

ZONING BOARD OF ADJUSTMENT, PANEL A
TUESDAY, January 15, 2019
AGENDA

BRIEFING	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.

Neva Dean, Assistant Director
Steve Long, Board Administrator/ Chief Planner
Oscar Aguilera, Senior Planner

MISCELLANEOUS ITEM

Approval of the November 13, 2018 Board of Adjustment M1
Panel A Public Hearing Minutes

UNCONTESTED CASE

BDA189-012(OA) 703 McKinney Avenue 1
REQUEST: Application of Karl A. Crawley of Masterplan
for a special exception to the landscape regulations

REGULAR CASES

BDA189-001(SL) 183 S. Prairie Avenue 2
REQUEST: Application of Steve Wood of Texas
Permit for a variance to the off-street parking regulations

BDA189-002(SL) 175 S. Prairie Avenue 3
REQUEST: Application of Steve Wood of Texas
Permit for a variance to the off-street parking regulations

BDA189-003(SL)	167 S. Prairie Avenue REQUEST: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations	4
BDA189-004(SL)	159 S. Prairie Avenue REQUEST: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations	5
BDA189-005(SL)	151 S. Prairie Avenue REQUEST: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations	6

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA189-012(OA)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley of Masterplan for a special exception to the landscape regulations at 703 McKinney Avenue. This property is more fully described as Lot 1A, Block 1/405, and is zoned PD 193 (CA), 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: 703 McKinney Avenue

APPLICANT: Karl A. Crawley of Masterplan

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a parking structure on what is currently a surface parking lot for an existing mixed use/structure (The Brewery) on the subject site, and not to fully provide the required landscape regulations, more specifically, to not fully meet street tree, sidewalk, and screening of off-street parking requirements on the subject site.

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 complies 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 recommends approval of the alternate landscape plan because it is designed in line with the spirit and intent of the PD 193 landscape requirements.

BACKGROUND INFORMATION:

Site: PD 193 (CA-2) (Planned Development District, Central Area)

North: PD 582 (Planned Development District)
South: CA-1(A) (Central Area)
East: CA-1(A) (Central Area)
West: PD 193 (CA-2) (Planned Development District, Central Area)

Land Use:

The subject site is developed with a mixed-use structure (The Brewery). The areas to the north and south are developed with mixed uses; the area to the west is developed with a freeway (Stemmons Freeway).

Zoning/BDA History:

<p>1. BDA112-021, Property at 703 McKinney Avenue (the subject site)</p>	<p>On February 14, 2012, the Board of Adjustment Panel A granted a special exception to the landscape regulations and imposed the submitted revised alternate landscape plan as a condition. The case report stated the landscape special exception request was made to maintain an approximately 1,500 square foot “patio addition” structure, and constructing and maintaining an outdoor stairwell structure on the subject site developed with a mixed-use structure (The Brewery) with an approximately 36,000 square foot building footprint.</p>
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GENERAL FACTS/ STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a parking structure on what is currently a surface parking lot for an existing mixed use/structure (The Brewery) on the subject site, and not to fully providing the required landscaping regulations, more specifically, not meeting street tree, sidewalk, and screening of off-street parking requirements on the subject site.
- 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 applicant has submitted an alternate landscape plan in conjunction with this application. Note that the alternate landscape plan submitted in conjunction with this

application is a revision to an alternative landscape plan that was imposed as a condition with a request for a special exception to the landscape regulations granted on this site by the Board of Adjustment in February 2012: BDA112-021).

- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscape regulations of PD 193 (CA-2) for renovation and new construction on the property. The plan is a revision of an alternative landscape plan approved for a special exception by the Board of Adjustment in February 2012.
- The Chief Arborist's memo states the following with regard to "provision":
 - The PD 193 (CA-2) requirements include street trees in the tree planting zone, sidewalks and screening of off-street parking only. The 2012 alternate landscape plan excepted these requirements based on the scale of development and on the existing street configurations and limited space provisions. At that time, existing landscaping and minor pedestrian site adjustments for access to Continental were applied. The new plan refreshes the site with improved landscape conditions.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The existing configuration of street width, retaining walls and designed sidewalks prohibit the ordinance-required locations for tree planting zone and sidewalks. Screening is of little effect due to topographic conditions.
- The City of Dallas Chief Arborist recommends approval of the alternate landscape plan because it is designed in line with the spirit and intent of the PD 193 ordinance regulations.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a alternate landscape plan has been submitted that is deficient in meeting the street tree, sidewalk, and screening of off-street parking of the PD 193 landscape requirements) 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 an exception from full compliance to the requirements of the PD 193 landscape ordinance.

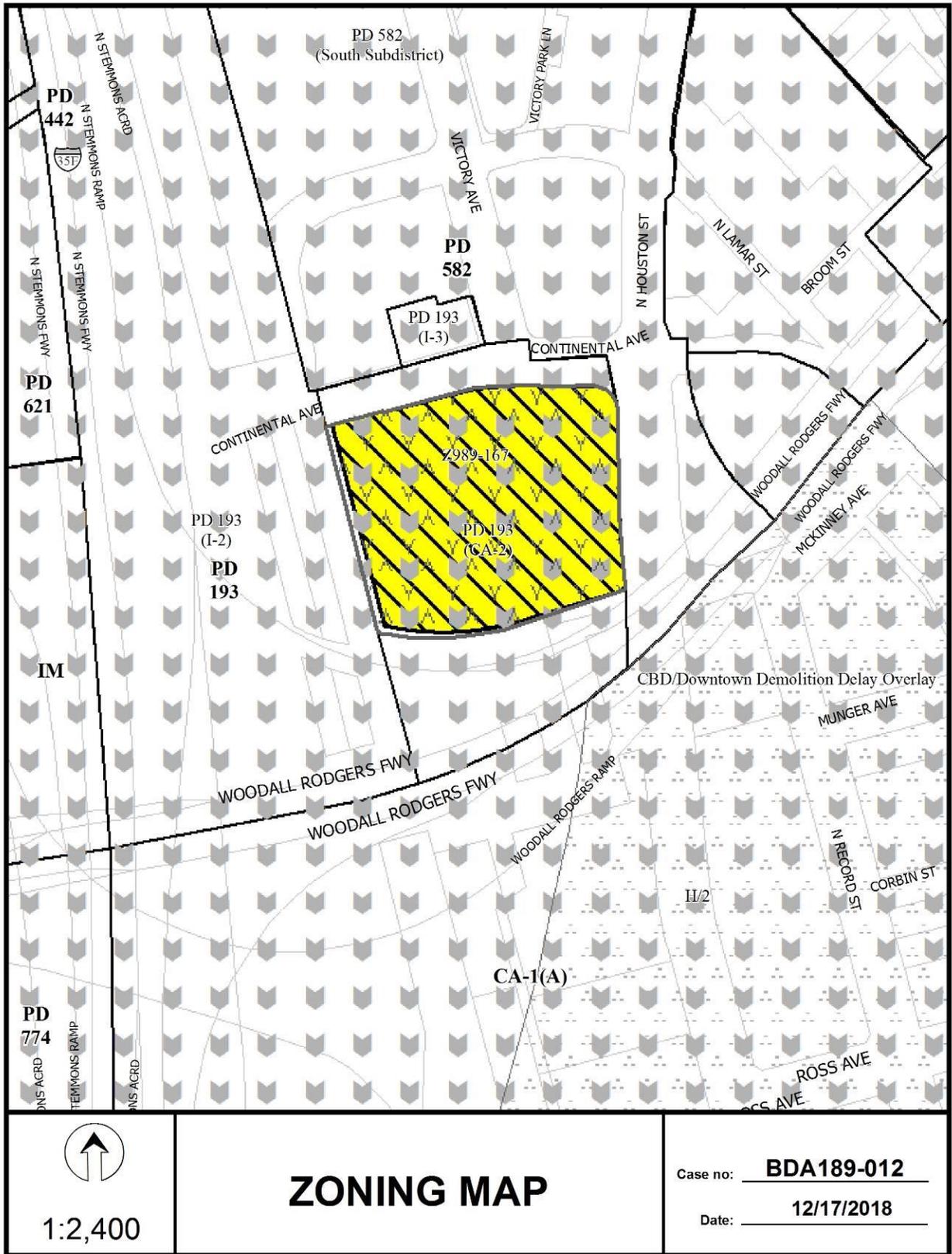
Timeline:

November 12, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 3, 2018: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A. This assignment was made to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, "If a subsequent case is filed concerning the

same request, that case must be returned to the panel hearing the previously filed case”.

- December 5, 2018: 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 December 19th deadline to submit additional evidence for staff to factor into their analysis; and the January 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.
- December 18, 2018: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- January 2, 2019: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment B).

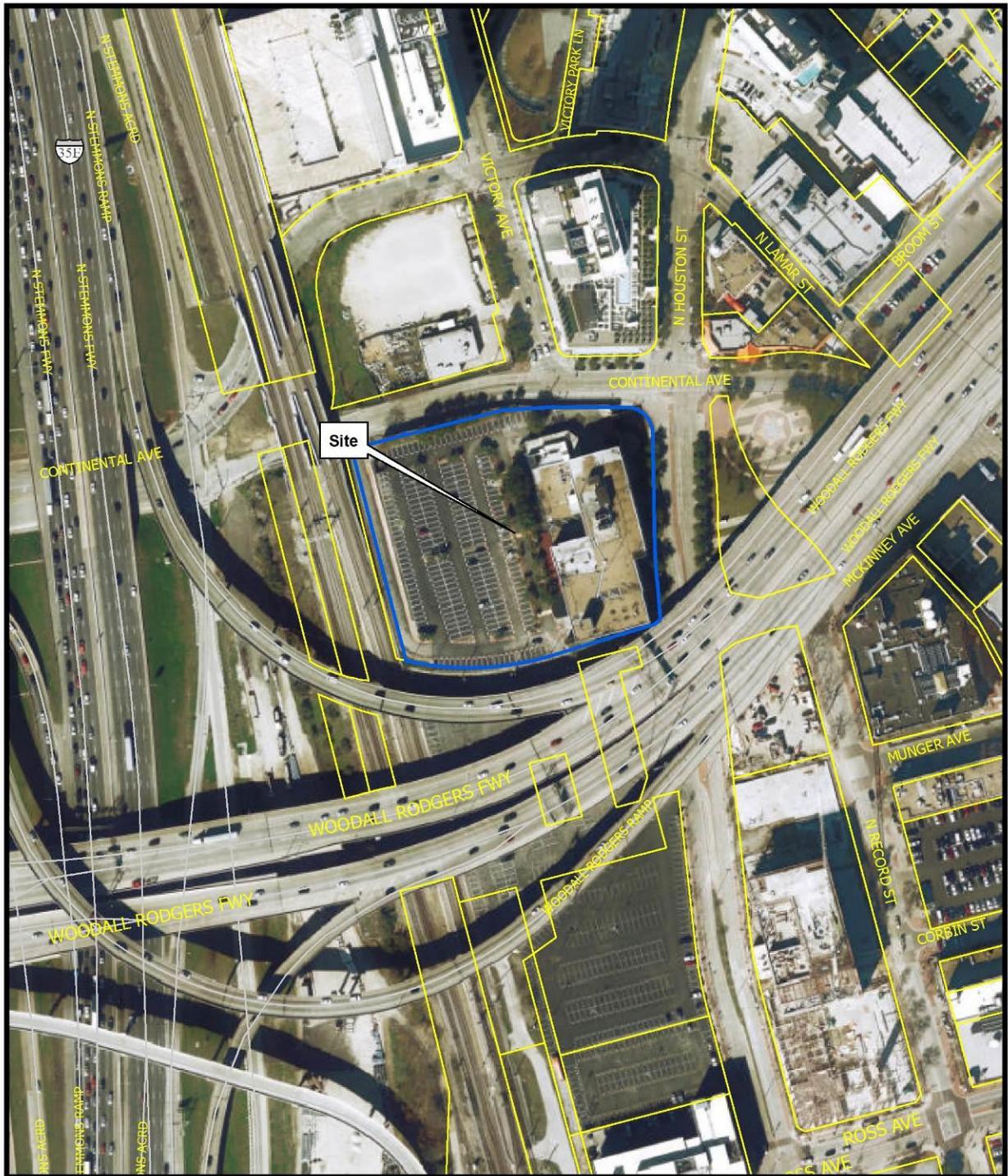


1:2,400

ZONING MAP

Case no: **BDA189-012**

Date: **12/17/2018**




1:2,400

AERIAL MAP

Case no: **BDA189-012**
Date: **12/17/2018**

The Oak Lawn Committee

(Since 1982)

www.oaklawncommittee.org

Members:

JIM BERRONG
ERIC BING
JIM BLAGG
CASANDRA BLANCHARD
BEN BRACKEN
CAMERON BURK
LELAND BURK
Cedar Springs LLC
Cienda Partners
Connell Real Estate & Dev.
SARAH DODD
PAUL ELLENBOGEN
ROB ELMORE
SUZANN FARREN
FRANKLIN GENTRY
Grapevine Bar
CRICKET GRIFFIN
BOB GRIFFO
JOHN HARPER
ROBERT HARRELL
CYNTHIA HARRIS
JUDY HAVELKA
JILL HOLSINGER
RANDY HOPKINS
BRUCE HORTON
LANCE HORTON
Howell Park Homeowners
CHRISTOPHER JANSON
MEAGHAN JANSON
SUE KRIDER
BRENDA KRONENBERG
JUDITH LIFSON
DIANE LINN
KYLE LYON
BRENDA MARKS
JOHN MCCOLLUM
STEPHEN MCGUIRK
DAWN MICKEY
Mill Creek Residential Trust
MICHAEL MILLIKEN
MARTIN MINTZ
SEAN MORGAN
MANDY MOSS
ANDY MOZISEK
BILL NELSON
ERIC NEWCOMB
TIM NORTH
BRIAN O'BOYLE
JOHN OLSON
PAUL ONDREJ
CHARLES OSTERMANN
ANTHONY PAGE
MARCUS PESTL
PATTI PETTIT
SHELLEY POTTER
ETHAN PRESCOTT
SHARON QUIST
JAMES REEDER
MAX RIZOS
DAVID ROBINSON
HILDA RODRIGUEZ
Rosewood Mansion
ARTHUR SANTA-MARIA
JUSTIN SCHOELLKOPF
JOEL SCHUBERT
BLAKE SHIPP
ALAN SHOR
MARY SILVERMAN
MIKE SILVERMAN
KATY SLADE
LINDA SMITH
JILL TIERNAN
MICHAEL VALDEZ
TED VAN TRABERT
JOHN WALL
Warwick Melrose Hotel
NANCY WEINBERGER

December 5, 2018

Mr. Karl Crawley
Masterplan
900 Jackson Street
Suite 640
Dallas TX 75201

RE: 703 McKinney Avenue – Special Exemption for Alternative Landscape Plan

Dear Mr. Crawley,

Thank you for presenting the alternate landscape plan for the above referenced property at the December 4, 2018 Oak Lawn Committee meeting.

The Oak Lawn Committee voted to support the Special Exception for Alternative Landscape plan.

Thank you for your presentation.

Sincerely,



Hilda M. Rodríguez Mercado
President

cc: Honorable Adam Medrano
Mr. Mark Rieves
Ms. Sue Krider

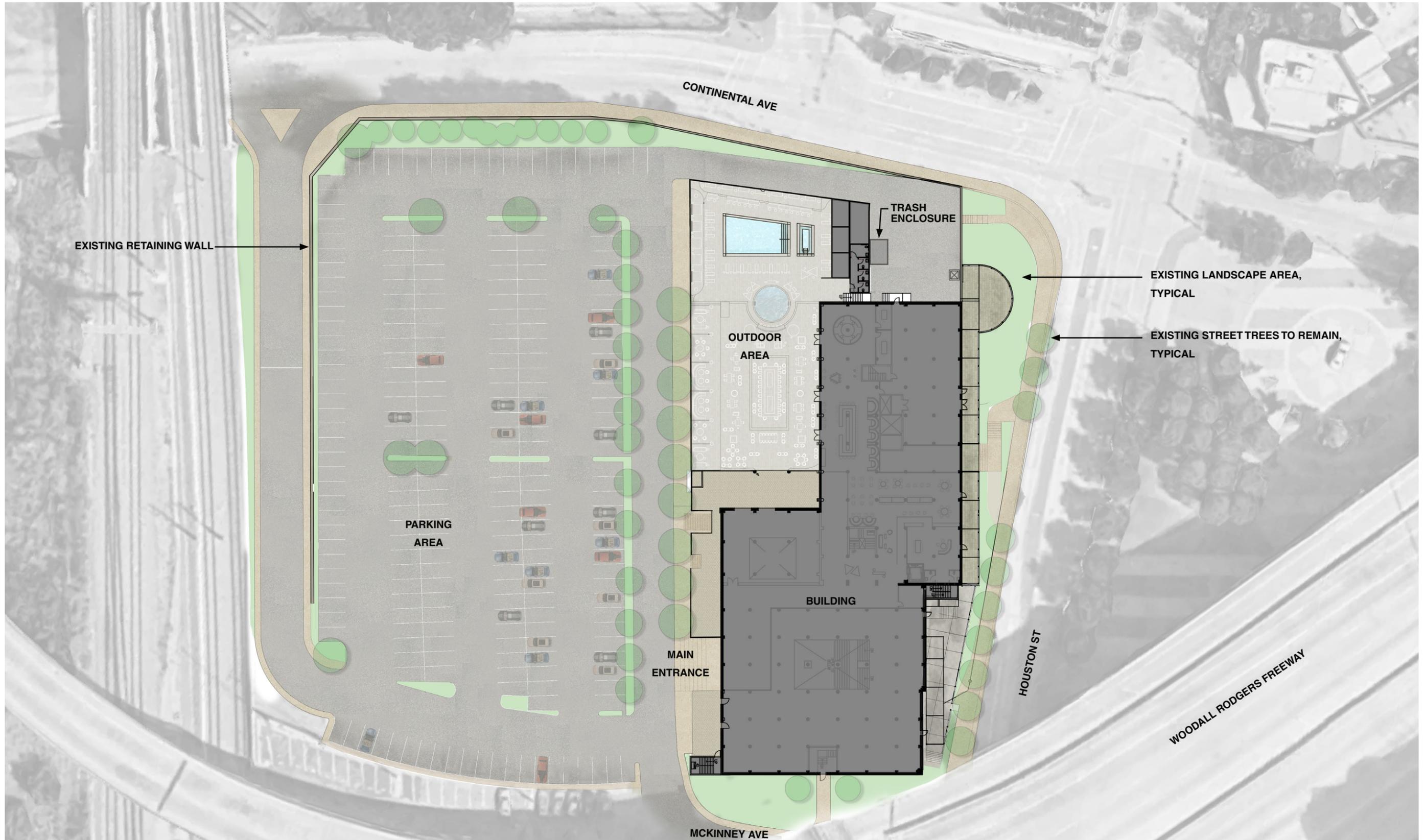
703 McKinney Athletic Club

PRELIMINARY REVIEW



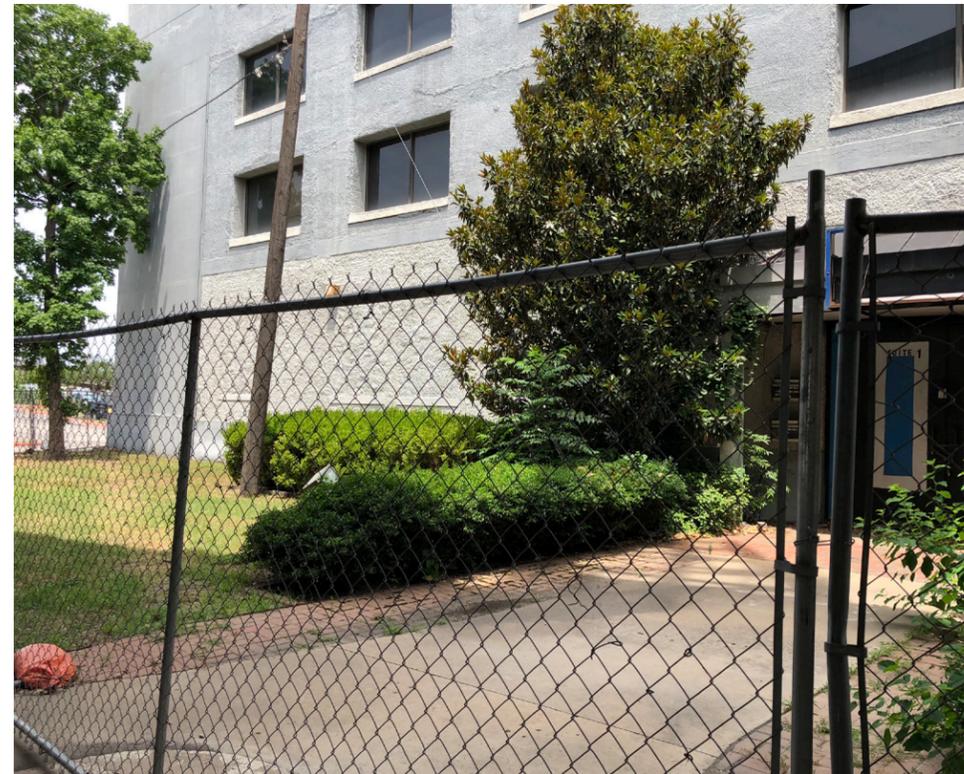
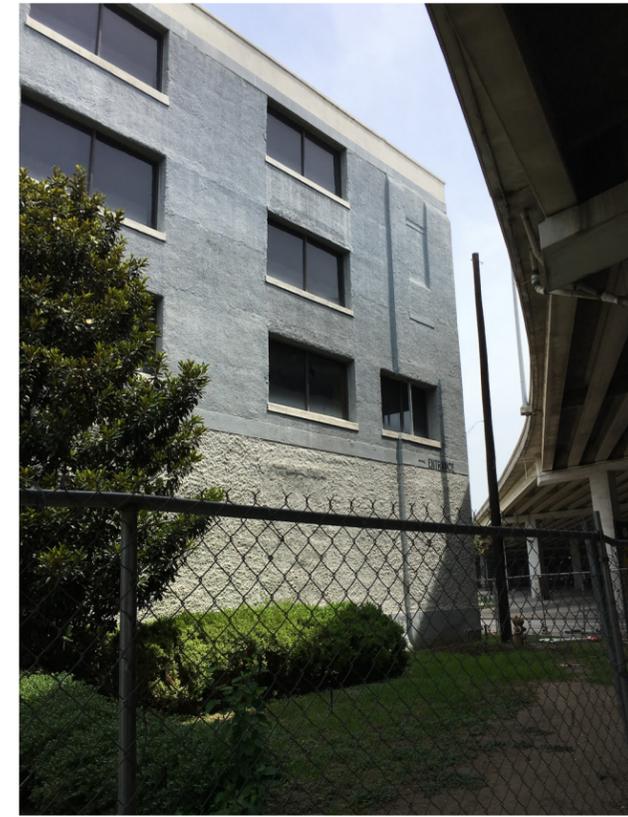
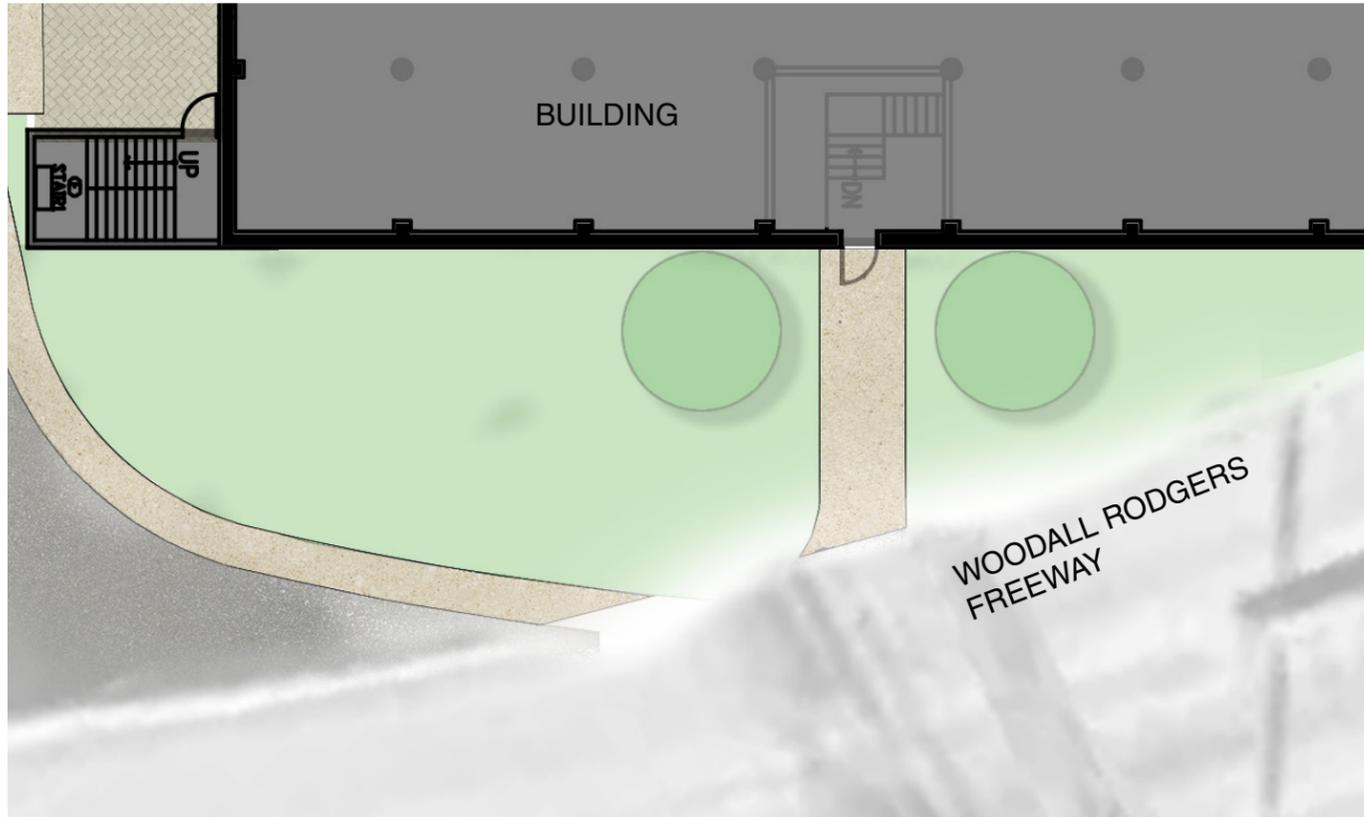
Masterplan

GRUENASSOCIATES
ARCHITECTURE PLANNING INTERIORS LANDSCAPE

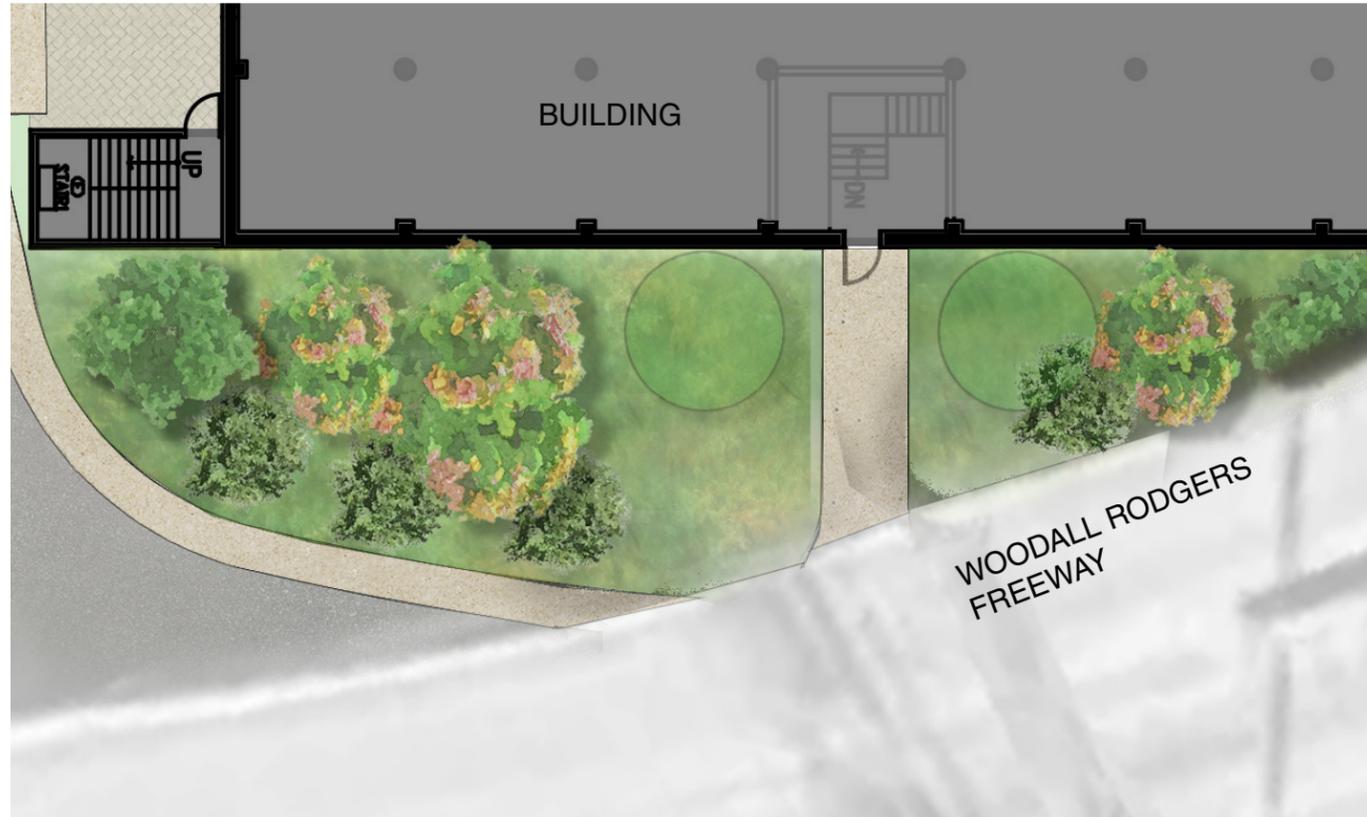








PLAN

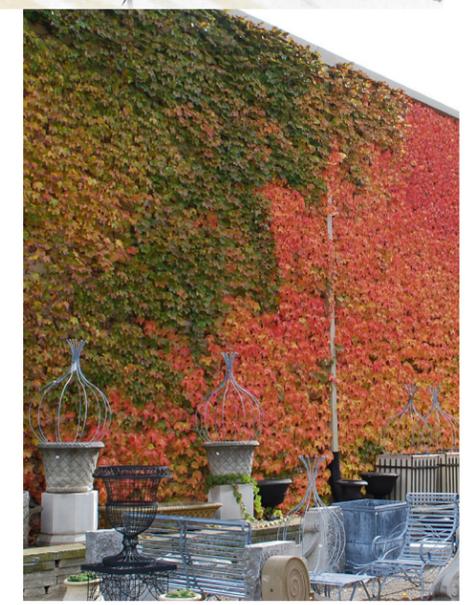
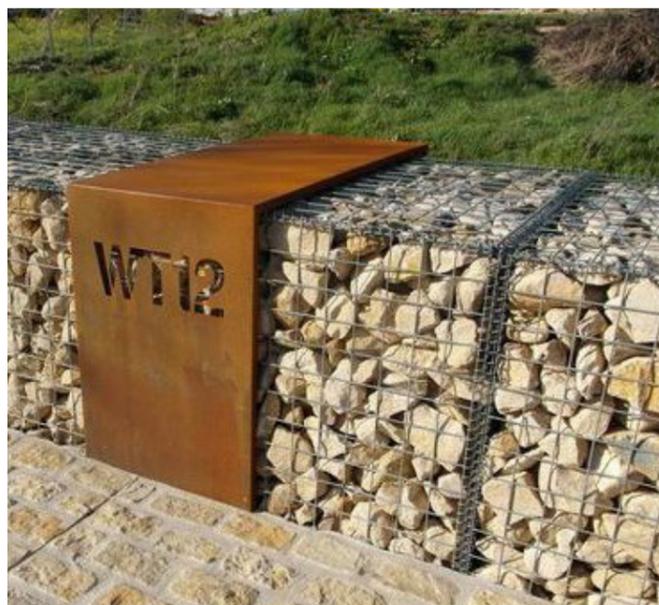


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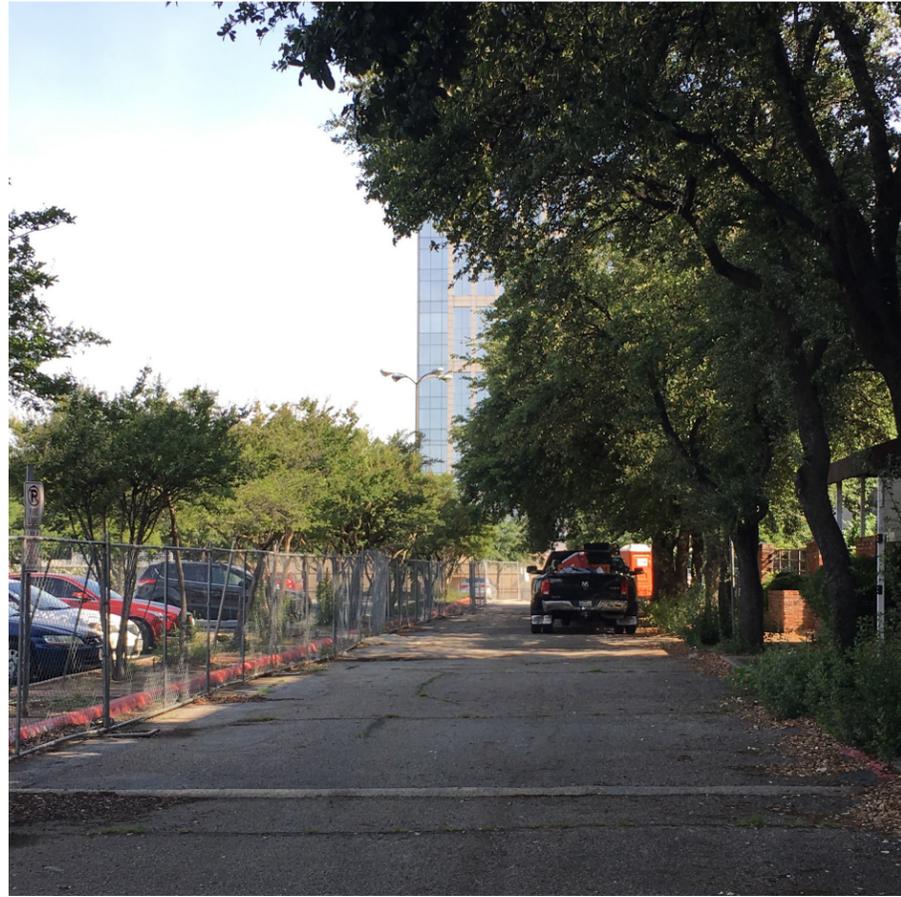
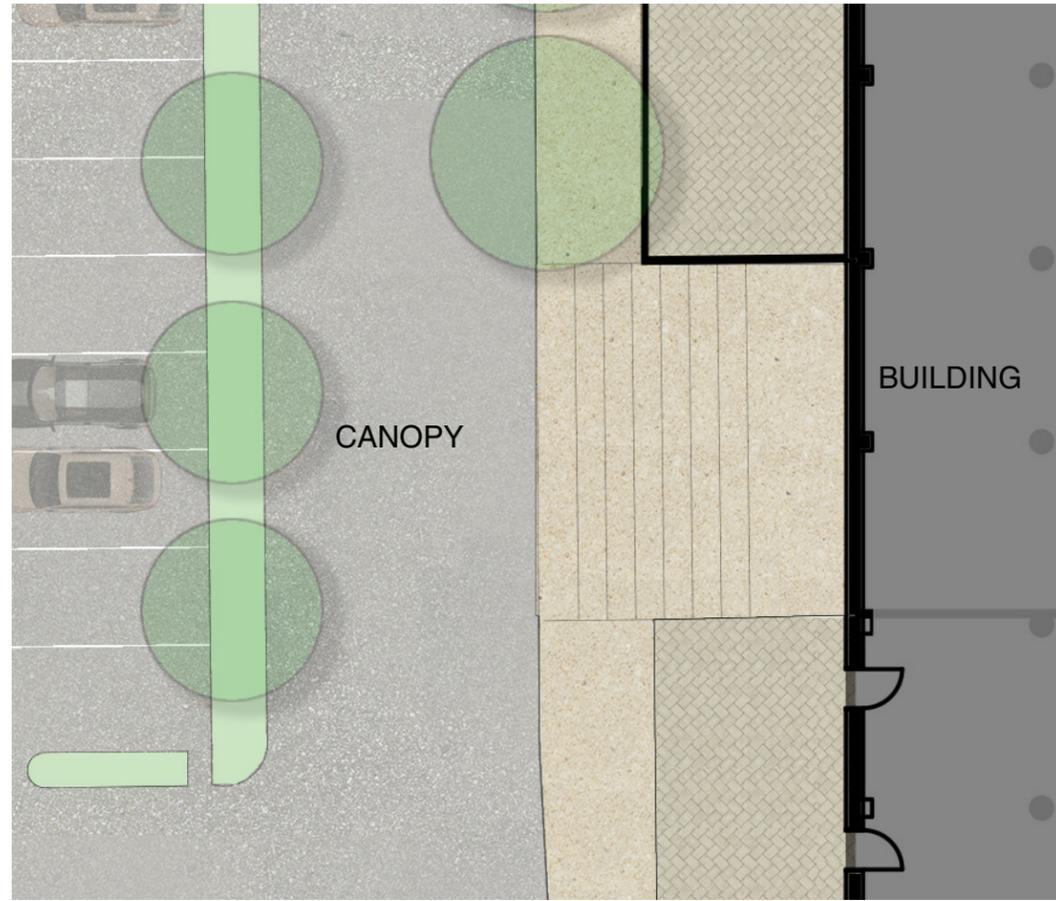


BDA189-012 Attach A
pg (7/13)

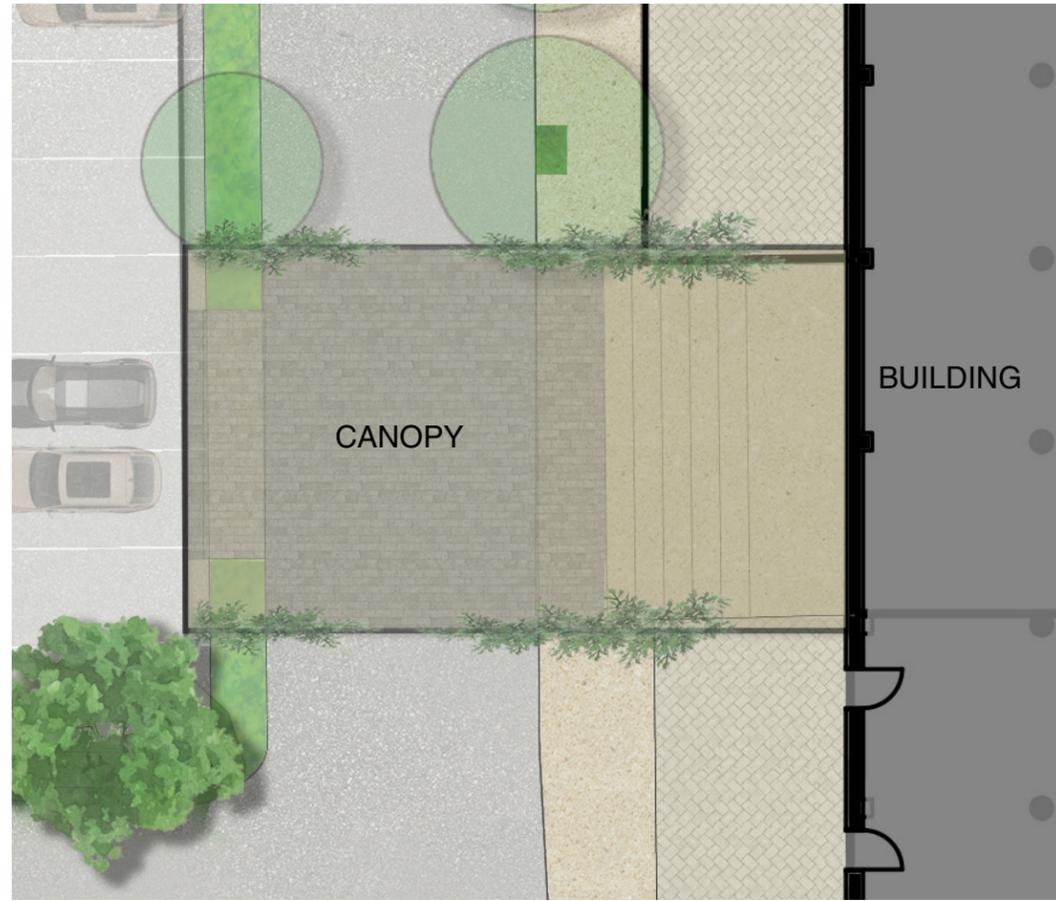
INSPIRATIONAL PHOTOS



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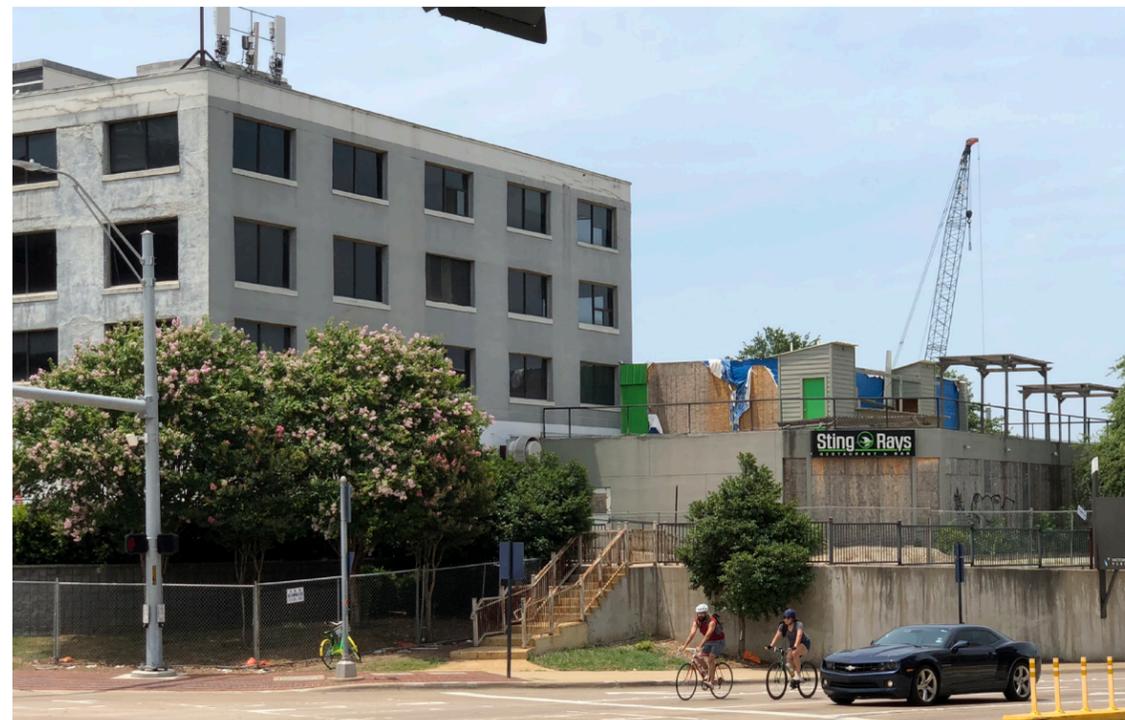
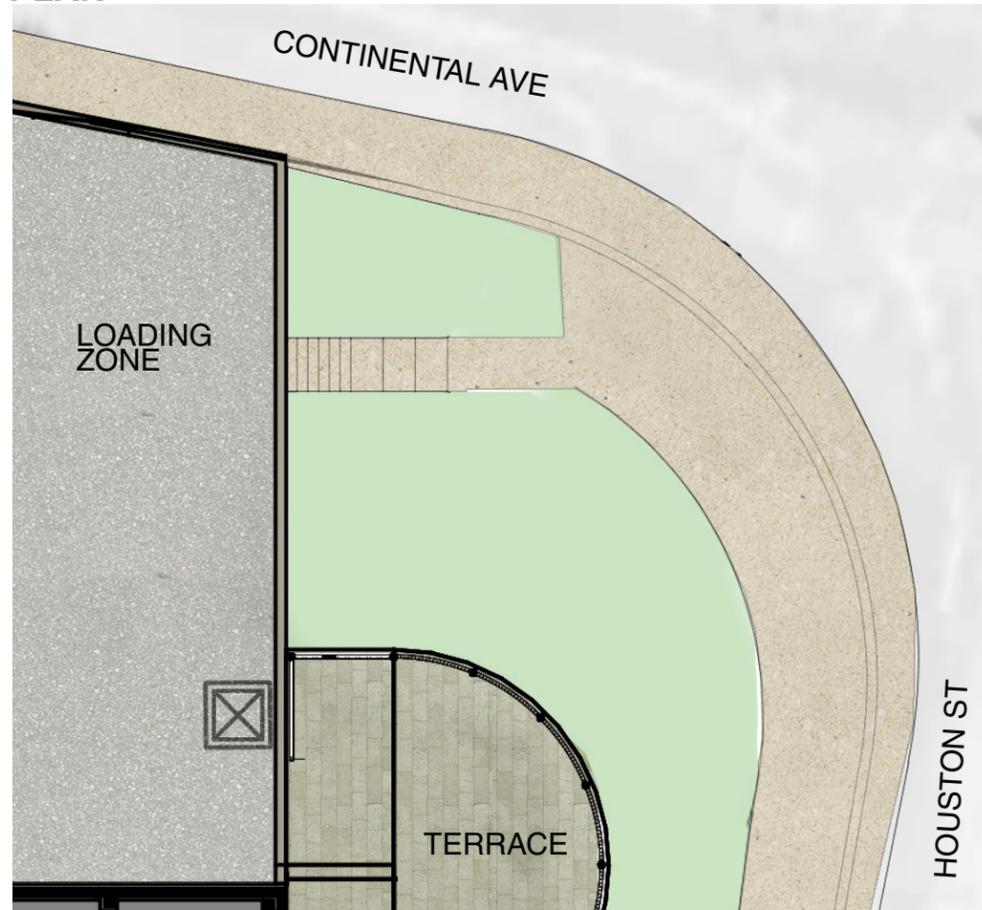
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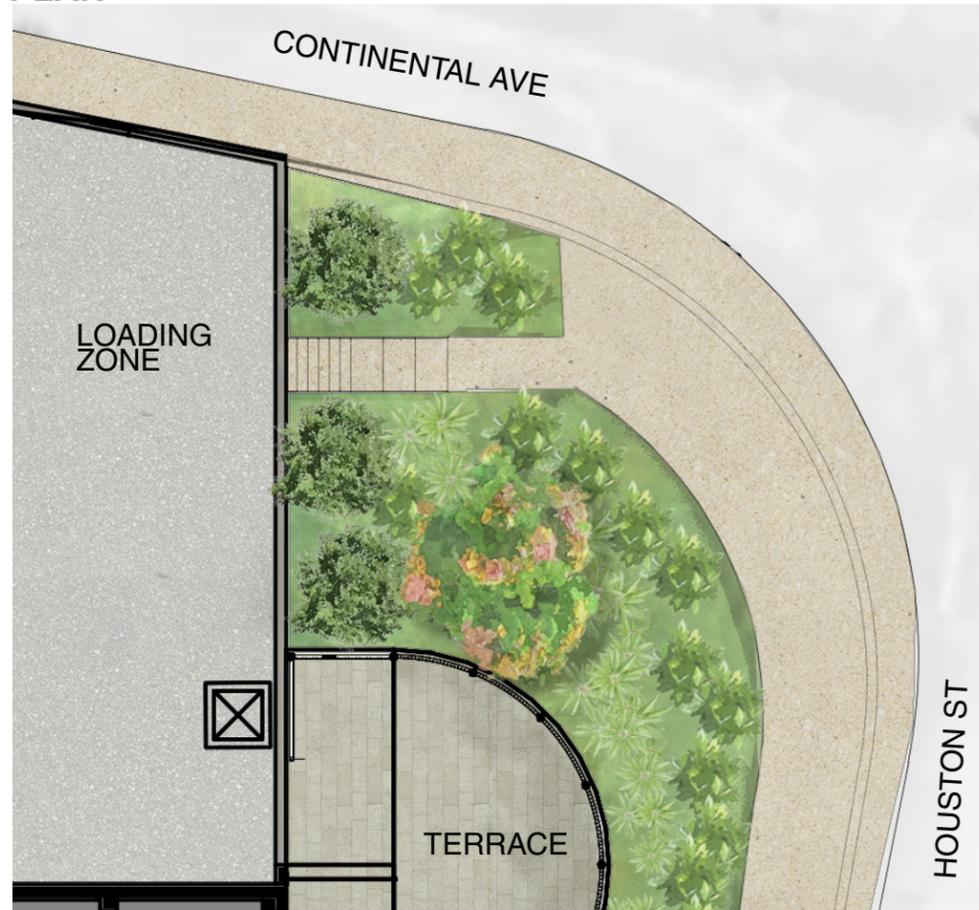
INSPIRATIONAL PHOTOS



PLAN



PLAN

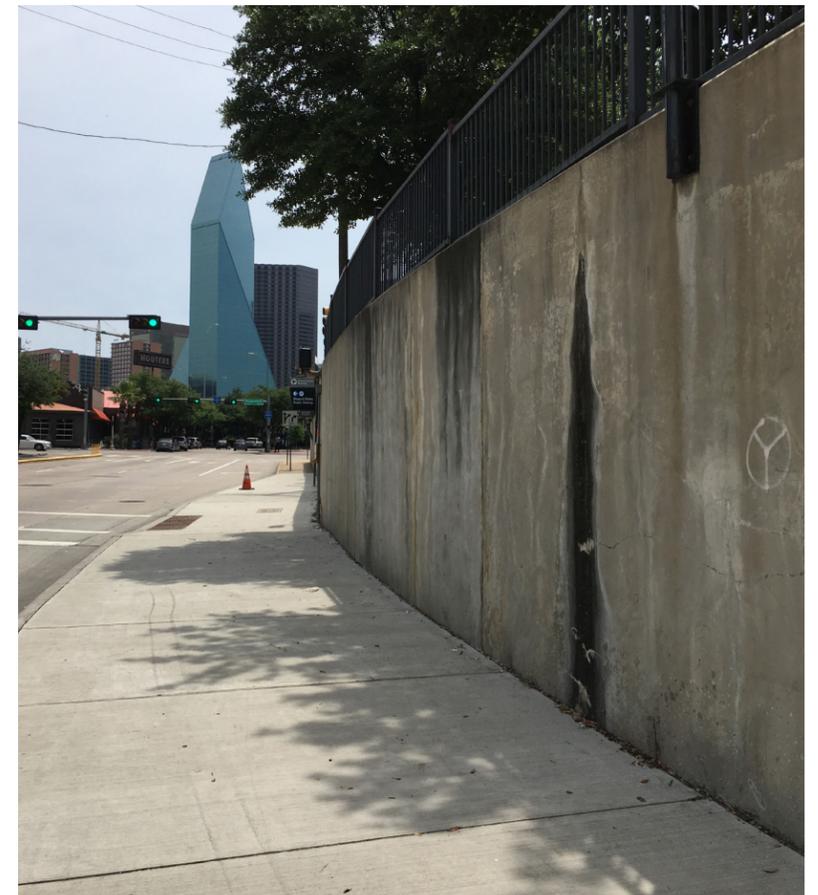
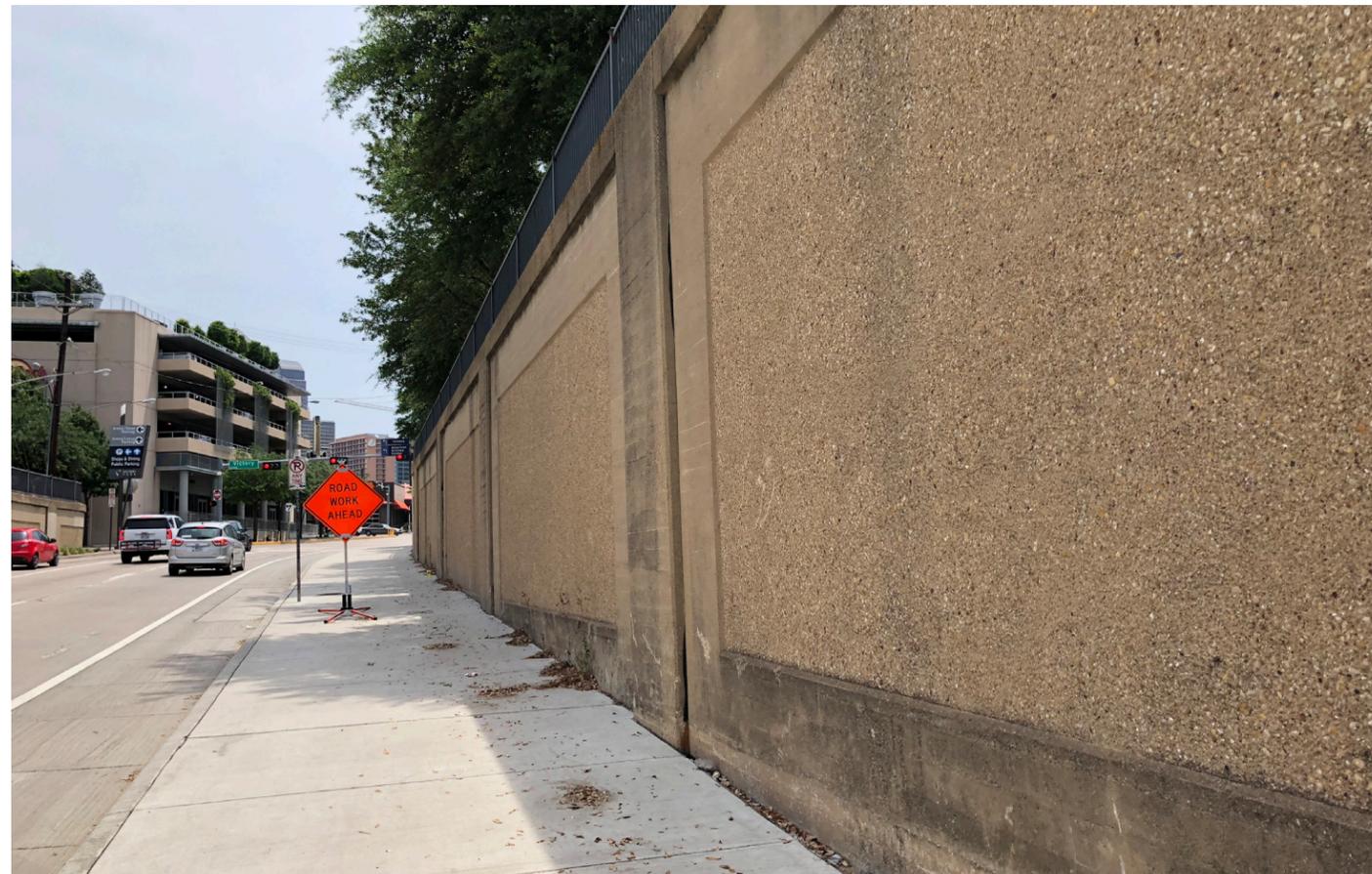
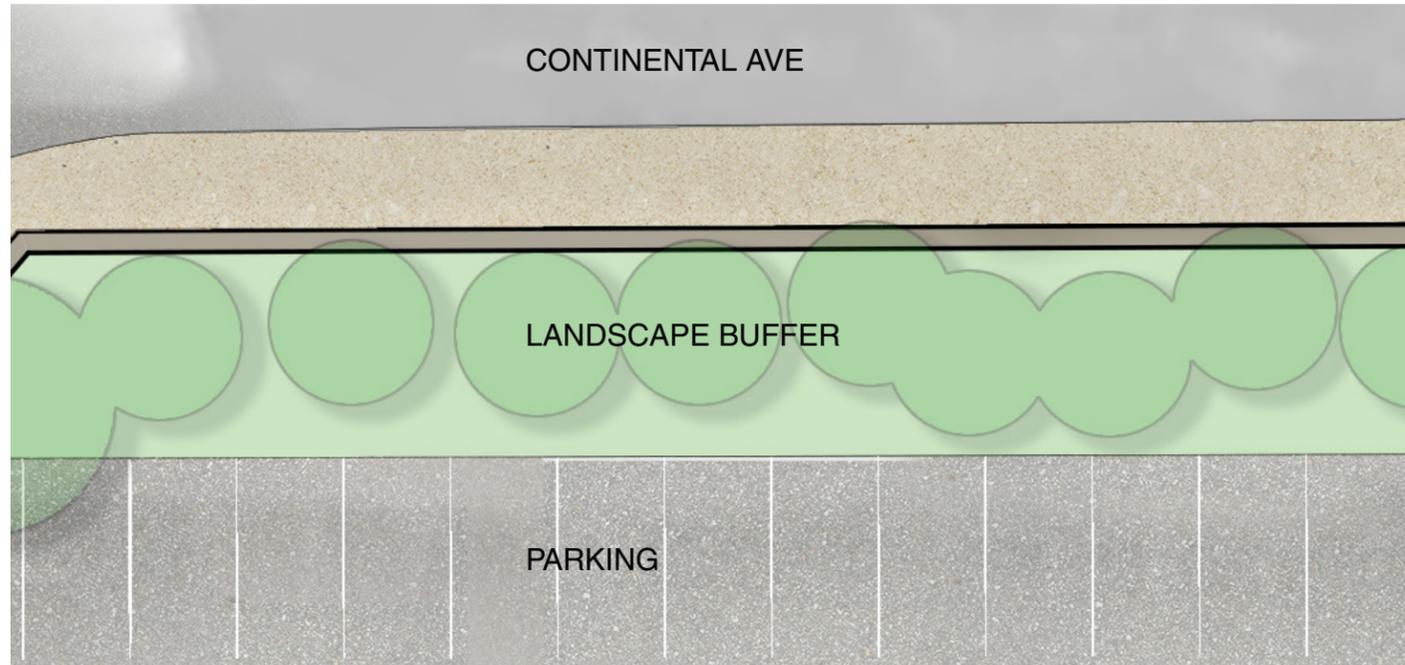


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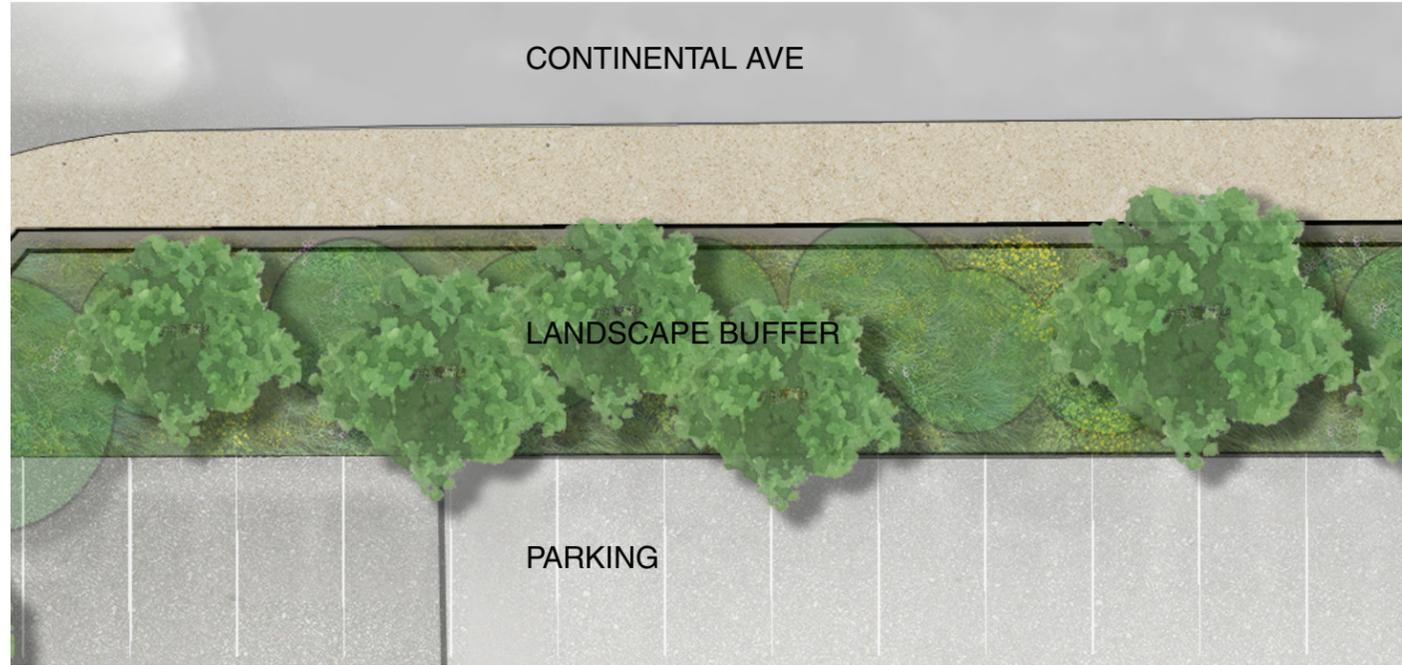


INSPIRATIONAL PHOTOS

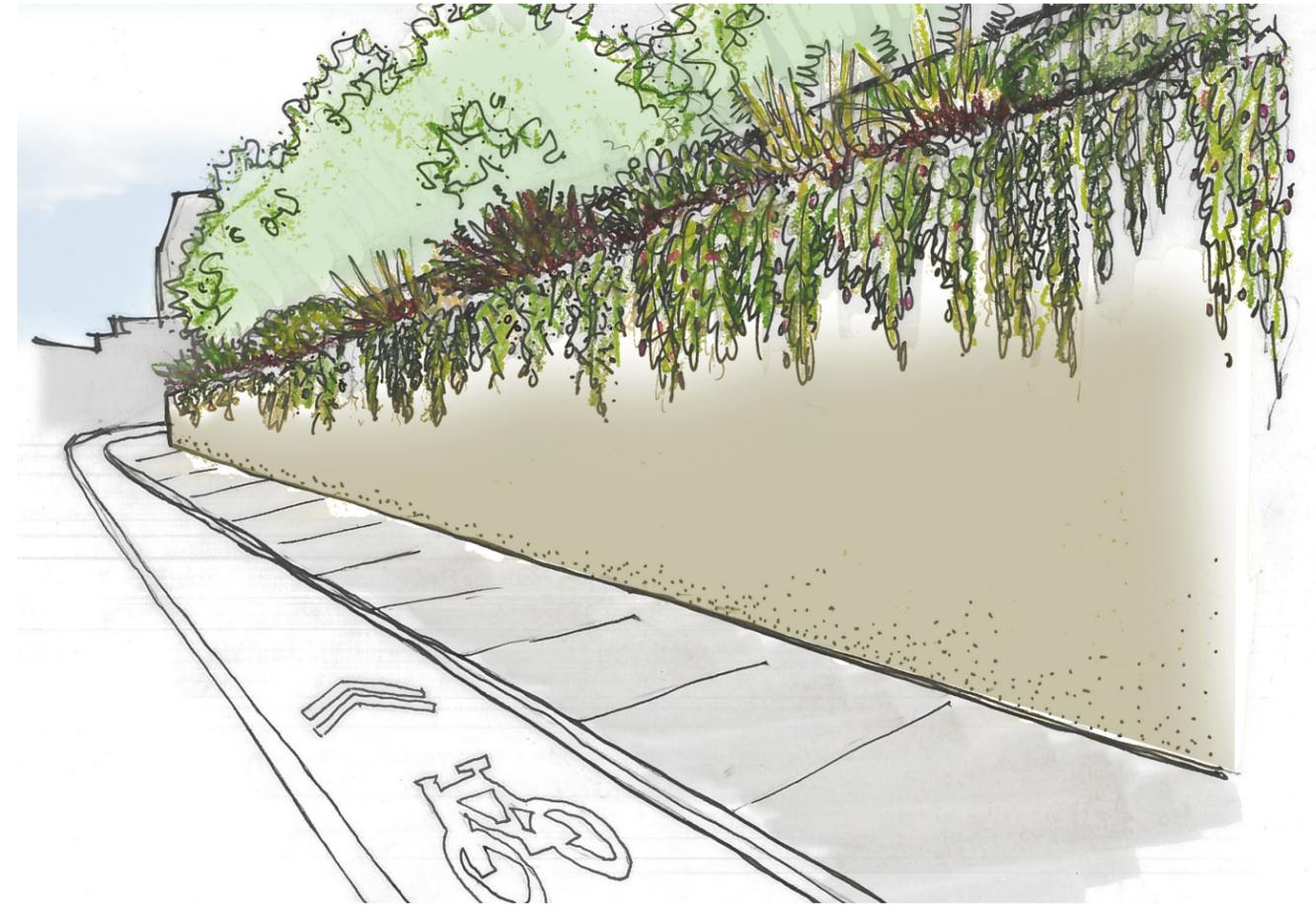




PLAN



SKETCH



INSPIRATIONAL PHOTOS



Memorandum



Date January 2, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-012 703 McKinney Avenue Arborist report

Request

The applicant is requesting a special exception to the landscape regulations of PD 193 (CA-2) for renovation and new construction on the property. The plan is a revision of an alternative landscape plan approved for a special exception by the Board of Adjustment in February 2012.

Provision

The PD 193 (CA-2) requirements include street trees in the tree planting zone, sidewalks and screening of off-street parking only. The 2012 alternate landscape plan excepted these requirements based on the scale of development and on the existing street configurations and limited space provisions. At that time, existing landscaping and minor pedestrian site adjustments for access to Continental were applied. The new plan refreshes the site with improved landscape conditions.

Deficiency

The existing configuration of street width, retaining walls and designed sidewalks prohibit the ordinance-required locations for tree planting zone and sidewalks. Screening is of little effect due to topographic conditions.

Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because it is designed in line with the spirit and intent of the PD 193 ordinance regulations.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-012

Data Relative to Subject Property:

Date: 11-12-18

Location address: 703 McKinney Zoning District: PD193 CA-2

Lot No.: 1A Block No.: 1/405 Acreage: 3.607AC Census Tract: 19.00

Street Frontage (in Feet): 1) 287' 2) 568' 3) 167' 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): VICTORY BREWERY 2013 LP

Applicant: KARL A CRAWLEY, MASTERPLAN Telephone: 214761-9199

Mailing Address: 900 JACKSON ST., STE 640 DALLAS TX Zip Code: 75202

E-mail Address: karl@masterplantexas.com

Represented by: SAME AS APPLICANT Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of alternate landscape plan.

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:

Due to existing road conditions, rail line and freeway it is not possible to comply with the PD193 landscape requirements.

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

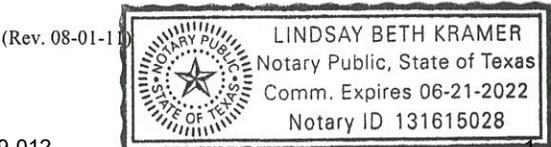
Affidavit

Before me the undersigned on this day personally appeared KARL A CRAWLEY (Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 9th day of NOVEMBER, 2018



Lindsay B. Kramer Notary Public in and for Dallas County, Texas

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

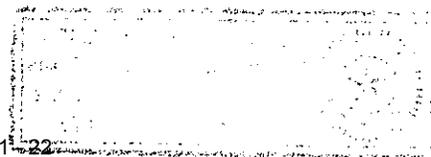
I hereby certify that Karl A. Crawley

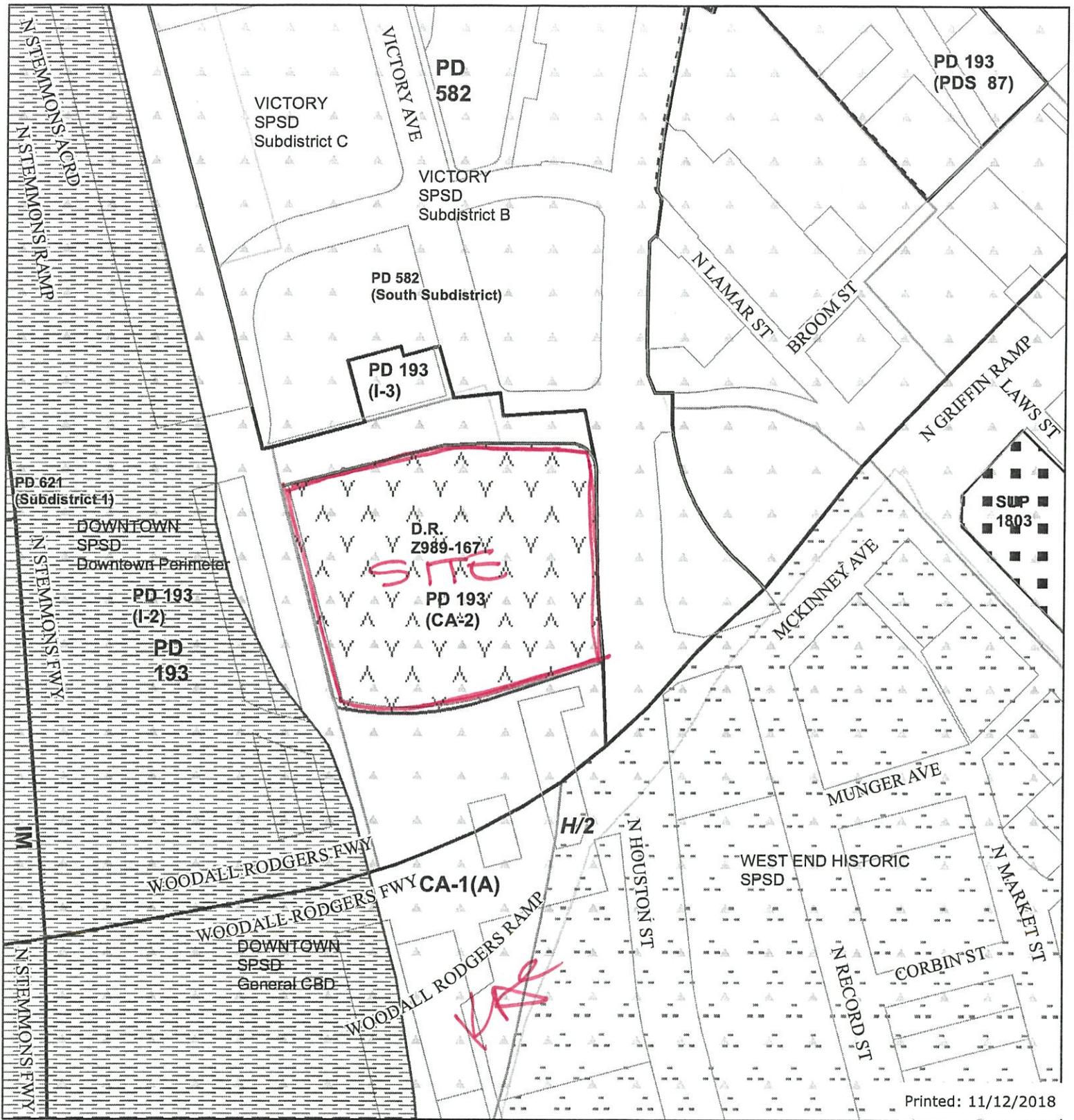
did submit a request for a special exception to the landscaping regulations
at 703 McKinney Avenue

BDA189-012. Application of Karl A. Crawley for a special exception to the landscaping regulations at 703 MCKINNEY AVE. This property is more fully described as Lot 1A, Block 1/405, and is zoned PD-193 (CA), which requires mandatory landscaping. The applicant proposes to construct and or maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 11/12/2018

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA189-012 SUP | Historic Overlay | 1 - 23 Shop Front Overlay |
| | | Height Map Overlay | |

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



703 MCKINNEY
ATHLETIC CLUB

PROPOSED ADDRESS
703 MCKINNEY

GRUENASSOCIATES
ARCHITECTURE & PLANNING

1100 WEST 17TH AVENUE
DENVER, CO 80202

DATE: 08/11/11

PROJECT NO: 110000000

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202

DATE: 08/11/11

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202

DATE: 08/11/11

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202



SCALE: 1" = 10'-0"

DATE: 08/11/11

PROJECT NO: 110000000

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202

DATE: 08/11/11

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DENVER, CO 80202

DATE: 08/11/11

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202

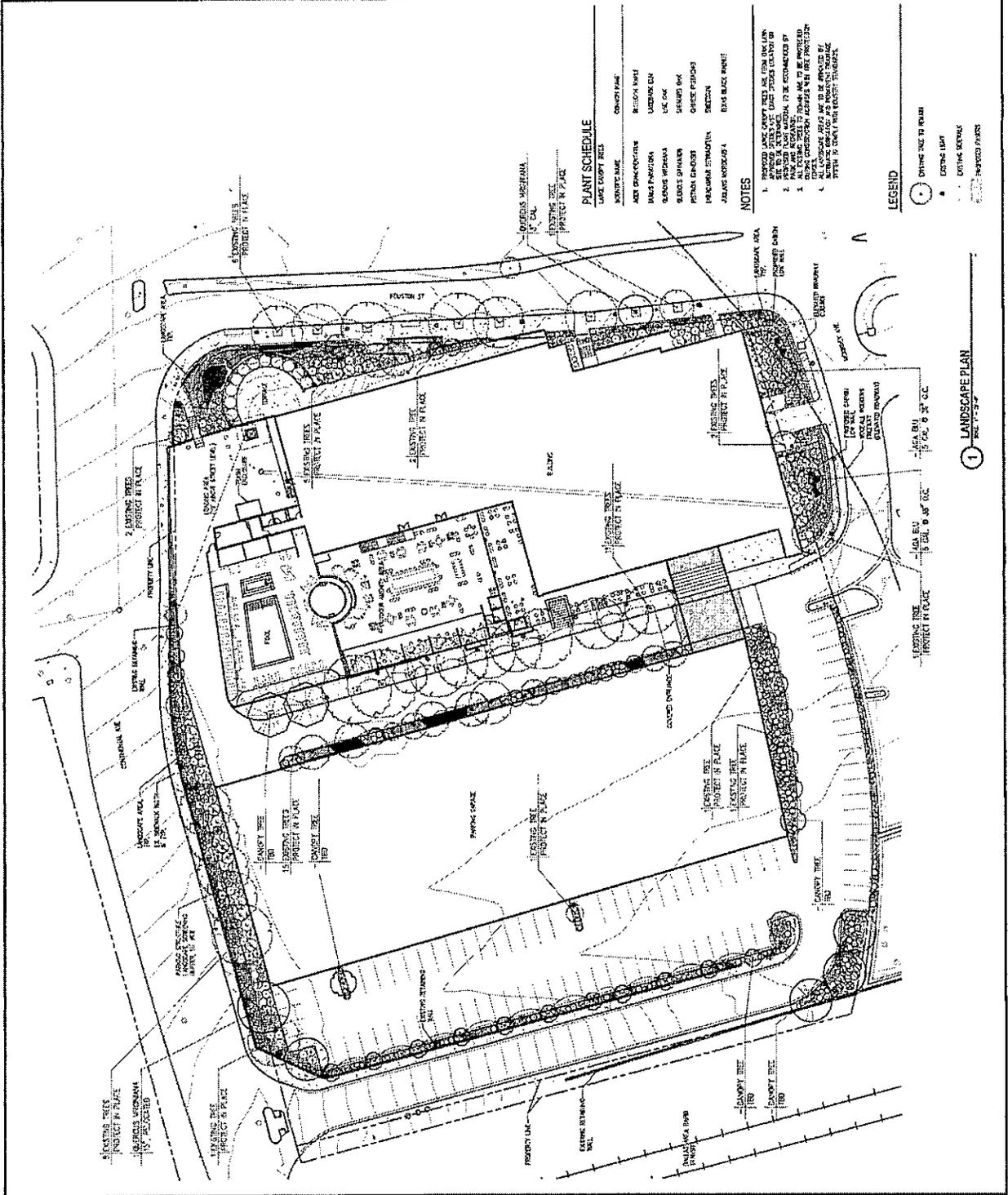
DATE: 08/11/11

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202

DATE: 08/11/11

1100 FITNESS GROUP
NORTH AMERICA
1100 WEST 17TH AVENUE
DENVER, CO 80202

DATE: 08/11/11



PLANT SCHEDULE

PLANT NAME	QUANTITY
ACE FRAXINOSA	1
ALNUS INCANA	1
AMELANOR	1
ARJUNIA	1
BEULMANNIA	1
BETULA	1
BRUNELLA	1
BUXUS	1
CORYLUS	1
FRAXINUS	1
GLORIOSA	1
HEMLOCK	1
HYDRANGEA	1
IRIS	1
JUNIPERUS	1
LABURNUM	1
LAGERHEDDIA	1
LIQUIDAMBAR	1
LYGODIUM	1
MAHONIA	1
NYCTAGINUS	1
OSYRIS	1
PAVLOVA	1
PERSEA	1
PLATANUS	1
PRUNUS	1
QUERCUS	1
RHAMNUS	1
ROSA	1
SALIX	1
SAMBUCUS	1
SAPINDUS	1
SPARGANGLIUM	1
STYRACIS	1
TAXUS	1
TRIFOLIUM	1
ULMUS	1
VIBURNUM	1
WALNUT	1
YUCCA	1

NOTES

1. PROPOSED PLANTINGS SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.
2. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.
3. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.
4. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.
5. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE SPECIFIED PLANTING AREAS.

LEGEND

- EXISTING TREES TO REMAIN
- EXISTING LIGHT
- EXISTING SIGNAGE
- PROPOSED PLANTINGS

LANDSCAPE PLAN
SHEET 11-01

L501

Notification List of Property Owners

BDA189-012

142 Property Owners Notified

Label #	Address	Owner
1	703 MCKINNEY AVE	VICTORY BREWERY 2013 LP
2	1951 N RECORD ST	BUFFLEHEAD PTNRS LP
3	2211 N LAMAR ST	DORBET INC
4	2201 N LAMAR ST	DORBET INC
5	703 MCKINNEY AVE	DALLAS AREA RAPID TRANSIT
6	2223 VICTORY AVE	BLOCKS GKM LP
7	555 2ND AVE	DART
8	555 2ND AVE	DART
9	555 2ND AVE	DART
10	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
11	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
12	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
13	2211 N HOUSTON ST	WRC VICTORY LLC
14	2200 VICTORY AVE	KING CLAUDINE
15	2200 VICTORY AVE	SCHMIDT ALEXANDER O
16	2200 VICTORY AVE	LEAL NOE & ANABEL
17	2200 VICTORY AVE	ROBINSON SHAYNE
18	2200 VICTORY AVE	MUNIZ PAUL
19	2200 VICTORY AVE	CROSBY TERENCE E & NORA
20	2200 VICTORY AVE	HEADINGTON REALTY &
21	2200 VICTORY AVE	BARAUSKY PAUL MICHAEL &
22	2200 VICTORY AVE	HUNN ALAN & LINDA I
23	2200 VICTORY AVE	BOWMAN MARK J
24	2200 VICTORY AVE	BROWN RICHARD R &
25	2200 VICTORY AVE	MANIKTALA RAVINDER KUMAR & SARITA
26	2200 VICTORY AVE	CAMPBELL CHARLES F

Label #	Address	Owner
27	2200 VICTORY AVE	AWE JENNIFER
28	2200 VICTORY AVE	MOSS ROBERT KYLE
29	2200 VICTORY AVE	TSUNG TERESA &
30	2200 VICTORY AVE	GENTRY MARK
31	2200 VICTORY AVE	SOORIYABANDARA NERAN &
32	2200 VICTORY AVE	JOSEPH MARCUS R &
33	2200 VICTORY AVE	HOSKINS PHILIP
34	2200 VICTORY AVE	CHURCHWELL CHARLES STANLEY JR
35	2200 VICTORY AVE	CROSBY FAMILY TRUST THE
36	2200 VICTORY AVE	PELAIA MANAGEMENT CO LLC
37	2200 VICTORY AVE	JOHNSON KALETA
38	2200 VICTORY AVE	PEREZCANO OSCAR SOBERON
39	2200 VICTORY AVE	BALUCH AMIR
40	2200 VICTORY AVE	ORANGE DOME LLC
41	2200 VICTORY AVE	ORANGE DOME LLC
42	2200 VICTORY AVE	KORTREL KEVIN
43	2200 VICTORY AVE	CURTIS WILLIAM C
44	2200 VICTORY AVE	JONES PHILLIP J & PATRICIA D
45	2200 VICTORY AVE	KUTSEN MICHAEL
46	2200 VICTORY AVE	PELOSI STEVEN &
47	2200 VICTORY AVE	VANDENDAELE CHANTAL
48	2200 VICTORY AVE	SOKOLSKY BENJAMIN
49	2200 VICTORY AVE	FLOYD CYNTHIA
50	2200 VICTORY AVE	NGUYEN LYNNANNE ELIZABETH
51	2200 VICTORY AVE	MCKINNON ST CAPITAL THE HOUSE 1007 SERIES
52	2200 VICTORY AVE	MCKINNON ST CAPITAL THE HOUSE 1101 SERIES
53	2200 VICTORY AVE	GENTILE CARL & GINA
54	2200 VICTORY AVE	BEST VON &
55	2200 VICTORY AVE	LUJAN GIOVANNI M
56	2200 VICTORY AVE	SINCLAIR MATT
57	2200 VICTORY AVE	RAMIREZ GRICELDA

Label #	Address	Owner
58	2200 VICTORY AVE	HANCOCK JAMES ALEXANDER
59	2200 VICTORY AVE	PEACOCK ROGER FRANKLIN &
60	2200 VICTORY AVE	DUNKEL ROBERT A & LINDA S
61	2200 VICTORY AVE	DAVID EDWARD NEIL & DEBORAH MARKL
62	2200 VICTORY AVE	MORGAN JAMES BENNETT & CHERYL ANN
63	2200 VICTORY AVE	ARELLANO MIGUEL
64	2200 VICTORY AVE	GUPTA AMISH
65	2200 VICTORY AVE	BOMAR LINDA H & STAN
66	2200 VICTORY AVE	CMR PARTNERS LTD
67	2200 VICTORY AVE	GELLMAN ANDREW
68	2200 VICTORY AVE	WAMRE RICK E & SALLY H
69	2200 VICTORY AVE	BOND STEPHANIE &
70	2200 VICTORY AVE	LUTZ ROBERT PROPER
71	2200 VICTORY AVE	BREHM MARIE KELLY
72	2200 VICTORY AVE	WHITAKER RONALD LEE
73	2200 VICTORY AVE	POLAKOFF HARRIS
74	2200 VICTORY AVE	DRUM FERRELL
75	2200 VICTORY AVE	AUGUSTINE ELLEN HU
76	2200 VICTORY AVE	MKB FAMILY TRUST &
77	2200 VICTORY AVE	ARMIDAGRAHAM TOMAS
78	2200 VICTORY AVE	EU A DOUGLAS LIVING TRUST
79	2200 VICTORY AVE	HEADDEN BERT P
80	2200 VICTORY AVE	BELLOMY SEAN M & MEGAN M
81	2200 VICTORY AVE	WILLIAMS MICHAEL W
82	2200 VICTORY AVE	MILLER JAY D &
83	2200 VICTORY AVE	UPTOWN DREAMS LLC
84	2200 VICTORY AVE	JAYNES JEFFREY C
85	2200 VICTORY AVE	EVANS DEXTER
86	2200 VICTORY AVE	DUGONI BRIAN W
87	2200 VICTORY AVE	VINES THOMAS LESLEY JR & LISA SHIELD
88	2200 VICTORY AVE	ZANJANI SHAHRAM BOHLULI &

Label #	Address	Owner
89	2200 VICTORY AVE	HEARL PETER & HELEN FAMILY TR
90	2200 VICTORY AVE	MACK DONALD JAMES
91	2200 VICTORY AVE	MOSLEY ROBERT S &
92	2200 VICTORY AVE	JUSTIN JAISON & SONIA CARVALHO
93	2200 VICTORY AVE	YOUNG PARKER DOUGLAS &
94	2200 VICTORY AVE	WOLFE DAVID L EST OF
95	2200 VICTORY AVE	ANGELLE TIFFANY M
96	2200 VICTORY AVE	MILLER MICHAEL
97	2200 VICTORY AVE	COLE APRIL B
98	2200 VICTORY AVE	ELHENCE REVOCABLE TR
99	2200 VICTORY AVE	VALLURUPALLI AMAR &
100	2200 VICTORY AVE	CHARLIES BEAR CAVE LLC
101	2200 VICTORY AVE	SCHROETER JAKOB MARKUS & DALE
102	2200 VICTORY AVE	GOMEZ LUCIANA
103	2200 VICTORY AVE	BENTON JEFFREY ICHAEL &
104	2200 VICTORY AVE	ALBITZ STEVEN & SABRINA LAMB
105	2200 VICTORY AVE	OLOFINLADE OLUSOLA
106	2200 VICTORY AVE	ROSENBERG JONATHAN
107	2200 VICTORY AVE	ORTIZ JAVIER
108	2200 VICTORY AVE	TALISCHI KEVIN
109	2200 VICTORY AVE	CRANE THERESE KREIG
110	2200 VICTORY AVE	RIDER NEAL &
111	2200 VICTORY AVE	CASELLI CLAUDIO &
112	2200 VICTORY AVE	SEDRAK PETER & LORI
113	2200 VICTORY AVE	ADAMS JENNY DIAN & JEAN F
114	2200 VICTORY AVE	SPANGLER LARRY & MARY LIVING TRUST THE
115	2200 VICTORY AVE	POLE PRITHVIRAJ & REKHA
116	2200 VICTORY AVE	STURDIVANT PATRICK &
117	2200 VICTORY AVE	WILEY ROBERT
118	2200 VICTORY AVE	GOLDAMMER TRAVIS AARON &
119	2200 VICTORY AVE	PESQUIDOUX HUBERT DE

Label #	Address	Owner
120	2200 VICTORY AVE	STEVENS DAVID LEONARD &
121	2200 VICTORY AVE	ANDRADA MARISSA J
122	2200 VICTORY AVE	DAILEY BENJAMIN W & KIMBERLY S
123	2200 VICTORY AVE	SEASONS PROPERTIES OF TEXAS LLC
124	2200 VICTORY AVE	LEVEILLER FRANK
125	2200 VICTORY AVE	KING LARRY & JUDY
126	2200 VICTORY AVE	MADUBUIKE FESTUS C & MAUREEN O
127	2200 VICTORY AVE	BREHM DAVID WAYNE
128	2200 VICTORY AVE	DAILEY KEVIN F & DONNA L
129	2200 VICTORY AVE	CHIRIBOGA KATHERINE L &
130	2200 VICTORY AVE	GUPTA ARISH
131	2200 VICTORY AVE	WIGGINTON SCOTT HUNTER
132	2200 VICTORY AVE	STEWART WILLIAM A & SUNITA M
133	2200 VICTORY AVE	BASSOUL SELIM A REVOCABLE TRUST
134	2200 VICTORY AVE	HILL KENNETH A II
135	2200 VICTORY AVE	SMITH SHERINAE
136	2200 VICTORY AVE	HERZOG STEVEN P
137	2200 VICTORY AVE	BRELLENTHIN JOHN
138	2200 VICTORY AVE	NOVAK STEVEN W & KRISTINA L
139	2200 VICTORY AVE	NANCY G DANIELS
140	2200 VICTORY AVE	YOUST LAWRENCE
141	2200 VICTORY AVE	MATEJEK ROBERT R
142	2200 VICTORY AVE	MAGNUSON JUSTIN

FILE NUMBER: BDA189-001(SL)

BUILDING OFFICIAL'S REPORT: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations at 183 S. Prairie Avenue. This property is more fully described as Lot 1, Block 801-1/2 and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 183 S. Prairie Avenue

APPLICANT: Steven Wood of Texas Permit

REQUEST:

A request for a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where spaces in this enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

(Note that this application is similar to four others filed by the same applicant on properties adjacent to this site, and scheduled to be heard by Board of Adjustment Panel A on January 15, 2019: BDA189-002, 003, 004, and 005).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting this request does not appear to be contrary to public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request, the applicant has not substantiated how the variance to the off-street parking regulations is necessary to permit development of this flat, rectangular-shaped, approximately 2,100 square foot site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning. The applicant has not established how features of the site restricts it from being developed with a use/structure that can comply with off-street parking regulations.
- The applicant has not substantiated how granting the variance is not to relieve a self created or personal hardship, nor for financial reasons, particularly when this request focuses on dividing what is currently one building site into five separate lots, one of which is the subject site.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multi-family district)
North: CR (Community retail)
South: MF-2(A) (Multi-family district)
East: MF-2(A) (Multi-family district)
West: MF-2(A) (Multi-family district)

Land Use:

The subject site is undeveloped. The areas to the north and south are undeveloped; the area to the east is developed with retail use; and the area to the west is developed with multifamily use.

Zoning/BDA History:

1. BDA189-002, Property at 175 S. Prairie (the lot to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

2. BDA189-003, Property at 167 S. Prairie (two lots to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

3. BDA189-004, Property at 159 S. Prairie (three lots to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

4. BDA189-005, Property at 151 S. Prairie (four lots to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the off-street parking regulations of 4' focuses on locating parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where these parking spaces entered from the street right-of-way line would be located 16' from the S. Prairie Avenue right-of-way line or 4' into the required 20' distance from this right-of-way line.
- The subject site is zoned MF-2(A) where the minimum front yard setback is 15'.
- The applicant has submitted a site plan that represents that the proposed single family home provides a 16' front yard setback.
- Section 51(A)-4.301(a)(9) of 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 denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 26' from the S. Prairie Avenue pavement line).
- Floor plans of the proposed home have been submitted documenting that the total "conditioned" space of the three-floor single family home is approximately 1,900 square feet. The 1st floor includes an entry, a garage, and a bedroom; the 2nd floor includes a living/dining area, bath, and bedroom; and the 3rd floor includes a master bedroom, laundry, and master bath.
- DCAD records indicate "no main improvements" for the property at 4729 East Side Avenue (which is the area that includes the subject site and the four other properties that the applicant has filed for similar variances on).

- The subject site is flat, rectangular in shape (approximately 60' x 35'), and is approximately 2,100 square feet in area. While this site is located at the corner of S. Prairie Avenue and East Side Avenue and has two front yard setbacks, this feature is typical of any lot on a corner that is not zoned single family, duplex, or agricultural district.
- The Sustainable Development and Construction Department Senior Engineer 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 MF-2(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request for a variance of 4', 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).
- If the Board were to deny this variance request, the applicant could construct and maintain the single family home as represented on the site plan without enclosing the parking spaces in it.

Timeline:

October 9, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 4, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

December 4, 2018: The Board Administrator emailed the applicant the following information:

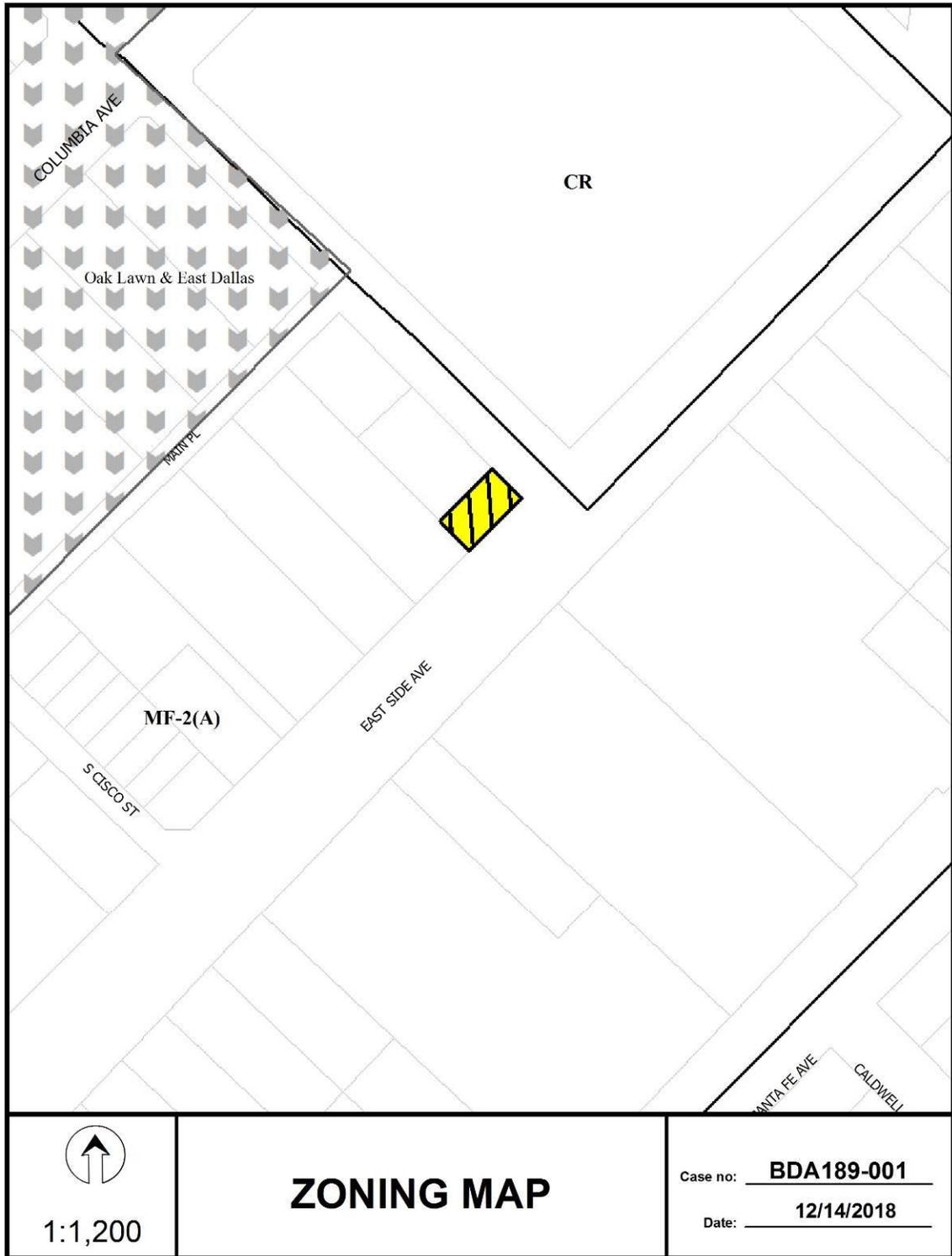
- an attachment that provided the public hearing date and panel that will consider the application; the December 19th deadline to

submit additional evidence for staff to factor into their analysis; and the January 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.

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

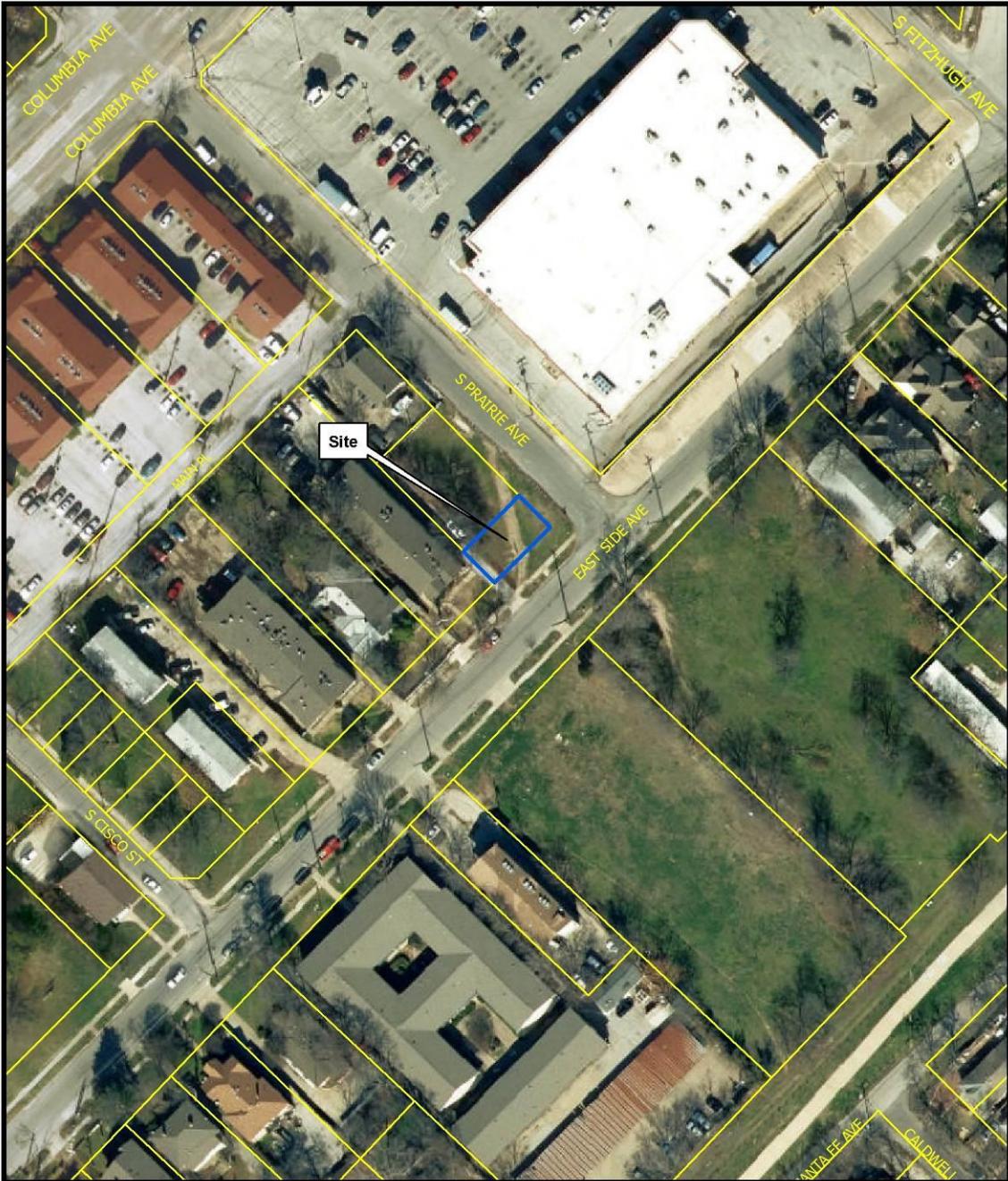
December 27, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Has no objections".




 1:1,200

ZONING MAP

Case no: **BDA189-001**
 Date: **12/14/2018**



1:1,200

AERIAL MAP

Case no: BDA189-001

Date: 12/14/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-001

Data Relative to Subject Property:

Location address: 183 S. PRAIRIE AVE. Eastside Date: 10-9-18 Zoning District: MF-2(A)

Lot No.: 1 Block No.: 801 1/2 Acreage: .049 Census Tract: 15.02

Street Frontage (in Feet): 1) 36.25 2) 60.00 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Plutus 21 Development Fund 1, LLC

Applicant: Steven Wood-TexasPermit Telephone: 817.682.7218

Mailing Address: Po Box 3293 Zip Code: 75126

E-mail Address: Steven@txpermit.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 Parking Variance of 4' for enclosed parking structure

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

This request will not hinder the neighborhood and will be commensurate with the neighborhood. This property sits on a corner lot creating a double front yard

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 Steven Wood (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 8 day of October, 2018

Selene Alvarez Notary Public in and for Dallas County, Texas
SELENE ALVAREZ Notary Public STATE OF TEXAS ID#13117111-3 Exp. June 12, 2021

A

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

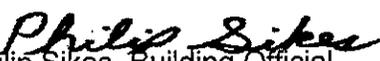
Building Official's Report

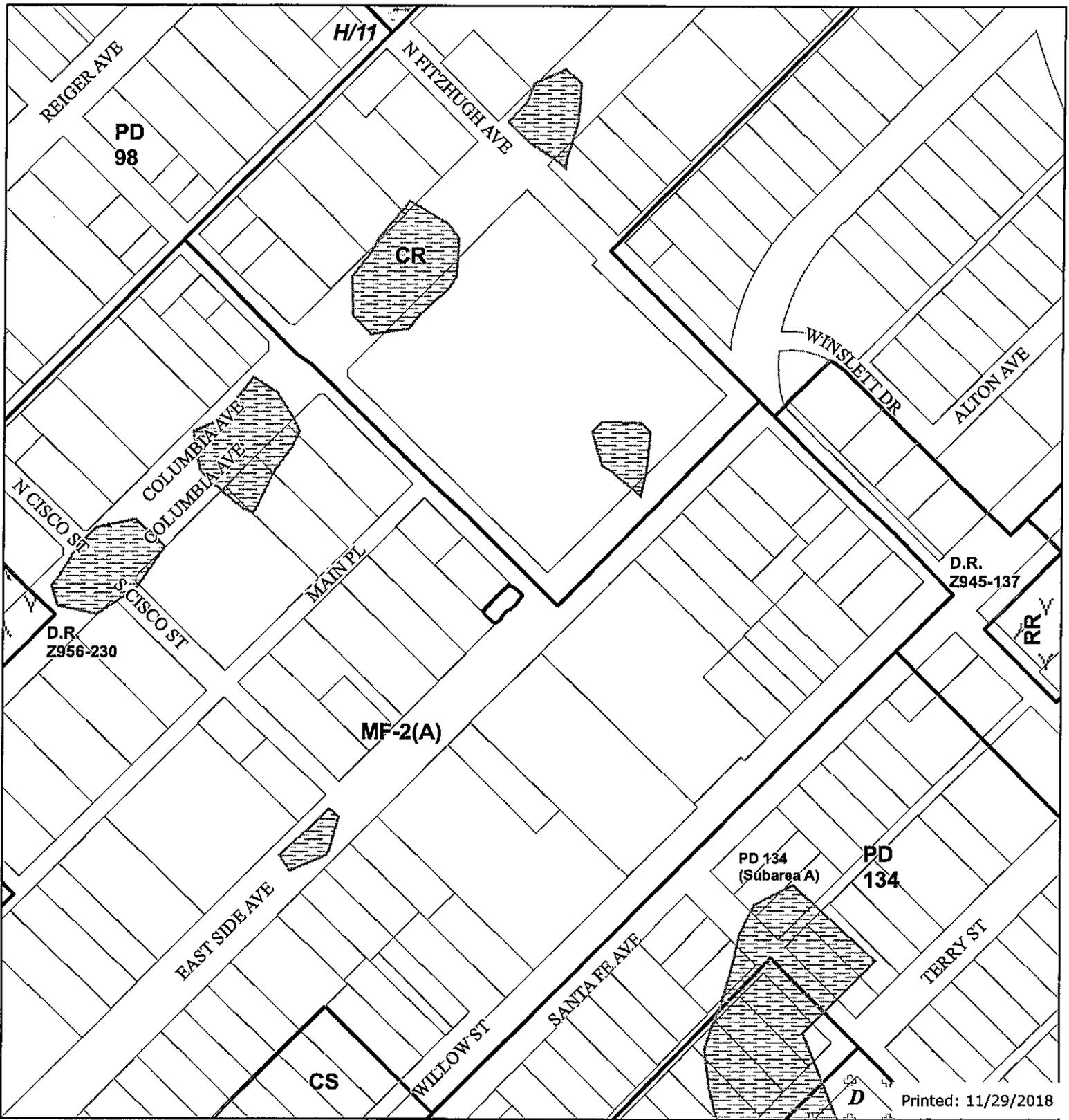
I hereby certify that Steve Wood

did submit a request for a variance to the off-street parking regulations
at 183 S. Prairie Avenue

BDA189-001. Application of Steve Wood for a variance to the off-street parking regulation at 183 S. Prairie Avenue. This property is more fully described as Lot 1, Block 801-1/2 and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,


Philip Sikes, Building Official



Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSD Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA188-001 SUP | Historic Overlay | 2-11 Shop Front Overlay |
| | | Height Map Overlay | |

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



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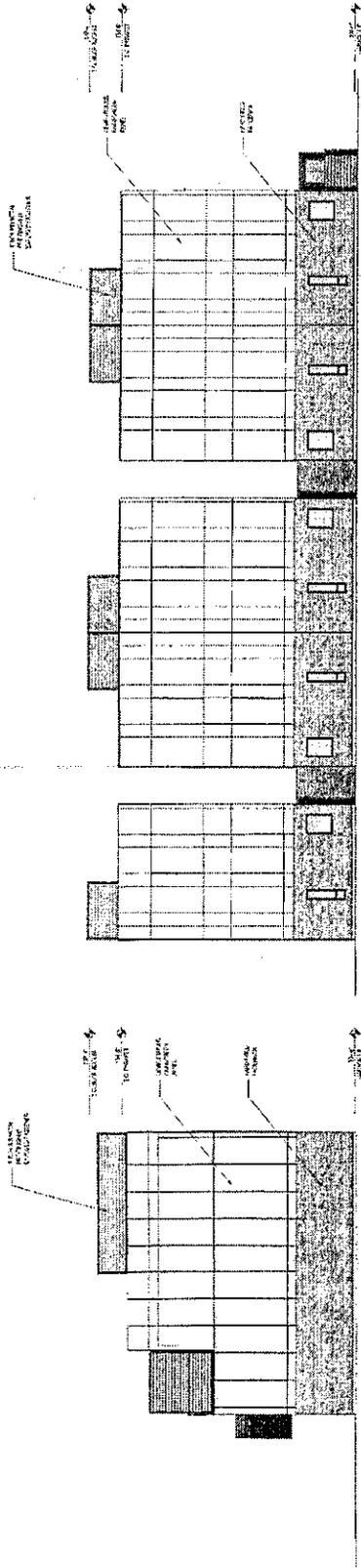
TR
51

OBDA189-001

DB LAB
 2024 S. W. 10th St.
 Fort Worth, TX 76104
 Phone: 817.339.1111

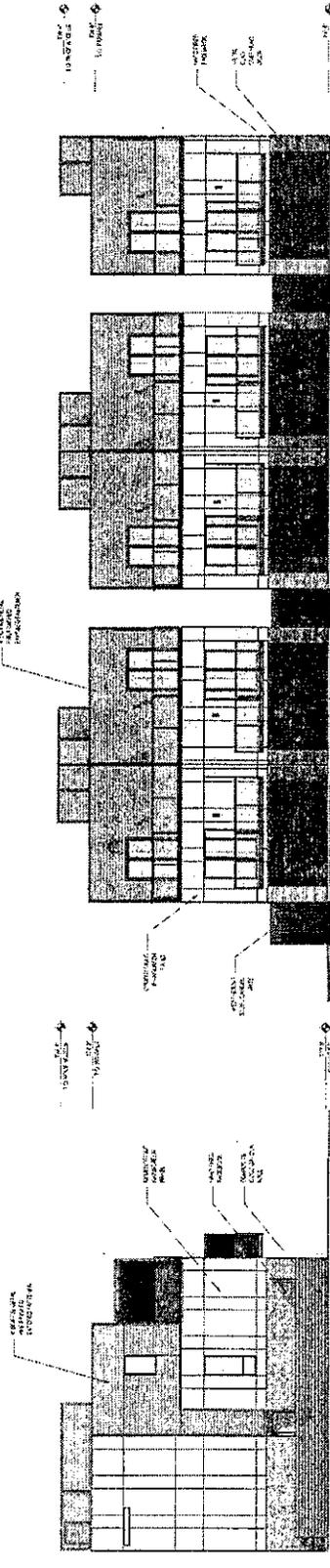
PROJECT: 4729 East Side Avenue
 08/20/2014
 1505.046.8794

DATE: 07/27/2014



NW ELEVATION
18'-11 1/2"

ALLEY ELEVATION
18'-11 1/2"



EAST SIDE AVENUE ELEVATION
18'-11 1/2"

S. PRAIRIE AVENUE ELEVATION
18'-11 1/2"

APPROVALS	4729 East Side Avenue DALLAS, TEXAS
Prepared by: David Stewart 08/14/14	Project Owner: DB LAB 1505.046.8794
EXTERIOR ELEVATIONS	

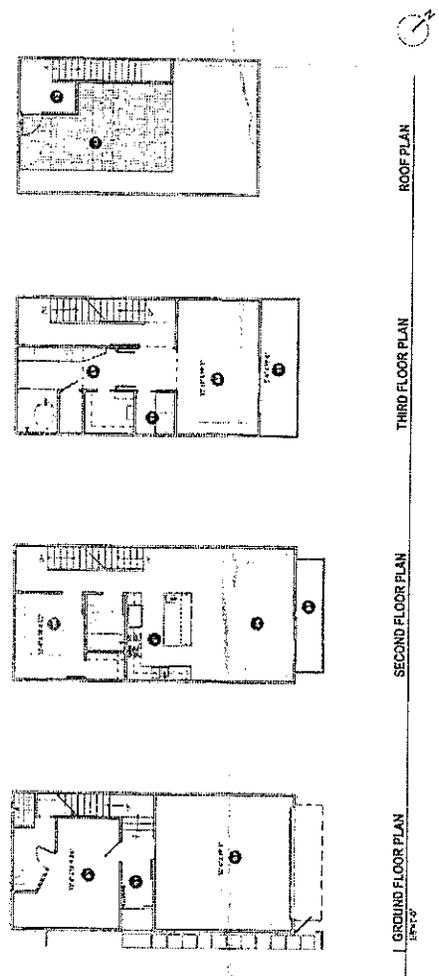


4779 East Side Avenue
DALLAS, TEXAS 75246
TEL: 972.382.1111
WWW.DB-LAB.COM

DATE: _____
PROJECT: _____

GROUND FLOOR PLAN	394 SF - CONDITIONED	388 SF - GARAGE
SECOND FLOOR PLAN	788 SF - CONDITIONED	
THIRD FLOOR PLAN	657 SF - CONDITIONED	
ROOF PLAN	109 SF - CONDITIONED	
TOTAL AREA/UNIT	1928 SF - CONDITIONED	388 SF - UNCONDITIONED

- 1 ENTRY
- 2 GARAGE
- 3 BEDROOM
- 4 BEDROOM
- 5 KITCHEN
- 6 LIVING/DINING
- 7 BALCONY
- 8 MASTER BEDROOM
- 9 MASTER BATH
- 10 LAUNDRY
- 11 TERRACE
- 12 MECHANICAL
- 13 ROOF DECK

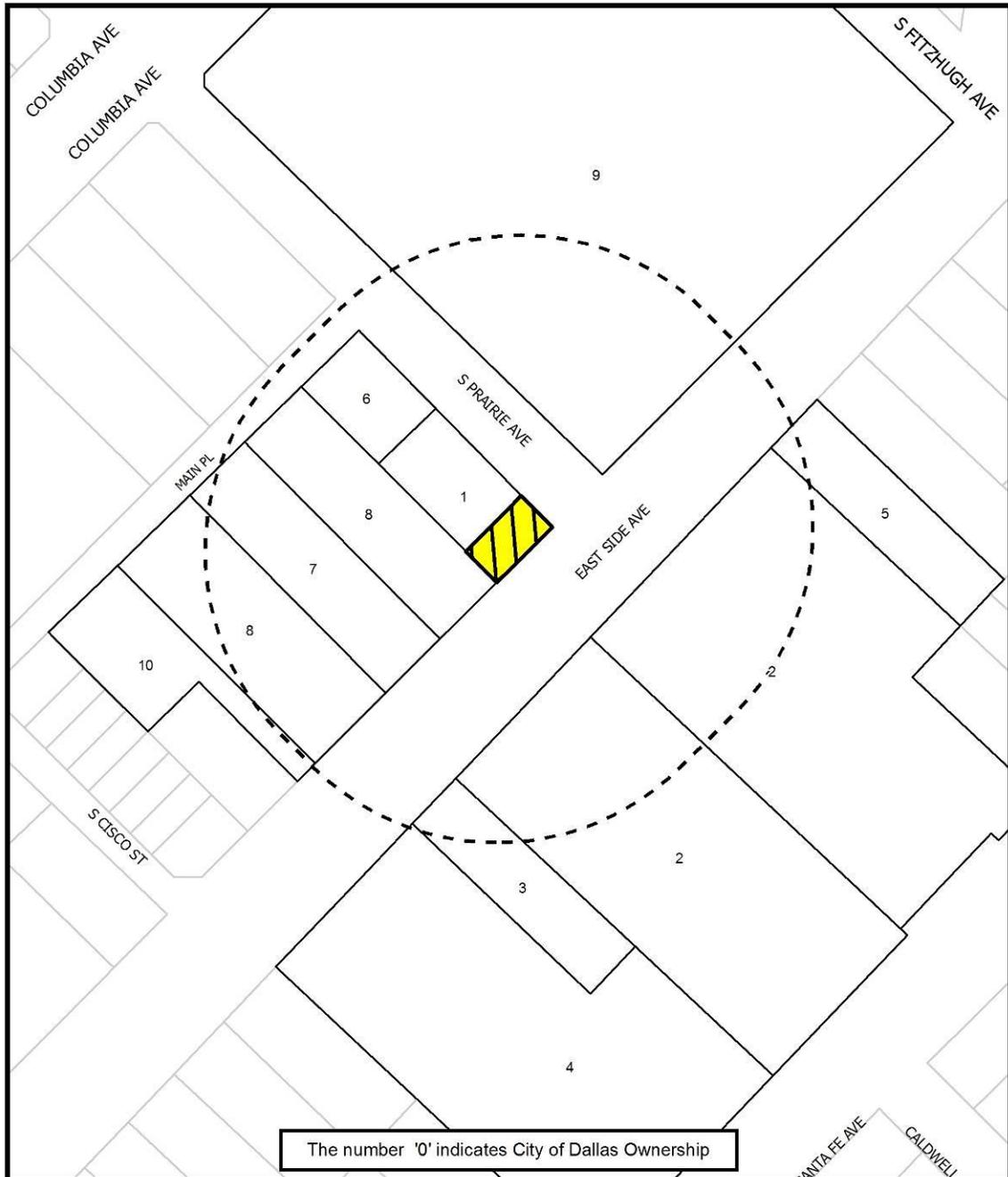


APPROVALS:

4779 East Side Avenue
DALLAS, TEXAS

Project Owner:
DB Lab
4779 East Side Avenue
DALLAS, TEXAS 75246
TEL: 972.382.1111

UNIT
FLOOR PLANS



 1:1,200	NOTIFICATION		Case no: BDA189-001
	<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;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/14/2018	

Notification List of Property Owners

BDA189-001

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4729 EAST SIDE AVE	PLUTUS21 DEVELOPMENT FUND I
2	4806 EAST SIDE AVE	WILLOW PARTNERS LP
3	4718 EAST SIDE AVE	MARSON INVESTMENTS LLC
4	4700 EAST SIDE AVE	MANSE TAMMY LLC
5	4812 EAST SIDE AVE	TRUE RENOVATIONS LLC
6	4734 MAIN PL	GUERRERO JUAN
7	4725 EAST SIDE AVE	BERNAL ROBERT & TIRSA SOCORRO
8	4721 EAST SIDE AVE	CASARIN MINERVA &
9	4800 COLUMBIA AVE	VISTA COLUMBIA LLC
10	4715 EAST SIDE AVE	GARCIA SANTIAGO

FILE NUMBER: BDA189-002(SL)

BUILDING OFFICIAL'S REPORT: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations at 175 S. Prairie Avenue. This property is more fully described as Lot 2, Block 801-1/2, and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 175 S. Prairie Avenue

APPLICANT: Steven Wood of Texas Permit

REQUEST:

A request for a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where spaces in this enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

(Note that this application is similar to four others filed by the same applicant on properties adjacent to this site, and scheduled to be heard by Board of Adjustment Panel A on January 15, 2019: BDA189-001, 003, 004, and 005).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting this request does not appear to be contrary to public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request, the applicant has not substantiated how the variance to the off-street parking regulations is necessary to permit development of this flat, rectangular-shaped, approximately 1,400 square foot site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning. The applicant has not established how features of the site restricts it from being developed with a use/structure that can comply with off-street parking regulations.
- The applicant has not substantiated how granting the variance is not to relieve a self created or personal hardship, nor for financial reasons, particularly when this request focuses on dividing what is currently one building site into five separate lots, one of which is the subject site.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multi-family district)
North: CR (Community retail)
South: MF-2(A) (Multi-family district)
East: MF-2(A) (Multi-family district)
West: MF-2(A) (Multi-family district)

Land Use:

The subject site is undeveloped. The areas to the north and south are undeveloped; the area to the east is developed with retail use; and the area to the west is developed with multifamily use.

Zoning/BDA History:

1. BDA189-001, Property at 183 S. Prairie (the lot to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

2. BDA189-003, Property at 167 S. Prairie (the lot to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

3. BDA189-004, Property at 159 S. Prairie (two lots to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

4. BDA189-005, Property at 151 S. Prairie (three lots to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the off-street parking regulations of 4' focuses on locating parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where these parking spaces entered from the street right-of-way line would be located 16' from the S. Prairie Avenue right-of-way line or 4' into the required 20' distance from this right-of-way line.
- The subject site is zoned MF-2(A) where the minimum front yard setback is 15'.
- The applicant has submitted a site plan that represents that the proposed single family home provides a 16' front yard setback.
- Section 51(A)-4.301(a)(9) of 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 denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 26' from the S. Prairie Avenue pavement line).
- Floor plans of the proposed home have been submitted documenting that the total "conditioned" space of the three-floor single family home is approximately 1,900 square feet. The 1st floor includes an entry, a garage, and a bedroom; the 2nd floor includes a living/dining area, bath, and bedroom; and the 3rd floor includes a master bedroom, laundry, and master bath.
- DCAD records indicate "no main improvements" for the property at 4729 East Side Avenue (which is the area that includes the subject site and the four other properties that the applicant has filed for similar variances on).

- The subject site is flat, rectangular in shape (approximately 60' x 23.5'), and is approximately 1,400 square feet in area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections" given the distance between the pavement and the building footprint".
- 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 MF-2(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request for a variance of 4', 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).
- If the Board were to deny this variance request, the applicant could construct and maintain the single family home as represented on the site plan without enclosing the parking spaces in it.

Timeline:

October 9, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 4, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

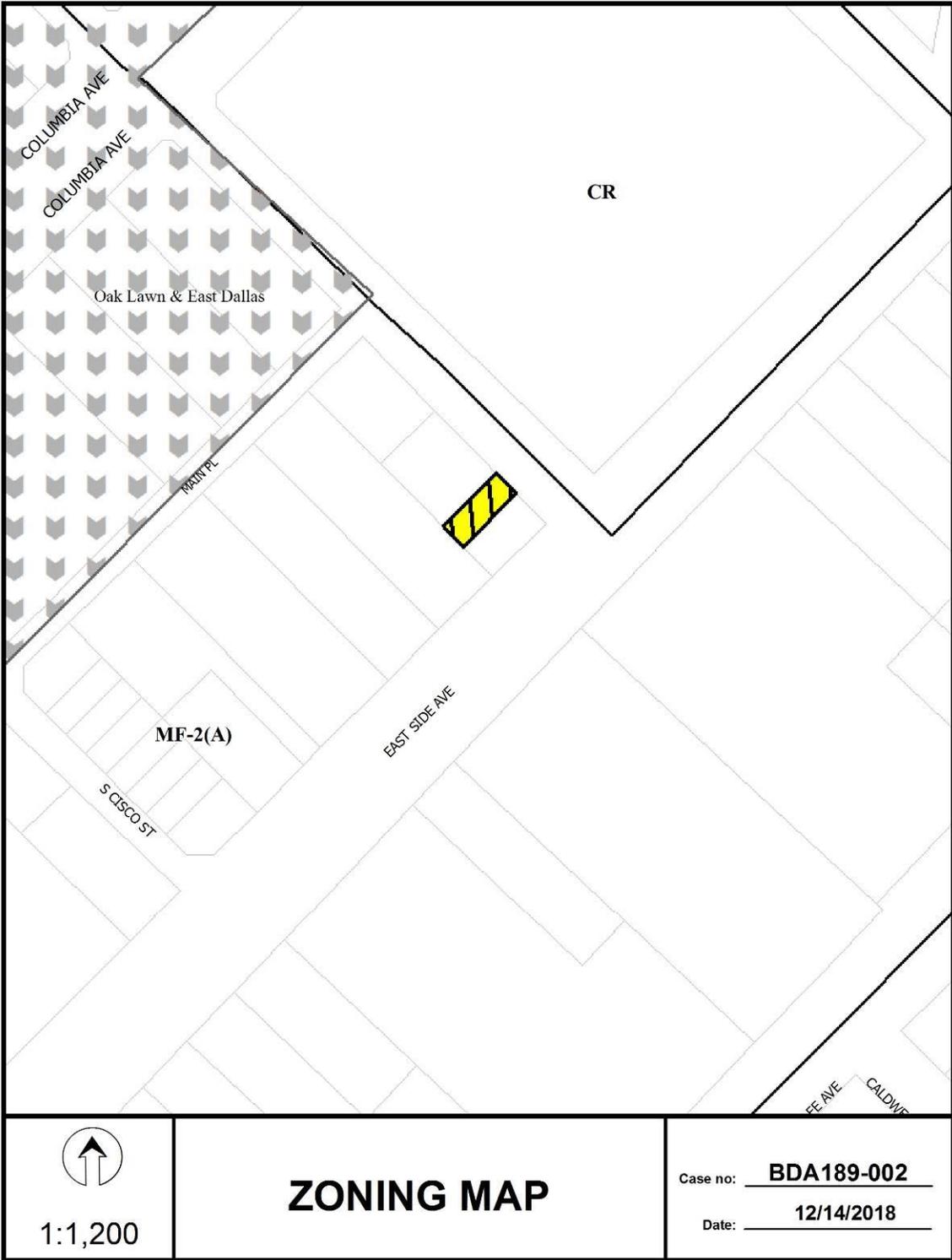
December 4, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 19th deadline to submit additional evidence for staff to factor into their analysis; and the January 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.

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

December 27, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Has no objections".



1:1,200

ZONING MAP

Case no: **BDA189-002**

Date: **12/14/2018**



1:1,200

AERIAL MAP

Case no: BDA189-002

Date: 12/14/2018



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-002

Data Relative to Subject Property: PRAIRIE AVE. Date: 10-9-18

Location address: 175 S. Eastside Zoning District: MF-2(A)

Lot No.: 2 Block No.: 801 1/2 Acreage: .032 Census Tract: 15.02

Street Frontage (in Feet): 1) 23.50 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Plutus 21 Development Fund I, LLC

Applicant: Steven Wood - TexasPermit Telephone: 817-682-7218

Mailing Address: Po Box 3293 Zip Code: 75226

E-mail Address: Steven@txpermit.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 Parking
Variance of 4' for enclosed parking structure

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
This request will not hinder the neighborhood and will be commensurate with the neighborhood. This property sits on a corner lot creating a double front yard

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.

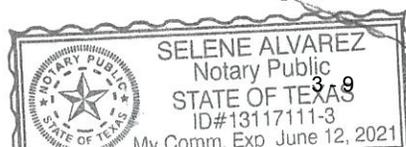
Affidavit

Before me the undersigned on this day personally appeared Steven Wood
(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 08 day of October, 2018



Selene Alvarez
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

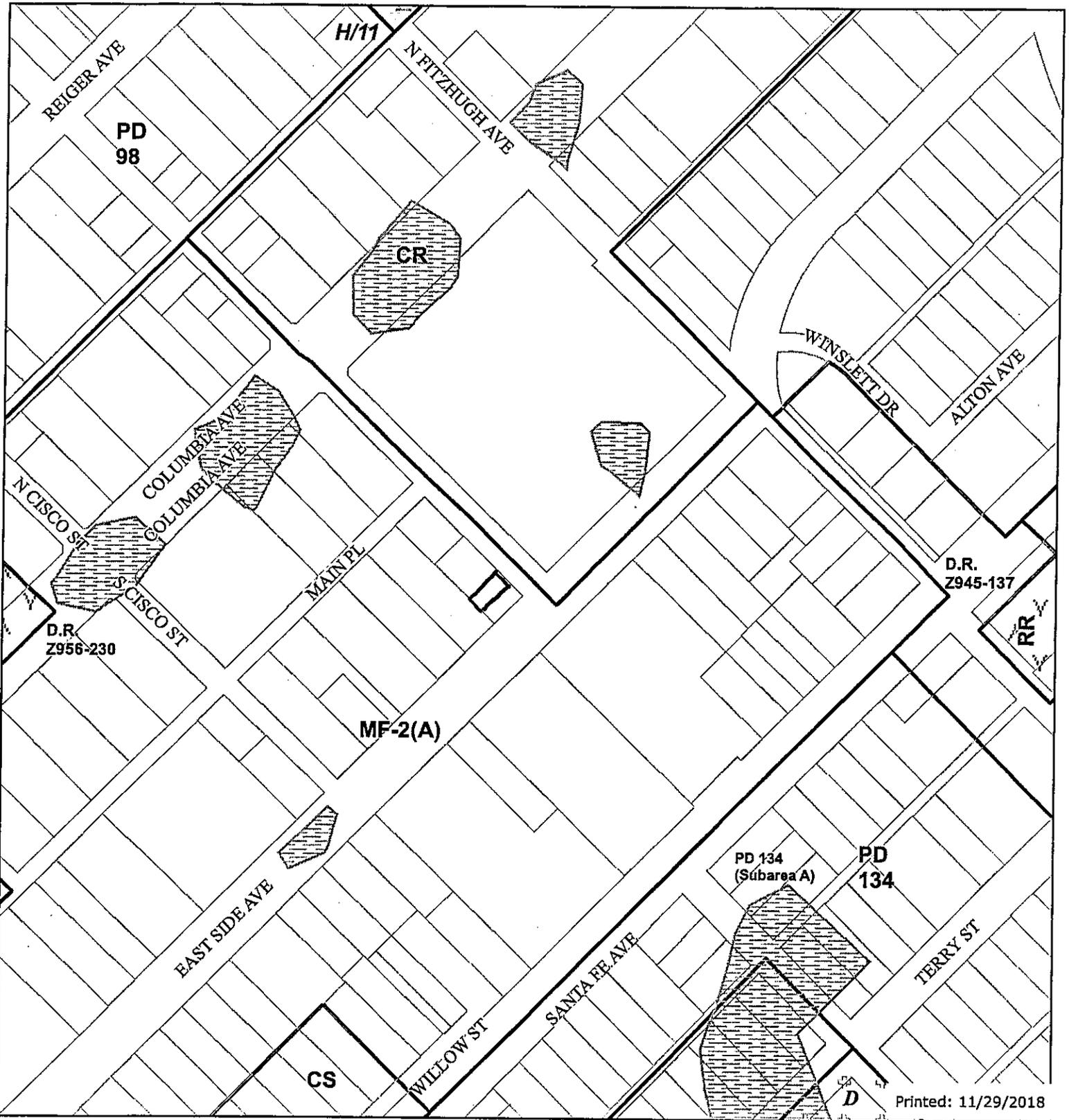
I hereby certify that Steve Wood

did submit a request for a variance to the off-street parking regulations
at 175 S. Prairie Avenue

BDA189-002. Application of Steve Wood for a variance to the off-street parking regulation at 175 S . Prairie Avenue. This property is more fully described as Lot 2, Block 801-1/2, and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 11/29/2018

Legend

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

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



7
800

AVE.

4700

6
800

AVE.

To CITY
#152370
13^{ft}
9-23-73

CISCO NO.100

801 1/2 N W 216.8 AVE.

(ST.)

PLACE

NO.100

SUBDIVIS

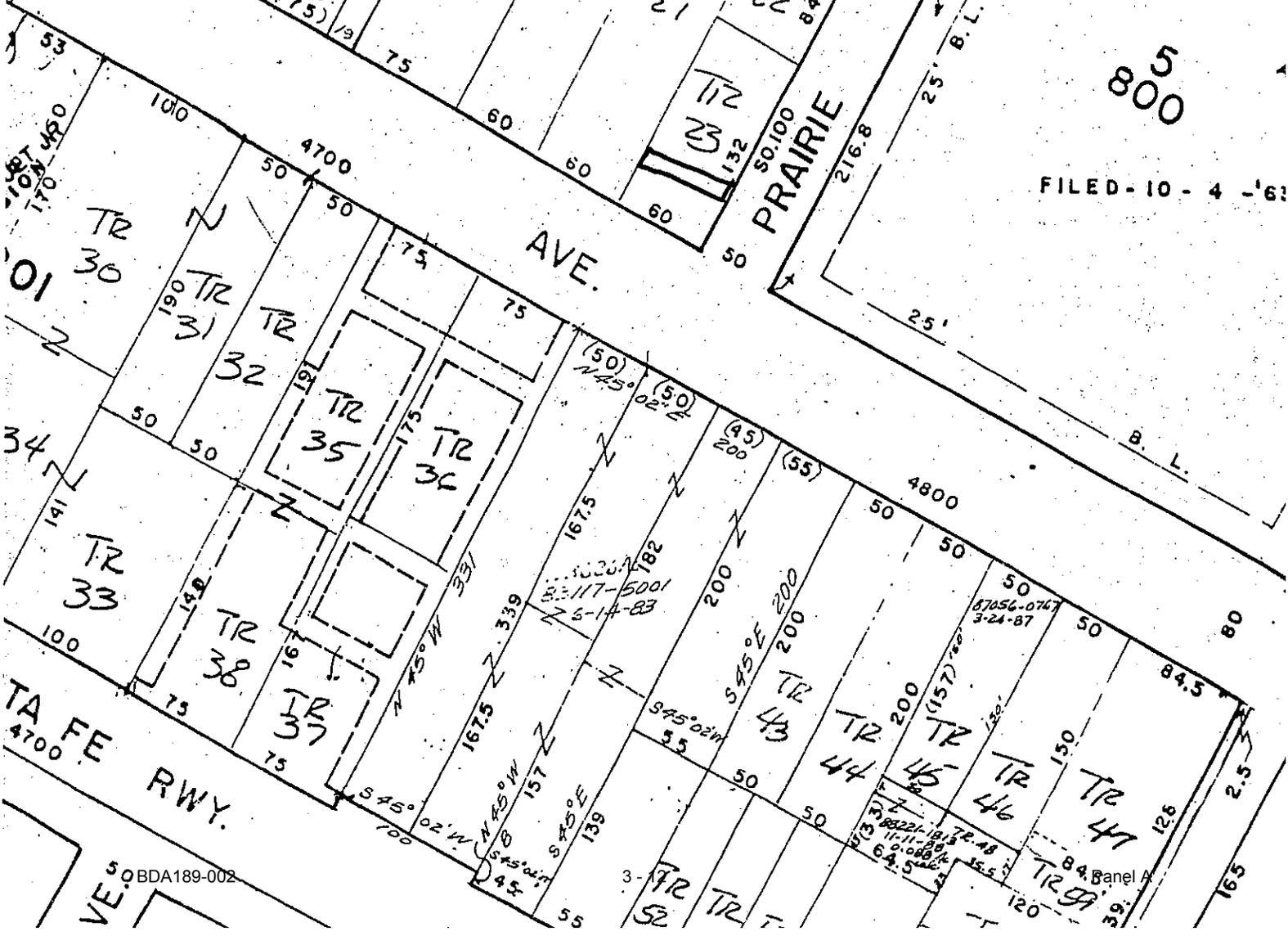
5
800

FILED - 10 - 4 - '61

PRAIRIE

AVE.

B. L.



50BDA189-002

DB LAB
 1000 N. 10th St.
 Suite 100
 Lincoln, NE 68502
 Phone: 402.441.1111
 Fax: 402.441.1112

Prepared by:
 DB LAB

DATE:
 11/11/11

APPROVALS:

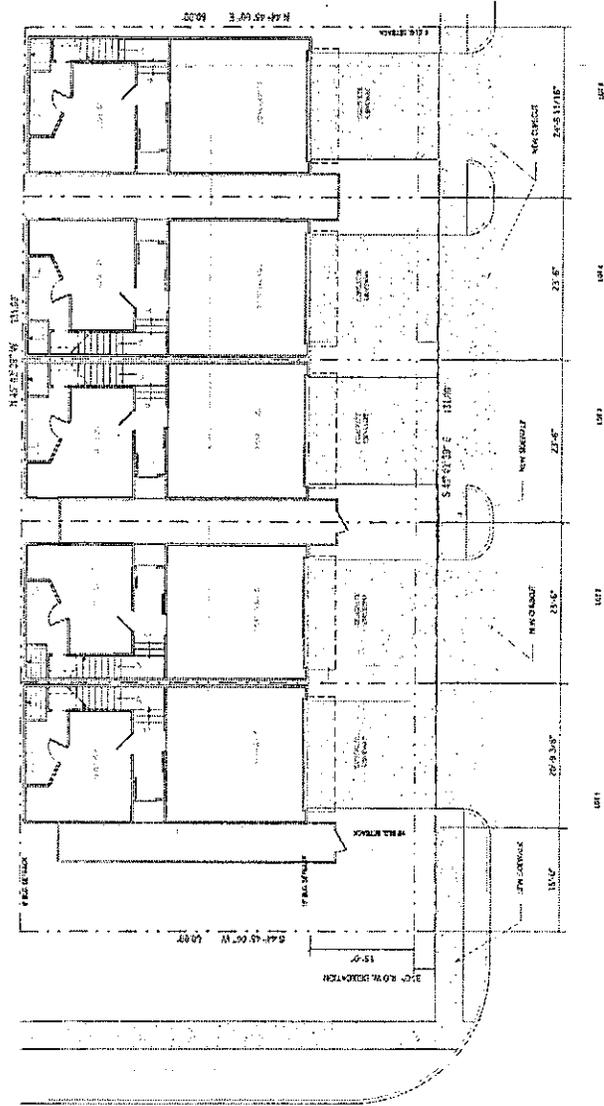
--

4379 6th St. NW
 CALLES, NM

Prepared by:
 DB LAB

Property Owner:
 DB LAB
 1000 N. 10th St.
 Suite 100
 Lincoln, NE 68502
 Phone: 402.441.1111
 Fax: 402.441.1112

**PROPOSED
 SITE PLAN**

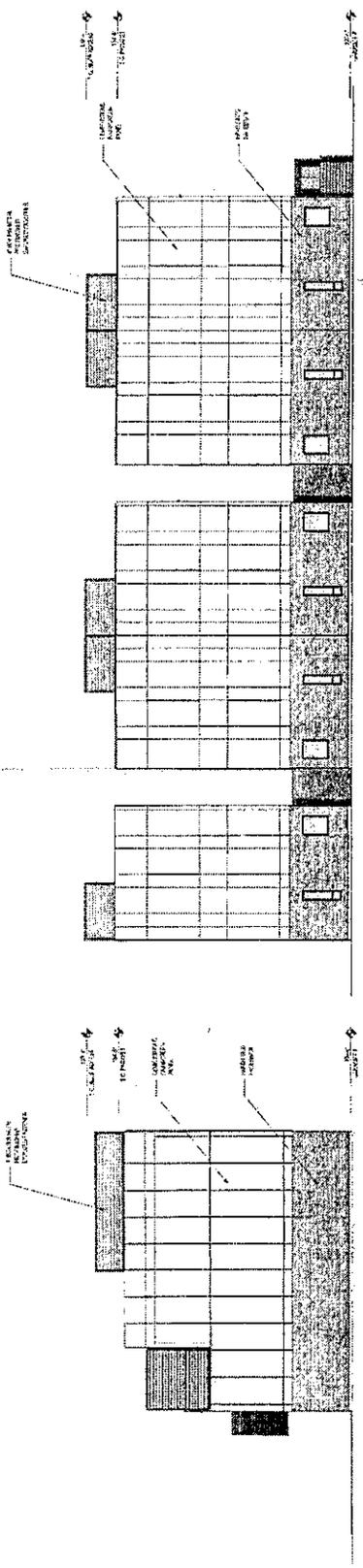


EAST SIDE AVENUE

S. PRAIRIE AVENUE

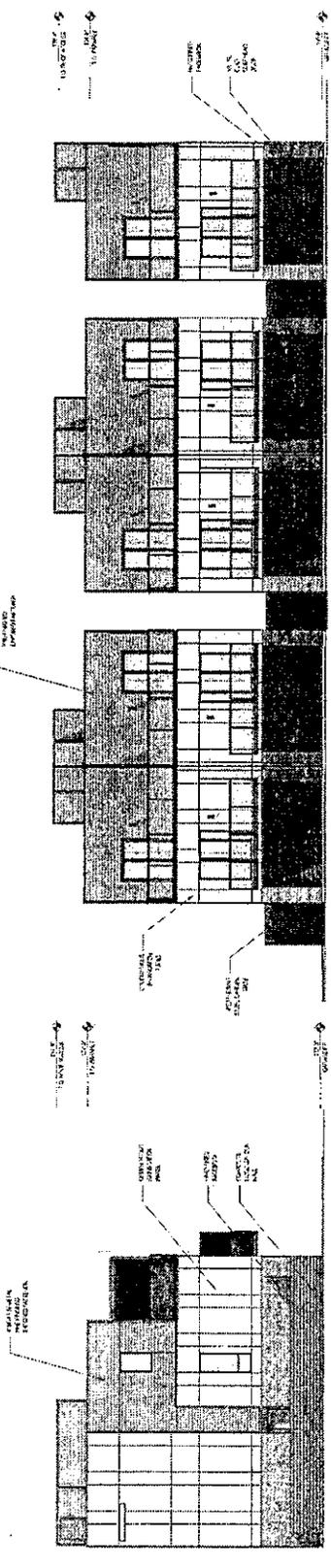
1 SITE CONCEPT
 11/11/11
 DB LAB





NW ELEVATION
18'-0" x 12'-0"

ALLEY ELEVATION
18'-0" x 12'-0"



EAST SIDE AVENUE ELEVATION
18'-0" x 12'-0"

S. PRAIRIE AVENUE ELEVATION
18'-0" x 12'-0"

APPROVALS	4779 East Side Avenue CHICAGO, IL 60648
Prepared by: Architect DB LAB	Project Owner: Architect DB LAB
EXTERIOR ELEVATIONS	

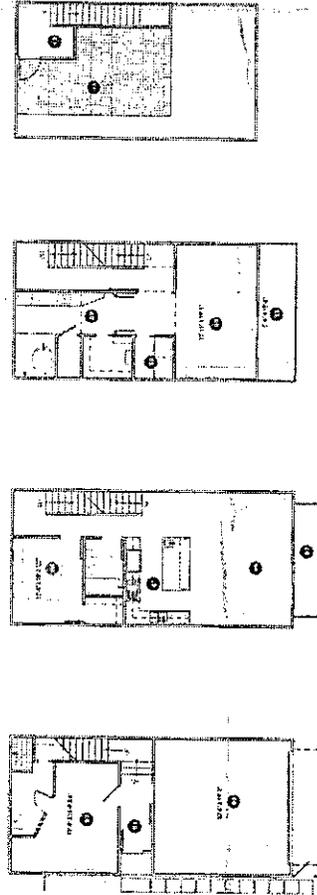


10000 W. LBJ
 AMERIKAY BLDG # 07
 10000 W. LBJ
 DALLAS, TEXAS

EGS
 HYATT/CHI

GROUND FLOOR PLAN	384 SF - CONDITIONED	388 SF - GARAGE
SECOND FLOOR PLAN	768 SF - CONDITIONED	
THIRD FLOOR PLAN	557 SF - CONDITIONED	
ROOF PLAN	163 SF - CONDITIONED	
TOTAL AREA/UNIT	1928 SF - CONDITIONED	388 SF - UNCONDITIONED

- 1 ENTRY
- 2 GARAGE
- 3 BEDROOM
- 4 BEDROOM
- 5 KITCHEN
- 6 LIVING/DINING
- 7 BALCONY
- 8 MASTER BEDROOM
- 9 MASTER BATH
- 10 LAUNDRY
- 11 TERRACE
- 12 MECHANICAL
- 13 ROOF DECK



GROUND FLOOR PLAN
 SECOND FLOOR PLAN
 THIRD FLOOR PLAN
 ROOF PLAN

APPROVALS:

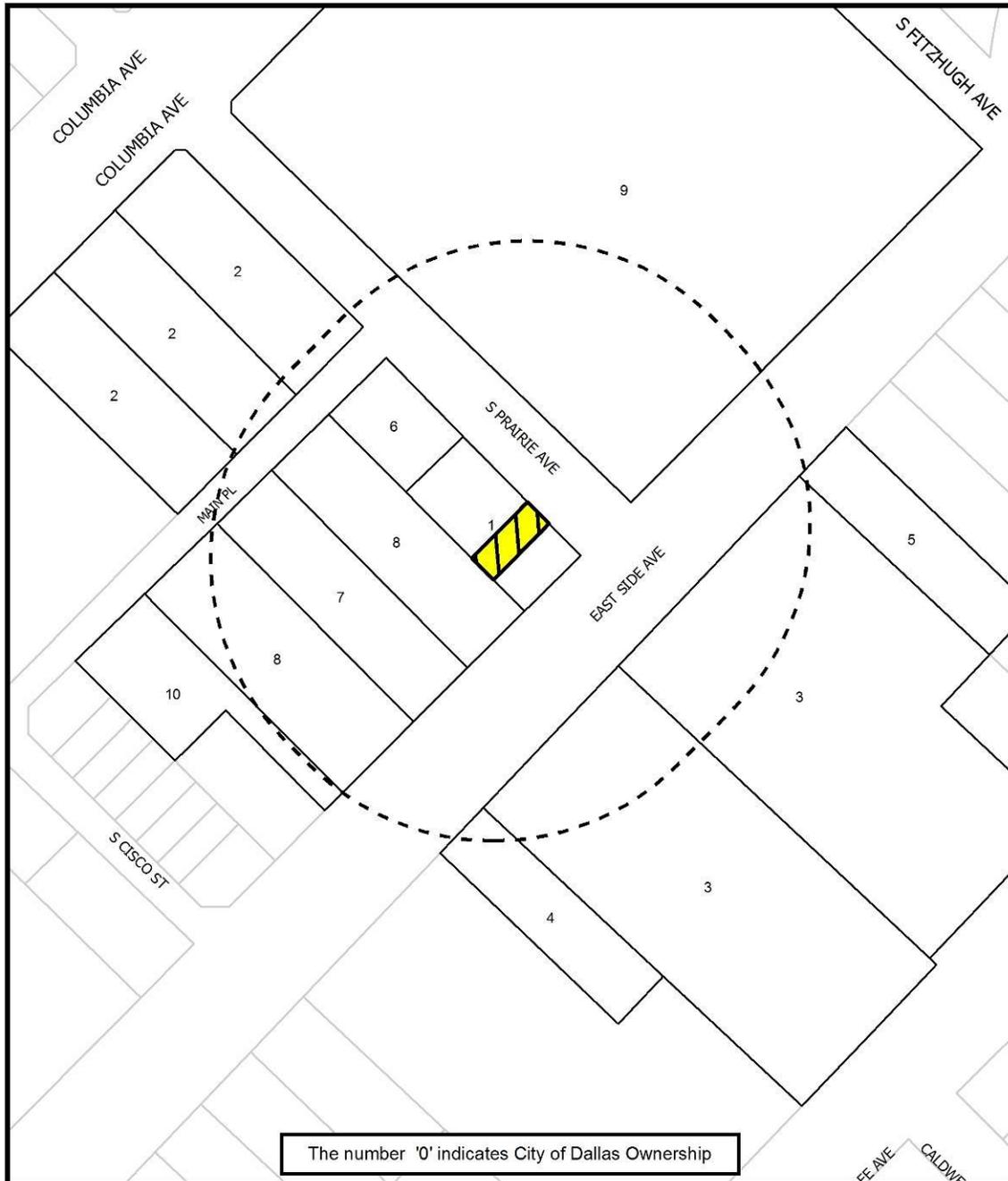


4729 East Sola Avenue
 DALLAS, TEXAS

Prepared by:
 David Stewart
 DB Lab

Property Owner:
 VITACORP, L.L.C.
 10000 W. LBJ
 DALLAS, TEXAS
 75243-9974

UNIT
 FLOOR PLANS



 1:1,200	<h2>NOTIFICATION</h2>		Case no: BDA189-002
	<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;">10</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/14/2018	

Notification List of Property Owners

BDA189-002

10 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4729 EAST SIDE AVE	PLUTUS21 DEVELOPMENT FUND I
2	4716 COLUMBIA AVE	COLUMBIA VILLAS LLC
3	4806 EAST SIDE AVE	WILLOW PARTNERS LP
4	4718 EAST SIDE AVE	MARSON INVESTMENTS LLC
5	4812 EAST SIDE AVE	TRUE RENOVATIONS LLC
6	4734 MAIN PL	GUERRERO JUAN
7	4725 EAST SIDE AVE	BERNAL ROBERT & TIRSA SOCORRO
8	4721 EAST SIDE AVE	CASARIN MINERVA &
9	4800 COLUMBIA AVE	VISTA COLUMBIA LLC
10	4715 EAST SIDE AVE	GARCIA SANTIAGO

FILE NUMBER: BDA189-003(SL)

BUILDING OFFICIAL'S REPORT: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations at 167 S. Prairie Avenue. This property is more fully described as Lot 3, Block 801-1/2, and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 167 S. Prairie Avenue

APPLICANT: Steven Wood of Texas Permit

REQUEST:

A request for a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where spaces in this enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

(Note that this application is similar to four others filed by the same applicant on properties adjacent to this site, and scheduled to be heard by Board of Adjustment Panel A on January 15, 2019: BDA189-001, 002, 004, and 005).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting this request does not appear to be contrary to public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request, the applicant has not substantiated how the variance to the off-street parking regulations is necessary to permit development of this flat, rectangular-shaped, approximately 1,400 square foot site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning. The applicant has not established how features of the site restricts it from being developed with a use/structure that can comply with off-street parking regulations.
- The applicant has not substantiated how granting the variance is not to relieve a self created or personal hardship, nor for financial reasons, particularly when this request focuses on dividing what is currently one building site into five separate lots, one of which is the subject site.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multi-family district)
North: CR (Community retail)
South: MF-2(A) (Multi-family district)
East: MF-2(A) (Multi-family district)
West: MF-2(A) (Multi-family district)

Land Use:

The subject site is undeveloped. The areas to the north and south are undeveloped; the area to the east is developed with retail use; and the area to the west is developed with multifamily use.

Zoning/BDA History:

1. BDA189-001, Property at 183 S. Prairie (two lots to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

2. BDA189-002, Property at 175 S. Prairie (one lot to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

3. BDA189-004, Property at 159 S. Prairie (one lot to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

4. BDA189-005, Property at 151 S. Prairie (two lots to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the off-street parking regulations of 4' focuses on locating parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where these parking spaces entered from the street right-of-way line would be located 16' from the S. Prairie Avenue right-of-way line or 4' into the required 20' distance from this right-of-way line.
- The subject site is zoned MF-2(A) where the minimum front yard setback is 15'.
- The applicant has submitted a site plan that represents that the proposed single family home provides a 16' front yard setback.
- Section 51(A)-4.301(a)(9) of 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 denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 26' from the S. Prairie Avenue pavement line).
- Floor plans of the proposed home have been submitted documenting that the total "conditioned" space of the three-floor single family home is approximately 1,900 square feet. The 1st floor includes an entry, a garage, and a bedroom; the 2nd floor includes a living/dining area, bath, and bedroom; and the 3rd floor includes a master bedroom, laundry, and master bath.
- DCAD records indicate "no main improvements" for the property at 4729 East Side Avenue (which is the area that includes the subject site and the four other properties that the applicant has filed for similar variances on).

- The subject site is flat, rectangular in shape (approximately 60' x 23.5'), and is approximately 1,400 square feet in area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections" given the distance between the pavement and the building footprint".
- 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 MF-2(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request for a variance of 4', 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).
- If the Board were to deny this variance request, the applicant could construct and maintain the single family home as represented on the site plan without enclosing the parking spaces in it.

Timeline:

October 9, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 4, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

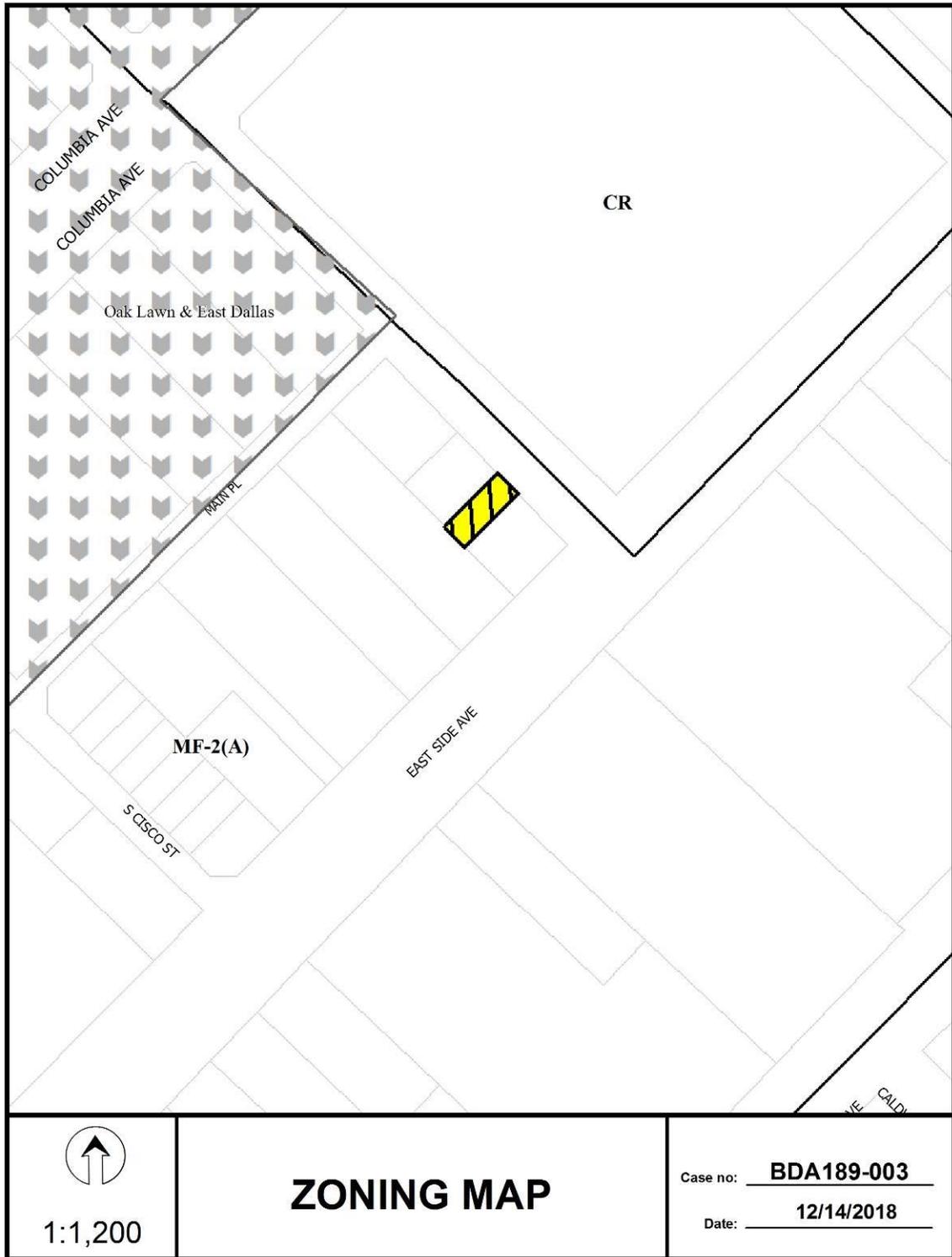
December 4, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 19th deadline to submit additional evidence for staff to factor into their analysis; and the January 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.

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

December 27, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Has no objections".

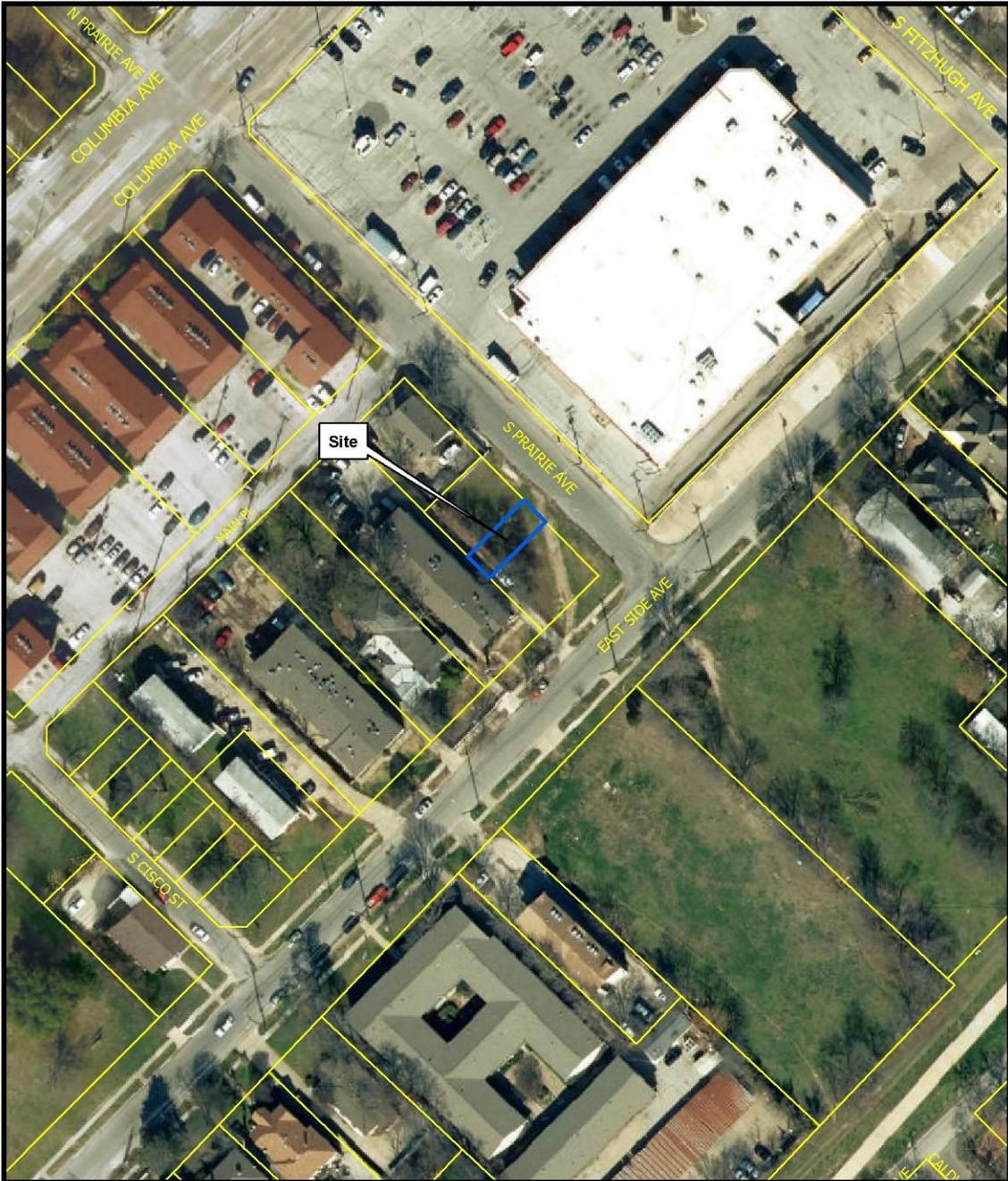


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ZONING MAP

Case no: **BDA189-003**

Date: **12/14/2018**



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AERIAL MAP

Case no: BDA189-003
Date: 12/14/2018



A

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-003

Data Relative to Subject Property:

Date: 10-9-18

Location address: 1107 S Prairie ~~East~~ Side Zoning District: MF-2(A)

Lot No.: 3 Block No.: 801 1/2 Acreage: .032 Census Tract: 15.02

Street Frontage (in Feet): 1) 23.50 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Plutus 21 Development Fund 1, LLC

Applicant: Steven Wood - Texas Permit Telephone: 817-682-7218

Mailing Address: Po Box 3293 Zip Code: 75126

E-mail Address: Steven@txpermit.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 Parking Variance of 4' for enclosed parking structure

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

This request will not hinder the neighborhood and will be commensurate with the neighborhood. This property is on a corner lot creating a double front yard.

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.

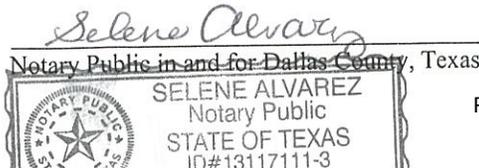
Affidavit

Before me the undersigned on this day personally appeared Steven Wood (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 8 day of October, 2018



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

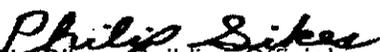
Building Official's Report

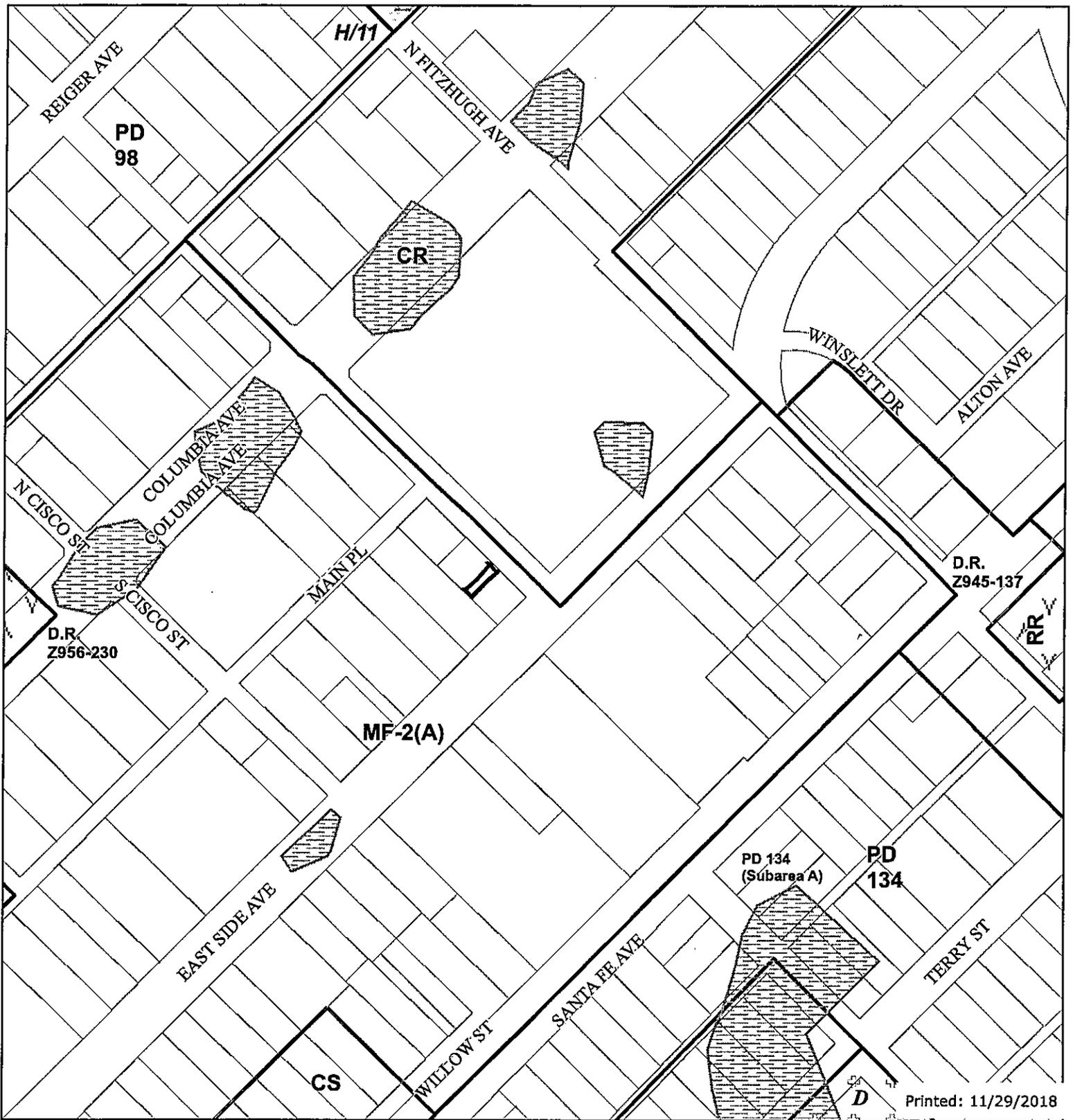
I hereby certify that Steve Wood

did submit a request for a variance to the off-street parking regulations
at 167 S. Prairie Avenue

BDA189-003. Application of Steve Wood for a variance to the off-street parking regulation at 167 S. Prairie Avenue. This property is more fully described as Lot 3, Block 801-1/2, an is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,


Philip Sikes, Building Official



Printed: 11/29/2018

Legend

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|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | BDA180-603 SUP | Historic Overlay | 4-11 Shop Front Overlay |
| | | Height Map Overlay | |

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

Panel A



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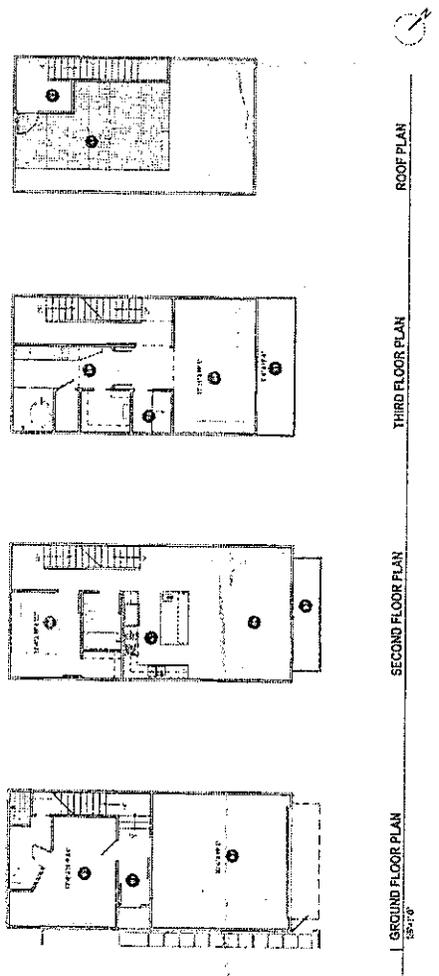


15000 W. 14th Street
 Suite 100
 Dallas, TX 75244
 (214) 343-1234

DATE: 11/17/2011

GROUND FLOOR PLAN	394 SF - CONDITIONED	388 SF - GARAGE
SECOND FLOOR PLAN	768 SF - CONDITIONED	
THIRD FLOOR PLAN	657 SF - CONDITIONED	
ROOF PLAN	169 SF - UNCONDITIONED	
TOTAL AREA/UNIT	1928 SF - CONDITIONED	388 SF - UNCONDITIONED

- 1 ENTRY
- 2 GARAGE
- 3 BEDROOM
- 4 BEDROOM
- 5 KITCHEN
- 6 LIVING/DINING
- 7 BALCONY
- 8 MASTER BEDROOM
- 9 MASTER BATH
- 10 LAUNDRY
- 11 TERRACE
- 12 MECHANICAL
- 13 ROOF DECK



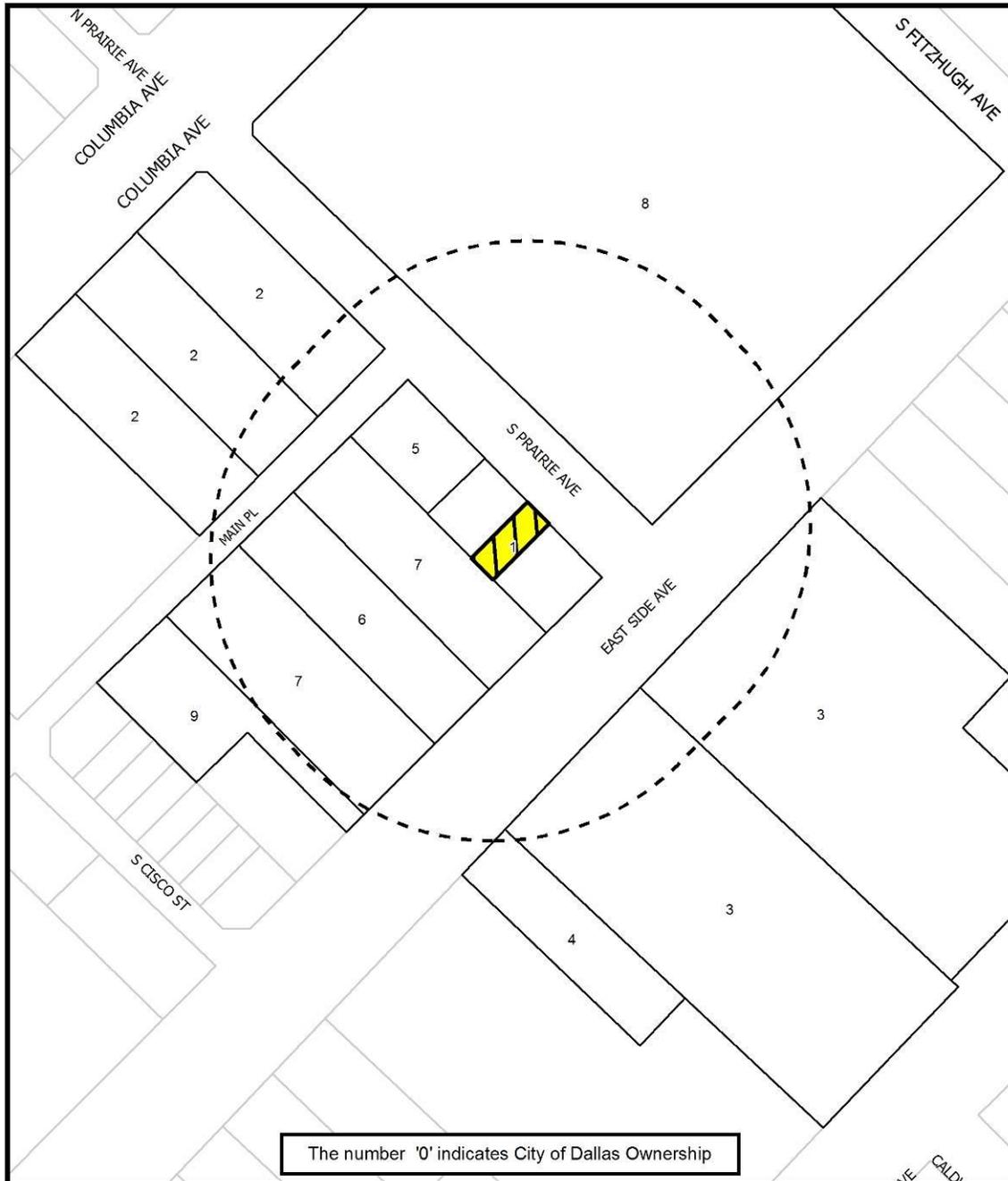
APPROVALS:

4729 East Star Avenue
 Dallas, Texas

Prepared by:
 David Stewart
 DB Lab

Project Owner:
 VantagePoint, LLC
 10000 West Loop West, Suite 1000
 Dallas, Texas 75243
 (214) 424-6274

UNIT
FLOOR PLANS



 1:1,200	NOTIFICATION		Case no: BDA189-003
	<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;">9</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/14/2018	

Notification List of Property Owners

BDA189-003

9 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4729 EAST SIDE AVE	PLUTUS21 DEVELOPMENT FUND I
2	4716 COLUMBIA AVE	COLUMBIA VILLAS LLC
3	4806 EAST SIDE AVE	WILLOW PARTNERS LP
4	4718 EAST SIDE AVE	MARSON INVESTMENTS LLC
5	4734 MAIN PL	GUERRERO JUAN
6	4725 EAST SIDE AVE	BERNAL ROBERT & TIRSA SOCORRO
7	4721 EAST SIDE AVE	CASARIN MINERVA &
8	4800 COLUMBIA AVE	VISTA COLUMBIA LLC
9	4715 EAST SIDE AVE	GARCIA SANTIAGO

FILE NUMBER: BDA189-004(SL)

BUILDING OFFICIAL'S REPORT: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations at 159 S. Prairie Avenue. This property is more fully described as Lot 4, Block 801-1/2, and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 159 S. Prairie Avenue

APPLICANT: Steven Wood of Texas Permit

REQUEST:

A request for a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where spaces in this enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

(Note that this application is similar to four others filed by the same applicant on properties adjacent to this site, and scheduled to be heard by Board of Adjustment Panel A on January 15, 2019: BDA189-001, 002, 003, and 005).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting this request does not appear to be contrary to public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request, the applicant has not substantiated how the variance to the off-street parking regulations is necessary to permit development of this flat, rectangular-shaped, approximately 1,400 square foot site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning. The applicant has not established how features of the site restricts it from being developed with a use/structure that can comply with off-street parking regulations.
- The applicant has not substantiated how granting the variance is not to relieve a self created or personal hardship, nor for financial reasons, particularly when this request focuses on dividing what is currently one building site into five separate lots, one of which is the subject site.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multi-family district)
North: CR (Community retail)
South: MF-2(A) (Multi-family district)
East: MF-2(A) (Multi-family district)
West: MF-2(A) (Multi-family district)

Land Use:

The subject site is undeveloped. The areas to the north and south are undeveloped; the area to the east is developed with retail use; and the area to the west is developed with multifamily use.

Zoning/BDA History:

1. BDA189-001, Property at 183 S. Prairie (three lots to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

2. BDA189-002, Property at 175 S. Prairie (two lots to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

3. BDA189-003, Property at 159 S. Prairie (one lot to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

4. BDA189-005, Property at 151 S. Prairie (one lot to the north of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the off-street parking regulations of 4' focuses on locating parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where these parking spaces entered from the street right-of-way line would be located 16' from the S. Prairie Avenue right-of-way line or 4' into the required 20' distance from this right-of-way line.
- The subject site is zoned MF-2(A) where the minimum front yard setback is 15'.
- The applicant has submitted a site plan that represents that the proposed single family home provides a 16' front yard setback.
- Section 51(A)-4.301(a)(9) of 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 denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 26' from the S. Prairie Avenue pavement line).
- Floor plans of the proposed home have been submitted documenting that the total "conditioned" space of the three-floor single family home is approximately 1,900 square feet. The 1st floor includes an entry, a garage, and a bedroom; the 2nd floor includes a living/dining area, bath, and bedroom; and the 3rd floor includes a master bedroom, laundry, and master bath.
- DCAD records indicate "no main improvements" for the property at 4729 East Side Avenue (which is the area that includes the subject site and the four other properties that the applicant has filed for similar variances on).

- The subject site is flat, rectangular in shape (approximately 60' x 23.5'), and is approximately 1,400 square feet in area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections" given the distance between the pavement and the building footprint".
- 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 MF-2(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request for a variance of 4', 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).
- If the Board were to deny this variance request, the applicant could construct and maintain the single family home as represented on the site plan without enclosing the parking spaces in it.

Timeline:

October 9, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 4, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

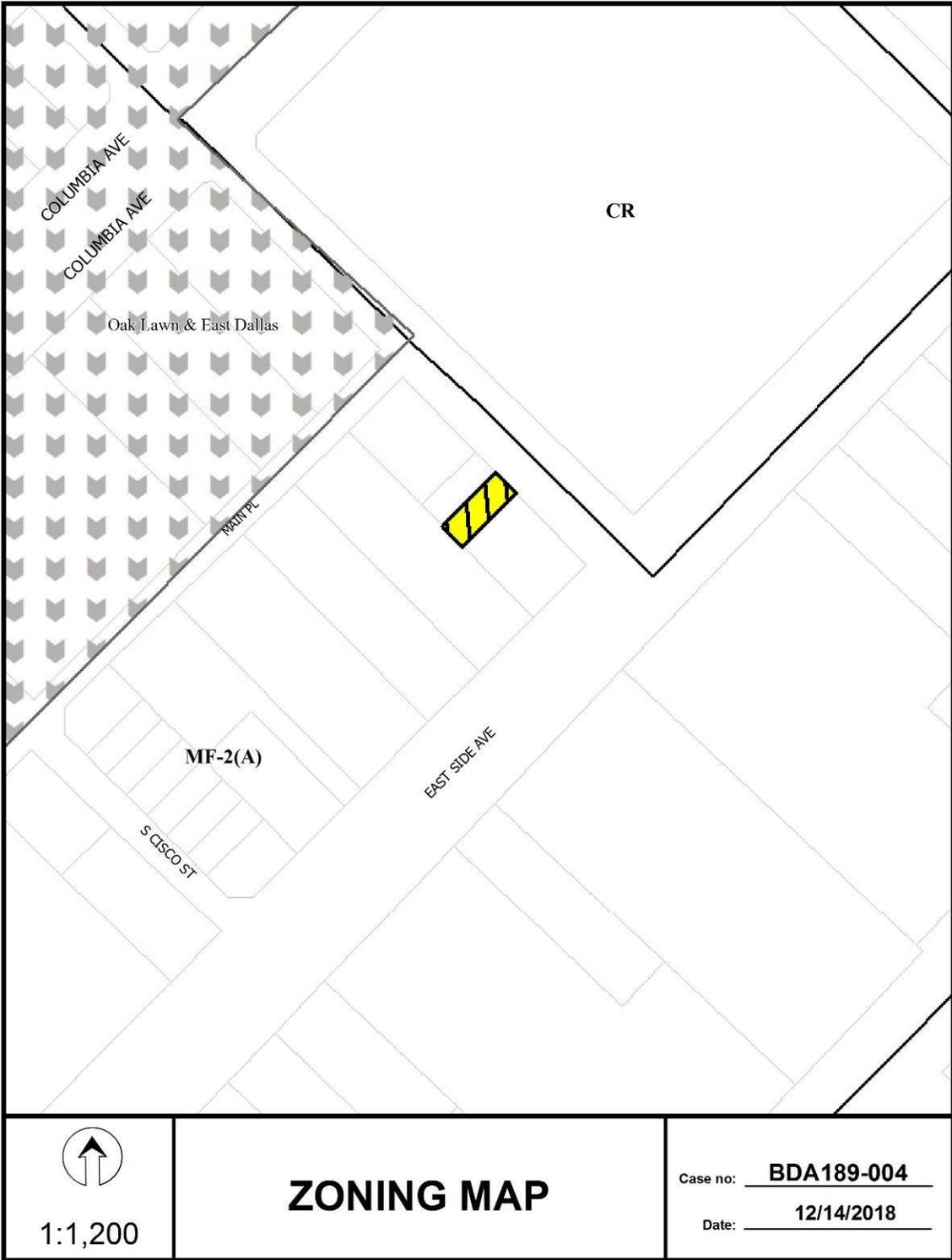
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- the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

December 27, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Has no objections".



1:1,200

ZONING MAP

Case no: BDA189-004
 Date: 12/14/2018



1:1,200

AERIAL MAP

Case no: BDA189-004

Date: 12/14/2018



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APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-004

Data Relative to Subject Property:

Date: 10-9-18

Location address: 159 S Prairie East Side Zoning District: MF-2(A)

Lot No.: 4 Block No.: 801 1/2 Acreage: .032 Census Tract: 15.02

Street Frontage (in Feet): 1) 23.50 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Plutus 21 Development Fund 1, LLC

Applicant: Steven Wood - Texas Permit Telephone: 817 682 7218

Mailing Address: PO Box 3293 Zip Code: 75226

E-mail Address: Steven@txpermit.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 Parking Variance of 4' for enclosed parking structure

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

This request will not hinder the neighborhood and will be commensurate with the neighborhood. This property is on a corner lot creating a double front yard.

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 Steven Wood (Affiant/Applicant's name printed)

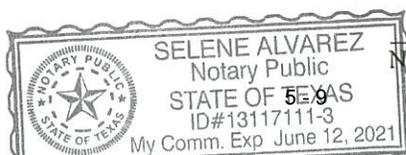
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 8 day of October, 2018

(Rev. 08-01-11)

BDA189-004



Selene Alvarez Notary Public in and for Dallas County, Texas

Panel A

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

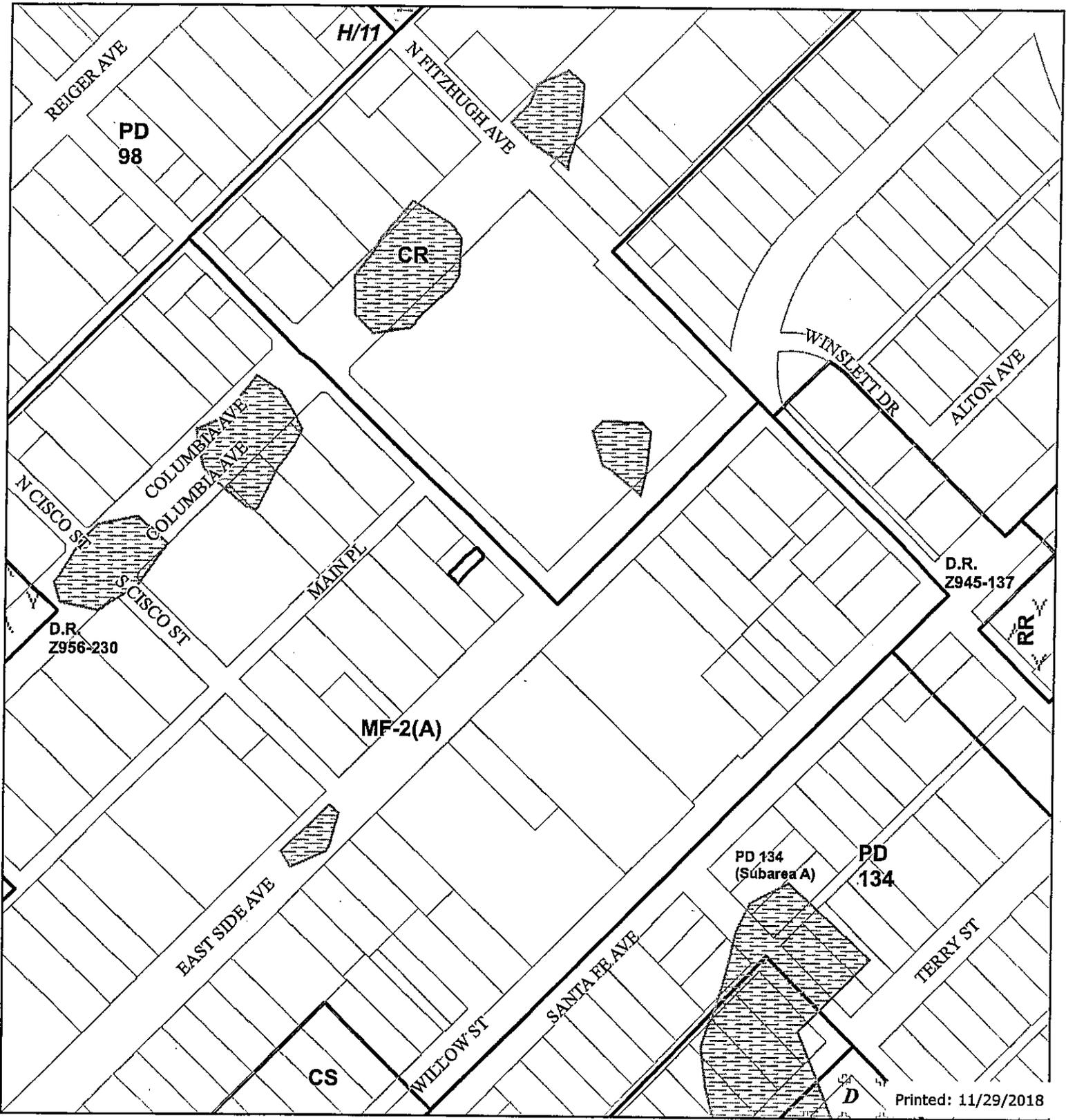
I hereby certify that Steve Wood

did submit a request for a variance to the off-street parking regulations
at 159 S. Prairie Avenue

BDA189-004. Application of Steve Wood for a variance to the off-street parking regulation at 159 S. Prairie Avenue. This property is more fully described as Lot 4, Block 801-1/2, an is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 11/29/2018

Legend

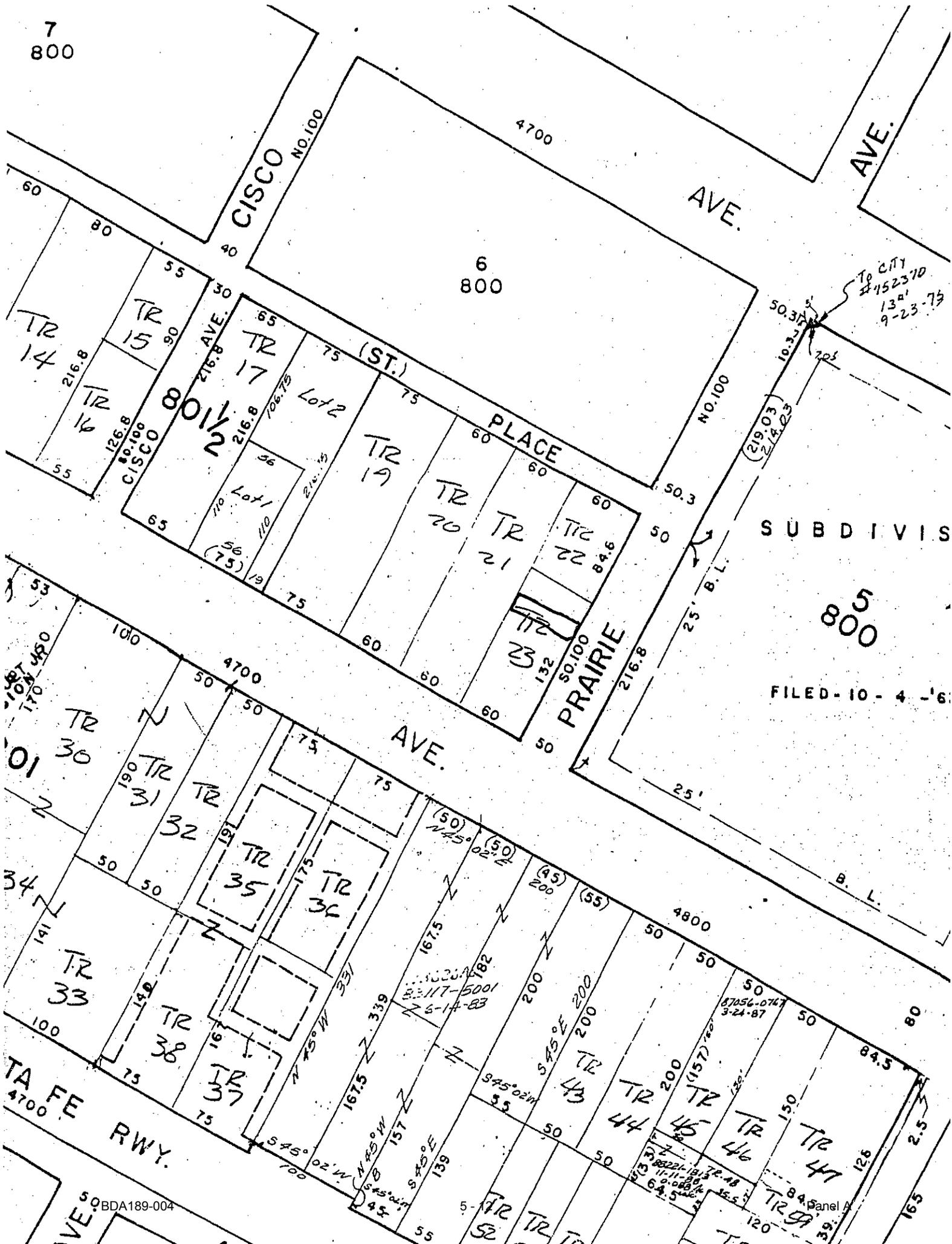
- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | BDA 189-004 | Historic Subdistricts | Parking Management Overlay |
| Parks | Road Restrictions | Historic Overlay | Shop Front Overlay |
| | SUP | Height Map Overlay | |

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Panel A



7
800



AVE.

CISCO No. 100

AVE.

6
800

To City #152370
13'
9-23-73

(ST.)

PLACE

SUBDIVIS

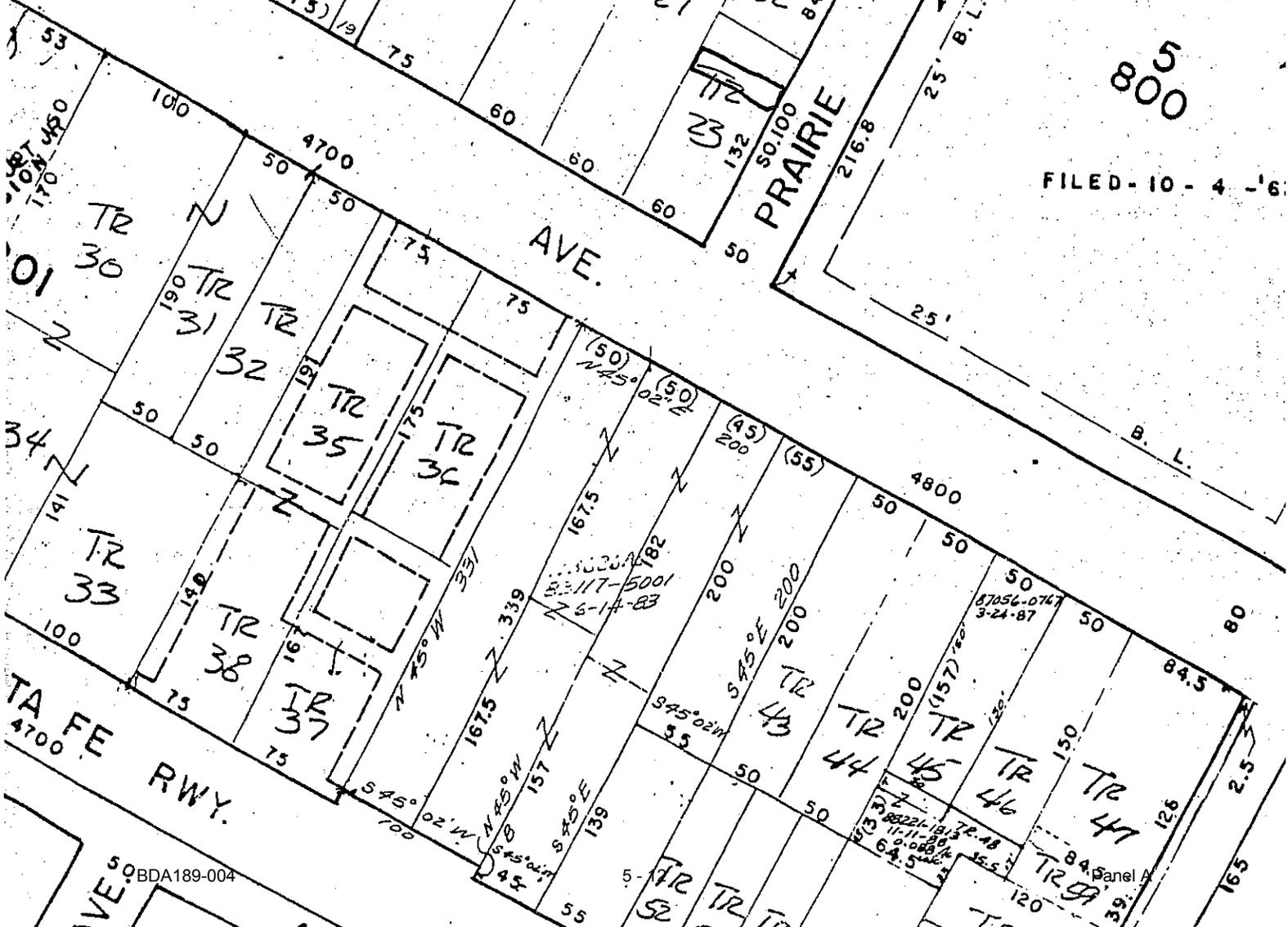
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800

FILED - 10 - 4 - '6

PRAIRIE

AVE.

B. L.



01

TAFFE R.W.Y.

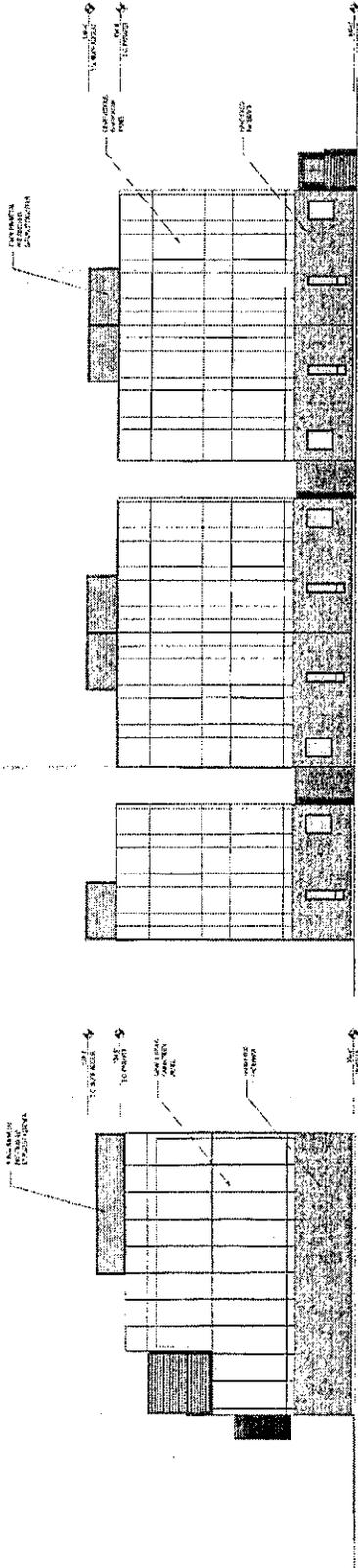
50 BDA189-004

117-5001
5-14-83

87056-0767
3-24-87

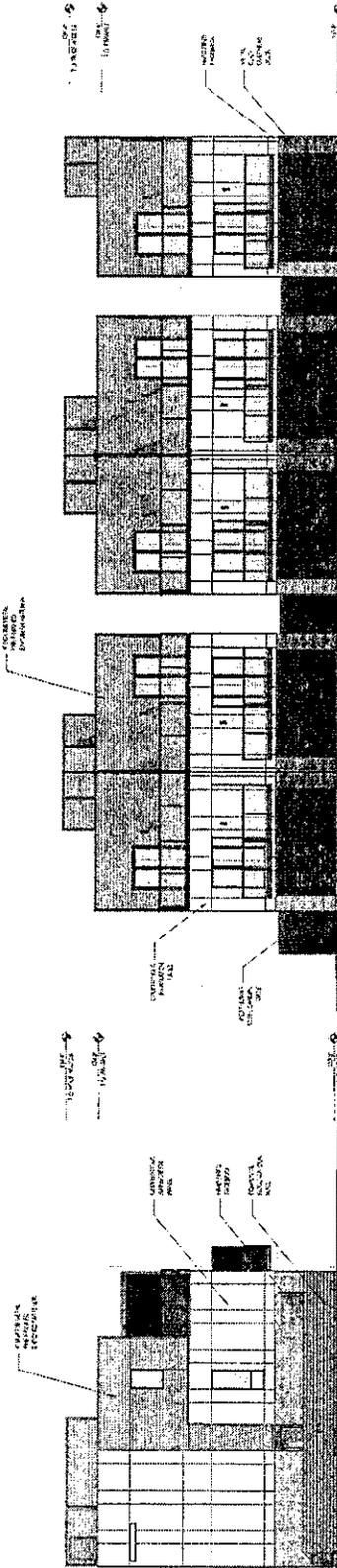
8224-1813
11-11-80
6-8-81

Panel A



NW ELEVATION
 18/11/18

ALLEY ELEVATION
 18/11/18



EAST SIDE AVENUE ELEVATION
 18/11/18

S. PRAIRIE AVENUE ELEVATION
 18/11/18

APPROVALS



4729 East Side Avenue
 DALLAS, TEXAS

Prepared by:
 David Stewart
 DB LAB

Project Owner:
 Pacific
 11111111111111111111
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EXTERIOR
 ELEVATIONS

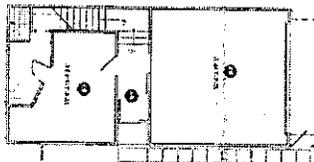


3479 East 35th Avenue
Gallia, Texas
75846-2974

DATE: 11/11/2011

GROUND FLOOR PLAN	394 SF - CONDITIONED	388 SF - GARAGE
SECOND FLOOR PLAN	768 SF - CONDITIONED	
THIRD FLOOR PLAN	557 SF - CONDITIONED	
ROOF PLAN	109 SF - UNCONDITIONED	
TOTAL AREA/UNIT	1928 SF - CONDITIONED	388 SF - UNCONDITIONED

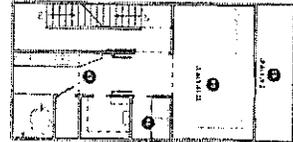
- 1 ENTRY
- 2 GARAGE
- 3 BEDROOM
- 4 BEDROOM
- 5 KITCHEN
- 6 LIVING/DINING
- 7 BALCONY
- 8 MASTER BEDROOM
- 9 MASTER BATH
- 10 LAUNDRY
- 11 TERRACE
- 12 MECHANICAL
- 13 ROOF DECK



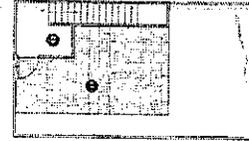
GROUND FLOOR PLAN
11/11/11



SECOND FLOOR PLAN



THIRD FLOOR PLAN



ROOF PLAN

APPROVALS:

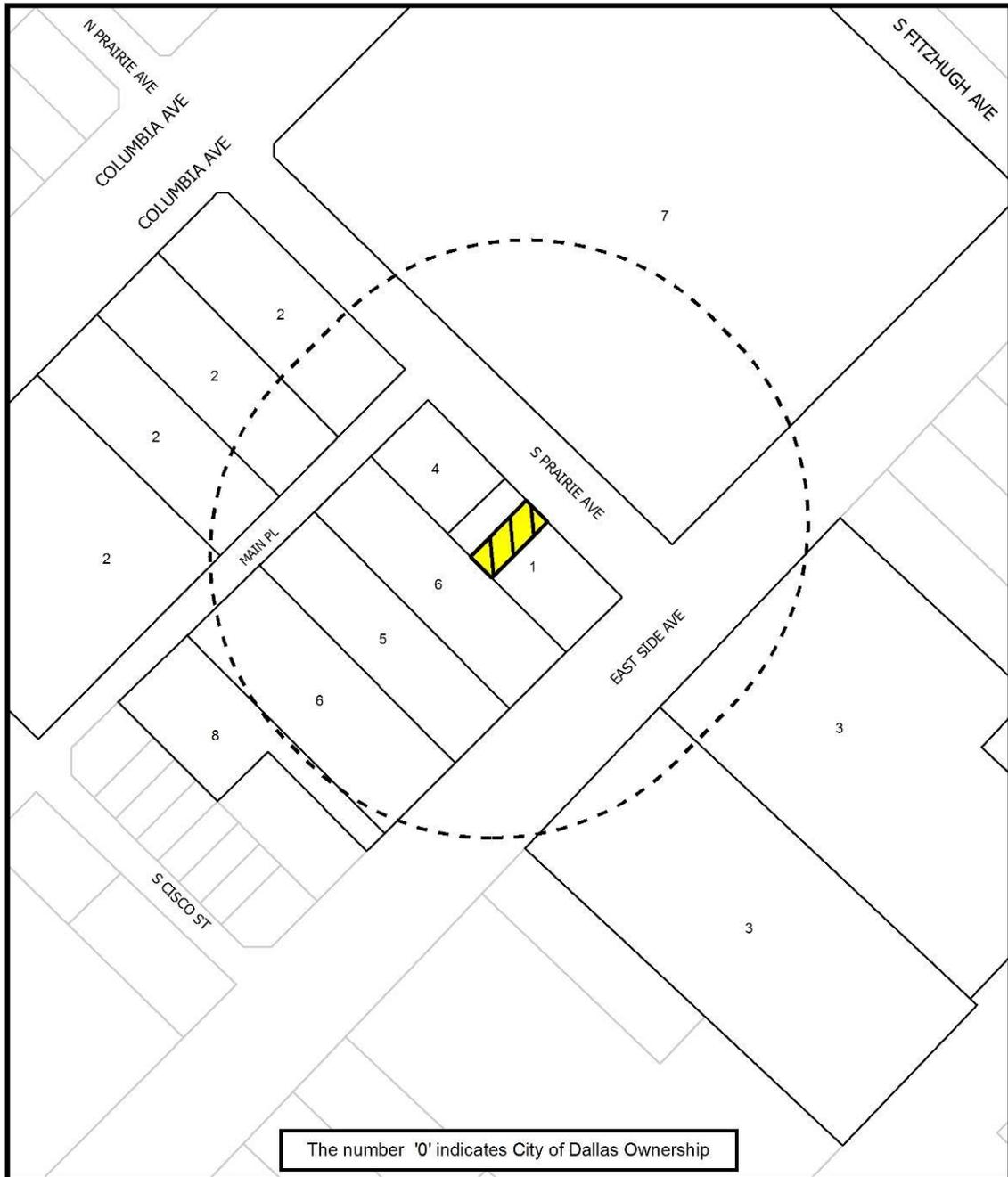


3479 East 35th Avenue
Gallia, Texas

Prepared by:
David Sorenson
DB LAB

Property Owner:
Village of Gallia, LLC
1000 West 10th Street
Gallia, Texas
75846-2974

UNIT
FLOOR PLANS



 1:1,200	<h2>NOTIFICATION</h2>	Case no: BDA189-004			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">8</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	8	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
8	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA189-004

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4729 EAST SIDE AVE	PLUTUS21 DEVELOPMENT FUND I
2	4700 COLUMBIA AVE	COLUMBIA VILLAS LLC
3	4806 EAST SIDE AVE	WILLOW PARTNERS LP
4	4734 MAIN PL	GUERRERO JUAN
5	4725 EAST SIDE AVE	BERNAL ROBERT & TIRSA SOCORRO
6	4721 EAST SIDE AVE	CASARIN MINERVA &
7	4800 COLUMBIA AVE	VISTA COLUMBIA LLC
8	4715 EAST SIDE AVE	GARCIA SANTIAGO

FILE NUMBER: BDA189-005(SL)

BUILDING OFFICIAL'S REPORT: Application of Steve Wood of Texas Permit for a variance to the off-street parking regulations at 151 S. Prairie Avenue. This property is more fully described as Lot 5, Block 801-1/2, and is zoned MF-2(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 16 feet, which will require a variance of 4 feet to the off-street parking regulations.

LOCATION: 151 S. Prairie Avenue

APPLICANT: Steven Wood of Texas Permit

REQUEST:

A request for a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where spaces in this enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

(Note that this application is similar to four others filed by the same applicant on properties adjacent to this site, and scheduled to be heard by Board of Adjustment Panel A on January 15, 2019: BDA189-001, 002, 003, and 004).

STANDARD FOR A VARIANCE:

Section 51(A)-3.102(d)(10) of the Dallas Development Code specifies that the board has the power to grant variances from the front yard, side yard, rear yard, lot width, lot depth, lot coverage, floor area for structures accessory to single family uses, height, minimum sidewalks, off-street parking or off-street loading, or landscape regulations provided that the variance is:

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

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

STAFF RECOMMENDATION:

Denial

Rationale:

- While granting this request does not appear to be contrary to public interest in that the Sustainable Development and Construction Senior Engineer has no objections to the request, the applicant has not substantiated how the variance to the off-street parking regulations is necessary to permit development of this flat, rectangular-shaped, approximately 1,500 square foot site in order for it to be developed in a manner commensurate with the development upon other parcels of land with the same MF-2(A) zoning. The applicant has not established how features of the site restricts it from being developed with a use/structure that can comply with off-street parking regulations.
- The applicant has not substantiated how granting the variance is not to relieve a self created or personal hardship, nor for financial reasons, particularly when this request focuses on dividing what is currently one building site into five separate lots, one of which is the subject site.

BACKGROUND INFORMATION:

Zoning:

Site: MF-2(A) (Multi-family district)
North: CR (Community retail)
South: MF-2(A) (Multi-family district)
East: MF-2(A) (Multi-family district)
West: MF-2(A) (Multi-family district)

Land Use:

The subject site is undeveloped. The areas to the north and south are undeveloped; the area to the east is developed with retail use; and the area to the west is developed with multifamily use.

Zoning/BDA History:

1. BDA189-001, Property at 183 S. Prairie (four lots to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

2. BDA189-002, Property at 175 S. Prairie (three lots to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

3. BDA189-003, Property at 159 S. Prairie (two lots to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

4. BDA189-004, Property at 151 S. Prairie (one lot to the south of the subject site)

On January 15, 2019, the Board of Adjustment Panel A will consider a variance to the off-street parking regulations of 4' is made to locate and maintain parking spaces in an enclosed structure (an attached garage) of a single family home that is proposed on the undeveloped subject site – spaces in an enclosed structure that would be located 16' from the right-of-way line adjacent to the street or as much as 4' into the required 20' distance from the right-of-way line adjacent to S. Prairie Avenue.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a variance to the off-street parking regulations of 4' focuses on locating parking spaces in an enclosed structure (an attached garage) of a three-story single family home that is proposed on the undeveloped subject site where these parking spaces entered from the street right-of-way line would be located 16' from the S. Prairie Avenue right-of-way line or 4' into the required 20' distance from this right-of-way line.
- The subject site is zoned MF-2(A) where the minimum front yard setback is 15'.
- The applicant has submitted a site plan that represents that the proposed single family home provides a 16' front yard setback.
- Section 51(A)-4.301(a)(9) of 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 denotes the location of parking spaces in the enclosed structure 16' from the street right-of-way line or 4' into the 20' setback line that an enclosed parking space must be from this right-of-way line. (The submitted site plan represents that the parking spaces in the enclosed structure are approximately 26' from the S. Prairie Avenue pavement line).
- Floor plans of the proposed home have been submitted documenting that the total "conditioned" space of the three-floor single family home is approximately 1,900 square feet. The 1st floor includes an entry, a garage, and a bedroom; the 2nd floor includes a living/dining area, bath, and bedroom; and the 3rd floor includes a master bedroom, laundry, and master bath.
- DCAD records indicate "no main improvements" for the property at 4729 East Side Avenue (which is the area that includes the subject site and the four other properties that the applicant has filed for similar variances on).

- The subject site is flat, rectangular in shape (approximately 60' x 25'), and is approximately 1,500 square feet in area.
- The Sustainable Development and Construction Department Senior Engineer submitted a review comment sheet marked "Has no objections" given the distance between the pavement and the building footprint".
- 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 MF-2(A) zoning classification.
 - The variance would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same MF-2(A) zoning classification.
- If the Board were to grant the request for a variance of 4', 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).
- If the Board were to deny this variance request, the applicant could construct and maintain the single family home as represented on the site plan without enclosing the parking spaces in it.

Timeline:

October 9, 2018: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

December 4, 2018: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

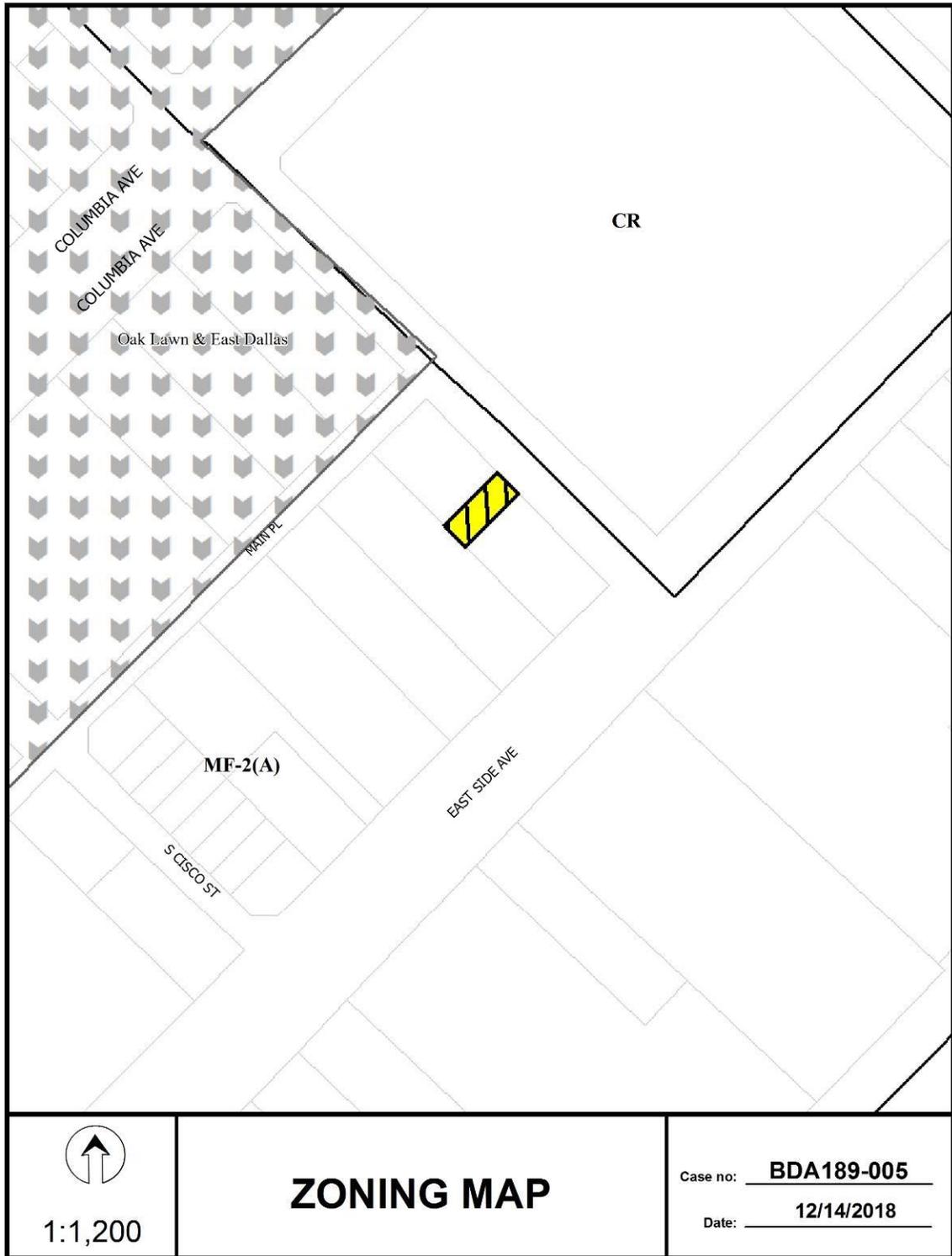
December 4, 2018: The Board Administrator emailed the applicant the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the December 19th deadline to submit additional evidence for staff to factor into their analysis; and the January 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.

December 27, 2018: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the January public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

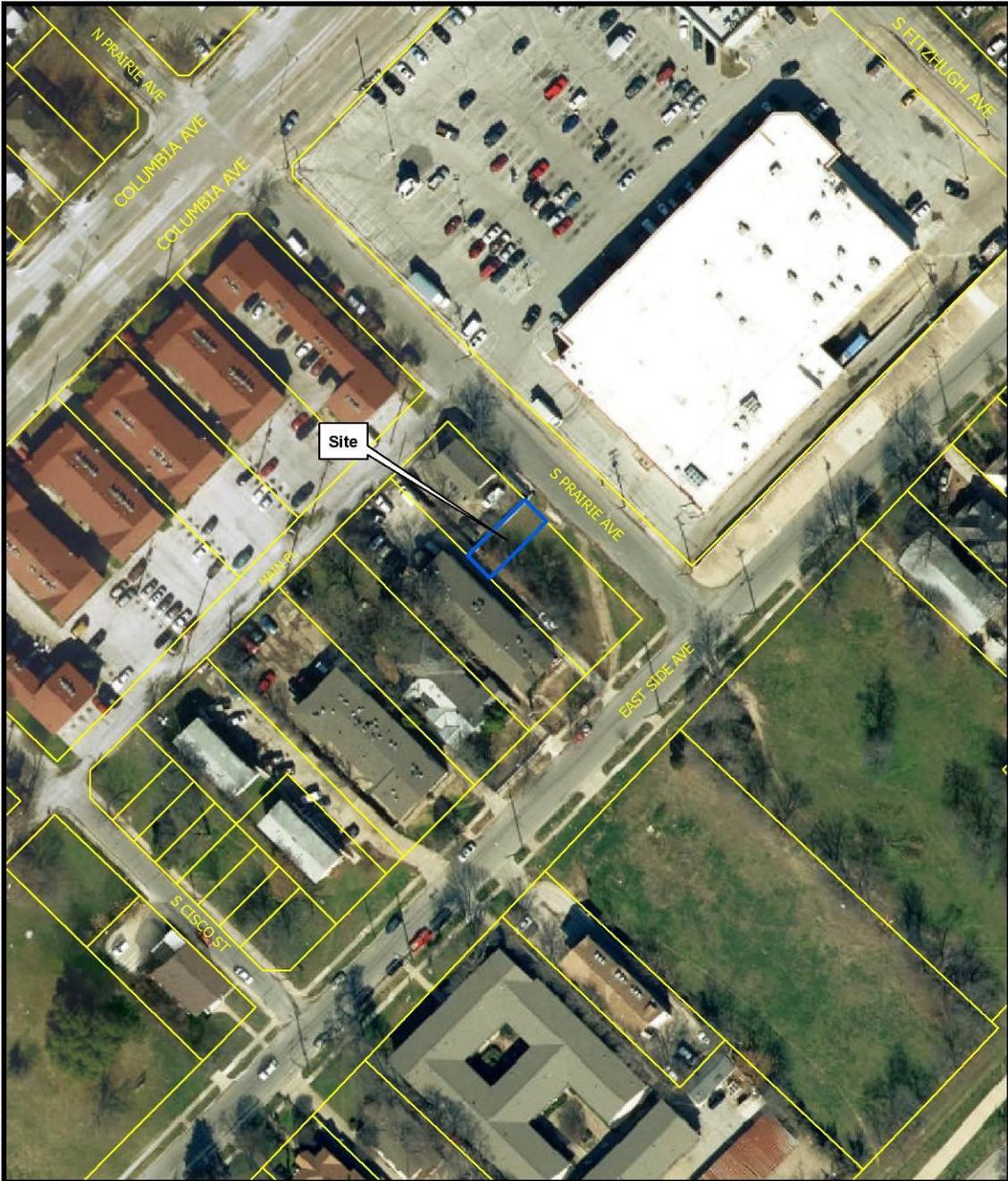
December 27, 2018: The Sustainable Development and Construction Senior Engineer submitted a review comment sheet marked "Has no objections".




 1:1,200

ZONING MAP

Case no: BDA189-005
 Date: 12/14/2018



1:1,200

AERIAL MAP

Case no: BDA189-005

Date: 12/14/2018



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-005

Data Relative to Subject Property: PRAIRIE AVE. Date: 10-9-18

Location address: 151 S. Eastside Zoning District: MF-2(A)

Lot No.: 5 Block No.: 801 1/2 Acreage: .032 Census Tract: 15.02

Street Frontage (in Feet): 1) 24.72 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Plutus 21 Development Fund 1, LLC

Applicant: Steven Wood-TexasPermit Telephone: 817-682-7218

Mailing Address: Po Box 3293 Zip Code: 75226

E-mail Address: Steven@txpermit.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 Parking Variance of 4' for enclosed parking structure

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
This request will not hinder the neighborhood and will be commensurate with the neighborhood. This property sits on a corner lot creating a double front yard.

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

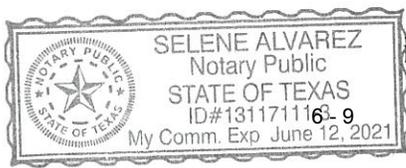
Before me the undersigned on this day personally appeared Steven Wood
(Affiant/Applicant's name printed)

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 8 day of October, 2018

(Rev. 08-01-11)



Selene Alvarez
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

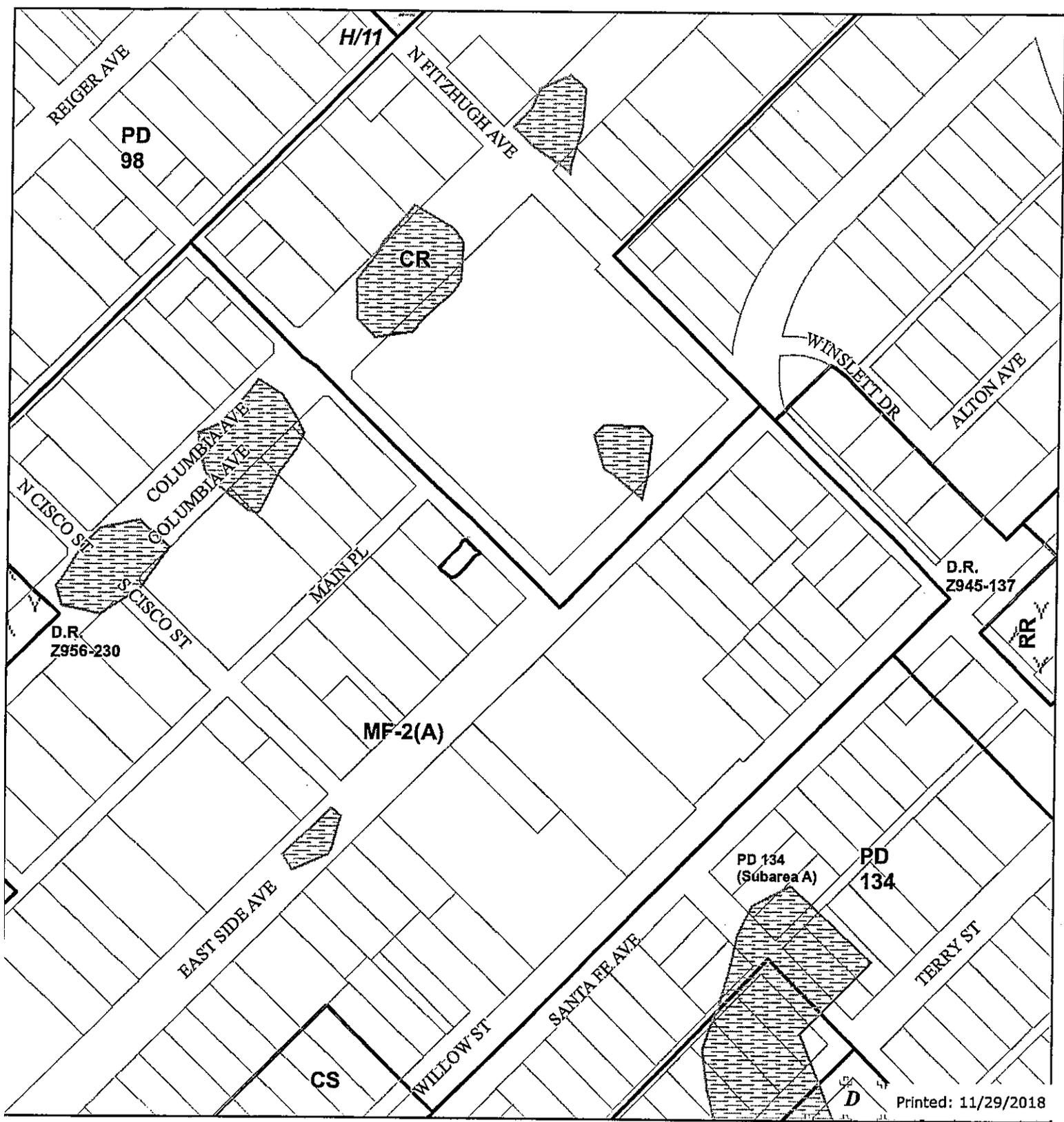
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Sincerely,

Philip Sikes
Philip Sikes, Building Official



Printed: 11/29/2018

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
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| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
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AVE.

AVE.

CISCO NO. 100

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To CITY
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9-23-73

(ST.)

PLACE

SUBDIVIS

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800

FILED - 10 - 4 - '6

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B. L.

TR 14
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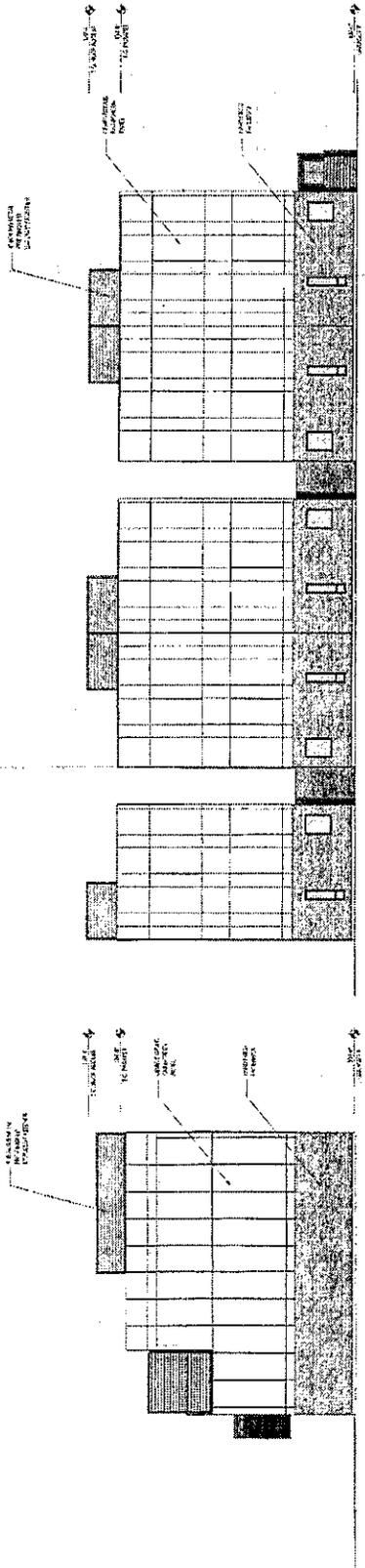
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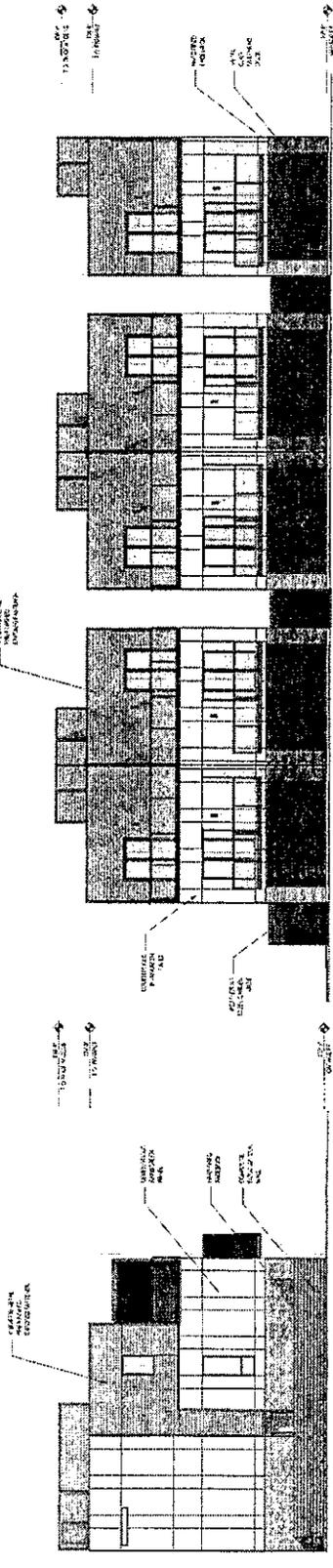
TAFFE RWY.

OBDA189-005



NW ELEVATION
 18'-0"

ALLEY ELEVATION
 18'-0"



EAST SIDE AVENUE ELEVATION
 18'-0"

S. PRAIRIE AVENUE ELEVATION
 18'-0"

APPROVALS	4729 Eric Sibley Avenue DALLAS, TEXAS
Prepared by: David Stewart DB Lab	Project Owner: Purdue University 1000 East Tenth Street Crawford, Texas 75825-0001
EXTERIOR ELEVATIONS	

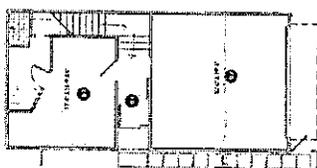


15000 W. LBJ
FARMWAY, SUITE 100
DALLAS, TEXAS 75241
214.343.8800

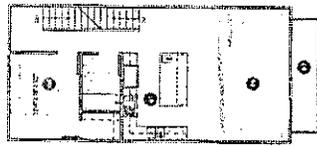
SSR:
PLATE 013

GROUND FLOOR PLAN	334 SF - CONDITIONED	388 SF - GARAGE
SECOND FLOOR PLAN	768 SF - CONDITIONED	
THIRD FLOOR PLAN	857 SF - CONDITIONED	
ROOF PLAN	103 SF - UNCONDITIONED	
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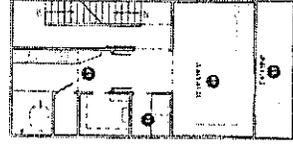
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- 13 ROOF DECK



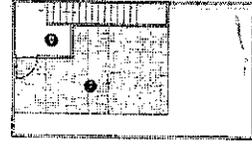
GROUND FLOOR PLAN
8/21/10



SECOND FLOOR PLAN



THIRD FLOOR PLAN



ROOF PLAN

APPROVALS:

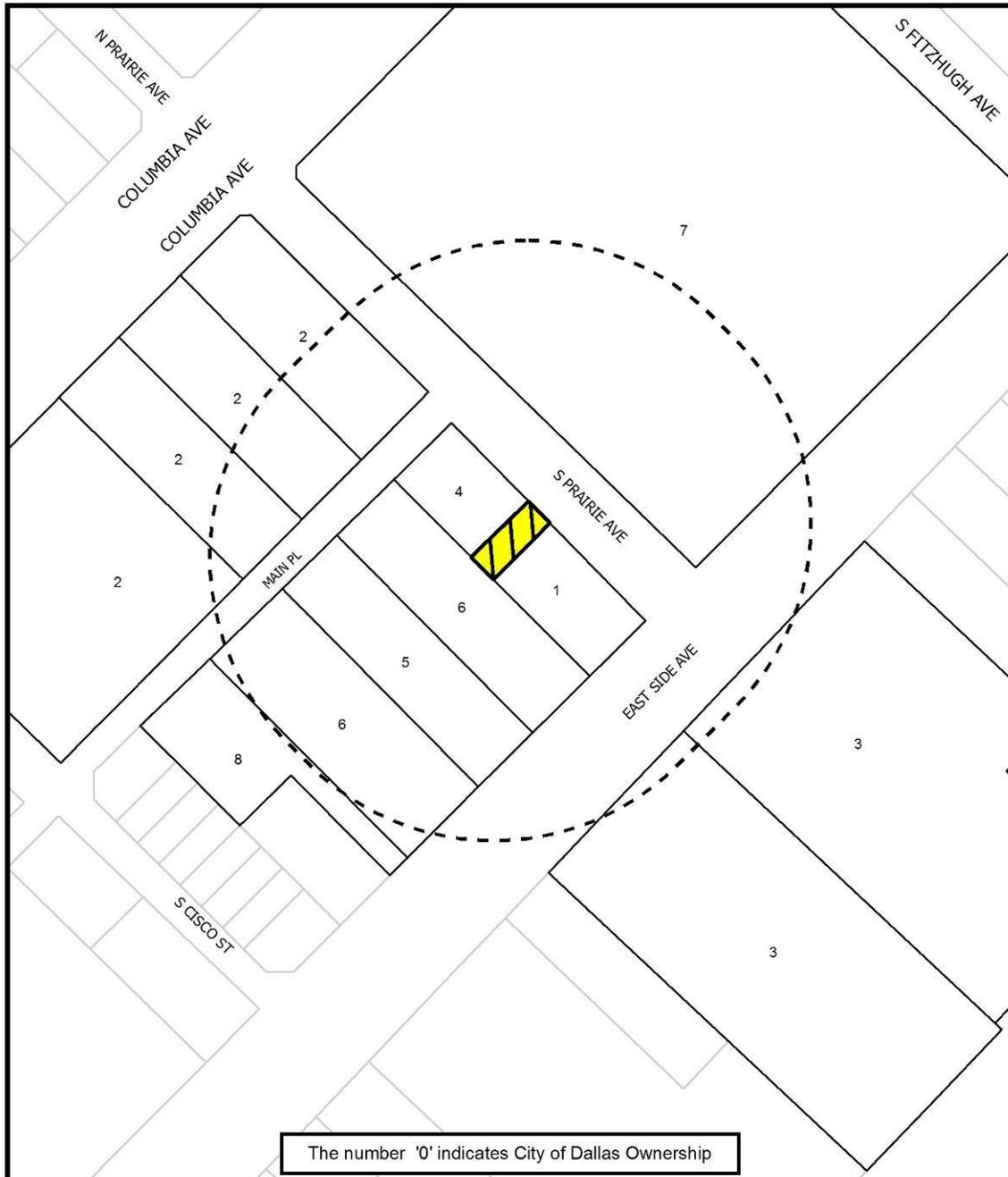
[Empty box for approvals]

4729 East Sidle Avenue
DALLAS, TEXAS

Prepared by:
David Stearn
DB Lab

Property Owner:
11777 Preston Road, Suite 1000
Dallas, TX 75241
469.762.8784

UNIT
FLOOR PLANS



 1:1,200	NOTIFICATION		Case no: BDA189-005
	<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;">8</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: 12/14/2018	

Notification List of Property Owners

BDA189-005

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4729 EAST SIDE AVE	PLUTUS21 DEVELOPMENT FUND I
2	4700 COLUMBIA AVE	COLUMBIA VILLAS LLC
3	4806 EAST SIDE AVE	WILLOW PARTNERS LP
4	4734 MAIN PL	GUERRERO JUAN
5	4725 EAST SIDE AVE	BERNAL ROBERT & TIRSA SOCORRO
6	4721 EAST SIDE AVE	CASARIN MINERVA &
7	4800 COLUMBIA AVE	VISTA COLUMBIA LLC
8	4715 EAST SIDE AVE	GARCIA SANTIAGO