

ZONING BOARD OF ADJUSTMENT, PANEL B  
WEDNESDAY, SEPTEMBER 20, 2017  
AGENDA

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BRIEFING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	11:00 A.M.
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PUBLIC HEARING	L1FN CONFERENCE CENTER AUDITORIUM 1500 MARILLA STREET DALLAS CITY HALL	1:00 P.M.
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**Donna Moorman, Chief Planner**  
**Steve Long, Board Administrator**

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**MISCELLANEOUS ITEM**

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Approval of the August 16, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
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**UNCONTESTED CASES**

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<b>BDA167-096(SL)</b> 5300 Mountain Creek Parkway <b>REQUEST:</b> Application of Andy Hammer for a special exception to the tree preservation regulations	1
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<b>BDA167-103(SL)</b> 1555 San Saba Drive <b>REQUEST:</b> Application of Jessica W. Hammons, represented by Erik Thornton, for a variance to the front yard setback regulations	2
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**HOLDOVER CASE**

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<b>BDA167-084(SL)</b> 17787 Waterview Parkway <b>REQUEST:</b> Application of Santos T. Martinez for a variance to the rear yard setback regulations	3
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**REGULAR CASE**

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<b>BDA167-093(SL)</b> 6444 Lavendale Avenue <b>REQUEST:</b> Application of Roger Gault, represented by Stephen Hundley, for a variance to the side yard setback regulations	4
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## EXECUTIVE SESSION NOTICE

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

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

**FILE NUMBER:** BDA167-096(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Andy Hammer for a special exception to the tree preservation regulations at 5300 Mountain Creek Parkway. This property is more fully described as Lot 1, Block A/8722, and is zoned PD-521 (SC-1), which requires mandatory tree mitigation. The applicant proposes to construct and maintain structures and provide an alternate plan for tree mitigation, which will require a special exception to the tree preservation regulations.

**LOCATION:** 5300 Mountain Creek Parkway

**APPLICANT:** Andy Hammer

**REQUEST:**

A request for a special exception to the tree preservation regulations is made as it relates to removing trees on the property and seeking exception to extend the tree mitigation coverage for a conservation easement to greater than the 80% maximum reduction allotted by the code on the subject site that is being developed as a light industrial use.

**STANDARD FOR A SPECIAL EXCEPTION TO THE TREE PRESERVATION REGULATIONS:**

The board may grant a special exception to the tree preservation regulations of this article upon making a special finding from the evidence presented that:

- (1) strict compliance with the requirements of this article will unreasonably burden the use of the property;
- (2) the special exception will not adversely affect neighboring property; and
- (3) the requirements are not imposed by a site-specific landscape plan approved by the city plan commission or city council.

In determining whether to grant a special exception, the Board shall consider the following factors:

- the extent to which there is residential adjacency;
- the topography of the site;
- the extent to which landscaping exists for which no credit is given under this article; and
- the extent to which other existing or proposed amenities will compensate for the reduction of landscaping.

## **STAFF RECOMMENDATION**

Approval, subject to the following conditions:

1. Compliance with the submitted alternate tree replacement plan is required.
2. All conservation easements for this application must be recorded and filed within six months of the Board action date.

Rationale:

- The Chief Arborist recommends approval of the request because in his opinion, strict compliance with the requirements of the code will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property.

## **BACKGROUND INFORMATION:**

### **Zoning:**

<u>Site:</u>	PD 521 (Planned Development)
<u>North:</u>	PD 521 (Planned Development)
<u>South:</u>	PD 521 (Planned Development)
<u>East:</u>	PD 521 (Planned Development)
<u>West:</u>	PD 521 (Planned Development)

### **Land Use:**

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

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

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

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

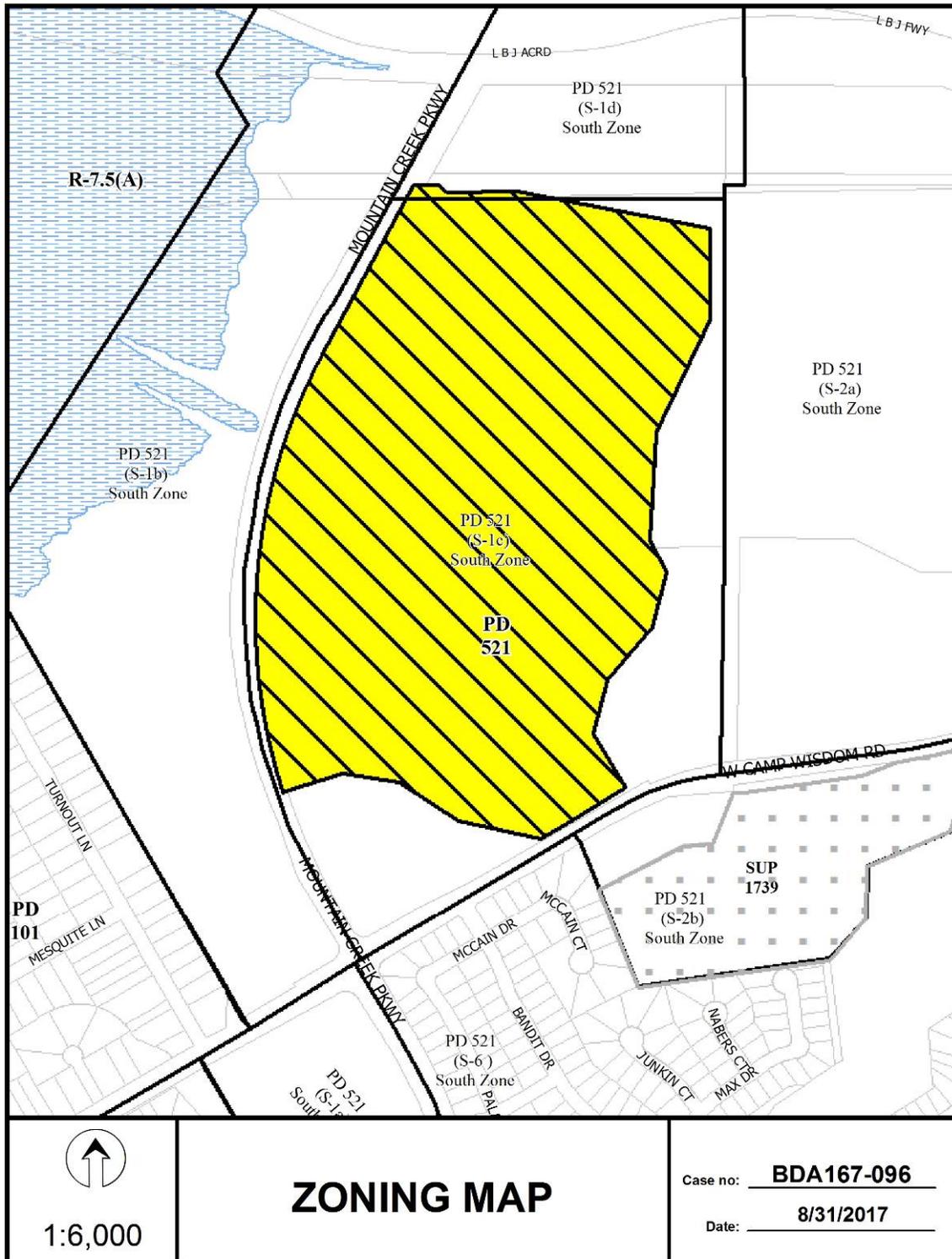
- This request for a special exception to the tree preservation regulations focuses on removing trees on the property and seeking exception to extend the tree mitigation coverage for a conservation easement to greater than the 80% maximum reduction allotted by the code on the subject site that is being developed as a light industrial use.
- The Dallas Development Code requires full compliance with the Tree Preservation Regulations with new construction or with increasing non-permeable coverage by more than 2,000 square feet.

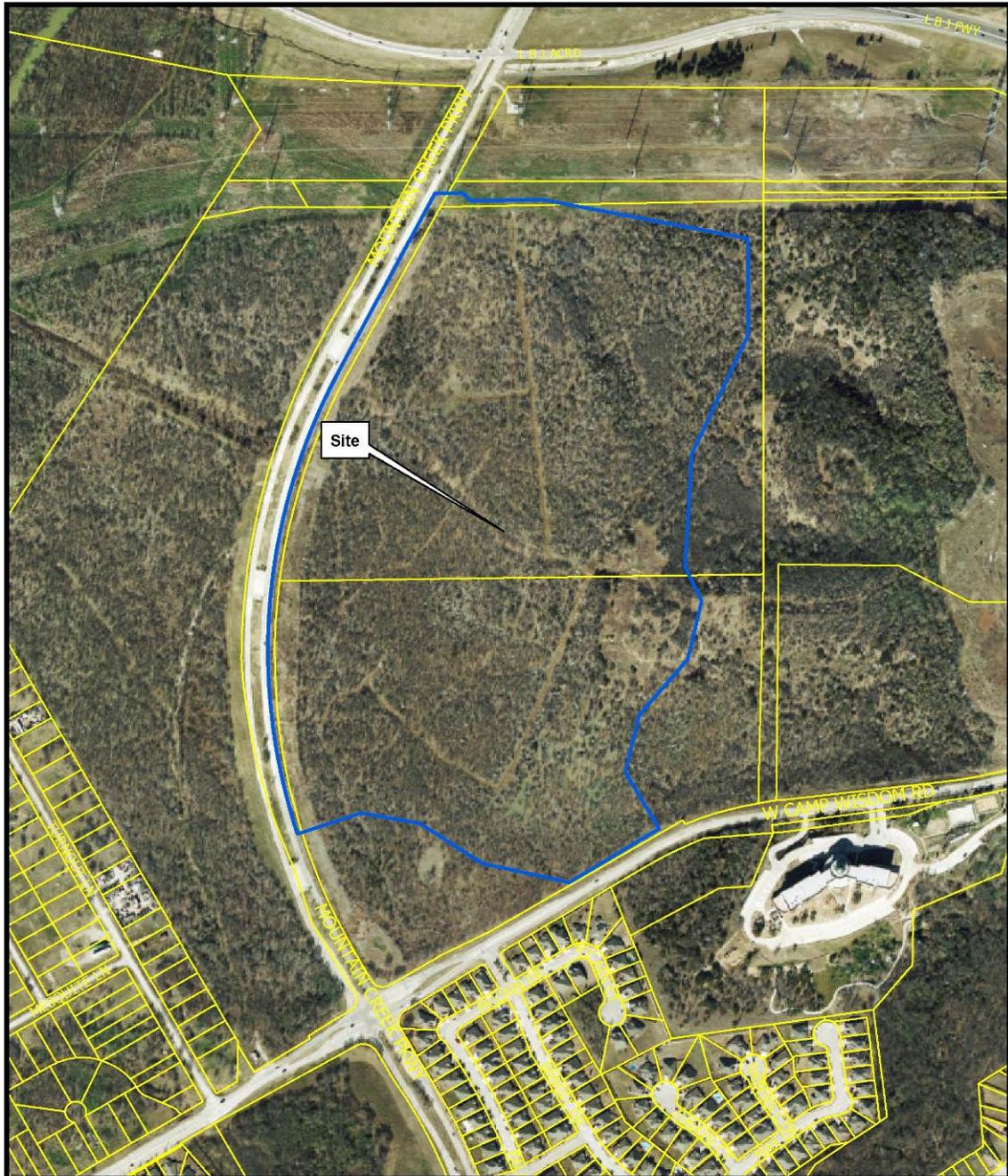
- The Dallas Development Code states that the Tree Preservation, Removal, and Replacement division of Article X applies to all property in the city except for: 1) lots smaller than two acres in size that contain single-family or duplex uses; and 2) lots in a planned development district with landscaping and tree preservation regulations that vary appreciably from those in the article, as determined by the building official.
- The Tree Preservation Regulations of the Dallas Development Code states that if a tree removal application is approved, one or more healthy replacement trees must be planted in accordance with among other things quantity - the total caliper of replacement trees must equal or exceed the total caliper of protected trees removed or seriously injured.
- The Tree Preservation Regulations of the Dallas Development Code states that a property owner can comply with tree preservation regulations by mitigating the removed trees if the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent for the responsible party to plant a replacement tree on the lot where the protected tree was removed or seriously injured, in any of the alternative methods provided for in Article X: donating trees to the Park Department, planting replacement trees on other property within one mile of the tree removal property, making payment into the Reforestation Fund, and/or granting a conservation easement area.
- The applicant has submitted an alternate tree mitigation/replacement plan in conjunction with this application.
- The City of Dallas Chief Arborist submitted a memo regarding this request to the Board Administrator (see Attachment A). The memo stated how the applicant is requesting a special exception to the tree preservation regulations of Article X. Specifically, the request is to extend the tree mitigation coverage for a conservation easement to greater than the 80% maximum reduction allotted in Section 51A-10.135(a)(4)(D); and that the applicant asks the Board to consider the introduction of at least two conservation easements and the quality of woodland protection remaining for the community.
- The City of Dallas Chief Arborist's memo states that the applicant is developing 78.4 acres of a 104-acre site with a warehouse use, and that it has been determined the calculated protected inches to be mitigated for tree removal is 28,224 inches.
- The City of Dallas Chief Arborist's memo states the following:
  1. Section 51A-10.134 – As required, the owner will plant trees on the property for compliance with ordinances. Based on an approved landscape plan, a minimum of 1,800 inches are to be on site.
  2. Section 51A-10.135 – As provided in ordinance, the owner will form permanent conservation easements to preserve woodland area on the property, and off-site, and to reduce the overall mitigation by at least 80%. The easements are 1) on-site with 27 acres (104 acre site) with a calculated value of 9,853 protected inches in the area, and 2) off-site with a purchased 43 acre heavily-wooded site at 4700 W Ledbetter Drive, which is composed at least 28,264 protected inches of trees surrounding a portion of Five Mile Creek.
- The City of Dallas Chief Arborist's memo states the following with regard to deficiencies:

- Under provisions of ordinance, the maximum a property can expect relief for conservation easements is an 80% reduction, or 22,579 inches for this property. The owner is required to provide an amount of tree replacement on the property which is determined to be about 1,800 inches when planting 3" caliper trees. This would leave at least 3,845 inches of tree mitigation (13%) left to complete through additional alternative methods of completion by planting individual trees or fee payment.
- The City of Dallas Chief Arborist's memo states the following factors:
  - The owner of the property is restricting use of 27 acres on the construction site which will retain woodland areas along the southern and eastern (upland) sectors of the property which buffer the use from the nearby single-family and multifamily residential areas.
  - The owner has acquired 43 acres of woodland to permanently restrict from development and that contains a quality mixed-hardwood stand which also helps protect the creek.
  - In order to attain a maximum of 80% reduction for easements, a 104 acre property would require at least 52 acres of easement property. The applicant is presenting 70 acres of woodland habitat for permanent protection with a minimum total of 38,117 inches of protected trees. Tree removal is calculated at 28,224 inches.
  - Additional inches will be planted on the property as a fulfillment to complete required landscaping.
  - The 43-acre property at Ledbetter is one segment of wooded land along Five Mile Creek which would be suitable for additional protections. A conservation easement already exists south of the property which was established in conjunction with a residential development. Other adjacent properties may be conserved, or acquired separately through the Reforestation Fund.
  - The tree removal property was primarily an unmanaged heavily-wooded property still in an early succession stage with a vast majority of mesquite, honeylocust, and various other species. Upland areas on the slopes, which contain more elm and hackberry, will be under the easement protection. New landscaping in the development area will be widely installed with permanent maintenance and provide enhanced buffering to the community.
- The Chief Arborist recommends approval of the alternate tree replacement plan because strict compliance with the requirements of this article will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property. The Chief Arborist recommends all conservation easements for this case be recorded and filed within six months of the Board action date.
- The applicant has the burden of proof in establishing the following:
  1. Strict compliance with the requirements of the Tree Preservation Regulations of the Dallas Development Code will unreasonably burden the use of the property.
  2. The special exception will not adversely affect neighboring property.
- If the Board were to grant this request and impose the staff suggested conditions to the request, the site would be provided exception from the maximum reduction allowed for tree mitigation coverage for a conservation easement in which to mitigate for trees removed on the subject site.

## **Timeline:**

- June 20, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 8, 2017: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<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 5, 2017: 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 Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- September 7, 2017: The City of Dallas Chief Arborist submitted a memo regarding this request (see Attachment A).





1:6,000

# AERIAL MAP

Case no: BDA167-096

Date: 8/31/2017

# Memorandum



CITY OF DALLAS

Date September 7, 2017  
To Steve Long, Board Administrator  
Subject BDA #167-096 Arborist report – 5300 Mountain Creek Parkway

## Request

The applicant is requesting a special exception to the tree preservation regulations of Article X. Specifically, the request is to extend the tree mitigation coverage for a conservation easement to greater than the 80% maximum reduction allotted in Section 51A-10.135(a)(4)(D). The applicant asks the Board to consider the introduction of at least two conservation easements and the quality of woodland protection remaining for the community.

## Provision

The applicant is developing 78.4 acres of a 104 acre site with a warehouse use. It has been determined the calculated protected inches to be mitigated for tree removal is 28,224 inches.

- Section 51A-10.134 – As required, the owner will plant trees on the property for compliance with ordinances. Based on an approved landscape plan, a minimum of 1,800 inches are to be on site.
- Section 51A-10.135 – As provided in ordinance, the owner will form permanent conservation easements to preserve woodland area on the property, and off-site, and to reduce the overall mitigation by at least 80%. The easements are 1) on-site with 27 acres (104 acre site) with a calculated value of 9,853 protected inches in the area, and 2) off-site with a purchased 43 acre heavily-wooded site at 4700 W Ledbetter Drive, which is composed at least 28,264 protected inches of trees surrounding a portion of Five Mile Creek.

## Deficiencies

Under provisions of ordinance, the maximum a property can expect relief for conservation easements is an 80% reduction, or 22,579 inches for this property. The owner is required to provide an amount of tree replacement on the property which is determined to be about 1,800 inches when planting 3" caliper trees. This would leave at least 3,845 inches of tree mitigation (13%) left to complete through additional alternative methods of completion by planting individual trees or fee payment.

## Factors

- The owner of the property is restricting use of 27 acres on the construction site which will retain woodland areas along the southern and eastern (upland) sectors of the property which buffer the use from the nearby single-family and multifamily residential areas.

- The owner has acquired 43 acres of woodland to permanently restrict from development and that contains a quality mixed-hardwood stand which also helps protect the creek.
- In order to attain a maximum of 80% reduction for easements, a 104 acre property would require at least 52 acres of easement property. The applicant is presenting 70 acres of woodland habitat for permanent protection with a minimum total of 38,117 inches of protected trees. Tree removal is calculated at 28,224 inches.
- Additional inches will be planted on the property as a fulfillment to complete required landscaping.
- The 43-acre property at Ledbetter is one segment of wooded land along Five Mile Creek which would be suitable for additional protections. A conservation easement already exists south of the property which was established in conjunction with a residential development. Other adjacent properties may be conserved, or acquired separately through the Reforestation Fund.
- The tree removal property was primarily an unmanaged heavily-wooded property still in an early succession stage with a vast majority of mesquite, honeylocust, and various other species. Upland areas on the slopes, which contain more elm and hackberry, will be under the easement protection. New landscaping in the development area will be widely installed with permanent maintenance and provide enhanced buffering to the community.

### **Recommendation**

The chief arborist recommends approval of the alternate tree replacement plan because strict compliance with the requirements of this article will unreasonably burden the use of the property, and the special exception will not adversely affect neighboring property. I recommend all conservation easements for this case be recorded and filed within six months of the Board action date.

Philip Erwin  
Chief Arborist  
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-096

Data Relative to Subject Property: (S300) 5100 Mountain Creek Parkway Date: June 20, 2017

Location address: ~~8101 Camp Wisdom Road~~ Zoning District: PD 521 (S-1C)

Lot No.: 1 Block No.: A/8722 Acreage: 82.388 Census Tract: \_\_\_\_\_

Street Frontage (in Feet): 1) 2,628 2) 403 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): First Industrial, L.P., a Delaware Limited Partnership  
Andy Hammer,

Applicant: First Industrial Realty Trust, Telephone: 972-419-5714

Mailing Address: Inc. 2475 Merritt Drive, Garland, TX Zip Code: 75041

E-mail Address: ahammer@FirstIndustrial.com

Represented by: Andy Hammer, Construction Man. Telephone: 214-535-5699

Mailing Address: 2475 Merritt Drive, Garland, TX Zip Code: 75041

E-mail Address: ahammer@firstindustrial.com

Affirm that an appeal has been made for a Variance \_\_\_\_\_, or Special Exception , of \_\_\_\_\_  
Sec. 51A-10.134.1, requiring inch for inch replacement of  
trees removed during construction.

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:  
Inch per inch replacement on this site constitutes a severe  
hardship. Of 28,224" req. mitigation, the max of 80% (22,579"0  
is being mitigated through conservation easement. Applicant requests  
a waiver of remaining 5,645".

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.

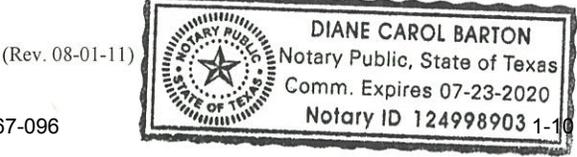
Affidavit

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

Subscribed and sworn to before me this 22nd day of June, 2017



Diane Carol Barton  
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**

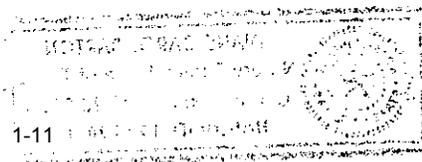
I hereby certify that Andy Hammer

did submit a request for a special exception to the landscaping regulations  
at 5300 Mountain Creek Parkway

BDA167-096. Application of Andy Hammer for a special exception to the landscaping regulations at 5300 Mountain Creek Parkway. This property is more fully described as Lot 1, Block A/8722, and is zoned PD-521 (SC-1), which requires mandatory landscaping and tree mitigation. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan for tree mitigation, which will require a special exception to the landscape and tree preservation regulationsexception to the landscape regulations.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official



# City of Dallas

## Internal Development Research Site

BDA 167-096

### Legend

#### Locate Property

Search by:

GIS Account #

Locate

OR

Street address.

5100 mountain creek

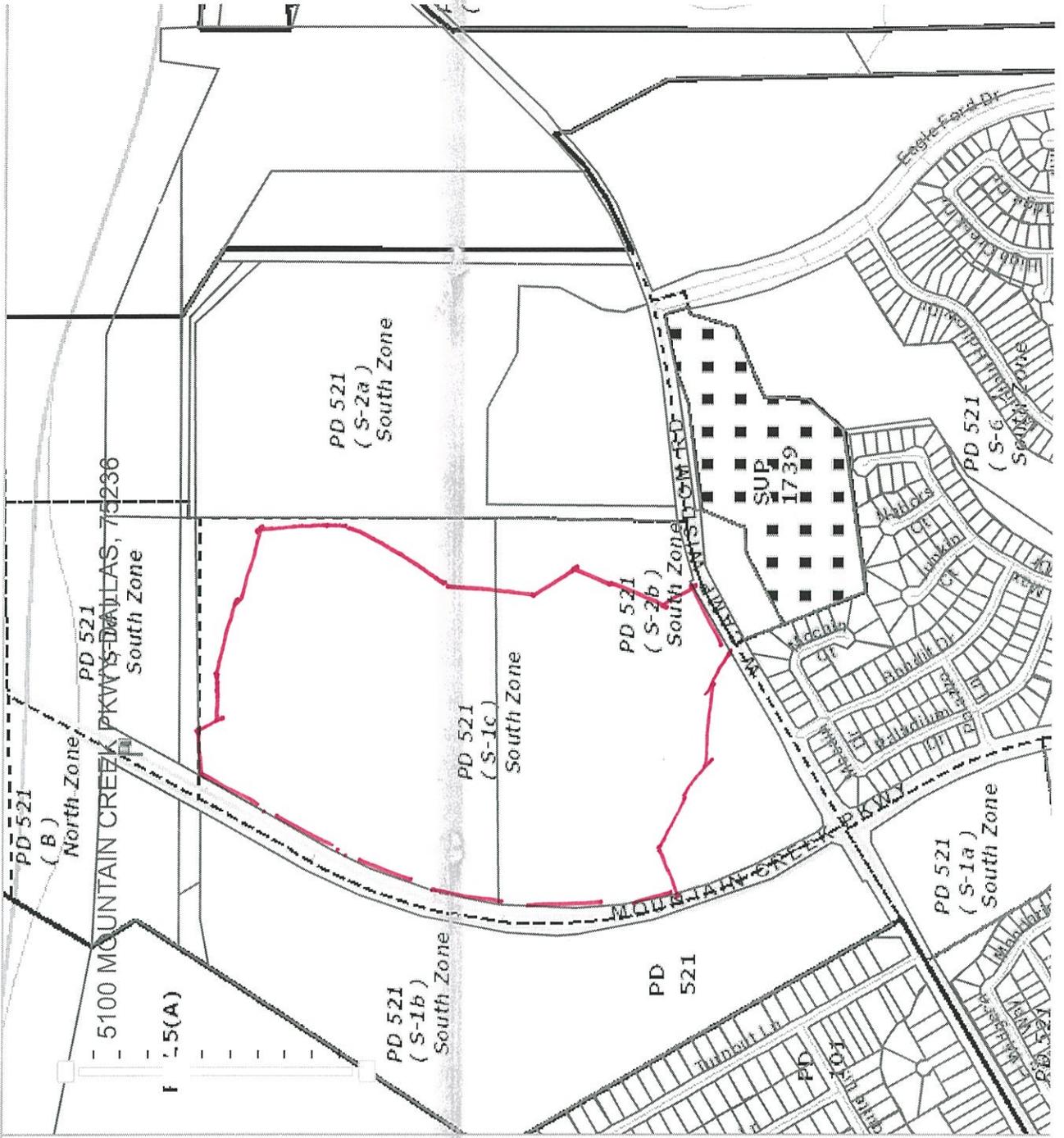
Locate

OR

Parcel address.

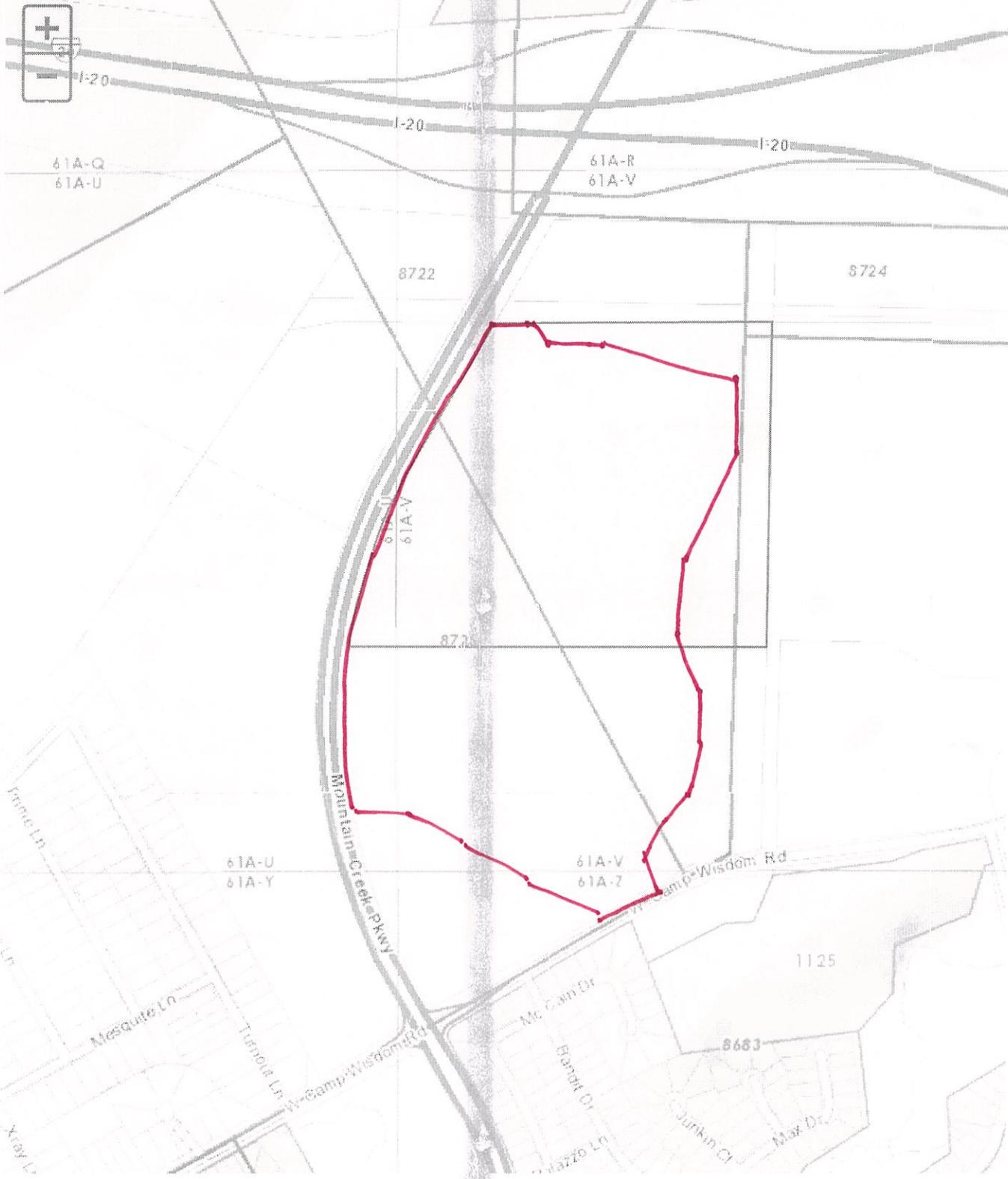
Use street type for better re

Locate

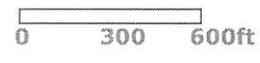




DCAD Property Map



*AmH*



*N.T.S.*



July 19, 2017  
PK No.: 3518-17.100

**Mr. Steve Long**  
*Board Administrator, Board of Adjustments*  
**CITY OF DALLAS**  
1500 Marilla, 5BN  
Dallas, Texas 75201

Re: **MOUNTAIN CREEK – 104 ACRES**  
**Board of Adjustment: Alternative Mitigation Summary & Intent**  
*Dallas, Texas*

Dear Mr. Long:

This memo is to succinctly describe the intended method of achieving tree mitigation requirements for the Mountain Creek 104 acre site being developed by First Industrial.

Of the total 104 acre site, approximately 78.4 acres will be cleared for the development of an industrial building complex. This is referred to as "Area Impacted." During the early survey and design work, the following was done to limit clearing:

- A tree sampling was done to determine the locations on site with the most worthwhile trees of larger calipers.
- Site was developed to limit and avoid the removal of worthwhile trees in those areas. Of the trees removed, the overwhelming majority are Mesquite trees.
- Where feasible, the Owner has installed retaining walls to limit the removal of worthwhile trees (primarily Cedar Elms) in locations where they are prominent.
- These undisturbed/protected areas are to be set aside in a conservation easement.

Of the 78.4 acres that have been cleared, caliper inches of protected species by ordinance totals 28,224". The largest removal areas are sampled at over 95% mesquite trees, an undesirable mono-culture. **However, per ordinance, the Owner is required to mitigate 28,224"**.

Proposed mitigation for 28,224" will take place via three (3) methods:

Method #1: Conservation Easements

- 27 Acre Conservation Easement on this site with a calculated protected value of 9,853" of primarily high-value Cedar Elm.
- The Owner purchased a high-value, 43 Acre site to dedicate as a permanent Conservation Easement off Leadbetter Street with a calculated protected value of at least 28,264".
- Per ordinance, only 80% of the conservation easement inches are allowed as mitigation. 28,224 x 80% = 22,579" mitigated through conservation easement, leaving 5,645" to mitigate)

Method #2: On-Site Planting

- +/- 600 trees, 3" caliper = 1,800"
- 5,645" – 1,800" = 3,845" remaining to mitigate.

Mr. Steve Long  
July 19, 2017  
Page 2

Method #3: Board of Adjustments Waiver

The Owner is requesting the remaining 3,845" remaining to mitigate be waived by the Board for the following reasons:

- Total inches planted on site or dedicated in easement by the Owner total 39,917", a net increase of 41% over all the trees removed for the project.
- The trees on the conservation easement sites are high quality, mature riparian hardwood varieties in an important stream corridor worth preservation.
- The Owner voluntarily chose to purchase 43 acres of high quality canopy coverage to meet the spirit of the ordinance, rather than merely request a waiver of the Mesquite-intensive trees on the developed site.

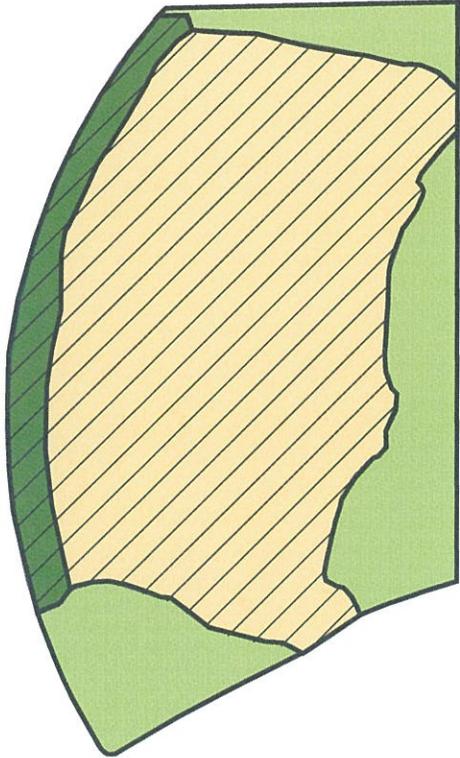
Sincerely,

A handwritten signature in black ink, appearing to read "Wade Peterson", with a horizontal line extending from the end of the signature.

Wade C. Peterson, R.L.A., LEED®AP

WCP/jmc  
3518-17.100\_Mitigation Summary for Board

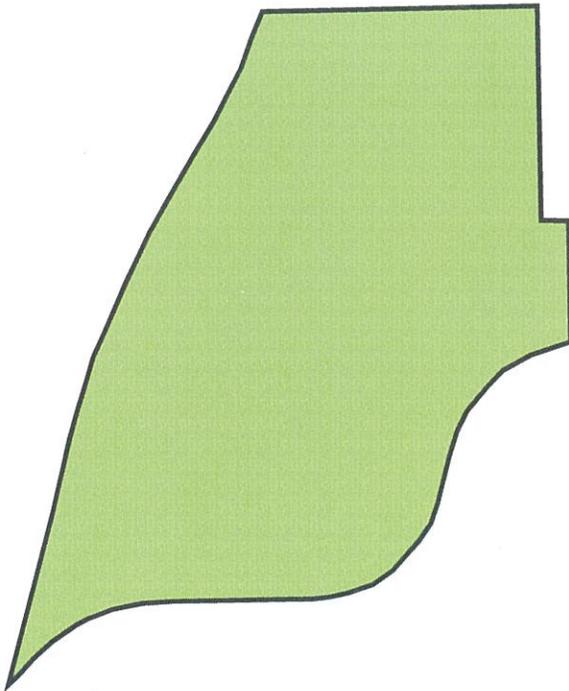
## MOUNTAIN CREEK 104 ACRE



FIRST INDUSTRIAL REQUESTS THAT THE BOARD GRANT THE ALTERNATIVE MITIGATION REQUEST ON THE CONDITION THAT:

1. (600) 3" CALIPER TREES ARE PLANTED ON SITE.
2. 27 ACRE CONSERVATION EASEMENT IS DEDICATED ON SITE.
3. 43 ACRE CONSERVATION EASEMENT IS DEDICATED ON THE LEDBETTER SITE.

## LEDBETTER 43 ACRE







4700 W. Ledbetter Dr. Dallas



VICINITY MAP

LEGEND

○	EXISTING TREE
○	EXTENT OF TREE SURVEY
▨	AREA NOT SURVEYED



INTERIM REVIEW  
 THESE DOCUMENTS ARE PRELIMINARY AND SUBJECT TO REVISION PRIOR TO CONSTRUCTION.  
 THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND THE INFORMATION HAS BEEN OBTAINED FROM THE RECORD PLANS AND SURVEY DATA.

ISSUED FOR PRELIMINARY PRICING PURPOSES ONLY  
 (SUBJECT TO REVISION PRIOR TO CONSTRUCTION)  
 THESE DOCUMENTS HAVE BEEN PREPARED BY THE ENGINEER WITH THE INTENT OF PROVIDING AN ESTIMATE OF COSTS FOR CONSTRUCTION. THE CITY OF DALLAS HAS REVIEWED AND APPROVED AND ISSUED FOR CONSTRUCTION IN THE CITY OF DALLAS. THE CITY OF DALLAS DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED IN THESE DOCUMENTS. THE USER ASSUMES THEIR OWNERSHIP OF THE INFORMATION AND THE ENGINEER AND THE FEDERAL FOR REVISION PRIOR TO ANY CONSTRUCTION.

NO.	DATE	REVISION			
<b>Pacheco Koch</b> 2007 BARBER ROAD, SUITE 1400 DALLAS, TX 75201, 972.206.2001 TX REG. SURVEYING FIRM L1-10120005					
TREE INVENTORY PLAN ±43.151 AC TRACT 4700 W. LEDBETTER DR.					
CITY OF DALLAS, DALLAS COUNTY, TEXAS					
REVISION	DATE	SCALE	NOTES	FILE	NO.
WCP	6-4	1"=30'	MAY 2017		TM-2









**PLANT SCHEDULE**

TRACES	COMMON HAWK
PC	CHERRY PISTACHE
	FORNIA CHITRANS
QV	SOUTHERN LIFT OAK
	GREYDUS VIGORANA
TD	PAID CYPRESS
	LAODOLUW DOSTOCHUM
UL	CHINESE ELM
	LIUWIS HARTFOULIA
	LAELBARK ELM
ORNA/MENTAL TREES	COMMON HAWK
CO	RELATIONA REHARD
	GENUS CAMOERIS
	OUALOUVA
LNZ	NATCHEZ CRANE WATTLE
	LAGISTROVIA INDICA X FAUPEI
	NATCHEZ
SURPLIES	COMMON HAWK
AGE	GLOSSY ABULIK
	ARTIA X GRANITOLPA
	TOWARD GOUCHIER
D	DAWAF RUFFORD HOLLY
	ILY CONVIVA
	"DWARF" SUIFORD
U'	RED CHINESE FRINGE FLOWERS
	LOPHETALLA CHRISSE
	PITA S RED
IPP	PEOPLE PANT LORPTELLUM
	LODRETELLA GRINISE
	"HAYLE" PIPE
MPP	FRANGI SOU JHIN VAS MARTLE
	KAPKA FUSULA
PV	MARLETS DWARF PTERODRIV
	WATER PEAR TOMBA
	MARLETS DWARF
GROUND COVERS	COMMON HAWK
W'	POURFIELD WAX
MPT	MEXICAN FEATHERGRASS
	MASSUA TRIPESAMA
	TOOK "AUS"
OK	POURFIELD WAX
UV	LIPPER SOPS
	WAX
SOURCED	COMMON HAWK
CD	POURFIELD WAX
	COMMON DACTYON

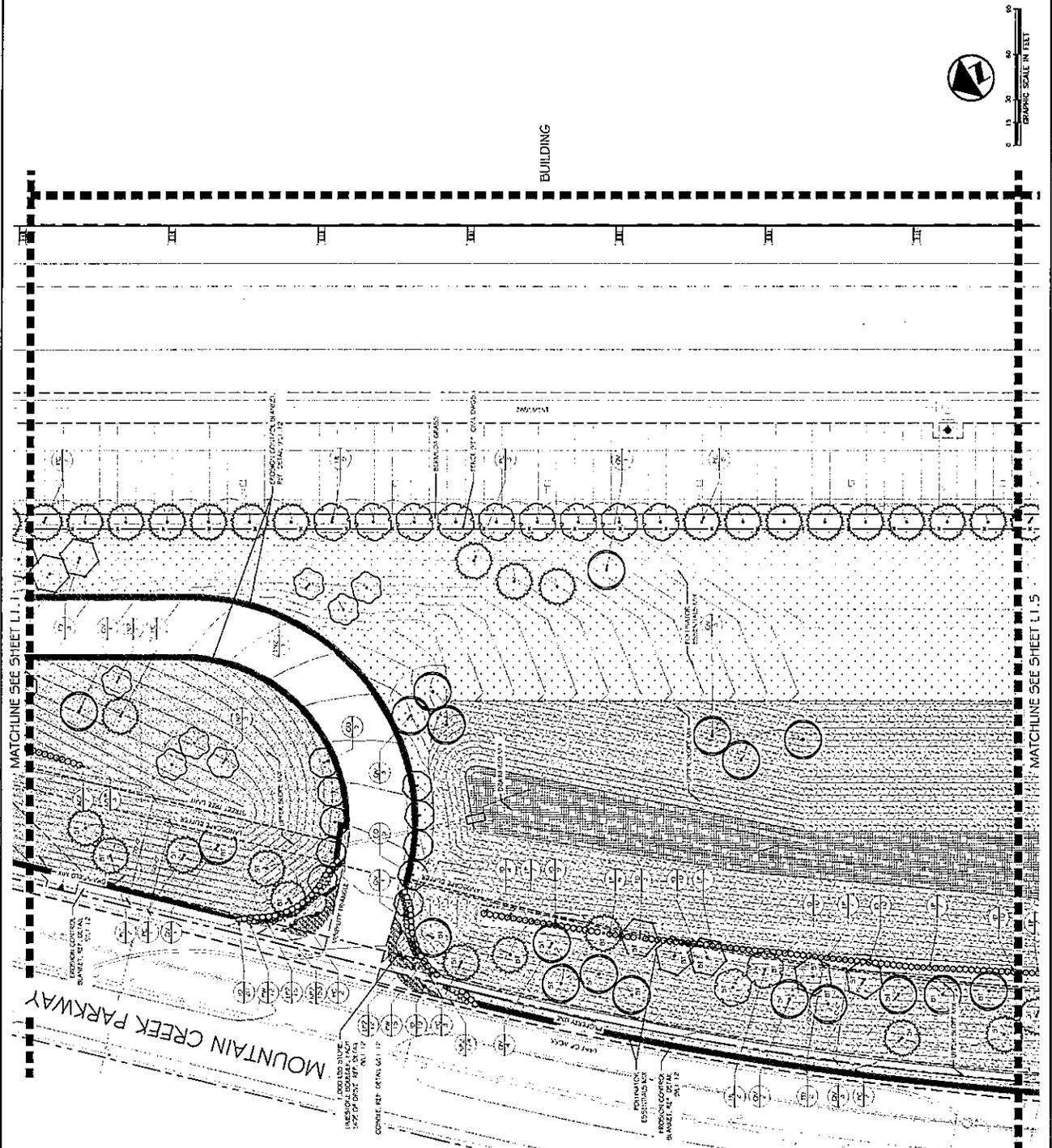
**INTERIM REVIEW**  
 THIS DOCUMENT HAS BEEN REVIEWED FOR CONFORMANCE WITH THE CITY OF DALLAS DESIGN STANDARDS SPECIFICATIONS FOR LANDSCAPE ARCHITECTURE. THIS REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE DRAWING AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED OR THE ADEQUACY OF THE DESIGN FOR THE PROJECT. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.

**ISSUED FOR PRELIMINARY PRICING PURPOSES ONLY**  
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**Pacheco Koch**  
 ARCHITECTS  
 1000 PASTOR DRIVE, SUITE 1000  
 DALLAS, TEXAS 75201  
 TEL: 214.760.1000  
 FAX: 214.760.1001  
 WWW.PACHECO-KOCH.COM

**PLANTING PLAN**

FIRST INDUSTRIAL MOUNTAIN CREEK					
LOT 1 BLOCK A8772					
FIRST INDUSTRIAL ADDITION					
CITY OF DALLAS, DALLAS COUNTY, TEXAS					
NO.	DATE	SCALE	INTER.	FILE	NO.
100	10/10/17	1"=50'			L1.03







**PLANT SCHEDULE**

FC	COMMON NAME SCIENTIFIC NAME
CV	SOUTHERN LIVE OAK QUERCUS VIRGINIANA
TD	PAID CYPRESS TAXODIUM DISTICHUM
U	CHINESE ELY TREE ELMIS PANSYFLOIA 'LACEBARK ELY'
CO	ORNAMENTAL GRASS OLANOVIA PEDUNCULATA CRISPA CAROLINENSIS EN. MOVA
UW	WITCHES HAIR LACINIA SPERMATOPHYTES LACINIA SPERMATOPHYTES
SHRUBS	COMMON NAME SCIENTIFIC NAME
TD	ARLICKA GARDENIA TOMARD COUCHER
VP	DRAGON BURNING HOLLY RILEY COPULATA 'DWARF BURNING HOLLY'
ITP	RED CHINESE PRINCE FLOWERS LODGEONIA CHINESE 'PRINCE FLOWERS'
MP	PURPLE PINE LODGEONIA CHINESE 'PURPLE PINE'
MP	DWARF SOUTHERN WAX WAX APRICA FLORIDA
PV	WHEELER'S DWARF PITCOLODIA TORREYA 'WHEELER'S DWARF'
GRASS	COMMON NAME SCIENTIFIC NAME
W	DWARF RED GRASS
NPT	MEXICAN TEAHOUSE GRASS HASSLEIA TERRESTRIALIS 'YORK TULSY'
CR	TOLUIDO ESSENTIALS SOLID IRR
SW	UPPER SOFT MIX
SCHEDULED	COMMON NAME SCIENTIFIC NAME CANDORUM FACTORY



GRAPHIC SCALE IN FEET  
0 10 20 30 40 50

**INTERIM REVIEW**  
THIS DOCUMENT IS FOR PRELIMINARY PURPOSES ONLY. IT IS SUBJECT TO REVISION FROM THE CITY OF DALLAS. THE CITY OF DALLAS IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

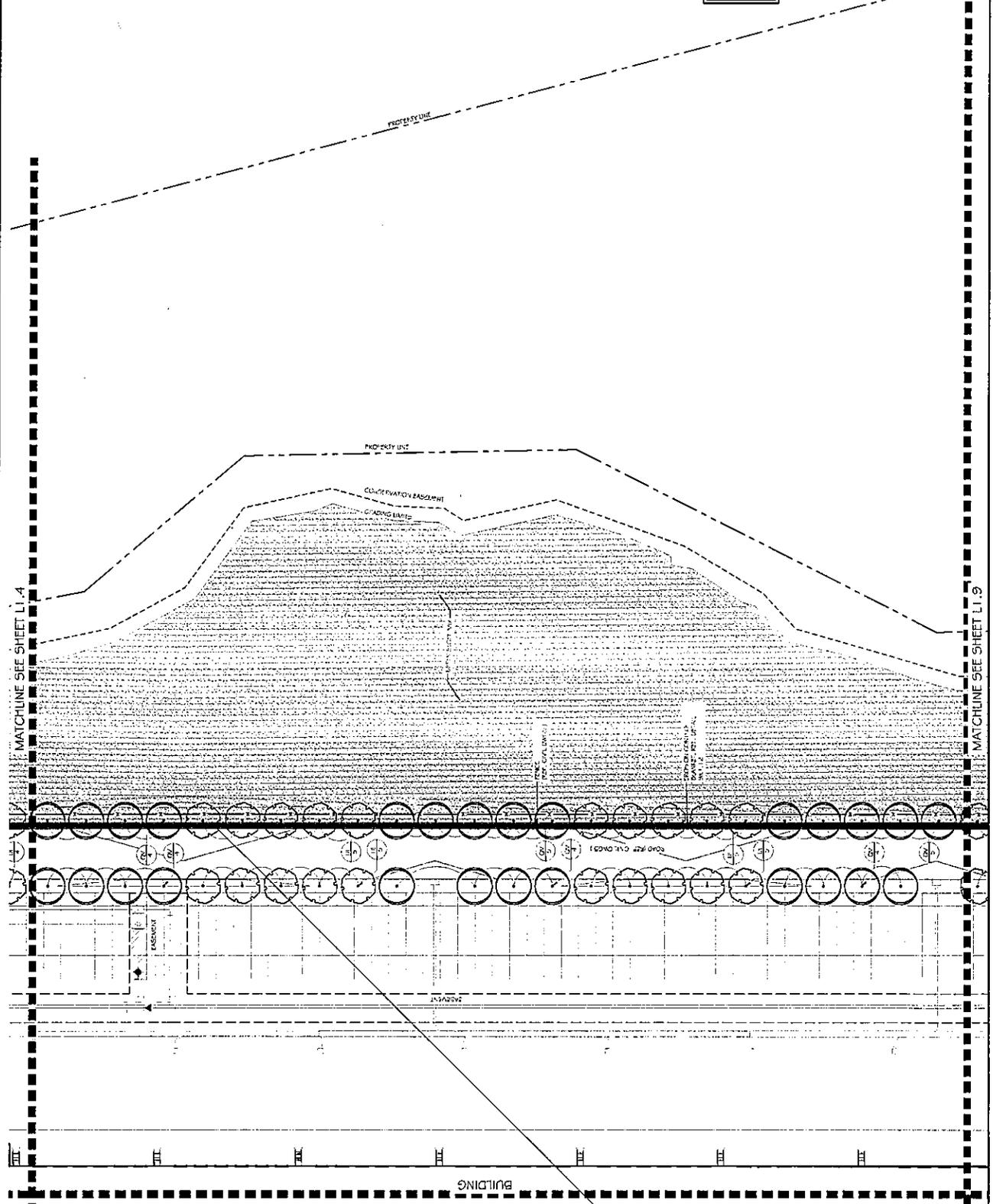
**ISSUED FOR PRELIMINARY PRICING PURPOSES ONLY**  
(SUBJECT TO REVISION FROM THE CITY OF DALLAS)  
THESE DOCUMENTS HAVE BEEN PREPARED BY THE ARCHITECT WITH THE INTENT OF BEING USED FOR PRELIMINARY PRICING PURPOSES ONLY. THEY ARE NOT TO BE USED FOR CONSTRUCTION. THE CITY OF DALLAS IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

**Pacheco Koch**  
2007 PARKWAY ROAD, SUITE 1000  
DALLAS, TX 75201 972.333.1000  
WWW.PACHECO-KOCH.COM

**PLANTING PLAN**

FIRST INDUSTRIAL MOUNTAIN CREEK  
LOT 1 BLOCK A8722  
FIRST INDUSTRIAL ADDITION  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DATE	SCALE	NOTES	NO.
MAY 2017	1"=30'		L1.06







**PLANT SCHEDULE**

SYMBOL	PLANT NAME
PC	COMMON NAME
OV	SOUTHERN BEECH
TD	AMERICAN CYPRESS
UL	SOUTHERN BEECH
OR	ORANGE
SH	SHRUB
TR	TRUNK
UP	UPPER
LP	LOWER
MP	MIDDLE
FW	FRUIT
GR	GRASS
NTP	NATIVE TREE
CK	COMMON
LV	LEAVY
SC	SCISSOR
GR	GRASS

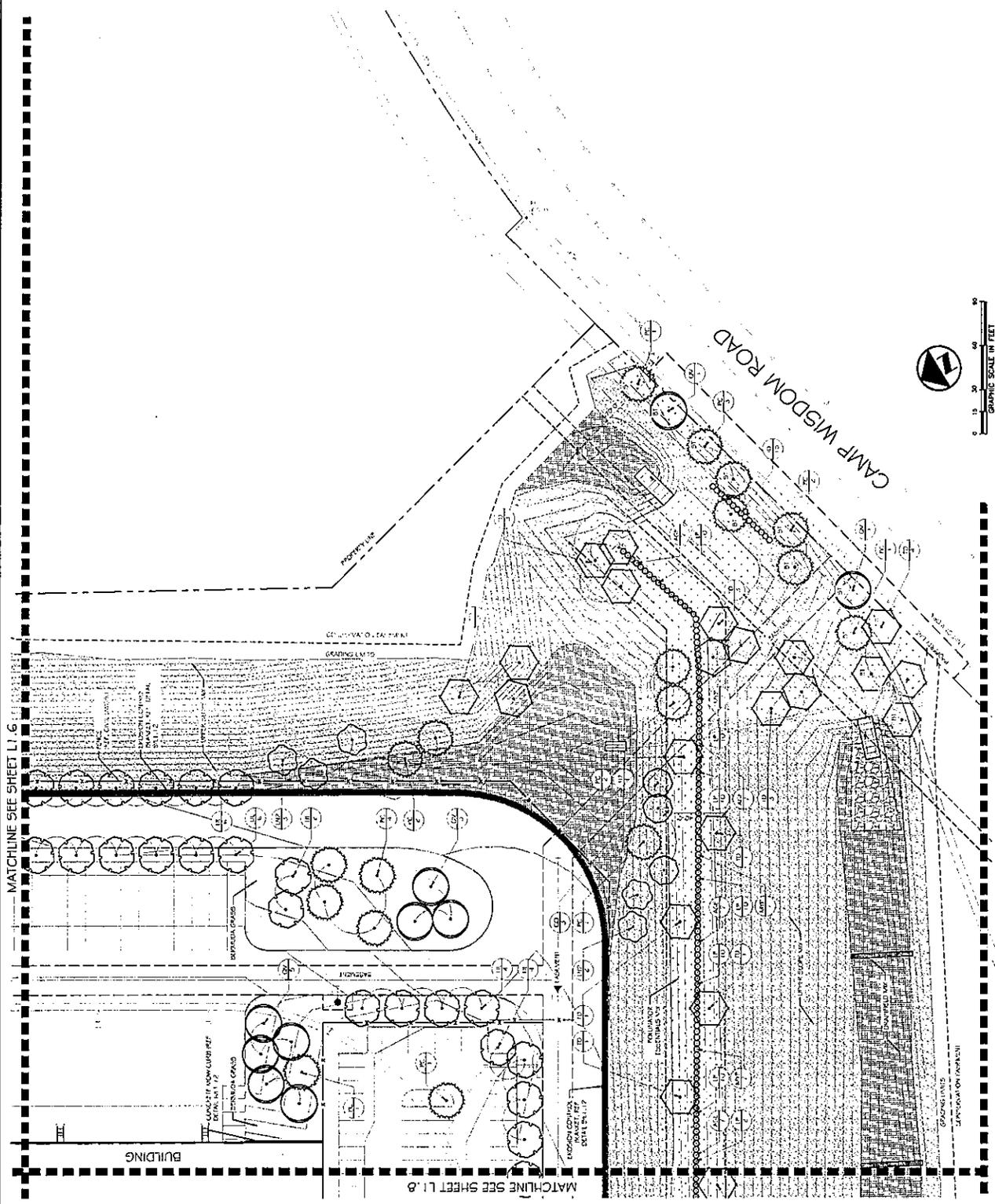
**INTERIM REVIEW**  
 THIS DOCUMENT IS FOR PRELIMINARY PRICING PURPOSES ONLY.  
 IT IS SUBJECT TO REVISION PRIOR TO CONSTRUCTION.

**ISSUED FOR PRELIMINARY PRICING PURPOSES ONLY**  
 THESE DOCUMENTS HAVE BEEN PREPARED BY THE ENGINEER WITH THE INTENT OF  
 PROVIDING A GENERAL IDEA OF THE PLANTING SCHEDULE. THE CITY OF DALLAS  
 DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF THE INFORMATION  
 CONTAINED HEREIN. THE USER ASSUMES ALL RESPONSIBILITY FOR THE  
 SELECTION AND PLANTING OF THE PLANTS AND THE POTENTIAL FOR INTERFERENCE  
 WITH CONSTRUCTION.

**Pacheco Koch**  
 ARCHITECTS

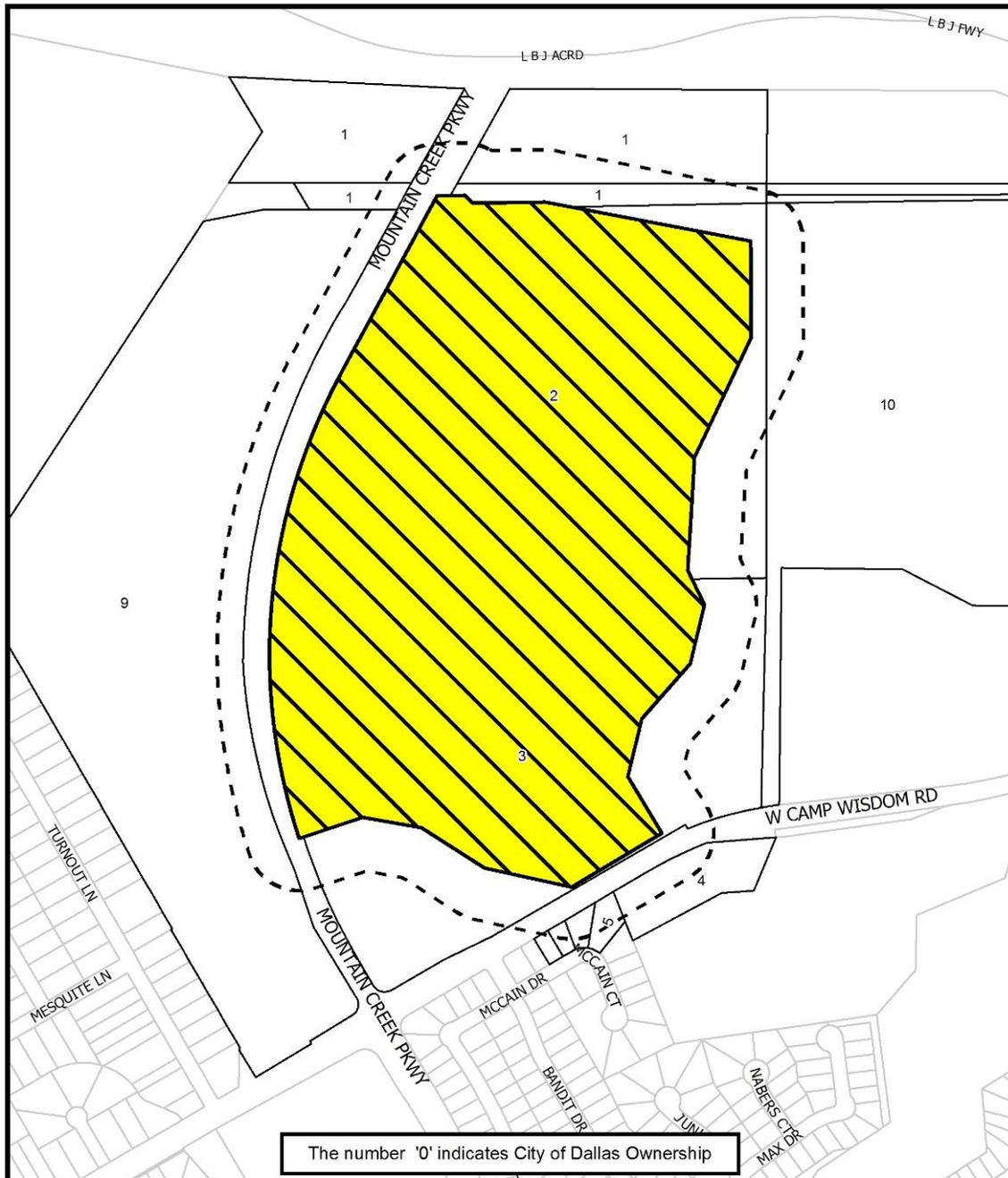
**PLANTING PLAN**  
 FIRST INDUSTRIAL MOUNTAIN CREEK  
 LOT 1 BLOCK A18722  
 FIRST INDUSTRIAL ADDITION  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

DATE: 11-20-20  
 SCALE: 1"=30'  
 SHEET: L1.09









1:6,000

# NOTIFICATION

**200'**

AREA OF NOTIFICATION

**10**

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-096**

Date: **8/31/2017**

# *Notification List of Property Owners*

## *BDA167-096*

### *10 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5000 MOUNTAIN CREEK PKWY	TEXAS UTILITIES ELEC CO
2	5100 MOUNTAIN CREEK PKWY	FIRST INDUSTRIAL LP
3	8101 CAMP WISDOM RD	FIRST INDUSTRIAL LP
4	8120 W CAMP WISDOM RD	COSMOS FOUNDATION INC
5	5503 MC CAIN CT	BUCHANAN ANGELA CAMILLE
6	8201 MC CAIN DR	GARZA ANGELA P & ERIK PEDRAZA
7	8205 MC CAIN DR	TIMKO NANCY
8	8209 MC CAIN DR	JOHNSON KIMBERLY A
9	6800 MOUNTAIN CREEK PKWY	165 HOWE LP
10	7901 CAMP WISDOM RD	H198 LLC

**FILE NUMBER:** BDA167-103(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Jessica W. Hammons, represented by Erik Thornton, for a variance to the front yard setback regulations at 1555 San Saba Drive. This property is more fully described as Lot 14, Block L/5319, and is zoned R-10(A), NSO 5, which requires a front yard setback of 50 feet. The applicant proposes to construct and maintain structures and provide a 19 foot front yard setback, measured at the foundation, which will require a 31 foot variance to the front yard setback regulations.

**LOCATION:** 1555 San Saba Drive

**APPLICANT:** Jessica W. Hammons  
Represented by Erik Thornton

**REQUEST:**

A request for a variance to front yard setback regulations of up to 19' is made to construct and maintain accessory and pool structures to be located as close as 19' from one of the site's two front property lines (Old Gate Lane), or as much as 31' into this 50' front yard setback on a site developed with a single family home.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Approval, subject to the following condition:

- Compliance with the submitted site plan is required

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the R-10(A)(NSO 5 zoning district given that it has two 50’ front yard setbacks. This feature precludes the applicant from developing it in a manner commensurate with development found on other similarly zoned R-10(A)(NSO 5) zoned properties that have one front yard setback - the applicant documents that the total living area of the home on the subject site at approximately 4,000 square feet is near the average of 10 other properties in the same zoning.
- Staff concluded that granting this variance would not appear to be contrary to public interest in that it would only allow structures in the site’s Old Gate Lane front yard setback which functions not only as the site’s rear yard but as the rear yard to adjacent properties northwest and southeast of the subject site.

**Zoning:**

- Site: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
- North: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
- South: R-7.5(A) (Single family residential 7,500 square feet)
- East: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)
- West: R-10(A)(NSO 5) (Single family residential 10,000 sq ft)(Neighborhood Stabilization Overlay)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS /STAFF ANALYSIS:**

- The request for a variance to the front yard setback regulations of up to 19’ focuses on constructing and maintaining an approximately 680 square foot accessory structure and an approximately 760 square foot pool structure to be located as close as 19’ from one of the site’s two front property lines (Old Gate Lane) or as much as 31’ into this 50’ required front yard setback.

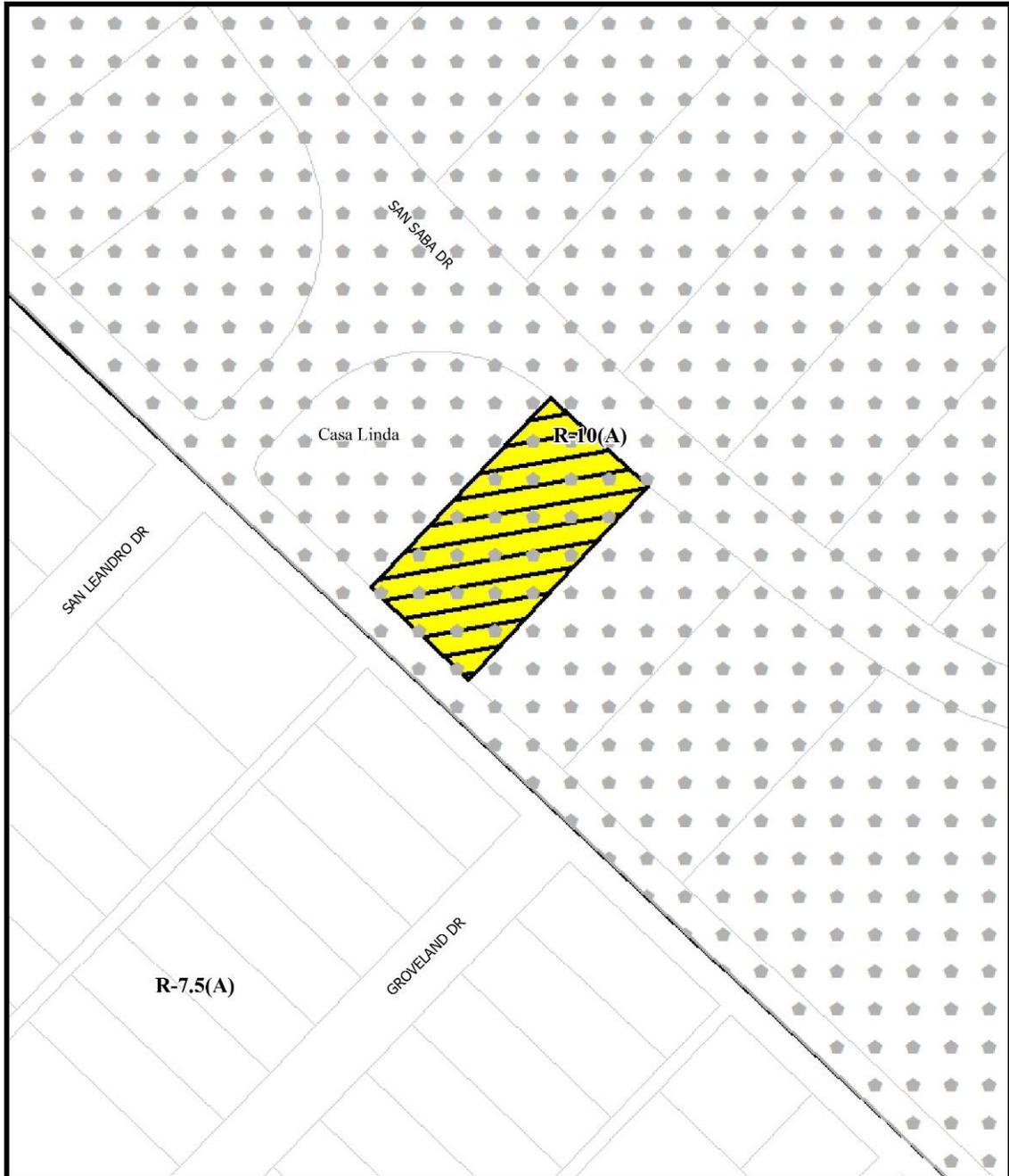
- The subject site is zoned R-16(A)(NSO 5) which requires a minimum 50' front yard setback. (Prior to the creation of the NSO (Neighborhood Stabilization Overlay) district in 2007, the minimum front yard setback for the site that had been zoned R-10(A) was 30').
- The subject site has two 50' front yard setbacks (one on the northeast along San Saba Drive, the other on the southwest along Old Gate Lane) since the code states that if a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets.
- Regardless of how the home is oriented to front onto San Saba Drive (and "back" to Old Gate Lane), the site has two 50' front yard setbacks where the focus of the applicant's request in this application is only to construct and maintain structures in the site's front yard setback on Old Gate Lane. (No part of the application is made to construct/maintain a structure in the site's San Saba Drive front yard setback).
- The submitted site plan denotes that all of the approximately 680 square foot accessory structure is proposed to be located in the 50' Old Gate Lane required front yard setback, and approximately 80 square feet of the approximately 760 square foot pool structure is proposed in this front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 1555 San Saba Drive is structure built in 20151 with 3,949 square feet of living/total area, and with the following "additional improvements": a 616 square foot attached garage.
- The site is somewhat sloped, rectangular in shape (approximately 198' x 100'), and according to the application is 0.458 acres (or approximately 20,000 square feet) in area. The site is R-10(A)(NSO 5) where lots are typically 10,000 square feet.
- The site has two 50' front yard setbacks and two 12' side yard setbacks. Most lots in this zoning district have one 50' front yard setback, two 12' side yard setbacks, and one 6' rear yard setback.
- The applicant has submitted a document indicating among other things that that the total living area of the home on the subject site is approximately 4,000 square feet, and the average of 10 other properties in the same zoning is approximately 4,000 square feet.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to front yard setback regulations is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variance to front yard setback regulations would not be granted to relieve a self created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-10(A)(NSO 5) zoning classification.

- If the Board were to grant the request, and impose the submitted site plan as a condition, the structures in the front yard setback would be limited to what is shown on this document– which, in this case, are proposed structures located as close as 19’ from the Old Gate Lane front property line or as much as 31’ into this 50’ required front yard setback.

**Timeline:**

- June 20, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 8, 2017: The Board Administrator emailed the applicant’s representative the following information:
- a copy of the application materials including the Building Official’s report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board’s docket materials;
  - the definition of nonconforming structure and the provision from the Dallas Development Code related to nonconforming structures (51A-4.704(c));
  - 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 1, 2017: The applicant’s representative submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- September 5, 2017: 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 Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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



1:1,200

# ZONING MAP

Case no: BDA167-103

Date: 8/31/2017



1:1,200

# AERIAL MAP

Case no: BDA167-103

Date: 8/31/2017

BDA167-103  
Attach A ps 1

**Long, Steve**

**From:** Erik Thornton <EThornton@riverbendsandler.com>  
**Sent:** Friday, September 01, 2017 11:45 AM  
**To:** Long, Steve  
**Cc:** Duerksen, Todd  
**Subject:** RE: BDA167-103, Property at 1555 San Saba Drive  
**Attachments:** Supplemental Variance Info 1555 San Saba.docx

Steve, attached is a document outlining the supplemental information which shows the standard development of a lot in the neighborhood and that the development they are seeking is commensurate with other lots and homes in the area.

## Erik Thornton

*Design Consultant*

(214) 769-7054 Cell

(972) 543-5620 Direct

[ethornton@riverbendsandler.com](mailto:ethornton@riverbendsandler.com)



**RIVERBEND  
SANDLER POOLS**

---

**From:** Long, Steve [mailto:[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)]  
**Sent:** Friday, August 25, 2017 6:00 AM  
**To:** Erik Thornton <EThornton@riverbendsandler.com>  
**Subject:** RE: BDA167-103, Property at 1555 San Saba Drive

Thank you,

Steve



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



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BDA167-103  
Attach A  
AS 3



Property statics regarding variance application for:

1555 San Saba

Year built: 2015

Stories: one and one half

Total living area: 3949 Sq Ft

Lot square footage: 20,526 Sq. Ft.

The following are homes within the NSO 5 overlay in which have pools and similar square footage

Each of the following properties show that the property in question follows average development of a standard lot. Each of these properties in the NSO 5 overlay contain a pool on their property. The comparison shows that 1555 San Saba is seeking to develop their property commensurate with others in the neighborhood.

1557 El Campo Dr

Year built: 2007	Total living area: 5258 Sq Ft
Stories: two stories	Lot square footage: 20,317 Sq Ft

1548 San Saba Dr

Year built: 1945	Total living area: 2968 Sq Ft
Stories: one and one half	Lot square footage: 25,056 Sq Ft

1536 San Saba Dr

Year built: 1940	Total living area: 2764 Sq Ft
Stories: one story	Lot square footage: 24,619 Sq Ft

1521 El Campo Dr

Year built: 1945	Total living area: 3610 Sq Ft
Stories: one and one half	Lot square footage: 21,140 Sq Ft

1513 Bella Vista Dr

Year built: 1945	Total living area: 2579 Sq Ft
Stories: one story	Lot square footage: 32,570 Sq Ft

1512 El Campo Dr

Year built: 2007	Total living area: 3051 Sq Ft
Stories: one and one half	Lot square footage: 19,622 Sq Ft

The following are homes within the NSO 5 overlay in which have similar square footage

Each of the following properties show that the property in question follows average development of a standard lot. The following properties listed will show that the development of the property is commensurate with the development of similar properties in the neighborhood.

Each of these homes listed would qualify for similar development of the property without restriction due to the additional double frontage which encumbers the property in question.

1508 Bella Vista Dr

Year built: 20078	Total living area: 4005 Sq Ft
Stories: two stories	Lot square footage: 34,700 Sq Ft

1418 Bella Vista Dr

Year built: 1945	Total living area: 4403 Sq Ft
Stories: one and one half	Lot square footage: 47,171 Sq Ft

9337 Redondo Dr

Year built: 1972	Total living area: 3508 Sq Ft
Stories: one and one half	Lot square footage: 25,814 Sq Ft

1537 Bella Vista Dr

Year built: 1999	Total living area: 3316 Sq Ft
Stories: one story	Lot square footage: 29,049 Sq Ft

1521 Bella Vista Dr

Year built: 1945	Total living area: 4086 Sq Ft
Stories: one story	Lot square footage: 27,932 Sq Ft

1517 Bella Vista Dr

Year built: 1950	Total living area: 3801 Sq Ft
Stories: one and one half	Lot square footage: 30.983 Sq Ft

1508 El Campo Dr

Year built: 2016	Total living area: 4051 Sq Ft
------------------	-------------------------------

BDA167-103  
Attachment A  
Pg 6

Stories: one and one half

Lot square footage: 19,558 Sq Ft

1557 El Campo Dr

---

Year built: 2007

Total living area: 5258 Sq Ft

Stories: two stories

Lot square footage: 20,317 Sq Ft

1545 El Campo Dr

---

Year built: 1990

Total living area: 3494 Sq Ft

Stories: two stories

Lot square footage: 20,551 Sq Ft

1521 El Campo Dr

---

Year built: 1945

Total living area: 3610 Sq Ft

Stories: one and a half

Lot square footage: 21,140 Sq Ft



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-103

Data Relative to Subject Property:

Date: June 20, 2017

Location address: 1555 San Saba Drive Zoning District: R-10(A) NSO 5

Lot No.: 14 Block No.: L/5319 Acreage: 0.458 Census Tract: 81.00

Street Frontage (in Feet): 1) 100 ft. 2) 99.15 ft. 3) \_\_\_\_\_ 4) \_\_\_\_\_ 5) \_\_\_\_\_

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Ronald L. Hammons II and Jessica W. Hammons

Applicant: Jessica W. Hammons Telephone: 214.316.8169

Mailing Address: 1555 San Saba Drive Zip Code: 75218

E-mail Address: jessica.hammons@Hklaw.com

Represented by: Erik Thornton Telephone: 214.769.7054

Mailing Address: 4016 W. Plano Pkwy, Plano Zip Code: 75093

E-mail Address: EThornton@riverbendsandler.com

Affirm that an appeal has been made for a Variance , or Special Exception , of development  
~~based on restrictive area. REQUESTING A VARIANCE OF 3 FEET~~

~~TO THE 50 FOOT FRONT YARD SET BACK. THE PROPOSED DEVELOPMENT~~  
~~AND A SPECIAL EXCEPTION OF 2' TO THE 4' FENCE HEIGHT, AND SPECIAL EXEMPTION~~  
Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas TO THE FENCE PANEL  
Development Code, to grant the described appeal for the following reason: 50% OPEN SURFACE AREA

Please see attached explanation.  
THE VARIANCE IS SOUGHT FOR THE COMMENSURATE DEVELOPMENT OF  
A 10,000 SQ. LOT WHICH IS SEVERELY ENCUMBERED WITH A DOUBLE FRONTAGE.  
AND THE FENCE WILL NOT ADVERSELY AFFECT THE OTHER PROPERTIES, IT WILL COMPLIMENT  
THE HEIGHTS AND DESIGNS OF NEIGHBORING FENCES

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.

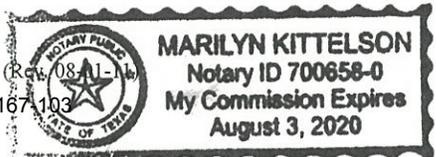
Affidavit

Before me the undersigned on this day personally appeared Jessica W. Hammons  
(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: Jessica W. Hammons  
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 20th day of June, 2017



Marilyn Kittelson  
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

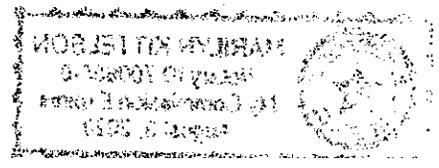
Building Official's Report

I hereby certify that Jessica W. Hammons  
represented by Erik Thornton  
did submit a request for a variance to the front yard setback regulations  
at 1555 San Saba Drive

BDA167-103. Application of Jessica W. Hammons represented by Erik Thornton for a variance to the front yard setback regulations at 1555 San Saba Drive. This property is more fully described as Lot 14, Block L/5319, and is zoned R-10(A), NSO 5, which require a front yard setback of 50 feet. The applicant proposes to construct a single family residential structure and provide a 19 foot front yard setback, measured at the foundation, which will require a 31 foot variance to the front yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official





# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

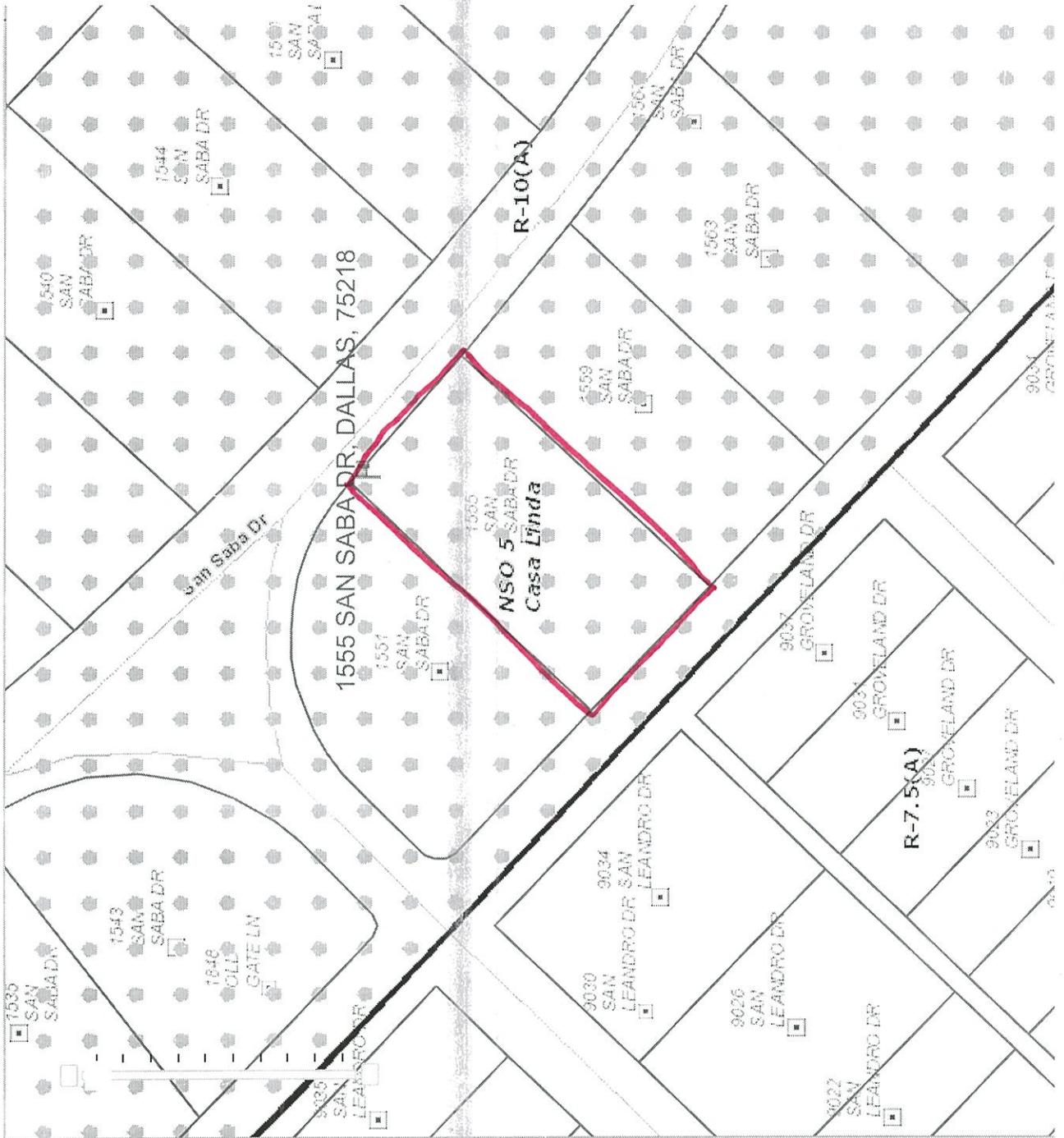
Street address.  
1555 san saba

Locate

OR

Parcel address.  
Use street type for better re

Locate



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:

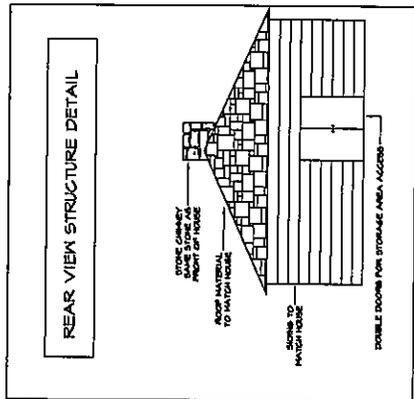
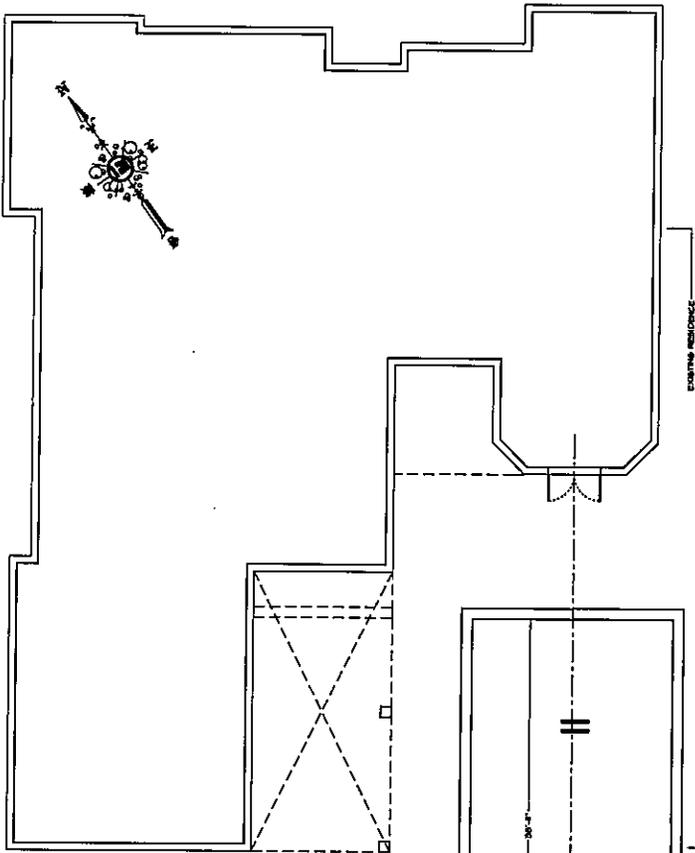
Subject Property: 1555 San Saba Drive, Dallas, Texas 75218

Applicant is requesting a 40 foot variance to permit the development of the lot restricted by the double frontage NSO 5 stipulation. Due to area restriction and double frontage, this lot cannot be developed commensurate with a standard 10,000 square foot single frontage lot in the Casa Linda Estates neighborhood.

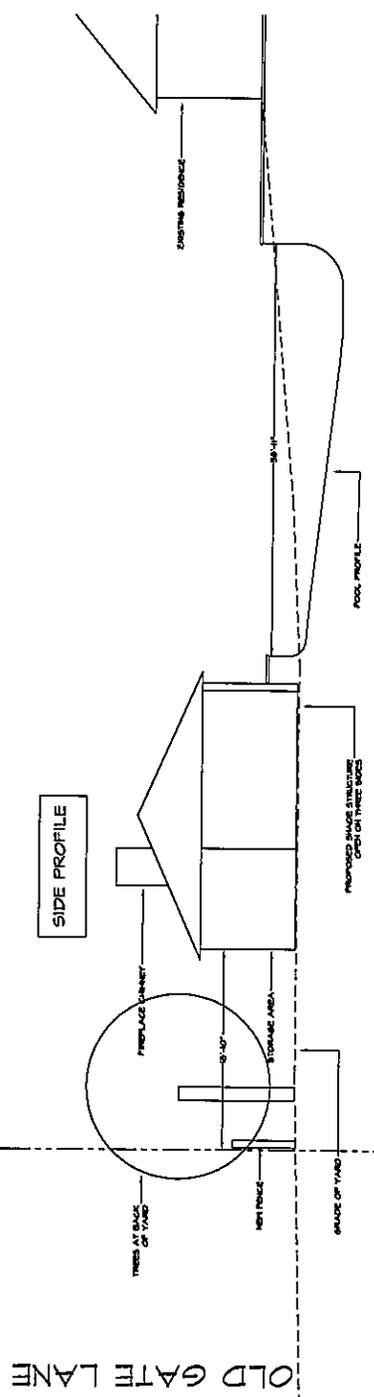
The subject 10,000 square foot lot is developed with a house that has a standard square footage and footprint for homes in this area. The double frontage requirement significantly impedes the standard development and usability that would be expected with a 10,000 square foot lot. We are requesting this variance for natural developmental purposes based on standard backyard improvements such as pool and outdoor covered structure.

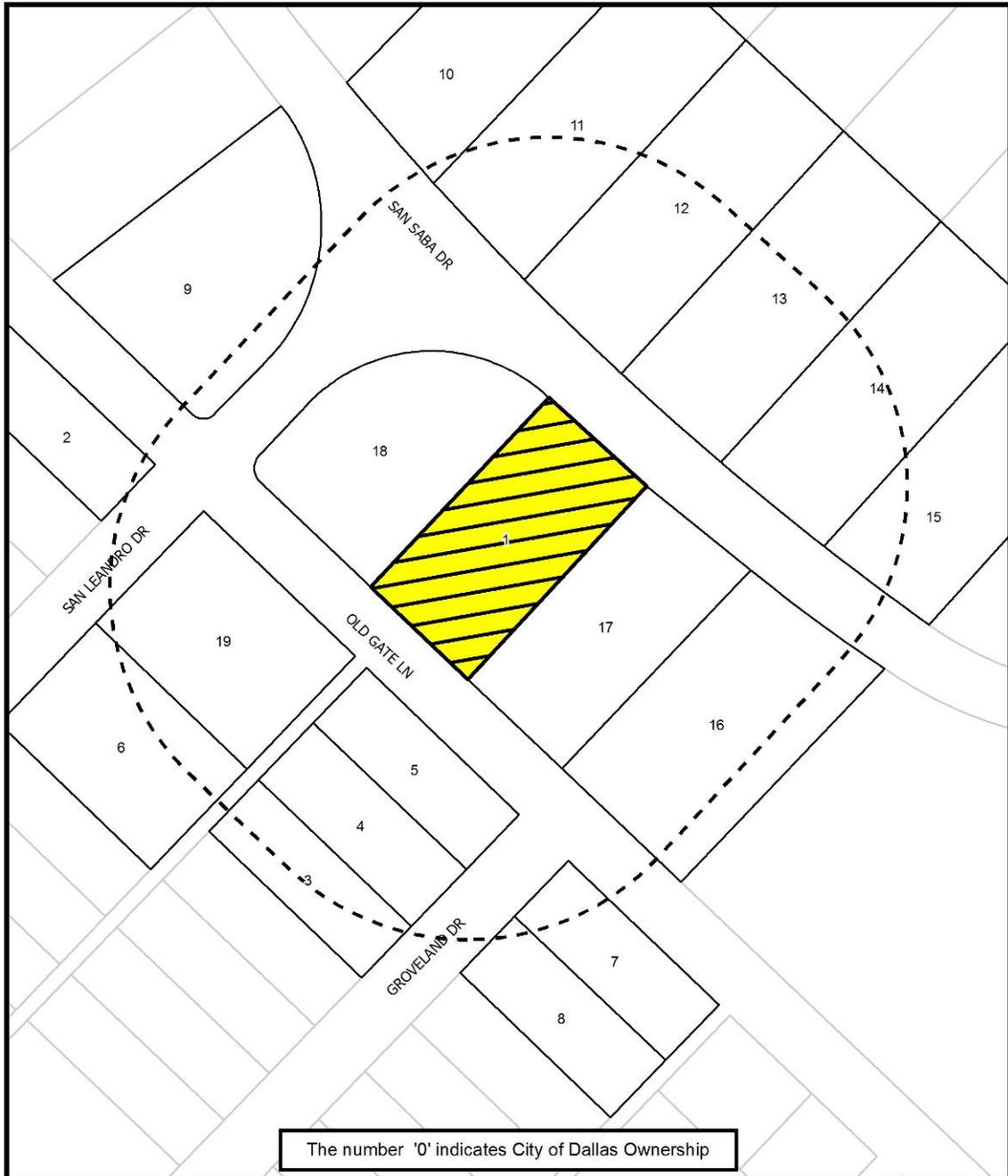


# 1555 SAN SABA DRIVE SIDE PROFILE ELEVATION VIEW



SCALE 1/8"=1'-0"





 1:1,200	<b>NOTIFICATION</b>		Case no: <b>BDA167-103</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;">19</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: <b>8/31/2017</b>

## *Notification List of Property Owners*

### *BDA167-103*

#### *19 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1555 SAN SABA DR	HAMMONS RONALD L II & JESSICA W
2	9035 SAN LEANDRO DR	BRITTON CHRISTOPHER L
3	9027 GROVELAND DR	DORRELL ROBERT E
4	9031 GROVELAND DR	MARTIN CARLA ANN
5	9037 GROVELAND DR	MCGEE JANE A & CHARLES R
6	9026 SAN LEANDRO DR	HICKS PAULA
7	9034 GROVELAND DR	4TH OF JULY PROPERTIES
8	9030 GROVELAND DR	RYNEARSON MARILYN
9	1543 SAN SABA DR	LEWIS LILIAN M
10	1532 SAN SABA DR	KEENE WILLIAM &
11	1536 SAN SABA DR	JONES DAVID BRUCE
12	1540 SAN SABA DR	SEXTON CAREY &
13	1544 SAN SABA DR	RICH VERONICA
14	1548 SAN SABA DR	MORGAN ROBERT JESS
15	1552 SAN SABA DR	KUTAC GARY & ANGELA
16	1563 SAN SABA DR	LOOKABAUGH HARRY
17	1559 SAN SABA DR	ROSS CHARLES C & CHRISTINE N
18	1551 SAN SABA DR	DRAKE MICHAEL J &
19	9034 SAN LEANDRO DR	BEAUDETTE JOSEPH E &

**FILE NUMBER:** BDA167-084(SL)

**ORIGINAL BUILDING OFFICIAL'S REPORT:** Application of Santos T. Martinez for a variance to the rear yard setback regulations at 17787 Waterview Parkway. This property is more fully described as Lot 1F, Block A/8735, and is zoned LI, which requires a rear yard setback of 30 feet. The applicant proposes to construct and maintain a structure and provide a 14 foot rear yard setback, which will require a 16 foot variance to the rear yard setback regulations.

**REVISED BUILDING OFFICIAL'S REPORT:** Application of Santos T. Martinez for a variance to the rear yard setback regulations at 17787 Waterview Parkway. This property is more fully described as Lot 1F, Block A/8735, and is zoned LI, which requires a rear yard setback of 30 feet. The applicant proposes to construct and maintain a structure and provide an 8 foot rear yard setback, which will require a 22 foot variance to the rear yard setback regulations.

**LOCATION:** 17787 Waterview Parkway

**APPLICANT:** Santos T. Martinez

**ORIGINAL REQUEST (August 16, 2017):**

A request for a variance to the rear yard setback regulations of 16' was originally made to construct and maintain a ramp structure to the existing parking garage structure that, according to the application, was to be located 16' into the site's 30' rear yard setback on a site that is developed with office use/ structure (Convergys).

**AMENDED REQUEST (September 20, 2017):**

A request for a variance to the rear yard setback regulations of 22' is made to construct and maintain a ramp structure to the existing parking garage structure that would be located 8' from the rear property line or 22' into the site's 30' rear yard setback on a site that is developed with office use/ structure (Convergys).

**STANDARD FOR A VARIANCE:**

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

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

**ORIGINAL STAFF RECOMMENDATION (August 16, 2017):**

Denial

Rationale:

- Staff had concluded there was no property hardship to the site that warranted a variance to the rear yard setback regulations. The applicant had not substantiated how the features of the site (which is flat, rectangular in shape, and according to the application is 5.25 acres in area) have precluded it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same LI zoning classification (the site is currently developed an office structure and parking garage that complies with the Dallas Development Code), nor how granting this variance would not be to relieve a self-created hardship.

**UPDATE STAFF RECOMMENDATION (September 20, 2017):**

Denial

Rationale:

- Once again, staff concluded there was no property hardship to the site that warranted a variance to the rear yard setback regulations. The applicant had not substantiated how the features of the site (which is flat, rectangular in shape, and according to the application is 5.25 acres in area) have precluded it from being developed in a manner commensurate with the development upon other parcels of land in districts with the same LI zoning classification (the site is currently developed an office structure and parking garage that complies with the Dallas Development Code), nor how granting this variance would not be to relieve a self-created hardship.

**BACKGROUND INFORMATION:**

**Zoning:**

Site: LI (Light industrial)  
North: PD 780 (Planned Development)

South: LI (Light industrial)  
East: City of Richardson  
West: PD 921 (Subarea 3)(SUP 764)  
(Planned Development, Specific Use Permit)

**Land Use:**

The subject site is developed with an office structure/use. The area to the north is developed with a private school (The Dallas International School); the area to the east is the City of Richardson; the area to the south is developed with office use; and the area to the west is developed with open space (Texas A & M University Research Center).

**Zoning/BDA History:**

1. BDA167-071, Property located at 17787 Waterview Parkway (the subject site)

On May 17, 2017, the Board of Adjustment Panel B denied a request for a variance to the rear yard setback regulations of 16' without prejudice, and granted a request for a special exception to the landscape regulations and imposed the following condition: Compliance with the submitted second revised landscape plan is required. The case report stated that the variance request was made to construct and maintain a ramp structure to the existing parking garage structure that according to the application is proposed to be located 14' from the site's rear property line or 16' into the site's 30' rear yard setback; and that the landscape special exception was made to construct and maintain the aforementioned ramp structure and increase nonpermeable coverage, and not fully meet the landscape regulations, more specifically to the required perimeter landscape buffer strip and plant group requirements.

(Note that on July 26, 2017, the applicant emailed the Board Administrator the following: "With respect to this application, the only element of this request is for relief to the rear yard setback requirement. We do not need any exceptions to the required landscape provisions. I was only hoping to point out that this proposed ramp is compatible with the previously approved

plan. We do not need any amendments to the landscape plan that was previously approved for this property.”)

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

- The applicant had originally requested for a variance to the rear yard setback regulations of 16’ that focused on constructing and maintaining an approximately 1,900 square foot ramp structure to the existing parking garage structure that, according to the application, would be located 16’ into the required 30’ rear yard setback on a site developed with an office use/structure (Convergys). However on August 30, 2017, the applicant amended his application and submitted a revised site plan to Building Inspection.
- The amended application is for a variance to the rear yard setback regulations of 22’ where the focus is on constructing and maintaining an approximately 2,900 square foot ramp structure to the existing parking garage structure that, according to the revised site plan, would be located 8’ from the rear property line or 22’ into the required 30’ rear yard setback on a site developed with an office use/structure (Convergys).
- The minimum side and rear yard for lots zoned LI is:
  - 30 feet where adjacent to or directly across and alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
  - No minimum in all other cases.
- The subject site abuts PD 921 to the west where uses defined in the ordinance are those permitted in R-7.5(A) hence the subject site is required to provide a 30’ rear yard setback.
- The originally submitted site plan represented that the “proposed ramp” structure is located approximately 16’ from the rear property line or approximately 14’ into the 30’ required rear yard setback. However, the submitted application states a request is made of 16’ to the required rear yard setback which would imply that a structure is proposed to be 14’ from the rear property line or 16’ into the 30’ required rear yard setback.
- The Building Inspection Senior Plans Examiner/Development Code Specialist stated that the 14’ dimension denoted on the originally submitted site plan is the interior dimension of the ramp, the width of the driveway surface, not the exterior dimension; and that the easement encroachment (whereby it appears that 1’ of the proposed 16’ wide ramp as described in a letter from the applicant would be located into a 15’ wide DP & L and SWBT easement that borders the western boundary of the subject site) will be addressed by the applicant with the easement holder, not with the Board; and that if the applicant cannot get the easement abandoned or reduced, the ramp will not be issued a building permit.
- The application states that “Property owner seeks to utilize the second level of an existing parking garage. The installation of a new ramp is limited to one side of the structure due to existing topography, easements, and structures. Previous access to second level has been converted into playground and recreational area for school by

new owner.” (The applicant’s reference to access to the second level that has been converted into a playground by the new owner refers to the structure immediately north of the subject site that has since been converted from an office use to a school use). According to Collin CAD records, “Improvement #1” at 17787 Waterview Parkway is a “commercial” improvement built in 1993 with 150,000 square feet of area; and “Improvement #2 is a parking garage built in 1993 with 33,120 square feet.

- The site is flat, rectangular in shape, and according to the application is 5.25 acres in area. The site is zoned LI (Light Industrial).
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the rear yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance to rear yard setback regulations 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 LI zoning classification.
  - The variance to rear yard setback regulations 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 LI zoning classification.
- If the Board were to grant the request, and impose the submitted revised site plan as a condition, the structure in the rear yard setback would be limited to what is shown on this document – which, in this case, is a structure that is located 8’ from the rear property line or 22’ into this 30’ rear yard setback.
- Note that the applicant would be required to address any structure over an easement with the easement holder, whereby if the applicant cannot get the easement abandoned or reduced, the ramp will not be issued a building permit even if the Board were to grant this request and impose the submitted site plan as a condition to this request.

**Timeline:**

May 17, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

July 11, 2017: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel B. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.

- July 11, 2017: The Board Administrator emailed the applicant the following information:
- a copy of the application materials including the Building Official's report on the application;
  - an attachment that provided the public hearing date and panel that will consider the application; the July 26<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the August 4<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."
- July 25, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- August 1, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for August public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner, the Sustainable Development and Construction Interim Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- No review comment sheets were submitted in conjunction with this application.
- August 16, 2017: The Board of Adjustment Panel B conducted a public hearing on this application. The Board delayed action on this application until their next public hearing to be held on September 20, 2017.
- August 23, 2017: The Board Administrator wrote the applicant a letter of the board's action; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<sup>th</sup> deadline to submit additional evidence to be incorporated into the Board's docket materials.
- August 30 &  
September 5, 2017: The applicant submitted additional information to staff beyond what was submitted with the original application and at the August 16<sup>th</sup> public hearing (see Attachment B).
- September 5, 2017: 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 Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

**BOARD OF ADJUSTMENT ACTION AUGUST 16, 2017**

APPEARING IN FAVOR: Santos Martinez, 900 Jackson Street, Dallas, TX

APPEARING IN OPPOSITION: No one

MOTION: Cannon

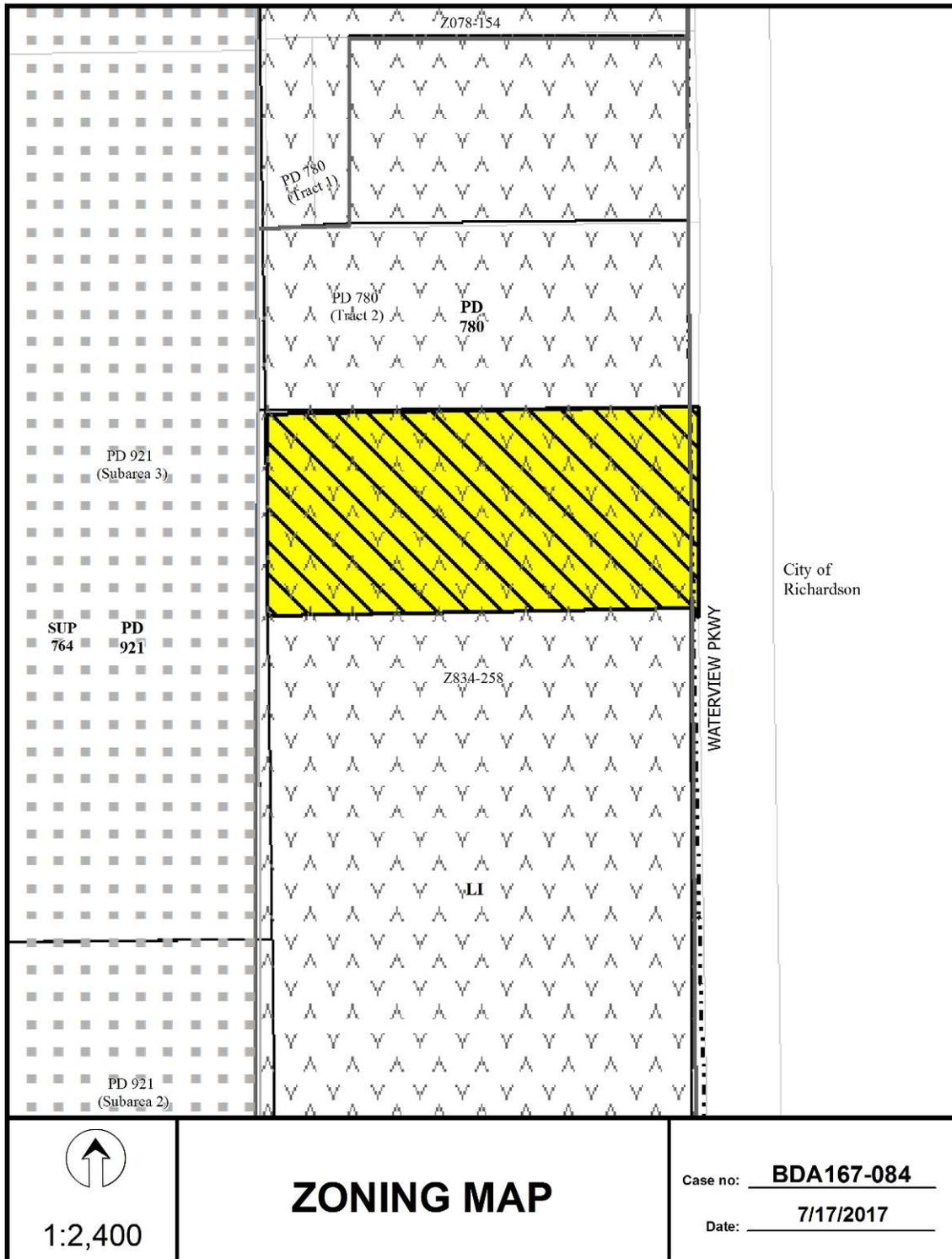
I move that the Board of Adjustment, in Appeal No. **BDA 167-084**, hold this matter under advisement until **September 20, 2017**.

SECONDED: Carreon

AYES: 4 – Housel, Carreon, Beikman, Cannon, Shouse

NAYS: 0

MOTION PASSED 4– 0 (unanimously)

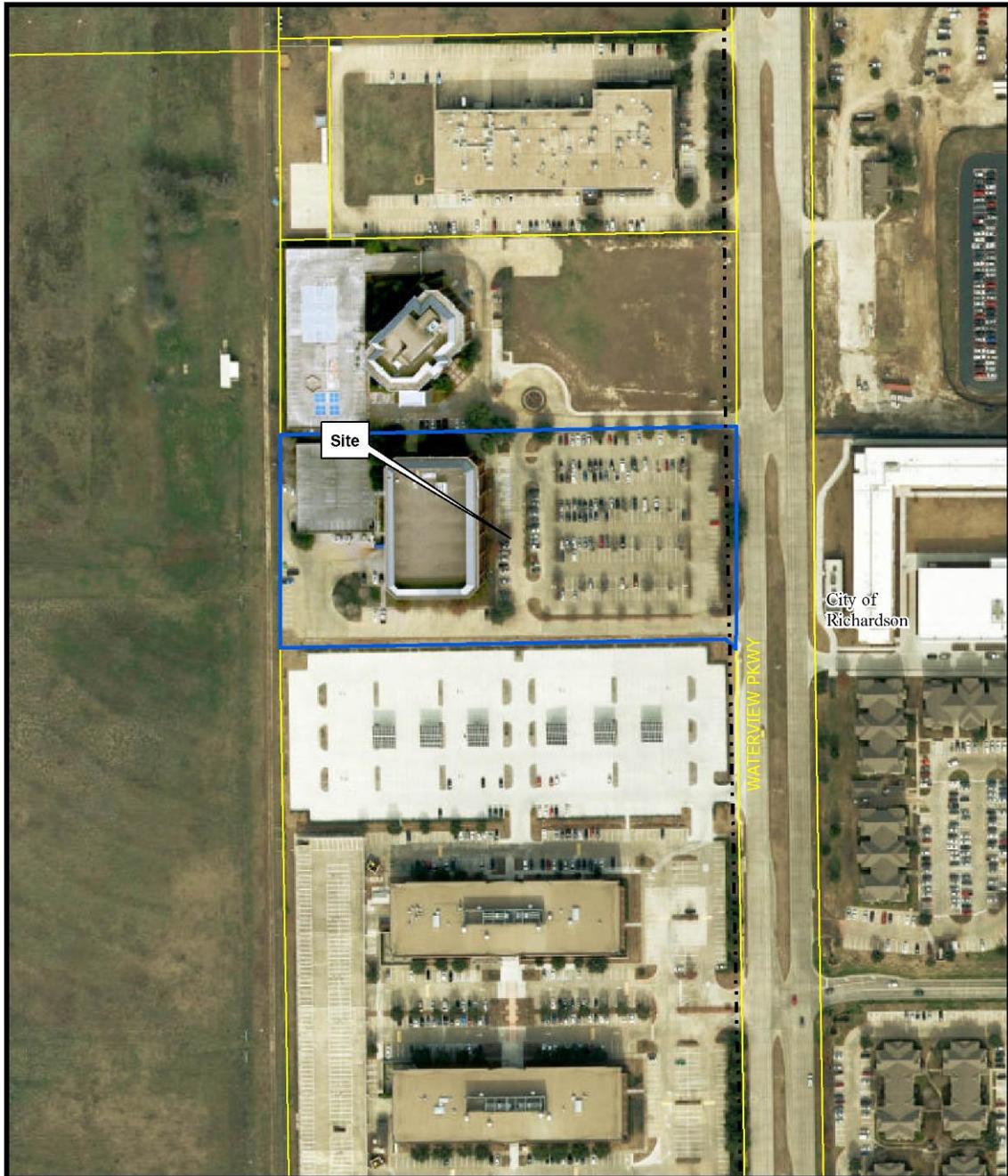


1:2,400

# ZONING MAP

Case no: **BDA167-084**

Date: **7/17/2017**



1:2,400

# AERIAL MAP

Case no: BDA167-084

Date: 7/17/2017



BDA 167-084  
Attach A  
PS 1

July 25, 2017

Mr. Steve Long  
Board Administrator  
City of Dallas  
1500 Marilla, 5BN  
Dallas, TX 75201

RE: BDA 167-084; 17787 Waterview Parkway,

Mr. Long:

The current property owner seeks to utilize the existing second level of an on-site parking garage. The property was originally developed when it was owned by the University of Texas at Dallas. The office building and parking garage located to the north of this site were built by the University in 1985. The property was platted in the same time period.

In 1993, the University sold the property and the new owner constructed a new office building and matching parking garage. They constructed a pedestrian bridge to connect the two structures and shared the access onto the second level of the parking garage. The ingress and egress for the second level was maintained by the office building to the north. Article X standards were not triggered along the western property line because the property to the west was still owned by the State of Texas. The attached exhibits will show that the northern parking garage has a setback less restrictive than the newer garage.

The property owner sold the northern portion of the property to the Dallas International School in 2011. The Dallas International School secured zoning from the city council that included a concept plan for the property. This plan demonstrates that the second level of the parking garage to the north would be used for playground space and parking. It also shows that access to the adjoining parking garage would not be allowed. So, all of the parking that is shown on a platted lot no longer matches the ownership of the buildings or parking garages. This new zoning district also limits the development of office uses to certain portions of the property. Institutional uses are allowed throughout this new district.

The property located to the west of the site, although zoned residential, was owned by the State of Texas. It was granted a specific use permit (number 764) in 1985 for a permanent time frame as a college or university. This property was sold and rezoned in the summer of 2015. It was placed within a planned development district (number 921). At such time it was designated as a residential zoning district for the purposes of adjacency issues. Initially, when the property owner sought to construct a ramp to the second level, they submitted a case for the Board of Adjustment to consider. It was determined that the original application could be withdrawn because the property

to the west did not trigger a more restrictive rear yard setback. Subsequently, when they submitted for their building permit, that decision was changed and an application was submitted for the Board to consider.

The office building and parking garage on the south has subsequently been sold two times since the northern half was sold in 2011. The current owner has a tenant that requires the additional parking spaces located on the second level of the existing parking garage. Attempts to locate a new ramp to access these spaces are limited for a variety of reasons.

The new ramp needs a dimension of sixteen feet in width. The area to the north of the parking garage adjacent to the northern property line is only fifteen feet wide. Placing a ramp on the east would impact existing building equipment, pedestrian access, landscaping, and other amenities for tenants. It would also impact access to the built in loading docks and compactor located on the southwest corner of the building. Existing utility easements and utility equipment along the south façade restrict placement of a ramp in this location. Likewise, the run of a ramp would block the existing entrance to the first level of the garage if it was located along the south façade. Trying to construct a ramp that is perpendicular to the southern façade is hindered by the utility easements, utility equipment, or access to the loading docks and compactor.

The western façade of the existing structure is the only area that allows for the placement of this proposed ramp. This also removes any limitation to the functionality of the existing building, its utility equipment, or easements.

The current owner seeks to utilize the property as it was originally intended with office tenants. In order to do so, they must be able to access the second level of parking that is currently on site. A literal interpretation of city code inhibits the current owner from the usage of their existing facilities. The owner would have had to construct a ramp either in 1993 when it was originally developed, in 2010 prior to the sale of the northern half to Dallas International School, or prior to 2015 when the western properties were designated residential.

All other two story parking garages within this zoning district maintain setbacks that would not comply with current standards. In addition, the residential zoning to the west has yet to begin construction of any single family units. Although the property was rezoned in 2015, only one phased plat for this property has been recorded. This is for the far northwest portion of the property along Coit Road and the DART Line. There are currently no roads on the tract to the west that enable homes to be built yet adjacent to this site. The buildout for this portion in question may still take years to complete. Yet, today the property owner is faced with a limitation on their property regardless if the vacant portions get developed or not. This is an unnecessary hardship for the owner to manage due to the fact that as of today, no permits have been submitted for the property immediately adjacent to this site. The phased plat for this portion of the property (or any along the eastern boundary of PDD 921) has yet to be recorded either.

The property owner cannot maintain the existing parking garage in a manner commensurate with others developed within this zoning district. This rear yard setback along vacant property creates an undue burden for them to satisfy required parking on site for the occupancy of the fifth floor of an office building constructed in 1993. Without the allowance of a ramp to access these spaces, the property owner would have to leave an entire floor vacant from occupancy. Another consideration would be to construct a new parking garage on another portion of the property outside of the required setbacks. Both of these options are unreasonable and unnecessary hardships for the owner to endure for conditions that occurred prior to their ownership of the property. It is also unreasonable for any property owner to consider in order to maintain existing structures on their property.

The construction of a new ramp, with previously approved landscaping that includes new screening materials, maintains the spirit of the ordinance. It will enable the owner full enjoyment of their property as other owners of two story parking garages do in this district.

I have included exhibits for your consideration of this case. They include:

- Exhibit A: copy of 1993 approved permit site plan for construction of office building and parking garage
- Exhibit B: copy of PDD plan for Dallas International School
- Exhibit B1: copy of PDD detail for usage of second level parking (reveals use for play areas, and limitation of access to south)
- Exhibit B2: aerial showing usage of second level parking garage for Dallas International School
- Exhibit C: proposed ramp location with utility easements highlighted in red
- Exhibit D: Elevation of proposed ramp with previously approved landscaping
- Exhibit E: aerial of existing parking garages; those with less restrictive rear yard setbacks identified in red
- Exhibit F: photo of existing utility structures along the south façade of existing parking garage
- Exhibit G: photo of loading docks, compactor, and utility equipment located to the east of existing parking garage (looking north)
- Exhibit G1: photo of same elements (looking south)
- Exhibit H: photo from southernmost pavement to the west of site (reveals no development adjacent to request site; existing garage identified in photo)

We appreciate staff efforts with this case. Please let me know if you need any items clarified or additional information.

Sincerely,



Santos T. Martinez  
Authorized representative

Exhibit A

BDA 167-084  
Attach A  
PS 4  
1993

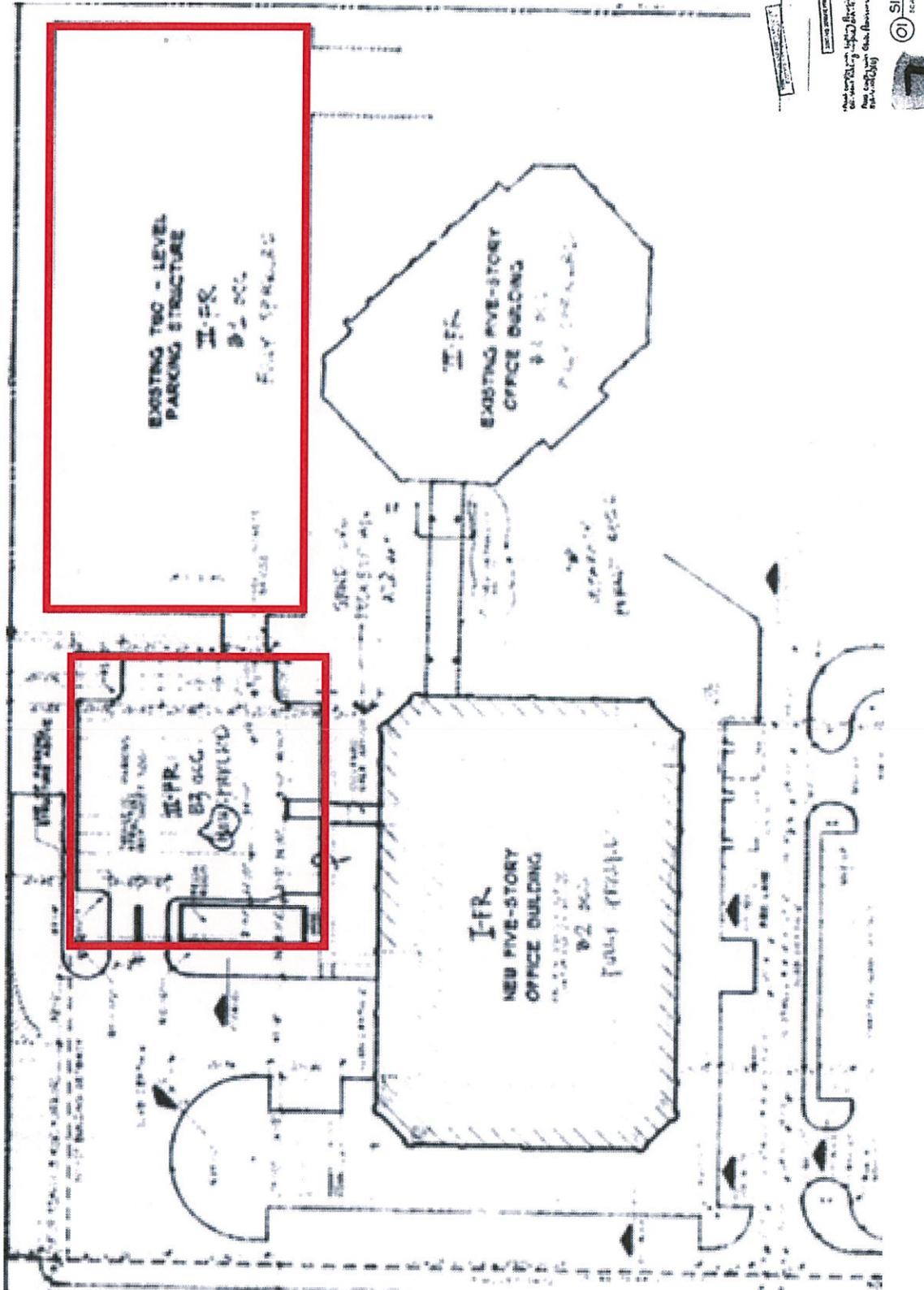


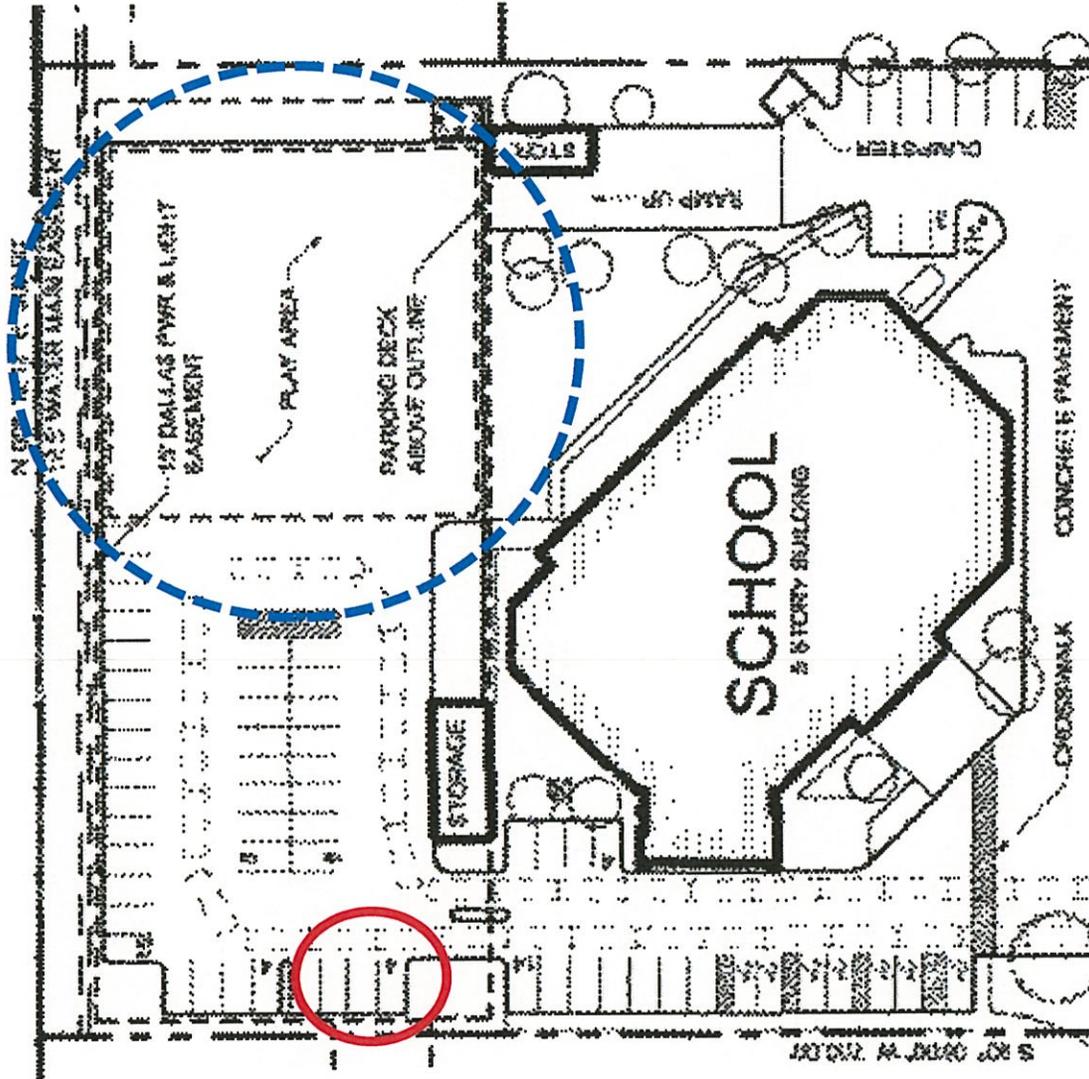


Exhibit B1

Planned Development  
District No. 780

Approved  
City Plan Commission  
May 19, 2011

PDA 167-084  
Attach A  
P. 6

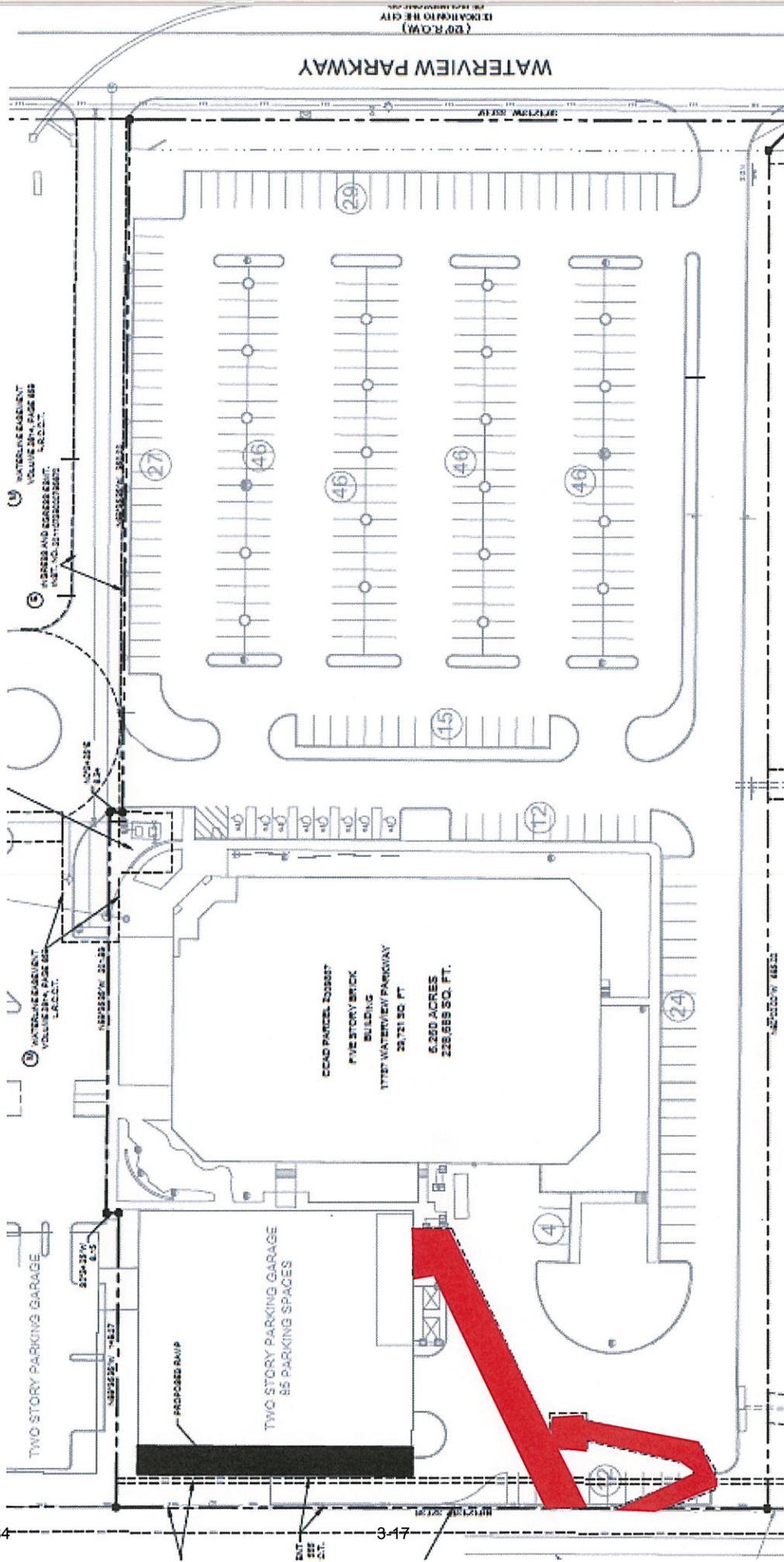


BDA 167-084  
Atch A  
Pg 7

Exhibit B2

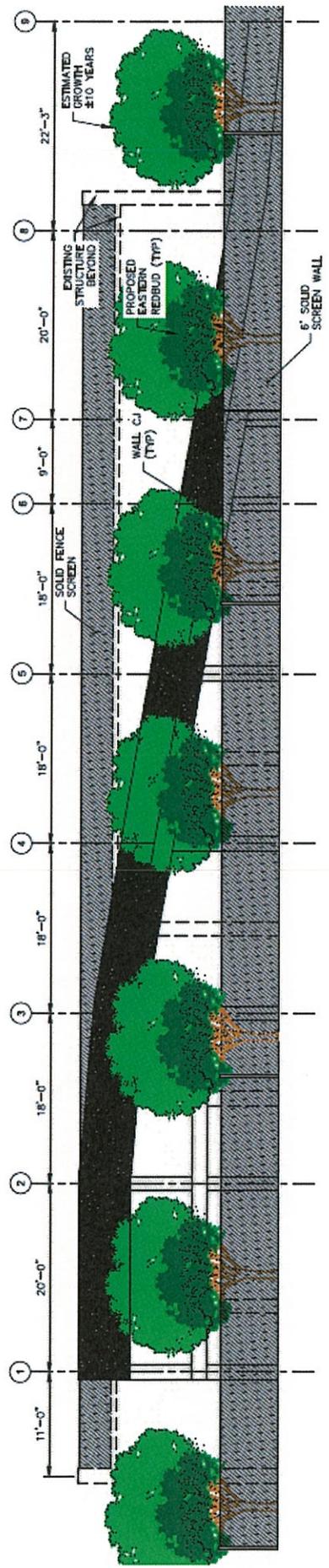


Exhibit C



BDA  
167-  
084  
Attach A  
Pg B

Exhibit D

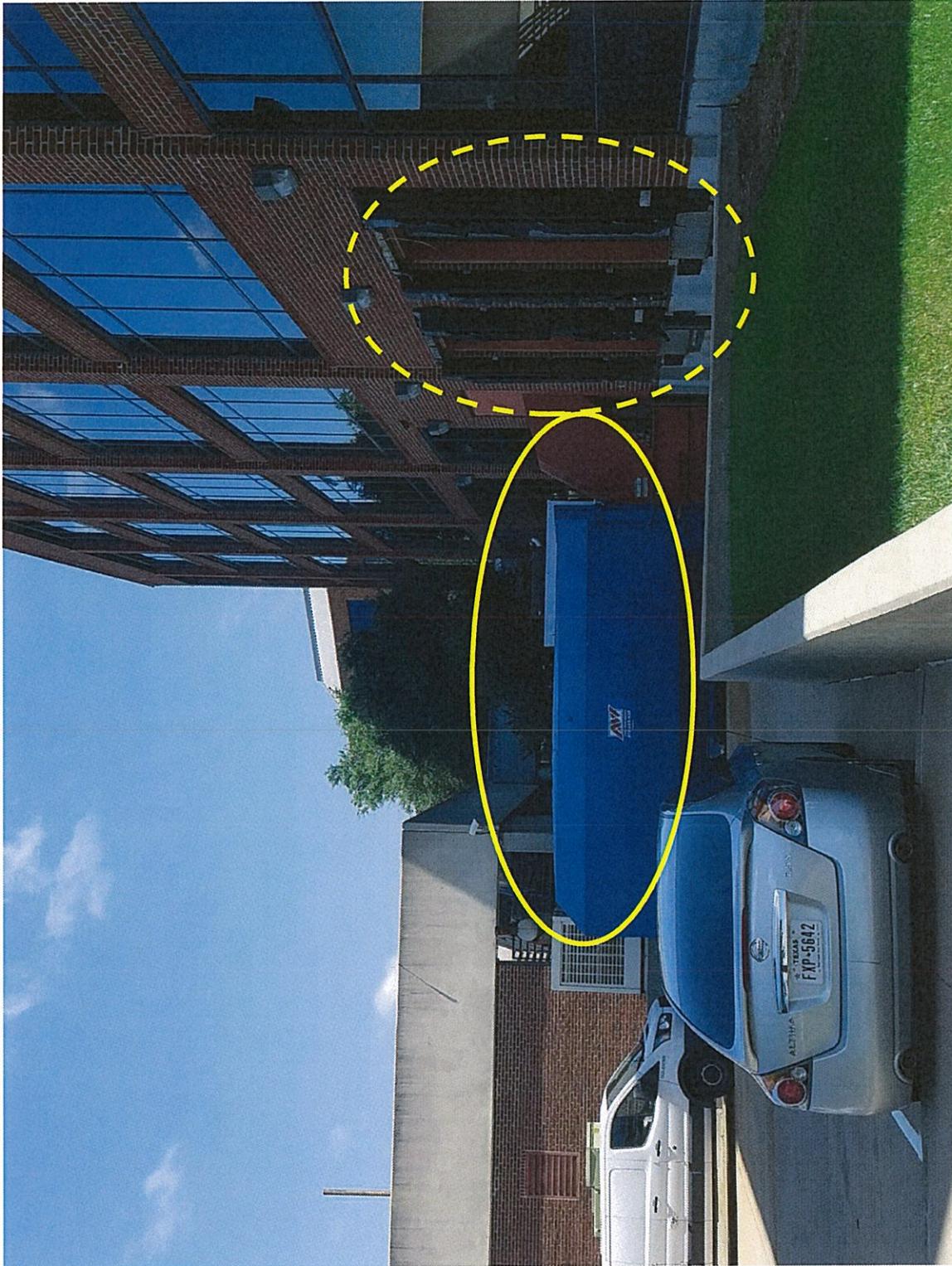






BDA167-084  
Attach A  
Pg 12

Exhibit G







BDA167-084

Attach B pg 1

**Long, Steve**

---

**From:** Long, Steve  
**Sent:** Tuesday, September 05, 2017 3:29 PM  
**To:** Moorman, Donna; Duerksen, Todd; Wimer, Megan; Williams, Kanesia  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

FYI

---

**From:** Santos Martinez [mailto:Santos@masterplanconsultants.com]  
**Sent:** Tuesday, September 05, 2017 12:57 PM  
**To:** Long, Steve <steve.long@dallascityhall.com>  
**Subject:** Re: BDA167-084, Property at 17787 Waterview Parkway

They are with Todd. Megan held them until his return.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Long, Steve" <steve.long@dallascityhall.com>  
**Date:** 9/5/17 12:49 PM (GMT-06:00)  
**To:** Santos Martinez <Santos@masterplanconsultants.com>  
**Cc:** "Duerksen, Todd" <todd.duerksen@dallascityhall.com>, "Moorman, Donna" <donna.moorman@dallascityhall.com>, "Dean, Neva" <neva.dean@dallascityhall.com>, "Williams, Kanesia" <kanesia.williams@dallascityhall.com>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Please let the record show that you while you submitted payment to re-advertise and re-notice your amended application, I have not received any other additional information from you for the staff review team meeting within the time frames I gave you several weeks ago or even at this point in the process.

Thank you,

Steve



**Steve Long**  
*Board of Adjustment Administrator*  
City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN

Dallas, TX 75201  
O: 214-670-4666  
[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)



BDA167-084  
ATTN B  
Pg 2

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

---

**From:** Long, Steve  
**Sent:** Friday, September 01, 2017 9:10 AM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>; Gil, Sara <[sara.gil@dallascityhall.com](mailto:sara.gil@dallascityhall.com)>; Williams, Mary <[mary.williams1@dallascityhall.com](mailto:mary.williams1@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Please come between 1- 3 this afternoon.

Thank you,

Steve



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



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

---

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Friday, September 01, 2017 9:05 AM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Cc:** Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>; Wimer, Megan <[megan.wimer@dallascityhall.com](mailto:megan.wimer@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Law, Trena <[trena.law@dallascityhall.com](mailto:trena.law@dallascityhall.com)>; Williams, Mary <[mary.williams1@dallascityhall.com](mailto:mary.williams1@dallascityhall.com)>; Gil, Sara

<sara.gil@dallascityhall.com>; Williams, Kanesia <kanesia.williams@dallascityhall.com>  
Subject: Re: BDA167-084, Property at 17787 Waterview Parkway

BDA167-084  
Attach B  
PJ 3

Thank you. I hope to have a check to your office before noon today.  
Thanks  
Santos Martinez

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Long, Steve" <steve.long@dallascityhall.com>  
Date: 9/1/17 9:03 AM (GMT-06:00)  
To: Santos Martinez <Santos@masterplanconsultants.com>  
Cc: "Dean, Neva" <neva.dean@dallascityhall.com>, "Wimer, Megan" <megan.wimer@dallascityhall.com>, "Duerksen, Todd" <todd.duerksen@dallascityhall.com>, "Moorman, Donna" <donna.moorman@dallascityhall.com>, "Law, Trena" <trena.law@dallascityhall.com>, "Williams, Mary" <mary.williams1@dallascityhall.com>, "Gil, Sara" <sara.gil@dallascityhall.com>, "Williams, Kanesia" <kanesia.williams@dallascityhall.com>  
Subject: FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Please be advised that the cost to re-notice and re-advertise your amended application referenced above is \$287.51.

Please provide a check in this amount to us in Room 5BN between 1-3 p.m. today.

Thank you,

Steve



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



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

**From:** Long, Steve  
**Sent:** Friday, August 18, 2017 9:43 AM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

BDA167-084  
Attach B  
p 4

You're welcome, Santos.

---

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Friday, August 18, 2017 9:18 AM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

Thanks!

---

**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Friday, August 18, 2017 9:11 AM  
**To:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

FYI

---

**From:** Long, Steve  
**Sent:** Thursday, August 17, 2017 6:18 AM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Williams, Kanesia <[kanesia.williams@dallascityhall.com](mailto:kanesia.williams@dallascityhall.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

As you know, the board delayed action on your application referenced above at their hearing yesterday until September 20<sup>th</sup>. Attached is a document that provides deadlines for the submittal of additional information for staff review and the docket. **Also be advised that 1 p.m. August 30<sup>th</sup> is the deadline for you to make any amendment to your request for variance to the rear yard setback regulations with Todd.**

Attached are the Board's rules of procedure. Please note that Section 9 (i) states "If an amendment is authorized which requires newspaper advertisement and/or written notice to surrounding property owners, the amendment constitutes a new application and the requesting party must pay an additional filing fee to defray the cost of re-advertising." With this in mind, please be advised that an amendment to what you originally applied for in May (providing a 14 foot setback which would require a 16 foot variance) that would increase the amount of variance you are seeking/what we have noticed would require a new notice/advertisement to which you would be required to pay an additional fee.

Please write or call me at 214/670-4666 if I can assist you in any other way on this application.

Thank you,

Steve



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

BDA167-084  
 AHS B  
 pg 5



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

**From:** Long, Steve  
**Sent:** Wednesday, August 16, 2017 6:01 AM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Erwin, Philip <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>; Williams, Kanesia <[kanesia.williams@dallascityhall.com](mailto:kanesia.williams@dallascityhall.com)>; Denman, Lloyd <[lloyd.denman@dallascityhall.com](mailto:lloyd.denman@dallascityhall.com)>; Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Ok, and once again at this point in the process, I would encourage you to make this request for continuance to the board at the public hearing today. And as you know, the board will have the option at the hearing today to grant your variance, deny your variance, or delay action on your variance.

Thank you,

Steve



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



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

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Tuesday, August 15, 2017 12:14 PM

To: Long, Steve <steve.long@dallascityhall.com>  
Subject: Re: BDA167-084, Property at 17787 Waterview Parkway

BDA 167-084  
Attach B  
PJ 4

Steve.  
I misspoke about hearing date. We will ask for September rather than October hearing.  
Thanks.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Long, Steve" <steve.long@dallascityhall.com>  
Date: 8/15/17 9:52 AM (GMT-06:00)  
To: Santos Martinez <Santos@masterplanconsultants.com>  
Cc: "Duerksen, Todd" <todd.duerksen@dallascityhall.com>, "Moorman, Donna" <donna.moorman@dallascityhall.com>, "Williams, Kanesia" <kanesia.williams@dallascityhall.com>, "Denman, Lloyd" <lloyd.denman@dallascityhall.com>, "Dean, Neva" <neva.dean@dallascityhall.com>, "Erwin, Philip" <philip.erwin@dallascityhall.com>  
Subject: RE: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

At this point in the process, I would encourage you to make this request for continuance to the board at the public hearing tomorrow. And as you know, the board will have the option at the hearing tomorrow to grant your variance, deny your variance, or delay action on your variance.

Thank you,

Steve



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



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---

From: Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
Sent: Tuesday, August 15, 2017 9:47 AM  
To: Long, Steve <steve.long@dallascityhall.com>  
Subject: RE: BDA167-084, Property at 17787 Waterview Parkway

Steve,

In discussing this issue with our client, we respectfully request that this case be held under advisement until the October hearing date. This will enable us to design a ramp that can comply with the standards listed below.

Please let me know if you need any other information regarding our request to hold this case.

Thanks,

Santos

---

**From:** Long, Steve [mailto:[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)]

**Sent:** Thursday, August 10, 2017 10:26 AM

**To:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>

**Cc:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>; Denman, Lloyd <[lloyd.denman@dallascityhall.com](mailto:lloyd.denman@dallascityhall.com)>; Wimer, Megan <[megan.wimer@dallascityhall.com](mailto:megan.wimer@dallascityhall.com)>; Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Williams, Kanesia <[kanesia.williams@dallascityhall.com](mailto:kanesia.williams@dallascityhall.com)>; Erwin, Philip <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>

**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

FYI.

Steve



**Steve Long**

Board of Adjustment Administrator

City of Dallas | [www.dallascityhall.com](http://www.dallascityhall.com)

Current Planning Division

Sustainable Development and Construction

1500 Marilla Street, 5BN

Dallas, TX 75201

O: 214-670-4666

[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)



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---

**From:** Duerksen, Todd

**Sent:** Wednesday, August 09, 2017 10:33 AM

**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>; Denman, Lloyd <[lloyd.denman@dallascityhall.com](mailto:lloyd.denman@dallascityhall.com)>; Wimer, Megan <[megan.wimer@dallascityhall.com](mailto:megan.wimer@dallascityhall.com)>

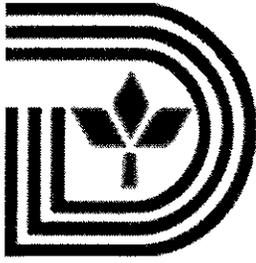
**Cc:** Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>

**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

The only issue is that a 16' wide ramp will only provide for one-way traffic. The proposed ramp width would accommodate either ingress or egress, but not both ingress and egress at the same time, to the parking on the top of the garage.

Ingress and egress requires a minimum driveway width of 10' each in both directions. A ramp that would accommodate two-way traffic to the top of the garage would need a driveway of at least 20' in width for the parking to be both accessible and legal.

BDA 167-084  
Attachment B  
pg 3



**Todd Duerksen**  
Sr. Plans Examiner - Zoning Code  
Consultant  
City of Dallas | [DallasCityNews.net](http://DallasCityNews.net)  
Building Inspection Division  
Department of Sustainable  
Development & Construction  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd., Rm. 105  
214-948-4475  
[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)



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

---

**From:** Long, Steve  
**Sent:** Wednesday, August 09, 2017 7:50 AM  
**To:** Denman, Lloyd <[lloyd.denman@dallascityhall.com](mailto:lloyd.denman@dallascityhall.com)>; Wimer, Megan <[megan.wimer@dallascityhall.com](mailto:megan.wimer@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Cc:** Erwin, Philip <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>; Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Dean, Neva <[neva.dean@dallascityhall.com](mailto:neva.dean@dallascityhall.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Lloyd, Megan, and Todd,

If the applicant in this case were to have his variance request granted next Wednesday with the submitted site plan imposed as a condition (page 6 of 7 in the attached application materials), would the City be able to issue a permit for the access ramp to the parking garage with it being only 16' wide? (I seem to recall at staff review that the answer was "no" but when I spoke to Santos yesterday about this being raised as a concern, he said that based upon conversations that he had had with staff, no one had indicated that this would be a problem).

Thank you,

Steve



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



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BDA167-084

Attachment B  
PS 9

---

**From:** Long, Steve  
**Sent:** Monday, July 31, 2017 8:58 AM  
**To:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Cc:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

Thanks, Todd. If the submitted site plan works for your group in terms of it being imposed as a condition by the board, and a related permitted being issued, I'm fine.

Steve

---

**From:** Duerksen, Todd  
**Sent:** Monday, July 31, 2017 8:33 AM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>; Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

The 14' dimension is the interior dimension of the ramp, the width of the driveway surface, not the exterior dimension. The easement encroachment will be addressed by the applicant with the easement holder, not with the board. If the applicant cannot get the easement abandoned or reduced, the ramp will not be issued a building permit.

---

**From:** Long, Steve  
**Sent:** Monday, July 31, 2017 8:15 AM  
**To:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Todd and Santos,

I still have these concerns about the application referenced above:

1. The application states that a 16 foot variance is requested to the rear yard setback regulations. But the submitted site plan appears to represent a 15' DP & L easement on the rear property line on the west side of the property that the 14' wide "proposed ramp" lies immediately east of, or MORE than 14' away from the rear property line.
2. If the ramp IS only 14' away from the western PL which would require a 16' variance per what is written on the application, shouldn't a revised site plan be submitted that represents that? If the Board were to grant a 16' variance but impose the site plan currently in the file as a condition, would the City issue a building permit if the submitted site plan represents that the ramp is located 16' from the rear property line?

Please address these concerns by the end of the day today if possible.

Thank you,  
Steve

---

**From:** Long, Steve  
**Sent:** Thursday, July 27, 2017 3:28 PM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Once again, if you want to make any amendments to your application and/or site plan other than what is attached, please do so with Todd no later than the end of the day tomorrow.

Thank you,

Steve



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



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---

**From:** Duerksen, Todd  
**Sent:** Thursday, July 27, 2017 3:20 PM  
**To:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>; Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

The need is for an actual 15'-7" encroachment into a 30' required setback. The actual 15'-7" encroachment is rounded up to a 16' variance request per the applicant's request. The encroachment into the adjoining easement will be addressed by the applicant as a separate issue with the easement holder.



**Todd Duerksen**  
Sr. Plans Examiner - Zoning Code Consultant  
City of Dallas | [DallasCityNews.net](http://DallasCityNews.net)  
Building Inspection Division  
Department of Sustainable Development & Construction  
Oak Cliff Municipal Center  
320 E. Jefferson Blvd., Rm. 105  
214-948-4475  
[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)



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---

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Thursday, July 27, 2017 1:59 PM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

BDA 167-084  
Attachment B  
PS 11

Steve,

I spoke with the engineer regarding the ramp design. The drive aisle is 14' in width. However, we need the width of support columns to keep this ramp maintained. From the existing western façade of the parking garage to the western most "façade" of the proposed ramp is 15' 7".

Please let me know what amendments need to be made on our plan/application to reflect the required space.

Thanks,  
Santos

---

**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Thursday, July 27, 2017 1:38 PM  
**To:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Cc:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Todd,

I have just spoken with Santos about concerns I have with his application referenced above.

Here are my concerns:

1. Santo's application states he is requesting a 16 foot variance to the rear yard setback regulations. But his submitted site plan appears to represent a 15' DP & L easement on the rear property line on the west side of the property that the 14' wide "proposed ramp" lies immediately east of, or MORE than 14' away from the rear property line.
2. If the ramp IS only 14' away from the western PL which would require a 16' variance per Santo's application, shouldn't he submit a site plan that represents that? I have relayed my concern to Santos that if he were to get a 16' variance but be conditioned to his site plan, he may not get a permit if the site plan represents that the ramp shows to be located 16' from the rear property line.
3. What is the solution if as Santo's describes in his letter (Attachment A) that "the new ramp needs to be 16' in width" given the footprint of the existing garage is represented at being located 30' from the rear property line with a 15' DP & L easement that runs parallel to the rear property line?
4. Can the board consider a structure that would be over the 15' DP & L easement that is on the west side of the property?

Thank you,

Steve

---

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Thursday, July 27, 2017 1:04 PM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Subject:** Re: BDA167-084, Property at 17787 Waterview Parkway

The clearance is 14 feet for vehicles. I still need a door of structure on each side to support the structure.  
Santos

BDA167-084  
Attach B  
Pg 12

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
Date: 7/27/17 12:41 PM (GMT-06:00)  
To: Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
Subject: FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

I have also just discovered a discrepancy between your site plan and your letter (Attachment A). Your site plan shows what appears to be a 14' wide ramp but your letter describes "the new ramp needs to be a dimension of sixteen feet in width."

Steve

---

**From:** Long, Steve  
**Sent:** Thursday, July 27, 2017 12:29 PM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

It doesn't – I had a second eye look at it. (But if you are away, this does not have to be dealt with today).

Steve

---

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Thursday, July 27, 2017 12:15 PM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Subject:** Re: BDA167-084, Property at 17787 Waterview Parkway

It should.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
Date: 7/27/17 12:06 PM (GMT-06:00)  
To: Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
Subject: RE: BDA167-084, Property at 17787 Waterview Parkway

Does your site plan show a 14' setback from the western property line?

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Thursday, July 27, 2017 11:16 AM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

BDA167-084  
Attach B  
PS 13

Steve,  
We need a 16 foot variance.  
Please let me know if you need any other items regarding this request.  
Thanks,  
Santos

---

**From:** Long, Steve [<mailto:steve.long@dallascityhall.com>]  
**Sent:** Thursday, July 27, 2017 10:43 AM  
**To:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Your application states you are requesting a 16 foot variance to the rear yard setback regulations. But your submitted site plan appears to represent a 15' DP & L easement on the western side property line that the ramp lies immediately east of.

Is the ramp only 14' away from the western PL which would require a 16' variance per your application OR is the ramp 15' away from the western PL which would require a 15' variance per your site plan?

Thank you,

Steve



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



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

---

**From:** Long, Steve  
**Sent:** Wednesday, July 26, 2017 11:59 AM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Erwin, Philip <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>; Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>  
**Subject:** RE: BDA167-084, Property at 17787 Waterview Parkway

BDA 167-084  
Attachment B PS 14

Ok. Really all that I am hoping that you say as it relates to the current application is that I'm covered with just making a request for variance to the rear yard setback regulations.

Thank you,

Steve

---

**From:** Santos Martinez [<mailto:Santos@masterplanconsultants.com>]  
**Sent:** Wednesday, July 26, 2017 10:49 AM  
**To:** Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Cc:** Erwin, Philip <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>  
**Subject:** Re: BDA167-084, Property at 17787 Waterview Parkway

Steve,  
I am out of town until this afternoon. I can clarify landscaping when I get back to office.  
Santos Martinez

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Long, Steve" <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)>  
**Date:** 7/26/17 10:05 AM (GMT-06:00)  
**To:** Santos Martinez <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** "Erwin, Philip" <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>, "Duerksen, Todd" <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>, "Moorman, Donna" <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

Several weeks ago, my understanding was that you would be covering the issue of not needing to revisit the landscape issue on this property in a forthcoming letter.

While your document that was hand-delivered to my office this morning (Attachment A) includes a letter that states "The construction of a new ramp, with previously approved landscaping that includes new screening materials, maintains the spirit of the ordinance." would you please affirm the fact that you have intentionally not made a request for a special exception to the landscape regulations on this site in conjunction with BDA167-084?

Attached is information regarding the recent board of adjustment action on this site (BDA167-071) from May of this year where the board denied your request for variance to the rear yard setback regulations without prejudice, and granted your request for special exception to the landscape regulations, subject to the submitted second revised landscape plan.

Once again, my concern is that you can achieve your permits for this property without conflict given that 1) the board has granted certain leniency to the landscape regulations per a specific plan imposed in May in conjunction with BDA167-071, with 2) the possibility of your submitted site plan being imposed as a condition to your rear yard variance request in this application in August in conjunction with BDA167-084.

Thank you,

BDA-167-084

Attach B

PS 15

Steve



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



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

---

**From:** Long, Steve  
**Sent:** Wednesday, July 26, 2017 8:24 AM  
**To:** Moorman, Donna <[donna.moorman@dallascityhall.com](mailto:donna.moorman@dallascityhall.com)>; Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>; Williams, Kanesia <[kanesia.williams@dallascityhall.com](mailto:kanesia.williams@dallascityhall.com)>; Erwin, Philip <[philip.erwin@dallascityhall.com](mailto:philip.erwin@dallascityhall.com)>  
**Cc:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Subject:** FW: BDA167-084, Property at 17787 Waterview Parkway

Attached is additional information from the applicant (Santos Martinez) regarding the application referenced above that I have labeled Attachment A. This information will become part of what is discussed at the staff review team on August 1<sup>st</sup> and will be included in the docket that is assembled and emailed to you, the applicant, and the board members the week of August 7<sup>th</sup>.

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

Thank you,

Steve



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



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

**From:** Long, Steve  
**Sent:** Wednesday, July 12, 2017 7:23 AM  
**To:** 'Santos Martinez' <[Santos@masterplanconsultants.com](mailto:Santos@masterplanconsultants.com)>  
**Cc:** Duerksen, Todd <[todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com)>  
**Subject:** BDA167-084, Property at 17787 Waterview Parkway

Dear Santos,

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

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 August 16<sup>th</sup> Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the rear yard setback 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 7 in these attached materials). Contact Todd Duerksen at 214/948-4475 or at [todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com) no later than 1 p.m., Wednesday, July 26<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 Building Official's report stating that the applicant proposes to construct/maintain a structure and provide a 14 foot rear yard setback which will require a 16 foot variance to the rear yard setback regulations, or that any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested rear yard variance 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 | [www.dallascityhall.com](http://www.dallascityhall.com)**  
Current Planning Division  
Sustainable Development and Construction  
1500 Marilla Street, 5BN  
Dallas, TX 75201  
O: 214-670-4666  
[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)



BDA 167-084  
Attach B P317  
RECEIVED  
SEP 05 2017  
By \_\_\_\_\_

August 31, 2017

Mr. Steve Long  
Board Administrator  
City of Dallas  
1500 Marilla, 5BN  
Dallas, TX 75201

RE: BDA 167-084; 17787 Waterview Parkway,

Mr. Long:

I have attached a revised site plan for the request listed above. This is in compliance with the review made by city staff indicating that a minimum drive aisle of twenty feet is required for this proposed ramp.

In meeting with the Chief Arborist on August 30, we want to reaffirm the request is only for a rear yard setback variance. The revised site plans have been reviewed again by his office to confirm this element.

It should be noted that since the ramp is required to be wider, it creates additional limitations on its placement. Again, the property owner only owns fifteen feet of property along the northern façade of the existing parking garage. Placement of a ramp on the eastern façade would not only impact usability of existing loading docks and dumpsters, but would also place the ramp entrance in conflict with a pedestrian access to the building. Tenants would exit the building and walk into the drive path of the drive ramp. Underground utility lines and equipment continue to create a conflict on the southern façade.

We respectfully request that our application be amended to reflect a twenty two foot wide ramp rather than a sixteen foot wide ramp as well. We understand there may be an additional fee for re-advertisement of this case.

Please let me know if you need any clarification on this revised site plan.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Santos T. Martinez'.

Santos T. Martinez  
Authorized representative





APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-084

Date: 5-17-17

Data Relative to Subject Property:

Location address: 17787 Waterview Parkway Zoning District: LI

Lot No.: 1F Block No.: A/8735 Acreage: 5.25 Census Tract: 318.04

Street Frontage (in Feet): 1) 337.19' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): CFT NV Developments LLC

Applicant: Santos T. Martinez Telephone: 214-761-9197

Mailing Address: Zip Code:

E-mail Address:

Represented by: Telephone:

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

E-mail Address: santos@masterplanconsultants.com

Affirm that an appeal has been made for a Variance x, or Special Exception x, of 16 feet into a required rear yard setback.

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason: property owner seeks to utilize the second level of an existing parking garage. The installation of a new ramp is limited to one side of the structure due to existing topography, easements, and structures. Previous access to second level has been converted into playground and recreational area for school by new owner.

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 Santos T. Martinez (Affiant/Applicant's name printed)

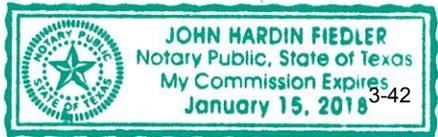
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

Subscribed and sworn to before me this 23 day of May, 2017

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

(Rev. 08-01-11)



MEMORANDUM OF  
ACTION TAKEN BY THE  
BOARD OF ADJUSTMENT

Date of Hearing \_\_\_\_\_

Appeal was---Granted OR Denied

Remarks \_\_\_\_\_

Chairman

**Building Official's Report**

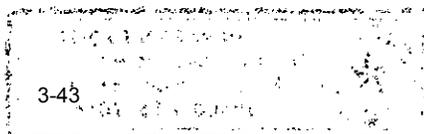
I hereby certify that Santos Martinez

did submit a request for a variance to the rear yard setback regulations  
at 17787 Waterview Parkway

BDA167-084. Application of Santos Martinez for a variance to the rear yard setback regulations at 17787 Waterview Parkway. This property is more fully described as Lot 1F, Block A/8735, and is zoned LI, which requires a rear yard setback of 30 feet. The applicar proposes to construct a nonresidential structure and provide a 14 foot rear yard setback, which will require a 16 foot variance to the rear yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

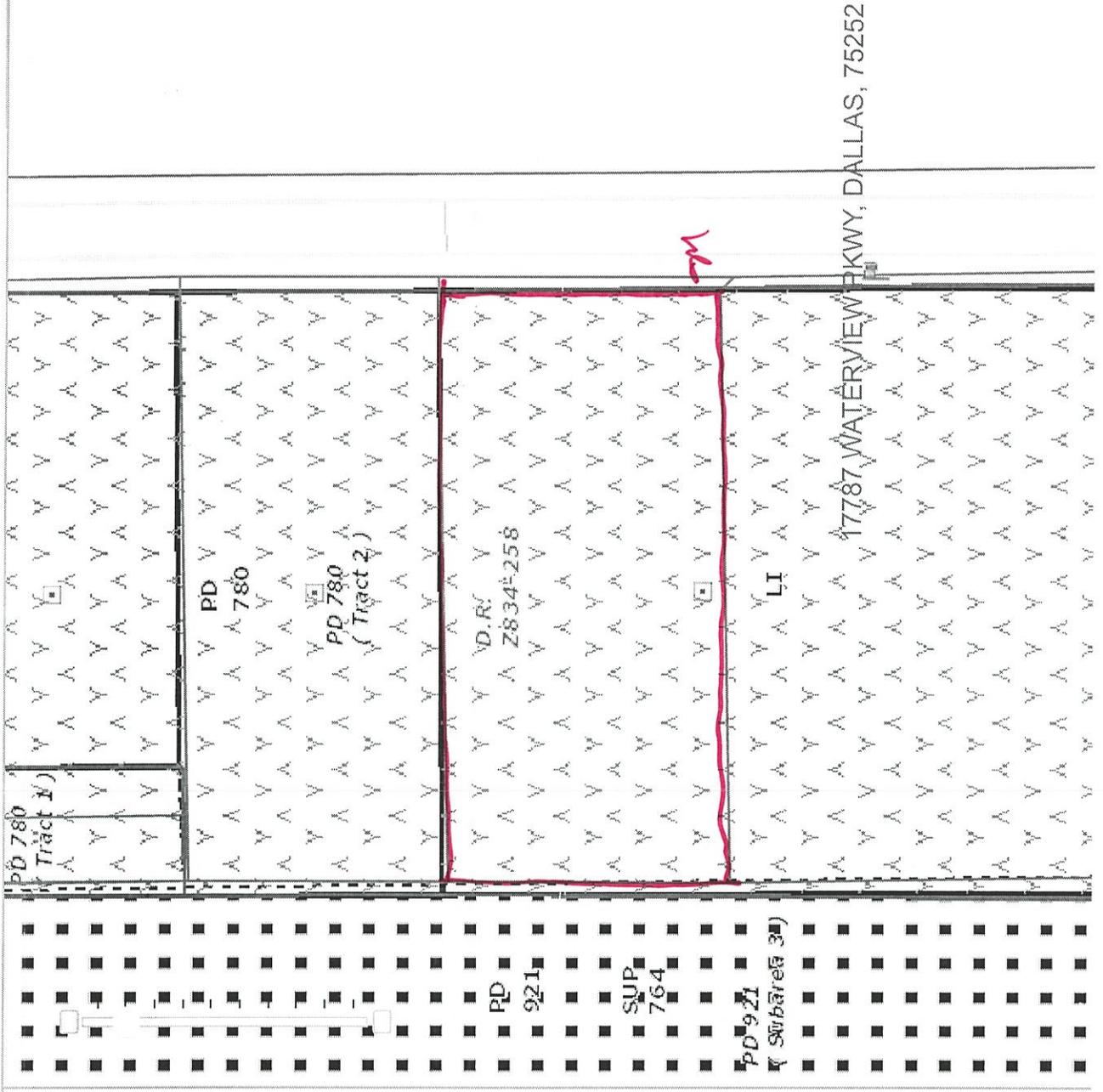


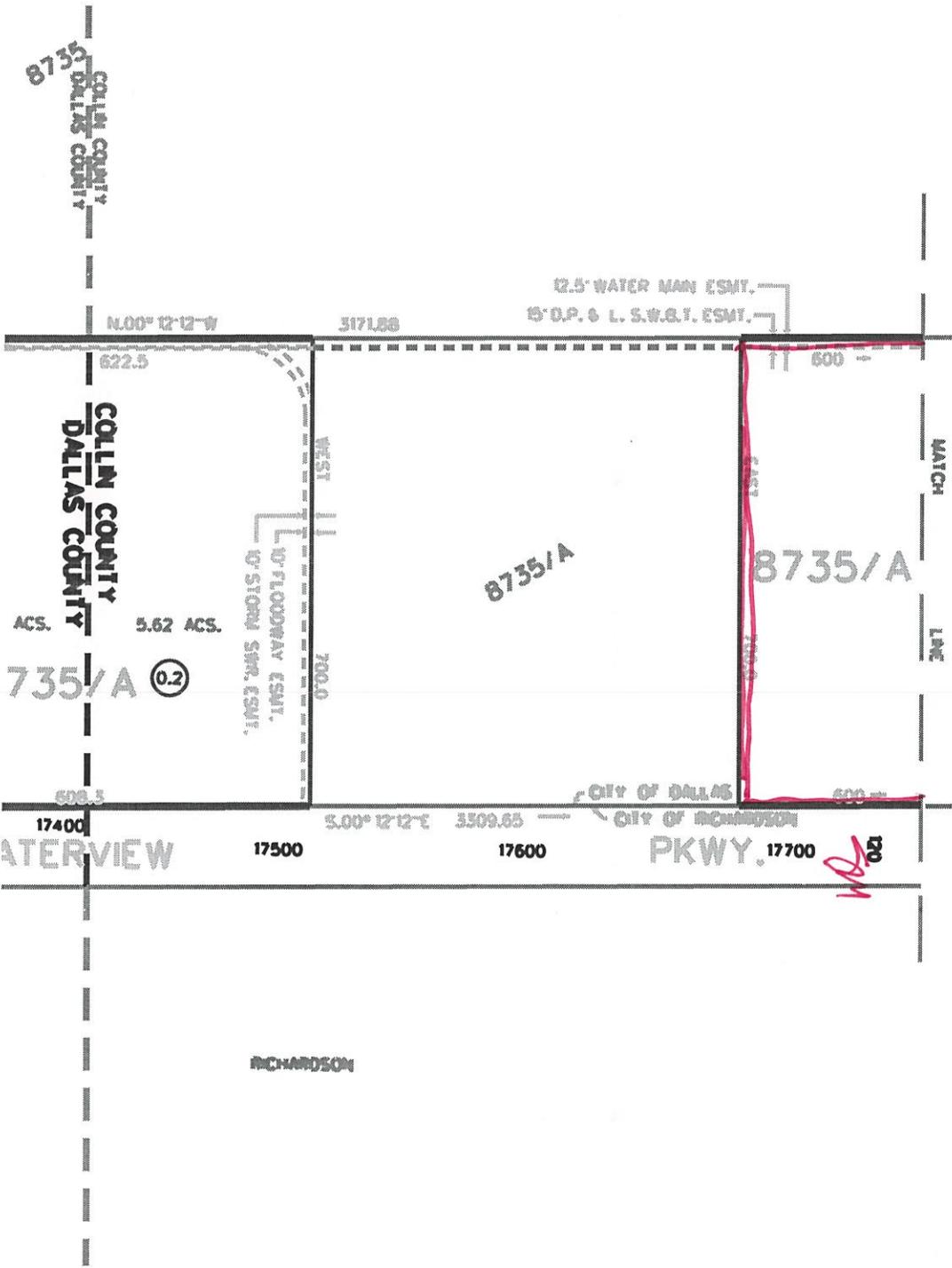
# City of Dallas

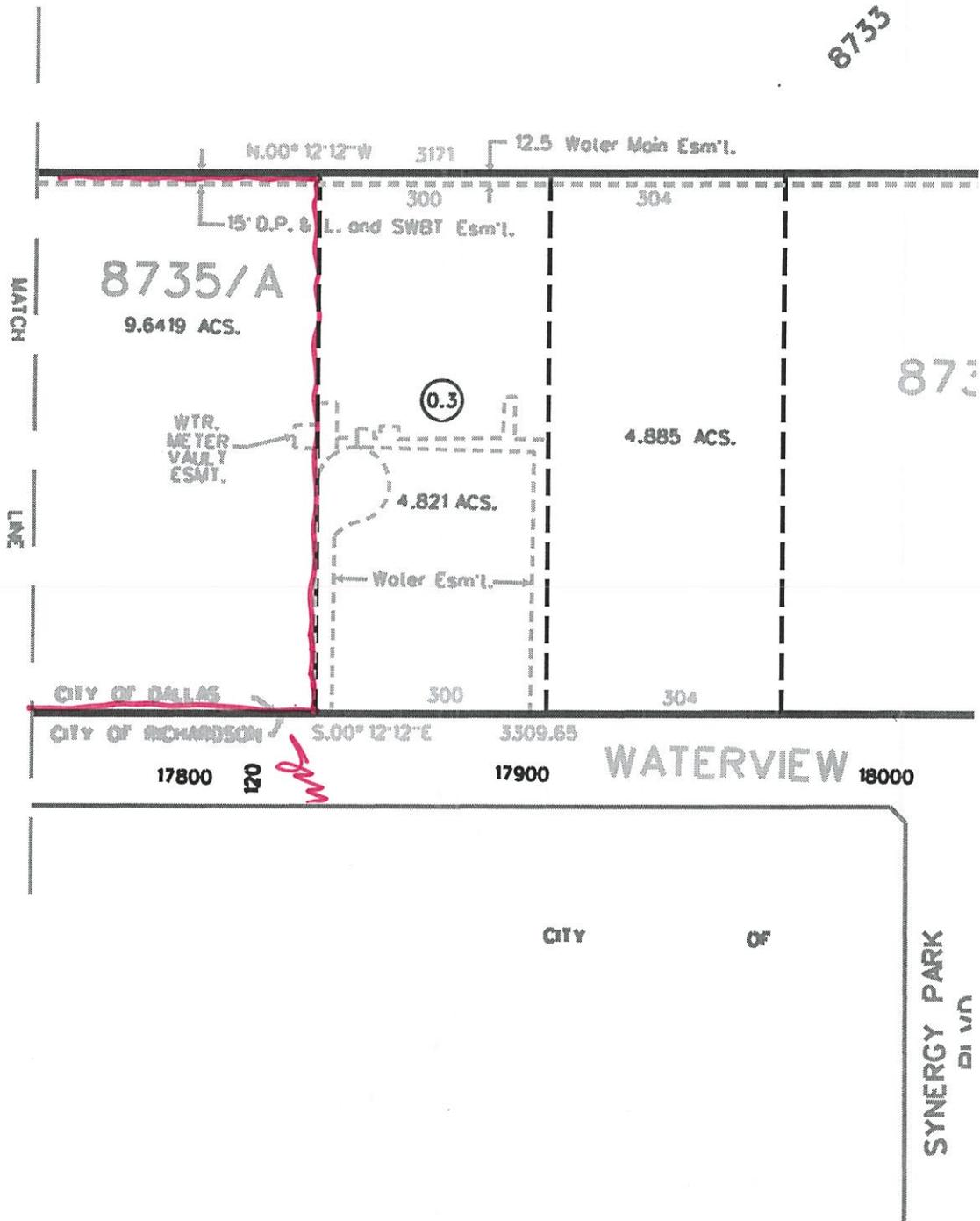
## Internal Development Research Site

### Legend

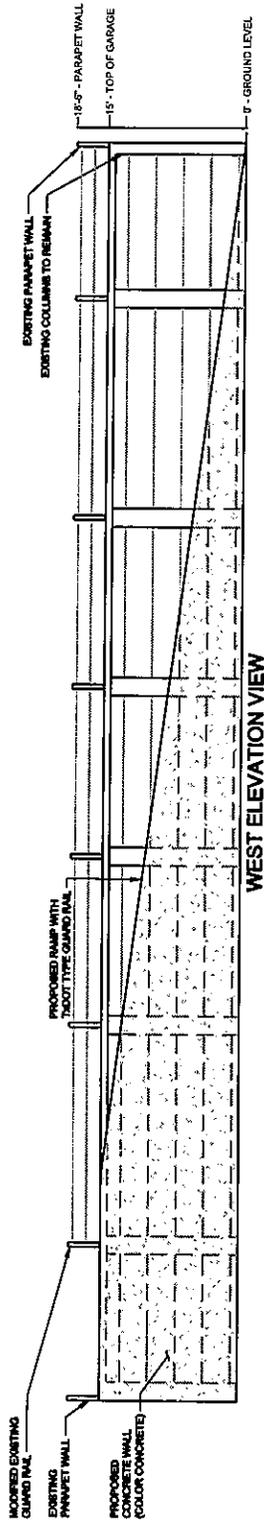
- Dallas Zoning
- Floodplain
- Building Inspection
- DART
- Real Estate
- Alcohol
- Plats
- Areas of Request
- Thoroughfare Plan
- Long Range Plans
- Capital Improvement Program
- Council and Census
- Roads
- Tax Parcels
- Zoning Grid
- Stormwater
- Water Distribution
- Waste Water





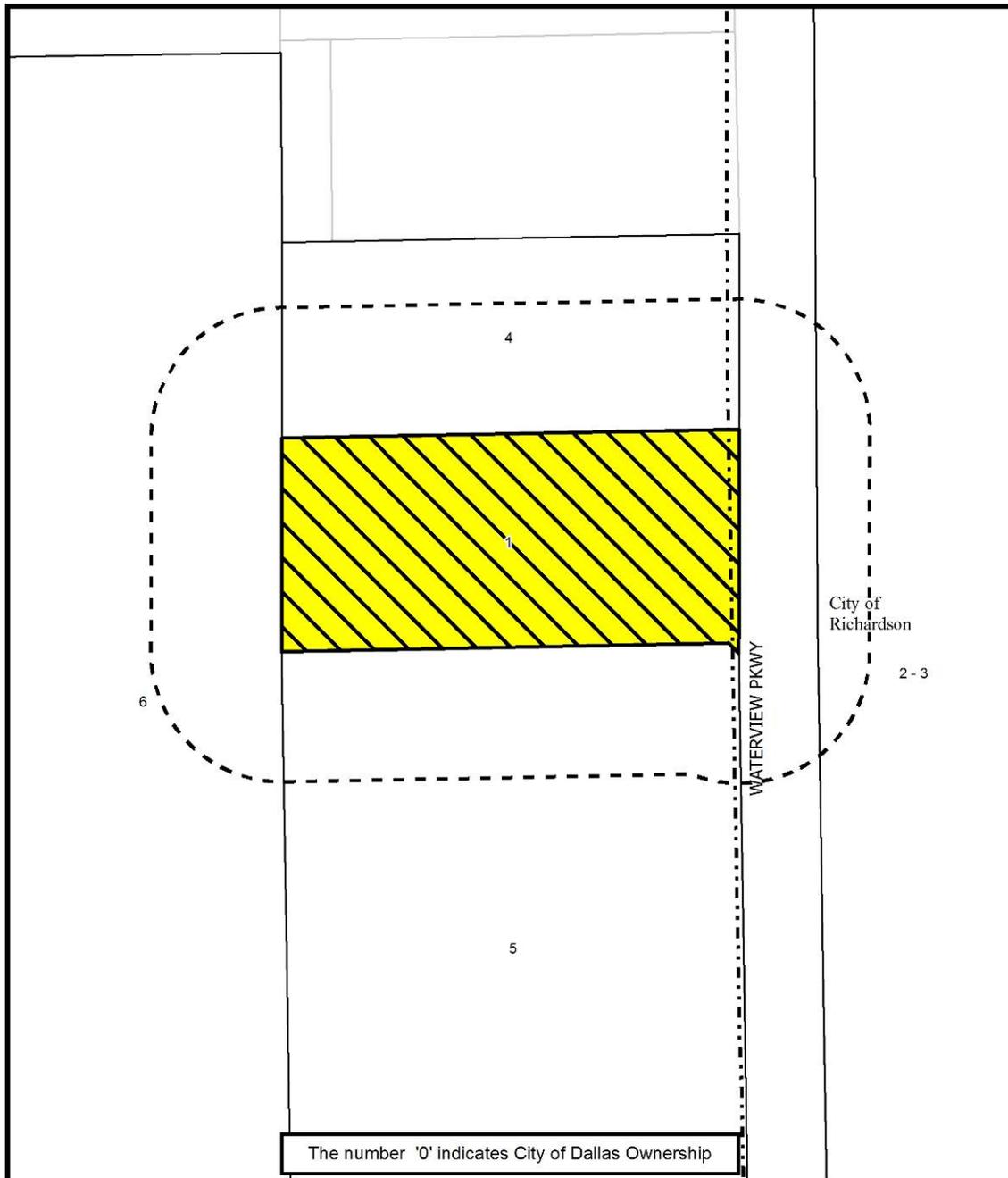






# PROPOSED ACCESS RAMP

DALLAS, TEXAS  
10/20/2016



1:2,400

## NOTIFICATION

200'

AREA OF NOTIFICATION

6

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-084**

Date: **7/17/2017**

## *Notification List of Property Owners*

***BDA167-084***

### ***6 Property Owners Notified***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	17787 WATERVIEW PKWY	CFT NV DEVELOPMENTS LLC
2	2801 RUTFORD AVE	U T D
3	2200 WATERVIEW PKWY	BOARD OF REGENTS OF THE
4	17811 WATERVIEW PKWY	DALLAS INTERNATIONAL SCHOOL
5	17655 WATERVIEW PKWY	KOHL'S DEPARTMENT STORES INC
6	COIT RD	CADG DALLAS 163 LLC

**FILE NUMBER:** BDA167-093(SL)

**BUILDING OFFICIAL'S REPORT:** Application of Roger Gault, represented by Stephen Hundley, for a variance to the side yard setback regulations at 6444 Lavendale Avenue. This property is more fully described as Lot 12, Block C/5500, and is zoned R-16(A), which requires a side yard setback of 10 feet. The applicant proposes to construct and maintain a structure and provide a 6 foot 6 inch side yard setback, measured at the foundation, which will require a 3 foot 6 inch variance to the side yard setback regulations.

**LOCATION:** 6444 Lavendale Avenue

**APPLICANT:** Roger Gault  
Represented by Stephen Hundley

**REQUEST:**

A request for a variance to the side yard setback regulations of 3' 6" is made to construct and maintain an addition to a single family home structure, located 6' 6" from the site's western side property line or 3' 6" into this 10' side yard setback.

**STANDARD FOR A VARIANCE:**

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

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

**STAFF RECOMMENDATION:**

Denial

Rationale:

- Staff concluded that while granting this variance would not appear to be contrary to public interest in that the addition requiring variance is 80 square feet, and the applicant has submitted a letter of support from the owner of the property to the west nearest the proposed encroachment; that the request should be denied even upon recognition that the subject site is slightly less than the standard size lot in the R-16(A) zoning district (approximately 15,900 as opposed to 16,000), because the applicant had not substantiated how this feature of the flat, rectangular-shaped site precluded it from being developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning district.

**BACKGROUND INFORMATION:**

**Zoning:**

<u>Site:</u>	R-16(A) (Single family district 16,000 square feet)
<u>North:</u>	R-16(A) (Single family district 16,000 square feet)
<u>South:</u>	R-16(A) (Single family district 16,000 square feet)
<u>East:</u>	R-16(A) (Single family district 16,000 square feet)
<u>West:</u>	R-16(A) (Single family district 16,000 square feet)

**Land Use:**

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

**Zoning/BDA History:**

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

**GENERAL FACTS/STAFF ANALYSIS:**

- The request for a variance to the side yard setback regulations of 3' 6" focuses on constructing and maintaining an approximately 80 square foot addition to an existing two-story single family home structure with (according to the applicant's representative) approximately 4,900 square feet of living area to be located 6' 6" from the site's western side property line or 3' 6" into this 10' required side yard setback.
- A 10' side yard setback is required in the R-16(A) zoning district.
- The submitted site plan denotes the addition or "area of proposed expansion" is located 3' 6" from the site's western side property line.
- The proposed addition in the western side yard setback that the applicant is seeking variance is approximately 80 square feet in area (approximately 20' x approximately 4').

- The subject site is flat, rectangular in shape (approximately 159' x 100'), and according to the submitted application is 0.365 acres (or approximately 15,900 square feet) in area. The site is zoned R-16(A) where lots are typically 16,000 square feet in area.
- According to DCAD records, the “main improvement” for property addressed at 6444 Lavendale Avenue is structure built in 2005 with 4,914 square feet of living area and 5,418 square feet of total area, and that “additional improvements” are: a 78 square foot cabana; an 1,158 square foot attached garage, and pool.
- The applicant’s representative submitted documentation stating that the total square footage on the subject site is approximately 5,400, and that this square footage is less than the square footages of 5 other properties in “the immediate vicinity”.
- The applicant has the burden of proof in establishing the following:
  - That granting the variance to the side yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
  - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification.
  - The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant the request, and impose the submitted site plan as a condition, the structure in the side yard setback would be limited to what is shown on this document– which in this case is a structure that is located 6’ 6” from the western side property line or 3’ 6” into this 10’ required side yard setback.

**Timeline:**

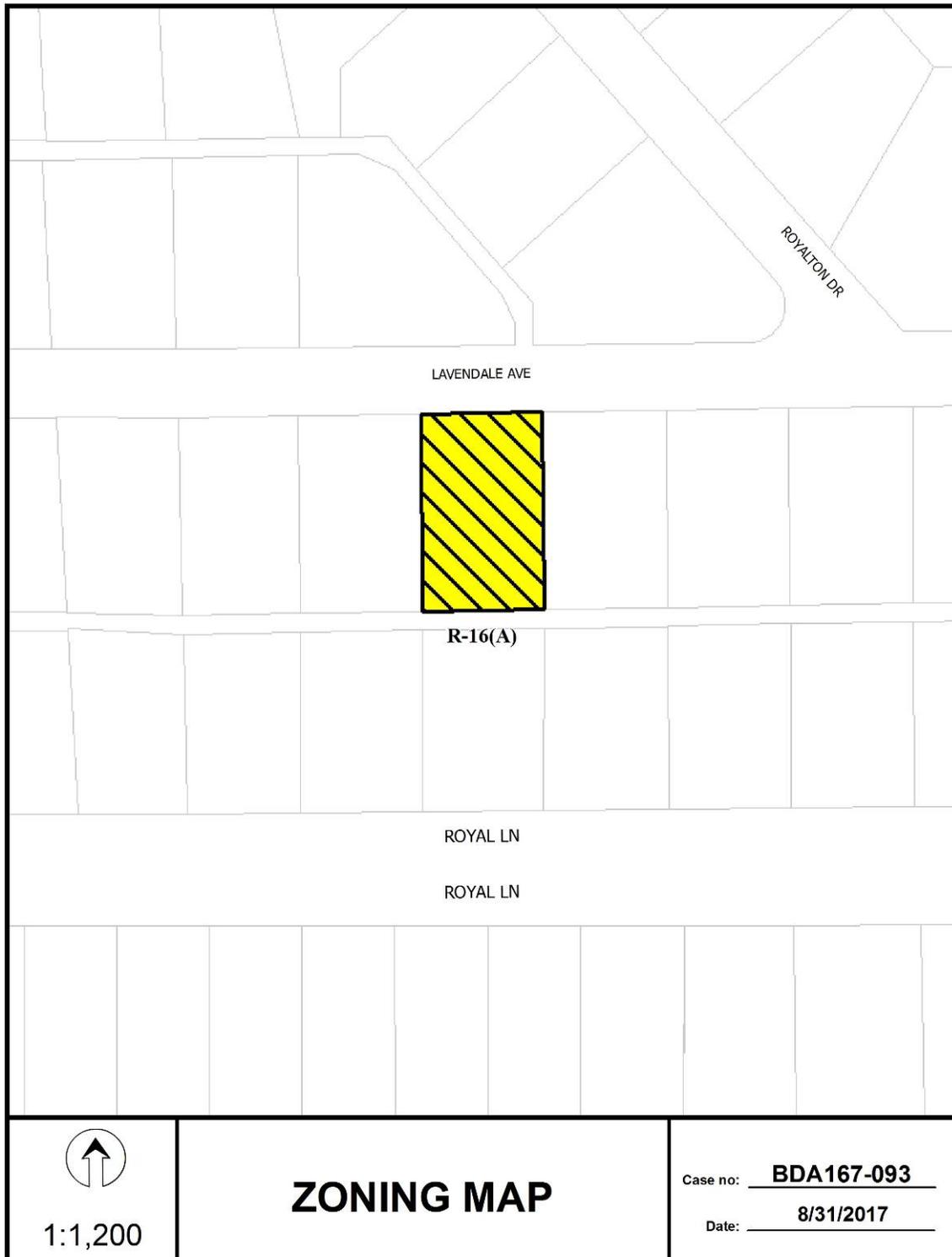
- June 15, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- August 8, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- August 8, 2017: The Board Administrator emailed the applicant’s representative the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the August 30<sup>th</sup> deadline to submit additional evidence for staff to factor into their analysis; and the September 8<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.

August 21, 2017: The applicant's representative submitted additional documentation on this application to the Board Administrator beyond what was submitted with the original application (see Attachment A).

September 5, 2017: 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 Assistant Director of Engineering, the Sustainable Development and Construction Assistant Building Official, the Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Chief Arborist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

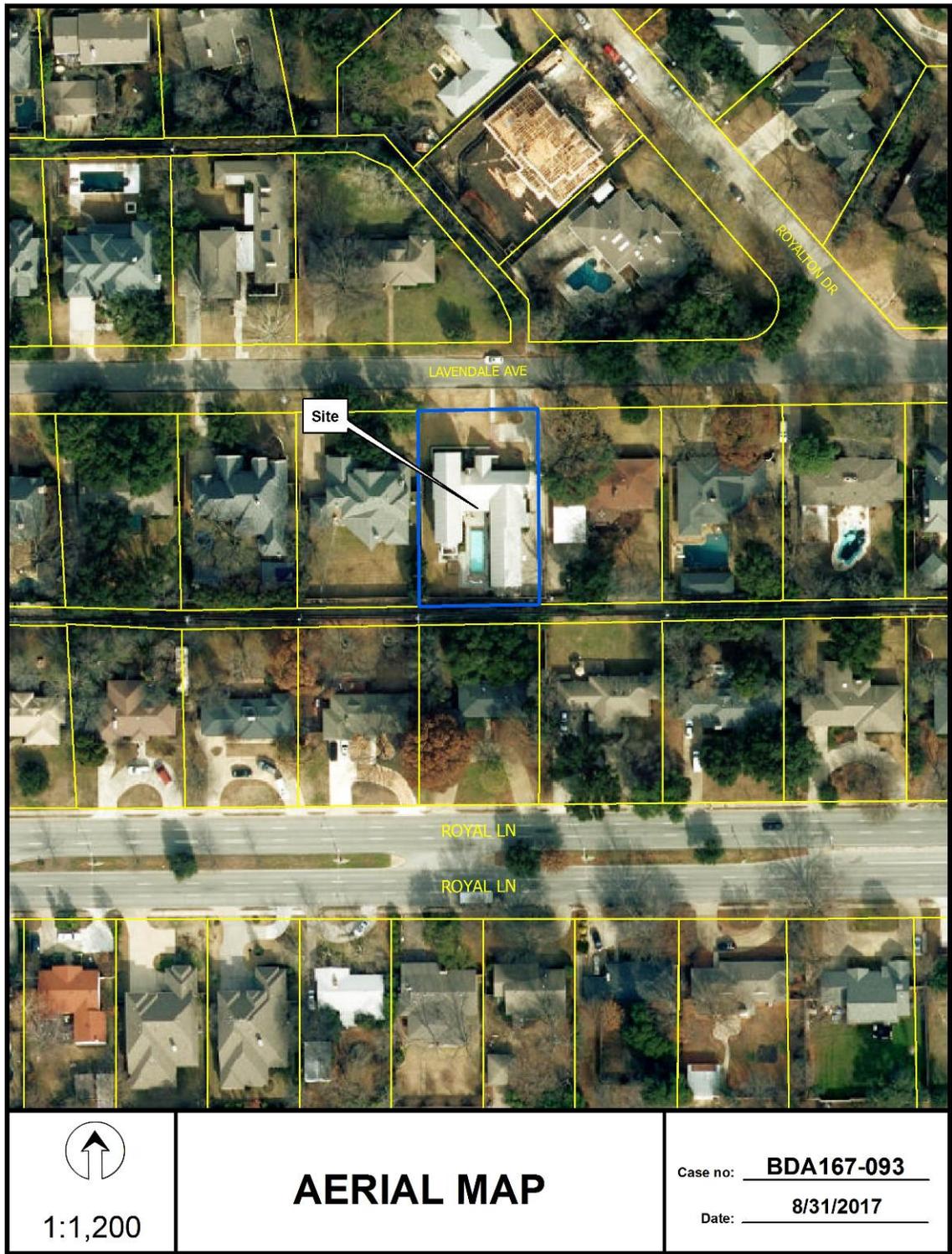
No review comment sheets were submitted in conjunction with this application.



  
 1:1,200

# ZONING MAP

Case no: BDA167-093  
 Date: 8/31/2017



**Long, Steve**

---

**From:** Stephen Hundley <shundley@schaia.org>  
**Sent:** Monday, August 21, 2017 9:46 AM  
**To:** Long, Steve  
**Subject:** Fwd: BDA167-093, Property at 6444 Lavendale Avenue  
**Attachments:** 2017\_06\_07\_Jame Weeks Letter.pdf

Mr. Long: I apologize. The information I sent you had some incorrect data.

Mr. Gault's residence is 4,914 sf of Living area and 5418 sf total area.

The House at 6480 Royalton is 8,650 sf. NOT 6,525 sf

In addition: I would like to add the following:

6420 Lavendale is two lots to the west of Mr. Gault's residence and is currently under construction with a new house that is 6,785 sf

6466 Lavendale is two lots to the east of Mr. Gault's residence and is currently under construction with a new house that is 7,740 sf

Again, my apologies for the mix up. Questions or comments, please do not hesitate to call.

Best regards,

Stephen

Stephen Hundley, AIA

7921 Deer Trail  
Dallas, Texas 75238  
214 683 0104  
[shundley@schaia.org](mailto:shundley@schaia.org)  
[www.schaia.org](http://www.schaia.org)

Begin forwarded message:

**From:** Stephen Hundley <shundley@schaia.org>  
**Subject:** Re: BDA167-093, Property at 6444 Lavendale Avenue  
**Date:** August 18, 2017 at 10:12:29 AM CDT  
**To:** "Long, Steve" <steve.long@dallascityhall.com>  
**Cc:** Roger Gault <rgault@gaultcompany.com>

Mr. Long: Please be advised, we desire to add further updated information to our application. Enclosed please find a copy of a letter from Mr. James Weeks, Mr. Gault's immediate next door neighbor whose home is on the side we are requesting a variance. Please note, Mr. Weeks is in full support of Mr. Gault's request for the variance and does not see any deleterious effect it will have on his property.

As I mentioned, the request is required as this is the only realistic option for expanding this one bedroom on the ground floor for Mr. Gault's mother.

In addition, I am enclosing information for three existing properties in the immediate vicinity of Mr. Gault's residence which feature total square footages far exceeding that of Mr. Gault's residence. The addition of 70 square feet to Mr. Gault's residence brings the total square footage of his residence to **5,951 sf.**

In contrast, the following residences:

6441 Lavendale Ave.

**7,475 SF**

5 bedroom / 7 bathrooms

This house is directly across the street from Mr. Gault's residence – completed in March, 2017

6464 Royalton

**6,525 SF**

5 bedroom / 6 bathrooms

This house is right around the corner – completed in April, 2017

6480 Royalton

**7,500 SF**

5 bedroom / 6.5 bathrooms

Corner of Lavendale and Royal – across the street from Mr. Gault's house – currently under construction

The conclusion to draw from this is the neighborhood currently and as a trend to the future will be featuring homes far larger than Mr. Gault's residence, including the addition, and is not contrary to the public interest.

Any questions or comments, please do not hesitate to contact me.

Sincerely,

Stephen Hundley, AIA

7921 Deer Trail

Dallas, Texas 75238

214 683 0104

[shundley@schaia.org](mailto:shundley@schaia.org)

[www.schaia.org](http://www.schaia.org)

On Aug 11, 2017, at 1:56 PM, Long, Steve <[steve.long@dallascityhall.com](mailto:steve.long@dallascityhall.com)> wrote:

Dear Mr. Hundley,

Here is information regarding the board of application to the board of adjustment referenced above that you are representing for Roger Gault, most of which we just discussed on the phone:

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 September 20<sup>th</sup> Board of Adjustment Panel B public hearing.
2. The provision from the Dallas Development Code allowing the board to grant a variance to the side yard setback 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 12 in these attached materials). Contact Todd Duerksen at 214/948-4475 or at [todd.duerksen@dallascityhall.com](mailto:todd.duerksen@dallascityhall.com) no later than 1 p.m., Wednesday, August 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 Building Official's report stating that the applicant proposes to construct/maintain a structure and provide a 6 foot 6 inch side yard setback which will require a 3 foot 6 inch variance to the side yard setback regulations, or any other part of this report is incorrect. (Note that the discovery of any additional appeal needed beyond your requested side yard variance 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 by the deadlines attached in this email:

TO WHOM IT MAY CONCERN:

June 7, 2017

Honorable Board of Adjustment Members:

I am writing this letter to let you know that I am in support of the side-yard setback variance request being applied for by Mr. and Ms. Roger C. Gault for their residence located at 6444 Lavendale Ave.

My wife and I recently purchased the home immediately next door to the west of the Gault residence, at 6436 Lavendale, which is on the same side of the set-back variance request.

I have studied the plan reflecting the one room that the Gault's wish to extend beyond the current side yard setback by only 5', and since the proposed extension would only be single-story, and the requested extension only would be a 20' long section of the entire 73' deep western wall of the home, I believe it will have very little, if any, visual impact.

Also, there is an existing 8' high fence with landscaping above that fence that will serve as additional screening between the Gault residence and the other homes in the neighborhood.

Thank You for your consideration of Mr. and Mrs. Gault's variance request,

Mr. and Mrs. James Weeks



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-093
Date: 6-15-17

Data Relative to Subject Property:

Location address: 6444 Lavendale Avenue Zoning District: R-16(A)
Lot No.: Lot 12 Block No.: Blk C/5500 Acreage: 0.365 ac Census Tract: 133.00
Street Frontage (in Feet): 1) 100.00' 2) 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Roger Gault
Applicant: Roger Gault Telephone: 214.356.5890
Mailing Address: 6444 Lavendale Avenue Zip Code: 75239
E-mail Address: rgault@sbcglobal.com
Represented by: Stephen Hundley, AIA Telephone: 214.683.0104
Mailing Address: 7921 Deer Trail, Dallas, TX Zip Code: 75238
E-mail Address: shundley@schaia.org

Affirm that an appeal has been made for a Variance X, or Special Exception, of construction of a room expansion which exceeds the side yard setback by 3'-6" on the west elevation

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:
Total area of the addition does not exceed 80 sf. The additional area is not contrary to the public interest as the existing shape of the development does not approach the total allowed area for development, which prohibits full development commensurate with other parcels of land in the same zone. Similarly scaled residences in the zone have total developed areas as much as 1,000 sf greater than the applicant's residence. Neighbors from adjoining properties express their unqualified support through written statements. Reference copies enclosed herein.

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 ROGER C. GAULT
(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: Roger C Gault
(Affiant/Applicant's signature)

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



Olivia Kearney
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

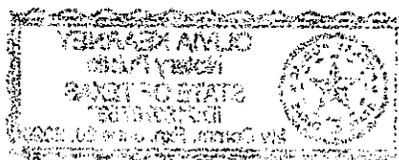
**Building Official's Report**

I hereby certify that Roger Gault  
represented by Stephen Hundley  
did submit a request for a variance to the side yard setback regulations  
at 6444 Lavendale Avenue

BDA167-093. Application of Roger Gault represented by Stephen Hundley for a variance to the side yard setback regulations at 6444 Lavendale Avenue. This property is more fully described as Lot 12, Block C/5500, and is zoned R-16(A), which requires a side yard setback of 10 feet. The applicant proposes to construct a single family residential structure and provide a 6 foot 6 inch side yard setback, measured at the foundation, which will require a 3 foot 6 inch variance to the side yard setback regulation.

Sincerely,

*Philip Sikes*  
Philip Sikes, Building Official

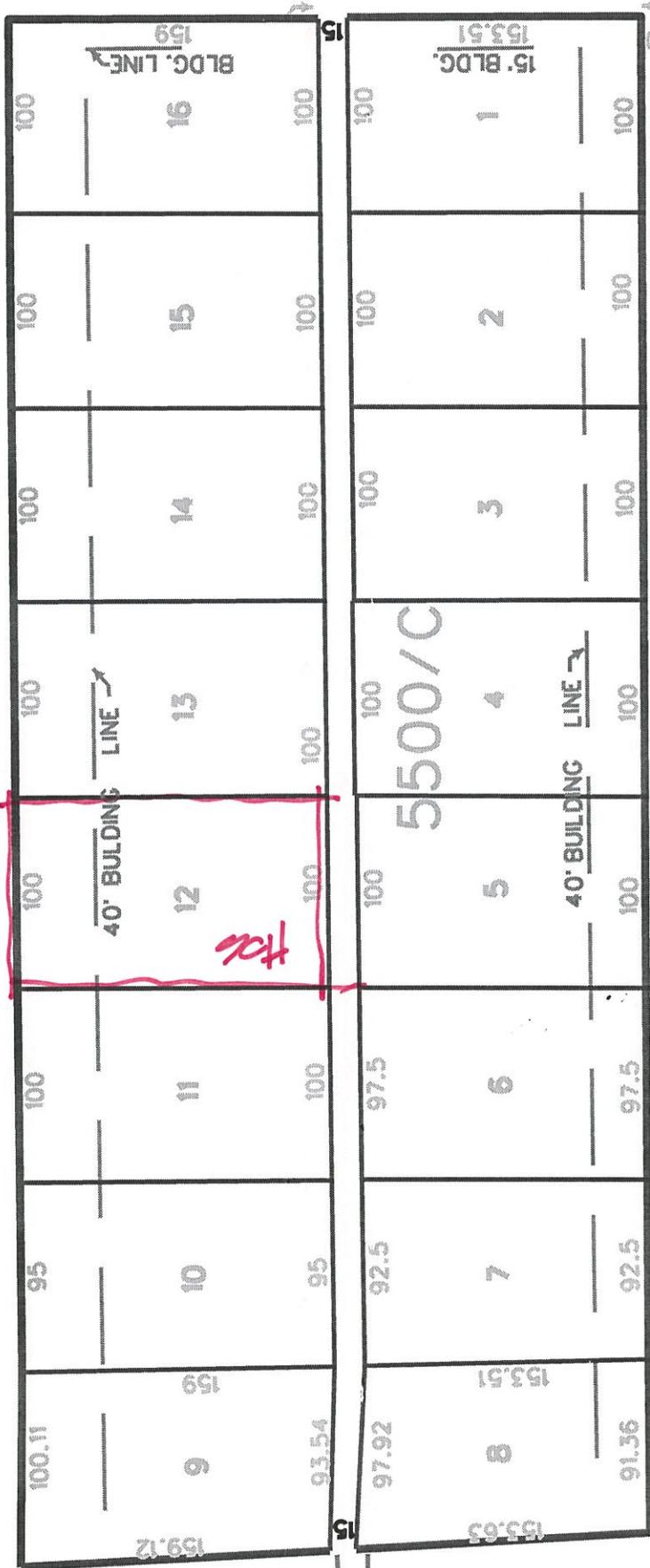




50 LAVENDALE

50 AVE.

6400



80 --- ROYAL --- JOHN THOMAS SUR. ABST. 1485 --- 6400 --- LANE --- 80

70 --- J.A. SMITH SUR. ABST. 1339 --- 30

298

5498

EDGEMERE ROAD 60 10800 60

# City of Dallas

## Internal Development Research Site

### Legend

### Locate Property

Search by:

GIS Account #

Locate

OR

Street address,

6444 Lavendale

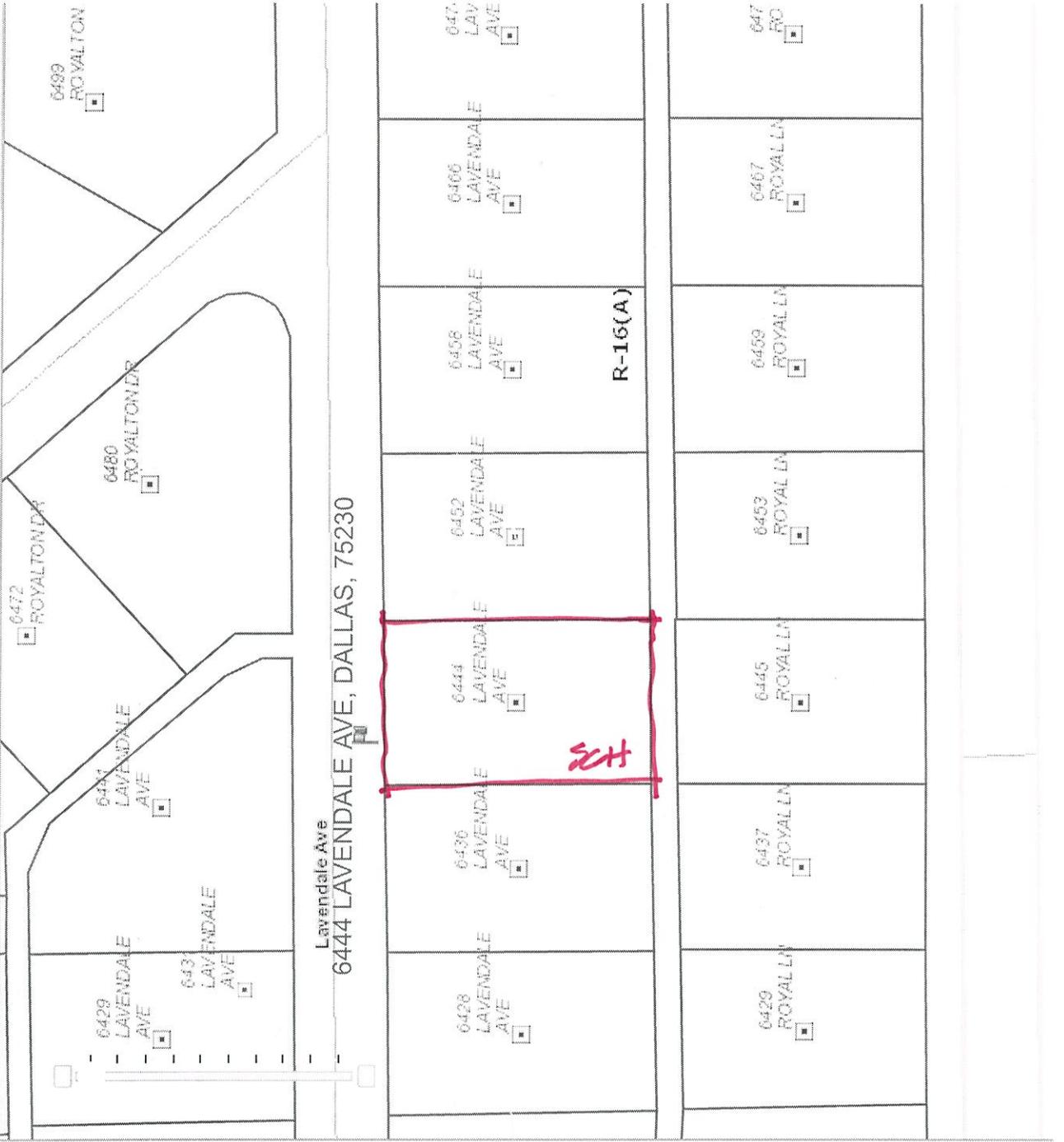
Locate

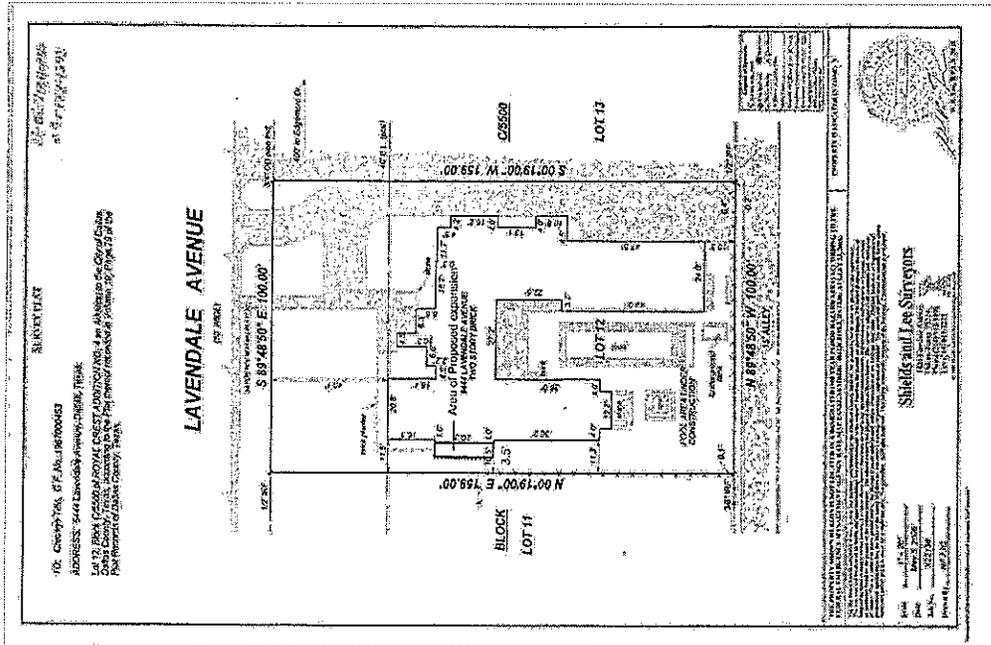
OR

Parcel address.

Use street type for better re

Locate





ARCHITECT:  
 Stephen Hundley AIA  
 1000 Park Ave. S.  
 Decatur, GA 30030  
 404.683.0104  
 shundley@schola.org

Project: Lavendale Valencia  
 Architect: Stephen Hundley AIA  
 Date: May 8, 2017  
 Scale: 1"=20'-0"  
 Revision Data  
 Δ Δ  
 Δ Δ  
 Δ Δ

Sheet Name:  
 Existing Building Floor Plan

Sheet Number  
 A100

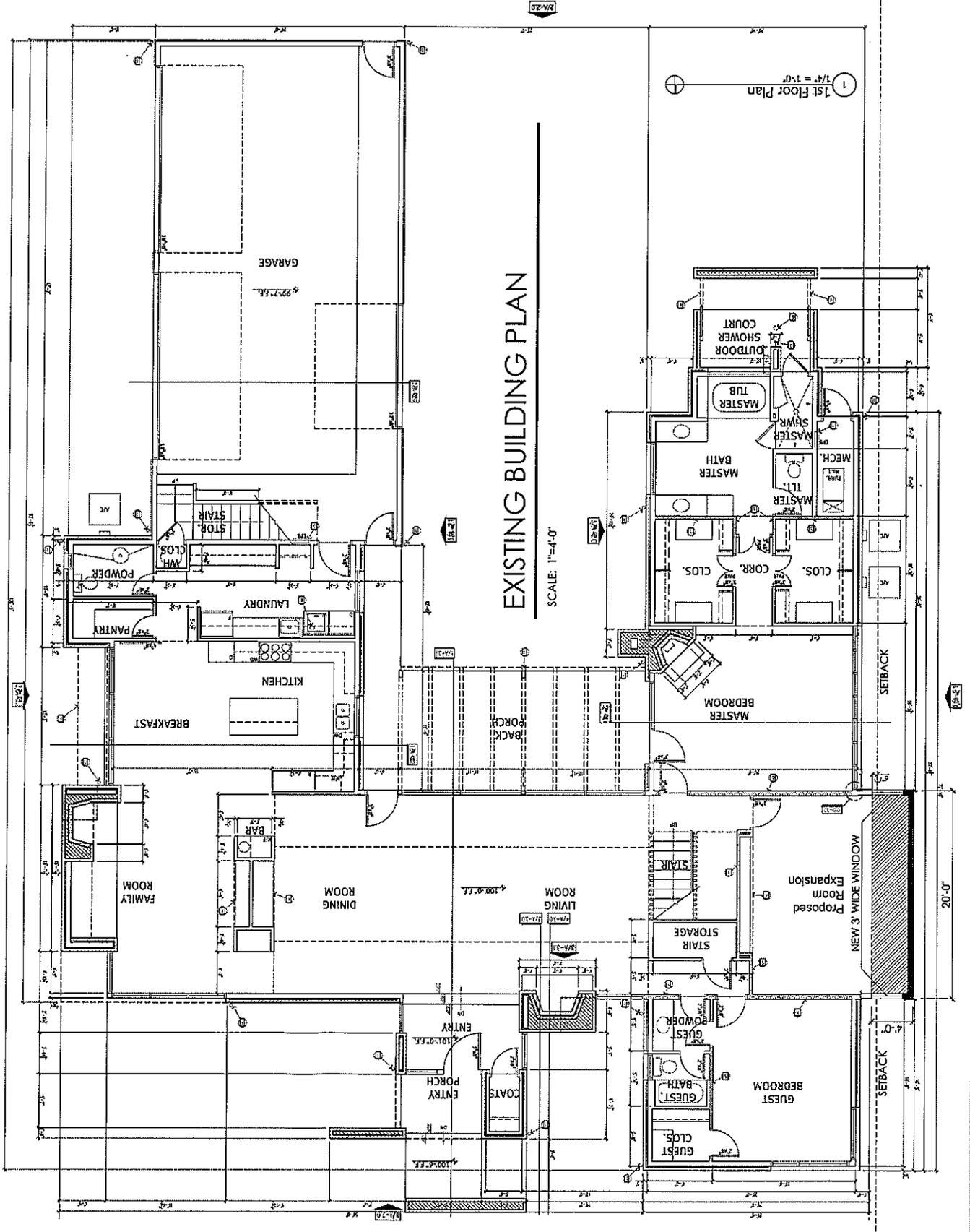
EXISTING SITE PLAN WITH ADDITION  
 SCALE: 1"=20'-0"

ARCHITECT:  
 Stephen Hundley AIA  
 214-483-9226  
 214-483-9104  
 shundley@tchoba.org

Scale  
 Project: Remodelable Variance  
 File: A101  
 Date: May 05, 2017  
 Scale: 1/4"=1'-0"  
 Revision Date

Sheet Name:  
 Building Floor Plan

Sheet Number  
 A101

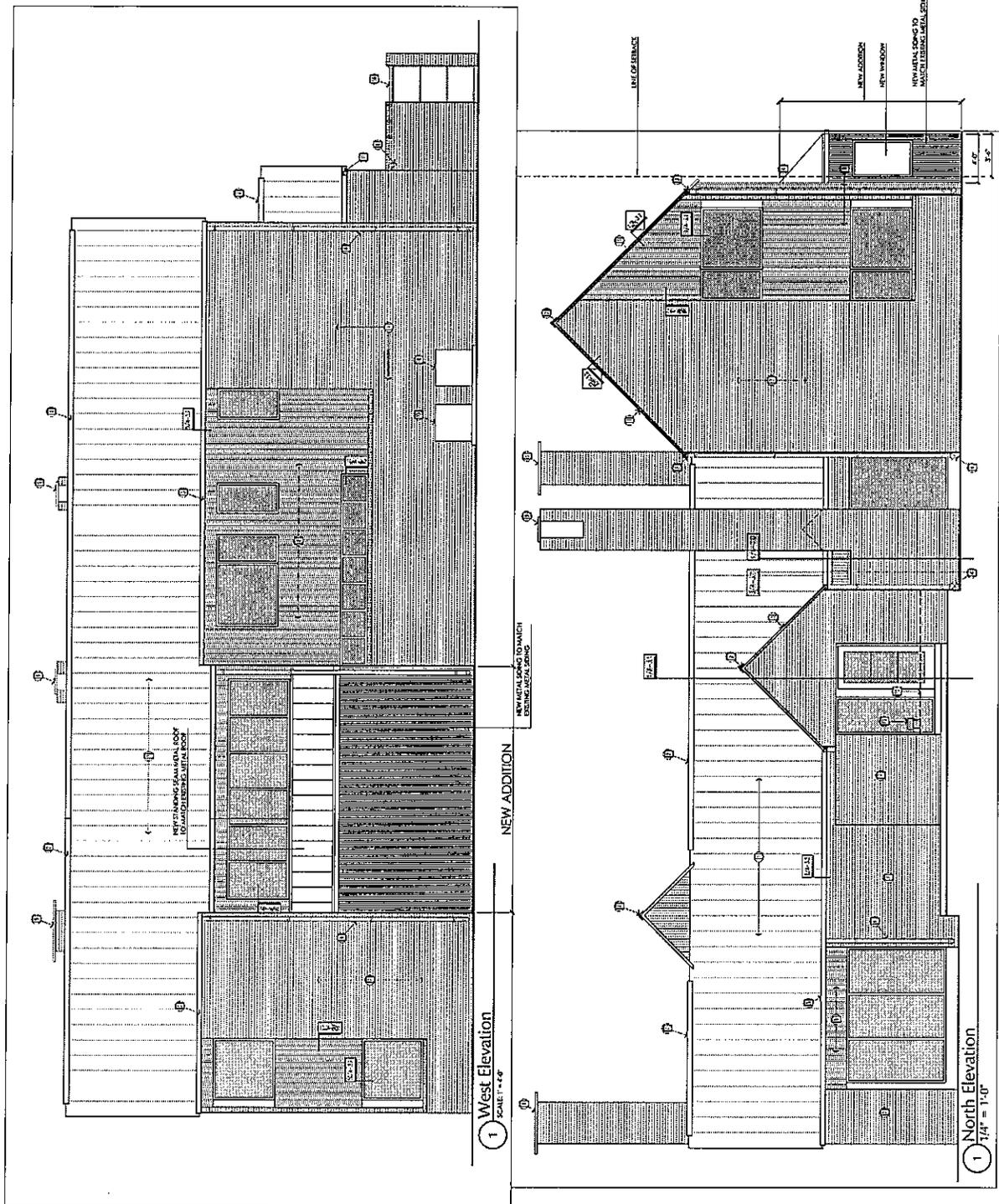


ARCHITECT:  
**Stephen Hundley AIA**  
 792 Deer Trail  
 Denver, CO 80202  
 303.441.0304  
 shundley@shundley.com

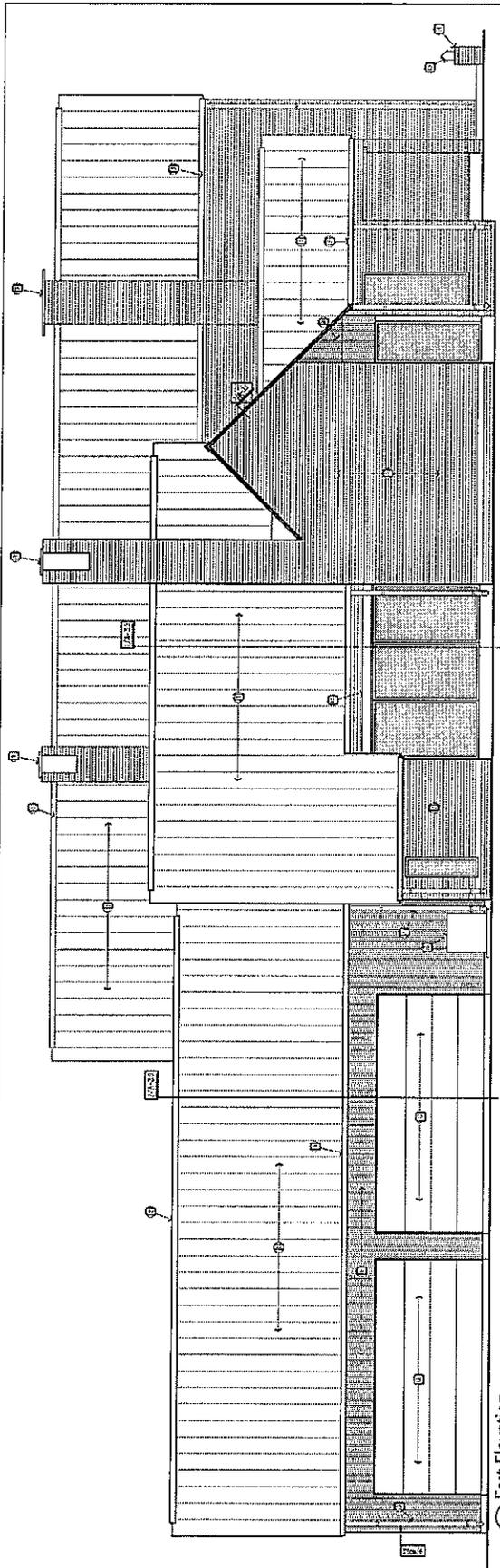
Project: **Lowland Valencia**  
 File: **A102.dwg**  
 Date: **11/28/17**  
 Scale: **1/4"=1'-0"**  
 Revision Dots  
 △ △ △  
 △ △ △  
 △ △ △

Sheet Name  
 Existing Elevator Elevations

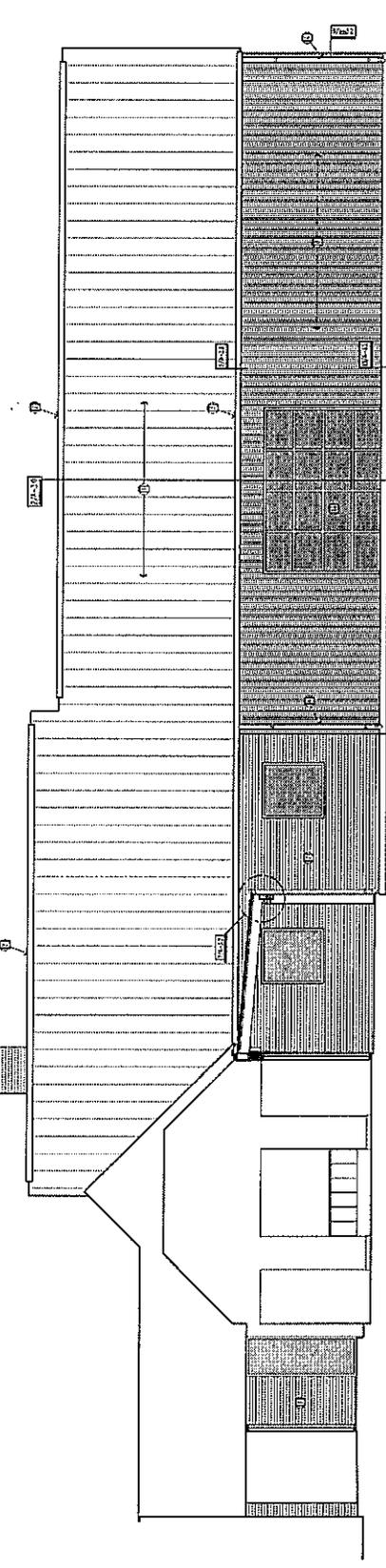
Sheet Number  
**A102**



EXISTING BUILDING ELEVATIONS WITH ADDITION



2 East Elevation  
1/4" = 1'-0"



3 Courtyard Elevation  
1/4" = 1'-0"

EXISTING BUILDING ELEVATIONS (ADDITION NOT VISIBLE)

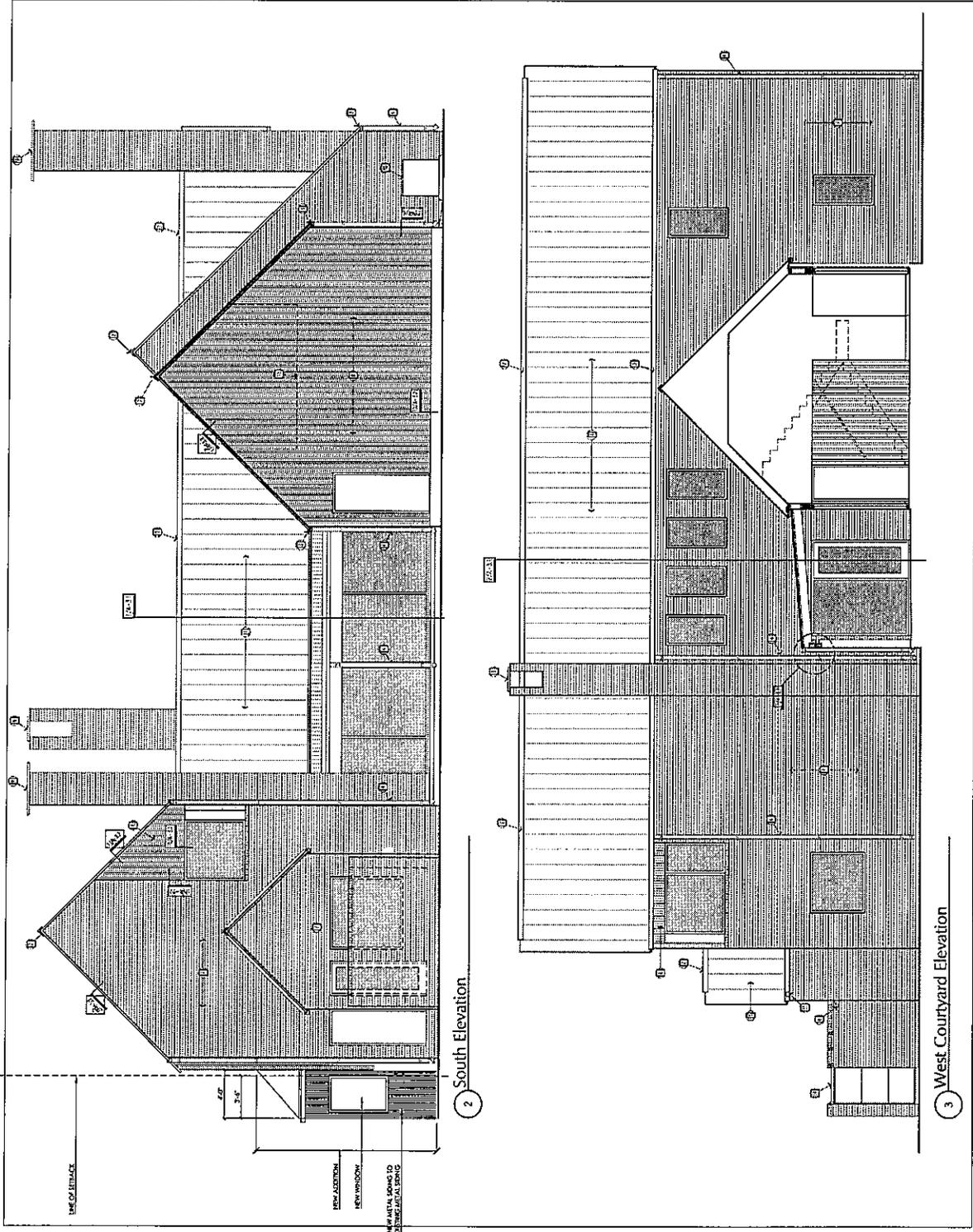
ARCHITECT:  
Stephen Hundley AIA  
7921 Deer Trail  
Madison, WI 53717  
314.463.4300  
shundley@hdaa.org

Seal  
Project: Lovendale Valance  
File: A102.dwg  
Scale: 1/4"=1'-0"  
Revision Date:   

△	△	△
△	△	△
△	△	△

Sheet Name:  
Existing Exterior Elevations

Sheet Number  
A103



ARCHITECT:  
**Stephen Hundley AIA**  
 721 Deer Trail  
 Irvine, CA 92617-7238  
 949-453-8104  
 shundley@schao.org

Seal  
 Project: Leventis Variance  
 A104  
 Date: AUGUST 2017  
 Scale: 1/8"=1'-0"  
 Revision Date  
 ▲ ▲ ▲  
 ▲ ▲ ▲

Sheet Name  
 Existing Exterior Elevations

Sheet Number  
**A104**

TO WHOM IT MAY CONCERN:

December 2, 2016

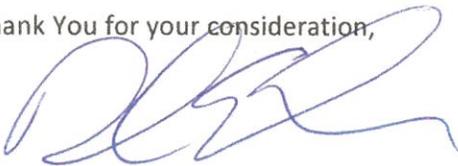
Honorable Board of Adjustment Members:

I am writing this letter to let you know that I am in support of the side-yard setback variance request being applied for by Mr. and Ms. Roger C. Gault, for their residence located at 6444 Lavendale Ave.

I have studied the plan reflecting the one room that the Gault's wish to extend beyond the current side yard setback by only 5', and since the proposed extension would only be single-story, and the requested extension only would be a 20' long section of the entire 73' deep western wall of the home, I believe it will have very little, if any, visual impact.

In addition, there is an existing 8' high fence with landscaping above that fence that will serve as additional screening even though the structure will have little visible impact.

Thank You for your consideration,



David Espedal

6441 Lavendale

TO WHOM IT MAY CONCERN:

December 10, 2016

Honorable Board of Adjustment Members:

I am writing this letter to let you know that I am in support of the side-yard setback variance request being applied for by Mr. and Ms. Roger C. Gault, for their residence located at 6444 Lavendale Ave.

I have studied the plan reflecting the one room that the Gault's wish to extend beyond the current side yard setback by only 5', and since the proposed extension would only be single-story, and the requested extension only would be a 20' long section of the entire 73' deep western wall of the home, I believe it will have very little, if any, visual impact.

In addition, there is an existing 8' high fence with landscaping above that fence that will serve as additional screening even though the structure will have little visible impact.

Thank You for your consideration,

A handwritten signature in cursive script that reads "Coan R. Loeb". The signature is written in dark ink and is positioned below the typed text of the letter.

TO WHOM IT MAY CONCERN:

December 12, 2016

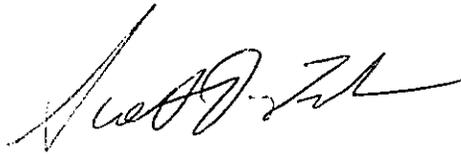
Honorable Board of Adjustment Members:

I am writing this letter to let you know that I am in support of the side-yard setback variance request being applied for by Mr. and Ms. Roger C. Gault, for their residence located at 6444 Lavendale Ave.

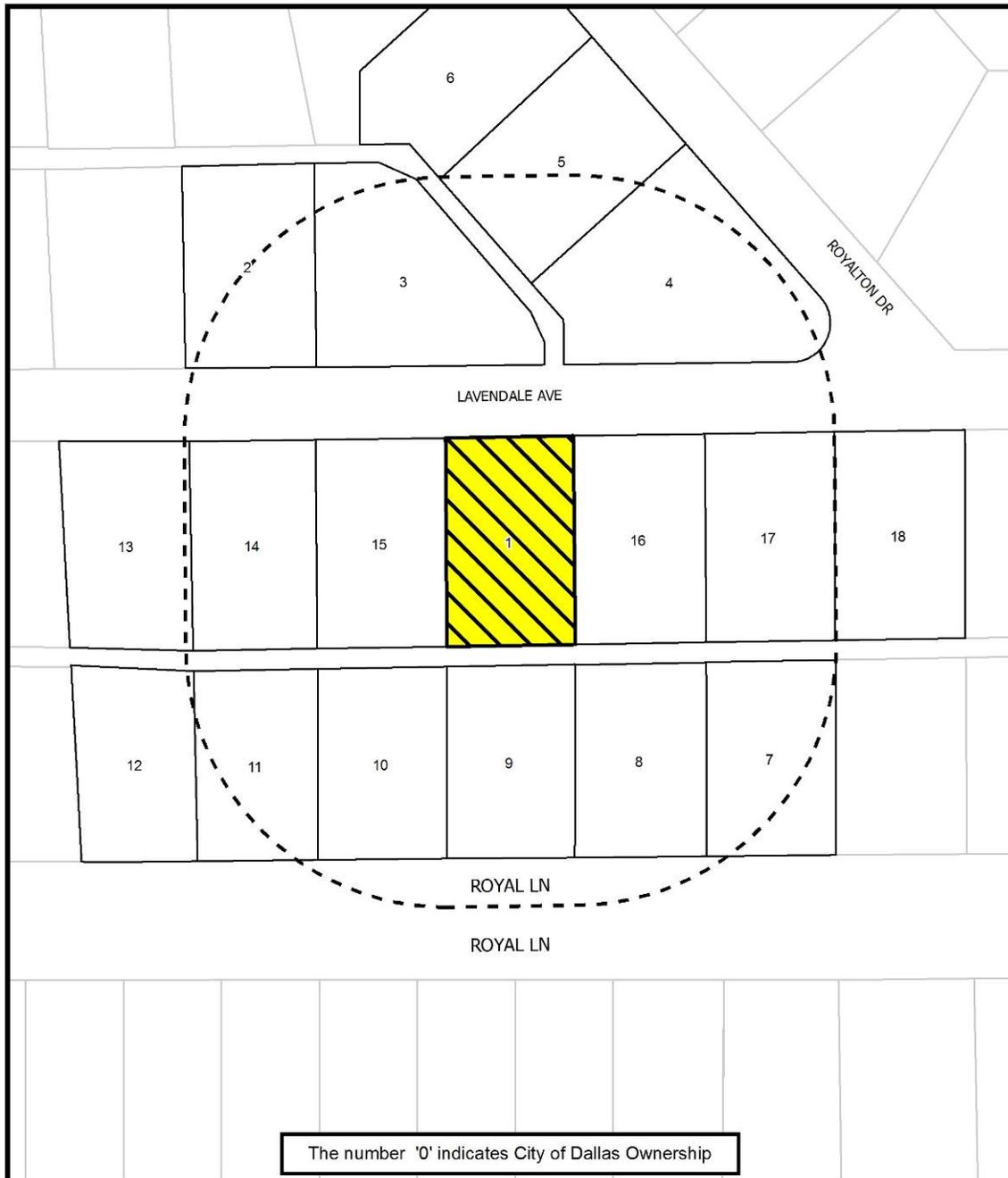
I have studied the plan reflecting the one room that the Gault's wish to extend beyond the current side yard setback by only 5', and since the proposed extension would only be single-story, and the requested extension only would be a 20' long section of the entire 73' deep western wall of the home, I believe it will have very little, if any, visual impact.

In addition, there is an existing 8' high fence with landscaping above that fence that will serve as additional screening even though the structure will have little visible impact.

Thank You for your consideration,



6480 Foyed Ave



1:1,200

## NOTIFICATION

**200'** AREA OF NOTIFICATION  
**18** NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-093**  
 Date: **8/31/2017**

## *Notification List of Property Owners*

### *BDA167-093*

#### *18 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6444 LAVENDALE AVE	GAULT ROGER C
2	6429 LAVENDALE AVE	BENITEZ DAVID & ANA TREVINO-BENITEZ
3	6441 LAVENDALE AVE	JOHNSTON ESPEDAL DESIGN LLC
4	6480 ROYALTON DR	MILAN DESIGN & BUILD LLC
5	6472 ROYALTON DR	TRUITT MICHAEL & JENNIFER
6	6464 ROYALTON DR	6464 ROYALTON LLC
7	6459 ROYAL LN	VASILAS CHRISTOS M &
8	6453 ROYAL LN	BINNIE VIVIENNE M TRUST
9	6445 ROYAL LN	RAINES JAYNIE
10	6437 ROYAL LN	COULTER EDWIN KAYNE
11	6429 ROYAL LN	SCHULTIS MICHAEL J & SARA M FERNANDEZ
12	6421 ROYAL LN	BALL BARBARA E
13	6420 LAVENDALE AVE	PARSONS KELLY H & PHILIP M
14	6428 LAVENDALE AVE	HART MATTHEW R &
15	6436 LAVENDALE AVE	MILLER VANCE
16	6452 LAVENDALE AVE	LOEB FAMILTY TRUST
17	6458 LAVENDALE AVE	QUINLAN EDWARD J III
18	6466 LAVENDALE AVE	SCHUVER DOROTHY