

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, AUGUST 14, 2017
AGENDA

BRIEFING	ROOM 5ES 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
PUBLIC HEARING	COUNCIL CHAMBERS 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.

Donna Moorman, Chief Planner
Steve Long, Board Administrator
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEM

Approval of the June 19, 2017 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA167-079(SL)	3230 Knox Street REQUEST: Application of Stephan Courseau, represented by Margine Biswas, for a special exception to the landscape regulations	1
BDA167-083(SL)	3510 Falls Drive REQUEST: - Application of Luisa Garfias, represented by Arturo Vera, for special exceptions for the handicapped to the front and side yard setback regulations	2
BDA167-088(SL)	6222 S. Lancaster Road REQUEST: Application of Ricky Hawkins for a variance to the off-street parking regulations	3
BDA167-090(SL)	1439 Rowan Avenue REQUEST: Application of Jose M. Torres for a special exception to the side yard setback regulations for a carport	4

HOLDOVER CASE

BDA167-076(JM) 6143 Royalton Drive 5
REQUEST: Application of Colby Craig for a
variance to the front yard setback regulations

REGULAR CASE

BDA167-081(SL) 400 Bobbie Street 6
REQUEST: Application of Fred Brown for variances
to the front and side yard setback regulations

EXECUTIVE SESSION NOTICE

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

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

(Rev. 6-24-02)

FILE NUMBER: BDA167-079(SL)

BUILDING OFFICIAL'S REPORT: Application of Stephan Courseau, represented by Margine Biswas, for a special exception to the landscape regulations at 3230 Knox Street. This property is more fully described as Lot 1A, Block A/1618, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 3230 Knox Street

APPLICANT: Stephan Courseau
Represented by Margine Biswas

REQUEST:

A request for a special exception to the landscape regulations is made to obtain a final building permit/Certificate of Occupancy triggered by a recent approximately 390 square foot addition to one of a number of retail structures/uses on the subject site, and not fully provide required landscaping.

**STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE REQUIREMENTS
IN OAK LAWN:**

Section 51P-193-126(a)(4) of the Dallas City Code specifies that the board may grant a special exception to the landscaping requirements of this section if, in the opinion of the Board, the special exception will not compromise the spirit and intent of this section. When feasible, the Board shall require that the applicant submit and that the property comply with a landscape plan as a condition to granting the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Rationale:

- The City of Dallas Chief Arborist supports the applicant's request because the submitted alternate landscape plan does not compromise the spirit and intent of the PD 193 landscape requirements.

- In this case, the Chief Arborist noted among other things:
 1. The alternative landscape plan submitted for this application is based on a design and the existing conditions of mature landscaping to have been authorized by a special exception granted by the Board of Adjustment in October of 1992;
 2. The current application is only made to cover a previously open structure which technically adds new floor area to the existing floor area of one of the structures on the subject site; and
 3. The proposed alternate landscape plan retains the existing landscaping on the Property, including a design alteration to the street front along Travis Street near Knox Street which was approved soon after the design of the original 1992 landscape plan.

BACKGROUND INFORMATION:

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

Land Use:

The subject site is developed with retail uses. The area to the north is developed with residential uses, and the areas to the south, east, and west are developed with a mix of residential and retail uses.

Zoning/BDA History:

1. BDA92-123, Property at 3230 Knox Street, 4611 Cole Street (the subject site)

On October 13, 1992, the Board of Adjustment granted requests for a variance to the front yard setback regulations and a special exception to the landscape regulations. The Board imposed the submitted revised site plan as a condition to the variance request but no condition to the special exception request.

It appears from minutes that the requests were made to address buildings located on property lines built before setback requirements along Travis Street and Knox Street, and to seek leniency to landscape requirements along the north side of the subject site and along Cole Street.

GENERAL FACTS/ STAFF ANALYSIS:

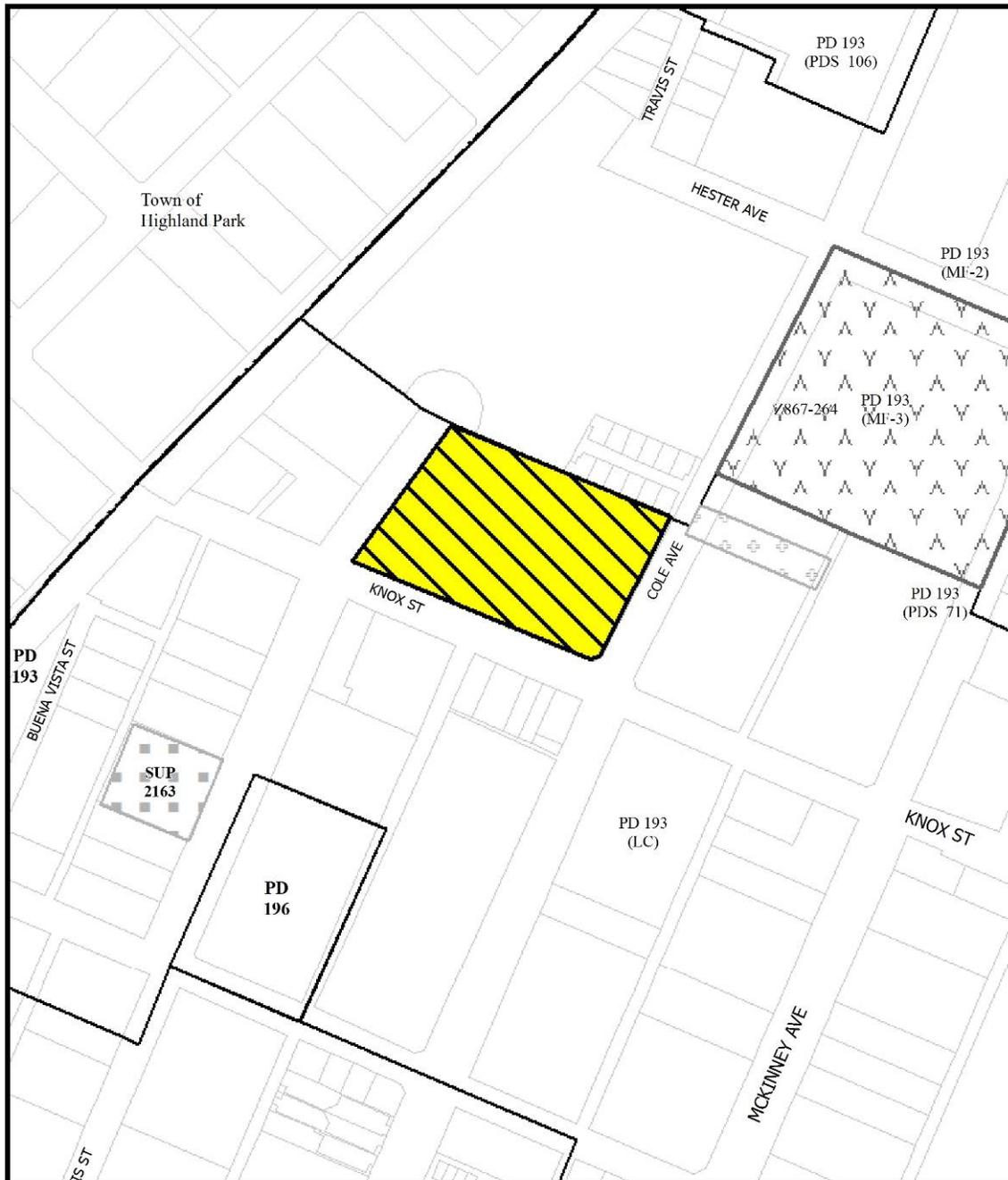
- This request for a special exception to the landscape regulations focuses on obtaining a final building permit/Certificate of Occupancy triggered by a recent approximately 390 square foot addition to one of a number of retail structures/uses on the subject site built, according to DCAD, in the 40's totaling approximately 42,000 square feet on the subject site, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the proposed alternate landscape plan is deficient in street tree and landscape site area requirements of the PD 193 landscape code.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B). The Chief Arborist states that the alternative landscape plan is based on a design and the existing conditions of mature landscaping that is determined by the arborist to have been authorized by a special exception granted by the Board of Adjustment in October of 1992 (BDA92-123).
- The Chief Arborist states how this request is made in conjunction with the renovation of a small portion of the site for a restaurant use and the covering a previously open structure to add new floor area to the existing floor area. The proposed alternate landscape plan retains the existing landscaping on the site, including a design alteration to the street front along Travis Street near Knox Street which was approved soon after the design of the original 1992 landscape plan.
- The Chief Arborist's memo states the following regarding deficiencies:
 - The property is deficient in street tree and landscape site area requirements of the PD 193 landscape code. Three street trees were removed from the previous landscape plan on Travis Street adjacent to Knox Street. The area was renovated in the 1990's for outdoor seating with a new restaurant use for that portion of the property. In respect to a 1992 landscape plan reviewed by staff, a few plant materials were removed and were not re-planted through minor site adjustments, but the great majority of landscape has matured within the designed planting areas
- The Chief Arborist's memo lists the following factors for consideration:
 - The alternate landscape plan includes the full existing Property which extends to Cole Avenue. The plan identifies as-built conditions.
 - On September 9, 1992, the City Council authorized a license agreement for alteration to the Travis Street frontage and a portion of Knox Street, including curb and sidewalk areas.
- The City of Dallas Chief Arborist recommends approval of this request because the plan does not compromise the spirit and intent of the PD 193 landscape requirements.

- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the street tree and landscape site area requirements of the PD 193) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted exception from full compliance to street tree and landscape site area requirements of the Oak Lawn PD 193 landscape ordinance.

Timeline:

- April 4, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2017: The Board Administrator emailed the applicant’s representative the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- July 26, 2017: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

August 3, 2017: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment B).

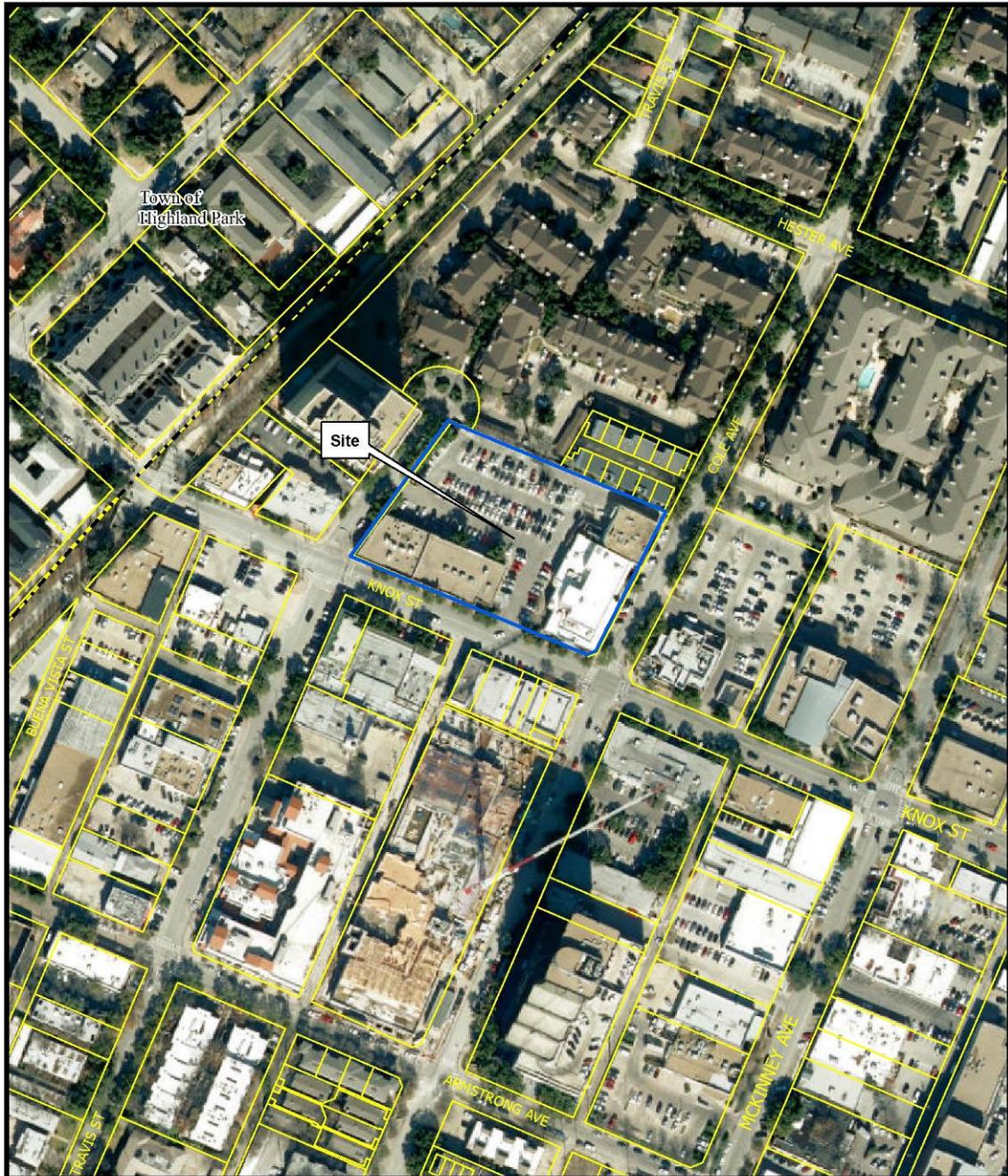


1:2,400

ZONING MAP

Case no: BDA167-079

Date: 7/17/2017



1:2,400

AERIAL MAP

Case no: BDA167-079

Date: 7/17/2017

BDA167-079
Arch A

Long, Steve

From: Long, Steve
Sent: Wednesday, July 26, 2017 2:48 PM
To: 'mbiswas@archiphy.com'
Subject: RE: BDA167-079, Property at 3230 Knox Street

pg 1

Thank you,

Steve

From: Margine Biswas, AIA, LEED AP [mailto:mbiswas@archiphy.com]
Sent: Wednesday, July 26, 2017 2:02 PM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Erwin, Philip <philip.erwin@dallascityhall.com>; Duerksen, Todd <todd.duerksen@dallascityhall.com>; Moorman, Donna <donna.moorman@dallascityhall.com>
Subject: Re: BDA167-079, Property at 3230 Knox Street

Hi Steve,

Yes, it is a modified version of page 5.

Thanks,

Margine Biswas AIA, LEED AP
Ph: 972-807-2138
Cell: 972-333-0592

16990 N. Dallas Pkwy. Ste 104
Dallas, TX 75248
Web: www.archiphy.com

 **ARCHIPHY**
Architects

On 7/26/2017 12:12 PM, Long, Steve wrote:

Dear Ms. Biswas,

Can you represent that the attached plan that you emailed me this morning is only revised from what was originally submitted (page 5 in the attached application materials) by adding notes?

Steve

From: Margine Biswas, AIA, LEED AP [mailto:mbiswas@archiphy.com]
Sent: Wednesday, July 26, 2017 10:41 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Erwin, Philip <philip.erwin@dallascityhall.com>; Duerksen, Todd

<todd.duerksen@dallascityhall.com>

Subject: Re: BDA167-079, Property at 3230 Knox Street

BDA167-079

Attach A

P 2

Hi Steve,

Please find enclosed a revised Site Plan with additional notes. The notes clarify the extent of work. I also shaded the 387sf addition to make it more visible and clearer. Please let me know if you have any questions.

Thanks,

Margine Biswas AIA, LEED AP

Ph: 972-807-2138

Cell: 972-333-0592

16990 N. Dallas Pkwy. Ste 104

Dallas, TX 75248

Web: www.archiphy.com



On 7/11/2017 1:23 PM, Long, Steve wrote:

Dear Ms. Biswas,

Here is information regarding the application to the board of adjustment referenced above that you are representing for Stephan Courseau:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled August 14th Board of Adjustment Panel C public hearing.
2. The standard as to how the board is able to consider/grant a special exception to the landscape requirements of PD No. 193 (Section 193.126(a)(4)).
3. A document that provides the public hearing date and other deadlines for submittal of additional information to staff/the board beyond what is included in the attached application materials.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and the Building Official's Report/second page of the application (page 2 of 5 in these materials). Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, July 26th with regard to anything that you feel is missing from your application or with regard to any amendment that you feel is necessary to address the issue at hand. Note that the discovery of any additional appeal needed/discovered other than the landscape special exception request will result in postponement of the appeal until the panel's next regularly scheduled public hearing.

You may want to contact: 1) Phil Erwin, City of Dallas Chief Arborist, at 214/948-4117 to determine if there is any additional information that he may need from

you in making a favorable recommendation to the board on your request, and 2) The Oak Lawn Committee prior to your board of adjustment public hearing given that this property is located in PD 193: The Oak Lawn Special Purpose District.

BDA
167-
079

Please write or call me at 214/670-4666 if I can be of any additional assistance to you on this application.

Attach A
PS3

Thank you,

Steve

PS: If there is anything that you want to submit to the board beyond what you have included in your attached application materials, please feel free to email it to steve.long@dallascityhall.com or mail it to me at the following address:

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



Steve Long
Board of Adjustment Administrator
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4666
steve.long@dallascityhall.com



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.**

Memorandum



CITY OF DALLAS

Date August 3, 2017
To Steve Long, Board Administrator
Subject BDA #167-079 arborist report – 3230 Knox Street

Request

The applicant is requesting a special exception to the landscape regulations of PD 193 (LC). The alternative landscape plan is based on a design and the existing conditions of mature landscaping that is determined by the arborist to have been authorized by a special exception granted by the Board of Adjustment in October of 1992 in case number 92-123.

Provision

The applicant is renovating a small portion of the Property for a restaurant use and is covering a previously open structure to add new floor area to the existing floor area. The proposed alternate landscape plan retains the existing landscaping on the Property, including a design alteration to the street front along Travis Street near Knox Street which was approved soon after the design of the original 1992 landscape plan.

Deficiency

The Property is deficient in street tree and landscape site area requirements of the PD 193 landscape code. Three street trees were removed from the previous landscape plan on Travis Street adjacent to Knox Street. The area was renovated in the 1990's for outdoor seating with a new restaurant use for that portion of the Property. In respect to a 1992 landscape plan reviewed by staff, a few plant materials were removed and were not re-planted through minor site adjustments, but the great majority of landscape has matured within the designed planting areas.

Factors

The alternate landscape plan includes the full existing Property which extends to Cole Avenue. The plan identifies as-built conditions.

On September 9, 1992, the City Council authorized a license agreement for alteration to the Travis Street frontage and a portion of Knox Street, including curb and sidewalk areas.

Recommendation

The chief arborist recommends approval of the alternate landscape plan because the plan does not compromise the spirit and intent of PD 193 requirements.

Philip Erwin
Chief Arborist



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-079

Date: 4-4-17

Data Relative to Subject Property:

Location address: 3230 Knox Street, Dallas

Zoning District: PD193 (LC)

Lot No.: 1 A Block No.: A/1618 Acreage: 2.1955

Census Tract: 7.02

Street Frontage (in Feet): 1) 256.4' 2) 393.7' 3) 240.3' 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): KNOX STREET VILLAGE I, INC

Applicant: Stephan Courseau Telephone: 917-660-4410

Mailing Address: 4016 Buena Vista street Dallas, TX Zip Code: 75204

E-mail Address: stephancourseau@gmail.com

Represented by: Margine Biswas Telephone: 972-333-0592

Mailing Address: 16990 N. Dallas Pkwy Ste 104 Zip Code: 75248

E-mail Address: mbiswas@archiphy.com

Affirm that an appeal has been made for a Variance, or Special Exception X, of Alternate landscape of PD193 regulation for landscape plan of site with existing buildings.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: To address the spirit and intent of PD193, landscape is provided and meets minimum tree requirements. The restaurant (at Knox and Travis) will include additional window planters to promote attractiveness to the street level. An outdoor patio will promote development appropriate to the character of nearby neighborhood.

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

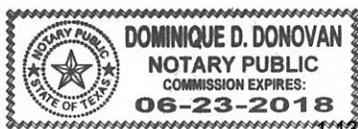
Before me the undersigned on this day personally appeared STEPHAN COURSEAU (Affiant/Applicant's name printed)

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 21 day of APRIL, 2017

(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

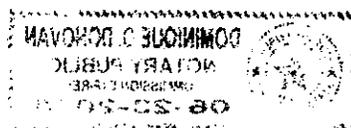
Building Official's Report

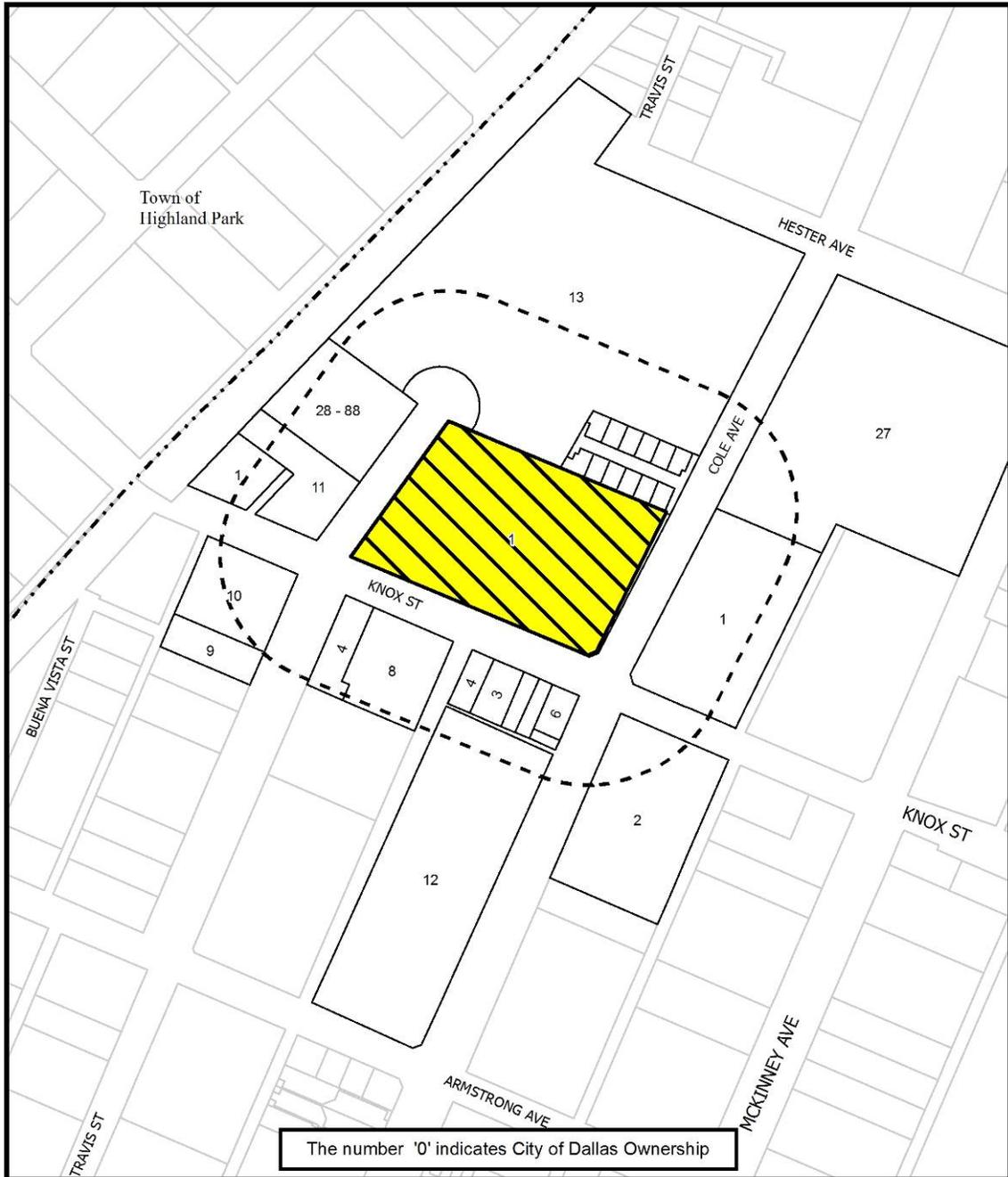
I hereby certify that Stephan Courseau
 represented by Margine Biswas
did submit a request for a special exception to the landscaping regulations
 at 3230 Knox Street

BDA167-079. Application of Stephan Courseau represented by Margine Biswas for a special exception to the landscaping regulations at 3230 Knox Street. This property is more fully described as Lot 1A, Block A/1618, and is zoned PD-193 (LC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscaping regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">88</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	88	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA167-079 Date: 7/17/2017
200'	AREA OF NOTIFICATION					
88	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-079

88 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3310 KNOX ST	KNOX STREET VILLAGE I INC
2	3121 KNOX ST	GILLILAND PPTIES II LTD
3	3209 KNOX ST	WEIR DAN R
4	3213 KNOX ST	WEIR J RAY TRUST &
5	3207 KNOX ST	3207 KNOX STREET JV
6	3205 KNOX ST	KNOX COLE HOLDING CO LLC
7	4537 COLE AVE	KNOX COLE HOLDING LLC
8	3219 KNOX ST	WEIR J RAY TRUST
9	4535 TRAVIS ST	KNOX STREET VILLAGE
10	3311 KNOX ST	KNOX TRAVIS HOLDING COMPANY LLC
11	3300 KNOX ST	KEATING CLONARD HOLDINGS LLC
12	4525 COLE AVE	COLE ARMSTRONG HOLDING COMPANY LLC
13	4647 COLE AVE	CIM/4649 COLE AVENUE LP
14	4625 COLE AVE	MODY PRASHANT
15	4625 COLE AVE	LINSCOTT WHITNEY K
16	4625 COLE AVE	BLOOM KARYN
17	4625 COLE AVE	HARRAMAN BRAD
18	4625 COLE AVE	CURETON NICHOLAS & LAUREN
19	4625 COLE AVE	ODUM SHARON
20	4625 COLE AVE	MADDEN KRISTI P
21	4625 COLE AVE	MARSH VALERIE FAYE & HAIDEN TURNER
22	4625 COLE AVE	BAUER SIBYLLE
23	4625 COLE AVE	DAVIDSON DANIEL C &
24	4625 COLE AVE	DIENEMANN MEEAE ANNIE
25	4625 COLE AVE	NAGAI MAZAKO
26	4625 COLE AVE	4625 COLE TOWNHOMES OWNER

Label #	Address	Owner
27	4650 COLE AVE	PPF AMLI 4650 COLE AVENUE LLC
28	4611 TRAVIS ST	WARREN ANN MARIE
29	4611 TRAVIS ST	HAMMOND HARLEY S & KIMBERLY D
30	4611 TRAVIS ST	SHIPCHANDLER ABEEZAR &
31	4611 TRAVIS ST	REPPAS ATHANASIA T & DIMITRIOS
32	4611 TRAVIS ST	KUTNER MICHAEL B
33	4611 TRAVIS ST	MEYER CHRISTIAN LOGAN
34	4611 TRAVIS ST	OLIVER JAMES L
35	4611 TRAVIS ST	FARMAR MICHAEL & JILL
36	4611 TRAVIS ST	KETCHAM WALTER III &
37	4611 TRAVIS ST	WILSON DAVID L & REBECCA S
38	4611 TRAVIS ST	ANGEL BRENT &
39	4611 TRAVIS ST	SHABABI ALI & ROSHANAK
40	4611 TRAVIS ST	HORTON VINCENT L & JEANETTE M
41	4611 TRAVIS ST	BRAUN DONALD L & DEBORAH A
42	4611 TRAVIS ST	RALSTON BRIAN
43	4611 TRAVIS ST	BRAUN DONALD L & DEBORAH A
44	4611 TRAVIS ST	CAILLIER HANNAH E
45	4611 TRAVIS ST	KWEIK NORA C
46	4611 TRAVIS ST	ALHAZIM DINA
47	4611 TRAVIS ST	OGLESBY TIM
48	4611 TRAVIS ST	YIN RAY CHENGCHI &
49	4611 TRAVIS ST	HAMMOOR KELSEY LEIGH
50	4611 TRAVIS ST	GLDA INC
51	4611 TRAVIS ST	COTGROVE CHRISTOPHER MARK & HELGA
52	4611 TRAVIS ST	LILLY NICHOLAS S &
53	4611 TRAVIS ST	POLGREEN THOMAS LEE
54	4611 TRAVIS ST	BERGMAN LINDSEY MCKAY
55	4611 TRAVIS ST	BALTHROP SAMUEL JACKSON
56	4611 TRAVIS ST	ROBERTS RANDELL C & NEYSA J
57	4611 TRAVIS ST	MOONEY DIANE C &

Label #	Address	Owner
58	4611 TRAVIS ST	NISSANOV GIL-AD &
59	4611 TRAVIS ST	STONE KENNETH DAVID &
60	4611 TRAVIS ST	GREGORY ANGELA
61	4611 TRAVIS ST	TOUCHY JAMES QUENTON & JENNIFER MARIE RUFF
62	4611 TRAVIS ST	BROWN SHANNON &
63	4611 TRAVIS ST	SMITH WILLIAM L
64	4611 TRAVIS ST	GARTON JOHN P &
65	4611 TRAVIS ST	ASQUINI MICHAEL A
66	4611 TRAVIS ST	FRY MARGARET MARY
67	4611 TRAVIS ST	YOUNG EUGENE & FAYE
68	4611 TRAVIS ST	10R MVS INVESTORS LLC
69	4611 TRAVIS ST	HAYDEN LANE & MARY JEAN
70	4611 TRAVIS ST	ROSS WORTH W
71	4611 TRAVIS ST	MEDIEVAL TIMES USA INC
72	4611 TRAVIS ST	MCCABE LAUREN L
73	4611 TRAVIS ST	HERPICH MATTHEW CHARLES &
74	4611 TRAVIS ST	SCHWAN SANDRA M TRUST THE
75	4611 TRAVIS ST	LATIMER DOUGLAS FRANKLIN III & CAROL L
76	4611 TRAVIS ST	D & L FAMILY TRUST
77	4611 TRAVIS ST	HALES MORGAN ALEXANDRA
78	4611 TRAVIS ST	WOLF BRUCE D & CYNTHIA KAY
79	4611 TRAVIS ST	COUCH CONNIE L
80	4611 TRAVIS ST	PREWITT MARYANN E
81	4611 TRAVIS ST	JONES AMANDA
82	4611 TRAVIS ST	YOMA LLC
83	4611 TRAVIS ST	ROGERS RYAN RUSSELL &
84	4611 TRAVIS ST	RODRIGUEZ EDUARDO
85	4611 TRAVIS ST	GLEASON PETER R
86	4611 TRAVIS ST	SEAL LARRY ELLIOT TRUSTEE
87	4611 TRAVIS ST	SEAY STEPHEN M FOUNDATION
88	4611 TRAVIS ST	GLASGOW ROBERT & LOIS

FILE NUMBER: BDA167-083(SL)

BUILDING OFFICIAL'S REPORT: Application of Luisa Garfias, represented by Arturo Vera, for special exceptions for the handicapped to the front and side yard setback regulations at 3510 Falls Drive. This property is more fully described as Lot 10, Block 5/5960, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a structure for a handicapped person and provide a 17 foot front yard setback, which will require an 8 foot special exception for the handicapped to the front yard setback regulations, and provide a 4 foot side yard setback, which will require a 1 foot special exception for the handicapped to the side yard setback regulations.

LOCATION: 3510 Falls Drive

APPLICANT: Luisa Garfias
Represented by Arturo Vera

REQUESTS:

The following requests are made on a site that is developed with a single family home constructed (according to DCAD) in the 40's:

1. A request for a special exception for the handicapped of 8' to the front yard setback regulations is made to construct and maintain a ramp structure, which is to be located 17' from the site's front property line or 8' into the 25' front yard setback.
2. A request for a special exception for the handicapped of 1' to the side yard setback regulations is made to construct and maintain a proposed porch addition structure (that would connect to the aforementioned proposed ramp structure proposed to be located in the front yard setback), which is to be located 4' from the site's western side property line or 1' into this required 5' side yard setback.

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-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.

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.

GENERAL FACTS/STAFF ANALYSIS (handicapped special exception front yard):

- The request for a special exception for the handicapped of 8' to the front yard setback regulations focuses on constructing and maintaining an approximately 72 square foot ramp structure, which is to be located 17' from the site's front property line or 8' into the 25' front yard setback on a site that is developed with a single family home that (according to DCAD) was built in the 40's.
- The property is zoned R-7.5(A) which requires a minimum front yard setback of 25 feet.
- The submitted site plan denotes that the proposed ramp structure is located 17' from the site's front property line or 8' into the required 25' front yard setback.
- The submitted site plan denotes that the entire approximately 72 square foot ramp structure is to be located in the 25' front yard setback.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person," means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.

- A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:
 - “(h) “Handicap” means, with respect to a person -
 1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
 2. a record of having such an impairment, or
 3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”
- Unlike most requests where the board is considering a structure that encroaches into a setback via a variance (where property hardship must be demonstrated), the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.
- The applicant has the burden of proof in establishing the following:
 - The special exception (which in this case is requested to construct and maintain a ramp structure in the front yard setback) is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
 - there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
- If the Board were to grant the request, and impose conditions that compliance with the submitted site plan is required, and that the special exception expires when a handicapped person no longer resides on the property, the ramp structure would be required to be constructed and maintained in the location shown on the submitted site plan for as long as the applicant or any other handicapped person resides on the site.

GENERAL FACTS/STAFF ANALYSIS (handicapped special exception side yard):

- The request for a special exception for the handicapped of 1’ to the side yard setback regulations focuses on constructing and maintaining an approximately 50 square foot porch addition structure that would connect to the aforementioned proposed ramp structure to be located in the front yard setback, which is to be located 4’ from the site’s western side property line or 1’ into this required 5’ side yard setback on a site that is developed with a single family home that (according to DCAD) was built in the 40’s.
- The property is zoned R-7.5(A) which requires a minimum side yard setback of 5 feet.
- The submitted site plan denotes that an “existing one story residence” structure, an “existing porch” structure, and a “proposed addition”/ porch structure are all located 4’ from the site’s western side property line or 1’ into the required 5’ side yard setback.

- According to DCAD records, the “main improvement” for property addressed at 3510 Falls Drive is structure built in 1947. Because records show that the main improvement/structure on this site was built in the 40’s, it is assumed that the “existing one story residence” and the “existing porch” structures are nonconforming structures.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner’s agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The applicant has chosen to seek a special exception for the handicapped to the side yard setback regulations for only the “proposed addition” in the western side yard setback, and not to remedy/address the nonconforming aspect of the existing structures in the side yard setback.
- The submitted site plan denotes that approximately 3’ of the approximately 50 square foot porch addition structure is to be located in the western 5’ side yard setback.
- Section 51A-1.107(b)(1) states that the Board of Adjustment shall grant a special exception to any regulation in this chapter, if, after a public hearing, the board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term “handicapped person,” means a person with a “handicap,” as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended.
- A copy of the “handicap” definition from this act was provided to the Board Administrator by the City Attorney’s Office. Section 3602 of this act states the following:
 - “(h) “Handicap” means, with respect to a person -
 1. a physical or mental impairment which substantially limits one or more of such person’s major life activities,
 2. a record of having such an impairment, or
 3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21).”
- Unlike most requests where the board is considering a structure that encroaches into a setback via a variance (where property hardship must be demonstrated), the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

- The applicant has the burden of proof in establishing the following:
 - The special exception (which in this case is requested to construct and maintain a porch addition in the western side yard setback) is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
 - there is a person with a “handicap” (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.
- If the Board were to grant the request, and impose conditions that compliance with the submitted site plan is required, and that the special exception expires when a handicapped person no longer resides on the property, the porch addition structure would be required to be constructed and maintained in the location shown on the submitted site plan for as long as the applicant or any other handicapped person resides on the site.
- Granting the request for a special exception for the handicapped to the side yard setback regulations will not provide any relief to the existing nonconforming structures in the side yard setback since the applicant did not request that the Board consider this aspect as part of this application.

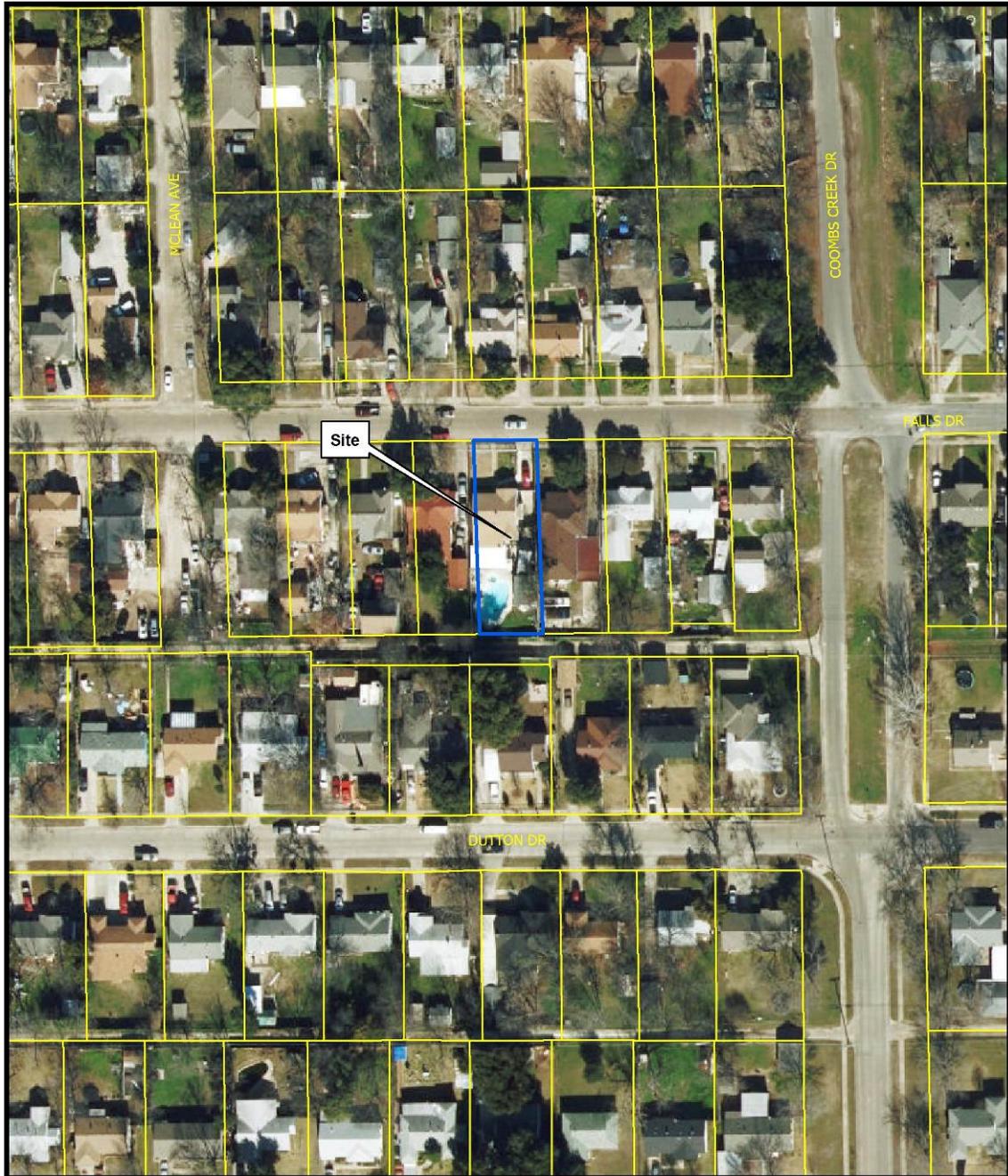
Timeline:

- April 5, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2017: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th 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;
 - A copy of the “handicap” definition from the Federal Fair Housing Amendments Act of 1988; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA167-083

Date: 7/17/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-083

Data Relative to Subject Property:

Date: 4.5-2017

Location address: 3510 Falls DA Zoning District: R-7.5(A)

Lot No.: 10 Block No.: 5/5960 Acreage: .18 Census Tract: 65.02

Street Frontage (in Feet): 1) 50 FT 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LUISA GARCIAS

Applicant: LUISA GARCIAS Telephone: 469.831.0656

Mailing Address: 3510 Falls DR Zip Code: 75211

E-mail Address:

Represented by: ARTURO VERA Telephone: 214.727.6585

Mailing Address: 3510 Falls DR Zip Code: 75211

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception, of 1 FT ON SIDE SET BACK OF PROPERTY AND 8 FT ON FRONT SETBACK I AM NEEDING TO BUILD A HANDICAP RAMP.

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: I AM HANDICAPPED AND THIS EXCEPTION IS NECESSARY SO THAT I CAN AFFORD EQUAL OPPORTUNITY TO USE AND ENJOY MY DWELLING.

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.

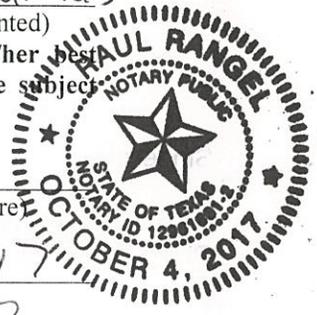
Affidavit

Before me the undersigned on this day personally appeared Luisa Hernandez Garcia (Affiant/Applicant's name printed) who on (his/her) oath certifies that the above statements are true and correct to his/her 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 06 day of April 2017

[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
represented by
did submit a request**

Luisa Garfias
Arturo Vera

for a special exception to the front yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling, and for special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling

at 3510 Falls Drive

BDA167-083. Application of Luisa Garfias represented by Arturo Vera for a special exception to the front yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling and a special exception to the side yard setback regulations to afford a handicapped person equal opportunity to use and enjoy a dwelling : 3510 Falls Drive. This property is more fully described as Lot 10, Block 5/5960, and is zoned R-7.5(A), which requires a front yard setback of 25 feet and requires a side yard setback of 5 feet. The applicant proposes to construct a single family residential structure and provide a 17 foot front yard setback, which will require an 8 foot special exception to the front yard setback regulation, and to construct a single family residential structure and provide a 4 foot side yard setback, which will require a 1 foot special exception to the side yard setback regulation.

Sincerely,
Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

3510 falls

Locate

OR

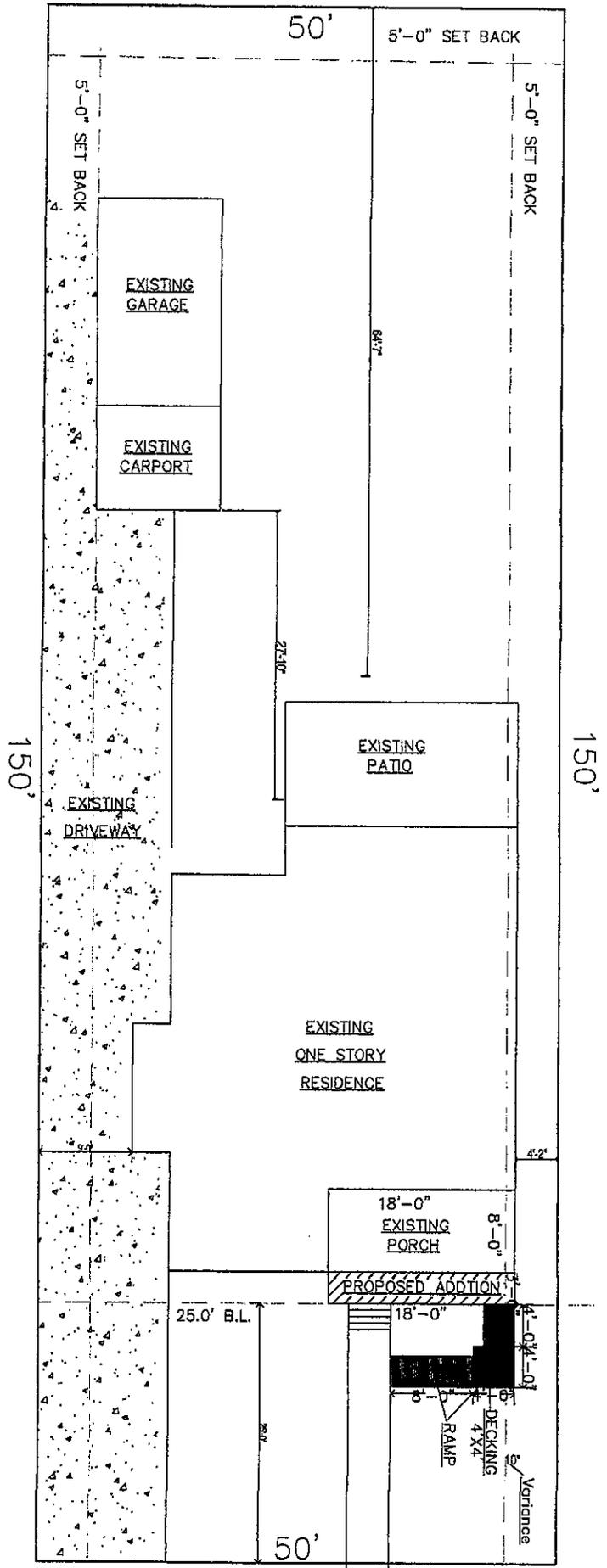
Parcel address.

Use street type for better re

Locate

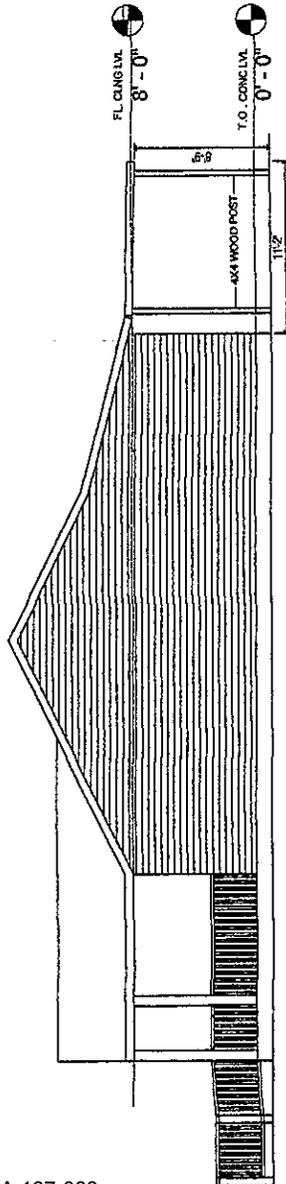


SITE PLAN
SCALE: 1/4" = 10'-0"

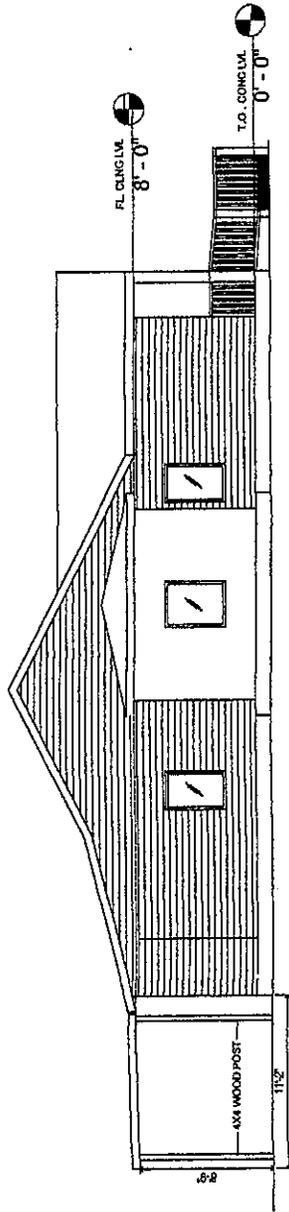


PAGE TITLE: SITE PLAN	INNOVA DESIGN SOLUTIONS 2-13 3510 FALLS DR. DALLAS, TX 75211	THESE PLANS ARE INTENDED TO PROVIDE A BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBMITTALLY BUILD THE STRUCTURE. THESE PLANS MUST BE REVIEWED AND APPROVED BY THE BUILDING DEPARTMENT AND ALL CONSTRUCTION OF THIS JOB MUST BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE PROFESSIONAL ENGINEER OR ARCHITECT IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF ANY PART OF THESE PLANS.
SCALE: 1/4" = 10'-0"		GREAT CARE AND EFFORT HAVE BEEN MADE IN THE PREPARATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOMETRIC LOCATIONS, DIMENSIONS, WILL NOT ASSUME LIABILITY FOR ANY CHANGES TO BE MADE, OMISSIONS, OR DEFICIENCIES IN THESE PLANS. CONTRACTORS MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO REVISE/REPLACE THE SAME FROM ONE (1) TIME, ANY OTHERS, FEES OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATIONS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.
DATE: 04/12/17	PAGE: 1	

BDA 167-063

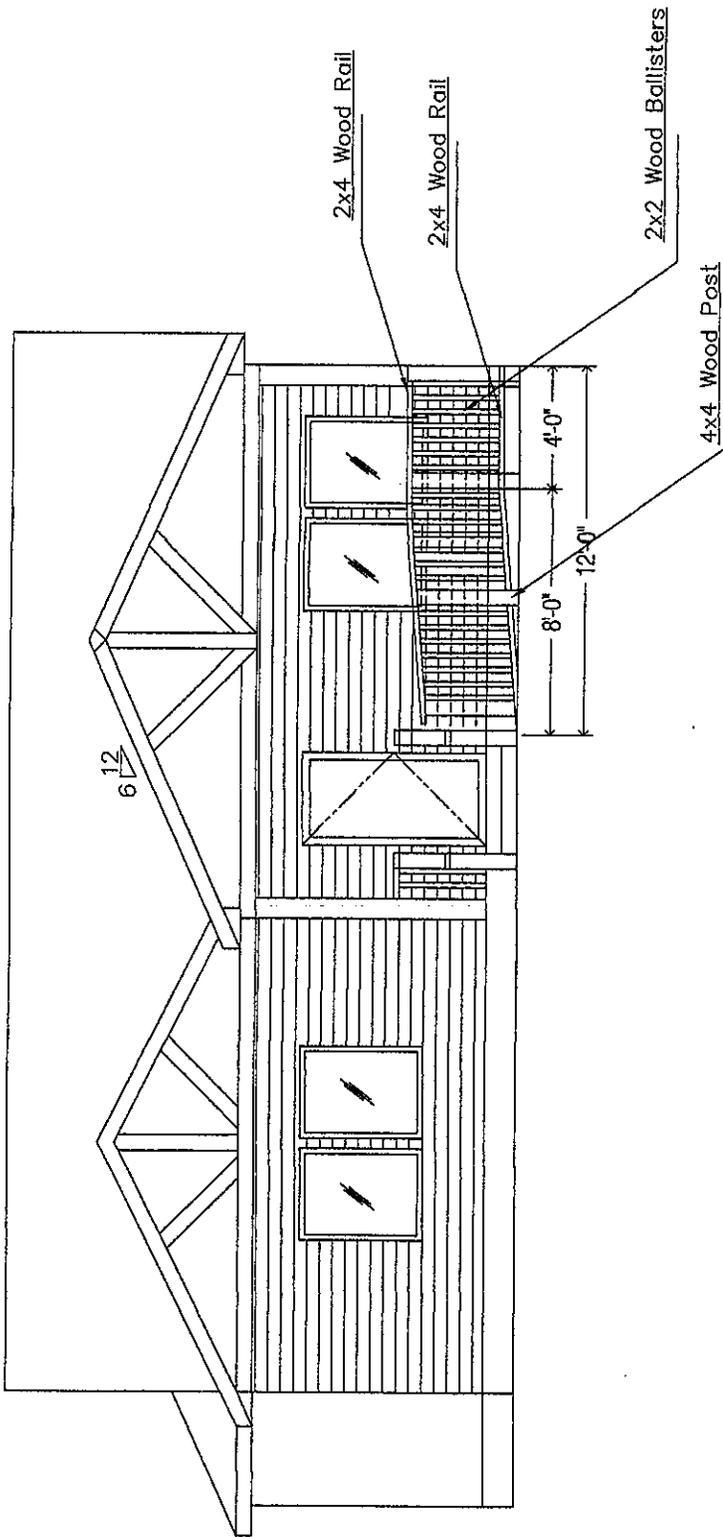


PROPOSED RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED LEFT ELEVATION
SCALE: 1/8" = 1'-0"

NOVA CONSTRUCTION SERVICES		PROJECT NO. _____ DATE: _____ SHEET NO. 1 OF 1	3.3 <small>REVISIONS</small>
3510 FALLS DR DALLAS, TEXAS 75211			



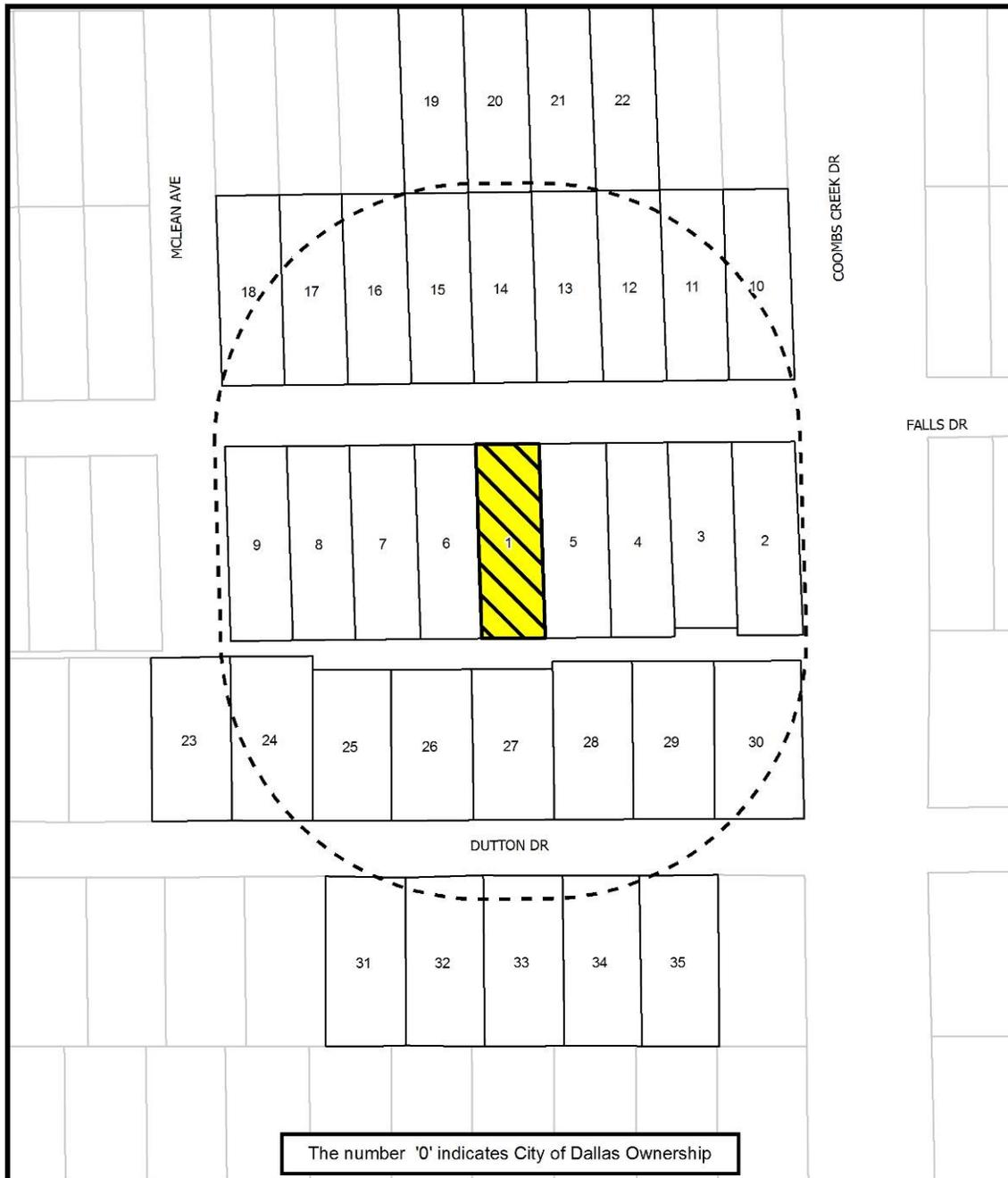
PROPOSED FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

NOVA CONSTRUCTION SERVICES

PROJECT NO.
 NOVA
 ELEVATION PLAN
 DATE
 1/1/2018
 1/4" = 1'-0"

NOVA HOME & REMODEL
 3510 FALLS DR
 DALLAS, TEXAS 75211

3.3
 03/20/2018



1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
35 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-083**
 Date: **7/17/2017**

Notification List of Property Owners

BDA167-083

35 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3510 FALLS DR	GARFIA LUISA H
2	3422 FALLS DR	CASTANEDA JUAN
3	3426 FALLS DR	EDDINS ROBERT L ESTATE OF
4	3502 FALLS DR	HERNANDEZ JUVENTINO
5	3506 FALLS DR	LOPEZ MARIA D
6	3514 FALLS DR	MUNIZ RAMIRO R & MARIA
7	3518 FALLS DR	TILLINGHAST SVETLANA L
8	3522 FALLS DR	GUERRERO ROMUALDO &
9	3526 FALLS DR	BARRON VALENTE &
10	3423 FALLS DR	F & M PROPERTIES INC
11	3427 FALLS DR	RIVERAMORALES CHRISTIAN A
12	3503 FALLS DR	GONZALES FRANK M
13	3507 FALLS DR	GUZMAN ESTANISLAO CASAS &
14	3511 FALLS DR	BELTRAN REYES M & TERESA
15	3515 FALLS DR	RIVERA JUAN
16	3519 FALLS DR	MUNIZ REFUGIO &
17	3523 FALLS DR	MARTINEZ ONESIMO & MARIA
18	3527 FALLS DR	CONTRERAS DAVID &
19	3514 DAWES DR	MONDRAGON OTONIEL &
20	3510 DAWES DR	SEGURA JAVIER & ROSE
21	3506 DAWES DR	RODRIGUEZ EZEQUIEL & MARIA
22	3502 DAWES DR	CABRALES JOSE CARMEN &
23	3603 DUTTON DR	ORTEGA SALVADOR & MARTHA
24	3535 DUTTON DR	CORREA ERNESTO
25	3529 DUTTON DR	SANTOS ROMUALDO R & GLORIA
26	3523 DUTTON DR	CHITSEY DEBRA K TRUSTEE

07/17/2017

Label #	Address	Owner
27	3519 DUTTON DR	GRANADOS PASCUAL VARGAS &
28	3515 DUTTON DR	GONZALES JOHNNY & DELIA
29	3509 DUTTON DR	CASTILLO JESUS & BEDA G
30	3503 DUTTON DR	CASTILLO JUANA M
31	3532 DUTTON DR	ATHAS NICK
32	3526 DUTTON DR	GUZMAN FLAVIO
33	3522 DUTTON DR	HERNANDEZ ULISES E & SARAI E VAZQUEZ
34	3514 DUTTON DR	ZUNIGA VAUDELIO &
35	3508 DUTTON DR	COUCH PATRICIA

FILE NUMBER: BDA167-088(SL)

BUILDING OFFICIAL'S REPORT: Application of Ricky Hawkins for a variance to the off-street parking regulations at 6222 S. Lancaster Road. This property is more fully described as Lot 16, Block 15/6887, and is zoned R-7.5(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to locate and maintain parking spaces in an enclosed structure with a setback of 10 feet, which will require a variance of 10 feet to the off-street parking regulations.

LOCATION: 6222 S. Lancaster Road

APPLICANT: Ricky Hawkins

REQUEST:

A request for a variance to the off-street parking regulations of up to 10' is made to locate and maintain parking spaces in an enclosed structure (an attached garage for a single family structure use proposed on the undeveloped site) as close as 10' from the Kahn Street front property/right-of-way line or as much as 10' into the required 20' distance that parking spaces in enclosed structures must be from this street right-of-way.

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 conditions:

1. Compliance with the submitted site plan is required.
2. An automatic garage door must be installed and maintained in working order at all times.

Rationale:

- Staff concluded that the subject site is unique and different from other lots in the R-7.5(A) zoning district by being of an irregular shape, a somewhat restrictive slope, and a restrictive area caused by a 50' wide Lone Star Gas easement that encompasses a significant amount of area on the approximately 8,500 square foot site that can be developed in this case with an approximately 2,100 square foot single family home.
- In addition, granting this variance does not appear to be contrary to public interest because the Sustainable Development Department Assistant Director of Engineering has submitted a review comment sheet marked "Has no objections", and because only a part of the parking spaces in the proposed enclosed structure require this variance.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) (Single family residential 7,500 square feet)
North: R-7.5(A) (Single family residential 7,500 square feet)
South: R-7.5(A) (Single family residential 7,500 square feet)
East: R-7.5(A) (Single family residential 7,500 square feet)
West: R-7.5(A) (Single family residential 7,500 square feet)

Land Use:

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

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.

GENERAL FACTS/STAFF ANALYSIS:

- The request for a variance to the off-street parking regulations of up to 10' focuses on locating and maintaining parking spaces in an enclosed structure (an attached

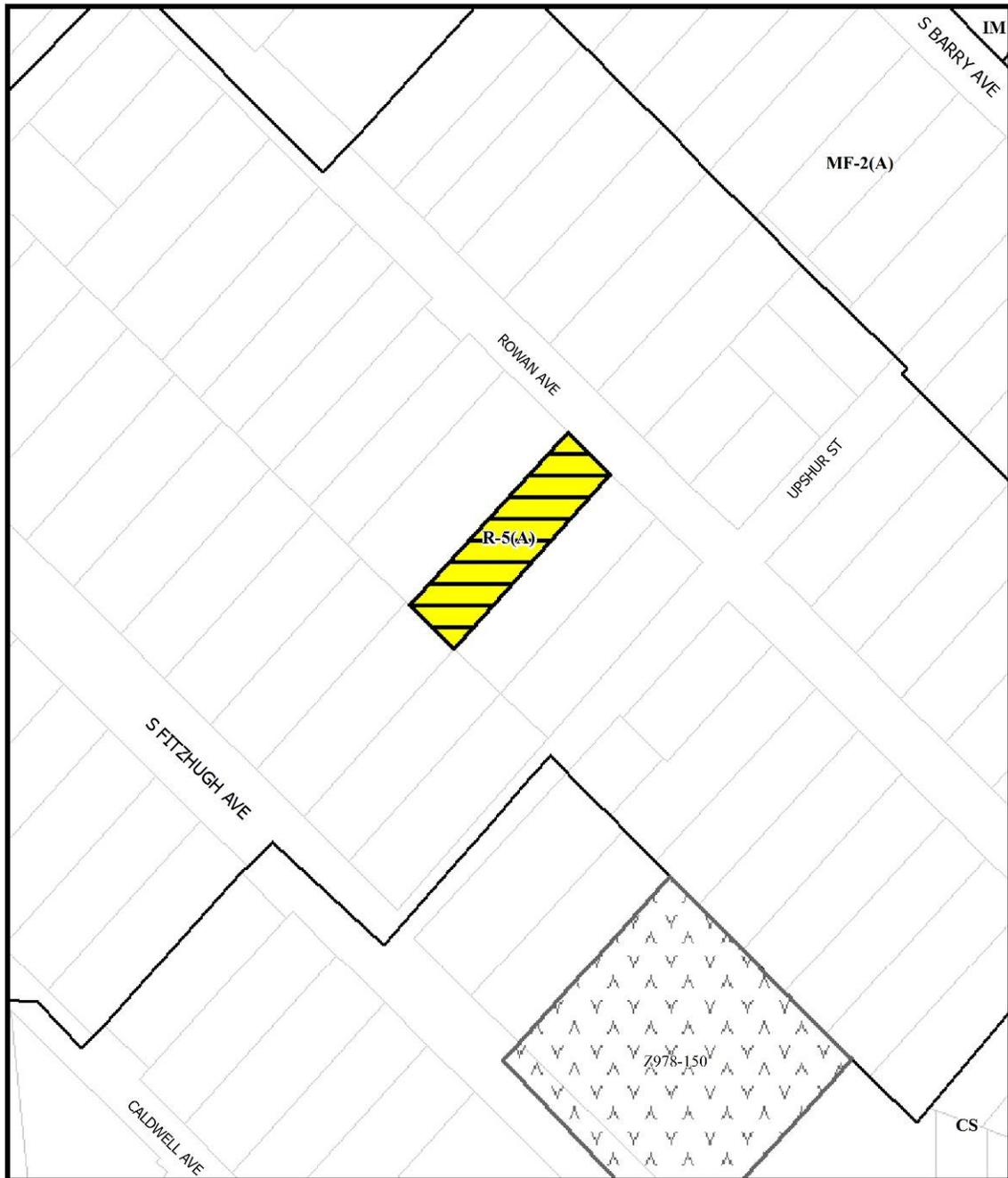
garage for a single family structure use with an approximately 2,100 square foot building footprint proposed on the undeveloped site) as close as 10' from the Kahn

- Street front property/right-of-way line or as much as 10' into the required 20' distance that parking spaces in enclosed structures must be from this street right-of-way.
- The site is zoned R-7.5(A) where the minimum front yard setback is 25' and the minimum side yard setback is 5'.
- The site is located at the northeast corner of S. Lancaster Road and Kahn Street, and has one front yard setback on S. Lancaster Road on the west, two 5' side yard setbacks on the north and south (Kahn Street); and one 5' rear yard setback on the east.
- The submitted site plan represents that the proposed single family home complies with front, side, and rear yard setbacks.
- The Dallas Development Code states that a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in enclosed structure and if the space faces upon or can be entered directly from a street or alley.
- The submitted site plan and floor plan denotes a single family structure where parking spaces in it (garage) are located as close as 10' from the Kahn Street right-of-way line or approximately 22' from the Kahn Street pavement line.
- The submitted floor plan denotes that the total square footage of the home is 2,145.
- According to DCAD records, there are “no main or additional improvements” for the property addressed at 6222 S. Lancaster Road.
- The subject site is sloped, irregular in shape, and according to the submitted application is 0.20 acres (or approximately 8,700 square feet) in area. The site is zoned R-7.5(A) where lots are typically 7,500 square feet in area.
- The submitted site plan denotes two 25' Lonestar Gas Easements on the northeast side of the site. (The Building Inspection Senior Plans Examiner/Development Code Specialist has commented that technically the site has a 50' easement, 25' either side of a buried gas line).
- The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the off-street parking regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

- If the Board were to grant the variance request, staff recommends imposing the following conditions:
 1. Compliance with the submitted site plan is required.
 2. An automatic garage door must be installed and maintained in working order at all times.
 (These conditions are imposed to help assure that the variance will not be contrary to the public interest).

Timeline:

- June 8, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2017: The Board Administrator emailed the following information to the applicant:
 - a copy of the application materials including the Building Official’s report on the application;
 - an attachment that provided the public hearing date and panel that will consider the application; the July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”
- August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- August 2, 2017: The Sustainable Development Department Assistant Director of Engineering submitted a review comment sheet marked “Has no objections.”

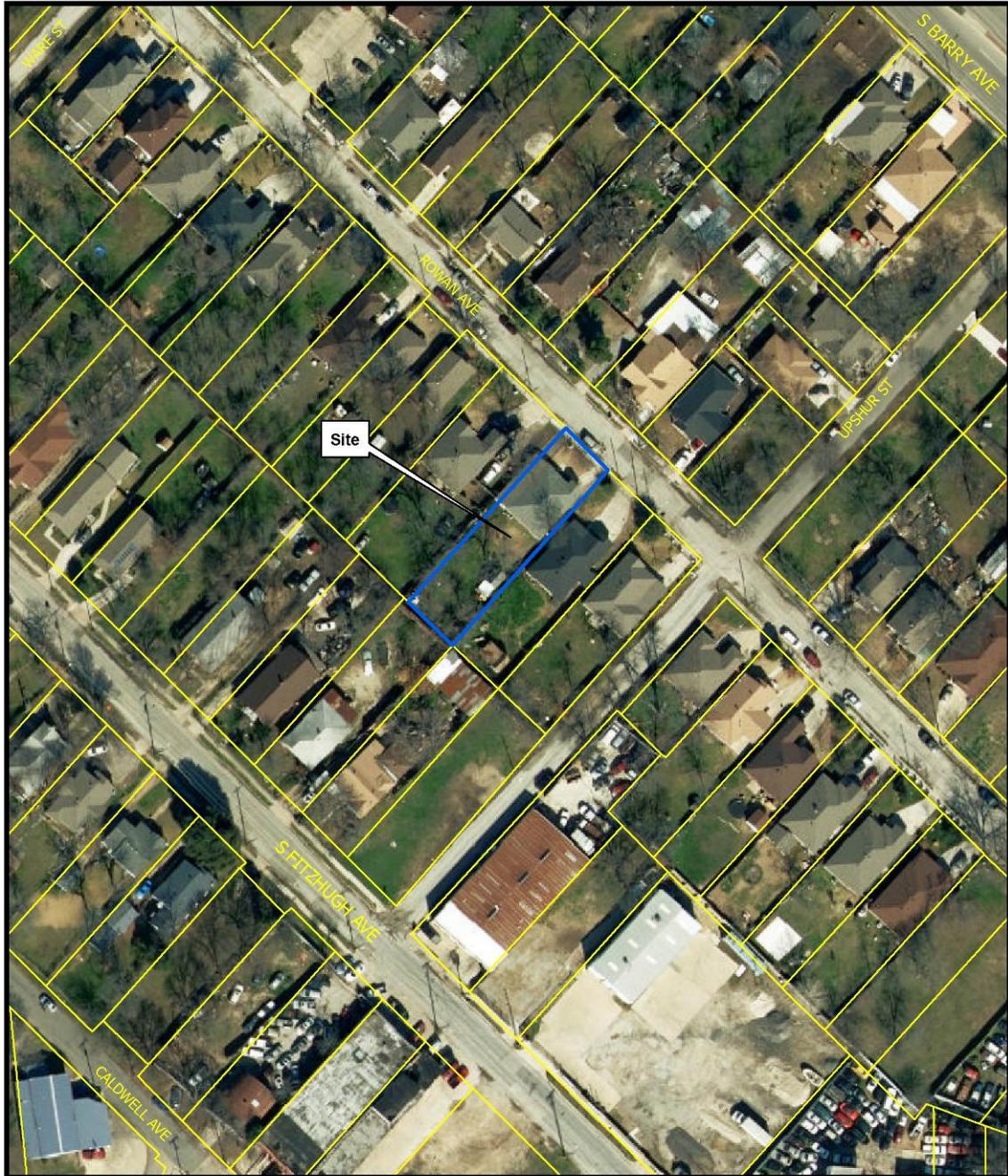


1:1,200

ZONING MAP

Case no: **BDA167-090**

Date: **7/17/2017**



1:1,200

AERIAL MAP

Case no: BDA167-090

Date: 7/17/2017



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-088

Data Relative to Subject Property:

Date: 6-8-17

Location address: 6222 S. LANCASTER RD Zoning District: R.7-5(A)

Lot No.: 16 Block No.: 15/6887 Acreage: 8,979.20 Census Tract: 114.01

Street Frontage (in Feet): 1) 15' 2) 150' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ricky Hawkins

Applicant: Ricky Hawkins Telephone: 214 546 4202

Mailing Address: 4219 HUCKLEBERRY CIR DALL TX Zip Code: 75216

E-mail Address: RickyHawkins856@G.mail.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 10' ASST BACK
FROM PROPERTY LINE TO GARAGE NOT ENOUGH
FOOTAGE OF 15 FT.
10

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

- 1 THE SHAPE OF THE LOT.
- 2 50' GAS EASEMENT
- 3 I HAD NOTHING TO DO WITH THE CREATION OF THE LOT

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.

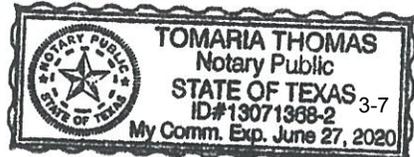
Affidavit

Before me the undersigned on this day personally appeared Ricky Hawkins
(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 6 day of JUNE, 2017



[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 Ricky Hawkins
did submit a request for a variance to the off-street parking regulations
at 6222 S. Lancaster Road

BDA167-088. Application of Ricky Hawkins for a variance to the off-street parking regulations at 6222 S. Lancaster Road. This property is more fully described as Lot 16, Block 15/6887, and is zoned R-7.5(A), which requires a parking space must be at least 20 feet from the right-of-way line adjacent to a street or alley if the space is located in an enclosed structure and if the space faces upon or can be entered directly from the street or alley. The applicant proposes to construct a single family residential structure with a setback of 10 feet, which will require a variance of 10 feet to the off-street parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

6222 s lancaster

Locate

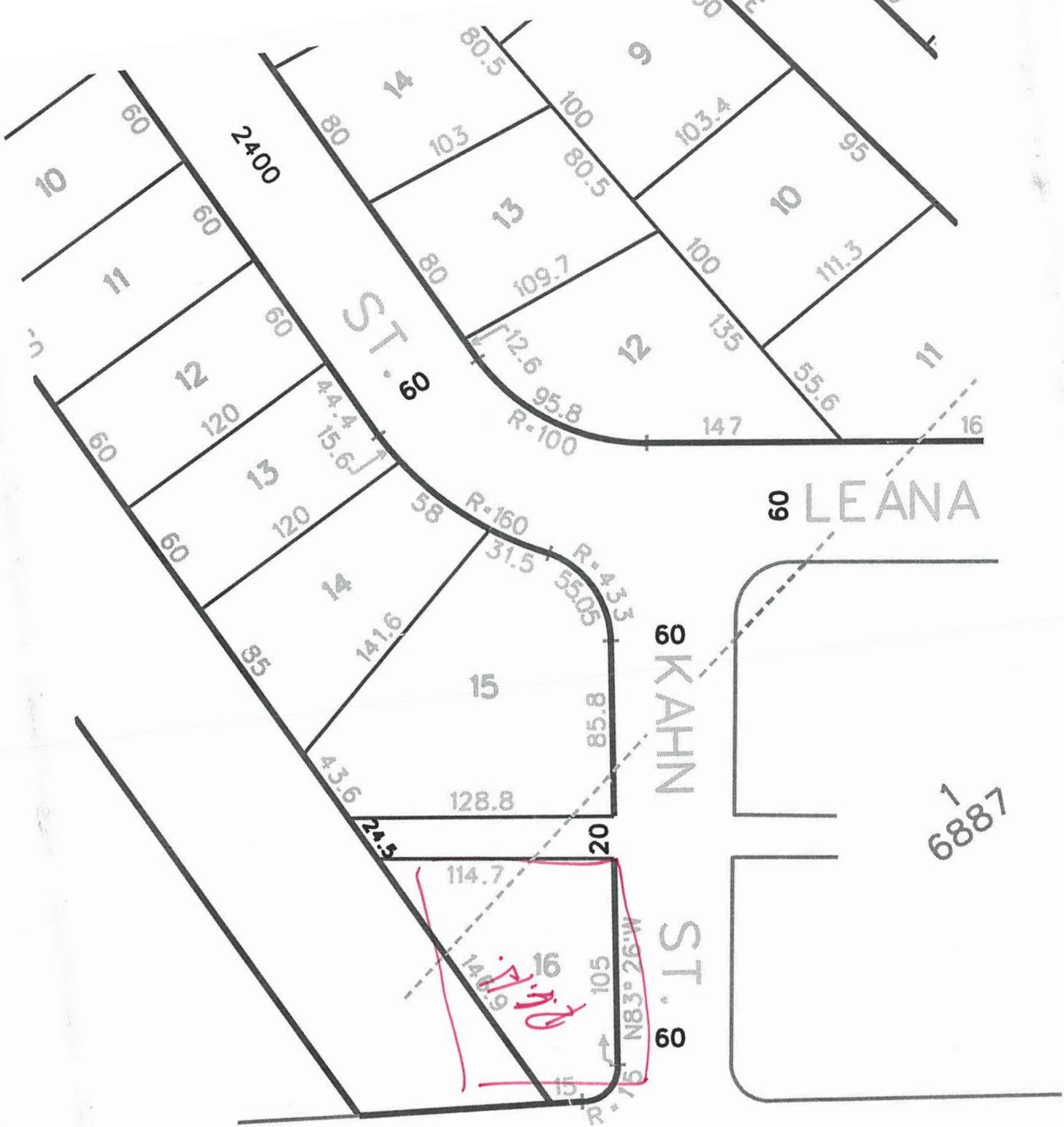
OR

Parcel address.

Use street type for better re

Locate



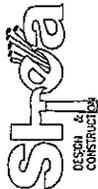


6200 6300

120 LANCASTER ROAD

STATE HWY. 342

ABST. 556



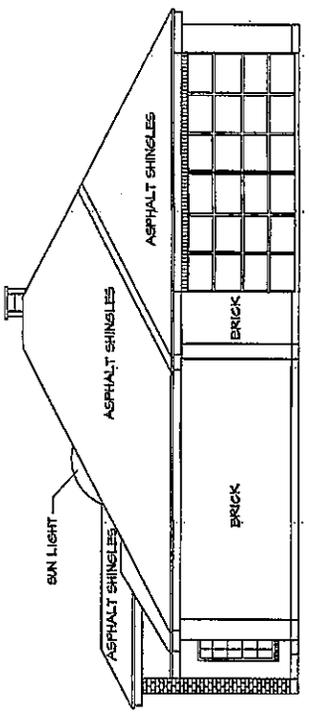
SHEA DESIGN & CONSTRUCTION
 1827 HUNTINGDON AVE
 DALLAS, TEXAS 75203
 CELL (214) 618-7067

JOB NO. 0222 LANGMETER
 DRAWN BY: L.S. COOPER/LSR
 DATE: 11/11/07
 SCALE:
 A2 OF

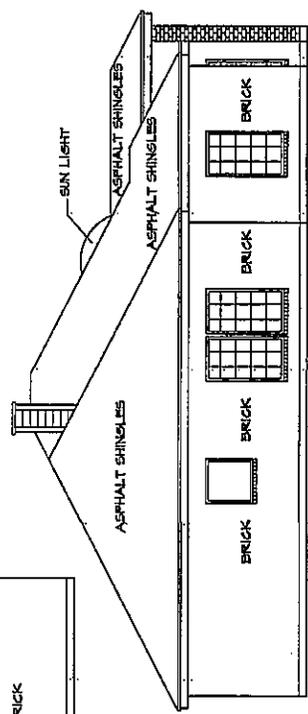
PROJECT: THE HAWKING FAMILY

REV.	DATE
1	
2	
3	
4	
5	
6	

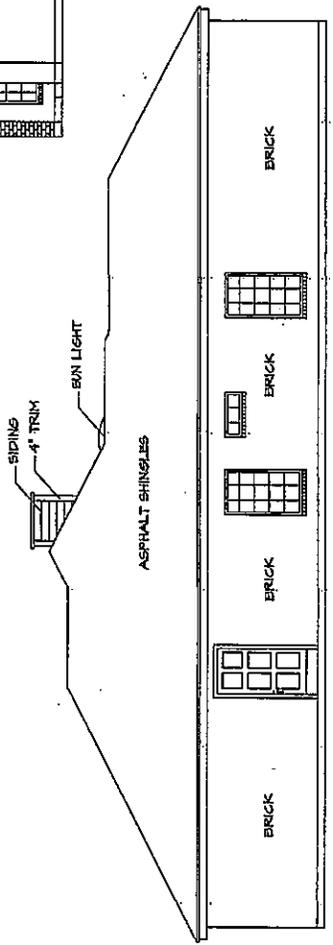
THIS DRAWING IS THE PROPERTY OF SHEA DESIGN & CONSTRUCTION. THE USE OF THIS DRAWING WITHOUT THE EXPRESSED WRITTEN PERMISSION OF SDC IS PROHIBITED.



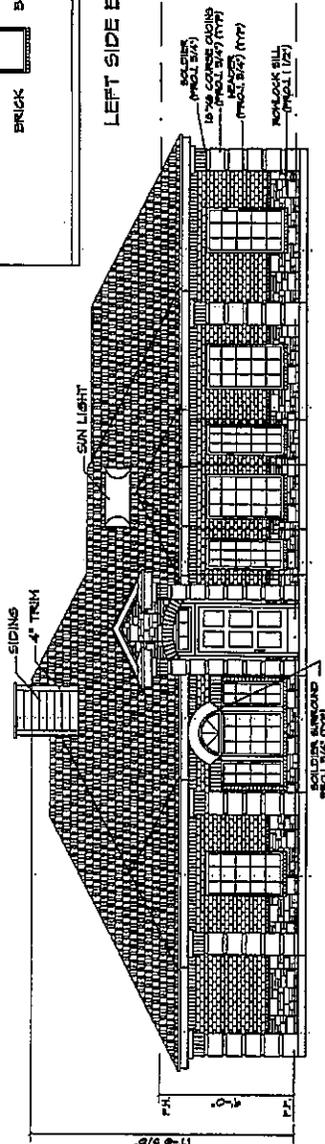
RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION

ELEVATIONS
 SCALE: 1/8" = 1'



SHEA DESIGN & CONSTRUCTION
 1927 HUNTINGTON AVE
 Dallas, Texas 75203
 CELL (214) 818-7087

JOB NO. 822A ANCHASTER
 DRAWN BY: L.O. JOHNSON SR.
 DATE: _____
 SCALE: _____
 AS 08

THE HAYKINS FAMILY

PROJECT:

REV.	DATE
1	
2	
3	
4	
5	
6	

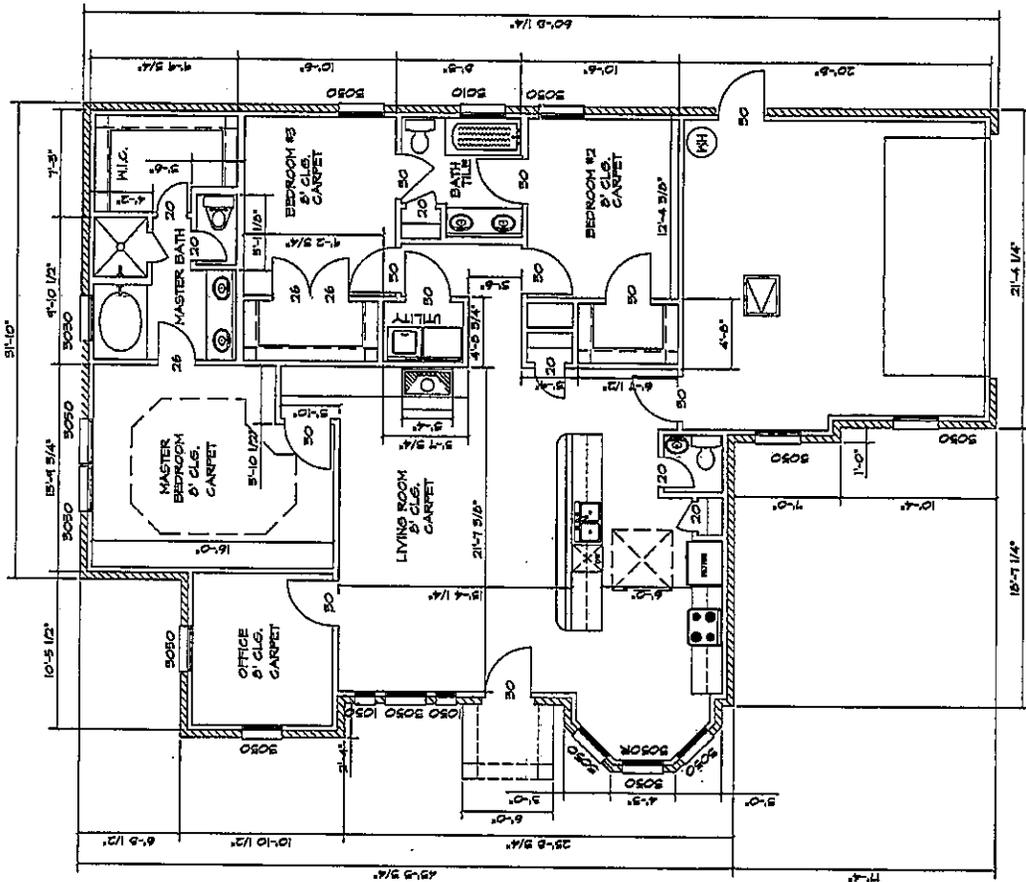
THIS DRAWING IS THE DESIGN PROPERTY OF SHEA DESIGN & CONSTRUCTION CO. THE USE OF THIS DRAWING WITHOUT THE EXPRESSED WRITTEN CONSENT OF SHEA DESIGN & CONSTRUCTION CO. IS PROHIBITED.

DOOR SCHEDULE		
20	3	20" INTERIOR DOOR, PRE HING RT
20	2	2-0" INTERIOR DOOR, PRE HING LF
26	1	26" INTERIOR DOOR, PRE HING TRIN
26	1	26" INTERIOR DOOR, PRE HING LF
30	6	30" INTERIOR DOOR, PRE HING RT
30	3	30" INTERIOR DOOR, PRE HING LF
30	2	30" EXTERIOR DOOR, PRE HING RT
		TOTAL SQ. FT.

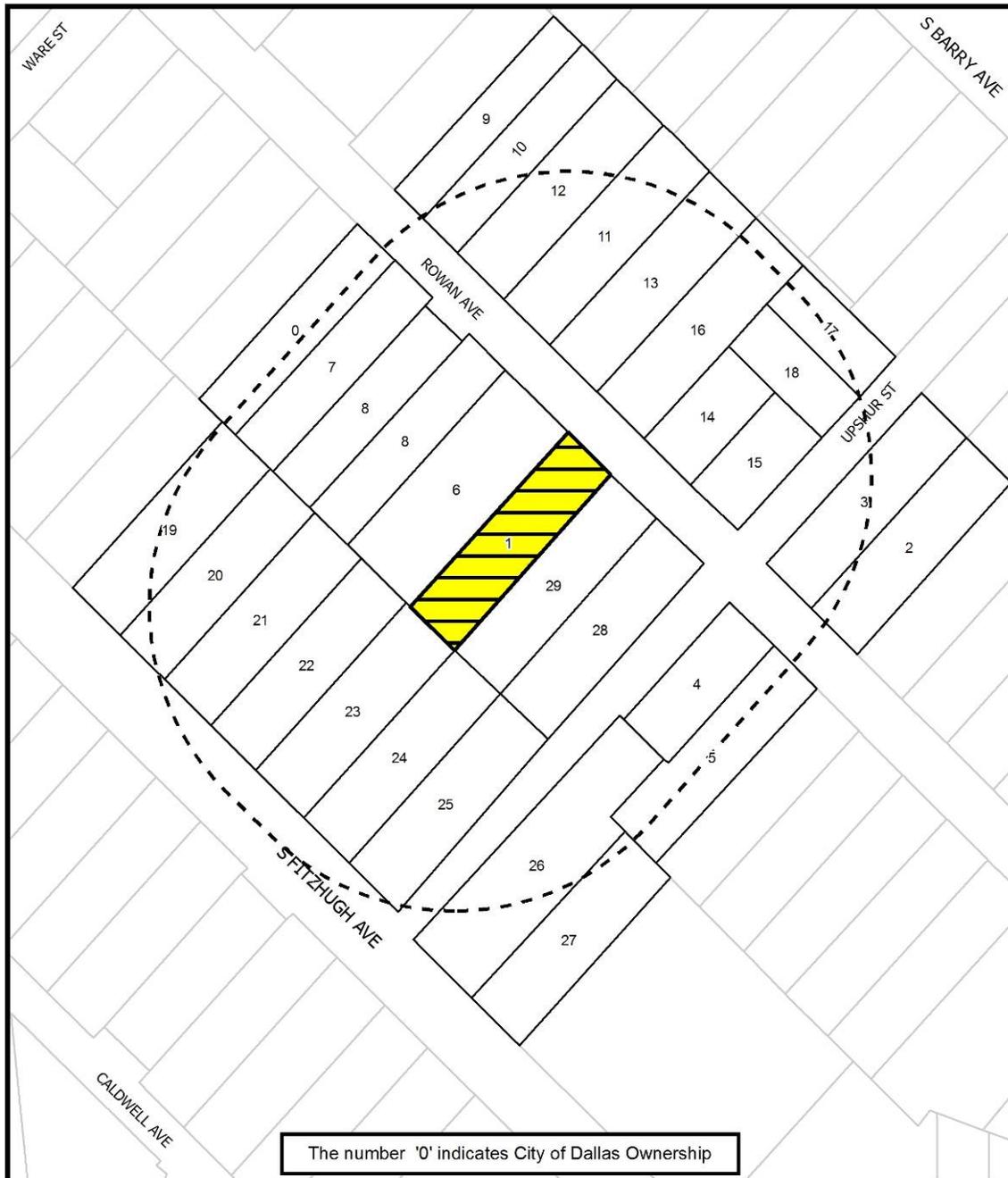
WINDOW SCHEDULE		
ALL WINDOWS ARE VINYL, 4-1/2" SINGLE HING INSULATED WITH HALF SCREEN WHITE CLEAR GLASS		
MARK	QTY.	DESCRIPTION
1050	2	10" X 5'0"
3010	1	3'0" X 1'0"
3050	1	3'0" X 5'0"
3050	13	3'0" X 5'0"
3050R	1	3'0" X 5'0" ARCH
		TOTAL SQ. FT.

LIVING 1665 SQ. FT
 PORCH 30 SQ. FT
 GARAGE 452 SQ. FT
 TOTAL 2,147 SQ. FT

OUTSIDE WALLS NO BRICK = 4"
 INSIDE WALLS = 4 1/2"
 OUTSIDE WALLS W/BRICK = 9 1/2"



FLOOR PLAN
 SCALE: 1/8" = 1'




 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
29	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-090**
 Date: **7/17/2017**

Notification List of Property Owners

BDA167-088

15 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6222 S LANCASTER RD	HAWKINS RICKEY EUGENE
2	6305 LEANA AVE	NEW WORLD SERIES LLC SERIES D
3	6311 LEANA AVE	CAMICHAEL HENRY
4	6310 S LANCASTER RD	CHAVEZ ALBERTO RODRIGUEZ
5	6306 S LANCASTER RD	WALKER BERNARD
6	6302 S LANCASTER RD	HILL BURDLE S &
7	2411 KAHN ST	COBEL PROP
8	2407 KAHN ST	URIBE JESUS & MARAMONA &
9	2317 KAHN ST	PUENTES JOSE & MARTHA
10	6208 S LANCASTER RD	NEW COMFORTER CHURCH OF
11	6206 S LANCASTER RD	DALLAS BAPTIST FELLOSHIP CENTER
12	6212 S LANCASTER RD	CASTELAN EMMA
13	2310 GOOCH ST	BONILLA JUANITA F ET AL
14	2316 GOOCH ST	VERACITY CAPITAL PARTNERS
15	6601 S LANCASTER RD	261 CW SPRINGS LTD

FILE NUMBER: BDA167-090(SL)

BUILDING OFFICIAL'S REPORT: Application of Jose M. Torres for a special exception to the side yard setback regulations for a carport at 1439 Rowan Avenue. This property is more fully described as Lot 3, Block 1453, and is zoned R-5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct and/or maintain a carport in a required side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulations.

LOCATION: 1439 Rowan Avenue

APPLICANT: Jose M. Torres

REQUEST:

A request for a special exception to the side yard setback regulations of 5' is made to modify and maintain a carport located on the site's northwestern side property line or 5' into this 5' required side yard setback on a site developed with a single family home structure/use.

STANDARD FOR A SPECIAL EXCEPTION TO ALLOW A CARPORT IN THE SIDE YARD:

The Board of Adjustment may grant a special exception to the minimum side yard requirements to allow a carport for a single-family or duplex use when, in the opinion of the Board, the carport will not have a detrimental impact on surrounding properties. In determining whether to grant a special exception, the Board shall consider the following:

- (1) Whether the requested special exception is compatible with the character of the neighborhood.
- (2) Whether the value of surrounding properties will be adversely affected.
- (3) The suitability of the size and location of the carport.
- (4) The materials to be used in construction of the carport.

(Storage of items other than motor vehicles is prohibited in a carport for which a special exception is granted in this section of the Code).

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to the side yard setback regulations since the basis for this type of appeal is, when in the opinion of the board, the carport will not have a detrimental impact on surrounding properties.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-5(A) (Single family district 5,000 square feet)
<u>North:</u>	R-5(A) (Single family district 5,000 square feet)
<u>South:</u>	R-5(A) (Single family district 5,000 square feet)
<u>East:</u>	R-5(A) (Single family district 5,000 square feet)
<u>West:</u>	R-5(A) (Single family district 5,000 square feet)

Land Use:

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

Zoning/BDA History:

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

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the side yard setback of 5' focuses on modifying and maintaining an approximately 450 square foot carport located on the site's northwestern side property line or 5' into the site's northwestern 5' required side yard setback, on a site developed with a single family home structure/use.
- A 5' side yard setback is required in the R-5(A) zoning district.
- Two documents have been submitted (a site plan and an elevation plan) indicating the size and materials of the carport, and its location on the site's northwestern side property line.
- The submitted site plan represents the following:
 - The carport is approximately 45' in length and approximately 10.5' in width (approximately 450 square feet in total area) of which approximately 1/2 is located in the northwestern 5' side yard setback.
- The submitted elevation plan represents the following:
 - 10' in height.
 - Energy star shingles or comp. shingles with radiant barrier.
 - 1 hour related fire wall.
- The Board Administrator conducted a field visit of the area approximately 500 feet northwest and southeast of the subject site and noted no other carports that appeared to be located in a side yard setback.
- As of August 4, 2017, no letters had been submitted in support of or in opposition to this application.
- The applicant has the burden of proof in establishing the following:
 - that granting this special exception to the side yard setback regulations of 5' will not have a detrimental impact on surrounding properties.

- Granting this request and imposing the following conditions would require the carport to be maintained in the location and of the heights and materials as shown on these documents:
 1. Compliance with the submitted site plan and elevation is required.
 2. The carport structure must remain open at all times.
 3. No lot-to-lot drainage is permitted in conjunction with this carport special exception.
 4. All applicable building permits must be obtained.
 5. No item (other than a motor vehicle) may be stored in the carport.
- Granting this request for a special exception to the side yard setback regulations will not provide any relief on the subject site with regard to visual obstruction regulations.

Timeline:

June 5, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

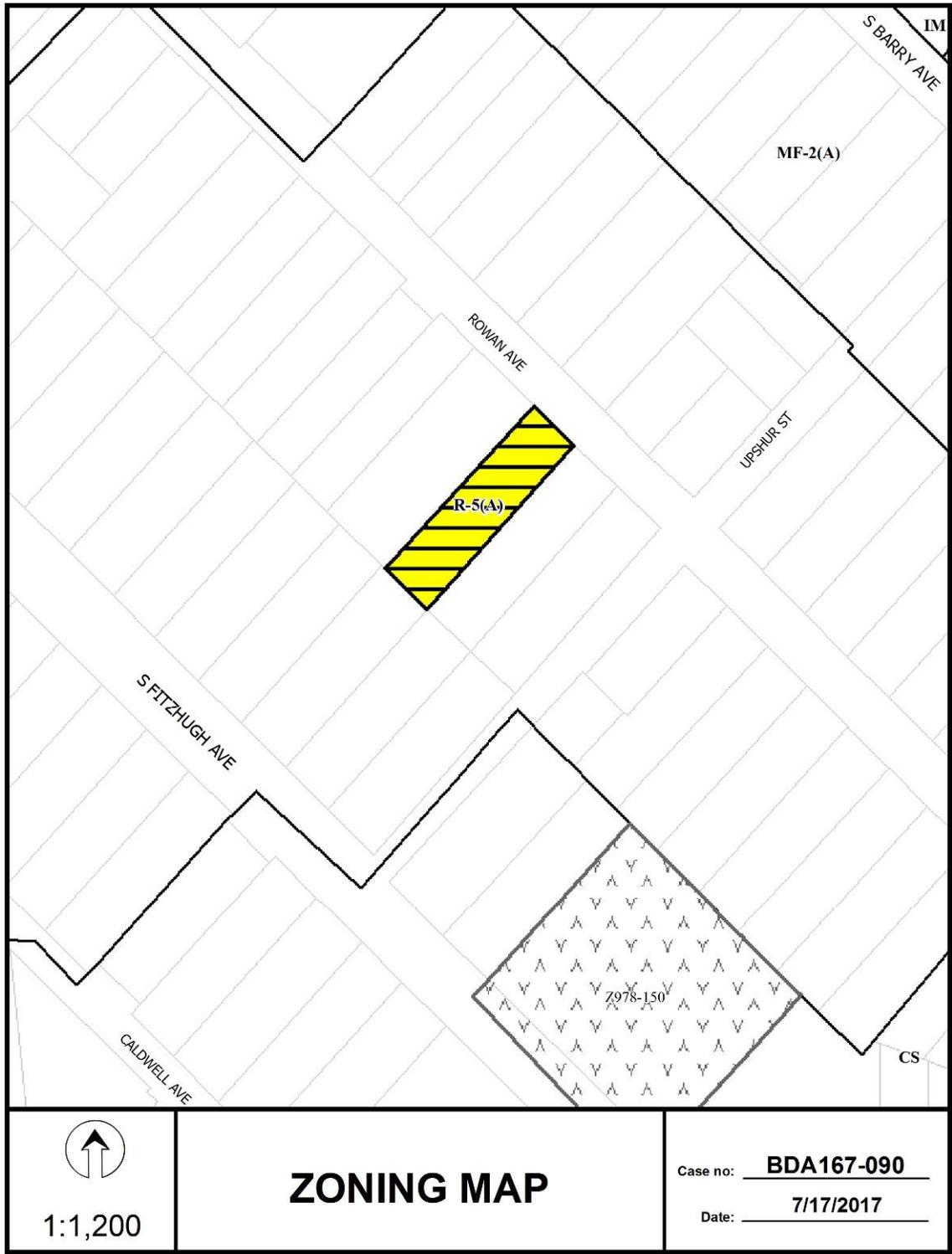
July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

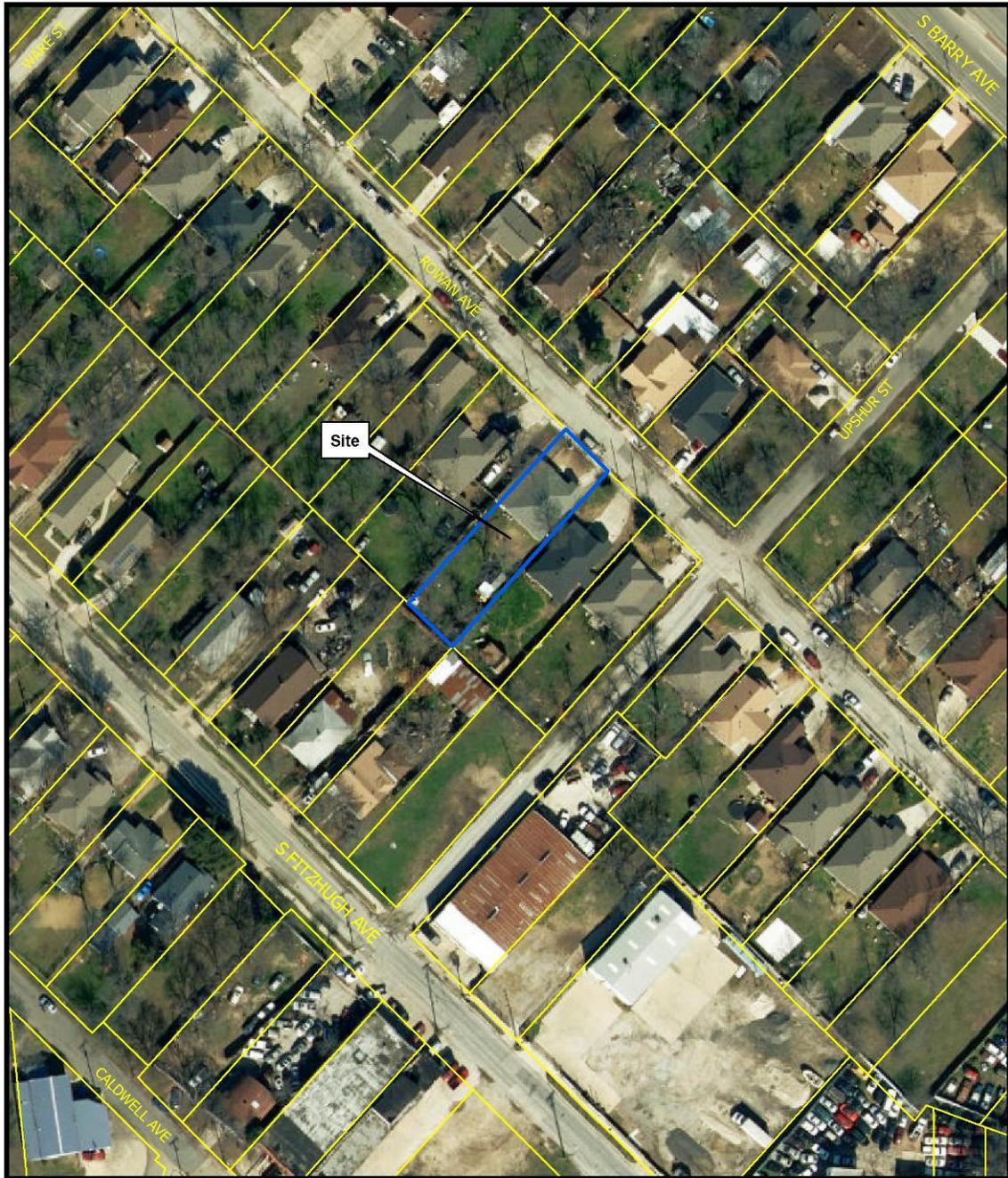
July 11, 2017: The Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





1:1,200

AERIAL MAP

Case no: BDA167-090

Date: 7/17/2017



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-090

Data Relative to Subject Property:

Date: 6/5/17

Location address: 1439 Rowan Ave Zoning District: R-5(A)

Lot No.: 3 Block No.: 1453 Acreage: 0.2064 Census Tract: 25.00

Street Frontage (in Feet): 1) 50.00 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jose M Torres

Applicant: Jose M Torres Telephone: 214-281-0250

Mailing Address: 1439 Rowan Ave Dallas TX Zip Code: 75283

E-mail Address: torresbasaldwa@gmail.com

Represented by: Telephone:

Mailing Address: Zip Code:

E-mail Address:

Affirm that an appeal has been made for a Variance, or Special Exception 1, of 5ft setback to the sideyard setback carport.

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:

they will be no adverse affect because the carport blends with my house, it gives it more value to my property and won't affect my neighbors property since theres a distance between there home and my carport.

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

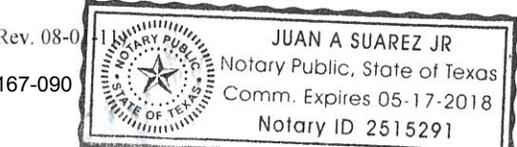
Affidavit

Before me the undersigned on this day personally appeared Jose M. Torres (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: Jose Torres (Affiant/Applicant's signature)

Subscribed and sworn to before me this 5th day of JUNE, 2017



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 Jose Torres

did submit a request for a special exception to the side yard setback regulations
at 1439 Rowan Avenue

BDA167-090. Application of Jose Torres for a special exception to the side yard setback regulations at 1439 Rowan Avenue. This property is more fully described as Lot 3, Block 1453, and is zoned R-5(A), which requires a side yard setback of 5 feet. The applicant proposes to construct a carport for a single family residential dwelling in a required side yard and provide a 0 foot setback, which will require a 5 foot special exception to the side yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

1439 rowan

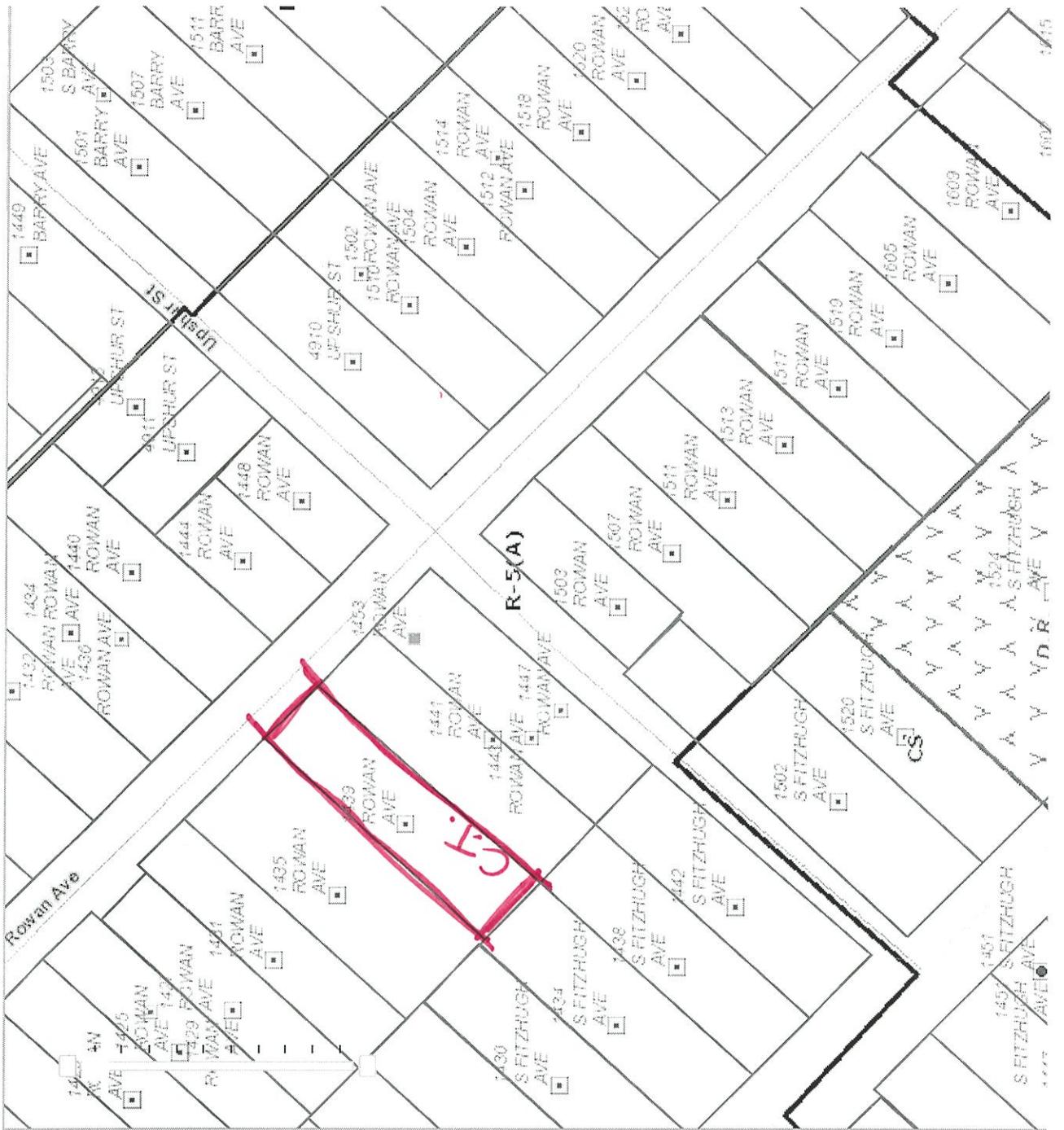
Locate

OR

Parcel address.

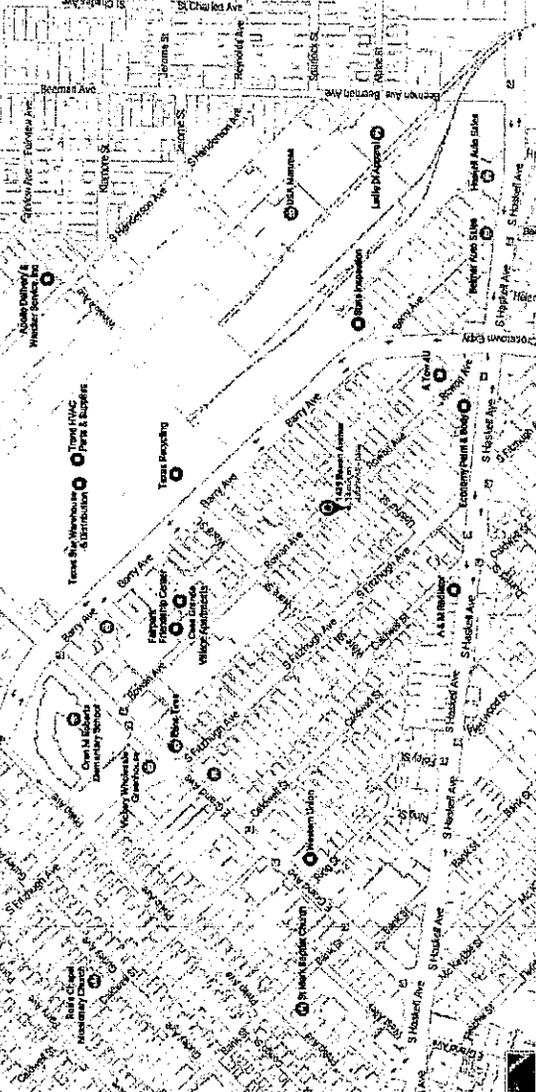
Use street type for better re

Locate



1439 ROWAN AVE
 DALLAS, TX 75223

THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY BUILD THIS STRUCTURE. THESE PLANS MUST BE VERIFIED AND CHECKED BY THE BUILDER, HOMEOWNER, AND ALL CONTRACTORS BEFORE BEGINNING CONSTRUCTION. GREAT CARE AND EFFORT HAVE GONE INTO THE CREATION OF THESE BLUEPRINTS; HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS, DESIGNERS WILL NOT ASSUME LIABILITY FOR ANY ERRORS, OMISSIONS, OR DISCREPANCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. THE PURCHASE OF THESE PLANS ENTITLES THE BUYER TO RENOVATE/REPLACE THE MEP DESIGN ONLY ONCE. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS.

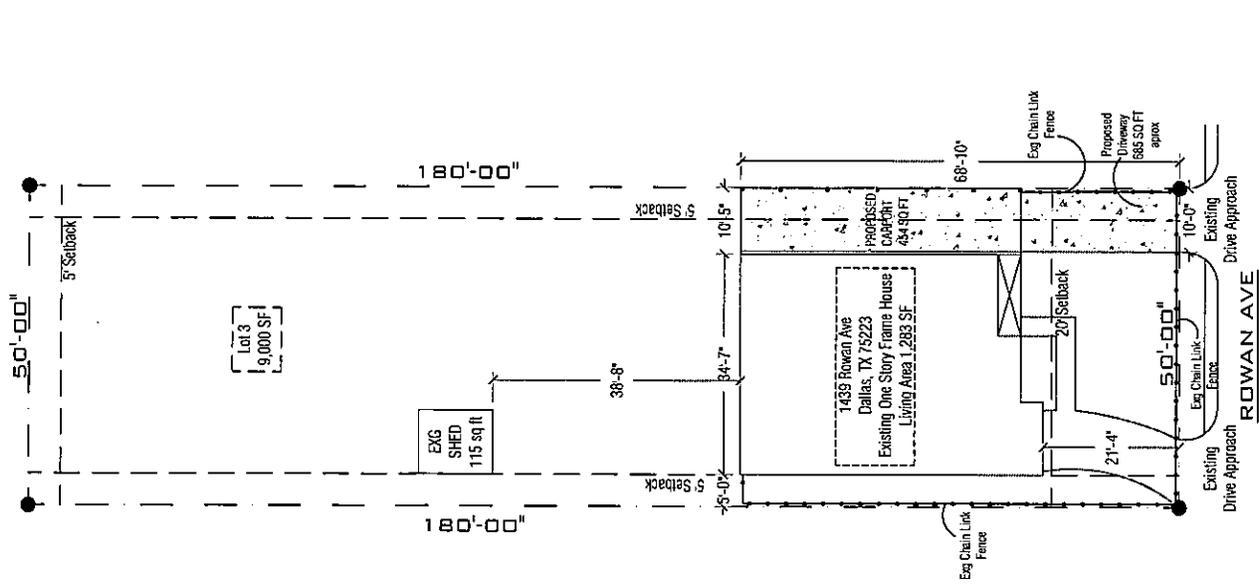


Legal Description:
 D ROWANS
 BLK 1453 PT LT 3
 100FR UPSHUR
 SINGLE FAMILY R-5(A)

VICINITY MAP
 FOR REFERENCE ONLY

SITE PLAN INFORMATION	
LOT SIZE	9,000 SF
BUILDING COVERAGE AREA	1,560 SF
PERCENT LOT COVERED	24%

SQUARE FOOTAGE	
LIVING AREA	1,283 SF
EXG GARAGE	231 SF
EXG PORCH	46 SF
PROPOSED CARPORT	454 SF
EXG SHED	115 SF
TOTAL	2,129 SF

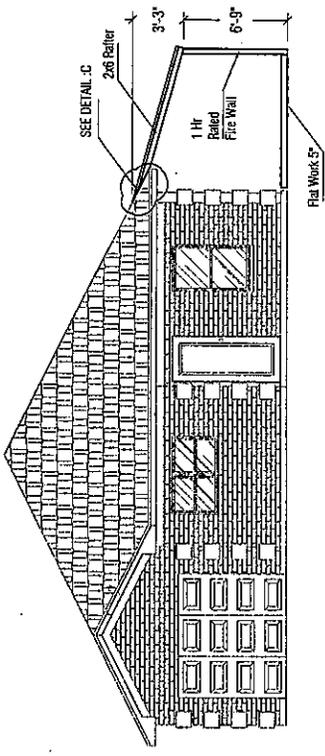


SITE PLAN
 scale: 1"=30'-00"

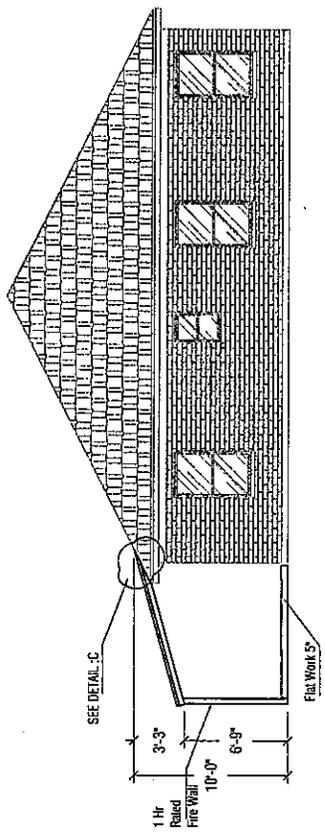
THIS PLAN AND ELEVATION TO SHOW THE CONSTRUCTION METHODS NECESSARY TO ACCURATELY BUILD THE STRUCTURE. THESE PLANS ARE TO BE USED AS A GUIDE TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

1439 ROWAN AVE
DALLAS, TX 75223

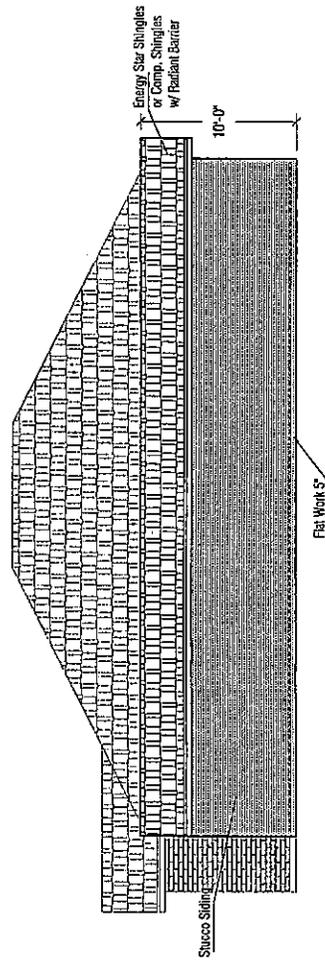
PAGE TITLE: PROPOSED ELEVATION
SCALE: 1/8"=1'-0"
DATE: 6/18/17
PAGE: 4



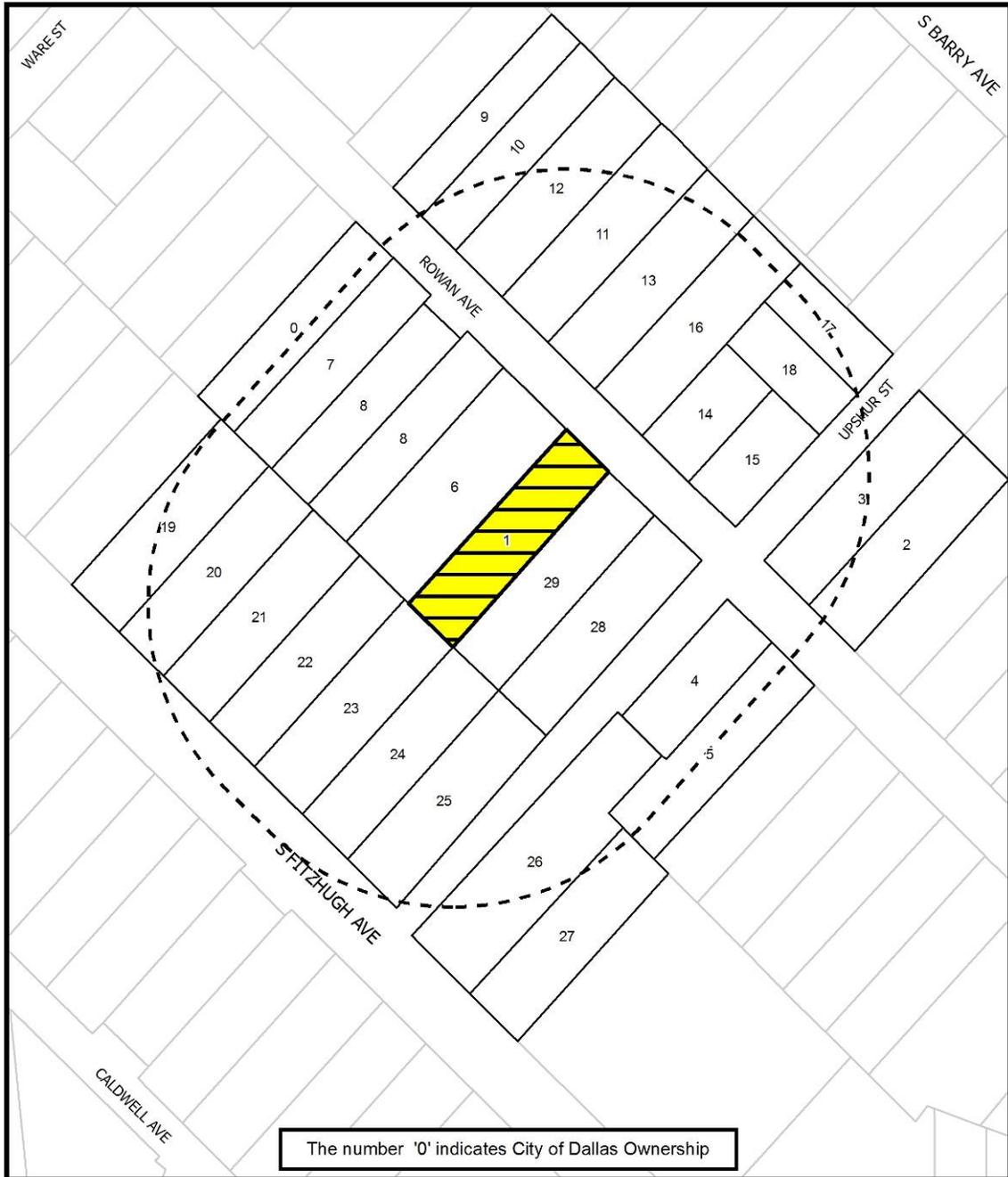
PROP FRONT ELEVATION w/Carport
scale: 1/8"=1'-0" 4



PROP REAR ELEVATION w/Carport
scale: 1/8"=1'-0" 4



PROP RIGHT ELEVATION w/Carport
scale: 1/8"=1'-0" 4



 1:1,200	NOTIFICATION		Case no: BDA167-090
	<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;">29</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 7/17/2017	

Notification List of Property Owners

BDA167-090

29 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1439 ROWAN AVE	TORRES JOSE M
2	1510 ROWAN AVE	REYES VICTORIANO GONZALEZ
3	4910 UPSHUR ST	REIGER ASSOC 90 I LTD
4	1503 ROWAN AVE	GUERRERO EUGENIO
5	1507 ROWAN AVE	MARTINEZ HECTOR &
6	1435 ROWAN AVE	ELIAS RENATO
7	1425 ROWAN AVE	MALONE DORIS M
8	1431 ROWAN AVE	HEED CYNTHIA L
9	1422 ROWAN AVE	LINCHON SIE
10	1424 ROWAN AVE	FLORES JUANA &
11	1432 ROWAN AVE	PERRY ARGUSTA
12	1416 ROWAN AVE	PIZANA JUAN ALEJANDRO &
13	1434 ROWAN AVE	VILLA JOSE &
14	1444 ROWAN AVE	GARCIA ANTONIO
15	1448 ROWAN AVE	AGUILARVILLARREAL SAMUEL
16	1440 ROWAN AVE	VILLA JOSE LUIS &
17	4913 UPSHUR ST	VILLA GUILLERMO
18	4911 UPSHUR ST	REED FRANKIE J
19	1418 S FITZHUGH AVE	CAZARES MARIA T
20	1422 S FITZHUGH AVE	WILSON CLAUDE R JR ETAL
21	1426 S FITZHUGH AVE	CHISM ZABRINA L
22	1430 S FITZHUGH AVE	VALDEZ ANTONIO
23	1434 S FITZHUGH AVE	VALDEZ ANTONIO
24	1438 S FITZHUGH AVE	VALDEZ ANTONIO &
25	1442 S FITZHUGH AVE	DONNELL LORETTA
26	1502 S FITZHUGH AVE	BALLAS VICTOR

07/17/2017

Label #	Address	Owner
27	1520 S FITZHUGH AVE	VIDAL JONATHAN
28	1453 ROWAN AVE	JIMENEZ JUAN ANTONIO &
29	1441 ROWAN AVE	DIAZ MARIA DEL CARMEN &

FILE NUMBER: BDA167-076(JM)

BUILDING OFFICIAL'S REPORT: Application of Colby Craig for a variance to the front yard setback regulations at 6143 Royalton Drive. This property is more fully described as Lot 8, Block 3/5500-1/2, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct and/or maintain a structure and provide a 14-foot front yard setback measured at the foundation with a roof eave not to exceed 1 foot, which will require a 21-foot variance to the front yard setback regulations.

LOCATION: 6143 Royalton Drive

APPLICANT: Colby Craig

REQUEST:

A request for a variance to the front yard setback regulations of 21' is made to construct and/or maintain a single family structure, part of which would be located 14' from the site's front property line (with a maximum 1-foot roof eave) or 14' into the 35' front yard setback along Azalea Lane.

STANDARD FOR A VARIANCE:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While the subject site is unique and different from most lots zoned R-16(A) in that it has two front yard setbacks, the applicant had not substantiated at the time of the

June 6th staff review team meeting how the features of the flat, rectangular-shaped, and approximately 16,409-square-foot lot precludes him from developing it in a manner commensurate with other developments found on similarly-zoned R-16(A). While the site has two 35' front yard setbacks, the site is about 409 square feet larger than most lots in the R-16(A) zoning district with 16,000 square feet. The two front yard setbacks do not appear to restrict the applicant from developing/maintaining it with a single family home structure/use that is commensurate with development found in the same R-16(A) zoning that can comply with setbacks. Finally, no new evidence was submitted by the August 1st Staff Review Meeting to substantiate the request for a variance to the front yard setback.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>North:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>East:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>South:</u>	R-16(A) Single Family District (16,000 sq. ft.)
<u>West:</u>	R-16(A) Single Family District (16,000 sq. ft.)

Land Use:

The subject site is currently undeveloped. Properties to the north, east, south, and west are developed with single-family homes.

Zoning/BDA History:

No history.

GENERAL FACTS/STAFF ANALYSIS:

- This request focuses on constructing/maintaining a single family structure, part of which would be located 14' from the site's front property line (with a maximum 1-foot roof eave) or 21' into the 35' front yard setback along Azalea Lane.
- The subject site is flat, rectangular in shape (curved, approximately 160' x 104'), and according to the submitted application is approximately 16,409 square feet) in area.
- The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- R-16(A) Single Family District requires a 35' front yard setback.
- The subject site has two front yards: the shorter side facing Royalton Drive, and the longer side facing Azalea Lane (area of request).
- The applicant wishes to construct and maintain a 7,596 square foot single-family structure on a site that is undeveloped, part of which would be located up to 21' into the required front yard on Azalea Lane.

- Lots zoned a R-16(A) Single Family District are required to provide a minimum front yard setback of 35'. The subject site is located at the northwest corner of Azalea Lane and Royalton Drive. Regardless of how the home is being constructed or oriented, the site has two front yard setbacks. A 35' front yard setback is required along Royalton Drive, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in an R-16(A) zoning district. The site also has a 35' front yard setback along Azalea Lane, the longer of the two frontages of this corner lot, which is typically regarded as a side yard, but is considered a front yard setback nonetheless to maintain the continuity of the established lot developed within the block north of the subject property with the front yard on Azalea Lane.
- The site plan submitted with this request identifies how the applicant would like to provide a 14' front yard along Azalea Lane, as measured from the foundation.
- Additional evidence submitted by the applicant indicates that a survey of surrounding properties in the area found the average home size to be approximately 6,901 square feet. The applicant would like to build a 7,596 square-foot house, over 600 square feet larger than the average home in the list provided. A list of nine properties was provided of homes the applicant found to be 1) located on a corner lot in the R-16(A) District, and 2) seemingly not providing the required front yard. No photos were associated with either list (Attachment A).
- 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 D(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 D(A) zoning classification.
- If the board were to grant the variance request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which in this case is a portion of a structure located as close as 14' from the site's front property line along Azalea Lane (or 21' into the 35' front yard setback).

Timeline:

- April 10, 2017: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- May 9, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- May 16, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the May 31st deadline to submit additional evidence for staff to factor into their analysis; and the June 9th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- June 5, 2017: The applicant submitted new evidence, provided in "Attachment A."
- June 6, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for June public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- June 19, 2017: The Board of Adjustment Panel C conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on August 14, 2017.
- June 19 &
July 26, 2017: The Board Senior Planner wrote the applicant a letter of the board's action; the July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th deadline to submit additional evidence to be incorporated into the Board's docket materials.

No new evidence was submitted with this case.

BOARD OF ADJUSTMENT ACTION: JUNE 19, 2017

APPEARING IN FAVOR: Colby Craig, 6429 Orchid Lane, Dallas, TX
Danielle Brasher, 6429 Orchid Lane, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION# 1: Agnich

I move that the Board of Adjustment suspends its rules and accept the evidence that is being presented to us today.

SECONDED: Bartos

AYES: 3 – Richardson, Agnich, Bartos

NAYS: 1 - Foster

MOTION PASSED: 3 – 1

MOTION# 2: Foster

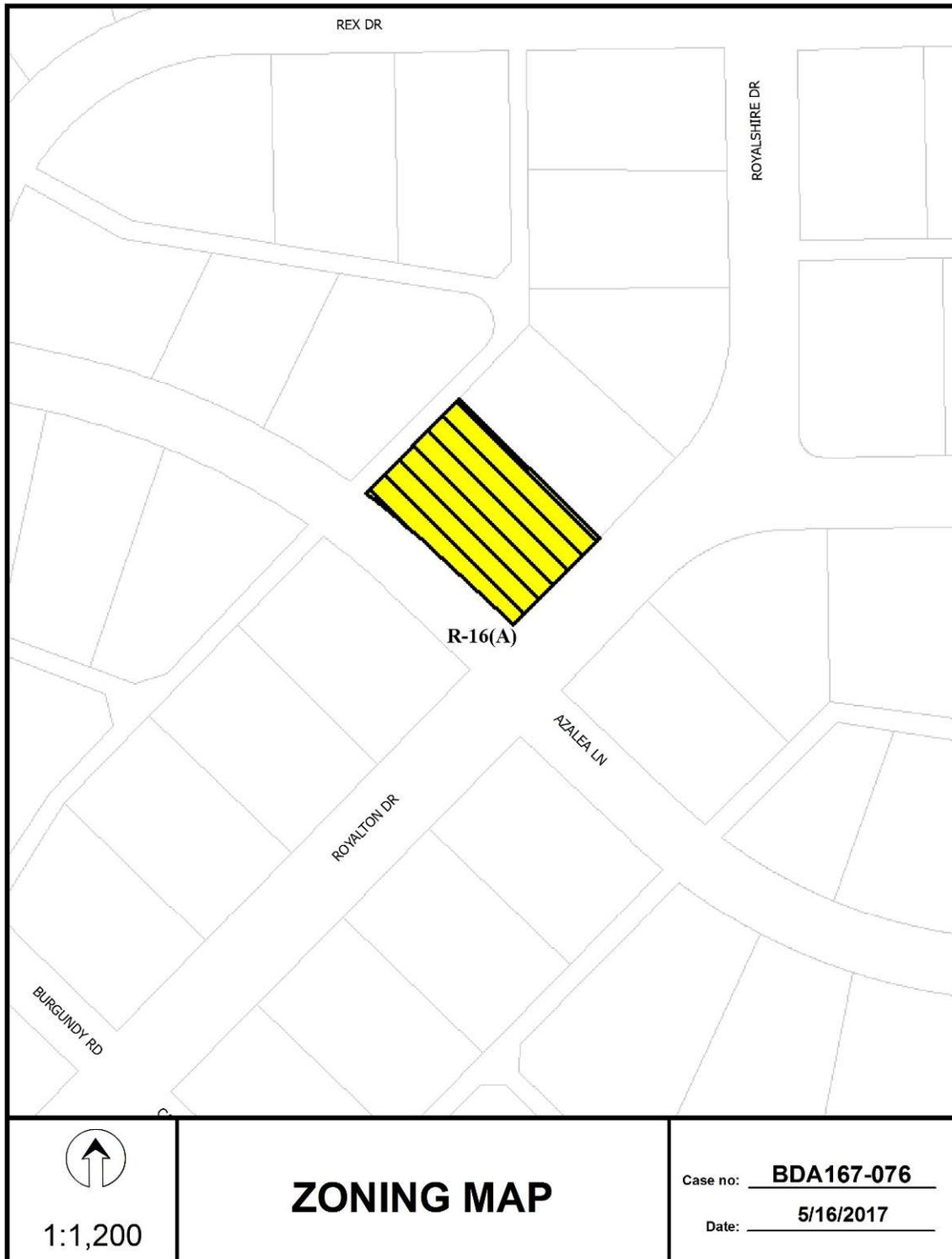
I move that the Board of Adjustment, in Appeal No. **BDA 167-076**, hold this matter under advisement until **August 14, 2017**.

SECONDED: Agnich

AYES: 4 – Richardson, Foster, Agnich, Bartos

NAYS: 0 -

MOTION PASSED: 4 – 0(unanimously)





1:1,200

AERIAL MAP

Case no: BDA167-076

Date: 5/16/2017

BDA 167-076
"Attachment A"

P 1/2

Munoz, Jennifer

From: Colby Craig <j_colbycraig@yahoo.com>
Sent: Tuesday, June 06, 2017 11:35 AM
To: Munoz, Jennifer
Cc: Judy Craig; Danielle Brasher
Subject: Re: BDA167-076; Property at 6143 Royalton Dr.

#2 were corner homes in the immediate area who appear to not observe two front yard setbacks.

Sent from my iPhone

On Jun 6, 2017, at 11:02 AM, Munoz, Jennifer <jennifer.munoz@dallascityhall.com> wrote:

Thank you for the information. What is #2? I look forward to the follow-up of photos and the petition.

<image002.png> **Jennifer Muñoz**
Senior Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-670-4208
jennifer.munoz@dallascityhall.com
<image003.png>
<image004.png> <image005.png>

OPEN RECORDS NOTICE: This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.

From: Colby Craig [mailto:j_colbycraig@yahoo.com]
Sent: Monday, June 05, 2017 10:17 PM
To: Munoz, Jennifer <jennifer.munoz@dallascityhall.com>
Cc: Judy Craig <jcraig@nch.com>; Danielle Brasher <daniellebrasher@ebby.com>
Subject: Re: BDA167-076; Property at 6143 Royalton Dr.

Jennifer,

Thank you for the call today and I apologize for expressing frustration. This is the first time I've gone through this process. With regards to evidence to back-up the comments I've made; please see the below:

1. I will attempt to connect with neighbors this week / early next to get a count of those in favor or against my planned new home construction project
- 2..
 - (a). 6055 Azalea, Dallas, 75230 - new construction

BDA 167-076
"Attachment A"
P2/2

- (b). 6163 Rex, Dallas, 75230
- (c). 6207 Rex, Dallas, 75230
- (d). 6142 Royalton, Dallas, 75230
- (e). 6338 Azalea, Dallas, 75230
- (f). 11007 Tibbs, Dallas, 75230
- (g). 11006 Tibbs, Dallas 75230
- (h). 6139 Royalcrest, Dallas, 75230
- (i). 6163 Rex, Dallas, 75230

3. Below is a list of homes in the area with similar sq/ft to the home I would like to build:

- (a). 6147 Rex Dr., Dallas, 75230 - 6,729 sq/ft
- (b). 6009 Royal Crest, Dallas, 75230 - 6,146 sq/ft
- (c). 6032 Royal Crest, Dallas, 75230 - 6,493 sq/ft
- (d). 6044 Royal Crest, Dallas, 75230 - 6,686 sq/ft
- (e). 6214 Rex Dr., Dallas, 75230 - 7,412 sq/ft
- (f). 6207 Rex Dr., Dallas, 75230 - 6,515 sq/ft
- (g). 6215 Rex Dr., Dallas, 75230 - 7,390 sq/ft
- (h). 6441 Lavendale, Dallas, 75230 - 7,426 sq/ft
- (i). 6118 Azalea Ln., Dallas 75230 - 7,316 sq/ft

Thanks again - I will work on #1 above and supporting photos. Please let me know if there is any additional information I can provide.

Colby Craig
CASON Construction
(972) 948-7888
www.createdbycason.com

From: "Munoz, Jennifer" <jennifer.munoz@dallascityhall.com>
To: "j_colbycraig@yahoo.com" <j_colbycraig@yahoo.com>
Sent: Monday, June 5, 2017 2:21 PM
Subject: RE: BDA167-076; Property at 6143 Royalton Dr.

Just an example of how I'd present your evidence to staff and later, to the board. I'd need evidence to fill these holes. Do you think you'll be providing it today after all?
<image006.jpg>

<image002.png>

Jennifer Muñoz
Senior Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and
Construction
1500 Marilla Street, 5BN



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-076

Data Relative to Subject Property:

Date: 4/10/2017

Location address: 6143 Roylton Dr Zoning District: R-16(A)

Lot No.: 8 Block No.: 3/5500 1/2 Acreage: .36 Census Tract: 133.00

Street Frontage (in Feet): 1) 99.33 2) ~~160.64~~ 106.95 4) 160.54 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): LOMAT INVESTMENTS, INC

Applicant: Colby Craig Telephone: (972) 948-7988

Mailing Address: 6429 orchel Ln Dallas Zip Code: 75238

E-mail Address: j-colbycraig@yahoo.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 ~~25'~~ ^{21'} to the 35' front yard setback requirement

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

1. Not contrary to the public interest
2. to allow for the development of commercial like property in other R16A zoned areas
3. restricted buildable area give (2) 35' front yard setbacks as other corner lots are ~~also~~ allowed to adapt setbacks
4. this is not a self created or personal hardship nor for financial reasons

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 John Colby Craig (Affiant/Applicant's name printed)

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

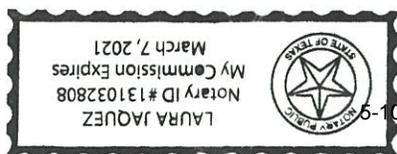
Respectfully submitted: [Signature] (Affiant/Applicant's signature)

Subscribed and sworn to before me this 13 day of April, 2017

Laura Raquez
Notary Public in and for Dallas County, Texas

(Rev. 08-01-11)

BDA 167-076



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 Colby Craig
did submit a request for a variance to the front yard setback regulations
at 6143 Royalton Drive

BDA167-076. Application of Colby Craig for a variance to the front yard setback regulations at 6143 Royalton Lane. This property is more fully described as Lot 8, Block 3/5500-1/2, and is zoned R-16(A), which requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential structure and provide a 14 foot front yard setback measured at the foundation with a roof eave not to exceed 1 foot, which will require a 21 foot variance to the front yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



A NEW RESIDENCE FOR:
CASON CONSTRUCTION

REVISIONS:

PROJECT NO: 1027

DATE: 02.25.2017

SHEET TITLE: SITE PLAN

SHEET NO: A1.1

- GENERAL NOTES and SPECIFICATIONS**
1. Construction comply with applicable building codes and related ordinances.
 2. All work shall be in accordance with the drawings and specifications.
 3. The contractor shall be responsible for obtaining all necessary permits and for compliance with all applicable codes and ordinances.
 4. Mechanical and electrical drawings by others shall be coordinated with the site plan.
 5. Final grading, for drainage to water table, shall be the responsibility of the contractor.
 6. The contractor shall be responsible for the location of all utility lines and for their protection.
 7. Owner: All utilities to be located and marked prior to construction.
 8. The contractor shall be responsible for the location of all utility lines and for their protection.
 9. The contractor shall be responsible for the location of all utility lines and for their protection.
 10. The contractor shall be responsible for the location of all utility lines and for their protection.
 11. The contractor shall be responsible for the location of all utility lines and for their protection.
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 15. The contractor shall be responsible for the location of all utility lines and for their protection.
 16. The contractor shall be responsible for the location of all utility lines and for their protection.
 17. The contractor shall be responsible for the location of all utility lines and for their protection.
 18. The contractor shall be responsible for the location of all utility lines and for their protection.
 19. The contractor shall be responsible for the location of all utility lines and for their protection.
 20. All new curbs/gutters and public walkways to be constructed in accordance with applicable codes and ordinances.

SQUARE FOOTAGE CALCULATION

FIRST FLOOR A/C	4,034 S.F.
SECOND FLOOR A/C	3,362 S.F.
CONCRETE DRIVEWAY	1,000 S.F.
CONCRETE DRIVE	900 S.F.
APPROXIMATE SURFACES (PAVED AREAS) (NOT S.F.)	1,000 S.F.
TOTAL COVERED	10,296 S.F.
LOT COVERAGE	16,133 S.F.
ALLOWED	(100%) 8,234 S.F.
PROPOSED COVERED (STRUCTURE)	(100%) 5,971 S.F.

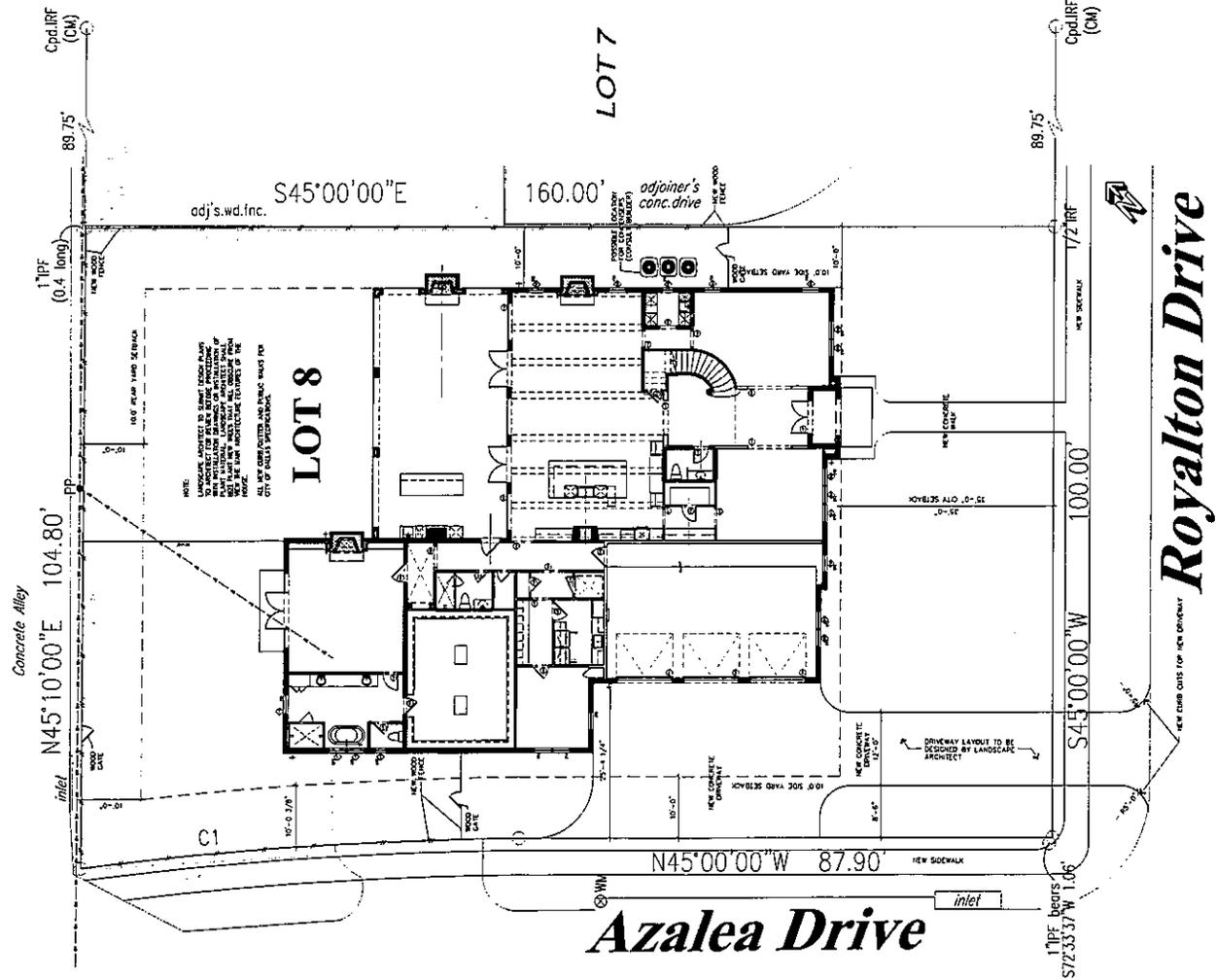
1. Lot and call stone.
2. Location of PVC, walls and water fixtures.
3. All work shall be in accordance with the drawings and specifications.
4. Final grading, for drainage to water table, shall be the responsibility of the contractor.
5. The contractor shall be responsible for the location of all utility lines and for their protection.
6. The contractor shall be responsible for the location of all utility lines and for their protection.
7. The contractor shall be responsible for the location of all utility lines and for their protection.
8. The contractor shall be responsible for the location of all utility lines and for their protection.
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17. The contractor shall be responsible for the location of all utility lines and for their protection.
18. The contractor shall be responsible for the location of all utility lines and for their protection.
19. The contractor shall be responsible for the location of all utility lines and for their protection.
20. All new curbs/gutters and public walkways to be constructed in accordance with applicable codes and ordinances.

LEGAL DESCRIPTION
6143 Royalton Drive, Being Lot 8, in Block 3/5500, 1/2 of Preston Royal #4, an Addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 12, Page 243, of the Map Records, of Dallas County, Texas.

PROPERTY ADDRESS
6143 ROYALTON DRIVE
DALLAS, TEXAS

LEGAL DESCRIPTION
6143 Royalton Drive, Being Lot 8, in Block 3/5500, 1/2 of Preston Royal #4, an Addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 12, Page 243, of the Map Records, of Dallas County, Texas.

NOTE:
1. LANDSCAPE ARCHITECT/ENGINEER TO SUBMIT DESIGN PLANS TO ARCHITECT FOR REVIEW AND APPROVAL.
2. ALL NEW CURBS/GUTTERS AND PUBLIC WALKWAYS TO BE CONSTRUCTED PER CITY OF DALLAS SPECIFICATIONS.





PURVA
DESIGN
STUDIO

6143 ROYALTON, DALLAS, TX 75230

A NEW RESIDENCE FOR:
CASON CONSTRUCTION

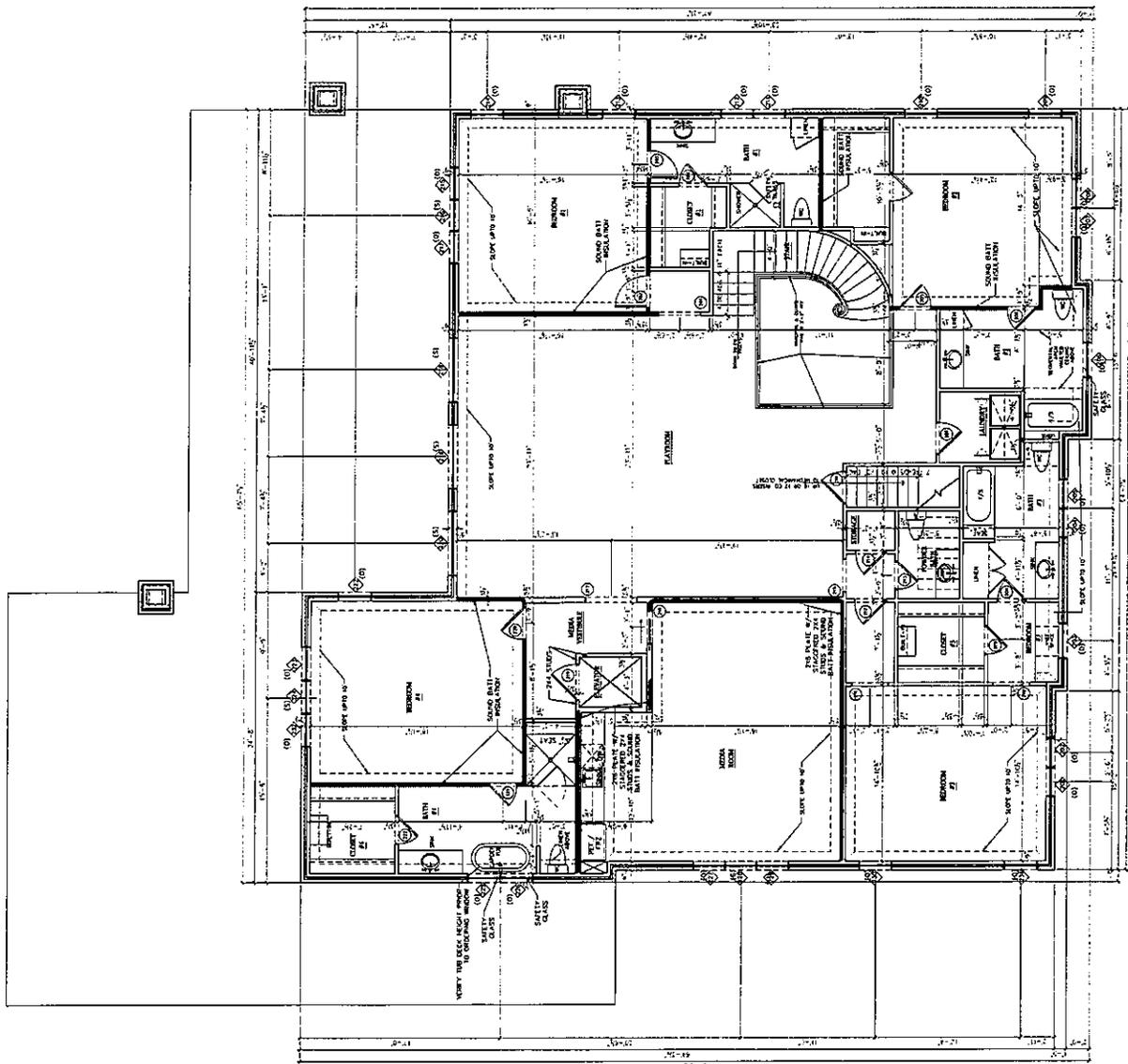
REVISIONS:

PROJECT NO: 1027

DATE: 02.25.2017

SHEET TITLE: SECOND FLOOR PLAN

SHEET NO: A2.2



DOOR SCHEDULE

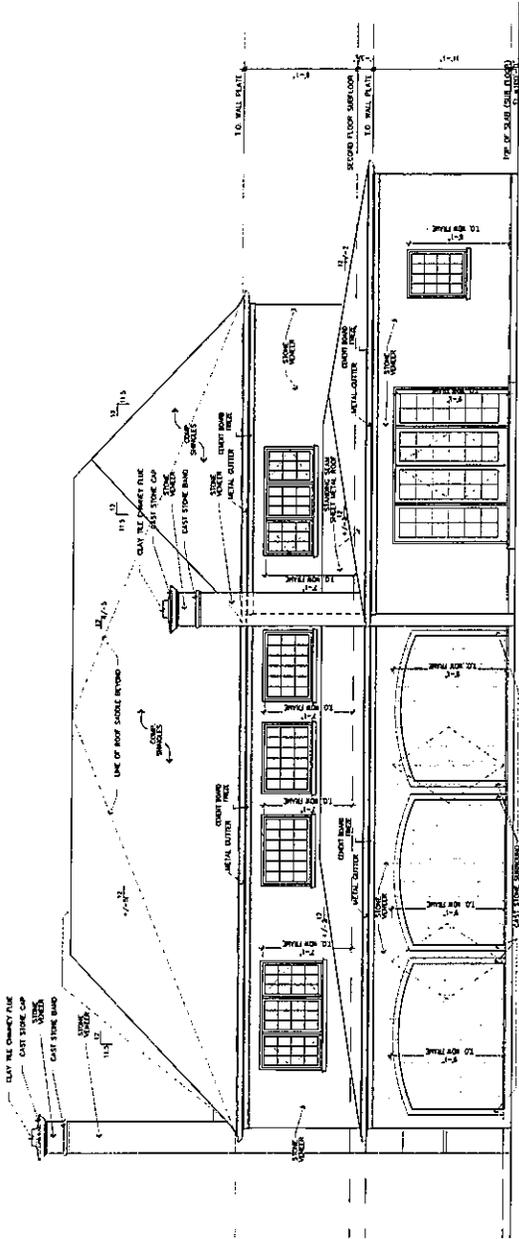
MARK	QUANTITY	SIZE	THICKNESS	MATERIAL	REMARKS
101	1	36" x 80"	1 1/2"	GLASS	ENTRY
102	1	36" x 80"	1 1/2"	GLASS	ENTRY
103	1	36" x 80"	1 1/2"	GLASS	ENTRY
104	1	36" x 80"	1 1/2"	GLASS	ENTRY
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177	1	36" x 80"	1 1/2"	GLASS	ENTRY
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197	1	36" x 80"	1 1/2"	GLASS	ENTRY
198	1	36" x 80"	1 1/2"	GLASS	ENTRY
199	1	36" x 80"	1 1/2"	GLASS	ENTRY
200	1	36" x 80"	1 1/2"	GLASS	ENTRY

DOOR NOTES:
1. EXTERIOR DOOR UNITS w/ GLASS BRICK MEDIA
2. ALL GLASS IN DOORS AND SWEIGHTS TO BE SAFETY GLASS

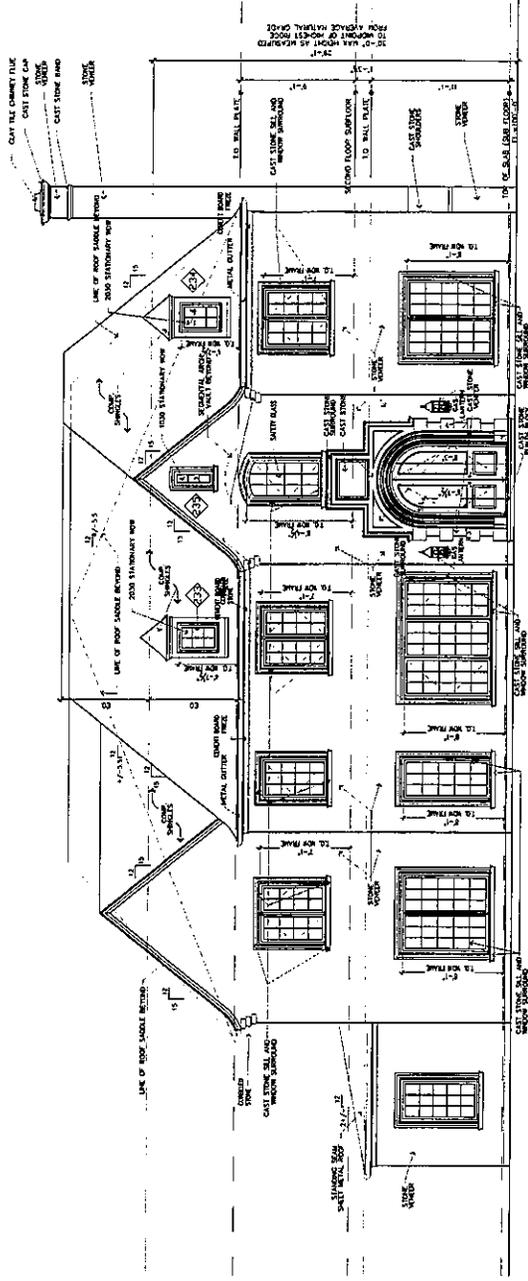
WINDOW SCHEDULE

MARK	QUANTITY	WIDTH	HEIGHT	T.O. UNIT ABOVE	SUB FLOOR	MATERIAL	REMARKS
101	1	36"	80"	10'	1"	GLASS	ENTRY
102	1	36"	80"	10'	1"	GLASS	ENTRY
103	1	36"	80"	10'	1"	GLASS	ENTRY
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105	1	36"	80"	10'	1"	GLASS	ENTRY
106	1	36"	80"	10'	1"	GLASS	ENTRY
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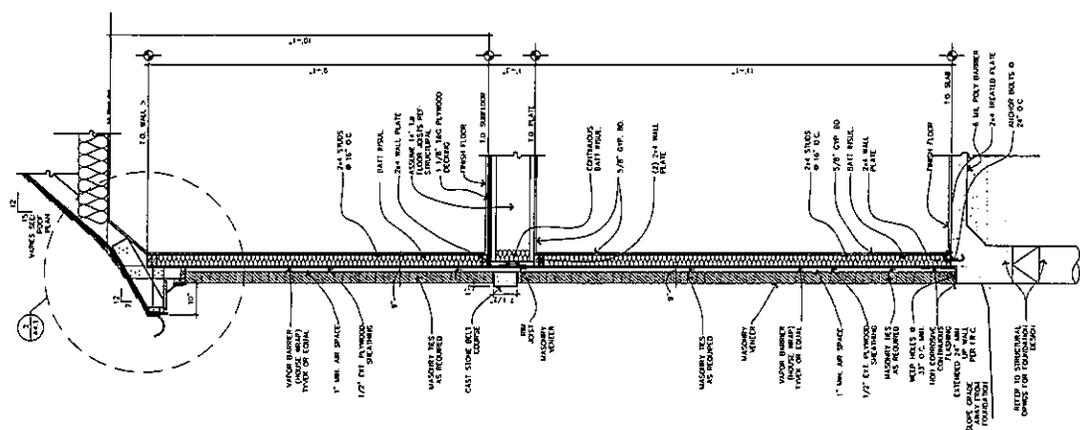
WINDOW NOTES:
1. EXTERIOR WINDOW UNITS w/ GLASS BRICK MEDIA
2. REFER TO FLOOR PLAN FOR SPECIFIC (O) OR STATIONARY (S) DESIGNATION
3. CONDITIONS IN WINDOW UNITS SHALL BE TO MEET THE ENERGY CODES
4. SAFETY GLASS APPLICABLE TO ALL BATHS, SHOWERS, AND STAIRS PER I.R.C.
5. SETTING SAFETY GLASS REQUIREMENTS NOT CURRENT I.R.C. CODES.
6. GLAZING U-FACTOR 0.33 / SHGC 0.3



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



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



3 TYP. WALL SECTION
SCALE: 1/4" = 1'-0"



 1:1,200	NOTIFICATION		Case no: BDA167-076
	<div style="border: 1px solid black; padding: 2px; display: inline-block;">200'</div> AREA OF NOTIFICATION <div style="border: 1px solid black; padding: 2px; display: inline-block;">21</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 5/16/2017	

Notification List of Property Owners

BDA167-076

21 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6143 ROYALTON DR	LDSU LIVING TRUST
2	6122 ROYALTON DR	ZIDE JACOB R &
3	6130 ROYALTON DR	BAKER ROBERT H & LESLIE
4	6142 ROYALTON DR	KUMAR SUNEEL & GRACE
5	6150 ROYALTON DR	VASEK ROBERT B JR
6	6210 ROYALTON DR	SCOTT JOHN THOMAS &
7	11000 ROYALSHIRE DR	BAUER KATHERINE
8	6126 REX DR	WEITMAN DAVID & MARLENE
9	6132 REX DR	STOLER ROBERT C
10	6142 REX DR	COBEN CHAD E & AMBER M
11	11021 ROYALSHIRE DR	GREENSPAN SYLVIA
12	11015 ROYALSHIRE DR	SHAHKARAMI MASSOUD & ZOYA
13	6155 ROYALTON DR	WEINSTEIN GREG M
14	6151 ROYALTON DR	GOLDSMITH REGINALD M &
15	6069 AZALEA LN	WEINREB KAREN S
16	6063 AZALEA LN	HEXT GREGORY & KIMBERLY
17	6055 AZALEA LN	SAYAH JON & JULIE
18	6054 AZALEA LN	BRENNER JULES S & JACQUELINE S
19	6066 AZALEA LN	CHANG ROGER
20	6131 ROYALTON DR	WAY PETER & JANET
21	6123 ROYALTON DR	HOBBS DAVID R & ROBYN N

FILE NUMBER: BDA167-081(SL)

BUILDING OFFICIAL'S REPORT: Application of Fred Brown for variances to the front and side yard setback regulations at 400 Bobbie Street. This property is more fully described as Lot 1, Block 7/7679, and is zoned R-5(A), which requires a front yard setback of 20 feet and requires a side yard setback of 5 feet. The applicant proposes to construct and maintain a structure and provide a 10 foot front yard setback measured at the foundation, which will require a 10 foot variance to the front yard setback regulations, and provide a 2 foot 6 inch side yard setback measured at the foundation, which will require a 2 foot 6 inch variance to the side yard setback regulations.

LOCATION: 400 Bobbie Street

APPLICANT: Fred Brown

REQUESTS:

The following requests are made on a site that is undeveloped:

1. A variance to the front yard setback regulations of 10' is made to construct and maintain a 1 ½ -story single family home structure to be located 10' from the site's front property line or 10' into this 20' front yard setback.
2. A variance to the side yard setback regulations of 2' 6" is made to construct and maintain the aforementioned structure to be located 2' 6" from the site's northern side property line or 2' 6" into this 5' required 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, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

STAFF RECOMMENDATION:

Denial

- While staff recognized that subject site was somewhat sloped and slightly irregular in shape, and that the proposed single family home with approximately 2,000 of “livable area” was commensurate with others homes in the R-5(A) zoning district (the average of 10 other properties zoned R-5(A) from the applicant was approximately 2,300 square feet), staff concluded the slope and shape of the site with slightly over 5,000 square feet in area did not preclude the applicant from developing it with a single family home/use that could comply with the front and side yard setbacks.

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-5(A) (Single family district 5,000 square feet)
<u>North:</u>	R-5(A) (Single family district 5,000 square feet)
<u>South:</u>	R-5(A) (Single family district 5,000 square feet)
<u>East:</u>	R-5(A) (Single family district 5,000 square feet)
<u>West:</u>	R-5(A) (Single family district 5,000 square feet)

Land Use:

The subject site is undeveloped. The areas to the north, south, east, and west are undeveloped.

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.

GENERAL FACTS/STAFF ANALYSIS (front yard variance):

- The request for a variance to the front yard setback regulations of 10’ focuses on constructing and maintaining a 1 ½ -story single family home structure with an approximately 1,500 square foot building footprint to be located 10’ from the site’s front property line or 10’ into the 20’ required front yard setback on a site that is undeveloped.
- A 20’ front yard setback is required in the R-5(A) zoning district.
- The subject site is located at the northeast corner of Canyon Street and Bobbie Street. The site has one 20’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback.
- The submitted site plan represents that the proposed structure is located 10’ from the front property line or 10’ into the 20’ required front yard setback.
- There are no DCAD records found for property addressed at 400 Bobbie Street.

- The subject site is somewhat sloped, slightly irregular in shape, and according to the submitted application is 0.12 acres (or approximately 5,200 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area.
- The applicant submitted a document (Attachment A) that denoted that the “livable area” of the proposed home on the subject site was approximately 2,000 square feet, and that the average “livable area” of 10 other properties zoned R-5(A) was approximately 2,300 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-5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-5(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 that would be located 10’ from the site’s front property line (or 10’ into the 20’ required front yard setback).

GENERAL FACTS/STAFF ANALYSIS (side yard variance):

- The request for a variance to the side yard setback regulations of 2’ 6” focuses on constructing and maintaining a 1 ½ -story single family home structure with an approximately 1,500 square foot building footprint to be located 2’ 6” from the site’s northern side property line or 2’ 6” into this 5’ required side yard setback on a site that is undeveloped.
- A 5’ side yard setback is required in the R-5(A) zoning district.
- The subject site is located at the northeast corner of Canyon Street and Bobbie Street. The site has one 20’ front yard setback, two 5’ side yard setbacks, and one 5’ rear yard setback.
- The submitted site plan represents that the proposed structure is located 2’ 6” from the northern side property line or 2’ 6” into this 5’ required side yard setback.
- There are no DCAD records found for property addressed at 400 Bobbie Street.
- The subject site is somewhat sloped, slightly irregular in shape, and according to the submitted application is 0.12 acres (or approximately 5,200 square feet) in area. The site is zoned R-5(A) where lots are typically 5,000 square feet in area.

- The applicant submitted a document (Attachment A) that denoted that the “livable area” of the proposed home on the subject site was approximately 2,000 square feet, and that the average “livable area” of 10 other properties zoned R-5(A) was approximately 2,300 square feet.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-5(A) zoning classification.
 - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-5(A) zoning classification.
- If the Board were to grant the side yard variance request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a structure that would be located 2’ 6” from the site’s northern side property line or 2’ 6” into this 5’ required side yard setback.

Timeline:

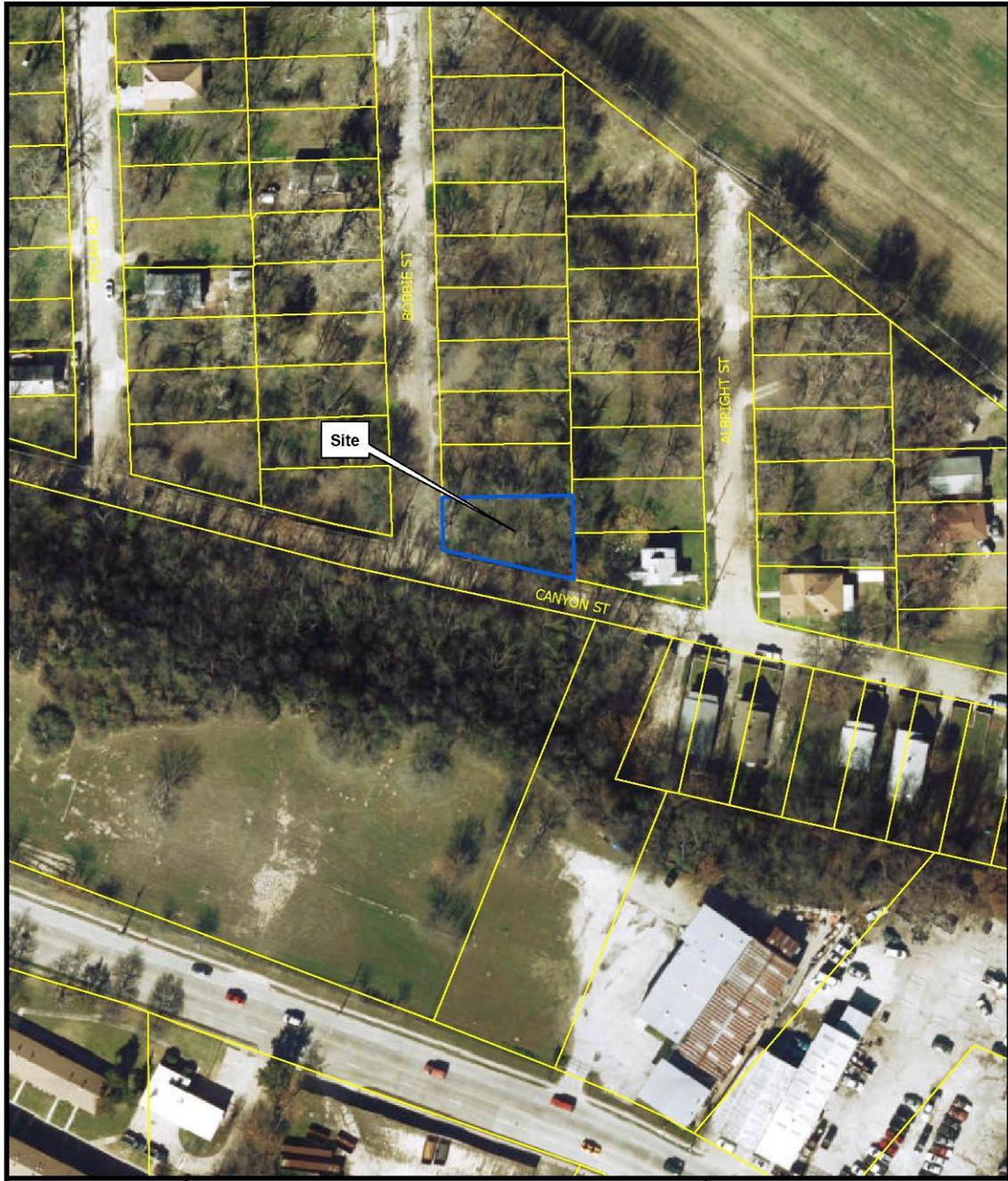
- April 21, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- July 11, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- July 11, 2017: The Board Administrator emailed the applicant the following information:
 - an attachment that provided the public hearing date and panel that will consider the application; the July 26th deadline to submit additional evidence for staff to factor into their analysis; and the August 4th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

August 1, 2017: The applicant submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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





Site



1:1,200

AERIAL MAP

Case no: BDA167-081

Date: 7/17/2017

400 Bobbie Street

The subject property, 400 Bobbie Street is zoned R5(A), which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement (which is a rarity in The Bottom neighborhood) at 5,254/sf, the irregular pie shape of the lot creates significant challenges in delivering commensurate development to The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street created by the irregularity of the pie shaped lot configuration. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood that is commensurate of other R5(A) zoning in the city of Dallas.

Below is a chart of randomly selected R5(A) zoned lots and housing stock in the city of Dallas. Please note that the livable area and improvements of the subject property, 400 Bobbie Street are commensurate of other R5(A) zoning in the city of Dallas.

R5(A) Zoned Lots & Housing					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,000/SF (50x100)	2542 Friendly Lane	2,274/SF	409/SF	2,683/SF
R5(A)	5,000/SF (50x100)	2560 Pilgrim Rest	2,274/SF	409/SF	2,683/SF
R5(A)	5,000/SF (50x100)	7927 Peaceful Bend Drive	2,324/SF	429/SF	2,753/SF
R5(A)	5,000/SF (50x100)	2826 Gospel Drive	2,363/SF	424/SF	2,787/SF
R5(A)	5,000/SF (50x100)	2838 Gospel Drive	2,679/SF	400/SF	3,079/SF
R5(A)	5,000/SF (50x100)	2850 Gospel Drive	2,358/SF	424/SF	2,782/SF
R5(A)	5,000/SF (50x100)	2903 Gospel Drive	2,394/SF	420/SF	2,814/SF
R5(A)	5,000/SF (50x100)	119 Idlewheat Lane	2,028/SF	400/SF	2,428/SF
R5(A)	5,000/SF (50x100)	116 Idlewheat Lane	2,428/SF	462/SF	2,890/SF
R5(A)	5,000/SF (50x100)	148 Triumph Road	2,076/SF	484/SF	2,560/SF

400 Bobbie Street					
Zoning	Lot Size	Street Address	Livable Area	Improvements	A.U.R.
R5(A)	5,254/SF (Irregular)	400 Bobbie Street	2,050/SF	400/SF	2,450/SF

In addition to delivering commensurate development to The Bottom that is commensurate of other R5(A) zoning in the city of Dallas, this variance request strives to ensure that the standard of housing options in The Bottom meet the intent of the design guidelines adopted for the neighborhood in 2015 (The Bottom Urban Structure) and establish a benchmark for single-family housing that define the community's vision and prioritizes a framework to realize the potential for the area. As such, this is one of the first of the twenty lots that we are in partnership with the City of Dallas, or have purchased from the City of Dallas that will be submitted for variances this year. The fundamental objective is to provide a more sustainable and equitable redevelopment approach while we work on a comprehensive zoning plan for the entirety of The Bottom. These are the bones from which we will begin the transformation of this once strong and vital single-family neighborhood and build a diverse, sustainable community, reviving the original spirit of The Bottom - a place for new beginnings and greater opportunity.



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-081

Data Relative to Subject Property:

Date: 4/21/2017

Location address: 400 Bobbie Street Zoning District: R5(A)

Lot No.: 1 Block No.: 7/7679 Acreage: .12 Census Tract: 41.00

Street Frontage (in Feet): 1) 40 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): B & J Custom Homes dba Redline Development Group

Applicant: Fred Brown Telephone: 817.658.0179

Mailing Address: P.O. Box 3578, Cedar Hill, Texas Zip Code: 75104

E-mail Address: brownfred@bjcustomhomes.com

Represented by: Fred Brown Telephone: 817.658.0179

Mailing Address: P.O. Box 3578, Cedar Hill, Texas Zip Code: 75104

E-mail Address: brownfred@bjcustomhomes.com

Affirm that an appeal has been made for a Variance X, or Special Exception, of Front Yard Setback (10') Side Yard Setback (2'6")

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 subject property, 400 Bobbie Street is zoned R5A, which states that the minimum lot area for residential use is 5000/sf. Although 400 Bobbie Street is over the 5000/sf requirement, the irregular shape of the lot creates significant challenges to delivering commensurate development to The Bottom neighborhood. In lieu of the unique configuration and limitations of the site, we are asking for relief to existing 20' front and 5' side yard setback requirements, and asking for a variance for the front yard of 10' and 2'6" for the side yard to mitigate building limitations for 400 Bobbie Street. The requested variance is consistent with the spirit, purpose and intent of our effort to deliver commensurate development to the revitalization of The Bottom neighborhood.

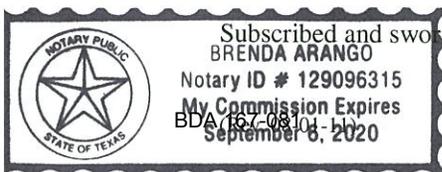
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Fred Brown (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 21 day of April, 2017. [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 Fred Brown

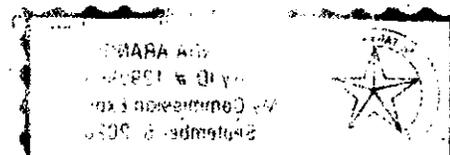
did submit a request for a variance to the front yard setback regulations, and for a variance to the side yard setback regulations

at 400 Bobbie Street

BDA167-081. Application of Fred Brown for a variance to the front yard setback regulations and a variance to the side yard setback regulations at 400 Bobbie Street. This property is more fully described as Lot 1, Block 7/7679, and is zoned R-5(A), which requires a front yard setback of 20 feet and requires a side yard setback of 5 feet. The applicant proposes to construct a single family residential structure and provide a 10 foot front yard setback measured at the foundation, which will require a 10 foot variance to the front yard setback regulation, and provide a 2 foot 6 inch side yard setback measured at the foundation, which will require a 2 foot 6 inch variance to the side yard setback regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

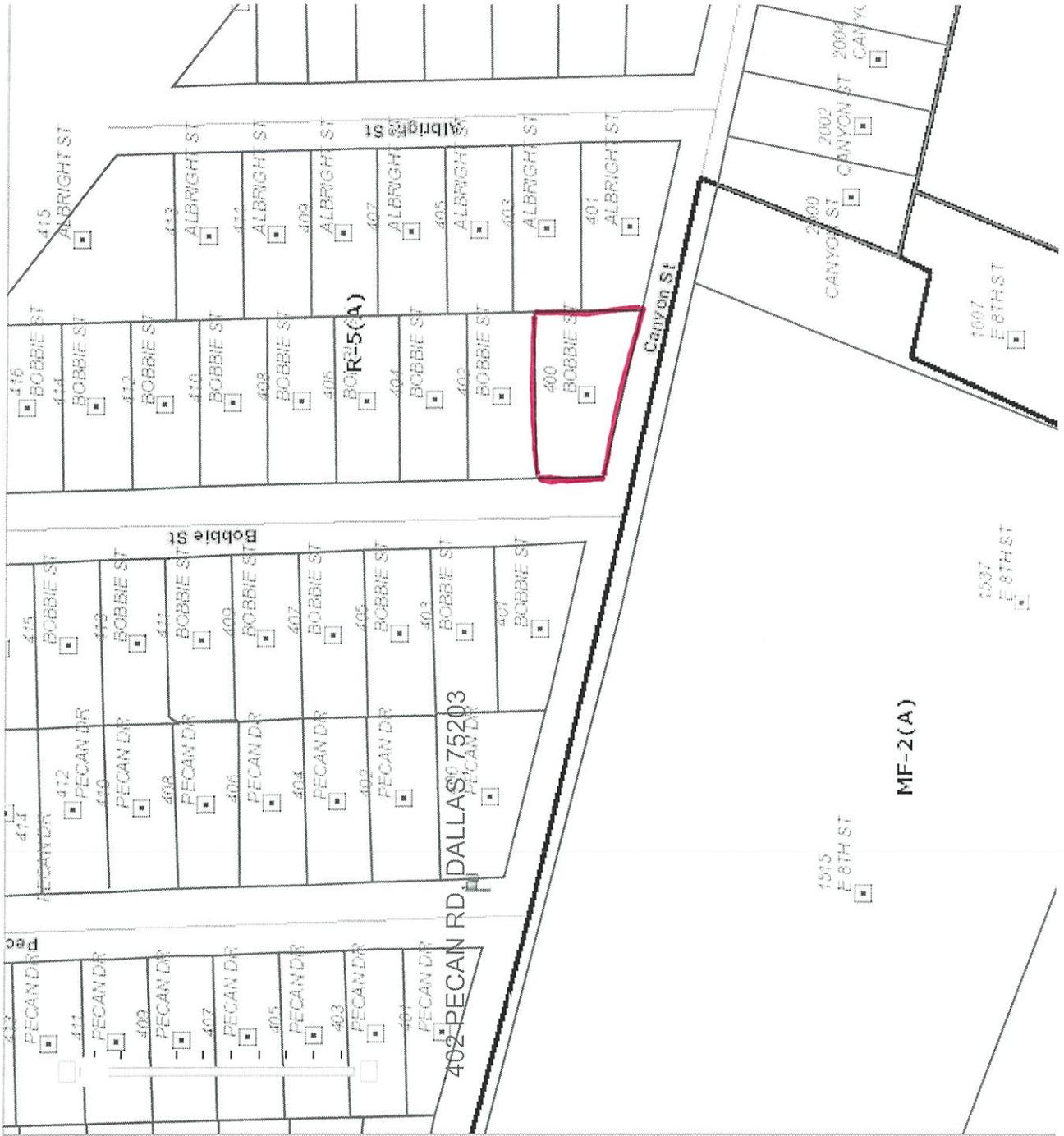
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OR

Parcel address.
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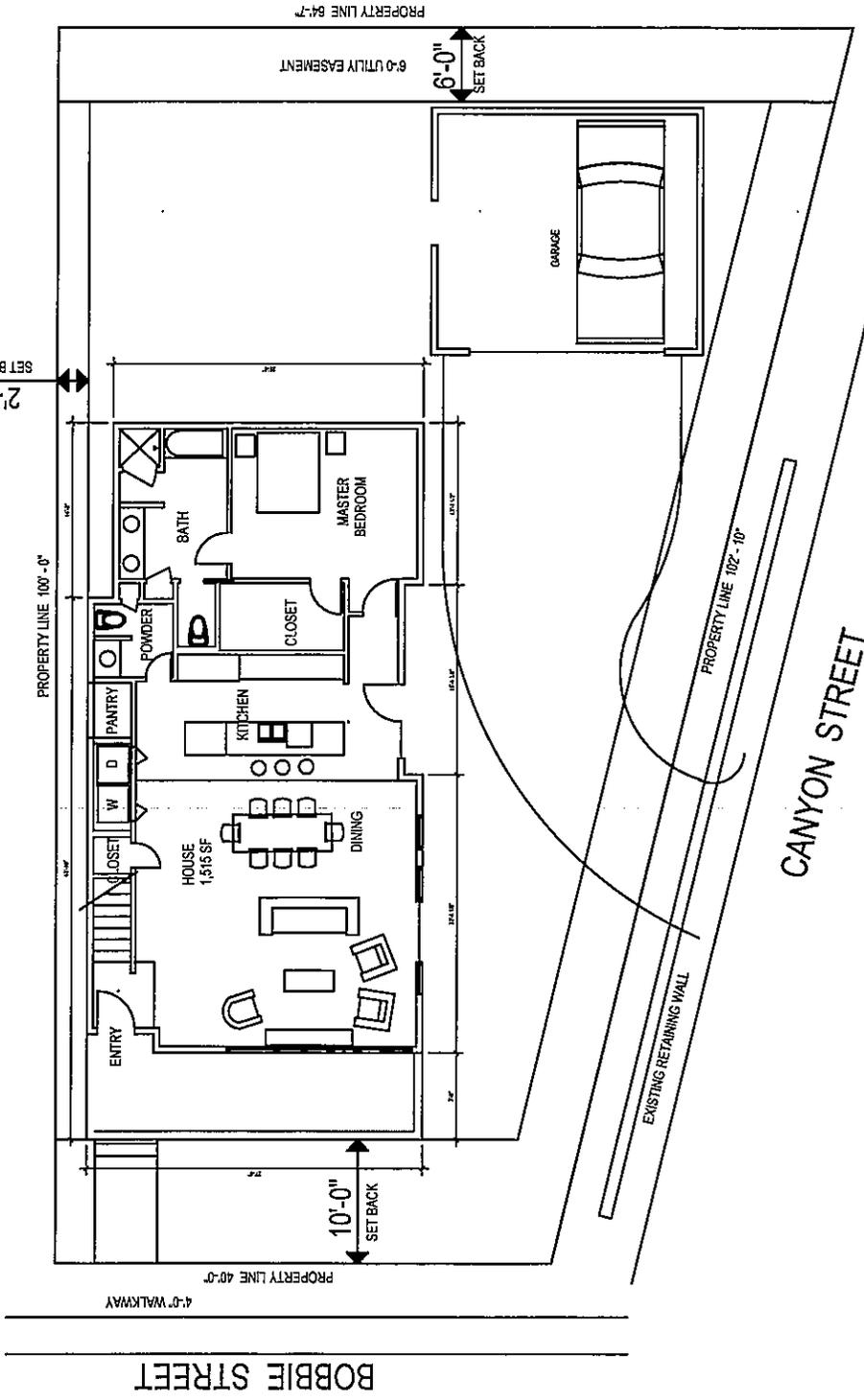


Handwritten signature or initials in red ink.



CRF

LOT AREA = 5,254.00 SF
 MAXIMUM LOT COVERAGE @ 45% = 2,364 SF



PROPOSED MODIFIED RESIDENTIAL LOT - R5-A ZONING

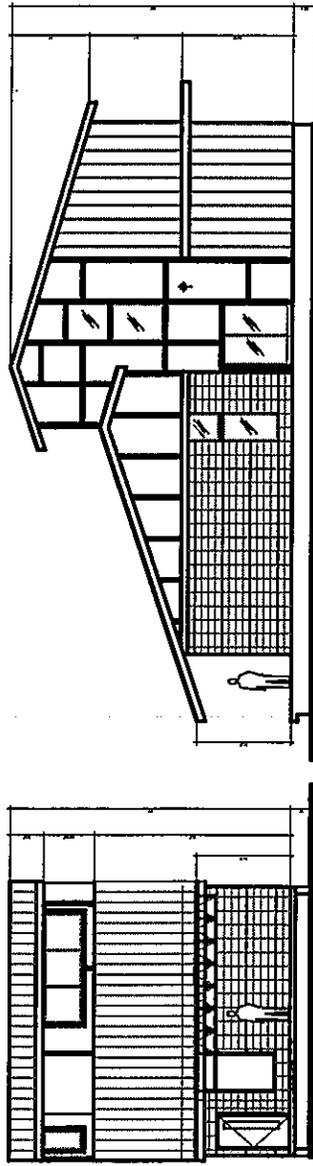
DATE: APRIL 21, 2017	PROJ. NO.: 16013
SCALE: NTS	DRAWING NO.:

THE BOTTOM
 Single Family Residence
 400 Bobbie Street
 Dallas, Texas 75203



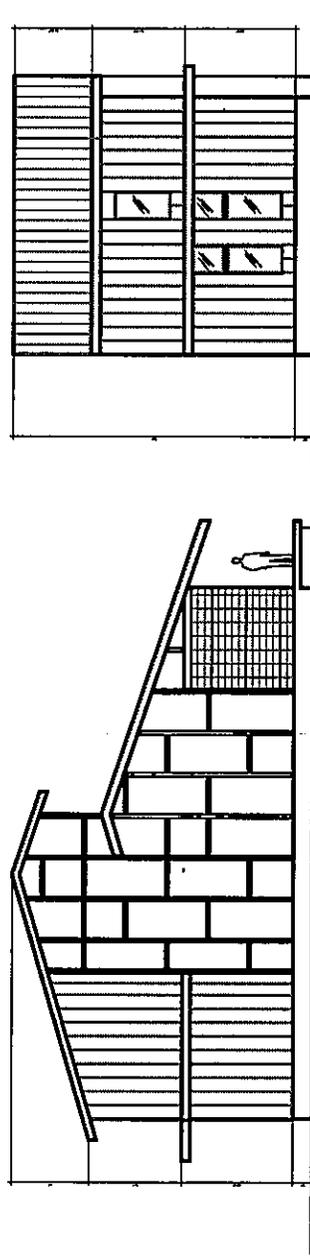
ARCHITECTURE
 INTERIOR DESIGN
 GRAPHIC DESIGN

DESIGN ALCHEMY, L.L.C.
 214.893.7543
 428 W. Davis St., Studio 3
 Dallas, Texas 75208



FRONT ELEVATION

SIDE ELEVATION



SIDE ELEVATION

BACK ELEVATION

DATE:
APRIL 18, 2017

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

PROJ. NO.:

DRAWING NO.:

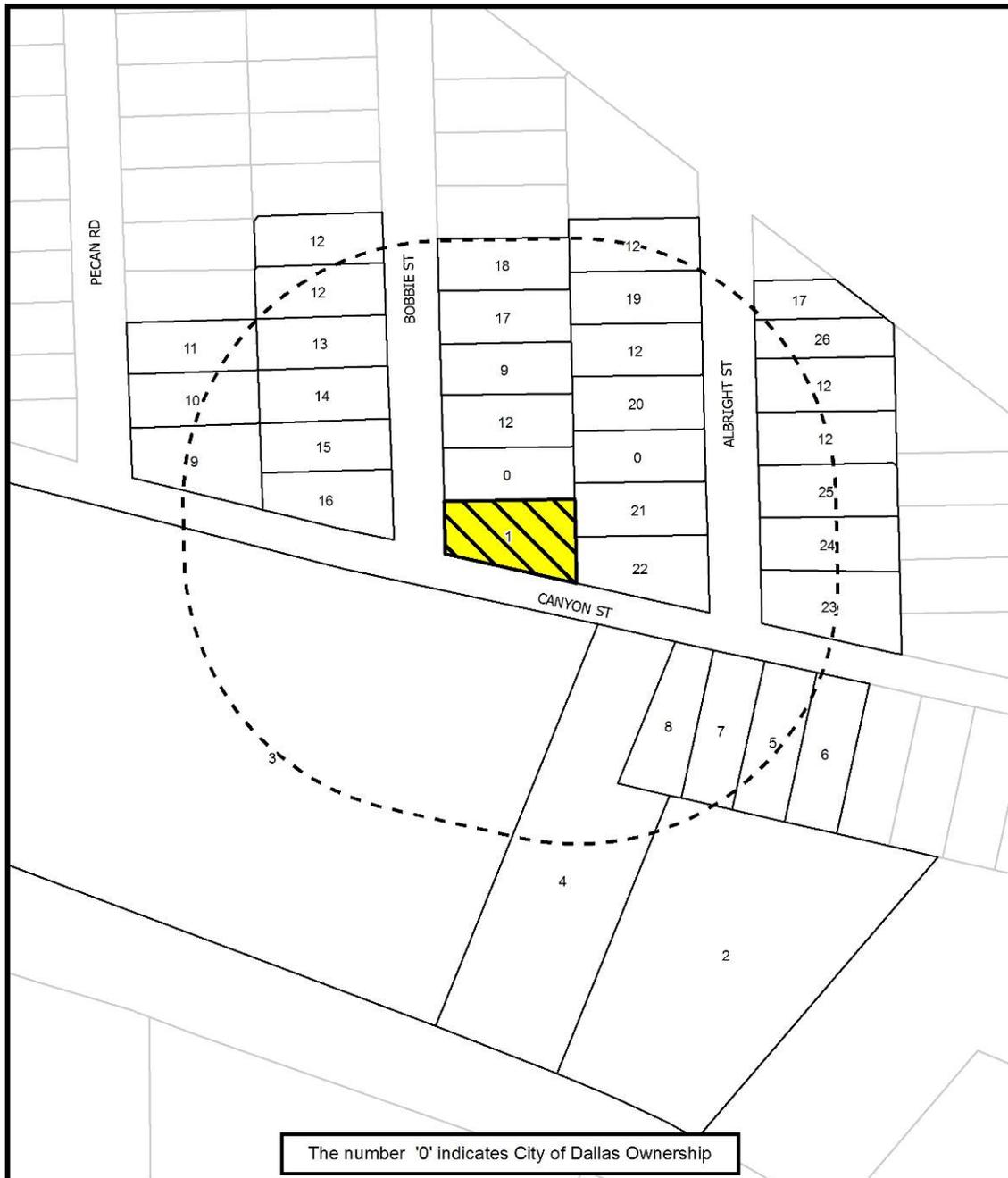
THE BOTTOM
400 BOBBIE STREET
DALLAS, TEXAS

DESIGN ALCHEMY, L.L.C.
214.693.7543

428 W. Davis St., Studio 3
Dallas, Texas 75208



DESIGN
ALCHEMY
ARCHITECTURE
INTERIOR DESIGN
GRAPHIC DESIGN



 1:1,200	NOTIFICATION		Case no: BDA167-081
	<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;">26</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 7/17/2017

Notification List of Property Owners

BDA167-081

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	400 BOBBIE ST	PAYNE DORA EST
2	1609 E 8TH ST	1609 PARTNERS LLC
3	1515 E 8TH ST	EAST EIGHTS STREET GROUP LLC
4	1607 E 8TH ST	THERM PROCESSES INC
5	2004 CANYON ST	FORTSON LEON EST OF
6	2006 CANYON ST	APEX FINANCIAL CORP
7	2002 CANYON ST	LISTER WILLIE JR
8	2000 CANYON ST	CALAHAN STACEY L &
9	400 PECAN DR	TEXAS HEAVENLY HOME BUILDERS LTD
10	402 PECAN DR	DALLAS HOUSING ACQUISITION & DEV CORP
11	404 PECAN DR	PARKER DE LAWRENCE
12	411 BOBBIE ST	TEXAS HEAVENLY HOMES LTD
13	407 BOBBIE ST	MCFARLAND GLADYS MARIE
14	405 BOBBIE ST	CANYON O C & DELMA
15	403 BOBBIE ST	FAIRCHILD M E
16	401 BOBBIE ST	SMITH NAOMI JOE
17	408 BOBBIE ST	TEXAS HEAVENLY HOMES
18	410 BOBBIE ST	NELSON GEORGE W
19	411 ALBRIGHT ST	PRICE RACHAEL D
20	407 ALBRIGHT ST	HMK LTD
21	403 ALBRIGHT ST	TOLIVER WILLIE MAE EST OF
22	401 ALBRIGHT ST	SOWARDS REBECCA
23	400 ALBRIGHT ST	GAMBER MONTY
24	402 ALBRIGHT ST	J E M COLOR INC
25	404 ALBRIGHT ST	J E M COLOR INC
26	410 ALBRIGHT ST	NEW COVENANT PENTECOSTAL EVANGELIST HOLY TEMPLE