

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, AUGUST 16, 2021

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

***The Board of Adjustment hearing will be held by videoconference.** Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure, should register online at <https://form.jotform.com/210907944450153> or contact the Sustainable Development and Construction Department at 214-670-4209 **by the close of business Friday, August 13, 2021.** 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/BDA081621>

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, AUGUST 16, 2021

AGENDA

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

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

PUBLIC TESTIMONY

Minutes

BDA201-FW3(PD) 1609 Houghton Road
Application of Frank P. Moscrey requesting a fee waiver for a special exception
to the fence materials regulations

MISCELLANEOUS ITEM

	Approval of the June 21, 2021 Board of Adjustment Panel C Public Hearing Minutes	M1
BDA201-FW3(PD)	1609 Houghton Road REQUEST: Application of Frank P. Moscrey requesting a fee waiver for a special exception to the fence materials regulations	M2

UNCONTESTED CASE(S)

BDA201-064(PD)	1333/1401 Oak Lawn Ave. REQUEST: Application of Jonathan G. Vinson of Jackson Walker, LLP, for a special exception to the parking regulations.	1
BDA201-068(PD)	6919 Wabash Circle REQUEST: Application of Benji and Rachel Kurian represented by Rob Baldwin of Baldwin Associates for a special exception to the fence standards regulations and a variance to the front yard setback regulations	2

REGULAR CASES

BDA201-057(JM)	7330 Gaston Avenue REQUEST: Application of John J. DeShazo Jr. for a variance to the off-street parking regulations	4
BDA201-065(PD)	4137 Independence Drive REQUEST: Application of Wissam Shazem of 2020 Real Estate LLC represented by Elias Rodriguez for a special exception to the landscaping regulations.	5
BDA201-067(JM)	1417 Tempest Drive. REQUEST: Application of Bibiana Ramirez for a variance to the front yard setback regulations.	6

HOLDOVERS

None.

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA201-FW3

BUILDING OFFICIAL'S REPORT: Application of Frank P. Moscrey, for a special exception to the fence materials regulations at 1609 Houghton Road.

LOCATION: 1609 Houghton Road

APPLICANT: Frank P. Moscrey

REQUESTS:

The applicant is requesting a fee waiver for a special exception to the prohibited fence materials regulations. The fee waiver is requested to accommodate screening of a single family dwelling at 1609 Houghton Road.

STANDARD FOR A FEE WAIVER:

Section 51A-1.105(b)(6) of the Dallas Development Code specifies the board of adjustment may waive the filing fee if the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement at the hearing on the matter or request that the issue of financial hardship be placed on the board's miscellaneous docket for predetermination. If the issue is placed on the miscellaneous docket, the applicant may not apply to the merits of the request for a waiver have been determined by the board. In making this determination, the board may require the production of financial documents.

STAFF RECOMMENDATION:

The staff does not make a recommendation on a fee waiver request since the standard is whether the board finds that payment of the fee would result in substantial financial hardship to the applicant.

To the Honorable Board of Adjustment,

Frank P. Moscrey would like to request a \$600.00 fee waiver for prohibited fence material, due to my medical and financial obligations. June 25, 2020 I received a liver transplant, due to Cirrhosis, which requires constant monitoring and medications indefinitely. My wife and I are both on Social Security. She is retired and I am disabled.

Sincerely,

Frank P. Moscrey

Financial Obligations

Monthly Social Security: Frank \$1314.00 & Shirley \$1454.40

Electric - \$250.00

Gas – 100.00

Water- 125.00

Telephone Service – 190.00

Health Insurance – 415.00

Home and Auto insurance – 350.00

Car – 409.00

Gasoline & Parking – 150.00

Transplant Medications – 125.00

Total - \$2114.00

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

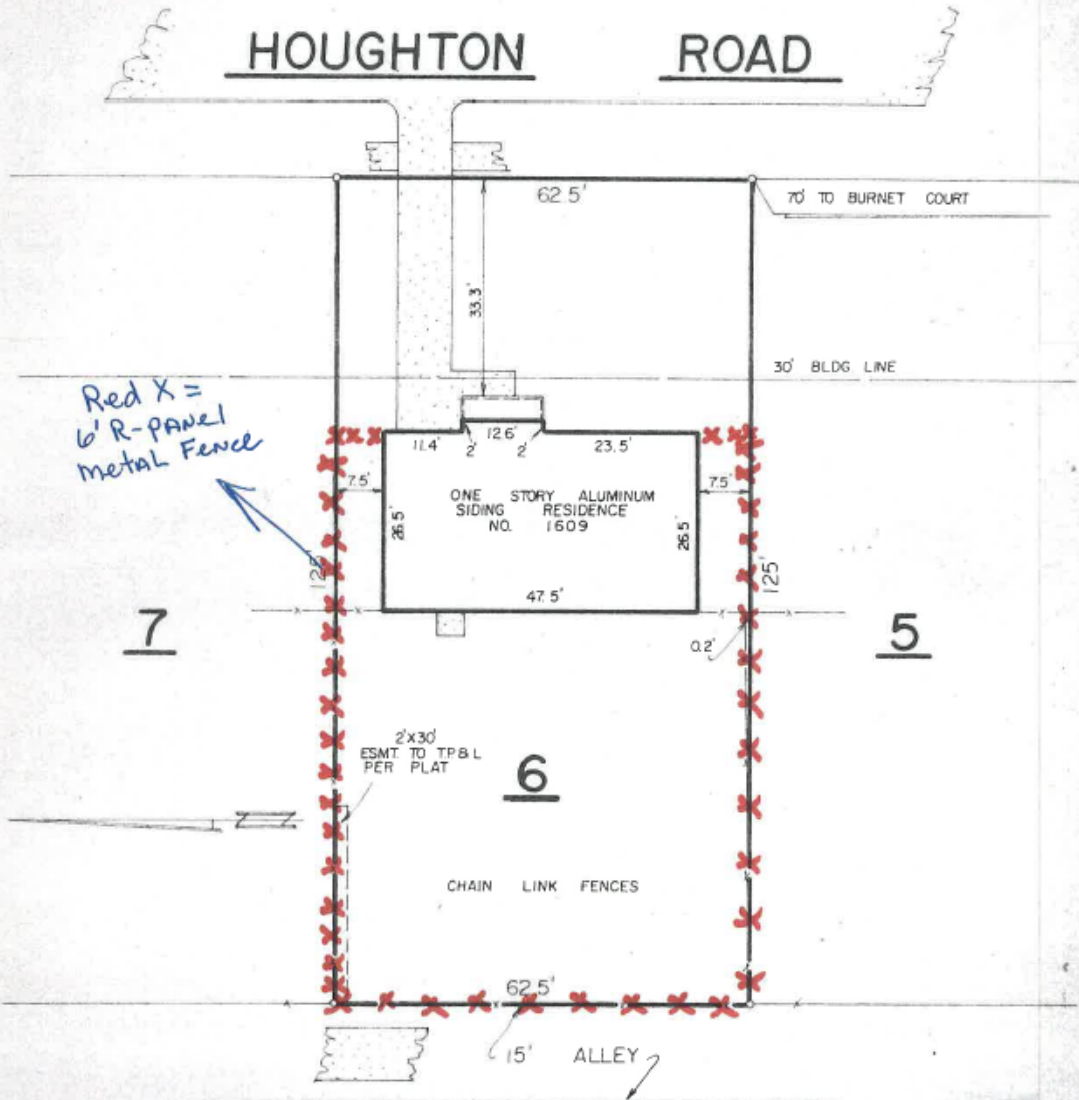
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at

No. 1609 Houghton Road, in the city of Dallas, Texas, described

as being Lot 6 Block 29/6237

of BUCKNER PARK, SECOND INSTALLMENT, an addition to the City of Dallas

Texas, according to the Map thereof recorded in Volume 16 at page 297 of the Map Records of Dallas County, Texas.



The plat hereon is a true, correct and accurate representation of the property as determined by survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being as indicated by the plat; the size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street or road is as shown on said plat. There are no encroachments, conflicts or protrusions, except as shown.

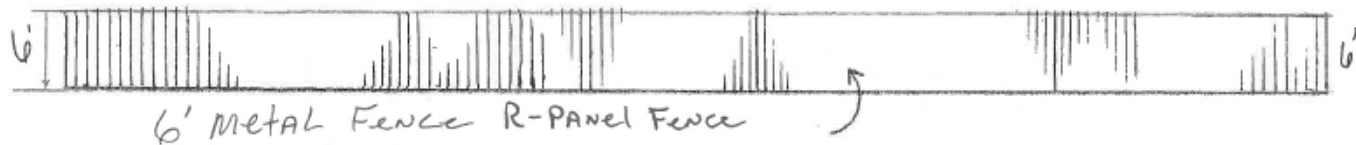
Scale: 1" = 20'	W.O. No. 35438
Date 3-5-85	Inv. No. 33939

By Don Parish
DON PARISH
 Registered Public Surveyor
PARISH SURVEYORS, INC. 381-1156
 7800 Military Parkway, Dallas, Texas 75227



Fence Line Elevation Drawings

Scale: $.1" = 10'$



FILE NUMBER: BDA201-064(PD)

BUILDING OFFICIAL'S REPORT: Application of Jonathan G. Vinson of Jackson Walker, LLP, for a special exception to the parking regulations at 1333/1401 Oak Lawn Avenue. This property is more fully described as Lot 14, in City Block 38/7888, and is zoned Subdistrict 1 within Planned Development District No. 621, which requires off-street parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant without drive-in or drive-through service use, and an office use, and provide 309 of the required 362 parking spaces, which will require a 53-space special exception (15 percent reduction) to the parking regulation.

LOCATION: 1333/1401 Oak Lawn Avenue

APPLICANT: Jonathan G. Vinson of Jackson Walker, LLP

REQUEST:

A request for a special exception to the off-street parking regulations of 53 spaces is made to construct a restaurant without a drive-in or drive-through service use with a total floor area of 2,806-square-feet and an office use with a total floor area of 126,565-square-feet and provide 309 off-street parking spaces (or 85 percent) of the 362 required off-street parking spaces for the subject site.

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

Sec.51P-621.110(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

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

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

amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

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

- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
- (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

No staff recommendation is made on this request for a special exception to the parking demand since the basis for this type of appeal is whether the board finds the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

The applicant submitted a parking analysis with the application materials which shows the existing parking demand along with vacant suites assigned typical uses. Overall, the analysis identifies that the combination of uses proposed for development requires 362 parking spaces netted from the parking requirement with time-of-day factors table. The request for the special exception of 53 spaces (15 percent) of the remaining 362 parking spaces will require that only 309 spaces are provided on-site.

To assist the board in its decision-making, the Sustainable Development and Construction Department Senior Engineer reviewed the area of request and information provided by the applicant. A comment sheet (**Attachment E**) submitted in review of the request states, "Recommends no objection subject to the following condition":

- The special exception of 53 spaces shall automatically and immediately terminate if and when a restaurant without a drive-in or drive-through service use, and an office use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Senior Engineer indicated that he has no objections to the request which is based on latest parking demand analysis provided with the application, the parking trends within the Design District and other recent requests of similar combined uses proposed for development in the Dallas-Fort Worth metroplex.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	Subdistrict 1 within PDD No. 621
<u>East:</u>	Subdistrict 1 within PDD No. 621
<u>South:</u>	Subdistrict 1 within PDD No. 621
<u>West:</u>	Subdistrict 1 within PDD No. 621
<u>North:</u>	Subdistrict 1 within PDD No. 621

Land Use:

The subject site is developed with two free-standing one-story, office/showroom warehouse uses consisting of 14,971-square-feet and 7,470-square-feet. Surrounding uses include a multifamily use to the north, office/showroom warehouse uses are found to the east, south and west.

Zoning/BDA History:

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

1. Z190-136: On February 10, 2021, the City Council approved an authorized hearing to determine proper zoning on property zoned Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, with consideration being given to creating new sub-uses under the Commercial amusement (inside) use, requiring a specific use permit for a Commercial amusement (inside) use, and establishing parking regulations for the sub-uses such as number of required parking spaces, distance to remote parking, parking reductions, and shared parking in an area generally bounded by Sylvan Avenue/Wycliff Avenue, the meanders of the old channel of the Trinity River, Interstate 35, Continental Avenue, and the Trinity River Floodway.
2. Z178-314: On June 12, 2019, the City Council approved an application and an ordinance granting for a new subdistrict within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on property zoned Subdistrict 1 within Planned Development District No. 621 and Planned Development District No. 442, located north of the intersection of North Stemmons Freeway Service Road and Slocum Street.

GENERAL FACTS/STAFF ANALYSIS:

The purpose of this request for a special exception to the off-street parking regulations of 53 spaces (or a 15-percent reduction of the parking spaces required) is to construct a restaurant without a drive-in or drive-through service use, and an office use to provide 309 parking spaces (or 85 percent) of the 362 required parking spaces for the subject site.

The property is zoned Subdistrict 1 within Planned Development District No. 621 which requires the following off-street parking to be provided:

- one space for each 105 square feet of floor area for a restaurant without a drive-in or drive-through service use
- one space for each 358 square feet of floor area for an office use.

Therefore, the proposed 2,860-square-foot restaurant without a drive-in or drive-through service use will require a total of 27 off-street parking spaces and the proposed 126,565-square-foot office use will require a total of 354 off-street parking spaces for a subtotal of 381 off-street parking spaces required.

Additionally, Sec.51P-621.110(b)(4)(D) regulating shared parking requires that Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

**Table 1: Shared Parking Table
(For calculating the parking requirement for shared parking)**

	%	%	%	%	%
<u>Use Category</u>	<u>Morning</u>	<u>Noon</u>	<u>Afternoon</u>	<u>Late Afternoon</u>	<u>Evening</u>
Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	70
Bar and Restaurant	20	100	30	30	100
Warehouse/ Showroom	100	75	100	65	35
All other	100	100	100	100	100

Utilizing the calculations for the afternoon shared parking requirement, the parking analysis concludes that 362 spaces are required for the office use at 100 percent of the requirement while the restaurant use during the same time of day will only require 30 percent of the shared parking requirement for the required 27 spaces which nets only eight spaces during the afternoon. Thus, the net parking requirement which is equal to the highest subtotal (afternoon) after application of the time-of-day factors is 362 parking spaces. A summary of the resulting net parking requirement is summarized in Tables 1 and 2 of the parking study below.

Table 1. Base Code Parking Requirement

LAND USE	QUANTITY	RATE	PARKING REQUIREMENT
Office	126,565 GSF	1 space per 358 GSF	354
Restaurant	2,860 GSF	1 space per 105 GSF	27
<i>Total (before Time-of-Day Adjustments)</i>			381

Table 2. Parking Requirement With Time-of-Day Factors

LAND USE	BASE REQUIREMENT	Morning	Noon	Afternoon	Late Afternoon	Evening
Office-Related	354	100%	80%	100%	85%	35%
Restaurant	27	20%	100%	30%	30%	100%
Subtotal	381	354 + 5 = 359	283 + 27 = 310	354 + 8 = 362	301 + 8 = 309	124 + 27 = 151

The applicant has submitted a study, based upon the updated Institute of Transportation Engineers (ITE) Parking Generation Manual which estimates peak parking demand is 2.39 parked vehicles per 1000 square feet of gross floor area spaces for the office use. The study provided represents that the projected peak parking demand for the proposed office is 309 spaces and the applicant proposes to provide a total 309 spaces.

The Sustainable Development and Construction Department Senior Engineer has no objection to the request subject to special conditions noted (**Attachment E**).

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

- The parking demand generated by the restaurant without drive-in or drive-through service use and an office use on the site does not warrant the number of off-street parking spaces required, and
- The special exception of 53 spaces (or a 15-percent reduction of the required off-street parking) would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.

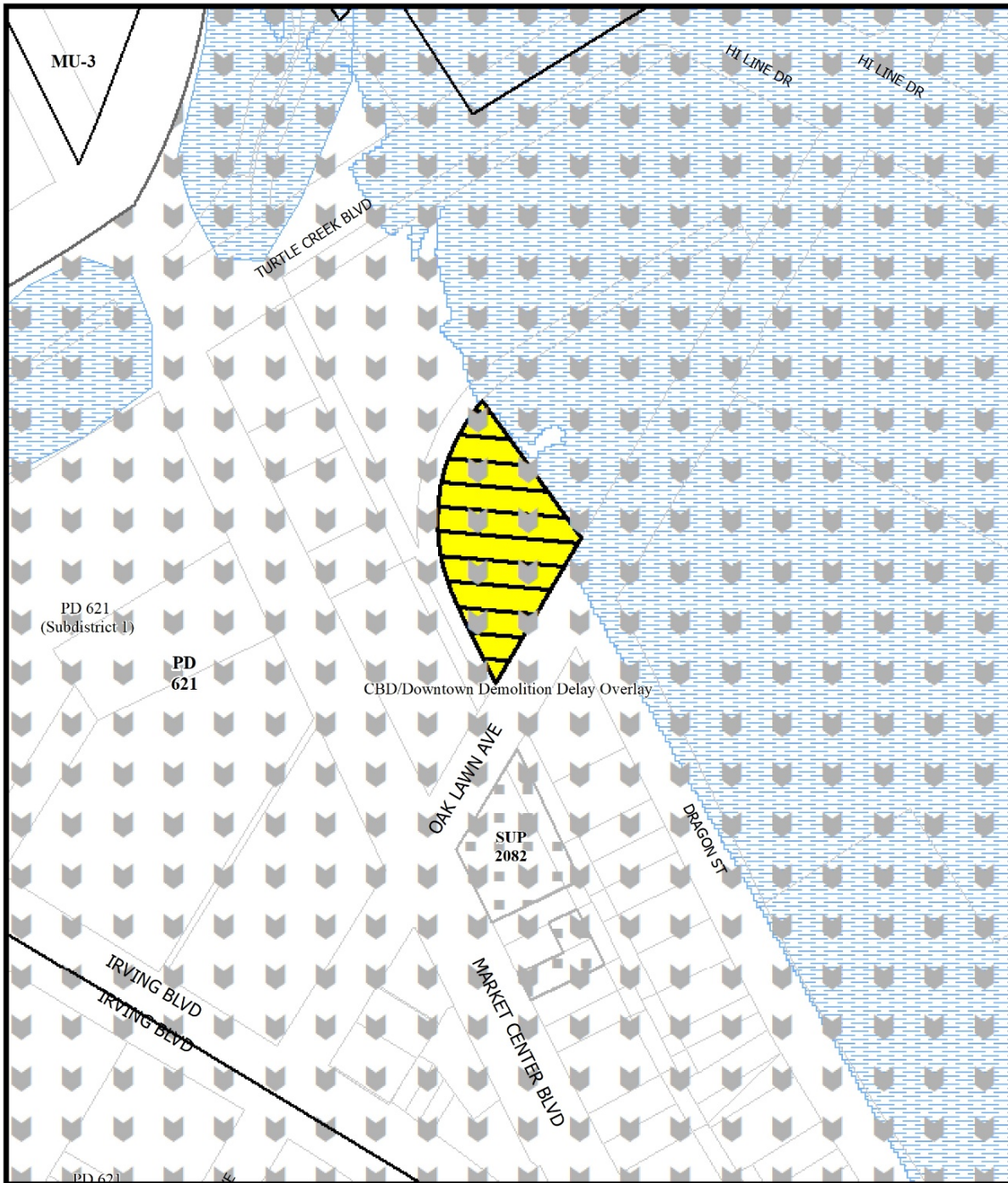
If the board were to grant this request a condition may be imposed that the special exception of 53 spaces shall automatically and immediately terminate if and when a restaurant without a drive-in or drive-through service use, and an office use is changed or discontinued.

Timeline:

- May 6, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- July 7, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- July 8, 2021: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the July 27, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the August 6, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- July 27, 2021: The applicant submitted a letter detailing the parking study submitted with the application. Additionally, the applicant submitted a parking demand analysis and a memorandum to the

Engineering Division containing the demand data (**Attachments A and B**).

- July 29, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Chief Planner, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- July 30, 2021: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked “no objection to the request” (**Attachment E**).
- August 6, 2021: The applicant submitted a letter to the Board panel, a zoning map and the parking study and demand data that were previously submitted as mentioned above (**Attachments C & D**).



 1:2,400	<h1>ZONING MAP</h1>	Case no: <u>BDA201-064</u> Date: <u>7/19/2021</u>
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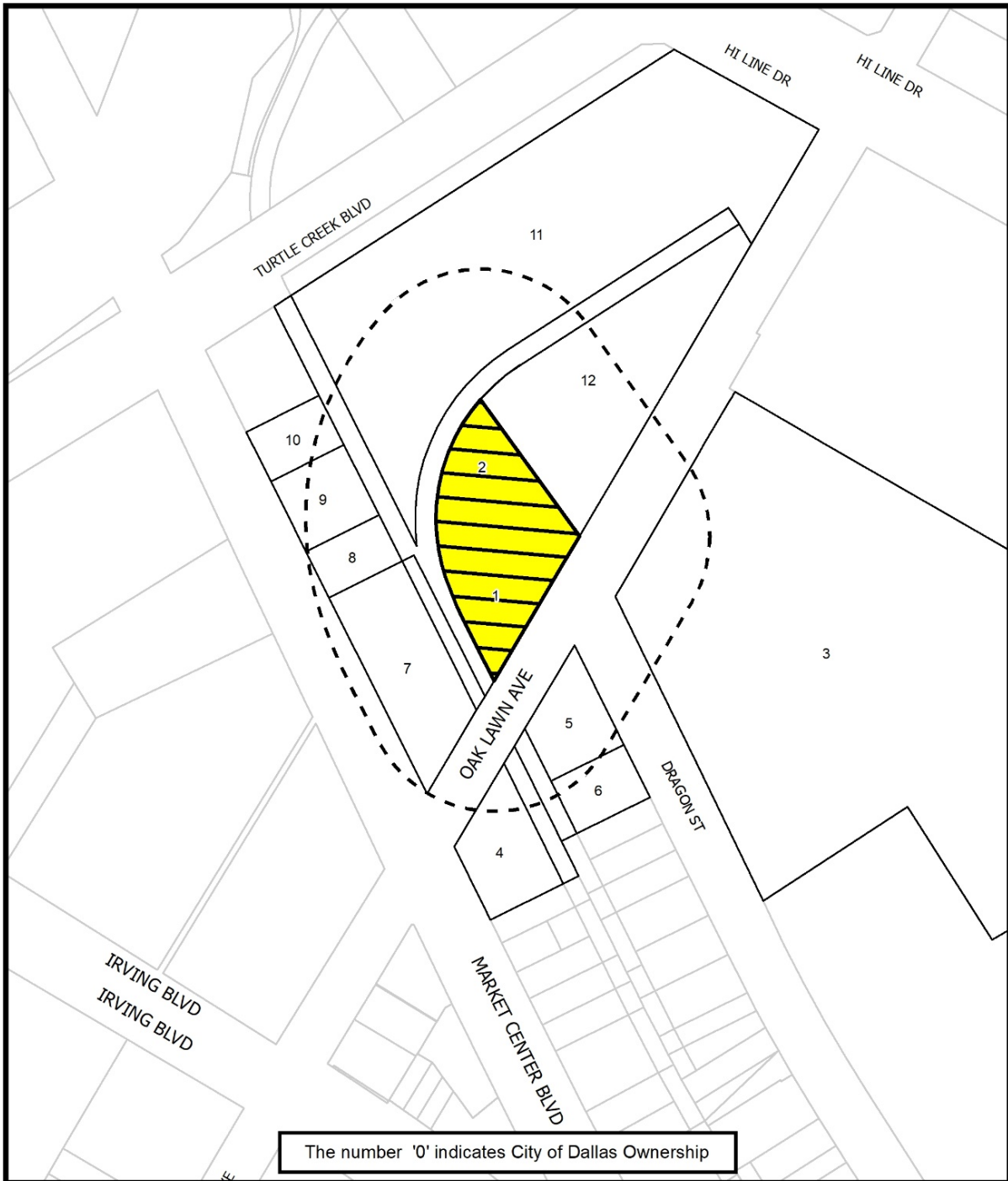


1:2,400

AERIAL MAP

Case no: BDA201-064

Date: 7/19/2021



 1:2,400	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td>200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td>13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA201-064 Date: 7/19/2021
200'	AREA OF NOTIFICATION					
13	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/15/2021

Notification List of Property Owners

BDA201-064

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1333 OAK LAWN AVE	1333 OAK LAWN AVE LLC
2	1401 OAK LAWN AVE	BLACKSTONE WARREN L
3	1444 OAK LAWN AVE	OAK LAWN DESIGN PARTNERS
4	1634 MARKET CENTER BLVD	1634 MARKET CENTER LLC
5	1643 DRAGON ST	Taxpayer at
6	1641 DRAGON ST	Taxpayer at
7	1301 OAK LAWN AVE	1301 OAK LAWN AVE LLC
8	1804 MARKET CENTER BLVD	AD SALUTEM INC
9	1808 MARKET CENTER BLVD	AD SALUTEM INC
10	1810 MARKET CENTER BLVD	BRIGGS JOHN & DAWN LIVING TRUST
11	1551 OAK LAWN AVE	FUND DESIGN DISTRICT LLC
12	1505 OAK LAWN AVE	SKL INVESTMENTS CO LTD
13	1300 OAK LAWN AVE	1634 MARKET CENTER LLC



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-064

Data Relative to Subject Property:

Date: 5-6-21

Location address: 1333/1401 Oak Lawn Avenue Zoning District: P.D. 621, Subarea 1

N+S P+S.

Lot No.: 14 Block No.: 38/7888 Acreage: 1.1550 acres Census Tract: 0100.00

Street Frontage (in Feet): 1) 255.76 FT 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property/or Principal: 1333 Oak Lawn Avenue LLC/Warren L. Blackstone

Applicant: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

E-mail Address: jvinson@jw.com

Represented by: Jackson Walker L.L.P. / Jonathan G. Vinson Telephone: 214-953-5941

Mailing Address: 2323 Ross Avenue, Suite 600 Zip Code: 75201

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

A total reduction of 53 off-street parking spaces (an approximate 15% reduction), to a total of 309 required parking spaces, from the otherwise-applicable Development Code and P.D. 621 requirement of 362 required parking spaces.

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

The special exception should be granted because (i) the parking demand generated by the use does not warrant the number of off-street parking spaces required, and (ii) the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets, all of which will be documented and elaborated upon further by the Applicant's representatives in additional items to be submitted to the City Staff.

Note to Applicant: If the relief requested in this application is granted by the Board of Adjustment, said 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.

Jackson Walker L.L.P.

Respectfully submitted: By: Jonathan G. Vinson
Applicant's name printed

Jonathan G. Vinson
Applicant's signature

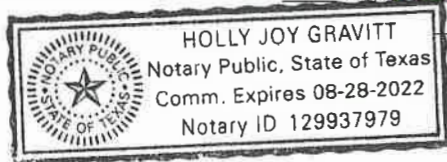
Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson 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.

Subscribed and sworn to before me this 5 day of May, 2021

Jonathan G. Vinson
Affiant (Applicant's signature)

Holly Joy Gravitt
Notary Public in and for Dallas County, Texas



(Rev. 08-20-09)

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 Jonathan Vinson

did submit a request for a special exception to the parking regulations
at 1333 Oak Lawn Avenue

BDA201-064. Application of Jonathan Vinson for a special exception to the parking regulations at 1333 OAK LAWN AVE. This property is more fully described as North and South Parts of Lot 14, Block 38/7888, and is zoned PD-621 (Subarea 1), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for : restaurant without drive-in or drive-through service use, and office use, and provide 309 of the required 362 parking spaces, which will require a 53 space special exception (15% reduction) to the parking regulation.

Sincerely,

David Session
David Session, Building Official





City of Dallas

AFFIDAVIT

BDA Case # 201-024

We, 1333 Oak Lawn Avenue LLC

the Owner of the subject property at:

1333 Oak Lawn Avenue

Authorize (applicant) Jonathan G. Vinson/Jackson Walker L.L.P.

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

Variance (please specify)

Special Exception (please specify) parking special exception

Other (please specify)

1333 Oak Lawn Avenue LLC

Print name of property owner

By: Shelley M. Salem for 1333 Oak Lawn Ave LLC April, 2021

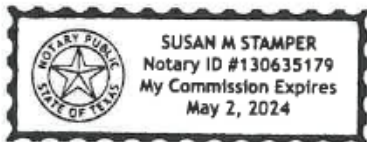
Its: sole member/manager Date 4/21/2021

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Shelley Salem of 1333 Oak Lawn Avenue LLC, a Texas limited liability company, who on his oath certifies that the above statements are true and correct to his best knowledge.

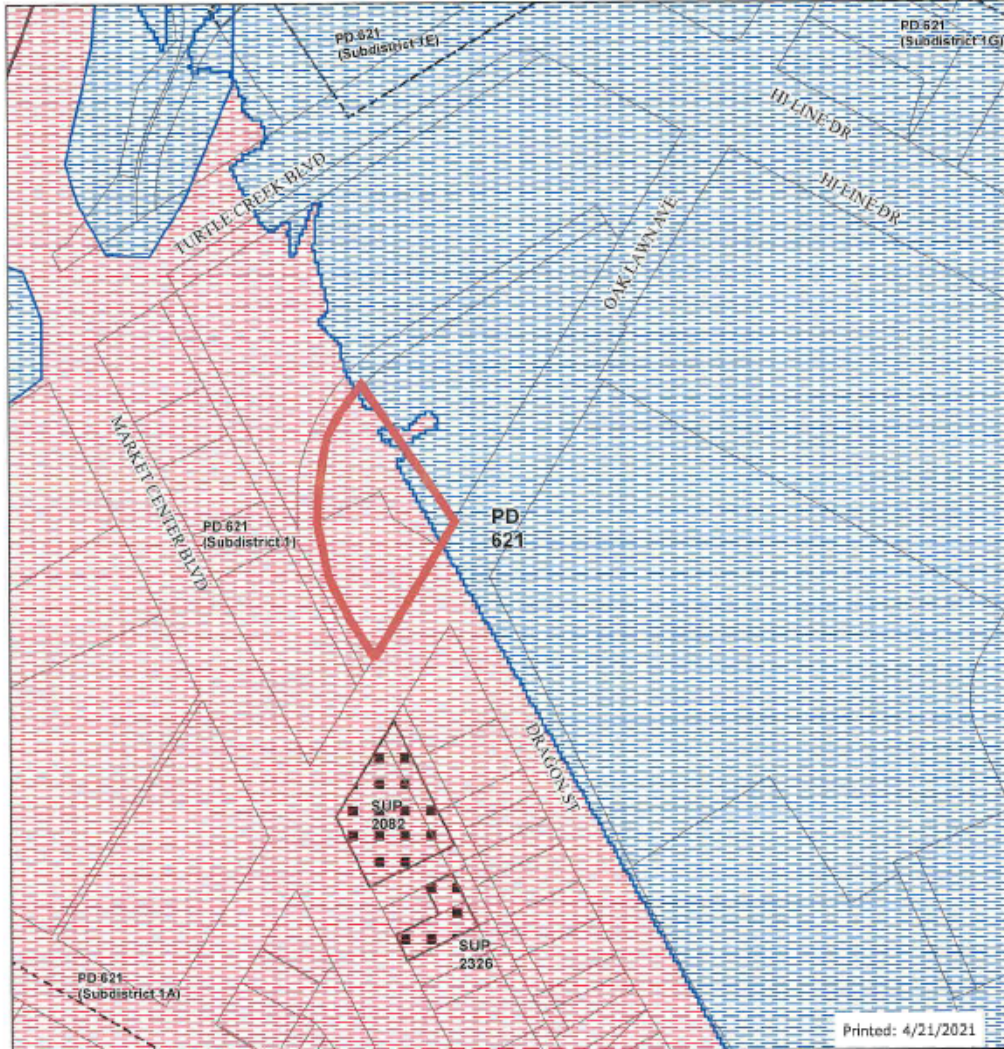
Subscribed and sworn to before me this 21st day of April 2021.



[Signature]
Notary Public in and for

4 Dallas County, Texas

Commission expires on 5-2-2024



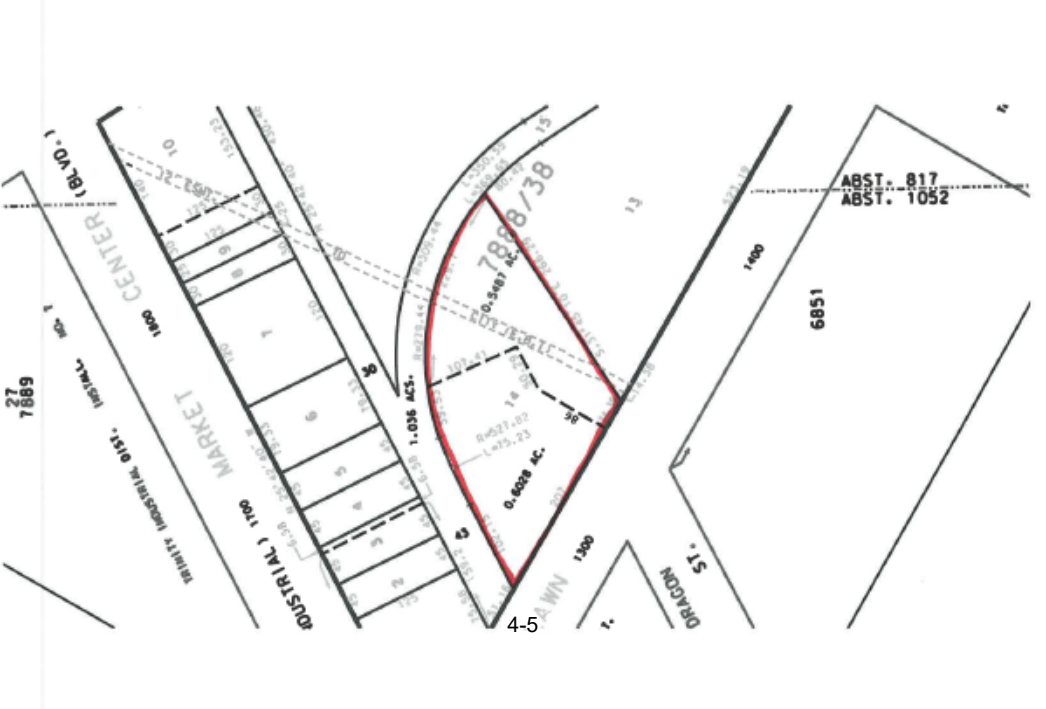
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Legend

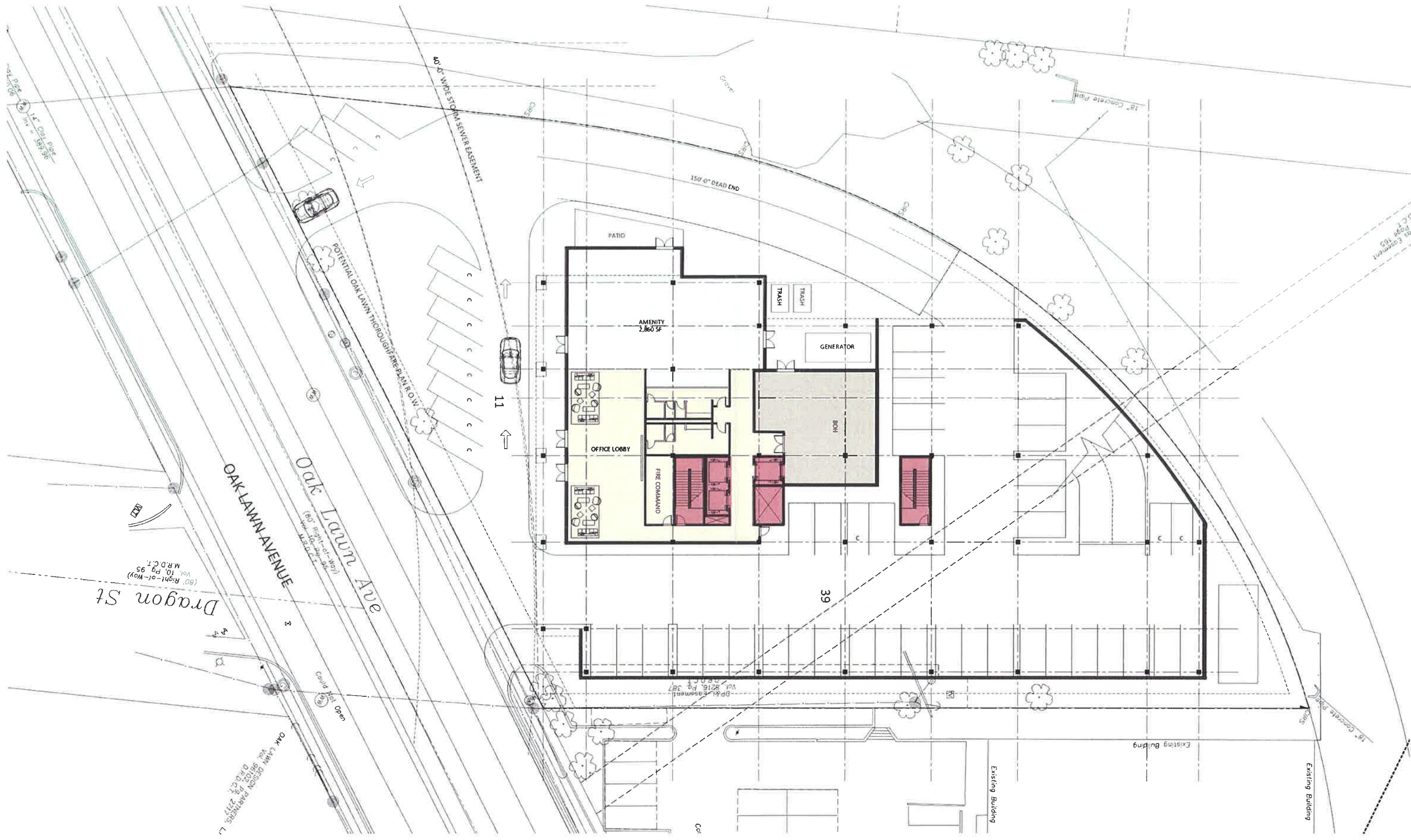


This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering,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





4-5



LEVEL 1 | LOBBY + AMENITY

May 5, 2021

PK# 4918-21.127

PARKING DEMAND ANALYSIS

Project:

1333 Oak Lawn

In Dallas, Texas

Prepared for:

City of Dallas

On behalf of:

Quadrant Enterprises, LLC

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE



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TX. REG. SURVEYING FIRM LS-100080-00

PARKING DEMAND ANALYSIS
1333 Oak Lawn
Dallas, Texas

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- Exhibit 2. Parking Summary for 1333 Oak Lawn

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- Table 2. Parking Requirement With Time-of-Day Factors
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Published Data

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INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by **Quadrant Enterprises, LLC** to conduct a Parking Demand Analysis (PDA) for the proposed multi-tenant office development (the "Project") located at 1333 Oak Lawn in Dallas, Texas. A preliminary ground-floor site plan prepared by **Merriman Anderson Architects** and a site location map (**Exhibit 1**) are provided at the end of this report.

Quadrant Enterprises, LLC is seeking a Special Exception to the parking requirement to facilitate development of the Project. Submittal of a PDA, prepared by a skilled professional is one of the requirements of City's process. This PDA was prepared in accordance with industry and local standards by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, parking analysis, and related fields.

Purpose

A PDA is an investigation of actual and/or published parking demand characteristics for a specific site with specific land use(s). The analysis is designed to take into consideration any site-, project-, or use-specific factors that may affect parking demand. Therefore, the results presented in this analysis may or may not apply to other similar projects.

Parking demand is theoretically represented by local zoning ordinances, which provide a good baseline point of reference. However, in many cases, these ordinances can be overly-simplified and/or over-generalized and do not sufficiently reflect actual parking needs of the Project. The purpose of this PDA is to compare the anticipated parking needs with the corresponding code requirements to illustrate the differences and provide justification for a potential reduction in the corresponding code parking requirement. Approval of any reduction is a subject to the approval process of the City of Dallas.

Project Description

Based upon development program data provided by the Owner, the Project consists of multi-tenant office use in 129,425 gross square feet of building area with an off-street parking supply of 309 spaces.

The 1.155-acre site is zones PD 621 – Old Trinity and Design District Special Purpose District, Subdistrict 1.

PARKING CODE REVIEW

As outlined in Section 51P-621.110 of the Dallas Development Code, the parking requirement for the office uses in PD 621 is one space per 358 SF of floor area and parking for restaurant use is required at a rate of one space per 105 SF of floor area. Section 51P-621.110(b)(1) also allows for application of time-of-day factors for multi-use developments. A summary of the resulting net parking requirement is summarized in **Tables 1** and **2**.

Table 1. Base Code Parking Requirement

LAND USE	QUANTITY	RATE	PARKING REQUIREMENT
Office	126,565 GSF	1 space per 358 GSF	354
Restaurant	2,860 GSF	1 space per 105 GSF	27
Total (before Time-of-Day Adjustments)			381

Table 2. Parking Requirement With Time-of-Day Factors

LAND USE	BASE REQUIREMENT	Morning	Noon	Afternoon	Late Afternoon	Evening
Office-Related	354	100%	80%	100%	85%	35%
Restaurant	27	20%	100%	30%	30%	100%
Subtotal	381	354 + 5 = 359	283 + 27 = 310	354 + 8 = 362	301 + 8 = 309	124 + 27 = 151

The net parking requirement, which is equal to the highest subtotal after application of the time-of-day factors, is 362 parking spaces.

PARKING DEMAND ANALYSIS

Submission of a Parking Demand Analysis is required as part of the review process for a Special Exception to the parking requirement.

Approach

To validate the parking demand for the subject site, information was compiled from published parking demand data from credible industry sources. These resulting data points were then compared to the base code parking requirement to provide the basis for the proposed a Special Exception to the parking requirement.

Published Parking Data

The *Parking Generation* manual, 5th Edition (2019), published by the **Institute of Transportation Engineers (ITE)**, is the preeminent source of technical parking

demand data. The manual is a compilation of actual parking generation data and statistics by land use as collected over several decades by creditable sources across the country. Though the manual is not comprehensive, data are provided for several land uses. Use of the ITE equations and rates to project peak parking demand is widely recognized, when applicable; however, application of engineering judgment to interpret the data is strongly advised.

Table 3 provides a summary of the projected parking demand for the proposed development based upon ITE rates.

Table 3. Projected Peak Parking Generation
Summary Based Upon Published Data

LAND USE	QUANTITY	RATE	PROJECTED PEAK PARKING DEMAND
General Office Building* [ITE Land Use Code 710]	129,425 GSF	2.39 * X, Where X=GFA*1000	309

* NOTE: ITE definition state 'General Office Building' may include other on-site uses, such as restaurant.

As shown in **Table 3** above, the projected peak parking demand for the Project, based on ITE's methodology, is 2.39 parked vehicles per 1,000 square feet of floor area (or, a space per 418 GSF), which is equal to 309 parking spaces – 14.6% lower than the corresponding code parking requirement. This "overstatement" of the code criteria justifies a request for a reduction of the requirement.

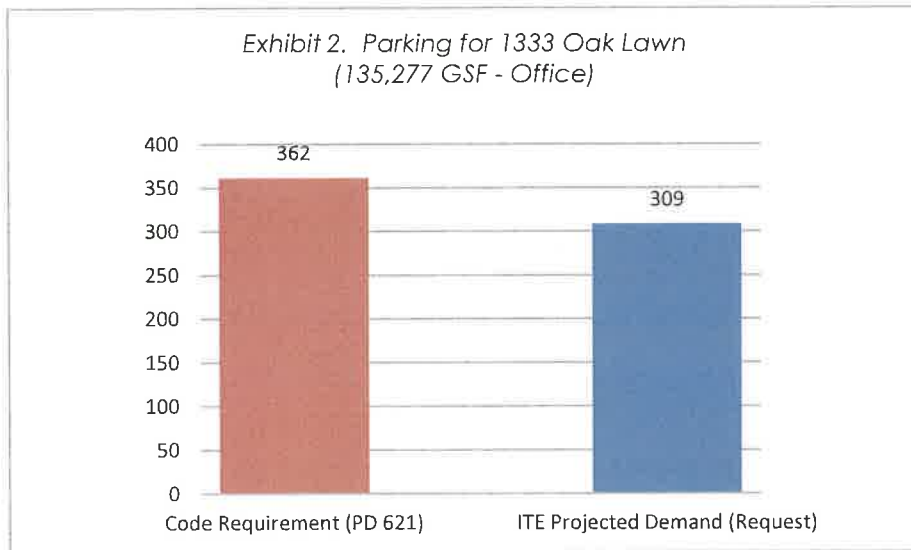
SUMMARY OF FINDINGS

The following findings are based upon Pacheco Koch's analysis of parking demand characteristics for the proposed development outlined in the *Project Description* section of this report.

FINDING: Due to a projection of actual parking need, the Applicant is seeking to provide a total parking supply of 309 parking spaces for the proposed 129,425-GSF, multi-tenant office building in lieu of the 362 spaces that would be required by direct application of the Dallas Development Code. This equates to a parking reduction of 53 spaces, or approximately 14.6% of the base requirement.

FINDING: The projected peak parking demand for the proposed use based upon published data from the **Institute of Transportation Engineers (ITE) Parking Generation** manual, 5th Edition (2019) is 2.39 parked vehicles per 1000 SF of gross floor area (GFA). This results in a projected peak parking demand of 309 parked vehicles.

A summary of the analysis and Special Exception request is provided in Exhibit 2.



Based upon the analysis provided herein, the request for a Special Exception of Parking Demand for 53 parking spaces (a reduction of approximately 14.6%) is validated. The proposed parking requirement of 309 parking spaces is expected to accommodate the projected peak parking demand at full occupancy based upon published data from the **Institute of Transportation Engineers**.

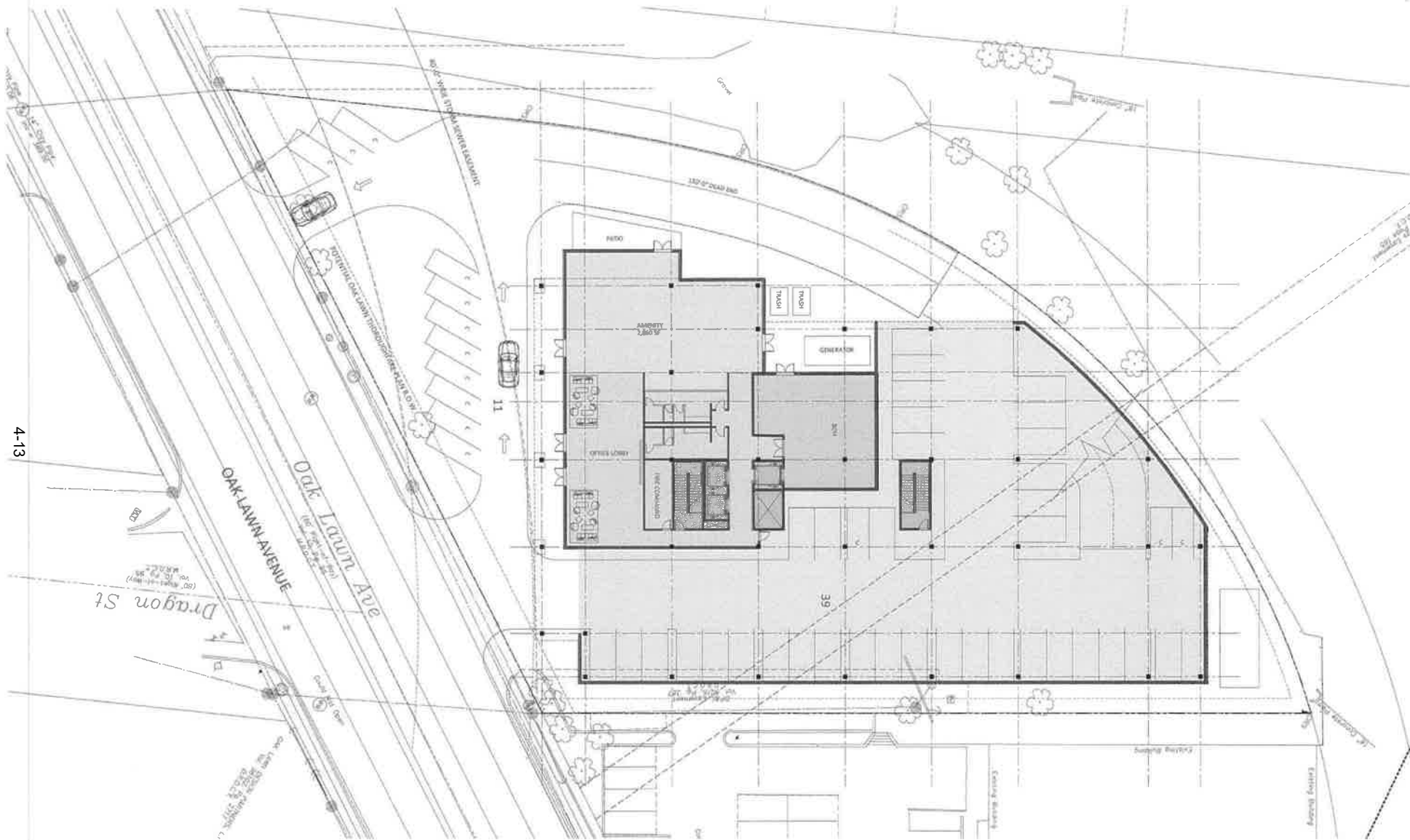
COMMENTARY: It should be noted that parking demand for office use will, potentially, trend downward in the future as more people work remotely full- or part-time. Also, the City of Dallas is currently evaluating significant reductions or, in some cases, elimination of traditional parking requirements. Therefore, reductions in traditional parking code requirements is consistent with these trends.

Also, during office hours, the on-site restaurant is anticipated to predominantly serve office tenants. Therefore, the parking demand for the restaurant use is anticipated to be lower than is reflected by the PD 621 time-of-day factors.

Additionally, the office square footage will include over 10,000 SF of tenant-only amenity space (e.g., basketball court, etc.). This area is included in the code calculations but does not independently generate parking demand. This characteristic will also lower the overall parking demand compared to general off with less amenity space.

APPENDIX A provides a list of requisite considerations for a Special Exception as outlined in the Dallas Development Code.

END OF MEMO



4-13

LEVEL 1 | LOBBY + AMENITY



4-14

VICINITY MAP | 1333 OAK LAWN

APPENDIX A. Parking Special Exception Considerations

A Parking Special Exception is requested from the City of Dallas Board of Adjustments for the proposed multi-tenant office building located at 1333 Oak Lawn Avenue. Based upon the findings of this analysis, parking needs would be adequately served the proposed parking supply of 322 spaces. The requested reduction of 56 required spaces is warranted based upon the preceding study.

Based upon §51A-4.311(a)(2) of the Dallas Development Code, granting a Special Exception shall take into account the following considerations:

- (A) *The extent to which the parking spaces provided will be remote, shared, or packed parking.*

The proposed parking supply does not rely on remote, shared, or packed parking.

- (B) *The parking demand and trip generation characteristics of all uses for which the special exception is requested.*

The anticipated parking demand and trip generation characteristics of the proposed use are expected to be typical and consistent with similar multi-tenant office buildings.

- (C) *Whether or not the subject property or any property in the general area is part of a modified delta overlay district.*

The subject site is not part of a modified delta overlay district.

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

Oak Lawn Avenue, which fronts the subject property is designated a Principal Arterial, M-6-D(A). The roadway is current constructed as a five-lane cross-section with a continuous, two-way, center, left-turn lane. The 2019 daily traffic volume of 11,944 (source: TxDOT) is well below the theoretical daily capacity of 31,000 vehicles per day.

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

The site is located within a five-minute walk to an existing public bus stop for DART Bus Route 63 that serves downtown Dallas and is accessible to all major rail and bus lines. Office tenants are assumed to have an average likelihood of using transit services.

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

As needed, property management will have the ability to regulate tenant parking utilization through lease agreements and day-to-day management responsibilities.

It is our opinion that the requested parking reduction will not create a traffic hazard nor result in increased traffic congestion on adjacent or nearby streets.

END



Jonathan G. Vinson
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jvinson@jw.com

July 27, 2021

By Email to pamela.daniel@dallascityhall.com

Ms. Pamela F. Riley Daniel, Senior Planner
Zoning Board of Adjustment
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: Supplemental Information for Staff; BDA 201-064; 1333 Oak Lawn Avenue.

Dear Ms. Daniel:

In preparation for the Staff team meeting on this case, we would like to provide the City Staff with additional information to aid in understanding the reasons for, and the context of, our parking special exception request under BDA 201-064 at 1333 Oak Lawn Avenue.

I. Description of the Project; Our Request. The proposed project is for a midrise first class office development, with a small amount of tenant-serving restaurant space, at 1333 Oak Lawn Avenue in P.D. 621, the Old Trinity and Design District Special Purpose District. More specifically, we have planned approximately 126,565 gross square feet of office and approximately 2,860 gross square feet of restaurant space. It should be noted that the applicant is nowhere near maximizing out the allowable 4.0 FAR density on the site, and is only planning to build approximately 68 percent of the allowable floor area ratio under the applicable regulations.

In addition, virtually all of the parking, except for some very limited "teaser" parking in front, will be structured parking. Our calculations shows that a total of 381 off-street parking spaces would normally be required under the P.D. 621 required parking ratios (354 spaces at 1:358 for the office, and 27 at 1:105 for the restaurant), for a total parking requirement of 381 spaces. However, Sec. 51P-621.110(b)(4)(D) also provides a very specific table for a time-of-day factor for a reduction for "uses sharing a building site", and the application of that factor results in a total parking acquirement of 362 spaces. The applicant proposes to provide 309 spaces, which amounts to approximately a 14.6% reduction, very far under the 50 percent maximum reduction allowed for in P.D. 621.

II. Parking Demand Analysis. As part of the application process we have provided a Parking Demand Analysis dated May 5, 2021, performed by Mr. Steve Stoner, P. E., of Pacheco Koch engineers. A copy of that Parking Demand Analysis (the “Analysis”) is attached to this letter, but the Summary of Findings states on Page 3 that *“the projected peak parking demand for the proposed use based upon published data from the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition (2019) is 2.39 parked vehicles for 1,000 square feet of gross floor area. This results in a projected peak parking demand of 309 parked vehicles”* - which is exactly what we are proposing to provide.

The Analysis goes on to say on Page 4 that *“based upon the analysis provided herein, the request for a Special Exception of Parking Demand for 53 parking spaces (a reduction of approximately 14.6%) is validated. The proposed parking requirement of 309 parking spaces is expected to accommodate the projected peak parking demand at full occupancy based upon published data from the Institute of Transportation Engineers”*.

The Analysis further says that *“... it should be noted that parking demand for office use will, potentially, trend down in the future as more people work remotely full- or part-time. Also, the City of Dallas is currently evaluating significant reductions or, in some cases, elimination of traditional parking requirements. Therefore, reductions in traditional parking code requirements is consistent with these trends”*.

The Analysis also points out that *“Also, during office hours, the on-site restaurant is anticipated to predominately serve office tenants. Therefore, the parking demand for the restaurant uses anticipated to be lower than is reflected by the P.D. 621 time-of-day factors”*.

Additionally, the office square footage will include over 10,000 square feet of tenant-only amenity space, including a basketball court and other amenities. This square footage is included in the Code calculations but obviously it will not independently generate any parking demand on its own, since these amenities will be reserved for office tenants. This characteristic will also lower the overall parking demand compared to general office with less amenity space.

One additional factor which is worthy of consideration is the unpredictable effect of the ongoing pandemic, and in particular, how this situation has, out of necessity, demonstrated the viability of more opportunities for office tenants to work remotely. It is anticipated by most people in the commercial real estate industry that, to the extent the effect can be predicted, demand for full-time occupied office space will be reduced; in other words, parking demand for office space in the future in all likelihood will be less than what has traditionally been the case for the equivalent number of employees in the past.

While this factor is difficult to quantify at this time, we believe that this represents an actual shift in future use of office space, thereby further justifying the requested reduction. In fact, even before the pandemic appeared, the City was launching an extensive effort to examine in detail, and modify as appropriate, required off-street parking for a wide variety of uses, recognizing that the

old parking ratios are in many cases quite outdated and require more parking than is actually needed.

We were also asked to evaluate and provide local data collected at sites with similar characteristics and land uses. This is somewhat challenging because, at this time, there is only one other comparable (that is, not low-rise) office development in P.D. 621, that being at 1825 Market Center Boulevard, which was built in 1983. The building, per data from CoStar, the leading commercial real estate data provider, showed 62.9 percent occupancy at July 6, 2021. We interpret that as underlining the evolving office leasing and utilization environment, further justifying a reasonable reduction in otherwise-required parking.

Mr. Stoner has further evaluated parking demand at 1825 Market Center Boulevard and has provided a supplemental Memorandum, dated July 26, 2021 (also attached), which shows that parking demand at that property is approximately one space per 425 *occupied* square feet, and which further supports our proposed parking supply of 309 spaces, that is, one space per 419 *gross* square feet.

III. Applicable Regulations. The applicable regulations for a special exception to release parking in P.D. 621 are found both in P.D. 621 and in Chap. 51A, the Dallas Development Code. First, Sec. 51P-621.110(b)(2)(D) of the P.D. 621 regulations says that “the Board of Adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Sec. 51A-4.311”.

Please bear in mind that the normal Chapter 51A maximum parking reduction for a special exception is 25 percent (or 35 percent for office uses – which, we would observe, demonstrates that even current Code recognizes that special exception parking reductions are frequently very justifiable for the office use, and more so than other uses). We would suggest that City Council saw fit to increase this threshold to 50 percent in P.D. 621 as a means of encouraging not just adaptive reuse, but also trying to avoid overparking, to maintain the fabric and context of this District, and to encourage walkability and a good pedestrian environment by not requiring excessive parking.

Further, as you know, the additional requirements for the granting of a special exception found in Sec. 51A-4.311 are as follows. We have annotated each of these to demonstrate how we meet all of the required factors for the granting of the requested special exception.

SEC. 51A-4.311. SPECIAL EXCEPTIONS.

(a) Special exception: parking demand.

(1) The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces

required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. Our Analysis demonstrates that the parking demand does not warrant the number of spaces otherwise required. In addition, the capacity of adjacent or nearby streets is more than sufficient to avoid traffic hazards or increased traffic congestion.

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

(A) The extent to which the parking spaces provided will be remote, shared, or packed parking. All spaces are being provided on site, the vast majority within a podium parking structure.

(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested. Please see the detailed discussion above under “Parking Demand Analysis” and elsewhere.

(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district. It is not.

(D) The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan. The current and probable future capacities of adjacent and nearby streets are more than adequate. The Thoroughfare Plan shows both Oak Lawn Avenue and Market Center Boulevard as Principal Arterials, with Oak Lawn Avenue constructed at this location with four main lanes (two main lanes in each direction) with a wide turn lane in the center. Market Center Boulevard also has four lanes (two main lanes in each direction) with dedicated left turn lanes, and a median north of Oak Lawn.

(E) The availability of public transit and the likelihood of its use. DART’s 63 bus line runs down Market Center Boulevard, at the end of the block, between Irving and Downtown Dallas, and the 749 bus line, about two blocks in the other direction, is the Design District Shuttle, connecting the Medical District, the Design District, the Market Center and Victory light rail stations, and Downtown. Thus the site has transit access to virtually anywhere in the DART system.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness. The applicant will analyze and utilize where possible any reasonable parking mitigation measures; however, the proposed provided parking will be more than sufficient to park the planned uses.

In particular, now as actual office parking demand appears to be trending downwards, as well as given the City’s own efforts to update and modernize parking requirements (and we would note that, as amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been in place

for 50 years or more, the requested reduction is completely reasonable and justifiable, and realistically aligns with project actual parking demand.

Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors. Steve Stoner has also met with Mr. David Nevarez and our understanding is that Mr. Nevarez understands our analysis.

IV. Conclusion. The conclusion is clear based on this information that this request *meets the standard for approval* of a parking special exception, in that the parking demand generated by the use does not warrant the number off street parking spaces otherwise required, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

Since this request clearly meets the Development Code and P.D. 621 standards for approval, we respectfully ask that the Staff formulate a recommendation of *approval* on this case to go to the Board. We look forward to answering any questions you might have, and we appreciate your time and consideration.

Very truly yours,


Jonathan G. Vinson

cc: David Nevarez
Chad Cook
Colin Moore
Steve Stoner
Suzan Kedron
Luke Franz



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TX. REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00



MEMORANDUM

To: David Nevarez, P.E., PTOE, CFM – City of Dallas Sustainable Development & Construction

From: Steve E. Stoner, P.E., PTOE

CC: Colin Moore – 1333 Oak Lawn Dallas Owner, LP
Jonathan Vinson – Jackson Walker

Date: July 26, 2021

Subject: **Supplement to the Parking Demand Analysis for 1333 Oak Lawn Avenue**
PK#4918-21.127

Per the request of City staff, Pacheco Koch has collected actual, current parking demand data from a nearby property of similar use and character as the proposed development at 1333 Oak Lawn Avenue. The subject property of this data collection is a mid-rise office building located at 1825 Market Center Boulevard, which is physically within about 500 feet of the subject site and the only candidate site of comparable size in the local area. The characteristics of the subject site are as follows:

- 113,021 SF, leasable (per Dallas Central Appraisal District) [119,079 GSF, approximated]
- 62.9% occupancy (as of July 6, 2021 per CoStar)¹

The number of parked vehicles was counted on site during the 10:00 AM hour and the 2:00 PM hour (typically, these hours are among the times when the highest parking accumulation occurs) on two consecutive days—Tuesday, June 20, 2021 and Wednesday, June 21, 2021. To account for the diminished attendance resulting from lingering effects of the Covid pandemic (e.g., remote

¹ Information provided by Quadrant Investment Properties, LLC. CoStar is an office-industry publication containing current office occupancy statistics.

workers, reduced staffing, etc.), PK applied an estimated adjusted factor of 1.4 to the raw data collection.²

The results of the study are summarized in the following table:

**Table 1. Summary of Parking Demand Characteristics
at 1825 Market Center Boulevard**

QUANTITY	TUESDAY 07/20/2021 10:00 AM	TUESDAY 07/20/2021 2:00 PM	WEDNESDAY 07/21/2021 10:00 AM	WEDNESDAY 07/21/2021 2:00 PM
Total Vehicles Parked	121	126	121	123
Parked Vehicles per GSF <i>(119,079 GSF)</i>	--	1 veh. per 945 GSF	--	--
Parked Vehicles per occupied GSF <i>(62.9% occ.)</i>	--	1 veh. per 594 occ. GSF	--	--
Adjusted Parked Vehicles per occupied GSF <i>(x1.4 Covid factor—estimated)</i>	--	1 veh. per 425 occ. GSF	--	--

Based on the findings summarized above, the observed parking demand from a similar office use in the vicinity of 1333 Oak Lawn Avenue is approximately 1 parked vehicle per 425 occupied square feet (after adjustments for occupancy and Covid). Therefore, the proposed parking request (309 spaces, or one space per 419 GSF) is supported.

END OF MEMO

² This estimated adjustment factor is specific to office use and was derived from two sources: (1) article from *Dallas Morning News* “Back to work: More than 50% of D-FW office workers return”, Steve Brown, July 8, 2021; and (2) PK study of office tenant attendance at Old Parkland office campus as of April 2021.



Jonathan G. Vinson
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August 6, 2021

By email to pamela.daniel@dallascityhall.com

Hon. Chair and Members, Panel C
Zoning Board of Adjustment
c/o Ms. Pamela Daniel, Senior Planner
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 201-064:1333/1401 Oak Lawn Avenue

Dear Members of the Board of Adjustment:

We represent Quadrant Enterprises, LLC ("Quadrant"), the prospective developer of the property at 1333/1401 Oak Lawn Avenue. We are providing you with additional information to aid your understanding of the reasons for, and the context of, our parking special exception request to provide a total parking supply of 309 off-street parking spaces, an approximate 14.6 percent reduction from the otherwise-required 362 off-street parking spaces. We understand that the City Staff is recommending approval of our request.

The subject site is 1.155 acres in size and is located on the northwest side of Oak lawn Avenue, east of Market Center Boulevard. Quadrant proposes to redevelop the site with an office building (five levels of office over five levels of structured parking, with some ground floor office, amenity, and restaurant space). Attached for your reference are an aerial photograph of the site and a copy of our site plan showing the proposed building footprint. Also attached are our Parking Demand Analysis and supplemental Memorandum, as discussed in more detail below.

I. Description of the Project; Our Request. The proposed project is for a midrise first class office development, with a small amount of tenant-serving restaurant space, at 1333/1401 Oak Lawn Avenue in P.D. 621, the Old Trinity and Design District Special Purpose District. More specifically, we have planned approximately 126,565 gross square feet of office and approximately 2,860 gross square feet of restaurant space. It should be noted that Quadrant is nowhere near maximizing out the allowable 4.0 FAR density on the site, and is only planning to build approximately 68 percent of the allowable floor area ratio under the applicable regulations.

In addition, virtually all of the parking, except for some very limited "teaser" parking in front, will be structured parking. Our calculations shows that a total of 381 off-street parking spaces would normally be required under the P.D. 621 required parking ratios (354 spaces at 1:358 for the office, and 27 at 1:105 for the restaurant), for a total parking requirement of 381 spaces.

29749220v.1

However, Sec. 51P-621.110(b)(4)(D) also provides a very specific table for a time-of-day factor for a reduction for “uses sharing a building site”, and the application of that factor results in a total parking acquirement of 362 spaces. The applicant proposes to provide 309 spaces, which amounts to approximately a 14.6% reduction, very far under the 50 percent maximum reduction allowed for in P.D. 621.

II. Parking Demand Analysis. As part of the application process we have provided a Parking Demand Analysis dated May 5, 2021, performed by Mr. Steve Stoner, P. E., of Pacheco Koch engineers. A copy of that Parking Demand Analysis (the “Analysis”) is attached to this letter, but the Summary of Findings states on Page 3 that *“the projected peak parking demand for the proposed use based upon published data from the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition (2019) is 2.39 parked vehicles for 1,000 square feet of gross floor area. This results in a projected peak parking demand of 309 parked vehicles”* - which is exactly what we are proposing to provide.

The Analysis goes on to say on Page 4 that *“based upon the analysis provided herein, the request for a Special Exception of Parking Demand for 53 parking spaces (a reduction of approximately 14.6%) is validated. The proposed parking requirement of 309 parking spaces is expected to accommodate the projected peak parking demand at full occupancy based upon published data from the Institute of Transportation Engineers”*.

The Analysis further says that *“... it should be noted that parking demand for office use will, potentially, trend down in the future as more people work remote remotely full- or part-time. Also, the City of Dallas is currently evaluating significant reductions or, in some cases, elimination of traditional parking requirements. Therefore, reductions in traditional parking code requirements is consistent with these trends”*.

The Analysis also points out that *“Also, during office hours, the on-site restaurant is anticipated to predominately serve office tenants. Therefore, the parking demand for the restaurant uses anticipated to be lower than is reflected by the P.D. 621 time-of-day factors”*.

Additionally, the office square footage will include over 10,000 square feet of tenant-only amenity space, including a basketball court and other amenities. This square footage is included in the Code calculations but obviously it will not independently generate any parking demand on its own, since these amenities will be reserved for office tenants. This characteristic will also lower the overall parking demand compared to general office with less amenity space.

One additional factor which is worthy of consideration is the unpredictable effect of the ongoing pandemic, and in particular, how this situation has, out of necessity, demonstrated the viability of more opportunities for office tenants to work remotely. It is anticipated by most people in the commercial real estate industry that, to the extent the effect can be predicted, demand for full-time occupied office space will be reduced; in other words, parking demand for office space

in the future in all likelihood will be less than what has traditionally been the case for the equivalent number of employees in the past.

While this factor is difficult to quantify at this time, we believe that this represents an actual shift in future use of office space, thereby further justifying the requested reduction. In fact, even before the pandemic appeared, the City was launching an extensive effort to examine in detail, and modify as appropriate, required off-street parking for a wide variety of uses, recognizing that the old parking ratios are in many cases quite outdated and require more parking than is actually needed.

We were also asked to evaluate and provide local data collected at sites with similar characteristics and land uses. This is somewhat challenging because, at this time, there is only one other comparable (that is, not low-rise) office development in P.D. 621, that being at 1825 Market Center Boulevard, which was built in 1983. The building, per data from CoStar, the leading commercial real estate data provider, showed 62.9 percent occupancy at July 6, 2021. We interpret that as underlining the evolving office leasing and utilization environment, further justifying a reasonable reduction in otherwise-required parking.

Mr. Stoner has further evaluated parking demand at 1825 Market Center Boulevard and has provided a supplemental Memorandum, dated July 26, 2021 (also attached), which shows that parking demand at that property is approximately one space per 425 *occupied* square feet, and which further supports our proposed parking supply of 309 spaces, that is, one space per 419 *gross* square feet.

III. Applicable Regulations. The applicable regulations for a special exception to release parking in P.D. 621 are found both in P.D. 621 and in Chap. 51A, the Dallas Development Code. First, Sec. 51P-621.110(b)(2)(D) of the P.D. 621 regulations says that “the Board of Adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Sec. 51A-4.311”.

Please bear in mind that the normal Chapter 51A maximum parking reduction for a special exception is 25 percent (or 35 percent for office uses – which, we would observe, demonstrates that even current Code recognizes that special exception parking reductions are frequently very justifiable for the office use, and more so than other uses). We would suggest that City Council saw fit to increase this threshold to 50 percent in P.D. 621 as a means of encouraging not just adaptive reuse, but also trying to avoid overparking, to maintain the fabric and context of this District, and to encourage walkability and a good pedestrian environment by not requiring excessive parking.

Further, as you know, the additional requirements for the granting of a special exception found in Sec. 51A-4.311 are as follows. We have annotated each of these to demonstrate how we meet all of the required factors for the granting of the requested special exception.

SEC. 51A-4.311. SPECIAL EXCEPTIONS.

(a) Special exception: parking demand.

*(1) The board may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent or nearby streets. **Our Analysis demonstrates that the parking demand does not warrant the number of spaces otherwise required. In addition, the capacity of adjacent or nearby streets is more than sufficient to avoid traffic hazards or increased traffic congestion.***

(2) In determining whether to grant a special exception under Paragraph (1), the board shall consider the following factors:

*(A) The extent to which the parking spaces provided will be remote, shared, or packed parking. **All spaces are being provided on site, the vast majority within a podium parking structure.***

*(B) The parking demand and trip generation characteristics of all uses for which the special exception is requested. **Please see the detailed discussion above under “Parking Demand Analysis” and elsewhere.***

*(C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district. **It is not.***

*(D) The current and probable future capacities of adjacent and nearby streets based on the city’s thoroughfare plan. **The current and probable future capacities of adjacent and nearby streets are more than adequate. The Thoroughfare Plan shows both Oak Lawn Avenue and Market Center Boulevard as Principal Arterials, with Oak Lawn Avenue constructed at this location with four main lanes (two main lanes in each direction) with a wide turn lane in the center. Market Center Boulevard also has four lanes (two main lanes in each direction) with dedicated left turn lanes, and a median north of Oak Lawn.***

*(E) The availability of public transit and the likelihood of its use. **DART’s 63 bus line runs down Market Center Boulevard, at the end of the block, between Irving and Downtown Dallas, and the 749 bus line, about two blocks in the other direction, is the Design District Shuttle, connecting the Medical District, the Design District, the Market Center and Victory light rail stations, and Downtown. Thus the site has transit access to virtually anywhere in the DART system.***

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness. The applicant will analyze and utilize where possible any reasonable parking mitigation measures; however, the proposed provided parking will be more than sufficient to park the planned uses.

In particular, now as actual office parking demand appears to be trending downwards, as well as given the City's own efforts to update and modernize parking requirements (and we would note that, as amendments to the Development Code, these will not take effect in existing Planned Development Districts, even though that is where much of the development activity takes place) to align more with current parking demand, with many of these requirements having been in place for 50 years or more, the requested reduction is completely reasonable and justifiable, and realistically aligns with project actual parking demand.

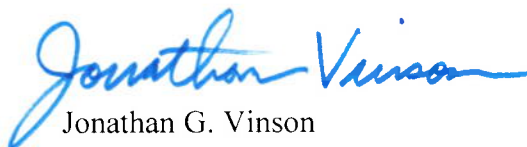
Having to provide excessive parking, which would result in a large number of empty spaces, is not only costly and wasteful in terms of the project itself but is unsustainable and has negative impacts on walkability and other factors. Steve Stoner has also met with Mr. David Nevarez and our understanding is that Mr. Nevarez understands our analysis.

IV. Conclusion. The conclusion is clear based on this information that this request *meets the standard for approval* of a parking special exception, in that the parking demand generated by the use does not warrant the number off street parking spaces otherwise required, and the special exception will not create a traffic hazard or increase traffic congestion on adjacent or nearby streets.

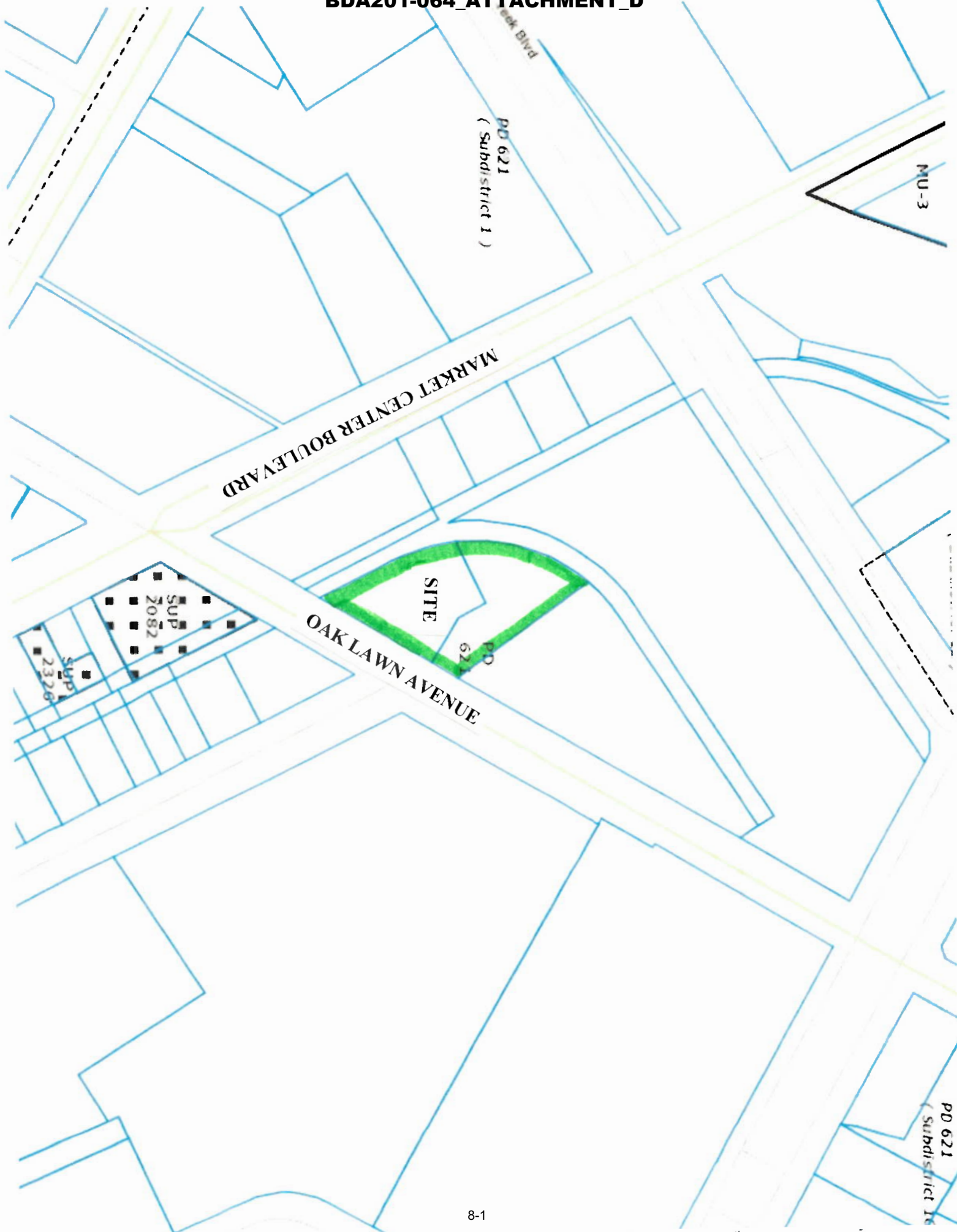
We understand that the City Staff is recommending *approval* of our request. We have also contacted our neighbors and other interested Design District stakeholders to make them aware of our request and to explain it to them, and to date we are aware of no opposition to, or concerns about, our request.

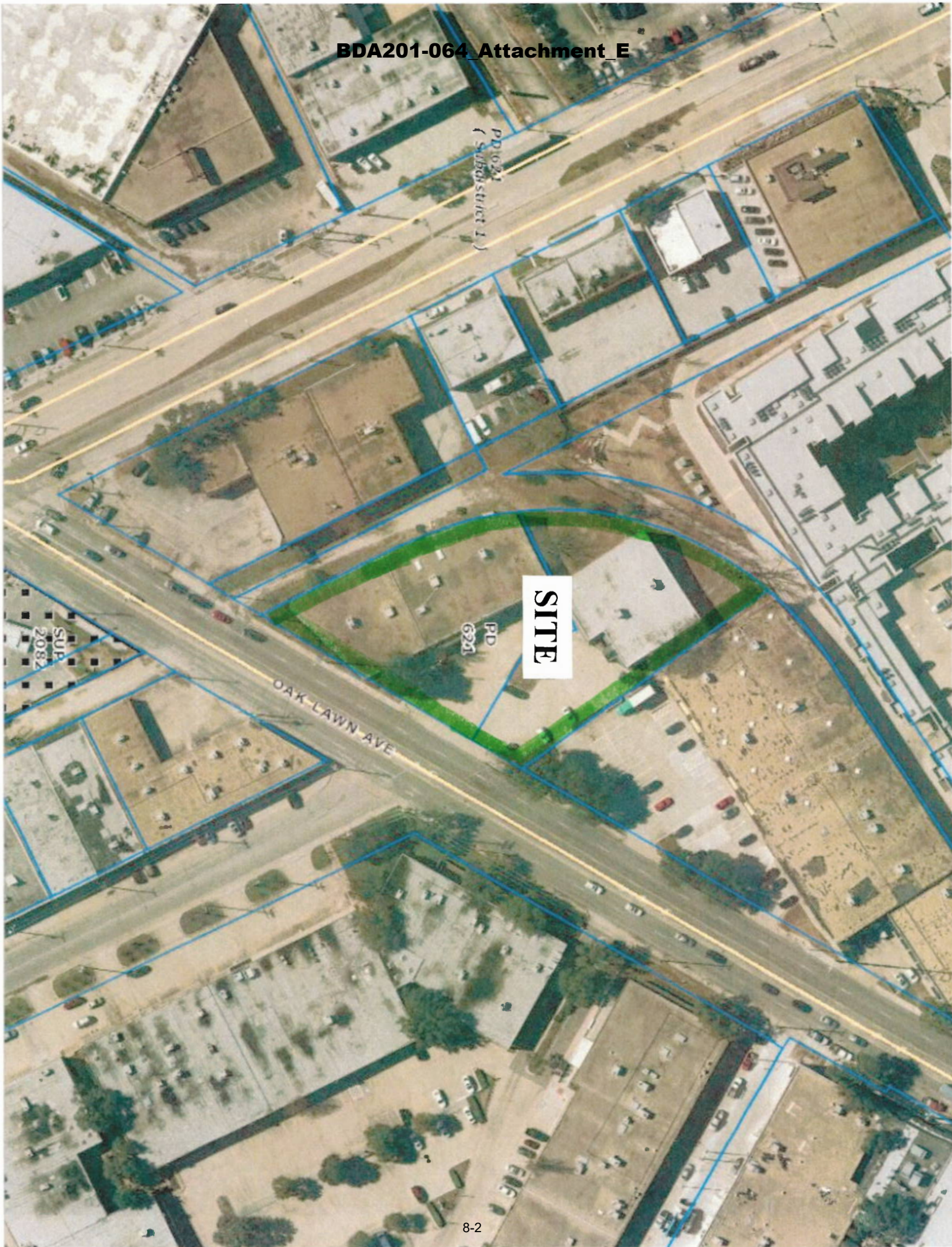
Since this request clearly meets the Development Code and P.D. 621 standards for approval, we will respectfully be asking that you *approve* our request. We look forward to appearing before you and answering any questions you might have, and we appreciate your time and consideration.

Very truly yours,


Jonathan G. Vinson

cc: Chad Cook
Colin Moore
Steve Stoner
Suzan Kedron
Luke Franz





REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF AUGUST 16, 2021 (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 201-057 (JM)

BDA 201-064 (PD)

BDA 201-065 (PD)

BDA 201-067 (JM)

BDA 201-068 (PD)

COMMENTS:

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

7/30/2021

Date

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

FILE NUMBER: BDA201-068(PD)

BUILDING OFFICIAL'S REPORT: Application of Benji and Rachel Kurian represented by Rob Baldwin of Baldwin Associates for a special exception to the fence standards regulations and a variance to the front yard setback regulations at 6919 Wabash Circle. This property is more fully described as Lot 1A, in City Block 1/2816, and zoned an R-7.5(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a front yard setback of 25 feet. The applicant proposes to construct an addition to the existing single-family dwelling and provide a no front yard setback along Delrose Drive (zero feet) which requires a 25-foot variance to the front yard setback regulations and to construct an eight-foot-high fence in a required front yard which will require a four-foot special exception to the fence regulations.

LOCATION: 6919 Wabash Circle

APPLICANT: Benji and Rachel Kurian
Represented by Rob Baldwin of Baldwin Associates

REQUEST:

Two requests exist for the subject site. The first request for a special exception to the fence standards regulations to a height of four feet is made to construct and maintain an eight-foot-high fence. The second request for a variance to the 25-foot front yard setback regulations is made to provide no front yard setback (zero-foot) is made to allow for the construction of an addition of approximately 920 square feet. The property is currently developed with an approximately 4,352-square-foot single-family dwelling where 1,372 square feet of the existing two-story garage is slated to be renovated as well.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The property is irregular in shape, has two front yards, and has a slight slope. Therefore, staff concluded the subject site has significant topography changes that warrant a retaining wall that do not exist on other properties within the general vicinity and that the subject site is unique and different from most lots in the R-7.5(A) Single Family District. Additionally, the property is a corner lot with two front yards which further restricts the property from being developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning classification.

BACKGROUND INFORMATION:

Zoning:

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

Land Use:

The subject site and all surrounding properties are developed with 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:

Two requests exist for the subject site. The first request for a special exception to the fence standards regulations to a height of four feet is made to construct and maintain an eight-foot-high fence.

The second request for a variance to the 25-foot front yard setback regulations is made to provide no front yard setback (zero-foot) to allow for the construction of additions of approximately 920 square feet.

The property is currently developed with an approximately 4,352-square-foot single-family dwelling where 1,372 square feet of the existing two-story garage is slated to be renovated at the same time as the additions.

The subject site is zoned an R-7.5(A) Single Family District and requires a minimum front yard setback of 25 feet. However, the property is situated along the northeast corner of Wabash Circle and Delrose Drive and thereby, contains two front yards that must maintain the 25-foot front yard setback in compliance with the front yard provisions for residential districts. Section 51A-4.401(b)(1) of the Dallas Development Code regulates that if a corner lot in a single family, duplex, or agricultural district has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51A-4.402. If the corner lot has two street frontages of unequal distance, the shorter frontage is governed by this section, and the longer frontage is governed by side yard regulations in Section 51A-4.402. Notwithstanding this provision, the continuity of the established setback along street frontage must be maintained. Thus, the location of the subject site fronting along two streets imposes an additional front yard setback requirement of 25 feet to maintain the continuity of the blockface.

Additionally, the subject site has some significant topography changes that warrant a retaining wall. These topography changes do not exist on other properties within the general vicinity making the subject site unique and different from most lots in the R-7.5(A) single family zoning district.

The applicant submitted a document (**Attachment A**) indicating that the proposed addition on the subject site is commensurate to 17 other lots with similar development. The document contains a brief survey of properties in the immediate area which they

believe indicates that the subject property is smaller than other lots and that the proposed addition will allow a house commensurate in development to those of other homes in the area. The property is irregular in shape, has two front yards, and has a slight slope.

Additionally, 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-7.5(A) Single Family District which limits fence heights to four feet in the front yard setback.

The following information is shown on the submitted site plan:

- The proposed fence is located at the lot line along Delrose Drive and at its closest point appear to be approximately one-foot from the back of curb/pavement line.
- Due to the change of topography the proposed four-foot-high fence will sit atop a four-foot-high retaining wall. However, since the fence height is measured from grade the total height of the proposed fence is eight feet.

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

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

If the board were to grant the variance request and impose the submitted site plan as a condition, the single-family structure in the front yard setback would be limited to what is shown on this document.

The requests for special exceptions to the fence standards regulations related to height focus on:

- constructing and maintaining a four-foot solid masonry fence with a four-foot retaining wall to maintain an overall eight-foot-tall fence located in one of the site's two front yard setbacks (Delrose Drive).

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. As noted, the proposed fence would be within the required 25-foot front yard setback.

Staff conducted a field visit of the site and surrounding area and did not observe any other fences that appeared to be above four feet-in-height in the required front yard on Delrose Drive

As of July 29, 2021, no letters have been submitted in opposition or in support of the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to the height of four feet located on Delrose Drive will not adversely affect neighboring property.

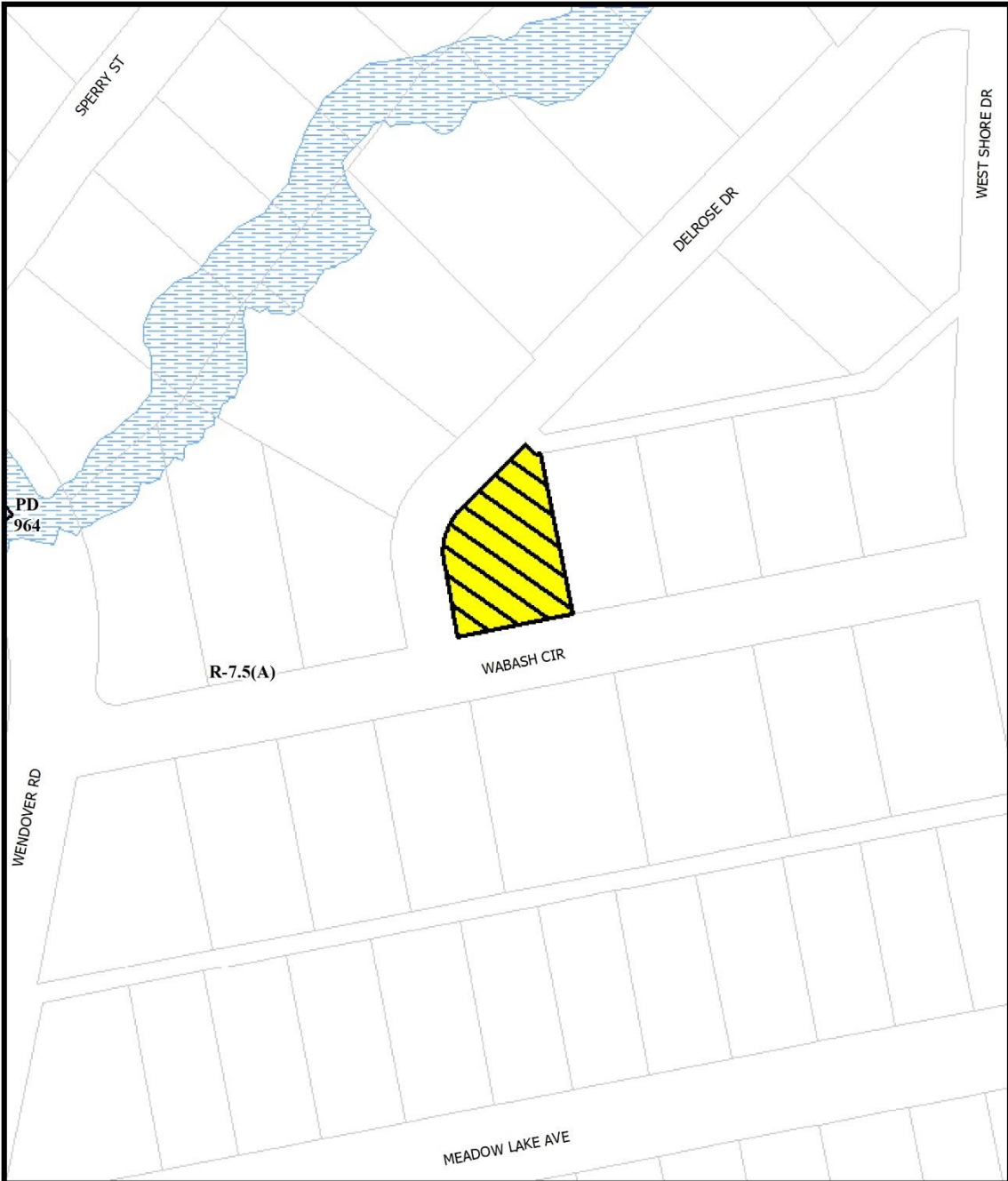
Granting the special exception to the fence standards related to the height would require the proposal exceeding four feet-in-height in the front yard setback located along Delrose Drive to be maintained in the locations and of the heights and materials as shown on the site plan and elevation plan.

Timeline:

- June 9, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- July 7, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- July 8, 2021: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the July 27, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the August 6, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 16, 2021: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (**Attachment A**).

July 29, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Chief Planner, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

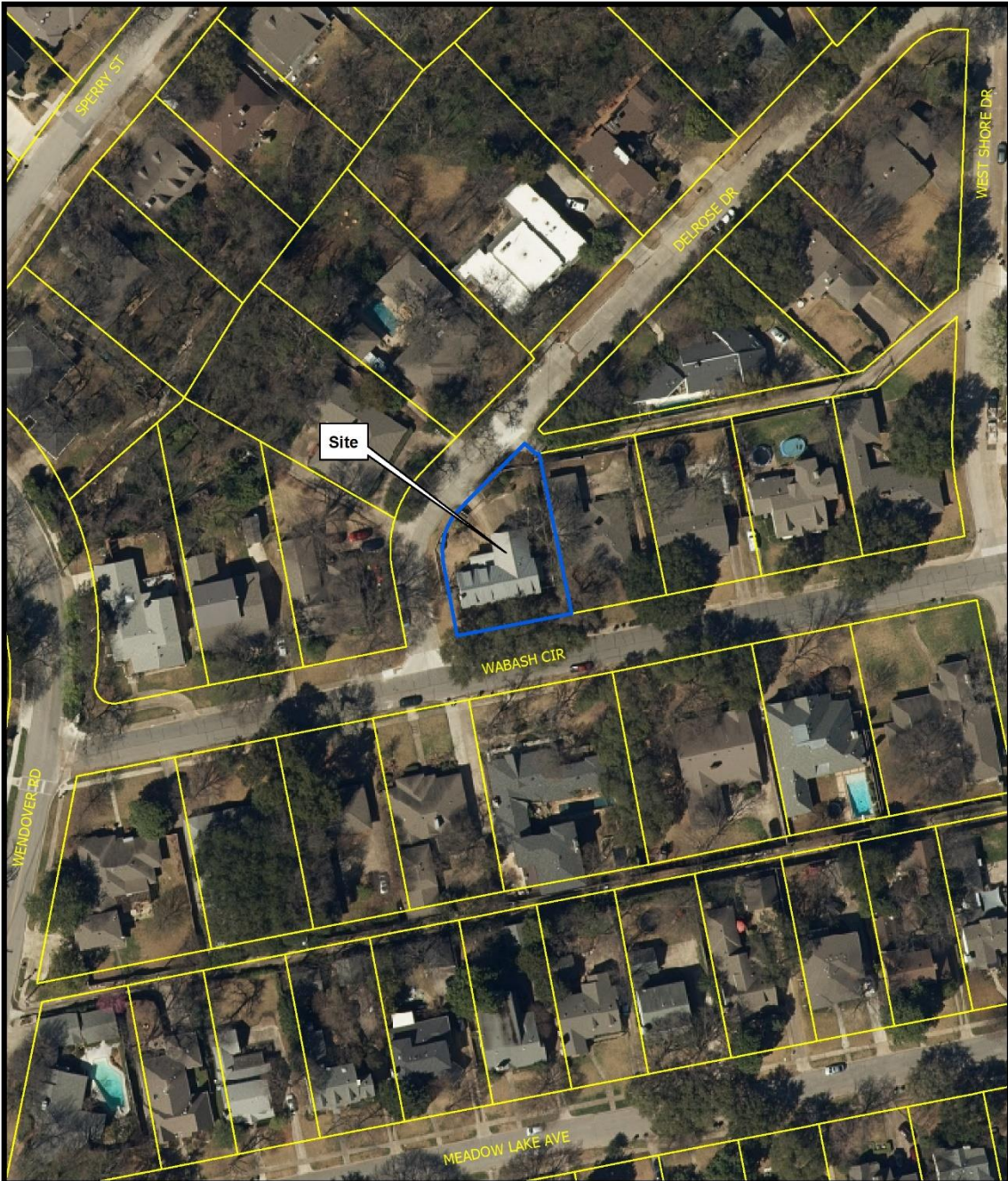


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ZONING MAP

Case no: BDA201-068

Date: 7/19/2021

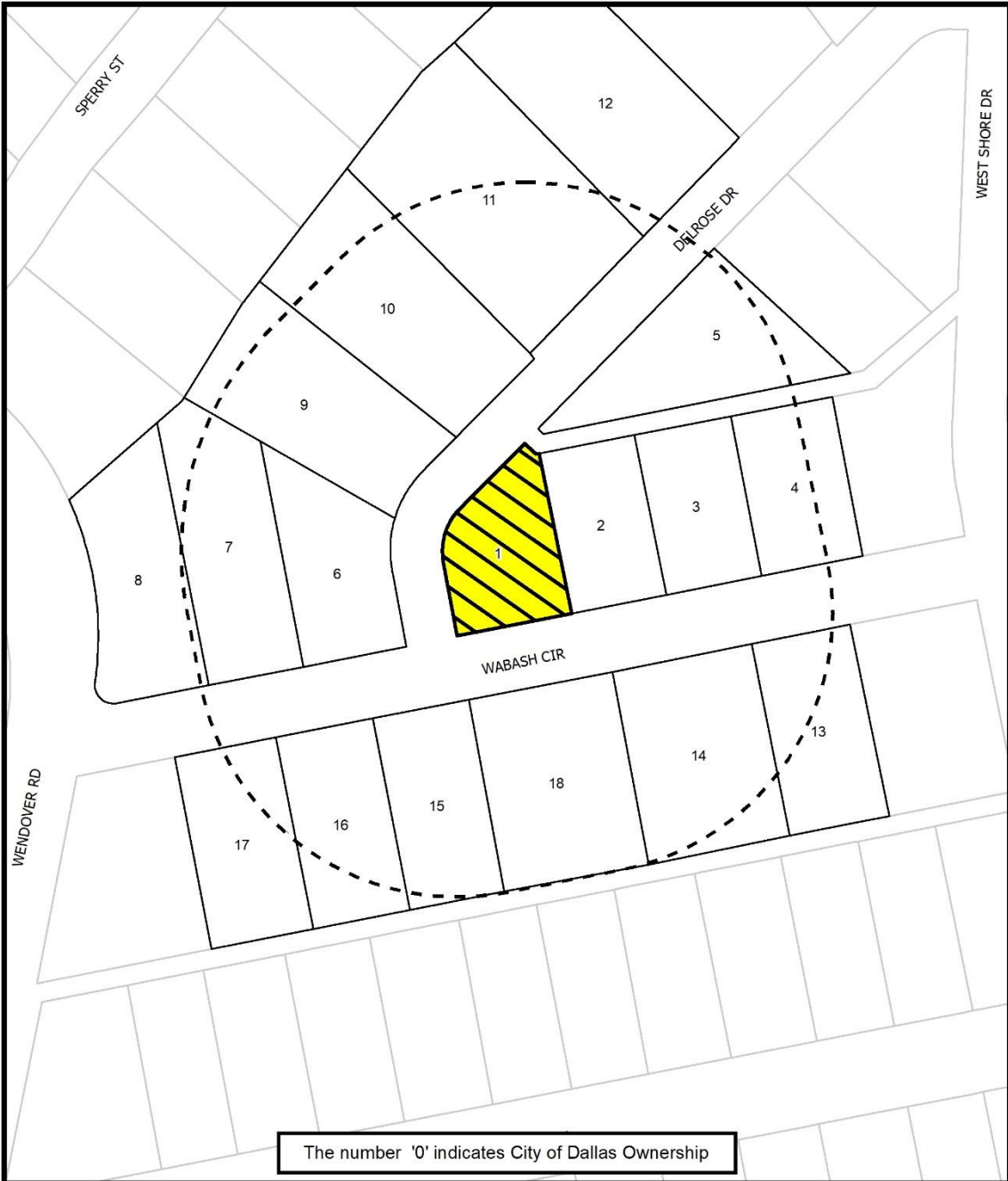


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AERIAL MAP

Case no: BDA201-068

Date: 7/19/2021



The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">18</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	18	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA201-068 Date: 7/19/2021
200'	AREA OF NOTIFICATION					
18	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/16/2021

Notification List of Property Owners

BDA201-068

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6919 WABASH CIR	KURIAN BENJI & RACHEL
2	6927 WABASH CIR	MARTIN BRANDON L & CASEY L
3	6933 WABASH CIR	DOWDLE WESLEY P LIFE ESTATE
4	6939 WABASH CIR	WHITE DAWN J
5	6928 DELROSE DR	SUMMERS CHRISTOPHER L LIVING TRUST
6	6915 WABASH CIR	SCHERGER JOHN J & KAREN
7	6911 WABASH CIR	FITZGERALD PATRICK F &
8	6905 WABASH CIR	BRYAN JAMES L &
9	6915 DELROSE DR	Taxpayer at
10	6921 DELROSE DR	WILROY CHRISTOPHER A &
11	6927 DELROSE DR	NEWSOM STEPHEN REX
12	6933 DELROSE DR	GOLDSTEIN NATHAN &
13	6938 WABASH CIR	SHOCKEY AARON M & AMBER B
14	6932 WABASH CIR	Taxpayer at
15	6918 WABASH CIR	CARTER MITCHELL W &
16	6914 WABASH CIR	BIXLER MARY M
17	6910 WABASH CIR	MATUSEWICZ SUSAN BASCOMB
18	6922 WABASH CIR	PRITCHARD JAMES C &



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-068

Date: 6-9-21

Data Relative to Subject Property:

Location address: 6919 Wabash Circle Zoning District: R-7.5(A)

Lot No.: 1A Block No.: 1/2816 Acreage: 0.22 acres Census Tract: 80.00

Street Frontage (in Feet): 1) 88 ft 2) 172 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Benji and Rachel Kurian

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

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

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of 25' to the Delrose Drive front yard

4' to the fence height regulations for front yard

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property is a corner lot with platted building lines along both street frontages, which the Delrose building line would be requested to be removed if this variance request is granted. The property is irregular in shape. The building lines make a restrictive area for the property. The proposed building addition to the single family home, swimming pool, and retaining wall with fence will allow a back yard and structure that is comparable to surrounding homes in the area.

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

Affidavit

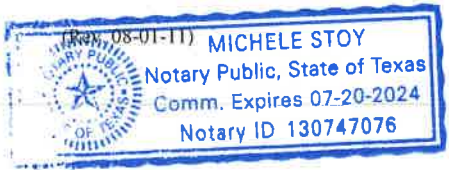
Before me the undersigned on this day personally appeared Robert Baldwin (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 1 day of June, 2021

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that BALDWIN ASSOCIATES

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

at 6919 Wabash Circle

BDA201-068. Application of BALDWIN ASSOCIATES for a variance to the front yard setback regulations, and for a special exception to the fence height regulations at 6919 WABASH CIR. This property is more fully described as Lot 1A, Block 1/2816, and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 0 foot front yard setback along Delrose, which will require a 25 foot variance to the front yard setback regulations, and to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulations.

Sincerely,

David Session
David Session, Building Official





AFFIDAVIT

Appeal number: BDA 201-068

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

at: 6919 Wabash Circle
(Address of property as stated on application)

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

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

Variance (specify below)

Special Exception (specify below)

Other Appeal (specify below)

Specify: Front yard setback, Fence

BENJI KURIAN
Print name of property owner or registered agent

Ben Kur
Signature of property owner or registered agent

Date 12-28-20

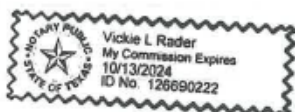
Before me, the undersigned, on this day personally appeared Benji Kurian

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

Subscribed and sworn to before me this 28th day of December, 2020

Vickie L Rader
Notary Public for Dallas County, Texas

Commission expires on 10/13/2024





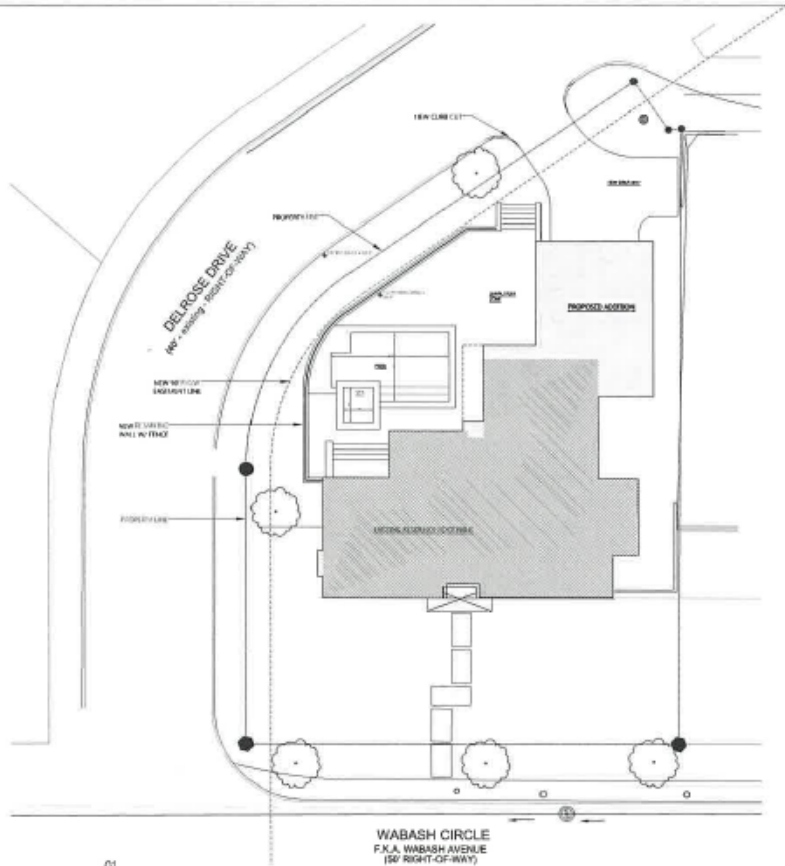
Printed: 12/19/2020

Legend

- | | | | |
|----------------------|--------------------------------|--------------------|----------------------------|
| City Limits | Certified Parcels | Dry Overlay | CD Subdistricts |
| School | Base Zoning | D | FD Subdistricts |
| Floodplain | PD193 Oak Lawn | D-1 | FDS Subdistricts |
| 100 Year Flood Zone | Dallas Environmental Corridors | CP | NSO Subdistricts |
| Mills Creek | SPSD Overlay | gp | NSO_Overlay |
| Peak's Branch | Deed Restrictions | ND Overlay | Displacement Overlay |
| X Protected by Levee | Historic Subdistricts | Historic Overlay | Parking Management Overlay |
| Parks | Historic Overlay | Height Map Overlay | Ship Float Overlay |
| SUP | Historic 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)





01
SITE PLAN

WABASH CIRCLE
F.X.A. WABASH AVENUE
(15' RIGHT-OF-WAY)

SCALE 1/4" = 1'-0"

PREPARED BY
DALLAS ARCHITECTURAL
FIRM, INC.
1100 W. WABASH AVENUE
DALLAS, TEXAS 75204

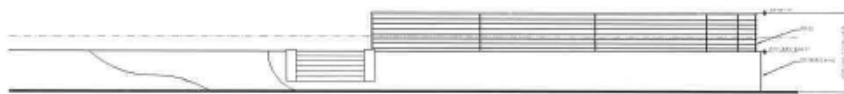
KURBAN HOUSE
6919 WABASH CIRCLE
DALLAS, TX 75204

ISSUED
FOR
REVIEW

DATE: 01/15/2010
DRAWN BY: J. W. BROWN
CHECKED BY: J. W. BROWN
DATE: 01/15/2010

SITE PLAN

BDA 201-0108



Q1
 REAR FENCE ELEVATION

SCALE: 1/4" = 1'-0"



Q2
 LEFT SIDE FENCE ELEVATION

SCALE: 1/4" = 1'-0"

A1

ISSUED
 FOR
 REVIEW

NO.	DATE	DESCRIPTION

FENCE
 ELEVATIONS

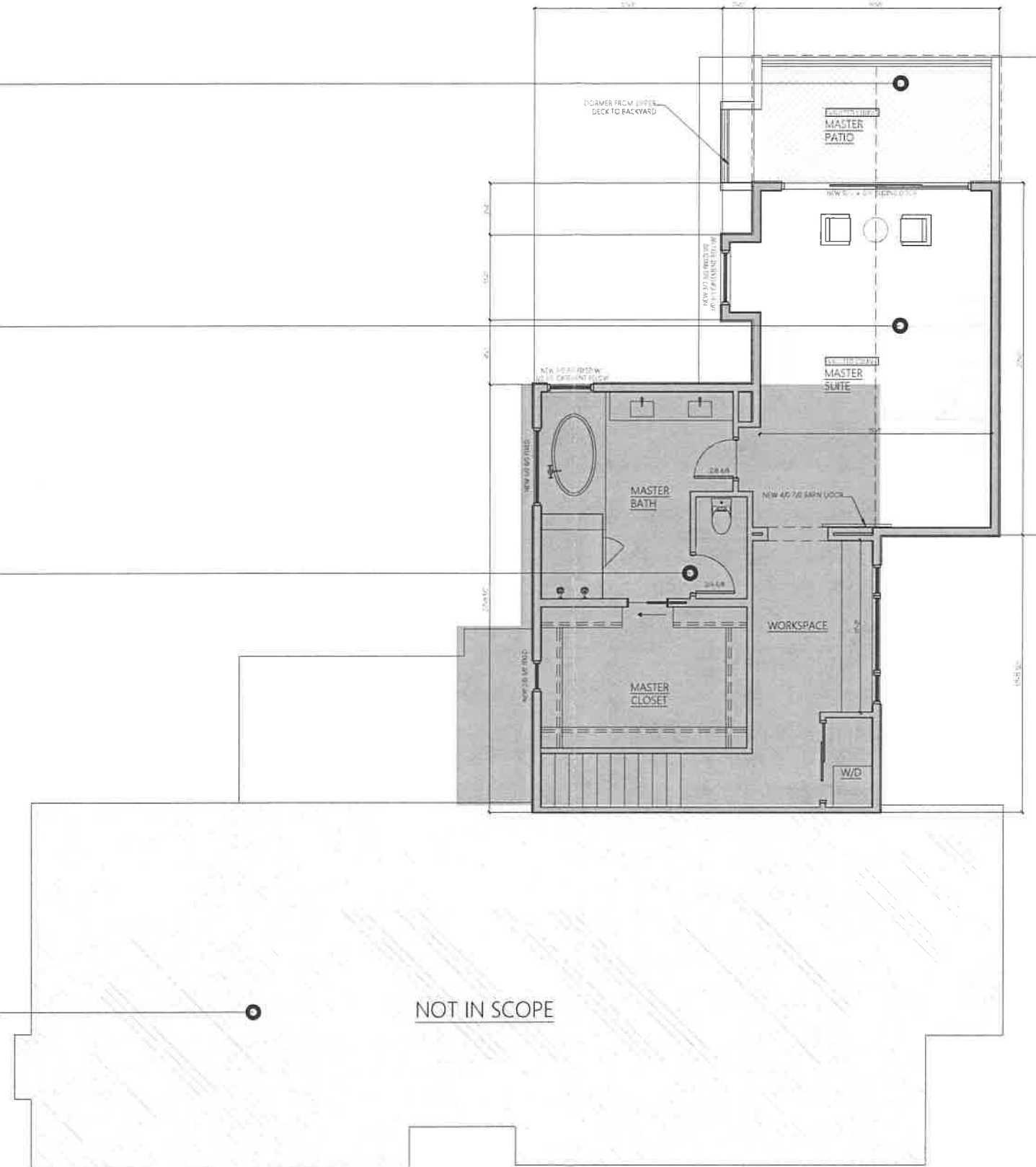
Reference only.

NEW UPPER DECK = 150 SF

AREA OF NEW CONSTRUCTION = 298 SF

EXISTING UPPER LIVING SPACE = 686 SF
TO BE RENOVATED

NOT IN SCOPE OF WORK = 1,360 SF



01
(NEW) UPPER FLOOR PLAN

SCALE 1/4" = 1'-0"

RISSE
DESIGN + DEVELOPMENT
INTERIOR + EXTERIOR + LANDSCAPE
5907 DYER STREET
DALLAS, TEXAS 75206
214.460.1535 PH
www.rissed.com

KURIAN HOUSE
6919 WABASH CIRCLE
DALLAS, TX 75214

ISSUED
FOR
REVIEW

NOTE:
DO NOT SCALE DRAWINGS
DRAWING: UPPER FLOOR PLAN
PROJECT NO: R-X
DRAWN BY: MGR
TRUE DATE: 03 / 22 / 2021

A2.1

From: [Jennifer H \[REDACTED\]](#)
To: [Daniel, Pamela](#)
Cc: [Trammell, Charles](#); [Munoz, Jennifer](#); [Rob B \[REDACTED\]](#)
Subject: RE: BDA201-068, 6919 Wabash Circle; FY Variance/SE to fence reg
Attachments: [Surrounding lot info.pdf](#)

Thank you, Pamela. I worked with David Nevarez on the ROW/easement shown on the site plan prior to filing this case. If you have any questions on that, please let me know. The plat to alter the building line on Delrose will be filed if our Board case is approved. The building line on Wabash will remain as is.

I've attached a brief survey of properties in the immediate area to indicate that our property is smaller than other lots and that our proposed addition will put the house size within the range of other homes in the area, which translate to commensurate development. Our property is an irregular shape, has two front yards, and has a slight slope. We believe this property has a hardship and our proposal is reasonable to allow the owners to enjoy their property as others in the same zoning district that do not have these restrictions.

Please let us know if you need any additional information or if you have any questions.

Jennifer

Jennifer Hiromoto
Baldwin Associates

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

From: Daniel, Pamela <pamela.daniel@dallascityhall.com>
Sent: Thursday, July 8, 2021 10:08 PM
To: Rob Baldwin [REDACTED]
Cc: Jennifer Hiromoto [REDACTED]; Trammell, Charles <charles.trammell@dallascityhall.com>; Munoz, Jennifer <jennifer.munoz@dallascityhall.com>
Subject: BDA201-068, 6919 Wabash Circle; FY Variance/SE to fence reg

Mr. Baldwin,

Hello! I will be managing your application to the Board of Adjustment. You have been assigned to **Panel C on August 16, 2021**. Attached is information regarding your Board of Adjustment application referenced above including:

1. The submitted application materials - all materials will be emailed to you, city staff, and Board members in the docket report, a week prior to your tentatively scheduled Board of Adjustment public hearing date;
2. The Dallas Development Code provisions allowing the board to grant a variance to the

- front yard setback regulations (51A-3.102(d)(10)) and a special exception to the fence height regulations (51A-4.602); and,
3. The Board rules pertaining to documentary evidence.

Please note the following deadlines for providing revisions cannot be changed or altered and therefore, you are encouraged to provide revisions before the last minute to allow staff an opportunity to review and comment before the deadline passes.

- Board of Adjustment Panel C.
- Hearing date/time: tentatively scheduled for **briefing at 11:00 am** and the public **hearing (where you speak) at 1:00 p.m., on August 16, 2021. Staff strongly encourages you to attend the hearing to respond to any questions by the Board and provide any pertinent information.**
- Deadline to submit information for staff recommendation: **1:00 p.m., July 27, 2021. There are no exceptions to the deadline.**
- Deadline to submit documentary evidence (all evidence presented to make your case) for the Board's docket: **1:00 p.m., August 6, 2021.**

Please carefully review the attached application materials to ensure completeness. Specifically, review the Building Official's Report located on the second page of the application. Please contact Charles Trammell via phone at 214-948-4618 or via email at charles.trammell@dallascityhall.com no later than 1:00 pm on July 27, 2021 with regard to any information you feel is missing from your submittal or with regard to any amendment(s) necessary to address your concerns. Note: the discovery of **any** additional appeal needed beyond your request stated in the application will result in postponement of the appeal until the Panel's next regularly scheduled public hearing date.

Currently, we are hosting all Board of Adjustment meetings virtually. You can read more about the Board of Adjustment, see past agendas, processes, and your case information posted one week prior to the hearing date on our [webpage](#).

Should there be information you choose to submit to the Board in addition to what is included in the above attached application, please provide them by the aforementioned deadlines and any contact method listed within my signature below (email is preferred).

I look forward to facilitating your request.

Thanks!

Address	Lot Size	Living Area	Year Built
6919 Wabash Circle*	9,671	3,642	1967
6927 Wabash Circle	9,375	2,194	1958
6933 Wabash Circle	9,375	4,866	1967
6939 Wabash Circle	9,856	2,712	1955
6947 Wabash Circle	11,746	2,294	1959
6928 Delrose Drive	14,246	2,910	1980
6938 Delrose Drive	11,683	3,242	1963
6946 Delrose Drive	17,078	2,954	1955
6915 Wabash Circle	11,536	2,820	1958
6911 Wabash Circle	14,244	3,507	1958
6905 Wabash Circle	12,810	3,217	1967
6915 Delrose Drive	16,905	2,285	1959
6921 Delrose Drive	19,237	4,533	1960
6927 Delrose Drive	18,000	3,968	1975
6932 Wabash Circle	16,382	2,986	1964
6922 Wabash Circle	16,843	5,008	1959
6918 Wabash Circle	11,107	3,728	1957

*subject property

Existing living area per appraisal:	3,540
Proposed additional living area:	920
Total proposed living area:	4,460

Average lot size	13,535
Average living area	3,345

FILE NUMBER: BDA201-057(JM)

BUILDING OFFICIAL'S REPORT: Application of John J. DeShazo Jr. for a variance to the off-street parking regulations at 7330 Gaston Avenue. This property is more fully described as Lot 11A, Block E/2738, and is zoned Planned Development District No. 808, which requires off-street parking to be provided. The applicant proposes to maintain a nonresidential structure with a mix of uses including a restaurant without drive-in or drive-through service use, a general merchandise or food store 3,500 square feet or less use, and personal service use, medical clinic or ambulatory center, and provide 346 of the required 359 off-street parking spaces, which will require a 13-space variance to the off-street parking regulations.

LOCATION: 7330 Gaston Avenue

APPLICANT: John J. DeShazo Jr.

REQUEST:

A request for a variance to the parking regulations of 13 spaces is made to maintain a mix of uses within a multitenant facility. The variance is requested due to a taking of right-of-way along East Grand Avenue which reduces the provided parking by 13 spaces.

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:

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

STAFF RECOMMENDATION:

Denial.

Rationale:

Staff has concluded that the applicant has not substantiated how granting this variance to the off-street parking regulations of 13 spaces is not contrary to public interest. A parking analysis provided with the application materials including the existing uses identifies the proposed reduction of 13 spaces has no effect since the observed demand for parking and predictions for vacant suites is still met. However, the parking analysis reflects a different planned development district. Additionally, this is a variance request and not a parking demand special exception.

Due to the taking of right-of-way for the 3G intersection improvements, the compliant site would be made non-conforming; however, the taking allows for the replacement of parking credits through the application of delta theory. The variance is not needed to replace the taken parking spaces, but is a preferred option of the applicant in proceeding with being credited for those 13 spaces.

Therefore, the variance to the off-street parking regulations is not necessary to permit development of the subject site since the property is already developed. While this is not a self-created hardship, the request for a variance is not necessary since the spaces are granted as a credit so long as the structure and uses comply with the Section 51A-4.704(b)(4)(B) regulations regarding converting uses.

The city engineer has reviewed the limited information provided for review and recommends denial of the request for a variance due to the limited information provided (**Attachment A**).

BACKGROUND INFORMATION:

Zoning:

- Site: PD No. 808
- North: CR Community Retail District
- East: PD No. 808, CR Community Retail, and MU-1 Mixed Use Districts
- South: CR Community Retail District
- West: CR Community Retail District and R-7.5(A) Single Family District

Land Use:

The subject site is developed with mixed-use multitenant facility. Surrounding land uses include additional mixed-use/retail to the north; restaurants to the north, east, and south; multifamily to the south and west; and, single-family uses located to the southwest.

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

A request for a variance to the off-street parking regulations of 13 spaces is made to maintain a mix of uses within a multitenant facility. The variance is requested due to a taking of right-of-way along East Grand Avenue, but no further details were provided except the land uses. Specifically, the reduction proposed pertains to the following four uses: (1) a restaurant without drive-in or drive-through service use, (2) a general merchandise or food store 3,500 square feet or less use, (3) a personal service use, and (4) a medical clinic or ambulatory center.

The site is zoned a PD No. 808, which requires parking to be provided per Chapter 51A (the Dallas Development Code). Accordingly, the required parking for each use is:

1. A restaurant without drive-in or drive-through service use off-street parking requirement is one space per 100 square feet of floor area.
2. 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.
3. A personal service use off-street parking requirement is one space per 200 square feet of floor area.
4. A medical clinic or ambulatory center use off-street parking requirement is one space per 200 square feet of floor area.

The applicant submitted a parking analysis with the application materials which shows the existing parking demand along with vacant suites assigned typical uses. Overall, the analysis identifies that the mixed-use development with 60,263 square feet of floor area requires 359 parking spaces and satisfies two with bicycle spaces. The remaining 357 parking spaces are currently provided on-site. However, a pending taking of right-of-way for the “3-G” intersection at the southeast portion of the property along East Grand Avenue will lead to the loss of 13 parking spaces.

The Sustainable Development and Construction Department Senior Engineer objects to the request due to insufficient information being provided (**Attachment A**).

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

- That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD No. 808 zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 808 zoning classification.

If the board were to grant this request, the applicant would be able to obtain Certificates of Occupancy on the subject site, and provide 346 of the required 359 off-street parking spaces.

Timeline:

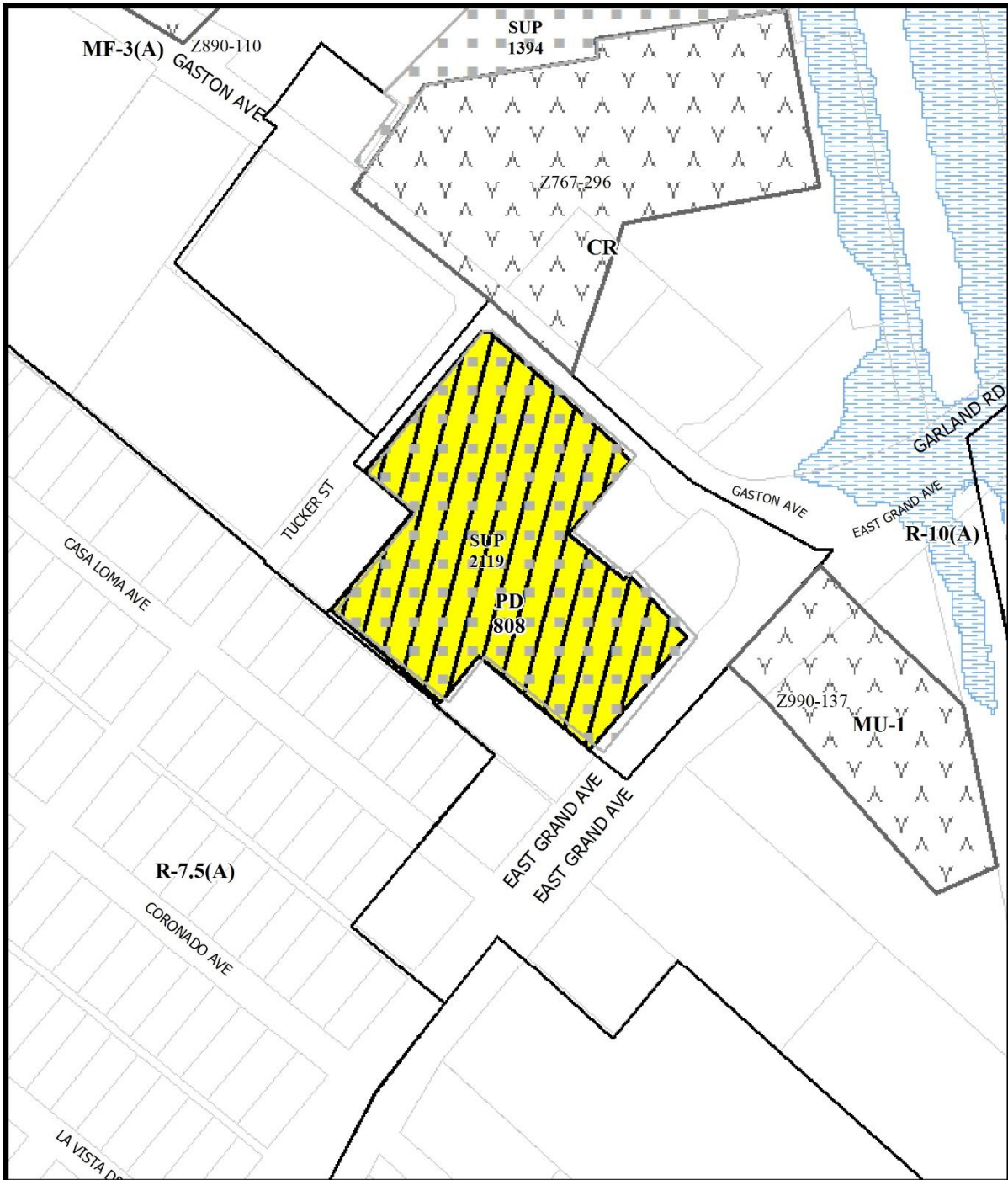
- April 22, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- May 14, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel B.
- May 20, 2021: The Board Administrator emailed the applicant the following information:
 - a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the June 1st deadline to submit additional evidence for staff to factor into their analysis; and the June 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.
- June 2, 2021: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet (**Attachment A**—updated August 10th).
- June 4, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the June

public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Sign Code Specialist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, the Assistant City Attorney to the Board.

June 23, 2021: Due to a prior associated fee waiver request (BDA190-FW02), the Board of Adjustment Panel B did not decide on this request. The case was rescheduled for Panel C on Monday, August 16th.

July 16, 2021: The Board Administrator emailed the applicant a reminder that provided the public hearing date and panel that will consider the application; the July 27th deadline to submit additional evidence for staff to factor into their analysis; and the August 6th deadline to submit additional evidence to be incorporated into the Board's docket materials.

July 29, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Chief Planner, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

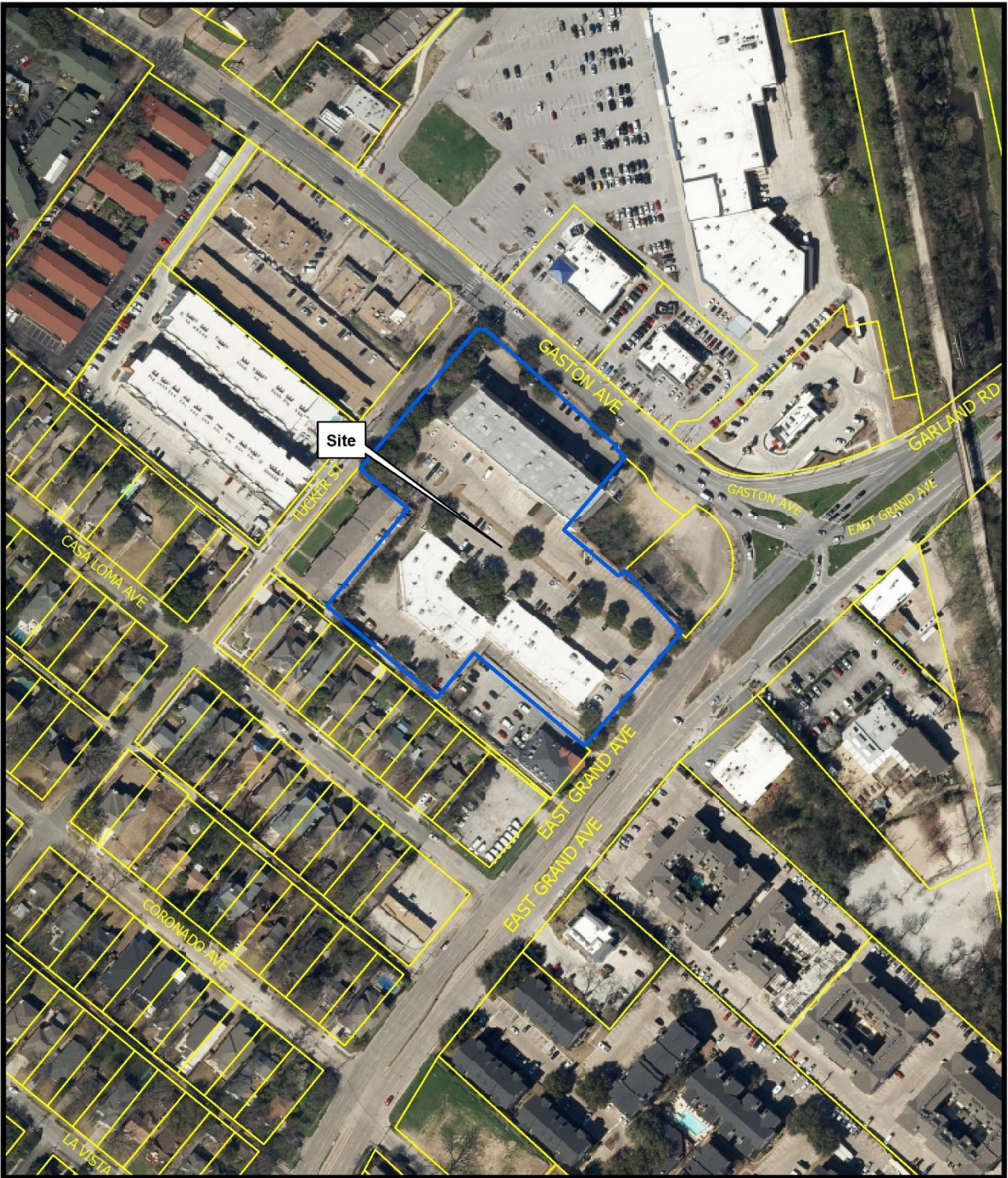


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ZONING MAP

Case no: BDA201-057

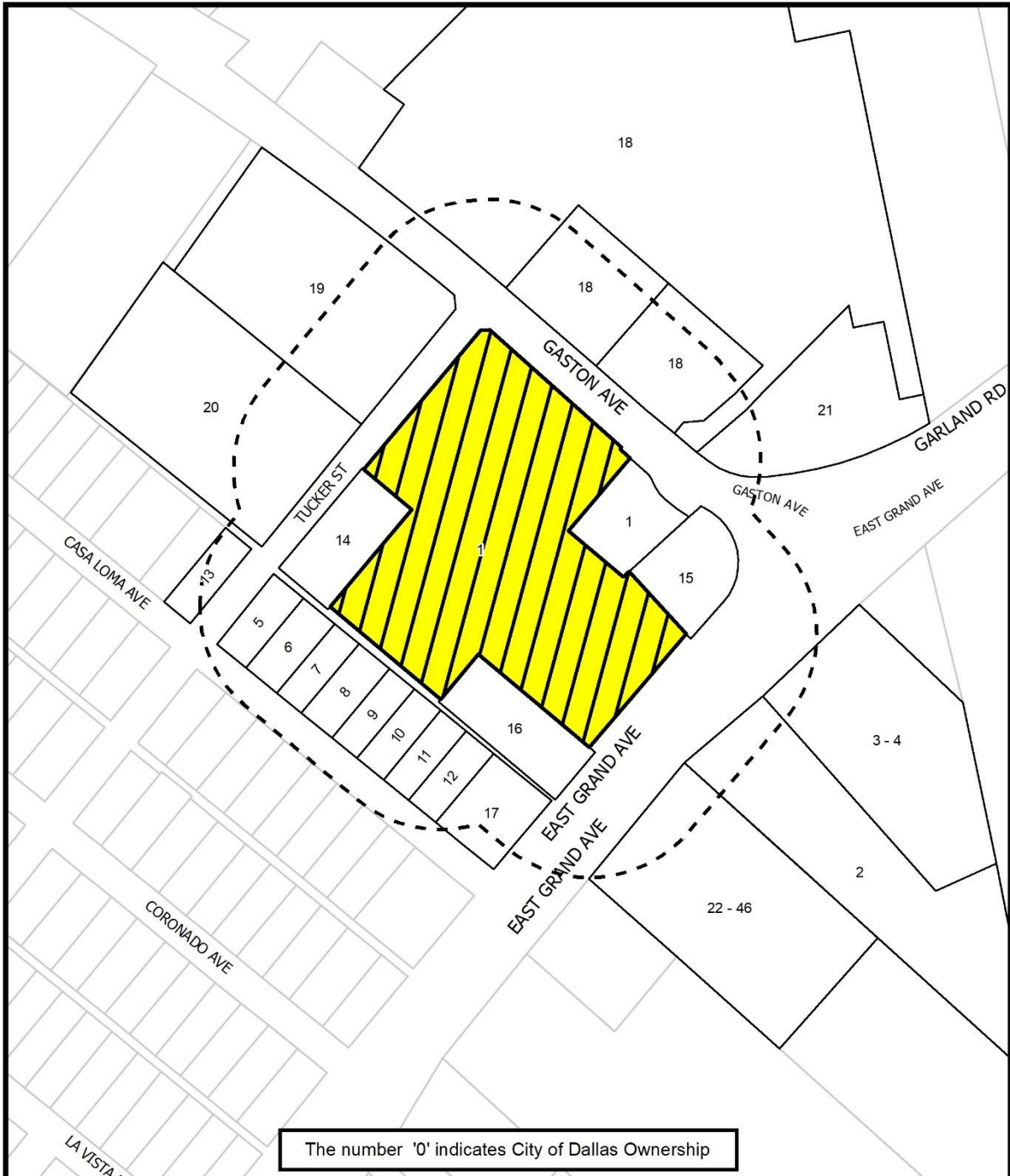
Date: 5/20/2021



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AERIAL MAP

Case no: BDA201-057
Date: 5/20/2021



 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">46</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	46	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA201-057</u> Date: <u>5/20/2021</u>
200'	AREA OF NOTIFICATION					
46	NUMBER OF PROPERTY OWNERS NOTIFIED					

05/20/2021

Notification List of Property Owners

BDA201-057

46 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7330 GASTON AVE	7324 GASTON AVE LTD
2	7522 EAST GRAND AVE	WRSM NO 1 LP
3	7530 EAST GRAND AVE	WRSM NO 1 LP
4	7530 EAST GRAND AVE	WRSM NO 1 LP
5	7303 CASA LOMA AVE	SPARKS CHRISTOPHER R &
6	7307 CASA LOMA AVE	GRIFFIN DIANA DEE
7	7311 CASA LOMA AVE	RATCLIFF KIMBERLY SUE
8	7315 CASA LOMA AVE	MCCAIN FRANCES E & JOSEPH Y
9	7319 CASA LOMA AVE	CULLIVAN MARISSA T
10	7323 CASA LOMA AVE	FUERTE ASHLYN
11	7327 CASA LOMA AVE	GRANDE ERIK
12	7331 CASA LOMA AVE	MITROFF TWILA J
13	7243 CASA LOMA AVE	TUNCER ENIS
14	2114 TUCKER ST	SPARK VENTURE PROPERTY GROUP
15	7340 GASTON AVE	7324 GASTON AVENUE LTD
16	7515 EAST GRAND AVE	SALES MEXICO LINDO
17	7500 E GRAND AVE	SALES MEXICO LINDO
18	7317 GASTON AVE	CH REALTY VII R DALLAS ARBORETUM VILLAGE LP
19	7230 GASTON AVE	BROWN ARTHUR LUTHER ET AL
20	2165 TUCKER ST	MDI LLC
21	7345 GASTON AVE	Taxpayer at
22	7510 EAST GRAND AVE	7510 E GRAND LLC
23	7510 EAST GRAND AVE	ALVAREZ BEATRICE
24	7510 EAST GRAND AVE	7510 E GRAND LLC
25	7510 EAST GRAND AVE	HATCHETT JANAE
26	7510 EAST GRAND AVE	WATSON LAWRENCE E

05/20/2021

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	7510 EAST GRAND AVE	BURKHARDT BARBARA
28	7510 EAST GRAND AVE	SUREFIRE PROPERTIES 1RE LLC
29	7510 EAST GRAND AVE	7510 E GRAND LLC
30	7510 EAST GRAND AVE	ROHRMAN ELIZABETH
31	7510 EAST GRAND AVE	CHUA AY HUA
32	7510 EAST GRAND AVE	BOGAN TRUST
33	7510 EAST GRAND AVE	HILDRETH ALLEN
34	7510 EAST GRAND AVE	ZUNIGA FILIBERTO
35	7510 EAST GRAND AVE	BERRY MARK
36	7510 EAST GRAND AVE	MUSMAR MAJED
37	7510 EAST GRAND AVE	MEDINA ERIN
38	7510 EAST GRAND AVE	HARRIS JAMES B & DIANE B
39	7510 EAST GRAND AVE	MORENO NICOLE CHRILDRENS TRUST
40	7510 EAST GRAND AVE	GRAY NANCY E
41	7510 EAST GRAND AVE	HERNANDEZ EDELMIRO C &
42	7510 EAST GRAND AVE	GALENBIA LLC
43	7510 EAST GRAND AVE	MEYERS KAREN
44	7510 EAST GRAND AVE	KLS INVESTMENTS LLC
45	7510 EAST GRAND AVE	CHUA AY HUA
46	7510 EAST GRAND AVE	SILVA MICHAEL R



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-057

Data Relative to Subject Property:

Date: April 21, 2020 4-22-21

Location address: 7330 Gaston Avenue, Dallas TX

Zoning District: SUP 214 PD 808

Lot No.: 11A Block No.: E/2738 Acreage: 4.210

Census Tract: 4813000100 1.00

Street Frontage (in Feet): 1) 227.44' 2) 291.94' 3) 278.90' 4) 220.90' 5) _____

To the Honorable Board of Adjustment,

Owner of Property (per Warranty Deed): 7324 Gaston Avenue, LTD

Applicant: DeShazo Group, Inc. Telephone: (214) 748-6740

Mailing Address: 400 S. Houston Street, Suite 330 Zip Code: 75202-4899

E-mail Address: john.deschazo@deschazogroup.com

Represented by: Chuck DeShazo Telephone: (214) 748-6740

Mailing Address: 400 S. Houston Street, Suite 330 Zip Code: 75202-4899

E-mail Address: chuck.deschazo@deschazogroup.com

Affirm that an appeal has been made for a Variance , or Special Exception , of 13 parking spaces

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

Land taken from property by TxDOT will permanently negatively impact the site's ability to satisfy code parking requirements as set forth in the Dallas Development Code by the loss of 13 parking spaces. A parking variance is thus requested to prevent the site from falling out of compliance due to circumstances beyond the owner's control.

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

Chuck DeShazo
(Affiant/Applicant's name printed)

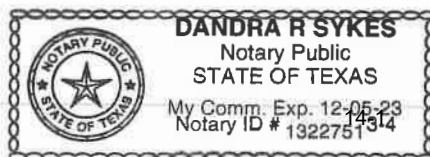
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

[Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 21st day of April, 2021

(Rev. 08-01-11)



Dandra R Sykes
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 JOHN J DESHAZO JR

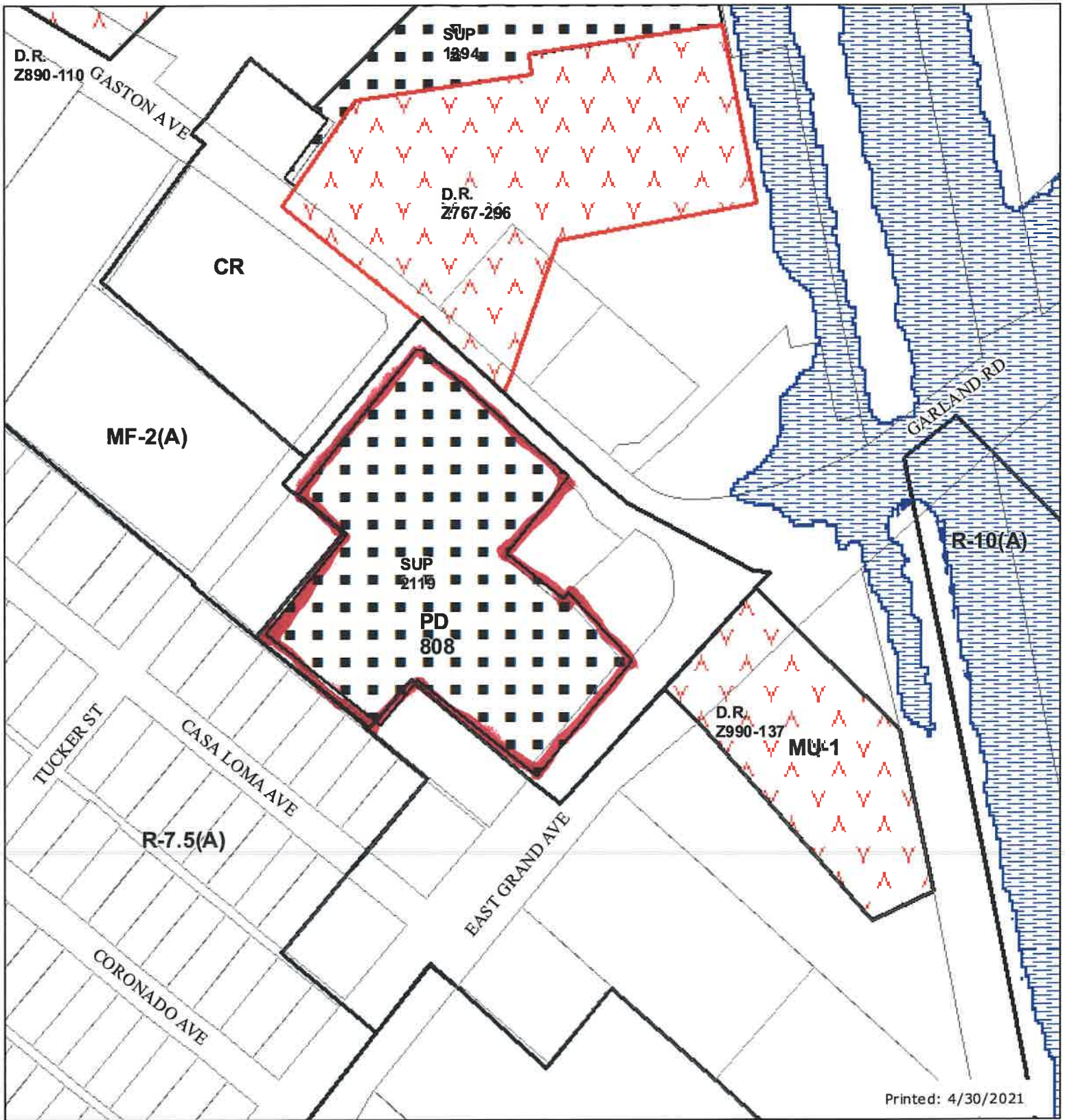
did submit a request for a variance to the parking regulations

at 7330 Gaston Avenue

BDA201-057. Application of JOHN J DESHAZO JR for a variance to the parking regulations at 7330 GASTON AVE. This property is more fully described as Lot 11A, Block E/2738, and is zoned PD-808, which requires parking to be provided. The applicant proposes to maintain a nonresidential structure for a restaurant without drive-in or drive-through service use, a general merchandise or food store 3500 square feet or less use, and personal service use, medical clinic or ambulatory center, and provide 346 of the required 359 parking spaces, which will require a 13 space variance (.03% reduction) to the parking regulation.

Sincerely,


David Session, Building Official



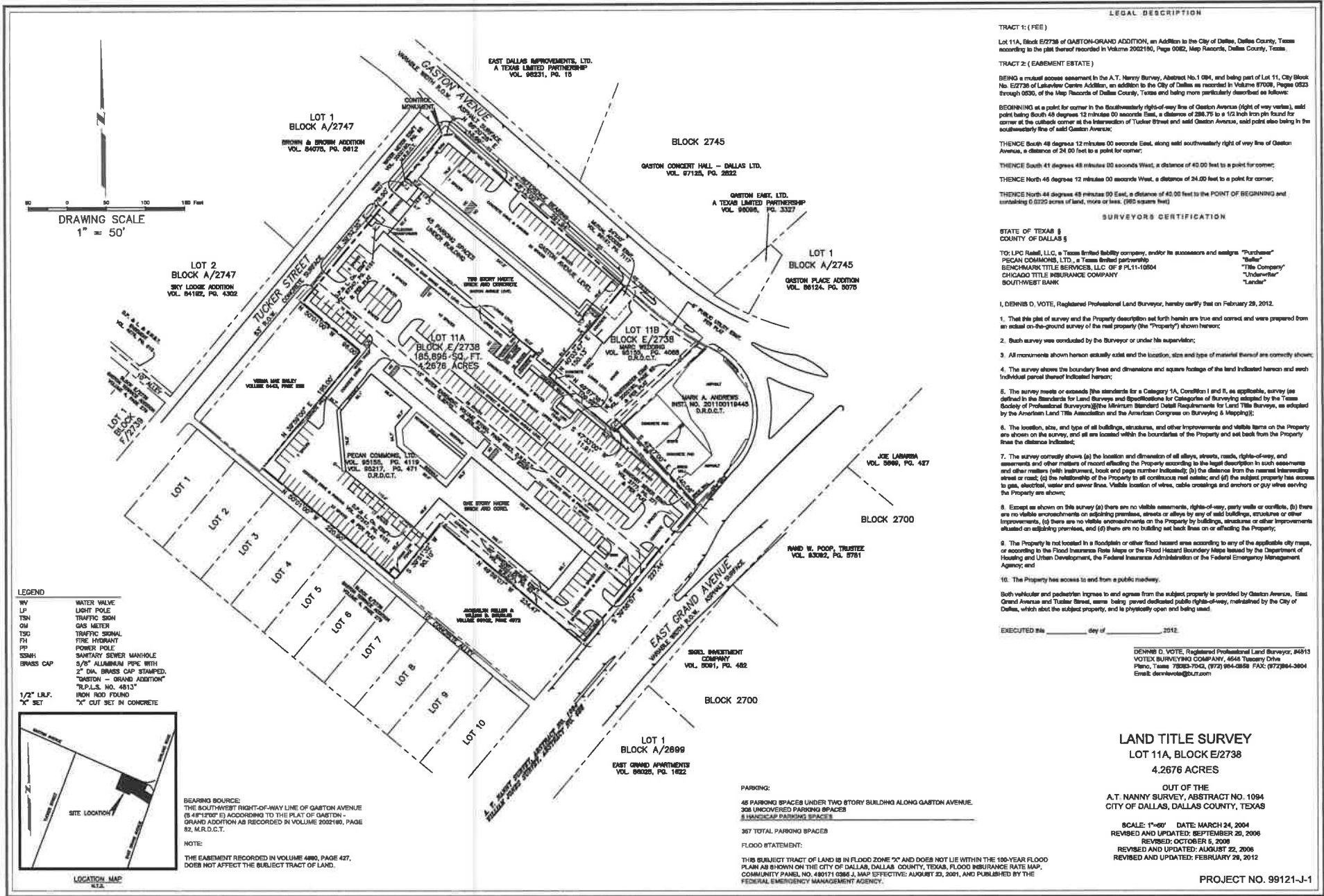
Printed: 4/30/2021

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------------|
| City Limits | Railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 14-3 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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





LEGAL DESCRIPTION

TRACT 1: (FEE)
 Lot 11A, Block E2738 of GASTON-GRAND ADDITION, an Addition in the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 2002180, Page 0002, Map Records, Dallas County, Texas.

TRACT 2: (EASEMENT ESTATE)
 BEING a mutual access easement in the A.T. Nanny Survey, Abstract No. 1 094, and being part of Lot 11, City Block No. E2738 of Lakeview Centre Addition, an addition to the City of Dallas as recorded in Volume 87008, Page 0823 through 0830, of the Map Records of Dallas County, Texas and being more particularly described as follows:
 BEGINNING at a point for corner in the Southwesterly right-of-way line of Gaston Avenue (right of way vertex), said point being South 48 degrees 12 minutes 00 seconds East, a distance of 286.75 to a 1/2 inch pin found for corner at the cul-de-sac corner at the intersection of Tucker Street and said Gaston Avenue, said point also being in the southwesterly line of said Gaston Avenue;
 THENCE South 48 degrees 12 minutes 00 seconds East, along said southwesterly right of way line of Gaston Avenue, a distance of 24.00 feet to a point for corner;
 THENCE South 41 degrees 48 minutes 00 seconds West, a distance of 40.00 feet to a point for corner;
 THENCE North 46 degrees 12 minutes 00 seconds West, a distance of 24.00 feet to a point for corner;
 THENCE North 44 degrees 48 minutes 00 East, a distance of 40.00 feet to the POINT OF BEGINNING and containing 0.0225 acres of land, more or less. (960 square feet)

SURVEYORS CERTIFICATION

STATE OF TEXAS §
 COUNTY OF DALLAS §

TO: LPC Retail, LLC, a Texas limited liability company, and/or its successors and assigns "Purchaser"
 PECAN COMMONS, LTD., a Texas limited partnership
 BENCHMARK TITLE SERVICES, L.L.C. OF 2 PL11-10504 "Title Company"
 CHICAGO TITLE INSURANCE COMPANY "Underwriter"
 SOUTHWEST BANK "Lender"

I, DENNIS D. VOTE, Registered Professional Land Surveyor, hereby certify that on February 28, 2012,

1. That this plat of survey and the Property description set forth herein are true and correct and were prepared from an actual on-the-ground survey of the real property (the "Property") shown hereon;
2. Each survey was conducted by the Surveyor or under his supervision;
3. All monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown;
4. The survey shows the boundary lines and dimensions and square footage of the land indicated hereon and each individual parcel thereof indicated hereon;
5. The survey meets or exceeds (the standards for a Category 1A, Condition I and II, as applicable, survey (as defined in the Standards for Land Surveys and Specifications for Categories of Surveying adopted by the Texas Society of Professional Surveyors) (the Minimum Standard Detail Requirements for Land Title Surveys, as adopted by the American Land Title Association and the American Congress on Surveying & Mapping));
6. The location, size, and type of all buildings, structures, and other improvements and visible items on the Property are shown on this survey, and all are located within the boundaries of the Property and set back from the Property lines the distance indicated;
7. The survey correctly shows (a) the location and dimension of all alleys, streets, roads, rights-of-way, and easements and other matters of record affecting the Property according to the legal description in such easements and other matters (with instrument, book and page number indicating); (b) the distance from the nearest intersecting street or road; (c) the relationship of the Property to all contiguous real estate; and (d) the subject property has access to gas, electrical, water and sewer lines. Visible location of wires, cable crossings and markers or guy wires serving the Property are shown;
8. Except as shown on this survey (a) there are no visible easements, rights-of-way, party walls or conflicts, (b) there are no visible encroachments on adjoining premises, streets or alleys by any of said buildings, structures or other improvements, (c) there are no visible encroachments on the Property by buildings, structures or other improvements situated on adjoining premises, and (d) there are no buildings set back lines on or affecting the Property;
9. The Property is not located in a floodplain or other flood hazard area according to any of the applicable city maps, or according to the Flood Insurance Rate Maps or the Flood Hazard Boundary Maps issued by the Department of Housing and Urban Development, the Federal Insurance Administration or the Federal Emergency Management Agency; and
10. The Property has access to and from a public roadway.

Both vehicular and pedestrian ingress to and egress from the subject property is provided by Gaston Avenue, East Grand Avenue and Tucker Street, some being paved dedicated public rights-of-way, maintained by the City of Dallas, which abut the subject property, and is presently open and being used.

EXECUTED this _____ day of _____, 2012.

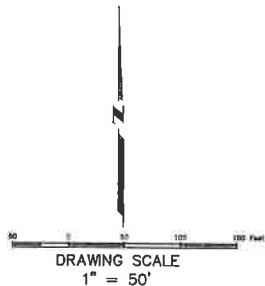
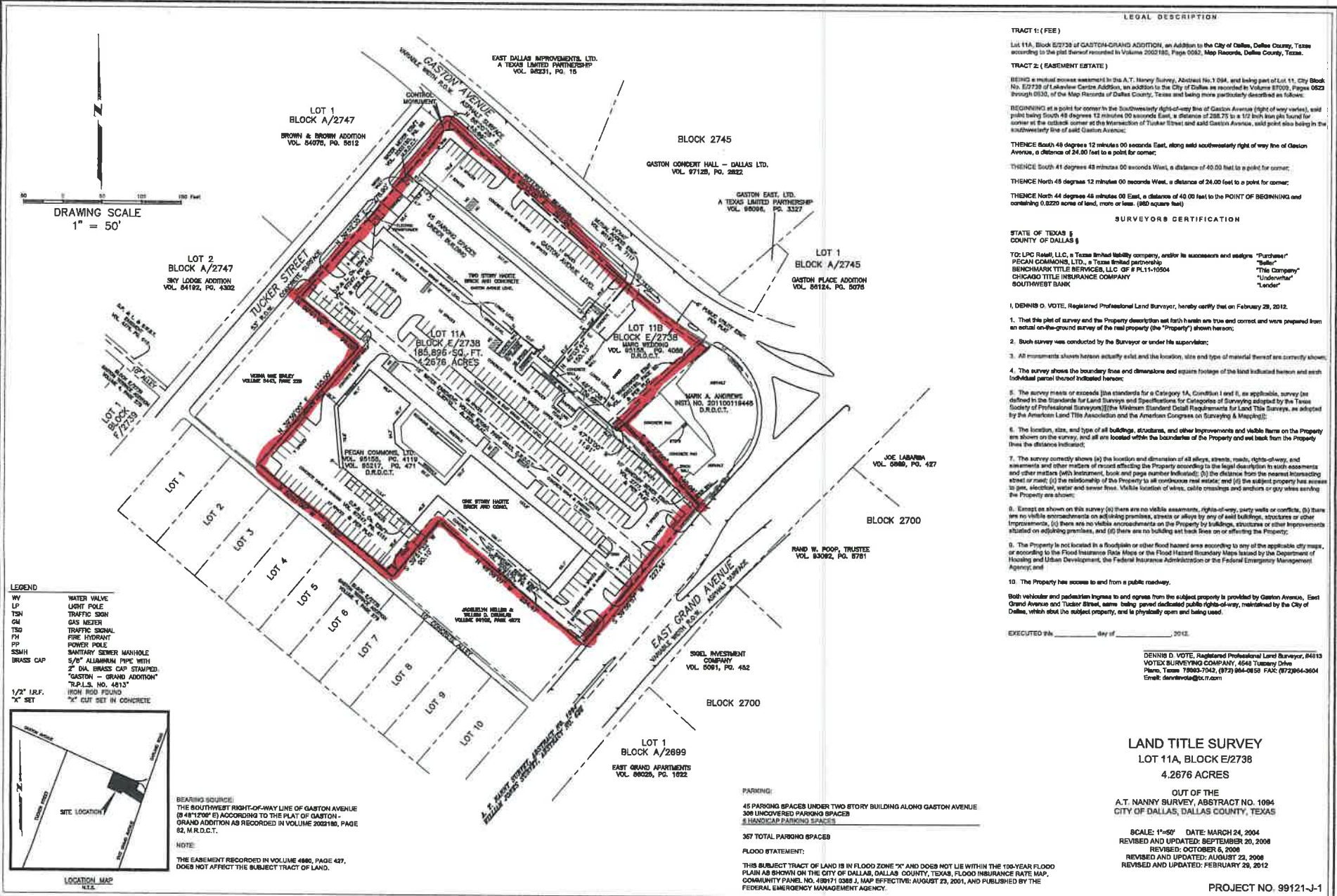
DENNIS D. VOTE, Registered Professional Land Surveyor, 84913
 VOTEX SURVEYING COMPANY, 4548 Tuscany Drive
 Plano, Texas 75093-7042, (972) 964-0858 FAX: (972) 964-3004
 Email: dennevotex@DLR.com

LAND TITLE SURVEY
 LOT 11A, BLOCK E/2738
 4.2676 ACRES

OUT OF THE
 A.T. NANNY SURVEY, ABSTRACT NO. 1094
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

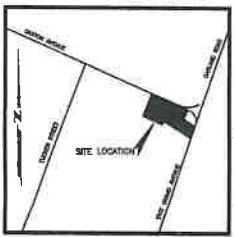
SCALE: 1"=50' DATE: MARCH 24, 2006
 REVISED AND UPDATED: SEPTEMBER 26, 2006
 REVISED: OCTOBER 5, 2006
 REVISED AND UPDATED: AUGUST 22, 2006
 REVISED AND UPDATED: FEBRUARY 26, 2012

PROJECT NO. 99121-J-1



LEGEND

WV	WATER VALVE
LP	LIGHT POLE
TSN	TRAFFIC SIGN
GM	GAS METER
TSD	TRAFFIC SIGNAL
FI	FIRE HYDRANT
PP	POWER POLE
SSM	SEWAGE MANHOLE
BC	BRASS CAP
1/2" I.R.F.	IRON ROD FOUND
"X" SET	"X" CUT SET IN CONCRETE



BEARING SOURCE:
THE SOUTHWEST RIGHT-OF-WAY LINE OF GASTON AVENUE (S 48°12'00" E) ACCORDING TO THE PLAT OF GASTON-GRAND ADDITION AS RECORDED IN VOLUME 2002180, PAGE 62, M.R.D.C.T.

NOTE:
THE EASEMENT RECORDED IN VOLUME 4880, PAGE 437, DOES NOT AFFECT THE SUBJECT TRACT OF LAND.

LEGAL DESCRIPTION

TRACT 1: (FEE)
Lot 11A, Block E2738 of GASTON-GRAND ADDITION, an Addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 2002180, Page 602, Map Records, Dallas County, Texas.

TRACT 2: (EASEMENT ESTATE)
BEING a mutual easement between the A.T. Nanny Survey, Abstract No. 1, 094, and being part of Lot 11, City Block No. 12278 of Lakewood Center Addition, an addition to the City of Dallas as recorded in Volume 87032, Page 0923 through 0930, of the Map Records of Dallas County, Texas and being more particularly described as follows:
BEGINNING at a point for corner to the Southwestly right-of-way line of Gaston Avenue (right of way varies), said point being South 48 degrees 12 minutes 00 seconds East, a distance of 288.75 to a 1/2 inch iron pin found for corner at the southeast corner of the Westwardly line of Tucker Street and East Grand Avenue, said point also being in the Southwestly line of said Gaston Avenue;
THENCE South 48 degrees 12 minutes 00 seconds East, along said Southwestly right of way line of Gaston Avenue, a distance of 24.00 feet to a point for corner;
THENCE South 41 degrees 48 minutes 00 seconds West, a distance of 40.00 feet to a point for corner;
THENCE North 44 degrees 12 minutes 00 seconds West, a distance of 24.00 feet to a point for corner;
THENCE North 44 degrees 48 minutes 00 East, a distance of 40.00 feet to the POINT OF BEGINNING and containing 0.6226 acres of land, more or less. (860 square feet)

SURVEYORS CERTIFICATION

STATE OF TEXAS & COUNTY OF DALLAS &

TO: LPC Retail, LLC, a Texas limited liability company, and/or its successors and assigns "Purchaser"
PECAN COMMONS, LTD., a Texas limited partnership "Seller"
BENCHMARK TITLE SERVICES, LLC OF # PL-11-10504 "Title Company"
CHICAGO TITLE INSURANCE COMPANY "Underwriter"
SOUTHWEST BANK "Lender"

I, DENNIS D. VOTE, Registered Professional Land Surveyor, hereby certify that on February 28, 2012,

- That the plat of survey and the Property description set forth herein are true and correct and were prepared from an actual on-the-ground survey of the real property (the "Property") shown hereon;
- Such survey was conducted by the Surveyor or under his supervision;
- All monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown;
- The survey shows the boundary lines and dimensions and square footage of the land indicated hereon and each individual parcel thereof indicated hereon;
- The survey meets or exceeds the standards for a Category 1A, Condition I and II, as applicable, survey (as defined in the Standards for Land Surveys and Specifications for Categories of Surveying adopted by the Texas Society of Professional Surveyors) (the Minimum Standard Detail Requirements for Land Title Surveys, as adopted by the American Land Title Association and the American Congress on Surveying & Mapping);
- The location, size, and type of all buildings, structures, and other improvements and visible items on the Property are shown on the survey, and all are located within the boundaries of the Property and set back from the Property (less the distance indicated);
- The survey correctly shows (a) the location and dimension of all alleys, streets, roads, rights-of-way, and easements and other matters of record affecting the Property according to the legal description in such easements and other matters (with instrument, book and page number indicated); (b) the distance from the nearest intersecting street or road; (c) the relationship of the Property to all contiguous real estate; and (d) the subject property has access to gas, electrical, water and sewer lines. Visible location of wires, cable crossings and antennas or guy wires serving the Property are shown;
- Except as shown on this survey (a) there are no visible easements, rights-of-way, party walls or conflicts, (b) there are no visible encroachments on adjoining premises, streets or alleys by any of said buildings, structures or other improvements, (c) there are no visible encroachments on the Property by buildings, structures or other improvements situated on adjoining premises, and (d) there are no buildings set back less on or affecting the Property;
- The Property is not located in a floodplain or other flood hazard area according to any of the applicable city maps, or according to the Flood Insurance Rate Maps or the Flood Hazard Boundary Maps issued by the Department of Housing and Urban Development, the Federal Insurance Administration or the Federal Emergency Management Agency; and
- The Property has access to and from a public roadway.

Both vehicular and pedestrian ingress to and egress from the subject property is provided by Gaston Avenue, East Grand Avenue and Tucker Street, same being paved dedicated public rights-of-way, maintained by the City of Dallas, which abut the subject property, and is physically open and being used.

EXECUTED this _____ day of _____, 2012.

DENNIS D. VOTE, Registered Professional Land Surveyor, 04813 VOTEX SURVEYING COMPANY, 4548 Tuscan Drive, Plano, Texas 75093-7042, (972) 964-0858, FAX: (972) 964-0604, Email: denval@votex.com

LAND TITLE SURVEY
LOT 11A, BLOCK E2738
4.2676 ACRES

OUT OF THE
A.T. NANNY SURVEY, ABSTRACT NO. 1094
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE: 1"=50' DATE: MARCH 24, 2004
REVISED AND UPDATED: SEPTEMBER 20, 2008
REVISED: OCTOBER 5, 2008
REVISED AND UPDATED: AUGUST 23, 2008
REVISED AND UPDATED: FEBRUARY 28, 2012

PROJECT NO. 99121-J-1

Parking Analysis for Lakeview Centre

PD-909 / SUP-2119

Suite	DBA	Land Use:	Area (SF)	Required Parking Ratio	Required Parking
105	Vacant	Retail	2849	200	14.245
110	Mathnasium	Personal Service	1490	200	7.45
115	Jersey Mike's	Restaurant w/o drive-thru	2140	100	21.4
120	Chiropractic	Medical Clinic or Ambulatory Surgery Center	2183	200	10.915
121	Dentist	Medical Clinic or Ambulatory Surgery Center	2110	200	10.55
122	Eco Cleaners	Personal Service	1123	200	5.615
123	Optical	Medical Clinic or Ambulatory Surgery Center	1082	200	5.41
124	UPS	Personal Service	2184	200	10.92
125	CityVet	Animal Chelter or Clinic	1045	300	3.483333
130	CityVet	Animal Chelter or Clinic	3194	300	10.64667
300	Ovation Boutiques	Personal Service	9025	200	45.125
302	Vacant	Restaurant w/o drive-thru	3043	100	30.43
310	Dallas Eyecare	Retail	3946	200	19.73
100	Il Cane Rosso	Restaurant w/o drive-thru	5528	100	55.28
120*	On Rotation	Accessory use - Manufacture of Alc. Beverages	500	500	1
120*	On Rotation	Restaurant w/o drive-thru	2700	100	27
140	Lakewood Conserv.	Retail	4275	200	21.375
100	Sherwin Williams Paint	Retail	4085	200	20.425
100	Vacant	Retail	1949	200	9.745
103	Image by Farrah	Personal Service	3377	200	16.885
180	Uptown Yoga	Personal Service	2435	200	12.175
TOTAL:			60263		359.805

*NOTE: SUP-2119 pertains to the alcoholic beverage establishment in Suite 120.

Bicycle Requirements (Lakeview Centre)

The greater of 2 bike spaces is required per building site of 1 space per every 25 off-street vehicles parking spaces. Bicycle parking by either of the following:

1. New construction;
2. Increase in the floor area of a building site by 10 percent or more of by 2,000 square-feet, whichever is less;
3. A change in land use that requires an increase in off-street parking.

Vehicle Spaces Required (332.805)/25 = 13 Required

15 Provided

SUMMARY			
Raw Parking Requirement:		Net Required	Parking Provided:
359.805	Adjustment for Bicycle Spaces	357	360
	-2.50		

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF June 23, 2021 (B)

Has no objections

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

Recommends denial
(see comments below or attached)

No comments

BDA 201-023 (JM)

BDA 201-034 (OA)

BDA 201-049 (OA)

BDA 201-056 (OA)

BDA 201-057 (JM)

COMMENTS:

Applicant must provide:

1. Survey showing proposed TXDOT's taking.

2. Document historical parking demand data or technical justification to justify that, although a hardship, the request would not be detrimental to the operations of this property.

David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

8/9/2021

Date

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

FILE NUMBER: BDA201-065(PD)

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

LOCATION: 4137 Independence Drive

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

REQUEST:

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

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

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

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

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

- the extent to which there is residential adjacency.

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

STAFF RECOMMENDATION:

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

Rationale:

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

BACKGROUND INFORMATION:

Zoning

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

Land Use:

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

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Timeline:

May 12, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents that have been included as part of this case report.

July 7, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.

July 8, 2021: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the July 27, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the August 6, 2021 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

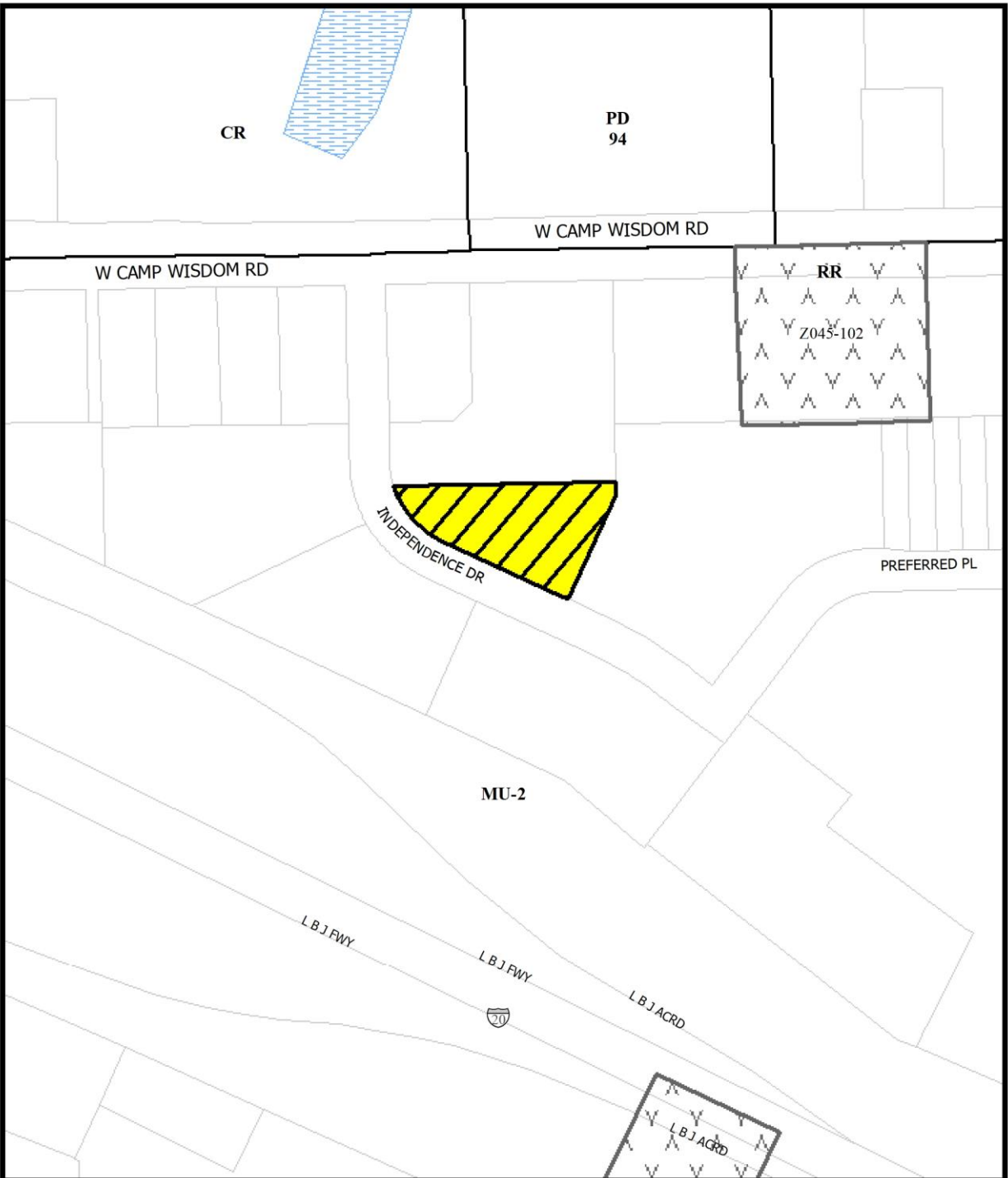
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.


July 29, 2021:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Chief Planner, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

July 30, 2021:

The Sustainable Development and Construction Chief Arborist submitted a report detailing the recommendation (**Attachment A**).




 1:2,400

ZONING MAP

Case no: **BDA201-065**
 Date: **7/19/2021**

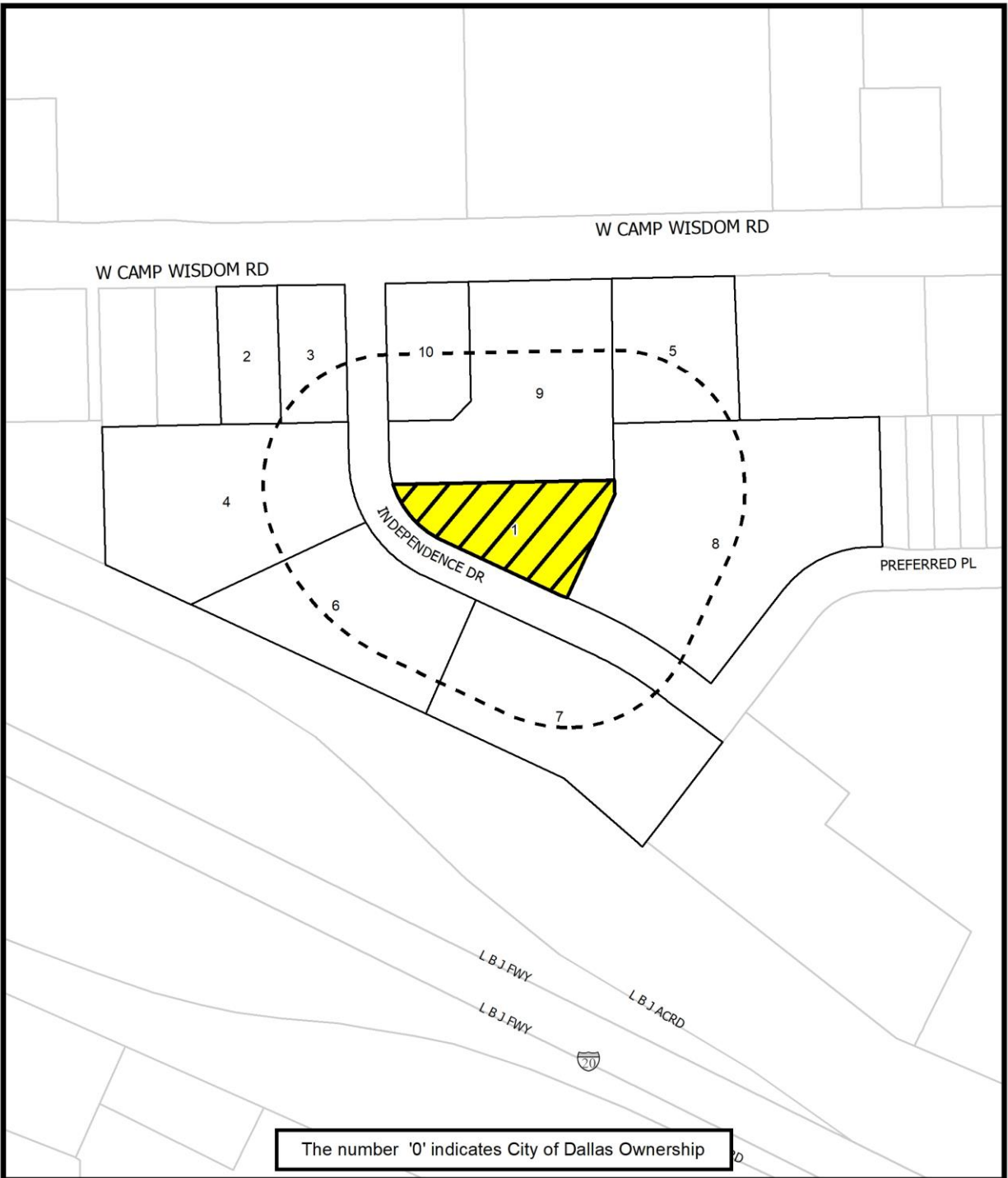



1:2,400

AERIAL MAP

Case no: BDA201-065

Date: 7/19/2021




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
10 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA201-065**
 Date: **7/19/2021**

07/15/2021

Notification List of Property Owners

BDA201-065

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4137 INDEPENDENCE DR	SHABACH SANCTUARY
2	4306 W CAMP WISDOM RD	PRATER JIMMIE D
3	4302 W CAMP WISDOM RD	WISDOM WASH INC
4	4220 INDEPENDENCE DR	SOUTHWEST DALLAS HOSPITALITY LP
5	4140 W CAMP WISDOM RD	4140 CAMP WISDOM ASSET LLC
6	4242 INDEPENDENCE DR	ROYAL HOTEL HOLDING CORP INC
7	4150 INDEPENDENCE DR	PERFECT INDEPENDENCE
8	4004 PREFERRED PL	ZPV CORPORATION
9	4210 W CAMP WISDOM RD	Taxpayer at
10	4228 W CAMP WISDOM RD	Taxpayer at



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-065

Data Relative to Subject Property:

Date: 5-12-21

Location address: 4137 Independence Drive Zoning District: MU-2

Lot No.: 10A Block No.: 4/6932 Acreage: .571 Census Tract: 109.04

Street Frontage (in Feet): 1) 340' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 2020 REAL ESTATE LLC. / WISSAM SHAZEM

Applicant: ELIAS RODRIQUEZ Telephone: 214-946-4300

Mailing Address: 317 E Jefferson Blvd Zip Code: 75203

E-mail Address: cs@buildingplansandpermits.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of ALTERNATE LANDSCAPE PLAN.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: This appeal is needed for the approval of a building permit for a commercial retail use property. In order for this project to get permitted the aborist suggested that we apply for a Board of Adjustment to get the alternate landscape plan approved to obtain the permit.

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

Affidavit

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

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

Respectfully submitted: Eliss Rodriguez (Affiant/Applicant's signature)

Subscribed and sworn to before me this 23 day of APRIL, 2021

Laura Coggins Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that ELIAS RODRIQUEZ

did submit a request for a special exception to the landscaping regulations
at 4137 Independence Drive

BDA201-065. Application of ELIAS RODRIQUEZ for a special exception to the landscaping regulations at 4137 INDEPENDENCE DR. This property is more fully described as Lot 10A, Block 4/6932, and is zoned MU-2, which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-065

I, 2020 REAL ESTATE LLC/ WISSAM KHAZEM, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4137 Independence Drive
(Address of property as stated on application)

Authorize: ELIAS RODRIQUEZ
(Applicant's name as stated on application)

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

 Variance (specify below)

Special Exception (specify below)

 Other Appeal (specify below)

Specify: ALTERNATE LANDSCAPE PLAN.

WISSAM KHAZEM
Print name of property owner or registered agent

Wissam Khazem
Signature of property owner or registered agent

Date APRIL 23, 2021

Before me, the undersigned, on this day personally appeared ELIAS RODRIQUEZ

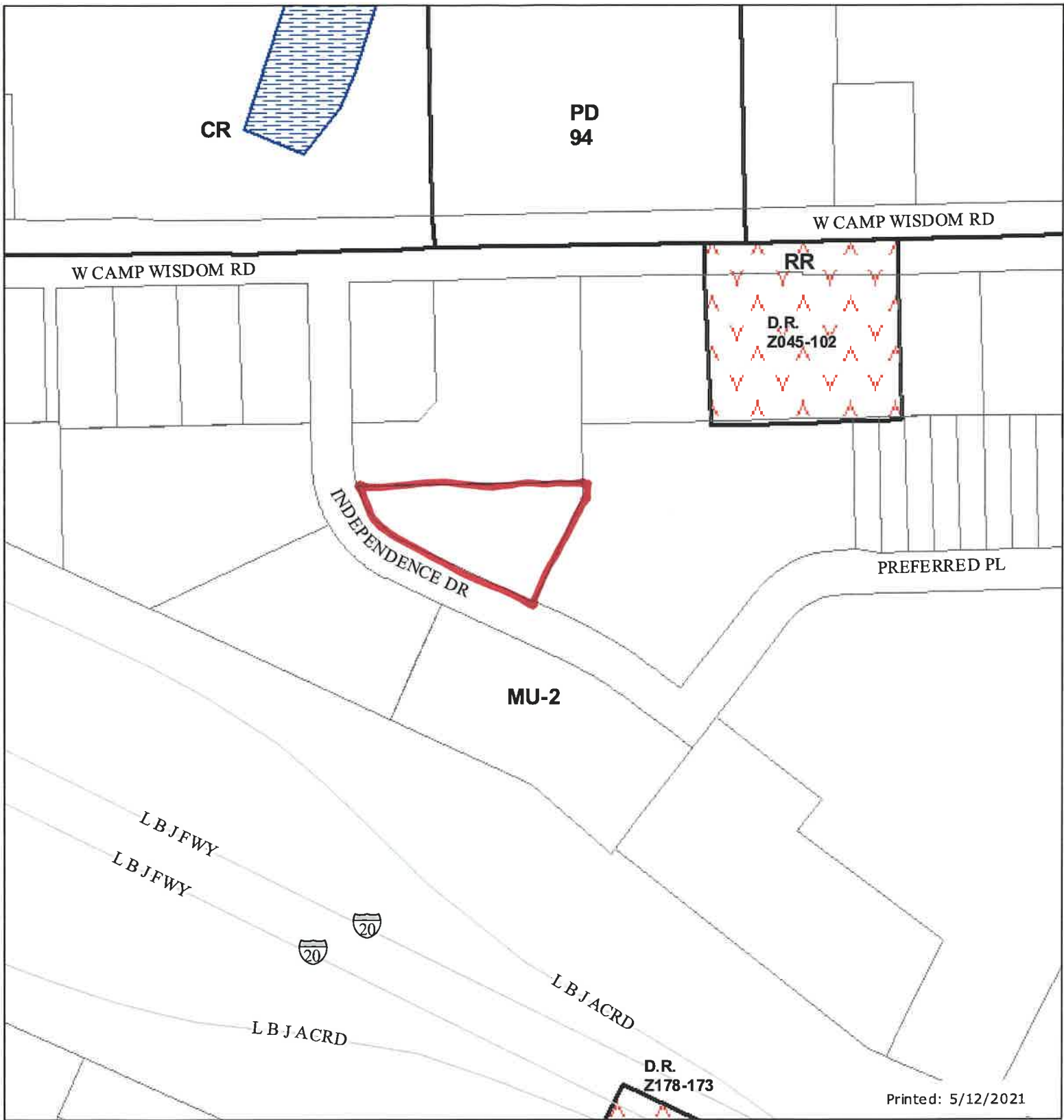
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 23 day of APRIL, 2021



Laura Coggins
Notary Public for Dallas County, Texas

Commission expires on 08.23.2021

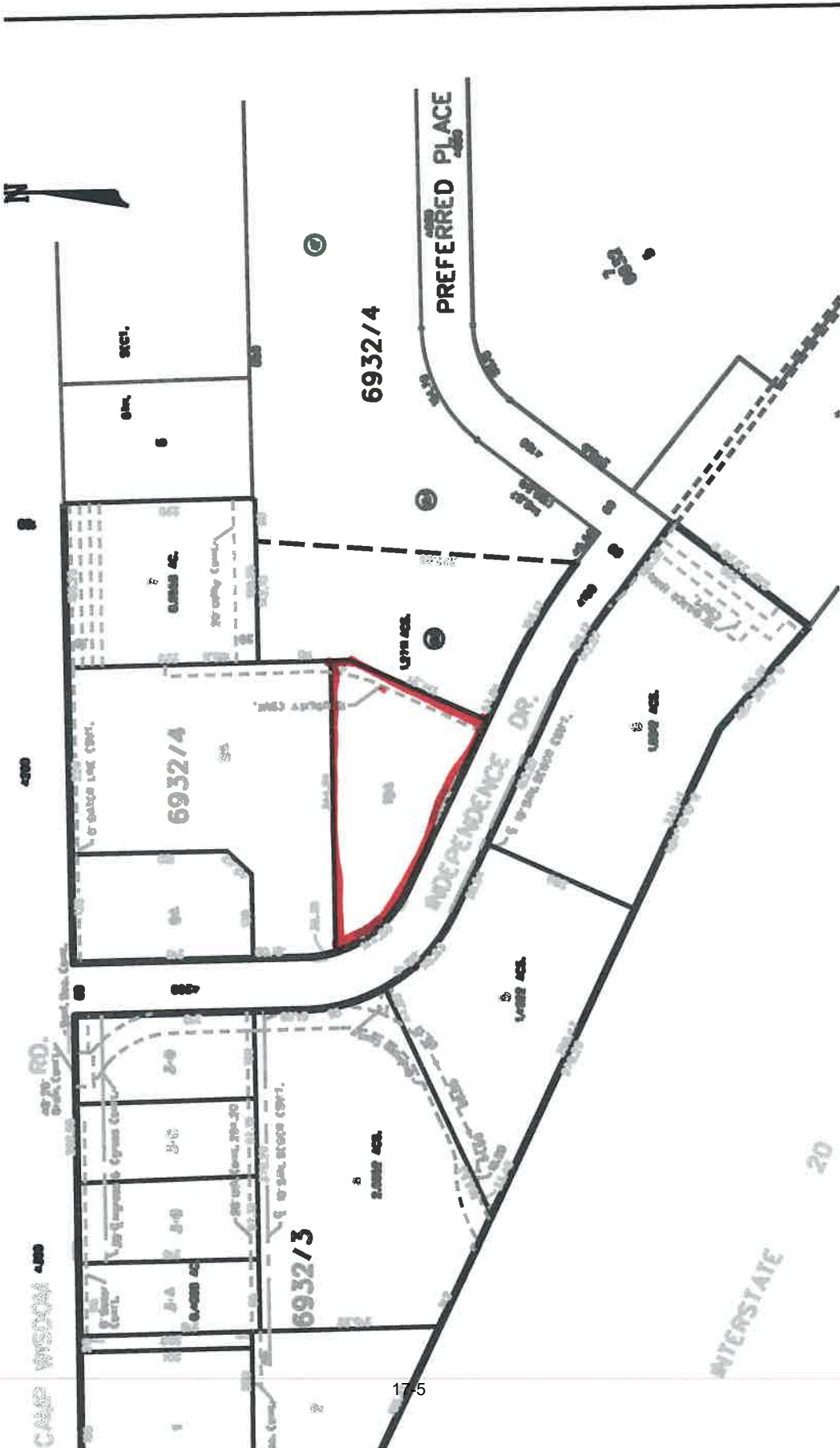


Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 17-4 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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





SEAL

- PUBLIC POLE
- FIRE HYDRANT
- ▣ FURNITURE
- ▨ STREET BUFFER ZONE

NOTES
 1.- THIS FACILITY WILL COMPLY W/ URBAN FORESTRY
 2.- THIS FACILITY WILL COMPLY W/ CITY LANDSCAPE REQUIREMENTS
 3.- THIS FACILITY WILL COMPLY W/ CITY SIGNAGE ORDINANCE.

PLANT LEGEND

SYM	TYPE	COMMON NAME	QUANTITY	SIZE	REMARKS
T-1	TREES	LIVE OAK	2	8" CAL	10'-12" HI.
T-2	TREES	PECAN TREE	2	22" CAL	PROPOSED
S-1	SHRUBS	STANDARD BURFORD HOLLY	13	5" CAL.	PLANT 18" O.C.
L-1	LAWN				

PROPOSED TREES

SYM	TYPE	COMMON NAME	QUANTITY	SIZE	REMARKS
T-1	TREES	LIVE OAK	2	8" CAL	10'-12" HI.
T-2	TREES	PECAN TREE	2	22" CAL	PROPOSED
S-1	SHRUBS	STANDARD BURFORD HOLLY (LARGE SHRUB)	13	5" CAL.	PLANT 18" O.C.

STANDARD DESIGN (SHRUB HI. MIN. OF 2' AT INSTALLATION)

BUILDING FACADE PLANTING AREAS

STANDARD DESIGN

CONSTRUCTION CONCRETS, INC.
 2125 W. 11TH STREET, SUITE 100
 DALLAS, TEXAS 75207
 TEL: (214) 343-8888

NO.	DESCRIPTION	DATE

ADDRESS: 4137 INDEPENDENCE DR DALLAS, TX 75247

DATE: 01/19/2021

DRAWN BY: MIGB

CHECKED BY:

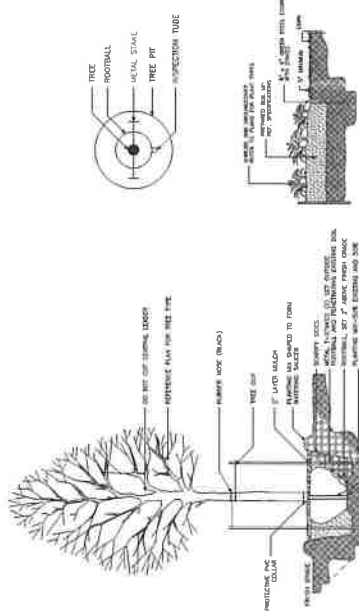
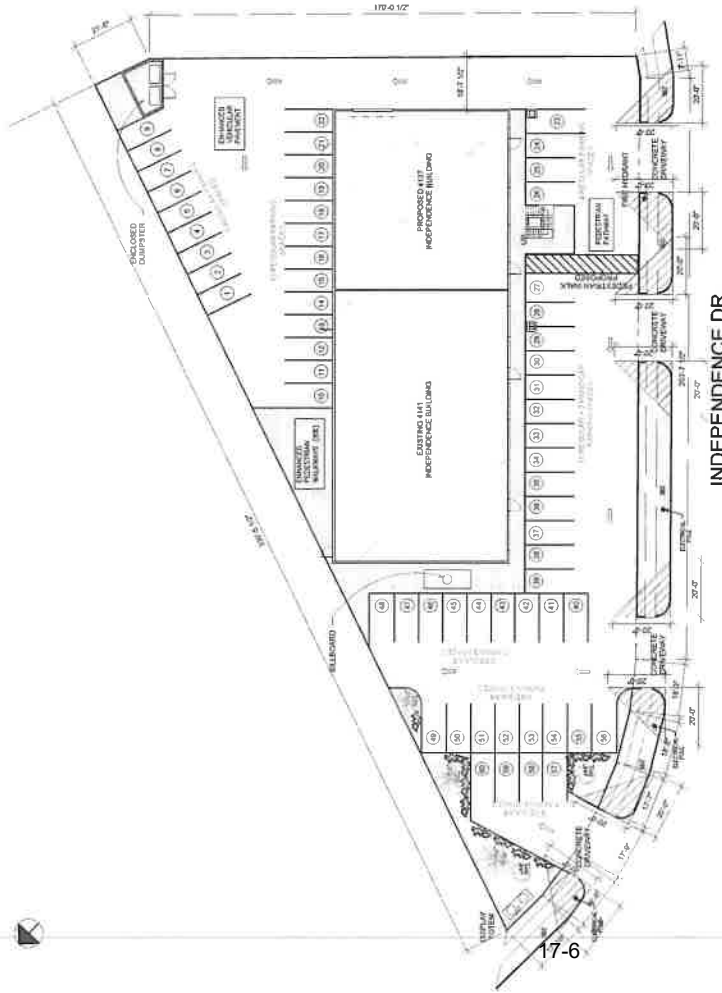
DESCRIPTION: TWO-STORY ADDITION COMMERCIAL BLDG.

SCALE:

SHEET TITLE: LANDSCAPE PLAN

SHEET #: C1.00

FILE NAME: C1.00_LANDSCAPE_PLAN



GENERAL LANDSCAPE NOTES

1. ALL UNDERGROUND AUTOMATIC POP-UP DRIP TYPE IRRIGATION SYSTEM SHALL BE INSTALLED AND MAINTAINED TO SYSTEM WILL NOT DISTURB ADJACENT SIDEWALKS AND DRIVEWAYS TO THE GREATEST EXTENT POSSIBLE. A RAIN SENSING IRRIGATION SYSTEM SHALL BE INSTALLED ON THE ENTIRE LAWN AREA.
2. ALL PLANT MATERIALS SHALL BE INSTALLED ON SITE BY OWNER IN ACCORDANCE WITH THE CITY OF DALLAS LANDSCAPE STANDARDS MANUAL SPECIFIED ON THIS PLAN IS TO BE USED UNLESS OTHERWISE NOTED.
3. ALL PLANT MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF DALLAS LANDSCAPE STANDARDS MANUAL SPECIFIED ON THIS PLAN IS TO BE USED UNLESS OTHERWISE NOTED.
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5. ALL LANDSCAPE AREAS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.
6. ALL LANDSCAPE AREAS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.
7. ALL PERMISSIBLE SURFACES NOT OCCUPIED BY TREES, SHRUBS OR PLANTING BEDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.
8. ALL TREES AND SHRUBS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.
9. ALL TREES AND SHRUBS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.
10. ALL TREES AND SHRUBS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.
11. ALL TREES AND SHRUBS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC THROUGH THE COURSE OF CONSTRUCTION AND MAINTENANCE.

PLANT PALETTE

- GENERAL TREE - 4" CALIBER MINIMUM (100% HT. MINIMUM)**
- 1. LIVE OAK (QUERCUS VIRGINIANA)
 - 2. WHITE OAK (QUERCUS ALBA)
 - 3. RED OAK (QUERCUS RUBRA)
 - 4. PINE (PINUS SP.)
 - 5. CEDAR (CYPRESSUS SP.)
 - 6. SYPHOCARPUS (SYPHOCARPUS JAPONICUS)
 - 7. HYDRANGEA (HYDRANGEA SP.)
 - 8. LILAC (SIBYRICA)
 - 9. SPYRGEA (SPYRGEA SP.)
 - 10. BURNING BUSH (WICKSTROMIA BURNING)
 - 11. NINEBARK (CORNUS STOLONIFERA)
 - 12. SPYRGEA (SPYRGEA SP.)
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Memorandum



Date July 30, 2021
To Pamela Daniel, Sr. Planner
Jennifer Munoz, Board Administrator
Subject BDA #201-065 4137 Independence Drive Arborist report

Request

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

Provision

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

Deficiency

The proposed plan does not provide for a complete Street Buffer Zone along the street frontage, and the underground 12” water utility and overhead electric along the property boundary prohibits planting in the right-of-way and within ten feet of the utility line. The existing built conditions do burden the application of mandatory requirements along the street frontage.

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

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

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

Recommendation

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

Philip Erwin
Chief Arborist
Building Inspection

FILE NUMBER: BDA201-067(JM)

BUILDING OFFICIAL'S REPORT: Application of Bibiana Ramirez for a variance to the front yard setback regulations at 1417 Tempest Drive. This property is more fully described as Lot 24, Block 1/8778 and zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single-family residential structure and provide a 12-foot front yard setback, which will require a 13-foot variance to the front yard setback regulations.

LOCATION: 1417 Tempest Drive

APPLICANT: Bibiana Ramirez

REQUESTS:

The purpose of these requests is to maintain a 1,200-square-foot single-family structure within 12 feet of the front property line along Tempest Drive.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial.

- Upon review of the evidence submitted, staff concluded that the applicant had failed to prove how granting the 13-foot variance to the front yard setback along Tempest Drive is:
 - not contrary to the public interest;
 - necessary to permit commensurate development; and,
 - not granted to relieve a self-created or personal hardship, nor for financial reasons only.
- The applicant submitted a document indicating that the proposed structure on the subject site is commensurate to five other lots located in the same R-7(A) District and within the immediate vicinity. However, the evidence consisted of two undeveloped lots and one outlier lot with an acre of area, or 43,560 square feet of area. In comparison to the other four lots and the subject site which all have between 7,470 and 7,788 square feet of area, the outlier only serves to drive-up the total lot area average.
- The evidence provided does not meet all three parts of the standard.

Zoning:

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

Land Use:

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

Zoning/BDA History:

There have been no related board or zoning cases near the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The subject site is zoned an R-7.5(A) Single Family District which requires a minimum front yard setback of 25 feet. The property is located on the west side of Tempest Drive, with one front yard setback. The request for a variance to the front yard setback

regulations of 13 feet focuses on maintaining a single-family residential structure with approximately 1,200 square feet of floor area.

The submitted site plan indicates the proposed structure is located 12 feet from the Tempest Drive front property line or 12 feet into this 25-foot front yard setback.

According to DCAD records, the approximately 1,200-square-foot structure was erected in 1964 and the property contains 7,606 square feet of area.

The subject site is flat, rectangular in shape, and according to the application and DCAD records, approximately 7,606 square feet in area. In an R-7.5(A) District, the minimum lot size is 7,500 square feet. However, the applicant submitted a document with this application indicating that the proposed home with 1,200 square feet of floor area is larger than five other properties in the same zoning containing approximately 769 square feet of floor area. The evidence also compared the lot size to those same five properties, one of which is an outlier with an acre of area, and found the average to be 14,780 square feet. This was used as a hardship for the property, which staff does not agree with. Staff recommends denial based on this insufficient evidence.

The applicant has the burden of proof in establishing that granting the variance to the front yard setback regulations meets all three sections of the variance standard. If the board were to grant the variance request and impose the submitted site plan as a condition, the single-family structure in the front yard setback would be limited to what is shown on this document.

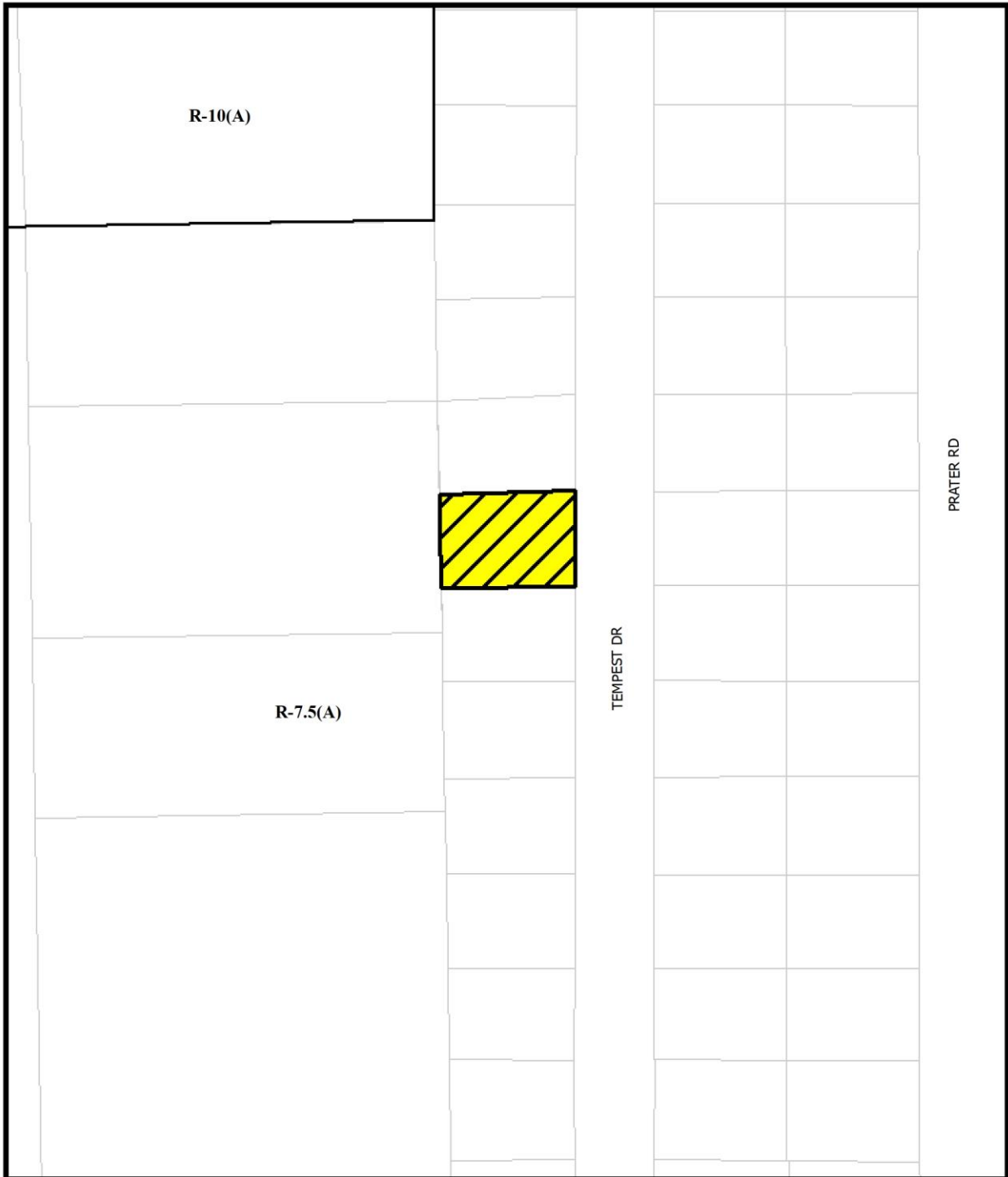
TIMELINE:

- May 18, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.
- July 7, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel C.
- July 8, 2021: The Board Senior Planner emailed the applicant the following information:
- a copy of the application materials including the Building Official’s report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the July 27, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the August 6, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;

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

July 29, 2021:

The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the August public hearing. The review team members in attendance included: the Sustainable Development and Construction Interim Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Chief Planner, Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

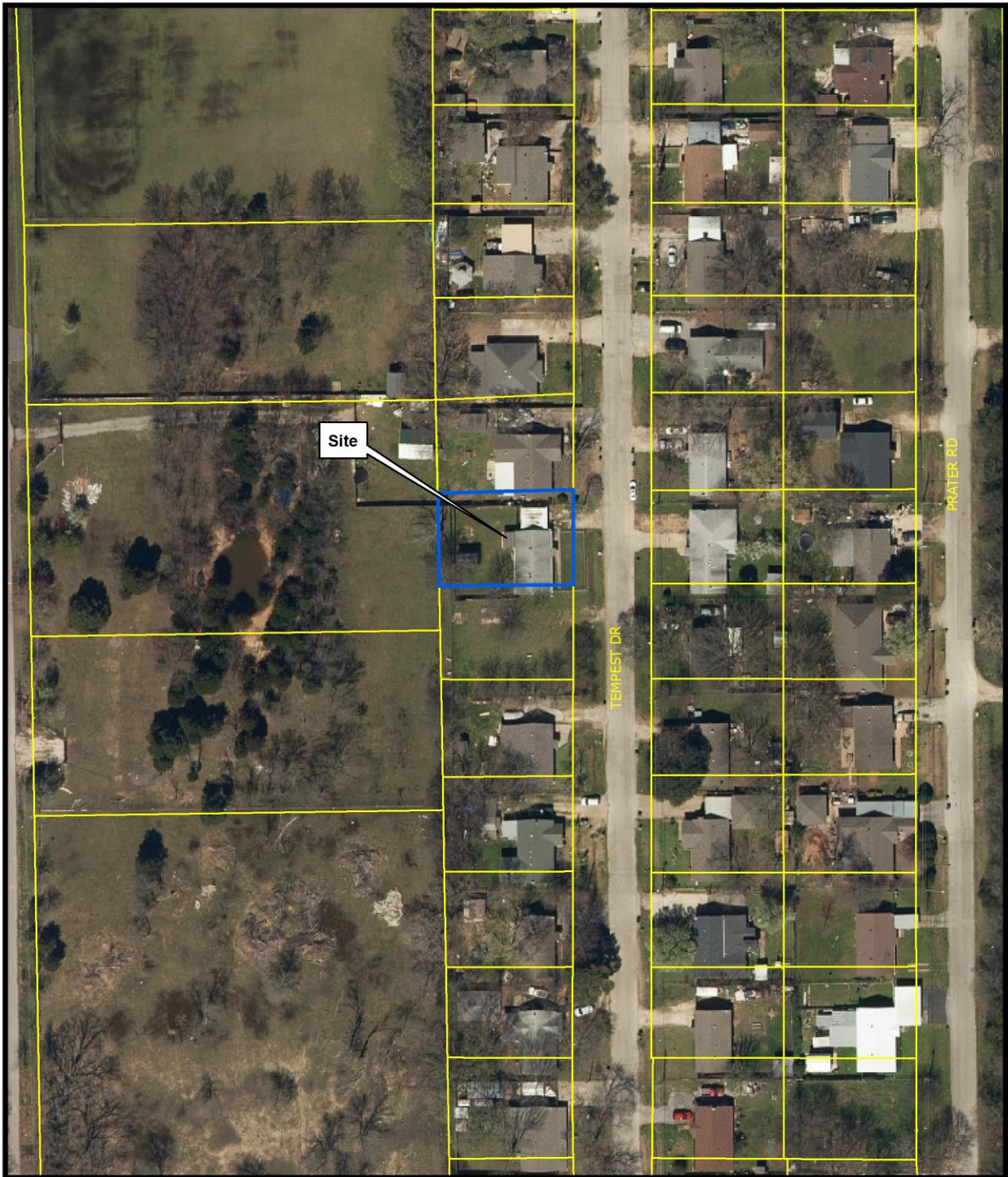


1:1,200

ZONING MAP

Case no: BDA201-067

Date: 7/19/2021

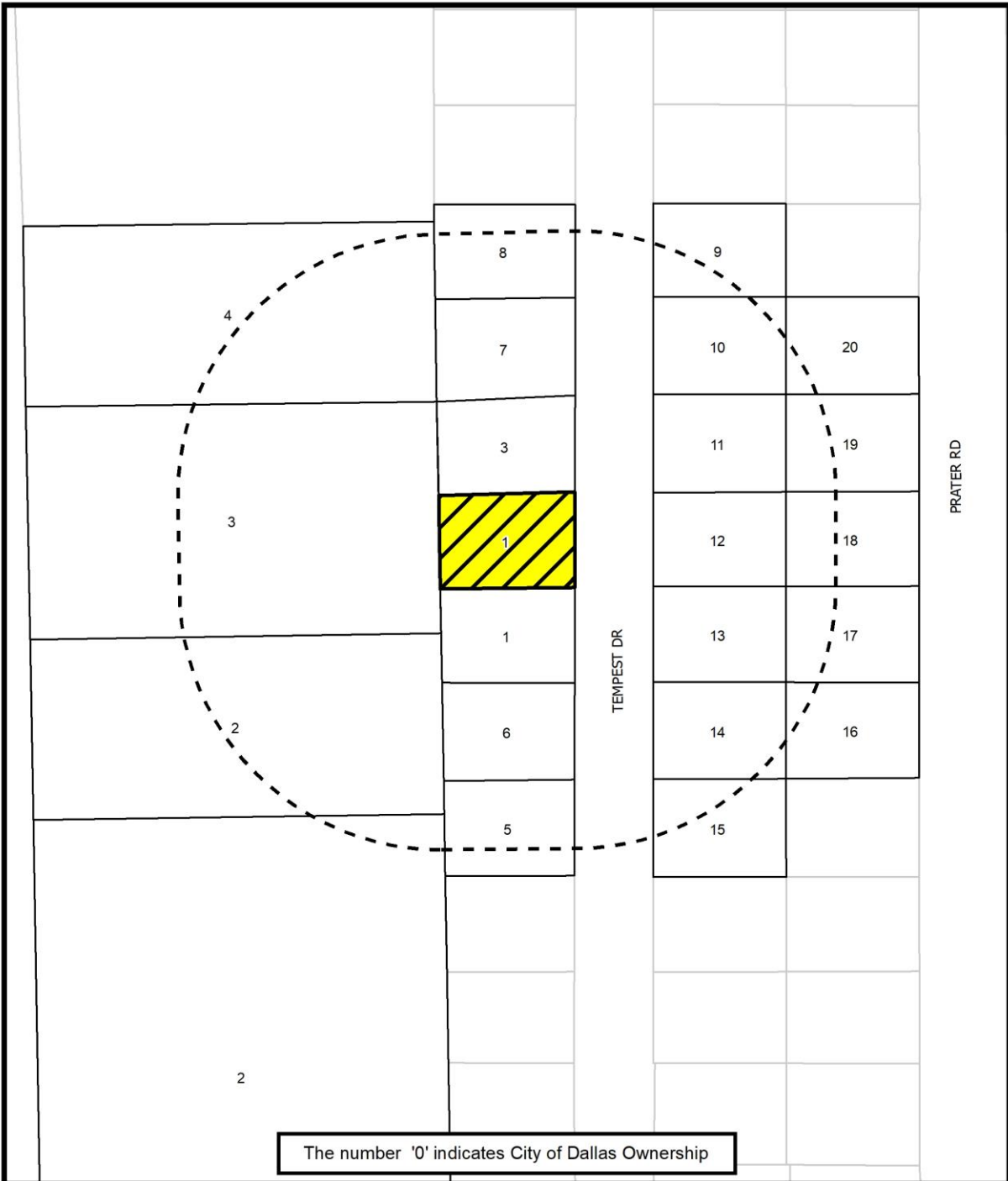


1:1,200

AERIAL MAP

Case no: BDA201-067

Date: 7/19/2021



 1:1,200	<h2 style="margin: 0;">NOTIFICATION</h2> <table style="margin: 10px auto; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px 5px;">200'</td> <td style="padding: 0 5px;">AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px 5px;">20</td> <td style="padding: 0 5px;">NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	20	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA201-067</u> Date: <u>7/19/2021</u>
200'	AREA OF NOTIFICATION					
20	NUMBER OF PROPERTY OWNERS NOTIFIED					

07/16/2021

Notification List of Property Owners

BDA201-067

20 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1419 TEMPEST DR	RAMIREZ BIBIANA &
2	1416 BLOOMFIELD DR	MUNOZ RACHEL NICOLE
3	1400 BLOOMFIELD DR	LOMELI ALFREDO &
4	1400 BLOOMFIELD DR	ZUNIGA RAMIRO &
5	1425 TEMPEST DR	GOMEZ CRISTOBAL A &
6	1421 TEMPEST DR	HERNANDEZ ISAIAS &
7	1409 TEMPEST DR	ZUNIGA MARIA ALEJANDRA &
8	1405 TEMPEST DR	IBARRA RICARDO JR &
9	1406 TEMPEST DR	PALACIOS PATRICIA
10	1410 TEMPEST DR	GOMEZ JIMMY
11	1414 TEMPEST DR	GUZMAN JUANITA
12	1418 TEMPEST DR	Taxpayer at
13	1420 TEMPEST DR	ANGELESMANCILLA BERNARDO &
14	1422 TEMPEST DR	GUZMAN ENRIQUE G & JUANITA
15	1426 TEMPEST DR	BAKER DOROTHY
16	1421 PRATER RD	ANDRADE JOSE & ROSA M
17	1419 PRATER RD	GALVAN LAURENCIO
18	1417 PRATER RD	GARDNER SHIRLEY JEAN
19	1413 PRATER RD	DIAZ SILVERIO & DIAMANTIN
20	1409 PRATER RD	DIAZ SILVERIO G



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-067

Data Relative to Subject Property:

Date: 5-18-21

Location address: 1417 Tempest Dr Zoning District: R 7.5(A)

Lot No.: 24 Block No.: 1/8778 Acreage: 0.174 Census Tract: 116.02

Street Frontage (in Feet): 1) 74' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Bibiana Ramirez + Salvador Rodriguez-Martinez

Applicant: Bibiana Ramirez Telephone: 214-574-0024

Mailing Address: 1446 Tempest Dr Zip Code: 75217

E-mail Address: ramirezbibiana@yahoo.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance [checked], or Special Exception, of Front Yard Setback, provide A 12' FYSB + Encroach 13' The required Setback is 25'

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:

[Blank lines for reason]

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

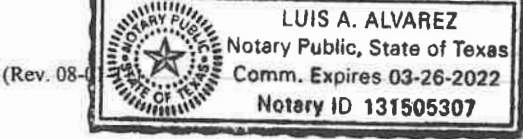
Affidavit

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

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

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

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



[Signature] Notary Public in and for Dallas County, Texas my comm. exp 03/26/2022

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was---Granted OR Denied

Remarks _____

Chairman

Building Official's Report

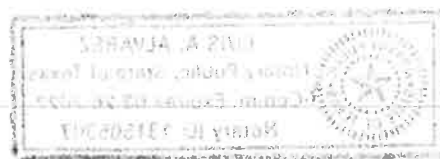
I hereby certify that BIBIANA RAMIREZ

did submit a request for a variance to the front yard setback regulations
at 1417 Tempest Drive

BDA201-067. Application of BIBIANA RAMIREZ for a variance to the front yard setback regulations at 1417 TEMPEST DR. This property is more fully described as Lot 24, Block 1/8778, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 12 foot front yard setback, which will require a .13 foot variance to the front yard setback regulations.

Sincerely,

David Session
David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-067

I, Salvador Rodriguez-Martinez, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 1417 Tempest Dr
(Address of property as stated on application)

Authorize: Bibiana Ramirez
(Applicant's name as stated on application)

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

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

Specify: Front Yard Setback

Salvador Rodriguez-Martinez Salvador Rodriguez-Martinez
Print name of property owner or registered agent Signature of property owner or registered agent

Date 05-11-2021

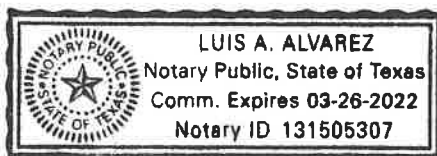
Before me, the undersigned, on this day personally appeared Salvador Rodriguez-Martinez

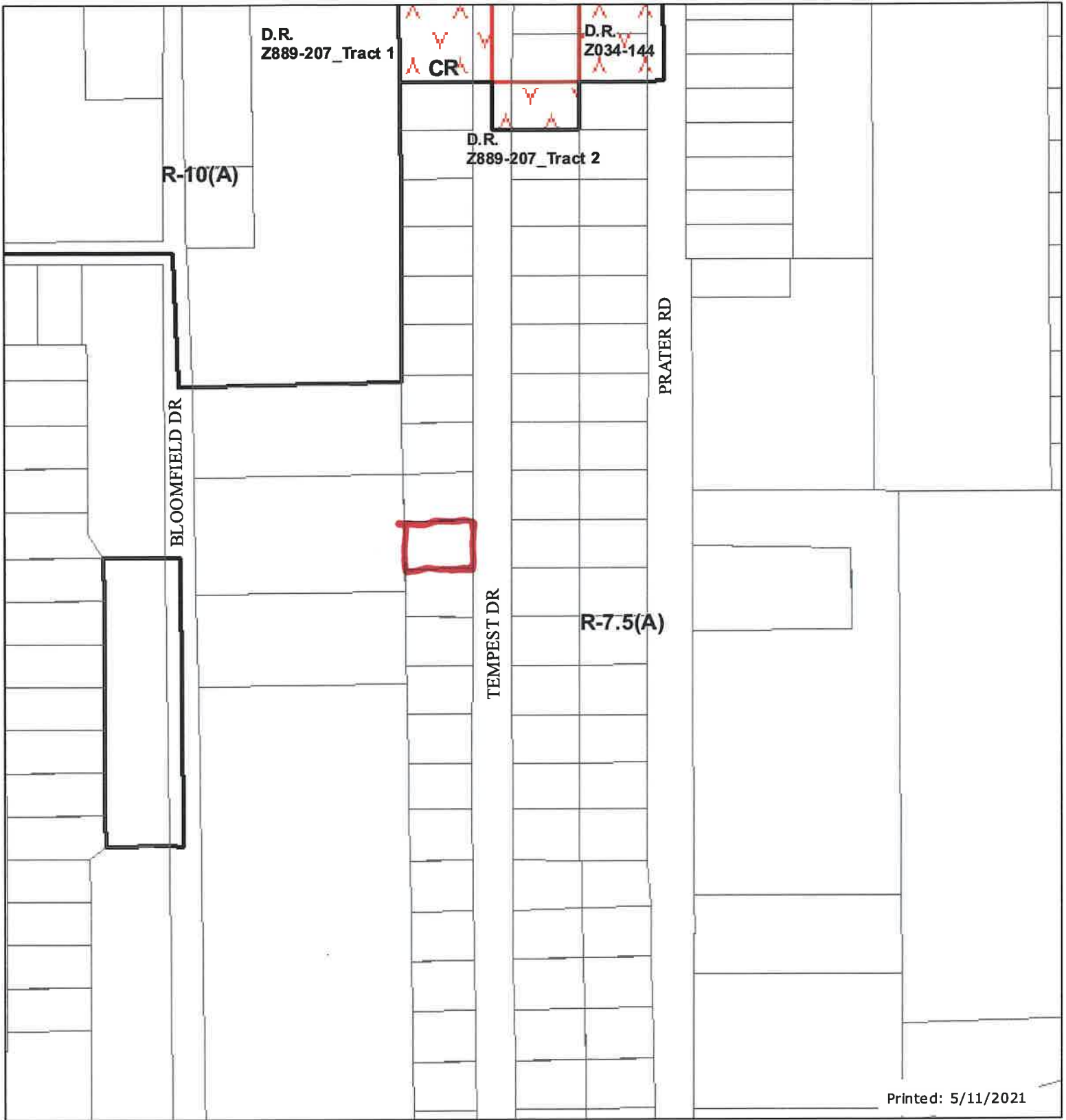
Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

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

Luis A. Alvarez
Notary Public for Dallas County, Texas

Commission expires on 03/26/2022





Printed: 5/11/2021

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|---------------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSPD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay 20-4 |
| Parks | SUP | Historic Overlay | Shop Front Overlay |
| | | Height Map Overlay | |

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



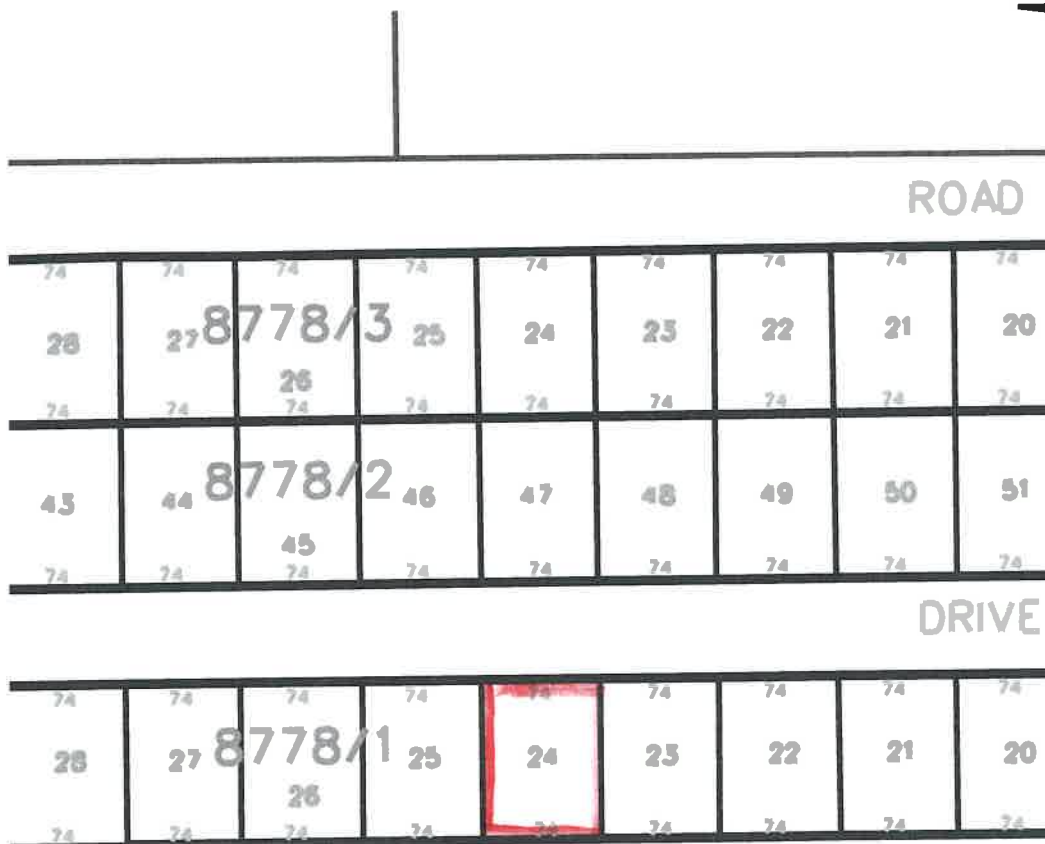
OF DALLAS PLAT BOOKS

ARNEY JETTS PRATHER ROAD

BLOC

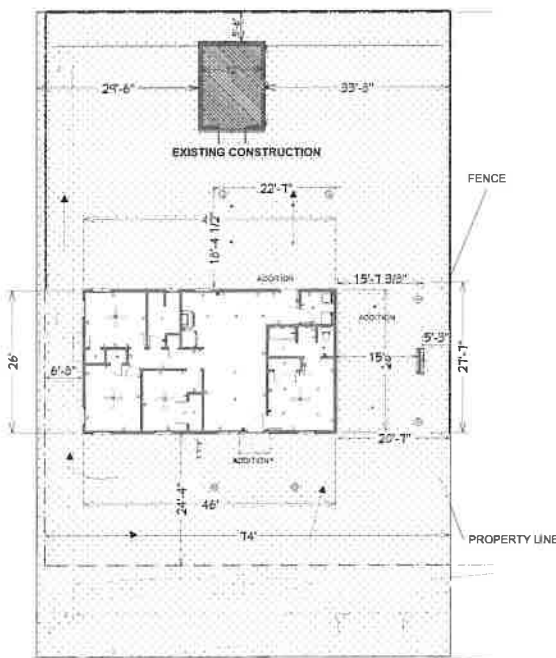
SCALE 100 FT. EQUALS 1 INCH

SCHO



8483

SITE PLAN



RESOURCE STATISTICS

LOT SIZE: SQ. FT. 7,000'
ANTICIPATED DISTURBED AREA: SQ. FT. 1,300'
FRONT HEIGHT AT RIDGE: FT. 176
REAR HEIGHT AT RIDGE: FT. 176

SOIL TYPE: SHALLOW AND MODERATELY DEEP WELL-DRAINED SOIL FORMED IN MATERIAL WEATHERED FROM BASALT THAT HAS A SMALL AMOUNT OF LOESS IN THE UPPER PART OF THE PROFILE. THE PERMEABILITY IS ESTIMATED TO BE MODERATE.
SOIL DENSITY: 73.000 PBF ALLOWABLE (ASSUMED) TO BE DETERMINED AT TIME OF EXCAVATION
FROST DEPTH: 12" D
SEISMIC ZONE: C
WIND: 90 MPH (90 MPH 3 SEC GUST), EXPOSURE C.

SITE PLAN NOTES

1. SITE SURVEY TO BE COMPLETED TO VERIFY PIN LOCATIONS AND HOME LOCATION PRIOR TO EXCAVATION.

HOME OWNER: SALVADOR RODRIGUEZ
PROJECT: NEW CONSTRUCTION
ADDRESS: 1417 TEMPEST DRIVE DALLAS TX 75217
LEGAL ADDRESS: 1417 TEMPEST DRIVE DALLAS TX 75217

FIRE DISTRICT: DALLAS
WATER DISTRICT: DALLAS
STORM WATER: _____
BLDG PERMITS: _____

BUILDING AREA: FLOOR 1: SQ. FT. 1,196' LIVING SQ. FT.
FOUNDATION: SQ. FT. 1,196' PIER AND BEAM
TOTAL AIR CONDITIONING SQ. FT.: 1,200' SQ. FT.



HOMEOWNER & CONTRACTOR: TO VERIFY ALL DIMENSIONS STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS.

The information shown on this plan are from record drawings the engineer is not responsible for the accuracy of the information shown on this drawing. Contractor shall field verify all utilities and contact all utility companies 48 hrs prior to any excavation.

All utility works designated as "private" in the set of plans shall be installed in accordance with International plumbing code-permitted and inspected through the city building inspection division and installed by a licensed plumber.

ALL UTILITY TAPS AND CONNECTIONS IN PLUMBING AND ADJUSTMENTS WILL BE DONE IN ACCORDANCE TO THE CITY OF MESQUITE GENERAL DESIGN STANDARDS AND STANDARDS DETAILS AS INSPECTED BY MESQUITE ENGINEERING DIVISION.

DRAINAGE NOTES:
1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES
2. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING
3. FINAL GRADE TO CHANNEL SURFACE DRAINAGE TOWARD ROCK CHANNELED AND OVERSEEN TRENCHES
4. AREAS TO BE FULLED SHALL BE CLEARED, CRUMBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBSTRUCTIONS, MATERIAL AND STRIPPED OF TOPSOIL.
5. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAN 3:1 IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.

NOTICE TO CONTRACTOR:
The contractor shall verify the location of all existing utilities and provide positive drainage away from the building. Final grade to channel surface drainage toward rock channeled and overseen trenches. Areas to be fulled shall be cleared, crumbed to remove trees, vegetation, roots and other obstructions, material and stripped of topsoil. Place fill slopes with a gradient steeper than 3:1 in lifts not to exceed 8 inches, and make sure each lift is properly compacted.

NOTICE TO CONTRACTOR:
The contractor shall verify the location of all existing utilities and provide positive drainage away from the building. Final grade to channel surface drainage toward rock channeled and overseen trenches. Areas to be fulled shall be cleared, crumbed to remove trees, vegetation, roots and other obstructions, material and stripped of topsoil. Place fill slopes with a gradient steeper than 3:1 in lifts not to exceed 8 inches, and make sure each lift is properly compacted.

TEMPEST DRIVE

DRAWINGS PROVIDED BY: FINE C WORKS INC. RUBEN SEGOVIA, PROJECT MANAGER (972) 365-5011 --- 9912 TEAGARDEN RD DALLAS, TX 75217

DATE	11/15/2020
SCALE	1/8"=1'
SHEET	A-2

TOTAL ADDED ROOF SQ. FT. FIRM	
TOTAL ADDED ROOF SQ. FT. FIRM	
TOTAL ROOF SQ. FT. 2,140'	

HOMEOWNER & CONTRACTOR: TO VERIFY ALL DIMENSIONS STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS.

The information shown on this plan are from record drawings the engineer is not responsible for the accuracy of the information shown on this drawing. Contractor shall field verify all utilities and contact all utility companies 48 hrs prior to any excavation.

All utility works designated as "private" in the set of plans shall be installed in accordance with International plumbing code-permitted and inspected through the city building inspection division and installed by a licensed plumber.

ALL UTILITY TAPS AND CONNECTIONS IN PLUMBING AND ADJUSTMENTS WILL BE DONE IN ACCORDANCE TO THE CITY OF MESQUITE GENERAL DESIGN STANDARDS AND STANDARDS DETAILS AS INSPECTED BY MESQUITE ENGINEERING DIVISION.

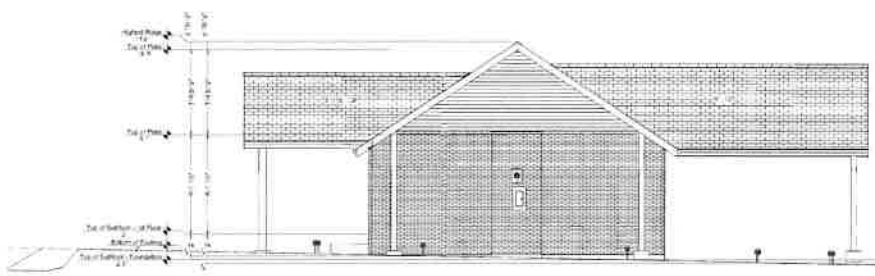
DRAINAGE NOTES:
1. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES
2. PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING
3. FINAL GRADE TO CHANNEL SURFACE DRAINAGE TOWARD ROCK CHANNELED AND OVERSEEN TRENCHES
4. AREAS TO BE FULLED SHALL BE CLEARED, CRUMBED TO REMOVE TREES, VEGETATION, ROOTS AND OTHER OBSTRUCTIONS, MATERIAL AND STRIPPED OF TOPSOIL.
5. PLACE FILL SLOPES WITH A GRADIENT STEEPER THAN 3:1 IN LIFTS NOT TO EXCEED 8 INCHES, AND MAKE SURE EACH LIFT IS PROPERLY COMPACTED.

NOTICE TO CONTRACTOR:
The contractor shall verify the location of all existing utilities and provide positive drainage away from the building. Final grade to channel surface drainage toward rock channeled and overseen trenches. Areas to be fulled shall be cleared, crumbed to remove trees, vegetation, roots and other obstructions, material and stripped of topsoil. Place fill slopes with a gradient steeper than 3:1 in lifts not to exceed 8 inches, and make sure each lift is properly compacted.

DRAWINGS PROVIDED BY: FINE C WORKS INC. RUBEN SEGOVIA, PROJECT MANAGER (972) 365-5011 --- 9912 TEAGARDEN RD DALLAS, TX 75217

ELEVATION PLAN

RIGHT ELEVATION



LEFT ELEVATION



ROOF FINISHES/DETAILS:

- ROOF FINISHES TO BE AS SHOWN ON PLAN. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
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FLOORING AND FINISHES:

- ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
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EXTERIOR FINISHES:

- 1. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.
- 2. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.
- 3. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.
- 4. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.
- 5. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.
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- 9. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.
- 10. EXTERIOR FINISH TO BE AS SHOWN ON PLAN.

WALL PANELS:

- 1. WALL PANELS TO BE AS SHOWN ON PLAN.
- 2. WALL PANELS TO BE AS SHOWN ON PLAN.
- 3. WALL PANELS TO BE AS SHOWN ON PLAN.
- 4. WALL PANELS TO BE AS SHOWN ON PLAN.
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- 8. WALL PANELS TO BE AS SHOWN ON PLAN.
- 9. WALL PANELS TO BE AS SHOWN ON PLAN.
- 10. WALL PANELS TO BE AS SHOWN ON PLAN.

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF WORK. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND SPECIFICATIONS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY ANY OTHER PARTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

<p>ELEVATION PLAN</p> <p>TOTAL ADDED ROOF SQ FT 74K TOTAL LIVING AREA 5,227 SQ FT 1,50K ADDITIONAL CARPORT FLOOR SQ FT 74K TOTAL FLOOR SQ FT 11,50K</p>	<p>DATE: 11/15/2020</p> <p>SCALE: 1/4" = 1'</p> <p>SHEET: A-6</p>
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NEW BUILD: 1417 TEMPEST DR DALLAS TX 75247 -- 214-710-4095 -- rminizablan@yahoo.com -- SALVADOR RODRIGUEZ

		Land	Structure
14119	Tempest	7470	Ø
14113	Tempest	7788	1456
14114	Tempest	7620	1196
1420	Tempest	7462	1196
14116	Tempest	43560	Ø

$$73900 \div 5 = 14780 \text{ ¢} \quad 3848 \div 5 = 769 \text{ ¢}$$

	Land sqft	House sqft.
* 1417 Tempest	7606 ¢	1196 ¢

* Applicant Purchased the property with a legal Non-conforming structure on site.

* Previous Property owner constructed the Porch & Carport with NO permits, NOW current owner tried to obtain permits & was told these two items needed to be corrected by BDA process.

* Current owner wants to maintain structure as is and clean up the legal NON-comformity via the BDA process & obtain proper permits and be able to move into our newly purchased home as a young couple purchasing their first home.