

NOTICE FOR POSTING
MEETING OF
BOARD OF ADJUSTMENT, PANEL A
TUESDAY, SEPTEMBER 21, 2021

BRIEFING: **11:00 a.m.** via **Videoconference** and in **6ES**, Dallas City Hall, 1500 Marilla Street

HEARING: **1:00 p.m.** via **Videoconference** and in **6ES** Dallas City Hall, 1500 Marilla Street

* The Board of Adjustment hearing will be held by videoconference and in 6ES at City Hall. Individuals who wish to speak in accordance with the Board of Adjustment Rules of Procedure **by joining the meeting virtually**, should register online at <https://form.jotform.com/210537186514151> or contact the Sustainable Development and Construction Department at 214-670-4209 **by the close of business Monday, September 20, 2021. All virtual speakers will be required to show their video in order to address the board.** The public is encouraged to attend the meeting virtually, however, City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols. Public Affairs and Outreach will also stream the public hearing on Spectrum Cable Channel 96 or 99; and bit.ly/cityofdallastv or YouTube.com/CityofDallasCityHall and the WebEx link: <https://bit.ly/BDA092121>

Purpose: To take action on the attached agenda, which contains the following:

1. Board of Adjustment appeals of cases the Building Official has denied.
2. And any other business which may come before this body and is listed on the agenda.

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

UNCONTESTED CASES

| | | |
|-----------------------|---|---|
| BDA201-074(PD) | 1002 North Prairie Creek Road REQUEST: Application of Orlando Mora for a variance to the front yard setback regulations | 1 |
| BDA201-075(PD) | 12246 Garden Grove Drive REQUEST: Application of Larbi John Amaroufi for a special exception to the single-family use regulations to provide an additional electrical meter | 2 |
| BDA201-080(PD) | 4626/30 Cherokee Trail REQUEST: Application of Tom White represented by Brandon Elms for a special exception to the single-family use regulations to provide an additional electrical meter | 3 |
| BDA201-084(PD) | 2030 Marydale Drive REQUEST: Application of Merith Sepulveda for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling | 4 |

REGULAR CASES

None

HOLDOVER CASES

None

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: BDA201-074(PD)

BUILDING OFFICIAL'S REPORT: Application of Orlando Mora for a variance to the front yard setback regulations at 1002 N. Prairie Creek Road. This property is more fully described as Lot 5 in City Block B/6663, and is zoned an R-7.5(A) Single Family District, which requires a front yard setback of 25 feet. The applicant proposes to construct a single-family dwelling and provide a 15-foot-eight-inch front yard setback, which will require a nine-foot-four-inch variance to the front yard setback regulations.

LOCATION: 1002 N. Prairie Creek Road

APPLICANT: Orlando Mora

REQUESTS:

A request for a variance to the front yard setback regulations of nine-foot-four-inches is made to construct and maintain an approximately 2,127 square-foot single-family dwelling located 15-feet eight-inches from the subject site's front property line and into the 25-foot front yard setback on a site that is currently undeveloped and situated on a corner lot.

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:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-7.5(A) Single Family District due to evidence submitted by the applicant (**Attachment A**) indicating the average lot size of five lots in this district is 12,543 square feet while the subject lot is 8,349 square feet. When added to the lot being situated on a corner lot with two front yards, this property has a hardship and is unable to be developed in a manner commensurate with the development upon other parcels of land with the same R-7.5(A) zoning classification.
- The applicant submitted documents (**Attachment B**) indicating, among other things, that the proposed single-family dwelling on the subject site is commensurate to five other lots in an R-7.5(A) zoning district.

BACKGROUND INFORMATION:

Zoning:

Site: R-7.5(A) Single Family District
North: R-7.5(A) Single Family District
South: R-7.5(A) Single Family District
East: R-7.5(A) Single Family District
West: R-7.5(A) Single Family District

Land Use:

The subject site is undeveloped. Surrounding properties are developed with single-family uses.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

This request focuses on constructing and maintaining an approximately 2,127 square-foot single-family dwelling located 15-feet eight-inches from the subject site's front property line, into the required 25-foot front yard setback, on a site that is undeveloped.

Structures on lots zoned an R-7.5(A) Single Family District must have a minimum front yard setback of 25 feet. A site plan has been submitted denoting the proposed residential dwelling will be located 15-feet eight-inches from the front property line along Cardella Drive and compliance of the required 25-foot front yard setback along N. Prairie Creek Road. The site plan shows that approximately one quarter of the proposed residential structure will be located in the site's 25-foot front yard setback on Cardella Drive.

The subject site is not irregular in shape and is approximately 8,349 square feet in lot area. An R-7.5(A) zoning district requires lots to have a minimum lot size of 7,500 square feet. However, the applicant submitted documents (**Attachments A & B**) indicating, among other things, that the proposed residential dwelling on the subject site is commensurate to five other lots in the same zoning district. Attachment A also notes the average lot size of five lots in this district is 12,543 square feet while the subject lot is 8,349 square feet.

The applicant has the burden of proof in establishing the following:

- That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
- The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-7.5(A) zoning classification.
- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-7.5(A) zoning classification.

If the board were to grant this front yard setback variance request and impose the submitted site plan as a condition, development would be limited to what is shown on this document. Granting this variance request will not provide any relief to the Dallas Development Code regulations.

Timeline:

June 14, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents that have been included as part of this case report.

August 5, 2021: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel A.

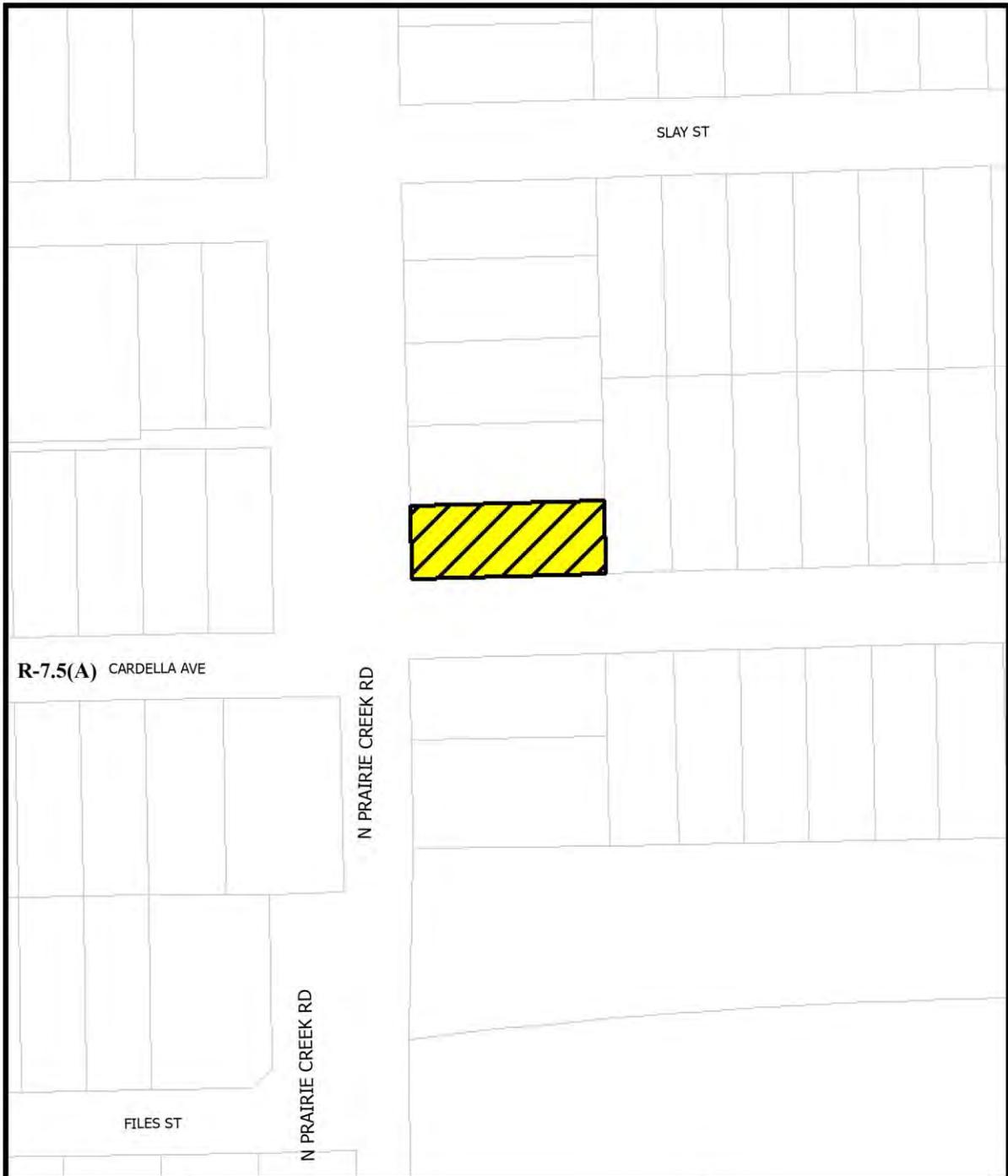
August 12, 2021: The Board of Adjustment Chief Planner/Board Administrator emailed the applicant the following information:

- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the August 31, 2021 deadline to submit additional evidence for staff to factor into their analysis; and the September 10, 2021 deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

August 13, 2021: The applicant submitted additional evidence (**Attachments A & B**)

September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

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



1:1,200

ZONING MAP

Case no: BDA201-074

Date: 8/18/2021

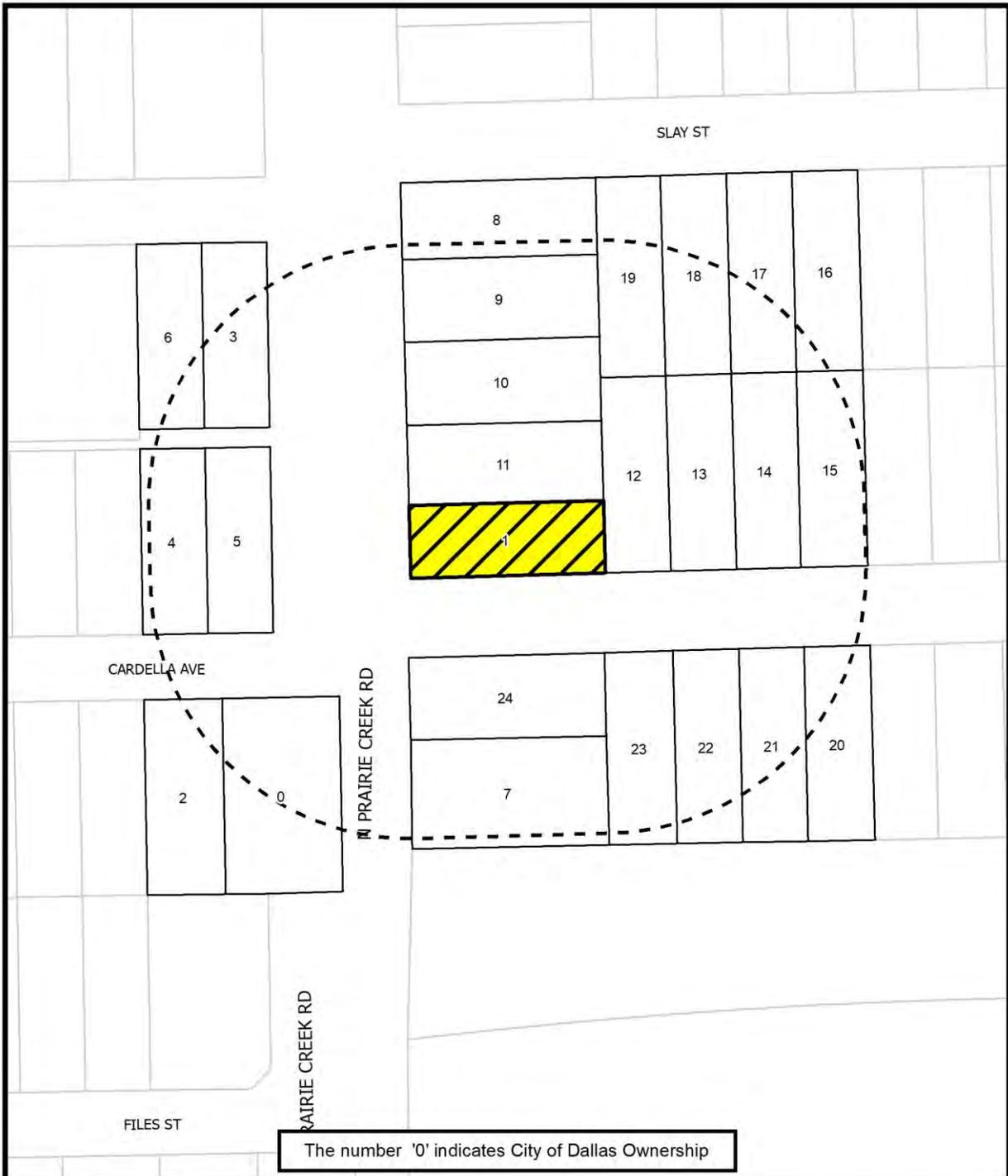


1:1,200

AERIAL MAP

Case no: BDA201-074

Date: 8/18/2021



The number '0' indicates City of Dallas Ownership


 1:1,200

NOTIFICATION

200' AREA OF NOTIFICATION
24 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA201-074
 Date: 8/18/2021

08/12/2021

Notification List of Property Owners

BDA201-074

24 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-------------------------|--|
| 1 | 1002 N PRAIRIE CREEK RD | MORA ORLANDO |
| 2 | 8918 CARDELLA AVE | GONZALEZ GUADALUPE & |
| 3 | 8918 SLAY ST | BANDA BERNICE |
| 4 | 8919 CARDELLA AVE | PENA MARCELINO |
| 5 | 8923 CARDELLA AVE | MARTINEZ JUAN MANUEL & NORA ELIA CARRIZALES |
| 6 | 8914 SLAY ST | BAEZA ISMAEL G & |
| 7 | 948 N PRAIRIE CREEK RD | FORTNER REBECCA LEA |
| 8 | 1022 N PRAIRIE CREEK RD | GUTIERREZ FIDENCIO & |
| 9 | 1016 N PRAIRIE CREEK RD | ORTIZ GABINO |
| 10 | 1012 N PRAIRIE CREEK RD | CHICHUAHUA JOSE & MARIA |
| 11 | 1006 N PRAIRIE CREEK RD | JIMENEZ JUAN |
| 12 | 9015 CARDELLA AVE | RAZO CONSUELO |
| 13 | 9019 CARDELLA AVE | GREER RICHARD M |
| 14 | 9023 CARDELLA AVE | ANAYA GLORIA BARRERA |
| 15 | 9027 CARDELLA AVE | DALLAS PATTEN PROPERTIES II LLC |
| 16 | 9026 SLAY ST | TORRES JOSE N |
| 17 | 9022 SLAY ST | ROMERO LORENA |
| 18 | 9018 SLAY ST | REEVES MARY |
| 19 | 9014 SLAY ST | MORENOBECERRA CINTHIA & RAUL |
| 20 | 9026 CARDELLA AVE | RUEDA OSCAR |
| 21 | 9022 CARDELLA AVE | RODRIGUEZ DOLORES C |
| 22 | 9018 CARDELLA AVE | ARRIAGA JESSE B |
| 23 | 9014 CARDELLA AVE | MARTINEZ RAMON ACOSTA & |
| 24 | 952 N PRAIRIE CREEK RD | RUIZ CLARA |



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-074

Data Relative to Subject Property:

Date: 6-14-21

Location address: 1002 N. Prairie Creek Rd Zoning District: R7.5

Lot No.: 5 Block No.: B/10663 Acreage: 0.192⁰⁰¹204 Census Tract: 0092.02

Street Frontage (in Feet): 1) 101.03 2) 145 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Orlando Mora

Applicant: Orlando Mora Telephone: 214-940-8332

Mailing Address: 322 De Haes Ave Zip Code: 75214

E-mail Address: or-mora27@yahoo.com

Represented by: Self Telephone: '

Mailing Address: Same as above Zip Code: ''

E-mail Address: ''

Affirm that an appeal has been made for a Variance , or Special Exception , of Setback on the Cardella Ave side 25' due to blockface continuity.

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:

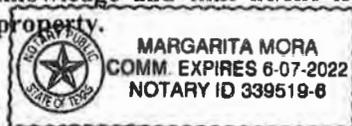
Seeking a type B variance to build a 2,127 sq ft home for my family. We have a big family and need enough space for us. The location is also a block away from my disabled father who requires close attention.

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 Orlando Mora (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: Orlando Mora (Affiant/Applicant's signature)

Subscribed and sworn to before me this 4th day of June, 2021

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 ORLANDO MORA

did submit a request for a variance to the front yard setback regulations
at 1002 N. Prairie Creek Rd.

BDA201-074. Application of ORLANDO MORA for a variance to the front yard setback regulations at 1002 PRAIRIE CREEK RD. This property is more fully described as Lot 5, Block B/6663, and is zoned R-7.5(A), which requires a front yard setback of 25 feet. The applicant proposes to construct a single family residential structure and provide a 15 foot 8 inch front yard setback, which will require a 9 foot 4 inch variance to the front yard setback regulations.

Sincerely,

David Session
David Session, Building Official



Printed: 6/14/2021

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 | SUP | Historic Overlay | Special 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)



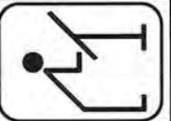
Reference only

These Plans are the property of THE PLAN FACTORY and are not to be reproduced, copied, written or otherwise used without the written permission of THE PLAN FACTORY. It shall be the responsibility of the builder/owner to verify all local codes and dimensions prior to any construction.



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

THE PLAN FACTORY
4303 SOUTH BOWEN RD. - SUITE 117 - ARLINGTON, TX 76016
METRO (817) 654-9012



DESCRIPTION

| | |
|-----------------|------|
| SQUARE FOOTAGE: | |
| LOWER: | 1642 |
| UPPER: | 0 |
| TOTAL A/C: | 1642 |

| | |
|----------|------|
| GARAGE: | 399 |
| PORCH: | 39 |
| PATIO: | 41 |
| TTL AUR: | 2121 |

1002 NORTH PRAIRIE CREEK ROAD
LOT 5 BLOCK B/6663
LAKE JUNE PARK ESTATES
CITY OF DALLAS
DALLAS COUNTY



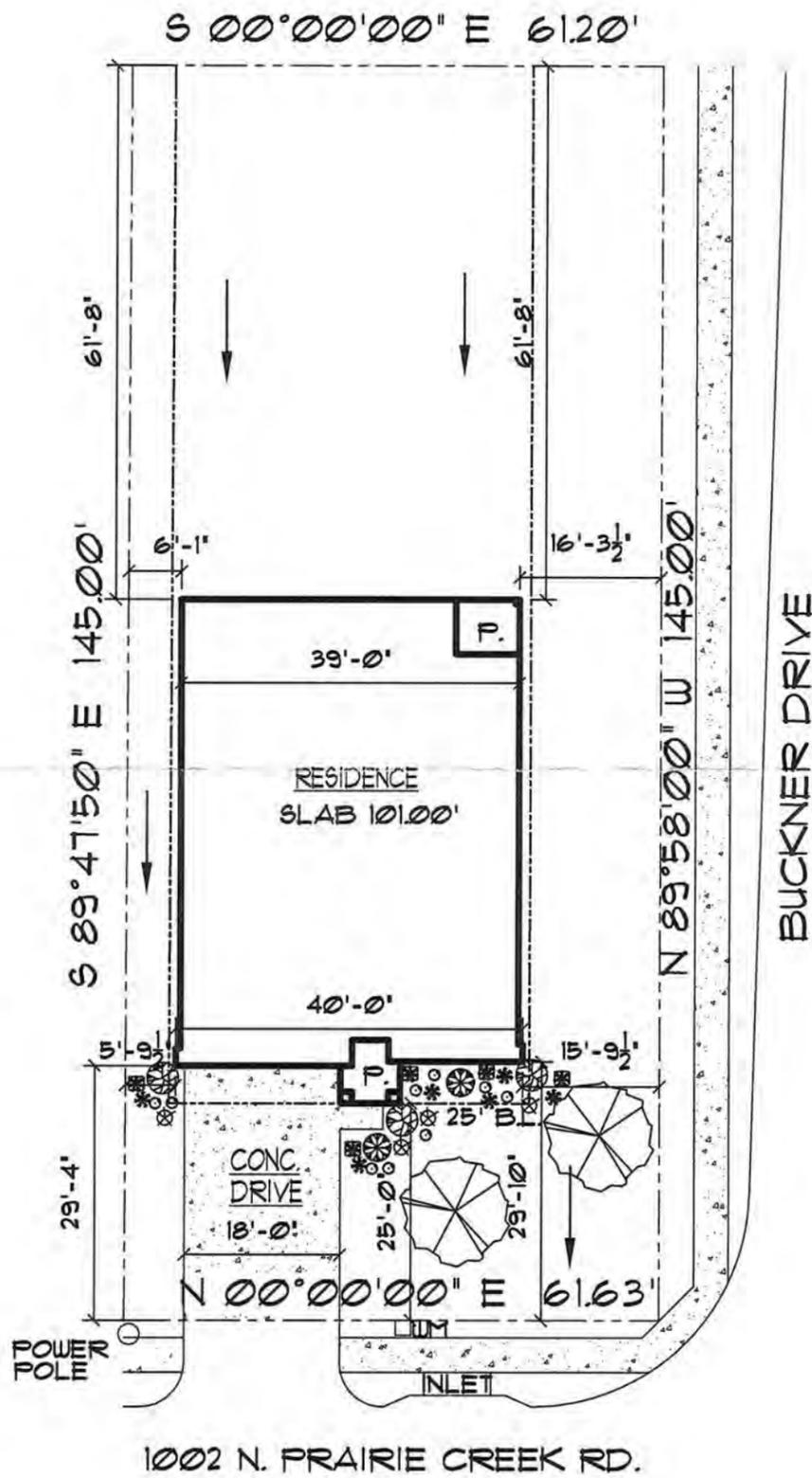
NOTE: IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND TO ENSURE THAT THIS PLAN MEETS ALL GOVERNING CODES & REQUIREMENTS.

Drawn RKJ
Job 8810
Date 1/4/2021

PLAN NO.

5F12201642

PG. 1 OF 5



LEGEND

- X - PERENNIAL FLOWERS
- G - GRASS: BERMUDA SOD
- ⊗ SPIREA
- ⊗ BOX WOOD
- ⊗ INDIAN HAWTHORN
- ⊗ TEXAS SAGE
- HARBOUR DWARF NANDINA
- ⊗ (3) CREPE MYRTLE
- ⊗ (1) LIVE OAK

LOT: 8936 SF.
 SLAB: 2127 SF.
 COVERAGE: 24%

ARROWS INDICATE
 WATER FLOW

| | |
|--|--|
| <p>PLOT PLAN</p> <p>SCALE: 1"=20'</p> <p>1002 N. PRAIRIE CREEK RD. LOT 5 BLOCK B/6663 LAKE JUNE PARK ESTATES DALLAS DALLAS COUNTY, TEXAS</p> <p>JOB: 8810 PLAN: 1642 DATE: </p> |  <p>NORTH</p>  <p>THE PLAN FACTORY</p> |
|--|--|

IT SHALL BE THE FULL RESPONSIBILITY OF THE BUILDER TO VERIFY ALL ASPECTS OF THIS PLAN AND ADJUST IF REQUIRED

Subject Address: 1002 N Prairie Creek Rd
Said lot has 8,349 sqft

The average lot size of surrounding properties is 12,543 sqft, please see chart below:

1106 N Prairie Creek Rd, 16,000 sqft

1041 N Prairie Creek Rd, 14,964 sqft.

948 N Prairie Creek Rd, 12,606 sqft.

952 N Prairie Creek Rd, 9,550 sqft.

1012 N Prairie Creek Rd, 9,597 sqft.

Total: 62,717 sqft. / 5 = 12,543 sqft.

*Noteworthy is that the subject address has a significantly lesser land area than the surrounding properties. Due to it being a corner lot it is required that there be a 25ft setback from the two cornering west and south side streets.

*The west side setback requirement can easily be met.

*The south side setback, however, will leave a 30' frontage that would be an area only sufficient for a very narrow structure that extends from the west side to the east side of the lot. The narrow structure would give the structure an irregular look compared to the surrounding existing structures.

*The current setback desired is 15'-9.5" (as shown on site plan) to avoid the structure being irregularly narrow.

*Furthermore, the eastern side (rear of residence) has a slope that will not allow for the home to be extended to achieve the living square footage needed for the home to be a viable option for any family.

*Although the desired set back does not meet the city requirement, we believe the best location for the structure is as shown on the site plan.

1002 N PRAIRIE CREEK RD, DALLAS, TX 75217

1) Zoning is R7.5A – Requires a lot to be a minimum of 7,500 sqft.

My lot is 8,349 sqft.

2) Average lot size is 10,623 sqft my lot size is 8,349 sqft.

3) Average structure size is 2172 sqft my structure is only 2127 sqft

| | |
|---------------|--|
| 8700 Slay St. | 7,930 sqft lot - 2,094 sqft structure |
| 8839 | 22,049 sqft lot - 2,364 sqft structure |
| 8752 | 10,319 sqft lot - 2,356 sqft structure |

| | |
|-----------------|---------------------------------------|
| 8920 Dunlap Dr. | 8,391 sqft lot - 3,120 sqft structure |
|-----------------|---------------------------------------|

| | |
|----------------------|--|
| 8913 Eden Valley Ln. | 12,648 sqft lot – 2,658 sqft structure |
|----------------------|--|

| | |
|----------------|--|
| 8901 Quinn St. | 10,004 sqft lot - 2,076 sqft structure |
|----------------|--|

| | |
|-------------------|---------------------------------------|
| 8802 Cardella Ave | 7,361 sqft lot - 1,572 sqft structure |
| 9066 | 9,910 sqft lot - 1,691 sqft structure |
| 8827 | 6,992 sqft lot – 1,620 sqft structure |

FILE NUMBER: BDA201-075(PD)

BUILDING OFFICIAL'S REPORT: Application of Larbi John Amaroufi for a special exception to the single-family regulations at 12246 Garden Grove Drive. This property is more fully described as Tracts 26 in City Block 8828 and is zoned an R-10(A) Single Family District, which requires that a single-family dwelling use may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain an accessory structure on a lot with a single-family use and have more than one electrical utility service or electrical meter, which requires a special exception to the single-family zoning use regulations.

LOCATION: 12246 Garden Grove Drive

APPLICANT: Larbi John Amaroufi

REQUESTS:

The following request for a special exception to the single-family use regulations is made to authorize more than one electrical utility service or electrical meter on a site with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

1. be contrary to the public interest;
2. adversely affect neighboring properties; and
3. be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

- Site: R-10(A) (Single Family District)
North: R-10(A) (Single Family District)
West: R-10(A) (Single Family District)
South: R-10(A) (Single Family District); NS(A)-D-1 (Neighborhood Service District with a D-1 Liquor Control Overlay)
East: R-10(A) (Single Family District)

Land Use:

The subject site and all surrounding areas to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The site is zoned an R-10(A) Single Family District and contains an existing original two-story dwelling unit which fronts on Garden Grove Drive. The purpose of the request for a special exception to the single-family use regulations is to construct an accessory structure proposed along Garden Grove Drive and authorize more than one electrical utility service or electrical meter.

The site is developed with five structures: the original two-story single-family structure on Garden Grove Drive, with approximately 2,372 square feet of floor area, according to permit records and Dallas County Appraisal District, DCAD; a one-story detached structure along the northwest corner of the property with approximately 991 square feet of floor area, a one-story structure immediately to the rear of the original single family structure with approximately 660 square feet of floor area, a one-story structure immediately adjacent to the center of the property with approximately 539 square feet of floor area, and the subject one-story accessory structure along the southwest portion of the property fronting along Garden Grove Drive with approximately 5,391 square feet in floor area. According to permit records, the subject accessory structure received a building permit for approximately 3,000 square feet of floor area on May 31, 2002 and a green tag for final inspection of the installation of a permanent additional electrical meter.

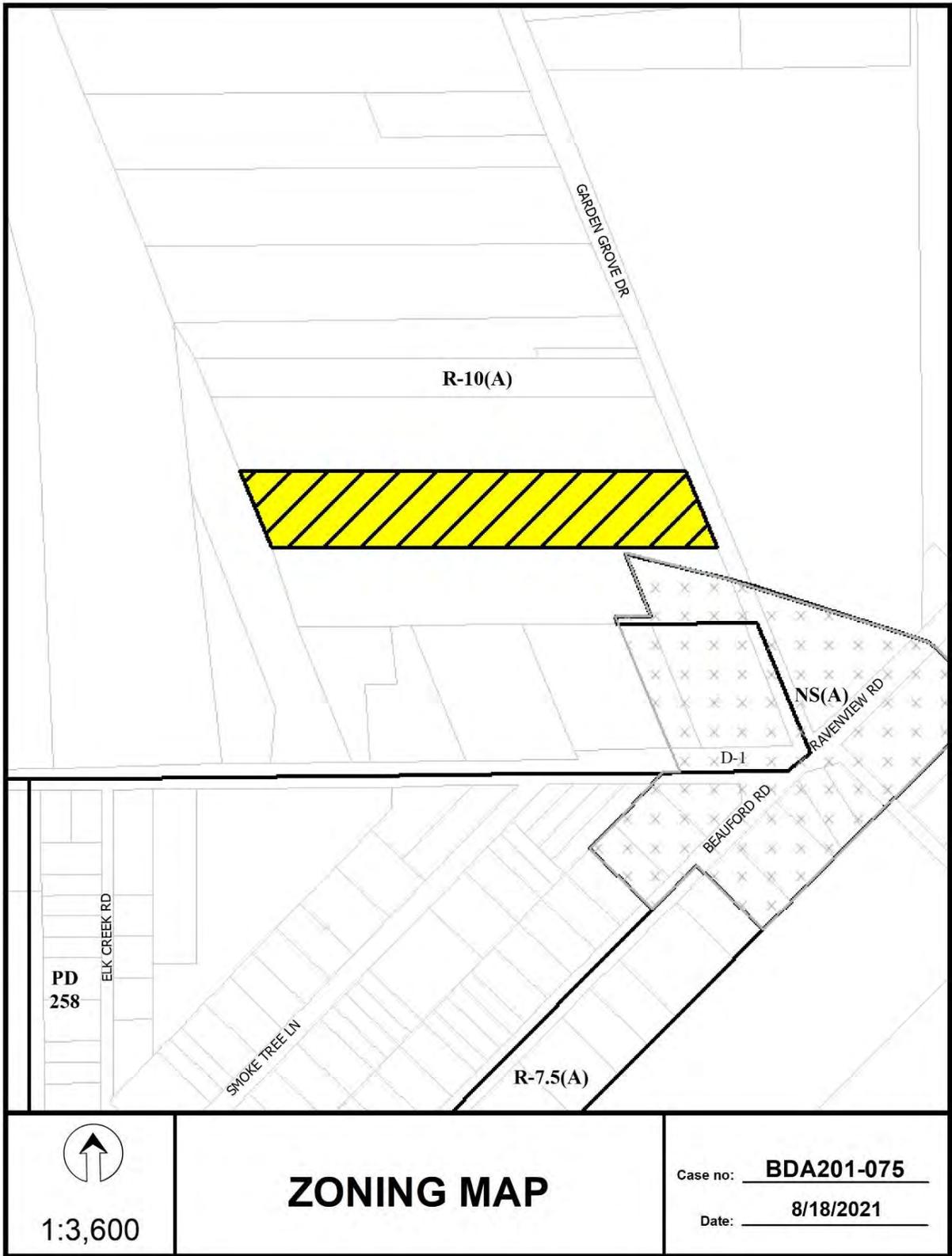
As of September 8, 2021, no letters had been submitted regarding the request for a special exception to the single-family regulations.

The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest; 2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

If the board were to grant the request for a second electrical utility service or electrical meter at the site, the only item being authorized is the installation of the second electrical utility service or electrical meter, as shown on the submitted site plan. Any other items shown on the site plan are subject to compliance with all other regulations of the Dallas Development Code, as amended, to obtain building permits.

Timeline:

- June 21, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 9, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- August 12, 2021: The Senior Planner emailed the applicant the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - 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.”
- September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.
- No review comment sheets were submitted in conjunction with this application.

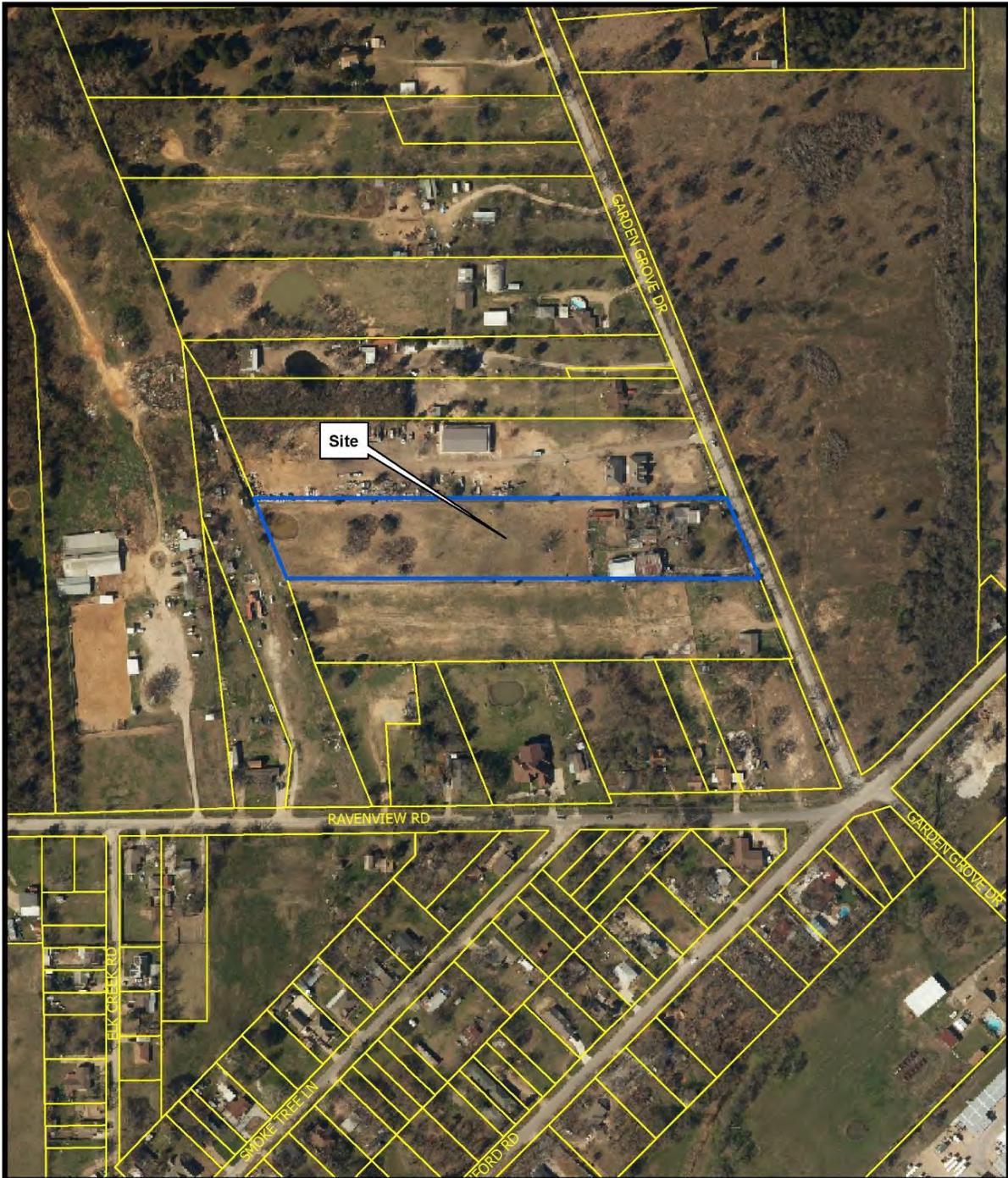


1:3,600

ZONING MAP

Case no: BDA201-075

Date: 8/18/2021



1:3,600

AERIAL MAP

Case no: BDA201-075

Date: 8/18/2021



| | | | | | | |
|--|--|-------------|----------------------|-----------|------------------------------------|--|
|  1:3,600 | <h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">15</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 15 | NUMBER OF PROPERTY OWNERS NOTIFIED | Case no: <u>BDA201-075</u> Date: <u>8/18/2021</u> |
| 200' | AREA OF NOTIFICATION | | | | | |
| 15 | NUMBER OF PROPERTY OWNERS NOTIFIED | | | | | |

08/13/2021

Notification List of Property Owners

BDA201-075

15 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|---|
| 1 | 12246 GARDEN GROVE DR | MOORE JAMES & BONNIE |
| 2 | 12205 RAVENVIEW RD | LAST FRONTIER REALTY INC |
| 3 | 12243 RAVENVIEW RD | DIXON WILLIAM ERNEST |
| 4 | 12255 RAVENVIEW RD | CAMPBELL MARLA |
| 5 | 12263 RAVENVIEW RD | ZENDEJAS LYDIA SOLIS |
| 6 | 12263 RAVENVIEW RD | SPATARO MARIA & SANTO |
| 7 | 12311 RAVENVIEW RD | SALDIBAR JOSE M & CLAUDIA P |
| 8 | 12321 RAVENVIEW RD | WALKER LAURA & |
| 9 | 12321 RAVENVIEW RD | COLDIRON BARBARA ANN & |
| 10 | 12335 RAVENVIEW RD | MORALES BENIGNO & |
| 11 | 12335 RAVENVIEW RD | APDC HOLDINGS LLC |
| 12 | 12336 GARDEN GROVE DR | Taxpayer at |
| 13 | 12236 GARDEN GROVE DR | ARIAS CONCEPCION G |
| 14 | 12232 GARDEN GROVE DR | FERNANDEZ MARIO MALDONADO & CAROLINA M |
| 15 | 12100 GARDEN GROVE DR | PALACIOS ANEL |



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-075
Date: 6/21/21 6-21-21

Data Relative to Subject Property:

Location address: 12246 Garden Grove Dr Zoning District: R-10(A)
Lot No.: 26 Block No.: 8828 Acreage: 4.6 Census Tract: 171.01
Street Frontage (in Feet): 1) 203 2) 1079 3) 201 4) 1078 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Amaroufi HC LLC
Applicant: Carbi John Amaroufi Telephone: 469-471-8127
Mailing Address: 12246 Garden Grove Dr Zip Code: 75253
E-mail Address: John@amaroufi.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 additional
Electric Meter

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:
Second Power Meter for the detached garage. There
is an existing second temporary meter that has been
there since I purchased the house. I want to turn on
the power.

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 Carbi John Amaroufi
(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 10 day of June, 2021

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

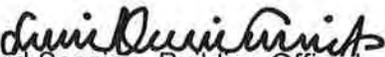
I hereby certify that JOHN AMAROUFI

did submit a request provide an additional electrical meter

at 12246 Garden Grove Drive

BDA201-075. Application of JOHN AMAROUFI to provide an additional electrical meter at 12246 GARDEN GROVE DR. This property is more fully described as Tract 26, Block 8828, and is zoned R-10(A), which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to maintain a single family dwelling in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-075

I, Carbi John Ameroufi, Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 12246 Garden Grove Dr Dallas Texas 75253
(Address of property as stated on application)

Authorize: Carbi John Ameroufi
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Second Power meter

Carbi John Ameroufi
Print name of property owner or registered agent

[Signature]
Signature of property owner or registered agent

Date 6/10/21

Before me, the undersigned, on this day personally appeared Carbi John Ameroufi

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 10 day of June 2021



Jessia Lankford
Notary Public for Dallas County, Texas
Commission expires on 7/19/23



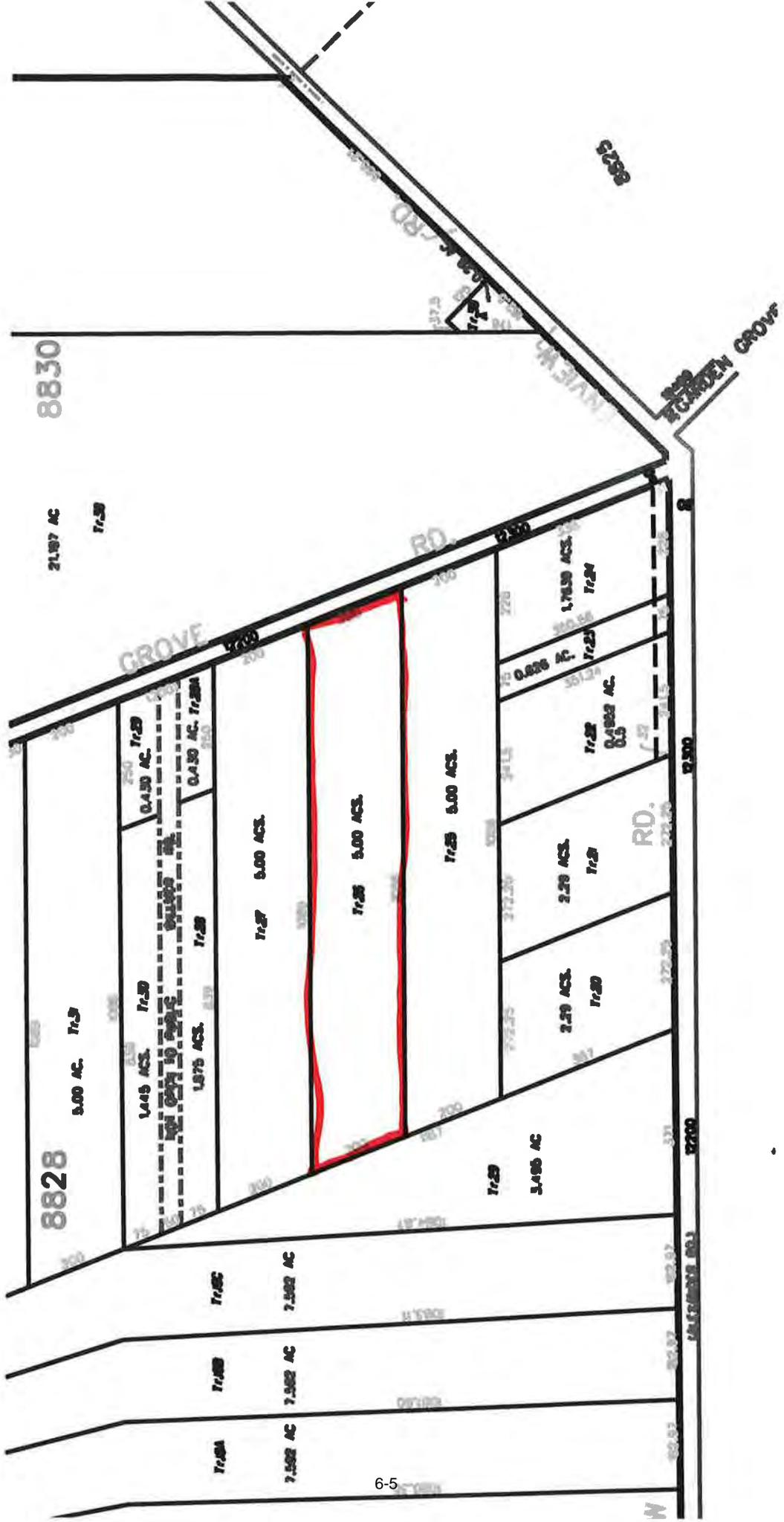
Printed: 6/21/2021

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 | SUP | Historic Overlay | 6-4 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)





CONCEPTION G. ARIAS
INST. NO. 2018000201073
O.P.R.D.C.T.

(DEED = 1089.8'')
S 89°08'02" E 1089.00'

202,193 SQ. FT.
4.642 ACRES

WELL

METAL SHED
NO FOUNDATION

19.5'

50.8'

24.8'

83.4'

74.8'

26.2'

17.0'

15.2'

16.2'

57.4'

1.6'

OFF

4.3'

OFF

7.1'

ON

PROPR.

WATER METER

108.9'

190.1'

1.9'

ON

FNC. POST FOR WITNESS

N 59°49'01" W 2.56'

1.4'

ON

WATER VALVES

SAN SEW MANHOLE

GARDEN GROVE DRIVE

POINT OF BEGINNING

203.18'

E 203.18'

S 22°12'56" E

203.18'

SEE DETAIL

TWO METAL FRAME

110.7'

110.7'

48.7'

WOOD DECK TYP.

48.7'

2.0'

OFF

D.1'

OFF

Meter Location

108.9'

190.1'

1.9'

ON

FNC. POST FOR WITNESS

N 59°49'01" W 2.56'

1.4'

ON

WATER VALVES

SAN SEW MANHOLE

GARDEN GROVE DRIVE

POINT OF BEGINNING

203.18'

E 203.18'

S 22°12'56" E

203.18'

SEE DETAIL

TWO METAL BUILDING

110.7'

110.7'

48.7'

WOOD DECK TYP.

48.7'

2.0'

OFF

D.1'

OFF

Meter Location

108.9'

190.1'

1.9'

ON

FNC. POST FOR WITNESS

N 59°49'01" W 2.56'

1.4'

ON

WATER VALVES

SAN SEW MANHOLE

GARDEN GROVE DRIVE

POINT OF BEGINNING

203.18'

E 203.18'

S 22°12'56" E

203.18'

SEE DETAIL

TWO METAL & FRAME DETAIL (NOT TO SCALE)

39.0'

38.3'

22.5'

20.0'

31.4'

25.3'

4.7'

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FILE NUMBER: BDA201-080(PD)

BUILDING OFFICIAL'S REPORT: Application of Tom White represented by Brandon Elms for a special exception to the single-family regulations at 4626 & 4630 Cherokee Trail. This property is more fully described as Lot E-1 and 7 in City Block S/4988 and is zoned an R-1ac(A) Single Family District, which requires that a single-family dwelling use in a single-family district may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The applicant proposes to construct and/or maintain more than one electrical utility service or electrical meter on a lot with a single-family use, which requires special exceptions to the single-family zoning use regulations.

LOCATION: 4626 & 4630 Cherokee Trail

APPLICANT: Tom White represented by Brandon Elms

REQUEST:

The following request for a special exception to the single-family use regulations is made to authorize more than one electrical utility service or electrical meter on a site with a single-family use.

STANDARD FOR A SPECIAL EXCEPTION TO THE SINGLE-FAMILY USE REGULATIONS TO AUTHORIZE MORE THAN ONE ELECTRICAL UTILITY SERVICE OR MORE THAN ONE ELECTRICAL METER:

The board may grant a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning, duplex, or townhouse district when, in the opinion of the board, the special exception will not:

1. be contrary to the public interest;
2. adversely affect neighboring properties; and
3. be used to conduct a use not permitted in the zoning district.

STAFF RECOMMENDATION:

No staff recommendation is made on this or any request for a special exception to authorize more than one electrical utility service or more than one electrical meter for a single-family use on a lot in a single-family zoning district since the basis for this type of appeal is *when in the opinion of the board*, the standards described above are met.

BACKGROUND INFORMATION:

Zoning:

- Site: R-1ac(A) Single Family District
- North: R-1ac(A) Single Family District
- East: PDD No. 61 (Single Family District)
- South: PDD No. 455 (Residential District)
- West: PDD No. 455 (Residential District)

Land Use:

The subject site and all surrounding areas to the north, east, south, and west are developed with single-family uses.

Zoning/BDA History:

There have been no related board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The site is zoned an R-1ac(A) Single Family District. The purpose of the request for a special exception to the single-family use regulations is to authorize more than one electrical utility service or electrical meter. The applicant proposes to demolish the existing one-story single-family structure and detached garage located at 4626 Cherokee Trail to construct two individual structures proposed to be platted as one property or build site, located at 4630 Cherokee Trail.

According to permit records for 4630 Cherokee Trail, the site is currently developed with five structures: the original two-story single-family structure on Cherokee Trail, with approximately 9,736 square feet of floor area exclusive of an attached garage, two cabanas and a tennis court. Additionally, permit records for 4626 Cherokee Trail indicate the site is developed with a one-story single-family structure with approximately 3,770 square feet of floor area exclusive of approximately 529 square feet for a detached garage, located at the intersection of Cherokee Trail and Linwood Avenue.

The Dallas Development Code states that *single family* means one dwelling unit located on a lot and that a *dwelling unit* means one or more rooms to be a single housekeeping

unit to accommodate one family and containing one or more kitchens¹, one or more bathrooms², and one or more bedrooms³.

The floor plans contained within the outline of the site plan for the proposed accessory structure denotes a number of rooms/features that Building Inspection has determined makes a second dwelling unit apart from the existing/original single family dwelling unit on Cherokee Trail, which are comprised of a kitchen with countertops, a bathroom, and a bedroom housing a closet in one of the two proposed structures. Thus, the applicant has been instructed by staff that further Board action may be required.

If the board grants the request for a second electrical utility service or electrical meter, the applicant can construct and modify the proposed accessory structure with separate utilities. However, the applicant the structure may not be constructed with all three elements that constitute a dwelling unit or with separate utilities since an additional dwelling unit has not been requested with this application.

The subject site extends from Cherokee Trail on the north and Linwood Avenue on the south and is approximately twice the size of other lots on the same block. The applicant proposes to retain the dwelling unit located at 4630 Cherokee Trail and purposes to demolish the dwelling unit located at 4626 Cherokee Trail and construct a 2,042-square-foot structure proposed to increase the total floor area, excluding the calculations of the attached garage and detached cabanas to approximately 11,778 square feet. Per the applicant, necessitating the request is the owner purchasing the adjacent subject property and the desire to install a smaller chiller to be used as a cooling system on the entire property, once the property is replatted. The smallest available chiller on the market is 30 tons and the only power option is 208V/3 phase. The existing service for the dwelling unit located at 4630 Cherokee Trail is at full capacity and the voltage is 240/120V, is single phase and not a match for the proposed addition and chiller proposed to be located at 4626 Cherokee Trail.

The applicant has the burden of proof in establishing that the additional electrical meter to be installed and/or maintained on the site will: 1) not be contrary to the public interest;

¹ KITCHEN means any room or area used for cooking or preparing food and containing one or more ovens, stoves, hot plates, or microwave ovens; one or more refrigerators; and one or more sinks. This definition does not include outdoor cooking facilities. Reference §51A-2.102(57.1) of the Dallas Development Code, as amended.

² BATHROOM means any room used for personal hygiene and containing a shower or bathtub, or containing a toilet and sink. Reference §51A-2.102(8.1) of the Dallas Development Code, as amended.

³ BEDROOM means any room in a dwelling unit other than a kitchen, dining room, living room, bathroom, or closet. Additional dining rooms and living rooms, and all dens, game rooms, sun rooms, and other similar rooms are considered bedrooms. Reference §51A-2.102(9) of the Dallas Development Code, as amended.

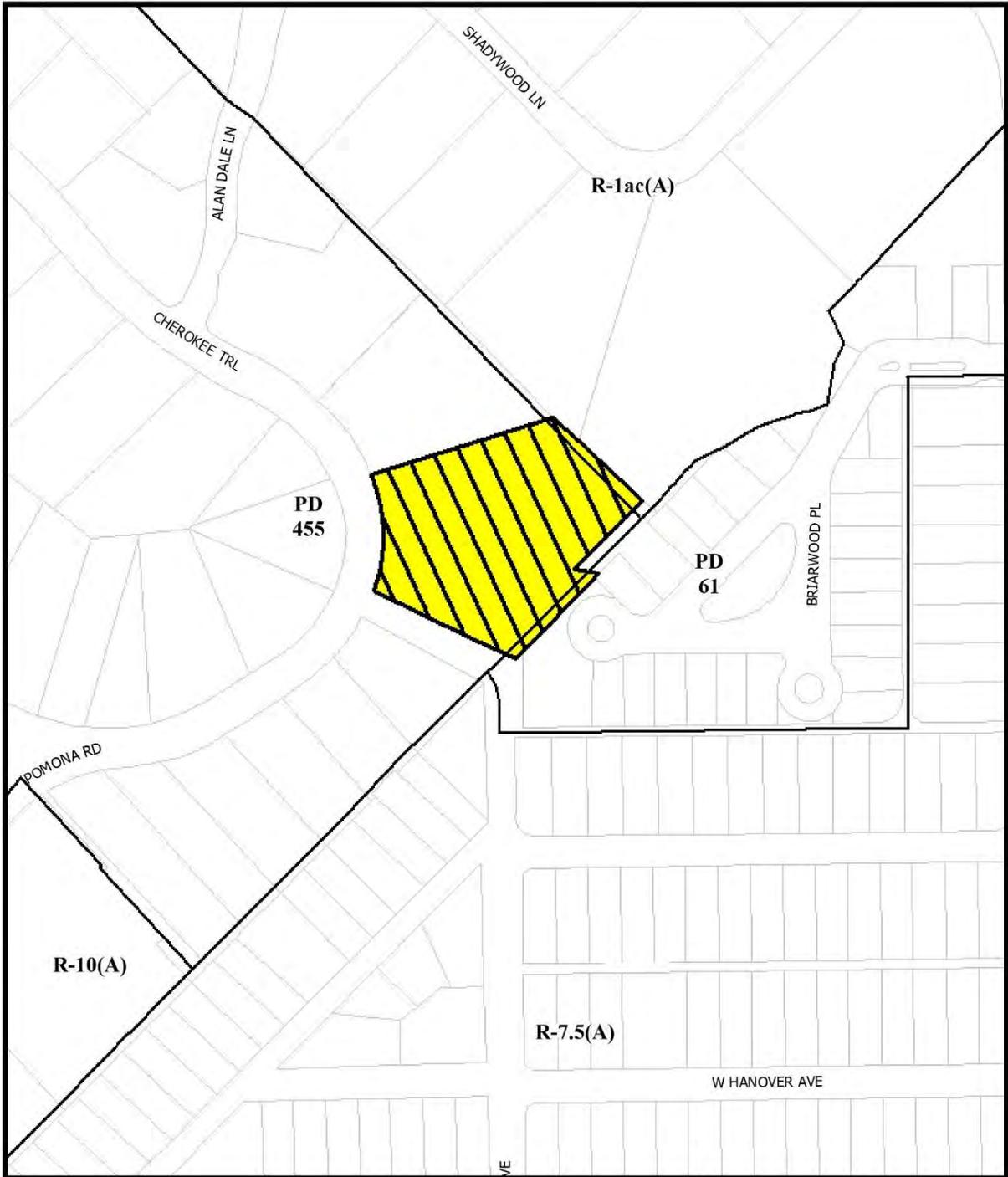
2) not adversely affect neighboring properties, and 3) not be used to conduct a use not permitted in the zoning

As of September 8, 2021, no letters had been submitted in support of or in opposition of the request for a special exception to the single-family regulations.

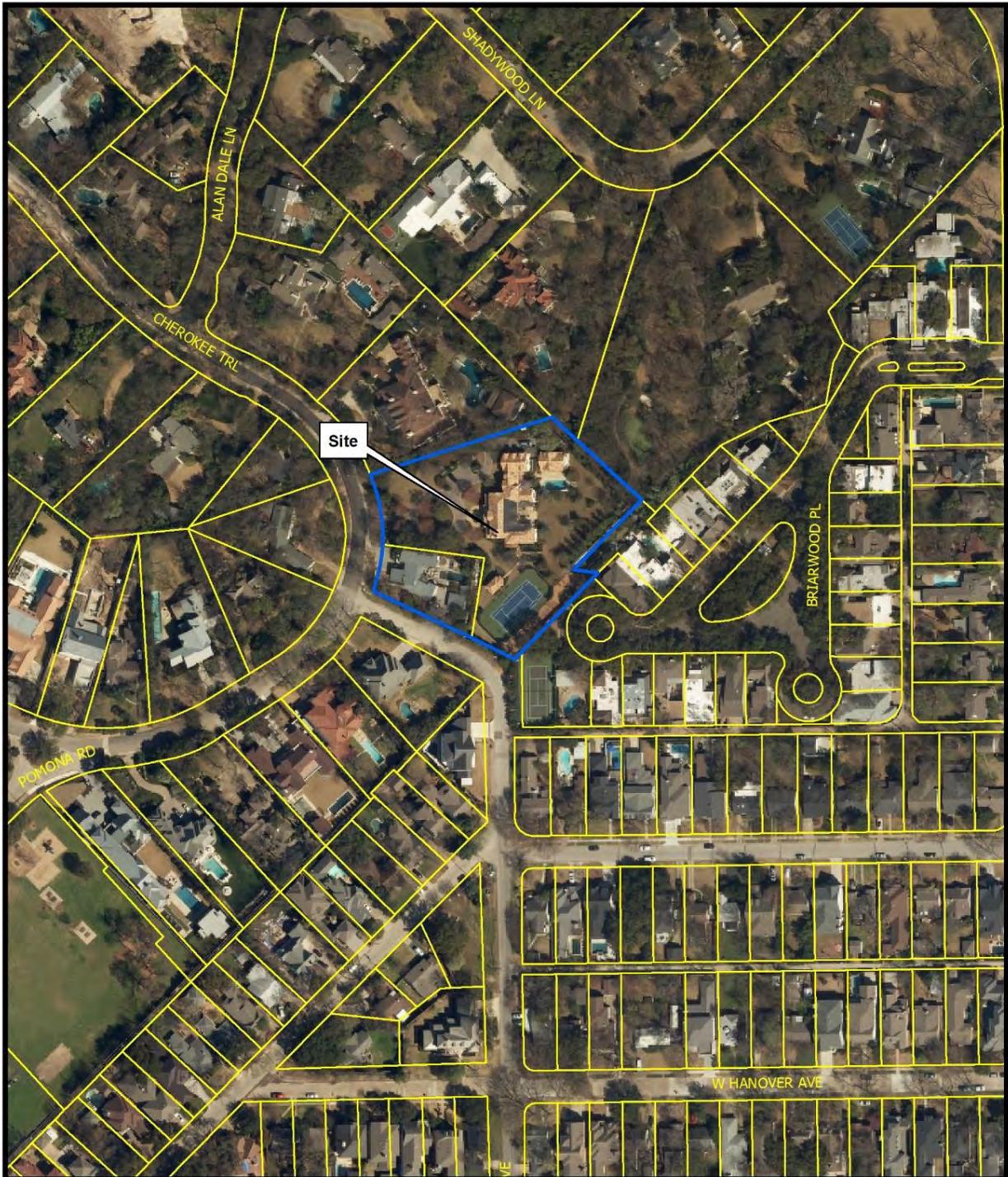
If the board were to grant the request for a second electrical utility service or electrical meter at the combined site, the only item being authorized is the installation of the second electrical utility service or electrical meter, as shown on the submitted site plan. Any other items shown on the site plan are subject to compliance with all other regulations of the Dallas Development Code, as amended, to obtain building permits.

Timeline:

- July 9, 2021: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 5, 2021: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.
- August 12, 2021: The Senior Planner emailed the applicant’s representative the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board’s docket materials and the following information:
- a copy of the application materials including the Building Official’s report on the application;
 - 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.”
- September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.
- No review comment sheets were submitted in conjunction with this application.



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|  1:2,400 | <h1>ZONING MAP</h1> | Case no: <u>BDA201-080</u> Date: <u>8/18/2021</u> |
|--|---------------------|--|

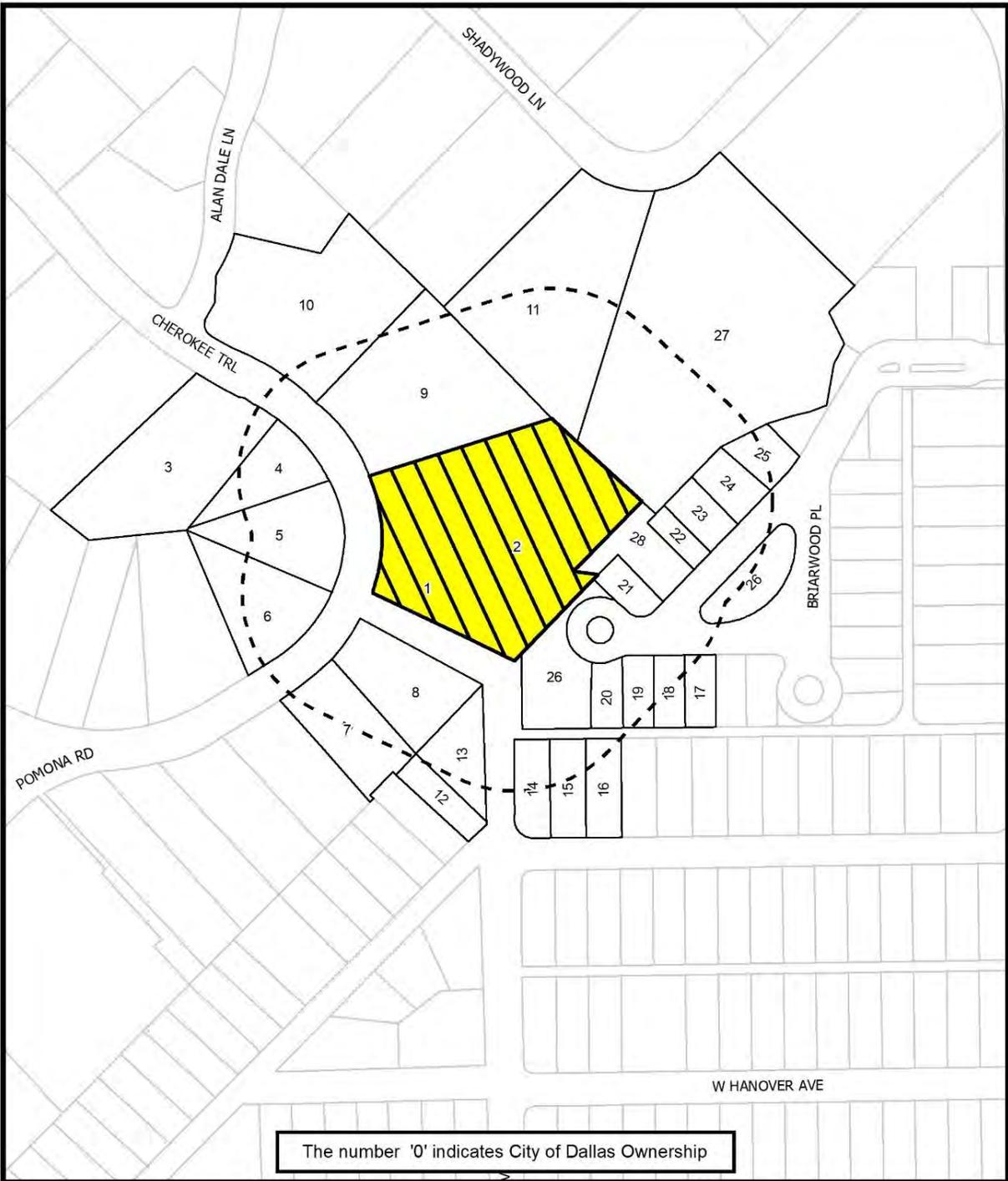


1:2,400

AERIAL MAP

Case no: BDA201-080

Date: 8/18/2021




 1:2,400

NOTIFICATION

200' AREA OF NOTIFICATION
28 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: BDA201-080
 Date: 8/18/2021

08/16/2021

Notification List of Property Owners

BDA201-080

28 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|------------------------------------|
| 1 | 4626 CHEROKEE TRL | Taxpayer at |
| 2 | 4630 CHEROKEE TRL | CHEROKEE BLUFF LLC |
| 3 | 4637 CHEROKEE TRL | THOMAS ROBERT |
| 4 | 4633 CHEROKEE TRL | STUBBS JUDY NEAL |
| 5 | 4627 CHEROKEE TRL | DRYDEN ROBERT E |
| 6 | 4619 CHEROKEE TRL | BOND WILLIAM R |
| 7 | 4618 CHEROKEE TRL | COOPER RANDALL D & YANELA S |
| 8 | 4624 CHEROKEE TRL | FRASER BRUCE M & CHRISTINE M |
| 9 | 4636 CHEROKEE TRL | LOVING GRACE REVOCABLE TRUST |
| 10 | 4646 CHEROKEE TRL | SHAW EVAN L & MARLA |
| 11 | 4848 SHADYWOOD LN | THURMAN CURTIS GLENN & SHERRI LYNN |
| 12 | 4755 ELSBY AVE | SNELL ANNE G |
| 13 | 8401 LINWOOD AVE | MANES BRIAN |
| 14 | 4801 ELSBY AVE | GLANCY GREGORY |
| 15 | 4807 ELSBY AVE | JORDAN CHRISTOPHER GOERGE JR. |
| 16 | 4811 ELSBY AVE | KALTENBACH KONRAD |
| 17 | 4930 BRIARWOOD PL | LAWRENCE CHERYL L |
| 18 | 4928 BRIARWOOD PL | HALSEY THOMAS S & ELIZABETH |
| 19 | 4926 BRIARWOOD PL | PERRY BRYAN & KAREN LIVING TRUST |
| 20 | 4924 BRIARWOOD PL | VALYNDA A EWTON TRUST |
| 21 | 4922 BRIARWOOD PL | Taxpayer at |
| 22 | 4918 BRIARWOOD PL | WESNESKI LAWRENCE E & |
| 23 | 4914 BRIARWOOD PL | TOWNSEND THEODORE P & |
| 24 | 4912 BRIARWOOD PL | RICHARDSON TWILA T |
| 25 | 4910 BRIARWOOD PL | MACDONALD JOHN & TINA |
| 26 | 4923 BRIARWOOD PL | BRIARWOOD PLACE HOME |
| 27 | 4906 SHADYWOOD LN | KRAUS PETER A & LISA V |
| 28 | 4920 BRIARWOOD PL | BILBY JOANNE H STROUD |



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-080

Date: ~~7-17-2021~~ 7-9-21

Data Relative to Subject Property:

Location address: 4626/4630 Cherokee Trail _____ Zoning District: PD 455

Lot No.: E1+7 Block No.: S/4988 Acreage: 2.22 Census Tract: 73.02
Bluffview at Linwood Estates

Street Frontage (in Feet): 1) 189' 2) 235' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Cherokee Bluff, LLC

Applicant: Tom White Telephone: 817-338-2022

Mailing Address: 201 Main Street, Suite 2600, Fort Worth, Texas Zip Code: 76102

E-mail Address: twhite@bass-net.com

Represented by: Brandon Elms Telephone: 817-825-0750

Mailing Address: 301 Commerce Street, Suite 1301, Fort Worth, Texas Zip Code: 76102

E-mail Address: belms@tpgfw.com

Affirm that an appeal has been made for a Variance X or Special Exception , of _____
Dallas City Code Sec. 51A-4.112 - Single Family Districts - Electrical Service for Single Family Users

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

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

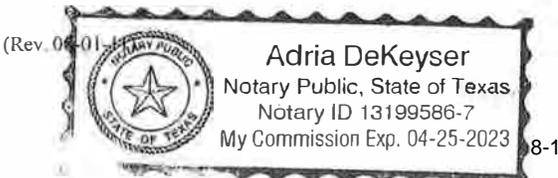
Before me the undersigned on this day personally appeared Tom White
(Affiant/Applicant's name printed)

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 1st day of July, 2021

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



MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Tom White
represented by Brandon Elms
did submit a request provide an additional electrical meter
at 4626/30 Cherokee Trail

BDA201-080. Application of Tom White represented by Brandon Elms provide an additional electrical meter at 4626/30 CHEROKEE TRL. This property is more fully described as Lots E-1 & 7, Block S/4988, and is zoned PD-455, which requires that a single family dwelling use in a single family, duplex, or townhouse district may be supplied by not more than one electrical utility service, and metered by not more than one electrical meter. The applicant proposes to construct a single family accessory structure in a single family, duplex, or townhouse district and have more than one electrical utility service, or more than one electrical meter, which will require a special exception to the single family zoning use regulations.

Sincerely,


David Session, Building Official



CITY OF DALLAS

AFFIDAVIT

Appeal number: BDA 201-080

I, Cherokee Bluff, LLC Owner of the subject property
(Owner or "Grantee" of property as it appears on the Warranty Deed)

at: 4626/4630 Cherokee Trail, Dallas, Texas 75209
(Address of property as stated on application)

Authorize: Tom White
(Applicant's name as stated on application)

To pursue an appeal to the City of Dallas Zoning Board of Adjustment for the following request(s)

- Variance (specify below)
- Special Exception (specify below)
- Other Appeal (specify below)

Specify: Variance is requested to Dallas City Code - Sec. 51A-4.112 – Single Family Districts – Electrical Service for Single Family Uses (please see attached narrative for further explanation.

Tom White
Print name of property owner or registered agent

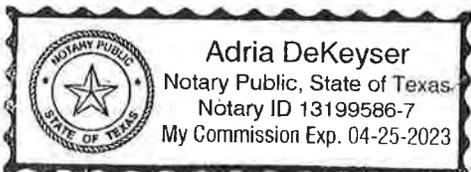
[Signature]
Signature of property owner or registered agent

Date 7/1/2021

Before me, the undersigned, on this day personally appeared Tom White

Who on his/her oath certifies that the above statements are true and correct to his/her best knowledge.

Subscribed and sworn to before me this 1st day of July, 2021



[Signature]
Notary Public for Dallas County, Texas

Commission expires on 4-25-2023

SUPPLEMENTAL INFORMATION FOR PROPERTY at 4630 Cherokee Trail, Dallas Texas, 75209

Request for Variance to:

Dallas City Code – sec. 51A-4.112 – Single Family Districts

(A) Electrical service for single family uses. In this district, a lot for a single-family use may be supplied by not more than one electrical utility service and metered by not more than one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will:

- (1) not be contrary to the public interest.*
- (2) not adversely affect neighboring properties; and*
- (3) not be used to conduct a use not permitted in this district.*

General:

- Owners at 4630 Cherokee Trail recently purchased the joint property at 4626 Cherokee Trail and Linwood. Owners plan to replat it into one lot and build an Addition (2,042sf) to the Main House (8,237sf) at this location.
- On the same lot, the owners would like to install a small chiller that will be used for cooling system on the entire property. The smallest available chiller on market is 30 tons and the only power option is 208V/3 phase.

Description of existing conditions:

- Property at 4630 is served with power from an overhead line via a pole mounted transformer located at the North- East side of the property – behind the Garage. This service is 240/120V and is single phase, and out of capacity. Cannot be used to serve the proposed chiller.
- Presently, the property at 4626 is served with power from an overhead line via a pole mounted transformer located at the south-east side of the property, on Linwood side.

Request for permission for a second utility service and second meter at the Addition Building.

Reasons for request:

- The existing service at the Main House is at full capacity and the voltage is 240/120V and is single phase. Not a match for the proposed Addition and Chiller.
- Modifications to the Main House service will require major changes to Oncor line and will affect neighboring properties (access for construction, power interruptions).
- Modifications to the present Main House service will require major changes at the point of service at real high cost to owners.
- One common service will require a long electrical feeder (about 700ft) between the 2 buildings. Major disturbance to present property and high cost.

Proposed solution:

- No modifications to the present 240/120V 1 phase service at the Main House.
- Install a second service 208/120V 3-phase at the Addition Building point of service.
- Owners to require 3-phase power from Oncor from the existing power pole and support the associated cost.
- Owners will support the cost of an underground service from the power pole to the Addition Building That will eliminate the overhead service line and be an improvement to Lindberg Street public area.
- To assure the second service will not create unsafe conditions in case power on property needs to be cut off (e.g., Fire Department intervention), permanent placards with instructions will be installed at both points of service.

We believe that the special exception proposed solution will:

- (1) not be contrary to the public interest.
- (2) not adversely affect neighboring properties; and
- (3) not be used to conduct a use not permitted in this district.



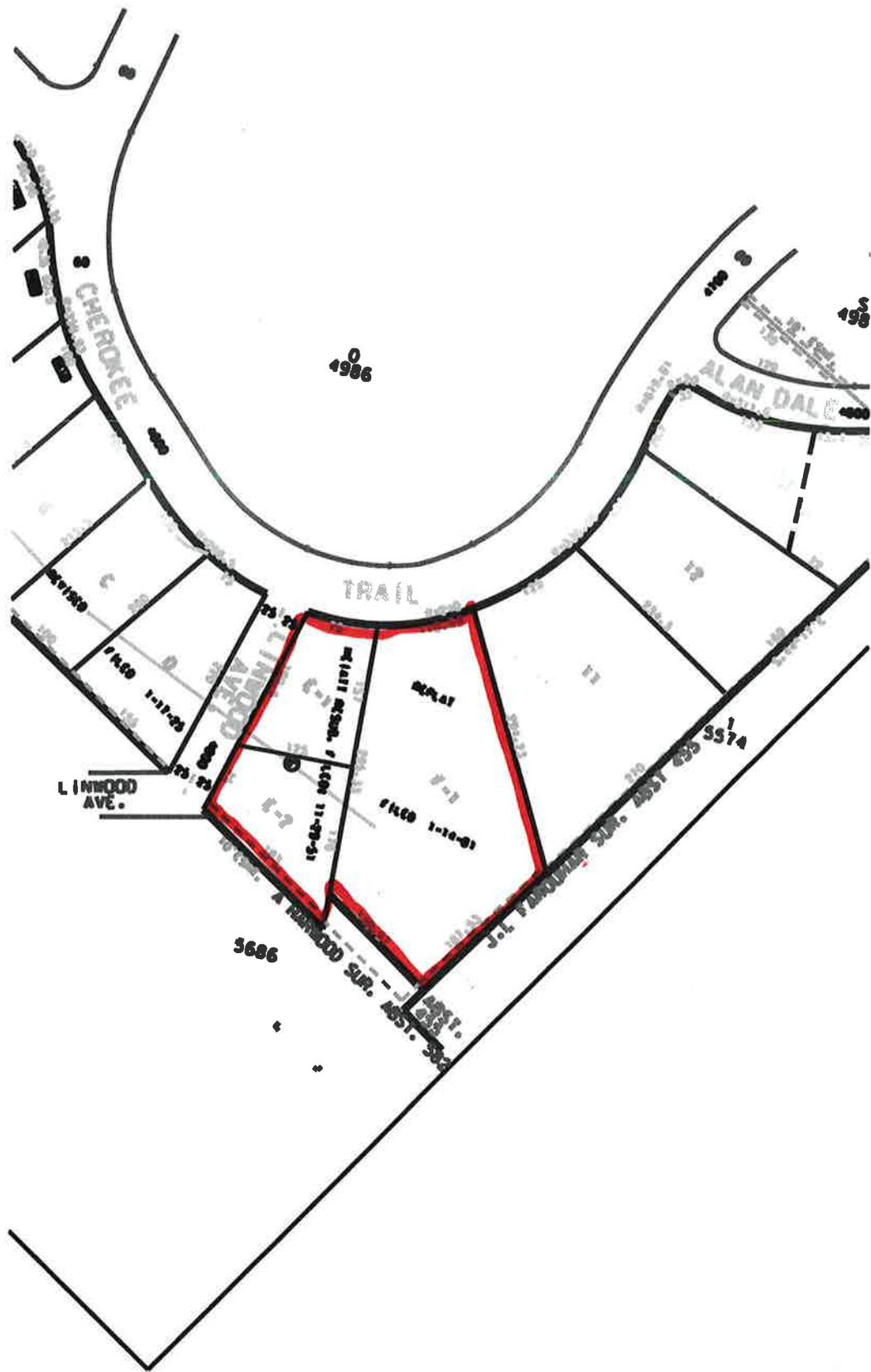
Printed: 7/9/2021

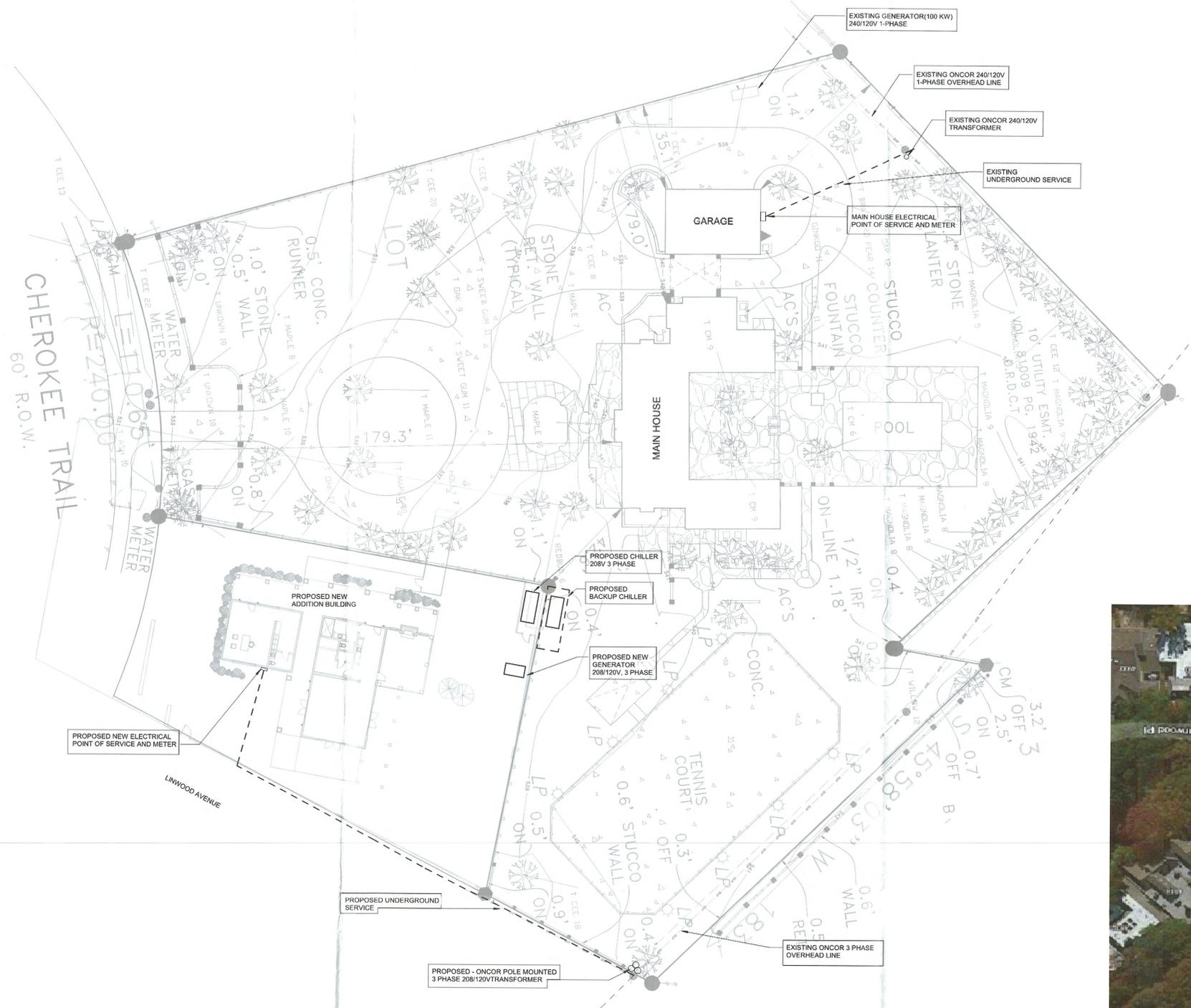
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| 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 | SUP | Historic Overlay | 8-5 Sign 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)







4626
1 SITE PLAN - 2626 CHEROKEE TRAIL - DALLAS TEXAS
 1" = 20'-0"

0' 20' 40' 60'
 1" = 20'-0"

FILE NUMBER: BDA201-084(PD)

BUILDING OFFICIAL'S REPORT: Application of Merith Sepulveda for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 2030 Marydale Drive. This property is more fully described as Lot 5, Block 10/4630, and is zoned Subarea A within Conservation District No. 20, in which an accessory structure may not exceed 25 percent of the floor area of the main structure. The applicant proposes to construct a single-family residential accessory structure with 696 square feet of floor area (42.2 percent of the 1,648-square-foot floor area of the main structure), which will require a 284-square-foot special exception to the floor area ratio regulations.

LOCATION: 2030 Marydale Drive

APPLICANT: Merith Sepulveda

REQUESTS:

The proposed detached 696-square-foot one-story dwelling unit is requested as a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling. The additional dwelling unit and the size of the unit require special exceptions.

STANDARD FOR A SPECIAL EXCEPTION FOR THE HANDICAPPED:

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

STAFF RECOMMENDATION:

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

Zoning:

- Site: Subarea A within Conservation District No. 20
- North: Subarea A within Conservation District No. 20
- East: Subarea A within Conservation District No. 20
- South: Subarea A within Conservation District No. 20
- West: Subarea A within Conservation District No. 20

Land Use:

The subject property and surrounding properties are developed with single-family uses.

Zoning/BDA History:

There have not been any recent board or zoning cases in the vicinity within the last five years.

GENERAL FACTS/STAFF ANALYSIS:

The following request for a special exception for the handicapped focus on constructing and maintaining a detached 696-square-foot one-story proposed to exceed the maximum floor area for an accessory structure.

The site is zoned Subarea A within Conservation District No. 20 where the Dallas Development Code permits one main dwelling unit per lot. In addition, an accessory structure may not exceed 25 percent of the floor area of the main structure in this district.

The submitted site plan denotes the locations of two building footprints. The larger building is an approximately 1,648-square-foot existing single-family structure and the smaller of the two is a proposed 696-square-foot “one story frame” structure. The site plan also identifies the proposed accessory structure represents 42.2 percent of the existing 1,648 square-foot floor area main structure.

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

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

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

1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of Title 21)."

Therefore, the board is to consider this special exception for the handicapped request solely on whether they conclude that the special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling.

The applicant has the burden of proof in establishing the following:

- The special exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling; and
- There is a person with a "handicap" (as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended) who resides and/or will reside on the site.

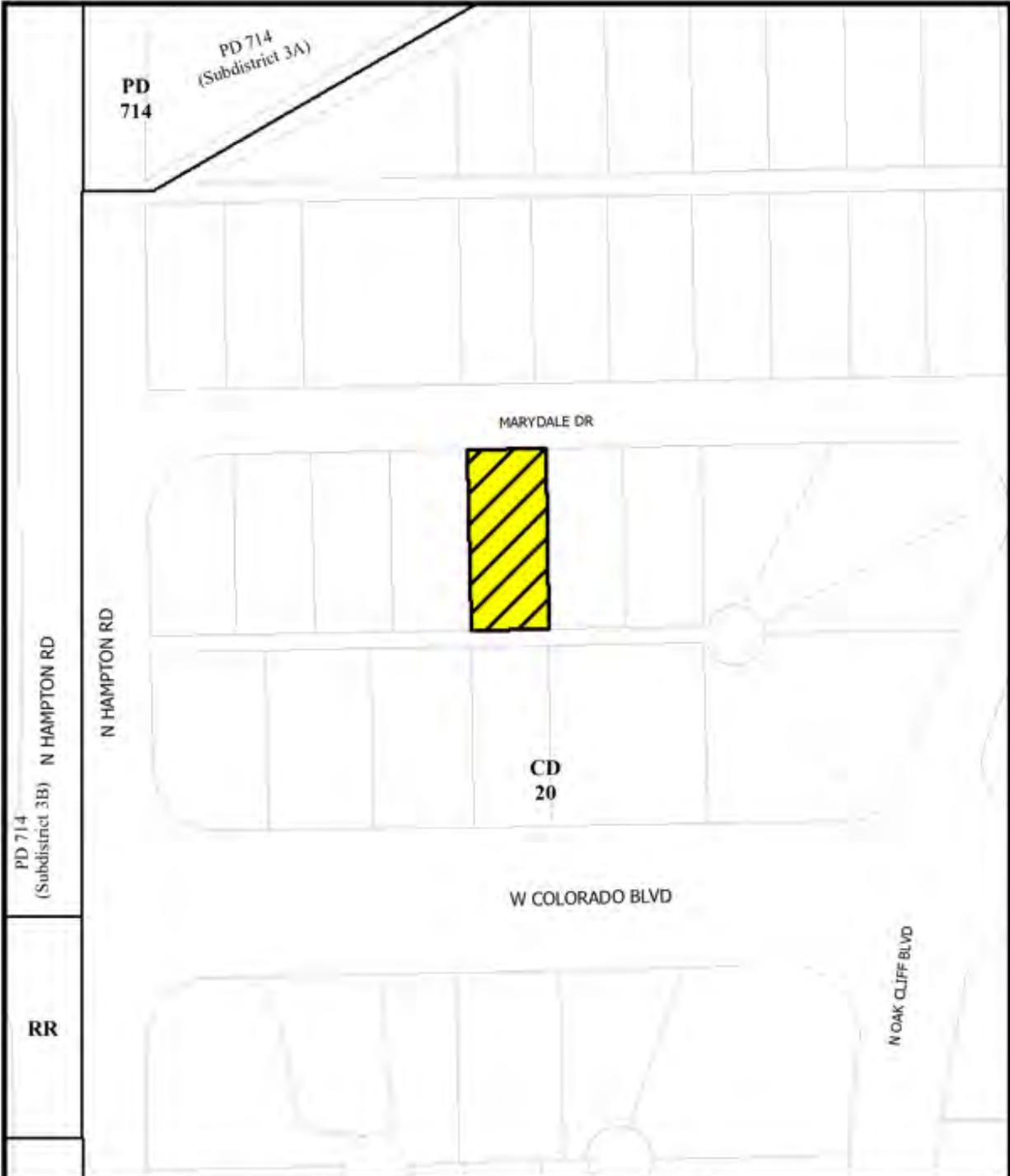
If the board were to grant the request, typical conditions include compliance with the submitted site plan and that the special exception expire when a handicapped person no longer resides on the property.

Timeline:

- July 13, 2021: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.
- August 5, 2021: The Board of Adjustment Administrator assigned this case to Board of Adjustment Panel A.
- August 12, 2021: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application.
 - an attachment that provided the public hearing date and panel that will consider the application; the August 31st deadline to submit additional evidence for staff to factor into their analysis; and the September 10th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and

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

September 3, 2021: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the September public hearings. Review team members in attendance included the following: the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner, the Board of Adjustment Senior Planner, the Chief Arborist, the Conservation Districts Chief Planner, the Building Inspection Chief Planner, the Interim Assistant Director of Current Planning, and the Assistant City Attorney to the board.

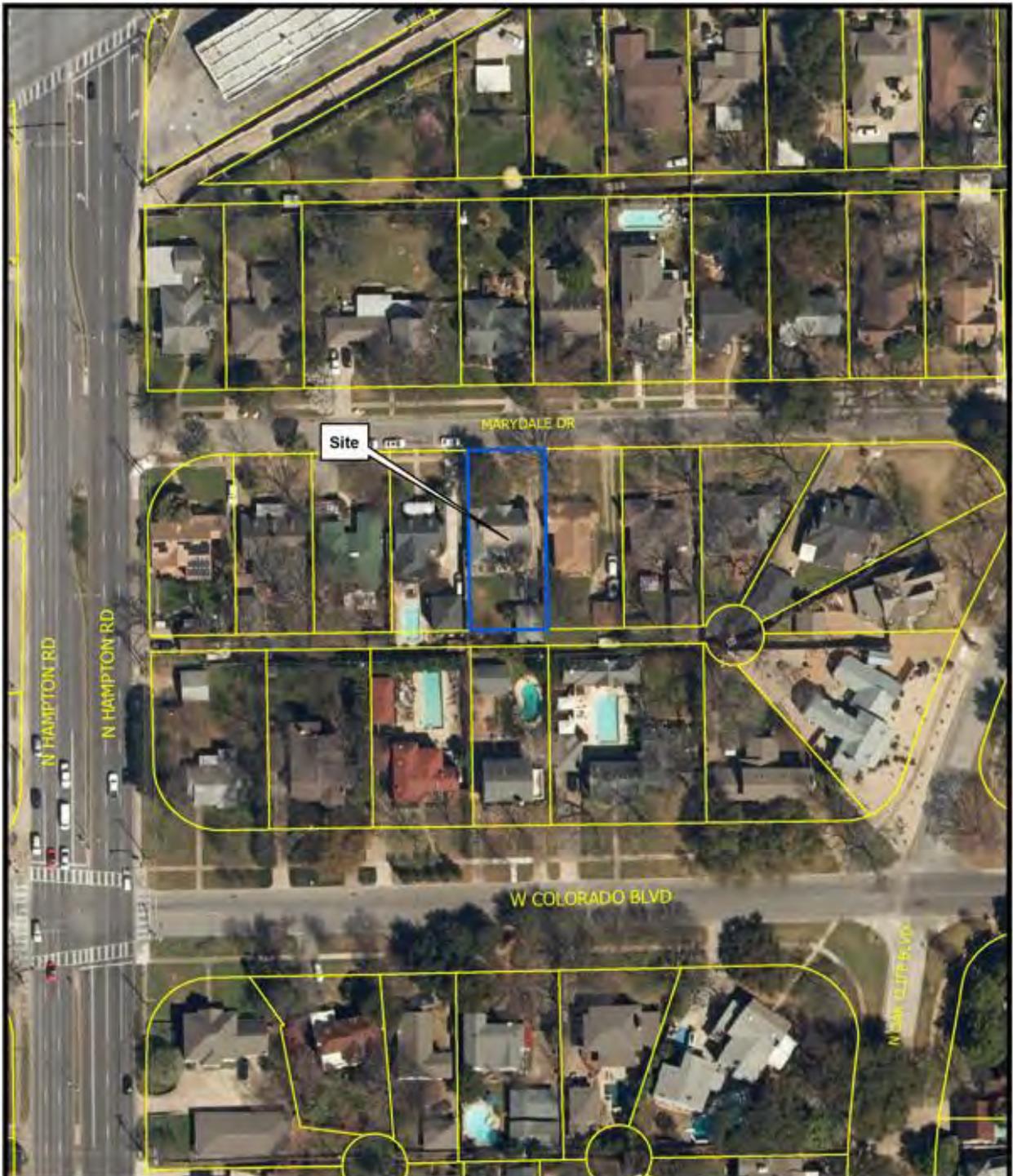


1:1,200

ZONING MAP

Case no: BDA201-084

Date: 8/18/2021

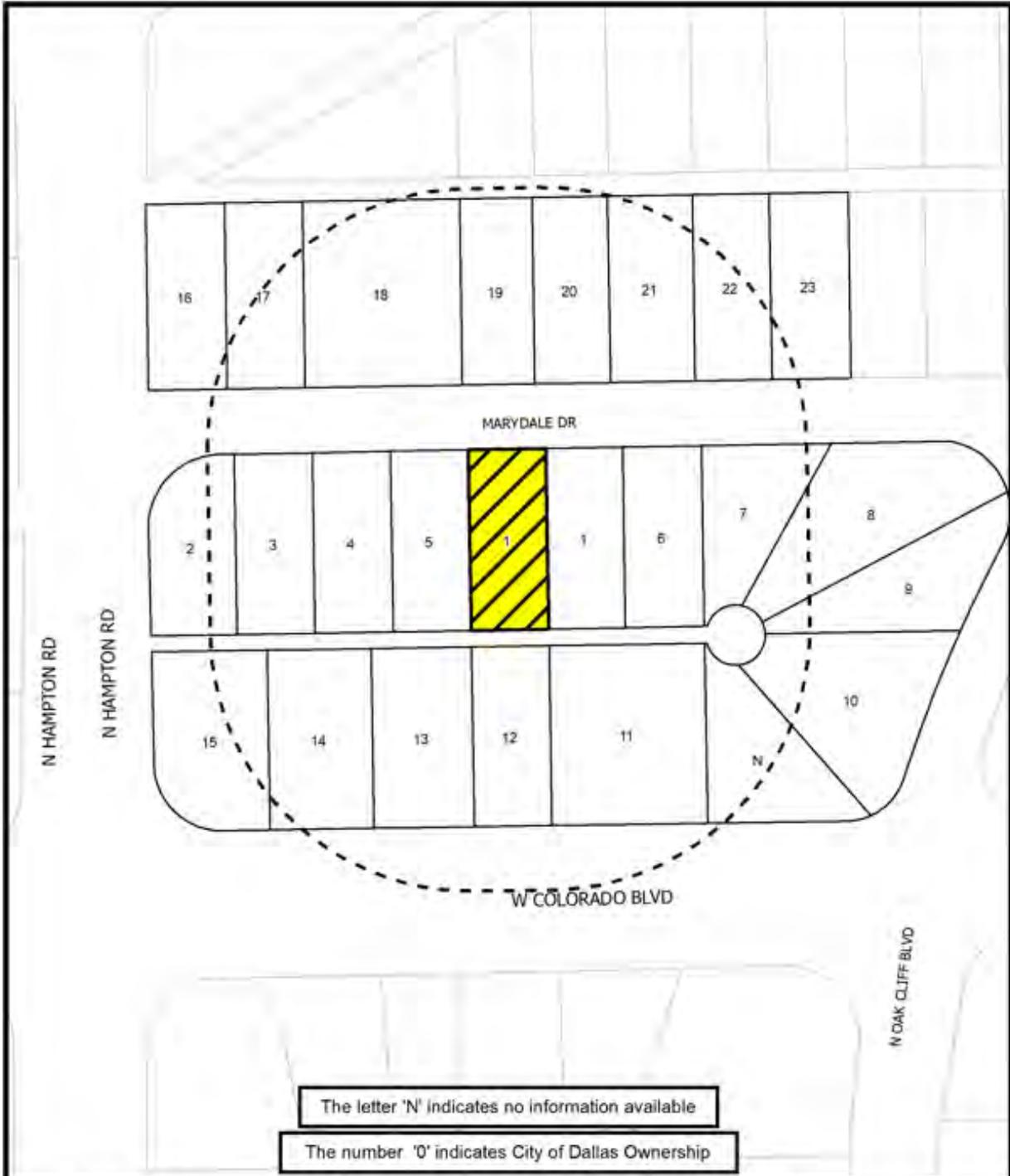


1:1,200

AERIAL MAP

Case no: **BDA201-084**

Date: **8/18/2021**



| | | | | | |
|--|---|----------------------------|----------------------|----|------------------------------------|
|  1:1,200 | NOTIFICATION | Case no: BDA201-084 | | | |
| | <table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">23</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table> | 200' | AREA OF NOTIFICATION | 23 | NUMBER OF PROPERTY OWNERS NOTIFIED |
| 200' | AREA OF NOTIFICATION | | | | |
| 23 | NUMBER OF PROPERTY OWNERS NOTIFIED | | | | |

08/16/2021

Notification List of Property Owners

BDA201-084

23 Property Owners Notified

| <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-----------------------|-----------------------|-------------------------------------|
| 1 | 2030 MARYDALE DR | SEPULVEDA MERITH |
| 2 | 2050 MARYDALE DR | GARZA ELIZABETH G |
| 3 | 2046 MARYDALE DR | LUPTON JAMES MATTHEW & COURTNEY ANN |
| 4 | 2044 MARYDALE DR | Taxpayer at |
| 5 | 2042 MARYDALE DR | CREEL SYBLE |
| 6 | 2020 MARYDALE DR | MILLER ARLEN & DOUGLAS M KLAHR |
| 7 | 2014 MARYDALE DR | WEINSTEIN LARRY |
| 8 | 2006 MARYDALE DR | TALMAGE & NAOMI LIVING |
| 9 | 1215 N OAK CLIFF BLVD | WOODWARD JULIA & |
| 10 | 1207 N OAK CLIFF BLVD | HOWARD SUSAN G & |
| 11 | 2015 W COLORADO BLVD | LEE ROBERT RAY & AMY LAMBERT |
| 12 | 2023 W COLORADO BLVD | Taxpayer at |
| 13 | 2029 W COLORADO BLVD | WHITE CARLOS |
| 14 | 2031 W COLORADO BLVD | DOWD MALINDA M & |
| 15 | 2041 W COLORADO BLVD | WEST COLORADO COMPANY |
| 16 | 2053 MARYDALE DR | RUELAS CHARLES P & |
| 17 | 2051 MARYDALE DR | HAUS & STARK LLC |
| 18 | 2045 MARYDALE DR | STRICKLAND VALERIE REVOCABLE |
| 19 | 2037 MARYDALE DR | MADRID GREG & DIANE |
| 20 | 2031 MARYDALE DR | WATSON JENNIFER K |
| 21 | 2027 MARYDALE DR | HUPERT MARK J |
| 22 | 2023 MARYDALE DR | SMITH BRIAN PAUL |
| 23 | 2015 MARYDALE DR | WIGGINS RONALD ALAN & |



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 201-084

Data Relative to Subject Property:

Date: 7/13/2021

Location address: 2030 Marydale Dr. Zoning District: CD20 Subarea (A)

Lot No.: 5 Block No.: 10/4630 Acreage: .20 Census Tract: 44.00

Street Frontage (in Feet): 1) 60' 2) _____ 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Merith Sepulveda

Applicant: Merith Sepulveda Telephone: 214 476 7559

Mailing Address: 2030 Marydale Dr. Zip Code: 75208

E-mail Address: merith@sbcglobal.net

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception , of Floor Area ratio for accessory structure, to afford the handicap/disabled to use and enjoy dwelling plus premise.

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 space will be used for my adult son who has Cerebral Palsy and would give him the ability to have both independence plus having someone care for him and his special needs.

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 Merith Sepulveda
(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: Merith Sepulveda
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 13th day of July, 2021



Mercedes Rodriguez
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

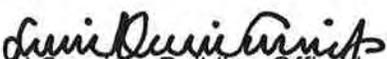
I hereby certify that Merith Sepulveda

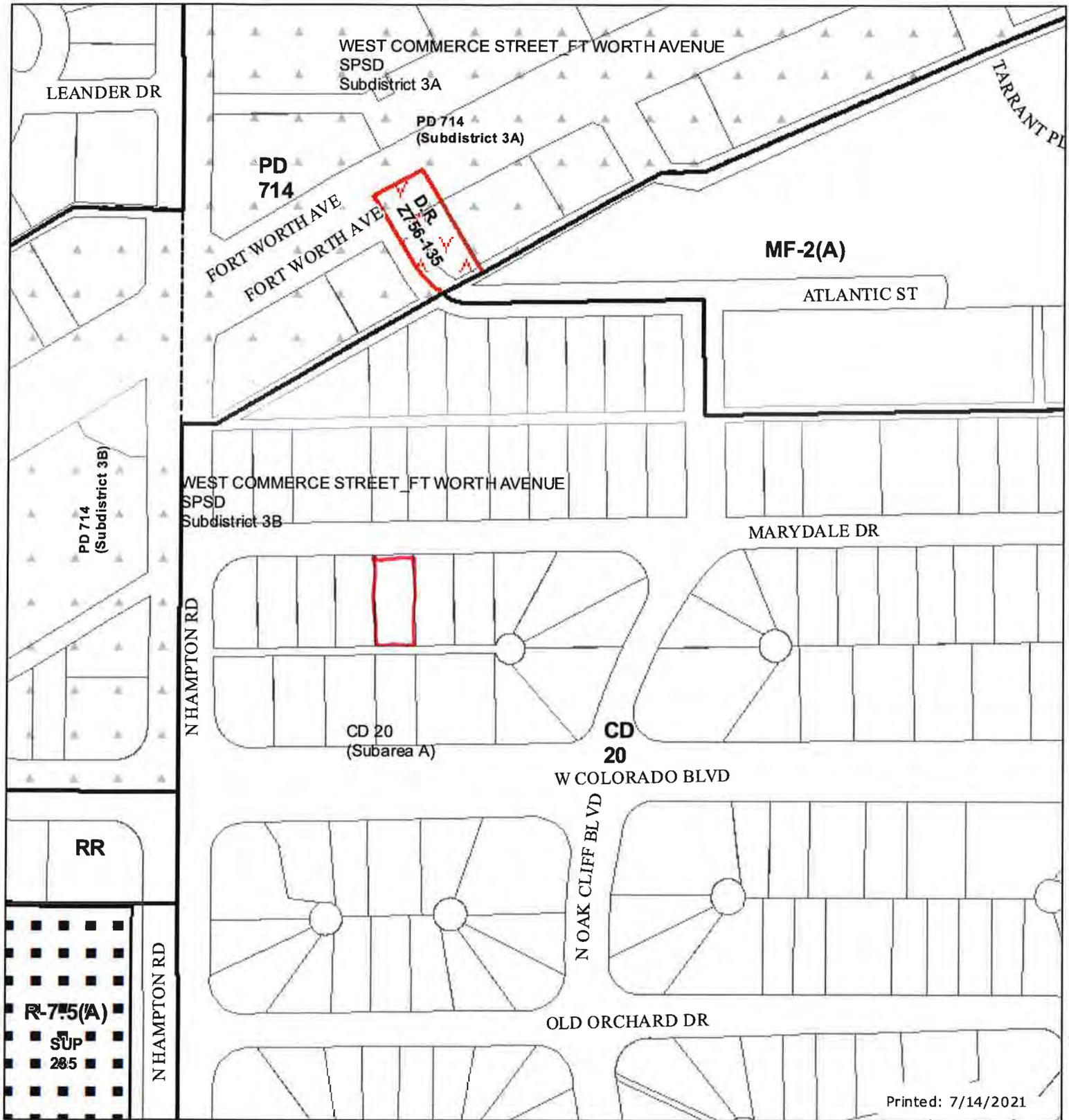
did submit a request for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling

at 2030 Marydale Drive

BDA201-084. Application of Merith Sepulveda for a special exception to afford a handicapped person equal opportunity to use and enjoy a dwelling at 2030 MARYDALE DR. This property is more fully described as Lot 5, Block 10/4630, and is zoned CD-20 (Subarea A), which an accessory structure may not exceed 25% of the floor area of the main structure. The applicant proposes to construct a single family residential accessory structure with 696 square feet of floor area (42.2% of the 1648 square foot floor area of the main structure), which will require a 412 square foot special exception to the floor area ratio regulations.

Sincerely,


David Session, Building Official



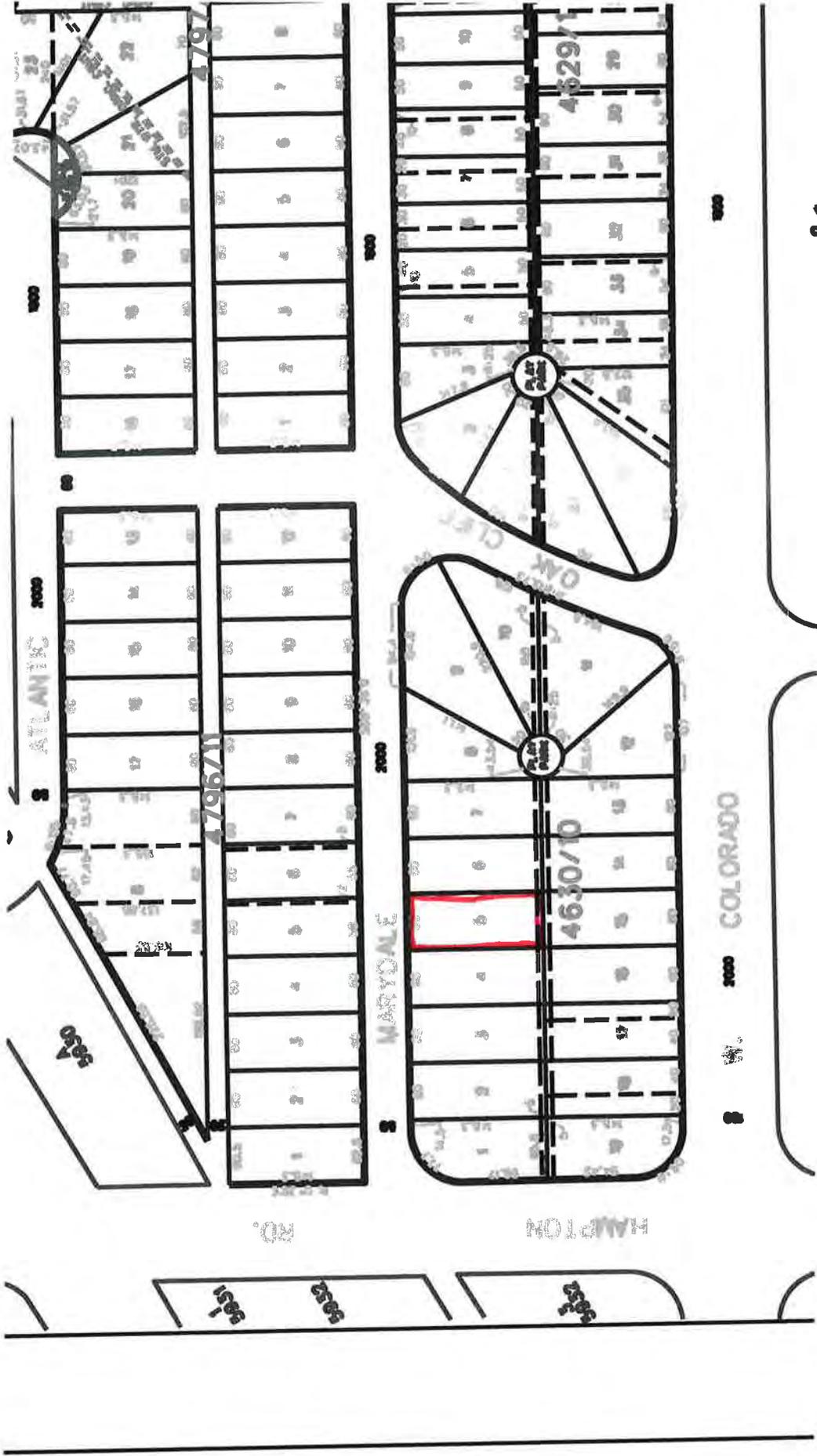
Printed: 7/14/2021

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 | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 103 Front Overlay |
| | | Height Map Overlay | |

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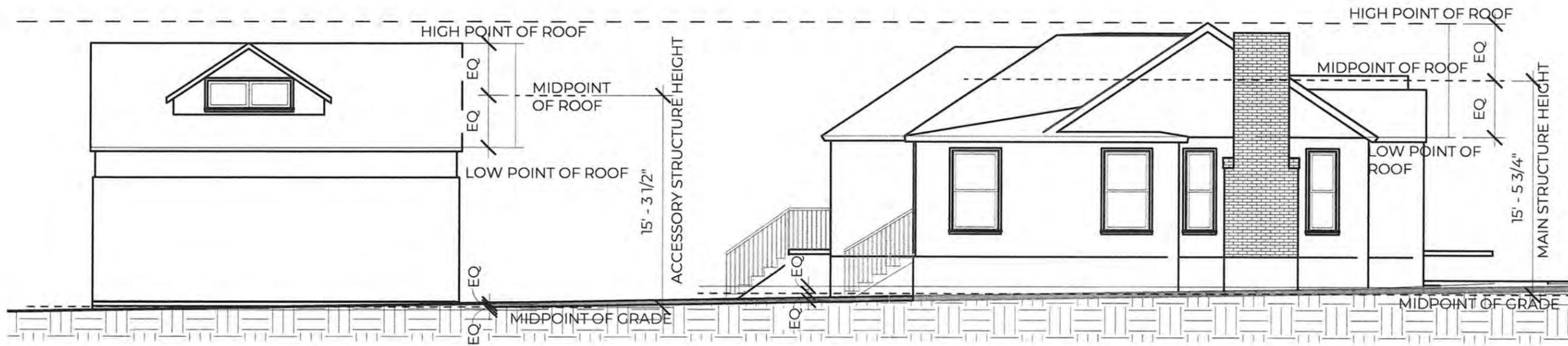


TEZANTO

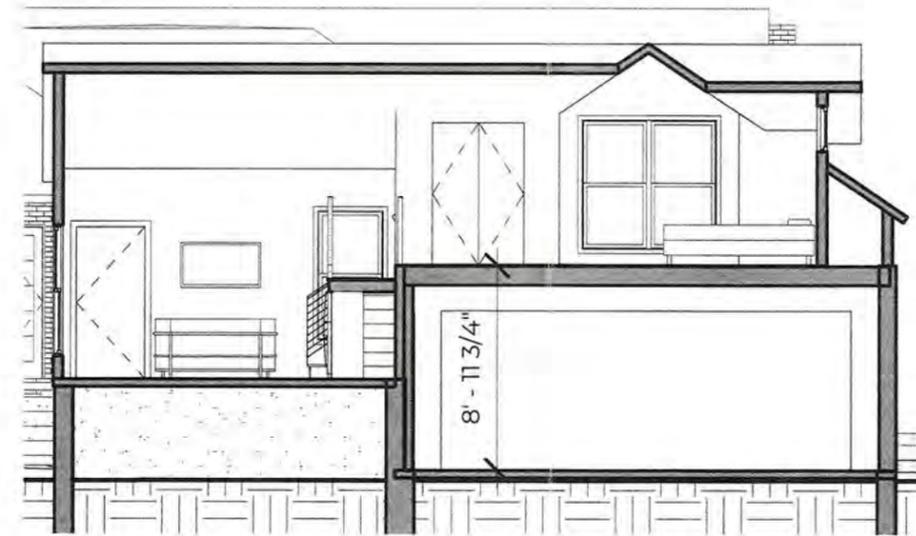
817.602.8161
fred@tezanto.com



Alfredo Peña
07-08-21



2 HEIGHT COMPARISON DIAGRAM
1/8" = 1'-0"



1 CROSS SECTION
1/8" = 1'-0"

MERITH SEPULVEDA

2030 MARYDALE ROAD
DALLAS, TX 75208

BUILDING SECTIONS

Project number:

20.11-02

Date:

07-08-21

A-3.1



TEZANTO

817.602.8161

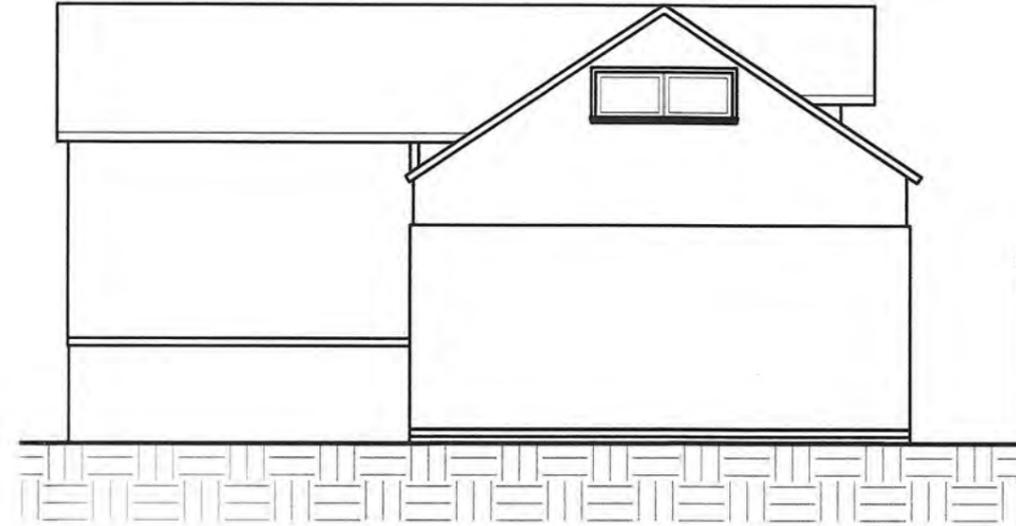
fred@tezanto.com



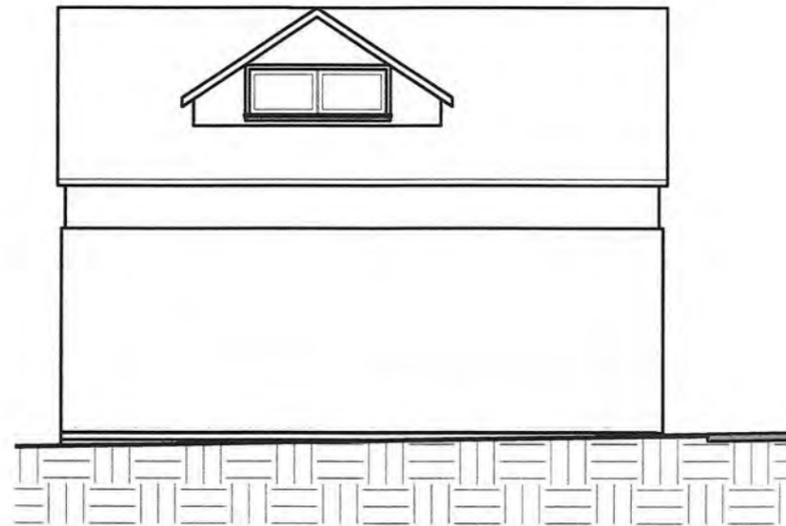
Alfredo Peña
07-08-21



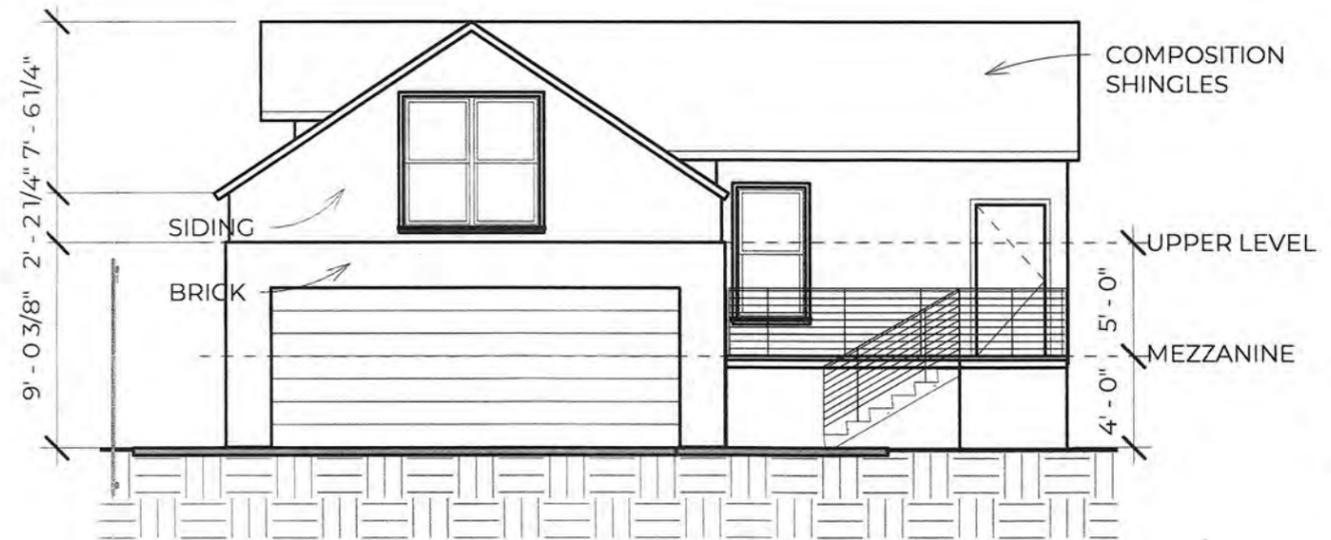
4 WEST ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



2 EAST ELEVATION
1/8" = 1'-0"



1 NORTH ELEVATION
1/8" = 1'-0"

MERITH SEPULVEDA

2030 MARYDALE ROAD
DALLAS, TX 75208

EXTERIOR ELEVATIONS

Project number:

20.11-02

Date:

07-08-21

A-2.1



TEZANTO

817.602.8161

fred@tezanto.com



Alfredo Peña
07-08-21

MERITH SEPULVEDA

2030 MARYDALE ROAD
DALLAS, TX 75208

FLOOR PLANS

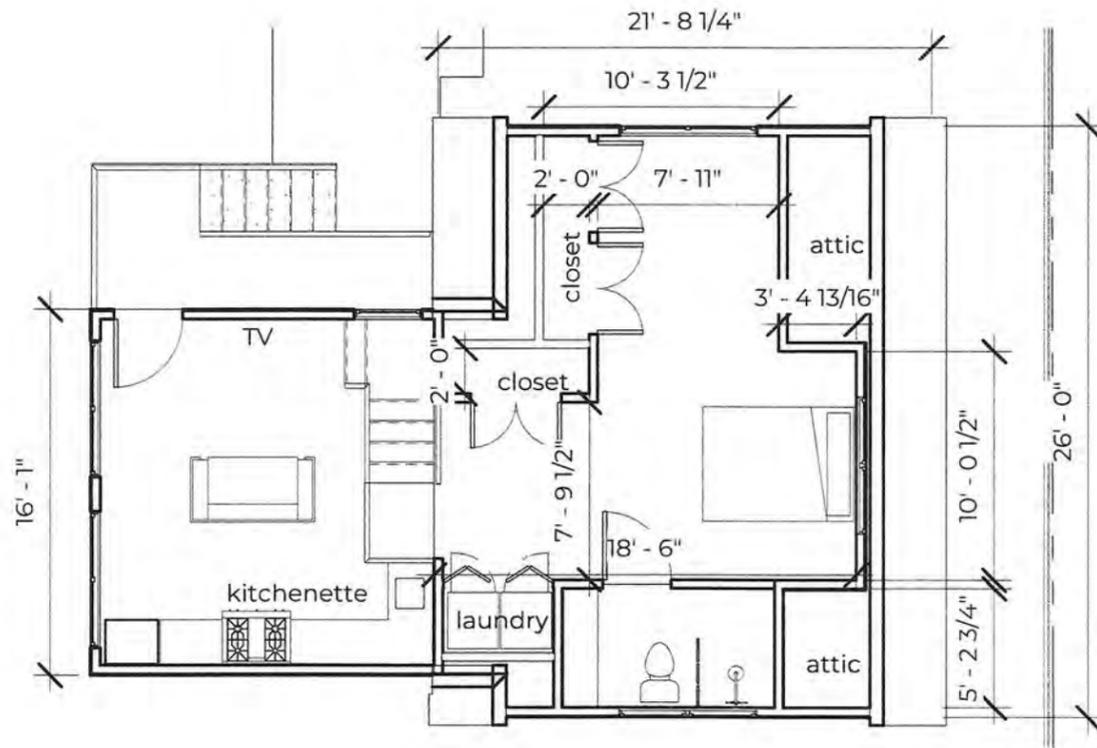
Project number:

20.11-02

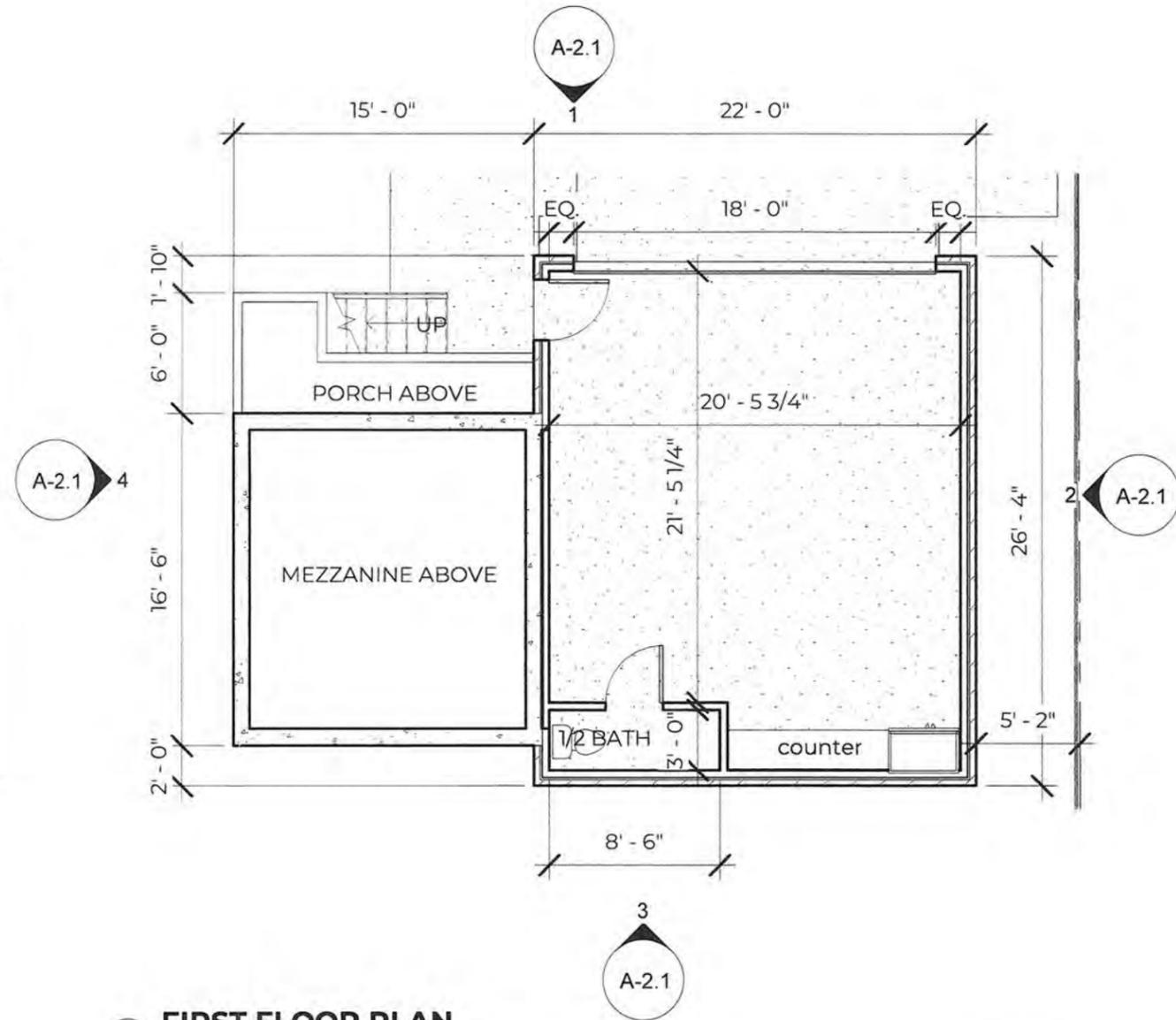
Date:

07-08-21

A-1.1



2 SECOND FLOOR PLAN
1/8" = 1'-0"



1 FIRST FLOOR PLAN
1/8" = 1'-0"



TEZANTO

817.602.8161
fred@tezanto.com



Alfredo Peña
08-30-21

MERITH SEPULVEDA

2030 MARYDALE ROAD
DALLAS, TX 75208

SITE INFORMATION

Project number: 20.11-02

Date: 08-30-21

A-0.5

ZONING INFORMATION

ZONING TYPE: R-7.5 (A)
CD 20 SUB AREA A

SITE RESTRICTIONS

R-7.5 (A)
FRONT SETBACK: 25 FT
SIDE/REAR SETBACKS: 5 FT
HEIGHT: 30 FT
LOT COVERAGE: 45%
CD 20 (CONTROLS)
FRONT SETBACK: BLOCK AVERAGE
SIDE SETBACKS: N/A FOR ACCESSORY
REAR SETBACKS: 10 FT
HEIGHT (ACCESSORY): 32 FT
LOT COVERAGE: 40%

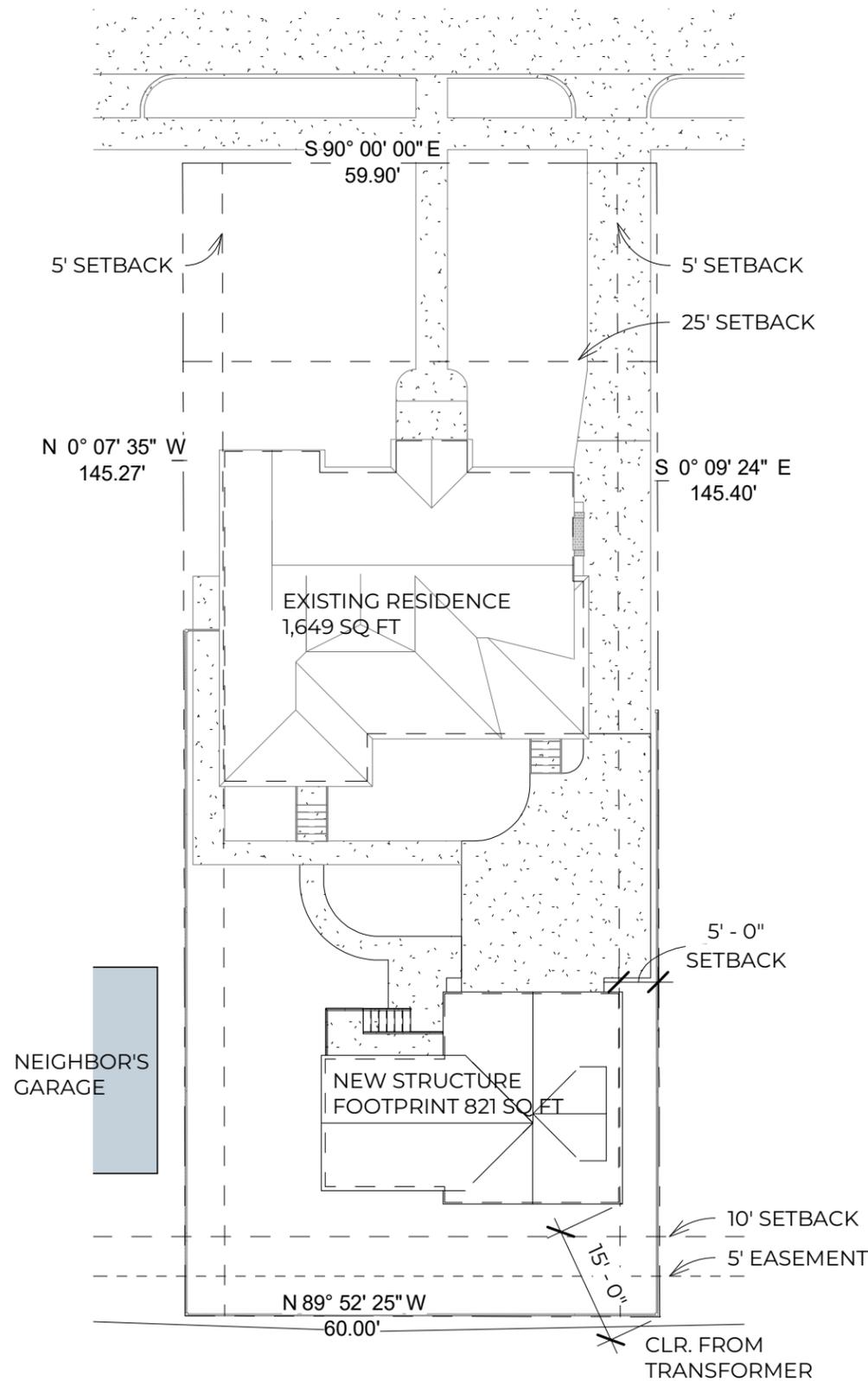
LOT COVERAGE:

LOT SIZE: 8,711 SQ FT
ALLOWED TOTAL SQ FT: 3,484 SQ FT
CURRENT COVERAGE: (EXCLUDING GARAGE) 1,649 SQ FT
CURRENT PERCENTAGE: 18.9%
ALLOWED FOOTPRINT EXPANSION: 1,591 SQ FT
PROPOSED FOOTPRINT EXPANSION: 821 SQ FT

ACCESSORY STRUCTURE :

SIZE LIMIT: 25%
MAIN STRUCTURE: 1,649 SQ FT
ALLOWABLE PER 25%: 412 SQ FT
EXISTING ACCESSORY STRUCTURE: (TO BE DEMOLISHED) 482 SQ FT
PROPOSED ACCESSORY STRUCTURE:

1ST FLR FLOOR AREA: 87 SQ FT
1ST FLR PARKING: 492
2ND FLOOR: 609 SQ FT (INCLUDING MEZZANINE)
TOTAL: 696 SQ FT



2 SITE PLAN - PROPOSED
1" = 20'-0"