

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, MAY 16, 2022

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

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

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, 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, May 13, 2022. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or [YouTube.com/CityofDallasCityHall](https://www.youtube.com/CityofDallasCityHall), and the WebEx link: <https://bit.ly/051622BDA>

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

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

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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



CITY OF DALLAS
BOARD OF ADJUSTMENT, PANEL C
MONDAY, MAY 16, 2022
AGENDA

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

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

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

PUBLIC TESTIMONY

MISCELLANEOUS ITEM

Approval of the April 18, 2022 Board of Adjustment M1
Panel C Public Hearing Minutes

Approval of the January 11, 2022 Board of Adjustment M2
Special Meeting Minutes

UNCONTESTED CASE(S)

BDA212-039(PD)	4015 Cochran Chapel Road REQUEST: Application of Robert Elliot represented by Matthew Murrey for a special exception to the fence height regulations	1
BDA212-044(JM)	2711 W. 10 th Street REQUEST: Application of Alan Cortez for a special exception to the single-family use regulations	2

REGULAR CASES

BDA212-040(PD)	5933 Northaven Road REQUEST: Application of Pierre Esparza represented by Rogelio Esparza for a special exception to the fence height regulations	3
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HOLDOVERS

BDA212-012(PD)	3900 N. Hampton Road REQUEST: Application of Elizabeth Alvarez-Villaizan for a variance to the side yard setback regulations, and for a variance to the parking regulations	4
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EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA212-039(PD)

BUILDING OFFICIAL'S REPORT: Application of Robert Elliot represented by Matthew Murrey for a special exception to the fence height regulations at 4015 Cochran Chapel Road. This property is more fully described as Lot A in City Block 5077 and is zoned an R-1ac(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a nine-foot-six-inch-tall fence, which will require a five-foot-six-inch special exception to the fence regulations.

LOCATION: 4015 Cochran Chapel Road

APPLICANT: Robert Elliot represented by Matthew Murrey

REQUEST:

The applicant proposes a fence with staggered heights ranging from five feet nine inches to nine feet six inches, constructed of iron fencing and brick columns with an iron motorized gate located along Cochran Chapel Road. The site is currently developed with a two-story single-family dwelling and partially installed with the proposed fence.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single Family District)
North: R-1ac(A) (Single Family District)
East: R-1ac(A) (Single Family District)
South: R-10(A) (Single Family District)
West: R-10(A) (Single Family District)

Land Use:

The subject site is currently developed. Surrounding properties to the north, east, and west are developed with single-family uses while the property to the south is developed with an open space amenity.

Zoning/BDA History:

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

1. BDA189-126: On November 18, 2019, Panel C, Board of Adjustment granted a special exception to the fence standards regulations at 4047 Cochran Chapel Road.

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the fence height regulations is proposed to construct and maintain a nine-foot-six-inch-tall fence which will require a five-foot-six-inch special exception.

The property is currently developed. The applicant proposes a fence with a maximum height of nine feet six inches. The proposed fence will be constructed of seven-foot-three-inch iron fencing with eight-foot-tall brick columns located along Cochran Chapel Road at a length of approximately 338 feet.

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

The following information is shown on the submitted site plan:

- The proposed fence with access gates along Cochran Chapel Road is located on the front lot line with a depth of approximately one-foot.
- The proposed fence contains 23 brick columns.
- The proposed fence provides two gates: one for pedestrian traffic with an approximate width of five feet one-and-one-half-inches while the second gate is motorized and proposed for vehicular traffic with an approximate width of 18 feet. Both gates are proposed along Cochran Chapel Road.
- While the fence proposes staggered heights of five feet nine inches, seven feet three inches to eight feet-in-height, approximately thirty-seven feet nine inches of the proposed fence will run atop of a creek headwall. This portion of the fence increases the height of the fence to nine feet six inches.

According to the Dallas County Appraisal District (DCAD) records the site is developed with a two-story single-family dwelling consisting of approximately 7,474 square feet with additional improvements consisting of an approximately 1,985-square-foot unfinished space, an approximately 1,092-square-foot attached garage, and a pool constructed in 2021.

The representative provided evidence (**Attachment A**) with the application packet depicting renderings of three properties along the same street (Cochran Chapel Road) with fencing and gates of similar heights.

As of May 5, 2022, no letters have been submitted in support of the request and no letters have been submitted in opposition to the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of nine feet six inches located on Cochran Chapel Road 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 Cochran Chapel Road to be maintained in the locations and heights as shown on the site plan and elevation plan.

Timeline:

February 16, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents (**Attachment A**) that have been included as part of this case report.

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

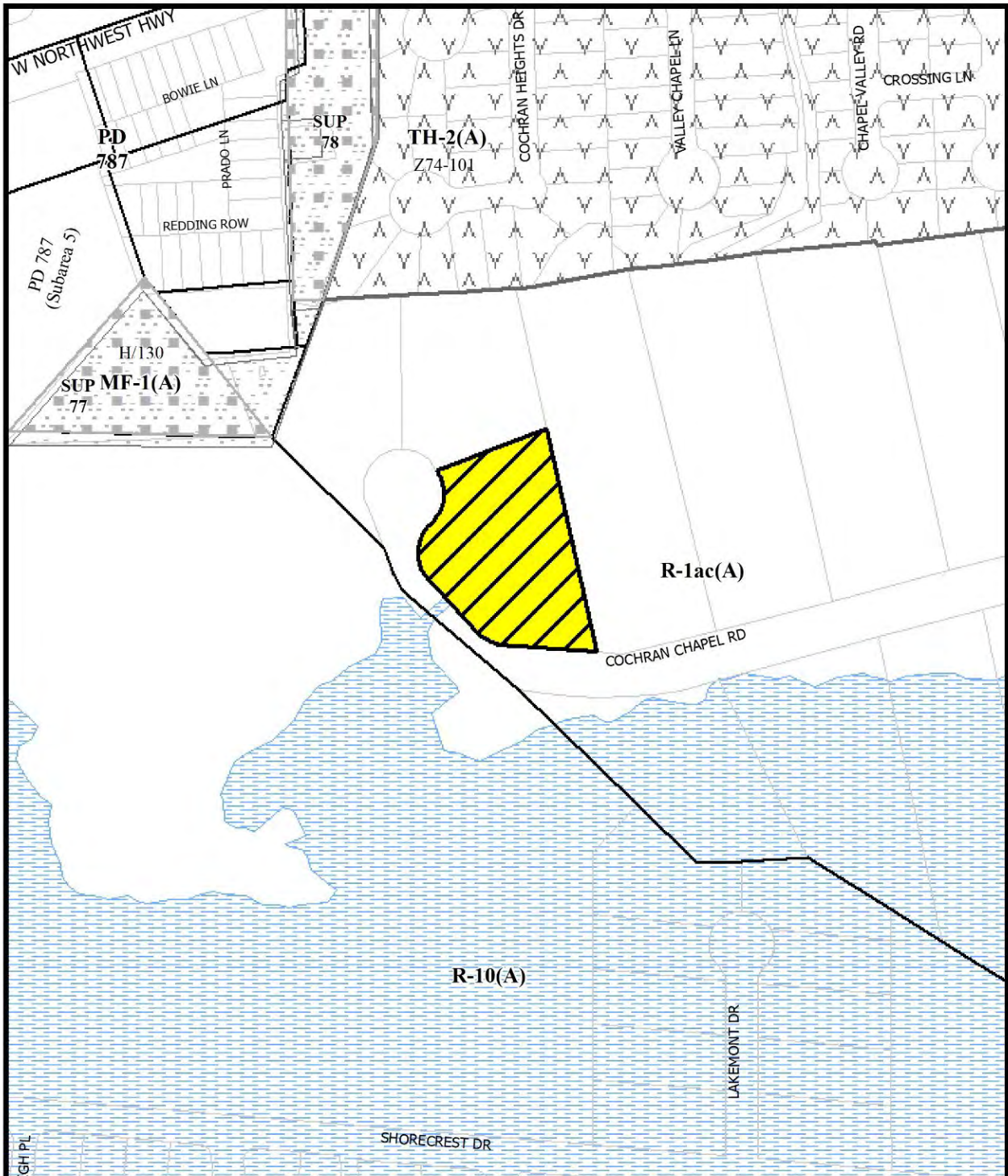
April 4, 2022: The Board Senior Planner emailed the representative the following information:

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

- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 28, 2022:

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

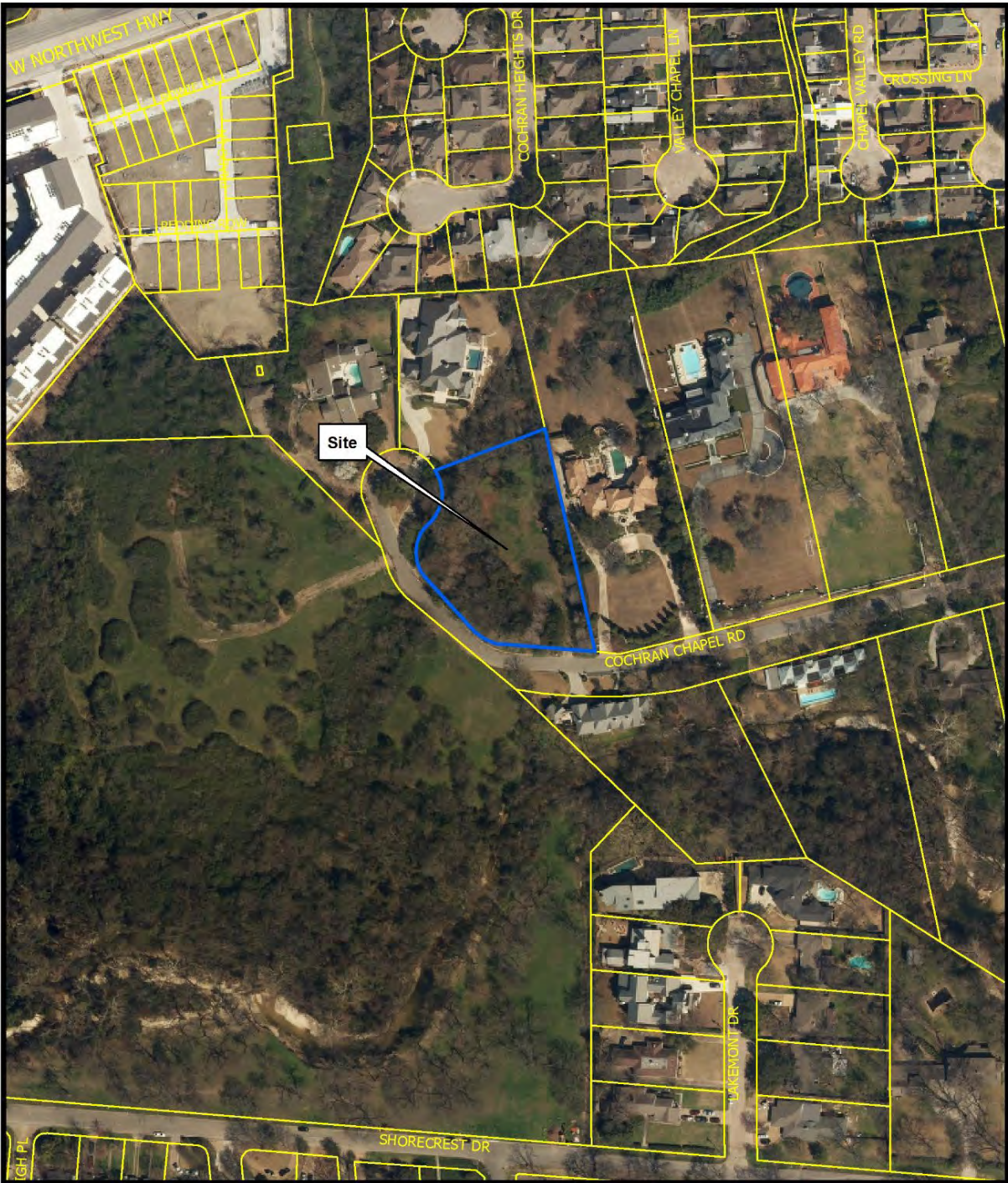


1:2,400

ZONING MAP

Case no: **BDA212-039**

Date: **4/18/2022**

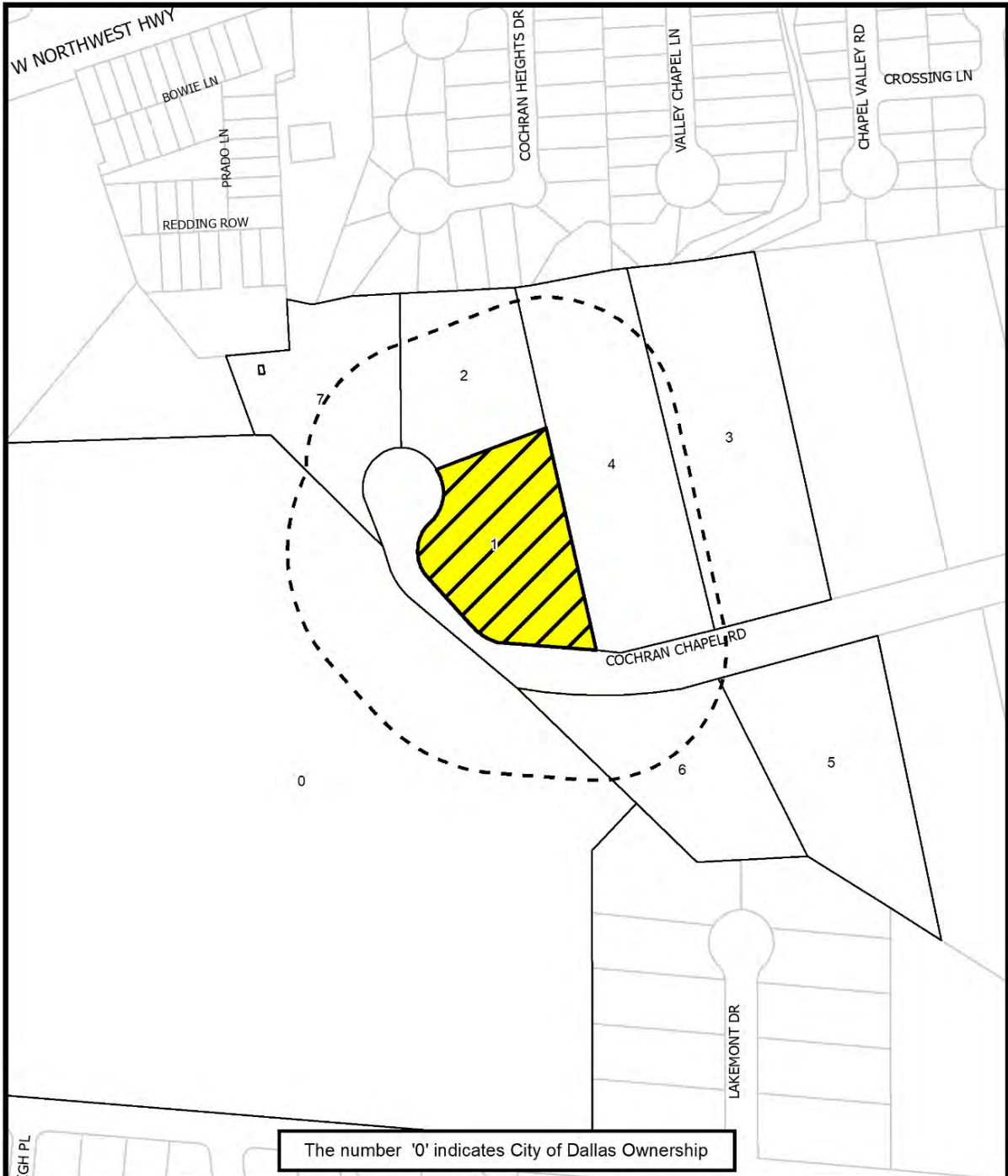


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AERIAL MAP

Case no: BDA212-039

Date: 4/18/2022



 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;">7</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	7	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA212-039</u> Date: <u>4/18/2022</u>
200'	AREA OF NOTIFICATION					
7	NUMBER OF PROPERTY OWNERS NOTIFIED					

04/14/2022

Notification List of Property Owners

BDA212-039

7 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4015	COCHRAN CHAPEL RDELLIOTT ROBERT
2	4011	COCHRAN CHAPEL RDGROVE REVOCABLE LIVING TRUST
3	4047	COCHRAN CHAPEL RDBARON LISA B
4	4023	COCHRAN CHAPEL RDLYNN GILLILAND ONEIL DAUTERMAN
5	4050	COCHRAN CHAPEL RDSHIRLEY WILLIAM A JR & COLLEEN M
6	4040	COCHRAN CHAPEL RDSANDS LOWELL H & SANDI E
7	4005	COCHRAN CHAPEL RDGONZALEZ LIFE INSURANCE TRUST RKG



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-039

Date: 02.16.22

Data Relative to Subject Property:

Location address: 4015 Cochran Chapel Road Zoning District: R1AC-A

Lot No.: A Block No.: 5077 Acreage: 1.24 Census Tract: _____

Street Frontage (in Feet): 1) 466'-11" 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Robert Elliott

Applicant: Robert Elliott Telephone: (214) 762-3476

Mailing Address: 4145 Travis Street, Suite 300 Zip Code: 75204

E-mail Address: robert.elliott@stillwatercap.com

Represented by: Matthew Murrey Telephone: (972) 978-0565

Mailing Address: 4145 Travis Street, Suite 102 Zip Code: 75204

E-mail Address: matt@matthewmurrey.com

Affirm that an appeal has been made for a Variance , or Special Exception , of Change of maximum fence height in required front yard to 9'6"

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 improvements within the submittal are of size and proportion to similarly match other properties on the street and will be architecturally consistent within the neighborhood.

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 Elliott (Affiant/Applicant's name printed)

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

Respectfully submitted: Robert Elliott (Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of February, 2022.

(Rev. 08-01-11)



Regan Ashley Ricci
Notary Public in and for Dallas County, Texas

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

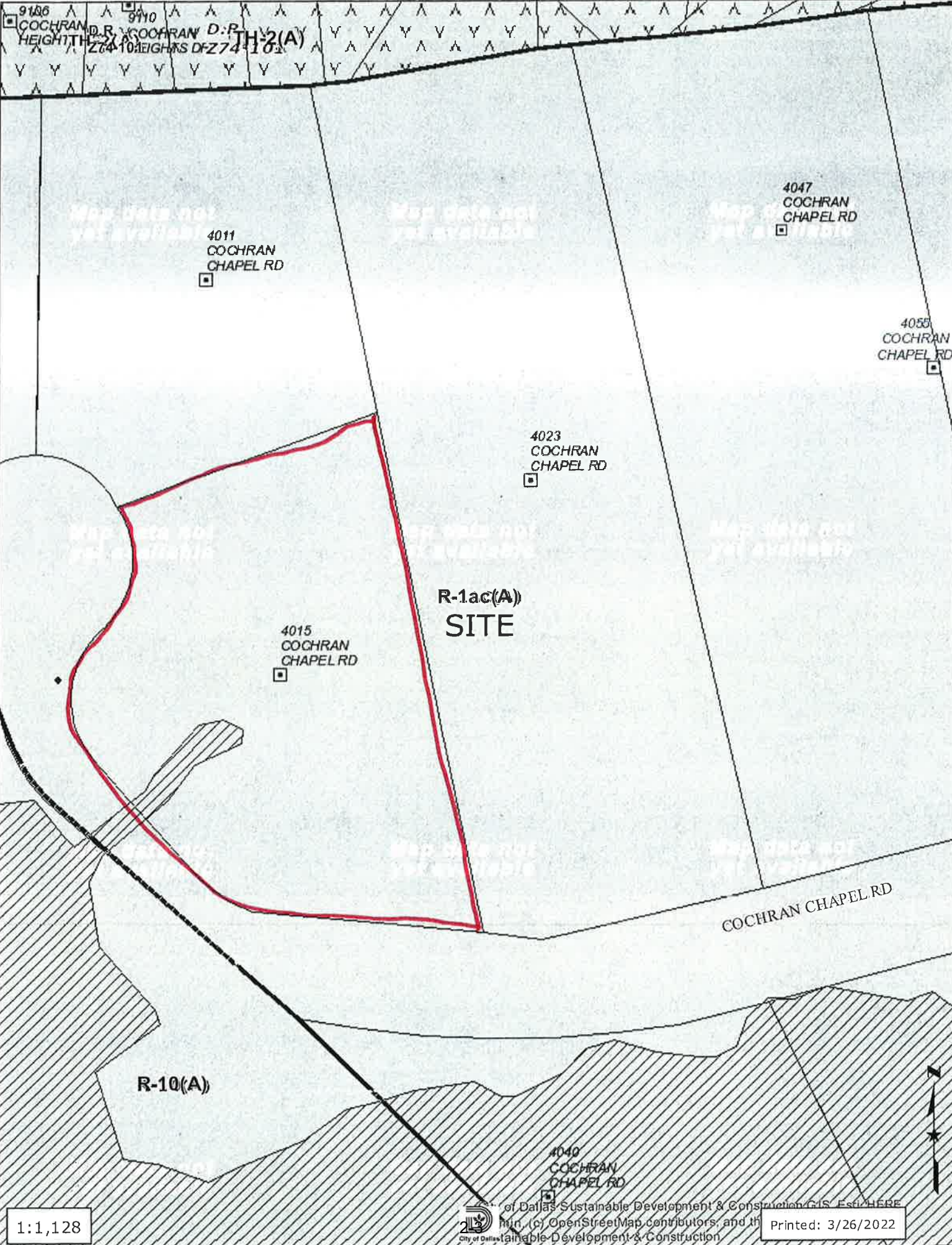
Building Official's Report

I hereby certify that ROBERT ELLIOTT
represented by Matthew Murrey
did submit a request for a special exception to the fence height regulations
at 4015 Cochran Chapel Road

BDA212-039. Application of ROBERT ELLIOTT represented by Matthew Murrey for a special exception to the fence height regulations at 4015 COCHRAN CHAPEL RD. This property is more fully described as Lot A, Block 5077, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 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



9106 COCHRAN HEIGHTS D.P. TH-2(A)
9110 COCHRAN HEIGHTS D.P. TH-2(A)

Map data not yet available

4011
COCHRAN
CHAPEL RD

Map data not yet available

4047
COCHRAN
CHAPEL RD

4055
COCHRAN
CHAPEL RD

4023
COCHRAN
CHAPEL RD

R-1ac(A)
SITE

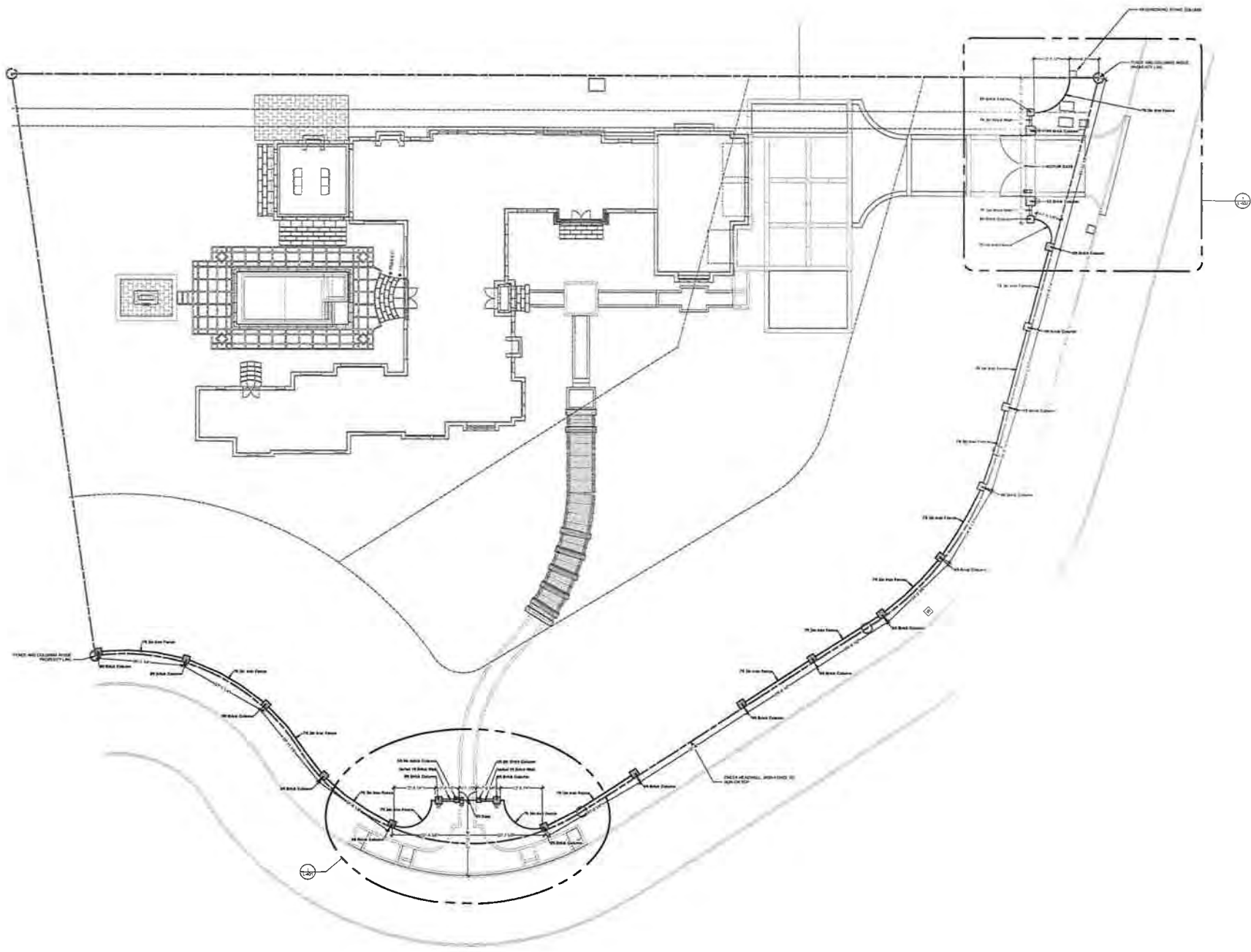
4015
COCHRAN
CHAPEL RD

COCHRAN CHAPEL RD

R-10(A)

4040
COCHRAN
CHAPEL RD

1:1,128



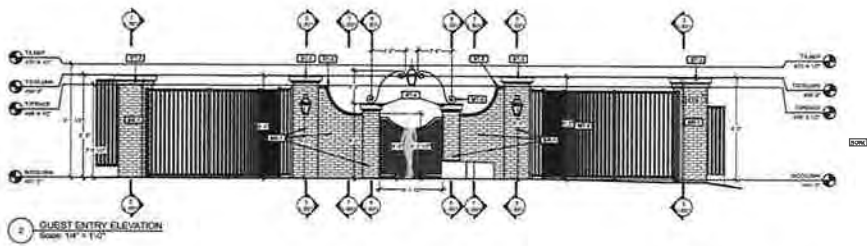
ELLIOTT RESIDENCE
 4015 COCHRAN CHAPEL

THESE DIMENSIONS AND/OR
 INFORMATION ARE
 APPROXIMATE AND FOR YOUR USE
 ONLY. THE CONTRACTOR SHALL BE
 RESPONSIBLE FOR VERIFYING ALL
 DIMENSIONS AND CONDITIONS
 BEFORE CONSTRUCTION.

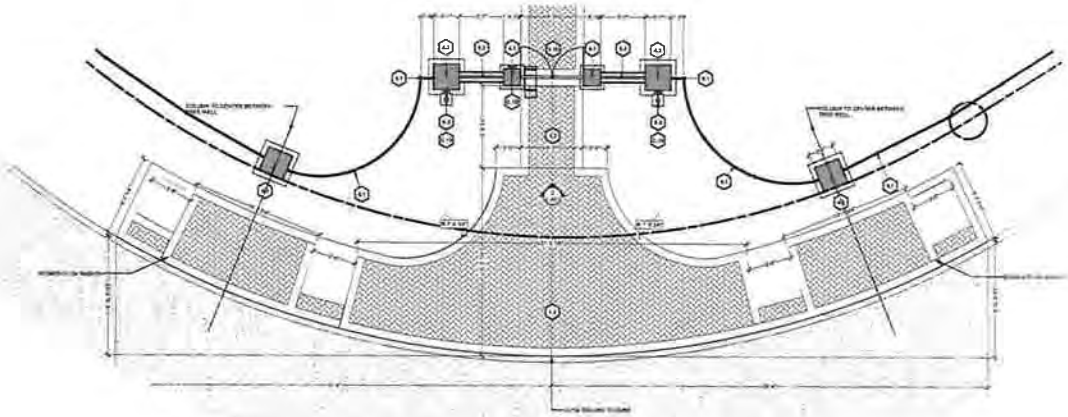
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 TO BE USED FOR ANY OTHER
 PROJECTS WITHOUT THE WRITTEN
 CONSENT OF THE ARCHITECT.

NO.	DATE	DESCRIPTION
1	12/17/21	ISSUED FOR PERMIT
2	01/10/22	ISSUED FOR PERMIT
3	02/01/22	ISSUED FOR PERMIT
4	02/01/22	ISSUED FOR PERMIT

CONSTRUCTION SET
 12/17/21
L-108
 FENCE PLAN
 PLAN TO SCALE AND PRINTED
 ON 30x42 SHEET



2 GUEST ENTRY ELEVATION
Scale: 1/4" = 1'-0"



1 GUEST ENTRY PLAN
Scale: 1/4" = 1'-0"

SITE IMPROVEMENT SCHEDULE

1.0 PAVING SYSTEMS

- 11 PUBLIC RIGHTS APPROACH BRICK PAVING OVER CONCRETE
- 12 ASPHALT DRIVEWAY DRIVEWAY BRICK SOLIDER JOINTS ON 8\"/>

2.0 JOINTING

3.0 LANDSCAPE STAIRS

- 31 ENTRY WALK STAIR

4.0 COLUMNS AND PIERS

- 41 8\"/>

5.0 WALLS

- 53 FRONT COURTYARD WALL
- 54 POOL AREA WALL
- 55 FRONT PORCH WING WALL

6.0 FENCING AND RAILS

- 61 2\"/>

7.0 GATES

- 71 MOTORIZED DRIVEWAY GATE
- 72 PEDESTRIAN GATE

8.0 PLANTING AND LANDSCAPE

- 81 LAWN AREA
- 82 PLANTING AREA

9.0 SITE FURNISHING, FEATURE, & EQUIPMENT

- 94 BEVOLD F0-08-21
- 95 BEVOLD F0-08-14
- C 10 GAS VALVE
- LANDSCAPE FURNITURE
- 0

10.0 SITE FEATURES

- 101 SYMM NO POOL
- 102 BRIDGE STRUCTURE
- 104 FINISH

FINISH LEGEND

GENERAL SITE FINISHES

- CR-2 SMOOTH INTEGRAL COLOR LIGHTLY TINTED FIN SLT COLOR (SOPHIST) FINISH
- FR-1 RECLAIMED BRICK (FRINGE FILL)
- FR-2 RECLAIMED BRICK (FRINGE FILL)
- FR-3 RECLAIMED BRICK (FRINGE FILL)
- FR-4 RECLAIMED BRICK (FRINGE FILL)
- FR-5 RECLAIMED BRICK (FRINGE FILL)
- FR-6 RECLAIMED BRICK (FRINGE FILL)
- FR-7 RECLAIMED BRICK (FRINGE FILL)
- FR-8 RECLAIMED BRICK (FRINGE FILL)
- FR-9 RECLAIMED BRICK (FRINGE FILL)
- FR-10 RECLAIMED BRICK (FRINGE FILL)
- FR-11 RECLAIMED BRICK (FRINGE FILL)
- FR-12 RECLAIMED BRICK (FRINGE FILL)
- FR-13 RECLAIMED BRICK (FRINGE FILL)
- FR-14 RECLAIMED BRICK (FRINGE FILL)
- FR-15 RECLAIMED BRICK (FRINGE FILL)
- FR-16 RECLAIMED BRICK (FRINGE FILL)
- FR-17 RECLAIMED BRICK (FRINGE FILL)
- FR-18 RECLAIMED BRICK (FRINGE FILL)
- FR-19 RECLAIMED BRICK (FRINGE FILL)
- FR-20 RECLAIMED BRICK (FRINGE FILL)

CLADDING AND VERTICAL SURFACING

- BR-1 WALL CLADDING RECLAIMED BRICK, TYP
- BR-2 WALL CLADDING RECLAIMED BRICK, TYP
- BR-3 WALL CLADDING RECLAIMED BRICK, TYP
- BR-4 WALL CLADDING RECLAIMED BRICK, TYP
- BR-5 WALL CLADDING RECLAIMED BRICK, TYP
- BR-6 WALL CLADDING RECLAIMED BRICK, TYP
- BR-7 WALL CLADDING RECLAIMED BRICK, TYP
- BR-8 WALL CLADDING RECLAIMED BRICK, TYP
- BR-9 WALL CLADDING RECLAIMED BRICK, TYP
- BR-10 WALL CLADDING RECLAIMED BRICK, TYP
- BR-11 WALL CLADDING RECLAIMED BRICK, TYP
- BR-12 WALL CLADDING RECLAIMED BRICK, TYP
- BR-13 WALL CLADDING RECLAIMED BRICK, TYP
- BR-14 WALL CLADDING RECLAIMED BRICK, TYP
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- BR-16 WALL CLADDING RECLAIMED BRICK, TYP
- BR-17 WALL CLADDING RECLAIMED BRICK, TYP
- BR-18 WALL CLADDING RECLAIMED BRICK, TYP
- BR-19 WALL CLADDING RECLAIMED BRICK, TYP
- BR-20 WALL CLADDING RECLAIMED BRICK, TYP

GATES, FRAMES, RAILINGS

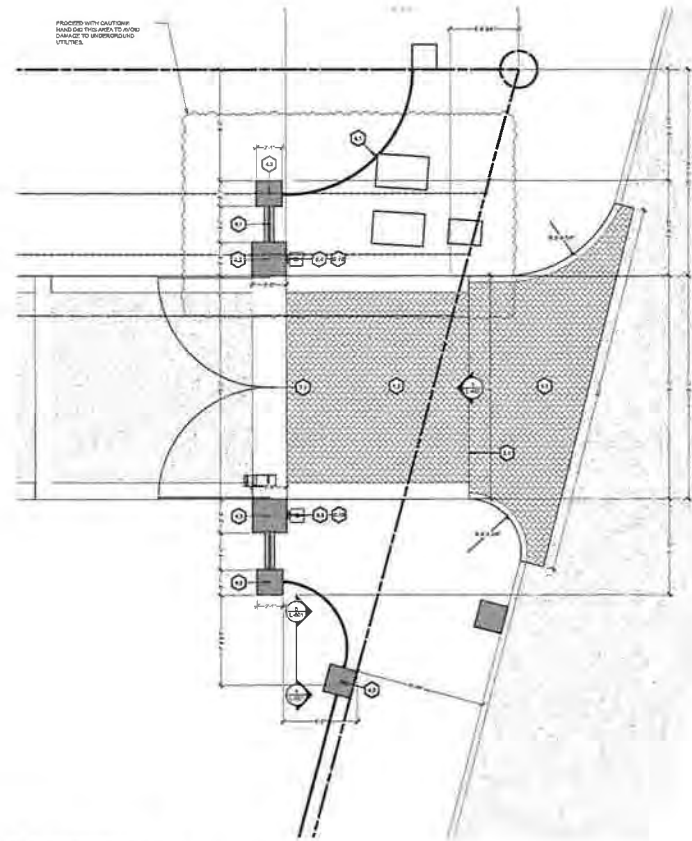
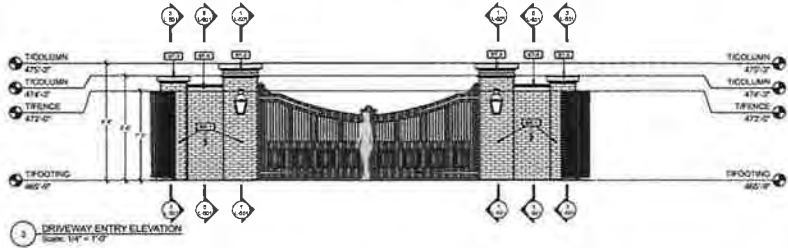
- FR-1 UNPAINT COATED METAL COLOR TYP

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NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			

CONSTRUCTION SET
12/17/21
L-401
GUEST ENTRY
DETAIL



SITE IMPROVEMENT SCHEDULE	
1.0 PAVING SYSTEMS	
1.1	PUBLIC WORKS APPROACH BRICK PAVES OVER CONCRETE
1.2	REINFORCED BRICK PAVING WITH 3/4" D.E.R. BARS ON 8" REINFORCED CONCRETE
1.3	8" REINFORCED CONCRETE PAVING WITH 10" DOUBLE SOLID BRICK COURSE
1.4	CUSTOM CUT STONE PAVING ON 8" REINFORCED CONCRETE SUBGRADE
1.5	18" X 24" STONE PAVING ON 8" REINFORCED CONCRETE SUBGRADE
2.0 JOINTING	
3.0 LANDSCAPE STAIRS	
3.1	STAIR PAVERS
4.0 COLUMNS AND PIERS	
4.1	24" X 24" PAVED BRICK COLUMN
5.0 WALLS	
5.1	FRONT COURTYARD WALL
5.2	POOL AREA WALL
5.3	FRONT PORCH WING WALL
6.0 FENCING AND RAILS	
6.1	7'-0" BRICK AND IRON
7.0 GATES	
7.1	MOTORIZED DRIVEWAY GATE
7.2	PEDESTRIAN GATE
8.0 PLANTING AND LANDSCAPE	
8.1	LAWN AREA
8.2	PLANTING AREA
9.0 SITE FURNISHING, FURNITURE, & EQUIPMENT	
9.1	BEVELLED PO-08-04
9.2	BEVELLED PO-08-04
9.3	BEVELLED PO-08-04
9.4	UNDERLINE FURNITURE
9.5	
10.0 SITE FEATURES	
10.1	SWIMMING POOL
10.2	BRICK STRUCTURE
10.3	10' X 10' PIT

FINISH LEGEND	
GENERAL SITE FINISHES	
CS-2	SMOOTH INTERIOR COLOR LIGHTLY SALTED FRESH COLOR SCORED FLYTILE
PS-1	RECLAIMED BRICK PAVING FIELD
IS-1	INDIANA LIMESTONE
IS-2	RECLAIMED BRICK (PAVED)
IS-3	42.5" X 14" COLUMN CAP CAST STONE
IS-4	36.75" X 12" COLUMN CAP CAST STONE
IS-5	24.5" X 12" COLUMN CAP CAST STONE
IS-6	INDIANA LIMESTONE
IS-7	WALL CAP INDIANA LIMESTONE
IS-8	24" X 10.5" WALL CAP CAST STONE
CLADDING AND VERTICAL SURFACING	
BR-1	WALL CLADDING RECLAIMED BRICK TYP.
BR-2	COLUMN CLADDING OLD CHICAGO BRICK TYP.
GATES, FRAMES, RAILINGS	
IF-1	BRICK COATED WITH COLOR FIN.

MATTHEW V. BREY DESIGN
 4015 COCHRAN CHAPEL

ELLIOTT RESIDENCE
 4015 COCHRAN CHAPEL

1. THIS DOCUMENT IS FOR THE ELLIOTT RESIDENCE AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

2. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION OR DATA OBTAINED FROM ANY SOURCE OTHER THAN THAT PROVIDED BY THE CLIENT.

1	DATE	DESCRIPTION
2	DATE	DESCRIPTION
3	DATE	DESCRIPTION
4	DATE	DESCRIPTION

CONSTRUCTION SET
 10/27/24
L-402
 DRIVEWAY ENTRY
 DETAIL

BDA212-039_ATTACHMENT_A



4047 COCHRAN CHAPEL
APPROXIMATE COLUMN SIZE: 4'-0" X 10'-0"



4252 COCHRAN CHAPEL
APPROXIMATE COLUMN SIZE: 3'-0" X 12'-0"



4255 COCHRAN CHAPEL
APPROXIMATE COLUMN SIZE: 2'-6" X 9'-6"

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No.	Date	Revision Notes
A	11/24/21	GUEST ENTRY CHANGE
B	2/8/22	FABRICATION DTLS

CONSTRUCTION SET
12/17/21
L-801
PRECEDENT
IMAGES

PLAN TO SCALE WHEN PRINTED ON 30x42 SHEET

FILE NUMBER: BDA212-044(JM)

BUILDING OFFICIAL'S REPORT: Application of Alan Cortez for a special exception to the single-family regulations at 2711 W. 10th Street. This property is more fully described as Lot 20, Block 4581, and is zoned an R-7.5(A) Single Family District, which limits the number of dwelling units to one per lot or legal build site.

LOCATION: 2711 W. 10th Street

APPLICANT: Alan Cortez

REQUEST:

The applicant proposes to remodel and maintain an additional dwelling unit (not for rent), which will require a special exception to the single-family use regulations.

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

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

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) Single Family District

North: R-7.5(A) Single Family District

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

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

The site is currently developed with a single-family structure. The property is zoned an R-7.5(A) Single Family District. In this district, one dwelling unit is allowed per lot/build site. The applicant would like to accommodate an additional dwelling unit (not for rent) as an office and family guest house. This request necessitates a special exception to the single-family use regulations.

According to Dallas County Appraisal District (DCAD) records, the property was developed in 1972. The site has a main structure with approximately 2,205 square feet of floor area, a 240-square-foot attached garage, a 504-square-foot detached garage, and a 504-square-foot detached quarters. City permit records confirm the main structure was erected in the early 1970s and the detached garage and quarters were built in 1981. The applicant is seeking to renovate the existing ADU, which now requires a special exception to the single-family use regulations. The structure in place is nonconforming as to the side yard setback, floor area ratio, and height of an accessory structure. The land use could not be confirmed by the applicant in a search of historical City records.

According to the site plan provided, the lot is about 50 feet by 172-feet-in-size, or 8,633 square feet in area. The detached garage and quarters are shown 12 feet from the property line along the alleyway. The accessory structure has a footprint of about 500 square feet per floor level, with a total of about 1,000 square feet. The main structure, with a floor area of 2,205 square feet, would permit an accessory structure of up to 551 square feet. However, since the structure is nonconforming, the accessory structure rule for floor area ratio does not apply.

A floor plan provided shows the existing accessory structure will be used as the proposed ADU (not for rent). Overall, the collection of rooms including a kitchen on the first floor, and two restrooms, one on each level, plus the upstairs bedroom equate to a separate, detached living quarters.

The applicant has the burden of proof in establishing that the special exception to the single-family use regulations will not adversely affect neighboring properties. In granting this type of special exception, the board shall require the applicant to deed restrict the

subject property to prevent the use of the additional dwelling unit as rental accommodations.

As of May 9, 2022, staff had not received any letters regarding this request.

If the board were to grant the special exception to the single-family use regulations, the building footprint of the ADU on the site would be limited to what is shown on the site plan. Furthermore, the Dallas Development Code states that the board shall require the applicant to deed restrict the subject property to prevent the use of the additional dwelling unit as rental accommodations. The deed restriction process is completed through our City Attorney's Office if the special exception is approved. After meeting this obligation, the site will be eligible for a permit for the ADU. Ultimately, granting these special exception requests will not provide any relief to the Dallas Development Code regulations other than what is described in this report and decided upon by the board (i.e. development on the site must meet all other code requirements).

Timeline:

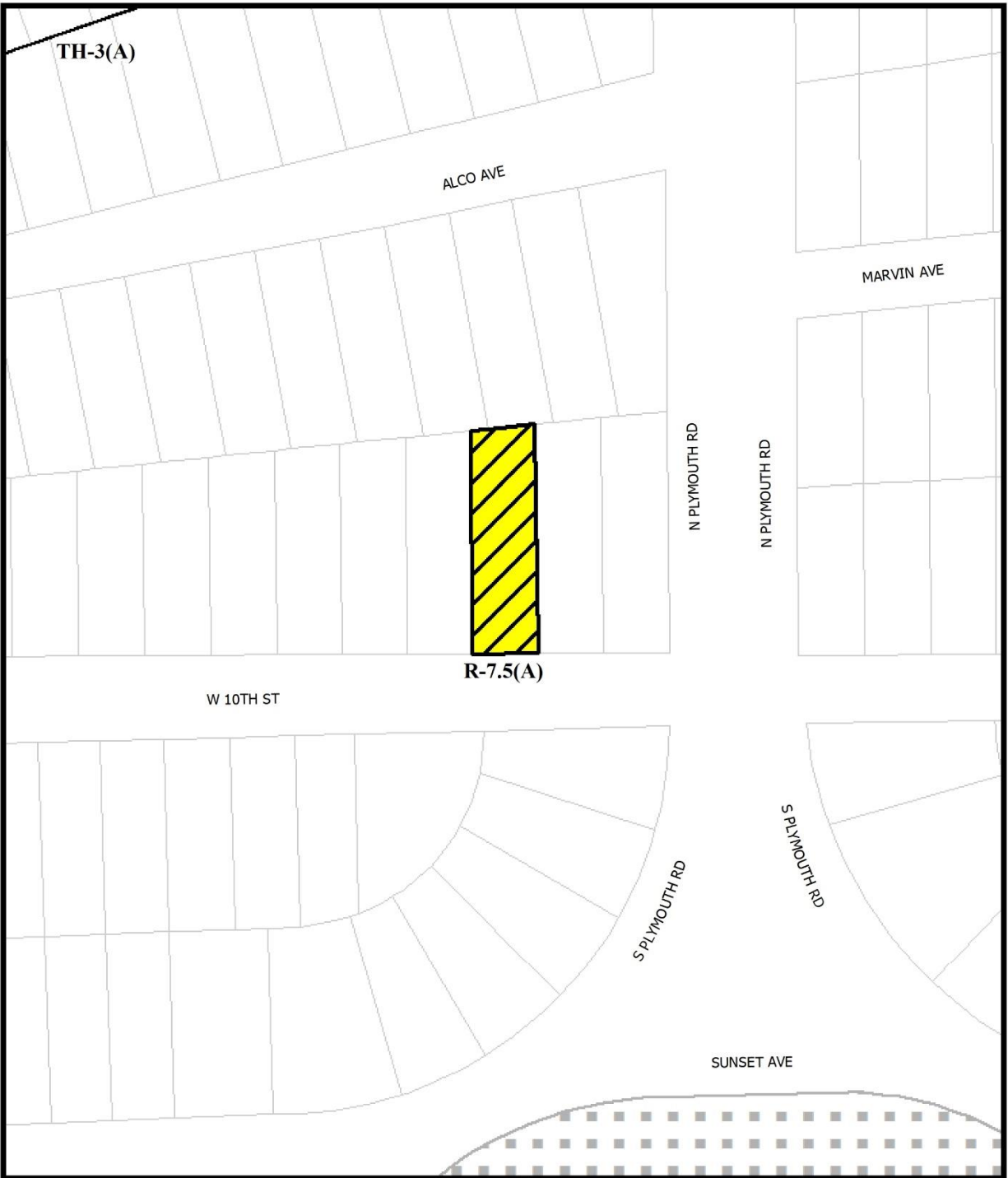
March 11, 2022: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.


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

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

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

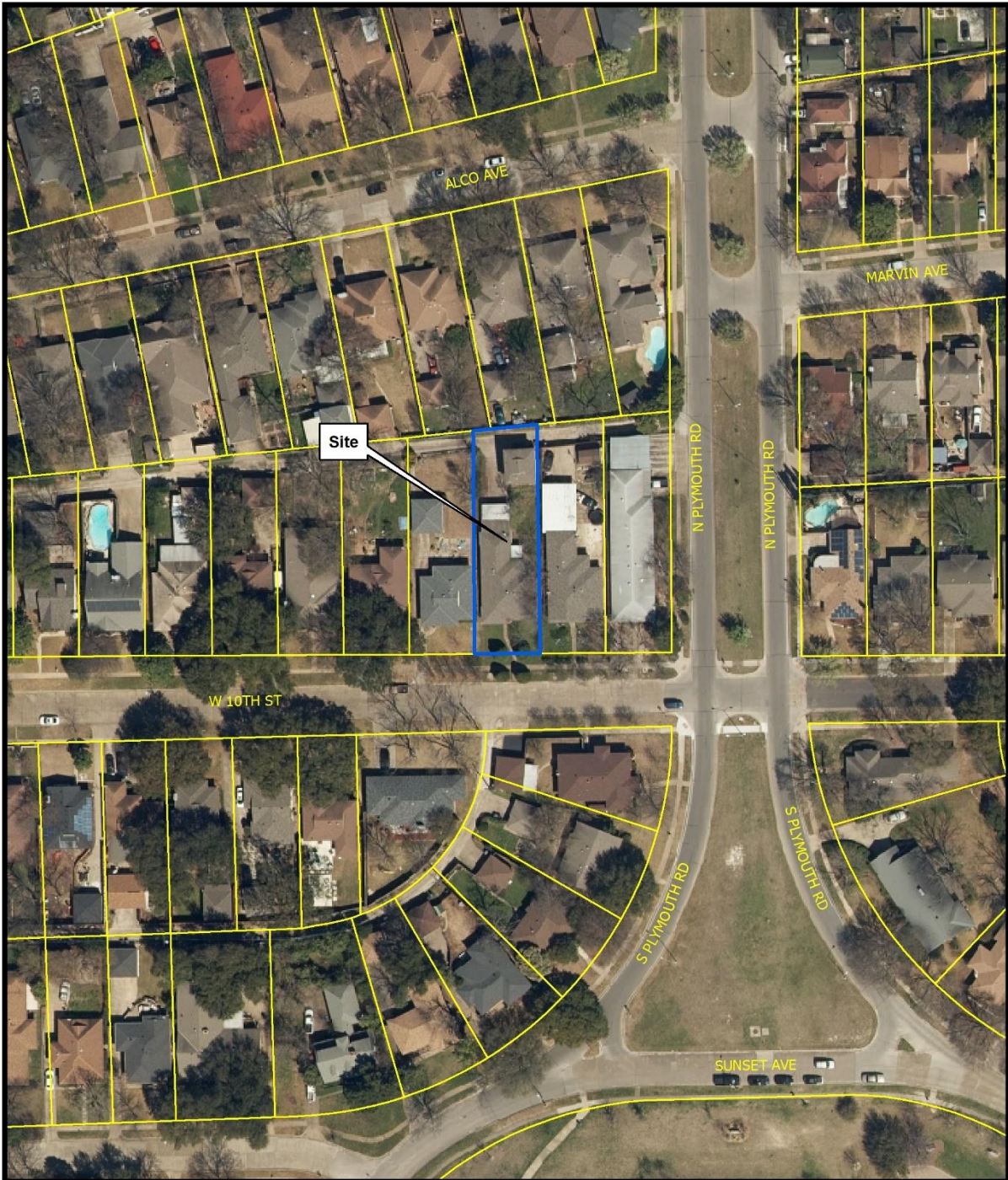
April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included: the Board of Adjustment Chief Planner/Board Administrator, the Board Senior Planner, the Chief Arborist,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




 1:1,200

ZONING MAP

Case no: BDA212-044
 Date: 4/18/2022

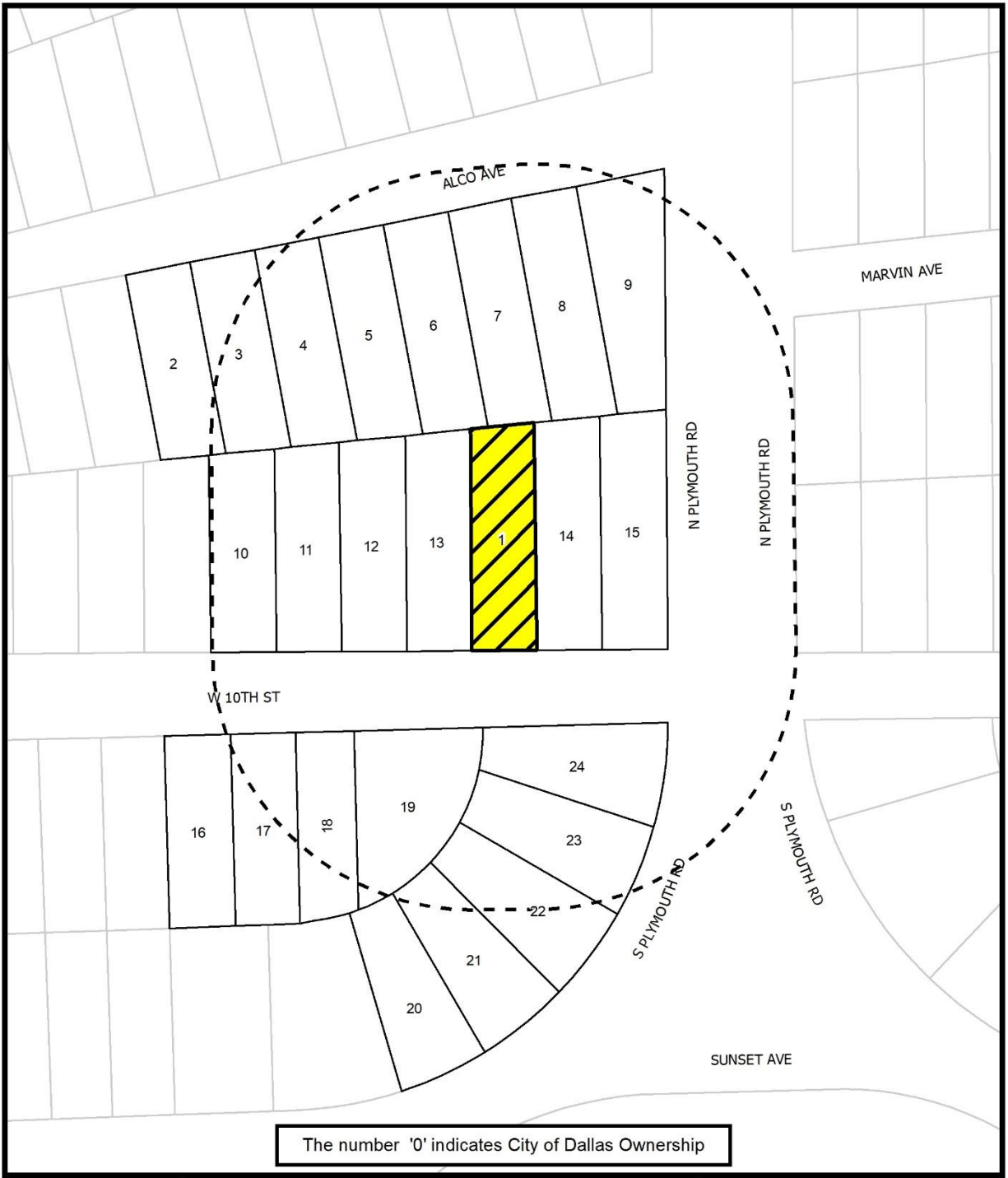


1:1,200

AERIAL MAP

Case no: BDA212-044

Date: 4/18/2022




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA212-044
 Date: 4/18/2022

04/14/2022

Notification List of Property Owners

BDA212-044

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2711 W 10TH ST	ALANCO LLC
2	2732 ALCO AVE	HILBURN WILLIAM T &
3	2728 ALCO AVE	SMITH CAMERON D K
4	2724 ALCO AVE	HENDRIX HOMESTEAD TRUST
5	2720 ALCO AVE	EHRLICHER MAUREEN & DAVID L
6	2716 ALCO AVE	NEILL CINDY &
7	2712 ALCO AVE	MENDOZA PEDRO F
8	2706 ALCO AVE	FLORES PEDRO MENDOZA &
9	2704 ALCO AVE	TRASK ANDREW &
10	2727 W 10TH ST	HUERTA JUAN PEDRO &
11	2723 W 10TH ST	DAVIS ROBERT H IV & KELLY A
12	2719 W 10TH ST	MAURICIO MANUEL M JR
13	2715 W 10TH ST	KASPER AMY JAE
14	2707 W 10TH ST	ZAVALA ALEJANDRO H
15	2703 W 10TH ST	ROSALES DIANA M &
16	2728 W 10TH ST	KAVOSSO DEBBIE D
17	2724 W 10TH ST	GONZALES MARTIN
18	2720 W 10TH ST	JACKSON SARAH &
19	2716 W 10TH ST	ROBERTSON LISA D
20	2703 SUNSET AVE	DIAZ CESAR
21	123 S PLYMOUTH RD	GURRUSQUIETA ALDO
22	115 S PLYMOUTH RD	CARNES LAWRENCE ROBERT &
23	111 S PLYMOUTH RD	GAINES EMILY
24	103 S PLYMOUTH RD	BEVERLY JAMES H



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-044

Data Relative to Subject Property:

Date: 3-11-22

Location address: 2711 W 10th St Dallas, TX 75211

Zoning District: R-7.5A

Lot No.: 20

Block No.: 4581

Acreage: .195

Census Tract: 45.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Alanco LLC / Alan Coretz

Applicant: Alan Coretz Telephone: 469 855-0607

Mailing Address: 7615 Currin Dr Dallas, TX Zip Code: 75230

E-mail Address: coretz@gmail.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception X, of ADU (not for rent)
~~Variance for height, side yard setback and FAR to main~~ AC

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

Owner wishes to renovate existing ADU which was there before the owner acquired the property.
The 2-story unit with approximately 995 sqft. will not be used as a rental unit but as a home office with the possibility of use of in the future by children/aging parents.

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

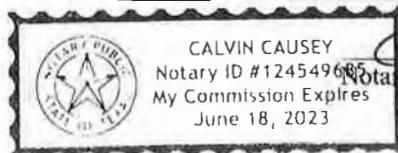
Before me the undersigned on this day personally appeared Alan Coretz
(Affiant/Applicant's name printed)

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: Alan Coretz
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 9th day of March, 2022

(Rev. 08-01-11)



Calvin Causey
Notary Public in and for Dallas County, Texas

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

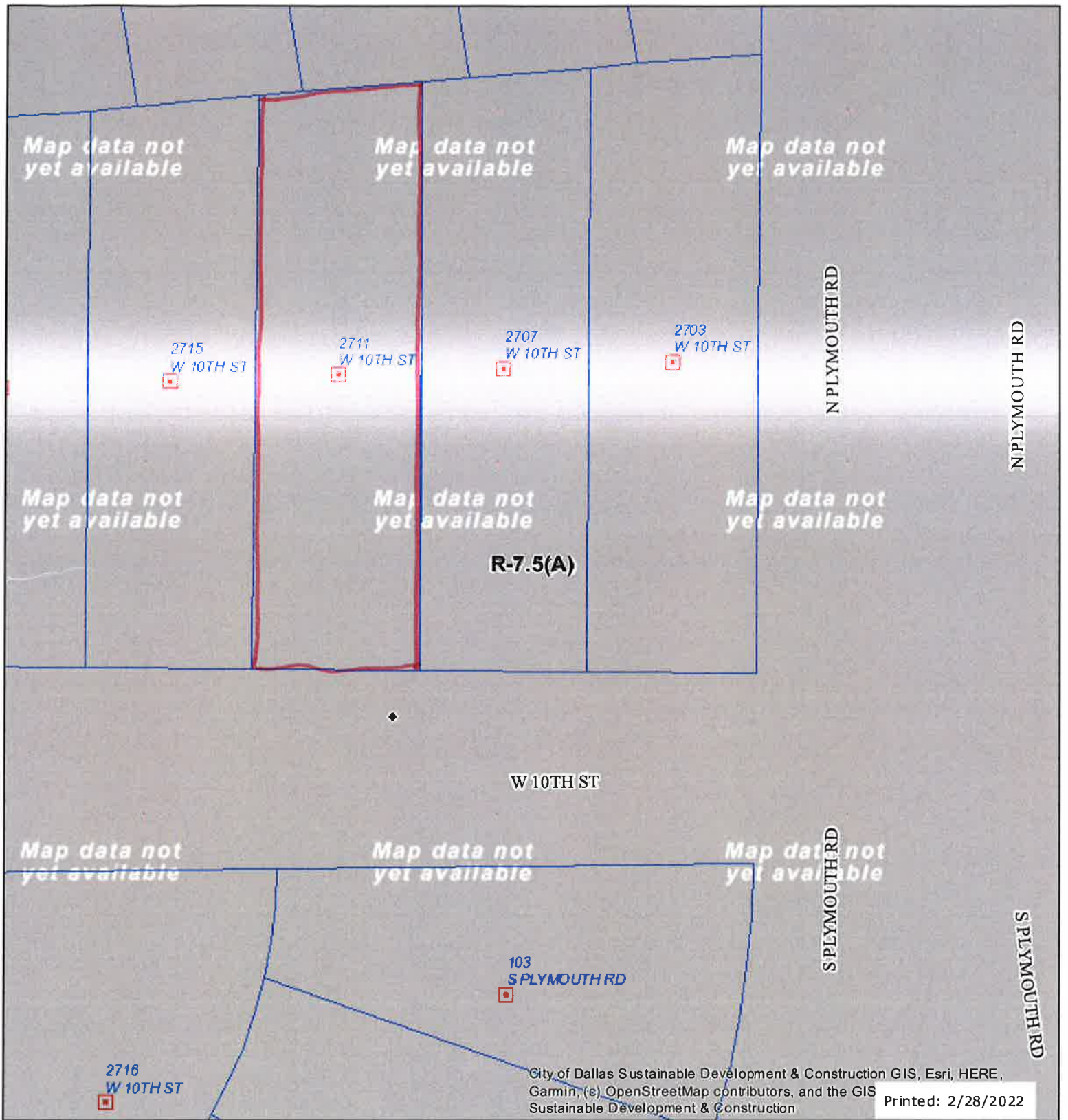
I hereby certify that ALAN CORETZ

did submit a request for a special exception to the single family regulations
at 2711 W 10th Street

BDA212-044. Application of ALAN CORETZ for a special exception to the single family regulations at 2711 W 10TH ST. This property is more fully described as Lot 20, Block 4581, and is zoned R-7.5(A), which limits the number of dwelling units to one. The applicant proposes to construct and maintain an additional dwelling unit (Not For Rent), which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



Legend

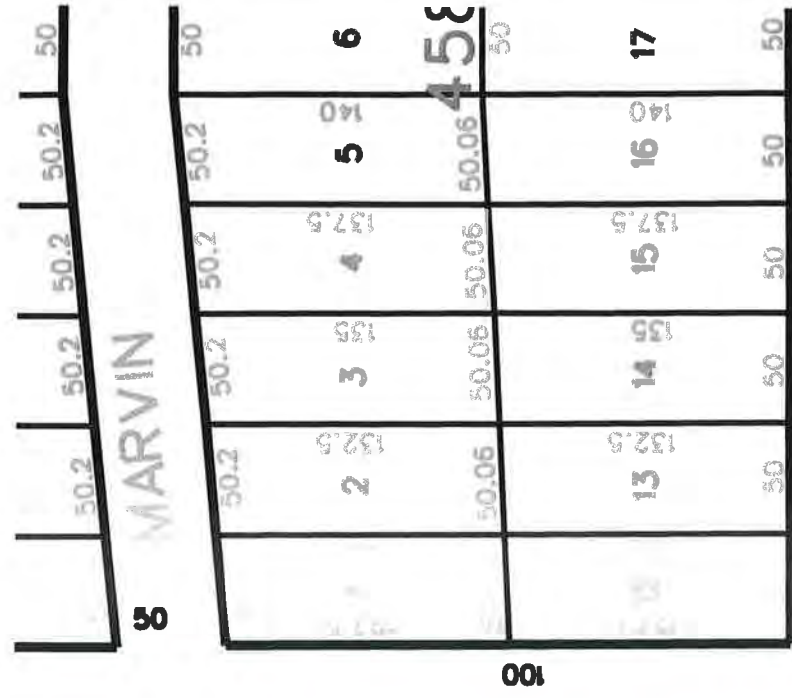
City Limits	railroad	Dry Overlay	CD Subdistricts
School	Certified Parcels	D	PD Subdistricts
Roodplain	Base Zoning	D-1	PDS Subdistricts
100 Year Flood Zone	PD193 Oak Lawn	CP	NSO Subdistricts
Mill's Creek	Dallas Environmental Corridors	SP	NSO Overlay
Peak's Branch	SPSP Overlay	MD Overlay	Escarpment Overlay
X Protected by Levee	Deed Restrictions	Historic Subdistricts	Parking Management Overlay
Parks	SUP	Historic Overlay	5.3
		Height Map Overlay	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)





4583



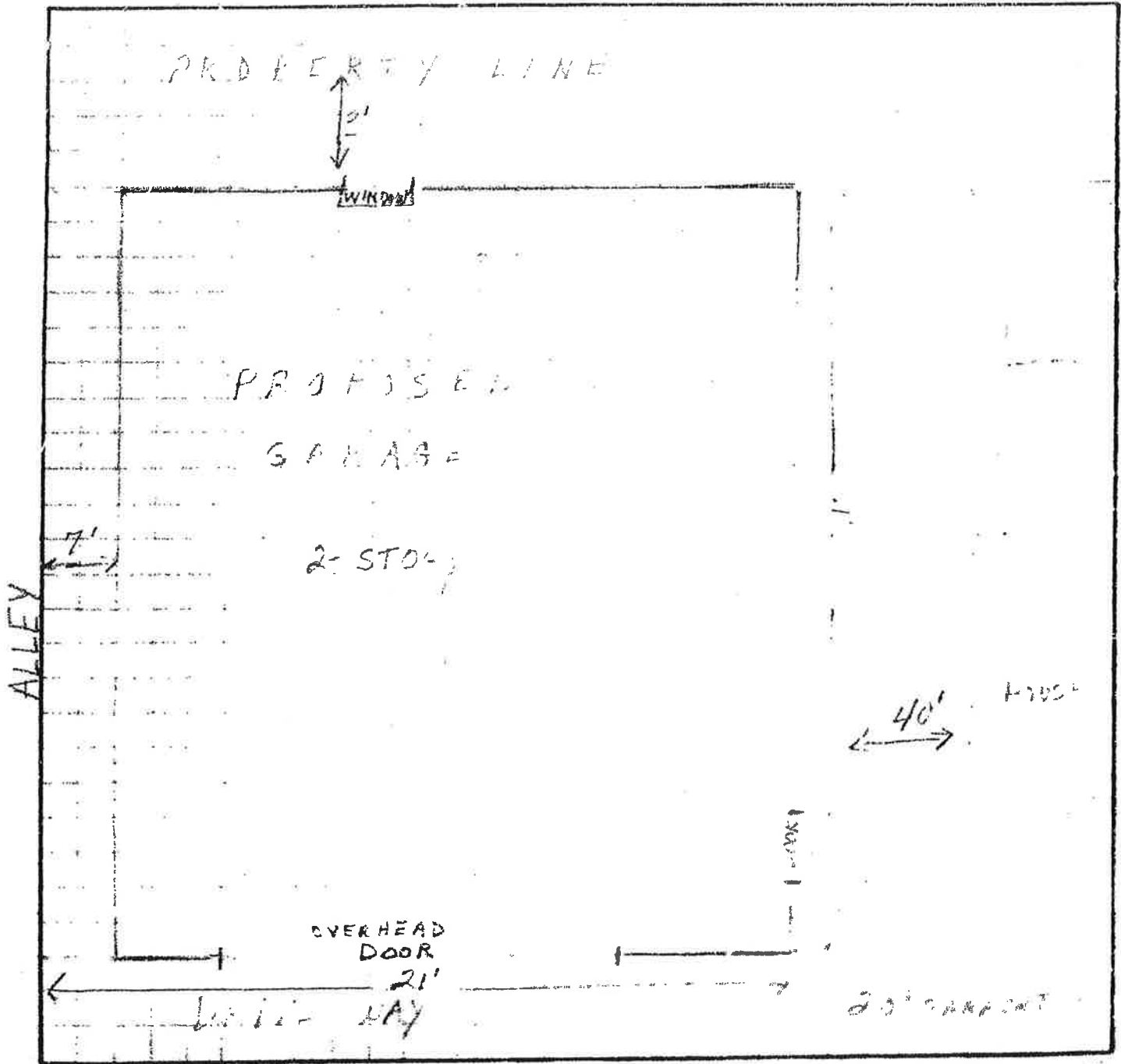
458

SUPPLEMENTARY
INFORMATION



CITY OF DALLAS

TYPE OF APPLICATION PROJECT PERMIT (Garage)	ADDRESS 2711 WEST TENTH ST.	DATE 4/20/23
--	--------------------------------	-----------------



APPLICATION FOR PERMIT VALIDATION

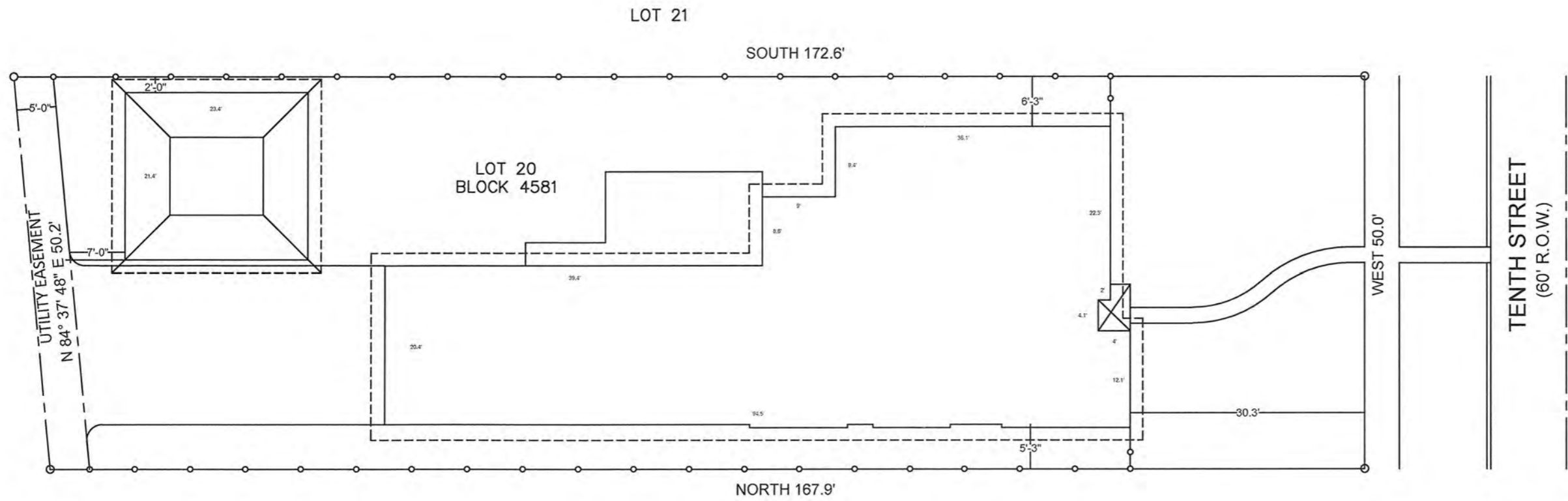


CITY OF DALLAS

TO BE SUBMITTED IN DUPLICATE

DATE	3/6/81	ADDRESS	3711 WEST 10TH STREET
OUR COMPANY IS THE			
<input checked="" type="checkbox"/> ELECTRICAL <input type="checkbox"/> PLUMBING <input type="checkbox"/> MECHANICAL CONTRACTOR			
DESCRIPTION OF WORK			
R+R Service Change ROOM ADDITION			
CONTRACTOR WHO WILL PERFORM WORK DESCRIBED ABOVE		CONTRACTOR ADDRESS	
COTTON ELECTRIC SERV. INC.		1555 AZALEA LN DUNNVILLE TX	
AUTHORIZED SIGNATURE		296 422	
Rick Cotton			

HUR 0287



SITE PLAN

PLANS DRAWN BY:

PAPER SIZE: ANSI B (11x17)

PERMIT SET	NO	DATE	DESCRIPTION	BY
07.11.2021	△			
	△			
	△			
	△			
	△			
	△			
	△			
	△			

**Tenth Street House
2711 W. 10th
Dallas, TX 75211**

BLOCK 4681 LOT 20 CITY OF DALLAS NEIGHBORHOOD: 4DSG41 MAP GRID: 53G

SHEET TITLE : **SITE PLAN**

SCALE : 1/16" = 1-0"

JOB NO.

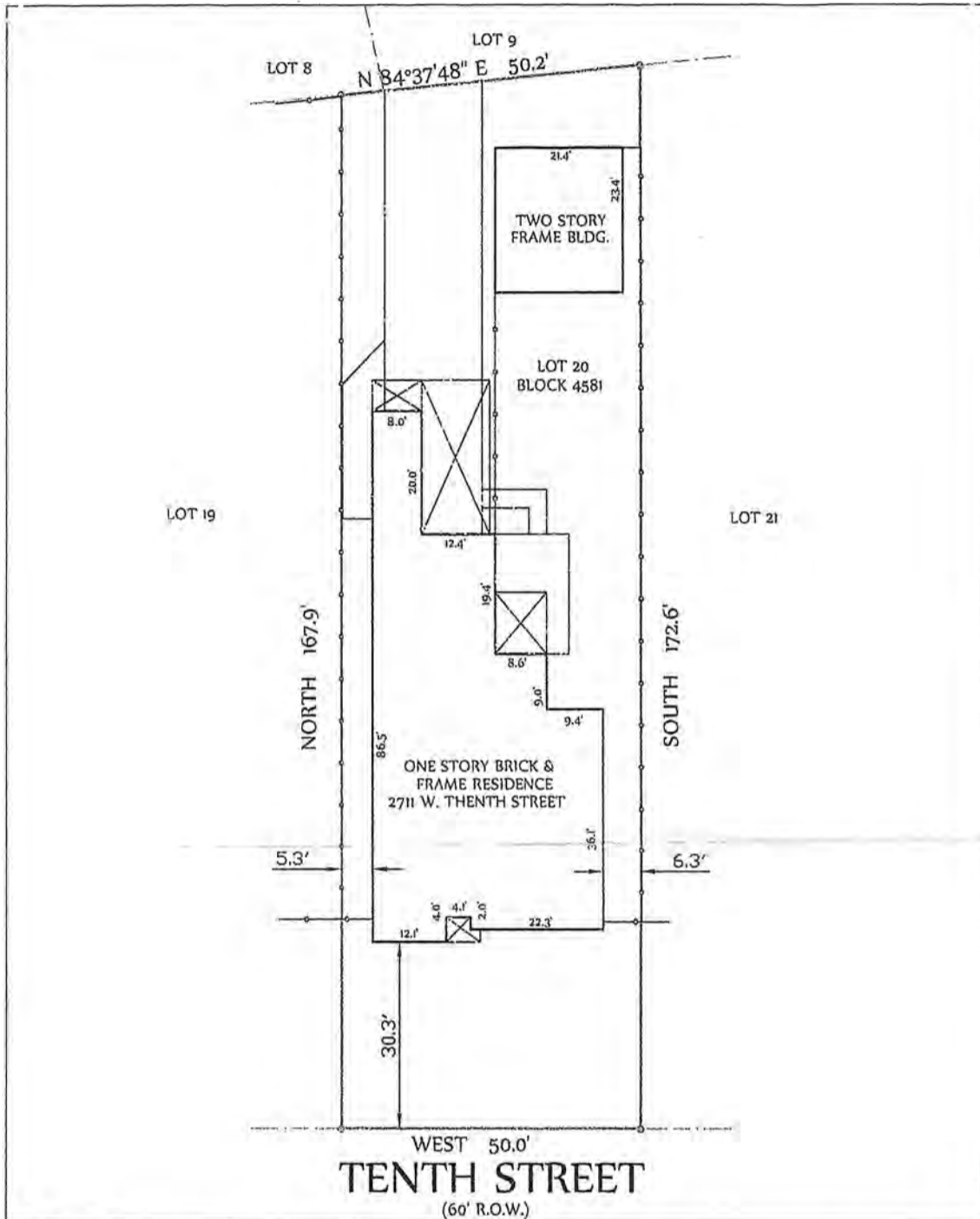
DRAWN :

SHEET NO.

DATE : 02.16.2022

1.0

Reference only.



LEGAL DESCRIPTION:
 Lot 20, City Block 4581, of Terry Heights, an addition to the City of Dallas, Dallas County, Texas, according to the map thereof recorded in Volume 1778, Page 415, Map Records, Dallas County, Texas.

SURVEYOR'S CERTIFICATION:
 THIS IS TO CERTIFY THAT ON THIS DATE A SURVEY WAS MADE ON THE GROUND, UNDER MY SUPERVISION, THAT THE SURVEY REFLECTS A TRUE AND CORRECT REPRESENTATION AS TO THE DIMENSIONS AND CALLS OF PROPERTY LINES, LOCATION AND TYPE OF IMPROVEMENTS. THERE ARE NO VISIBLE AND APPARENT EASEMENTS, ENCROACHMENTS, CONFLICTS, OR PROHIBITIONS, EXCEPT AS SHOWN. THE SUBJECT PROPERTY DOES NOT APPEAR TO LIE WITHIN THE LIMITS OF A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO THE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND HAS A ZONE 'X' RATING AS SHOWN BY MAP NO. 4813C0480 X DATED JULY 7, 2014. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE HEREON NAMED PURCHASER, MORTGAGE COMPANY, AND TITLE COMPANY AND THIS SURVEY IS MADE PURSUANT TO THAT CERTAIN TITLE COMMITMENT UNDER THE GF NUMBER SHOWN HEREON, PROVIDED BY THE TITLE COMPANY NAMED HEREON AND THAT THIS DATE, THE EASEMENTS, RIGHTS-OF-WAY, OR OTHER LOCATABLE MATTERS OF RECORD THAT THE UNDERSIGNED HAS KNOWLEDGE OR HAS BEEN ADVISED ARE AS SHOWN OR NOTED HEREON.



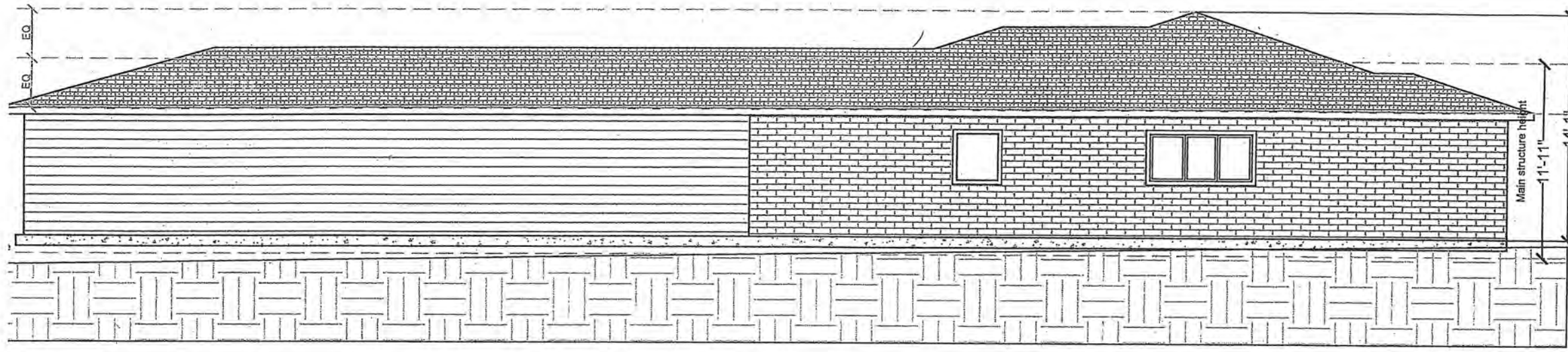
DATE: 12/03/14 JOB NO: 14-11-13



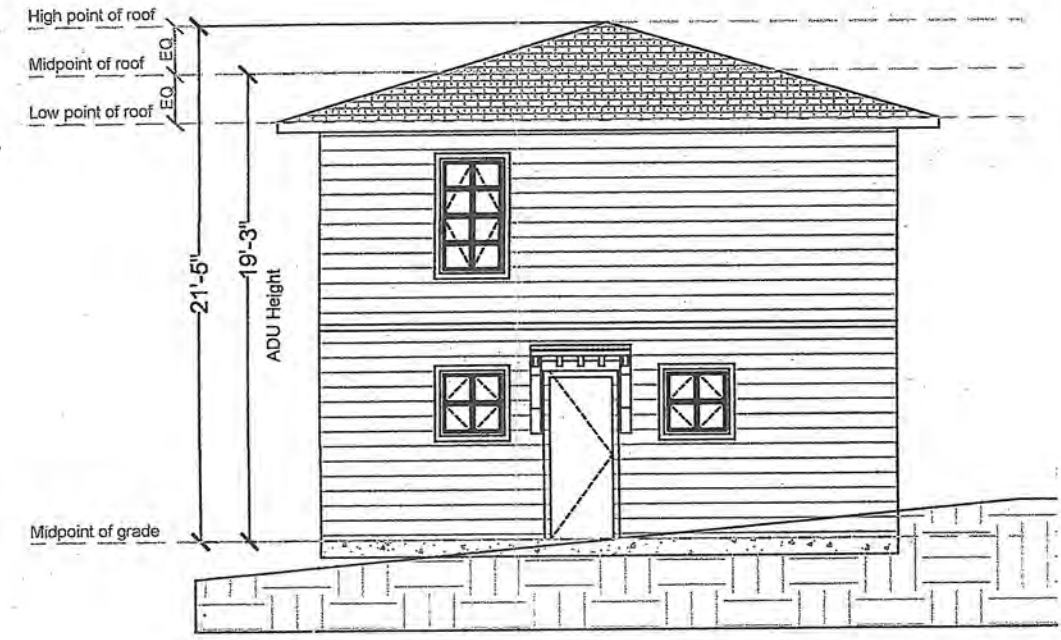
DAVID APPLE
 OFFICE 469-260-0828
 C/O INNOVATIVE SURVEYING
 120 E FM 544 STE 72 #263
 MURPHY, TX 75094

ACCEPTED BY:

GF. NO. 157935
 BORROWER ALANCO, LLC
 CAD AM
 FIELD FRBR



Reference only



Tenth Street House 2711 W. 10th Dallas, TX 75211

BLOCK 4581 LOT 20 CITY OF DALLAS NEIGHBORHOOD: 4DSG41 MAP GRID: 53G 5-9

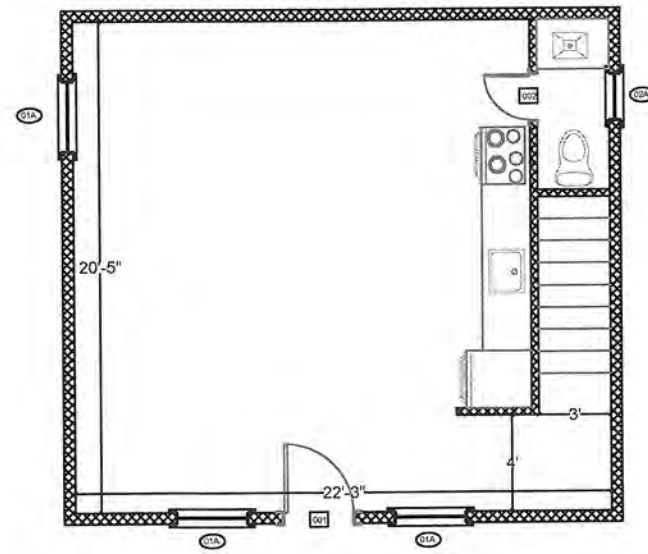
SHEET TITLE : SCALE : DRAWN : 1/8" = 1'-0" DATE : 03.08.2022	JOB NO. SHEET NO.
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△			
2			
3			
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NO	DATE	DESCRIPTION	BY
		DESCRIPTION	

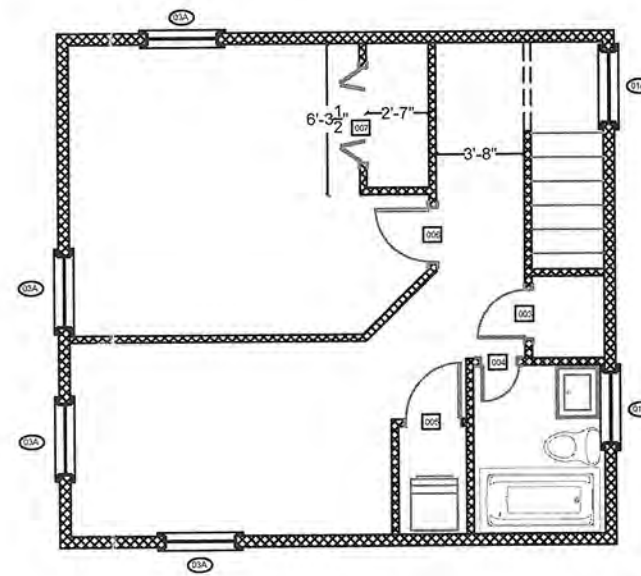
PLANS DRAWN BY:

DOOR SCHEDULE								
MARK	SIZE	THICKNESS	DOOR MATERIAL	FRAMATERIAL	RATING	GLAZING	HARDWARE	NOTES
001	3068 1	1' $\frac{3}{4}$ "	WOOD	WOOD	-	-	LOCK	
002	2068 1	1' $\frac{1}{2}$ "	WOOD	WOOD	-	-	LATCH	
003	2168 1	1' $\frac{1}{2}$ "	WOOD	WOOD	-	-	PRIVACY	
004	1768 1	1' $\frac{1}{2}$ "	WOOD	WOOD	-	-	LATCH	
005	2568 1	1' $\frac{1}{2}$ "	WOOD	WOOD	-	-	LATCH	
006	2488 1	1' $\frac{1}{2}$ "	WOOD	WOOD	-	-	PRIVACY	
007	2068 2	1' $\frac{1}{2}$ "	WOOD	WOOD	-	-	LATCH	FOLDING DOOR

References only



1ST FLOOR



2ND FLOOR

WINDOW/GLASS SCHEDULE				
MARK	RO WIDTH	RO HEIGHT	MATERIALS	NOTES
01A	3' 0"	3' 0"	VINYL	
02A	2' 0"	2' 0"	VINYL	
03A	3' 0"	5' 0"	VINYL	

PLANS DRAWN BY:

PAPER SIZE: A52 B 17"x17"

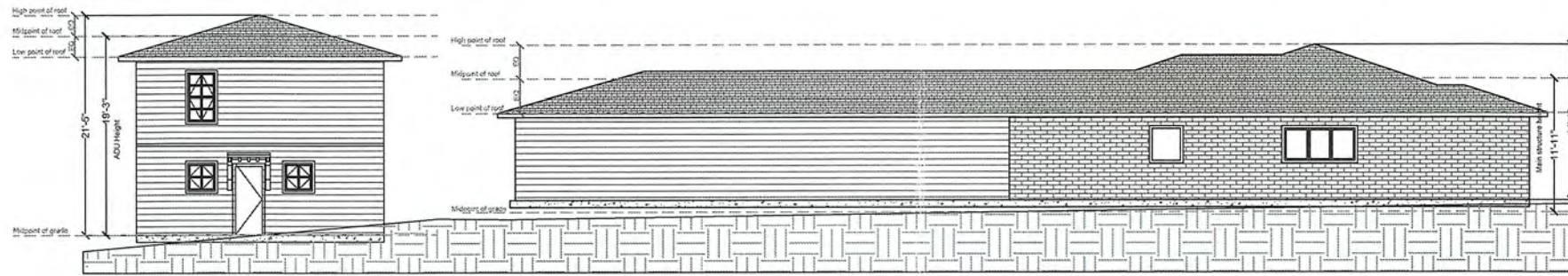
PERMIT SET	NO	DATE	DESCRIPTION	BY
07.11.2021				

Tenth Street House
2711 W. 10th
Dallas, TX 75211

BLOCK 4581 LOT 20 CITY OF DALLAS NEIGHBORHOOD: 4DSG41 MAP GRID: 53G

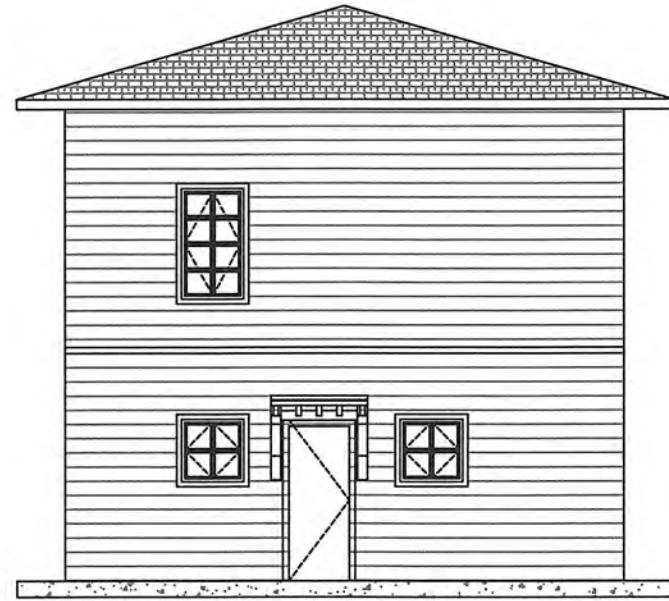
SHEET TITLE: BACK UNIT AFTER PLAN	
SCALE: 1/8" = 1'-0"	JOB NO.
DRAWN:	SHEET NO. 13.0
DATE: 02.16.2022	

Reference only.

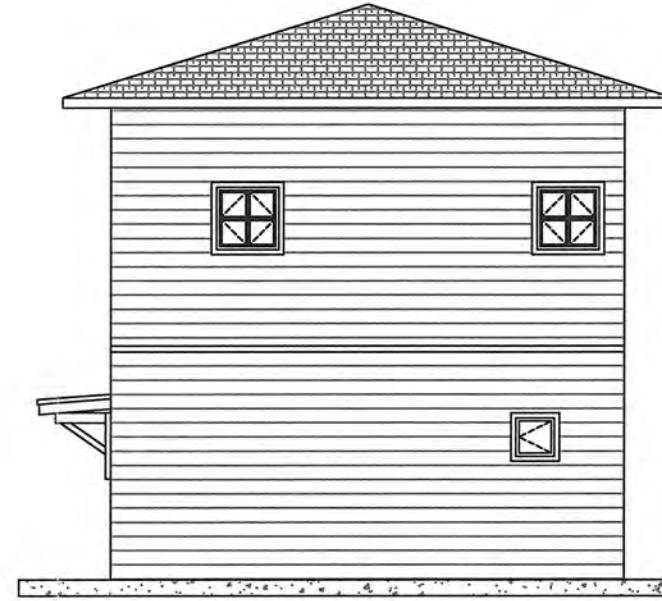


WEST ELEVATION

PLANS DRAWN BY:			
			BY
			DESCRIPTION
			DESCRIPTION
01/12/2021			DATE
△	△	△	NO
Tenth Street House 2711 W. 10th Dallas, TX 75211 BLOCK 4581 LOT 20 CITY OF DALLAS NEIGHBORHOOD: 4DSG41 MAP GRID: 53G			
SHEET TITLE :			
SCALE :	JOB NO.		
DRAWN : 1/8" = 1'-0"	SHEET NO.		
DATE : 03.08.2022			

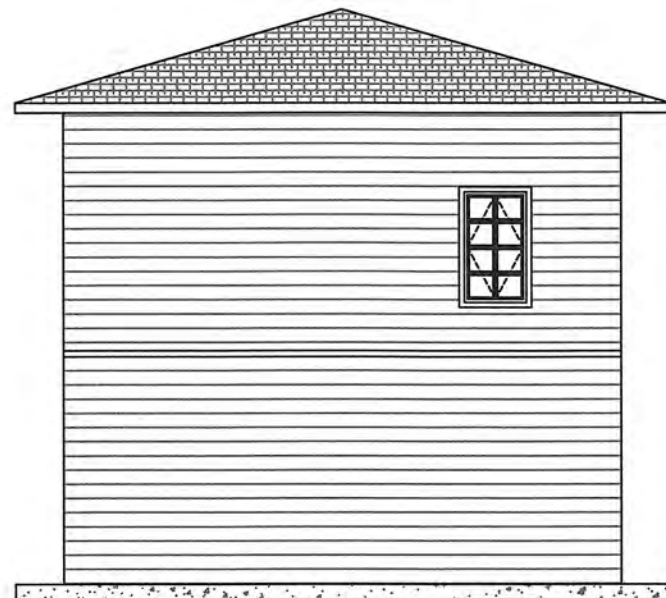


WEST ELEVATION

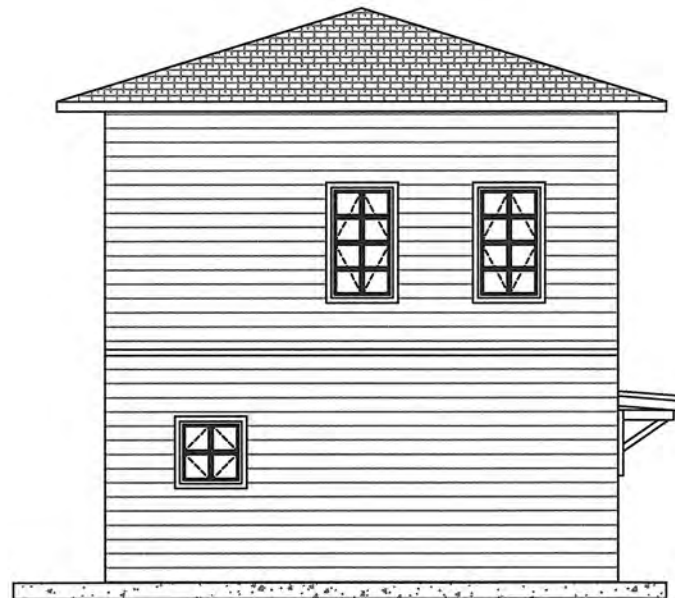


SOUTH ELEVATION

Reference only



EAST ELEVATION



NORTH ELEVATION

PLANS DRAWN BY:

PAPER SIZE - ANSI B (11"x17")

PERMIT SET	NO	DATE	DESCRIPTION	BY

Tenth Street House
2711 W. 10th
Dallas, TX 75211

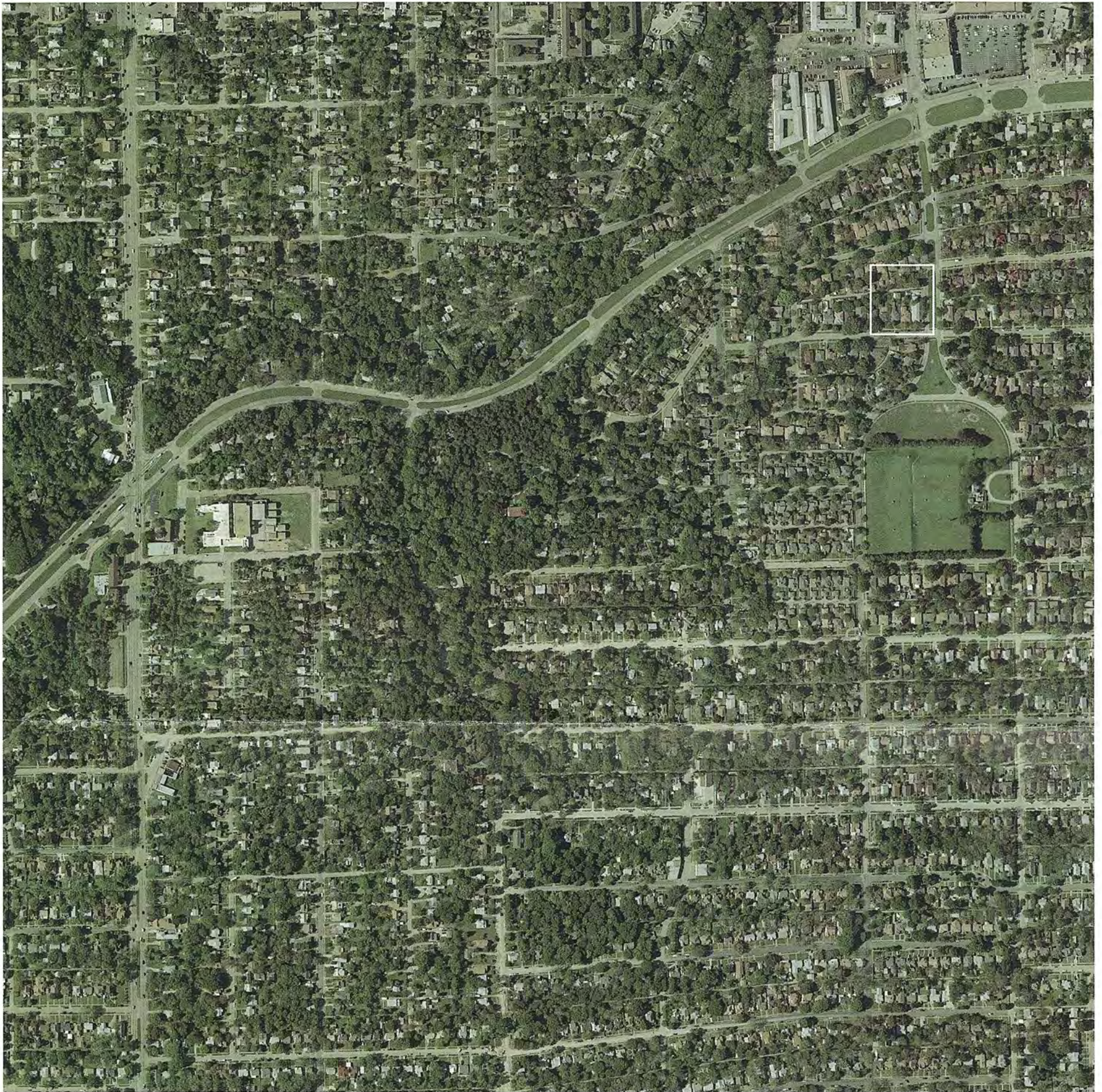
BLOCK 4581 LOT 20 CITY OF DALLAS NEIGHBORHOOD: 4DSG41 MAP GRID: 53G

SHEET TITLE : BACK UNIT ELEVATIONS	
SCALE : 1/8" = 1-0"	JOB NO.
DRAWN :	SHEET NO. 14.0
DATE : 02.16.2022	



USGS Map from Feb 2001

- Entity ID: 660422_14SPB990240
- Acquisition Date: 2001-02-15
- State: TX
- Coordinates: 32.7424849784717 , -96.8680887004529





FILE NUMBER: BDA212-040(PD)

BUILDING OFFICIAL'S REPORT: Application of Pierre Esparza represented by Rogelio Esparza for a special exception to the fence height regulations at 5933 Northaven Road. This property is more fully described as Lot 17 in City Block C/6384 and is zoned an R-16(A) Single Family District, which limits the height of a fence in the front yard to four feet. The applicant proposes to construct a six-foot-tall fence, which will require a two-foot special exception to the fence regulations.

LOCATION: 5933 Northaven Road

APPLICANT: Pierre Esparza represented by Rogelio Esparza

REQUEST:

The applicant proposes a fence with a maximum height of six feet, located approximately five feet one inch from the front lot line along Northaven Road. The site is currently developed with a two-story single-family dwelling.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site is currently developed. Surrounding properties to the north, east, and west are developed with single-family uses while the property to the south is developed with an open space amenity.

Zoning/BDA History:

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

1. BDA189-077: On August 21, 2019, Panel B, Board of Adjustment granted a special exception to the visual obstruction regulations at 5609 Del Roy Drive.
2. BDA178-023: On February 21, 2018, Panel B, Board of Adjustment granted a special exception to the fence standards regulations at 6207 Yorkshire Drive.
3. BDA178-071: On June 20, 2018, Panel B, Board of Adjustment granted a special exception to the fence standards regulations at 6207 Yorkshire.
4. BDA178-117: On November 12, 2018, Panel C, Board of Adjustment granted special exceptions to the fence standards and visual obstruction regulations at 11339 Royalshire Drive.

GENERAL FACTS/STAFF ANALYSIS:

The request for a special exception to the fence height regulations is proposed to construct and maintain a six-foot-tall fence which will require a two-foot special exception.

The property is currently developed with a two-story single-family dwelling unit. The applicant proposes a fence with a maximum height of six feet, constructed of cast stone or plaster columns with the fencing proposed of painted metal slats. Additionally, a 16-foot-wide vehicular gate is proposed on rubber rollers located along Northaven Road at a length of approximately 99.62 feet and a depth of 61 feet.

The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned an R-16(A) Single Family District and requires a minimum front yard setback of 35 feet.

The following information is shown on the submitted site plan:

- The fence with access gates along Northaven Road proposed is five feet one inch tall, located behind the front lot line with a depth of 61 feet.
- The proposed fence contains 18 cast stone or plaster columns.

- The proposed fence provides two gates: one for pedestrian traffic with an approximate width of five feet while the second gate is proposed for vehicular traffic with an approximate width of 16 feet. Both gates are proposed along Northaven Road.

According to Dallas County Appraisal District (DCAD) records, the site is developed with a two-story single-family dwelling consisting of approximately 6,404 square feet with additional improvements consisting of an approximately 204 square foot outdoor living area and an approximately 738 square foot attached garage constructed in 2021.

As of May 5, 2022, no letters have been submitted in support of the request and two letters have been submitted in opposition to the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of six feet located on Northaven Road 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 Northaven Road to be maintained in the locations and heights as shown on the site plan and elevation plan.

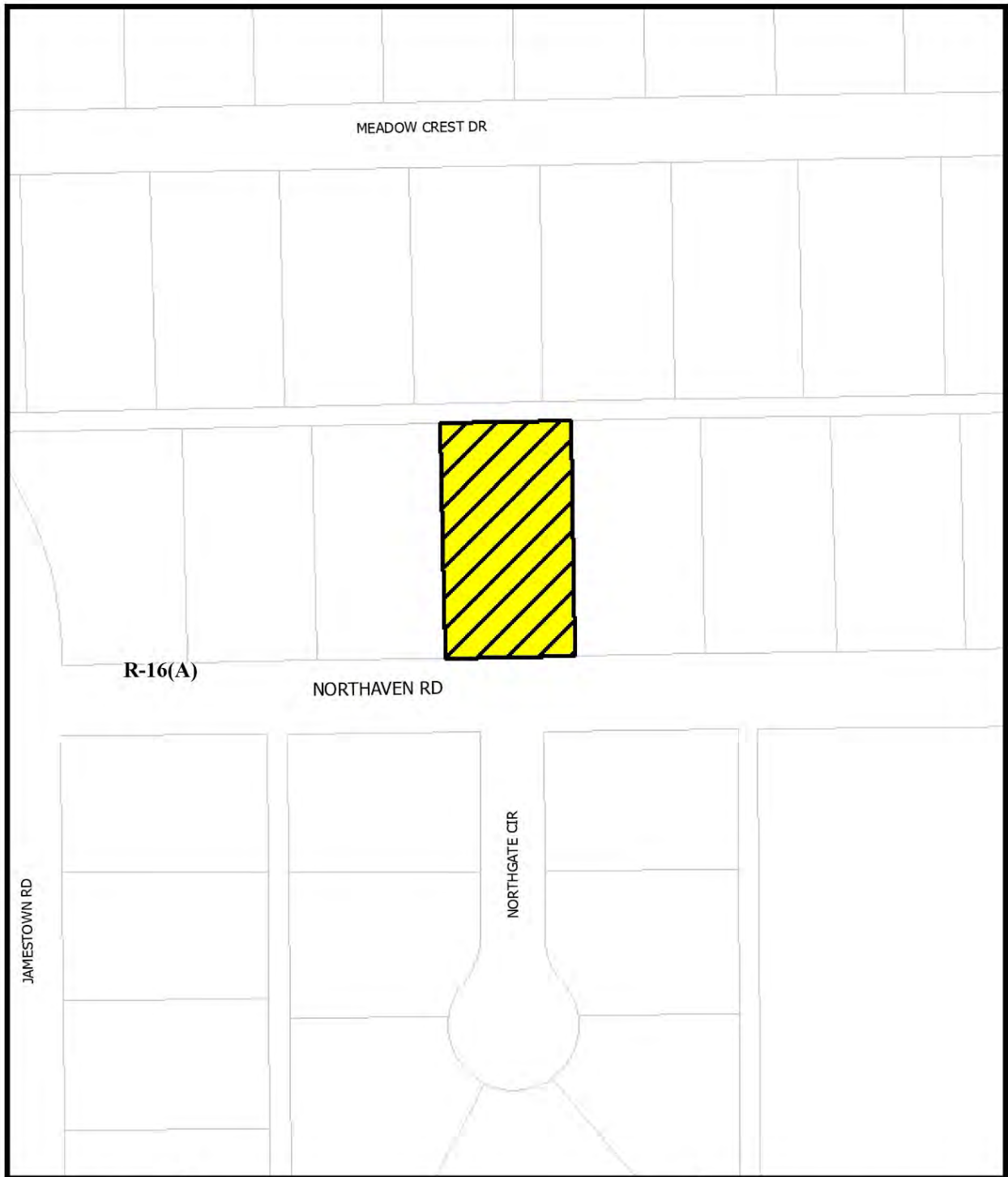
Timeline:

- Feb. 28, 2022: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- April 12, 2022: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- April 4, 2022: The Board Senior Planner emailed the representative the following information:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the April 27th deadline to submit additional evidence for staff to factor into their analysis; and the May 6th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 28, 2022:

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

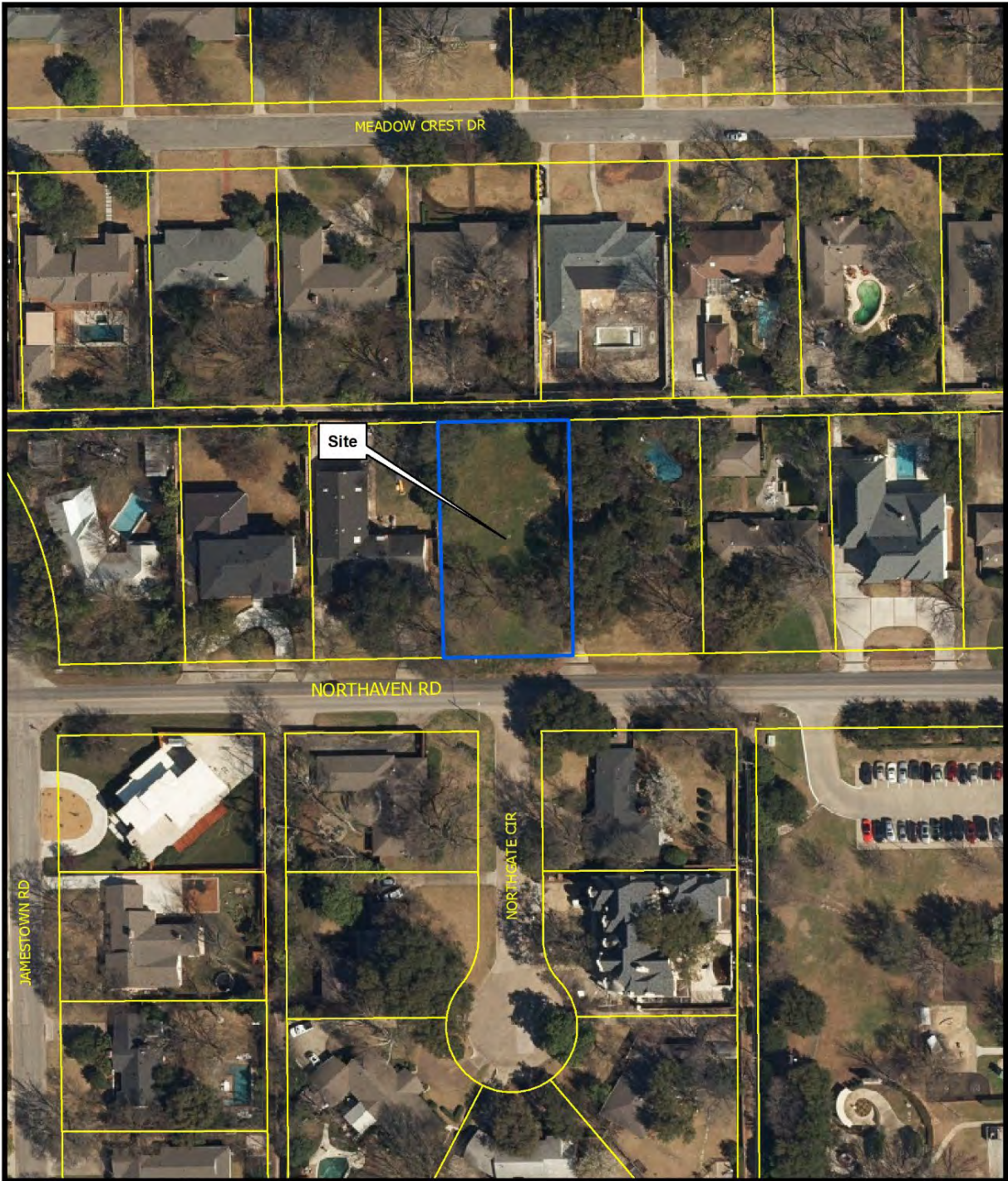


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ZONING MAP

Case no: BDA212-040

Date: 4/18/2022

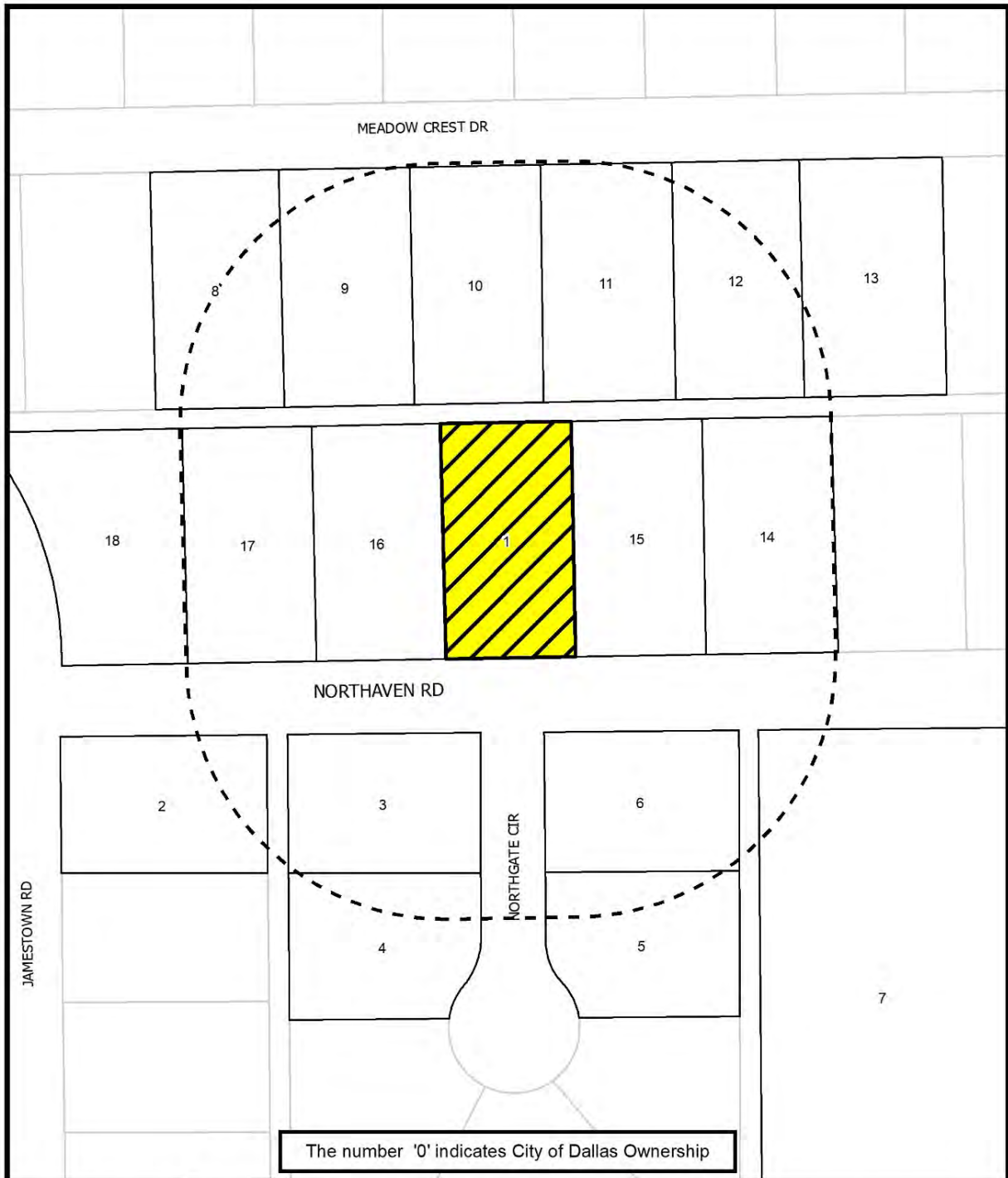


1:1,200

AERIAL MAP

Case no: BDA212-040

Date: 4/18/2022



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA212-040**

Date: **4/18/2022**

04/18/2022

Notification List of Property Owners

BDA212-040

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5933 NORTHAVEN RD	CDE INVESTMENTS LLC
2	11248 JAMESTOWN RD	PINE TREE REAL ESTATE &
3	11223 NORTHGATE CIR	ROBERTSON DOUGLAS W &
4	11215 NORTHGATE CIR	SHARP LAFAYETTE JACKSON
5	11216 NORTHGATE CIR	MENDEZ LEOVARES
6	11224 NORTHGATE CIR	BROWN CHRISTOPHER L & JESSI &
7	11211 PRESTON RD	NORTHAVEN METHODIST CH
8	5824 MEADOW CREST DR	NOLLER MARY HARRIS & BRUCE A
9	5832 MEADOW CREST DR	SWALDI GARRETT B & JANE E
10	5840 MEADOW CREST DR	GILL JEFFREY T & DEBORAH R
11	5908 MEADOW CREST DR	YEAGER DANIEL CHRISTOPHER
12	5916 MEADOW CREST DR	PACKIANATHAN SAKTHIVELAN &
13	5924 MEADOW CREST DR	WILK GREGORY & SUSAN
14	5949 NORTHAVEN RD	OUREN FREDERICK
15	5941 NORTHAVEN RD	BELLAVIGNA MICHELLE NICOLE &
16	5925 NORTHAVEN RD	BRYAN MEAGAN TESDALL &
17	5915 NORTHAVEN RD	SANAM PROP LLC
18	5907 NORTHAVEN RD	CHU DENNIS T



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-040
Date: 2/10/2020 ^{PE} ~~2/11/2022~~ ^{PE} 2-28-22

Data Relative to Subject Property:

Location address: 5933 Northaven rd. Zoning District: Single Family R-16(A)
Lot No.: 17 Block No.: C 6384 Acreage: .412 Census Tract: 134.00
Street Frontage (in Feet): 1) 100 2) 181 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CDE Investments LLC

Applicant: Pierre Esparza Telephone: 469-456-5285

Mailing Address: 1667 W Campbell Rd. APT 5206 Zip Code: 75044

E-mail Address: esparzapierre-1992 a) hot mail. com

Represented by: Rogelio Esparza Telephone: 214-499-0948

Mailing Address: 4402 Sherwood dr. Zip Code: 75150

E-mail Address: rogelio esparza a) ymail. com

Affirm that an appeal has been made for a Variance __, or Special Exception __, of building
a 6ft high front yard fence

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:

For the safety of small children and privacy
on a busy street.

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

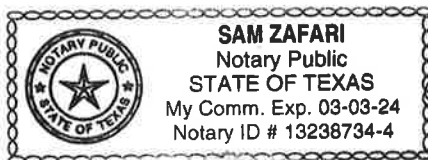
Before me the undersigned on this day personally appeared Pierre Esparza
(Affiant/Applicant's name printed)

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: Pierre Esparza
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 11 day of Feb, 2022

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

**MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT**

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

Building Official's Report

I hereby certify that Pierre Esparza
represented by ROGELIO ESPARZA
did submit a request for a special exception to the fence height regulations
at 5933 Northaven Road

BDA212-040. Application of Pierre Esparza represented by ROGELIO ESPARZA for a special exception to the fence height regulations at 5933 NORTHAVEN RD. This property is more fully described as Lot 17, Block C/6384, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-040

I, CDE Investments LLC, Rogelio Esparza Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 5933 Northaven Rd.
(Address of property as stated on application)

Authorize: Pierre Esparza
(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: Build a 6ft high front yard fence.

Rogelio Esparza
Print name of property owner or registered agent

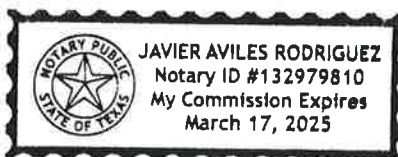
[Signature]
Signature of property owner or registered agent

Date February 16, 2022

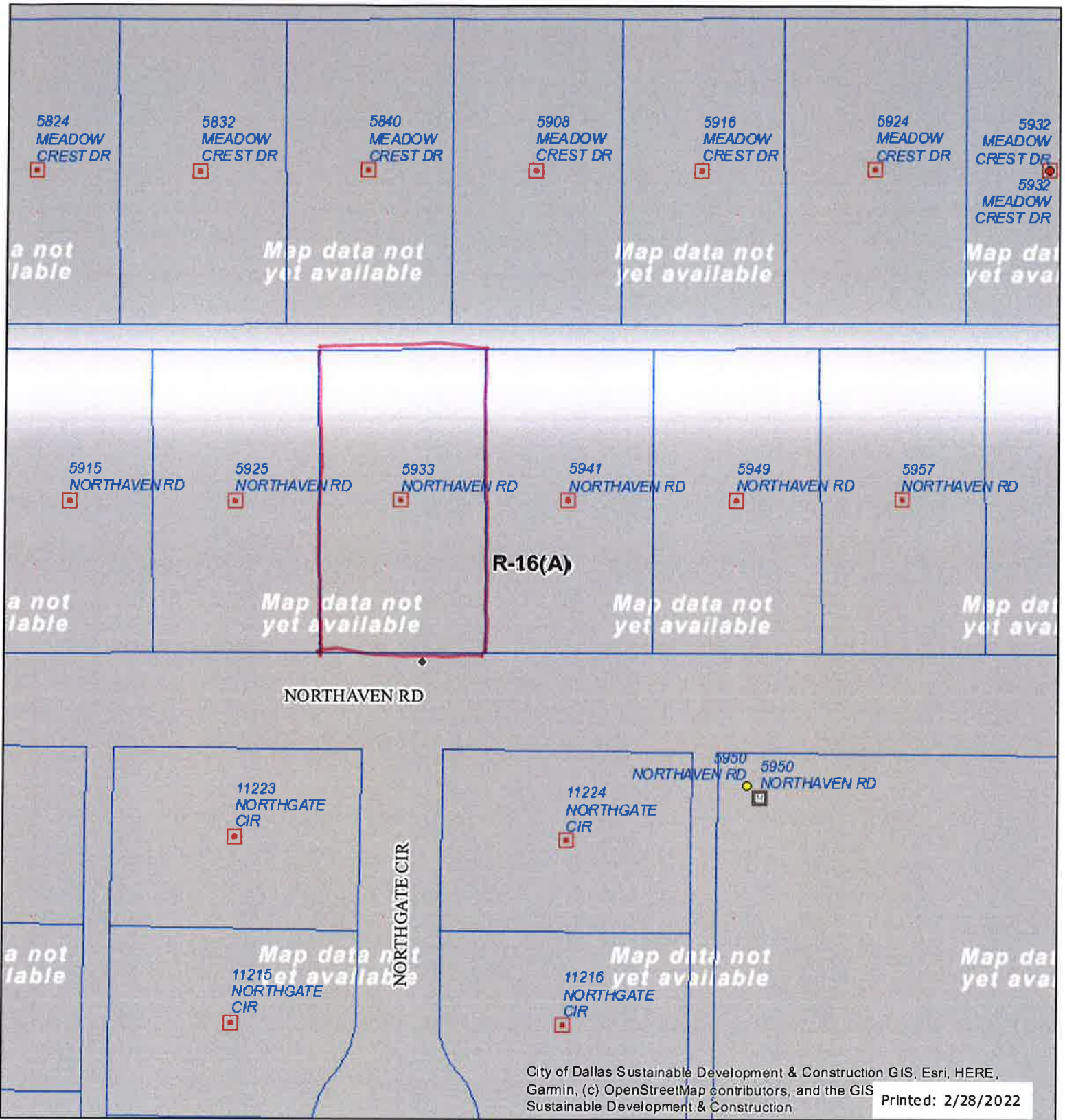
Before me, the undersigned, on this day personally appeared Rogelio Esparza

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 16 day of February, 2022



Javier Aviles Rodriguez
Notary Public for Dallas County, Texas
Commission expires on March 17, 2025



Legend

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

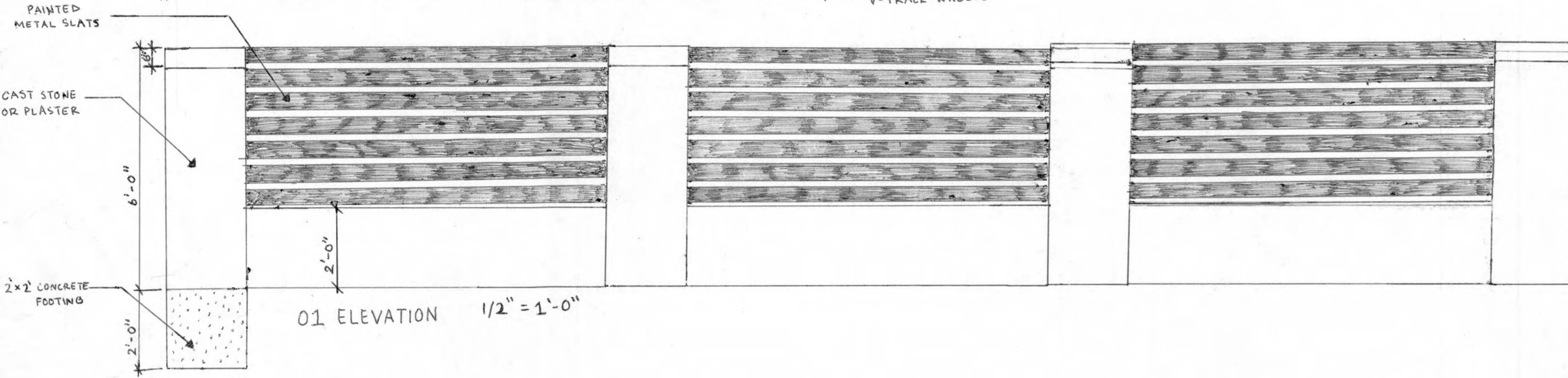
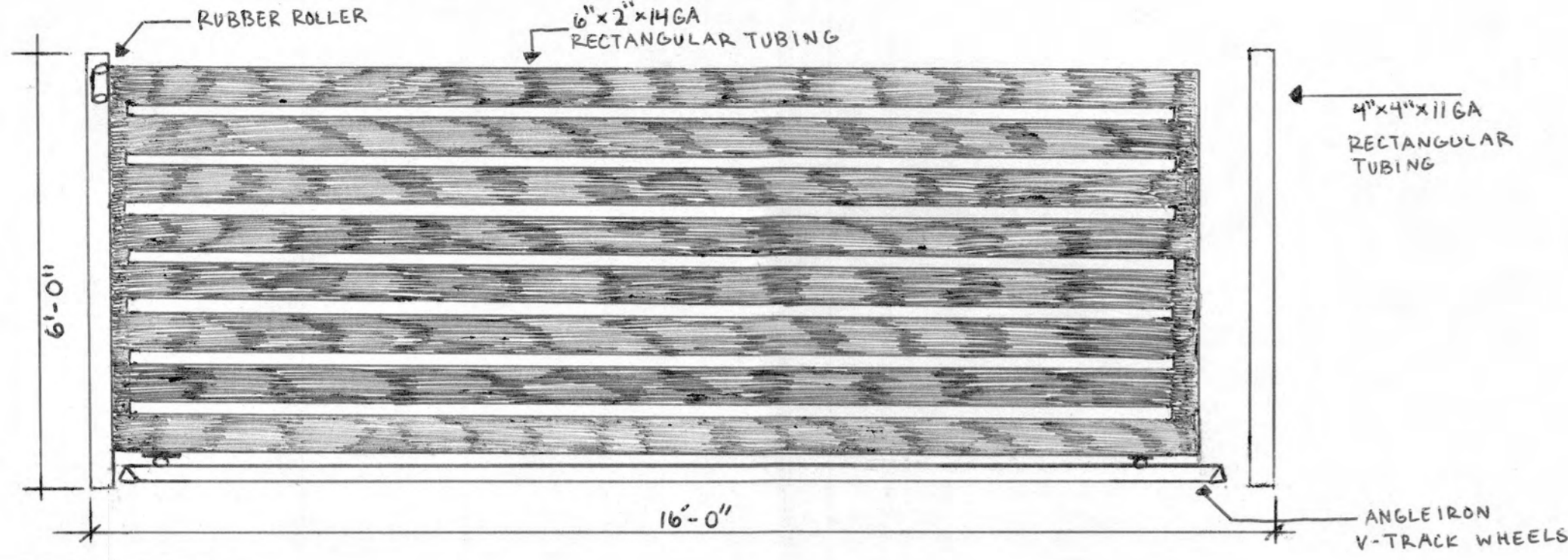
This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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



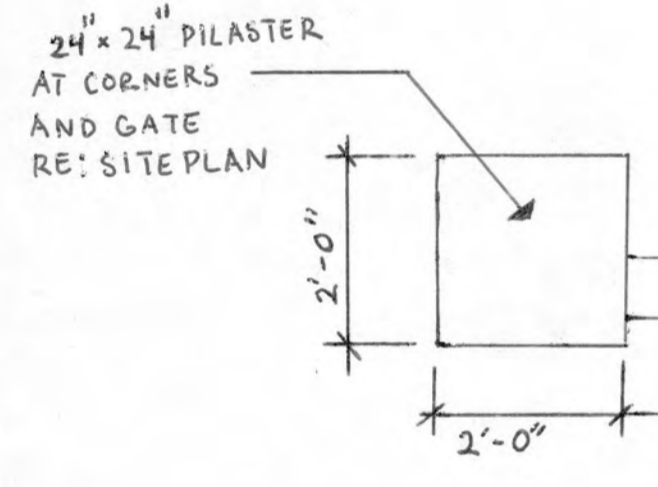


FRONT YARD FENCE

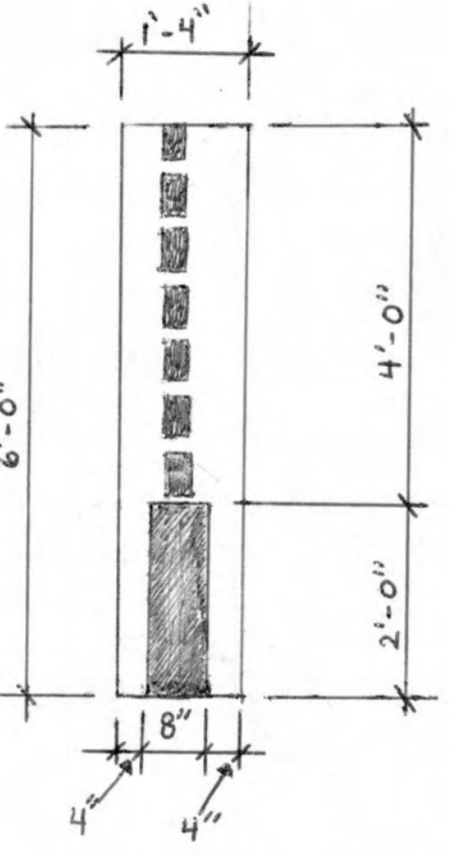
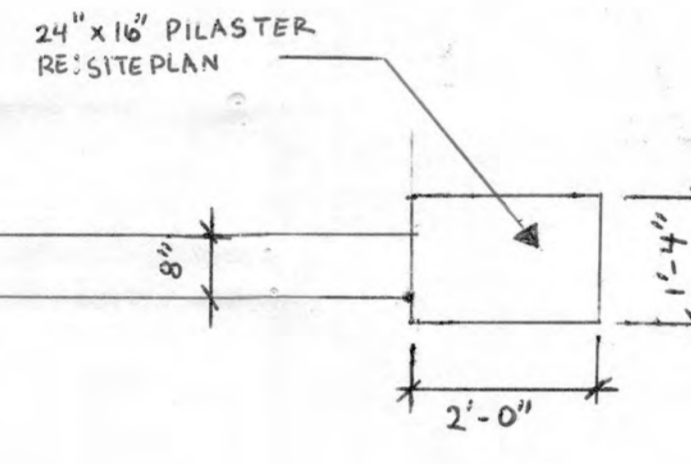
SLIDING GATE DETAIL 1/2" = 1'-0"



01 ELEVATION 1/2" = 1'-0"

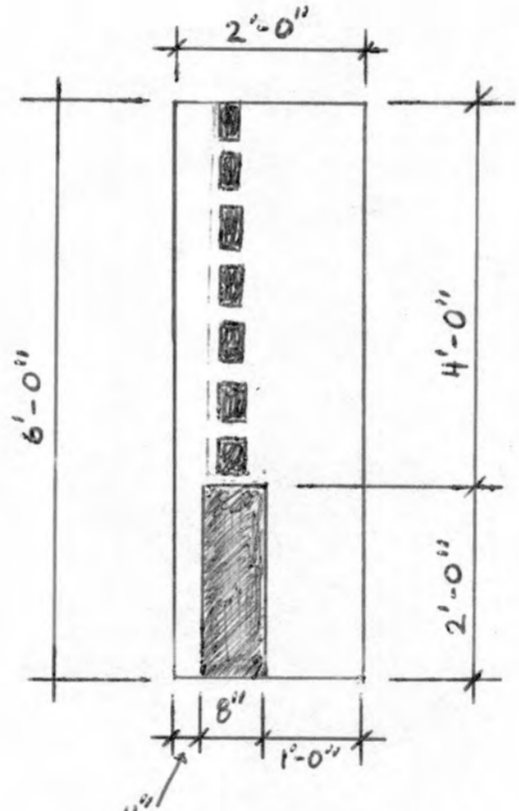


PLAN VIEW 1/2" = 1'-0"

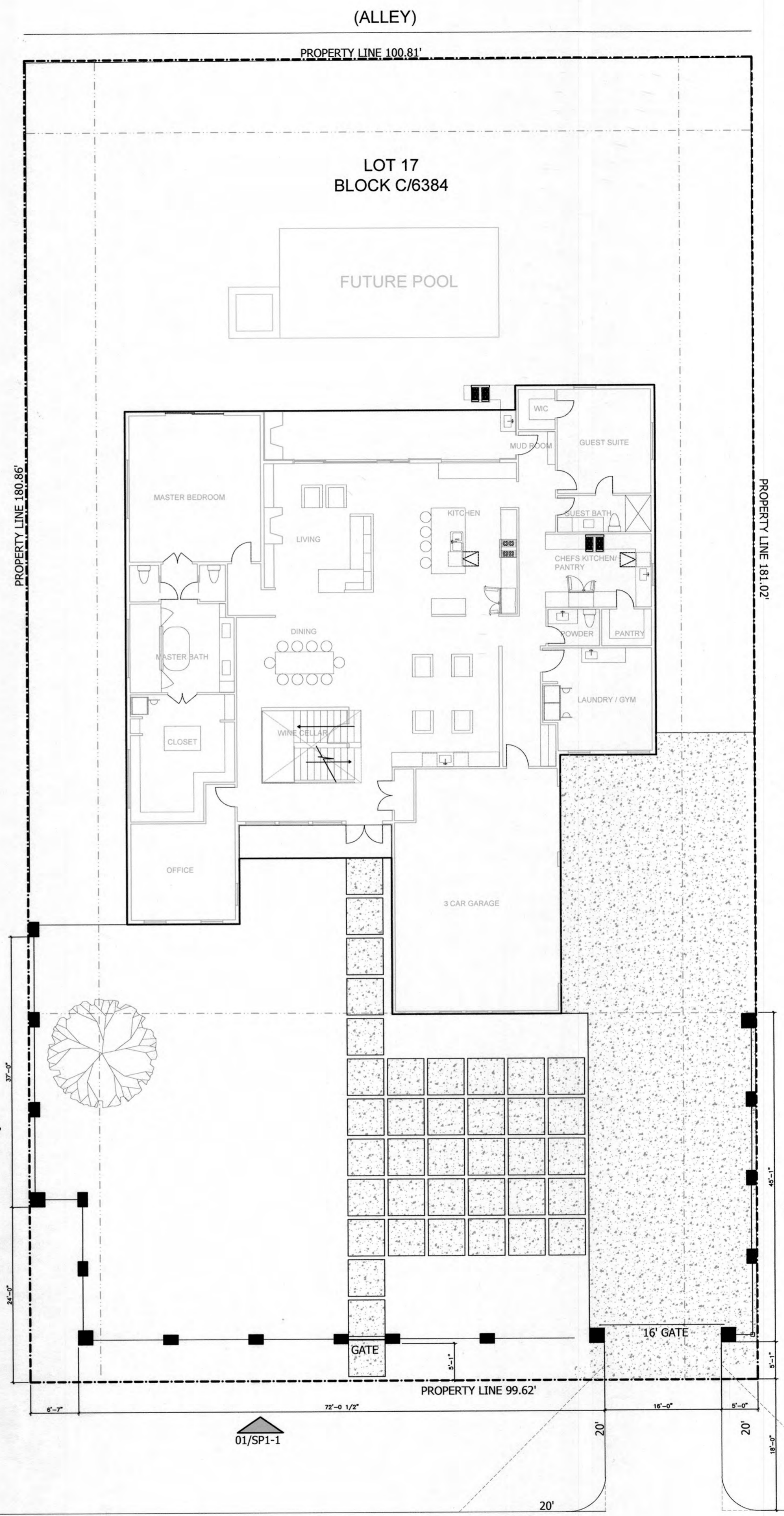


SIDE VIEW PILASTER @ MIDDLE PILASTERS

1/2" = 1'-0"



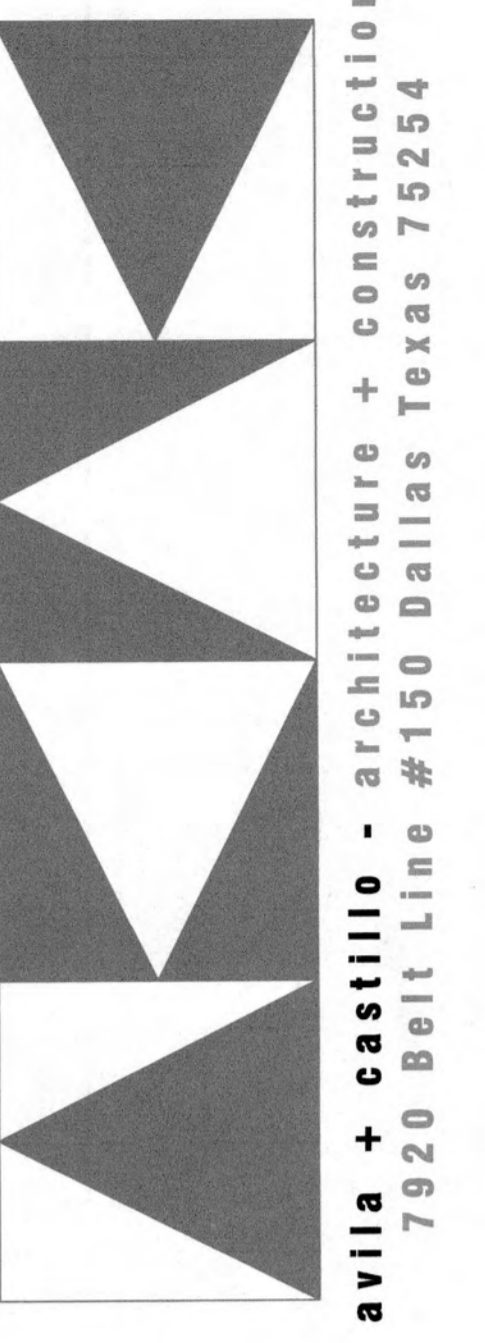
SIDE VIEW PILASTER @ CORNER PILASTERS



NORTHAVEN ROAD



SITE PLAN - FENCE
3/32" = 1'-0"



NEW RESIDENCE:
ESPARZA RESIDENCE
5933 NORTHAVEN RD DALLAS, TX



REVISIONS

PROJECT NUMBER
AC-12272018

DATE
3-5-2021

ISSUE

SHEET TITLE

SITE PLAN

SHEET NO.
SP1-1

CONSTRUCTION SET 8/12/2021

Panel C

05-16-22

BDA212-040

5933 Northaven Rd.

(Opposition Reference)

April 11, 2022

To: City of Dallas, Board of Adjustment

RE: Case Number BDA 212-040

From: Daniel & Michelle Bellavigna

5941 Northaven Road

Dallas, TX 75230

Please accept this letter as our formal protest for the front yard fence height exemption for the property located at 5933 Northaven Road. We own the neighboring property directly to the East.

A fence exceeding four feet will adversely affect our property. Our driveway runs along the property line to the west side of our home, and the proposed fence will run directly along our driveway. Visibility will be extremely difficult. We are concerned this will be a traffic visibility obstruction for us since it goes along the entire length of our driveway. As we often must back out of our driveway, we are concerned of the direct loss of safety for our family. The difference between four and six feet will be significant for our line of sight for oncoming traffic.

A fence exemption approval for this property would be inconsistent with every home in the neighborhood. All front yard fences within our neighborhood comply with the current City of Dallas development code and do not exceed four feet. (Seven example photos included) We could not locate a home in our neighborhood that has a fence outside of the current code. (Neighborhood defined as area within Royal and Forest; Preston & the Tollway)

We believe this will have a negative impact on our property value. A tall (4 feet +) fence will hinder the aesthetics and feeling of openness within our neighborhood. We have owned in this neighborhood for almost 10 years, and we aren't interested in living in what feels like neighboring fortresses with tall fences. Approving any exemption will create a precedent in our neighborhood and open many additional exemption requests.

Four-foot fences are adequate for keeping children safe in a yard to play. We thankfully live in an area of Dallas with lower crime rates and enjoy the opportunity to see our neighbors. Openness, additional lighting, and increased visibility also deters crime and increases overall safety. Northaven Road is not considered a road heavily traveled within our community and should not be a consideration for a taller fence. Our children, ages 5 and 7, have safely played in our yard for many years. We have extremely close access to the Northaven Trail for safer opportunities for families to be outside within an urban area. Additionally, we have an active voluntary extended neighborhood patrol (ENP) for additional safety.

The homes on both sides of 5933 Northaven are well maintained, highly desirable, ranch style homes built in the late 1950's. I know we personally plan on staying in our home for many years. We want to welcome new builds and larger homes in our neighborhood while also not pushing out the smaller, original homes. We feel the current development codes assist with inclusivity for many homes with varying values in our neighborhood.

We have significant concerns about the additional fence height as a safety concern for our family by obstructing traffic visibility, adversely affecting our property, and fundamentally changing the overall aesthetics of our neighborhood. Please do not approve this exemption.

Sincerely,

Daniel & Michelle Bellavigna

CC:

Jennifer Munoz, Chief Planner/Board Administrator, City of Dallas

Attachments (examples of other neighborhood front yard fences within current code in our neighborhood)

Photo: 5972 Azalea



Photo: 5917 Burgandy



Photo 5627 Northaven Road



Photo: 5810 Meadow Crest



Photo: 5847 Boca Raton



Photo: 5609 Del Roy



Photo: 5838 Caladium



April 28, 2022

To: City of Dallas, Board of Adjustment

RE: Case Number BDA 212-040
Front Yard Fence Height Exemption Request

From:

Meagan and Doug Bryan
5925 Northaven Road
Dallas, TX 75231

Please accept this letter as our formal protest for the front yard fence height exemption for the property located at 5933 Northaven Road. 75230. We own the property next door (to the West). We've lived here for 14 years and plan to continue raising our 9- and 11-year old girls here. We call this our "forever" home. I feel like my kids and their friends are safe here and they often play in the front yard and ride their bikes on our driveway. We enjoy the open feel of the area and our proximity to great amenities like the Northaven Trail.

We've not yet met our future neighbors at 5933 but we have serious concerns about the requested height exemption. We are most worried about safety for cars entering Northaven from nearby driveways, especially those backing up. We've experienced a preview of the visibility problems during construction as contractor vehicles and other construction materials have moved around the property and impeded visibility; a permanent fence will be even worse.

Front yard fences are the exception in our neighborhood which is a mix of 1950's ranch-style homes and newer construction. I've only seen a few examples out of the hundreds of homes between Preston & the Tollway / Forest & Royal. On Northaven itself, for our stretch between Preston and the Tollway, there is only 1 home with a front fence out of the ~20 homes and it is at 4 feet. And it looks like 1 more has a 4 ft. fence under construction (at the corner of Northaven and the Tollway. While we have a mix of home ages and architectural styles in our neighborhood, I feel like the feeling of openness is a quality we can all share and enjoy.

I believe a front yard fence exceeding 4 feet will negatively impact our own property, those properties around us and the safety of our visiting friends and neighbors. Please do not approve this height exemption request.

Sincerely,

Meagan and Doug Bryan
5925 Northaven Rd

FILE NUMBER: BDA212-012(PD)

BUILDING OFFICIAL'S REPORT: Application of Elizabeth Alvarez Villaizan for a 12-foot-six-inch side yard variance, which will require a seven-foot-six-inch variance and a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use and provide eight of the required 12 off-street parking spaces, which will require a four-space variance (33 percent reduction) to the off-street parking regulations at 3900 N. Hampton Road. This property is more fully described as Lots 18 and 19 in City Block 11/7130 and is zoned a CR Community Retail District which requires compliance with off-street parking regulations per the use.

LOCATION: 3900 N. Hampton Road

APPLICANT: Elizabeth Alvarez Villaizan

REQUEST:

A request for variances to the side yard setback and the off-street parking regulations is made to maintain a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use [Shell Station] and provide eight of the required 12 off-street parking spaces. An addition was made to the general merchandise or food store 3,500 square feet or less use to provide for expansion of the service, but no additional off-street parking spaces were added.

UPDATE:

On April 29th, the representative conceded that the site does not have sufficient area to provide the residential buffer zone along the eastern portion of the site and the street buffer zone along the western portion of the site. Therefore, the representative requested a date and time to amend the Board application to include a request for a special exception to the landscape requirement. However, the deadline to provide revisions to staff was 1:00p.m. on April 27th. Since the representative missed the deadline to provide an alternate landscape plan for review and approval by staff, the representative is requesting a postponement to the June hearing.

STANDARD FOR A VARIANCE:

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

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

State Law/HB 1475 effective 9-1-21

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

STAFF RECOMMENDATION (side yard variance):

Approval, subject to compliance with the submitted site plan.

Rationale:

Staff concludes that the subject site is unique and different from most lots in the CR Community Retail District considering its restrictive lot area of 14,008 square feet. The applicant submitted a document (**Attachment A**) comparing lot size/area of six properties within the same zoning district. Per the comparative analysis, the average lot area is 34,609 square feet. Thus, in analyzing the comparative properties the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

STAFF RECOMMENDATION (off-street parking variance):

Approval.

Rationale:

Internal records show that permits were approved on April 19, 2018. The approved plans reflected an addition of 279 square feet and the provision of seven off-street parking spaces to meet the off-street parking requirement of one space per every 200 square feet of floor area ($279+810=1089/200=5.4$ or 5 required spaces plus two additional spaces for the fueling station). A subsequent inspection found a greater addition was constructed with 1,132 square feet of floor area in lieu of the approved one of 279 square feet. The greater floor area of the structure then triggered a much greater requirement in the off-street parking requirement of 12 spaces rather than the seven-existing on-site in 2018. As a result, staff concludes that the requested variance to provide eight of the required 12 off-street parking spaces, which will require a four-space variance (33 percent reduction) to the off-street parking regulations.

To assist the board in its decision-making, the Senior Engineer within the Transportation Development Services Division Department of Transportation reviewed the area of request and information provided by the applicant. A comment sheet (**Attachment B**) submitted in review of the request reflects a recommendation of “no objection” with a comment that the site plan must meet City standards as outlined below.

- No driveways allowed closer than 55 feet from intersection
- Number of driveway approaches must be minimized
- Must restore curb for all abandoned driveway approaches

- Sidewalk and barrier free ramp requirements apply
- Driveway width and design standards apply

BACKGROUND INFORMATION:

Zoning:

Site: CR Community Retail District
North: CR-D Community Retail District w/a D Liquor Control Overlay
East: R-5(A) Single Family District
South: CR Community Retail District
West: Tract 7 within PDD No. 508

Land Use:

The subject site is developed with a general merchandise or food store 3,500 square feet or less use, and a motor vehicle fueling station use [Shell Station]. The property to the north is developed with an office use; immediately adjacent to the east is undeveloped; to the south across Leath Street is developed with an auto-related use; and, to the west across N. Hampton Road is developed with a utility or government installation other than listed [Dallas Housing Authority].

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

A request for a variance to construct and maintain a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station use and a variance to the off-street parking regulations of four spaces is made to maintain a general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station use [Shell Station] and provide eight of the required 12 off-street parking spaces. An addition was made to the general merchandise use to provide for expansion of the use; however, no increase to the off-street parking was provided.

The site is zoned a CR Community Retail District, which requires the off-street parking requirements to be provided per Chapter 51A. Accordingly, per SEC 51A-4.210(b)(24), a general merchandise or food store 3,500 square feet or less use off-street parking requirement is one space per 200 square feet of floor area while a motor vehicle fueling station use off-street parking requirement is two spaces. Per the requirement, the proposed 1,932-square-foot general merchandise or food store 3,500 square feet or less use requires 9.66 off-street parking spaces. Since a fraction of a space is unobtainable,

the .66 is rounded to the nearest whole number. Thereby, 10 off-street parking spaces are required. Thus, the 10 off-street spaces required in addition to the two off-street spaces for the motor vehicle fueling station use, requires a total of 12 off-street parking spaces for the site.

Additionally, Chapter 51A Sec. 51A-4.122(4)(B)(i) regulates the following **side yard** and rear yard setbacks:

(B) Side and rear yard. Minimum side and rear yard is:

(i) 20 feet where adjacent to or directly across an alley from R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(ii) no minimum in all other cases

According to the proposed site plan provided in review of the request, the general merchandise or food store 3,500 square feet or less use and the motor vehicle fueling station use operated legally under a Certificate of Occupancy granted August 24, 1984 and contained 810 square feet of floor area with seven off-street parking spaces provided. On April 19, 2018, building plans were submitted depicting the existing floor area of 810 square feet and the proposed 279-square-foot addition. Additionally, the existing structure provided the required 20-foot side yard setback along the rear of the structure which is adjacent to the undeveloped single-family district. However, construction of the site failed to ensure compliance of neither the setback of 20-feet for the existing structure nor the addition constructed adjacent to the single-family district with a larger footprint and floor area.

The proposed site plan depicts the addition aligned with the wall of the existing structure which compels staff to question whether the exterior wall of the structure was enlarged to further encroach into the single-family district, since the proposed addition was developed along the northern portion of the site in line with the existing 810-square-foot retail structure. One day later, on April 19, 2018, permits were subsequently cancelled along with trade permits (plumbing) and a new application for permits submitted on June 10, 2021, depicting the larger addition and the side yard encroachment.

The applicant submitted revised documents (**Attachment C**) comparing lot size/area of six properties within the same zoning district. Per the comparative analysis, the average lot area is 34,609 square feet while the subject site provides a lot area of 14,008 square feet. Thus, in analyzing the comparative properties the restrictive area of the subject site ensures that the site cannot be developed in a manner commensurate with development upon other parcels of land with the same zoning.

The Senior Engineer within the Transportation Development Services Division Department of Transportation recommends “no objection” of the request (**Attachment B**).

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

- The parking demand generated by the general merchandise or food store 3,500 square feet or less use and the motor vehicle fueling station use does not warrant the number of off-street parking spaces required; and,
- The variance of four spaces (or a 33 percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

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

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

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

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

- Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- The municipality consider the structure to be a nonconforming structure.

As of May 5, 2022, no letters have been submitted in support nor in opposition of the request.

If the board grants the side yard setback variance and the variance to the off-street parking requests and imposes the submitted site plan as a condition, development would be limited to what is shown on this document. Granting these variances will not provide any relief to the Dallas Development Code regulations.

Timeline:

Dec. 10, 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.

Dec. 28, 2021: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

January 3, 2022: The Board of Adjustment Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the January 26th deadline to submit additional evidence for staff to factor into their analysis; and the February 11th 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.”

January 27, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the February public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the

Conservation Districts Chief Planner, the Senior Engineer, and the Assistant City Attorney to the board.

- February 7, 2022: The representative submitted evidence (**Attachment A**) for staff consideration.
- February 16, 2022: The representative submitted an email requesting a postponement to the Panel C Board of Adjustment hearing to March.
- March 14, 2022: The Senior Engineer within the Transportation Development Services Division of the Department of Transportation recommends “no objection” the request (**Attachment B**).
- March 21, 2022: The applicant requested a postponement to the Panel C Board of Adjustment hearing to May.
- March 24, 2022: Staff informed the representative that the subject site triggered compliance with Article X.
- April 27, 2022: The representative provided revised evidence to staff (**Attachment C**) for staff consideration.
- April 28, 2022: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the May public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Board of Adjustment Senior Planner, the Building Inspection Chief Planner, the Chief Arborist, the Senior Engineer, and the Assistant City Attorney to the board.
- April 29, 2022: The representative conceded that the site does not have sufficient area to provide the residential buffer zone along the eastern portion of the site and the street buffer zone along the western portion of the site. Therefore, the representative requested a date and time to amend the Board application to include a request for a special exception to the landscape requirement. However, the deadline to provide revisions to staff was 1:00p.m. on April 27th. Since the representative missed the deadline to provide an alternate landscape plan for review and approval by staff, the representative is requesting a postponement to the June hearing.
- May 2, 2022: The Senior Engineer within the Transportation Development Services Division of the Department of Transportation recommends “no objection” the request (**Attachment B**).

Minutes:

BOARD OF ADJUSTMENT ACTION: March 21, 2022

APPEARING IN FAVOR: Elizabeth Alvarez 3900 Hampton Rd. Dallas, TX

Anand Gupta 3900 Hampton Rd. Dallas, TX

Roberto Nunez 3900 Hampton Rd. Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: **Slade**

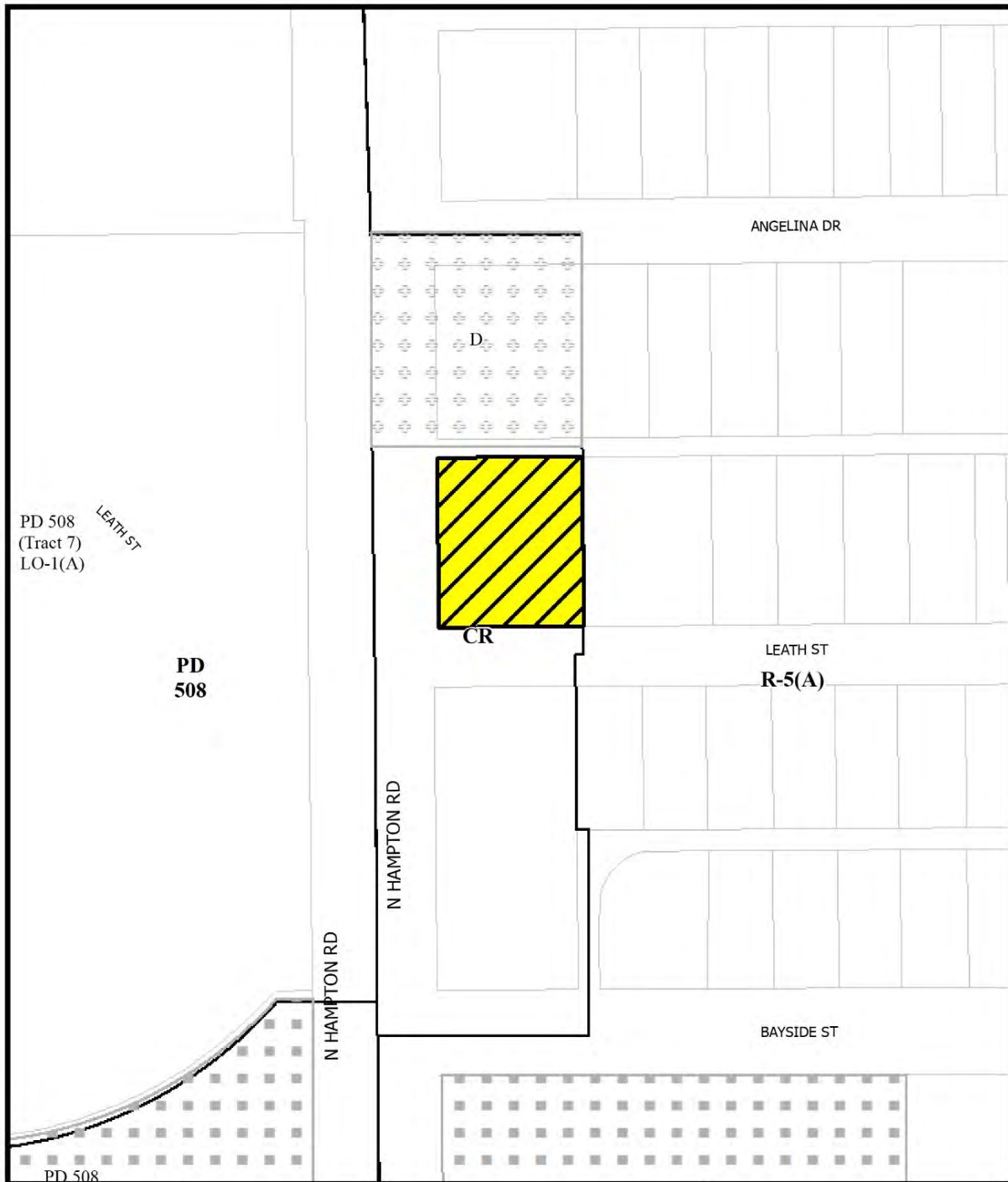
I move that the Board of Adjustment, in Appeal No. BDA 212-012, **hold** this matter under advisement until **May 16, 2022**.

SECONDED: **Pollock**

AYES: 4 – Milliken, Slade, Pollock, Agnich, Sashington

NAYS: 1 - Agnich

MOTION PASSED: 4–1



1:1,200

ZONING MAP

Case no: BDA212-012

Date: 1/5/2022



1:1,200

AERIAL MAP

Case no: BDA212-012

Date: 1/5/2022



 1:1,200	NOTIFICATION		Case no: <u>BDA212-012</u>
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">22</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <u>1/5/2022</u>

01/04/2022

Notification List of Property Owners

BDA212-012

22 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3900 N HAMPTON RD	MUKTA INVESTMENTS LLC
2	3930 N HAMPTON RD	ABUNDANT FAITH CHURCH
3	2059 ANGELINA DR	WILLIAMS JARED MIKAL LIFE EST
4	3918 N HAMPTON RD	ORGANIZATION OF HISPANIC CONTRACTORS
5	2058 ANGELINA DR	MARTINEZ CESAR
6	2054 ANGELINA DR	GARCIA ROSALINDA C
7	2050 ANGELINA DR	MORENO FRANCISCO SOSA
8	2046 ANGELINA DR	BURTON JESSIE JR
9	2042 ANGELINA DR	WRIGHT PAUL C
10	2055 LEATH ST	HARDAWAY JOHN ETTA
11	2051 LEATH ST	EL PASO GROUP LLC THE
12	2047 LEATH ST	LOCKHART JOYCE A
13	2043 LEATH ST	LOZA JONATHAN D & ESMERALDA C
14	3818 N HAMPTON RD	OGBAZGI SEMERE GELAI &
15	2058 LEATH ST	MIRELES ADAN &
16	2054 LEATH ST	HENDERSON DARLINE JONES &
17	2050 LEATH ST	HARRIS AMANDA MARIE
18	2046 LEATH ST	LEWIS DESTINEE
19	2042 LEATH ST	SPRINGER JAKE
20	2055 BAYSIDE ST	SMITH DARRYL LARONE
21	2051 BAYSIDE ST	MACEDO ARCADIO
22	3939 N HAMPTON RD	DALLAS HOUSING AUTHORITY



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 212-012

Date: 12-10-21

Data Relative to Subject Property:

Location address: 3900 N HAMPTON Zoning District: CR

Lot No.: 18 AND 19 Block No.: 11 / 7130 Acreage: .3216 Census Tract: 101.01

Street Frontage (in Feet): 1) 110' 2) 130' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MUKTA INVESTMENTS, LLC

Applicant: ELIZABETH ALVAREZ VILLAIZAN Telephone: 972.322.0062

Mailing Address: 2929 KINGS RD. DALLAS, TEXAS Zip Code: 75219

E-mail Address: ALCHEMIDG@OUTLOOK.COM

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of 7' - 6 TO THE SIDE YARD SETBACK, AND A 6 SPACE PARKING VARIANCE

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:

VARIANCE REQUEST TO CHANGE THE CURRENT SETBACK OF 20 FEET TO MATCH THE 12 FEET OF THE PREVIOUS LEGAL NON-CONFORMING BUILDING.

WE ALSO REQUEST FOR OFF-STREET PARKING REDUCTION SPECIAL EXCEPTION OR VARIANCE TO ALLOW THE CURRENT SITE PLAN WHICH ONLY SHOWS 11 PARKING SPACES

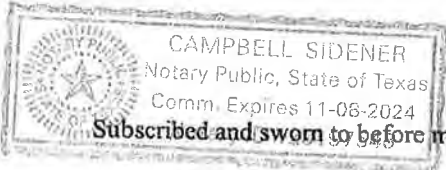
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

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

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

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



Subscribed and sworn to before me this 8 day of DECEMBER, 2021

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 Elizabeth Alvarez-Villaizan

did submit a request for a variance to the side yard setback regulations, and for a variance to the parking regulations
at 3900 N Hampton Road

BDA212-012. Application of Elizabeth Alvarez-Villaizan for a variance to the side yard setback regulations, and for a variance to the parking regulations at 3900 N HAMPTON RD. This property is more fully described as Lots 18 & 19, Block 11/ 7130, and is zoned CR, which requires parking to be provided and requires a side yard setback of 20 feet when adjacent to residential district. The applicant proposes to construct and maintain a commercial structure and provide a 12 foot 6 inch side yard setback, which will require a 7 foot 6 inch variance to the side yard setback regulations, and to construct and maintain a nonresidential structure for a general merchandise or food store 3500 square feet or less use, and a motor vehicle fueling station use and provide 8 of the required 14 parking spaces, which will require a 6 space variance (42% reduction) to the parking regulation.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 212-012

I, MUKTA INVESTMENTS, LLC / MUKTA BHADANI, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 3900 N HAMPTON DALLAS, TEXAS

(Address of property as stated on application)

Authorize: ELIZABETH ALVAREZ VILLAIZAN

(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 Excemption (specify below)

Other Appeal: (specify below)

Specify: VARIANCE REQUEST TO CHANGE THE CURRENT SETBACK OF 20 FEET TO MATCH THE 12 FEET OF THE PREVIOUS LEGAL NON-CONFORMING BUILDING. WE ALSO REQUEST FOR OFF-STREET PARKING REDUCTION SPECIAL EXCEPTION OR VARIANCE TO ALLOW THE CURRENT SITE PLAN WHICH ONLY SHOWS 11 PARKING SPACES

MUKTA BHADANI

Print name of property owner or registered agent

Mukta Bhadani

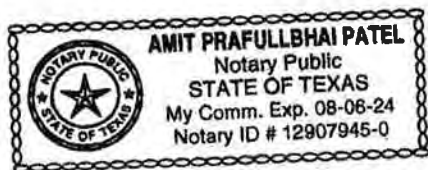
Signature of property owner or registered agent

Date 12/09/2021

Before me, the undersigned, on this day personally appeared Mukta Bhadani

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 December, 2021



Notary Public for Dallas County, Texas

Commission expires on Aug 6, 2021



Printed: 12/18/2021

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Roodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mills' Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 10-24 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)



COMUNITY SERVICE	19	20	21	22	23	24	25	26	28	29	30	31	32	33	34	35	36
EX. 1953	50	50	50	50	50	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2

2000

ANGELINA

61.61	50	50	50	50	50	50	50	50	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9
+	2	3	4	5	6	7	8	11	12	13	14	15	16	17	To State		
60.82	50	50	50	50	50	50	50	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9

7130/11

60.79	50	50	50	50	50	50	50	25	34	35	33	50	50	50	50	50	50
18	19	20	21	22	23	24	25	28	29	30	31	32	32				
60.83	50	50	50	50	50	50	50	25	34	35	33	50	50	50	50	50	50

LEATH

2000

CELL MANOR ADDN

ROOSEVELT

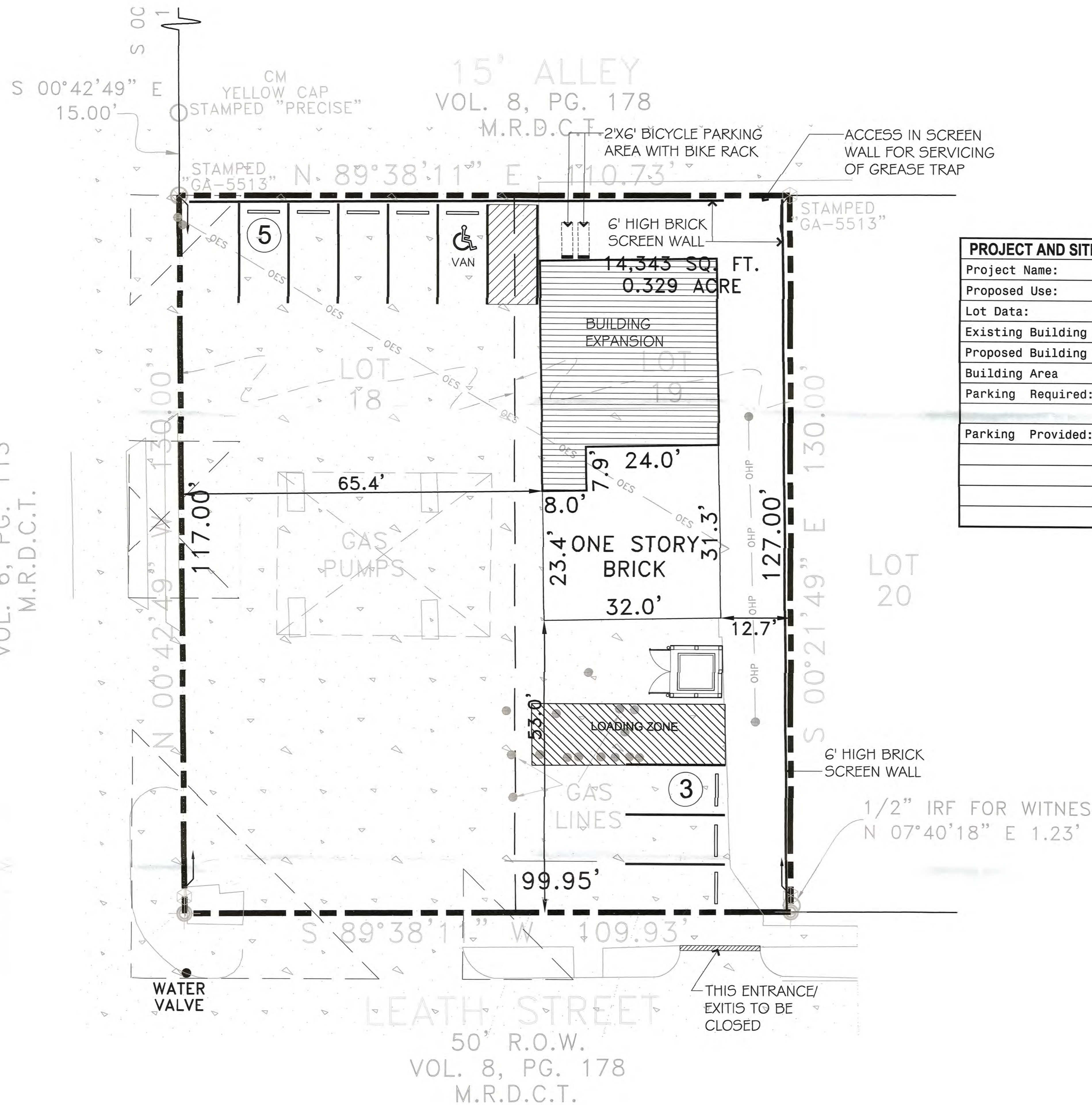
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WEISBERGERS

HAMPDEN

**LUCKY'S SHELL GAS STATION
ADDITION AND RENOVATION
3900 NORTH HAMPTON ROAD
DALLAS, TEXAS 75212**



PROJECT AND SITE DATA:	
Project Name:	LUCK'S CONVENIENCE STORE AND GAS STATION REMODEL
Proposed Use:	MERCHANTILE
Lot Data:	14,343 SQ. FT
Existing Building Area:	810 SQ. FT
Proposed Building Area:	1,555 SQ. FT
Building Area	2,365 S.F. (TOTAL)
Parking Required:	RETAIL 1/200 SF = 2,365 SF/200 = 11.8 SPACES
	TOTAL REQ = 12 SPACES
Parking Provided:	Regular = 7 SPACES
	Handicap = 1 SPACES
	Pump = 2 SPACES
	Loading Zone = 1 SPACE
	Total = 11 SPACES

N. HAMPTON ROAD
100' R.O.W.
VOL. 6, PG. 113
M.R.D.C.T.

LEATH STREET
50' R.O.W.
VOL. 8, PG. 178
M.R.D.C.T.

PROPOSED SITE PLAN
SCALE: 1" = 10'-0"

REVISION

CITY COMMENTS 08-09-2021
ADDENDUM 03-15-2019

ISSUE DATE
02-11-2019
PROJECT NUMBER
2019.0124.006
SHEET TITLE

SITE PLAN

SHEET OF X

A0.1



Alchemi Design Group
Dallas – Ft Worth

February 7, 2022

City of Dallas [Pamela F. Riley Daniel]
Planning Department
Senior Planner

Request for a variance for the property located at 3900 N Hampton.

Our client would like to request a variance for the 20-foot side yard setback requirement at the North side yard setback for the building located at 3900 N Hampton.

History of Project:

Mr. Anand Gupta hired a Contractor to build this addition to the Shell Gas Station located at 3900 N Hampton, the General Contractor applied for a Building permit and received approval for the construction (permit #1804191076). The contractor then continued building, completed the construction, and before he could call for all final inspections, the owner had a disagreement with the contractor and terminated the contract. Following this, the contractor canceled the permit. Mr. Anand Gupta hired a new contractor a couple of years ago and the contractor applied for a new permit. This is when they found out their construction did not meet the setback requirements.

The owner hired our company to represent him in this matter on 11/2021 and we begin this application request.

We request that the BDA approves our variance based on this and the needs to the surrounding neighborhood. Our addition will bring in more products that would be a convenience to the community. Because we have more space, we can provide warm food, essential home goods such as bathroom products, home cooking products, and snacks.

We also added safety features such as more lighting, cameras, and the added square footage will also bring about more employees that can maintain the property. Our building will follow all city standards and will improve the community.

Below, we have compiled a list of properties within the City of Dallas that we believe do not meet the required setback for your consideration in making your decision.



Similar Conditions:

4002 N Hampton

- Zoning District - Community Retail (CR)
- Lot Size - 7,650 square feet lot size
- Land Use - Auto Repair shop
- Condition - Side and rear yard setbacks are less than 20 feet
- Location - R-5 Zoning District and alley on the Southeast corner
-

2805 Arizona

- Zoning District - Community Retail (CR)
- Lot Size - 21,736 square feet
- Land Use - Church
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the Southwest side of the property

1930 S Beckley

- Zoning District - Community Retail (CR)
- Lot Size - 14,487 square feet
- Land Use - General Merchandise/mechanic shop
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the East side of the property

1023 S Hampton

- Zoning District - Community Retail (CR)
- Lot Size - 7,100 square feet
- Land Use - General Merchandise, 7/11
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the West side of the property

3702 Greenville

- Zoning District - Community Retail (CR)
- Lot Size - 14,384 square feet
- Land Use - General Merchandise, 7/11
- Condition - Side yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the North side of the property



Alchemi Design Group
Dallas – Ft Worth

Please review our request and let us know any information we can provide you; we will send it to you promptly. We have communicated with our neighbors, and we have received nothing, but positive feedback and people are really excited for us to open our new kitchen.

Sincerely,

Elizabeth Alvarez Villaizan
Alchemi Design Group
Dallas – Ft Worth



972.322.0062
Alchemidg@outlook.com

Signature; _____

Elizabeth Alvarez Villaizan
Title – Managing Principal

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF MAY 16, 2022 (C)

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 212-012(PD)

BDA 212-039(PD)

BDA 212-040(PD)

BDA 201-043(PD)

BDA 201-044(JM)

COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

5/2/2022

Date

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



Alchemi Design Group
Dallas – Ft Worth

April 27, 2022

City of Dallas [Pamela F. Riley Daniel] Planning Department
Senior Planner

Request for a variance for the property located at 3900 N Hampton.

Our client would like to request a variance for the 20-foot side yard setback requirement at the North side yard setback for the building located at 3900 N Hampton.

History of Project:

Our client, Mr. Anand Gupta, hired a Contractor to build this addition to the Shell Gas Station located at 3900 N Hampton, the General Contractor applied for a Building permit and received approval for the construction (permit #1804191076). The contractor then continued building, completed the construction, and before he could call for all final inspections, the owner had a disagreement with the contractor and terminated the contract. Following this, the contractor canceled the permit. Mr. Anand Gupta hired a new contractor a couple of years ago and the contractor applied for a new permit. This is when they found out their construction did not meet the setback requirements.

We request that the BDA approves our variance based on this and the needs to the surrounding neighborhood. Our addition will bring in more products that would be a convenience to the community. Because we have more space, we can provide warm food, essential home goods such as bathroom products, home cooking products, and snacks. We also added safety features such as more lighting, cameras, and the added square footage will also bring about more employees that can maintain the property. Our building will follow all city standards and will improve the community.

Below, we have compiled a list of properties within the City of Dallas that have the same land use and zoning district with the same setback requirement. Because these properties have larger lots there is an opportunity to comply with the required setback. Our client's lot size is 14,300, therefore, is a hardship for him to comply with the same requirements as those larger lots.

We have compiled a list of properties within the City of Dallas that have the same land use and zoning district with the same setback requirement, but the lots are larger than our project



Similar Lot Conditions:

225 W Illinois

- Zoning District - Community Retail (CR)
- Lot Size - **33,367** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the North side of the property

12301 Plano

- Zoning District - Community Retail (CR)
- Lot Size - **32,299** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - MF-2 Zoning District and alley on the West side

2809 S Lancaster

- Zoning District - Community Retail (CR)
- Lot Size - **32,817** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the West side of the property

8210 S Lancaster

- Zoning District - Community Retail (CR)
- Lot Size - **56,550** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the East side of the property

5526 E R L Thornton – [See Zoning map below]

- Zoning District - Community Retail (CR)
- Lot Size - **26,372** square feet
- Land Use - General Merchandise
- Condition - Rear yard setback is less than 20 feet
- Location - Residential Zoning District and alley on the South side

9616 Audelia – [See Zoning map below]

- Zoning District - Community Retail (CR)
- Lot Size - **26,249** square feet
- Land Use - General Merchandise
- Condition - Side yard setback is less than 20 feet
- Location - R-7.5 Zoning District and alley on the South side of the property



Alchemi Design Group
Dallas – Ft Worth

Please review our request and let us know any information we can provide you; we will send it to you promptly. We have communicated with our neighbors, and we have received positive feedback, people are really excited for us to open our new kitchen.

Sincerely,

Elizabeth Alvarez Villaizan



Alchemi Design
Group Dallas –
Ft Worth
972.322.0062
Alchemidg@outlook.com

Signature:

Elizabeth Alvarez Villaizan

Title –Managing Principal