

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, APRIL 17, 2013
AGENDA

BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	11:00 A.M.
PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET	1:00 P.M.

David Cossum, Assistant Director
Steve Long, Board Administrator

MISCELLANEOUS ITEMS

	Approval of the Wednesday, March 20, 2013 Board of Adjustment Public Hearing Minutes	M1
BDA 112-009	2001 McKinney Avenue REQUEST: Application of Jackson Walker, LLP, represented by Jonathan Vinson, to waive the two year limitation on a request for a variance to the height regulations of 95' granted by Board of Adjustment Panel B on January 18, 2012	M2

UNCONTESTED CASES

BDA 123-030	8303 Skillman Street REQUEST: Application of Rob Baldwin for variances to the front and side yard setback regulations	1
BDA 123-034	2206 Old Oaks Drive REQUEST: Application of Roberto Romo for a special exception to the fence height regulations	2
BDA 123-035	4429 Pomona Road (AKA 8305 Catawba) REQUEST: Application of Thomas Bowen Wright for a variance to the front yard setback regulations	3

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices.. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex. Govt. Code §551.086]

MISCELLANEOUS ITEM NO. 1

To approve the Board of Adjustment Panel March 20, 2013 public hearing minutes.

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA 112-009

REQUEST: To waive the two year limitation on a request for a variance to the height regulations of 95' granted by Board of Adjustment Panel B on January 18, 2012, subject to the revised conceptual height limit site plan diagram submitted at the 1-18-12 public hearing and the submitted conceptual height limit elevation.

LOCATION: 2001 McKinney Avenue

APPLICANT: Jackson Walker, LLP
Represented by Jonathan Vinson

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

January 18, 2012: The Board of Adjustment Panel B granted a request for variance to the height regulations of 95' and imposed the revised conceptual height limit site plan diagram submitted at the 1-18-12 public hearing and the submitted conceptual height limit elevation as a condition to the request. The case report stated that the request was made in conjunction with constructing and maintaining a structure (described by the applicant as a "mixed use project, primarily office but with retail and residential components"), part of which would exceed the 240' maximum height permitted for structures on properties zoned PD No. 193 (HC Subdistrict) on a site that was at the time undeveloped.

June 20, 2012: The Board of Adjustment Panel B granted a request to extend the time period to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment's favorable action on a request for variance to the height regulations of 95' granted by Board of Adjustment Panel B on January 18, 2012.

March 30, 2013: The applicant submitted a letter to staff requesting that the Board waive the two year limitation on waive the two year limitation on a request for a variance to the height regulations granted by Board of Adjustment Panel B on January 18, 2012, subject to the revised conceptual height limit site plan diagram submitted at the 1-18-12 public hearing and the submitted conceptual height limit elevation. This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a height variance on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may be considered for that property for two years from the date of the final decision.
- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

April 2, 2013: The Board Administrator emailed the applicant the following information:

- the public hearing date and panel that will consider the miscellaneous request (April 17, 2013 – Panel B);
- information related to BDA 112-009;
- the criteria/standard that the board will use in their decision to approve or deny the request;
- information related to the original application; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

April 5, 2012: The applicant submitted additional information regarding this request to be included in the Board’s docket (see Attachment A).



Misc #2
Attach A
Pg 1

Jonathan G. Vinson
(214) 953-5941 (Direct Dial)
(214) 661-6809 (Direct Fax)
jvinson@jw.com

April 5, 2013

Via Scan/Email

Hon. Chair and Members, Panel B
Zoning Board of Adjustment
c/o Mr. Steve Long, Board Administrator
City of Dallas
1500 Marilla Street, Room 5BN
Dallas, Texas 75201

Re: BDA 112-009; Request for Waiver of Two-Year Waiting period

Dear Members of Panel B:

We appeared before you on January 18, 2012, and secured your approval under BDA 112-009 of a variance of 95 feet to the height regulations applicable to this site, which is at 2001 McKinney Avenue in P.D. 193, Subdistrict HC. We then asked for and were granted, at your June 20, 2012, meeting an extension of 12 months for the approved variance.

Accompanying this letter are the Disposition Letter from Mr. Steve Long dated January 24, 2012, the Memorandum of Action Taken, and the stamped Conceptual Height Limit Site Plan Diagram (the "Conceptual Site Plan") and Conceptual Height Limit Elevation Diagram, showing your approval at that time, as well as a copy of Mr. Long's disposition letter on the extension request. The approved Site Plan included a "Height Variance Area", restricting the additional 95 feet in height, over the 240 feet originally allowable, to a maximum of 30 percent of the site, to be located within the "Tower Height Zone" portion of the site, adjacent to McKinney Avenue, as shown on the attached Conceptual Height Limit Site Plan Diagram.

We have subsequently determined that we need to amend of this approval (by means of an Application filed on March 29 under BDA 123-052) as described below. The Board's approval specified that the maximum permitted height is 335 feet, subject to the Conceptual Site Plan and the Conceptual Height Limit Elevation Diagram.

The approved Conceptual Site Plan shows certain setbacks volunteered by the Applicant and has a Note 3 saying that "*Development of the site will be subject to the setbacks as shown on each of the height zones to offset height and enhance pedestrian environment*" (bearing in mind that the underlying P.D. 193/HC zoning does not require *any* front yard setbacks). It was the actual intent of the Applicant, and was also the understanding of the neighbors, that these were to be averaged setbacks at the ground plane on each side of the site. The Applicant has submitted a proposed amended Conceptual Site Plan (*copy attached*) which does not change any aspect of the drawing itself but will change Note 3 to describe setback averaging.

In addition, during the course of the very extensive subsequent refinement of the building design, it has been determined that relief is needed from the parking structure landscape buffer requirement in the Oak Lawn P.D. found in Sec. 51P-193.126(b)(3)(D), and from the requirement in Sec. 51P-

193.126(b)(5)(A) that street trees all be placed in a specific "tree planting zone" between the sidewalk and the street curb.

In fact, we will provide a good visual buffer for that limited portion of the parking structure which will adjoin the street. In addition, we will provide a very large and heavily landscaped open space area, and we will exceed the street tree requirement. However, the street trees will be strategically staggered on each side of the sidewalk for what we believe is a much better design. Therefore, the Applicant is also asking for a landscape special exception from those two requirements, to be described under new Notes 4 and 5 on the proposed amended Conceptual Site Plan. We will provide much more detail to you on those requests for the substantive hearing on our application.

Under Section 13(a) of the Board of Adjustment Rules of Procedure, therefore, we must request a waiver of the two-year limitation on the above-referenced case due to changed circumstances, to then request the amendment of the approved Site Plan to reflect setback averaging, in line with the actual and original intent of the Applicant and the neighbors, as well as the landscape special exception to accommodate the current parking structure design and location of street trees outside the "tree planting zone".

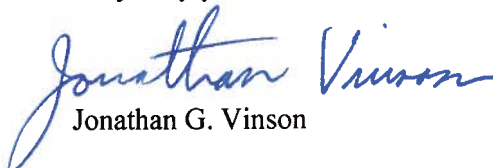
The changed circumstances are the very extensive refinement of the project design since the original Board approval, which has resulted in the determination that the items to be requested are, in fact, necessary. This is a particularly complex project, given its size, its urban character, the vertical mixed use component, the parking structure design and separation, and the desire for high quality interaction with the public realm. Therefore, the design process for this project, as for any such project, has been particularly lengthy and complex.

It is very important to the owner/applicant, as well as in the best interest of the surrounding community, to complete the highest quality design for this project. This design work must be finalized, including any City approvals needed, before the construction drawings can be prepared, which in turn must be completed before they can be submitted for a Building Permit.

Please also recall that the request in January 2012 received virtually unanimous support from the surrounding community (*see* support map, attached). We are going back to our neighbors to update them, and we have already gone to the Oak Lawn Committee on April 2 and secured their approval and support (*see* letter, attached).

Therefore, we respectfully request that you grant our two-year waiver request when it appears on your Miscellaneous Docket on April 17. This will then allow us to proceed with the substantive hearing on our requests, we expect on your May Agenda, for which we will provide you with additional detailed information. Thank you very much for your consideration of our request, and we look forward to appearing before you.

Very truly yours,



Jonathan G. Vinson

cc: Joseph Pitchford
Kevin Crum
Susan Mead

9119708v.1



January 24, 2012

Jonathan Vinson/Susan Mead
Jackson Walker
901 Main Street, Ste. 6000
Dallas, TX 75202

112 SH 1-20-12
Re: BDA 101-009, Property at 2001 McKinney Avenue

Dear Mr. Vinson and Ms. Mead:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, January 18, 2012 granted your request for a variance to the height regulations of 95 feet, subject to the following condition:

- Compliance with the revised conceptual height limit site plan diagram submitted at the 1-18-12 public hearing and the submitted conceptual height limit elevation is required.

Contact Building Inspection at 320 E. Jefferson, Room 105 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in cursive script that reads 'Steve Long'.

Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

SL/tl

c: James Martin, Code Enforcement, 3112 Canton, Rm 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105



City of Dallas

Misc #2
Attach A
Pg 4

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 112-004

Data Relative to Subject Property:

Date: 11-9-11

Location address: 2001 McKinney Avenue/2222 North Harwood Street Zoning District: P.D. 193/HC

Lot No.: 18 & Tract 7 Block No.: 948 Acreage: 3.0968 acres Census Tract: 19

Street Frontage (in Feet): 1) 380 2) 271 3) 447 4) 360 5)

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Crescent Real Estate Equities Limited Partnership

Applicant: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

Represented by: Jackson Walker L.L.P., Susan Mead/Jonathan Vinson Telephone: (214) 953-5941

Mailing Address: 901 Main Street, Suite 6000, Dallas, Texas Zip Code: 75202

76W Affirm that a request has been made for a Variance , or Special Exception , of to the applicable
height regulations to permit an increase in maximum structure height from 240 feet to 335 feet, for a
variance of 95 feet. The additional structure height to be permitted by the requested variance would be
limited to 30 percent of the site. *JW*

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

The variance should be granted as not contrary to the public interest because, owing to special conditions, a literal enforcement of P.D. 193 would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done, all of which will be documented and elaborated upon further by the applicant in additional items to be submitted to the City Staff.

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

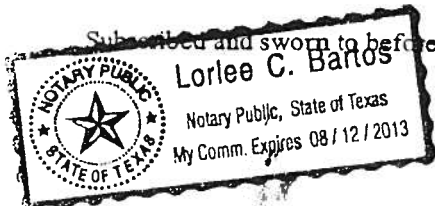
Respectfully submitted, Jonathan G. Vinson
Applicant's name printed Jonathan G. Vinson Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Jonathan G. Vinson
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

Jonathan G. Vinson
Affiant (Applicant's signature)

Subscribed and sworn to before me this 9th day of November, 2011



Lorlee C. Bartos
Notary Public in and for Dallas County, Texas

(Rev 08-20-09)

BDA 11-9-11-053v1

M2-6

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Jan. 18, 2012

Appeal was--Granted OR Denied

Remarks Granted-
Compliance with the
submitted revised conceptual
height limit site plan
diagram and conceptual
height limit elevation is required.

Michael Denman
Chairman

Building Official's Report

I hereby certify that Jonathan Vinson

did submit a request for a variance to the building height regulation
at 2001 McKinney Avenue

BDA112-009. Application of Jonathan Vinson for a variance to the building height regulation at 2001 McKinney Avenue. This property is more fully described as lot 18 and tract 7 in city block 948 and is zoned PD-193 (HC), which limits the maximum building height. The applicant proposes to construct a mixed use structure with a building height of 335 feet, which will require a 95 foot variance to the maximum building height regulation.

**BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE** 19 **DAY OF**

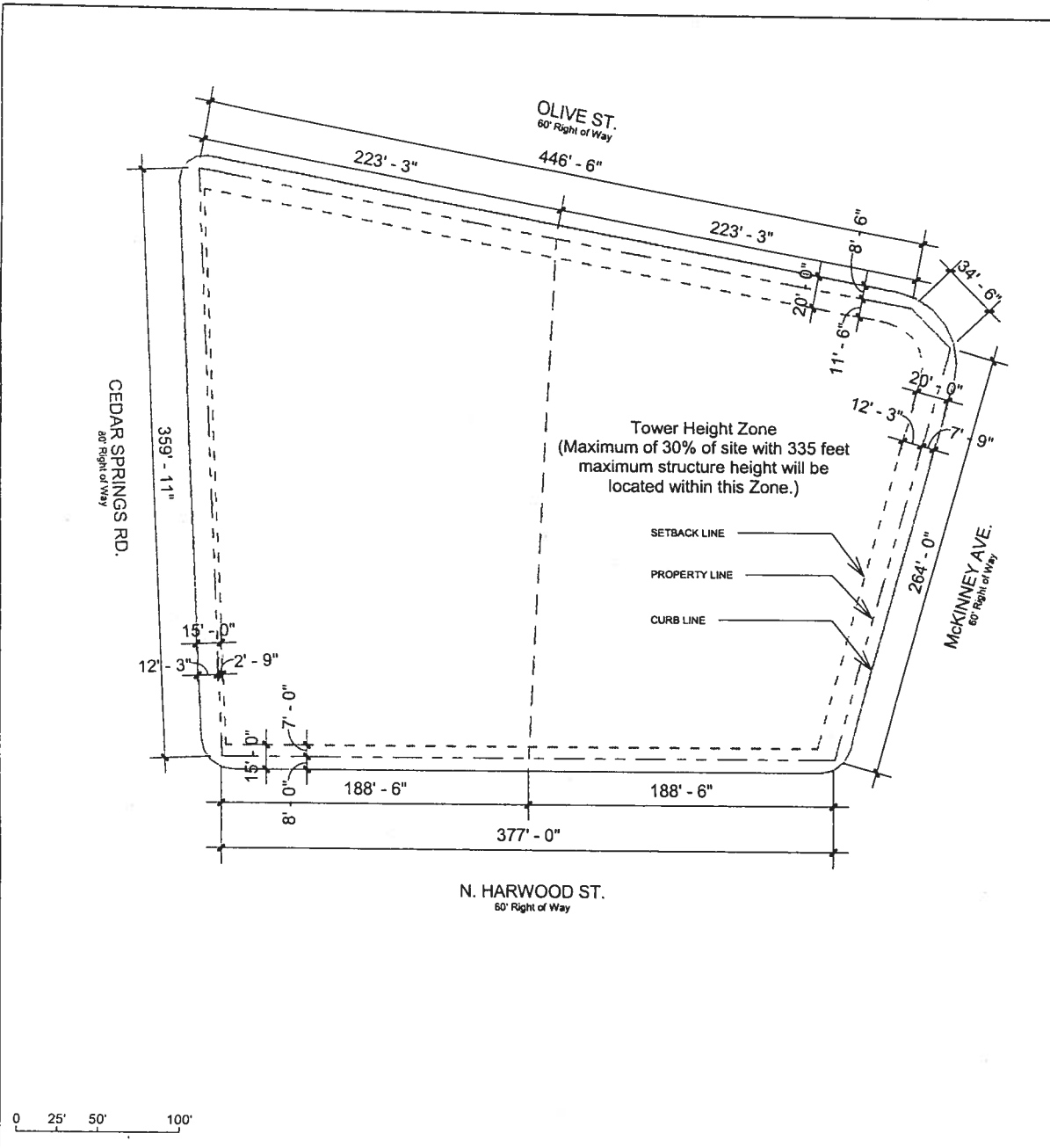
January, 20 12.

Steve Kay
ADMINISTRATOR

Sincerely,

Lloyd Denman
Lloyd Denman, Building Official

Submitted by applicant at
the 1-18-12 public hearing
SAC



BDA 112-009

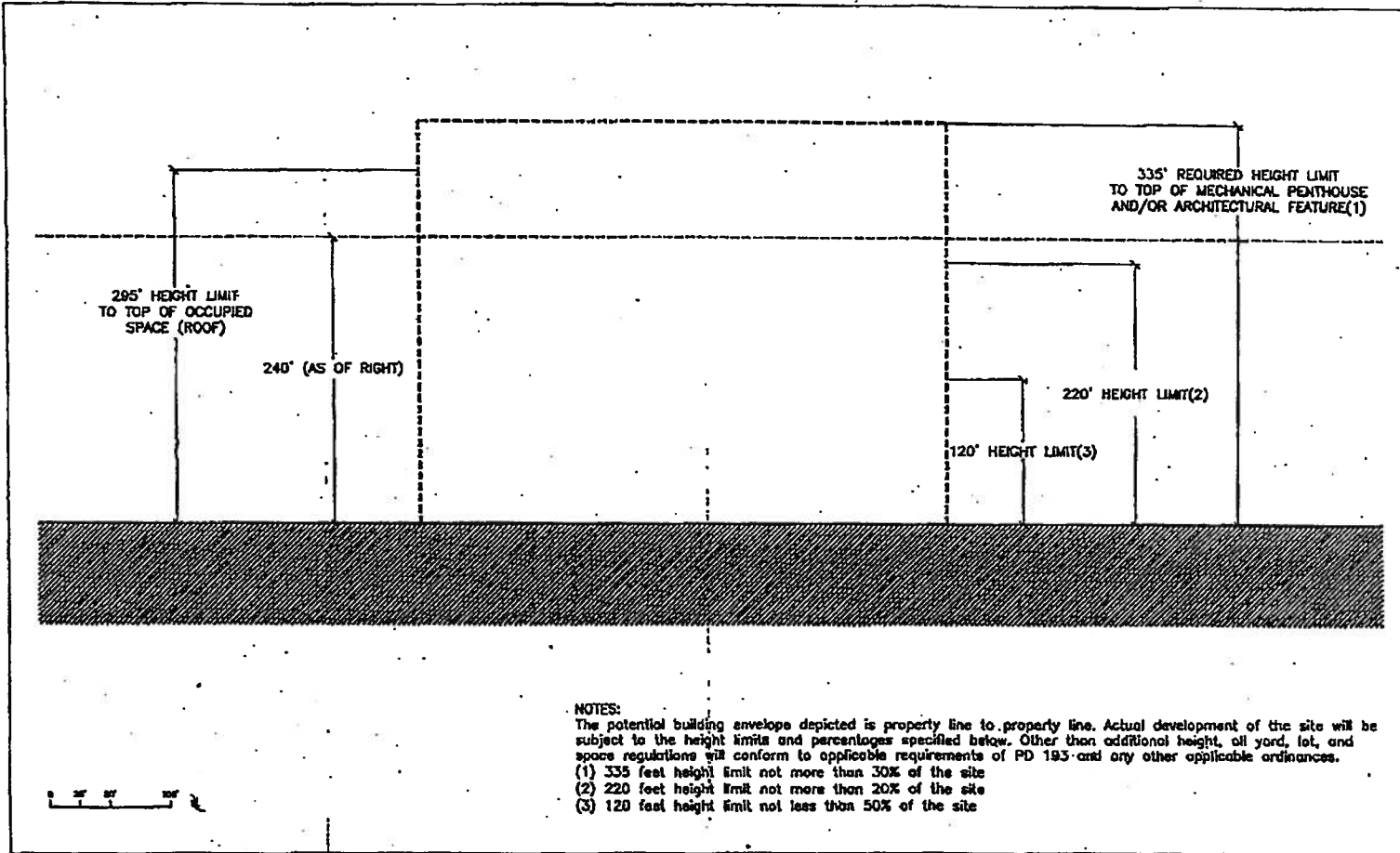
PLANS APPROVED
SUBJECT TO
BOARD ACTION

1-19-12
DATE

[Signature]
ADMINISTRATOR

- NOTES:
- Other than additional height, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
 - Development of the site will be subject to the height limits and percentages specified below:
 - 335 feet height limit not more than 30% of the site.
 - 220 feet height limit not more than 20% of the site.
 - 120 feet height limit not less than 50% of the site.
 - Development of the site will be subject to the setbacks as shown on each of the height zones to offset height and enhance pedestrian environment.

Misc #2
Attach A
Pg 6



McKINNEY & OLIVE



CONCEPTUAL HEIGHT LIMIT ELEVATION DIAGRAM

AUGUST 17, 2011

NO. 01-2011
 PLANS APPROVED
 SUBJECT TO
 BOARD ACTION
 1-15-11
 [Signature]



Misc #2
 Attach A
 Pg 7



City of Dallas

June 22, 2012

Jonathan Vinson
Jackson Walker
901 Main Street, Suite 6000
Dallas, TX 75202

Re: BDA 112-009, Property at 2001 McKinney Avenue

Dear Mr. Vinson:

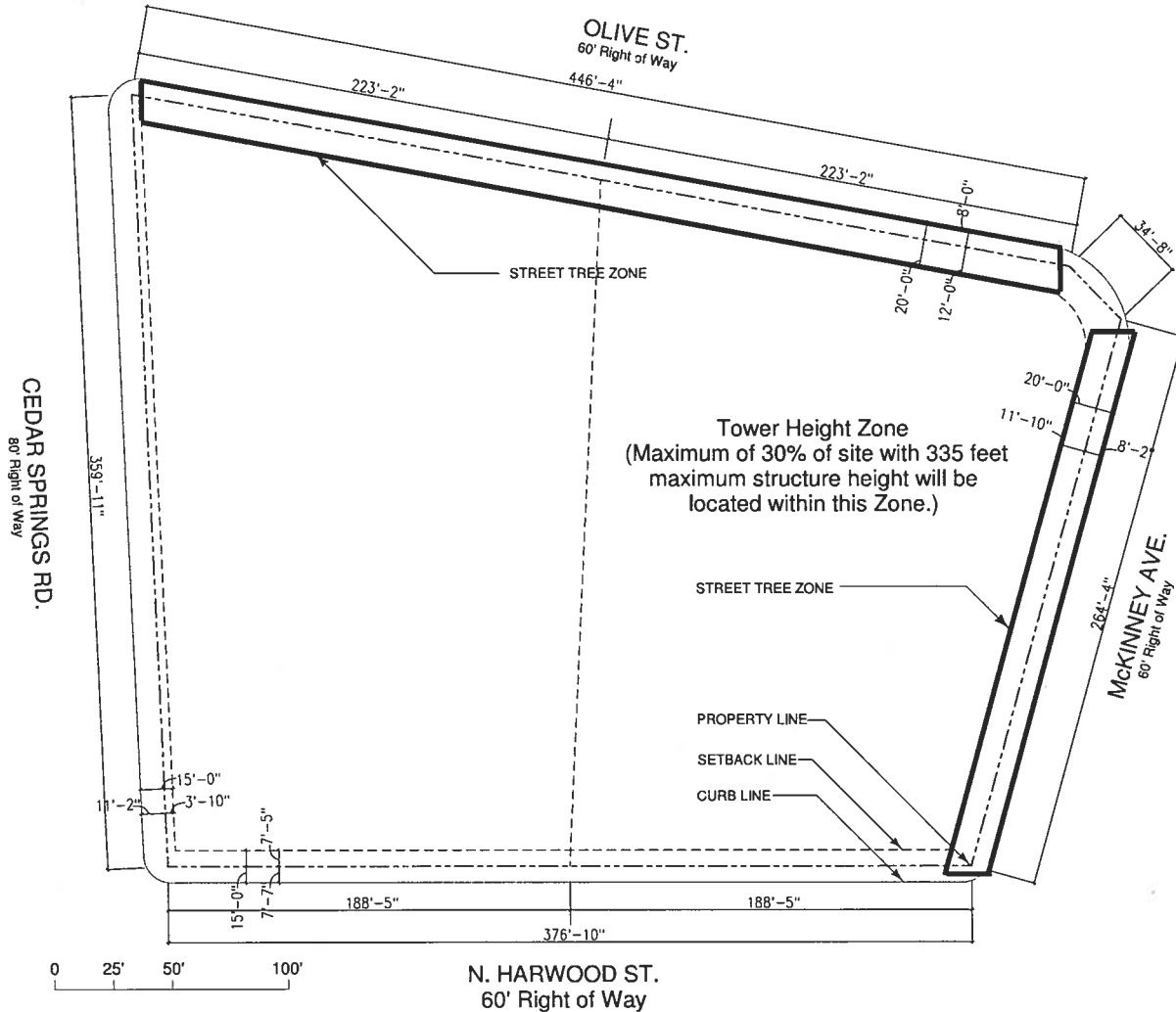
The Board of Adjustment Panel B, at its public hearing held on Wednesday, June 20, 2012 granted your to extend the time period to file an application for a building permit or certificate of occupancy an additional 12 months beyond the 180 days from the Board of Adjustment's favorable action on a request for variance to the height regulations of 95' granted by Board of Adjustment Panel B on January 18, 2012, subject to the revised conceptual height limit site plan diagram submitted at the 1-18-12 public hearing and the submitted conceptual height limit elevation.

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in black ink that reads "Steve Long".

Steve Long, Board Administrator
Board of Adjustment
Sustainable Development and Construction

c: James Martin, Code Enforcement, 3112 Canton, RM 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105



NOTES:

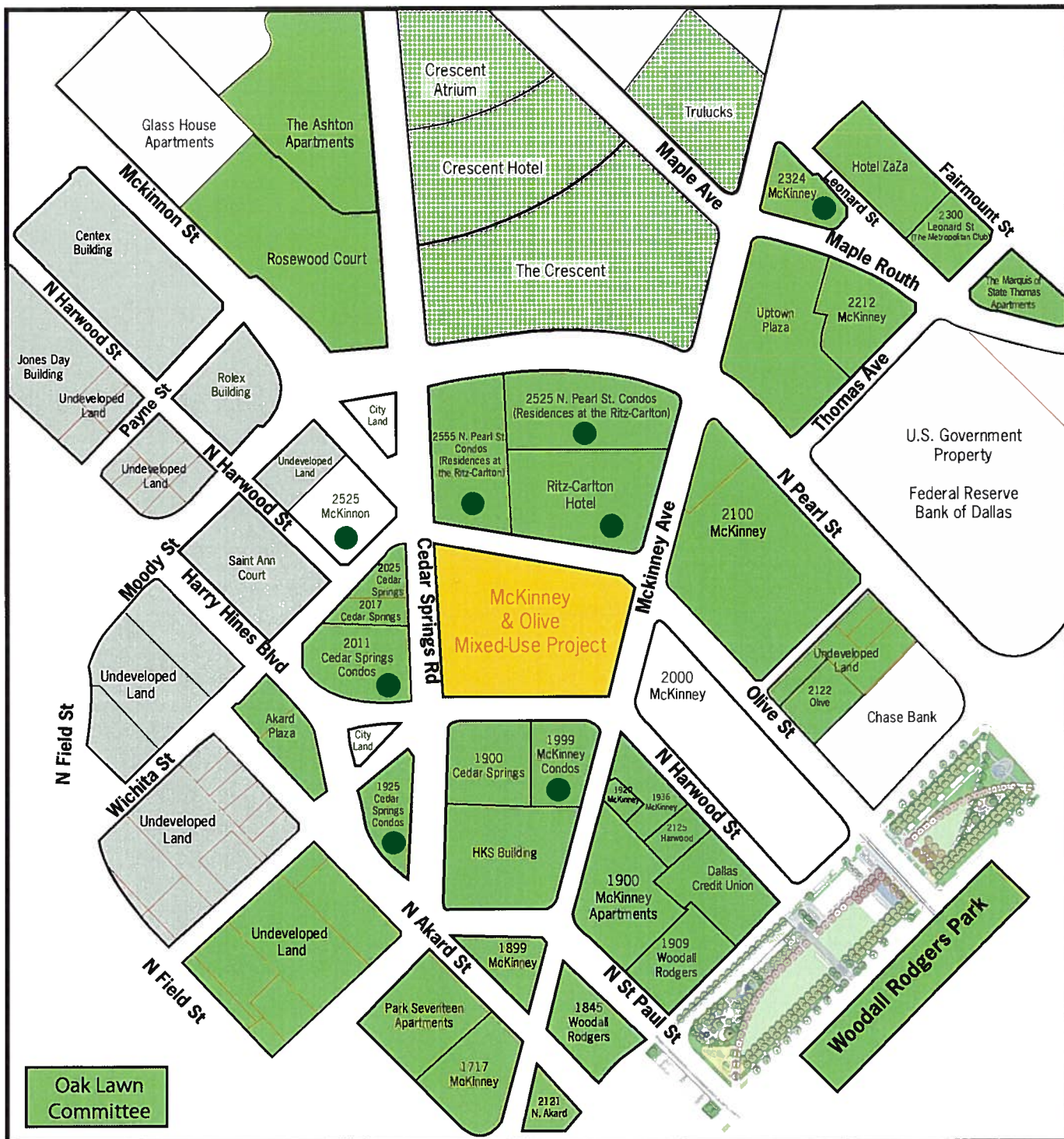
1. Other than the additional structure height and the setbacks identified on this Conceptual Height Limit Site Plan Diagram, all yard, lot and space regulations will conform to applicable requirements of PD 193 and any other applicable ordinances.
2. Development of the site will be subject to the height limits and percentages specified below:
 - 335 feet height limit not more than 30% of the site.
 - 220 feet height limit not more than 20% of the site.
 - 120 feet height limit not more than 50% of the site.
3. Development of the site will be subject to the setbacks as shown on each of the height zones, to offset height and enhance pedestrian environment, and shall be calculated as an average setback along each street frontage, measured from front of curb line to face of permanent structure at the ground plane only.
4. Ten foot landscaping buffer on any side of an above ground parking structure facing a public right-of-way, residential district, residential subdistrict, or residential use, otherwise required pursuant to Sec. 51P-193.126(b)(3)(D), is not required on this site.
5. Street trees otherwise required to be planted within the "tree planting zone" specified in SEC. 51P-193.126(b)(5)(A) may be planted outside of such "tree planting zone" so long as they are planted within the "Street Tree Zones" depicted and specified on this Conceptual Height Limit Site Plan Diagram. All other requirements of Sec. 51P-193.126(b)(5) will continue to apply.

MCKINNEY & OLIVE
CRESCENT

CONCEPTUAL HEIGHT LIMIT SITE PLAN DIAGRAM
APRIL 5, 2013

McKinney & Olive Mixed-Use Project Map of Neighborhood Support

Case No: BDA 112-009
Support Letters received as of 1/18/12



- Subject Property: McKinney & Olive Mixed-Use Project
- Property Owner or HOA Board Support or No-Opposition Letter received
- Property Manager Support Letters received
- Individual Homeowner or Tenant Support Letter received
- BDA 112-009 Harwood International: Met with CEO on January 11, 2012

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

American National Bank
Associated Estates
Crescent Real Estate
DUANE BATES
LELAND BURK
MICAHA BYRNES
ROB ELMORE
SUZANN FARREN
BRION HANLON
STEVEN HARRIS
JUDY HAVELKA
PITTMAN HAYMORE
PHILIP HENDERSON
JOAN HENRY
KEVIN HICKMAN
BRUCE HORTON
MEL KLEIN
SUE KRIDER
BRENDA MARKS
MICHAEL MILLIKEN
JOHN OLSON
PAUL ONDREJ
ANTHONY PAGE
ZAC PORTER
Premier Communities
Management Company
Renaissance on Turtle Creek
Homeowners Assn.
JOHN SELIG
MARK SHEKTER
KATY SLADE
FRANK STICH
Taco Bueno
Turtle Creek Association
Villas at the Mansion
Warwick Melrose Hotel
NANCY WEINBERGER
ANDREW WHITTEMORE
DENISE YATES

April 2, 2013

Mr. Joseph Pitchford
Crescent Real Estate Equities, LLC
200 Crescent Court, Suite 250
Dallas, TX 75201
jpitchford@crescent.com

**RE: BDA 112-009, 2001 McKinney Avenue/2222 North Harwood Street,
Crescent Uptown development**

Dear Mr. Pitchford:

At its April meeting, the Oak Lawn Committee unanimously voted to support the applicant's request to amend approved Site Plan for BDA 112-009 to provide for averaging of setbacks per understanding of neighbors and landscape special exception to reduce garage buffer strip. The proposed setback, landscaping, and design will be a beautiful and fabulous addition to the Uptown area of Oak Lawn.

Thank you for the excellent presentation and for working with the Committee.

Sincerely,



Rob Elmore
President

cc: Honorable Angela Hunt
Mr. Steve Long
Mr. Frank Stich
Mr. Jonathan Vinson

P.O. Box 190912, Dallas, Texas 75219

FILE NUMBER: BDA 123-030

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin for variances to the front and side yard setback regulations at 8303 Skillman Street. This property is more fully described as a 6.241 acre tract in Block C/8107 and is zoned MF-1(A), which requires a front yard setback of 15 feet and requires a side yard setback of 10 feet. The applicant proposes to construct and/or maintain structures and provide an 11 foot front yard setback, which will require a variance to the front yard setback regulations of 4 feet, and to construct and/or maintain structures and provide a 9 foot side yard setback, which will require a variance to the side yard setback regulations of 1 feet.

LOCATION: 8303 Skillman Street

APPLICANT: Rob Baldwin

REQUESTS:

The following appeals have been made in conjunction with maintaining existing multifamily structures on a site that is currently developed with a multifamily development (Castle Rock Apartments):

1. Variances to the front yard setback regulations of up to 4' are requested to maintain six of 17 multifamily structures on the site as close as 11' from one of the site's two front property lines (Skillman Street) or as much as 4' into the required 15' front yard setback.
2. A variance to the side yard setback regulations of up to 1' is requested to maintain a one of 17 multifamily structures on the site as close as 9' away from a side property line or as much as 1' into the required 10' side yard setback.

STANDARD FOR A VARIANCE:

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

- (A) not contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done;
- (B) necessary to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope, that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and

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

STAFF RECOMMENDATION (front and side yard setback variances):

Approval of the requests, subject to the following condition:

- Compliance with the submitted revised site plan is required.

Rationale:

- The lot's irregular shape and slope precludes its development in a manner commensurate with other developments found on similarly-zoned MF-1(A) lots.
- Granting the variances is not contrary to public interest since the total amount of structure in the front and side yard setbacks is only slightly more than 100 square feet on the site developed with 160 apartments located within 17 structures.

BACKGROUND INFORMATION:

Zoning:

Site: MF-1(A) (Multifamily)
North: MF-1(A) (Multifamily)
South: MF-1(A) (Multifamily)
East: MF-1(A) (Multifamily)
West: MF-1(A) (Multifamily)

Land Use:

The subject site is developed with a multifamily use (Castle Rock Apartments). The areas to the north, east, south, and west are developed with multifamily 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:

February 6, 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.

March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 19, 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 March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

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

April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

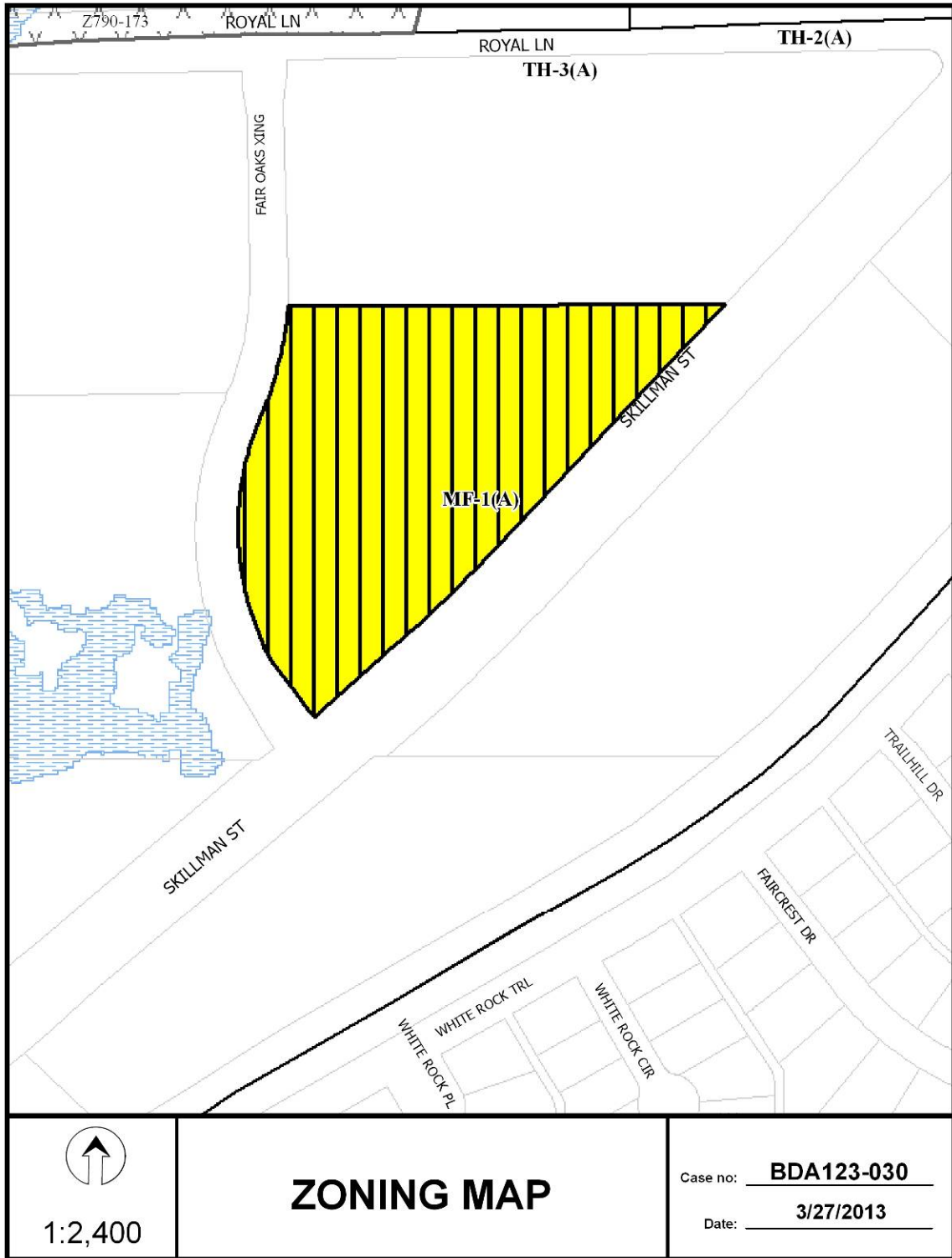
- These request focus on maintaining six of 17 multifamily structures as close as 11' from one of the site's two front property lines (Skillman Street) or as much as 4' into the required 15' front yard setback.
- The minimum front yard setback for properties zoned MF-1(A) of 15'.
- A revised site plan has been submitted denoting portions of the six existing structures located in the 15' front yard setback along Skillman Street, one of which is located as close as 11' from the front property line or as much as 4' into the 15' required front yard setback.
- It appears from the submitted revised site plan that the total amount of the seven structures in the front yard setback is about 100 square feet in area.
- The applicant states the property is being refinanced and that the variances are requested to remedy structures built in 1978 not in compliance with the required zoning.
- DCAD records indicate the "improvements" for the property at 8303 Skillman Street is an "apartment" with 146,142 square feet built in 1978.
- The subject site is irregular in shape, somewhat sloped downward towards a creek bed, and according to the application, is 6.2 acres in area. The site is zoned MF-1(A).

- The applicant has the burden of proof in establishing the following:
 - That granting the variances 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 variances 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 MF-1(A) zoning classification.
 - The variances 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 MF-1(A) zoning classification.
- If the Board were to grant the variance requests and impose the submitted revised site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which are six of 17 multifamily structures on the site as close as 11’ from one of the site’s two front property lines or as much as 4’ into the required 15’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- This request focuses on maintaining one of 17 multifamily structures as close as 9’ away from a side property line or as much as 1’ into the required 10’ side yard setback.
- The minimum side yard setback for multifamily structures on properties zoned MF-1(A) of 10’.
- A revised site plan has been submitted denoting portions of the one existing structure located in the 10’ side yard setback along the site’s northern boundary. This structure is located as close as 9’ from the side property line or as much as 1’ into the 10’ required side yard setback.
- The submitted revised site plan shows that the total amount of the one structure in the side yard setback is about 15 square feet in area.
- The applicant states the property is being refinanced and that the variances are requested to remedy structures built in 1978 not in compliance with the required zoning.
- DCAD records indicate the “improvements” for the property at 8303 Skillman Street is an “apartment” with 146,142 square feet built in 1978.
- The subject site is irregular in shape, somewhat sloped downward towards a creek bed, and according to the application, is 6.2 acres in area. The site is zoned MF-1(A).
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.

- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same MF-1(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 MF-1(A) zoning classification.
- If the Board were to grant the variance request and impose the submitted revised site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which is a one of 17 multifamily structures on the site as close as 9' away from a side property line or as much as 1' into the required 10' side yard setback.

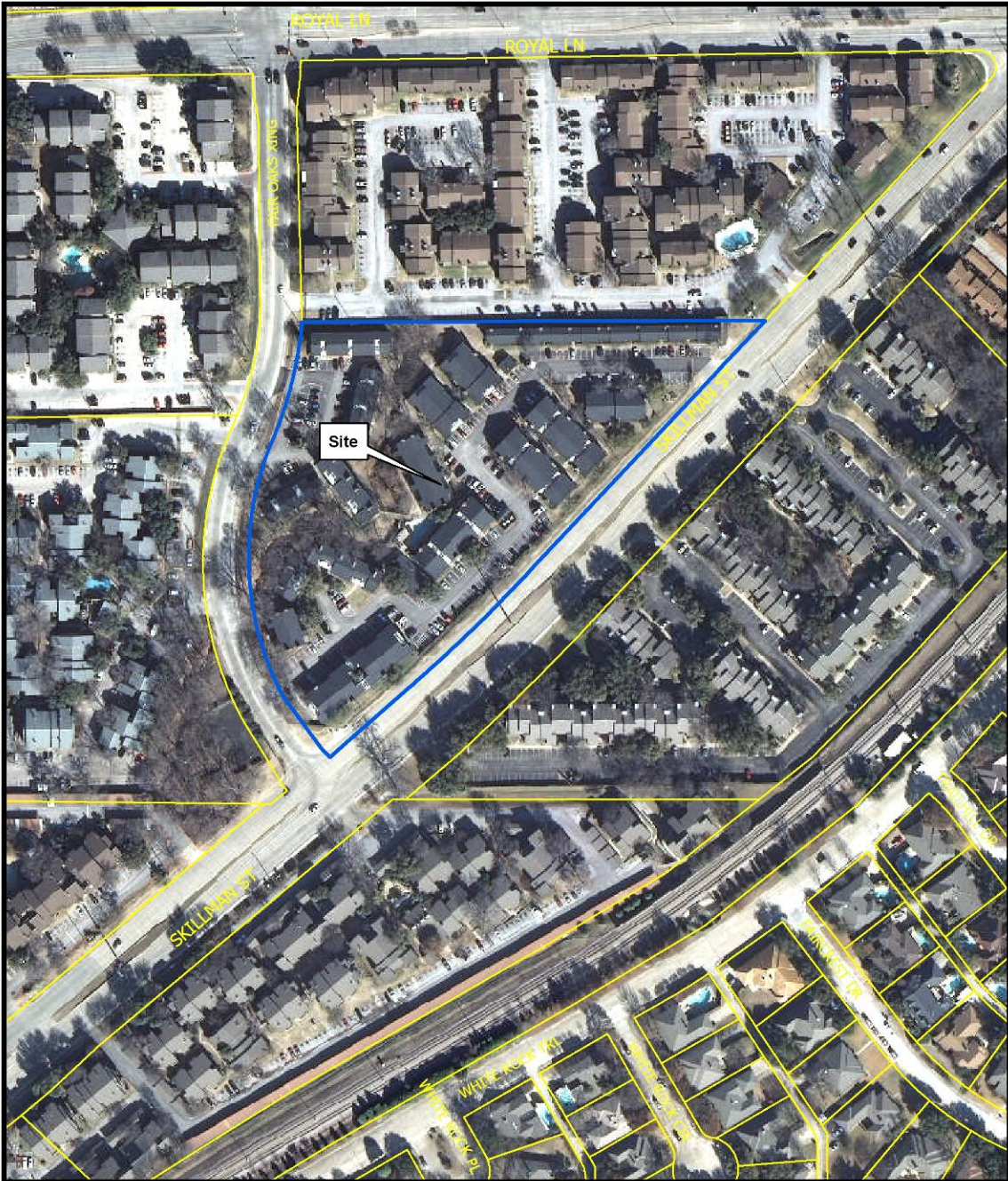


1:2,400

ZONING MAP

Case no: **BDA123-030**

Date: **3/27/2013**



1:2,400

AERIAL MAP

Case no: BDA123-030

Date: 3/27/2013

April 1, 2013

Mr. Steve Long
Board of Adjustment Administrator
City of Dallas
1500 Marilla
Dallas, Texas 75201

Re: BDA 1123-030
8303 Skillman Avenue

Dear Mr. Long:

This firm represents Wind Properties in their efforts to seek a variance to the required front and side yard setbacks for their property located at 8303 Skillman Avenue. This is an existing multifamily project that was built in 1978. The property consists of 160 apartments located within a total of 17 buildings. The buildings range from a single story to three stories in height. It appears that there are a handful of areas where the buildings were not built in compliance with the required zoning. This request is seeking variances to allow the existing building to become conforming structures.

As I mentioned previously, the property was built in 1978. Based on our research of the City archives, the property was platted as the Castle Rock Addition to the City of Dallas and all necessary building permits were obtained and the required inspections were approved. The property owner is in the process of refinancing the property and it became apparent during the title and survey review that there were a few places where the existing buildings encroach into the 15-foot front yard and 10-foot side yard setbacks established in the MF-2(A) zoning district. My review of Chapter 51 shows me that the same setbacks were in place for this property when the project was built. I cannot explain how the buildings were built within the required setbacks, but they were, and we are seeking these variances so the property can be refinanced.

I have submitted an exhibit that has two sheets: The first sheet shows the entire property with boxes indicating where the encroachments occur. The second sheet shows the detail of each encroachment. The encroachments are dimensioned from the property line so it is clear of exactly how much of a variance we are requesting. The encroachments range from a couple of inches to 3.5 feet. The encroachments are minor and tend to be a result of a building projection. We would like the variance to reflect the dimensions shown on our exhibit.

BDA123-030

Attach A

Pg 2

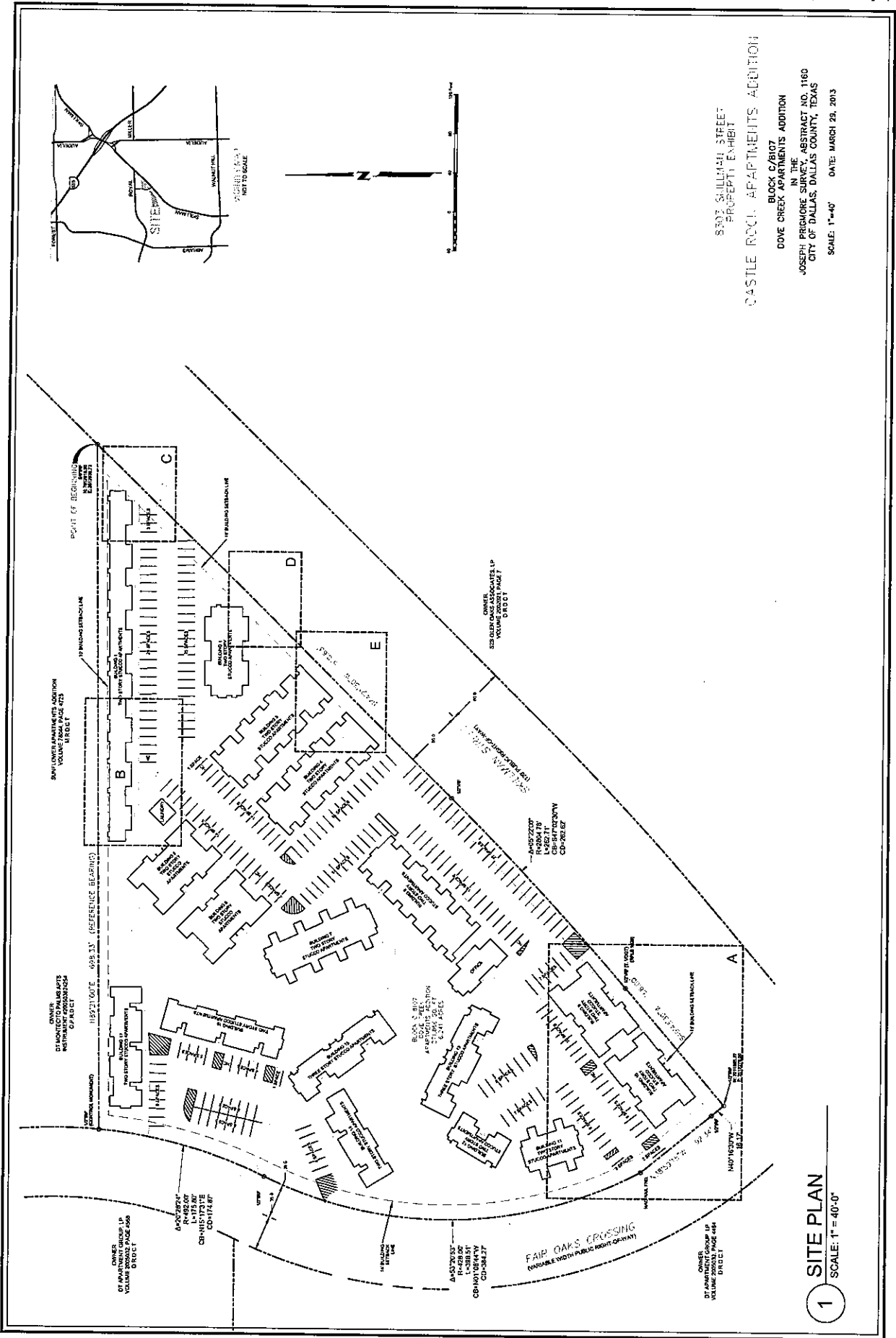
Please note that the exhibit we would like for you to use for this request is dated March 29, 2013. The original exhibit we provided you, dated January 31, 2013 is no longer the accurate exhibit. Since our original submittal, the Dallas City Plan Commission approved a replat for the property that removed a 25-foot platted building line along Fair Oaks Drive (case S123-035). We have amended our exhibit to reflect the removal of this platted building line.

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,



Robert B. Baldwin, AICP

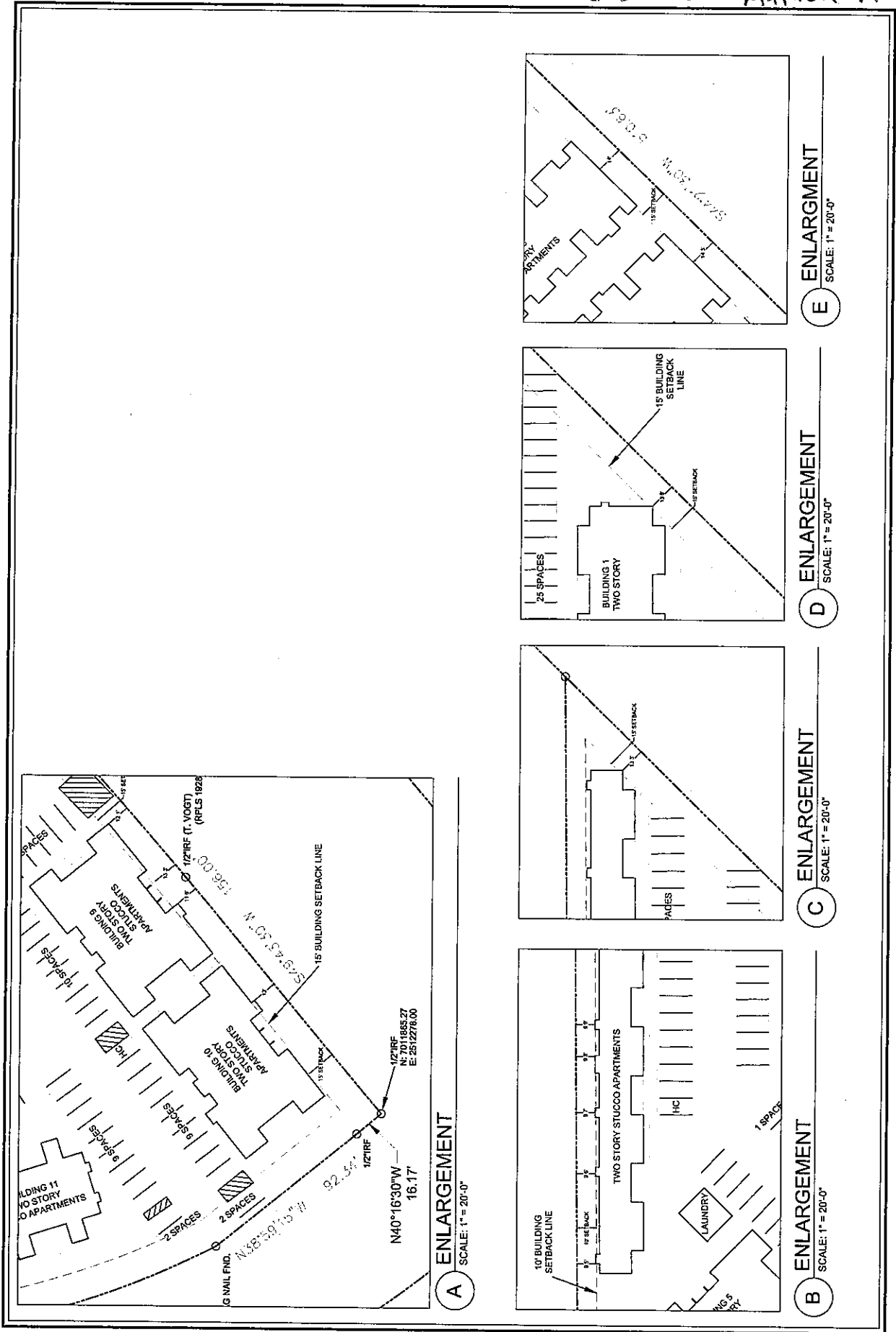


3207 GULLISH STREET
PROPERTY EXHIBIT

CASTLE ROCK APARTMENTS ADDITION
BLOCK C/B107
DOVE CREEK APARTMENTS ADDITION
IN THE
JOSEPH PRIGMORE SURVEY, ABSTRACT NO. 1160
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE: 1"=40' DATE: MARCH 28, 2013

1 SITE PLAN
SCALE: 1" = 40'-0"





City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-030

Date: 2-6-13

Data Relative to Subject Property:

Location address: 8303 Skillman Street Zoning District: MF-1(A)

Lot No.: _____ Block No.: C/8107 Acreage: 6.241 Census Tract: 78.25

Street Frontage (in Feet): 1) 680 2) 625 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

NE5

Owner of Property (per Warranty Deed): Wind Properties RB, LLC

Applicant: Robert Baldwin Telephone: 214-824-7949

Mailing Address: 3904 Elm #B Dallas, TX Zip Code: 75226

E-mail Address: rob@baldwinplanning.com

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

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

E-mail Address: rob@baldwinplanning.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of up to four (4) feet into required setbacks for an existing apartment project in the front yard, and one (1) foot in 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: The project was built in 1978 and a recent survey revealed that there are a few buildings that encroach into required setbacks. The purpose of the request is to bring the project into compliance with the city zoning regulations.

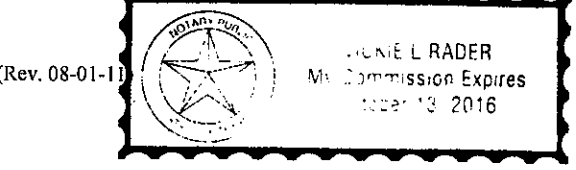
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

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 5th day of February 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 ROB BALDWIN

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

at 8303 Skillman Street

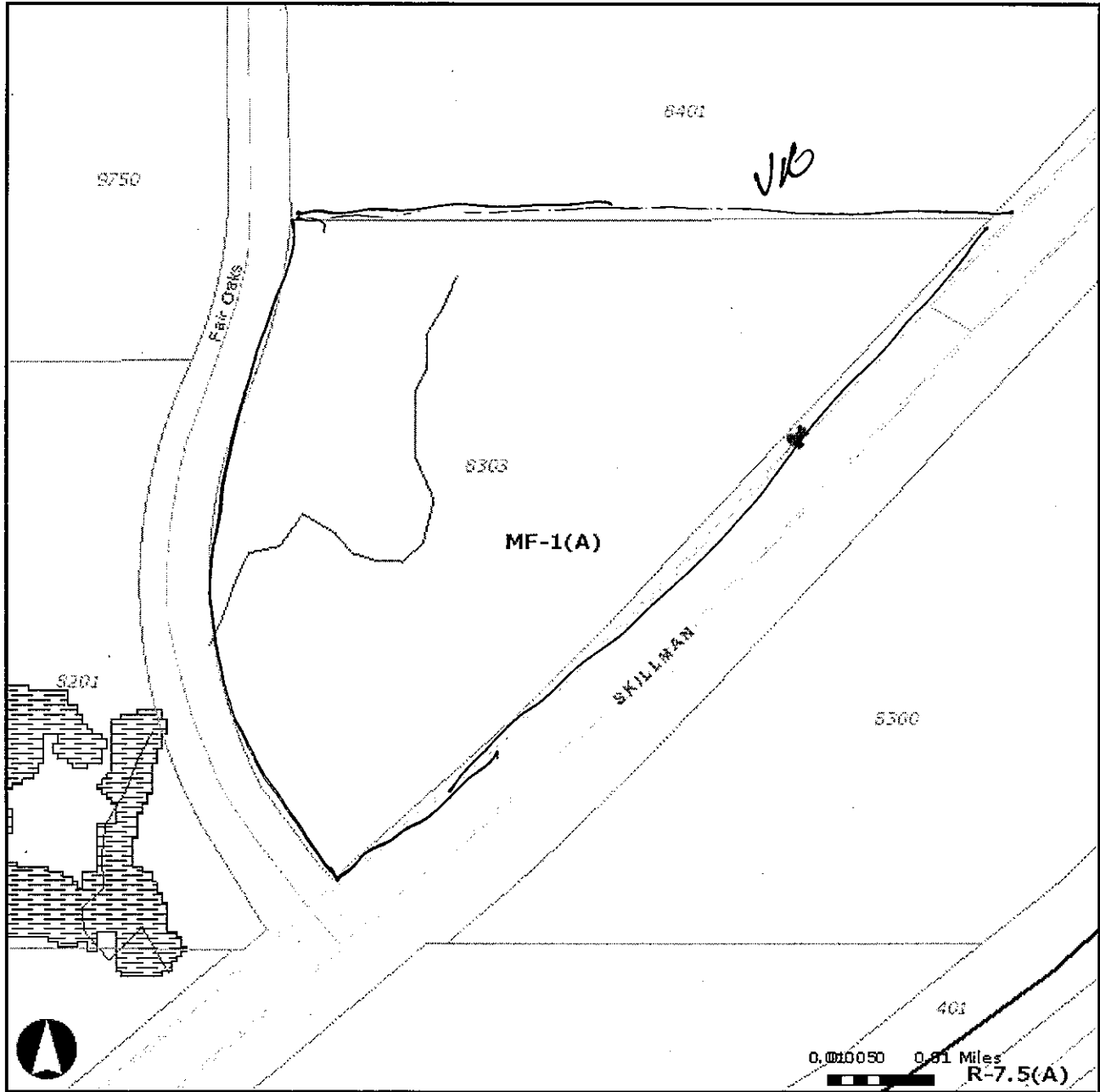
BDA123-030. Application of Rob Baldwin for a variance to the front yard setback regulations and a variance to the side yard setback regulations at 8303 Skillman Street. This property is more fully described as a 6.241 acre tract in Block C/8107 and is zoned MF-1(A), which requires a front yard setback of 15 feet and requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a multifamily residential structure and provide an 11 foot front yard setback, which will require a 4 foot variance to the front yard setback regulation, and to construct and maintain a multifamily residential structure and provide a 9 foot side yard setback, which will require a 1 foot variance to the side yard setback regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



Address Candidates



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



SUP



Dry Overlay



Historic Overlay



Historic Subdistricts



NSO Overlay



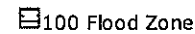
PDS Subdistricts



Base Zoning

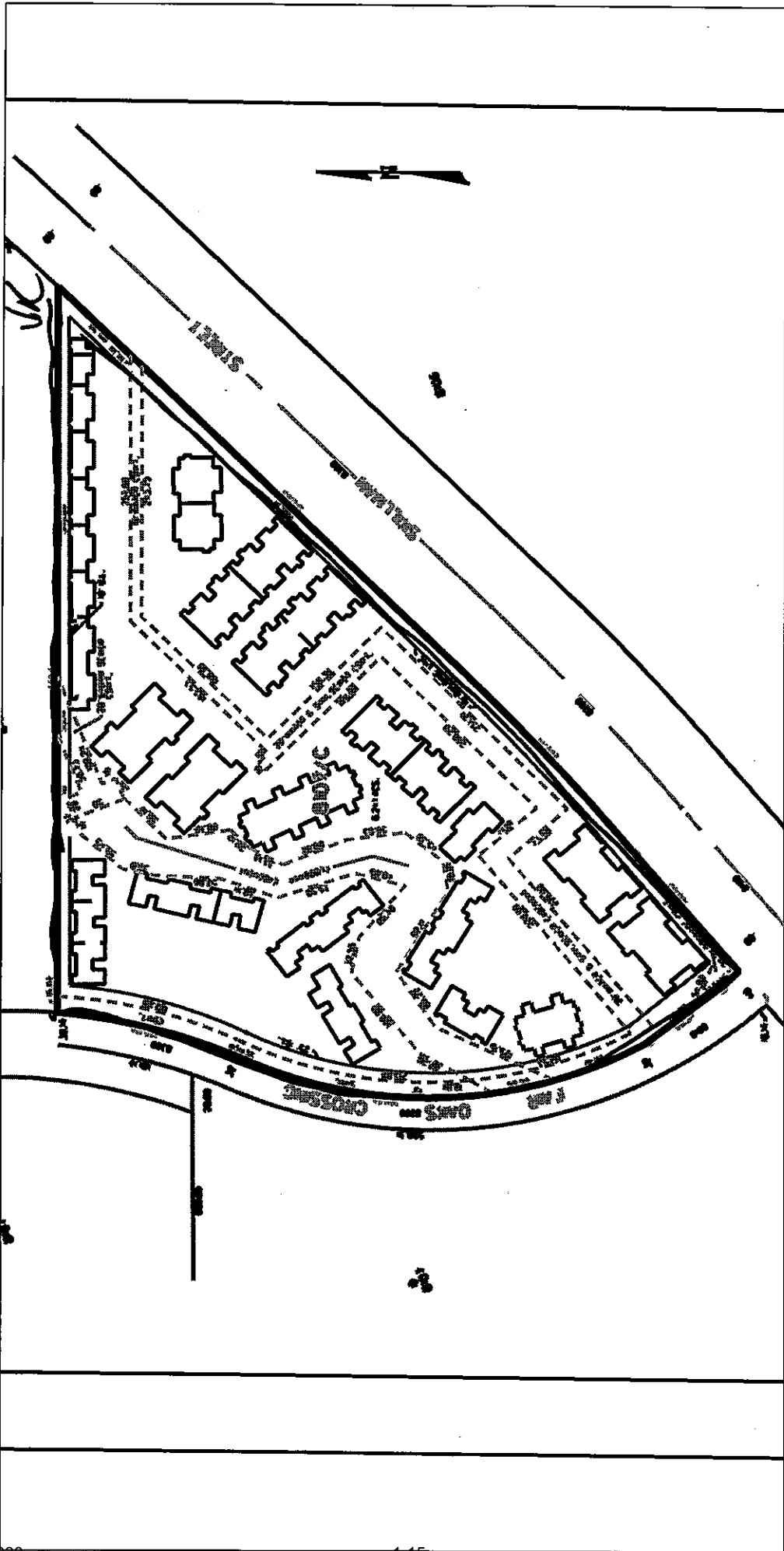


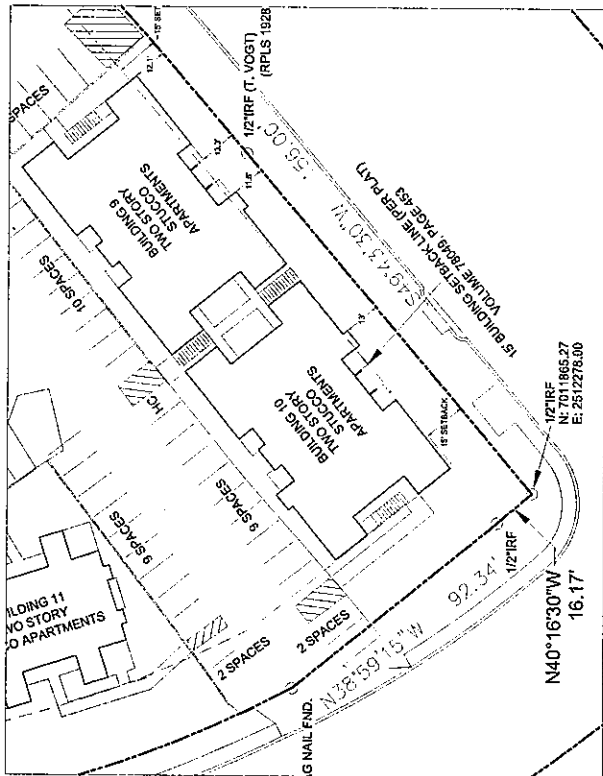
Floodplain



Pedestrian Overlay

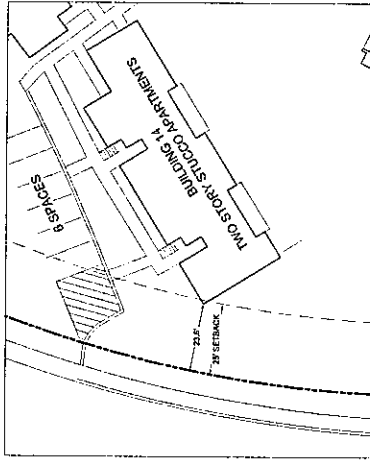






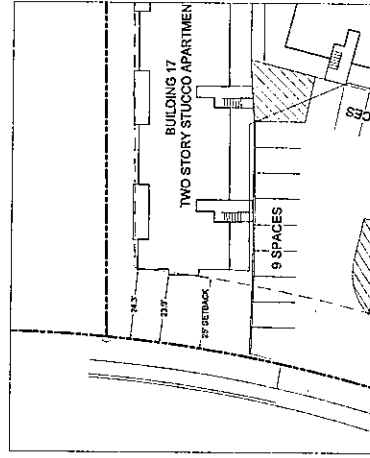
A ENLARGEMENT

SCALE: 1" = 20'-0"



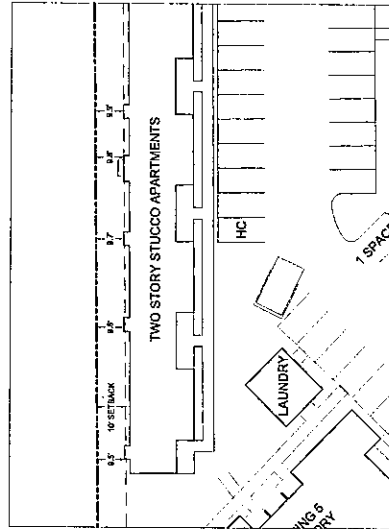
B ENLARGEMENT

SCALE: 1" = 20'-0"



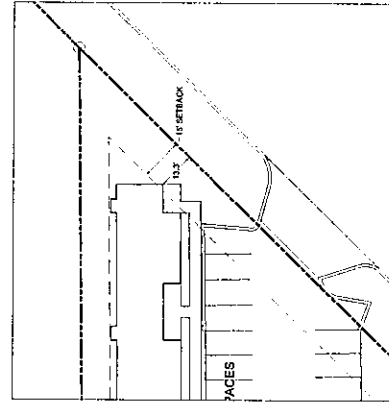
C ENLARGEMENT

SCALE: 1" = 20'-0"



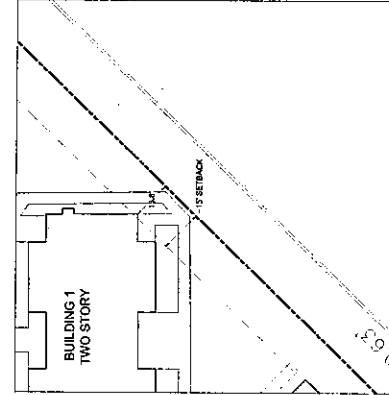
D ENLARGEMENT

SCALE: 1" = 20'-0"



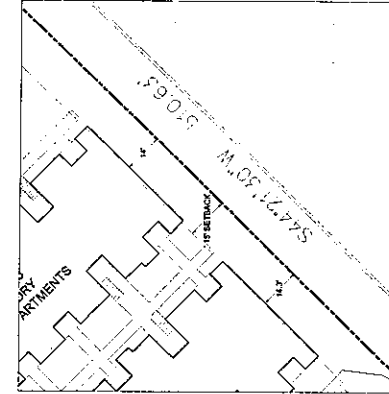
E ENLARGEMENT

SCALE: 1" = 20'-0"



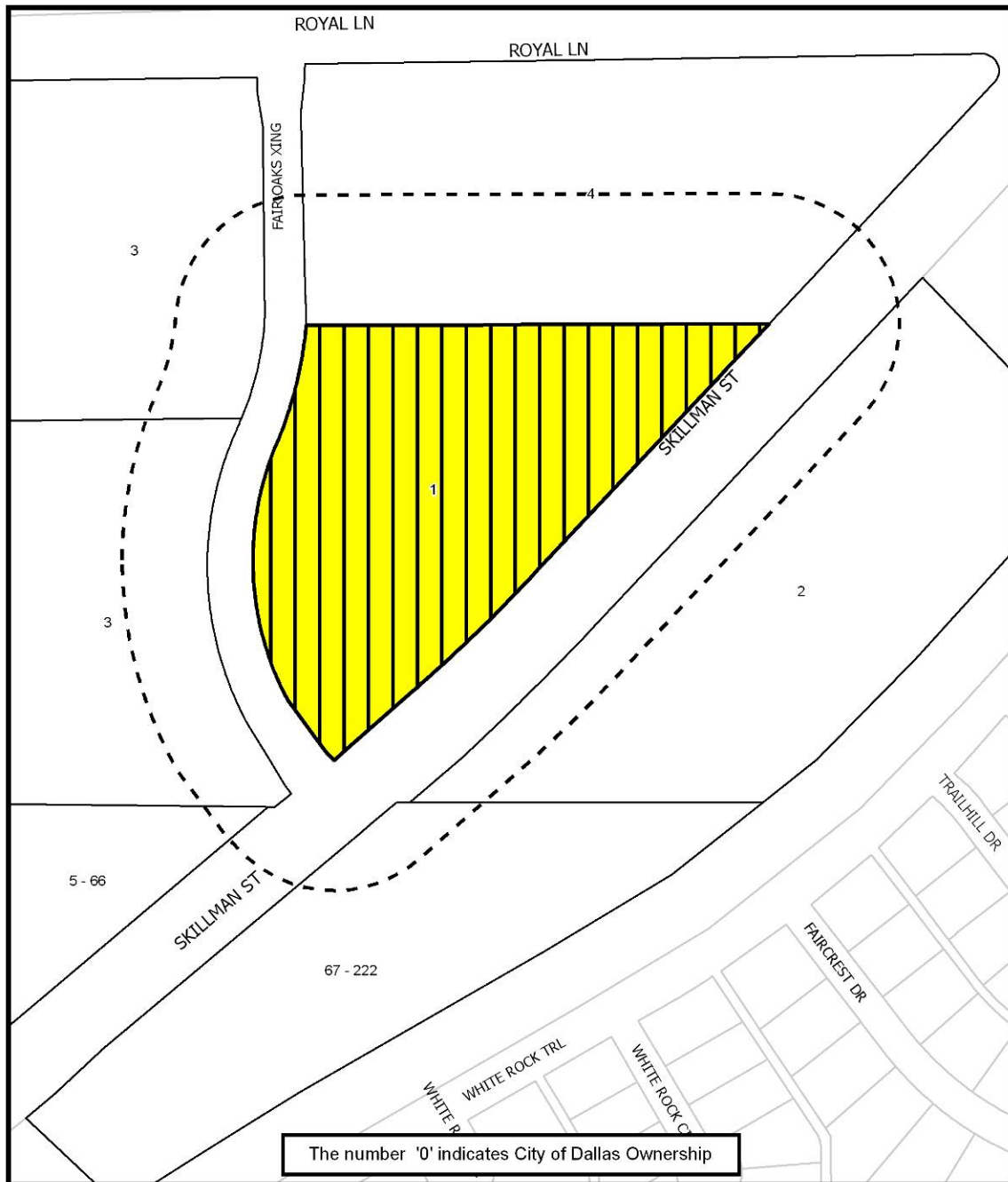
F ENLARGEMENT

SCALE: 1" = 20'-0"



G ENLARGEMENT

SCALE: 1" = 20'-0"



1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
222 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA123-030**
 Date: **3/27/2013**

Notification List of Property Owners

BDA123-030

222 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8303 SKILLMAN ST	WIND PROPERTIES RB LLC PMB 101
2	8300 SKILLMAN ST	S TWO S GLEN OAKS ASSO LP SUITE 317 EAST
3	9750 ROYAL LN	DT APARTMENT GROUP LP
4	8401 SKILLMAN ST	DT MONTECITO PALMS APTS STE 235
5	8109 SKILLMAN ST	SOUTHERLAND CHARLES K JR
6	8109 SKILLMAN ST	ROGERS PATRICIA A UNIT 1002
7	8109 SKILLMAN ST	VILLAFANA MARIA D
8	8109 SKILLMAN ST	WILLIAMS B T
9	8109 SKILLMAN ST	HUYNH PHUONG
10	8109 SKILLMAN ST	KLEIMAN DIEGO
11	8109 SKILLMAN ST	PARKER MARILYN C
12	8109 SKILLMAN ST	VEKSLER EUGENE
13	8109 SKILLMAN ST	DOMINGUEZ ANDERSON CYNTHIA ANN UNIT 1011
14	8109 SKILLMAN ST	WANG ZHENMING & GU XUEFEN
15	8109 SKILLMAN ST	CHAN MING BLDG A UNIT 2001
16	8109 SKILLMAN ST	CHAN MING MING
17	8109 SKILLMAN ST	PORRAS RAMON & JUANITA
18	8109 SKILLMAN ST	MOSES JOAN I
19	8109 SKILLMAN ST	GUNTER ETFRI D
20	8109 SKILLMAN ST	CARAVELLA BUSTER P & KIM BLDG A UNIT 20
21	8109 SKILLMAN ST	GELSKY GEORGE
22	8109 SKILLMAN ST	NAVAJA ARESTIDE C & LETICIA A NAVAJA
23	8109 SKILLMAN ST	SILECCHIA ROBERT
24	8109 SKILLMAN ST	ECKLIN SUZANNE B %OAKHOLLOW CONDOS 2010
25	8109 SKILLMAN ST	LIGHT STEVE
26	8109 SKILLMAN ST	SMALL LEE REVOCABLE TRUST

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	8109 SKILLMAN ST	FRANCIS BRIAN K
28	8109 SKILLMAN ST	ALVAREZ JOSE LUIS
29	8109 SKILLMAN ST	SPC PROPERTIES LLC
30	8109 SKILLMAN ST	PRADO ARTURO BLDG A UNIT 3009
31	8109 SKILLMAN ST	SPC PPTIES LLC
32	8109 SKILLMAN ST	SALVO JAMES J
33	8109 SKILLMAN ST	LONAC SNJEZANA
34	8109 SKILLMAN ST	TRAN DINH TRONG & HUE TRIMINH TRIEU
35	8109 SKILLMAN ST	WANG ZHENMING & GU XUEFEN
36	8109 SKILLMAN ST	J & J ENTERPRISES
37	8109 SKILLMAN ST	BUI HUNG
38	8109 SKILLMAN ST	FOLEY JOHN W & EMMA GAIL
39	8109 SKILLMAN ST	VANIAN DANIEL J & CAROL VANIAN TRUSTEES
40	8109 SKILLMAN ST	BROYLES GLENDA
41	8109 SKILLMAN ST	DELEON DAVID RAYMOND
42	8109 SKILLMAN ST	PEOPLES DERRICK BLDG C UNIT 1020
43	8109 SKILLMAN ST	AMERICANN ROCK INV LLC % STEPHEN SHEK, P
44	8109 SKILLMAN ST	ZINN MICHAEL & CAROL
45	8109 SKILLMAN ST	CLARK JACK
46	8109 SKILLMAN ST	JAHROMI ZAHRA HAGHDAN
47	8109 SKILLMAN ST	LARA CRISTOBAL A
48	8109 SKILLMAN ST	VANIAN FAMILY TRUST
49	8109 SKILLMAN ST	8109 SKILLMAN LLC
50	8109 SKILLMAN ST	CHEUNG JENNY
51	8109 SKILLMAN ST	8109 SKILLMAN MM LLC
52	8109 SKILLMAN ST	BAUMGARDNER TIMOTHY T APT 103
53	8109 SKILLMAN ST	GEE ROBERT & JUDY
54	8109 SKILLMAN ST	MORRIS TONY RAY BLDG C SUITE 2021
55	8109 SKILLMAN ST	HERRERA EDUARDO
56	8109 SKILLMAN ST	8109 SKILLMAN MM LLC &
57	8109 SKILLMAN ST	OAKHOLLOW CONDOMINIUMS HOMEOWNERS ASSOCI

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	8109 SKILLMAN ST	SOPITHAKUL CHRISTINE # 2026
59	8109 SKILLMAN ST	YEE ANGELA CHEN
60	8109 SKILLMAN ST	TECLE TSEHAI
61	8109 SKILLMAN ST	OAKHOLLOW CON HOMEOWNERS ASN % GENEVIEVE
62	8109 SKILLMAN ST	ALBRIGHT CHERYL LYNN BLDG C UNIT 3020
63	8109 SKILLMAN ST	ROSAS ISaura
64	8109 SKILLMAN ST	ATTAWAY TOMMY L JR
65	8109 SKILLMAN ST	HARRIS JAMES B & DIANE B
66	8109 SKILLMAN ST	FITZHUGH MARIA
67	8110 SKILLMAN ST	HUA THANH TRUNG
68	8110 SKILLMAN ST	SARPONG JOSEPH F & CHARMAINE A
69	8110 SKILLMAN ST	DELGADO JULIO
70	8110 SKILLMAN ST	MACEDO GERARDO BLDG A UNIT 1004
71	8110 SKILLMAN ST	HERNANDEZ M A TRUSTEE
72	8110 SKILLMAN ST	WILLIAMS B T
73	8110 SKILLMAN ST	HAIDER SAJJAD
74	8110 SKILLMAN ST	VOGEL CHAD H
75	8110 SKILLMAN ST	OUYE LINDA
76	8110 SKILLMAN ST	GORDON DORIS M
77	8110 SKILLMAN ST	JENNIFER RANEY INVESTMENT
78	8110 SKILLMAN ST	WANG YIPING
79	8110 SKILLMAN ST	GOMEZ ALFREDO
80	8110 SKILLMAN ST	FOXMORE JEFF
81	8110 SKILLMAN ST	ATA ADRISS
82	8110 SKILLMAN ST	FLIPPO RUSSELL
83	8110 SKILLMAN ST	WINDTREE HOMEOWNERS ASSOCIATION INC % MG
84	8110 SKILLMAN ST	TANG JUN W BLDG B UNIT 1010
85	8110 SKILLMAN ST	HANCOCK WESLEY
86	8110 SKILLMAN ST	CUTZ LEANDRA MARIA
87	8110 SKILLMAN ST	RHEW RICKY D
88	8110 SKILLMAN ST	CHEVEZ LUZ MARIE BLDG B UNIT 2010

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	8110 SKILLMAN ST	WINDTREE RESIDENCES INC
90	8110 SKILLMAN ST	MAJESTIC SKIES SERIES LLC &
91	8110 SKILLMAN ST	SCOTT GENEVIEVE
92	8110 SKILLMAN ST	MUNOZ RICARDO
93	8110 SKILLMAN ST	KHAN AMANULLAH & FRAN
94	8110 SKILLMAN ST	RODRIGUEZ KATHLEEN
95	8110 SKILLMAN ST	CURTIS THOMAS R JR
96	8110 SKILLMAN ST	PADILLA JUAN & BARBARA
97	8110 SKILLMAN ST	BUENDIA PATRICIA
98	8110 SKILLMAN ST	POWELL ELIZABETH & CLIFF
99	8110 SKILLMAN ST	BASILIO REYES
100	8110 SKILLMAN ST	HANCOCK WILLARD
101	8110 SKILLMAN ST	ATHERTON FRANKIE L
102	8110 SKILLMAN ST	HUA THANH TRUNG
103	8110 SKILLMAN ST	GORDON DORIS M
104	8110 SKILLMAN ST	TLV PROPERTIES LLC SUITE 113A
105	8110 SKILLMAN ST	MUNOZ NANCY I UNIT 1026
106	8110 SKILLMAN ST	PDV ENTERPRISE LLC
107	8110 SKILLMAN ST	FELDHAKE GERARD J
108	8110 SKILLMAN ST	LAM RICHARD T C REVOCABLE LIV TR
109	8110 SKILLMAN ST	VELAQUEZ FELIPE
110	8110 SKILLMAN ST	RODRIGUEZ JULIO D
111	8110 SKILLMAN ST	ARTZI GIDEON BEN
112	8110 SKILLMAN ST	WALKER GEORGE F BLDG E UNIT 1029
113	8110 SKILLMAN ST	PORTMAN HAL
114	8110 SKILLMAN ST	BAYLON MARIA C
115	8110 SKILLMAN ST	CUA NIEVA L REVOCABLE LIVING TR & LIFE E
116	8110 SKILLMAN ST	GONZALEZ MIGUEL
117	8110 SKILLMAN ST	UNICA PROPERTIES
118	8110 SKILLMAN ST	MARTINEZ JOSE &
119	8110 SKILLMAN ST	MARQUEZ JUAN MANUEL BLDG F UNIT 1034

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	8110 SKILLMAN ST	SARPONG JOSEPH & CHARMAINE A
121	8110 SKILLMAN ST	MORGAN VICTORIA D
122	8110 SKILLMAN ST	ENENMOH IKECHUKWU N & NNEKA GLORIA ENENM
123	8110 SKILLMAN ST	SARPONG JOSEPH F & CHARMAINE A SARPONG
124	8110 SKILLMAN ST	IM YORN & SOYANI PHOKIM
125	8110 SKILLMAN ST	SKILLMAN 8110 NUMBER 1038 LAND TRUST LIS
126	8110 SKILLMAN ST	BAZAN ABDON & SARA BLDG G UNIT 1039
127	8110 SKILLMAN ST	GOODWIN JOHN
128	8110 SKILLMAN ST	MARTINEZ LUIS & EMILA
129	8110 SKILLMAN ST	CHEN DAVID T
130	8110 SKILLMAN ST	PANIAGUA FABRICIO & PANIAGUA EVELYN
131	8110 SKILLMAN ST	BRADLEY COREY III
132	8110 SKILLMAN ST	CUA NEIVA L REVOCABLE LIVING TR & LIFE E
133	8110 SKILLMAN ST	BYRD MARCUS L
134	8110 SKILLMAN ST	VELAZQUEZ FELIPE V BLDG H UNIT 1043
135	8110 SKILLMAN ST	CHEN DAVID T TRUSTEE
136	8110 SKILLMAN ST	WINDTREE HOMEOWNERS ASSOCIATION INC
137	8110 SKILLMAN ST	GOMEZ FILIBERTO & CLAUDIA
138	8110 SKILLMAN ST	GARCIA MARIA G BLDG H
139	8110 SKILLMAN ST	WATSON EVERETT
140	8110 SKILLMAN ST	SKILLMAN 8110 #2042 LAND TRUST
141	8110 SKILLMAN ST	CARA CRISTINA
142	8110 SKILLMAN ST	REED SAHARIE
143	8110 SKILLMAN ST	HERRARAN ROSE ANN H2045 %WINDTREE COND
144	8110 SKILLMAN ST	TANNER MICHAEL K
145	8110 SKILLMAN ST	WHITE BILLY E &
146	8110 SKILLMAN ST	RUSSELL BOBBY N UNIT 2048
147	8110 SKILLMAN ST	SKILLMAN 8110 #2049 LAND TRUST
148	8110 SKILLMAN ST	GARCIA ADRIAN
149	8110 SKILLMAN ST	SALEH JOHAN
150	8110 SKILLMAN ST	LHO MANAGEMENT TRUST

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	8110 SKILLMAN ST	ROMAN PROVIDENCIA
152	8110 SKILLMAN ST	AMERICAN ROCK INVESTMENTS LLC
153	8110 SKILLMAN ST	ARELLANO JAVIER
154	8110 SKILLMAN ST	GAINES KEENAN UNIT 3048
155	8110 SKILLMAN ST	WILLEMS DAN
156	8110 SKILLMAN ST	COSEY LEVERT D
157	8110 SKILLMAN ST	JENKINS MARTHA B BLDG J UNIT 1053
158	8110 SKILLMAN ST	NGUYEN PHUONG HUU VIET
159	8110 SKILLMAN ST	OKPULOR BENEDICT F
160	8110 SKILLMAN ST	ORTIZ ROGELIO & AIDA FLORES
161	8110 SKILLMAN ST	ALONZO ANTHONY P UNIT 1058
162	8110 SKILLMAN ST	HUANG TSU PING
163	8110 SKILLMAN ST	DELGADO JULIO BLDG J UNIT 2051
164	8110 SKILLMAN ST	CHILDRESS LARRY
165	8110 SKILLMAN ST	MANDERS THOMAS E SR
166	8110 SKILLMAN ST	ROSS KELVIN
167	8110 SKILLMAN ST	TANNER MICHAEL K
168	8110 SKILLMAN ST	PATEL VAN
169	8110 SKILLMAN ST	WANG CHIEN CHENG
170	8110 SKILLMAN ST	RAFAEL JAVIER
171	8110 SKILLMAN ST	WATERS MARVIN P
172	8110 SKILLMAN ST	WINDTREE HOMEOWNERS ASSOCIATION INC %MGT
173	8110 SKILLMAN ST	MEDINA LAURA
174	8110 SKILLMAN ST	A & B INVESTMENTS
175	8110 SKILLMAN ST	BATES CRAIG G APT 4310
176	8110 SKILLMAN ST	PB WINDTREE LLC
177	8110 SKILLMAN ST	ZHAO YU
178	8110 SKILLMAN ST	IM YORN & SOYANI PHOKIM
179	8110 SKILLMAN ST	WINDTREE HOMEOWNERS ASSN INC
180	8110 SKILLMAN ST	ROCHA JUAN & RAQUEL MORENO GANDARA
181	8110 SKILLMAN ST	KURTZ LARRY UNIT 2067

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	8110 SKILLMAN ST	LOCKHART JAMES H & SUSAN J BROWNING LOCK
183	8110 SKILLMAN ST	CHEN JIANYONG
184	8110 SKILLMAN ST	DA SILVA GENILTON C
185	8110 SKILLMAN ST	ARCE FERNANDO UNIT 1072 BLDG M
186	8110 SKILLMAN ST	RUIZ MARIA LUISA
187	8110 SKILLMAN ST	BOND REBECCA HARRIS
188	8110 SKILLMAN ST	ROSS EBONY NICOLE BLDG M UNIT 2073
189	8110 SKILLMAN ST	AMERICANN ROCK INVESTMENTS LLC % STEPHEN
190	8110 SKILLMAN ST	MARTINEZ JOSE JAVIER & ELSA M
191	8110 SKILLMAN ST	SHAW JASON
192	8110 SKILLMAN ST	POLLABAUER RUDOLF & AMANDA
193	8110 SKILLMAN ST	RIVERA UZIEL
194	8110 SKILLMAN ST	DFW CAPIO DOMUS LLC
195	8110 SKILLMAN ST	8110 SKILLMAN 2077 LAND TRUST, W.M. SMIT
196	8110 SKILLMAN ST	STREATFEILD GUY
197	8110 SKILLMAN ST	NEWAY ALAZAR
198	8110 SKILLMAN ST	JAMES MICHELLE L & HORNSBY QUENTIN L
199	8110 SKILLMAN ST	LOPEZ VIRIDIANA UNIT 1078
200	8110 SKILLMAN ST	GOMEZ EUSEBIO & BLDG P UNIT 1079
201	8110 SKILLMAN ST	ZAMUDIO VICTOR MANUAL &
202	8110 SKILLMAN ST	MACIASSALAZAR ROSA
203	8110 SKILLMAN ST	JEWELL JAMES UNIT 1082 BLDG P
204	8110 SKILLMAN ST	RANGEL CARMONA E & LARIOS ELIDA H
205	8110 SKILLMAN ST	CHAVEZ MA DE LA LUZ ARRIAGA & ARRIAGA FL
206	8110 SKILLMAN ST	CASTANEDAARRIAGA JUAN ALEJANDRO
207	8110 SKILLMAN ST	FINGER PEGGY A BLDG P UNIT 2080
208	8110 SKILLMAN ST	MAYO ROXANA UNIT 2081 BLDG P
209	8110 SKILLMAN ST	MULLINO JAMES
210	8110 SKILLMAN ST	REYES JOSE M & RODOLFO REYES
211	8110 SKILLMAN ST	PEABERRY PROPERTIES LLC
212	8110 SKILLMAN ST	REYES JOSE M & DIANNE A

3/27/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	8110 SKILLMAN ST	QADEER ABDUL & SADIA QURESHI
214	8110 SKILLMAN ST	JENKINS FIDEL
215	8110 SKILLMAN ST	REYES JOSE M
216	8110 SKILLMAN ST	NGUYEN SARAH
217	8110 SKILLMAN ST	JENKINS RONALD R
218	8110 SKILLMAN ST	TANNER MICHAEL K & GLORIA E PARRINO
219	8110 SKILLMAN ST	ERITZIAN GARY H
220	8110 SKILLMAN ST	MATHEWSON DARIN
221	8110 SKILLMAN ST	ROCHA JUAN RAMON # 2089
222	8110 SKILLMAN ST	MCCOY MICHAEL L

FILE NUMBER: BDA 123-034

BUILDING OFFICIAL'S REPORT: Application of Roberto Romo for a special exception to the fence height regulations at 2206 Old Oaks Drive. This property is more fully described as Lot 1, Block 5/5957 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and maintain a 6 foot high fence, which will require a special exception to the fence height regulations of 2 feet.

LOCATION: 2206 Old Oaks Drive

APPLICANT: Roberto Romo

REQUEST:

A special exception to the fence height regulations of 2' is requested in conjunction with replacing an existing 4' high solid wood fence with a proposed 6' high solid wood fence in the site's 15' required front yard along Bonanza Lane on a site developed with a single family home. (No part of this application is made to construct and/or maintain a fence in the site's Old Oaks Drive required front yard).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:

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

STAFF RECOMMENDATION:

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

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: R-7.5(A) (Single family district 7,500 square feet)
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, south, and west are developed with single family uses.

Timeline:

February 22, 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.

March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

March 19, 2013: The Board Administrator contacted the applicant and shared the following information via email:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

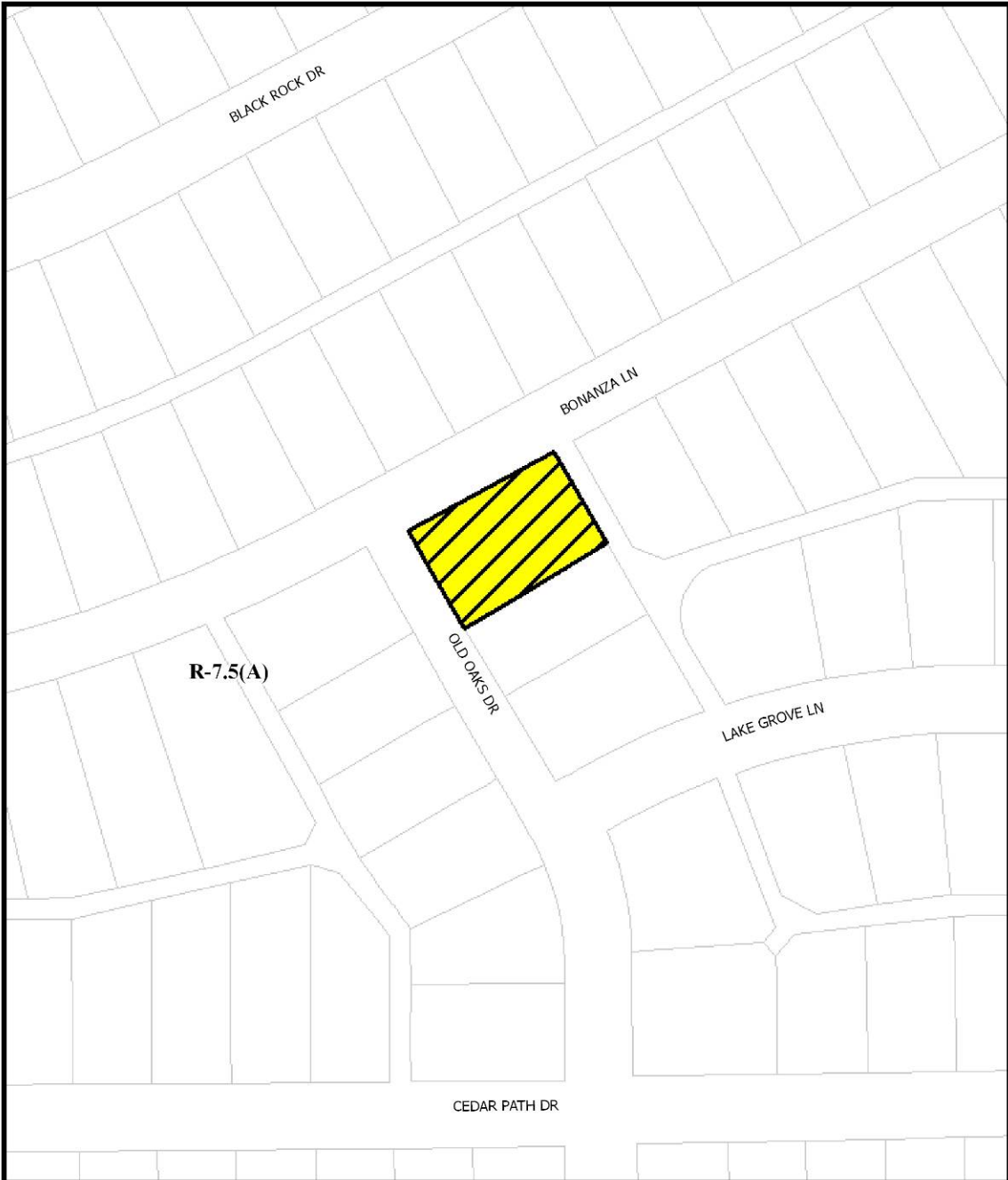
April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

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

GENERAL FACT /STAFF ANALYSIS:

- This request focuses on replacing an existing 4’ high solid wood fence with a proposed 6’ high solid wood fence in the site’s 15’ required front yard along Bonanza Lane on a site developed with a single family home. (No part of this application is made to construct and maintain a fence in the site’s 30’ Old Oaks Drive required front yard).

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the southwest corner of Bonanza Lane and Old Oaks Drive. Regardless of how the existing single family structure is oriented westward to front Old Oaks Drive, the subject site has required front yards along both streets. The site has a 30' required front yard along Old Oaks Drive, 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 site also has a 15' required front yard along Bonanza Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 9' high fence could be constructed and maintained by right. But the site's Bonanza Lane frontage is deemed a front yard nonetheless to maintain the continuity of the established front yard setbacks established by the lots zoned and developed with single family homes to the east along Bonanza Drive that front northward.
- A scaled site plan and an elevation have been submitted that show the proposal in the Bonanza Lane front yard setback reaches a maximum height of 6'.
- The following additional information was gleaned from the submitted site plan:
 - Approximately 85' in length parallel to the street (and approximately 10' in length perpendicular on the east and west sides of the site in the required front yard); approximately 5' from the Bonanza Drive front property line or approximately 16' from the pavement line where two homes would have direct frontage with no fences in their front yards.
- The Board Administrator conducted a field visit of the site and surrounding area and noted no other fences higher than 4' in the immediate area.
- As of April 8, 2013, a petition signed by 4 owners/neighbors had been submitted to staff in support of the request and no letters had been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations (whereby the proposal that would reach 6' in height) will not adversely affect neighboring property.
- Granting this special exception of 2' with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the Bonanza Lane front yard to be constructed/maintained in the location and of the heights and materials as shown on these documents.

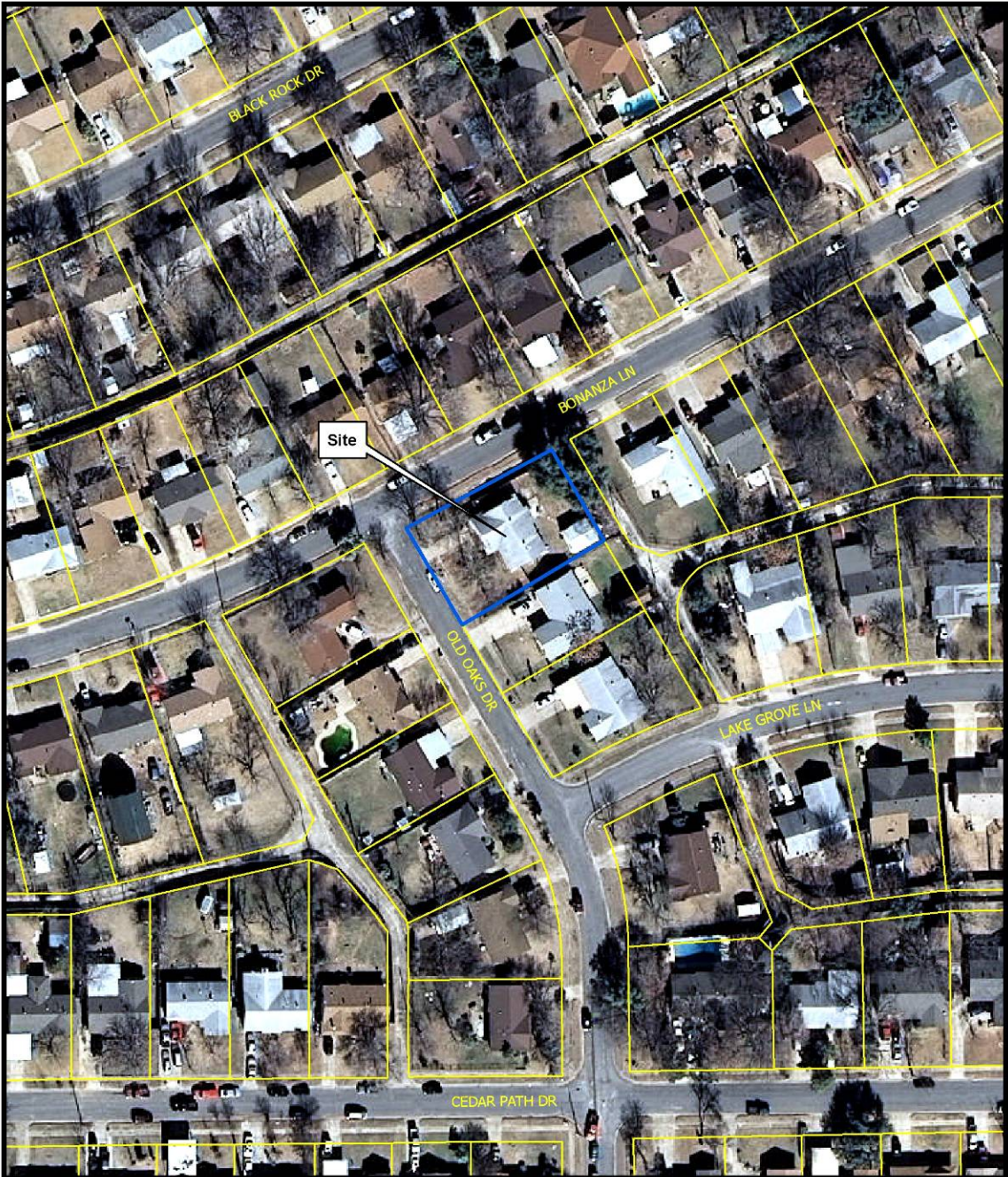


1:1,200

ZONING MAP

Case no: BDA123-034

Date: 3/27/2013



1:1,200

AERIAL MAP

Case no: BDA123-034

Date: 3/27/2013



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-034

Data Relative to Subject Property:

Date: 2-22-13

Location address: 2206 Old Oaks Dr Zoning District: R-7.5(A)

Lot No.: 1 Block No.: 5/5957 Acreage: .24 Census Tract: 107.04

Street Frontage (in Feet): 1) 85' 2) 125.06' 3) _____ 4) _____ 5) _____

SW 15

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Roberto Romo

Applicant: Roberto Romo Telephone: (214) 317-0968

Mailing Address: 2206 Old Oaks Dr Dallas, TX Zip Code: 75211

E-mail Address: rromo81@hotmail.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 a 4 foot fence change to a 6 foot fence
Requesting a 2 foot special exception in the front yard.

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

Because we think it is gonna look better blend in with the other houses and we have talk to our neighbors and they agree that since it is a corner house it won't affect them and since the house was in really bad shape they are more than happy because it would make the

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. neighborhood look better

Affidavit

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

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



Roman M Gonzalez
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

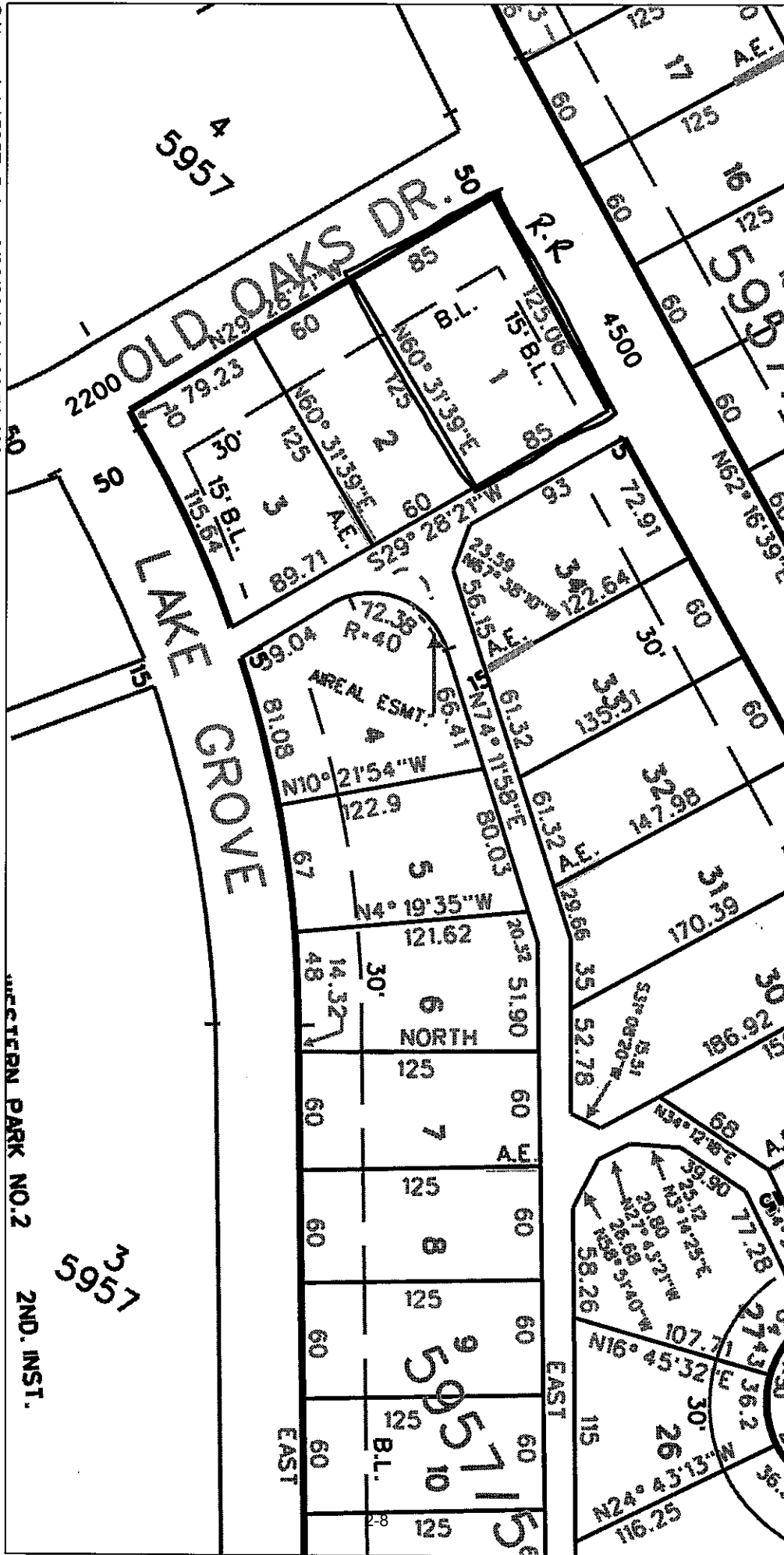
I hereby certify that ROBERTO ROMO

did submit a request for a special exception to the fence height regulations
at 2206 Old Oaks Drive

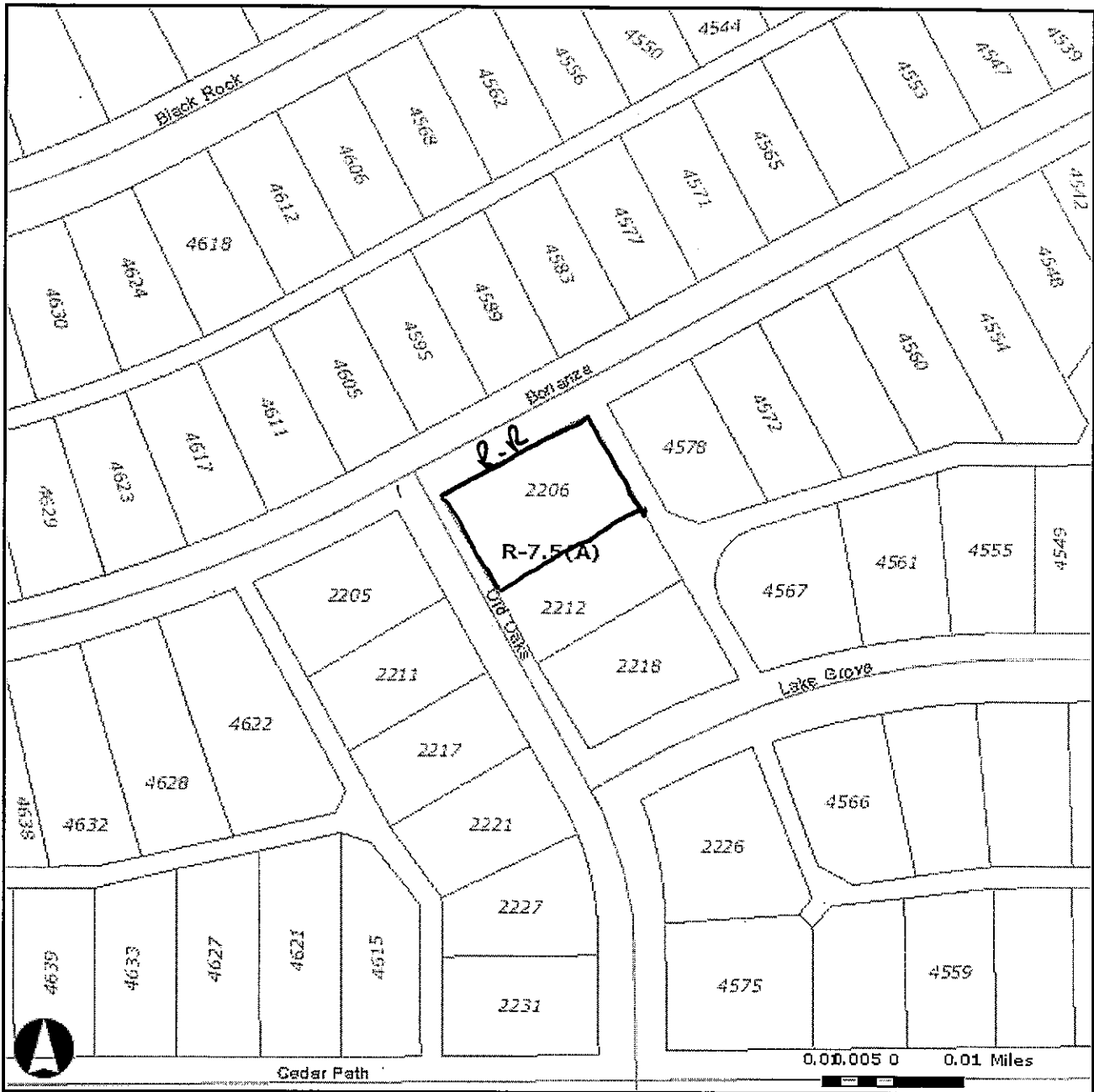
BDA123-034. Application of Roberto Romo for a special exception to the fence height regulations at 2206 Old Oaks Drive. This property is more fully described as Lot 1, Block 5/5957 and is zoned R-7.5(A), which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct an 6 foot high fence in a required front yard, which will require a 2 foot special exception to the fence regulation.

Sincerely,


Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries



County



Certified Parcels



DISD Sites



Council Districts



Waterways



Parks



Dry Overlay



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



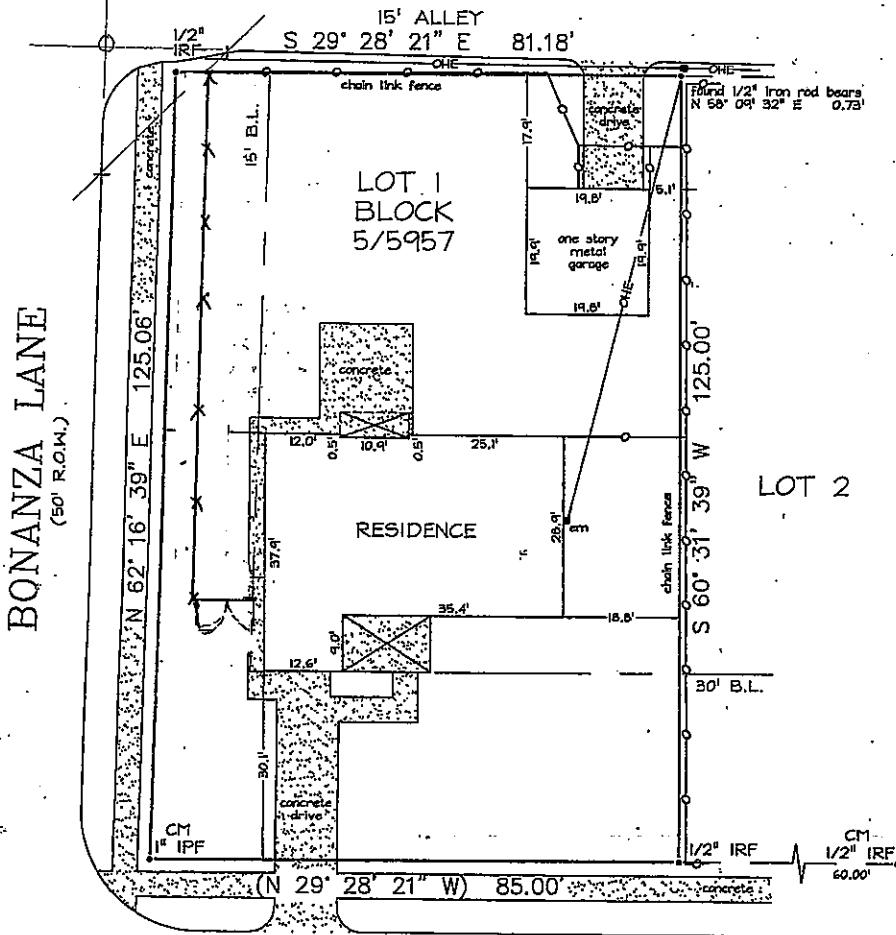
CP

SP

Environmental Corridors

LEGEND OF ABBREVIATIONS AND SYMBOLS

- | | | | | | | | |
|--------|-----------------------------|--------|----------------------|----------|----------------------------|----------|-----------------------------|
| B.L. | Building Line | I.P.F. | Iron Pipe Found | P.A.E. | Public Access Easement | S.E. | Sewer Easement |
| C.M. | Control Monument | I.R.F. | Iron Rod Found | P.O.S.E. | Public Open Space Easement | U.E. | Utility Easement |
| D.E. | Drainage Easement | I.R.S. | Iron Rod Set | | | X.T.R.M. | Railroad Tie Retaining Wall |
| D.U.E. | Drainage & Utility Easement | M.E. | Maintenance Easement | R.O.W. | Right of Way | | |
| ET | Electric Transformer | () | Record Data | R.W. | Retaining Wall | O.H.E. | Overhead Electric |
| F.P. | Fence Post | | | | | | |



BONANZA LANE
(50' R.O.W.)

OLD OAKS DRIVE
(50' R.O.W.)



Address: 2206 OLD OAKS DRIVE
G.F. No.: 09-068172-GL
Date: 11/30/09

This survey is valid only with signature in black ink.

I do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision, and correctly shows the boundary lines and dimensions of the property indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and right-of-ways that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the herein named purchaser.

This Lot is shown as being located in Zone 1X by Flood Insurance Rate Map No. 4818C0460-J, dated August 23, 2001. It is not shown as being located in a Special Flood Hazard Area inundated by 100-Year Flood.

LEGAL DESCRIPTION

Being Lot 1, in Block 5/5957, of WESTERN PARK NO. 2, an Addition to the City of DALLAS, DALLAS County, Texas, according to the Plat thereof recorded in Volume 48, Page 113, Map Records, DALLAS County, Texas.

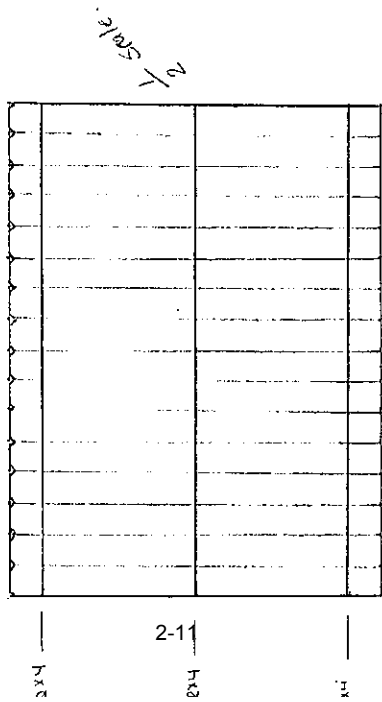
DATE:
ACCEPTED BY:
Roberto Lano
Purchaser
Purchaser



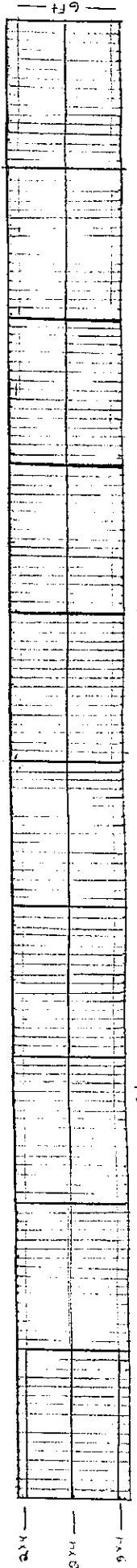
Scale: 1" = 20'
Tech: FE
Field: JS
Job No: 911123

A.L.S. LAND SURVEYING
Professional Land Surveying Services

Any reproduction of this plat without surveyor's written consent is a violation of Federal copyright law.
4304 TATE SPRINGS ROAD # 100, ARLINGTON, TX. 76016 - PH# (817)478-6802, FAX# (817)478-6862, TOLL FREE# (866)7622-6807



wood panel 6ft High - 8ft width
10 wood panels with total of - 80ft.



10 panels 6'x8'

3 Scale

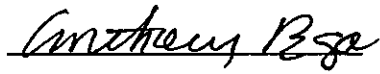
February 20, 2013

To whom it may concern:

We Anthony and Alice Vega live at 4595 Bonanza Ln, Dallas TX 75211, and Lee and Debbie Smith live at 4589 Bonanza Ln, Dallas TX, we are all neighbors of Carlos Romo which this letter is in regards to.

This letter is regarding a 6 ft. privacy fence Carlos Romo is wanting to add to his property which is located at 2206 Old Oaks St, Dallas TX 75211. Mr. Romo's property is located directly across the street from our properties. We were asked if it would be an issue if he installed a 6 ft. privacy fence around his back yard. We have no problem with this nor think there would be any issues at all for Mr. Romo to install a 6 ft. privacy fence around his back yard.

Thank you and we appreciate our consideration in this matter,



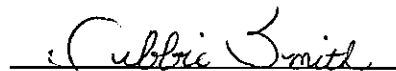
Anthony Vega



Lee Smith



Alice Vega



Debbie Smith



Denise Kinney
2/20/2013



 1:1,200	NOTIFICATION		Case no: BDA123-034
	<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;">30</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 3/27/2013

Notification List of Property Owners

BDA123-034

30 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2206 OLD OAKS DR	ROMO ROBERTO
2	2226 OLD OAKS DR	SOLIS GERARDO & MARIA
3	2205 OLD OAKS DR	ELIZONDO JUAN MERCED & VERONICA CRUZ
4	2211 OLD OAKS DR	YEVERINO MIRIAM N & CESAR CERDA
5	2217 OLD OAKS DR	MORALES JUAN C
6	2221 OLD OAKS DR	BOLANOS GREGORIO & VIRGINIA SILVA
7	2227 OLD OAKS DR	HERNANDEZ FAUSTINO
8	4622 BONANZA LN	CHAVEZ ROBERTO & PABLO CHAVEZ
9	2212 OLD OAKS DR	LONGORIA MIGUEL JR & NOEMY LEYVA
10	2218 OLD OAKS DR	RIVAS JUAN & MARTHA
11	4567 LAKE GROVE LN	RIVAS JUAN JOSE & MARTHA
12	4561 LAKE GROVE LN	SMITH MARY A
13	4566 BONANZA LN	WILLINGHAM BOBBIE R
14	4572 BONANZA LN	BENTLEY ANIRA
15	4578 BONANZA LN	BELTRAN VIDAL BECERRIL JESUS
16	4565 BONANZA LN	CERDA MARIA M
17	4571 BONANZA LN	TOVAR LUGO E
18	4577 BONANZA LN	MARTINEZ ROBERTO & LUCINA
19	4583 BONANZA LN	CHAVEZ PABLO & CELIA
20	4589 BONANZA LN	SMITH WILLIAM L
21	4595 BONANZA LN	VEGA ANTHONY
22	4605 BONANZA LN	MORALES ARTIMIO & MARIA DELAO
23	4611 BONANZA LN	ZAPATA JOSE I
24	4617 BONANZA LN	ESPINO FILIBERTO & ESMERALDA
25	4623 BONANZA LN	REED RICHARD E & BETTY
26	4618 BLACK ROCK DR	TAUTENHAHN KAREN

3/27/2013

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4612 BLACK ROCK DR	OLVERA LUCY
28	4606 BLACK ROCK DR	BOCANEGRA FILEMON & SERGIO BOCANEGRA
29	4568 BLACK ROCK DR	PESINA CARMEN &
30	4562 BLACK ROCK DR	GARCIA EVERADO G

FILE NUMBER: BDA 123-035

BUILDING OFFICIAL'S REPORT: Application of Thomas Bowen Wright for a variance to the front yard setback regulations at 4429 Pomona Road (AKA 8305 Catawba). This property is more fully described as Lot 4, Block G/4977 and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and/or maintain a structure and provide a 13 foot 6 inch front yard setback, which will require a variance to the front yard setback regulations of 16 feet 6 inches.

LOCATION: 4429 Pomona Road (AKA 8305 Catawba)

APPLICANT: Thomas Bowen Wright

REQUEST:

A variance to the front yard setback regulations of 16' 6" is requested in conjunction with maintaining a single family home structure located 13' 6" from the front property line or 16' 6" in the site's 30' 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:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The lot's restrictive area of approximately 9,600 square feet precludes its development in a manner commensurate with other developments found on similarly-zoned R-10(A) lots. In this particular case, the area of the structure in the site's front yard setback is of a similar size as to how much less the property is in relation to other R-10(A) zoned properties: approximately 400 square feet.

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: PD 455 & R-10(A) (Planned Development & Single family district 16,000 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, south, east, and west are developed with single family uses.

Zoning/BDA History:

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

Timeline:

- February 21, 2013: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- March 19, 2013: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- March 19, 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 March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

April 2, 2013: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for April public hearings. Review team members in attendance included: the Sustainable Development and Construction Department Current Planning Division Assistant Director, the Sustainable Development and Construction Department Engineering Division Assistant Director, the Board Administrator, the Building Inspection Senior Planner, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, and the Assistant City Attorney to the Board.

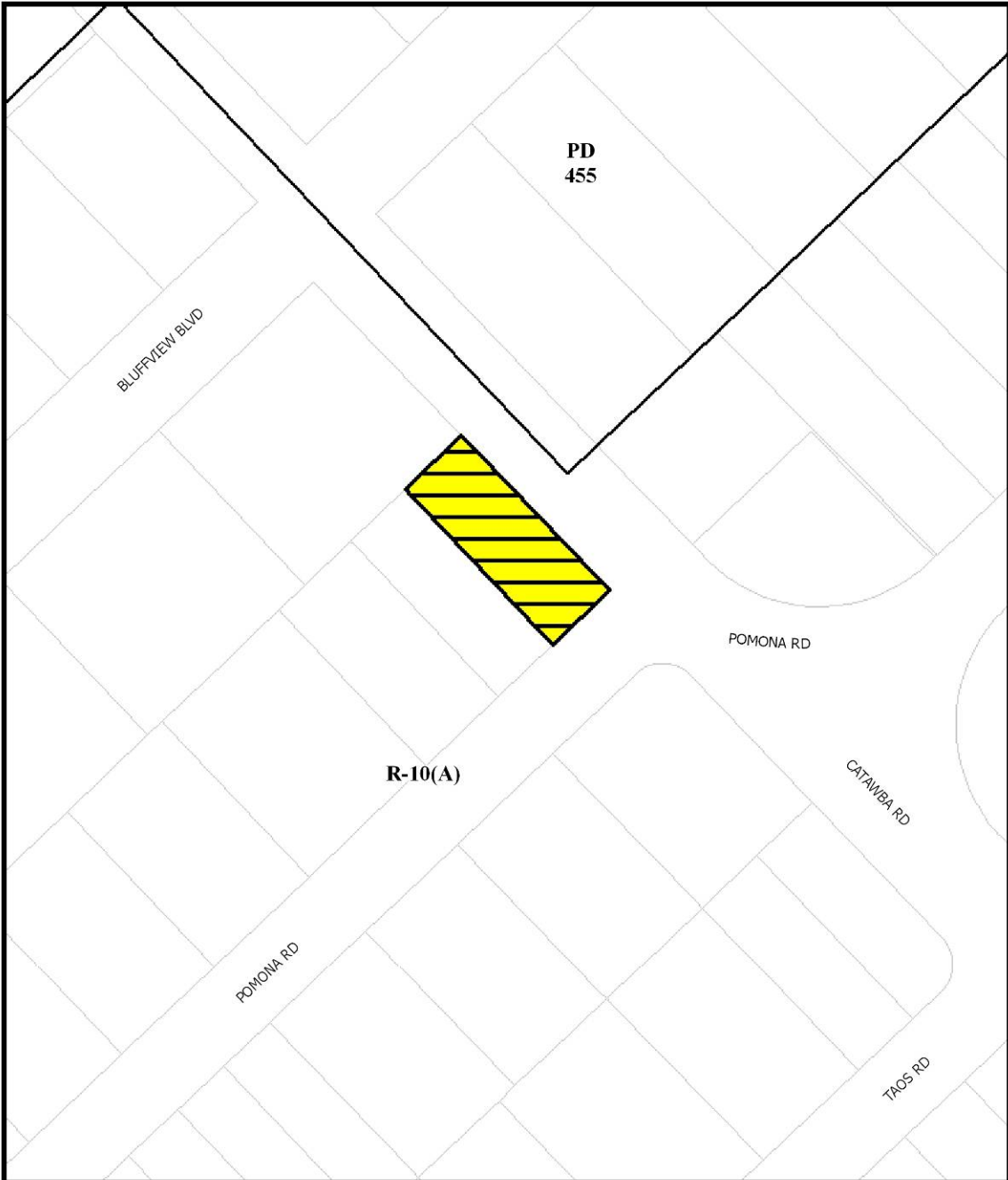
No review comment sheets with comments were submitted in conjunction with this application.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on maintaining a portion of an approximately 2,700 single-story single family home in the site's 30' front yard setback.
- Structures on lots zoned R-10(A) are required to provide a minimum front yard setback of 30'.
- The subject site is located at the west corner of Pomona Road and Catawba Road. Regardless of how the existing single family structure is oriented northeastward to Catawba Road, the subject site has a 6' side yard setback along Catawba Road and a 30' front yard setback on Pomona Road.
- A scaled site plan has been submitted indicating that part of the single family home structure is 13.5' from the site's front property line or 16.5' into the 30' front yard setback.
- According to DCAD records, the "main improvements" at 8305 Catawba Road (the subject site) is a structure built in 1935 with 2,011 square feet of living area and 2,011 square feet of total area. According to DCAD records, the "additional improvements" at 8305 Catawba Road is a 572 square foot attached garage and a pool.
- According to calculations taken by the Board Administrator from the submitted site plan, the area of the home located in the site's 30' front yard setback is approximately 370 square feet in area or approximately 14 percent of the total building footprint of approximately 2,700 square feet.
- The subject site is flat, rectangular in shape (165' x 60'), and according to the application, 0.22 acres (or approximately 9,600 square feet) in area. The site is zoned R-10(A) where lots are typically 10,000 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the

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

- The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A) zoning classification.
- If the Board were to grant the variance request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a structure located 13’ 6” from the front property line (or as much as 16’ 6” into this 30’ front yard setback).

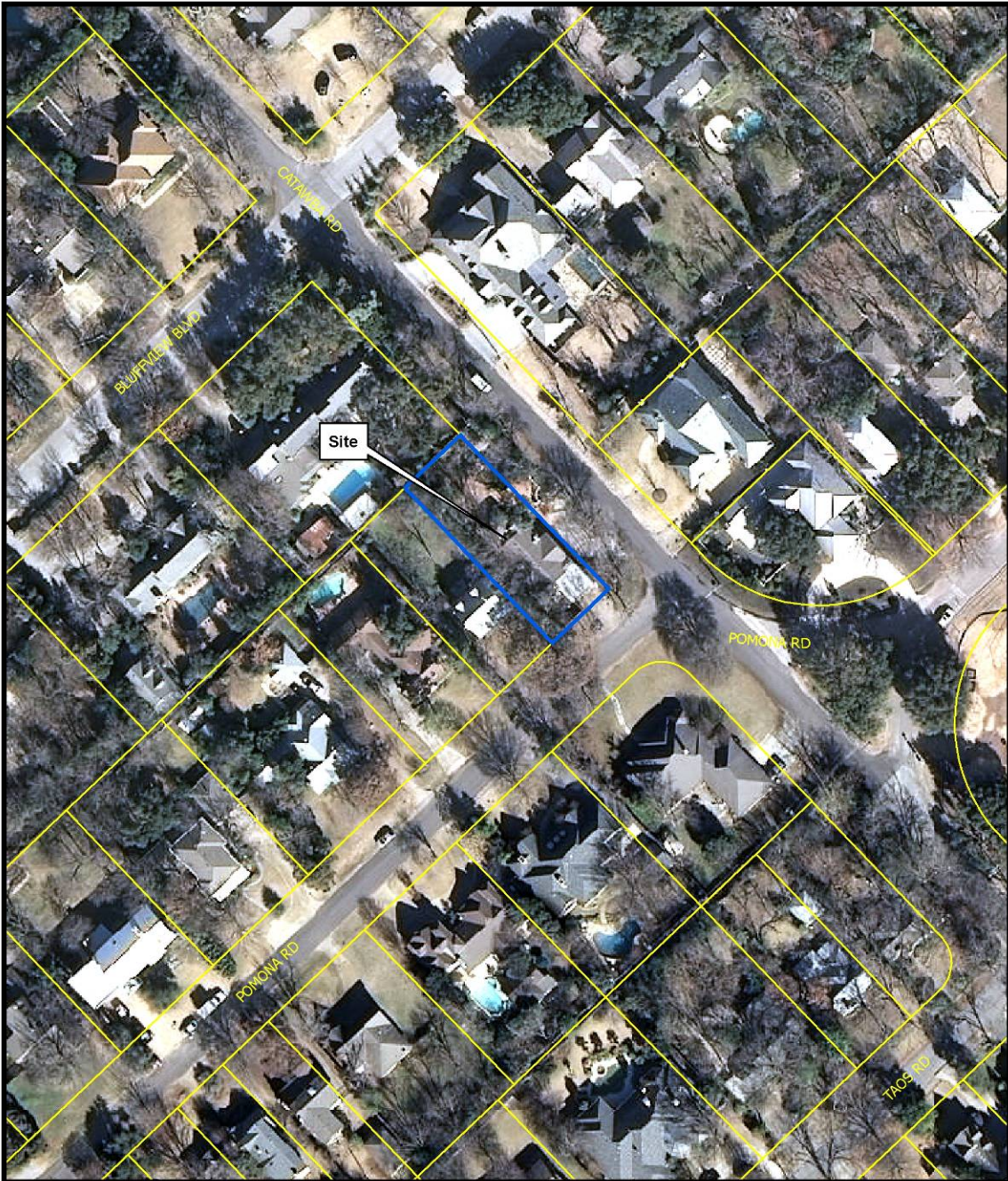


1:1,200

ZONING MAP

Case no: BDA123-035

Date: 3/27/2013



1:1,200

AERIAL MAP

Case no: BDA123-035

Date: 3/27/2013



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 123-035

Data Relative to Subject Property:

Date: February 21, 2013

Location address: 4429 Pomona Road, Dallas, TX 75209

Zoning District: R-10(A)

Lot No.: 4 Block No.: G/4977 Acreage: .22 Census Tract:

Street Frontage (in Feet): 1) 165 2) 60

To the Honorable Board of Adjustment:

Owner of Property (per Warranty Deed): Thomas Bowen Wright

Applicant: Thomas Bowen Wright

Telephone: 210-414-0627

Mailing Address: 8305 Catawba Road, Dallas, TX

Zip Code: 75209

E-mail Address: stephanie.l.albert@gmail.com

Affirm that an appeal has been made for a Variance of 10.5 feet to the front yard setback.

Where with 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: Whereby the nature of our property – that being on a corner lot, and roughly 1,000 square feet smaller than other similar corner lots in the subdivision the 10.5 foot variance would be necessary to permit the development of a specific parcel of land being of such a restrictive area, size and shape (corner lot, roughly 1,000 SF smaller than similar corner lots in the subdivision) that it cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification.

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 THOMAS BOWEN WRIGHT (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 1 day of MARCH, 2013

(Rev. 08-01-11)

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

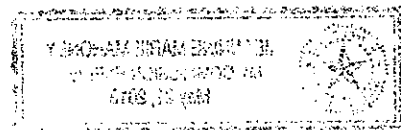
I hereby certify that Thomas Bowen Wright

did submit a request for a variance to the front yard setback regulations
at 4429 Pomona Road

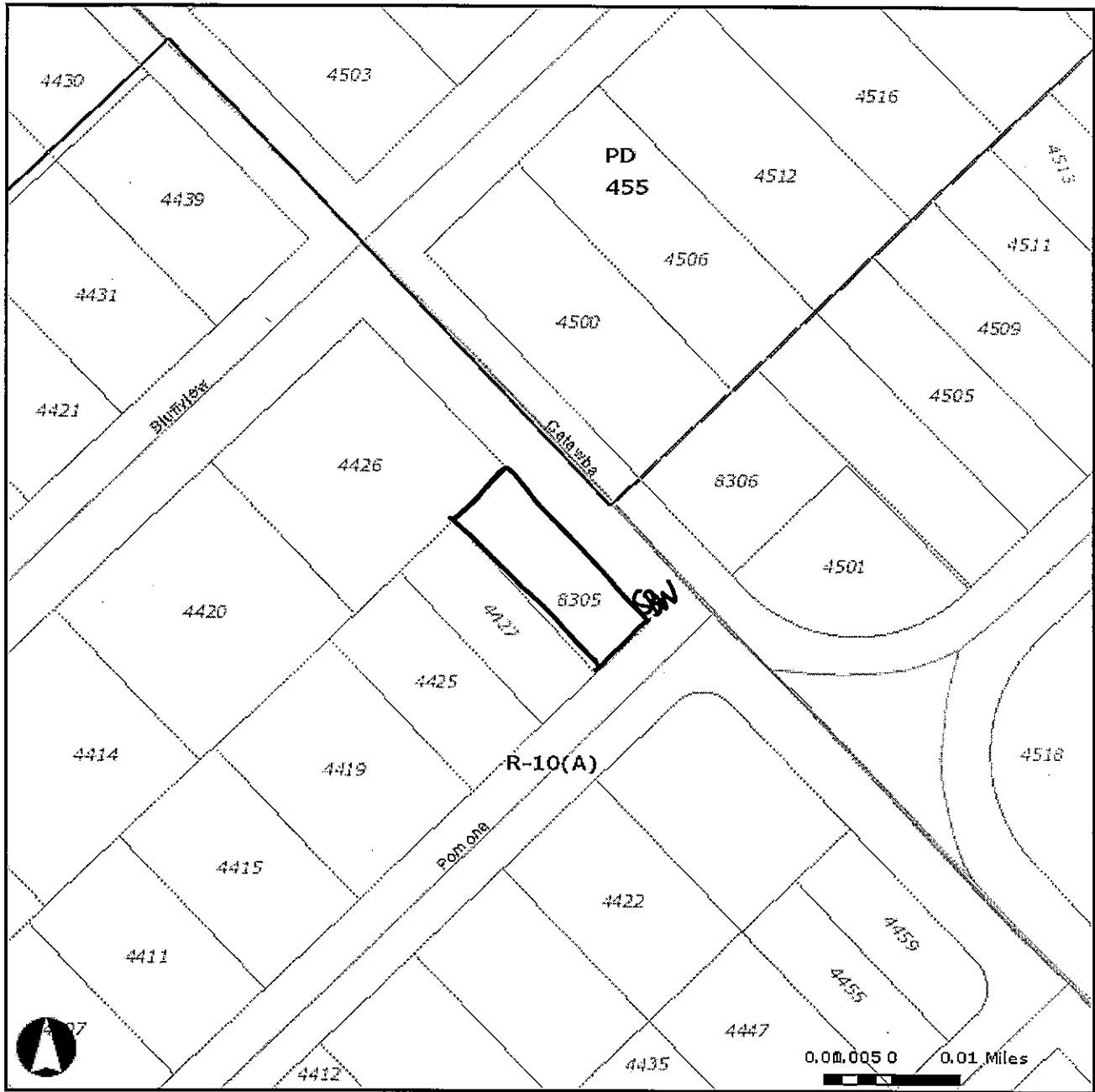
BDA123-035. Application of Thomas Bowen Wright for a variance to the front yard setback regulations at 4429 Pomona Road. This property is more fully described as Lot 4, Block G/4977 and is zoned R-10(A), which requires a front yard setback of 30 feet. The applicant proposes to construct and maintain a single family residential structure and provide a 13 foot 6 inch front yard setback, which will require a 16 foot 6 inch variance to the front yard setback regulation.

Sincerely,

Larry V. Holmes
Larry Holmes, Building Official



City of Dallas Zoning



City Boundaries

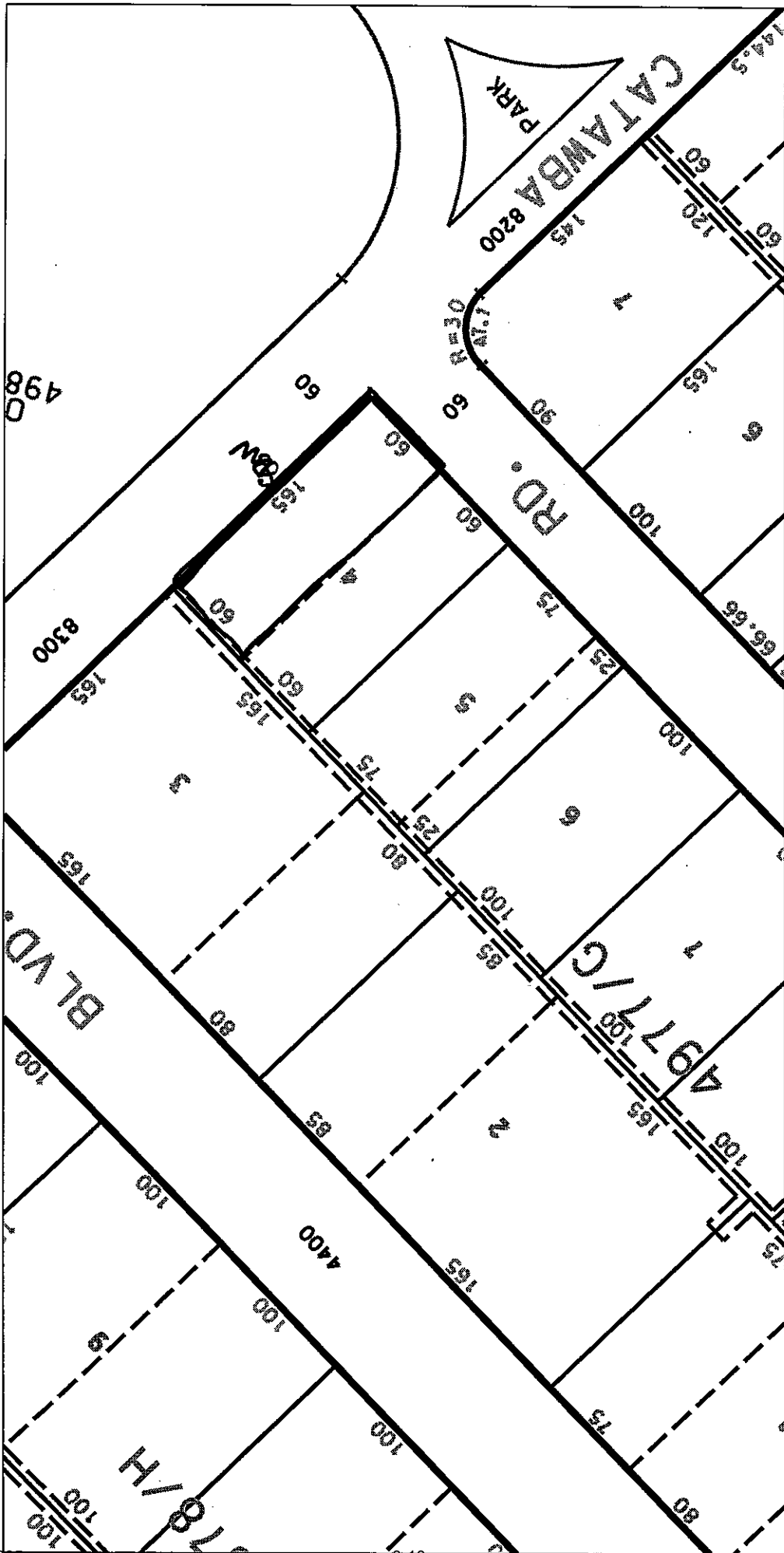
- City Boundaries
- County
- Certified Parcels
- DISD Sites
- Council Districts
- Waterways
- Parks

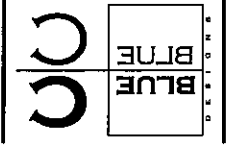
Dry Overlay

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

Base Zoning

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





2022 BLUE BTRF PROJECT - CATERING/RENOVATION.COM
 38 RENOVATION PROJECTS IN TEXAS
 15 IN TEXAS, 23 IN OTHER STATES
 100% SATISFACTION GUARANTEE
 100% MEMBER RATED 5.0 STARS
 100% MEMBER RATED 5.0 STARS
 100% MEMBER RATED 5.0 STARS

A RENOVATION TO THE RESIDENCE AT 4429 POMONA ROAD IN THE CITY OF DALLAS, TEXAS FOR REDO REMODELING

ISSUE DATE
 10/12/2023
 10/12/2023 - ISSUED FOR PERMIT
 11/02/2023 - OWNER CHANGES
 2/15/2024 - FINANCE REVIEW

SHEET TITLE
 SITE/ROOF PLAN
 GENERAL NOTES

SHEET #
A1.01

PROJECT #
 1234

PROJECT DIRECTORY

DESIGNER
 CURTIS BOURNAY
 ARCHITECTURE
 2000 W. RICHARDSON ROAD
 SUITE 100
 DALLAS, TEXAS 75241

CLIENT
 CITY OF DALLAS
 300 N. MAIN STREET
 SUITE 200
 DALLAS, TEXAS 75201

PROJECT LOCATION

NEAR THE INTERSECTION OF CATAWBA ROAD AND POMONA ROAD IN THE CITY OF DALLAS, TEXAS. THE PROJECT IS A 1.5 ACRE PARCEL WITH AN EXISTING 15,000 SQ. FT. RESIDENCE. THE PROJECT IS ZONED RM-15 (RESIDENTIAL MEDIUM DENSITY). THE PROJECT IS SUBJECT TO THE CITY OF DALLAS, TEXAS DEVELOPMENT CODE, CHAPTER 51A, AND THE CITY OF DALLAS, TEXAS ZONING ORDINANCE, CHAPTER 51A.

ZONING/BUILDING CODES

CITY OF DALLAS	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY
TEXAS DEVELOPMENT CODE	51A.01	RESIDENTIAL MEDIUM DENSITY

SHEET LISTING

A1.01 - COVER SHEET/GENERAL NOTES/SITE PLAN
 A1.02 - FLOOR PLAN / FINISH NOTES
 A1.03 - RENOVATION PLAN
 A1.04 - EXTERIOR ELEVATIONS
 A1.05 - CITY, CIVIL, FINISH SCHEDULE
 A1.06 - FIRST FLOOR LIGHT / ELEC. PLAN

AREA CALCULATIONS

HOUSE	15,000
DETACHED GARAGE	3,000
DETACHED PORCH	1,000
DETACHED DECK	500
DETACHED PATIO	500
DETACHED PORCH	500
DETACHED DECK	500
DETACHED PATIO	500
TOTAL	24,000

ZONING/BUILDING CODES

MIN. HEIGHT	N/A
MIN. AREA	N/A
MIN. LOT AREA	N/A
MIN. LOT WIDTH	N/A
MIN. LOT DEPTH	N/A
MIN. SETBACK	N/A
MIN. FRONT SETBACK	N/A
MIN. SIDE SETBACK	N/A
MIN. REAR SETBACK	N/A
MIN. CORNER SETBACK	N/A
MIN. LOT COVERAGE	N/A
MIN. LOT OPEN SPACE	N/A
MIN. LOT OPEN SPACE	N/A
MIN. LOT OPEN SPACE	N/A
MIN. LOT OPEN SPACE	N/A
MIN. LOT OPEN SPACE	N/A

GENERAL CONSTRUCTION NOTES

- CIVIL, MECHANICAL, ELECTRICAL, AND LANDSCAPE DRAWINGS SHALL BE COORDINATED AND ALL CONFLICTS SHALL BE RESOLVED BY THE OWNER PRIOR TO PERMIT APPLICATION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS, TEXAS AND THE STATE OF TEXAS PRIOR TO COMMENCEMENT OF WORK.
- ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. ANY DAMAGE TO UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- ALL EXISTING CONCRETE SHALL BE REPAIRED OR REPLACED AS NECESSARY. ALL CONCRETE SHALL BE REPAIRED OR REPLACED WITH A MINIMUM STRENGTH OF 4,000 PSI.
- ALL EXISTING MASONRY SHALL BE REPAIRED OR REPLACED AS NECESSARY. ALL MASONRY SHALL BE REPAIRED OR REPLACED WITH A MINIMUM STRENGTH OF 15,000 PSI.
- ALL EXISTING WOOD SHALL BE REPAIRED OR REPLACED AS NECESSARY. ALL WOOD SHALL BE REPAIRED OR REPLACED WITH A MINIMUM SPECIES OF 2X4 SUGAR PINE.
- WOOD DECK SHALL BE 2X6 SUGAR PINE ON 4X4 SUGAR PINE POSTS. DECK SHALL BE 2X8 SUGAR PINE JOISTS. DECK SHALL BE 2X6 SUGAR PINE RAILING.
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GENERAL CONSTRUCTION NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING FOUNDATIONS AND FOUNDATION WALLS FOR SETTLEMENT AND CRACKS. ALL FOUNDATIONS AND FOUNDATION WALLS SHALL BE REPAIRED OR REPLACED AS NECESSARY.
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GENERAL CONSTRUCTION NOTES

- ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES, RELATED ORDINANCES, AND ANY RELATED REGULATORY AGENCIES. ALL CONSTRUCTION SHALL BE SUBJECT TO THE JURISDICTION OF THE CITY OF DALLAS, TEXAS.
- CONTRACTOR SHALL VERIFY ALL EXISTING FOUNDATIONS AND FOUNDATION WALLS FOR SETTLEMENT AND CRACKS. ALL FOUNDATIONS AND FOUNDATION WALLS SHALL BE REPAIRED OR REPLACED AS NECESSARY.
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ARCHITECTURAL DRAWING NOTES

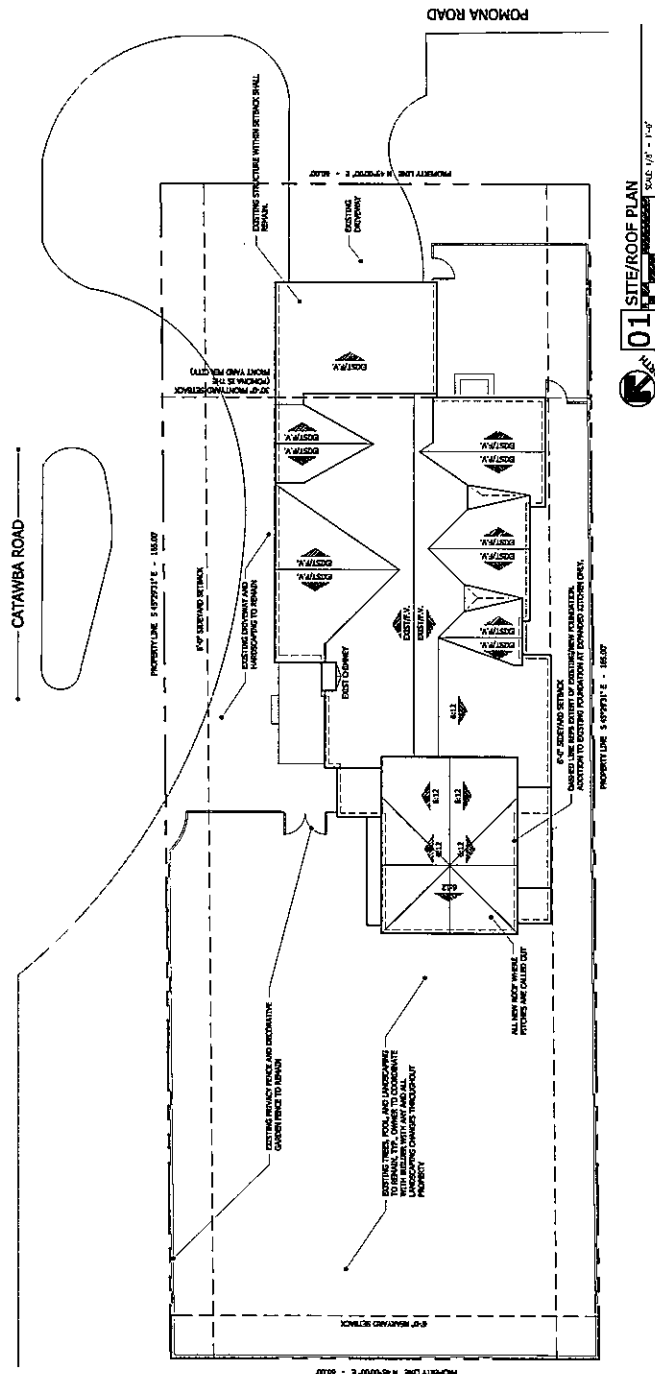
- DO NOT SCALE THE DRAWINGS. CONTACT CURTIS BOURNAY ARCHITECTURE FOR DIMENSIONS THAT ARE NOT INDICATED.
- CONTRACTOR SHALL VERIFY DIMENSIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.
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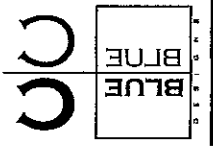
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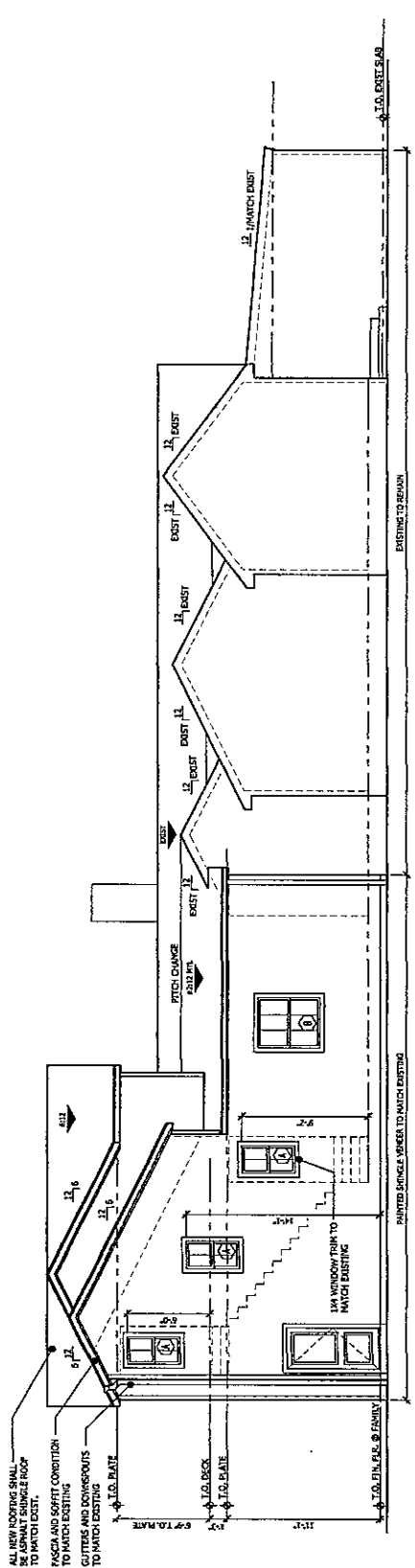


3000 WEST WILLOW STREET, SUITE 100
 DALLAS, TEXAS 75244
 TEL: 214.443.1111
 WWW.BLUEBLUEARCHITECTS.COM

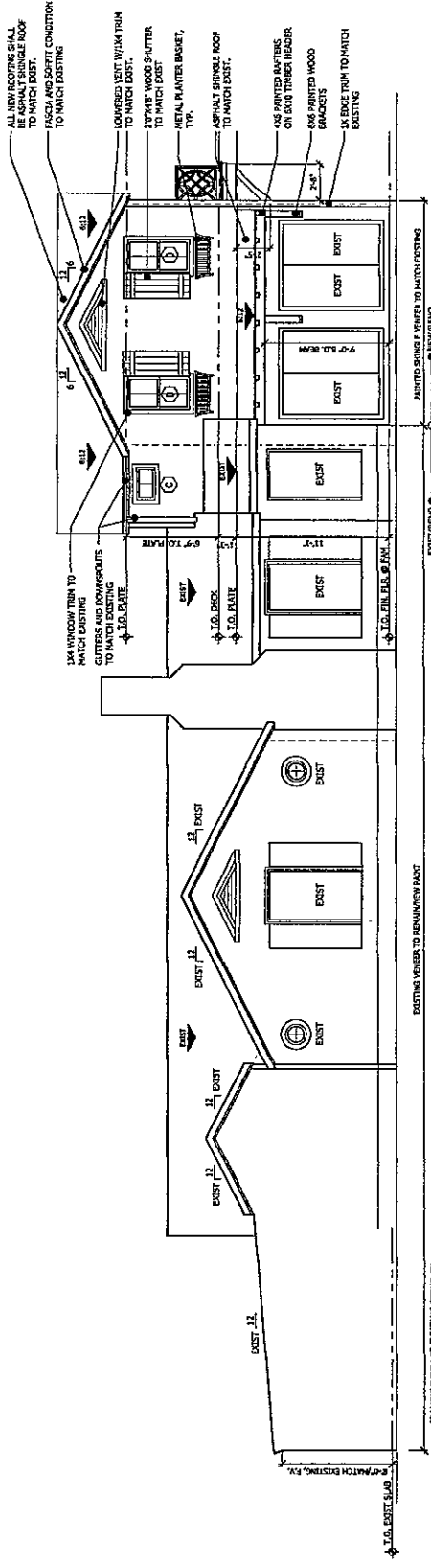
**A RENOVATION TO THE RESIDENCE AT
 4429 POMONA ROAD
 IN THE CITY OF DALLAS, TEXAS
 FOR REDO REMODELING**

ISSUE DATE	03/01/2012 - ISSUED FOR PERMIT
ISSUE NO.	001 - ISSUED FOR PERMIT
ISSUE BY	11/02/2012 - OWNER CHANGES
ISSUE DATE	20/02/2012 - VARIANCE REVIEW

SHEET #	A3.01
PROJECT #	123-035



02 SOUTH/SIDEYARD ELEVATION
 SCALE: 1/8" = 1'-0"



01 NORTH/CATAWBA ELEVATION
 SCALE: 1/8" = 1'-0"

FRAMING OF EXISTING STRUCTURE TO BE RECONSTRUCTED, FINISHES ONLY TO BE ADAPTED



FOR REDO REMODELING
IN THE CITY OF DALLAS, TEXAS
4429 POMONA ROAD
A RENOVATION TO THE RESIDENCE AT

ISSUE DATE
01/07/2012 - ISSUED FOR PERMIT
02/02/2012 - ISSUED FOR PERMIT
11/05/2012 - OWNER CHANGES
20/FEB/2013 - FINANCE REVIEW

SHEET TITLE
1ST FLOOR
PLAN

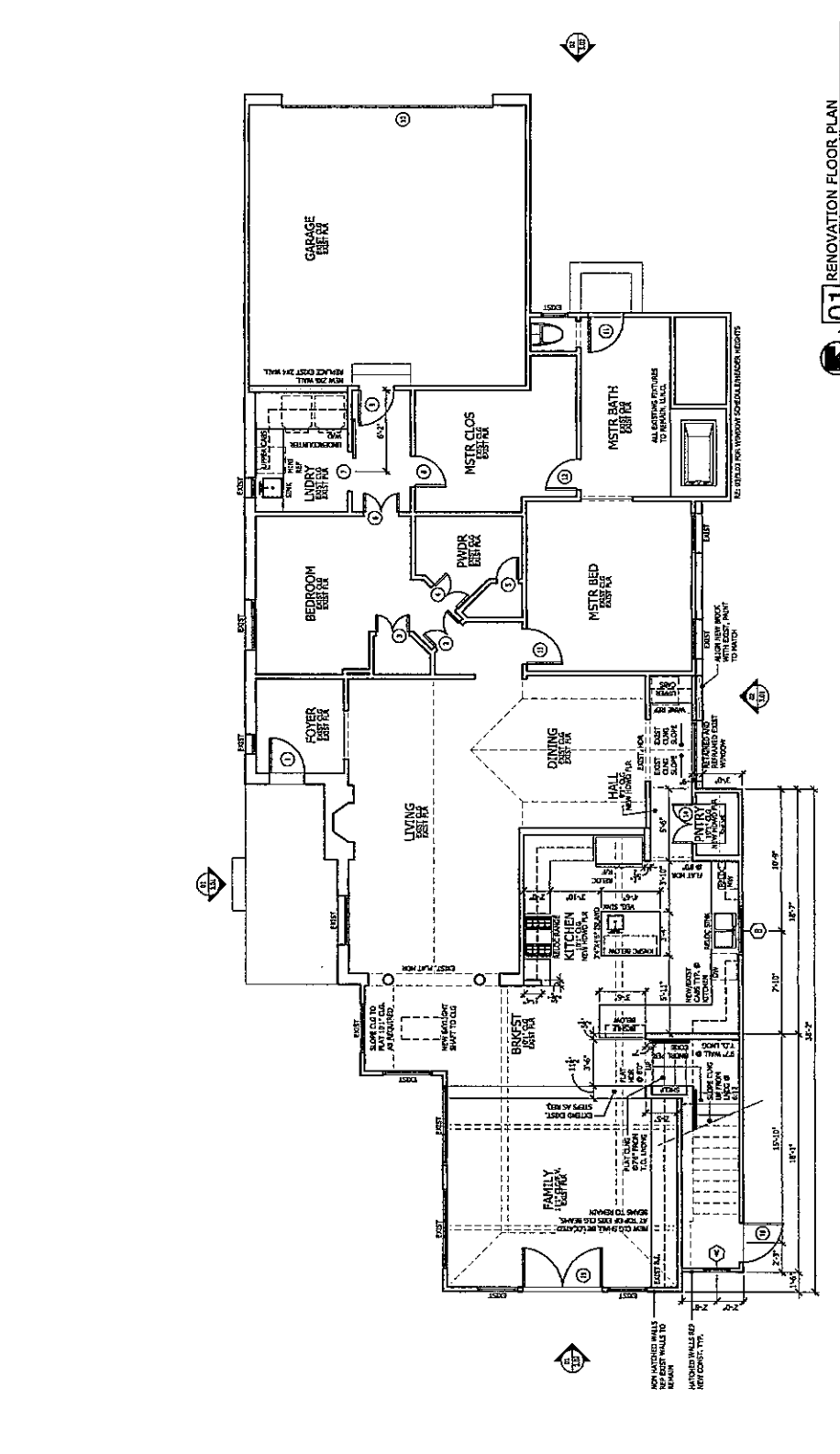
SHEET #
A2.01

PROJECT #
1231

GENERAL PLAN NOTES

1. TO GET SUE TO REMAINS. CONTACT DESIGNER IF NECESSARY TO DETERMINE ANY DIMENSIONS THAT ARE NOT INDICATED.
2. CONTRACTOR SHALL VERIFY DIMENSIONS AND VERIFY DESIGNER OF ANY DISCREPANCIES.
3. ALL DIMENSIONS ARE TO SURFACE OF EXTERIOR FINISH UNLESS NOTED OTHERWISE.
4. FINISH OF EXTERIOR BLINDS WITH MASONRY VENEER ARE AS FOLLOWS: UNLESS NOTED OTHERWISE.
5. THICKNESS OF ALL EXISTING WALLS TO REMAIN SHALL BE FIELD DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
6. ALL EXISTING WALLS SHALL BE RECONSTRUCTED TO ORIGINAL CONDITIONS FOR DAMAGE AND REPAIR.
7. ALL EXISTING WALLS SHALL BE RECONSTRUCTED TO ORIGINAL CONDITIONS FOR DAMAGE AND REPAIR.
8. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXTERIOR FINISHES PRIOR TO FINAL PURCHASE AND INSTALLATION.

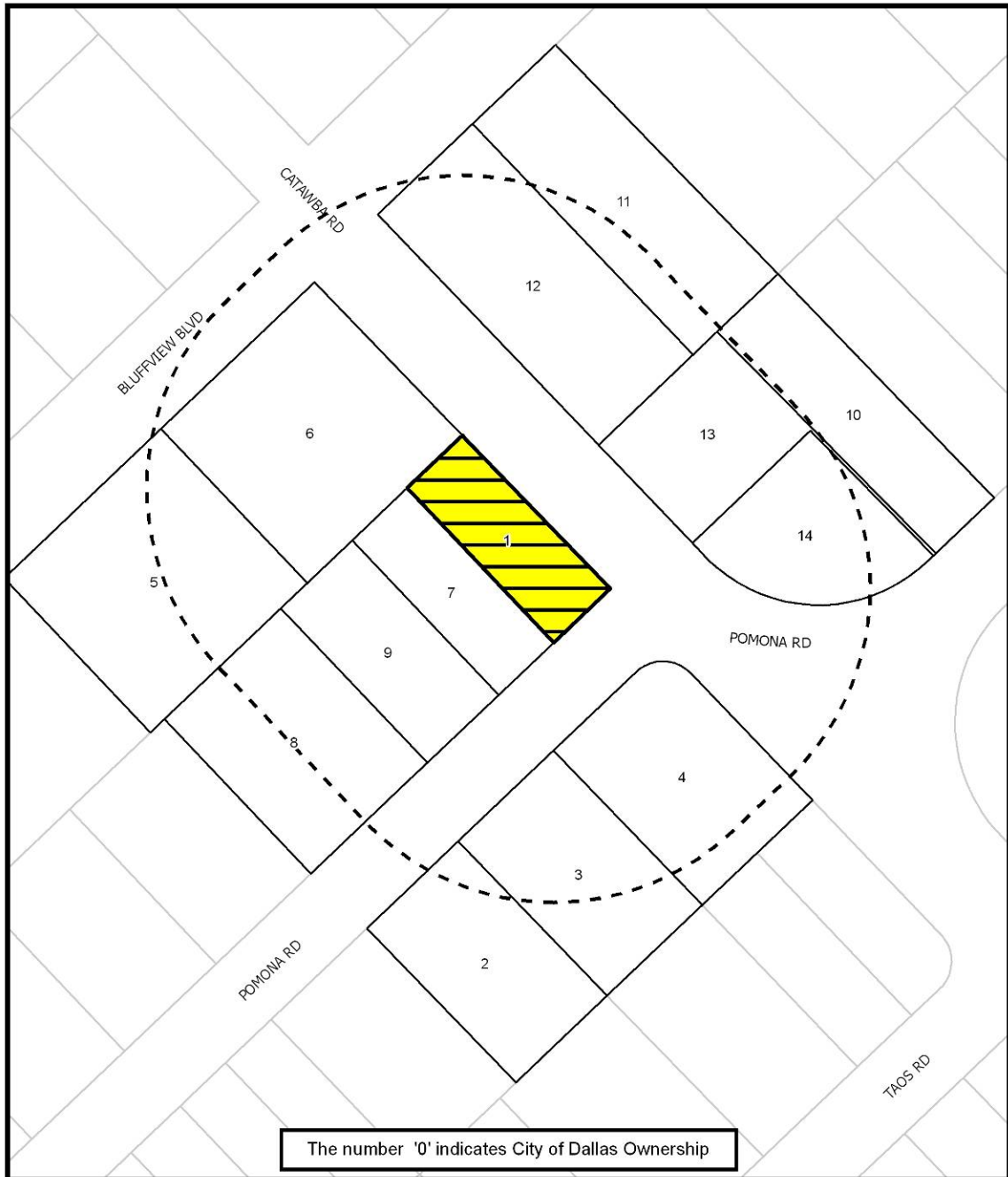
UNIT SIZE (WIDTH/HEIGHT)	TYPE	DESCRIPTION
1ST FLOOR DOOR SCHEDULE		
1	EXISTING	EXIST
2	EXISTING	EXIST
3	EXISTING	RELOCATED EXIST. DOUBLE W.
4	EXISTING	EXIST
5	EXISTING	EXIST
6	EXISTING	EXIST
7	3'0" x 6'8"	WOOD BARN STYLE DOOR ON TRACK
8	EXISTING	EXIST
9	EXISTING	EXIST
10	EXISTING	EXIST
11	EXISTING	EXIST
12	EXISTING	EXIST
13	EXISTING	EXIST
14	3'0" x 6'8"	WOOD BARN STYLE DOOR ON TRACK
15	EXISTING	EXIST
16	3'0" x 6'8"	METAL
17		



REVISIONS FOR WINDOW SCHEDULE HEIGHTS

01 RENOVATION FLOOR PLAN

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



 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;">14</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	14	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA123-035 Date: 3/27/2013
200'	AREA OF NOTIFICATION					
14	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA123-035

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8305 CATAWBA RD	WRIGHT THOMAS BOWEN
2	4420 POMONA RD	PERSON KENNETH E & TERESA J
3	4422 POMONA RD	MCCAFFREY MAUREEN
4	4426 POMONA RD	LOPEZ WILLIE & DOLORES
5	4420 BLUFFVIEW BLVD	MARKER CHARLES P & LOUISE E
6	4426 BLUFFVIEW BLVD	BROUS TYLER & MIA
7	4427 POMONA RD	VOTTELER SALLY ANN & VAN BUTENSCHOEN
8	4419 POMONA RD	WHITLEY SARA M FAM TRUST
9	4425 POMONA RD	MCCORMICK RICHARD A & PEGGY S
10	4503 POMONA RD	LARSON SIDNEY
11	4506 BLUFFVIEW BLVD	ORAL J ALEX
12	4500 BLUFFVIEW BLVD	WEST THOMAS ALONZO TR & WEST EMILY KAY T
13	8306 CATAWBA RD	EAPEN REENU S & MARK L ROSE
14	4501 POMONA RD	MATTINGLY JAMES R & JUDITH SHURE