

ZONING BOARD OF ADJUSTMENT, PANEL A  
TUESDAY, OCTOBER 20, 2015  
AGENDA

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BRIEFING	1500 MARILLA STREET, 6ES DALLAS CITY HALL	11:00 A.M
PUBLIC HEARING	1500 MARILLA STREET, 6ES DALLAS CITY HALL	1:00 P.M.

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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEMS**

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Approval of the September 22, 2015 Panel Public Hearing Minutes	M1
Consideration and approval of Panel A's 2016 Public Hearing Calendar	M2

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**UNCONTESTED CASES**

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<b>BDA145-108(SL)</b>	7130 Lindsley Avenue <b>REQUEST:</b> Application of Michael R Coker of the Michael R. Coker Company for variances to the side yard setback regulations	1
<b>BDA145-109(SL)</b>	3136 Routh Street <b>REQUEST:</b> Application of Dallas Cothrum of Masterplan for a special exception to the landscape regulations	2

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**HOLDOVER CASE**

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<b>BDA145-101(SL)</b>	4520 Cherokee Trail <b>REQUEST:</b> Application of Peter Kavanagh for a special exception to the fence height regulations	3
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**REGULAR CASES**

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<b>BDA145-102(SL)</b>	7895 Riverfall Drive <b>REQUEST:</b> Application of Zeke Bullock for a special exception to the sign regulations	4
<b>BDA145-105(SL)</b>	5024 Tracy Street <b>REQUEST:</b> Application of Jennifer Workman for a variance to the off-street parking regulations	5

## EXECUTIVE SESSION NOTICE

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

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

**(Rev. 6-24-02)**

**MISCELLANEOUS ITEM NO. 1**

To approve the Board of Adjustment Panel A September 22, 2015 public hearing minutes.

**FILE NUMBER:** BDA 145-108

**BUILDING OFFICIAL'S REPORT:** Application of Michael R Coker of the Michael R. Coker Company for variances to the side yard setback regulations at 7130 Lindsley Avenue. This property is more fully described as Lot 1, Block D/2705, and is zoned CD 6 (Tract 1 & 2), which requires a side yard setback of 20 feet. The applicant proposes to construct and maintain structures and provide 0 foot side yard setbacks, which will require 20 foot variances to the side yard setback regulations.

**LOCATION:** 7130 Lindsley Avenue

**APPLICANT:** Michael R Coker of the Michael R. Coker Company

**REQUESTS:**

Requests for variances to the side yard setback regulations of 20' are made to construct and maintain institutional structures/use, part of which will be located in two 20' side yard setbacks on a site developed with an institutional structure/use (Lindsley Park Community School).

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- The subject site is unique and different from most lots in the CD 6 zoning district in that it is a lot with slope and an unusual shape.
- Granting these variances would allow an increased encroachment of 10’ for walkways that would attach to structures granted for a 10’ encroachment to the same side yard setbacks in 2005. The proposed walkway/structure encroachments abut to property owned by the owner of the subject site on the west and a surface parking lot for a multifamily use to the east and south.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: CD 6 (Tract 1 and 2) (SUP 1374)(Conservation District)(Specific Use Permit)  
North: CD 6 (Tract 1 and 2)(Conservation District)  
South: CD 6 (Tract 1)(Conservation District)  
East: CD 6 (Tract 2) (Conservation District)  
West: CD 6 (Tract 1)(Conservation District)

**Land Use:**

The subject site is developed with an institutional structure/use (Lindsley Park Community School). The area to the north is developed with a mix of park (Lindsley Park) and surface parking uses; the area to the east is developed with multifamily uses; the area to the south is developed with single family uses; and the area to the west is developed with a park use (Lindsley Park).

**Zoning/BDA History:**

1. BDA 045-143, Property located at 7100 Tenison Memorial Road (the subject site)

On February 15, 2005, the Board of Adjustment Panel A granted requests for special exceptions of 10’ to the side and rear yard setback regulations for tree preservation” imposing the following conditions to this request: Compliance with the submitted revised site/landscape plan is required.

The case report stated that the requests were made to construct and maintain a 5-classroom school structure on a site that is currently developed with multifamily structures and related parking lots- that the proposed structure was located on a site that is immediately east of an existing public charter school (The Lindsley Park Community School).

2. BDA 001-195, Property located at 722 Tenison Memorial Drive (the subject site)

On April 24, 2001, the Board of Adjustment Panel A granted a request for a variance to the front yard setback regulations of 2' 10" imposing the following conditions to this request: Compliance with the submitted site plan is required; and no addition on the site may be constructed until the sanitary sewer easement on the site has been fully abandoned.

The case report stated that the request was made to construct and maintain a 700 square foot, one-story addition to an existing school (The Lindsley Community School).

3. BDA 989-174, Property located at 722 Tenison Memorial Road (the subject site)

On February 23, 1999, the Board of Adjustment Panel A granted requests for variances to the front yard setback regulations imposing the following condition to this request: compliance with the submitted site plan and elevation is required. The case report stated that the requests were made to maintain a small portion of a one-story building, and to construct and maintain a covered drop-off area and a 4' high fence for a school to be developed on the site.

### **GENERAL FACTS/STAFF ANALYSIS:**

- This request focuses on constructing and maintaining an institutional structure/use, part of which will be located in two 20' side yard setbacks on a site developed with an institutional structure/use (Lindsley Park Community School).
- Structures on lots zoned CD 6 (Tract II) are required to provide a minimum side yard setback of 20'.
- A site plan has been submitted that indicates the areas of the proposed structure are located on the subject site's side property lines or 20' into these required 20' side yard setbacks.
- According to DCAD records, the "main improvement" for property addressed at 7130 Lindsley Avenue is a "school" built in 1970 with 14,229 square feet, and a "school" built in 2001 with 742 square feet.
- The subject site is somewhat sloped, irregular in shape, and according to the submitted application is 2.24 acres in area. The site has two front yard setbacks and a number of side and rear yard setbacks.

- The submitted site plan notes the square footage on “exist. tract” is 17,213 square feet with “no future development planned for exist. tract.”, and that the square footage for “proposed tract” is 19,375 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variances to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variances are necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 6 zoning classification.
  - The variances would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same CD 6 zoning classification.
- If the Board were to grant the variance requests, and impose the submitted site plan as a condition, the structures in the side yard setbacks would be limited to what is shown on this document– which in this case are portions of structures located on two of the site’s side property lines (or 20’ into these 20’ side yard setbacks).

**Timeline:**

August 21, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 15, 2015: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel A.

September 15, 2015: The Board Administrator contacted the applicant and emailed the following information:

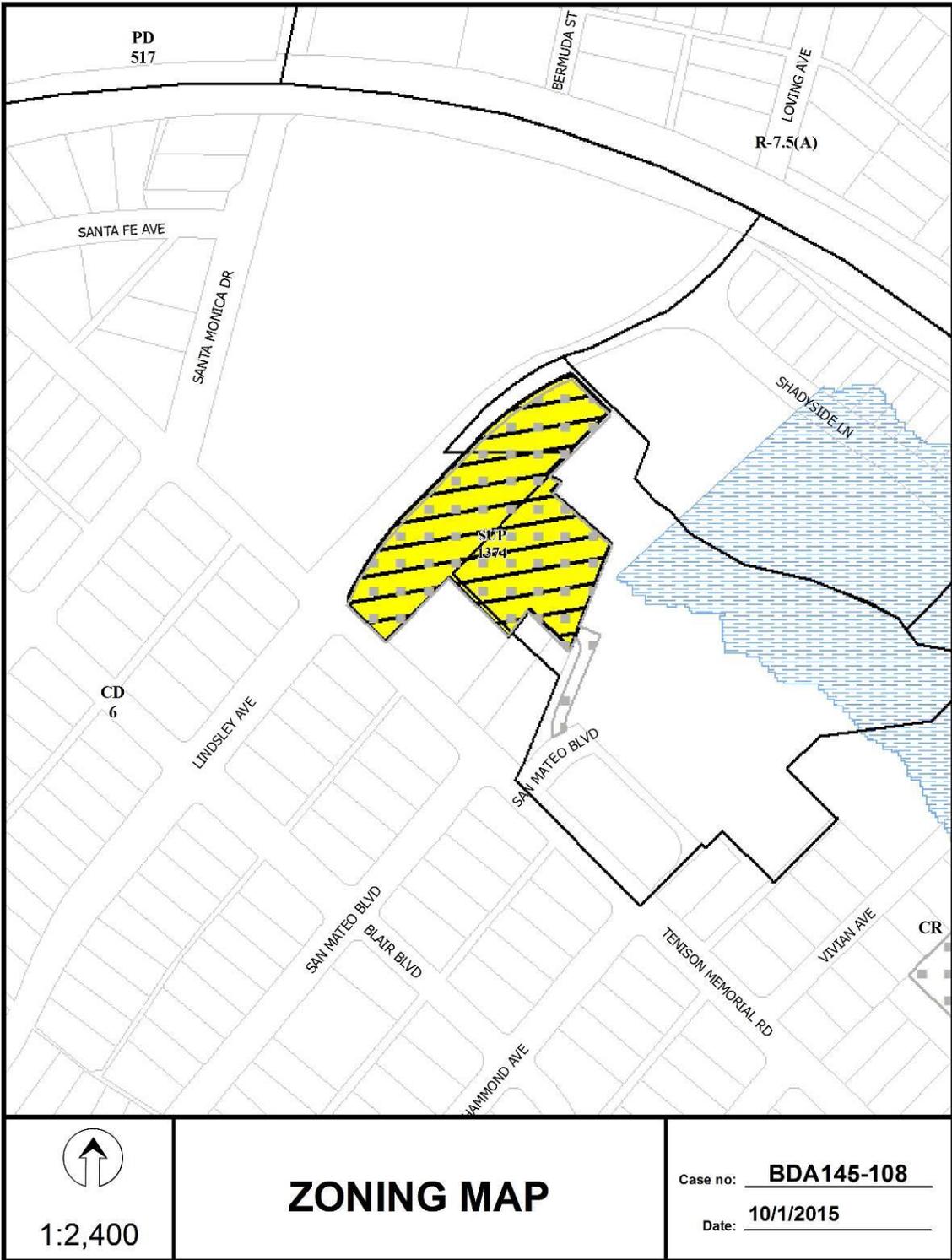
- a copy of the application materials including the Building Official’s report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 9<sup>th</sup> 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 29, 2015: The Building Inspection Senior Plans Examiners/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).

September 29, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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



  
 1:2,400

**ZONING MAP**

Case no: BDA145-108  
 Date: 10/1/2015



1:2,400

# AERIAL MAP

Case no: BDA145-108

Date: 10/1/2015



**REQUEST**  
**BDA 145-108**  
**7130 Lindsley Avenue**

Lindsley Park Community School has a long range campus expansion plan that includes property that has been acquired from an apartment complex to the east of the main campus. As part of the campus expansion, our specific use permit was enlarged to incorporate that additional property and specific geography for new buildings was identified on the development plan for the specific use permit. As a part of our expansion plan we asked the Board of Adjustment for a special exception to reduce the side and rear yards from the required 20 feet to ten feet to allow us to preserve three significant specimen trees located on the interior of the campus expansion area.

In February 2005, Lindsley Park Community School was granted a special exception to the side and rear yard setbacks for the preservation of three mature, protected trees. The side and rear yards were reduced from twenty feet to ten feet. Since that time, Lindsley Park Community School has started construction of a building located at the northwest corner of the proposed building zone that was shown on the approved Board of Adjustment Site and Landscape Plan.

The property slopes down from the south to the north creating a slope adjacent to the building under construction and adjacent to the proposed additional southern building and proposed northern building. As a result of the city approved grading and drainage plan, storm water drainage structure are to be located in the side yard setbacks for both the building that is currently under construction as well as in the side yard setbacks for the future buildings. The placement of the drainage structures eliminates the ability to have the ground surface near the finished floor elevation of the building and this creates a hardship in providing exterior access to the rear of the buildings.

The area around the trees that have been preserved has limited utility as a result of the tree preservation efforts. The addition of the decks outside the classrooms provides additional access and educational area for the children at the exterior grade level.

Lindsley Park Community School is requesting a variance to the side yard setbacks in order to allow the construction of level walkways [decks] on the back sides of the current and proposed buildings. The proposed walkways are located over drainage areas that are lower than the finished floor by as much as three and half feet.

**Long, Steve**

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**From:** Long, Steve  
**Sent:** Wednesday, September 30, 2015 1:22 PM  
**To:** 'Michael Coker'  
**Cc:** Duerksen, Todd  
**Subject:** RE: BDA 145-108, Property at 7130 Lindsley Avenue

Great, thank you – this provides the clarity that was missing.

S.

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**From:** Michael Coker [mailto:mrcoker@cokercompany.com]  
**Sent:** Wednesday, September 30, 2015 1:35 PM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd  
**Subject:** RE: BDA 145-108, Property at 7130 Lindsley Avenue

Steve, those are the plans that I took to Todd for review and approval. He did review and approve them and directed me to deliver them to you. I left them at the counter with Mary to deliver to you.

Michael R. Coker

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**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Wednesday, September 30, 2015 1:19 PM  
**To:** Michael Coker  
**Cc:** Duerksen, Todd  
**Subject:** FW: BDA 145-108, Property at 7130 Lindsley Avenue

Dear Mike,

I have elevations that were put in my office without any correspondence attached. These elevations appear to be related to the application referenced above.

Do you have reason to believe that these elevations are from you? And if they are from you, can you represent that these are plans/elevations that you have taken to Todd and that he has deemed them as acceptable?

Thank you,

Steve

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**From:** Long, Steve  
**Sent:** Wednesday, September 30, 2015 11:10 AM  
**To:** 'Michael Coker'  
**Cc:** Duerksen, Todd  
**Subject:** RE: BDA 145-108

Dear Mike,

BDA 145-108 Attach B pg 3

Since the elevations that you want me to include in the file and that were delivered to my office earlier today were not submitted to Todd Duerksen first, I have (per your request) put them in our office's pick-up box. Once Todd has deemed them acceptable, then submit three full scales and one reduction to me here at City Hall.

Thank you,

Steve

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**From:** Michael Coker [<mailto:mrcoker@cokercompany.com>]

**Sent:** Wednesday, September 30, 2015 10:40 AM

**To:** Long, Steve; Duerksen, Todd

**Cc:** Erin Scherer

**Subject:** BDA 145-108

Steve, here is some supporting documentation for our request. I am delivering some graphics shortly.

Michael R. Coker AICP/CBO  
Michael R. Coker Company  
3111 Canton Street  
Suite 140  
Dallas, Texas 75226  
214.821.6105  
[mrcoker@cokercompany.com](mailto:mrcoker@cokercompany.com)  
[www.cokercompany.com](http://www.cokercompany.com)



DATE: 9/29/2015  
 DWG: A1.41

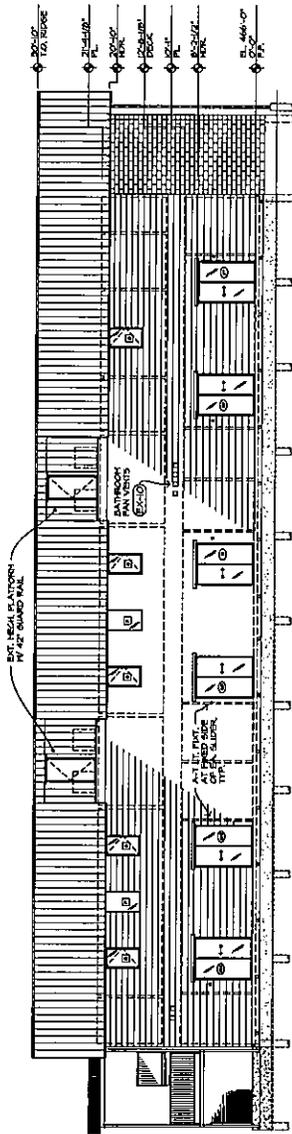
BDA145-108 Attach B pg 4

LINDSEY PARK COMMUNITY SCHOOL

LUMIN EDUCATION - LINDSEY PARK COMMUNITY SCHOOL  
 1700 Lindley Avenue  
 Dallas, Texas 75242

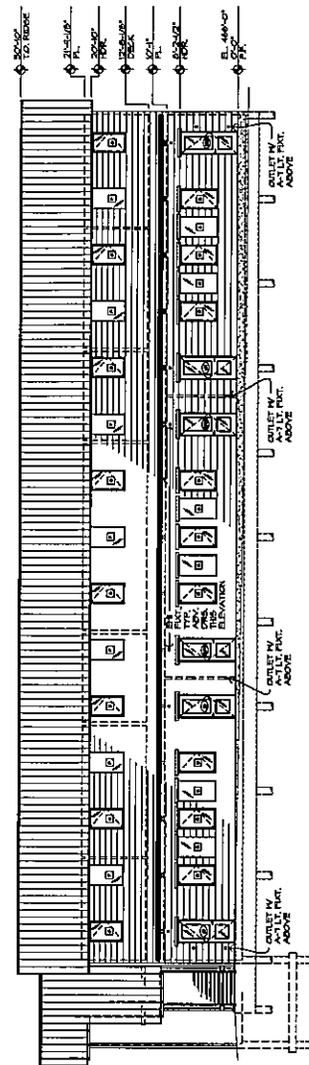
SHIPLEY ARCHITECTS  
 10000 North Loop West, Suite 1000  
 Dallas, Texas 75244

09-10-2015 - For Permit



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

NOTE:  
 ALL ROOF PENETRATIONS TO BE  
 VERIFIED FOR PROPER INSTALLATION.  
 SIZE OF ROOF PENETRATIONS TO VERIFY  
 LOCATIONS



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

EXTERIOR ELEVATION GENERAL NOTES  
 1. SEE SHEET A01 FOR MATERIAL FINISH SCHEDULE  
 2. SEE A11 FOR TYPICAL FLASHING DETAILS

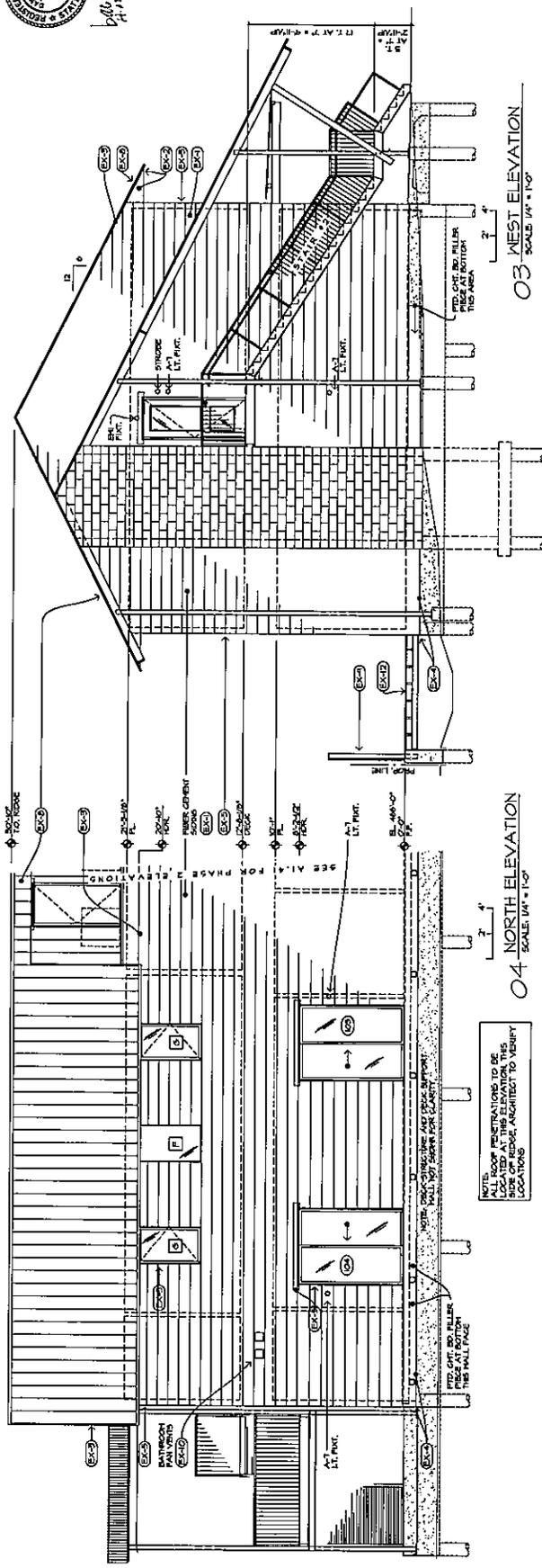
Exterior Elevations - Phase 2 A1.41



LUMIN EDUCATION - LINDSEY PARK COMMUNITY SCHOOL

SHIPLEY ARCHITECTS  
 10000 WEST 21ST AVENUE  
 DENVER, COLORADO 80233

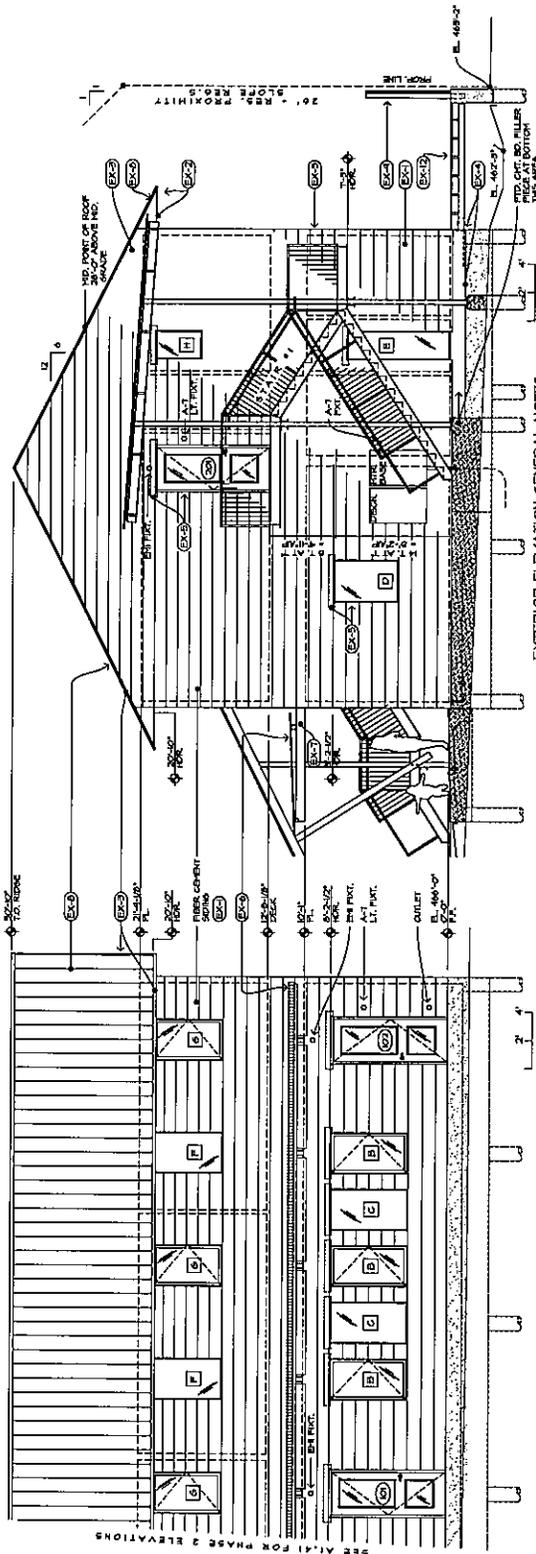
A1.4



03 WEST ELEVATION  
 SCALE 1/4" = 1'-0"

04 NORTH ELEVATION  
 SCALE 1/4" = 1'-0"

NOTE: PERMIT REQUIREMENTS TO BE  
 CHECKED TO VERIFY  
 SIDE OF ROOF. ASCERTAIN TO VERIFY  
 LOCATIONS



01 EAST ELEVATION  
 SCALE 1/4" = 1'-0"

03 SOUTH ELEVATION  
 SCALE 1/4" = 1'-0"

EXTERIOR ELEVATION GENERAL NOTES:  
 1. SEE SHEET A01 FOR MATERIAL FINISH SCHEDULE



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-108

Data Relative to Subject Property:

Date: August 21, 2015

Location address: 7130 Lindsley Avenue

Zoning District: CD6, SUP 1374 (Tr. 1 & Tr. 2)

Lot No.: 1 Block No.: D/2704 Acreage: 2.24 Census Tract: 0012.02

Street Frontage (in Feet): 1) 527.00' 2) 90.00' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property/or Principal: Lumin Education, Inc.

Applicant: Michael R. Coker Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Ste. 140 Zip Code: 75226

Represented by: Michael R. Coker Company Telephone: 214-821-6105

Mailing Address: 3111 Canton Street, Ste. 140 Zip Code: 75226

Affirm that a request has been made for a Variance X, or Special Exception \_\_\_\_\_, of the side yard setback regulations to allow for a raised walk way structure  
A variance of 10' to the SYSB.

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

The requested variance is not contrary to public interest and will have no impact on neighboring properties. The variance allows for a deck structure at floor level to be installed to provide a level walking area and to provide additional play areas.

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

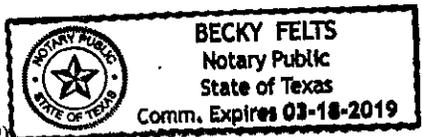
Respectfully submitted: Michael R. Coker [Signature]  
Applicant's name printed Applicant's signature

Affidavit

Before me the undersigned on this day personally appeared Michael R. Coker 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.

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 21<sup>st</sup> day of August, 2015



[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 Michael R Coker

did submit a request for a variance to the side yard setback regulations  
at 7130 Lindsley Avenue

BDA145-108. Application of Michael R Coker for a variance to the side yard setback regulations at 7130 Lindsley Avenue. This property is more fully described as Lot 1, Block D/2705, and is zoned CD-6 (Tract 1 & 2), which requires a side yard setback of 20 feet in Tract 2. The applicant proposes to construct and maintain a nonresidential structure and provide a 10 foot side yard setback, which will require a 10 foot variance to the side yard setback regulation.

Sincerely,

  
Larry Holmes, Building Official

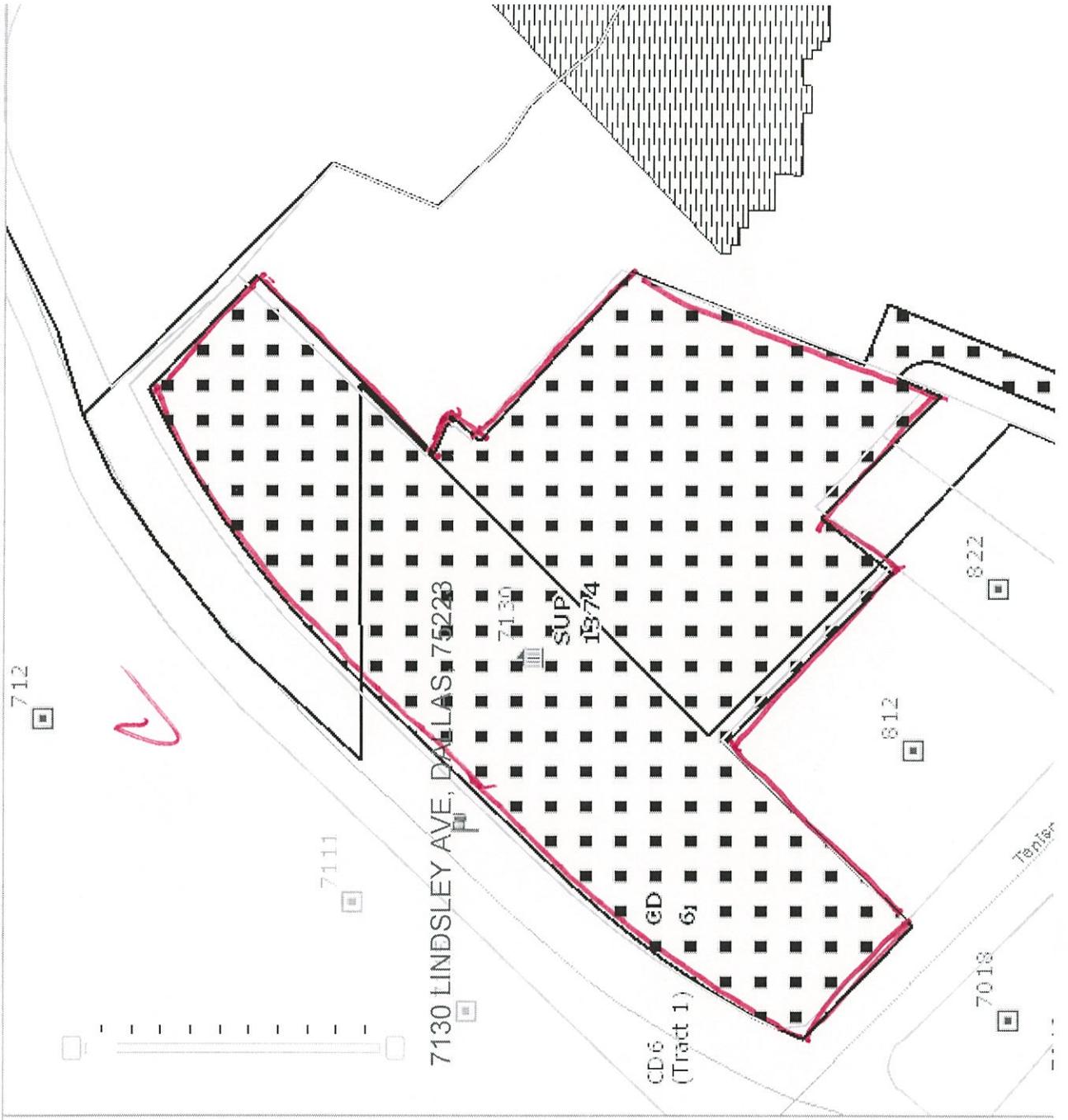
# City of Dallas

## Internal Development Research Site

### Legend

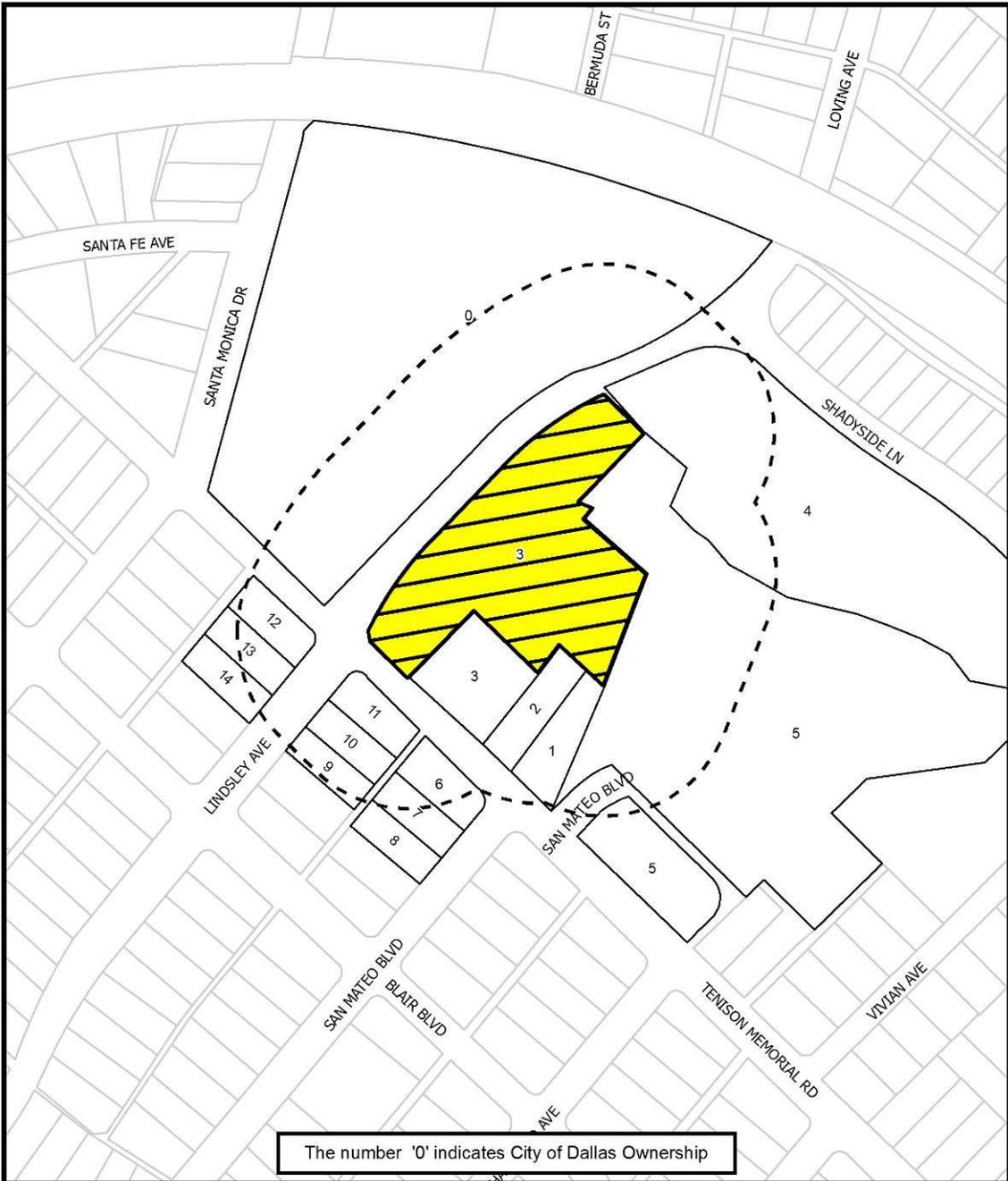
BDA 145-108

1-16









 <b>1:2,400</b>	<b>NOTIFICATION</b>		Case no: <b>BDA145-108</b>
	<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;">14</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/1/2015</b>	

## *Notification List of Property Owners*

### *BDA145-108*

#### *14 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	826 TENISON MEMORIAL RD	ALLEN JEFFREY L. & DANA L
2	822 TENISON MEMORIAL RD	BRUSCATO LAURA
3	812 TENISON MEMORIAL RD	NEIGHBORS UNITED FOR
4	903 SHADYSIDE LN	MM FINISHED LOTS LLC
5	7100 TENISON MEMORIAL RD	SAN MATEO FOREST APT LLC
6	7019 SAN MATEO BLVD	PHILLIPS DAREEN
7	7015 SAN MATEO BLVD	ALDRIDGE WILLIAM STEPHEN &
8	7011 SAN MATEO BLVD	GREEN EMILY
9	7010 LINDSLEY AVE	LAKE JAMES W & NICOLE
10	7012 LINDSLEY AVE	RICTHER ALYSON GREGORY & JONATHON W
11	7018 LINDSLEY AVE	MANICCHIA FREDDIE L
12	7019 LINDSLEY AVE	TAGGART FREDERICK K
13	7015 LINDSLEY AVE	BRADLEY JEAN MARIE
14	7011 LINDSLEY AVE	KESTEL JOSEPH L & DEBORAH

**FILE NUMBER:** BDA 145-109

**BUILDING OFFICIAL'S REPORT:** Application of Dallas Cothrum of Masterplan for a special exception to the landscape regulations at 3136 Routh Street. This property is more fully described as Lots 10-14, Block 17/947, and is zoned PD-193 (HC), 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:** 3136 Routh Street

**APPLICANT:** Dallas Cothrum of Masterplan

**REQUEST:**

A request for a special exception to the landscape regulations is made to construct and maintain additions to an existing restaurant structure/use under development, and not fully provide required landscaping.

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted revised alternate landscape plan is required.

Rationale:

- The Chief Arborist recommends approval of the submitted revised alternate landscape plan because the plan does not compromise the spirit and intent of the landscape requirements of PD 193.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 193 (HC) (Planned Development District, Heavy Commercial)

North: PD 193 (HC) (Planned Development District, Heavy Commercial)

South: PD 193 (HC) (Planned Development District, Heavy Commercial)  
East: PD 193 (HC) (Planned Development District, Heavy Commercial)  
West: PD 193 (GR) (Planned Development District, General Retail)

### **Land Use:**

The subject site is developed with a restaurant use/structure that is under development. The area to the north is the Katy Trail, and the areas to the east and south are developed with surface parking and structured parking uses; and the area to the west is developed with a restaurant/bar use.

### **Zoning/BDA History:**

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

### **GENERAL FACTS/ STAFF ANALYSIS:**

- This request focuses on constructing and maintaining an approximately 1,200 square feet of additions to an existing approximately 4,000 square foot restaurant structure/use that is under development, and not fully providing required landscaping. More specifically, according to the City of Dallas Chief Arborist, the features shown on the submitted revised alternate landscape plan would not conform to PD 193 landscape regulation standards related to the street trees, sidewalk location, and surface parking area screening.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- The City of Dallas Chief Arborist states in a memo (see Attachment D) that the request in this case is triggered by addition of floor area to an existing structure on the property.
- The Chief Arborist notes that the submitted revised alternate landscape site plan is deficient in the following ways:
  1. The plan identifies 8 of a required 13 street trees in the tree planting zoned along Woodrow Street and as 1 existing tree on Routh Street.
  2. The 6' wide sidewalk along Routh Street is placed at back of curb while the ordinance requires a 6' wide sidewalk to be placed between 5' -12' from back of curb.
  3. The parking is partially screened with a garbage storage area screening. Additional plantings will provide a landscape buffer between the street and parking lot, but the placement does not suggest a full screening of the area at minimum of 3.5' as required by ordinance.

- The Chief Arborist listed several factors for consideration:
  1. The applicable requirements for HC subdistricts are limited to: 1) the tree planting zone, 2) sidewalks, and 3) screening of off-street parking and garbage storage area screening. The landscape site area, general planting area, and special planting area requirements are not applicable.
  2. Additional established trees will be retained on property along the Routh Street frontage and other new trees will be planted near and in the outside seating area.
  3. Planters of 30" in height will separate the outside seating area and the Routh Street sidewalk and vehicle traffic area. Improvements in the Routh Street parkway will be approved by license.
  4. The garbage storage area is fully screened and the public sidewalk will be placed partially on the property along the Woodrow Street frontage.
- The Chief Arborist recommends approval of the submitted revised alternate landscape plan because the revisions do not appear to compromise the spirit and intent of the landscape requirements of PD 193.
- The applicant has the burden of proof in establishing the following:
  - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the street tree, sidewalk location, and surface parking area screening requirements of the PD 193 landscape regulations) 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 revised alternate landscape plan as a condition, the site would be granted exception from full compliance to the street tree, sidewalk location, and surface parking area screening requirements of the PD 193 landscape regulations.

**Timeline:**

August 24, 2015: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

September 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 September 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 9<sup>th</sup> 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 30, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

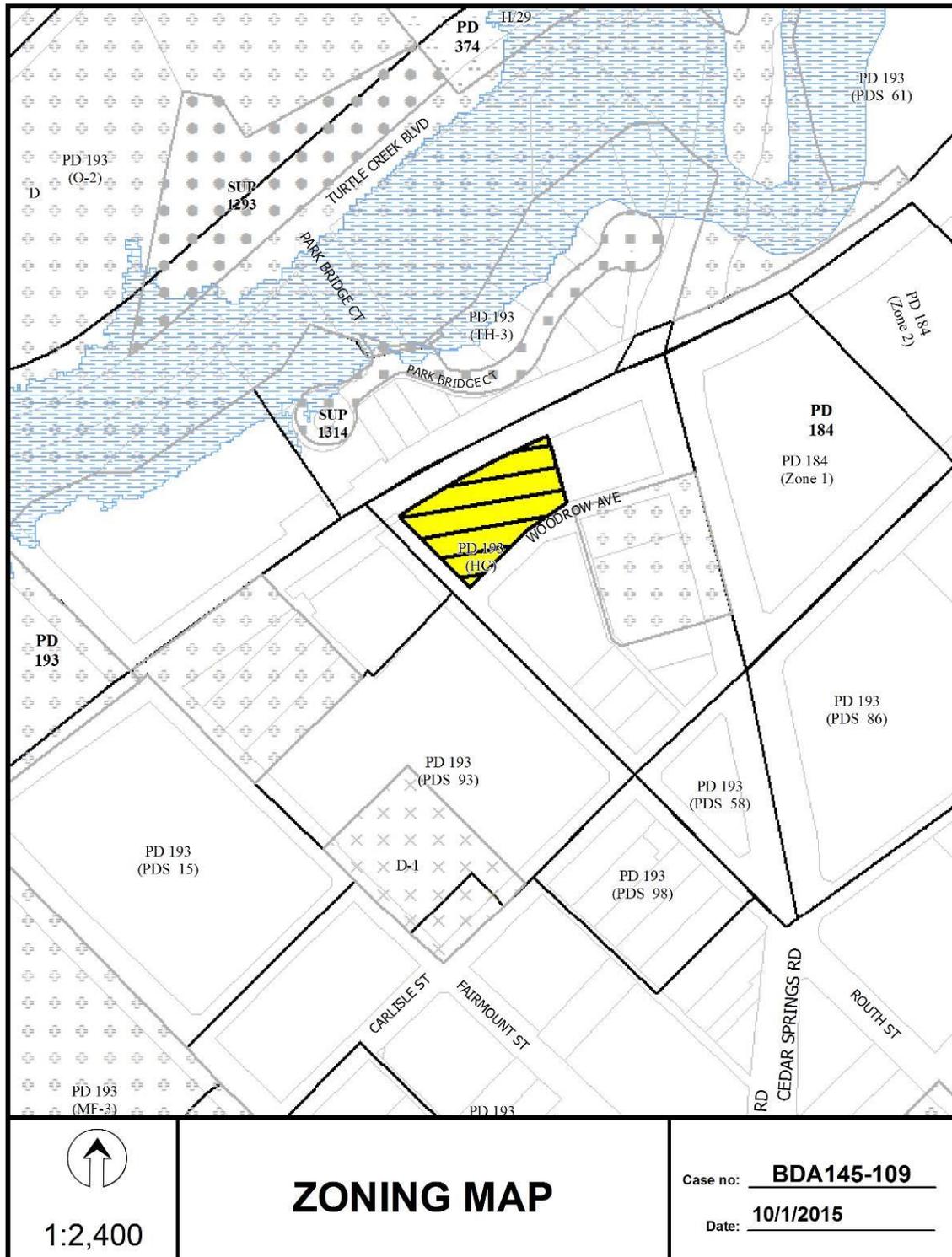
October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

October 5, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).

October 9, 2015: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment C).

October 9 2015: The City of Dallas Chief Arborist submitted a memo regarding the request (see Attachment D).



1:2,400

# ZONING MAP

Case no: BDA145-109  
 Date: 10/1/2015



1:2,400

# AERIAL MAP

Case no: BDA145-109

Date: 10/1/2015





BDA 145-109

Attachment B  
P 21

October 5, 2015

Steve Long, Board Administrator  
City of Dallas

BDA 145-109, 3136 Routh Street

The above referenced BDA case is for a Special Exception to the Landscape Regulations for 3136 Routh Street. The site is currently developed with a restaurant which will be remodeled and a small addition added. The addition triggers compliance with the landscape provisions of PD 193. The site is currently well landscaped with several large existing trees which will remain.

The alternate landscape plan is proposing to change the location of the sidewalk and trees along that section of Routh Street, past its intersection with Woodrow Street. Routh dead-ends into the Katy Trail at this location. Currently this section of Routh has head-in parking in front of the restaurant, this parking will be removed. The PD 193 regulations call for trees to be located directly behind the curb and then a six foot sidewalk. Along this section of the street it is proposed to place the proposed six foot sidewalk directly back of the new curb with planters located behind the sidewalk. There are three large existing trees along this frontage which will be retained along with two live oaks to be added. This grouping of existing and proposed trees along with the proposed planters will provide shade, screening and landscaping along this frontage.

The site also has frontage on Woodrow Street which runs from Routh to Cedar Springs. This side of Woodrow, adjacent to the restaurant, has a number of utilities which make it difficult to comply with the tree location requirements of PD 193. The proposed Landscape Plan calls for crepe myrtles to be planted between the intersection with Routh and a driveway entering the existing parking area. Behind the crepe myrtles is a proposed six foot sidewalk. This portion of the Plan complies with PD 193. The crepe myrtles are being used because of the overhead power lines on this portion of the street. Behind the sidewalk is another planting area with more crepe myrtles and other planting. For the area along Woodrow beyond the driveway the trees cannot be located directly behind the curb as required in PD 193. This area is very narrow and contains two power poles, a sewer clean out and the top of a concrete storm sewer inlet. Behind the proposed six foot sidewalk there are crepe myrtles and another planting bed.

We have met with the Friends of the Katy Trail and they are in agreement with the proposed landscaping. We feel that the proposed alternative Landscape Plan which slightly changes the location of the proposed sidewalks and trees and two small portions of the site more than meets the spirit and intent of the PD 193 ordinance.



BDA 145-109

Attach B  
Pg 2

September 16, 2015

Ms. Brenda Marks  
Oak Lawn Committee

RE: Vitto Schmidt's Restaurant

Dear Members of the Oak Lawn Committee:

The Friends of the Katy Trail have met with owner Buddy Cramer regarding the new restaurant Vitto Schmidt's. We feel that Mr. Cramer has made many positive and valuable revisions to the area where the Katy Trail intersects with Routh Street. He has widened the entrance and added safety bollards. In addition, Mr. Cramer has installed landscaping on the south side of Routh Street near the Katy Trail Ice House parking entrance. It is our understanding that he is going to be addressing some drainage issues at the trail entrance where water currently pools and makes for a consistent mud hole. He bought, restored and placed the old MKT caboose near the entrance which gives a nod back to the history of the trail when it was previously an active railroad line.

In our conversations, Mr. Cramer has agreed to install landscaping between the Vitto Schmidt's restaurant and the Katy Trail and around the parking lot to enhance the appearance from the trail view.

We feel Buddy Cramer is a very good neighbor and works hard to create a safe and friendly atmosphere for trail users, all while trying to improve the appearance and bring better quality of life to the area.

On behalf of the Friends of the Katy Trail, we welcome his new restaurant and the improvements that it will bring to that section of the community along the trail.

Regards,

Robin Baldock  
Executive Director



BDA 145-109  
Attach D  
PS1

# Memorandum



CITY OF DALLAS

DATE October 9, 2015

TO

Steve Long, Board of Adjustment Administrator

SUBJECT # BDA 145 · 109 3136 Routh Street

The applicant is requesting a special exception to the landscape requirements of PD 193 (HC).

## Trigger

Addition of floor area to existing structure.

## Deficiencies

The revised alternate landscape plan identifies eight of a required thirteen street trees in the tree planting zone and identified along Woodrow Street and as one existing tree on Routh Street. Additional trees are placed in the front yard areas along Woodrow Street and Routh Street.

The 6' wide sidewalk along Routh Street is placed at back of curb. Ordinance requires a 6' wide sidewalk to be placed between five and twelve feet from back of curb.

The parking is partially screened with a garbage storage area screening. Additional plantings will provide a landscaped buffer between the street and parking lot, but the placement does not suggest a full screening of the area at a minimum of 3.5' in height as required by ordinance.

## Factors

The applicable requirements for HC subdistricts are limited to 1) the tree planting zone, 2) sidewalks, and 3) screening of off-street parking and garbage storage area screening. The landscape site area, general planting area, and special planting area requirements are not applicable.

Additional established trees will be retained on property along the Routh Street frontage and other new trees will be planted near, and in, the outside seating area.

Planters of 30 inches in height will separate the outside seating area and the Routh Street sidewalk and vehicle traffic area. Improvements in the Routh Street parkway will be approved by license.

BDA145-109  
ATTACH D PG 2

The garbage storage area is fully screened and the public sidewalk will be placed partially on the property along the Woodrow Street frontage.

Recommendation

The chief arborist recommends approval of the revised alternate landscape plan because the plan does not compromise the spirit and intent of PD 193 (HC) landscape regulations.

Philip Erwin, ISA certified arborist #TX-1284(A)  
Chief Arborist



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-109

Data Relative to Subject Property:

Date: 8-24-15

Location address: 3136 Routh Ave. Zoning District: HC (PD 193)

Lot No.: 10-14 Block No.: 17/947 Acreage: 0.585 ac Census Tract: 18.00

Street Frontage (in Feet): 1 147 2 231 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ SW22

To the Honorable Board of Adjustment:

Owner of Property/or Principal Katy Trail Ice House LP

Applicant: Dallas Cothrum, Masterplan Telephone: 214 761 9197

Mailing Address 900 Jackson St, Ste 640 Dallas TX Zip Code: 75202

Represented by: Dallas Cothrum Telephone: 214 761 9197

Mailing Address: 900 Jackson St., Ste 640 Dallas TX Zip Code: 75202

Affirm that a request has been made for a Variance \_\_, or Special Exception x, of Alternate Landscape Plan

Application is now made to the Honorable Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described request for the following reason: existing building to be remodeled and small addition will trigger landscaping which would require the removal of sidewalks and trees in order to comply

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

Respectfully submitted: Dallas Cothrum  
Applicant's name printed

[Signature]  
Applicant's signature

Affidavit

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

[Signature]  
Affiant (Applicant's signature)

Subscribed and sworn to before me this 21 day of August, 2015



[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 Dallas Cothrum

did submit a request for a special exception to the landscaping regulations  
at 3136 Routh Street

BDA145-109. Application of Dallas Cothrum for a special exception to the landscaping regulations at 3136 Routh Street. This property is more fully described as Lots 10-14, Block 17/947, and is zoned PD-193 (HC), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

  
Larry Holmes, Building Official



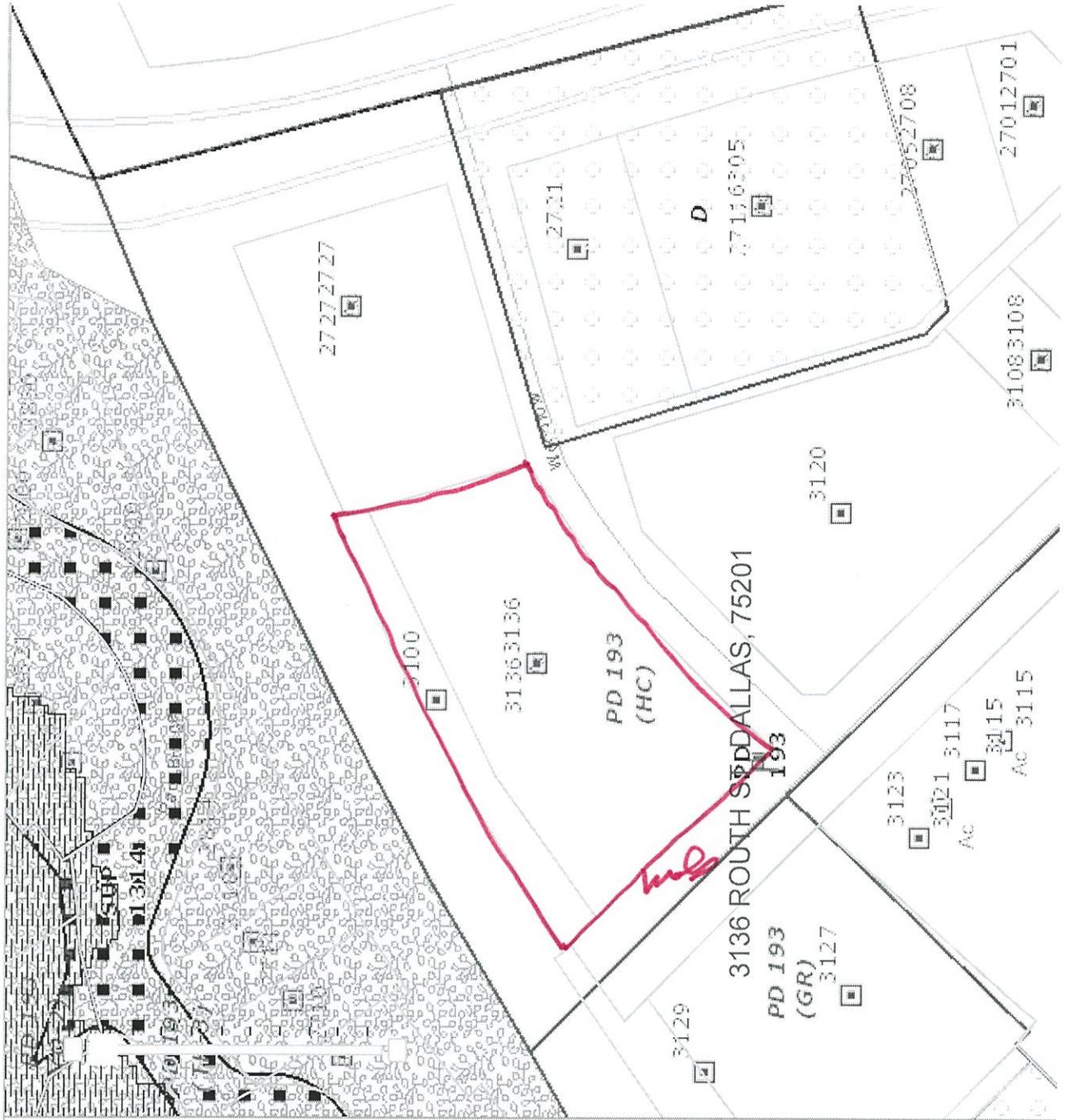


# City of Dallas

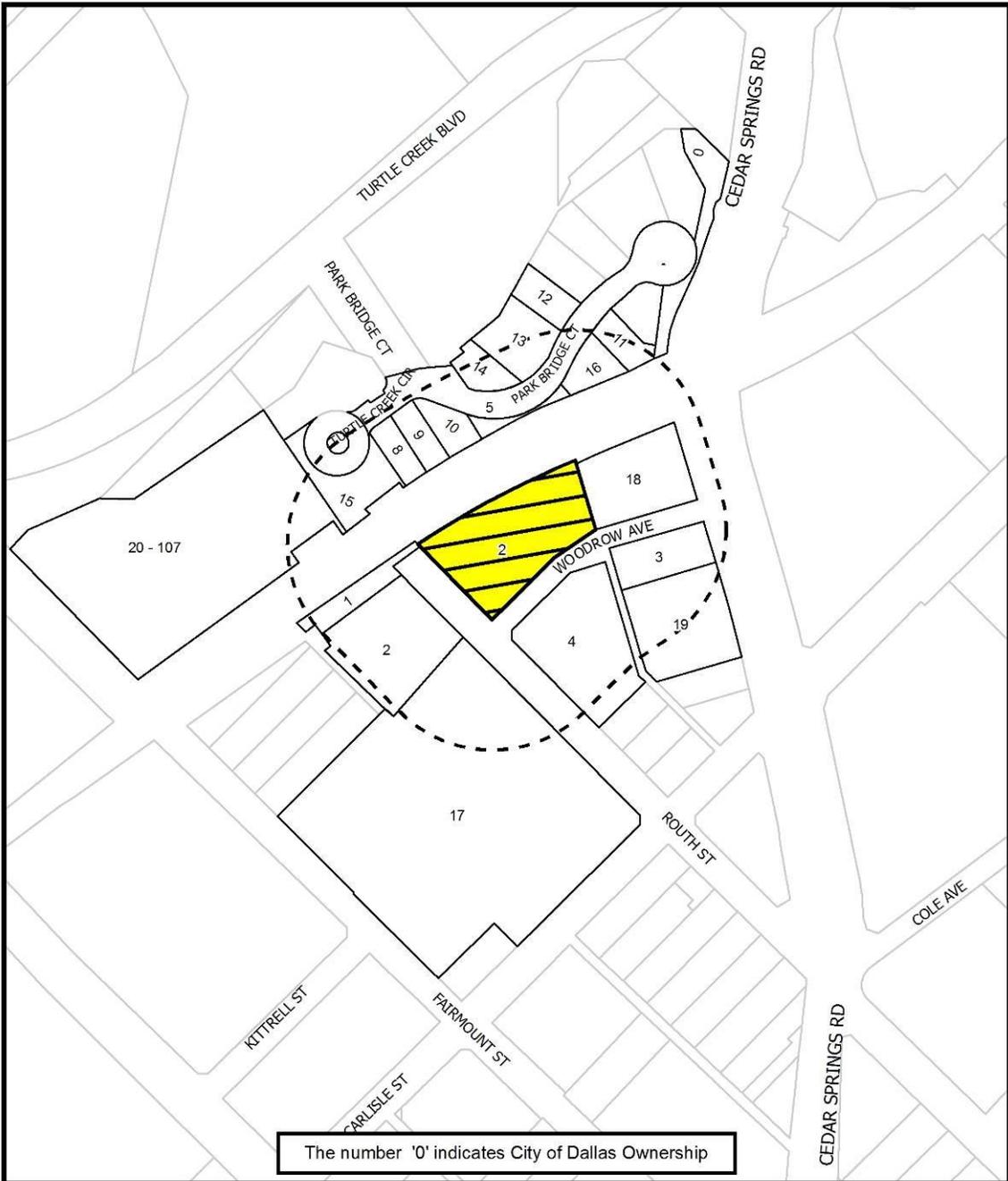
## Internal Development Research Site

Legend

Locate Property







 1:2,400	<b>NOTIFICATION</b>		Case no: <b>BDA145-109</b>
	<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;">107</div> NUMBER OF PROPERTY OWNERS NOTIFIED	Date: <b>10/1/2015</b>	

## *Notification List of Property Owners*

***BDA145-109***

***107 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3100 ROUTH ST	TEXAS UTILITIES ELEC CO
2	3136 ROUTH ST	KATY TRAIL ICE HOUSE LP
3	2721 CEDAR SPRINGS RD	2727 CEDAR SPRINGS RD LLC
4	3120 ROUTH ST	STORAGE HOLDINGS CEDAR
5	2800 PARK BRIDGE CT	TURTLE CREEK CIR HOA
6	2800 PARK BRIDGE CT	TURTLE CREEK CIR HOA
7	2700 TURTLE CREEK CIR	TURTLE CREEK CIR HOA
8	2714 TURTLE CREEK CIR	RUBIN ALLEN & HARRIET
9	2718 TURTLE CREEK CIR	CULLUM LEE
10	2814 PARK BRIDGE CT	MARCUS LINDA C
11	2834 PARK BRIDGE CT	DEAR MARGARET S
12	2829 PARK BRIDGE CT	CHATGRIS LLC
13	2821 PARK BRIDGE CT	SEAL D GREG
14	2817 PARK BRIDGE CT	NEWMAN TERENCE T
15	2706 TURTLE CREEK CIR	BAILEY JONATHAN
16	2830 PARK BRIDGE CT	JENKINS MICHAEL A &
17	2525 CARLISLE ST	FAIRMOUNT G/ U LLC
18	2727 CEDAR SPRINGS RD	2727 CEDAR SPRINGS RD LLC
19	2711 CEDAR SPRINGS RD	STORAGE HOLDINGS CEDAR SPRINGS
20	3310 FAIRMOUNT ST	PARK TOWERS TURTLE CREEK
21	3310 FAIRMOUNT ST	HARSDORFF CHRIS &
22	3310 FAIRMOUNT ST	FINDLING BARBARA
23	3310 FAIRMOUNT ST	PETRILLO S EILEEN
24	3310 FAIRMOUNT ST	ELLIS BETTY R
25	3310 FAIRMOUNT ST	TERMINI RAYMOND J &
26	3310 FAIRMOUNT ST	YATES HAROLD E

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3310 FAIRMOUNT ST	FORBES HARRY
28	3310 FAIRMOUNT ST	SLOMAN MARGARET D
29	3310 FAIRMOUNT ST	OWENS GARY A &
30	3310 FAIRMOUNT ST	RYRIE CHARLES CO
31	3310 FAIRMOUNT ST	CALDWELL JAMES
32	3310 FAIRMOUNT ST	COMPARIN CYNTHIA J
33	3310 FAIRMOUNT ST	CREASEY WILLIAM R &
34	3310 FAIRMOUNT ST	AMERINGER ROSS &
35	3310 FAIRMOUNT ST	DELPHENIS JEANNE M
36	3310 FAIRMOUNT ST	SIBLEY KEN & ANN SIBLEY
37	3310 FAIRMOUNT ST	HARRISON FARM LLC
38	3310 FAIRMOUNT ST	PREJEAN ROBERT & MARGARET
39	3310 FAIRMOUNT ST	BARCOFF HELENE
40	3310 FAIRMOUNT ST	WYNNE MITCHELL
41	3310 FAIRMOUNT ST	BROOSLIN BARBARA &
42	3310 FAIRMOUNT ST	ROBLES SEYMOUR
43	3310 FAIRMOUNT ST	WEAVER JAMES R JR
44	3310 FAIRMOUNT ST	VOGT LYNN M
45	3310 FAIRMOUNT ST	PACKER GREGORY D &
46	3310 FAIRMOUNT ST	KELLY GEORGE W &
47	3310 FAIRMOUNT ST	MILLER W W III & ANN S
48	3310 FAIRMOUNT ST	QUINN JAMES L & VIRGINIA
49	3310 FAIRMOUNT ST	SMITHER WILBUR L &
50	3310 FAIRMOUNT ST	SMOTZER JOAN D
51	3310 FAIRMOUNT ST	SEGLER RANDALL K & CYNTHIA A SEGLER
52	3310 FAIRMOUNT ST	HUNT ERNEST E III ET AL
53	3310 FAIRMOUNT ST	LEVY BEVERLY D
54	3310 FAIRMOUNT ST	HENDERSON HODGIE C &
55	3310 FAIRMOUNT ST	JANSHA MATT C
56	3310 FAIRMOUNT ST	CARVEY PAMELA T
57	3310 FAIRMOUNT ST	DUNAGAN MICHAEL W

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
58	3310 FAIRMOUNT ST	FARREN SUZANN D
59	3310 FAIRMOUNT ST	KEYAN MASOUD & BONNIE
60	3310 FAIRMOUNT ST	MILLER DAVID
61	3310 FAIRMOUNT ST	PEREZ JOSE L
62	3310 FAIRMOUNT ST	BODRON THOMAS MILHIM
63	3310 FAIRMOUNT ST	BAGOT DREW N
64	3310 FAIRMOUNT ST	SCHULTE AMY A
65	3310 FAIRMOUNT ST	BERNHARDT ANNE REVOCABLE TRUST THE
66	3310 FAIRMOUNT ST	NOLANCO LLC
67	3310 FAIRMOUNT ST	GUTEKUNST ELBA S LF EST
68	3310 FAIRMOUNT ST	BARNER ROBERT &
69	3310 FAIRMOUNT ST	LITZLER JOHN H
70	3310 FAIRMOUNT ST	BEENE JOAN
71	3310 FAIRMOUNT ST	MEYERS DORIS B
72	3310 FAIRMOUNT ST	ADAMS JOHN LUTHER LIFE ESTATE
73	3310 FAIRMOUNT ST	BOHL RONALD L & DORIS K
74	3310 FAIRMOUNT ST	GRAY BETTE O TR
75	3310 FAIRMOUNT ST	LONGMIRE RUTH B TRUSTEE
76	3310 FAIRMOUNT ST	VAUGHAN JOHN R L JR &
77	3310 FAIRMOUNT ST	LITTLE GLENN E & LINDA E
78	3310 FAIRMOUNT ST	LITTLE BERTIS B
79	3310 FAIRMOUNT ST	HOLMAN JAMES R
80	3310 FAIRMOUNT ST	LOVELL GERVIS W & LISA K ROSS
81	3310 FAIRMOUNT ST	DYER LINDA KAY
82	3310 FAIRMOUNT ST	EISENBERG JEAN
83	3310 FAIRMOUNT ST	SAKLER THOMAS ALLEN
84	3310 FAIRMOUNT ST	HERNANDEZ MARCO A &
85	3310 FAIRMOUNT ST	STEVENSON RICHARD L
86	3310 FAIRMOUNT ST	CHOI ANGE
87	3310 FAIRMOUNT ST	CHILDS VIRGIE HOLST
88	3310 FAIRMOUNT ST	VOSS GLENN B & SUZANNE G

<b>Label #</b>	<b>Address</b>	<b>Owner</b>
89	3310 FAIRMOUNT ST	HAGAR SCOTT
90	3310 FAIRMOUNT ST	CHAPADOS GREGORY F
91	3310 FAIRMOUNT ST	FORD ARLENE J & CHRISTOPHER P REYNOLDS
92	3310 FAIRMOUNT ST	ARNN STEPHEN KENT
93	3310 FAIRMOUNT ST	VOLK LEONARD W & NANCY
94	3310 FAIRMOUNT ST	BRADEN DAVID R & SARA
95	3310 FAIRMOUNT ST	BLOMEYER ROBERT B II &
96	3310 FAIRMOUNT ST	DONNELLY REVOCABLE LIVING TRUST THE
97	3310 FAIRMOUNT ST	SPIVY LANEIL WRIGHT RESIDENCE TRUST
98	3310 FAIRMOUNT ST	SMITH JEFFREY W
99	3310 FAIRMOUNT ST	HUGHES V T JR
100	3310 FAIRMOUNT ST	PATE PERRY G
101	3310 FAIRMOUNT ST	WHITEAKER BETTYE J M
102	3310 FAIRMOUNT ST	JENNINGS W L
103	3310 FAIRMOUNT ST	CUNNINGHAM BILL L
104	3310 FAIRMOUNT ST	BLACKMON DAVID D & RAGAN R
105	3310 FAIRMOUNT ST	LIBERTY JOE P
106	3310 FAIRMOUNT ST	JOHNSON JANIS
107	3310 FAIRMOUNT ST	MOODY JANET PIKE

**FILE NUMBER:** BDA 145-101(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Peter Kavanagh for a special exception to the fence height regulations at 4520 Cherokee Trail. This property is more fully described as Lot 6, Block O/4984, and is zoned PD-455, which limits the height of a fence in the front yard to 4 feet. The applicant proposes to construct and/or maintain an 8 foot high fence, which will require a 4 foot special exception to the fence height regulations.

**LOCATION:** 4520 Cherokee Trail

**APPLICANT:** Peter Kavanagh

**REQUEST:**

A request for a special exception to the fence height regulations of 4' was originally made to: 1) replace an existing 8' high, approximately 90' long wood fence with a new 8' high wood fence; and 2) to continue the new 8' high wood fence approximately 60' further in length northward in the site's 30' front yard setback along Pomona Road on a site that is currently vacant.

Note that on October 9, 2015, the applicant submitted a revised site plan and elevation that had not been submitted to/accepted by Building Inspection (see Attachment B). (The Board Administrator encouraged the applicant to submit these/any revised plans to Building Inspection prior to the October 20<sup>th</sup> hearing, and to present the differences between any revised plan that he may submit for the Board's consideration from what was shown on what he had originally submitted with this application in July of 2015, and what is described in this case report).

**STANDARD FOR A SPECIAL EXCEPTION TO FENCE HEIGHT REGULATIONS:**

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

**STAFF RECOMMENDATION:**

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

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 455 (Planned Development)  
North: PD 455 (Planned Development)  
South: PD 455 (Planned Development)  
East: PD 455 (Planned Development)  
West: PD 455 (Planned Development)

**Land Use:**

The subject site is undeveloped. The areas to the north, south, and west are developed with single family uses, and the area to the east is developed with a park and a school (Bluff View Park and the Sudie L. Williams Elementary School).

**Zoning/BDA History:**

1. BDA 145-076, Property at 4519 Cherokee Trail (the lot north of the subject site) On August 25, 2015, the Board of Adjustment Panel A denied a request for a special exception to the fence height regulations of 1' without prejudice. The case report stated the request was made to maintain an open picket/post fence that ranges in height given grade variations on the property from 4' 2 1/2" – 4' 6 1/2" on a site developed with a single family home.
2. BDA 990-201, Property at 4501 Cherokee Trail (three lots northwest of the subject site) On February 15, 2000, the Board of Adjustment Panel B denied a request for a special exception to the fence height regulations of 4.5' without prejudice. The case report stated the request was made to construct and maintain a 6' high open wrought iron picket fence with 6.5' high stone/brick columns, an 8' high open wrought iron gate with 8.5' high columns.

**GENERAL FACTS/STAFF ANALYSIS:**

- The originally submitted request focused on replacing an existing 8' high, approximately 90' long wood fence with a new 8' high wood fence; and continuing the new 8' high wood fence approximately 60' further in length northward in the site's 30' front yard setback along Pomona Road on a site that is currently vacant.

- The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
- The subject site is located at the southwest corner of Cherokee Trail and Pomona Road in PD 455.
- Given the single family zoning and location of the corner lot subject site, it has two 30' front yard setbacks – a 30' front yard setback along Pomona Road (the shorter of the two frontages of the subject site) and a 30' front yard setback along Cherokee Trail (the longer of the two frontages that while usually would be considered a side yard is a front yard notwithstanding in order to maintain continuity of the established front yard setback along this street frontage where homes to the west that “front” northward to Cherokee Trail).
- The applicant had originally submitted a site plan and elevation of the proposal in the front yard setback indicating that it reaches a maximum height of 8'.
- The originally submitted site plan and elevation only represented a fence to exceed 4' in height in the site's Pomona Road front yard setback.
- The following additional information was gleaned from the originally submitted site plan:
  - The proposal was represented as being approximately 150' in length parallel to the Pomona Road and approximately 6' perpendicular to this street on the north side of the site in the Pomona Road 30' front yard setback.
  - The fence was represented to be located at a range of on the Pomona Road front property line to 30' from this front property line or at a range of about 25' to 55' from the Pomona Road pavement line.
- The originally requested 8' high Pomona Road wood fence proposal was located on the site where no single family home has direct frontage – a park (Bluff View Park) fronts the fence on the subject site and has an approximately 4' high chain link fence in its front yard setback.
- The Board Administrator conducted a field visit of the site and surrounding area along Pomona Road (approximately 400 feet north and south of the site) and noted one other visible fence above 4 feet high which appeared to be located in a front yard setback – an approximately 6' high chain link fence south of the site at the Sudie L. Williams Elementary School.
- At the September 22<sup>nd</sup> briefing, the Board Administrator stated that 11 letters had been submitted in support (or with no issue), and 16 letters had been submitted in opposition.
- As of October 9, 2015, 19 letters had been submitted in support/no issue, and 17 letters had been submitted in opposition to the request.
- The applicant has the burden of proof in establishing that the special exception to the fence height regulations of 4' will not adversely affect neighboring property.
- Granting this special exception of 4' with a condition imposed that the applicant complies with a submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback to be constructed and maintained in the location and of the heights and materials as shown on any such document.

- Note that on October 9, 2015, the applicant submitted a revised site plan and elevation that had not been submitted to/accepted by Building Inspection (see Attachment B). The Board Administrator encouraged the applicant to submit these/any revised plans to Building Inspection prior to the October 20<sup>th</sup> hearing, and to present the differences between any revised plan that he may submit for the Board's consideration from what was shown on what he had originally submitted with this application in July of 2015, and what is described in this case report.

**Timeline:**

July 24, 2015: 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 19, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

August 19, 2015: The Board Administrator contacted the applicant and emailed 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 September 2<sup>nd</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 11<sup>th</sup> 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 8, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for September public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

September 22, 2015: The Board of Adjustment Panel A conducted a public hearing on this application. The applicant submitted a revised site plan to the Board at the public hearing (see Attachment A). The Board delayed

action on this application until their next public hearing to be held on October 20, 2015.

September 24, 2015: The Board Administrator sent an email to the applicant that noted the decision of the panel, the September 30<sup>th</sup> deadline to submit any additional information to staff for their review, and the 1 p.m., October 9<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

October 9, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment B).

**BOARD OF ADJUSTMENT ACTION: SEPTEMBER 22, 2015**

APPEARING IN FAVOR: Peter Kavanagh, 1620 Handley Ste A, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: **Nolen**

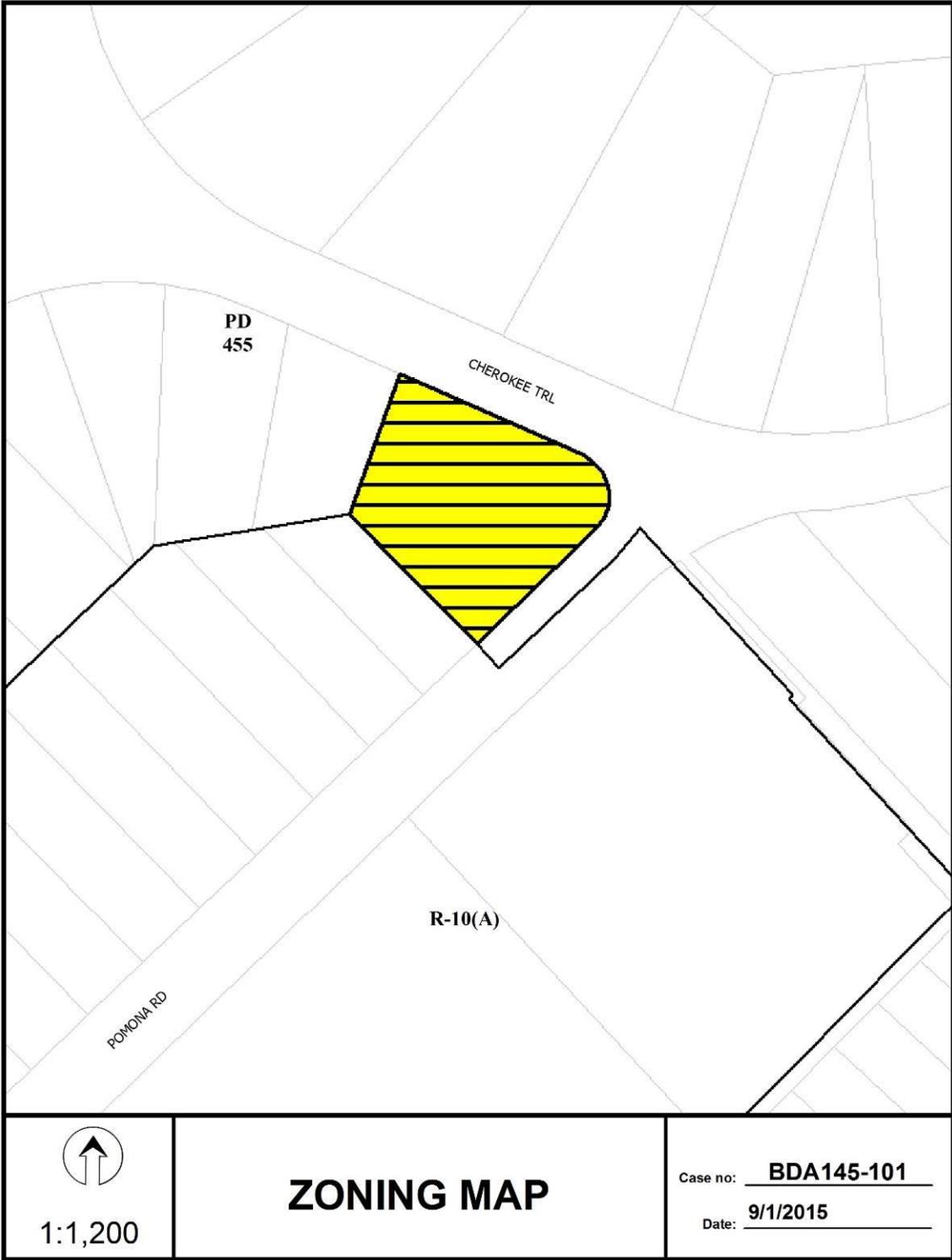
I move that the Board of Adjustment, in request No. **BDA 145-101**, hold this matter under advisement until **October 20, 2015**.

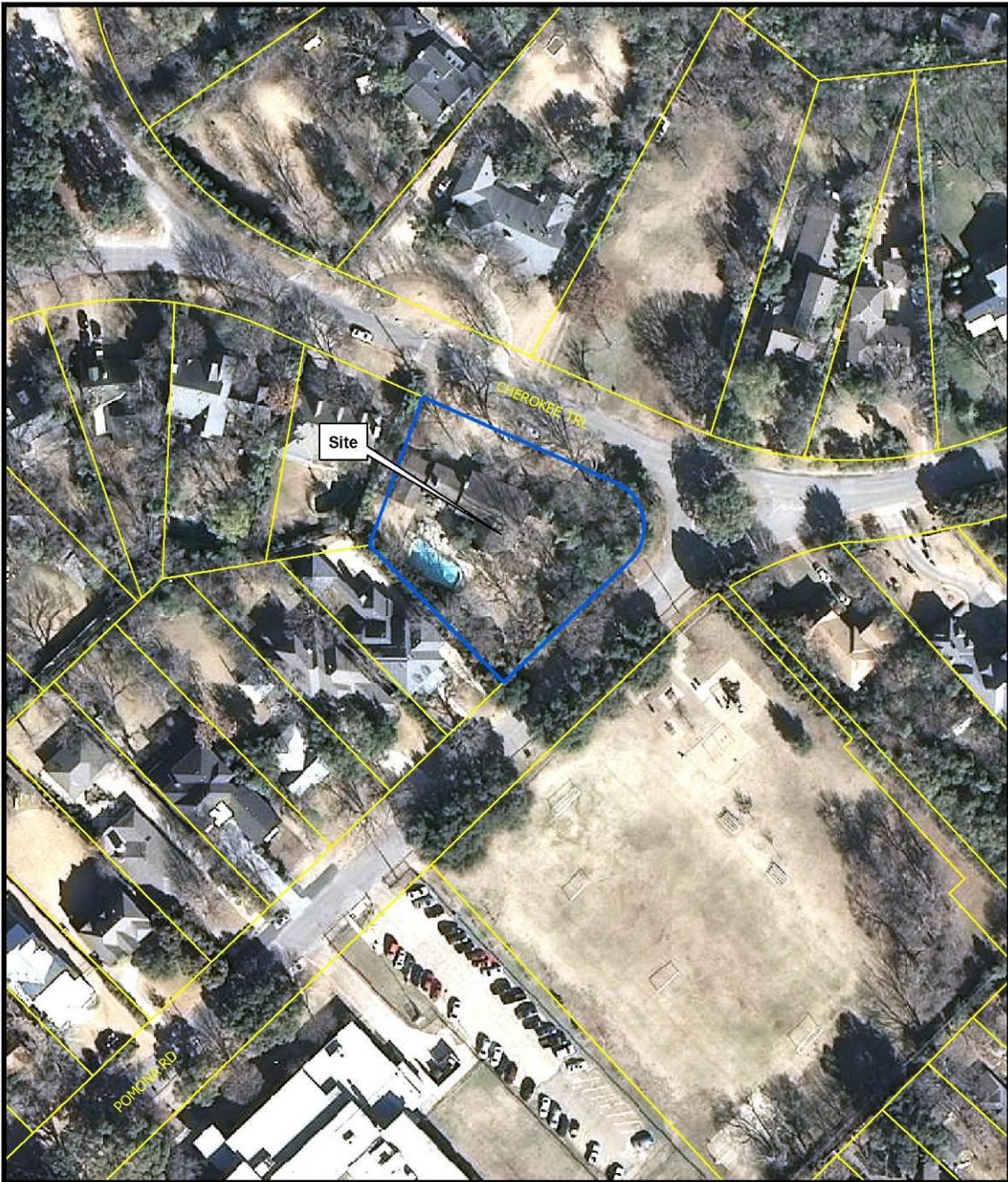
SECONDED: **French**

AYES: 5 – Nolen, French, Rieves, Leone, Gaspard

NAYS: 0 -

MOTION PASSED: 5 – 0 (unanimously)





1:1,200

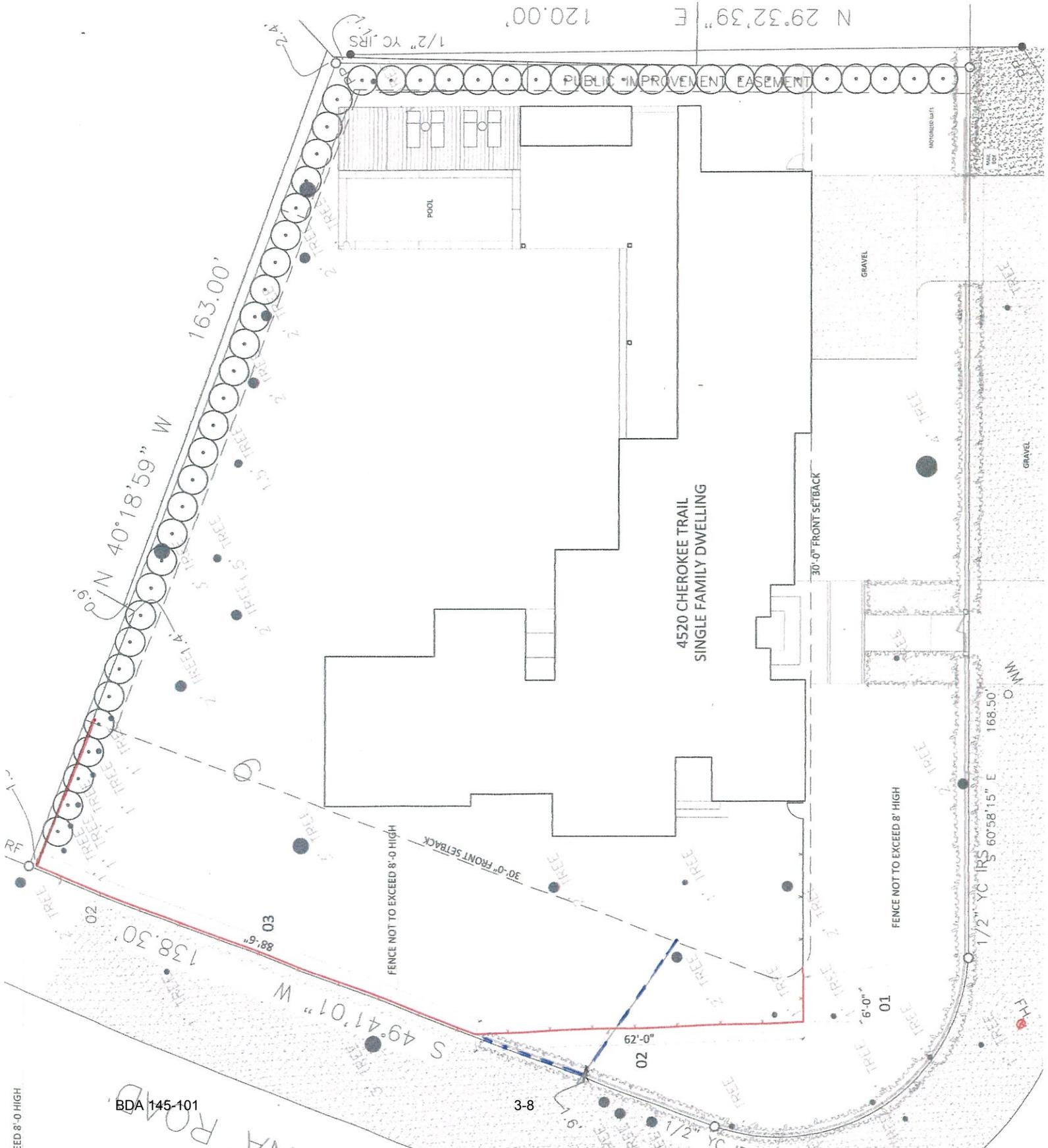
# AERIAL MAP

Case no: BDA145-101

Date: 9/1/2015

101-GAA

BDA 145-101  
Attach A



FENCE NOT TO EXCEED 8'-0" HIGH

BDA 145-101

3-8

FENCE NOT TO EXCEED 8' HIGH

30'-0" FRONT SETBACK

FENCE NOT TO EXCEED 8'-0" HIGH

30'-0" FRONT SETBACK

4520 CHEROKEE TRAIL  
SINGLE FAMILY DWELLING

PUBLIC IMPROVEMENT EASEMENT

POOL

GRAVEL

GRAVEL

WM

FH

RF

RD

ED 8'-0" HIGH

ROAD

VA

120.00' E

N 29°32'39" E

163.00'

N 40°18'59" W

138.30'

S 49°41'01" W

168.50'

60°58'15" E

1/2" YC IRS

WM

FH

168.5

**Long, Steve**

---

**From:** Long, Steve  
**Sent:** Friday, October 09, 2015 1:01 PM  
**To:** 'Peter Kavanagh'  
**Cc:** Duerksen, Todd; Moorman, Donna; Way, Jamilah  
**Subject:** RE: BDA 145-101, Property at 4520 Cherokee Trail

Dear Peter,

Now that is after 1 p.m., and given what you wrote me below, please be advised that I will add the plans that were left in my office while I was at lunch today as an attachment for the Board's docket but with an explanation in the case report that these plans had not officially been submitted to/approved by the Building Official's office.

I have reason to believe given your experience with the Board that you will follow up with Todd in having these plans reviewed/accepted before your hearing on this application on October 20<sup>th</sup>.

Lastly, please be advised that my case report will not go into the details about your new submittals given the aspects of when/how they were submitted to the me.

Thank you,

Steve

---

**From:** Peter Kavanagh [mailto:peterk@zonesystems.com]  
**Sent:** Friday, October 09, 2015 12:49 PM  
**To:** Long, Steve  
**Cc:** Sandra Freeman; Peter Kavanagh  
**Subject:** Re: BDA 145-101, Property at 4520 Cherokee Trail

Sandra from my office went to Todd's office first and waited for some time.....could't get in....so, I told her to get the drawings and letters to your office and go back to Todd's office to wait for him. Thanks, Peter

Sent from my iPad

On Oct 9, 2015, at 12:12 PM, "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)> wrote:

Dear Peter,

Can you represent that the plans left in my chair while I was at lunch today were submitted to/accepted by Todd first?

Steve

---

**From:** Long, Steve  
**Sent:** Thursday, October 08, 2015 9:14 AM  
**To:** 'Peter Kavanagh'  
**Cc:** Duerksen, Todd  
**Subject:** FW: BDA 145-101, Property at 4520 Cherokee Trail

Dear Peter,

As you know, any revised site plan/elevation that you may want to submit for the board's consideration should be submitted to Todd first, then once accepted/approved to me- three full scales and one reduction. Please note that the deadline for me to include any such revised plan for the board's docket is 1 p.m. tomorrow.

If you do intend on submitting a revised plan to Todd/me before this deadline, would you please detail what changes were made to the site plan and elevation from what you originally submitted?

Thank you,

Steve

BDA 145-101  
Attach B  
Pg 2

---

**From:** Long, Steve  
**Sent:** Monday, October 05, 2015 12:42 PM  
**To:** 'Peter Kavanagh'  
**Subject:** RE: BDA 145-101, Property at 4520 Cherokee Trail

No

---

**From:** Peter Kavanagh [<mailto:peterk@zonesystems.com>]  
**Sent:** Monday, October 05, 2015 12:21 PM  
**To:** Long, Steve  
**Cc:** Peter Kavanagh  
**Subject:** RE: BDA 145-101, Property at 4520 Cherokee Trail

Hi Steve: Are there any new letters of opposition received since the hearing day? Thanks, Peter

Peter Kavanagh  
**Zone Systems, Inc.**  
1620 Handley Drive, Suite A  
Dallas, TX 75208

214-941-4440  
Mobile 214-957-6188  
[peterk@zonesystems.com](mailto:peterk@zonesystems.com)

---

**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Friday, October 02, 2015 2:45 PM  
**To:** Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Way, Jamilah <[jamilah.way@dallascityhall.com](mailto:jamilah.way@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Cc:** Peter Kavanagh <[peterk@zonesystems.com](mailto:peterk@zonesystems.com)>  
**Subject:** FW: BDA 145-101, Property at 4520 Cherokee Trail

Attached is additional information on the application referenced above that I have labeled as Attachment A – additional information that the applicant (Peter Kavanagh) submitted at the September 22<sup>nd</sup> public hearing. This information will be added to the case file, part of what is discussed at the staff review team meeting on October 6th, and incorporated into the docket that is emailed to you, the applicant and the board members near/on October 12<sup>th</sup>.

Please write or call me if you have questions or concerns.

Thank you,

---

**From:** Long, Steve  
**Sent:** Thursday, September 24, 2015 10:23 AM  
**To:** 'Peter Kavanagh'  
**Cc:** Moorman, Donna; Way, Jamilah; Duerksen, Todd  
**Subject:** FW: BDA 145-101, Property at 4520 Cherokee Trail

Dear Peter,

As you know, the board of adjustment delayed action on your application referenced above until Tuesday, October 20<sup>th</sup>. Please review the attachment that outlines deadlines for submittals to staff and the board on this matter, and write or call me at 214/670-4666 if I can assist you in any other way.

Thank you,

Steve

---

**From:** Long, Steve  
**Sent:** Wednesday, August 19, 2015 2:47 PM  
**To:** 'Peter Kavanagh'  
**Cc:** Duerksen, Todd  
**Subject:** BDA 145-101, Property at 4520 Cherokee Trail

Dear Peter,

Here is information regarding your application to the board of adjustment at the address referenced above, most of which you are aware of given your experience with the board:

1. Your submitted application materials- all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled September 22<sup>nd</sup> Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code allowing the board to consider/grant a special exception to the fence height regulations (51A-4.602(a)(6)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 6 in these attached materials). Please contact Todd at 214/948-4475 no later than noon, Wednesday, September 2<sup>nd</sup> with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report proposes to construct an 8 foot high fence which will require a 4 foot special exception is incorrect. (Note that the discovery of any additional appeal needed beyond your requested fence height special exception will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

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

Thank you,

Steve

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

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

ZONE SYSTEMS, INC.

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October 8, 2015

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

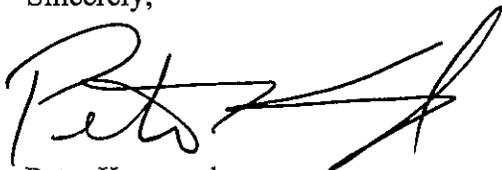
RE: 4520 Cherokee Trail  
BDA 145-101

Dear Mr. Long:

Attached are the revised drawings that provide more detail for the exact location of the fence and the elevations. The fence will be in the exact location of the existing fence except for the return from the east end to the home. This is a minor change to meet with the new home that is not in the exact location as the previous home.

Thank you for your work on this project.

Sincerely,



Peter Kavanagh

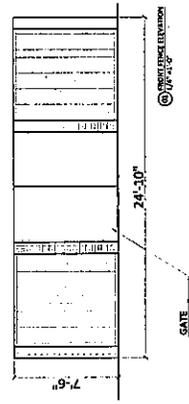
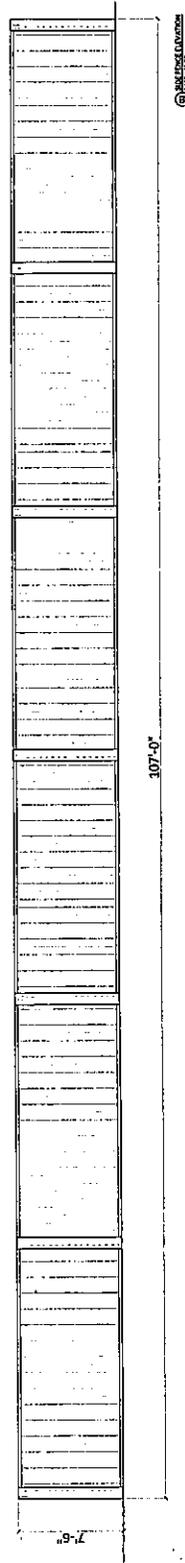
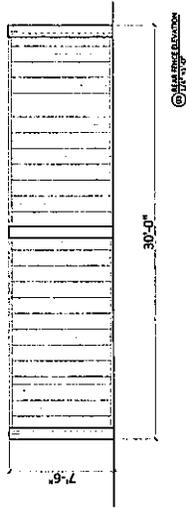
Enc.

4520 Cherokee Trail  
Dallas, Texas 75209

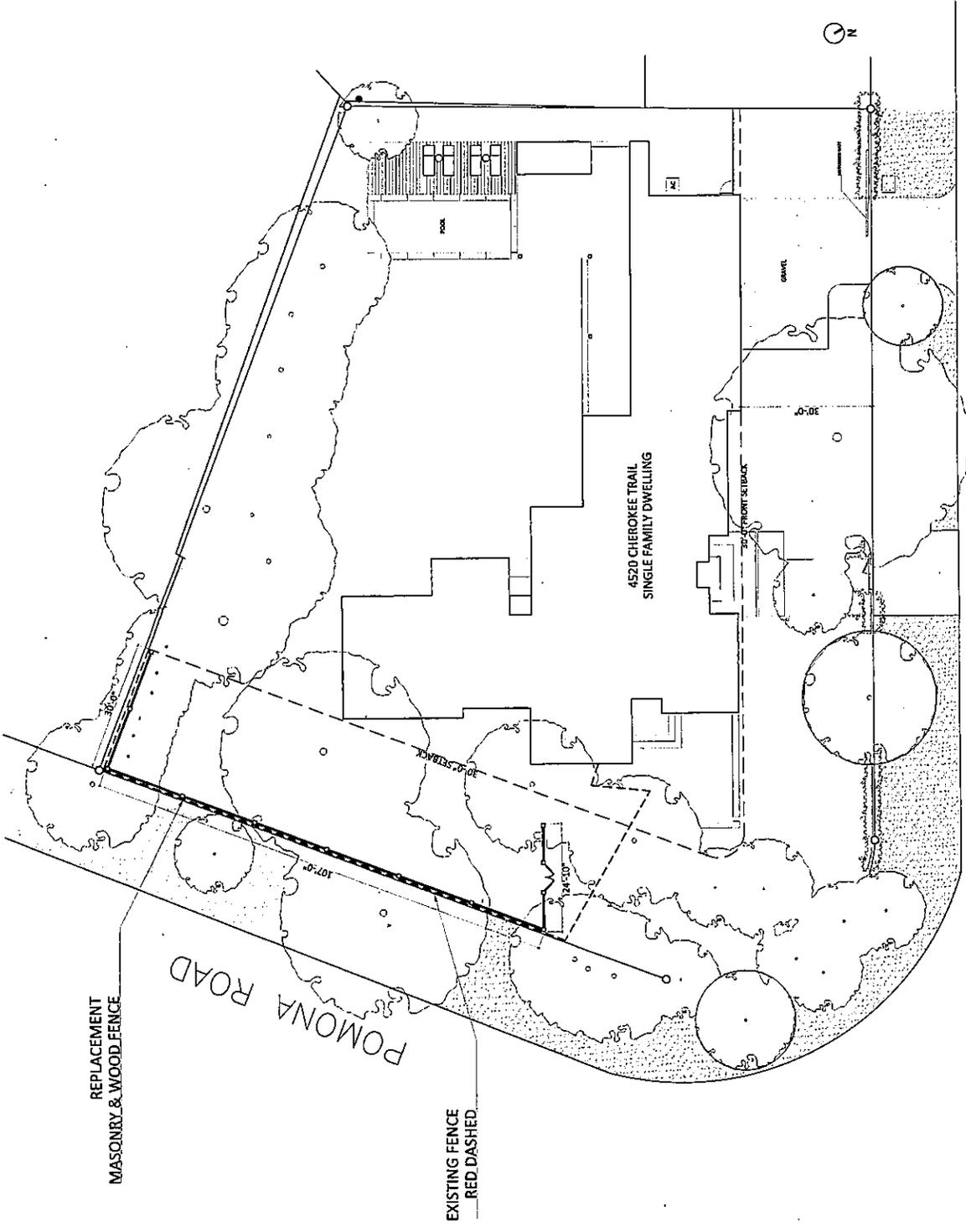
Revised	By	Date

Sheet  
NO. 000  
DATE  
A0.6

BDA 145-101  
Attach B  
Pg 6



DATE	DESCRIPTION	BY



CHEROKEE TRAIL

September, 2015

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

RE: BDA 145-101  
Fence Special Exception  
Greg Beasley and Alex Burmeister  
4530 Cherokee Trail

Dear Mr. Long:

I am the owner of my home at 4607 Cherokee.

I support Greg and Alex's fence special exception as shown on the attached site plan.

This will be an eight-foot fence to replace the existing eight-foot fence on the property.

Thank you for your consideration.

---

*David Rutledge*  
David Rutledge  
Gloria Rutledge

September, 2015

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

RE: BDA 145-101  
Fence Special Exception  
Greg Beasley and Alex Burmeister  
4530 Cherokee Trail

Dear Mr. Long:

I am the owner of my home at 4511 Cherokee Trail

I support Greg and Alex's fence special exception as shown on the attached site plan.

This will be an eight-foot fence to replace the existing eight-foot fence on the property.

Thank you for your consideration.

  
Yung L. Yu

September, 2015

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

RE: BDA 145-101  
Fence Special Exception  
Greg Beasley and Alex Burmeister  
4530 Cherokee Trail

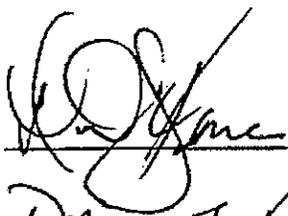
Dear Mr. Long:

I am the owner of my home at 4519 Cherokee Trail.

I support Greg and Alex's fence special exception as shown on the attached site plan.

This will be an eight-foot fence to replace the existing eight-foot fence on the property.

Thank you for your consideration.

  
\_\_\_\_\_  
DAVID J. FERREL

September, 2015

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

RE: BDA 145-101  
Fence Special Exception  
Greg Beasley and Alex Burmeister  
4530 Cherokee Trail

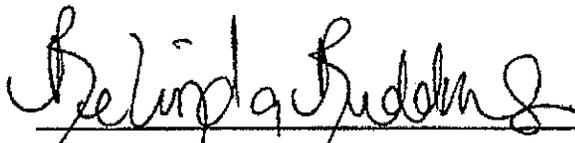
Dear Mr. Long:

I am the owner of my home at 4618 Cherokee Trail

I support Greg and Alex's fence special exception as shown on the attached site plan.

This will be an eight-foot fence to replace the existing eight-foot fence on the property.

Thank you for your consideration.

  
\_\_\_\_\_  
(Belinda Buddrus

September, 2015

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

RE: BDA 145-101  
Fence Special Exception  
Greg Beasley and Alex Burmeister  
4530 Cherokee Trail

Dear Mr. Long:

I am the owner of my home at

4203 Cherokee Trail

I support Greg and Alex's fence special exception as shown on the attached site plan.

This will be an eight-foot fence to replace the existing eight-foot fence on the property.

Thank you for your consideration.



JAMES COLTER HARRIS

(214) 953-5928

eharris@jw.com



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-101

Date: 7-24-15

Data Relative to Subject Property:

Location address: 4520 Cherokee Trail Zoning District: PD 455

Lot No.: 6 Block No.: 0/4984 Acreage: .62 Census Tract: 0073.02

Street Frontage (in Feet): 1) 204.5 2) 174.3 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_ NW 21A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Gregory Weldon Beasley and Alex Burmeister

Applicant: Peter Kavanagh/Zone Systems, Inc. Telephone: 214-941-4440

Mailing Address: 1620 Handley Drive, Suite A, Dallas Zip Code: 75208

E-mail Address: peterk@zonesystems.com

Represented by: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Affirm that an appeal has been made for a Variance, or Special Exception X, of 4' to fence in FYSB  
~~Per Dallas Development Code 51A-4.602(A)(6) request is made for~~  
~~special exception for an 8' fence in the front yard.~~

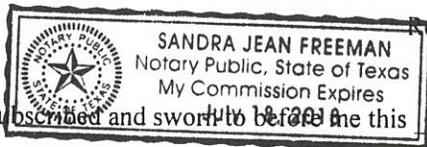
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
Property is a corner lot. Rear yard is exposed to park across street. An 8 foot fence is there now. It is 112 feet long. We are replacing 88.5 feet of the fence with a more modern fence. The benefit is privacy for the rear yard and pool area.

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

Affidavit

Before me the undersigned on this day personally appeared Peter Kavanagh  
(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 30 day of July, 2015

Sandra Jean Freeman  
Notary Public in and for Dallas County, Texas



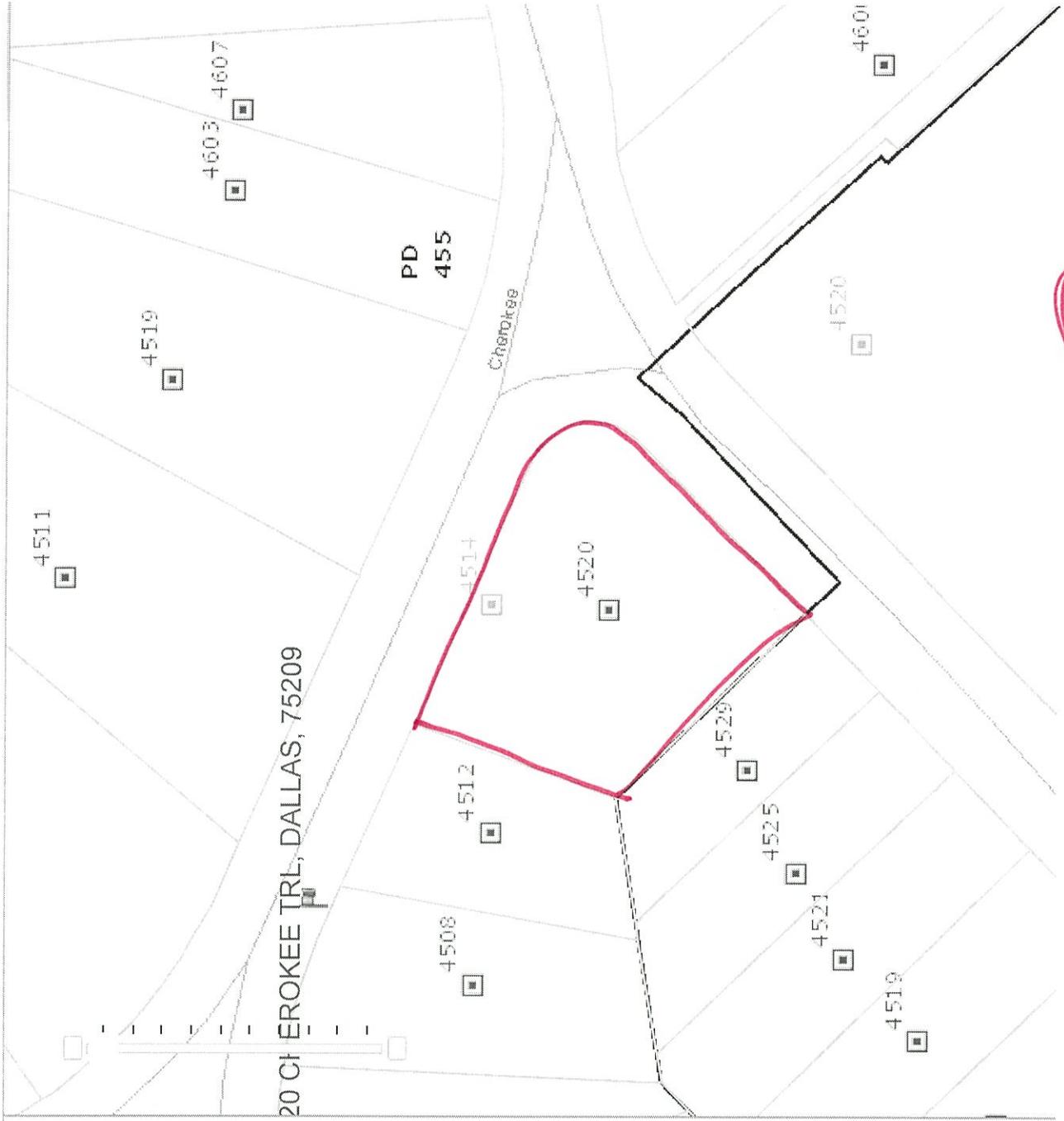
# City of Dallas

Internal Development Research Site

Legend

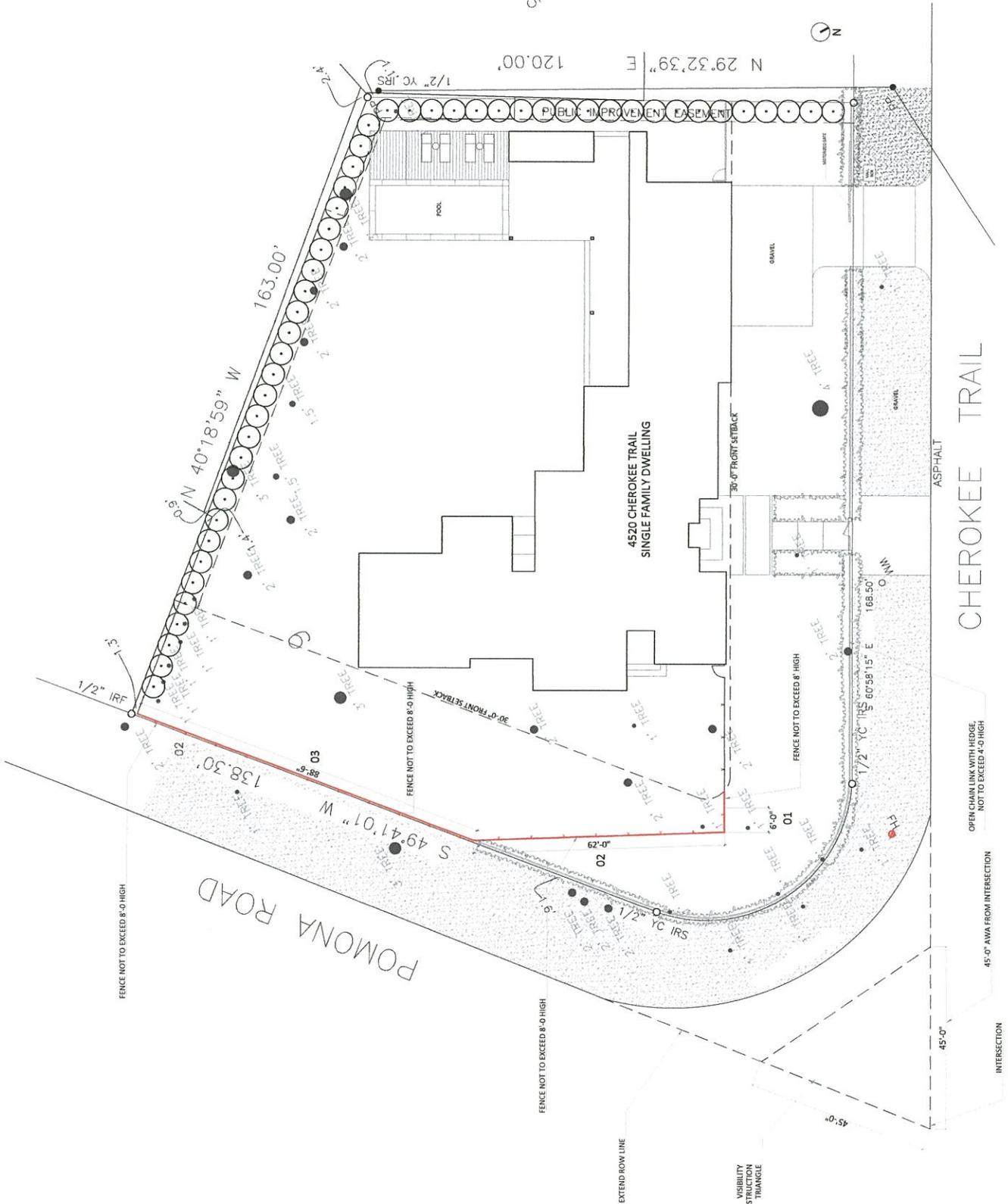
Locate Property

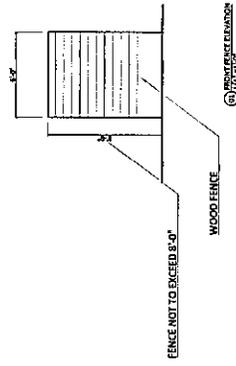
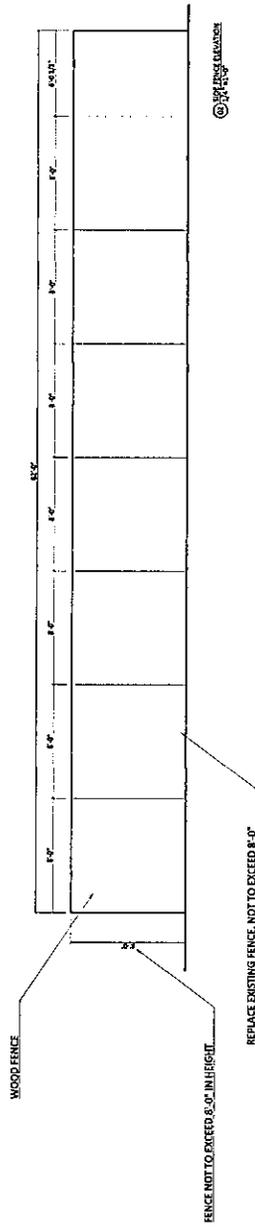
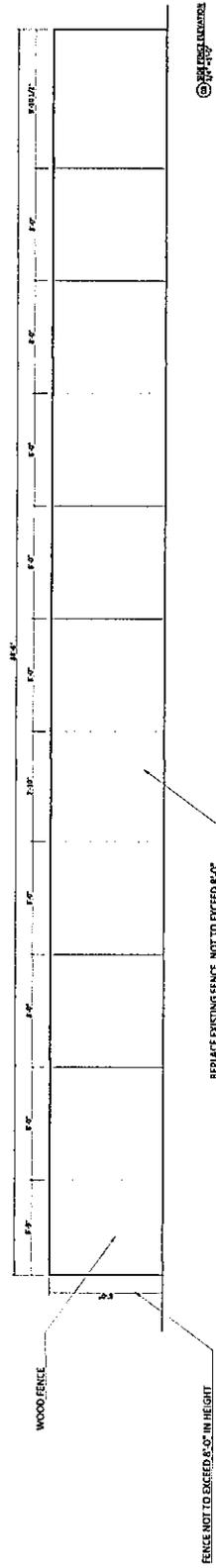
BDA 145-101





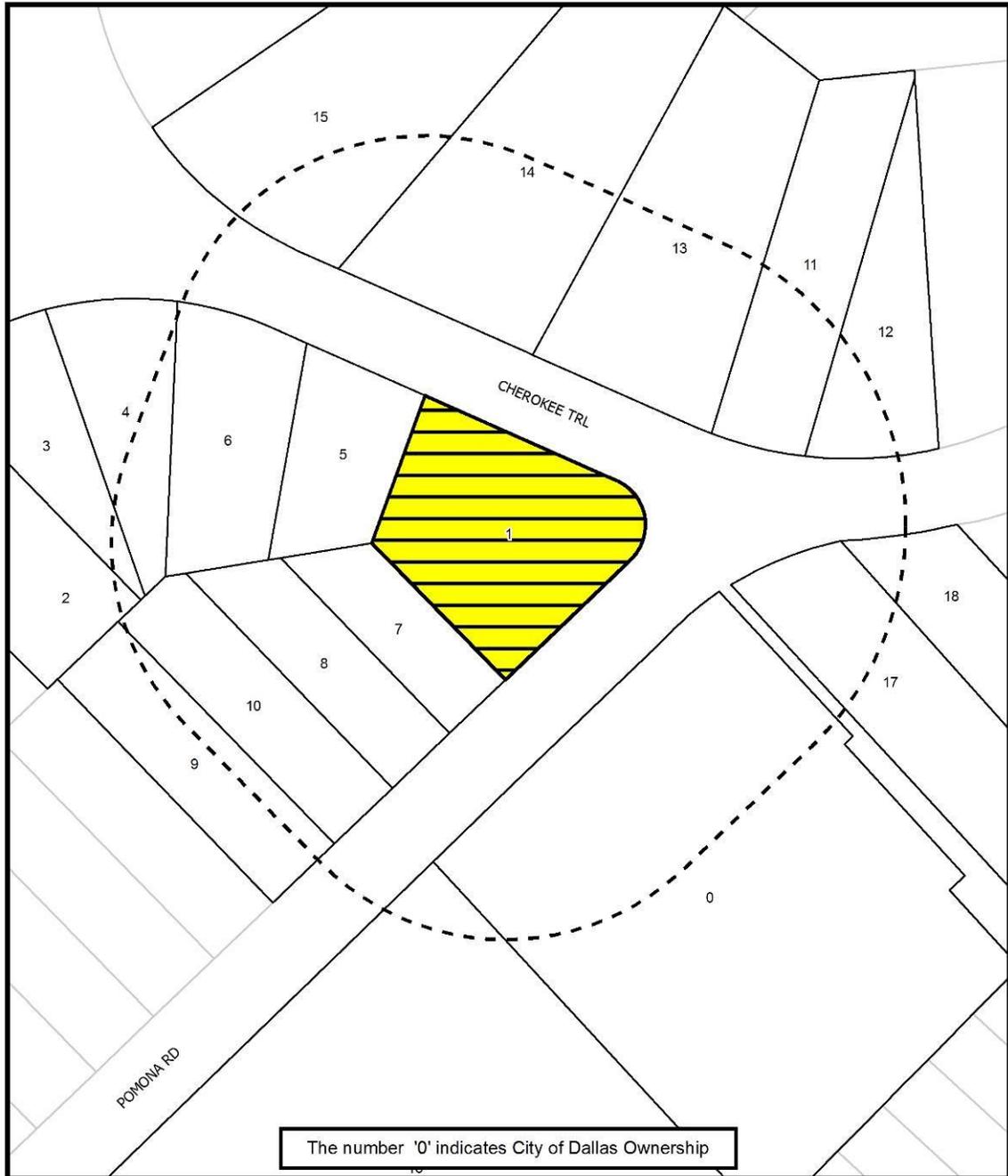
DRAWING SET		
No.	Description	Date





DATE/REVISED

No.	Description	Date



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>18</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA145-101</b></u> Date: <u><b>9/1/2015</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>18</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA145-101*

#### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4520 CHEROKEE TRL	REES J RICHARD & KRISTIN
2	4520 BLUFFVIEW BLVD	WHEELER MICHAEL W &
3	4524 BLUFFVIEW BLVD	BARNES STEVEN M &KELLY A
4	4506 CHEROKEE TRL	MCCARVELL SUSAN LR
5	4512 CHEROKEE TRL	SHAPIRA ADAM ROSS & DEBRA
6	4508 CHEROKEE TRL	ANDERSON LARS C & SUSAN I
7	4529 POMONA RD	ROYBAL MICHAEL
8	4525 POMONA RD	PATRIDGE SUSAN LIVING TRUST
9	4519 POMONA RD	STEWART CHRISTOPHER R & DENISE M
10	4521 POMONA RD	BONDS HARRIET LYN
11	4603 CHEROKEE TRL	HARRIS JAMES C
12	4607 CHEROKEE TRL	RUTLEDGE DAVID &
13	4519 CHEROKEE TRL	FERRE DAVID J & ESTHER J
14	4511 CHEROKEE TRL	YU YUNG L &
15	4505 CHEROKEE TRL	DEYOUNG EDWIN R &
16	4518 POMONA RD	Dallas ISD
17	4600 POMONA RD	MANION BRIAN
18	4606 CHEROKEE TRL	SHIWACH RAJINDER S &

**FILE NUMBER:** BDA 145-102

**BUILDING OFFICIAL'S REPORT:** Application of Zeke Bullock for a special exception to the sign regulations at 7895 Riverfall Drive. This property is more fully described as Lot 2B, Block 15/7289, and is zoned PD 904 (Subarea A & B), which does not allow non-monument signs within 250 feet of either private property in a non-business zoning district or a public park of more than one acre. The applicant proposes to construct and maintain a detached premise sign on a nonresidential premise within 250 feet of private property in a non-business zoning district, which will require a special exception to the minimum distance requirement of the sign regulations.

**LOCATION:** 7895 Riverfall Drive

**APPLICANT:** Zeke Bullock

**REQUEST:**

A request for a special exception to the sign regulations is made to locate and maintain a non-monument sign within the 250' distance requirement from properties to the north and south of the subject site in non-business zoning districts (MF-3(A) and (GO(A)) on a site being developed with a mini-warehouse use (Public Storage).

**STANDARD FOR A SPECIAL EXCEPTION TO THE SIGN REGULATIONS FOR A NON-MONUMENT SIGN WITHIN 250 FEET OF PRIVATE PROPERTY IN A NON-BUSINESS ZONING DISTRICT:**

The Board of Adjustment may grant a special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff had concluded that the applicant had not substantiated how this special exception to allow a non-monument sign within 250 feet of private property in a non-business zoning district will not adversely affect neighboring property.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: PD 904 (Planned Development)

North: MF-3(A) (Multifamily)  
South: GO(A) and RR (General Office and Regional Retail)  
East: GO(A) General Office)  
West: MF-4(A) (Multifamily)

### **Land Use:**

The site is currently being developed with a mini-warehouse use (Public Storage). The areas to the north and west are developed with multifamily use; the area to the east is North Central Expressway; and the area to the south is developed with office use.

### **Zoning/BDA History:**

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

### **GENERAL FACTS/STAFF ANALYSIS:**

- The request focuses on locating and maintaining a non-monument sign within the 250' distance requirement from properties to the north and south of the subject site in non-business zoning districts (MF-3(A) and (GO(A)) on a site being developed with a mini-warehouse use (Public Storage).
- The Dallas Development Code states non-monument signs are not allowed within 250 feet of either private property in a non-business zoning district or a public park of more than one acre.
- The applicant has submitted a site plan and sign elevation. The elevation represents a pole sign that is 40' in height. The site plan represents that the Central Expressway frontage of the site is approximately 202 linear feet, and that the proposed 40' high pole sign is within 250' of private property in a non-business zoning district. The proposed sign is proposed to be located approximately 50' south of property to the north zoned MF-3(A) and multifamily in use, and approximately 150' north of property to the south zoned GO(A) and office in use.
- The applicant has the burden of proof in establishing the following:
  - That allowing a non-monument sign within 250 feet of private property in a non-business zoning district when, in the opinion of the board, the special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the submitted site plan as a condition to the request, the sign would be held to the location as shown on this plan, and to the notation on this plan.
- Staff does not feel it is necessary to additionally impose any sign elevation as a condition to this request since granting this special exception would not provide any relief to the sign regulations of the Dallas Development Code (i.e. height, effective area, or setback requirements) other than allowing a non-monument sign within 250 feet of private property in a non-business zoning district.
- Note that while the frontage of the subject site at 202 linear feet combined with the proximity of non-business zoning districts to the north and south does not allow the

applicant to erect and maintain a non-monument sign on the site without the granting of this special exception, the applicant could erect and maintain a *monument* sign on the site without any special exception.

**Timeline:**

July 17, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

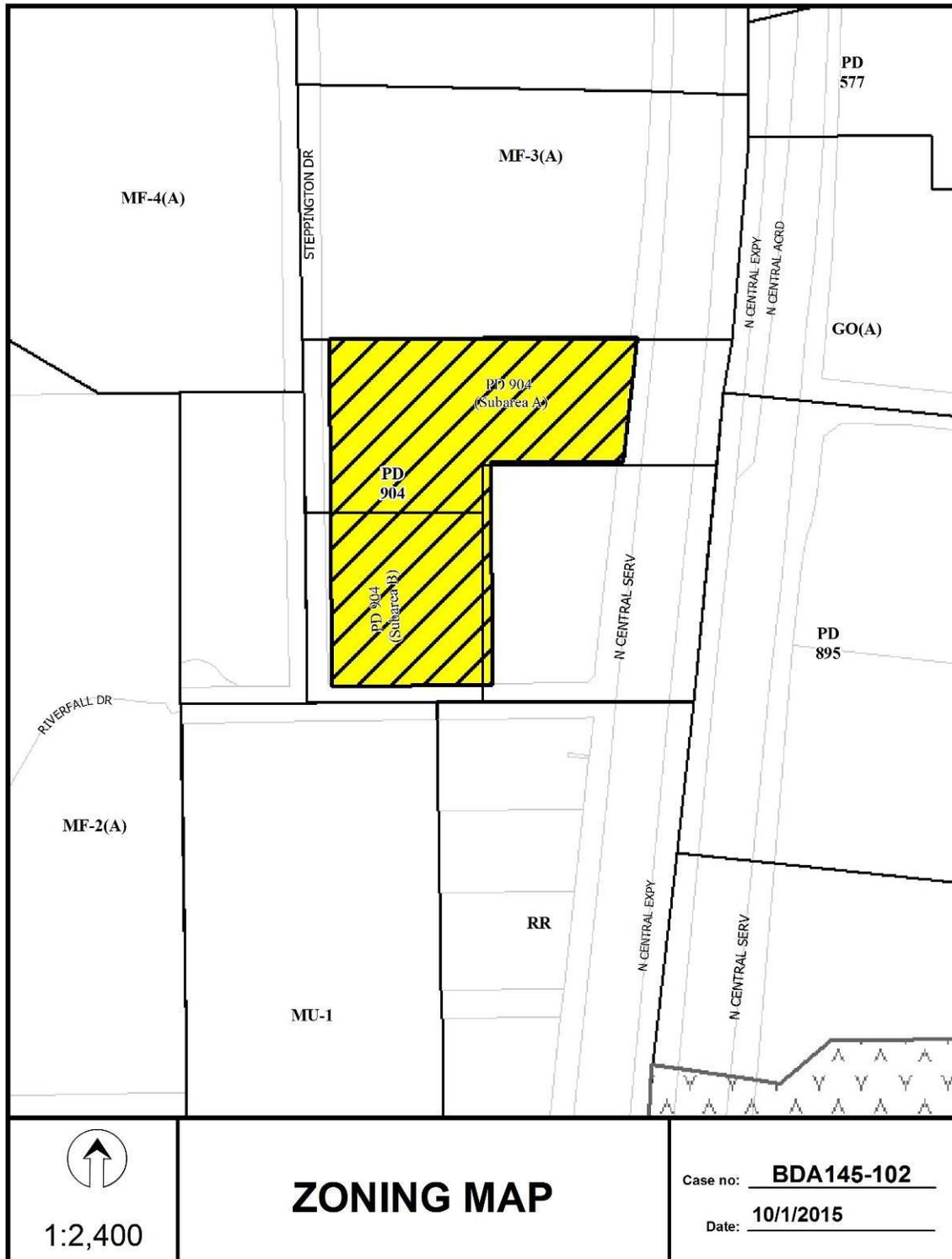
September 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 September 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 9<sup>th</sup> 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.”

October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.

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

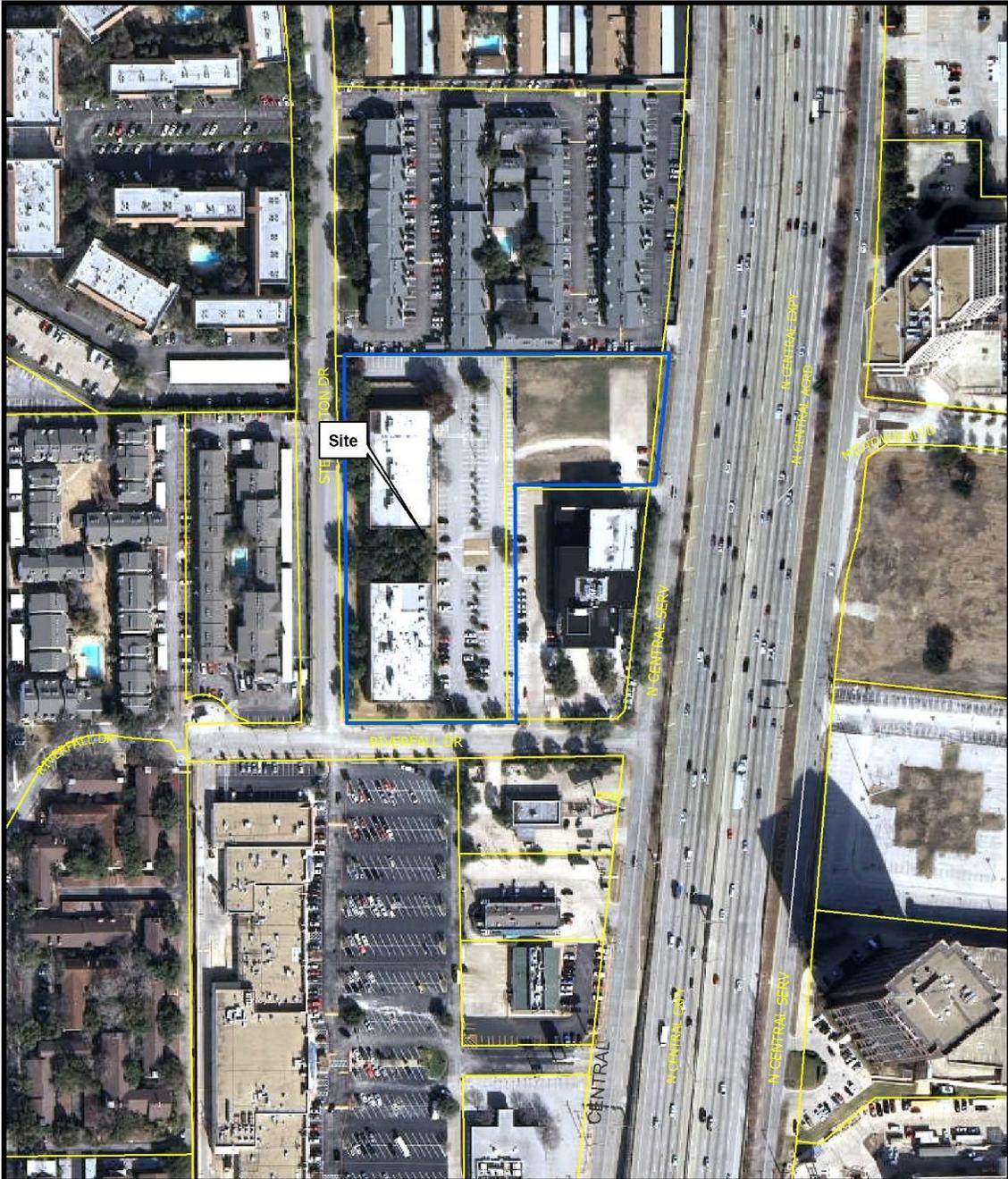


1:2,400

# ZONING MAP

Case no: BDA145-102

Date: 10/1/2015



1:2,400

# AERIAL MAP

Case no: BDA145-102

Date: 10/1/2015



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-102

Data Relative to Subject Property:

Date: 07.17.15

Location address: 7895 Riverfall Dr. Zoning District: PD904 (Suba. A & B)

Lot No.: 2B Block No.: 15/7289 Acreage: 4.4154 Census Tract: 131.05

Street Frontage (in Feet): 1) 202.59 2) 259.86 3) 564.46 4) \_\_\_\_\_ 5) \_\_\_\_\_

NEAS

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Public Storage

Applicant: Zeke Bullock / Barnett Signs, Inc. Telephone: 972-681-8800

Mailing Address: 4250 Action Dr. Mesquite, TX Zip Code: 75150

E-mail Address: zeke@barnettsgns.com

Represented by: Zeke Bullock / Barnett Signs, Inc. Telephone: 972-681-8800

Mailing Address: 4250 Action Dr. Mesquite, TX Zip Code: 75150

E-mail Address: zeke@barnettsgns.com

Affirm that an appeal has been made for a Variance \_\_, or Special Exception X, of \_\_\_\_\_  
180 feet to the 250 foot distance requirement of Section 51A-7.304(b)(3).

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 sign would not adversely affect the neighborhood as there are several pole signs & billboards in close proximity to this property. The multi-family units that are located north of the sign have no windows that would face the sign. This sign is compliant w/ all other regulations of SEC 51A-7.304 DETACHED SIGNS (f) regulations pertaining to Expressway Signs. This sign provide the needed visibility ot potential customers.

**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 ZEKE BULLOCK  
(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 17 day of July, 2015

(Rev. 08-01-11)  [Signature]  
Notary Public in and for Dallas County, Texas





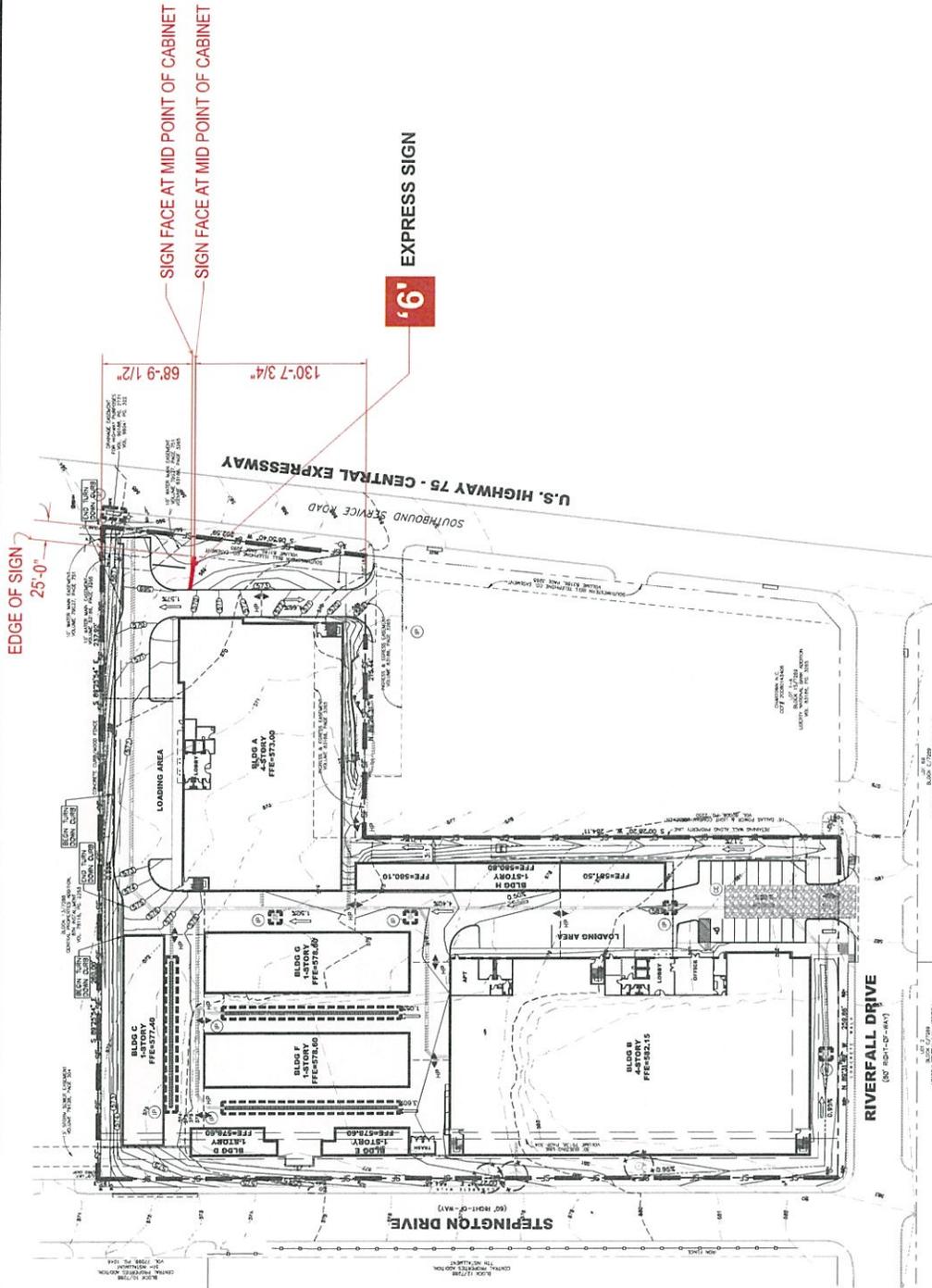
# City of Dallas

## Internal Development Research Site

Legend

Locate Property





**image national signs**  
...bringing your image to light

**Public Storage**

**in**

PRODUCT CODE: 7895 RIVERFALL DR. DALLAS TX. PROJECT: PBS RIVERFALL DALLAS TX. POLE SIGN. DRAWN BY: MLP. CHECKED BY: JERRY GOOSSENS. DATE: 07.16.14. QUOTE: N.A. ACCOUNT: JERRY GOOSSENS. HANNA PLANT. UL #43195-101. **1 of 2**

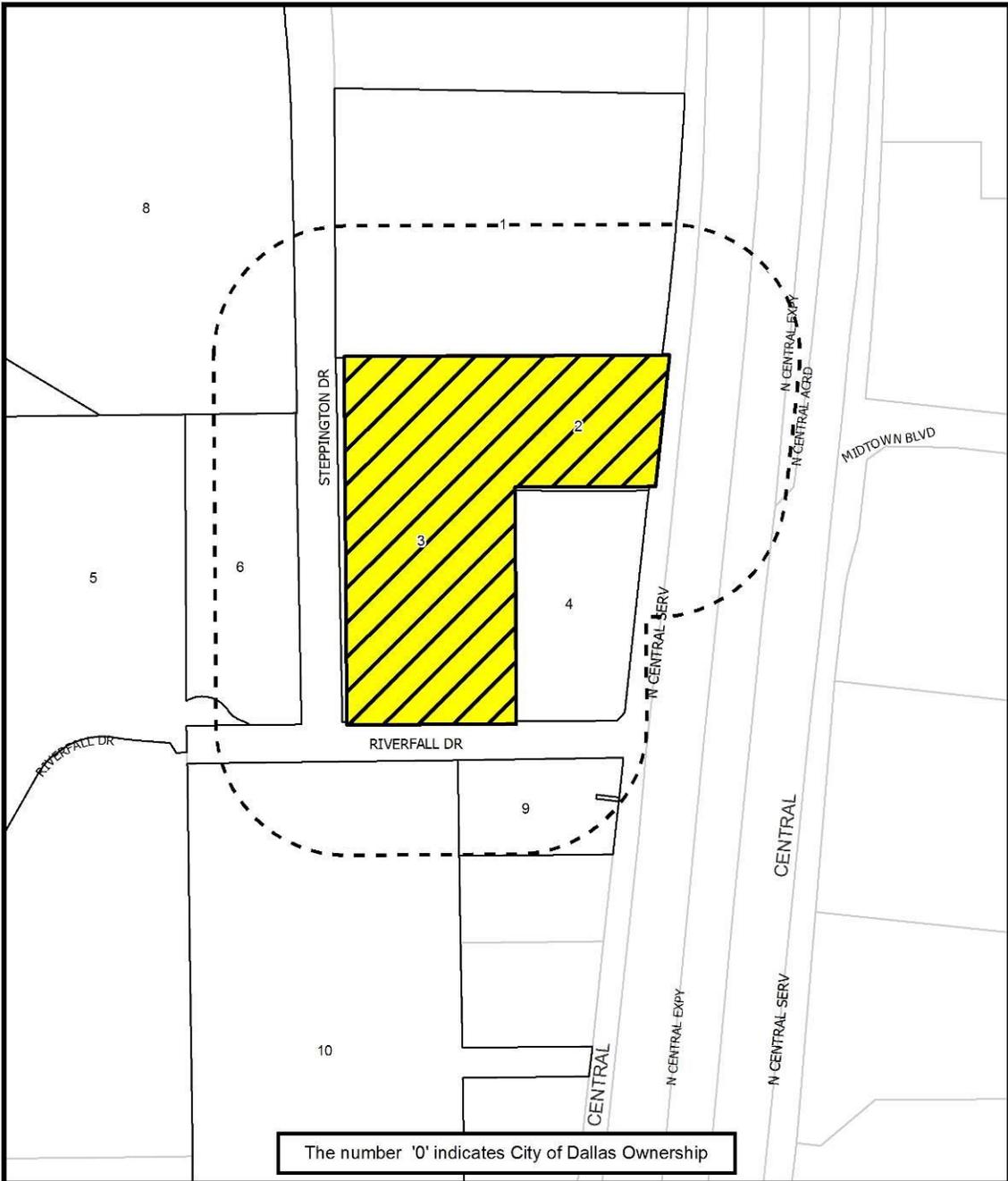
image national signs  
...bringing your image to light

UL LISTED  
UL #43195-101  
UL LISTED  
UL #43195-101

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UL #43195-101  
UL LISTED  
UL #43195-101





The number '0' indicates City of Dallas Ownership

 1:2,400	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>10</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>10</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u><b>BDA145-102</b></u> Date: <u><b>10/1/2015</b></u>
<b>200'</b>	AREA OF NOTIFICATION					
<b>10</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## ***Notification List of Property Owners***

### ***BDA145-102***

#### ***10 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	10640 STEPPINGTON DR	STEPPINGTON APARTMENTS LLC
2	10511 CENTRAL EXPY	STEPPINGTON SLJ MCKINNEY LP
3	10500 STEPPINGTON DR	STEPPINGTON SLJ MCKINNEY LP
4	10501 CENTRAL EXPY	CHARTOWN NC GENERAL PS
5	7879 RIVERFALL DR	KENSINGTON RIVERFALL LLC
6	10501 STEPPINGTON DR	MADISON PARKE APARTMENTS LLC
7	10453 CENTRAL EXPY	PRESCOTT INTERESTS BILLBOARDS LTD
8	10641 STEPPINGTON DR	SEVILLE APARTMENTS LP
9	10453 CENTRAL EXPY	MEADOW & CENTRAL LTD PS
10	10455 CENTRAL EXPY	MEADOW & CENTRAL LTD PS

**FILE NUMBER:** BDA 145-105

**BUILDING OFFICIAL'S REPORT:** Application of Jennifer Workman for a variance to the off-street parking regulations at 5024 Tracy Street. This property is more fully described as Lot 1A, Block 4/2017, and is zoned PD 193 (LC), which requires off-street parking to be provided. The applicant proposes to construct and maintain a structure for an office use and provide 33 of the required 39 parking spaces, which will require a 6 space variance to the off-street parking regulations.

**LOCATION:** 5024 Tracy Street

**APPLICANT:** Jennifer Workman

**REQUEST:**

A request for a variance to the off-street parking regulations of 6 spaces is made to construct and maintain a new 3-story office/warehouse structure/use (Fikes Family Office Headquarters), where the applicant proposes to provide 33 (or 85 percent) of the required 39 required off-street parking spaces on a site developed with an office structure/use that the applicant intends to demolish.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- While it appears the granting this variance would not be contrary to public interest since the Sustainable Development and Construction Department Project Engineer has no objections, staff concluded that the features of the flat, rectangular in shape, approximately 22,000 square foot subject site do not appear to restrict the applicant from developing it with a structure of a size and with a use permitted in this zoning where the required number of off-street parking spaces could be provided without a variance to the off-street parking regulations.

**BACKGROUND INFORMATION:**

- Site: PD 193 (LC) (Planned Development, Light commercial)
- North: PD 193 (LC) (Planned Development, Light commercial)
- South: PD 193 (LC) (Planned Development, Light commercial)
- East: PD 193 (LC) (Planned Development, Light commercial)
- West: PD 193 (LC) (Planned Development, Light commercial)

**Land Use:**

The subject site is developed with an office/warehouse structure/use that the applicant intends to demolish. The areas to the north, east, and south appear to be developed with office uses; and the area to the west is the Kay Trail.

**Zoning/BDA History:**

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

**GENERAL FACTS/ STAFF ANALYSIS:**

- The request focuses on construct and maintain a new, approximately 14,000 square foot, 3-story office structure/use (Fikes Family Office Headquarters), where the applicant proposes to provide 33 (or 85 percent) of the required 39 required off-street parking spaces on a site developed with an office/warehouse structure/use that the applicant intends to demolish.
- The subject site is zoned PD 193 (LC) that requires the following off-street parking requirement:
  - Office: 1 space for each 366 square feet of floor area.

- The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked “Has no objections.”
- The site is flat, rectangular in shape, and according to the application, 0.512 acres (or approximately 22,000 square feet) in area. The site is zoned PD 193 (LC).
- DCAD records indicate that the “improvements” at 5024 Tracy Street is a “storage warehouse” with 11,094 square feet built in 1997.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to 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 PD193 (LC) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same PD 193 (LC) zoning classification.
- If the Board were to grant this request and impose the submitted site plan as a condition, the applicant would be required to provide 33 (or 85 percent) of the 39 off-street parking spaces in conjunction with constructing/maintaining a new, approximately 14,000 square foot, 3-story office structure/use.

**Timeline:**

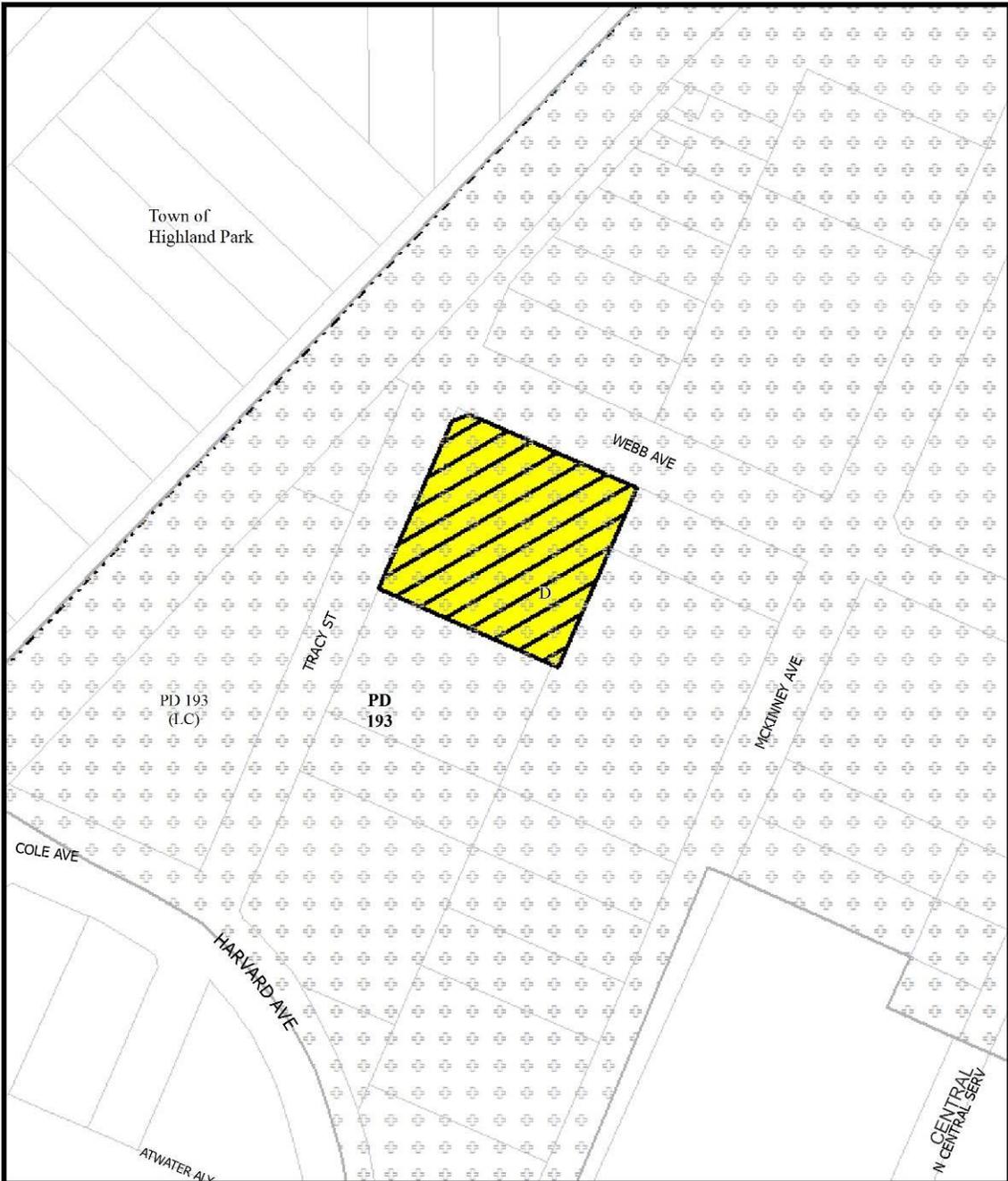
August 18, 2015: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

September 15, 2015: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel A.

September 15, 2015: The Board Administrator contacted the applicant and emailed 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 September 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the October 9<sup>th</sup> 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 22, 2015: The applicant submitted additional documentation on this application beyond what was submitted with the original application (see Attachment A).
- October 6, 2015: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Sustainable Development and Construction Board of Adjustment Chief Planner, the Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiners/Development Code Specialist, the City of Dallas Chief Arborist, the Sustainable Development and Construction Department Current Planner, the Sustainable Development and Construction Department Project Engineer, and the Assistant City Attorney to the Board.
- October 9, 2015: The Sustainable Development and Construction Department Project Engineer submitted a review comment sheet marked "Has no objections."

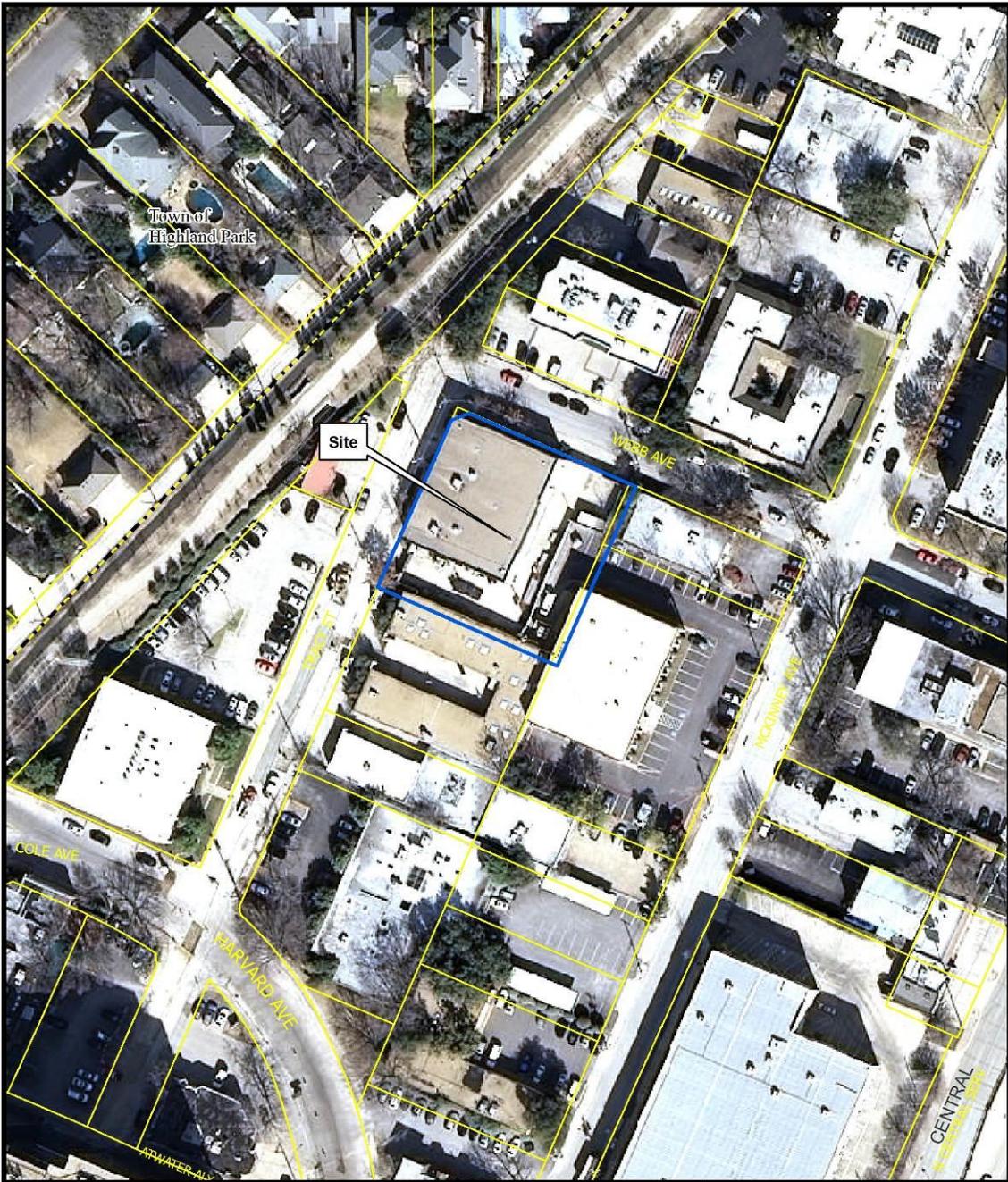


1:1,200

# ZONING MAP

Case no: BDA145-105

Date: 10/1/2015



1:1,200

# AERIAL MAP

Case no: BDA145-105

Date: 10/1/2015

**Long, Steve**

**From:** Workman, Jennifer <jennifer.workman@gff.com>  
**Sent:** Tuesday, September 22, 2015 3:33 PM  
**To:** Long, Steve  
**Subject:** RE: BDA 145-105, Property at 5024 Tracy Street  
**Attachments:** Board of Adjustment Appeal Form\_2015.09.17.pdf; Appeal to the Board of Adjustment.pdf

Attach A  
PS 1

Steve,

Please find an updated BOA Appeal Form and letter to the BOA to replace the existing ones in your possession.

The owner and occupant of the proposed 14,000 square foot private office building has never had more than 15 full time employees in over 30 years of business and does not foresee ever having more than 25. The owner would like to offer in addition to the condition of the site plan a condition that they will never have more than 25 full time employees employed at this location.

If you need anything additional from me, please don't hesitate to ask.

Regards,

**Jennifer Workman, AIA**  
 GFF Architects  
 214/303-1500 phone

---

**From:** Long, Steve [mailto:steve.long@dallascityhall.com]  
**Sent:** Tuesday, September 15, 2015 2:16 PM  
**To:** Workman, Jennifer  
**Cc:** Duerksen, Todd; Lam, David  
**Subject:** RE: BDA 145-105, Property at 5024 Tracy Street

Dear Ms. Workman,

Attached is a revised document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.

Please be advised that **your public hearing is Tuesday, October 20<sup>th</sup>**, and accept my apologies for any confusion that I have caused.

Thank you,

Steve

---

**From:** Workman, Jennifer [mailto:jennifer.workman@gff.com]  
**Sent:** Tuesday, September 15, 2015 2:10 PM  
**To:** Long, Steve  
**Subject:** RE: BDA 145-105, Property at 5024 Tracy Street

Thank you Steve. Can you please clarify something for me? You list a date of Tuesday October 20<sup>th</sup> below and the attached panel A hearing lists Wednesday October 21<sup>st</sup>. I realize this may still be tentative but I wanted to make sure it is on my calendar.

Thank you,

Jennifer Workman, AIA  
GFF Architects  
214/303-1500 phone

BDA 145-105

Arch A

pg 2

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**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Tuesday, September 15, 2015 1:50 PM  
**To:** Workman, Jennifer  
**Cc:** Duerksen, Todd; Lam, David  
**Subject:** BDA 145-105, Property at 5024 Tracy Street

Dear Ms. Workman,

Here is information regarding your application to the board of adjustment at the address referenced above:

1. The submitted application materials - all of which will be emailed to you, city staff, and the board members in a docket report about a week ahead of your tentatively scheduled October 20<sup>th</sup> Board of Adjustment Panel A public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the parking regulations (51A-3.102(d)(10)).
3. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board.
4. The board's rule pertaining to documentary evidence.

Please carefully review the attached application materials to make sure they are complete, and within these materials, the Building Official's Report/second page of the application (page 2 of 6 in these attached materials).

Please contact Todd Duerksen at 214/948-4475 no later than noon, Wednesday, September 30<sup>th</sup> with regard to any information you feel is missing from your submittal or with regard to any amendment that you feel is necessary to address the issue at hand, specifically if for any reason you feel that the statement in his report stating that the applicant proposes to construct/maintain a structure for an office use and provide 33 of the required 39 parking spaces which will require a 6 space variance, or any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested parking variance will result in postponement of the appeal until the panel's next regularly scheduled public hearing).

Please be advised that you may want to contact:

1. David Lam, City of Dallas Sustainable Development Department Project Engineer at 214/948-5384 or [david.lam@dallascityhall.com](mailto:david.lam@dallascityhall.com) to determine if there is any additional information that may be needed from you in making a favorable recommendation to the board on this request, and
2. The Oak Lawn Committee given that this property is located in PD 193: The Oak Lawn Special Purpose District.

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

Thank you,

Steve

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

following address:

BDA 145-105  
Attach A pg 3

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

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"This e-mail and any attachments contain confidential and privileged information. If you are NOT the intended recipient, please notify the sender promptly by return e-mail and delete this message and any attachments. Any action taken with this message by persons other than the intended recipient is prohibited. By the use of any attachment, the intended recipient accepts all risks associated with such use, including unintended electronic viruses and will indemnify GFF from any claim of damage arising from use or transfer of the attachment. Certain attachments are copyrighted instruments of service of GFF and governed by the requirements of the AIA documents."



**ARCHITECTS  
INTERIORS  
LANDSCAPE  
PLANNING**

**Dallas**  
2808 Fairmount Street, Suite 300  
Dallas, Texas | 75201  
214.303.1500

**Ft. Worth**  
3300 West 7th Street, Suite 110  
Fort Worth, TX | 76107  
817.303.1500

BDA145-105  
Attach A ps 4

Dallas City Hall  
Board of Adjustment  
1500 Marilla Street  
Dallas, Texas 75201

Re: 5024 Tracy Street  
Special Exception Appeal Letter

To the Honorable Board of Adjustment:

The property is Lot 1A, the northernmost corner of Block 4/2017, and is zoned PD 193 (LC), which requires one parking space per 366 square feet of floor area. The applicant proposes to provide 33 of the required 39 parking spaces, which would require a variance to the Off-street Parking Regulations of 15%.

The owner and occupant of the proposed 14,000 square foot private office building has never had more than 15 full time employees in over 30 years of business and does not foresee ever having more than 25. The owner would like to offer in addition to the condition of the site plan a condition that they will never have more than 25 full time employees employed at this location. The project is located on a .512-acre site and requires 39 parking spaces of which 64% will be regularly unused. To provide this many unused parking spaces is a disservice to the purpose of PD 193 as stated below, and shows poor land use. The occupant would like to reclaim six parking spaces and use the reclaimed area in the Front Yard towards landscape, which is in the spirit of the adjacent park property of the Katy Trail.

By adding additional Front Yard landscape to the property, we are addressing 6 of the points addressed in the purpose of PD 193 as stated in SEC. 51P-193.103. The purposes addressed are (1) to achieve buildings more urban in form, (2) to promote and protect an attractive street level pedestrian environment, (4) to promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues, (7) to promote landscape/streetscape quality and appearance, (8) to aid the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation while at the same time aiding in noise, glare, and heat abatement, (9) to provide visual buffering and enhance the beautification of the city.

Your time in reviewing this request is appreciated.

Regards,

Jennifer Workman, AIA  
Associate  
GFF Architects

BDA 145-105  
Attach A  
pg 5



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA \_\_\_\_\_

Data Relative to Subject Property:

Date: August 18, 2015

Location address: 5024 Tracy Street Zoning District: PD 193 (LC)

Lot No.: 1A Block No.: 4/2017 Acreage: .512 Census Tract: 7.02

Street Frontage (in Feet): 1) 150' 2) 150' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 5024 Tracy, LLC

Applicant: Jennifer Workman, GFF Architects Telephone: 214-303-1500

Mailing Address: 2808 Fairmount Street, #300 Dallas TX Zip Code: 75201

E-mail Address: jennifer.workman@gff.com

Represented by: Jennifer Workman, GFF Architects Telephone: 214-303-1500

Mailing Address: 2808 Fairmount Street, #300 Dallas TX Zip Code: 75201

E-mail Address: jennifer.workman@gff.com

Affirm that an appeal has been made for a Variance X, or Special Exception   , of Six (6) parking spaces out of the required thirty nine (39) for a private office office building.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:  
The property hasnt had more than 15 full time employees in over 30 years of business and 64% of the required parking will go unused on a regular basis. The requested parking spaces will be allocated to landscape which is in the spirit of the adjacent park property of the Katy Trail. Reference attached letter to Board of Adjustment for additional 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.

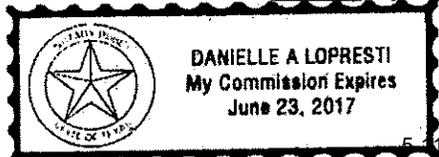
Affidavit

Before me the undersigned on this day personally appeared Jennifer Workman  
(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 18th day of September, 2015

(Rev. 08-01-11)  Danielle A. Lopresti  
Notary Public in and for Dallas County, Texas



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 145-105

Data Relative to Subject Property:

Date: August 18, 2015

Location address: 5024 Tracy Street Zoning District: PD 193 (LC)

Lot No.: 1A Block No.: 4/2017 Acreage: .512 Census Tract: 7.02

Street Frontage (in Feet): 1) 150' 2) 150' 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

*5024*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 5024 Tracy, LLC

Applicant: Jennifer Workman, GFF Architects Telephone: 214-303-1500

Mailing Address: 2808 Fairmount Street, #300 Dallas TX Zip Code: 75201

E-mail Address: jennifer.workman@gff.com

Represented by: Jennifer Workman, GFF Architects Telephone: 214-303-1500

Mailing Address: 2808 Fairmount Street, #300 Dallas TX Zip Code: 75201

E-mail Address: jennifer.workman@gff.com

Affirm that an appeal has been made for a Variance X, or Special Exception   , of Four (4) parking spaces out of the required thirty nine (39) for a private office office building. AND SPECIAL EXCEPTION TO THE VISIBILITY TRIANGLE OBSTRUCTION AT ONE DRIVEWAY.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: The property will never have more than 14 full time employees and 64% of the required parking will go unused on a regular basis. The requested parking spaces will be allocated to landscape which is in the spirit of the adjacent park property of the Katy Trail. Reference attached letter to Board of Adjustment for additional 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.

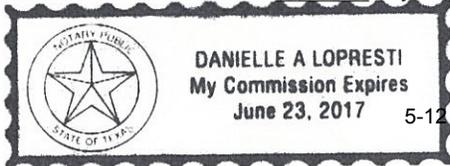
Affidavit

Before me the undersigned on this day personally appeared Jennifer Workman  
(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 18th day of August, 2015



[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

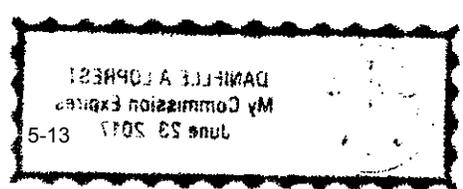
I hereby certify that Jennifer Workman

did submit a request for a special exception to the parking regulations  
at 5024 Tracy Street

BDA145-105. Application of Jennifer Workman for a variance to the parking regulations at 5024 Tracy Street. This property is more fully described as Lot 1A, Block 4/2017, and is zoned PD-193 (LC), which requires parking to be provided. The applicant proposes to construct and maintain a nonresidential structure for an office use and provide 33 of the required 39 parking spaces, which will require a 6 space variance to the parking regulator

Sincerely,

*Larry V. Holmes*  
Larry Holmes, Building Official









**ARCHITECTS  
INTERIORS  
LANDSCAPE  
PLANNING**

**Dallas**  
2808 Fairmount Street, Suite 300  
Dallas, Texas | 75201  
214.303.1500

**Ft. Worth**  
3300 West 7th Street, Suite 110  
Fort Worth, TX | 76107  
817.303.1500

Dallas City Hall  
Board of Adjustment  
1500 Marilla Street  
Dallas, Texas 75201

Re: 5024 Tracy Street  
Special Exception Appeal Letter

To the Honorable Board of Adjustment:

The property is Lot 1A, the northernmost corner of Block 4/2017, and is zoned PD 193 (LC), which requires one parking space per 366 square feet of floor area. The applicant proposes to provide 35 of the required 39 parking spaces, which would require a special exception to the Off-street Parking Regulations of 10%.

The owner and occupant of the proposed 14,000 square foot private office building will never have more than 14 full time employees. The project is located on a .512-acre site and requires 39 parking spaces of which 64% will be regularly unused. To provide this many unused parking spaces is a disservice to the purpose of PD 193 as stated below, and shows poor land use. The occupant would like to reclaim four parking spaces and use the reclaimed area in the Front Yard towards landscape, which is in the spirit of the adjacent park property of the Katy Trail.

By adding additional Front Yard landscape to the property, we are addressing 6 of the points addressed in the purpose of PD 193 as stated in SEC. 51P-193.103. The purposes addressed are (1) to achieve buildings more urban in form, (2) to promote and protect an attractive street level pedestrian environment, (4) to promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues, (7) to promote landscape/streetscape quality and appearance, (8) to aid the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, and storm water runoff retardation while at the same time aiding in noise, glare, and heat abatement, (9) to provide visual buffering and enhance the beautification of the city.

Your time in reviewing this request is appreciated.

Regards,

Jennifer Workman, AIA  
Associate  
GFF Architects





 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;"><b>200'</b></td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;"><b>29</b></td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	<b>200'</b>	AREA OF NOTIFICATION	<b>29</b>	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <b>BDA145-105</b> Date: <b>10/1/2015</b>
<b>200'</b>	AREA OF NOTIFICATION					
<b>29</b>	NUMBER OF PROPERTY OWNERS NOTIFIED					

## *Notification List of Property Owners*

### *BDA145-105*

#### *29 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5024 TRACY ST	TRACY WEBB PROPERTIES INC
2	5019 MCKINNEY AVE	MCKINNEY TERMINAL LLC
3	5031 MCKINNEY AVE	AAB L L C
4	5114 MCKINNEY AVE	NIC 16 MONTICELLO WEST OWNER LLC
5	5010 TRACY ST	ALLMAN PROPERTY COMPANY NO 2 LTD
6	5005 MCKINNEY AVE	STREETLIGHTS RESIDENTIAL
7	5110 TRACY ST	SLATE RIVER PROPERTIES LP
8	5106 TRACY ST	TRH PROPERTIES LLC
9	5037 TRACY ST	ALLMAN PROPERTY COMPANY 3
10	401 BUCKNER BLVD	DART
11	5010 ABBOTT AVE	SCHALLER DAVID
12	5012 ABBOTT AVE	FAVORS MICHAEL A & TAMMY
13	5014 ABBOTT AVE	SHIRES GEORGE T III &
14	5016 ABBOTT AVE	WATKINS DAVID L & LORI A
15	5018 ABBOTT AVE	SPEIGHT TRACY E
16	5020 ABBOTT AVE	AUCTION PROPERTIES FUND I LLC
17	3205 DARTMOUTH AVE	RALSTON BENJAMIN P & BONNY KATHERINE
18	3203 DARTMOUTH AVE	FERNANDES VALMIR
19	5008 ABBOTT AVE	JORDAN TIMOTHY & APRIL
20	5025 CENTRAL EXPY	TURLEY WINDLE & SHIRLEY A
21	5016 MCKINNEY AVE	FRANCIS CORPORATION
22	5014 MCKINNEY AVE	RYDER JAMES LLC
23	3131 HARVARD AVE	STREETLIGHTS RESIDENTIAL
24	5011 MCKINNEY AVE	MCCASLIN SCOTT &
25	5114 TRACY ST	SLATE RIVER PPTIES LP
26	3110 WEBB AVE	TRH PROPERTIES LLC

10/01/2015

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5115 MCKINNEY AVE	KINDRED TOM W
28	5015 TRACY ST	ABA FAMILY TRUST
29	5020 TRACY ST	WAG PARTNERS LP