

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL C
MONDAY, OCTOBER 19, 2020

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 contact the Sustainable Development and Construction Department at 214-670-4209 by the close of business Friday, October 16, 2020. Only registered speakers will be allowed to address the Board during the public hearing. The following videoconference link is available to the public to listen to the meeting and Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 95 or 96 and the WebEx link:**

<https://dallascityhall.webex.com/dallascityhall/onstage/g.php?MTID=e02efd9b526caed6260910ca05fd109c4>

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, OCTOBER 19, 2020
AGENDA

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

Neva Dean, Assistant Director
Jennifer Muñoz, Chief Planner/Board Administrator
Oscar Aguilera, Senior Planner
LaTonia Jackson, Board Secretary

PUBLIC TESTIMONY

Minutes

Approval of the Board of Adjustment Public Hearing Calendar

MISCELLANEOUS ITEM

Approval of the September 21, 2020 Board of Adjustment Panel C Public Hearing Minutes	M1
Approval of the Board of Adjustment Public Hearing Calendar	M2

UNCONTESTED CASES

BDA190-095(OA)	5601 Morningside Ave. REQUEST: Application of Danny Jester represented by Corey Reinaker for special exceptions to the visibility obstruction regulations	1
BDA190-097(OA)	3723 S. Versailles Ave. REQUEST: Application of Kerry Warren for a special exception to the fence height regulations, and for a special exception to the fence standards regulations	2
BDA190-101(OA)	2428 Harrison Ave. REQUEST: Application of Eugene Valentine to enlarge a nonconforming use, and for two variances to the front yard setback regulations	3
BDA190-102(OA)	2820 Commerce St. REQUEST: Application of Wes Hoblit of Masterplan for a special exception to the parking regulations	4

REGULAR CASES

None

HOLDOVERS

BDA190-079(OA)	4651 Catina Ln. REQUEST: Application of Karl Crawley for a special exception to the fence height regulations, and for special exceptions to the visibility obstruction regulations	5
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EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA190-095(OA)

BUILDING OFFICIAL'S REPORT: Application of Danny Jester represented by Corey Reinaker for special exceptions to the visibility obstruction regulations at 5601 Morningside Avenue. This property is more fully described as Lot 20, Block 1/2193, and is zoned Conservation District No. 9, which requires a 20-foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single-family residential fence structure in two required visibility obstruction triangles, which will require special exceptions to the visibility obstruction regulations.

LOCATION: 5601 Morningside Avenue

APPLICANT: Danny Jester
Represented by Corey Reinaker

REQUESTS:

A request for special exceptions to the visibility obstruction regulations are made to locate and maintain portions of an eight-foot-high solid wood fence and solid electric wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Worcola Street on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (visual obstruction regulations):

- No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.
- The Sustainable Development Department Senior Engineer has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

Site: CD No. 9
North: CD No. 9
South: CD No. 9
East: CD No. 9
West: CD No. 9

Land Use:

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

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded in the vicinity of the subject site within the last five years.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

The requests for special exceptions to the visibility obstruction regulations on a site developed with a single family home focus on locating and maintaining a portion of an eight-foot-high solid wood fence and solid electric wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Worcola Street, per the submitted site plan and elevation.

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

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

The property is located in Conservation District No. 9 which requires the portion of a lot with a triangular area formed by connecting together the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge and the street curb line 20 feet from the intersection.

The Sustainable Development and Construction Department Senior Engineer has no objections to the requests.

The applicant has the burden of proof in establishing how granting these request to maintain portions of an eight-foot-high solid wood fence and solid electric wood gates in the two 20-foot visibility triangles at the intersection of the street and driveway approaches into the property from Worcola Street does not constitute a traffic hazard.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items to be located and maintained in the two 20-foot visibility triangles at the drive approaches into the site from Worcola Street, to that what is shown on these documents – portions of an eight-foot-high solid wood fence and a solid electric wood gate.

Timeline:

August 18, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

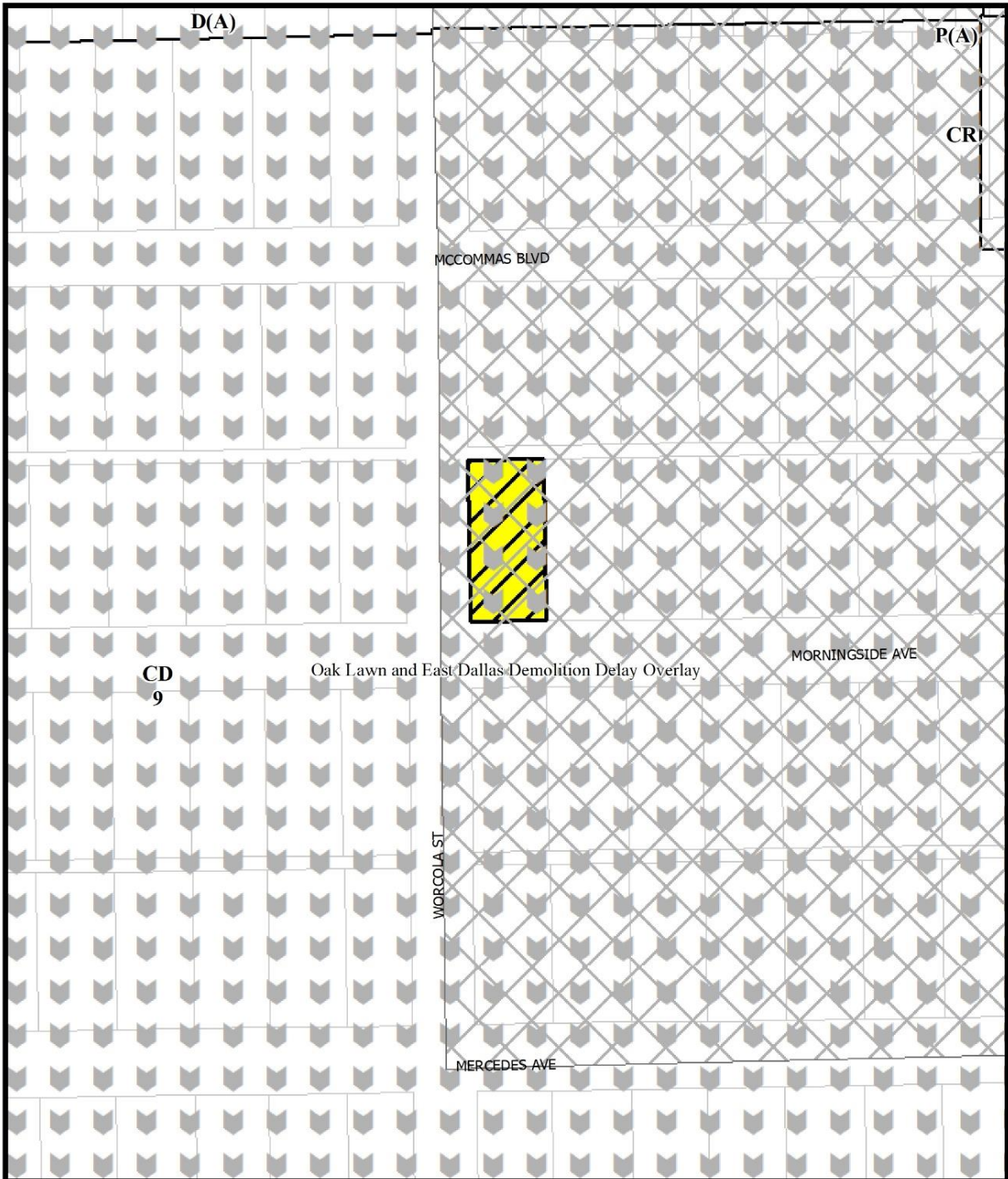
September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

- a copy of the application materials including the Building Official’s report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection

Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 5, 2020: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “no objections”.

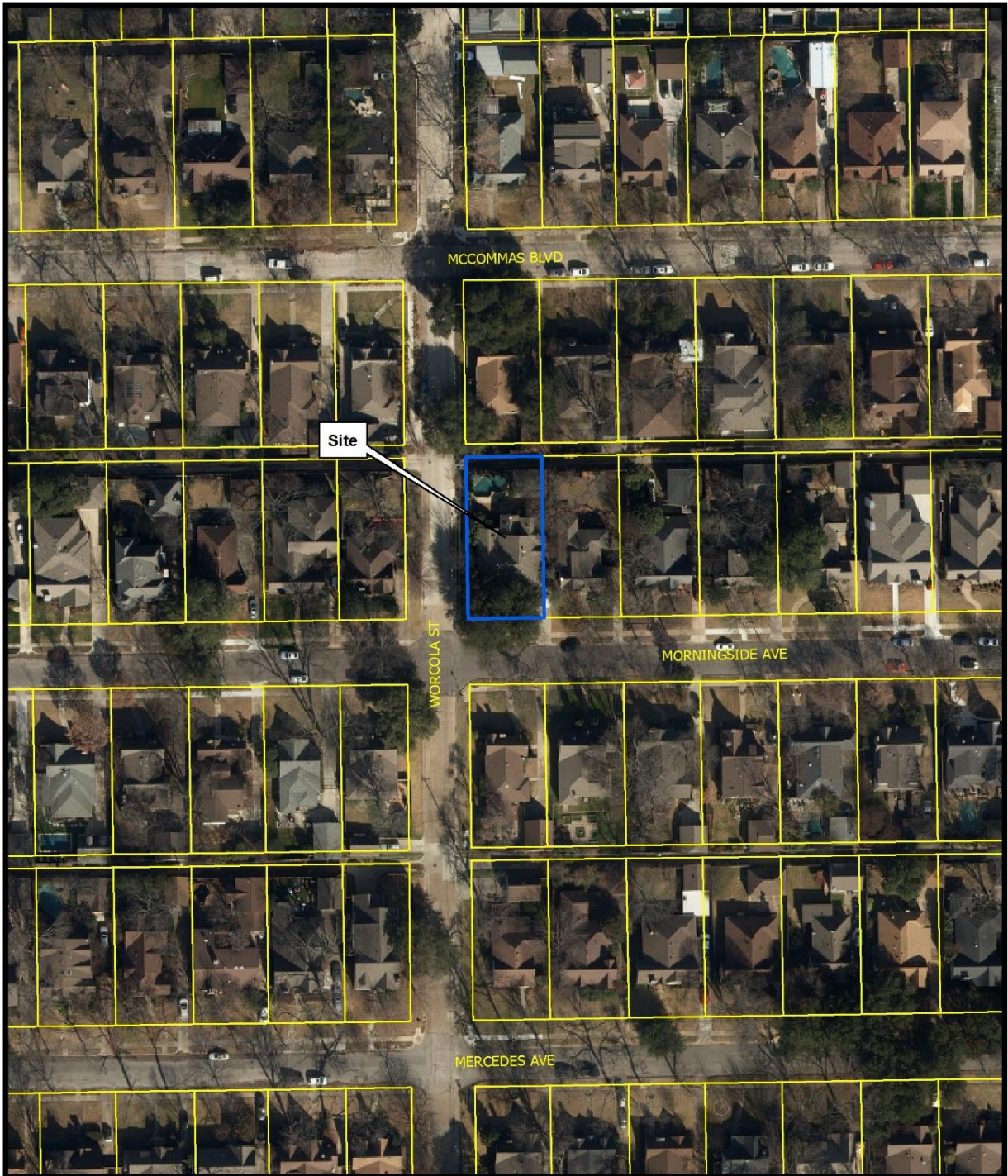


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ZONING MAP

Case no: BDA190-095

Date: 10/1/2020



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AERIAL MAP

Case no: BDA190-095

Date: 10/1/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-095

Data Relative to Subject Property:

Date: 8/18/2020

Location address: 5601 Morningside Ave, Dallas, TX 75206 Zoning District: CD-9

Lot No.: 20 Block No.: 1/2193 Acreage: .18 Census Tract: 000300

Street Frontage (in Feet): 1) 60 2) 130 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Danny J Jester

Applicant: Danny J Jester Telephone: 214-683-2256

Mailing Address: 3839 McKinney Ave #155-511, Dallas, TX Zip Code: 75204

E-mail Address: dannyjester@gmail.com

Represented by: Corey Reinaker Telephone: 614-264-0631

Mailing Address: 1814 N Pl, Plano, TX Zip Code: 75074

E-mail Address: corey.reinaker@gmail.com

Affirm that an appeal has been made for a Variance , or Special Exception x , of
20' visibility triangles for driveway onto Worcola Avenue.

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:

To maintain existing 8'-0" tall wooden privacy fence and electric driveway gate within the visibility triangles.

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.

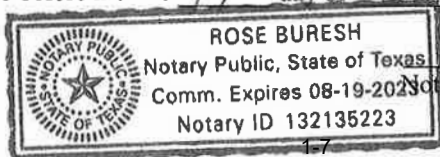
Affidavit

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

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

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

Subscribed and sworn to before me this 19th day of August, 2020



Rose Buresh
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 _____

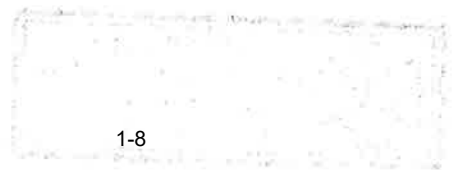
Building Official's Report

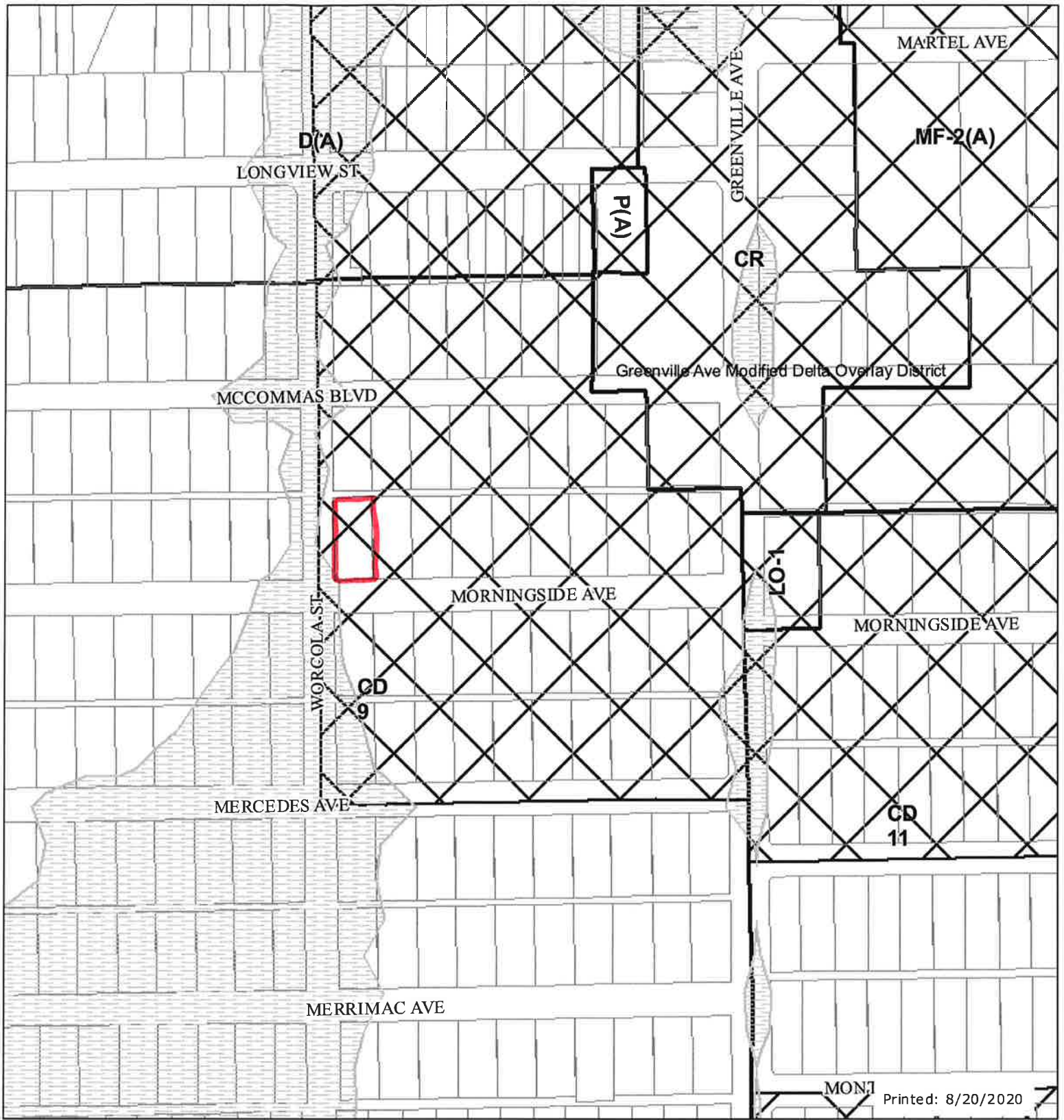
I hereby certify that Danny Jester
represented by COREY REINAKER
did submit a request for a special exception to the visibility obstruction regulations
at 5601 Morningside Avenue

BDA190-095. Application of Danny Jester represented by COREY REINAKER for a special exception to the visibility obstruction regulations at 5601 MORNINGSIDE AVE. This property is more fully described as Lot 20, Block 1/2193, and is zoned CD-9, which requires a 20 foot visibility triangle at driveway and alley approaches. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

David Session
David Session, Building Official



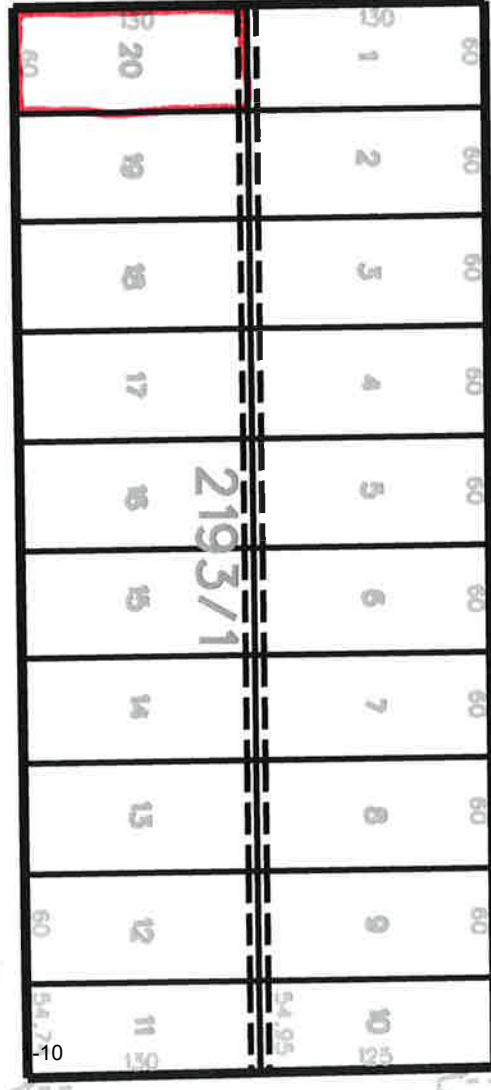
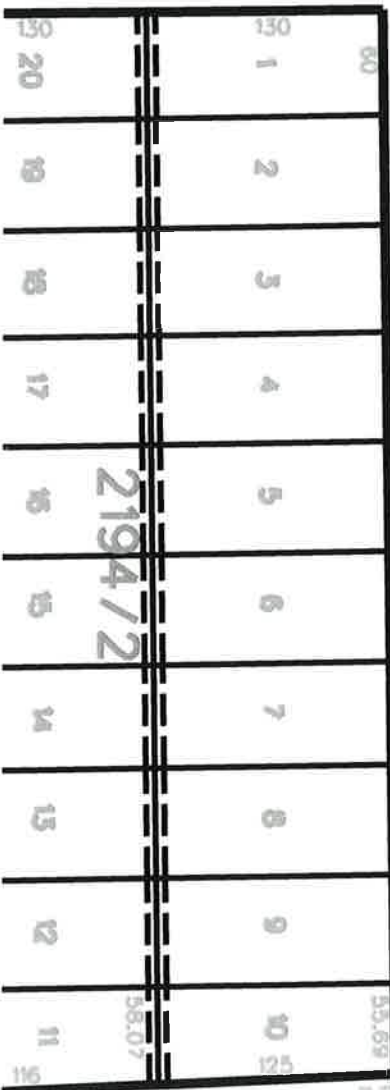
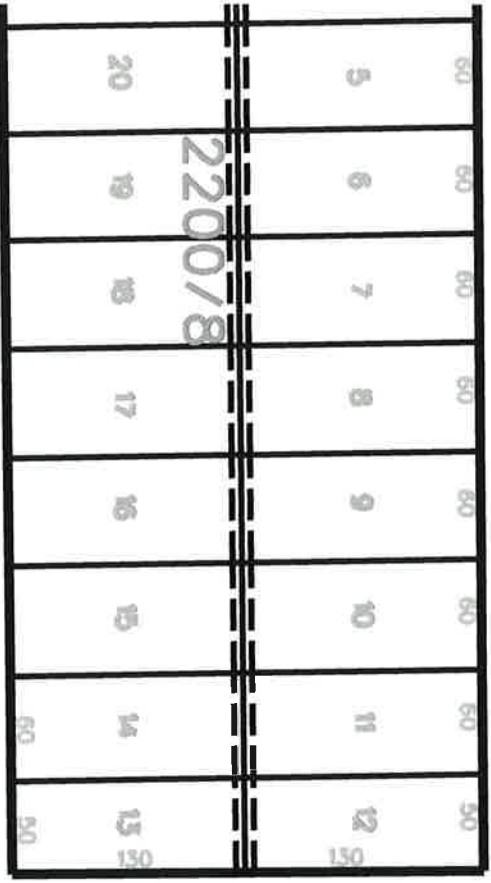
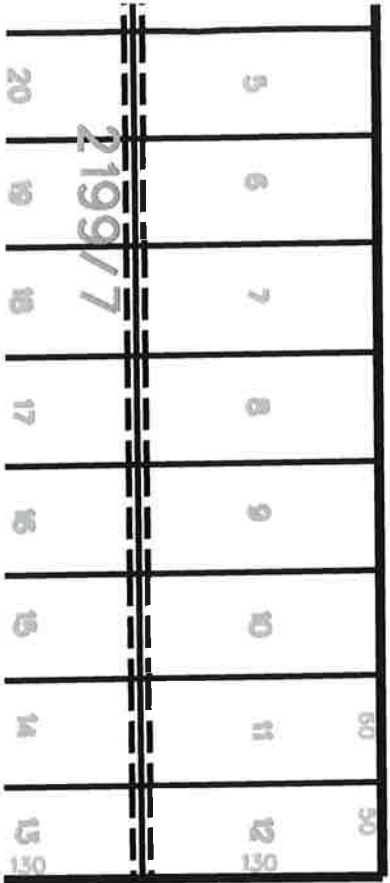


Legend

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





5500

5400

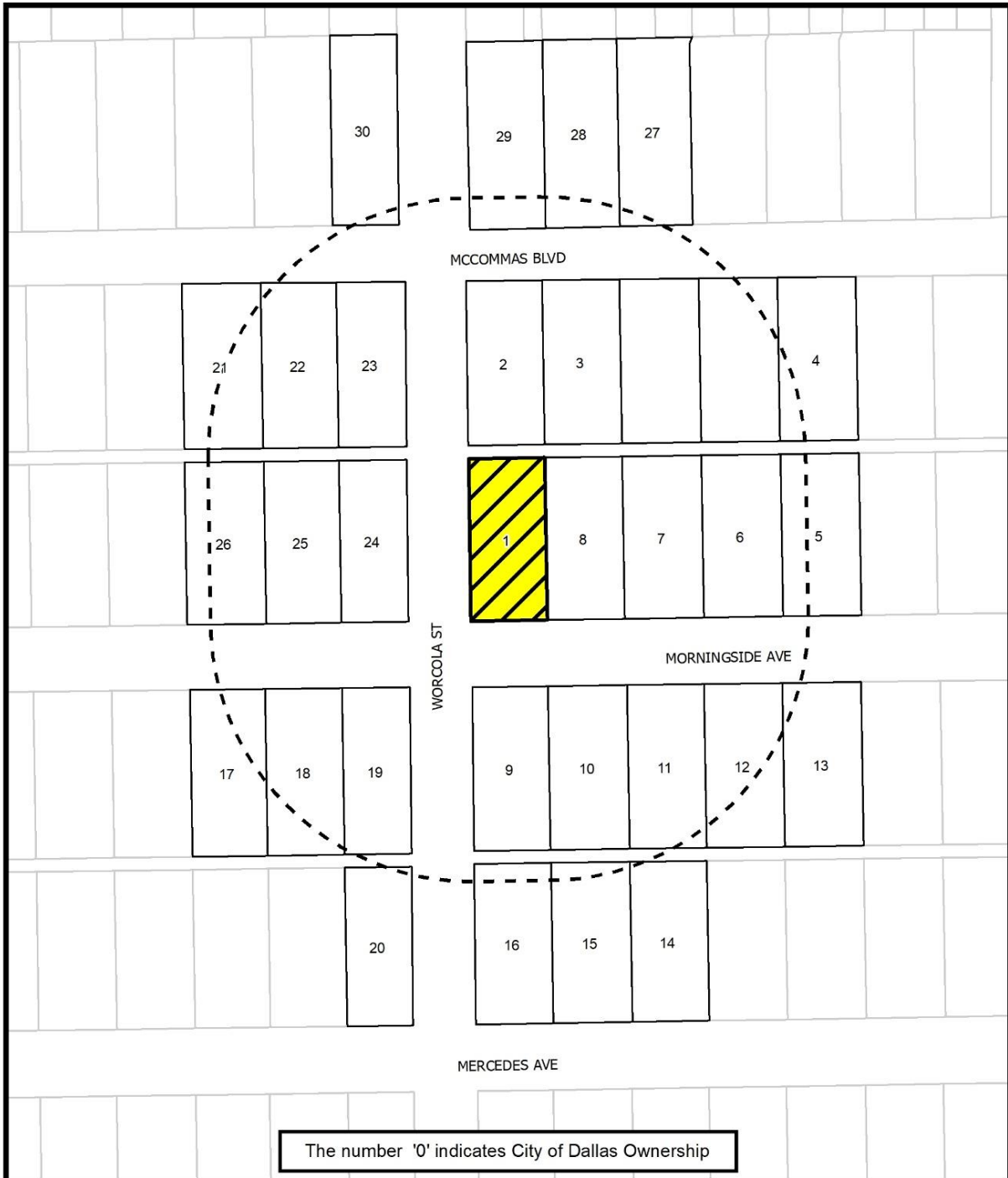
AVE.

5600

5500

5600

AVE.



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
30 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-095**
 Date: **10/1/2020**

10/01/2020

Notification List of Property Owners

BDA190-095

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5601 MORNINGSIDE AVE	JESTER DANNY J
2	5602 MCCOMMAS BLVD	LEE JOHN S
3	5606 MCCOMMAS BLVD	BERGER RICHARD K & CHRISTINA S
4	5618 MCCOMMAS BLVD	LAFONTAINE MARY EST OF
5	5617 MORNINGSIDE AVE	GOODWIN MICHAEL L
6	5615 MORNINGSIDE AVE	GALYEAN FAMILY LIVING TRUST
7	5609 MORNINGSIDE AVE	ARNOLD SARAH O & KENNETH
8	5607 MORNINGSIDE AVE	SHROPSHIRE WILLIAM C JR &
9	5602 MORNINGSIDE AVE	SUDDRETH SARAH KATHERINE
10	5606 MORNINGSIDE AVE	RAUGHTON TYLER E &
11	5610 MORNINGSIDE AVE	CANRIGHT DAVID &
12	5614 MORNINGSIDE AVE	HARBIN ELIZABETH A
13	5618 MORNINGSIDE AVE	OSTROM KJELL FREDERIK & JENNY
14	5611 MERCEDES AVE	MCKEOWN RUSSELL E
15	5607 MERCEDES AVE	CARL BRIAN DONALD
16	5603 MERCEDES AVE	MANTAS KOSTADENA
17	5538 MORNINGSIDE AVE	PERAKIS ELAINE CHRISTINE
18	5542 MORNINGSIDE AVE	CORTINAS GEORGE JR
19	5546 MORNINGSIDE AVE	DAVIES JEFFREY L & EMILIA I
20	5547 MERCEDES AVE	POPP JENNIFER M
21	5538 MCCOMMAS BLVD	WYCHERLEY JOHN &
22	5542 MCCOMMAS BLVD	MATLOCK DANIEL L &
23	5546 MCCOMMAS BLVD	DRINKWATER DAVID
24	5547 MORNINGSIDE AVE	SHOWALTER SURVIVING SETTLORS
25	5543 MORNINGSIDE AVE	GHOBRIAL HOLLIS & RHEA LI
26	5539 MORNINGSIDE AVE	WHIPPLE CRAIG

10/01/2020

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5619 MCCOMMAS BLVD	ALLEN ROBIN & JENNIFER N
28	5605 MCCOMMAS BLVD	PENA SHERRIE A
29	5603 MCCOMMAS BLVD	VANDERLAAN CRAIG &
30	5549 MCCOMMAS BLVD	GAERTNER THEODORE H

FILE NUMBER: BDA190-097(OA)

BUILDING OFFICIAL'S REPORT: Application of Kerry Warren for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 3723 S. Versailles Avenue. This property is more fully described as Lot 6, Block C/2477, and is zoned an R-7.5 Single Family Subdistrict within Planned Development District No.193, which limits the height of a fence in the front yard to four feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line. The applicant proposes to construct a nine-foot seven-inch-high fence in a required front yard, which will require a five-foot seven-inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than five feet from the front lot line, which will require a special exception to the fence regulations.

LOCATION: 3723 S. Versailles Avenue

APPLICANT: Kerry Warren

REQUEST:

The following requests have been made to construct a fence in the front yard setback along S. Versailles Avenue on the subject site:

1. A request for a special exception to the maximum fence height of four feet to construct a fence up to eight-feet ten-inches in height with a nine-foot seven- inch tall brick column in a required front yard, which will require a five-foot seven-inch special exception to the fence regulations.
2. A request for a special exception to the fence standards regulations related to fence panels having less than 50 percent open surface area when located less than five feet from the front lot line is made to construct and maintain the aforementioned nine-foot seven-inch-high solid wood fence located less than five feet from this front lot line.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	Planned Development No.193, R-7.5 Single Family Subdistrict
<u>Northwest:</u>	Planned Development No.193, R-7.5 Single Family Subdistrict
<u>Northeast:</u>	Planned Development No.193, TH-3 Townhouse Subdistrict
<u>Southeast:</u>	Planned Development No.193, R-7.5 Single Family Subdistrict
<u>Southeast:</u>	Planned Development No.193, R-7.5 Single Family Subdistrict

Land Use:

The subject site and surrounding properties are developed with single family uses. Note that there is a church located two lots to the southeast of the property.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or in the immediate vicinity of the subject site.

GENERAL FACTS/STAFF ANALYSIS:

The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on:

1. constructing/maintaining a fence up to eight-feet ten-inches in height with a nine-foot seven- inch tall brick column in a required front yard;
2. constructing/maintaining the aforementioned nine-foot seven-inch-high solid wood fence located less than five feet from this front lot line.

The subject site is zoned an R-7.5 Single Family Subdistrict within Planned Development District No.193. The site plan shows a 30-foot setback. The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet-in-height above grade when located in the required front yard and states that no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the fence reaches a maximum height of nine-feet seven-inches.

The following additional information was gleaned from the submitted site plan:

- The proposal is represented as being approximately 25 feet-in-length parallel to S. Versailles Avenue and approximately 30 feet perpendicular to this front yard on the northwest side of the site in the required front yard setback.
- Additionally, the fence is represented as being located approximately two feet from the front property line or 14 feet from the pavement line. However, note that there is an existing fence with similar heights and materials located in what appears to be the public right-of-way. The applicant/owner advised that if the property is located in the public right-of-way and approved by the board, he will relocate the fence from the right-of-way, as depicted in the submitted site plan.

Staff conducted a field visit of the site and surrounding area (approximately 400 feet north, east and west of the subject site) and noted no other fences that appeared to be above four feet-in-height and located in a front yard setback.

As of October 9, 2020, one petition of support with six signatures and no letters in opposition have been submitted regarding the request.

The applicant has the burden of proof in establishing that the special exceptions to the fence standards regulations related to height over four feet in the front yard setback will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposed fence reaching up to nine-feet seven-inches-in-height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than five feet from the front lot line to be maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 18, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

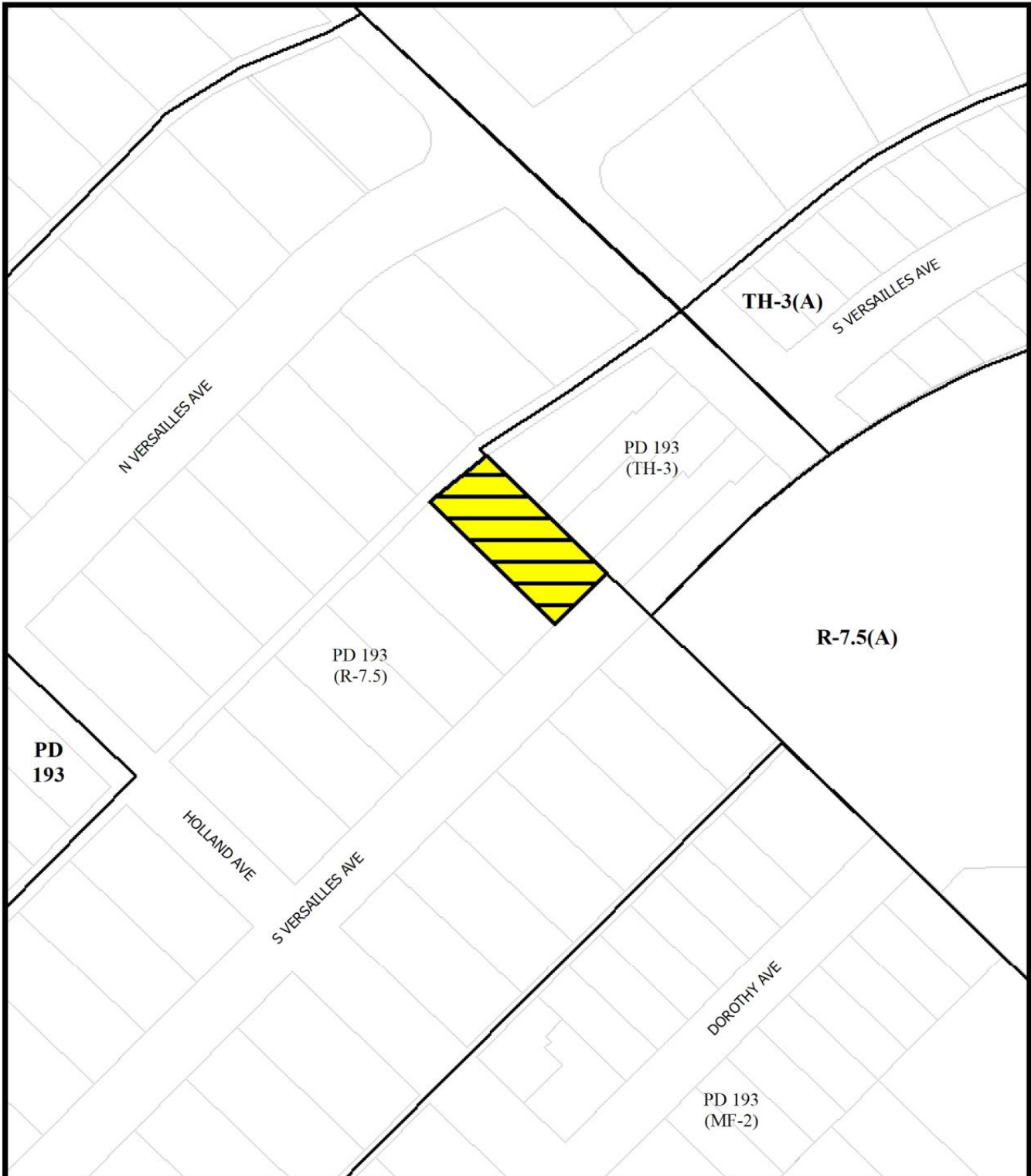
September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to

submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials and the following information:

- a copy of the application materials including the Building Official's report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (see **Attachment A**).

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

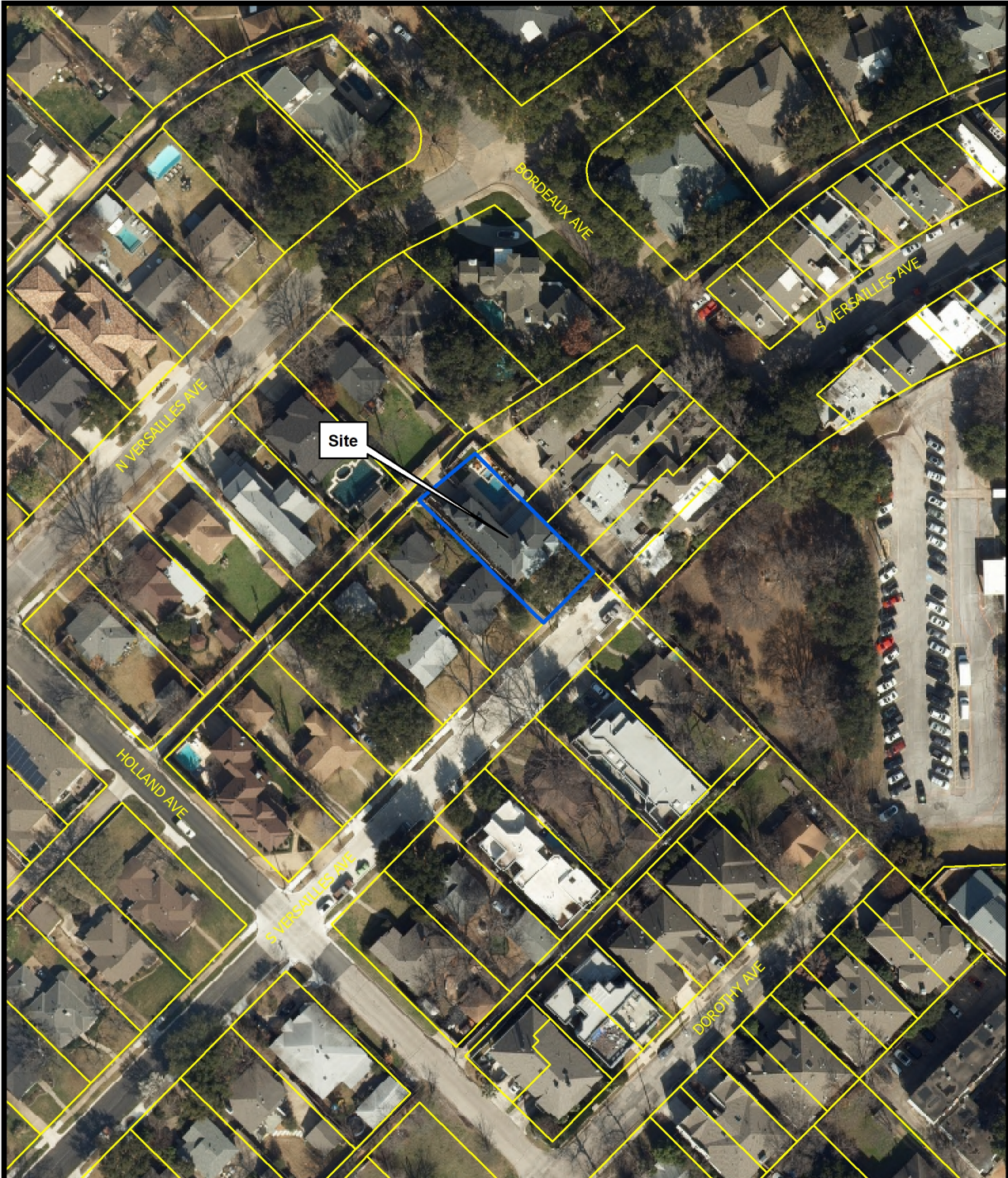


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ZONING MAP

Case no: BDA190-097

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-097

Date: 10/1/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-097

Data Relative to Subject Property:

Date: ~~August 14, 2020~~ 8-24-2020

Location address 3723 S Versailles Ave, Dallas TX 75209

Zoning District: PD193

Lot No.: 6 Block No.: C/2477 Acreage: 0.176 Census Tract: 0006,01

Street Frontage (in Feet): 1) 56.65 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Kerry Jon Warren

Applicant: Kerry Jon Warren Telephone: 972-835-1009

Mailing Address: 3723 S. Versailles Ave Dallas, TX Zip Code: 75209

E-mail Address: kjw.chiefsfan@gmail.com

Represented by: Self / Kerry Jon Warren Telephone: 972-835-1009

Mailing Address: 3723 S. Versailles Ave Dallas, TX Zip Code: 75209

E-mail Address: kjw.chiefsfan@gmail.com

Affirm that an appeal has been made for a Variance or Special Exception , of
Front yard fence located at my home - 3723 S. Versailles Ave, Dallas TX 75209
FENCE PANEL LESS THAN 50% OPEN ON FRONT LOT LINE.

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

My home is the last house located on a dead-end street (3723 S. Versailles Ave). S Versailles dead-ends to the back side of 5 townhomes located on Bordeaux. The back side consist of a private drive proving access to their garages. My side yard / rest of the dead-end looks onto the backside of their 8 ft privacy fence. The wavier I am requesting covers the backside of their fence with the front side of a cedar fence. The short block I reside on has 12 homes and I have spoken with the closet neighbors, all of whom support this wavier.

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.

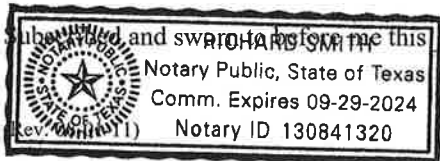
Affidavit

Before me the undersigned on this day personally appeared Kerry Jon Warren
(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)

day of August, 2020



[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 Kerry Warren

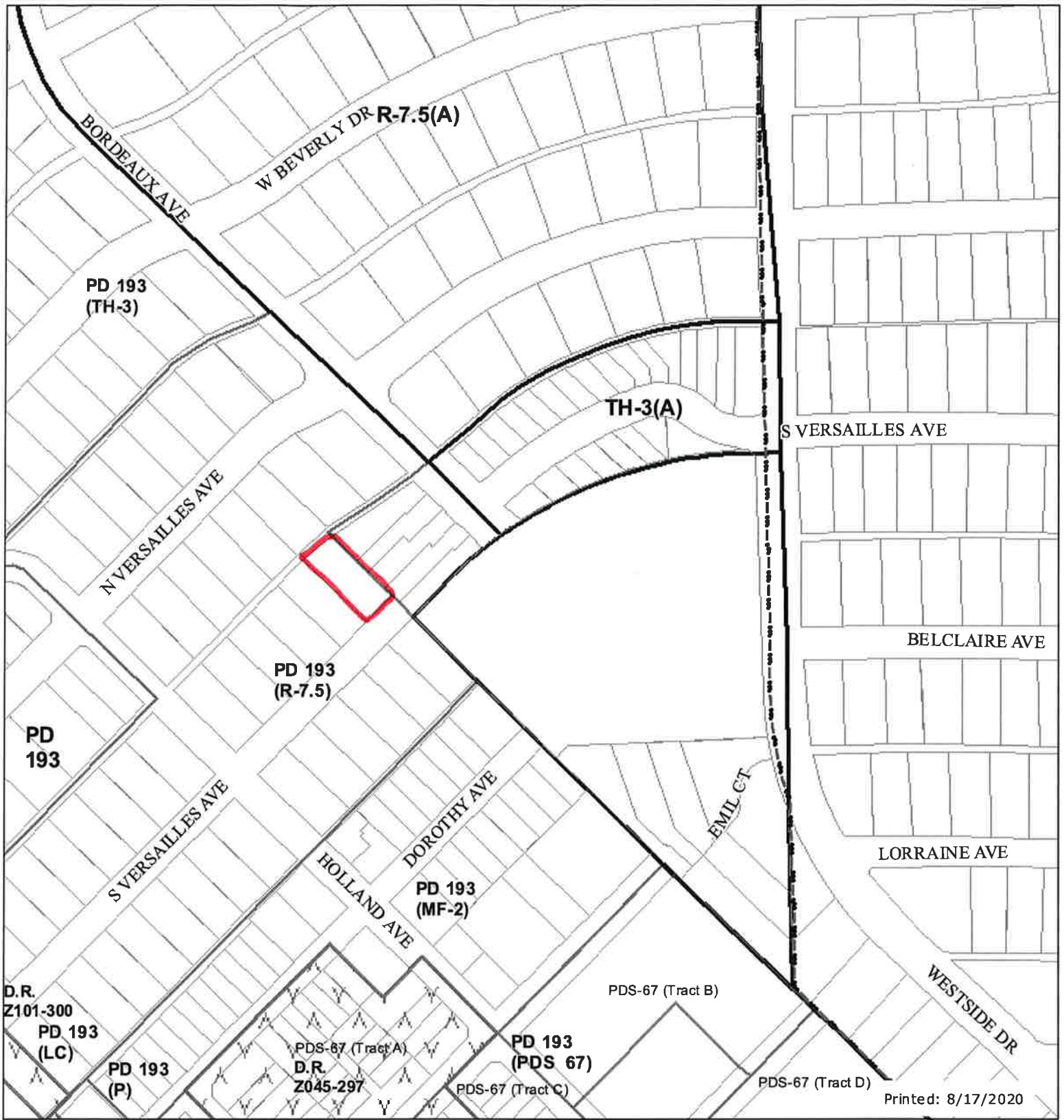
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence standards regulations

at 3723 S Versailles Avenue

BDA190-097. Application of Kerry Warren for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 3723 S VERSAILLES AVE. This property is more fully described as Lot 6, Block C/2477, and is zoned PD-193 (R-7.5), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 9 foot 7 inch high fence in a required front yard, which will require a 5 foot 7 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,


David Session, Building Official



Printed: 8/17/2020

Legend

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

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



From
Google
Maps

December
2008



February
2017



November
2018



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 Kerry Warren

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

at 3723 S Versailles Avenue

BDA190-097. Application of Kerry Warren for a special exception to the fence height regulations, and for a special exception to the fence standards regulations at 3723 S VERSAILLES AVE. This property is more fully described as Lot 6, Block C/2477, and is zoned PD-193 (R-7.5), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 9 foot 7 inch high fence in a required front yard, which will require a 5 foot 7 inch special exception to the fence regulations, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulations.

Sincerely,


David Session, Building Official

Mr. David Session's statement is accurate as written; however I would like to add some additional information as to why I am asking for this waiver and hopeful that I can explain it clearly for the Board.

My home is the last house located on a dead-end street which dead-ends to the back side of 5 townhomes located on Bordeaux. The back side of these townhomes consist of a private drive proving access to their garages, in effect it is their alley. My side yard and the rest of the homes on our dead-end street looked onto the backside of their very tall privacy fence.

When I moved into my home in December 2007 the backside of the fence was a detraction for me, and I soon learned the rest of the few homes on our block (there are only 12 in total). I had a new fence constructed in 2009 in my backyard (with permit) and thought I had obtained the correct permit for the front side yard (I was wrong and accept total responsibility). Both my neighbors and I were happy with the outcome of the new fence.

In 2016 I added a fence, to match the one built in 2009, across the front of my property (again, I have learned without the proper permit) and had a fountain installed that looks like a wishing well. It created a quite, park like setting, and today family's often walk by and often bring their young children to "see the magical wishing well" where they toss in a penny and make a wish. Additionally my neighbors then, and those of today (a few homes have sold over the years) have been very appreciative and supportive of the fence, and the enhancement it brings to our small dead-end street. I am attaching a letter signed by 6 of my closest neighbors stating their support of the fence. A day hasn't gone by, since I put up the notice sign, that someone doesn't ask for an update to "our fence".

It was never my intention to violate city code and honestly, I am embarrassed that I have. The code enforcement officer, and everyone in the city that I have worked with on this violation have been professional, very helpful and I know have been doing their job. I am sorry that I have created this issue for them, my neighbors and myself.

I hope you will please consider this application. I honestly believe this has many unique circumstance. It is a dead end, not a cul-de-sac and not a through street. It provides an attractive cover to the backside of a fence that was not attractive from "our side of the street", and it brings something pleasant to our small part of Dallas.

September 17, 2020

RE: Kerry Warren
3723 S. Versailles Ave. Dallas TX 75209
Application for fence waiver

Hello neighbors,

You may or may not know, but I have been informed by the City of Dallas that the fence in my front yard is in violation of Dallas City code. The maximum height a fence in the front of a property can be is 48 inches. Therefore, I will have to remove both the fence running North/South (installed in 2009 and blocks the backside of the fence behind it of equal height) and the one running East/West (installed 2017). I believed that permits had been obtained, but I was incorrect and take full responsibility for the error.

I have applied for a waiver and have a hearing with the City of Dallas on October 19, 2020. I am asking for your support in this matter. If you are favorable with allowing me to keep the front fence, as it is, please indicate by signing this letter below. I appreciate your support.

Kerry Warren

<u>NOEL SWINNEY</u> Name (Spelled out)
<u><i>Noel Swinney</i></u> Signature
<u>3714 S. VERSAILLES</u> Address

<u>David P Kromka</u> Name (Spelled out)
<u><i>David P Kromka</i></u> Signature
<u>3710 S. Versailles Ave</u> Address

_____ Name (Spelled out)
_____ Signature
_____ Address

<u><i>J.S. Tinsley</i></u> Name (Spelled out)
<u><i>J.S. Tinsley</i></u> Signature
<u>3722 S. Versailles</u> Address

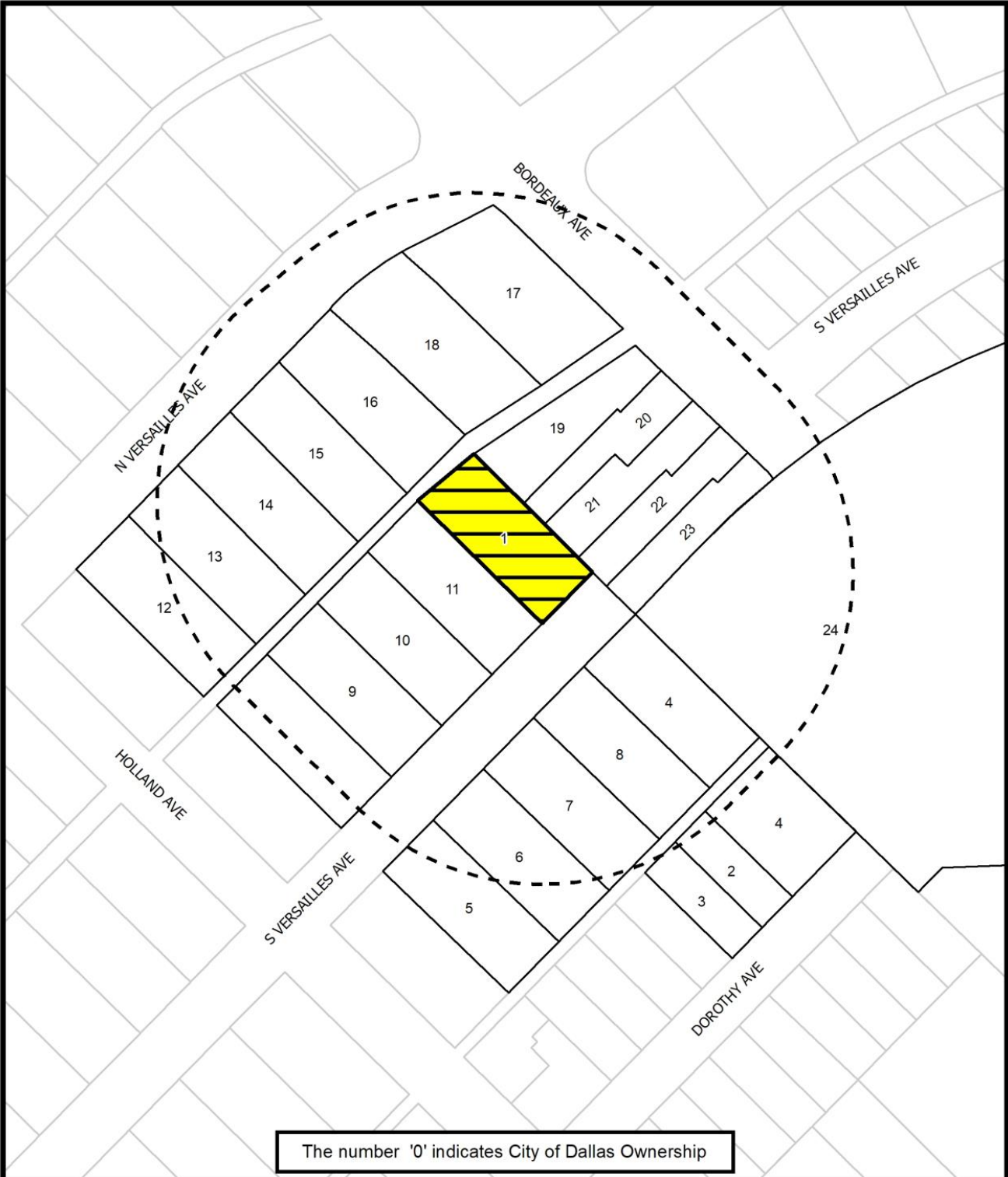
<u>Alex Garcia</u> Name (Spelled out)
<u><i>Alex Garcia</i></u> Signature
<u>3711 S. Versailles Ave</u> Address

_____ Name (Spelled out)
_____ Signature
_____ Address

<u>Beth von Brecht</u> Name (Spelled out)
<u><i>Beth von Brecht</i></u> Signature
<u>3719 S Versailles</u> Address

<u>Scott O'Neil</u> Name (Spelled out)
<u><i>Scott O'Neil</i></u> Signature
<u>3718 S. Versailles</u> Address

_____ Name (Spelled out)
_____ Signature
_____ Address




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-097
 Date: 10/1/2020

10/01/2020

Notification List of Property Owners

BDA190-097

24 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3723 S VERSAILLES AVE	WARREN KERRY J
2	3719 DOROTHY AVE	BUNDICK JUSTIN WADE &
3	3717 DOROTHY AVE	ANDERSON WILLIAM HICKMAN
4	3725 DOROTHY AVE	TINSLEY JOHN S
5	3706 S VERSAILLES AVE	MOORE ELLIOTT LONGORIA
6	3710 S VERSAILLES AVE	KROMKA DAVID PHILIP & BRENDA KAY
7	3714 S VERSAILLES AVE	SWINNEY NOEL A
8	3718 S VERSAILLES AVE	WELKER PATRICK
9	3711 S VERSAILLES AVE	GARCIA ALEX W
10	3715 S VERSAILLES AVE	CARR GREGORY W
11	3719 S VERSAILLES AVE	BRECHT BETH VON
12	3706 N VERSAILLES AVE	PEARMAN SHERMA ANN
13	3712 N VERSAILLES AVE	BELCLAIRE REALTY LTD
14	3716 N VERSAILLES AVE	ANDERSON KURT E
15	3720 N VERSAILLES AVE	BROWN CHANDLER R
16	3724 N VERSAILLES AVE	SULAMI JONATHAN A
17	3736 N VERSAILLES AVE	ZEINALI ARVIN
18	3730 N VERSAILLES AVE	GRIMES JAYNE & DON
19	5719 BORDEAUX AVE	BEDELL ROBERT L
20	5715 BORDEAUX AVE	RILEY JULIE G & ROBERT
21	5711 BORDEAUX AVE	JOHNSON EMERY C & SUSAN N
22	5707 BORDEAUX AVE	ACTON MARGARET
23	5703 BORDEAUX AVE	MARTIN JEFFERY E ETAL
24	4711 WESTSIDE DR	CENTRAL CHRISTIAN CHURCH

FILE NUMBER: BDA190-101(OA)

BUILDING OFFICIAL'S REPORT: Application of Eugene Valentine to enlarge a nonconforming use, and for a variance to the front yard setback regulations, and for a variance to the front yard setback regulations at 2428 Harrison Avenue. This property is more fully described as Lots 1-7 and portion of Lot 8, Block F868, and is zoned an RS-C Regional Service Commercial Subdistrict within Planned Development District No. 595, which limits the legal uses in a zoning district and requires a front yard setback of 15 feet. The applicant proposes to enlarge a nonconforming industrial (inside) use, which will require a special exception to the nonconforming use regulations; to construct and maintain a commercial structure and provide a two-foot front yard setback along Coombs Street, which will require a 13-foot variance to the front yard setback regulations; and, to construct and maintain a commercial structure and provide a zero-foot front yard setback along Harrison Avenue, which will require a 15-foot variance to the front yard setback regulations.

LOCATION: 2428 Harrison Avenue

APPLICANT: Eugene Valentine

REQUEST:

The following requests have been made on the subject site that is developed with a nonconforming industrial (inside) food processing use (Bud's Salads):

1. A request for a special exception to enlarge a nonconforming industrial (inside) food processing use (Bud's Salads), which in this case, involves the remodeling and enlarging of an existing approximately 18,575 square-foot structure on the site. The enlargement would add approximately 16,988 square feet bringing the total square footage, if enlarged, to approximately 35,563 square feet: and,
2. A request for a variance to the front yard setback regulations of 13 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy, part of which is to be located two feet from one of the site's three front property lines along Coombs Street, or 13 feet into the 15-foot front yard setback; and,
3. A request for a variance to the front yard setback regulations of 15 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy, part of which is to be located at the property line (zero feet) from one of the site's three front property lines along Harrison Avenue or 15 feet into the 15-foot front yard setback.

STANDARD FOR ENLARGING A NONCONFORMING USE:

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

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 (enlargement of nonconforming use):

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

STAFF RECOMMENDATION (front yard variances):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD No. 595, RS-C Regional Service Commercial Subdistrict zoning district as it is restrictive in area because it has a smaller lot and cannot be developed in a manner commensurate with the development upon other parcels of land with the same. Therefore, staff concluded that the request is not contrary to public interest

and that it was not a self-created hardship. The subject lot is approximately 53,143 square feet and the average lot size of six other properties is 162,237 square feet.

The applicant submitted a document (Attachment A) indicating, among other things, that the proposed addition to the existing structure on the subject site is commensurate to six other lots having an approximate building area average of 71,645 compared to the proposed 35,563 square-foot structure in the same PD No. 595 (RS-C) zoning district. This document also notes the average lot size of six lots in this district is 162,237 square feet while the subject lot is only 53,143 square feet.

BACKGROUND INFORMATION:

Zoning:

- Site: PD No. 595, RS-C Regional Service Commercial Subdistrict
- Northwest: PD No. 595, RS-C Regional Service Commercial Subdistrict
- Northeast: PD No. 595, RS-C & MU Regional Service Commercial & Mixed Use Subdistricts
- Southeast: PD No. 595, NC Neighborhood Commercial Subdistrict
- Southwest: PD No. 595, RS-C & MU Regional Service Commercial & Mixed Use Subdistricts

Land Use:

The subject site contains nonconforming industrial (inside) food processing use (Bud's Salads). The areas to the, north, east, and west and south are developed with commercial and office uses.

Zoning/BDA History:

There have not been any recent related board or zoning cases recorded either on or near the subject site.

GENERAL FACTS/STAFF ANALYSIS (enlarge NC use):

This request focuses on the enlargement of a nonconforming industrial (inside) food processing use (Bud's Salads), which in this case, involves the remodeling and enlarging of an existing approximately 18,575 square-foot structure on the site. The enlargement would add approximately 16,988 square feet bringing the total square footage, if enlarged, to approximately 35,563 square feet.

The subject site is zoned an RS-C Regional Service Commercial Subdistrict within PD No. 595 and the existing industrial (inside) use is not permitted in this district any longer.

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

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

It appears, from research conducted by staff, that the nonconforming industrial (inside) food processing use (Bud's Salads) became a nonconforming use on September 26, 2001 with the establishment of PD No. 595, changing the zoning to RS-C Regional Service Commercial Subdistrict. The property was previously zoned for industrial uses and permitted the food processing use. When changed to RS-C Regional Service Commercial Subdistrict, the food processing use was no longer permitted. The City has recognized the industrial (inside) food processing use on the property to be a legal nonconforming use.

The applicant has submitted a floor plan indicating that the total size of the proposed structure on the subject site is to be enlarged from 18,575 square feet to 35,563 square feet.

This application is made to enlarge a nonconforming *use*. The enlargement of a nonconforming use does not address any development code standards for nonconforming *structures* such as setbacks, lot coverage requirements, height requirements, parking requirements, etc. The nonconforming land use can only be deemed a conforming *use* if the zoning is changed. Any issues with the nonconforming structure need to be addressed as required and authorized by the Dallas Development Code.

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

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

If the board were to grant this request, with a condition imposed that the applicant comply with the submitted site plan and floor plan, the enlargement of the nonconforming use would be limited to what is shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (front yard variances):

The following requests have been made on the subject site as depicted in the site plan:

1. A request for a variance to the front yard setback regulations of 13 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy part of which is to be located two feet from one of the site's three front property lines along Coombs Street, or 13 feet into the 15-foot front yard setback; and,
2. A request for a variance to the front yard setback regulations of 15 feet has been made to remodel and expand the aforementioned nonconforming structure and a canopy part of which is to be located at the property line (zero feet) from one of the site's three front property lines along Harrison Avenue or 15 feet into the 15-foot front yard setback.

The property is flat, regular in shape, and according to the application, 1.22 acres (or approximately 53,143 square feet) in area.

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 with the same PD No. 595, RS-C Regional Service Commercial Subdistrict zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD No. 595, RS-C Regional Service Commercial Subdistrict zoning classification.

If the board were to grant the variance request and impose the submitted site plan as a condition, the only structures that would be allowed in these front yard setbacks would be limited to what is shown on this document– which in this case is a 35,563 square-foot nonconforming structure and a canopy that would be located two feet from one of the site's three front property lines along Coombs Street or 13 feet into the 15-foot front yard setback; and, zero feet from Harrison Avenue's front property line or 15 feet into this 15-foot front yard setback.

Timeline:

August 26, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

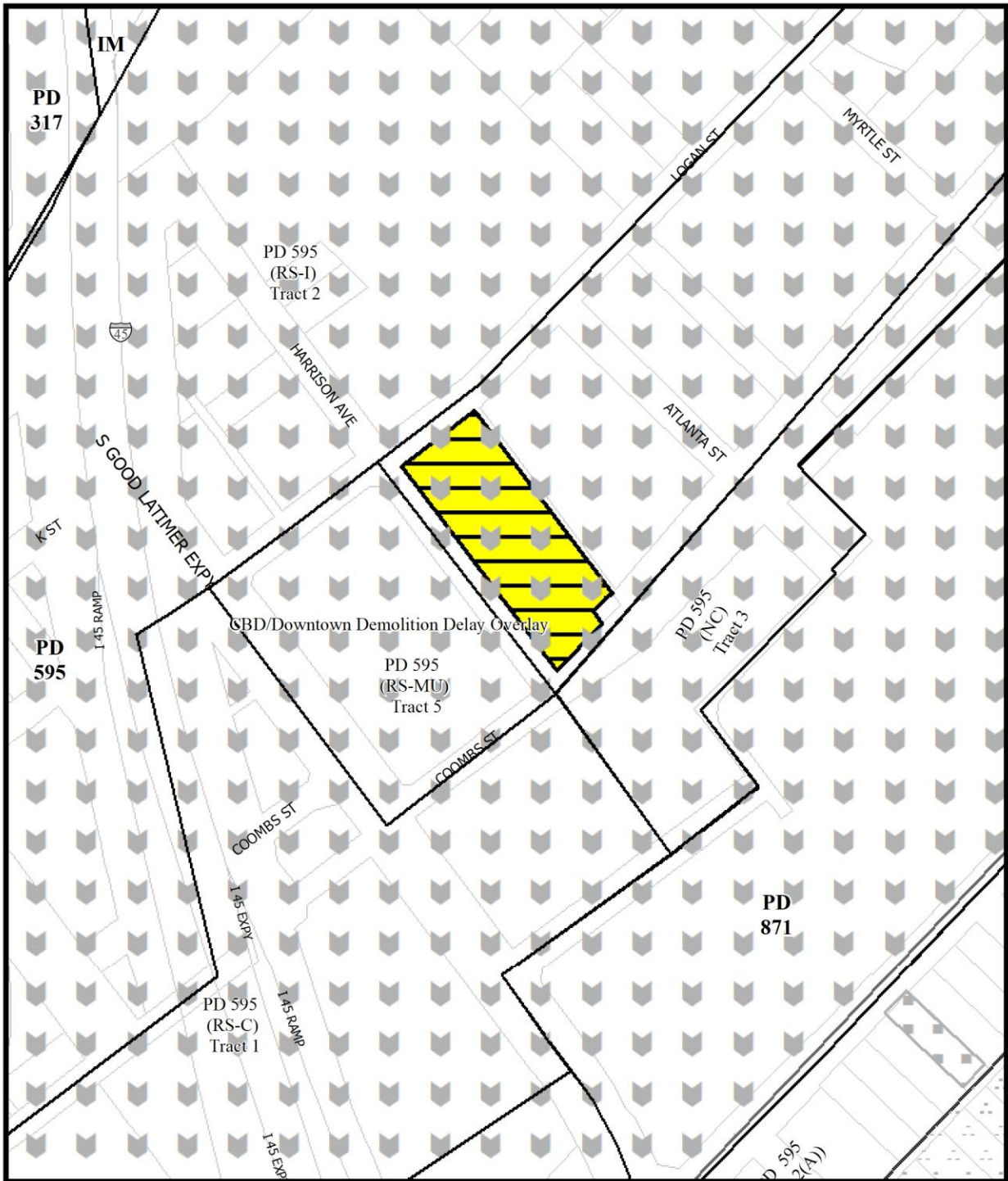
September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

- a copy of the application materials including the Building Official’s report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

September 29, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**).

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

No review comment sheets were submitted in conjunction with this application.

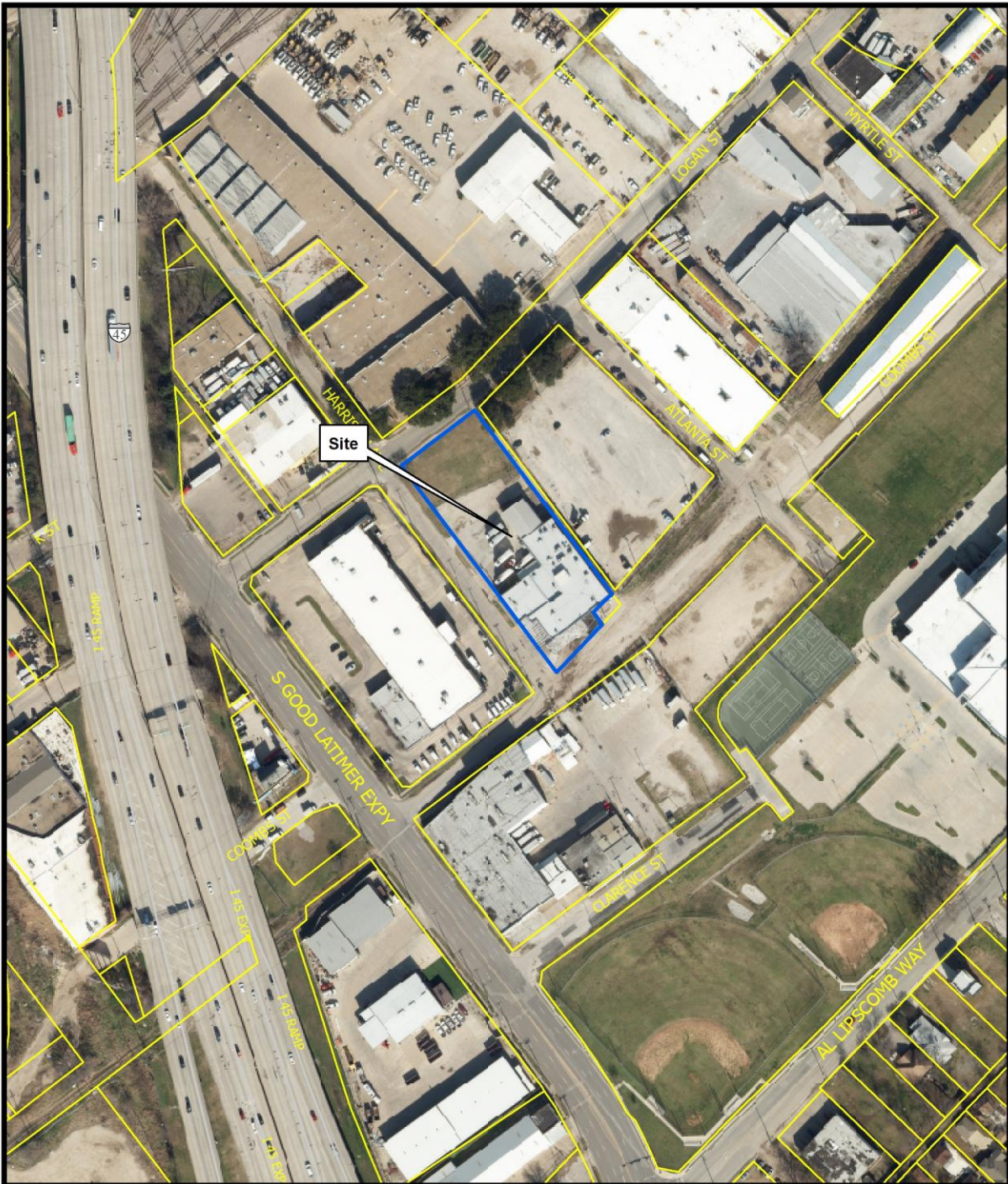


1:2,400

ZONING MAP

Case no: BDA190-101

Date: 10/1/2020



Site



1:2,400

AERIAL MAP

Case no: BDA190-101

Date: 10/1/2020



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-101

Data Relative to Subject Property:

Date: ~~07/24/2020~~ 8-26-20 *col*

Location address: 2428 Harrison Ave. Zoning District: PD 595 (RS-C)

Lot No.: 1-7, 8 Block No.: F/868 Acreage: 1.22 Census Tract: ~~48143020300~~ 203.00

Street Frontage (in Feet): 1) 141.0 2) 395.87 3) 164.88 4) _____ 5) _____

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): DJD Operating, LLC

Applicant: Eugene Valentine Telephone: 817-335-3000

Mailing Address: 500 West 7th Street, Fort Worth, TX Zip Code: 76102

E-mail Address: gvalentine@huitt-zollars.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance X, or Special Exception , of the enlargement of a non-conforming use business and a variance to the front yard setback requirements on Harrison Ave. and Coombs Street

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

- 1) Enlargement of the nonconforming use of Bud's Salads due to the expansion of operations.
 - 2) Variance request to the front yard setback required on Harrison Avenue to enable freight truck maneuvering to be fully contained within the property.
 - 3) Variance request to the front yard setback on Coombs Street to enable replacement of the truck dock canopy.
- See attached for further explanation, please.

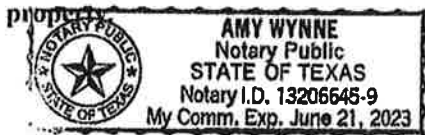
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Eugene Valentine

(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



Respectfully submitted: Eugene Valentine
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 31st day of July, 2020

Amy Wynne
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 Eugene Valentine

did submit a request to enlarge a nonconforming use, and for a variance to the front yard setback regulations, and for a variance to the front yard setback regulations
at 2428 Harrison Street

BDA190-101. Application of Eugene Valentine to enlarge a nonconforming use, and for a variance to the front yard setback regulations, and for a variance to the front yard setback regulations at 2428 HARRISON ST. This property is more fully described as Lots 1-7 and part of Lot 8, Block F868, and is zoned PD-595, which limits the legal uses in a zoning district and requires a front yard setback of 15 feet. The applicant proposes to enlarge a nonconforming Industrial (inside) use, which will require a special exception to the nonconforming use regulations, and to construct and maintain a commercial structure and provide a 2 foot front yard setback along Coombs Street, which will require a 13 foot variance to the front yard setback regulations, and to construct and maintain a commercial structure and provide a 0 foot front yard setback along Harrison Street, which will require a 15 foot variance to the front yard setback regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 190-101

I, Jennifer Rohde Dickerson, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 2428 Harrison Ave., Dallas, TX 75215
(Address of property as stated on application)

Authorize: Eugene Valentine
(Applicant's name as stated on application)

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

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

Specify: Variance to the front yard setback required on Harrison Avenue; and enlargement of the existing nonconforming use to allow building expansion.

Jennifer Rohde Dickerson
Print name of property owner or registered agent

Jennifer Rohde Dickerson
Signature of property owner or registered agent

Date July 24, 2020

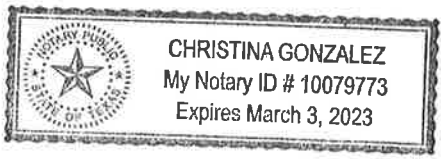
Before me, the undersigned, on this day personally appeared Jennifer Rohde Dickerson

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

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

Christina Gonzalez
Notary Public for Dallas County, Texas

Commission expires on 03/03/2023



**SUPPLEMENTAL INFORMATION TO:
APPLICATION / APPEAL TO THE CITY OF DALLAS BOARD OF ADJUSTMENT**

Case No.: _____

Date: 07/24/2020

Subject Address: 2428 Harrison Ave.

Supporting justification for granting the requested appeal(s):

- 1) Enlargement of the nonconforming use of Bud's Salads:
 - a) Facts Bearing on the Issue:
 1. Bud's Salads has been in continual operation at this location for more than 35 years. The business obtains raw fruits and vegetables, washes and slices them, then packages them for distribution to a myriad of retail outlets or restaurants.
 2. The Certificate of Occupancy lists the business as "Industrial" since this is how food processing is classified in the International Building Code.
 3. Bud's Salads does not use any hazardous materials or chemicals; does not produce any obnoxious fumes/odors; does not produce hazardous waste; does not produce untoward noise; does not produce traffic congestion
 4. Many years after the business began operation, the City of Dallas created an overlay zone for the area, PD 595, South Dallas/Fair Park Special Purpose District, with Regional Service Commercial (RS-C) zoning for this parcel.
 5. RS-C zoning does not permit industrial uses.
 6. RS-C zoning permits numerous uses that would have significantly greater impact on the neighborhood than Bud's Salads.
 7. Bud's Salads operates with a lease parking arrangement on a neighboring lot for staff parking.
 - b) Justification for the enlargement:
 1. The expansion of the building to the west allows for the creation of a truck dock internal to the site, reducing the impact on Coombs Street and Harrison Avenue.
 2. The expansion is projected to satisfy future business growth projections allowing the business to remain at this location.
 3. The expansion and remodel of the existing facility will create a more unified appearance to the building and enhance the architecture of the facility.
 4. The expanded facility will not produce any of the typically associated concerns with industrial use classification such as undue noise, odor, dust creation, noxious gas emissions, fire hazard, industrial waste, or heavy traffic impact.
- 2) Variance request to the front yard setback requirement of 15-feet on Harrison Avenue:
 - a) Facts Bearing on the Issue:
 1. The depth of the land parcel at 141 feet is restrictive with regard to accommodating shipping and receiving traffic by tractor-trailer rigs.
 2. An objective of the business is to minimize impact on surrounding roadways as much as is feasible.
 3. The existing building is constructed on the south property line along Harrison Avenue.
 - b) Justification for the variance:
 1. Due to the restrictive size of the parcel and the area available for expansion, enabling the building addition to encroach into the required front setback area would allow greater flexibility of design enabling the proposed new shipping dock to project further to the south. This extended projection allows for improved tractor-trailer access and maneuverability within the site itself. This alleviates potential impact of truck maneuvering on Harrison Avenue, which improves safety and traffic flow.
 2. The building expansion would match the existing building's southern elevation location. This would help create a unified campus-like layout and appearance facing Harrison Avenue.
 3. The variance enables the expansion to accommodate a third shipping door/dock, which greatly improves the viability of the building expansion and impact on the business.

- 3) Variance request to the front yard setback requirement of 15-feet on Coombs Street:
- a) Facts Bearing on the Issue:
 - 1. Coombs Street is a limited use secondary street with abandoned rail spur that bisects the street south of Harrison Avenue, then runs parallel to the street along the west shoulder of Coombs.
 - 2. The existing dock canopy at the southeast corner of the existing building encroaches into the front yard setback along Coombs by approximately 14 feet. This canopy is slated to be replaced with an improved version as part of the overall project and building expansion.
 - b) Justification for the variance:
 - 1. The variance would enable the new canopy to replace the existing canopy that protects the existing receiving shipment dock.
 - 2. The new canopy would improve the east elevation appearance.

Address: 2428 HARRISON ST 75215

Issued: 06/28/1993

Owner: ROSALIE BUDNOFF
000000

DBA: BUD'S SALADS

Land Use: (3980) INDUSTRIAL (INSIDE)

Occupied Portion:

C.O.#: 9212231082

Lot:	1	Block:	F/868	Zoning:	PD-595	PDD:	595	SUP:	
Historic Dist:		Consrv Dist:	South Dallas/I	Pro Park:	0	Req Park:	0	Park Agrmt:	N
Dwlg Units:	0	Stories:	0	Occ Code:		Lot Area:	53156	Total Area:	0
Type Const:		Sprinkler:		Occ Load:		Alcohol:	N	Dance Floor:	N

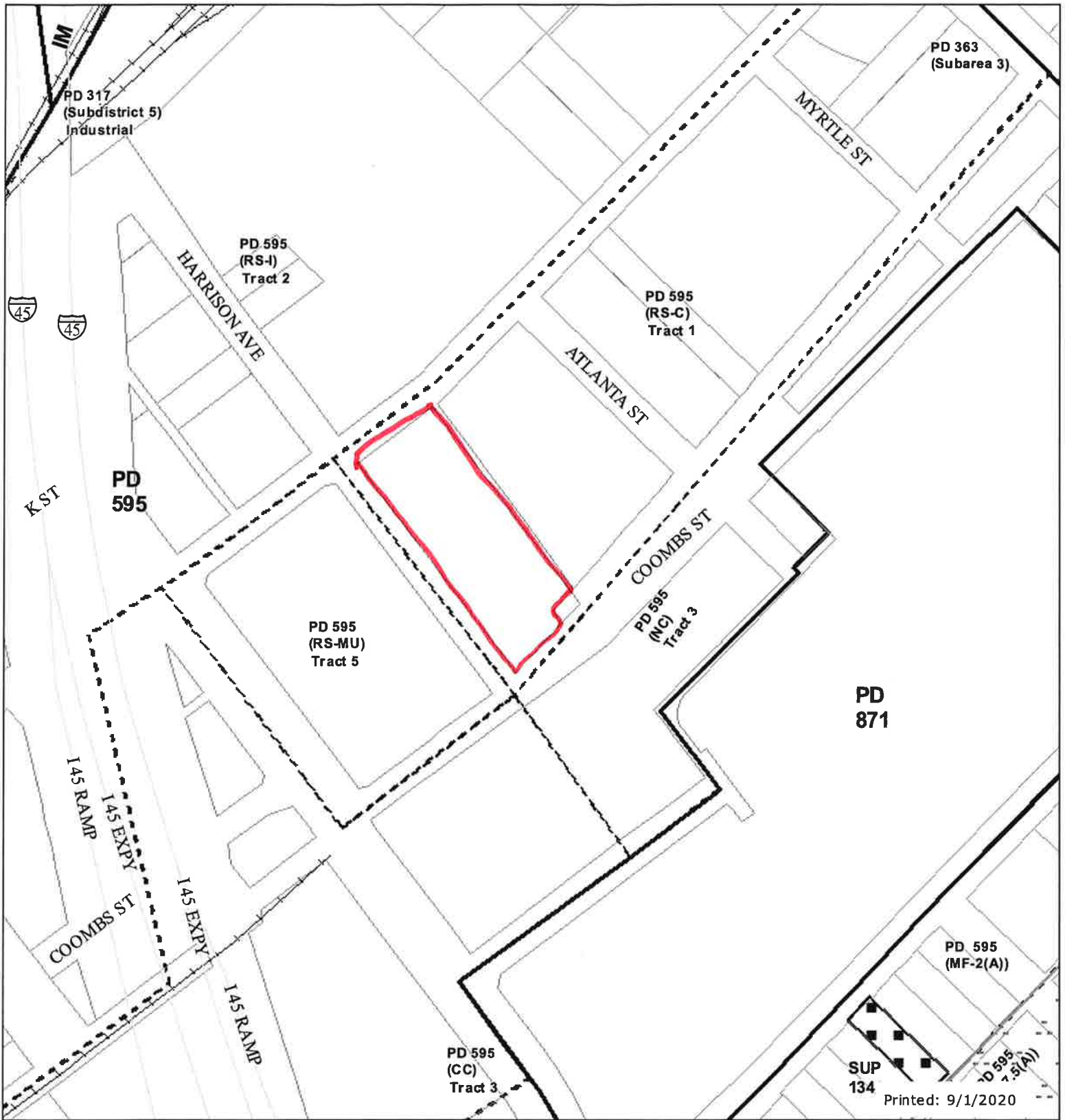
Remarks: (FOOD PROCESSING)



David Session, Building Official

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

Sustainable Development and Construction | Building Inspection Division | 214/948-4480 | www.dallascityhall.com



Printed: 9/1/2020

Legend

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

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**SUPPLEMENTAL INFORMATION TO:
APPLICATION / APPEAL TO THE CITY OF DALLAS BOARD OF ADJUSTMENT**

Case No.: _____

Date: 07/29/2020

Subject Address: 2428 Harrison Ave.

Supporting justification for granting the requested appeal(s):

1) ENLARGEMENT OF THE NONCONFORMING USE OF BUD'S SALADS:

a) Facts Bearing on the Issue:

1. Bud's Salads has been in continual operation at this location for more than 35 years. The business obtains raw fruits and vegetables, washes and slices them, then packages them for distribution to a myriad of retail outlets or restaurants.
2. The Certificate of Occupancy lists the business as "Industrial" since this is how food processing is classified in the International Building Code.
3. Bud's Salads does not use any hazardous materials or chemicals; does not produce any obnoxious fumes/odors; does not produce hazardous waste; does not produce untoward noise; does not produce traffic congestion
4. Many years after the business began operation, the City of Dallas created an overlay zone for the area, PD 595, South Dallas/Fair Park Special Purpose District, with Regional Service Commercial (RS-C) zoning for this parcel.
5. RS-C zoning does not permit industrial uses.
6. RS-C zoning permits numerous uses that would have significantly greater impact on the neighborhood than Bud's Salads.
7. Bud's Salads operates with a lease parking arrangement on a neighboring lot for staff parking.

b) Justification for the enlargement:

1. The building and its usage, was a conforming use prior to the overlay zone that went into effect about 20 years ago.
2. According to Chapter 51A Part Ii Of the Dallas Development Code: Ordinance No. 19455, Division 51A-4.704(b) (5) (B) (ii) and (iii): "The board may allow the enlargement of a non-conforming use when, in the opinion of the board the enlargement would have been permitted under the zoning regulations that existed when the nonconforming use was originally established, or it will not have an adverse effect on the surrounding area."
3. The expansion of the building provides a lot density that is consistent with other wholesale produce distributors within the immediate PD 595, RSC zone. See comparables table attached.
4. The expansion of the building to the west allows for the creation of a truck dock internal to the site, reducing the impact on Coombs Street and Harrison Avenue.
5. The expansion is projected to satisfy future business growth projections allowing the business to remain at this location.
6. The expansion and remodel of the existing facility will create a more unified appearance to the building and enhance the architecture of the facility.
7. The expanded facility will not produce any of the typically associated concerns with industrial use classification such as undue noise, odor, dust creation, noxious gas emissions, fire hazard, industrial waste, or heavy traffic impact.

2) VARIANCE REQUEST TO THE FRONT YARD SETBACK REQUIREMENT OF 15-FEET ON HARRISON AVENUE:

a) Facts Bearing on the Issue:

1. The depth of the land parcel at 141 feet is restrictive with regard to accommodating shipping and receiving traffic by tractor-trailer rigs.

2. An objective of the business is to minimize impact on surrounding roadways as much as is feasible.
3. The existing building is constructed on the south property line along Harrison Avenue.

b) Justification for the variance:

1. Due to the restrictive size of the parcel and the area available for expansion, enabling the building addition to encroach into the required front setback area would allow greater flexibility of design enabling the proposed new shipping dock to project further to the south. This extended projection allows for improved tractor-trailer access and maneuverability within the site itself. This alleviates potential impact of truck maneuvering on Harrison Avenue, which improves safety and traffic flow.
2. The building expansion would match the existing building's southern elevation location. This would help create a unified campus-like layout and appearance facing Harrison Avenue.
3. The building expansion also allows for the building's overall FAR to be comparable to other similar use spaces within the same zoning ordinance in adjacent areas.
4. The variance enables the expansion to accommodate a third shipping door/dock, which greatly improves the viability of the building expansion and impact on the business.
5. According to Chapter 51A Part li Of the Dallas Development Code: Ordinance No. 19455, Division 51A-4.704(b) (5) (B) (ii) and (iii): "The board may allow the enlargement of a non-conforming use when, in the opinion of the board the enlargement would have been permitted under the zoning regulations that existed when the nonconforming use was originally established, or it will not have an adverse effect on the surrounding area."
6. According to Chapter 51A Part li Of the Dallas Development Code: Ordinance No. 19455 51A-3.102 Board of Adjustment(d)(10): "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; or the variance is 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."

3) VARIANCE REQUEST TO THE FRONT YARD SETBACK REQUIREMENT OF 15-FEET ON COOMBS STREET:

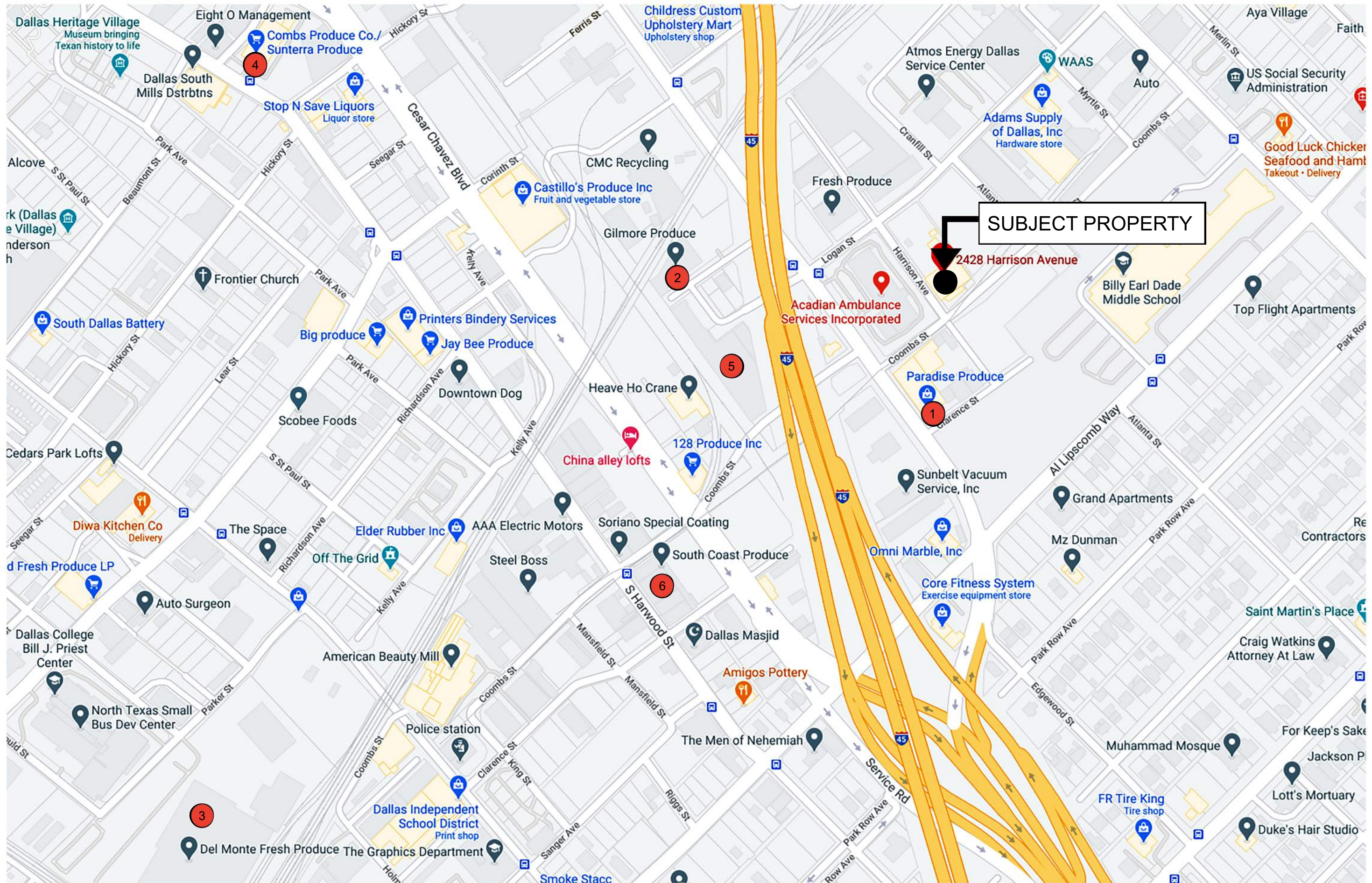
a) Facts Bearing on the Issue:

1. Coombs Street is a limited use secondary street with abandoned rail spur that bisects the street south of Harrison Avenue, then runs parallel to the street along the west shoulder of Coombs.
2. The existing dock canopy at the southeast corner of the existing building encroaches into the front yard setback along Coombs by approximately 14 feet. This canopy is slated to be replaced with an improved version as part of the overall project and building expansion.

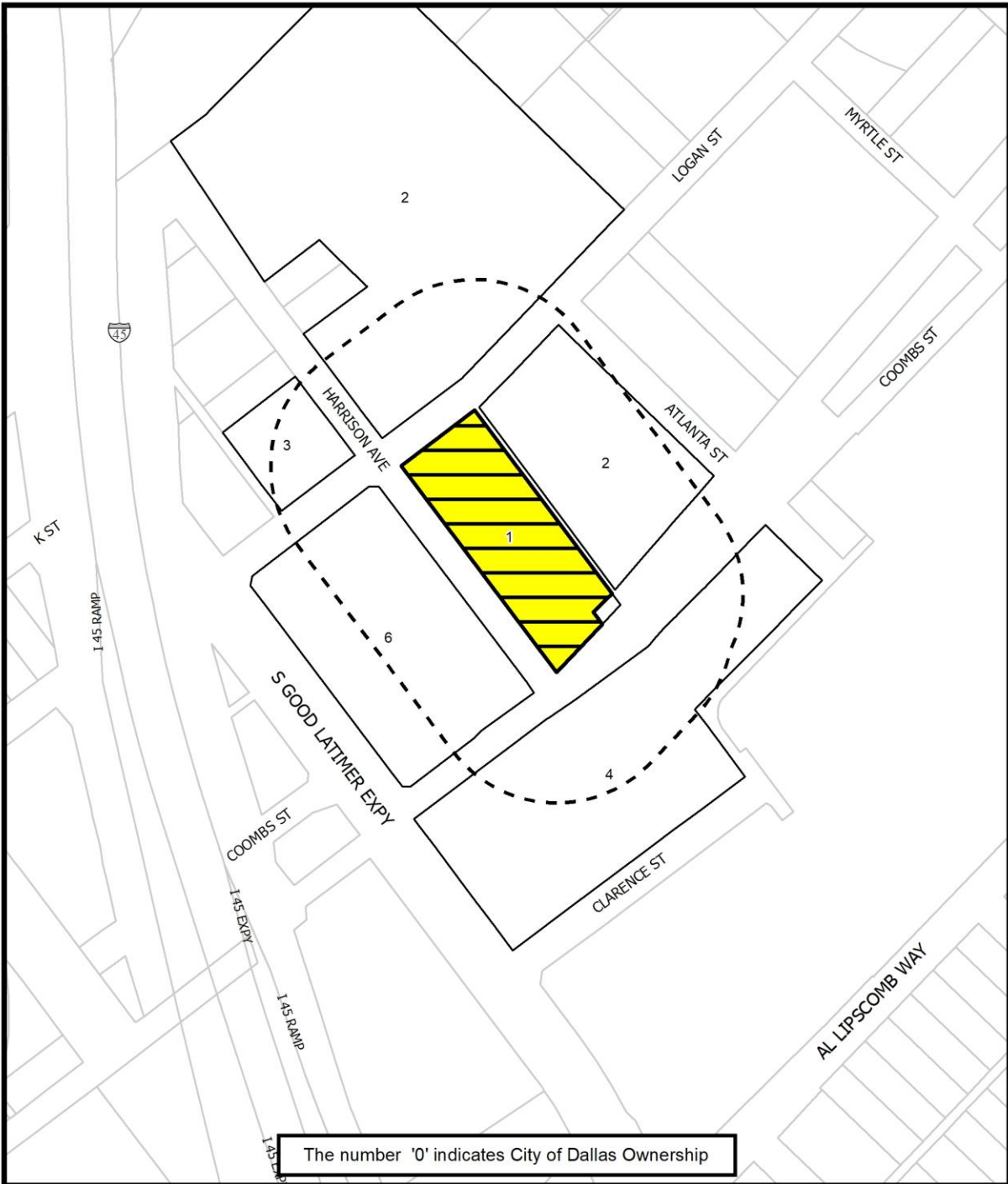
b) Justification for the variance:

1. The variance would enable the new canopy to replace the existing canopy that protects the existing receiving shipment dock. This should be acceptable according to Chapter 51A Part li Of the Dallas Development Code: Ordinance No. 19455, Division 51A-4.704(b) (5) (B) (ii) and (iii). This says that "the board may allow the enlargement of a non-conforming use when, in the opinion of the board the enlargement would have been permitted under the zoning regulations that existed when the nonconforming use was originally established, or it will not have an adverse effect on the surrounding area."
2. The new canopy would improve the east elevation appearance.

	Property Address	Purveyor	Approx. Lot Size (SF)	Approx. Building Area (SF)	Approx. Front Yard Setback (FT)	Approx. FAR	Zoning	Remarks
#1	2500 S Good Latimer Expressway 75215	Paradise Produce	80,675.27	36,804.0	SW: 0 SE: 5 NW: 15	0.456	PD 595 RSC Tract 1	Single story
#2	2407 K Street 75215	Gilmore Produce	44,062.0	27,760.0	SE: 10 NE: 225	0.63	PD 595 RSI Tract 2	Single story
#3	1400 Parker Street 75215	Del Monte Fresh Produce	587,209.53	246,628.0	NE: 5 SE: 45	0.42	PD 595 RSI Tract 1	Single story
#4	1804 S Harwood Street 75215	Riley's Fresh Cut Produce	100,880.0	42,740.0	NW: 10 NE: 5 SE: 5 SW: 45	0.424	PD 317 Sub 2 MXU	Two stories
#5	2410 Logan Street 75215	American Fresh Produce	88,841.42	44,421.0	SW: 0 NW: 5 NE: 140	0.50	PD 513	Single story
#6	2500 S Harwood Street 75215	South Coast Produce	71,757.45	31,517.0	N: 15 W: 10 S: 12 E: 145	0.439	PD 595 RSC Tract 1	Single story
	2428 Harrison Ave 75215	Bud's Salads	53,156.0	34,513.0 18,575.0 (exist)	SE: 15 SW: 0 (exist), 15 Addition NW: 150 (exist), 15 Addition	0.639	PD 595 RSC Tract 2	Subject property, Parking agreement to lease space from Paradise Produce.
	AVERAGES—ALL 6 COMPARABLE PROPERTIES		162,237.61	71,645.0		0.442		



LAND USE COMPARABLES



1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

6

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-101**

Date: **10/1/2020**

10/01/2020

Notification List of Property Owners

BDA190-101

6 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2428 HARRISON ST	DJD OPERATING LLC
2	2601 LOGAN ST	ENSERCH CORP
3	2525 LOGAN ST	PROPIEIDADES CASA RICA INC
4	2500 S GOOD LATIMER EXPY	BALLOFFUN ENTERPRISES LLC
5	9999 COOMBS ST	BUDS SALADS INC
6	2424 S GOOD LATIMER EXPY	ACADIAN AMBULANCE SERVICE INC

FILE NUMBER: BDA190-102(OA)

BUILDING OFFICIAL'S REPORT: Application of Wes Hoblit of Masterplan for a special exception to the parking regulations at 2820 Commerce Street. This property is more fully described as Lots 1 & 2, Block 13/191, and is zoned Tract A, within Planned Development District No. 269 which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for an inside commercial amusement use, and provide 74 of the required 120 parking spaces, which will require a 46-space special exception (38.3 percent reduction) to the parking regulations.

LOCATION: 2820 Commerce Street

APPLICANT: Wes Hoblit of Masterplan

REQUEST:

A request for a special exception to the off-street parking regulations of 46 spaces is made to remodel and maintain an inside commercial amusement use within a structure containing 6,115 square feet of floor area and to provide 74 of the 120 required off-street parking spaces.

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

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:

Approval.

Rationale:

- The Sustainable Development and Construction Department has no objections to this request.

BACKGROUND INFORMATION:

Zoning:

Site: PD No. 269, Tract A
North: PD No. 269, Tract A
South: PD No. 269, Tract A
East: PD No. 269, Tract A
West: PD No. 269, Tract A

Land Use:

The subject site is proposed to be an inside commercial amusement use. The areas to the north, east, south, and west are developed with commercial uses.

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:

This request for a special exception to the off-street parking regulations of 46 spaces is made to remodel and maintain a structure containing 6,115 square feet of floor area and to allow for an inside commercial amusement use to provide 74 of the 120 required off-street parking spaces.

PD No. 269 does not require inside commercial amusement uses to provide off-street parking spaces for the first 2,500 square feet of floor area in a ground-level use that has a separate certificate occupancy in an original building. A minimum of one space per 100

square feet of floor area is required for the remaining floor area of an inside commercial amusement use. PD No. 269 also allows a 10-percent reduction to off-street parking requirements when a use is located within one-fourth mile of a DART light-rail station.

The Sustainable Development and Construction Department Senior Engineer has no objections to the request.

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

- The parking demand generated by the proposed inside amusement structure with 6,115 square feet of floor area does not warrant the number of off-street parking spaces required: and
- The special exception of 46 spaces (or a 38.3 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 and impose the condition that the special exception of 46 spaces shall automatically and immediately terminate if and when the inside commercial amusement use with 6,115 square feet of floor area is changed or discontinued.

TIMELINE:

August 27, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 18, 2020: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

September 18, 2020 The Board Administrator emailed the applicant’s representative the public hearing date and panel that will consider the application; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board’s docket materials and the following information:

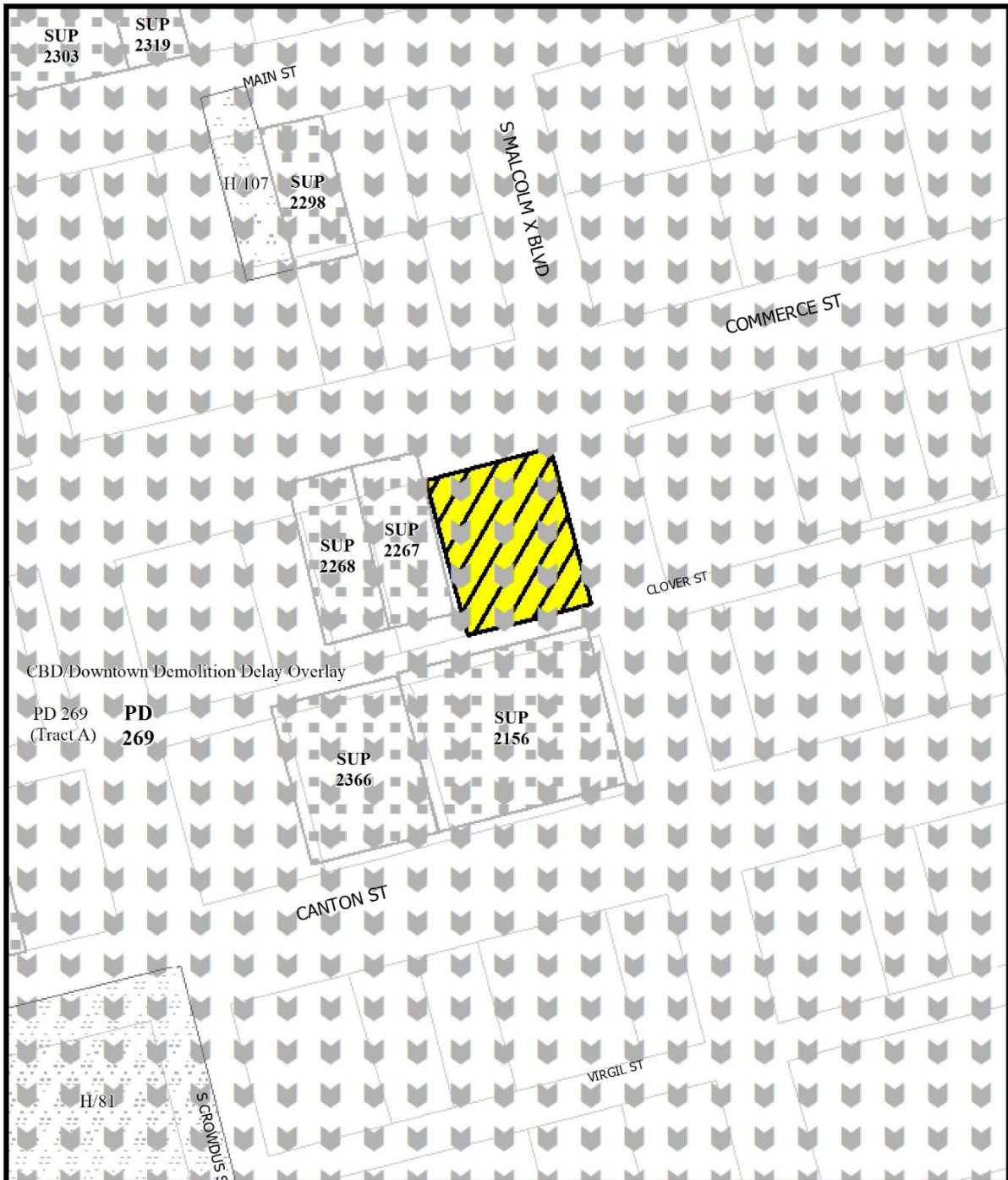
- a copy of the application materials including the Building Official’s report on the application;
- the criteria/standard that the board will use in their decision to approve or deny the request; and

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

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

October 5, 2020: The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked “no objections”.

October 8, 2020: The applicant submitted additional information to staff beyond what was submitted with the original application (**Attachment A**)

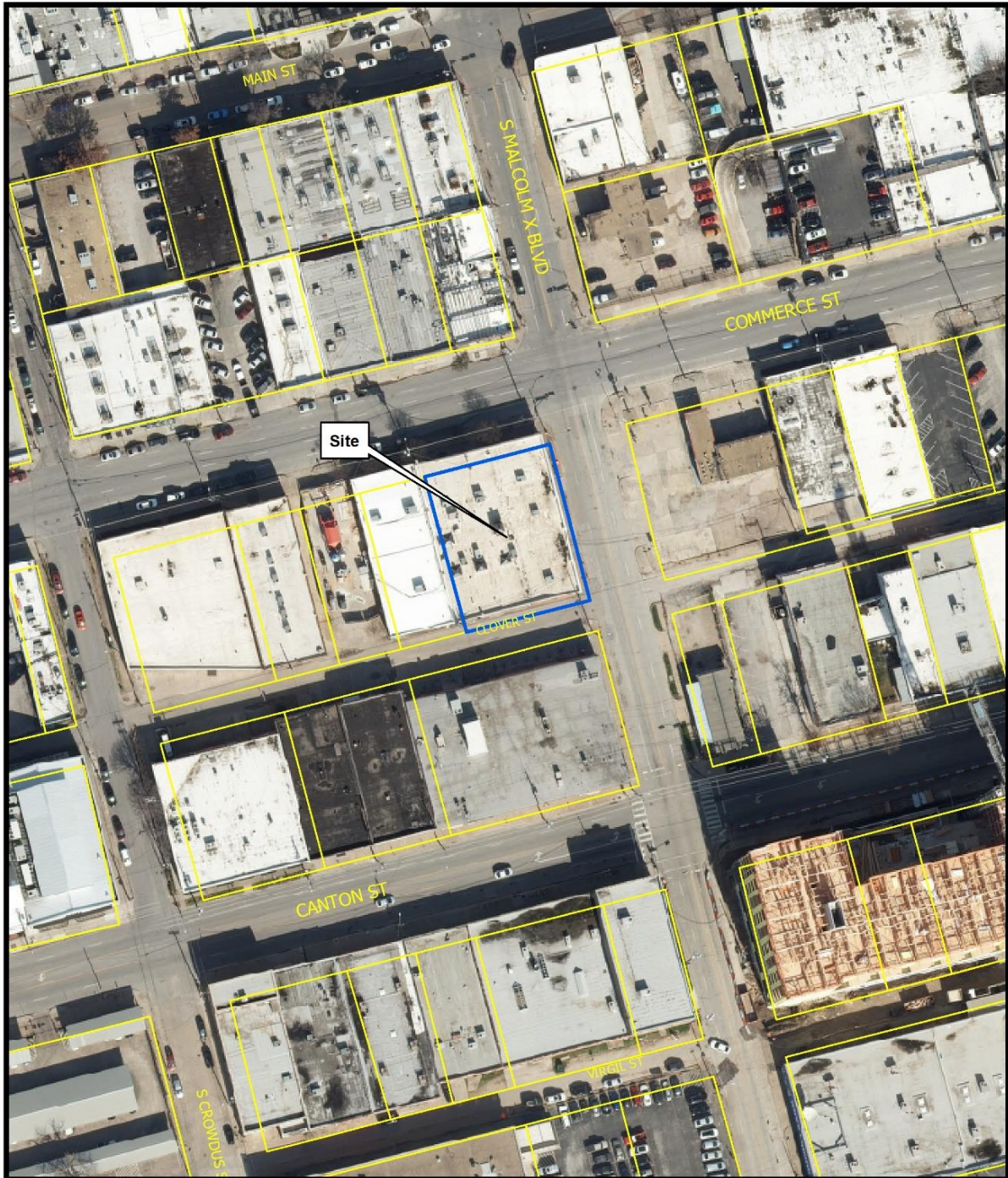


1:1,200

ZONING MAP

Case no: BDA190-102

Date: 10/1/2020



1:1,200

AERIAL MAP

Case no: BDA190-102

Date: 10/1/2020



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-102

Data Relative to Subject Property:

Date: August 27th, 2020

Location address: 2820 Commerce Street Zoning District: PD 269, subarea A

Lot No.: 1+2 Block No.: 13/191 Acreage: 0.286 Census Tract: 0204.00

Street Frontage (in Feet): 1) 100 2) 125 3) 100 4) N/A 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): AP Blanton Deep Ellum LLC

Applicant: Wes Hoblit / Masterplan Telephone: (214) 761-9197

Mailing Address: 2201 MAIN STREET #1280 Dallas, TX Zip Code: 75201

E-mail Address: wes@masterplan-texas.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of forty-six parking spaces of 75% reduction of off-street parking requirements for an inside commercial government use. The required parking per code is 120 spaces and parking provided is zero.

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:

To adjust parking requirements to align with parking demand

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 Wes Hoblit (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 27th day of August, 2020

(Rev. 08-01-11)



Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

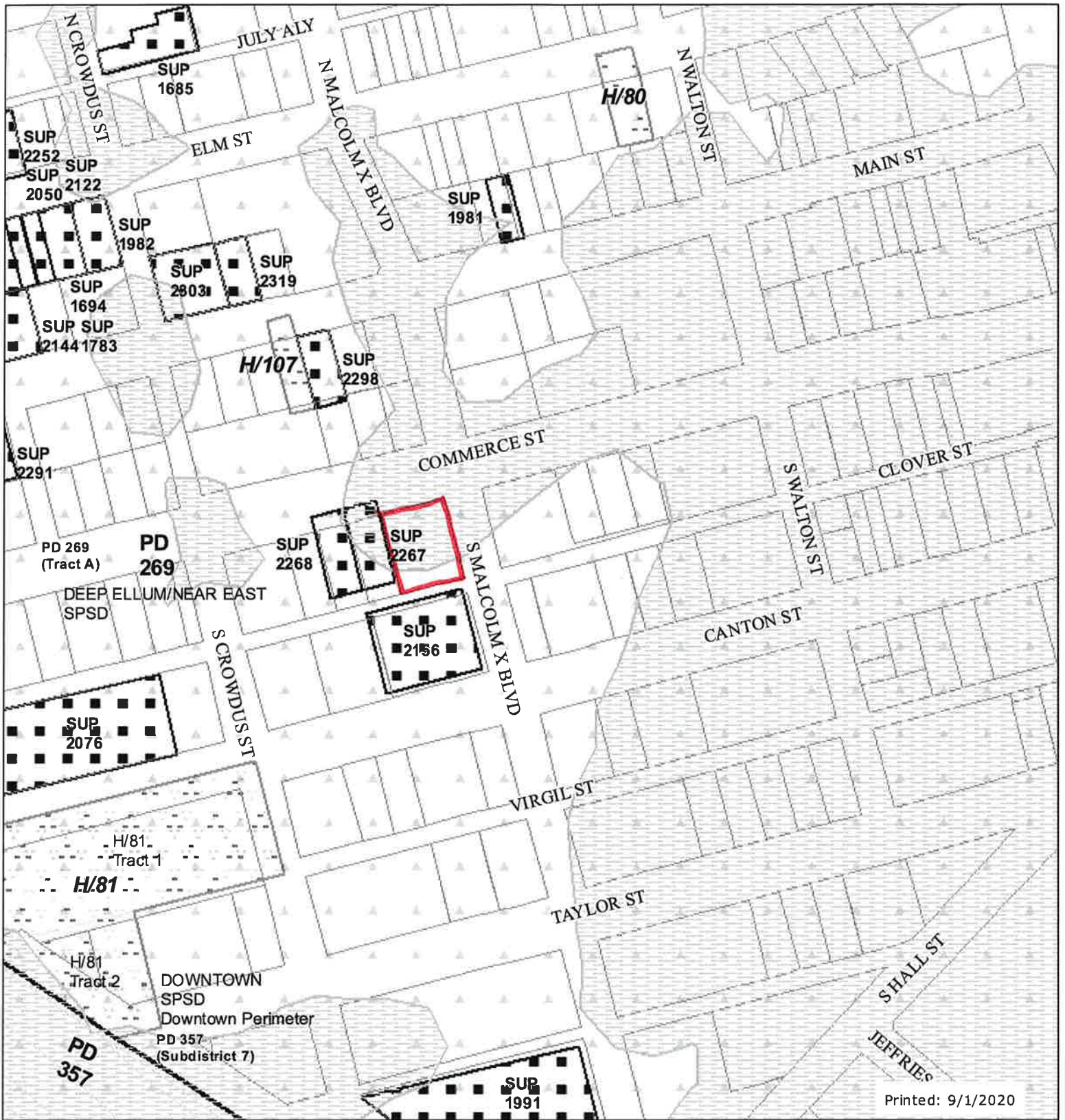
I hereby certify that Wes Hoblit

did submit a request for a special exception to the parking regulations
at 2820 Commerce Street

BDA190-102. Application of Wes Hoblit for a special exception to the parking regulations at 2820 COMMERCE ST. This property is more fully described as Lots 1 & 2, Block 13/191, and is zoned PD-269 Tract A, which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a commercial amusement (inside) use, and provide 74 of the required 120 parking spaces, which will require a 46 space special exception (38.3% reduction) to the parking regulation.

Sincerely,


David Session, Building Official



Printed: 9/1/2020

Legend

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

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July 21, 2020

PK# 4707-20.378

PARKING DEMAND ANALYSIS

Project:

Federales

In Dallas, Texas

Prepared for:

City of Dallas

On behalf of:

Asana Partners

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE



7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

PARKING DEMAND ANALYSIS
Federales
Dallas, Texas

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PARKING ANALYSIS 2
SUMMARY OF FINDINGS 3

LIST OF EXHIBITS:

Exhibit 1. Site Location Map

LIST OF TABLES:

Table 1. Base Code Parking Requirement

Table 2. Summary of Parking Data

APPENDIX

APPENDIX A. Parking Special Exception Considerations

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained **Asana Partners** to conduct a Parking Demand Analysis (PDA) for the bar/restaurant/entertainment development known as *Federales* (the "Project"). The Project is located at 2820 Commerce Street in the Deep Ellum District of Dallas, Texas. A proposed floor plan prepared by **Studio K** and a site location map (**Exhibit 1**) are provided at the end of this report.

To facilitate development of the Project, **Asana Partners** is seeking a more optimal parking requirement. Specifically, a request has been made to obtain a Special Exception to the code parking requirements. This analysis was performed at the request of the City for review of that request.

This PDA was prepared by registered professionals from Pacheco Koch who are skilled in analytical studies of parking, traffic, and related fields. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides such professional services.

Purpose

A PDA is an investigation of 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 describe the Project and anticipated parking characteristics in order to validate the 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 will be located in an existing commercial building of approximately 12,032 square feet.

The specific use is called "Federales", which is a bar/restaurant/entertainment use. (An existing facility by the same Operator is currently in operation in Chicago, Illinois.) Anticipated hours of operation will be as follows: Monday-Thursday – 5:00 PM – 2:00 AM; Friday-Sunday – 11:00 AM-2:00 AM. [Specific hours of operation are subject to change.] Portions of the interior will have a retractable roof.

The facility encourages the use of TNC (Transportation Network Companies—e.g., Uber, Lyft, etc.) and is located approximately four blocks from the DART Baylor University Medical Center Light Rail platform.

PARKING CODE REVIEW

The study site is currently zoned *The Deep Ellum/Near East Side District* [PD 269 (Tract A)]. The parking requirement for the property located within the District are defined in Section 51P-269.105. A summary of the resulting net parking requirement is summarized in **Table 1**.

Table 1. Base Code Parking Requirement

LAND USE	QUANTITY	RATE	PARKING REQUIREMENT
Inside Commercial Amusement [51P-269.105(j)(1)(K)]	12,032 SF	1 per 100 SF, less exclusions	120
<i>Subtotal (before Special Exception) *</i>			61
<i>Total (with Special Exception) *</i>			15

NOTE: Code calculations provided by Masterplan. *Reductions applied: (1) no parking required for first 2,500 SF for restaurant use, per 51P-269.105(j)(1)(K)(i) [25 spaces reduced]; (2) Outdoor seating with non-permeable cover reduction per 51P-269.105(j)(1)(K)(iii) [4 spaces reduced]; (3) Bicycle parking reduction per 51A-4.330 [1 space reduced]; (4) On-street parking [0 spaces reduced]; (5) Delta Theory credits [22 spaces reduced]; (6) proximity to DART per 51P-269(j)(5) [7 spaces reduced]; 7 spaces reduced; (7) Special Exception (75%), requested [46 spaces reduced]

Through various credits allowed under PD 269 and Chapter 51A of the Dallas Development Code, the Applicant may reduce the base parking requirement up to 59 spaces. [Reductions determined by Masterplan.] The Applicant is seeking an additional parking requirement reduction by Special Exception of 75%—or 46 spaces—which would reduce the net parking requirement to fifteen (15) spaces. The basis for the Special Exception request is due to the vast number of parking options available in the surround Deep Ellum District, including commercial parking lots and public, on-street parking.

PARKING ANALYSIS

The Institute of Transportation Engineers (ITE) *Parking Generation* handbook does not provide parking demand data for a bar/restaurant, which is logical given the unique circumstances that exist at each location. Generally, utilization of alternative modes, such as TNCs, walking, and transit is common—and even encouraged—in order to reduce driving; however, measuring the actual utilization of each mode is not practical. Additionally, the site is located in the Deep Ellum entertainment district where it is typical for motorists who do drive to park either on street or in commercial parking lots. Both parking options are very prevalent in the area, and very few establishments in the District offer self-contained, on-site parking.

Though the parking demand is not zero, it is the opinion of Pacheco Koch that parking in the Deep Ellum District is self-sustaining and market-driven. Any on-site parking that can readily be provided is encouraged; however, encouraging the

proper use of alternative transportation modes, such as TNCs and transit, is equally—if not more—important.

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: Based upon the special parking requirements outlined in PD 269, the proposed development requires 61 parking spaces after application of applicable exclusions. An additional reduction of 46 spaces is being requested from a Special Exception to the Parking Requirement resulting in a net requirement of fifteen (15) spaces.

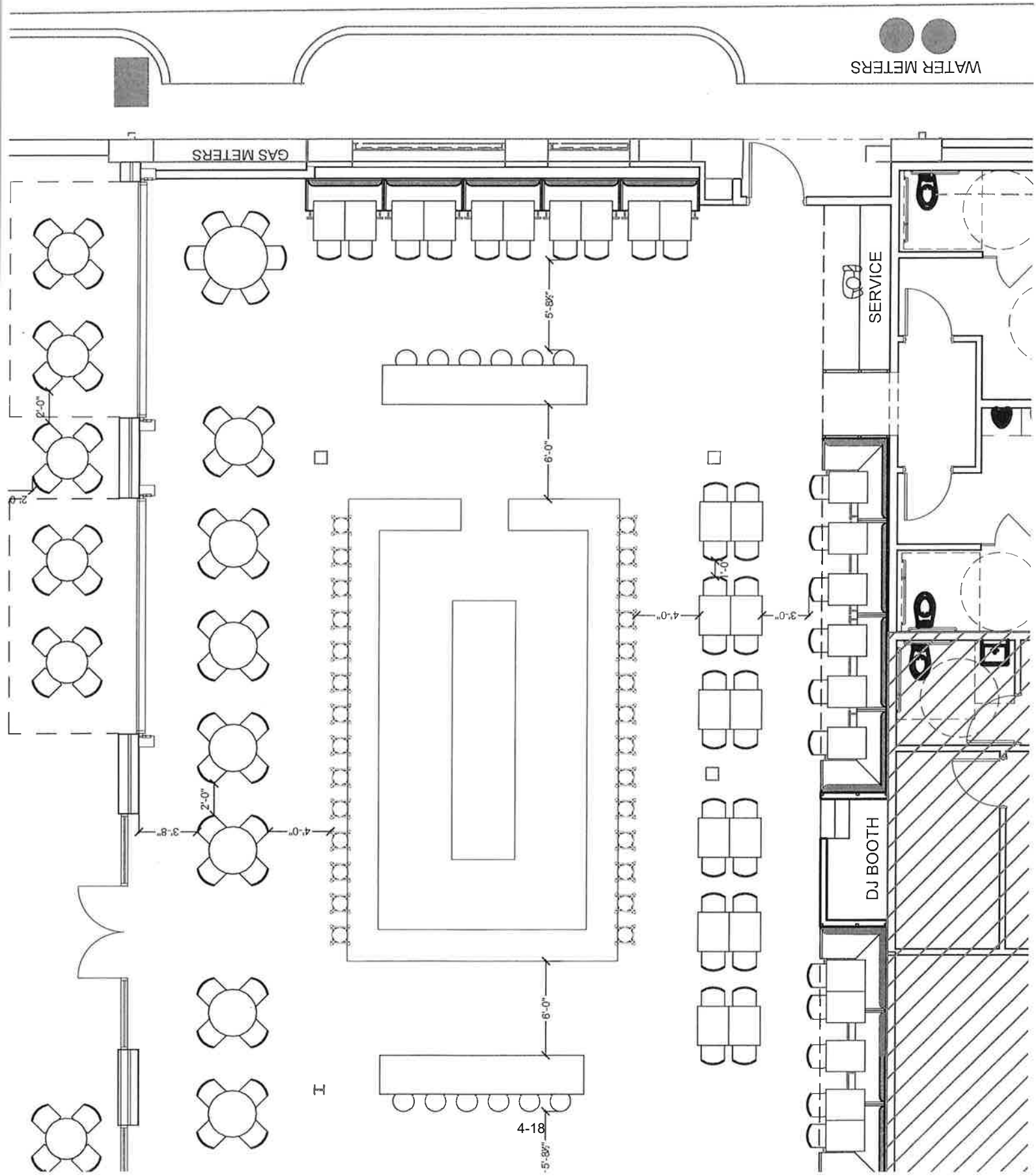
FINDING: The proposed development consists of bar/restaurant/entertainment uses. Such uses are typical in the Deep Ellum District of Dallas, where use of TNCs and off-site parking is prevalent.

FINDING: The actual peak parking demand for the development cannot be definitively determined. However, parking generated within the district is generally accommodated on street and in commercial parking lots.

- ❖ RECOMMENDATION: Pacheco Koch recommends that—due to the unique nature of Deep Ellum as an entertainment district—instead of focusing on providing of on-site parking, the Applicant should consider contributing to the improvement of the pedestrian environment in the immediate vicinity. For example, re-applying the crosswalk markings at the adjacent intersection of Commerce Street and Malcolm X Boulevard would contribute to pedestrian safety and facilitate the communal parking in the area.

END OF EMO

MALCOM X BOULEVARD



APPENDIX A. Parking Special Exception Considerations

A Parking Special Exception is requested from the City of Dallas Board of Adjustments for the proposed bar/restaurant and bar uses proposed at 2820 Commerce Street in the Deep Ellum District of Dallas, Texas.

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 may 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 the other uses in the Deep Ellum District.

(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.*

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides sufficient access to the surrounding roadway network and will not have a significant impact on the current volumes.

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

The site is located immediately adjacent to one existing DART public stops for Bus Routes 011 and 060. The site is also within 0.25 miles of the DART Rail System's Blue/Green/Orange Lines (Baylor University Medical Center Station), which serves several other bus route transfers. It is anticipated that guests of the Project will have a modest likelihood of using public transit.

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

The Project encourages use of alternative travel modes, such as TNCs. Utilization of this mode is anticipated to be high.

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



RE: BDA 190-102

Esteemed Board of Adjustment,

AP Blanton Deep Ellum LLC is requesting a parking variance at 2820 Commerce located in Deep Ellum. Deep Ellum is well known for having little to minimal parking either on the street or on public surface lots. PD 269 has a multitude of ways to reduce parking for tenants that do not have access to parking lots or on-street parking. DART also has two stations within proximity (½ mile or less) to Deep Ellum. However, some buildings in Deep Ellum still cannot meet the Dallas Development code parking requirements after reductions, delta credits and counting on-street parking towards their total parking count.

With just over 12,000 square feet of space, the building was constructed in 1943. It has been a variety of uses ranging from alcoholic beverage establishment to a general merchandise food store. Having been broken up in a variety of suites all with various uses, the current owner is wanting to use the entirety of the space for one singular use – inside commercial amusement. The proposed tenant, Federales, is a concept from Chicago. It is a modern concept with an open-air skylight above the central bar that will showcase a modern updated look with respect to the history of Deep Ellum. While providing food with a full kitchen, they will also offer entertainment options for various events they host throughout the year.

We are requesting a parking variance of 38.3% to better accommodate the proposed use in Deep Ellum. Having exhausted other means of parking reductions through code, we are coming to the board to request a parking reduction to make the concept and parking align with current customer parking demand. The applicable reductions being used by the proposed use are detailed on the submitted site plan.

When visiting Deep Ellum, most local Dallasites opt to rideshare, use public transportation, or walk to their desired locations. Traditionally, visitors come to Deep Ellum to eat and shop and wander the streets, not just eat and leave. Unlike singular restaurants, Deep Ellum is what draws people. They choose to spend their time in the area for longer than a typical fast casual restaurant. Because of this existing culture we feel that the parking reduction is supported.

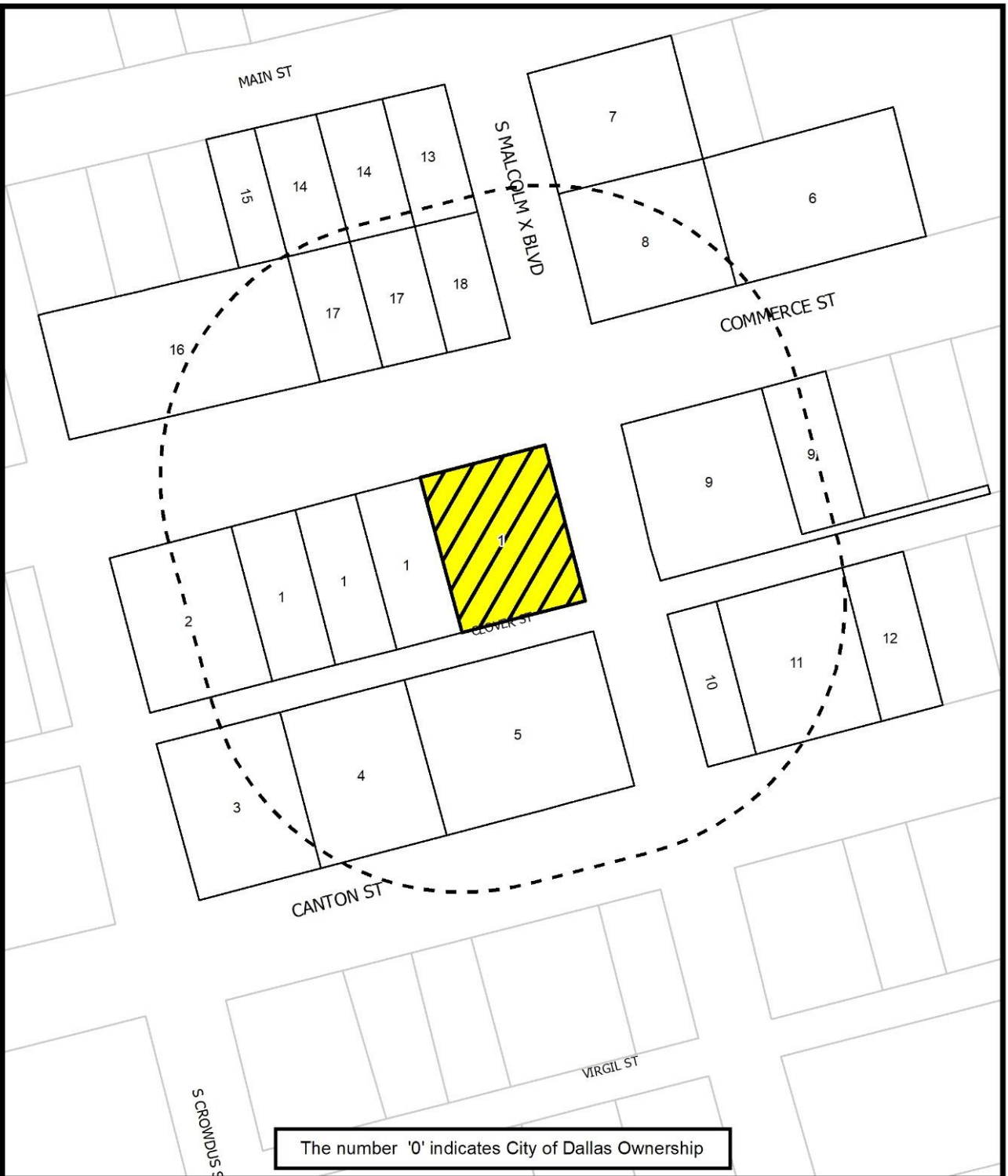
I hope you consider our request to have merit and substance and I look forward to speaking with you at our upcoming hearing.


Regards,

Wes Hoblit

Development Associate

Masterplan




 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
18 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA190-102
 Date: 10/1/2020

10/01/2020

Notification List of Property Owners

BDA190-102

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2820 COMMERCE ST	AP BLANTON DEEP ELLUM LLC
2	2800 COMMERCE ST	2800 COMMERCE INVESTORS
3	2805 CANTON ST	GEBHARDT BROADCASTING LLC
4	2809 CANTON ST	2809 CANTON LLC
5	2825 CANTON ST	INDUSTRIAL RESERVICES LLC
6	2919 COMMERCE ST	SDL PARTNERS LTD
7	2900 MAIN ST	WARZONE PROPERTIES LLC
8	2901 COMMERCE ST	SDL PARTNERS LTD
9	2910 COMMERCE ST	CITY PARK A LOT LP
10	2901 CANTON ST	HORTON T L DESIGN INC
11	2909 CANTON ST	MOHLER MMA DALLAS LLC
12	2913 CANTON ST	DUET COMMERCIAL LLC
13	2824 MAIN ST	BLADE PROPERTIES LLC
14	2820 MAIN ST	AP DEEP ELLUM LLC
15	2814 MAIN ST	640 LAND LLC
16	2801 COMMERCE ST	WESTDALE PPTIES AMERICA I
17	2815 COMMERCE ST	2815-2819 COMMERCE STREET VENTURES LLC
18	2825 COMMERCE ST	AN JADHAVJI INVESTMENTS LLC

FILE NUMBER: BDA190-079(OA)

BUILDING OFFICIAL'S REPORT: Application of Karl Crawley for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 4651 Catina Lane. This property is more fully described as Lot 3A, Block B/5534, and is zoned an R-1 ac(A) Single Family District, which limits the height of a fence in the front yard to four feet and requires a 20-foot visibility triangle at driveway approaches. The applicant proposes to construct a seven-foot-high fence in a required front yard, which will require a three-foot special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

LOCATION: 4651 Catina Lane

APPLICANT: Karl Crawley

REQUESTS:

The following requests have been made on a site that is being developed with a single family home:

1. A request for a special exception to the fence standards regulations related to the fence height of three feet is made to construct and maintain a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate in the required front yard.
2. A request for special exceptions to the visual obstruction regulations is made to locate and maintain portions of the aforementioned fence with stone columns and an iron gate in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Catina Lane.

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS REGULATIONS:

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

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

STAFF RECOMMENDATION (fence standards regulations):

No staff recommendation is made on this or any request for a special exception to the fence standards regulations 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.

STAFF RECOMMENDATION (visual obstruction regulations):

- No staff recommendation is made on this or any request for a special exception to the visual obstruction regulations since the basis for this type of appeal is when in the opinion of the board, the item will not constitute a traffic hazard.
- The Sustainable Development Department Senior Engineer has no objections to the request.

BACKGROUND INFORMATION:

Zoning:

Site: R- 1 ac (A) Single family district
North: R- 1 ac (A) Single family district
East: R- 1 ac (A) Single family district
South: R- 1 ac (A) Single family district
West: R- 1 ac (A) Single family district

Land Use:

The subject site is being developed with a single-family home. The areas to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History:

1. BDA189-141, Property located at 4610 Catina Lane (the lot located at the southeast corner of Catina Lane and Welsh Road) The Board of Adjustment Panel C, at its public hearing held on Monday, June 22, 2020 approved a request for a special exception to the fence height regulations of four-feet six-inches and imposed the submitted site plan and elevation as a condition.

The case report stated that the request was made to construct a fence with a maximum height of four-feet six-inches high with metal on the top and a stone base, and partly an eight-foot-high stone fence, eight-foot six-inch and five-foot stone columns, and two seven-foot six-inch gates in the required 40-foot front yard on Catina Lane on a site being developed with a single-family home

2. BDA189-141, Property located at 4610 Catina Lane (the lot located at the southeast corner of Catina Lane and Welsh Road))

On December 16, 2019, the Board of Adjustment Panel C denied a request for a special exception to the fence height regulations without prejudice. The case report stated that the request was made to construct a fence with a maximum height of seven-feet seven-inches in the required 40-foot front yard on Catina Lane on a site being developed with a single-family home.
3. BDA112-039, Property located at 10757 Lennox Lane (the lot at the South corner of Royal Lane and Lennox Lane)

On May 14, 2012, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of three feet and imposed the submitted site plan and elevation as a condition. The case report stated that the request was made in conjunction with constructing and maintaining a solid stucco wall ranging in height from six-feet four-inches to six-feet eight-inches (given grade changes on the property) with seven-foot-high stucco columns in the site's Royal Lane 40-foot front yard setback on a site that is developed with a single-family home.
4. BDA978-231, Property located at 10757 Lennox Lane (the lot at the South corner of Royal Lane and Lennox Lane)

On October 19, 1998, the Board of Adjustment Panel C denied requests for special exceptions to the fence height and visual obstruction regulations without prejudice. The case report stated that the requests were made to construct and maintain an eight-foot-high solid masonry wall in the front yard setback and in the required 45-foot visibility triangle at Royal Lane and Lennox Lane.
5. BDA 045-172, Property at 4610 Royal Lane (two lots north of the subject site)

On May 18, 2005, the Board of Adjustment Panel B granted a request for a special exception to the fence height regulations of seven feet imposing the following condition: Compliance with the newly submitted "Preliminary Concept Plan/Site Plan and Elevation" dated May 18, 2005, is required. The case report stated that the request was made in conjunction with constructing a wall in the 40-foot Royal Lane front yard setback on a site developed with a single-family home.

GENERAL FACTS/STAFF ANALYSIS (fence standards special exceptions):

The purpose of this request for a special exception to the fence height standards is to construct and maintain a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate in the required front yard along Catina Lane.

The proposed fence is to be located about one foot-from the front property line. The following additional information was gleaned from the submitted site plan:

- The proposed fence is approximately 165 feet-in-length parallel to Catina Lane and runs approximately 40 feet perpendicular to Catina Lane on both side property lines in the required front yard.
- The minimum distance between the proposed fence and the pavement line is approximately 11 feet.

Section 51A-4.602(a)(2) of the Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard. The subject site is zoned R-1ac(A) which requires a 40-foot front yard setback.

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

As of October 09, 2020, no letters have been received in opposition or support to this request.

No changes were made to this application since the Board of Adjustment held this application on September 21, 2020.

The applicant has the burden of proof in establishing that the special exception to the fence height regulation of three feet will not adversely affect neighboring property.

Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding four feet-in-height in the front yard setback to be constructed in the location and heights as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exceptions):

The requests for special exceptions to the fence standards regulations on a site developed with a single family home focus on constructing and maintaining portions of a six-foot six-inch iron fence with seven-foot stone columns and a six--foot six-inch iron gate

in the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Catina Lane.

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

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

The property is located in an R-1ac(A) Single Family District which requires the portion of a lot with a triangular area formed by connecting the point of intersection of the edge of a driveway or alley and the adjacent street curb line (or, if there is no street curb, what would be the normal street curb line) and points on the driveway or alley edge end the street curb line 20 feet from the intersection.

A site plan and elevation have been submitted indicating portions of a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate will be located in the 20-foot visibility triangle on both sides of the driveway that intersects with Catina Lane.

The Sustainable Development Department Senior Engineer has no objections to the requests.

No changes were made to this application since the Board of Adjustment held this application on September 21, 2020.

The applicant has the burden of proof in establishing how granting this request to maintain the proposed items in the two 20-foot visibility triangles on both sides of the driveway that intersect with Catina Lane does not constitute a traffic hazard.

Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items in the two 20-foot visibility triangles formed on each side of the driveway that intersects with Catina Lane to that what is shown on these documents, portions of a six-foot six-inch iron fence with seven-foot stone columns and a six-foot six-inch iron gate located within the two 20-foot visibility triangles on both sides of the drive approach at the intersection with Catina Lane.

Timeline:

July 24, 2020: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

August 18, 2020: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.

August 19, 2020: The Board Senior Planner emailed the applicant the following information:

- a copy of the application materials including the Building Official's report on the application.
- an attachment that provided the public hearing date and panel that will consider the application; the September 2, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the September 11, 2020 deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

September 4, 2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearing. The review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Sing 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.

September 4, 2020: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".

September 21, 2020: The Board of Adjustment Panel A conducted a public hearing on this application, and delayed action on this application per applicant's request until the next public hearing to be held on September 21, 2020

September 28, 2020: The Board Administrator wrote the applicant a letter of the board's action; the September 30, 2020 deadline to submit additional evidence for staff to factor into their analysis; and the October 9, 2020 deadline to submit additional evidence to be incorporated into the board's docket materials.

October 2,2020: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the October public hearings. The review team members in attendance included the Sustainable Development and Construction: Assistant Director, Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Building Inspection Senior Plans Examiner/Development Sign Code Specialist, Senior Engineer, the Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

BOARD OF ADJUSTMENT ACTION: September 21, 2020

APPEARING IN FAVOR: Karl Crawley 2201 Main St. #1280 Dallas, TX

APPEARING IN OPPOSITION: None

MOTION: Agnich

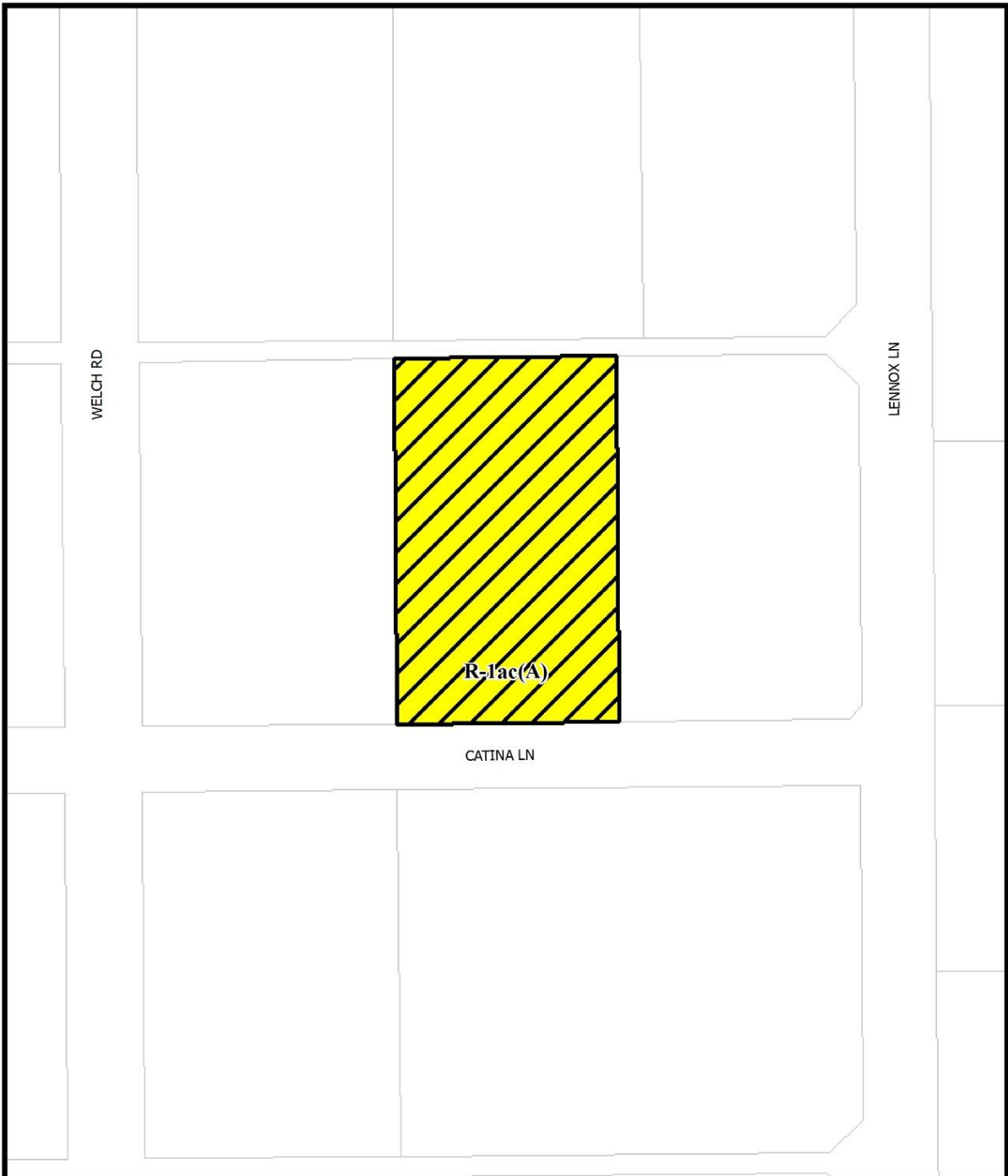
I move that the Board of Adjustment in request No. BDA 190-79, hold this matter under advisement until **October 19, 2020**

SECONDED: Hounsel

AYES: 4 – Hounsel, Agnich, Pollock, Jones.

NAYS: 0

MOTION PASSED: 4 – 0 (unanimously)



1:1,200

ZONING MAP

Case no: BDA190-079

Date: 9/2/2020



Site



1:1,200

AERIAL MAP

Case no: BDA190-079

Date: 9/2/2020



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 190-079

Date: 7-24-20

Data Relative to Subject Property:

Location address: 4651 Catina Lane Zoning District: R-1ac.(A)

Lot No.: 3A Block No.: B/5534 Acreage: 1.09 Census Tract: 75.01

Street Frontage (in Feet): 1) 170' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Neil Thomson and Bernadette Thomson

Applicant: Karl Crawley/Masterplan Telephone: 214 761 9197

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

E-mail Address: karl@masterplantexas.com

Represented by: Karl Crawley Telephone: 214 761 9197

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

E-mail Address: karl@masterplantexas.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of 3 feet 0 inches for columns and fence in the front yard of Catina Lane and a Special Exception to visibility triangle regulations to allow a fence and columns in the 20'x20' triangle at the driveway.

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: Fence height is commensurate with area and adjacent properties. A fence height greater 4 feet is required to provide privacy and security for the property and residents. The proposed fence and columns will not constitute a traffic hazard.

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

Affidavit

Before me the undersigned on this day personally appeared Karl A Crawley (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 23rd day of July, 2020

(Rev. 08-01-11)



[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 Karl Crawley

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

at 4651 Catina Lane

BDA190-079. Application of Karl Crawley for a special exception to the fence height regulations, and for a special exception to the visibility obstruction regulations at 4651 Catina Ln. This property is more fully described as Lot 3A, Block B/5534, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility triangle at driveway approaches. The applicant proposes to construct an 7 foot high fence in a required front yard, which will require a 3 foot special exception to the fence regulations, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation.

Sincerely,


David Session, Building Official





CITY OF DALLAS

AFFIDAVIT

BDA Case # 190-079

I, BERNADETTE THOMSON, Owner of the subject property

at: 4651 CATINA LN, DALLAS, TX 75229

Authorize (applicant) _____

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

_____ Variance (please specify) _____

X Special Exception (please specify) for fence greater than 4' (1' high) and visibility triangle for columns and fence in 20'x20' triangle

_____ Other (please specify) _____

BERNADETTE THOMSON

B.J. Thomson

6/3/20

Print name of property owner

Signature of property owner

Date

Before me the undersigned on the day of personally appeared Bernadette Thomson

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 3rd day of June, 2020



Mary Crawley

Notary Public on and for

Dallas County, Texas

Commission expires on 03/04/23



CITY OF DALLAS

AFFIDAVIT

BDA Case # 190-079

I, NEIL THOMSON, Owner of the subject property

at: 4651 CATINA LN, DALLAS TX 75229


Authorize (applicant) _____

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

_____ Variance (please specify) _____

Special Exception (please specify) for fence greater than 4' (7' high) and visibility triangle for columns and fence in 20' x 20' triangle

_____ Other (please specify) _____

<u>NEIL THOMSON</u>	<u></u>	<u>6/3/20</u>
Print name of property owner	Signature of property owner	Date

Before me the undersigned on the day of personally appeared Neil Thomson

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 3rd day of June, 2020

Mary Crawley

Notary Public on and for

Dallas County, Texas

Commission expires on 03/04/23





Printed: 6/10/2020

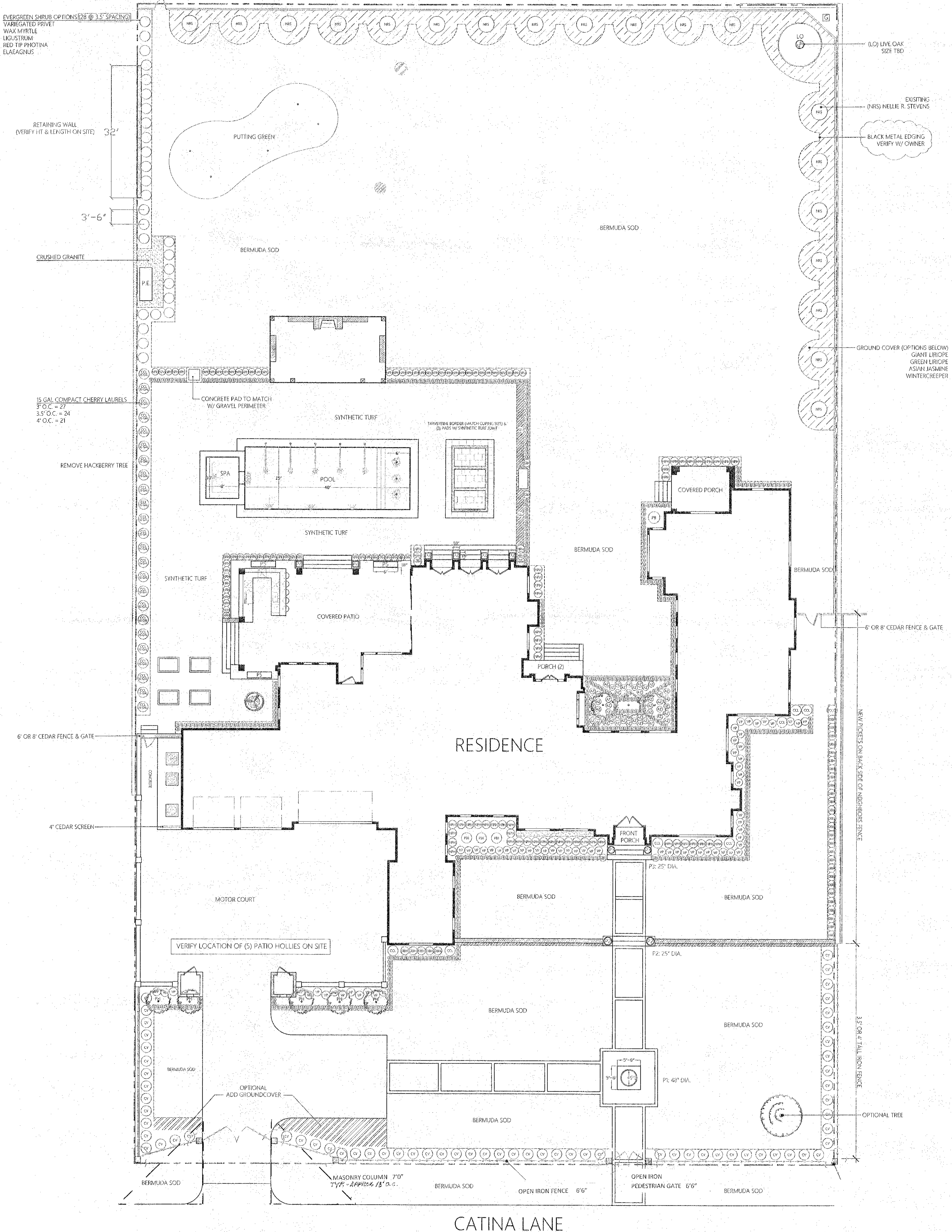
Legend

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

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







SCALE: 3/32" = 1'-0"	JOB: RESIDENTIAL
DRAWING LAYOUT PLAN	
DRAWING DATES	
FOR REVIEW	12/27/2018
FOR REVIEW	1/8/2019
FOR REVIEW	1/23/2019
FOR REVIEW	1/30/2019
FOR REVIEW	2/24/2020
FOR REVIEW	4/2/2020

ROBERT ELLIOTT CUSTOM HOMES
 4651 CATINA LANE, DALLAS, TEXAS

P: 214-666-1827
 E: bcl@blountlandscape.com
 W: www.blountlandscape.com

2716 ELLIOTT BLVD
 DALLAS, TEXAS 75228

BLOUNT LANDSCAPE DESIGN

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT

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

COMMENTS:

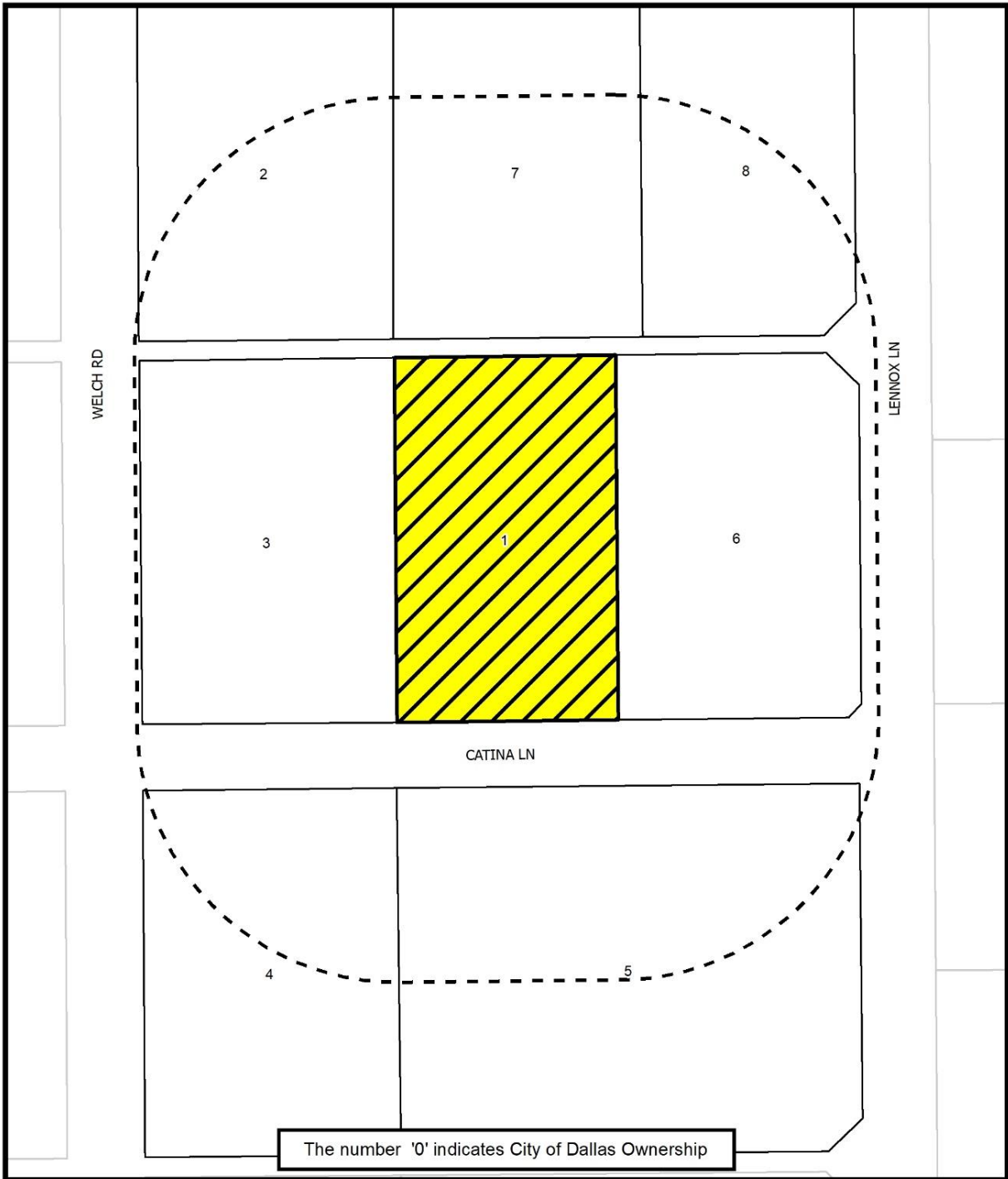


David Nevarez, PE, PTOE, DEV - Engineering

Name/Title/Department

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.



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
8 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA190-079**
 Date: **9/2/2020**

09/01/2020

Notification List of Property Owners

BDA190-079

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4651 CATINA LN	THOMSON NEIL HAMILTON &
2	4610 ROYAL LN	BANOWSKY BAXTER W & TANYA
3	4609 CATINA LN	LAM SAMUEL M
4	4610 CATINA LN	KREUNEN 2012 REVOCABLE TRUST
5	10645 LENNOX LN	MMM FAMILY TRUST
6	10747 LENNOX LN	SAXTON KELLY & VICKY
7	4620 ROYAL LN	BENAVIDES ANTONIO & CECILIA ARMAS
8	10757 LENNOX LN	NUTH PITHOU &