

ZONING BOARD OF ADJUSTMENT, PANEL B
WEDNESDAY, NOVEMBER 15, 2017
AGENDA

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

Neva Dean, Assistant Director
Steve Long, Board Administrator/Chief Planner
Jennifer Munoz, Senior Planner

MISCELLANEOUS ITEMS

	Approval of the October 18, 2017 Board of Adjustment Panel B Public Hearing Minutes	M1
BDA167-111(SL)	5750 E. Lovers Lane REQUEST: To waive the two year limitation on a final decision of Board of Adjustment Panel B on October 18, 2017 regarding an application of Karl A. Crawley for a special exception to the landscape regulations	M2

UNCONTESTED CASES

BDA167-119(SL)	810 N. Clinton Avenue REQUEST: Application of Kathryn Rodgers, represented by Pedro Tucker, for a variance to the front yard setback regulations	1
BDA167-122(SL)	4635 Park Lane REQUEST: Application of Maxwell Fisher for a variance to the height regulations	2
BDA167-127(SL)	1512 Elm Street REQUEST: Application of Rees Bowen for a special exception to the off-street parking regulations	3

BDA167-128(SL) 1516 Elm Street 4
REQUEST: Application of Rees Bowen for a special exception to the off-street parking regulations

HOLDOVER CASES

BDA167-105(JM) 9203 Sunnybrook Lane 5
REQUEST: Application of Michelle Brooks /Mark Molthan Construction, Inc., represented by Michelle Brooks, Wyatt Seals, or Paul Steinbrecher, for special exceptions to the fence standards

BDA167-117(JM) 10802 Dove Brook Circle 6
REQUEST: Application of Kip Petroff for special exceptions to the fence standards

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]

MISCELLANEOUS ITEM NO. 2

FILE NUMBER: BDA167-111

REQUEST: To waive the two year limitation on a final decision reached by Board of Adjustment Panel B on October 18, 2017 - a request for a special exception to the landscape regulations that was granted with certain conditions.

LOCATION: 5750 E. Lovers Lane

APPLICANT: Karl A. Crawley

STANDARD FOR WAIVING THE TWO YEAR TIME LIMITATION ON A FINAL DECISION REACHED BY THE BOARD:

The Dallas Development Code states that the board may waive the two year time limitation on a final decision reached by the board if there are changed circumstances regarding the property sufficient to warrant a new hearing.

GENERAL FACTS/TIMELINE:

October 18, 2017: The Board of Adjustment Panel B granted a request for special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition.

The case report stated that the request to construct and maintain an approximately 7,000 square foot addition to an existing approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner of the on the subject site). (See Attachment A for information related to this application).

October 26, 2017: The applicant submitted a letter to staff requesting that the Board waive the two year limitation on the request for a special exception to the landscape regulations granted by Board of Adjustment Panel B in October of 2017 (see Attachment B). This miscellaneous item request to waive the two year limitation was made in order for the applicant to file a new application for a landscape special exception on the property.

Note that The Dallas Development Code states the following with regard to board action:

- Except as provided below, after a final decision is reached by the board, no further request on the same or related issues may

be considered for that property for two years from the date of the final decision.

- If the board renders a final decision of denial without prejudice, the two year limitation is waived.
- The applicant may apply for a waiver of the two year limitation in the following manner:
 - The applicant shall submit his request in writing to the director. The director shall inform the applicant of the date on which the board will consider the request and shall advise the applicant of his right to appear before the board.
 - The board may waive the two year time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. A simple majority vote by the board is required to grant the waiver. If a rehearing is granted, the applicant shall follow the process outlined in the code.

October 26, 2017: The Board Administrator emailed the applicant information regarding his miscellaneous item request (see Attachment C).



m2
B Attach A
PS1

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-111

Data Relative to Subject Property:

Date: 8-15-17

Location address: 5750 E. LOVERS LN.

Zoning District: PD 610

Lot No.: 1A Block No.: G/5402 Acreage: 8.51 AC Census Tract: 79.13

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): SEE ATTACHED

Applicant: KARL A. CRAWLEY Telephone: 214 761-9199

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

E-mail Address: karl@masterplanconsultants.com

Represented by: SAME AS APPLICANT Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of ARTICLE X
TO ALLOW AN ALTERNATE LANDSCAPE PLAN

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

PORTION OF THE PROPERTY IS WITHIN AN
ONCOR TRANSMISSION LINE WHICH PROHIBITS
CERTAIN TREES AND OTHER LANDSCAPING.

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

Affidavit

Before me the undersigned on this day personally appeared KARL A CRAWLEY

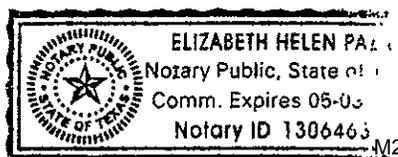
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 11 day of August, 2017

(Rev. 08-01-11)



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

MZ
Attachment A
Pg 2

**BOARD OF ADJUSTMENT
CITY OF DALLAS, TEXAS**

WENDESDAY, OCTOBER 18, 2017

FILE NUMBER: BDA167-111(SL)

BUILDING OFFICIAL'S REPORT: Application of Karl A. Crawley for a special exception to the landscape regulations at 5750 E. Lovers Lane. This property is more fully described as Lot 1A, Block G/5402, and is zoned PD-610 (Tract 1), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 5750 E. Lovers Lane

APPLICANT: Karl A. Crawley

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain an approximately 7,000 square foot addition to an existing approximately 96,000 square foot general merchandise or food store use (Central Market), and not fully meet the landscape regulations, more specifically to not provide the mandatory perimeter landscape buffer strip with buffer plant materials on southeast corner of the on the subject site.

STANDARD FOR A SPECIAL EXCEPTION TO THE LANDSCAPE AND TREE PRESERVATION REGULATIONS:

The board may grant a special exception to the landscape and 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.

32
Attachment A

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing Oct 18, 2017
Appeal was--Granted OR Denied

Remarks Granted -
Compliance with the
submitted alternate
landscape plan
is required.

Scott Hand
Chairman

Building Official's Report

I hereby certify that Karl A. Crawley

did submit a request for a special exception to the landscaping regulations
at 5750 E. Lovers Lane

BDA167-111. Application of Karl A. Crawley for a special exception to the landscaping regulations at 5750 E. Lovers Lane. This property is more fully described as Lot 1A, Block G/5402, and is zoned PD-610 (Tract 1), which requires mandatory landscaping. The applicant proposes to construct a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

BOARD OF ADJUSTMENT DECISION FILED
IN THE OFFICE OF THE BOARD OF ADJUSTMENT
THIS THE 19 DAY OF
October, 20 17.

[Signature]
ADMINISTRATOR

Sincerely,

Philip Sikes
Philip Sikes, Building Official



M2
Attach A
Pg 4

October 23, 2017

Karl Crawley
Masterplan
900 Jackson Street, Suite 640
Dallas, TX 75203

Re: BDA167-111(SL), Property at 5750 W. Lovers Lane

Dear Mr. Crawley:

The Board of Adjustment Panel B, at its public hearing held on Wednesday, October 18, 2017 granted your request for a special exception to the landscape regulations, subject to the following condition:

- Compliance with the submitted alternate landscape plan is required.

Contact Building Inspection at 320 E. Jefferson, Room 118 to file an application for a building permit or certificate of occupancy within 180 days from the date of the favorable action of the board.

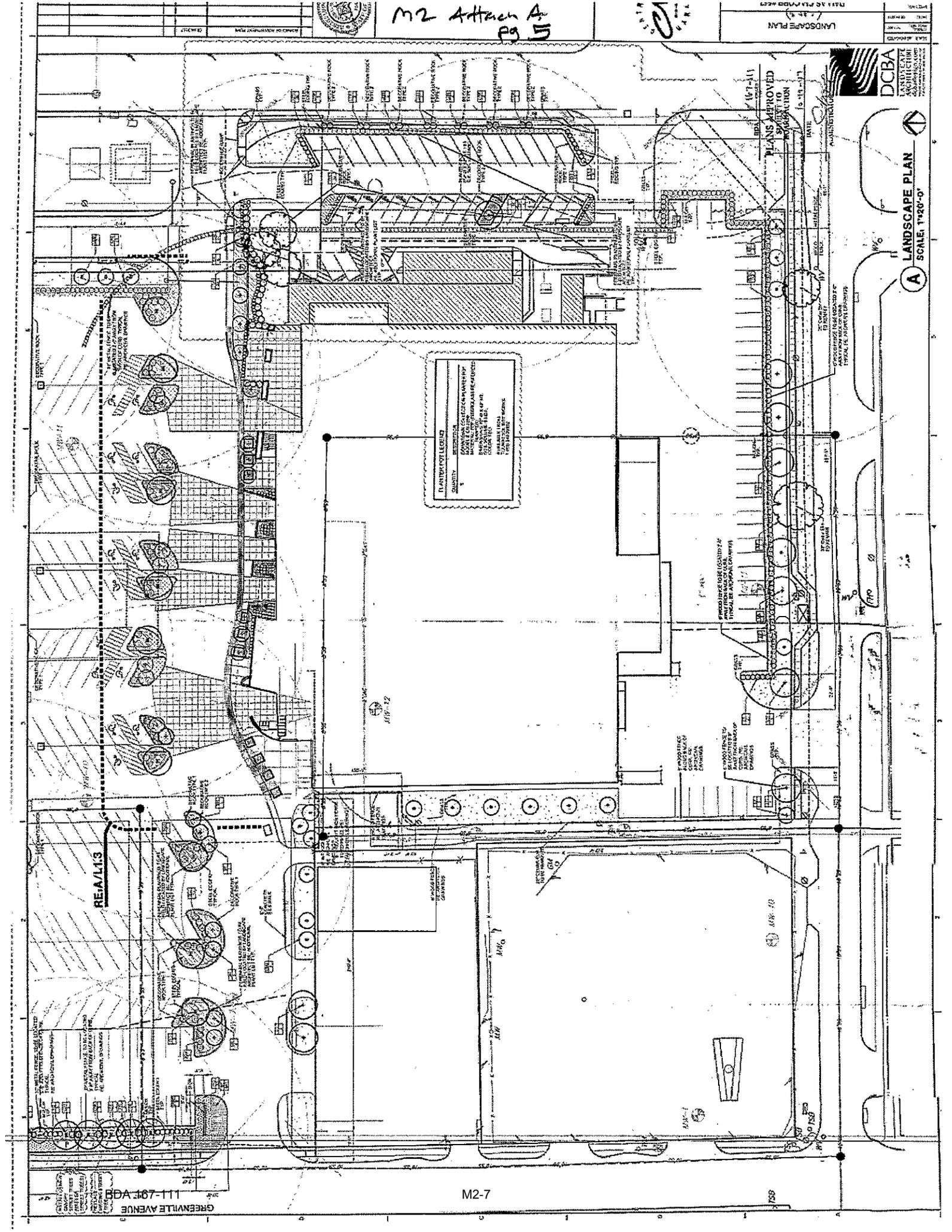
Should you have any further questions regarding the Board's action, please contact me at (214) 670-4666.

A handwritten signature in black ink, appearing to read 'Steve Long'.

Steve Long, Chief Planner

Should you have any further questions regarding the Board's action, please contact me at (214) 670-4208.

c: Ben Collins, Code Enforcement, 3112 Canton, Room 100
Todd Duerksen, Bldg. Inspection, 320 E. Jefferson #105



M2 Attach A
Pg 5

LANDSCAPE PLAN

DATE	11/11/11
PROJECT	111-197-ADD
SCALE	1"=20'-0"
DATE	11/11/11
PROJECT	111-197-ADD
SCALE	1"=20'-0"



A LANDSCAPE PLAN
SCALE: 1"=20'-0"

PLANTING LEVEL	QUANTITY	DESCRIPTION
1	100	PLANTING LEVEL 1
2	200	PLANTING LEVEL 2
3	300	PLANTING LEVEL 3
4	400	PLANTING LEVEL 4
5	500	PLANTING LEVEL 5
6	600	PLANTING LEVEL 6
7	700	PLANTING LEVEL 7
8	800	PLANTING LEVEL 8
9	900	PLANTING LEVEL 9
10	1000	PLANTING LEVEL 10

PLANS APPROVED
DATE: 11-11-11

REAR/LIS

M2-7

GREENVILLE AVENUE
111-197-ADD



Masterplan

Land Use Consultants

M2
Attach B

October 26, 2017

Steve Long, Chief Planner
Board of Adjustment Administrator
City of Dallas

RE: 5750 E. Lovers Lane, Central Market

Steve:

As the authorized representative for both HEB-Central Market and Lincoln Lag, Ltd., I am requesting a waiver of the two-year waiting period to submit a new application for a Special Exception for an Alternative Landscape Plan. On October 19, 2017, the Board of Adjustment approved a Special Exception for an alternate landscape plan for the above site, since the time of approval an agreement has been reached with the City of Dallas through the Park and Recreation Department for the extension of a pedestrian and bike trail through this area. As part of that extension a portion of the existing landscaping will be required to be removed to construct the trail. This landscaping is part of the required landscaping both under the provisions of Article X and the recently approved alternate landscape plan.

At the time of the recent approval the final agreement had not been reached and the building permit associated with the proposed expansion of the existing Central Market store needed to move forward. The location of the trail has been determined and cannot be relocated. Construction of the trail cannot wait two years for the required two year waiting period to reapply.

Please schedule the two-year waiver on the earliest hearing for Panel B in order that an application can be made for an alternate landscape plan to allow the extension of this portion of the City's trail system.



Karl A Crawley
President

Long, Steve

M2
Attach C

From: Long, Steve
Sent: Thursday, October 26, 2017 1:12 PM
To: 'Karl Crawley'
Cc: Dean, Neva; Duerksen, Todd; Trammell, Charles; Williams, Kanesia; Erwin, Philip
Subject: BDA167-111, Property at 5750 E. Lovers Lane
Attachments: Two year waiver letter.pdf; info related to BDA167-111.pdf; Panel B hearing date and deadlines.doc; 2 year waiver.pdf

Dear Karl,

Here is information regarding your miscellaneous item request for a waiver of the two year limitation to the board of adjustment regarding the application referenced above:

1. Your letter of request of the waiver of the two-year limitation - which will be emailed to you and the board members about a week ahead of your November 15th Board of Adjustment Panel B public hearing.
2. The provisions/standard from the Dallas Development Code allowing the board to waive the two year time limitation on a final decision reached on an application on the same matter (other than a decision of denial without prejudice) (51A-4.703(e)(3)) - which in your case, is a waiver of the two year time limitation in place on a request for a special exception to the landscape regulations (BDA167-111) granted by Board of Adjustment Panel B (with certain conditions) on October 18, 2017.
3. Materials related to BDA167-111.
4. A document that provides your public hearing date and other deadlines for submittal of additional information to staff/the board. (Please be advised that you will not receive a written notice of this hearing in the mail - your attendance (or someone who can speak on your behalf) at the November 15th public hearing to be held at 1:00 p.m. in Dallas City Hall is strongly encouraged).
5. The board's rule pertaining to documentary evidence.

Please write or call me at 214/670-4666 if you have any questions/concerns, or if I can be of any additional assistance to you on your request.

Thank you,

Steve



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



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

FILE NUMBER: BDA167-119(SL)

BUILDING OFFICIAL'S REPORT: Application of Kathryn Rodgers, represented by Pedro Tucker, for a variance to the front yard setback regulations at 810 N. Clinton Avenue. This property is more fully described as Lot C, Block 6/3460, and is zoned CD 1 (Subarea 1), which requires a front yard setback of 25 feet. The applicant proposes to construct and maintain a structure and provide a 7 foot 10 inch front yard setback measured at the foundation, with a maximum 18 inch roof eave, which will require a 17 foot 2 inch variance to the front yard setback regulations.

LOCATION: 810 N. Clinton Avenue

APPLICANT: Kathryn Rodgers
Represented by Pedro Tucker

REQUEST:

A request for a variance to the front yard setback regulations of 17' 2" is made to construct and maintain a porch addition structure to a 1920's single family home/nonconforming structure, to be located 7' 10" from the site's front property line or 17' 2" into the 25' front 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:

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the variance should be granted because of the irregular shape and restrictive area of the subject site. Furthermore, the applicant had substantiated how these features preclude the lot from being developed in a manner commensurate with the development upon other parcels of land with the same CD 1 zoning by submitting a list of 10 other properties in the zoning district where the average total area is approximately 1,800 square feet – slightly larger than that was proposed to be on the site at approximately 1,600 square feet.
- Granting the variance would not be contrary to public interest given that the structure that the applicant seeks variance is an approximately 80 square foot porch addition structure that aligns with the existing nonconforming structure on the site built in the 20’s.

BACKGROUND INFORMATION:

Zoning:

Site: CD 1 (Subarea 1) (Conservation District)
North: CD 1 (Subarea 1) (Conservation District)
South: CD 1 (Subarea 3) (Conservation District)
East: CD 1 (Subarea 1) (Conservation District)
West: CD 1 (Subarea 1) (Conservation District)

Land Use:

The subject site is developed with a single family home. The area to the north, east, west are developed with single family uses; and the area to the south is developed with multifamily 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 17' 2" focuses on constructing and maintaining an approximately 80 square foot porch addition structure to a one-story single family home structure constructed (according to DCAD) in 1921, to be located 7' 10" from the site's front property line or 17' 2" into the 25' front yard setback.
- The subject site is zoned CD 1 (Subarea 1) which requires a minimum 25' front yard setback and minimum 5' side and rear yard setbacks for residential uses.
- The subject site is an irregular-shaped property that has a 25' front yard setback and a 5' side yard setback.
- The submitted site plan denotes the footprint of a "one story frame" structure along with a representation of the footprint of the proposed porch structure that are located within the 25' front yard setback.
- According to DCAD records, the "main improvement" for property addressed at 810 N. Clinton Avenue is structure built in 1921 with 1,554 square feet of living/total area, and that "additional improvements" is a 432 square foot detached garage.
- While the existing single family home structure is located in the 25' front yard setback, it is assumed that this structure is a nonconforming structure because records show that the main improvement/structure on this site was built in the 1920's.
- The code defines nonconforming structure as a structure that does not conform to the regulations of the code, but which was lawfully constructed under the regulations in force at the time of construction.
- The code states that the right to rebuild a nonconforming structure ceases if the structure is destroyed by the intentional act of the owner or the owner's agent.
- The code states that a person may renovate, remodel, repair, rebuild, or enlarge a nonconforming structure if the work does not cause the structure to become more nonconforming as to the yard, lot, and space regulations.
- The owner has informed staff that she has chosen to seek variance to the front yard setback regulations for only the proposed addition, and not to remedy/address the nonconforming aspect of the existing nonconforming structure in the front yard setback.
- All of the proposed approximately 80 square foot porch addition structure would be located in the 25' front yard setback.
- The subject site is flat, irregular in shape, and according to the submitted application is 0.1768 acres (or approximately 7,400 square feet) in area. The site had been zoned R-7.5(A) before the zoning changed to CD 1 in 1988 where lots are typically 7,500 square feet in area.
- The applicant's representative submitted a document representing that the proposed improvement will increase the total home area from approximately 1,550 square feet to approximately 1,600 square feet, and that the average total area of 10 other properties in CD 1 is 1,800 square feet.

- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same CD 1 (Subarea 1) 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 CD 1 (Subarea 1) zoning classification.
- If the Board were to grant the request, and impose the submitted site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which in this case is a porch addition structure to be located 7’ 10” from the front property line or 17’ 2” into the 25’ front yard setback.
- Note that the applicant is aware that granting the request for a variance to the front yard setback regulations will not provide any relief to the existing nonconforming structure in this setback since the applicant did not request that the Board consider this aspect as part of this application, nor to any existing noncompliance on the property with regard to fence standard regulations.

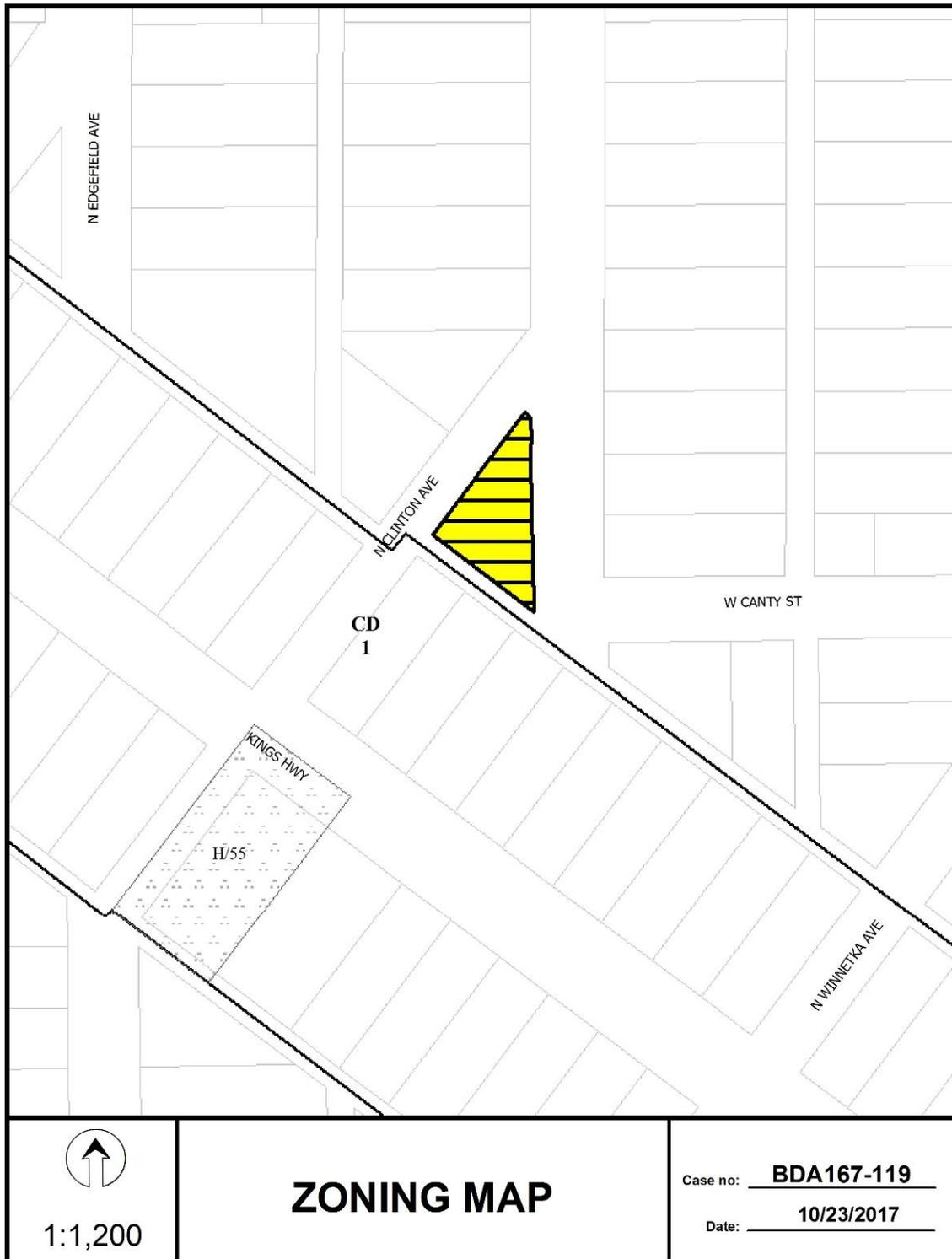
Timeline:

- August 18, 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.
- October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 9, 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 October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 24, 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).

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

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

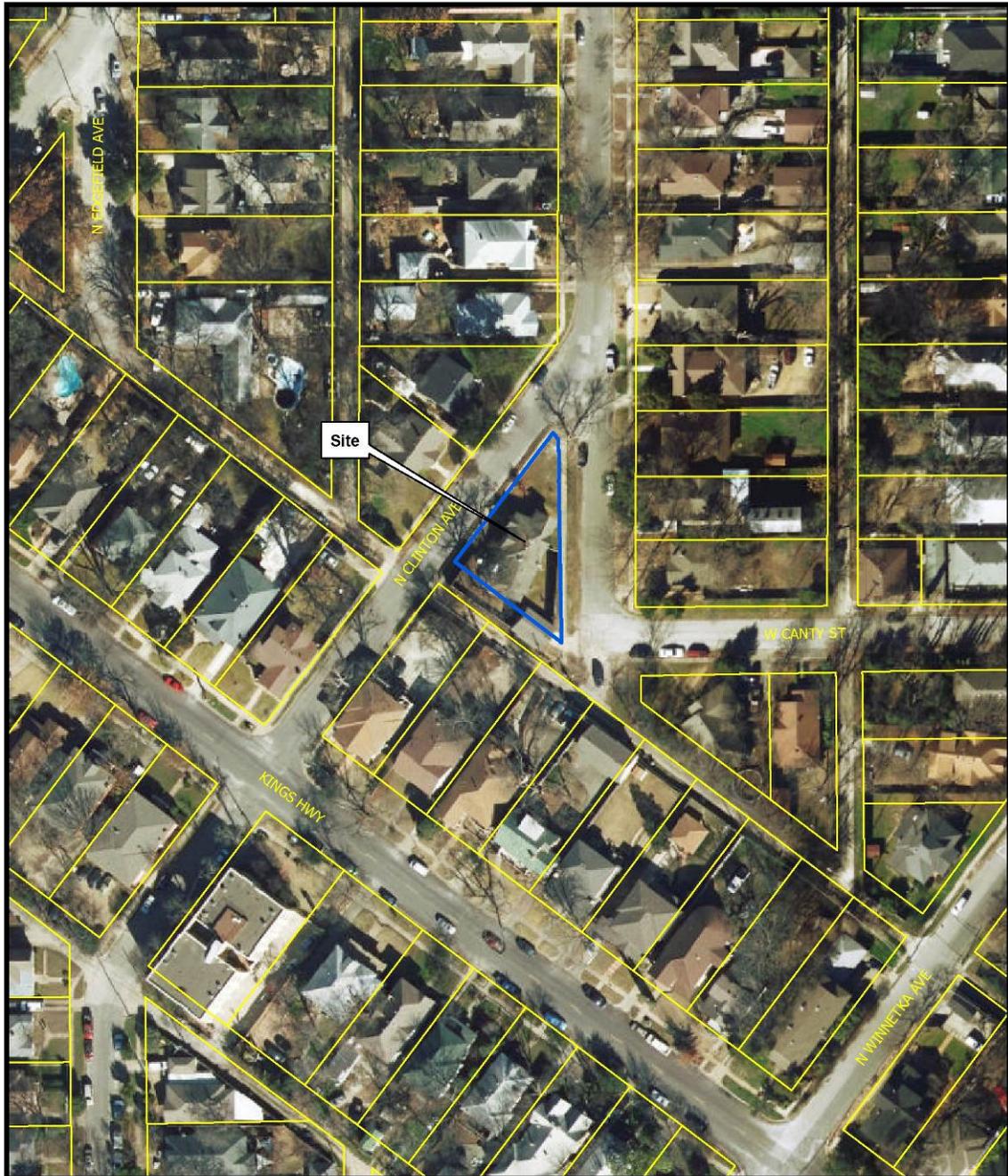


1:1,200

ZONING MAP

Case no: BDA167-119

Date: 10/23/2017



1:1,200

AERIAL MAP

Case no: BDA167-119

Date: 10/23/2017

The home at 810 N Clinton Ave, including the proposed improvement, is commensurate with other homes in Conservation District one. The proposed improvement will not change the living area of the home, 1554 sqft. The proposed improvement will increase the total area of the home from 1554 sqft to approximately 1610 sqft.

The table below illustrates the living area and the total area of homes in the Conservation District 1.

Item	Residential Account	Address		Living Area sqft	Total Area sqft
1	#00000272938000000	814	N Clinton Ave	1180	1180
2	#00000273025000000	817	N Clinton Ave	1416	1416
3	#00000273028000000	823	N Clinton Ave	1080	1080
4	#00000272929000000	826	N Clinton Ave	3604	3604
5	#00000273031000000	827	N Clinton Ave	1368	1368
6	#00000273034000000	829	N Clinton Ave	2974	2974
7	#00000272926000000	830	N Clinton Ave	1536	1536
8	#00000273037000000	835	N Clinton Ave	1100	1100
9	#00000273040000000	839	N Clinton Ave	1616	1616
10	#00000273043000000	843	N Clinton Ave	1588	2628
Average				1746	1850

B



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-119

Date: 08/18/2017

Data Relative to Subject Property:

Location address: 810 N Clinton Ave Zoning District: CD 1 (Suba 1)
Lot No.: C Block No.: 6/3460 Acreage: 0.1768 Census Tract: 42.02
Street Frontage (in Feet): 1) 144 2) 180.4 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kathryn Rodgers

Applicant: Kathryn Rodgers Telephone: 214-803-0035

Mailing Address: 810 N Clinton Ave Zip Code: 75208

E-mail Address: krodgers2@gmail.com

Represented by: Pedro Tucker Telephone: 214-803-0035

Mailing Address: 10437 Robindale Dr Zip Code: 75238

E-mail Address: mail@tuckercarpentry.com

Affirm that an appeal has been made for a Variance X, or Special Exception _____, of _____

City of Dallas Ordinance 19910, 25' Setback. PORCH ADDITION WILL ENCRoACH APPROX 4'-4" IN EXISTING 25' SETBACK FRONT YARD 17'-2"

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:

REQUESTING VARIANCE TO IMPROVE PROPERTY BY ADDING FRONT PORCH APPROX 4'x14'. THE PROPOSED IMPROVEMENT IS NOT CONTRARY TO PUBLIC INTEREST AND IS COMMENSURATE WITH SURROUNDING HOMES. LOT IS TRIANGLE SHAPE AND IS ENCLUMBERED W/ TWO FRONT YARD SETBACKS.

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.

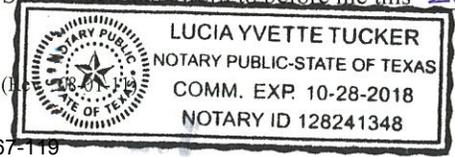
Affidavit

Before me the undersigned on this day personally appeared Kathryn Rodgers (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 20 day of August, 2017



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

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

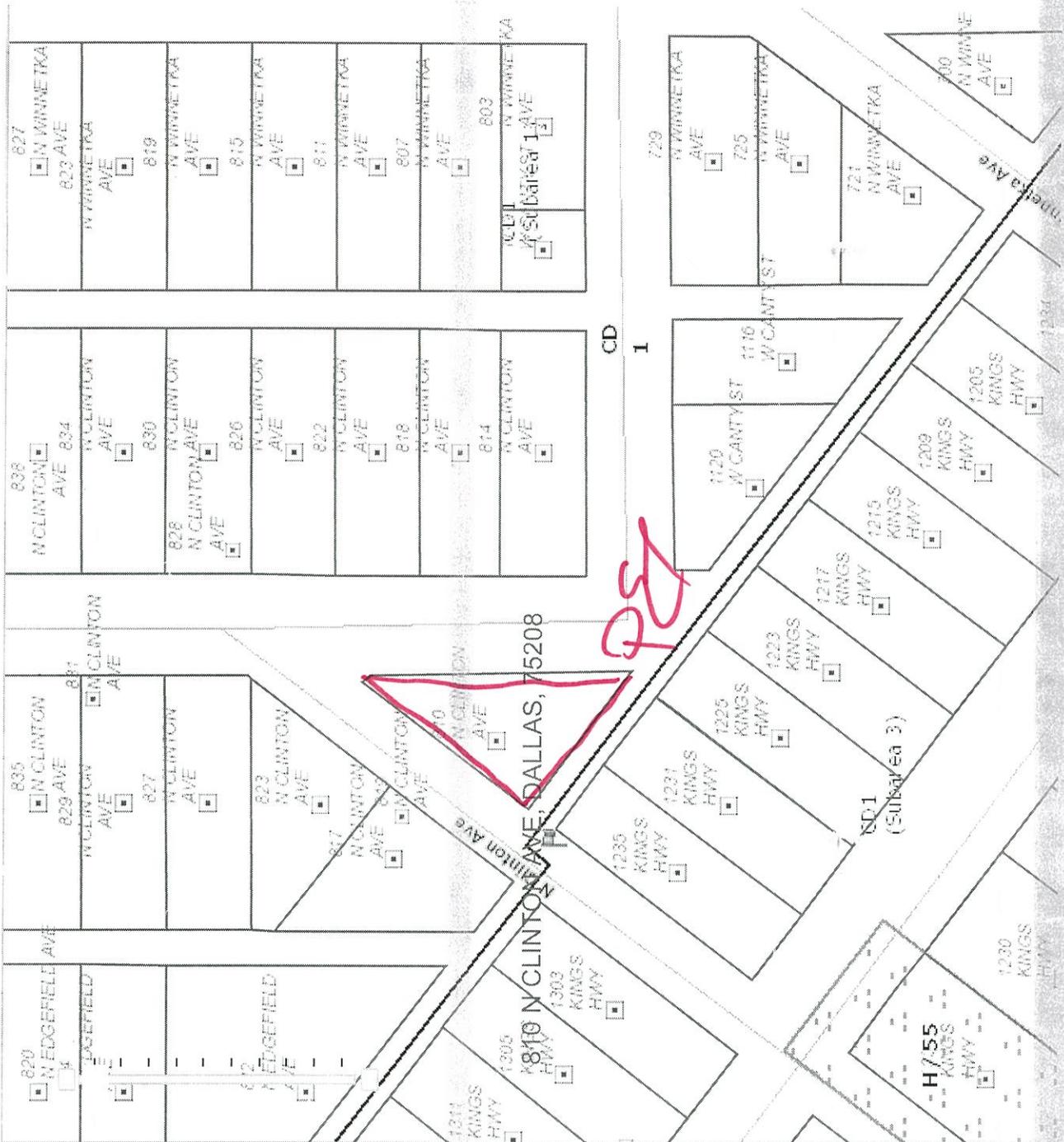
Street address.
810 n clinton

Locate

OR

Parcel address.
Use street type for better re

Locate



General Notes

PROPOSED

1. RELOCATE ENTRY DOOR FROM NW TO NE EXTERIOR WALL.
2. REPLACE EXISTING DOOR & WINDOW ADD COVERED PORCH
3. PORCH

No.	Revision/Date	Date

Prepared by:
 Tucker Carpentry
 10437 Robindale Dr
 Dallas, TX 75238
 214-803-0035
 mail@tuckercarpentry.com
 Dallas Building Contractor
 No. B0107658

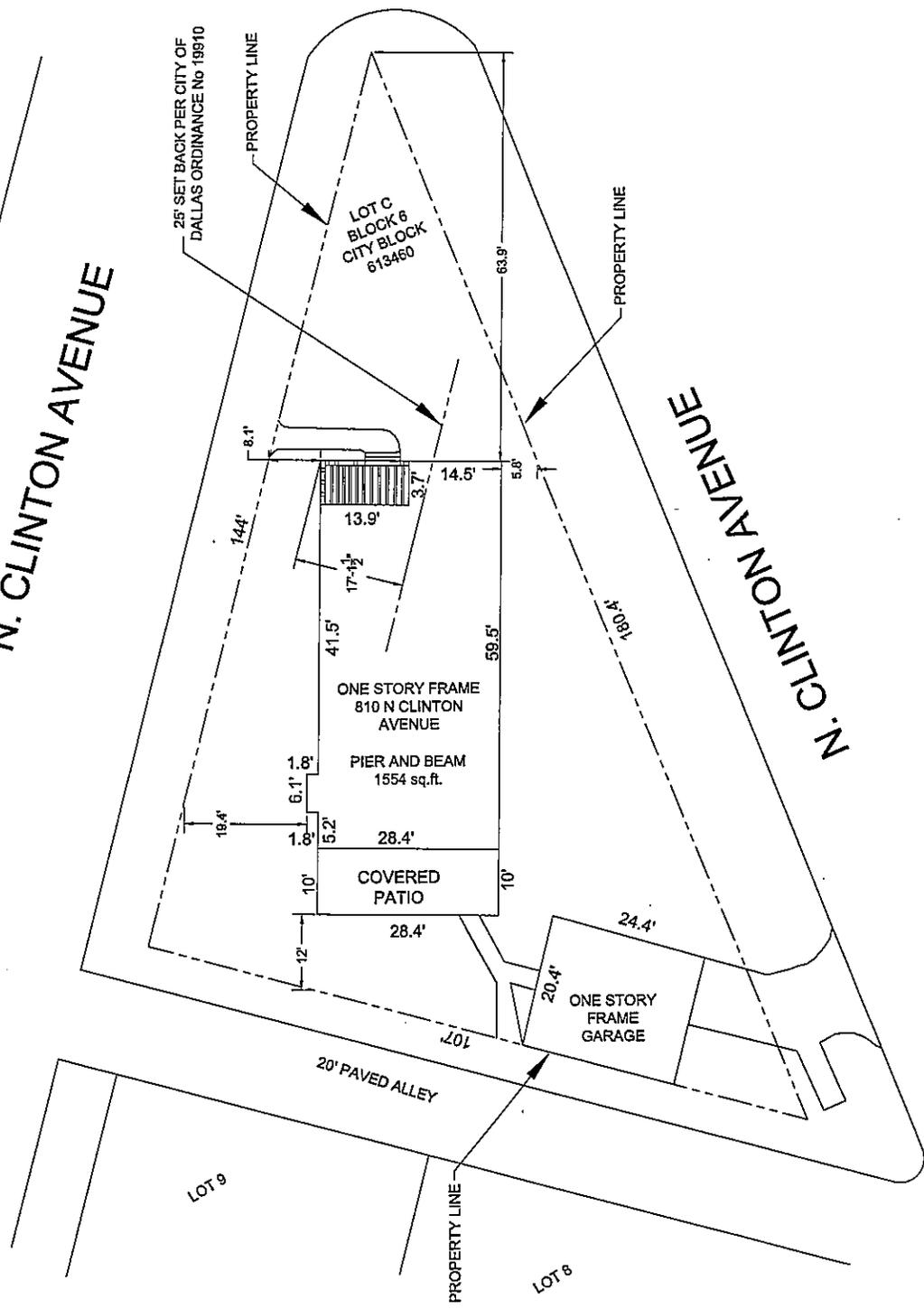
Project Name and Address:
 810 N CLINTON AVE
 DALLAS TX 75208
 LOT C BLOCK 6
 CITY BLOCK 613460

Sheet	CLINTON	3 OF 10
Date	8/16/17	
Scale	1/8"=1'-0"	

N. CLINTON AVENUE

N. CLINTON AVENUE

PROPOSED SITE PLAN WITH SET BACK



10-17

General Notes

PROPOSED

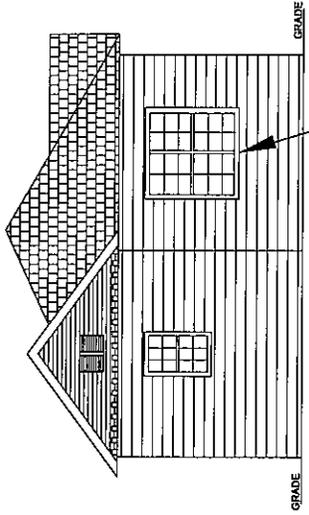
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2. REPLACE EXISTING DOOR & WINDOW ADD COVERED PORCH
- 3.

No.	Revisions/Phase	Date

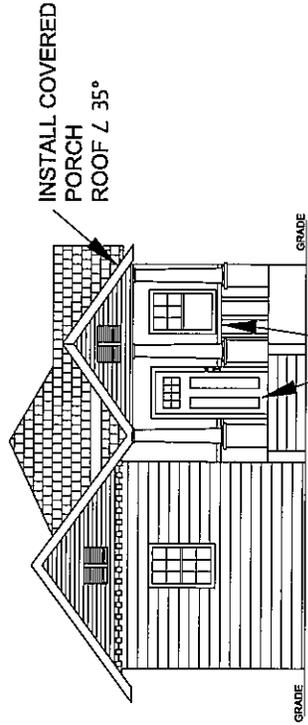
Title Block and Address
 Tucker Carpentry
 10007 Northside Dr
 Dallas TX 75238
 214-803-0035
 mail@tuckercarpentry.com
 Dallas Building Contractor
 No. BUJ07858

810 N CLINTON AVE
 DALLAS TX 75208
 LOT C BLOCK 6
 CITY BLOCK 613460

Project	CLINTON	Sheet	6 OF 10
Date	8/16/17	Scale	1/4"=1'-0"



REMOVE WINDOW
 NORTHEAST EXISTING



INSTALL NEW DOOR, WINDOW & COVERED PORCH
 INSTALL COVERED PORCH ROOF L 35°
 NORTHEAST PROPOSED

NE ELEVATION

General Notes

PROPOSED

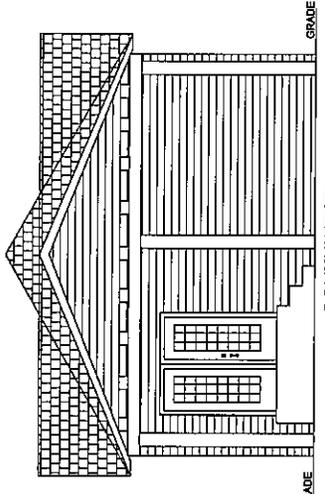
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2. REPLACE EXISTING DOOR & WINDOW
3. ADD COVERED PORCH

No.	Revision/Issue	Date

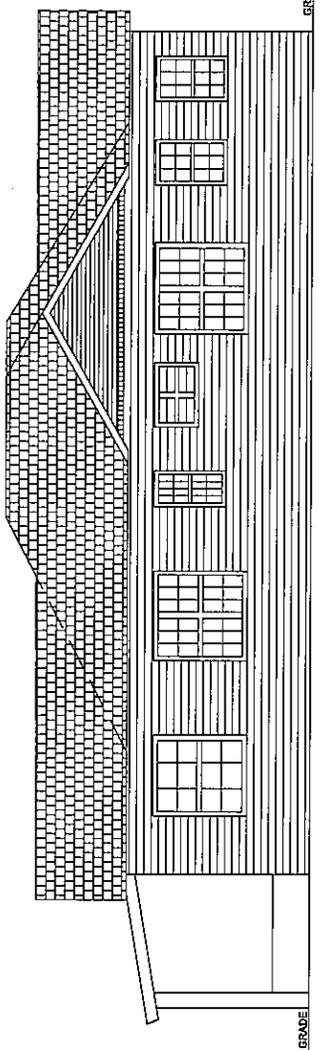
The above information is preliminary and subject to change without notice.
 10437 Rockledge Dr
 Dallas, TX 75238
 214-803-0035
 mail@huckersapientry.com
 Dallas Building Contractor
 No. BU107858

810 N CLINTON AVE
 DALLAS TX 75208
 LOT C BLOCK 6
 CITY BLOCK 613460

Project	CLINTON	Sheet	8 OF 9
Date	8/16/17	Scale	1/4"=1'-0"



SOUTHWEST
EXISTING



SOUTHEAST
EXISTING

NO CHANGES "AS IS"
SE & SW ELEVATION

General Notes

PROPOSED

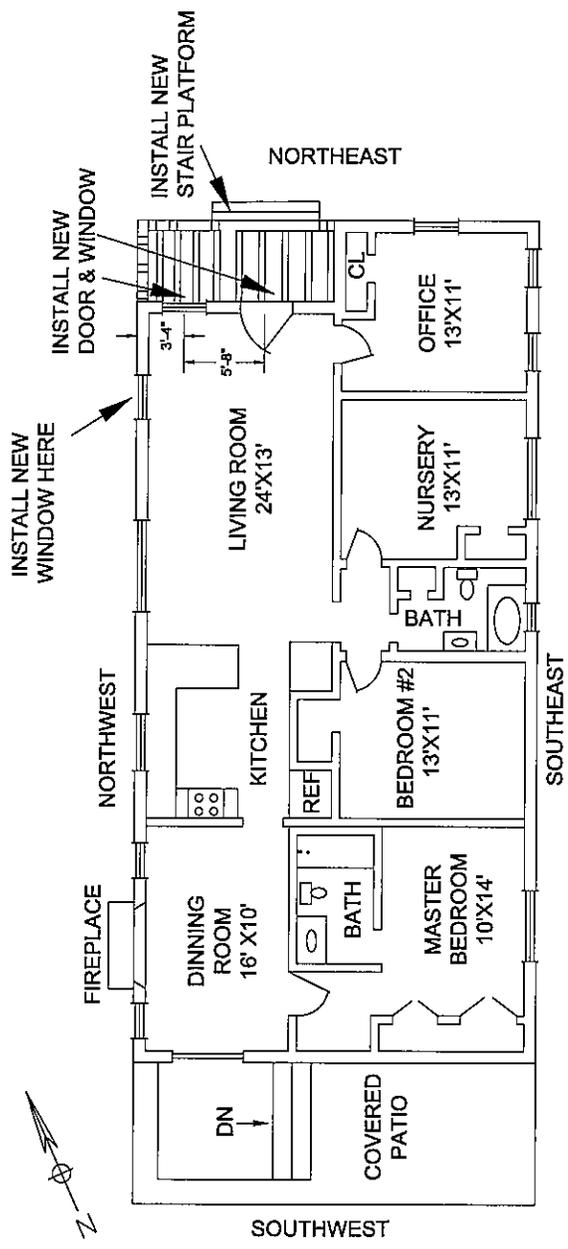
1. RELOCATE ENTRY DOOR FROM NW TO NE EXTERIOR WALL.
2. REPLACE EXISTING DOOR & WINDOW
3. ADD COVERED PORCH

No.	Revised/Issued	Date

The Firm of Address:
 Tucker Carpentry
 10437 Robindale Dr
 Dallas, TX 75218
 Phone: 972-353-0635
 Email: tucker@tuckercarpentry.com
 Dallas Building Contractor
 No. BU107958

Project Name and Address:
 810 N CLINTON AVE
 DALLAS TX 75208
 LOT C BLOCK 6
 CITY BLOCK 613460

Project	CLINTON	Sheet	5 OF 10
Date	8/18/17	Scale	1/4"=1'-0"



PROPOSED FLOOR PLAN



 1:1,200	NOTIFICATION		Case no: BDA167-119
	<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;">27</div> NUMBER OF PROPERTY OWNERS NOTIFIED		Date: 10/23/2017

Notification List of Property Owners

BDA167-119

27 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	810 N CLINTON AVE	RODGERS KATHRYN
2	838 N CLINTON AVE	CISCO CAROLINE
3	834 N CLINTON AVE	WILSON KATHERINE S
4	830 N CLINTON AVE	CASTILLO JOE & CASTILLO ROSE
5	826 N CLINTON AVE	826 CLINTON LLC
6	822 N CLINTON AVE	BAUMAN DERON
7	818 N CLINTON AVE	SEARS JAMES S
8	814 N CLINTON AVE	EMERY ROBERT GLENN & SHERRY NICOLE DEFREECE
9	1303 KINGS HWY	SIMON MATTHEW &
10	1305 KINGS HWY	AKERS RICHARD & MICHELLE
11	1311 KINGS HWY	MCKENZIE KENNETH JR & DAWN M
12	1315 KINGS HWY	ANDERSON MORGAN C & BETTY
13	817 N CLINTON AVE	WRIGHT MARGARET A
14	823 N CLINTON AVE	SANTOS LAURA
15	827 N CLINTON AVE	ORNELAS NORMA
16	829 N CLINTON AVE	GLASOW CHRISTINE A
17	835 N CLINTON AVE	SCHORMAN GARDEN OAKS LLC
18	812 N EDGEFIELD AVE	GONZALES MARIN & ROSARIO
19	1209 KINGS HWY	HINTON DANNY & DESIRRE
20	1215 KINGS HWY	KIRCHHOFF GRANT CHARLES & AMY DAWN
21	1217 KINGS HWY	BUCHANAN MICHAEL
22	1223 KINGS HWY	CULAK ROBERT C &
23	1225 KINGS HWY	KENNEDY LISA A
24	1231 KINGS HWY	ROSENMAN RHONDA B ETAL
25	1235 KINGS HWY	GARZA HINES PPTIES INC
26	1116 W CANTY ST	CORTEZ ESTEFANA

10/23/2017

Label #	Address	Owner
27	1120 W CANTY ST	NANCE FORREST PAGE

FILE NUMBER: BDA167-122(SL)

BUILDING OFFICIAL'S REPORT: Application of Maxwell Fisher for a variance to the height regulations at 4635 Park Lane. This property is more fully described as Lot 3C, Block B/5546, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct and maintain a structure with a building height of 39 feet 10 inches, which will require a 3 foot 10 inch variance to the maximum building height regulations.

LOCATION: 4635 Park Lane

APPLICANT: Maxwell Fisher

REQUEST:

A request for a variance to the height regulations of 3' 10" is made to construct and maintain a "2-story residence with walk-out basement" structure which is proposed to exceed the 36' maximum structure height at 39' 10" in height on the subject site that is, according to the applicant, currently developed with only accessory structures.

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:

Approval, subject to the following condition:

- Compliance with the submitted site plan and elevations is required.

Rationale:

- The subject site is unique and different from most lots in the R-1ac(A) zoning district in that it is sloped. The slope of the subject site is the factor that makes (according to the applicant) the proposed 34' 6" high single family home (as measured around most of the east, west, and north elevations) on the site measured from existing grade, 39' 10" in height (or 3' 10" above the 36' maximum permitted height) measured from *average* grade, and that if the property was flat, the structure would comply with the height regulations and the variance request would not be necessary.
- Furthermore, the proposed home with a floor area square footage of approximately 9,000 square feet appears to be commensurate with other developments in the same R-1ac(A) zoning district. The applicant has provided information where the average of 12 other properties in the same R-1ac(A) zoning district is approximately 12,000 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family residential 1 acre)
North: R-1ac(A) (Single family residential 1 acre)
South: R-1ac(A) (Single family residential 1 acre)
East: R-1ac(A) (Single family residential 1 acre)
West: R-1ac(A) (Single family residential 1 acre)

Land Use:

The subject site is, according to the applicant, developed only with accessory structures. (The Board Administrator was unable to access the subject site given adjoining lots and security fences). The areas to the north, south, east, 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 maximum structure height of 3' 10" focuses on constructing and maintaining a 39' 10" high "2-story residence with walk-out basement" structure on a site that is, according to the applicant, developed only with accessory structures. (The Board Administrator was unable to access the subject site given adjoining lots and security fences).
- The maximum structure height on properties zoned R-1ac(A) is 36'.
- The Dallas Development Code provides the following definition for "height": "Height means the vertical distance measured from grade to: (A) for a structure with a gable, hip, or gambrel roof, the midpoint of the vertical dimension between the lowest eaves and the highest ridge of the structure; (B) for a structure with a dome, the midpoint of the vertical dimension of the dome; and (C) for any other structure, the highest point of the structure".
- The Dallas Development Code provides the following definition for "grade": "Grade means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, finished ground surface elevation means the ground surface elevation of a building site before any construction or ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include: (A) fill material not necessary to make the site developable; (B) berms; or (C) landscape features".
- The Dallas Development Code provides the following definition for "structure": "Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner".
- The submitted site plan denotes four points of elevations on the subject site, two points at 520'-8", and two points at 509'- 8".
- A submitted section/elevation documents that represents a structure where the "top of low grade" is 515'-2" and the "top of roof" is 557' – 0".
- The applicant has submitted a document stating among other things the actual building height is 34' 6" at the primary grade around the northern 2/3 of the proposed foundation at approximately 520 feet but that the proposed building is technically 39' 4" high based on the definition of grade and building height – the average of the lowest and highest grade is 515' 2" and the roof midpoint is 554' 6"; and that if the property was flat, the structure would comply with the 36 foot height limitation.
- The applicant has provided a table of 12 other properties in the vicinity of the site zoned R-1ac(A) representing that the average floor area of homes on these properties is approximately 12,000 square feet, and that the floor area of the home proposed on the subject site is 9,000 square feet.
- According to DCAD records, the "main improvement" is a structure with 7,992 square feet of total area/living area, and the following "additional improvements": a 1,012 square foot detached garage; two pools; a 1,868 square foot cabana; a 3,600 square foot cabana; a tennis court; a 2,460 square foot detached quarters; and a 462 square foot garage.

- While the Board Administrator was unable to access into the subject site given adjoining lots and security fences, it appears from the applicant's submittals that the subject site is somewhat sloped, is irregular in shape, and according to the submitted application is 1.991 acres in area. The site is zoned R-1ac(A) where lots are typically 1 acre in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the height 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-1ac(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-1ac (A) zoning classification.
- If the Board were to grant the height variance request of 3' 10", and impose the submitted site plan and elevations as a condition, the building footprint and height of the structure on the site would be limited to what is shown on these documents.

Timeline:

- August 24, 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.
- October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 9, 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 October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

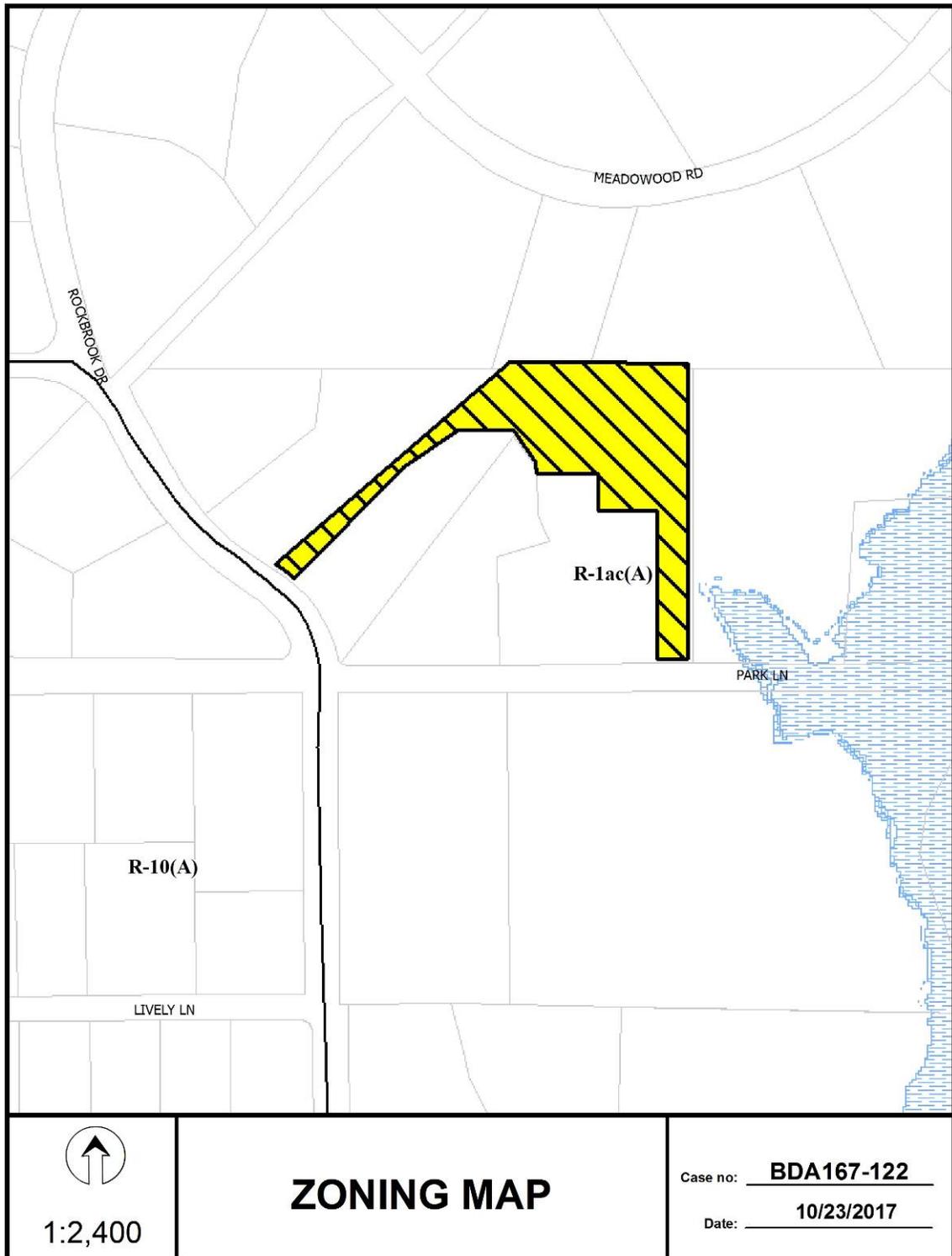
October 18 - 25,
2017:

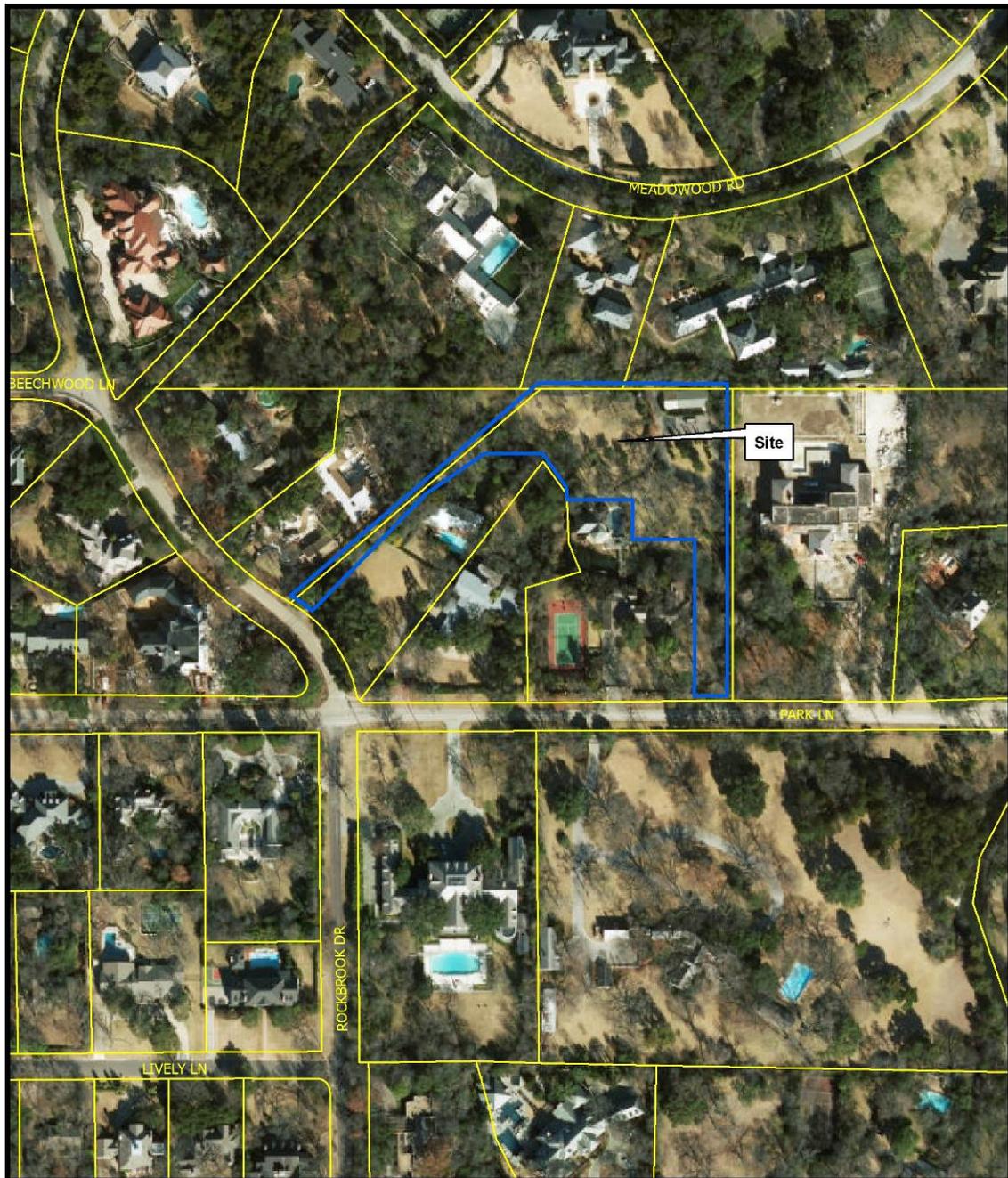
The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachments A, B, C, and D).

October 31, 2017:

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





1:2,400

AERIAL MAP

Case no: BDA167-122

Date: 10/23/2017

**Masterplan**

Land Use Consultants

18 October 2017

TO: Dallas Board of Adjustment

FROM: Maxwell Fisher, AICP

RE: 4645 Park Lane (DCAD Parcel is 4635 Park Lane) – Variance to Maximum Building Height

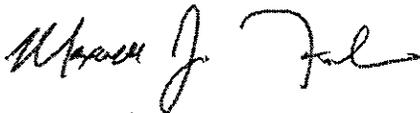
On behalf of Jesse Ferrer, Masterplan requests approval of a variance to increase the maximum allowable building height from 36 to 39 feet, 10 inches to accommodate construction of a 2-story residence with walk-out basement at 4645 Park Lane. The property has significant topography with an adjacent creek south of the proposed pad-site that contributes to a lower measurement of grade and consequently, an artificially greater building height. Please consider the following factors:

- Building height is established by determining the difference between the surface elevation (pad-site at grade) and the mid-point elevation between the top of roof and eave.
- The primary grade around the northern two-thirds of the proposed foundation is approximately 520 feet. The lowest grade is in the southern yard where the garage and walk-out basement are planned. The average of the lowest and highest grade is 515 feet, 2 inches. The roof midpoint is 554 feet, 6 inches. As such, the proposed building height is technically 39 feet, 4 inches based on the definition of grade and building height definition.
- Since the foundation elevation is at 520 feet for nearly the northern two-thirds of the proposed padsite, the actual building height would only be 34 feet, 6 inches tall around most of the east, west, and north elevations, in compliance with the R-1ac(A) District height limitation of 36 feet.
- As such, if the property was flat, it would comply with the height regulation and this request would not be necessary. Except for the underground garage on south side, the house is in compliance with height requirement.
- The architectural design includes varying massing and roof heights. This design breaks up the building mass and offers lower building heights for those peripheral portions. Most notably, the lower portion most proximate to the northern property line, is only 31 feet in height to top of ridge.
- Applicant and property owner Jesse Ferrer owns two of the properties to the south between the site and Park Lane and Rockbrook Drive, which further insulates the development from those directions. The tallest building height is in the southern yard adjacent to property also owned by Mr. Ferrer. As such, the highest portion of building will only be experienced by applicant and land owner Jesse Ferrer.

- The proposed pad site is more than 350 feet from Park Lane and 460 feet from Rockbrook Drive. Structure visibility is non-existent or severely hindered by both the distance and intervening structures and trees on adjacent properties owned by Mr. Ferrer.
- Besides large building setbacks, there is significant perimeter vegetation that screens from adjacent properties.

Masterplan respectfully requests the Board grant the variance to accommodate construction given the slope and unique characteristics of the property. Our team looks forward to working with the City staff and the Board. Should you have any questions, or need additional information, don't hesitate to email at maxwell@masterplanconsultants.com or contact us at 214.761.9197

Regards,



Maxwell J. Fisher, AICP
Masterplan



20 October 2017

TO: Dallas Board of Adjustment

FROM: Maxwell Fisher, AICP

RE: 4645 Park Lane (DCAD Parcel is 4635 Park Lane) – Variance to Maximum Building Height

This is a follow-up memorandum to the application memorandum dated October 18, 2017 pertaining to the request to increase the maximum allowable building height for the Jesse Ferrer residence at 4645 Park Lane. Besides the slope of the property warranting a building height adjustment, Masterplan contends that the proposed residence is commensurate in scale with other properties in the R-1ac(A) District. Please consider the following properties:

PROPERTY	FLOOR AREA (SF)	SITE AREA (AC)
4635 Park Lane	7,992	1.4
4707 Park Lane	14,737	4.6
4717 Park Lane	8,368	1.7
4606 Park Lane	15,596	3.1
4800 Park Lane	10,210	4.3
4622 Meadowood Road	16,775	2.6
4608 Meadowood Road	10,398	3.7
4650 Meadowood Road	12,238	3.4
9800 Rockbrook Drive	10,600	1.7
9769 Audubon Place	14,341	3.3
9785 Audubon Place	9,978	2.9
4627 Miron Drive	10,048	1.5
Average	11,773	2.8
4645 Park Lane (Subject Residence)	9,000	2.0

As illustrated, properties in the vicinity within the R-1ac(A) District generally range from 8,000 to 15,000 square feet in floor area. The residential average is 11,773 square feet. The proposed residence, at 9,000 square feet, is commensurate in scale with properties in the R-1ac(A) District. Should you have any questions, or need additional information, don't hesitate to email at maxwell@masterplanconsultants.com or contact us at 214.761.9197

Regards,

A handwritten signature in black ink, appearing to read "Maxwell J. Fisher".

Maxwell J. Fisher, AICP
Masterplan

From Start to Satisfaction 900 Jackson St. Suite 640, Dallas, TX 75202 ► tel 214.761.9197 fax 214.748.7114 ► masterplanconsultants.com

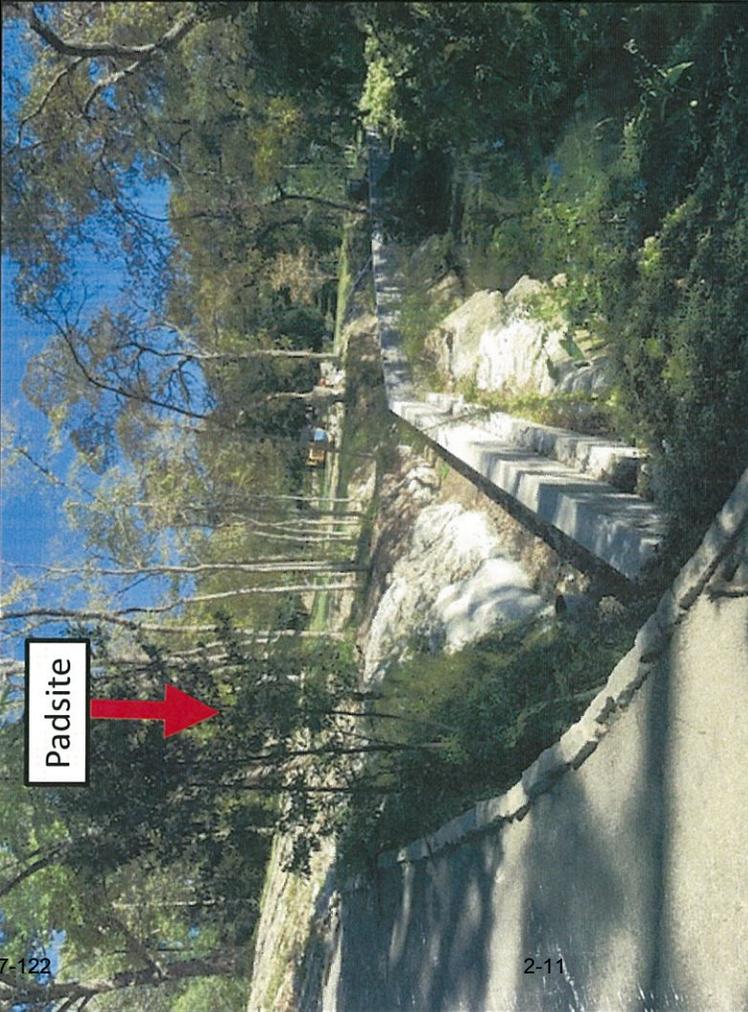
BDA167-122

Attach C

PS 1



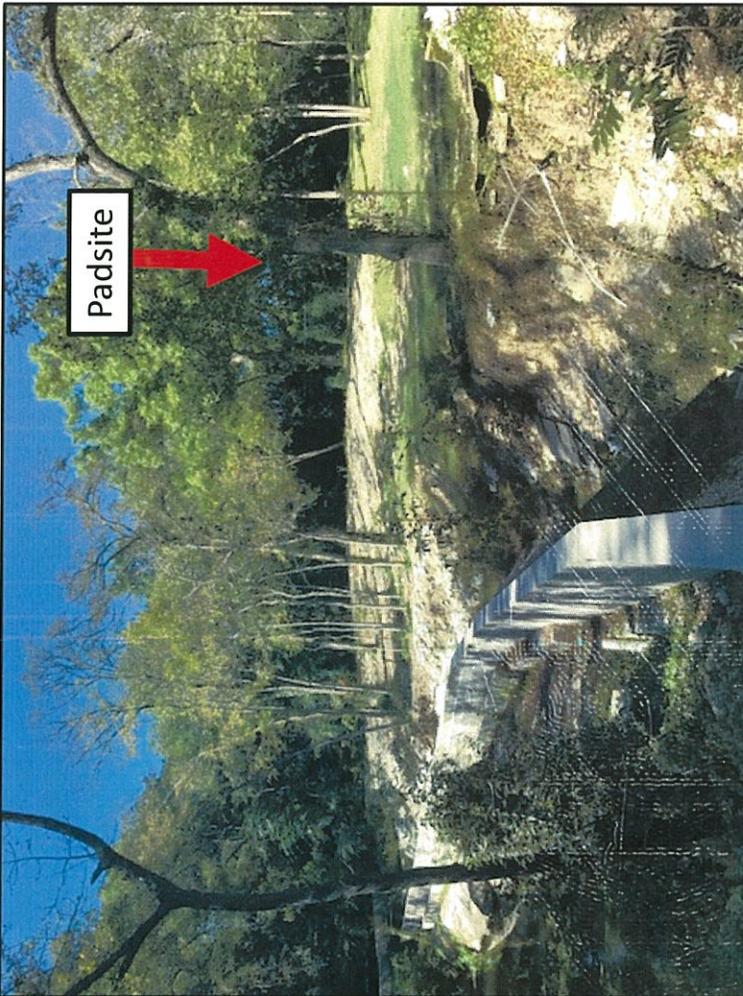
VIEW EAST



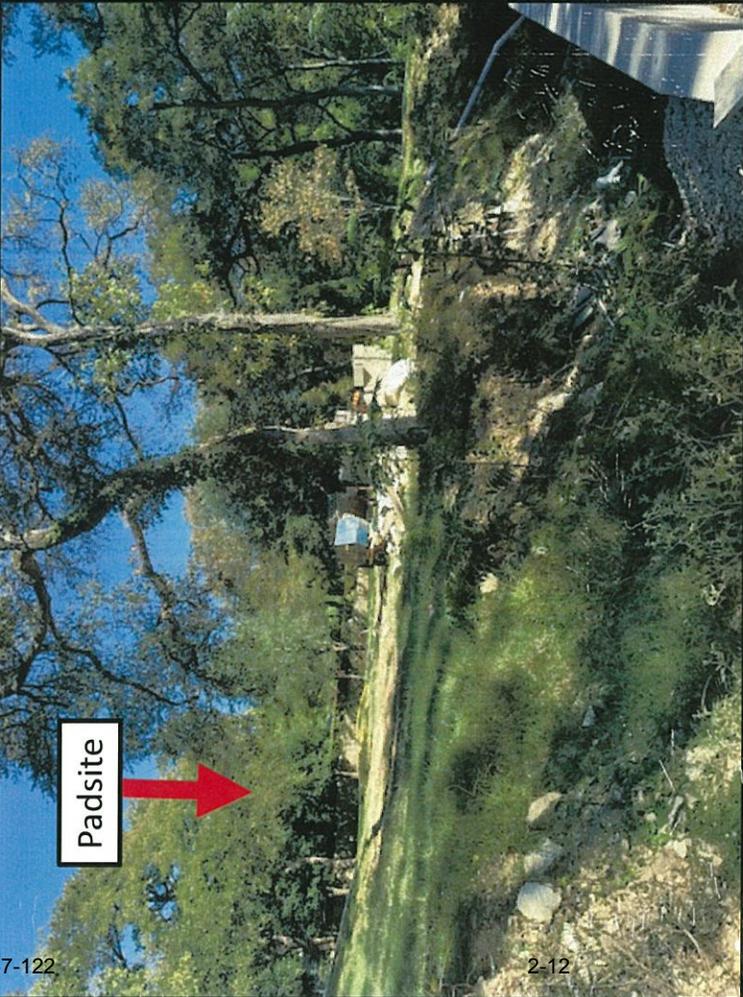
VIEW EAST - NORTHEAST

BDA167-122
4645 Park Lane

BDA167-122
ATTACH C
Pg 2



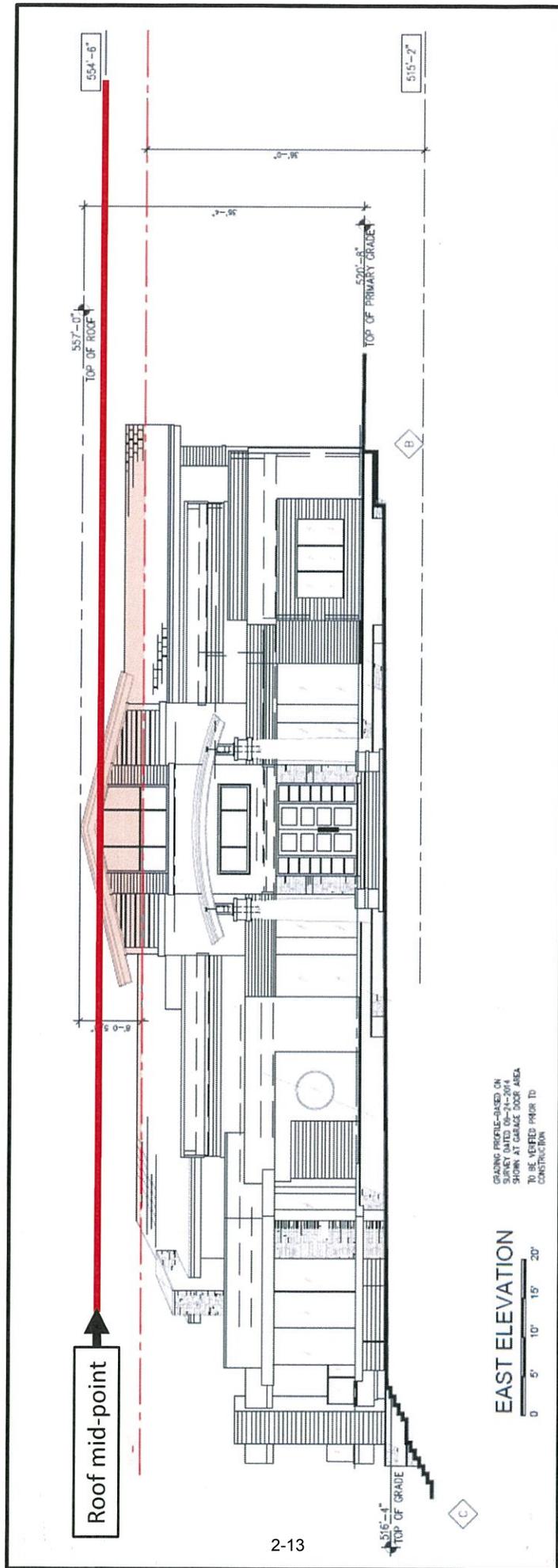
VIEW NORTHWEST



VIEW NORTHEAST

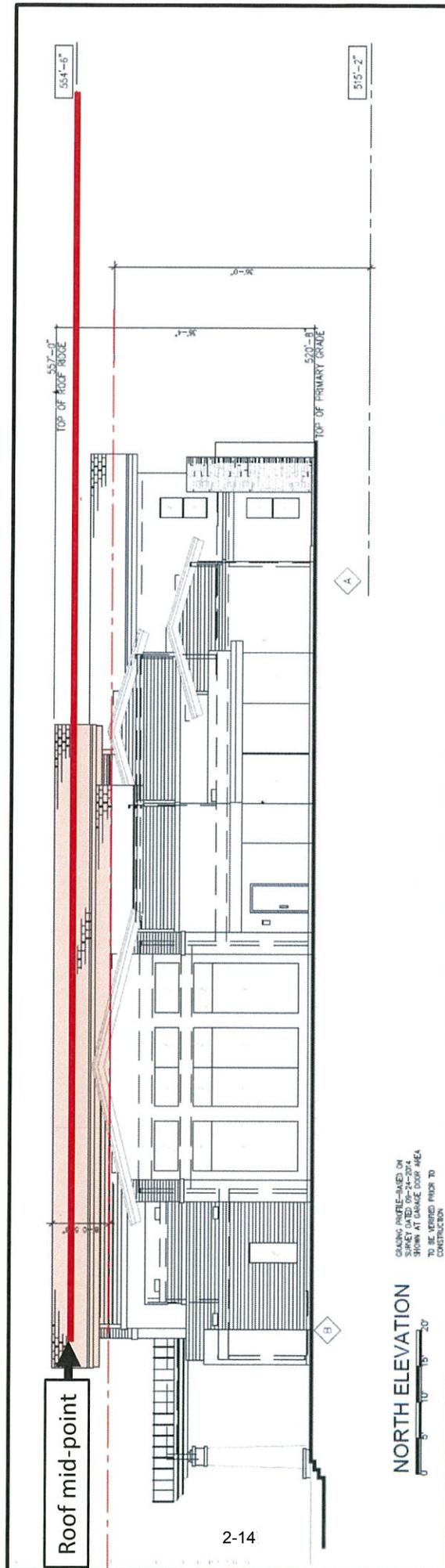
BDA167-122
4645 Park Lane

BDA167-122
Attach D
Pg 1



BDA167-122

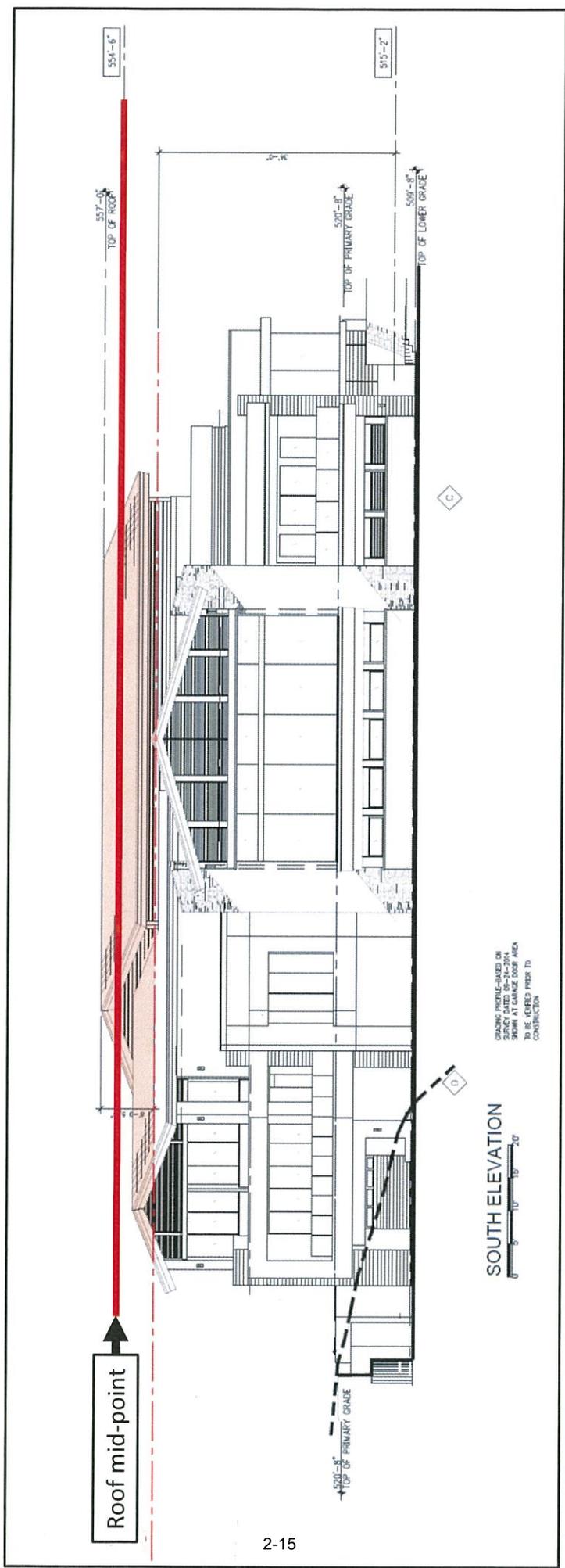
BDA167-122
Attachment D
Pg 2



BDA167-122

BDA167-122

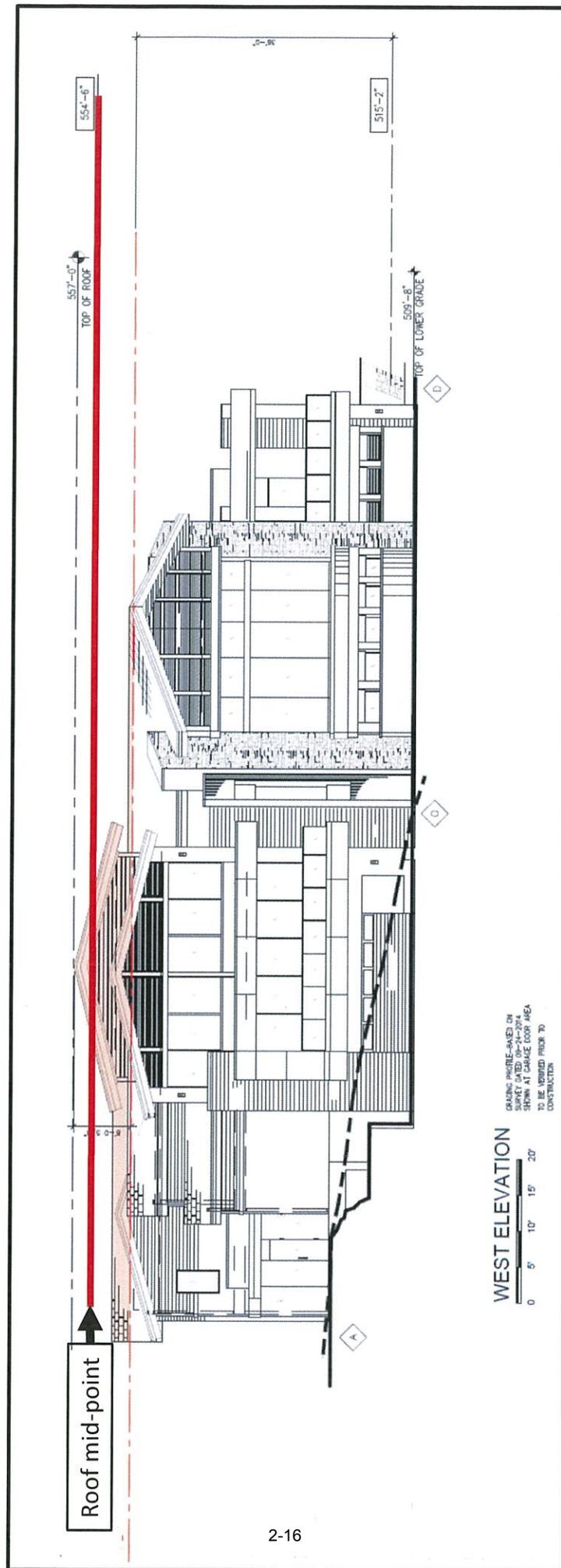
Attach A
PS3



BDA167-122

BDA 167-122

Attach D
Pg 4



BDA167-122



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-122

Data Relative to Subject Property:

Date: 8/24/17

Location address: 3 4645 Park Lane Zoning District: R-1ac(A)

Lot No.: 3C Block No.: B/5546 Acreage: 1.991 Census Tract: 0206.00

Street Frontage (in Feet): 1) 50 2) 40 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jesse F. Ferrer

Applicant: Maxwell Fisher, AICP Telephone: 214.761.9197

Mailing Address: 900 Jackson Street, Suite 640 Zip Code: 75202

E-mail Address: maxwell@masterplanconsultants.com

Represented by: See applicant designation. Telephone: --

Mailing Address: -- Zip Code: --

E-mail Address: --

Affirm that an appeal has been made for a Variance X , or Special Exception , of 3 feet, 10 inches to the building height requirement.

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

The unique slope of the property creates an inflated measurement of building height. The building height measured from the primary grade is less than 35 feet, in compliance with the building height regulations.

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

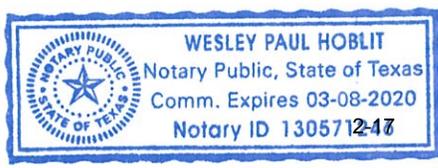
Before me the undersigned on this day personally appeared Maxwell Fisher
(Affiant/Applicant's name printed)

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 24th day of August, 2017

(Rev. 08-01-11)



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

Building Official's Report

I hereby certify that Maxwell Fisher

did submit a request for a variance to the building height regulations
at 4635 Park Lane

BDA167-122. Application of Maxwell Fisher for a variance to the building height regulations at 4635 Park Lane. This property is more fully described as Lot 3C, Block B/5546, and is zoned R-1ac(A), which limits the maximum building height to 36 feet. The applicant proposes to construct a single family residential structure with a building height of 39 feet 10 inches, which will require a 3 foot 10 inch variance to the maximum building height regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

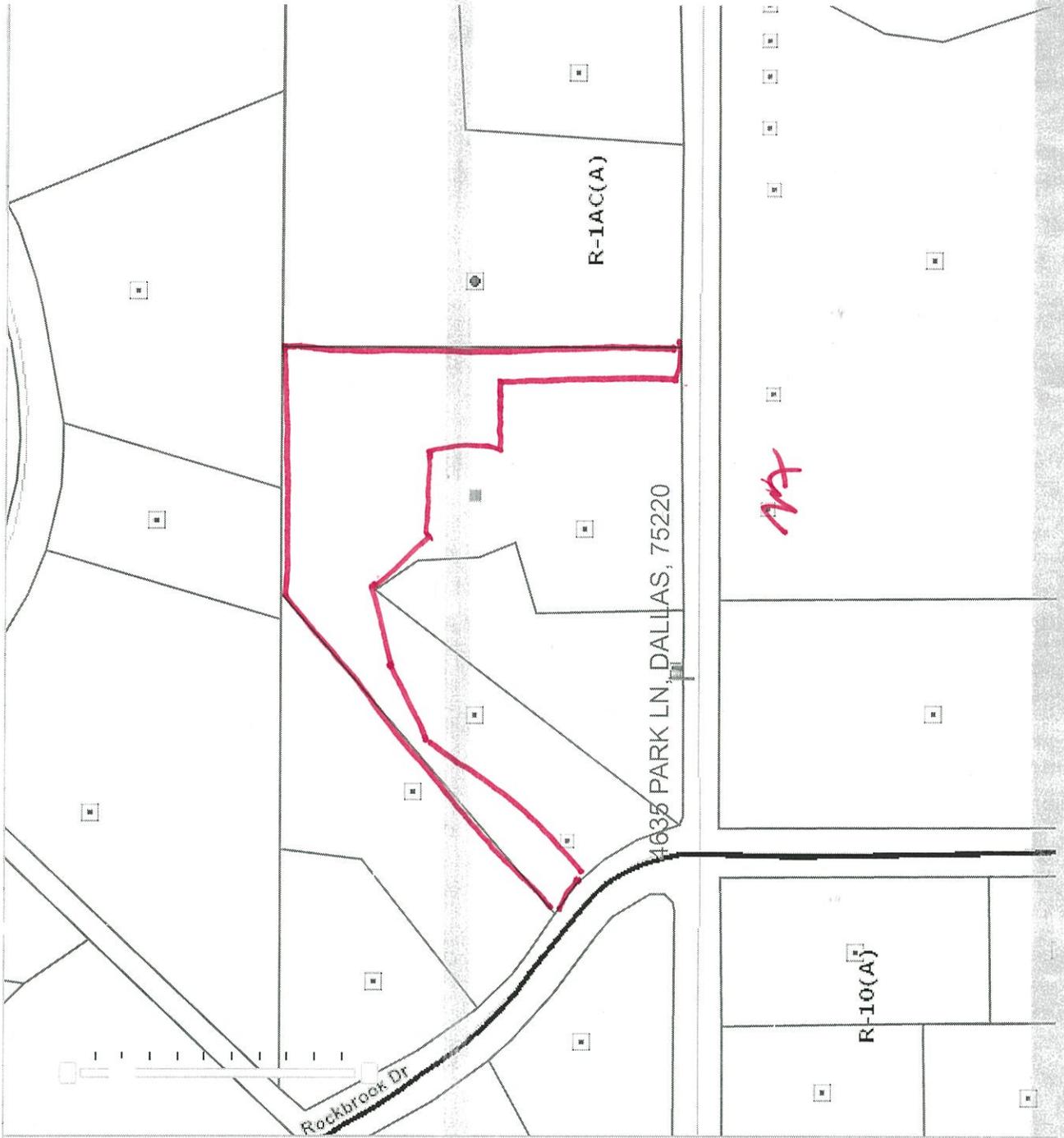
Street address.
4635 park

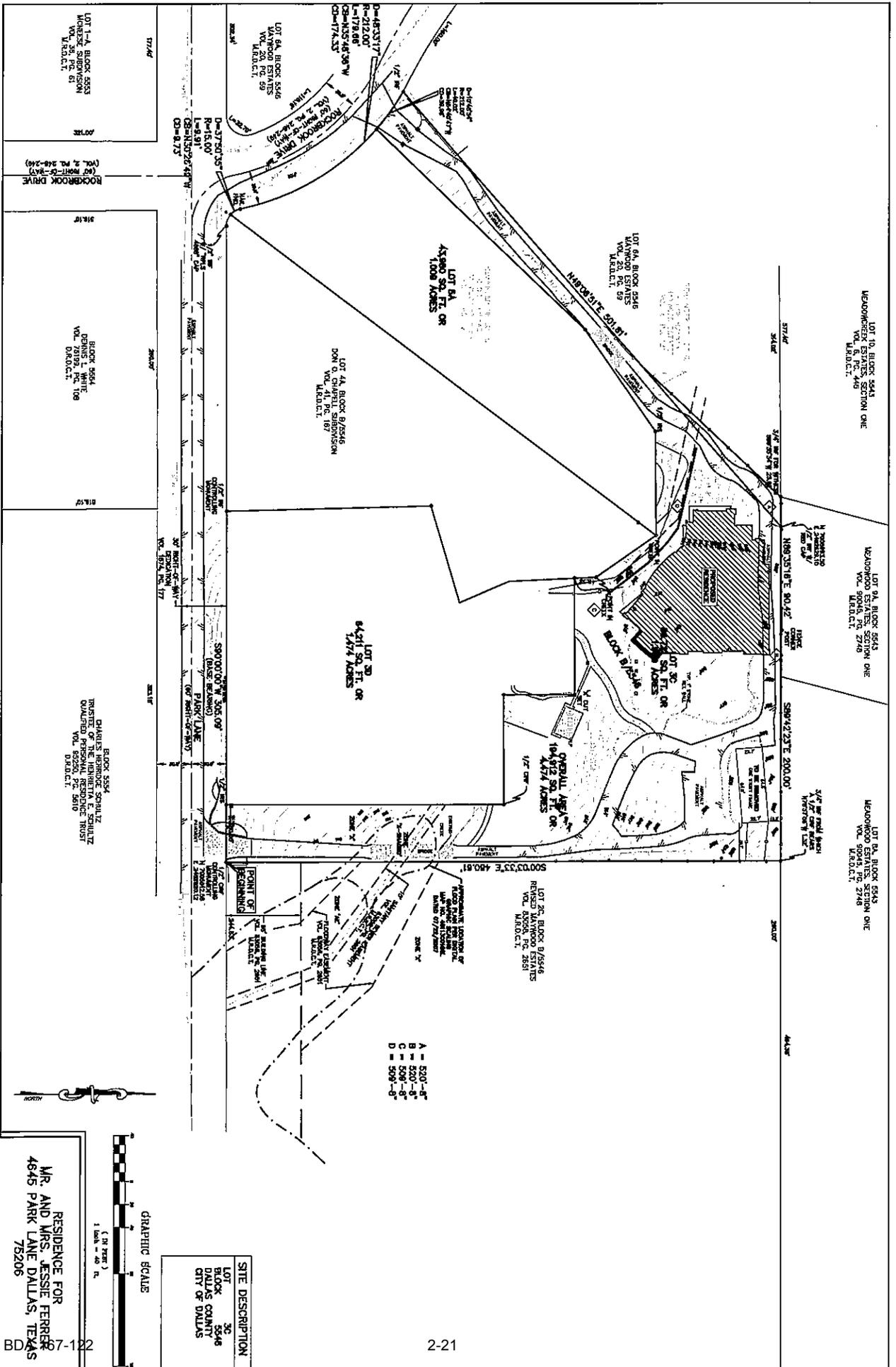
Locate

OR

Parcel address.
Use street type for better re

Locate





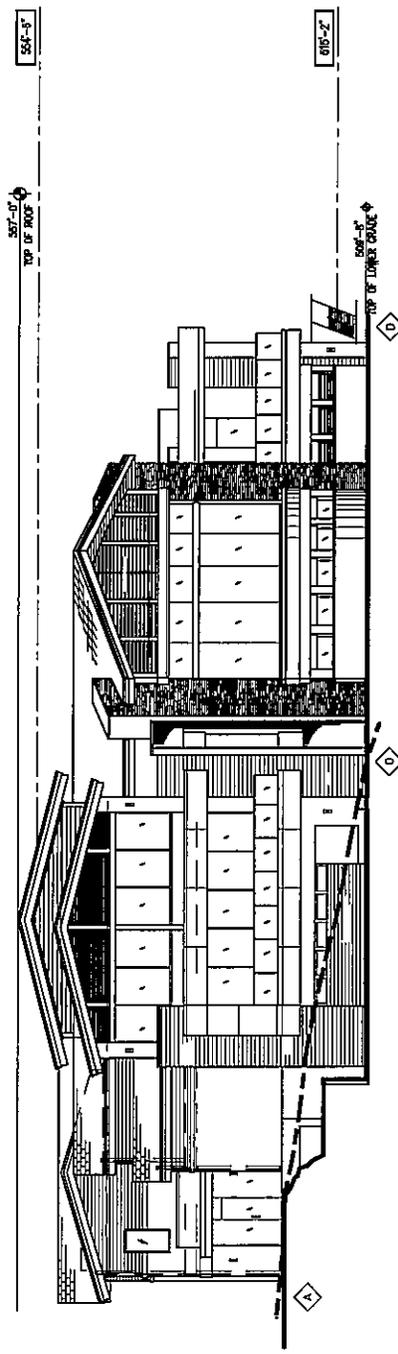
- A - 520'-8"
- B - 520'-8"
- C - 509'-8"
- D - 509'-8"

SITE DESCRIPTION	
LOT	32
BLOCK	554
DALLAS COUNTY	
CITY OF DALLAS	



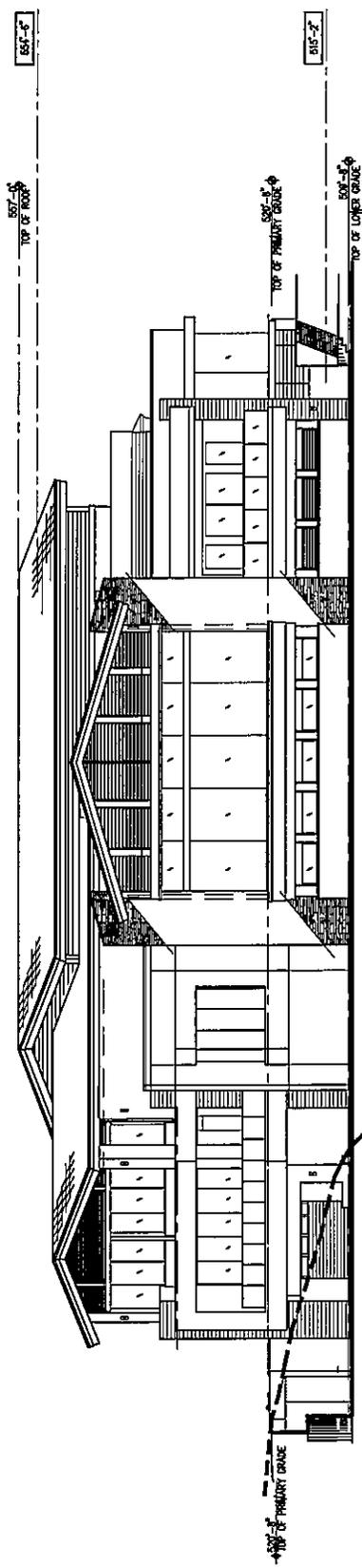
RESIDENCE FOR
MR. AND MRS. JESSIE FERRIER
4645 PARK LANE DALLAS, TEXAS
75206

BD 57-122



WEST ELEVATION
 0 5 10 15 20
 include work-shops of
 SENTRY PATROL in 2nd story
 display at ground floor level
 (see section page 16
 for details)

RESIDENCE FOR
 MR. AND MRS. JESSIE FERRER
 4645 PARK LANE DALLAS, TEXAS 75206

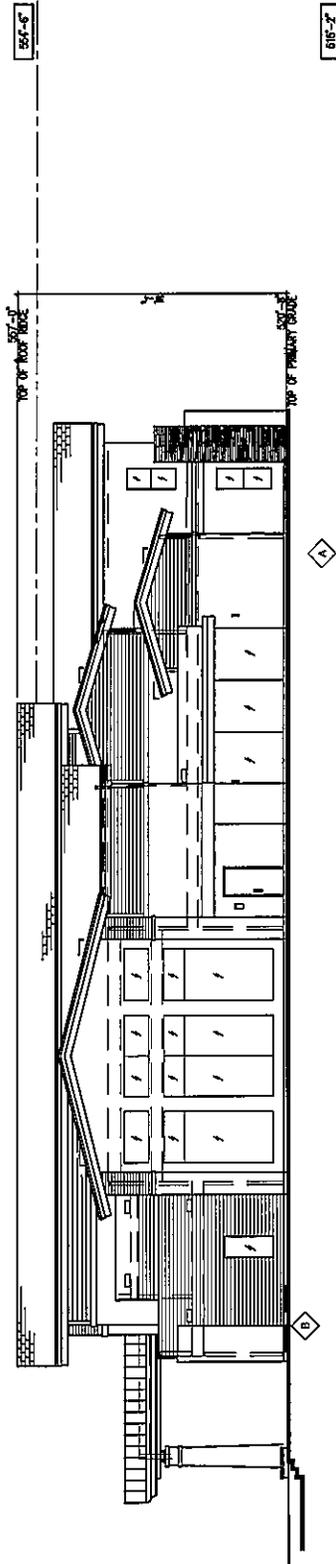


INCLUDE FRONT-PIECE IN
 SOUTH ELEVATION
 TO BE SHOWN WITH
 COMPLIANCE

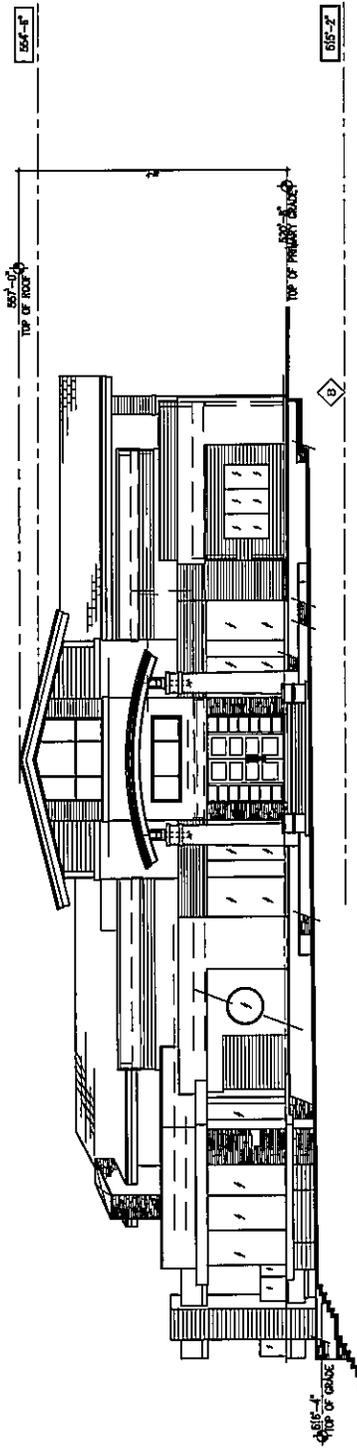
SOUTH ELEVATION
 0 5 10 15 20

RESIDENCE FOR
 MR. AND MRS. JESSIE FERRER
 4645 PARK LANE DALLAS, TEXAS 75206

RESIDENCE FOR
MR. AND MRS. JESSIE FERRER
4845 PARK LANE DALLAS, TEXAS 75206



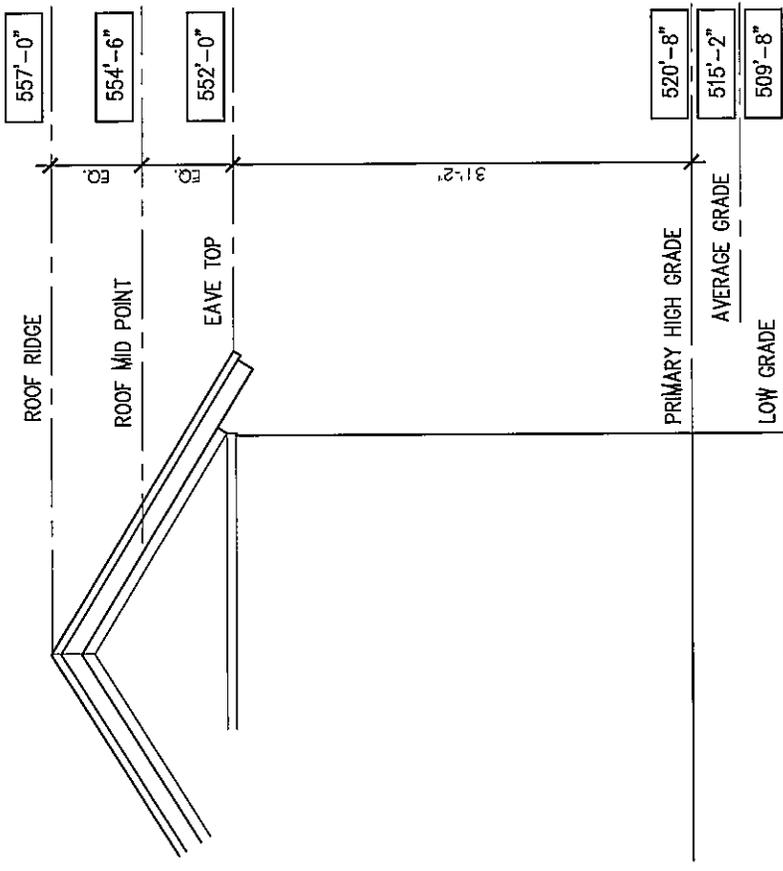
NORTH ELEVATION
0 5 10 20
UNLESS INDICATED BY
OTHERWISE, ALL DIMENSIONS
TO BE NOTED FROM TO
CORNER



SHOWN PERMITTED BY
 STATE AND LOCAL
 AUTHORITIES.
 TO BE USED FOR
 CONSTRUCTION

EAST ELEVATION
 0 5' 10' 15' 20'

RESIDENCE FOR
 MR. AND MRS. JESSIE FERRER
 4645 PARK LANE DALLAS, TEXAS 75208



GRADING PROFILE-BASED ON
 SURVEY DATED 08-24-2014
 SHOWN AT GARAGE DOOR AREA
 TO BE VERIFIED PRIOR TO
 CONSTRUCTION

TYPICAL BUILDING ELEVATION



RESIDENCE FOR
 MR. AND MRS. JESSIE FERRIER
 4645 PARK LANE DALLAS, TEXAS 75206



 1:2,400	NOTIFICATION	Case no: BDA167-122			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">11</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	11	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
11	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA167-122

11 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4635 PARK LN	FERRER JESSE F &
2	9726 ROCKBROOK DR	WILCOX WILLIAM H &
3	4622 MEADOWOOD RD	MIDWELL EST HOLDING CO
4	4608 MEADOWOOD RD	ROSE WILLIAM & CATHERINE
5	4619 PARK LN	YOUNG MICHAEL & SHARON
6	9746 ROCKBROOK DR	TRIBOLET PATRICK M & DAWNE M
7	9727 ROCKBROOK DR	MOON DANIEL & TIFFANY S
8	9739 ROCKBROOK DR	DAVIS GARY LEE & TRUDIE A
9	4524 PARK LN	ROGERS GERALD D &
10	4606 PARK LN	MAGUIRE CARY M
11	4644 PARK LN	HAEMISEGGER DAVID J & NANCY A NASHER

FILE NUMBER: BDA167-127(SL)

BUILDING OFFICIAL'S REPORT: Application of Rees Bowen for a special exception to the off-street parking regulations at 1512 Elm Street. This property is more fully described as Tract 4, Block 121/76, and is zoned PD 619, which requires off-street parking to be provided. The applicant proposes to construct and maintain a residential structure for a multifamily use and provide 0 of the required 1 parking spaces, which will require a 1 space special exception to the of-street parking regulations.

LOCATION: 1512 Elm Street

APPLICANT: Rees Bowen

REQUEST:

A request for a special exception to the off-street parking regulations of 1 space is made to add and maintain an approximately 1,700 square foot addition to an existing office/retail structure (level 4 to this 3-story structure) being transitioned to multifamily use, and provide 0 of the 1 off-street parking spaces required by this addition.

(Note that the application made on this property is two lots west of a property where the same applicant seeks a similar special exception to the off-street parking regulations from the Board of Adjustment Panel B on November 15th: BDA167-128).

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative

parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 1 space shall automatically and immediately terminate if and when the multifamily use is changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Assistant Director of Engineering indicated that he has no objections to the applicant's request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 619 (Planned Development)
North: PD 619 (Planned Development)
South: PD 619 (Planned Development)
East: PD 619 (Planned Development)
West: PD 619 (Planned Development)

Land Use:

The subject site is developed with an office/retail structure being transitioned to multifamily use. The areas to the north, south, east and west are developed with a mix of office, retail, residential, and parking garage uses.

Zoning/BDA History:

1. BDA167-128, Property located at 1516 Elm Street (the property two lots east of the subject site) On November 15, 2017, the Board of Adjustment Panel B will consider a request for a special exception to the off-street parking regulations of 1 space is made to add and maintain an approximately 1,500 square foot addition to an existing office/retail structure (level 6 to this 5-story structure) being transitioned to general merchandise or food store, alcoholic beverage establishment, and multifamily uses, and provide 0 of the 1 off-street parking spaces required by this addition.

GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 1 space focuses on adding and maintaining an approximately 1,700 square foot addition to an existing office/retail structure (level 4 to this 3-story structure) being transitioned to multifamily use, and providing 0 of the 1 off-street parking spaces required by this addition.

- The subject site is zoned PD 619 which states that the off-street parking regulations contained in Section 51A for the CA-1(A) Central Area District apply in this district.
- The “Special off-street parking provisions” in CA-1(A) zoning states that “except as provided in this section, for all uses except single family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building at a ratio of one parking space for each 2,000 square feet of floor area”.
- The applicant has submitted a site plan that represents that the square footage to be added to the existing structure on the subject site that, according to DCAD, was constructed in 1925, is approximately 1,700 square feet, and that the required 1 off-street parking space is not proposed to be provided. (Note that Building Inspection Senior Plans Examiner/Development Code Specialist has stated that an interpretation has been made that one parking space is required in this case since the proposed 1,700 square foot addition is between 0 – 2,000 square feet of floor area, hence one parking spaces is required).
- The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked “Has no objections” to the applicant’s request.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the “multifamily” use on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 1 space would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 1 spaces shall automatically and immediately terminate if and when the multifamily use is changed or discontinued, the applicant could add and maintain the approximately 1,700 square foot addition to an existing office/retail structure (level 4 to this 3-story structure), and provide 0 of the 1 required off-street parking spaces required by this addition.

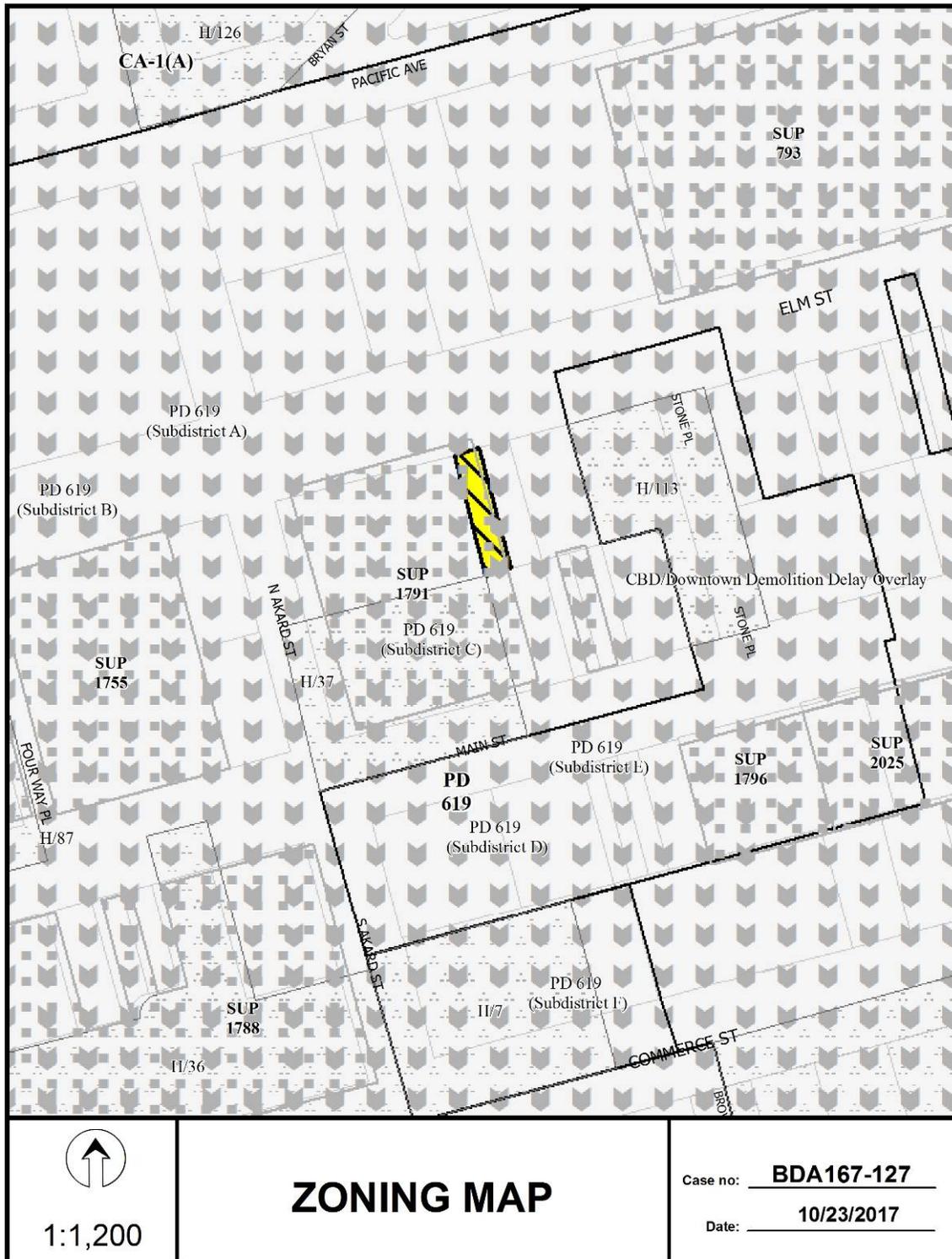
Timeline:

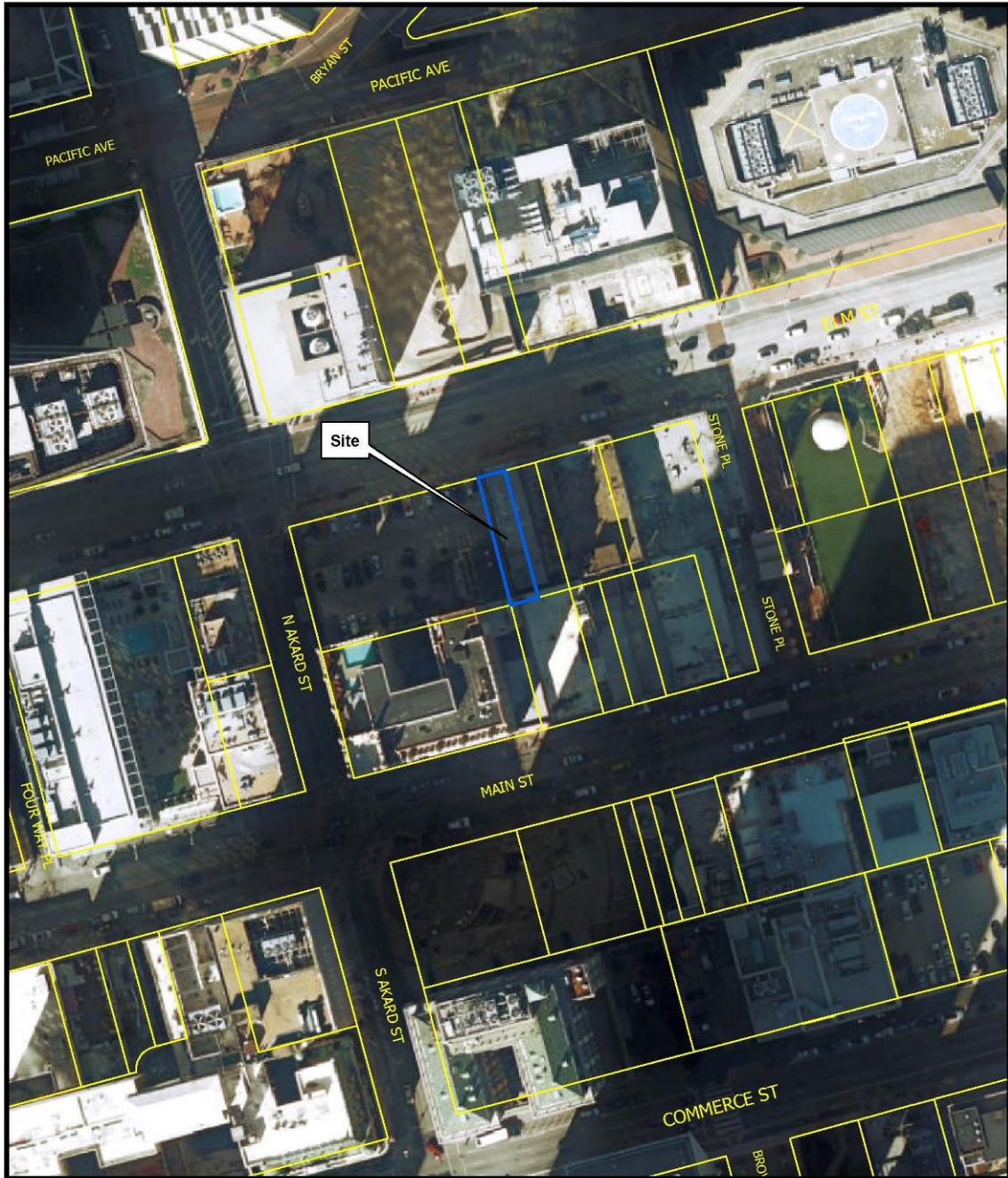
- September 20, 2017: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 9, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd deadline to submit additional evidence to be incorporated into the Board’s docket materials;

- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to “documentary evidence.”

October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.

November 1, 2017: The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked “Has no objections”.





1:1,200

AERIAL MAP

Case no: BDA167-127

Date: 10/23/2017



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-127
Date: 9/20/2017

Data Relative to Subject Property:

Location address: 1512 Elm Zoning District: CA-1 PD 619 31.01
Lot No.: 4 Block No.: 121/76 Acreage: 0.142 (6165 SF) Census Tract: 45 K (Dallas)
Street Frontage (in Feet): 1) 35 (Elm) 2) N/A 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mid Elm, LP

Applicant: Rees Bowen Telephone: 214-515-7080

Mailing Address: 3100 Monticello Ave, Suite 100, Dallas, TX Zip Code: 75205

E-mail Address: rees.bowen@westdale.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of one (1) required parking space resulting from the construction of a one (1) bedroom unit. MF use, requiring one space

Application is made to the Board of Adjustment, in accordance with the provisions of the Dallas Development Code, to grant the described appeal for the following reason:
This is a historical renovation project. We are not required to provide parking for the other 28 residential units as they are all located in the existing structure. This will have no adverse affect on neighboring properties. Residents will have access to a bike storage room which will help encourage bike use. Additionally several public parking garages are located within the city block. Reference the attached site plan with details on public parking around the project.

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 Rees Bowen
(Affiant/Applicant's name printed)

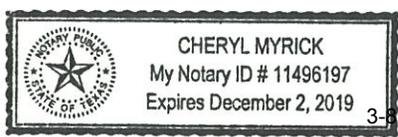
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

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

Cheryl Myrick
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

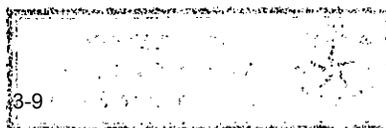
Building Official's Report

I hereby certify that Rees Bowen
did submit a request for a special exception to the parking regulations
at 1512 Elm Street

BDA167-127. Application of Rees Bowen for a special exception to the parking regulations at 1512 Elm Street. This property is more fully described as Lot 4, Block 121/7 and is zoned PD-619, which requires parking to be provided. The applicant proposes to construct a residential structure for a multifamily use and provide 0 of the required 1 parking space, which will require a 1 space special exception to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

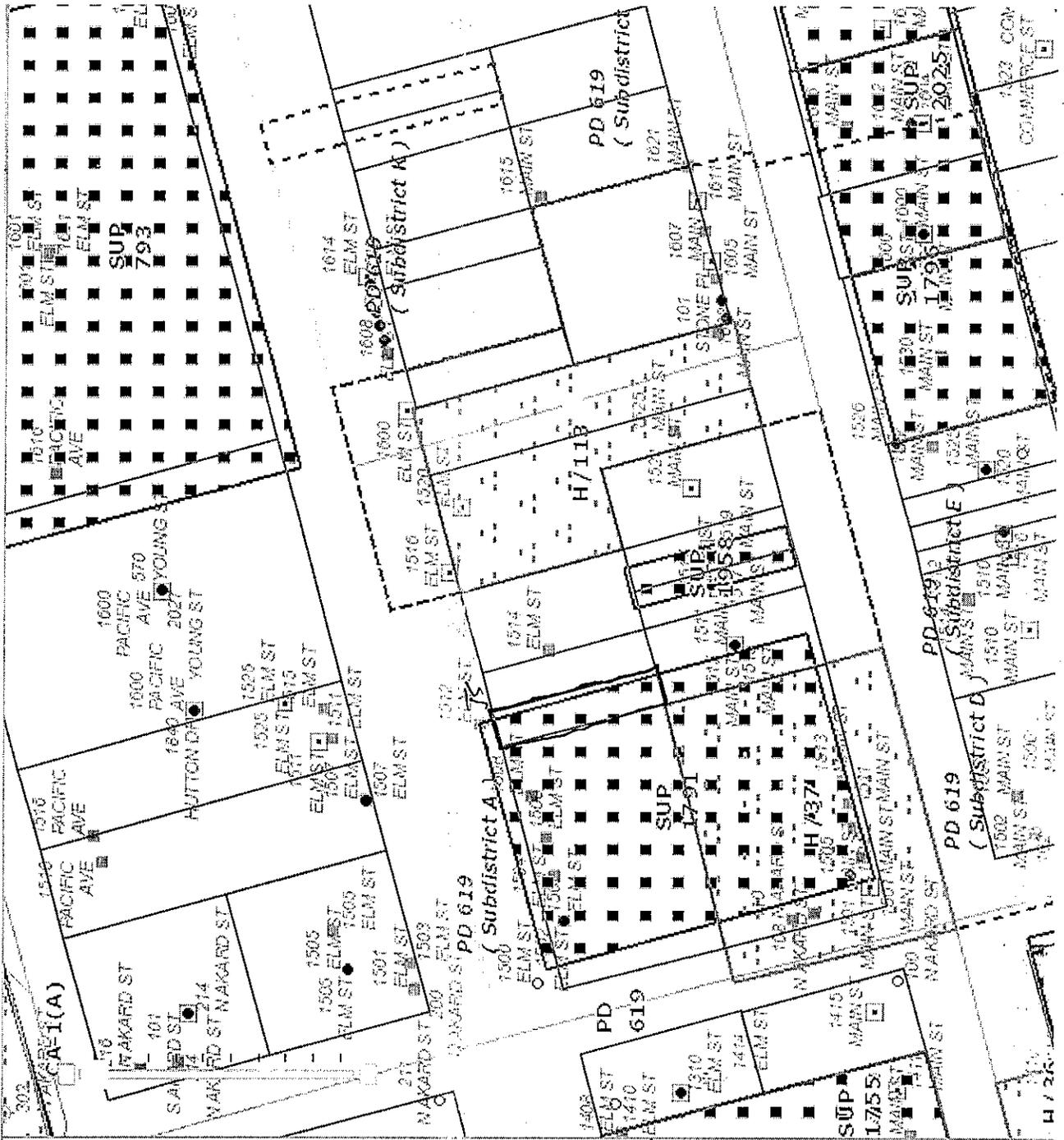
Street address.

Locate

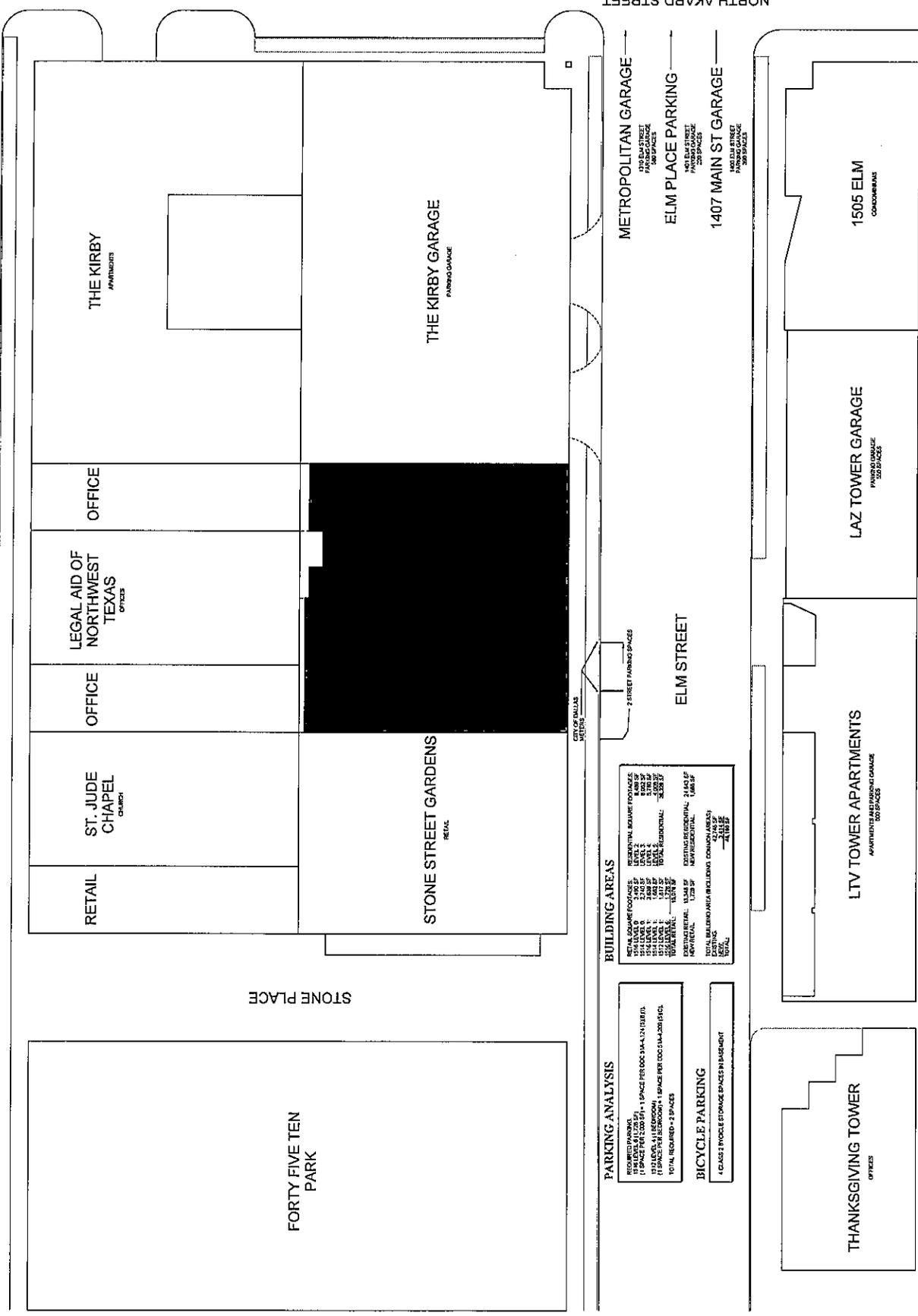
OR

Parcel address.
Use street type for better re

Locate



MAIN STREET



PARKING ANALYSIS

REQUIRED PARKING:
 11 SPACES FOR 100 SPA
 112 SPACES FOR 100 SPA + 1 SPACE PER 1000 SPA (121 SPACES)
 11 SPACES PER BEDROOM + 1 SPACE PER 1000 SPA (200 SPACES)
 TOTAL REQUIRED = 2 SPACES

BICYCLE PARKING

4 CLASS 1 BICYCLE STORAGE SPACES BY BUILDING

BUILDING AREAS

RETAIL SQUARE FOOTAGES	RESIDENTIAL SQUARE FOOTAGES
124,134 SQ. FT.	8,400 SQ. FT.
2,700 SQ. FT.	LEVEL 1
124,134 SQ. FT.	LEVEL 2
2,700 SQ. FT.	LEVEL 3
124,134 SQ. FT.	LEVEL 4
2,700 SQ. FT.	LEVEL 5
124,134 SQ. FT.	LEVEL 6
2,700 SQ. FT.	LEVEL 7
124,134 SQ. FT.	LEVEL 8
2,700 SQ. FT.	LEVEL 9
124,134 SQ. FT.	LEVEL 10
2,700 SQ. FT.	LEVEL 11
124,134 SQ. FT.	LEVEL 12
2,700 SQ. FT.	LEVEL 13
124,134 SQ. FT.	LEVEL 14
2,700 SQ. FT.	LEVEL 15
124,134 SQ. FT.	LEVEL 16
2,700 SQ. FT.	LEVEL 17
124,134 SQ. FT.	LEVEL 18
2,700 SQ. FT.	LEVEL 19
124,134 SQ. FT.	LEVEL 20
2,700 SQ. FT.	LEVEL 21
124,134 SQ. FT.	LEVEL 22
2,700 SQ. FT.	LEVEL 23
124,134 SQ. FT.	LEVEL 24
2,700 SQ. FT.	LEVEL 25
124,134 SQ. FT.	LEVEL 26
2,700 SQ. FT.	LEVEL 27
124,134 SQ. FT.	LEVEL 28
2,700 SQ. FT.	LEVEL 29
124,134 SQ. FT.	LEVEL 30
2,700 SQ. FT.	LEVEL 31
124,134 SQ. FT.	LEVEL 32
2,700 SQ. FT.	LEVEL 33
124,134 SQ. FT.	LEVEL 34
2,700 SQ. FT.	LEVEL 35
124,134 SQ. FT.	LEVEL 36
2,700 SQ. FT.	LEVEL 37
124,134 SQ. FT.	LEVEL 38
2,700 SQ. FT.	LEVEL 39
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124,134 SQ. FT.	LEVEL 60
2,700 SQ. FT.	LEVEL 61
124,134 SQ. FT.	LEVEL 62
2,700 SQ. FT.	LEVEL 63
124,134 SQ. FT.	LEVEL 64
2,700 SQ. FT.	LEVEL 65
124,134 SQ. FT.	LEVEL 66
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124,134 SQ. FT.	LEVEL 78
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124,134 SQ. FT.	LEVEL 90
2,700 SQ. FT.	LEVEL 91
124,134 SQ. FT.	LEVEL 92
2,700 SQ. FT.	LEVEL 93
124,134 SQ. FT.	LEVEL 94
2,700 SQ. FT.	LEVEL 95
124,134 SQ. FT.	LEVEL 96
2,700 SQ. FT.	LEVEL 97
124,134 SQ. FT.	LEVEL 98
2,700 SQ. FT.	LEVEL 99
124,134 SQ. FT.	LEVEL 100

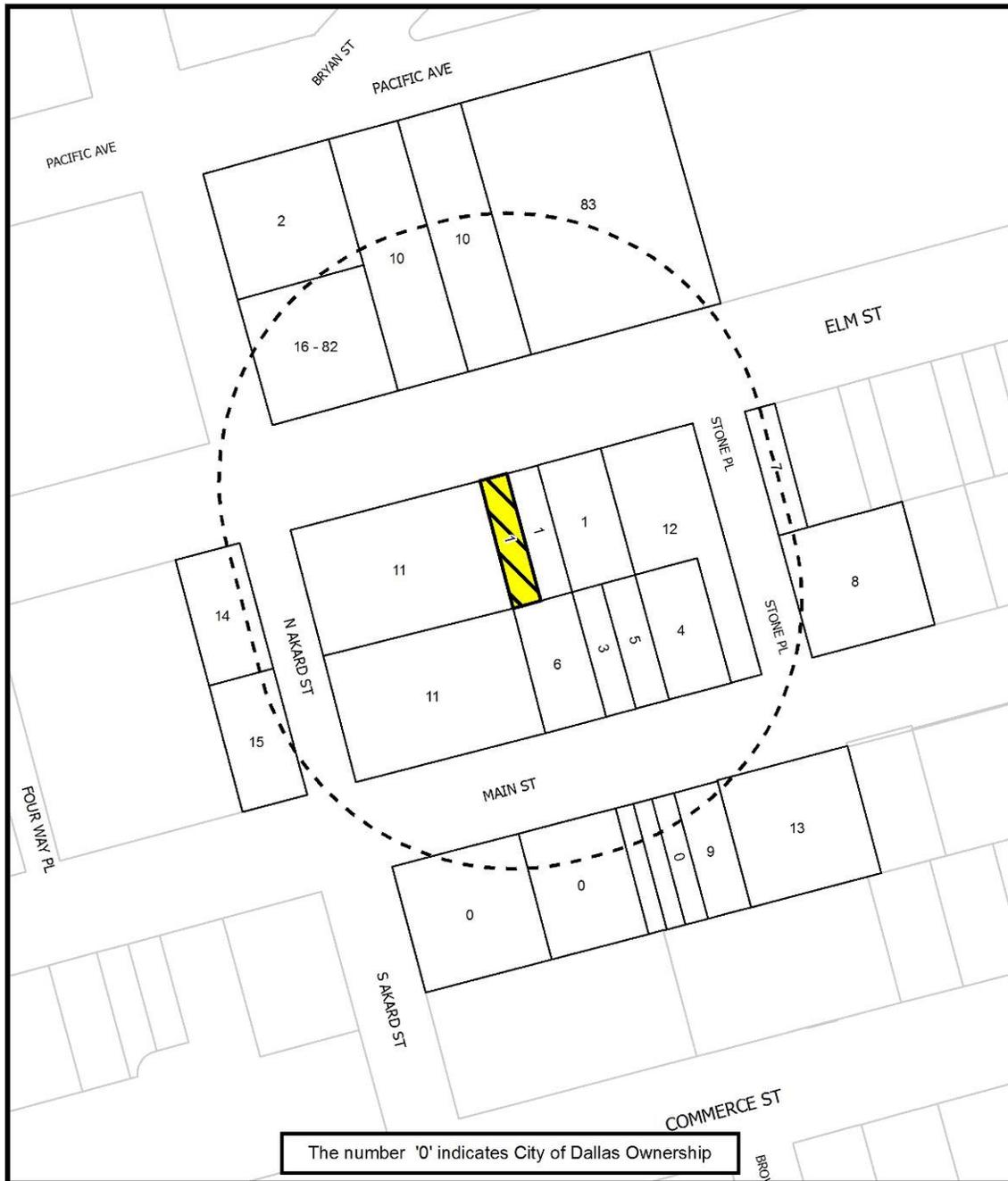
ISSUED FOR CONSTRUCTION

ARCHITEXAS
 ARCHITECTURAL FIRM AND
 REGISTERED PROFESSIONAL ARCHITECTS
 1512-1516 ELM STREET
 DALLAS, TEXAS 75201
 TEL: 214-752-1516
 FAX: 214-752-1517
 WWW.ARCHITEXAS.COM

Area Plan

Mid-Elm Lofts
 1512-1516 Elm Street
 Dallas, Texas 75201

1505 ELM CONDOMINIUMS
 LAZ TOWER GARAGE
 LTV TOWER APARTMENTS
 THANKSGIVING TOWER OFFICES



 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="0"> <tr> <td style="border: 1px solid black; padding: 2px;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">83</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	83	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u> BDA167-127 </u> Date: <u> 10/23/2017 </u>
200'	AREA OF NOTIFICATION					
83	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA167-127

83 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1514 ELM ST	MID ELM LP
2	208 N AKARD ST	208NAKARD LLC
3	1517 MAIN ST	FONBERG PETER D TR ET AL
4	1521 MAIN ST	ROMAN CATHOLIC DIOCESE DALLAS
5	1519 MAIN ST	1519 MAIN PROPERTY LP
6	1515 MAIN ST	LEGAL AID OF NORTHWEST TE
7	1600 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
8	1607 MAIN ST	ELM AT STONEPLACE HOLDINGS LLC
9	1520 MAIN ST	MAIN STREET INVESTORS JV
10	1511 ELM ST	1601 ELM HOLDINGS LP
11	1502 ELM ST	KIRBY APARTMENTS LP THE
12	1520 ELM ST	STONE PLACE MALL INV1 LTD
13	1530 MAIN ST	DUNHILL 1530 MAIN LP
14	1414 ELM ST	LICGF DALLAS LOFTS INC
15	1415 MAIN ST	LICGF DALLAS LOFTS INC
16	1505 ELM ST	CHRISTIAN LARRY &
17	1505 ELM ST	DUCOTEY WARREN 2002 TR
18	1505 ELM ST	MOSBACHER DIANE B &
19	1505 ELM ST	KEY SEAN
20	1505 ELM ST	BUTLER KELLY A LIVING TRUST
21	1505 ELM ST	DELEON JOSE & ALMA FLORES
22	1505 ELM ST	NORRIS SONJA
23	1505 ELM ST	WONG ERIK JEFFREY
24	1505 ELM ST	LOLLIS PATRICK &
25	1505 ELM ST	LEAVERTON KEVIN O
26	1505 ELM ST	MENDEZPEREZ JAIME & FANNY

Label #	Address	Owner
27	1505 ELM ST	SCHMIDT MICHAEL
28	1505 ELM ST	JD RENTALS LLC
29	1505 ELM ST	BRAINARD SYDNEY
30	1505 ELM ST	BECKMAN JAMIE W
31	1505 ELM ST	SYMPHONY PROPERTIES LLC
32	1505 ELM ST	HIRSCHHEIMER JOSHUA DAVID
33	1505 ELM ST	KILANOWSKI KATHLEEN
34	1505 ELM ST	EDMONDSON ROY M
35	1505 ELM ST	HAGGARD SCOTT JR
36	1505 ELM ST	VO LAWRENCE
37	1505 ELM ST	PATEL JAYSHREE & SANJAY
38	1505 ELM ST	DENNEY JESSE A III & ROBERTA J
39	1505 ELM ST	BASSAMPOUR FATEMAH &
40	1505 ELM ST	LUCK CHRISTOPHER R & VIRGINIA
41	1505 ELM ST	SCAGLIONE HEATHER L
42	1505 ELM ST	BRAIR GHASSAN B
43	1505 ELM ST	MAGAN NAVIN
44	1505 ELM ST	MENDENHALL MYLES E & KATHERINE M
45	1505 ELM ST	HIGHT STEPHANIE D
46	1505 ELM ST	QUINN KAILIE CHRISTINE
47	1505 ELM ST	MUNK FLORENCE
48	1505 ELM ST	SCHMIDT MICHAEL L
49	1505 ELM ST	ACT EAGLE 1505 PROPERTIES LLC
50	1505 ELM ST	JONES REBECCA J
51	1505 ELM ST	JAQUA DAVID ARLEIGH &
52	1505 ELM ST	RICHARD C WERNON
53	1505 ELM ST	SMITH VALERIE RUSSO
54	1505 ELM ST	ANTERHAUS ROBERT H &
55	1505 ELM ST	MUNOZ ROLANDO & DONNA W
56	1505 ELM ST	MCKNIGHT BILLY REA
57	1505 ELM ST	DILENA R J

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1505 ELM ST	FREIFELD MARK & RAYNA HANDELMAN
59	1505 ELM ST	HOLLOWAY MICHAEL S &
60	1505 ELM ST	VANCE BARBARA A
61	1505 ELM ST	DANE EUGENE
62	1505 ELM ST	AMERSON MARVIN E
63	1505 ELM ST	MCLAIN WILLIAM T &
64	1505 ELM ST	MITTELSTET STEPHEN K
65	1505 ELM ST	ABENDSCHEIN FREDERICK
66	1505 ELM ST	ROBERTSON RON & DONNA
67	1505 ELM ST	EDWARDS GARY DON & JANIE FAY
68	1505 ELM ST	ZUTTER JOHN C & JASMINE KWON
69	1505 ELM ST	NIENDORFF CARL A IV
70	1505 ELM ST	HALL MICHAEL D
71	1505 ELM ST	PATTERSON J R JR & BILLIE JO PUD
72	1505 ELM ST	HARVEY BARBARA ANN
73	1505 ELM ST	AKIN LARRY D & CAROL D
74	1505 ELM ST	SPIEGEL ROSS ADAM
75	1505 ELM ST	BOLDEN PAUL &
76	1505 ELM ST	ROBERTS FINES OLIVER
77	1505 ELM ST	WIEDERMANN FAMILY LIVING TR
78	1505 ELM ST	GULLEY FAMILY TRUST B
79	1505 ELM ST	WIEDEMANN CYNTHIA
80	1505 ELM ST	WILSON ADDISON G IV
81	1505 ELM ST	SCRIPPS FREDERIC SCOTT
82	1505 ELM ST	FLOYD CYNTHIA LEE
83	1600 PACIFIC AVE	1600 PACIFIC LANDLORD LLC

FILE NUMBER: BDA167-128(SL)

BUILDING OFFICIAL'S REPORT: Application of Rees Bowen for a special exception to the off-street parking regulations at 1516 Elm Street. This property is more fully described as Tract 2, Block 121/76, and is zoned PD 619, which requires parking to be provided. The applicant proposes to construct and maintain a structure for a general merchandise or food store 3500 square feet or less use, an alcoholic beverage establishment use, and a multifamily use, and provide 0 of the required 1 parking spaces, which will require a 1 space special exception to the off-street parking regulations.

LOCATION: 1516 Elm Street

APPLICANT: Rees Bowen

REQUEST:

A request for a special exception to the off-street parking regulations of 1 space is made to add and maintain an approximately 1,500 square foot addition to an existing office/retail structure (level 6 to this 5-story structure) being transitioned to general merchandise or food store, alcoholic beverage establishment, and multifamily uses, and provide 0 of the 1 off-street parking spaces required by this addition.

(Note that the application made on this property is two lots east of a property where the same applicant seeks a similar special exception to the off-street parking regulations from the Board of Adjustment Panel B on November 15th: BDA167-127).

STANDARD FOR A SPECIAL EXCEPTION TO THE OFF-STREET PARKING REGULATIONS:

- 1) The Board of Adjustment may grant a special exception to authorize a reduction in the number of off-street parking spaces required under this article if the board finds, after a public hearing, that the parking demand generated by the use does not warrant the number of off-street parking spaces required, and the special exception would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets. The maximum reduction authorized by this section is 25 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(A). For the commercial amusement (inside) use and the industrial (inside) use, the maximum reduction authorized by this section is 75 percent or one space, whichever is greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). For the office use, the maximum reduction authorized by this section is 35 percent or one space, whichever is

greater, minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(A). Applicants may seek a special exception to the parking requirements under this section and an administrative parking reduction under Section 51A-4.313. The greater reduction will apply, but the reduction may not be combined.

- 2) In determining whether to grant a special exception, the board shall consider the following factors:
 - (A) The extent to which the parking spaces provided will be remote, shared, or packed parking.
 - (B) The parking demand and trip generation characteristics of all uses for which the special exception is requested.
 - (C) Whether or not the subject property or any property in the general area is part of a modified delta overlay district.
 - (D) The current and probable future capacities of adjacent and nearby streets based on the city's thoroughfare plan.
 - (E) The availability of public transit and the likelihood of its use.
 - (F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.
- 3) In granting a special exception, the board shall specify the uses to which the special exception applies. A special exception granted by the board for a particular use automatically and immediately terminates if and when that use is changed or discontinued.
- 4) In granting a special exception, the board may:
 - (A) Establish a termination date for the special exception or; otherwise provide for the reassessment of conditions after a specified period of time;
 - (B) Impose restrictions on access to or from the subject property; or
 - (C) Impose any other reasonable conditions that would have the effect of improving traffic safety or lessening congestion on the streets.
- 5) The board shall not grant a special exception to reduce the number of off-street parking spaces required in an ordinance granting or amending a specific use permit.
- 6) The board shall not grant a special exception to reduce the number of off-street parking spaces expressly required in the text or development plan of an ordinance establishing or amending regulations governing a specific planned development district. This prohibition does not apply when:
 - (A) the ordinance does not expressly specify a minimum number of spaces, but instead simply makes references to the existing off-street parking regulations in Chapter 51 or this chapter; or
 - (B) the regulations governing that specific district expressly authorize the board to grant the special exception.

STAFF RECOMMENDATION:

Approval, subject to the following condition:

- The special exception of 1 space shall automatically and immediately terminate if and when the general merchandise or food store, alcoholic beverage establishment, and multifamily use are changed or discontinued.

Rationale:

- The Sustainable Development and Construction Department Assistant Director of Engineering indicated that he has no objections to the applicant’s request.

BACKGROUND INFORMATION:

Zoning:

Site: PD 619 (Planned Development)
North: PD 619 (Planned Development)
South: PD 619 (Planned Development)
East: PD 619 (Planned Development)
West: PD 619 (Planned Development)

Land Use:

The subject site is developed with an office/retail structure being transitioned to multifamily use. The areas to the north, south, east and west are developed with a mix of office, retail, residential, and parking garage uses.

Zoning/BDA History:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. BDA167-127, Property located at 1516 Elm Street (the property two lots west of the subject site) | <p>On November 15, 2017, the Board of Adjustment Panel B will consider a request for a special exception to the off-street parking regulations of 1 space is made an approximately 1,700 square foot addition to an existing office/retail structure (level 4 to this 3-story structure) being transitioned to multifamily use, and provide 0 of the 1 off-street parking spaces required by this addition.</p> |
|---|---|

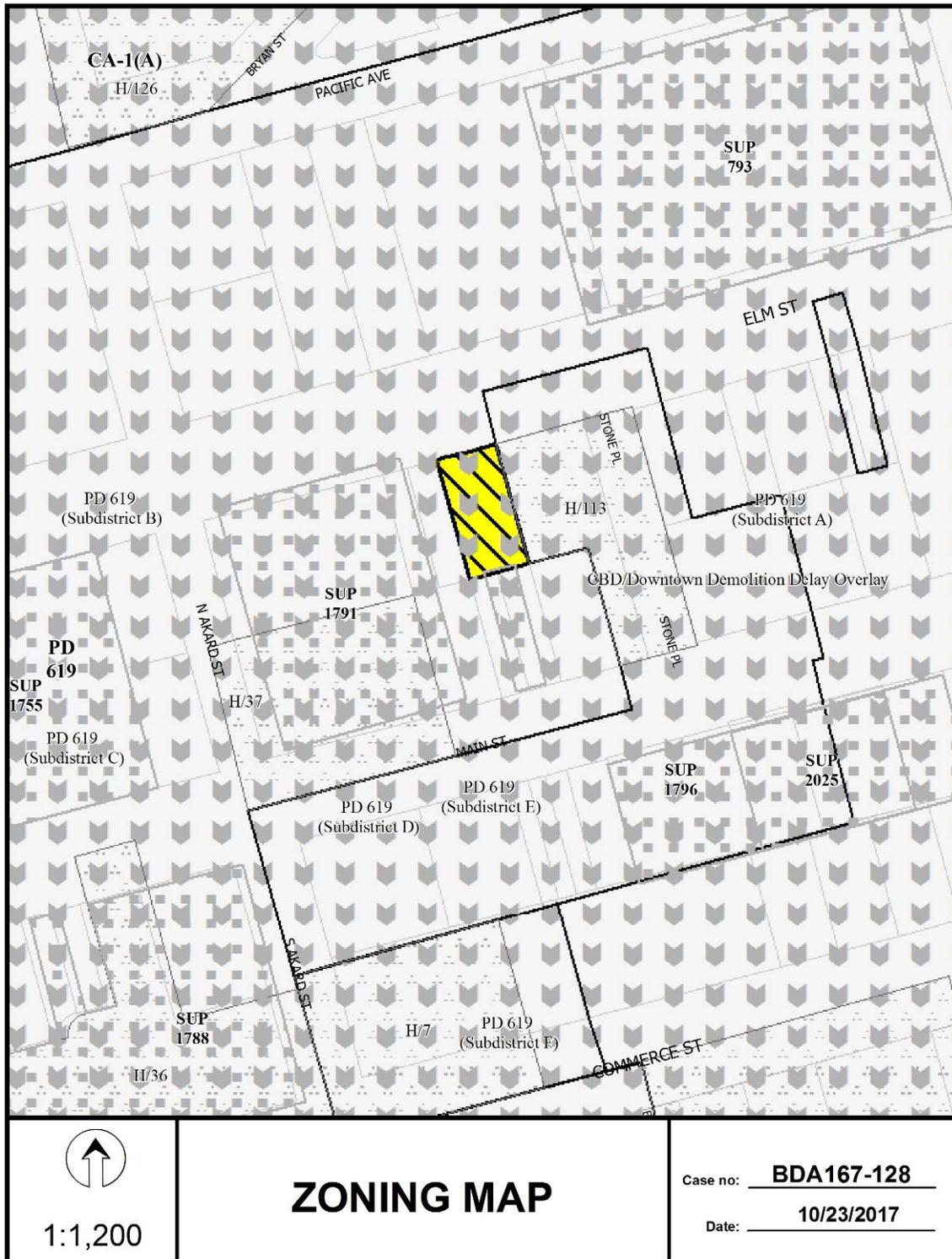
GENERAL FACTS/STAFF ANALYSIS:

- This request for a special exception to the off-street parking regulations of 1 space focuses on adding and maintaining an approximately 1,500 square foot addition to an existing office/retail structure (level 6 to this 5-story structure) being transitioned to general merchandise or food store, alcoholic beverage establishment, and multifamily uses, and providing 0 of the 1 off-street parking spaces required by this addition.
- The subject site is zoned PD 619 which states that the off-street parking regulations contained in Section 51A for the CA-1(A) Central Area District apply in this district.
- The “Special off-street parking provisions” in CA-1(A) zoning states that “except as provided in this section, for all uses except single family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building at a ratio of one parking space for each 2,000 square feet of floor area”.
- The applicant has submitted a site plan that represents that the square footage to be added to the existing structure on the subject site that, according to DCAD, was constructed in 1900, is approximately 1,500 square feet, and that the required 1 off-street parking space is not proposed to be provided. (Note that Building Inspection Senior Plans Examiner/Development Code Specialist has stated that an interpretation has been made that one parking space is required in this case since the proposed 1500 square foot addition is between 0 – 2,000 square feet of floor area, hence one parking spaces is required).
- The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked “Has no objections”.
- The applicant has the burden of proof in establishing the following:
 - The parking demand generated by the general merchandise or food store, alcoholic beverage establishment, and multifamily uses on the site does not warrant the number of off-street parking spaces required, and
 - The special exception of 1 space would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets.
- If the Board were to grant this request, and impose the condition that the special exception of 1 space shall automatically and immediately terminate if and when the general merchandise or food store, alcoholic beverage establishment, and multifamily uses are changed or discontinued, the applicant could add and maintain the approximately 1,500 square foot addition to an existing office/retail structure (level 6 to this 5-story structure), and provide 0 of the 1 required off-street parking space required by this addition.

Timeline:

September 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.

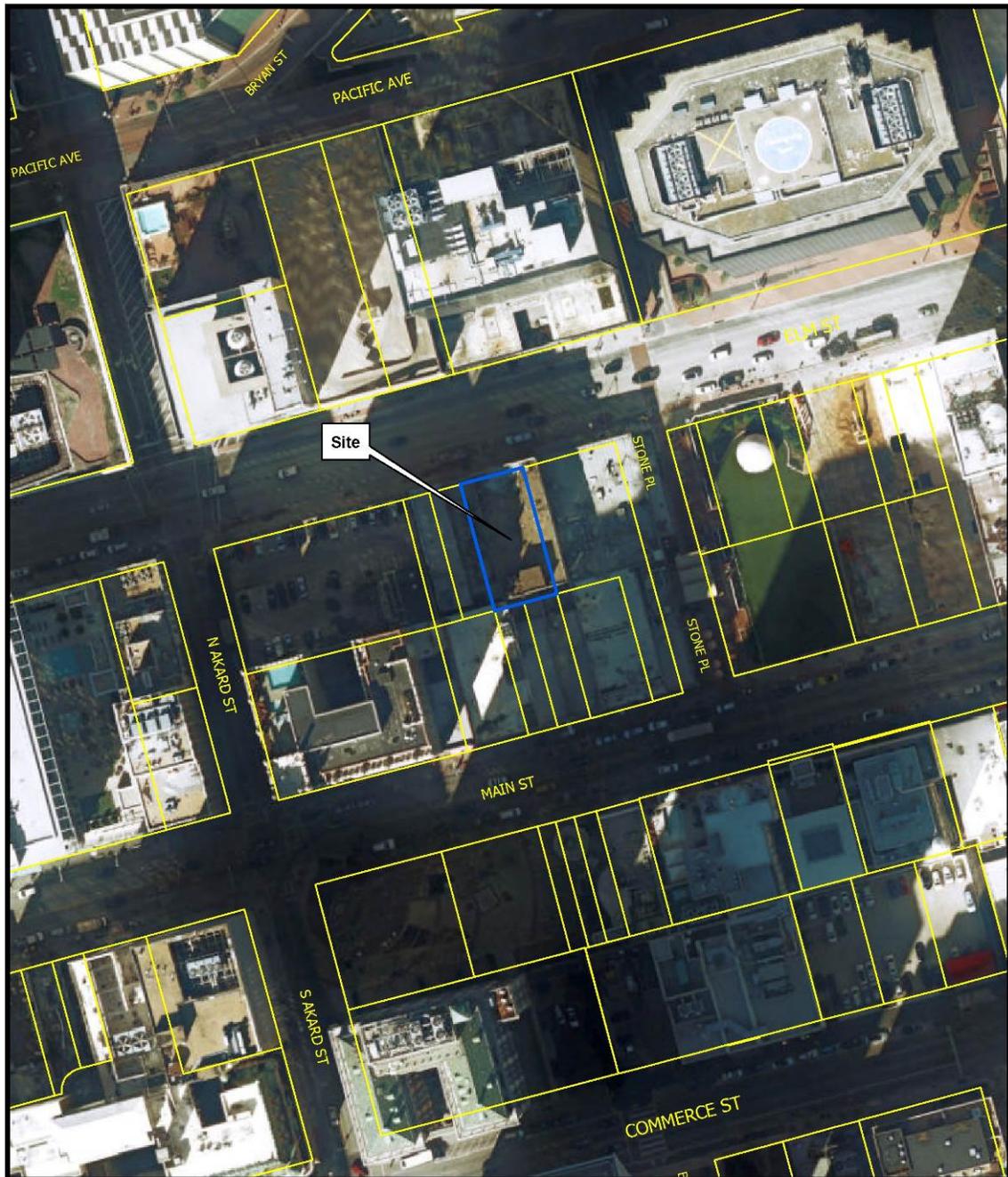
- October 6, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- October 9, 2017: The Board Administrator emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the October 25th deadline to submit additional evidence for staff to factor into their analysis; and the November 3rd deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- October 31, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for November public hearings. Review team members in attendance included: the Building Official, the Assistant Building Official, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Department Senior Planner, and the Assistant City Attorney to the Board.
- November 1, 2017: The Sustainable Development and Construction Department Assistant Director of Engineering has submitted a review comment sheet marked "Has no objections".



1:1,200

ZONING MAP

Case no: BDA167-128
 Date: 10/23/2017



1:1,200

AERIAL MAP

Case no: BDA167-128

Date: 10/23/2017



APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-128

Data Relative to Subject Property:

Date: 9/20/2017

Location address: 1516 Elm Zoning District: CA-1 PD619

IS Lot No.: 2 Block No.: 121/76 Acreage: 0.2 (8,835 SF) Census Tract: 45-K (Dallas) 31.01

Street Frontage (in Feet): 1) 50 (Elm) 2) N/A 3) N/A 4) N/A 5) N/A

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mid Elm, LP

Applicant: Rees Bowen Telephone: 214-515-7080

Mailing Address: 3100 Monticello Ave, Suite 100, Dallas, TX Zip Code: 75205

E-mail Address: rees.bowen@westdale.com

Represented by: _____ Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance __, or Special Exception X, of one (1) required parking space resulting from the construction of 1,728 square feet of new retail space. MF, Gen Merch or food store 3500 sq ft or less, alcoholic bev estab uses.

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

This is a historical renovation project. We are not required to provide parking for the 13,348 square feet of existing retail space. This will have no adverse affect on neighboring property. Potential patrons of this retail will have parking available within nearby parking garages; the same as other retail patrons in the downtown area. There are public parking garages in the area and metered spaces along the streets - see site plan.

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 Rees Bowen (Affiant/Applicant's name printed)

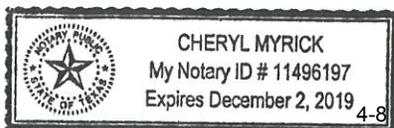
who on (his/her) oath certifies that the above statements are true and correct to his/her best knowledge and that he/she is the owner/or principal/or authorized representative of the subject property.

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

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

Cheryl Myrick
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

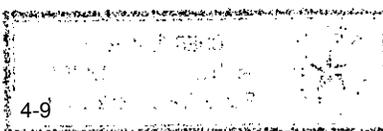
I hereby certify that Rees Bowen

did submit a request for a special exception to the parking regulations
at 1516 Elm Street

BDA167-128. Application of Rees Bowen for a special exception to the parking regulations at 1516 Elm Street. This property is more fully described as Tract 2, Block 121/76, and is zoned PD-619, which requires parking to be provided. The applicant proposes to construct a nonresidential structure for a general merchandise or food store 3500 square feet or less use, an alcoholic beverage establishment use, and a multifamily use, and provide 0 of the required 1 parking space, which will require a 1 space special exception to the parking regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



City of Dallas

Internal Development Research Site

Legend

Locate Property

Search by:

GIS Account #

Locate

OR

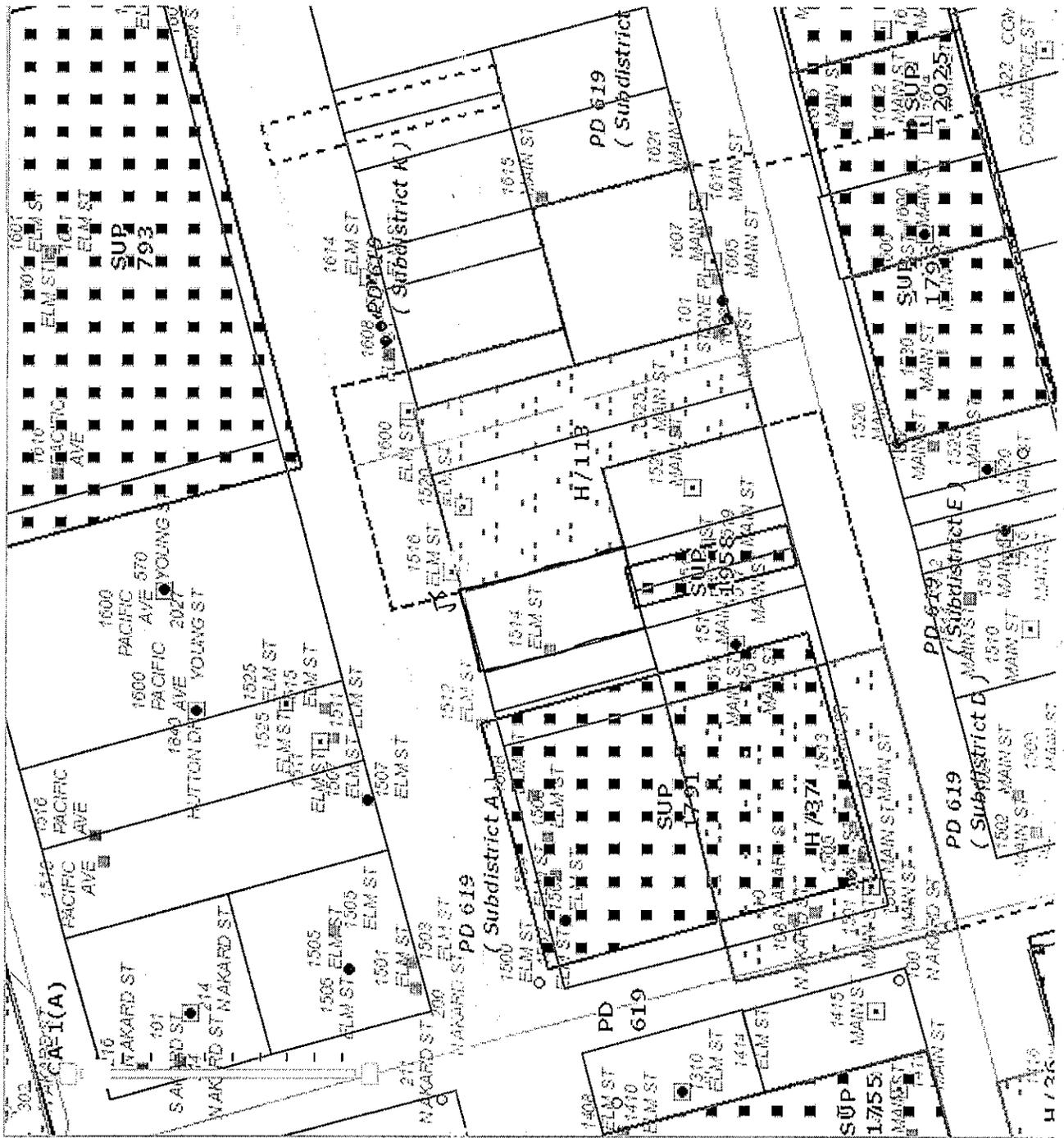
Street address.

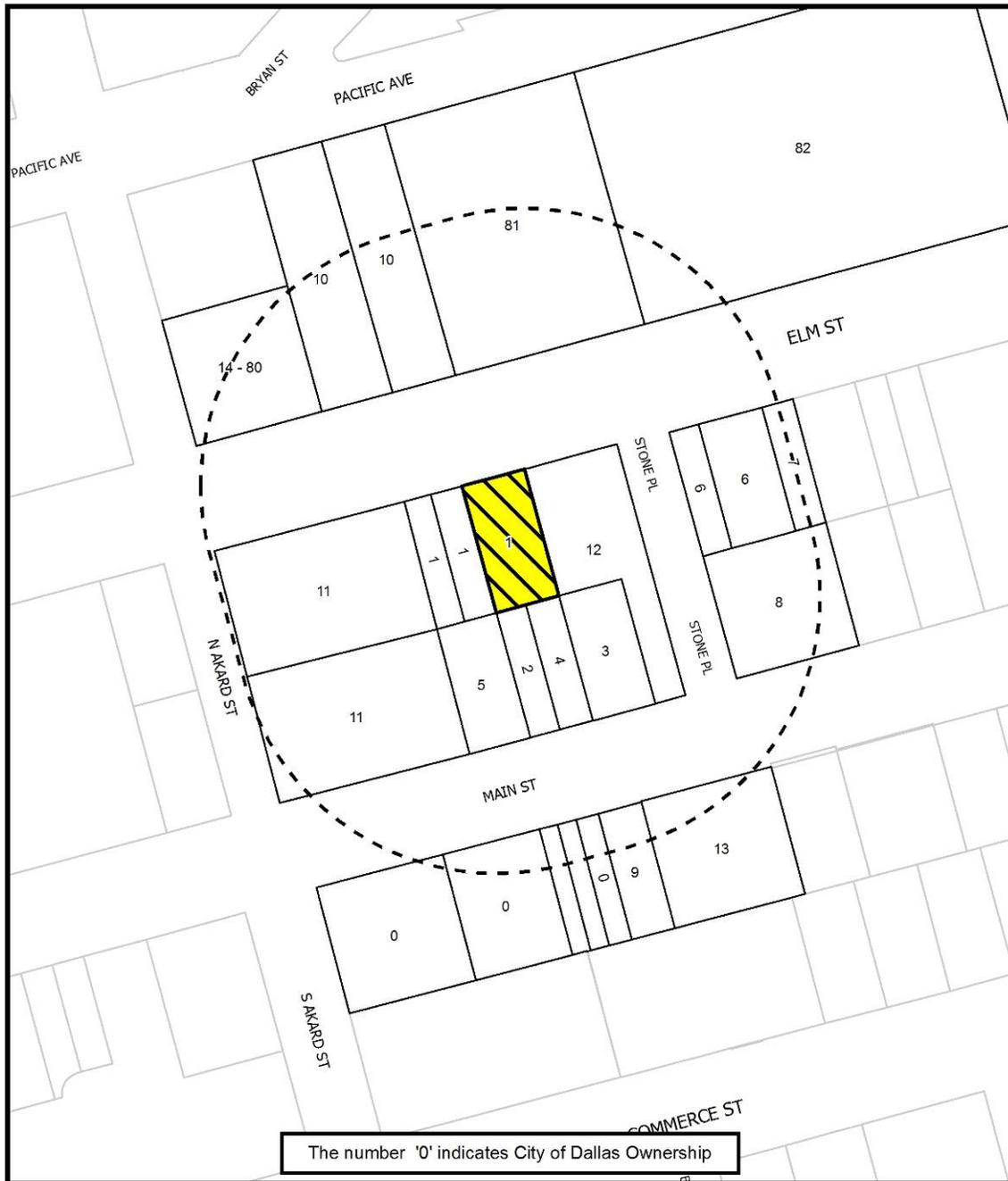
Locate

OR

Parcel address.
Use street type for better re

Locate





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NOTIFICATION

200'

AREA OF NOTIFICATION

82

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-128**

Date: **10/23/2017**

Notification List of Property Owners

BDA167-128

82 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	1514 ELM ST	MID ELM LP
2	1517 MAIN ST	FONBERG PETER D TR ET AL
3	1521 MAIN ST	ROMAN CATHOLIC DIOCESE DALLAS
4	1519 MAIN ST	1519 MAIN PROPERTY LP
5	1515 MAIN ST	LEGAL AID OF NORTHWEST TE
6	1604 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
7	1606 ELM ST	ELM AT STONEPLACE HOLDINGS LLC
8	1607 MAIN ST	ELM AT STONEPLACE HOLDINGS LLC
9	1520 MAIN ST	MAIN STREET INVESTORS JV
10	1511 ELM ST	1601 ELM HOLDINGS LP
11	1502 ELM ST	KIRBY APARTMENTS LP THE
12	1520 ELM ST	STONE PLACE MALL INV1 LTD
13	1530 MAIN ST	DUNHILL 1530 MAIN LP
14	1505 ELM ST	CHRISTIAN LARRY &
15	1505 ELM ST	DUCOTEY WARREN 2002 TR
16	1505 ELM ST	MOSBACHER DIANE B &
17	1505 ELM ST	KEY SEAN
18	1505 ELM ST	BUTLER KELLY A LIVING TRUST
19	1505 ELM ST	DELEON JOSE & ALMA FLORES
20	1505 ELM ST	NORRIS SONJA
21	1505 ELM ST	WONG ERIK JEFFREY
22	1505 ELM ST	LOLLIS PATRICK &
23	1505 ELM ST	LEAVERTON KEVIN O
24	1505 ELM ST	MENDEZPEREZ JAIME & FANNY
25	1505 ELM ST	SCHMIDT MICHAEL
26	1505 ELM ST	JD RENTALS LLC

Label #	Address	Owner
27	1505 ELM ST	BRAINARD SYDNEY
28	1505 ELM ST	BECKMAN JAMIE W
29	1505 ELM ST	SYMPHONY PROPERTIES LLC
30	1505 ELM ST	HIRSCHHEIMER JOSHUA DAVID
31	1505 ELM ST	KILANOWSKI KATHLEEN
32	1505 ELM ST	EDMONDSON ROY M
33	1505 ELM ST	HAGGARD SCOTT JR
34	1505 ELM ST	VO LAWRENCE
35	1505 ELM ST	PATEL JAYSHREE & SANJAY
36	1505 ELM ST	DENNEY JESSE A III & ROBERTA J
37	1505 ELM ST	BASSAMPOUR FATEMAH &
38	1505 ELM ST	LUCK CHRISTOPHER R & VIRGINIA
39	1505 ELM ST	SCAGLIONE HEATHER L
40	1505 ELM ST	BRAIR GHASSAN B
41	1505 ELM ST	MAGAN NAVIN
42	1505 ELM ST	MENDENHALL MYLES E & KATHERINE M
43	1505 ELM ST	HIGHT STEPHANIE D
44	1505 ELM ST	QUINN KAILIE CHRISTINE
45	1505 ELM ST	MUNK FLORENCE
46	1505 ELM ST	SCHMIDT MICHAEL L
47	1505 ELM ST	ACT EAGLE 1505 PROPERTIES LLC
48	1505 ELM ST	JONES REBECCA J
49	1505 ELM ST	JAQUA DAVID ARLEIGH &
50	1505 ELM ST	RICHARD C WERNON
51	1505 ELM ST	SMITH VALERIE RUSSO
52	1505 ELM ST	ANTERHAUS ROBERT H &
53	1505 ELM ST	MUNOZ ROLANDO & DONNA W
54	1505 ELM ST	MCKNIGHT BILLY REA
55	1505 ELM ST	DILENA R J
56	1505 ELM ST	FREIFELD MARK & RAYNA HANDELMAN
57	1505 ELM ST	HOLLOWAY MICHAEL S &

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1505 ELM ST	VANCE BARBARA A
59	1505 ELM ST	DANE EUGENE
60	1505 ELM ST	AMERSON MARVIN E
61	1505 ELM ST	MCLAIN WILLIAM T &
62	1505 ELM ST	MITTELSTET STEPHEN K
63	1505 ELM ST	ABENDSCHEIN FREDERICK
64	1505 ELM ST	ROBERTSON RON & DONNA
65	1505 ELM ST	EDWARDS GARY DON & JANIE FAY
66	1505 ELM ST	ZUTTER JOHN C & JASMINE KWON
67	1505 ELM ST	NIENDORFF CARL A IV
68	1505 ELM ST	HALL MICHAEL D
69	1505 ELM ST	PATTERSON J R JR & BILLIE JO PUD
70	1505 ELM ST	HARVEY BARBARA ANN
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72	1505 ELM ST	SPIEGEL ROSS ADAM
73	1505 ELM ST	BOLDEN PAUL &
74	1505 ELM ST	ROBERTS FINES OLIVER
75	1505 ELM ST	WIEDERMANN FAMILY LIVING TR
76	1505 ELM ST	GULLEY FAMILY TRUST B
77	1505 ELM ST	WIEDEMANN CYNTHIA
78	1505 ELM ST	WILSON ADDISON G IV
79	1505 ELM ST	SCRIPPS FREDERIC SCOTT
80	1505 ELM ST	FLOYD CYNTHIA LEE
81	1600 PACIFIC AVE	1600 PACIFIC LANDLORD LLC
82	1601 ELM ST	1601 ELM HOLDINGS LP

FILE NUMBER: BDA167-105(JM)

BUILDING OFFICIAL'S REPORT: Application of Michelle Brooks/Mark Molthan Construction, Inc., represented by Michelle Brooks, Wyatt Seals, or Paul Steinbrecher, for special exceptions to the fence standards at 9203 Sunnybrook Lane. This property is more fully described as Lots 7 & 8, Block 13-A/5586, and is zoned R-1ac(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8-foot-high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 9203 Sunnybrook Lane

APPLICANT: Michelle Brooks/Mark Molthan Construction, Inc.
Represented by Michelle Brooks, Wyatt Seals, or Paul Steinbrecher

REQUEST:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single-family home (under construction):

- 1) A special exception related to fence height of 4' is made to complete and maintain a fence higher than 4' in height in the front yard setback (a 7' 6" wrought iron fence with 8' stone columns and stone wing walls); and
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

Site: R-1ac(A) (Single family district one acre)
North: R-1ac(A) (Single family district one acre)
South: R-1ac(A) (Single family district one acre)
East: R-1ac(A) (Single family district one acre)
West: R-1ac(A) (Single family district one acre)

Land Use:

The subject site is developed with a single family home (under construction). The areas to the north, east, and south are developed with single family uses. A creek exists to the west (floodplain).

Zoning/BDA History:

1. BDA145-008, Property at 9246 Sunnybrook Lane (northeast of the subject site)

On January 20, 2015, the Board of Adjustment Panel A granted a request for a special exception to the fence height regulations of 4'. The case report stated that the request was made in conjunction with constructing and maintaining an 8' high limestone masonry fence towards the northwest of the property, a 6'-2" high painted steel fence between 2 evergreen hedges towards the west and south sides of the property, one 6'-2" high painted steel service gate towards the south of the property, and one 8' high painted steel vehicular gate towards the northwest of the property, parallel and perpendicular to Sunnybrook Lane.

2. BDA967-128, Property at 4936 Radbrook Place (southwest of the subject site)

On November 18, 1996, the Board of Adjustment Panel C granted a request for a special exception to the fence height regulations of up to 6' and a special exception to the visibility triangle regulations. The case report stated that the request was made in conjunction with constructing and maintaining a 6' wrought iron fence with 7' gates and 10' stone columns (the latter from BDA action in 1985, but the fence was never constructed).

GENERAL FACTS/STAFF ANALYSIS:

- The requests for special exceptions to the fence standards focus on completing and maintaining: 1) a fence higher than 4' in height in the front yard setback (a 7' 6" wrought iron fence with 8' stone columns and stone wing walls); and, 2) a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-1ac(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the front yard setback:
 - The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
 - The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
 - The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 38' 10" along the northeast property boundary (1' 2" from the property line on Sunnybrook Ln.); 240' 1" along the property line parallel to Sunnybrook Ln.; and, 297' along the south property boundary, parallel to Radbrook Pl. (8' 5" from the southwest boundary with the floodplain and on the property line at the corner of Sunnybrook Ln. and Radbrook Pl.)—all within the front yard setback.
- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence, the applicant has submitted a site plan and elevation of the fence with fence panels with surface areas that are less than 50 percent open (a 7' 6" wrought iron fence with 8' stone columns and stone wing walls) located as close as on the front lot line (or less than 5' from this front lot line).
- The Board Senior Planner conducted a field visit of the site and surrounding area within the same block facing Sunnybrook Ln. and Radbrook Pl. and noted **four fences** that appeared to be above 4' in height and located in a front yard setback. Two cases had BDA history as noted in the history section of this report.

- As of October 6, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height/location of the proposed fence will not adversely affect neighboring property. Evidence was submitted with this application and is provided in within the application materials.
- On November 3, 2017, additional evidence was submitted in support of the request ("Attachment A").
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

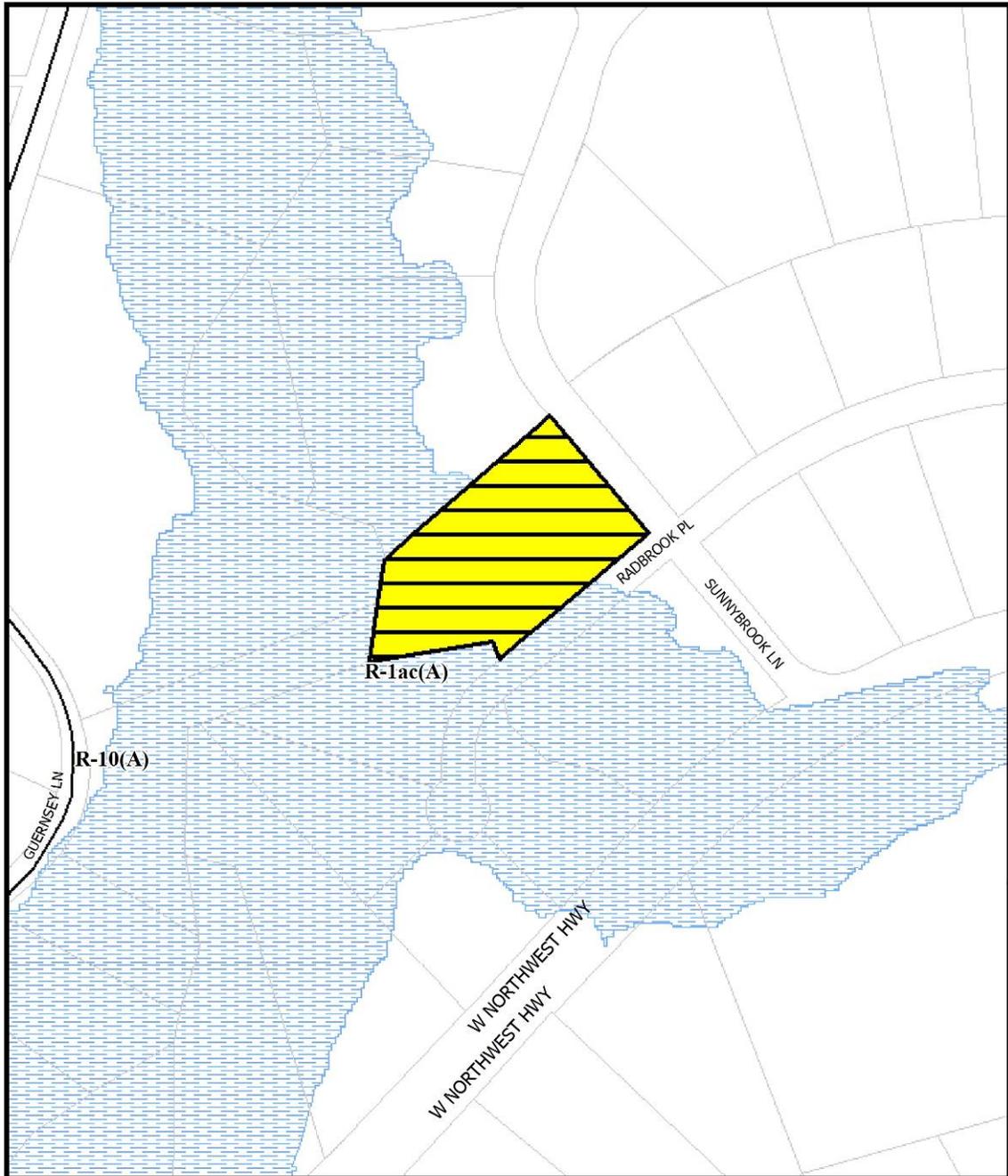
Timeline:

- July 18, 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.
- September 12, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.
- September 18, 2017: The Board Senior Planner 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 September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
 - the criteria/standard that the board will use in their decision to approve or deny the request; and
 - the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."
- October 3, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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.

October 18, 2017: The Board of Adjustment Panel B conducted a public hearing on this application. A person appeared in opposition. The Board delayed action on this application until their next public hearing to be held on November 15, 2017.

November 3, 2017: Additional evidence was submitted in support of this request ("Attachment A").

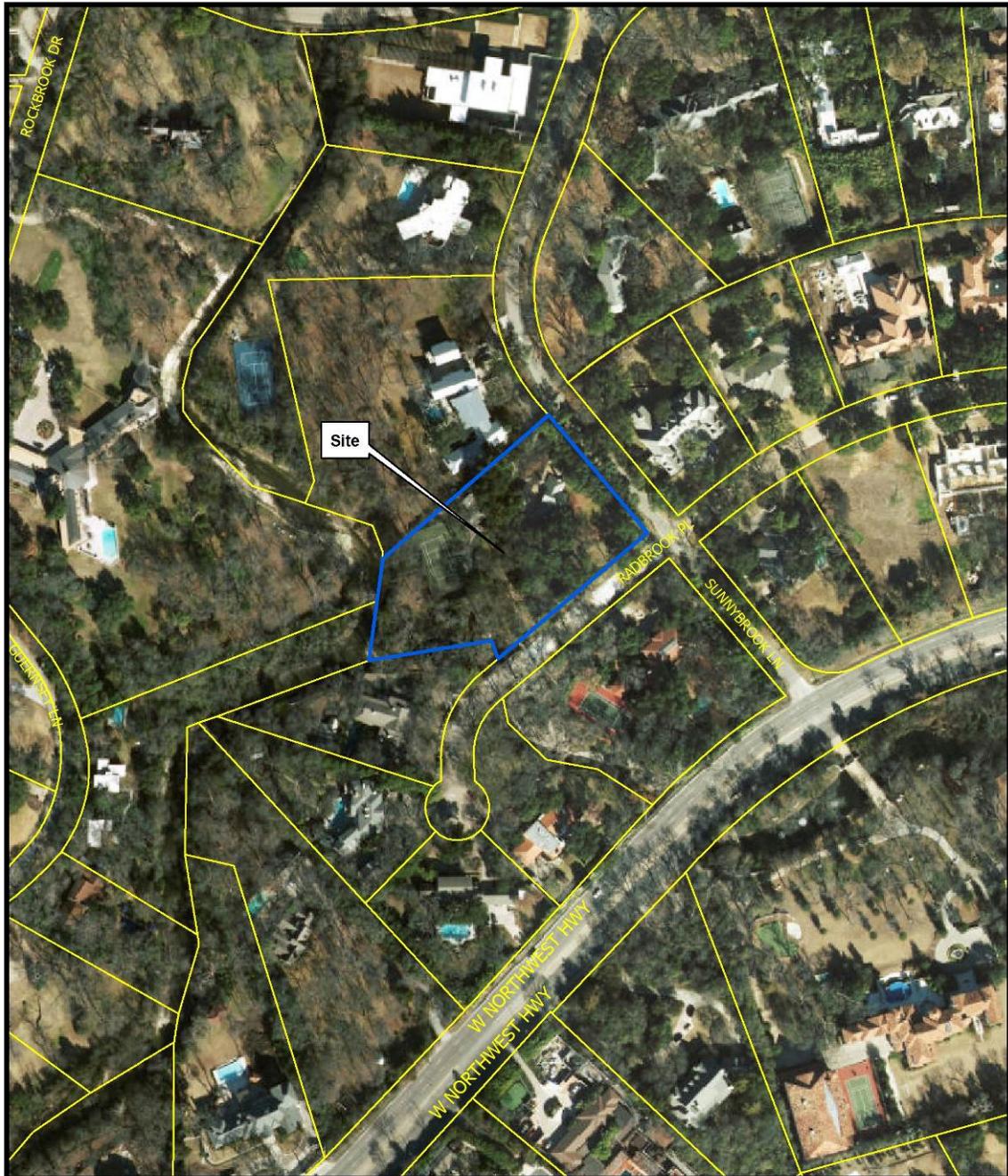


1:2,400

ZONING MAP

Case no: BDA167-105

Date: 9/21/2017



1:2,400

AERIAL MAP

Case no: BDA167-105

Date: 9/21/2017

9203 Sunnybrook
Lane

BDA167-105(JM)

Neighborhood
Fencing Information

Street #	Street Name	Fence	Column Height	Fence Height	Is the Fence	Distance to Street
		Y/N			Transparent?	
5007	Radbrook	Yes	NA	Front: 8' Side: 8.5' & 10' Back:	Front: no Side: no Back:	Front: Beyond 20' Side: 18'
5008	Radbrook	Yes	Front: 5'	Front: 5' Side: 6' Back:	Front: no Side: no Back:	Front: Beyond 20' Side: 16'
5017	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: no Side: Back:	Beyond 20'
5027	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: Yes Side: Back:	Beyond 20'
5018	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: 50/50 Side: Back:	Beyond 20'
5036	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: no Side: Back:	Beyond 20'
5037	Radbrook	Yes	5'	Front: 4' Side: Back:	Front: yes Side: Back:	9'
5046	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: no Side: Back:	Beyond 20'
5047	Radbrook	Yes	NA	Front: 4.5' Side: Back:	Front: no Side: Back:	14'
5110	Radbrook	No				
5109	Radbrook	Yes	8'	Front: 8' Side: Back:	Front: yes Side: Back:	Beyond 20'
5120	Radbrook	No	Construction Fence			
5119	Radbrook	Yes	NA	Front: 7' Side: Back:	Front: no Side: Back:	Beyond 20'
5130	Radbrook	Yes	7'	Front: 4' Side: Back:	Front: yes Side: Back:	Beyond 20'
5129	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: yes Side: Back:	Beyond 20'
4935	Radbrook	No	Dennings House			
4936	Radbrook	Yes	Front: 8' & 12' Side: 8.5'	Front: 6' Side: 6' Back:	Front: yes Side: yes Back:	Front: 16' Side: 13'
4916	Radbrook	No	Fence is beyond 50' from street and behind house			
4906	Radbrook	Yes	NA	Front: 6' Side: Back:	Front: no Side: Back:	Beyond 20'
4905	Radbrook	Yes	7'	Front: 6' Side: Back:	Front: yes Side: Back:	11'
4915	Radbrook	Yes	5'	Front: 4' Bushes Side: Back:	Front: yes Side: Back:	13'
9207	Sunnybrook	Yes	5.5'	Front: 4' Side: Back:	Front: yes Side: Back:	18'
9221	Sunnybrook	Yes	NA	Front: 4.5' Side: Back:	Front: yes Side: Back:	13'
9246	Sunnybrook	No	Hedges as fence			
9220	Sunnybrook	No	Construction Fence			
9239	Sunnybrook	Yes	Walls, High hedges with chain link fence and fence screen	Front: 7' Side: Back:	Front: no (hedges) Side: Back:	Beyond 20'
9301	Sunnybrook	Yes	8.5'	Front: 7.5' Side: 8' Back:	Front: yes Side: no Back:	17'

9323	Sunnybrook	Yes	9'	Front: 8' Side: Back:	Front: yes Side: Back:	Beyond 20'	
9335	Sunnybrook	Yes	5.5'	Front: 5' Side: Back:	Front: yes Side: Back:	15'	
9345	Sunnybrook	Yes	4'	Front: 4' Side: Back:	Front: yes Side: Back:	Beyond 20'	
9355	Sunnybrook	Yes	NA	Front: 7' Side: Back:	Front: 50/50 Side: Back:	Beyond 20'	
9346	Sunnybrook	Yes	6'	Front: 6' Side: Back:	Front: yes Side: Back:	18'	
9426	Sunnybrook	No	Tree Coverage				
4815	Brookview	No	Construction Fence				
4906	Deloache	Yes	NA	Front: 7' Side: 7' Back:	Front: yes Side: no Back:	18'	
4907	Deloache	Yes	7'	Front: 6' Side: 6' Back:	Front: yes Side: yes Back:	18'	
4930	Park	Yes	Front: 7' Side: 9'	Side: Front: 6' Side: 8' Back:	Front: yes Side: no Back:	14'	
5020	Park	Yes	NA	Front: 5' Side: Back:	Front: yes Side: Back:	Beyond 20'	
5030	Park	Yes	9'	Front: 7' Side: Back:	Front: 50/50 Side: Back:	Beyond 20'	
5050	Park	Yes	NA	Front: 5.5' Side: Back:	Front: yes Side: Back:	Beyond 20'	
5055	Park	Yes	*connects with 4965 back fence* Column 9'	Front: 8' Side: 7' Back:	Front: 50/50 Side: Back:	14'	
4950	Wedgewood	No	Tree Coverage				
4965	Wedgewood	Yes	9'	Front: Side: Back: 7'	Front: Side: Back: 50/50	14'	

4906 Radbrook Place
Dallas, TX 75220
October 31, 2017

Jennifer Munoz, Planner
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

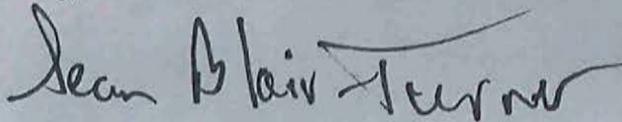
RE: BDA167-105(JM), 9203 Sunnybrook Lane

Dear Ms. Munoz:

After careful review of documentation supplied by Jeremy and Deanna Denning, the owners of 9203 Sunnybrook Lane, and discussions/emails with Deanna Denning, we would like to offer our support for their request for special exceptions to the fence standards related to 1) complete and maintain a fence higher than 4' in height in the front yard setback, and 2) complete and maintain a fence with panels with surface areas that are less than 50 percent open.

This support is based on the understanding that the fence construction will comply with the submitted site plan and elevations, as well as with the explanations derived from communications with Deanna Denning.

Sincerely,

A handwritten signature in black ink that reads "Sean Blair-Turner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sean and Jill Blair-Turner

Michelle Brooks

From: Deanna Denning <deannadenning@yahoo.com>
Sent: Thursday, November 02, 2017 9:01 AM
To: Michelle Brooks
Subject: Fwd: Support Letter for 4935 Radbrook/9203 Sunnybrook

Sent from my iPhone

Begin forwarded message:

From: natasha desai <natashadesai22@gmail.com>
Date: November 2, 2017 at 8:58:58 AM CDT
To: jennifer.munoz@dallascityhall.com
Subject: Support Letter for 4935 Radbrook/9203 Sunnybrook

Dear Ms. Munoz:

After careful review of documentation supplied by Jeremy and Deanna Denning, the owners of 9203 Sunnybrook Lane (previously 4935 Radbrook Lane), and discussions/emails with Deanna Denning, we would like to offer our support for their request for special exceptions to the fence standards related to 1) complete and maintain a fence higher than 4' in height in the front yard setback, and 2) complete and maintain a fence with panels with surface areas that are less than 50 percent open. This support is based on the understanding that the fence construction will comply with the submitted site plan and elevations, as well as with the explanations from Deanna and Jeremy Denning. Please feel free to contact me with any questions.

Sincerely,

Natasha Desai

9355 Sunnybrook Lane
Dallas, TX 75220

4905 Radbrook Place
Dallas, TX 75220
October 27, 2017

Jennifer Munoz, Planner
Board of Adjustment, Planning Dept.
City of Dallas
1500 Marilla, Room 5BN
Dallas, TX 75201

RE: BDA167-105(JM), 9203 Sunnybrook Lane

Dear Ms. Munoz:

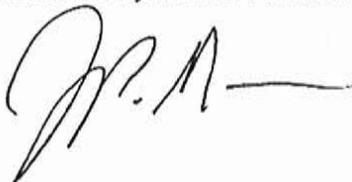
After careful review of documentation supplied by Jeremy and Deanna Denning, the owners of 9203 Sunnybrook Lane, and discussions/emails with Deanna Denning, we would like to offer our support for their request for special exceptions to the fence standards related to 1) complete and maintain a fence higher than 4' in height in the front yard setback, and 2) complete and maintain a fence with panels with surface areas that are less than 50 percent open.

This support is based on the understanding that the fence construction will comply with the submitted site plan and elevations, as well as with the explanations noted in the attached email from Deanna Denning.

Sincerely,



Pamela and James P. Graham



Michelle Brooks

From: Deanna Denning <deannadenning@yahoo.com>
Sent: Monday, October 30, 2017 7:05 PM
To: Michelle Brooks
Subject: Fw: Moise Letter Proposed Fence at 4935 Radbrook Place

Sent from my iPhone

Begin forwarded message:

From: "Moise, Grant" <gmoise@dallasnews.com>
Date: October 30, 2017 at 6:54:33 PM CDT
To: jennifer.munoz@dallascityhall.com
Subject: **Proposed Fence at 4935 Radbrook Place**

Jennifer,

I wanted to write to let you know that we have been notified by Deanna and Jeremy Denning about the proposed fence they want to build on our block. We are comfortable that their proposed plans and are ok with them moving forward with construction.

Grant Moise
4916 Radbrook Place
Dallas, TX 75220



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-105

Data Relative to Subject Property:

Date: 7.18.17

Location address: 9203 Sunnybrook Lane Zoning District: R-1AC (A)

Lot No.: 7 & 8 Block No.: 13-A/5586 Acreage: 2.1190 Census Tract: 206.00

Street Frontage (in Feet): 1) 240' 2) 506.91 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Jeremy Denning and Deanna Denning (Denning Revocable Trust)

Applicant: Michelle Brooks/Mark Molthan Construction, Inc. Telephone: 214.908.5320

Mailing Address: 4347 W. Northwest Hwy, Suite 130-240, Dallas, TX Zip Code: 75220

E-mail Address: michelle@markmolthan.com

Represented by: Michelle Brooks, Wyatt Seals or Paul Steinbrecher Telephone: 214.908.5320

Mailing Address: 4347 W. Northwest Hwy, Suite 130-240, Dallas, TX Zip Code: 75220

E-mail Address michelle@markmolthan.com

Affirm that an appeal has been made for a Variance , or Special Exception , of:

- 1) 4' tall fence in the front yard, and
- 2) Fence panels with less than 50% open area less than 5' from the property line.

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

The owners of the property believe the fence will improve the value of the property, lending it more of an estate feel. The fence will be wrought iron and stone columns, which will allow for an open feel. This will improve not on the value of the property, but also of the entire neighborhood and will not have an adverse affect on the neighbors.

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

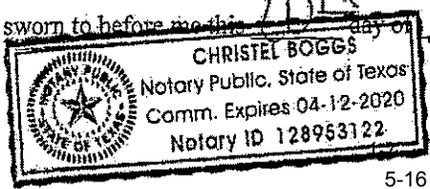
Before me the undersigned on this day personally appeared Michelle Brooks
(Affiant/Applicant's name printed)

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: _____
(Affiant/Applicant's signature)

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

Notary Public in and for Dallas County, Texas

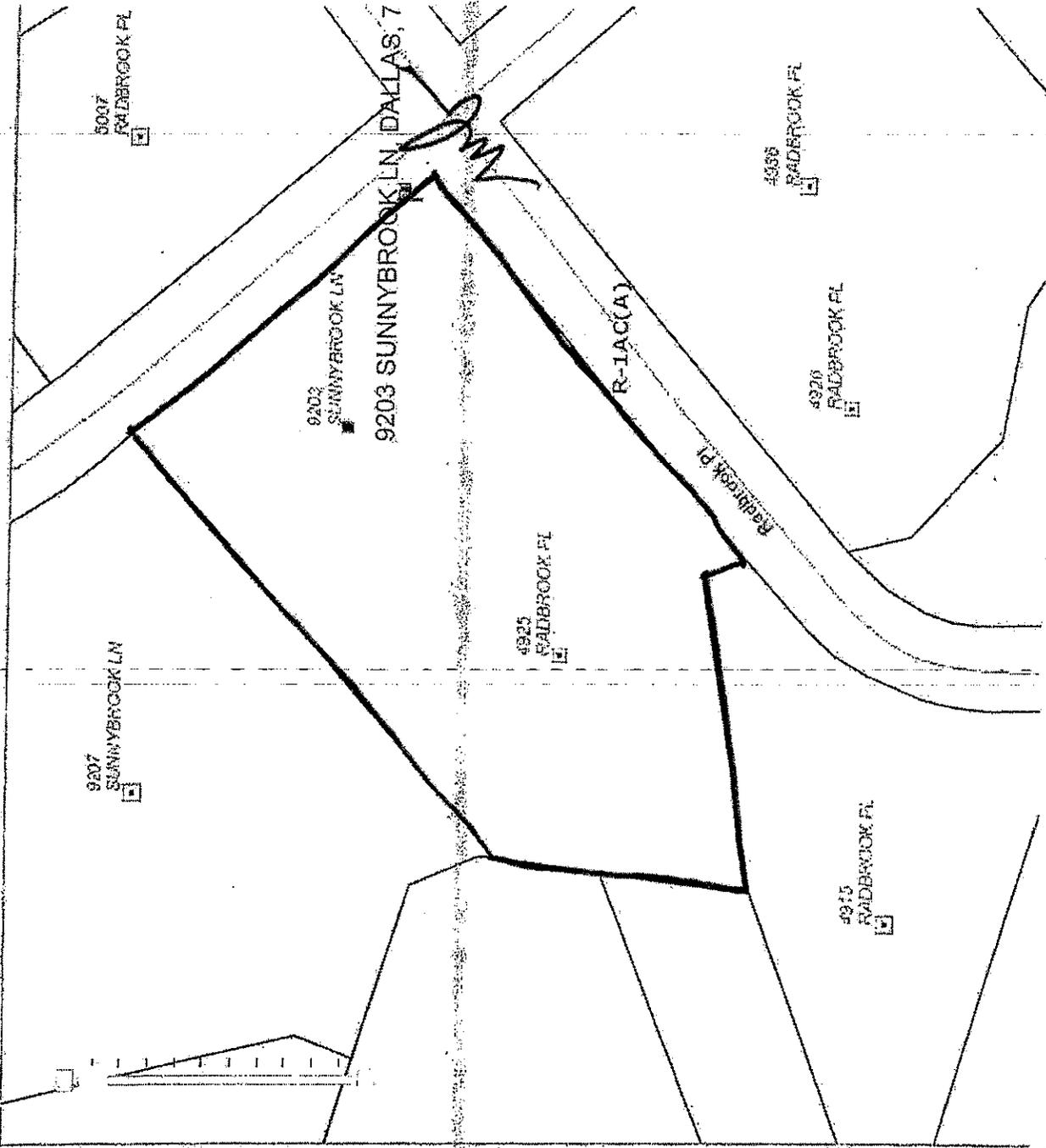


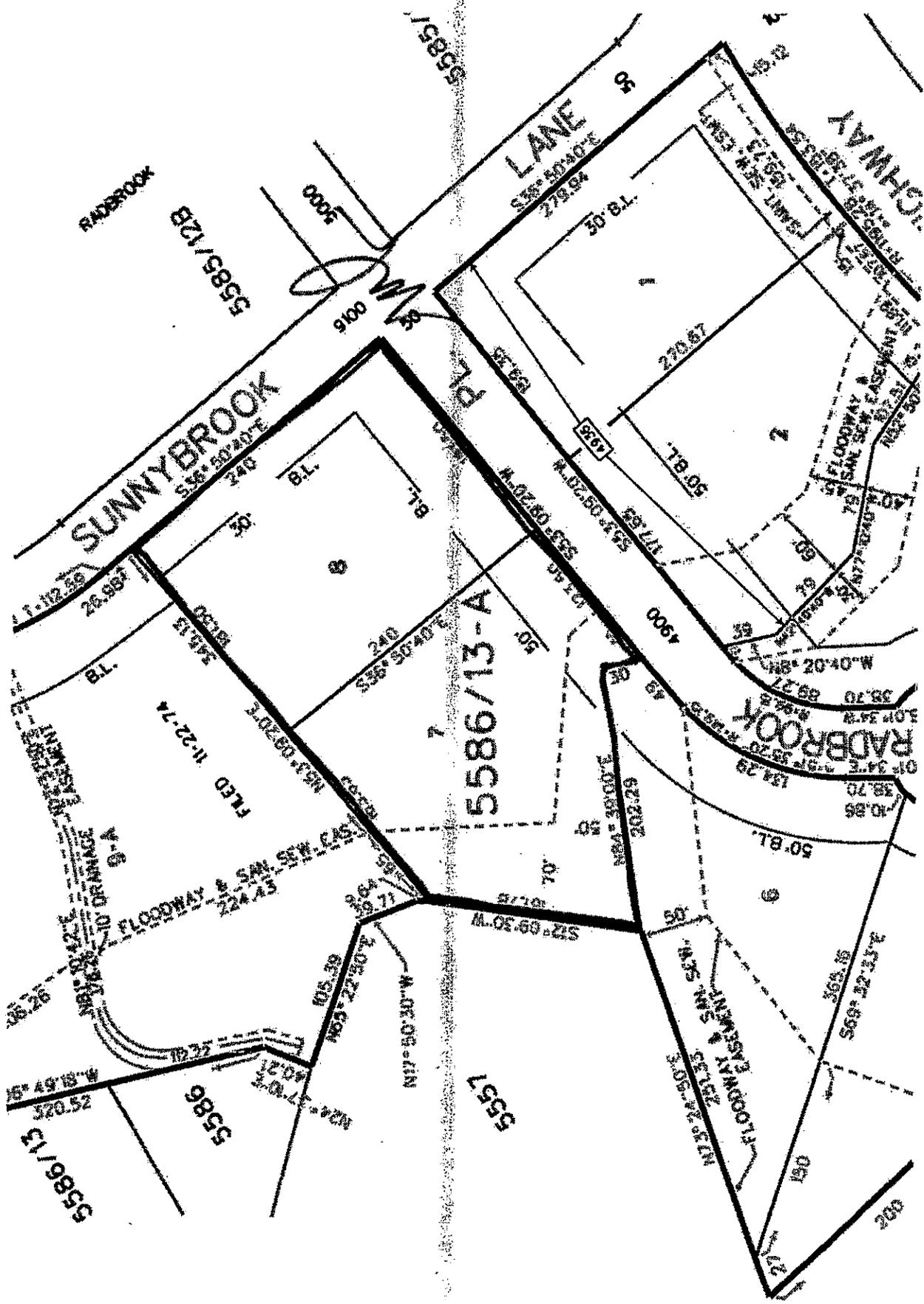
City of Dallas

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





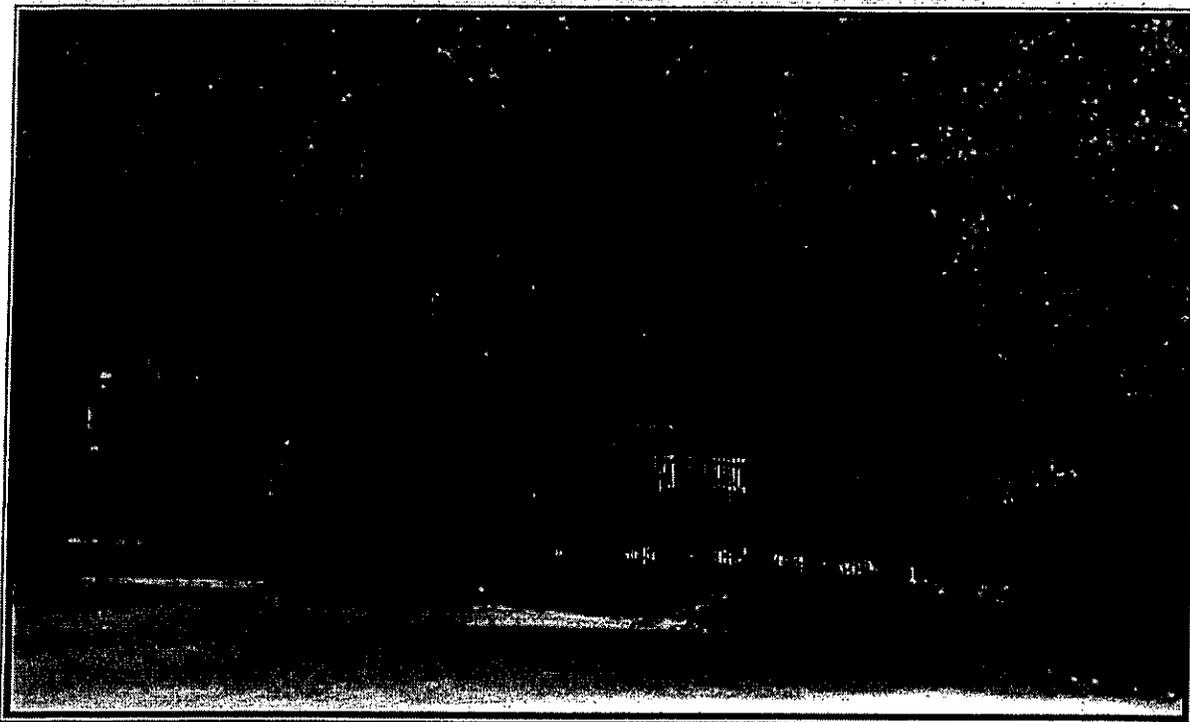
9203 Sunnybrook Lane
Neighboring Fence Locations

Attached please find a supplement to the fence height variance request for the property located at 9203 Sunnybrook Lane.

Please reference the attached map for proximity to subject.

9203 Sunnybrook Lane
Neighboring Fences

1 - 4939 Radbrook Place

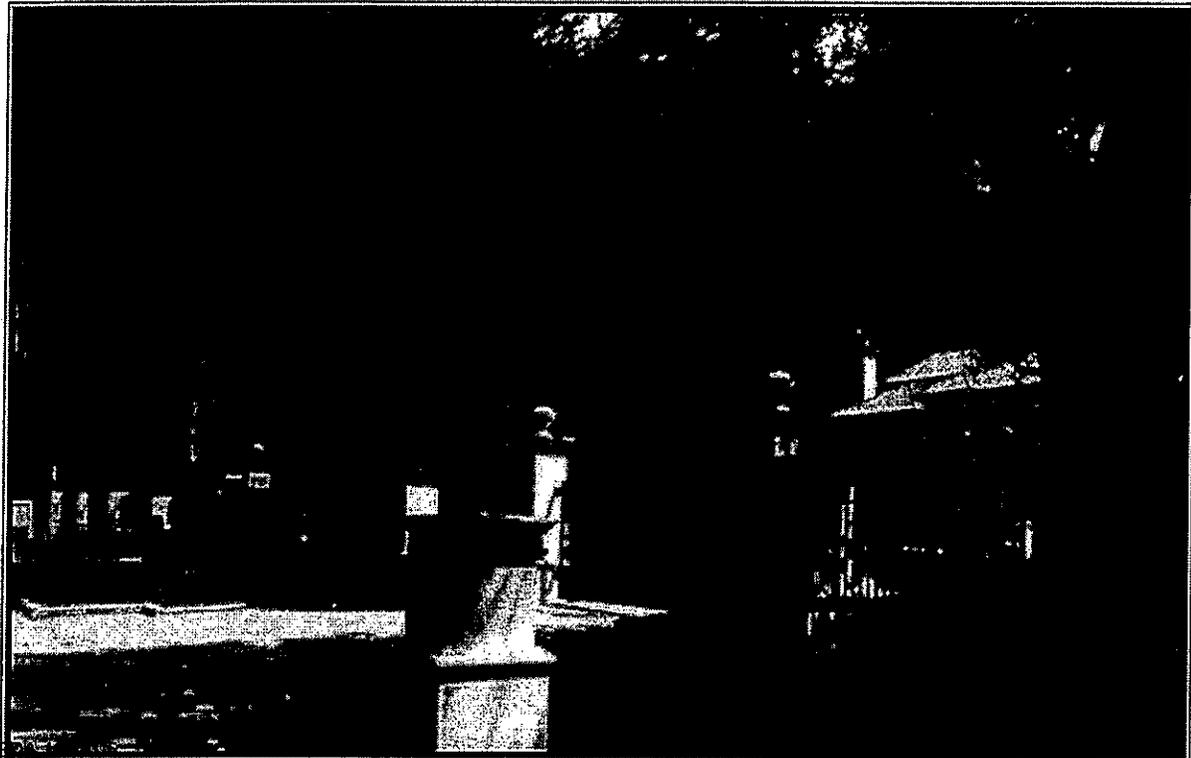


9203 Sunnybrook Lane
Neighboring Fences

2 - 9301 Sunnybrook Lane



3 - 4926 Deloache Avenue



9203 Sunnybrook Lane
Neighboring Fences

4 - 4930 Park Lane

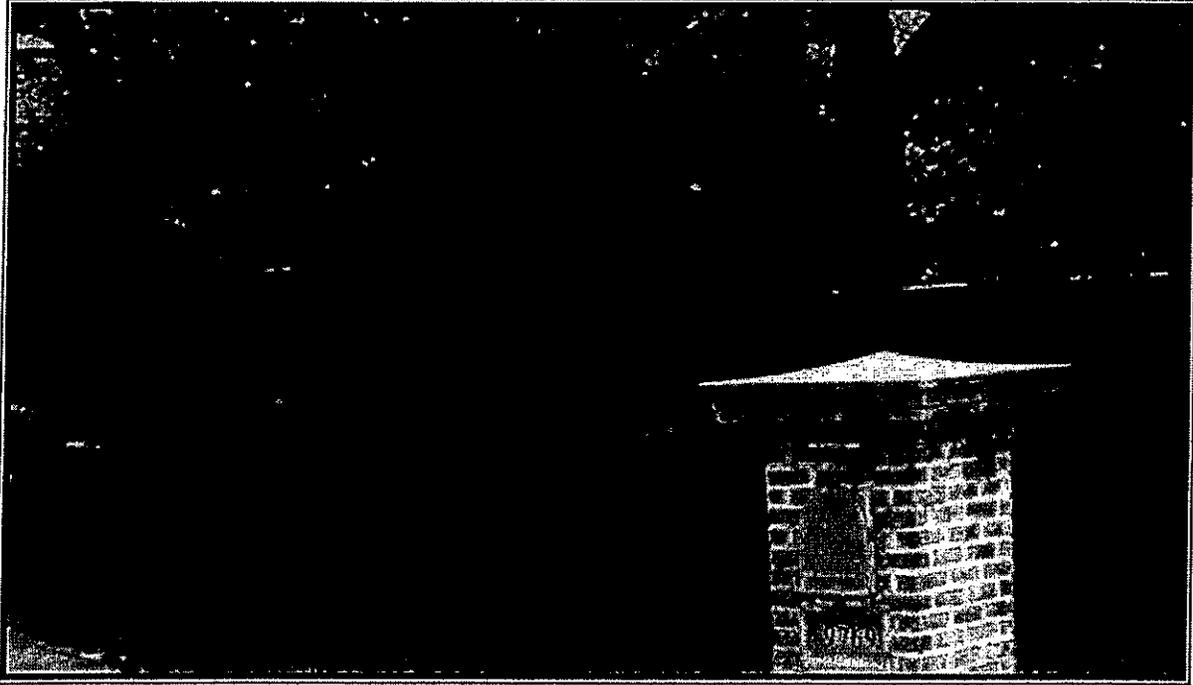


5 - 4660 Park Lane



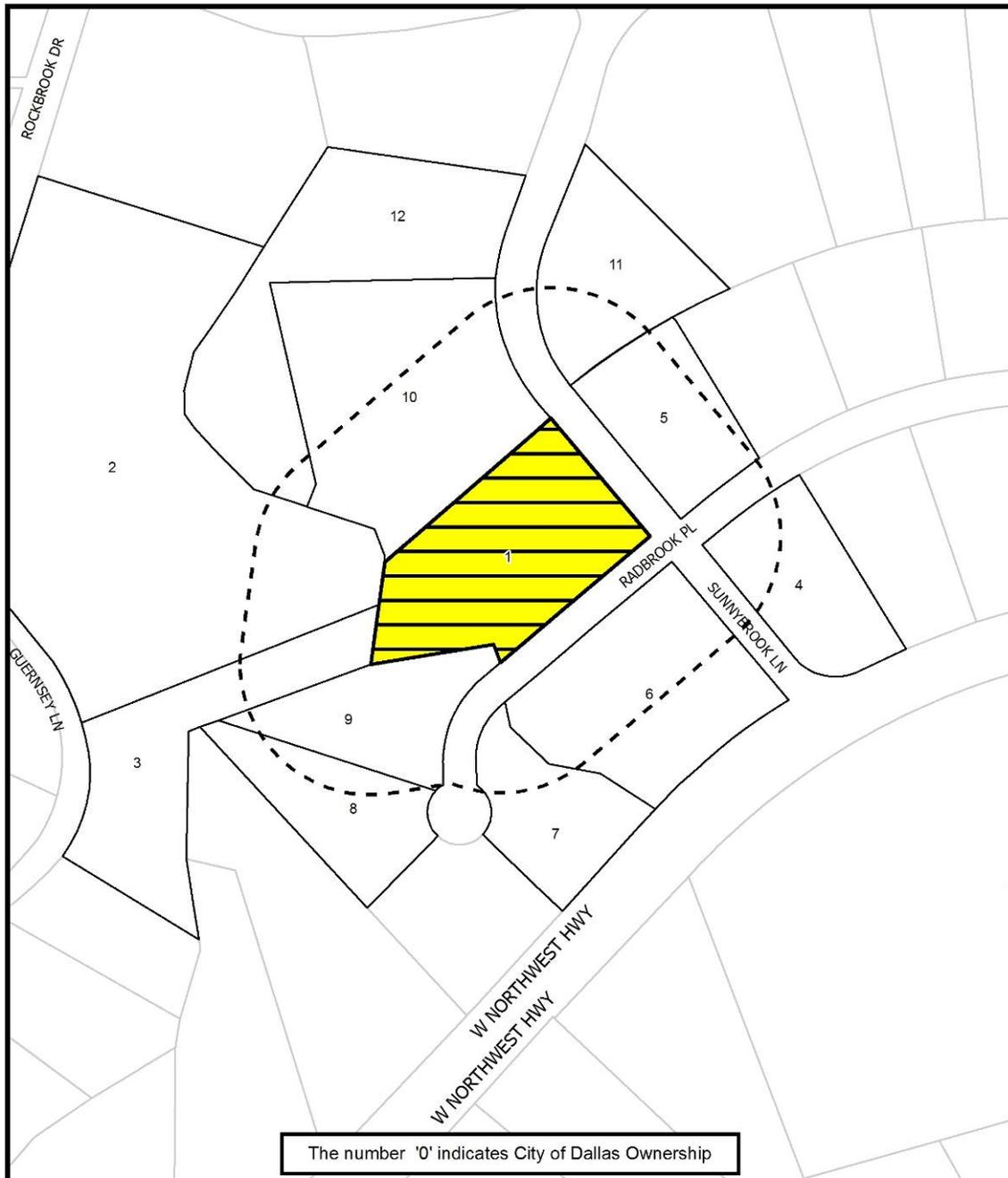
9203 Sunnybrook Lane
Neighboring Fences

6 - 9769 Audubon Place



7 - 9773 Audubon Place





1:2,400

NOTIFICATION

200'

AREA OF NOTIFICATION

12

NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-105**

Date: **9/21/2017**

Notification List of Property Owners

BDA167-105

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9203 SUNNYBROOK LN	DENNING REVOCABLE TRUST
2	9400 ROCKBROOK DR	BISHOP MICHAEL & ELYSIANN
3	9316 GUERNSEY LN	VOGELSON JAY M
4	5008 RADBROOK PL	JONES JUDSON WADE & TIFFANY W
5	5007 RADBROOK PL	MORASH JASON & JENNIFER
6	4936 RADBROOK PL	BALLAS VICTOR & JOANN
7	4916 RADBROOK PL	MOISE GRANT S
8	4905 RADBROOK PL	GRAHAM JAMES P
9	4915 RADBROOK PL	DUTTON DIANA C &
10	9207 SUNNY BROOK LN	VITULLO ANTHONY L & HOLLY P
11	9220 SUNNY BROOK LN	GONZALEZ CARLOS
12	9221 SUNNY BROOK LN	JAYASEELAN NIRMAL S &

FILE NUMBER: BDA167-117(JM)

BUILDING OFFICIAL'S REPORT: Application of Kip Petroff for special exceptions to the fence standards at 10802 Dove Brook Circle. This property is more fully described as Lot 34, Block Y/7288, and is zoned R-13(A), which limits the height of a fence in the front yard to 4 feet and requires a fence panel with a surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct and/or maintain an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence standards, and to construct and/or maintain a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence standards.

LOCATION: 10802 Dove Brook Circle

APPLICANT: Kip Petroff

REQUEST:

The following requests for special exceptions to the fence standards have been made on a site that is developed with a single-family home (under construction):

- 1) A special exception related to fence height of 4' is made to complete and maintain a fence higher than 4' in height in the front yard setback (an 8' solid wood fence with cap); and
- 2) A special exception related to fence materials is made to complete and maintain a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).

STANDARD FOR A SPECIAL EXCEPTION TO FENCE STANDARDS:

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

STAFF RECOMMENDATION:

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

BACKGROUND INFORMATION:

Zoning:

<u>Site:</u>	R-13(A) (Single family district 13,000 square-feet)
<u>North:</u>	R-13(A) (Single family district 13,000 square-feet)
<u>South:</u>	MF-2(A) (Multifamily district)
<u>East:</u>	MF-2(A) (Multifamily district)
<u>West:</u>	R-13(A) (Single family district 13,000 square-feet)

Land Use:

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

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 requests for special exceptions to the fence standards focus on completing and maintaining: 1) a fence higher than 4' in height in the front yard setback (8' solid wood fence with cap); and, 2) a fence with panels with surface areas that are less than 50 percent open (the aforementioned fence type) located as close as on the front lot line (or less than 5' from this front lot line).
- The subject site is zoned R-13(A).
- Note the following with regard to the request for special exceptions to the fence standards pertaining to the **height** of the proposed fence in the front yard setback:
 - The Dallas Development Code states that in all residential districts except multifamily districts, a fence may not exceed 4' above grade when located in the required front yard.
 - The applicant has submitted a site plan and elevation of the proposal in the front yard setback with notations indicating that the proposal reaches a maximum height of 8'.
 - The following additional information was gleaned from the submitted site plan:
 - The proposal over 4' in height is represented as being approximately 15' along the north property boundary (on the property line); 130' along the property line parallel to Stone Canyon Rd.; and, 15' along the south

perpendicular to Stone Canyon Rd. and up to the property line—all within the 15' front yard setback on Stone Canyon Rd.

- Note the following with regard to the request for special exception to the fence standards pertaining to the **location and materials** of the proposed fence:
 - The Dallas Development Code states that in single family districts, a fence panel with a surface area that is less than 50 percent open may not be located less than five feet from the front lot line.
 - With regard to the special exception to the fence standards pertaining to the location and materials of the proposed fence, the applicant has submitted a site plan and elevation of the fence with fence panels with surface areas that are less than 50 percent open (8' solid wood fence with cap) located as close as on the front lot line (or less than 5' from this front lot line).
- The Board Senior Planner conducted a field visit of the site and surrounding area within the same block facing Dove Brook Cir. and Stone Canyon Rd. and noted **no other fences** that appeared to be above 4' in height and located in a front yard setback.
- As of October 6, 2017, no letters have been submitted in support of or in opposition to the request.
- The applicant has the burden of proof in establishing that the special exceptions to the fence standards related to height over 4' in the front yard setback and materials/height/location of the proposed fence will not adversely affect neighboring property.
- On October 23, 2017, the applicant submitted a request to “cancel” the application (“Attachment B”).
- Granting these special exceptions with a condition imposed that the applicant complies with the submitted site plan and elevation would require the proposal exceeding 4' in height in the front yard setback and with fence panels with surface areas less than 50 percent open located less than 5' from the front lot line to be constructed and maintained in the location and of the heights and materials as shown on these documents.

Timeline:

August 22, 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.

September 12, 2017: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel B.

September 18, 2017: The Board Senior Planner emailed the applicant’s representative the following information:

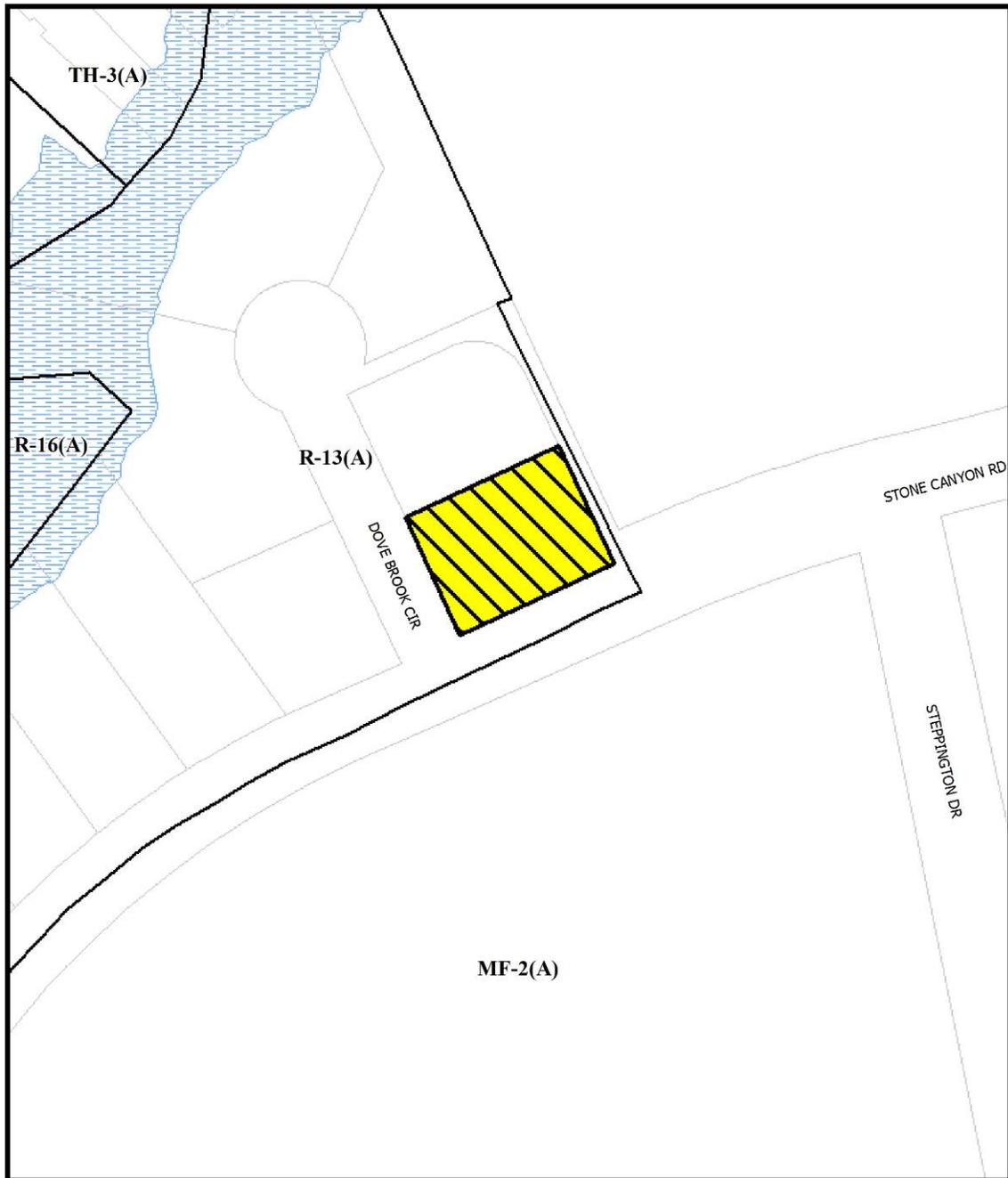
- a copy of the application materials including the Building Official's report on the application;
- an attachment that provided the public hearing date and panel that will consider the application; the September 27th deadline to submit additional evidence for staff to factor into their analysis; and the October 6th deadline to submit additional evidence to be incorporated into the Board's docket materials;
- the criteria/standard that the board will use in their decision to approve or deny the request; and
- the Board of Adjustment Working Rules of Procedure pertaining to "documentary evidence."

October 3, 2017: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for October public hearings. Review team members in attendance included: the Assistant Director of Sustainable Development and Construction, the Sustainable Development and Construction Assistant Director of Engineering, the Board of Adjustment Chief Planner/Board Administrator, the Building Inspection Senior Plans Examiner/Development Code Specialist, 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.

October 18, 2017: The Board of Adjustment Panel B conducted a public hearing on this application. One person appeared in opposition and submitted documents ("Attachment A"). The Board delayed action on this application until their next public hearing to be held on November 15, 2017.

October 23, 2017: The applicant submitted a request to "cancel" the application ("Attachment B"). Since the case was held to the November 15th hearing date, the applicant cannot withdraw the request.

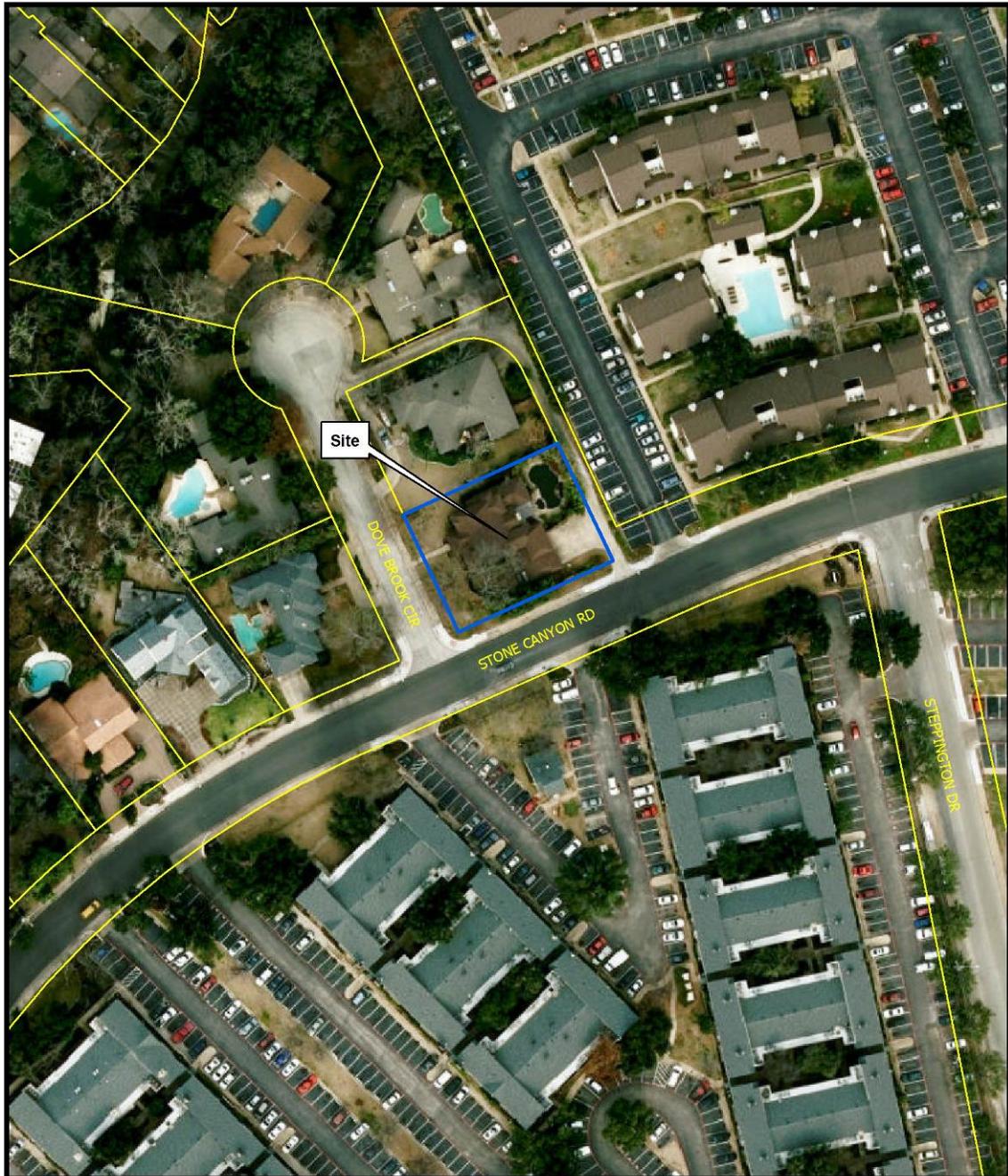


1:1,200

ZONING MAP

Case no: BDA167-117

Date: 9/21/2017



1:1,200

AERIAL MAP

Case no: BDA167-117

Date: 9/21/2017

Presented in
opposition

BDA167-117
"Attachment A"

RHOD AND HILDA WILLIAMS
10807 Dove Brook Circle
Dallas, Texas 75230

October 17, 2017

City of Dallas
Board of Adjustment
1500 Marilla St.
Dallas, TX 75201

RE: BDA 167-117 Application for Variance

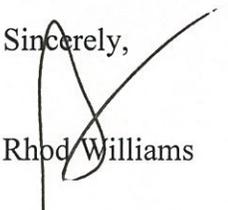
Dear Ladies and Gentlemen:

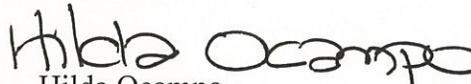
We own a home located at 10807 Dove Brook Circle, across the street from the home owner (Kip Petroff) seeking a variance in the above referenced application. We object to approval of the Petroff application for special exceptions to the fence standards that apply to their property for the following reasons:

- The fence is unattractive, and adversely affects our enjoyment of our neighborhood environment.
- The fence devalues nearby homes, including our own.
- The fence blocks visibility of heavy traffic when departing our street, Dove Brook Circle, onto Stone Canyon Road, creating a safety hazard.
- The fence imprisons the view of the Petroff home from the street in a way that is not in keeping with our neighborhood. You can plainly see all of the nearby homes from the street, except for the Petroff home.
- The Petroff fence also violates the Brookshire Park Sixth Section Deed Restrictions which prohibit such a fence. These deed restrictions are in effect, and continue to express the will of the neighborhood not to have tall, blank walls and fences close to the street.
- No other home in our neighborhood has a fence taller than 4 feet in front of the building line.

Please consider our objections when deliberating on this matter. Thank you.

Sincerely,


Rhod Williams


Hilda Ocampo

Presented by
Opposition

RAFIQ SULAIMAN AND SUJARITHA TANSEN

10814 Dove Brook Circle
Dallas, Texas 75230

October 17, 2017

City of Dallas
Board of Adjustment
1500 Marilla St.
Dallas, TX 75201

RE: BDA 167-117 Application for Variance

Dear Ladies and Gentlemen:

We own a home located at 10814 Dove Brook Circle, on the same street as the home owner (Kip Petroff) seeking a variance in the above referenced application. We object to approval of the Petroff application for special exceptions to the fence standards that apply to their property for the following reasons:

- The fence is unattractive, and adversely affects my enjoyment of our neighborhood environment.
- The fence devalues nearby homes, including mine.
- The fence blocks visibility of heavy traffic when departing our street, Dove Brook Circle, onto Stone Canyon Road, creating a safety hazard.
- The fence imprisons the view of the Petroff home from the street in a way that is not in keeping with our neighborhood. You can plainly see all of the nearby homes from the street, except for the Petroff home.
- The Petroff fence also violates the Brookshire Park Sixth Section Deed Restrictions which prohibit such a fence. These deed restrictions are in effect, and continue to express the will of the neighborhood not to have tall, blank walls and fences close to the street.
- No other home in our neighborhood has a fence taller than 4 feet in front of the building line.

Please consider our objections when deliberating on this matter. Thank you.

Sincerely,



Rafiq Sulaiman



Sujaritha Tansen

KIP A. PETROFF
10802 Dove Brook Circle
Dallas, Texas 75230

October 23, 2017

Board of Adjustment, City of Dallas
Planning Department
1500 Marilla, Room 5BN
Dallas, Texas 75201
Attention: **Jennifer Munoz, Planner**

Re: BDA 167-117
**KIP PETROFF NOTICE OF WITHDRAWAL OF APPLICATION
FOR SPECIAL EXCEPTIONS**

Dear Ms. Munoz:

This will confirm the emails to you and the voice message I left with you five minutes ago. I am writing to confirm that I want to **CANCEL** the hearing scheduled in my case for November and I want to withdraw the application entirely.

I am eager to start work on the new fence, but was unable to obtain a building permit today because this matter is still pending on the Board's docket. Please tell me what else I need to do. I want to free up the space allocated to my application on the Board's November docket.

Thank you for your assistance, and please let me know if you have any questions.

Sincerely,



Kip A. Petroff

Cc: Ms. Trena Law, Board Secretary



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 167-117

Data Relative to Subject Property:

Date: 8-22-17

Location address: 10802 Dove Brook Circle Zoning District: R-13(A)

Lot No.: 34 Block No.: 4/7288 Acreage: .29 Census Tract: 131.05

Street Frontage (in Feet): 1) 100' 2) 130' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Kip Petroff and Suzanne Petroff

Applicant: Kip Petroff Telephone: 214-668-7288

Mailing Address: 10802 Dove Brook Circle Dallas Zip Code: 75230

E-mail Address: kipetroff@petroffassociates.com

Represented by: Self Telephone: _____

Mailing Address: _____ Zip Code: _____

E-mail Address: _____

Affirm that an appeal has been made for a Variance _____, or Special Exception X, of four feet for a fence in a front yard with a surface area less than fifty percent open with a type fence of a property line

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:

There will be no adverse effect on neighboring property on the neighborhood because the fence will be made of high quality materials on a front yard that neighbors and blend in with other fences in the area.

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

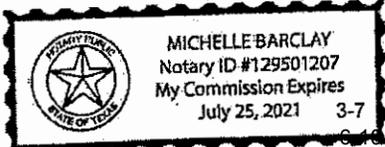
Affidavit

Before me the undersigned on this day personally appeared Kip Petroff (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 22nd day of August, 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 Kip Petroff

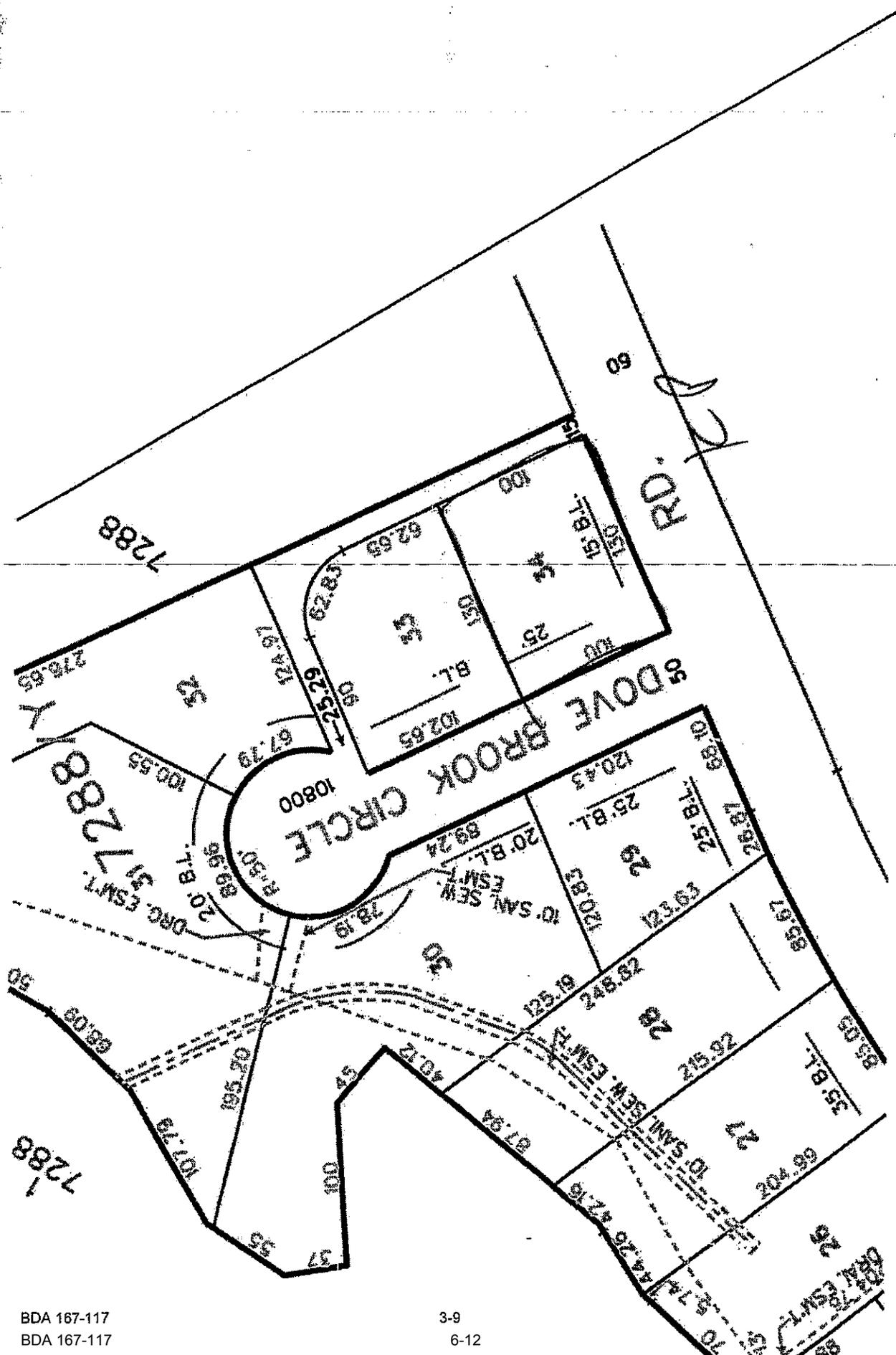
did submit a request for a special exception to the fence height regulations, and for a special exception to the fence regulations

at 10802 Dove Brook Circle

BDA167-117. Application of Kip Petroff for a special exception to the fence height regulations and a special exception to the fence standards regulations at 10802 Dove Brook Circle. This property is more fully described as Lot 34, Block Y/7288, and is zoned R-13(A) which limits the height of a fence in the front yard to 4 feet and requires a fence panel with surface area that is less than 50 percent open may not be located less than 5 feet from the front lot line. The applicant proposes to construct an 8 foot high fence in a required front yard, which will require a 4 foot special exception to the fence regulation, and to construct a fence in a required front yard with a fence panel having less than 50 percent open surface area located less than 5 feet from the front lot line, which will require a special exception to the fence regulation.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

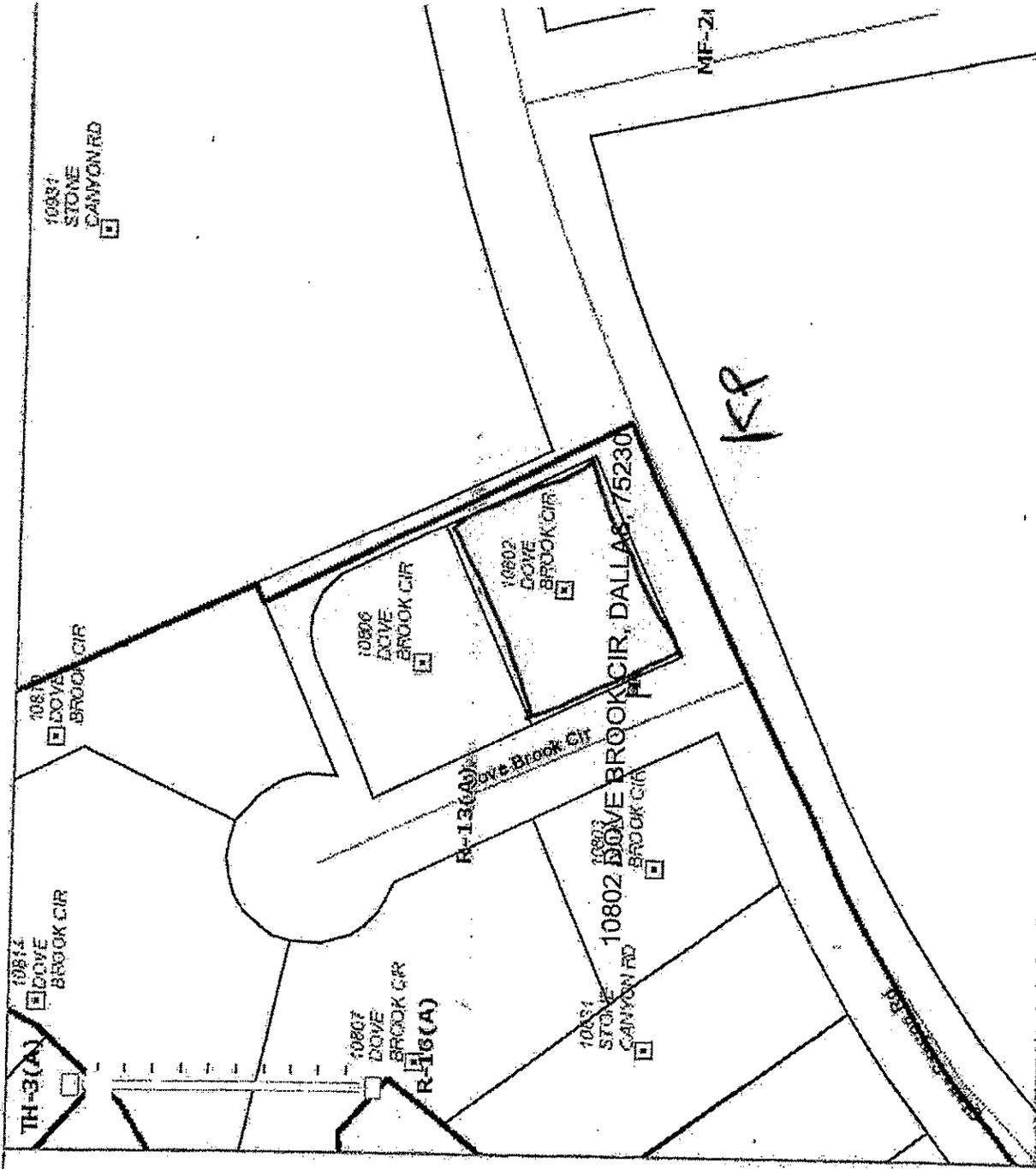


City of Dallas

Internal Development Research Site

Legend

- Addresses
- 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



North

10802 DOVE BROOK CIRCLE
Block Y/7288 Lot 34
Dallas, Texas 75230

DATE AUGUST 2017
Sheet Title

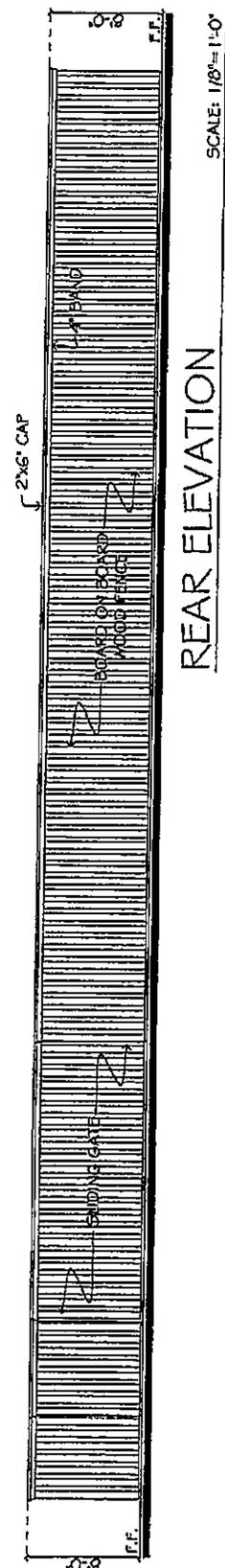
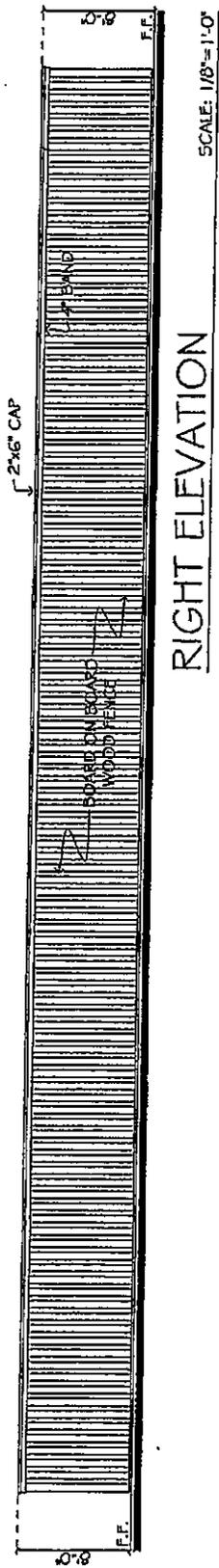
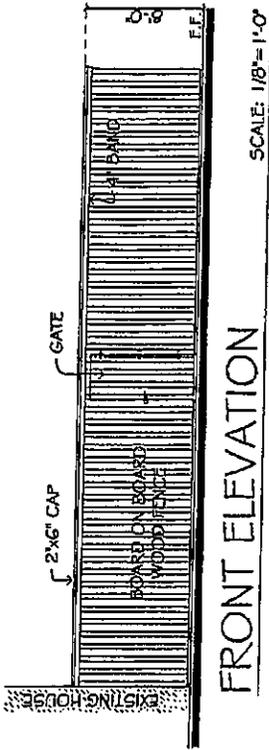
FINISH
ELEVATIONS

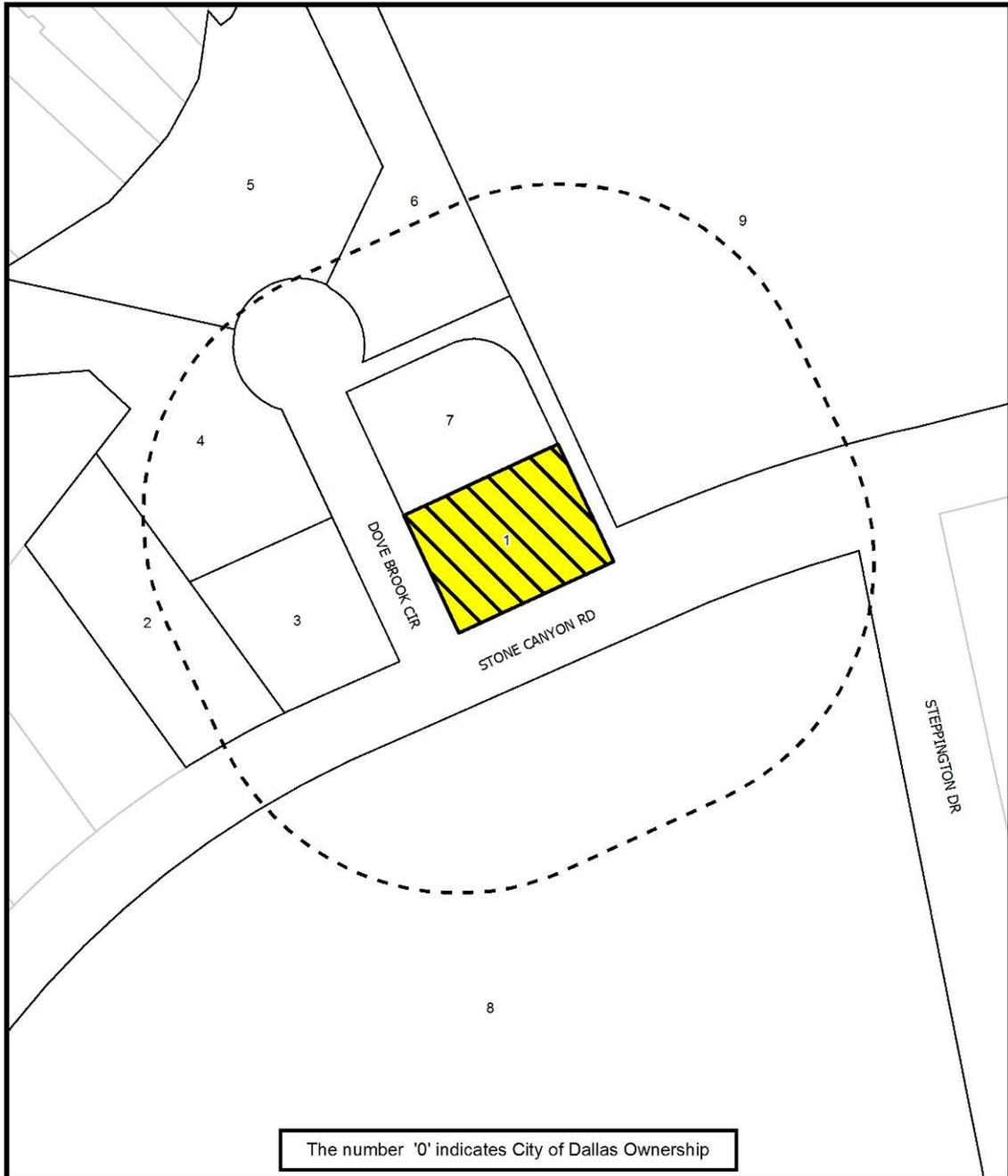
Scale 1/8"=1'-0"

Sheet No.

2

of 2






 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
9	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA167-117**
 Date: **9/21/2017**