

BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, MAY 21, 2013  
AGENDA

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BRIEFING	<b>ROOM 6/E/S, 1500 MARILLA STREET</b>	11:00 A.M.
LUNCH		
PUBLIC HEARING	<b>ROOM 6/E/S, 1500 MARILLA STREET</b>	1:00 P.M.

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**David Cossum, Assistant Director**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the <b>Tuesday, April 16, 2013</b> Board of Adjustment Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA 123-039</b>	3903 Gaston Avenue <b>REQUEST:</b> Application of Cary Albert, represented by Mardy Brown of Texas Development Services, for a special exception to the off-street parking regulations	1
<b>BDA 123-042</b>	6300 Villa Road (AKA: 19104 Wind Mill Lane) <b>REQUEST:</b> Application of Jordon Musser for a special exception to the fence height regulations and a variance to the front yard setback regulations	2
<b>BDA 123-045</b>	5810 Meadowcrest Drive <b>REQUEST:</b> Application of Robert Reeves of Robert Reeves and Associates for a variance to the side yard setback regulations	3

## EXECUTIVE SESSION NOTICE

The Commission/Board may hold a closed executive session regarding any item on this agenda when:

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 Commission/Board 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 §551.086]

**(Rev. 6-24-12)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel A, April 16, 2013 public hearing minutes.

**FILE NUMBER:** BDA 123-039

**BUILDING OFFICIAL'S REPORT:** Application of Cary Albert, represented by Mardy Brown of Texas Development Services, for a special exception to the off-street parking regulations at 3903 Gaston Avenue. This property is more fully described as Lot 1, Block A/765 and is zoned PD-298 (Subarea 12), which requires that off-street parking be provided. The applicant proposes to construct and maintain a structure for a restaurant with drive-in or drive-through service use and provide 27 of the required 32 parking spaces, which will require a special exception to the off-street parking regulations of 5 spaces.

**LOCATION:** 3903 Gaston Avenue

**APPLICANT:** Cary Albert  
Represented by Mardy Brown of Texas Development Services

**REQUEST:**

A special exception to the off-street parking regulations of 5 parking spaces (or a 16 percent reduction of the 32 required off-street parking spaces) is made in conjunction with constructing and maintaining an approximately 3,200 square foot "restaurant with drive-in or drive-through service" use (Schlotzky's) on a site that is currently undeveloped. The applicant proposes to provide 27 (or 84 percent) of the required 32 off-street parking spaces in conjunction with constructing and maintaining a structure of this size with this use.

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

- 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 the 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 this chapter; or
  - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

#### **STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- The special exception of 5 spaces shall automatically and immediately terminate if and when the "restaurant with drive-in or drive-through service" use is changed or discontinued.

Rationale:

- The applicant has substantiated how the parking demand generated by the proposed “restaurant with drive-in or drive-through service” 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 Sustainable Development and Construction Department Engineering Division Assistant Director has indicated that he with no objections to this request.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 298 (Subarea 12) (Planned Development)  
North: PD 298 (Subarea 12) (Planned Development)  
South: PD 298 (Subarea 12) (Planned Development)  
East: PD 298 (Subarea 12) (Planned Development)  
West: PD 298 (Subarea 12) (Planned Development)

**Land Use:**

The subject site is currently undeveloped. The areas to the north, east, south, and west are developed a mix of office, medical office, and retail uses.

**Zoning/BDA History:**

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

**Timeline:**

January 29, 2013: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

April 17, 2013: The Board Administrator contacted the applicant’s representative and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10<sup>th</sup> 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.”

May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

May 10, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”

May 12, 2013: The applicant’s representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

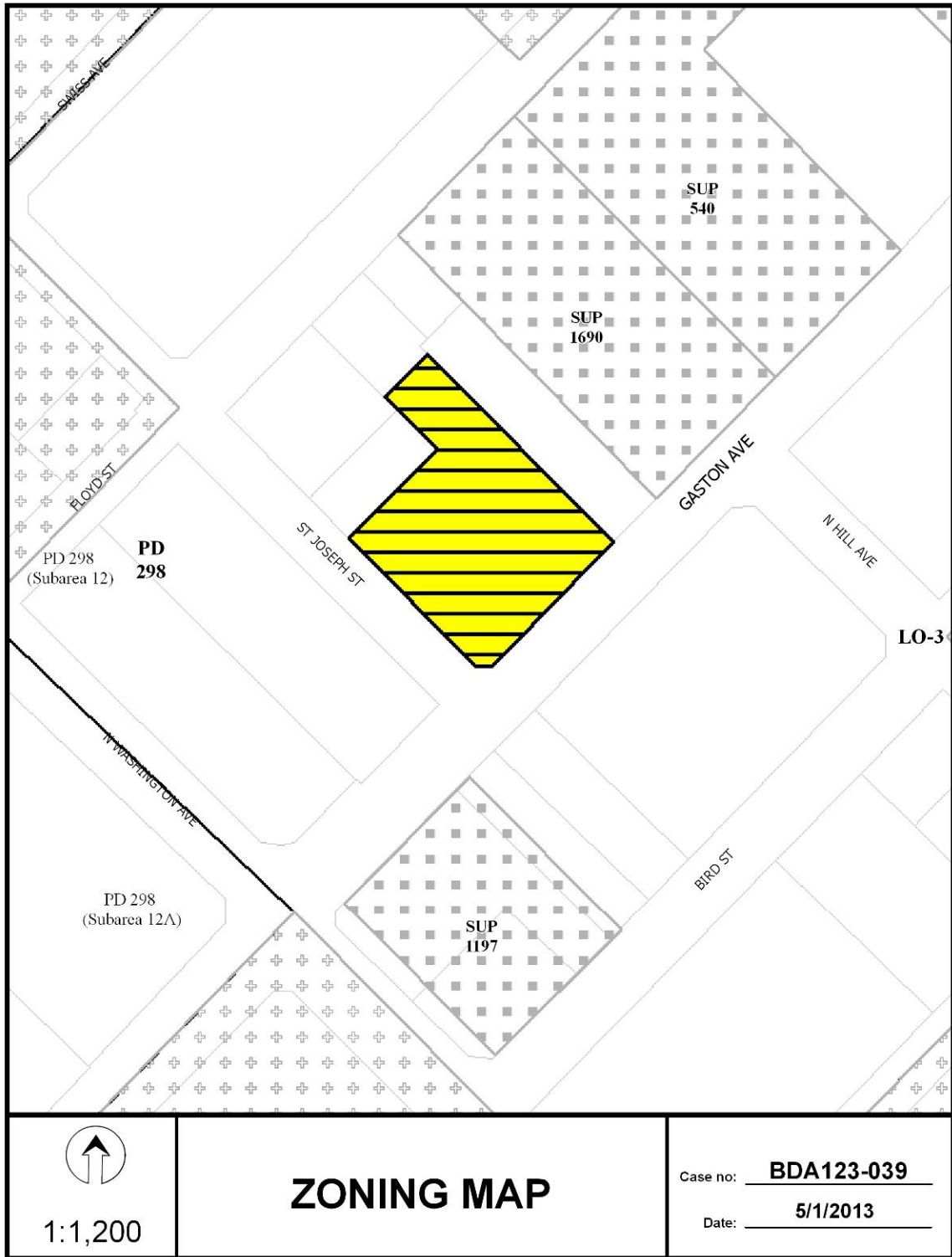
**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining an approximately 3,200 square foot “restaurant with drive-in or drive-through service” use (Schlotzky’s) on a site that is currently undeveloped and providing 27 (or 84 percent) of the required 32 off-street parking spaces.
- The Dallas Development Code requires the following off-street parking requirement:
  - Restaurant with drive-in or drive-through service use: 1 space per 100 square feet of floor area.

The applicant has submitted a site plan that represents a 3,102 square foot restaurant with drive-in or drive-through service use. While the site plan denotes that 28 of 32 off-street parking spaces are provided, the application states that 27 of 32 off-street parking spaces are provided hence the special exception request of 5 spaces.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked “Has no objections.”
- The applicant has the burden of proof in establishing the following:
  - The parking demand generated by the “restaurant with drive-in or drive-through” use on the site does not warrant the number of off-street parking spaces required, and
  - The special exception of 5 spaces (or a 16 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 5 spaces shall automatically and immediately terminate if and when the

“restaurant with drive-in or drive-through” use is changed or discontinued, the applicant would be allowed to construct/maintain the approximately 3,200 square foot restaurant with drive-in or drive-through use on the undeveloped site and provide 27 of the 32 code required off-street parking spaces.

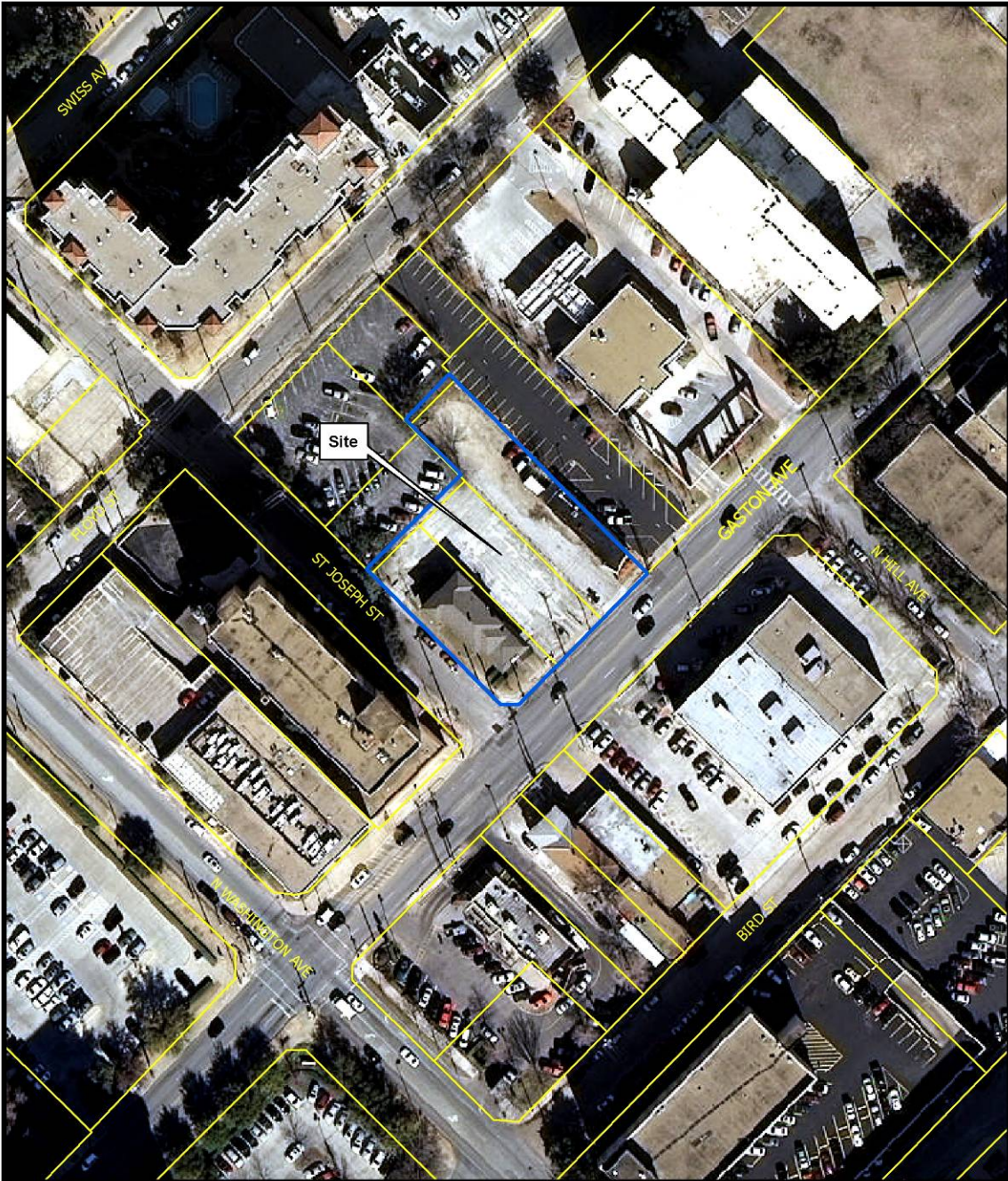




  
 1:1,200

# ZONING MAP

Case no: BDA123-039  
 Date: 5/1/2013



1:1,200

# AERIAL MAP

Case no: BDA123-039

Date: 5/1/2013

BDA123-039

Attach A

**Long, Steve**

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**From:** mardyjbrown@gmail.com on behalf of Mardy Brown [mbrown@txdev.biz] PS 1  
**Sent:** Sunday, May 12, 2013 12:35 PM  
**To:** rob.reeves@sbcglobal.net; Duerksen, Todd; Long, Steve; Denman, Lloyd; Ellis, Warren; Cary Albert; bumberger@txdev.biz  
**Subject:** BDA 123-039 & Z123-196, Property at 3093 Gaston Avenue  
**Attachments:** 02-11029-Site Plan.pdf

Dear Gentlemen,

Per our conditional approval by the Dallas Planning and Zoning, we have agreed to construct a 4' cyclone fence on our east boundary at the request of the adjacent property owner (see attached modified Site Plan). I am aware that that condition is addressed in the minutes being sent to the City Council, but I wanted to make sure that it was shared with the Board of Adjustments as well. Mr. Robert Reeves is included on this email as he represents the adjacent property owner and we want to make sure we do all we can to assure his client that we are in agreement with the additional fence requirement.

Respectfully,

--

**Mardy Brown, CEO**  
**Texas Development Services, LLC**  
TBPE Firm Registration No. 12790  
1512 Crescent Dr., Ste 400  
Carrollton, TX 75006  
469-853-6538 - Direct  
925-663-1855 - Fax  
[mbrown@txdev.biz](mailto:mbrown@txdev.biz)







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-039

Date: 1/29/13

Data Relative to Subject Property:

Location address: 3903, ~~3905, 3909~~ GASTON AVE. Zoning District: PD-298 (SUB 12)

Lot No.: 4 Block No.: A/765 Acreage: 0.575 Census Tract: 22.00

Street Frontage (in Feet): 1) 144' 2) 141.40' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) 502'  
ST. JOSEPH GASTON

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CURTIS PALMER McMAHAN & JOHN MILTON McMAHAN

Applicant: CARY ALBERT Telephone: 214 882 1414

Mailing Address: 309 HIGHLAND CT. DOUBLEOAK TX Zip Code: 75077

E-mail Address: CARY@MATTESTUSA.COM

Represented by: MARDY BROWN  
TEXAS DEVELOPMENT SERVICES Telephone: 469 853 6538

Mailing Address: 1512 CRESCENT DR, SUITE 400, CARROLLTON Zip Code: 75006

E-mail Address: MBROWN@TXDEV.BIZ

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception X, of OFF-STREET PARKING REQUIREMENTS REDUCTION OF 10% - 32 SPACES REQUIRED AND 27 ARE BEING PROVIDED, 5 space reduction for a restaurant w/drive-through use

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

THE PARCEL SHAPE AND ADJACENT ACCESS IS RESTRICTIVE. THE RESTAURANT IS LOCATED IN A BUSINESS DISTRICT WHICH WILL GENERATE LARGE FOOT TRAFFIC FROM BAYLOR HOSPITAL NEAR BY

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.

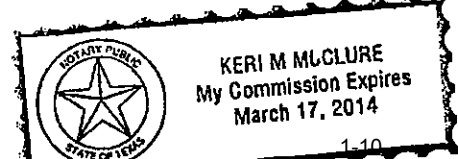
Affidavit

Before me the undersigned on this day personally appeared CARY L. ALBERT  
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 1<sup>st</sup> day of February, 2013

(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

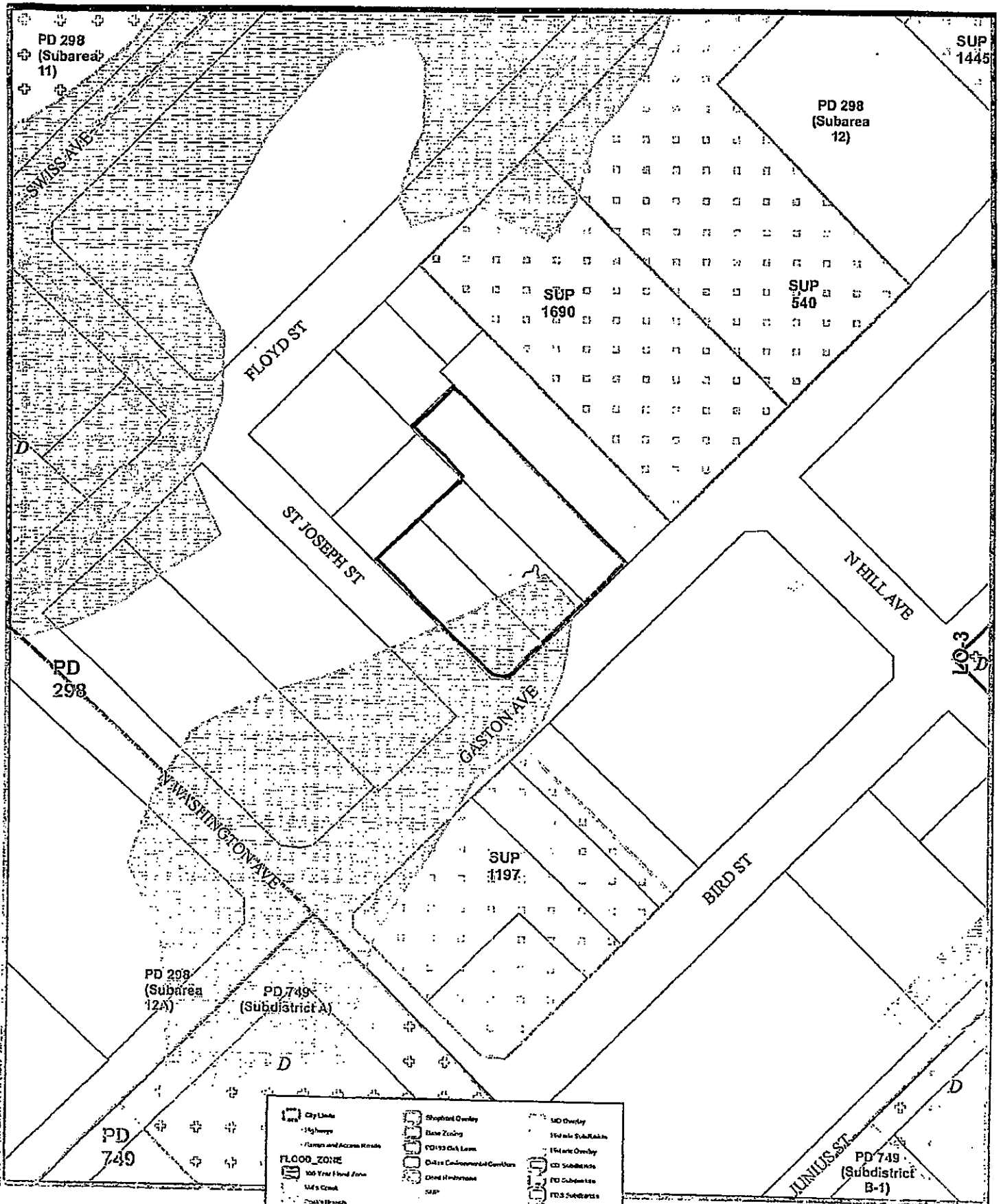
**Building Official's Report**

I hereby certify that CARY L. ALBERT  
represented by Texas Development Services  
did submit a request for a special exception to the parking regulations  
at 3903 Gaston Avenue

BDA123-039. Application of Cary Albert represented by Mardy Brown of Texas Development Services for a special exception to the parking regulations at 3903 Gaston Avenue. This property is more fully described as Lot 1, Block A/765 and is zoned PD-298 (Subarea 12), which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a restaurant with drive-in or drive-through service use and provide 27 of the required 32 parking spaces, which will require a 5 space special exception (15.6% reduction) to the parking regulation.

Sincerely,

  
Larry Holmes, Building Official



City Limits	Shaded Overlay	LMO Overlay
Highways	Base Zoning	Historic SubArea
Ramps and Access Roads	PD 193 Oak Lam	Historic Overlay
<b>FLOOD_ZONE</b>	Oak Environmental Corridor	PD Subareas
100 Year Flood Zone	Good Habitats	PD Subareas
10' S Creek	SUP	PD Subareas
10' S Branch	D	PD Subareas
100 Year Flood Zone with 10' S Creek	D-1	PD Subareas
100 Year Flood Zone with 10' S Branch	D-2	PD Subareas
100 Year Flood Zone with 10' S Branch	D-3	PD Subareas
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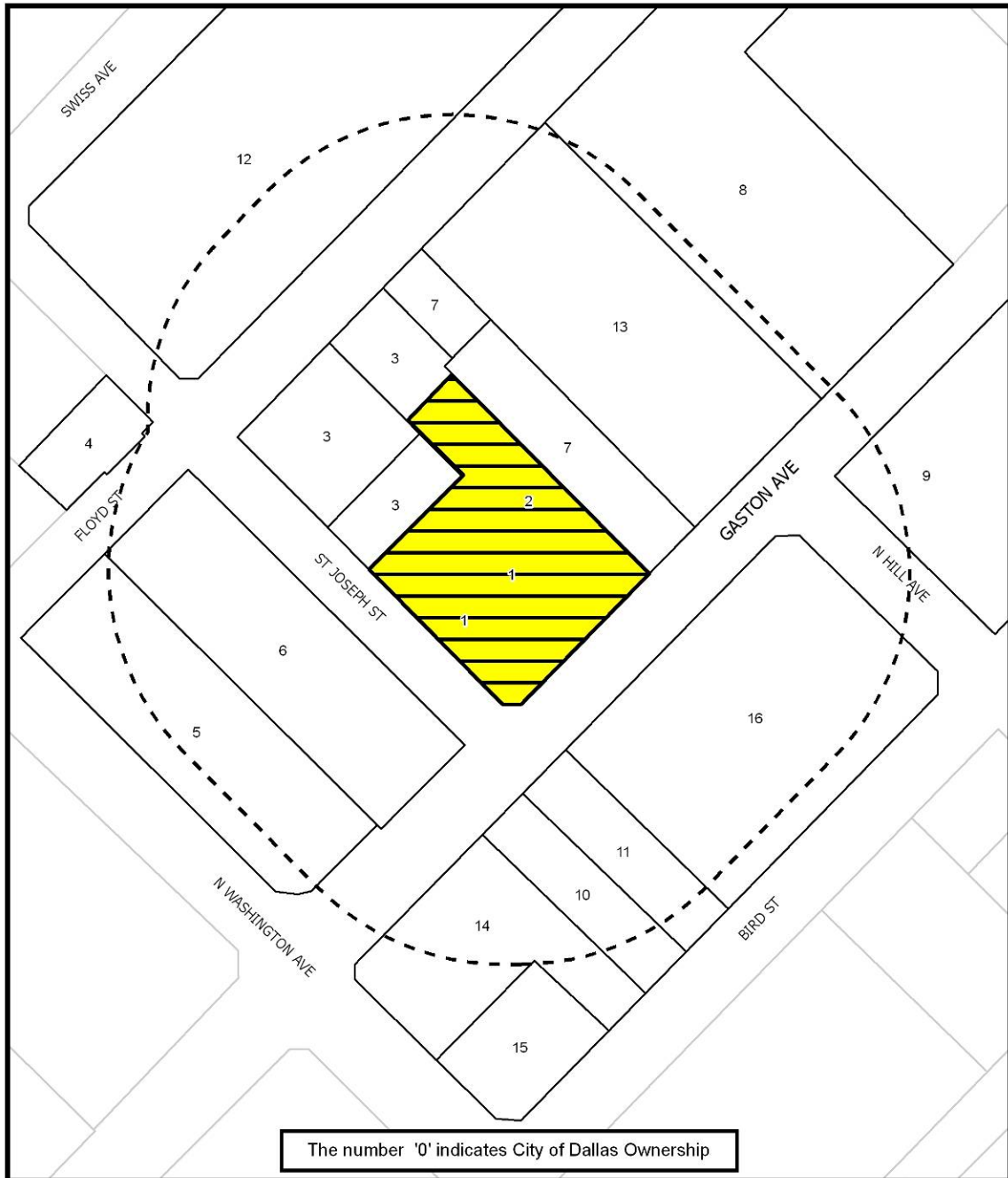
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Case ID: *msb*  
Printed: 2/4/2013









 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA123-039</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>16</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>16</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## ***Notification List of Property Owners***

***BDA123-039***

### ***16 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3905 GASTON AVE	MCMAHAN CURTIS PALMER & CHARLOTTE K
2	3909 GASTON AVE	MCMAHAN CURTIS P & CHARLOTTE K
3	3908 FLOYD ST	DICKINSON PLACE CHARITABLE CORP
4	1001 ST JOSEPH ST	VARON HOLDING CO LLC
5	3801 GASTON AVE	MONDRIAN MEDICAL LP SUITE 218
6	911 ST JOSEPH ST	DICKINSON PLACE CHARITABLE CORPORATION
7	3912 FLOYD ST	BANDY ROLAND % GRANITE CAPITAL
8	4005 GASTON AVE	CRISWELL CENTER FOR BIBLICAL STUDIES
9	4024 GASTON AVE	CRISWELL CENTER FOR BIBLICAL STUDIES INC
10	3812 GASTON AVE	DAULAT JANAK ET AL
11	3902 GASTON AVE	NEVIL HOLLY D JR & JANET D
12	3900 SWISS AVE	DALLAS THEOLOGICAL SEMINARY
13	3921 GASTON AVE	NCNB TEXAS NATL BANK NC1-001-03-80
14	3802 GASTON AVE	MCDONALD CORPORATION SUITE 640 LB 17
15	3801 BIRD ST	MCDONALDS CORPORATION % KAREN INDUSTRIES
16	3910 GASTON AVE	GASTON BIOMEDICAL LP SUITE 218

**FILE NUMBER:** BDA 123-042

**BUILDING OFFICIAL'S REPORT:** Application of Jordon Musser for a special exception to the fence height regulations and a variance to the front yard setback regulations at 6300 Villa Road (AKA: 19104 Wind Mill Lane). This property is more fully described as Lot 30, Block H, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 30 feet. The applicant proposes to construct and maintain a 6-foot high fence, which will require a special exception to the fence height regulations of 2 feet. The applicants also propose to construct and maintain a structure and provide a 10 foot front yard setback, which will require a variance to the front yard setback regulations of 20 feet.

**LOCATION:** 6300 Villa Road (AKA: 19104 Wind Mill Lane)

**APPLICANT:** Jordon Musser

**REQUESTS:**

The following appeals have been made on a site that is currently undeveloped:

1. A variance to the front yard setback regulations of 20' is made in conjunction with constructing and maintaining a single family home structure, part of which would be located in the one of the site's two 30' front yard setbacks (Wind Mill Lane).
2. Special exceptions to the fence height regulations of 2' are made in conjunction with constructing and maintaining a 6' high fence most of which to be of horizontal wood board material in the site's Wind Mill Lane and Villa Road front yard setbacks.

**STANDARD FOR A VARIANCE:**

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, 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.

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STAFF RECOMMENDATION (front yard setback variance):**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots zoned R-10(A) in that it is an irregularly-shaped lot with two 30' front yard setbacks. The atypical two front yard setbacks on this irregular-shaped lot preclude the applicant from developing it in a manner commensurate with development on other similarly zoned properties that are of regular shape and have the typical one front yard, two side yard, and one rear yard setbacks.
- The applicant has provided information that shows how the proposed structure on his property would be consistent and align with the only other house on the east side of Wind Mill Lane between Villa Road and Windmill Circle - a house that is in its location because of a 10' platted building line along its Wind Mill Lane frontage.

**STAFF RECOMMENDATION (fence height special exceptions):**

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

**Zoning:**

Site: R-10(A) (Single family district 10,000 square feet)  
North: R-10(A) (Single family district 10,000 square feet)  
South: R-10(A) (Single family district 10,000 square feet)  
East: R-10(A) (Single family district 10,000 square feet)  
West: R-10(A) (Single family district 10,000 square feet)

**Land Use:**

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

**Zoning/BDA History:**

1. BDA 967-320, Property at 6339                      On    October    20,    1997,    the    Board    of

Windmill Circle (the property immediately north of the subject site)

Adjustment Panel C denied a request for a special exception to the fence height regulations of 2' without prejudice and denied a request for a variance to the front yard setback regulations of 24' without prejudice. The case report stated that the requests were made in conjunction with maintaining an approximately 320 square foot game room structure, and constructing and maintaining a 6' high solid wood fence along Wind Mill Lane to screen the game room.

**Timeline:**

- February 24, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 17, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1st deadline to submit additional evidence for staff to factor into their analysis; and the May 10<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials;
  - the criteria/standard that the board will use in their decision to approve or deny the request; and
  - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- April 30, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application, and the Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official's Report on this application (see Attachment A).
- May 1, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment B).
- May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current

Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

**GENERAL FACTS/STAFF ANALYSIS (front yard variance):**

- This request focuses on constructing and maintaining a single family home on the undeveloped site, part of which would be located in one of the site's two 30' front yard setbacks: Wind Mill Lane.
- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30'.
- The subject site is located at the intersection of Wind Mill Lane and Villa Road. Regardless of how the proposed single family structure is to be oriented, the subject site has two 30' front yard setbacks along both streets.
- A site plan has been submitted denoting a portion of the proposed single family home located as close as 10' from the site's front property line along Wind Mill Lane (or 20' into this 30' front yard setback).
- No part of the proposed home is to be located in the site's Villa Road 30' front yard setback. No information is available on this property from DCAD given that it is located in Collin County.
- The subject site is flat, irregular in shape, and approximately 13,000 square feet in area. The site is zoned R-10(A) where lots are typically 10,000 square feet in area. The site has two 30' front yard setbacks; and two 6' side yard setbacks; most residentially-zoned lots have one front yard setback, two side yard setbacks, and one rear yard setback.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the proposed home to be located in the site's Wind Mill Lane 30' front yard setback is approximately 120 square feet in area or approximately 5 percent of the approximately 2,200 square foot building footprint.
- The applicant has provided information that shows how the proposed structure on his property would be consistent and align with the only other house on the east side of Wind Mill Lane between Villa Road and Windmill Circle - a house that is in its location because of a 10' platted building line along its Wind Mill Lane frontage.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations along Wind Mill Lane will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

development upon other parcels of land in districts with the same R-10(A) zoning classification.

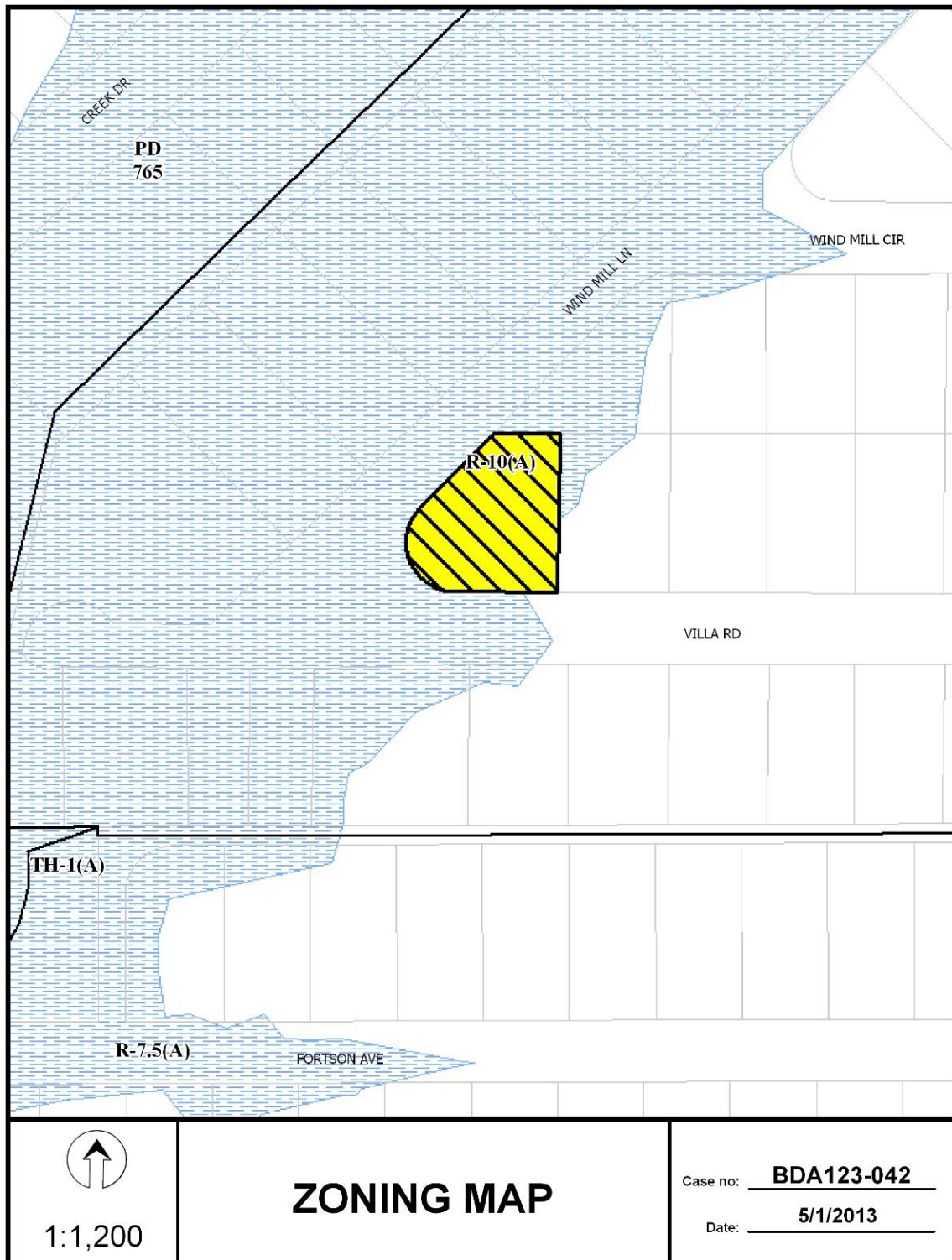
- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is a structure to be located as close as 10’ from the site’s Wind Mill Lane front property line (or as much as 20’ into this 30’ front yard setback).

**GENERAL FACT /STAFF ANALYSIS (fence height special exceptions):**

- These requests focus on constructing and maintaining mainly a 6’ high solid horizontal wood board fence in the site’s two 30’ front yard setbacks along Wind Mill Lane and Villa Road.
- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4’ above grade when located in the required front yard.
- The applicant had submitted a scaled site plan and elevations that shows the proposal in the front yard setbacks reaches a maximum height of 6’.
- The following additional information was gleaned from the submitted site plan:
  - With regard to the Villa Road proposal: approximately 100’ in length (approximately 80’ to be of wood material and approximately 20’ to be of stucco material) parallel to the street (and approximately 5’ in length perpendicular on the east side of the site in this front yard setback), approximately 25’ from front property line or approximately 36’ from the pavement line where two homes would have direct frontage to the proposal - homes with no fences in their front yards.
  - With regard to the Wind Mill Lane proposal: approximately 55’ in length (all of which to be of wood material) parallel to the street (and approximately 30’ in length perpendicular on the north side of the site in this front yard setback), approximately 8’ from front property line or approximately 16’ from the pavement line where one home would have direct frontage to the proposal – a home with no fence in its front yard.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences higher than 4’ in the immediate area.
- As of May 13, 2013, one letter had been submitted in support and no letters had been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence height regulations (whereby the proposal that would reach 6’ in height) will not adversely affect neighboring property.
- Granting this special exception of 2’ with a condition imposed that the applicant complies with the submitted site plan and elevations would require the proposal exceeding 4’ in height in the Wind Mill Lane and Villa Road front yard setbacks to be



constructed/maintained in the location and of the heights and materials as shown on these documents.

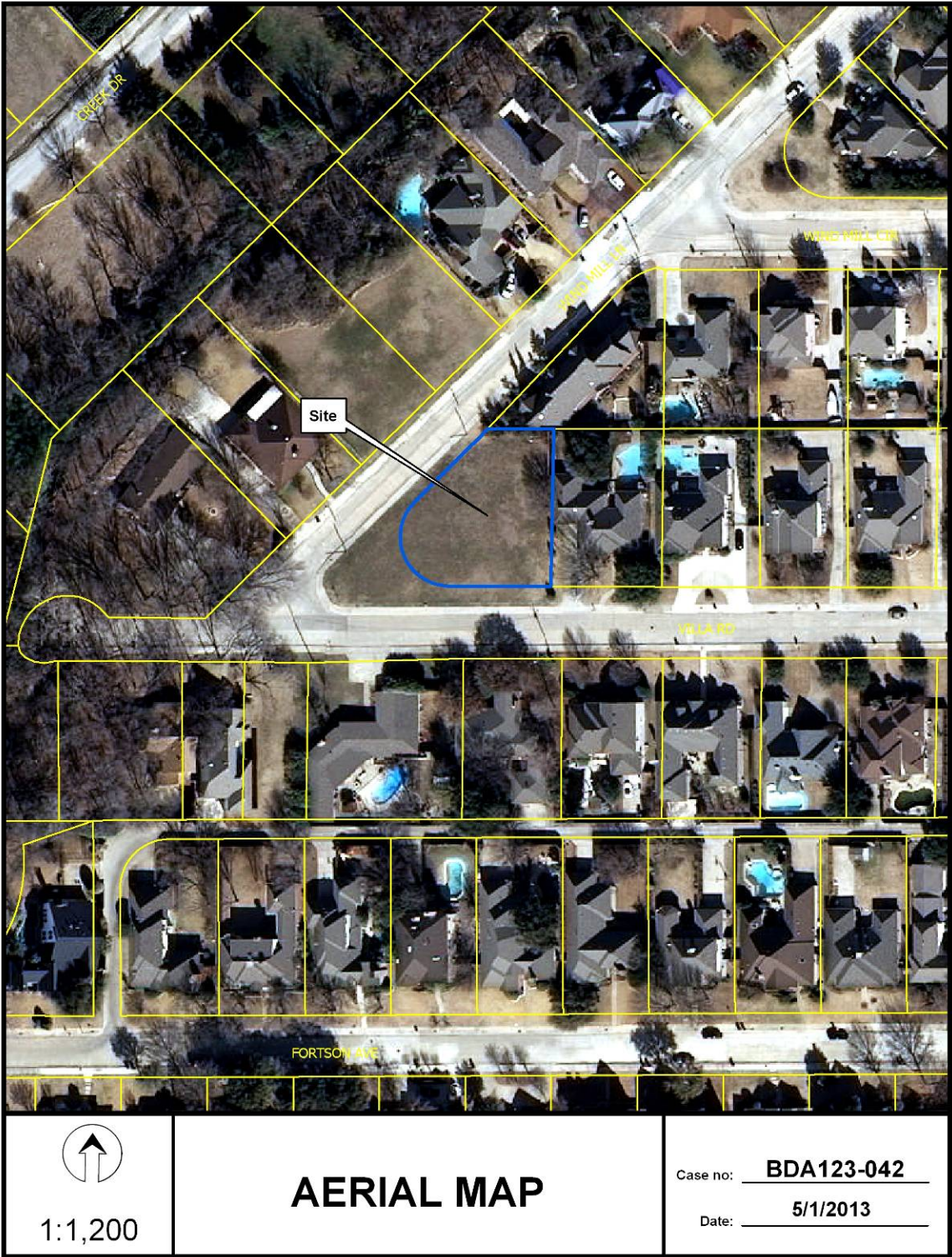


  
 1:1,200

# ZONING MAP

Case no: BDA123-042  
 Date: 5/1/2013





BDA-123-042  
Attach A  
Pg 1

**Long, Steve**

---

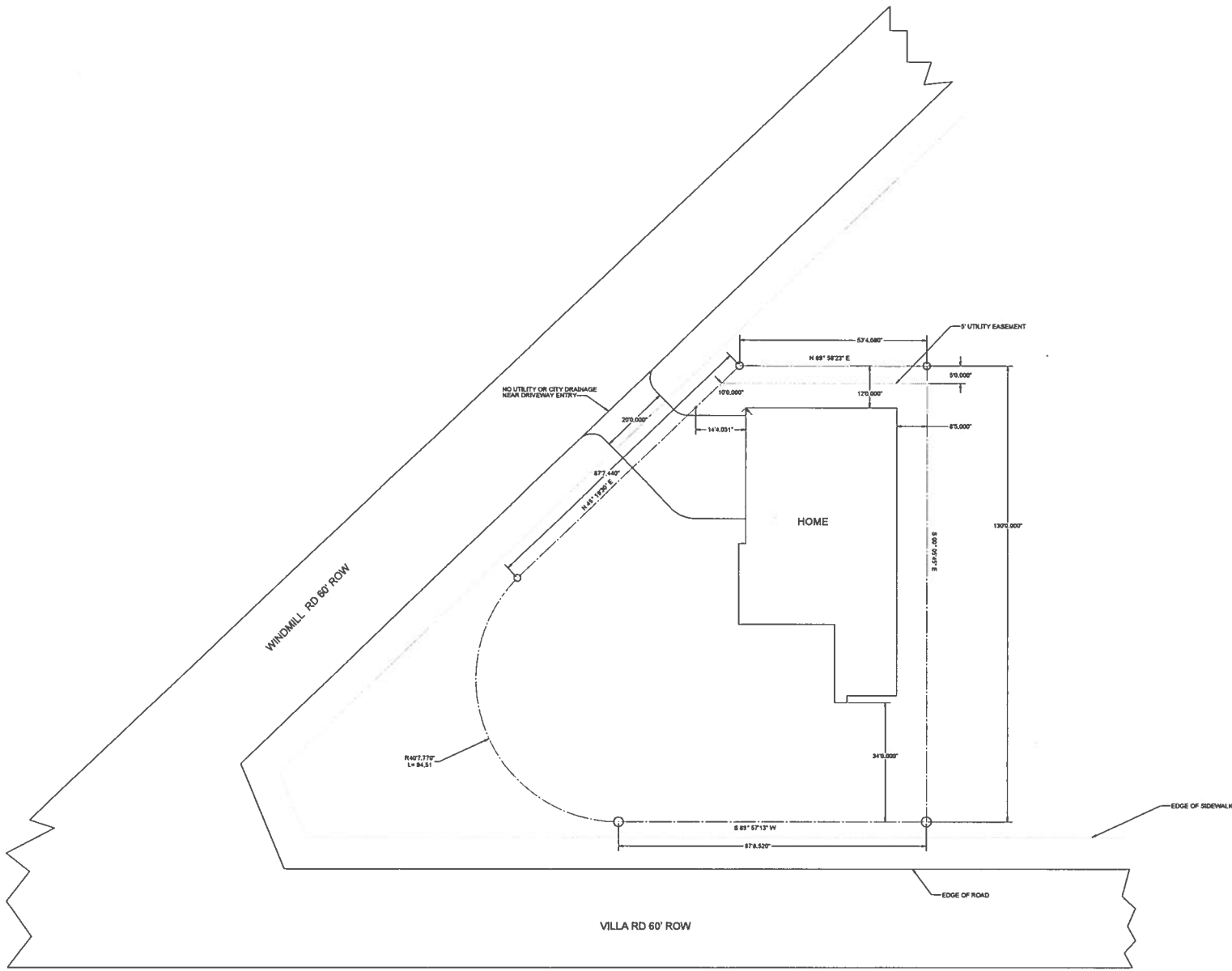
**From:** Jordon Musser [jordonmusser@gmail.com]  
**Sent:** Tuesday, April 30, 2013 11:09 AM  
**To:** Long, Steve  
**Subject:** 6300 Villa Rd  
**Attachments:** Site plan for permit.PDF; Floor Plans For Permit.pdf; Elevations for permit.PDF; Frontage Variance Request.docx; Additional Fence Considerations.docx

Steve,

I amended my Special Exemption this morning to include the front yard set back. Todd has everything he requested, and attached you will find:

- 1) Site Plan
- 2) Elevations
- 3) Floor plan
- 4) Additional note regarding fence request
- 5) Additional note regarding frontage request.

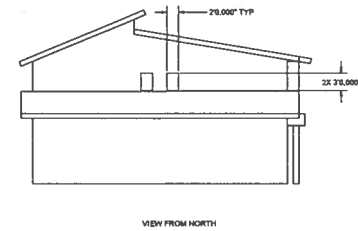
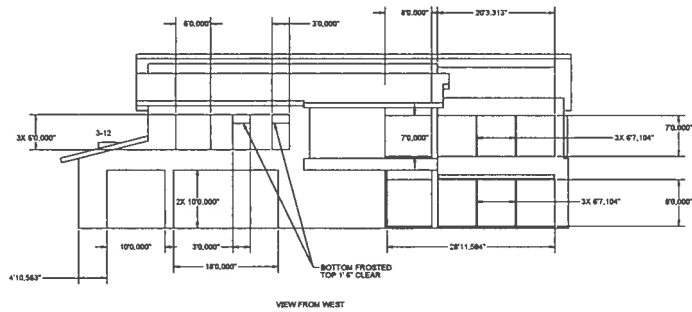
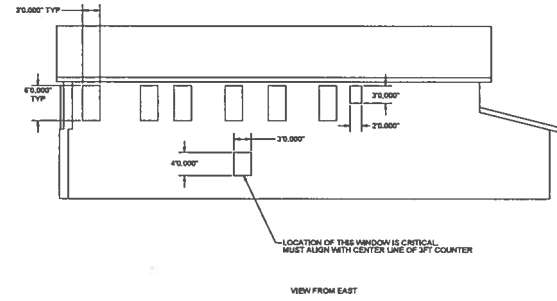
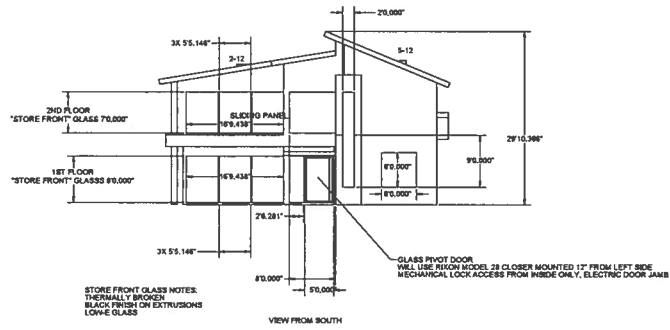
Let me know if I need anything else. Thanks.



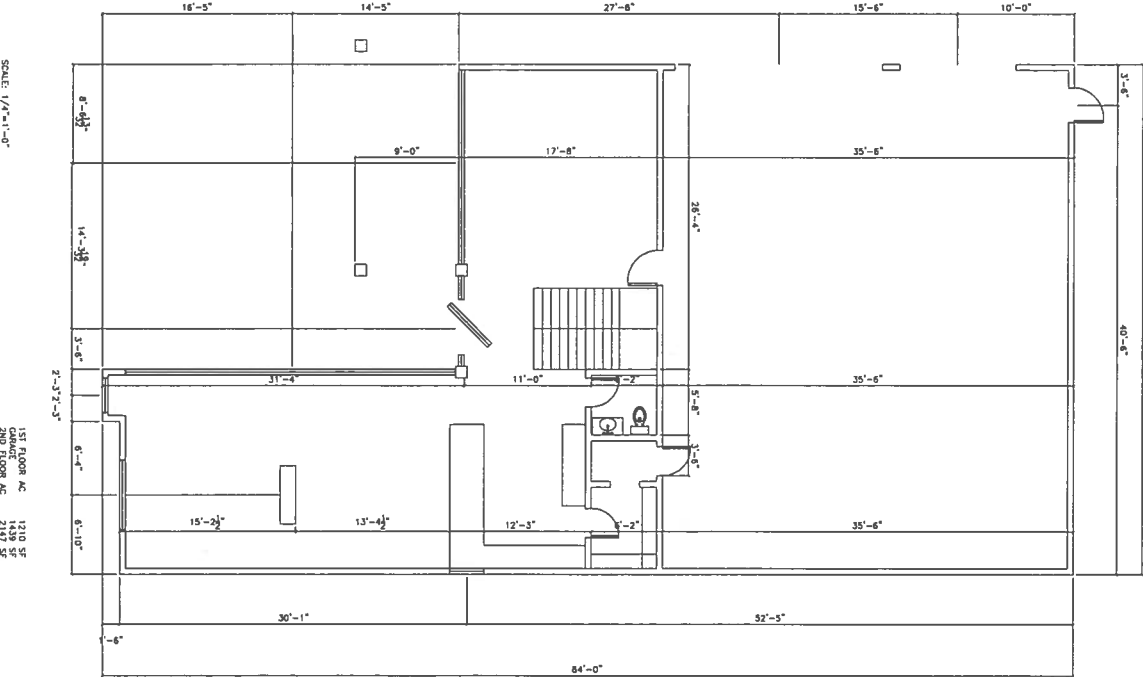
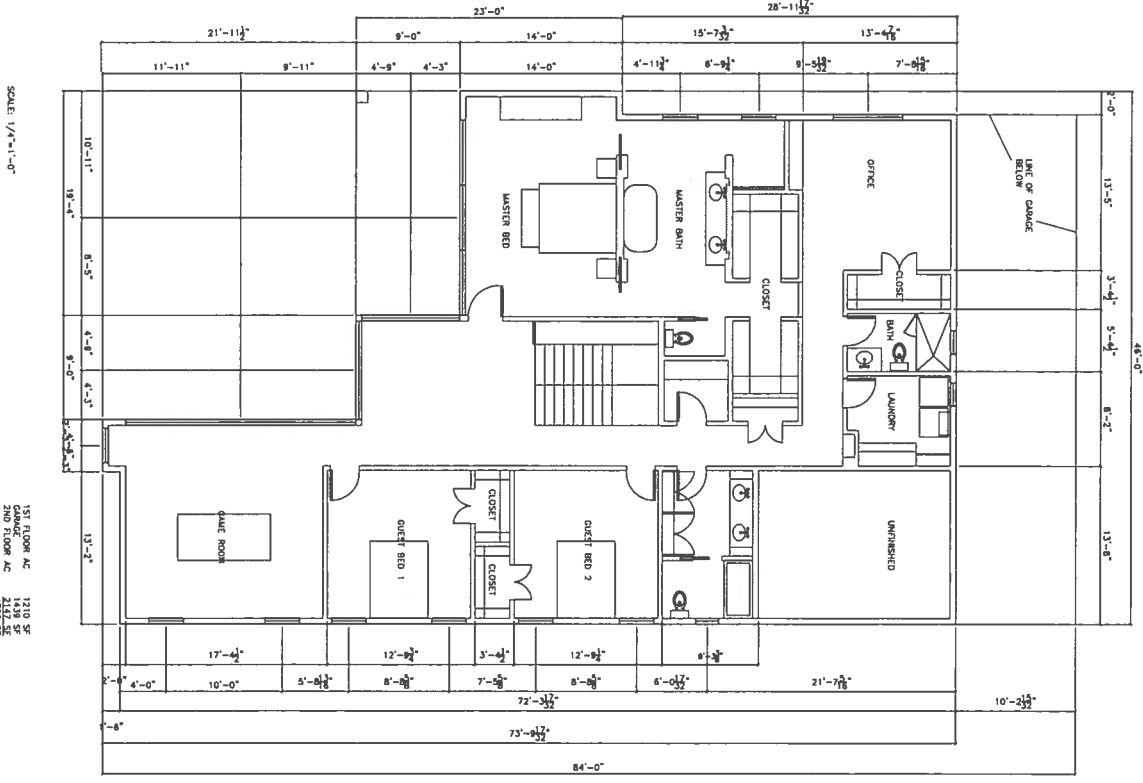
SCALE 3/32" = 1'  
 6300 VILLA RD  
 DALLAS, TX 75252  
 PRESTON VILLA ADDITION  
 BLOCK H, LOT 30

BDA 123-042  
 Attach A  
 P 5 2

REVISION HISTORY				
REV	REV NUMBER	DESCRIPTION	DATE	BY
A		INITIAL RELEASE	04-Apr-2013	



BDA 123-042  
 Attach A  
 P.3



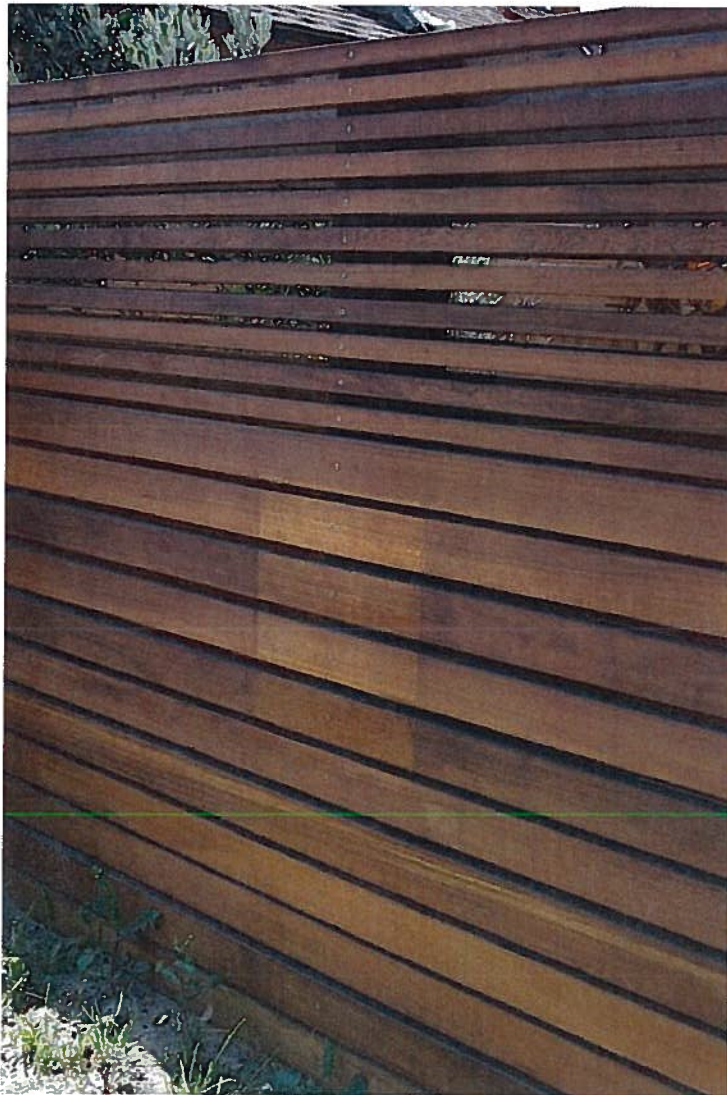
BOA 123-042  
 BDA 123-042  
 ATTEN  
 PS 4



## Additional Fence Considerations

To whom it may concern-

One of the primary considerations to any home improvement project (or new home construction in this case) when visible to the public is aesthetics. In regards to my special exemption request for a 'wood fence' in my required front yard, a fence can vary from a "wall of wood" to a wonderful piece of architecture that accentuates the home. In order to make sure that my fence is pleasing and blends in with the home architecture, it will be a conservative 6ft custom horizontal wood fence, stained and sealed in a modern dark brown. (see picture below for an example of the design of the fence). Appropriate landscaping will be placed around the fence to soften its effect on the natural feel of the lot. The positioning of the fence, although in my required front yard is such that it will not limit visibility for drivers in anyway or cause a negative visual impact to either bordering street. The medium wood color will help provide a natural feel for the lot.



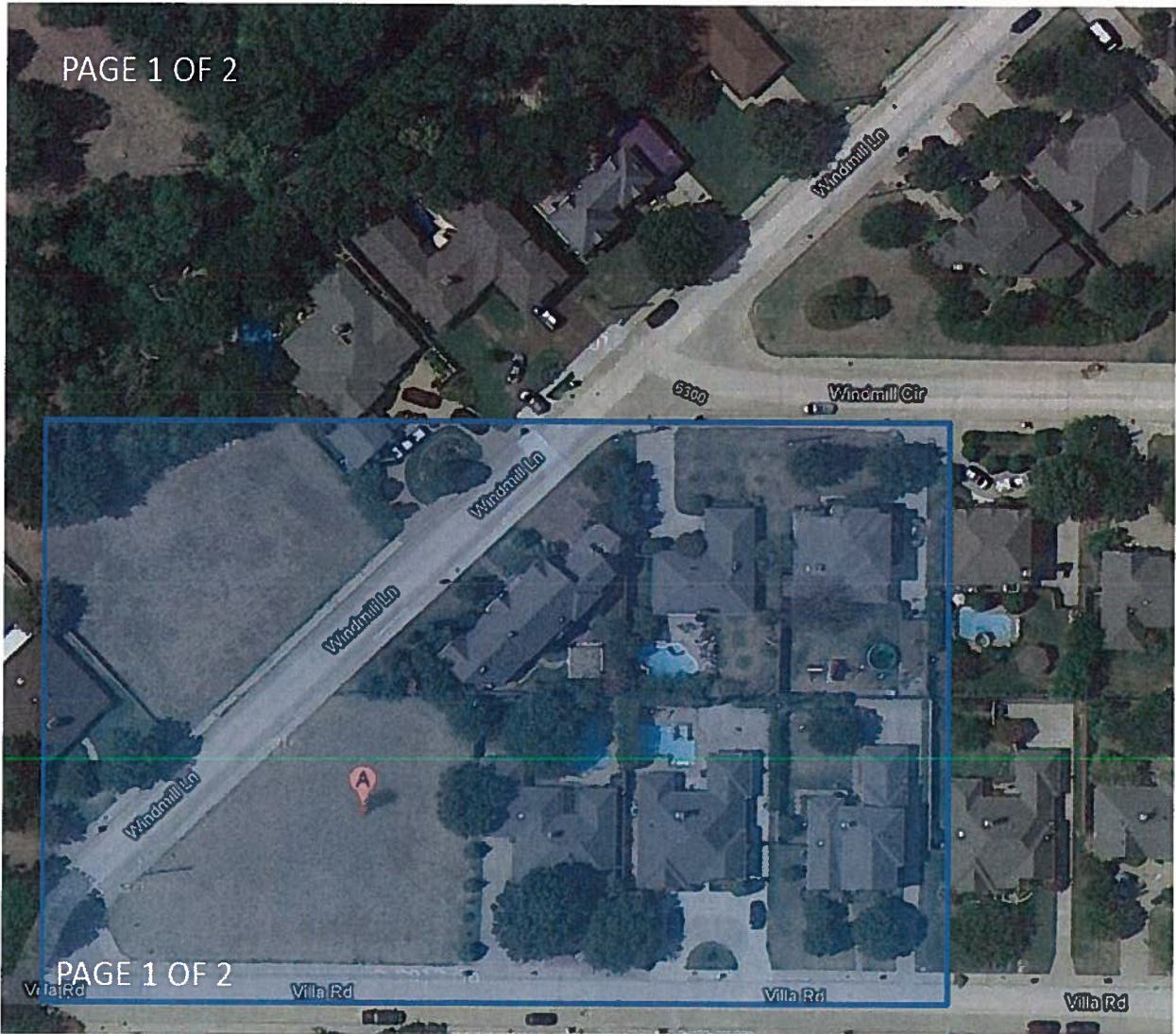


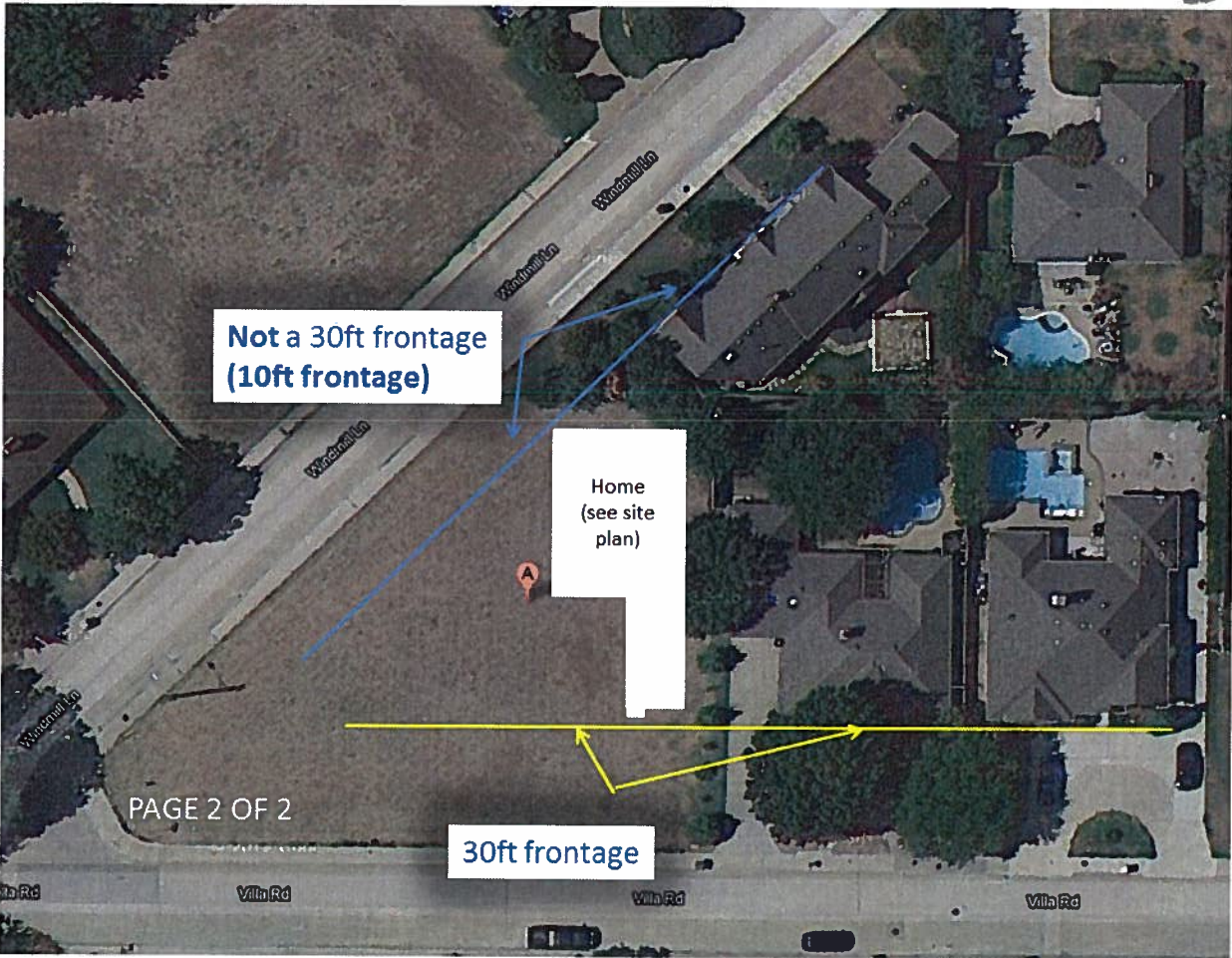
BDA 123-042  
Attach A  
Pg 6

Frontage Variance Request

To whom it my concern-

I am requesting a variance on my irregular shaped corner lot at 6300 Villa Rd, Dallas, TX 75252. Currently the frontage on Wind Mill Lane is only 2.4 inches shorter than the frontage on Villa Rd (equating to roughly a 2% difference over 90ft!). This requires my frontage on Wind Mill Lane to be my front yard (and related setbacks) and the frontage on the Villa Rd to be my side yard. However due to continuity of the Villa facing homes even though the Villa Rd frontage is considered my side yard, it must also have a front yard setback of 30ft. Having a 30ft setback on both these frontages severely limits the ability to build a home consistent with the home being built in this neighborhood. In addition it would create an inconsistent setback on Wind Mill Rd, because my neighbor to my north has a 10ft building line for his front yard. My proposed plan has my entire house completely with in the 10ft building line previously set by the property to my north.





The home is approximately 3357sqft which is consistent with the size of homes in the neighborhood: The majority of the newer homes in the neighborhood (including the house to my north with the noted reduced frontage) are 4000 +/- 500sqft. The largest in this particular neighborhood is 6700sqft.

Building my new home per the attached site plan will maintain building continuity on both frontages and will allow me to build a home that is consistent with the expectations of the neighborhood. It will have no ill effects on the community and will only stand to increase the value of my neighbors by filling an empty lot with a well thought out home.



BDA 123-042

Attach  
A B

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 Jordon Musser

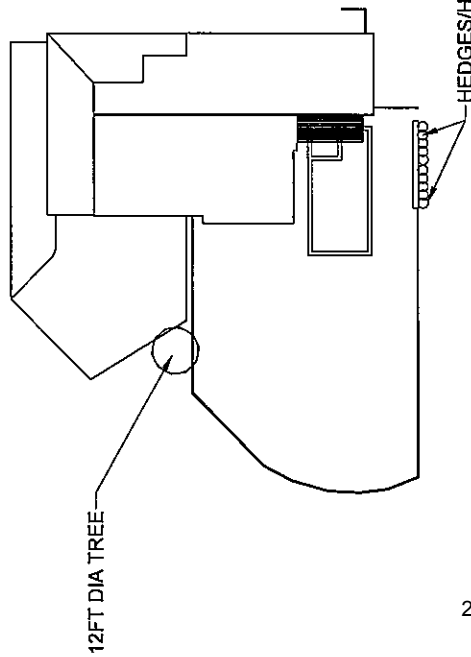
did submit a request for a special exception to the fence height regulations, and for a variance to the front yard setback regulations

at 6300 Villa Road (aka: 19104 Wind Mill Lane)

BDA123-042. Application of Jordon Musser for a special exception to the fence height regulations and a variance to the front yard setback regulations at 6300 Villa Road (aka: 19104 Wind Mill Lane). This property is more fully described as Lot 30, Block H, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet and requires a front yard setback of 30 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation and construct a single family residential structure and provide a 10 foot front yard setback, which will require a 20 foot variance to the front yard setback regulation.

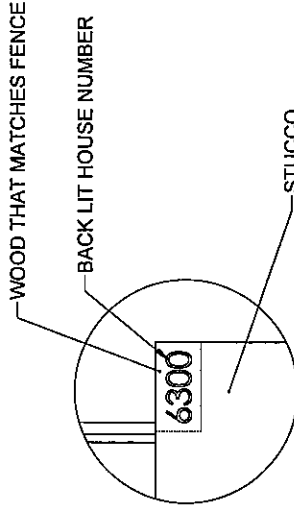
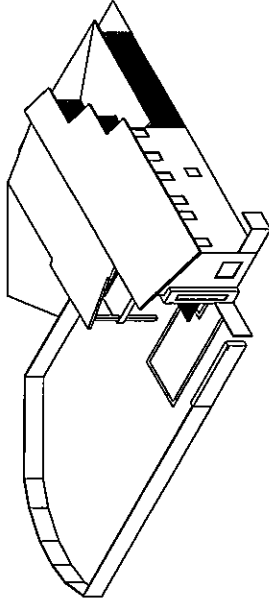
Sincerely,

  
Larry Holmes, Building Official



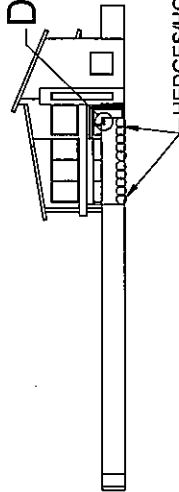
2-17

TOP VIEW OF PROPERTY SHOWING APPROXIMATE LANDSCAPING DIRECTLY AROUND FENCE (OTHER LANDSCAPING OMITTED)

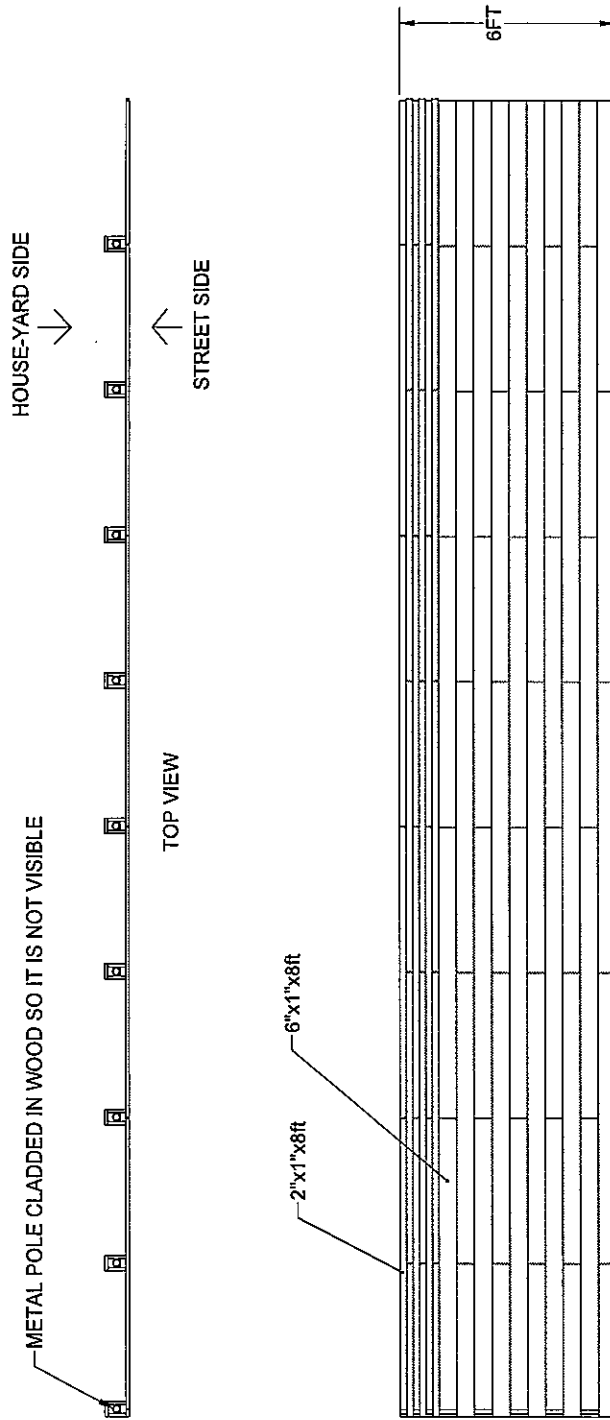


HOUSE DETAIL A  
SCALE 1 : 30

DETAIL A



SEE ADDITIONAL SHEET FOR WOOD FENCE DETAIL



PATTERN AND BOARD SIZE IS APPROXIMATE  
HORIZONTAL WOOD BOARD WITH METAL POLES FACING TOWARD HOUSE EVERY 4FT  
CEDAR, STAIN AND SEALED TO APPEAR AS AMERICAN WALNUT (MEDIUM BROWN, NO REDS!)  
APPROXIMATE GAP OF 1/8TH INCH BETWEEN BOARDS FOR EXPANSION  
VERTICAL BATTONS TO BE SCREWED INTO METAL POLES WITH CORROSION RESISTANT FASTENERS



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-042

Data Relative to Subject Property:

Date: 2-24-13

Location address: 6300 Villard

Zoning District: R-10(a)

Lot No.: 30 Block No.: H Acreage: .3

Census Tract: 0317.09

Street Frontage (in Feet): 1) 87.71' 2) 87.62' 3) — 4) — 5) —

To the Honorable Board of Adjustment: Jordan Musser

Owner of Property (per Warranty Deed): ~~James A. Collier and Theresa A. Collier~~

Applicant: Jordan Musser Telephone: 214 995 5935

Mailing Address: 202 Southern Belle Copper Tr Zip Code: 75019

E-mail Address: JordanMusser@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception X, of fence height. 2ft exception for total fence height of 6ft.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: This exception will have no negative affect on the neighboring properties

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

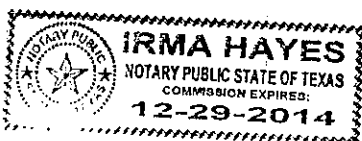
Affidavit

Before me the undersigned on this day personally appeared Musser, Jordan (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 19 day of March 2013

[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 Jordon Musser

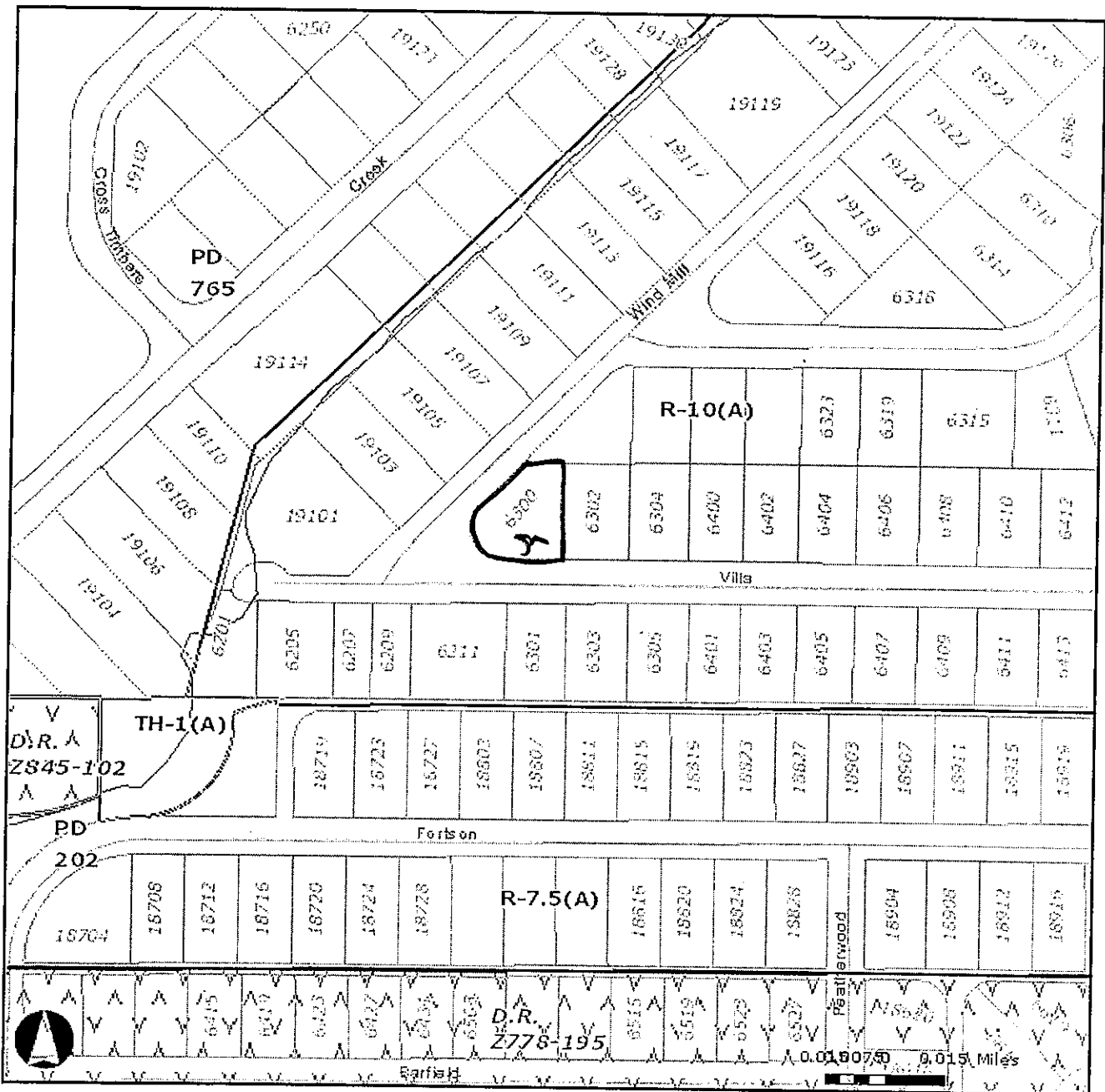
did submit a request for a special exception to the fence height regulations  
at 6300 Villa Road (aka: 19104 Wind Mill Lane)

BDA123-042. Application of Jordon Musser for a special exception to the fence height regulations at 6300 Villa Road (aka: 19104 Wind Mill Lane). This property is more fully described as Lot 30, Block H, and is zoned R-10(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct a 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,

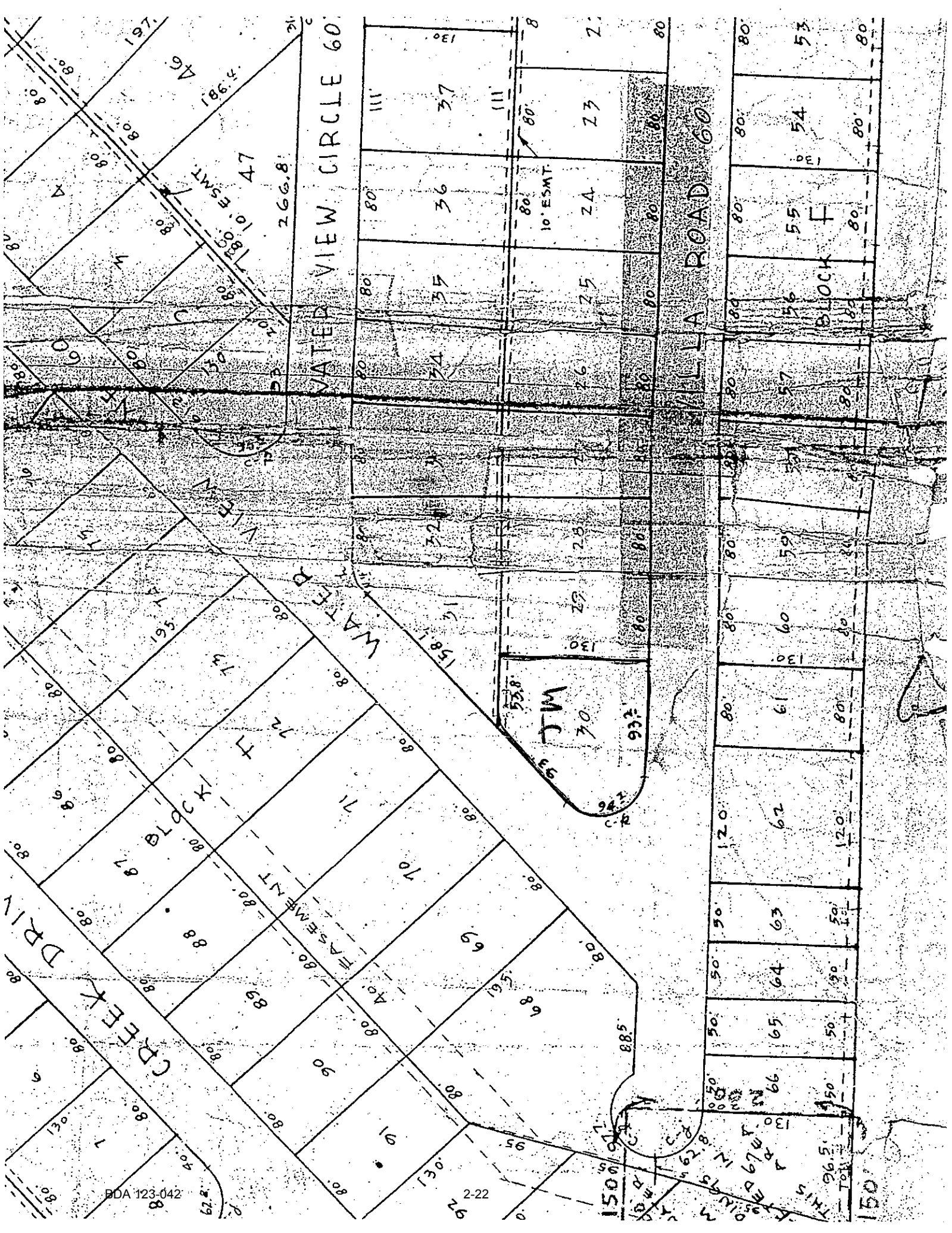
  
Larry Holmes, Building Official

# City of Dallas Zoning



- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks
- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- PD193 Oak Lawn
- PDS Subdistricts
- Base Zoning
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors
- Escarpment Overlay





BDA 123-042

WATER VIEW CIRCLE 60'

VILLA ROAD 60'

CEDAR DRINK

WATER VIEW CIRCLE 60'

WATER VIEW CIRCLE 60'

WATER VIEW CIRCLE 60'

MC

BLOCK F

150'

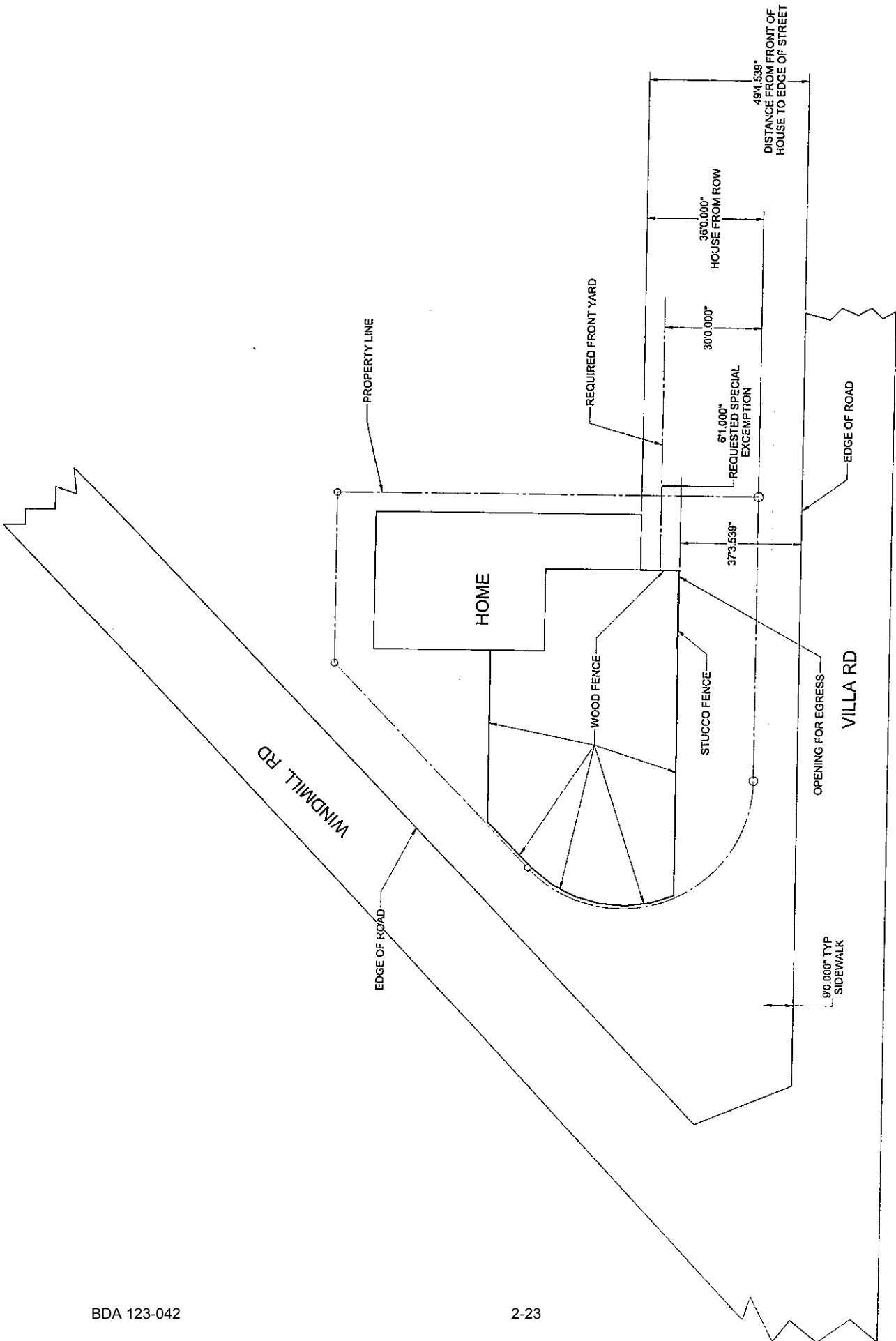
150'

92-2-22

150'

150'

150'

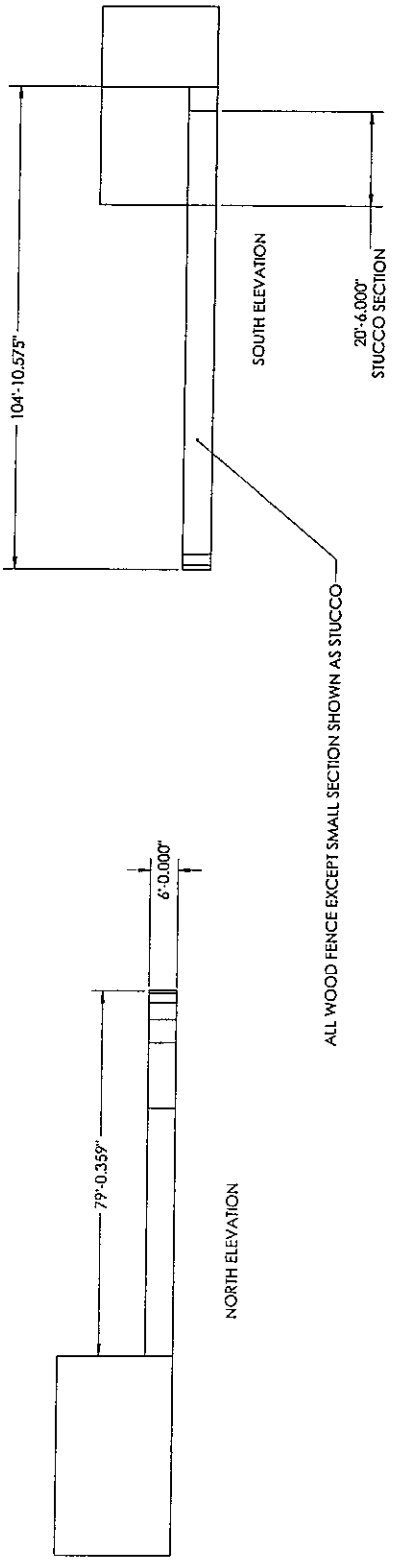


SCALE 1 : 240

1" = 20'

C SIZE PAPER

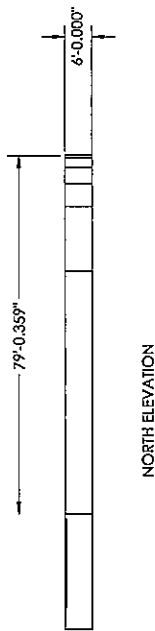
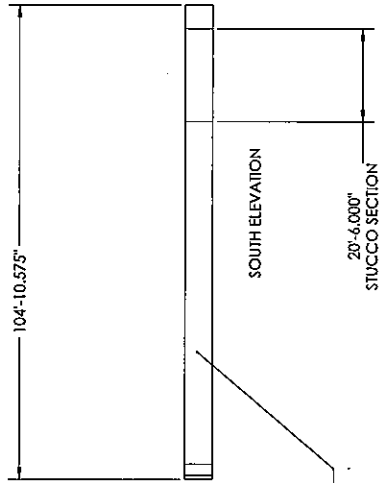
WOODEN FENCE AND STUCCO FENCE IN REQUIRED FRONT YARD 6FT TALL SPECIAL EXEMPTION REQUEST



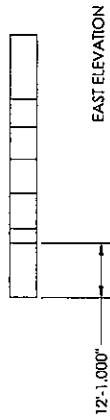
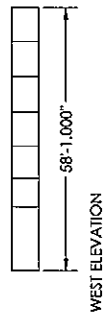
1" = 20'

C SIZE PAPER

WOODEN FENCE AND STUCCO FENCE IN REQUIRED  
FRONT YARD 6FT TALL  
SPECIAL EXCEPTION REQUEST



ALL WOOD FENCE EXCEPT SMALL SECTION SHOWN AS STUCCO



1" = 20'

C SIZE PAPER

WOODEN FENCE AND STUCCO FENCE IN REQUIRED  
FRONT YARD 6FT TALL  
SPECIAL EXCEPTION REQUEST



 1:1,200	<h2>NOTIFICATION</h2>	Case no: <b>BDA123-042</b>			
	<table border="1"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>18</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED
<b>200'</b>	AREA OF NOTIFICATION				
<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED				

## ***Notification List of Property Owners***

### ***BDA123-042***

#### ***18 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6300 VILLA	COHN IAN M & THERESA ANN MARTIN
2	6401 VILLA	TROTTNER BENJAMIN & CLARA
3	6305 VILLA	GOLDSTEIN BORIS M & KOMAROV DIANA
4	6303 VILLA	ALLEN IRA L & MIREILLE BRISEBOIS
5	6301 VILLA	MOSESON SAM
6	6211 VILLA	FINNEY WALLACE T
7	6209 VILLA	MAKAEVA LARISA
8	19101 WINDMILL	KIRKBY JACQUES D
9	19103 WINDMILL	JOHNSON DAVID L
10	19105 WINDMILL	TYE-KASRAI LESA
11	19109 WINDMILL	DILLARD J WYNN JR & TAMMY
12	19111 WINDMILL	BARNETT RANDOLPH & BARNETT MARY BETH
13	6400 VILLA	BESSET TIMOTHEE
14	6304 VILLA	BOND ERIC W & NOLT CHELSEA
15	6302 VILLA RD	SOLIS MARTIN & SOLIS ETHEL
16	6331 WINDMILL	JAFRI SYED
17	6335 WINDMILL CIR	JONES THRESA L
18	19110 WINDMILL LN	LEVY LINDA M & FITZGERMAN TODD BOONE

**FILE NUMBER:** BDA 123-045

**BUILDING OFFICIAL'S REPORT:** Application of Robert Reeves of Robert Reeves and Associates for a variance to the side yard setback regulations at 5810 Meadowcrest Drive. This property is more fully described as Lot 1, Block C/6384, and is zoned R-16(A), which requires a side yard setback of 10 feet. The applicant proposes to construct and/or maintain structures and provide a 3 foot 9 inch side yard setback, which will require a variance to the side yard setback regulations of 6 feet 3 inches.

**LOCATION:** 5810 Meadowcrest Drive

**APPLICANT:** Robert Reeves of Robert Reeves and Associates

**REQUEST:**

A variance to the side yard setback regulations of 6' 3" is requested in conjunction with maintaining an "open-air pavilion/covered patio area" and "fountain" structures on a site developed with a single family home, part and/or all of which is located in the site's western 10' side yard setback.

**STANDARD FOR A VARIANCE:**

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, coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised site plan/elevation is required.

Rationale:

- The lot's irregular shape precludes the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A) lots that are regular in shape.
- Granting this variance with the revised site plan/elevation being imposed as a condition does not appear to be contrary to the public interest since the variance would only allow about 1/3 (or approximately 150 square feet) of an approximately 480 square foot "open-air pavilion/covered patio area" building footprint, and three, 4 square foot, 4' high "fountain" structures in the site's 10' side yard setback on the west side of the property.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: R-16 (A) (Single family district 16,000 square feet)  
North: R-16 (A) (Single family district 16,000 square feet)  
South: R-16 (A) (Single family district 16,000 square feet)  
East: R-16 (A) (Single family district 16,000 square feet)  
West: R-16 (A) (Single family district 16,000 square feet)

**Land Use:**

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

**Zoning/BDA History:**

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

**Timeline:**

- March 21, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- April 16, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- April 17, 2013: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 1<sup>st</sup> deadline to submit additional evidence for staff to factor into their analysis; and the May 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;



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

May 1, 2013: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

May 7, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for May public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

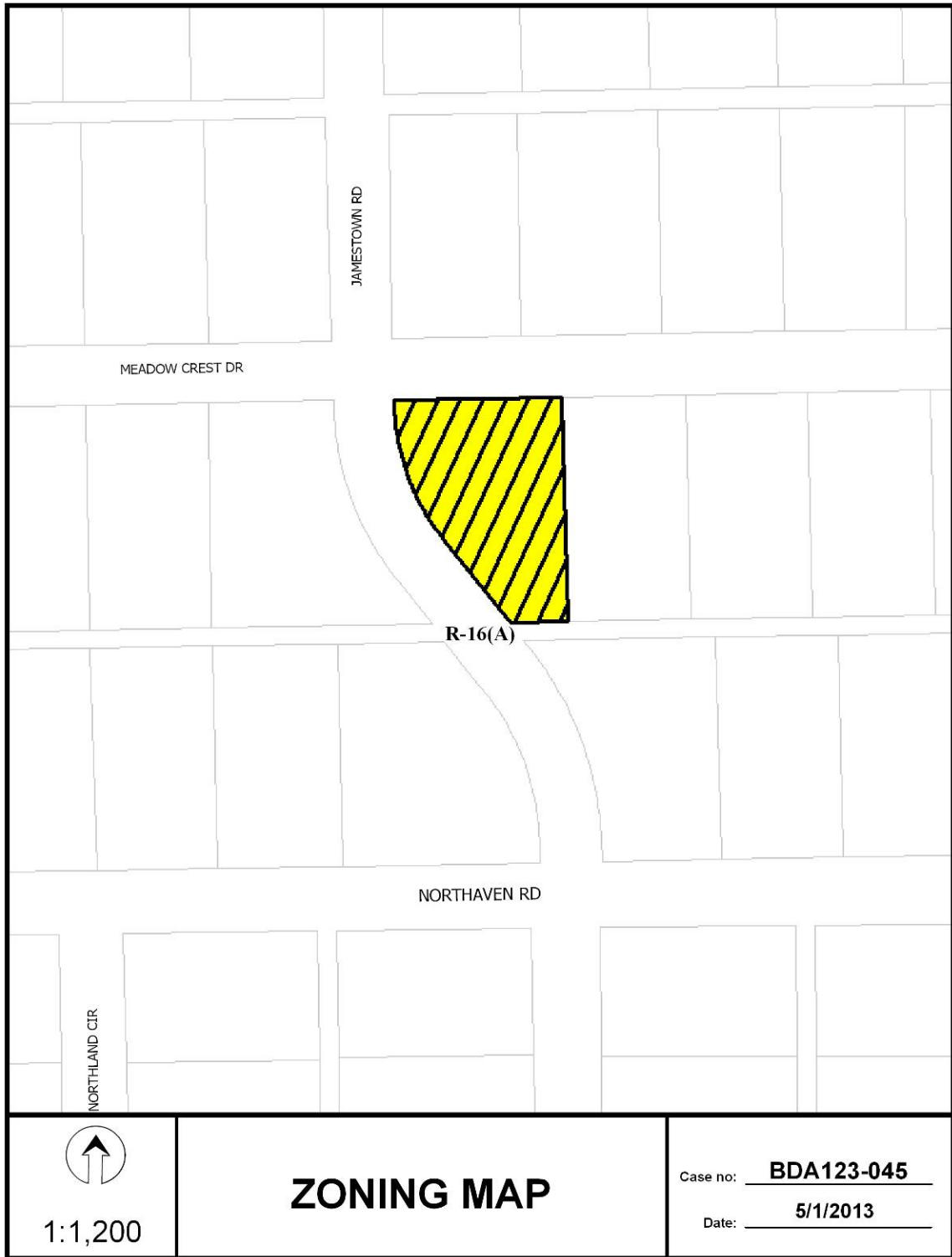
No review comment sheets with comments were submitted in conjunction with this application.

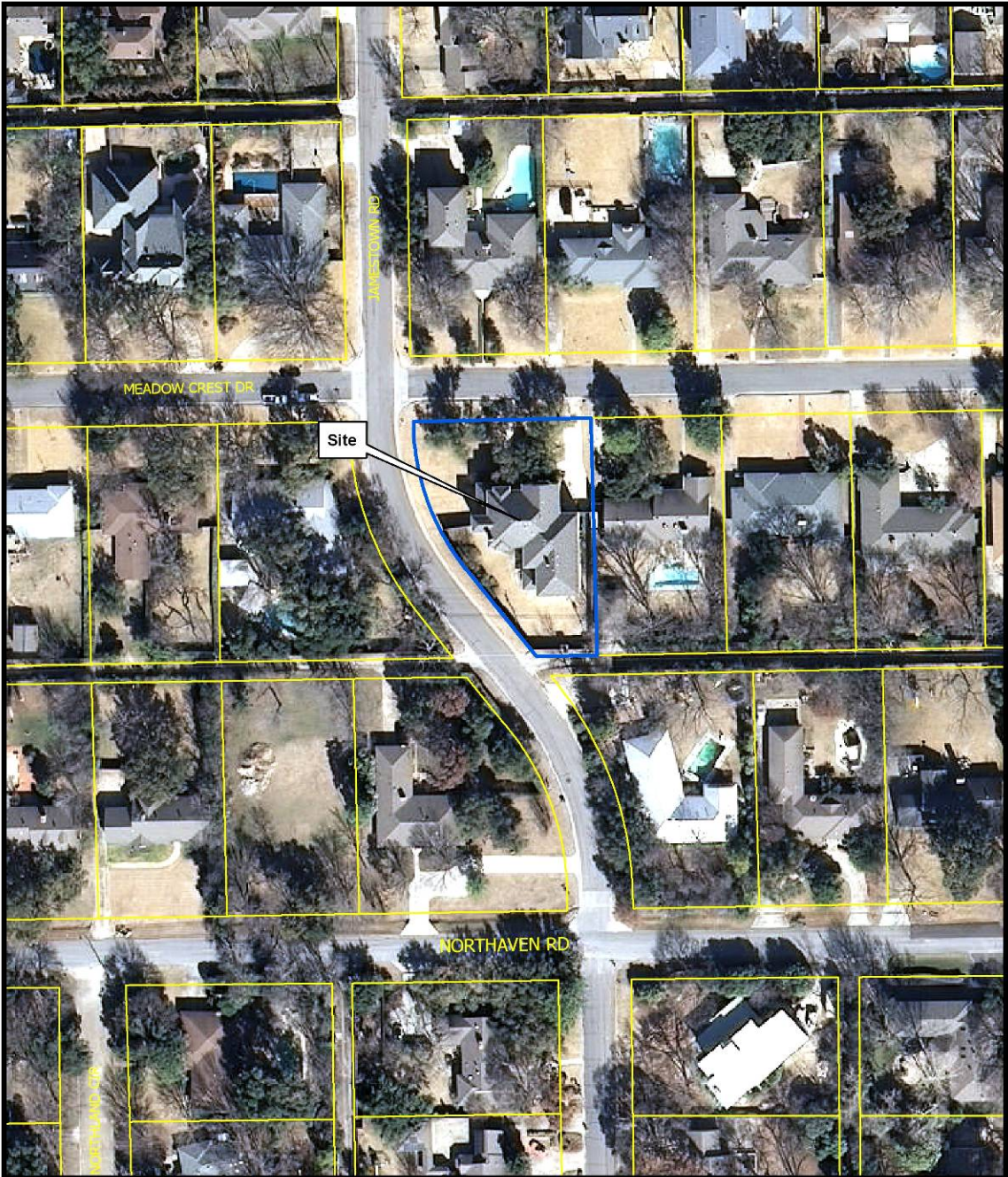
**GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on an “open-air pavilion/covered patio area” and “fountain” structures on a site developed with a single family home, part and/or all of which is located in the site’s western 10’ side yard setback.
- Structures on lots zoned R-16(A) are required to provide a minimum side yard setback of 10’. (Note that this site has a 20 foot platted building line along Jamestown Road that the applicant is requesting the City Plan Commission to remove hence the request for a variance to the 10’ side yard setback required on this property zoned R-16(A)).
- A revised site plan/elevation document has been submitted denoting a portion of the approximately 480 square foot “open-air pavilion/covered patio area” and all three of the approximately 4 square foot, 4 foot high “fountain” structures located in the 10’ side yard setback on the west side/Jamestown Road side of the subject site. The nearest of these structures is located as close as 3.8’ from the site’s side property line or as much as 6.2’ into the 10’ side yard setback.
- It appears from calculations taken from the submitted revised site plan/elevation document by the Board Administrator that approximately 1/3 (or approximately 150 square feet) of the approximately 480 square foot “open-air pavilion/covered patio area” building footprint, and each of the approximately 4 square foot, 4’ high “fountain” structures are located in the site’s 10’ side yard setback on the west side of the property.
- According to DCAD records, the “main improvements” at 5810 Meadowcrest Drive is a structure built in 2007 with 6,588 square feet of living area and 6,588 square feet

of total area. According to DCAD records, the “additional improvements” at 5810 Meadowcrest Drive is an 894 square foot attached garage and a pool.

- The subject site is irregular in shape (approximately 137’ on the north; approximately 42’ on the south; approximately 181’ on the east; and approximately 206’ on the west), flat, and according to the application, is 19,282 square feet in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan/elevation as a condition, the structures in the side yard setback would be limited to what is shown on this document– which are structures located as close as 3’ 9” from the site’s western side property line (or as much as 6’ 3” into the 10’ side yard setback).





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# AERIAL MAP

Case no: BDA123-045

Date: 5/1/2013







City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-045

Data Relative to Subject Property:

Date: 3/21/13

Location address: 5810 Meadowcrest Dr. Dallas, Texas 75230 Zoning District: R-16

Lot No.: 1 Block No.: C/6384 Acreage: 19,282 sq. feet Census Tract 134.00

Street Frontage (in Feet): 1) 100.66' 2) 181' 3) 4) NE 25

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kirk A. Watson

Applicant: Robert Reeves, Robert Reeves & Associates, Inc Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, Texas Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Represented by: Robert Reeves, Robert Reeves & Associates, Inc. Telephone: (214) 749-0530

Mailing Address: 900 Jackson St., Suite 160, Dallas, TX Zip Code: 75202

E-mail Address: rob.reeves@sbcglobal.net

Affirm that a request has been made for a Variance X, or Special Exception, of a 6.2 foot side yard Variance along Jamestown Road

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

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.

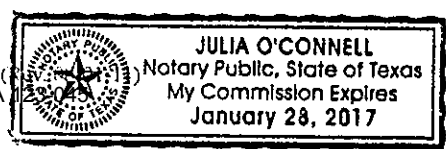
Affidavit

Before me the undersigned on this day personally appeared [Signature] (Affiant/Applicant's signature)

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

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

Subscribed and sworn to before me this 21st day of March, 2013



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

BDA

MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was--Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

I hereby certify that ROBERT REEVES

did submit a request for a variance to the side yard setback regulations  
at 5810 Meadow Crest Drive

BDA123-045. Application of Robert Reeves for a variance to the side yard setback regulations at 5810 Meadow Crest Drive. This property is more fully described as Lot 1, Block C/6384, and is zoned R-16(A), which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 3 foot 9 inch side yard setback, which will require a 6 foot 3 inch variance to the side yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official

DEL ROY DR

BOCA RATON DR

MEADOW CREST DR

R-16(A)

NORTHAVEN RD

NORTHLAND CIR

JAMESTOWN RD

NORTHGATE CIR

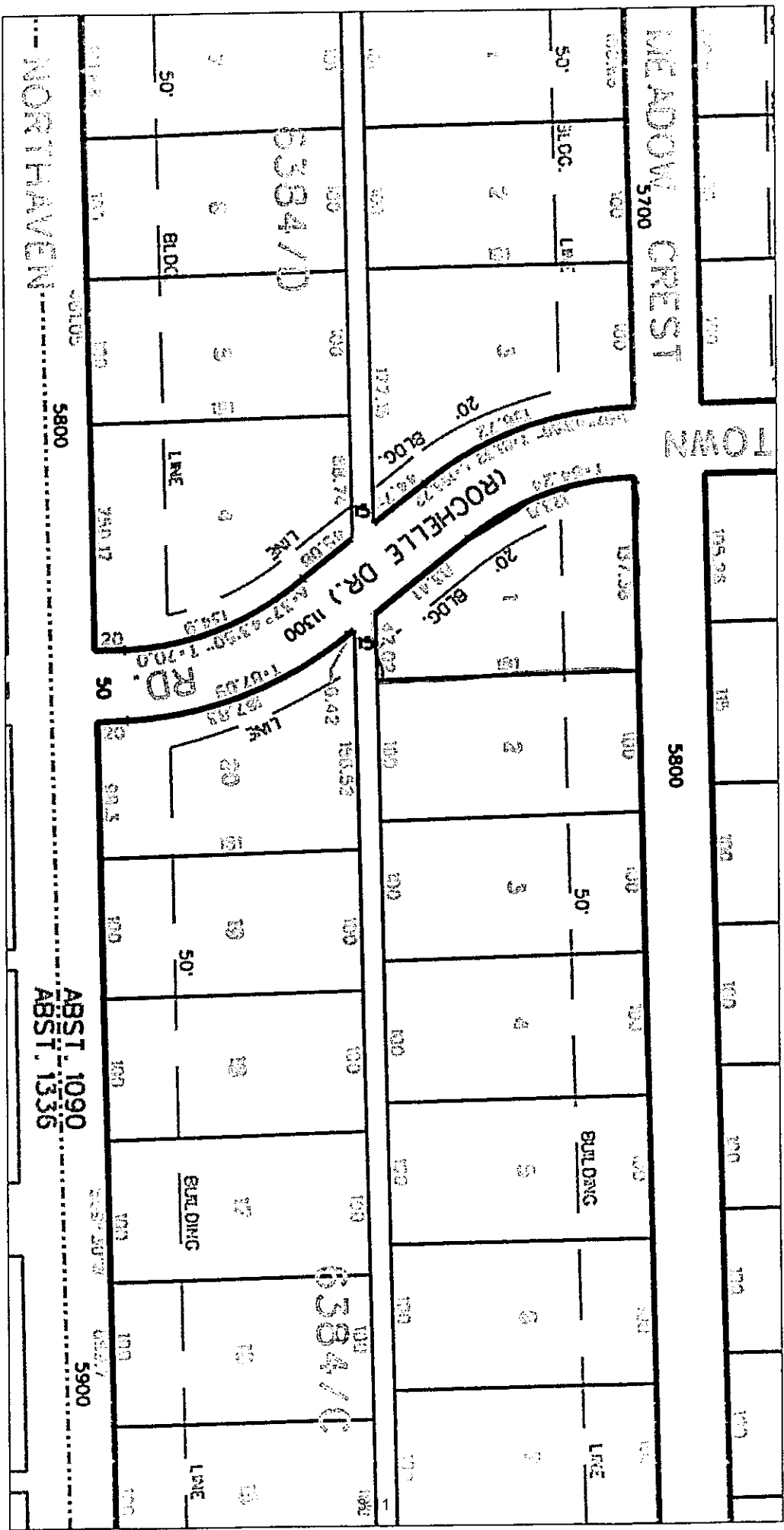
SUP.  
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	City Limits		Proposed Boundary		MD Utility
	Highway		State Zone		Water Main
	Proposed Roadway		Drifted Line		Sanitary
<b>FLOOD_ZONE</b>					Gas
	100 Year Flood Zone		Utility Enclosure		100 Year Flood Zone
	500 Year Flood Zone		Water		500 Year Flood Zone
	100 Year Flood Zone		Sanitary		100 Year Flood Zone
	500 Year Flood Zone		Water		500 Year Flood Zone
	100 Year Flood Zone		Sanitary		100 Year Flood Zone
	500 Year Flood Zone		Water		500 Year Flood Zone
	100 Year Flood Zone		Sanitary		100 Year Flood Zone
	500 Year Flood Zone		Water		500 Year Flood Zone

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BDA 123-045

Case ID:  
Printed: 3/13/2013





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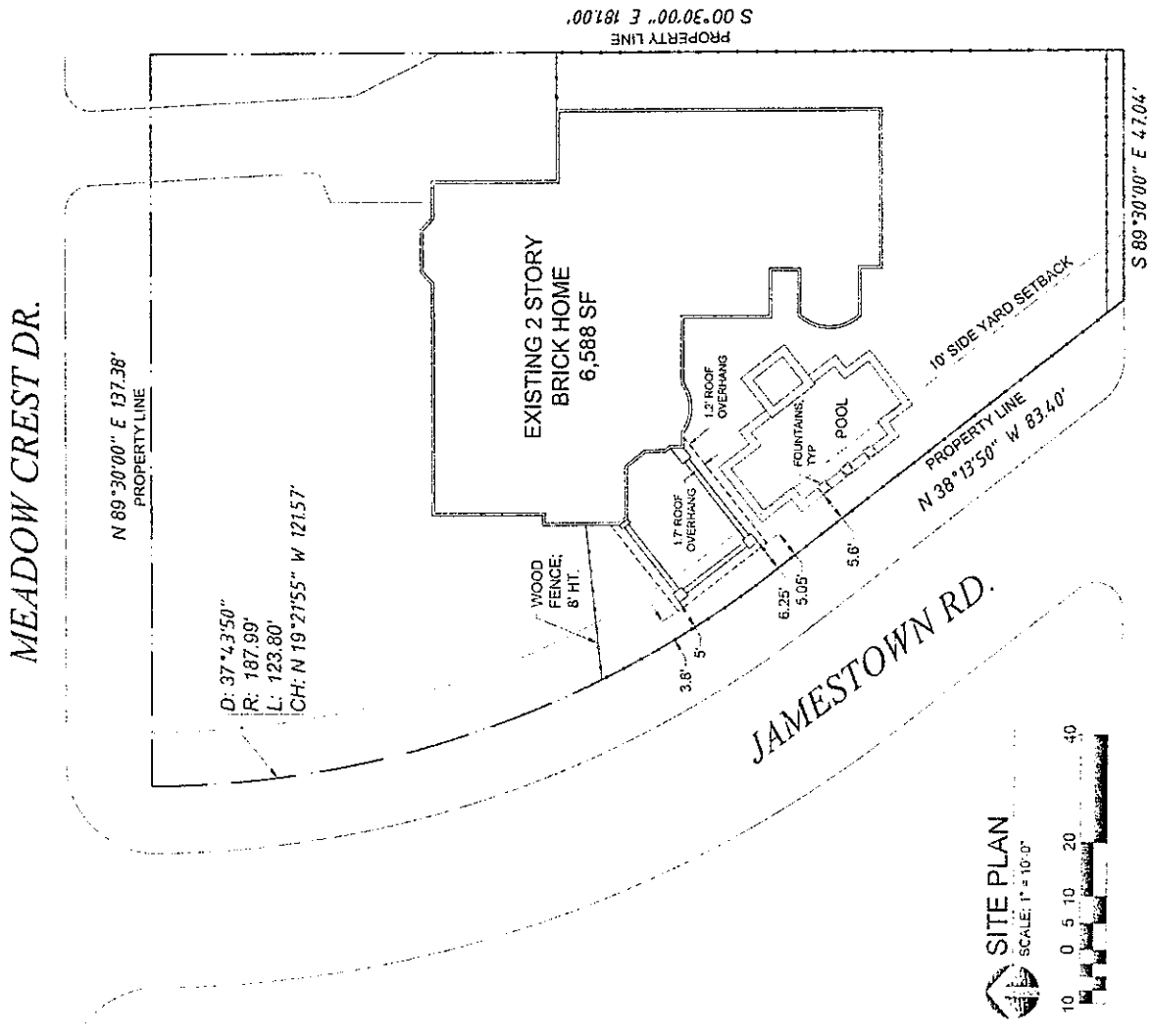
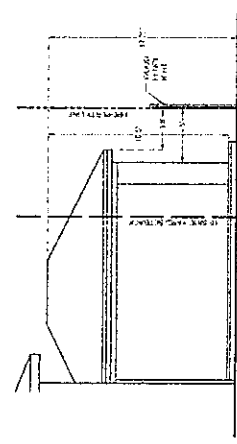
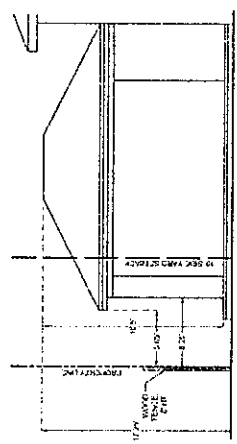
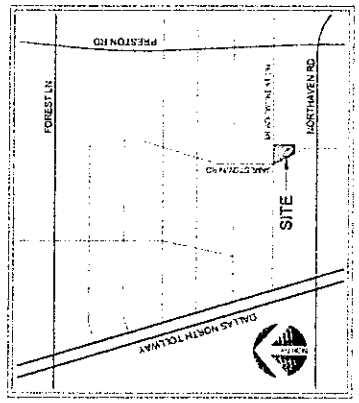
*JP*

PROJECT NUMBER: 03/25/13  
 CASE NUMBER: \_\_\_\_\_

**BALDWIN ASSOCIATES**  
 3904 Elm Street, Suite B  
 Dallas, Texas 75226  
 MOBILE: 214 824 7849  
 OFFICE: 214 824 7849  
 rob@baldwinplanning.com

**Baldwin Associates**

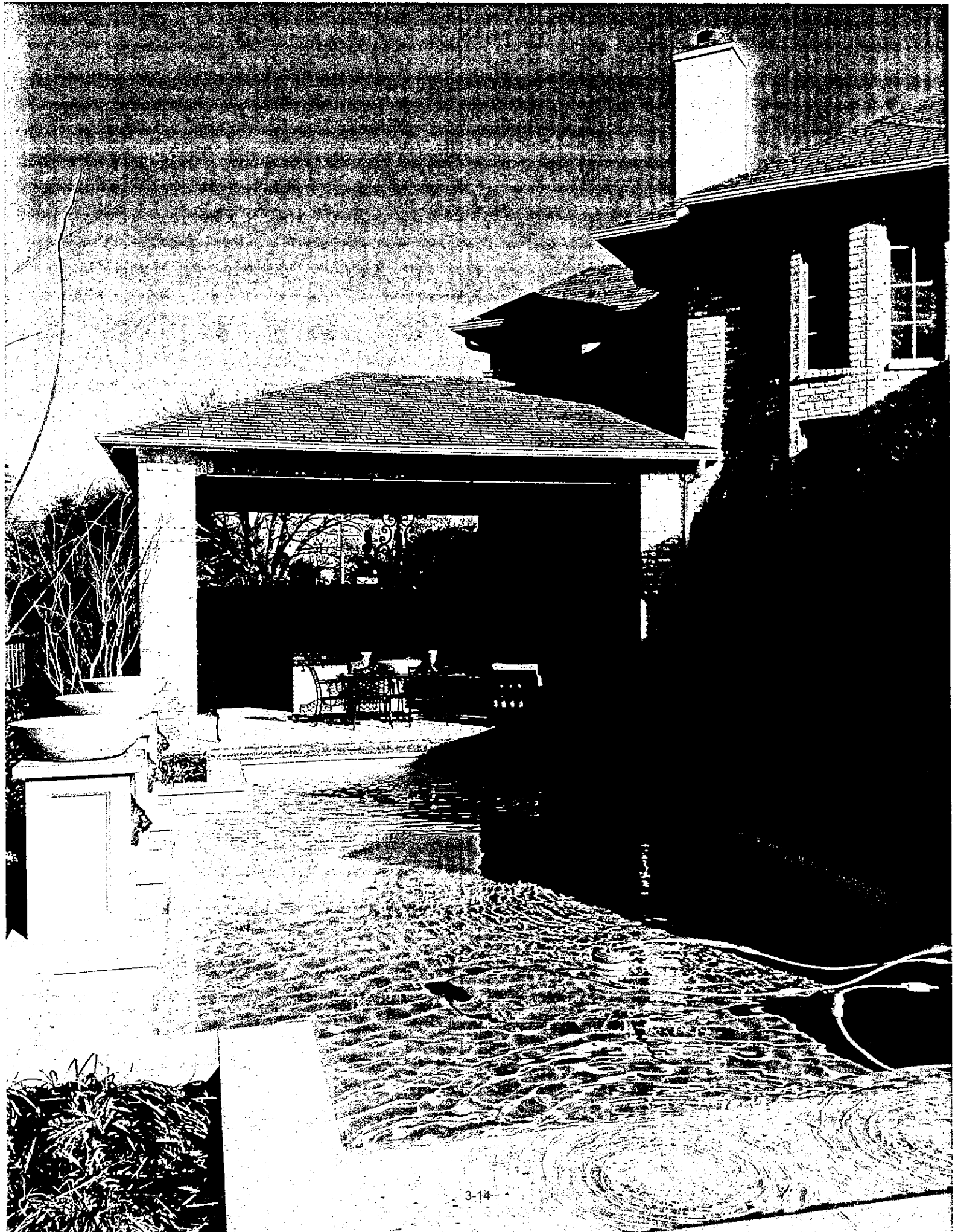
**5810 MEADOW CREST**  
 CITY OF DALLAS, TEXAS

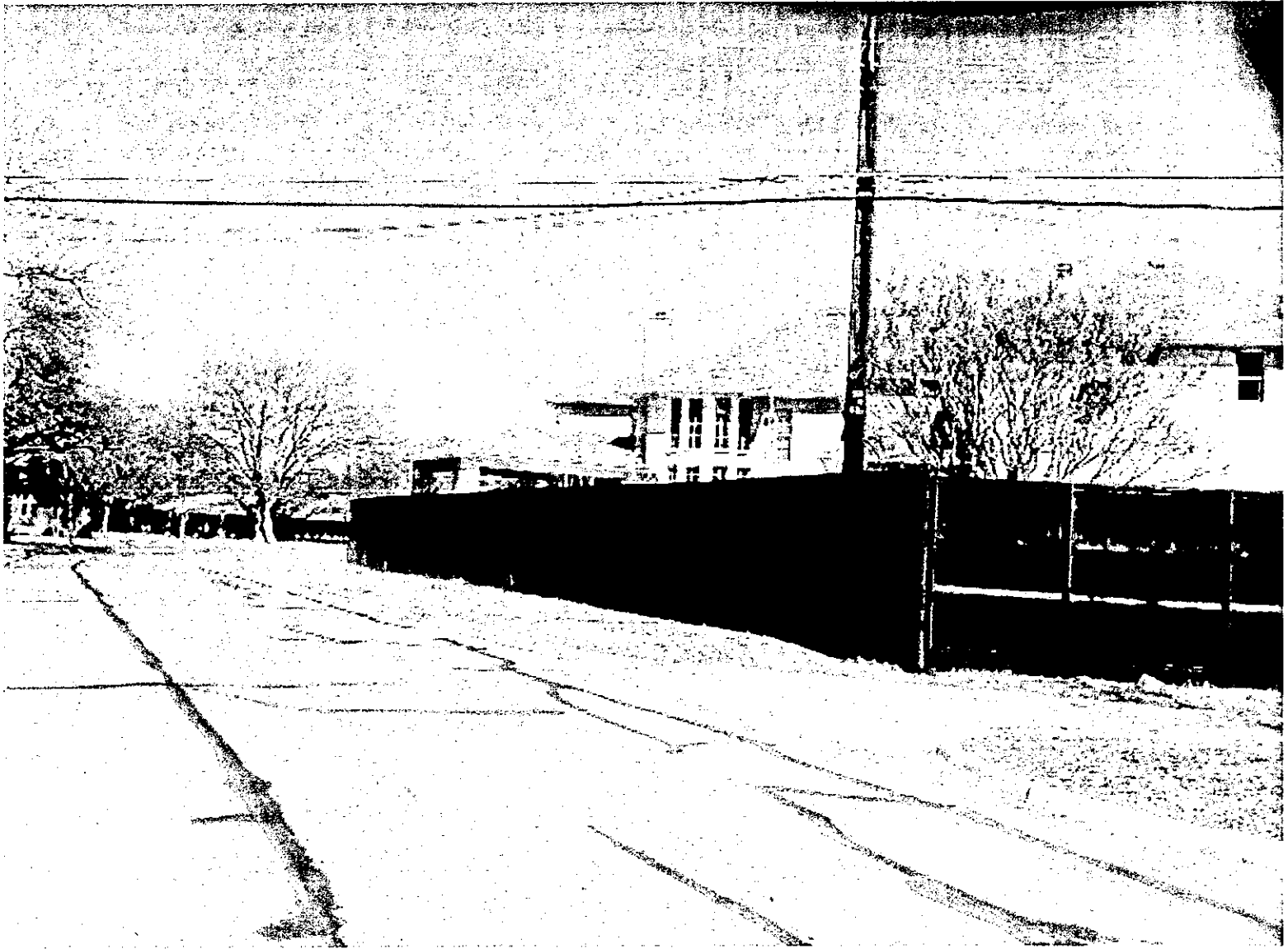


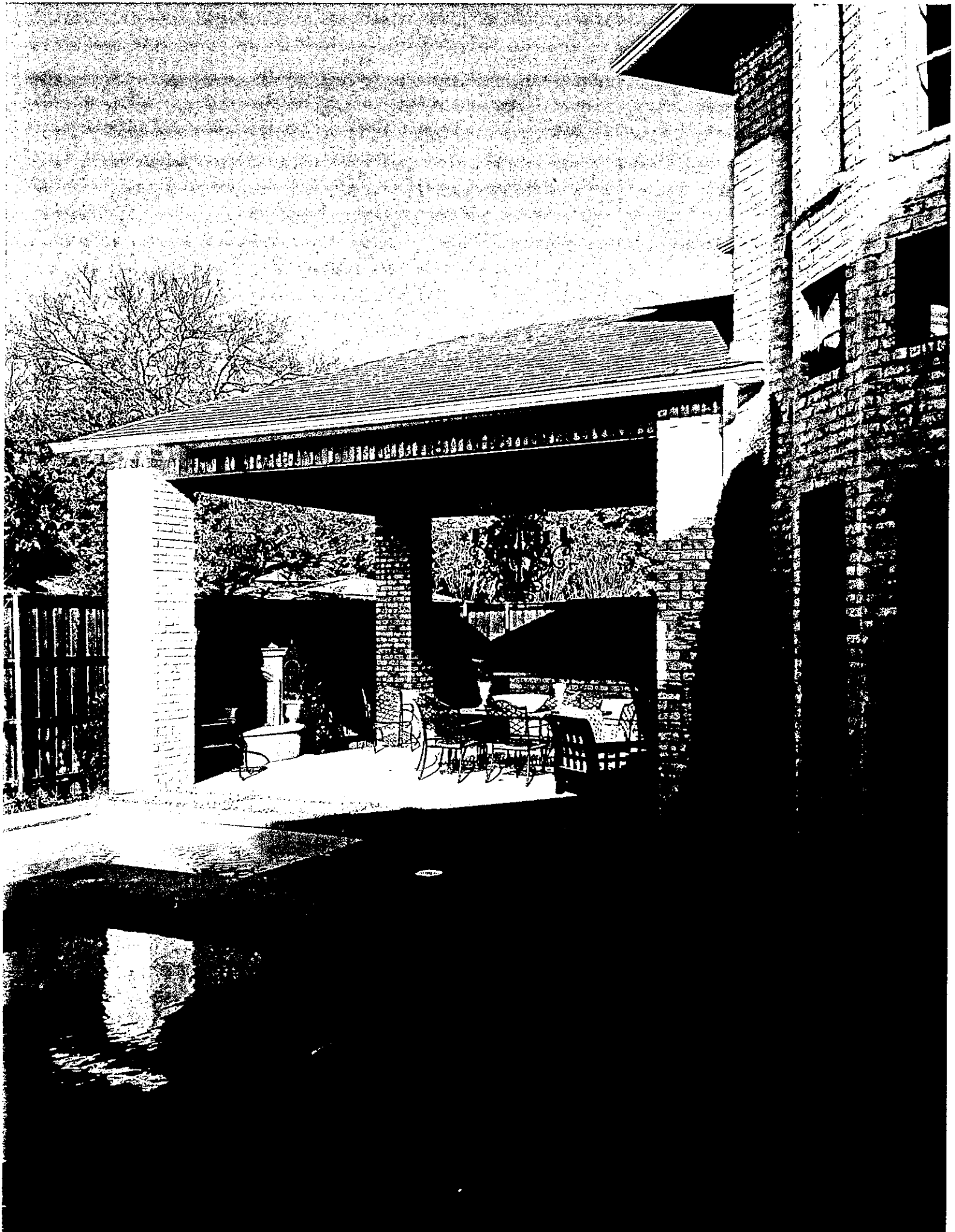
**Board of Adjustment Application**  
**5810 Meadow Crest Dr.**  
**March 21, 2013**

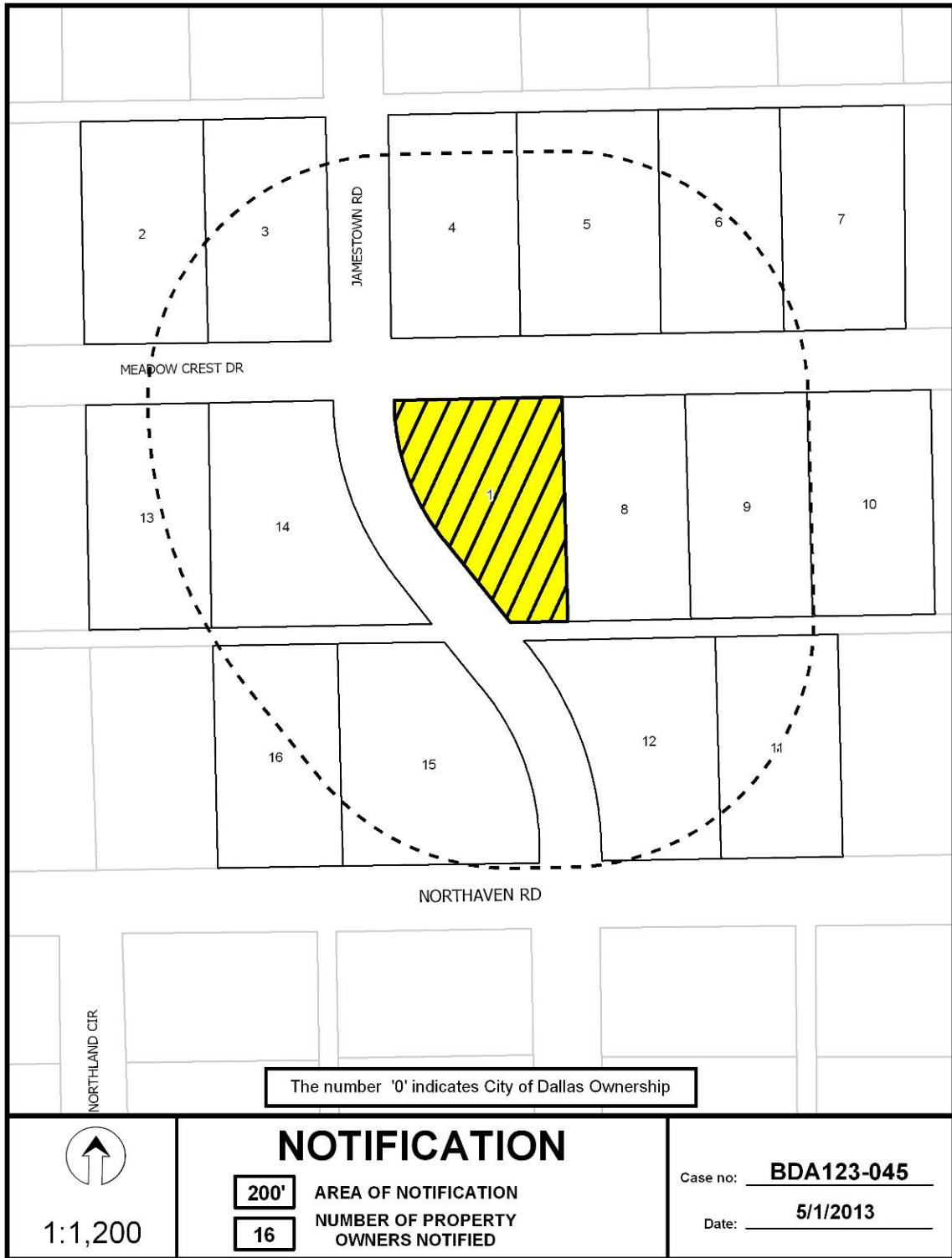
Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the describe appeal for the following reason:

- 1) The lot is irregular in shape with the back yard area only 47.04 feet wide. The front yard area is 137.38 feet wide.
- 2) Because of the lot configuration and location of the house, the side yard area along Jamestown Road functions as a back yard. The side yard area along Jamestown is relatively narrow and limits the placement of a swimming pool and covered patio area. No other lot in the area has this restricted lot configuration.
- 3) The 6.2-foot side yard variance is necessary in order to allow an existing open-air pavilion to remain.
- 4) After he bought the house, the current property owner hired a contractor to construct an open-air pavilion next to the existing pool, which would connect with the house. The owner was unaware that the contractor failed to get a building permit and proceeded to construct the pavilion into the side yard setback along Jamestown Road. The contractor has vanished and the owner has not been able to contact him.
- 5) The open-air pavilion is one story and architecturally compatible with the existing home. The colors, brick, roof pitch, and singles are all consistent with the materials used on the house.









## ***Notification List of Property Owners***

### ***BDA123-045***

#### ***16 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	5810 MEADOWCREST DR	WATSON KIRK A
2	5715 MEADOWCREST DR	GUTHNECK BARBARA T
3	5723 MEADOWCREST DR	HOWELL ANGELA T MICHAEL E HOWELL
4	5807 MEADOWCREST DR	KEED LORRAINE FORSYTH
5	5815 MEADOWCREST DR	JONES THOMAS P & DENISE K
6	5823 MEADOWCREST DR	SHIVER FREDERICK H
7	5831 MEADOWCREST DR	BEARDEN LISA
8	5818 MEADOWCREST DR	JENKENS LYSSA &
9	5824 MEADOWCREST DR	HARRIS MARY GENEVIEVE
10	5832 MEADOWCREST DR	WIDEMAN MATTHEW R & KELLEY
11	5915 NORTHAVEN RD	ARNOLD JUDY
12	5907 NORTHAVEN RD	CHU DENNIS T
13	5714 MEADOWCREST DR	WINN JANICE L
14	5722 MEADOWCREST DR	FAULKNER ADRIENNE A
15	5831 NORTHAVEN RD	TANOOMAND GUILTY & SHARIFADDIN SOKHANSANJ
16	5821 NORTHAVEN RD	STEVEN E BOX CO