

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 18, 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**, should register online at <https://form.jotform.com/210907944450153> or contact the Planning and Urban Design Department at 214-670-4209 **by the close of business Friday, October 15, 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](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/BDA101821>

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

UNCONTESTED CASE(S)

BDA201-095(PD)	5915 Park Lane REQUEST: Application of Rob Baldwin of Baldwin Associates for special exceptions to the fence height and to the fence standards regulations.	1
BDA201-096(PD)	5923 Park Lane REQUEST: Application of Rob Baldwin of Baldwin Associates for special exceptions to the fence height regulations, to the fence standards regulations, and to the visibility obstruction regulations.	2

REGULAR CASES

BDA201-088(JM)	1013 S. Glasgow Drive REQUEST: Application of Melissa Kingston to enlarge a nonconforming use.	3
BDA201-092(PD)	10645 Lennox Lane REQUEST: Application of Danielle Mathews of Masterplan Texas for a special exception to the fence height regulations.	4

HOLDOVERS

BDA201-065(PD)	4137 Independence Drive REQUEST: Application of Wissam Shazem of 2020 Real Estate LLC represented by Elias Rodriguez for a special exception to the landscaping regulations.	5
BDA201-078(JM)	4000 Stonebridge Drive REQUEST: Application of Rob Baldwin for a variance to the front yard setback regulations, and for a special exception to the fence height regulations.	6

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: BDA201-095(PD)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for special exceptions to the fence height regulations and to the fence standards regulations, at 5915 Park Lane. This property is more fully described as Lot 5, Block H/5614, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct and maintain a six-foot six-inch-high fence with fence panels that do not meet the minimum opacity requirement in a required front yard which will require a two-foot-six-inch special exception to the fence regulations and a special exception to the fence standards.

LOCATION: 5915 Park Lane

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST:

The applicant proposes a fence of six-foot-six-inches in height, constructed of stone and steel materials located along Park Lane at a length of 103 feet from the front property line. The site is currently undeveloped but is associated with the neighboring site and BDA201-096 which contains a two-story single-family dwelling unit.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

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

Zoning/BDA History:

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

1. **BDA201-096:** On October 18, 2021, Panel C, Board of Adjustments will hear requests for special exceptions to the fence height regulations, to the fence standards regulations, and to the visibility obstruction regulations at 5923 Park Lane. (**related case**)
2. **BDA201-089:** On October 20, 2021, Panel B, Board of Adjustments will hear 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) a special exception is made to visual obstruction regulations to construct and maintain portions of an eight-foot-high solid wood fence in the required 20-foot visibility triangle at the intersection of Walnut Hill Lane and Douglas Avenue at 9646 Douglas Avenue.
3. **BDA190-052:** On June 23, 2020, the Panel A, Board of Adjustments granted a special exception to the fence regulations to construct and maintain a six-foot-high fence at 5830 Falls Road.
4. **BDA189-109:** On January 21, 2020, the Panel A, Board of Adjustments granted special exceptions to the single-family regulations to maintain the original two-story home and to authorize more than one electrical utility service or electrical meter on a site with a single-family use at 5952 Joyce Way.

5. **BDA189-118:** On October 23, 2019, the Panel B, Board of Adjustments granted a special exception to the fence standards regulations to construct and maintain a five-foot-six-inch fence at 5807 Park Lane.
6. **BDA178-003:** On January 16, 2018, the Panel A, Board of Adjustments granted a special exception to the fence standards and visual obstructions regulations to construct and maintain an eight-foot-high fence at 9025 Douglas Avenue.
7. **BDA167-051:** On May 16, 2017, the Panel A, Board of Adjustments granted special exceptions to the fence standards to construct and maintain an eight-foot-two-inch-high fence and construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line at 5814 Watson Avenue.

GENERAL FACTS/STAFF ANALYSIS:

Two requests exist for the subject site. The first request for a special exception to the fence height regulations of four feet is made to construct and maintain a six-foot six-inch-high fence which will require a two-foot six-inch special exception. The second request for a special exception is made to the fence standards regulations to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line

The property is zoned an R-1ac(A) Single Family District with requires a minimum lot area of one acre or 43,560 square feet. The subject site is currently undeveloped and proposed to be combined with the adjacent lot containing a single-family use (BDA201-096) to the east. The applicant proposes to construct a stone wall, ten stone columns, and one steel gate with a maximum overall height of six feet six inches along the approximately 103-foot width of the site fronting along Park Lane.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard.

The following information is shown on the submitted site plan:

- The proposed fence with ten columns and one steel gate is located at the lot line along Park Lane and at its closest point appears to be approximately zero feet from the back of curb/pavement line.
- Along Park Lane the fence is proposed at a width of 103 feet and has a depth of 59 feet into the front yard setback which extends beyond the required 40-foot front yard setback.
- The fence is proposed to be constructed of stone and steel.

As of October 8, 2021, no letters have been submitted in opposition or in support of the request.

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

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

Timeline:

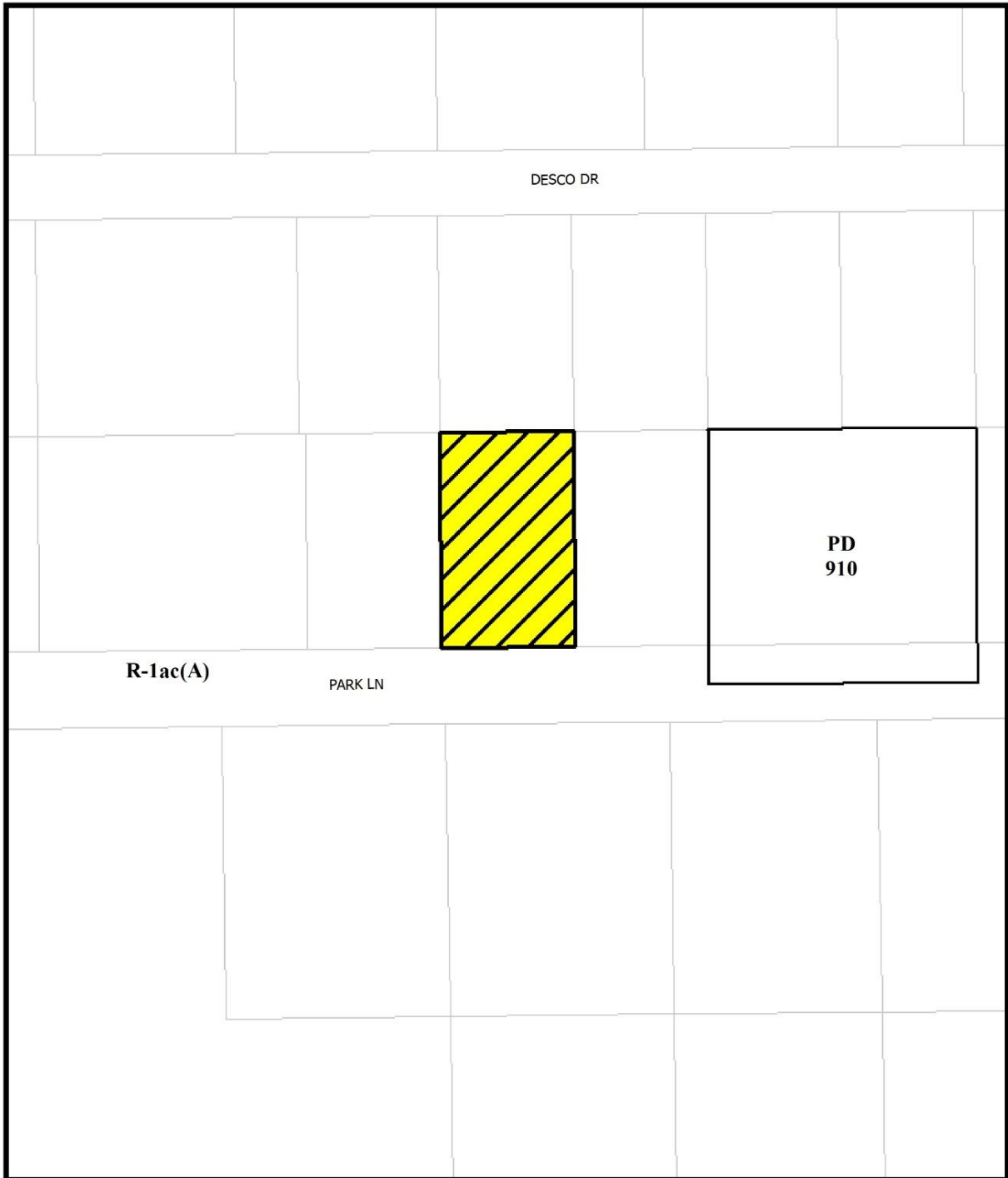
August 17, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

September 16, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

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 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 Transportation Senior Engineer, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board. No staff review comment sheets were submitted with these requests.

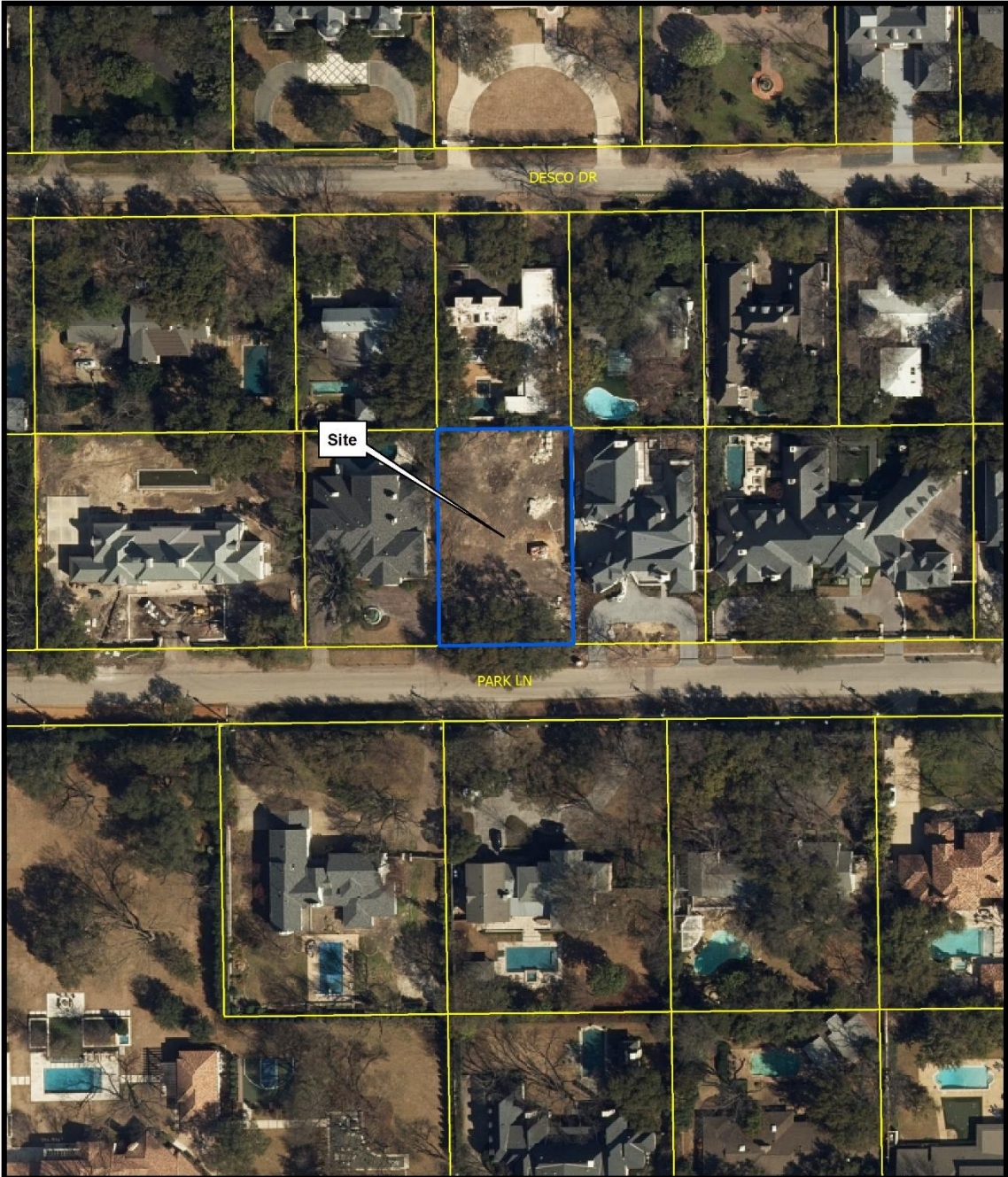


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ZONING MAP

Case no: BDA201-095

Date: 9/24/2021

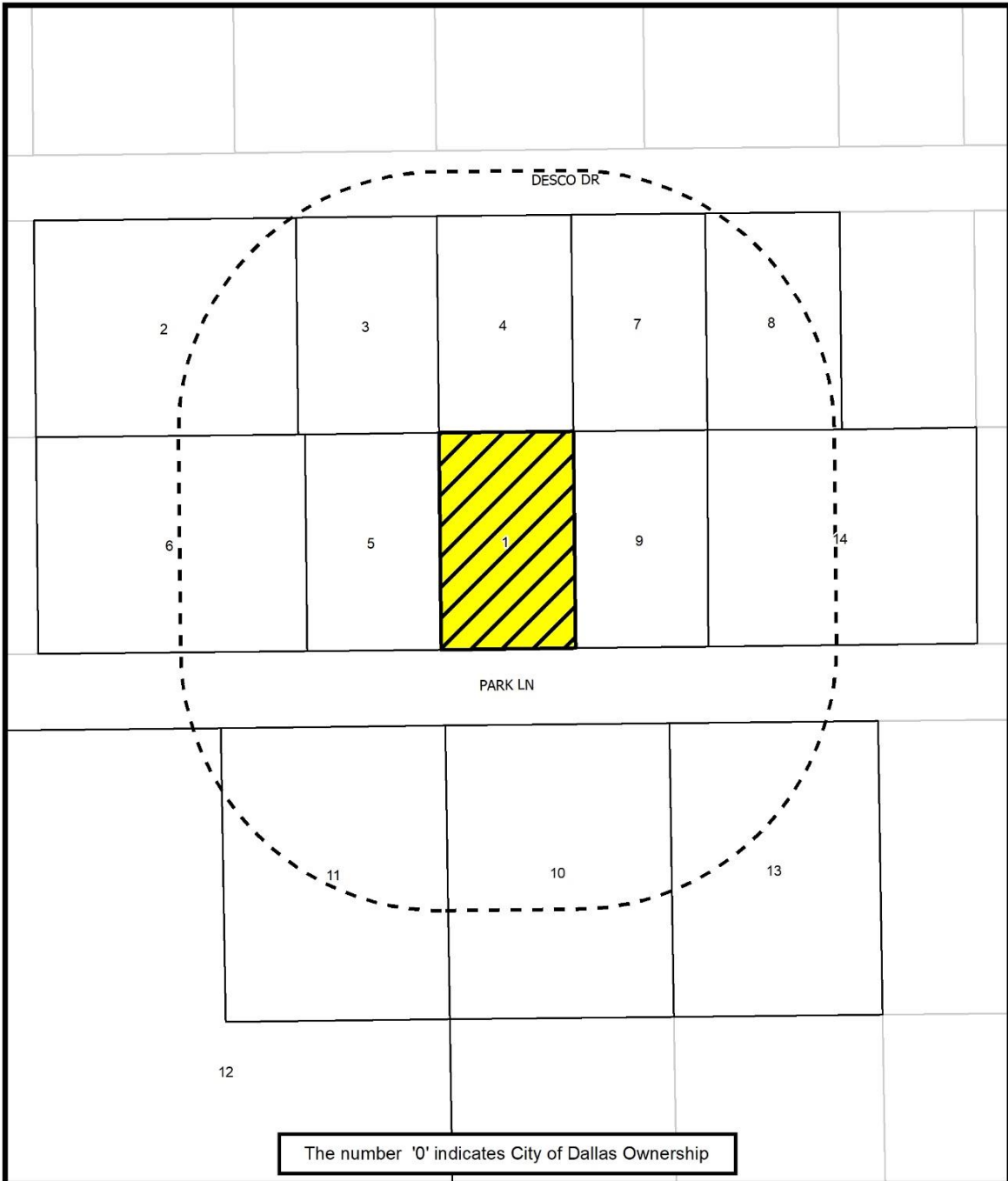


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AERIAL MAP

Case no: BDA201-095

Date: 9/24/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
14 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA201-095
 Date: 9/24/2021

09/24/2021

Notification List of Property Owners

BDA201-095

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5915 PARK LN	MILAN DESIGN & BUILD LLC
2	5846 DESCO DR	HALL SYDNEY
3	5908 DESCO DR	NEWMAN GORDON H &
4	5914 DESCO DR	SMITH KEVIN R & SARAH C
5	5907 PARK LN	NAMDAR MARJANEH &
6	5841 PARK LN	SKIBELL ANDREA & RICHARD
7	5922 DESCO DR	GLASS JEFFREY & NORMA M
8	5930 DESCO DR	CARREKER JAMES D
9	5923 PARK LN	MILAN DESIGN BUILD LLC
10	5920 PARK LN	SAUSTAD NANCY W & DAVID C
11	5910 PARK LN	CARPENTER AUSTIN WILLIAMS
12	5833 WOODLAND DR	5833 WOODLAND LONESTAR TRUST THE
13	5934 PARK LN	BABILLA TERRENCE M & MOLLY E
14	5931 PARK LN	WHITE ALAN B & LEE ANN



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-095

Date: 8-17-21

Data Relative to Subject Property:

Location address: 5915 Park Lane Zoning District: R-1AC(A)

Lot No.: 5 Block No.: H/5614 Acreage: 0.39 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 103 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Blueline Living Trust

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 2'6" to the fence height to allow a 6'6" fence with solid panels within 5' of the front property line

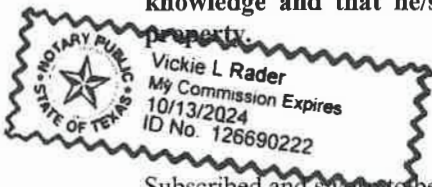
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The proposed fencing and gates will be similar in height and appearance to other fences along Park Lane so the approval of this Special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

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

Affidavit

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

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



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

Subscribed and sworn to before me this 16th day of August, 2021

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



AFFIDAVIT

Appeal number: BDA 201-095

I, BlueLine Living Trust
Milan Design Build LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5915 Park Lane
(Address of property as stated on application)

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

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

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

Specify: Fence height, fence panels

Jared Seth Jones
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 8/9/2021

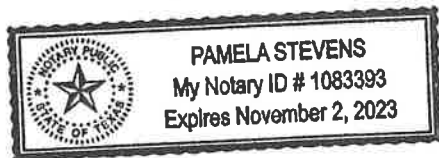
Before me, the undersigned, on this day personally appeared Jared Seth Jones

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 9th day of August, 2021

Pamela Stevens
Notary Public for Dallas County, Texas

Commission expires on 11-2-23





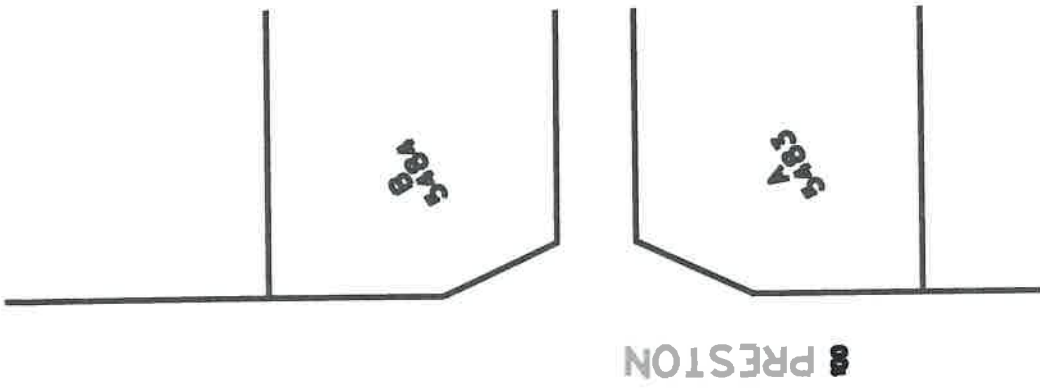
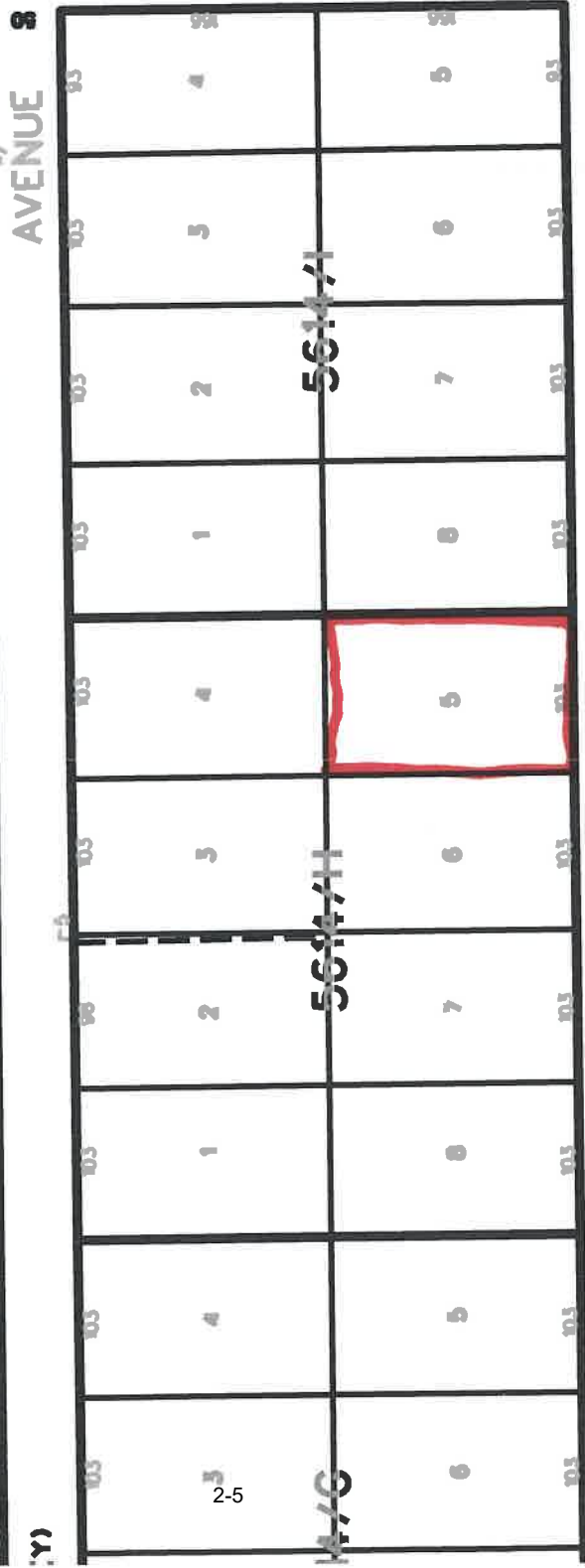
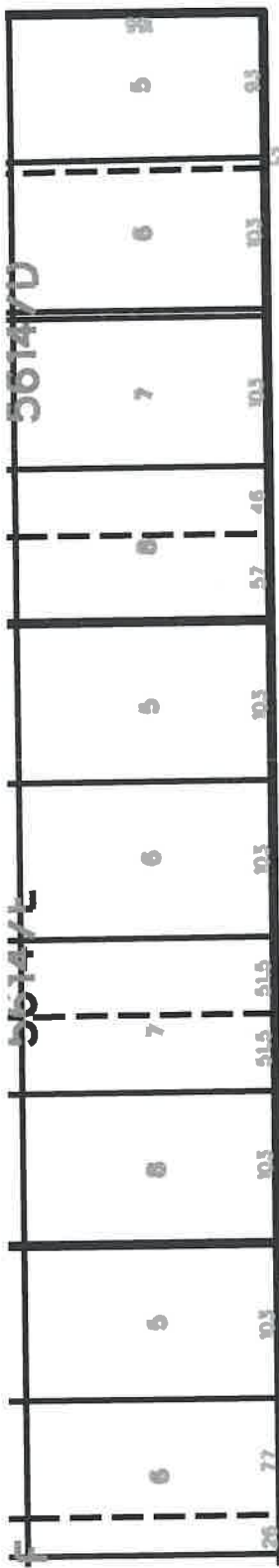
Printed: 8/11/2021

Legend

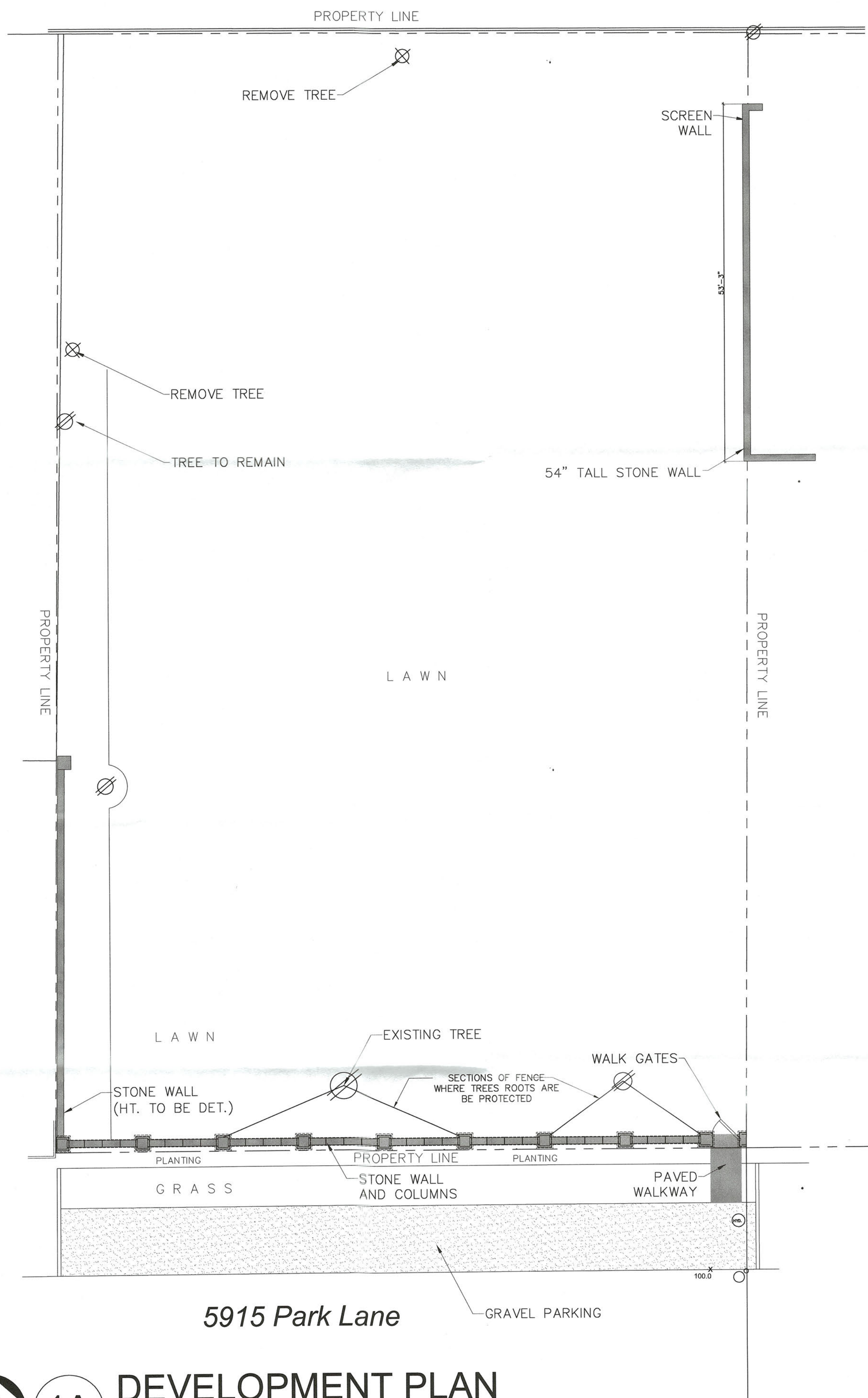
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood 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 | 2-4 Shop Front Overlay |
| | | Height Map Overlay | |

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





2-5



VICINITY MAP
NTS



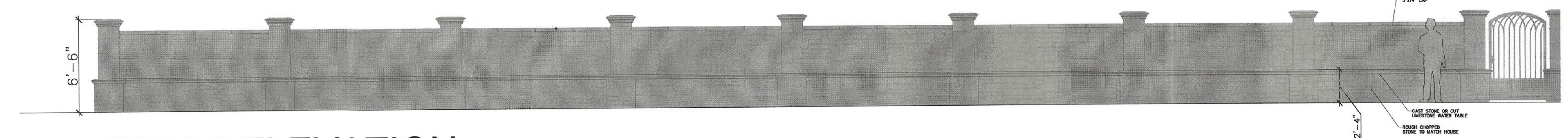
08/12/2021
PROJECT NUMBER
CASE NUMBER

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

Baldwin
Associates

5915 Park Lane
CITY OF DALLAS, TEXAS

1A DEVELOPMENT PLAN
SCALE: 3/32" = 1'-0"



1B FENCE ELEVATION
SCALE: 3/16" = 1'-0"

FILE NUMBER: BDA201-096(PD)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for special exceptions to the fence height regulations, to the fence standards regulations, and to the visibility obstruction regulations at 5923 Park Lane. This property is more fully described as Lot 8, Block I/5614, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet, requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line, and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct a seven-foot-high fence with fence panels that do not meet the minimum opacity requirement in a required front yard, located within a required visibility obstruction triangle, which will require a three-foot special exception to the fence height regulations, and special exceptions to the fence standards, and visibility obstruction regulations.

LOCATION: 5923 Park Lane

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST: The applicant proposes a fence of seven-foot in height, constructed of stone and steel materials located along Park Lane at a length of 103 feet from the front property line. The site is currently developed with a two-story single-family dwelling unit and is associated with the neighboring site and BDA201-095 which is undeveloped.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the 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 Development Services Senior Engineer has no objections to the proposed requests to encroach into the required 20-foot visibility triangle at the drive approach into the property from Park Lane (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

- Site: R-1ac(A) (Single Family District)
- North: R-1ac(A) (Single Family District)
- East: Planned Development District No. 910
- South: R-1ac(A) (Single Family District)
- West: R-1ac(A) (Single Family District)

Land Use:

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

Zoning/BDA History:

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

1. **BDA201-095:** On October 18, 2021, Panel C, Board of Adjustments will hear requests for special exceptions to the fence height regulations and fence standards regulations at 5915 Park Lane. (**related case**)
2. **BDA201-089:** On October 20, 2021, Panel B, Board of Adjustments will hear 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) a special exception is made to visual obstruction regulations to construct and maintain portions of an eight-foot-high solid wood fence in the required 20-foot visibility triangle at the intersection of Walnut Hill Lane and Douglas Avenue at 9646 Douglas Avenue.

3. **BDA190-052:** On June 23, 2020, the Panel A, Board of Adjustments granted a special exception to the fence regulations to construct and maintain a six-foot-high fence at 5830 Falls Road.
4. **BDA189-109:** On January 21, 2020, the Panel A, Board of Adjustments granted special exceptions to the single-family regulations to maintain the original two-story home and to authorize more than one electrical utility service or electrical meter on a site with a single-family use at 5952 Joyce Way.
5. **BDA189-118:** On October 23, 2019, the Panel B, Board of Adjustments granted a special exception to the fence standards regulations to construct and maintain a five-foot-six-inch fence at 5807 Park Lane.
6. **BDA178-003:** On January 16, 2018, the Panel A, Board of Adjustments granted a special exception to the fence standards and visual obstructions regulations to construct and maintain an eight-foot-high fence at 9025 Douglas Avenue.
7. **BDA167-051:** On May 16, 2017, the Panel A, Board of Adjustments granted special exceptions to the fence standards to construct and maintain an eight-foot-two-inch-high fence and construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line at 5814 Watson Avenue.

GENERAL FACTS/STAFF ANALYSIS:

Three requests exist for the subject site. The first request for a special exception to the fence height regulations of four feet is made to construct and maintain a seven-foot-high fence which will require a three-foot special exception.

The second request for a special exception is made to the fence standards regulations to construct and maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line.

The third request for a special exception to the visual obstruction regulations is made to construct and maintain a seven-foot-high fence in a required 20-foot visibility triangle at two driveway approaches into the property at approximately one-and-a-half feet into the required drive approach from Park Lane. The property is developed with a two-story single family dwelling unit.

The property is zoned an R-1ac(A) Single Family District with requires a minimum lot area of one acre or 43,560 square feet. The subject site is currently developed with a single-family dwelling and proposed to be combined with the adjacent undeveloped lot (BDA201-095) to the west. The applicant proposes to construct an iron wall, approximately nine stone columns, and two electric steel gates for vehicular access with a maximum overall height of seven feet along the approximately 103-foot width of the site fronting along Park Lane.

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. Additionally, 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 fence encroach one-and-a-half feet into one required 20-foot visibility triangle, providing 18-and-a-half feet of unobstructed area for visibility at the drive approach into the site from Park Lane.

The Transportation Senior Engineer has no objections to the proposed request to encroach into the required 20-foot visibility triangle at the drive approach into the site from Park Lane (**Attachment A**).

The following information is shown on the submitted site plan:

- The proposed fence with nine columns and two steel gates is located at the lot line along Park Lane and at its closest point appear to be approximately zero feet from the back of curb/pavement line.
- Along Park Lane the fence is proposed at a width of 103 feet.
- The fence is proposed to be constructed of cast stone or cut limestone veneer and steel.

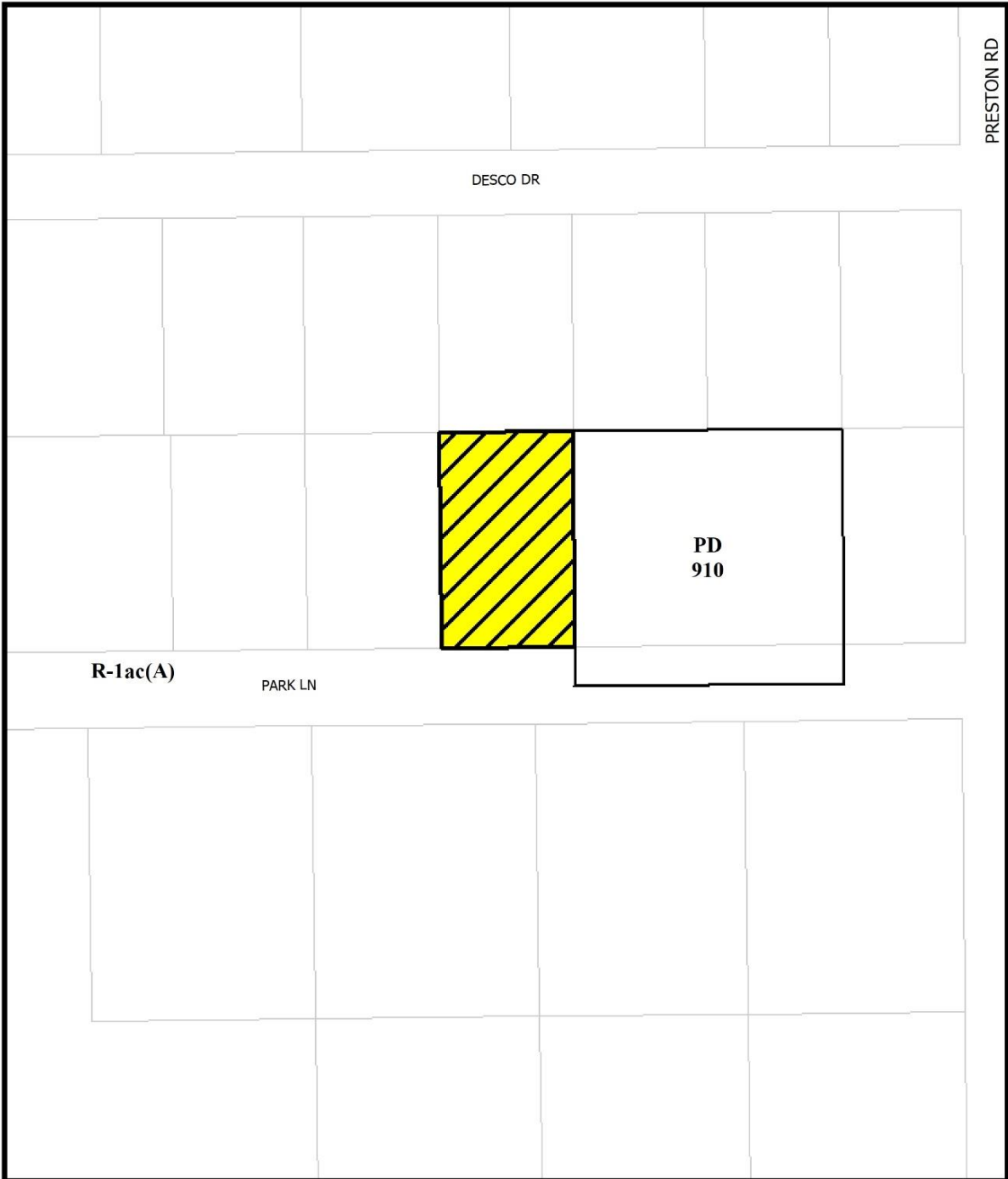
As of October 8, 2021, no letters have been submitted in opposition or in support of the request.

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

Granting the special exceptions to the fence standards related to the height and to the visual obstruction regulations would require the proposal exceeding four feet-in-height in the front yard setback within the 20-foot visibility triangles located along Park Lane to be maintained in the locations, heights and materials as shown on the site plan and elevation plan.

Timeline:

- August 17, 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 Administrator assigned this case to Board of Adjustment Panel C.
- 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 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 Transportation Senior Engineer, 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 marked no objections to the request (**Attachment A**).

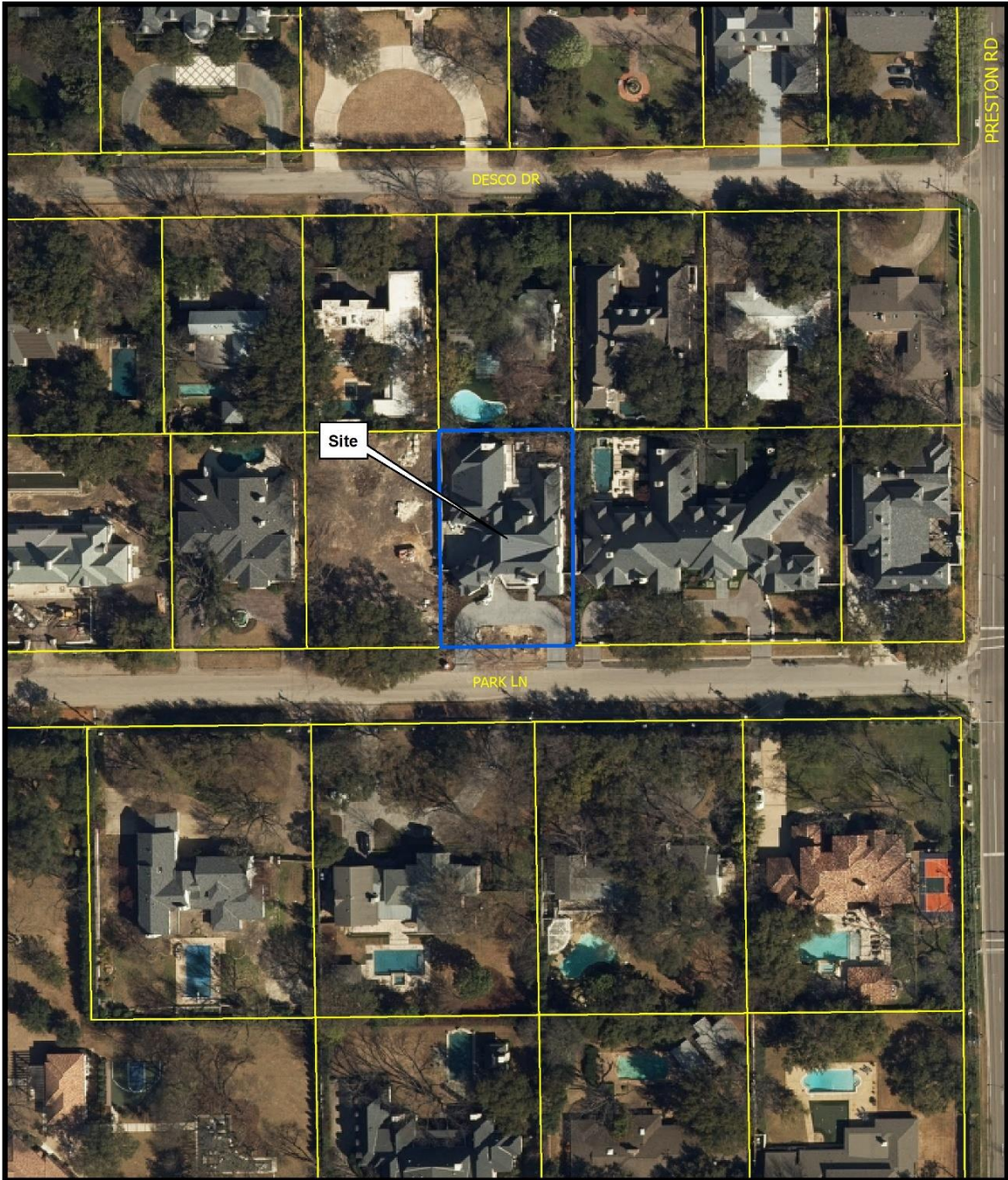


1:1,200

ZONING MAP

Case no: BDA201-096

Date: 9/24/2021

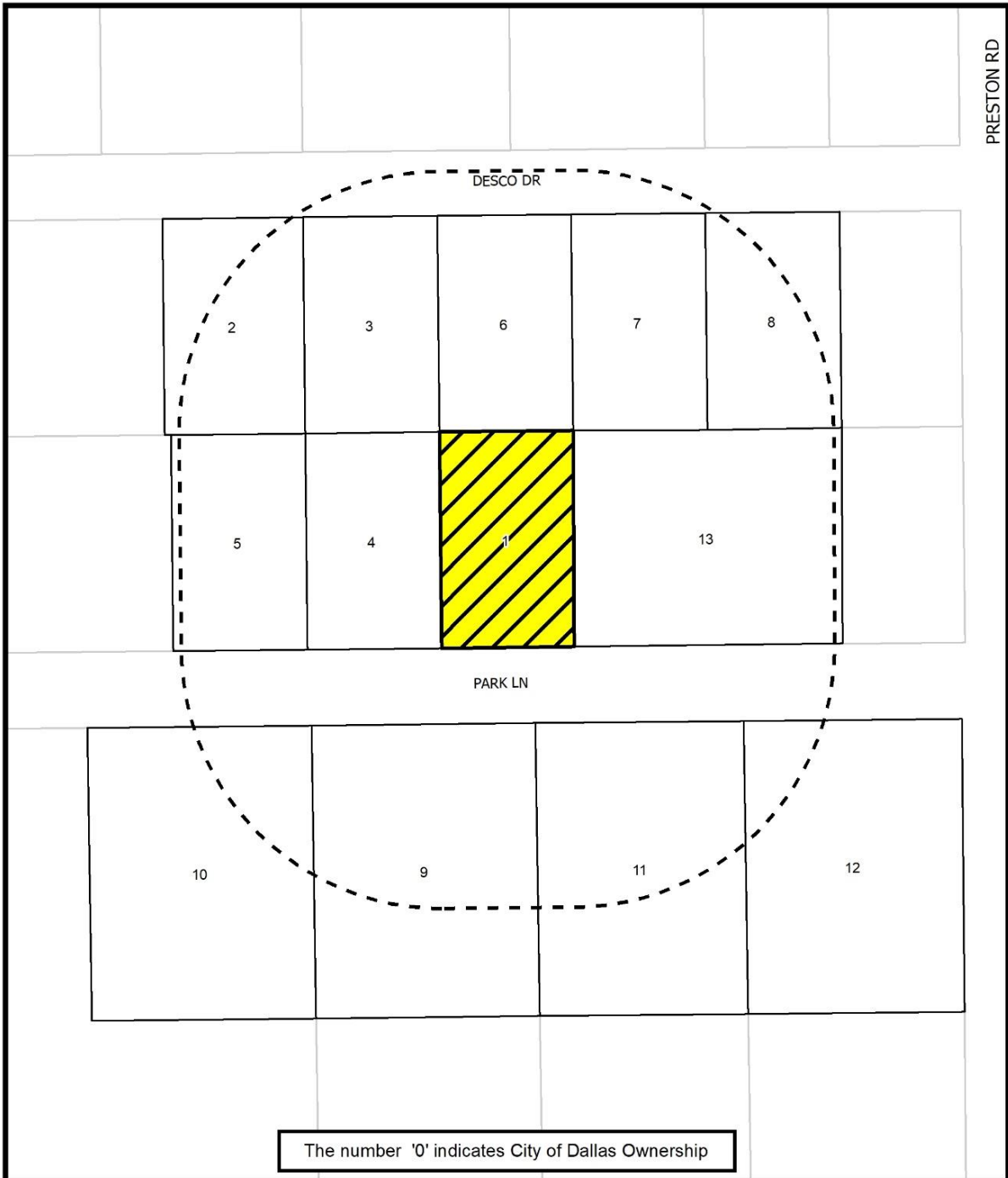


1:1,200

AERIAL MAP

Case no: BDA201-096

Date: 9/24/2021



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
13 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-096**
 Date: **9/24/2021**

09/24/2021

Notification List of Property Owners

BDA201-096

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5923 PARK LN	MILAN DESIGN BUILD LLC
2	5908 DESCO DR	NEWMAN GORDON H &
3	5914 DESCO DR	SMITH KEVIN R & SARAH C
4	5915 PARK LN	MILAN DESIGN & BUILD LLC
5	5907 PARK LN	NAMDAR MARJANEH &
6	5922 DESCO DR	GLASS JEFFREY & NORMA M
7	5930 DESCO DR	CARREKER JAMES D
8	5938 DESCO DR	SUSS RICHARD A &
9	5920 PARK LN	SAUSTAD NANCY W & DAVID C
10	5910 PARK LN	CARPENTER AUSTIN WILLIAMS
11	5934 PARK LN	BABILLA TERRENCE M & MOLLY E
12	5946 PARK LN	SAENZ HERNAN JF III & SYVIA E CESPEDES
13	5931 PARK LN	WHITE ALAN B & LEE ANN



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-096

Date: 8-17-21

Data Relative to Subject Property:

Location address: 5923 Park Lane Zoning District: R-1AC(A)

Lot No.: 8 Block No.: 1/5614 Acreage: 0.39 acres Census Tract: 206.00

Street Frontage (in Feet): 1) 103 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Blueline Living Trust

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 3' to the fence height regulations to allow a 7' fence with solid panels within 5' of the front property line 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 proposed fencing and gates will be similar in height and appearance to other fences along Park Lane so the approval of this Special Exception is reasonable and will not negatively affect neighboring properties.

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

Affidavit

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

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



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

Subscribed and sworn to before me this 11th day of August, 2021

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



AFFIDAVIT

Appeal number: BDA 201-096

I, Blue Line Living Trust
Milan Design Build LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5923 Park Lane
(Address of property as stated on application)

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

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

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

Specify: Fence height, fence panels

Jared Seth Jones

Print name of property owner or registered agent

[Signature]

Signature of property owner or registered agent

Date 8/9/2021

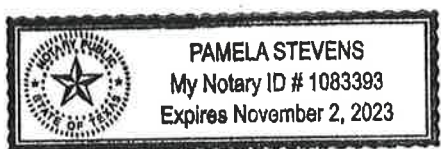
Before me, the undersigned, on this day personally appeared Jared Seth Jones

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 9th day of August, 2021

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 11-2-23





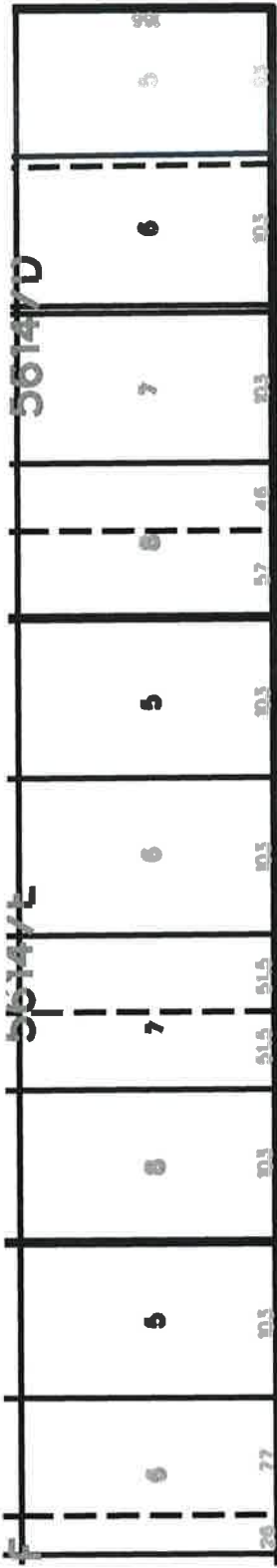
Printed: 8/11/2021

Legend

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

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

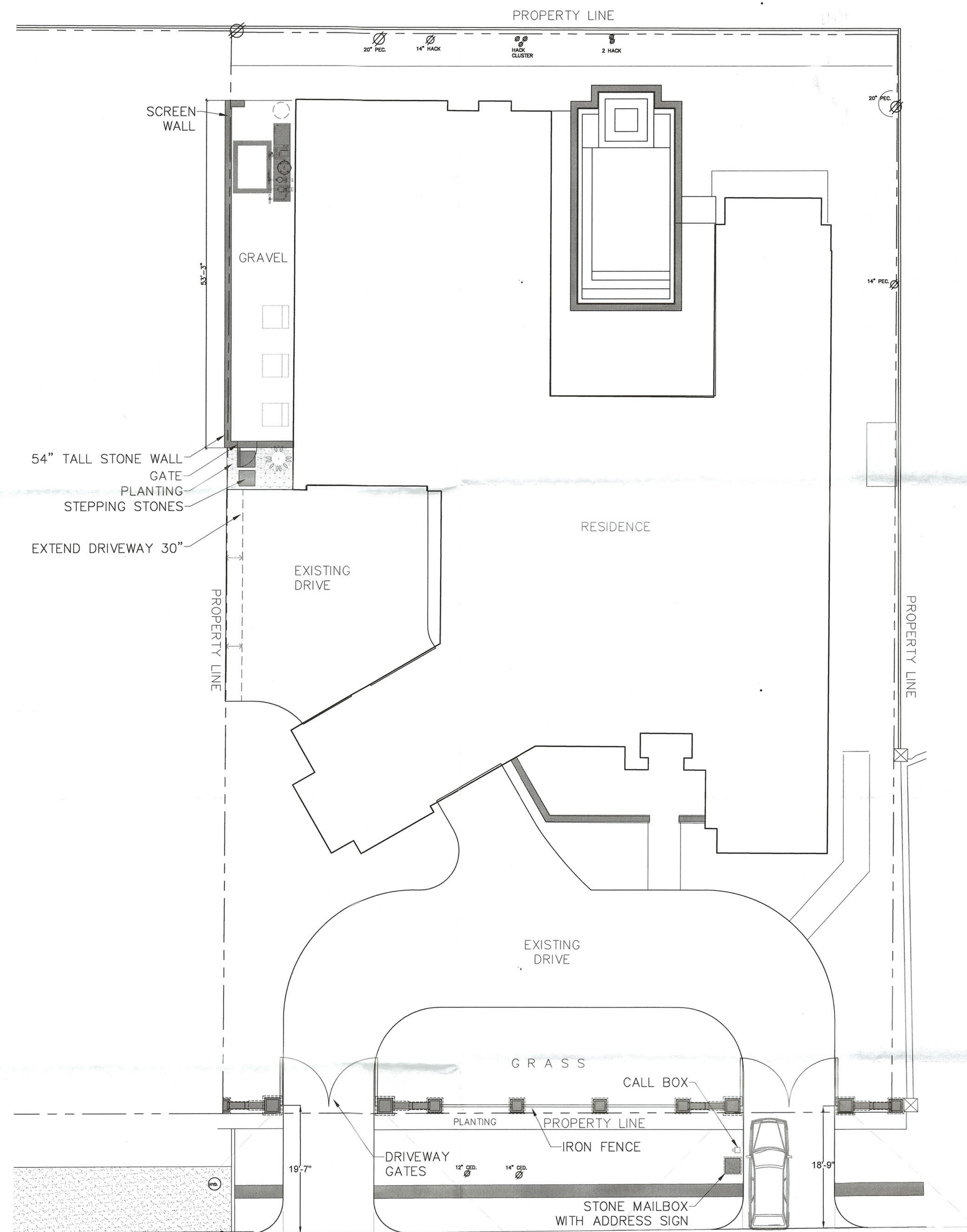




88 PRESTON

5484

5483

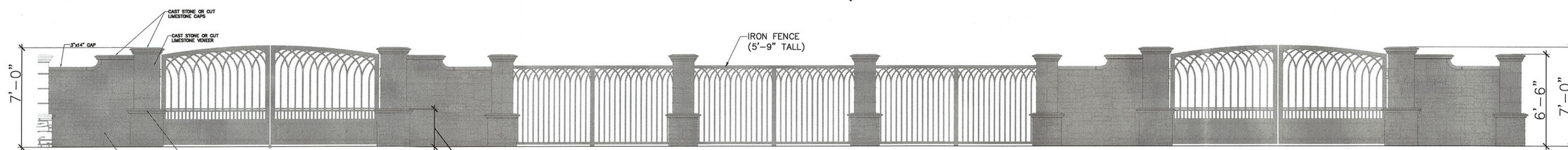


5923 Park Lane



1A DEVELOPMENT PLAN

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



1B FENCE ELEVATION

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



VICINITY MAP

NTS



08/17/2021

PROJECT NUMBER

CASE NUMBER

BALDWIN ASSOCIATES

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

Baldwin Associates

5923 Park Lane
 CITY OF DALLAS, TEXAS

BDA201-096_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:

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: BDA201-088(JM)

BUILDING OFFICIAL'S REPORT: Application of Melissa Kingston to enlarge a nonconforming use at 1013 S. Glasgow Drive. This property is more fully described as Lot 25, Block 7/1614, and is zoned Subarea A within Planned Development District No. 134, which limits the legal uses in a zoning district. The applicant proposes to enlarge a nonconforming multifamily use with three units, to four units, which will require a special exception to the nonconforming use regulations.

LOCATION: 1013 S. Glasgow Drive

APPLICANT: Melissa Kingston

REQUEST:

The site contains a nonconforming triplex use. The applicant requests to expand the nonconforming use to allow an additional dwelling unit, making the structure a fourplex.

STANDARD FOR ENLARGING A NONCONFORMING USE:

Section 51A-4.704(b) (5) (B) of the Dallas Development Code states the board may allow the enlargement of a nonconforming use when, *in the opinion of the board*, the enlargement: 1) does not prolong the life of the nonconforming use; 2) would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and 3) will not have an adverse effect on the surrounding area.

STAFF RECOMMENDATION:

No staff recommendation is made on a request to enlarge a nonconforming use since the basis for this type of appeal is based on *the opinion of the board*.

BACKGROUND INFORMATION:

Zoning:

Site: Subarea A, PD No. 134

North: Subarea A, PD No. 134

East: Subarea A, PD No. 134

South: Subarea A, PD No. 134

West: Subarea A, PD No. 134

Land Use:

The subject site is developed with a multifamily structure. The areas to the north, south, east, and west are developed with single-family uses. One duplex use is found across Glasgow Drive to the east.

Zoning/BDA History:

1. **BDA201-035:** On Monday, April 19, 2021, Panel C upheld an administrative official's decision regarding the number of dwelling units at the subject site.

GENERAL FACTS/STAFF ANALYSIS:

The request site is zoned Subarea A within Planned Development District No. 134. Specifically, the PD was established in 1982 and limits land uses according to Exhibit 134A where the subject property is identified as a single-family use. However, according to DCAD records, the subject site was developed with a structure erected in 1947, containing 2,102 square feet of floor area, and three dwelling units. Historical zoning maps for the subject zoning grid of I-9 identify the site as being zoned an 2F-2 Second Manufacturing/Commercial District in 1929 through to 1970. This zoning district was the least restrictive, allowing the most land uses and densest development. Due to cumulative zoning, this zoning category allowed all less restrictive zoning district land uses including multifamily apartments and triplex.

Section 51A-2.102(89) of the Dallas Development Code defines a nonconforming use as a use that does not conform to the use regulations of this chapter but was lawfully established under regulations in force at the beginning of operation and has been in regular use since that time.

Section 51A-4.704(b)(5)(A) of the Dallas Development Code states that enlargement of a nonconforming use means any enlargement of the physical aspects of a nonconforming use, including any increase in height, floor area, number of dwelling units, or the area in which the nonconforming use operates.

The applicant applied for a building permit and Certificate of Occupancy on December 31, 2020 to renovate a fourplex structure. The administrative official denied the permits asserting that city records can only confirm the existence of a triplex structure. The applicant applied for an appeal to the administrative official's decision in accordance with the code. The appeal was denied by Panel C on April 19, 2021, upholding the decision of the administrative official and confirming the nonconforming use as a triplex.

Three units are deemed legal, nonconforming. The applicant is now seeking a special exception to allow the enlargement of the nonconforming multifamily use to allow one more dwelling unit, as identified on the submitted floor plans.

The applicant has the burden of proof to establish that the enlargement of the nonconforming use:

1. does not prolong the life of the nonconforming use;
2. would have been permitted under the zoning regulations that existed when the nonconforming use was originally established by right; and
3. will not have an adverse effect on the surrounding area.

On October 8, 2021, the applicant submitted additional evidence for the board's consideration (**Attachment A**).

If the board were to grant this request with a condition imposed that the applicant may obtain a CO for a total of four dwelling units, the enlargement of the nonconforming use would be limited to exactly that, with no limitations on the structure other than the existing development code requirements. Granting this request will not provide relief from any other requirements of the code.

Timeline:

- July 26, 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.
- September 16, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C due to case history.
- September 17, 2021: The Board of Adjustment Chief Planner/Board Administrator emailed 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 and the following information:
- a copy of the application materials including the Building Official's report on the application;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- September 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. No review comment sheets were submitted in conjunction with this application.
- October 8, 2021: The applicant submitted additional evidence (**Attachment A**).

Notification List of Property Owners

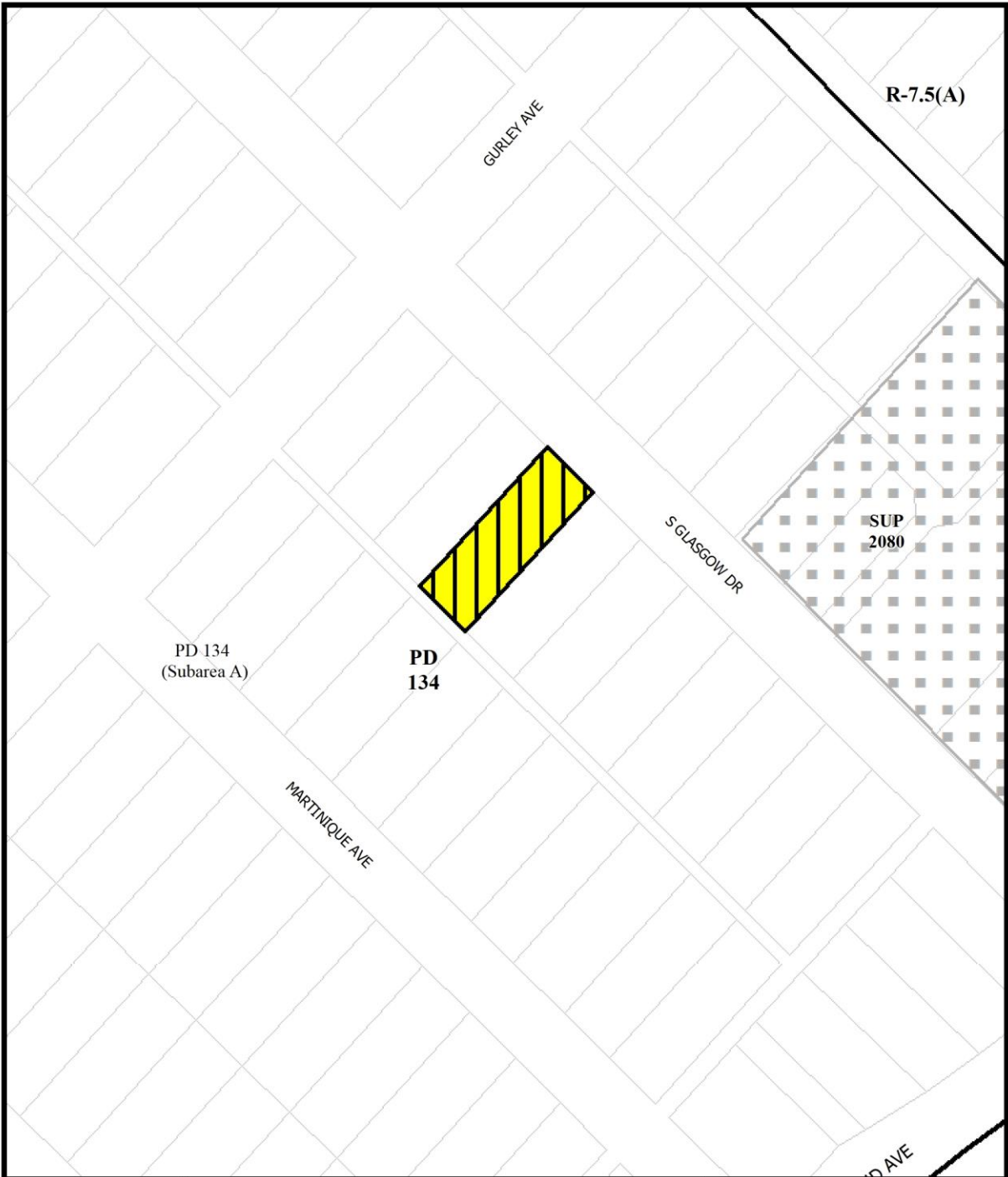
BDA201-088

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1013 S GLASGOW DR	Taxpayer at
2	1102 MARTINIQUE AVE	CONTRERAS BALTAZAR DELAROSA
3	1028 MARTINIQUE AVE	RAMOS ANTONIO & FRANCISCA
4	1026 MARTINIQUE AVE	VIDALES RODOLFO
5	1018 MARTINIQUE AVE	GOMEZ TEODORA
6	1012 MARTINIQUE AVE	YBARRA MARTHA
7	1008 MARTINIQUE AVE	JUAREZ MARIO &
8	1006 MARTINIQUE AVE	JUAREZ RUBEN &
9	1000 MARTINIQUE AVE	FAZ JOSE & NOEMI
10	1031 S GLASGOW DR	CASTILLO BRUNA P
11	1027 S GLASGOW DR	RODRIQUEZ JOSE &
12	1023 S GLASGOW DR	OROZCO MANUEL &
13	1019 S GLASGOW DR	HALIMAN PROPERTIES LLC
14	1011 S GLASGOW DR	FERNANDEZ GREGARIO EST OF & CARMEN
15	1007 S GLASGOW DR	RAMSEY ELENA M
16	1003 S GLASGOW DR	BALDERAS TERESO &
17	1030 S GLASGOW DR	CITYSCAPE SCHOOLS INC
18	1022 S GLASGOW DR	GONZALEZ MARIA A
19	1016 S GLASGOW DR	LICEADELGADO MIGUEL A
20	1014 S GLASGOW DR	FERNANDEZ SUSANNA
21	1010 S GLASGOW DR	FERNANDEZ ANGELA
22	1006 S GLASGOW DR	MARTINEZ ELIZABETH
23	1002 S GLASGOW DR	SEGURA CARLOS &
24	1023 CRISTLER AVE	ROSALES JUANITA
25	1019 CRISTLER AVE	WILKINS CARL M
26	1015 CRISTLER AVE	DANIEL DAVID O

09/24/2021

Label #	Address	Owner
27	1009 CRISTLER AVE	DOWLING JASON S
28	1005 CRISTLER AVE	GUZMAN MARIA ESTALLA DE

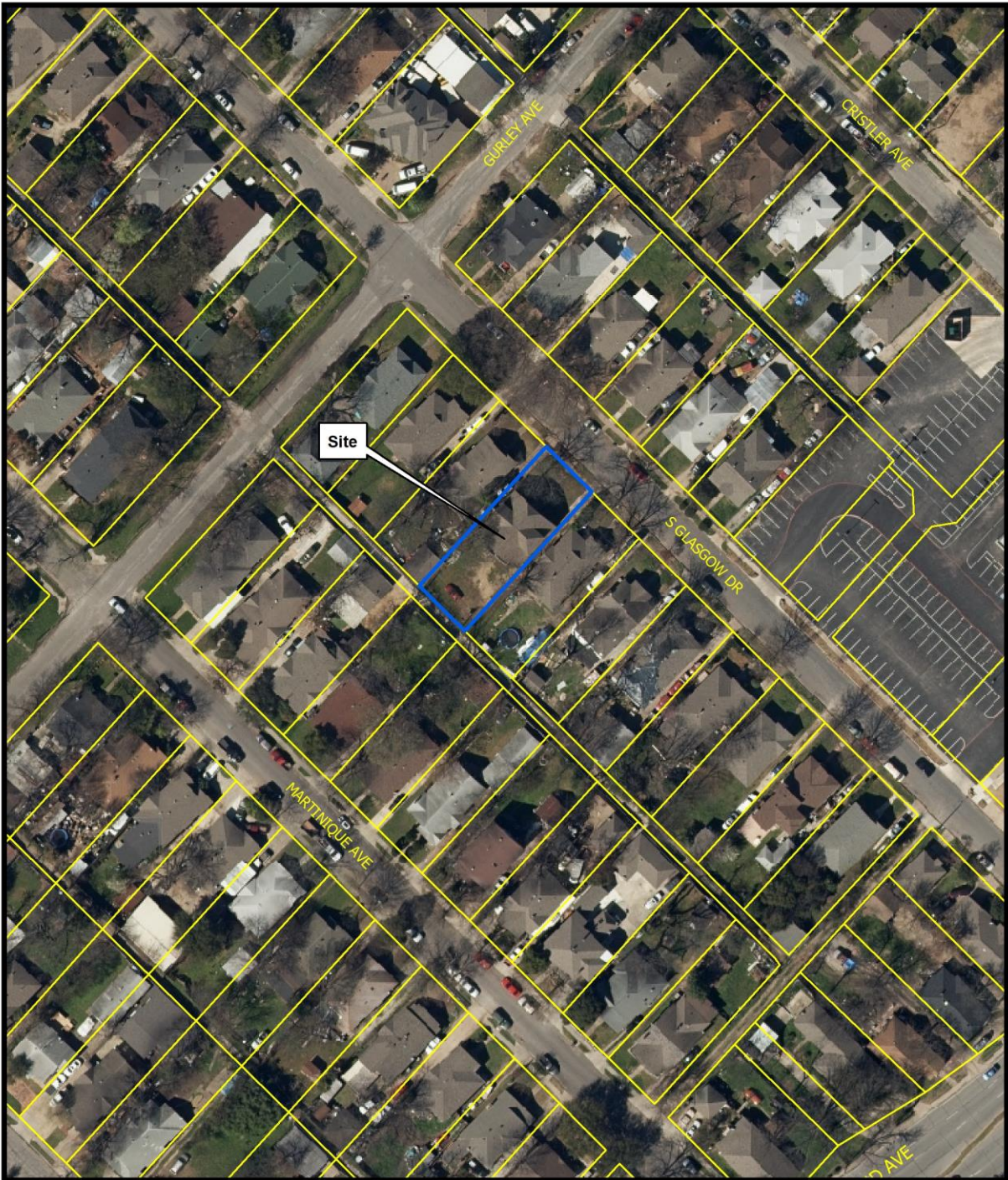


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ZONING MAP

Case no: BDA201-088

Date: 9/24/2021

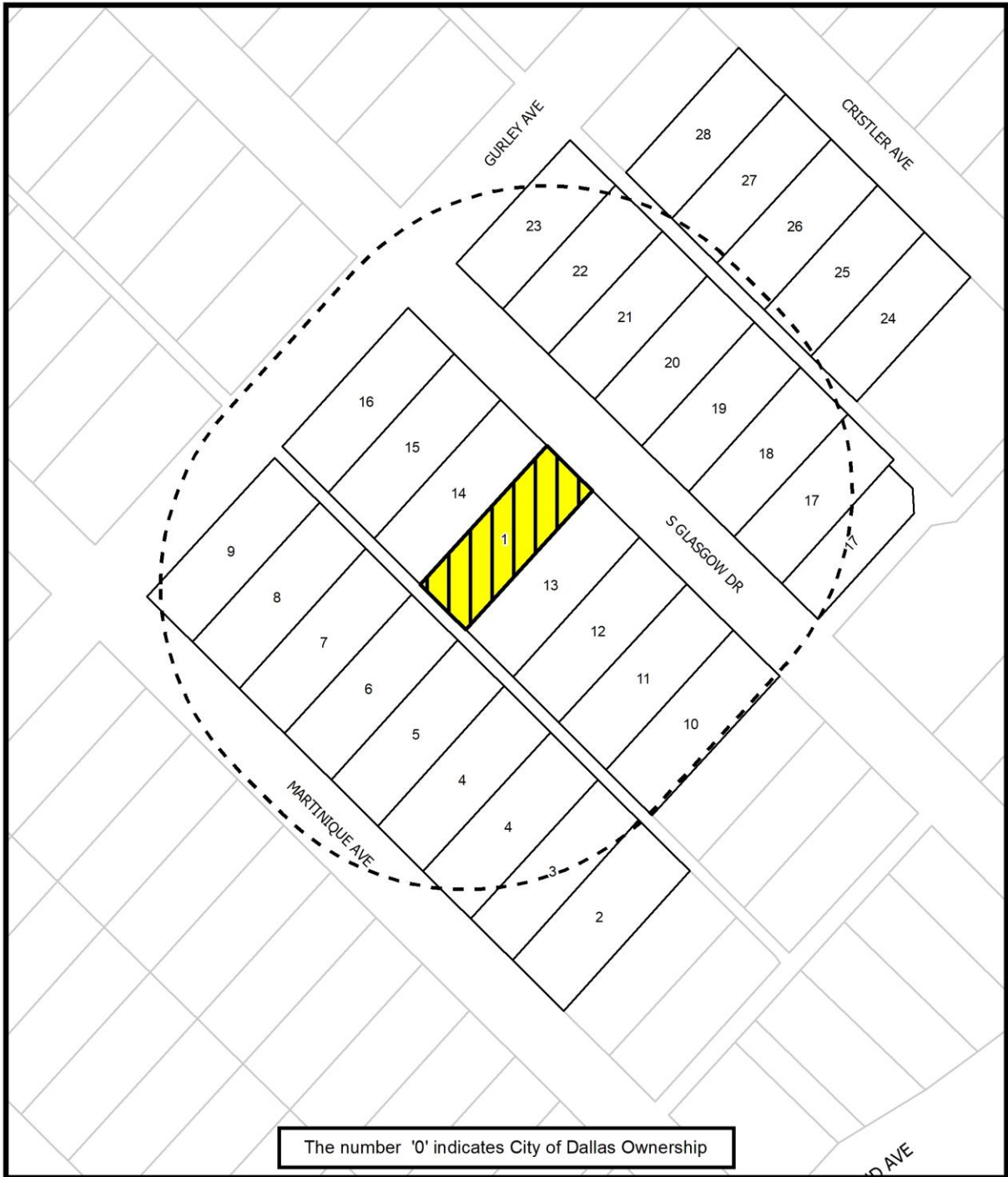


1:1,200

AERIAL MAP

Case no: BDA201-088

Date: 9/24/2021



The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA201-088
 Date: 9/24/2021



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-088

Date: 07/23/21 7-26-21 cot

Data Relative to Subject Property:

Location address: 1013 S. Glasgow, Dallas, Texas 75223 Zoning District: PD 134

Lot No.: 25 Block No.: 7/1614 Acreage: 0.17 Census Tract: 48113001203 12.04

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Philissa Properties LLC 1013 S Glasgow Series

Applicant: Melissa Kingston Telephone: 214-642-1366

Mailing Address: 5901 Palo Pinto, Dallas, Texas Zip Code: 75206

E-mail Address: philissaproperties@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of allowable use under PD 134 to enlarge a nonconforming use for the purpose of implementing the city's Comprehensive Housing Plan

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described special exception for the following reason: The subject property has been used as a 4-unit apartment building for many decades. The property was wrongfully downzoned in 1982 when it was mistakenly listed as single family on the PD 134 lot use map. The building official and planning staff issued a certificate of occupancy for only 3 units denying applicant its historical use of the 4th unit. Because the units are all affordable at the 80% area median income level, the use of the fourth unit is critical to the implementation of the city's Comprehensive Housing Policy passed in 2018 that calls for 20,000 new affordable units to be brought to market in the following three years, which is this year. Applicant respectfully requests that the Board enlarge the nonconforming use to allow for the rental of the fourth affordable unit.

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 Melissa Kingston
(Affiant/Applicant's name printed)

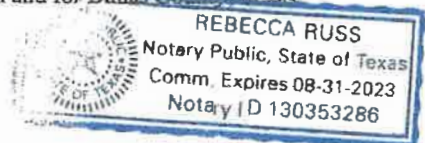
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 27 day of July, 2021

(Rev. 08-01-11)

Notary Public in and for Dallas County, Texas





AFFIDAVIT

Appeal number: BDA 201-088

I, Philissa Properties LLC – 1013 Glasgow Series, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1013 S. Glasgow (Address of property as stated on application)

Authorize: Melissa Kingston (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)

 X Special Exception (specify below)

 Other Appeal (specify below)

Specify: enlarge nonconforming use in compliance with the Comprehensive Housing Plan

Philissa Properties LLC – 1013 Glasgow Series
Print name of property owner or registered agent

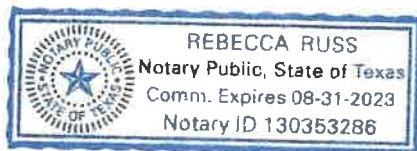
[Signature]
Signature of property owner or registered agent

Date 07/27/21

Before me, the undersigned, on this day personally appeared Philissa Properties LLC – 1013 Glasgow Series by Melissa Kingston, Manager

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 27 day of July, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 8-31-23



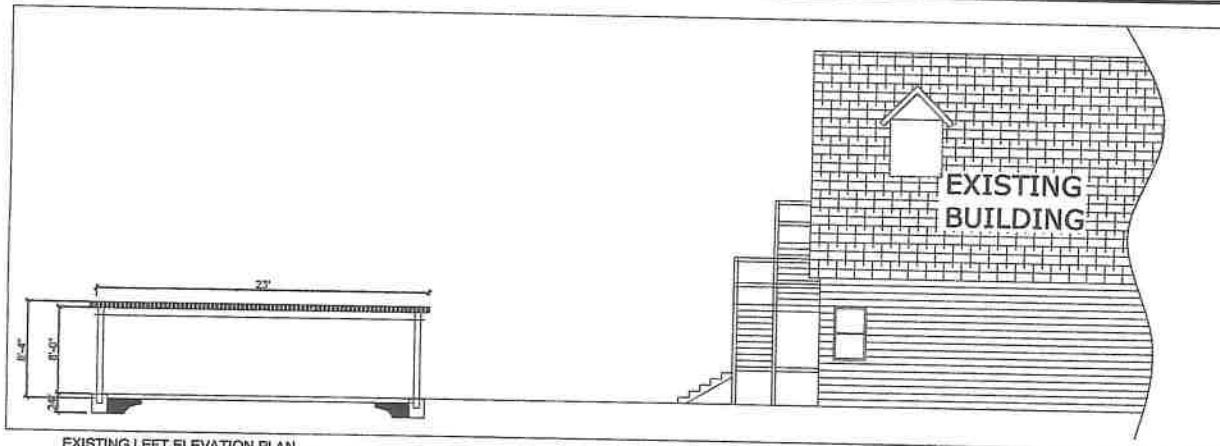
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Legend

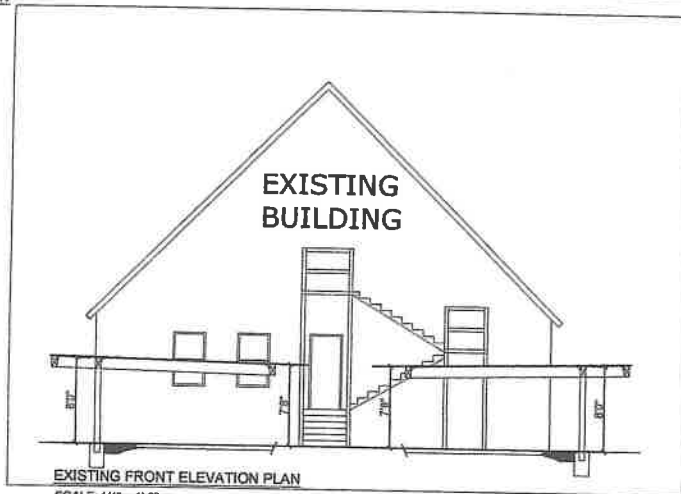
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| 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 7-4 |
| | | Height Map Overlay | |

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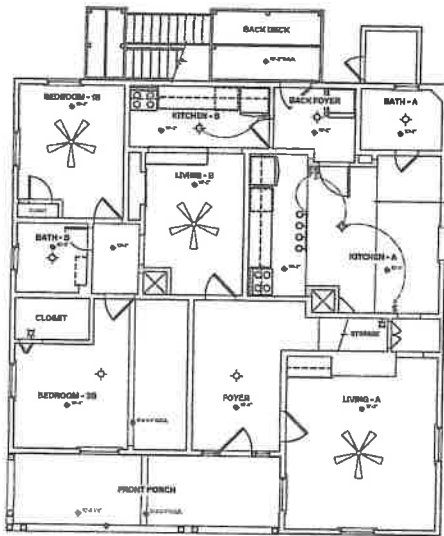


EXISTING LEFT ELEVATION PLAN
SCALE: 1/4" = 1'-0"

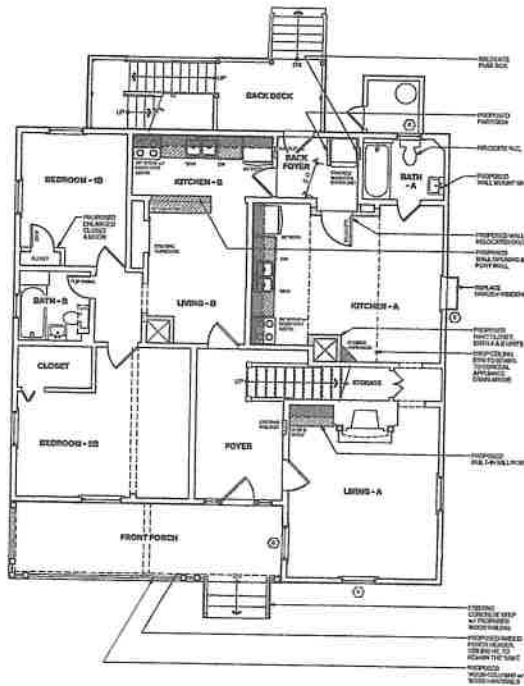


EXISTING FRONT ELEVATION PLAN
SCALE: 1/4" = 1'-0"

CITY STAMP:
SCOPE OF WORK: CARPORT
ADDRESS: 1013 S. GLASGOW DR DALLAS TX, 75223
LEGAL DESCRIPTION: MOUNT AUBURN BLK 771814 LOT 25
DRAWING CONTENT: ELEVATION PLAN
ENGINEER STAMP
 <small>THE STATE ENGINEER EXAMINATION BOARD FOR THE STATE OF TEXAS</small>
SCALE: 1/4" = 1'-0"
DATE: 02/09/2021
SHEET: 03 OF 03
A-003
 BUILDING SCIENCE ENTERPRISE LLC <small>204 26th ST DALLAS, TX 75201 www.buildingscience.com PH: 214.761.1111</small>



2 Level 1 RCP
1/4" = 1'-0"



1 Level 1 Plan
1/4" = 1'-0"

GRAPHIC LEGEND

	EXISTING CONSTRUCTION
	PROPOSED CONSTRUCTION
	CEILING REPLACEMENT
	WALL REMOVAL
	CEILING AND FLOOR REMOVAL
	PROPOSED TO BE REMOVED
	FLOOR LEVEL CHANGE

Architexas
 1000 West 10th Street
 Suite 1000
 Austin, TX 78703
 512.476.1111

Fourplex Residence
 Rehabilitation & Alteration

DISCLAIMER
 The Engineer and/or Architect is not responsible for all elements. DO NOT rely on drawings, specifications or conditions not shown or stated. The Engineer and/or Architect is not responsible for any conditions not shown or stated. The Engineer and/or Architect is not responsible for any conditions not shown or stated.

**FOR REVIEW ONLY
 NOT FOR CONSTRUCTION**

Date: 10/15/2024
 Project: Fourplex Residence Rehabilitation & Alteration
 Sheet: Level 1 Floor Plan & RCP
 Drawn: [Name]

AL.OI

City of Dallas Board of Adjustment, Panel C
c/o Jennifer Muñoz
Chief Planner/Board Administrator
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201

Re: BDA201-088, 1013 S. Glasgow Drive, Dallas, Texas

Dear Board Members:

I am the owner of Philissa Properties LLC – 1013 Glasgow Series (the “Applicant”), and I am writing to request that the Board of Adjustment (“Board”) expand a legal, nonconforming use for a 4-plex located at 1013 S. Glasgow Drive, Dallas, Texas (the “Property”). Specifically, Applicant seeks to continue using the fourth unit that has been utilized on the property for over 50 years to support the city’s housing policy.

SUMMARY

- Applicant asks the Board to expand the Property’s legal, non-conforming right to be operated as a 4-unit apartment building (“4-plex”).
- Staff agrees that the Property has legal, non-conforming rights but only to be operated as a 3-unit apartment building (“3-plex”). The Property has a certificate of occupancy for three units today.
- Two of the rented units are affordable under the Housing and Urban Development standard for residents earning 80% of Area Median Income (“AMI”), and one of the units is affordable for residents earning 70% of AMI . The fourth unit will also meet this standard. Applicant voluntarily maintains these rent levels below market without any public assistance.
- Expansion to four units is the only outcome of this submission that is consistent with the city’s Comprehensive Housing Policy and responds to the city’s critical shortage of affordable housing.
- Staff and the city attorney’s office encouraged Applicant to file this Board action and have agreed not to oppose it.
- The Property has been used as a 4-plex for decades, and this expansion of a legal, nonconforming right would merely allow continued operation. The strong evidence of 4-plex rights includes:
 - Four mailboxes set into a common-area wall that were obviously manufactured decades ago
 - Four separate addresses approved by the City and used by the US Post Office for decades
 - Five Oncor meters (one for each unit and a “house lights” account) in existence for decades
 - Four kitchens and four bathrooms distributed one each to a unit

- Framing of the fourth unit in roughhewn lumber obviously milled prior to sophisticated milling equipment
- Testimony of the 50-year owner of the Property
- The neighbors on both sides of the Property support this application.

FACTS

Applicant purchased a 1920’s Craftsman style 4-plex located at 1013 S. Glasgow Drive, Dallas, Texas 75223 in the Mount Auburn neighborhood in the Old East Dallas section of Dallas. Mount Auburn was developed as a largely single-family neighborhood in the 1920s with commercial development nearby. For decades, Mount Auburn has been a predominately Latino community that the City has neglected, despite its close location to amenities like the Samuel Grand recreation center/aquatics center/park complex, Woodrow Wilson High School, the Santa Fe Trail, and downtown Dallas. In recent years, Mount Auburn has experienced a wave of gentrification that is pushing residents out and replacing the existing housing stock, which is largely Craftsman bungalows, with large, modern-style homes at a much higher price point.

Applicant has fully remodeled the Property and offers apartments at rents recognized by HUD as affordable. Applicant also accepts applications from Housing Choice voucher holders.



Before



Present

The City Attorney’s Office encouraged the Applicant to seek the Board’s approval for expansion of the nonconforming use, and staff has explicitly agreed not to oppose this application.

ZONING AND THE LEGAL STANDARD

The Mount Auburn neighborhood was largely constructed in the 1920s and 1930s as a residential area with a mix of single-family houses, and duplexes through 4-plexes. When the city’s 1940s zoning code was passed, Mount Auburn was put in the Residential zoning category, which allowed for multifamily use.

In the late 1970s, residents became concerned about commercial uses encroaching on the neighborhood, and the city passed PD 134 in 1982.¹ PD 134 explicitly left each parcel with its existing use continuing under the new zoning as a *legal conforming use* rather than as a legal, non-conforming use.²

(b) → Nonconformity and other use regulations.

(1) → All existing uses, as shown on the land use map, and structures within this PD are legal conforming uses and structures under this article. With the exception of Lot 7 in City Block 6/1614 at

Unfortunately, these existing uses were listed in the ordinance according to a crude use map that was attached to the ordinance.³ On that map, someone mistakenly labeled the Property as “single family.” City staff acknowledges and admits that the use of the Property was multifamily when the PD was adopted and retains any legal, non-conforming use it had on that date.

In fact, the passage of the PD preserved the 4-plex use as a *legal conforming* right. The only reason the Property is not explicitly listed as a 4-plex in the PD is incorrect drafting of a hand-shaded map.

Under Texas law, rezoning cannot reduce the rights of use of a property within the zoning area without compensating the owner, such as through amortization.⁴

AFFORDABLE HOUSING AND CITY POLICY

The Problem

Dallas has too little affordable housing. Estimates of the shortfall range in size from 20,000 units at present to a predicted 270,000 units by 2045.

PRODUCTION GOALS AND INCOME BANDS TO BE SERVED

Dallas has a housing shortage of approximately 20,000 units. This shortage is driven by the cost of land and land development, labor and materials shortages, federal, state and local constraints,

A study released late last year brought more bad news. By 2045, 270,000 Dallas households will experience problems like overcrowding or face a cost burden. In other words, more people will be forced to share homes to afford

¹ See PD 134, Ex. A.

² *Id.* at pg 2.

³ *Id.* at pg 5.

⁴ See *City of University Park v. Benners*, 485 S.W.2d 773 (Tex. 1972).

“Why is it So Hard for Dallas to Address Affordable Housing?” Hicks, T., D Magazine, February 1, 2021.

The shortage drives a multitude of bad outcomes from lack of social mobility to soaring rates of homelessness.

BUSINESS > REAL ESTATE

How Dallas’ escalating home prices only add to the city’s homelessness

A lack of affordable housing creates pressures for buyers, renters and those who can’t afford to be either.

Skores, A., Dallas Morning News, August 23, 2021.

The city’s 2018 goal of producing 20,000 new affordable units of housing by 2021 remains almost totally unfulfilled, not least because of the way the city treats developers.

NEWS > COMMENTARY

Dallas’ broken building-permit process is robbing our tax base of millions in needed funds

The festering delays and dysfunction within this vital City Hall department leave developers vowing never to do business here again.

Grigsby, S., Dallas Morning News, April 27, 2021.

And the problem is worsening. Both Austin and Houston issued permits for over 20,000 units of new housing in 2020 alone. Dallas managed fewer than four thousand. <https://www.dmagazine.com/frontburner/2021/07/dallas-is-not-building-enough-housing-to-keep-up-with-its-booming-neighbors/>⁵

Applicant proposes to address this problem in one small way.

The Solutions

Affordable housing for working Dallasites is typically supplied by the market in two ways: supply side rent limits and demand side vouchers.

Supply Side

On the supply side, Housing and Urban Development (“HUD”) regulations require that for housing to be “affordable” for purposes of using HUD funding, the unit must be affordable to a worker earning no

⁵ Media coverage of this topic attached as Exhibit F

more than 80% of area median income (“AMI”). HUD also mandates that the gross rent for the unit (inclusive of utilities and other fees) be no more than 30% of a resident’s income.

For Dallas County in 2021, HUD has set the 80% of AMI income level at \$48,300.00:

Eligibility Standard ²	Number of Persons in the Household								
	1	2	3	4	5	6	7	8	9
140%	\$ 84,476	\$ 96,544	\$ 108,612	\$ 120,680	\$ 130,334	\$ 139,989	\$ 149,643	\$ 159,298	\$ 168,952
135%	\$ 81,459	\$ 93,096	\$ 104,733	\$ 116,370	\$ 125,680	\$ 134,989	\$ 144,299	\$ 153,608	\$ 162,918
130%	\$ 78,442	\$ 89,648	\$ 100,854	\$ 112,060	\$ 121,025	\$ 129,990	\$ 138,954	\$ 147,919	\$ 156,884
125%	\$ 75,425	\$ 86,200	\$ 96,975	\$ 107,750	\$ 116,370	\$ 124,990	\$ 133,610	\$ 142,230	\$ 150,850
120%	\$ 72,408	\$ 82,752	\$ 93,096	\$ 103,440	\$ 111,715	\$ 119,990	\$ 128,266	\$ 136,541	\$ 144,816
115%	\$ 69,391	\$ 79,304	\$ 89,217	\$ 99,130	\$ 107,060	\$ 114,991	\$ 122,921	\$ 130,852	\$ 138,782
110%	\$ 66,374	\$ 75,856	\$ 85,338	\$ 94,820	\$ 102,406	\$ 109,991	\$ 117,577	\$ 125,162	\$ 132,748
105%	\$ 63,357	\$ 72,408	\$ 81,459	\$ 90,510	\$ 97,751	\$ 104,992	\$ 112,232	\$ 119,473	\$ 126,714
100%	\$ 60,340	\$ 68,960	\$ 77,580	\$ 86,200	\$ 93,096	\$ 99,992	\$ 106,888	\$ 113,784	\$ 120,680
95%	\$ 57,323	\$ 65,512	\$ 73,701	\$ 81,890	\$ 88,441	\$ 94,992	\$ 101,544	\$ 108,095	\$ 114,646
90%	\$ 54,306	\$ 62,064	\$ 69,822	\$ 77,580	\$ 83,786	\$ 89,993	\$ 96,199	\$ 102,406	\$ 108,612
85%	\$ 51,289	\$ 58,616	\$ 65,943	\$ 73,270	\$ 79,132	\$ 84,993	\$ 90,855	\$ 96,716	\$ 102,578
80% ³	\$ 48,300	\$ 55,200	\$ 62,100	\$ 68,950	\$ 74,500	\$ 80,000	\$ 85,500	\$ 91,050	\$ 93,100
75%	\$ 45,255	\$ 51,720	\$ 58,185	\$ 64,650	\$ 69,822	\$ 74,994	\$ 80,166	\$ 85,338	\$ 90,510
70%	\$ 42,238	\$ 48,272	\$ 54,306	\$ 60,340	\$ 65,167	\$ 69,994	\$ 74,822	\$ 79,649	\$ 84,476
65%	\$ 39,221	\$ 44,824	\$ 50,427	\$ 56,030	\$ 60,512	\$ 64,995	\$ 69,477	\$ 73,960	\$ 78,442
60%	\$ 36,240	\$ 41,400	\$ 46,560	\$ 51,720	\$ 55,860	\$ 60,000	\$ 64,140	\$ 68,280	\$ 69,840
50% ³	\$ 30,200	\$ 34,500	\$ 38,800	\$ 43,100	\$ 46,550	\$ 50,000	\$ 53,450	\$ 56,900	\$ 60,300
30% ³	\$ 18,100	\$ 20,700	\$ 23,300	\$ 25,850	\$ 27,950	\$ 30,000	\$ 32,100	\$ 34,150	\$ 34,950
Size adjustment:	70%	80%	90%	100%	108%	116%	124%	132%	140%

To calculate allowable gross rent for one resident under HUD’s guidelines, divide the annual income limit by twelve and multiply by 0.30 to get a monthly gross rent limit of \$1,207.50. The one-bedroom units rented at the Property are all rented to single residents below this rent limit figure.

The sole two-bedroom unit at the Property is occupied by a family of four with two income earners. To calculate allowable gross rent for the family, use the same formula for the 4-person income limit. Allowable gross rent for the family is \$1,723.75/month. The family living at the Property is paying significantly less than that rent limit. In fact, for a family of 4, the rent per month at 70% AMI is \$1,508.50, and this family is paying less than that rent limit.

Demand Side

Almost all of the demand side subsidy available to Texans is in the form of Housing Choice Vouchers that are supposed to allow residents to choose the neighborhood they prefer. The income limits for voucher eligibility are much lower than for HUD funding on the supply side:

Persons per Household	HCV Income Limits*
1	\$31,150
2	\$35,600
3	\$40,050
4	\$44,500
5	\$48,100
6	\$51,650
7	\$55,200
8	\$58,750

**Income limits subject to change based on HUD publication.*

The program is supposed to compensate landlords at a market rate of rent, hypothetically making a voucher tenant very attractive, in part because the government is a reliable source of rent.

In practice, a number of factors have combined to create a severe shortage of landlords willing to accept vouchers. In some areas the reimbursement rate is less than market rent. Many landlords fear voucher tenants because of false assumptions about who they are and how they will treat the apartment.



Getting a Section 8 Voucher Is Hard. Finding a Landlord Willing to Accept It Is Harder.

STATELINE ARTICLE August 31, 2018 By: Teresa Wiltz Topics: Social Issues & Safety Net Read time: 6 min

<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/08/31/getting-a-section-8-voucher-is-hard-finding-a-landlord-willing-to-accept-it-is-harder>

The Property is available for voucher tenants. I am a certified voucher landlord through Dallas County's landlord training program:

DALLAS COUNTY HOUSING AGENCY

THIS CERTIFIES THAT

PHILIP KINGSTON

DOING BUSINESS AS

PHILIP KINGSTON

HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS AND IS
THEREFORE AWARDED THIS CERTIFICATE FOR ATTENDING THE:

LANDLORD BRIEFING



Deanna Gilmae

LANDLORD COORDINATOR

SEPTEMBER 23, 2019

DATE

Public Funding

Landlords who hold rents down to the HUD affordable limits typically do so because they have been subsidized in construction, operation, or both through HUD-funded grants that are usually sufficient to match market rents.

Landlords who take vouchers typically do so because the voucher reimbursement rate is sufficient to match market rent and because they have committed to do so in exchange for a HUD-funded grant or state tax credits.

In both cases, the City of Dallas has been incentivizing affordable housing through rent limits and vouchers by exchanging greater density for affordability. This process is known as voluntary inclusionary zoning.

None of these subsidies or incentives are available to smaller, infill housing projects like the subject Property. Applicant has voluntarily limited rent and accepts applications from voucher holders. The Board in this case has an opportunity to support the city's housing policy by allowing a fourth affordable unit at the Property in a process very similar to voluntary inclusionary zoning.

EVIDENCE

In addition to supporting the city's housing policies, the expansion of the nonconforming use is supported by considerable evidence that the use of the fourth unit would simply preserve its historical use.

Mailboxes and Addresses

The Property has had four residential addresses for a very long time. The four lockable mailboxes built into the wall in the foyer were manufactured by a company that was absorbed into a conglomerate in the early 1970s, demonstrating that the mailboxes have been on site since at least that time (and before the passage of PD 134).



But it is also important to note that the City of Dallas has consented to the use of four addresses at the Property for decades. The United States Postal Service plays no part in designating addresses within local government jurisdictions. Instead, as was done in this case, the City tells the Postal Service what the address of each property is.⁶

⁶ See Postal Service website, Ex. B.


In response to a Freedom of Information Act request, the Postal Service confirmed that it keeps no historical records of individual addresses and referred Applicant to the City of Dallas.⁷ In response to a Texas Public Information Act request, the City of Dallas could locate no records of its communications with the Postal Service about residential addresses at the Property.⁸ As the only entity entitled to create new addresses at the Property and the only entity with any records of same, the evidence available is that this Property has been used as a 4-plex for decades.

Open Records Request about a month ago Completed

C001209-020721

1. Any and all communications, documents, and records referring to the property located at 1013 S. Glasgow Dr., Dallas, Texas (the "Property"). Please specifically include, without limitation: - Communications with the United States Postal Service regarding address assignment for apartments at the Property - Permits and permit applications and materials - Zoning records and communications including, without limitation, communications with ownership of the Property regarding PD 134 - Communications and records sent to or received from Dallas Central Appraisal District - Internal communications regarding zoning and permit applications - Zoning applications and permit applications, including amendments to same - Inspection records, including green tags, red tags, stop work orders, and communications regarding same - Notes and recordings of communications regarding the Property - Recordings of any telephone and video conference calls related to the Property 2. City of Dallas Building Official decisions defining how non-conforming use designation is determined or granted and internal policies and communications regarding same 3. Sustainable Development and Construction (and all prior iterations of this department) guidelines for permit application processing, zoning application processing, and non-conforming use determination criteria in use for the last 2 years. Unless otherwise stated, the time frame for this request is January 1, 1920, to the present. This request excludes utility bills.

Status : Full Release

 Philip Kingston

Oncor

When Applicant purchased the Property, only three meters were attached to the building and only one was energized, though there were five electric panels. When Applicant called Oncor to request two more meters, Oncor already had five electric service identifiers ("ESIDs") assigned to the Property – Units 1 through 4 and "house lights."⁹ As with the addresses, Oncor only assigns ESIDs for a property after the City notifies Oncor that the new meters are approved. The City, at one point, approved 5 meters on this Property, which is why Oncor was able to simply update the existing meters and add new meters without additional City approval when Applicant ordered the new meters.

⁷ See Declaration of Philip Kingston, Ex. C.

⁸ *Id.*

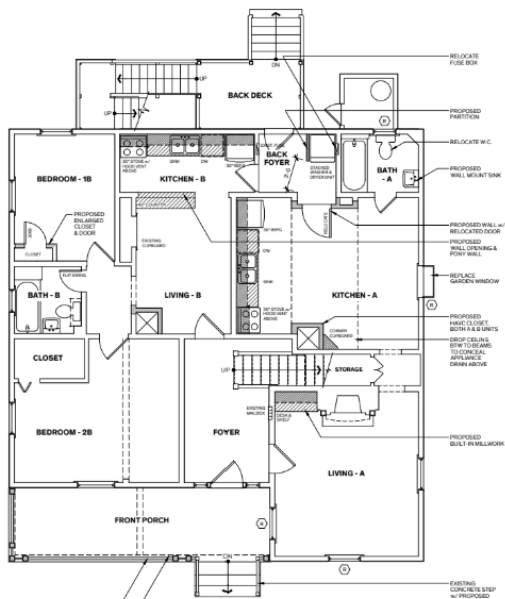
⁹ *Id.*



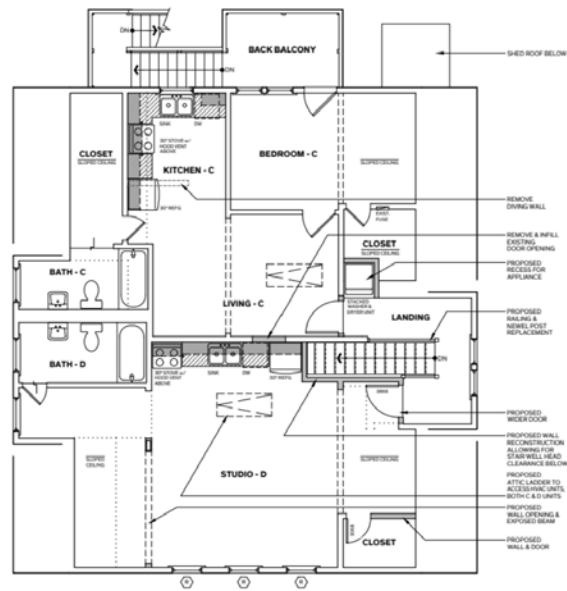
Property Configuration

When Applicant purchased the Property, it is undisputed that it was configured as a 4-plex. Each unit had lockable exterior doors, a kitchen, and a bathroom.¹⁰ Applicant merely updated these 4 units and did not reconfigure or enlarge any of the units.

¹⁰ See Declaration of Michael Karnowski, Ex. D, and Statement of seller, Ex. E.



First Floor



Second Floor

What became evident as the remodeling project progressed is that the framing necessary to change the structure from a single-family house to a 4-plex was constructed with the kind of roughhewn lumber typical of Dallas construction before 1940.¹¹ The fourth unit is a studio apartment that appears to have been a second-story porch prior to being enclosed. This unit particularly utilized roughhewn lumber in the walls constructed to enclose the porch.¹²

Previous Ownership

The statement of the previous owner confirms the continuous use of the Property as a four-plex since at least 1970. It is possible that the City’s confusion about the use of the Property and the reference in the 1970 sale contract to a “tri-plex” is due to the configuration of the upstairs units. These units could be joined through an interior, lockable door, or they could be inhabited separately as two apartments by simply locking the door. This configuration is similar to hotel rooms that often have the flexibility to be adjoining through a lockable door between the rooms, but the rooms are nonetheless separately rented and maintained as two units. In either case, the Property would not lose its legal, non-conforming right to be operated as 4-plex.

In fact, during the review process, Ms. Wimer initially approved the Property as a 4-plex in August of 2020, after which Applicant remodeled the Property, keeping the 4 units in their original locations and

¹¹ See Declaration of Philip Kingston, Ex. C.

¹² *Id.*

size. When revisiting the decision whether the Property should be considered a 3-plex or a 4-plex, staff acknowledged that the evidence exists to support a 4-plex.

Megan, three units is what our records indicate. Let me know if you feel comfortable with four units based on your conversation with Mr. Kingston and your survey of the information shared with you.

Thanks.



David Session
Building Official (I)
City of Dallas | DallasCityNews.net
Sustainable Development &
Construction

From: Wimer, Megan <megan.wimer@dallascityhall.com>
Sent: Wednesday, January 13, 2021 1:08 PM
To: Session, Little <l.sessions@dallascityhall.com>; May, Sarah <sarah.may@dallascityhall.com>
Subject: RE: 1013 S Glasgow

Since the only permit record we have seen indicates three units, is that what we go with or the affidavit that says “three or four units”?

CONCLUSION

The Board should expand the nonconforming use of the Property to allow rental of the fourth unit because:

- The expansion supports the strong public policy of the city to increase affordable housing;
- The expansion would merely preserve the historic use of the Property;
- The surrounding property owners support preserving the historic use of the Property¹³; and
- Staff and the City Attorney’s Office do not oppose this application.

Respectfully submitted,

/s/ Philip Kingston

Philip Kingston
Manager
Philissa Properties LLC – 1013 Glasgow Series

¹³ Petition attached as Exhibit H

ARTICLE 134.

PD 134.

SEC. 51P-134.101. LEGISLATIVE HISTORY.

PD 134 was established by Ordinance No. 17271, passed by the Dallas City Council on January 27, 1982. Ordinance No. 17271 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Ordinance No. 17271 was amended by Ordinance No. 17424, passed by the Dallas City Council on May 26, 1982; Ordinance No. 17704, passed by the Dallas City Council on February 16, 1983; Ordinance No. 18054, passed by the Dallas City Council on November 23, 1983; Ordinance No. 19745, passed by the Dallas City Council on October 28, 1987; Ordinance No. 21815, passed by the Dallas City Council on September 22, 1993; and Ordinance Nos. 23256 and 23257, passed by the Dallas City Council on September 10, 1997. Ordinance No. 21815 changed the zoning on a portion of the Property from PD 134 to a CR Community Retail District. Ordinance No. 23256 changed the zoning on a portion of the Property from PD 134 to a CS Commercial Service District. (Ord. Nos. 10962; 17271; 17424; 17704; 18054; 19745; 21815; 23256; 23257; 25508; 28462)

SEC. 51P-134.102. PROPERTY LOCATION AND SIZE.

PD 134 is established on property generally bounded by G.C. & S.F. Railroad, Cristler Avenue, East Grand Avenue, Philip Avenue, Fairview Avenue, Gurley Avenue, East R.L. Thornton Freeway, and Carroll Avenue. The size of PD 134 is approximately 313.7504 acres. (Ord. Nos. 17271; 23257; 25508; 28462; 28851)

SEC. 51P-134.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51. (Ord. Nos. 25508; 28462)

SEC. 51P-134.103.1. CREATION OF SUBAREAS.

This district is divided into Subareas A, A-1, B, B-1, and C, as shown on the subarea map (Exhibit 134C). (Ord. Nos. 28462; 29192)

SEC. 51P-134.103.2. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 134A: land use map.
- (2) Exhibit 134B: development plan for Subarea A-1.
- (3) Exhibit 134C: subarea map. (Ord. 28462)

Exhibit A

SEC. 51P-134.103.3. DEVELOPMENT PLAN.

(a) For Subarea A-1, development and use of the Property must comply with the development plan (Exhibit 134B). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For Subareas A, B, B-1, and C, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. Nos. 28462; 29192)

SEC. 51P-134.104. LAND USE MAP.

A map defining existing land uses within the boundaries of this PD is labelled Exhibit 134A. (Ord. Nos. 17271; 23257; 25508; 28462)

SEC. 51P-134.105. USES.

(a) In general.

(1) Uses in Subarea A are limited to single-family detached and duplex dwellings, and other uses as permitted in the R-7.5 Single-Family District except as provided in Subsection (b).

(2) Uses in Subarea B are limited to all uses permitted in the GR-D General Retail-Dry District. Residential uses are limited to the uses permitted in Paragraph(1).

(3) Uses in Subarea B-1 are limited to all uses permitted in the GR-D-1 General Retail District with a D-1 Liquor Control Overlay. Residential uses are limited to the uses permitted in Paragraph (1).

(4) Uses in Subarea C are limited to all uses permitted in the NS Neighborhood Service District. Residential uses are limited to the uses permitted in Paragraph(1).

(5) Except as provided in this paragraph, uses in Subarea A-1 are limited to single-family detached and duplex dwellings, and other uses as permitted in the R-7.5 Single-Family District except as provided in Subsection (b). The surface parking use shown on the development plan is only permitted in conjunction with the institutional use located in Subarea A on part of Lot 1 and all of Lot 2 in City Block 19/1613.

(b) Nonconformity and other use regulations.

(1) All existing uses, as shown on the land use map, and structures within this PD are legal conforming uses and structures under this article. With the exception of Lot 7 in City Block 6/1614 at 1110 Mt. Auburn Avenue, which may contain a duplex dwelling unit, no residentially developed lot in this PD may contain more dwelling units than the number indicated on the land use map. Any structure now being used as a single-family dwelling which was originally built as a duplex or which has been used as a duplex at any time may be converted back to a duplex.

Exhibit A

(2) Nonresidential uses, which were existing as of July 1, 1981, and not identified on the land use map, that are conducted on the same lot with a residential use will be considered as legal conforming uses, so long as the nonresidential use is conducted by an occupant of the residence and the scale of operation of such use is not enlarged in any way. No advertisement, sign, or display is permitted on the premises. The use may not generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

(3) All signs must comply with the provisions of Article VII.

(4) All uses in Tract 1-B that sell or serve alcoholic beverages or setups for alcoholic beverages for consumption on or off the premises on January 27, 1982, will be considered as legal nonconforming uses.

(c) Lots in Subarea A. Any lot in Subarea A on which a nonresidential structure has been officially condemned by the city or has been intentionally removed or demolished may be redeveloped with the use and structure standards (including off-street parking provided) existing on the lot on January 27, 1982, or with the residential standards defined in Section 51P-134.106.

(d) Application of Section 51P-134.106(a). The development standards defined in Section 51P-134.106(a) apply to the following uses:

(1) All lots in Subarea A that are vacant on January 27, 1982.

(2) Any residential structure in the PD that is to be enlarged as long as the number of dwelling units does not increase.

(3) Any lot in Subareas B, B-1, or C that are to be developed or redeveloped with a residential use. (Ord. Nos. 17271; 17424; 17704; 25508; 26102; 28462; 29192)

SEC. 51P-134.106. DEVELOPMENT STANDARDS.

(a) The following development standards apply to single-family detached and duplex dwellings.

(1) Minimum lot area per structure is 7,250 square feet.

(2) Minimum front yard setback for all lots is 10 feet beginning from the front property line. Except in Subarea A-1, any setbacks on interior lots are the same as, or between, the setbacks of the closest adjacent structures. Except in Subarea A-1, any structure to be located on a vacant corner lot must conform to a setback that is within five percent of the setback of the closest adjacent structure within the same block.

(3) Minimum lot width is 50 feet.

(4) Standards for development must be in accordance with all other provisions of the R -7.5 Single-Fmaily District.

(b) The following development standards apply in Subarea A-1.

(1) Light fixtures including base, pole, and fixture may not exceed eight feet in height. All lighting must be directed downward and away from residential uses.

Exhibit A

(2) Off-street parking must comply with the development plan.

(3) The off-street parking spaces shown on the development plan may only be used by the institutional use located in Subarea A on part of Lot 1 and all of Lot 2 in City Block 19/1613.

(c) The following development standards apply in Subarea B.

(1) Maximum height is 24 feet.

(2) Standards for development must be in accordance with all other yard, lot, and space regulations of the GR-D General Retail-Dry District.

(d) The following development standards apply to Subarea B-1.

(1) Maximum height is 24 feet.

(2) Standards for development must be in accordance with all other yard, lot, and space regulations of the GR-D-1 General Retail District with a D-1 Liquor Overlay.

(e) The following development standards apply in Subarea C.

(1) Standards for development must be in accordance with all other provisions of the NS Neighborhood Service District Regulations. (Ord. Nos. 17271; 17424; 25508; 28462; 29192)

SEC. 51P-134.107.

GENERAL REQUIREMENTS.

(a) The filing fee and area of notification for any amendment to this PD must be based on the amount of land area involved in the proposed amendment in accordance with the fee schedule and area of notification established for zoning change requests under the heading "All Other Applications."










(b) The board of adjustment shall have the authority to hear appeals and grant variances from the terms of Ordinance No. 17271, as amended, in accordance with regulations and procedures specified in Section 51-3.102.

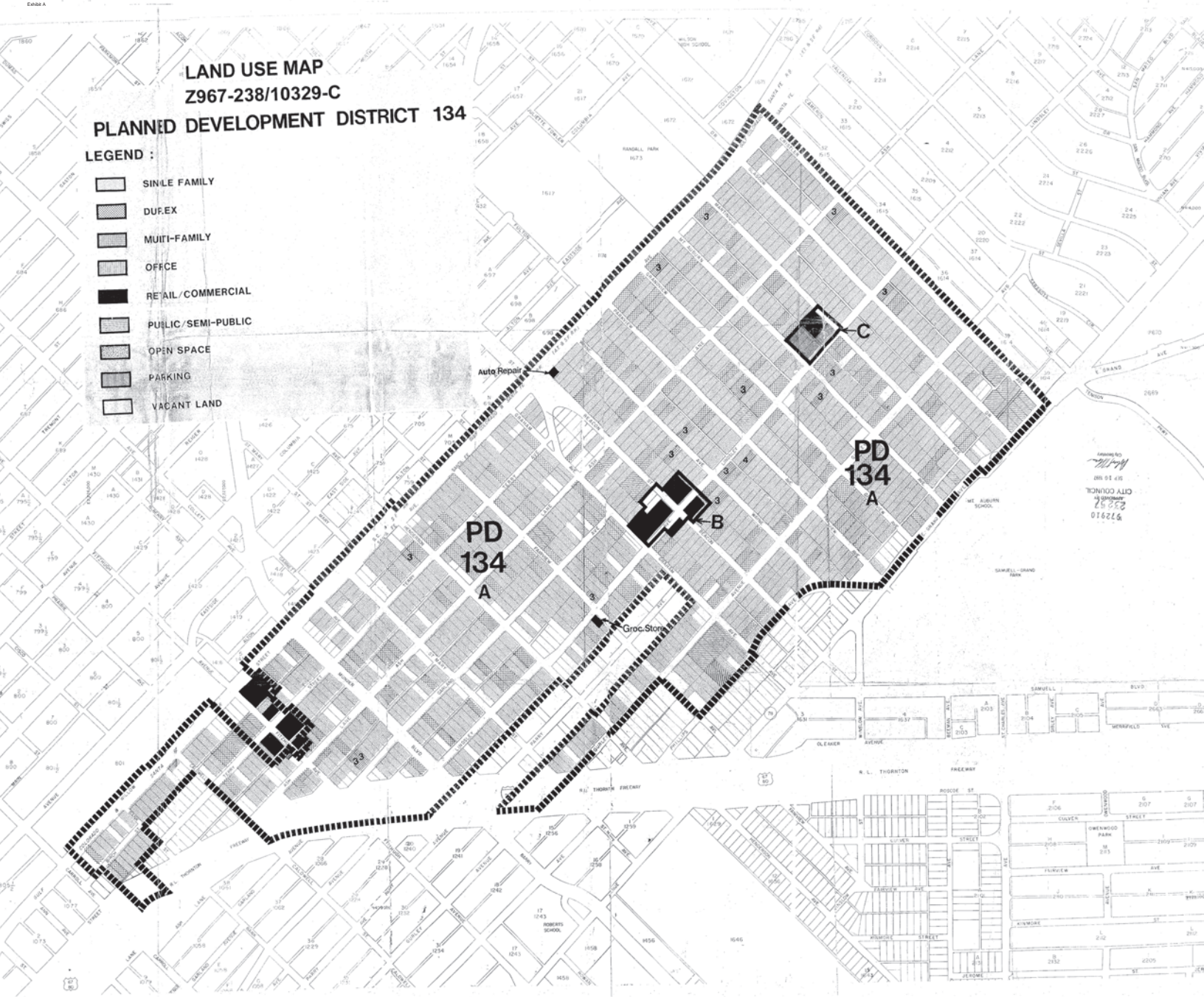
(c) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(d) The building official shall not issue a certificate of occupancy until there has been full compliance with this article together with all applicable provisions of the Dallas City Code, as amended. (Ord. Nos. 17271; 25508; 26102; 28462)

LAND USE MAP
Z967-238/10329-C
PLANNED DEVELOPMENT DISTRICT 134

LEGEND :

-  SINGLE FAMILY
-  DUF.EX
-  MULTI-FAMILY
-  OFFICE
-  RETAIL / COMMERCIAL
-  PUBLIC / SEMI-PUBLIC
-  OPEN SPACE
-  PARKING
-  VACANT LAND



City Council
 2387
 5-10-08
 171910

How can we help?

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Where Can I Find New Construction and Street Address Information?



New construction street addresses are created by the local government office that has jurisdiction over the area where streets are located.

© Mar 31, 2020 - FAQ

Article Number

000003167

Customer Information

The Postal Service neither assigns addresses nor designates an address as Residential or Commercial. Land use and zoning information can be found at your local government office.

Street addresses are created by the local government office that has jurisdiction over the area where the streets are located. There is usually an office located in each unit of local government. However, there are instances of combined local government offices such as a joint county - city municipal building.

The most common forms of local governments are:

1. City
2. County
3. Town
4. Township
5. Borough
6. Village

Declaration of Philip Kingston

My name is Philip Kingston. I am over the age of 21, I am of sound mind, I have never been convicted of a felony or crime involving moral turpitude, and I am fully capable to make this Declaration. I have personal knowledge of all the facts stated herein, and all of these facts are true and correct.

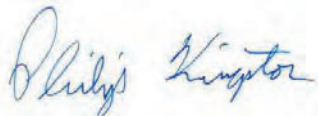
I am a part owner and manager of Applicant.

I saw the framing of the Property that was added to convert it to a 4-plex and that is accurately depicted in the attached pictures. The lumber used was roughhewn and consistent with lumber used in Dallas construction before 1940. Unit D in particular used this lumber for the framing necessary to convert it from its previous use as a second-story porch to a studio apartment.

I also filed the attached FOIA request to the Postal Service seeking historical address records. The Postal Service confirmed it had none and referred me to the City of Dallas because the city determines what addresses are assigned to a property.

I also filed the attached PIA request to the City of Dallas seeking historical records of the addresses used at the Property, among other items. The city produced dozens of e-mails and records from Code Compliance but no historical address records.

I also participated in a Teams call in mid-August, 2020, with Assistant Building Official Megan Wimer and Architexas architects. The point of the call was to clarify whether City of Dallas zoning staff would recognize the Property's legal, non-conforming rights to be operated as a four-plex. I explained in detail the evidence that the Property had been a four-plex for a long time. Ms. Wimer responded that she did not see a problem with remodeling the Property as a four-plex.



Philip Kingston

My name is Philip Kingston, my date of birth is October 28th, 1972, and my address is 5901 Palo Pinto, Dallas, Dallas County, Texas, USA. I declare under penalty of perjury that the foregoing is true and correct.

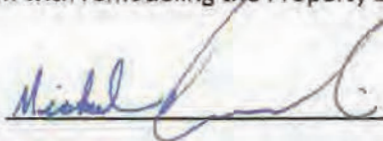
Executed in Dallas County, State of Texas, on the 29th day of March, 2021.

Declaration of Michael Karnowski

My name is Michael Karnowski. I am over the age of 21, I am of sound mind, I have never been convicted of a felony or crime involving moral turpitude, and I am fully capable to make this Declaration. I have personal knowledge of all the facts stated herein, and all of these facts are true and correct.

In July, 2020, my employer ArchiTexas was retained by Philissa Properties LLC to create plans for 1013 S. Glasgow (the "Property"), a remodeling project of a structure that appears to date from the original development period of the Mt. Auburn neighborhood. ArchiTexas is known for its preservation architecture practice. I was present during the initial building assessment of the four-plex, and it was obvious that the structure had been configured as four units for decades because the framing of the units was quite old.

I also participated in a Teams call in mid-August, 2020, with Assistant Building Official Megan Wimer, Philip Kingston, and a colleague from my office. The point of the call was to clarify whether City of Dallas zoning staff would recognize the Property's legal, non-conforming rights to be operated as a four-plex. Mr. Kingston explained in detail the evidence that the Property had been a four-plex for a long time. Ms. Wimer responded that she did not see a problem with remodeling the Property as a four-plex.



Michael Karnowski

My name is Michael Karnowski, my date of birth is 2/8/81, and my address is 5721 WORTH ST, Dallas, Dallas County, Texas, USA. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 29 day of March, 2021.

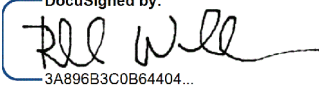
Exhibit E

Statement regarding multifamily use at 1013 S. Glasgow, Dallas, TX

HGTA LTD PS is the current owner of 1013 S. Glasgow, Dallas, TX (the "Property"). The Property was acquired from William Williams in 2000. Mr. Williams acquired the Property in 1970. Mr. Williams is Russell Williams' father, and Russell Williams owns HGTA LTD PS. Therefore, the Property has been owned by the Williams family or their businesses since 1970.

When William Williams acquired the Property in 1970 it was already being used as multifamily, rental housing. Since that acquisition, the Property has always been used as multifamily housing with either three or four units until it was put on the market for sale.

HGTA LTD PS

DocuSigned by:

3A896B3C0B64404...
By Russell Williams (date) _____
HGTA LTD PS

MORE FROM HOMEPAGE

With help from heavy rainfall, Texas inches closer to opening its first water reservoir in decades

Lyda Hill's \$10 million Lone Star Prize goes to Dallas team's Texas-sized strategy to beat depression

Mark Cuban blasts report about tension, dysfunction in relationship between Luka Doncic, Mavs' front office

THIS IS MEMBER-EXCLUSIVE CONTENT 

OPINION

Why is it so hard to build in Dallas?

A project at White Rock Lake shows how broken our process is



Developers will have to reduce the height of the proposed Trailhead project by about one floor under the zoning change approved by the city council. (GFF)





By [Dallas Morning News Editorial](#)

2:00 AM on Jun 14, 2021



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-03:43



One thing you hear too often in Dallas is that it's hard to do business — especially the business of building Dallas.

It's hard to get permits. It's hard to get inspections. It's hard to get hearings. It's hard to get approval if you get a hearing. Every step of the process is a struggle.

We watched this unfold in recent weeks with a plainly beneficial and important development called The Trailhead, along Grand Avenue near White Rock Lake.

The mixed-use project does just about everything you could ask of a good development. It provides affordable housing. It creates a pedestrian link to the Santa Fe Trail. It mixes residential and retail uses.

It is exactly the sort of forward-looking project that creates much-needed housing supply in a city desperate for more housing at every income level. And it does it in a way that encourages greater density and moves the city forward on reducing car dependence.

This being Dallas, it almost didn't happen. And that needs to change.



SPONSORED CONTENT

AARP Ride@50+ Program aims to help D-FW residents get around



Let's walk through the nightmare. From almost its inception, the development has been subject to misleading and outright false information spread on social media and on a website calling itself Save the White Rock Skyline.

Set aside that the development — even at its maximum proposed height — was always a midrise plan that wasn't wrecking anyone's views. The question needs to be — save the skyline for whom exactly? The answer appears to be a small group of well-off residents around Garland, Gaston and Grand who are known for digging in against change of any kind.

The Trailhead development failed to win approval at the City Plan Commission, which has an unfortunate history of putting the interests of small bands of self-interested neighborhood activists over the larger needs of the city.

Fortunately, cooler heads prevailed at the city council, and the Trailhead project won unanimous approval Wednesday, after the developer, Mill Creek Residential, agreed to cap the height at 75 feet and increase the number of affordable units from 5% to 9%. That sounds like a huge win for Dallas residents. It sounds especially great for the young cop who wants to live in the city near her station. Or the teacher who wants to bike to his school every day. Or the nurse at Parkland who doesn't want to drag up to the suburbs after a 14-hour shift. Folks in those income brackets might enjoy living near White Rock Lake as much as many of the opponents of this project who live in homes most people can't afford.

You might think the approval of The Trailhead was a cause for celebration at City Hall. No indeed. The council passed this with nary a word of discussion. Council member Adam Medrano, whose district the project is in, mumbled the proposed ordinance into his microphone, got a quiet second and a quick vote. No one on council, it seems, wants to be haunted by the NIMBY crowd that offers few solutions but plenty of complaints.

It shouldn't be this hard. City Hall should have a clearer sense of what separates good development from bad. The good stuff offers options for lower-income

Exhibit F

residents. It is sensitive to its surroundings. It incorporates public amenities. It ensures that people have choices of transportation. It has self-sustaining elements like restaurants and retail. That precisely describes this project.

The Trailhead's developers have been on the edge of their seats for months in a political process that discourages all but the boldest and deep-pocketed companies from jumping in. That will damage this city in the long run if it doesn't change.

Thankfully, this deal is, for the most part, through council. It does have to come back for what should be a pro forma approval of the ordinance language.

Then, Lord help it, it's on to the permitting office. But that's a story for another day.



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Exhibit F

MORE FROM HOMEPAGE

Lawyers call for investigation into Tarrant County medical examiner's office after errors in homicide cases

Justices grill Amber Guyger's lawyer over legal logic for tossing conviction in Botham Jean's murder

Collin County sheriff fights release of details about Marvin Scott III's in-custody death; 1 jailer reinstated

THIS IS MEMBER-EXCLUSIVE CONTENT ⓘ

NEWS > COMMENTARY

Dallas' broken building-permit process is robbing our tax base of millions in needed funds

The festering delays and dysfunction within this vital City Hall department leave developers vowing never to do business here again.



The City of Dallas' construction permitting operation, under the Department of Sustainable Development and Construction, is housed in the Oak Cliff Municipal Center on East Jefferson Boulevard. (Jeffrey McWhorter / Special Contributor)



By Sharon Grigsby

11:08 AM on Apr 27, 2021



Listen to this article now

07:07



Powered by Trinity Audio

Construction permits are the essential fuel for a city's growth and tax base, so you'd think every local government would get this basic service right. But not Dallas — where the application process has gone from dreadfully frustrating to flat-out broken.

Exhibit F

The failure couldn't come at a worse time: The region is booming, people are moving here in droves and businesses are looking for where in North Texas they can get deals done most efficiently.

But in Dallas, even simple permits — both for commercial and residential projects — require months for approval. Entire plans might be thrown out over a nitpicky detail. Department staffers too often don't answer their phones; when they do, they don't seem overly concerned about solving the problem at hand.

ADVERTISING



“It’s an equal opportunity problem — pain and agony for big developers and small — that is impacting the economic health of our city,” Linda McMahon, president of The Real Estate Council, said after she shared a dozen examples.

I’ve heard exactly the same from Dallas developers who won’t talk on the record because they fear what they describe as the swift and fierce vengeance of the permitting office bureaucrats. This catch-22 gives City Hall — particularly its Department of Sustainable Development and Construction — an out it doesn’t deserve.

The mind-boggling delays cause businesses initially keen on a Dallas address to give up and go to the suburbs. They leave developers vowing never to take another chance on our city.



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Witness the impressive power and performance of the all-electric 2021 Ford Mustang Mach-E

BY  #FORD

Why should you care? The festering dysfunction robs our tax base of much-needed dollars to fund basic services like police and potholes. There’s also the double-whammy loss of new single-family homes and jobs, both in the construction projects themselves and the employment opportunities the built-out development would bring.



Much of the work that has traditionally gone on inside the Oak Cliff Municipal Center continues to be done online. In-person staff is available by appointment to accept drop-offs of paper plans. The city says consultations are available by appointment, but virtual meetings are still preferred until capacity increases in the next phase of the City of Dallas' return-to-work plans. (Jeffrey McWhorter / Special Contributor)

Dallas City Hall can tout its “Service First” motto all it wants, but the “Can’t Do” attitude in the construction permitting operation and its overused phrase of “You are going to have to reapply” is maddening.

With stakes this high — and top managers painfully aware of the problem — it’s unfathomable that Dallas City Hall is not throwing everything it’s got at the permitting quagmire.

ADVERTISING



For as far back as I can remember, the city’s permitting operation, located in the Oak Cliff Municipal Center on East Jefferson Boulevard, has hardly been a model of efficiency. Just before the pandemic, the department hit new lows when a new online application system created steep learning curves for city employees and clients alike.

When COVID-19 forced staff to work from home last spring, that sparked even more technology and training problems. “It was the perfect storm,” Dr. Eric Johnson told me a few days ago.

Johnson walked right into the eye of that disaster when he joined the city as chief of economic development and neighborhood services in March 2020. A little more than a year later, he’s not ready to blow up the department and start over, but he believes it needs a major realignment — “And we don’t have a lot of time to do it.”

McMahon hears daily about the damage already done. “I cannot tell you how many people have told me in the last 60 days that, ‘I will never do another project in the city of Dallas. Never, ever, ever,’” she said. “And I don’t blame them.”

Based on an economic impact study done by McMahon’s group in 2020, the total lost revenue to the city for a three-month delay in permitting is \$8.8 million.



COMMENTARY

Your voice is needed May 5 as Dallas City Hall considers regulating short-term rentals

BY SHARON GRIGSBY

D Magazine has regularly broken news on the permitting mess since September, when staffer Bianca Montes reported that **900 applications were waiting to be processed**. Accompanying each subsequent report from the magazine’s online staff is another promise from the city that **backlogs are being cleared** and fixes installed.

Finally, in February, the city threw in the towel and allocated \$5 million for outsourcing help to process residential permits. A memo to City Council members earlier this month maintained that it has cleared the single-family-home logjam.

Exhibit F

Johnson told me Friday that while residential permits in December required 15 weeks to complete, “we are now close to four to six weeks.”

He expects the staff to next turn to the commercial-permit holdups. “We are going to attack this at every level as we continue to work through 2021,” he said.

Johnson talked a lot about upgrades, alignments and bandwidth needed to more seamlessly process applications. He also promised that an upcoming efficiency study will get to the bottom of issues.

Alignment means making sure everyone understands the “why” behind the work, Johnson said. “Why are we doing this? Not just focusing on tasks.” As for the reports of a “can’t do culture” within the permitting staff, he believes conversations about urgency and efficiency are beginning to take hold.



COMMENTARY

City secures 82 acres for a new park in the heart of southern Dallas in a first-of-its-kind deal

BY SHARON GRIGSBY

As COVID protocols gradually relax, Johnson expects a hybrid process to develop, one that still involves online submissions but “that doesn’t mean customer service is lost. You can’t replace the ability to talk to people in person.”

When I floated the idea of turning the entire operation over to an outside party, Johnson said, “we are looking at all potential strategies. ... There’s a lot of work coming.”

He also emphasized that while the city staff “must operate at 100%,” developers also have room to improve. “When information is submitted, it needs to be locked and loaded and not need a lot of write-ups by staff that could potentially slow the process down,” he said.

The bleakest thing I heard from Johnson was the timeline for change. “We should not be in this learning curve position in 2022. I’d like to see us get out of it even sooner than that.”

As a Dallas taxpayer, I’d like to see it happen by, oh, next Monday. Especially given that surrounding suburbs and big cities statewide seem to have figured out best practices — or at least better practices than we’re using.

McMahon said The Real Estate Council meets regularly with its counterparts in Houston, Austin, San Antonio and Fort Worth and “by far, Dallas is the worst when it comes to its permitting problems.”

A city as resource-rich as Dallas must invest in the technology and training to make sure deals get done effectively. But I came away from my reporting with the sense that the problems are so deep and entrenched that a genuine fix also will require a transformation of culture in the permitting department.

Perhaps a good place to start is for City Manager T.C. Broadnax and Johnson to spend a day alongside the people doing the work. Or maybe they need to bring in a senior person who is independent of the city to oversee the operations — and to demand a level of accountability that seems missing.

Exhibit F

Even on its best day, Dallas is in a tough fight to compete with Plano, Frisco and Prosper for commercial and residential projects — and the accompanying tax dollars necessary for the city and its residents to thrive.

We can't afford the cost when dysfunction and delay in Dallas send those developers elsewhere.



[Sharon Grigsby](#). I'm the Metro columnist, which means that if it's happening in North Texas, I'm likely to write about it. My work on Baylor's sexual assault scandal earned a spot as a 2018 Pulitzer finalist. I was born in Waco, raised my own family in the suburbs and have been back in Dallas ever since.

[✉ sgrigsby@dallasnews.com](mailto:sgrigsby@dallasnews.com) [f /sharonfgrigsby](#) [t @SharonFGrigsby](#)





MORE FROM HOMEPAGE

CeeDee Lamb among latest Cowboys players to enter COVID-19 safety protocols

Heat indexes could climb to 110 as summer swelter continues in Dallas area

U.S. gives full approval to Pfizer's COVID-19 vaccine

THIS IS MEMBER-EXCLUSIVE CONTENT ⓘ

BUSINESS > REAL ESTATE

How Dallas' escalating home prices only add to the city's homelessness

A lack of affordable housing creates pressures for buyers, renters and those who can't afford to be either.





The Dallas Morning News



By [Alexandra Skores](#)

6:00 AM on Aug 23, 2021



Listen to this article now

05:50



Powered by [Trinity Audio](#)

*Note: This article is part of our **State of the City project**, in which The Dallas Morning News explores the most critical issues facing our communities. Find more topics in coming days as we examine **the issue of homelessness**.*

When prolific homebuilder D.R. Horton put 30 new homes on the market in May, more than 100 people showed up in southern Dallas County's Glenn Heights community for a lottery-style chance at the properties.

ADVERTISING



The homes made up a new phase in Arlington-based D.R. Horton's housing development. As the nation's largest homebuilder, D.R Horton priced the homes



Would-be buyers wrapped around a sales building in Magnolia Meadows for hours, with some dropping out along the way and others waiting until all of the homes were claimed.



Potential homebuyers lined up for a D.R. Horton lottery in Glenn Heights on May 1. (Navjot Singh) (file)



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decrease in...

BY



Even though Dallas-Fort Worth leads the country in construction of homes and apartments, with 70,000 added in the past year, these builds typically aren't within the budgetary reach of lower-income households.

Demand for affordable homes is at an all-time high in Dallas and surrounding communities. And supply, as in the case of the Glenn Heights homes, doesn't begin to match up, creating pressures for everyone from renters wanting to buy a home to sellers who can't afford to move because of rising real estate prices.

That's especially problematic in Dallas, where only 4 out of 10 residents own a home, according to research by the Urban Institute using [2019 census data](#). It's not much better in Dallas County, where 49.9% are homeowners.

Navjot Singh, chief operating officer of Homes USA Realty, represented buyers who signed up for homes in Magnolia Meadows. When he began his real estate career in 2017, he said first-time homebuyers could get a great deal for \$200,000. He was helping people fresh out of college find affordable homes.

ADVERTISING





costs 50% more than it did five years ago, according to the Texas Real Estate Research Center at Texas A&M University.

Inability to afford housing is a key driver of homelessness, **according to the National Alliance to End Homelessness**. More than 300,000 Dallas residents live in poverty, and almost 600,000 live in housing-distressed households, **according to city of Dallas data**. Housing-distressed households are defined as those with homes on the brink of foreclosure or already owned by a bank.

Homelessness “is lacking basic security that a home provides, and there’s a lot of disagreement on where that falls,” said Steve Berg, vice president for programs and policy at the National Alliance to End Homelessness.

Long reach of homelessness

The Metro Dallas Homeless Alliance counted 4,570 people this year experiencing homelessness, a slight increase from 4,471 in 2020.

But with homeownership aspirational, even Dallas’ median apartment rent of \$950 is unaffordable for the city’s homeless population and low-income residents, according to city data.

“There’s not enough rental housing for the lowest-income people,” Berg said.

Cities where residents spend more than 32% of their income on rent can expect a rise in homelessness, according to **2018 research by Zillow**.

There are organizations working to combat the problem. The Dallas Housing Crisis Center, for example, works with veterans and people with disabilities through a landlord-tenant program that aims to move them into permanent housing.



“It is important that we make big public investments in housing,” Rosales said. “[It’s] belief and policy that prove a commodity.”

Who’s affected?

In Dallas, homelessness cuts across racial and ethnic categories. In February, the city counted members of the homeless community and found:

- 1,822 were white.
- 2,523 were Black.
- 58 were Asian.
- 51 were American Indian or native Alaskan.
- 14 were Native Hawaiian or Pacific Islander.
- 102 were multiple races.

There were 552 people who identified their ethnicity as Hispanic/Latino, leaving the remaining 4,018 as non-Hispanic/Latino.

Nissy New, chief operating officer of the Metro Dallas Homeless Alliance, said her organization is working to bring a collective vision to Dallas on ways to house the underserved. She said homeless veterans, for example, often lose touch with family members or friends, giving them no place to go for help.

“Homelessness most often happens when you lose access to social networks,” New said.

Dallas has hundreds of low-income tax credit properties that can be found on the Housing and Urban Development [website](#).

Ann Lott, executive director of the Inclusive Communities Project, said voucher programs are one way to mitigate the problem, but they often have lengthy waitlists. The Housing Choice Voucher Program, formerly known as Section 8,



But when housing opportunities open up, Lott said, they're not always what displaced families envision. "The only landlords that take it are in areas that are abandoned and neglected," she said.

"It does sort of beg the question, 'Is rental housing a workable model if it means there [are] so many people who rely on that for their housing and end up in unstable housing?'" Berg said.



ECONOMY

One region, two economies: As Dallas-Fort Worth aims for a record recovery, the pandemic deepens the divide between haves and have-nots

BY MITCHELL SCHNURMAN



ECONOMY

For big cities like Dallas, the post-pandemic reality is workers can live anywhere

BY MARIA HALKIAS



REAL ESTATE

Why is it so difficult to build affordable housing in Dallas?

BY STEVE BROWN



[Alexandra Skores](#), Staff writer. Alexandra Skores is a business reporter covering companies and economic topics. She's a graduate of the University of Iowa, where she was managing editor of the award-winning Daily Iowan.



The Dallas Morning News

My Account

Exhibit F

Stateline

Getting a Section 8 Voucher Is Hard. Finding a Landlord Willing to Accept It Is Harder.

STATELINE
ARTICLE

August 31, 2018 By: Teresa Wiltz

Topics: [Social Issues](#) & [Safety Net](#)

Read time:

6 min



B.R. Williams says looking for a place to live with a housing voucher is a “full-time job.” U.S. Department of Housing and Urban Development Secretary Ben Carson is launching a campaign to encourage more landlords to accept Section 8 housing vouchers.

The Pew Charitable Trusts

MCKINNEY, Texas — As a prospective tenant, B.R. Williams learned early on she needed a script to woo potential landlords: Mention her stellar rental history. Emphasize that Section 8 housing vouchers are “pro-landlord,” with most of the rent direct deposited each month. Always utter the magic words, “This is a no-fail system.”

Exhibit F

Sometimes the pitch worked. But even then, Williams often would show up to look at an apartment, only to be told that it was no longer available.

“I guess they couldn’t tell I was black over the phone,” the 62-year-old said. In her nearly 30 years in the housing voucher program, she’s only had one white landlord.

Housing Choice Vouchers, better known as Section 8 vouchers, are supposed to be a ticket out of poverty for the more than 2 million families that use them each year. The vouchers allow low-income renters, such as Williams, to find decent housing in what housing officials call safe, “high-opportunity” neighborhoods they normally wouldn’t be able to afford.

At least, that’s the intent. Instead, tenants like Williams often find themselves trapped by limited options.

In mid-August, the U.S. Department of Housing and Urban Development announced it will hold a series of landlord forums in selected cities to hear from property owners about how to make the voucher program more attractive to them. The agency expects to make changes to the program based on what it hears.

Williams’ experience, familiar to many Section 8 recipients, shows how tough it will be to overcome landlords’ resistance.

Landlords routinely [discriminate against renters with housing vouchers](#), according to an Urban Institute report published this August — especially landlords in higher-rent areas with high-quality schools, transportation and jobs.

Though some landlords are attracted by the prospect of rent payments backed up by the federal government, a Johns Hopkins University study released in May found that many are [put off by the bureaucracy of the Section 8 program](#). (HUD commissioned both studies.)

“It’s really hard to find a unit to rent with a housing voucher,” said Martha Galvez, a senior research associate at the Urban Institute and a co-author of its study. “If a family [using housing vouchers] wants to get into a particular neighborhood because it has a good school, they might have to work really hard to do it — and it might not work out for them.”

The stakes are high: Research points to a close connection between the neighborhood children grow up in and their life prospects.

A Harvard University study found that poor children who move to high-opportunity neighborhoods before age 13 are more likely to [attend college, earn higher incomes and](#)

Exhibit F

[reside in better neighborhoods as adults](#). They also are less likely to become single parents.

‘Full-Time Job’

Income limits to participate in the program vary widely from county to county, and different housing authorities can set their own income limits as well. But families have to be very poor to qualify – and in most cases, extremely poor.

For example, in Dallas County, Texas, the [average household income for a voucher holder](#) in 2017 was \$14,116.

Families who receive Section 8 vouchers are obligated to pay 30 percent of their income on rent. The federal government covers the difference up to a certain amount, which is based on the Fair Market Rent (FMR) for the area. Voucher holders can choose to live in units with higher rents, but they are responsible for paying any amount above HUD’s payment standard.

Often, the vouchers aren’t enough to move a family out of high-poverty, racially segregated neighborhoods. Dallas, thanks to a 1990 court desegregation order, is required to provide some low-income families with bigger vouchers, so that they can relocate to high-opportunity communities.

Those housing vouchers enabled Williams to raise her seven kids in suburban neighborhoods in good school districts around the Dallas metro area. She could have a house with a yard, and dogs, and her kids could ride their bikes and have sleepovers.

“It proved to be super beneficial,” said Williams, a single mother. “We could have somewhat of a normal lifestyle.”

Still, she said, the program has its limits.

Whenever Williams had to move, such as the time her landlord died and his family was in a rush to sell the property, she found herself back on the housing market, scrambling to find a decent place for her family to live. She’s had to move eight to 10 times.

“I would be so distressed,” said Williams, who has worked as a substitute teacher and a home health aide. “It was like a full-time job, morning to night, morning to night. You wouldn’t believe how much gas I burned up.”

Personal Prejudices

Exhibit F

Urban Institute researchers surveyed rental ads in Fort Worth, Texas; Los Angeles; Newark, New Jersey; Philadelphia and Washington, D.C., to determine how hard it was for voucher holders to find apartments. On average, the researchers had to scour through 39 ads before they found one that met HUD's requirements for cost and size.

And then, things got even tougher: Most of the landlords whom researchers called said they didn't take vouchers. Some of those who agreed to show their unit to a voucher holder stood the renter up.

Landlords in Fort Worth, Los Angeles and Philadelphia turned down voucher holders at much higher rates: 78, 76 and 67 percent, respectively. In Washington, D.C., and Newark, New Jersey, which have local laws protecting voucher holders from housing discrimination, denial rates were much lower at 15 and 31 percent, respectively.

The lower rejection rates suggest that housing laws can help make it easier for voucher holders to find a place to live, Galvez said.

Twelve states and numerous cities have laws that [make it illegal for landlords to deny housing](#) because a tenant has a housing voucher or is on public assistance, according to the Poverty and Race Research Action Council, a civil rights and policy organization based in Washington, D.C.

In March, Washington became the latest state to pass a "[source of income](#)" law. It goes into effect in late September.

But such laws aren't what's needed to win over more landlords, said Greg Brown, senior vice president of government affairs for the National Apartment Association, an industry group based out of Alexandria, Virginia.

"Rather than a sweeping mandate that you have to accept Section 8 vouchers, why not look at where the program has struggled and make it extremely easy to use?" Brown asked.

"There's no question the program is incredibly important and incredibly valuable in insuring that families have access to affordable housing. But it's also incredibly challenging [for landlords]."

Streamlining paperwork and inspections, Brown said, and creating a landlord mitigation fund to cover damages would go a long way to woo more landlords.

Negative stereotypes about Section 8 voucher holders also are a barrier.

Exhibit F

For the Johns Hopkins study, researchers surveyed landlords in Baltimore, Cleveland and Dallas. They found that two-thirds of landlords who had rented to Section 8 tenants had what they described as a negative experience, and had vowed never to rent to voucher holders again.

But the researchers found it hard to disentangle actual incidents from personal prejudices.

“They don’t run their lives like us. They weren’t brought up like us,” one landlord told them. “I was raised in a decent background; most of them aren’t.”

Some landlords said they didn’t like jumping through bureaucratic hoops, from paperwork to [routine housing inspections](#), to check for health and safety issues, such as lead paint and faulty electricity.

Others mistakenly believed that public housing authorities were bound to take their side in disputes over damages — and were disappointed when they didn’t — said Philip Garboden, a professor of affordable housing at the University of Hawaii at Manoa, and one of the study’s co-authors.

“A landlord is running a business,” said Alexandra Alvarado, marketing director for the American Apartment Owners Association, a membership organization of professional property managers based out of Calabasas, California. “You’re trying to reduce your risk. If a group is viewed as risky, they’re not going to want to take that risk.”

Still, Alvarado said, there’s no evidence that voucher holders damage property more frequently than other renters. Assuming a prospective tenant has a clean rental history and solid credit, she said, her organization encourages landlords to “not discriminate on the source” of the rent.

Hope in ZIP Codes

The goal of the Section 8 program is to give low-income families the opportunity to escape high-poverty neighborhoods. Nevertheless, most voucher recipients fail to do so, in large part because the HUD vouchers aren’t enough to cover the rents in higher-income neighborhoods.

Historically, HUD determined the value of the vouchers based on the Fair Market Rent across an entire metropolitan area. But several years ago, the agency began experimenting with tying voucher amounts to the rents in each ZIP code.

Exhibit F

In 2016, the Obama administration issued new regulations requiring 24 metro areas to use the new formula. (The Dallas metro area also must participate because of a legal settlement.) The Trump administration tried to suspend the rule last year, but a federal judge reinstated it.

Housing advocates hope the change will give voucher holders more options.

A report released earlier this year by the Furman Center for Real Estate and Urban Policy at New York University predicted that the number of housing units available to Section 8 recipients in the 24 metro areas **would increase by nearly 9 percent**, in addition to providing more housing options for poor families outside of high-poverty, low-rent areas.

“This means safer neighborhoods with low poverty and better schools,” said Katherine O’Regan, one of the report’s co-authors. “That’s what you’re looking for. It changes the economic mobility and the adult outcomes for low-income kids.”

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EXPLORE MORE FROM STATELINE

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Exhibit F

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Senior Associate,
Communications
[202.540.6804](tel:202.540.6804)



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PETITION SUPPORTING KEEPING FOUR UNITS AT 1013 S. GLASGOW

Peticion de Apoyo de Quedar Quatro Departamentos a 1013 S. Glasgow

NAME NOMBRE	ADDRESS DIRECCION	SIGNATURE FIRMA	DATE FECHA
Gregorio Fernandez	1011-GLASGOW-75228	Gregorio FERNANDEZ	4/19/21

FILE NUMBER: BDA201-092(PD)

BUILDING OFFICIAL'S REPORT: Application of Danielle Mathews of Masterplan Texas for a special exception to the fence height regulations at 10645 Lennox Lane. This property is more fully described as Lot 2, Block C/5534, and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct and maintain a nine-foot-high fence in a required front yard, which will require a five-foot special exception to the fence regulations.

LOCATION: 10645 Lennox Lane

APPLICANT: Danielle Mathews of Masterplan Texas

REQUEST:

The request for a special exception to the fence standards regulations relating to height of five feet is made to construct and maintain a nine-foot-high fence. The property is currently undeveloped, fenced, and moderately wooded.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is currently undeveloped and moderately wooded. Surrounding properties to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History: There have been nine related board cases in the vicinity within the last five years.

1. **BDA167-047:** On April 17, 2017, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 10545 Lennox Lane.
2. **BDA167-140:** On December 11, 2017, the Panel C, Board of Adjustments granted a special exception to the fence standards at 10564 Lennox Lane.
3. **BDA178-038:** On May 21, 2018, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 10515 Lennox Lane.
4. **BDA178-111:** On October 18, 2018, the Panel B, Board of Adjustments granted a special exception to the fence height regulations at 10650 Strait Lane.
5. **BDA178-127:** On November 14, 2018, the Panel B, Board of Adjustments granted a special exception to the fence height regulations at 10747 Lennox Lane.
6. **BDA189-099:** On October 21, 2019, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4554 Harrys Lane.
7. **BDA189-141:** On December 16, 2019, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4610 Cantina Lane.
8. **BDA190-079:** On October 19, 2020, the Panel C, Board of Adjustments granted a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 4651 Cantina Lane.
9. **BDA190-050:** On June 22, 2021, the Panel C, Board of Adjustments granted a special exception to the fence height regulations at 4610 Cantina Lane.

GENERAL FACTS/STAFF ANALYSIS:

The applicant requests a special exception to the fence height standards of five feet to construct and maintain a nine-foot tall stone veneer wall, an eight-foot tall screening wall that while it encroaches into the setback is set back five feet from the front property lot line, a five-foot tall blackened finish steel picket fence, an eight-foot tall limestone veneer

wall with an integrated eight-foot-tall, twenty-two-foot long solid steel plate vehicular gate with an approximate length of 294 feet along Lennox Lane and along Catina Lane, an eight-foot-tall security fence with landscape, an eight-foot-tall, two-foot wide stone veneer column with an eight-foot-tall, six-foot-wide pedestrian gate, and a five-foot-tall, blackened finish steel picket fence with an approximate length of 330 feet.

Currently, the property is undeveloped, however, internal records reflect a building permit issued in 2018 for a single-family dwelling unit with approximately 9,379 square feet of floor area.

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. The subject site is zoned an R-1ac Single Family District and requires a minimum front yard setback of 40 feet. However, the property is situated along the northwest line of Catina Lane and Lennox Lane and thereby must maintain the 40-foot front yard setback in compliance with the front yard provisions for residential districts.

Staff conducted a site visit of the subject site and surround area and noted several other fences along Catina Lane, and Lennox Lane located in the front yard setbacks which appeared to be above four feet-in-height and located in the front yard setback, many of which have recorded BDA history (see the Zoning/BDA History section of this case report for details).

Additionally, the representative provided evidence (**Attachment A**) to staff which contains eight board cases related to height within the vicinity of the subject property that have been granted special exceptions to the fence height regulations and fence standard regulations.

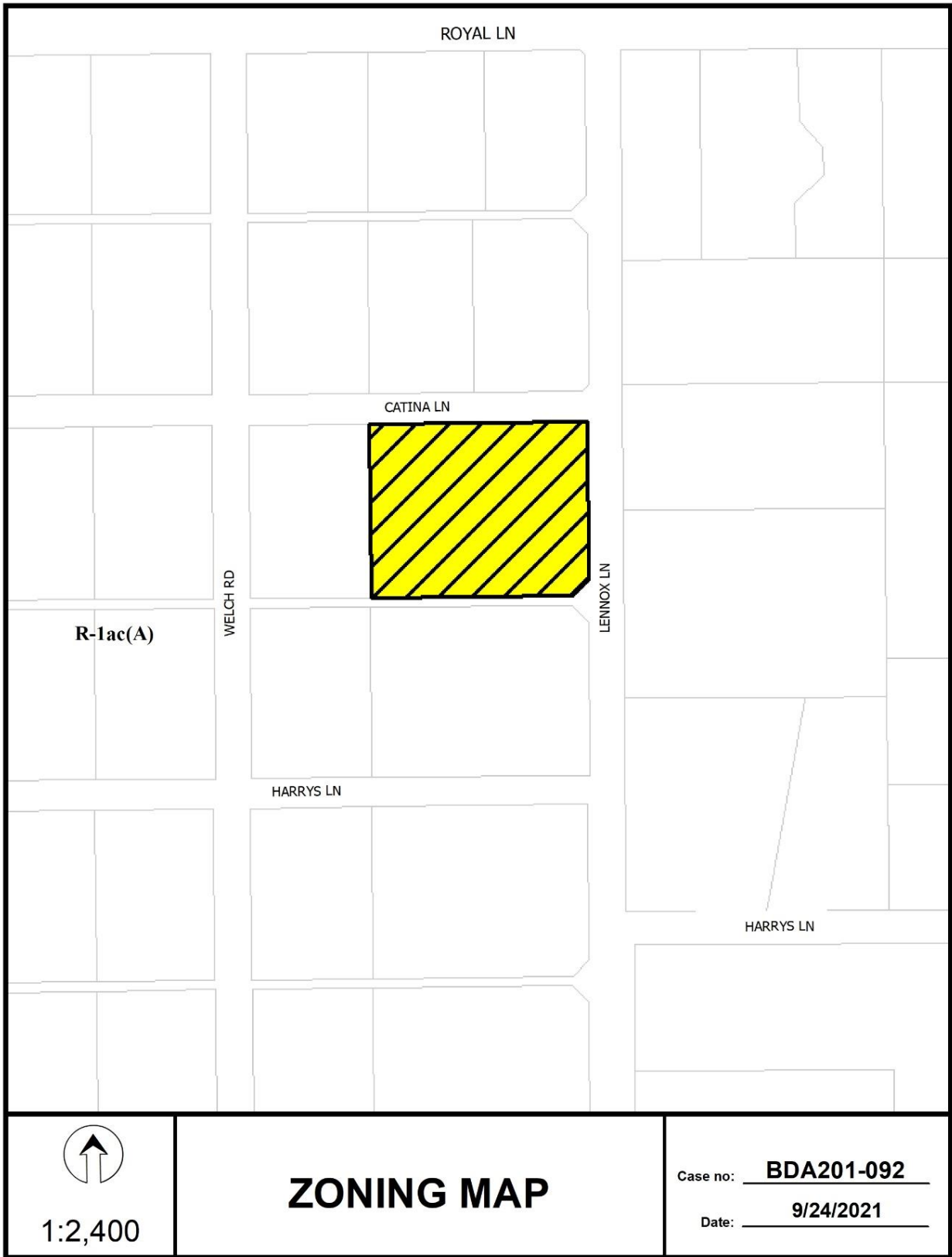
As of October 8, 2021, two emails have been submitted in opposition of the request and no letters in support of the request.

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

Granting the special exception to the fence height regulations would require the proposal exceeding four feet-in-height in the front yard setback located along Catina Lane and Lennox Lane to be maintained in the locations, heights and materials as shown on the site plan and elevation plan.

Timeline:

- August 9, 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 C.
- 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. 24, 2021: The representative submitted evidence to staff (**Attachment A**).
- 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 with this request.
- October 8, 2021: The applicant provided duplicate evidence as was provided on September 24th (**Attachment A**).

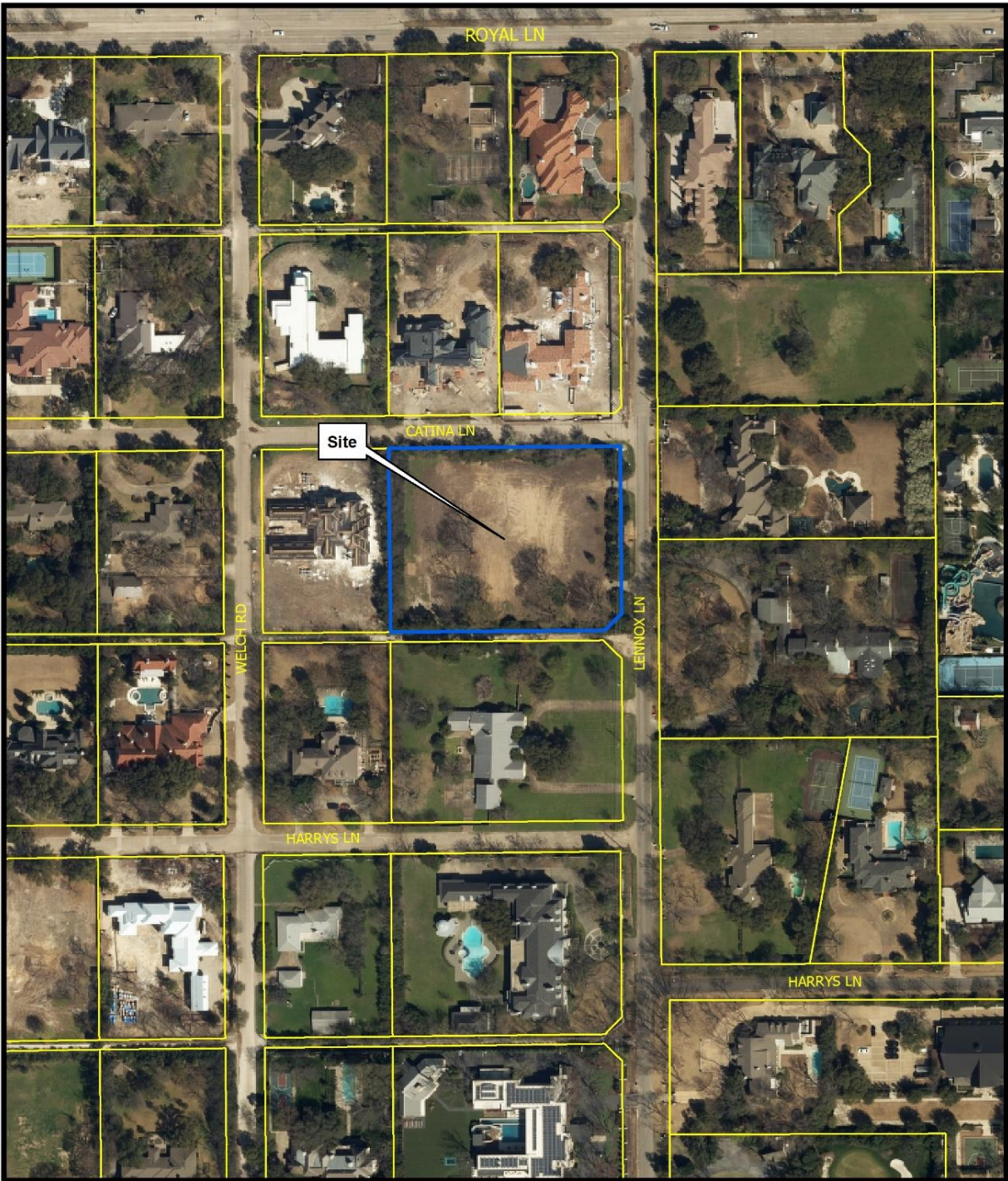


1:2,400

ZONING MAP

Case no: BDA201-092

Date: 9/24/2021

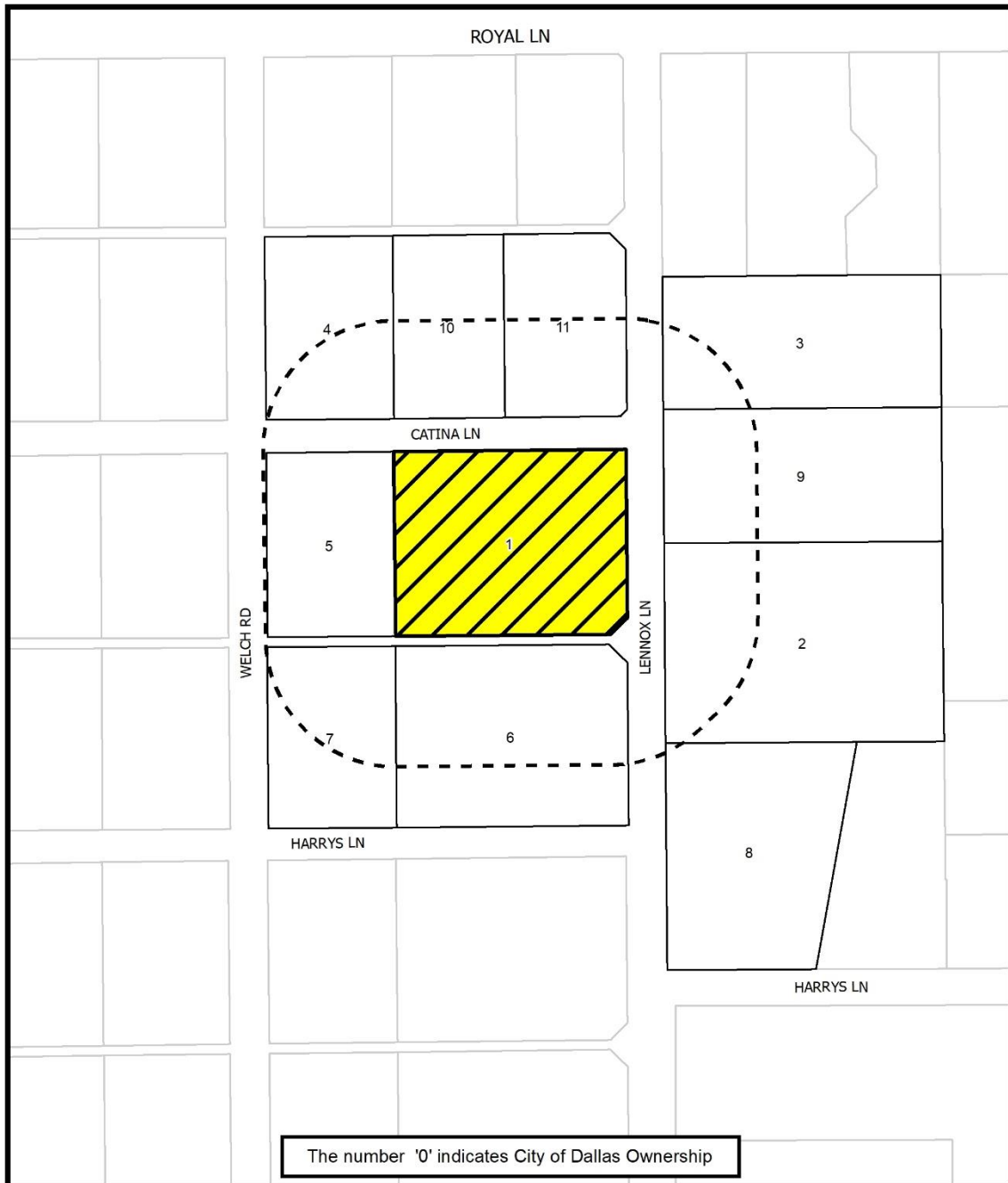


1:2,400

AERIAL MAP

Case no: BDA201-092

Date: 9/24/2021



 1:2,400	<h2>NOTIFICATION</h2>	Case no: BDA201-092
	<div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">200'</div> <div>AREA OF NOTIFICATION</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">11</div> <div>NUMBER OF PROPERTY OWNERS NOTIFIED</div> </div>	Date: 9/24/2021

09/24/2021

Notification List of Property Owners

BDA201-092

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	10645 LENNOX LN	MMM FAMILY TRUST
2	10640 LENNOX LN	SILVERTHORNE MARY ROSE
3	10742 LENNOX LN	BOURDON CHRISTOPHER
4	4609 CATINA LN	LAM SAMUEL M
5	4610 CATINA LN	KREUNEN 2012 REVOCABLE TRUST
6	10625 LENNOX LN	DAY ROBERT C &
7	4609 HARRYS LN	GOLDSTEIN ROBERT &
8	10626 LENNOX LN	JUTRAS ROBERT N & DORIS L
9	10714 LENNOX LN	HERSH KENNETH A
10	4651 CATINA LN	THOMSON NEIL HAMILTON &
11	10747 LENNOX LN	SAXTON KELLY & VICKY



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-092

Data Relative to Subject Property:

Date: ~~2 August 2021~~ 8-9-21

Location address: 10645 Lennox Lane Zoning District: R-1ac(A)

Lot No.: 2 Block No.: C/5534 Acreage: 2.089 Census Tract: 76.01

Street Frontage (in Feet): 1) 257.73' (Lennox) 2) 356.02' (Catina) 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MMM Family Trust

Applicant: Danielle R. Mathews, AICP Telephone: 214-846-2547

Mailing Address: 2201 Main St, Suite 1280, Dallas, TX Zip Code: 75201

E-mail Address: danielle@masterplantexas.com

Represented by: Danielle R. Mathews, AICP Telephone: 214-846-2547

Mailing Address: 2201 Main St, Suite 1280, Dallas, TX Zip Code: 75201

E-mail Address: danielle@masterplantexas.com

Affirm that an appeal has been made for a Variance __, or Special Exception X, of 5 feet to the maximum permitted fence height of 4 feet in the required front yards along Lennox Lane and Catina Lane, and a special exception to the 50% open surface area requirement located less than 5 feet from the front lot line along Catina Lane.

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:

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 Danielle R. Mathews
(Affiant/Applicant's name printed)

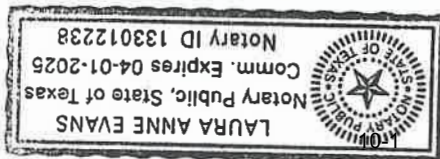
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted: Danielle Mathews
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 3 day of August, 2021

Jamie Gray
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-092

I, MMM Family Trust, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 10645 Lennox Lane Dallas, TX 75229
(Address of property as stated on application)

Authorize: Danielle R. Mathews
(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: _____

Lisa Tyner
Print name of property owner or registered agent
Date 07/16/2021

Lisa Tyner Trustee
Signature of property owner or registered agent

Before me, the undersigned, on this day personally appeared Lisa Tyner

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 July, 2021



Jacquelynn Meyer
Notary Public for Dallas County, Texas
Commission expires on 8/15/24



Printed: 8/9/2021

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 | 0-4 Shop Front Overlay |
| | | Height Map Overlay | |

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







8 October 2021

Panel C, Board of Adjustment
 City of Dallas
 Current Planning
 Planning and Urban Design
 1500 Marilla, 5BN
 Dallas, TX 75201

RE: BDA201-092; 10645 Lennox Lane

Dear Board Member:

The subject site, measuring approximately 2.089 acres, has approximately 290.9 feet of frontage on Lennox Lane (includes the corner clip to the south), and approximately 357 feet of frontage on Catina Lane. See the following table for zoning districts and uses:

Location	Zoning District	Use
Subject Site	R-1ac(A)	Single-Family Dwelling Unit
North (Across Catina Lane)	R-1ac(A)	Single-Family Dwelling Unit
South	R-1ac(A)	Single-Family Dwelling Unit
East (Across Lennox Lane)	R-1ac(A)	Single-Family Dwelling Unit
West	R-1ac(A)	Single-Family Dwelling Unit

In accordance with SEC. 51A-4.602, the subject site must comply with the following fence standard: "In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard." Furthermore, because the site is at the southwest corner of Lennox Lane and Catina Lane, and because of block face continuity, the site has two front yards.



Please refer to the attached exhibits for specific locations of the fence and its corresponding materials.

Regarding the Lennox Lane front yard setback, the following is proposed:

- approx. 16.5 feet of the nine-foot-tall stone veneer wall (see the pink line);
- a five-foot-tall black finish steel picket fence (see the light blue line); and
- an eight-foot-tall limestone veneer wall with an integrated eight-foot-tall, 22-foot-long solid steel plate vehicular gate (see the brown line).

Along Catina Lane, the following is proposed:

- approx. 39.4 feet of the nine-foot-tall stone veneer wall, located perpendicular to the street (see the pink line on the attached site plan);
- an eight-foot-tall security fence screened with needlepoint hollies and teddy bear magnolias (see the neon green line);
- eight-foot-tall screening walls that encroach into the setback but will not be visible from the street (see the neon green line);
- an eight-foot-tall, two-foot-wide stone veneer column with an eight-foot-tall, six-foot-wide pedestrian gate; and
- a five-foot-tall black finish steel picket fence (see the light blue line).

Therefore, while most of the fence ranges between five to eight feet in height, a special exception of five feet is requested for approximately 56 feet of the proposed nine-foot-tall stone wall, a majority of which is set behind the 40-foot front yard setbacks. The proposed fence location complies with visibility triangle and drive gate requirements, as well as openness requirements for materials. Additionally, please see the following pictures for examples of needlepoint hollies and teddy bear magnolias.



Several properties surrounding the subject site have received Board of Adjustment approval for fence height special exceptions in required front yards within the past five years:

Case Number	Address	Action
BDA167-047	10545 Lennox Lane	Panel C approved an eight-foot high fence on April 17, 2017.
BDA167-140	10564 Lennox Lane	Panel C approved a six-foot high fence on December 11, 2017.
BDA178-038	10515 Lennox Lane	Panel C approved a five-foot, eight-inch high fence on May 21, 2018.
BDA178-111	10650 Strait Lane	Panel B approved a nine-foot high fence on October 17, 2018.
BDA178-127	10747 Lennox Lane	Panel B approved a six-foot high fence on November 14, 2018.
BDA189-099	4554 Harrys Lane	Panel C approved a six-foot, six-inch high fence on October 21, 2019.
BDA190-050	4610 Catina Lane	Panel C approved an eight-foot, six-inch high fence on June 22, 2020.
BDA190-079	4651 Catina Lane	Panel C approved a six-foot, six-inch high fence on October 19, 2020.

SEC. 51A-4.602 allows the Board of Adjustment to grant a special exception to the fence standards when, in the opinion of the board, the special exception will not adversely affect neighboring property. Multiple surrounding properties have front yard fences, all with vehicular gates. Most are over four feet in height (some have Board of Adjustment approval per the table above). Given this history in the vicinity, the requested fence height special exception is generally compatible with the fence patterns in the established neighborhood.

Letters were sent to neighboring property owners within a 200-foot radius to advise them of the request.

In summary, while most of the proposed fence is between five to eight feet tall, the client requests a special exception of five feet to the maximum permitted fence height of four feet in the required front yard setback to accommodate a small section of their proposed nine-foot-tall stone veneer wall. All other aspects of the proposal comply with the zoning ordinance's fence standards.

Regards,



Danielle R. Mathews, AICP
Consultant
Masterplan Texas



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Lighting
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Dallas, Texas 75247
p 214.0240.3369
f xxx.xxx.xxxx

Lennox Lane Residence

10645 Lennox Lane, Dallas, Texas, 75229

Issue/Revisions:

01	Coordination Set	02.26.2021
02	Permit Set	06.25.2021

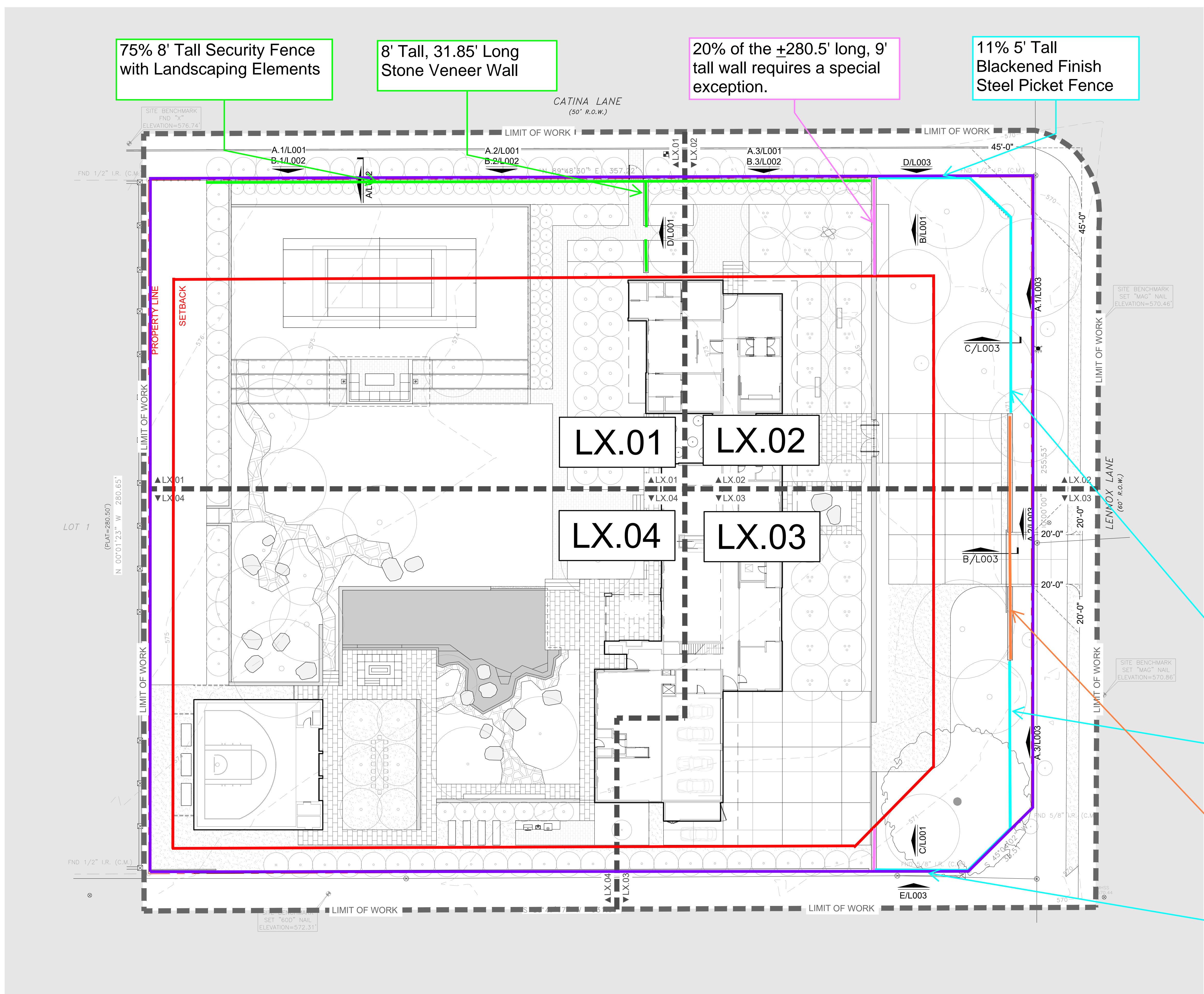


06.25.2021

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Site Plan

L1.01



75% 8' Tall Security Fence with Landscaping Elements

8' Tall, 31.85' Long Stone Veneer Wall

20% of the ±280.5' long, 9' tall wall requires a special exception.

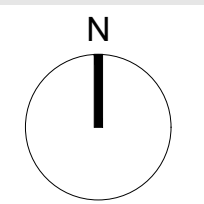
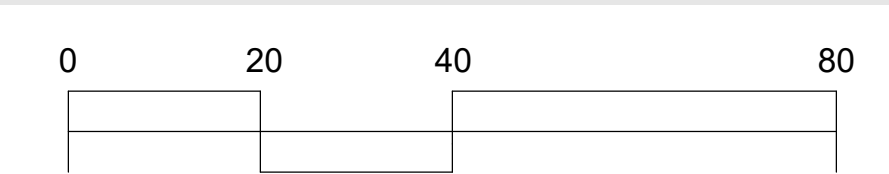
11% 5' Tall Blackened Finish Steel Picket Fence

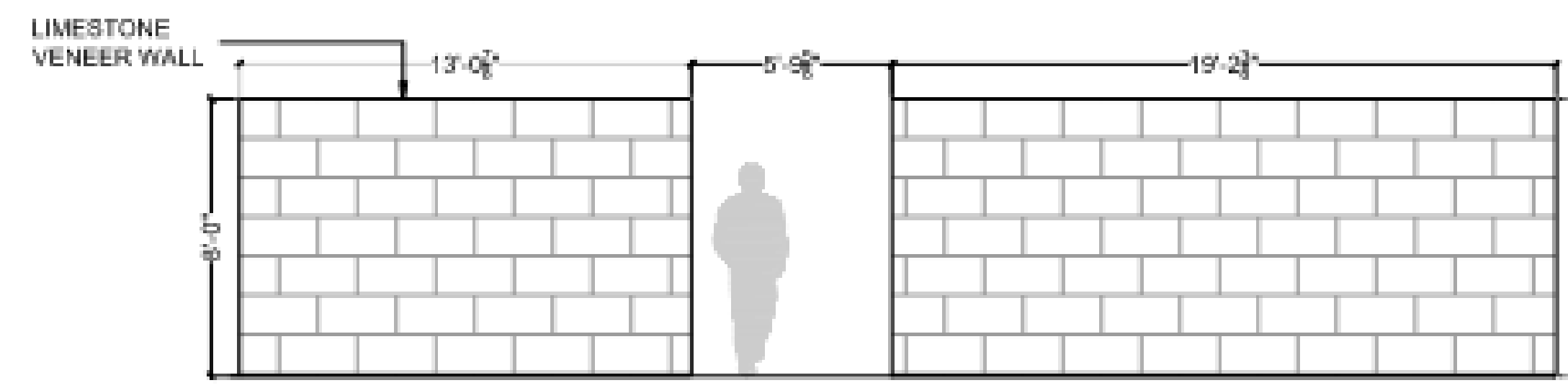
67% 5' Tall Blackened Finish Steel Picket Fence

33% 8' Tall Stone Veneer Fence with Vehicular Gate

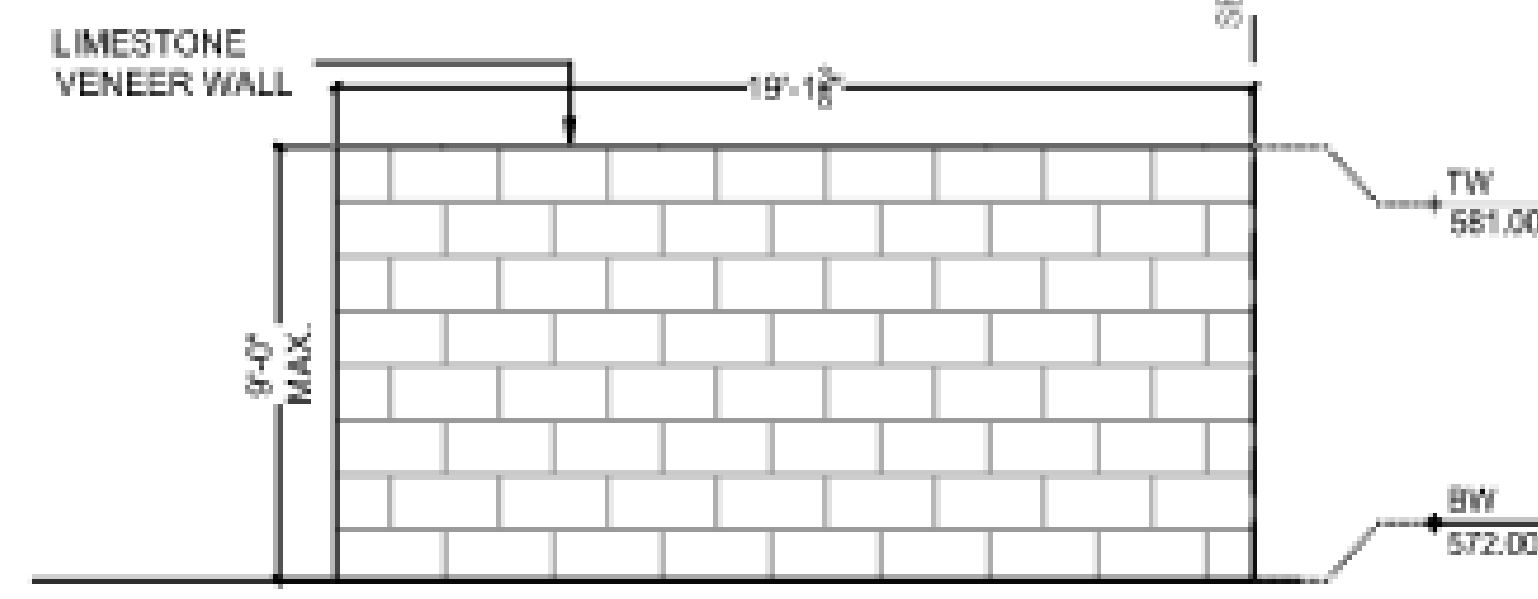
11% 5' Tall Blackened Finish Steel Picket Fence

A SITE PLAN | 1"=20'-0"

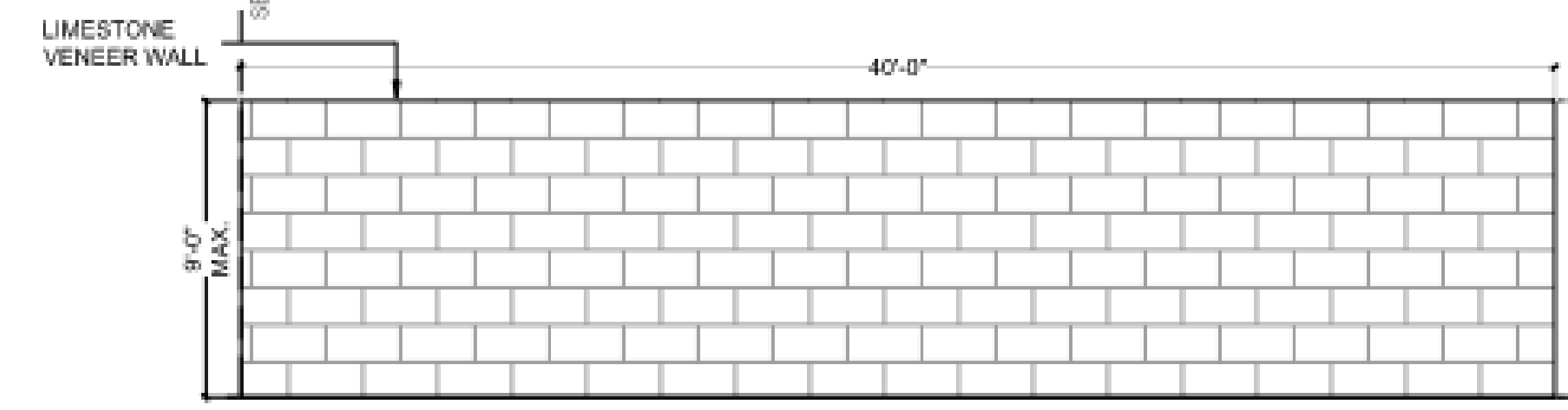




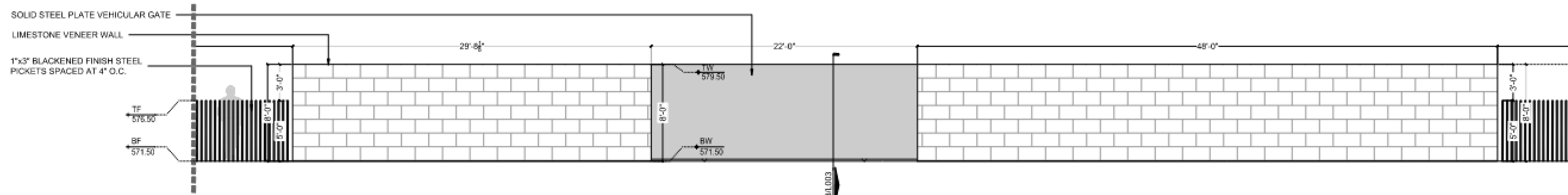
D ELEVATION: 8' STONE VENEER SCREEN WALLS (ELEVATION NOT VISIBLE FROM STREET) | 1/4" = 1'-0"



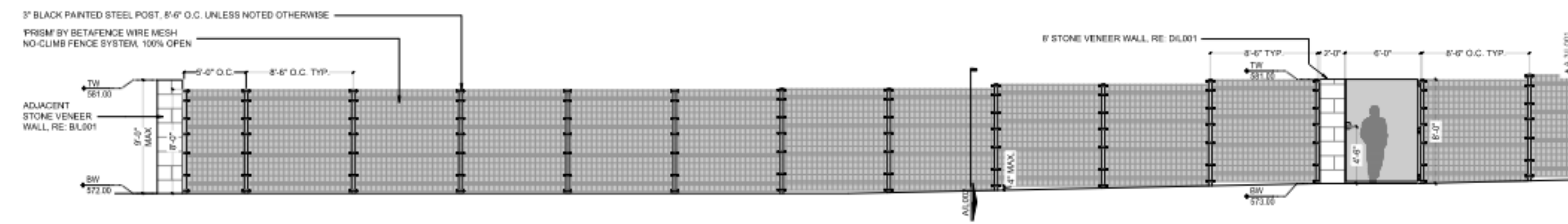
C ELEVATION: 9' STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"



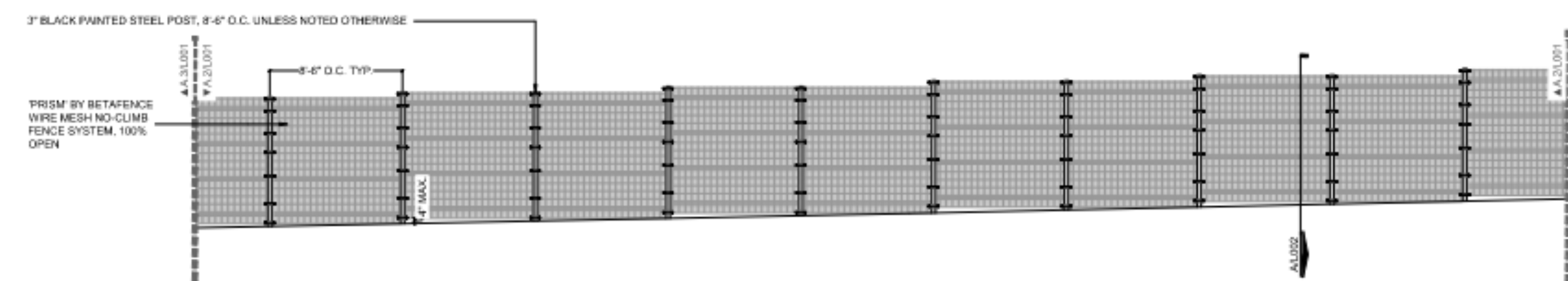
B ELEVATION: 9' STONE VENEER WALL FACING LENNOX LANE | 1/4" = 1'-0"



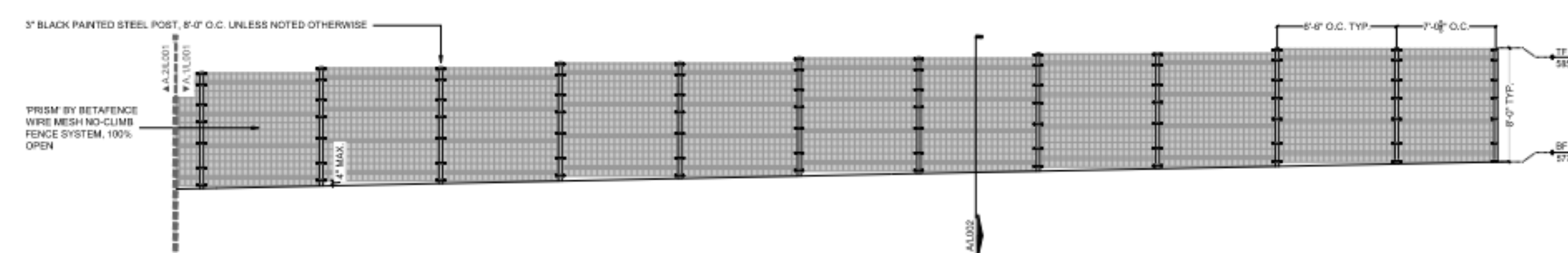
A.2 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



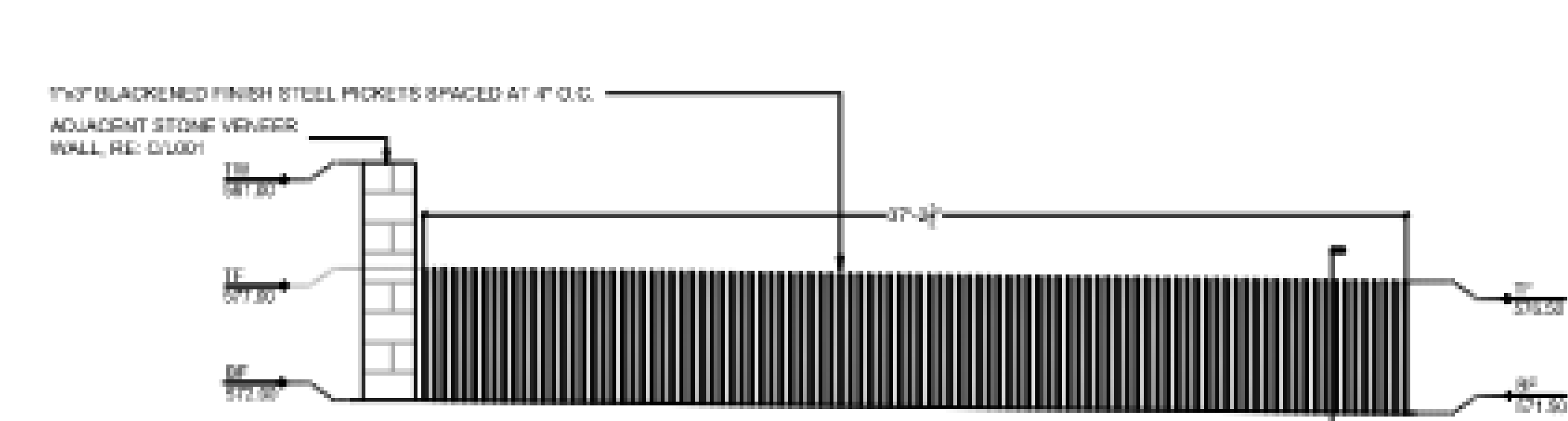
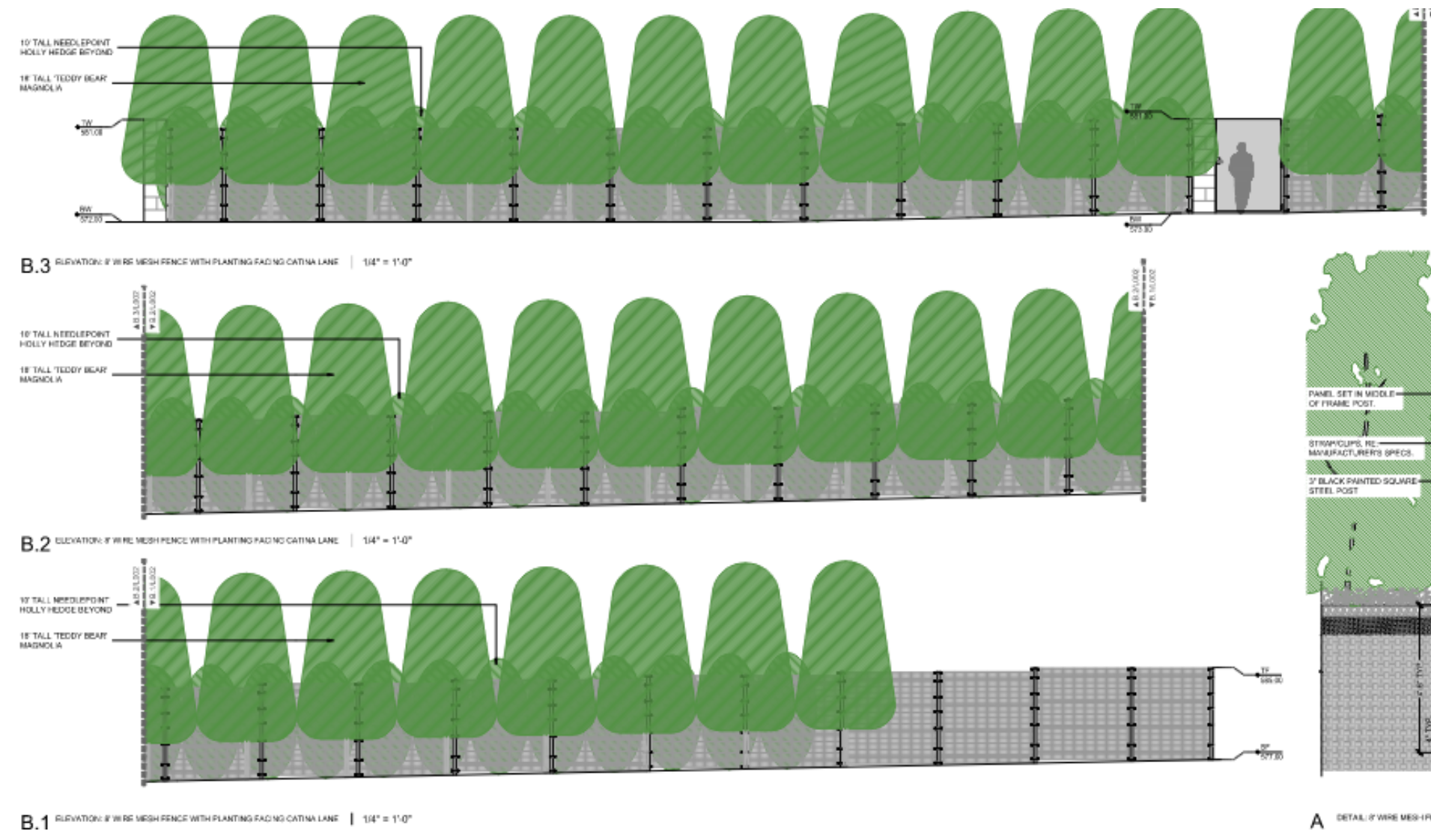
A.3 ELEVATION: 8' WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



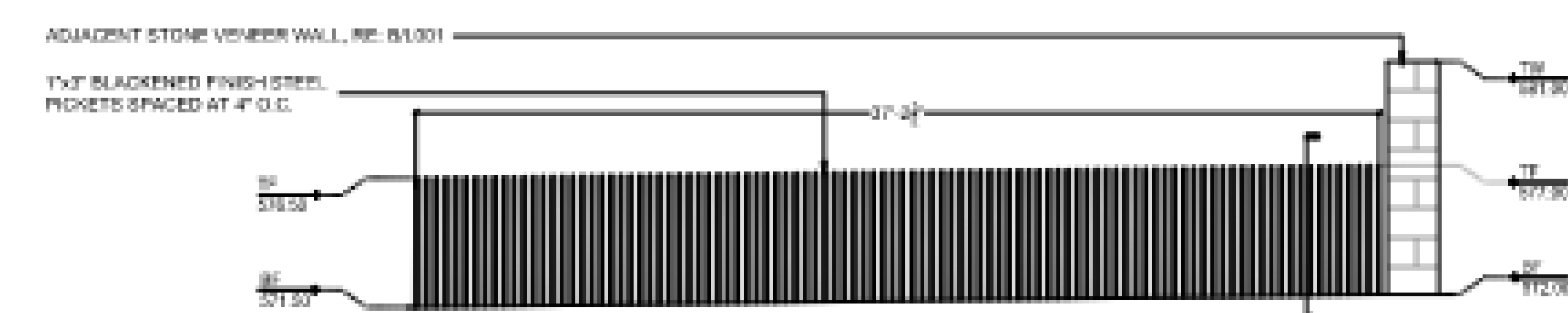
A.2 ELEVATION: 8' WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



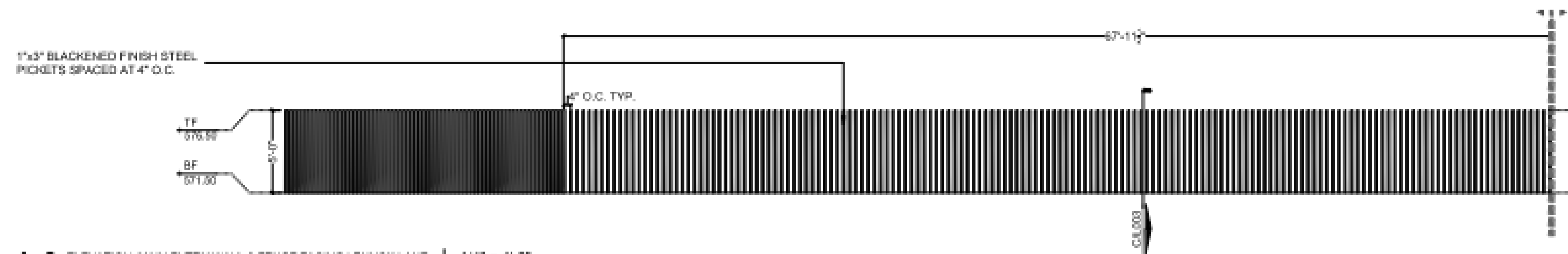
A.1 ELEVATION: 8' WIRE MESH FENCE FACING CATINA LANE | 1/4" = 1'-0"



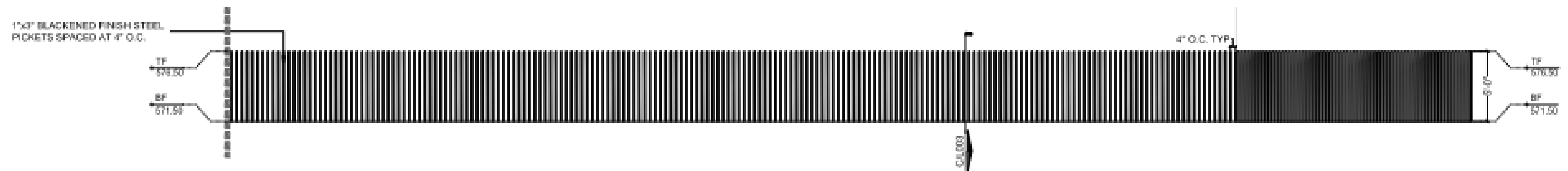
E ELEVATION: STEEL PICKET FENCE FACING ALLEY | 1/4" = 1'-0"



D ELEVATION: STEEL PICKET FENCE FACING CATINA LANE | 1/4" = 1'-0"



A.3 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"



A.1 ELEVATION: MAIN ENTRY WALL & FENCE FACING LENNOX LANE | 1/4" = 1'-0"

Panel C

10-18-2021

BDA201-092

10645 Lennox Ln.

(Letters in Opposition)

I am writing to ask that the request BDA201-092 for 10645 Lennox be denied. Our neighborhood is having a turnover of older homes and new homes being built. This is the 3rd request for a fence height variance within several hundred feet of my property. The houses at 4554 Harrys Lane and 4610 Catina both requested large solid walls in the front of their houses.

Mr. Cothrum of Masterplan represented the owners of 4554 Harrys Lane and after meeting with the neighborhood a redesign of the fence was done which was 2 feet of solid and 3 feet of open metal fence and fit in with the openness of our neighborhood. The home at 4610 Catina was denied approval by this Board and they then adjusted their fence to what was approved for 4554 Harrys Lane.

We have reached out to Masterplan who represents the owner of 10645 Lennox to meet to discuss the neighborhood concerns prior to the hearing regarding the request for a solid wall. They have not responded as of this email.

The house at 10645 Lennox whose back yard backs up to the side yard of 4610 Catina (the request for a similar wall was denied for 4610 Catina) is requesting a solid wall. I hope the Board maintains a standard and denies the request for 10645 Lennox for a solid wall which exceeds city code and is out of line with our neighborhood.

One of the arguments that was made for both houses during their request was that there are already homes in the neighborhood with fences that exceed the city standard. This is true but many of the yards meet the city requirement or have no front yard fences. The older homes with fences that exceed the 4 foot standard are open metal fences rather than solid walls. These were built years ago and I suspect some were built without approval.

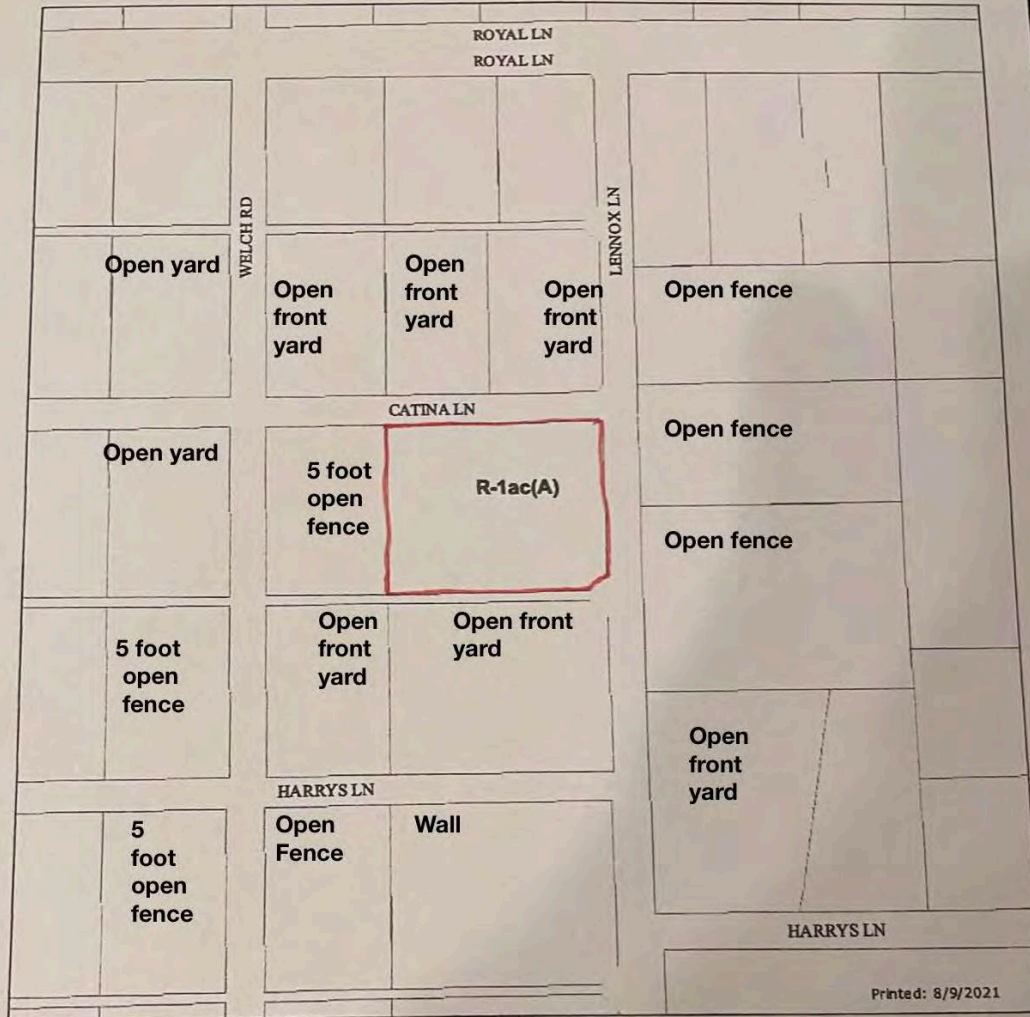
The idea of a 9 foot solid wall in the front yard does not fit the neighborhood. The yards around this property do not have massive walls. Also, there are 3 lots getting ready to build and a 4th just went on the market. If this variance is approved then within several hundred feet of my house could be 5 walled compounds. That is a depressing thought.

I plead with the Board to not approve the request. The city put in place a standard for new construction for a reason. Please save our neighborhood from becoming walled compounds.

I have included pictures and a plot showing the make up of the surrounding yards to show the openness of the neighborhood which we feel should be preserved.

This represents the yards surrounding the proposed variance. As you can see there is a very openness to the area. 2 of the lots with open yards and 2 of the lots with open fences are going to be new construction. If the variance is approved then all 4 of the new construction could also ask for variance and the neighborhood becomes walled in.

Type to enter text

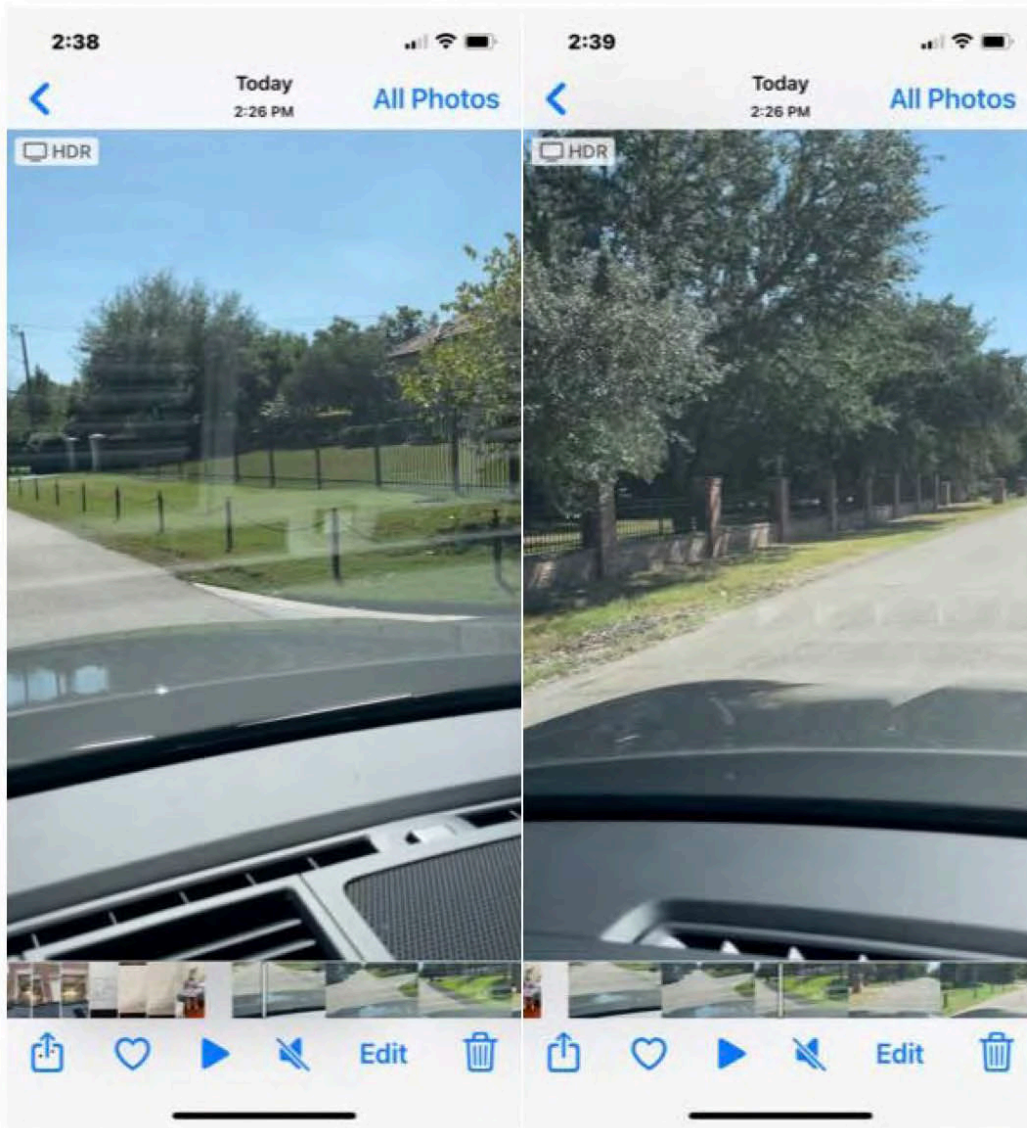


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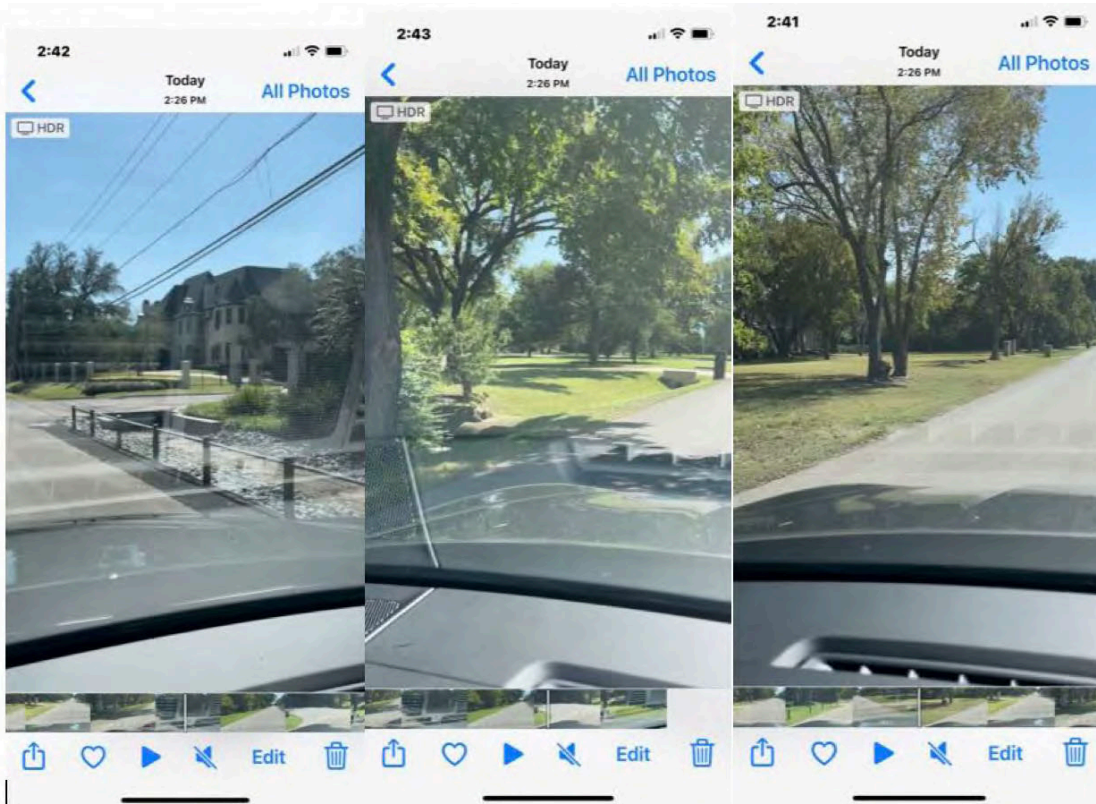
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| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | BP | NSO_Overlay |
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| X Protected by Levee | Dead Restrictions | Historic Subdistricts | Wading Management Overlay |
| Parks | SUP | Historic Overlay | Stage Flood 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)





©
Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



Pictures driving down Lennox
Notice the openness



10__ Lennox, The house which is beside the house asking for the adjustment
Open front yard on Lennox



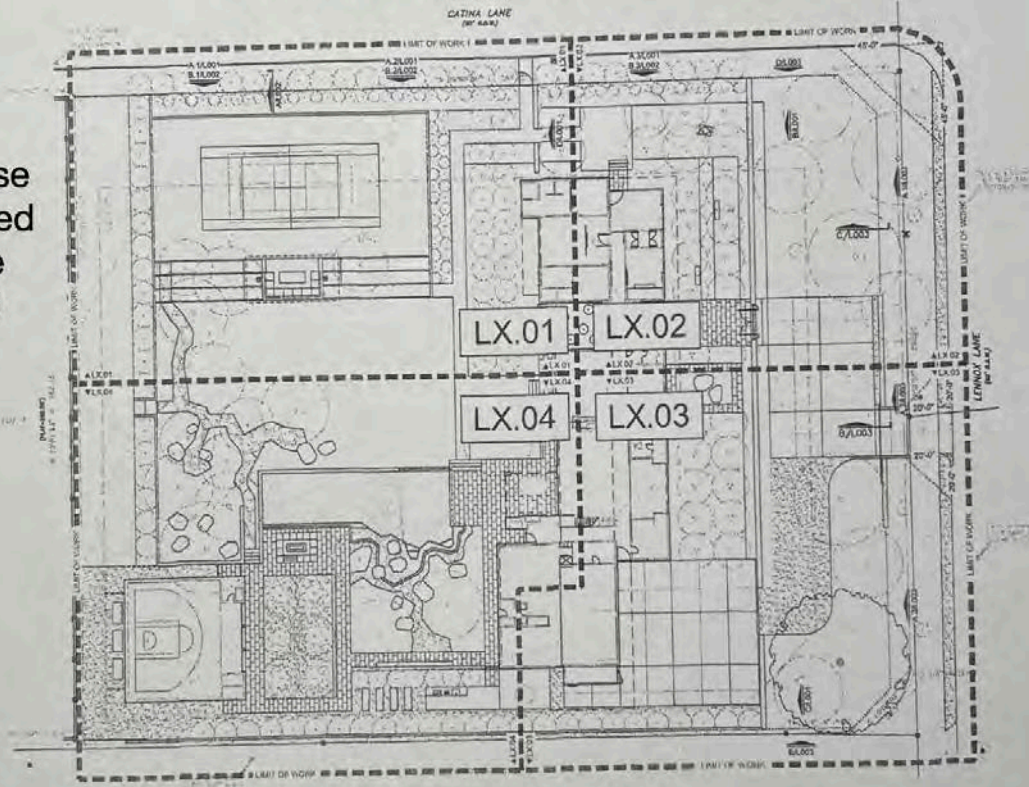
4651 Catina
The front yard faces the house asking for an adjustment
Notice the open front yard



4610 Catina, The house was denied a similar request. The side yard is next to the back yard asking for the adjustment.
They changed their fence to fit the neighborhood

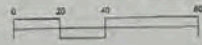
2 houses with open yards
1 with Catina address
1 with Lennox address

House denied large solid wall



House with open yard

ASPIRE PLAN | 1/20/20





4554 Harrys Lane
Adjusted fence for neighborhood



10625 Lennox, the house beside 10645
asking for the fence adjustment
Open yard

From: [REDACTED]
To: [Jackson, Latonia](#)
Cc: [Daniel, Pamela](#)
Subject: BDA 201-092
Date: Saturday, October 2, 2021 11:00:40 AM

External Email!

Dear Ms. Jackson,

I am writing to oppose the proposed fence height of 9" at 10645 Lennox. It is completely out of character with our neighborhood and I hope the City will not approve it. This City has consistently refused to allow fences of this height in our area, and it is my sincere hope you will continue to do so.

Thank you so very much.

Jan Black
[REDACTED]

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

From: [REDACTED]
To: [Jackson, Latonia](#); [Daniel, Pamela](#)
Subject: Variance Request BDA201-092 for 10645 Lennox Lane, Dallas, TX 75229
Date: Tuesday, October 12, 2021 12:44:40 PM

External Email!

Dear Ms. Jackson and Ms. Daniel –

I reside at 10401 Lennox Lane in Dallas. I am writing to ask that variance request BDA201-092 for 10645 Lennox Lane be denied. This is the latest of several requests in recent years seeking a variance from the fence codes in our neighborhood. All of the other requests were denied. If request BDA201-092 is granted, it will fundamentally change the appearance of our neighborhood and what makes it such a charming and welcoming place to live where neighbors know and interact with each other.

There are 31 houses on Lennox Lane from Royal to Dorset. Only 1 has a solid fence taller than allowed by code. This walled compound sticks out like a sore thumb, is poorly maintained and is an eyesore. All of the rest of the houses on the street either have open iron fences with landscaping to provide privacy, if desired, or no fences at all.

Our neighborhood is experiencing a turnover of older homes due to the 2019 tornado, which severely impacted our street, and older residents selling or downsizing. There are numerous properties on the street that are either under construction, for sale or will be for sale in the coming few years. We cannot set a precedent allowing ugly fortress walls. This decision is not just about 10645 Lennox Lane, but numerous properties in the area.

Please deny variance request BDA201-092 for 10645 Lennox Lane. Thank you.

Sincerely,

Anne Stodghill

10401 Lennox Lane

Dallas, Texas 75229

[REDACTED]
[REDACTED]

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

FILE NUMBER: BDA201-078(JM)

BUILDING OFFICIAL'S REPORT: Application of Baldwin Associates for a variance to the front yard setback regulations at 4000 Stonebridge Drive. This property is more fully described as Lot 6, Block 5/2023, and is zoned an R-7.5 Single Family Subdistrict within Planned Development District No. 193, which requires a front yard setback of 25 feet, and limits the height of a fence in the front yard to four feet. The applicant proposes to construct a single family residential accessory structure (swimming pool) and provide a 16-foot front yard setback, which will require a nine-foot variance to the front yard setback regulations. Additionally, a retaining wall up to nine-feet six-inches-in-height is proposed in the front yard, requiring a five-foot six-inch special exception to the fence height regulations.

LOCATION: 4000 Stonebridge Drive

APPLICANT: Rob Baldwin of Baldwin Associates

REQUEST:

The applicant proposes to construct and maintain a swimming pool, spa structure, and retaining wall located as close as 16 feet from the front property line. The site is currently undeveloped.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots zoned and R-7.5 Single Family District within PD No. 193 in that it is somewhat sloped (elevation ranging from 484 feet on the west to 493 feet on the east) and irregular in shape (ranging from about 43 to 103 feet-in-width).
- Staff concluded that the applicant has shown by submitting a document (**Attachment A**) indicating among other things that that the size of the proposed pool on the subject site with approximately 475 square feet of floor area is commensurate with 30 properties in the same zoning district which have an average lot area of 19,217 square feet.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

- Site: PD 193 (R-7.5) (Single family subdistrict)
- North: PD 193 (R-7.5) (Single family subdistrict)
- South: PD 193 (R-7.5) (Single family subdistrict)
- East: PD 193 (MF-2) (Multifamily subdistrict)
- West: PD 193 (R-7.5) (Single family subdistrict)

Land Use:

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

Zoning/BDA History:

1. **BDA201-031** Property at 4000 Stonebridge Drive (the subject site): On April 19, 2021, the Board of Adjustment Panel C denied a request for a variance to the front yard setback regulations of 12 feet without prejudice. The case report stated the request was made to construct and maintain an accessory pool structure, part of which is to be located as close as 13 feet from the front property line or as much as 12 feet into the 25-foot front yard setback on a site that is undeveloped.

2. **BDA189-082** Property at 4000 Stonebridge Drive (the subject site): On August 19, 2019, the Board of Adjustment Panel C denied a request for a variance to the front yard setback regulations of ten feet without prejudice. The case report stated the request was made to construct and maintain a two-story single-family structure with a 2,600 square foot building footprint (and with approximately 4,500 square feet of “conditioned” space), part of which is to be located as close as 15 feet from the front property line or as much as 10 feet into the 25-foot front yard setback on a site that is undeveloped.

GENERAL FACTS /STAFF ANALYSIS:

This request for a variance to the front yard setback regulations of up to nine feet is made to construct and maintain a residential accessory structure, a swimming pool and a spa structure, with approximately 475 square feet of floor area. The site is undeveloped and located in an R-7.5 Single Family District within PD No. 193 which requires a minimum front yard setback of 25 feet.

The submitted site plan indicates that the proposed structure is located as close as 16 feet from the front property line or as much as nine feet into the 25-foot front yard setback.

Lots in this district are typically 7,500 square feet in area. The subject site is somewhat sloped, irregular in shape, and, according to the application, is 0.26 acres (or approximately 11,300 square feet) in area.

According to DCAD records, there are no improvements listed for the property addressed at 4000 Stonebridge Drive.

The applicant has submitted a document that represents that the lots average square footage of 30 other properties with a pool in the PD 193 (R-7.5) zoning district is about 19,212 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 PD No. 193 (R-7.5) 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 PD No. 193 (R-7.5) zoning classification.

Additionally, the applicant is now requesting a special exception to the fence height regulations for a retaining wall proposed in the front yard. This retaining wall was included on the last requests for this case, but not as a special exception. The applicant was advised that due to the measurement of the fence being taken from the interior of the property, that despite the retaining wall not being visible from the street, the retaining wall is considered a fence structure above four feet-in-height in a front yard setback.

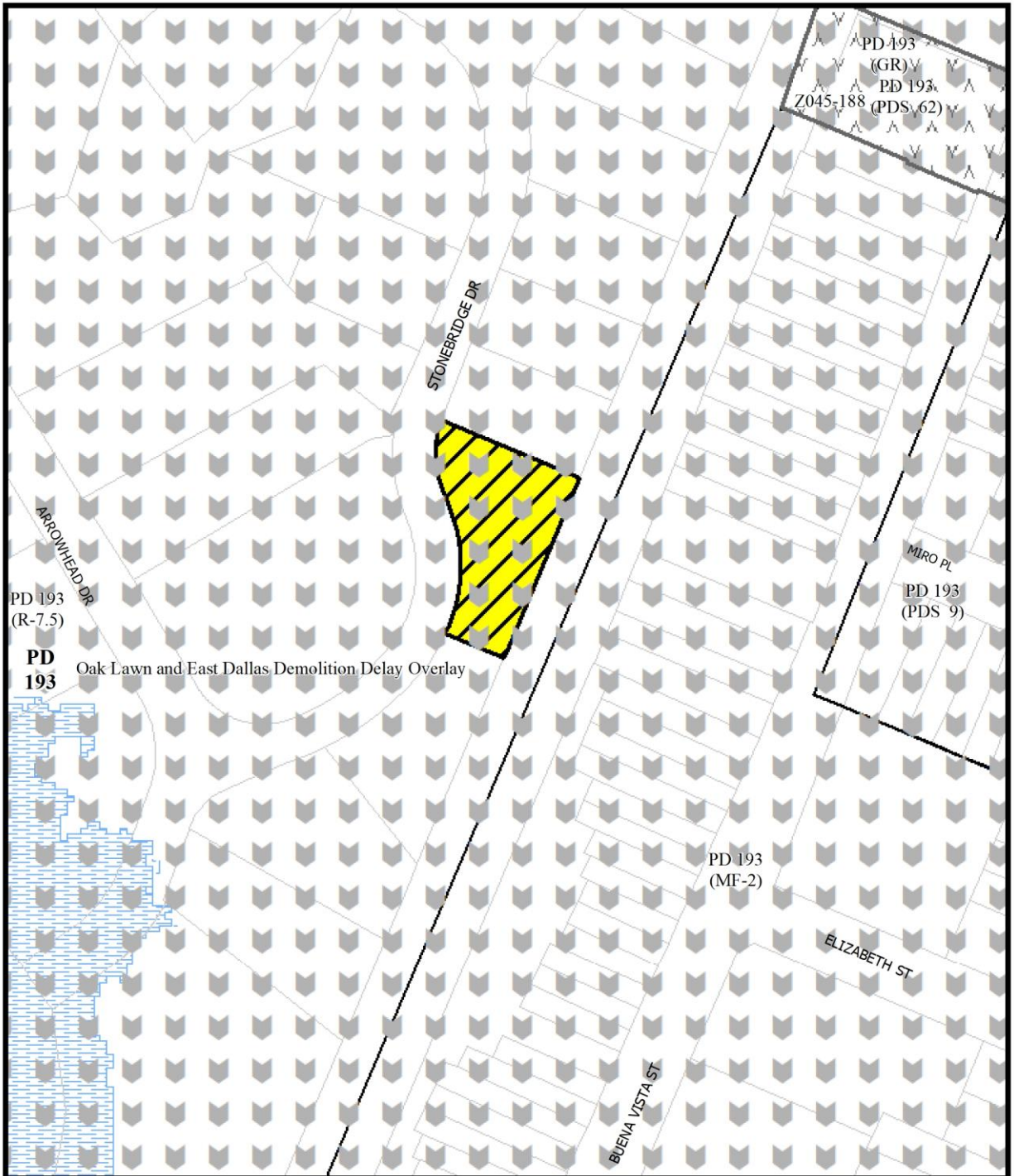
According to the site plan and elevation submitted, the portion of the one-foot wide, solid concrete retaining wall fence structure is located on the southern portion of the site, around the driveway and garage area, and is up to nine-feet six-inches-in-height and 26 feet-in-length along the Stonebridge frontage, about 15 feet from the property line.

As of September 14, 2021, letters and petitions of support had been received regarding the requests.

If the board were to grant the variance request and impose the submitted site plan as a condition, the accessory structure, a swimming pool and a spa structure with approximately 475 square feet of floor area located partially in the front yard setback, would be limited to what is shown on this document. If the board were to grant the special exception to the fence height standards and impose the submitted site plan and elevation, the fence located in the front yard along the Stonebridge Drive frontage would be limited to the location and height, as depicted.

Timeline:

- June 30, 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.
- August 5, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C, due to case history.
- August 23, 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 August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 30, 2021: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).
- September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board. No review comment sheets were submitted in conjunction with this application.
- September 20, 2021: Panel C held this case under advisement to October 18, 2021. No additional evidence or updates were provided at the time of this report.

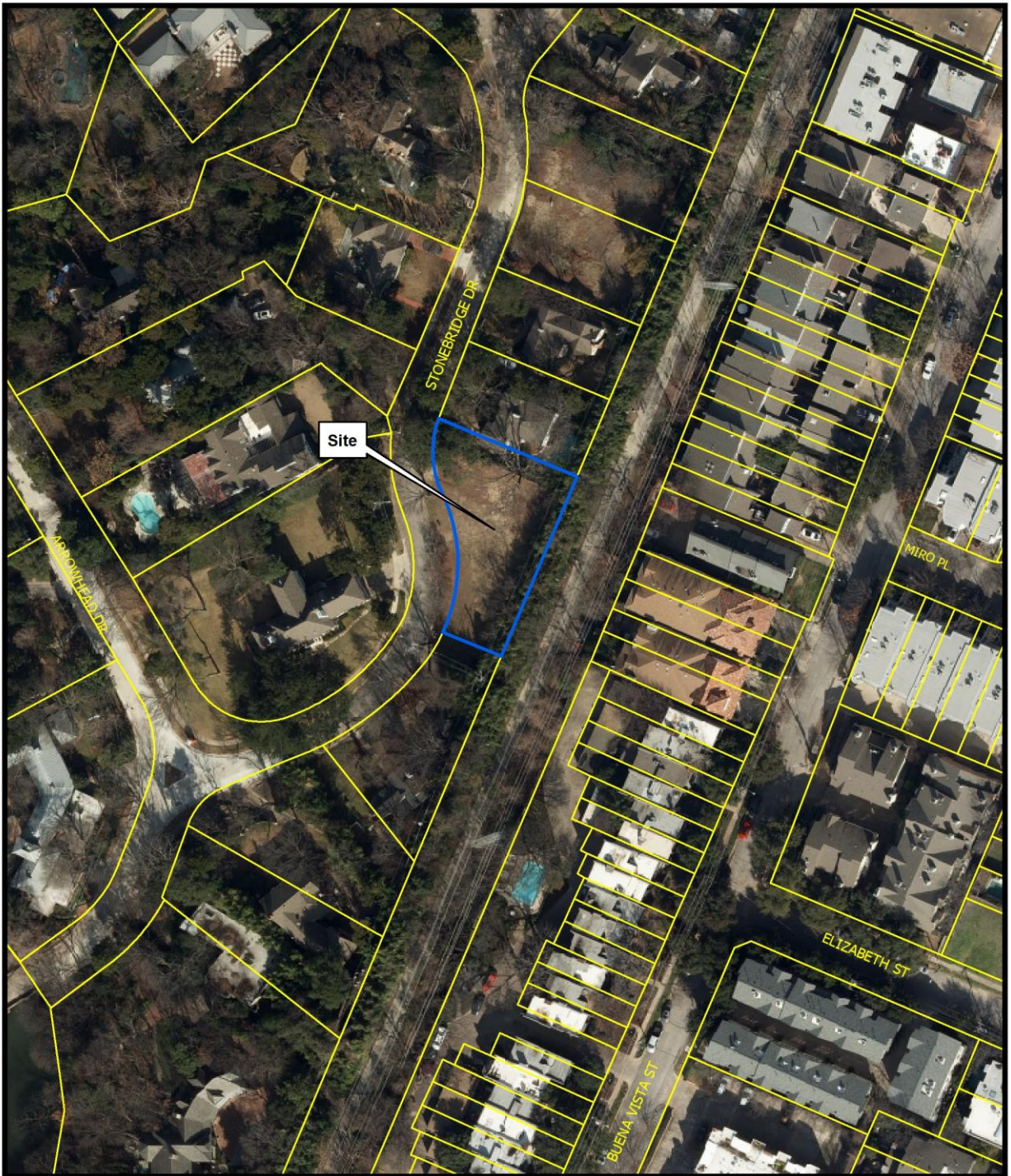


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ZONING MAP

Case no: BDA201-078

Date: 8/18/2021

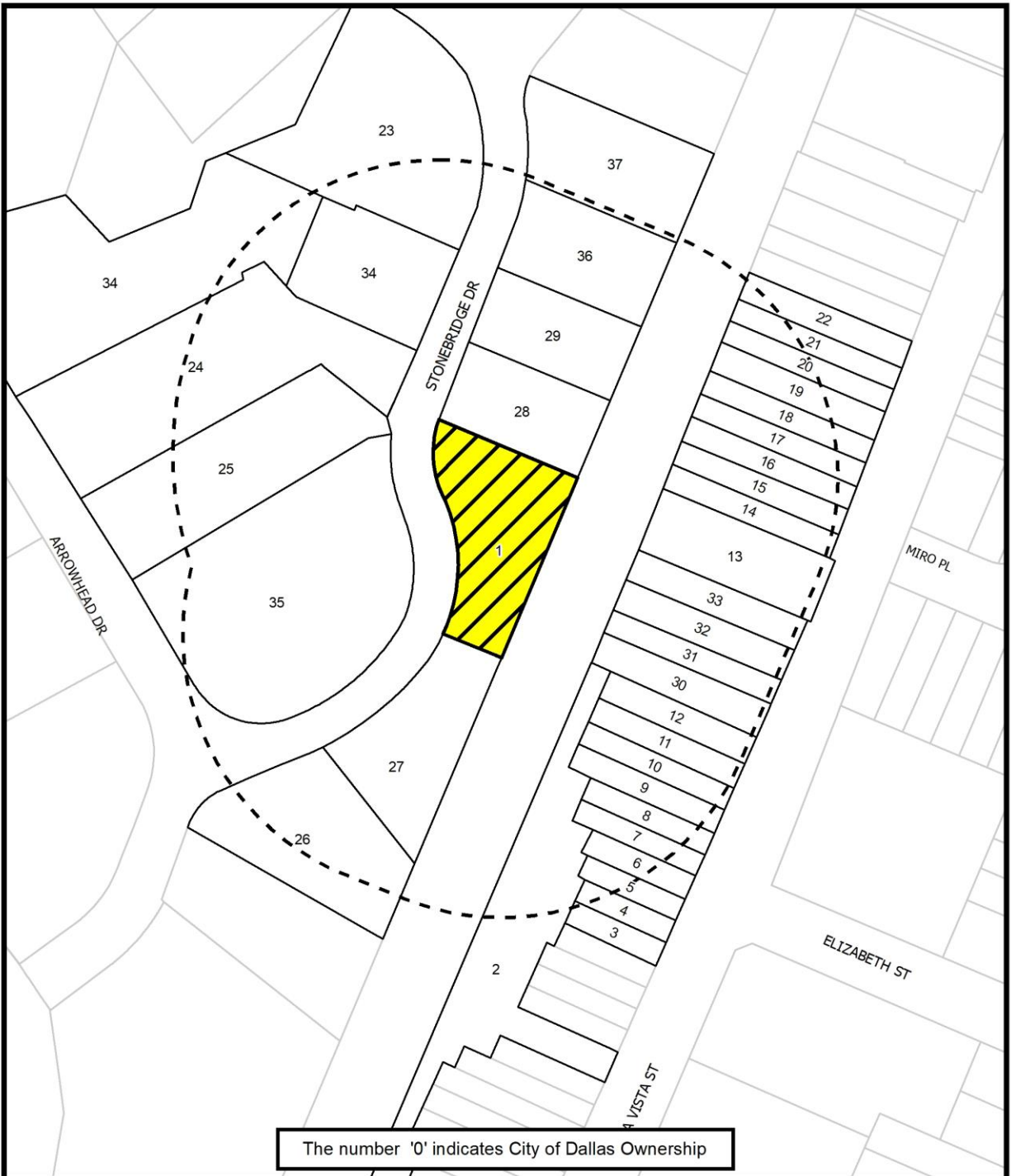



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AERIAL MAP

Case no: BDA201-078

Date: 8/18/2021




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
37	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-078**
 Date: **8/18/2021**

08/13/2021

Notification List of Property Owners

BDA201-078

37 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4000 STONEBRIDGE DR	WALLER GROUP LLC THE
2	4057 BUENA VISTA ST	PHASE ONE PART II HOA INC
3	4067 BUENA VISTA ST	SEGEL DANIEL
4	4069 BUENA VISTA ST	NEWTON SHERRY E PROPERTIES LLC
5	4071 BUENA VISTA ST	KRISCUNAS STEVEN MICHAEL
6	4073 BUENA VISTA ST	WONG WESLEY
7	4075 BUENA VISTA ST	MCNELLY GORDON JR &
8	4101 BUENA VISTA ST	NASUHOGLU DURIYE
9	4103 BUENA VISTA ST	FLATHERS COLLIN K
10	4105 BUENA VISTA ST	NOTARNICOLA KATHLEEN R & JAMES
11	4107 BUENA VISTA ST	JACKSON JOHN MILLS
12	4109 BUENA VISTA ST	REGESTER JAMES
13	4119 BUENA VISTA ST	AN JADHAVJI INVESTMENST LLC
14	4121 BUENA VISTA ST	BRAY SHELDON
15	4123 BUENA VISTA ST	TRAISTER JENNIFER
16	4125 BUENA VISTA ST	ALLUMS JAMES L & CLAUDIA
17	4127 BUENA VISTA ST	LISCANO MARCELA &
18	4129 BUENA VISTA ST	ESTERLINE BRUCE & DIANA
19	4131 BUENA VISTA ST	US BANK NATIONAL ASSOCIATION
20	4133 BUENA VISTA ST	BROWN RON L &
21	4135 BUENA VISTA ST	RUSCHHAUPT REED
22	4137 BUENA VISTA ST	PYLE MICHAEL SCOTT
23	3500 ROCK CREEK DR	NDMI CREEKVIEW LLC
24	3520 ARROWHEAD DR	RYBURN FRANK S & MARY J
25	4007 STONEBRIDGE DR	CRICHTON THOMAS IV &
26	3916 STONEBRIDGE DR	WYLY ANDREW D

08/13/2021

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3922 STONEBRIDGE DR	GARVIN DIANE COFFMAN
28	4014 STONEBRIDGE DR	ZILBERMANN MARK ANDREW &
29	4018 STONEBRIDGE DR	DOUBLEDAY JOHN E
30	4111 BUENA VISTA ST	JOHNSTON MICHAEL S &
31	4113 BUENA VISTA ST	NAZERIAN MICHAEL
32	4115 BUENA VISTA ST	DESIRE ANDRE & SUKIE
33	4117 BUENA VISTA ST	AFFELDT COLLEEN
34	3526 ARROWHEAD DR	CROW TRAMMELL S
35	3925 STONEBRIDGE DR	Taxpayer at
36	4022 STONEBRIDGE DR	SB 4022 LLC
37	4022 STONEBRIDGE DR	LEATHERWOOD MIKE



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-078

Date: 6-30-21

Data Relative to Subject Property:

Location address: 4000 Stonebridge Drive Zoning District: PD 193 R-7.5(A)

Lot No.: 6 Block No.: 5/2023 Acreage: 0.26 acres Census Tract: 6.06

Street Frontage (in Feet): 1) 174 ft 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): The Waller Group, LLC

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X , or Special Exception , of 9' variance request to the 25' front yard setback for a swimming pool (private)

and a fence height special exception of 6' to allow a 10' retaining wall within the required front yard

TH 8/18/21

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

The property is irregularly shaped due to the curvature of Stonebridge Drive. The lot dept ranges from 42'-102' and is wider than it is deep. The property is sloped and has 9' of grade change. The single family structure under construction complies with the 25' front yard setback and is pushed back to the 5' rear yard setback, therefore having a backyard that is not typical of an R-7.5(A) lot, which is usually deeper than it is wide. The proposed pool will be fenced and screened from the street with landscaping.

The retaining wall is necessary for development of the lot.

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

Affidavit

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

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

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

Subscribed and sworn to before me this _____ day of _____

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Rob Baldwin

did submit a request for a variance to the front yard setback regulations, and for a special exception to the fence height regulations

at 4000 Stonebridge Drive

BDA201-078. Application of Rob Baldwin for a variance to the front yard setback regulations, and for a special exception to the fence height regulations, at 4000 STONEBRIDGE DR. This property is more fully described as Lot 6, Block 5/2023, and is zoned PD-193 (R-7.5), which requires a front yard setback of 25 feet and limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a single family residential accessory structure (swimming pool) and provide a 16 foot front yard setback, which will require a 9 foot variance to the front yard setback regulations, and the applicant proposes to construct an 9 foot 6 inch high fence in a required front yard, which will require a 5 foot 6 inch special exception to the fence regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-078

I, The Waller Group LLC, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4000 Stonebridge Drive
(Address of property as stated on application)

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

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

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

Specify: Front yard setback for a swimming pool (private)

Logan Waller
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 6-7-2021

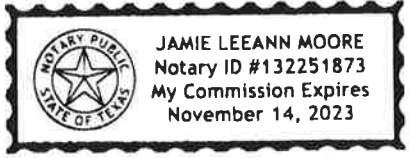
Before me, the undersigned, on this day personally appeared Logan Waller

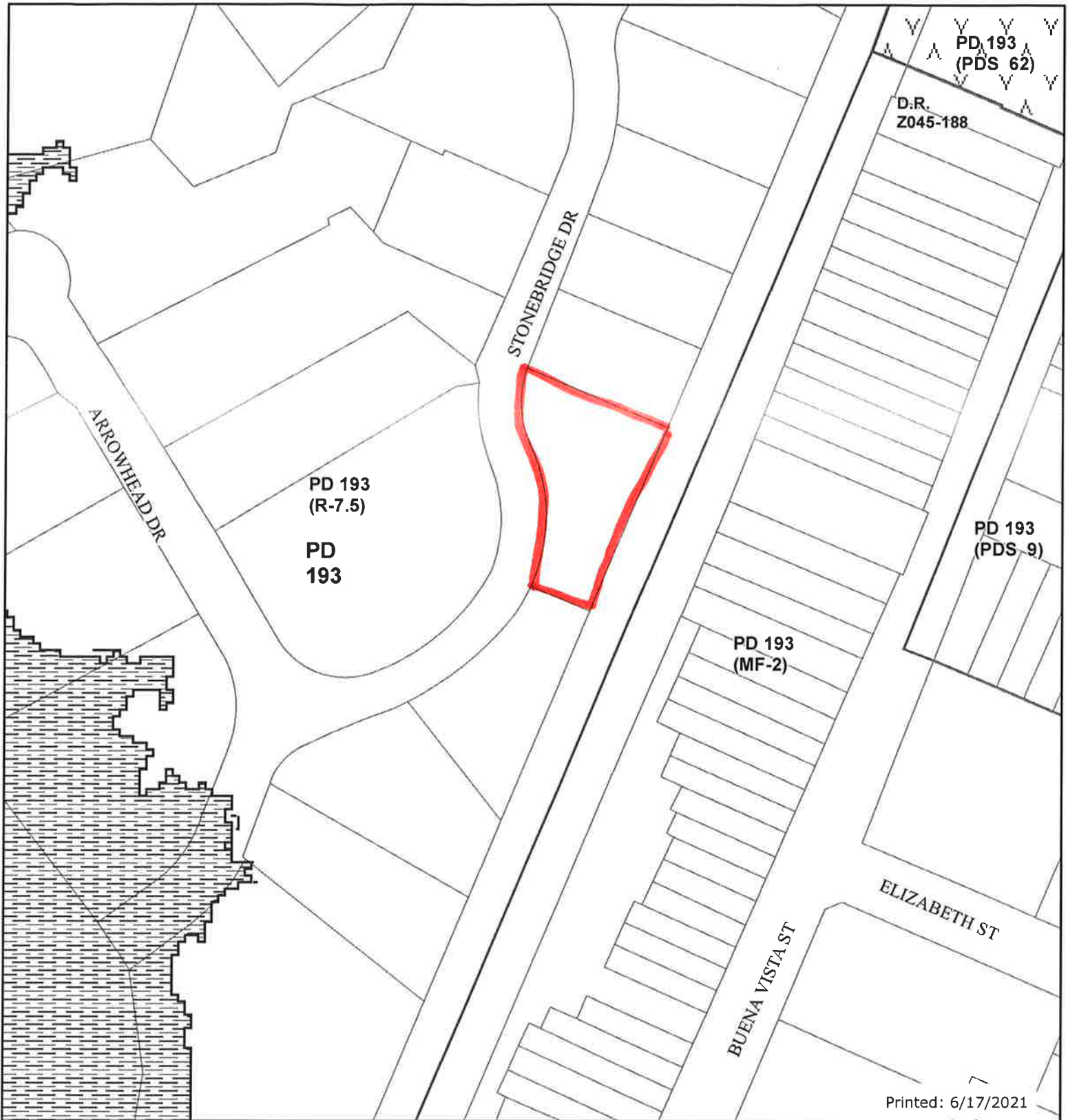
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 7th day of June, 2021

[Signature]
Notary Public for Dallas County, Texas

Commission expires on 11/14/23





Printed: 6/17/2021

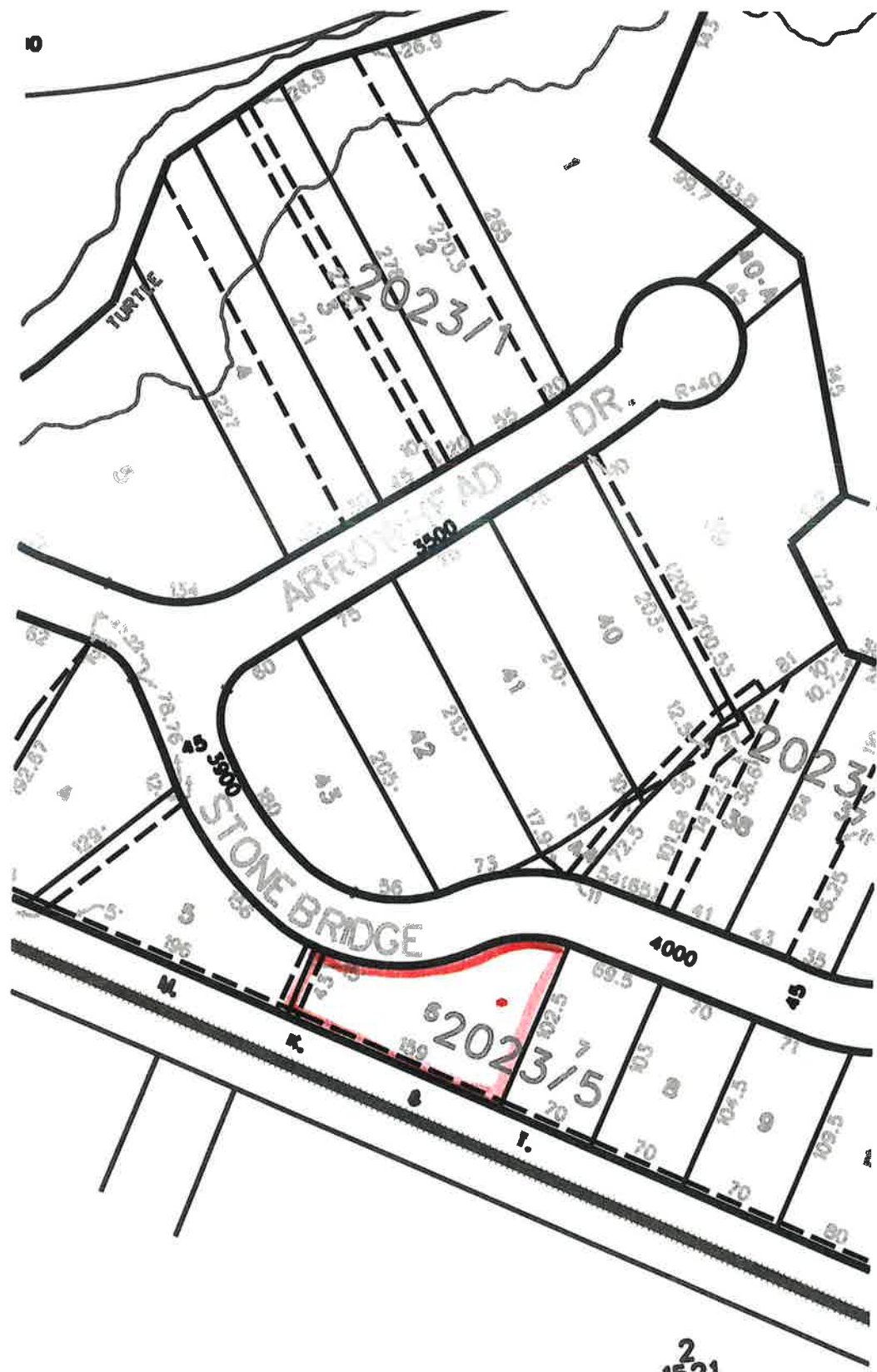
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- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | 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 | |

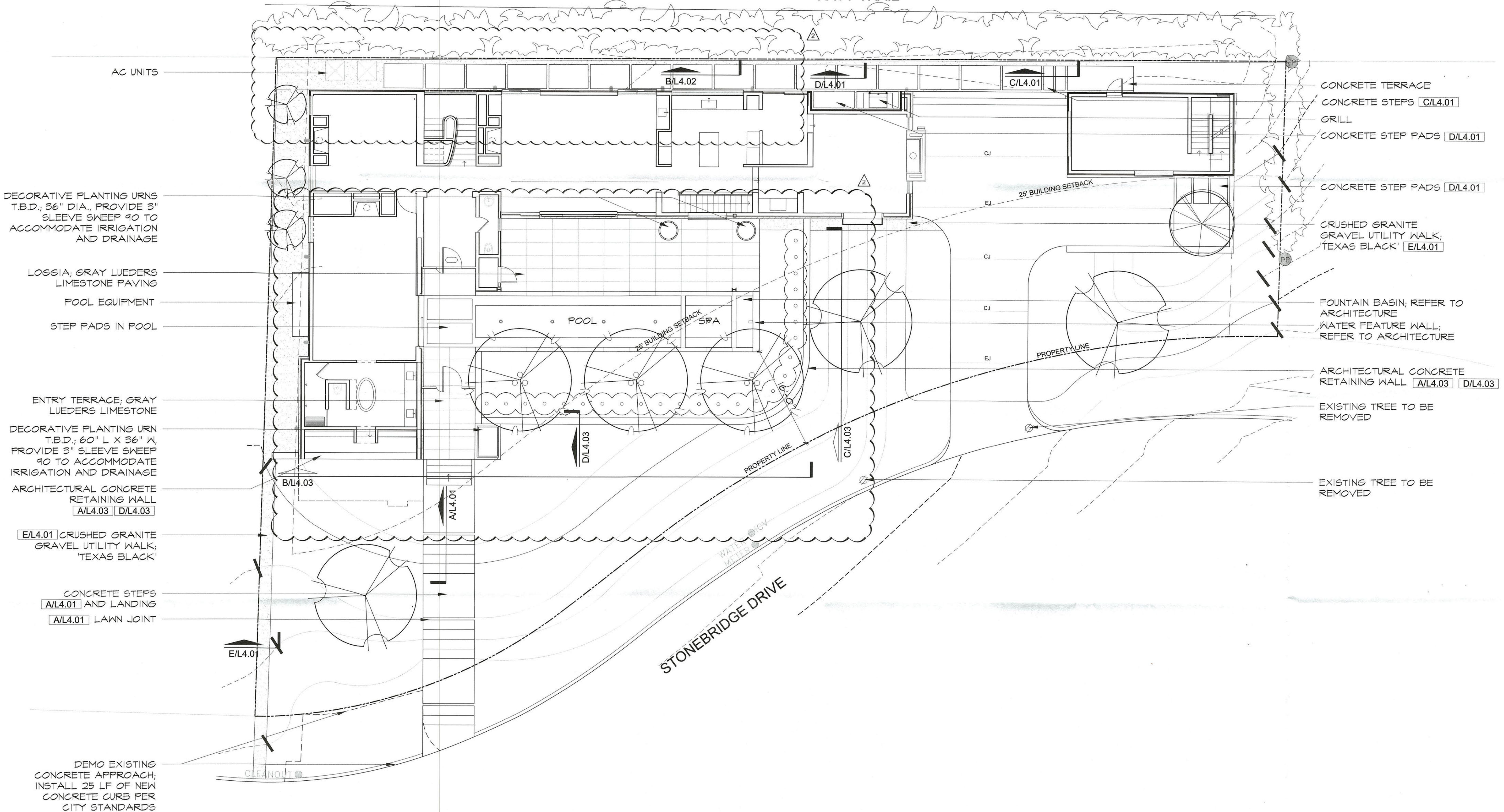
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



1:1,200



KATY TRAIL



Project Name

Waller Residence
4000 Stonebridge Dr.
Dallas, TX 75204
Project No: 20237

Issue Title

Construction Documents

Issue Date: 09.18.2020

Seal

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Issue / Addenda / Revisions

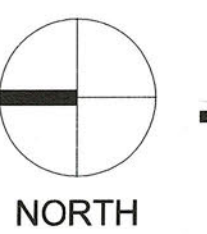
Date	Description
12/07/2020	SITE PLAN REVISIONS
06/25/2021	SITE PLAN REVISIONS

Drawing Title

SITE PLAN

Sheet No.

L2.01



Site Plan | **A**
Scale: 1/8" = 1'-0"

BDA201-078 ATTACHMENT A

BDA201-078

4000 Stonebridge

Lot Area & Pool Survey per DCAD

	Address	DCAD SF	Pool or spa?
3511	Arrowhead	34,925	Pool
3520	Arrowhead	24,641	No
3525	Arrowhead	34,843	No
3526	Arrowhead	26,545	No
3514	Rock Creek	14,127	No
3520	Rock Creek	13,947	Pool
3525	Rock Creek	7,500	Pool
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3500	Rock Creek	21,544	Pool
4118	Rock Creek	10,384	Pool
3529	Rock Creek	10,846	Pool
3515	Rock Creek	8,800	Spa
			15 pool/spa

Average lot area	19,217
Area of Request	31% less than average
Rate of homes with pools	52%

From: Logan Waller <[REDACTED]>
Sent: Monday, May 24, 2021 9:50 PM
To: [REDACTED]
Cc: d [REDACTED]; Lionel Morrison <[REDACTED]>
Subject: 4000 stonebridge pool permit variance request additional details (attached revised plan and previously denied plan)

Cynthia, thanks for discussing this Saturday and thanks for your ongoing consideration for support...My architect, Lionel Morrison, proposed a zoom call with anyone in opposition, I also think it could be helpful to hear his perspective as well as Mary Ellen Cowan, (www.mesadesigngroup.com) my landscape architect, for me to understand anyone that may still oppose this modified plan...

From my initial conversations with you, Dianne Garvin, Wes Tunnel, Kay Cheek and a couple others last spring, prior to me purchasing the lot was to ensure whatever was built on the lot respects the spirit of the neighborhood and the site, which in order of preferences were the following priorities:

1. **Lush landscape and trees to enhance the site;** this was especially emphasized by you and Kay, tree size, landscape design and respect for the "forest" aspect of the neighborhood was a priority, thoughtfully integrated into my landscape plan as well as communicated to my landscape architect from my first meetings..
2. **A house design that was respectful to the front yard set back:** This was emphasized mostly by you...This was actually the most costly component to the plan,
 - a. we achieved by going below grade for the garage to not have a house that reads as close to a 1 story or two story home, most of the house floorplate is one story. I also tried to ensure the house reads as closely to a one story home as possible from the street. (the river birch trees in the courtyard should shield a big portion of the second floor.
 - b. maintaining original site slope and elevation, achieved by going below grade for garage, looks terrible now but a lot of fill dirt will be brought back to the lot prior to final landscape and cover most of the existing cement.
 - c. Adhered to with careful consideration to the street appeal and approach from the street, and amount of the lot coverage to the front, we placed most of the house on the back of the lot, only 18' of the back side of the lot is 2 story, which required the pool on the front, **thus my request for the small pool variance I still need.**
3. **Colors and elements that compliment the neighborhood and surrounding homes:** This was also fully integrated through my use earth tone Roman Brick, earthtone stucco color, and organic elements which are integrated into the architecture (wood relief on retaining wall, crushed granite and fig ivy over concrete versus exposed concrete, the only exposed concrete is the small retaining wall which will feature an organic wood relief and it's only 18" to 4' on a small portion) no visible metal fences, etc, only landscape trees, shrubs ivy,

and groundcover visible from street. (the concrete mock up that's currently displayed in the front is only for the interior courtyard wall NOT visible to the street, I don't want anyone to think that is visible to the street)

Given the considerations I made and initial efforts to ensure the neighbors were in agreement I really didn't anticipate the opposition to my spa, which I thought given it's not visible would be a non-issue, I also failed to include detailed drawings initially, given the optimism my zoning consultant initially had with the design and hardship this particular site poses.

Since I was denied my request for a pool permit front yard setback variance, I have made FURTHER accomodations below:

1. modified our plan to shorten the pool by almost 12' allowing for more landscape and less variance needed.
2. The metal screening between the previous pool plan and front yard has been replaced with a hedge and landscape
3. The courtyard is now completely hedged with extensive landscape so no structures or landscape features are visible from the street as illustrated attached.

a. If you support my updated modified plan:

i. The live oak trees in the front yard will be 7" caliper live oaks, which are very expensive and the attached landscape plan can be completed, (I prefer to spend my money enhancing the front landscape instead of a reflection pool which is a landscape feature instead of the proposed pool, for the small 6' portion of my spa that is outside of the front yard setback.

ii. I can afford to install the 9 trees on the current landscape plan

b. If I'm denied again:

i. This change will require additional pump equipment, electricity consumption, and infrastructure that is costly just to avoid the need for a pool permit for the 6' portion of the spa that is needed for the variance, the pool would be shorter and a reflection pool will be built in the setback.

ii. the courtyard space would instead have a reflection pool which is considered a landscape feature and does not require a front yard variance and is within code...

iii. I prefer to spend the money in landscape plan which is very much an enhancement for the site and the neighborhood and visible from the street, otherwise I'll have to reallocate funds and may just have a grass lawn and less trees, My landscape architect has estimated apx \$45,000-\$65,000 for this change to add a reflection pool, which requires essentially 2 water filtration systems, pumps, maintenance etc, when it makes so much more sense to be all encompassing in the pool permit and

completed by my pool contractor...This cuts into funds I was allocating for the turtle creek association.

What was **not** initially expressed to me last year was any concern of a precedent being set by a variance, much less a pool permit variance, which is the only justification the few that are still opposing seem to have...

1. the percentage of buildable space on the lot compared to other sites, which I have adhered to in every manner from the beginning....Unlike other homes built in the last 10 years my house has less lot coverage, includes more organic earth tone colors, architectural materials respectful to the neighborhood, and has a greater FRONT YARD SET BACK than ANY of the homes built in the last 10 years in Turtle Creek Park, from what I can tell,...
2. As a member of the Oak Lawn committee I can appreciate PD 193 and those that protect it, this case is a hardship and doesn't require a building variance but given my efforts to preserve the integrity and spirit of the neighborhood, I would hope you feel it's worthy of a pool variance, which is all I'm asking for..., it's why the variance process exists and I respect the process as I hope others have the same respect and understanding of the process and the intentions of it...(to further clarify a building variance is NOT necessary and it's why we have a building permit but will NOT commence construction of the pool until this is resolved)

Due to your efforts and feedback last year, and even after I was denied, I have accommodated a more sensitive design to the neighborhood...I hope you appreciate my efforts and desire to ensure ALL neighbors are happy, as difficult as that is, I have majority support, but would appreciate Full support, as this will be my forever home and want to make my best efforts to instill the sense of community most would appreciate, especially myself. Which is why, if I'm FULLY supported, with your help, we can enhance the neighborhood, I'm happy to invest in the Turtle Creek association, and would like to make an initial \$5,000 donation on behalf of the Turtle Creek Park neighborhood as a start for the first year and will match the neighborhood's contributions up to \$2,500 for the next 5 years.

I also have been discussing other upgrades, including retrofitting the landscape lighting on turtle creek and Stonebridge which hasn't worked for years, as well as cleaning the lights on the bridge and a maintenance plan for those lights, as well as median for fitzugh enhancements...I prefer to spend our time enhancing the neighborhood we're all drawn to for the same reasons to maintain the spirit and integrity of the neighborhood rather than deny a very thoughtful and respectful plan which complements the neighborhood, Any opposition would be out of an unfounded fear of a precedent negating the front yard setback variance process...which I will also protect as long as I'm in the neighborhood if I can help it, because I respect it and appreciate it as much or

more than most of the neighbors in the neighborhood. If I need to sign an oath in blood



I will, lol..

With your support could you sign or let me know so I can send to you for docuSign signature? If not could you let me know an appropriate time to set up a zoom call with my architect to explain further? This is a wordy email and I want to make sure we have as much alignment as possible.

[View Available Properties](#)

Logan Waller

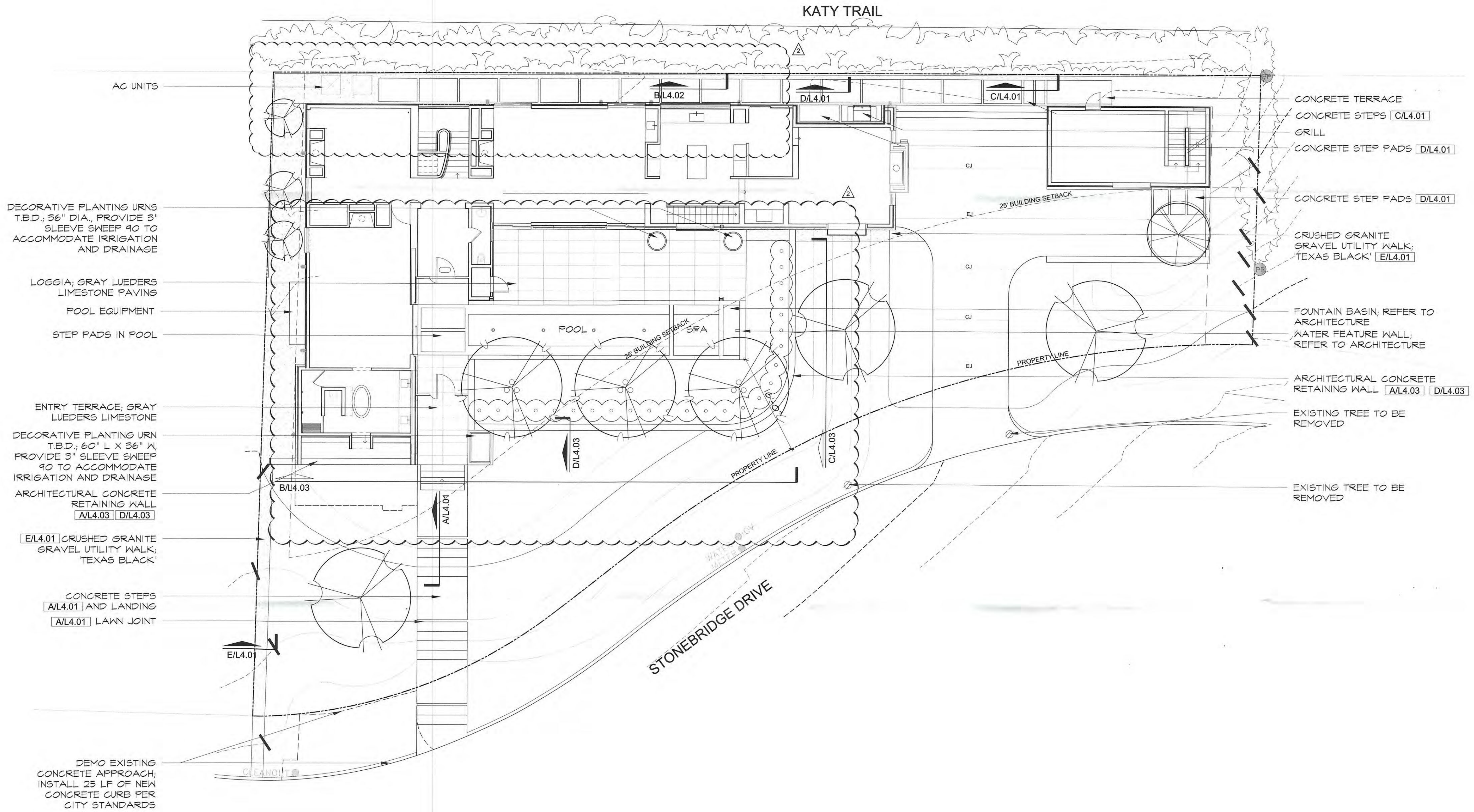
Broker Owner

WALLER GROUP PROPERTIES

5115 McKinney Ave, Suite F Dallas, TX 75205

214-704-5001 Mobile

logan@loganwaller.com



Project Name

Waller Residence
4000 Stonebridge Dr.
Dallas, TX 75204
Project No: 20237

Issue Title

Construction Documents

Issue Date: 09.18.2020

Seal

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Issue / Addenda / Revisions

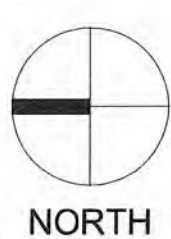
Date	Description
12/07/2020	SITE PLAN REVISIONS
06/25/2021	SITE PLAN REVISIONS

Drawing Title

SITE PLAN

Sheet No.

L2.01



Site Plan | **A**
Scale: 1/8" = 1'-0"

Panel C

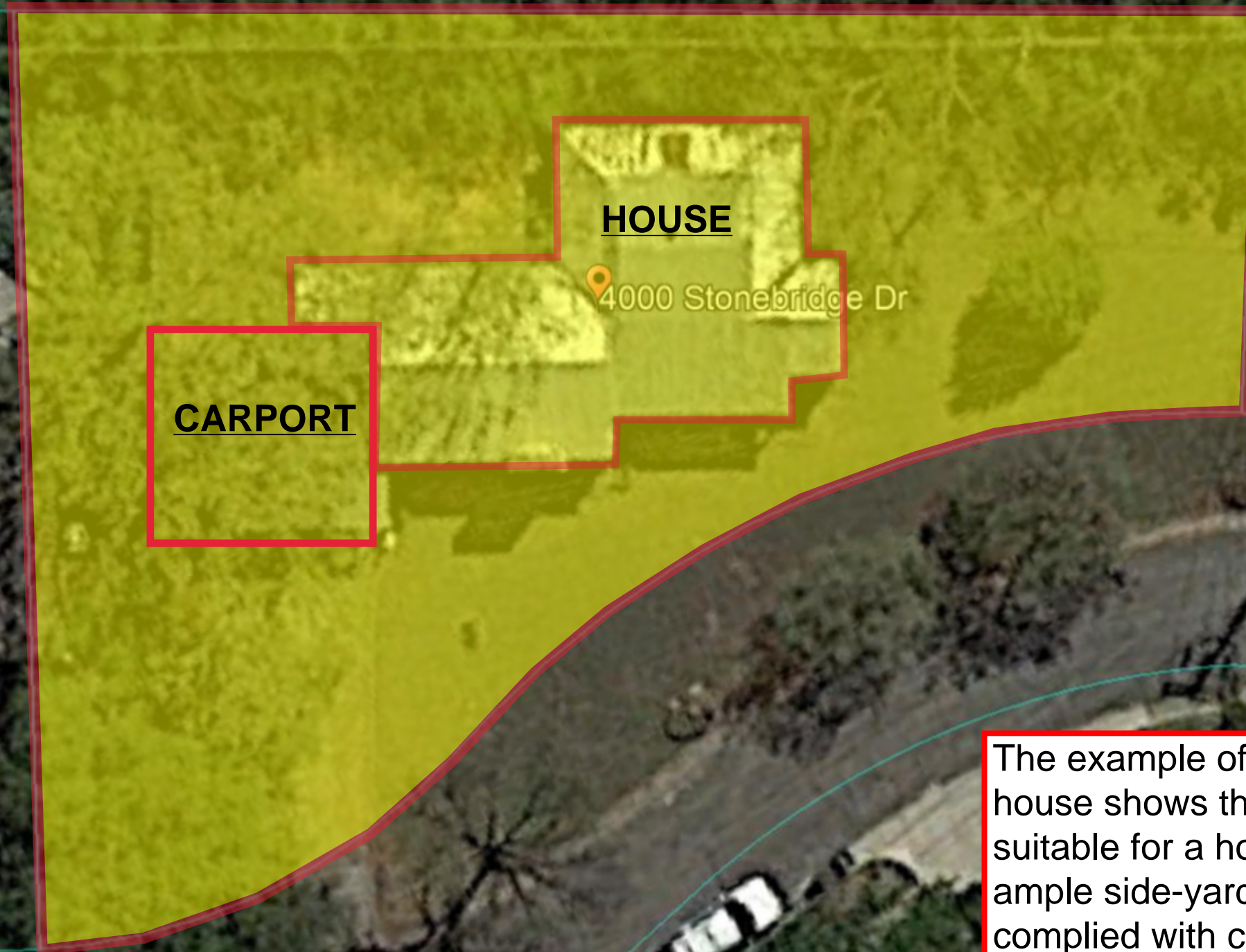
09-20-21

BDA201-078

4000 Stonebridge Dr.

(Exhibit Reference)

EXHIBIT A



The example of the previous house shows that the site is suitable for a home, carport and ample side-yard, all of which complied with code. The effort for a variance here is therefore not related to develop-ability or hardship.

EXHIBIT C

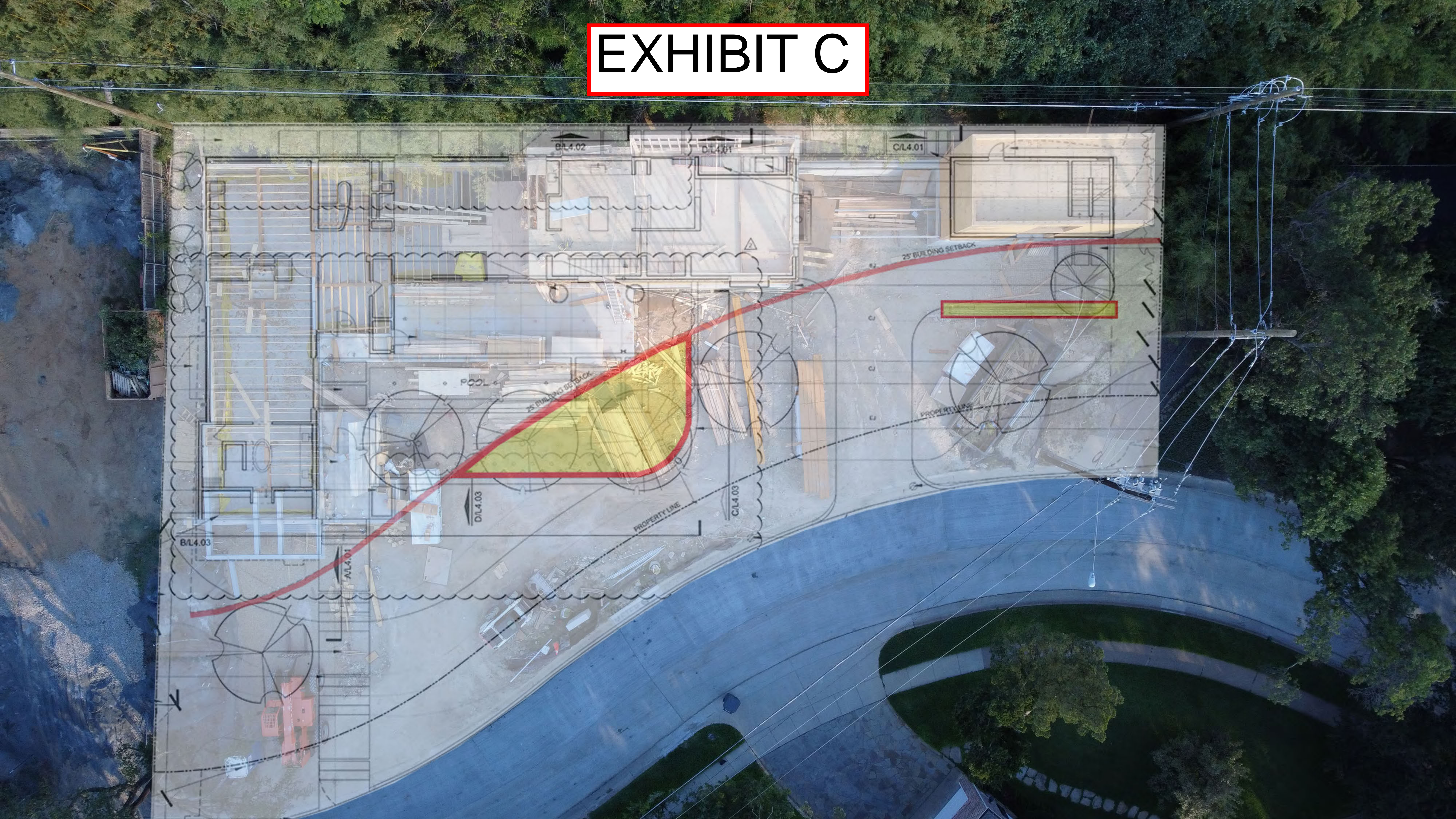


EXHIBIT D

tread rubber.

(A) Definition. A facility for the manufacturing, processing, and storage of

(B) Subdistricts permitted. By right in the I-3 subdistrict.

(C) Required off-street parking. One space for each 500 square feet of floor area. If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51P-193.116.

(D) Required off-street loading. See Section 51P-193.115(a)(1)(C).

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(A) Definition. A facility for the smelting and plating of metals.

(B) Subdistricts permitted. By SUP only in the I-3 subdistrict.

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(D) Required off-street loading. See Section 51P-193.115(a)(1)(C).

(14) Rendering plant.

(A) Definition. A facility for the rendering of parts of animals into marketable products.

(B) Subdistricts permitted. By SUP only in I-2 and I-3 subdistricts.

(C) Required off-street parking. One space for each 500 square feet of floor area; a minimum of five spaces required. If more than ten off-street parking spaces are required for this use, a handicapped parking must be provided pursuant to Section 51P-193.116.

(D) Required off-street loading. See Section 51P-193.115(a)(1)(C).

(E) Additional provisions. This use must be located a minimum distance of 1,000 feet from a residential subdistrict. (Ord. Nos. 21859; 24728; 25267)

SEC. 51P-193.108.

ACCESSORY USES.

(a) General provisions.

(1) An accessory use must be a use customarily incidental to a main use. An accessory use not listed in Subsection (b) is permitted if the accessory use complies with Subsection (a).

(2) Except as specifically permitted in this article, no use listed in Section 51P-193.107 may be an accessory use.

(3) An accessory use is permitted in any subdistrict in which the main use is permitted.

(4) An accessory use must be located on the same lot as the main use, and must not be across a street or alley from the main use.

(5) Unless otherwise specifically required in this article, an accessory use must comply with all regulations applicable to the main use.

(6) An alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, will be considered as part of the main use when determining the gross revenue derived by the establishment from the on-premise sale of alcoholic beverages.

(b) Specific accessory uses. The following accessory uses are subject to the general provisions in Subsection (a) and the regulations below:

(1) Game court (private).

(A) Definition. A court for engaging in tennis, handball, racquetball, or similar physical activities.

(B) Subdistricts permitted. By right in residential and nonresidential subdistricts.

(C) Required off-street parking. Five spaces for each game court; however, no off-street parking is required for a game court accessory to a single-family or duplex use.

(D) Required off-street loading. None.

(2) Swimming pool (private).

(A) Definition. A swimming pool constructed for the exclusive use of the residents of a residential use.

(B) Subdistricts permitted. By right in residential and nonresidential subdistricts.

(C) Required off-street parking. None.

(D) Required off-street loading. None.

(E) Additional provisions.

(i) No private swimming pool may be operated as a business, except that private swimming lessons may be given under the home occupation use.

(ii) No private swimming pool may be maintained in such a manner as to be hazardous or obnoxious to adjacent property owners.

(iii) No private swimming pool may be constructed in the required front yard. However, a private swimming pool may be located within the required side or rear yard if it meets the requirements of Subsection (a).

(iv) A private swimming pool must be surrounded by a fence.

EXHIBIT D - BDA201-078(JM)

Address	DCAD SF	Pool or spa?	Pool/Spa in front yard setback?
3511 Arrowhead	34,925	Pool	No
3520 Arrowhead	24,641	No	No
3525 Arrowhead	34,843	No	No
3526 Arrowhead	26,545	No	No
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3520 Rock Creek	13,947	Pool	No
3525 Rock Creek	7,500	Pool	No
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4108 Stonebridge	11,935	No	No
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3529 Rock Creek	10,846	Pool	No
3515 Rock Creek	8,800	Spa	No
		15 pool/spa	0 front yard pools

SUBJECT

Median lot area	12,401	
Median lot area with pool	13,486	
Subject lot (4000 Stonebridge)	13,172	97.7% of median lot size with pools*

The subject lot is similar to the median size of the neighborhood lots with pools. If you removed the one significantly oversized lot at 4000 Rock Creek the median lot size would actually be 12,166 making the subject lot 8% larger than the median which is further proof there is no hardship.

Panel C

10-18-21

BDA201-078

4000 Stonebridge Dr.

(Letters in Opposition

previously submitted

9-20-21)

September 15, 2021

Jennifer Munoz
Chief Planner/ Board Administrator
Board of Adjustment, Planning Department
1500 Marilla, Room 5BN, Dallas, TX 75201

REF: BDA201-078(JM) Application of Baldwin Associates for a variance to the front yard setback regulations, and for special exception to the fence height regulations at 4000 Stonebridge Drive.

Jennifer,

Thank you for sharing information relative to the third setback variance request for 4000 Stonebridge Drive. We are ***strongly opposed*** to the variance requests and the front yard pool. The setback request fails to meet the Board's required criteria for approval, namely that the request 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.*

Despite this being the ***third*** variance attempt for 4000 Stonebridge, the request still fails to meet the defined standard again on all accounts:

(A) The **public interest is overwhelmingly opposed** to the variance, and its enforcement does not create unnecessary hardship since there was a home there previously that functioned for decades and conformed to code (house, carport and yard). [see Exhibit A] The applicant has secured a few signatures in support, but a close look at the documents reveals that several of the signatures are not even from residents in the neighborhood – including the letter from the Turtle Creek Association whose support is not germane in neighborhood zoning matters. There are more than 22 neighborhood residents who have expressed opposition previously and continue to do so today.

(B) **The variance is not necessary to develop the parcel successfully.** While the lot may have irregular shape and slope, the homeowner was aware of the irregular lot size and setback requirement at time of purchase. The homeowner in this case was not required to design and **begin construction** on the house with the planned encroachments yet chose to begin with the assumption he would get them. [see Exhibit B]

(C) By designing the house with the setback encroachments and beginning construction prior to any ruling by the Board, the applicant clearly violated the variance standard of self-imposed hardship from which they are now seek relief. The alternative was not to buy the parcel if they were not able to build what they wanted. Their own attached plan shows that the setback causes no impact on the ability to layout and build the house itself – only to the part of the pool/sauna and part of the garage.

The board rightly upheld the standard and unanimously denied the variance request at the April 19th meeting. As before, the request falls short on all three criteria and must be denied.

Further, the pool permit itself needs to be denied because section 51P-193.108 in the PD-193 ordinance clearly states “No private swimming pool may be constructed in the required front yard.” [see Exhibit D]

Building codes and setbacks are an important control mechanism for establishing and maintaining the character and value of a neighborhood. Variances should be rare and driven by true need. In this case, there is no hardship, simply a desire for an individual to build a larger house than code and setback allow. The time to consider that was in due diligence prior to purchase, not after planning a home and hoping to be exempted from the standard.

Given that the house is under construction and already encroaching on the setback, we would also request a visit be made from building inspection to assess and curtail any overbuilding and help the homeowner avoid any enforcement action.

This is the third consideration of a setback variance for the subject property. The owner has been given ample opportunity to make his case on multiple occasions but has failed to meet the standard for approval each time. For all the reasons above, we ask the board to deny the variance and to do so **with prejudice** to save the applicant, board and residents any additional time considering this.

Sincerely,

John & Shelly Doubleday
4018 Stonebridge Dr
Dallas, TX 75204

Attachments:

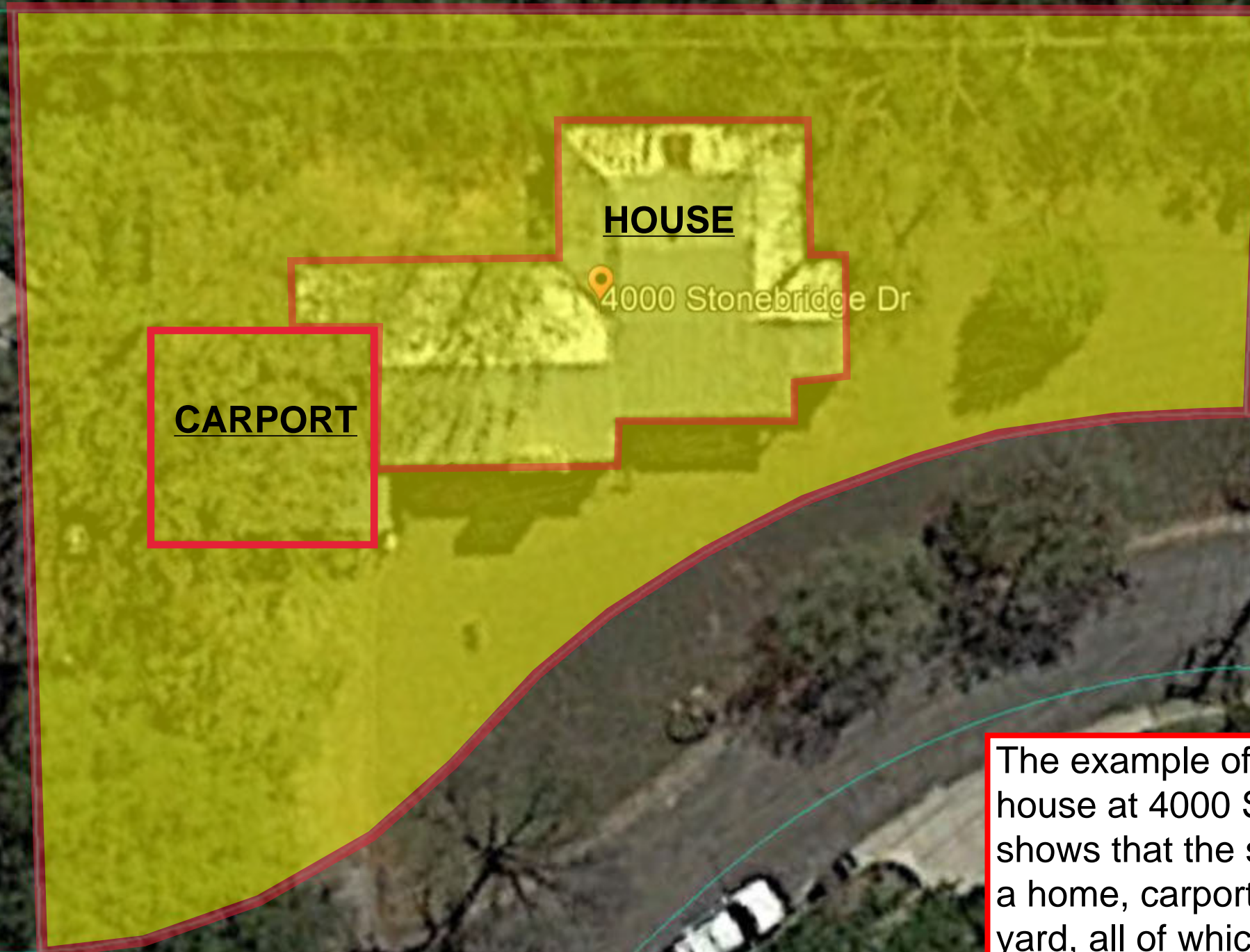
EXHIBIT A – Aerial of previous home at 4000 Stonebridge showing house, carport and yard that were all in compliance with code.

EXHIBIT B – Applicant’s plan showing encroachments in yellow.

EXHIBIT C – Aerial of 4000 Stonebridge on 9/16/21 showing construction underway with southern wall of carport already seemingly being built in the setback.

EXHIBIT D – Excerpt from PD-193 prohibiting pools in front yards and a listing of all neighborhood lots showing there are no pools in front yards.

EXHIBIT A

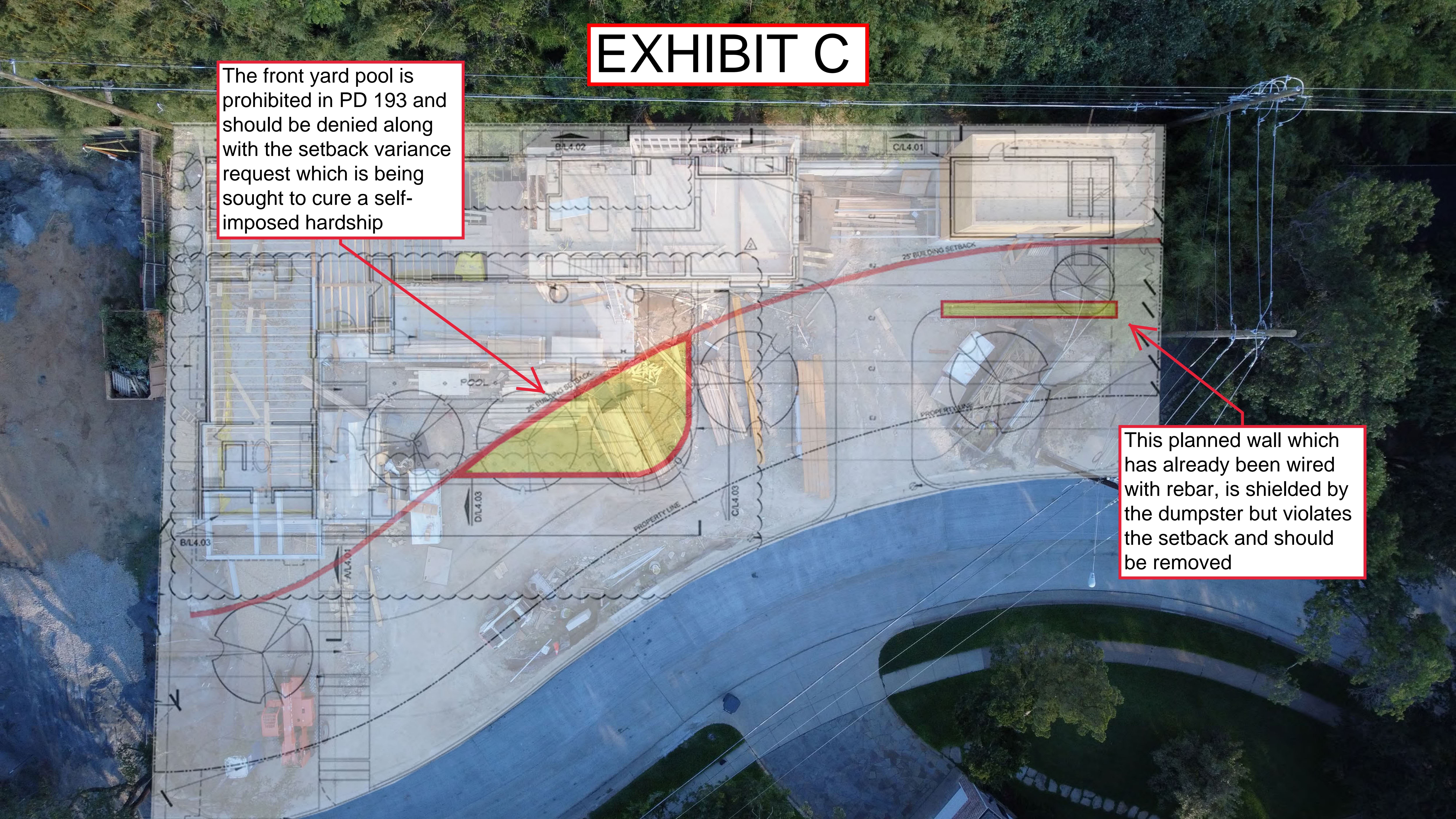


The example of the previous house at 4000 Stonebridge shows that the site is suitable for a home, carport and ample side-yard, all of which complied with code. The effort for a variance here is therefore not related to develop-ability or hardship.

EXHIBIT C

The front yard pool is prohibited in PD 193 and should be denied along with the setback variance request which is being sought to cure a self-imposed hardship

This planned wall which has already been wired with rebar, is shielded by the dumpster but violates the setback and should be removed



tread rubber. (A) Definition. A facility for the manufacturing, processing, and storage of

(B) Subdistricts permitted. By right in the I-3 subdistrict.

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From: [John Doubleday](#)
To: [Jackson, Latonia](#)
Cc: [REDACTED]
Subject: FW: BDA201-078(JM) Variance Request 4000 Stonebridge Dr - OPPOSED
Date: Friday, September 17, 2021 5:11:24 PM

External Email!

Latonia,

See email opposition letter below from Daniel Crow who lives at [REDACTED] I think this may have come to me by mistake so I wanted to make sure you got it. Please accept as his opposition to the variance request.

Thanks for your help.

Have a great weekend.

Best,
John

JOHN DOUBLEDAY / [REDACTED]
[REDACTED]

This e-mail and any files transmitted with it are the property of Shop Concepts, LLC and/or its affiliates, are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed. Any other use, retention, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. This communication does not reflect an intention by the sender to conduct a transaction or make any agreement by electronic means. Nothing contained in this message or in any attachment shall satisfy the requirements for a writing, and nothing contained herein shall constitute a contract or an electronic signature under the electronic Signature in Global and National Commerce Act, any version of the Uniform Electronic Transmissions Act or any other statute governing electronic transactions.

-----Original Message-----

From: Daniel Crow <[REDACTED]>
Sent: Friday, September 17, 2021 4:18 PM
To: John Doubleday <[REDACTED]>
Subject:

To whom it may concern:

We were approached by the owner of 4000 Stonebridge Dr. 75204 requesting we sign his petition allowing him to build a longer lap pool in the front yard rather than a mere reflection pool. We signed the petition wishing him to have a longer pool where he could swim laps. However, we were unaware that He had begun construction of his house breaking city ordinances requiring the property to have a certain setback. He is building the house to close to the street without any special permission.

I would like arrest the construction process and demand that he follow code regarding setback where his pool is not concerned. If he attains special permission, that is acceptable. But he needs to do right by his neighbors and allow us to make that decision.

-Daniel Crow owner of 3500 Rock Creek Dr. 2 houses down from 4000 Stonebridge Dr.



Sent from my iPhone

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

From: [Cynthia](#) [REDACTED]
To: [Jackson, Latonia](#)
Cc: [REDACTED]
Subject: BDA201-078(JM) 4000 Stonebridge Drive Setback Variance Request - OPPOSED
Date: Friday, September 17, 2021 2:43:01 PM

External Email!

Dear Ms. Jackson:

Please accept this as the official opposition of my husband, Alain Bellet, and me to the setback and fence variance that will be heard by the panel on Monday, 9/20. We have defeated similar variances requested to this property twice now, and this iteration is even more insulting to the neighborhood than were the others. This one presents a virtual zero lot line building, insinuating itself into a graceful, green neighborhood where most houses actually fit the lot they are built on. Allowing this variance would be a travesty and a betrayal of the norms that we cherish in our neighborhood. Having lived here for 44 years, most new homes, and changes to existing homes (including ours) have accepted the existing rules, and built houses that fit well into the concept of our neighborhood. Unfortunately, with the proposed variance, this homeowner proves that he does not understand this concept.

Sincerely,
Cynthia West-Bellet

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From: [ben newman](#)
To: [Jackson, Latonia](#); [Daniel, Pamela](#)
Subject: BDA 201-078 Letter of Opposition to Variance Application
Date: Friday, September 17, 2021 2:07:47 PM

External Email!

Hi Pamela,

I am a neighbor to 4000 Stonebridge Drive just across the Katy Trail and I am writing to express my opposition to BDA 201-078's application for a 9' variance to the 25' setback zoning requirements to build a pool and spa.

PD 193 is the zoning standard for the neighborhood and it prohibits pools being built in the front yard of the 25' setback. This application clearly violates this PD 193 code. Furthermore, the solution to the applicant's problem is easy: he can simply scale down the size of his pool and/or spa to not encroach on the 25' setback. If the Board of Adjustment were to approve this variance, this would set a very dangerous precedent for the neighborhood as almost all lots are oddly shaped or in some way imperfect.

Thank you for your time and again I respectfully request that the Board deny this application with prejudice. The Board does not need to be here again debating the same facts it has already debated and denied the variance twice in the past few years.

Best,

Ben Newman


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

September 16, 2021

Board of Adjustment, Planning Department
1500 Marilla, Room 5BN
Dallas, TX 75201

Re: BDA 201-078 for 4000 Stonebridge Drive,

Dear Board of Adjustment,

I am a neighbor in the immediate vicinity to the property at 4000 Stonebridge Drive. I write to express my opposition for the variance request in case BDA 201-078. This is the third time in as many years as this property has sought a variance for essentially the same reasons in prior cases. The third attempt for a variance should be voted down as the facts of the case have not changed and the owner seeks to ignore his/her self-imposed hardship with building plans that are not to code.

My understanding is that for a variance to be granted, it must satisfy three criteria:

1. 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;
2. 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
3. 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.

It is clear from this case that **none** of these criteria are met. With regard to #1, there remains significant majority opposition from neighboring properties that are having to spend time a third time writing letters and protesting in person. As mentioned, the owner is proposing a self-imposed hardship and not an unnecessary hardship with the plans for the pool, which could easily be scaled down in size to comply with code.

With regard to #2, the previous home that existed on this lot shows that this variance is not necessary to permit development of this specific parcel of land:



4000 Stonebridge Drive picture of previous home that existed on this parcel

Furthermore, this piece of land is similar to other oddly shaped lots in the neighborhood. At one of the previous Board of Adjustment hearings for this parcel, one Board Member commented that this lot is akin to “an odd kid in a school full of odd kids” due to curvature of the roads and subsequent impact on home lots. For example, the oddly shaped lot immediately next to this one at 3922 Stonebridge Drive complies fully to code without any variances:



3922 Stonebridge Drive

These two examples show that the parcel can easily be developed in a manner commensurate with the development upon other parcels of land with the same zoning.

With regard to #3, the plans being proposed in this application again are a self-created hardship. If approved, it would absolutely permit a person a privilege in developing a parcel of land that is inconsistent with the zoning of the neighborhood.

I respectfully ask the Board to deny the variance application for BDA 201-078.

Kind regards,

Handwritten signatures of William H. James and Sarah P. James in blue ink.

William H. James & Sarah P. James
4103 Rock Creek Dr
Dallas, TX 75204

From: [betsy](#) [REDACTED]
To: [Jackson, Latonia](#)
Cc: [REDACTED]
Subject: BDA 201-078 for 4000 Stonebridge Drive
Date: Friday, September 17, 2021 1:56:21 PM
Attachments: [BDA 201-078 for 4000 Stonebridge Drive.pdf](#)

External Email!

Dear Board of Adjustment,

I have added my name and address to my neighbor's letter. We are in total agreement with the sentiments expressed in their letter and oppose any variance on this property.

[Raymond E. & Marjorie Francis](#)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

September 16, 2021

Board of Adjustment, Planning Department
1500 Marilla, Room 5BN
Dallas, TX 75201

Re: BDA 201-078 for 4000 Stonebridge Drive,

Dear Board of Adjustment,

I am a neighbor in the immediate vicinity to the property at 4000 Stonebridge Drive. I write to express my opposition for the variance request in case BDA 201-078. This is the third time in as many years as this property has sought a variance for essentially the same reasons in prior cases. The third attempt for a variance should be voted down as the facts of the case have not changed and the owner seeks to ignore his/her self-imposed hardship with building plans that are not to code.

My understanding is that for a variance to be granted, it must satisfy three criteria:

1. 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;
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3. 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.

It is clear from this case that **none** of these criteria are met. With regard to #1, there remains significant majority opposition from neighboring properties that are having to spend time a third time writing letters and protesting in person. As mentioned, the owner is proposing a self-imposed hardship and not an unnecessary hardship with the plans for the pool, which could easily be scaled down in size to comply with code.

With regard to #2, the previous home that existed on this lot shows that this variance is not necessary to permit development of this specific parcel of land:



4000 Stonebridge Drive picture of previous home that existed on this parcel

Furthermore, this piece of land is similar to other oddly shaped lots in the neighborhood. At one of the previous Board of Adjustment hearings for this parcel, one Board Member commented that this lot is akin to "an odd kid in a school full of odd kids" due to curvature of the roads and subsequent impact on home lots. For example, the oddly shaped lot immediately next to this one at 3922 Stonebridge Drive complies fully to code without any variances:



3922 Stonebridge Drive

These two examples show that the parcel can easily be developed in a manner commensurate with the development upon other parcels of land with the same zoning.

With regard to #3, the plans being proposed in this application again are a self-created hardship. If approved, it would absolutely permit a person a privilege in developing a parcel of land that is inconsistent with the zoning of the neighborhood.

I respectfully ask the Board to deny the variance application for BDA 201-078.

Kind regards,

William H. James Sarah P. James

William H. James & Sarah P. James

4103 Rock Creek Dr

Dallas, TX 75204

*I am in complete agreement as to disposition of
variance 4000 S. Arrowhead, Dallas, Texas*

Ray P. [unclear]

2521 ARROWHEAD

Dallas, Texas 75204

September 15, 2021

Jennifer Munoz
Chief Planner/ Board Administrator
Board of Adjustment, Planning Department
1500 Marilla, Room 5BN, Dallas, TX 75201

I agree and endorse everything in this letter. This variance will set a horrible precedent for our neighborhood. I have a Marjorie Arden Dr 3521 9/15/21

REF: BDA201-078(JM) Application of Baldwin Associates for a variance to the front yard setback regulations, and for special exception to the fence height regulations at 4000 Stonebridge Drive.

Jennifer,

Thank you for sharing information relative to the third setback variance request for 4000 Stonebridge Drive. We are **strongly opposed** to the variance requests and the front yard pool. The setback request fails to meet the Board's required criteria for approval, namely that the request 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.

Despite this being the **third** variance attempt for 4000 Stonebridge, the request still fails to meet the defined standard again on all accounts:

(A) The **public interest is overwhelmingly opposed** to the variance, and its enforcement does not create unnecessary hardship since there was a home there previously that functioned for decades and conformed to code (house, carport and yard). [see Exhibit A] The applicant has secured a few signatures in support, but a close look at the documents reveals that several of the signatures are not even from residents in the neighborhood – including the letter from the Turtle Creek Association whose support is not germane in neighborhood zoning matters. There are more than 22 neighborhood residents who have expressed opposition previously and continue to do so today.

September 17, 2021

Board of Adjustment, Planning Department
1500 Marilla, Room 5BN
Dallas, TX 75201

Re: BDA 201-078 for 4000 Stonebridge Drive,

Dear Board of Adjustment,

In addition to my letter dated September 16th, I wanted to also submit further evidence that warrants significant scrutiny on the applicant's request for a 9' variance to the 25' setback. The owner of this parcel is a very sophisticated real estate broker and developer. In browsing the owner's website, The Waller Group Properties, it is very clear that he is not only familiar with zoning regulations and should have known the neighborhood zoning before purchasing the property but that he seeks to amend existing zoning codes in his business to enrich the value of his properties.

In Exhibit A, the owner has a listing about ¼ of a mile from 4000 Stonebridge Drive that flaunts the likelihood of the City of Dallas granting zoning changes based on precedent zoning cases nearby. I think the listing speaks for itself to the sophistication of the homeowner at 4000 Stonebridge Dr and his knowledge of the zoning for his property that he is developing.

It is an undisputable fact that there is no precedent zoning case in the neighborhood of 4000 Stonebridge Dr that allows a pool in the 25' required front yard setback—the owner of 4000 Stonebridge Dr is trying to *create* a dangerous precedent that would negatively impair our neighboring properties, potentially for years to come as a result of this precedent being created. It is reasonable to fear a successful granting of this variance would embolden other real estate developers in the neighborhood to seek to put front yard swimming pools as close as 16' to the street.

Again, I respectfully ask the Board to deny this application for the zoning variance but with prejudice so that we do not find us spending resources here again for a fourth time.

Kind regards,

The image shows two handwritten signatures in blue ink. The first signature is 'William H. James' and the second is 'Sarah P. James'. Both are written in a cursive, flowing style.

William H. James & Sarah P. James
4103 Rock Creek Drive
Dallas, TX 75204

EXHIBIT A

Uptown/West Village Dallas, TX

4011 Cole Ave | Dallas, TX 75204

\$27,300,000

Sale Price

Overview

Documents

Photos

Map



📄 Cole Ave (0M_8T42).pdf

Brokers



Logan Waller
Broker/Owner
TX #479147
📞 214.704.5001
✉️ logan@loganwaller.com

Request More Info

NAME:

John Smith

EMAIL ADDRESS: *

john@cre.com

PHONE:

(111) 111 - 1111

MESSAGE (optional):

Enter message text...

Property Details

Price	\$27,300,000
Total Lot Size	2.09 Acres

Property Type: Land

Description

Waller Group Properties is proud to present this premier Class-A multifamily development opportunity located in the heart of Uptown Dallas. The Central Park Condos (4011 Cole Ave) and the adjoining sites comprise an assemblage of the premier high-rise residential development sites in Dallas. The site is approximately 175' deep and features up to 520' of Cole avenue frontage, facing Cole Park. There is a total of 64,750 SF with the potential to add the adjoining site of another 26,250 SF (highlighted below), totaling 91,000 SF. The existing zoning is MF-2, however multiple comparable sites in the area have successfully rezoned for planned development zoning. This would allow a developer to achieve the highest and best usage for the land and optimize the site with a 20+ story luxury multifamily or luxury condo development. The city of Dallas will likely grant this zoning change with 10% of developed units set aside for affordable housing (80% of area median income). The city would also likely grant the zoning change with parking variances as well due to proximity (0.6 miles) to City Place DART station (Dallas Area Rapid transportation). Precedent has been set for these zoning changes north and south of the site, most recently and notably the Broadstone Cole on 4444 Cole Ave (0.5 miles from subject site). Previously MF-2 zoning, developer achieved full entitlements within 12 months. This 333-unit luxury multifamily project is scheduled for completion in early 2022. Ownership is selling collectively and will provide developer approximately 12 months for entitlements and closing. Call for offers will be made February 4th and all offers will be due February 11th. Ownership will consider offers prior to February 4th contingent on developer credentials and offer terms. The Average Home Value based on properties sold within a 0.5-mile radius from the site over the last year is \$592,960. All surveys can be found on the "Documents" tab on the Waller Group website property link.

Source: <https://wallergrouphomes.com/properties/?propertyId=830501-sale>

From: [Frank Miller](#)
To: [Jackson, Latonia](#)
Subject: Re: BDA201-078(JM) 4000 Stonebridge Drive Setback Variance Request - OPPOSED
Date: Sunday, September 19, 2021 12:36:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)

External Email!

Latonia,

We live at 4120 Stonebridge Drive and vehemently oppose the proposed variance being proposed at 4000 Stonebridge Drive of a pool and tall fence in his front yard. Please add our objections to those of nearly our entire neighborhood. Frank and Alice Miller

On Fri, Sep 17, 2021 at 12:59 PM Jackson, Latonia <latonia.jackson@dallascityhall.com> wrote:

Good morning All,

Thank you for the submissions that were sent this morning regarding the referenced case, BDA201-078. Your letters that have been received will be distributed to the Board for consideration. I have also included an attachment with access information for those who intend to join the hearing virtually and for those who have registered to speak. Information highlighted in red is extremely important regarding registration and ability to address the Board.

Due to social distancing implementations, the space for the live briefing and hearing will be limited for safety guidelines and precautions regarding COVID related protocols. If you do plan to attend in-person; please note it will be on a first come first serve basis for access until capacity has been reached for this limited space. Please let us know if you have any questions or further concerns.

Thank you,

LaTonia Y. Jackson
Board Secretary
City of Dallas | DallasCityNews.net



Sustainable Development & Construction

Current Planning Division

Board of Adjustment

Dallas City Hall

1500 Marilla St. 5BN

Dallas, TX 75201

O: (214) 670-4545

latonia.jackson@dallascityhall.com



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From: John Doubleday <[REDACTED]>
Sent: Friday, September 17, 2021 7:00 AM
To: Jackson, Latonia <latonia.jackson@dallascityhall.com>
Cc: Munoz, Jennifer <jennifer.munoz@dallascityhall.com>; Forrest Tunnell <[REDACTED]>; Cynthia West <[REDACTED]>; William James <[REDACTED]>; Charles Koetting <[REDACTED]>; Helen Crichton <[REDACTED]>; Thomas Crichton IV <[REDACTED]>; Amit Sharma <[REDACTED]>; shiwali rai <[REDACTED]>; John Collins <[REDACTED]>; Bing, Eric <[REDACTED]>; Randy Kender <[REDACTED]>; Frank Miller <[REDACTED]>

External Email!

LaTonia,

Please find attached my letter of opposition to the setback and fence variance request being heard by Panel C on Monday 9/20. The notice and docket show that this is an “uncontested request” but I know that several other people have submitted their opposition letters so I’m

requesting that be changed to eliminate any false impression. There are more than 20 people in the neighborhood who oppose this issue on multiple fronts.

We only received our letter yesterday so we had to gather all the necessary information to submit. Many others are doing the same so I would anticipate that you will receive many letters today.

Thanks,

John

S H O P COS.

JOHN DOUBLEDAY / O: 214-960-4849 / M: 214-632-8488

4809 Cole Ave Suite 330 / Dallas, TX 75205

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CAUTION: This email originated from outside of the organization. Please, do

September 17, 2021

Jennifer Munoz
Chief Planner/ Board Administrator
Board of Adjustment, Planning Department
1500 Marilla, Room 5BN, Dallas, TX 75201

REF: BDA201-078(JM) Application of Baldwin Associates for a variance to the front yard setback regulations, and for special exception to the fence height regulations at 4000 Stonebridge Drive.

Jennifer,

Thank you for sharing information relative to the third setback variance request for 4000 Stonebridge Drive. We are ***strongly opposed*** to the variance requests and the front yard pool. The setback request fails to meet the Board's required criteria for approval, namely that the request 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.*

Despite this being the ***third*** variance attempt for 4000 Stonebridge, the request still fails to meet the defined standard again on all accounts:

(A) The **public interest is overwhelmingly opposed** to the variance, and its enforcement does not create unnecessary hardship since there was a home there previously that functioned for decades and conformed to code (house, carport and yard). [see Exhibit A] The applicant has secured a few signatures in support, but a close look at the documents reveals that several of the signatures are not even from residents in the neighborhood – including the letter from the Turtle Creek Association whose support is not germane in neighborhood zoning matters. There are more than 22 neighborhood residents who have expressed opposition previously and continue to do so today.

(B) **The variance is not necessary to develop the parcel successfully.** While the lot may have irregular shape and slope, the homeowner was aware of the irregular lot size and setback requirement at time of purchase. The homeowner in this case was not required to design and **begin construction** on the house with the planned encroachments yet chose to begin with the assumption he would get them. [see Exhibit B]

(C) By designing the house with the setback encroachments and beginning construction prior to any ruling by the Board, the applicant clearly violated the variance standard of self-imposed hardship from which they are now seek relief. The alternative was not to buy the parcel if they were not able to build what they wanted. Their own attached plan shows that the setback causes no impact on the ability to layout and build the house itself – only to the part of the pool/sauna and part of the garage.

The board rightly upheld the standard and unanimously denied the variance request at the April 19th meeting. As before, the request falls short on all three criteria and must be denied.

Further, the pool permit itself needs to be denied because section 51P-193.108 in the PD-193 ordinance clearly states “No private swimming pool may be constructed in the required front yard.” [see Exhibit D]

Building codes and setbacks are an important control mechanism for establishing and maintaining the character and value of a neighborhood. Variances should be rare and driven by true need. In this case, there is no hardship, simply a desire for an individual to build a larger house than code and setback allow. The time to consider that was in due diligence prior to purchase, not after planning a home and hoping to be exempted from the standard.

Given that the house is under construction and already encroaching on the setback, we would also request a visit be made from building inspection to assess and curtail any overbuilding and help the homeowner avoid any enforcement action.

This is the third consideration of a setback variance for the subject property. The owner has been given ample opportunity to make his case on multiple occasions but has failed to meet the standard for approval each time. For all the reasons above, we ask the board to deny the variance and to do so **with prejudice** to save the applicant, board and residents any additional time considering this.

Sincerely,

Shiwali Rai and Amit Sharma
4108 Stonebridge Dr.
Dallas, TX 75204

Attachments:

EXHIBIT A – Aerial of previous home at 4000 Stonebridge showing house, carport and yard that were all in compliance with code.

EXHIBIT B – Applicant’s plan showing encroachments in yellow.

EXHIBIT C – Aerial of 4000 Stonebridge on 9/16/21 showing construction underway with southern wall of carport already seemingly being built in the setback.

EXHIBIT D – Excerpt from PD-193 prohibiting pools in front yards and a listing of all neighborhood lots showing there are no pools in front yards.

September 17, 2021

Jennifer Munoz
Chief Planner/ Board Administrator
Board of Adjustment, Planning Department 1500 Marilla, Room 5BN, Dallas, TX 75201

REF: BDA201-078(JM) Application of Baldwin Associates for a variance to the front yard setback regulations, and for special exception to the fence height regulations at 4000 Stonebridge Drive.

Jennifer,

Regarding the variance request for 4000 Stonebridge Drive, we are opposed to the variance requests for the front yard pool. The setback request fails to meet the Board's required criteria for approval.

Sincerely yours,

Russell Walker

BDA201-078_Letters/Petitions of Support

By signing below, you are stating that you have reviewed both proposals and support the pool variance requested as illustrated in Exhibit A.

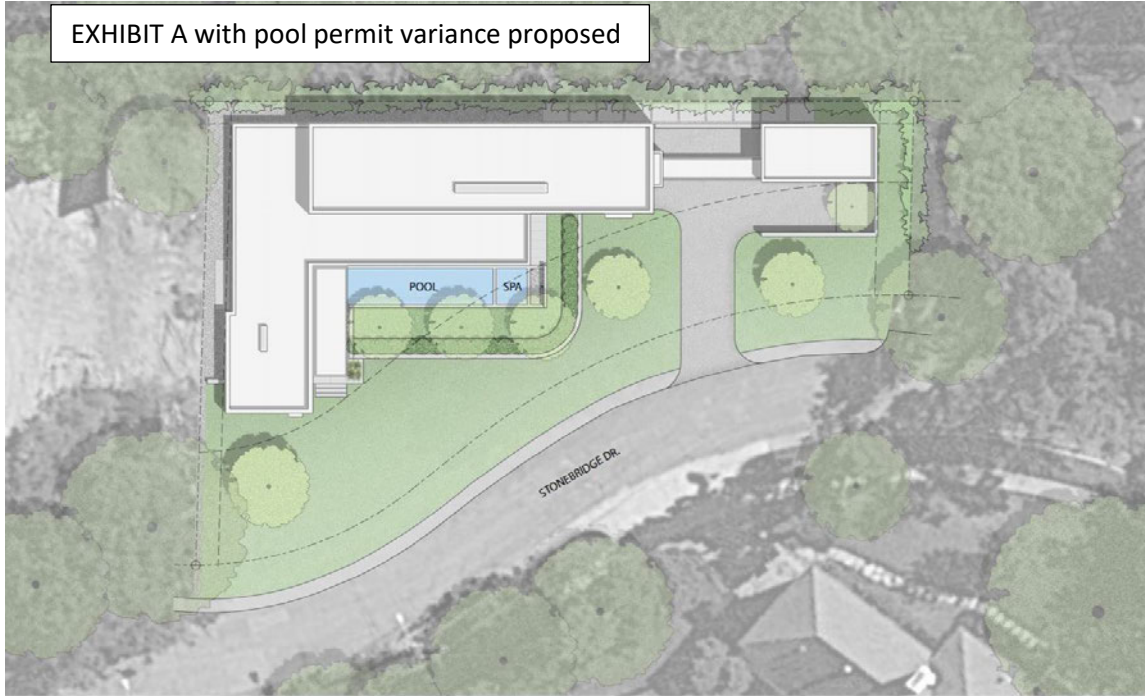


EXHIBIT A with pool permit variance proposed



EXHIBIT B without pool permit variance

Name	Address	Signature	Date
Peggy Zilbermann	4014 Stonebridge Drive	DocuSigned by: Peggy Zilbermann E419764667BA4BB...	5/21/2021
Christine Griffin	4022 Stonebridge Drive	DocuSigned by: Christine Griffin AA4A7319EE22481...	5/21/2021
Allan McBee	3925 Stonebridge	DocuSigned by: [Signature] 0B48E5A41E134C1...	5/24/2021

EXHIBIT A with pool permit variance proposed

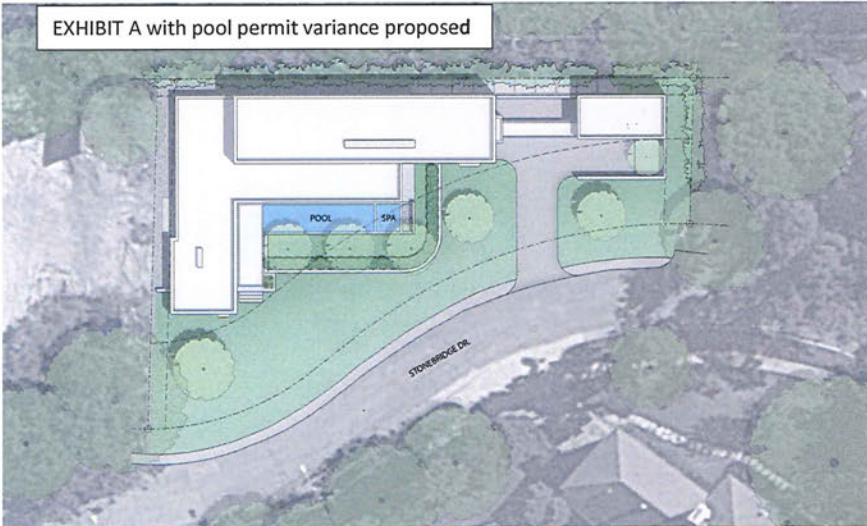


EXHIBIT B without pool permit variance



By signing below, you are stating that you have reviewed both proposals and support the pool variance requested as illustrated in Exhibit A.

Name	Address	Signature	Date
ALBERTA JOHNSON	4118 Rock Creek Dr.	[Signature]	5/22/2021
Kay Walker	3514 Rock Creek	[Signature]	5/22/21
David Wells	3514 Rock Creek	[Signature]	5/22/21
Steven Roy	14 Turtle Creek Road	[Signature]	5/22/21
Greg Pressley	14 Turtle Creek Road	[Signature]	5/22/21
Shufflen	3910 Stonebridge	Ashley Pearl	5/22/21



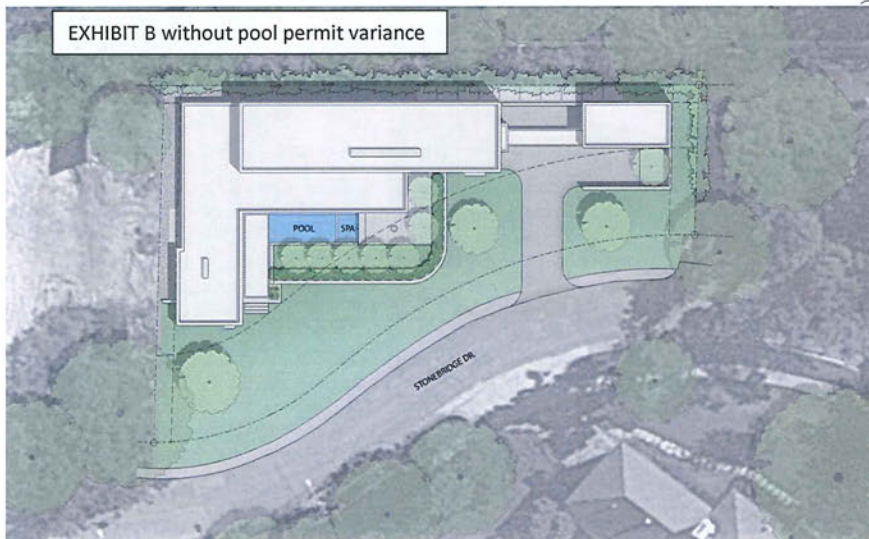
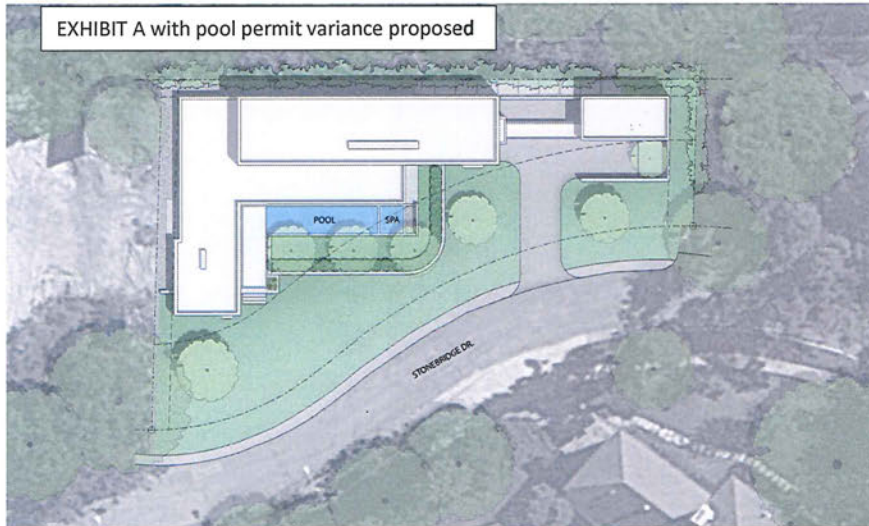
MAY 15, 2021

PERSPECTIVE VIEW 02 WITH PROPOSED OR CONFORMING POOL



MAY 15, 2021

PERSPECTIVE VIEW 01 WITH PROPOSED OR CONFORMING POOL



By signing below, you are stating that you have reviewed both proposals and support the pool variance requested as illustrated in Exhibit A.

Name	Address	Signature	Date
ALBERTA BOGARD	4118 Rockcreek	[Signature]	5/22/2021
Kay Walker	3514 Rockcreek	[Signature]	5/22/21
David Wells	3514 Rockcreek	[Signature]	5/22/21
Steven Roy	14 Turtle Creek	[Signature]	5/22/21
Scott Peasley	14 Turtle Creek	[Signature]	5/22/21
Shufflen	3410 Stonebridge	Ashley Pearl	5/22/21
CAROL KORTNEY	3529 Rockcreek	[Signature]	4/2/21

EXHIBIT A with pool permit variance proposed

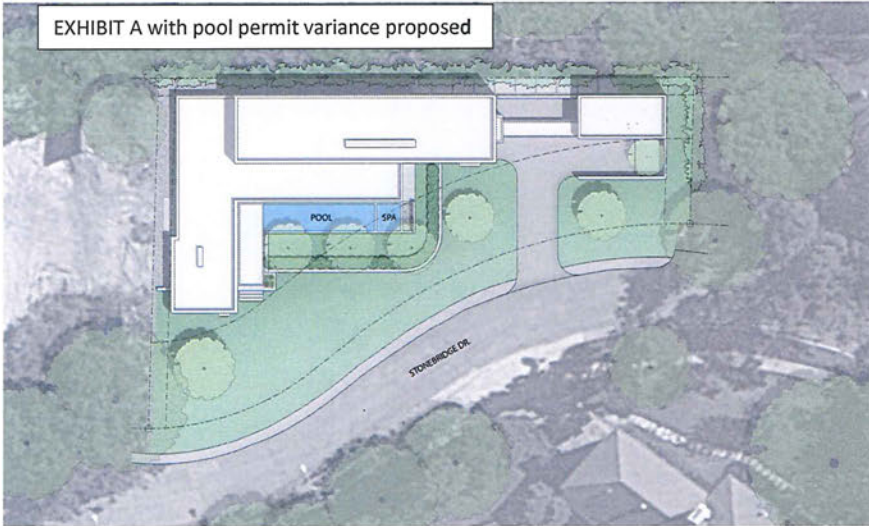


EXHIBIT B without pool permit variance



By signing below, you are stating that you have reviewed both proposals and support the pool variance requested as illustrated in Exhibit A.

Name	Address	Signature	Date
ALBERTO BOCCARDI	4118 Rock Creek Rd	[Signature]	5/22/2021
Ray Walker	3514 Rock Creek	[Signature]	5/22/21
David Wells	3514 Rock Creek	[Signature]	5/22/21
Steven Roy	14 Turtle Creek Road	[Signature]	5/22/21
Scott Presley	14 Turtle Creek Road	[Signature]	5/22/21
Shirley	3410 Stonebridge	Ashley Pearl	5/22/21



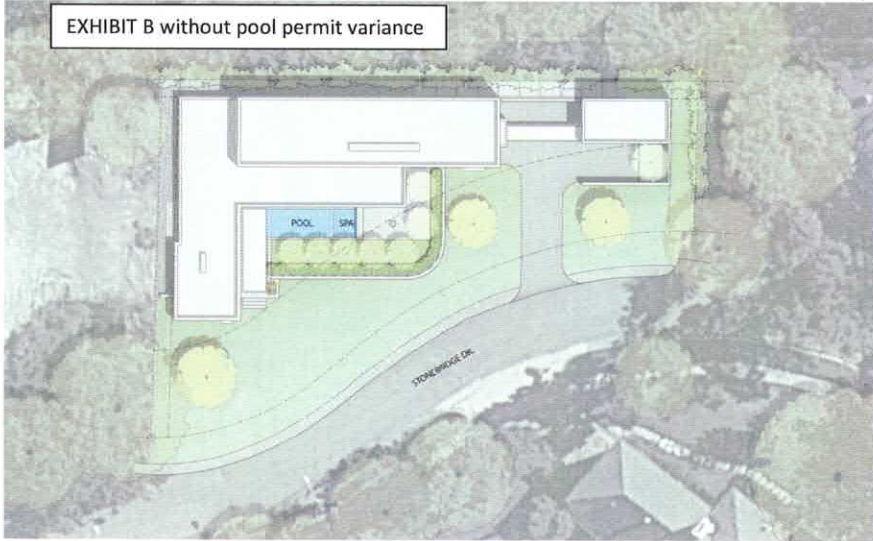
MAY 15, 2021

PERSPECTIVE VIEW 02 WITH PROPOSED OR CONFORMING POOL



MAY 15, 2021

PERSPECTIVE VIEW 01 WITH PROPOSED OR CONFORMING POOL



By signing below, you are stating that you have reviewed both proposals and support the pool variance requested as illustrated in Exhibit A.

Name	Address	Signature	Date
Peggy Zilbermann	4014 Stonebridge Drive	<small>DocuSigned by:</small> <i>Peggy Zilbermann</i> <small>E419784867BA4BB...</small>	5/21/2021
Christine Griffin	4022 Stonebridge Drive	<small>DocuSigned by:</small> <i>Christine Griffin</i> <small>AA4A7319FF22481...</small>	5/21/2021
Allan McBee	3925 Stonebridge	<small>DocuSigned by:</small> <i>[Signature]</i> <small>0B4BE5A41E134C1</small>	5/24/2021
Trammell S. Crow	4000 Rock Creek	<i>[Signature]</i>	6/14/2021



September 14, 2021

Dallas City Hall
1500 Marilla St.
Dallas, Texas 75201

Re: 4000 Stonebridge Dr

To whom it may concern,

Logan Waller an avid supporter and friend of the Turtle Creek Association (TCA), has shared with us his designs of his new home at 4000 Stonebridge Drive. After our review we believe this project will enhance the Turtle Creek Corridor.

The landscape and pools designs, in addition to the architectural elements will continue to elevate the high standards of this beautiful neighborhood.

We also fully support the efforts of his design team, Mesa landscape, Lionel Morrison, and Brant McFarlain. They have all completed multiple projects in the past within the Turtle Creek Corridor. Given their prior work in the area, we fully support proposed design.

I strongly request the variance be granted to ensure the design integrity that's intended for the site and for our beautiful neighborhood.

Sincerely,

J.D. Trueblood
President/CEO
jd@turtlecreekassociation.org
214-676-7206



www.turtlecreekassociation.org

FILE NUMBER: BDA201-065(PD)

BUILDING OFFICIAL'S REPORT: Application of Wissam Shazem of 2020 Real Estate LLC represented by Elias Rodriguez for a special exception to the landscaping regulations at 4137 Independence Drive. This property is more fully described as Lot 10A, in City Block 4/6932, and is zoned an MU-2 Mixed Use District, which requires mandatory landscaping. The applicant proposes to construct a retail structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 4137 Independence Drive

APPLICANT: Wissam Shazem of 2020 Real Estate LLC.
represented by Elias Rodriguez

REQUEST:

A request for a special exception to the landscape regulations is made to demolish the existing structure and construct a 9,779-square-foot retail structure that will not meet the landscape regulations or, more specifically, will not provide the required street buffer zone along the street frontage due to an existing underground 12-inch water utility and overhead electrical lines along the property boundary which prohibit planting in the right-of-way and within ten feet of the utility line.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property.
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the board shall consider the following factors:

- the extent to which there is residential adjacency.

- the topography of the site.
- the extent to which landscaping exists for which no credit is given under this article.
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

STAFF RECOMMENDATION:

The City of Dallas chief arborist submitted a memo regarding the applicant’s request and recommending denial (**Attachment A**).

Rationale:

- The chief arborist recommends denial of the special exception to the alternate landscape requirements of Article X, as amended. The proposed landscape plan provides a minimal amount of landscape area in the west corner of the lot and a few trees in isolated landscape areas on the site. Although existing street front conditions and the building location limit landscaping along that frontage, it is not made clear that space cannot be provided within the parking lot to establish additional landscape areas for site and parking lot trees between parking spaces set away from the street utilities. This could help mitigate for the lack of a street buffer zone. Further, any additional site plan amendments in the ongoing building permit review to reduce the number of driveway entries, or any other amendments, would require landscape plan amendments demonstrating these site dimensional changes to be returned to the board. Site plan conditions should be confirmed.

BACKGROUND INFORMATION:

Zoning

- Site: MU-2 (Mixed Use District 2)
- North: MU-2 (Mixed Use District 2)
- East: MU-2 (Mixed Use District 2)
- South: MU-2 (Mixed Use District 2)
- West: MU-2 (Mixed Use District 2)

Land Use:

The subject site is developed with a vacant retail structure consisting of approximately 10,269-square feet of floor area, according to the Dallas Central Appraisal District. The property to the east is undeveloped. The properties to the south and west are

developed with a hotel or motel use and the property to the north is developed with retail and personal service uses.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the landscape regulations is made to demolish the existing structure and construct a 9,779-square-foot retail structure that will not meet the minimum landscape requirements.

The Dallas Development Code requires full compliance with the landscape regulations when nonpermeable coverage on a lot or tract is increased by more than 2,000 square feet, or when work on an application is made for a building permit for construction work that increases the number of stories in a building on the lot, or increases by more than 35 percent or 10,000 square feet, whichever is less, the combined floor areas of all buildings on the lot within a 24-month period. In this case, the existing structure will be demolished. The construction of the new restaurant triggers compliance with landscape regulations.

The City of Dallas chief arborist submitted a memo regarding the applicant's request (**Attachment A**).

The chief arborist's memo states the following with regard to "request":

The applicant is seeking a special exception to the landscaping requirements of Article X. The renovation and new construction and added story height of the structure requires the addition of landscaping under the Article X ordinance.

The chief arborist's memo states the following with regard to "provision":

The proposed landscape plan provides a minimal amount of landscape area in the west corner of the lot and a few trees in isolated landscape areas on the site.

The chief arborist's memo states the following with regard to "deficiencies":

The proposed plan does not provide for a complete street buffer zone along the street frontage, and the underground 12-inch water utility and overhead electrical lines along the property boundary prohibit planting in the right-of-way and within ten feet of the utility line. The existing built conditions do burden the application of mandatory requirements along the street frontage.

The landscape plan does not provide that the requirements for parking lot landscape requirements will be met where all parking must be within 70 linear feet of a large or medium tree.

Article X requires a minimum of nine site trees and the plan's table indicates four trees.

It is not clear on the plan that the 15 required landscape design option points for the property are met on the landscape design.

The chief arborist's revised memo states the following with regard to the "recommendation":

The chief arborist recommends denial of the proposed alternate landscape plan. Although existing street front conditions and the building location limit landscaping along that frontage, it is not made clear that space cannot be provided within the parking lot to establish additional landscape areas for site and parking lot trees between parking spaces set away from the street utilities. This could help mitigate for the lack of a street buffer zone. Further, any additional site plan amendments in the ongoing building permit review to reduce the number of driveway entries, or any other amendments, would require landscape plan amendments demonstrating these site dimensional changes to be returned to the board. Site plan conditions should be confirmed.

If the board were to grant this request and impose the submitted alternate landscape plan as a condition to the request, the site would be provided an exception from compliance with minimum landscape requirements for the street buffer zone requirements.

Update:

The chief arborist's revised memo to the revised landscape plan submitted on August 30th outlines the following with regard to the "recommendation":

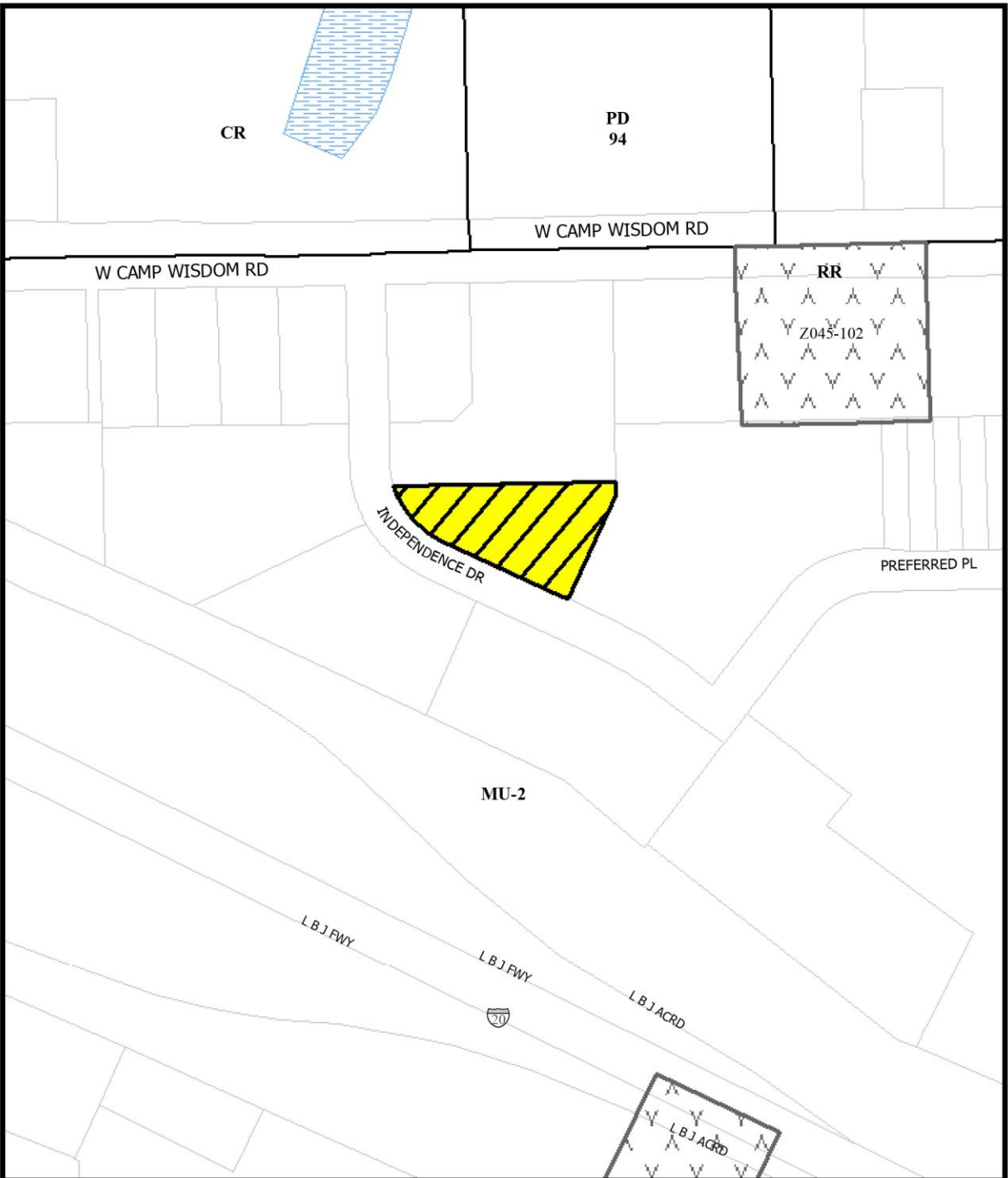
- The placement of live oaks, or any tree, will not be accepted in the parkway (space between street curb and sidewalk) for the reasons stated to the Board. An underground 12" water line runs through that space.
- The landscaping on the west end of the site is acceptable.
- The shrub row along the sidewalk to the south only if there is a planting width of 3' or greater. The shrubs cannot grow to cover the sidewalk.
- The tree island at the southwest corner of the building is what I was looking for in this situation. If you could add another tree location along that south facing parking row, it would be suggested for my approval. I recommend red oak if feasible.
- Remove the 'notes' box that the site will comply with city landscape requirements. Maintain the 'general landscape notes'

Additionally, comments from the Development Services and The Transportation Development Services Divisions have found substandard conditions as it relates to the minimum driveway widths for two-way access, structure encroachment over the

property line, and parking concerns, the Chief Arborists further suggests that the site plan be amended to ensure that the proposed landscape plan provided to the Board is consistent with site plans that may be submitted for permit approval.

Timeline:

- May 12, 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.
- July 7, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- July 8, 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 July 27, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the August 6, 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.
- July 29, 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 Sustainable Development and Construction Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Chief Planner, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- July 30, 2021: The Sustainable Development and Construction Chief Arborist submitted a report detailing the recommendation (**Attachment A**).
- August 16, 2021: Panel C held this case under advisement to October 18, 2021. On August 30th, a revised landscape plan was submitted. However, staff comments provided on September 20th requesting further revisions have not been provided prior to submittal of this report for the docket.



1:2,400

ZONING MAP

Case no: BDA201-065

Date: 7/19/2021

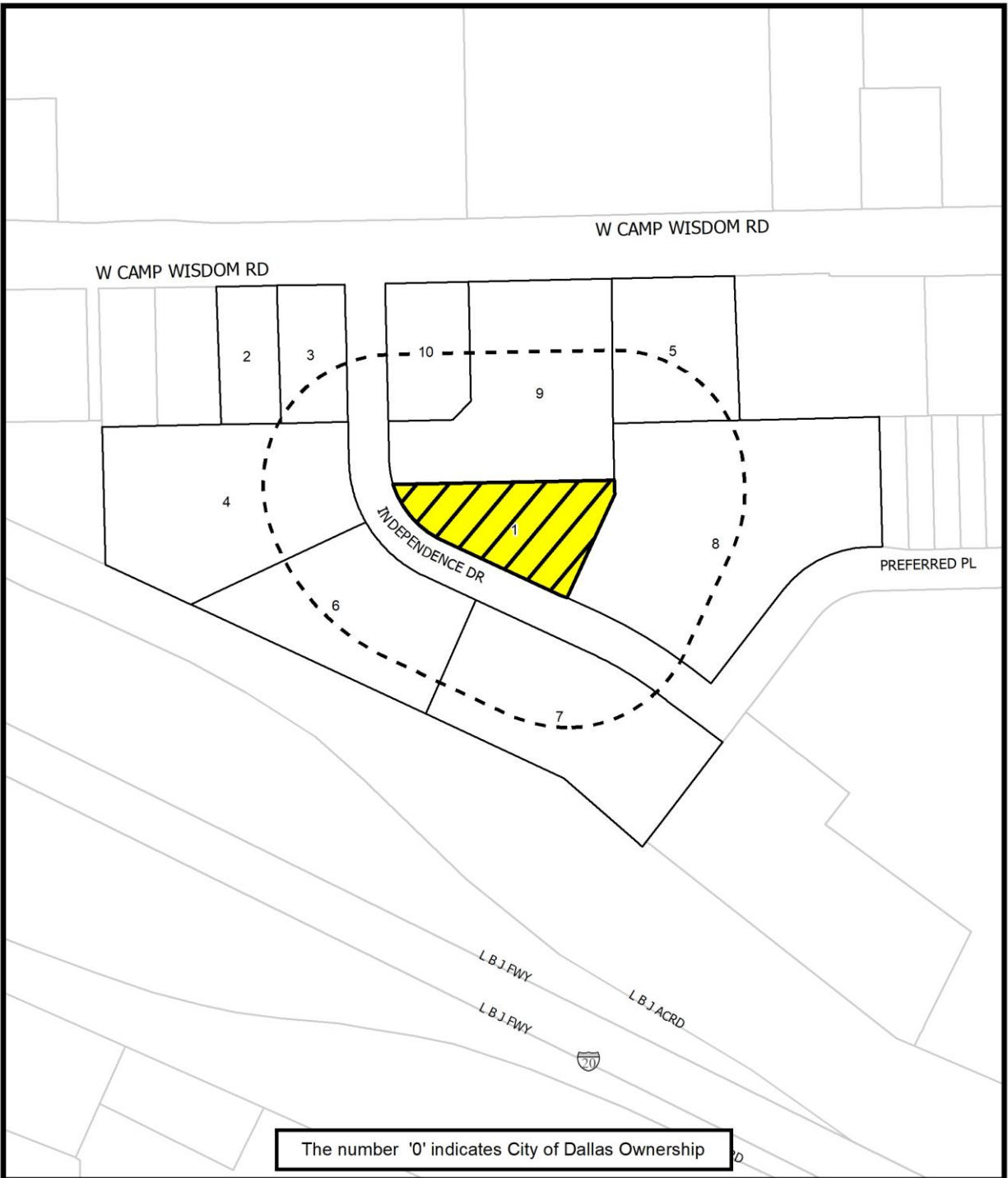


1:2,400

AERIAL MAP

Case no: **BDA201-065**

Date: **7/19/2021**



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">10</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	10	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA201-065 Date: 7/19/2021
200'	AREA OF NOTIFICATION					
10	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/15/2021

Notification List of Property Owners

BDA201-065

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4137 INDEPENDENCE DR	SHABACH SANCTUARY
2	4306 W CAMP WISDOM RD	PRATER JIMMIE D
3	4302 W CAMP WISDOM RD	WISDOM WASH INC
4	4220 INDEPENDENCE DR	SOUTHWEST DALLAS HOSPITALITY LP
5	4140 W CAMP WISDOM RD	4140 CAMP WISDOM ASSET LLC
6	4242 INDEPENDENCE DR	ROYAL HOTEL HOLDING CORP INC
7	4150 INDEPENDENCE DR	PERFECT INDEPENDENCE
8	4004 PREFERRED PL	ZPV CORPORATION
9	4210 W CAMP WISDOM RD	Taxpayer at
10	4228 W CAMP WISDOM RD	Taxpayer at



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-065

Data Relative to Subject Property:

Date: 5-12-21

Location address: 4137 Independence Drive Zoning District: MU-2

Lot No.: 10A Block No.: 4/6932 Acreage: .571 Census Tract: 109.04

Street Frontage (in Feet): 1) 340' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 2020 REAL ESTATE LLC. / WISSAM SHAZEM

Applicant: ELIAS RODRIQUEZ Telephone: 214-946-4300

Mailing Address: 317 E Jefferson Blvd Zip Code: 75203

E-mail Address: cs@buildingplansandpermits.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of ALTERNATE LANDSCAPE PLAN.

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: This appeal is needed for the approval of a building permit for a commercial retail use property. In order for this project to get permitted the aborist suggested that we apply for a Board of Adjustment to get the alternate landscape plan approved to obtain the permit.

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 ELIAS RODRIQUEZ (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: Eliss Rodriguez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of APRIL, 2021

Laura Coggins 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 ELIAS RODRIQUEZ

did submit a request for a special exception to the landscaping regulations
at 4137 Independence Drive

BDA201-065. Application of ELIAS RODRIQUEZ for a special exception to the landscaping regulations at 4137 INDEPENDENCE DR. This property is more fully described as Lot 10A, Block 4/6932, and is zoned MU-2, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


David Session, Building Official



AFFIDAVIT

Appeal number: BDA 201-065

I, 2020 REAL ESTATE LLC/ WISSAM KHAZEM, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4137 Independence Drive
(Address of property as stated on application)

Authorize: ELIAS RODRIQUEZ
(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: ALTERNATE LANDSCAPE PLAN.

WISSAM KHAZEM
Print name of property owner or registered agent

Wissam Khazem
Signature of property owner or registered agent

Date APRIL 23, 2021

Before me, the undersigned, on this day personally appeared ELIAS RODRIQUEZ

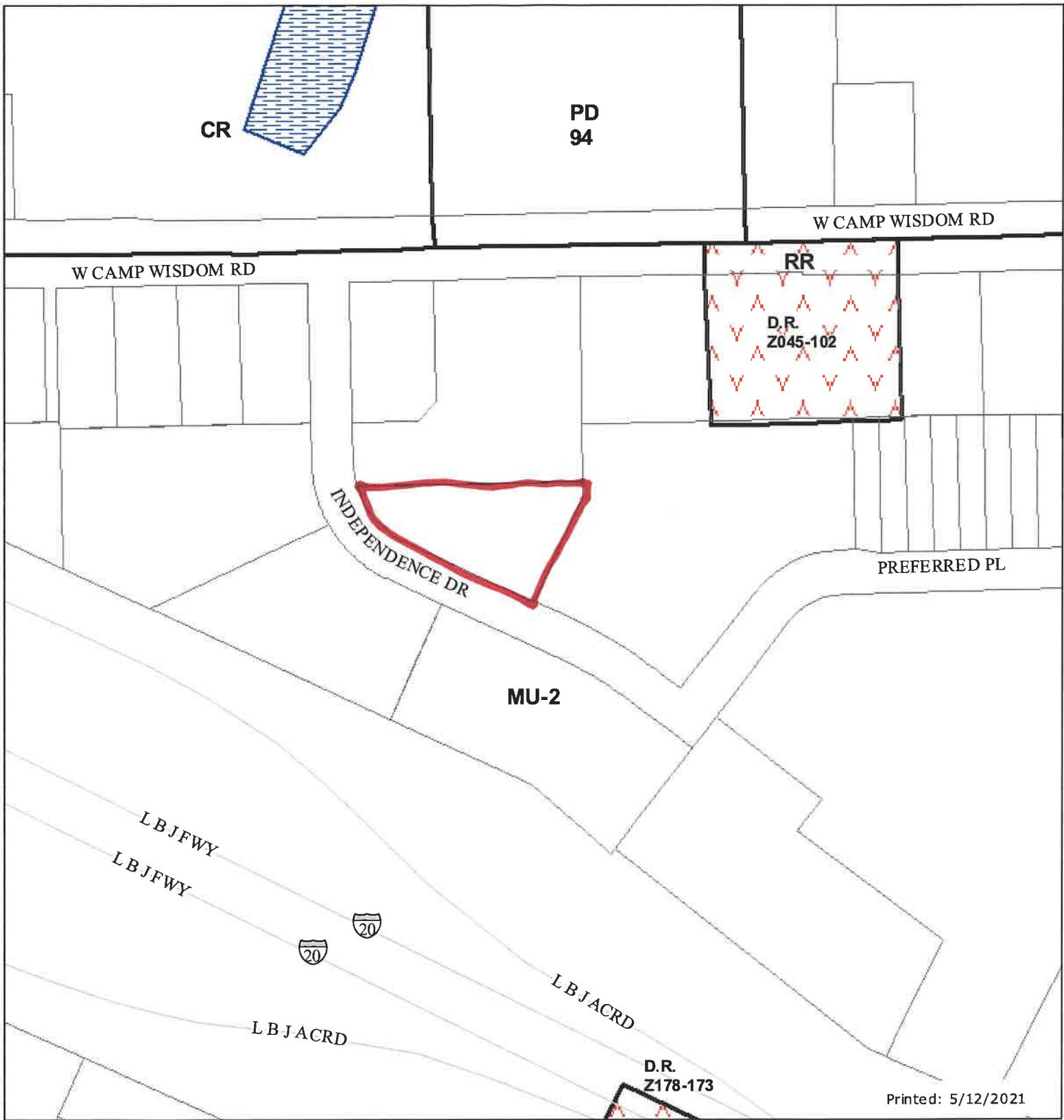
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 23 day of APRIL, 2021



Laura Coggins
Notary Public for Dallas County, Texas

Commission expires on 08.23.2021



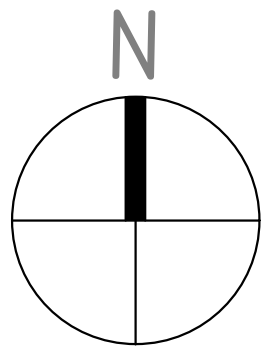
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Legend

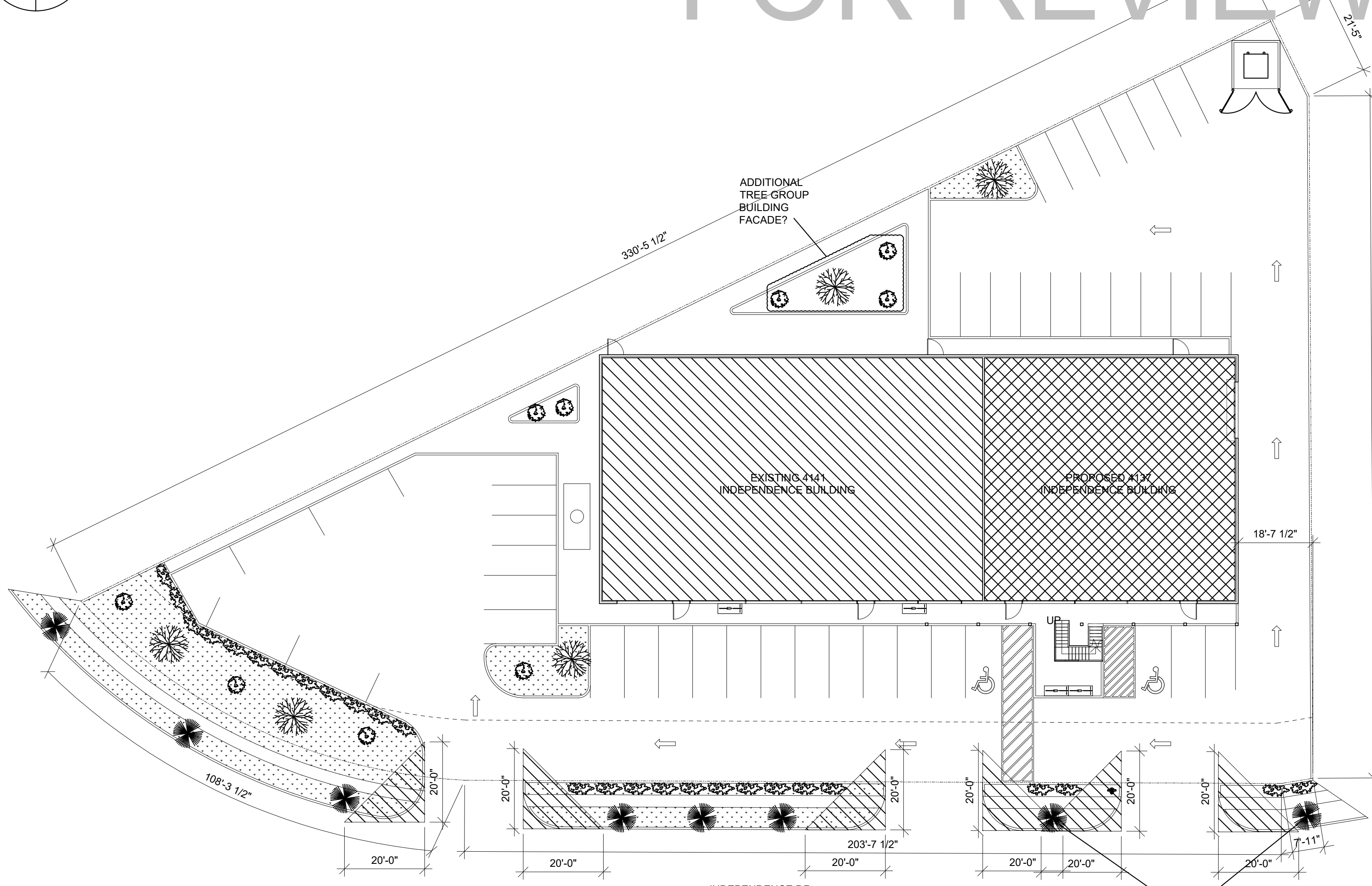
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| 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)





FOR REVIEW ONLY



NOTES

- 1.- THIS FACILITY WILL COMPLY W/ URBAN FORESTRY.
- 2.- THIS FACILITY WILL COMPLY W/ CITY LANDSCAPE REQUIREMENTS.
- 3.- THIS FACILITY WILL COMPLY W/ CITY SIGNAGE ORDINANCE.

PLANT LEGEND

SYM.	TYPE	COMMON NAME	QUAN.	SIZE	REMARKS
	TREES	COMMON CrapeMYRTLE	9	2" CAL	4'-6' HT.
	TREES	LIVE OAK	8	3" CAL	8'-10' HT.
	TREES	WILLOW OAK	5	3" CAL	10'-12' HT.
	SHRUBS	STANDARD BURFORD HOLLY	26	5 GAL.	PLANT <72" O.C.
	LAWN				

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

REVISIONS

SYMBOL	DESCRIPTION	DATE

ADDRESS
 4137 INDEPENDENCE DR
 DALLAS, TEXAS 75237

DATE
 03/16/21

DRAWN BY
 MIGB

CHECKED BY
 MIGB

DESCRIPTION
 TWO STORY ADDITION
 REMODEL BUILDING

SCALE
 1" = 20'-0"

SHEET TITLE
 LANDSCAPE PLAN

SHEET #
 C1.00

FILE NAME
 C1.00_LANDSCAPE_PLAN

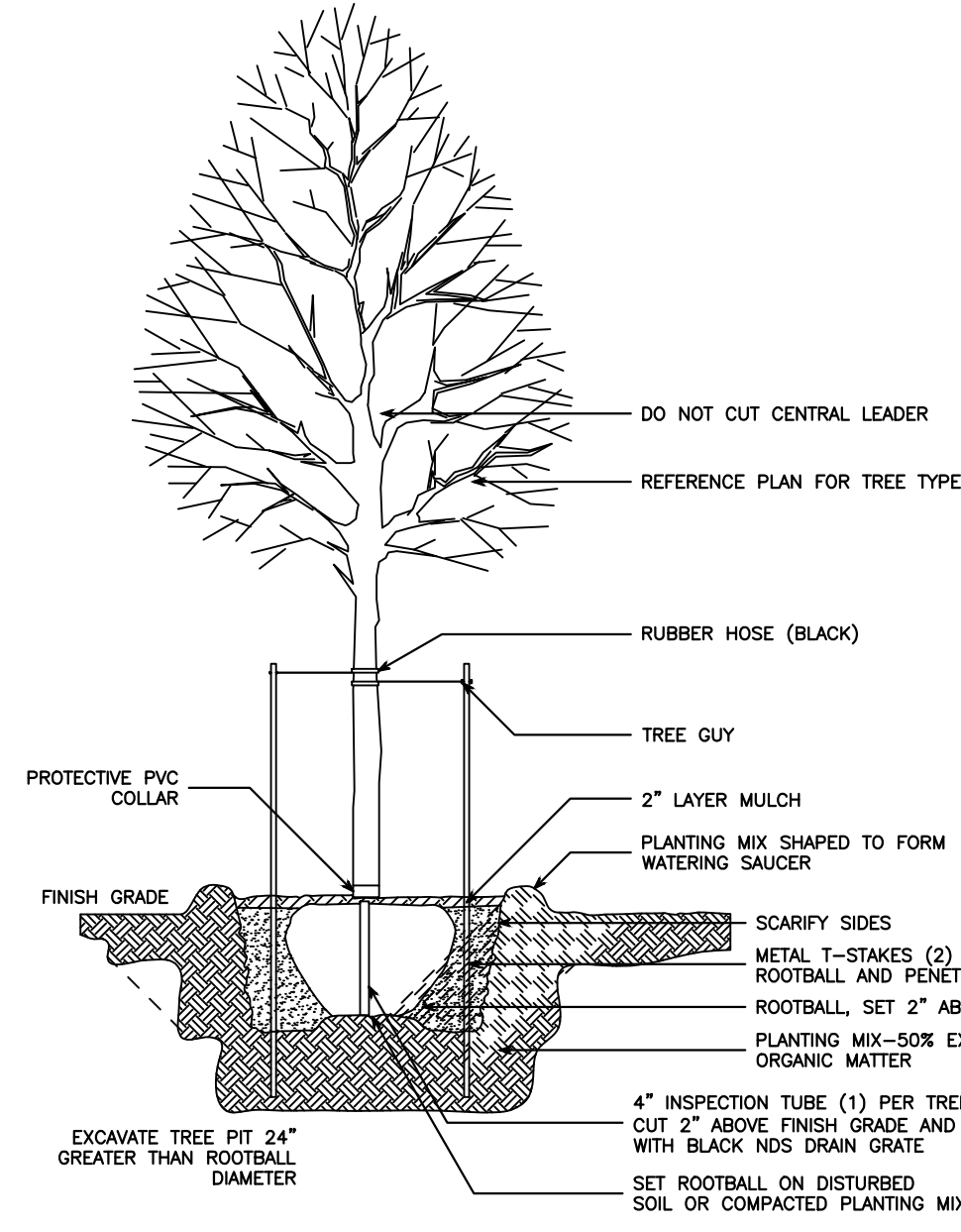
1 LANDSCAPE PLAN
 C1.00 1"=20'-0"

GENERAL LANDSCAPE NOTES

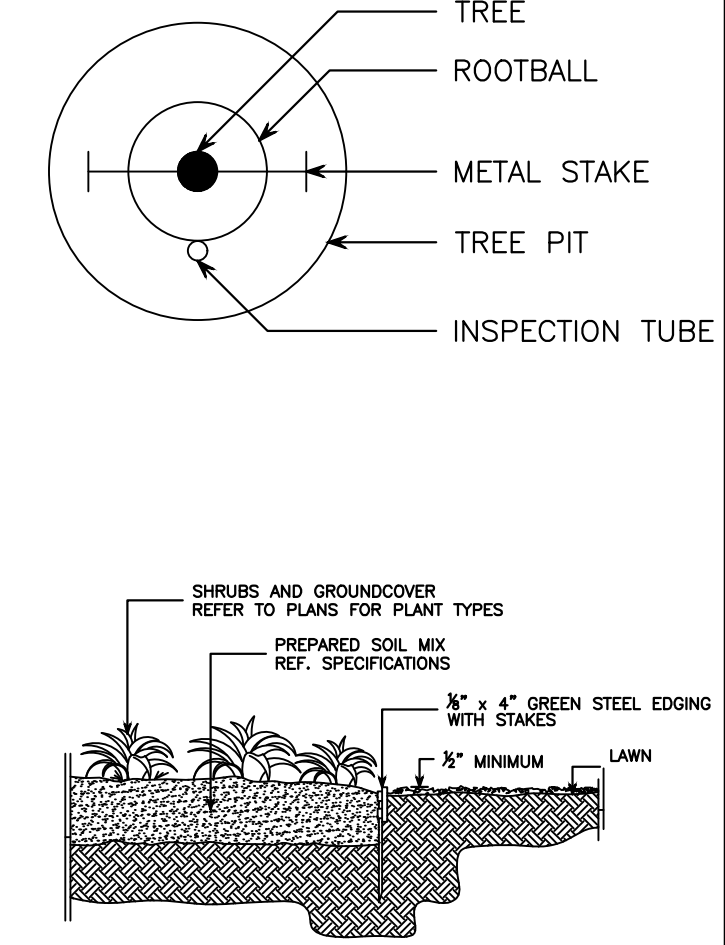
1. AN UNDERGROUND AUTOMATIC POP-UP DRIP TYPE IRRIGATION SYSTEM SHALL BE INSTALLED TO WATER ALL LANDSCAPE AREAS, INCLUDING RIGHT-WAY AREAS UNLESS NOTED OTHERWISE. ADJUSTMENTS TO SYSTEM WILL LIMIT OVER SPRAY ONTO ADJACENT ROADWAYS AND CONSERVE WATER TO THE GREATEST EXTENT POSSIBLE. A RAIN SENSING DEVICE AND A FREEZE SENSOR WILL BE PART OF THE SYSTEM.
2. ADDITIONAL PLANT MATERIAL MAY BE INSTALLED ON SITE BY OWNER IN ACCORDANCE WITH THE CITY OF DALLAS LANDSCAPE STANDARDS. MATERIAL SPECIFIED ON THIS PLAN IS TO MEET MINIMUM MULTIFAMILY DISTRICT 2 (MF-2) REQUIREMENTS.
3. ALL PLANT MATERIAL SHALL BE MAINTAINED BY OWNER IN A HEALTHY AND GROWING CONDITION, AND BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY AND SIZE IF DAMAGED, DESTROYED OR REMOVED.
4. LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER MATERIALS OR PLANTS NOT A PART OF THE ORIGINAL LANDSCAPING.
5. ALL LANDSCAPE AREAS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE USE OF CONCRETE CURBS, WHEEL-STOPS OR OTHER PERMANENT BARRIERS.
6. ALL LANDSCAPE AREA SHALL BE CONSTRUCTED, INSTALLED AND MAINTAINED SO AS NOT TO OBSTRUCT VIEW OF MOTORISTS BETWEEN THE STREET AND ACCESS DRIVERS. VISIBILITY TRIANGLES SHALL REMAIN UNOBSTRUCTED AT ALL TIMES.
7. ALL PERMEABLE SURFACES NOT OCCUPIED BY TREES, SHRUBS, PLANTING BEDS, DECORATIVE ROCK BEDS, SIGNS AND OTHER PERMITTED ITEMS OR FIXTURES SHALL BE BERMUDA-GRASS, OR ST. AUGUSTINE GRASS LAWN AREAS, UNLESS NOTED OTHERWISE.
8. ALL TREES ARE TO BE LOCATED, WHENEVER POSSIBLE, OUTSIDE FIRE HYDRANT, SANITARY SEWER AND UTILITY EASEMENT.
9. REFERENCE ENGINEERING PLANS FOR PROPOSED GRADES.
10. FINAL LOCATION OF PLANS MATERIAL MAY VARY DUE TO ACTUAL FIELD CONDITIONS AND PROPOSED GRADES GRADES. GENERAL INTENT IS TO BE MET.
11. A MINIMUM TWO INCH LAYER OF BARK MULCH SHALL BE PROVIDED AT ALL PROPOSED TREES.

PLANT PALETTE

- CANOPY TREE - 4" CALIPER MINIMUM, 150 HT. MINIMUM**
1. LIVE OAK (QUERCUS VIRGINIANA), HIGHRISE LIV OAK (QUERCUS VIRGINIANA "QVTA" PP#1129), CEDAR ELM (ULMUS CRASSIFOLIA), SHUMARD RED OAK (QUERCUS SHUMARDII), SWEET GUM (LIQUIDAMBAR STYRACIFLUA), WHITE ASH (FRAXINUS AMERICANA), CADDO MAPLE (ACERBARBATUM 'CADDO'), BIGTOOTH MAPLE (ACER GRANDIDENTATUM), PECAN (CARLA ILLINOINENSIS), DURAND OAK (QUERCUS DURANDII), BUR OAK (QUERCUS MACROCARPA), LACEBARK ELM (ULMUS PARVIFLUA), BAL CYPRESS (TAXODIUM DISTICHUM).
- NON-CANOPY TREE / SMALL TREE - 3" CALIPER MINIMUM, 6' HT. MINIMUM**
1. SOUTHERN MAGNOLIA (MAGNOLIA GRANDIFLORA), EASTERN REDBUD (CERIS CANADENSIS), AUSTRIAN PINE (PINUS NIGRA), JAPANESE BLACK PINE (PINUS THUNBERGII), ASHE JUIPER (JUNIPERUS ASHEI), EASTERN RED CEDAR (JUNIPERUS VIRGINIANA), ELДАРICA PINE (PINUS ELДАРICA), POND CYPRESS (TAXODIUM ASCENDENS).
 2. MEXICAN PLUM (PRUNUS MEXICANA), YAUPON HOLY (LLEX VOMITORIA), DECIDUOUS HOLLY (LLEX DECIDUA), DESERT WILLOW (CHILOPSIS LINEARIS), TEXAS OERSIMMON (DIOSPYROS TEXANA), EVE'S NECKLANE (SOPHORA AFFINIS), RUSTY BLACKHAW (VIBURNUM RUFIDULUM), CRAPE MYRTLE (LAGERSTROEMIA INDICA).
- LARGE SHRUB - 5 GALLON MINIMUM, 36"-48" O.C.**
1. COMPACT ELAEAGNUS (ELAEAGNUS MACROPHYLLA "EBBENDI"), NELLIE R. STEVEN'S HOLLY (LLEX X "NELLIE R. STEVEN'S"), ABELIA (ABELIA GRANDIFLORA), AUCUBA (AUCUBA JAPONICA), CLEYERA (CLEYERA JAPONICA), WAX MYRTLE (MYRICA CERIFERA), PODOCARPUS (PODOCARPUS MACROPHYLLA), BURFORD HOLLY (LLEX CORNUTA "BURFORDII"), FOSTER PALATKA HOLLY (LLEX X ATTENUATA "EAST PALATKA"), FOSTER HOLLY (LLEX X ATTENIATA "FOSTER"), CHERRY LAUREL (PRUNUS CAROLINIANA), SOFT YUCCA (YUCCA GLORIOSA)



TREE PLANTING DETAIL
 not scale



STEEL EDGING DETAIL
 not scale

Memorandum



Date July 30, 2021
To Pamela Daniel, Sr. Planner
Jennifer Munoz, Board Administrator
Subject BDA #201-065 4137 Independence Drive Arborist report

Request

The applicant is seeking a special exception to the landscaping requirements of Article X. The renovation and new construction and added story height of the structure requires the addition of landscaping under the Article X ordinance.

Provision

The proposed landscape plan provides a minimal amount of landscape area in the west corner of the lot and a few trees in isolated landscape areas on the site.

Deficiency

The proposed plan does not provide for a complete Street Buffer Zone along the street frontage, and the underground 12" water utility and overhead electric along the property boundary prohibits planting in the right-of-way and within ten feet of the utility line. The existing built conditions do burden the application of mandatory requirements along the street frontage.

The landscape plan does not provide that the requirements for parking lot landscape requirements will be met where all parking must be within 70 linear feet of a large or medium tree.

Article X requires a minimum of nine site trees and the plan's table indicates four trees.

It is not clear on the plan that the 15 required landscape design option points for the property are met on the landscape design.

Recommendation

The chief arborist recommends denial of the proposed alternate landscape plan. Although existing street front conditions and the building location limit landscaping along that frontage, it is not made clear that space cannot be provided within the parking lot to establish additional landscape areas for site and parking lot trees between parking spaces set away from the street utilities. This could help mitigate for the lack of a street buffer zone. Further, any additional site plan amendments in the ongoing building permit review to reduce the number of driveway entries, or any other amendments, would require landscape plan amendments demonstrating these site dimensional changes to be returned to the board. Site plan conditions should be confirmed.

Philip Erwin
Chief Arborist
Building Inspection