

TUESDAY, AUGUST 20, 2013
AGENDA

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

Neva Dean, Interim Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEM

Approval of the Tuesday, June 18, 2013 Board of Adjustment Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA 123-068	3302 Swiss Circle (aka: 3302 Floyd Street) REQUEST: Application of Robert Baldwin for a variance to the off-street parking regulations	1
BDA 123-072	2235 Madera Street REQUEST: Application of Robert V. Hunt for a variance to the front yard setback regulations	2
BDA 123-075	2736 Southwood Drive REQUEST: Application of Mary Ann Caruth for a special exception for the handicapped to the side yard setback regulations	3
BDA 123-079	6858 Burwood Lane REQUEST: Application of Peter Anastopulos for a variance to the rear yard setback regulations	4

REGULAR CASE

BDA 123-076	4932 Cedar Springs Road REQUEST: Application of Bryan Hull for a variance to the front yard setback regulations	5
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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 June 18, 2013 public hearing minutes.

FILE NUMBER: BDA 123-068

BUILDING OFFICIAL'S REPORT: Application of Robert Baldwin for a variance to the off-street parking regulations at 3302 Swiss Circle (aka: 3302 Floyd Street). This property is more fully described as Tract 2, an unplatted 0.10 acre tract of land in Block 750 and is zoned PD-298 (Subarea 12), which requires off-street parking to be provided. The applicant proposes to maintain a structure for a restaurant without drive-in or drive-through service use and provide 23 of the required 46 parking spaces, which will require a 23 space variance (50% reduction) to the off-street parking regulations.

LOCATION: 3302 Swiss Circle (aka: 3302 Floyd Street)

APPLICANT: Robert Baldwin

REQUEST:

A variance to the off-street parking regulations of 23 spaces is requested in conjunction with leasing and maintaining a vacant approximately 4,600 square foot structure with a restaurant use where the applicant proposes to provide 23 (or 50 percent) of the required 46 required off-street parking spaces.

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

Rationale:

- The lot's irregular shape and restrictive area of 0.10 acres (or approximately 4,300 square feet) that is developed with an approximately 4,600 square foot structure built in the 20's preclude the applicant from developing it in a manner commensurate with other developments found on similarly-zoned PD 298 (Subarea 12) lots.
- The applicant states that his research has revealed that the only use that can be put back on the site and meet the parking requirements is a church use.
- Granting this variance does not appear to be contrary to public interest since the Sustainable Development and Construction Department Engineering Division Assistant Director has indicated with no objections to the request.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	PD 298 (Subarea 12) (Planned Development District)
<u>North:</u>	PD 298 (Subarea 12) (Planned Development District)
<u>South:</u>	PD 298 (Subarea 12A) (Planned Development District)
<u>East:</u>	PD 298 (Subarea 12) (Planned Development District)
<u>West:</u>	PD 298 (Subarea 12) (Planned Development District)

Land Use:

The subject site is developed with vacant structure. The area to the north is developed with office uses; the area to the east is developed as a private parking garage; the area to the south is developed with a surface parking lot; and the area to the west is developed a vacant structure.

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:

- May 15, 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.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 5, 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 July 31st deadline to

submit additional evidence for staff to factor into their analysis; and the August 9th 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 requests; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim 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.

August 7, 2013: The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."

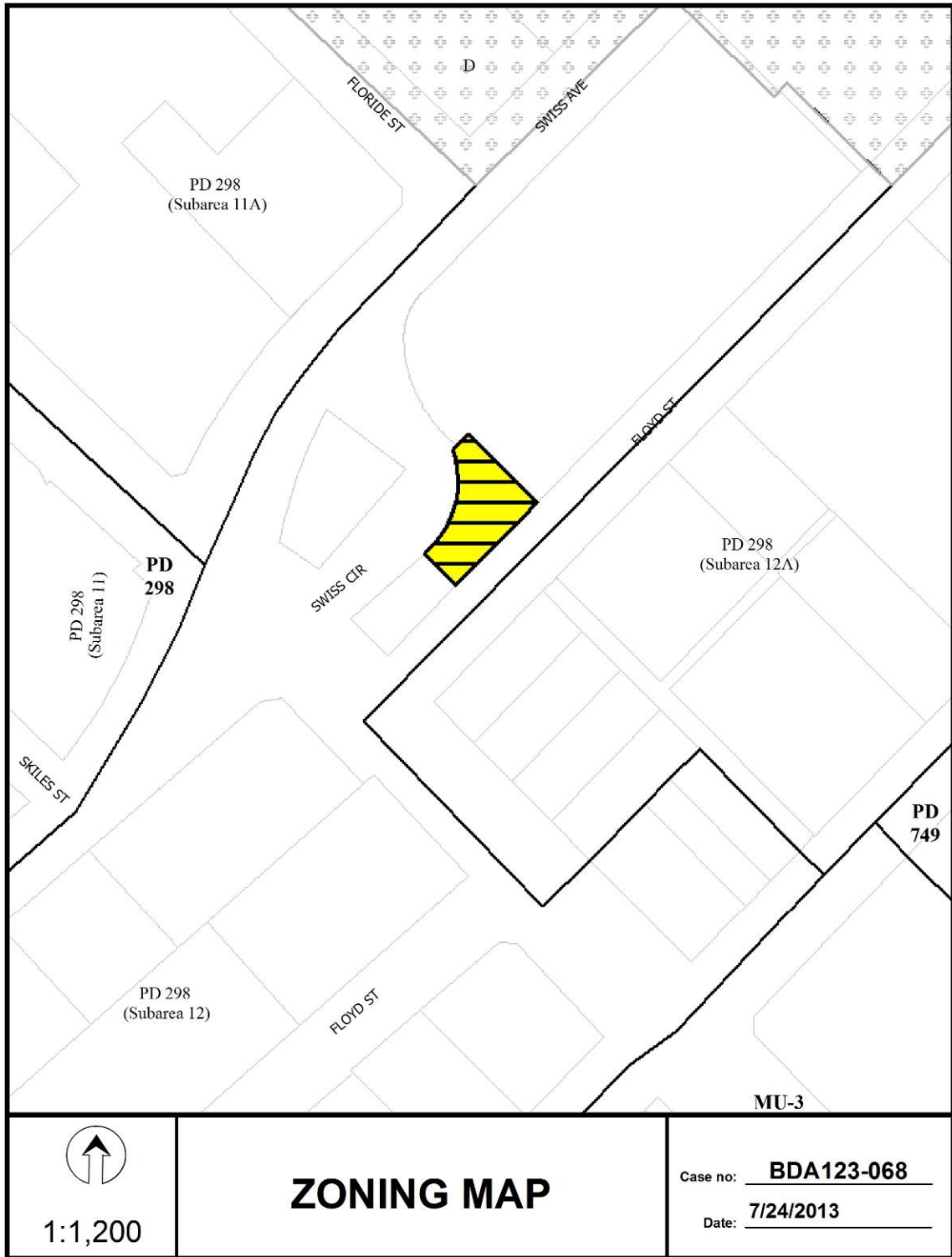
August 9, 2013: The applicant sent an email to the Board Administrator that stated (among other things) that his research has revealed that the only use that can be put back on the site and meet the parking requirements is a church use.

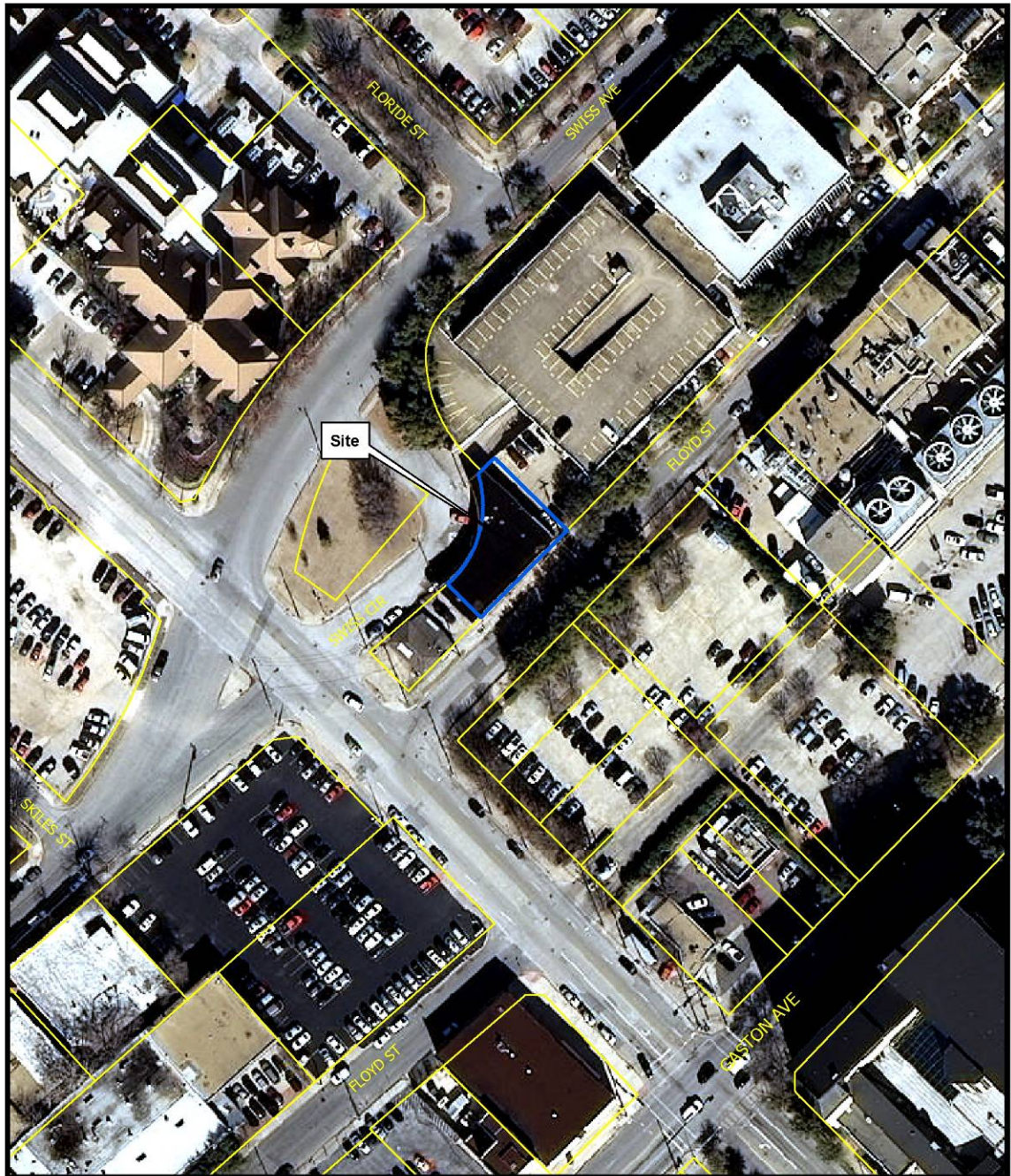
GENERAL FACTS/ STAFF ANALYSIS:

- This request focuses on leasing and maintaining a vacant approximately 4,600 square foot structure with a restaurant use where the applicant proposes to provide 23 (or 50 percent) of the required 46 required off-street parking spaces.
- The subject site is zoned PD 298 (Subarea 12). The parking requirements state that the parking provisions of Chapter 51A apply in the Bryan Area SPD except as modified in the ordinance. While the ordinance makes certain modifications to off-street parking required for large scale mixed use developments, and certain other specific uses in subareas other than Subarea 12, no specific off-street parking requirement is made for a restaurant use on properties in Subarea 12. Therefore the off-street parking requirement for "restaurant" use is one space per 100 square feet of floor area.
- Dallas Development Code Section 51A-4.311(a)(1) states that 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; and that 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 already existing nonconforming rights.

- Therefore, because the applicant's off-street parking reduction request for the proposed restaurant use is more than 25 percent, the applicant may only apply for a *variance* and only the variance standard applies on this request to reduce the off-street parking regulations for restaurant use.
- The submitted application and related documents state that the request is for a parking variance of 23 parking spaces which is 50 percent of the total amount required.
- The site is flat, irregular in shape, and according to the application, is 0.10 acres (or approximately 4,300 square feet) in area. The site is zoned PD 298 (Subarea 12). The property with two street frontages has two front yard setbacks as any property with two street frontages would that is not zoned agricultural, single family, or duplex.
- DCAD records indicate that the improvements at 3302 Floyd Street are a "retail strip" with 5,064 square feet built in 1920.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations of will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site (that differs from other parcels of land by being of such a restrictive area, shape, or slope) that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 298 (Subarea 12) 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 PD 298 (Subarea 12) zoning classification.
- The Sustainable Development and Construction Department Engineering Division Assistant Director submitted a review comment sheet marked "Has no objections."





1:1,200

AERIAL MAP

Case no: BDA123-068

Date: 7/24/2013

Baldwin
Associates

July 29, 2013

Mr. Steve Long
City of Dallas
Department of Development Services
City Hall
1500 Marilla Street, Room 5BN
Dallas, TX 75201-6390

Re: Board of Adjustment Case BDA 123-068, 3302 Swiss Circle (AKA 3302
Floyd Street)

Dear Mr. Long;

This firm is working with the owner of the property known as 3302 Swiss Circle in their efforts to seek a variance to the City of Dallas off-street parking requirements. Specifically, we are seeking a variance of 23 off-street parking spaces (50% of the required parking for the building).

The property, that is subject to this request, is an approximately 5,000 square foot retail building that is located on Swiss Circle, near the intersection of Hall Street. This building was built in 1920 and has historically been used as a restaurant, offices and light industrial uses. According to the Dallas Historical Society, Bonnie Parker, from the Bonnie and Clyde gang, worked at this restaurant in the early 1930s when it was known as Hargrove Café. One can still see the Coca Cola sign on the side of the building referencing the café that used to occupy this space.

Since this property was built in 1920, it was not built with any off-street parking spaces. As you can see from the attached aerial photo, the building takes up the entire lot and there is no opportunity to put any parking spaces on the site. There are metered on-street parking spaces immediately adjacent to the building and at least two commercial parking lots within 220 feet walking distance to the building. There is also meter on

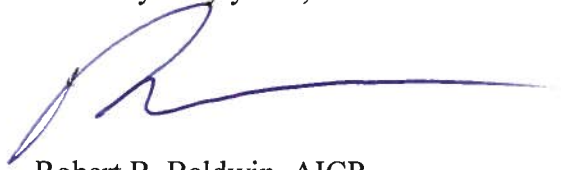
We have hired the transportation engineering firm of The DeShazo Group to perform a parking analysis on this site and they have concluded that this request is reasonable given the availability of on-street and commercial parking in the immediate vicinity, coupled with the fact that given the property's proximity to Baylor Medical Center, many of the patrons would walk to the site. I have attached the DeShazo Report to this letter for your review.

The prospective buyer of the building is interested in maintaining the historical use and appearance of the building. In order for that to happen, this variance is required

as there is no way to put any parking on the property without removing the existing structure.

Thank you for your assistance with this matter. If you have any questions or need any additional information, please do not hesitate to call me.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'R. Baldwin', with a long horizontal flourish extending to the right.

Robert B. Baldwin, AICP



Traffic. Transportation Planning. Parking. Design.

400 S. Houston Street, Suite 330
Dallas, TX 75202
214.748.6740 ♦ Fax: 214.748.7037
deshazogroup.com

July 29, 2013

Mr. Robert Baldwin
Baldwin Planning, LLC
3904 Elm Street, Suite B
Dallas, Texas 75206

RE: Review of Application for Parking Variance for 3302 Floyd Street
DeShazo Project Number 13064

Dear Mr. Baldwin:

Pursuant to your request, DeShazo Group, Inc. has reviewed the parking elements of the parking variance request for the property located at 3302 Floyd Street in Dallas, Texas. A summary of our assessment follows.

The 4,750-square foot lot subject site contains a single-story, 4,605-square feet commercial building. Since the building essentially covers the entire site and no parking is provided internally, the site provides no off-street parking spaces. [NOTE: At the time of construction in the early 1900's, it was common for commercial building coverage to utilize the full lot. No formal parking requirement was in place at that time.] The building has remained vacant for approximately the past two years.

The site and building provides frontage on both Floyd Street and Swiss Circle. It is located just southeast of Swiss Avenue and northeast of Hall Street – in the vicinity of the Baylor University Medical Center (BUMC) campus. Immediately adjacent to the property on the northeast side is a small private parking lot that adjoins a multilevel parking garage (which serves a medical office building); immediately southwest of the property is a stand-alone, single-story commercial building. Across Swiss Circle from the site is a vacant parcel (currently this site is open, greenspace); across Floyd Street is a private surface parking lot serving BUMC. Swiss Circle is approximately thirty feet (30') in width and provides limited on-street parking spaces (about five) with no time restrictions or meters; Floyd Street is also approximately thirty feet (30') in width, but on-street parking is restricted immediately adjacent to the site (metered on-street parking is provided northeast of the subject site). Other metered on-street parking is provided along Swiss Avenue (northeast and southwest of the site) and along Hall Street (northwest and southeast of the site). Based upon observations conducted in the vicinity of the site, most of the metered parking northeast of Hall Street and southeast of Swiss Avenue is highly utilized, the metered spaces on Hall Street northwest of Swiss Avenue (about 35 parking spaces) and the metered spaces on Swiss Avenue southwest of Hall Street (six spaces) appear to have low utilization. It appears that ten or more metered parking spaces could be added along the north side of Floyd Street in

the immediate vicinity of the subject site, if needed. Exhibit 1 graphically summarizes the existing on-street parking within convenient walking distance of the site.

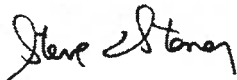
Existing zoning for the property is PD 298-Bryan Place Special Purpose District, Subarea 12; therefore, parking requirements are as defined in Chapter 51A of Dallas Development Code (i.e., no special reductions from PD 298 apply to this property). Based upon information provided by you, the building has contained various commercial uses during its history, including restaurant and church. In the past, the building was granted a "delta theory" credit -- see Dallas Development Code, Chapter 51A-4.704(b)(4)(B) -- for the full amount of parking required for the restaurant use (46 parking spaces). However, due to subsequent use changes, the current delta credit is approximately six (6) spaces. Now, a restaurant use is again proposed for the building, so the base parking requirement would change back to 46 off-street parking spaces, less the remaining delta credit. [NOTE: It is our understanding that any delta credits are applied AFTER other code reductions.]

The subject site is allowed to request a Parking Variance for up to 50% of the code parking requirement - or, 23 spaces out of 46 required, for this development. Approval of Parking Variance is subject to the discretion of the City of Dallas Board of Adjustments. Under the requested scenario, parking would be served by the various on-street parking spaces in the vicinity of the site. Another consideration is the fact that a proposed restaurant use would generate a significant amount of its patronage from the surrounding area, and many of those customers would walk to the site rather than drive. As a result, parking demand would likely be significantly less than if the site were located in a less urbanized area.

In summary, the subject site would normally be required to provide 46 parking spaces when occupied as a restaurant use. The site contains no off-street parking due to the full-site coverage by the building, so a Parking Variance for 23 spaces (the maximum allowed) is being requested. Due to the propensity of walking trips from the surrounding community to the site as a restaurant use, and the existing availability of low-utilized metered parking spaces within convenient walking distance from the site, the consideration of the Variance is considered to be a reasonable request.

Sincerely,

DeSHAZO GROUP, INC.



Steve E. Stoner, P.E., PTOE - Principal

Cc: Mr. Barry Hancock - Cienda Partners, LP

Attachments:

> ALTA/ACSM Land Title Survey

> Exhibit 1 - Summary of On-Street Parking in Vicinity of Site at 3302 Floyd Street

ALTA/ACSM LAND TITLE SURVEY

DESCRIPTION OF PROPERTY SURVEYED

BEGINNING east of City of Dallas Block 750 and being that same part of land conveyed to H. S. Colburn, Robert L. Perry and Louis Jacobson by Warranty Deed recorded in Volume 2635, Page 277, Deed Records, Dallas County, Texas and being that same tract of land surveyed to Marilyn C. Gutzman for Record Warranty Deed recorded in Volume 69238, Page 2483 and Volume 85043, Page 2445, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at and to "0" found out in concrete at the most westerly corner of said Marilyn C. Gutzman tract, same being the most southerly corner of Lot 1, Block A/750, SWISS MEDICULIND ADDITION, 2000/11923 OFFCCT, an addition to the City of Dallas, recorded instrument No. 2008011825, of the Official Public Records of Dallas County, Texas.

THENCE S 45°20'00" W with the southeast line of said Marilyn C. Gutzman tract, same being the northern line of Floyd Street (a 50' FLOYD) a distance of 93.27 feet to a 608 rail found for corner of a building corner and being the most southerly corner of said Marilyn C. Gutzman tract, same being the most westerly corner of a tract and conveyed to Floyd Beal by deed recorded in Volume 20152, Page 5094, Deed Records, Dallas County, Texas.

THENCE N 4°14'14" W with the northeast line of said two story brick building, same being the northern line of said Marilyn C. Gutzman and Floyd Beal tracts, a distance of 28.29 feet to the most westerly corner of said two story brick building, same being the most northerly corner corner of said Floyd Beal tract and the most westerly corner of said Marilyn C. Gutzman tract.

THENCE N 50°28'40" E, with a northwester line of said two story brick building, same being the southerly line of Swiss Circle (a 50' SWISS) a distance of 17.82 feet to an angle point in said two story brick building and being the beginning of a curve to the left having a radius of 34.73 feet, a central angle of 83°08'57" and a chord bearing N 08°53'32" E, 72.83 feet.

THENCE, northerly with said curve to the left, being the common line of said Swiss and Circle and the closing westerly line of said Marilyn C. Gutzman tract, an arc distance of 79.38 feet to a point for corner of said two story brick building.

THENCE N 8°18'00" E with the northwesterly line of said Marilyn C. Gutzman tract, existing at a distance of 0.91 feet a corner of said Lot 1 into the northwest line of said Marilyn C. Gutzman tract, a distance of 17.82 feet to the northwest line of said Marilyn C. Gutzman tract, a most distance of 17.82 feet to an "0" found out in concrete at the corner.

THENCE S 44°36'00" E with the common line of said Lot 1 and the northern line of said Marilyn C. Gutzman tract, a distance of 79.38 feet to **POINT OF BEGINNING** and containing 4.150 square feet or 0.09 Acres of land more or less.

2011 ALTA CERTIFICATION

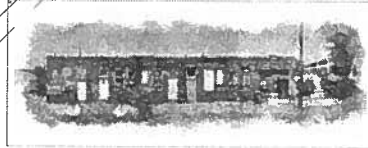
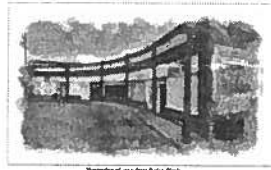
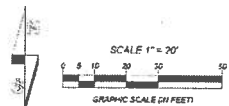
To: Barry Hancock Republic Title of Texas, Inc. GF, 1002-4468-R/T/ (effective date February 12, 2013)

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standards Lateral Requirements for ALTA/ACSM Land Title Surveys, jointly established and published by AS, FA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b), 8, 9, 11(a), 13, 14, and 18 of Table A thereof. The SAU work was completed on March 9, 2013.



W.R. Lee
 Registered Professional Land Surveyor No. 2638
 Survey dated March 9, 2013.

NOTES:
 1. All measurements were taken with a Leica total station and were reduced to mean sea level.
 2. The survey was based on a bench mark established in 1988 and other bench marks located on an area of the City of Dallas.
 3. The survey was based on a bench mark established in 1988 and other bench marks located on an area of the City of Dallas.
 4. The survey was based on a bench mark established in 1988 and other bench marks located on an area of the City of Dallas.
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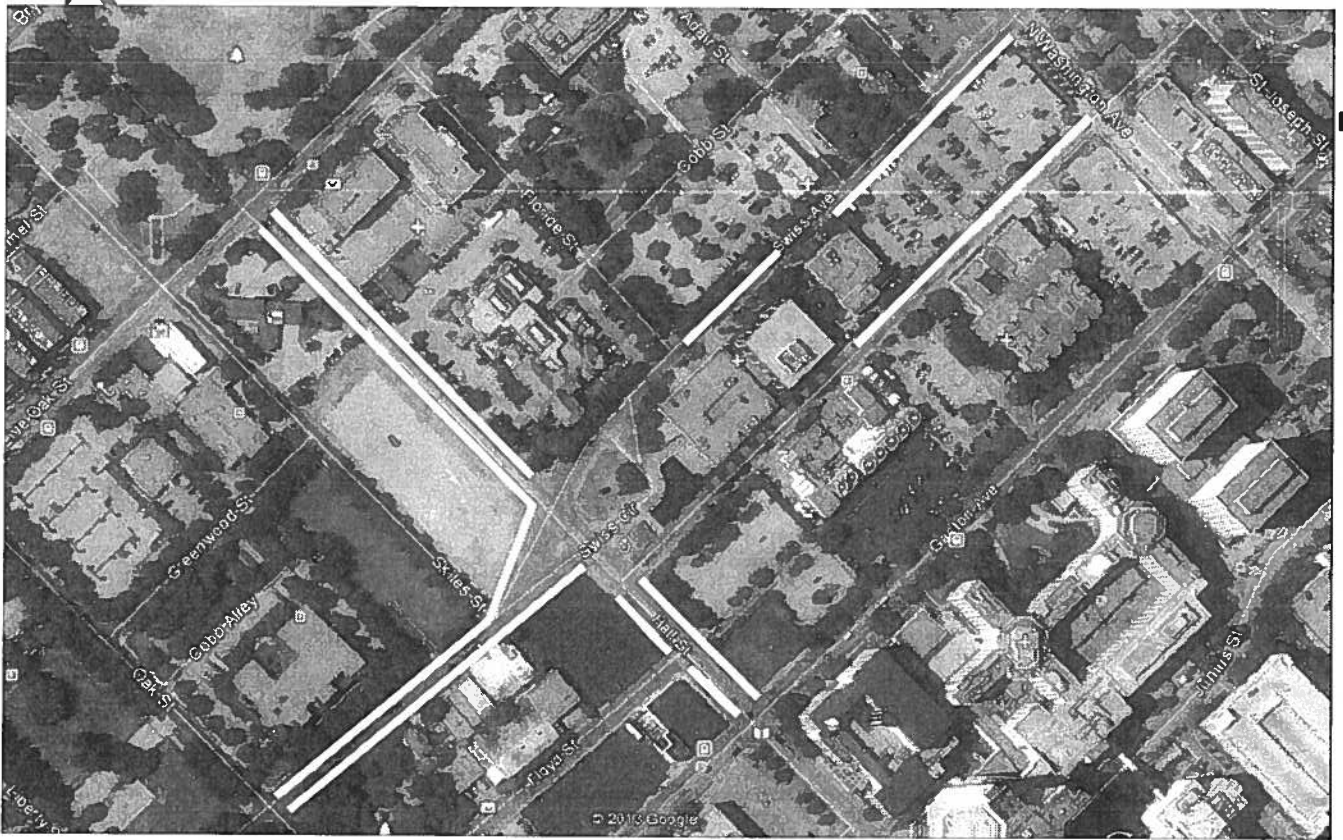
Legend of Symbols

Circle with dot	Corner Monument	Circle with cross	Building Footing
Circle with 'x'	Iron Pipe	Circle with 'x'	Found Linc
Circle with 'x'	Iron Pipe	Circle with 'x'	Found Linc
Circle with 'x'	Iron Pipe	Circle with 'x'	Found Linc
Circle with 'x'	Iron Pipe	Circle with 'x'	Found Linc

By a sketch of being the property as shown hereon and being the subject of this survey, the surveyor certifies that the same is correct and true to the best of his knowledge and belief, and that the same is in accordance with the laws of the State of Texas, and that the same is in accordance with the laws of the State of Texas, and that the same is in accordance with the laws of the State of Texas.

SHIELDS & LEE
 SURVEYORS 1421 FERRELL AVENUE DALLAS TEXAS 75204
 Phone: (214) 542-8458 www.shieldsandlee.com
 3302 Floyd Street
 City of Dallas, Dallas County, Texas
 Job No. 102888

DeShazo Group



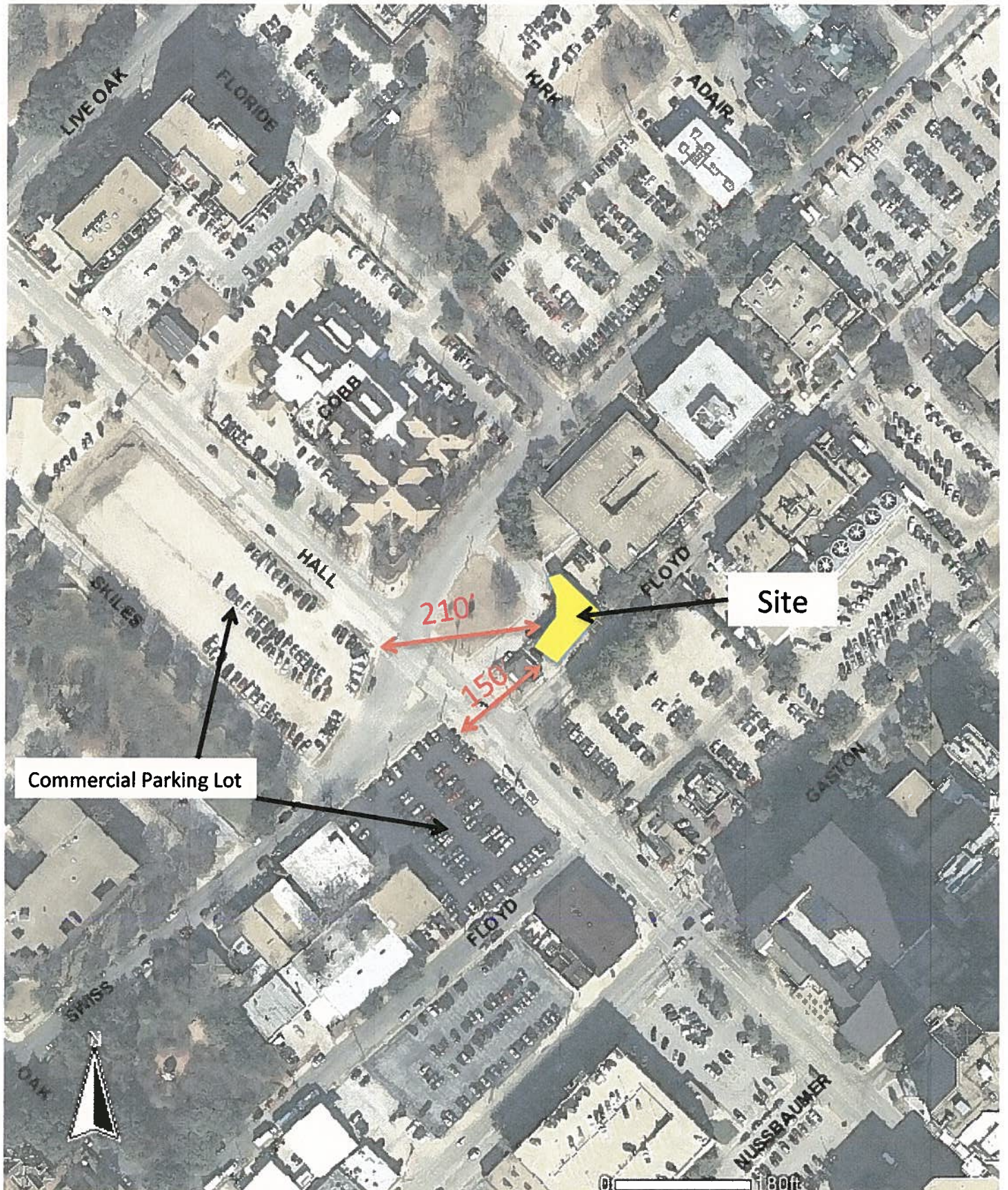
- Existing Nearby On-Street Parking
- - - Potential On-Street Parking

Site Location and Nearby On-Street Parking Map

Floyd Street Study in Dallas, Texas

EXHIBIT
1

BDA 123-068









City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-068

Data Relative to Subject Property:

Date: May 15, 2013

Location address: 3302 Swiss Circle Zoning District: PD298 Sub 12

Lot No.: TR 2 Block No.: 750 Acreage: .10 Census Tract: 22,00

Street Frontage (in Feet): 1) 97 2) 90 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

GC 27

Owner of Property (per Warranty Deed): Marilyn C. Golman

Applicant: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm St #B Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

Represented by: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm St #B Zip Code: 75226

E-mail Address: _____

Affirm that an appeal has been made for a Variance x, or Special Exception , of We are requesting a parking variance of 23 parking spaces which is 50% of the total amount required.

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 property was developed in 1920 and no parking was provided. The last use of the property was a church and office.

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

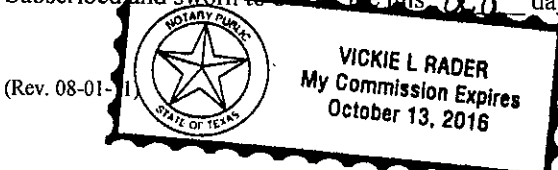
Affidavit

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

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

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

Subscribed and sworn to before me this 28th day of May 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

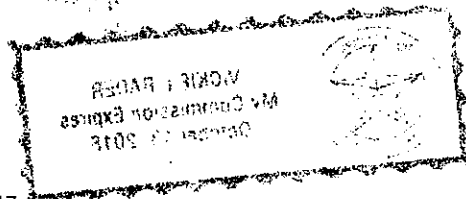
I hereby certify that Robert Baldwin

did submit a request for a variance to the parking regulations
at 3302 Swiss Circle

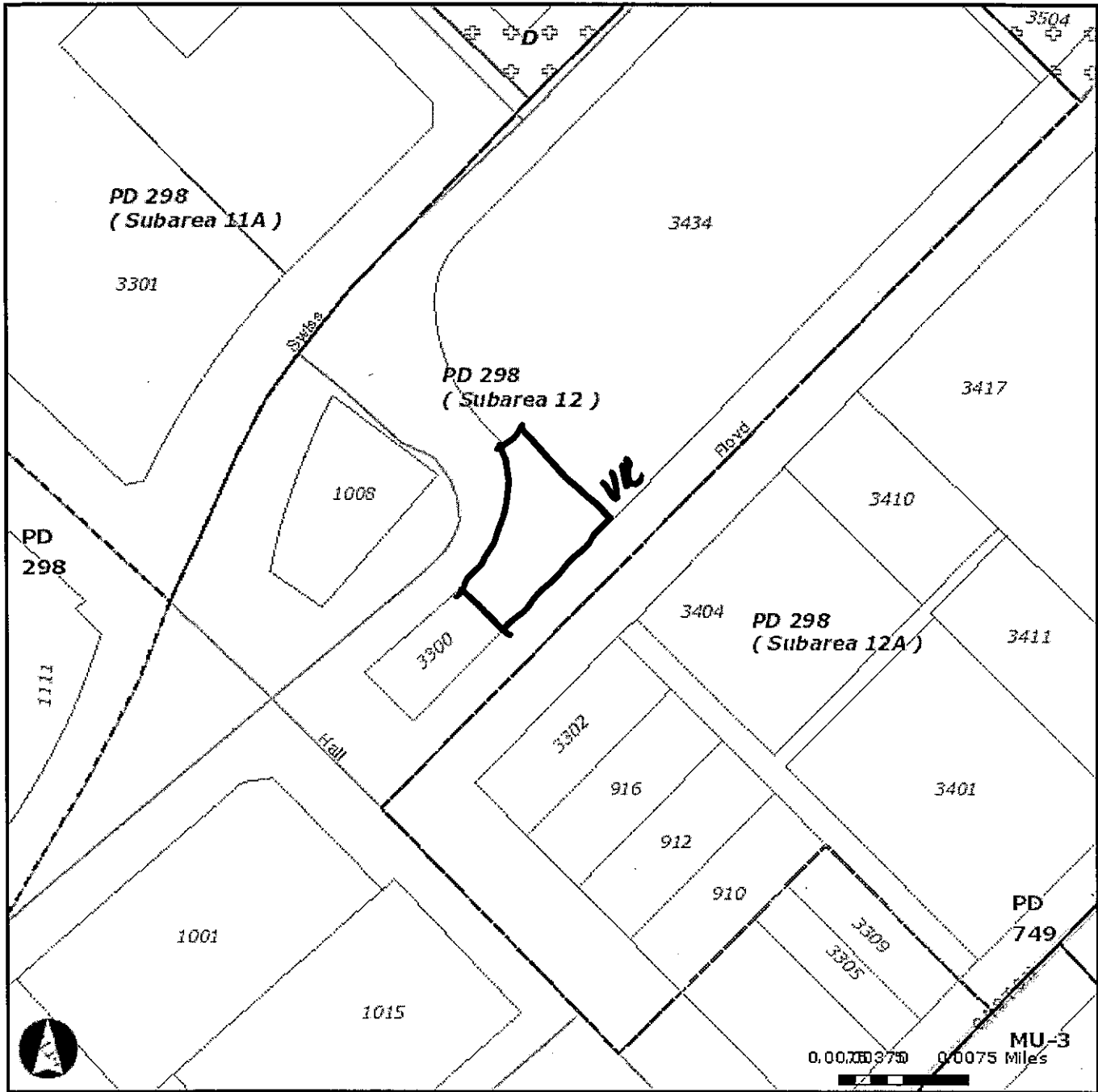
BDA123-068. Application of Robert Baldwin for a variance to the off-street parking regulations at 3302 Swiss Circle (aka: 3302 Floyd Street). This property is more fully described as Tract 2, an unplatted .10 acre tract of land in Block 750 and is zoned PD-298 (Subarea 12), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for a restaurant without drive-in or drive-through service use and provide 23 of the required 46 parking spaces by delta credits, which will require a 23 space variance (50% reduction) to the parking regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries



Certified Parcels



Deed Restrictions



SUP



Dry Overlay



Historic Overlay

BDA 123-068

Historic Subdistricts



NSO Overlay



NSO Subdistricts



MD Overlay



CD Subdistricts



PD Subdistricts



PD193 Oak Lawn

PDS Subdistricts



Base Zoning



Pedestrian Overlay



CP



SP

Environmental Corridors



Escarpment Overlay

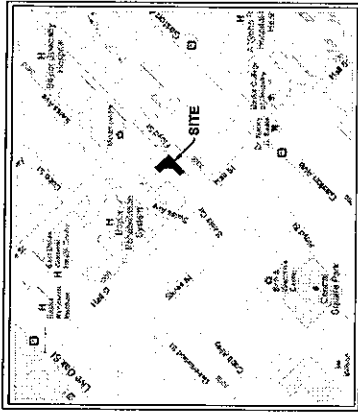
SPSD Overlay

CITY OF DALLAS, TEXAS
3302 SWISS CIR.

Baldwin
Associates

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

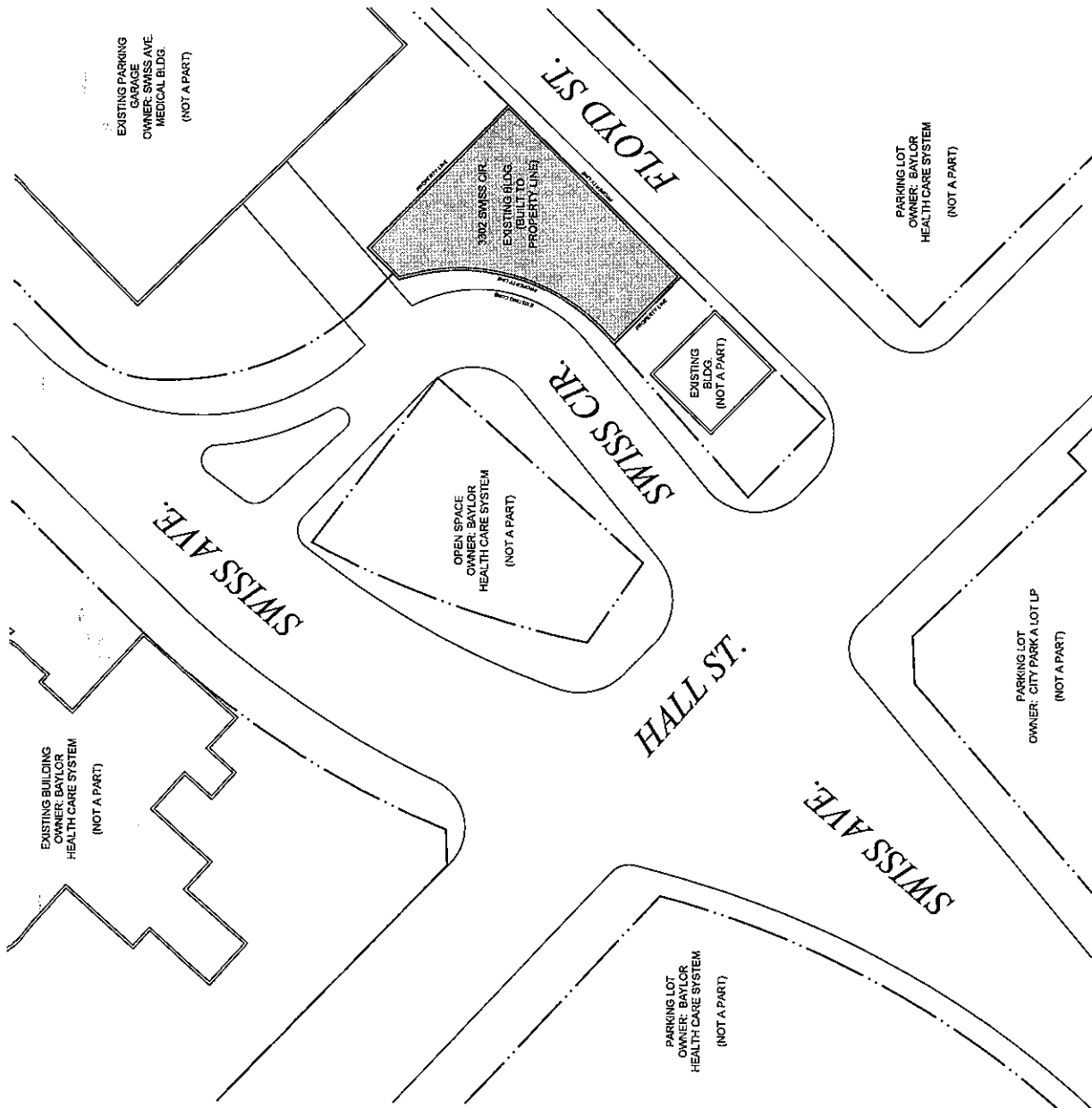
PROJECT NUMBER
05/29/13
CASE NUMBER



VICINITY MAP
NTS



CASE NUMBER:



BDA EXHIBIT
SCALE: 1" = 20'-0"



DRAFT

Traffic. Transportation Planning. Parking. Design.

400 S. Houston Street, Suite 330
Dallas, TX 75202
214.748.6740 + Fax: 214.748.7037
deshazogroup.com

April 15, 2013

Mr. Robert Baldwin
Baldwin Planning, LLC
3904 Elm Street, Suite B
Dallas, Texas 75206

RE: Review of Application for Parking Variance for 3302 Floyd Street
DeShazo Project Number 13064

Dear Mr. Baldwin:

Pursuant to your request, DeShazo Group, Inc. has reviewed the parking elements of the parking variance request for the property located at 3302 Floyd Street in Dallas, Texas. A summary of our assessment follows.

The 4,750-square foot lot subject site contains a single-story, 4,605-square feet commercial building. Since the building essentially covers the entire site and no parking is provided internally, the site provides no off-street parking spaces. [NOTE: At the time of construction in the early 1900's, it was common for commercial building coverage to utilize the full lot. No formal parking requirement was in place at that time.] The building has remained vacant since ____.

The site and building provides frontage on both Floyd Street and Swiss Circle. It is located just southeast of Swiss Avenue and northeast of Hall Street – in the vicinity of the Baylor University Medical Center (BUMC) campus. Immediately adjacent to the property on the northeast side is a small private parking lot that adjoins a multilevel parking garage (which serves a medical office building); immediately southwest of the property is a stand-alone, single-story commercial building. Across Swiss Circle from the site is a vacant parcel (currently this site is open, greenspace); across Floyd Street is a private surface parking lot serving BUMC. Swiss Circle is approximately thirty feet (30') in width and provides limited on-street parking spaces (about five) with no time restrictions or meters; Floyd Street is also approximately thirty feet (30') in width, but on-street parking is restricted immediately adjacent to the site (metered on-street parking is provided northeast of the subject site). Other metered on-street parking is provided along Swiss Avenue (northeast and southwest of the site) and along Hall Street (northwest and southeast of the site). Based upon observations conducted in the vicinity of the site, most of the metered parking northeast of Hall Street and southeast of Swiss Avenue is highly utilized, the metered spaces on Hall Street northwest of Swiss Avenue (about 35 parking spaces) and the metered spaces on Swiss Avenue southwest of Hall Street (six spaces) appear to have low utilization. It would appear that ten or more metered parking spaces could be added along the north side of Floyd Street in the immediate vicinity of the subject site, if needed.

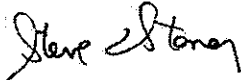
Existing zoning for the property is PD 298-Bryan Place Special Purpose District, Subarea 12; therefore, parking requirements are as defined in Chapter 51A of Dallas Development Code (i.e., no special reductions from PD 298 apply to this property). Based upon information provided by you, the building has contained various commercial uses during its history, including restaurant and retail. In the past, the building was granted a "delta theory" credit - see Dallas Development Code, Chapter 51A-4.704(b)(4)(B) - for the full amount of parking required for the restaurant use (46 parking spaces). However, when the building use was changed to retail, the parking requirement was reduced to 23 parking spaces and, consequently, the delta credit was permanently reduced to 23 spaces. Now, a restaurant use is proposed for the building, so the base parking requirement would change back to 46 off-street parking spaces (less the 23-space delta credit). But, since no off-street parking is provided to serve the property, the off-street parking requirement cannot be satisfied under existing conditions. Exhibit 1 graphically summarizes the existing on-street parking within convenient walking distance of the site.

The request for a Parking Variance is subject to the discretion of the City of Dallas Board of Adjustments. Approval of the variance request for all 46 required parking spaces would eliminate the need for a delta credit. Under the requested scenario, parking would be served by the various on-street parking spaces in the vicinity of the site. Another consideration is the fact that a proposed restaurant use would generate a significant amount of its patronage from the surrounding area, and many of those customers would walk to the site rather than drive. As a result, parking demand would likely be significantly less than if the site were located in a less urbanized area.

In summary, the subject site would be required to provide 46 parking spaces as a restaurant use. The site contains no off-street parking due to the full-site coverage by the building, so a Parking Variance for all 46 spaces is being requested. Due to the propensity of walking trips from the surrounding community to the site as a restaurant use, and the existing availability of low-utilized metered parking spaces within convenient walking distance from the site, the consideration of the Variance is considered to be a reasonable request.

Sincerely,

DeSHAZO GROUP, INC.



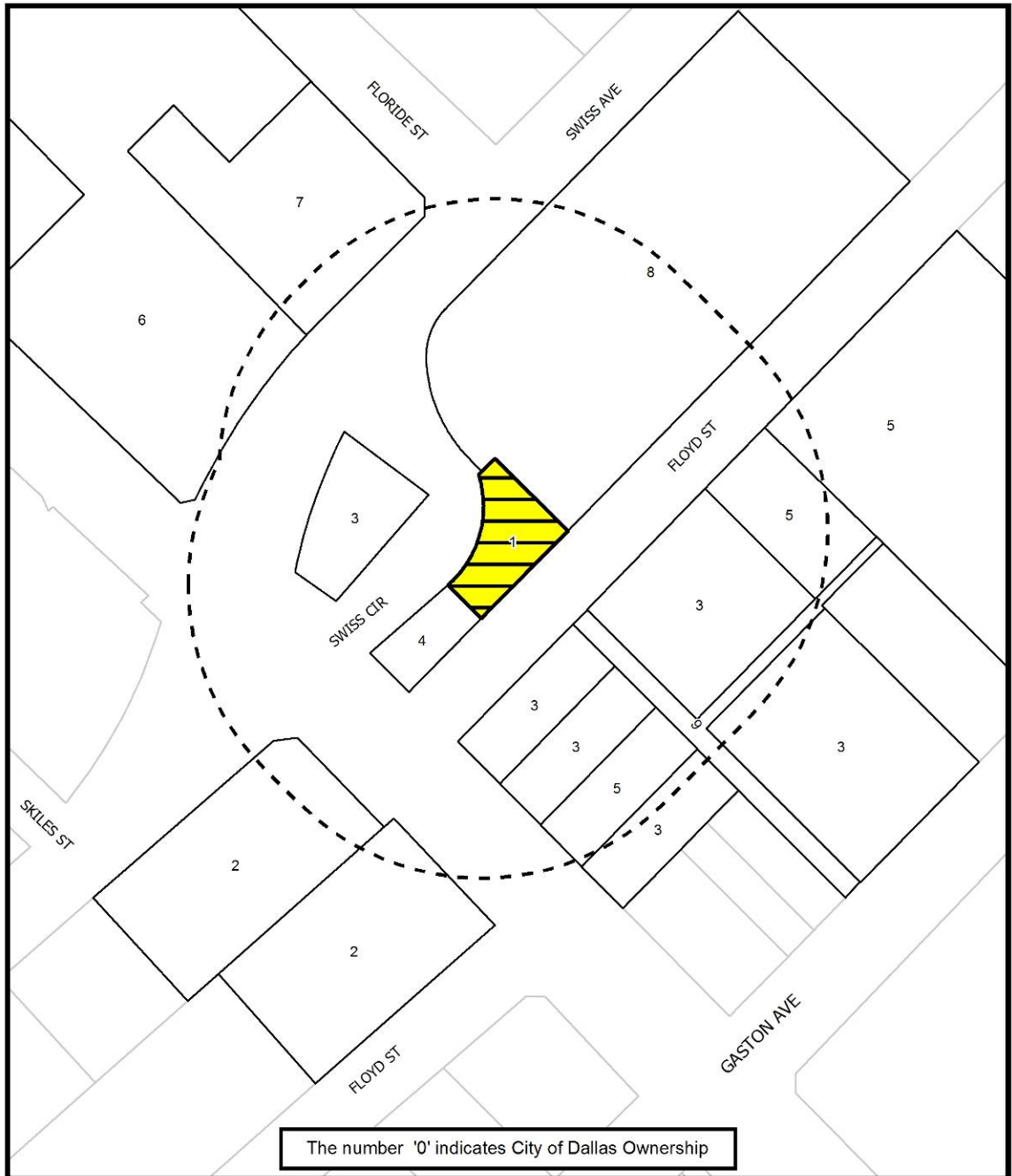
Steve E. Stoner, P.E., PTOE - Principal

Cc: Mr. Barry Hancock - Cienda Partners, LP

Attachments:

> ALTA/ACSM Land Title Survey

> Table 1 - Summary of Existing and Proposed Parking Requirement for 3302 Floyd Street



 1:1,200	<h2>NOTIFICATION</h2> <table border="1"> <tr> <td style="padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="padding: 2px;">9</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	9	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-068</u> Date: <u>7/24/2013</u>
200'	AREA OF NOTIFICATION					
9	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-068

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3302 FLOYD ST	GOLMAN MARILYN C
2	1001 HALL ST	CITY PARK A LOT LP
3	1008 HALL ST	BAYLOR HEALTH CARE SYSTEM
4	3300 SWISS CIR	BECKEL FLOYD
5	3417 GASTON AVE	BAYLOR UNIVERSITY MED CTR
6	3301 SWISS AVE	BAYLOR HEALTH CARE SYSTEM % BAYLOR CTR F
7	3301 SWISS AVE	BAYLOR UNIVERSITY MED CTR % BAYLOR CTR F
8	3434 SWISS AVE	SWISS AVE MEDICAL BLDG
9	3402 FLOYD ST	BAYLOR HEALTH CARE SYSTEM SUITE 2200

FILE NUMBER: BDA 123-072

BUILDING OFFICIAL'S REPORT: Application of Robert V. Hunt for a variance to the front yard setback regulations at 2235 Madera Street. This property is more fully described as Lot 2, Block D/1979 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a structure and provide a 14 foot front yard setback, which will require an 11 foot variance to the front yard setback regulations.

LOCATION: 2235 Madera Street

APPLICANT: Robert V. Hunt

REQUEST:

A variance to the front yard setback regulations of 11' is made in conjunction with replacing an existing approximately 1,100 square foot, one-story single family home built in (according to DCAD) 1922 with a two-story single family home with about a 3,100 square foot building footprint, part of which would be located in the site's Madera Avenue 25' front yard setback on the northeast side of the subject site. (No part of the proposed single family home is represented to be located in the site's Glencoe Avenue 25' front yard setback on the southwest).

STANDARD FOR A VARIANCE:

The Dallas Development Code Section 51A-3.102(d)(10) 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 compliance with the submitted site plan

Rationale:

- The lot’s restrictive area (encumbered by a lot size that is about 500 square feet less than other R-7.5(A) zoned lots and with two 25’ front yard setbacks) and irregular shape preclude its development in a manner commensurate with other developments found on similarly-zoned R-7.5(A) lots – which in this case, according to the applicant’s submittals, is a single family home that would have between 3,000 – 3,500 square feet of air-conditioned space. The length of development on this irregular shaped property once two 25’ front yard setbacks are accounted for ranges from about 65’ – 110’ in depth.
- Granting the variance does not appear to be contrary to the public interest. The applicant has submitted data and photographs showing the home on the site that he intends to replace provides a 14.5’ setback, and the homes adjacent to/across the street from the subject site provide setbacks ranging from approximately 8.5’ – 16’.

BACKGROUND INFORMATION:

Zoning:

- Site: R-7.5 (A) (Single family district 7,500 square feet)
- North: R-7.5 (A) (Single family district 7,500 square feet)
- South: PD 462 (Planned Development)
- East: R-7.5 (A) (Single family district 7,500 square feet)
- West: R-7.5 (A) (Single family district 7,500 square feet)

Land Use:

The subject site is developed with a single family home. The areas to the north, east, and west appear to be developed with residential uses; and the area to the south is undeveloped.

Zoning/BDA History:

1. BDA 112-060, Property at 2237 Madera Avenue (the lot immediately northwest of the subject site)

On June 20, 2012, the Board of Adjustment Panel B granted requests for variances to the front yard setback regulations of up to 18 feet and imposed to the submitted site plan as a condition to the request.

The case report stated that the requests were made in conjunction with in conjunction with replacing (according to DCAD) an existing approximately 1,500 square foot, one-story single family home with a two-story single family home that will have (according to the applicant) about 2,800 square foot of air-conditioned space, part of which would

2. BDA 056-245, Property at 2237 Madera Avenue (the lot immediately northwest of the subject site)

be located in the site's Madera Avenue 25' front yard setback on the northeast and the site's Glencoe Avenue 25' front yard setback on the southwest.

On November 15, 2006, the Board of Adjustment Panel B granted requests for variances to the front yard setback regulations of up to 17 feet and imposed to the submitted site plan as a condition to the request.

The case report stated that the requests were made in conjunction with either tearing down the existing one story structure and building a two story single family home, a stairwell in the Madera Street front yard setback and a garage in the Glencoe Street front yard setback; or reconstructing the existing home and adding a second floor over the footprint with two small additions: a stairwell in the Madera Street front yard setback and a garage in the Glencoe Street front yard setback.

Timeline:

- June 13, 2103: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 5, 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 July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 29, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).

August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim 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 additional review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS /STAFF ANALYSIS:

- This request focuses on replacing an existing one-story single family home with a two-story single family home, part of which will be located in one of the site's two 25' front yard setbacks (Madera Street) on a site that is a full "block-deep." (No part of the proposed single family home is represented to be located in the site's Glencoe Avenue 25' front yard setback on the southwest).
- A 25' front yard setback is required for properties zoned R-7.5(A).
- This site is deemed to have two front yard setbacks because the Dallas Development Code states the following with regard to front yard provisions for residential district:
 - If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. If access is prohibited on one frontage by plat or by the city, the following structures in the yard along that frontage are governed by the rear yard regulations: swimming pool, game courts, fences, garages, accessory storage buildings."
- The site is a full "block-deep" and since Building Inspection has interpreted that access to the site along Glencoe is NOT prohibited by plat or the city, the site has two 25' front yard setbacks.
- A site plan has been submitted indicating a structure/building footprint (roof eave) is as close as 14' from the Madera Street front property line (or 11' into the 25' front yard setback along Madera Street). No structure is proposed to be located in the Glencoe Street 25' front yard setback.
- According to calculations taken from the site plan by the Board Administrator approximately 240 square feet (or about 7 percent) of the proposed structure's approximately 3,100 square foot building footprint is to be located in the site's Madera Avenue front yard setback, and the length of development on this irregular shaped property once two 25' front yard setbacks are accounted for ranges from about 65' – 110' in depth.

- The site is flat, irregular in shape, and according to the application is 6,982 square feet in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area. The site has two 25' front yard setbacks. Most lots in R-7.5(A) zoning have one front yard setback.
- According to DCAD records, the “main improvement” at 2235 Madera Street is a structure built in 1922 with 1,068 square feet of living area; with no “additional improvements.”
- According to the applicant, the existing structure/house that he intends to replace provides a 14.5' setback. (The proposed structure/house is have a 14' setback).
- 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 to front yard setback regulations are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.
- If the Board were to grant the front yard variance request, imposing a condition whereby the applicant must comply with the submitted site plan, the structure in the front yard setback would be limited to that what is shown on the submitted plan – a structure that could be located close as 14' from the Madera Street front property line or 11' into this 25' front yard setback along Madera Street.

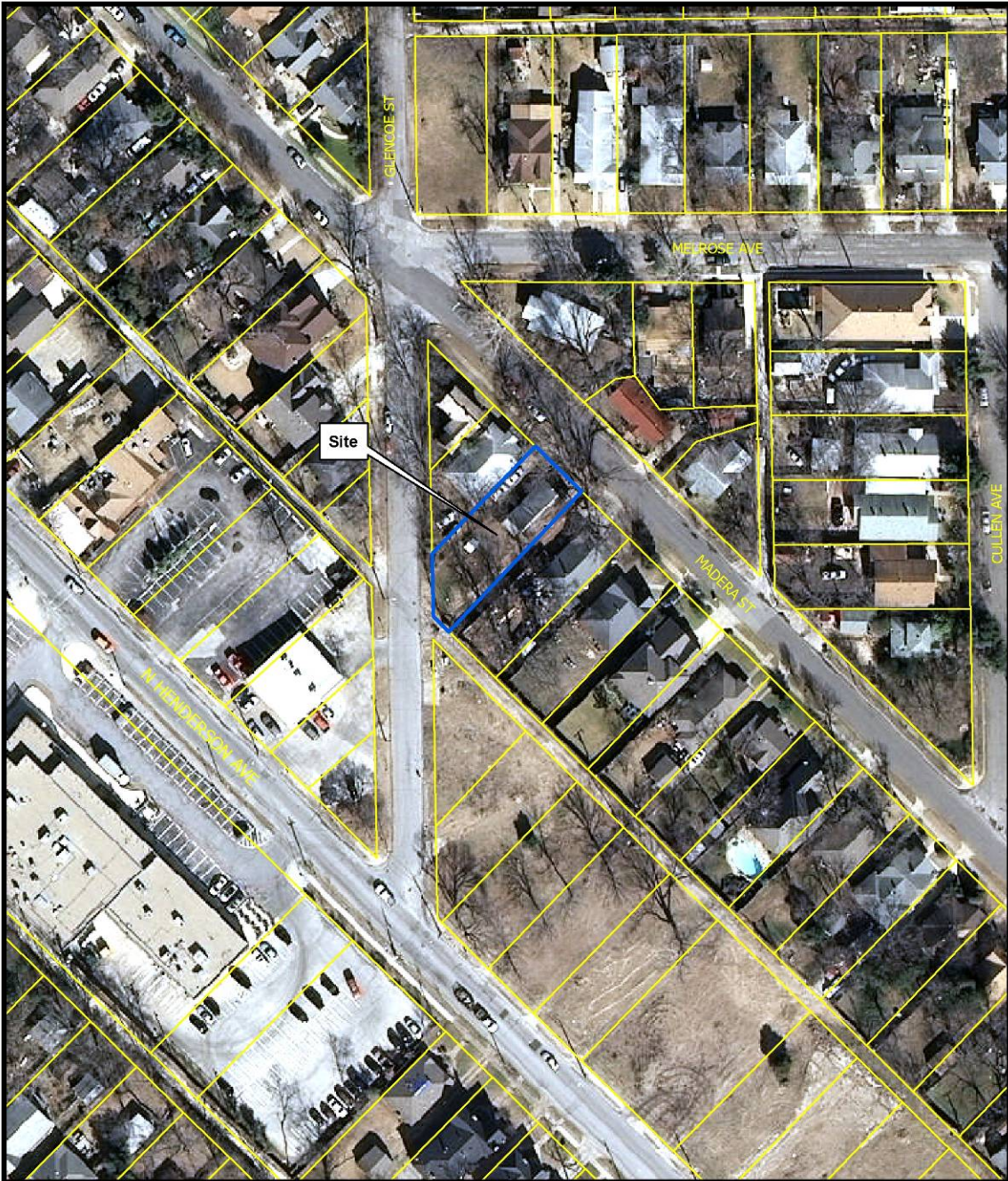


1:1,200

ZONING MAP

Case no: BDA123-072

Date: 7/24/2013



1:1,200

AERIAL MAP

Case no: BDA123-072

Date: 7/24/2013

**APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT
FOR VARIANCES
2235 MADERA STREET, DALLAS, TEXAS, 75206
July 29, 2013**

Currently I have a small 6,982 square foot irregularly shaped lot with a house that is an eye sore to the neighborhood. This lot is 93% of the **minimum** size required for the existing R-7.5 (A) zoning.

My request is as follows:

To tear down the existing home and to build an attractive, energy efficient new construction two story single family home. The total square footage of air-conditioned space will be between 3,000 and 3,500 square feet.

I am requesting a variance of 11 feet to the front yard setback on the Madera side (a 14 foot setback to the roof eave and a 16 foot setback to the foundation). This is the same variance that was granted for the property next door, 2237 Madera, which is now currently under construction and as shown on Exhibit A. The requested variance is also less than the existing house at 2235 Madera, which has 14.5 foot front yard setback and is shown on Exhibit B. This requested front yard setback does not trigger a visibility triangle issue as shown on the site plan.

The attached photos are intended to show the neighborhood context of the front yard setbacks of the houses adjacent to 2235 Madera (subject) and directly across the street. Also, the attached survey of 2242 Madera and 2232 Madera, directly across the street and labeled as Exhibit C show front yard setbacks to the foundation of 8.3 feet and 11.1 feet respectively.

Photo 1 is a front view of 2232 Madera, the home directly across the street from the subject. It is set back 11.1 as shown on Exhibit C.

Photo 2 is of the duplex at 2242 Madera almost directly across the street on the corner of Madera and Melrose. On the survey, Exhibit C, the set back to the foundation is 8.3 feet from Madera.

Photo 3 is a front view of 2228 Madera, just east of the home directly across the street. This home, like 2232 Madera next door to it to the west, also appears to have approximately a 11 foot setback.

DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

E-MAIL: robertvhunt@sbcglobal.net
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971

Photo 4 is a side view showing 2228 Madera in the foreground looking west toward Glencoe. This looks to be about a 11 foot setback.

Photo 5 is taken from the subject existing front porch looking west toward 2237 Madera, under construction (with a 14 foot setback to the roof eave) and the brick duplex further away on the corner of 2239 Madera at Glencoe.

Photo 6 is taken from 2237 Madera looking west and the brick duplex on the corner of 2239 Madera at Glencoe appears to be about 1 foot closer to Madera Street with the roof eave being about 3 feet closer.

In summary, as to neighborhood context, 2 contiguous homes and 3 across the street have front yard setbacks on Madera ranging from 8.3 feet to 16 feet to the foundation (14 feet to the roof eave).

As an observation, in the TH-3 zoning in the entire block on Melrose one block north, there is **NO** front yard setback required.

I am not asking for a side yard, rear yard, lot coverage, nor height variance.

There are three hardships associated with this lot causing the need for the requested variance:

- 1.) Due to the two front yard setbacks, one on Glencoe and one on Madera, the building envelope for this property is greatly reduced. After accounting for two 25' front yard setbacks, a length of only 68' is allowed for a building envelope on the West side versus a 100' depth on a normal 150' deep lot. This hardship also severely limits useable yard on the Glencoe side.
- 2.) The small non-conforming and irregularly shaped lot (6,982 ft) is approximately 93% of the minimum size of lot required in an R-7.5 zone.
- 3.) The irregular shape of the lot and no alley access provides an architectural and site planning challenge.

This home will be a nice attractive energy efficient addition to the neighborhood and a huge improvement over what is there now. This is a very exciting addition for this area!

Thank you for your consideration,

Robert Villareal Hunt, RVH Real Estate Opportunity Fund, LLC

DEVELOPMENT • INVESTMENT

PHONE: 214-824-5750

E-MAIL: robertvhunt@sbcglobal.net
5811 Gaston Avenue, Dallas, Texas, 75214

FAX: 214-821-3971

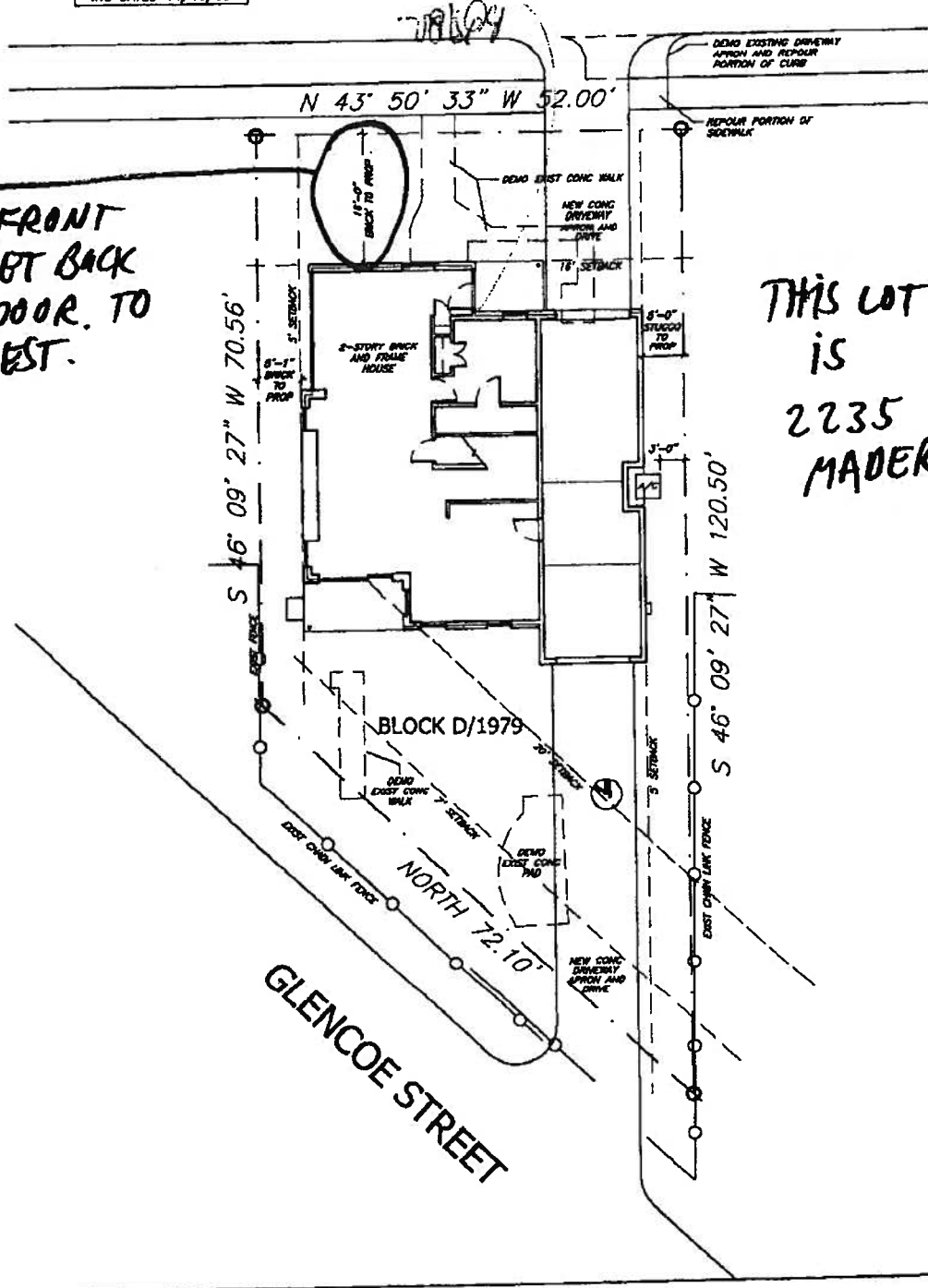
2237 MADERA AVENUE

EXHIBIT (A)

ALL SITE INFORMATION IS
BASED ON SURVEY BY
PRECISE LAND SURVEYING,
INC DATED 11/16/03

SAME FRONT
YARD SET BACK
NEXT DOOR TO
THE WEST.

THIS LOT
IS
2235
MADERA



parmadesign
 3102 swiss avenue
 dallas, tx 75204
 214 769 0318

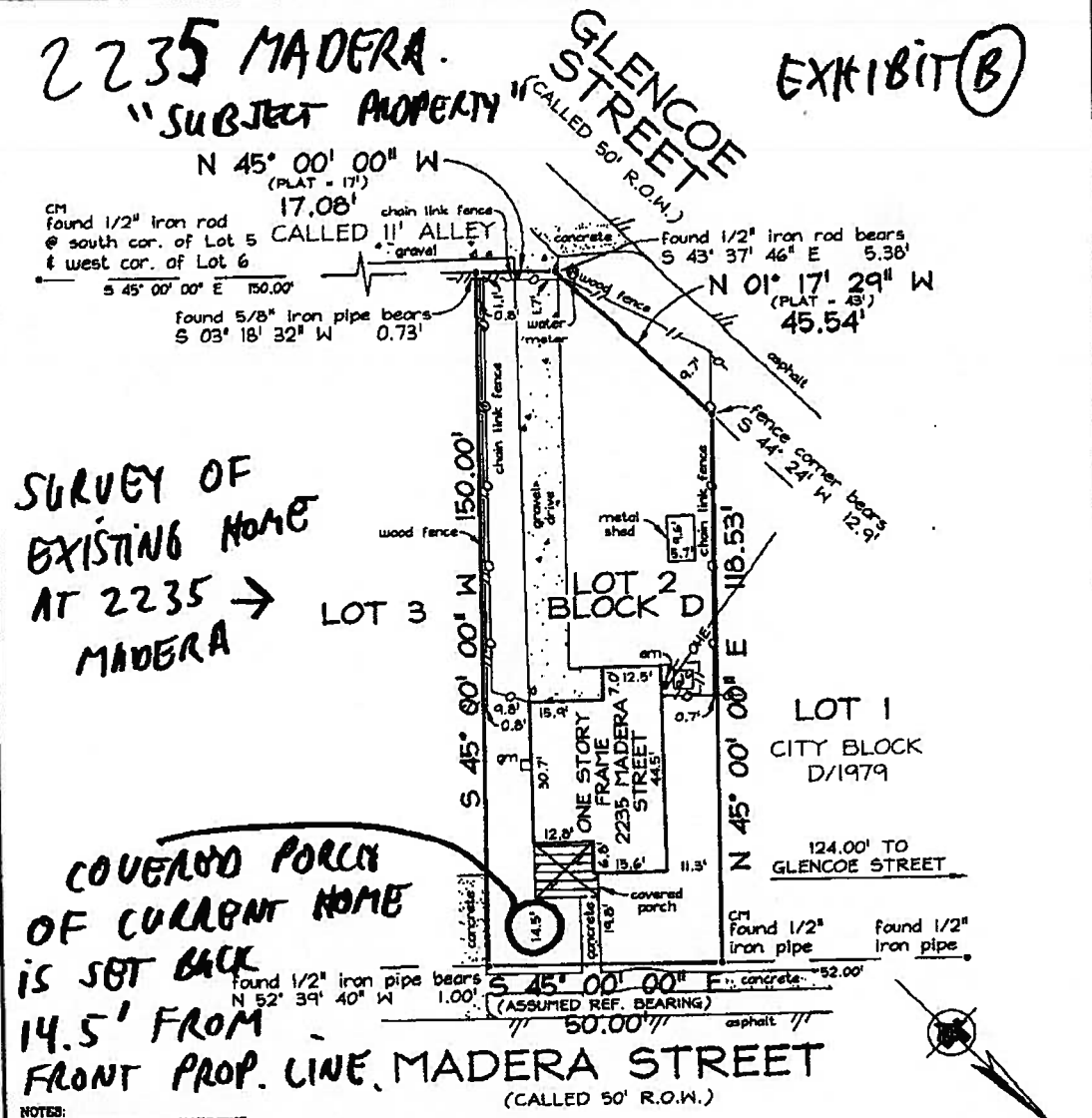
Title
 SITE PLAN
 Job Name-Location
 MADERA AVENUE
 DALLAS, TEXAS

Scale
 1" = 20'
 Date
 12-17-2012

Page Number
SK-1

© 2010-2011 THESE DRAWINGS ARE THE INSTRUMENT AND PROPERTY OF PARMADDESIGN AND ARE NOT TO BE REPRODUCED OR USED WITHOUT PRIOR CONSENT.

Precise Land Surveying, Inc. Austin, Texas Ph. 512.373.7072 Fx. 1.888.438.1273
 Precise Land Surveying, Inc. Dallas/Fort Worth Corporate 4825 Eastover Dr. Mesquite, Tx 75149 Ph. 877.581.7072 Fx. 1.888.438.1273
 Precise Land Surveying, Inc. Houston Branch Houston, Tx 77064 Ph. 713.847.8133 Fx. 1.888.438.1273

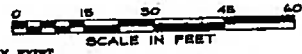


SURVEY OF EXISTING HOME AT 2235 MADERA → LOT 3

COVERED PORCH OF CURRENT HOME IS SET BACK 14.5' FROM FRONT PROP. LINE, MADERA STREET

6982'

NOTES:
 CM - CONTROLLING MONUMENT.
 THIS PROPERTY IS SUBJECT TO ANY AND ALL PARENT PLATS, EASEMENTS, RESTRICTIONS AND COVENANTS IN SCHEDULE B OF THE TITLE COMMITMENT LISTED HEREON AND IN EFFECT PRIOR TO SAID PLATS, IF NOT ESTIMATED BY SAID PLATS OR OTHER INSTRUMENT, AND CITY/COUNTY ORDINANCES IN EFFECT AT THE TIME OF CONSTRUCTION.
 THIS IS A SURVEY OF THE PROPERTY AS DESCRIBED IN SCHEDULE A OF THE TITLE COMMITMENT LISTED HEREON AND WAS PREPARED PURSUANT TO THE INFORMATION CONTAINED THEREIN, OTHER INTERESTS MAY EXIST.



THIS IS TO DECLARE that on this date a survey was made on the ground, under my direction and supervision of the property located at 2235 MADERA STREET, and Being Lot 2, Block D, of Ross Avenue Annex, an addition to the City of Dallas, Dallas County, Texas, according to the map or plat thereof recorded in Volume 1, Page 310, Plat Records, Dallas County, Texas, now in City Block D/1979.

The subject property does not appear to lie within the limits of a 100-year flood hazard zone according to the map published by the Federal Emergency Management Agency, and has a Zone "X" Rating as shown by Map No. 48113C0335 J, dated AUGUST 23, 2001. The statement that the property does or does not lie within a 100-year flood zone is not to be taken as a representation that the property will or will not flood. This survey is not to be used for construction purposes and is for the exclusive use of the hereon named purchaser, mortgage company, and title company only and this survey is made pursuant to that one certain title commitment under the CF number shown hereon, provided by the title company named hereon and that on this date the easements, rights-of-way or other locatable matters of record of which the undersigned has knowledge or has been advised are as shown or noted hereon.

DATE:

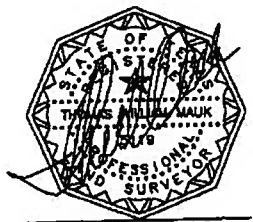
ACCEPTED BY:



ROBERT V. HUNT & ASSOCIATES

DATE: 12/17/12
 FIELD DATE: 12/14/12
 REVISED: 12/18/12

TECH: WTH FIELD: JLC
 JOB NO: 112-3089



GF NO. 1211056-PC
 MAPSCO NO: 38-S
 ASSOCIA TITLE

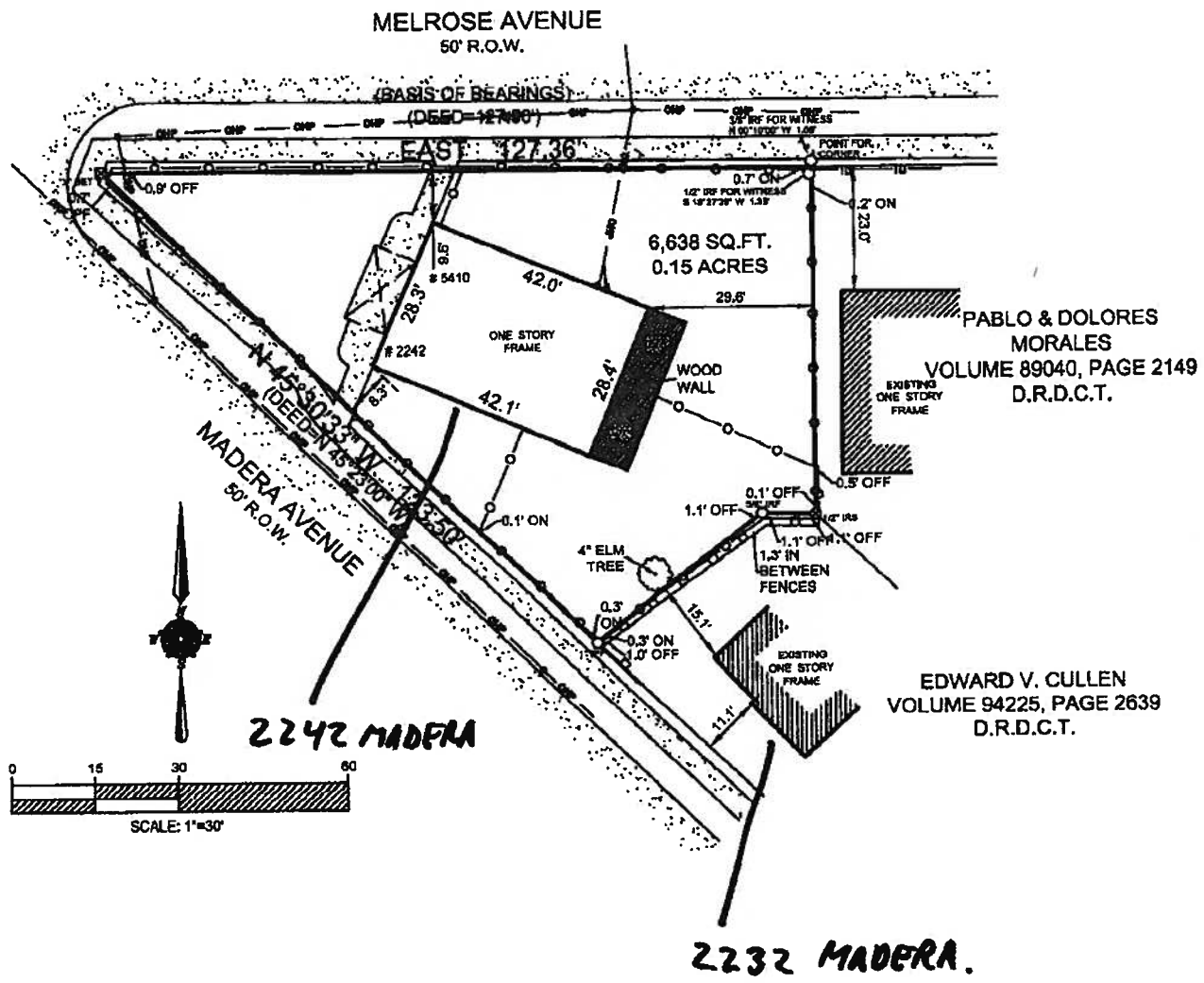
Registered Professional Land Surveyor

EXHIBIT SURVEY

5410 MELROSE AVENUE & 2242 MADERA AVENUE

DALLAS, DALLAS COUNTY, TX

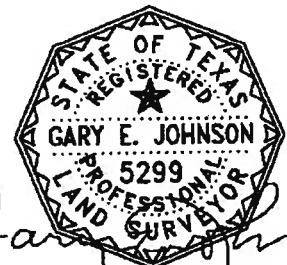
EXHIBIT C



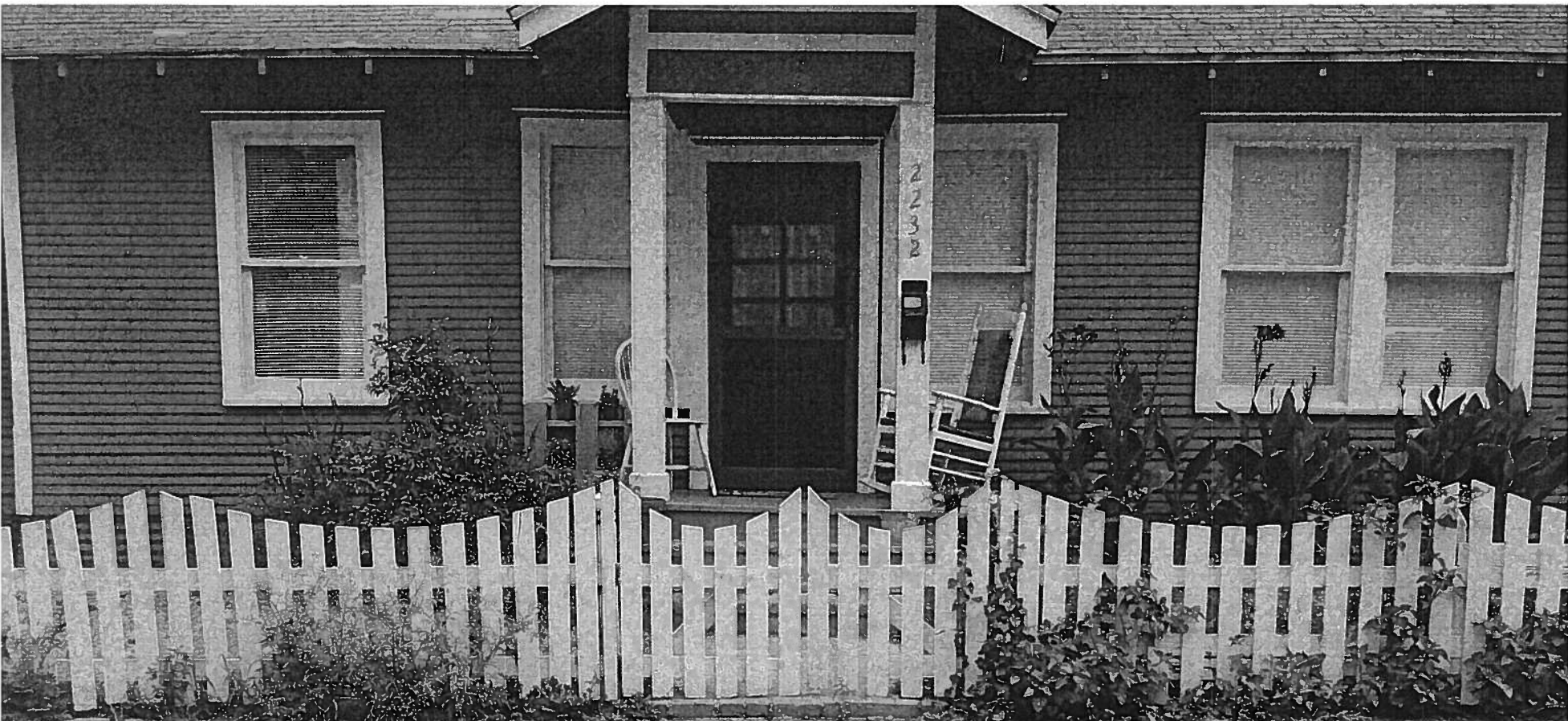
TEXAS HERITAGE SURVEYING, L.L.C.

10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com

JOB NO: 1101571-2
DRAWN BY: EDDIE
DATE: 02/02/2012
SCALE: 1"=30'



Gary E. Johnson



2232 MADEIRA - DIRECTLY ACROSS THE STREET

①

11.1' SET BACK TO FOUNDATION

BDA 123-072

2-13

BDA123-072 ATTACH A PG 6

2242 MADERA 8.3' SETBACK TO FOUNDATION

BDA123-072
ATTN A
PJ 7



2

BDA 123-072

2-14



2228 MAOERA ± 11 to 12' SET BACK

③

BDA
123-
0712
A - 9700
Appendix

SIDE VIEW
OF
2228
MA OERA

4

BDA 123-072
ATTN: A
A 9

5

TAKEN FROM PORCH OF
SUBJECT (2237 MAOERA)
LOOKING WEST

BDA-123-
072
A
P9 10

THIS HOME
2237 MAOERA
HAS 14' STRACK
TO ROOF. ENAVE



• BDA123-072
 Attach A
 Pg 11

Wrap
 of science
 STON.TYVEK.COM
 USA

BRICK DUPLEX
 AT 2239 MAVERA
 LOOKING WEST

9



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-072

Data Relative to Subject Property:

Date: 6/13/13

Location address: 2235 MADERA STREET 75206 Zoning District: R-7.5(A)

Lot No.: 2 Block No.: D/1979 Acreage: 6982.50' Census Tract: 10.02

Street Frontage (in Feet): 1) 50' MADERA 3) 45.54' 4) FEET GLENCOE SE 2A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): RVH REAL ESTATE OPPORTUNITY FUND, LLC

Applicant: ROBERT V. HUNT, MANAGER Telephone: 214-824-5750

Mailing Address: 5811 GASTON AVE, DALLAS Zip Code: 75214

E-mail Address: ROBERTV HUNT @ SBC GLOBAL, NET

Represented by: ROBERT V. HUNT Telephone: SAME

Mailing Address: SAME Zip Code: SAME

E-mail Address: SAME

Affirm that an appeal has been made for a Variance X, or ~~Special Exception~~, of 11' TO THE FRONT YARD SETBACK ON MADERA STREET (A 14' SETBACK TO THE ROOF EAVE AND A 16' SETBACK TO THE FOUNDATION).

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:

OWING TO THE RESTRICTIVE SHAPE + SIZE (6982.50') IN A R-7.5(A) ZONING DISTRICT. THIS LOT IS 93% OF THE MINIMUM SIZE REQUIRED IN A R-7.5(A) ZONING DISTRICT. ALSO OWING TO THE RESTRICTIVE 2 FRONT YARD SETBACKS AND TO THE SHORT DEPTH OF THE LOT OF 118' ON ONE SIDE

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

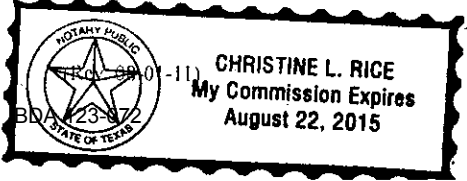
Affidavit

Before me the undersigned on this day personally appeared ROBERT HUNT (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 13 day of June, 2013



Christina Rice
Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

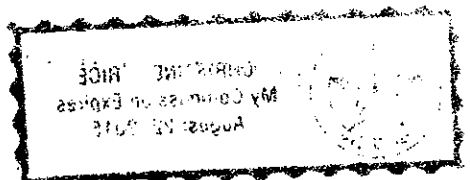
I hereby certify that Robert V. Hunt

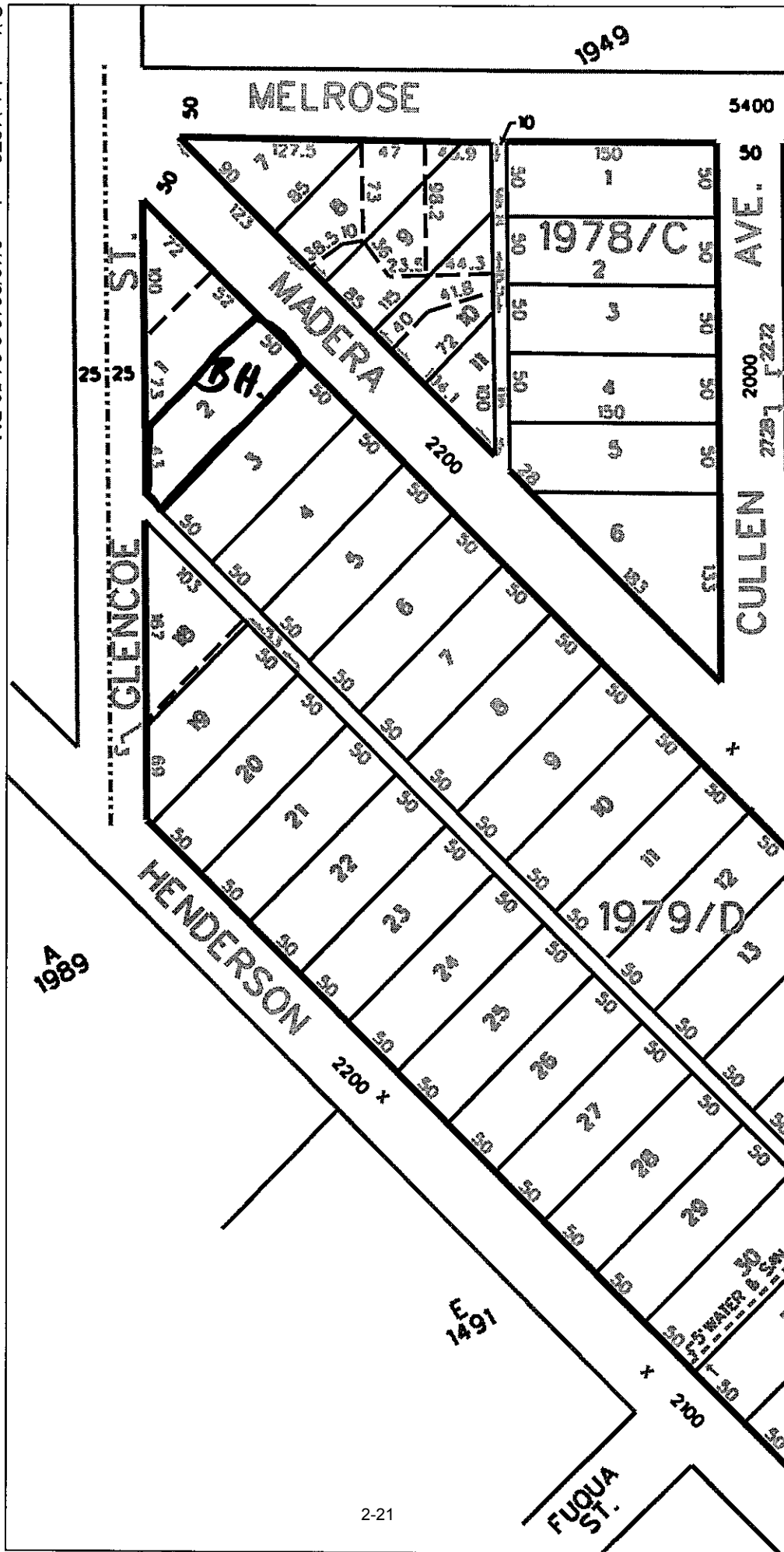
did submit a request for a variance to the front yard setback regulations
at 2235 Madera Street

BDA123-072. Application of Robert V. Hunt for a variance to the front yard setback regulations at 2235 Madera Street. This property is more fully described as Lot 2, Block D/1979 and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 14 foot front yard setback, which will require an 11 foot variance to the front yard setback regulation.

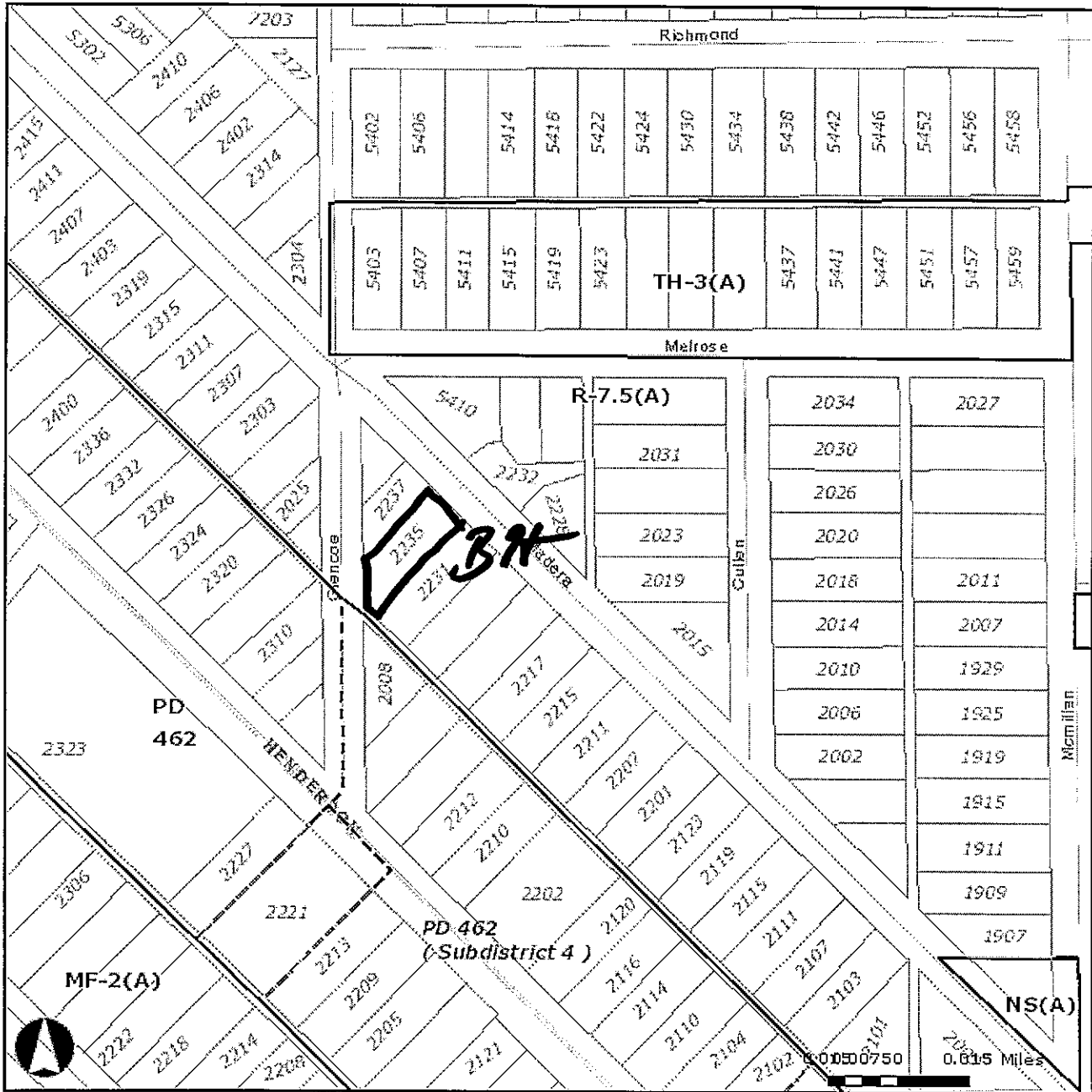
Sincerely,

Larry V. Holmes
Larry Holmes, Building Official





City of Dallas Zoning

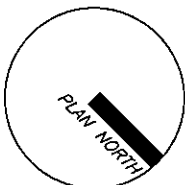


- | | | |
|-------------------|-----------------------|-------------------------|
| City Boundaries | SUP | PD193 Oak Lawn |
| County | Dry Overlay | PDS Subdistricts |
| Certified Parcels | D | Base Zoning |
| DISD Sites | D-1 | Pedestrian Overlay |
| Council Districts | Historic Overlay | CP |
| Waterways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

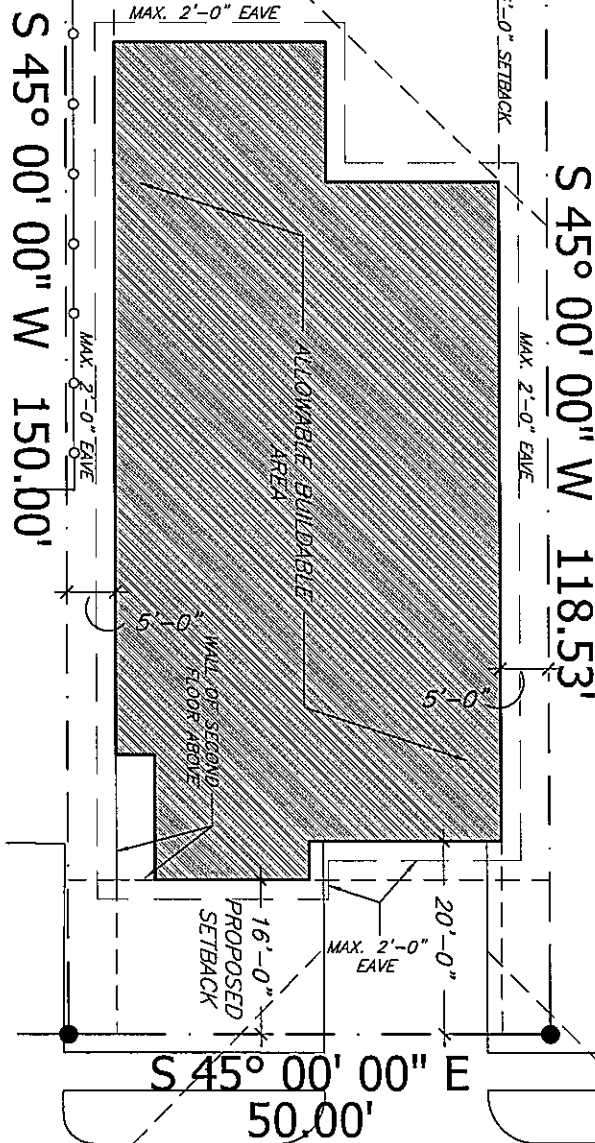
N 45° 00' 00" W
 (PLAT = 17')
 17.08'
CALLED 11' ALLEY

GLENCOE STREET
 (CALLED 50' R.O.W.)

N 01° 17' 29" W
 45.54'



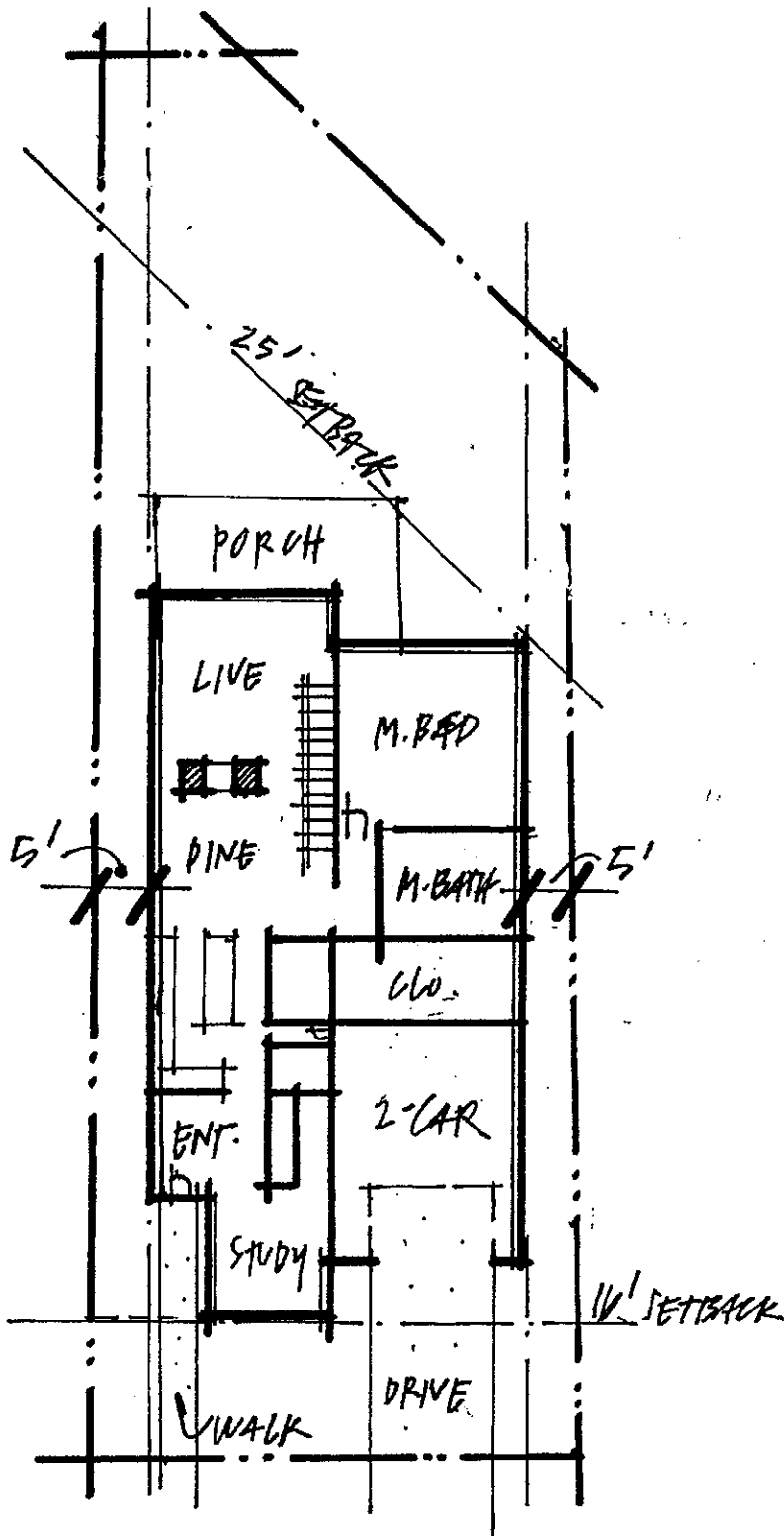
0
 5
 15
 35
 SCALE 1" = 20'



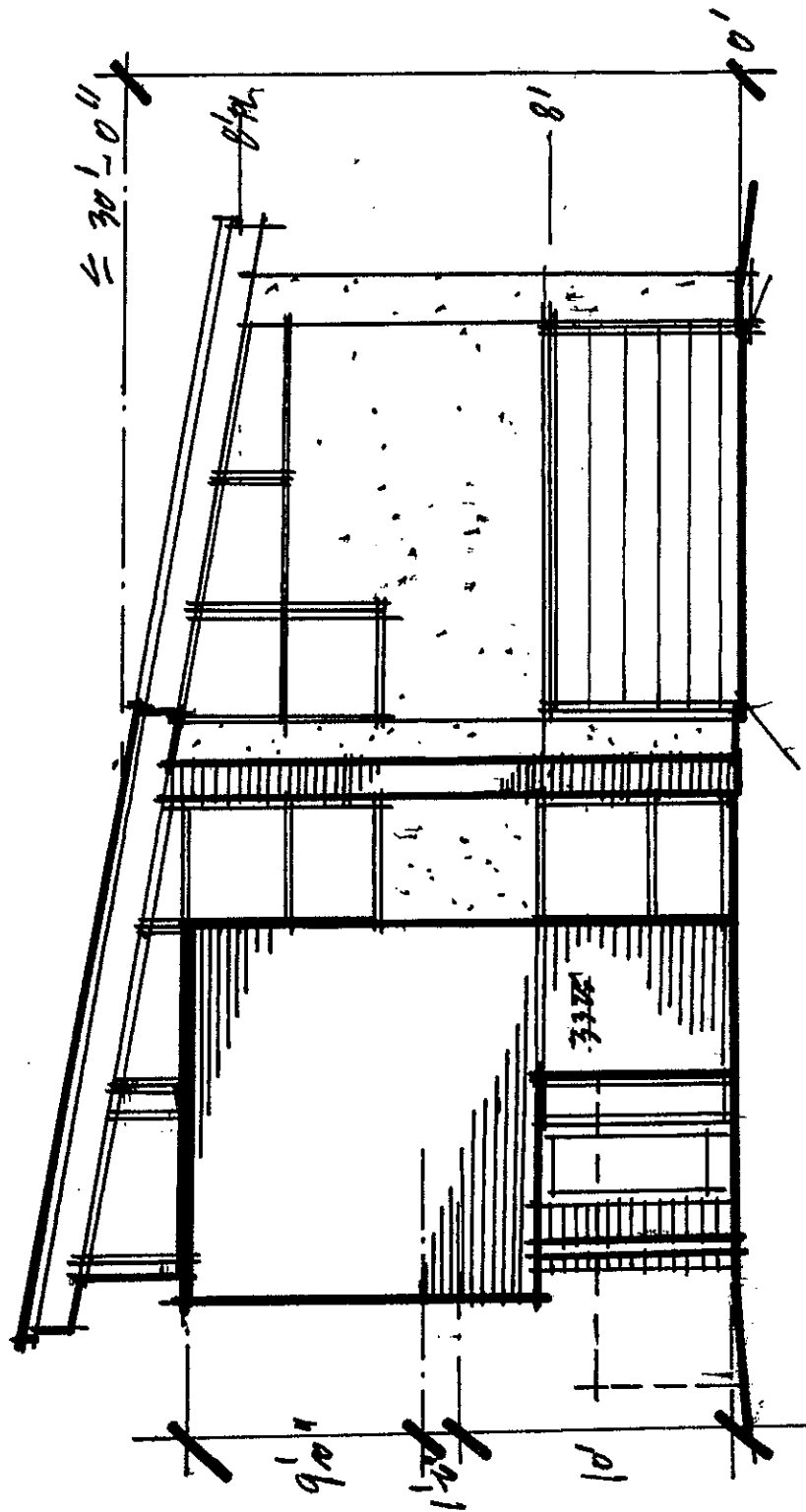
PROPERTY IS IN MILL'S
 CREEK FLOODPLAIN

SITE PLAN

MADERA STREET

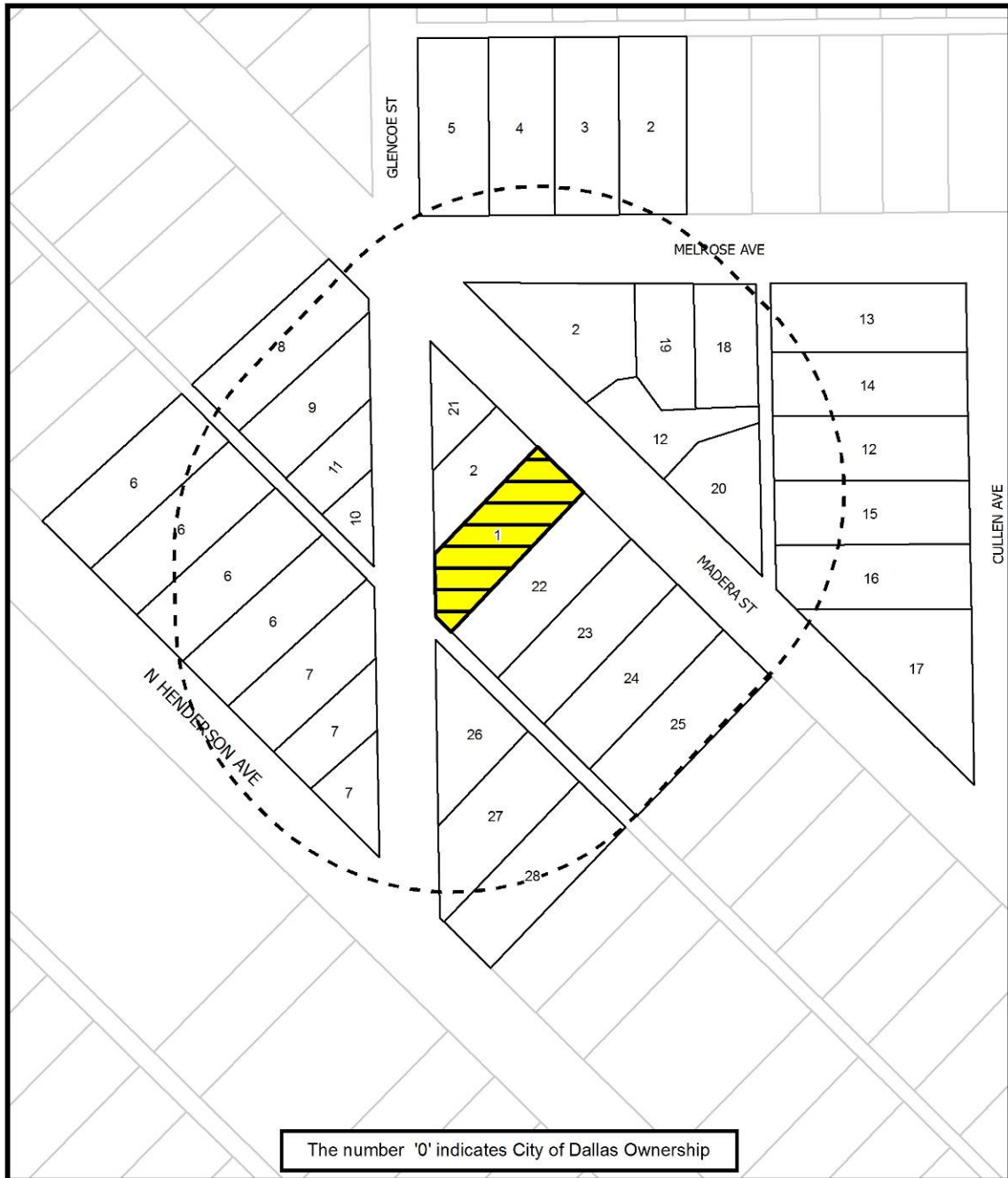


5' 0' 5' 2235 MADRKA
 5' *penjualan*
 $1/8'' = 1'$



2 1/2" x 5" 2x5 MADEIRA
 plywood

1/8" = 1'



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">28</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	28	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-072</u> Date: <u>7/24/2013</u>
200'	AREA OF NOTIFICATION					
28	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-072

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2235 MADERA ST	ISYA LTD PS
2	5415 MELROSE AVE	HUNT ROBERT V
3	5411 MELROSE AVE	MATA DIANA L
4	5407 MELROSE AVE	RIVERA MARGARET
5	5403 MELROSE AVE	MAJORS JOHN A III
6	2326 HENDERSON AVE	THE SHOPS ON HENDERSON III LP %CONNECTED
7	2310 HENDERSON AVE	SPANISH BUSINESS SERVICES INC
8	2303 MADERA ST	LEIGH GRANT W & KRISTI D
9	2031 GLENCOE ST	ANDERSON MATTHEW
10	2021 GLENCOE ST	FHIG LIMITED PARTNERSHIP
11	2025 GLENCOE ST	SNODGRASS JOHN
12	2232 MADERA ST	CULLEN EDWARD V
13	2035 CULLEN AVE	SKAGGS KEN
14	2031 CULLEN AVE	CRUZ SAUL & GABRIELA
15	2023 CULLEN AVE	LOPEZ LAZARO S & SUSANA INFANTE LOPEZ
16	2019 CULLEN AVE	SANDOVAL JOSE
17	2015 CULLEN AVE	HURLEY PATRICK & SOFIA
18	5418 MELROSE AVE	GASCA GILBERT M EST OF & ISABEL
19	5414 MELROSE AVE	MORALES PABLO & DOLORES
20	2228 MADERA ST	GAYTAN GUADALOPE & BERNARDINO
21	2239 MADERA ST	HOLMES JOHN B % JOHN HOLMES & CO
22	2231 MADERA ST	CASAS ALBERT & JUANITA
23	2227 MADERA ST	MCCLURE HEATHER
24	2221 MADERA ST	SCHNEIDER FRED K & BRENDA
25	2217 MADERA ST	ZYLKA JOE &
26	2008 GLENCOE ST	L A PARTNERSHIP

7/23/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2222 HENDERSON AVE	ANDRES DAVE SUITE 200
28	2218 HENDERSON AVE	LA PARTNERSHIP

FILE NUMBER: BDA 123-075

BUILDING OFFICIAL'S REPORT: Application of Mary Ann Caruth for a special exception for the handicapped to the side yard setback regulations at 2736 Southwood Drive. This property is more fully described as Lot 35, Block B/6038 and is zoned R-10(A), which requires a 6 foot side yard setback. The applicant proposes to construct and maintain an accessory structure for a handicapped person and provide a 3 foot side yard setback, which will require a 3 foot special exception to the side yard setback regulations necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

LOCATION: 2736 Southwood Drive

APPLICANT: Mary Ann Caruth

REQUEST:

A special exception for the handicapped of 3' is requested in conjunction with constructing and maintaining an approximately 360 square foot carport addition to align with an existing approximately 400 square foot "work room" accessory structure, part of which would be located in the site's required 6' western side yard setback on a site developed with a single family home.

STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED: Section 51A-1.107.(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception for the handicapped since the basis for this type of appeal is when the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

BACKGROUND INFORMATION:

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 developed with a single family home. The areas to the north, east, south, 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:

- June 20, 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.
- July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.
- July 5, 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 July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 5, 2013: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim 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 additional review comment sheets with comments were submitted in conjunction with this application.

August 12, 2013: A review comment sheet dated 7-12-13 from the Building Inspection Senior Plans Examiner/Development Code Specialist was forwarded to the Board Administrator. The review comment sheet was marked "Has no objections if certain conditions are met" commenting "Building code/Fire code requires that a 1 hour fire-rated wall be constructed on the west side of the carport since it is within 5 feet of the adjoining next door property."

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an approximately 360 square foot carport addition to align with an existing approximately 400 square foot "work room" accessory structure, part of which would be located in the site's required 6' western side yard setback on a site developed with a single family home.
- The minimum side yard for structures on properties zoned R-10(A) is 6'.
- A site plan has been submitted that denotes that the proposed carport addition is 3' from the site's western side property line or 3' into the required 6' side yard setback and in alignment with an existing accessory structure that does not need to provide a side yard setback given that it is located in the rear 30 percent of the lot and does not exceed 15 feet in height.
- According to calculations taken from the site plan by the Board Administrator approximately 54 square feet (or about 15 percent) of the proposed approximately 360 square foot carport is to be located in the site's western 6' side yard setback.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

A copy of the "handicap" definition from this act was provided to the Board Administrator by the City Attorney's Office. Section 3602 of this act states the following:

"(h) "Handicap" means, with respect to a person -

1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
 2. a record of having such an impairment, or
 3. being regarded as having such an impairment,
but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21)."
- Unlike most requests where the board is considering a structure that encroaches into a setback via a variance (where property hardship must be demonstrated), or

where the board is considering a carport structure that encroaches into the side yard setback (where no detrimental impact on surrounding properties must be demonstrated), the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

- The applicant has stated that because of the bend in the driveway, it would be difficult to park all the way to the east edge of the driveway, and that it would take excessive maneuvering to get closer than 2 feet to the eastern edge.
- The applicant states that her request is made to allow her room to maneuver between cars with her wheelchair.
- The applicant has the burden of proof in establishing the following:
 - The special exception (which in this case is requested to construct and maintain a carport in the western side yard setback) is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
 - there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
- If the Board were to grant the request, and impose conditions that compliance with the submitted site plan is required, and that the special exception expires when a handicapped person no longer resides on the property, the carport would be required to be constructed and maintained in the location shown on the submitted site plan for as long as the applicant or any other handicapped person resides on the site.

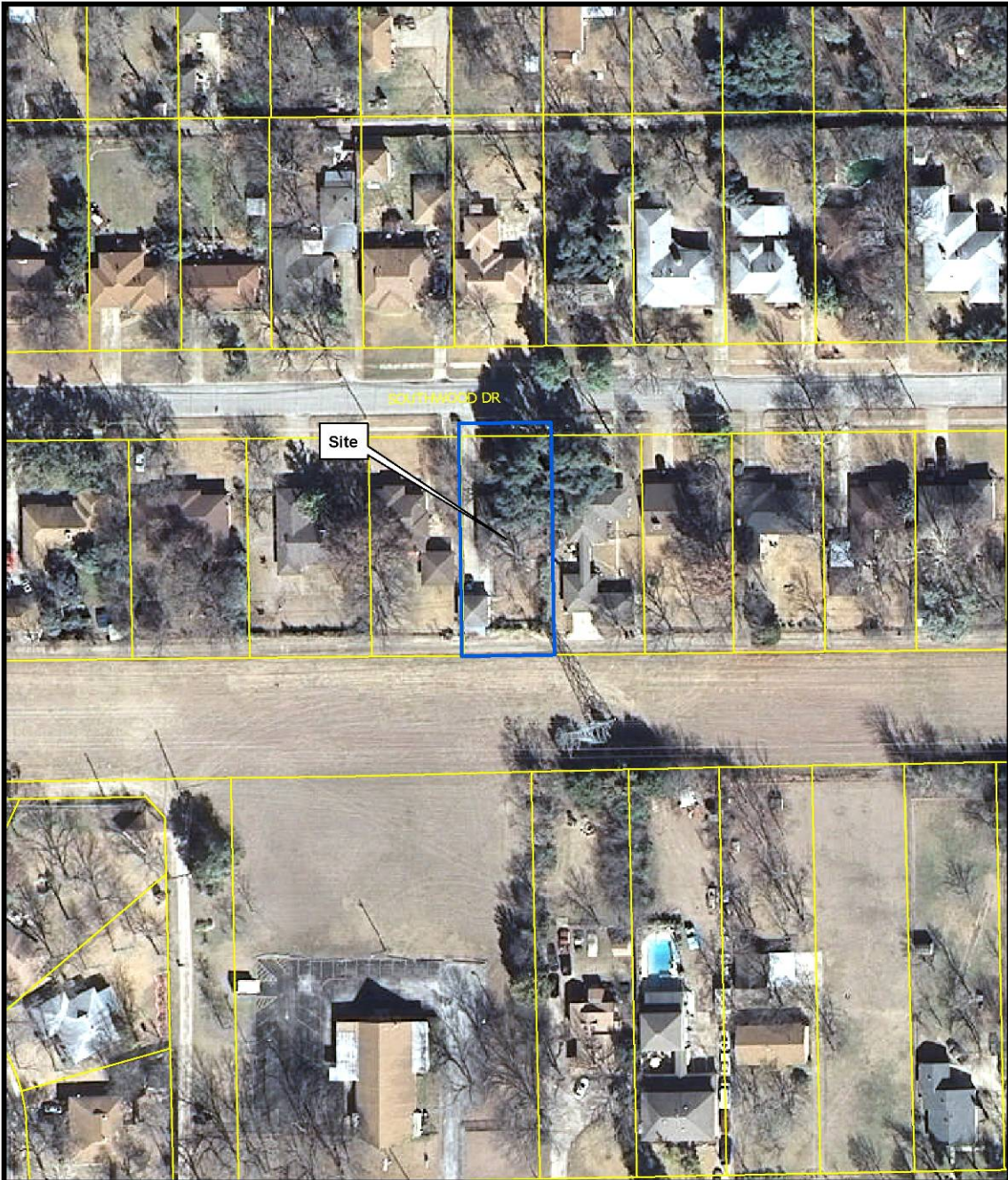


1:1,200

ZONING MAP

Case no: BDA123-075

Date: 7/18/2013



1:1,200

AERIAL MAP

Case no: BDA123-075

Date: 7/18/2013

Long, Steve

BDA 123-075
Attach A
Pg 1

From: Mary Caruth [mcaruth@att.net]
Sent: Monday, August 05, 2013 10:43 AM
To: Long, Steve
Subject: Re: BDA 123-075, Property at 2736 Southwood Drive

Attachments: Parking Diagram.png



Parking
Diagram.png

That is correct. I would not have the room to get into my car.

I am attaching a diagram now, let me know what you think.

Thank you,

Mary Ann Caruth

On 08/05/2013 06:27 PM, Long, Steve wrote:

> Ok. Am I correct in our conversation on your property several weeks
> ago is that what you are trying to show is that if you were held to
> the required setback that you couldn't get in a vehicle?

> -----Original Message-----

> From: Mary Caruth [mailto:mcaruth@att.net]

> Sent: Monday, August 05, 2013 6:50 AM

> To: Long, Steve

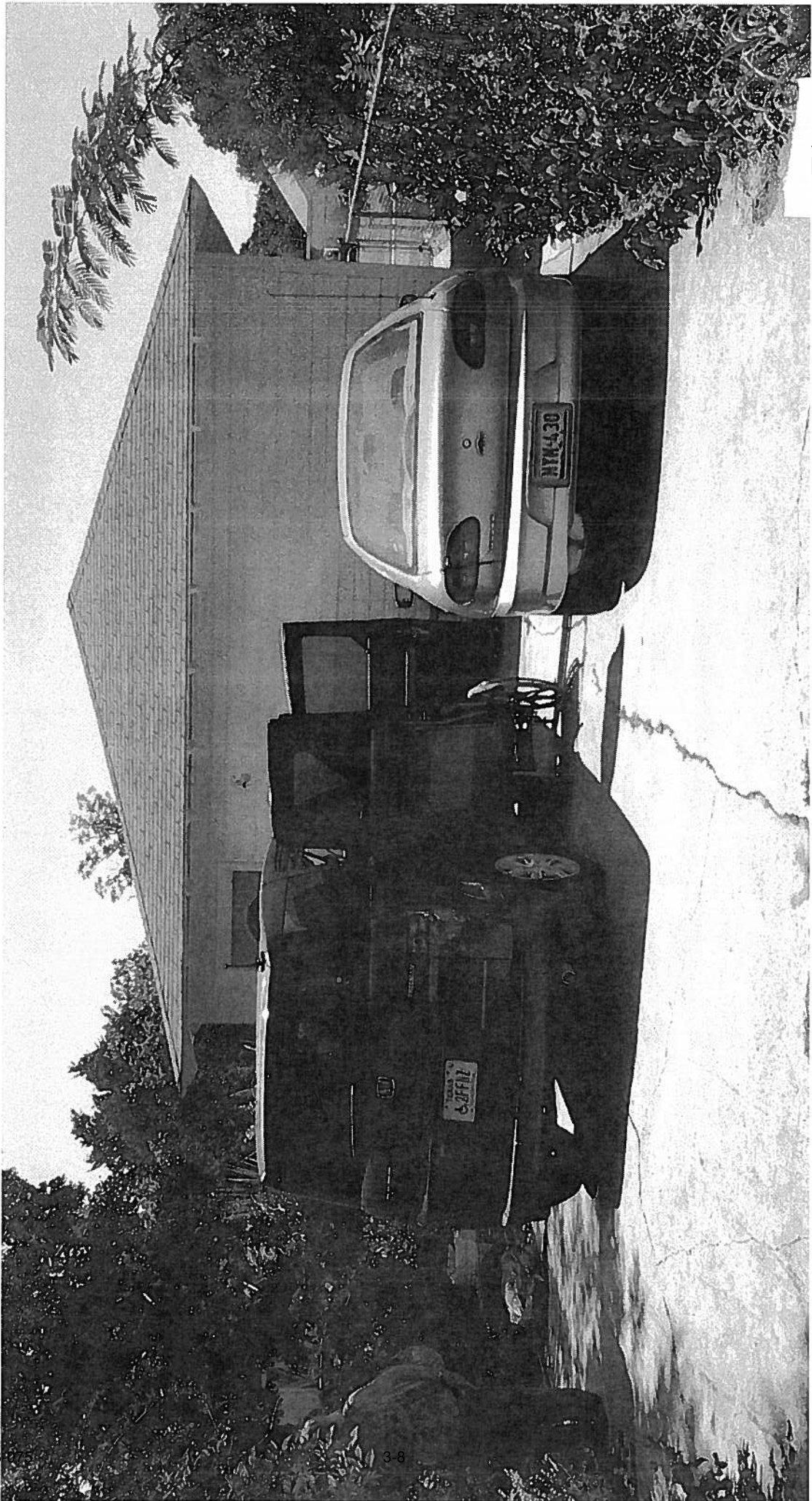
> Subject: BDA 123-075, Property at 2736 Southwood Drive

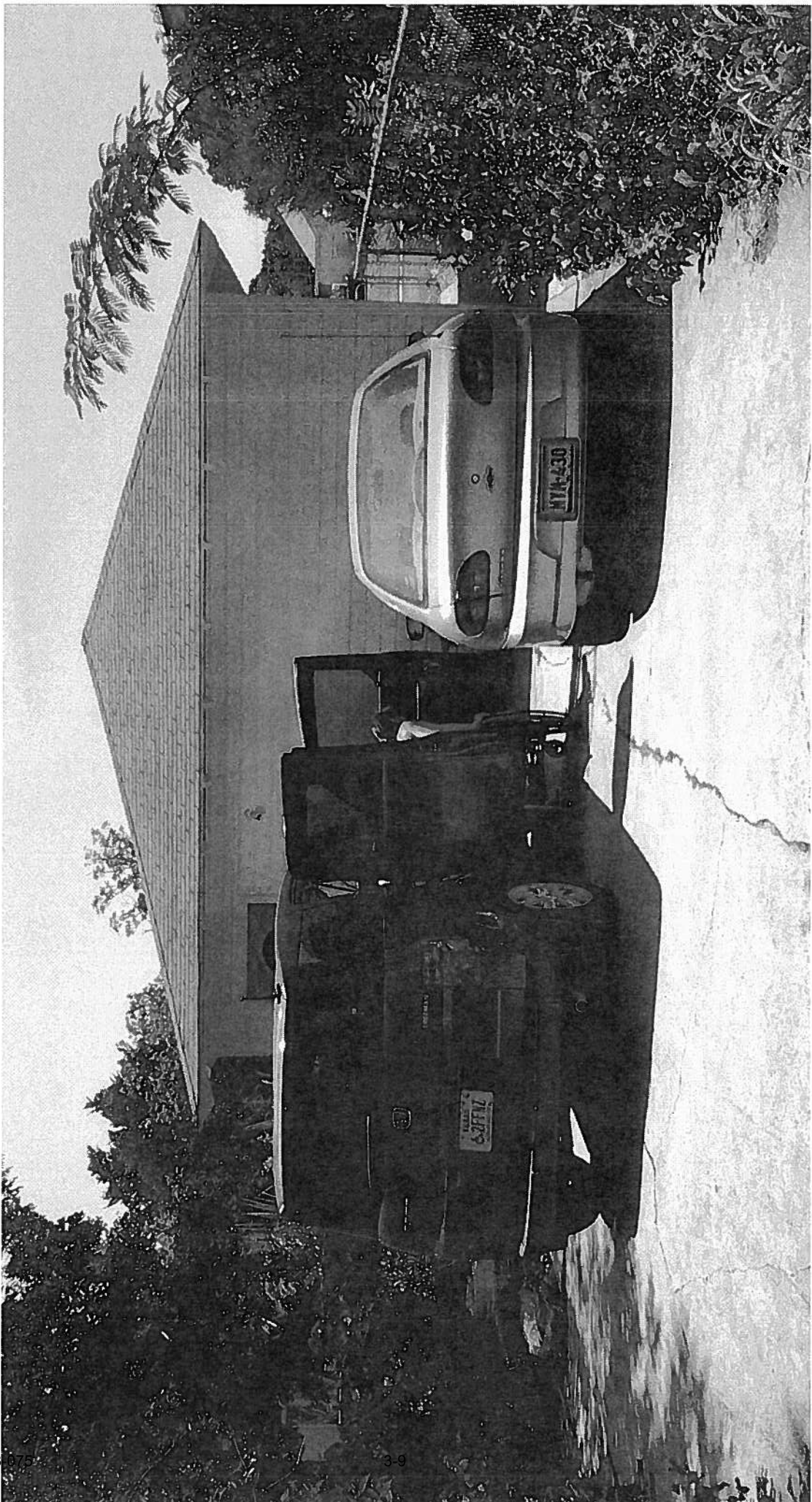
> Attached are photographs showing me getting into my Honda with the
> second car parked next to me, as the cars would be parked under the
> carport. I will also be sending you a diagram.

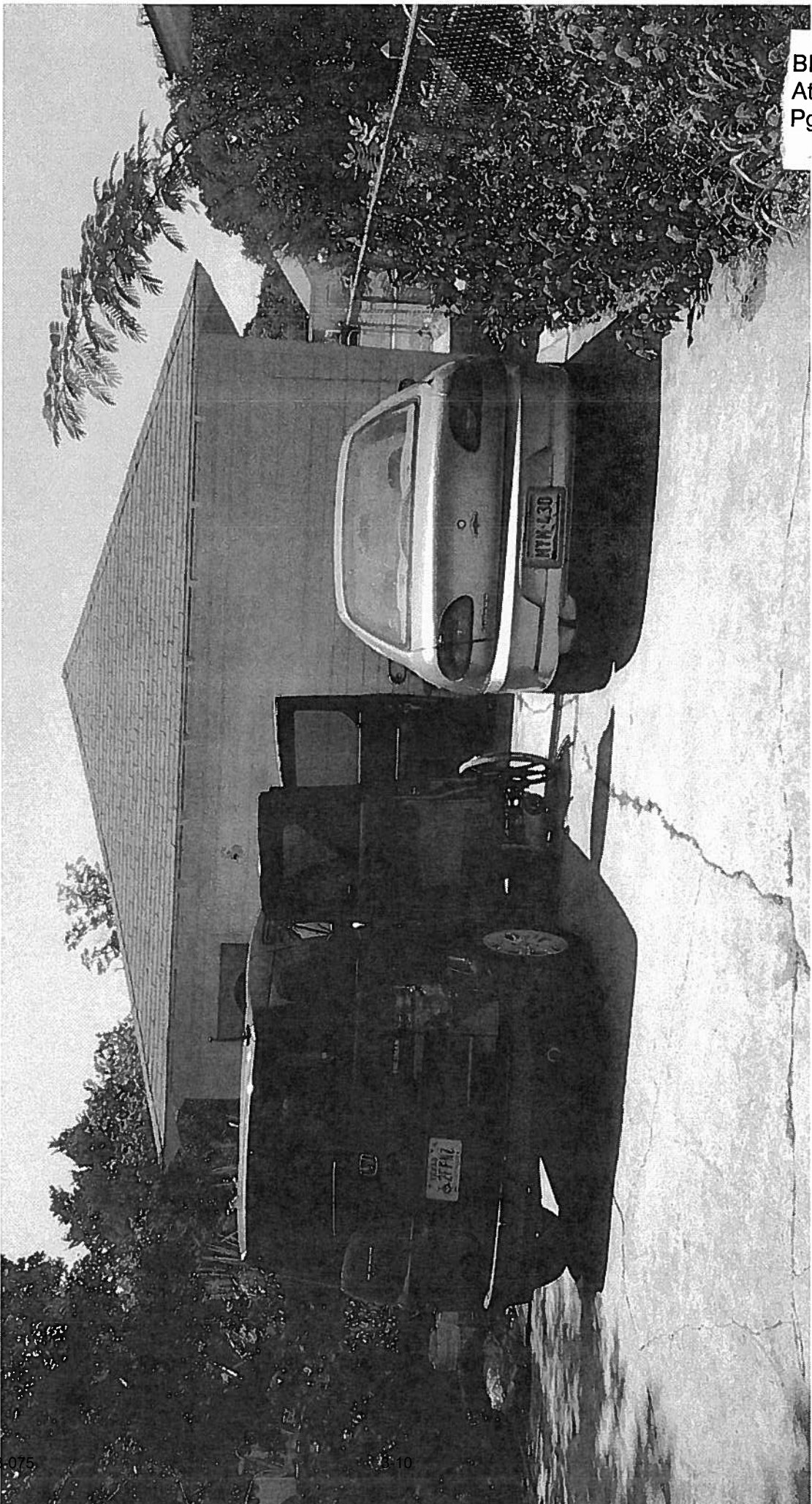
> Thank you,

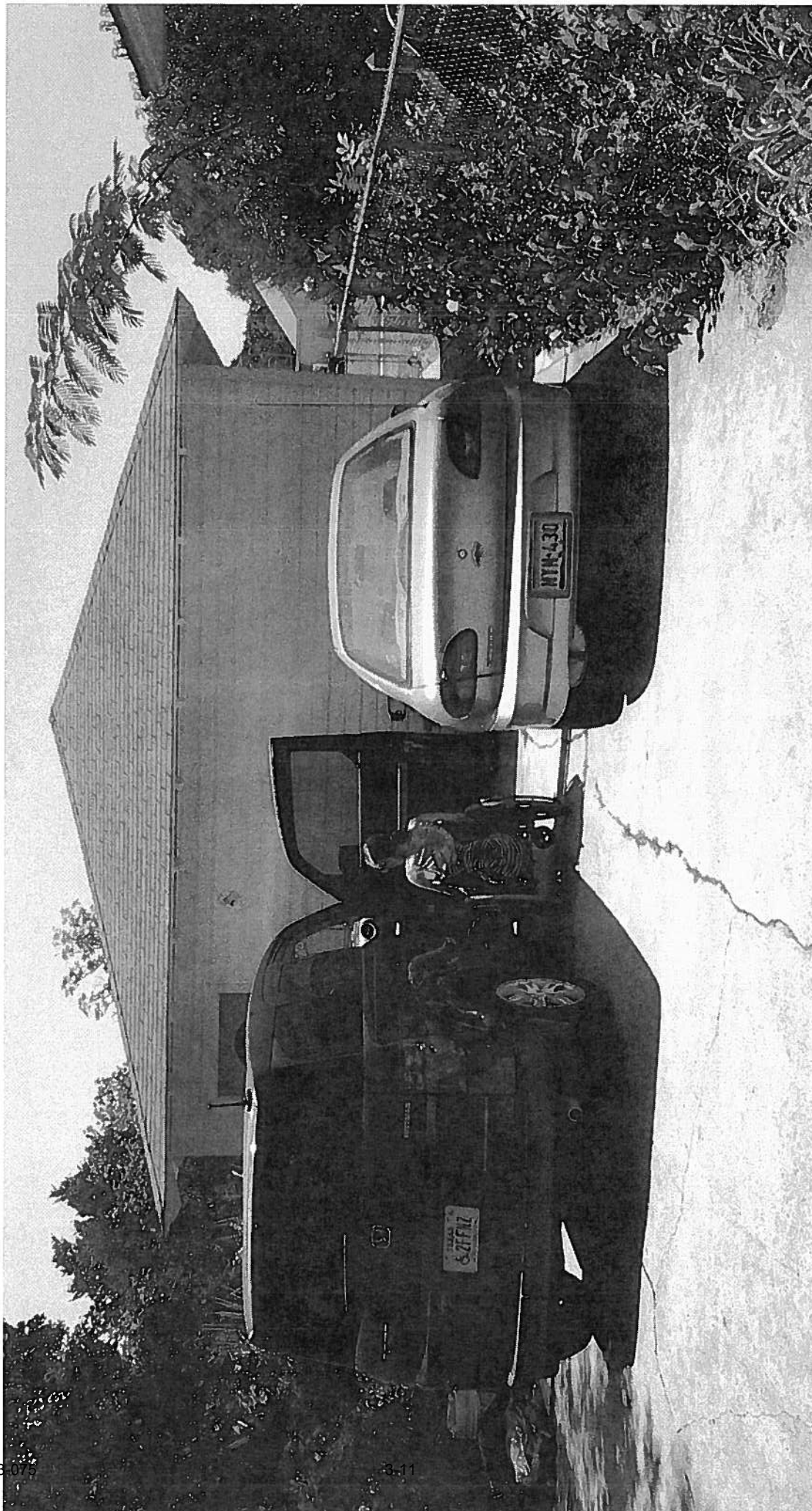
> Mary Ann Caruth

>









36

LC

EXISTING CONCRETE DRIVE

BECAUSE OF THE BEND IN THE DRIVEWAY, IT IS DIFFICULT TO PARK ALL THE WAY ON THE EAST EDGE OF THE DRIVEWAY. IT WOULD TAKE EXCESSIVE MANUEVERING TO GET CLOSER THAN 2 FEET TO THE EASTERN EDGE.

NEW CARPORT 20 X 20 REQUESTED.

EXISTING 4' CHAIN LINK FENCE

THIS IS ACTUALLY A BOARDWALK, NOT A CONCRETE SIDEWALK AS SHOWN IN THE DRAWING. IT WOULD NOT SUPPORT THE WEIGHT OF A CAR.

7' 3' 8' 2'

REAR 30% LINE

3.0'

8' ALLOWED FOR MY CAR, WHOSE DOORS OPEN WIDE TO ALLOW ME TO ENTER WITH MY WHEELCHAIR
3' FEET ALLOWED TO ALLOW ME ROOM TO MANUEVER BETWEEN THE CARS WITH MY WHEELCHAIR
7' ALLOWED FOR THE OTHER SEDAN.

20.15'

EXISTING FRAME BUILDING

20.08'

☆ In North America, the width of angled and perpendicular parking spaces usually ranges from 2.3 to 2.75 metres (7.5-9.0 ft). For example, normal parking spaces in the city of Dallas, Texas are 8.5 feet wide, while compact spaces are 7.5 feet wide. --from Wikipedia

EXISTING 4' CHAIN LINK FENCE

BU

15.0' UTILITY EASEMENT

☆ To meet ADA requirements, a handicapped parking space must be large enough for a vehicle plus an additional space to the right or left of the vehicle to allow a wheelchair to exit the vehicle. There needs to be an access space of at least 8 feet wide for a space that is designated as "van accessible," and 5 feet wide for a space that is designated for a car.

70.0'



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-075

Data Relative to Subject Property:

Date: 6-20-13

Location address: 2936 Southwood Dr.

Zoning District: R-10(A)

Lot No.: 35 Block No.: B/6038 Acreage: 0.27

Census Tract: 108.03

Street Frontage (in Feet): 1) 70' 2) _____ 3) _____ 4) _____ 5) _____

sw14

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): MARY ANN CARLTT

Applicant: MARY ANN CARLTT

Telephone: 214-467-2504

Mailing Address: 2936 Southwood Dr. Dallas TX Zip Code: 75233

E-mail Address: mcaruth@aol.net

Represented by: self

Telephone: same

Mailing Address: same

Zip Code: same

E-mail Address: same

Affirm that an appeal has been made for a Variance , or Special Exception , of encroach 3 feet on set-back to accommodate handicapped persons use of the carport in side yard.

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

Handicapped person needs five foot aisle in the carport to be able to get in and out of the car. To accomplish this, I request a three foot encroachment into the setback by the carport.

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 MARY ANN CARLTT
(Affiant/Applicant's name printed)

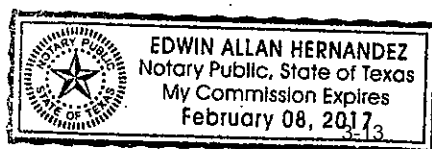
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Respectfully submitted:

[Signature]
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20th day of June

(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 MARY ANN CARUTH

did submit a request for a special exception to the side yard setback regulations
at 2736 Southwood Drive

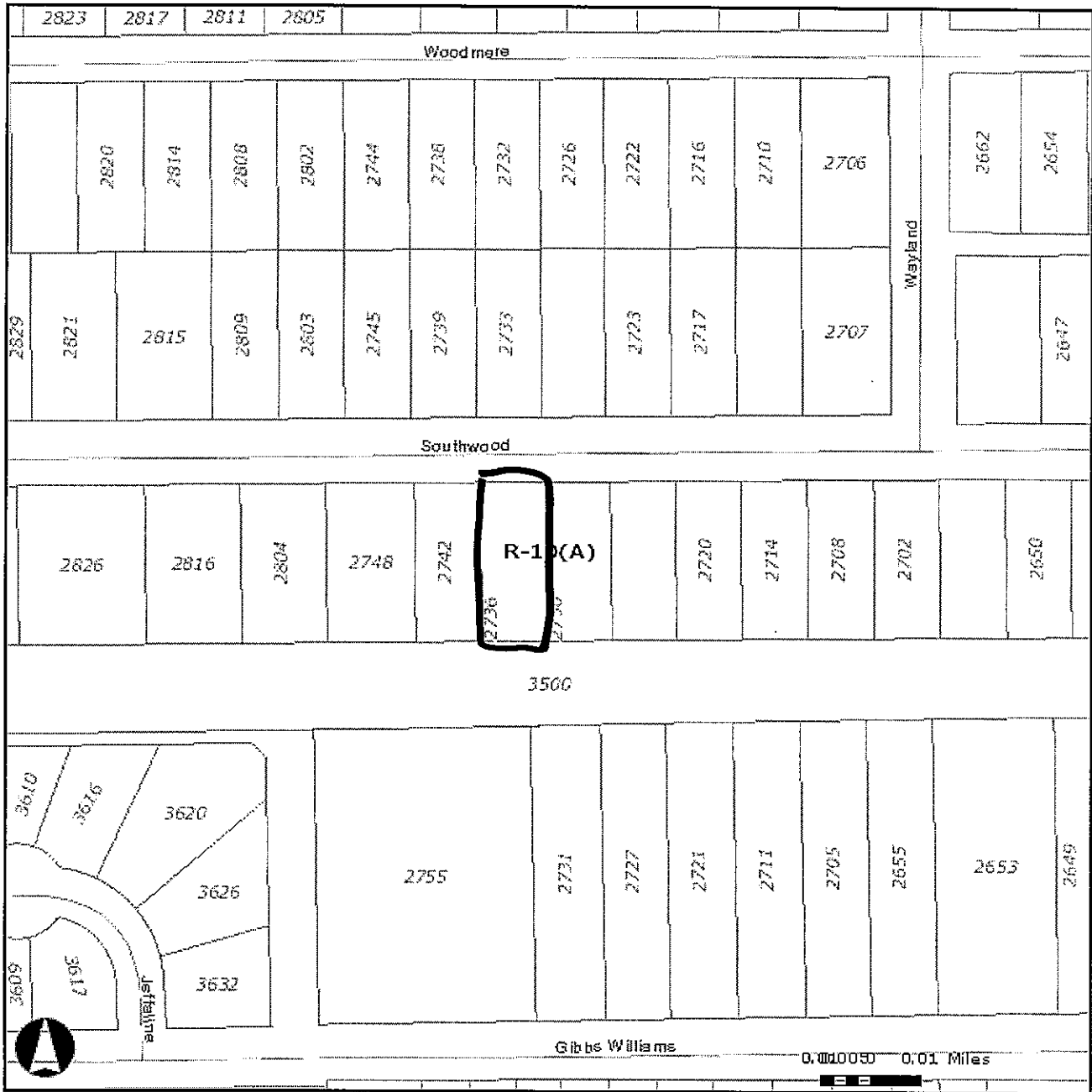
BDA123-075. Application of Mary Ann Caruth for a special exception to the side yard setback regulations at 2736 Southwood Drive. This property is more fully described as Lot 35, Block B/6038 and is zoned R-10(A), which requires a 6 foot side yard setback. The applicant proposes to construct and maintain a single family residential accessory carport structure for a handicapped person and provide a 3 foot side yard setback, which will require a 3 foot special exception to the side yard setback regulation.

Sincerely,


Larry Holmes, Building Official

3-14

City of Dallas Zoning



Address Candidates

- Address Candidates
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways

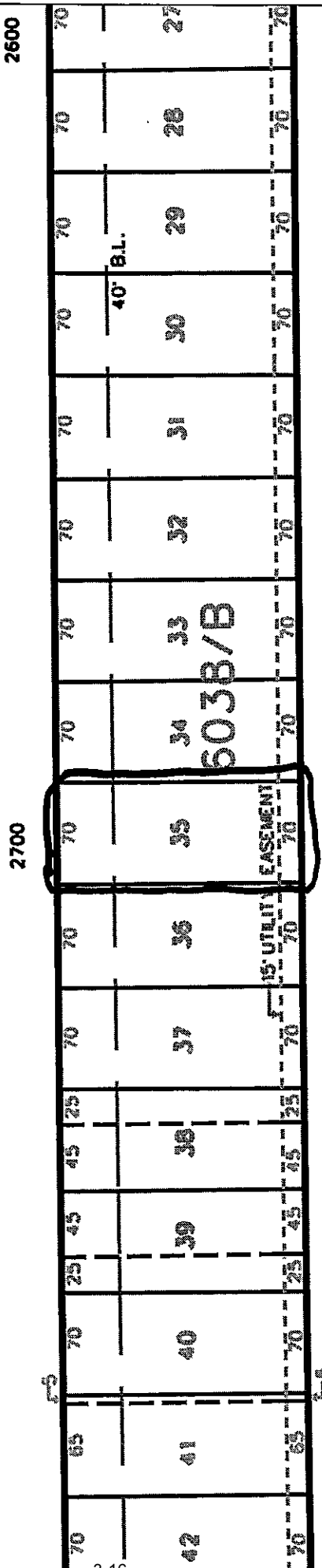
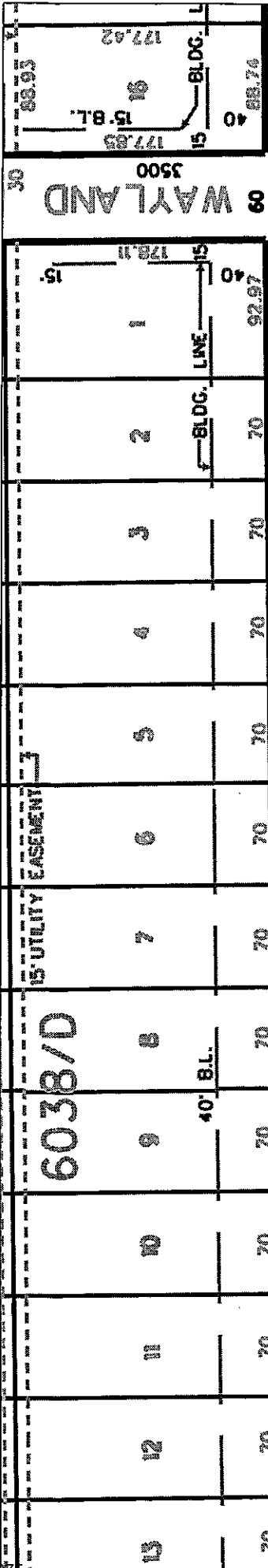
SUP

- SUP
- Dry Overlay
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts

PDS Subdistricts

- PDS Subdistricts
- Base Zoning
- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP

094
10-17-11



DALLAS POWER & LIGHT CO. R. O. W.
7.8 AC. This Block

REVISION	BY
05.08.13	

2736 SOUTHWOOD
DALLAS, TX 75233
CARLTH RESIDENCE

PLEASE MARK ANY PROVISIONS
BY A CIRCLED NUMBER
AND CHECK OR CHECKED



DATE: 04.16.13
SCALE: 1" = 10.0'
DRAWN BY: CHJ

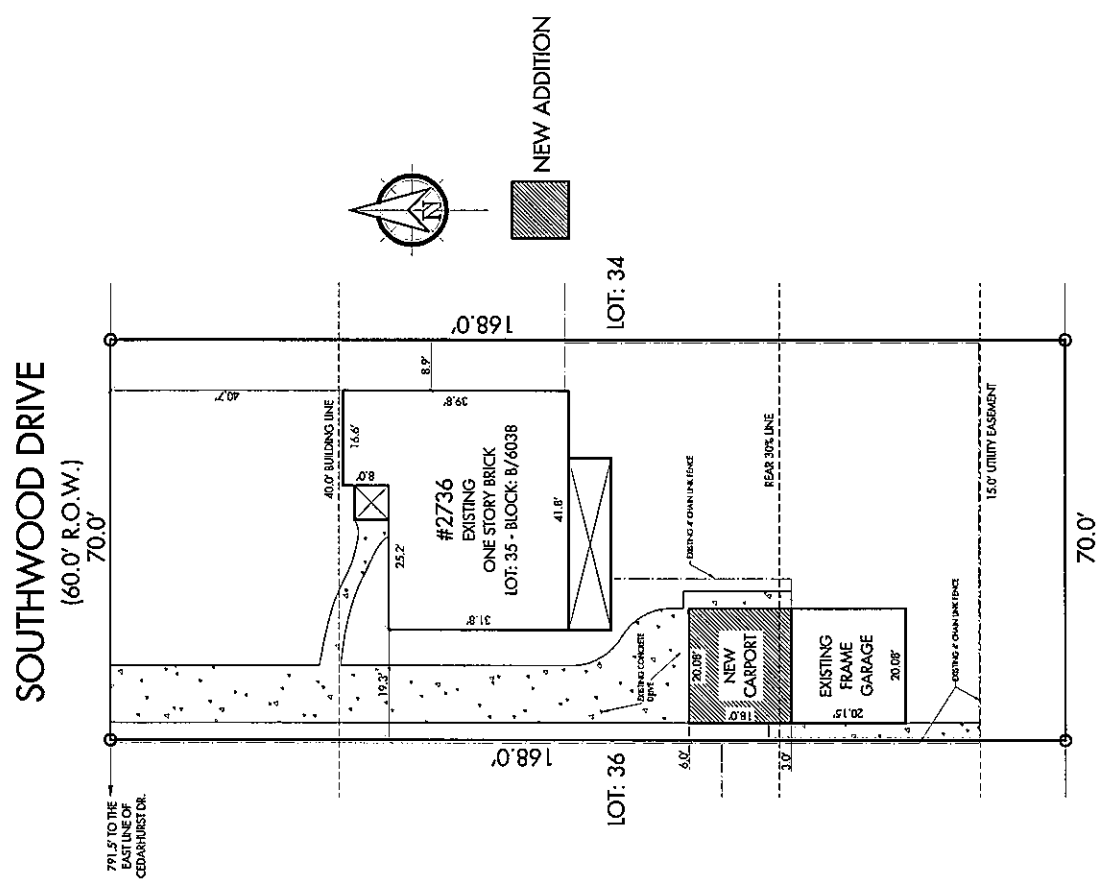
SHEET NAME: SITE PLAN

SHEET NO.: SP

SHEET INDEX

1	FRONT YARD
2	REAR YARD
3	CHANG RENOVIATION PLANS

SITE NOTES
1. ALL NEW CONSTRUCTION TO COMPLY WITH APPLICABLE BUILDING CODES, DTD REGULATIONS AND REGULATIONS. ALL UTILITIES PRIOR TO CONSTRUCTION.



MedFit Health Center

2805 Prince George Avenue DeSoto, TX 75115
(972) 224-9090 Fax: (972) 224-9098

June 20, 2013

To Whom It May Concern:

RE: Ms. Mary Ann Caruth

This is to confirm that this 64 year old lady is under my medical care. She has permanent paraplegia requiring use of wheelchair at all times with complete loss of use of legs to ambulate.

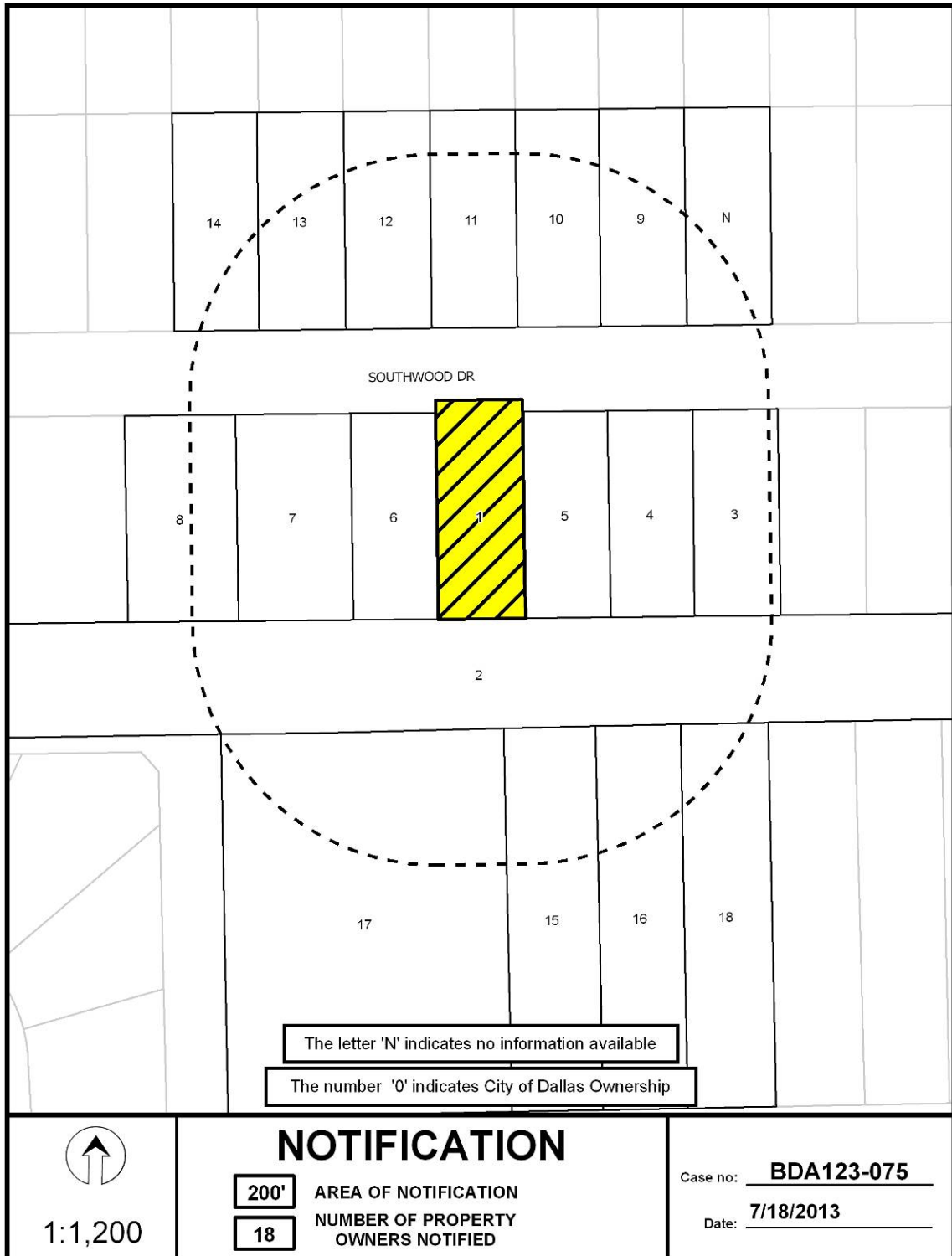
Ms Caruth needs all available assistance that might be available to her. She describes a potential provision wherein her carport could be enlarged to allow her the space for independent access getting in and out of her vehicle. This is certainly a necessity, as she does live alone and does not have any resources at all on hand in transfers.

If there are additional questions on this matter, feel free to contact this office.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a horizontal line extending to the right.

Donald G Nicholas Jr. M.D.



Notification List of Property Owners

BDA123-075

18 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2736 SOUTHWOOD DR	CARUTH MARY ANN
2	3500 HAMPTON RD	TEXAS UTILITIES ELEC CO % STATE & LOCAL
3	2720 SOUTHWOOD DR	SLAWTER NELSON L
4	2726 SOUTHWOOD DR	SOLLEY, JAMES LANIARD
5	2730 SOUTHWOOD DR	MONTGOMERY JON C
6	2742 SOUTHWOOD DR	HEMPY GENE A & LIERMAN ROY C
7	2748 SOUTHWOOD DR	WALKER JAMES B III
8	2804 SOUTHWOOD DR	MORALES JOE M JR
9	2723 SOUTHWOOD DR	TAYLOR WILLIE FAYE
10	2727 SOUTHWOOD DR	MAYNARD JULIE DAVIS &
11	2733 SOUTHWOOD DR	VALENZUELA DEAN
12	2739 SOUTHWOOD DR	HODGES BARBARA
13	2745 SOUTHWOOD DR	TEGERSON ARCHIE R TR
14	2803 SOUTHWOOD DR	ORTIZ FELIPE & JESSMIE
15	2731 GIBBS WILLIAMS RD	SALAZAR MARIA GUADALUPE
16	2727 GIBBS WILLIAMS RD	DELAROSA VENTURA
17	2755 GIBBS WILLIAMS RD	NEW BIRTH CHURCH OF GOD IN CHRIST
18	2721 GIBBS WILLIAMS RD	VELASQUEZ PAZ R & LENNI BONILLA

FILE NUMBER: BDA 123-079

BUILDING OFFICIAL'S REPORT: Application of Peter Anastopoulos for a variance to the rear yard setback regulations at 6858 Burwood Lane. This property is more fully described as Lot 12, Block C/2806 and is zoned R-10(A), which requires a 6 foot rear yard setback. The applicant proposes to construct and maintain a structure and provide a 0 foot rear yard setback, which will require a 6 foot variance to the rear yard setback regulations.

LOCATION: 6858 Burwood Lane

APPLICANT: Peter Anastopoulos

REQUEST:

A variance to the rear yard setback regulations of 6' is made in conjunction with constructing and maintaining an addition to an existing one-story home that would align eastward and vertically/upward from the existing home structure, part of which would be located in the 6' rear 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 site plan is required.

Rationale:

- The lot's irregular shape and restrictive area (caused by the lot being about 1,300 square feet less in area than most lots in the same R-10(A) zoning classification) preclude the applicant from developing it in a manner commensurate with other developments found on similarly-zoned R-10(A) lots.
- The applicant has provided information showing that the existing home would be smaller after the proposed addition (at about 3,600 square feet) than the average of 7 other homes/properties (at about 4,200 square feet) that are similarly-zoned R-10(A).
- Granting this request does not appear to be contrary to public interest given that the proposal involves merely a vertical and 12' long addition to an existing nonconforming structure – a structure in the rear yard setback separated from the properties to the south by a 10' wide unimproved alley easement.

BACKGROUND INFORMATION:

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 developed with a single family home structure that appears to be nonconforming as to the rear yard setback regulations. The areas to the north, south, east, and west are developed with single family uses.

Zoning/BDA History:

1. BDA 023-076, 6863 Burwood Lane (the property immediately north of the subject site) On May 19, 2003, the Board of Adjustment Panel C granted requests for variances to the side yard setback regulations of 6' and to the off-street parking regulations of 10.5'. The board imposed the following conditions to the side yard variance request: compliance with the submitted site plan is required; and that the existing curb cut is rebuilt/removed along Pickens Street; and the following conditions to the off-street parking regulations: compliance with the submitted site plan is required; an automatic garage door must be maintained in working order at all time; at no time may the area in front of the garage be utilized for parking of

vehicles; the 20' visibility triangle at the alley turnout to Pickens Street is kept clear of any visual obstruction such as parked vehicle, fence, landscaping, earth berm, or any structure; and all applicable permits must be obtained. The case report stated that the requests were made in conjunction with an addition to be constructed and maintained on a site developed with a single family home.

Timeline:

June 25, 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.

July 3, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

July 5, 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 July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

July 10, 2013: The Board Administrator emailed the applicant the following information:

- code provisions related to nonconforming structures.

August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim 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 additional review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining an addition to an existing one-story single family home that appears to be nonconforming as to the rear yard setback regulations because of the fact that (according to DCAD) it was built in 1961. The proposed structure/addition is to be added atop the existing structure in the rear yard setback, and lengthened from the existing structure in the rear yard setback approximately 12'.
- The subject site is located at the southeast corner of Burwood Lane and Pickens Street. Regardless of how the existing single-family structure is oriented to front northward to Burwood Lane, the subject site has only one 30' front yard setback along Burwood Lane, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family zoning district. The subject site has a 6' side yard setback on the east side of the site; a 6' side yard setback along the west (or Pickens Street) side of the site since there is no continuity of an established front yard setback to be maintained south of the site since the lot immediately to the south fronts southward to Lorna Lane, and a 6' rear yard setback on the south side of the site.
- Structures on lots zoned R-10(A) are required to provide a minimum rear yard setback of 6'.
- A site plan has been submitted denoting a portion of the existing structure and proposed addition located as close as 1' away from the rear property line or 5' into the 6' rear yard setback.
- The subject site is separated from the property immediately to its rear/south by a 10' wide unimproved alley easement.
- The applicant has chosen to only seek variance to the rear yard setback regulations for the new construction/addition to the existing structure on the site, and to not seek variance to remedy/address the nonconforming aspect of the existing nonconforming structure that is located in the site's rear yard setback.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- According to DCAD records, the "main improvements" at 6858 Burwood is a structure built in 1961 with 2,894 square feet of living area and 2,894 square feet of total area. According to DCAD records, the "additional improvements" at 6858 Burwood is a basement, and a 502 square foot attached garage.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- It appears from calculations taken from the submitted site plan by the Board Administrator that approximately 50 square feet (or 20 percent) of the approximately 240 square foot addition building footprint is located in the site's 6' rear yard setback.
- It appears from calculations taken from the submitted site plan by the Board Administrator that approximately 100 square feet (or approximately 15 percent) of the approximately 660 square foot 2nd floor addition building footprint is located in the site's 6' rear yard setback.

- The subject site is slightly sloped, irregular in shape, and according to the application, is approximately 8,700 square feet in area. The site is zoned R-10(A) where lots are typically 10,000 square feet.
- The subject site is separated from the property to the rear (or south) of it by a 10' alley/easement.
- The applicant has provided information showing that the existing home (currently with about 2,900 square feet of living area) would be smaller after the proposed addition (at about 3,600 square feet) than the average of 7 other homes/properties (at about 4,200 square feet) that are similarly-zoned R-10(A).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the rear 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-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 rear yard setback would be limited to what is shown on this document– which is a structure to be located on the rear property line or 6' into the 6' rear yard setback.

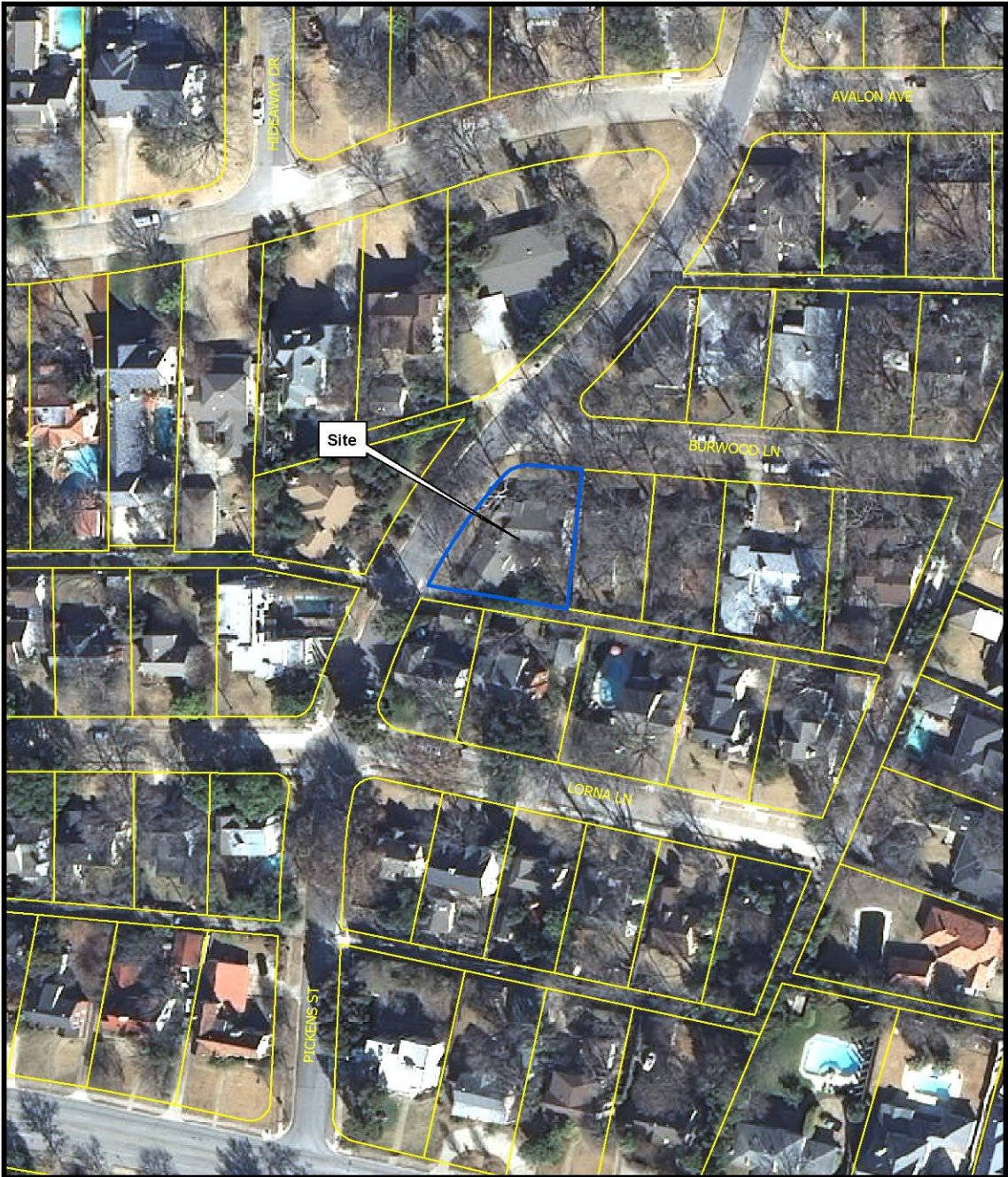


1:1,200

ZONING MAP

Case no: BDA123-079

Date: 7/18/2013



1:1,200

AERIAL MAP

Case no: BDA123-079

Date: 7/18/2013



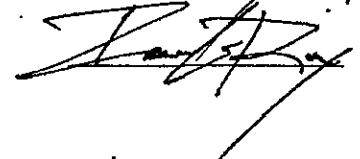
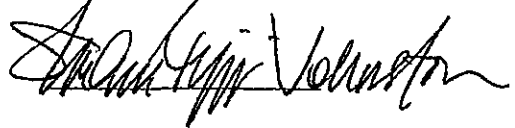
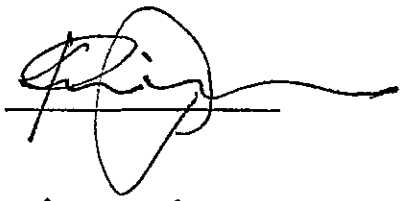


	Lot Size (sq. ft.)	Current Living Area (sq. ft.)	Proposed Living Area (sq. ft.)
6858 Burwood Lane	8,743	2,894	3,544

Our proposed remodel will result in our property remaining 16% smaller than commensurate properties zoned R-10(A) in our neighborhood if our property did not have the existing size and lot shape restrictions.

Address	Lot Size (sq. ft.)	Living Area (sq. ft.)
2425 Pickens St	9,913	3,449
2426 Pickens St	9,247	5,674
2429 Pickens St	9,511	4,464
6805 Lorna Lane	8,213	4,006
6843 Lorna Lane	9,758	3,830
6832 Avalon Ave	11,897	4,241
6850 Avalon Ave	11,488	3,984
Averages:	10,004	4,235

Petition in Support of Rear Yard Variance Application for 6858 Burwood Lane

We, the undersigned neighbors/property owners located in zoning district R10(A) in Gaston Place, have reviewed the plans for the above-referenced rear yard variance application and support the owner's request for the addition in their back yard.

Name	Address	Signature
1) <u>Ian Ray</u> <u>Erin Ray</u>	<u>6874 Avalon</u> <u>Dallas, TX 75214</u>	 
2) <u>Ian Ray</u>	<u>6869 Burwood</u> <u>Dallas, TX 75214</u>	
3) <u>Shaluir Johnston</u>	<u>6858 Avalon</u> <u>Dallas, TX 75214</u>	
4) <u>Richard Johnston</u>	<u>6858 Avalon</u> <u>Dallas, TX 75214</u>	
5) <u>FANNY ANN NORRIS</u>	<u>6843 LORNA</u>	
6) <u>Jim & Maria Ellis</u>	<u>6872 Burwood Ln</u> <u>Dallas, TX 75214</u>	

6866 Burwood

7) Paul Bhella

F₂ Lane
Dallas, TX

Paul Bhella

8) Cynthia Walker

6883 Burwood
Dallas, TX 75214

Cynthia Walker

9) _____

10) _____

11) _____

12) _____

BDA 123-079

Attach A

PJ 4

6863 Burwood Ln.
Dallas, Texas 75214
July 15, 2013

Steve Long
City of Dallas Sustainable Development and Construction
1500 Marilla Street Room 5BN
Dallas, Texas 75201

RE: BDA 123-079, Property at 6858 Burwood Ln.

Dear Mr. Long,

My neighbors across the street, the Anastopuloses, have recently applied for a variance to make an addition to their home. This letter is to show my full support for this project.

Several years ago they purchased this property, which was in disrepair, and then gutted the interior down to the bare studs. Next, they did a great renovation which did nothing but help the entire neighborhood. I expect the current addition they plan on their home will also be an excellent job and further make our neighborhood even better. They have my support.

Please call me at 214-319-7229 if you have questions. Meanwhile, we look forward to seeing the finished product of the Anastopulos' home.

Sincerely



Gary Dyke



City of Dallas

A

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-079

Data Relative to Subject Property:

Date: 6-25-13

Location address: 6858 Burwood Ln. Zoning District: R10(A)

Lot No.: 12 Block No.: C/2806 Acreage: 8743#2 Census Tract: 1.00

Street Frontage (in Feet): 1) 56 2) 112 3) _____ 4) _____ 5) _____ *SE EB*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Peter Anastopoulos, Jessa L. VanLuik

Applicant: Peter Anastopoulos Telephone: (214)226-5978

Mailing Address: 6858 Burwood Ln. Zip Code: 75214

E-mail Address: peter@therobertsfirm.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance , or Special Exception , of 6' feet
to the side yard setback

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:

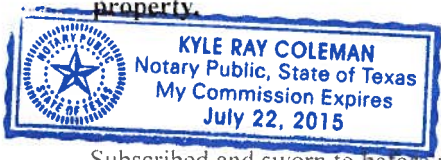
See attached Necessary to overcome a property's restrictive size, shape, & slope

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 Peter Anastopoulos
(Affiant/Applicant's name printed)

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



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

Subscribed and sworn to before me this 21st day of June 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 PETER ANASTOPULOS

did submit a request for a variance to the rear yard setback regulations
at 6858 Burwood Lane

BDA123-079. Application of Peter Anastopoulos for a variance to the rear yard setback regulations at 6858 Burwood Lane. This property is more fully described as Lot 12, Block C/2806 and is zoned R-10(A), which requires a 6 foot rear yard setback. The applicant proposes to construct and maintain a single family residential structure and provide a 0 foot rear yard setback, which will require a 6 foot variance to the rear yard setback regulation.

Sincerely,


Larry Holmes, Building Official

City of Dallas Zoning



City Boundaries

- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

Dry Overlay

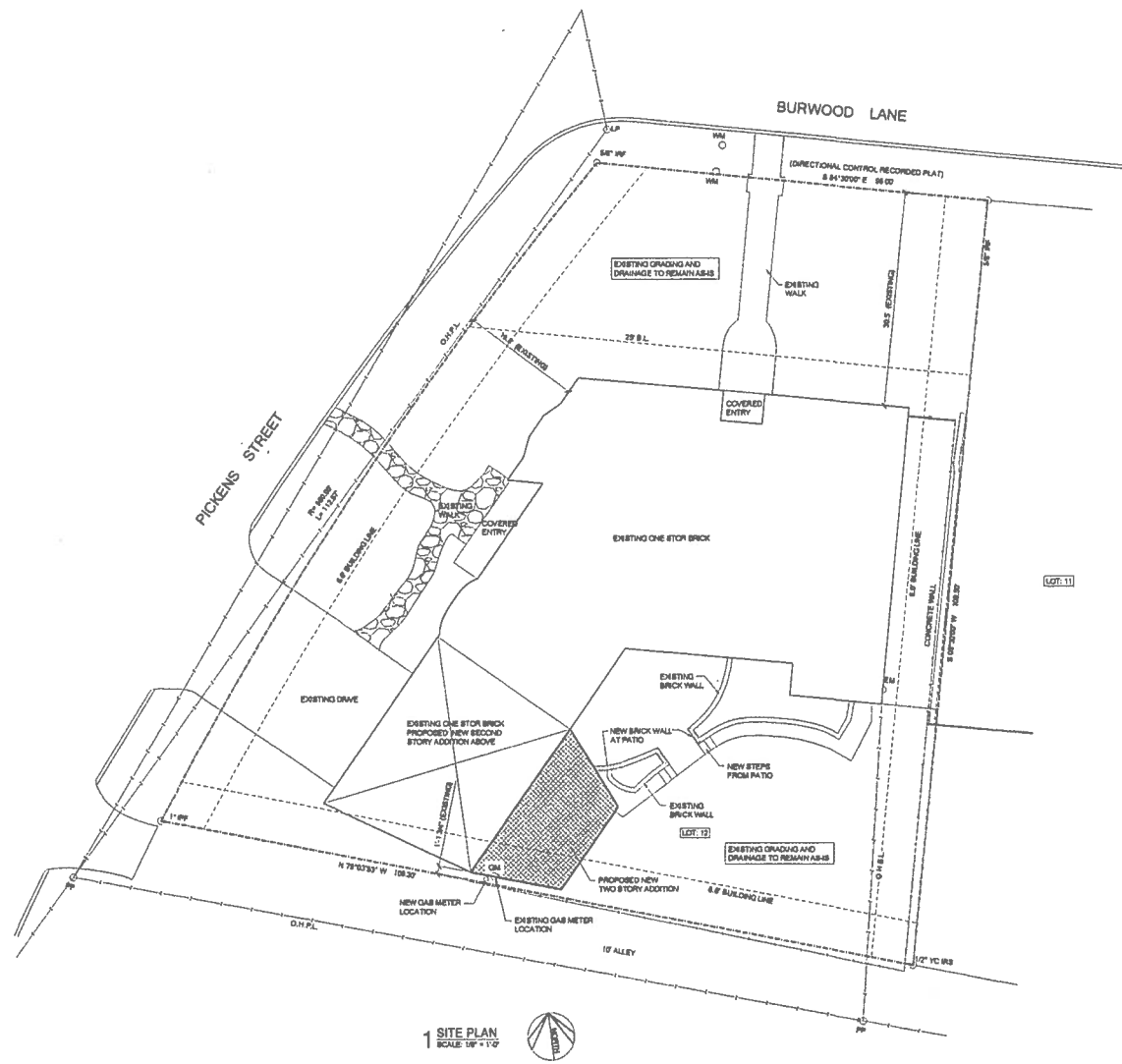
- D
- D-1
- Historic Overlay
- Historic Subdistricts
- NSO Overlay
- NSO Subdistricts
- MD Overlay

Base Zoning

- Floodplain
- 100 Flood Zone
- Mill's Creek
- Peak's Branch
- X PROTECTED BY LEVEE
- Pedestrian Overlay
- CP
- SP
- Environmental Corridors



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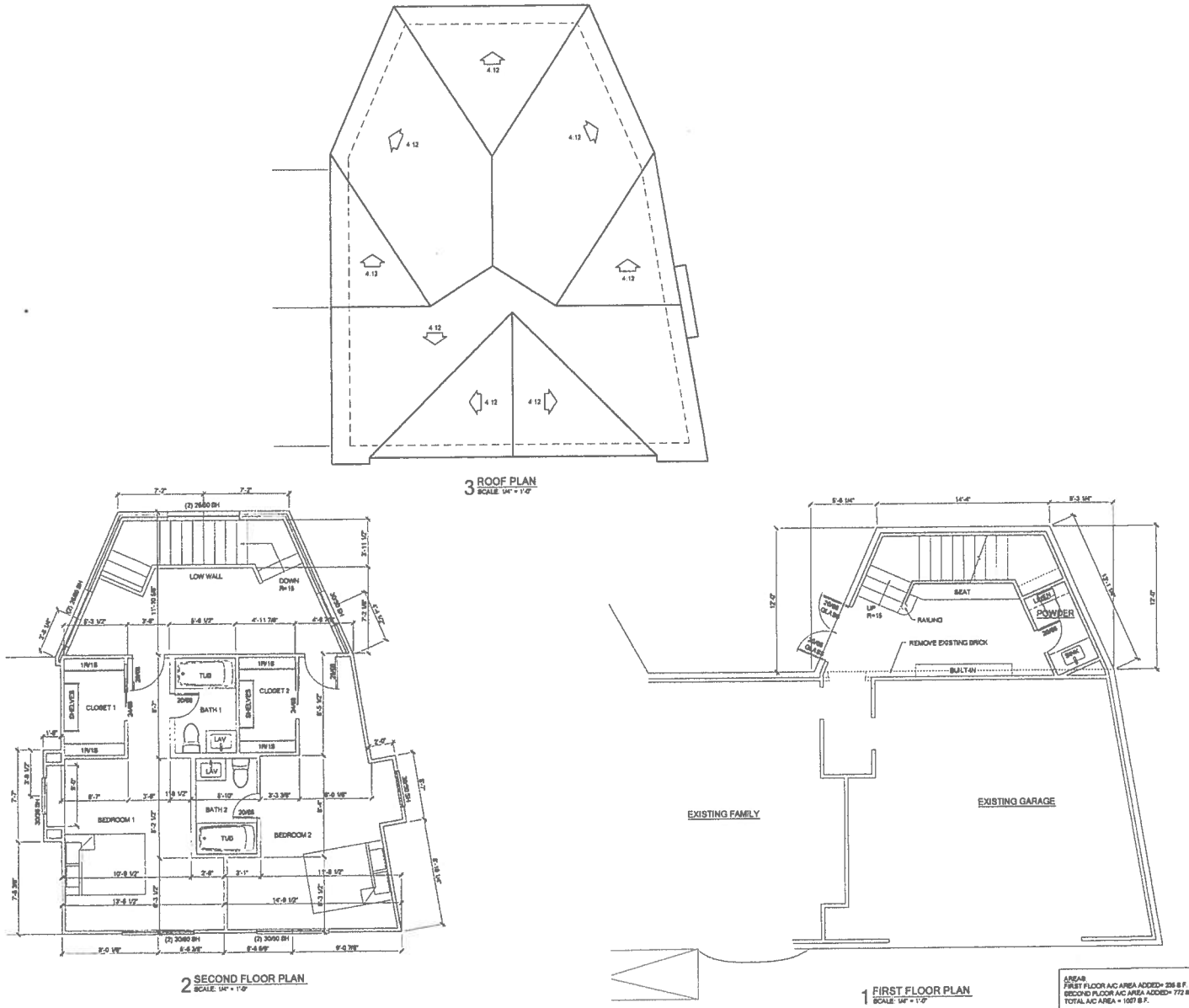
BUCKHYNE, Inc.
 ANDY PAPSON
 4231 HODGREN ST., MESQUITE, TEXAS 75150
 PH: (972) 874-2022 FAX: (972) 874-2048 Email: andy@buckhyne.com

This plan was prepared by the undersigned professional engineer in accordance with the laws of the State of Texas. It is to be used only for the purposes stated herein. The undersigned professional engineer is not responsible for any errors or omissions in this plan, and the user of this plan is advised to verify all information shown herein. The undersigned professional engineer is not responsible for any errors or omissions in this plan, and the user of this plan is advised to verify all information shown herein. The undersigned professional engineer is not responsible for any errors or omissions in this plan, and the user of this plan is advised to verify all information shown herein.

6858 BURWOOD LANE
 DALLAS, TEXAS

Revisions

Project No: 6858 BURWOOD LANE
 Sheet 1 of 3
 Sheet Number:
A1
 Drawn By: A.P.
 Date: 8-8-12



3 ROOF PLAN
SCALE 1/4" = 1'-0"

2 SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

1 FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

AREAS:
FIRST FLOOR AC AREA ADDED= 236 S.F.
SECOND FLOOR AC AREA ADDED= 772 S.F.
TOTAL AC AREA= 1007 S.F.

BUCKHYNE, Inc.
ANDY PAPSON
4231 MODLIN ST. MESQUITE, TEXAS 75150
PH: (972) 974-6387 FAX: (972) 984-5492 email: andy@buckhyne.com

This plan was prepared by Buckhyne, Inc. based on information furnished by the architect. Buckhyne, Inc. is not responsible for the accuracy of the information furnished by the architect or for the results of any construction. Buckhyne, Inc. is not responsible for the accuracy of any information, including, but not limited to, zoning, building codes, or other regulations. Buckhyne, Inc. is not responsible for the accuracy of any information, including, but not limited to, zoning, building codes, or other regulations. Buckhyne, Inc. is not responsible for the accuracy of any information, including, but not limited to, zoning, building codes, or other regulations. Buckhyne, Inc. is not responsible for the accuracy of any information, including, but not limited to, zoning, building codes, or other regulations. Buckhyne, Inc. is not responsible for the accuracy of any information, including, but not limited to, zoning, building codes, or other regulations.

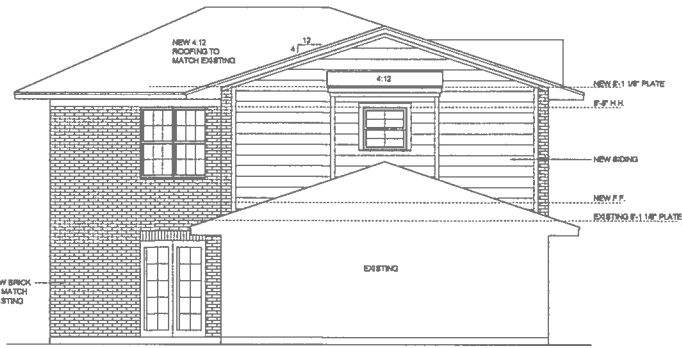
8868 BURWOOD LANE
DALLAS, TEXAS

Revisions:

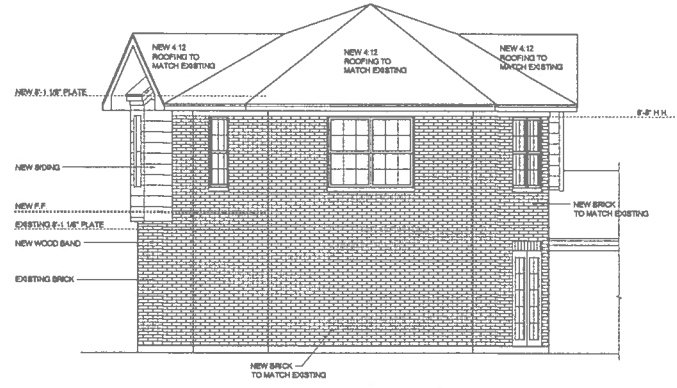
Project No: 1814 BURWOOD Lane
Sheet 2 of 3
Sheet Number:

A2

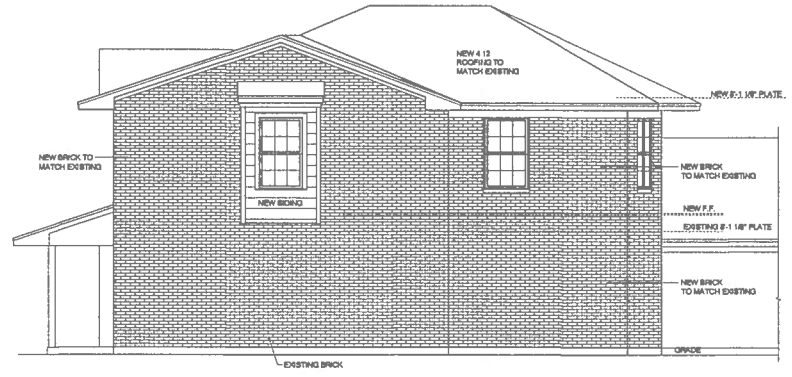
Drawn By: A.P.
Date: 6-4-13



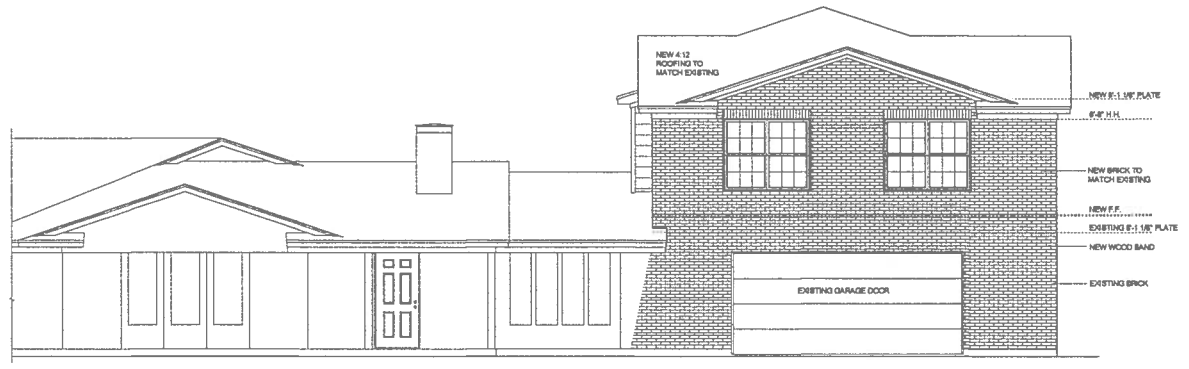
4 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



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

BUCKHYNE, Inc.
ANDY PAPSON
4231 MODLIN ST., MESQUITE, TEXAS 75150
PH: (972) 879-8897 FAX: (972) 888-0262 email: andyp@buckhyne.com

These plans are intended to provide the basic construction information necessary for satisfactory construction of the project. They do not constitute a contract. It is the responsibility of the contractor to verify all dimensions and conditions of the site and to obtain all necessary permits. It is recommended that the contractor obtain shop drawings and details from the manufacturer and have them reviewed by the architect. The contractor shall be responsible for obtaining all necessary permits and for the construction of the project. The architect shall not be responsible for the construction of the project. The architect shall not be responsible for the construction of the project. The architect shall not be responsible for the construction of the project.

6858 BURWOOD LANE
DALLAS, TEXAS

Revision

Project No: 1813 BURWOOD LANE
Sheet 2 of 3
Sheet Number

A3
Drawn By: A.P.
Date: 8-6-13

We, the homeowners, would like to expand the houses footprint to add 2 additional bedrooms. The only place we have to expand is above the garage due to the unique layout of the existing property and structure.

First, the property itself is atypical in shape and generally differs from the other properties within the same zoning district R10(A) in Gaston Place. Typical lots are rectangular with a square/rectangular structure built in the middle, which allows for easy expansion. Our property is a trapezium shape. To fit the existing home on the property, prior owners built the structure at an odd angle which limits expansion.

Second, we had no control over the current structures placement within the property lines. The existing structure meets the set back requirement facing Burwood, Pickens, and our neighbor immediately to the east. The garage area, which borders a utility easement, is where we request our variance. The utility easement does not allow for through traffic and is not maintained as an open through-way. Please see the attached pictures.

This variance would not be materially detrimental to the purpose of this set back ordinance nor would it conflict with the objectives of any City plan or policy. We solely look to build upon the existing home and minimally extend the line of the structure within the existing property line.

View from Pickens

6858 Buwood
(our garage)



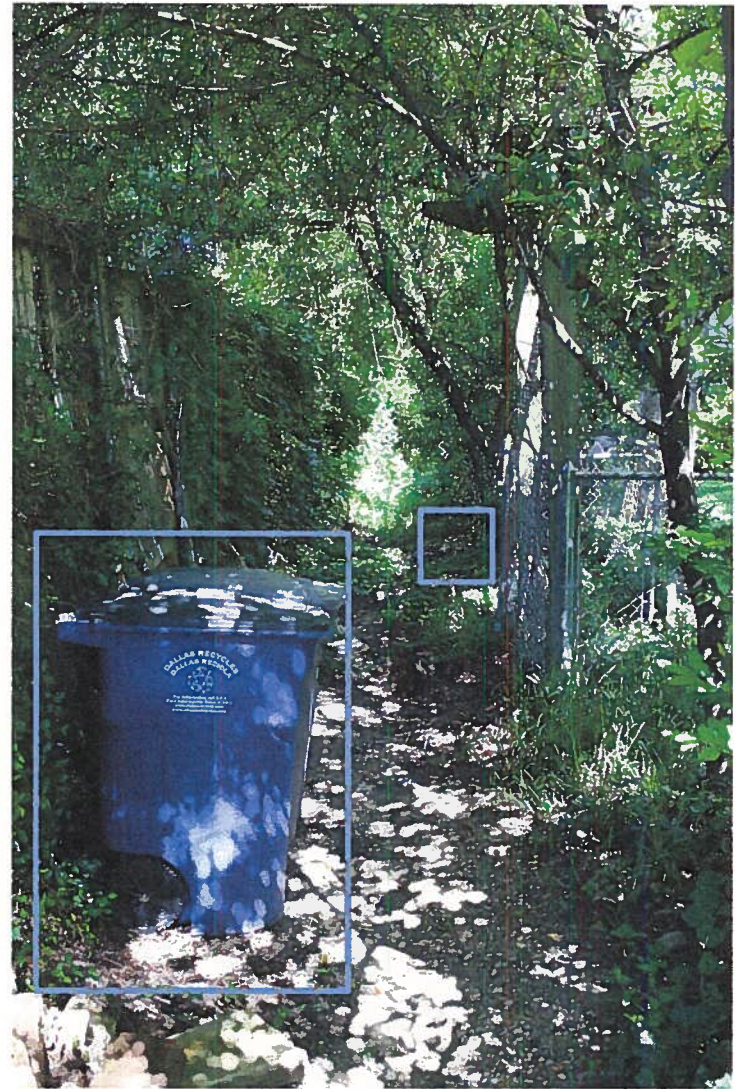
Neighbor's
garage



walking down easement



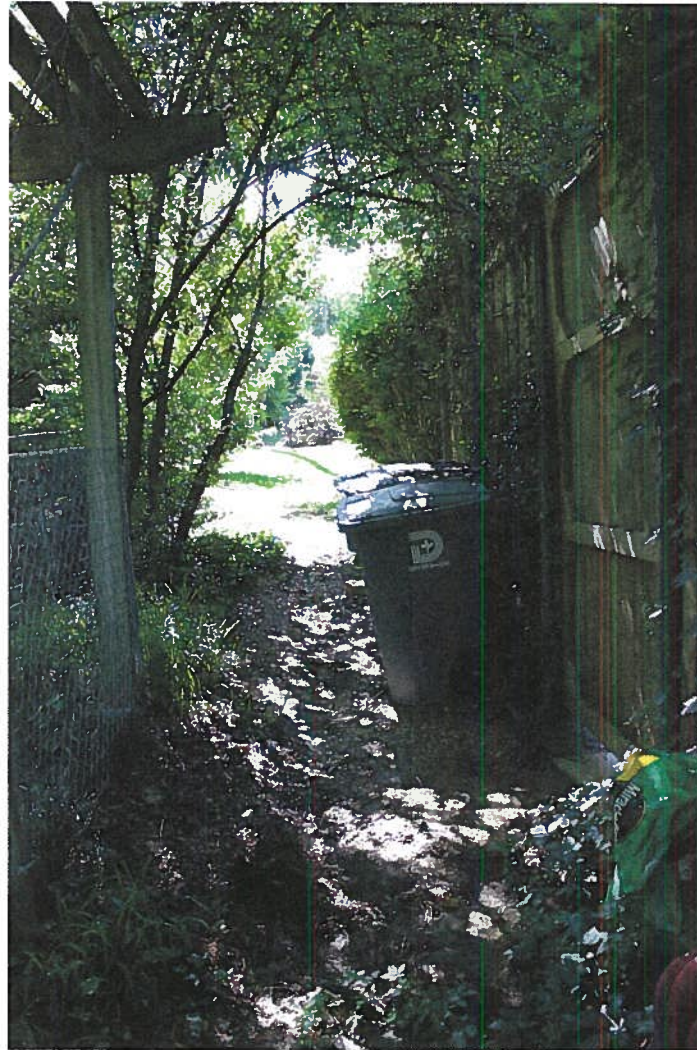
Cont...



Cont...



Cont...



Looking out of easement back towards Pickens St.



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">28</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	28	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA123-079</u> Date: <u>7/18/2013</u>
200'	AREA OF NOTIFICATION					
28	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-079

28 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6858 BURWOOD LN	ANASTOPULOS PETER & JESSA VANLUIK
2	6838 AVALON AVE	BAKER TODD
3	6840 LORNA LN	BONES STEPHEN & LAURIE
4	6835 LORNA LN	WELLS SUSAN E
5	6843 LORNA LN	NOBLE DANIEL & ANN S
6	2343 PICKENS ST	SMITH FOSTER TODD & HELEN SOPHIA B
7	6858 AVALON AVE	JOHNSTON RICHARD D & SHALMIR TIPPIT JOHN
8	6850 AVALON AVE	COOK BYRON & APRIL REV TRUST BYRON C & A
9	6844 AVALON AVE	REGAN JOHN D & DEBORAH MHARI
10	6832 AVALON AVE	BOYD TOM A & MELISSA S
11	6866 LORNA LN	ORTEGA DANIEL
12	6862 LORNA LN	PETERS NIKI B
13	6858 LORNA LN	READ WILLIAM C
14	6850 LORNA LN	LINK ERIC & ANGELA
15	6846 LORNA LN	HASHEM MOHAMMAD F & GOLJEROVA SILVIA
16	6851 LORNA LN	RUBIO FERNANDO & SHANNON
17	6857 LORNA LN	ROTH STEVEN JAY & THAI LAN THI TRAN
18	6865 LORNA LN	ZAJICEK HUBERT & SARA
19	6871 LORNA LN	BRUNI ELIZABETH
20	6875 LORNA LN	WOODS THOMAS F III & JENNIFER
21	6878 BURWOOD LN	GORDON BARBARA LORENZ
22	6872 BURWOOD LN	ELLIS THOMAS G III ETAL
23	6866 BURWOOD LN	BHELLA PAUL S
24	6862 BURWOOD LN	JOHNSON ERIC W
25	6863 BURWOOD LN	DYKE GARY
26	6869 BURWOOD LN	RAY IAN G PMB 348

7/18/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	6879 BURWOOD LN	JOHNSON ALEEN
28	6874 AVALON AVE	RAY IAN & ERIN M

FILE NUMBER: BDA 123-076

BUILDING OFFICIAL'S REPORT: Application of Bryan Hull for a variance to the front yard setback regulations at 4932 Cedar Springs Road. This property is more fully described as Lot 1B, Block A/2343 and is zoned PD-193 (MF-2), which requires a front yard setback of 15 feet. The applicant proposes to construct a structure and provide a 10 foot front yard setback, which will require a 5 foot variance to the front yard setback regulations.

LOCATION: 4932 Cedar Springs Road

APPLICANT: Bryan Hull

REQUEST:

A variance to the front yard setback regulations of 5' is made in conjunction with constructing and maintaining a five-unit multifamily development structure, part of which would be located in the site's Mahanna Street 15' front yard setback on a site that is currently undeveloped. (No part of the proposed multifamily development structure is represented to be located in the site's Cedar Springs Road 15' front 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:

Denial

Rationale:

- Even though the subject site is unique to most lots zoned PD 193 (MF-2) in that it has two front yard setbacks, the applicant has not substantiated how this feature precludes him from developing it in a manner commensurate with the development upon other parcels of land in the same zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: PD 193 (MF-2) (Planned Development District, Multifamily)
North: PD 193 (MF-2) (Planned Development District, Multifamily)
South: PD 193 (MF-2) (Planned Development District, Multifamily)
East: PD 193 (MF-2) (Planned Development District, Multifamily))
West: PD 193 (MF-2) (Planned Development District, Multifamily)

Land Use:

The subject site is undeveloped. The areas to the north, east, south, and west are developed mostly as multifamily residential 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:

- June 14, 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.
- July 5, 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 July 31st deadline to submit additional evidence for staff to factor into their analysis; and the August 9th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- August 6, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Interim Assistant Director, the Sustainable

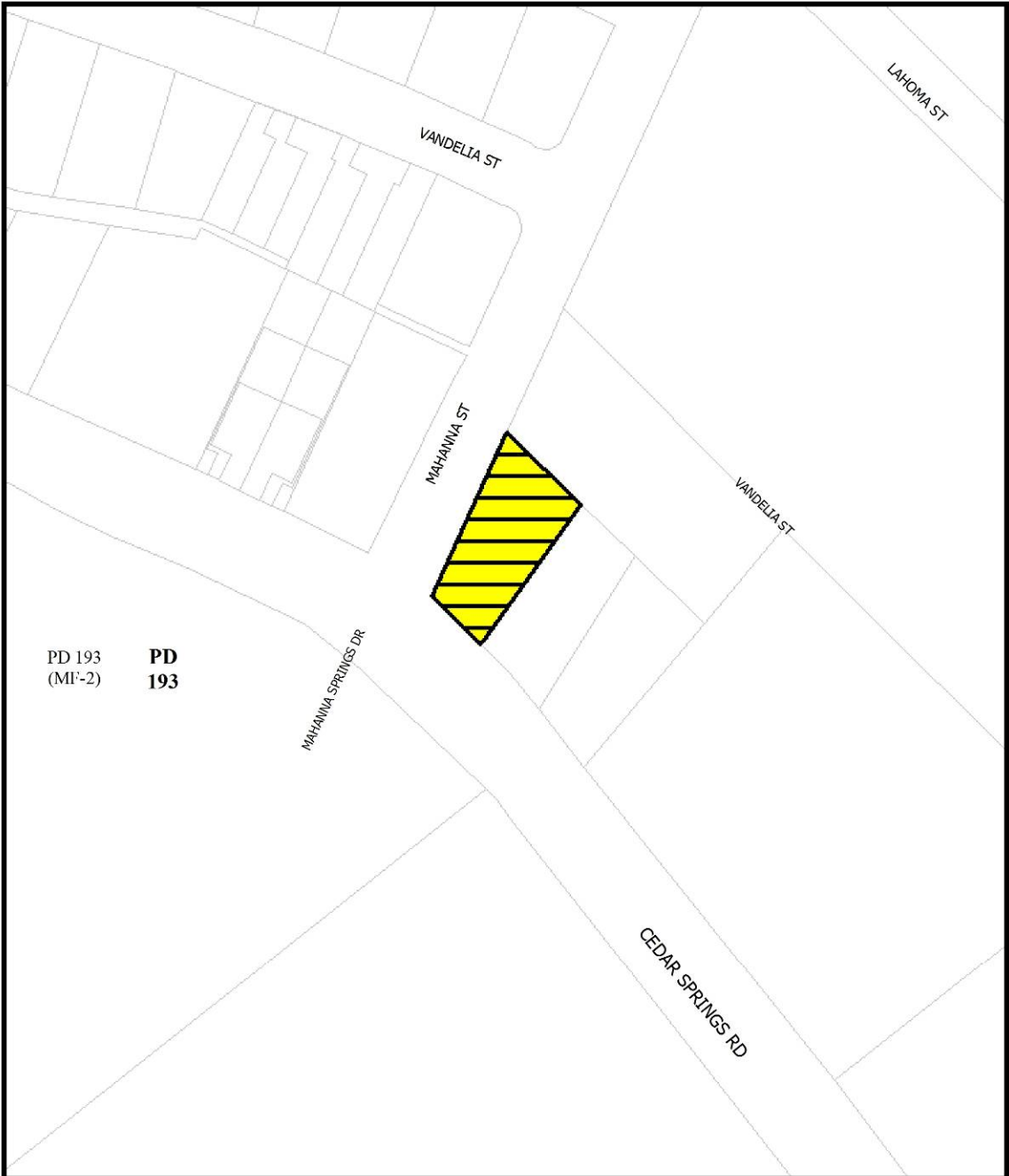
Development and Construction Department Engineering Division Assistant Director, the Sustainable Development and Construction Department Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney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

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

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing and maintaining a 3-story, 5-unit, multifamily structure on an undeveloped site that would be located 10' from the Mahanna Street front property line or 5' into the required 15' front yard setback. No part of the proposed multifamily development structure is represented to be located in the site's Cedar Springs Road 15' front yard setback).
- Multiple family structures on lots zoned PD 193 (MF-1) are required to provide a minimum front yard setback of 15'.
- The subject site is located at the northeast corner of Cedar Springs Road and Mahanna Street. Regardless of how the proposed multifamily structure is to be oriented, the subject site has two 15' front yard setbacks along both streets. The site has a 15' front yard setback along Cedar Springs Road, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in a single-family, duplex, or multiple-family zoning district. The site also has a 15' front yard setback along Mahanna Street, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where depending on the height of the structure, a 0 - 10' setback is required. But the site's Mahanna Street frontage is deemed a front yard setback nonetheless to maintain the continuity of the established front yard setback established by the lots northeast of the site that have front yard setbacks along Mahanna Street.
- A site plan has been submitted denoting a portion of the proposed structure to be located 10' from the site's Mahanna Street front property line or 5' into the 15' front yard setback. (No structure is shown located in the site's Cedar Springs Road front yard setback).
- It appears from calculations made by the Board Administrator from the submitted site plan that approximately 500 square feet (or about 16 percent) of the proposed approximately 3,200 square foot building footprint is to be located in the site's Mahanna Street 15' front yard setback.
- DCAD records indicate "no main improvement" for property at 4924 Cedar Springs Road.
- The subject site is slightly irregular in shape (approximately 77' on the north, approximately 53' on the south; approximately 132' on the east; and approximately 138' on the west) and according to the application, is 0.10 acres (or approximately 4,300 square feet) in area. The site is zoned PD 193 (MF-2). The site has two front yard setbacks; most lots in this zoning district have one front yard setback.
- The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same PD 193 (MF-2) 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 193 (MF-2) 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 10’ from the site’s Mahanna Street front property line (or 5’ into this 15’ front yard setback).



PD 193 (MI-2) **PD 193**

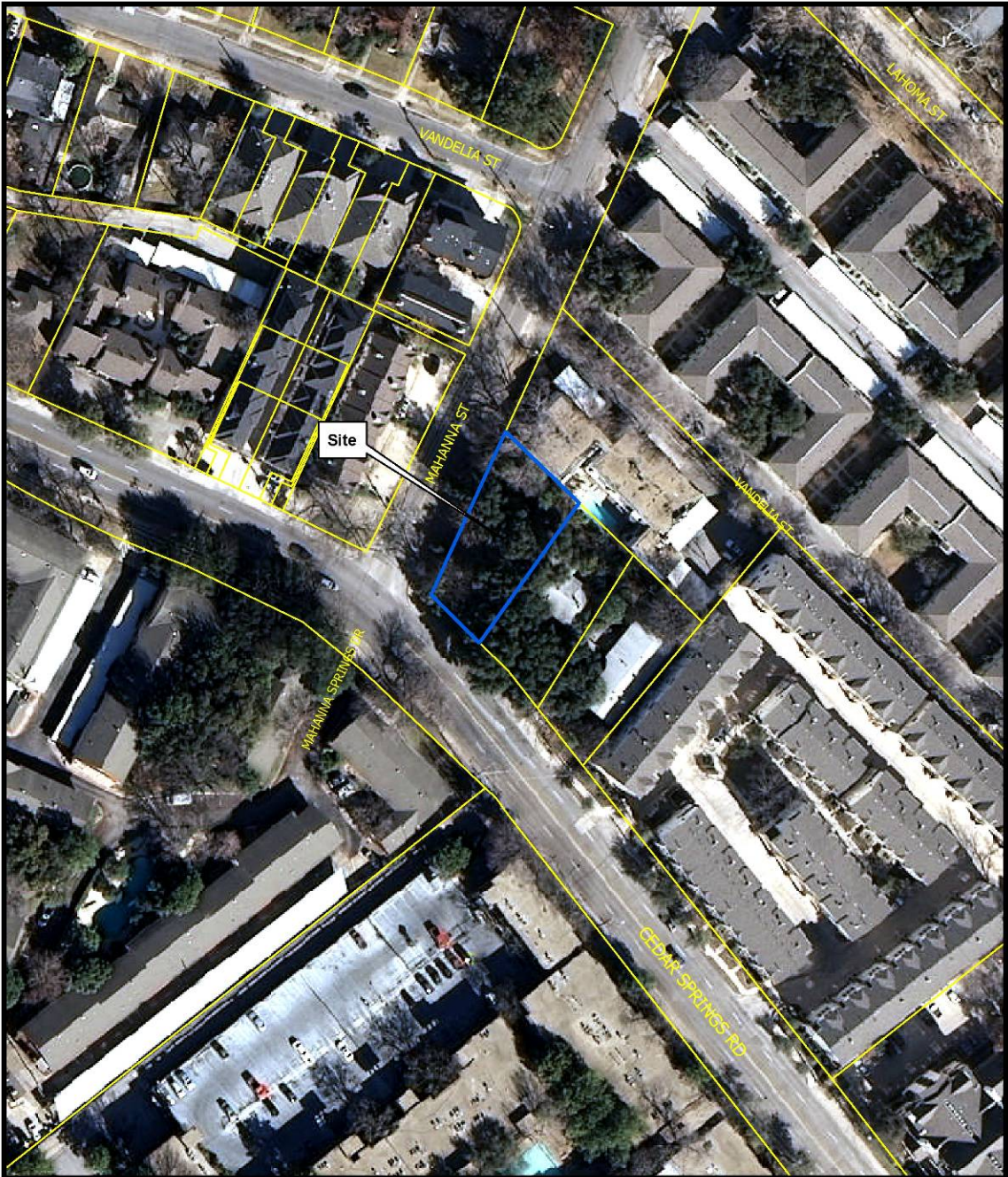


1:1,200

ZONING MAP

Case no: BDA123-076

Date: 7/24/2013



1:1,200

AERIAL MAP

Case no: BDA123-076

Date: 7/24/2013



City of Dallas

A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-076

Data Relative to Subject Property:

Date: 6/14/13

Location address: 4932 CEDAR SPRINGS ROAD Zoning District: PD 193 (MF-2)

Lot No.: 1B Block No.: a/2343 Acreage: .10 Census Tract: 6.01

Street Frontage (in Feet): 1) 139' 2) 78' 3) 4) 5)

SW 22

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 4920 CEDAR SPRINGS LLC

Applicant: BRYAN HULL Telephone: 469-426-6906

Mailing Address: 600 WENTWORTH DRIVE, RICHARDSON, TX Zip Code: 75081

E-mail Address: bhull@claycompanyinc.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 5' TO THE FYSB TO REDUCE THE REQUIRED 15' STREET FRONTAGE SET-BACK ON MAHANNA DRIVE TO 10'.

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 LOT IS THE SMALLEST OF THE THREE LOTS BEING DEVELOPED CONCURRENTLY. THE WIDTH OF THE LOT IS NOT LARGE ENOUGH TO MATCH THE BUILDINGS, OF THE SAME ARCHITECTURE, ON THE TWO ADJACENT LOTS. THE GRANTING OF THE VARIANCE WOULD NOT BE DETRIMENTAL TO THE ADJACENT PROPERTIES, BUT WOULD ENHANCE THE ADJACENT PROPERTY'S OPEN SPACE AT THE SIDYARDS BETWEEN THE BUILDINGS

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.

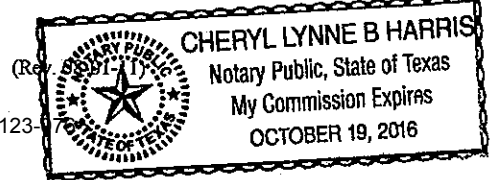
Affidavit

Before me the undersigned on this day personally appeared Bryan Hull (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: Bryan Hull (Affiant/Applicant's signature)

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



Cheryl Lynne B Harris 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

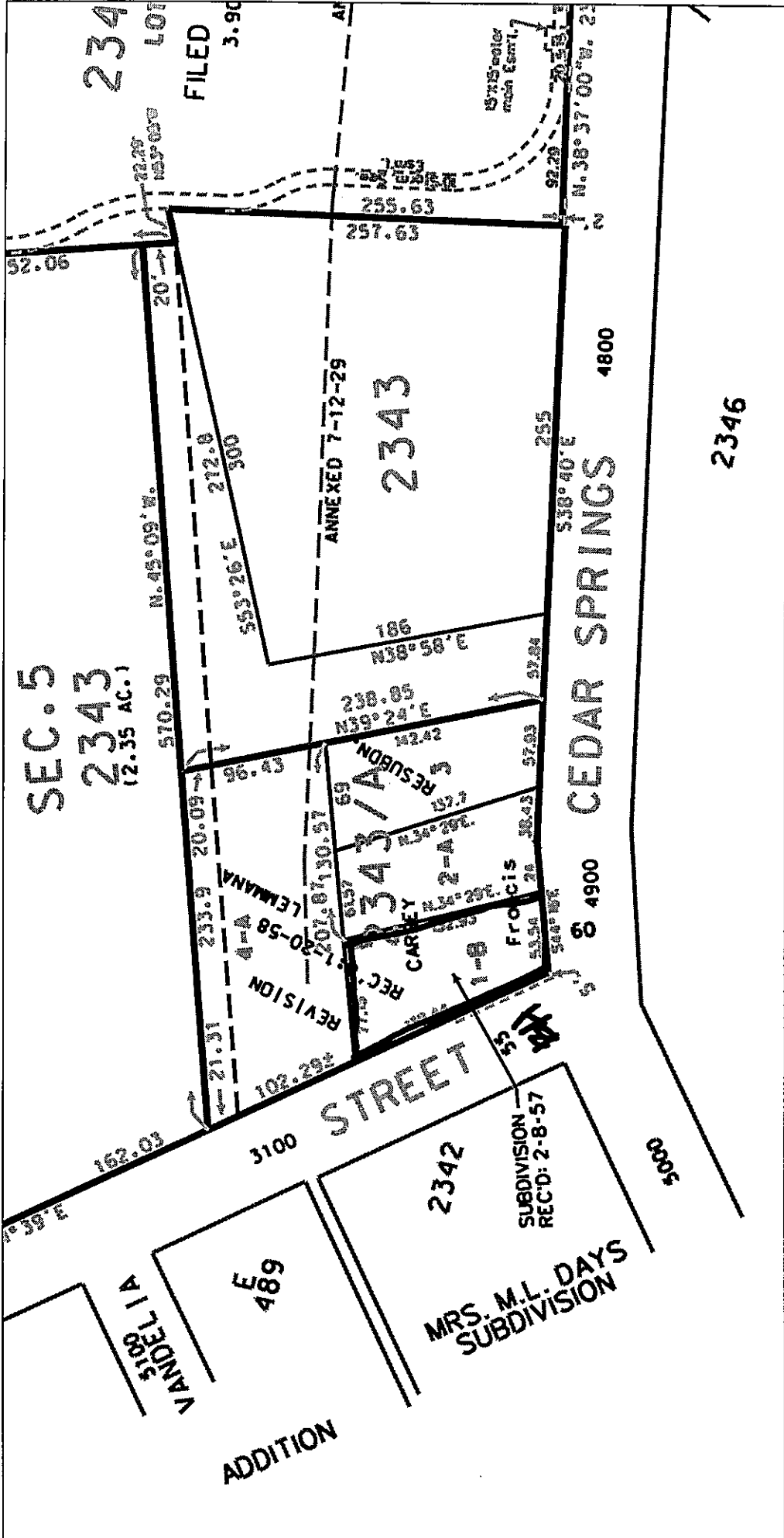
I hereby certify that Bryan Hull

did submit a request for a variance to the front yard setback regulations
at 4932 Cedar Springs Road

BDA123-076. Application of Bryan Hull for a variance to the front yard setback regulation at 4932 Cedar Springs Road. This property is more fully described as Lot 1B, Block A/2343 and is zoned PD-193 (MF-2), which requires a front yard setback of 15 feet. The applicant proposes to construct a multifamily residential structure and provide a 10 foot front yard setback, which will require a 5 foot variance to the front yard setback regulation.

Sincerely,


Larry Holmes, Building Official



SEC. 5
2343
(2.35 AC.)

234
LOT

FILED
3.90

2343

CEDAR SPRINGS

2346

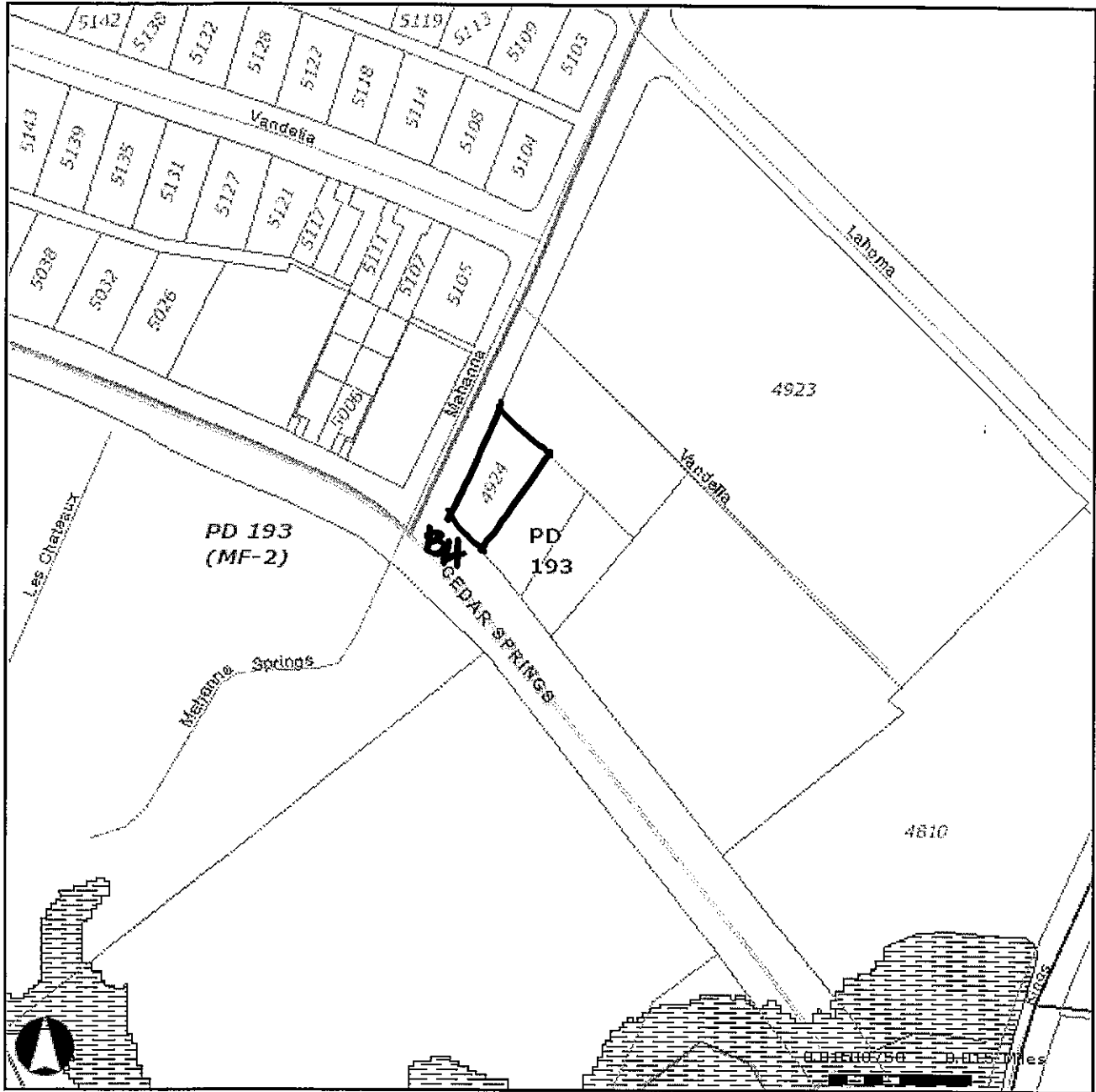
MRS. M.L. DAYS
SUBDIVISION

STREET

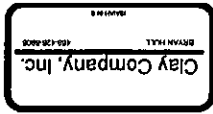
VANDEL 1 A

ADDITION

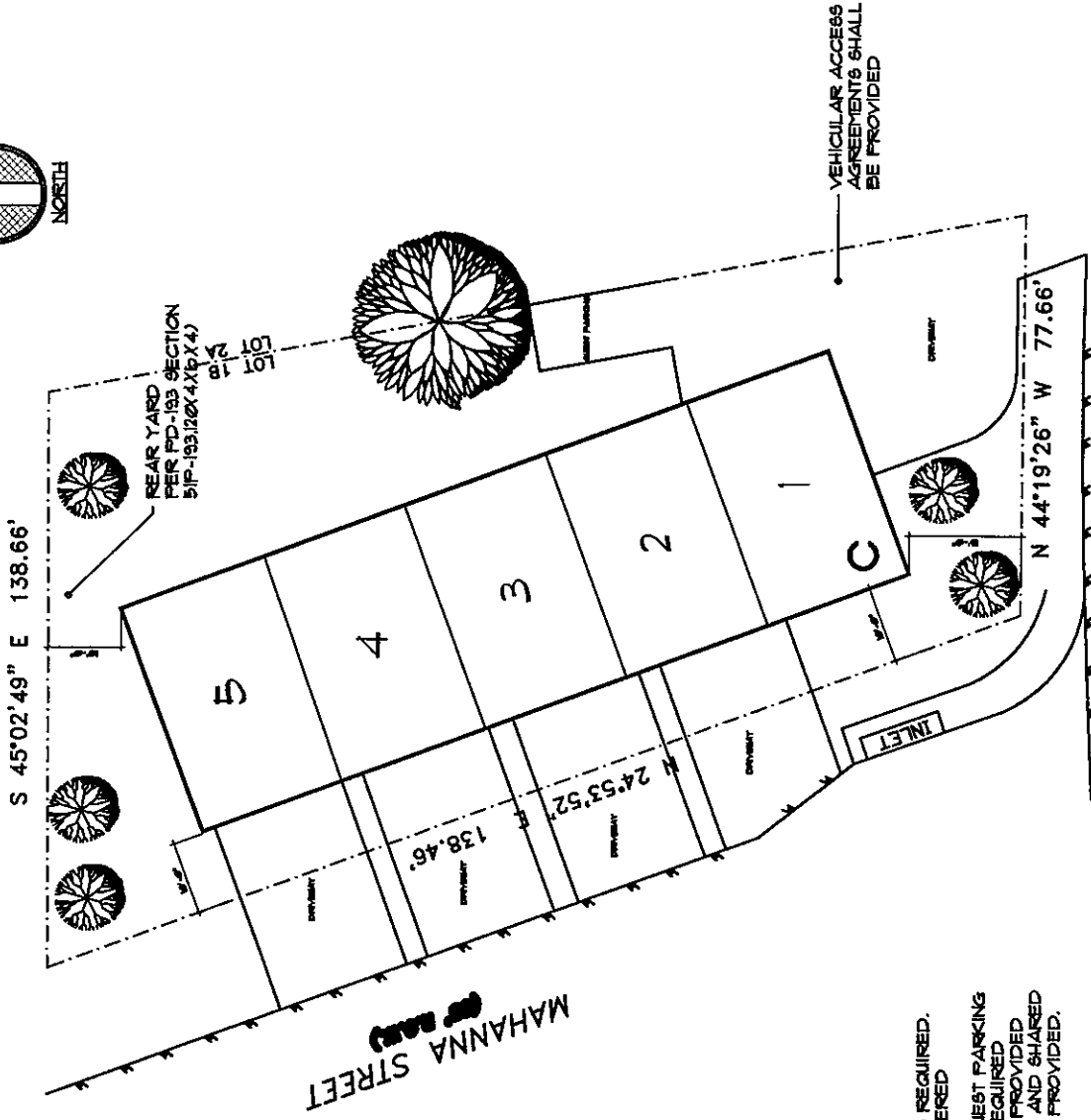
City of Dallas Zoning



<p>City Boundaries</p> <p>County</p> <p>Certified Parcels</p> <p>DISD Sites</p> <p>Council Districts</p> <p>Waterways</p> <p>Parks</p>	<p>Dry Overlay</p> <p>Historic Overlay</p> <p>Historic Subdistricts</p> <p>NSO Overlay</p> <p>NSO Subdistricts</p> <p>MD Overlay</p>	<p>Base Zoning</p> <p>Floodplain</p> <p>100 Flood Zone</p> <p>Mill's Creek</p> <p>Peak's Branch</p> <p>X PROTECTED BY LEVEE</p> <p>Pedestrian Overlay</p> <p>Environmental Corridors</p>
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4892 CEDAR SPRINGS



CEDAR SPRINGS ROAD
(SEE PLAN)

PARKING TABULATION

- 5 2-BEDROOM UNITS • 10 SPACES REQUIRED.
- 5 2-CAR GARAGES, PRIVATE COVERED PARKING PROVIDED
- 5 UNITS X 25 SPACES PER UNIT GUEST PARKING = 1 GUEST PARKING SPACE REQUIRED
- 1 ON-SITE GUEST PARKING SPACE PROVIDED
- VEHICULAR ACCESS AGREEMENTS AND SHARED PARKING AGREEMENTS SHALL BE PROVIDED.

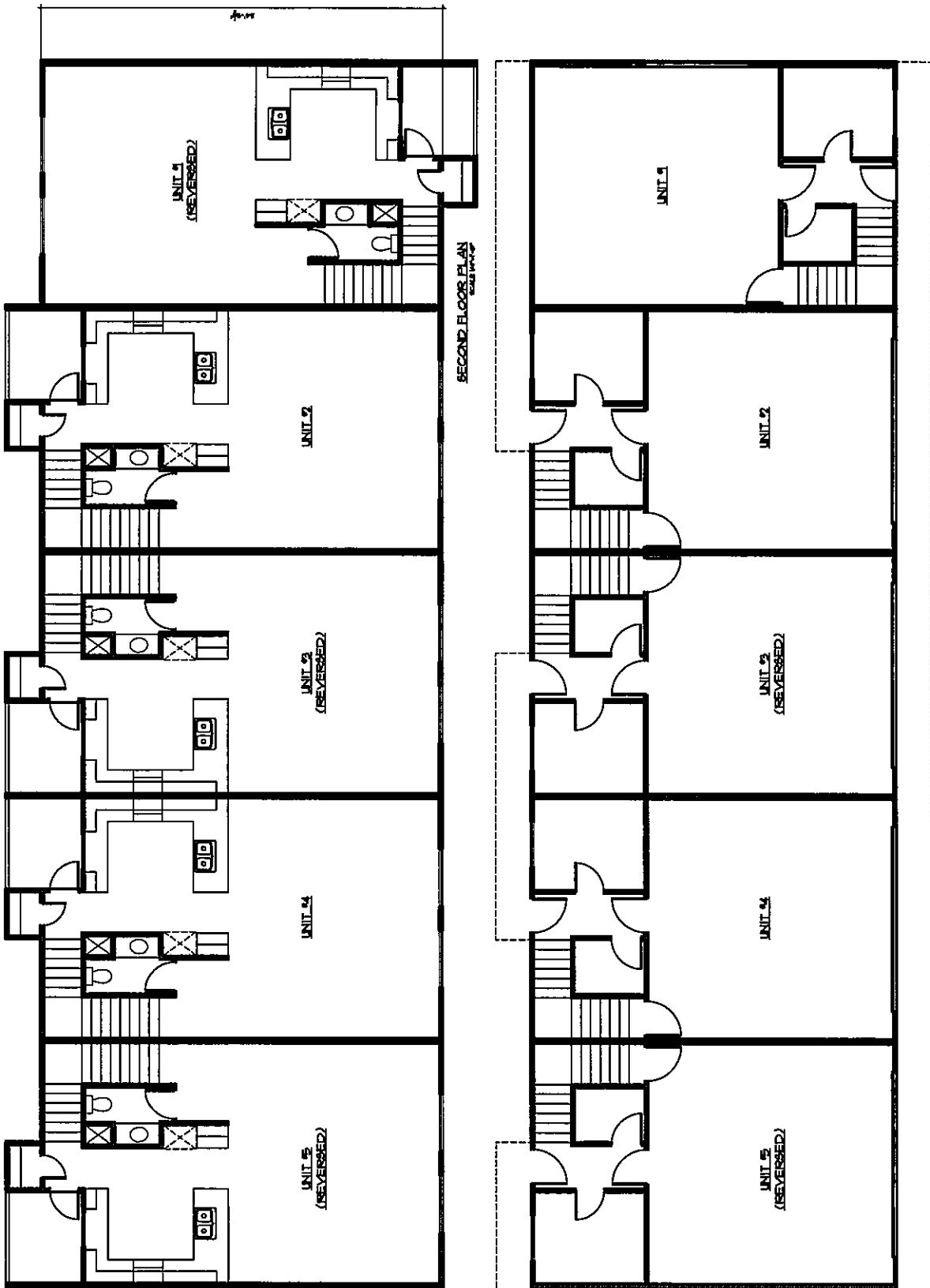
NO.	DATE	REVISIONS

PROJECT: _____
 ADDRESS: _____
 Clay Company, Inc.

4832 CEDAR SPRINGS

TOWNHOME DEVELOPMENT
 SNFT LLC
 CEDAR SPRINGS ROAD, DALLAS, TEXAS

SHEET: A-4
 OF: 24
 DATE: 11/11/12
 DRAWN: S.M.
 CHECKED: S.M.
 SCALE: 1/8" = 1'-0"

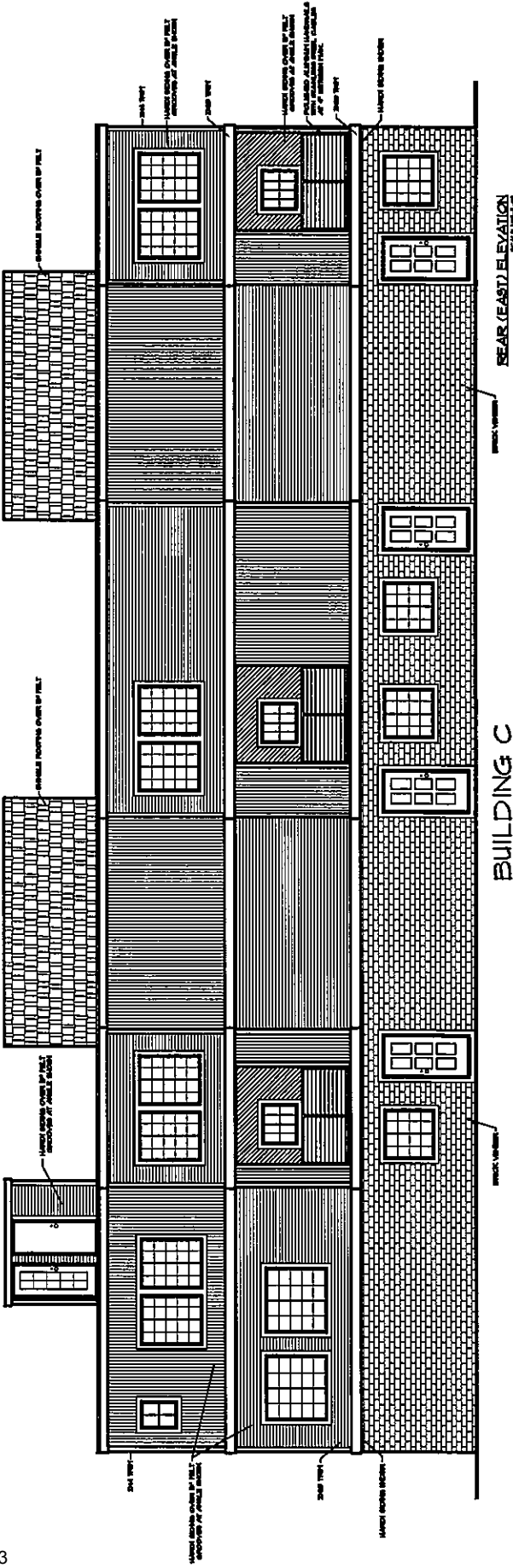
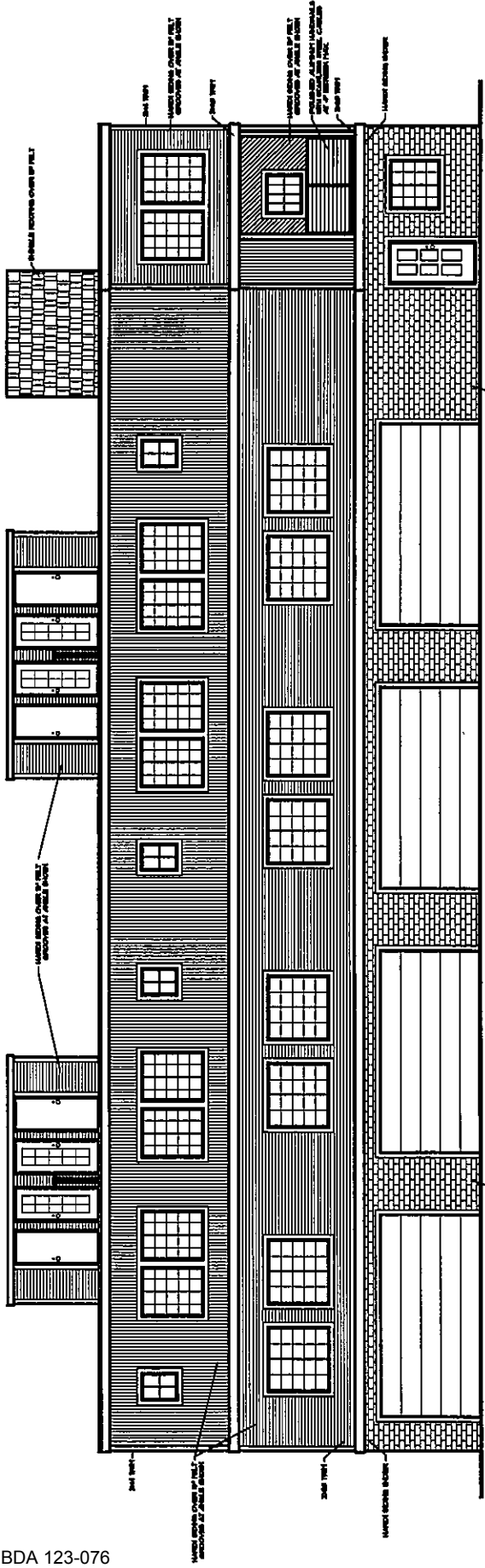


REVISIONS

Clay Company, Inc.
 409-428-8100
 4832 CEDAR SPRINGS

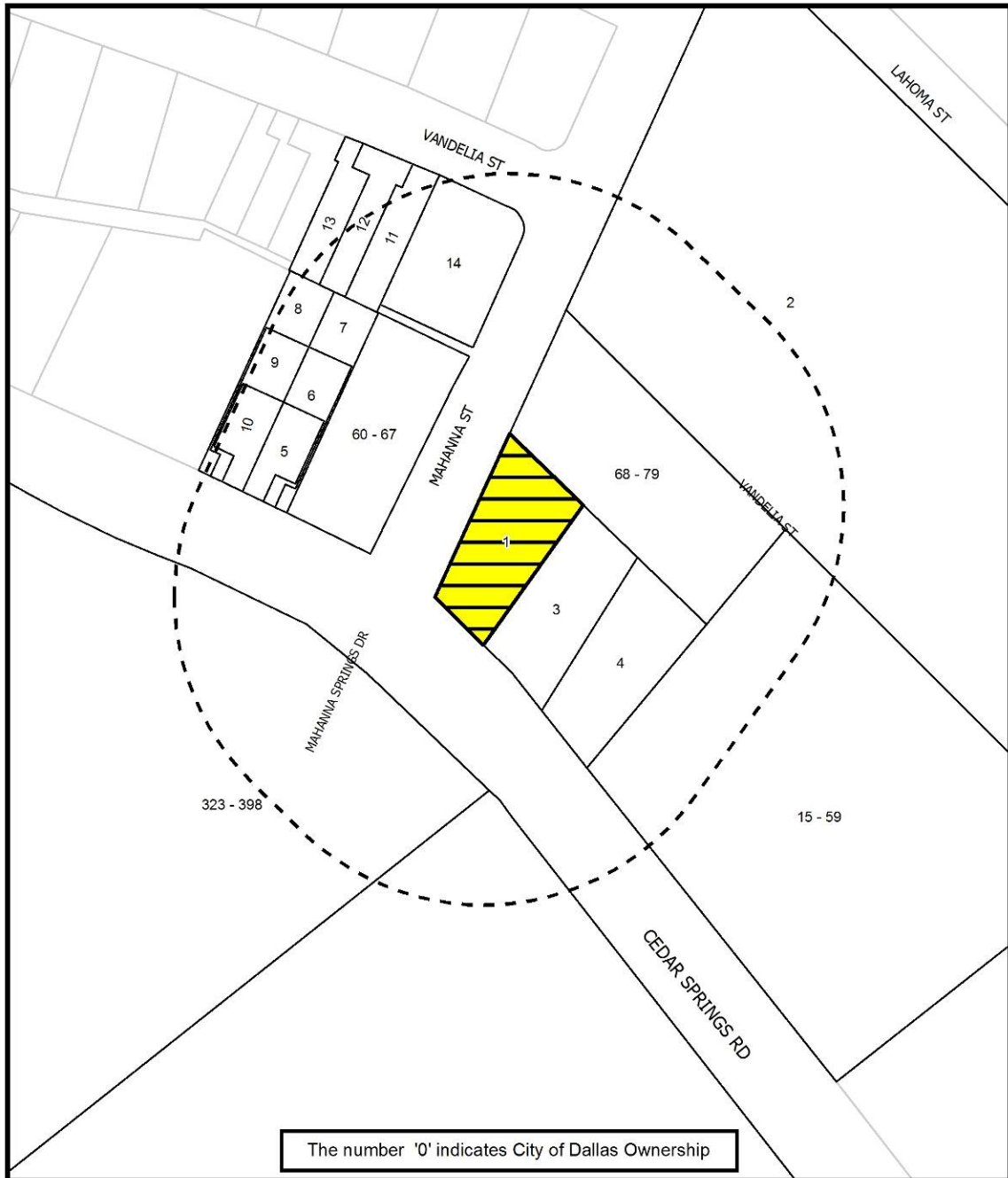
TOWNHOME DEVELOPMENT
 SNFT, LLC
 1000
 CEDAR SPRINGS ROAD, DALLAS, TEXAS

A-6
 SHEET 13-4208 C
 OF 2 SHEETS



BDA 123-076

5-13



 1:1,200	NOTIFICATION		Case no: BDA123-076
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">398</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/24/2013	

Notification List of Property Owners

BDA123-076

398 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4924 CEDAR SPRINGS RD	DYKEMAN ALICE M
2	4923 LAHOMA ST	ADVENIRATHIGHLAND PARK LLC
3	4924 CEDAR SPRINGS RD	DYKEMAN ALICE M
4	4920 CEDAR SPRINGS RD	WELCH DAVID C & JOHN THOMAS WELCH
5	5006 CEDAR SPRINGS RD	WILSON JAMES S & SANDRA L APT #A
6	5006 CEDAR SPRINGS RD	DAGOSTINE J MICHAEL BLDG B
7	5006 CEDAR SPRINGS RD	REYES NISA
8	5006 CEDAR SPRINGS RD	JOEL LEE ANN BLDG D
9	5006 CEDAR SPRINGS RD	LINDSEY SCOTT & UNIT E
10	5006 CEDAR SPRINGS RD	SPENCER DEBORA JO
11	5107 VANDELIA ST	BORCK TIMOTHY J & TERRY ANGELA A
12	5109 VANDELIA ST	WIRTHS JOSEPH
13	5111 VANDELIA ST	MONACO ELISE
14	5105 VANDELIA ST	COLE FLOYD O
15	4830 CEDAR SPRINGS RD	KIM SANG H CHAE &
16	4830 CEDAR SPRINGS RD	MCCAIN KARA R BLDG 1 UNIT 35
17	4830 CEDAR SPRINGS RD	GRIBNAU AMY D
18	4830 CEDAR SPRINGS RD	DEAN JOHN J JR UNIT 37
19	4830 CEDAR SPRINGS RD	DESERT SHORES DEV LLC
20	4830 CEDAR SPRINGS RD	TOLMACHOFF GREGORY DANIEL APT 20101
21	4830 CEDAR SPRINGS RD	NGUYEN MINH BLDG 1 UNIT 40
22	4830 CEDAR SPRINGS RD	MAZZARELLA BRIAN & ELIZABETH
23	4830 CEDAR SPRINGS RD	SAKAI TOMOYA BLDG 2 UNIT 2
24	4830 CEDAR SPRINGS RD	BAGGETT MICHAEL W & STACY A UNIT 3
25	4830 CEDAR SPRINGS RD	SHRIRAM VIVEK UNIT #4
26	4830 CEDAR SPRINGS RD	JACOBY DAN JR

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4830 CEDAR SPRINGS RD	WILLIAMS WESLEY K &
28	4830 CEDAR SPRINGS RD	SUM PING SAM T & SUM PING LYNAL
29	4830 CEDAR SPRINGS RD	DIEKEN DAVID W & UNIT 8
30	4830 CEDAR SPRINGS RD	BERRY STEVEN R & MYERS PAUL V
31	4830 CEDAR SPRINGS RD	LATHAM GRANVILLE
32	4830 CEDAR SPRINGS RD	WEIS ANDREW J APT 11
33	4830 CEDAR SPRINGS RD	SUMMERS WESLEY A UNIT 12
34	4830 CEDAR SPRINGS RD	PICKENS DOUGLAS R # 13
35	4830 CEDAR SPRINGS RD	PENA SALVADOR JR
36	4830 CEDAR SPRINGS RD	CORDOVA EDUARDO E # 15
37	4830 CEDAR SPRINGS RD	SNYDER KYLE C BLDG 4 BLDG 16
38	4830 CEDAR SPRINGS RD	TAI ANNA Y
39	4830 CEDAR SPRINGS RD	YAROVINSKY FELIX & ALEKSANDRA SAFRONAVA
40	4830 CEDAR SPRINGS RD	LUND RYAN K
41	4830 CEDAR SPRINGS RD	PITRE CHRISTOPHER APT 20
42	4830 CEDAR SPRINGS RD	SIMPSON SUZANNE M
43	4830 CEDAR SPRINGS RD	TRIMBLE TRENT WALKER BLDG 7 UNIT 22
44	4830 CEDAR SPRINGS RD	CASTELLON ROBERTO
45	4830 CEDAR SPRINGS RD	GLOVER KELLY
46	4830 CEDAR SPRINGS RD	DOUD BRIAN APT 25
47	4830 CEDAR SPRINGS RD	LOPEZ FRANK E& UNIT 26 BLDG 7
48	4830 CEDAR SPRINGS RD	DRAPER CRYSTAL
49	4830 CEDAR SPRINGS RD	SORRELLS ROBERT & PAMELA SIO
50	4830 CEDAR SPRINGS RD	REYNOLDS MARK A UNIT 29
51	4830 CEDAR SPRINGS RD	SAWYER GERALD G JR SUITE 30
52	4830 CEDAR SPRINGS RD	JENKINS AMY S
53	4830 CEDAR SPRINGS RD	SERRANO RAUL JR & UNIT 32
54	4830 CEDAR SPRINGS RD	MCGARRY MARGARET BLDG 7 UNIT 33
55	4830 CEDAR SPRINGS RD	TOLMACHOFF HEATHER D APT 41
56	4830 CEDAR SPRINGS RD	OLSEN AMY L
57	4830 CEDAR SPRINGS RD	WILLIAMS JAMI B

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	4830 CEDAR SPRINGS RD	RABICOFF RENEE L
59	4830 CEDAR SPRINGS RD	ROSHEK CAROLYN JEAN UNIT 45
60	5000 CEDAR SPRINGS RD	LEE HUNTER P &
61	5000 CEDAR SPRINGS RD	ENG KAREN M BLDG A UNIT 102
62	5000 CEDAR SPRINGS RD	RAY SAMIR
63	5000 CEDAR SPRINGS RD	BANH ANNIE
64	5000 CEDAR SPRINGS RD	WEISHAUPT MARK A # 105
65	5000 CEDAR SPRINGS RD	WALKER ROBERT K APT 106
66	5000 CEDAR SPRINGS RD	BROWN PATRICIA H UNIT 107
67	5000 CEDAR SPRINGS RD	HERRERA JUAN APT 108
68	3116 MAHANNA ST	KILLIAN TERESA UNIT 1
69	3116 MAHANNA ST	ROBB ANTHONY J UNIT 2
70	3116 MAHANNA ST	TANTON MARK
71	3116 MAHANNA ST	AUDE JEREMY UNIT 4
72	3116 MAHANNA ST	PARKER DANIEL
73	3116 MAHANNA ST	MERKLEIN JAMES ALAN # 6
74	3116 MAHANNA ST	KEEL TODD REYNOLDS UNIT 7
75	3116 MAHANNA ST	LOZANO JESS R & JOHN VIC ASHLEY
76	3116 MAHANNA ST	TURNER WILLIAM & UNIT 9
77	3116 MAHANNA ST	ZAPENDOWSKI JAN MICHAL UNIT 10
78	3116 MAHANNA ST	NAUSS TIMOTHY G
79	3116 MAHANNA ST	BROSSMAN CHARLES M
80	4837 CEDAR SPRINGS RD	SCHWARTZ HAROLD & MARLENE %FRANCIS A. AN
81	4837 CEDAR SPRINGS RD	AMARANTHINE LLC
82	4837 CEDAR SPRINGS RD	WRIGHT CAROLYN I
83	4837 CEDAR SPRINGS RD	WELCH TOM BLDG A UNIT 225
84	4837 CEDAR SPRINGS RD	PEREZ JULIE UNIT 227
85	4837 CEDAR SPRINGS RD	ORCUTT JONNIE UNIT 325
86	4837 CEDAR SPRINGS RD	DEOCOSTA ROSELENE Q UNIT 326
87	4837 CEDAR SPRINGS RD	AMARANTHINE LLC SUITE 102
88	4837 CEDAR SPRINGS RD	DIAZ TONY III

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	4837 CEDAR SPRINGS RD	JACKSON EARNESTINE #116
90	4837 CEDAR SPRINGS RD	WARD DAVID C & ETAL BLDG B UNIT 117
91	4837 CEDAR SPRINGS RD	JOLLY STEVEN R
92	4837 CEDAR SPRINGS RD	JPMORGAN CHASE BANK NATL ASSN
93	4837 CEDAR SPRINGS RD	ROBINSON JOEY & MAXINE ROBINSON
94	4837 CEDAR SPRINGS RD	PALANCO JOHN Y TR
95	4837 CEDAR SPRINGS RD	WHISNANT CLIFF
96	4837 CEDAR SPRINGS RD	CRAVEN JAMES E
97	4837 CEDAR SPRINGS RD	EMMOTT VICTORIA
98	4837 CEDAR SPRINGS RD	HOWERTON ROGER
99	4837 CEDAR SPRINGS RD	SMITH GARY W
100	4837 CEDAR SPRINGS RD	SANDERS ARTHUR C IV BLDG B UNIT 2016
101	4837 CEDAR SPRINGS RD	IORG FILDRES M & DANIEL M MODUNGO
102	4837 CEDAR SPRINGS RD	FONTS CARLOS E
103	4837 CEDAR SPRINGS RD	FINCH JAMES UNIT 220
104	4837 CEDAR SPRINGS RD	GELBAND SCOTT L
105	4837 CEDAR SPRINGS RD	POGOLANSKY ADY BLDG B UNIT 222
106	4837 CEDAR SPRINGS RD	MCCOMBER ROBERT WILLIAM
107	4837 CEDAR SPRINGS RD	JAMISON ROBERT BLDG B UNIT 224
108	4837 CEDAR SPRINGS RD	HUDKINS STEPHEN J UNIT 314
109	4837 CEDAR SPRINGS RD	KEOHAVONG SOMPHAVANH BLDG B UNIT 315
110	4837 CEDAR SPRINGS RD	SAMUELS JACQUELINE
111	4837 CEDAR SPRINGS RD	DUNCAN JACK
112	4837 CEDAR SPRINGS RD	JOE ALLEN BLDG B UNIT 318
113	4837 CEDAR SPRINGS RD	FANNIN MICHAEL P BLDG B UNIT 319
114	4837 CEDAR SPRINGS RD	MULLINS ANDY MARTIN III & ANNE JACKSON
115	4837 CEDAR SPRINGS RD	TCA APARTMENTS INC STE 707
116	4837 CEDAR SPRINGS RD	TAFOLLA VINCENT E & UNIT 323
117	4837 CEDAR SPRINGS RD	RONDEAU ELIZABETH % DONALD HEITZMAN
118	4837 CEDAR SPRINGS RD	BROCK THOMAS F
119	4837 CEDAR SPRINGS RD	BRYANT JAMES E

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	4837 CEDAR SPRINGS RD	TODD ANTHONY H
121	4837 CEDAR SPRINGS RD	JENSEN JOHN C BLDG C UNIT 311
122	4837 CEDAR SPRINGS RD	JOBE CHRISTOPHER UNIT 312
123	4837 CEDAR SPRINGS RD	COLVIN EDWARD #103
124	4837 CEDAR SPRINGS RD	HARRIS HELEN B UNIT 104 BLDG D
125	4837 CEDAR SPRINGS RD	HICK DANIEL A
126	4837 CEDAR SPRINGS RD	TAYLOR STEVE BLDG D #107
127	4837 CEDAR SPRINGS RD	HUIE MARVIN A & UNIT 316
128	4837 CEDAR SPRINGS RD	RIPPAMONTI RUSSELL N
129	4837 CEDAR SPRINGS RD	DUNCAN JACK L
130	4837 CEDAR SPRINGS RD	LABAR PAUL J BLDG D UNIT 201
131	4837 CEDAR SPRINGS RD	TATE DAVID R BLDG D UNIT 202
132	4837 CEDAR SPRINGS RD	ALLEN STEVEN APT 203
133	4837 CEDAR SPRINGS RD	ALBRIGHT CHARLES F BLDG D UNIT 204
134	4837 CEDAR SPRINGS RD	TUCKER DENNIS D
135	4837 CEDAR SPRINGS RD	WESTBROOK JAMES R BLDG D UNIT 206
136	4837 CEDAR SPRINGS RD	STOUGHTON RAY G
137	4837 CEDAR SPRINGS RD	GIBSON LARRY E
138	4837 CEDAR SPRINGS RD	CHENELL CHRISTOPHER SHANE #209-D
139	4837 CEDAR SPRINGS RD	FLANAGAN JOHN J
140	4837 CEDAR SPRINGS RD	OLIVARES SANDRA M
141	4837 CEDAR SPRINGS RD	HOOKER RICHARD E
142	4837 CEDAR SPRINGS RD	REGENT GERALD NEYSA J NALL
143	4837 CEDAR SPRINGS RD	NERANGIS ALEXINA APT 305
144	4837 CEDAR SPRINGS RD	EFIRD PAUL B APT 220
145	4837 CEDAR SPRINGS RD	CHENNEL CHRISTOPHER SHANE BLDG D UNIT 30
146	4837 CEDAR SPRINGS RD	GARRISON CHERYL L #310
147	4859 CEDAR SPRINGS RD	RIVER OAKS HOA INC % WORTH ROSS & ASSOC
148	4859 CEDAR SPRINGS RD	DENGLER ALVIN OTTO
149	4859 CEDAR SPRINGS RD	WATTACHERIL JOEL BLDG E UNIT 228
150	4859 CEDAR SPRINGS RD	MECCA PARTNERS LTD

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	4859 CEDAR SPRINGS RD	CHELLIAH SIVANANTHAN & YOGARANY
152	4859 CEDAR SPRINGS RD	LUNA PROPERTIES LLC # 210-212
153	4859 CEDAR SPRINGS RD	AYTON CHRISTOPHER T & DANA FARMER
154	4859 CEDAR SPRINGS RD	WILLIAMS MARY A BLDG F UNIT 131
155	4859 CEDAR SPRINGS RD	KRUEGER JEFF H UNIT 132
156	4859 CEDAR SPRINGS RD	FARMER DANA & CHRISTOPHER AYTON
157	4859 CEDAR SPRINGS RD	GARRISON RONALD & BLDG F APT 230
158	4859 CEDAR SPRINGS RD	PARVANOV DRAGOMIR
159	4859 CEDAR SPRINGS RD	4242 N CAPISTRANO DR APT 173
160	4859 CEDAR SPRINGS RD	LOFTON RONALD
161	4859 CEDAR SPRINGS RD	TODD WILSON HOLDING COMPANY
162	4859 CEDAR SPRINGS RD	MORNINGSTAR JASON R
163	4859 CEDAR SPRINGS RD	PHILLIPS STEVEN & MAI NGUYEN
164	4859 CEDAR SPRINGS RD	TISDALE CHARLES E
165	4859 CEDAR SPRINGS RD	BRINDLE GARY R
166	4859 CEDAR SPRINGS RD	WASCHKA RODNEY II & ALEXANDRA KUREPA
167	4859 CEDAR SPRINGS RD	CARLISLE OLGA A % CHARLES TISDALE
168	4859 CEDAR SPRINGS RD	BOONE JOE C UNIT 137
169	4859 CEDAR SPRINGS RD	KAMENETSKY EVA
170	4859 CEDAR SPRINGS RD	JOHNSON DAVID WAYNE # 235
171	4859 CEDAR SPRINGS RD	HOLLEMAN TROY H UNIT 236
172	4859 CEDAR SPRINGS RD	AMARANTHINE LLC
173	4859 CEDAR SPRINGS RD	PITKOFKY JAY
174	4859 CEDAR SPRINGS RD	GADDIS CLIFTON J BLDG G UNIT 335
175	4859 CEDAR SPRINGS RD	WIECHERN MARY V BLDG G UNIT 336
176	4859 CEDAR SPRINGS RD	VILLAREAL KATHLEEN A JOHN VILLAREAL UN
177	4859 CEDAR SPRINGS RD	BRADFORD PHILLIP UNIT 139
178	4859 CEDAR SPRINGS RD	HOLMAN RICHARD T BLDG H UNIT 238
179	4859 CEDAR SPRINGS RD	MARTIN ANDREW J JR UNIT 239
180	4859 CEDAR SPRINGS RD	VALDEZ ESTHER F
181	4859 CEDAR SPRINGS RD	ARNOLD JAMES BLDG H UNIT 339

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	4859 CEDAR SPRINGS RD	GASTON JOHN W &
183	4859 CEDAR SPRINGS RD	STEVEN CASON SEPARATE COPR HEADQUARTER
184	4859 CEDAR SPRINGS RD	EDMONDS ROY #155
185	4859 CEDAR SPRINGS RD	WILSON SUE APT 157
186	4859 CEDAR SPRINGS RD	SOBRINHO JOSELIO
187	4859 CEDAR SPRINGS RD	PADACHY NIVEN G & PREBA
188	4859 CEDAR SPRINGS RD	BONNEY WILLIAM MARK & PHILIP AU
189	4859 CEDAR SPRINGS RD	ANDERSON BRUCE H
190	4859 CEDAR SPRINGS RD	PETTERSON JEFFREY L
191	4859 CEDAR SPRINGS RD	COSTA ROSELENE O
192	4859 CEDAR SPRINGS RD	MILIC SLOBODAN & MILIC NINA
193	4859 CEDAR SPRINGS RD	COERVER PATRICK H BLDG I UNIT #256
194	4859 CEDAR SPRINGS RD	MARTIN PHILIP A
195	4859 CEDAR SPRINGS RD	LEVINE SHARON
196	4859 CEDAR SPRINGS RD	ALCANTAR ISABEL UNIT 259
197	4859 CEDAR SPRINGS RD	MONTGOMERY KELLY W APT 260
198	4859 CEDAR SPRINGS RD	CHAPARAS JAMES G UNIT A563
199	4859 CEDAR SPRINGS RD	NANTHASENE BRUCE M BLDG I UNIT #262
200	4859 CEDAR SPRINGS RD	MILLER LARRY B
201	4859 CEDAR SPRINGS RD	ANDERSON MARK O SUITE 354
202	4859 CEDAR SPRINGS RD	SHERMAN EDWARD J ENTERPRISES INC ET AL
203	4859 CEDAR SPRINGS RD	MCDONALD JERRY W
204	4859 CEDAR SPRINGS RD	CORDERO ELAINE BLDG I UNIT 357
205	4859 CEDAR SPRINGS RD	HANSANA LOWELL BLDG I UNIT 358
206	4859 CEDAR SPRINGS RD	ROWELL KENNETH P & BLDG I UNIT 359
207	4859 CEDAR SPRINGS RD	MOORE DONNIE W
208	4859 CEDAR SPRINGS RD	PROCK JAMES M JR UNIT #361
209	4859 CEDAR SPRINGS RD	WILLAMS MELISSA G
210	4859 CEDAR SPRINGS RD	WILLIAMS DEBRA L BLDG J UNIT 143
211	4859 CEDAR SPRINGS RD	CANTRELL TIMOTHY L
212	4859 CEDAR SPRINGS RD	SMITH ELLEN L BLDG J UNIT 145

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	4859 CEDAR SPRINGS RD	FORRESTER JAMES P
214	4859 CEDAR SPRINGS RD	KRONICK BRAD S
215	4859 CEDAR SPRINGS RD	WILSON SUE #150
216	4859 CEDAR SPRINGS RD	MYERS SCOTT T
217	4859 CEDAR SPRINGS RD	MANALE JUNE
218	4859 CEDAR SPRINGS RD	CASTILLO PETER
219	4859 CEDAR SPRINGS RD	BROCK THOMAS F APT 112
220	4859 CEDAR SPRINGS RD	LAUREYS MARC UNIT 247
221	4859 CEDAR SPRINGS RD	VESSELS JOHN F UNIT 248
222	4859 CEDAR SPRINGS RD	JONES KAREN
223	4859 CEDAR SPRINGS RD	BONCEA CLAUDIA APT 2304
224	4859 CEDAR SPRINGS RD	WILLIS THRESSIA J UNIT 252
225	4859 CEDAR SPRINGS RD	WANG HAO-RAN & TIANXIA LI
226	4859 CEDAR SPRINGS RD	AYTON CHRIS & APT 173
227	4859 CEDAR SPRINGS RD	BEDWELL TED L BLDG J UNIT 346
228	4859 CEDAR SPRINGS RD	PREMIER PPTY HOLDINGS LLC
229	4859 CEDAR SPRINGS RD	JONES KAREN K
230	4859 CEDAR SPRINGS RD	CHELLIAH SIVANANTHAN ETAL BLDG J UNIT 35
231	4859 CEDAR SPRINGS RD	GIGLIO BRIAN # 352
232	4859 CEDAR SPRINGS RD	BRADFORD PHILLIP M UNIT 139
233	4859 CEDAR SPRINGS RD	MOCTEZUMA EDUARDO C & UNIT 141
234	4859 CEDAR SPRINGS RD	LAUREYS MARK
235	4859 CEDAR SPRINGS RD	GOODMAN C LEROY
236	4859 CEDAR SPRINGS RD	JOLLY STEPHEN R
237	4859 CEDAR SPRINGS RD	WILLIAMS MALCOLM L
238	4859 CEDAR SPRINGS RD	KEZHAYA JOYCE
239	4851 CEDAR SPRINGS RD	HALPRIN DENNIS
240	4851 CEDAR SPRINGS RD	JOHNSON HELEN BLDG L UNIT 176
241	4851 CEDAR SPRINGS RD	GUERRERO ROY # 275
242	4851 CEDAR SPRINGS RD	DUFF AARON E UNIT 276
243	4851 CEDAR SPRINGS RD	HERZ ANDREA D BLDG L UNIT 375

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
244	4851 CEDAR SPRINGS RD	CROWE MATTHEW D BLDG L UNIT 376
245	4851 CEDAR SPRINGS RD	NANTHASENE CHAN #262
246	4851 CEDAR SPRINGS RD	BRADFORD PHILLIP M
247	4851 CEDAR SPRINGS RD	STUART RONALD K UNIT180
248	4851 CEDAR SPRINGS RD	POWERS TERRELL DION BLDG M UNIT 181
249	4851 CEDAR SPRINGS RD	HUGGINS DAVID W APT 182
250	4851 CEDAR SPRINGS RD	WELLS FARGO BANK NA MAC # X 7801-014
251	4851 CEDAR SPRINGS RD	SOLOGUREN ZEVALLOS JOSE A BLDG M UNIT 2
252	4851 CEDAR SPRINGS RD	CLOUD JEROLD E & LEO L BELL
253	4851 CEDAR SPRINGS RD	LIVINGSTON LAURA TR LAURA LIVINGSTON TRU
254	4851 CEDAR SPRINGS RD	LASTER JAMES HASKELL JR UNIT 281
255	4851 CEDAR SPRINGS RD	MARTIN PHILIP A
256	4851 CEDAR SPRINGS RD	CLIFTON BILLY E & BLDG M UNIT 377
257	4851 CEDAR SPRINGS RD	LOONEY PHILIP BRENT BLDG M UNIT 378
258	4851 CEDAR SPRINGS RD	AYCOCK MICHAEL T
259	4851 CEDAR SPRINGS RD	DELACRUZ ESMERALDA BLDG M UNIT 380
260	4851 CEDAR SPRINGS RD	LESZINSKI SLAWOMIR LIV TR
261	4851 CEDAR SPRINGS RD	DESPAIN JEFFREY W
262	4851 CEDAR SPRINGS RD	RAY MARY JO UNIT 183N
263	4851 CEDAR SPRINGS RD	RAY MARY JO UNIT 183
264	4851 CEDAR SPRINGS RD	FRIEND KAREN R UNIT 185 BLDG N
265	4851 CEDAR SPRINGS RD	RAY MARY J BLDG N UNIT 183
266	4851 CEDAR SPRINGS RD	BROWN GREGORY BLDG N UNIT 187
267	4851 CEDAR SPRINGS RD	MALONE PATRICIA & MALONE ROBERT
268	4851 CEDAR SPRINGS RD	HEINLEN RODNEY UNIT 411
269	4851 CEDAR SPRINGS RD	JOHNSON JAMES R BLDG N UNIT 283
270	4851 CEDAR SPRINGS RD	ARAZIM C LLC
271	4851 CEDAR SPRINGS RD	WINSTEAD DARELL BLDG N UNIT 285
272	4851 CEDAR SPRINGS RD	OFCHARIK MONICA BLDG N UNIT 286
273	4851 CEDAR SPRINGS RD	PETERSON DAVID UNIT 287 BLDG N
274	4851 CEDAR SPRINGS RD	SOUZA HERBERT UNIT 288

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
275	4851 CEDAR SPRINGS RD	LARSEN LINDA J
276	4851 CEDAR SPRINGS RD	MURRELL BRAD #383
277	4851 CEDAR SPRINGS RD	TIEMEYER PATRICK APT 384
278	4851 CEDAR SPRINGS RD	MARTINEZ FRANCISCO & BLDG N UNIT 385
279	4851 CEDAR SPRINGS RD	LITTRELL GERALD BLDG N UNIT #386
280	4851 CEDAR SPRINGS RD	LEIGHTON JOHN A UNIT 387
281	4851 CEDAR SPRINGS RD	JAIN MANISH BLDG N UNIT 388
282	4851 CEDAR SPRINGS RD	CRAWFORD JEFFREY C
283	4851 CEDAR SPRINGS RD	MORNINGSTAR JASON
284	4851 CEDAR SPRINGS RD	SHELTON BRUCE D
285	4851 CEDAR SPRINGS RD	KUSUMA ADRIAN & KUSUMA JANE
286	4851 CEDAR SPRINGS RD	ROBERTS JACK BLDG O UNIT 392
287	4845 CEDAR SPRINGS RD	BIELAMOWICZ NORBERT # 163
288	4845 CEDAR SPRINGS RD	SUAREZ RALPH M TR
289	4845 CEDAR SPRINGS RD	BRADFORD RONALD AARON UNIT 165
290	4845 CEDAR SPRINGS RD	KHAN ZARRISH BLDG P UNIT 166
291	4845 CEDAR SPRINGS RD	FRISBY DAN R UNIT 263
292	4845 CEDAR SPRINGS RD	PHAM NANCY NUONG & NAM D
293	4845 CEDAR SPRINGS RD	MANN MARTHA S #265
294	4845 CEDAR SPRINGS RD	BRACAMONTE ARMANDO STE 266
295	4845 CEDAR SPRINGS RD	COOPER DONALD S UNIT 363
296	4845 CEDAR SPRINGS RD	MARTIN PHILIPS A
297	4845 CEDAR SPRINGS RD	WRIGHT STEPHEN B UNIT 365 BLDG P
298	4845 CEDAR SPRINGS RD	DORSEY MICHAEL
299	4845 CEDAR SPRINGS RD	MORNINGSTAR JASON ROBERT
300	4845 CEDAR SPRINGS RD	HALPRIN DENNIS BLDG Q UNIT 168
301	4845 CEDAR SPRINGS RD	CHANDLER DAVID M
302	4845 CEDAR SPRINGS RD	WAGNER JOSHUA P
303	4845 CEDAR SPRINGS RD	MASON BARBARA E BLDG Q UNIT 267
304	4845 CEDAR SPRINGS RD	ORR CELIA S & DAVID H
305	4845 CEDAR SPRINGS RD	MARTIN PHILIP A EVELYN M

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
306	4845 CEDAR SPRINGS RD	FAJARDO ANGEL EDWIN UNIT 270
307	4845 CEDAR SPRINGS RD	STANSBURY JAMES H UNIT 367
308	4845 CEDAR SPRINGS RD	SUDDUTH JOE D
309	4845 CEDAR SPRINGS RD	ANDREWS PHILLIP P
310	4845 CEDAR SPRINGS RD	HILDEBRAND DARREN
311	4845 CEDAR SPRINGS RD	JOYNER MICHAEL N. BLDG R UNIT 171
312	4845 CEDAR SPRINGS RD	GRANGER DWIGHT M UNIT 172
313	4845 CEDAR SPRINGS RD	ALBERT MARK E #173
314	4845 CEDAR SPRINGS RD	CHANCEY LINDA BLDG R UNIT 174
315	4845 CEDAR SPRINGS RD	BAKER JODY J BLDG R UNIT 271
316	4845 CEDAR SPRINGS RD	BROWN JOHNNIE G # 272
317	4845 CEDAR SPRINGS RD	BARTLETT JAMES L JR
318	4845 CEDAR SPRINGS RD	SPEARANCE J DAVID
319	4845 CEDAR SPRINGS RD	JOHNSON WILLIAM HENRY UNIT 371 BLDG R
320	4845 CEDAR SPRINGS RD	IDELL KEITH EDWARD BLDG R UNIT 372
321	4845 CEDAR SPRINGS RD	DUNN PAUL CHARLES & OLA FRAN
322	4845 CEDAR SPRINGS RD	DEAN ASAD & SHAMA DEAN
323	3030 MAHANNA SPRINGS DR	GONZALEZ RAY L
324	3030 MAHANNA SPRINGS DR	SHARPE ROXANN & HARVEY D
325	4927 CEDAR SPRINGS RD	HINDS JAMES E & NORMA SUE
326	4927 CEDAR SPRINGS RD	FRNKA EVELYN & RONALD A BLDG A UNIT 4927
327	4927 CEDAR SPRINGS RD	LESZINSKI SLAWOMIR
328	4931 CEDAR SPRINGS RD	GONZALEZ GILDA C APT A
329	4931 CEDAR SPRINGS RD	HUTTON JEFFREY B BLDG A UNIT 4931B
330	4931 CEDAR SPRINGS RD	FRELS STEPHEN BLDG A UNIT 4931C
331	4931 CEDAR SPRINGS RD	GALVAN VIRGINIA APT A
332	3023 MAHANNA SPRINGS DR	FRNKA EARL JOE JR
333	3023 MAHANNA SPRINGS DR	HAMILTON JOHN M & CRISTI WINCHELL
334	3023 MAHANNA SPRINGS DR	ECKERT D SCOTT BLDG B UNIT 3023C
335	3023 MAHANNA SPRINGS DR	HAMILTON JOHN M BLDG B UNIT 3023D
336	3025 MAHANNA SPRINGS DR	AYCOCK MICHAEL T &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
337	3025 MAHANNA SPRINGS DR	BROWN EARL RICHARD
338	3025 MAHANNA SPRINGS DR	HUNTER EWEN
339	3031 MAHANNA SPRINGS DR	SISTO GARY L BLDG B UNIT 3031A
340	3031 MAHANNA SPRINGS DR	TANGLEWOOD TWNHMS COUNCIL
341	3031 MAHANNA SPRINGS DR	PERRY BILLY EARL UNIT 3031C
342	3031 MAHANNA SPRINGS DR	SIMPSON JANIS K
343	5005 CEDAR SPRINGS RD	HURLEY ROBERT H APT 141
344	5005 CEDAR SPRINGS RD	BURGESS TROY L
345	5005 CEDAR SPRINGS RD	HANSEN JEFFREY S BLDG B UNIT E
346	5005 CEDAR SPRINGS RD	REDD DAVID A UNIT F
347	5007 CEDAR SPRINGS RD	ARGUETA LEO
348	5007 CEDAR SPRINGS RD	HINDS WILLIAM L
349	5007 CEDAR SPRINGS RD	MARTIN MICHAEL J UNIT E
350	5007 CEDAR SPRINGS RD	FRICK GUY
351	5025 CEDAR SPRINGS RD	HINDS JAMES E & NORMA S
352	5025 CEDAR SPRINGS RD	HARRELL ANN LESTER APT C
353	5025 CEDAR SPRINGS RD	OBIANWU MARTIN N UNTI D
354	5027 CEDAR SPRINGS RD	GALVAN VIRGINIA BLDG C UNIT 5027A
355	5027 CEDAR SPRINGS RD	AKERMAN KIM UNIT 5027B BLDG C
356	5027 CEDAR SPRINGS RD	JUAREZ VICTOR
357	3008 MAHANNA SPRINGS DR	CARPENTER CHAD E # A
358	3008 MAHANNA SPRINGS DR	WESTBROOK RANDALL DAVID APT B
359	3008 MAHANNA SPRINGS DR	PUCKETT RICKY C #3008C
360	3008 MAHANNA SPRINGS DR	KIRK LORETTA KAY APT D
361	3012 MAHANNA SPRINGS DR	FISCHER JASON
362	3012 MAHANNA SPRINGS DR	HARRISON NORMA JEAN APT B
363	3012 MAHANNA SPRINGS DR	SPENCER FRANKIE L
364	3016 MAHANNA SPRINGS DR	KRUEGER KAREN & RAFAEL LUGAY JR
365	3016 MAHANNA SPRINGS RD	CORONADO RENE B ETUX BLDG D UNIT 3016B
366	3016 MAHANNA SPRINGS DR	JENSEN TERENCE JR APT C
367	3016 MAHANNA SPRINGS DR	TAYLOR KENT APT D

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
368	3020 MAHANNA SPRINGS DR	HORN CHARLES ROBIN UNIT 3020A
369	3020 MAHANNA SPRINGS DR	SURI PRISCILLA BEAN 3020B
370	3020 MAHANNA SPRINGS DR	RUBIO ENRIQUE JR & ROSEMARY APT C
371	3024 MAHANNA SPRINGS DR	PINCUS TOBELLE B BLDG D UNIT 3024B
372	3026 MAHANNA SPRINGS DR	GARCIA MIGUEL A
373	3026 MAHANNA SPRINGS DR	TAYLOR KENT L APT D
374	3003 MAHANNA SPRINGS DR	BOOTH CYNTHIA BLDG E UNIT #3003A
375	3003 MAHANNA SPRINGS DR	BRAMMER AMY BLDG E UNIT 3003B
376	3003 MAHANNA SPRINGS DR	RICHTER SUE A BLDG E #3003C
377	3003 MAHANNA SPRINGS DR	GORJIZADEH ELHAM UNIT 3003D
378	3007 MAHANNA SPRINGS DR	KIRK MERRILL A APT D
379	3007 MAHANNA SPRINGS DR	KIRK MERRILL A APT B
380	3007 MAHANNA SPRINGS DR	LEWIS SAMUEL KAYE BLDG E UNIT 3007D
381	3011 MAHANNA SPRINGS DR	PBH INV LLC
382	3011 MAHANNA SPRINGS DR	WHITE STEVEN # 3011B
383	3011 MAHANNA SPRINGS DR	FINK ANN M
384	3011 MAHANNA SPRINGS DR	VANBEVEREN PETRONELLA H BLDG E 3011D
385	3011 MAHANNA SPRINGS DR	EVERS MIKE TR
386	3015 MAHANNA SPRINGS DR	GONZALEZ CONSUELO LF EST REM: RAY L GONZ
387	3015 MAHANNA SPRINGS DR	PATEY BART UNIT B
388	3015 MAHANNA SPRINGS DR	SKINNER KEVIN & BLDG E UNIT 3015F
389	3017 MAHANNA SPRINGS DR	FAULKNER ROD E
390	3017 MAHANNA SPRINGS DR	STEPHENS BILLIE J BLDG E 3017C
391	3017 MAHANNA SPRINGS DR	MORGAN FAYE M APT D
392	3002 MAHANNA SPRINGS DR	DAVIS JOE S #3002A
393	3002 MAHANNA SPRINGS DR	TYMCHAK TED A #3002-B
394	3002 MAHANNA SPRINGS DR	CREAMER JOANNA S &
395	3002 MAHANNA SPRINGS DR	DIEDERICH DAVID
396	3004 MAHANNA SPRINGS DR	DRONET SHERYL A APT A
397	3004 MAHANNA SPRINGS DR	HAGEDORN JANICE E UNIT F
398	3004 MAHANNA SPRINGS DR	ORTIZ GUSTAVO UNIT 3004C

7/23/2013

Label # Address

Owner