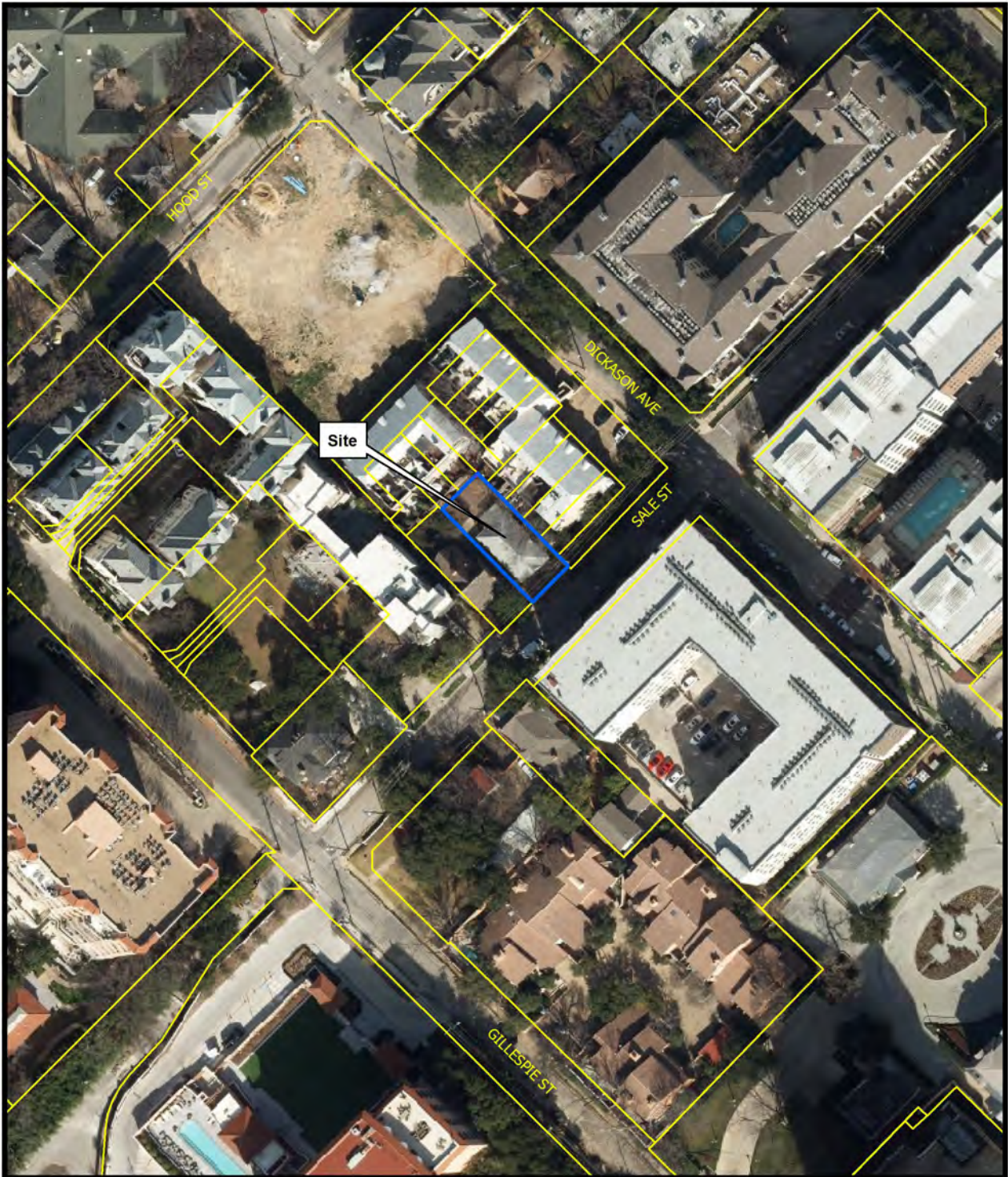
April 29, 2021: Documentary evidence was provided by the applicant (**Attachment A**).




 1:1,200

ZONING MAP

Case no: BDA212-037
 Date: 4/18/2022

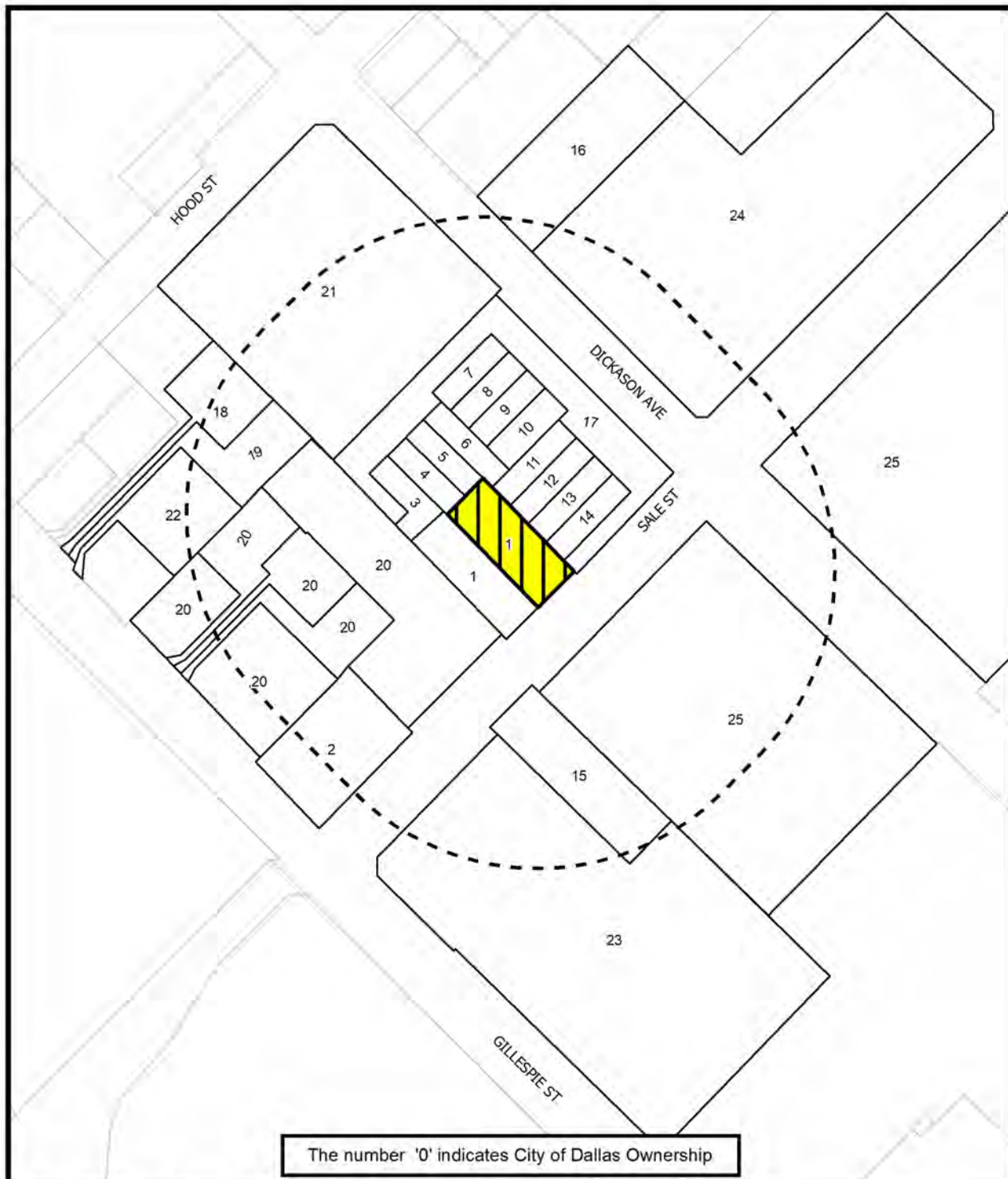


1:1,200

AERIAL MAP

Case no: BDA212-037

Date: 4/18/2022




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
25	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA212-037
 Date: 4/18/2022

04/14/2022

Notification List of Property Owners

BDA212-037

25 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2921 SALE ST	GRANOWSKI SCOTT
2	3502 GILLESPIE ST	Taxpayer at
3	3511 DICKASON AVE	LENTZ HAROLD CALVIN III
4	3511 DICKASON AVE	GRANOWSKI SCOTT MICHAEL
5	3509 DICKASON AVE	OESTERLING ANDREW
6	3509 DICKASON AVE	WANG LIN & ERIC W MILLER
7	3507 DICKASON AVE	SHUEY JOHN MILLER III
8	3507 DICKASON AVE	ROSA EMILIO
9	3505 DICKASON AVE	ADAMS DAVID G
10	3505 DICKASON AVE	STILES DONNA M
11	3503 DICKASON AVE	TILLMAN CHAD JONATHAN
12	3503 DICKASON AVE	BARBER BRANDON C
13	3501 DICKASON AVE	REISDORF TAYLOR
14	3501 DICKASON AVE	MOORE MICHAEL JUDD
15	2916 SALE ST	LENNOX JOEL
16	3516 DICKASON AVE	CUTSHALL RALPH S TR & HANNAH D TR
17	3500 DICKASON AVE	SALE STREET HOMEOWNERS AS
18	3524 GILLESPIE ST	CONSTABLE DAVID E & BRENDA
19	3522 GILLESPIE ST	HOCKRIDGE MICHAEL P & JAMIE N
20	3516 GILLESPIE ST	LENNOX EDWARD & LISA
21	3555 DICKASON AVE	ONE TURTLE CREEK HOLDINGS LLC
22	3520 GILLESPIE ST	Taxpayer at
23	3424 GILLESPIE ST	PUIG A WINSTON
24	3001 SALE ST	FCA TURTLE CREEK DALLAS
25	3427 CEDAR SPRINGS RD	TR GALLERY TURTLE CREEK CORP



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-037

Date: ~~02/09/2022~~ 2-15-22 col

Data Relative to Subject Property:

Location address: 2921 SALE STREET

Zoning District: MF-3 193

Lot No.: 16 Block No.: 1030 Acreage: 0.090 Census Tract: 48113000500

Street Frontage (in Feet): 1) 39' SALE ST 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MR. SCOTT GRANOWSKI

Applicant: ALEXANDER QUINTANILLA Telephone: 214.738.5440

Mailing Address: 10440 E. NORTHWEST HWY. SUITE 100, DALLAS, TX Zip Code: 75238

E-mail Address: ALEXQ@QARCDESIGN.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of FRONT YARD SETBACK ON 2921 SALE STREET 12' provided, Required 20'
Encroaching 8'

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:
WE ARE REQUESTING THE BOARD OF ADJUSTMENT TO CONSIDER GRANTING A VARIANCE ON THE 20'-0" FRONT SETBACK SET FORTH BY PD-193 ON THIS SINGLE FAMILY RESIDENCE BUILT IN 1914, AT A TIME WHEN ALL RESIDENCES ON SALE STREET HAD SAME FRONTAGE AS THIS HOME STILL HAS, PER SANBORN MAPS. THIS HOME WILL MAINTAIN ITS HISTORIC CHARACTER WHILE UNDERGOING 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.

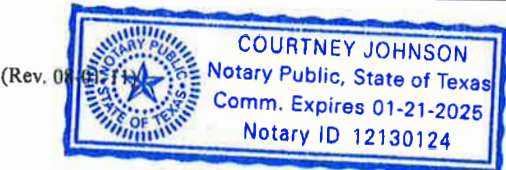
Affidavit

Before me the undersigned on this day personally appeared ALEXANDER QUINTANILLA
(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 8th day of February, 2022



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Alexander Quintanilla

did submit a request for a variance to the front yard setback regulations
at 2921 Sale Street

BDA212-037. Application of Alexander Quintanilla for a variance to the front yard setback regulations at 2921 SALE ST. This property is more fully described as Lot 16, Block 1030, and is zoned PD-193 (MF-3), which requires a front yard setback of 20 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 12 foot font yard setback, which will require a 8 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-037

I, SCOTT GRANOWSKI, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2921 SALE STREET
(Address of property as stated on application)

Authorize: ALEXANDER QUINTANILLA
(Applicant's name as stated on application)

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

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

Specify: FRONT YARD SETBACK VARIANCE

SCOTT GRANOWSKI
Print name of property owner or registered agent

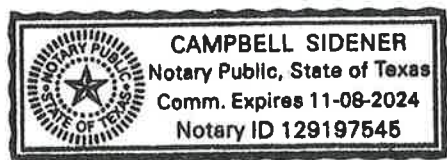
[Signature]
Signature of property owner or registered agent

Date 02/08/2022

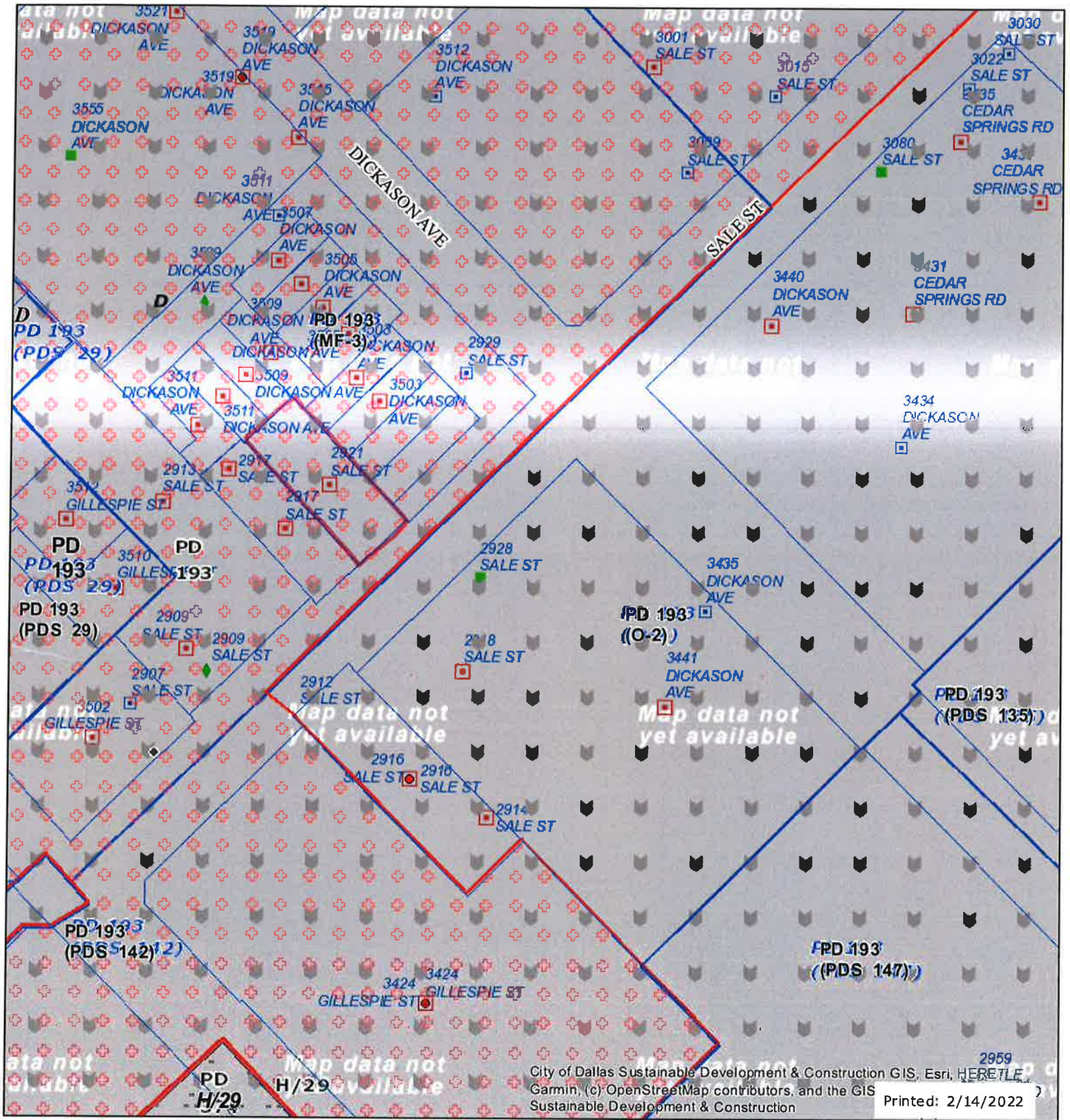
Before me, the undersigned, on this day personally appeared SCOTT GRANOWSKI

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

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



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 11/08/2024



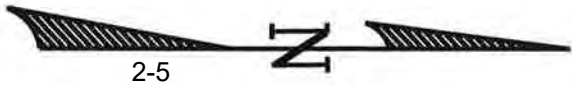
City of Dallas Sustainable Development & Construction GIS, Esri, HERE, DeLorme, Garmin, (c) OpenStreetMap contributors, and the GIS Sustainable Development & Construction
 Printed: 2/14/2022

Legend

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





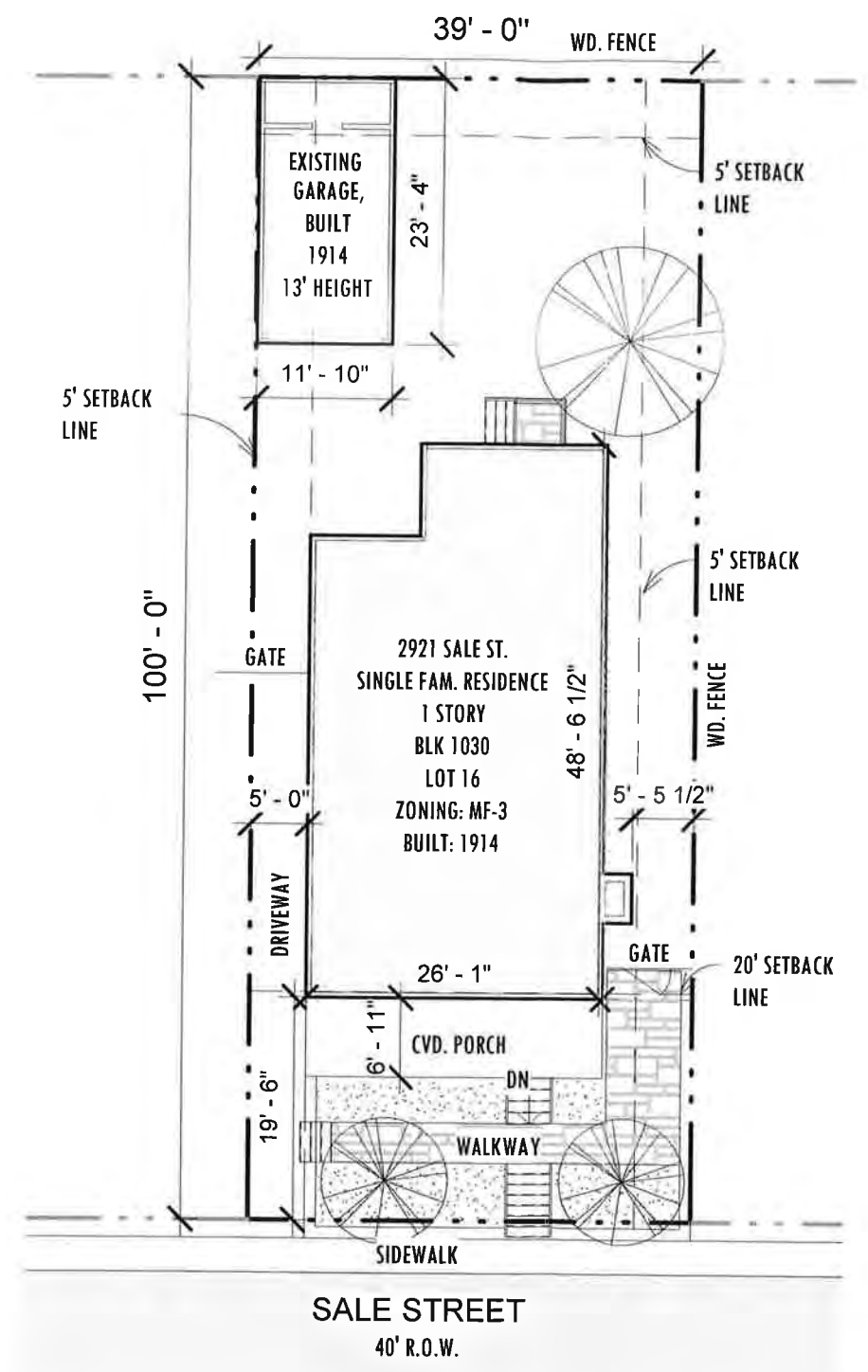


SALE
266

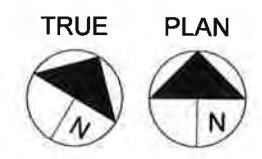
EA

2921 Sale Street Addition

Dallas, Texas 75219



EXISTING SITE PLAN
SCALE: 1/16" = 1'-0"



COPYRIGHT Q ARCHITECTS 2021

PROJECT NUMBER	Q21122	DRAWN BY	STA
DATE	02.10.22	CHECKED BY	AQB

ISSUE LOG		
No.	Description	Date

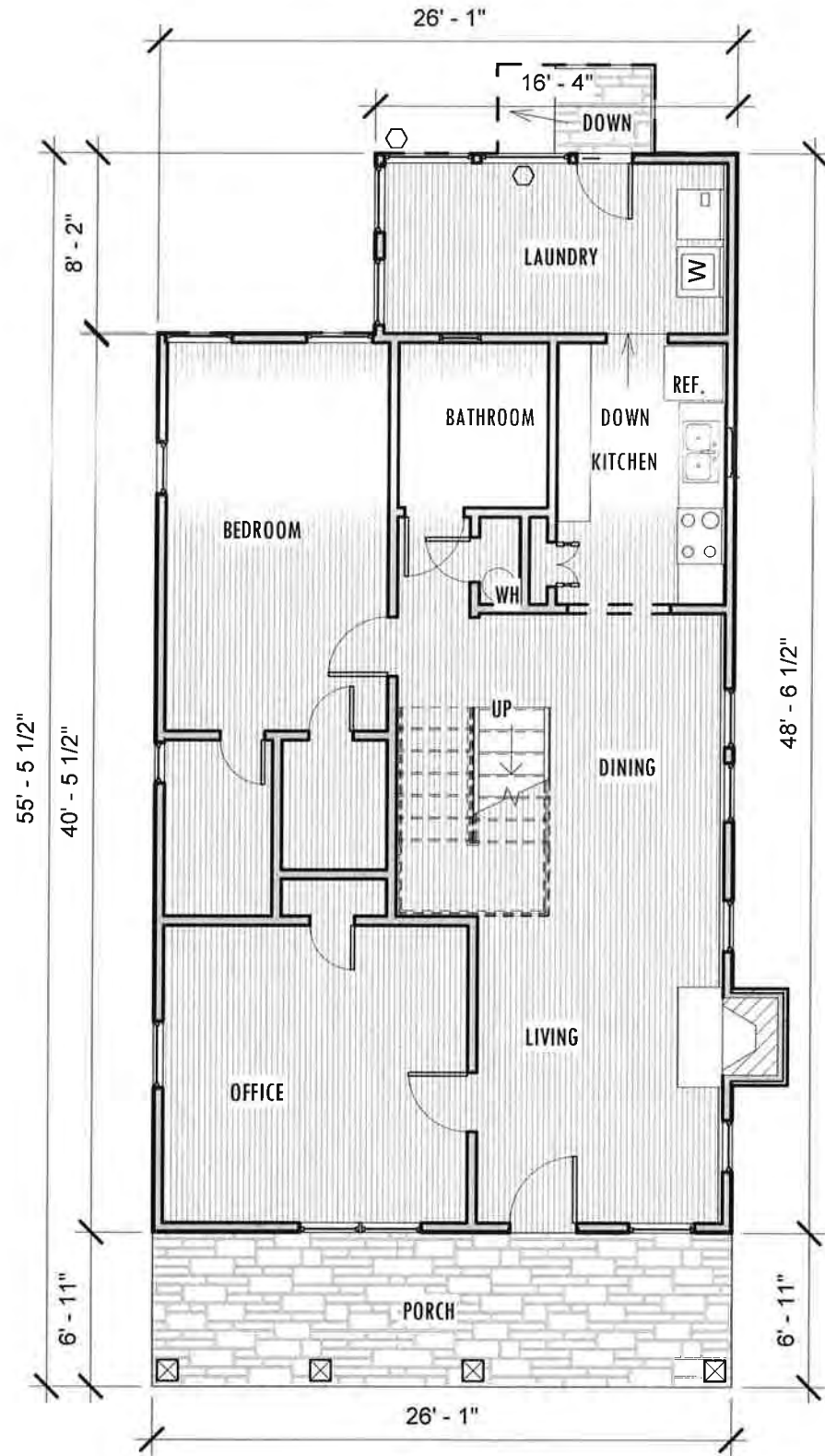
SITE PLAN

A0.10

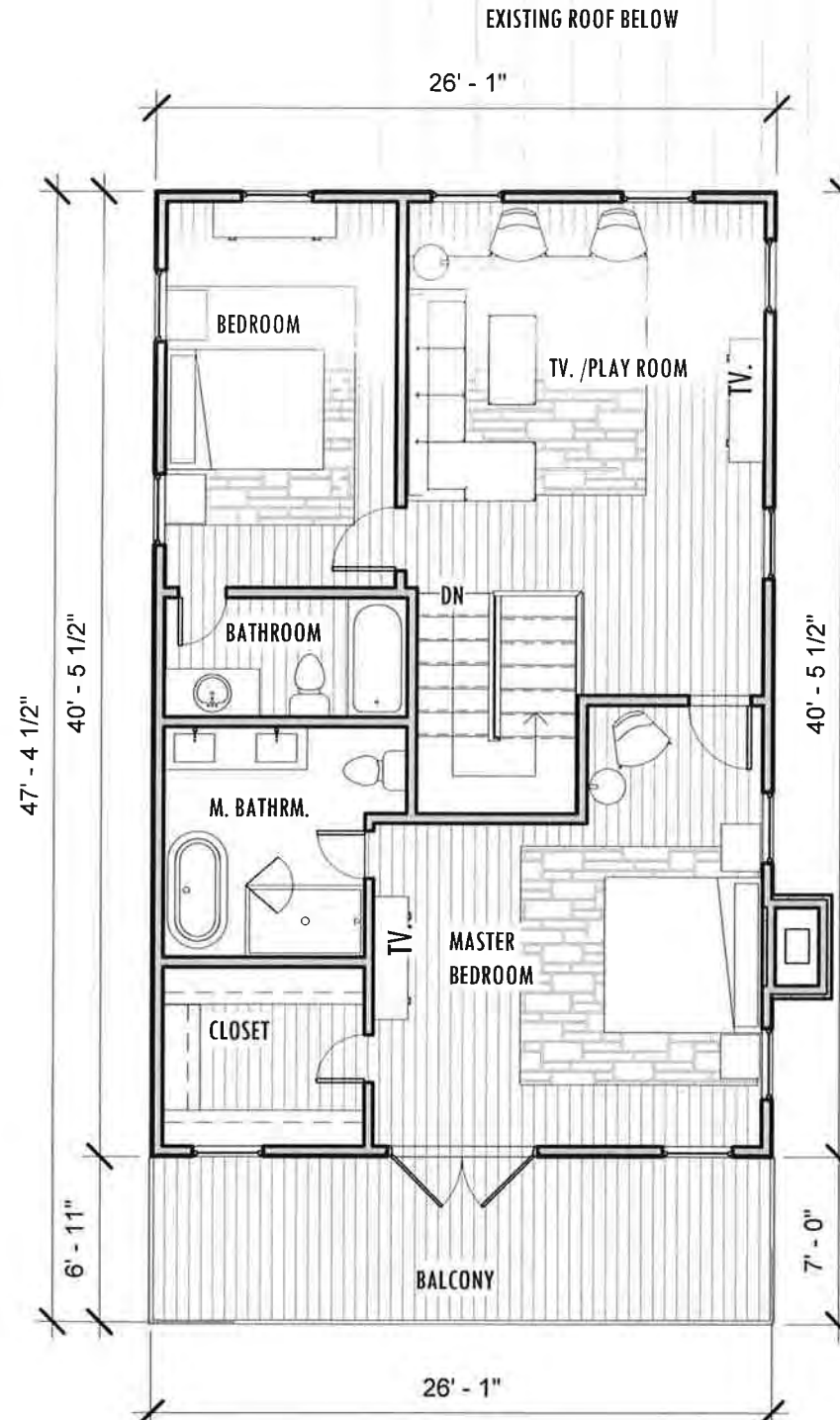
Reference only



Q ARCHITECTURE + DESIGN, PLLC
10440 E. NORTHWEST HWY.
DALLAS, TX 75238
QARCDDESIGN.COM



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



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

2921 Sale Street Addition

Dallas, Texas 75219

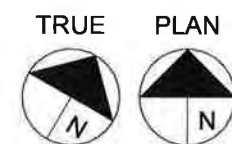
PROJECT NUMBER Q21122 DRAWN BY STA
DATE 02.10.22 CHECKED BY AQB

ISSUE LOG		
No.	Description	Date

FLOOR PLANS - PROPOSED

A1.01

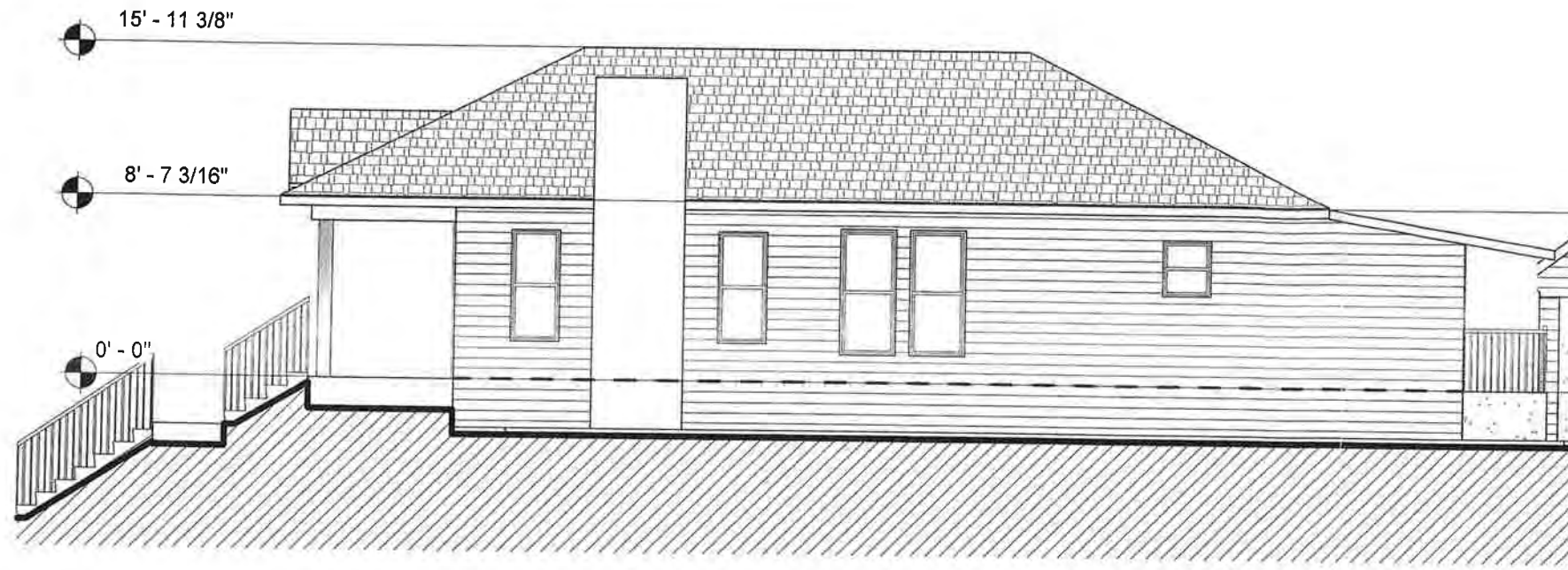
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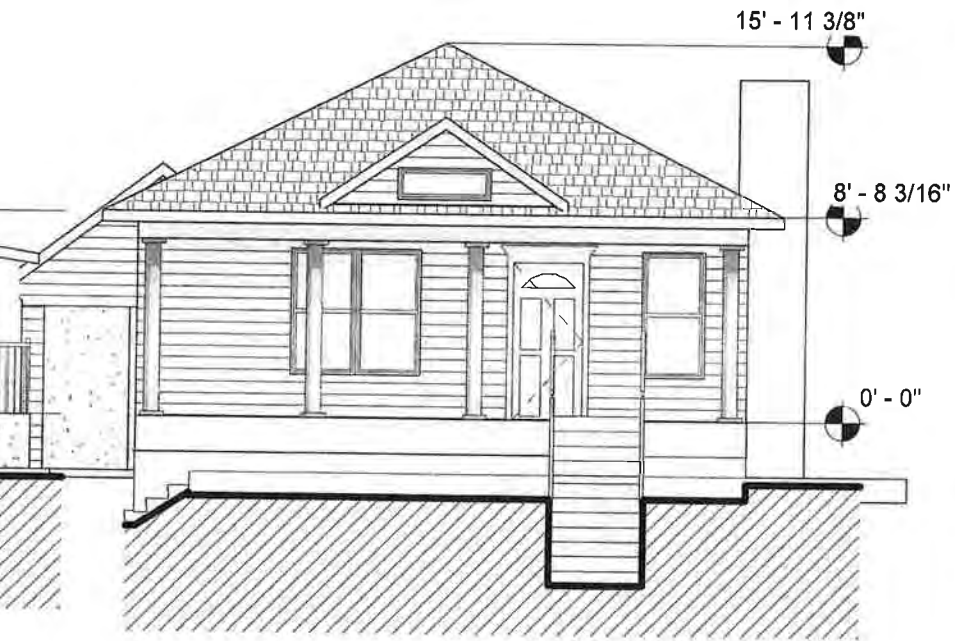
Reference only.



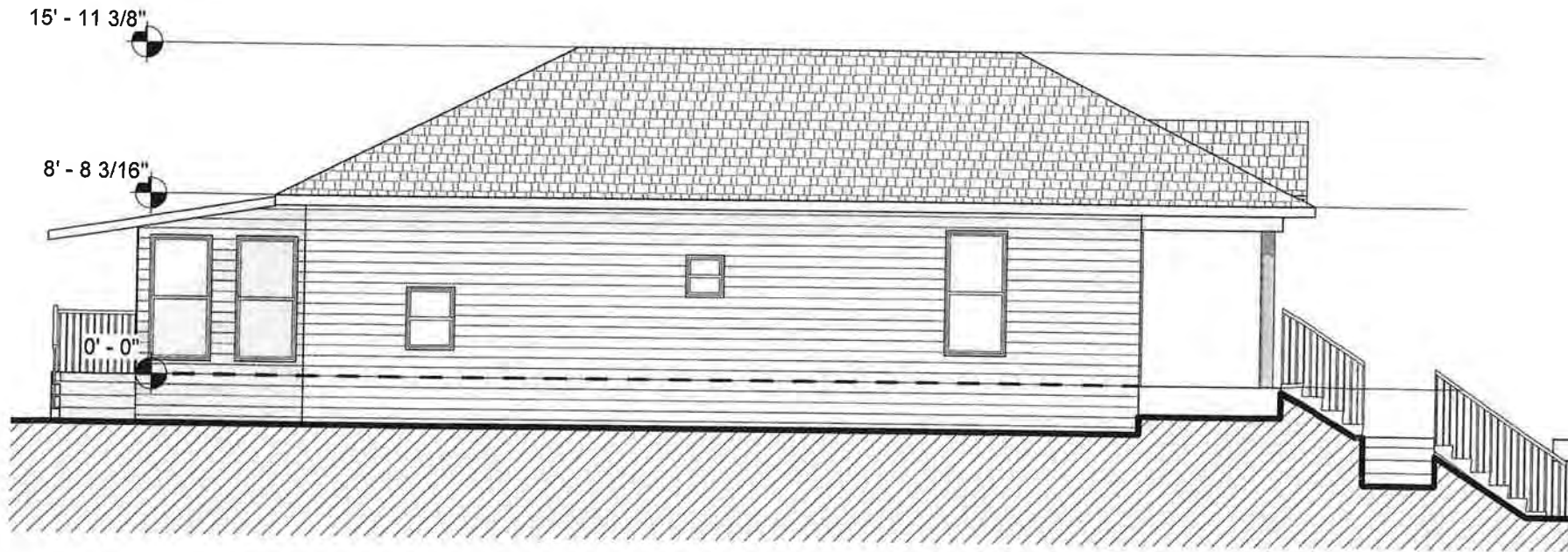
Q ARCHITECTURE + DESIGN, PLLC
10440 E. NORTHWEST HWY.
DALLAS, TX 75238
QARCDESIGN.COM



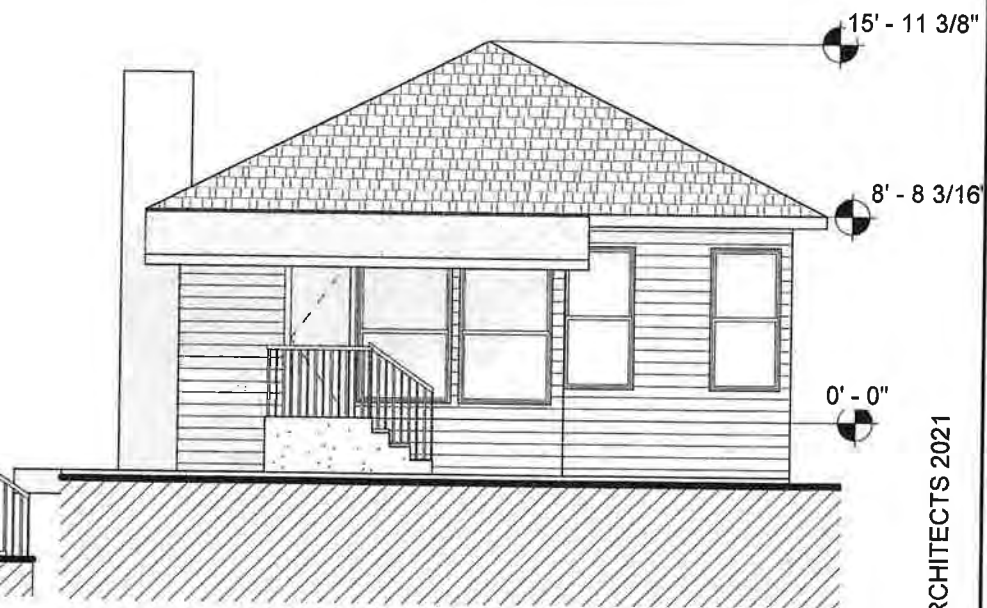
EXISTING - EAST ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING - WEST ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING - NORTH ELEVATION
SCALE: 1/8" = 1'-0"

2921 Sale Street Addition

Dallas, Texas 75219

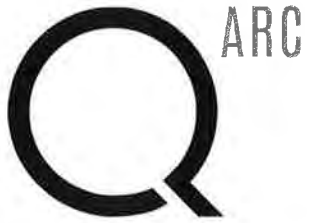
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PROJECT NUMBER Q21122
DATE 11.17.21
DRAWN BY STA
CHECKED BY AQB

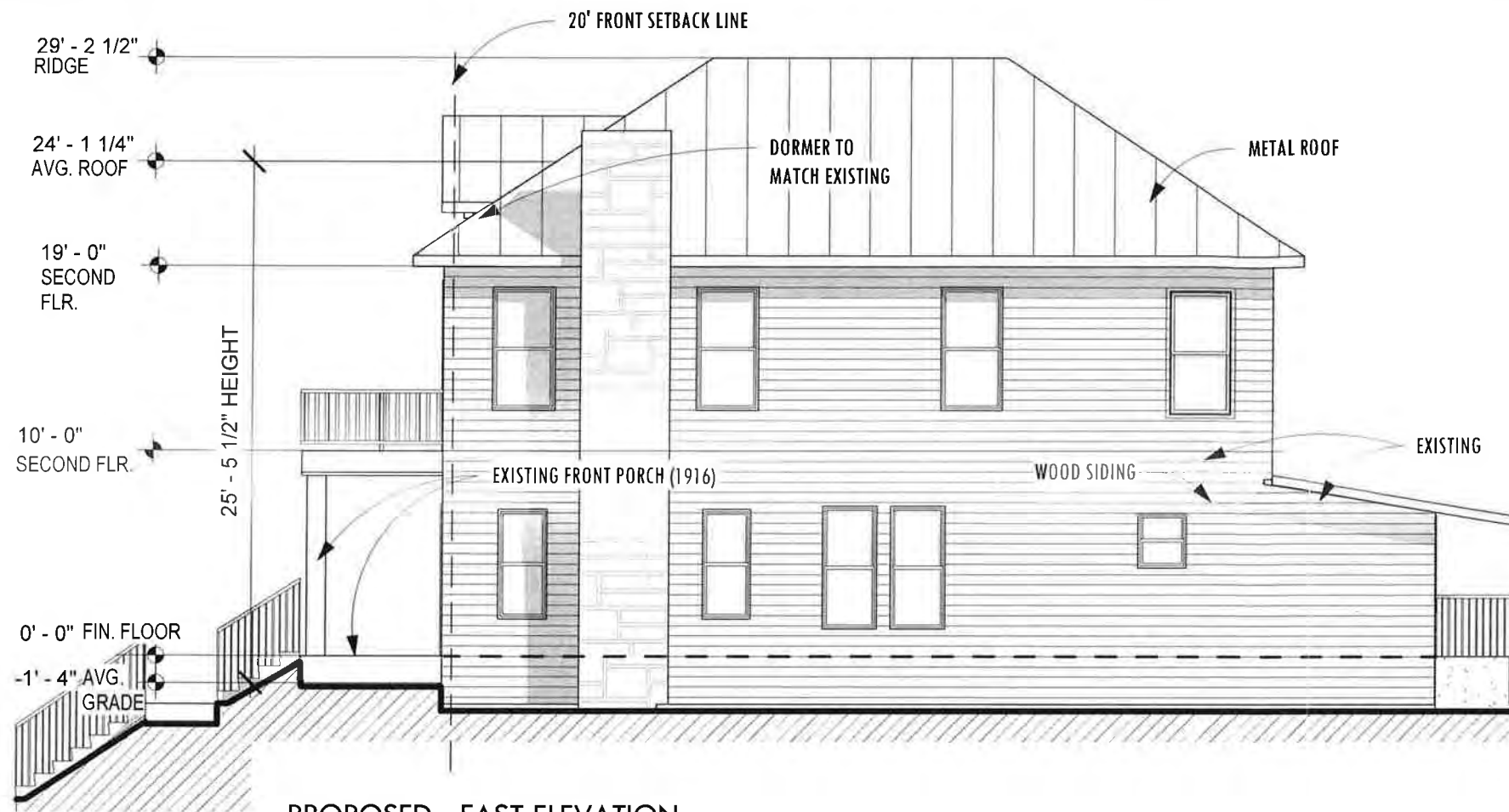
ISSUE LOG		
No.	Description	Date

EXTERIOR ELEVATIONS

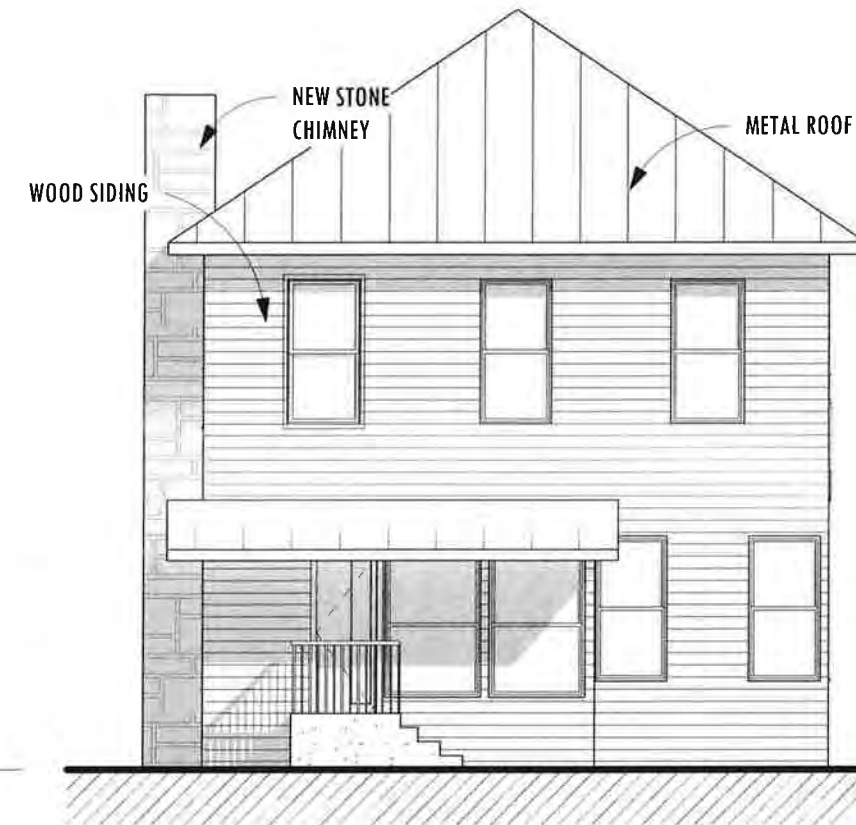
A2.00



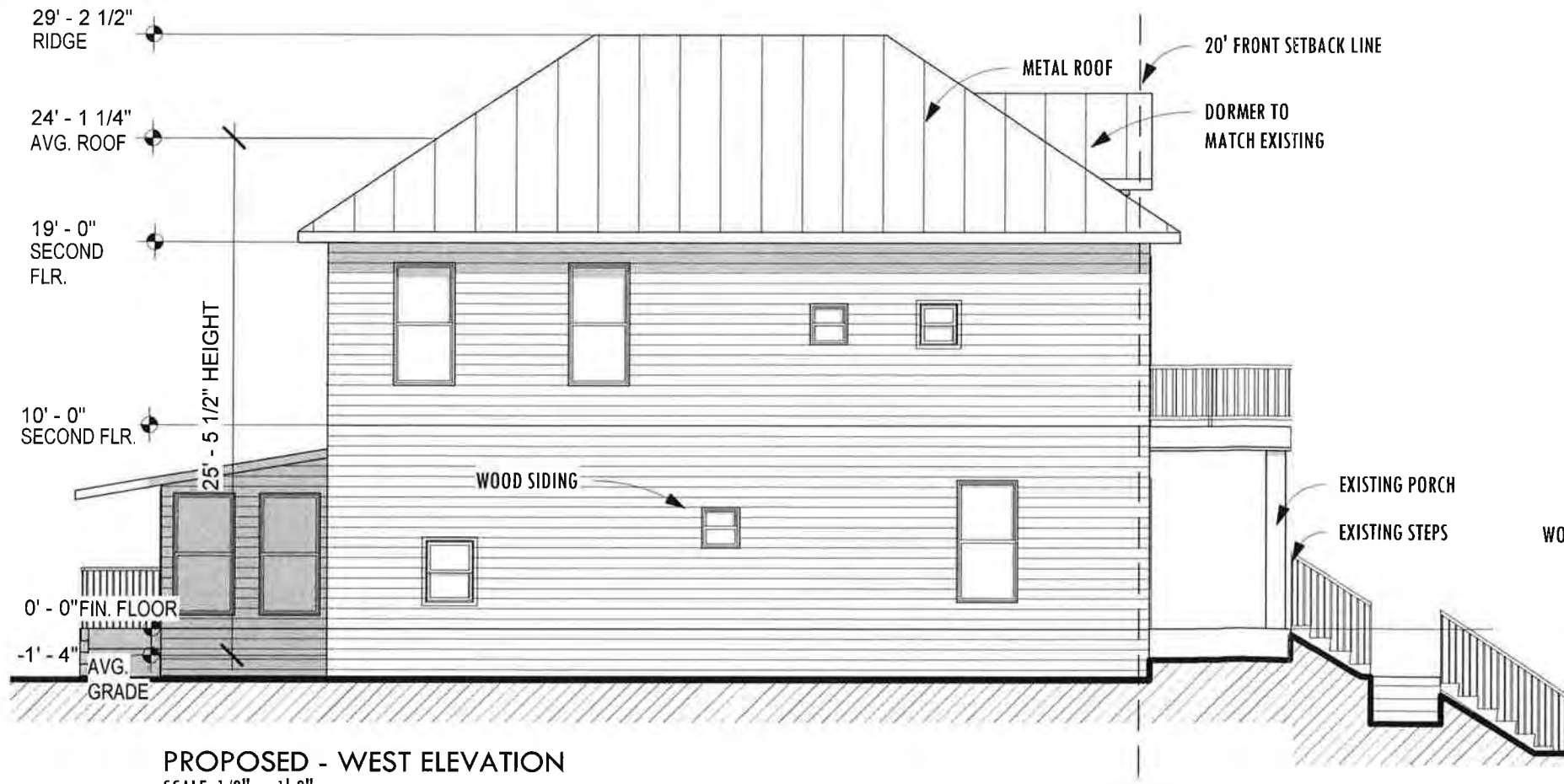
Q ARCHITECTURE + DESIGN, PLLC
 10440 E. NORTHWEST HWY.
 DALLAS, TX 75238
 QARCDESIGN.COM



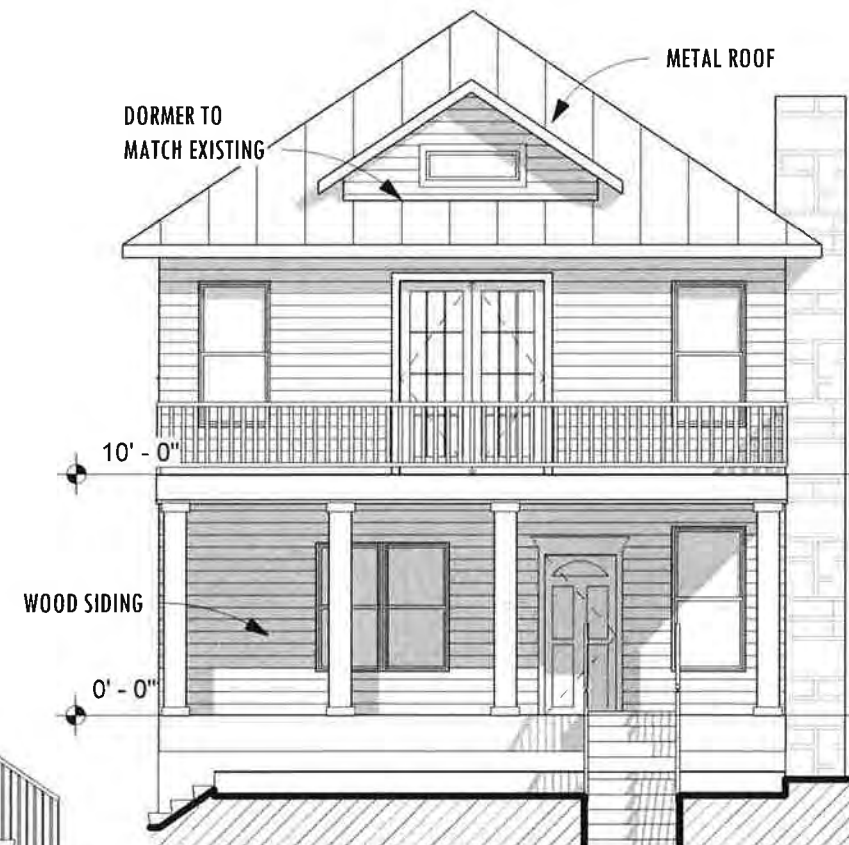
PROPOSED - EAST ELEVATION
 SCALE: 1/8" = 1'-0"



PROPOSED - SOUTH ELEVATION (REAR)
 SCALE: 1/8" = 1'-0"



PROPOSED - WEST ELEVATION
 SCALE: 1/8" = 1'-0"



PROPOSED - NORTH ELEVATION (FRONT)
 SCALE: 1/8" = 1'-0"

COPYRIGHT Q ARCHITECTS 2021

2921 Sale Street Addition

Dallas, Texas 75219

PROJECT NUMBER Q21122	DRAWN BY STA
DATE 02.10.22	CHECKED BY AQB

ISSUE LOG		
No.	Description	Date

PROPOSED ELEVATIONS

A2.01

COMPARATIVE ANALYSIS – 2921 SALE STREET

BDA212-037

RESPECTFULLY SUBMITTED BY

ALEXANDER QUINTANILLA

ALEXQ@QARCDESIGN.COM



BACKGROUND

2921 Sale Street is a single-family residence built in 1914. It is inhabited by a family of 3 with one more on the way, and at 1040 sq. ft. is proving to be a bit small for the growing family.

As can be seen on the historic Sanborn map from 1921, all the homes on Sale Street were observing the same front setback before PD 194 was instated over 50 years later.

A few remaining original houses on the block maintain the historic charm that 2921 Sale Street presents. Most properties have been developed into very large apartment buildings or duplexes, townhomes, etc.



HISTORIC PAST

In short, Sale Street was full of antique shops that were run out of the homes. Each year the Sale Street Fair was attended by many, as much as 50,000 in 1984. [Link](#)

It is the wish of the homeowners to maintain the historic appeal of their home and the street itself.

NON-LUCRATIVE ENDS:

The homeowners are approached multiple times per year by developers who wish to demolish the home and build luxury multifamily housing. It would be extremely lucrative to do so, as multifamily properties can be worth over two times the price per square-foot than a single-family residence, but in order to maintain the historic character of their home they simply wish to expand vertically and maintain the same historic charm.

LOT HARDSHIPS:

The lot became non-compliant upon the adoption of PD 193. It is this PD which does not allow for expansion at the front of the home. It is notable that not only the porch is non-compliant, but the first few feet of livable space are also within the setbacks adopted by PD193. The desire to stack a new second floor above the first is to attempt to maximize the area, both indoor and via a front balcony, but at the same time maintaining the historic character. It would not be feasible to build a 3rd story to the

home to add square-footage, due to costs and other issues such as allowable height. As the charts below show, most of the houses in the adjoining block are also built at the beginning of the 1900's but have a much larger size (over double the size of this residence).

We have not proposed to extend the house to the rear of the lot, because an existing mature oak tree in the back yard that would need to be demolished if any construction were to take place in the back of the residence. Additionally, it would eliminate a large portion of the back yard which is used by the child for play.

COMPARISON WITH OTHER SINGLE-FAMILY MF-3 PROPERTIES

While it was difficult to find other MF-3 properties that have not been converted to duplex or apartment buildings, there are a few examples. There are many more examples of MF-2 single family dwellings with a much higher density than 2921 Sale Street.

	Type	Number	Street	Zoning	Square Feet	Lot Size	Density
Subject Property	Single Family	2921	Sale	MF-3	1040	3900	0.27
Comp Property 1	Single Family	2917	Sale	MF-3	1856	3450	0.54
Comp Property 2	Single Family	2913	Hood	MF-3	2643	3250	0.81
Comp Property 3	Single Family	3530	Gillespie	MF-3	3722	5504	0.68
Comp Property 4	Single Family	3601	Dickason	MF-3	2,216	4709	0.47
Average							0.62

The chart above shows homes that are within 1 block of 2921 Sale Street, and shows that the livable square footage divided by the lot size averages out to 0.62 when compared to 0.27. It is worth noting that 2917 Sale Street (next door) is already a 2-story “stacked home”, which is what 2921 Sale Street wishes to be.

PUBLIC INTEREST

The project would not be contrary to public interest, as it does not create any undue hardships on the adjoining lots or the neighborhood. It is currently the shortest building on the street and would actually improve the appearance of the street by providing more cohesion of vertical scale.

It is the neighboring properties, such as the 4 story apartment complex that wraps 2 sides of this home with a retaining wall, that create hardships by being able to view down directly into the home and by mitigating natural light.

SUMMARY

We request Staff to recommend the variance, in order for the family to expand within the neighborhood that they enjoy, in a manner that is sympathetic to the home’s historic past. Thank you.

FILE NUMBER: BDA212-041(PD)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Planning for a special exception to the fence height regulations at 6806 Wander Place. This property is more fully described as Lot 8 in City Block 7489 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-four-inch-tall fence, which will require a two-foot-four-inch special exception to the fence regulations.

LOCATION: 6806 Wander Place

APPLICANT: Rob Baldwin of Baldwin Planning

REQUEST:

The applicant proposes a fence with a maximum height of six feet four inches, constructed of steel rails, pickets and posts located along the Wander Place frontage. The site is currently under construction with a two-story single-family dwelling.

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-10(A) (Single Family District)
West: R-10(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

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

1. BDA189-126: On November 18, 2019, Panel C, Board of Adjustment granted a special exception to the fence standards regulations at 4047 Cochran Chapel Road.
2. BDA189-038: On May 20, 2019, Panel C, Board of Adjustment denied without prejudice three variance requests to the front yard setback regulations and granted a special exception to the fence regulations to construct and maintain a nine-foot six-inch high fence and granted a special exception to the visibility obstruction triangle at drive approaches at 3111 Canton Street.

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the fence height regulations is proposed to construct and maintain a six-foot-four-inch-tall fence in a required front yard, which will require a two-foot-four-inch special exception.

The property is currently undergoing construction. A fence with a maximum height of nine six feet four inches along the W. Ricks Circle property line is proposed with a length of 87 feet. Additionally, along the northern portion of the site the fence is proposed to continue within a 15-foot utility easement. 51A-4.602(8) of the Development Code, states that prior written approval is required to erect a fence in a utility easement, however staff has been advised by Building Inspections that despite favorable Board action, clearance from the utility entity will have to be provided for the proposed fence to progress to permitting.

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

- The following information is shown on the submitted site plan:
- The proposed fence will maintain a maximum height of six feet four inches.
- The fence is proposed to be constructed with two-foot-and-one-half-inch posts with one-foot-and-one-half-inch top rails and two-foot-one-half-inch bottom rails with three-quarter pickets installed at a distance of four inches on center.

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

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of six-feet-four-inches located on Wander Place will not adversely affect neighboring properties.

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

Timeline:

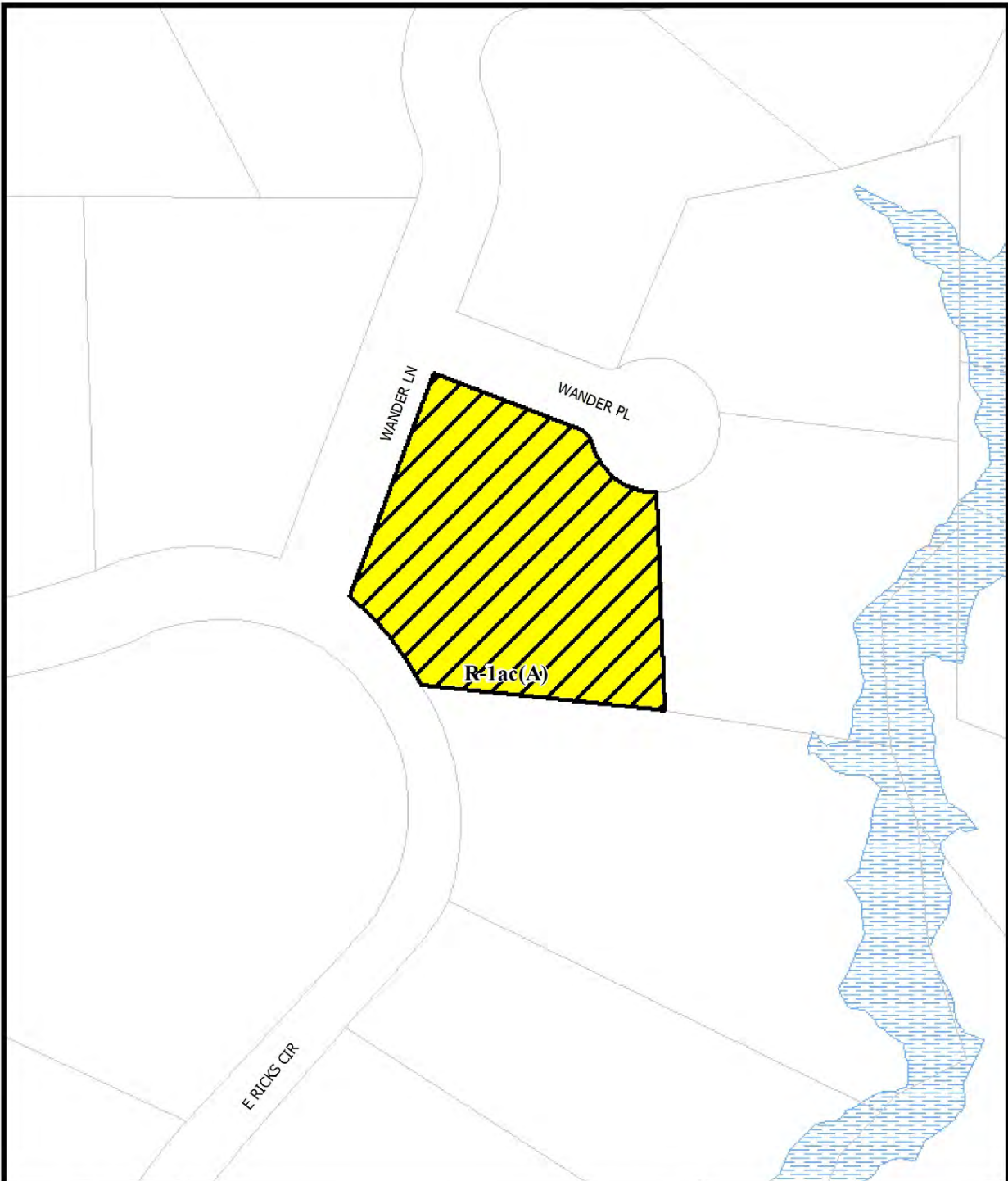
March 9, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

April 12, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 4, 2022: The Board Senior Planner emailed the representative the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board.

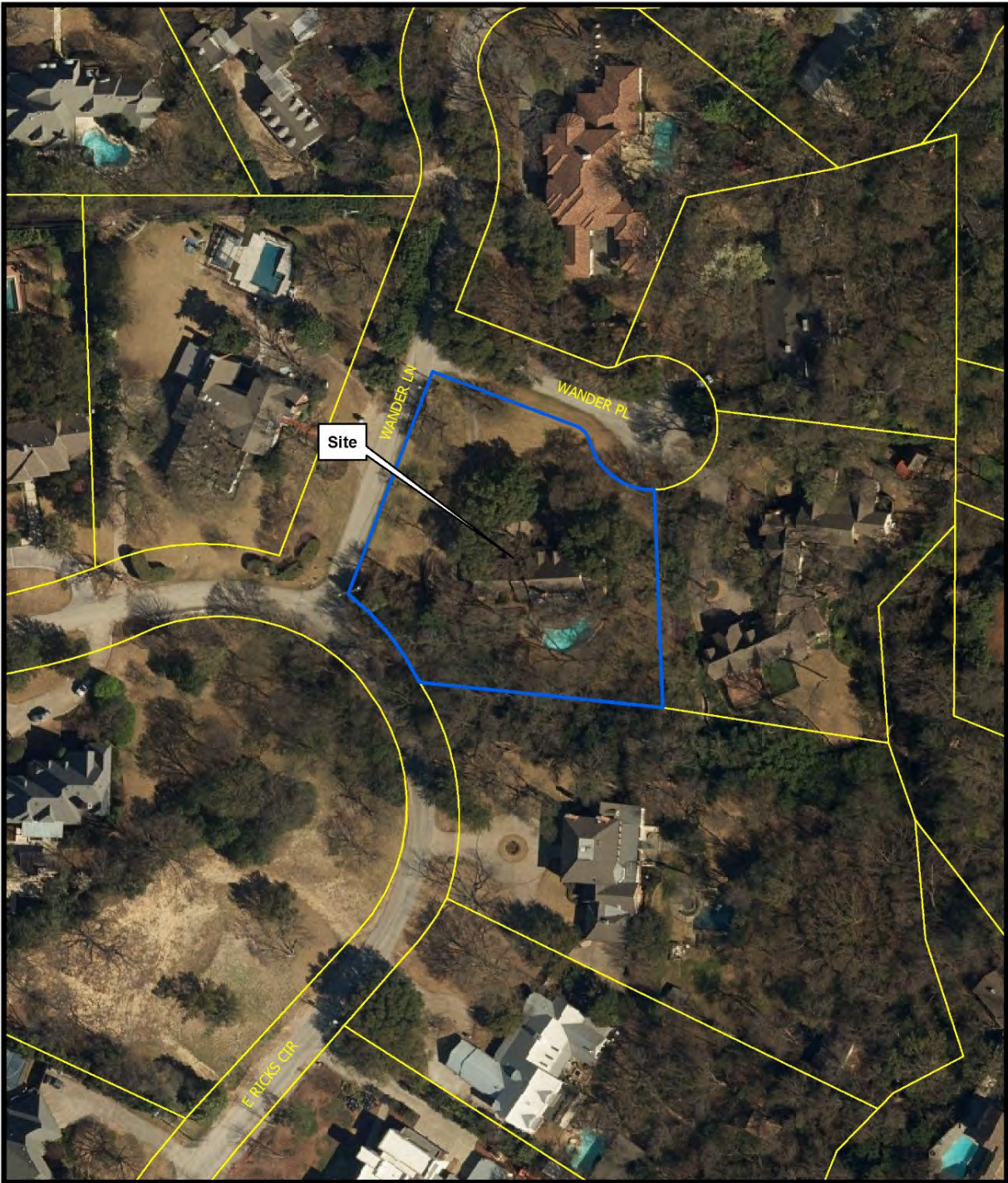


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ZONING MAP

Case no: BDA212-041

Date: 4/18/2022

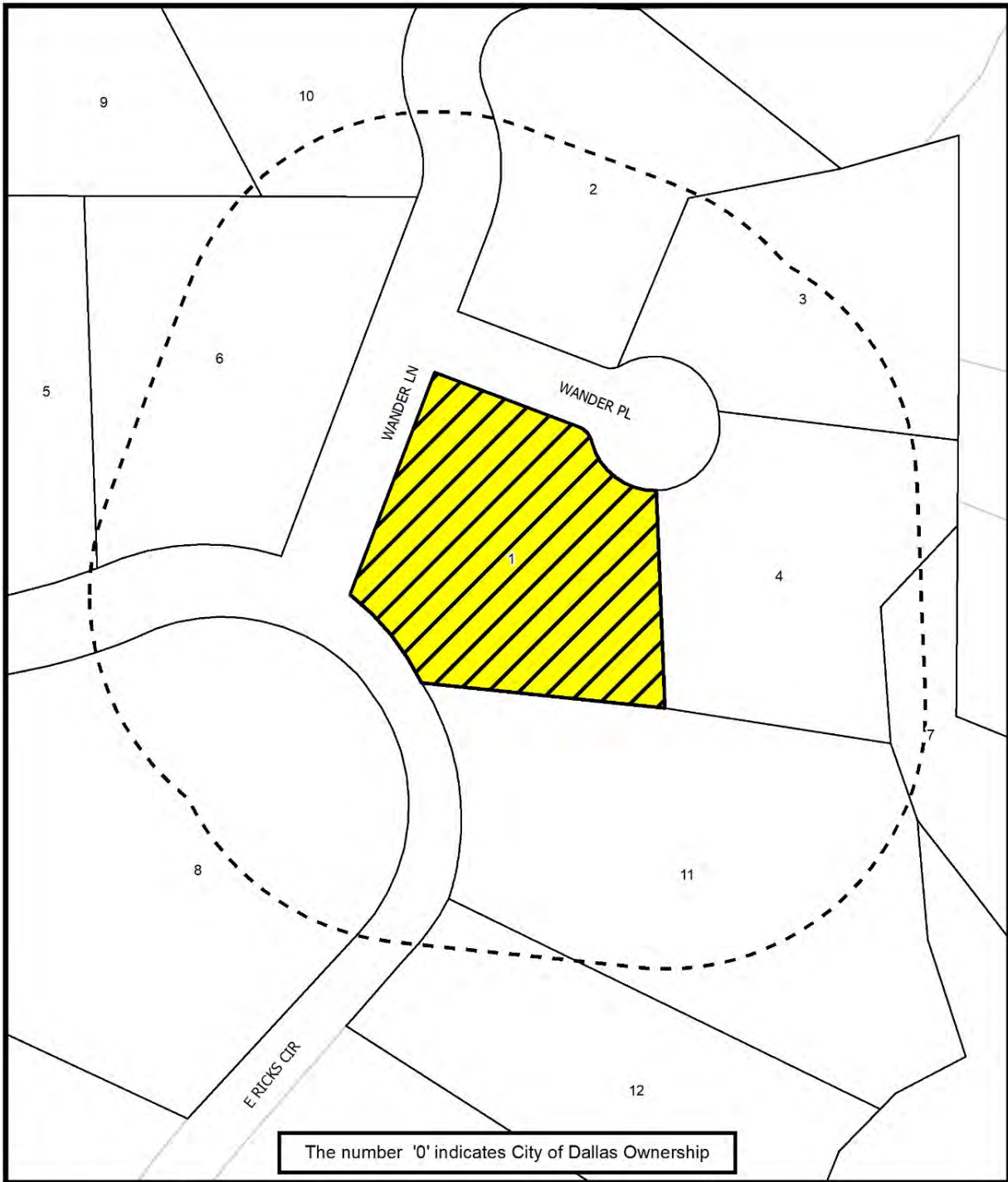


1:1,200

AERIAL MAP

Case no: BDA212-041

Date: 4/18/2022



 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;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA212-041 Date: 4/18/2022
200'	AREA OF NOTIFICATION					
12	NUMBER OF PROPERTY OWNERS NOTIFIED					

04/14/2022

Notification List of Property Owners

BDA212-041

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6806 WANDER PL	BROWN DIANE J & SANFORD M
2	6807 WANDER PL	PANDIAN PAUL &
3	6815 WANDER PL	LEAVELL STEPHEN R &
4	6816 WANDER PL	MORROW JOHN P & JULIE H
5	11535 E RICKS CIR	MYHRE JON & ANNEMARIE
6	11525 WANDER LN	CULLUM DAN R & KAREN A
7	11435 HILLCREST RD	PULLEY DAVID H
8	11524 E RICKS CIR	PLUSS STEVEN S &
9	6608 FOREST CREEK DR	SILLS MICHAEL & SHELE
10	6612 FOREST CREEK DR	WEATHERS S BECK &
11	11442 E RICKS CIR	MCPETERS JEFFREY LAWRENCE
12	11438 E RICKS CIR	GARRETT DENNIS D & KIMBERLY Z



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-041

Data Relative to Subject Property:

Date: 3-9-22

Location address: 6806 Wander Place Zoning District: R-1AC(A)

Lot No.: 8 Block No.: 7489 Acreage: 1.02 acres Census Tract: 133.00

Street Frontage (in Feet): 1) 87 ft 2) 182 ft 3) 183 ft 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Sanford M. Brown and Diane J. Brown

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

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

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
The property has front yards along W. Ricks Circle and Wander Place, but Ricks Circle functions as the property's "back yard." The proposed fencing and gates will be similar in height and appearance to other fences in the area. The approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

Affidavit

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

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

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

Subscribed and sworn to before me this 8th day of March 2022



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

did submit a request for a special exception to the fence height regulations
at 6806 Wander Place

BDA212-041. Application of BALDWIN ASSOCIATES for a special exception to the fence height regulations at 6806 WANDER PL. This property is more fully described as Lot 8, Block 7489, 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 4 inch high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 212-041

I, Diane J. Brown, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6806 Wander Place
(Address of property as stated on application)

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

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

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

Specify: Fence

Diane J. Brown
Print name of property owner or registered agent

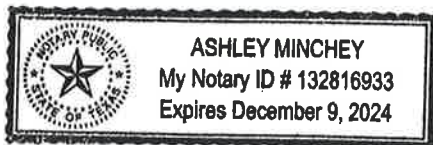
Diane J. Brown
Signature of property owner or registered agent

Date 2-15-22

Before me, the undersigned, on this day personally appeared Diane J Brown

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

Subscribed and sworn to before me this 15 day of February, 2022



Ashley Minchey
Notary Public for Dallas County, Texas

Commission expires on 12/09/2024



AFFIDAVIT

Appeal number: BDA 212-041

I, Sanford M. Brown, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 6806 Wander Place
(Address of property as stated on application)

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

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

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

Specify: Fence

Sanford M. Brown

Print name of property owner or registered agent

Sanford M. Brown

Signature of property owner or registered agent

Date 2/15/2022

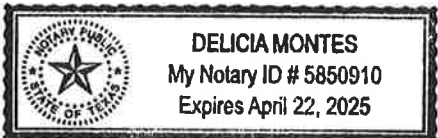
Before me, the undersigned, on this day personally appeared Sanford M. Brown

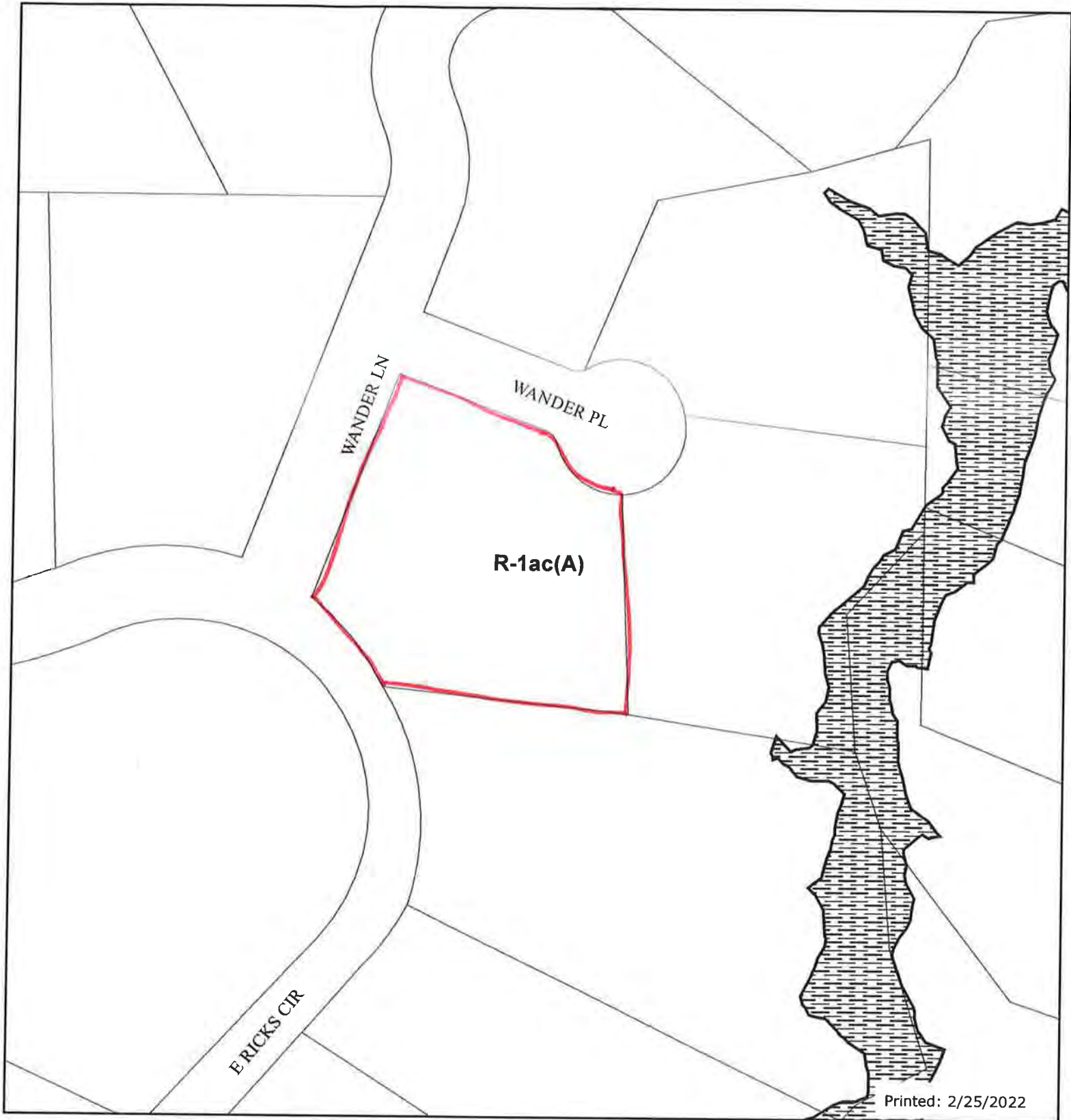
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 15th day of February, 2022

Delicia Montes
Notary Public for Dallas County, Texas

Commission expires on 4/22/2025





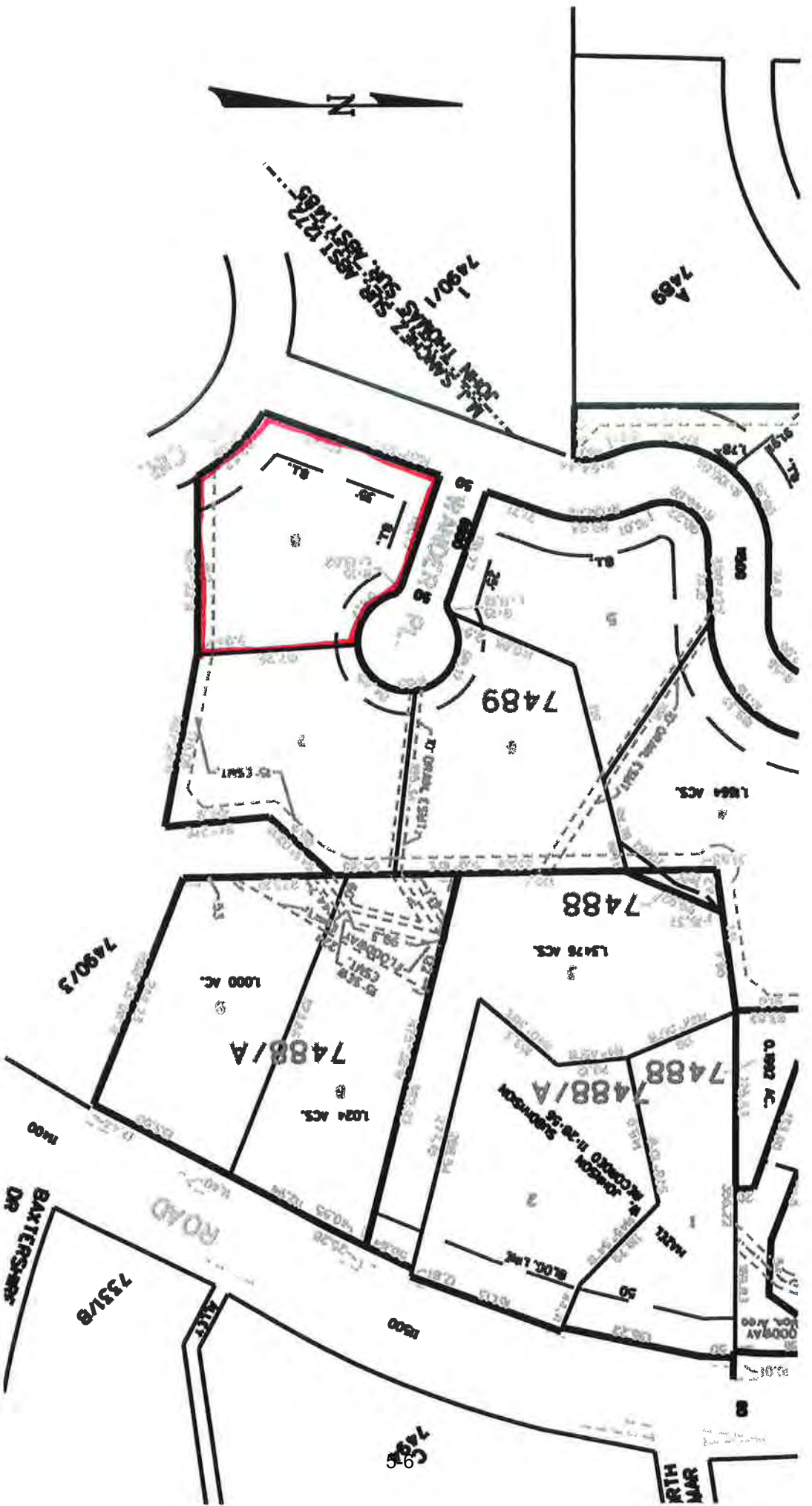
Printed: 2/25/2022

Legend

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





7490/1
 M. SANCHEZ S/S 1951-1212-85
 JOAN THOMAS S/S 1951-1212-85

7469

7489

7488

7488/A

7488

7331/B

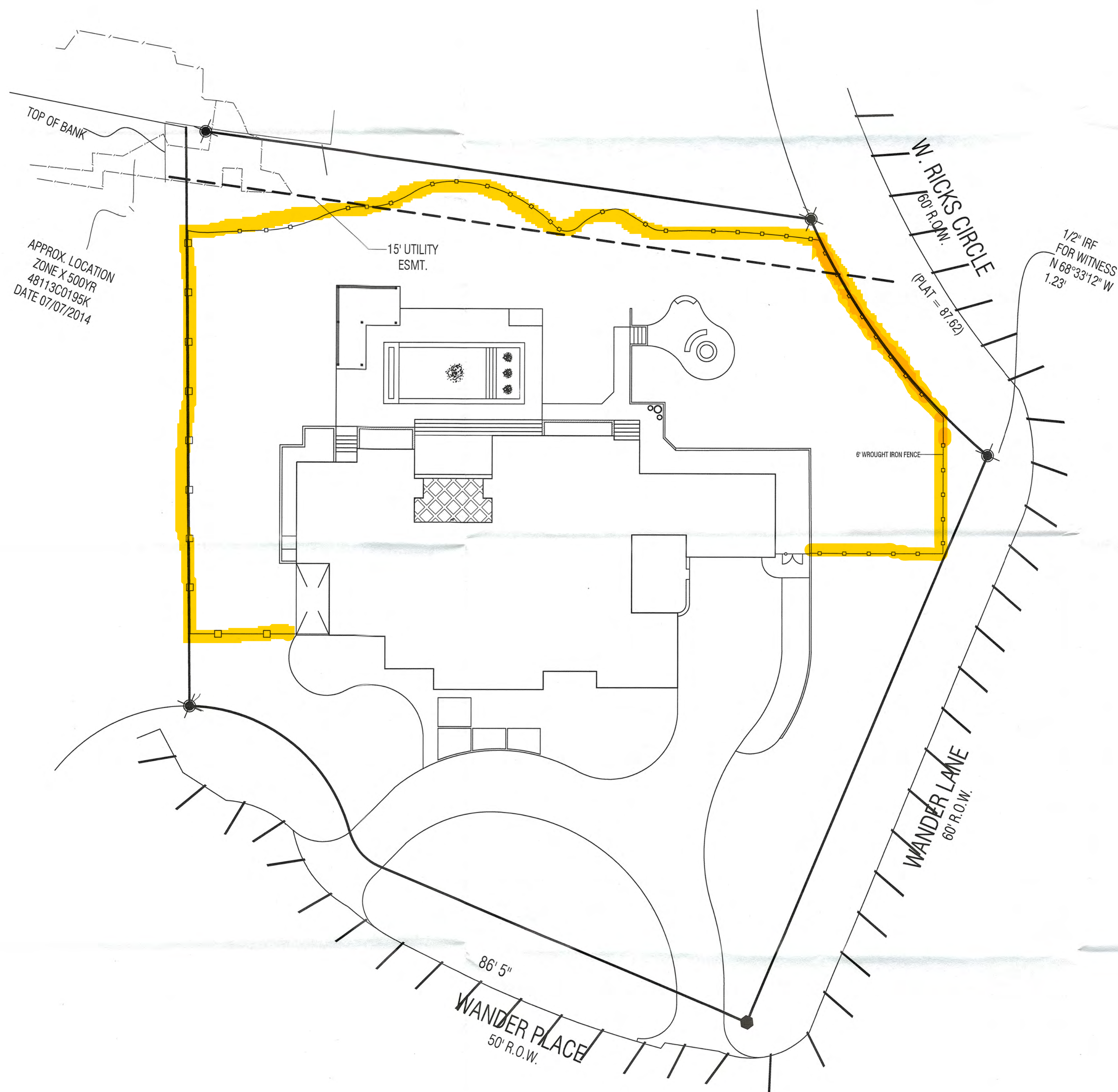
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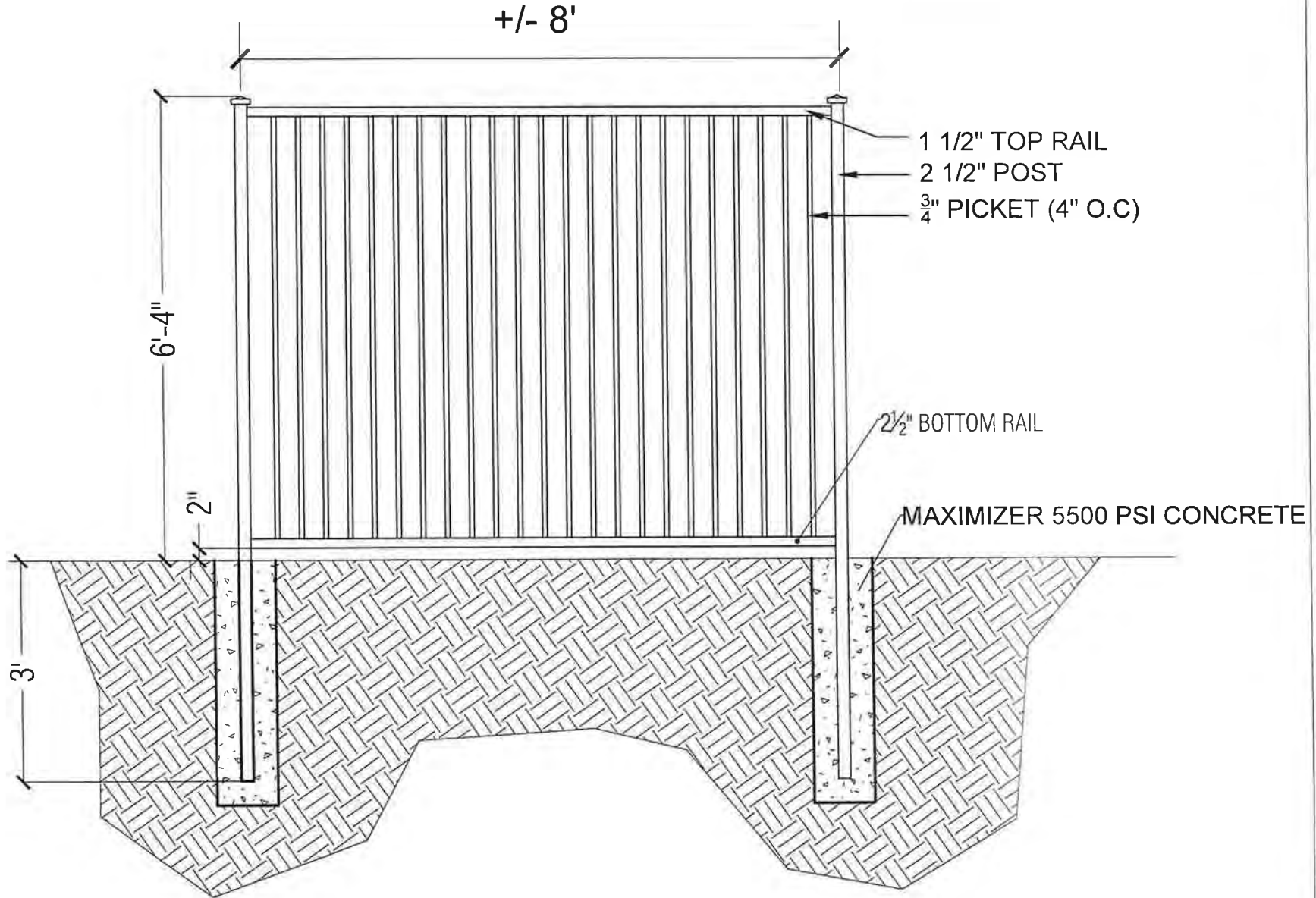
ROAD

ELECT



6806 Wander Place.
 Dallas, Tx 75230
 Scale 1:20

Typical Fence Section
 Total Length of Fence in Front Yard: 150'
 Fence Material: Wrought Iron



CLIENT:

Brown Residence
 6806 Wander Place
 Dallas, Tx 75230

DATE 02.14.22
 Revised

SCALE 1/2" = 1'

Southwest
 Fence & Deck, Inc.
 4821 Darns Rd
 Carrollton, Texas 75010
 (972) 244-2744 Fax
 www.SouthWestFence.com



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 WRITTEN PERMISSION OF
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CONCEPTUAL DRAWING All measurements to be field verified

FILE NUMBER: BDA212-038(PD)

BUILDING OFFICIAL'S REPORT: Application of Narayanan Venkatakrisnan represented by Jeffery Riddle for special exceptions to the fence standards and the visibility obstruction regulations at 17515 River Hill Drive. This property is more fully described as Lot 35, in City Block 2/8705, and zoned an R-10(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a 20-foot visibility triangle at an alley and driveway approach. The applicant proposes to construct an eight-foot-six-inch-tall fence located within a visibility obstruction triangle.

LOCATION: 17515 River Hill Drive

APPLICANT: Narayanan Venkatakrisnan represented by Jeffery Riddle

REQUEST:

The applicant proposes to maintain an eight-foot-six-inch-tall board-on-board fence along the lot line with three electric double gates along River Hill Drive and Honey Creek Lane frontages, within required visibility obstruction triangles.

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d)(3) of the Dallas Development Code states that the board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when *in the opinion of the board*, the item will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board’s decision-making.

The Transportation Development Services Senior Engineer has reviewed the request for a special exception to the visual obstructions regulation and does not have objections to the proposed request (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-10(A) Single Family District
<u>Northwest:</u>	MU-1 Mixed Use District
<u>North:</u>	R-10(A) Single Family District
<u>East:</u>	R-10(A) Single Family District
<u>South:</u>	R-10(A) Single Family District
<u>West:</u>	MU-1 Mixed Use District

Land Use:

The subject site is developed with a single-family dwelling unit. Surrounding properties are developed with retail and personal service uses to the west and northwest, and single-family uses to the north, east, and south.

Zoning/BDA History:

There has been one board case in the vicinity within the last five years.

1. **BDA201-101:** On October 19, 2021, Panel A, Board of Adjustment heard a request to appeal the decision of the administrative official at 17776 Dallas Parkway.

GENERAL FACTS/STAFF ANALYSIS:

The applicant proposes to maintain an eight-foot-six-inch-tall board-on-board fence with stone columns and three electric double gates along the front lot lines. The subject site is a corner lot situated along three frontages (Briargrove Lane to the north, River Hill Drive to the east, and Honey Creek Lane to the southeast and south) and developed with a one-story single-family dwelling. The fence is proposed to extend at a depth of nine feet along the front yard setbacks, within a required visibility obstruction triangle at the private drive approach along River Hill Drive and Honey Creek Lane.

The property is zoned an R-10(A) Single Family District which requires a front yard setback of 30 feet and a side yard setback of six feet. The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

Section 51A-4.401(9)(b)(1) of the Dallas Development Code states that if a corner lot in a single family, duplex, or agricultural district has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51A-4.402. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by side yard regulations in Section 51A-4.402. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained.

Additionally, Section 51A-4.602(d) of the Dallas Development Code states that a person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

- in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and alleys); and between two-and-a-half and eight feet-in-height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).

The following information is shown on the submitted site plan:

- The proposed fence is located in the front yards along Briargrove Lane, River Hill Drive, and Honey Creek Lane and is constructed along the front lot line.
- The length of the proposed fence in the front yard along Briargrove Lane is approximately 49 feet perpendicular to the frontage, along River Hill Drive approximately 236 feet perpendicular to the frontage, and along Honey Creek Lane approximately 200 feet perpendicular to the frontage.
- The fence is proposed to be constructed of board-on-board with stone columns.
- Three steel electric gates are proposed with two obstructing the 20-foot visibility triangles by nine feet along River Hill Drive (24-foot-wide gates) and Honey Creek Lane (25-foot-wide double gates).

Staff conducted a field visit of the site and surrounding area and noticed no other fences appear to be constructed above the maximum height of four feet within the front yard setback nor obstruct the required 20-foot visibility triangle at drive approaches.

The applicant has the burden of proof for both, the special exception to the fence regulations and a special exception to construct the fence in a required visibility

obstruction triangle, since the basis for these types of appeals are in the opinion of the board:

- Whether the proposed fence height would adversely affect the neighboring properties,
- Visibility obstructions items are made on the basis of the item(s) not constituting a traffic hazard, and
- Technical opinions provided from the city engineer.

The Transportation Development Services Senior Engineer does not have objections to the request for a special exception to construct a fence in a required visibility obstruction triangle (**Attachment A**).

As of May 10, 2022, staff has received nine letters in opposition to the request and no letters in support of the request.

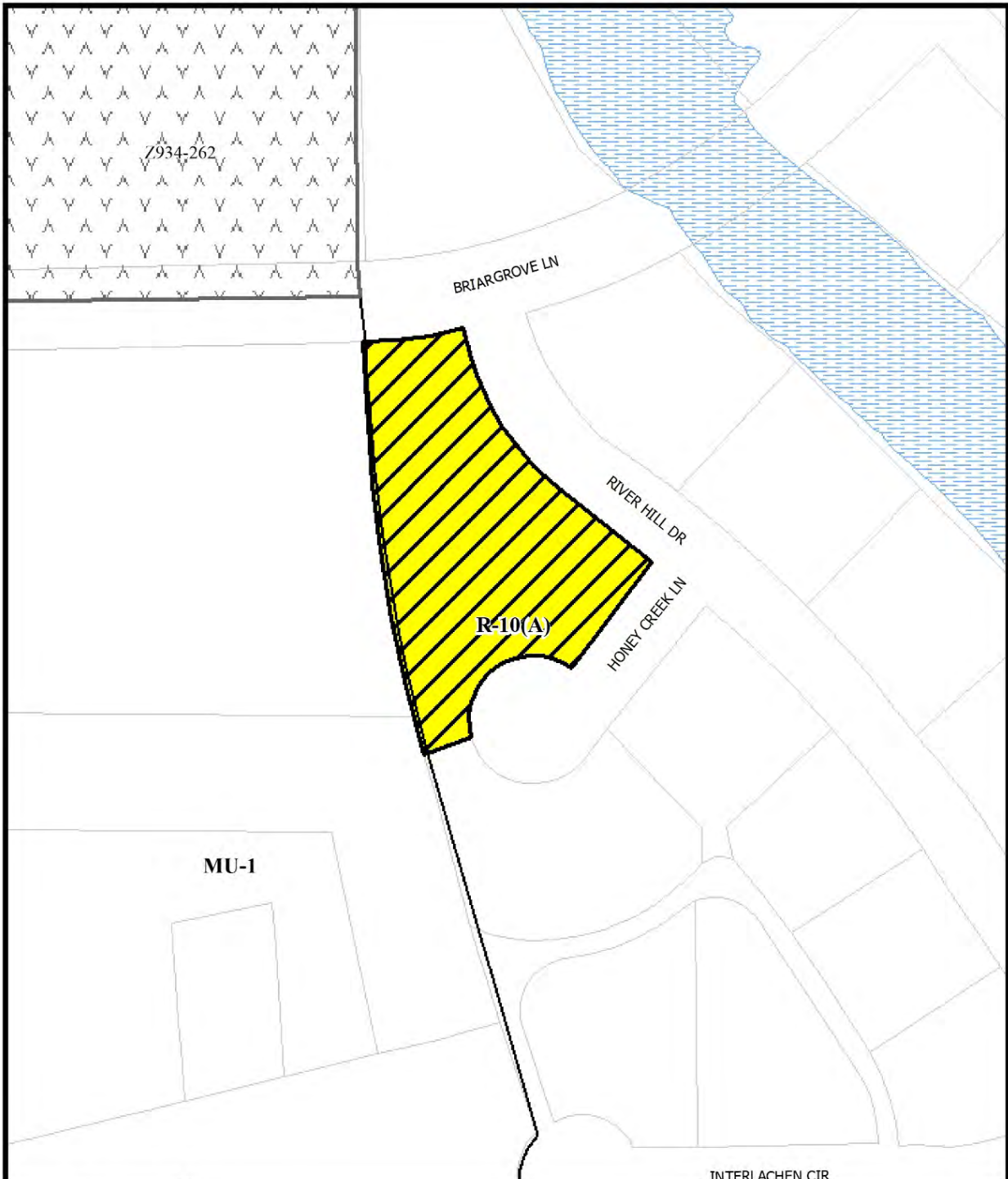
Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation plan would limit the height of the fence and location within the 20-foot visibility triangle at the private drive approaches adjacent to River Hill Drive and Honey Creek Lane, as shown on the respective plans.

Timeline:

- Feb. 17, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- April 12, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- April 4, 2022: The Board Senior Planner emailed the representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Board Senior Planner, the Chief Arborist, the Development Services Chief Planner, the Transportation Development Services Senior Engineer, and the Assistant City Attorney to the Board.

May 2, 2022: The Transportation Development Services Senior Engineer submitted a review comment sheet (**Attachment A**).

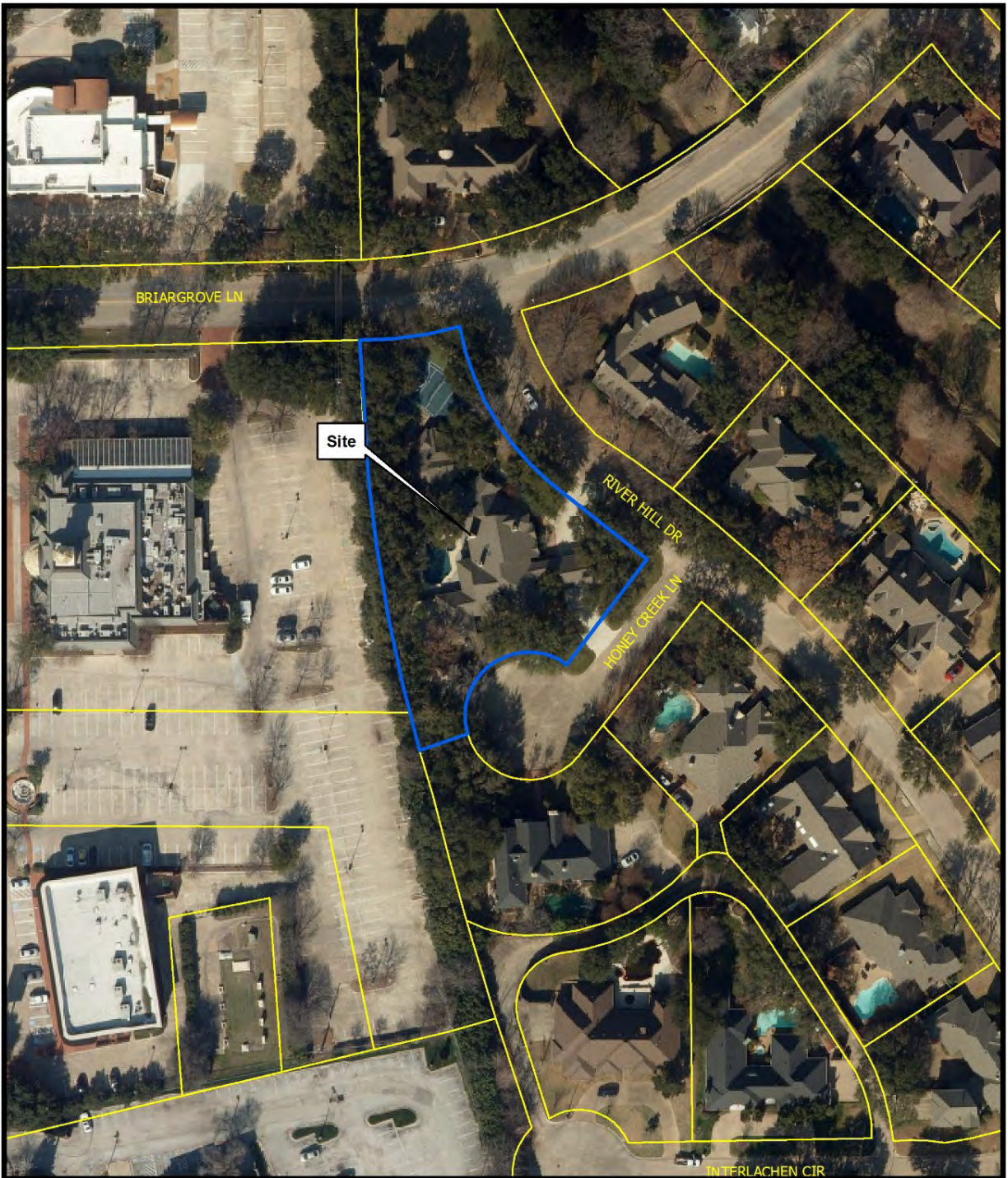


1:1,200

ZONING MAP

Case no: BDA212-038

Date: 4/18/2022



Site

BRIARGROVE LN

RIVER HILL DR
MONEY CREEK LN

INTERLACHEN CIR

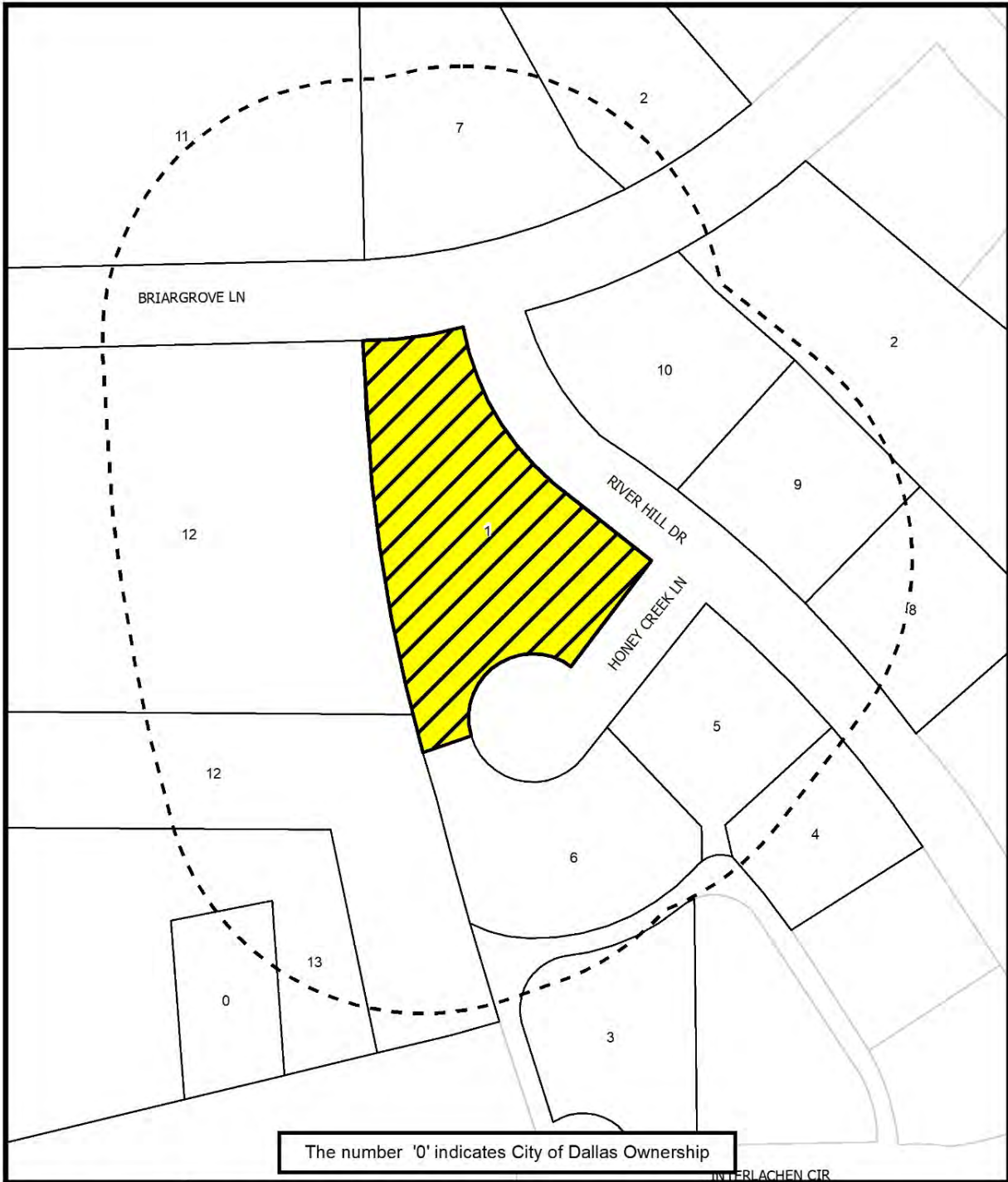


1:1,200

AERIAL MAP

Case no: BDA212-038

Date: 4/18/2022



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA212-038
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">13</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 4/18/2022

04/14/2022

Notification List of Property Owners

BDA212-038

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	17515 RIVER HILL DR	NARAYANAN VENKATAKRISHNAN
2	4700 BRIARGROVE LN	BENT TREE NORTH NO 2 HOMEOWNER
3	4707 INTERLACHEN CIR	PARK JONG M & YEA S
4	17509 RIVER HILL DR	Taxpayer at
5	17511 RIVER HILL DR	DONATH BRIAN RICHARD
6	4604 HONEY CREEK LN	STANDRIDGE STACY O
7	4703 BRIARGROVE LN	NELSON MARK & MISTI
8	17512 RIVER HILL DR	DUHON KRAMER & MARILYN
9	17516 RIVER HILL DR	NOGA GEORGE S JR & SONYA M
10	17520 RIVER HILL DR	ALLINDER JOSEPH C & SHERRI L
11	17808 DALLAS PKWY	SIERRA JOINT VENTURE
12	17776 DALLAS PKWY	DALLAS STAKE INVESTMENT LLC
13	17604 DALLAS PKWY	LFT PARTNERS LTD



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-038

Data Relative to Subject Property:

Date: 2-17-22

Location address: 17915 RIVER HILL, DALLAS TX Zoning District: R1(A)

Lot No.: 35 Block No.: 218705 Acreage: 1.5 Census Tract: 317.06

Street Frontage (in Feet): 1) 77' 2) 240' 3) 230' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): NARAYANAN, VENKATAKRISHNAN

Applicant: NARAYANAN, VENKATAKRISHNAN Telephone: 214.532.8896

Mailing Address: 17915 RIVER HILL, DALLAS TX Zip Code: 75287

E-mail Address: _____

Represented by: JEFFREY RIDDLE Telephone: 972.743.6730

Mailing Address: 34 BUNKER HILL, RICHARDSON TX Zip Code: 75080

E-mail Address: JEFFREY.RIDDLE@ALTERRADESIGNLLC.COM

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of HEIGHT,
20X20 VISIBILITY AT DRIVEWAYS
45X45 VISIBILITY AT STREET CORNER (RIVER HILL & HONEY CREEK)

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:

- 1) WILL NOT ADVERSELY EFFECT NEIGHBORS
- 2) LIKE FENCES IN THE AREA
- 3) WILL NOT ADVERSELY EFFECT SECURITY / SAFETY

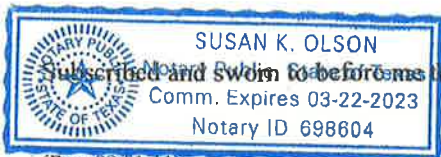
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Venkatkrishnan Narayan
(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)



(Rev. 08-01-11)

Subscribed and sworn to before me this 7 day of February, 2022
Susan K. Olson
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 Venkatakrisnhan Narayanan
represented by JEFFERY RIDDLE
did submit a request for a special exception to the fence height regulations, and for a special
exception to the visibility obstruction regulations
at 17515 River Hill Drive

BDA212-038. Application of Venkatakrisnhan Narayanan represented by JEFFERY RIDDLE for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 17515 RIVER HILL DR. This property is more fully described as Lot 35, Block 2/8705, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct and maintain an 8 foot 6 inch high fence in a required front yard, which will require a 4 foot 6 inch special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


David Session, Building Official

Existing Front Fence Photos

5007 Briar Grove (0.3 Miles)





5310 Harbor Town (.25 Miles)



6006 Yorkville Ct. (1.38 Miles)



6005 Yorkville Ct. (1.38 Miles)



6014 Rose Grove (1.52 Miles)

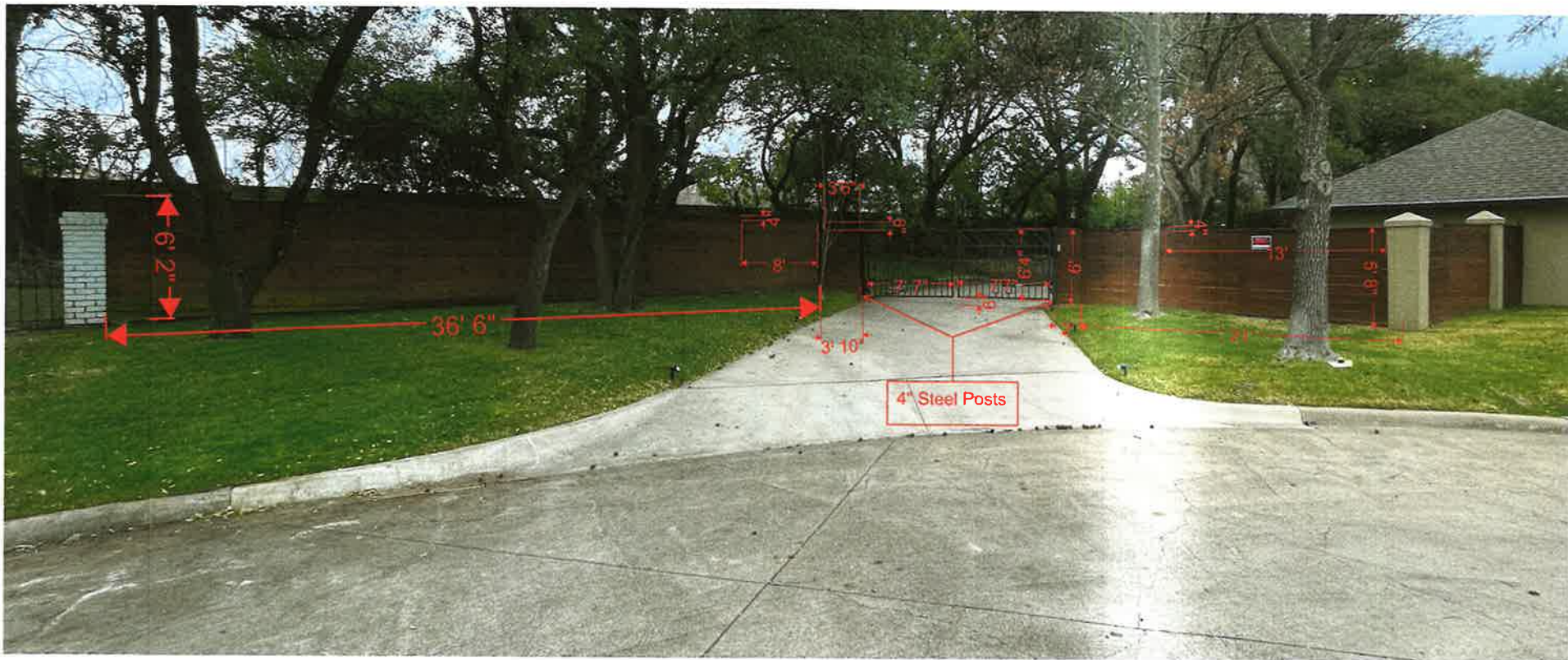


6009 Rose Grove (1.52 Miles)

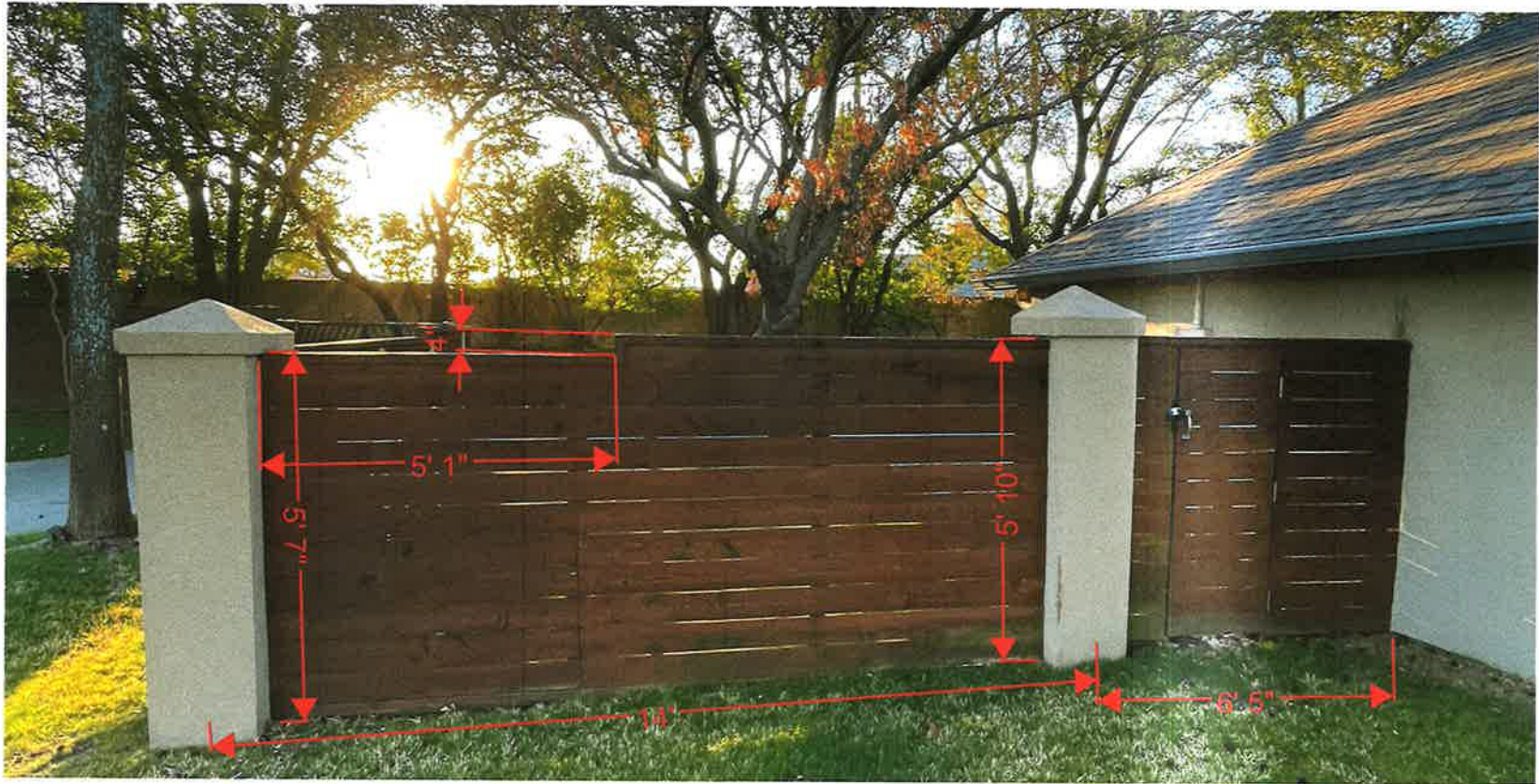


5629 Bent Tree Dr. (1.33 Miles)





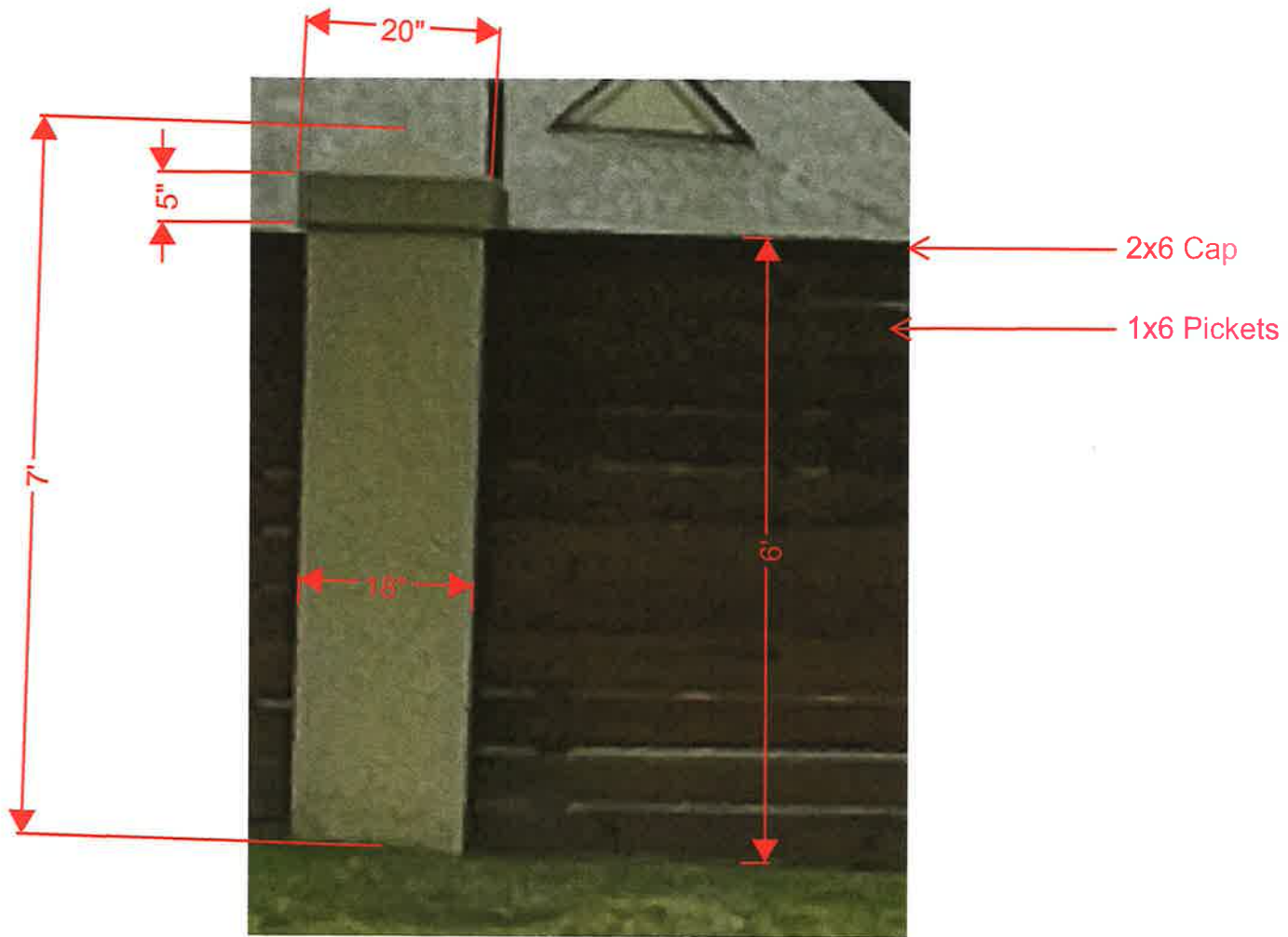
Detail A



Detail B



Detail C



Typical Fence Detail



17515 River Hill Drive

Being Lot 35, Block 2/8705 of Bent Tree North No. 2, an Addition to the City of Dallas, Collin County, Texas, according to the revised Plat thereof recorded in Volume C, Page 656, Map Records, Collin County, Texas.

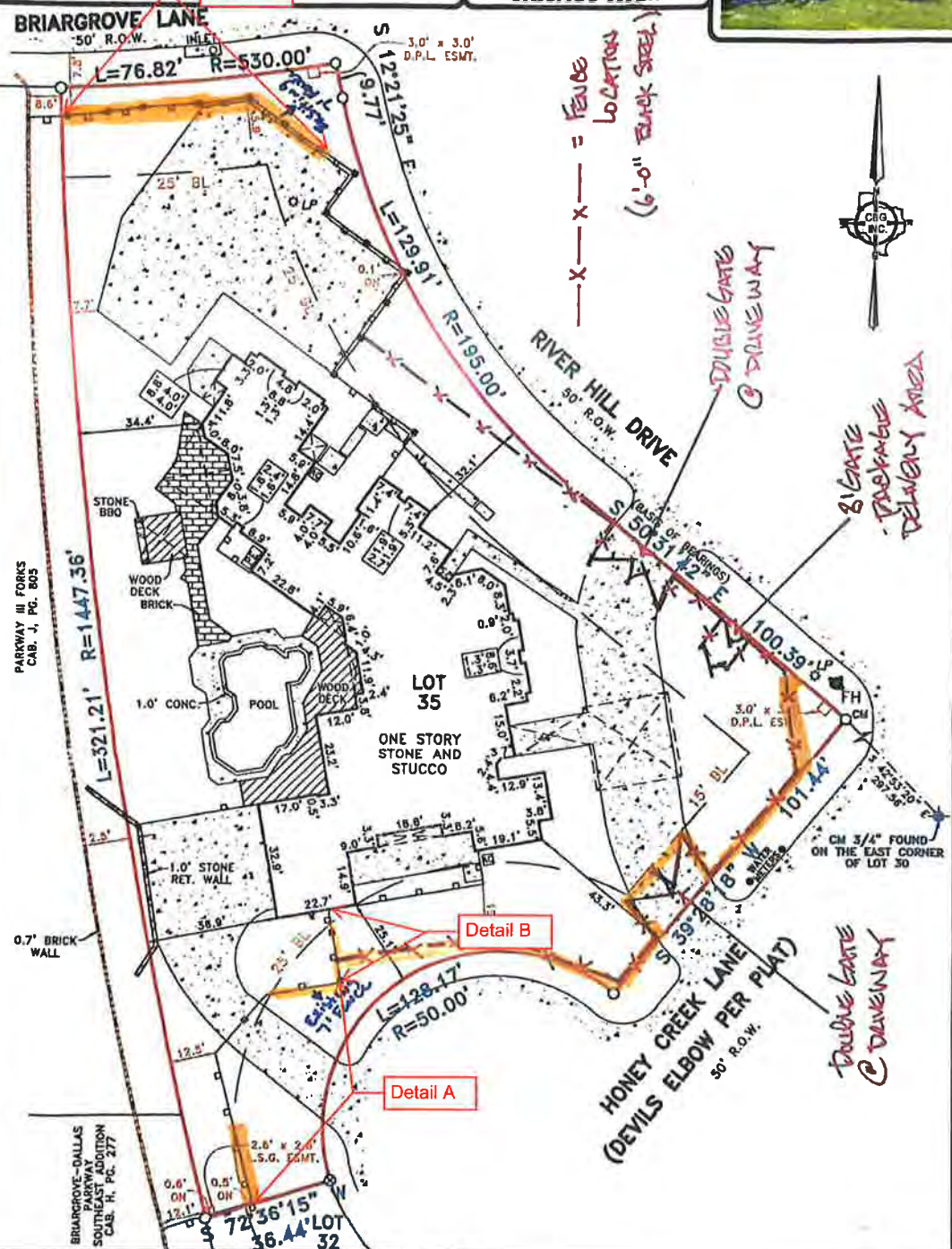


CHICAGO TITLE



LEGEND

- 1/2" ROD FOUND
- ⊙ 1/2" ROD SET
- 1" PIPE FOUND
- ⊕ "x" FOUND/SET
- ⊕ 60# NAIL FOUND
- FENCE POST FOR CORNER
- CL CONTROLLING MONUMENT
- AC AIR CONDITIONER
- PC POOL EQUIPMENT
- TE TRANSFORMER PAD
- II STUCCO COLUMN
- ⊙ POWER POLE UNDERGROUND
- ⊕ ELECTRIC OVERHEAD
- ⊕ ELECTRIC OVERHEAD
- OIP— OVERHEAD ELECTRIC POWER
- DES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- II— IRON FENCE
- X— BARBED WIRE
- ▲— EDGE OF ASPHALT
- ▲— EDGE OF GRAVEL
- CONCRETE
- COVERED AREA



EXCEPTIONS:

NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN VOL. 1248, PG. 731.

EASEMENTS RECORDED IN THE FOLLOWING VOLUMES AND PAGES DO NOT AFFECT THE ABOVE DESCRIBED PROPERTY VOL. 1200, PG. 854.

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

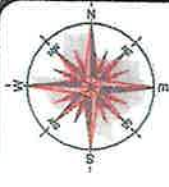
FLOOD NOTE: According to the F.I.R.M. No. 48085C0480, this property does lie in Zone X and does not lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Chicago Title. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Date: _____ Accepted by: _____
 Purchaser
 Purchaser

Drawn By: RLH
 Scale: 1" = 30'
 Date: 06/14/16
 GF No.: gtdal2120-8001201600878
 Job No. 1808835

C.B.G. Surveying, Inc.
 12025 Shiloh Road, Ste. 230
 Dallas, TX 75228
 P 214.349.9485
 F 214.349.2216
 Firm No. 10168800
 www.cbgsurvey.com



17515 River Hill Drive

Being Lot 35, Block 2/8705 of Bent Tree North No. 2, an Addition to the City of Dallas, Collin County, Texas, according to the revised Plat thereof recorded in Volume C, Page 656, Map Records, Collin County, Texas.



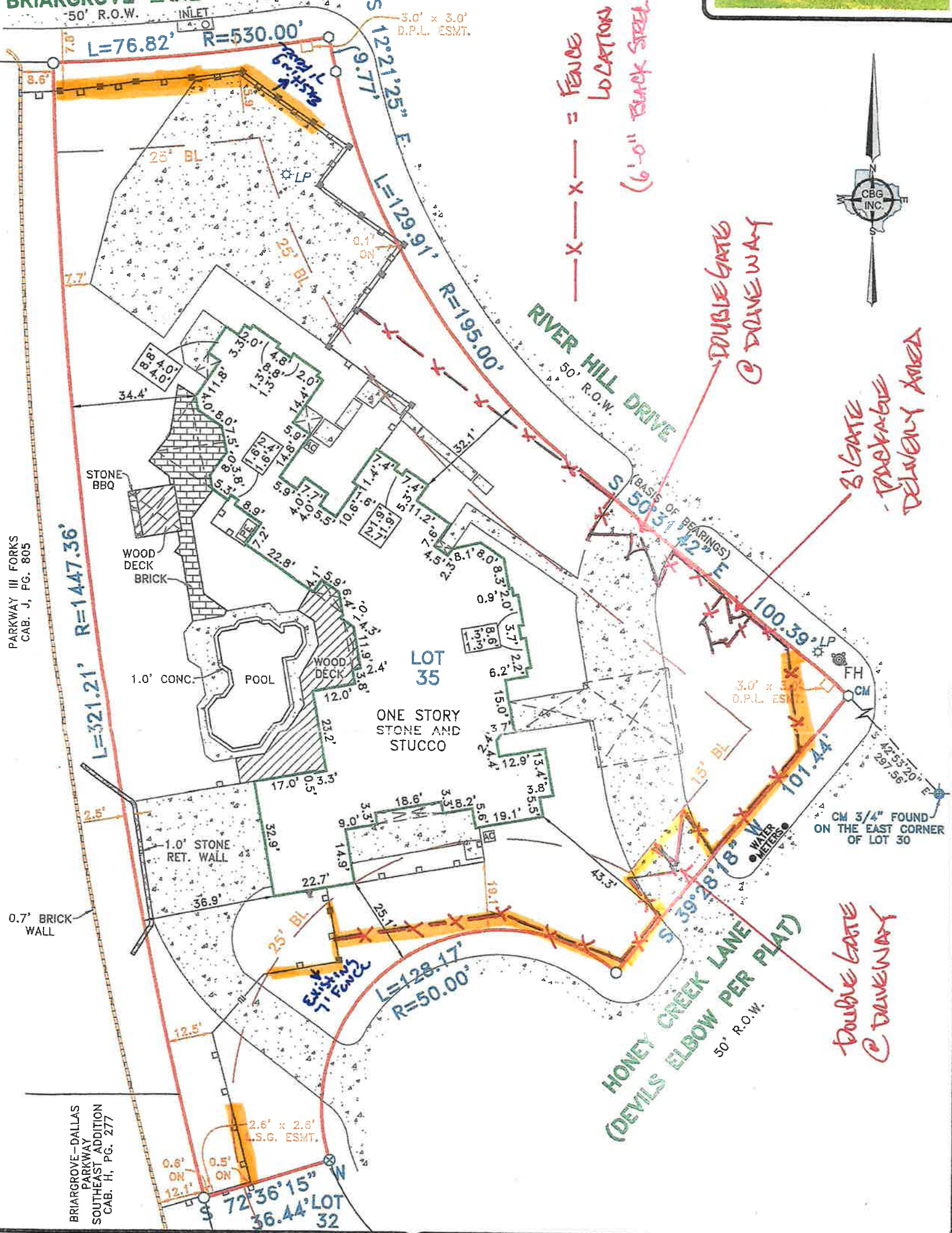
CHICAGO TITLE



LEGEND

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- ⊠ 1" PIPE FOUND
- ⊠ "X" FOUND/SET
- ⊕ 60d NAIL FOUND
- FENCE POST FOR CORNER
- CM CONTROLLING MONUMENT
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- STUCCO COLUMN
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- ▲ UNDERGROUND ELECTRIC
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- OHP— OVERHEAD ELECTRIC POWER
- OES— OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
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- |— IRON FENCE
- X— BARBED WIRE
- /// EDGE OF ASPHALT
- /// EDGE OF GRAVEL
- CONCRETE
- COVERED AREA

BRIARGROVE LANE



EXCEPTIONS:

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Date: _____

Accepted by: _____
Purchaser
Purchaser

Drawn By: RLH
Scale: 1" = 30'
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Dallas, TX 75228
P 214.349.9485
F 214.349.2216
Firm No. 10168800
www.abgdw.com

THOMAS MAUK
R.P.L.S. NO. 5119

GENERAL NOTES

- All dimensions to be thoroughly checked on site and any or all discrepancies to be reported to the author of this drawing immediately before any work is put to hand.
- All work to be executed by competent persons qualified for the specific trade.
- Storm water management as per engineers design & specification.
- All structural and retaining elements to be designed & specified by engineer.

FENCE ELEVATIONS

RIVER HILL DRIVE

17515 RIVER HILL DR. DALLAS, TX 75287, USA

02-18-2022

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

AUTHOR: ZD

CHECKED: ZD

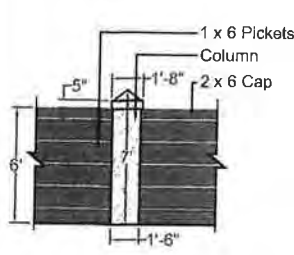
VERSION: 3

ISSUE FOR CLIENT FEEDBACK

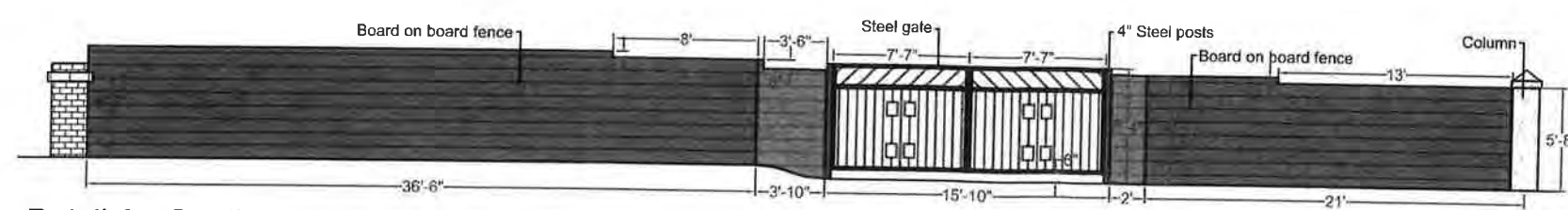
VERSION	DATE	NO
1		
2		
3		

ADDITIONAL ELEVATION ADDED AND FENCE AMENDED 02/18 03

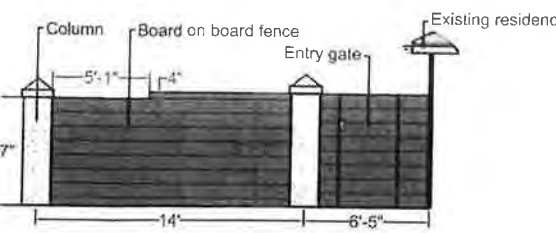
REFERENCE IMAGE:



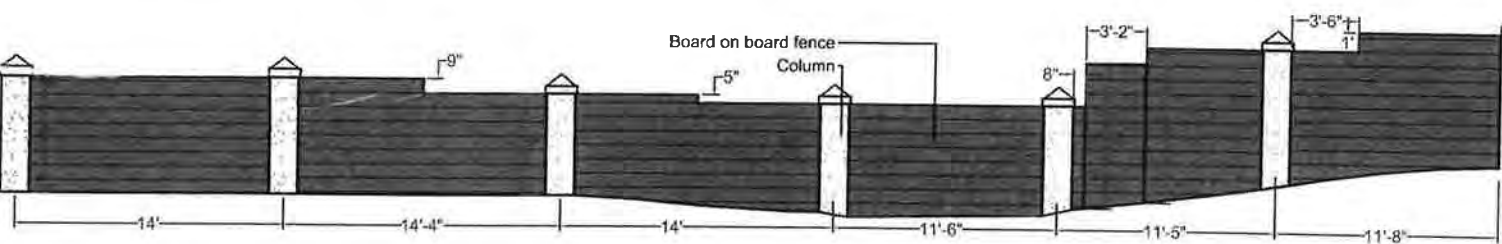
Typical fence detail



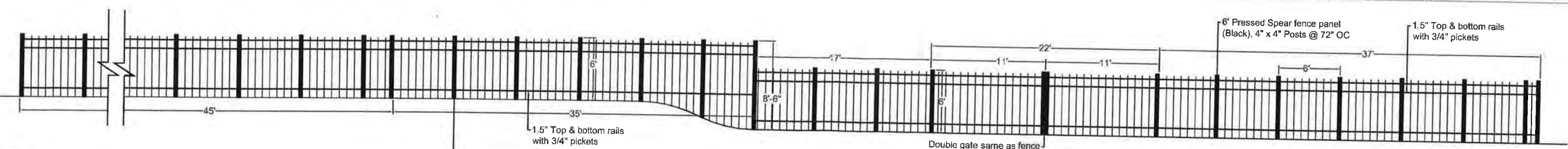
Detail A - South Facing Fence line (Honey Creek Lane)



Detail B - East Facing Fence line (Honey Creek Lane)



Detail C - North Facing Fence line (Briar Grove Lane)



South Facing Fence line (Honey Creek Lane)



PRINT NOTICE
 Ensure correct page size is selected. (Refer to file name for page size)
 To ensure correct scale, print "ACTUAL SIZE" do **NOT** select "FIT TO PAGE".

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REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF MAY 18, 2022 (B)

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 212-037(PD)

BDA 212-038(PD)

BDA 212-041(PD)

BDA 201-042(PD)

BDA 201-035(JM)

COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

5/2/2022

Date

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

Panel B

05-18-22

BDA212-038

17515 River Hill Drive

(Opposition Reference)

From: [REDACTED]
To: [Daniel, Pamela](#)
Subject: re: 6ft fence proposed for River Hill Dr
Date: Tuesday, April 12, 2022 9:56:20 PM

External Email!

Hi! I am a resident on River Hill Drive In Dallas, TX 75287. Our sweet neighbors have requested a 6ft fence due to a thief I believe on their property and the possibility of a poker room very close to their home. While I am also VERY concerned about thieves and the poker room I do not want to drive into my beautiful neighborhood to what looks like a jail on the corner. The neighborhood is currently working on cameras and other security measures. I feel this fence will not only look awful aesthetically but also lower the value of our homes. I am hoping this is anonymous as I really like this family.

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.

May 8, 2022

City of Dallas - Board of Adjustment
1500 Marilla St.
5BN
Dallas, Texas 75201

Brian R. Donath
Homeowner
17511 River Hill Dr.
Dallas, TX 75287

RE: 17515 River Hill Dr. Building Variance Request
Case #: BDA212-038

Dear Review Board,

I live at 17511 River Hill Dr. on the corner of River Hill Dr. and Honey Creek Ln., directly across the street from Raj Narayanan at 17515 River Hill Dr. Based on the signs recently posted in the yard, it's my understanding Raj is asking for a building variance to construct an approximately 9' wrought iron fence around the perimeter of his property along both River Hill Dr. and Honey Creek Ln. As the owner of the property across the street, I would like to formally express my opposition of this request based on several reasons. Bent Tree North is a quiet and peaceful community with larger lots than many of the surrounding areas with a variety of great trees, vegetation, and greenery. It relies heavily on the overall esthetics, beauty, and charm of the neighborhood to maintain its status as a very desirable destination for residents and families to live. I do not believe this construction will be in line with the remainder of the Bent Tree North neighborhood and will most likely have a negative impact on the overall look and feel of the neighborhood as well as surrounding property values. To be honest, I'm a little confused at what's driving the project, as I've heard it might be based on personal and property security concerns. However, I can say Raj's is one of only a few families in our area who routinely parks their cars outside and not in their garage or even behind the existing fence where there is plenty of room to park additional vehicles if security is an issue. In this day and age, there are many ways to address security concerns with various technologies that do not include building a perimeter wall completely around one's property. In addition, to my knowledge, Raj has not reached out to any of the neighbors to discuss his concerns and/or the project. He merely typed up a 2-3 sentence generic email, made copies, and then stuck it in the surrounding neighbor's mailboxes to check the legal box that he's communicated and consulted with his neighbors on the project. I am not opposed to Raj working within the current city building and property guidelines, but I do not support the approval of this variance. Thank you for your time, please feel free to reach out for additional information or with any questions. Thank you.

Sincerely,



Brian Donath

From: [tara_carey](#)
To: [Daniel, Pamela](#)
Subject: BDA 212-038 - 17515 River Hill Drive, Dallas, TX
Date: Thursday, April 7, 2022 12:16:58 PM

External Email!

Pamela,

I do not support the requested BDA 212 - 038 for 17515 River Hill Drive Dallas, TX.
Please note this NO SUPPORT.

Tara Carey

5514 Harbor Town Drive, Dallas TX 75287

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From: [Elizabeth Williams](#)
To: [Daniel, Pamela](#)
Subject: BDA 212-038
Date: Thursday, April 7, 2022 2:39:45 PM

External Email!

Dear Pamela,

Thank you for this opportunity to express my negative opinion of my neighbors' proposed 6 foot tall perimeter iron fence. The corner property at 17515 River Hill Drive, Dallas, TX 75287 is on a main thoroughfare entrance to our lovely neighborhood, Bent Tree North. There isn't a property within our neighborhood surrounded by a wrought iron fence, so the proposed plan would look out of place as a fenced in compound rather than a beautifully landscaped yard with an attractive wood and mortar fence, especially in its prominent position at the corner entrance. I hope the Board of Adjustments rejects this request.

Best regards,

Elizabeth Williams
17422 River Hill Drive
Dallas, TX 75287

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

From: [Kay Miller](#)
To: [Daniel, Pamela](#)
Subject: Case #BDA212-038 17515 River Hill Dr, Dallas 75287
Date: Sunday, April 10, 2022 11:33:49 AM

External Email!

Ms. Daniel, I am writing in response to the above referenced request before the Board of Adjustments. The fencing requested is out of line with other houses in our neighborhood. Moreover, it is at the entrance to the neighborhood, which makes it so much more visible and unwelcoming.

As a neighbor just down the street, I am opposed to the Board of Adjustments granting this request.

Thank you.
Kay Miller
17411 River Hill Dr.

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From: [Trammell, Charles](#)
To: [Munoz, Jennifer](#); [Daniel, Pamela](#); [Jackson, Latonia](#)
Subject: Fwd: BDA 212-038 17515 Riverhill Dallas texas 75287
Date: Sunday, April 3, 2022 9:37:16 PM

Please put in file for this case and for board members to view.
Charles

Sent from my iPhone

Begin forwarded message:

From: Suzie Standridge <[REDACTED]>
Date: April 3, 2022 at 2:44:58 PM CDT
To: "Daniel, Pamela" <pamela.daniel@dallascityhall.com>, "Trammell, Charles" <charles.trammell@dallascityhall.com>
Cc: Stacy Standridge <[REDACTED]> **texas 75287**

External Email!

Pamela and Charles,

I live in Bent Tree North and I strongly oppose the variance/ exception that our neighbor living at 17515 River Hill, Dallas, TX 75287 is asking for. The fence would be completely out of place for our neighborhood. And as I understand it goes against the deed and restrictions for our neighborhood. Neighbors are confused why the city has let it go this far. I met with the neighbors fence builder and he explained exactly what our neighbor is asking for. It will not be in keeping with our neighborhood and it will devalue our houses/ neighborhood to put a fence completely around his house.

The builder plans on using properties that have fences completely surround their homes that are not in our neighborhood and are a mile or a mile and a half away. We live in Bent tree north and this is not some thing that's done in our neighborhood. . Once again this is not in keeping with our neighborhood. Also after a lengthy conversation with Charles Trammell, he explained that the neighbor would be taking down his existing fence, which is not in code as it exists now. That is incorrect information. The neighbor at 17515 River Hill has no plans of taking down his existing fence. The fence builder confirmed this information. Please add this letter of opposition to the file. Also please keep us informed as things progress and when and if there will be a hearing.

Thank you
Suzie Standridge
4605 Honey Creek Ln., Dallas 75287
Bent Tree North

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

From: [Trammell, Charles](#)
To: [Munoz, Jennifer](#); [Daniel, Pamela](#); [Jackson, Latonia](#)
Subject: Fwd: BDA 212-038 17515 Riverhill
Date: Sunday, April 3, 2022 9:35:53 PM

Please put in the file for this case for board members to view.

Thanks

Charles

Sent from my iPhone

Begin forwarded message:

From: Suzie Standridge [REDACTED]
Date: April 3, 2022 at 1:05:27 PM CDT
To: "Trammell, Charles" <charles.trammell@dallascityhall.com>
Cc: Stacy Standridge <[REDACTED]>
Subject: Fwd: BDA 212-038 17515 Riverhill

External Email!

Charles, Please add this to the file. Also who is Pamela Daniel. I have not heard of her name being involved with this case. I want to make sure that we are forwarding our letters of opposition to the correct person. Thank you Suzie Standridge

Begin forwarded message:

From: Dan Brown
[REDACTED]
Date: April 2, 2022 at 5:35:19 PM CDT
To: pameladaniel@dallascityhall.com
Subject: BDA 212-038 17515 Riverhill

Pamela, called the number off the sign below and they said I needed to direct my opposition to this appeal to you. I strongly oppose this change and don't understand why the city will not pull the platt and deed restrictions the properties in this neighborhood and simply reject these

requests. Neighbors are threatening to sue over simple lack of enforcement of reasonable code and requests by paranoid individuals for security compounds that don't fit the neighborhood.

Please let me know if there is more that needs to be done to stop this fool.

Regards,

Dan Brown

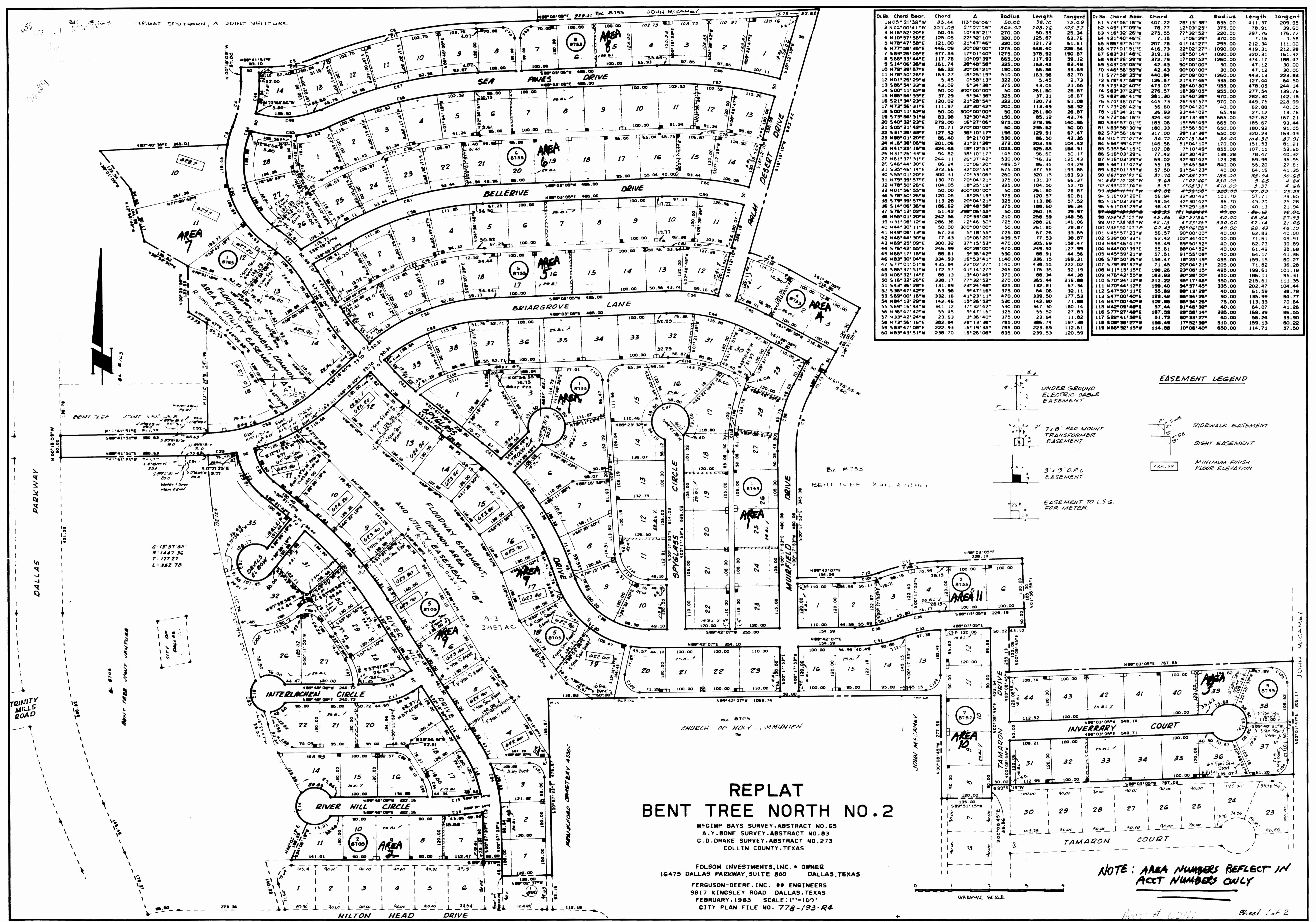
[REDACTED]

4804 Spyglass Dr

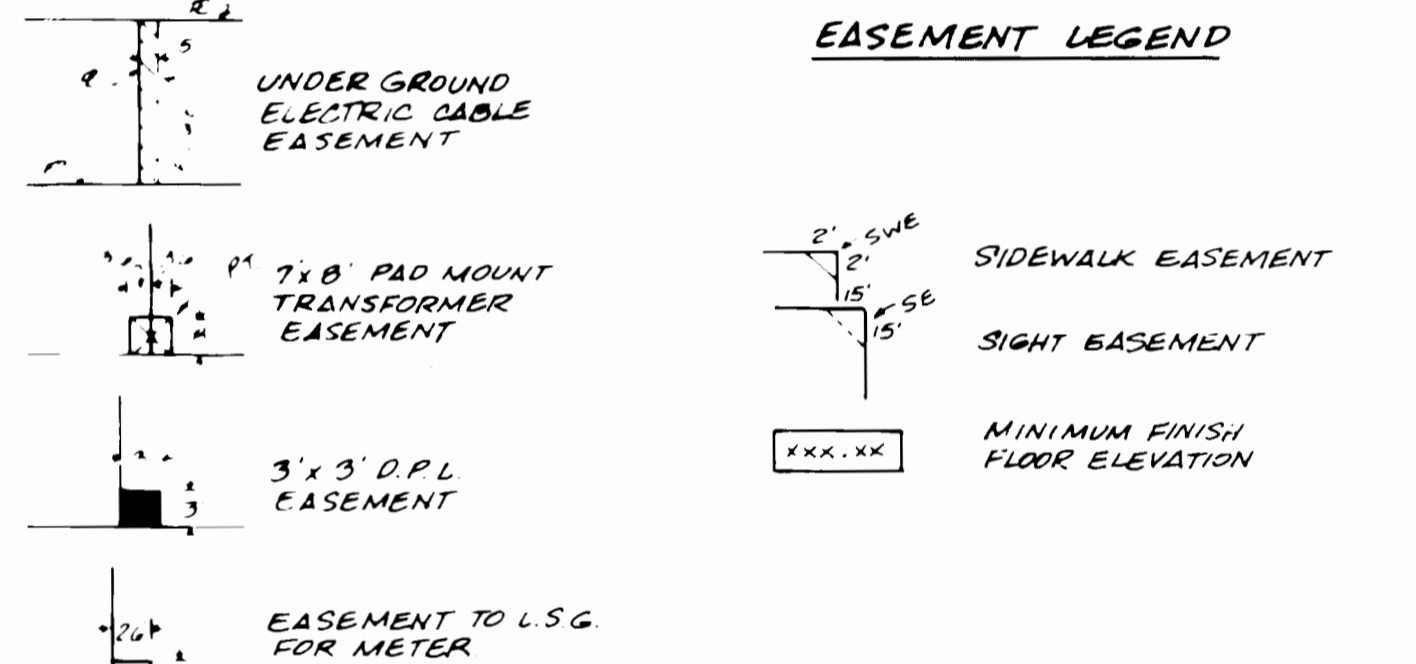
Dallas 75287

[cid:5A17BE67-8006-4C80-BD90-D6AA1AB2DE18]

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Cr.No	Chord Bear.	Chord Δ	Radius	Length	Tangent	Cr.No	Chord Bear.	Chord Δ	Radius	Length	Tangent	
1	N 105° 21' 38" W	83.44	113° 06' 06"	50.00	28.70	61	S 73° 56' 18" W	407.22	28° 13' 38"	835.00	411.37	209.95
2	N 202° 00' 41" W	207.00	210° 07' 08"	208.26	105.32	62	N 89° 17' 08" W	78.77	12° 03' 25"	375.00	78.91	39.60
3	N 16° 52' 20" E	30.45	10° 43' 21"	50.33	25.34	63	N 89° 30' 28" W	279.50	50.33	279.50	297.76	175.77
4	N 10° 57' 56" E	125.05	22° 32' 10"	320.00	125.87	64	N 21° 40' 48" E	7.15	1° 08' 29"	370.00	7.16	3.58
5	N 79° 27' 58" E	121.00	20° 09' 00"	320.00	121.79	65	N 88° 37' 51" E	207.78	41° 14' 27"	295.00	212.34	111.00
6	N 77° 50' 35" E	466.09	20° 09' 00"	1273.00	466.09	66	N 27° 01' 11" E	418.22	27° 01' 11"	1090.00	418.22	212.18
7	S 83° 26' 05" E	377.53	17° 01' 40"	1275.00	379.92	67	S 83° 31' 48" E	319.16	16° 50' 14"	1090.00	320.31	161.32
8	S 86° 33' 44" E	117.78	10° 09' 39"	365.00	117.93	68	N 83° 26' 22" W	372.79	17° 00' 52"	1260.00	374.17	188.47
9	S 14° 03' 38" E	181.74	28° 48' 58"	325.00	183.43	69	S 43° 03' 31" E	183.43	30° 00' 00"	300.00	183.43	92.00
10	N 79° 39' 57" E	66.22	20° 04' 21"	190.00	66.26	70	N 46° 56' 55" W	42.43	90° 00' 00"	30.00	47.12	30.00
11	N 79° 50' 26" E	163.27	18° 25' 13"	510.00	163.98	71	S 77° 58' 33" W	440.84	20° 09' 00"	1260.00	443.13	223.88
12	N 01° 26' 29" E	50.45	28° 48' 58"	325.00	50.45	72	N 17° 44' 58" W	214.44	28° 00' 00"	300.00	214.44	127.46
13	S 86° 54' 33" W	43.02	6° 34' 38"	375.00	43.05	73	N 73° 42' 40" E	473.07	28° 40' 50"	955.00	478.05	244.14
14	S 00° 11' 52" W	50.00	300° 00' 00"	50.00	261.80	74	S 83° 37' 23" E	278.57	18° 39' 05"	955.00	277.54	139.76
15	N 88° 54' 33" E	37.29	5° 34' 38"	325.00	37.31	75	N 83° 38' 41" E	281.30	18° 40' 28"	970.00	282.30	142.18
16	S 21° 34' 23" E	120.02	21° 28' 54"	322.00	120.73	76	S 74° 46' 07" W	445.73	26° 33' 57"	970.00	449.75	228.99
17	N 73° 56' 31" E	111.97	32° 30' 42"	200.00	113.49	77	N 73° 28' 42" W	56.60	90° 04' 20"	40.00	62.88	40.05
18	S 00° 11' 52" W	50.00	300° 00' 00"	50.00	261.80	78	N 16° 34' 31" W	26.93	23° 44' 02"	65.48	27.12	13.76
19	S 73° 56' 31" E	83.98	32° 30' 42"	200.00	85.12	79	N 73° 56' 18" W	324.32	28° 13' 38"	665.00	327.62	167.21
20	S 40° 32' 23" E	279.00	18° 27' 08"	975.00	279.98	80	S 83° 57' 01" E	185.00	15° 59' 49"	665.00	185.67	93.44
21	S 08° 31' 42" E	70.71	27° 00' 00"	50.00	235.62	81	N 83° 38' 30" W	180.33	15° 56' 50"	650.00	180.92	91.05
22	S 31° 28' 33" E	127.52	38° 10' 17"	198.00	129.91	82	S 73° 56' 18" W	317.00	28° 13' 38"	650.00	320.23	163.43
23	N 88° 01' 20" E	96.40	9° 21' 03"	530.00	96.50	83	N 15° 27' 07" W	36.70	10° 13' 54"	50.00	104.92	47.01
24	N 41° 38' 06" W	201.08	31° 21' 28"	372.00	203.59	84	N 64° 38' 47" E	146.56	51° 04' 10"	170.00	151.53	81.21
25	N 41° 25' 18" W	324.48	18° 12' 51"	1065.00	325.85	85	S 35° 54' 15" E	107.08	7° 10' 49"	855.00	107.15	53.85
26	N 31° 26' 33" W	94.82	88° 10' 17"	145.00	96.60	86	S 18° 03' 29" E	77.42	32° 30' 42"	138.28	78.47	40.32
27	N 61° 37' 31" E	244.11	26° 37' 52"	530.00	245.32	87	N 18° 03' 29" E	69.02	32° 30' 42"	138.28	69.96	35.95
28	S 44° 44' 30" E	86.24	10° 06' 20"	489.57	86.35	88	N 36° 11' 14" W	55.19	9° 45' 54"	840.00	55.20	27.81
29	S 35° 45' 14" E	372.66	32° 02' 53"	675.00	377.15	89	N 82° 01' 55" W	57.50	91° 54' 23"	40.00	64.16	41.35
30	S 55° 01' 20" E	300.31	70° 33' 08"	260.00	320.15	90	N 67° 28' 07" E	37.76	30° 58' 27"	185.00	38.94	50.48
31	N 79° 39' 57" E	130.70	20° 04' 21"	375.00	131.91	91	N 42° 46' 12" W	9.64	1° 22' 46"	470.00	9.64	4.84
32	N 78° 50' 26" E	104.05	18° 25' 13"	325.00	104.50	92	N 85° 07' 36" E	3.37	1° 08' 31"	470.00	3.37	4.68
33	N 01° 26' 29" E	50.00	300° 00' 00"	50.00	261.80	93	N 85° 07' 36" E	3.37	1° 08' 31"	470.00	3.37	4.68
34	N 78° 50' 26" E	201.08	31° 21' 28"	372.00	203.59	94	N 85° 07' 36" E	3.37	1° 08' 31"	470.00	3.37	4.68
35	N 41° 25' 18" W	324.48	18° 12' 51"	1065.00	325.85	95	N 16° 03' 29" W	48.54	32° 30' 42"	86.70	49.20	25.28
36	N 31° 26' 33" W	94.82	88° 10' 17"	145.00	96.60	96	N 61° 03' 29" W	38.47	57° 29' 18"	40.00	40.13	21.94
37	N 61° 37' 31" E	244.11	26° 37' 52"	530.00	245.32	97	N 61° 03' 29" W	38.47	57° 29' 18"	40.00	40.13	21.94
38	S 44° 44' 30" E	86.24	10° 06' 20"	489.57	86.35	98	N 84° 43' 20" W	45.86	63° 5' 36"	40.00	48.84	27.93
39	S 35° 45' 14" E	372.66	32° 02' 53"	675.00	377.15	99	N 17° 38' 45" W	42.13	4° 23' 25"	550.00	42.14	21.08
40	S 55° 01' 20" E	300.31	70° 33' 08"	260.00	320.15	100	N 43° 36' 07" E	60.45	21° 02' 46"	40.00	63.49	46.10
41	N 79° 39' 57" E	130.70	20° 04' 21"	375.00	131.91	101	N 45° 57' 23" W	56.57	90° 00' 00"	40.00	62.83	40.00
42	N 78° 50' 26" E	104.05	18° 25' 13"	325.00	104.50	102	S 39° 00' 31" E	62.42	102° 34' 40"	40.00	71.61	49.91
43	N 01° 26' 29" E	50.00	300° 00' 00"	50.00	261.80	103	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
44	N 41° 25' 18" W	324.48	18° 12' 51"	1065.00	325.85	104	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
45	N 31° 26' 33" W	94.82	88° 10' 17"	145.00	96.60	105	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
46	N 61° 37' 31" E	244.11	26° 37' 52"	530.00	245.32	106	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
47	S 44° 44' 30" E	86.24	10° 06' 20"	489.57	86.35	107	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
48	S 35° 45' 14" E	372.66	32° 02' 53"	675.00	377.15	108	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
49	S 55° 01' 20" E	300.31	70° 33' 08"	260.00	320.15	109	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
50	N 79° 39' 57" E	130.70	20° 04' 21"	375.00	131.91	110	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
51	N 78° 50' 26" E	104.05	18° 25' 13"	325.00	104.50	111	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
52	N 01° 26' 29" E	50.00	300° 00' 00"	50.00	261.80	112	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
53	N 41° 25' 18" W	324.48	18° 12' 51"	1065.00	325.85	113	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
54	N 31° 26' 33" W	94.82	88° 10' 17"	145.00	96.60	114	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
55	N 61° 37' 31" E	244.11	26° 37' 52"	530.00	245.32	115	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
56	S 44° 44' 30" E	86.24	10° 06' 20"	489.57	86.35	116	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
57	S 35° 45' 14" E	372.66	32° 02' 53"	675.00	377.15	117	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
58	S 55° 01' 20" E	300.31	70° 33' 08"	260.00	320.15	118	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
59	N 79° 39' 57" E	130.70	20° 04' 21"	375.00	131.91	119	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89
60	N 78° 50' 26" E	104.05	18° 25' 13"	325.00	104.50	120	N 44° 44' 30" E	60.45	21° 02' 46"	40.00	62.79	39.89



**REPLAT
BENT TREE NORTH NO. 2**

MEGIMP BAYS SURVEY, ABSTRACT NO. 65
A. Y. BONE SURVEY, ABSTRACT NO. 83
G. D. DRAKE SURVEY, ABSTRACT NO. 273
COLLIN COUNTY, TEXAS

FOLSON INVESTMENTS, INC. - OWNER
16475 DALLAS PARKWAY, SUITE 800 DALLAS, TEXAS
FERGUSON-DEERE, INC. - ENGINEERS
9817 KINGSLEY ROAD DALLAS, TEXAS
FEBRUARY, 1983 SCALE: 1"=100'
CITY PLAN FILE NO. 778-193-R4

**NOTE: AREA NUMBERS REFLECT IN
ACCT NUMBERS ONLY**

GRAPHIC SCALE

the ACC as set forth herein. In the event the ACC, or its designated representative, fails to approve or disapprove any building plans, specifications and plot plans within thirty days after the same are submitted to it, and if all terms contained in these restrictions have been complied with, the ACC shall be deemed to have approved such plans within thirty days after the same are submitted to it, and if all terms contained in these restrictions, the ACC shall be deemed to have approved such plans, specifications and plot plan. The ACC shall in no event be liable in damages for any action or failure or refusal to act pursuant to the provisions hereof. The ACC shall receive no fees or compensation for its services.

4. AMENDMENTS. At any time, the owners of the legal title to seventy percent (70%) of the lots within the subdivision (as shown by the records of Collin County, Texas) may amend the covenants, conditions and restrictions set forth herein by filing an instrument containing such amendment in the Office of the County Clerk of Collin County, Texas, except that, prior to January 1, 1995, no such amendment shall be valid or effective without the joinder of Developer.

5. SETBACKS. All dwelling or residences erected or placed on any portion of the subdivision shall face the road or street upon which the lot faces, as the same is platted on the above described plat, or as may be otherwise prescribe in the deed from the undersigned conveying the same, and no portion of any structure shall be nearer to the road or street property line of said lot than is designated on said plat, and no structure of any kind (either dwelling or outhouses) shall be nearer than 10% of the width of the lot or 10 feet, which is less, to any inside line of any lot. In the event provision is made in any deed from the undersigned conveying any lot which provides for a building line with reference to the side line of any lot, such provision shall prevail and that herein prescribed shall have no effect.

6. FENCES. No fence, wall or hedge shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line indicated on the recorded plat of Bent Tree North Phase Two. No fence, wall or hedge shall exceed eight (8) feet in height unless specifically required otherwise by the City of Dallas. No chain link or other metal fences are allowed unless expressly approved by the ACC. All fence materials, fence heights; fence locations must be approved by the ACC prior to any fence construction.

7. OFFENSIVE ACTIVITIES. No noxious or offensive activity of any kind whatsoever shall be carried on upon said property, nor shall there be permitted any act thereon that may be or become any annoyance or nuisance to the owners or occupants of portions of said property. Any boat, boat trailer, trailer, mobile home, campmobile, camper, or any vehicle other than a conventional automobile shall, if brought within Bent Tree North No. 2 be stored, placed or parked within the garage of the appropriate lot owner, unless approved by the ACC.

8. GARAGES AND SERVANTS QUARTERS. Any garages, servants quarters, storage rooms, or carports erected or placed on any portion of said property, must be attached to the main structure unless otherwise expressly permitted by the ACC. Each garage shall open to the rear or side of the residential lot so as not to directly face the residential street or adjacent golf course, unless otherwise expressly permitted by the ACC. Garages shall provide space for a minimum of two conventional automobiles. Porte cocheres must also have the approval of the ACC.

9. PETS. No animals, livestock or poultry of any kind shall be raised, bred or kept on any residential lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for commercial purposes.

10. EASEMENTS. All easements shown on the above-described plat for the purpose of installation of and maintenance of public utilities and all easements hereafter granted for such purposes by the undersigned shall be strictly observed and shall not be in any manner obstructed so as to hinder any such easements.

11. SIGNS. No signs or flags for advertising purposes shall be displayed to the public view by homeowners or builders, excepting only signs of customary dimensions (3' x 4') maximum advertising said property, or portions thereof, for sale.

12. ROOFS. All buildings constructed in Bent Tree North Phase Two must have a roof of wood shingles, tile, slate or metal, unless otherwise approved by the Architectural Committee. The roof pitch of any structure shall be 4' x 12' minimum and 12' x 12' maximum. Any deviation of roof pitch must be approved by the Architectural Committee.

13. GARBAGE - WEEDS. Unless otherwise expressly permitted by the ACC, garbage containers shall be placed so as not to be visible from the street or any residential lot, and be constructed of a material that is harmonious with the exterior of the home. Owners of lots, whether built on or not, must keep the lots free of weeds and debris. If at anytime, an owner of any residential lot shall fail to control weeds, unsightly growth and debris that is on a lot, the Developer or its assigns, or any other lot owner within the addition shall have the right to go on said lot and mow and clean and bill the owner of record for charges. The assessments, together with such interest thereon and costs of collection thereof, shall be a charge on the land, and shall be a continuing lien upon each lot against which each such assessment is made. Each such assessment, together with such interest thereof and cost of collection thereof, shall also be the continuing personal obligation of the person who was the owner of such lot at the time when the assessment occurred. Each and every owner of any lot within this subdivision, by the acceptance of a deed or other conveyance of such lot shall be deemed to covenant and agree to pay such assessments. The lien securing any such assessment shall be subordinate and inferior to the lien of any mortgage and any renewals or extensions thereof existing prior to the assessment date.

14. ANTENNAS AND AERIALS. All television antennas and other antennas and aerials shall be located inside the attic or under roof, unless otherwise expressly permitted by the ACC.

15. LANDSCAPING AND DRAINAGE. Landscaping of a lot must be completed within one hundred twenty days after the date on which the main structure is 95% complete. f.b darns shall be constructed nor any other alteration or change shall be made in the course or flow of any creek crossing or abutting any lot, without the approval of the ACC. All lots shall be graded so that surface water will flow to street or alley.

16. BUILDING PERMITS. The Building Inspector of the City of Dallas, Texas, or other municipal authority, is hereby authorized and empowered to refuse or revoke, as the case may be, any and all permits for construction of improvements of any kind or character to be erected or placed on any of the hereinabove described property, if such improvements do not conform to and comply with the restrictions set out herein.

17. WAIVER BY ACC. The ACC may, in its discretion, approve construction of structures lacking not more than 10% of the minimum square footage required by paragraph 2, above, and may waive such other variations from these restrictions as said ACC deems not to be inconsistent with the general tenor and purpose of these restrictions.

18. SIDEWALKS. Construction of a new single family dwelling on any residential lot shall include the placement of a five (5) foot wide concrete sidewalk adjacent to the curb, across the entire frontage of each residential lot (and, in case of corner lots, a sidewalk shall also be similarly laid parallel to the respective side street). Such sidewalks shall be constructed in conformity with the then existing ordinance, standards and codes promulgated by the City of Dallas.

19. ENFORCEMENTS. Enforcement of these covenants and restrictions shall be by a proceeding initiated by a person or persons owning any residential lot or by any member of the ACC, or by the city against any person or persons violating or attempting to violate any covenant or restriction herein contained, either to restrain violation or to recover damages for violation, or both. The ACC, and each of its appointed members, shall have an election

and right, but not an obligation or duty, to enforce these covenants and restrictions by a proceeding or proceedings at law or in equity.

20. DURATION. The restrictions hereinabove set forth, each of which shall be deemed to be a real property covenant, shall run with the land and shall be binding upon the undersigned and all persons claiming under the undersigned, and their respective successors, heirs, personal representatives and assigns until January 31, 1995, and said restrictions shall be automatically extended thereafter for successive ten year periods, unless a three-fourths majority of the then owners of the hereinabove described property shall in writing change or modify the same in whole or in part by action taken during the year 1995 or during the last year of any succeeding ten year renewal period. The foregoing restrictions shall be applicable only to the above-described property and not to other property which may be owned by the undersigned or by the other owners.

21. SERVICE FACILITIES. All clothes lines or service facilities must be enclosed within walls, fences or landscaping (which however, must be approved as provided in paragraph 7 hereof) so as not to be visible from outside the lot.

22. PUBLIC USE PERMITTED. Any restrictions contained herein shall not be intended to restrict or prohibit, and shall not restrict or prohibit the State of Texas or any political subdivision thereof, including the City of Dallas and the Dallas Independent School District, City of Plano and the Plano Independent School District, from using any of the property affected hereby for public purposes, regardless of the nature of said use.

23. VALIDITY. Violation or failure to comply with these covenants and restrictions shall not affect the validity of any mortgage, bona fide lien or other similar security instrument which may be then existing on any residential lot in the Bent Tree North Phase Two. Invalidation of any one of these covenants and restrictions, or any portion thereof, by a judgment or court order shall not affect any of the other provisions or covenants herein contained, which shall remain in full force and effect. In the event any portion of these covenants and restrictions conflicts with mandatory provisions of any ordinance or regulation promulgated by the City of Dallas, then such municipal requirement shall control. Any deed or legal instrument (except deeds of trust, mortgages or other similar security agreements) purporting to convey, transfer or assign any interest in any land within the Bent Tree North Phase Two shall contain appropriate language to expressly subject the land within such conveyance, transfer or assignment to all the covenants and restrictions set forth herein. Words of any gender used herein shall be held and construed to include any other gender, and words, in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise. The captions used in connection with paragraphs herein are for convenience only and shall not be deemed to construe or limit the meaning of the language herein.

WITNESS the Developer's execution this 31st day of March, 1980.

DEVELOPER: FOLSOM INVESTMENTS, INC.

BY: Denny Holman Senior Vice President

THE STATE OF TEXAS, COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Denny Holman known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Folsom Investments, Inc., a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 31st day of March, 1980.

Dorothy Rhodes

BTNHA Covenants and Restrictions – Phase Two

H - 4

FILE NUMBER: BDA212-042(PD)

BUILDING OFFICIAL'S REPORT: Application of Audra Buckley of Permitted Development, LLC for a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use and provide five of the required 13 off-street parking spaces, which will require an eight-space variance (61.54 percent reduction) to the off-street parking regulations at 2730 N. Henderson Avenue. This property is more fully described as Lot 5 in City Block 8/1973 and is zoned Subdistrict 1 within Planned Development District No. 462 with a D Liquor Control Overlay which requires compliance with off-street parking regulations per the use.

LOCATION: 2730 N. Henderson Avenue

APPLICANT: Audra Buckley of Permitted Development, LLC

REQUEST:

A request for a variance to the off-street parking regulations is made to maintain a general merchandise or food store 3,500 square feet or less use and provide five of the required 13 off-street parking spaces for a property situated along two street frontages and an unimproved alley.

STANDARD FOR A VARIANCE:

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

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION (off-street parking variance):

Approval.

Rationale:

- The representative provided evidence (**Attachments A & B**) depicting the irregularity in the property. The subject site is triangular in shape and encumbered by two street frontages and an alley. As a result, the site differs from other parcels of land being not only of such a restrictive shape, but also of a restrictive area; so much so that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning. Per the evidence, the property provides a maximum lot area of 5,880 square feet while a comparative analysis of six properties reflecting an average lot area of 11,476 square feet. Comparably, since the zoning permits a maximum lot coverage of 60 percent, the restrictive lot area of 5,880 square feet, allows a maximum developable area of 3,528 square feet while the six comparative properties allow a maximum of 3,600 square feet, 3,914 square feet, 6,138 square feet, 13,302 square feet, 5,076 square feet, and 9,258 square feet, respectively. Adversely, the evidence reflects that of the 92 permitted uses within the Subdistrict 1 zoning, 22 of these uses deemed compatible to the surrounding

residential properties, can never occupy the subject site since the off-street parking ratio requires a greater off-street parking requirement compliance for occupancy. Thus, the subject site cannot be developed in a manner commensurate with the development upon other parcels of land with the same Subdistrict 1 zoning within PDD No. 462.

To assist the board in its decision-making, the Transportation Development Services Senior Engineer reviewed the area of request and information provided by the applicant. While a comment sheet has not been obtained, the Engineer has informed staff that a recommendation of “no objection” will be provided.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	Subdistrict 1 within PDD No. 462 with a D Liquor Control Overlay
<u>Northwest:</u>	MF-2(A) Multifamily District
<u>North:</u>	MF-2(A) Multifamily District
<u>Northeast:</u>	CD-15 Conservation District No. 15
<u>East:</u>	Subdistrict 1 within PDD No. 462 with a D Liquor Control Overlay
<u>Southeast:</u>	Subdistrict 1 within PDD No. 462 with a D Liquor Control Overlay
<u>South:</u>	LO-1 Limited Office 1 with a D Liquor Control Overlay
<u>West:</u>	MF-2(A) Multifamily District

Land Use:

The subject site is developed with an unoccupied general merchandise or food store 3,500 square feet or less use. The properties to the west, northwest, and north, are developed with multifamily uses; the properties to the northeast and south are developed with single-family uses; the property to the east is developed with a surface parking lot; and the property to the southeast is developed with a retail or personal service use [Paint Nail Bar].

Zoning/BDA History:

There has been one board case in the immediate vicinity within the last five years.

1. **BDA178-080:** On May 21, 2018, the Panel C Board of Adjustment heard a request for Variance to the height regulations at 5230 Alcott Street.

GENERAL FACTS/STAFF ANALYSIS:

A request for a variance to the off-street parking regulations of eight spaces is made to maintain a general merchandise or food store 3,500 square feet or less use and provide five of the required 13 off-street parking spaces on-site. While only one space with an ADA loading space will be provided on-site, the property retains five delta credits from the previous furniture store use. The previous furniture store obtained a certificate of occupancy (CO #8002166509) in 1980 and would have required a parking ratio of one space per 500 square feet of floor area.

Per the parking requirement, the 2,569-square-foot furniture store would have required five off-street parking spaces on-site. However, the site is not conducive to providing the parking requirement. Since the site obtained and operated under the CO, staff deduced that for the property to operate and occupy the building, parking was provided. Therefore, the delta theory which allocates delta credits come into play. Per Sec. 51A-4.704(b)(A), the delta theory falls under the umbrella of changing nonconforming uses. The delta theory maintains that in calculating required off-street parking or loading, the number of nonconforming parking or loading spaces for a use may be carried forward when the use is converted or expanded. Nonconforming rights as to parking or loading are defined in the following manner:

- Required parking or loading for existing use
- Number of existing parking or loading spaces for existing use
- Nonconforming rights as to parking or loading.

Additionally, Subsection (B) states that when a use is converted to a new use having a lesser parking or loading requirement, the rights to any portion of the nonconforming parking or loading that are not needed to meet the new requirements are lost.

Therefore, since the site is now compliant with the one required loading space and providing one off-street parking space with ADA accessible loading space, the property has now lost the delta credit for the loading space and one off-street parking space which ensures that four of the required delta credits remain.

The site is zoned Subdistrict 1 within Planned Development District No. 462, which requires the off-street parking requirements to be provided per Chapter 51A. Accordingly, per Sec. 51A-4.210(b)(24), a general merchandise or food store 3,500 square feet or less use off-street parking requirement is one space per 200 square feet of floor area. Per the requirement, the proposed 2,569-square-foot general merchandise or food store 3,500 square feet or less use requires 12.84 off-street parking spaces. Since a fraction of a

space is unobtainable, the .84 is rounded to the nearest whole number. Thereby, 13 off-street parking spaces are required.

The purpose statement for PDD No. 462 provides a purpose statement that reads accordingly:

This article provides standards specifically tailored to meet the needs of the Henderson Avenue Area, between North Central Expressway and Ross Avenue, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.
- (2) Protect the internal and adjacent stable residential neighborhoods.
- (3) Preserve and enhance the architectural and cultural significance of the area.
- (4) Strengthen neighborhood identity.
- (5) Create a more desirable pedestrian environment.

To achieve a more desirable pedestrian environment, planning principles and theories informs us that, among other things, we should consider developing retail spaces close to neighborhoods, orient buildings to the streets, and place parking behind or below buildings. These principles and theories allow active uses at the street level and promote walkability and safety.

Additionally, due to the irregular triangular shape of the subject site and the parcel being encumbered by two street frontages and an alley, the subject site differs from other parcels of land being of such a restrictive shape that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

The Senior Engineer within the Transportation Development Services Division Department of Transportation has provided a verbal recommendation of “no objection” to the request.

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

- The parking demand generated by the general merchandise or food store 3,500 square feet or less use does not warrant the number of off-street parking spaces required; and,

- The variance of eight spaces (or 61.54 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

- That granting the variance to the side yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PDD No. 462, Subdistrict 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 PDD No. 462, Subdistrict 1 zoning classification.

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

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

As of May 11, 2022 no letters have been submitted in support of or in opposition of the request.

If the board grants the variance to the off-street parking requirements and imposes the submitted site plan as a condition, development would be limited to the number of off-street parking spaces shown on this document rather than the precise location of the off-

street parking spaces. Granting these variances will not provide any relief to the Dallas Development Code regulations.

Timeline:

March 10, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents (**Attachment A**) which have been included as part of this case report.

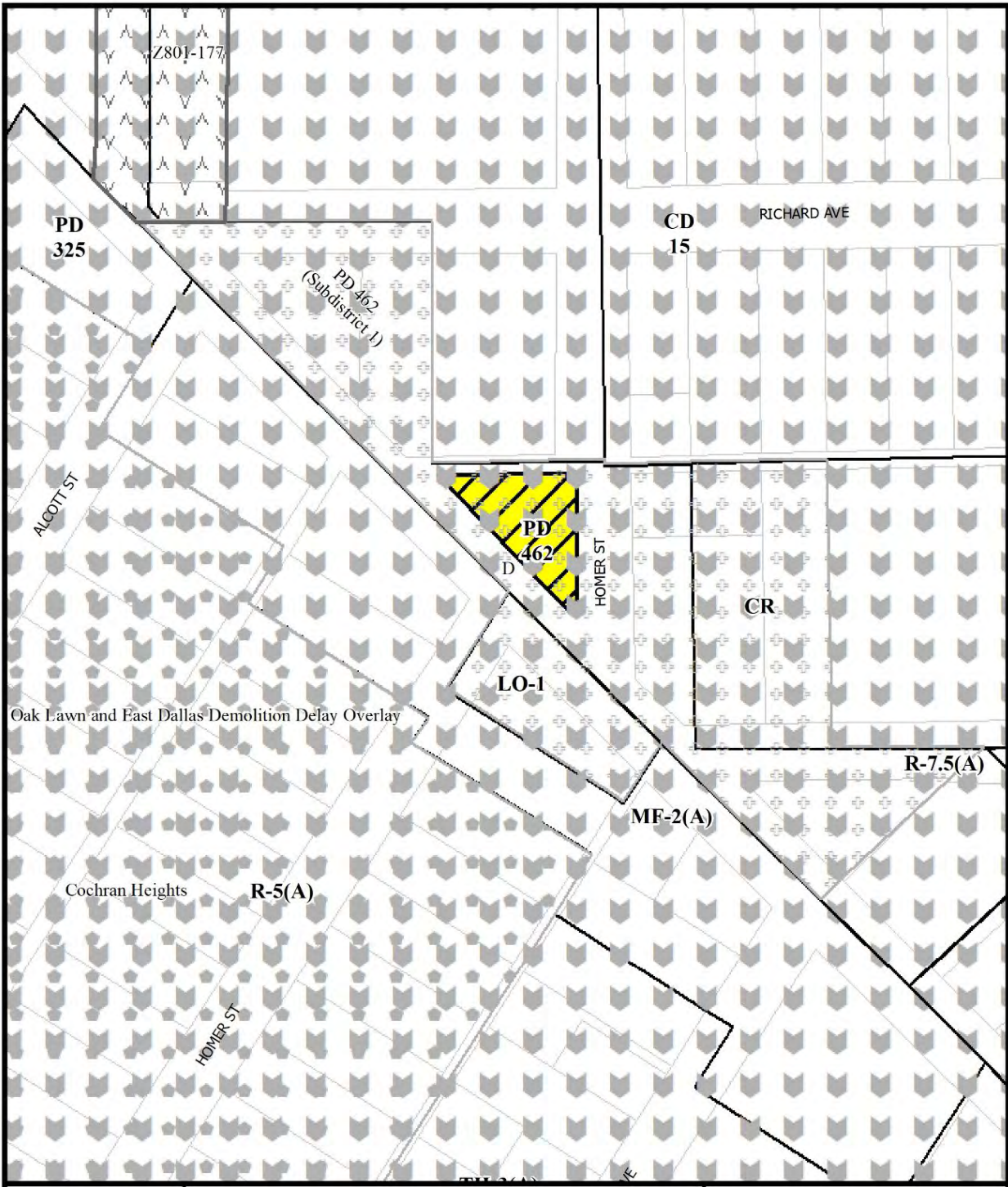
April 12, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

April 4, 2022: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Planner, the Board of Adjustment Senior Planner, the Development Services Chief Arborist, the Transportation Services Senior Engineer, and the Assistant City Attorney to the board.

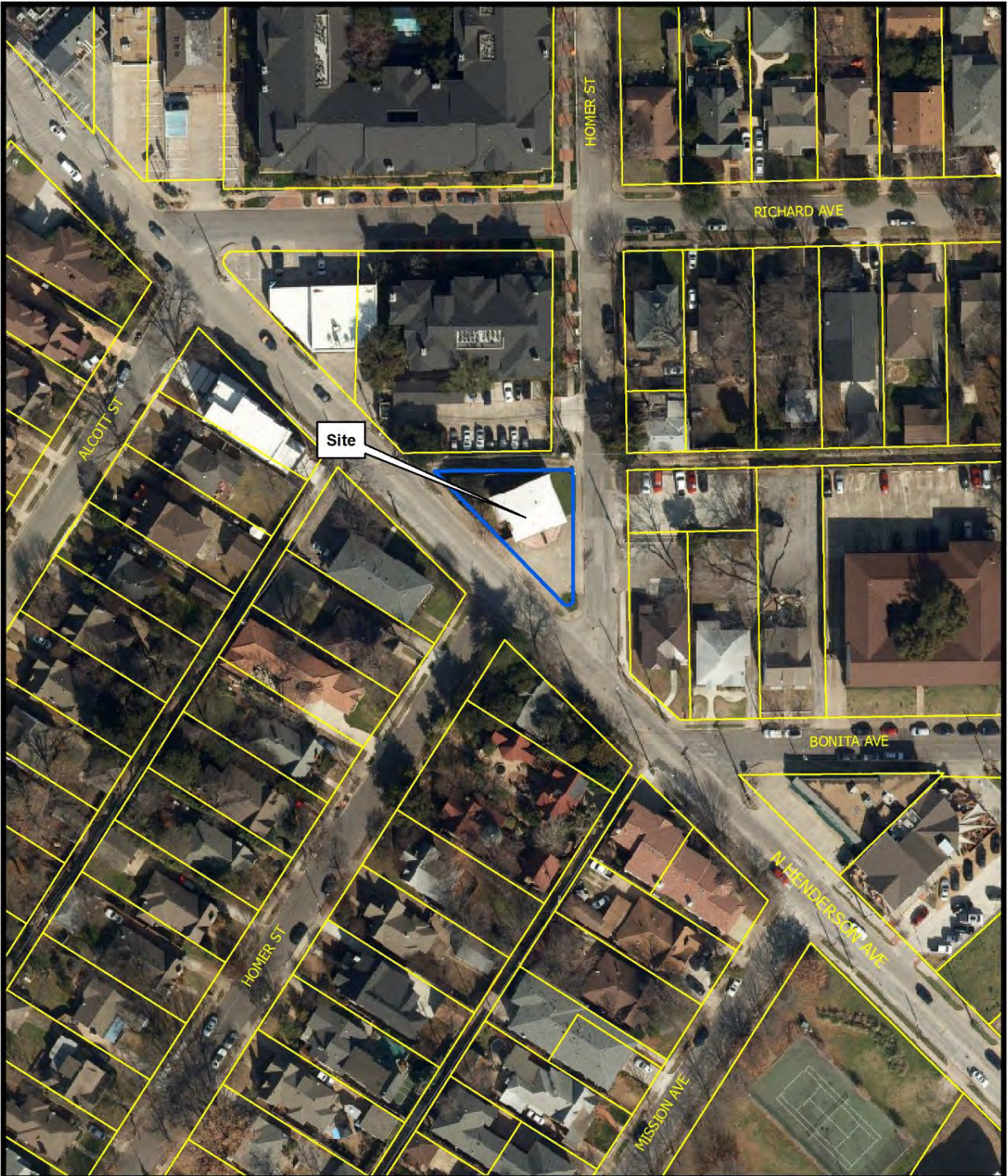
May 2, 2022: The representative provided additional evidence for staff consideration (**Attachment B**).




 1:1,200

ZONING MAP

Case no: BDA212-042
 Date: 4/18/2022



1:1,200

AERIAL MAP

Case no: BDA212-042

Date: 4/18/2022



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA212-042 Date: 4/18/2022
200'	AREA OF NOTIFICATION					
26	NUMBER OF PROPERTY OWNERS NOTIFIED					

04/14/2022

Notification List of Property Owners

BDA212-042

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2730 N HENDERSON AVE	PULCHER 2018 LLC
2	2416 HOMER ST	STEPHENS ERNEST III &
3	5200 RICHARD AVE	TERRELL DEAN &
4	5206 RICHARD AVE	SHIELDS DAVID
5	5210 RICHARD AVE	SWEET ANGELA
6	5214 RICHARD AVE	SMITH KELLY &
7	5221 BONITA AVE	5221 BONITA LLC
8	5211 BONITA AVE	YAFFEE LLC
9	2414 HOMER ST	NORTH HENDERSON AVENUE LLC
10	2726 N HENDERSON AVE	NORTH HENDERSON AVENUE LLC
11	2720 N HENDERSON AVE	PEDRO PROPERTIES LLC
12	5222 HOMER ST	RISTER ALAN FORREST &
13	5230 HOMER ST	ARMSTRONG GREGORY J &
14	2717 N HENDERSON AVE	LARISEY MICHAEL SHANE &
15	5231 MISSION ST	KUMAR JAY
16	5225 MISSION AVE	JUAREZ OSVALDO & ARACELI
17	5218 ALCOTT ST	MORROW JOHN S
18	5222 ALCOTT ST	GHOSH PIYA
19	5226 ALCOTT ST	MELOTH DOUG &
20	5230 ALCOTT ST	PDT HOLDINGS INC
21	2727 N HENDERSON AVE	JAXSIE FLATS LLC
22	5227 HOMER ST	DAI XINJIE &
23	5223 HOMER ST	SPRUEIL REVOCABLE TRUST THE
24	5217 HOMER ST	SULLIVAN JOHN H & JUDY K
25	5144 RICHARD AVE	EASTBRIDGE APARTMENTS PO LTD PS
26	2772 N HENDERSON AVE	Taxpayer at



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-042

Date: March 10, 2022

Data Relative to Subject Property:

Location address: 2730 N Henderson Avenue Zoning District: PDD462/Sub 1

Lot No.: 5 Block No.: 8/1973 Acreage: 0.135 Census Tract: 0010.02

Street Frontage (in Feet): 1) 152.97' 2) 110.69' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Pulcher 2018, LLC

Applicant: Audra Buckley Telephone: 214-686-3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Represented by: Permitted Development, LLC Telephone: 214-686-3635

Mailing Address: 1414 Belleview Street, Ste 150 Zip Code: 75215

E-mail Address: permitted.development.dfw@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception _____, of _____
the off-street parking requirement for a retail use (general merchandise) - 10 spaces.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
Required off-street parking can not be provided due to the irregular, triangular shape of the property. The property is encumbered by 2 front yards and 1 side yard with an alley. The existing 2569.7 sf building built in 1942 has been a general merchandise or food store <3500 sf use for over 40 years with only 3 parking spaces & no delta credits. Therefore, for this land use to be restored a variance of 10 spaces (77% variance) to the parking requirement is requested. See analysis.

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 Audra Buckley
(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.

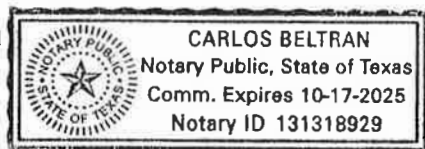
Respectfully submitted: Audra Buckley
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 10th day of March, 2022

Carlos Beltran

Notary Public in and for Dallas County, Texas

(Rev. 08-01-1



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 Permitted Development

did submit a request for a variance to the parking regulations
at 2730 N. Henderson Avenue

BDA212-042. Application of Permitted Development for a variance to the parking regulations at 2730 N HENDERSON AVE. This property is more fully described as Lot 5, Block 8/1973, and is zoned PD-462 (Subarea 1), which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less use, and provide 5 of the required 13 parking spaces, which will require a 8 space variance (61.54 reduction) to the parking regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-042

I, Pulcher 2018, LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2730 N Henderson Avenue
(Address of property as stated on application)

Authorize: Audra Buckley
(Applicant's name as stated on application)

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

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

Specify: _____
to the off-street parking requirement for a retail use (general merchandise) 10 spaces. ABB

Kyle Jacobs
Print name of property owner or registered agent

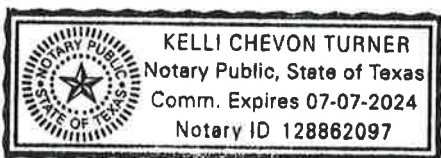
[Signature]
Signature of property owner or registered agent

Date 2/13/22

Before me, the undersigned, on this day personally appeared Kyle Jacobs

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

Subscribed and sworn to before me this 13th day of February, 2022



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 07/07/24

**PARKING ANALYSIS
2730 N HENDERSON AVENUE**

BACKGROUND:

The subject site contains a 2-story, 2569.7 sf building that has been in its current configuration since 1942. According to the previous owner, the original use may have been a motor vehicle fueling station – information has thus far not been found in the City’s records to substantiate the claim. Later, the use apparently changed, according to city records, to a furniture store in 1980 with CO 8002166509. This is the last issued CO for the building and there are no site plans or floor plans on file for that CO. A retail business called Emeralds to Coconuts, an apparel store requiring 13 parking spaces, claims to have occupied the space for more than 40 years according to multiple web sources such as the Dallas Morning News, the Lakewood Advocate, etc. They finally closed their business in October 2019, according to their social media page on Facebook. This would suggest a CO was obtained in 1980 merely to comply with parking requirements – any parking requirements. A CO for the apparel store was never obtained.

The current property owner purchased the building with the intention of remodeling it and restoring it to its retail use. As such, until a tenant was found, the property owner applied for a shell permit to start that process, which also required a land use for the required accompanying CO. The land use designated for the CO was office/showroom/warehouse. The idea was to remodel it and when a tenant was found, amend the CO at that time. When the property owner found a tenant in 2021, a retail CO was attempted, and the property owner discovered the parking issue.

We do not believe the requested variance of ten parking spaces or 77% of the required parking spaces will be contrary to the public interest as the building has operated as retail store for decades. From the zoning district’s perspective, note the stated purpose of the zoning district:

SEC. 51P-462.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Henderson Avenue Area, between North Central Expressway and Ross Avenue, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.*
- (2) Protect the internal and adjacent stable residential neighborhoods.*
- (3) Preserve and enhance the architectural and cultural significance of the area.*
- (4) Strengthen neighborhood identity.*
- (5) Create a more desirable pedestrian environment. (Ord. Nos. 22969; 25423)*

Furthermore, the applicant went out to observe this corner on different days during busy times. The following was observed:

January 15, 2022 from 11:30-Noon - 24 pedestrians.

February 11, 2022 from 5:30 – 6:00pm – 29 pedestrians.

March 3, 2022 from 5:30 – 6:00pm – 5 cyclists and 32 pedestrians.

This area along Henderson seems to have an abundance of pedestrian traffic on both sides of the street near retail areas.

Of the 2569.7 sf, only 1183.61 sf will be accessible by the public as shown on the floor plans submitted. The breakdown of the square footage is as follows:

AREA	SF
STAIRS	71.65
RESTROOM	72.75
STORAGE CLOSET	10.8
RETAIL OFFICE	141.36
RETAIL STORAGE	1089.53
RETAIL AREA	1183.61
BUILDING TOTAL	2569.7

PARKING ENCUMBERANCES:

Due to the irregular shape of the site and it being bound by two public streets and an alley, this site differs from other parcels of land, and it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning. Further, the property owner has not requested this relief for any self-created or personal hardship. The building simply cannot be occupied by any uses requiring more than 3 spaces due to the fact that parking spaces must be 20 feet from a street right-of-way, on-street or alley parking space cannot be counted towards required parking, and parking may not be located in visibility triangles. From Chapter 51A:

SEC 51A-4.301 OFF-STREET PARKING REGULATIONS

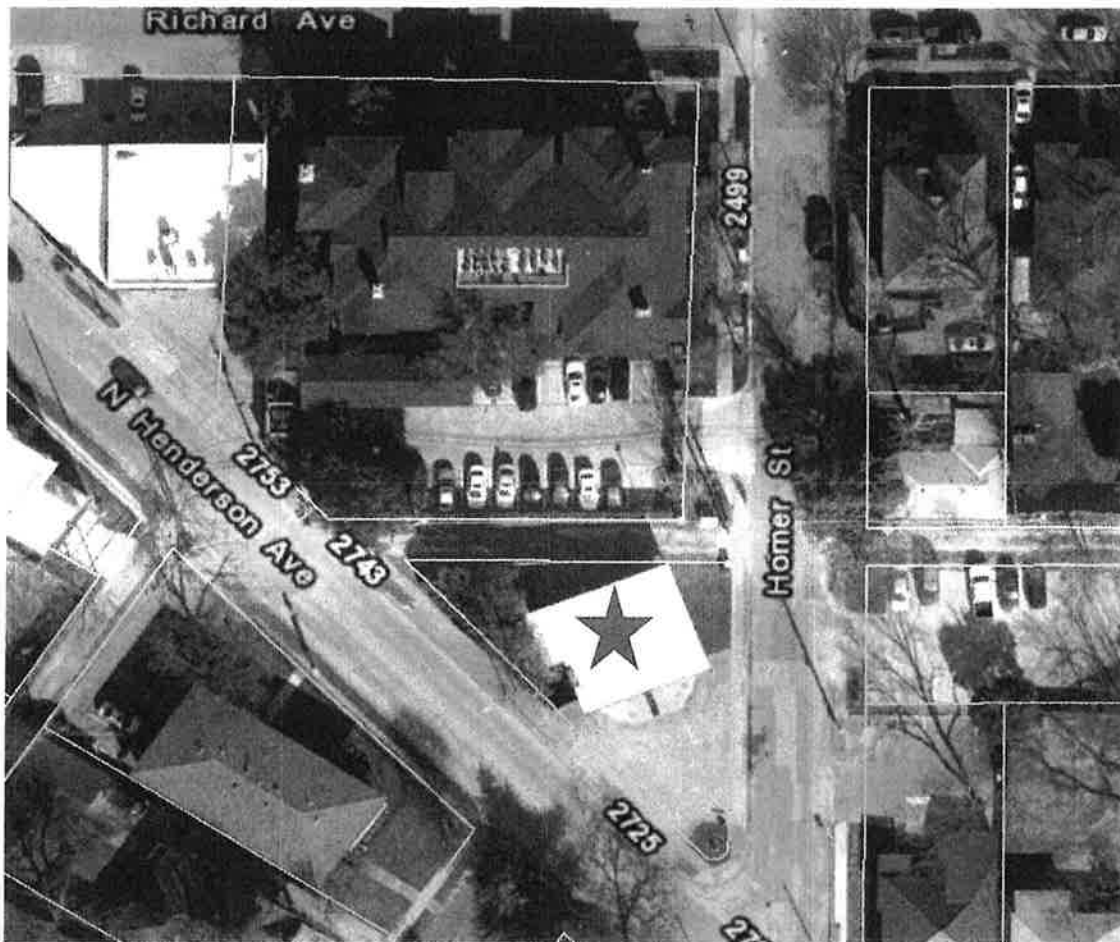
(6) no parking space located on a public street or alley may be included in the calculation of off-street parking requirements.

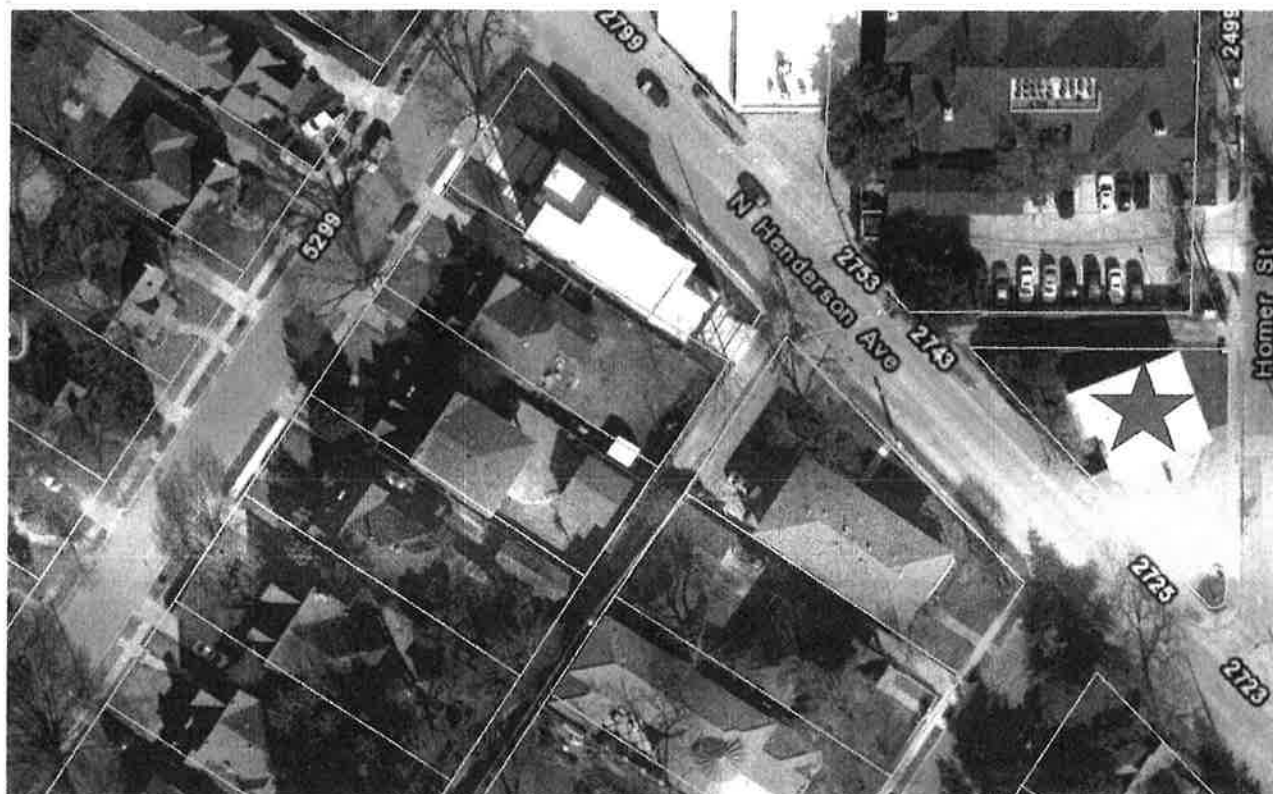
(7) except for residential uses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is excluded in computing off-street parking requirements.

(9) a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from the street or alley.

(14) off-street parking is not permitted in a visibility triangle as defined in Section 51A-4.602.

Additionally, an aerial of the surrounding area shows parking cannot be obtained via a remote parking agreement:





PARKING CODE REVIEW:

The study site is currently zoned PDD 462 Subdistrict 1. The parking requirement for this zoning district is outlined in Section 51P-462.108 d., which defaults to parking standards in Chapter 51A of the City of Dallas Code of Ordinances. None of the non-residential uses can be parked at the subject site. Therefore, in order to continue the use as a general merchandise or food store less than 3500 sf, the variance is required. The parking requirements for uses permitted in this subdistrict are as follows:

BDA212-042_ATTACHMENT_A

2730 N Henderson
 ZONING: PDD 462, Subdistrict 1
 2-STORY BUILDING

TOTAL SITE AREA	.135 ACRES	
LAND USE	RETAIL	
BUILDING FOOTPRINT	1,260.7 SQ. FT.	
TOTAL BUILDING AREA - BOTH FLOORS	2569.7 SQ. FT.	
PERMITTED USES	PARKING RATIO	REQ PARKING
Catering service.	1:200	13
Custom business services.	1:300	9
Electronics service center.	1:300	9
Medical or scientific laboratory	1:300	9
Financial institution without drive-in window.	1:333	8
Financial institution with drive-in window. [SUP]	N/A	
Medical clinic or ambulatory surgical center.	1:200	13
Office.	1:333	8
Ambulance service.	1:300	9
Animal shelter or clinic without outside run.	1:300	9
Auto service center.	N/A	
Bar, lounge, or tavern.	1:100	26
Business school.	N/A	
Car wash. [SUP]	N/A	
Commercial amusement (inside).	1:100	26
Commercial amusement (outside). [SUP]	N/A	
Commercial parking lot or garage. [RAR]	N/A	
Dry cleaning or laundry store.	1:200	13
Furniture store. (CO ON FILE)	1:500	5
General merchandise or food store 3,500 square feet or less.	1:200	13
General merchandise or food store > 3,500 square feet.	1:200	13
Household equipment and appliance repair.	1:200	13
Liquor store.	1:200	13
Mortuary, funeral home, or commercial wedding chapel.	N/A	
Motor vehicle fueling station.	N/A	
Nursery, garden shop, or plant sales.	1:500	5
Personal service uses.	1:200	13
Restaurant without drive-in or drive-through service.	1:100	26
Temporary retail use.	1:500	5
Theater.	N/A	
Recycling drop-off container.	N/A	
Recycling drop-off for special occasion collection.	N/A	
RESIDENTIAL:		
DUPLEX - 2 BEDROOM	1 PER BEDROOM	4
PERMITTED USES OMITTED FROM ANALYSIS		
INSTITUTIONAL USES		
LODGING USES		
MISCELLANEOUS USES		
RECREATION USES		
TRANSPORTATION USES		
UTILITY AND PUBLIC SERVICES		
N/A USES INDICATE USES WITHOUT CIRCULATION/INCOMPATIBLE WITH THE SURROUNDING PROPERTIES		

RICHARD AVE

5140 RICHARD AVE

5142 RICHARD AVE

5146 RICHARD AVE

5150 RICHARD AVE

5144 RICHARD AVE

5144 RICHARD AVE

MF-2(A)

5202 RICHARD AVE

5200 RICHARD AVE

CD 15

5206 RICHARD AVE

2418 HOMER ST

2416 HOMER ST

2731 N HENDERSON AVE

2729 N HENDERSON AVE

2727 N HENDERSON AVE

2730 N HENDERSON AVE

SITE
PD 462
PD 462 (Subdistrict 1)
PD 462 (Subdistrict 1)

HOMER ST

2414 HOMER ST

2410 HOMER ST

2408 HOMER ST

5231 HOMER ST

MF-2(A)

CR

2726 N HENDERSON AVE

5207 BONITA AVE

2725 N HENDERSON AVE

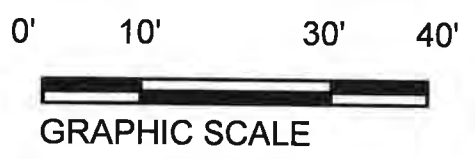
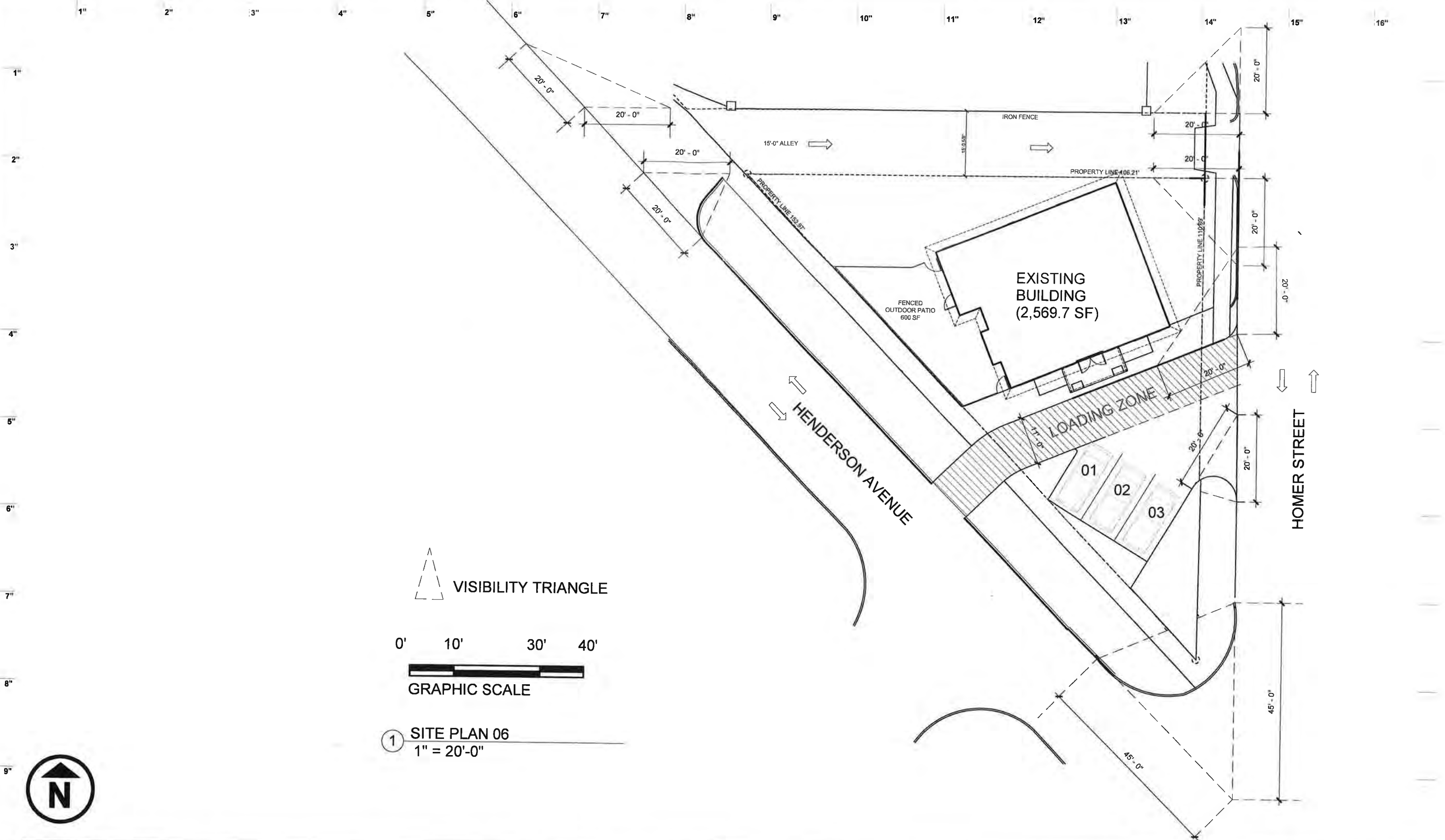
LO-1

5230 HOMER ST

6 R-5(A) Cochran Heights

NSQ 6 Cochran Heights

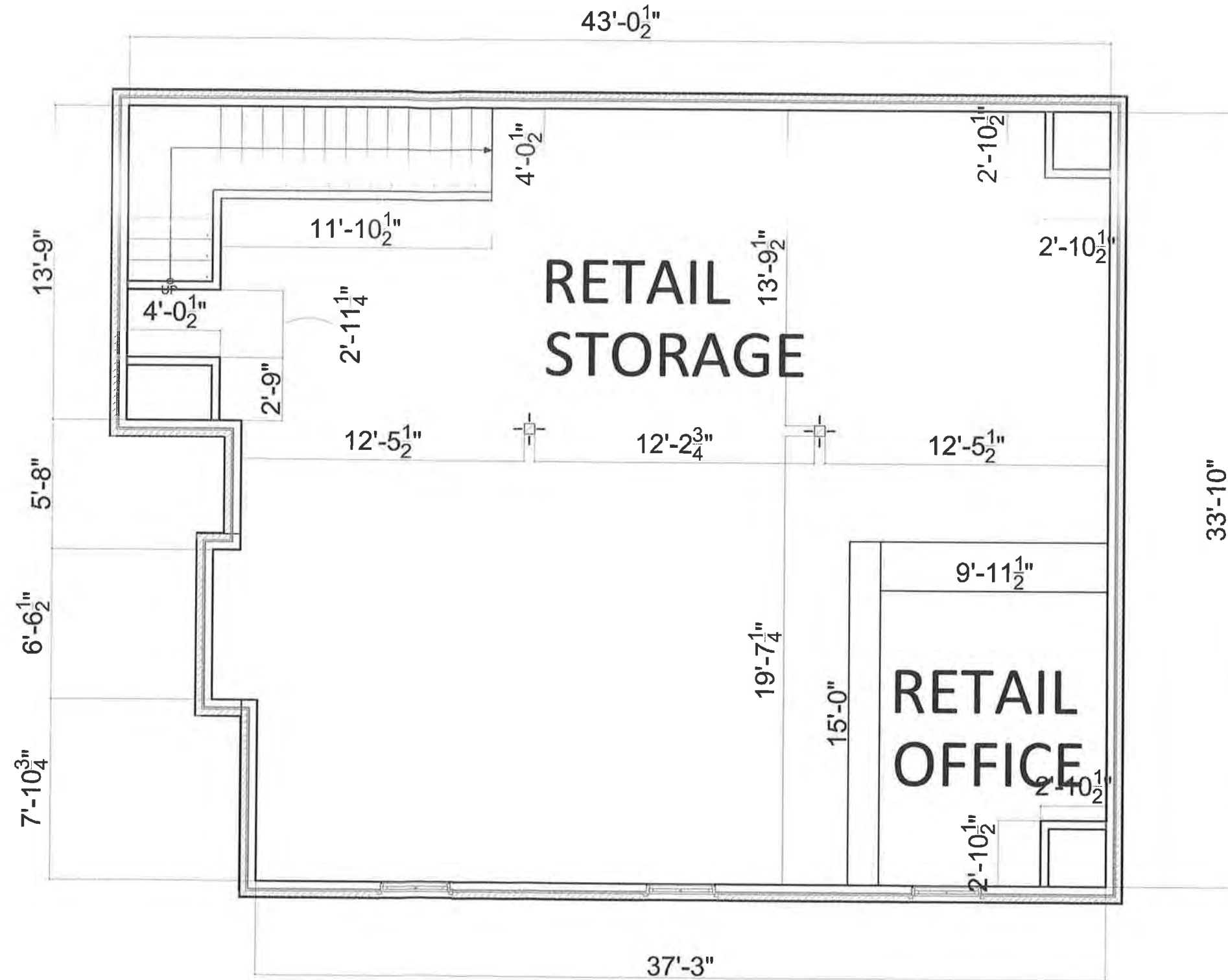
1:564



① SITE PLAN 06
1" = 20'-0"



THIS DRAWING SHOULD ONLY BE USED AS AN INFORMATIVE REFERENCE. NOT FOR AHJ SUBMITTAL, APPROVAL, CONSTRUCTION. ALL DIMENSIONS, UTILITY EASEMENTS, SETBACKS, LOT PROPERTY LINES, GRADING, AND SITE REQUIREMENTS SHOULD BE VERIFIED FOR ACCURACY BY OWNER AND/OR OWNER'S SURVEYOR AND CIVIL ENGINEER. PARTICULAR CONSIDERATION SHOULD BE GIVEN TO CITY REQUIREMENTS FOR OPEN SPACE, PAVEMENT TYPES, DRIVE ENTRIES, PARKING REQUIREMENTS, ETC.



AREA	SF
STAIRS	71.65
RESTROOM	72.75
STORAGE CLOSET	10.8
RETAIL OFFICE	141.36
RETAIL STORAGE	1089.53
RETAIL AREA	1183.61
BUILDING TOTAL	2569.7



BDA212-042_ATTACHMENT_B

2730 N Henderson Avenue

5879 sf lot with an existing 2569.7 sf building

Properties within the same PDD 462, subdistrict 1 zoning classification:

2772 N HENDERSON AVE: CO for general merchandise or food store less than 3500 sf issued in 2004 and revised in January 2015. The property has a similar shape and lot size of the subject property at 6000 sf. It is encumbered by two streets but no alley. The structure on the property straddles the adjacent lot and parking is provided along Richard Avenue and Henderson Avenue.

2810 N HENDERSON AVE: CO for an alcoholic beverage establishment issued in December 2021. Property is a mid-block lot in similar shape and slightly larger lot size of the subject property with 6,569 sf with a 2603 sf structure. Property contains existing head-in parking and off-street parking. They were able to meet the off-street parking criteria of 26 spaces.

2813 N HENDERSON: CO for general merchandise or food store less than 3500 sf issued in January 2022. Property has a larger lot (10,230 sf) with the same CO requested by the applicant. Property is encumbered by two streets and an alley but with the larger lot, they were able to meet off-street parking criteria.

2822 N HENDERSON AVE: CO is for a restaurant without drive-thru service. Structure is 5,129 sf with a larger lot containing 22,171 sf. and a parking lot. All its surface off-street parking spaces are required for itself. Property is split zoned into PDD 462 sub 1 and CR and can easily meet off-street parking criteria.

2831 N HENDERSON AVE: CO for general merchandise or food store less than 3500 sf issued in 2000. Property is a larger lot containing 8,460 sf and meets off-street parking criteria. It is encumbered by two streets.

2841 & 2847 N HENDERSON AVE: Old Monk property. CO was issued for an alcoholic beverage establishment in 2003. Structure is 3,310 sf and the property consists of 15,430 sf with its own parking lot. Parking appears to meet the off-street parking criteria.

Parking for other properties within this zoning district in the 2900 block of N Henderson Avenue (north of Willis Avenue) have the luxury of paid commercial parking lots located in CR, CS and P(A) districts. All of this parking is accounted for/shared based on signage posted in the parking lots. Additionally, even if parking were available in these shared lots, the subject site is more than 750' away which exceeds the 300' or special request of 600' distance to qualify for a remote parking agreement.

FILE NUMBER: BDA212-035(JM)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a variance to the building height regulations at 1918 Moser Avenue. This property is more fully described as Lot 5, Block C/1491, and is zoned an MF-2(A) Multifamily District, in which the height of an accessory structure may not exceed the height of the main building. The applicant proposes to construct a single-family residential accessory structure with a building height of 23 feet three inches, which will require a two-foot five-inch variance to the maximum building height regulations.

LOCATION: 1918 Moser Avenue

APPLICANT: Rob Baldwin of Baldwin Associates

REQUESTS:

While the site is zoned a Multifamily District, the land use dictates the height of the accessory structure proposed. Section 51A-4.209(6)(vii)(cc) Height of structure accessory to single family use cannot exceed the height of the main structure. In this case, the height of the main structure is 20 feet 10 inches.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Denial.

Rationale:

Evidence provided identified 10 single-family uses and structures in the same zoning district and adjacent to the site. The average of the main structure floor area is 3,016 square feet and the applicant maintains a main structure with 1,908 square feet of floor area. Additionally, of those 10 properties four maintain accessory structures (including the subject site and structure in the request) with an average of 1,382 square feet of floor area. The subject accessory structure is 777 square feet in size. No height data was provided in comparison to the other accessory structures or main structures.

BACKGROUND INFORMATION:

Zoning:

- Site: MF-2(A) Multifamily District
- Northwest: MF-2(A) Multifamily District
- Northeast: Planned Development District No. 462
- Southeast: MF-2(A) Multifamily District
- Southwest: MF-2(A) Multifamily District

Land Use:

The subject site and properties to the northwest and southeast contain single-family uses. Additionally, to the northeast is a commercial use and to the southwest is multifamily.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The applicant proposes to construct a single-family residential accessory structure with a building height of 23 feet three inches, which will require a two-foot five-inch variance to the maximum building height regulations for a single-family accessory structure. The property is zoned an MF-2(A) Multifamily District. In this district, a single-family use is allowed to have accessory structures that cannot exceed the height of the main building. The main structure is 20 feet three inches-in-height.

DCAD records indicate the main structure contains 1,908 square feet of floor area erected in 1923. An accessory structure with a detached garage of 441 square feet and detached quarters with 336 square feet are also identified, however the date of construction is not noted.

The MF-2(A) District allows more than one dwelling unit per lot. While the application and DCAD refer to a second dwelling unit, the floor plan provided as a reference identifies the first floor as a garage and the second floor as storage space. In either case, this request is for the height of an accessory structure, solely. A search of City permit records confirms the 2021 building permit for this structure is for a detached garage with storage, not a second dwelling unit. As an accessory structure, the height cannot exceed the height of the main structure.

The property is rectangular in shape, flat, and according to the application, contains 0.2 acres, or approximately 8,500 square feet in area. In an MF-2(A) Multifamily District the minimum lot size varies by use. A single-family use in this district requires a minimum lot size of 1,000 square feet. The evidence provided did not allow for staff to determine whether the subject site 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 district.

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

- That granting the variance 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.

As of May 11, 2022, three letters have been submitted in support and one letter in opposition to the request.

If the board were to grant the variance to the maximum height regulations for structures accessory to a single-family use and impose the submitted site plan and elevation as conditions, the building footprint of the structure on the site and height as identified in the elevation would be limited to what is shown on these documents. However, granting this request will not provide any relief to the Dallas Development Code regulations other than allowing the additional height for the accessory structure, as depicted on the site plan and elevation.

Timeline:

February 11, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

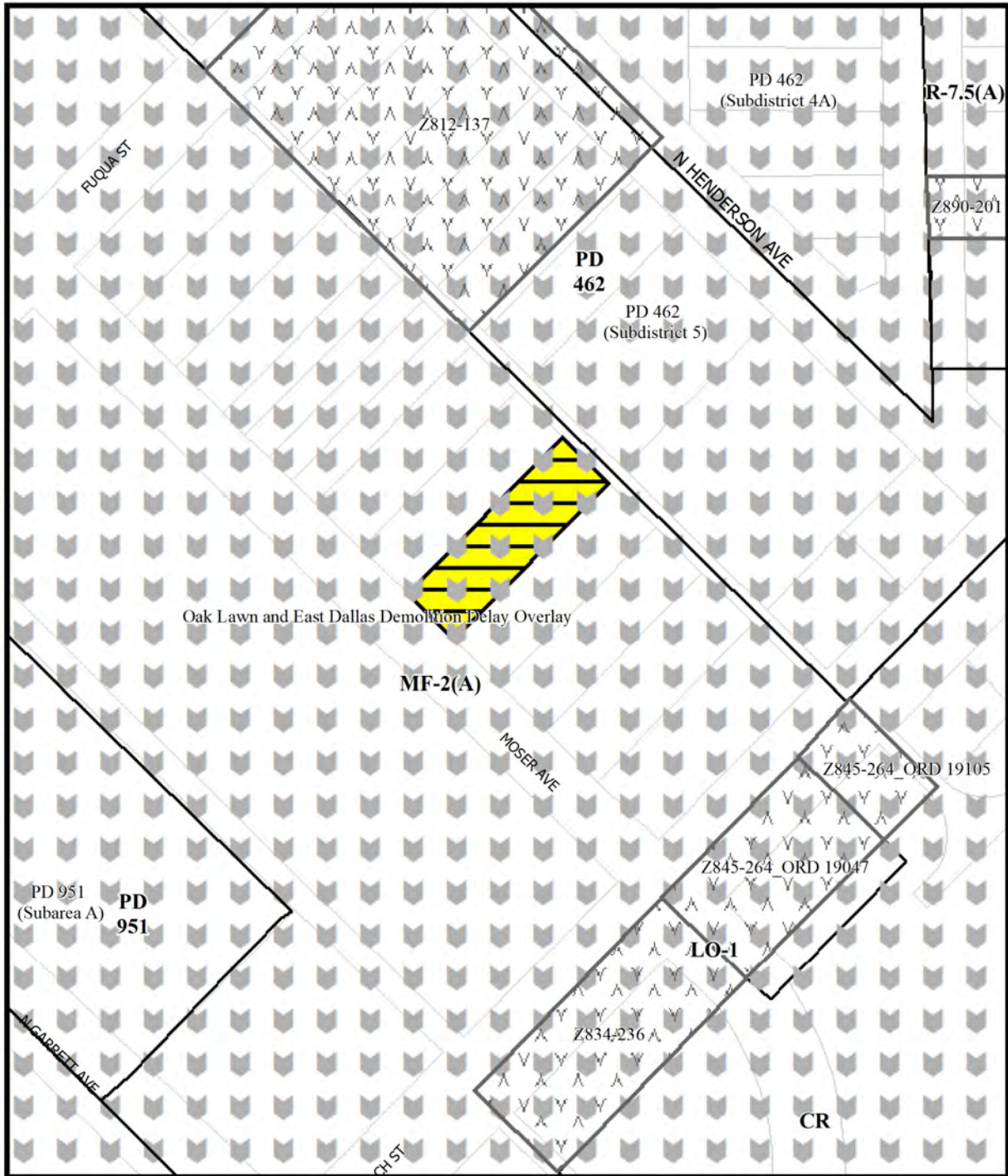
April 5, 2022: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board. No review comments were submitted regarding this request.

April 28, 2022: The applicant provided evidence via email (**Attachment A**).

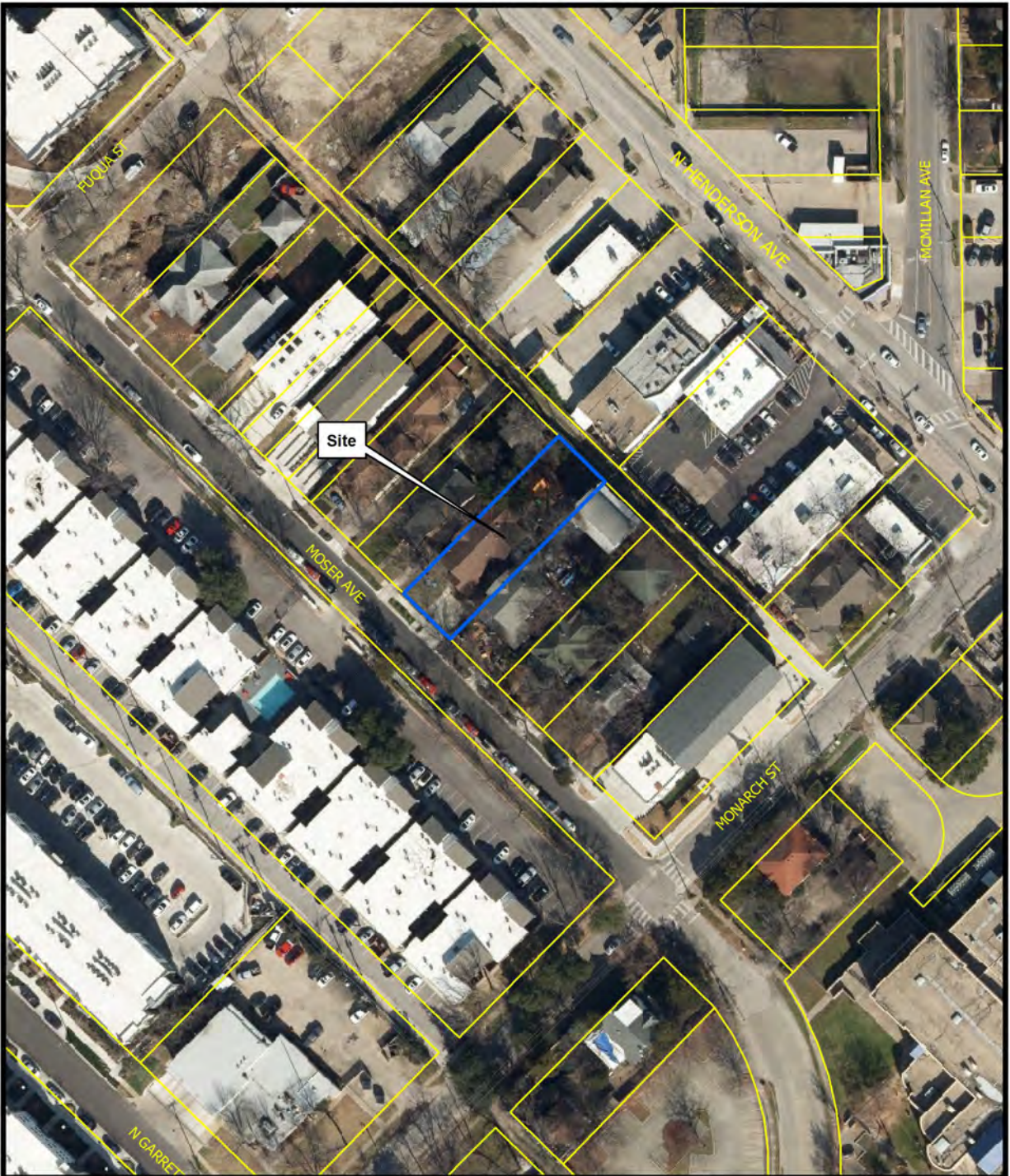


1:1,200

ZONING MAP

Case no: **BDA212-035**

Date: **4/18/2022**




1:1,200

AERIAL MAP

Case no: BDA212-035

Date: 4/18/2022




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
20	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-035**
 Date: **4/18/2022**

04/14/2022

Notification List of Property Owners

BDA212-035

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1918 MOSER AVE	MONDELL FONYA NAOMI
2	1902 MOSER AVE	MOSER HOMES LLC
3	1906 MOSER AVE	GRIGGSJORDAN KIMBERLY M &
4	1912 MOSER AVE	TICHANSKY MICHAEL S &
5	1914 MOSER AVE	MCCULLOUGH DAVID W &
6	1922 MOSER AVE	MONDELL CYNTHIA & ALLEN
7	2002 MOSER AVE	2002 MOSER LLC
8	2008 MOSER AVE	LITHGOW DOUGLAS W
9	2010 MOSER AVE	WILLIAMSON GRAHAM T
10	2014 MOSER AVE	Taxpayer at
11	2011 N HENDERSON AVE	NGUYEN CUNG LUONG 2010 TRUST
12	2007 N HENDERSON AVE	2007 N HENDERSON AVENUE LLC
13	2003 N HENDERSON AVE	DITTO MARVELLE MUNTZEL &
14	1907 N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
15	1901 N HENDERSON AVE	HENDERSON MAIN DALLAS LLC
16	5217 MONARCH ST	CANELAKES CHRIS
17	1925 MOSER AVE	LH MOSER LLC
18	2006 MOSER AVE	PFIRRMANN HENRY ALISTER
19	2004 MOSER AVE	CHOY MICHAEL
20	1925 N HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-035

Data Relative to Subject Property:

Date: 2-11-22

Location address: 1918 Moser Ave Zoning District: MF-2

Lot No.: 5 Block No.: C/1491 Acreage: 0.2 acres Census Tract: 9.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Fonya Mondell

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 X, or Special Exception __, of _____
Variance to the height to allow an accessory structure taller than the main structure.

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 single family house was constructed in 1923. The accessory structure is taller than the main structure, but it will not adversely impact surrounding properties. The property is zoned for multifamily and the second story for the dwelling unit is reasonable so that the accessory structure can provide a garage on the ground level and not generate a parking issue. Other properties in the immediate area also have accessory structures that are taller than the main structure.

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

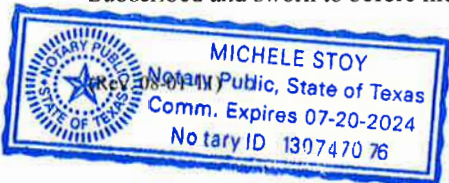
Affidavit

Before me the undersigned on this day personally appeared 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 10 day of February, 2022



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Rob Baldwin

did submit a request for a variance to the building height regulations
at 1918 Moser Avenue

BDA212-035. Application of Rob Baldwin for a variance to the building height regulations at 1918 MOSER AVE. This property is more fully described as Lot 5, Block C/1491, and is zoned MF-2(A), which the height of an accessory structure may not exceed the height of the main building. The applicant proposes to construct a single family residential accessory structure with a building height of 23 feet 3 inches, which will require a 2 foot 5 inch variance to the maximum building height regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-035

I, Fonya Mondell, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1918 Moser Avenue
(Address of property as stated on application)

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

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

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

Specify: Height variance, additional dwelling unit

Fonya N. Mondell
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 02/02/2022

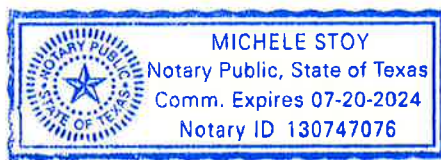
Before me, the undersigned, on this day personally appeared Fonya Mondell

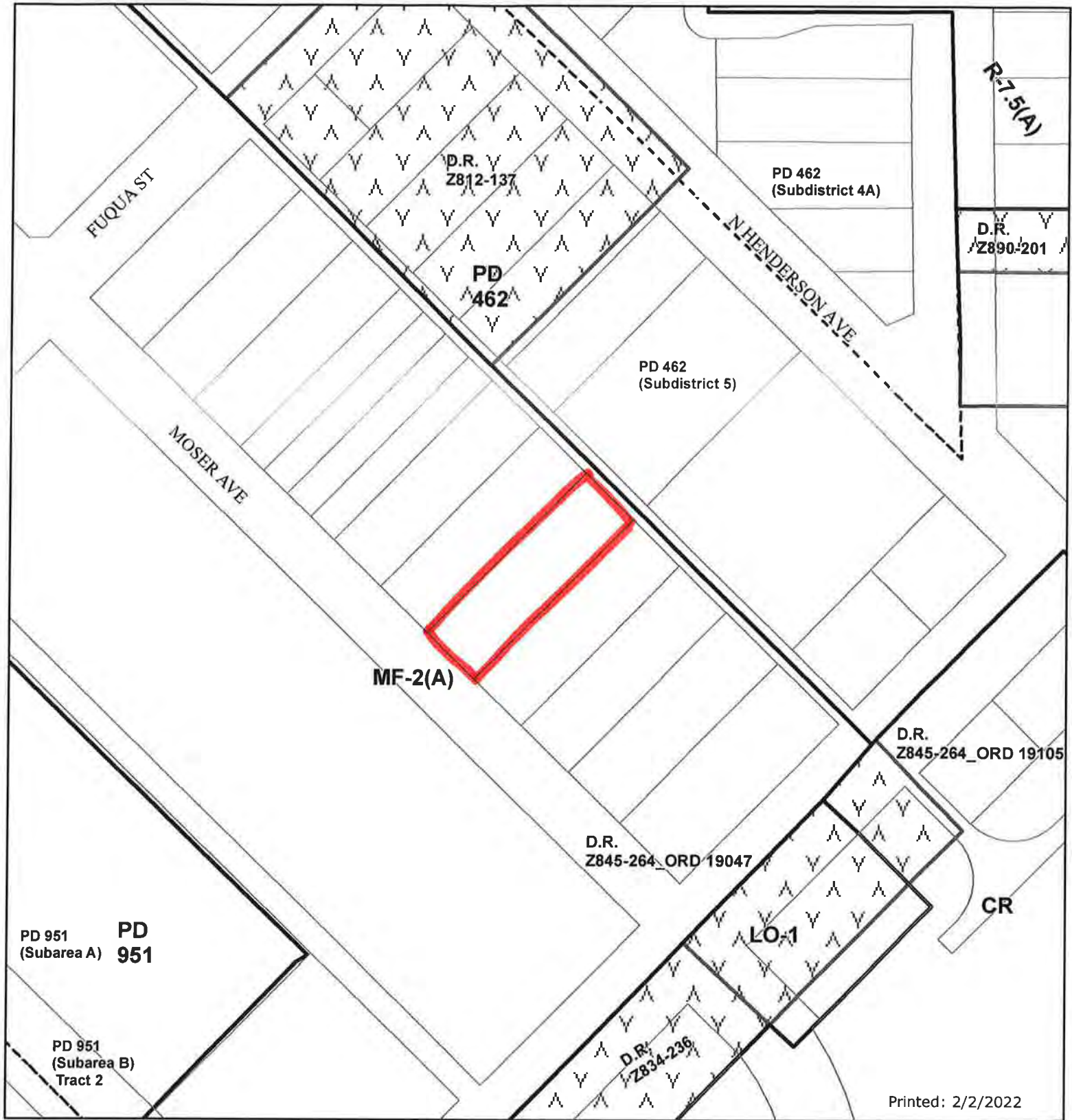
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 2 day of February, 2022

Michele Stoy
Notary Public for Dallas County, Texas

Commission expires on 7-20-2024





Printed: 2/2/2022

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | Shop Front Overlay 14-4 |
| | | 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)



1:1,200



CITY OF DALLAS PLAT BOOKS
 ADDITION
MOSSER 2ND ROSS AVE.

SCALE 100 FT. EQUALS 1 INCH

05 1-0-98



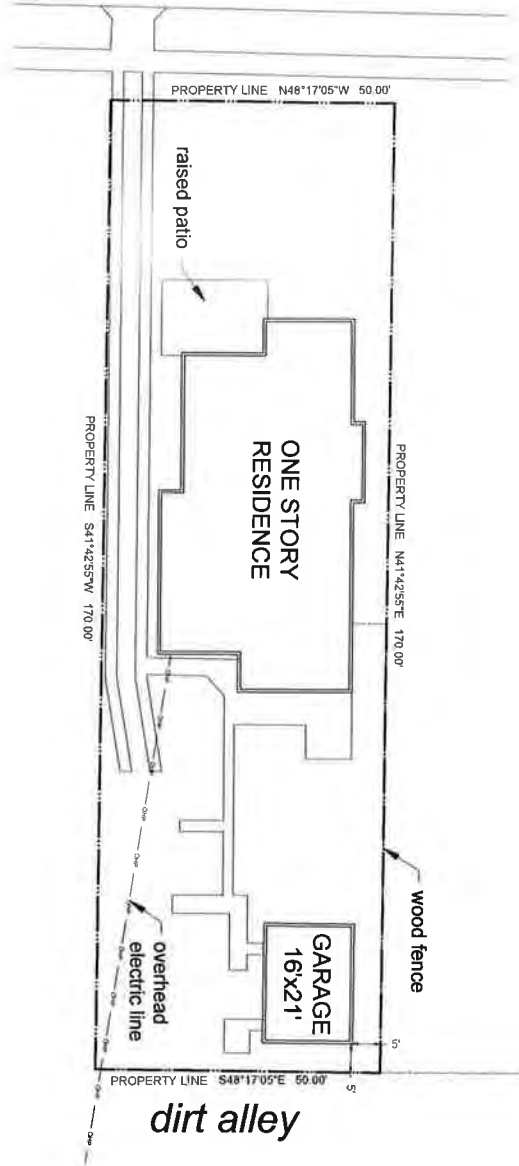
1

SITE PLAN

SCALE: 1" = 10'-0"



1918 MOSER AVENUE



VICINITY MAP
NTS



1918 Moser Avenue
CITY OF DALLAS, TEXAS

Baldwin
Associates

BALDWIN
ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

06/08/2021
PROJECT NUMBER
CASE NUMBER

Reference only.



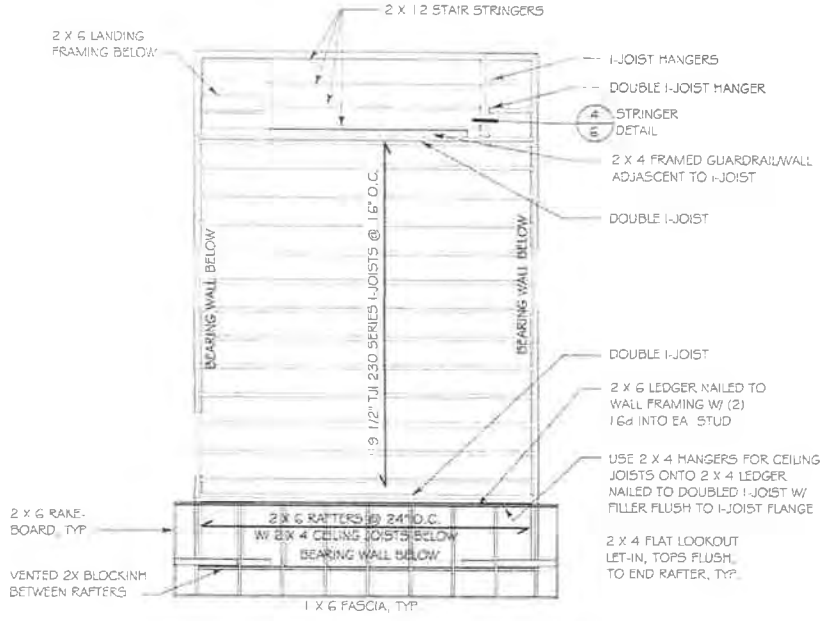
QUESTIONS? CALL
1-800-210-6776
WWW.BEHMDESIGN.COM

PLAN NO.
687-1

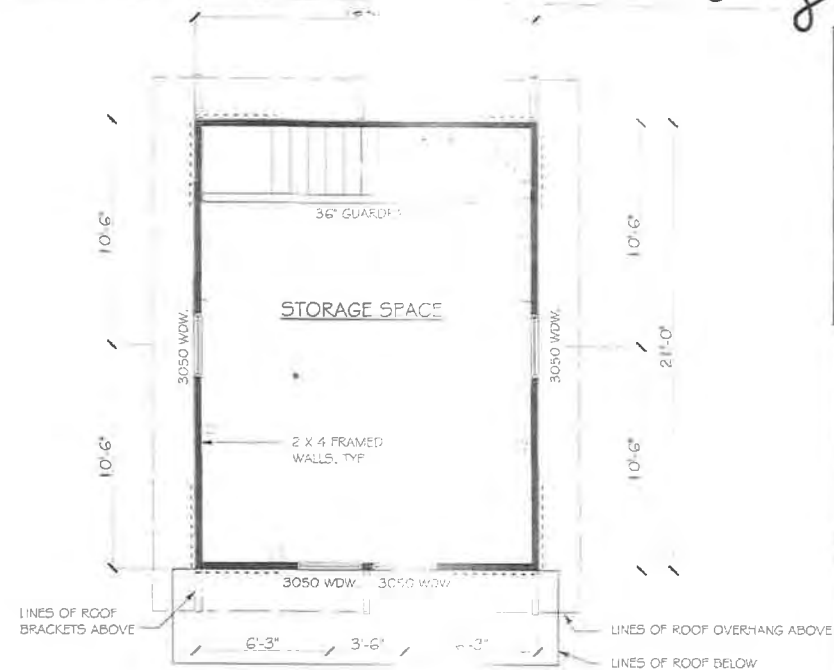
DESIGN BY:
BB
DATE:

SHEET CONTENTS:
FLOOR PLAN
FOUNDATION PLAN
5 SHEET

COPYRIGHT: BEHM DESIGN
2
OF **8**

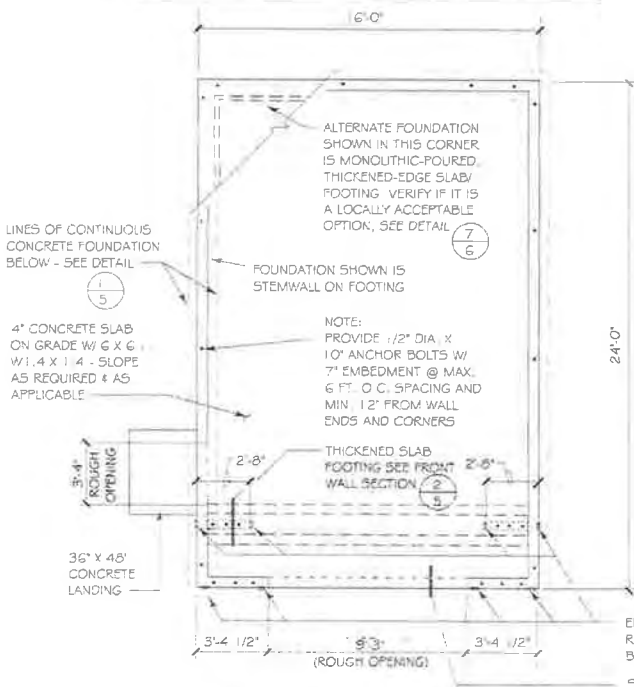


SECOND FLOOR FRAMING PLAN



SECOND FLOOR PLAN

NOTE:
WHERE REQUIRED FOR FIRE SEPARATION, 3068 S.C. DOOR W/ AUTO-CLOSER MAY BE ADDED



FOUNDATION PLAN

NOTE:
FOUNDATION PLAN DIMENSIONS ARE TO FACE OF CONCRETE OR CENTERLINE OF BEARING - AS SHOWN

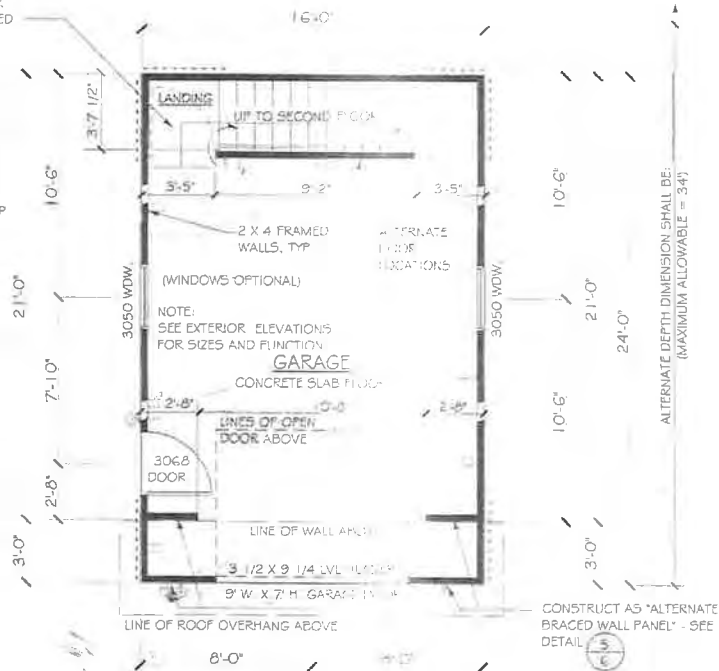
BRACED WALLS AS PER IRC R602.10, APPLICABLE FOR LOCAL CODES
ALL EXTERIOR WALLS ARE BRACED WALLS - NAIL SIDING PANELS OR SHEATHING W/ 8d @ 6" o.c., EDGES AND @ 12" O.C., FIELD AND PROVIDE ALTERNATE BRACED WALL PANELS AS INDICATED (shown: - - - - -) METHOD: CS-WSP
INTERIOR BRACED WALLS FRAMED W/ 2 X 4 STUDS @ 16" O.C. W/ DOUBLE TOP PLATE AND PRESSURE-TREATED BOTTOM PLATE. SHEATH WITH 7/16" O.S.B. AND NAIL W/ 8d @ 6" o.c. EDGES AND @ 12" O.C. FIELD

LEGEND

- Ⓢ SWITCH LOCATION
- Ⓞ CEILING MOUNTED LIGHT FIXTURE
- Ⓛ 110 VOLT DUPLEX OUTLET
- Ⓜ EXTERIOR WALL-MTD. LIGHT FIXTURE
- Ⓜ ELECTRIC PANEL OR SUB-PANEL LOCATION, INSTALL PER LOCAL CODES

EMBEDDED HOLDDOWNS REQUIRED, SEE ALTERNATE BRACED WALL PANEL DETAIL (5/6)
SLAB EDGE THICKENED TO 8" WITH #4 REINF. SEE DETAIL (8)

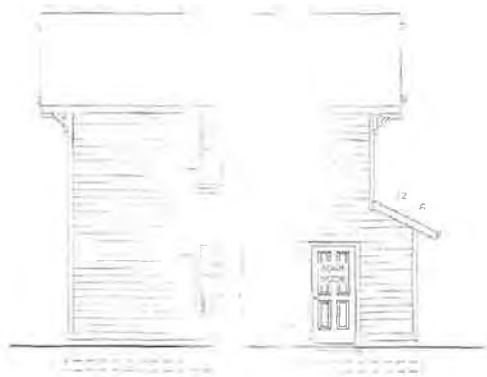
NOTE:
FLOOR PLAN DIMENSIONS ARE TO FACE OF FRAMING OR CENTERLINE OF BEARING, TYP. AS SHOWN



FIRST FLOOR PLAN

NOTE:
DOOR AND WINDOW HEADERS SHALL BE 2" X 6" UNLESS OTHERWISE NOTED

Reference only.



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

ROOFING: GING
CEDAR SHINGLES 46 7/8 FELT
INTERWEAVE OVER 7' 1"
D 5 B SHEATHING

SIDING
7 1/2" G TEXTURED D 5 B SIDING
PANELS OVER 7/8" FELT
VAPOR BARRIER

2 1/2" x 4" SIPS 1/2 CORNER SCAPES
OUT SIDING

6 1/2" x 6 1/2" SIPS 1/2 END SIPS
MEMBERS TO TOP AND BOTTOM
MEMBERS BUT SIDING

NOTE:
APPROVED ALTERNATE SIDING
MATERIALS MAY BE SUBSTITUTED

LINE OF FOUNDATION



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

1 x 6 RAFTERS OVER
2 x 4 SURRAKE

ROOF FLASHING

2 x 4 PARTING TRIM

ROOF BRACKET SEE (C)

FLASH @ ROOF

CERTIFIED FOR 100% OR

1 x 6 1/2 SIPS 1/2 FOR
W/ 1 x 6 TO EXPOSE
SATTER TIPS

BEHAM DESIGN BUILDING PLANS

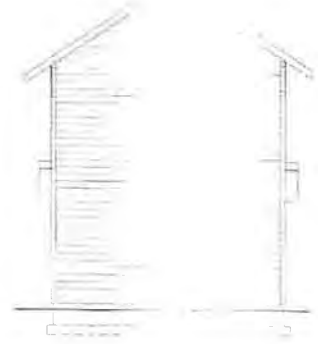
QUERQUENON, ILL. 61880-2064775 WWW.BEHAMDESIGN.COM

PLAN NO. 687-1

DESIGN NO. 75 DATE 10/14/03

THIRD CONTINUED EXTERIOR ELEVATIONS

SHEET 3



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



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

RIDGEVENT CONT

COMPOSITION ROOFING

NOTE:
NOMINAL WINDOW SIZES ARE
SHOWN. FEET/INCHES WIDE
X FEET/INCHES HIGH. TOP
VERIFY FRAMED OPENING
REQUIRED BY PRODUCT MFR.

NOTE:
FLASH OPENINGS AND PROVIDE
WEATHERSTRIPPING AS REQUIRED
BY LOCAL CODES.

NOTE:
NOTES AND MATERIALS INDICATED
IN THIS ELEVATION ARE TYPICAL
FOR ENTIRE BUILDING AS APPLIC.



April 28, 2022

Jennifer Munoz
Chief Planner, Board of Adjustment
City of Dallas
1500 Marilla 5BN
Dallas, TX 75201

RE: BDA212-035
1918 Moser Ave - variance

Dear Ms. Munoz:

Our firm is helping the property at the above-referenced property with their height request to allow a detached accessory structure to be taller than the single family structure.

Please find attached a survey of the properties within the northeast side of the block of Moser Avenue where the subject property is located. It is zoned MF-2(A) and contains multifamily, single family, and townhouse structures. Most of the single family structures in this block contain detached structures. While the data of the heights of these structures is not available on Dallas Central Appraisal District, the size of the main structures and detached structures is available. The survey provides this data and the average detached structure is 1,382* square feet, which is greater than the 777 square foot detached garage and quarters on the subject property. The subject property's main structure is much less than the average structure, but that is due to the multifamily structures within the block.

We hope you can support our request. If you have any questions, please feel free to contact me. We will be happy to discuss this matter with you.

With kind regards,

A handwritten signature in blue ink, appearing to be "Rob Baldwin", written over a light blue horizontal line.

Rob Baldwin

Summary of MF-2(A) Commensurate Development

1918 Moser Ave

Source: DCAD

Address	Land use	Main building floor area (sf)	Detached		Lot Area (sf)
			structure floor area (sf)	Detached structure type	
1902 Moser	Multifamily	10,891	--	--	11,050
1906 Moser	Single family	1,764	700	garage	9,350
1912 Moser	Single family	4,581	2,312	quarters	8,500
1914 Moser	Single family	6,168	600; 3,024	garage, storage	8,500
1918 Moser	Single family	1,908	777	quarters & garage	8,500
1922 Moser	Single family	2,136	880	quarters & garage	8,500
2002 Moser	Single family	3,680	--	--	8,500
2004 Moser	Single family	2,501	--	--	4,247
2006 Moser	Single family	2,501	--	--	4,247
2008 Moser	Single family	2,501	--	--	4,247
2010 Moser	Single family	2,420	--	--	4,268
2014 Moser	Townhouse	9,800	--	--	8,500
2018 Moser	Townhouse	9,800	--	--	8,500
2022 Moser	Multifamily	9,660	--	--	9,350

Average main building size	5,022		
Average detached building size		1,382	
Average lot size			7,590

Panel B

05-18-22

BDA212-035

1918 Moser Ave.

(Support Reference)

From: [Jennifer Hiromoto](#)
To: [Munoz, Jennifer](#)
Cc: [Rob Baldwin](#)
Subject: FW: City variance application - BDA212-035
Date: Monday, April 11, 2022 12:42:36 PM

External Email!

Good afternoon,
Please see below for a support email for this application.
Thanks,
Jennifer

Jennifer Hiromoto
Baldwin Associates
3904 Elm Street Suite B
Dallas, TX 75226
Office: 214-824-7949
Cell: 469-275-2414

From: David McCullough <artsmarts@sbcglobal.net>
Sent: Monday, April 11, 2022 11:30 AM
To: Jennifer Hiromoto <jennifer@baldwinplanning.com>
Subject: City variance application

Dear sirs, This letter is in regard to Fonya Mondell's at 1918 Moser Ave. application for a height variance on the structure in the back of their property. We are her neighbor and do not object to the height of the proposed structure.
Sincerely, David McCullough
1914 Moser Ave. Resident

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.

GOODENOW
2002 Moser Avenue
Dallas, TX 75206
469-446-8802 George
469-446-8804 Mary

April 12, 2022

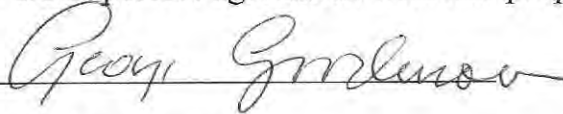
Board of Adjustments

Re: The application for a variance for the height of the structure at 1918 Moser.

George and Mary Goodenow reside at 2002 Moser Avenue. We have no objection to this proposed variance.

Our home is two houses down from the planned structure which can be seen from our backyard.

We are in perfect agreement with this proposal.



George I Goodenow



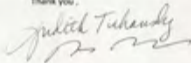
Mary E Goodenow

Dear Board of Adjustments,
07/04/21022

Regarding the application of 2928 Moser Ave., for a variance for the height of their structure, we have no objection. Our home is two houses down from the proposed structure and it can be seen from our backyard.

We are in perfect compliance with the proposal.

Thank you.

A handwritten signature in cursive script, appearing to read "Judith Tichansky", with a flourish underneath.

Judith and Michael Tichansky

Panel B

05-18-22

BDA212-035

1918 Moser Ave.

(Opposition Reference)

From: [P.von Gontard](#)
To: [Munoz, Jennifer](#); [Daniel, Pamela](#); [Jackson, Latonia](#)
Subject: Oppose - BDA212-035(JM)
Date: Wednesday, May 11, 2022 12:29:07 PM
Attachments: [Aerial of 1918 Moser Avenue - continued Alley and New Water - Sewer Needed.pdf](#)
[Pictures of Alley from Fuqua Street - behind 1918 Moser Avenue.pdf](#)

External Email!

Attn: BDA212-035(JM) - (Opposed)

Good Afternoon All,

My name is Peter and I'm the owner directly behind 1918 Moser avenue. I would like to oppose the proposed height variance for 1918 Moser Avenue Dallas, TX 75206. The alley behind our two locations is Dirt. Additionally, we have antiquated clay sewer lines and smaller - low pressure water lines. Therefore, any additional dwellings/residential assessor structures will put a tremendous amount of strain on our already aged and antiquated utility lines.

Please see my exhibits (attached). The alley behind 1918 Moser Avenue has been improved by other developers for 150 feet (running in the East direction from Fuqua). The owner of 1918 Moser Avenue should be required to extend the new alley/utilities another 150 feet to his/her location.

The owner of 1918 Moser Avenue is seeking a variance to avoid having to update the utility lines and alley to their location. Any new dwelling built at 1918 Moser Avenue would trigger the need for this to be done by the City of Dallas building official per new building code.

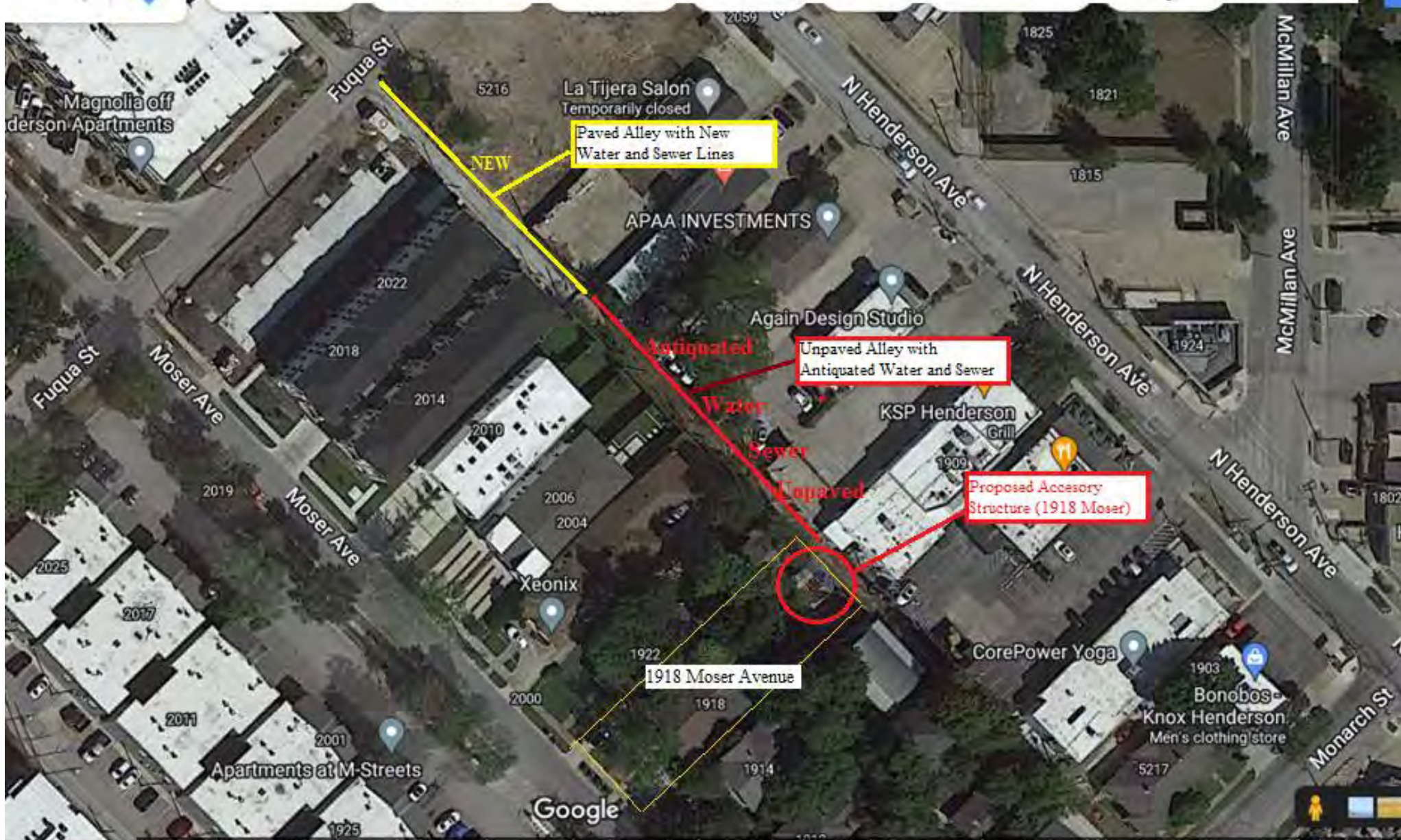
I kindly ask that if a height variance is indeed granted by the Board of adjust - that the owner of 1918 Moser avenue be required to update the utilities and alley to their location (approximately 150 feet). A new alley and water/sewer lines will be a welcomed benefit to the surrounding neighbors who share my similar sentiment.

Thank you for your time and consideration.

Regards,
Peter von Gontard

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.

BDA212-035 (1918 Moser Avenue) - Residential Accessory Structure



*****Any Additional Structures will put a tremendous amount of strain on the already Antiquated Water and (Clay) Sewer Pipes. The Alley has been paved for 150 feet starting on Fuqua Street - but Owner of 1918 Moser Avenue should continue the alley, new water & sewer to his/her location for the benefit of the neighborhood*****

Pictures of Alley from Fuqua Street

New Alley has been created for **only 150 Feet** but **Stops**

Owner of 1918 Moser Avenue needs to continue **new Alley, new water lines, and sewer lines** for Accessory Dwelling and Structure.



Looking from Fuqua Street Towards 1918 Moser Avenue
*New Alley
*New Water Line
*New Sewer Line





Accessory Dwelling
/Structure for 1918
Moser Avenue

Need to Continue Alley

Need New Sewer
Need New Water Lines

FILE NUMBER: BDA212-033(JM)

BUILDING OFFICIAL'S REPORT: Application of Mehrdad Ghani for a variance to the front yard setback regulations at 10001 Meadowbrook Drive. This property is more fully described as Tract 8, Block 5517, and is zoned an R-1ac(A) Single Family District, which requires a front yard setback of 40 feet.

LOCATION: 10001 Meadowbrook Drive

APPLICANT: Mehrdad Ghani

REQUESTS: The applicant proposes to construct a single-family residential structure and provide a 17-foot six-inch front yard setback along Walnut Hill Lane, which will require a 22-foot six-inch variance to the front yard setback regulations, and to construct a single-family residential structure and provide a 31-foot front yard setback along Meadowbrook Drive, which will require a nine-foot variance to the front yard setback regulations.

UPDATES:

The applicant provided

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Approval.

Rationale:

- While the site is unique due to being encumbered by a second front yard setback requirement, block continuity requiring an additional 10 feet along Walnut Hill Lane, and a 15-foot street easement for Walnut Hill Lane, making the second front yard 65 feet and leaving the property with a developable width of 56 feet after the 10-foot side yard setback is also taken into account.
- Furthermore, the property has a flood plain and topographical challenges on over 50 percent of the site making siting of the proposed structure difficult.
- The applicant compared how the 1.034-acre site with the proposed 10,692-square-foot structure is commensurate with the development upon three parcels with the same zoning and in the immediate vicinity.
 - Average lot size: just over one acre
 - Average home size: 9,648 square feet

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 undeveloped and all surrounding properties are developed with single-family uses.

Zoning/BDA History:

While there is a nearby case BDA212-022 east of the site and on this month's agenda for Panel C, it pertains to a fence and not front yard setback variance. There has been no relevant board or zoning case history in the vicinity within the last five years.

Additionally, the subject site was granted variances to the front yard setback by Panel A on May 19, 2015 (BDA145-056), surpassing the five-year rule for returning to the same panel (Sec.51A-3.102(b) Case assignments). The board shall adopt rules for the assignment of cases to a panel. Only one panel may hear, handle, or render a decision in a particular case. If a case is dismissed or withdrawn and subsequently refiled within five years of the date the original case was dismissed or withdrawn, it must be returned to the panel to which it was originally assigned.

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned an R-1ac(A) Single Family District, which requires a 40-foot front yard. Corner lots in single family districts with frontage on two streets where one frontage is shorter than the other allow the longer frontage to be governed by the side yard regulations. However, if another structure has an established setback along the block face of the longer frontage, that side must maintain a front yard free from structures for block continuity. In this case, the district requires two 40-foot front yards, due to the orientation of properties to the west along Walnut Hill Road.

The applicant proposes to construct a single-family residential structure and provide a 17-foot six-inch front yard setback along Walnut Hill Lane, which will require a 22-foot six-inch variance to the front yard setback regulations, and to construct a single-family residential structure and provide a 31-foot front yard setback along Meadowbrook Drive, which will require a nine-foot variance to the front yard setback regulations.

Lots in this district are a minimum of one acre or 43,560 square feet in area. According to DCAD records, the subject site contains just under an acre or 39,509 square feet of area. Additionally, the lot is encumbered with a second front yard. Finally, the site has a creek and flood plain running through it, making more than 50 percent of the lot slopped and impossible to develop.

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-1ac(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-1ac(A) zoning classification.

On May 6, 2022, the applicant submitted a revised site plan to denote an additional setback discovered by staff on the property adjacent to the east (revised BO report is **Attachment B**). A platted build line on the neighboring property is dictating an addition 10-foot setback along Walnut Hill Lane. While platted build lines cannot be varied by the Board, the line is not on the subject site. The applicant is being held to a different front yard provision requiring block continuity. This can be varied. The revised site plan (**Attachment C**) also removed the steps located along Meadowbrook Drive, now depicting no encroachments in this 40-foot front yard.

As of May 10, 2022, a petition in opposition and no letters in support have been received.

If the board were to grant the variance request and impose the submitted site plan as a condition, the proposed structure located within the front yard setbacks for each front yard would be limited to what is shown on this document. No additional relief is provided with this request.

TIMELINE:

February 11, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 15, 2022: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board

April 13, 2022: No evidence, staff review comments, or letters had been received.

April 19, 2022: The applicant provided evidence via email (**Attachment A**).

April 20, 2022: At the request of the applicant, Panel B held this case to May 18, 2022 to allow coordination with neighborhood opposition.

May 5, 2022: Staff decided that due to block continuity from the east (50-foot platted build line along Walnut Hill Lane), the request needed to be amended to add the additional 10 feet required along Walnut Hill Lane (**Attachment B**).

May 6, 2022: The applicant provided a revised site plan (**Attachment C**) removing the encroachments into the Meadowbrook Drive front yard, and showing the additional setback for block continuity along Walnut Hill Lane (no building changes).

BOARD OF ADJUSTMENT ACTION: April 20, 2022

APPEARING IN FAVOR: Mike Ghani 10001 Meadowbrook Dr. Dallas, TX
Rona Ghani 10001 Meadowbrook Dr. Dallas, TX

APPEARING IN OPPOSITION: Nancy Sanders 10025 Meadowbrook Dr. Dallas, TX

MOTION: Karnowski

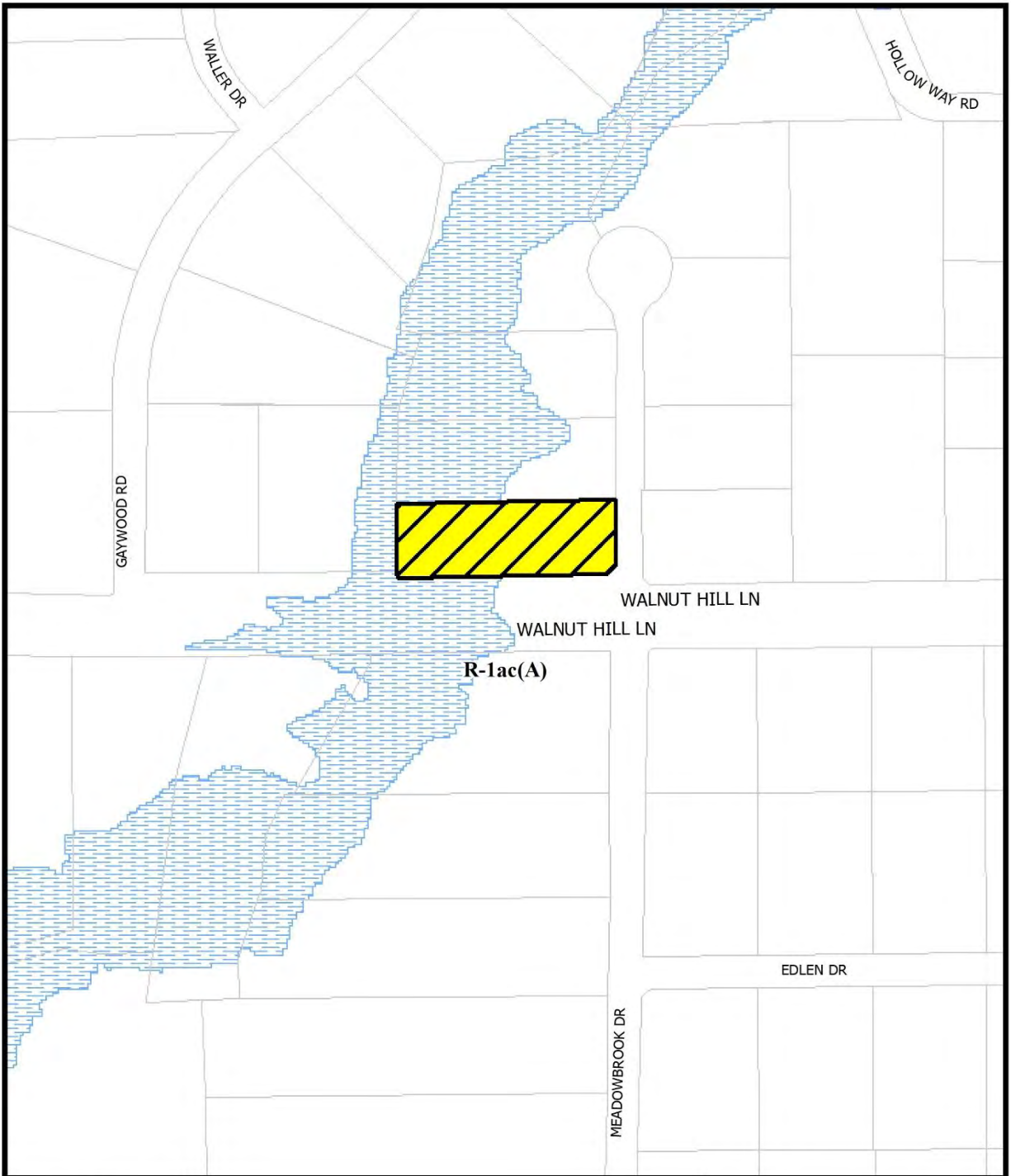
I move that the Board of Adjustment, in Appeal No. BDA 212-033, **hold** this matter under advisement until **May 18, 2022**.

SECONDED: Shouse

AYES: 4 – Shouse, Karnowski, Gambow, Resendiz

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

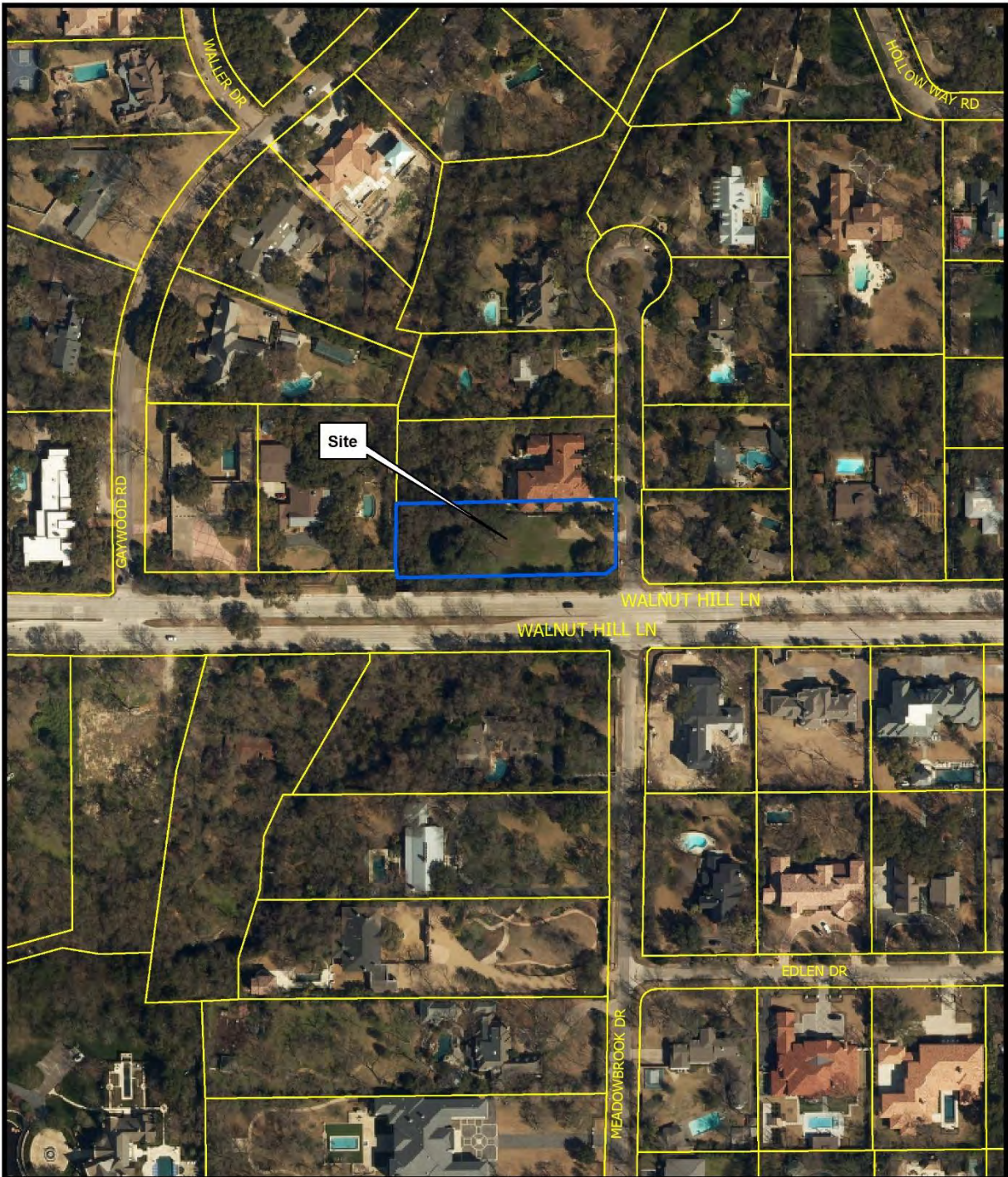


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ZONING MAP

Case no: BDA212-033

Date: 3/9/2022

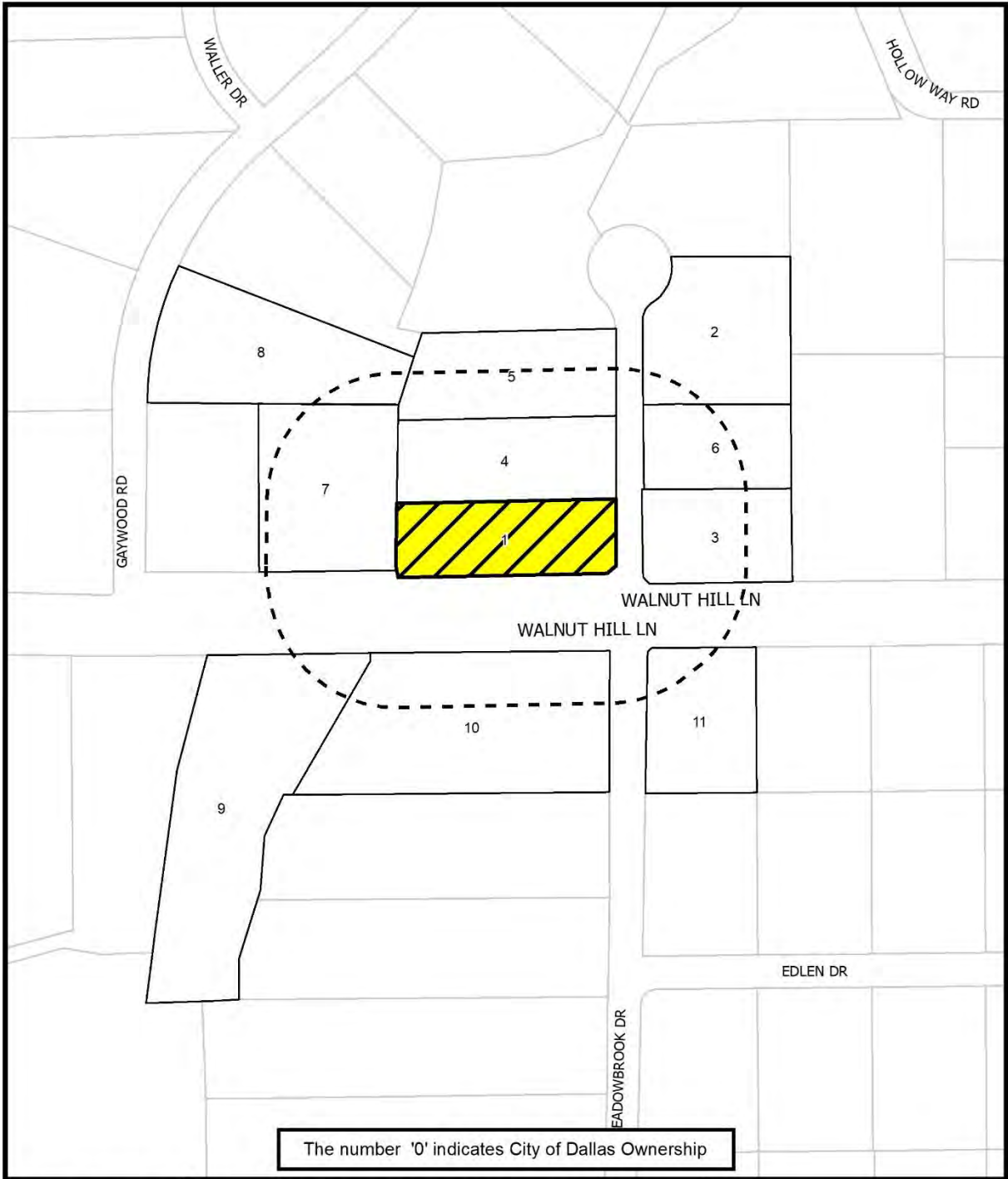


1:2,400

AERIAL MAP

Case no: BDA212-033

Date: 3/9/2022



 1:2,400	<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;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA212-033 Date: 3/9/2022
200'	AREA OF NOTIFICATION					
11	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/09/2022

Notification List of Property Owners

BDA212-033

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10001 MEADOWBROOK DR	NAZNAT LP
2	10030 MEADOWBROOK DR	NEUHOFF JOE B
3	10008 MEADOWBROOK DR	JONES ROBERT W
4	10005 MEADOWBROOK DR	XIE BING &
5	10015 MEADOWBROOK DR	BEHRENDT ROBERT E &
6	10020 MEADOWBROOK DR	LAMM BEN
7	5221 WALNUT HILL LN	LANDIN MEREDITH GARRETT
8	10040 GAYWOOD RD	SMITH MICAH &
9	5222 WALNUT HILL LN	WALNUT & MEADOWBROOK PPTIES LLC
10	9999 MEADOWBROOK DR	WALNUT & MEADOWBROOK
11	9930 MEADOWBROOK DR	BOSITA RENATO V JR & JUDITH W HSU



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-033

Data Relative to Subject Property:

Date: 2-11-22

Location address: 10001 Meadowbrook Drive Zoning District: R-1ac (A)

Lot No. Tr 8 Block No.: 5517 Acreage: 1.034 Census Tract: 76.08

Street Frontage (in Feet): 1) 131.5 2) 336.32 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Naz Nat, LP

Applicant: Mehrdad Ghani Telephone: 214-704-8340

Mailing Address: P O Box 704074 Dallas TX Zip Code: 75370

E-mail Address: mghani@mginternationalinc.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance or Special Exception _____, of 22'6" From Right of way line on Walnut Hill side of property and provide a 17'6" front yard setback - 4' into the required 40' front yard along Meadowbrook & provide a 36' front yard setback

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

Lot is on corner & has 2 front yards City easement and entire half of lot located in flood plain. It will be impossible to build in a manner commensurate with the development of other properties with the same zoning without variance.

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.

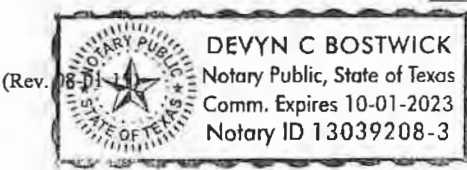
Affidavit

Before me the undersigned on this day personally appeared Mehrdad Ghani (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 11th day of February, 2022



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks

Chairman

Building Official's Report

I hereby certify that Mehرداد Ghani

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

at 10001 MeadowBrook Drive

BDA212-033. Application of Mehرداد Ghani for a variance to the front yard setback regulations at 10001 MEADOWBROOK DR. This property is more fully described as Tract 8, Block 5517, and is zoned R-1ac(A), which requires a front yard setback of 40 feet. The applicant proposes to construct a single family residential structure and provide a 17 foot 6 inch front yard setback along Walnut Hill Ln, which will require a 22 foot 6 inch variance to the front yard setback regulations, and to construct a single family residential structure and provide a 31 foot front yard setback along Meadowbrook Dr, which will require a 9 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official

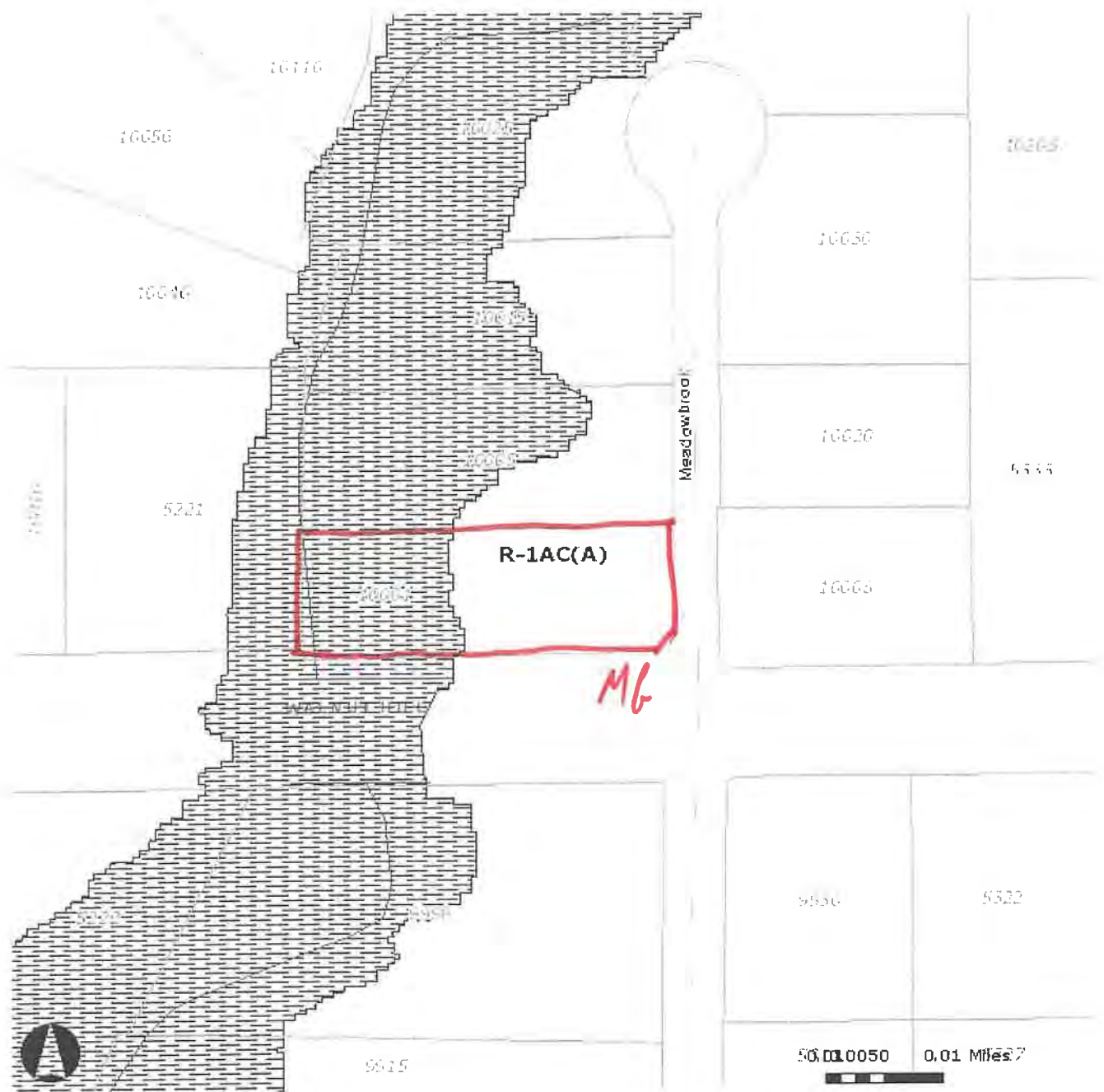


WINDOW TRADITIONS LLC

THE BEST VIEWS IN THE LONE STAR STATE

scottm@windowtraditions.com • cell: 214-507-3055

The setback from Walnut Hill Lane is excessive for a side street, ^{setback} and limits, excessively, the width of the buildable area on our lot. We would like a setback from the property line bordering Walnut Hill Lane of 32'-6".



GENERAL NOTES and SPECIFICATIONS

- Construction: Comply with applicable building codes and related amendments.
- Bring errors, omissions and inconsistencies in drawings or ambiguities between drawings and site construction conditions to attention of the Architect.
- Notify Architect in event of discrepancies in contract documents.
- Mechanical and landscape drawings by others.
- Verify location of utilities serving site.
- Final grading for drainage of water away from the building and off of the site shall be the responsibility of the owner, owner's general contractor and owner's landscape installer.
- Verify window glazing options with Architect and Owner. All windows to be operable unless noted otherwise by the following distinction: (s) stationary or (o) operable. Windows requiring safety glass shall be the responsibility of the Contractor and the window distributor. Special hardware may be required on narrow egress windows.
- Contractor shall furnish Architect with shop drawings of the following prior to fabrication:
 - mesh supply/return & location of registers
 - windows
 - decorative forged iron (railing, stair rail, etc.)
 - cabinetry
 - millwork
 - cast and cut stone
 - interior and exterior doors
- Location of HVAC units and water heaters, determined by others.
- Vent clothes dryers to outside.
- Run all roof vents behind front ridge.
- There are to be no anodized aluminum thresholds on any exterior doors. All metal thresholds on exterior doors shall be "FENIKO 145 B" interlocking thresholds with water return in mill finish extruded bronze (brass) or equal. Submit samples to Architect for approval.
- Weather stripping on exterior doors shall be mill finish bronze to match thresholds.
- If manufactured, prehung doors are used, they are to be sent to site without thresholds or weatherstripping.
- Contractor to locate and coordinate placement of electrical fixtures and plumbing penetrations prior to placing floor and ceiling joists. Notify Architect if conflicts occur.
- All shop drawings to be submitted "to scale", 1/2"=1'-0" or larger for elevations, 3/4"=1'-0" or larger for sections & details.
- Landscape architect to submit design plans to architect for review before proceeding with installation drawings or installation of plant material. Landscape architect shall not plant new trees that will obscure from view the main architecture features of the house.
- For driveways, sidewalks, exterior steps, patios, etc. see landscape drawing.
- Provide sound batt insulation around mechanical rooms and bathrooms.
- All new curb/gutter and public walkways to be constructed per City of Dallas specifications.
- Fence height not to exceed 8' high as measured from non-owners side.

- FOR DIMENSIONING PURPOSES:
- Do not scale drawings.
 - Verify dimensions on existing conditions; notify Architect of discrepancies.
 - Exterior walls to be masonry veneer (unless noted) on 5 1/2" Thermal Steel with 2x6 wood stud framing @ 16" o.c., see structural drawings.
 - All dimensions to face of stud and/or outside face of foundation unless otherwise indicated.
 - Cross reference exterior elevations with wall sections and fascia details to determine wall plate heights.
 - Refer to exterior elevations for window head heights.
 - Verify fireplace sizes, including hearth extensions required by code.

REFERENCE LANDSCAPE PLANS FOR ALL PLANTING, DRIVEWAYS, POOL, FENCES, PERIMETER WALLS, RETAINING WALLS, ETC.

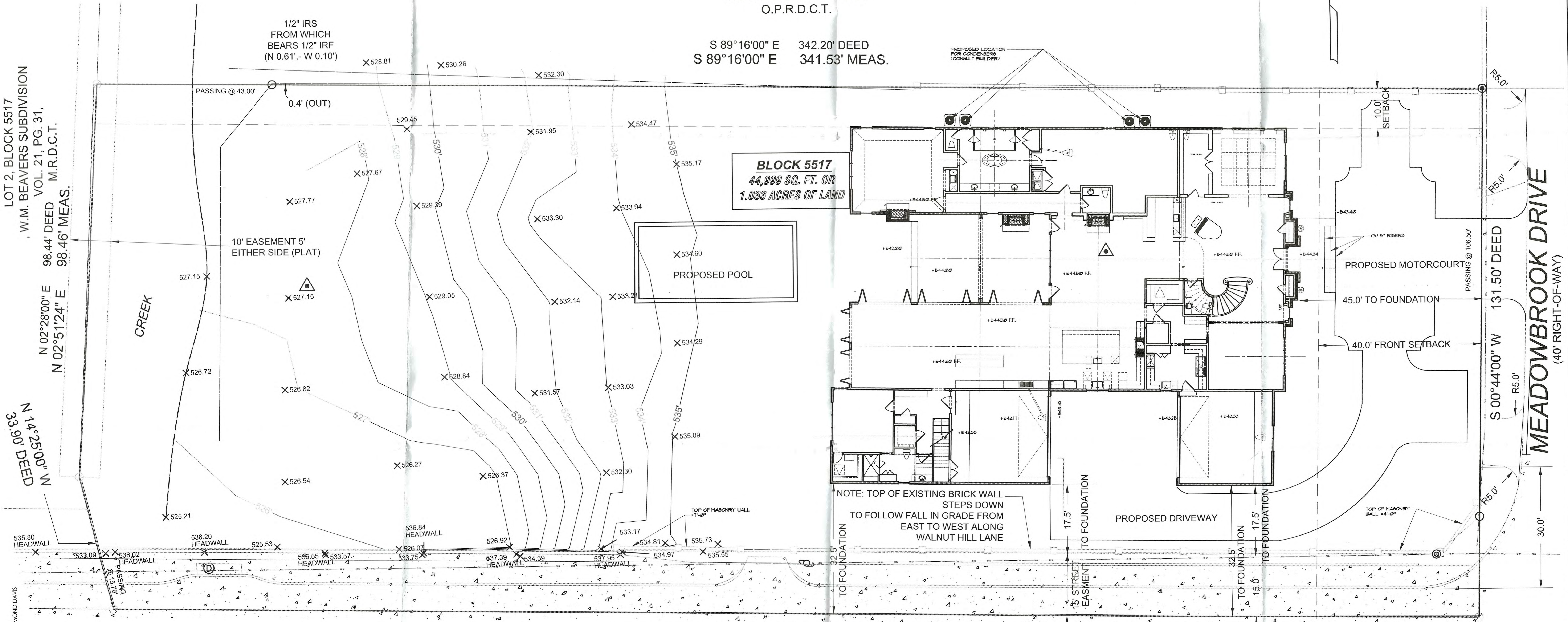
SITE NOTES:
 1. LANDSCAPE ARCHITECT TO SUBMIT DESIGN PLANS TO ARCHITECT FOR REVIEW BEFORE PROCEEDING WITH INSTALLATION DRAWINGS OR INSTALLATION OF PLANT MATERIAL. LANDSCAPE ARCHITECT SHALL NOT PLANT NEW TREES THAT WILL OBSCURE THE VIEW OF THE MAIN ARCHITECTURE FEATURES OF THE HOUSE.
 2. ALL NEW CURB/GUTTER AND PUBLIC WALKWAYS TO BE CONSTRUCTED PER CITY OF DALLAS SPECIFICATIONS.

DIANE L. BEAUDRY TRUST,
 INST. NO. 201200205302,
 O.P.R.D.C.T.

S 89°16'00" E 342.20' DEED
 S 89°16'00" E 341.53' MEAS.

BLOCK 5517
 44,999 SQ. FT. OR
 1.033 ACRES OF LAND

LOT 2, BLOCK 5517
 W.M. BEAVERS SUBDIVISION
 VOL. 21, PG. 31,
 M.R.D.C.T.
 N 02°28'00" E 98.44' DEED
 N 02°51'24" E 98.46' MEAS.
 N 14°25'00" W 33.90' DEED



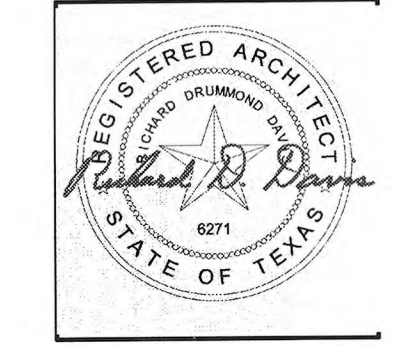
N 89°12'05" W 336.32' DEED
WALNUT HILL LANE
 (VARIABLE WIDTH RIGHT-OF-WAY)

EASEMENT TO THE CITY OF DALLAS
 FOR STREET PURPOSES,
 VOL. 69094, PG. 1765, D.R.D.C.T.

Revisions

A NEW RESIDENCE FOR
MIKE & RONA GHANI
 DALLAS, TEXAS

RICHARD DRUMMOND DAVIS
 ARCHITECT
 2124 FARRINGTON ST., SUITE 400, DALLAS, TEXAS 75207, 214.521.8763



Date: 01-20-2022
 Job Address: 0001 MEADOWBROOK DR
 Drawn by: MARDLF
 Checked by: R.D.D.
 Sheet Number:

A1.1

COPYRIGHT 2022 BY RICHARD DRUMMOND DAVIS



Residential Account #0000421720000000

[Location](#) [Owner](#) [Legal Desc](#) [Value](#) [Main Improvement](#) [Additional Improvements](#) [Land](#) [Exemptions](#)
[Estimated Taxes](#) [History](#)

Property Location (Current 2022)

Address: 9930 MEADOWBROOK DR
Neighborhood: 5DSY04
Mapsc0: 25-N (DALLAS)

DCAD Property Map

2022 Current Appraisal Notice

uFile Online Protest

Electronic Documents (ENS)



Print Homestead Exemption Form



Print/Mail Account Protest Form

Owner (Current 2022)

BOSITA 2020 IRREVOCABLE TRUST &
 HSU 2020 IRREVOCABLE TRUST
 9930 MEADOWBROOK DR
 DALLAS, TEXAS 752202142

Multi-Owner (Current 2022)

Owner Name	Ownership %
HSU 2020 IRREVOCABLE TRUST	50%
BOSITA 2020 IRREVOCABLE TRUST &	50%

Legal Desc (Current 2022)

- 1: INWOOD
- 2: BLK 1/5602 LOT 1
- 3:
- 4: INT201600264089 DD09192016 CO-DC
- 5: 5602 001 00100 1005602 001

Deed Transfer Date: 11/17/2021

Value

2022 Proposed Values	
Improvement:	\$2,712,110
Land:	+ \$1,505,000
Market Value:	= \$4,217,110
Tax Agent: TEXAS TAX PROTEST	
Revaluation Year:	2022
Previous Revaluation Year:	2021

Main Improvement (Current 2022)

Building Class	24	Construction Type	FRAME	# Baths (Full/Half)	6/ 1
Year Built	2018	Foundation	PIER AND BEAM	# Kitchens	1
Effective Year Built	2018	Roof Type	HIP	# Bedrooms	6
Actual Age	4 years	Roof Material	COMP SHINGLES	# Wet Bars	1
Desirability	EXCELLENT	Fence Type	IRON	# Fireplaces	1
Living Area	8,835 sqft	Ext. Wall Material	STUCCO	Sprinkler (Y/N)	N
Total Area	8,835 sqft	Basement	NONE	Deck (Y/N)	N
% Complete	100%	Heating	CENTRAL FULL	Spa (Y/N)	N
# Stories	TWO STORIES	Air Condition	CENTRAL FULL	Pool (Y/N)	Y
Depreciation	3%			Sauna (Y/N)	N

Additional Improvements (Current 2022)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
4	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	1206
5	OUTDOOR LIVING AREA		UNASSIGNED	STUCCO	639
6	POOL		UNASSIGNED	CC-CONCRETE (POOL)	0

Land (2022 Proposed Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	SINGLE FAMILY RESIDENCES	SINGLE FAMILY 1 ACS	0	0	1.0000 ACRE	STANDARD	\$2,150,000.00	-30%	\$1,505,000	N

*** All Exemption information reflects 2022 Proposed Values. ***

Exemptions (2022 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
HOMESTEAD EXEMPTION	\$843,422	\$446,710	\$843,422	\$843,422	\$843,422	\$0
Taxable Value	\$3,373,688	\$3,770,400	\$3,373,688	\$3,373,688	\$3,373,688	\$0

Exemption Details

Estimated Taxes (2022 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per \$100	\$0.7733	\$1.248235	\$0.237946	\$0.12351	\$0.255	N/A
Taxable Value	\$3,373,688	\$3,770,400	\$3,373,688	\$3,373,688	\$3,373,688	\$0
Estimated Taxes	\$26,088.73	\$47,063.45	\$8,027.56	\$4,166.84	\$8,602.90	N/A
Tax Ceiling	N/A	N/A	N/A	N/A	N/A	N/A
Total Estimated Taxes:						\$93,949.48

DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES. You will receive an **official tax bill** from the appropriate agency when they are prepared. Please note that if there is an Over65 or Disabled Person **Tax Ceiling** displayed above, **it is NOT reflected** in the Total Estimated Taxes calculation provided. Taxes are collected by the agency sending you the **official tax bill**. To see a listing of agencies that collect taxes for your property. [Click Here](#)

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History

[History](#)

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Residential Account #0000421759000000

[Location](#)
[Owner](#)
[Legal Desc](#)
[Value](#)
[Main Improvement](#)
[Additional Improvements](#)
[Land](#)
[Exemptions](#)
[Estimated Taxes](#)
[History](#)

Property Location (Current 2022)

Address: 5424 EDLEN DR
Neighborhood: SDSY04
Mapsc0: 25-N (DALLAS)

DCAD Property Map

2022 Current Appraisal Notice

uFile Online Protest

Electronic Documents (ENS)



[Print Homestead Exemption Form](#)



[Print/Mail Account Protest Form](#)

Owner (Current 2022)

WESTCOTT CHART H LIVING
 3710 RAWLINS ST # 1350
 DALLAS, TEXAS 752196427

Multi-Owner (Current 2022)

Owner Name	Ownership %
WESTCOTT CHART H LIVING	100%

Legal Desc (Current 2022)

- 1: INWOOD BLK 2/5603
 - 2: BLK 2/5603 LT 5
 - 3: EDLEN DR & HOLLOWAY RD
 - 4: INT201800057537 DD03022018 CO-DC
 - 5: 5603 002 00500 1005603 002
- Deed Transfer Date:** 3/6/2018

Value

2022 Proposed Values	
Improvement:	\$3,512,710
Land:	+ \$2,193,000
Market Value:	= \$5,705,710
Capped Value: \$4,840,000	
Tax Agent: RESOLUTE PROPERTY TAX SOLUTIONS	
Revaluation Year:	2022
Previous Revaluation Year:	2021

Main Improvement (Current 2022)

Building Class	26	Construction Type	FRAME	# Baths (Full/Half)	6/ 3
Year Built	1992	Foundation	PIER AND BEAM	# Kitchens	1
Effective Year Built	2000	Roof Type	GABLE	# Bedrooms	5
Actual Age	30 years	Roof Material	SLATE	# Wet Bars	2
Desirability	EXCELLENT	Fence Type	WOOD	# Fireplaces	4
Living Area	9,099 sqft	Ext. Wall Material	STONE VENEER	Sprinkler (Y/N)	Y
Total Area	9,099 sqft	Basement	NONE	Deck (Y/N)	Y
% Complete	100%	Heating	CENTRAL FULL	Spa (Y/N)	N
# Stories	TWO AND ONE HALF STORIES	Air Condition	CENTRAL FULL	Pool (Y/N)	Y
Depreciation	15%			Sauna (Y/N)	N

Additional Improvements (Current 2022)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
2	POOL		UNASSIGNED	CC-CONCRETE (POOL)	0
3	CABANA		UNASSIGNED	BRICK VENEER	240
5	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	1059
7	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	337
8	TENNIS COURT		UNASSIGNED	VINYL	0

Land (2022 Proposed Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	SINGLE FAMILY RESIDENCES	SINGLE FAMILY 1 ACS	0	0	1.0200 ACRE	STANDARD	\$2,150,000.00	0%	\$2,193,000	N

*** All Exemption information reflects 2022 Proposed Values. ***

Exemptions (2022 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
HOMESTEAD EXEMPTION	\$968,000	\$509,000	\$968,000	\$968,000	\$968,000	\$0
Taxable Value	\$3,872,000	\$4,331,000	\$3,872,000	\$3,872,000	\$3,872,000	\$0

Exemption Details

Estimated Taxes (2022 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per \$100	\$0.7733	\$1.248235	\$0.237946	\$0.12351	\$0.255	N/A
Taxable Value	\$3,872,000	\$4,331,000	\$3,872,000	\$3,872,000	\$3,872,000	\$0
Estimated Taxes	\$29,942.18	\$54,061.06	\$9,213.27	\$4,782.31	\$9,873.60	N/A
Tax Ceiling	N/A	N/A	N/A	N/A	N/A	N/A
Total Estimated Taxes:						\$107,872.41

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History

History

Residential Account #0000041534800000

[Location](#)
[Owner](#)
[Legal Desc](#)
[Value](#)
[Main Improvement](#)
[Additional Improvements](#)
[Land](#)
[Exemptions](#)
[Estimated Taxes](#)
[History](#)

Property Location (Current 2022)

Address: 10005 MEADOWBROOK DR
Neighborhood: 5DSY07
Mapsc0: 24-R (DALLAS)

DCAD Property Map

2022 Current Appraisal Notice

uFile Online Protest

Electronic Documents (ENS)



Print Homestead Exemption Form



Print/Mail Account Protest Form

Owner (Current 2022)

XIE BING &
 ZHANG QIAN
 10005 MEADOWBROOK DR
 DALLAS, TEXAS 752296609

Multi-Owner (Current 2022)

Owner Name	Ownership %
XIE BING &	100%

Legal Desc (Current 2022)

- 1: BLK 5517
 - 2: TR 7 ACS 1.02
 - 3: 131.5FR WALNUT HILL
 - 4: INT201600124005 DD05062016 CO-DC
 - 5: 5517 000 00700 1005517 000
- Deed Transfer Date:** 5/9/2016

Value

2022 Proposed Values	
Improvement:	\$3,468,250
Land:	+ \$1,550,400
Market Value:	= \$5,018,650
Capped Value: \$4,950,000	
Tax Agent: RAY TAX GROUP	
Revaluation Year:	2022
Previous Revaluation Year:	2021

Main Improvement (Current 2022)

Building Class	26	Construction Type	FRAME	# Baths (Full/Half)	7/ 3
Year Built	2007	Foundation	PIER AND BEAM	# Kitchens	1
Effective Year Built	2007	Roof Type	GABLE	# Bedrooms	7
Actual Age	15 years	Roof Material	TILE	# Wet Bars	3
Desirability	AVERAGE	Fence Type	WOOD	# Fireplaces	3
Living Area	11,010 sqft	Ext. Wall Material	STONE VENEER	Sprinkler (Y/N)	Y
Total Area	11,010 sqft	Basement	NONE	Deck (Y/N)	N
% Complete	100%	Heating	CENTRAL FULL	Spa (Y/N)	Y
# Stories	ONE AND ONE HALF STORIES	Air Condition	CENTRAL FULL	Pool (Y/N)	Y
Depreciation	25%			Sauna (Y/N)	N

BDA212-033_ATTACHMENT_A

Additional Improvements (Current 2022)

#	Improvement Type	Construction	Floor	Exterior Wall	Area (sqft)
1	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	337
3	ATTACHED GARAGE	BK-BRICK	CONCRETE	UNASSIGNED	954
4	POOL		UNASSIGNED	CC-CONCRETE (POOL)	0

Land (2022 Proposed Values)

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	SINGLE FAMILY RESIDENCES	SINGLE FAMILY 1 ACS	0	0	1.0200 ACRE	STANDARD	\$1,900,000.00	-20%	\$1,550,400	N

*** All Exemption information reflects 2022 Proposed Values. ***

Exemptions (2022 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
HOMESTEAD EXEMPTION	\$990,000	\$520,000	\$990,000	\$990,000	\$990,000	\$0
Taxable Value	\$3,960,000	\$4,430,000	\$3,960,000	\$3,960,000	\$3,960,000	\$0

Exemption Details

Estimated Taxes (2022 Proposed Values)

	City	School	County and School Equalization	College	Hospital	Special District
Taxing Jurisdiction	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
Tax Rate per \$100	\$0.7733	\$1.248235	\$0.237946	\$0.12351	\$0.255	N/A
Taxable Value	\$3,960,000	\$4,430,000	\$3,960,000	\$3,960,000	\$3,960,000	\$0
Estimated Taxes	\$30,622.68	\$55,296.81	\$9,422.66	\$4,891.00	\$10,098.00	N/A
Tax Ceiling	N/A	N/A	N/A	N/A	N/A	N/A
Total Estimated Taxes:						\$110,331.15

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History

[History](#)

**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 Mehrdad Ghani

did submit a request for a variance to the front yard setback regulations
at 10001 MeadowBrook Drive

BDA212-033. Application of Mehrdad Ghani for a variance to the front yard setback regulations at 10001 MEADOWBROOK DR. This property is more fully described as Tract 8, Block 5517, and is zoned R-1ac(A), which requires a front yard setback of 50 feet due to block continuity. The applicant proposes to construct a single family residential structure and provide a 17 foot 6 inch front yard setback along Walnut Hill Ln, which will require a 32 foot 6 inch variance to the front yard setback regulations, and to construct a single family residential structure and provide a 31 foot front yard setback along Meadowbrook Dr, which will require a 9 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official

BDA212-033_ATTACHMENT_C

GENERAL NOTES and SPECIFICATIONS

- Construction: Comply with applicable building codes and related amendments.
- Bring errors, omissions and inconsistencies in drawings or ambiguities between drawings and site construction conditions to attention of the Architect.
- Notify Architect in event of discrepancies in contract documents.
- Mechanical and landscape drawings by others.
- Verify location of utilities serving site.
- Final grading for drainage of water away from the building and off of the site shall be the responsibility of the owner, owner's general contractor and owner's landscape installer.
- Verify window glazing options with Architect and Owner. All windows to be operable unless noted otherwise by the following distinction: (s) stationary or (o) operable. Windows requiring safety glass shall be the responsibility of the Contractor and the window distributor. Special hardware may be required on narrow egress windows.
- Contractor shall furnish Architect with shop drawings of the following prior to fabrication:
 - each supply/return & location of registers
 - windows
 - decorative forged iron (railing, stair rail, etc.)
 - cabinetry
 - millwork
 - cast and cut stone
 - interior and exterior doors
- Location of HVAC units and water heaters, determined by others.
- Vent clothes dryers to outside.
- Run all roof vents behind front ridge.
- There are to be no encased aluminum thresholds on any exterior doors. All metal thresholds on exterior doors shall be "FEMKO 145 B" interlocking thresholds with water return in mill finish extruded bronze (brass) or equal. Submit samples to Architect for approval.
- Weather stripping on exterior doors shall be mill finish bronze to match thresholds.
- If manufactured, prehung doors are used, they are to be sent to site without thresholds or weatherstripping.
- Contractor to locate and coordinate placement of electrical fixtures and plumbing penetrations prior to placing floor and ceiling joists. Notify Architect if conflicts occur.
- All shop drawings to be submitted "to scale", 1/2"=1'-0" or larger for elevations, 3"=1'-0" or larger for sections & details.
- Landscape architect to submit design plans to architect for review before proceeding with installation drawings or installation of plant material. Landscape architect shall not plant new trees that will obscure from view the main architecture features of the house.
- For driveways, sidewalks, exterior steps, patios, etc. see landscape drawing.
- Provide sound batt insulation around mechanical rooms and bathrooms.
- All new curb/gutter and public walkways to be constructed per City of Dallas specifications.
- Fence height not to exceed 6' high as measured from non-owners side.

FOR DIMENSIONING PURPOSES:

- Do not scale drawings.
- Verify dimensions on existing conditions notify Architect of discrepancies.
- Exterior walls to be masonry veneer (unless noted) on 5/12" Thermal Steel with 2x6 wood stud framing @ 16" o.c., see structural drawings.
- All dimensions to face of stud and/or outside face of foundation unless otherwise indicated.
- Cross reference exterior elevations with wall sections and fascia details to determine wall plate heights.
- Refer to exterior elevations for window head heights.
- Verify fireplace sizes, including hearth extensions required by code.

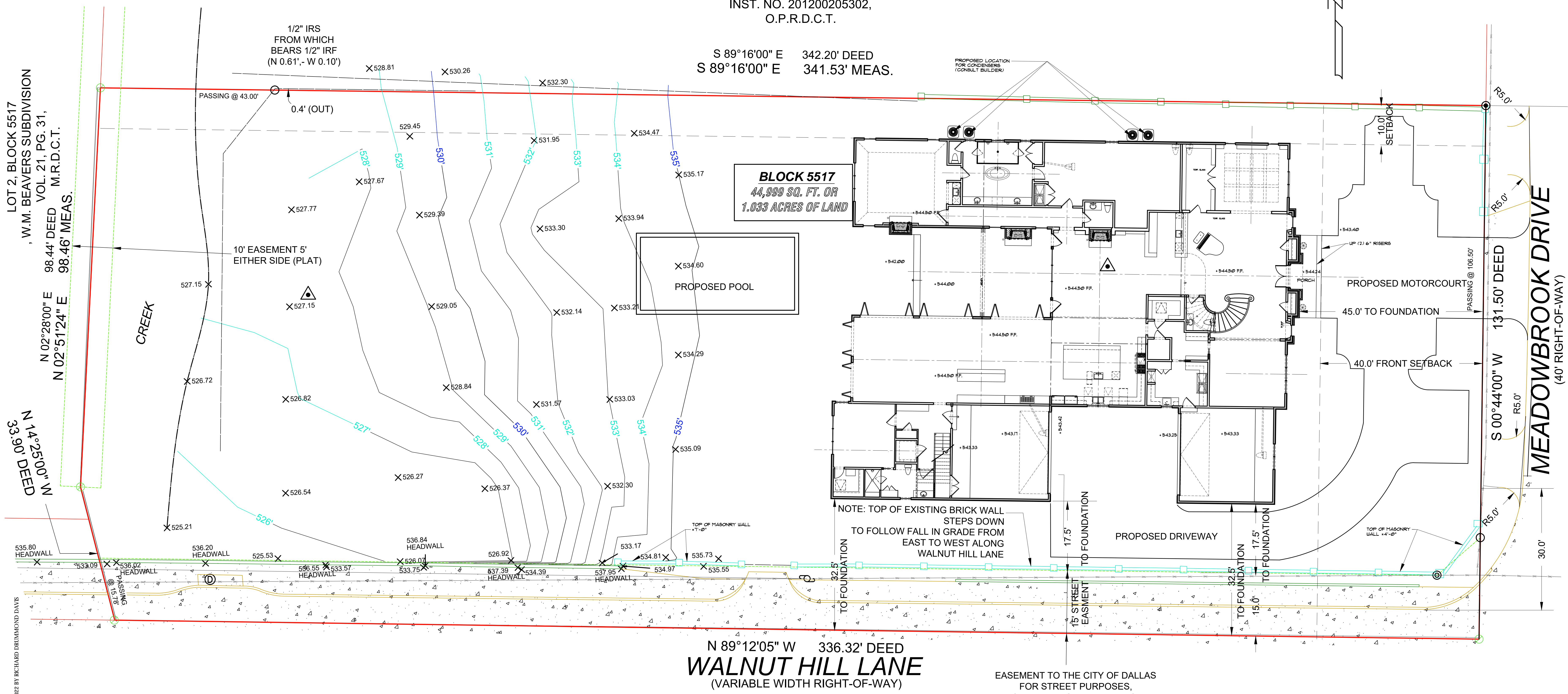
SITE NOTES:
 1. LANDSCAPE ARCHITECT TO SUBMIT DESIGN PLANS TO ARCHITECT FOR REVIEW BEFORE PROCEEDING WITH INSTALLATION DRAWINGS OR INSTALLATION OF PLANT MATERIAL. LANDSCAPE ARCHITECT SHALL NOT PLANT NEW TREES THAT WILL OBSCURE THE VIEW OF THE MAIN ARCHITECTURE FEATURES OF THE HOUSE.
 2. ALL NEW CURB/GUTTER AND PUBLIC WALKWAYS TO BE CONSTRUCTED PER CITY OF DALLAS SPECIFICATIONS.

REFERENCE LANDSCAPE PLANS FOR ALL PLANTING, DRIVEWAYS, POOL, FENCES, PERIMETER WALLS, RETAINING WALLS, ETC.

DIANE L. BEAUDRY TRUST,
 INST. NO. 201200205302,
 O.P.R.D.C.T.

S 89°16'00" E 342.20' DEED
 S 89°16'00" E 341.53' MEAS.

LOT 2, BLOCK 5517
 W.M. BEAVERS SUBDIVISION
 VOL. 21, PG. 31,
 M.R.D.C.T.
 N 02°28'00" E 98.44' DEED
 N 02°51'24" E 98.46' MEAS.
 N 14°35'00" W 33.90' DEED



Revisions

A NEW RESIDENCE FOR
MIKE & RONA GHANI
 DALLAS, TEXAS

RICHARD DRUMMOND DAVIS
 ARCHITECT
 2124 FABRINGTON ST., SUITE 400, DALLAS, TEXAS 75207-2114 974.8763



Date	01-20-2022
Job Address	0001 MEADOWBROOK DR
Drawn by	MARDLF
Checked by	R.D.D.
Sheet Number	A1.1

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Panel B

05-18-22

BDA212-033

10001 Meadowbrook Dr.

(Previous Opposition Reference)

April 19, 2022

To: City of Dallas / Board of Adjustment

From: Nancy Sanders

Re: BDA 212-033 (10001 Meadowbrook Drive)

I am Nancy Sanders of 10025 Meadowbrook Drive. My husband Rod and I oppose the variances proposed here for 10001 Meadowbrook. I am joined in the opposition by all of the resident-owners on our block (and others on Gaywood) because we view the City of Dallas's setbacks as assets to the neighborhood that affect both the look of our streetscape and our home values.

The 10,000 block of Meadowbrook is very unique because it's a stand-alone block ending in a cul-de-sac on the north side of Walnut Hill. Many of us chose to live on this particular block because it feels small and cozy, yet very much retains the look of a spacious country lane. **The very short lane, deep setbacks and lack of sidewalks create a very unique mini-neighborhood within Preston Hollow. Because it is a stand-alone, short street, any changes are very noticeable.**

Additionally, it's important to point out that, like the property owner, three of us signing the letter of opposition have properties that border the creek, and we have flood zones as part of our back yard.

Let me be clear & specific about the proposed variances.

Adjusting the property's setback 22.6 feet on Walnut Hill means the proposed new construction will be pushed up, in a crowded fashion towards Walnut Hill, when, it appears, that no other structure in our area comes that close to Walnut Hill.

On Meadowbrook, the proposal is to push construction forward another 9 feet. This adjustment sounds minor but it is actually very significant, because many of our homes are set back even beyond the 40 foot limit (even on the creek side). 10001 Meadowbrook is going to look very out of kilter with other homes on the street. Since it marks the entrance to our street, it will mark the beginning of a jigsaw puzzle look to our streetscape.

1 of 5 pages

Page 2 – Sanders comments

Like many others, my husband and I have put considerable funds into renovation and the maintenance of our home over the years, to mitigate for age so that our property will grow in value. Now, if these variances are granted, it will become all about size. There will no longer be even the question...is this a tear down or worth saving? Our properties will be perceived as lot-only purchases because the perspective will shift to **maximizing the buildable space on our lots because setbacks were waived for 10001 Meadowbrook. These variances will set a new precedent that will be cited by builders.**

Our beautiful streetscape along with our home values will be destroyed.

With all due respect to the owner of 10001 Meadowbrook, I hope the board will not grant these variances and will continue to protect the public interest by safeguarding our home values and our streetscape from disruptive actions.

Thank you for your time.

Nancy Sanders



**See attached letters w/signatures from:
All resident-owners in 10000 block of Meadowbrook.
Additional homeowners on Gaywood.**

2 of 5 pages


April 16, 2022

To: City of Dallas / Board of Adjustment
From: Resident-owners 10000 block of Meadowbrook Drive, Dallas, Texas

Re: proposed variances BDA 212-033
10001 Meadowbrook Drive

We the undersigned, as resident-owners in the 10000 block of Meadowbrook, oppose the variances requested in this appeal BDA 212-033.

10025 Meadowbrook

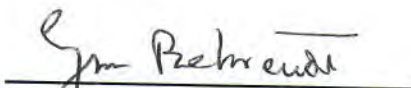


Nancy Sanders



Rod Sanders

10015 Meadowbrook



Lyn Behrendt




Bob Behrendt

3 of 5 pages


Page 2- BDA 212-033

Signatures in opposition cont'd

10005 Meadowbrook

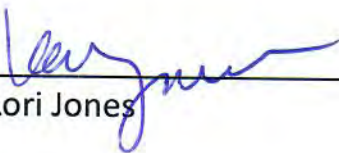


Bing Xie




Jane Xie

10008 Meadowbrook

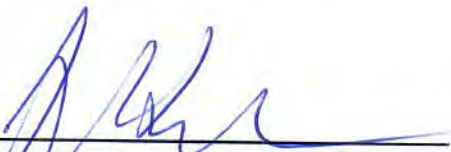


Lori Jones



Bob Jones

10020 Meadowbrook

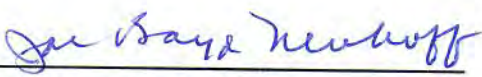


Sarah Lamm

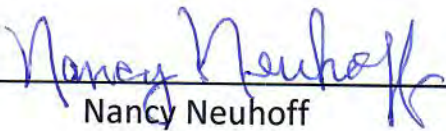


Ben Lamm

10030 Meadowbrook



Joe Boyd Neuhoff



Nancy Neuhoff

4 of 5 pages

April 19, 2022

To City of Dallas- Board of Adjustment

Re: Additional neighbor signatures in opposition to BDA 212-033 /10001 Meadowbrook Drive
Proposed variances to setbacks

I/We oppose the variances presented in this appeal (BDA 212-033) to the Board.

NAME

ADDRESS

Michah & Natalie Smith
[Signature]
Nancy Armstrong

10040 Gaywood Rd

10035 Daywood Road

5 of 5 pages

FILE NUMBER: BDA212-036(JM)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for a variance to the front yard setback regulations at 1000 Fort Worth Avenue. This property is more fully described as Lot 3A, Block 19/3980, and is zoned Subarea 2B within Planned Development District No. 716, which requires a front yard setback of 60 feet.

LOCATION: 1000 Fort Worth Avenue

APPLICANT: Rob Baldwin, Baldwin and Associates

REQUESTS: The applicant proposes to construct a multi-family structure and provide a 142-foot front yard setback, which will require an 82-foot variance to the front setback regulations.

UPDATE: No updates provided.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION:

Denial.

Rationale:

- Staff concluded that the subject site is unique since the property is slopped, irregular in shape, and burdened by a front yard min/max setback that lacks a provision for driveways/pedestrian access via allowing a percentage or average. However, staff could not determine whether it is different from other parcels with the same zoning of Subdistrict 2 within Planned Development District No. 714.
- Evidence submitted by the applicant (**Attachment A**) identified not only the irregular shape and slope of the site, but additionally an abandoned right-of-way that still maintains functioning utility easements which would be cost prohibitive to relocate, creating an unnecessary hardship.
- Additionally, the utility easements are within portions of the front yard setback zone. Structures cannot be constructed on top of utility easements making compliance with the ordinance impossible or making the structures proposed noncompliant with other regulations while encroaching onto the easement.
- Ultimately, the applicant failed to provide evidence showing how the proposed development is commensurate with the development upon other parcels with the same zoning.

- If a list were to be provided, staff would support this request with the recommendation being subject to the submitted site plan.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

There have been no relevant board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS

The subject site is zoned is zoned Subarea 2B within Planned Development District No. 716. The PD dictates how structures must be located within the front yard setback range of 15 to 60 feet with no consideration of driveways and pedestrian access points. Therefore, while the proposed development is urban in nature, pulling a vast majority (70 percent) of the structures into the front yard setback area, the driveways ultimately cause the development to fail the compliance test, as measurements are taken to the nearest structures. The request for a variance of up to 82 feet is specifically for those areas with structures up to 142 feet away from the front lot line.

The property contains 8.78 acres, is sloped, irregular in shape, and contains an abandoned right-of-way that still maintains functioning utility easements.

According to the site plan submitted with the request:

- The abandoned Winnetka Avenue section maintains a utility easement which must remain free of structures.
- The site is being developed with a mixed use multifamily and retail development with 32 overall structures.

- The property has 1,314 feet of frontage along Fort Worth Avenue; about 140 feet of frontage along Clinton Avenue; and, 1,290 feet of lower frontage (no direct access) along I-30 Freeway.

Compliance with the min/max front yard setback would cause the structures proposed to sit atop of active utility easements, which is not allowed. The applicant states it would be cost prohibitive to relocate these utilities and cause an encroachment onto the easement, creating an unnecessary hardship; however, no estimate was provided.

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 Subarea 2B within Planned Development District No. 716 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 Subarea 2B within Planned Development District No. 716 zoning classification.

As of May 11, 2022, no letters have been submitted regarding this request.

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

TIMELINE:

February 15, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 3, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 15, 2022: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the March 30th deadline to submit additional evidence for staff to factor into their analysis; and the April 8th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

March 30, 2022: The applicant submitted additional evidence for consideration (**Attachment A**).

March 31, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Development Services Chief Arborist, the Development Services Senior Plans Examiner, and Development Services Chief Planner, the Transportation Development Services Senior Engineer, the Board Senior Planner, and the Assistant City Attorney to the Board

April 20, 2022: As requested by the applicant, Panel B held this case over to May 18, 2022.

May 6, 2022: No new evidence or letters were provided by the docket deadline.

BOARD OF ADJUSTMENT ACTION: April 20, 2022

APPEARING IN FAVOR: Rob Baldwin 3904 Elm St. Ste. B Dallas, TX

APPEARING IN OPPOSITION: Javier Melendez 3632 Rialto Way Dallas, TX

MOTION: Karnowski

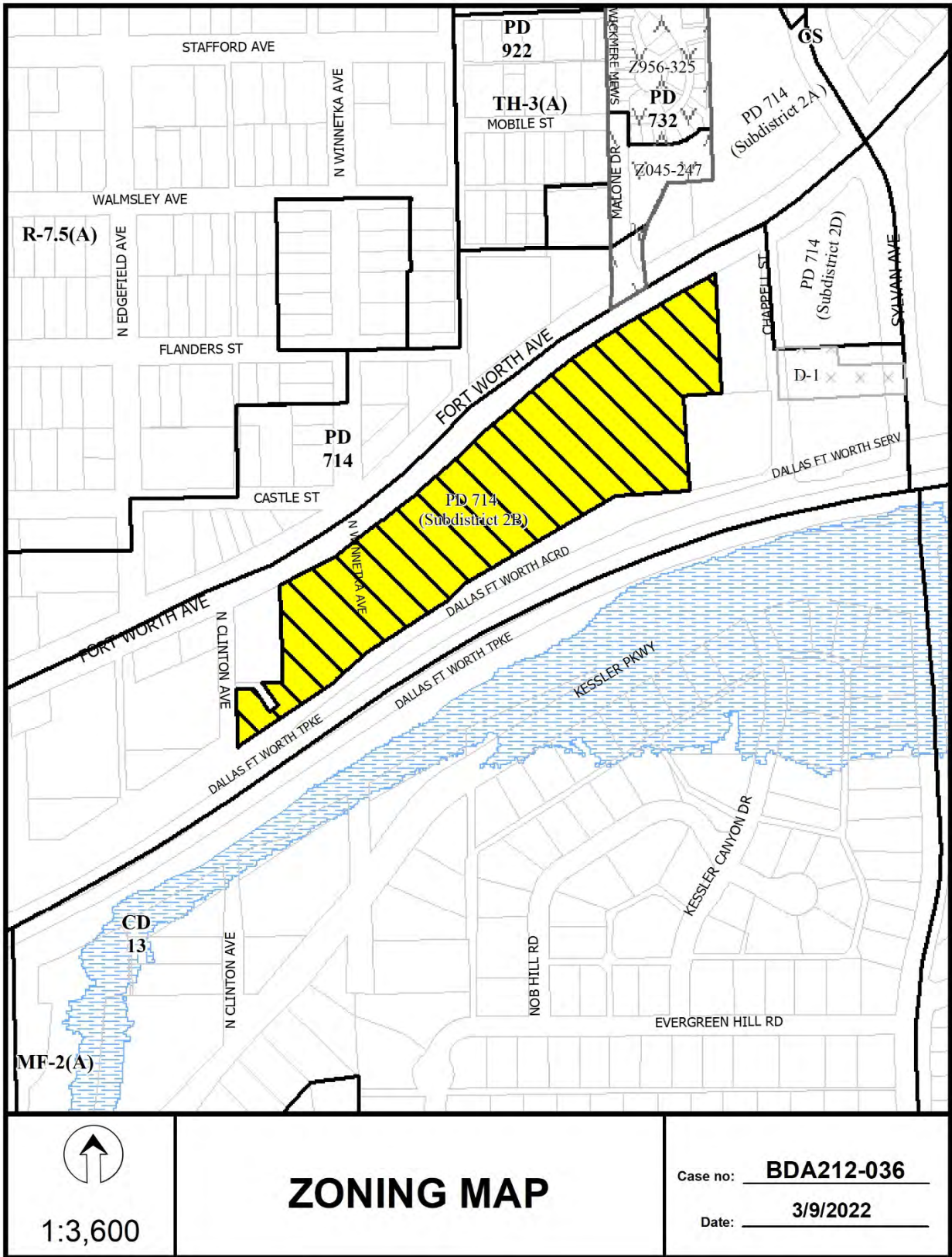
I move that the Board of Adjustment, in Appeal No. BDA 212-036, **hold** this matter under advisement until **May 18, 2022**.

SECONDED: Shouse

AYES: 4 – Shouse, Karnowski, Gambow, Resendiz

NAYS: 0 -

MOTION PASSED: 4 – 0 (unanimously)

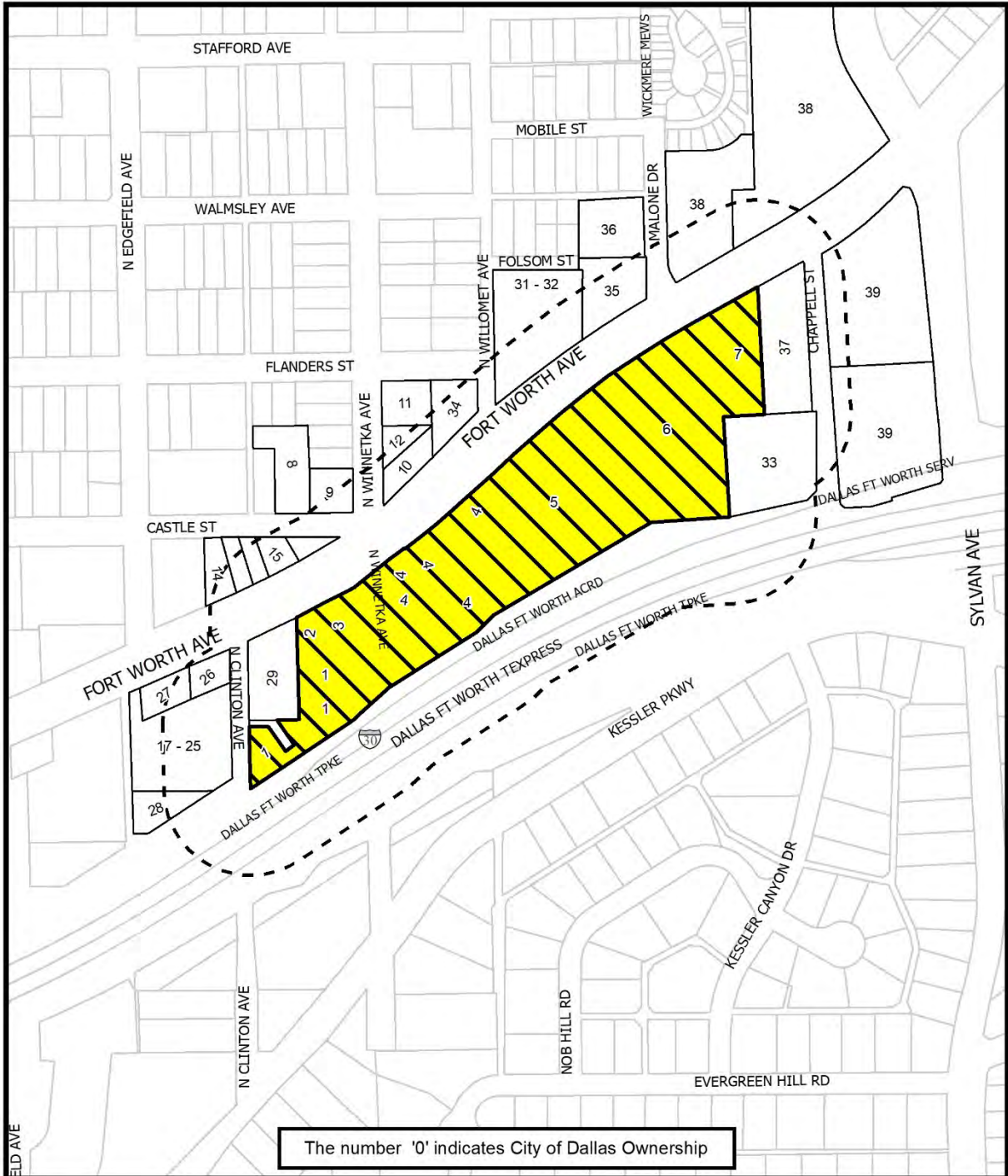


1:3,600

ZONING MAP

Case no: BDA212-036

Date: 3/9/2022



 1:3,600	<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;">39</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	39	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA212-036 Date: 3/9/2022
200'	AREA OF NOTIFICATION					
39	NUMBER OF PROPERTY OWNERS NOTIFIED					

03/09/2022

Notification List of Property Owners

BDA212-036

39 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1500 N WINNETKA AVE	TOLER PAUL V &
2	1210 FORT WORTH AVE	TOLER PAUL V & DONNA
3	1200 FORT WORTH AVE	TOLER PAUL &
4	1124 FORT WORTH AVE	WORTH TRINITY LLC
5	1030 FORT WORTH AVE	WORTH LW LLC
6	1004 FORT WORTH AVE	ADDIE1 LLC
7	1707 CHAPPEL ST	FULLER LAND COMPANY LP
8	1209 CASTLE ST	LAN PEI YU
9	1205 CASTLE ST	LONG TERM REALTY CAPITAL LLC
10	1111 FORT WORTH AVE	MELENDEZ MICHAEL
11	1718 N WINNETKA AVE	FAITH TEMPLE ASSEMBLY OF GOD
12	1710 N WINNETKA AVE	IGBOKWE OBI E
13	1219 FORT WORTH AVE	GENESIS GRAPHICS
14	1223 FORT WORTH AVE	NAGY JOZSEF JR &
15	1215 FORT WORTH AVE	BRUCE LEMURIEL M
16	1209 FORT WORTH AVE	BALLAS VICTOR
17	1318 FORT WORTH AVE	JBRL LLC
18	1318 FORT WORTH AVE	HENDERSON ANGELCIA
19	1318 FORT WORTH AVE	RODRIGUEZ PEDRO & MARIA
20	1318 FORT WORTH AVE	HERNANDEZ CARLOS
21	1318 FORT WORTH AVE	GONZALEZ MARIA CRISTINA
22	1318 FORT WORTH AVE	ANDRADE ERNESTO
23	1318 FORT WORTH AVE	ONTIVEROS GREGORIA
24	1318 FORT WORTH AVE	MARTINEZ ELIAS
25	1318 FORT WORTH AVE	RAMOS-HERNANDEA RAYMOS
26	1302 FORT WORTH AVE	GARZA CHRISTOPHER

03/09/2022

Label #	Address	Owner
27	1310 FORT WORTH AVE	ADEOYE FOLASADE
28	1547 N CLINTON AVE	SOTO XAVIER
29	1222 FORT WORTH AVE	YOUNG RODNEY D INS CO
30	1500 N CLINTON AVE	PINEHURST CAPITAL LP
31	1027 FORT WORTH AVE	PATEL RAMANBHAI C &
32	1015 FORT WORTH AVE	PATEL R C & SARA
33	802 CRYSTAL ST	Taxpayer at
34	1109 FORT WORTH AVE	ESCALERA ANTONIO
35	1021 FORT WORTH AVE	J & K INVESTMENTS LLC
36	1007 FOLSOM ST	BATMANNY LLC
37	904 FORT WORTH AVE	REALTY INCOME PROPERTIES 19 LLC
38	845 FORT WORTH AVE	DIAMOND BELMONT HOLDINGS LLC
39	1805 SYLVAN AVE	7 ELEVEN INC



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-036

Data Relative to Subject Property:

Date: 2-15-22

Location address: 1000 Ft. Worth Ave Zoning District: PD 714 Sub. 2B

Lot No.: 3A Block No.: 19/3980 Acreage: 8.78 acres Census Tract: 43.00

Street Frontage (in Feet): 1) 1467 ft 2) 122 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 1030 FWA Owner LP

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 X, or Special Exception , of 82 feet to the required maximum front yard setback of 60 feet. The proposed furthest building will provide a 142-foot front yard setback

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

The property is undeveloped, irregular in shape, somewhat sloped and has I-30 along its southern boundary. PD 714 requires a minimum and maximum setback, but all structures must comply. The property contains water and utility easements where a segment of Winnetka Avenue was abandoned, making it impossible to meet the maximum front yard setback requirement. Compliance with the maximum setback would be an unreasonable encroachment on an easement that would not be allowed by Dallas Water Utilities.

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.

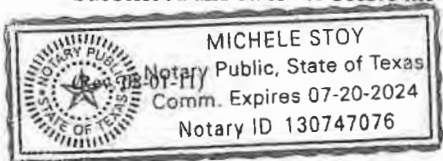
Affidavit

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 9 day of February, 2022



Michele Stoy
Notary Public in and for Dallas County, Texas



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-036

I, 1030 FWA Owner LP, Owner of the subject property
(Owner or "Grantce" of property as it appears on the Warranty Deed)

at: 1000 Ft. Worth Ave (see list for parcel addresses)
(Address of property as stated on application)

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

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

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Specify: Front yard

Carl B. Anderson IV
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 2/1/22

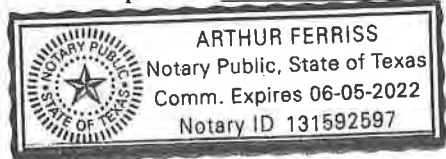
Before me, the undersigned, on this day personally appeared Carl Anderson

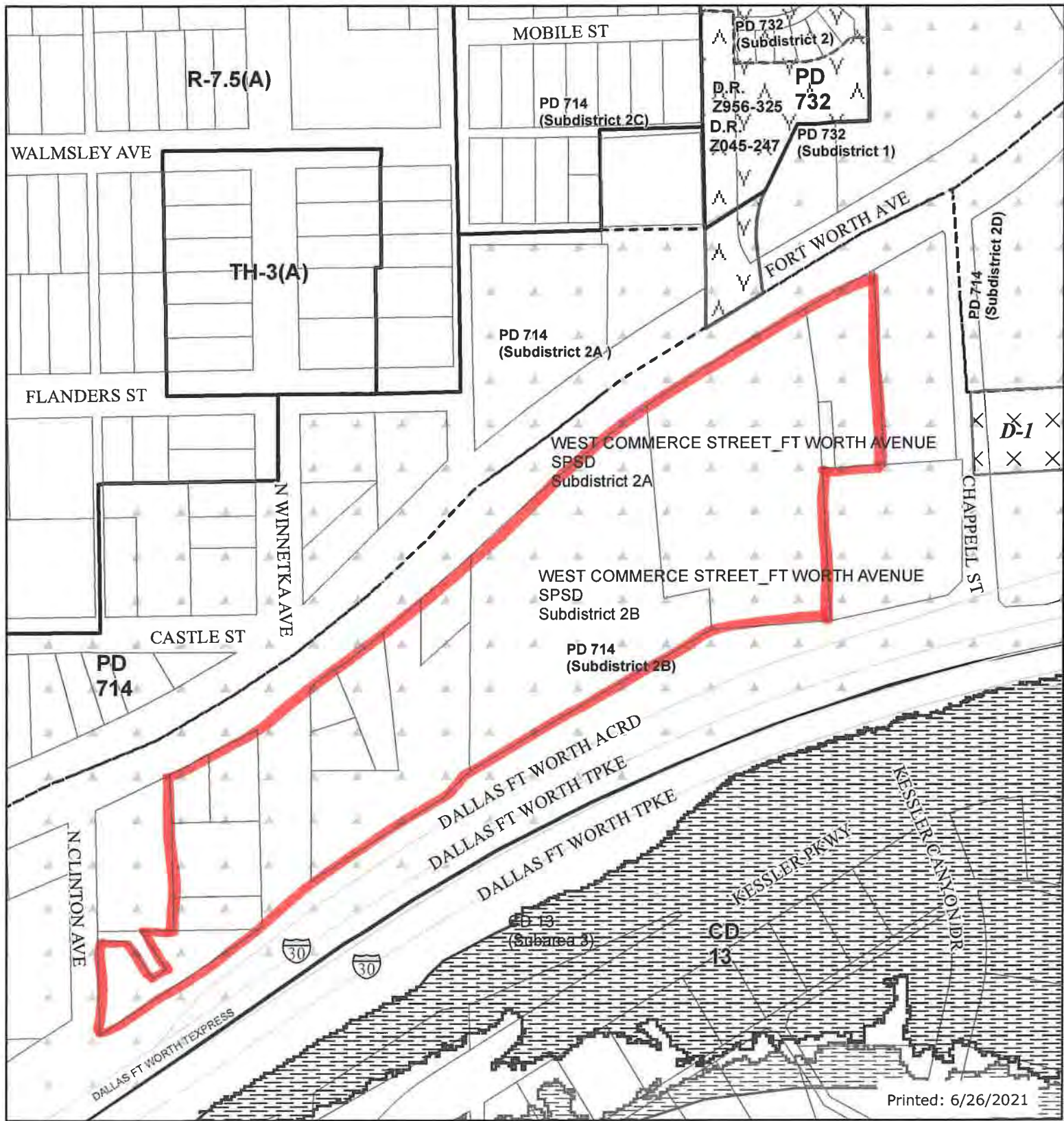
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 1st day of February, 2022

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 6-5-22





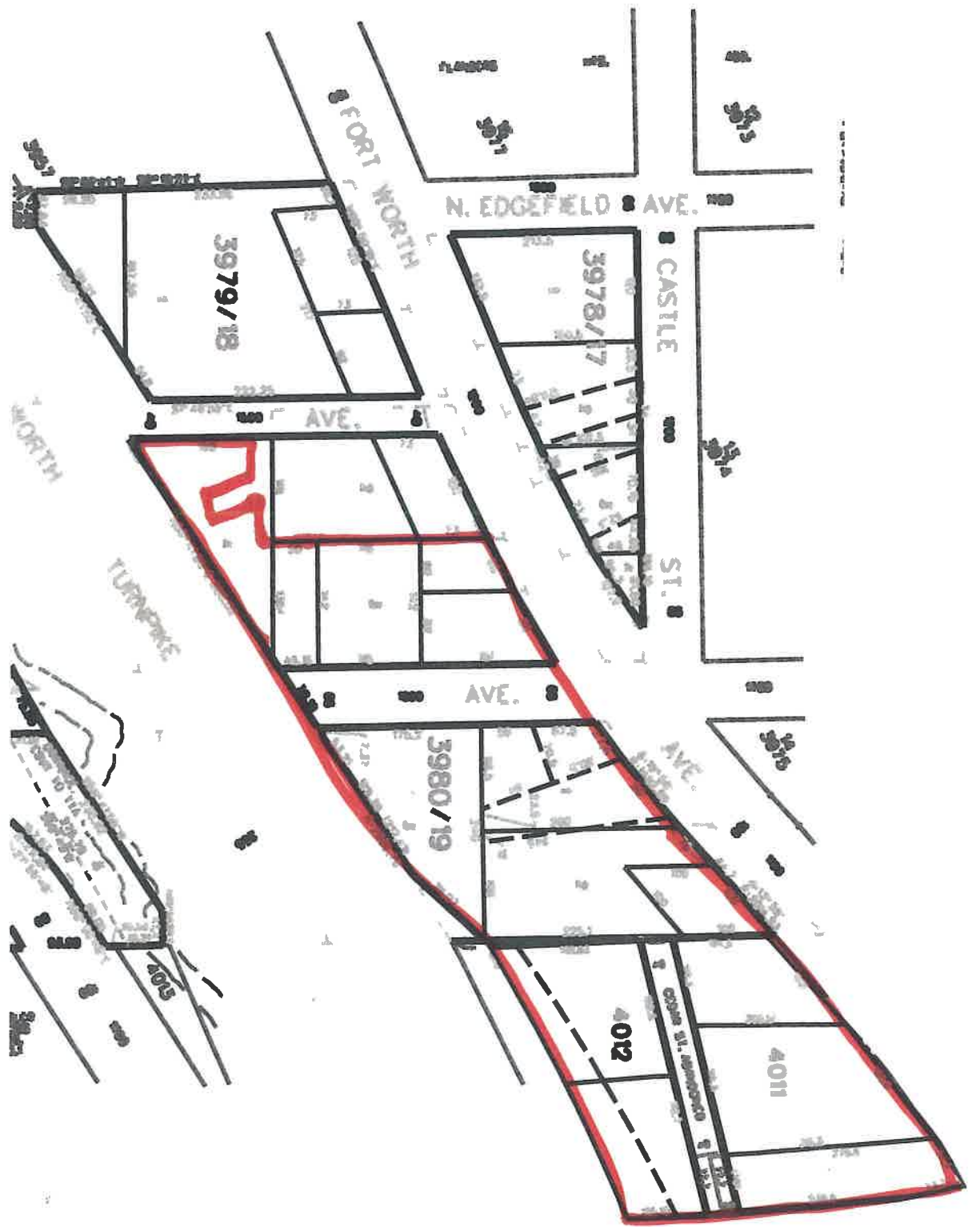
Printed: 6/26/2021

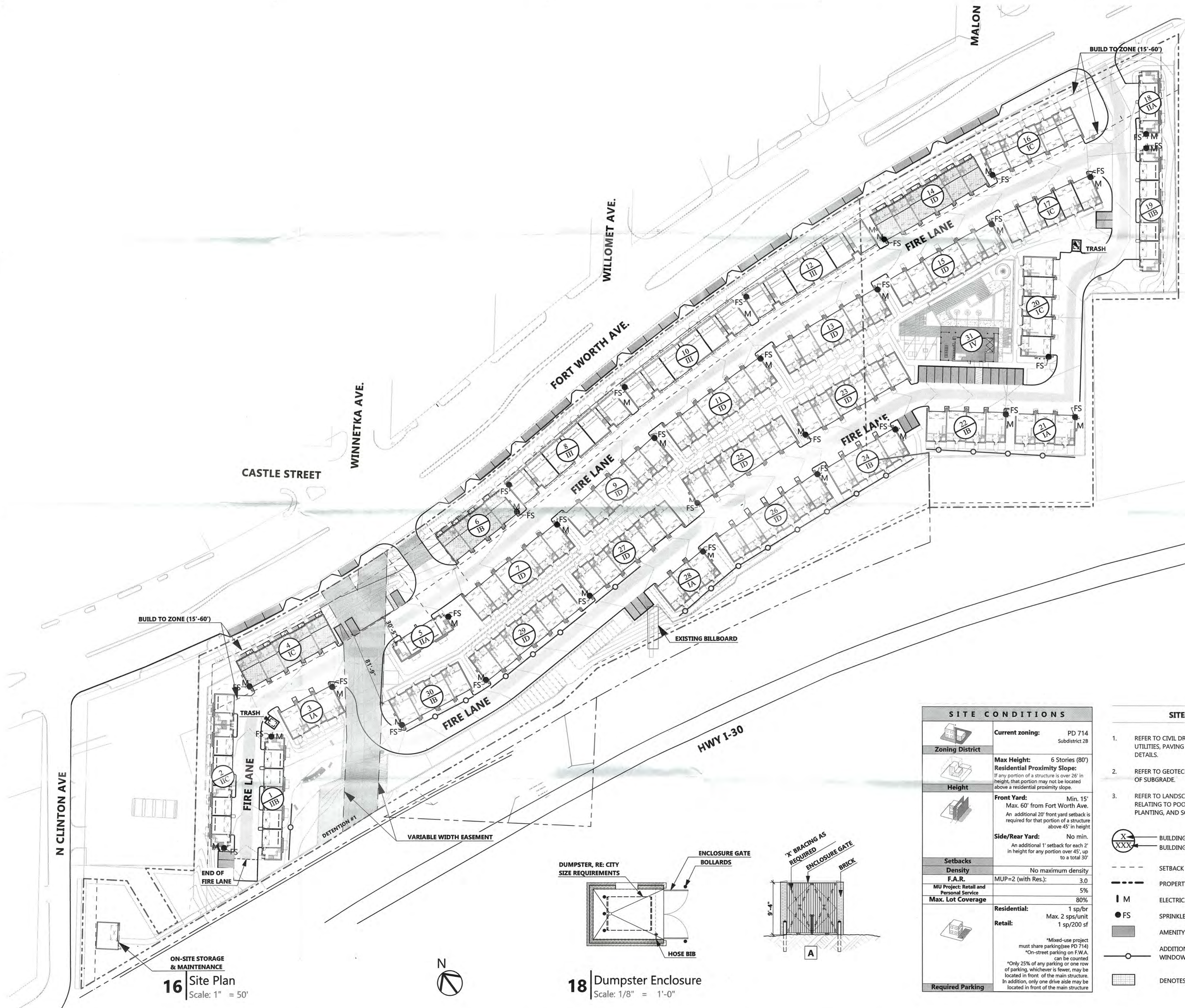
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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)





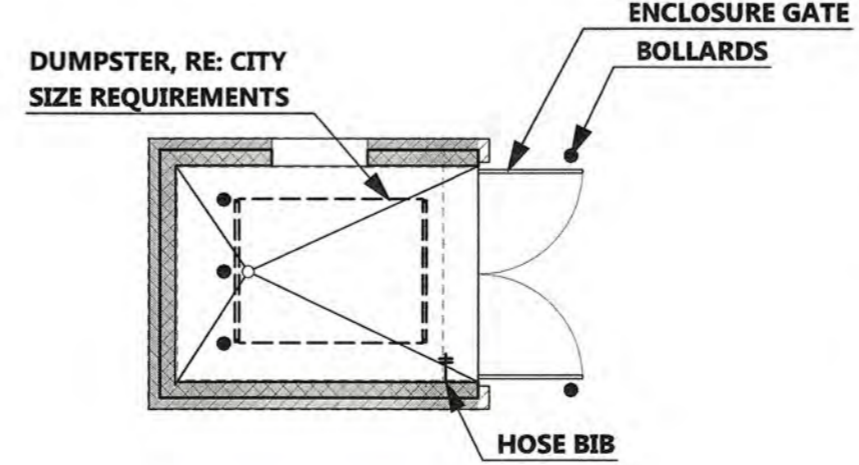


BUILD TO ZONE (15'-60')

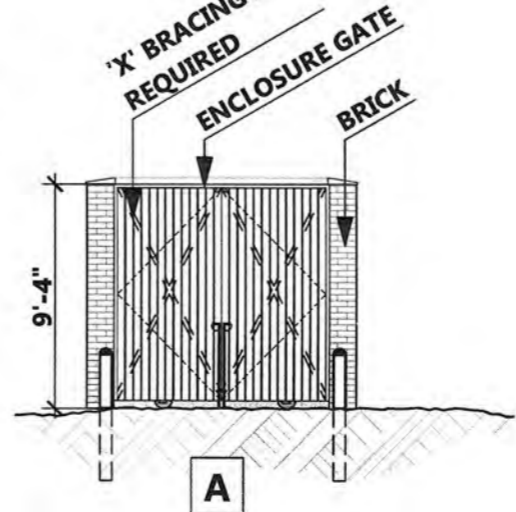
BUILD TO ZONE (15'-60')

BUILD TO ZONE (15'-60')

16 Site Plan
 Scale: 1" = 50'



18 Dumpster Enclosure
 Scale: 1/8" = 1'-0"



SITE CONDITIONS	
	Current zoning: PD 714 Subdistrict 28
	Max Height: 6 Stories (80') Residential Proximity Slope: If any portion of a structure is over 26' in height, that portion may not be located above a residential proximity slope.
	Front Yard: Min. 15' Max. 60' from Fort Worth Ave. An additional 20' front yard setback is required for that portion of a structure above 45' in height. Side/Rear Yard: No min. An additional 1' setback for each 2' in height for any portion over 45' up to a total 30'
	Density: No maximum density
	F.A.R.: MUP=2 (with Res.); 3.0 MU Project: Retail and Personal Service: 5% Max. Lot Coverage: 80%
	Residential: 1 sp/br Max. 2 sps/unit Retail: 1 sp/200 sf <small>*Mixed-use project must share parking(see PD 714) *On-street parking on F.W.A. can be counted *Only 25% of any parking or one row of parking, whichever is fewer, may be located in front of the main structure. In addition, only one drive aisle may be located in front of the main structure.</small>
	Required Parking

SITE PLAN NOTES AND LEGEND	
1.	REFER TO CIVIL DRAWINGS FOR GRADING, DIMENSIONAL CONTROL, UTILITIES, PAVING SPECIFICATIONS, AND PARKING QUANTITIES / LAYOUT DETAILS.
2.	REFER TO GEOTECHNICAL CONSULTANTS FOR SOIL PREP REQUIREMENTS OF SUBGRADE.
3.	REFER TO LANDSCAPE ARCHITECTS DRAWINGS FOR ALL INFORMATION RELATING TO POOL LAYOUT AND DETAILING, SIDEWALKS, FENCING, PLANTING, AND SCREENING AREAS.
	BUILDING NUMBER BUILDING TYPE
	SETBACK LINE
	PROPERTY LINE
	ELECTRICAL METER LOCATION, RE: MEP
	SPRINKLER LOCATION
	AMENITY AREAS
	ADDITIONAL LAYER OF 5/8" GYP. BD. @ INTERIOR OF EXT. WALL; WINDOWS/DOORS WITH STC RATING OF 32
	DENOTES UNIT ENTRY @ 2ND LEVEL

Project Number: 2021023.00
 Drawn By: SMonte
 Issue for: 02.03.2022

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Delta Issue Name Date



March 30, 2022

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

RE: BDA212-036, 1000 Ft. Worth Avenue

Dear Ms. Munoz:

Our firm is helping the property owner at the above-referenced property with their front yard variance request to allow for new multifamily and retail buildings to exceed the maximum front yard setback. The property is zoned PD 714 Subdistrict 2B, which requires a minimum front yard setback of 15 feet and a maximum setback of 60 feet along Fort Worth Avenue. As you know, this means the entirety of the structures along Fort Worth Avenue must be located within this front yard setback "zone." Some other zoning districts require a percentage of a building, or a percentage of frontage, to have buildings within the front yard setback zone.

The property is irregular in shape and sloped. The development of the property requires a series of retaining walls throughout the property. Its southern property line is shared with I-30 right-of-way, where I-30 is depressed lower than the subject property. The portion of Winnetka Avenue within the property was abandoned, with water, wastewater, and storm mains (and their associated easements) remaining. The abandonment of the street was initiated by the previous property owner and was included as part of the land area when the current property owner purchased the property. The utility mains and easements must remain in their existing locations as they serve the broader neighborhoods to the north and then go south underneath I-30. Therefore, it would be cost prohibitive to relocate them without adversely impacting the development.

The site plan shows that the utility easements run north to south. Fort Worth Avenue meanders southwest to northeast in the area along our front property line. The front yard setback zone runs parallel along the street frontage. The angles of the easements and setback zone make the area without a building in the front yard setback zone greater than if the street and easements were perpendicular to each other.

Further, the City does not allow buildings to be constructed on top of its utility easements, rendering the placement of buildings in the subject area impossible. Therefore, “compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement”¹ and additionally “compliance would result in the unreasonable encroachment on an adjacent property or easement”² as the City requires maintenance access to its utility mains inside of its easements and does not want buildings on top to compromise the integrity of its mains.

We hope you can support our request. If you have any questions or would like to speak with us about this, please call our office at 214-824-7949 or email me at jennifer@baldwinplanning.com or Rob Baldwin at rob@baldwinplanning.com. We will be happy to discuss this matter with you.

With kind regards,

A handwritten signature in cursive script that reads "Jennifer Hiromoto".

Jennifer Hiromoto

¹ Texas Local Government Code, Section 211.009(b-1)(3).

² Texas Local Government Code, Section 211.009(b-1)(4).