

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 20, 2021

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, October 19, 2021. 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/BDA102021>

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, OCTOBER 20, 2021
AGENDA

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

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

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

PUBLIC TESTIMONY

Minutes

MISCELLANEOUS ITEM

Approval of the September 22, 2021 Board of Adjustment
Panel B Public Hearing Minutes

M1

UNCONTESTED CASE(S)

BDA201-089(PD)	9646 Douglas Avenue REQUEST: Application of Janet Sipes of Texas Permit LLC, represented by Rob Baldwin of Baldwin Associates, for special exceptions to the fence height regulations, to the fence standards regulations, and to the visibility obstruction regulations	1
BDA201-091(PD)	9823 Kilarney Drive REQUEST: Application of Robert Richmond represented by Tommy Nelson for a variance to the front yard setback regulations	2
BDA201-093(PD)	2013 Jackson Street REQUEST: Application of Centurian American represented by Kay Zafar for a special exception to the visibility obstruction regulations	3
BDA201-097(JM)	11410 St. Michaels Drive REQUEST: Application of Michael Gooden for 1) a special exception to the single-family use regulations; variances to the 2) height; and, 3) floor area ratio for an accessory structure; and 4) a variance to the 20-foot setback for a required parking space located in an enclosed structure	4

REGULAR CASE(S)

None.

HOLDOVER CASE(S)

None.

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA201-089(PD)

BUILDING OFFICIAL'S REPORT: Application of Texas Permit represented by Rob Baldwin of Baldwin Associates for **1)** a special exception to the fence height regulations of four feet is made to construct and maintain an eight-foot-high fence; **2)** a special exception is made to the fence standards regulations to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet front the front lot line; and, **3)** two special exceptions are made to the visual obstruction regulations to construct and maintain portions of an eight-foot-high solid wood fence in two required 20-foot visibility triangles at the intersection of Walnut Hill Lane and Douglas Avenue at 9646 Douglas Avenue. This property is more fully described as a tract of land, in City Block 5610, and zoned an R-1ac(A) Single Family District, which limits the height of a fence in a required front yard to four feet, prohibits a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, and requires a 20-foot visibility triangle at two drive approaches onto Douglas Avenue. The applicant proposes to construct and maintain a single-family dwelling with a residential fence height of eight feet in a required front yard setback with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, with portions of the solid wood fence in the required 20-foot visibility triangles at two drive approaches onto Douglas Avenue, which will require four special exceptions.

LOCATION: 9646 Douglas Avenue

APPLICANT: Texas Permit
Represented by Rob Baldwin of Baldwin Associates

REQUEST:

The property is currently being developed with an approximately 12,346-square-foot 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.

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 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 nor constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Transportation Senior Engineer has no objections to the proposed requests to encroach into the required 20-foot visibility triangles at the two drive approaches into the property from Douglas Avenue (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)
North: R-10(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) & SUP No. 29 for a church recreation use

Land Use:

The subject site is currently under construction with a single-family dwelling unit. Surrounding properties to the north, east, and south are developed with single-family uses while the property to the west across Douglas Avenue is developed with a surface parking lot for a church recreation use.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The property is currently being developed with an approximately 12,346-square-foot single-family dwelling. The applicant proposes to construct an eight-foot-high fence made

of stucco material and metal rolling gates along two drive approaches fronting Douglas Avenue.

The requests for special exceptions to the fence standards regulations related to height and the visual obstruction focus on constructing and maintaining:

- an eight-foot-high solid fence located in two front yard setbacks;
- as close as the property line along Walnut Hill Lane and Douglas Avenue; and,
- with two rolling gates in 20-foot visibility triangles at two drive approaches onto Douglas Avenue.

The subject site is zoned an R-1ac(A) Single Family District and requires a minimum front yard setback of 40 feet. However, the property is situated along the northeast corner of Walnut Hill Lane and Douglas Avenue and thereby, contains two front yards that must maintain the 40-foot front yard setback in compliance with the front yard provisions for residential districts. Section 51A-4.401(b)(1) of the Dallas Development Code regulates 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. Thus, the location of the subject site fronting along two streets imposes an additional front yard setback requirement of 40 feet to maintain the continuity of the block face.

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. As noted, the proposed fence would be within the two required 40-foot front yard setbacks.

Additionally, Section 51A-4.602(a)(3) of the Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.

Finally, 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 on properties zoned single family); 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 and elevation:

- The proposed fence and gates are located at the lot line along Walnut Hill Lane and Douglas Avenue and at its closest point appear to be approximately one-foot from the back of curb/pavement line.
- Along Walnut Hill Lane the fence is proposed at a width of 132.41 feet and along Douglas Avenue the fence is proposed at a width of 203.25 feet.
- The fence is proposed to be constructed of stucco while the rolling gates are proposed to be constructed of metal.

As of October 8, 2021, no letters have been submitted regarding the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height, openness, and visual obstruction regulations will not adversely affect neighboring property nor constitute a traffic hazard.

Granting the special exceptions to the fence standards related to the height would require the proposal exceeding four feet-in-height in the front yard setback with fence panels having less than 50 percent openness and located along Walnut Hill Lane and Douglas Avenue within two visibility triangles to be maintained in the locations, heights and materials as shown on the site plan and elevation.

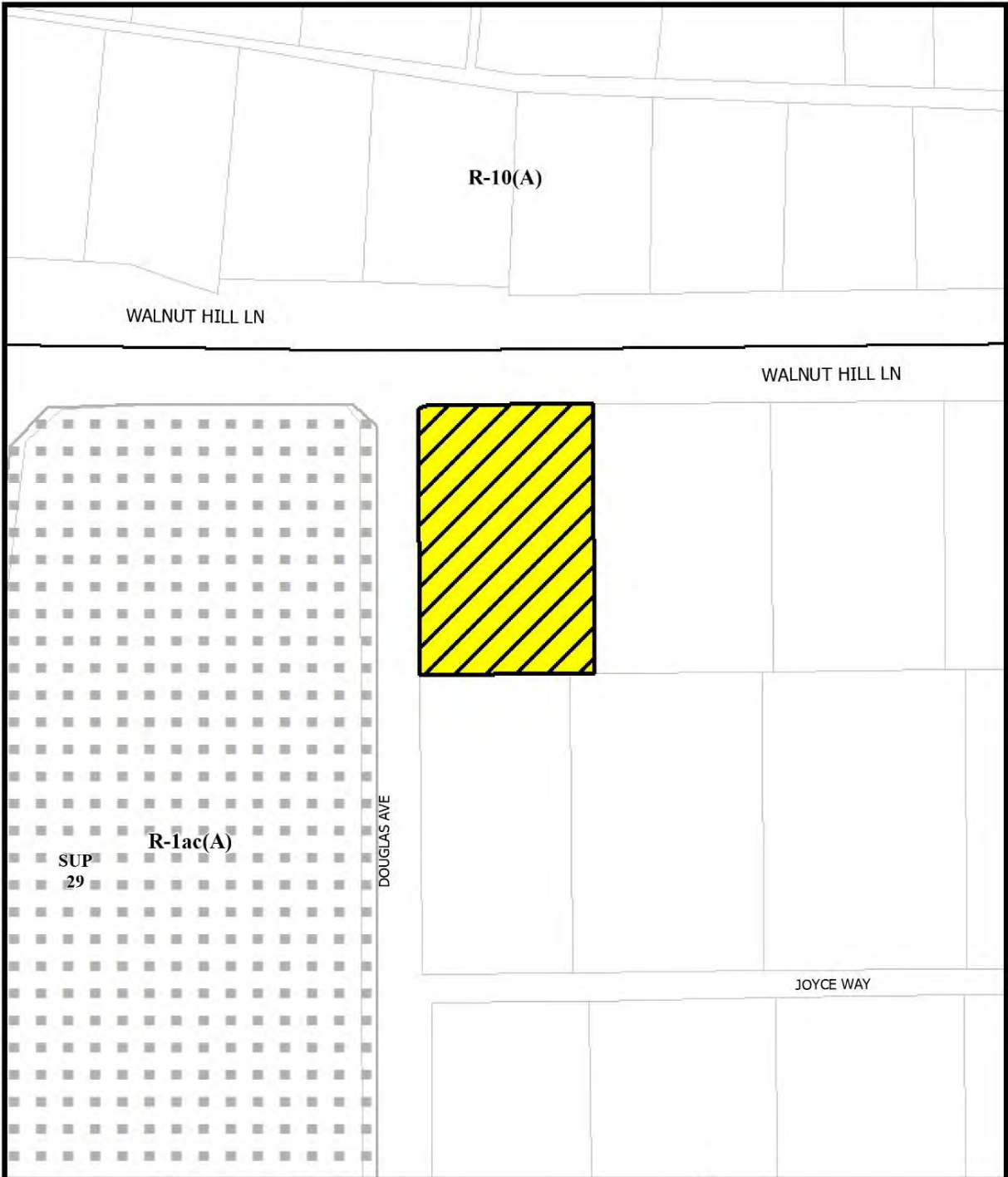
Timeline:

- July 30, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.
- Sept. 16, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- Sept. 17, 2021: 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 September 28, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the October 8, 2021 deadline to submit additional evidence to be incorporated into the Board's docket materials;

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

Sept. 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 1, 2021: The Transportation Senior Engineer submitted a review comment sheet associated with the visual obstructions requested (**Attachment A**).

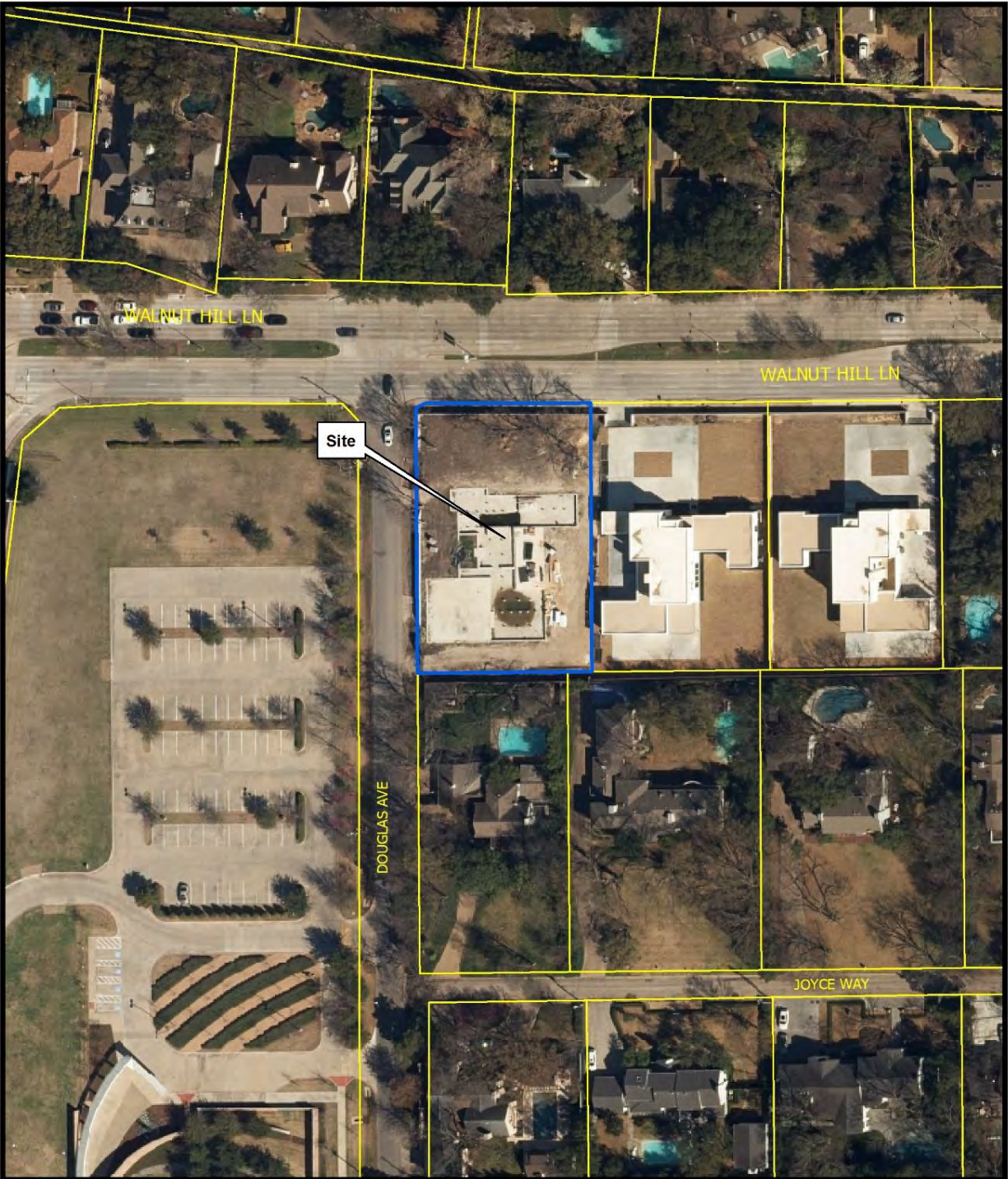


1:1,200

ZONING MAP

Case no: BDA201-089

Date: 9/24/2021

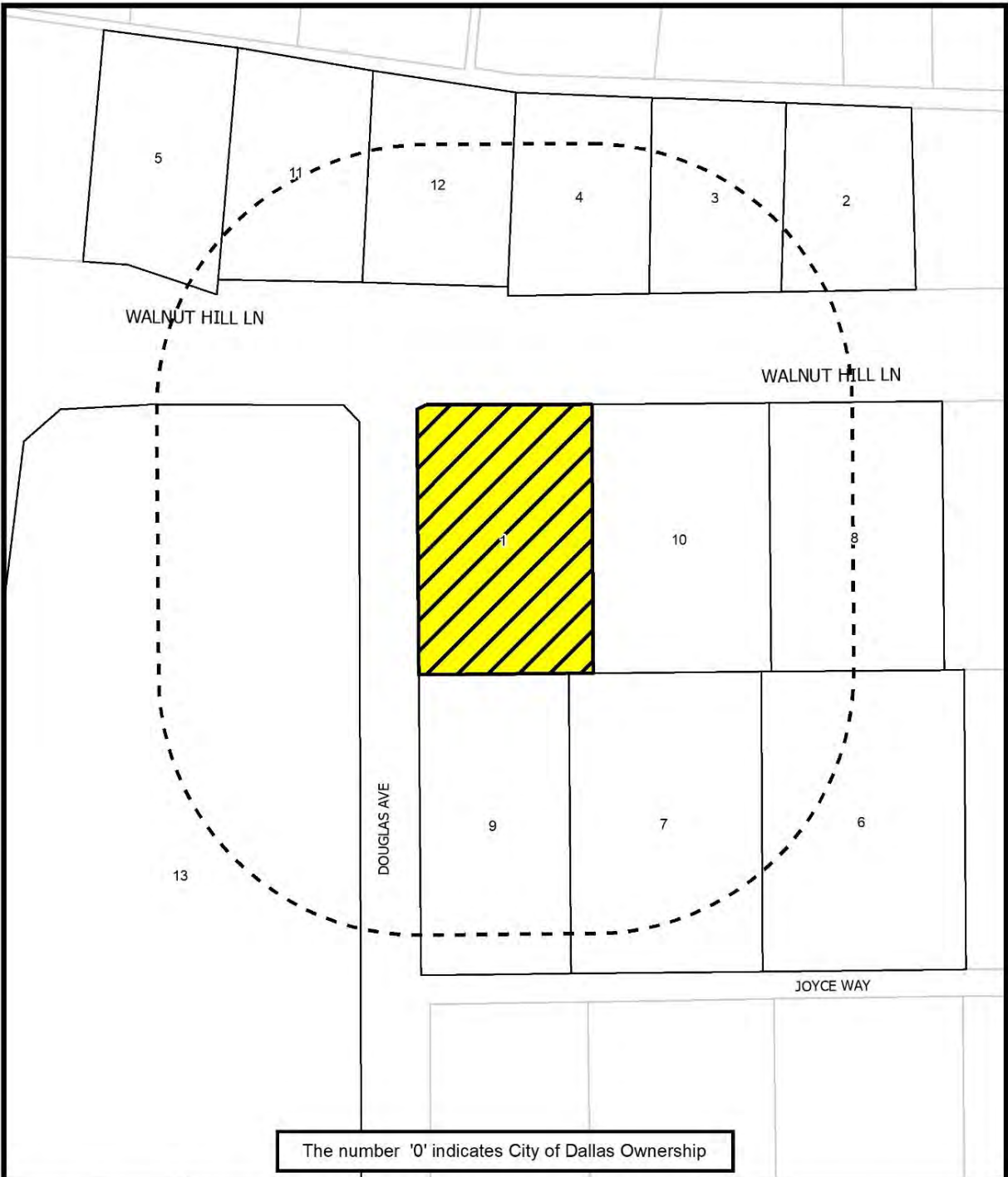


1:1,200

AERIAL MAP

Case no: BDA201-089

Date: 9/24/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-089**
 Date: **9/24/2021**

09/24/2021

Notification List of Property Owners

BDA201-089

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9646 DOUGLAS AVE	LR TRADING LLC
2	5823 WALNUT HILL LN	ROARK EDITH ESTATE OF
3	5815 WALNUT HILL LN	CAC REVOCABLE TRUST
4	5807 WALNUT HILL LN	PARKS CLYDE L JR &
5	5717 WALNUT HILL LN	RATCLIFF BRIAN & MEGAN ELIZABETH
6	5829 JOYCE WAY	SERIES C OF KAFKA PPTIES LLC
7	5815 JOYCE WAY	MOOR GARY L & MALINDA G
8	5826 WALNUT HILL LN	LR TRADING LLC
9	5807 JOYCE WAY	MATISE HOYT R
10	5816 WALNUT HILL LN	LR TRADING LLC
11	5721 WALNUT HILL LN	Taxpayer at
12	5803 WALNUT HILL LN	JOHNSON ALFRED R &
13	9401 DOUGLAS AVE	SHEARITH ISRAEL



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-089

Data Relative to Subject Property:

Date: 7-30-21

Location address: 9646 Douglas Ave Zoning District: R-1ac(A)

Lot No.: _____ Block No.: 5610 Acreage: 0.6506 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 137 ft 2) 223 ft 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LR Trading LLC

Applicant: Texas Permit Telephone: 972-743-6197

Mailing Address: P.O. Box 3293, Forney, TX Zip Code: 75126

E-mail Address: janet@txpermit.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of _____ fence height of 4' and solid fence panel; and visibility triangle

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 fronts on Walnut Hill Lane and is under construction for a single family use. Most homes that front on this section of Walnut Hill Lane have solid fencing or dense landscaping to screen from the thoroughfare. The proposed fence will be screened from the street with landscaping. The proposed fence does not adversely impact surrounding properties. The proposed reduced visibility triangle on the Douglas Avenue driveways will not create a traffic hazard.

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 Janet Sipes

(Affiant/Applicant's name printed)

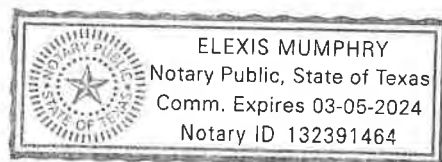
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted, Janet Sipes (Affiant/Applicant's signature)

Subscribed and sworn to before me this 30th day of July, 2021

Elexis Mumphry Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Texas Permit LLC

did submit a request for a special exception to the fence height regulations, and for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations

at 9646 Douglas Avenue

BDA201-089. Application of Texas Permit LLC for a special exception to the fence height regulations, and for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 9646 DOUGLAS AVE. This property is more fully described as Block 5610, and is zoned R-1ac(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 and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations, 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



AFFIDAVIT

Appeal number: BDA 201-089

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

at: 9646 Douglas Avenue
(Address of property as stated on application)

Authorize: Texas Permit LLC
(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: Special exception of 4' to the fence height regulations to allow for an 8' fence along the Walnut Hill Lane front yard; a solid fence; and visibility triangle

MAYUR SHREE
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 7/13/2021

Before me, the undersigned, on this day personally appeared Mayur Shree

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 July, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 9/24/2023

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GF# 1017-23490 RTT/amp

GENERAL WARRANTY DEED

JAY F. WHITTLE and PAULINE D. WHITTLE, husband and wife

(hereinafter called "Grantor," whether one or more, masculine, feminine or neuter) for and in consideration of the sum of TEN and no/100 DOLLARS and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, paid by

LR Trading LLC

(hereinafter called "Grantee," whether one or more, masculine, feminine or neuter), for which no lien is retained either express or implied, has Granted, Sold and Conveyed, and by these presents does hereby Grant, Sell and Convey, unto the said Grantee all that certain real property described as follows:

BEING a tract of land situated in the John Howell Survey, Abstract No. 580, in the City of Dallas, Dallas County, Texas, being a portion of that same tract of land conveyed to Jay F. Whittle & Pauline D. Whittle by deed recorded in Volume 2003031, Page 13930, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds on the attached Exhibit "A",

together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appendages and appurtenances, in anyway appertaining thereto, and all right, title and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above-described property or any part thereof (hereinafter, the "Property").

This deed is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appear of record in the office of the County Clerk of the county in which the Property is located, and property taxes for the current year and subsequent years, the payment of which Grantee assumes.



TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his, her or its successors, heirs and assigns, as the case may be, forever; and Grantor does hereby bind Grantor and Grantor's successors, heirs, executors and administrators, as the case may be, to Warrant and Forever Defend all and singular the said Property unto the said Grantee and Grantee's successors, heirs and assigns, as the case may be, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

Executed this 24th day of March, 2017.

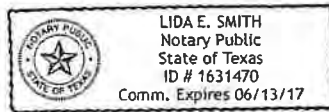
Jay F Whittle
JAY F. WHITTLE
Pauline D Whittle
PAULINE D. WHITTLE

ACKNOWLEDGMENT

STATE OF Texas §
COUNTY OF Dallas §

Before me, the undersigned authority, on this day personally appeared JAY F. WHITTLE and PAULINE D. WHITTLE [check one] known to me or proved to me through Driver's License (description of identity card) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that said person executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 24th day of March, 2017.



Lida E. Smith
Notary Public, State of Texas

GRANTEES ADDRESS:
LR Trading LLC
9646 Douglas Ave
Dallas, Texas 75225



BEING a tract of land situated in the John Howell Survey, Abstract No. 580, in the City of Dallas, Dallas County, Texas, being a portion of that same tract of land conveyed to Jay F. Whittle & Pauline D. Whittle by deed recorded in Volume 2003031, Page 13930, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 Inch iron rod set for corner with a yellow cap stamped "TXHS" in the East right-of-way line of Douglas Avenue (50 foot public right-of-way), said point being the Northwest corner of a tract of land conveyed to Hoyt R. Matise by deed recorded in Volume 69178, Page 1306 of the Deed Records of Dallas County, Texas, same being the Southwest corner of the herein described tract;

THENCE North 00 degrees 09 minutes 06 seconds East, along the East right-of-way line of said Douglas Avenue, passing a 3/8 inch Iron rod found for witness at a distance of 203.34 feet, and continuing for a total distance of 225.00 feet to a point for corner at the intersection of the East right-of-way line of said Douglas Avenue and the South right-of-way line of Walnut Hill Lane (90 foot public right-of-way), said point being the Northwest corner of the herein described tract;

THENCE North 89 degrees 59 minutes 38 seconds East, along the South right-of-way line of said Walnut Hill Lane, a distance of 137.60 feet to a point for corner, said point being the Northwest corner of a tract of land conveyed to L. R. Trading, LLC by deed recorded in Instrument No. 201600069641 of the Deed Records of Dallas County, Texas, same being the Northeast corner of the herein described tract;

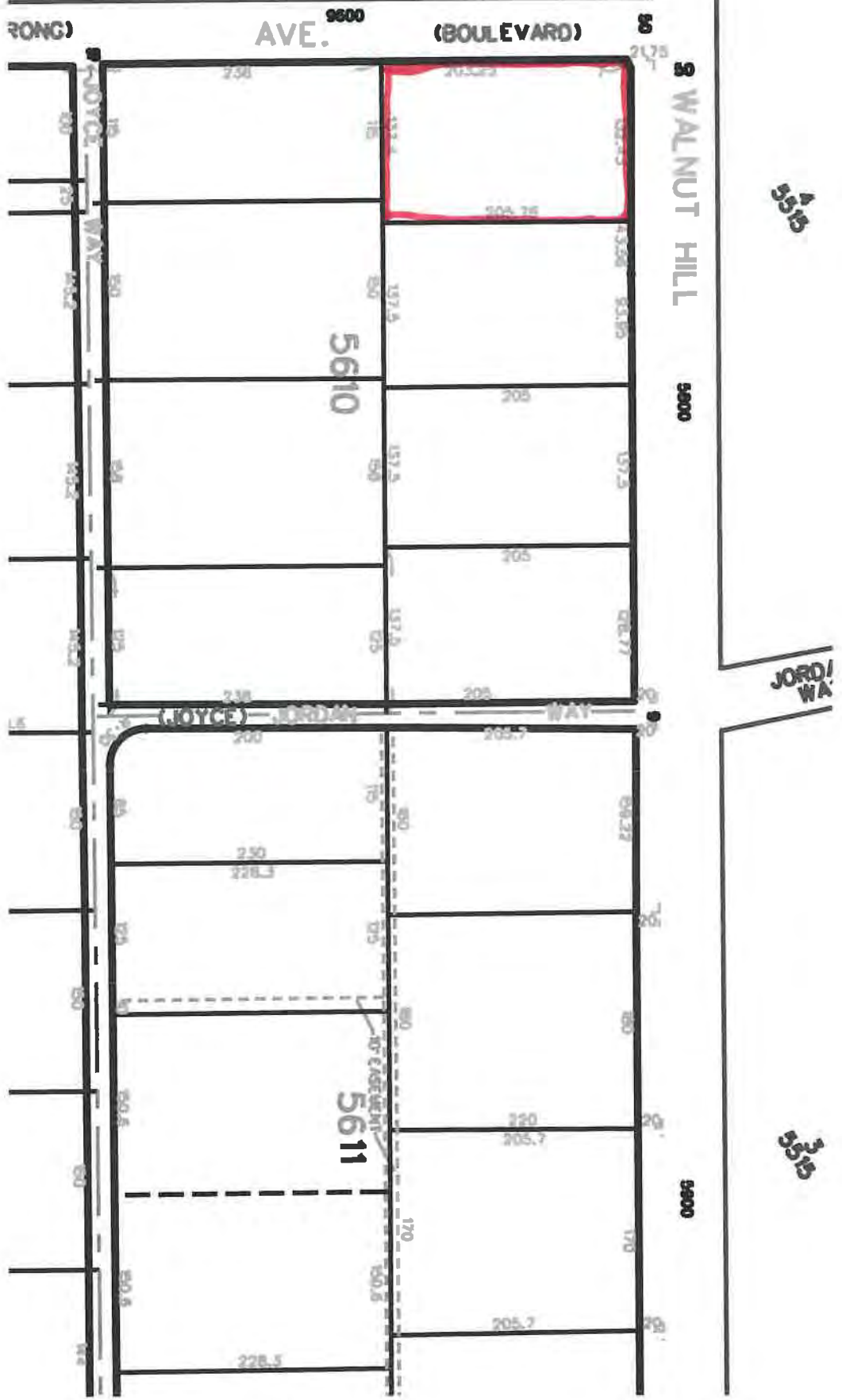
THENCE South 00 degrees 12 minutes 39 seconds West, along the West line of said L. R. Trading, LLC tract, passing a 3/8 inch iron rod found for witness at a distance of 18.80 feet and continuing for a total distance of 225.00 feet to a 1/2 inch iron rod found for corner in the North line of a tract of land conveyed to Gary L. Moor and Malinda G. Moor by deed recorded in Volume 2000121, Page 2322 of the Deed Records of Dallas County, Texas, said point being the Southwest corner of said L. R. Trading, LLC tract, same being the Southeast corner of the herein described tract;

THENCE South 89 degrees 59 minutes 36 seconds West, along the North line of said Moor tract, passing the Northeast corner of the aforementioned Matise tract, and continuing along the North line of said Matise tract, for a total distance of 137.37 feet to the POINT OF BEGINNING and containing 30,934 square feet or 0.71 acres of land.

JFW
PDW

**Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
03/28/2017 02:40:28 PM
\$34.00
201700086837**





5610

5611

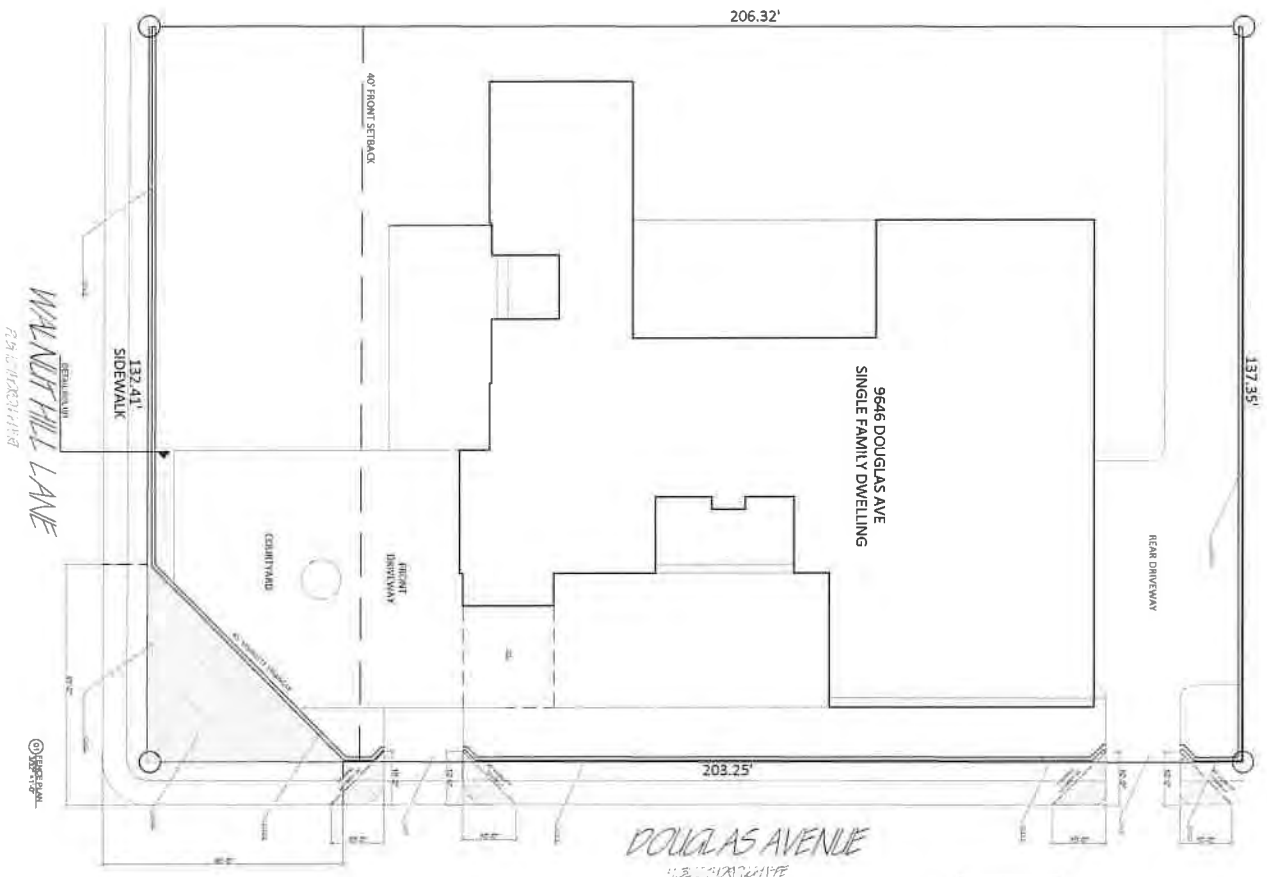


Legend

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





280' OF LINEAR BRIDGES
NOT TO EXCEED 8' HIGH
LANDSCAPING
AND/OR OTHER PLANTING
IDEAL (SEE LINE ITEMIZATION
PLANTING) (SEE ITEMIZATION
PLANTING)

DATE: 11/10/11

SCALE: AS SHOWN

PROJECT: 1101

DESIGNER: [Signature]

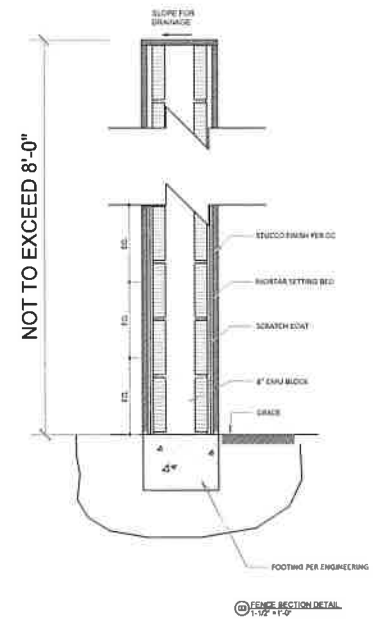
DATE: 11/10/11

SCALE: AS SHOWN

PROJECT: 1101

DESIGNER: [Signature]

3245 AMHERST AVENUE
Dallas, Texas 75225



DRAWING SET

No.	Description	Date

BDA201-089_ATTACHMENT_A

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF OCTOBER 20, 2021 (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 201-089 (PD)

BDA 201-093 (PD)

BDA 201-096 (PD)

BDA 201-097 (JM)

COMMENTS:

***No objections to proposed
encroachment to the visibility triangles
at private residential driveways on
Douglas Avenue.***

***David Nevarez, P.E., PTOE
Transportation Development Services***

Name/Title/Department

10/1/2021

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.

FILE NUMBER: BDA201-091(PD)

BUILDING OFFICIAL'S REPORT: Application of Robert Richmond represented by Tommy Nelson for a variance to the front yard setback regulations at 9823 Kilarney Drive. This property is more fully described as Lot 8 in City Block 8/5371 and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family accessory (pool and spa) structure and provide a 12-foot-eight-inch front yard setback, which will require a 12-foot-four-inch variance to the front yard setback regulations.

LOCATION: 9823 Kilarney Drive

APPLICANT: Robert Richmond represented by Tommy Nelson

REQUESTS:

A request for a variance to the front yard setback regulations of 12 feet four inches is made to construct and maintain a single-family residential accessory (pool and spa) structure within the subject site's 25-foot front yard setback on a site that is currently developed and situated on a corner 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 the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site being situated on a corner lot with two front yards determines this 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 R-7.5(A) zoning classification.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site and surrounding properties are developed with single-family dwelling units.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years; however, the subject site does have case history.

1. **BDA156-086:** On September 21, 2016, the Panel B, Board of Adjustments granted a special exception to the fence height regulations to allow an eight-foot-high fence. (**subject site**)

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on constructing and maintaining an accessory (pool and spa) structure proposed 12-feet eight-inches from the subject site's front property line, into the required 25-foot front yard setback, on a site that is developed with a single-family dwelling.

Structures on lots zoned an R-7.5(A) Single Family District must have a minimum front yard setback of 25 feet. A site plan has been submitted denoting the proposed accessory (pool and spa) structure will be located 15-feet-eight-inches from the front property line along Tranquilla Drive. The site plan depicts an approximately 308 square accessory (pool and spa) structure centered along the central interior yard fronting Tranquilla Drive.

The subject site is not irregular in shape and is approximately 10,890 square feet in lot area. An R-7.5(A) zoning district requires lots to have a minimum lot size of 7,500 square feet.

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

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

this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) 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 October 8, 2021, no letters have been submitted regarding 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:

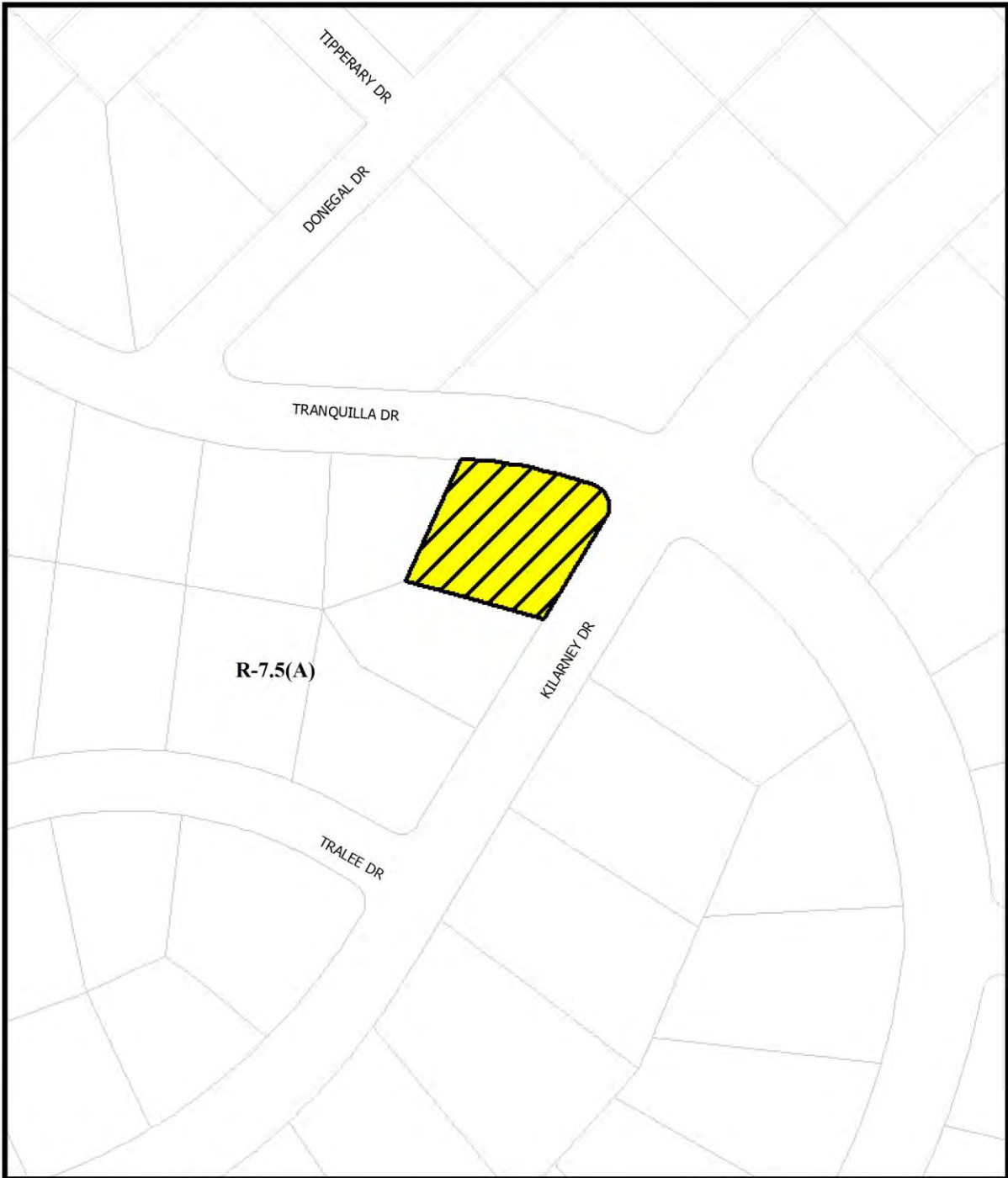
- August 16, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- Sept. 16, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- Sept. 17, 2021: The Board 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 September 28, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the October 8, 2021 deadline to submit

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

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

Sept. 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Transportation Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No staff review comment sheets were submitted in conjunction with this application.

October 6, 2021: Documentary evidence was provided by the representative (**Attachments A & B**).

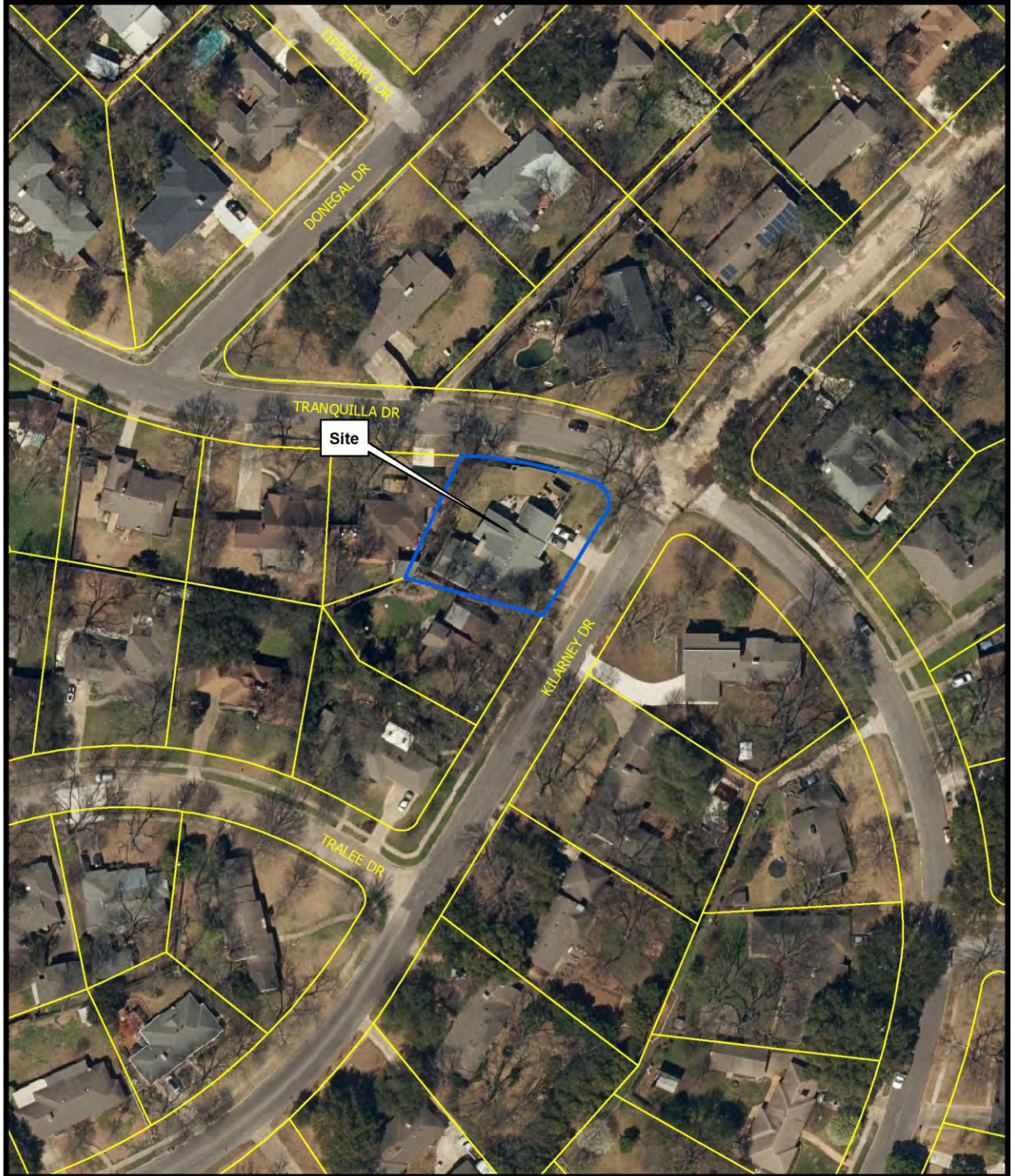


1:1,200

ZONING MAP

Case no: BDA201-091

Date: 9/24/2021



1:1,200

AERIAL MAP

Case no: BDA201-091

Date: 9/24/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
16 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-091**

Date: **9/24/2021**

09/24/2021

Notification List of Property Owners

BDA201-091

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9823 KILARNEY DR	FRANCE TERRY M &
2	9900 KILARNEY DR	BOOME KENNETH D & BETTY
3	9915 KILARNEY DR	LANDIS SUSAN R
4	9907 KILARNEY DR	NELSON MARY LUAN &
5	9814 DONEGAL DR	BANNON THOMAS J
6	9822 DONEGAL DR	MOORE MICHAEL L & KIMBERLY
7	1051 TRANQUILLA DR	HIFLER MARY ANNE
8	1059 TRANQUILLA DR	HUNN MARVIN & DEBBIE
9	1067 TRANQUILLA DR	JEHLE STEPHANIE
10	9815 KILARNEY DR	CARPENTER AMY L
11	9735 TRALEE DR	MULLANE MICHAEL J & DEBORAH
12	9731 TRALEE DR	ENRIQUEZ PAUL V
13	9723 TRALEE DR	SLAUGHTER PATRICK W
14	1115 TRANQUILLA DR	PARKASH SUMEET & PANDA MALINA
15	9814 KILARNEY DR	MCGREGOR KARI L &
16	9806 KILARNEY DR	MORRIS ANITA &



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-091

Data Relative to Subject Property:

Date: ~~25 July 2021~~ 8-6-21

Location address: 9823 KILARNET DRIVE Zoning District: R 7.5 (A)

Lot No.: 8 Block No.: 0/5371 Acreage: .25 Census Tract: 82.00

Street Frontage (in Feet): 1) 127.41 2) 128.5 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert H Richmond III + Gina M Richmond

Applicant: Robert Richmond Telephone: 214-762-5757

Mailing Address: 9823 KILARNET DRIVE Zip Code: 75218

E-mail Address: wardrichmond@gmail.com

Represented by: Tommy Nelson Telephone: 214-762-2290

Mailing Address: 800 EXPOSITION AVE. Zip Code: 75226

E-mail Address: tommynelson@flash.net

Affirm that an appeal has been made for a Variance or Special Exception _____, of ADDITION OF A NEW SWIMMING POOL WITHIN THE FRONTYARD SET-BACK

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 RESTRICTIONS PER UTILITY EASEMENT & DOUBLE FRONTYARD SET-BACKS. LIMITED LOT SPACE PROVIDED

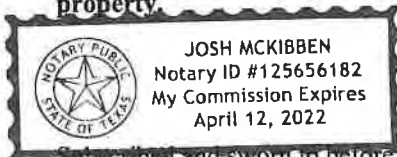
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared R. Richmond

(Affiant/Applicant's name printed)

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



Respectfully submitted: ROBERT H. RICHMOND
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 28th day of July, 2021

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Robert Richmond
represented by Tommy Nelson
did submit a request for a variance to the front yard setback regulations
 at 9823 Kilarney Drive

BDA201-091. Application of Robert Richmond represented by Tommy Nelson for a variance to the front yard setback regulations at 9823 Kilarney Drive. This property is more fully described as Lot 8, Block 8/5371, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential accessory (pool) structure and provide a 12 foot 8 inch front yard setback, which will require a 12 foot 4 inch variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-091

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

at: 9823 KILARNEY DRIVE DALLAS, TX 75218
(Address of property as stated on application)

Authorize: ROBERTH. RICHMOND AT
(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: ADDITION OF A NEW SWIMMING POOL WITHIN AN EXISTING FRONTYARD SETBACK

GINA RICHMOND
Print name of property owner or registered agent

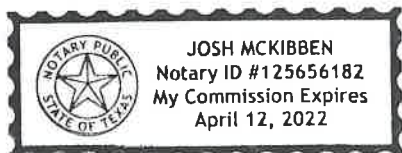
Gina Richmond
Signature of property owner or registered agent

Date 7-28-2021

Before me, the undersigned, on this day personally appeared Gina Richmond

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 28th day of July, 2021



gm
Notary Public for Dallas County, Texas

Commission expires on April 12, 2022



Printed: 7/28/2021

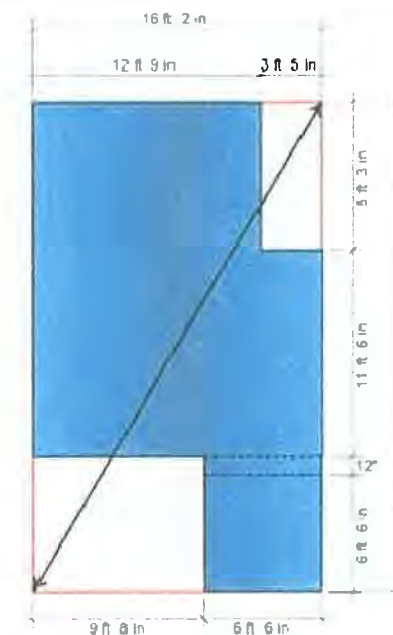
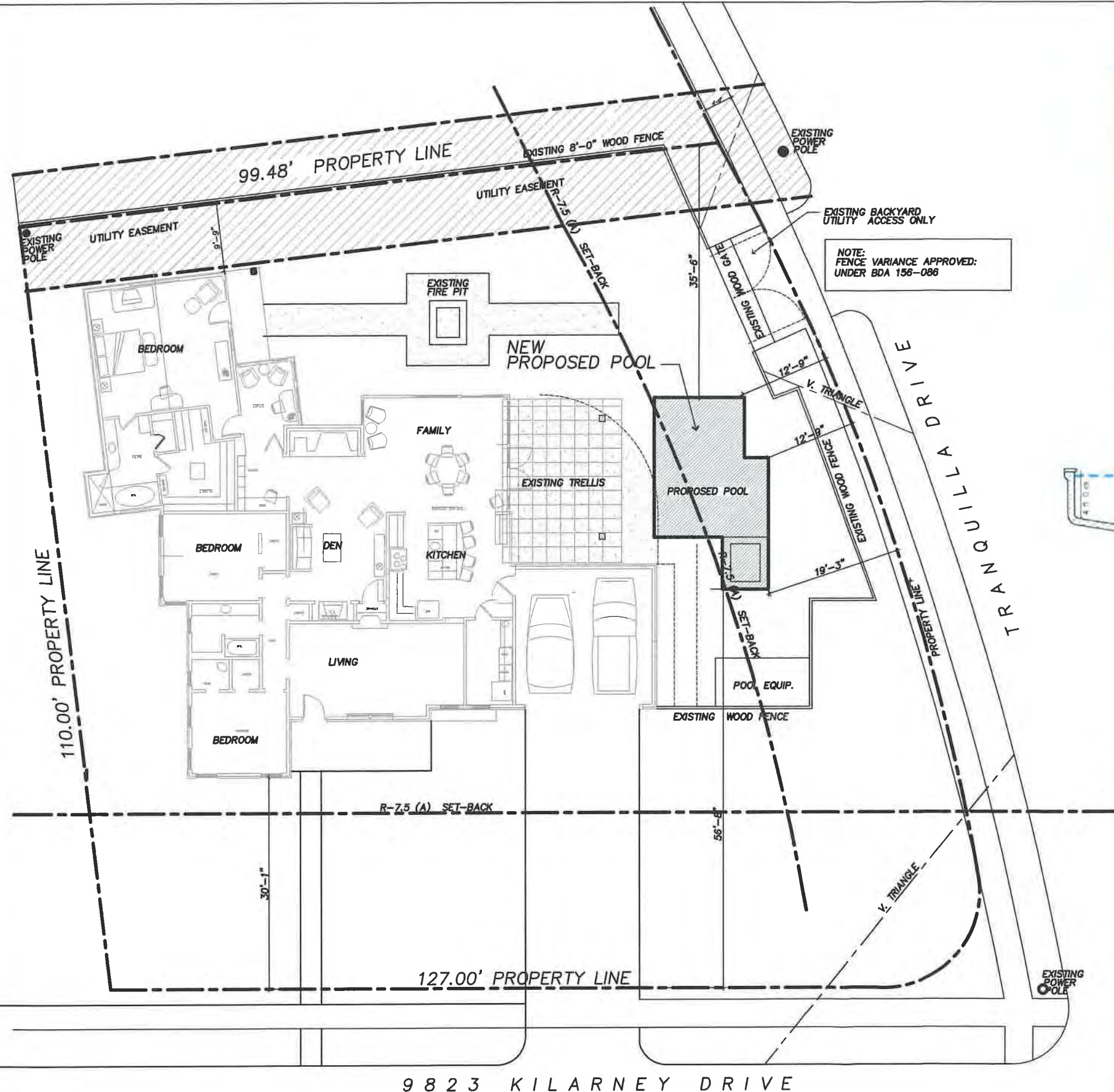
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 |
| Mills Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 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)







POOL PROFILE
1/8" = 1'-0"

GENERAL SPECIFICATIONS

	POOL	SPA
Dimensions:	19'10" x 16'3"	6'6" x 6'6"
Area:	293 sq.ft.	43 sq.ft.
Perimeter:	73 ft.	27'0" ft.
Gallons:	9,300	950
Depth:	3'6" min, 5'0" max.	42"
Excavation:	Backhoe	
Steel Schedule:	#4-8" o.c. single Mat (-4) #4 in 10 1/2" beam	
Gunite:	10 1/2" Beam, 8" walls and floor	
Tile:	to be chosen	
Masonry:	91 sf x 2" Grey Indiana Limestone	
Deck:	627 sf Natural Grey Concrete 4" drainage AS NEEDED	
Interior Finish:		

02 POOL DETAIL PLAN

SCALE: 3 / 32" = 1' - 0"



01 SITE PLAN

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

9 8 2 3 K I L A R N E Y

REQUEST FOR SPECIAL EXCEPTION

BDA201-091_ATTACHMENT_A

OWNER:	ADDRESS	LOT #	HOUSE SQUARE FOOTAGE	LOT SQUARE FOOTAGE	EASEMENT RESTRICTIONS
ROBERT & GINA RICHMOND	9823 KILARNEY DR.	8	2,868, SQFT	12,618,000	REAR YARD UTILITY DOUBLE FRONT YARD UTILITY ACCESS
MARY & TOM NELSON	9907 KILARNEY DR.	7	3,210 SQFT	21,659,000	SINGLE FRONT YARD SET-BACK
CARLOS & KARI RODRIGUEZ	9814 KILARNEY DR.	15	3554 SQFT.	19,058,000	FRONT YARD SET-BACK W/ REAR YARD POOL
SUMETT & MALINA PARKASH	1115 TRANQUILLA DR,	14	3,136 SQFT.	20,672,000	DOUBLE FRONT YARD SET-BACK
THOMAS BANNION	9814 DONEGAL DR.	8/9	2,194 SQFT.	23,058,000	FRONT YARD SET-BACK
KEN & BEDDY BOOME	9900 KILARNEY DR.	9	3702 SQFT.	16,989,000	DOUBLE FRONT YARD SET-BACK
ERIK & TAMY SWANSON	1114 TRANQUILLA	10	1967 SQFT.	22,037,000	FRONT YARD SET-BACK

DONEGAL DRIVE

KILARNEY

TRANQUILLA DRIVE

LIMERICK

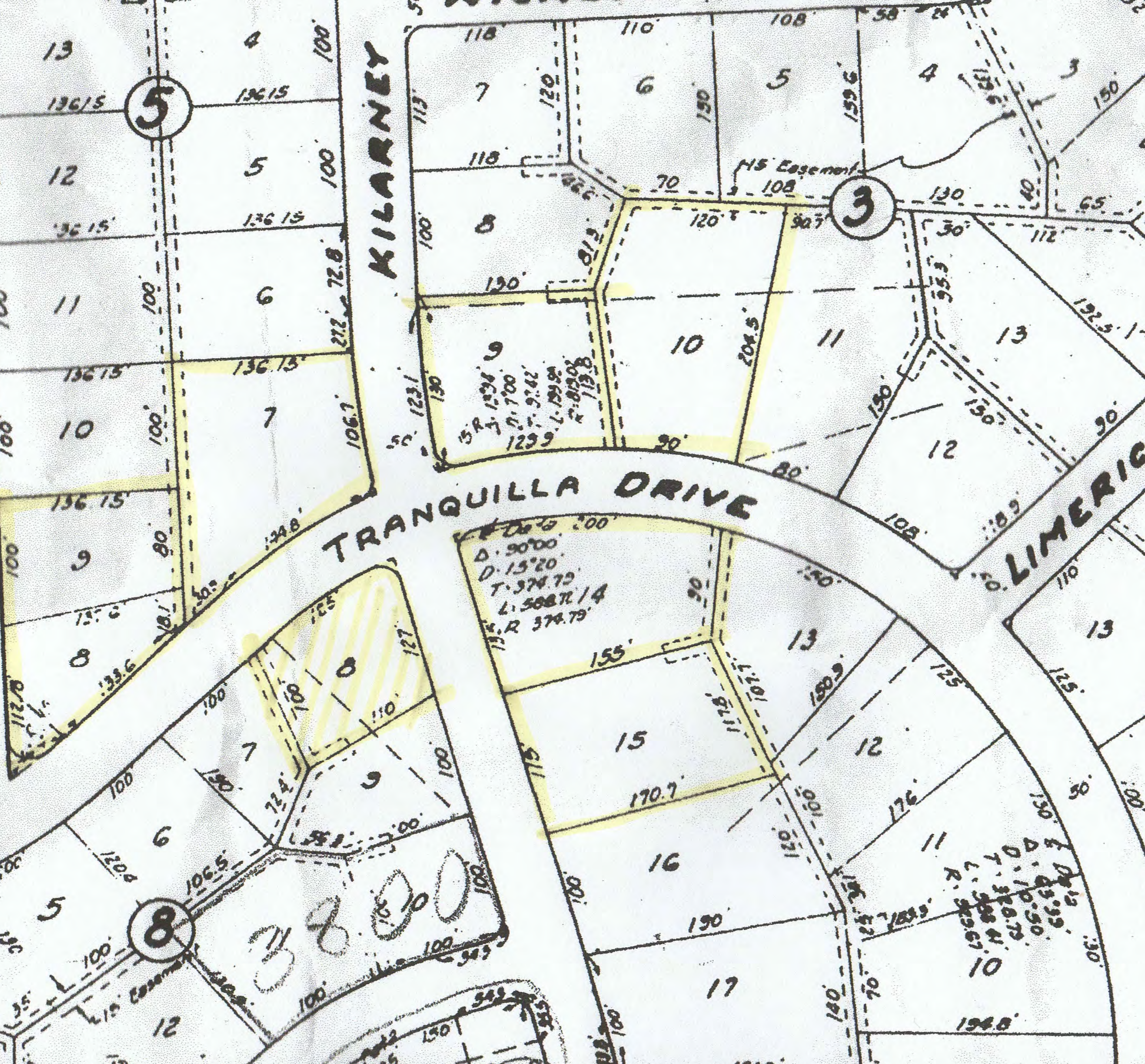
5

3

8

D. 50'00"
D. 15'20"
T. 374.79'
L. 508.71/4
R. 374.79'

D. 12'12"
D. 10'50"
T. 366.79'
L. 508.71/4
R. 366.79'



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100'

100'

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100'

100'

100'

100'

100'

100'

50'

113'

100'

123.1'

130'

121'

110'

100'

100'

110'

118'

130'

120.7'

155'

170.7'

111.5'

100'

100'

108'

130'

120.7'

204.5'

150'

176.7'

101.1'

190'

171.2'

58'

159.6'

90.7'

130'

108'

150.9'

125'

188.9'

140'

24'

130.6'

30'

95.5'

108'

125'

130'

155.5'

194.8'

150'

172'

192.5'

192.5'

110'

125'

130'

150'

171.2'

FILE NUMBER: BDA201-093(PD)

BUILDING OFFICIAL'S REPORT: Application of Centurian American represented by Kay Zafar for a special exception to the visibility obstruction regulations at 2013 Jackson Street. This property is more fully described as Lot 4A, in City Block 31/127, and is zoned Subdistrict 4A within Planned Development District No. 357, the Farmers Market Special Purpose District which requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct a parking garage structure in the required visibility triangles at the drive approaches along S. Harwood Street and Jackson Street, which will require special exceptions to the visibility obstruction regulations.

LOCATION: 2013 Jackson Street

APPLICANT: Centurian American represented by Kay Zafar

REQUESTS:

A request for special exceptions to the visual obstruction regulations is made to construct a garage structure in a required 20-foot visibility triangle at drive approaches into the property from S Harwood Street and Jackson Street. The request site is currently under construction with a parking garage structure.

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 special exception will not constitute a traffic hazard. However, staff does provide a technical opinion to assist in the board's decision-making.

The Transportation Senior Engineer has no objections to the proposed requests to encroach into the required 20-foot visibility triangle at the drive approaches into the property from N. Harwood Street and Jackson Street (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

Site: Subdistrict 4A within Planned Development District No. 357
North: CA-1 & H/48, Historic District 48/Sudistrict 4A within PDD No. 357
South: CA-1 & H/48, Historic District 48/Sudistrict 4 within PDD No. 357
East: Subdistrict 4 within Planned Development District No. 357
West: CA-1 & H/48, Historic District 48

Land Use:

The subject site is under construction with a garage structure while surrounding properties are developed with retail and personal service uses, office uses, vacant structures and surface parking lot uses to the north, vacant structures and surface parking lots to the south and east while the property to the west is developed with office uses.

Zoning/BDA History:

There have been no related board and zoning cases recorded in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The requests for special exceptions to the visual obstruction regulations focus on constructing a parking garage structure consisting of two stories. The property is located at the corner of S. Harwood Street and Jackson Street and currently under construction with the parking garage structure. The proposed structure would obstruct one 20-foot visibility triangle into the property (drive approach) from S Harwood Street and one 20-foot visibility triangle into the property (drive approach) from Jackson Street.

The property is located in Subdistrict 4A within Planned Development District No. 357, the Farmers Market Special Purpose District, with visual obstruction regulations reverting back to the Dallas Development Code. The code requires the portion of a lot with a triangular area formed by connecting the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection shall be maintained.

Visibility triangles are further defined in Section 51A-4.602(d) of the Dallas Development Code which 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 on properties zoned single family); 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).

A site plan submitted with the request indicates portions of the proposed garage structure or more specifically the post encroach four feet into the required 20-foot visibility triangle at a drive approaches into the site from S. Harwood Street and Jackson Street, providing 16 feet of unobstructed area for visibility.

The Transportation Senior Engineer has no objections to the proposed request to encroach into the required 20-foot visibility triangle at the drive approaches into the property from N. Harwood Street and Jackson Street (**Attachment A**) since the request is consistent with similar conditions in other parts of the City.

The applicant has the burden of proof in establishing how granting the encroachments into portions of the 20-foot visibility triangle at the drive approaches on properties will or will not constitute a traffic hazard.

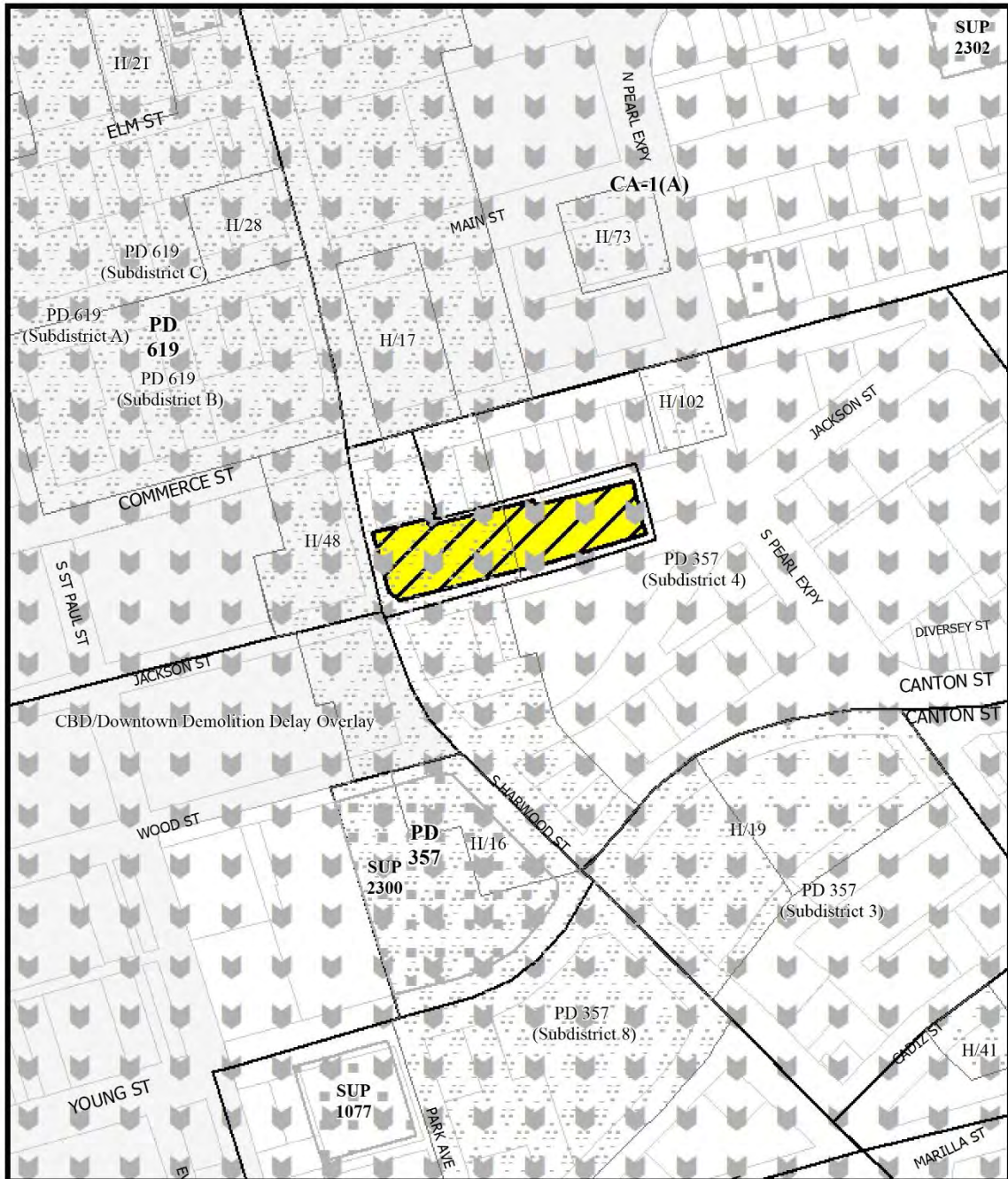
Granting these requests with a condition imposed that the applicant complies with the submitted site plan will limit the structures to be located and maintained into the two required 20-foot visibility triangle at the drive approach into the site from both S. Harwood Street and Jackson Street, as shown on the proposed plan.

Timeline:

- August 13, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- September 16, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B.
- September 17, 2021: 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 September 28, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the October 8, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Transportation Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 1, 2021: The Transportation Engineer submitted a review comment sheet marked “no objections to the request” (**Attachment A**).



1:2,400

ZONING MAP

Case no: **BDA201-093**

Date: **9/24/2021**

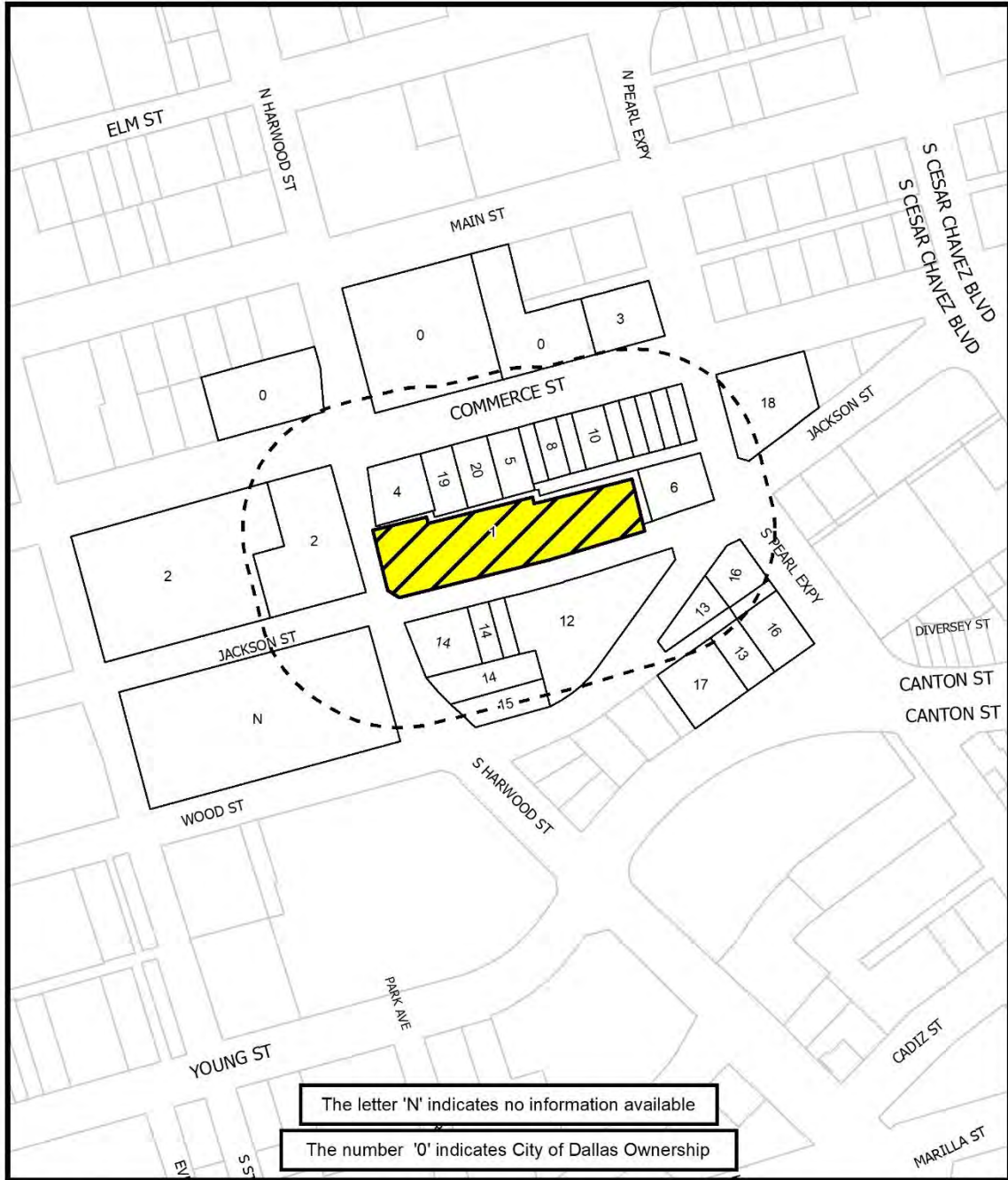


1:2,400

AERIAL MAP

Case no: BDA201-093

Date: 9/24/2021



The letter 'N' indicates no information available

The number '0' indicates City of Dallas Ownership



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
21 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-093**
 Date: **9/24/2021**

09/24/2021

Notification List of Property Owners

BDA201-093

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2031 JACKSON ST	CADG JACKSON PARKING A LLC
2	1954 COMMERCE ST	COMMERCE STATLER DEVELOPMENT LLC
3	2033 COMMERCE ST	Taxpayer at
4	2002 COMMERCE ST	CADG JACKSON PARKING A LLC
5	2016 COMMERCE ST	Taxpayer at
6	2037 JACKSON ST	Taxpayer at
7	2020 COMMERCE ST	Taxpayer at
8	2022 COMMERCE ST	Taxpayer at
9	2024 COMMERCE ST	PEOPLES DICK
10	2026 COMMERCE ST	CADG 2026 COMMERCE LLC
11	2036 COMMERCE ST	COLAB LLC
12	2012 JACKSON ST	LAKE AVENUE LLC
13	2027 WOOD ST	LAKE AVENUE LLC
14	300 S HARWOOD ST	HARWOOD PARK LLC
15	312 S HARWOOD ST	HARWOOD PARK LLC
16	309 S PEARL EXPY	MADJACKS HOLDINGS LTD
17	2023 YOUNG ST	LAKE AVENUE LLC
18	2104 COMMERCE ST	Taxpayer at
19	2008 COMMERCE ST	Taxpayer at
20	2014 COMMERCE ST	Taxpayer at
21	2038 COMMERCE ST	Taxpayer at



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-093

Date: ~~July 29, 2021~~ 8-13-21 *CS*

Data Relative to Subject Property:

Location address: 2013 Jackson Street Zoning District: PD 357
 Lot No.: 4A Block No.: 31/127 Acreage: 0.902 Census Tract: 00301
 Street Frontage (in Feet): 1) Jackson 405.87' 2) Harwood 110' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CADG Jackson Parking A
 Applicant: Centurian American Telephone: 214 597 0997
 Mailing Address: 1800 Valley View Lane #300 Farmers Branch TX Zip Code: 75234
 E-mail Address: Kayzafar@gmail.com
 Represented by: Kay Zafar Telephone: 214 597 0997
 Mailing Address: 1800 Valley View Lane #300 Farmers Branch TX Zip Code: 75234
 E-mail Address: Kayzafar@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception of Visibility Triangle
Encroachment and
Variance of 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:
Special Exception to the required 20' visibility triangles at both the S Harwood
Garage Entrance and Jackson Street Garage Entrance. ~~Variance of setback on~~
~~Harwood Street to clear 2.5' Future R.O.W.~~

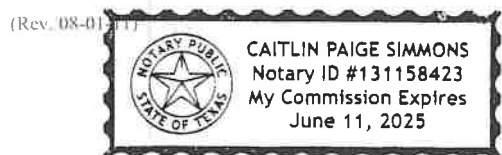
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Kay Zafar
 (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 August, 2021



[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

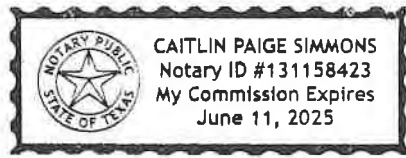
Building Official's Report

I hereby certify that Centurian American
represented by KAY ZAFAR
did submit a request for a special exception to the visibility obstruction regulations
at 2013 Jackson Street

BDA201-093. Application of Centurian American represented by KAY ZAFAR for a special exception to the visibility obstruction regulations at 2013 JACKSON ST. This property is more fully described as Lot 4A, Block 31/127, and is zoned PD-357 (subdistrict 4A), which requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,


David Session, Building Official



Caitlin J. Simmons
Notary Public for Dallas County, Texas

Commission expires on 06-11, 2025



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-093

I, Kay Zafar, Owner of the subject property

(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1800 Valley View Lane Farmers Branch Suite 75234

(Address of property as stated on application)

Authorize: Kay Zafar

(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: Visibility Triangles at both the South Harwood garage entrance and Jackson Street garage entrance

Kay Zafar

Print name of property owner or registered agent

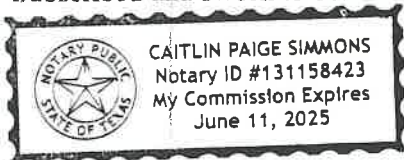
Signature of property owner or registered agent

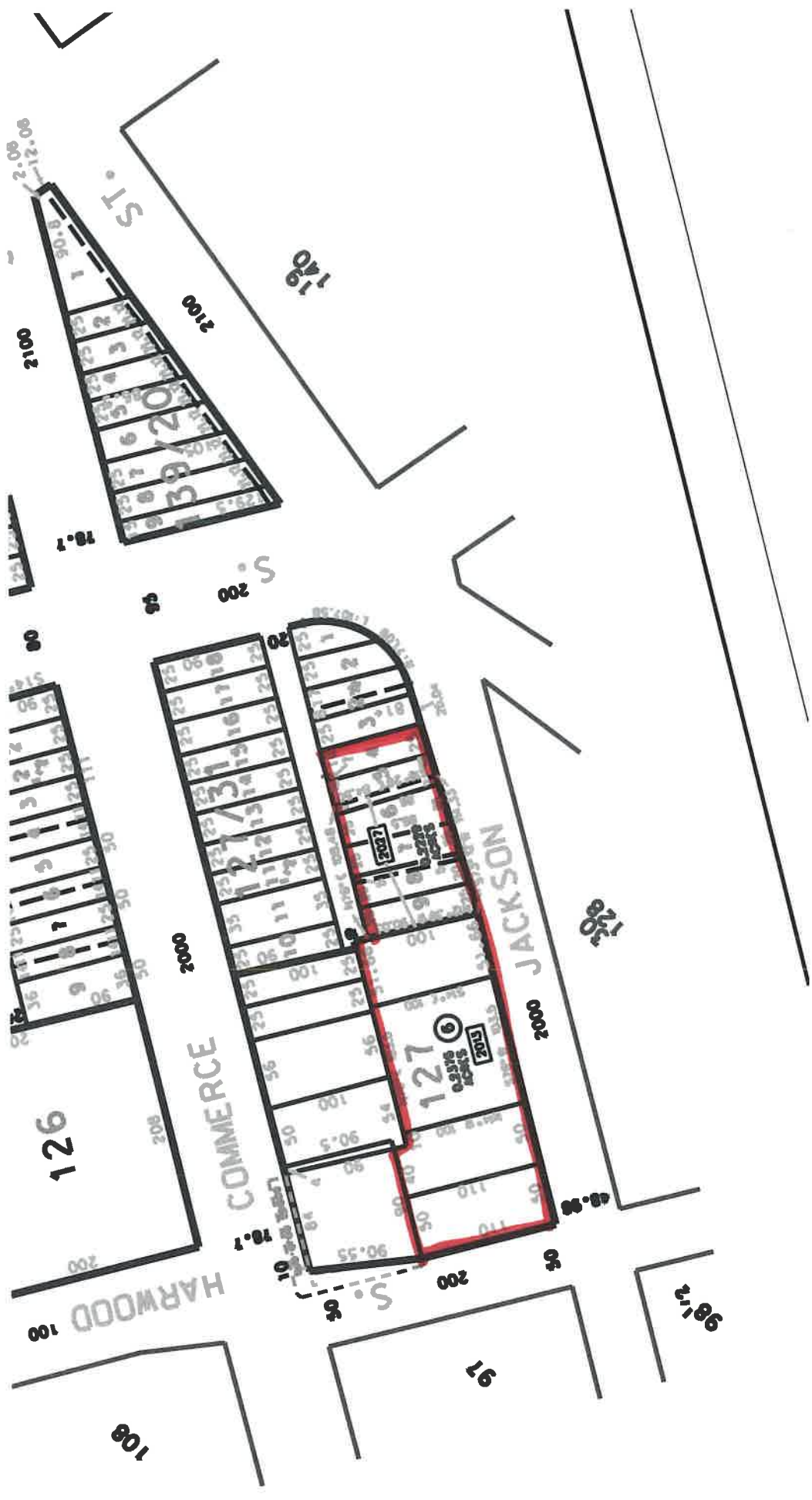
Date July 29, 2021

Before me, the undersigned, on this day personally appeared Kay Zafar

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 10 day of August, 2021





2100

ST. 190

2100

190

78.1

S. 200

126

2000

COMMERCE

127

JACKSON

191

HARWOOD

78.1

191

192

193

194

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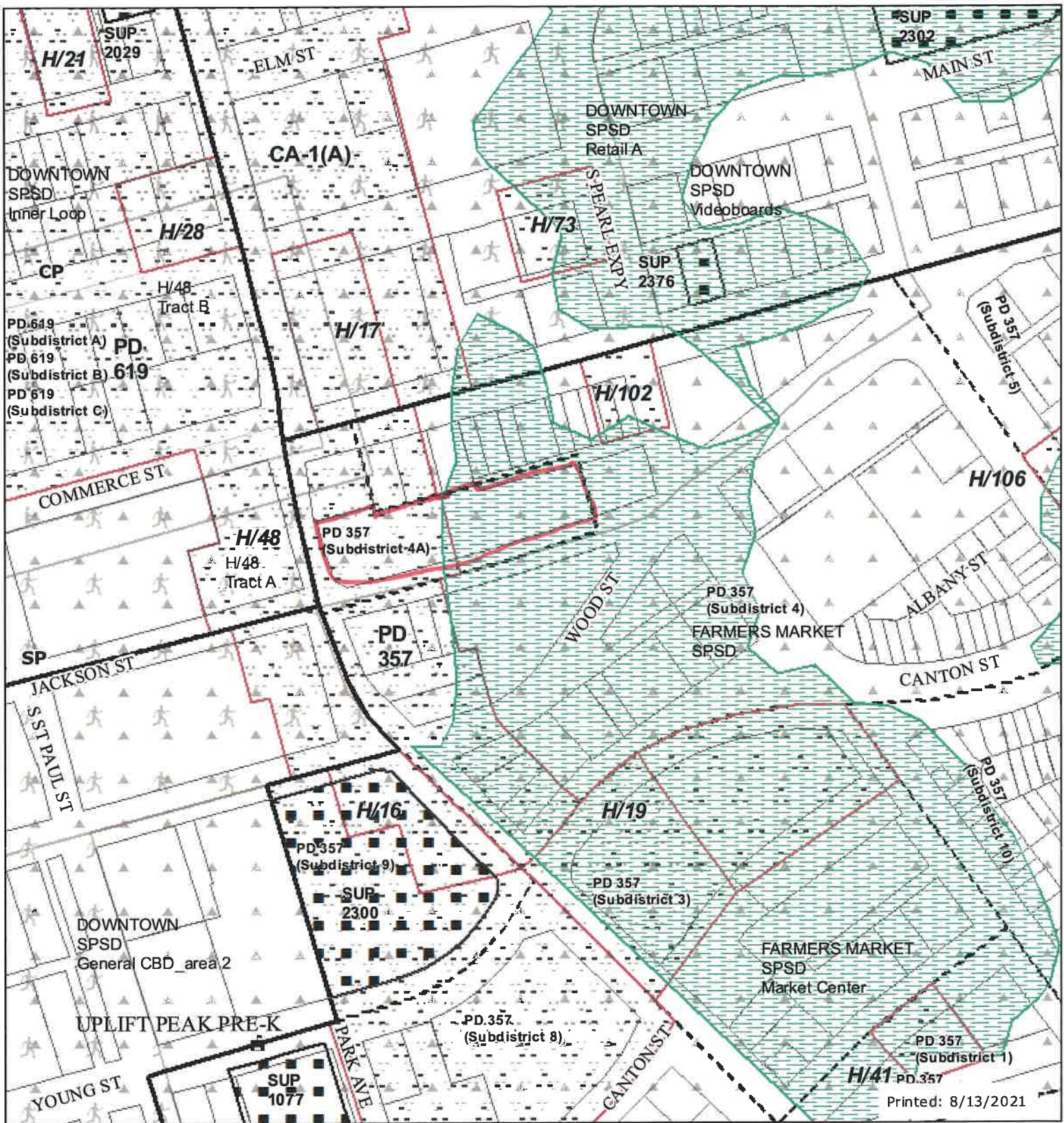
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201

202

203

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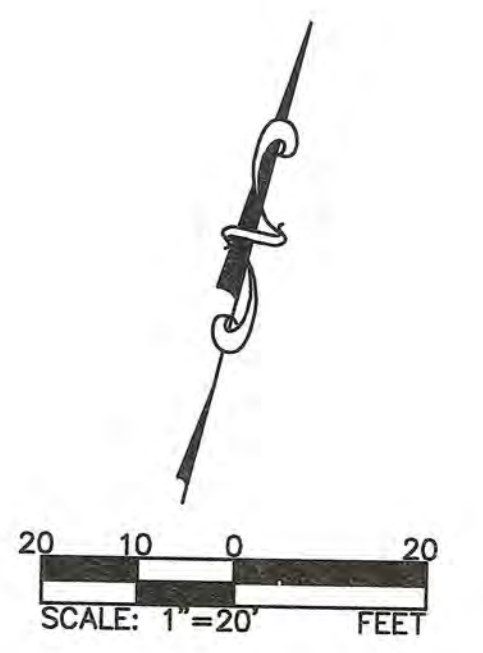


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mills Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD 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 | |

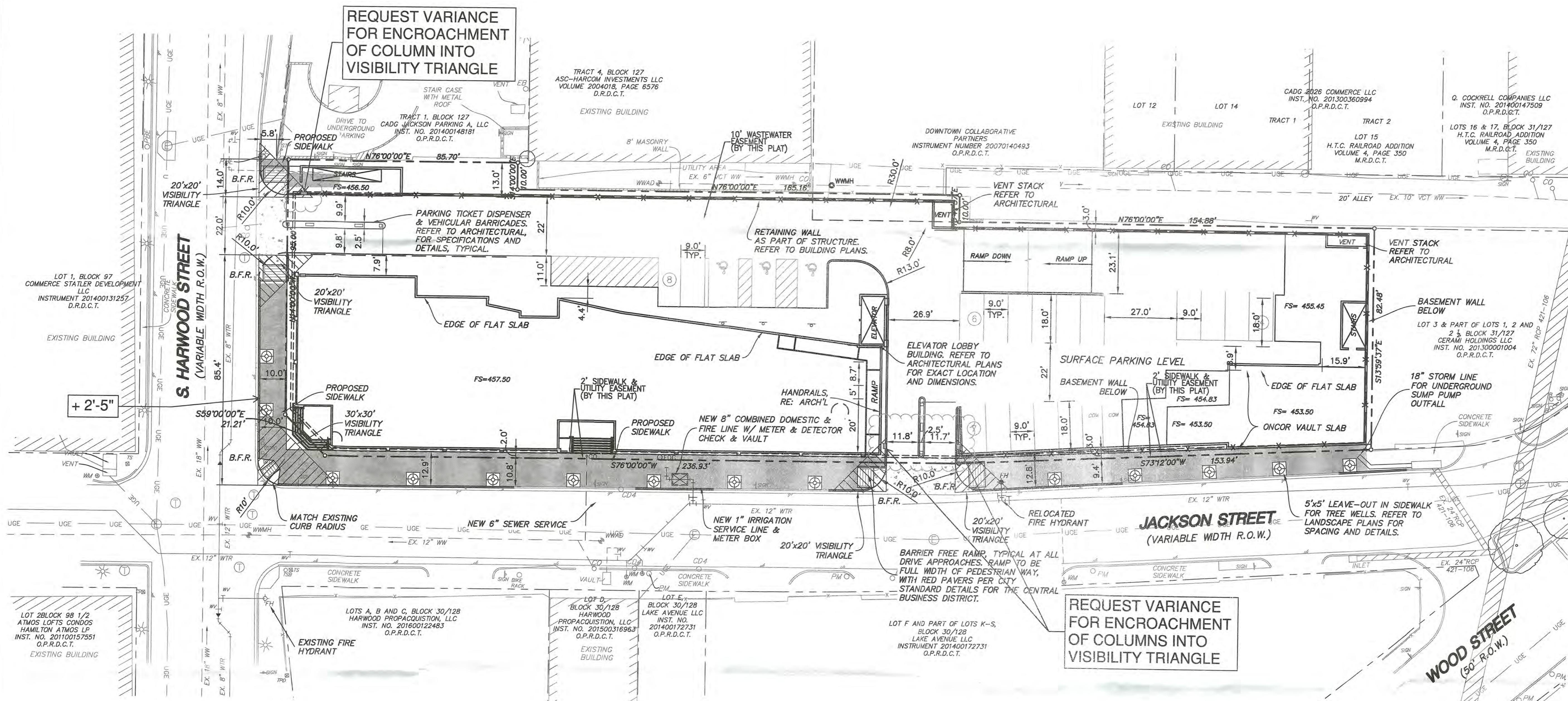
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, 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)





REQUEST VARIANCE FOR ENCROACHMENT OF COLUMN INTO VISIBILITY TRIANGLE

REQUEST VARIANCE FOR ENCROACHMENT OF COLUMNS INTO VISIBILITY TRIANGLE



- LEGEND**
- EXISTING FIRE HYDRANT
 - EXISTING LIGHT POLE
 - EXISTING POWER POLE
 - EXISTING STORM DRAIN MANHOLE
 - EXISTING SANITARY SEWER MANHOLE
 - EXISTING WATER METER
 - FOUND IRON ROD
 - BARRIER FREE RAMP (PER CITY STANDARD DETAILS 254D-1, SHEET C11.2)
 - PROP. TRANSFORMER PAD
 - PROP. FIRE DEPARTMENT CONNECTION
 - PROP. POWER POLE
 - PROP. SANITARY SEWER MANHOLE
 - PROP. STORM DRAIN MANHOLE
 - PROP. FIRE HYDRANT
 - PROP. WATER METER
 - EXISTING PIPE BOLLARD
 - EXISTING PARKING METER
 - EXISTING ELECTRIC BOX
 - EXISTING TELEPHONE PEDESTAL
 - EXISTING TRAFFIC SIGNAL
 - EXISTING GAS VALVE
 - EXISTING ELECTRICAL MANHOLE
 - EXISTING TELEPHONE MANHOLE
 - EXISTING DRAIN PIPE THROUGH CURB
 - * REPRESENTS DIAMETER OF PIPE
FINISHED SLAB ELEVATION

PAVING LEGEND

	PRIVATE SITE PAVING (ELEVATED STRUCTURE)
	4" REINFORCED CONCRETE SIDEWALK
	8" REINFORCED CONCRETE DRIVE APPROACH

NOTE:
DIMENSIONS ARE TO THE INSIDE FACE OF BASEMENT WALLS AND THE CENTER LINES OF PARKING STRIPING. REFER TO STRUCTURAL DRAWINGS FOR THICKNESS OF BASEMENT WALLS BELOW SURFACE PARKING. CONTRACTOR TO ENSURE PROPERTY CORNERS ARE MARKED BY A REGISTERED LAND SURVEYOR PRIOR TO COMMENCEMENT OF CONSTRUCTION, AND THAT THE OUTSIDE LIMITS OF THE STRUCTURE DOES NOT ENCROACH BEYOND THE LIMITS OF THE PROPERTY AS SHOWN IN PLAN.

NOTE:
NO TRAFFIC LANE OR SIDEWALK ALONG ANY PUBLIC STREET OR ALLEY IS TO BE CLOSED WITHOUT FIRST OBTAINING THE APPROPRIATE PERMIT(S) FROM PAUL THOMPSON OR RUSSELL FINLEY WITH THE CITY OF DALLAS. CLOSURE OF ANY TRAFFIC LANE MUST BE RESTRICTED TO THE HOURS OF 9:00 AM TO 3:30 PM WORKDAYS.

NOTE:
NO PERSON SHALL CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, REMOVE, REPLACE, PAVE, REPAVE, SURFACE OR RESURFACE ANY WALK DRIVE, CURB, CUTTER, PAVED AREA OR APPURTENANCE ON PUBLIC PROPERTY IN THE CITY WITHOUT FIRST OBTAINING FROM THE BUILDING INSPECTOR A PERMIT SO TO DO.

SITE DATA:

LEGAL DESCRIPTION:	LOT 4A, BLOCK 31/127 STATLER GARAGE ADDITION
ZONING:	PD-357 (SUBDISTRICT 4)
USE:	PARKING
LOT AREA:	0.914 ACRES (39,795 SF) 0.867 ACRES (37,757 SF) (AFTER R.O.W. DEDICATION)
BUILDING AREA:	251,029 SF (SUBTERRANEAN PARKING GARAGE)
BUILDING HEIGHT:	12 FT (ELEVATOR LOBBY)
LOT COVERAGE:	35,109 SF / 37,757 SF = 9.3%
TOTAL PARKING REQUIRED:	NONE
TOTAL PARKING PROVIDED:	737 SPACES
FLOOR-AREA-RATIO:	251,029 SF / 37,757 SF = 6.65:1

BENCHMARK:

NO. 1: ERVAY STREET & WOOD STREET-CITY OF DALLAS BENCHMARK SET ON TOP OF CONCRETE CURB 20' SOUTH OF CENTERLINE OF ERVAY STREET.
ELEV. = 459.230

NO. 2: ST. PAUL & YOUNG STREET-CITY OF DALLAS BENCHMARK SET ON TOP OF CONCRETE CURB AT THE SOUTHWEST CORNER OF A STORM SEWER DROP INLET AT THE SOUTHEAST CORNER OF INTERSECTION.
ELEV. = 442.698

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY VICTOR LISSIAK, JR., P.E. 30565 ON 03/26/2019

CITY FILE NO: 311T-9229

DIMENSION CONTROL PLAN

JACKSON STREET GARAGE

CADG JACKSON PARKING A, LLC

DALLAS, TEXAS

VIEWTECH INC. TEXAS FIRM REGISTRATION NO. F2658					
4205 BELTWAY DR., ADDISON, TX. 75001 (972) 661-8187 FAX (972) 661-8172					
DESIGN	DRAWN	DATE	SCALE	JOB #	SHEET
AW	AW	05/24/17	1"=20'	2016.105	C3

BDA201-093 Applicant's supplemental submission in support of special exception

Summary

Applicant is attempting to build an apartment complex on top of an existing, operating parking garage. Despite having approved the plans for the garage years ago and issuing a temporary certificate of occupancy, staff is now inappropriately conditioning the permits for the apartment complex on retrofitting the garage to correct alleged obstructions of the visibility triangle.

In order to expedite the permitting process, applicant voluntarily retrofitted the garage with pedestrian safety equipment as staff requested.

Staff supports this application and has agreed to issue permits prior to the board's decision on applicant's representations in a hold-harmless letter.

No part of the proposed apartment complex will have any bearing on the visibility triangle whatsoever because the apartment tower begins two stories up from the street. Staff's allegation of a visibility triangle problem is solely related to the existing, operating, fully permitted garage.

Applicant respectfully requests that the board ratify staff's proposed pedestrian safety solution by granting applicant a special exception to the visibility triangles on the three garage entrances.

Background

The garage at 2013 Jackson was constructed by applicant a few years ago as part of a requirement of the tax increment finance grant awarded to applicant for its successful Statler Hotel restoration. The garage was completed two years ago and has been operating as a commercial parking garage ever since.

The plans for the garage were approved by staff prior to the issuance of the building permits for the garage, and the garage received all required green tags and its certificate of occupancy.

Temporary Certificate of Occupancy
City of Dallas

Address: 2013 JACKSON ST, Floor sublevel 6 thru level 1 75201 Issued: 06/28/2019 Expiration Date: 12/31/2019

Owner: WOOD JACKSON ST PARCELS LP 4011 COMMERCE ST, DALLAS TEXAS 752261712 UNITED STATES OF AMERICA

DBA: Jackson Parking LLC

Land Use: (4693) COMMERCIAL PARKING LOT OR GARAGE

Occupied Portion: sublevel 6 through level 1

C.O.#: 1906284006

Lot: 6	Block: 727	Zoning: PD-357	POD: 357	SLIP: Park Agrmt: N
Historic Dist: H446	Conserv Dist: Farmers M.	Plat: Park	Relig: Park	Total Area: Dance Floor: N
Deleg Units:	Stones:	Occ Code: S2	Lot Area: 10350	
Type Const: IS	Speaker: All	Occ Load:	Alcohol: N	

Remarks: All Life Safety shall be approved before TCO issuance. Subject to Field Inspectors and DFR approval Extension(s) may be granted for a 30 day period prior to expiration. Applicant shall file written/holographic letter requesting the extension within the time period sought and pay a \$30 record charge fee. If this TCO expires prior to the issuance of the Final CO, occupants/tenants shall cease use.

Philip Giles
Philip Giles, Building Official

This certificate shall be displayed on the above premises at all times.

Business Development and Construction | Building Inspection Division | 214-642-4482 | www.dallas.gov

In 2019, applicant began the permit application process for the apartment complex to be constructed above the garage, and it was only at that time that staff raised objections to the treatment of the visibility triangles at the garage’s three entrances.

While it is a violation of state law and the city’s development code to condition the issuance of building permits on making changes to finished structures, applicant met with staff to attempt to resolve staff’s objections because that approach appeared to be the fastest way to the issuance of permits to construct the apartment complex.

In those discussions, Lloyd Denman, a former building official, represented to applicant’s project manager Kay Zafar that staff would resolve its objections to the visibility triangles if applicant retrofitted the garage entrances with pedestrian safety improvements including convex mirrors and an audible vehicle-approaching alert. Applicant agreed to make the changes requested, and in fact, those safety features are installed and operational today.

The pedestrian safety measures installed by applicant are similar to other solutions to pedestrian safety concerns currently operating at multiple parking garages in the central business district.

Unfortunately, Mr. Denman did not make a notation of his agreement with Mr. Zafar in the permit records, and he has now retired. Instead of honoring Mr. Denman’s agreement, staff has required applicant to seek the approval of this board for a special exception to the visibility triangles. However, staff does not oppose this request for a special exception and has agreed to issue permits for the apartment complex prior to the board’s action and considering applicant’s commitment to abide by the decision of the board, subject to applicant’s appeal rights.

Legal Standard

§ 51A-4.602

Dallas Development Code: Or

(d) Visual obstruction regulations.

(1) A person shall not erect, place, or maintain a structure, berm, plant life, or any other item on a lot if the item is:

(A) in a visibility triangle, as defined in Paragraph (2); and

(C) in all zoning districts, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and an adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

(3) The board shall grant a special exception to the requirements of this section when, in the opinion of the board, the item will not constitute a traffic hazard.

In the case of the existing garage, the visibility triangle issue raised by staff is not even evident, and the apartments proposed to be built above the garage are in no way in the visibility triangle as defined in the Development Code. The only item that could even be argued to be within the visibility triangle is the existing, operating, and fully permitted garage.

Regardless, applicant has implemented the pedestrian safety measures requested by staff. On that basis, applicant proposes to the panel that its existing garage entrances now outfitted with pedestrian safety features cannot cause a traffic hazard. Indeed in two years of continuous operation, the entrances have never caused a traffic hazard.

Conclusion

Applicant respectfully requests a special exception to the visibility triangles at the garage entrances so that it may proceed with constructing badly needed housing at the site. The special exception would do no more than ratify Mr. Denman’s original agreement, and the risk to pedestrians has already been mitigated by the voluntary installation of safety measures by applicant.

From: [Eskander, Mina](#)
To: [Nevarez, David](#); [Daniel, Pamela](#)
Cc: [Munoz, Jennifer](#)
Subject: RE: BDA201-093(PD) Transportation Engineering Review Comments
Date: Monday, October 4, 2021 3:49:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks, David.
I have no objections.

Sam



M. Samuell Eskander, PE, CFM, LEED AP BD+C
Senior Program Manager
Drainage, Paving, and Transportation Engineering
City of Dallas | www.dallascityhall.com
Development Services
320 E. Jefferson Blvd., Room 200
Dallas, TX 75203
O: (214) 948-4029 | F: (214) 948-4211
mina.eskander@dallascityhall.com



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

From: Nevarez, David <david.nevarez@dallascityhall.com>
Sent: Friday, October 1, 2021 9:15 PM
To: Daniel, Pamela <pamela.daniel@dallascityhall.com>
Cc: Munoz, Jennifer <jennifer.munoz@dallascityhall.com>; Eskander, Mina <mina.eskander@dallascityhall.com>
Subject: BDA201-093(PD) Transportation Engineering Review Comments

Pam,

Please see attached review comment sheet for your files and distribution.

Short and sweet: No objection. I'm copying Sam if he has any input as well. Thank you.

David Nevarez, P.E., PTOE, CFM
Transportation Development Services
Department of Transportation
City of Dallas | www.dallascityhall.com
1500 Marilla St., 5BN, Dallas, TX 75201
(214) 671-5115 | david.nevarez@dallascityhall.com



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

FILE NUMBER: BDA201-097(JM)

BUILDING OFFICIAL'S REPORT: Application of Michael Gooden for **1)** a special exception to the single-family use regulations; variances to the **2)** height; and, **3)** floor area ratio for an accessory structure; and **4)** a variance to the 20-foot setback for a required parking space located in an enclosed structure at 11410 St. Michaels Drive. This property is more fully described as Lot 10, Block 4/7347, and is zoned an R-16(A) Single Family District, which limits: the number of dwelling units to one; the height of an accessory structure to no more than that of the main structure; the cumulative floor area ratio of all accessory structures to 25 percent of the main structure; and, that an enclosed parking space maintain a 20-foot setback from the right-of-way line adjacent to the street or alley. The applicant proposes to construct an additional dwelling unit for non-rent with a height of 21 feet four-inches—10 feet and one-inch greater than the main structure; a floor area of 1,039 square feet which is 31.2 percent of the 3,335 square-foot main structure; and, an enclosed parking space with a 10-foot setback.

LOCATION: 11410 St. Michaels Drive

APPLICANT: Michael Gooden

REQUESTS:

The site contains an existing 11-foot, one-story, single-family, ranch-style home with 3,335 square feet of floor area. The applicant proposes to demolish the existing garage structure to construct a new two-story garage with a non-rentable additional dwelling unit on the second story.

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

Section 51(A)-4.209(6)(E)(i) of the Dallas Development Code states that the board may grant a special exception to the single-family use regulations of the Dallas Development Code to authorize an additional dwelling unit on a lot when, in the opinion of the board, the additional dwelling unit will not: 1) be used as rental accommodations; or 2) adversely affect neighboring properties.

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

STANDARD FOR A VARIANCE:

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 RECOMMENDATIONS:

Special exception for an additional dwelling unit:

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

Variance to exceed 25 percent of the floor area and height of the main structure, AND required setback for an enclosed parking space:

Approval.

Rationale:

- Staff concluded from the information submitted by the applicant at the time of the September 30th staff review team meeting that the applicant had shown how the variances are necessary to permit commensurate development.
- While the subject lot size is approximately 22,003 square feet in area and slightly irregular in shape, but not in size since the R-16(A) District requires a minimum lot area of 16,000 square feet, the site is encumbered by two front yards, an extra five-feet of front yard setback added by plat, three right-of-way frontages, a characteristically short existing main structure (ranch-style), and many trees that limit the re-siting opportunities for the proposed garage/ADU structure.
- The applicant submitted evidence along with the application comparing the property to 22 other properties in the immediate vicinity. The analysis provided noted the existing square-footage, developable square-footage and percentage, and the existing structure square-footage. The overall average lot size is reported as 18,972 square feet of which about 10,166 square feet or 53.58 percent is developable, on average. The subject site is reported as containing 22,003 square feet of lot area, but 9,218 square feet or 41.89 percent of developable lot area due to the additional front yard setback requirements.
- The Transportation Senior Engineer provided a comment sheet indicating no objection to the request (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

Site: R-16(A) Single Family District
North: R-16(A) Single Family District
South: R-16(A) Single Family District
East: R-16(A) Single Family District
West: R-16(A) Single Family District

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The subject site is zoned an R-16(A) Single Family District and developed with an approximately 11-foot-tall single-family structure containing 3,335 square feet of floor area. The existing zoning district allows one dwelling unit per lot, allows a maximum floor area ratio for accessory structures of 25 percent of the main structure, prohibits accessory structures to be taller than the main structure height, and requires a 20-foot setback from right-of-way lines for enclosed parking spaces.

The requests presented would allow for the existing one-story garage structure to be replaced of the size, height, and location desired while adding an additional dwelling unit for non-rent.

The existing main structure height of 11 feet three-inches makes any two-story structure impossible to attain without adding-on atop the main structure itself. The maximum height allowed in an R-16(A) District is 30 feet. The applicant proposes to build a 21-foot four-inch garage/additional dwelling unit structure.

The current detached and enclosed one-car garage is located seven feet from the alley right-of-way line and contains 806 square feet of floor area. The applicant proposes to demolish the existing garage to allow for a new two-story garage structure containing a dwelling unit for non-rent.

The evidence provided by the applicant indicates the existing garage maintains a seven-foot setback to the right-of-way line for the alley. The proposed two-story structure would improve the enclosed garage setback by providing 10 feet, however, still be deficient compared to the requirement of 20 feet.

The proposed site plan denotes two structures:

- the main structure with approximately 3,335 square feet of floor area square feet of floor area, and,
- a proposed two-story garage and office structure or proposed ADU with approximately 1,676 square feet of floor area. The portion of the unit that is counted as floor area is where there is air conditioning. That portion of the structure is 1,039 square feet, or 31.2 percent of the 3,335 square-foot main structure.

The property is slightly irregular in shape, encumbered with two front yards, one of greater depth per the plat, three right-of-way frontages, and several mature trees which, to save, dictate the layout options for the proposed garage addition.

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

- That granting the variances to the floor area regulations and height for structures accessory to single-family uses AND the setback for an enclosed parking space will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
- The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.
- The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same zoning classification.

The board may also consider the new criteria for unnecessary hardship and how they relate to the proposed structure and/or existing main structure constraints.

As of October 8, 2021, staff had not received any letters regarding these requests.

If the board were to grant the special exception to the single-family use regulations, the variance to the floor area regulations for structures accessory to single-family uses, the variance to the height for structures accessory to single-family uses, and the variance to the 20-foot setback from right-of-way line for enclosed parking spaces and impose the submitted site plan and elevation as conditions, the building footprint of the garage/ADU on the site would be limited to what is shown on this document. Furthermore, the Dallas Development Code states that in granting this type of special exception, the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations. However, granting this special exception request will not provide any relief to the Dallas Development Code regulations other than allowing an additional dwelling unit on the site (i.e. development on the site must meet all other code requirements).

Timeline:

- August 20, 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.
- Sept. 16, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- Sept. 17, 2021: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the September 28, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the October 8, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- Sept. 30, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearing. The review team members in attendance included: the Planning and Urban Design Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Development Code Specialist, the Senior Sign Inspector, the Board of Adjustment Senior Planner, the Transportation Senior Engineer, and the Assistant City Attorney to the Board.
- October 1, 2021: The Transportation Senior Engineer submitted a comment sheet indicating no objection (**Attachment A**).
- October 8, 2021: The applicant submitted additional evidence for the board’s review (**Attachment B**).

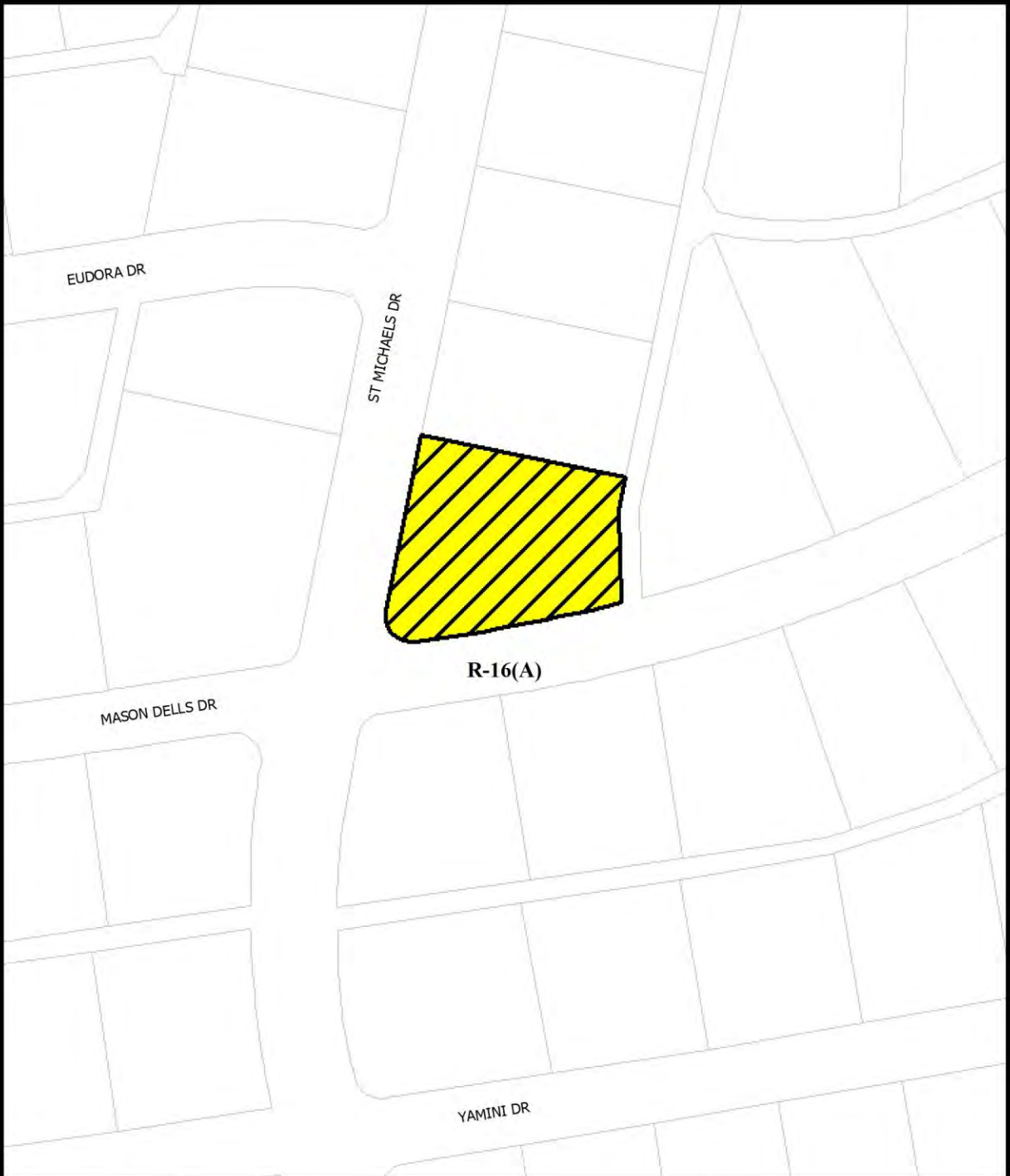
09/24/2021

Notification List of Property Owners

BDA201-097

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11410 ST MICHAELS DR	GACONNIER STEPHEN P
2	7240 MASON DELLS DR	KOEPEL PETER S & DEBORAH
3	7308 MASON DELLS DR	BERGER SCOTT
4	7316 MASON DELLS DR	JURKENS LEETRA
5	7408 MASON DELLS DR	ROWLEY CHRISTOPHER R &
6	7416 MASON DELLS DR	PARDUE WENDEL M & RISA
7	7419 MASON DELLS DR	OGLESBY EDWARD & WENDY OGLESBY
8	7411 MASON DELLS DR	BURLESON JUSTIN T & KATHERINE M
9	11420 ST MICHAELS DR	SHELLEY HOLLEY H & STEVEN A
10	11430 ST MICHAELS DR	SCHWARZ BARRY E
11	11405 ST MICHAELS DR	SPLENDOR BUILDERS LLC
12	11417 ST MICHAELS DR	JOHNSTON COYT RANDAL &
13	11431 ST MICHAELS DR	COHEN HOWARD M

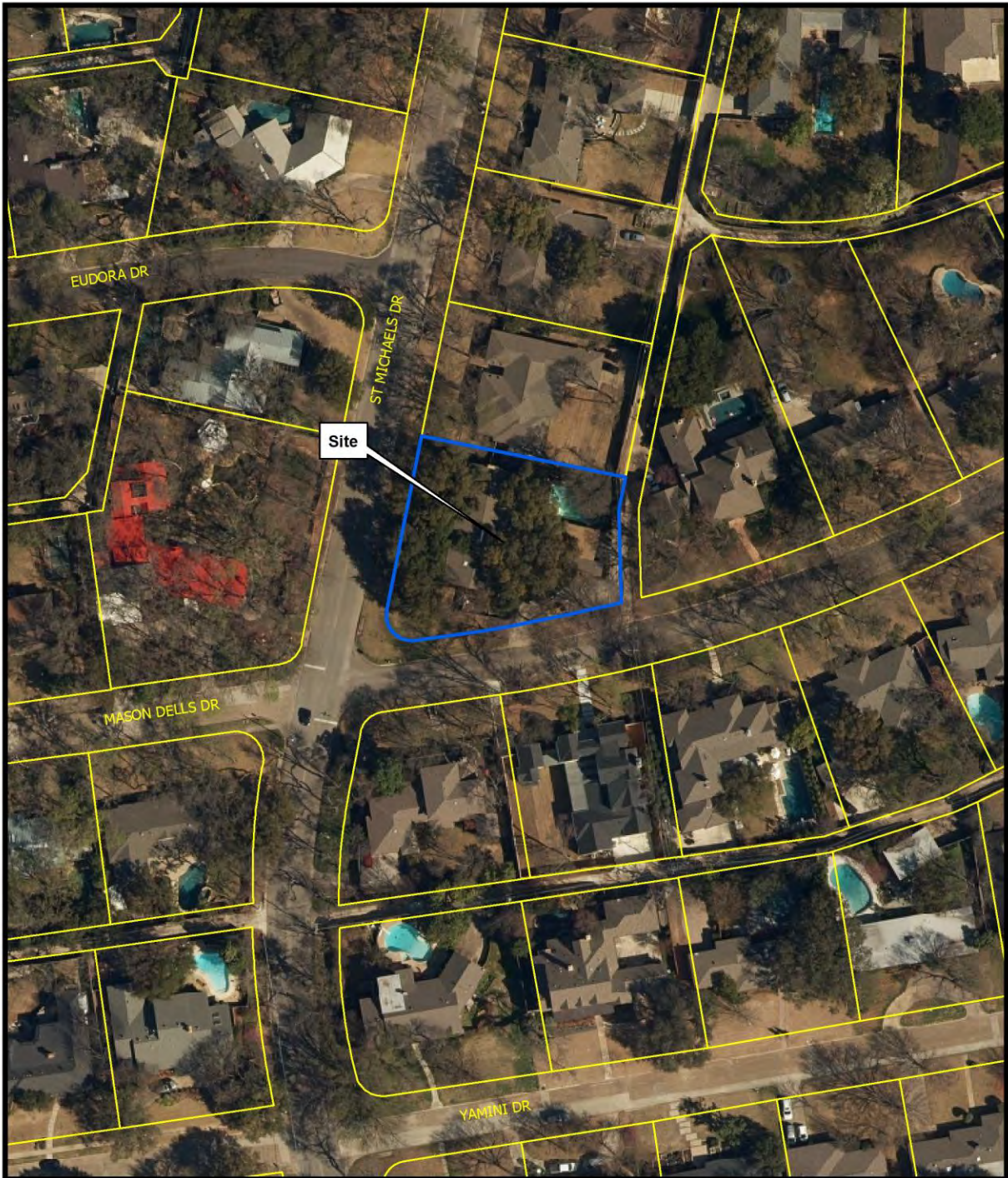


1:1,200

ZONING MAP

Case no: BDA201-097

Date: 9/24/2021

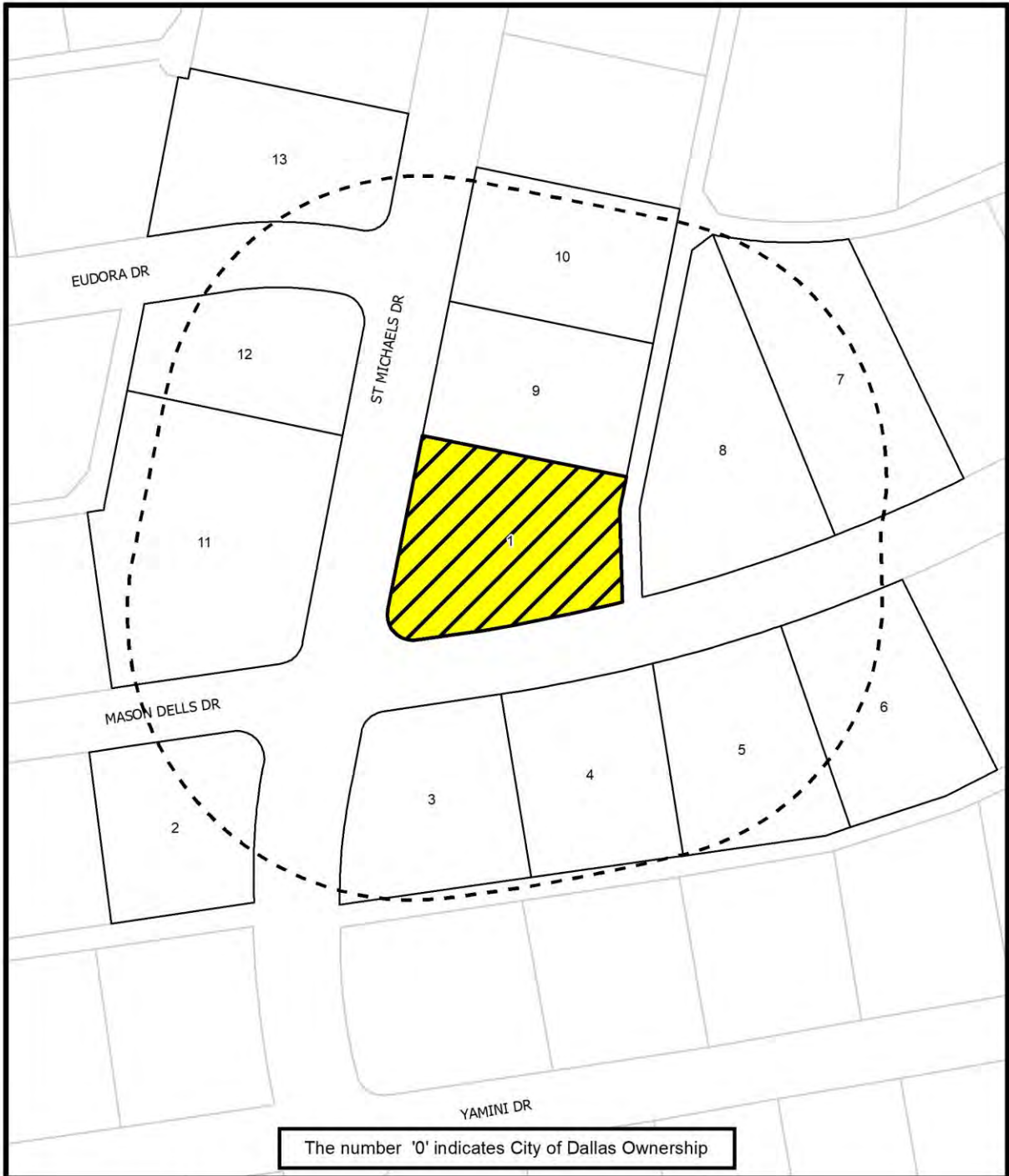


1:1,200

AERIAL MAP

Case no: BDA201-097

Date: 9/24/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-097**

Date: **9/24/2021**



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-097

Date: ~~09/18/2021~~ 8-20-21

Data Relative to Subject Property:

Location address: 11410 St. Michaels Drive, Dallas, TX 75230 Zoning District: R-16A

Lot No.: 10 Block No.: 47347 Acreage: 0.51 Census Tract: 131.01
~~Janmar Circle No. 2~~

Street Frontage (in Feet): 1) 171' 2) 196' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alexander John Stevens and Jessa Rashelle Stevens

Applicant: Michael Gooden Telephone: 214-417-0161

Mailing Address: 3720 Canton Street, Suite 102, Dallas, TX Zip Code: 75226

E-mail Address: michael@mgoodendesign.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception X, of Variance - Height, Garage Door Setback, and Area for a detached accessory building.
Special Exception - Requesting exception for Accessory Dwelling Unit above detached garage.
NON-RENT

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

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

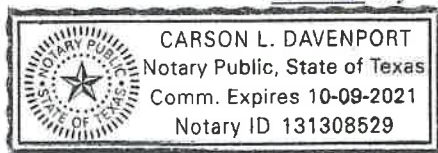
Before me the undersigned on this day personally appeared Michael Gooden

(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 19th day of August, 2021



(Rev. 08-01-11)

CXD
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 Michael Gooden

did submit a request for a variance to the building height regulations, and for a variance to the floor area ratio regulations, and for a variance to the off-street parking regulations, and for a special exception to the single family regulations

at 11410 St. Michaels Drive

BDA201-097. Application of Michael Gooden for a variance to the building height regulations, and for a variance to the floor area ratio regulations, and for a variance to the off-street parking regulations, and for a special exception to the single family regulations a 11410 ST MICHAELS DR. This property is more fully described as Lot 10, Block 4/7347, and is zoned R-16(A), which limits the height of an accessory structure may not exceed the height of the main building and an accessory structure may not exceed 25% of the floor area of the main structure and limits the number of dwelling units to one and requires 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 an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential accessory structure with a building height of 21 feet 4 inches, which will require a 10 feet 1 inch variance to the maximum building height regulations, and to construct a single family residential accessory structure with 1039 square feet of floor area (31.2% of the 3335 square foot floor area of the main structure), which will require a 205 square foot variance to the floor area ratio regulations, and to construct a single family residential accessory structure with a setback of 10 feet, which will require a variance of 10 feet to the off-street parking regulations, and to construct an additional dwelling unit (non-rent), which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-097

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

at: 11410 St Michaels Dr Dallas, TX 75230
(Address of property as stated on application)

Authorize: Michael Gooden
(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: Variance - Garage Door Setback, Height, and Area
Special Exception - Accessory Dwelling Unit

Alexander Stevens
Print name of property owner or registered agent

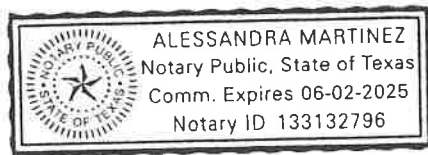
[Signature]
Signature of property owner or registered agent

Date 3/15/21

Before me, the undersigned, on this day personally appeared ALEXANDER STEVENS

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 AUGUST, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 06/02/2025



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-097

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

at: 11410 St. Michaels Drive, Dallas, TX 75230
(Address of property as stated on application)

Authorize: Michael Gooden
(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: Variance - Garage Door Setback, Height, & Area
Special Exception - Accessory Dwelling Unit

Jessa Stevens
Print name of property owner or registered agent

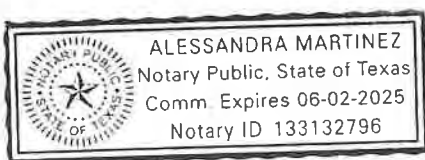
Jessa Stevens
Signature of property owner or registered agent

Date 8/15/21

Before me, the undersigned, on this day personally appeared JESSA STEVENS

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 AUGUST, 2021



[Signature]
Notary Public for Dallas County, Texas
Commission expires on 06/02/2025

ESTATE



EUDORA

ST. MICHAELS

MASON DELLS

PEBBLEDOWNE DR.

7276

11300

7277

7335

7331

7200

7347/5

7347/2

7300

7400

7347/14

7347/12

ESTATES



Printed: 8/20/2021

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 | 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)





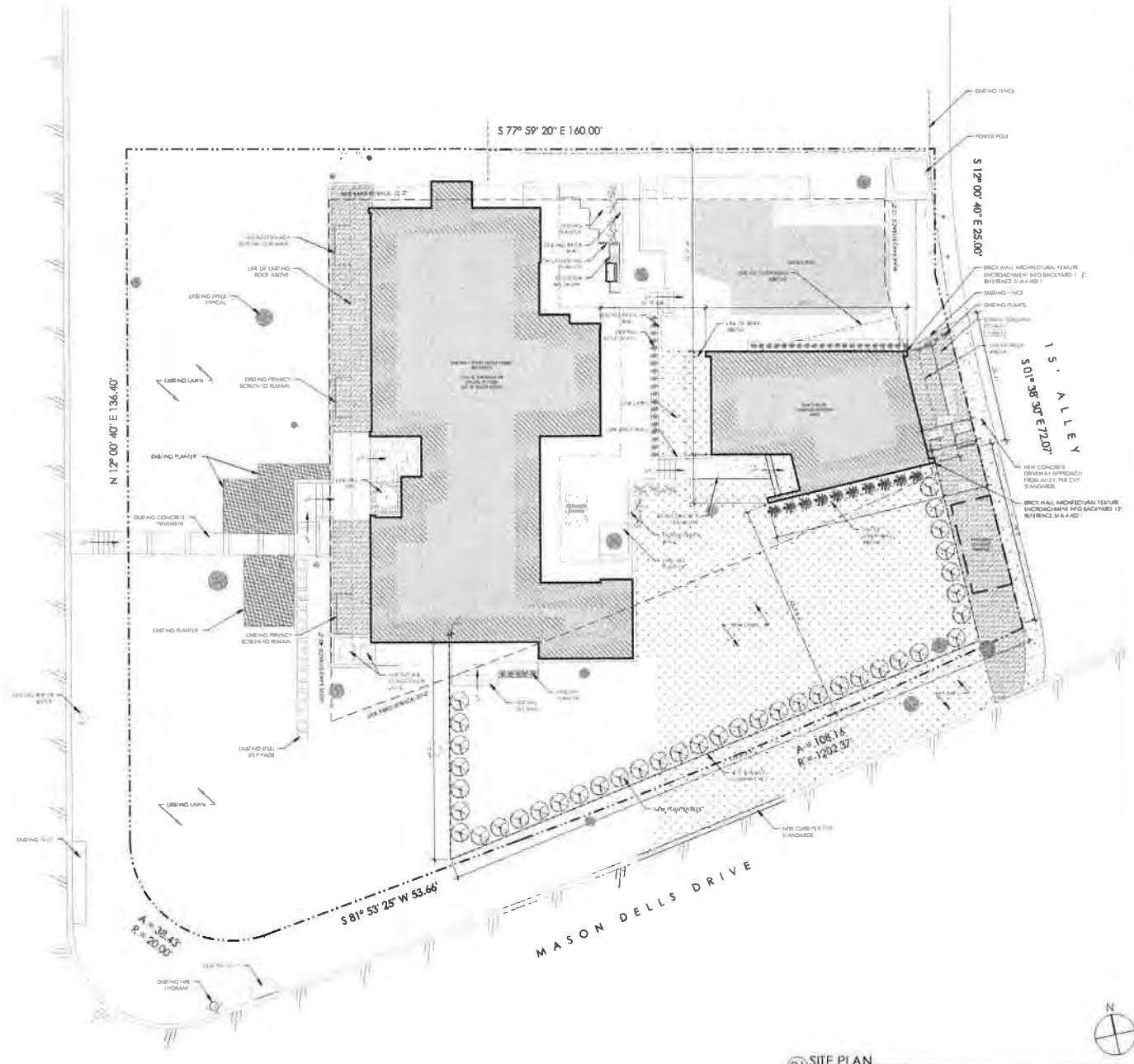
ISSUES	
01	ISSUE
02	ISSUE
03	ISSUE
04	ISSUE
05	ISSUE
06	ISSUE
07	ISSUE
08	ISSUE
09	ISSUE
10	ISSUE
11	ISSUE
12	ISSUE
13	ISSUE
14	ISSUE
15	ISSUE
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37	ISSUE
38	ISSUE
39	ISSUE
40	ISSUE
41	ISSUE
42	ISSUE
43	ISSUE
44	ISSUE
45	ISSUE
46	ISSUE
47	ISSUE
48	ISSUE
49	ISSUE
50	ISSUE



STEVENS - ST. MICHAELS
 11410 ST. MICHAELS DR.
 DALLAS, TX 75230
 LOT 10, BLOCK 47347

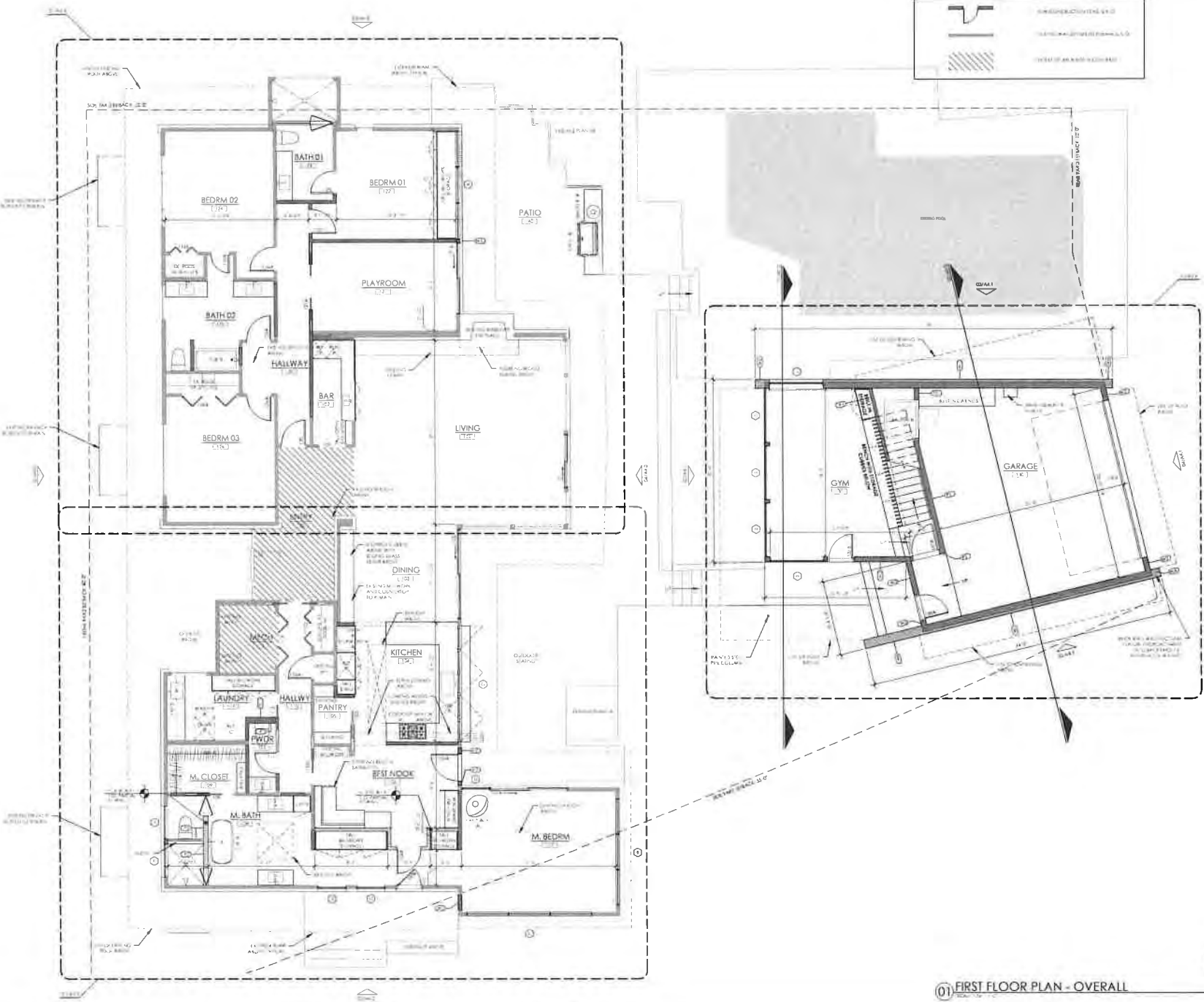
SITE PLAN
 JOB: 20-008
 DATE: 18 AUG. 2021
 SHEET:
A1.0

SAINT MICHAELS DRIVE



01 SITE PLAN

FLOOR PLAN LEGEND	
SYMBOL	DESCRIPTION
	WINDOW/DOORWAY 6x10
	WINDOW/DOORWAY 4x10
	WINDOW/DOORWAY 3x6



ISSUES	
NO.	DESCRIPTION
REVISIONS	
NO.	DESCRIPTION



STEVENS - ST. MICHAELS
 11410 ST. MICHAELS DR.
 DALLAS, TX 75230
 LOT 10, BLOCK 4/7347

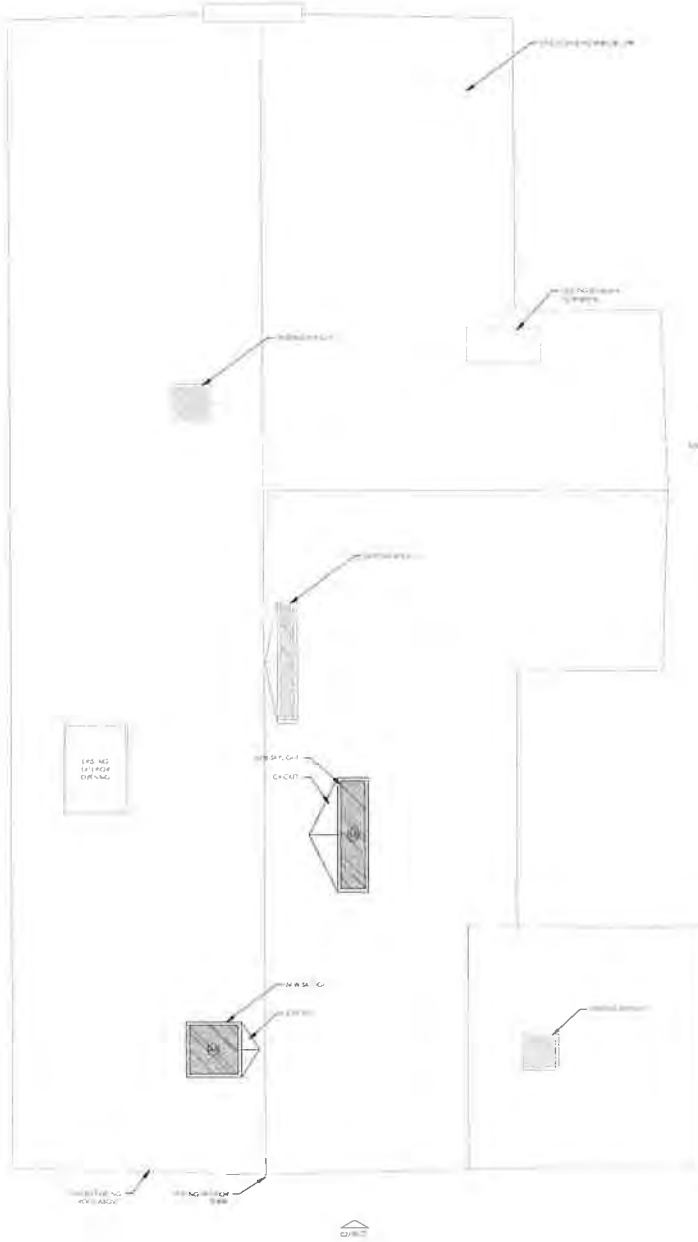
OVERALL FIRST FLOOR PLAN

JOB: 20-008
 DATE: 18 AUG. 2021

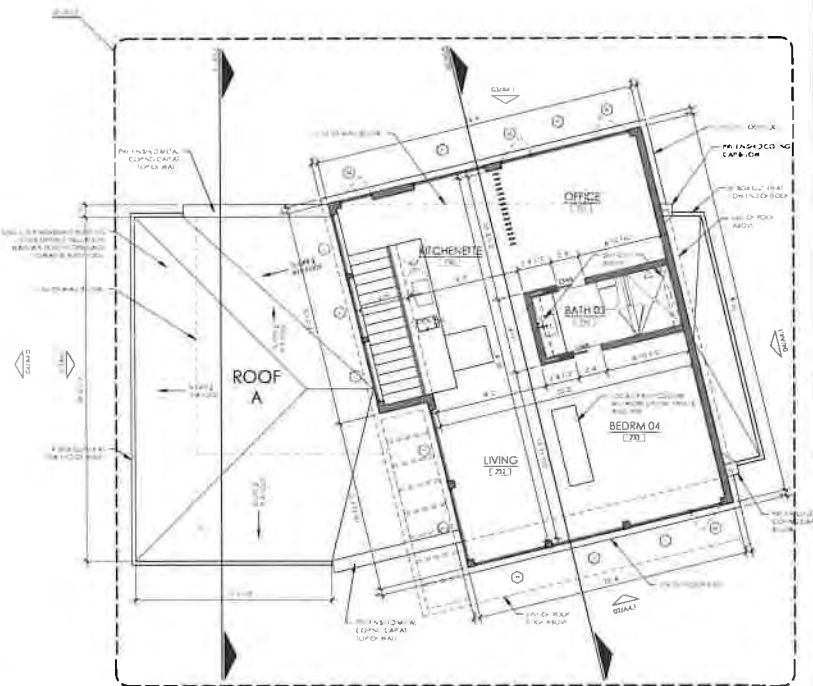
SHEET:
A2.0

01 FIRST FLOOR PLAN - OVERALL





FLOOR PLAN LEGEND	
SYMBOL	DESCRIPTION
	WALL OPENING (WALL)
	WINDOW (WALL)
	CEILING (WALL)



NO.	DATE	DESCRIPTION
ISSUES		
REVISIONS		



STEVENS - ST. MICHAELS
 11410 ST. MICHAELS DR
 DALLAS, TX 75230
 LOT 10, BLOCK 4/7347

OVERALL
 SECOND FLOOR
 PLAN

JOB: 20-008
 DATE: 18 AUG. 2021

SHEET:
A2.1

01 SECOND FLOOR PLAN - OVERALL





ISSUES	
NO.	DESCRIPTION
REVISIONS	
NO.	DESCRIPTION



STEVENS - ST. MICHAELS
 11410 ST. MICHAELS DR.
 DALLAS, TX 75230
 LOT 10, BLOCK 4/7347

EXTERIOR ELEVATIONS

JOB: 20-008
 DATE: 18 AUG. 2021
 SHEET:
A4.0

05 EXISTING HOUSE - NORTH - M. BEDRM EXT. ELEVATION



04 EXISTING HOUSE - EAST ELEVATION



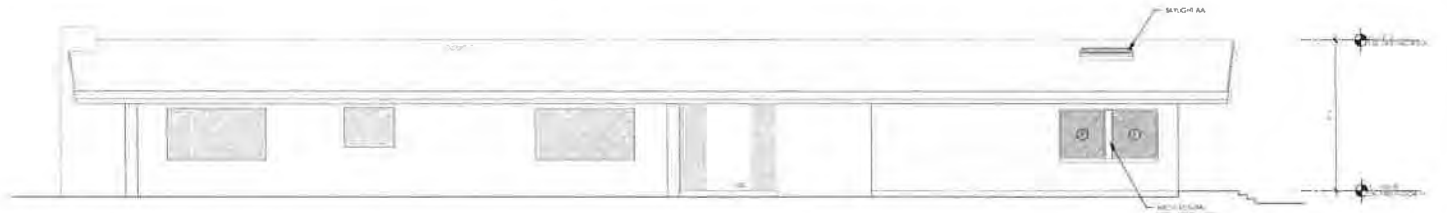
02 EXISTING HOUSE - SOUTH ELEVATION



03 EXISTING HOUSE - NORTH ELEVATION



01 EXISTING HOUSE - WEST ELEVATION





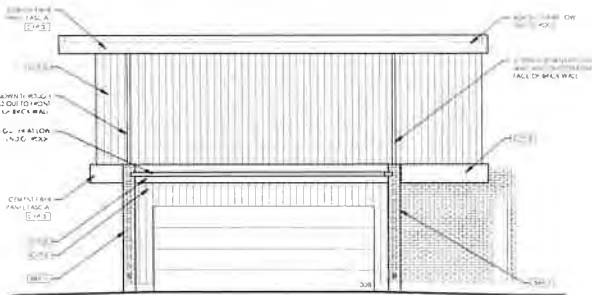
ISSUES	
NO.	DESCRIPTION
REVISIONS	
NO.	DESCRIPTION



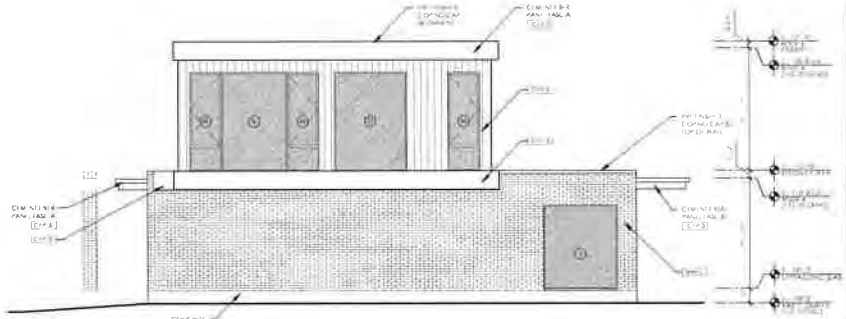
STEVENS - ST. MICHAELS
 11410 ST. MICHAELS DR.
 DALLAS, TX 75230
 LOT 10, BLOCK 417347

EXTERIOR
 ELEVATIONS @
 ADDITION

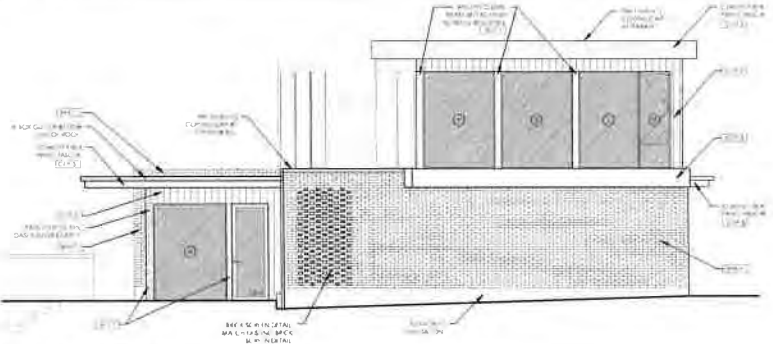
JOB: 20-008
 DATE: 18 AUG. 2021
 SHEET:
A4.1



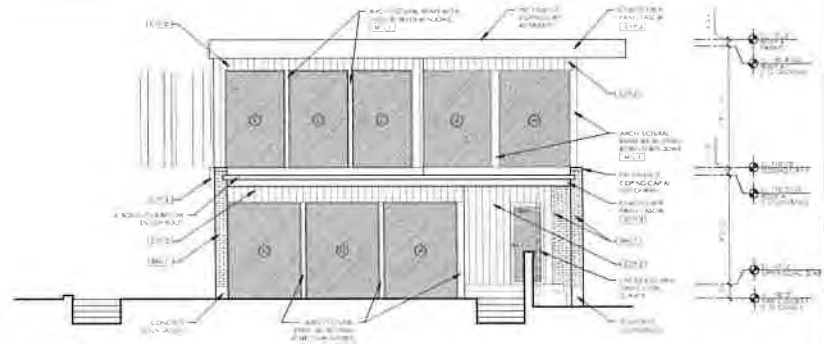
04 EAST ELEVATION



03 NORTH ELEVATION



02 SOUTH ELEVATION



01 WEST ELEVATION

11410 ST. MICHAELS SURROUNDING SITE METRICS

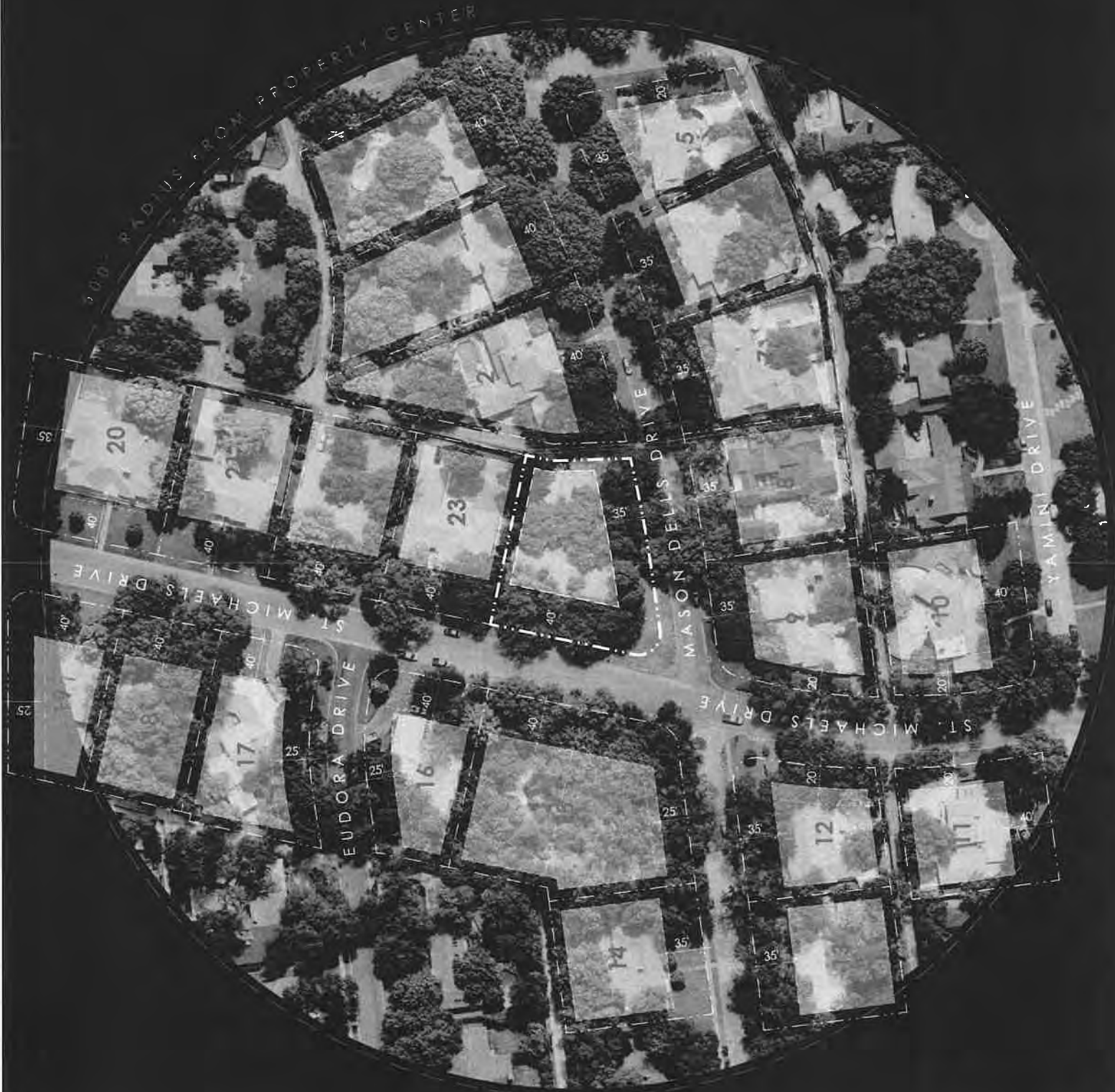
index	address	site sf*	developable sf**	developable %	primary structure*	notes
1	11410 St. Michaels Drive	22,003 sf	9,218 sf	41.89%	3,335 sf	SUBJECT PROPERTY
2	7411 Mason Dells Drive	23,100 sf	13,181 sf	57.06%	4,441 sf	
3	7419 Mason Dells Drive	22,800 sf	13,830 sf	60.66%	2,709 sf	
4	7427 Mason Dells Drive	21,000 sf	12,666 sf	60.31%	2,729 sf	
5	7424 Mason Dells Drive	17,297 sf	8,583 sf	49.62%	3,513 sf	
6	7416 Mason Dells Drive	18,267 sf	11,106 sf	60.80%	3,720 sf	
7	7408 Mason Dells Drive	18,328 sf	11,055 sf	60.32%	7,658 sf	
8	7316 Mason Dells Drive	17,251 sf	9,869 sf	57.21%	6,325 sf	
9	7308 Mason Dells Drive	18,498 sf	10,150 sf	54.87%	4,100 sf	
10	7309 Yamini Drive	19,596 sf	9,801 sf	50.02%	4,173 sf	
11	7239 Yamini Drive	16,360 sf	7,861 sf	48.05%	4,016 sf	
12	7240 Mason Dells Drive	16,110 sf	7,802 sf	48.43%	3,391 sf	
13	7230 Mason Dells Drive	16,200 sf	8,752 sf	54.02%	2,793 sf	
14	7229 Mason Dells Drive	16,200 sf	9,445 sf	58.30%	2,369 sf	
15	11405 St. Michaels Drive/7239 Mason Dells	33,669 sf	20,319 sf	60.35%	7,044 sf	double lot
16	11417 St. Michaels Drive	15,808 sf	6,685 sf	42.29%	4,460 sf	
17	11431 St. Michaels Drive	19,086 sf	9,365 sf	49.07%	3,918 sf	
18	11439 St. Michaels Drive	15,725 sf	8,815 sf	56.06%	2,900 sf	
19	7270 Baxtershire Drive	15,531 sf	6,206 sf	39.96%	3,995 sf	
20	11450 St. Michaels Drive	23,116 sf	11,125 sf	48.13%	4,571 sf	
21	11440 St. Michaels Drive	16,800 sf	9,262 sf	55.13%	2,718 sf	
22	11430 St. Michaels Drive	16,800 sf	9,398 sf	55.94%	2,840 sf	
23	11420 St. Michaels Drive	16,800 sf	9,320 sf	55.48%	3,681 sf	
AVERAGE		18,972 sf	10,166 sf	53.58%	3,974 sf	

*site and primary structure square footages from DCAD 2021 certified values

**developable square footage calculated from DCAD property dimensions with all constraining setbacks from the city zoning code and subdivision plat (ref. context map)



VARIANCE SUBMITTAL:
 11410 st. michaels dr.
 context map



- 1..... 11410 St. Michaels Drive
- 2..... 7411 Mason Dells Drive
- 3..... 7419 Mason Dells Drive
- 4..... 7427 Mason Dells Drive
- 5..... 7424 Mason Dells Drive
- 6..... 7416 Mason Dells Drive
- 7..... 7408 Mason Dells Drive
- 8..... 7316 Mason Dells Drive
- 9..... 7308 Mason Dells Drive
- 10..... 7309 Yamini Drive
- 11..... 7239 Yamini Drive
- 12..... 7240 Mason Dells Drive
- 13..... 7230 Mason Dells Drive
- 14..... 7229 Mason Dells Drive
- 15..... 11405 St. Michaels Drive/
7239 Mason Dells
- 16..... 11417 St. Michaels Drive
- 17..... 11431 St. Michaels Drive
- 18..... 11439 St. Michaels Drive
- 19..... 7270 Baxtershire Drive
- 20..... 11450 St. Michaels Drive
- 21..... 11440 St. Michaels Drive
- 22..... 11430 St. Michaels Drive
- 23..... 11420 St. Michaels Drive

EXHIBIT A

18 August 2021

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(s):

Project Overview

The property owners are seeking to add a two-story (1,676 SF Total) detached accessory building in place of an existing single-story (806 SF) detached accessory building to accommodate a new home office and dwelling unit for guests and (future) aging parents. The subject property is located on the North-East corner of St. Michaels Drive and Mason Dells Drive in the Janmar Neighborhood of Dallas with a significant number of mature trees that inhibit the expansion of existing footprints on site. The main structure is a single-story (3,335 SF) brick & frame residence, built in 1959. The property is restricted by a 40ft front yard setback along St. Michaels and a 35ft front yard setback along Mason Dells. The proposed two-story detached accessory building is located behind the front yard setback of Mason Dells Drive.

Height

The existing single-story main structure is approximately 11'-3" (measured to mid-point of ridge) and the proposed height of the new accessory building is 21'-4" (measured to top of roof). The current code does not allow an accessory structure to exceed the height of the main structure. Due to the limitations of the buildable lot area (setbacks & mature trees) and extensive front yard "frontage", we are requesting a height variance be granted for the proposed accessory building that is within the character of immediate neighboring properties (See Exhibit B) and well below the maximum allowable building height by zoning (30ft).

Garage Door Setback

The existing detached accessory building is located in the South-East corner of the property. The structure is comprised of a single-car enclosed garage, enclosed storage, and open double carport. The garage and carport are accessed from the Alley along the West edge of the property. The current code restricts garage doors from being located within 20ft of the property line along an alley. However, the existing structure is located over both the front and rear setbacks, it is within 7ft of the property line along the alley. We are requesting a variance for our Garage Door to be located 10ft away from the property line along the alley and fully outside the 10ft rear setback and 35ft front setback. See Exhibit C.

Area

The existing main structure is 3,335 SF and the proposed new structure is 1,039 SF (conditioned, non-parking area). The current code restricts accessory buildings to be no more than 25% of the area of the main structure. Our current percentage is 31% of the main structure, a difference of 205 SF. We are seeking a variance to build a modest amount of total square footage, which is within the character of immediate neighboring properties and well below the area of most of the neighboring properties. Our total proposed conditioned area is 4,374 SF (Existing House + Accessory Structure). See Exhibit B.

Accessory Dwelling Unit

The subject property is not located within an ADU Overlay Neighborhood. We are seeking a Special Exception to build a new ADU above a detached garage as allowed in SEC. 51A-4.510 ACCESSORY DWELLING UNIT OVERLAY. We are NOT requesting a separately metered dwelling unit that would be used for short-term rental, but we are requesting the ability to add a new home office and dwelling unit for guests with a design that respects the historic mid-century character of the neighborhood, aligns with the surrounding height/scale of neighboring properties, and fits within (and well below) the total built area of properties adjacent and throughout the Janmar neighborhood.

End of Memorandum

EXHIBIT B:
11410 st. michaels dr.
context map



HOUSE "A"
7411 Mason Dells Dr.
2-Story, 4441 sf
approx. height: 26'-0"



HOUSE "B"
7316 Mason Dells Dr.
2-Story, 6325 sf
approx. height: 24'-0"



HOUSE "C"
7308 Mason Dells Dr.
2-Story, 4100 sf
approx. height: 20'-0"



HOUSE "D"
7239 Mason Dells Dr.
2-Story, 7044 sf
approx. height: 21'-6"

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF OCTOBER 20, 2021 (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 201-089 (PD)

BDA 201-093 (PD)

BDA 201-096 (PD)

BDA 201-097 (JM)

COMMENTS:

David Nevarez, P.E., PTOE
Transportation Development Services

Name/Title/Department

10/1/2021

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.

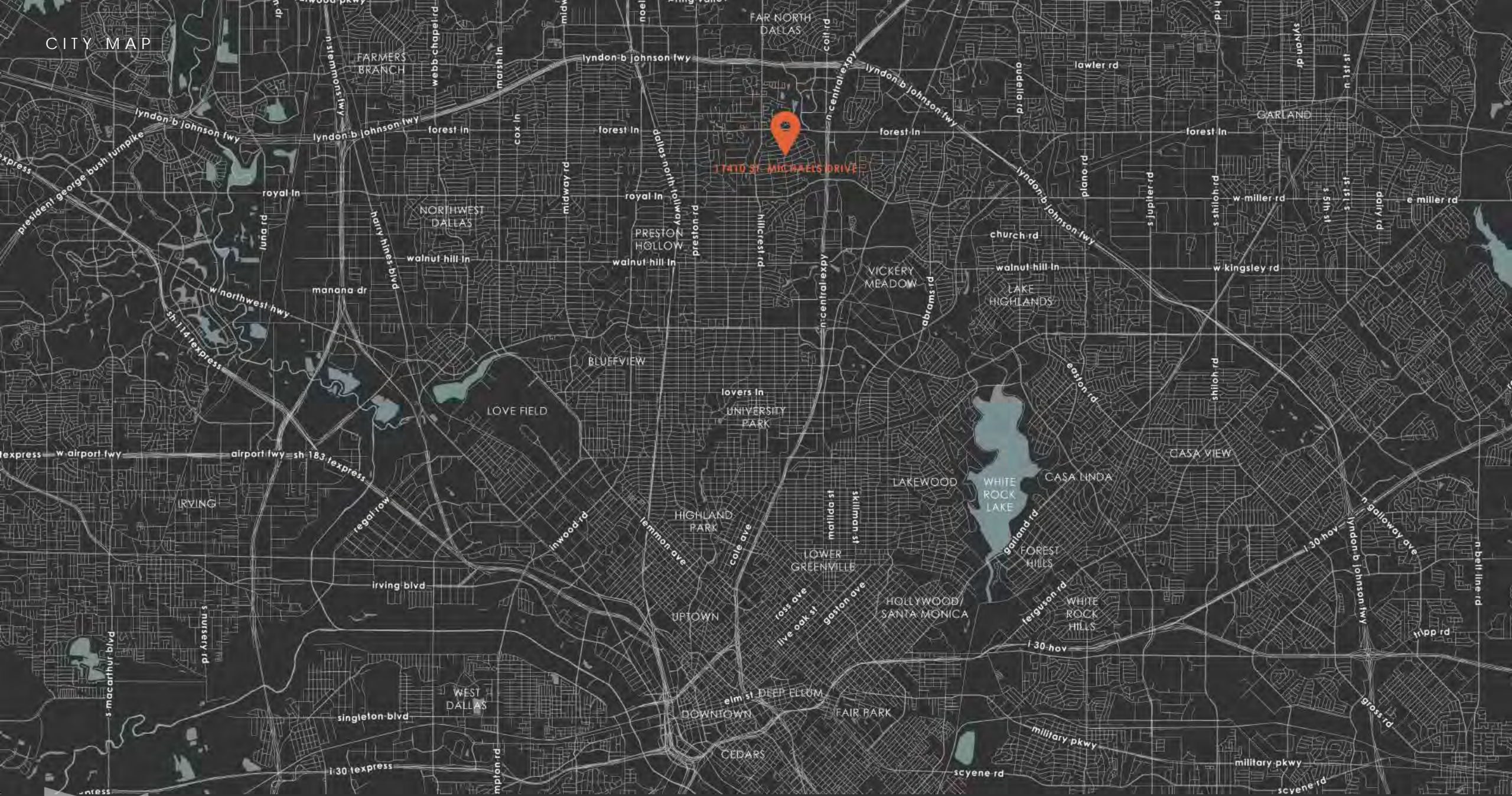
11410 ST. MICHAELS DRIVE
BDA VARIANCE HEARING
20 OCTOBER 2021

PROJECT OVERVIEW

The property owners are seeking to add a two-story (1,676 SF Total) detached accessory building in place of an existing single-story (806 SF) detached accessory building to accommodate a new home office and dwelling unit for guests and (future) aging parents. The subject property is located on the North-East corner of St. Michaels Drive and Mason Dells Drive in the Janmar Neighborhood of Dallas with a significant number of mature trees that inhibit the expansion of existing footprints on site. The main structure is a single-story (3,335 SF) brick & frame residence, built in 1959. The property is restricted by a 40ft front yard setback along St. Michaels and a 35ft front yard setback along Mason Dells. The proposed two-story detached accessory building is located behind the front yard setback of Mason Dells Drive.

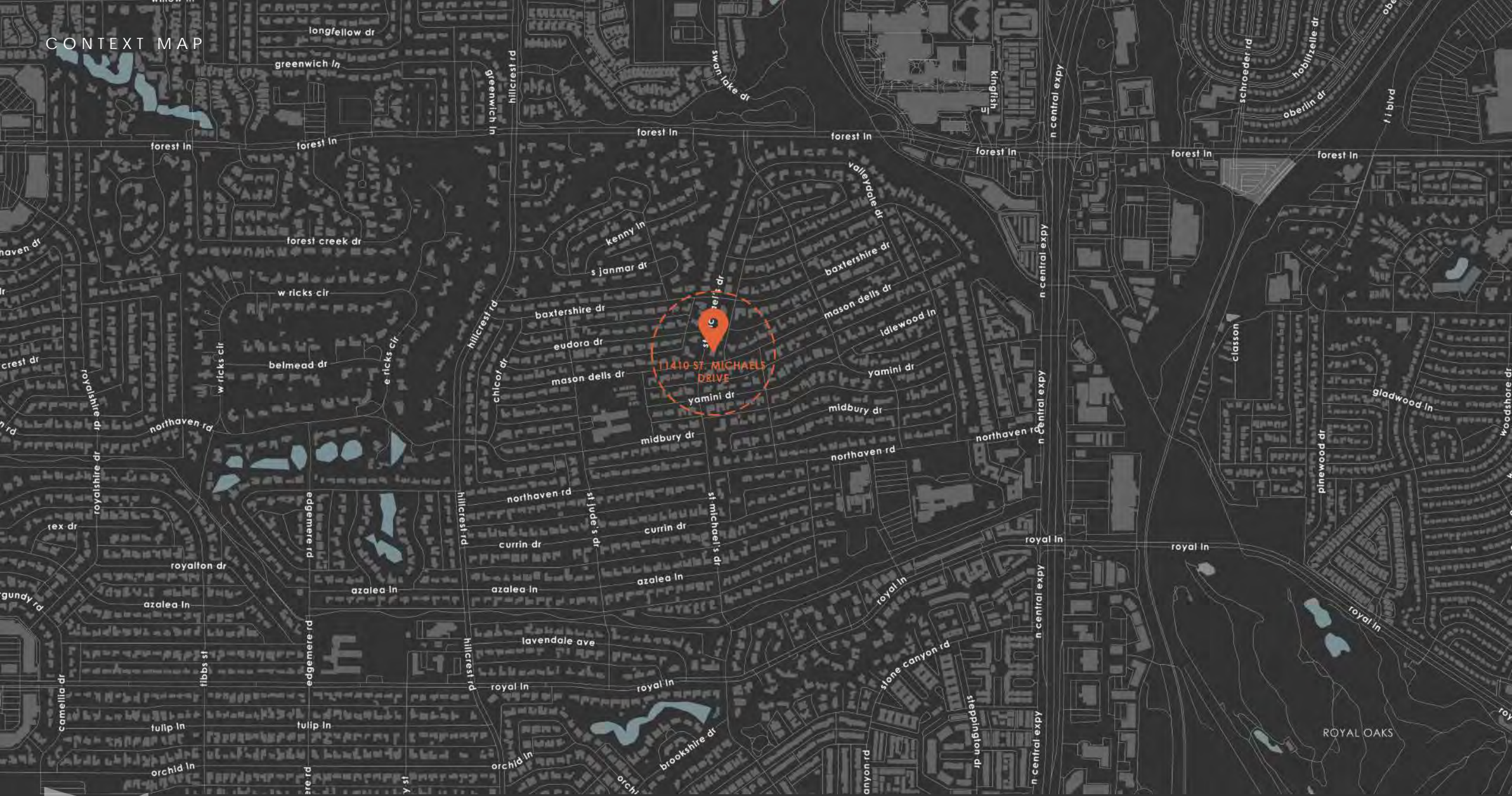
SITE LOCATION

CITY MAP

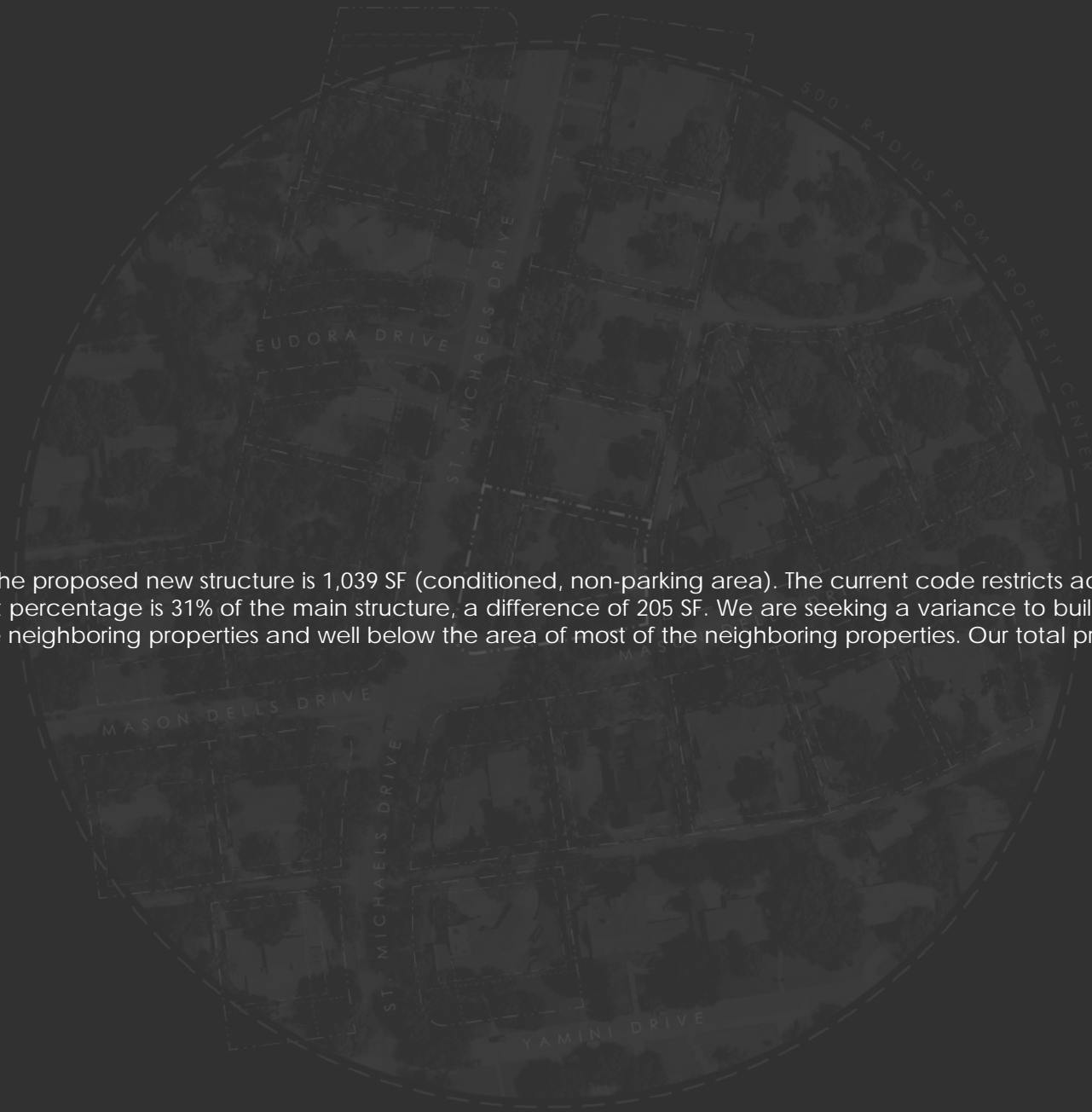


17410 ST. MICHAELS DRIVE

CONTEXT MAP



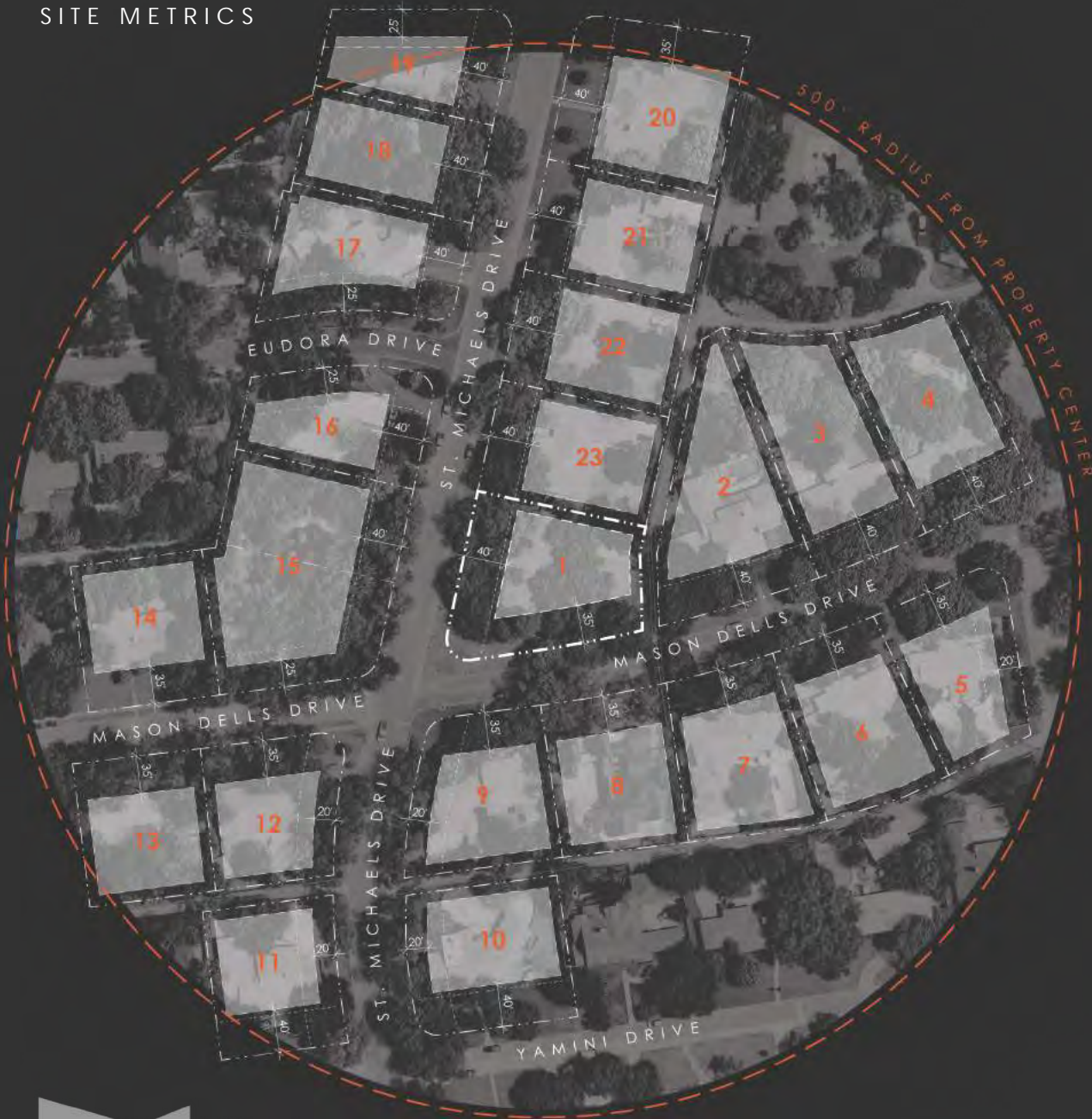




SITE AREA

The existing main structure is 3,335 SF and the proposed new structure is 1,039 SF (conditioned, non-parking area). The current code restricts accessory buildings to be no more than 25% of the area of the main structure. Our current percentage is 31% of the main structure, a difference of 205 SF. We are seeking a variance to build a modest amount of total square footage, which is within the character of immediate neighboring properties and well below the area of most of the neighboring properties. Our total proposed conditioned area is 4,374 SF (Existing House + Accessory Structure).

SITE METRICS



index	address	site sf*	developable sf**	developable %	primary structure*
1	11410 St. Michaels Drive	22,003 sf	9,218 sf	41.89%	3,335 sf
2	7411 Mason Dells Drive	23,100 sf	13,181 sf	57.06%	4,441 sf
3	7419 Mason Dells Drive	22,800 sf	13,830 sf	60.66%	2,709 sf
4	7427 Mason Dells Drive	21,000 sf	12,666 sf	60.31%	2,729 sf
5	7424 Mason Dells Drive	17,297 sf	8,583 sf	49.62%	3,513 sf
6	7416 Mason Dells Drive	18,267 sf	11,106 sf	60.80%	3,720 sf
7	7408 Mason Dells Drive	18,328 sf	11,055 sf	60.32%	7,658 sf
8	7316 Mason Dells Drive	17,251 sf	9,869 sf	57.21%	6,325 sf
9	7308 Mason Dells Drive	18,498 sf	10,150 sf	54.87%	4,100 sf
10	7309 Yamini Drive	19,596 sf	9,801 sf	50.02%	4,173 sf
11	7239 Yamini Drive	16,360 sf	7,861 sf	48.05%	4,016 sf
12	7240 Mason Dells Drive	16,110 sf	7,802 sf	48.43%	3,391 sf
13	7230 Mason Dells Drive	16,200 sf	8,752 sf	54.02%	2,793 sf
14	7229 Mason Dells Drive	16,200 sf	9,445 sf	58.30%	2,369 sf
15	11405 St. Michaels Drive	33,669 sf	20,319 sf	60.35%	7,044 sf
16	11417 St. Michaels Drive	15,808 sf	6,685 sf	42.29%	4,460 sf
17	11431 St. Michaels Drive	19,086 sf	9,365 sf	49.07%	3,918 sf
18	11439 St. Michaels Drive	15,725 sf	8,815 sf	56.06%	2,900 sf
19	7270 Baxtershire Drive	15,531 sf	6,206 sf	39.96%	3,995 sf
20	11450 St. Michaels Drive	23,116 sf	11,125 sf	48.13%	4,571 sf
21	11440 St. Michaels Drive	16,800 sf	9,262 sf	55.13%	2,718 sf
22	11430 St. Michaels Drive	16,800 sf	9,398 sf	55.94%	2,840 sf
23	11420 St. Michaels Drive	16,800 sf	9,320 sf	55.48%	3,681 sf
AVERAGE		18,972 sf	10,166 sf	53.58%	3,974 sf

*site and primary structure square footages from DCAD 2021 certified values

**developable square footage calculated from DCAD property dimensions with all setbacks from the city zoning and subdivision plat



HEIGHT

The existing single-story main structure is approximately 11'-3" (measured to mid-point of ridge) and the proposed height of the new accessory building is 21'-4" (measured to top of roof). The current code does not allow an accessory structure to exceed the height of the main structure. Due to the limitations of the buildable lot area (setbacks & mature trees) and extensive front yard "frontage", we are requesting a height variance be granted for the proposed accessory building that is within the character of immediate neighboring properties (See Exhibit B) and well below the maximum allowable building height by zoning (30ft).

HEIGHT
NEIGHBORING HEIGHTS



HOUSE "A"
7411 Mason Dells Dr.
2-Story, 4441 sf
approx. height: 26'-0"



HOUSE "B"
7316 Mason Dells Dr.
2-Story, 6325 sf
approx. height: 24'-0"

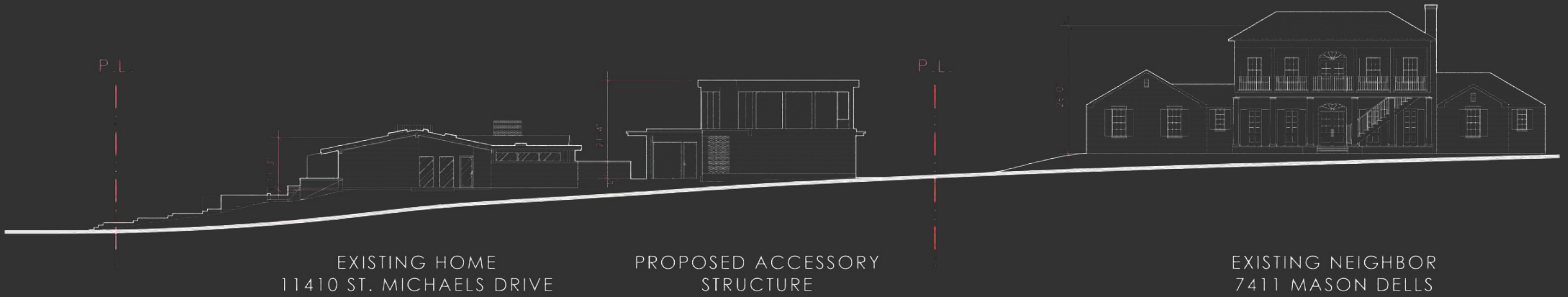


HOUSE "C"
7308 Mason Dells Dr.
2-Story, 4100 sf
approx. height: 20'-0"



HOUSE "D"
7239 Mason Dells Dr.
2-Story, 7044 sf
approx. height: 21'-6"

HEIGHT
SITE ELEVATION





SITE TREES

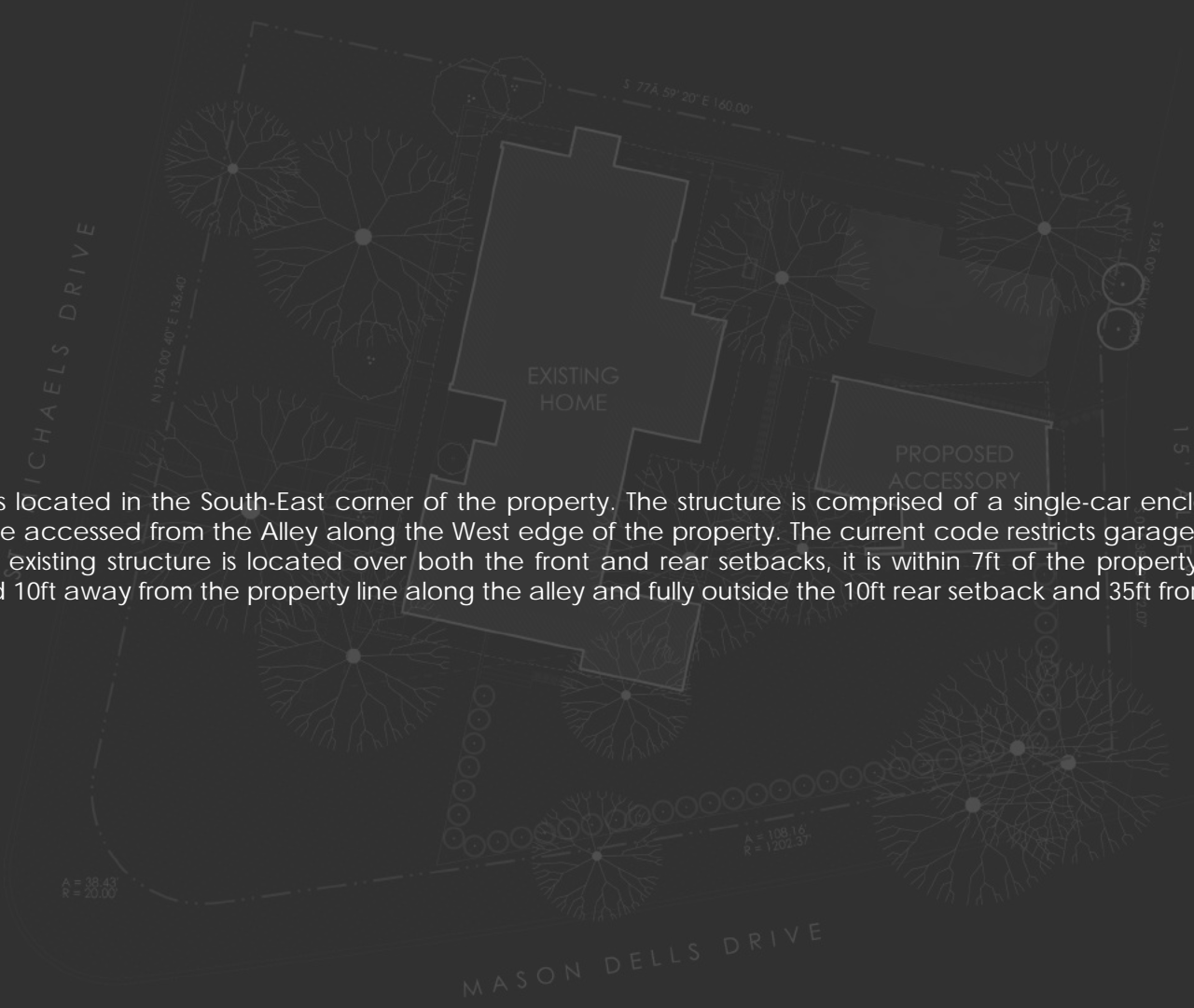


PROPOSED SITE PLAN
EXISTING TREES





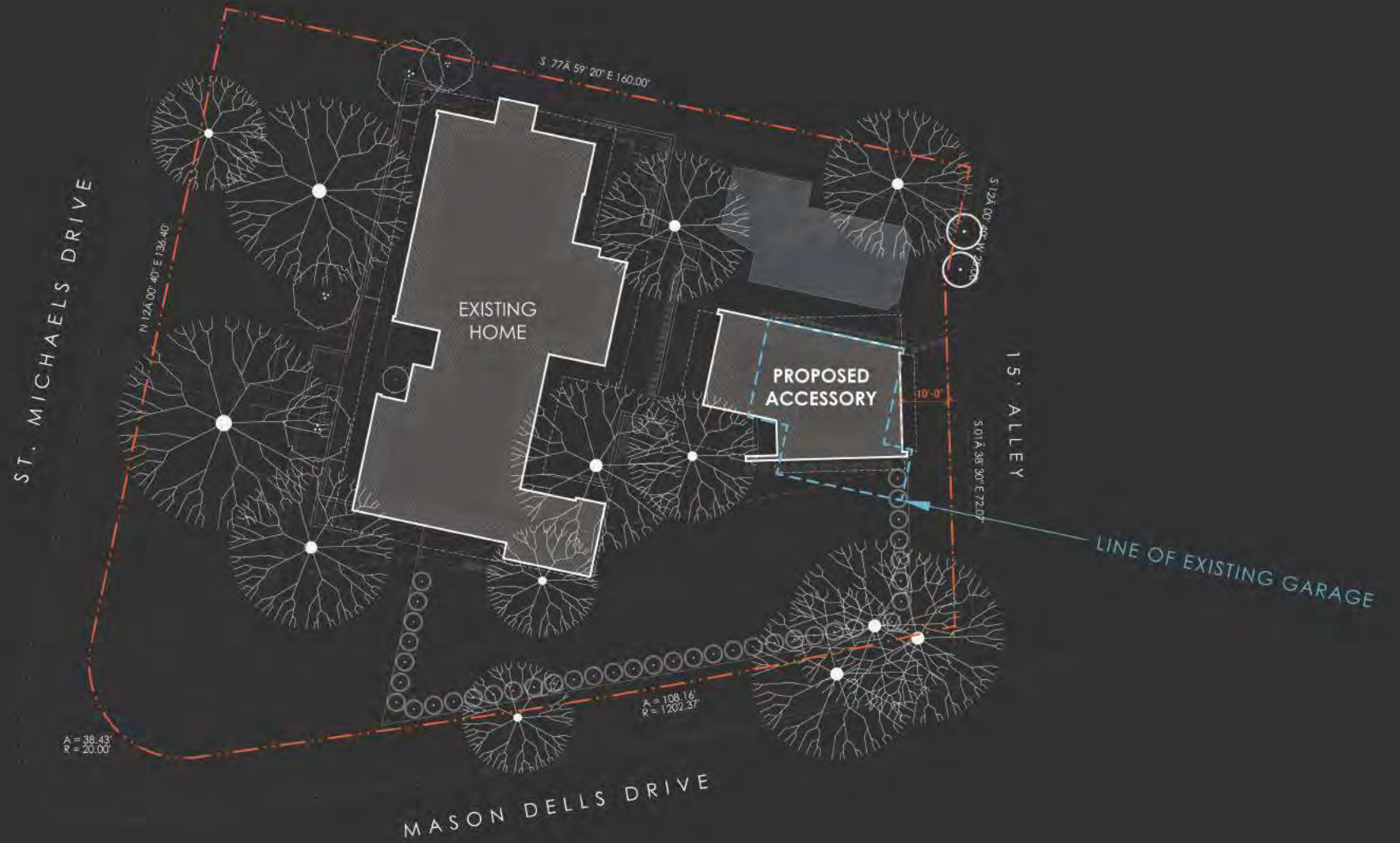


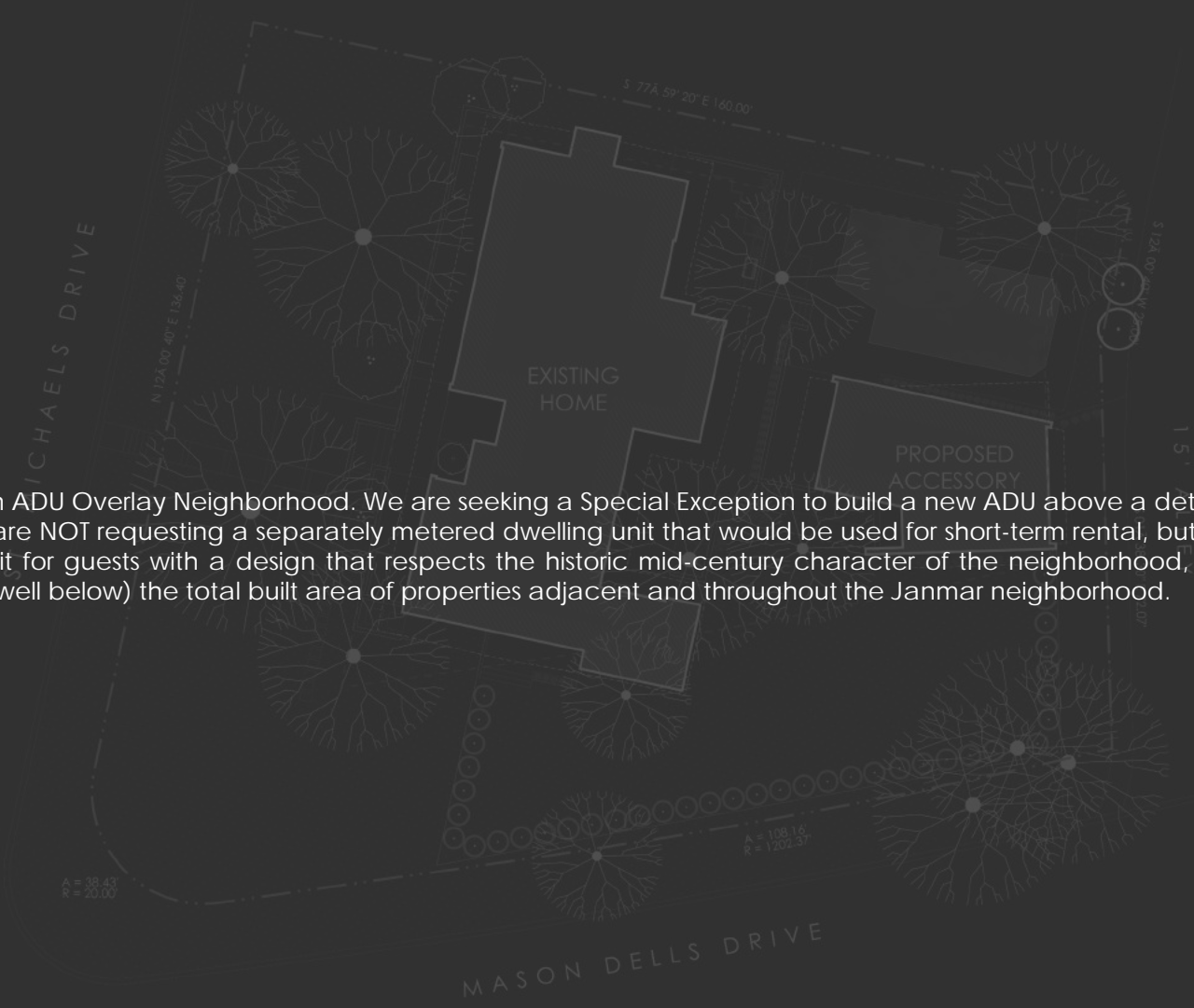


GARAGE DOOR SETBACK

The existing detached accessory building is located in the South-East corner of the property. The structure is comprised of a single-car enclosed garage, enclosed storage, and open double carport. The garage and carport are accessed from the Alley along the West edge of the property. The current code restricts garage doors from being located within 20ft of the property line along an alley. However, the existing structure is located over both the front and rear setbacks, it is within 7ft of the property line along the alley. We are requesting a variance for our Garage Door to be located 10ft away from the property line along the alley and fully outside the 10ft rear setback and 35ft front setback.

PROPOSED SITE PLAN
GARAGE LOCATION





ACCESSORY DWELLING UNIT

The subject property is not located within an ADU Overlay Neighborhood. We are seeking a Special Exception to build a new ADU above a detached garage as allowed in SEC. 51A-4.510 ACCESSORY DWELLING UNIT OVERLAY. We are NOT requesting a separately metered dwelling unit that would be used for short-term rental, but we are requesting the ability to add a new home office and non-rentable dwelling unit for guests with a design that respects the historic mid-century character of the neighborhood, aligns with the surrounding height/scale of neighboring properties, and fits within (and well below) the total built area of properties adjacent and throughout the Janmar neighborhood.

PROPOSED SITE PLAN
ACCESSORY DWELLING UNIT

