

ZONING BOARD OF ADJUSTMENT, PANEL C
MONDAY, APRIL 15, 2019
AGENDA

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

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

MISCELLANEOUS ITEM

Approval of the March 18, 2019 Board of Adjustment Panel C Public Hearing Minutes	M1
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UNCONTESTED CASES

BDA189-045(OA)	7615 Azalea Lane REQUEST: Application of Harold Bell, represented by Justin Smith, for a special exception to the fence standards regulations	1
BDA189-048(OA)	2719 Reagan Street REQUEST: Application of Miles Terry for a special exception to the landscape regulations	2

HOLDOVER CASES

BDA189-030(OA)	2620 Maple Avenue REQUEST: Application of Rob Baldwin of Baldwin Associates for a special exception to the landscape regulations	3
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BDA189-033(OA) 4803 Victor Street 4
REQUEST: Application of David Lloyd, represented by Braden Wayne, for a variance to the front yard setback regulations

REGULAR CASES

BDA189-038(OA) 11534 Hillcrest Road 5
REQUEST: Application of James White III, represented by Michael R. Coker Company, for a variance to the front yard setback regulations

BDA189-047(OA) 4525 Lemmon Avenue 6
REQUEST: Application of Michael Horowitz, represented by Kevin Plath, for special exceptions to the landscape and visual obstruction regulations

EXECUTIVE SESSION NOTICE

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

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

FILE NUMBER: BDA189-045(OA)

BUILDING OFFICIAL'S REPORT: Application of Harold Bell, represented by Justin Smith, for a special exception to the fence standards regulations at 7615 Azalea Lane. This property is more fully described as Lot 4, Block 4/7285, and is zoned R-16(A), which prohibits the use of certain materials for a fence. The applicant proposes to construct and/or maintain a fence of a prohibited material, which will require a special exception to the fence standards regulations.

LOCATION: 7615 Azalea Lane

APPLICANT: Harold Bell
Represented by Justin Smith

REQUEST:

A request for a special exception to the fence standards regulations is made to construct and maintain a fence of a prohibited fence material (metal) on a site developed with a single-family home.

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-16(A) (Single family residential 16,000 square feet)
North: R-16(A) (Single family residential 16,000 square feet)
South: R-16(A) (Single family residential 16,000 square feet)
East: PD 879 (Planned Development)
West: R-16(A) (Single family residential 16,000 square feet)

Land Use:

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

Zoning/BDA History:

There have 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 special exception to the fence standards regulations related to fence materials focuses on constructing and maintaining a fence of a prohibited fence material (metal) on a site developed with a single-family home.
- Section 51A-4.602(a)(9) of the Dallas Development Code states that except as provided in this subsection, the following fence materials are prohibited:
 - Sheet metal;
 - Corrugated metal;
 - Fiberglass panels;
 - Plywood;
 - Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;
 - Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and
 - Barbed wire razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line.
- The applicant has submitted a site plan/elevation that represents the location of the existing sheet metal fence on the property.
- The submitted site plan/elevation represents an 8' high metal fence.
- The submitted site plan/elevation represents a site that is approximately 14,600 square feet in area where approximately 158 linear feet of prohibited fence material (metal fence) is located on this property.
- The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area (approximately 400 feet north, south, east, and west of the subject site) and noted no other fences that appear to be of prohibited material.
- As of April 5, 2019, no letters in opposition have been submitted, and a petition in support with 7 signatures has been submitted as part of the application.
- The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to a prohibited fence material (metal) will not adversely affect neighboring property.
- If the Board were to grant the special exception and impose the submitted site plan/elevation as a condition, the fence of prohibited material on the property would be limited to what is shown on these documents.

Timeline:

February 22, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

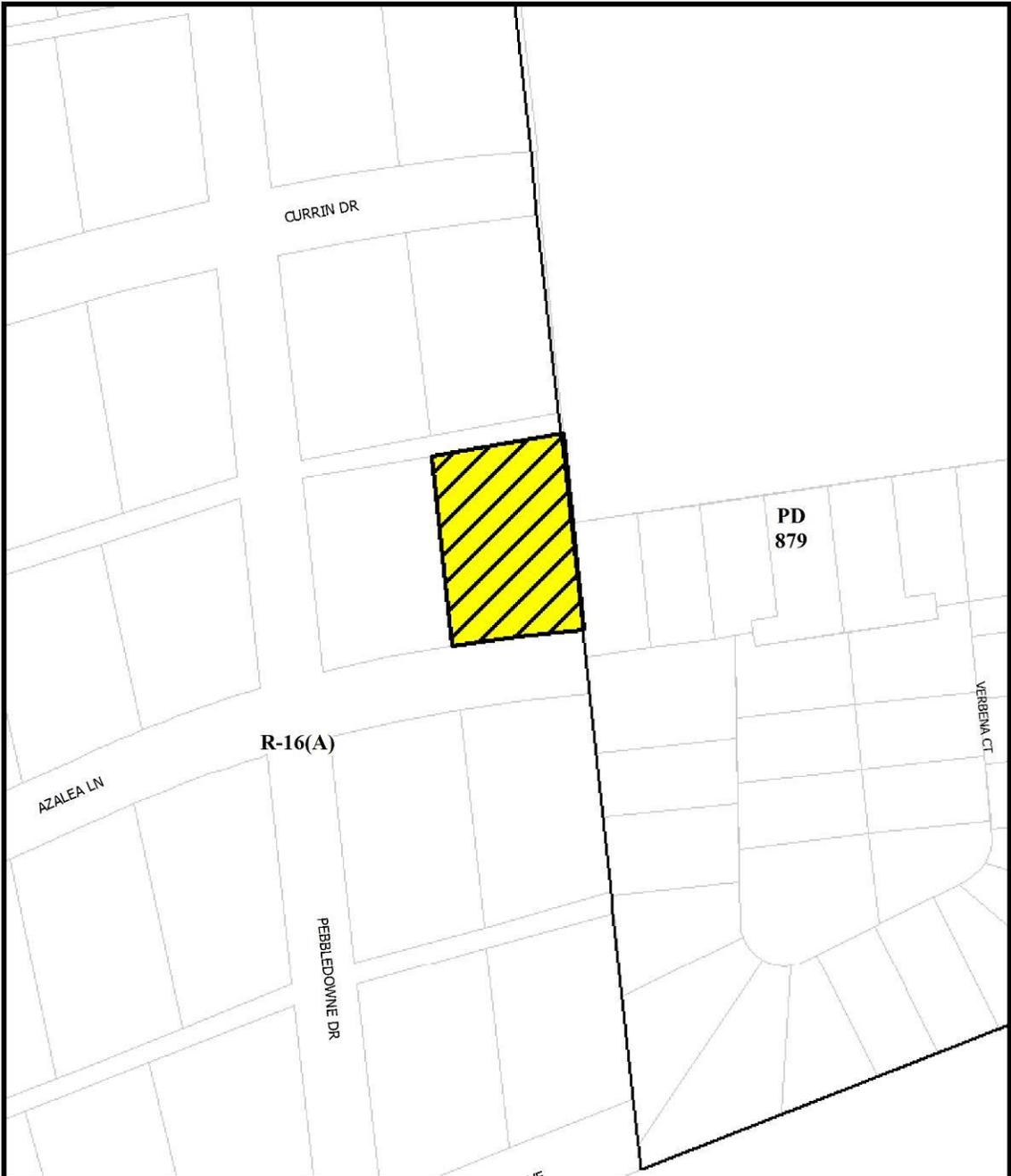
March 12, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 13, 2019: The Sustainable Development and Construction Department 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 March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th 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.”

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

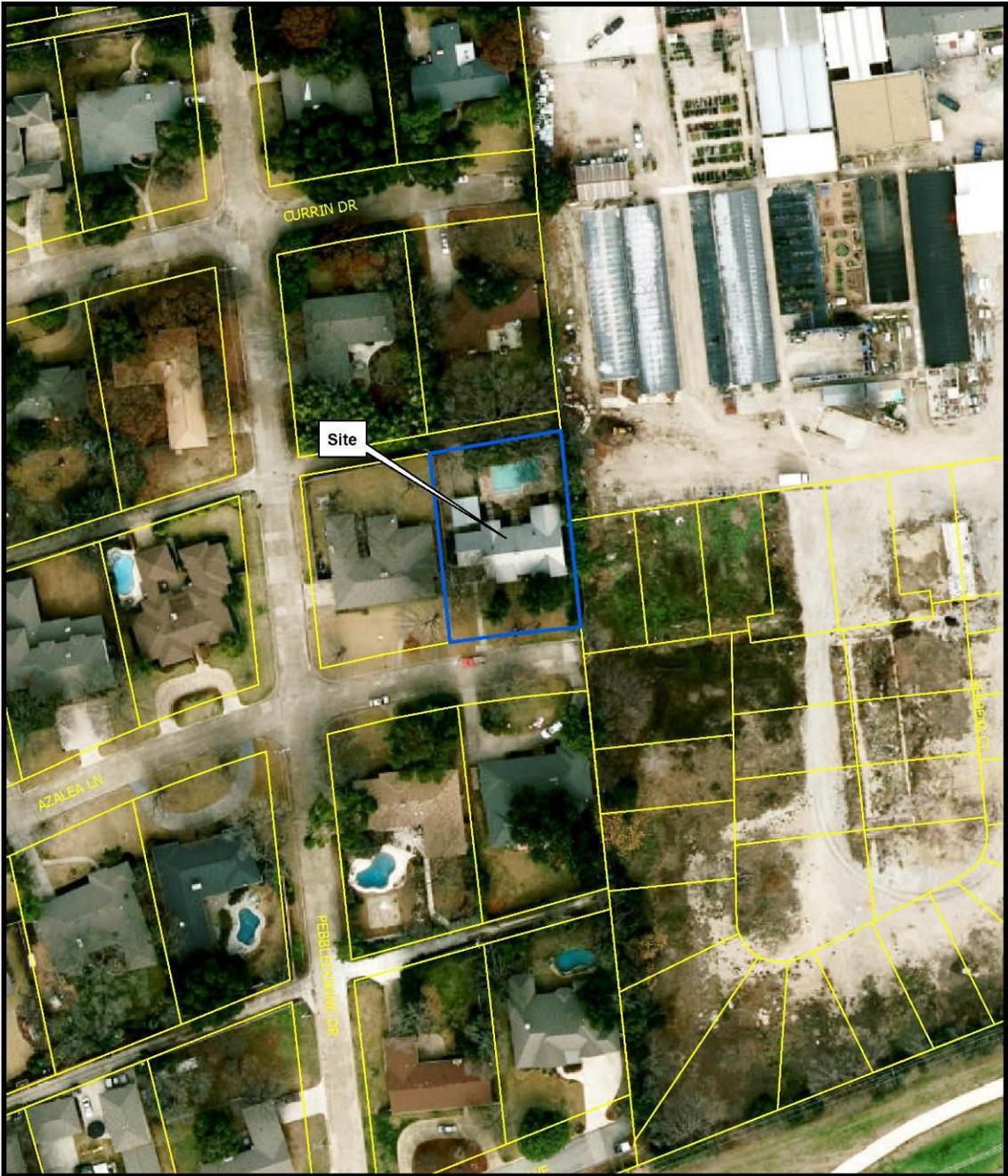


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ZONING MAP

Case no: BDA189-045

Date: 3/22/2019



1:1,200

AERIAL MAP

Case no: BDA189-045

Date: 3/22/2019



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-045

Data Relative to Subject Property:

Date: 2-22-19

Location address: 7615 Azalea Lane Zoning District: R16 (A)

Lot No.: 4 Block No.: 4/7285 Acreage: .335 Census Tract: 131.01

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Harold Bell & Leelie R Bell

Applicant: Harold Bell Telephone: 214-403-9883

Mailing Address: 7615 Azalea Lane Zip Code: 75230

E-mail Address: hbell5118@gmail.com

Represented by: Justin Smith Telephone: 817-371-6239

Mailing Address: 8611 Angora St Zip Code: 75218

E-mail Address: justin.smith.0113@icloud.com

Affirm that an appeal has been made for a Variance _____, or Special Exception , of Prohibited material - 8' Tall metal fence (solid).

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:

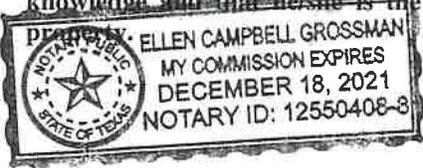
My fence is of like height, and material and placement as most fences commonly found throughout my neighborhood.

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 Harold Bell
(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



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

Subscribed and sworn to before me this 18th day of February, 2019

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

Jewish Community Center of Dallas Northaven Campus



Printed: 2/22/2019

Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 1 - 8 |
| | | Height Map Overlay | Shop Front Overlay |

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



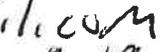
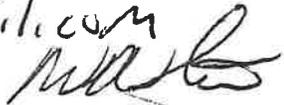
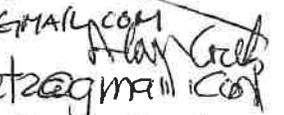
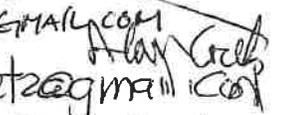


Handwritten signature in red ink.



To whom it may concern:

The following neighbors within 200 feet of 7615 Azalea Lane have been informed of the metal fence that is proposed to be installed on the east side (on property line adjoined with North Haven Gardens back storage yard/greenhouse area) and the north side (on property line at alley) of 7615 Azalea Lane's back yard. Let the following signature attest that the neighbor agrees to the construction of the fence and believe it to be acceptable in the neighborhood.

NO.	NAME	ADDRESS	PHONE	EMAIL	SIGNATURE
1	Bruce Rowden	7607 Azalea	214-957-7511	brucerowden@gmail.com	
2	Werner Whitlow	7606 Currin Dr.		wdehitlow@jmcil.com	
3	ROBERT TABAK	7607 CURRIN DR	214-45522		
4		Pat Tabak		RTABAK.AIA@GMAIL.COM	
5	Alan Conote	7615 Currindr	214-368-3357	Conotzagmail.com	
6	Mike Sands	7614 Currin Dr.	214-642-9470	mike.sands@jmcil.com	
7	Jon Pinkus	7700 Northaven Rd	214-363-6715		
8					
9					
10					

Thank you,

Harold Bell



 1:1,200	NOTIFICATION	Case no: BDA189-045			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">13</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	13	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
13	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA189-045

13 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	7615 AZALEA LN	BELL HAROLD
2	7700 NORTHAVEN RD	NORTH HAVEN R E LP
3	7522 CURRIN DR	DOUGLAS SIGNATURE HOMES LLC
4	7523 AZALEA LN	ALLEN CHARLES
5	7606 CURRIN DR	WHITLOW WARREN D
6	7614 CURRIN DR	SANDS LIVING TRUST
7	7607 AZALEA LN	ROWDEN BRUCE EDWARD & DIANA DEE
8	7522 AZALEA LN	CANCEMI MARK
9	7606 AZALEA LN	RAMIREZ MARIO &
10	7701 VERBENA CT	NORTHAVEN LAND INVESTMENT LP
11	7713 VERBENA CT	PSW URBAN HOMES LP
12	7771 VERBENA CT	FURLOW JOHN & MELISSA
13	7731 VERBENA CT	PSW URBAN HOMES LP

FILE NUMBER: BDA178-048(OA)

BUILDING OFFICIAL'S REPORT: Application of Miles Terry for a special exception to the landscape regulations at 2719 Reagan Street. This property is more fully described as Lot 6A, Block 3/1333, and is zoned PD 193 (PDS 137), 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: 2719 Reagan Street

APPLICANT: Miles Terry

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a multifamily use/structure, and not fully meet the landscape regulations, more specifically, the applicant requests to use a synthetic turf for ground cover in the front yard landscape site area and parkway landscape area for the building site.

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

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

STAFF RECOMMENDATION:

Approval, subject to the following conditions:

1. Compliance with the submitted revised alternate landscape plan is required.
2. If the director should determine that the synthetic turf should not be authorized or maintained on the public right-of-way, the applicant must restore the parkway landscape area to a living natural ground cover plant.

Rationale:

- The City of Dallas Chief Arborist recommends conditional approval of the request because the special exception would not compromise the spirit and intent of the PD 193 regulations. If the director should determine that the synthetic turf should not be authorized or maintained on the public right-of-way, the applicant must restore the parkway landscape area to a living natural ground cover plant.

BACKGROUND INFORMATION:

Site: PD 193 (PDS 137) (Planned Development, PDS 137)
North: PD 193 (MF-2) (Planned Development, multiple-family)
South: PD 193 (MF-2) (Planned Development, multiple-family)
East: PD 193 (MF-2) (Planned Development, multiple-family)
West: PD 193 (MF-2) (Planned Development, multiple-family)

Land Use:

The subject site is being developed with a multiple-family structure/use. The areas to the north, east, south, and west are developed with a multiple-family land uses.

Zoning/BDA History:

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

GENERAL FACTS/ STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a multifamily use/structure, and not fully meeting the landscape regulations, more specifically, to use a synthetic turf for ground cover in the front yard landscape site area and parkway landscape area for the building site.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- On March 29, 2019, the applicant submitted a revised alternate landscape plan (Attachment A).
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment B).
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscaping regulations of PD 193 (PDS 137). Specifically, the applicant requests to use a synthetic turf for ground cover in the front yard landscape site area and parkway landscape area for the building site.
- The Chief Arborist's memo states the following with regard to "provision":
 - The proposed alternate landscape plan demonstrates compliance with all landscape requirements for area for landscape site area, general planting area, special planting area, and for sidewalks, tree planting zone and screening. The exception is for the use of a synthetic turf in the parkway.

- The landscape site area (LSA) differs from the general planting area, special planting area, and parkway planting area, in that there is no minimum planting requirements that are outside the general, special, and parkway planting areas. The ordinance specifies the general, special, and parkway planting areas must have 'living trees, shrubs, vines, flowers, or ground cover vegetation.' There are no minimum soil depth requirements for portions of the landscape site area outside of the general and special planting areas.
- Synthetic turf has multiple manufacturers and methods of installation and operation. The materials and subgrade conditions should allow for permeability through the surface membrane to the soils below to be considered permeable. No pavement (with exception for pedestrians) is permitted in the landscape site area. All landscaping must have an automatic irrigation system. These factors suggest the LSA should be a permeable landscaped area, but the PD 193 ordinance does not give specific criteria for anything but the GPA, SPA, and Parkway planting area.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The parkway planting area with synthetic turf would not conform to the standard for living plant materials, including groundcovers, in parkway locations. The landscape site area should also be living plant materials, though the PD 193 ordinance does not give clear direction.
- The City of Dallas Chief Arborist recommends conditional approval of the request because the special exception would not compromise the spirit and intent of the PD 193 regulations. If the director should determine that the synthetic turf should not be authorized or maintained on the public right-of-way, the applicant must restore the parkway landscape area to a living natural ground cover plant.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where a revised alternate landscape plan has been submitted that is deficient in meeting the street trees requirements of the PD 193 landscape requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards.
- If the Board were to grant this request and impose the submitted revised alternate landscape plan as a condition, the site would be granted use of a synthetic turf for ground cover in the front yard landscape site area and parkway landscape area for the building site.

Timeline:

February 20, 2019: The applicant submitted an "Application/Appeal to the Board of Adjustment" and related documents which have been included as part of this case report.

March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to the Board of Adjustment Panel C.

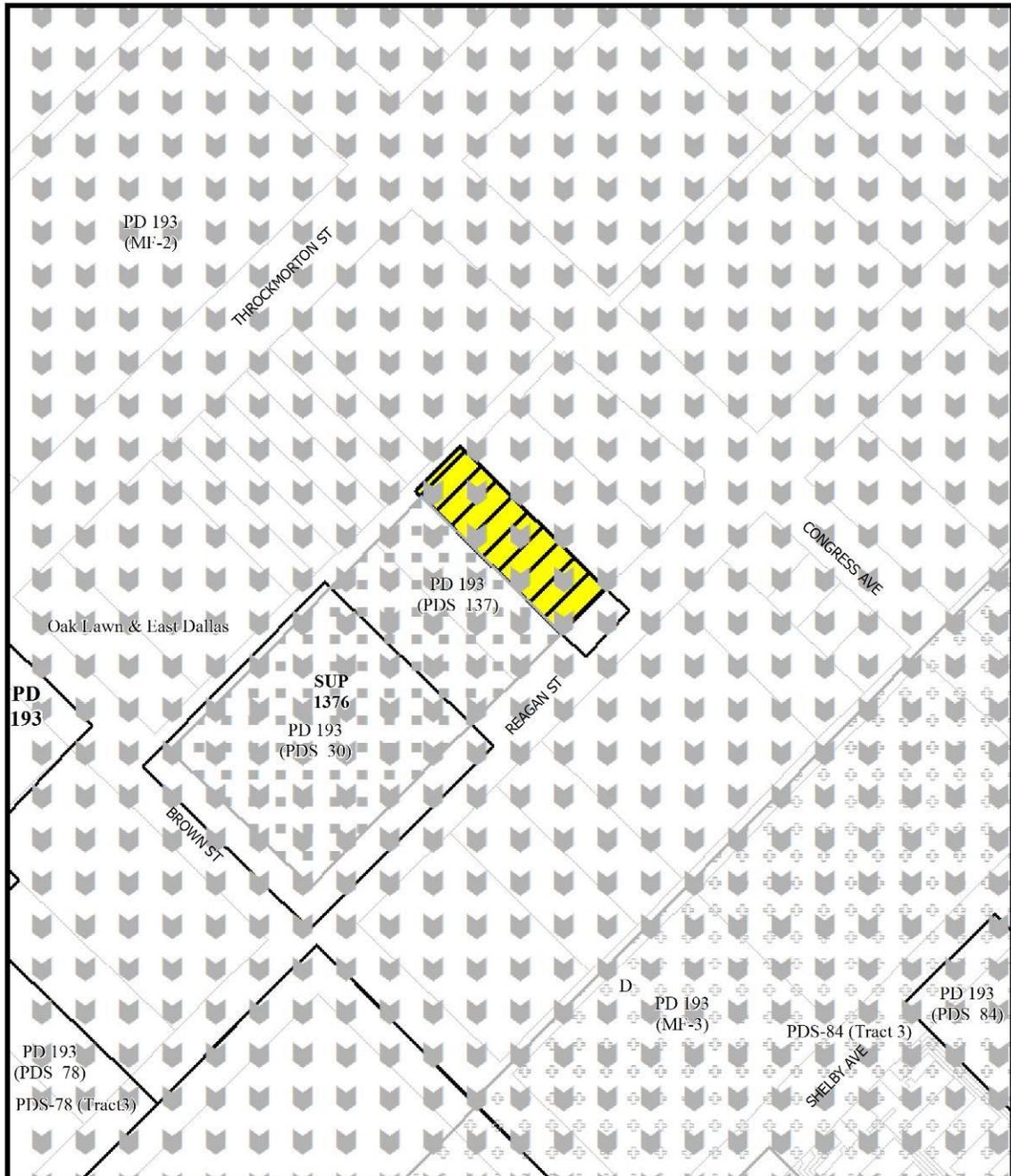
March 13, 2019: The Board Administrator/Chief Planner emailed the applicant's representative the following information:

- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th 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.

March 28, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Sustainable Development and Construction Senior Engineer, the Chief Arborist, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

April 4, 2018: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment B).




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ZONING MAP

Case no: BDA189-048
 Date: 3/22/2019



1:1,200

AERIAL MAP

Case no: BDA189-048

Date: 3/22/2019

Memorandum



CITY OF DALLAS

Date April 5, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-048 2719 Reagan Street Arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of PD 193(PDS 137). Specifically, the applicant requests to use a synthetic turf for ground cover in the front yard landscape site area and parkway landscape area for the building site.

Provision

- The proposed alternate landscape plan demonstrates compliance with all landscape requirements for area for landscape site area, general planting area, special planting area, and for sidewalks, tree planting zone and screening. The exception is for the use of a synthetic turf in the parkway.
- The landscape site area (LSA) differs from the general planting area, special planting area, and parkway planting area, in that there is no minimum planting requirements that are outside the general, special, and parkway planting areas. The ordinance specifies the general, special, and parkway planting areas must have 'living trees, shrubs, vines, flowers, or ground cover vegetation.' There are no minimum soil depth requirements for portions of the landscape site area outside of the general and special planting areas.
- Synthetic turf has multiple manufacturers and methods of installation and operation. The materials and subgrade conditions should allow for permeability through the surface membrane to the soils below to be considered permeable. No pavement (with exception for pedestrians) is permitted in the landscape site area. All landscaping must have an automatic irrigation system. These factors suggest the LSA should be a permeable landscaped area, but the PD 193 ordinance does not give specific criteria for anything but the GPA, SPA, and Parkway planting area.

Deficiency

- The parkway planting area with synthetic turf would not conform to the standard for living plant materials, including groundcovers, in parkway locations. The landscape site area should also be living plant materials, though the PD 193 ordinance does not give clear direction.

Recommendation

The chief arborist recommends conditional approval of the request because the special exception would not compromise the spirit and intent of the PD 193 regulations. If the director should determine that the synthetic turf should not be authorized or maintained on the public right-of-way, the applicant must restore the parkway landscape area to a living natural ground cover plant.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-048

Data Relative to Subject Property:

Date: 2-20-19

Location address: 2719 Reagan Street Zoning District: MFE PD193 PDS137

Lot No.: 6A Block No.: 3/1333 Acreage: .1698 Census Tract: 5.00

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

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 2719 Reagan Street LLC

Applicant: Miles Terry Telephone: (405) 570-8713

Mailing Address: 4213 Dickason Ave #23 Dallas, TX Zip Code: 75219

E-mail Address: Miles Terry 1@gmail.com

Represented by: N/A Telephone:

Mailing Address: N/A Zip Code:

E-mail Address: N/A

Affirm that an appeal has been made for a Variance, or Special Exception X, of the general planting requirements in MFE PD193. In substitute of traditional grass, owner would like to install synthetic grass at the front of the property in the "front yard" and "parkway"

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:

- 1) Property will require less water
2) Less maintenance
3) More aesthetically pleasing being green year around

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.

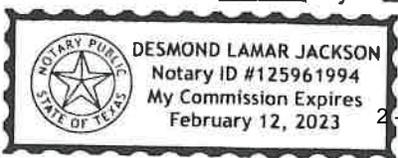
Affidavit

Before me the undersigned on this day personally appeared Miles Terry (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 February 2019



[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

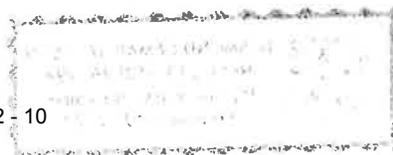
I hereby certify that Terry Miles

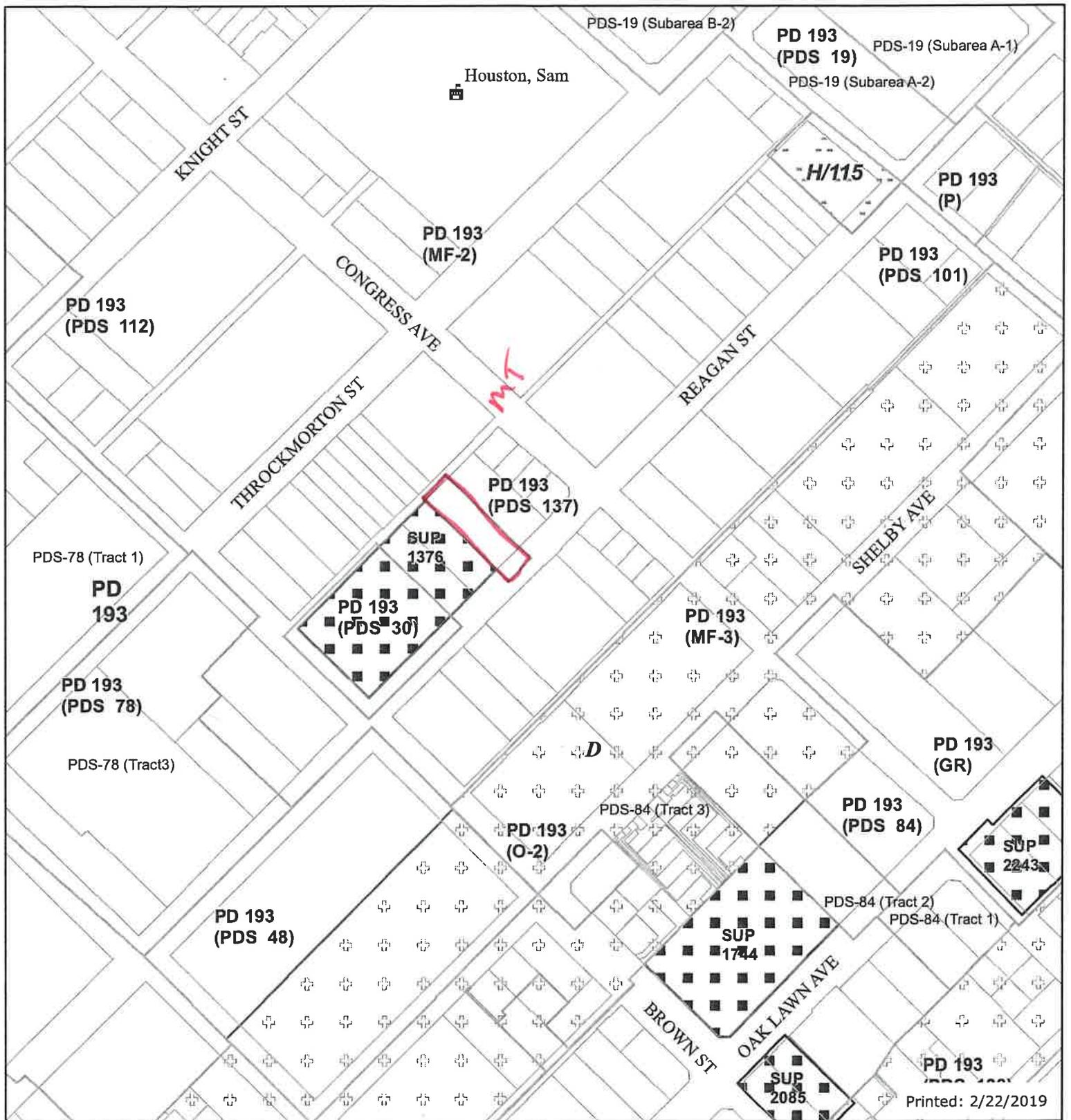
did submit a request for a special exception to the landscaping regulations
at 2719 Reagan Street

BDA189-048. Application of Terry Miles for a special exception to the landscaping regulations at 2719 REAGAN ST. This property is more fully described as Lot 6A, Block3/1333, and is zoned PD-193 PDS 137, which requires mandatory landscaping. The applicant proposes to construct and maintain a multi-family structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





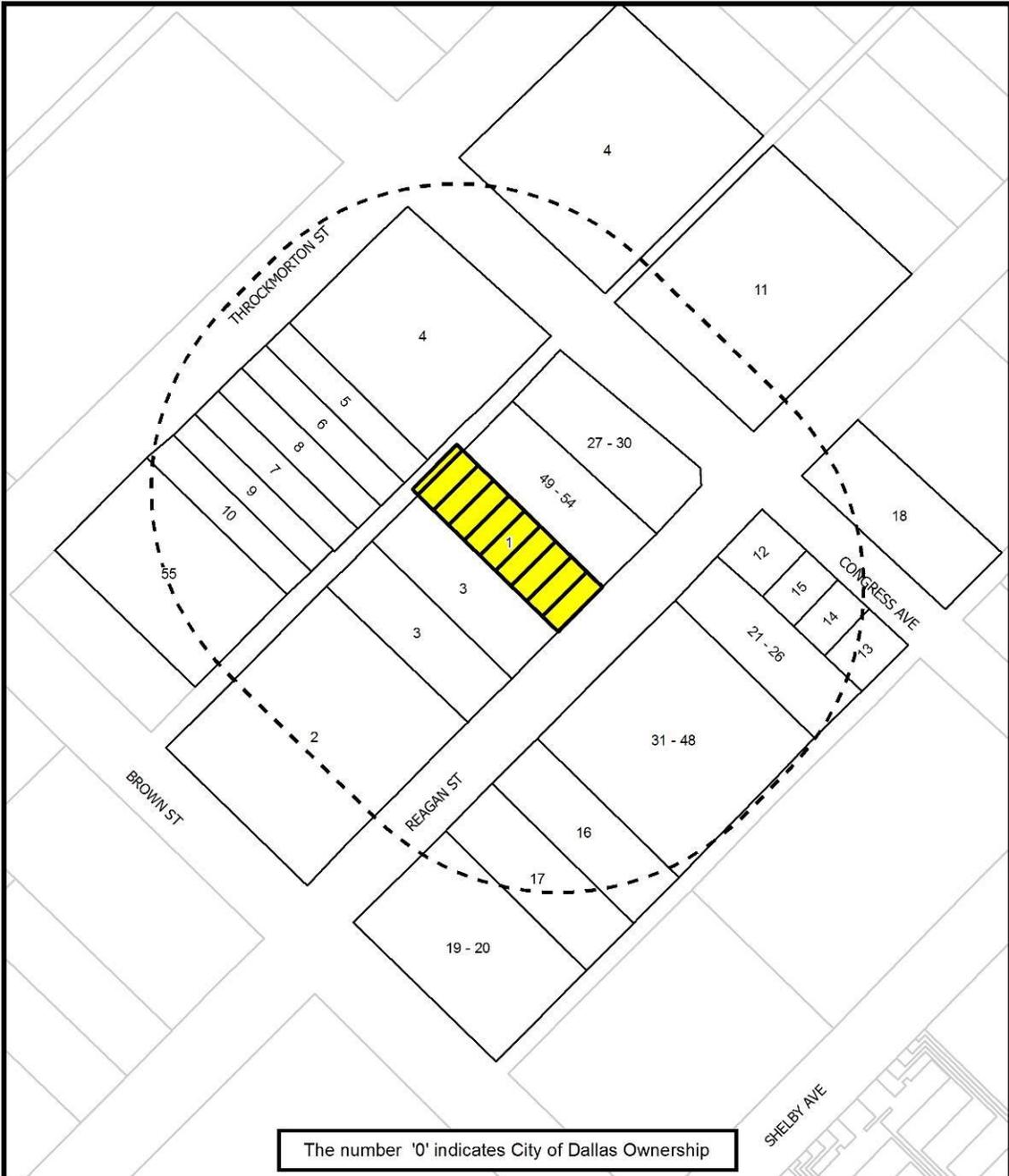
Printed: 2/22/2019

Legend

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

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





The number '0' indicates City of Dallas Ownership

 1:1,200	<h2 style="text-align: center;">NOTIFICATION</h2> <table border="1" style="width: 100%;"> <tr> <td style="width: 15%; text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">55</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	55	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: <u>BDA189-048</u> Date: <u>3/22/2019</u>
200'	AREA OF NOTIFICATION					
55	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-048

55 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2719 REAGAN ST	2719 REAGAN STREET LLC
2	2701 REAGAN ST	RESOURCE CENTER TITLE HOLDING CORP
3	2715 REAGAN ST	RESOURCE CENTER
4	2734 THROCKMORTON ST	D A COMMERCIAL LLC
5	2716 THROCKMORTON ST	MARTIN ROBERT GLEN &
6	2716 THROCKMORTON ST	ATCHESON FRANK
7	2714 THROCKMORTON ST	LEE JEFREY M
8	2714 THROCKMORTON ST	TUCKER JOHN G IV
9	2712 THROCKMORTON ST	JEMCO REVOCABLE TRUST THE
10	2712 THROCKMORTON ST	JANG DANIEL G
11	2805 REAGAN ST	PKBMAB TX 1 LLC
12	3915 CONGRESS AVE	SCHUNDER LAWRENCE V & JEAN B
13	3915 CONGRESS AVE	WANG NING & SIYAO XU
14	3915 CONGRESS AVE	MARTIN STEVEN R & GEORGANN
15	3915 CONGRESS AVE	GLORIA JAIME JR
16	2714 REAGAN ST	JL HIGHGATE HOMES LLC SERIES O
17	2708 REAGAN ST	JL HIGHGATE HOMES LLC
18	3916 CONGRESS AVE	RYEGRASS REAGAN LLC
19	2706 REAGAN ST	MANSOUR INTERESTS INC
20	2706 REAGAN ST	MANSOUR INTERESTS INC
21	2728 REAGAN ST	MARTINEZ SANTOS & MARIA
22	2728 REAGAN ST	LUCAS KARIN
23	2728 REAGAN ST	MACDONALD ARIANNE LINSLEY & EWAN GRAEME
24	2728 REAGAN ST	ELEGANT INV GROUP INC &
25	2728 REAGAN ST	REAGAN STREET UNIT 203
26	2728 REAGAN ST	LOFDAHL DUSTIN G

Label #	Address	Owner
27	4039 CONGRESS AVE	GIKAS BRENDA C & DAVID G
28	4039 CONGRESS AVE	SANTOSUOSSO JEFFREY M & TARA L
29	4039 CONGRESS AVE	BURNETT BROOKE
30	4039 CONGRESS AVE	COLBERT LINDSAY
31	2720 REAGAN ST	BELL JAMES HALL
32	2720 REAGAN ST	BELL JAMES H
33	2720 REAGAN ST	GARCIA RICARDO A JR
34	2720 REAGAN ST	FORT WORTH LIVING LTD
35	2720 REAGAN ST	REYARANDA LLC
36	2720 REAGAN ST	SMITH THOMAS S JR TR &
37	2720 REAGAN ST	LESZINSKI SLAWOMIR TRUST
38	2720 REAGAN ST	THOMAS WOODROW W
39	2720 REAGAN ST	CAMPBELL MARIE
40	2720 REAGAN ST	HERBERT ROBERT A
41	2720 REAGAN ST	BROWN PAUL
42	2720 REAGAN ST	SRO HOLDING GROUP LLC
43	2720 REAGAN ST	FORT WORTH LIVING LTD
44	2720 REAGAN ST	REAGAN 2720 102 LAND TRUST
45	2720 REAGAN ST	DISALVATORE NICHOLAS
46	2720 REAGAN ST	MILSTEAD JAN
47	2720 REAGAN ST	MALDONADO BENITO JR
48	2720 REAGAN ST	BARAJAS NICOLAS
49	2727 REAGAN ST	STEIN KATHERINE S
50	2727 REAGAN ST	FREEMAN SCOTT GEORGE
51	2727 REAGAN ST	MOORSE CODY J &
52	2727 REAGAN ST	SMITH ROBERT M JR
53	2727 REAGAN ST	RALSTON ASHLEY
54	2727 REAGAN ST	BRADANESE JAMES R
55	2706 THROCKMORTON ST	MAGELLAN FUNDING

FILE NUMBER: BDA189-030(OA)

BUILDING OFFICIAL'S REPORT: Application of Rob Baldwin of Baldwin Associates for a special exception to the landscape regulations at 2620 Maple Avenue. This property is more fully described as Lot 1B, Block 3/950, and is zoned PD 193 (HC), which requires mandatory landscaping. The applicant proposes to construct and/or maintain a structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

LOCATION: 2620 Maple Avenue

APPLICANT: Rob Baldwin

REQUEST:

A request for a special exception to the landscape regulations is made to construct and maintain a multifamily development with a parking structure on a site that is undeveloped, and not to fully provide the required landscape regulations, more specifically, to not meet the required garage screening and landscaping buffer.

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

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

STAFF RECOMMENDATION:

Approval, subject to the following condition:

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

Rationale:

- The City of Dallas Chief Arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.

BACKGROUND INFORMATION:

Site: PD 193 (HC) (Planned Development District)

landscape plan must be completed before the final building inspections of each permit in areas B and D, respectively.

The case report stated the request was made to amend certain features shown on an alternate landscape plan that was imposed as a condition in conjunction with a request for a special exception to the landscape regulations granted on the subject by Board of Adjustment Panel A on March 17, 2015: BDA145-037. The subject site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent). Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on November 15, 2016).

3. BDA145-037, Property at 100 Crescent Court (the property southwest of the subject site)

On March 17, 2015, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the submitted alternate landscape plan as a condition.

The case report stated the request was made to replace an existing drive-through bank facility with an approximately 3,000 square foot restaurant, and not fully providing required landscaping on a site is currently developed as an approximately 1,450,000 square foot mixed use development (The Crescent) (Note that the Board of Adjustment Panel A granted the applicant's request to waive the two year time limitation to refile a new application on this site on June 28, 2016).

4. BDA 134-042, Property at 100 Crescent Court (the property southwest of the subject site)

On June 24, 2014, the Board of Adjustment Panel A granted a request for special exception to the landscape regulations and imposed the submitted revised landscape plan as a condition.

The case report stated the request was made to construct and maintain an approximately 1,400 square foot addition to an approximately 1,450,000 square foot

mixed use development (The Crescent), and not fully providing required landscaping. (Note that the Board of Adjustment Panel A granted the applicant's request to waive the two-year time limitation to refile a new application on this site on January 20, 2015).

GENERAL FACTS/ STAFF ANALYSIS:

- This request for a special exception to the landscape regulations focuses on constructing and maintaining a multifamily development with a parking structure on a site that is undeveloped and not to fully providing the required landscaping regulations, more specifically, to not meet the required perimeter landscape buffer strip along the alley.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.
- On March 29, 2019, the applicant submitted a revised alternate landscape plan (Attachment B) that only added a decorative colored concrete fire lane drive addition beyond what was represented on the original submitted landscape plan.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). Note that the Chief Arborist did not submit a revised memo because the changes made on the revised alternate landscape plan submitted on March 29, 2019 had no impact in the Arborist's recommendation.
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscaping regulations of PD 193, Part 1 for HC districts. The alternative landscape plan is for new construction of a multifamily development without the required garage screening and landscaping buffer.
- The Chief Arborist's memo states the following with regard to "provision":
 - The proposed alternative landscape plan complies with PD 193(HC) regulations for street trees, sidewalks, and screening of off-street parking. Other standards for landscape site area and general or special plantings are not applicable.
- The Chief Arborist's memo states the following with regard to "deficiencies":
 - The plan does not provide for the required garage screening and landscaping as described in Section 51P-193.126 (b) (3) (D). Aboveground parking structures are required to have a 10-foot landscaping buffer on any side facing a public right-of-way, residential district, residential subdistrict, or residential use, and have a minimum of one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center to create a solid appearance.

- The building area on the lot, the requirement for a fire lane in conjunction with the alley, and the location of local utilities along the perimeter restrict the use of the space for landscaping.
- The City of Dallas Chief Arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where an alternate landscape plan has been submitted that is deficient in meeting the required garage screening and landscaping buffer of the PD 193 landscape requirements) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted an exception from full compliance to the requirements of the PD 193 landscape ordinance.

Timeline:

- January 9, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 12, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C.
- February 13, 2019: The Sustainable Development and Construction Department Board of Adjustment Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th 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.
- March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable

Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

- March 7, 2019: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).
- March 18, 2019: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application per applicant's request until the next public hearing to be held on April 15, 2019.
- March 20, 2019: The Board Administrator wrote the applicant a letter of the board's action; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials.
- March 29, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

BOARD OF ADJUSTMENT ACTION: March 18, 2019

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: No one

MOTION: **Sahuc**

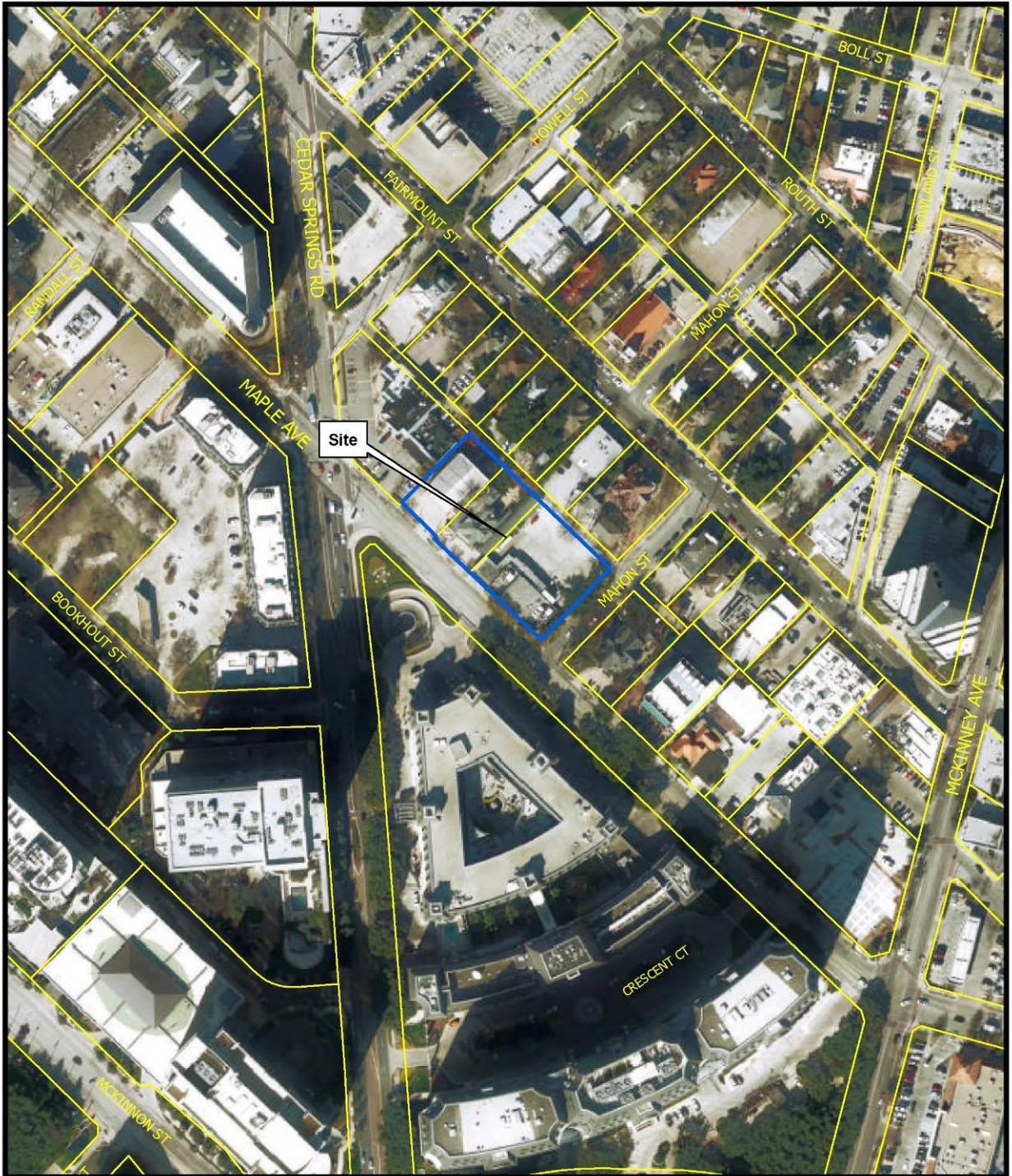
I move that the Board of Adjustment in Appeal No. BDA 189-030 hold this matter under advisement until April 15, 2019.

SECONDED: **Sibley**

AYES: 5 – Richardson, Shouse, Agnich, Sibley, Sahuc

NAYS: 0

MOTION PASSED: 5 – 0 (unanimously)




 1:2,400

AERIAL MAP

Case no: **BDA189-030**
 Date: **2/13/2019**

Memorandum



Date March 7, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-030 2620 Maple Avenue Arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of PD 193, Part 1 for HC districts. The alternative landscape plan is for new construction of a multifamily development without the required garage screening and landscaping buffer.

Provision

- The proposed alternative landscape plan complies with PD 193(HC) regulations for street trees, sidewalks, and screening of off-street parking. Other standards for landscape site area and general or special plantings are not applicable.

Deficiency

- The plan does not provide for the required garage screening and landscaping as described in Section 51P-193.126(b)(3)(D). Aboveground parking structures are required to have a 10-foot landscaping buffer on any side facing a public right-of-way, residential district, residential subdistrict, or residential use, and have a minimum of one tree for every 25 feet of frontage and evergreen shrubs planted three feet on center to create a solid appearance.
- The building area on the lot, the requirement for a fire lane in conjunction with the alley, and the location of local utilities along the perimeter restrict the use of the space for landscaping.

Recommendation

The chief arborist recommends approval of the special exception on the basis that it does not appear the request will compromise the spirit and intent of this ordinance.

Philip Erwin
Chief Arborist
Building Inspection



APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-030

Date: December 19, 2018 1-9-19

Data Relative to Subject Property:

Location address: 2620 Maple Avenue Zoning District: PD 193 HC
Lot No.: 1B (circled) Block No.: 3/950 Acreage: 1.05 (circled) acres Census Tract: 18.00
Street Frontage (in Feet): 1) 154 ft 2) 300 ft 3) 4) 5)

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): 2620 Maple Owner LLC
Applicant: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226
E-mail Address: rob@baldwinplanning.com
Represented by: Rob Baldwin, Baldwin Associates Telephone: 214-824-7949
Mailing Address: 3904 Elm Street Suite B Dallas TX Zip Code: 75226
E-mail Address: rob@baldwinplanning.com

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

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: Proposed multiple family development will have structured parking and PD 193 requires a 10' garage screening buffer along right-of-ways. Seeking relief from providing buffer along alley due to utility conflicts and fire lane requirements.

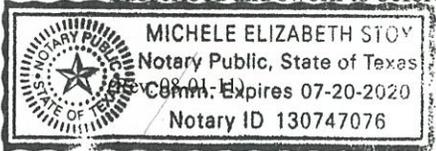
Note to Applicant: If the appeal requested in this application is granted by the Board of Adjustment, a permit must be applied for within 180 days of the date of the final action of the Board, unless the Board specifically grants a longer period.

Affidavit

Before me the undersigned on this day personally appeared Robert Baldwin (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 19 day of December, 2018



[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

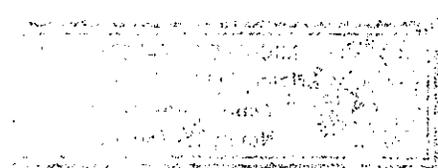
I hereby certify that Robert Baldwin

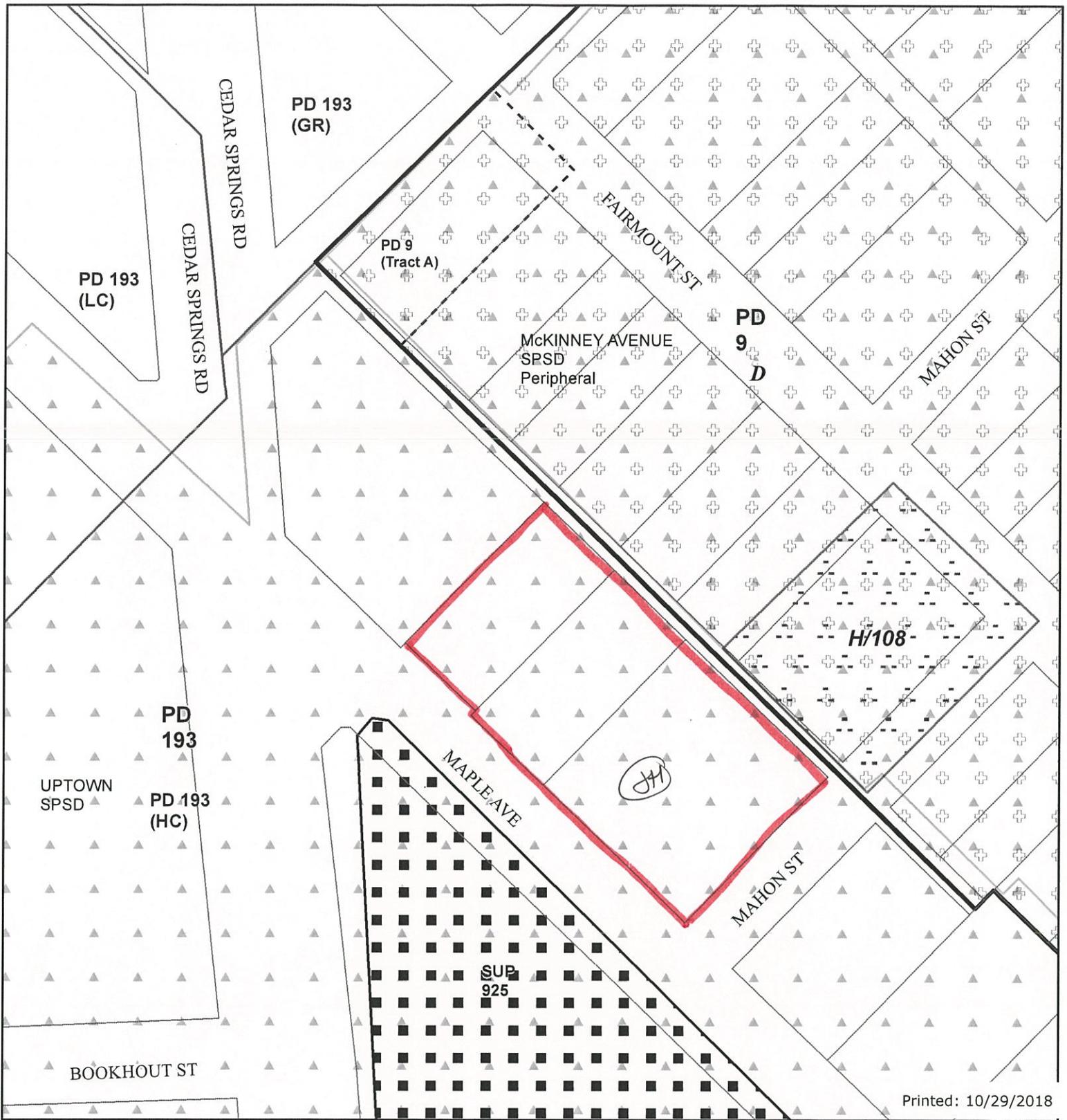
did submit a request for a special exception to the landscaping regulations
at 2620 Maple Ave

BDA189-030. Application of Robert Baldwin for a special exception to the landscaping regulations at 2620 MAPLE AVE. This property is more fully described as Lot 1B, Block 3/950, and is zoned PD-193 (HC), which requires mandatory landscaping. The applicant proposes to construct a non-residential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official





Printed: 10/29/2018

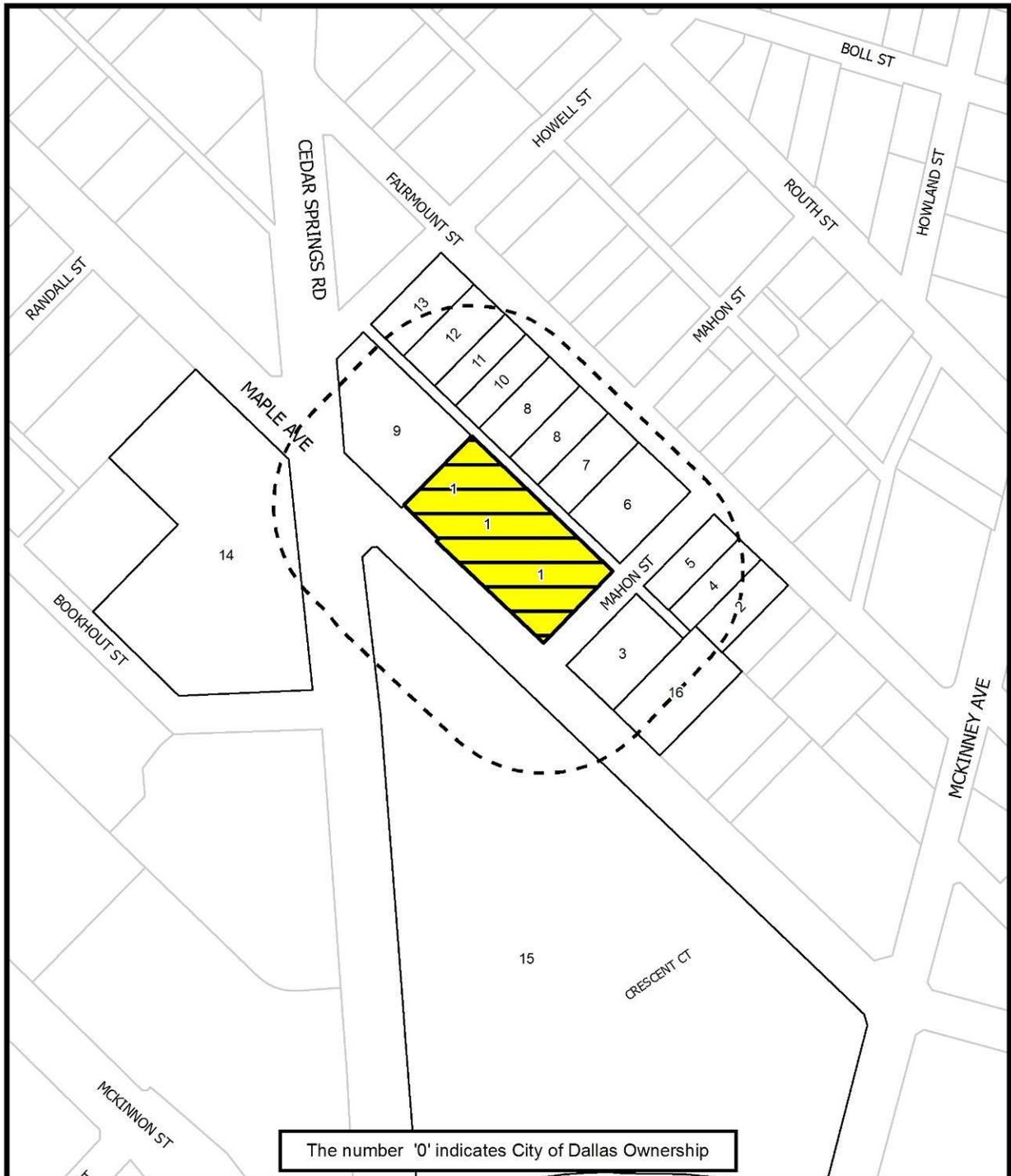
Legend

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO_Overlay |
| Peak's Branch | SPSD Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 3 - 14 Shop Front Overlay |
| | | Height Map Overlay | |

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200'	AREA OF NOTIFICATION					
16	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-030

16 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2610 MAPLE AVE	2620 MAPLE AVENUE LLC
2	2521 FAIRMOUNT ST	BLL LP
3	2516 MAPLE AVE	HEYMANN CLAIRE L
4	2525 FAIRMOUNT ST	BLL LP
5	2527 FAIRMOUNT ST	KAME YUGEN SEKININ JIGYO
6	2603 FAIRMOUNT ST	2603 FAIRMOUNT INVESTORS
7	2611 FAIRMOUNT ST	DIKE DAVID FINE ART LLC
8	2701 FAIRMOUNT ST	MAPLE MARKETING CORP
9	2628 MAPLE AVE	GREENWAY MAPLE LP
10	2711 FAIRMOUNT ST	STRICKLAND PETER R LF EST
11	2715 FAIRMOUNT ST	KORNYE GEORGE W
12	2719 FAIRMOUNT ST	SHAW EVAN L
13	2723 FAIRMOUNT ST	SHAW EVAN LANE
14	2305 CEDAR SPRINGS RD	GPI CEDAR MAPLE LP
15	100 CRESCENT CT	CRESCENT TC INVESTORS LP
16	2512 MAPLE AVE	HEIDARI ALI

FILE NUMBER: BDA189-033(OA)

BUILDING OFFICIAL'S REPORT: Application of David Lloyd, represented by Braden Wayne, for a variance to the front yard setback regulations at 4803 Victor Street. This property is more fully described as 1/2 PT Lot 7, Block A/795, and is zoned PD 98, which requires a front yard setback of 25 feet. The applicant proposes to construct and/or maintain a structure and provide an 18-foot 10-inch front yard setback, which will require a 6-foot 2-inch variance to the front yard setback regulations.

LOCATION: 4803 Victor Street

APPLICANT: David Lloyd
Represented by Braden Wayne

REQUEST:

A variance request to the front yard setback regulations for PD 98 is made to construct/maintain a two-story single family home structure with a total "slab area" of approximately 1,800 square feet or with a total "home size" of approximately 3,200 square feet to be located 18' 10" from one of the site's two required front yards (N. Prairie Avenue) or 6' 2" into this 25' front yard setback on a site that is undeveloped.

STANDARD FOR A FRONT YARD VARIANCE FOR PD 98:

PD 98 Section 51P-98.107(b)(3) states that the board of adjustment shall have the authority to grant variances from the terms of this article, in accordance with regulations and procedures specified in Article XXIX of Chapter 51 in the following matters:

- Permit such variances of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum sidewalk or setback standards, off-street parking or off-street loading, or visibility obstruction regulations where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.

STAFF RECOMMENDATION (APRIL 19, 2019):

Denial without prejudice

Rationale:

- The applicant is requesting that the board deny this request without prejudice.

STAFF RECOMMENDATION (MARCH 18, 2019):

Approval, subject to the following condition:

- Compliance with the submitted site plan is required.

Rationale:

- Staff concluded that the subject site is unique and different from most lots in the PD 98 zoning district. It is restrictive in area due to having two, 25' front yard setbacks when most lots in this zoning district have one 25' front yard setback. The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width. In addition, the variance should be granted because of the restrictive area of the subject site at only 5,300 square feet in the PD 98 zoning district where lots are typically 7,500 square feet.
- In addition, staff concluded that the applicant has shown by submitting a document indicating among other things that the total home size of the proposed home on the subject site is approximately 2,650 square feet, and the average of 12 other properties in the same PD 98 zoning is approximately 3,050 square feet.

BACKGROUND INFORMATION:

Zoning:

Site: PD 98 (Planned Development)
North: PD 98 (Planned Development)
South: PD 98 (Planned Development)
East: PD 98 (Planned Development)
West: PD 98 (Planned Development)

Land Use:

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

Zoning/BDA History:

- | | |
|--|---|
| 1. BDA145-040, Property at 4803 Victor Street (the subject site) | On November 12, 2018, the Board of Adjustment Panel C denied variance requests to the front yard setback and to the |
|--|---|

fence height regulations without prejudice. The case report stated that the requests were made to construct/maintain a two-story single family home structure with a total “slab area” of approximately 1,800 square feet or with a total “home size” of approximately 3,100 square feet to be located 13’ 10” from one of the site’s two front property lines (N. Prairie Avenue) or 11’ 2” into this 25’ front yard setback and to construct/maintain a fence (an 8’ high solid board-on-board wood fence) higher than 4’ in height in one of the site’s two required front yards (N. Prairie Avenue) on the subject site.

1. BDA145-040, Property at 4734 Tremont Street (two lots northwest of the subject site)

On April 22, 2015, the Board of Adjustment Panel B granted a variance to the front yard setback regulations.

The case report stated that the requests were made to replace an existing one-story nonconforming single-family home structure on the subject site with a two-story single family home with (according to the submitted revised site plan) a building footprint of about 2,000 square feet and a total living area of about 2,600 square feet, part of which would be located 5’ from one of the site’s two front property lines (N. Prairie Avenue) or 20’ into this 25’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS:

- The March 18 original request was for a variance to the front yard setback regulations of 6’ 2” focuses on constructing and maintaining a two-story single family home structure with a total “slab area” of approximately 1,800 square feet or with a total “home size” of approximately 3,200 square feet to be located 18’ 10” from one of site’s two required front yards (N. Prairie Avenue) or 6’ 2” into this 25’ front yard setback.
- PD 98 states that general standards for development of single-family uses with regard to setbacks must be in accordance with the provisions of the Residential - 7,500 Square Feet District of Chapter 51. Structures on lots zoned R-7.5 are required to provide a minimum front yard setback of 25.
- The subject site is located at the northwest corner of Victor Street and N. Prairie Avenue. Regardless of how the structure is proposed to be oriented to front Victor Street, the subject site has 25’ front yard setbacks along both street frontages. The site has a 25’ front yard setback along Victor Street, the shorter of the two frontages, which is always deemed the front yard setback on a corner lot in this zoning district.

The site also has a 25' front yard setback along N. Prairie Avenue, the longer of the two frontages of this corner lot, which is typically regarded as a side yard where a 5' side yard setback is required. However, the site's N. Prairie Avenue frontage that would function as a side yard on the property is treated as a front yard setback nonetheless, to maintain the continuity of the established front yard setback established by the lots to the northwest that front/are oriented southwest towards N. Prairie Avenue.

- The submitted site plan indicates that the proposed home structure is located as close as 18' 10" from the N. Prairie Avenue front property line or 6' 2" into this 25' front yard setback.
- According to DCAD records, there are no "main improvement" or "no additional improvements" for property addressed at 4803 Victor Street.
- The subject site is flat, regular in shape and according to the submitted application is 0.121 acres (or approximately 5,300 square feet) in area. The site is zoned PD 98 where lots are typically 7,500 square feet in area.
- Most lots in the PD 98 zoning district have one 25' front yard setback, two 5' side yard setbacks, and one 5' rear yard setback; this site has two 25' front yard setbacks and one 5' side yard setback.
- The site plan represents that approximately 1/4 of the home structure is located in the 25' N. Prairie Avenue front yard setback.
- The 50' wide subject site has 20' of developable width available once a 25' front yard setback is accounted for on the southwest and a 5' side yard setback is accounted for on the northeast. If the lot were more typical to others in the zoning district with only one front yard setback, the 50' wide site would have 40' of developable width.
- The applicant submitted a document with this application, indicating among other things that the total living area of the proposed home on the subject site is approximately 2,650 square feet, and the average total living area of 12 other properties in the same zoning is approximately 3,050 square feet.
- The applicant has the burden of proof in establishing the following:
 - That permitting such a variance of the front yard where the literal enforcement of the provision of this article would result in an unnecessary hardship and where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same PD 98 district by being of such restricted area, shape, or slopes that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same PD 98 district.
 - A modification of standards established by this article may not be granted to relieve a self-created or personal hardship, not for financial reason only, nor may such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in this district.
- If the Board were to grant the variance 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 home structure that would be located 18' 10" from one of the site's two front property lines (N. Prairie Avenue) or 6' 2" into this 25' front yard setback.\
- Note that on April 4, 2019 the representative sent the Board Administrator an e-mail requesting that the board deny this request without prejudice (see Attachment B).

Timeline:

- January 23, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- February 12, 2019: The Board of Adjustment Secretary assigned this case to Board of Adjustment Panel C. This assignment was made in order to comply with Section 9 (k) of the Board of Adjustment Working Rule of Procedure that states, “If a subsequent case is filed concerning the same request, that case must be returned to the panel hearing the previously filed case”.
- February 13, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the February 27th deadline to submit additional evidence for staff to factor into their analysis; and the March 8th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- February 27, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment A).
- March 5, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the March public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- March 18, 2019: The Board of Adjustment Panel C conducted a public hearing on this application, and delayed action on this application per applicant’s request until the next public hearing to be held on April 15, 2019.

March 20, 2019: the Sustainable Development and Construction Department Board of Adjustment Senior Planner wrote the applicant a letter of the board's action; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board's docket materials.

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

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

April 4, 2019: The applicant sent an e-mail requesting that the board deny this request without prejudice (see Attachment B).

BOARD OF ADJUSTMENT ACTION: March 18, 2019

APPEARING IN FAVOR: No one

APPEARING IN OPPOSITION: Edward Anderson, 4726 Victor St., Dallas, TX

MOTION: Agnich

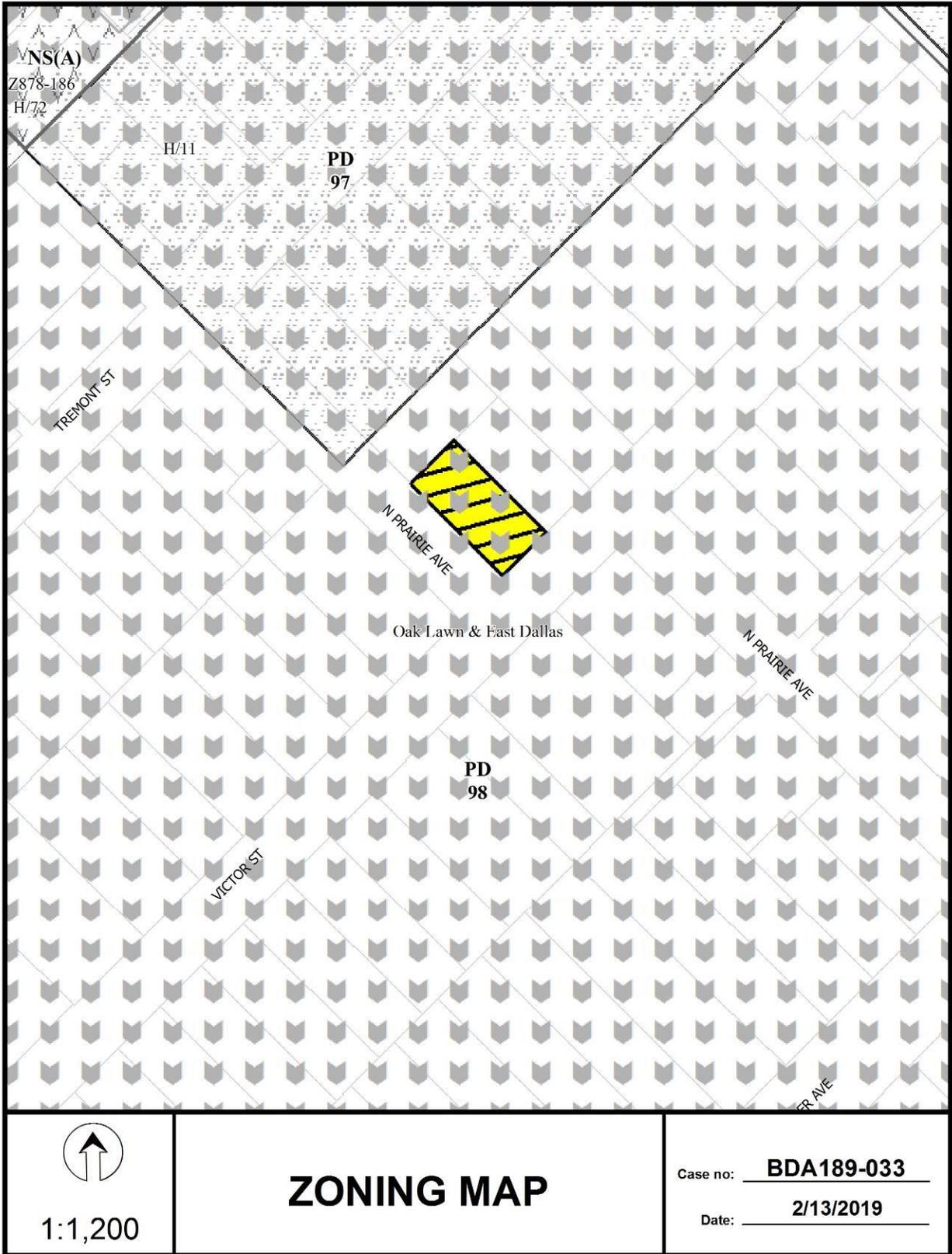
I move that the Board of Adjustment in Appeal No. BDA 189-033 hold this matter under advisement until April 15, 2019.

SECOND: Sahuc

AYES: 5 – Richardson, Shouse, Agnich, Sibley, Sahuc

NAYS: 0

MOTION PASSED: 5 – 0

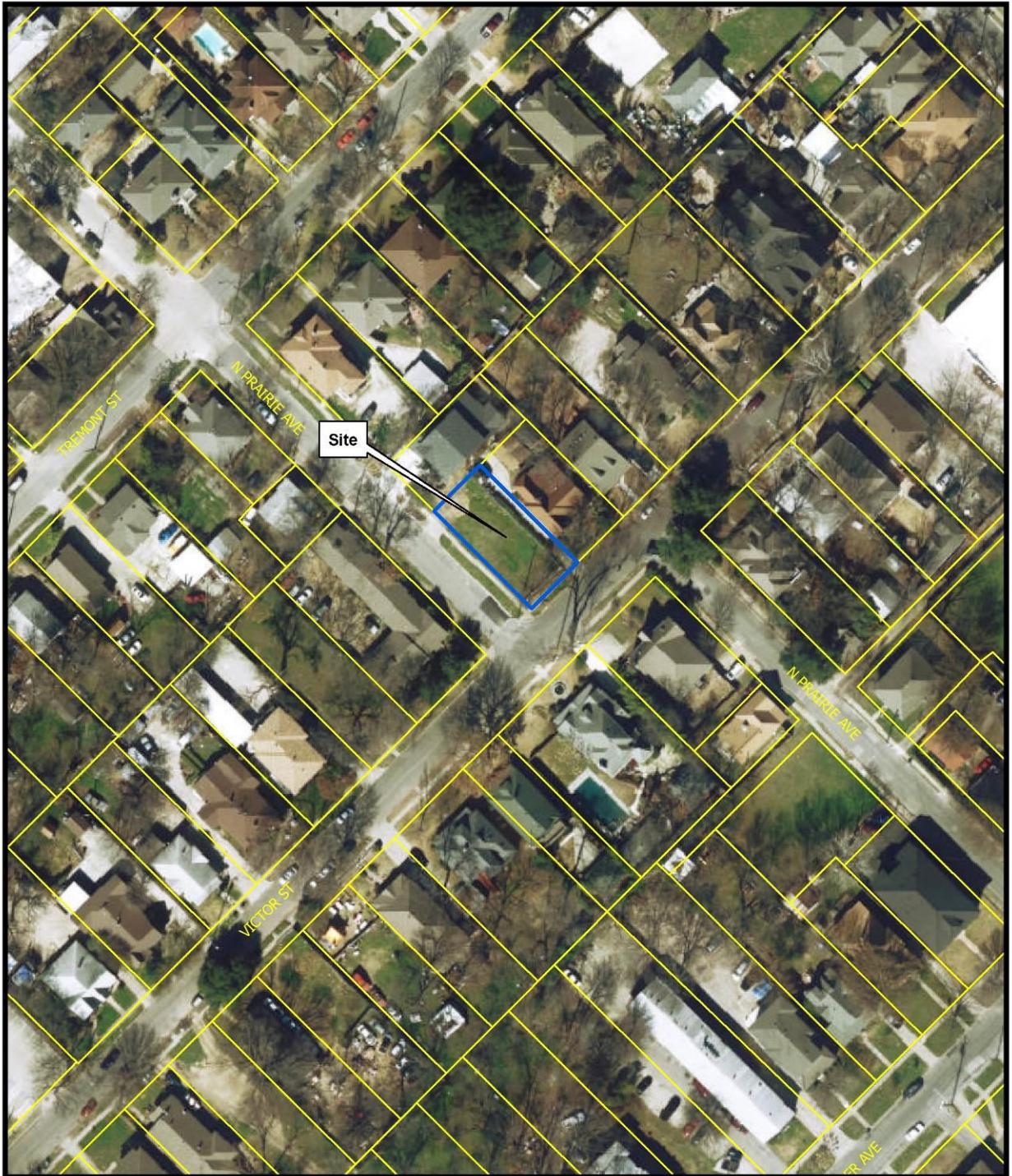


1:1,200

ZONING MAP

Case no: **BDA189-033**

Date: **2/13/2019**



1:1,200

AERIAL MAP

Case no: **BDA189-033**

Date: **2/13/2019**

BDA189-033
ATTACH A
(pg 1/3)

FAR + DANG

4414 BUENA VISTA STREET NO. 18 DALLAS, TEXAS 75205 T: 972 342 9345 office@faranddang.com

To: Board of Adjustment
City of Dallas, Texas

From: Rizwan Faruqi, AIA
Bang Dang
FAR + DANG
214-676-5672
rizi.faruqi@faranddang.com
bang.dang@faranddang.com

RE: Application and Appeal to the Board of Adjustment
Case No. BDA 189-033
Subject Property: 4803 Victor St. Dallas, TX 75246

Date: 02.26.19

Dear City of Dallas Board of Adjustment,

We are providing herein, supplemental information that we hope will assist the Board in better understanding the appeal for Variance for the Project that we have designed at 4803 Victor Street. The Proposed Design is, with all intentions, comparable with the context of the surrounding neighborhood and adjacent lots and blocks. The Proposed residential structure hopes to add value to the neighborhood by developing an empty and neglected corner lot with a home that is both comparable and sensitive to its surroundings.

Without granting of the Variance to front yard setback, the lot at 4803 Victor Street would have the substantial hardship of having less than 50% of the buildable area of directly adjacent and similar lots and between 20% and 30% of the buildable area of other similar lots within its block and the surrounding blocks.

The lot itself would have a buildable area that is **only 28.5% of the entire Lot area, leaving 71.5% of the Lot unbuildable, leaving only 1,511 square feet of buildable lot area.**

In comparison, other directly adjacent lots have buildable areas that range from **2,897 square feet up to 7,807 square feet:**

4809 Victor Street	2,897 SF Buildable Area
4811 Victor Street	4,706 SF Buildable Area
4817 Victor Street	7,758 SF Buildable Area
4731 Victor Street	7,807 SF Buildable Area
4727 Victor Street	4,797 SF Buildable Area
4723 Victor Street	5,812 SF Buildable Area
408 N. Prairie Avenue	2,569 SF Buildable Area
4800 Tremont Street	4,820 SF Buildable Area
4734 Tremont Street	2,353 SF Buildable Area

It is our hope that even by increasing the desired buildable area by the small percentage requested, the lot can have a more equitable opportunity for planned development to add value to both its highly visible corner lot location and the neighborhood at large.

BDA189-033
ATTACH A
(PS 2/15)

The Proposed Square Footage and Height of the Proposed Residential structure is very comparable to Existing Residential structures of immediate adjacency of the same and surrounding blocks. The Proposed Residence will be **2 levels** and contain **2,649 square feet** of conditioned space.

In comparison, other directly adjacent lots have conditioned space that ranges from **2,400 square feet up to 4,560 square feet**, with the majority being **2 levels**. The information below is direct from the Dallas County Appraisal District's online database:

4723 Victor Street	3,550 SF	1 Level
4727 Victor Street	2,748 SF	2 Levels
4731 Victor Street	4,054 SF	1 Level
4738 Victor Street	2,943 SF	1 1/2 Levels
4742 Victor Street	3,120 SF	2 Levels
4800 Victor Street	3,074 SF	2 Levels
4810 Victor Street	2,496 SF	2 Levels
408 N. Prairie Avenue	2,714 SF	2 Levels
4734 Tremont Street	2,430 SF	2 Levels
4800 Tremont Street	2,400 SF	2 Levels
4810 Tremont Street	2,472 SF	2 Levels
4727 Reiger Avenue	4,560 SF	2 Levels

We request that the board to consider that the Proposed Residential structure will be comparable to, and in many instances, much smaller than the immediately surrounding Existing Residential structures. The reasons for this include a sensitivity to fit in and blend into the neighborhood with less impact than the larger homes noted, but also due to the Hardship imposed by the extremely limited buildable area of the lot, noted above.

Upon initiating the design of the Property, it was also observed that the 2 adjacent properties on the block have a different relationship to N. Prairie Avenue and there is no current Continuity of blockface. With only 3 homes on the block, by matching to either it would not be possible to create a continuous blockface. Matching to the adjacent lot at 408 N. Prairie Avenue, with a dual front yard setback, would result in the hardship of inequitable buildable area referenced above and would be in stark contrast to the neighborhood and more specifically to those lots directly surrounding and adjacent.

We hope that the supplemental graphic exhibits and photographs provided are helpful in explaining the narrative above with greater context and detail.

We appreciate the Board's consideration of the appeal for Variance for this Project and hope to have the opportunity to create a newly developed property that is respectful of its surroundings and adds to the quality of its neighborhood.

Respectfully submitted,



Rizi Faruqui, AIA
Bang Dang

Enclosure

CC: E-Distribution;
Mr. Oscar Aguilera, City of Dallas, Senior Planner

BOA189-033
ATTACH 14
(PS $\frac{3}{15}$)

Mr. Charles Trammell, City of Dallas, Sr. Plans Examiner
Mr. David Lloyd, BDA Case Applicant
Mr. Braden Wayne, BDA Case Representative
Mr. Mason Franz and Mrs. Rachel Franz, Property Owners
File



N. PRAIRIE AVE
VICTOR ST
4803
VICTOR
ST

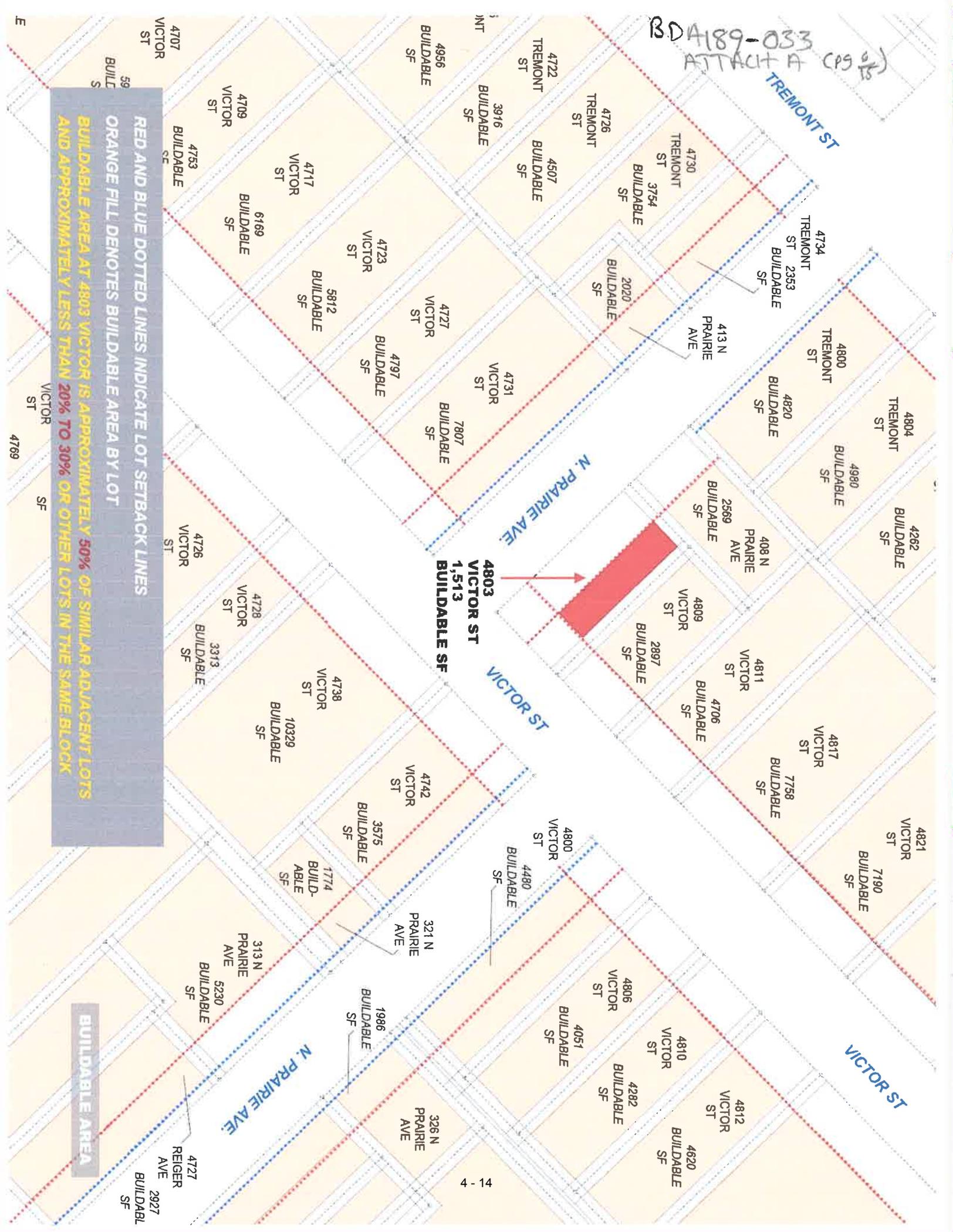
LOCATION MAP

GREEN LINE DENOTES APPROXIMATE
LOCATION OF PROPERTY BOUNDARY
ORANGE LINE DENOTES APPROXIMATE
25' SETBACK FROM PROPERTY LINES
IMMEDIATELY ADJACENT STRUCTURES
HAVE NO DOUBLE FRONTAGE SETBACKS
AND THERE IS NO CONSISTENT
CONTINUITY OF BLOCKFACE WITHIN THE
EXISTING BLOCK.



BD A189-033
ATTACH A (P. 8 of 18)

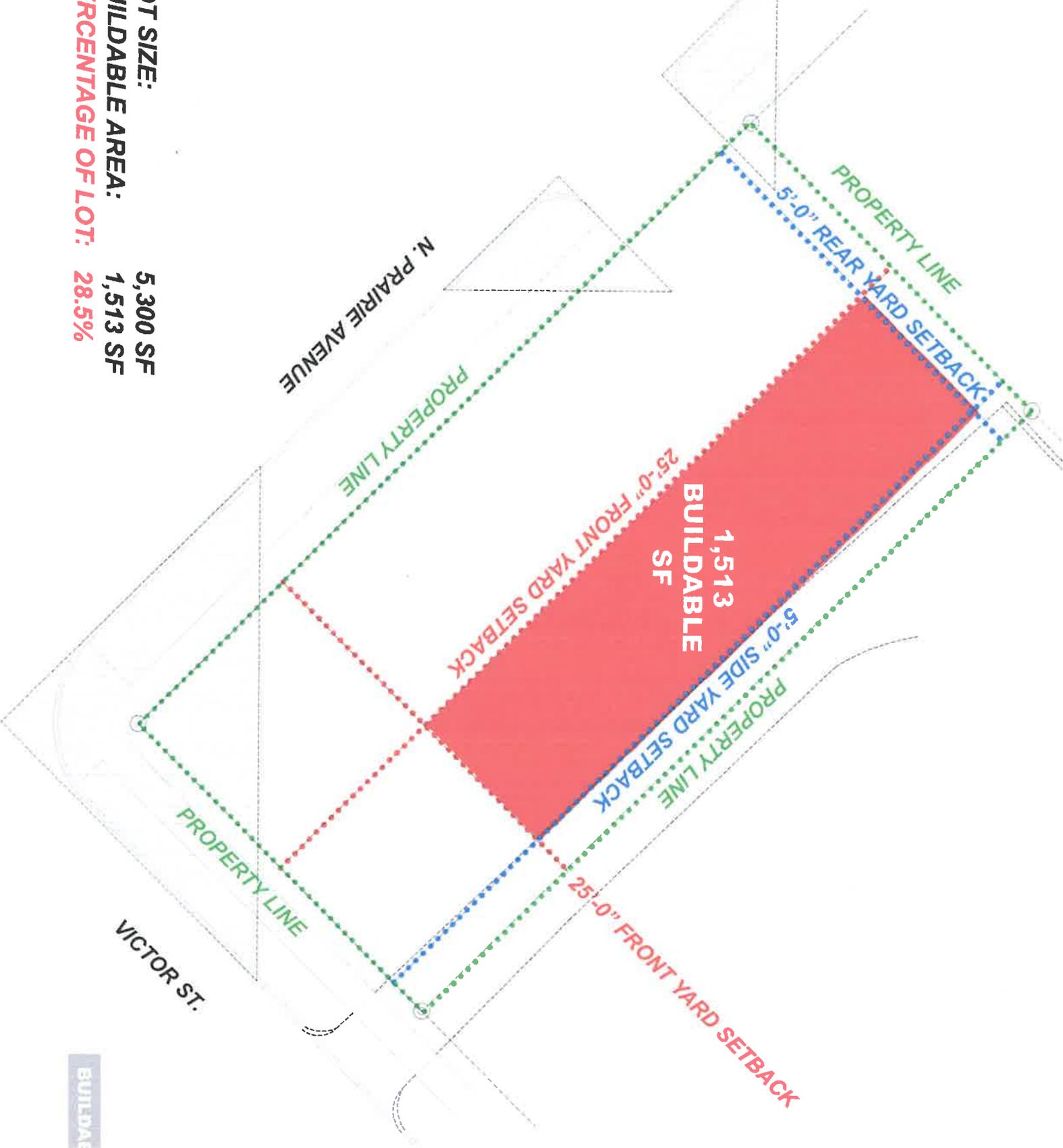
RED AND BLUE DOTTED LINES INDICATE LOT SETBACK LINES
ORANGE FILL DENOTES BUILDABLE AREA BY LOT
BUILDABLE AREA AT 4803 VICTOR IS APPROXIMATELY 50% OF SIMILAR ADJACENT LOTS
AND APPROXIMATELY LESS THAN 20% TO 30% OR OTHER LOTS IN THE SAME BLOCK



4803
VICTOR ST
1,513
BUILDABLE SF

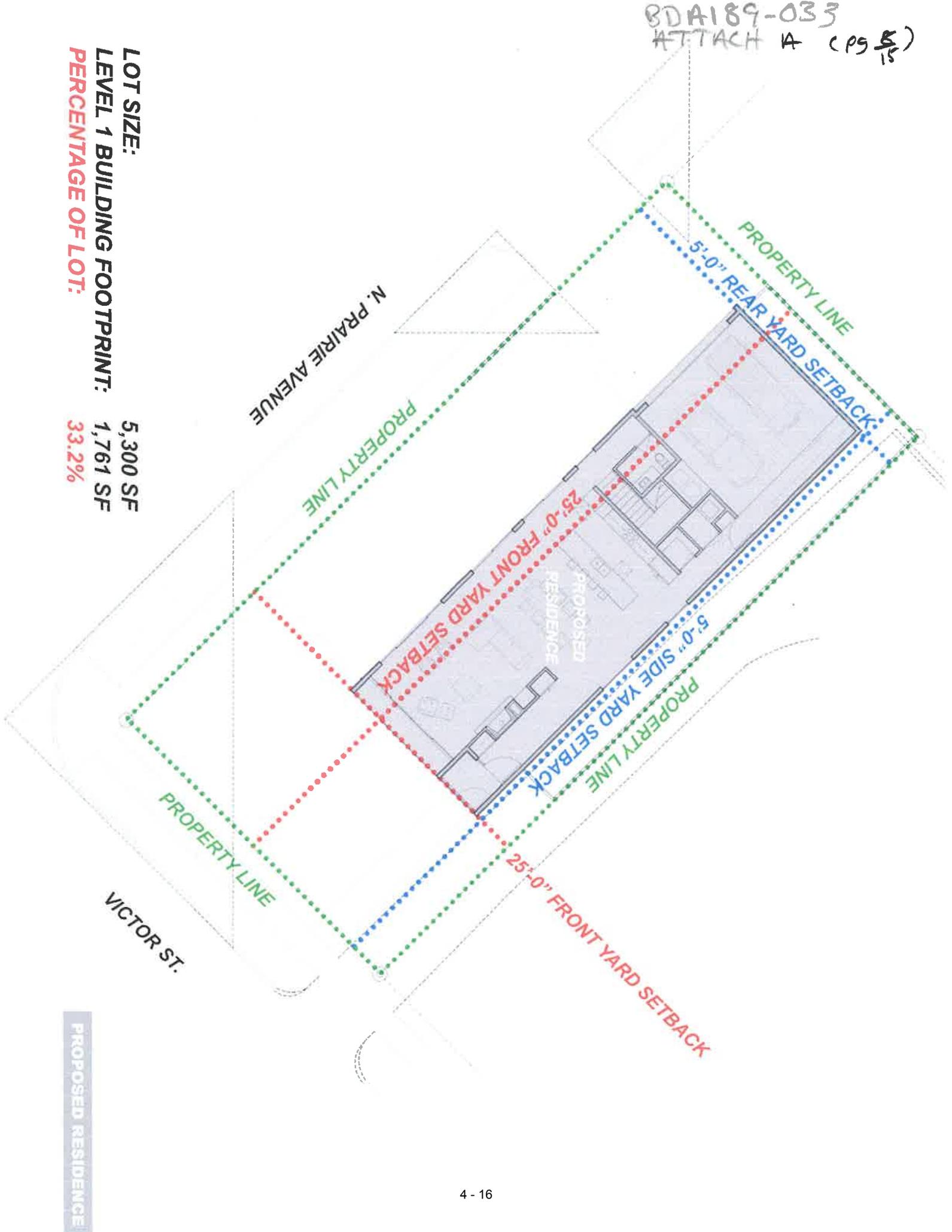
BDA189-033
ATTACH A (19 7/15)

LOT SIZE: 5,300 SF
BUILDABLE AREA: 1,513 SF
PERCENTAGE OF LOT: 28.5%



BDA189-033
ATTACH A (pg 5/15)

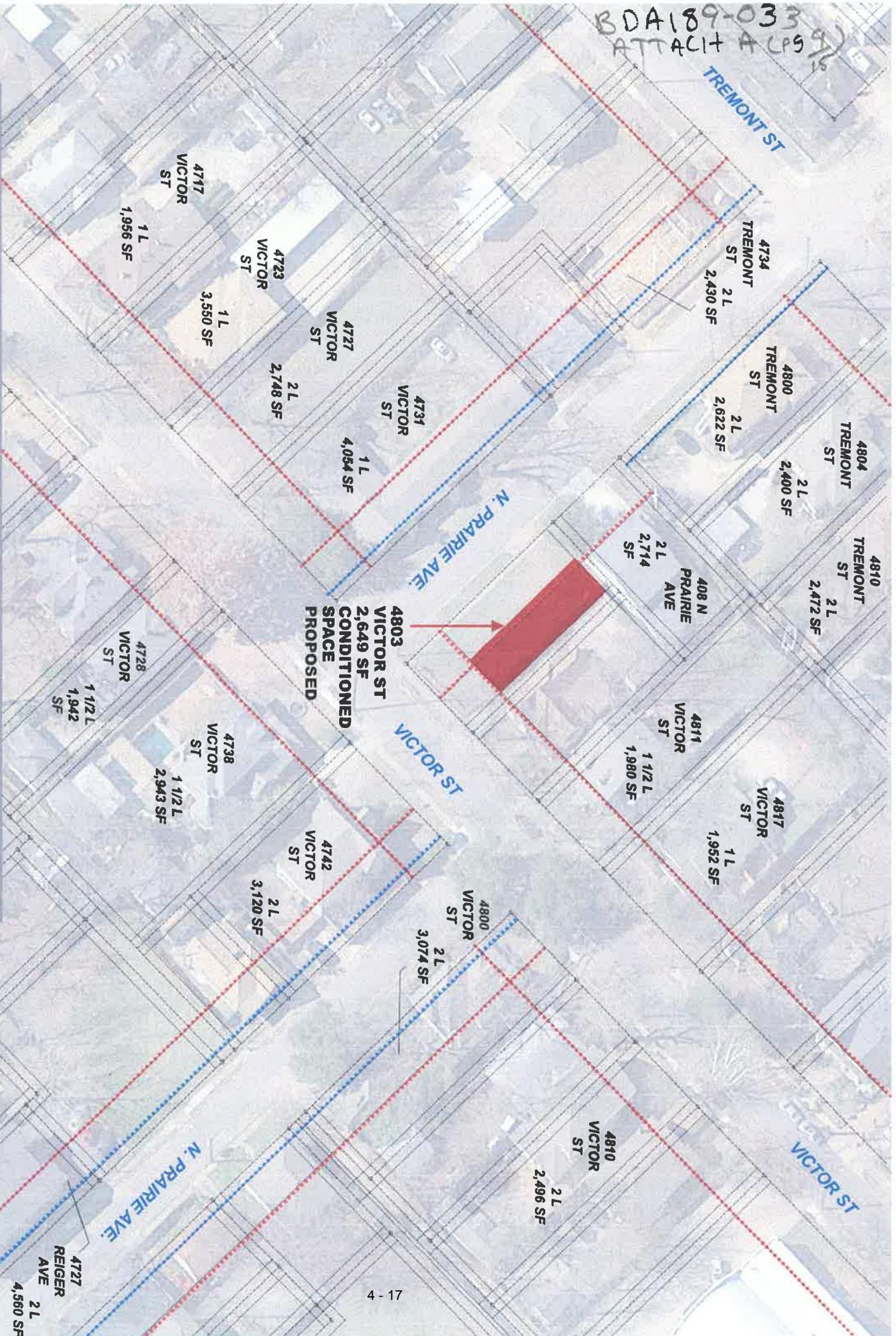
LOT SIZE: 5,300 SF
LEVEL 1 BUILDING FOOTPRINT: 1,761 SF
PERCENTAGE OF LOT: 33.2%



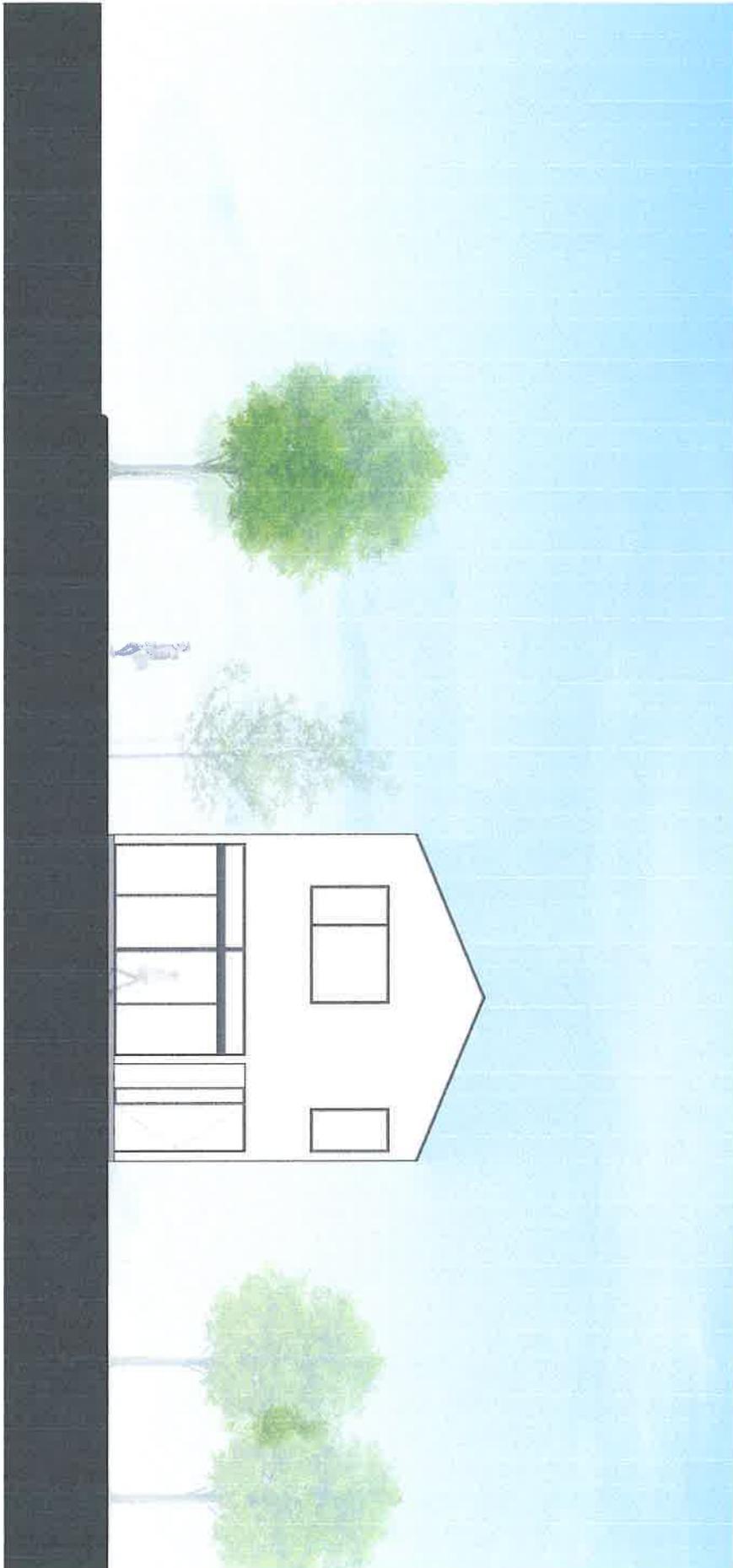
PROPOSED RESIDENCE

BDA189-033
ATTACH A CP9

SQ. FOOTAGE LISTED IS CONDITIONED SPACE PER PROPERTY PER DCAD
PROPOSED SQ. FOOTAGE AT 4803 VICTOR IS COMPARABLE OR LESS THAN THE MAJORITY
OF OTHER LOTS IN THE SAME BLOCK AND SURROUNDING BLOCKS



BDA189-033
ATTACH A (PS 10/15)

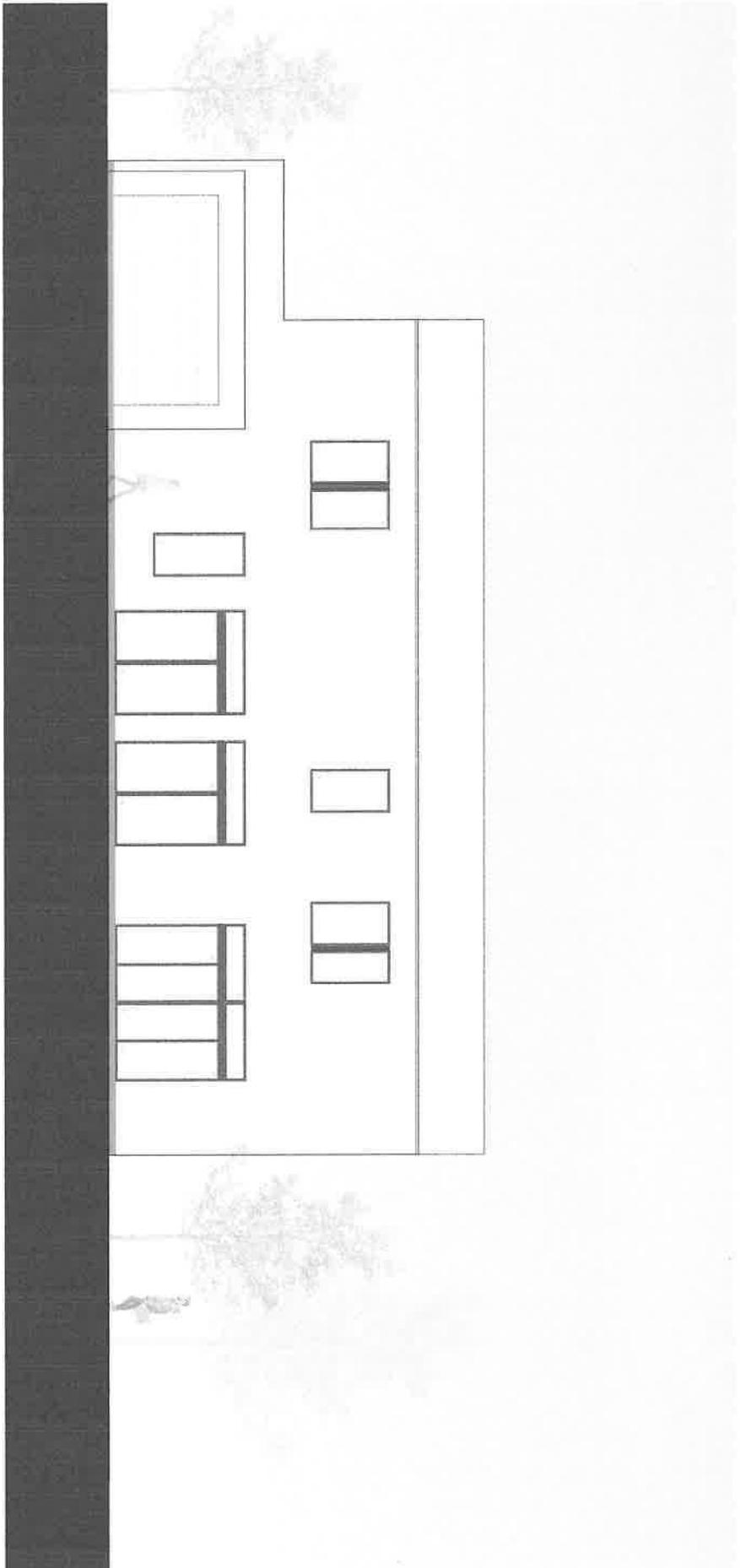


FAR + DANG

SOUTH ELEVATION (FACING VICTOR STREET)

4803 VICTOR STREET

BDA189-033
ATTACH A (PS 11/15)



FAR + DANG

WEST ELEVATION (FACING PRAIRIE AVENUE)

4803 VICTOR STREET



This Photograph is of the recently constructed new 2 story single family residence just catcorner to 4803 Victor Street located at 4734 Tremont Street at the corner of Tremont St. and N. Prairie Ave.

The property was constructed in 2017 at a corner condition identical to 4803 Victor Street and has a 5' sideyard setback along N. Prairie Avenue and an 8' high solid fence along the remaining property portion facing N. Prairie Ave.

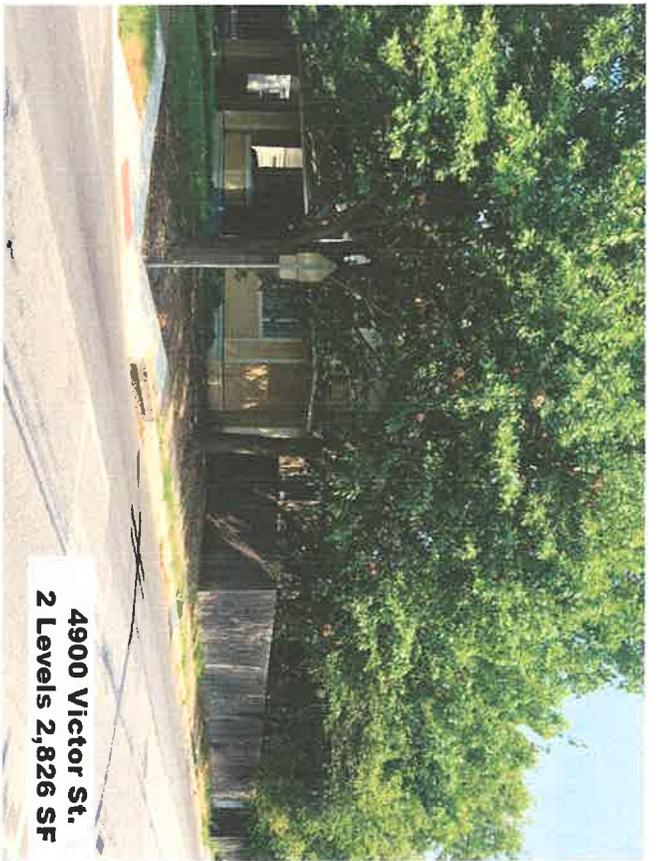
The properties adjacent to the Southeast, towards Victor St., (413 N. Prairie Ave. and 4731 Victor Street both have a 5' front yard and side yard setback facing onto N. Prairie Avenue.)



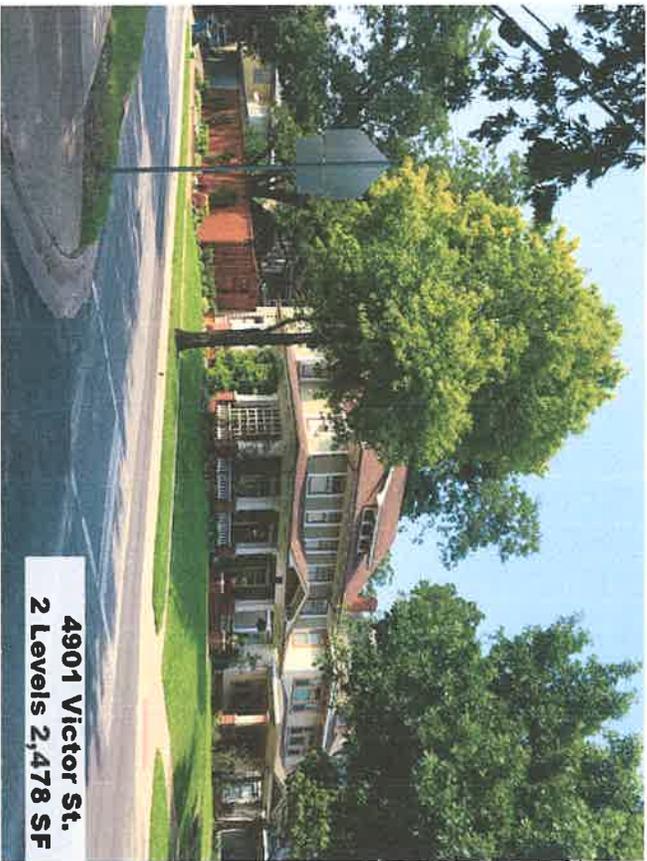
**4734 Tremont St.
2 Levels 2,430 SF**



**4734 Tremont St.
2 Levels 2,430 SF**



**4900 Victor St.
2 Levels 2,826 SF**



**4901 Victor St.
2 Levels 2,478 SF**

These photographs show the immediately adjacent similar neighborhood corner lot conditions to the Northwest, Northeast and Southeast of 4803 Victor Street. Each Property has a single front yard setback along its sideyard and secondary street frontage similar in character to that proposed for 4803 Victor Street.



4800 Tremont St.

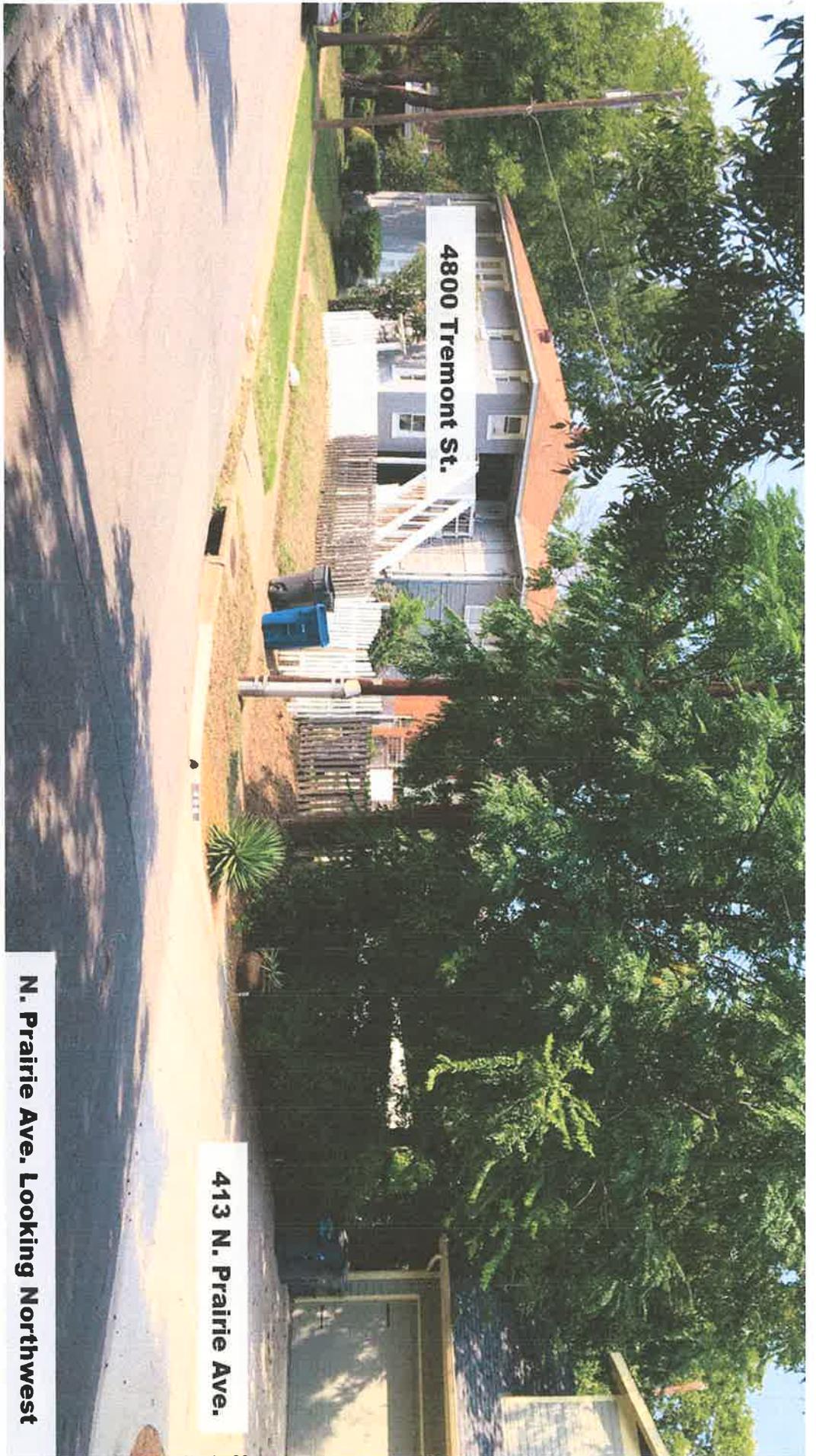
413 N. Prairie Ave.

4803 VICTOR STREET LOT

N. Prairie Ave. Looking Northwest

This Photograph looks Northwest from the corner of Victor St. and N. Prairie Avenue from the corner across the street from 4803 Victor St. It highlights the other 2 lots and homes of the Block. We visited the site multiple times prior to the proposed design for 4803 Victor St. and noticed no continuity of blockface on the Block between the 2 other existing homes on the block.

One, the opposing corner to 4803 Victor - 4800 Tremont Street, has a 5' setback along N. Prairie Avenue, the other, 408 N. Prairie Avenue has a 25' setback along N. Prairie Avenue. There is currently only discontinuity of blockface on this particular block. Whichever condition 4803 Victor St. was to match, there is no way for the block to have continuity.



N. Prairie Ave. Looking Northwest

413 N. Prairie Ave.

This Photograph looks Northwest from the corner of Victor St. and N. Prairie Avenue from the corner across the street from 4803 Victor St. It highlights the other 2 lots and homes of the Block. We visited the site multiple times prior to the proposed design for 4803 Victor St. and noticed no continuity of blockface on the Block between the 2 other existing homes on the block.

One, the opposing corner to 4803 Victor - 4800 Tremont Street, has a 5' setback along N. Prairie Avenue, the other, 408 N. Prairie Avenue has a 25' setback along N. Prairie Avenue. There is currently only discontinuity of blockface on this particular block. Whichever condition 4803 Victor St. was to match, there is no way for the block to have continuity.

4/4

Aguilera, Oscar E

From: Long, Steve
Sent: Thursday, April 04, 2019 12:05 PM
To: Braden Wayne
Cc: Aguilera, Oscar E
Subject: RE: BDA189-033, Property at 4803 Victor Street

Dear Mr. Wayne,

Please be advised that I will direct Oscar to prepare a report that states that you are requesting that the board deny this request without prejudice.

Thank you,

Steve

From: Braden Wayne <braden@stecklerlaw.com>
Sent: Thursday, April 04, 2019 12:03 PM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: Re: BDA189-033, Property at 4803 Victor Street

Please have the board sent without prejudice. Thank you.

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From: Long, Steve <steve.long@dallascityhall.com>
Sent: Thursday, April 4, 2019 9:43 AM
To: Braden Wayne
Cc: Aguilera, Oscar E
Subject: FW: BDA189-033, Property at 4803 Victor Street

Dear Mr. Wayne,

Can you please let me know today how we should proceed with writing this case report?

Do you want us to write a report that states the applicant wants the board to consider the request OR deny the request without prejudice?

Steve

From: Long, Steve
Sent: Wednesday, April 03, 2019 12:19 PM
To: 'Braden Wayne' <braden@stecklerlaw.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: RE: BDA189-033, Property at 4803 Victor Street

Very good. We would *prefer* an answer today but tomorrow is fine.

S.

From: Braden Wayne <braden@stecklerlaw.com>
Sent: Wednesday, April 03, 2019 10:58 AM
To: Long, Steve <steve.long@dallascityhall.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: RE: BDA189-033, Property at 4803 Victor Street

Steve,

I believe this depends on whether the property was sold at the sheriff's auction on Monday. I am looking into this and will let you know shortly.

Braden

Braden M. Wayne
Steckler Gresham Cochran PLLC
12720 Hillcrest Rd | Suite 1045
Dallas, TX 75230
p. 972.387.4040 | www.stecklerlaw.com
d. 972.532.1597 | braden@stecklerlaw.com

From: Long, Steve <steve.long@dallascityhall.com>
Sent: Wednesday, April 3, 2019 10:38 AM
To: Braden Wayne <braden@stecklerlaw.com>
Cc: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: FW: BDA189-033, Property at 4803 Victor Street

Dear Mr. Wayne,

As you can see below, Oscar would like to determine from you certain things on this application to incorporate into his case report that he would like to finish by the end of the day today.

With this in mind, would you please let us know by the end of the day today what you would like us to report in the case report:

1. The applicant wishes to have this variance considered by the board as originally applied for; OR
2. The applicant wishes to have this variance denied without prejudice since he no longer is interested in pursuing the variance at this time.

Thank you,

Steve



Steve Long
 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. **

BDA 189-033 ATTACHMENT B (3/4)

From: Aguilera, Oscar E
Sent: Wednesday, April 03, 2019 10:11 AM
To: Braden Wayne <braden@stecklerlaw.com>
Cc: Long, Steve <steve.long@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Pham, Theresa Y <theresa.pham@dallascityhall.com>
Subject: FW: BDA189-033, Property at 4803 Victor Street

Dear Braden Wayne,

I called you and left you a message regarding application BDA189-033 yesterday. Please note that staff is still recommending approval for this application as it was determined yesterday during the staff meeting. Staff would also like to know if you are moving forward with the public hearing for this application? Please note that the application may not be withdrawn at this time.

Sincerely,



Oscar Aguilera
 Senior Planner
 City of Dallas | www.dallascityhall.com
 Current Planning Division
 Sustainable Development and Construction
 1500 Marilla Street, 5BN
 Dallas, TX 75201
 O: 214-671-5099
oscar.aguilera@dallascityhall.com



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

From: Aguilera, Oscar E
Sent: Monday, March 18, 2019 8:54 AM
To: 'Braden Wayne' <braden@stecklerlaw.com>
Cc: Long, Steve <steve.long@dallascityhall.com>; Trammell, Charles <charles.trammell@dallascityhall.com>; Pham,

4/7

Theresa Y <theresa.pham@dallascityhall.com>
Subject: RE: BDA189-033, Property at 4803 Victor Street

Dear Braden Wayne,

Staff will forward this email to the board for their consideration at the hearing on this matter this Monday, March 18th where at that time, the board can: 1) grant the request, 2) deny the request, or 3) delay the request per your request.

Please let me know if I can assist you in any other way on this matter.

Sincerely,



Oscar Aguilera
Senior Planner
City of Dallas | www.dallascityhall.com
Current Planning Division
Sustainable Development and Construction
1500 Marilla Street, 5BN
Dallas, TX 75201
O: 214-671-5099
oscar.aguilera@dallascityhall.com



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

From: Braden Wayne [<mailto:braden@stecklerlaw.com>]
Sent: Monday, March 18, 2019 8:44 AM
To: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Subject: Re: BDA189-033, Property at 4803 Victor Street

Oscar, we would like to withdraw our application for a variance. If necessary we will reapply at a later date.

Thank you,

Braden.

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From: Aguilera, Oscar E <oscar.aguilera@dallascityhall.com>
Sent: Monday, March 18, 2019 8:22 AM
To: Braden Wayne
Subject: RE: BDA189-033, Property at 4803 Victor Street

Dear Braden Wayne,

Attach please find the attachment.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-033
~~178-123~~

Date: ~~1-21-18~~ ~~1-23-18~~ 1-23-19

Data Relative to Subject Property:

Location address: 4803 Victor Street Zoning District: PD 98

Lot No.: 1/2 PT LT 7 Block No.: A/795 Acreage: 0.121 Census Tract: 15.02

Street Frontage (in Feet): 1) 50 2) 106 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Mason and Rachel Franz

Applicant: David Lloyd Telephone: 972-849-5691

Mailing Address: 5675 Miramar Frisco, TX Zip Code: 75034

E-mail Address: David@dlloyd.org

Represented by: Braden Wayne Telephone: 972-387-4040

Mailing Address: 12720 Hillcrest Road Suite 1045 Zip Code: 75230

E-mail Address: braden@stecklerlaw.com

Affirm that an appeal has been made for a Variance , or Special Exception __, of To construct a single family residential structure and provide a 18 foot 10 inch front yard setback, which will require a 6 foot 2 inch variance to the front yard setback regulations.

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:
Variance requested due to the reduction and hardship of a reduced buildable area that would be 50% of that of neighboring lots on the same block due to the requirement of a double frontage. The block or directly adjacent blocks does not have any consistent continuity of block face. Both items are a significant hindrance on any development of the lot.

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

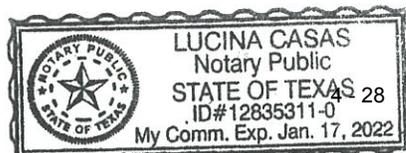
Before me the undersigned on this day personally appeared David Lloyd
(Affiant/Applicant's name printed)

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.

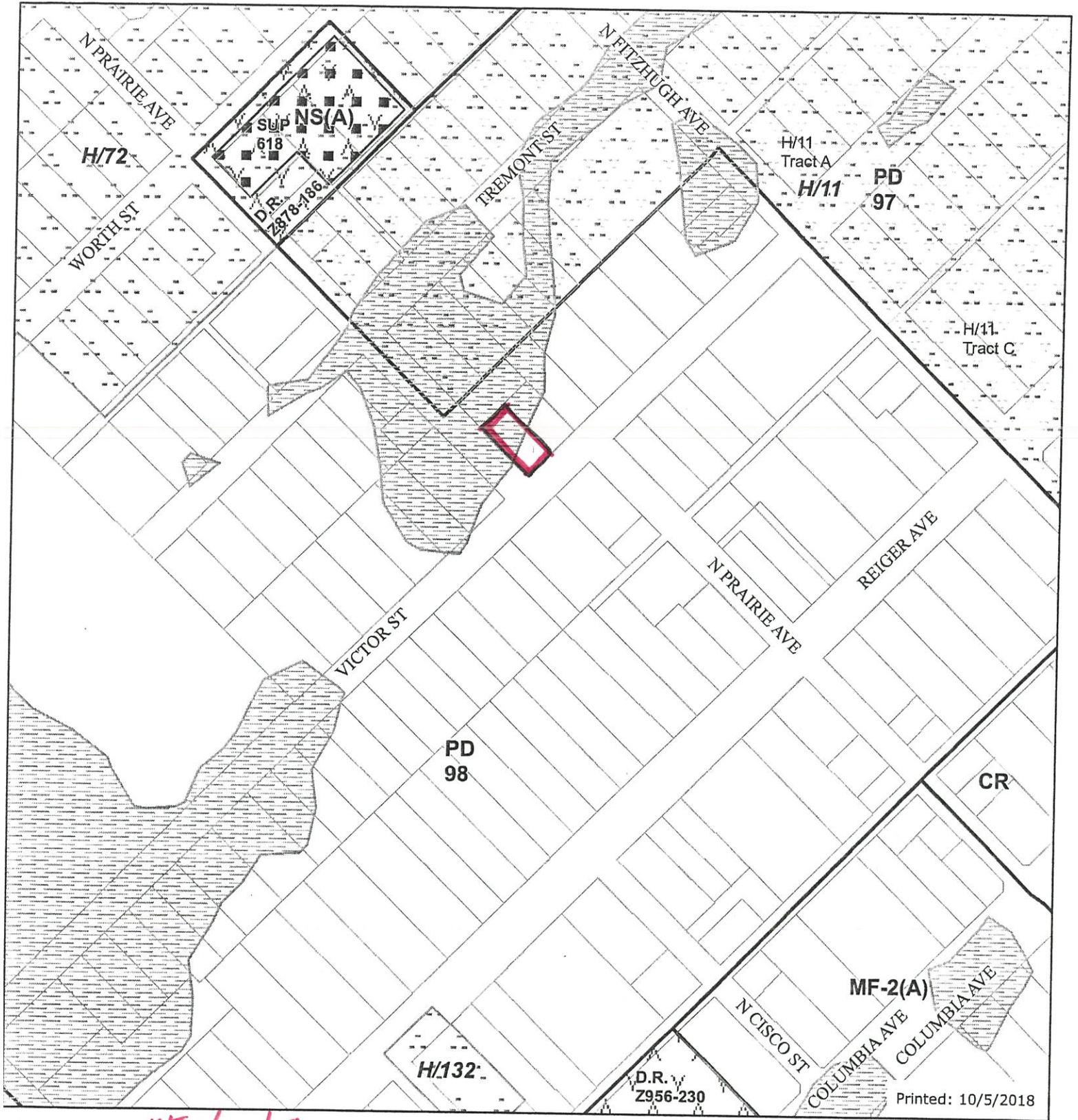
Respectfully submitted: David Lloyd
(Affiant/Applicant's signature)

Subscribed and sworn to before me this 22 day of January, 2019

(Rev. 08-01-11)



Lucina Casas
Notary Public in and for Dallas County, Texas



Printed: 10/5/2018

Legend

RF 1/23/19

- | | | | |
|----------------------|--------------------------------|-----------------------|----------------------------|
| City Limits | railroad | Dry Overlay | CD Subdistricts |
| School | Certified Parcels | D | PD Subdistricts |
| Floodplain | Base Zoning | D-1 | PDS Subdistricts |
| 100 Year Flood Zone | PD193 Oak Lawn | CP | NSO Subdistricts |
| Mill's Creek | Dallas Environmental Corridors | SP | NSO Overlay |
| Peak's Branch | SPSP Overlay | MD Overlay | Escarpment Overlay |
| X Protected by Levee | Deed Restrictions | Historic Subdistricts | Parking Management Overlay |
| Parks | SUP | Historic Overlay | 4 - 30 |
| | | Height Map Overlay | Shop Front Overlay |

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



BLOCKS
SCHOOL DISTRICT



CE
A29

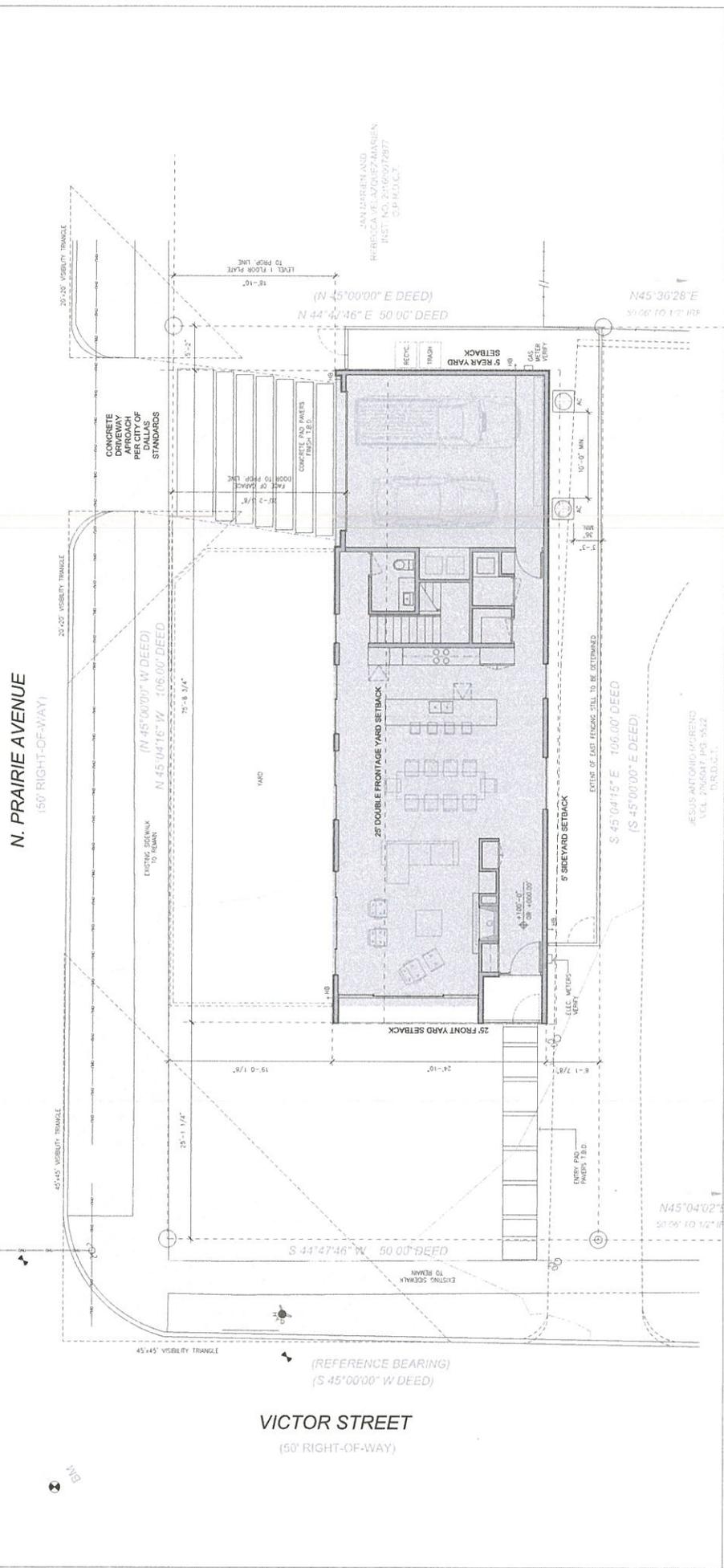
1/23/19
PF



HOUSE SQUARE FOOTAGE
 HOUSE: [LEVEL 1 CONDITIONED SPACE] 1,233 SF
 GARAGE: 2,604 [TOTAL CONDITIONED SPACE]
 TOTAL SF: 3,222
 LOT COVERAGE: 1,781 SF / 5,303 SF = 33.20% < 45% LOT COVERAGE



NOT TO SCALE
 Fire Hydrant Location Reference
 02



01

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CONSULTANT

No. Date Hour
 01.21.19

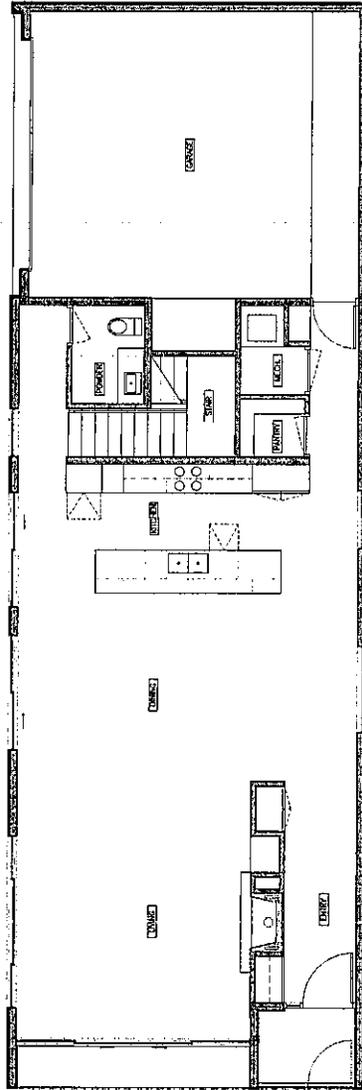
ARCHITECT
FAR + DANG
 4111 BERNAWETA ST #10119
 DALLAS, TEXAS 75244
 787.242.3435
 OFFICE@FARDANG.COM

OWNER
 HOFFFIELD PARTNERS I, LLC
 4803 VICTOR STREET
 DALLAS, TEXAS 75244

TITLE
 Site Plan

4803 VICTOR STREET

Date 01.21.19 Scale 3/16" = 1'-0" A1.0



Floor Plan Level 1 01

THE
Floor Plan
Level 1
Date: 8-23-18 Scale: Drawing: A1,1



4803 VICTOR STREET

ARCHITECT
FAR + DANG
4414 BERNALVEJA STREET #1018
DALLAS, TEXAS 75244
714.247.7000
DFRIZ@FAR+DANG.COM

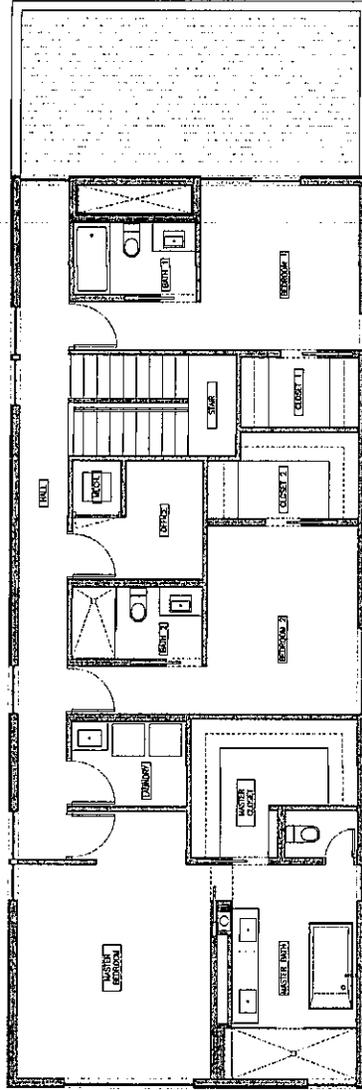
OWNER
HOCKEY PARTNERS, LLC
4803 VICTOR STREET
DALLAS, TEXAS 75246



No. Date Name Issue
01.21.18

CONSULTANT

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Floor Plan Level 2 01

THE
Floor Plan
Level 2
Date 9-21-18 Scale Drawing A1.5



4803 VICTOR STREET

ARCHITECT
FAR + DANG
4114 BIRDAWAY STREET, SUITE 100
DALLAS, TEXAS 75244
OFFICE: 972.341.1004
OFFICE@FAR+DANG.COM

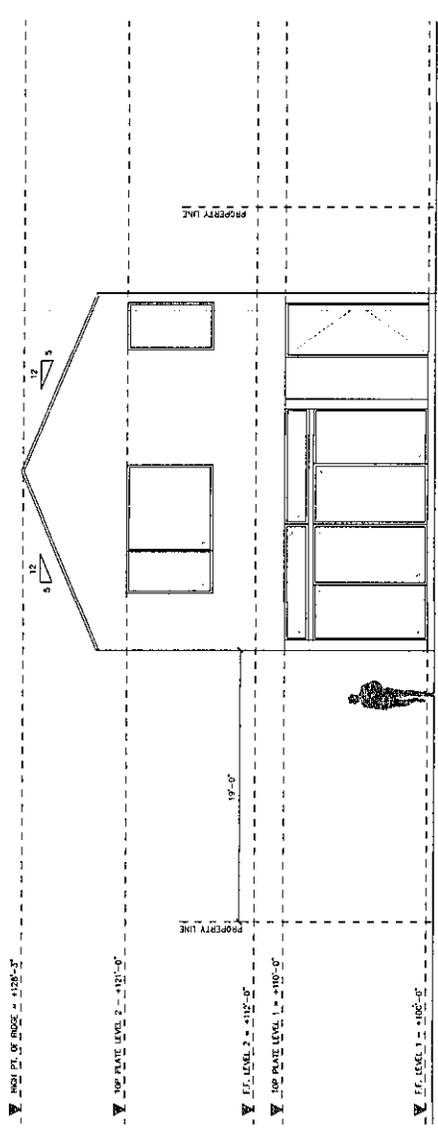
OWNER
HARBOR PARTNERS, L.L.C.
4803 VICTOR STREET
DALLAS, TEXAS 75248



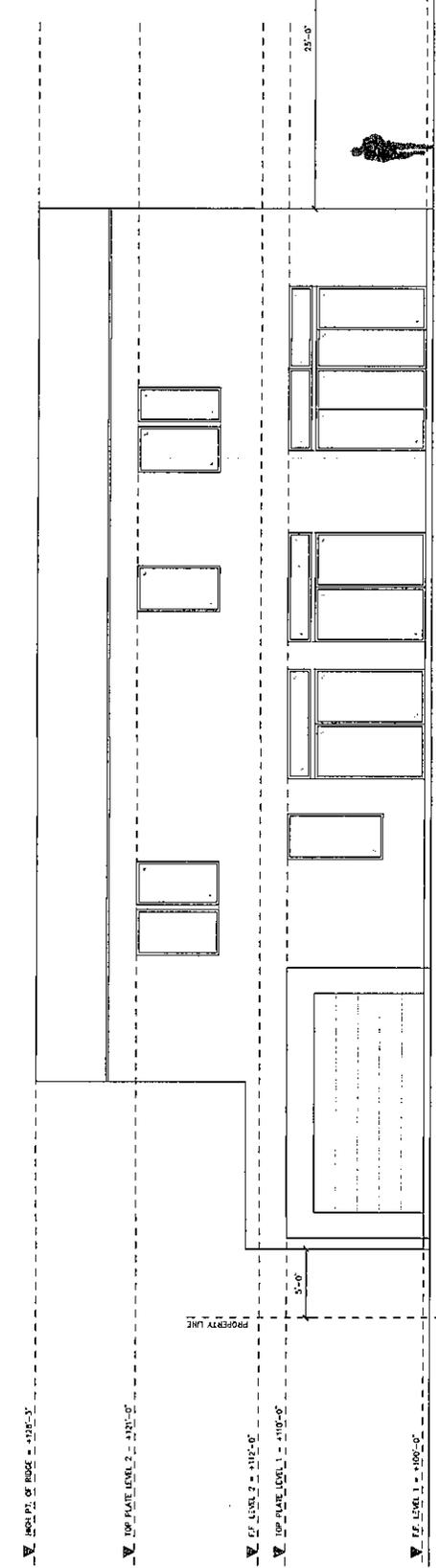
NO. DATE NAME
012118

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South Elevation 02



West Elevation 01

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CONSULTANT

DATE: 01.21.19

PROJECT: 4803 VICTOR STREET

OWNER: THE PROPERTY OWNERS LLC
 4803 VICTOR STREET
 DALLAS, TEXAS 75244

ARCHITECT: FAR + DANG
 4111 BIRDAVIA STREET, NO. 111
 DALLAS, TEXAS 75244
 OFFICE: @FARANDDANG.COM

4803 VICTOR STREET

THE
 Exterior
 Elevations

Date: 01.21.19
 Scale: 1/4" = 1'-0"
 Drawing: A4.0



The number '0' indicates City of Dallas Ownership

 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;">26</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	26	NUMBER OF PROPERTY OWNERS NOTIFIED	Case no: BDA189-033 Date: 2/13/2019
200'	AREA OF NOTIFICATION					
26	NUMBER OF PROPERTY OWNERS NOTIFIED					

Notification List of Property Owners

BDA189-033

26 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4803 VICTOR ST	FRANZ MASON W &
2	4734 TREMONT ST	HEWLETT ELAINE
3	413 N PRAIRIE AVE	ISYA LTD PS
4	4730 TREMONT ST	HEWLETT ELAINE
5	4726 TREMONT ST	ORTEGA MARIA CLEOFAS
6	4804 TREMONT ST	BUSKIRK SHARON MARIE V
7	4800 TREMONT ST	BUDHABHATTI BIMAL & NEETA SAVLA
8	4810 TREMONT ST	ORDAZ ANGELINA
9	4814 TREMONT ST	SPITZER DEBORAH ANN
10	4818 TREMONT ST	HUBBARD BRADLEY G
11	4821 VICTOR ST	OLIVO RICARDO
12	4817 VICTOR ST	KELM RODNEY & JUNE
13	4811 VICTOR ST	SCHEXNAYDER SHAWN
14	408 N PRAIRIE AVE	MARIEN JAN & REBECCA VELAZQUEZ
15	4809 VICTOR ST	MORENO JESUS ANTONIO &
16	4731 VICTOR ST	KRISHKAV INVESTMENTS LLC
17	4727 VICTOR ST	KEIDEL DANIEL J &
18	4723 VICTOR ST	MICOMAR LLC
19	4726 VICTOR ST	ANDERSON EDWARD M JR
20	4728 VICTOR ST	KAGAN LEAH C
21	321 N PRAIRIE AVE	HOLMES MICHELLE
22	4742 VICTOR ST	LAKWOOD WESTSHORE
23	4806 VICTOR ST	CARUNCHIA MARY ELIZABETH
24	4800 VICTOR ST	ARBUCKLE JERELYN S
25	4810 VICTOR ST	SUAREZ JUAN A
26	4738 VICTOR ST	BARNES ROBIN L

02/13/2019

Label # Address

Owner

FILE NUMBER: BDA178-038(OA)

BUILDING OFFICIAL'S REPORT: Application of James White III, represented by Michael R. Coker Company, for a variance to the front yard setback regulations, special exceptions to the fence standards regulations, and special exceptions to the visual obstruction regulations at 11534 Hillcrest Road. This property is more fully described as Lot 1 and PT LT 2 and 4, Block C/7494, and is zoned R-16(A), requires a front yard setback of 35 feet, limits the height of a fence in the front yard to 4 feet, limits the height of a fence in the side or rear yard to 9 feet, and requires a 45 foot visibility triangle at street intersections and 20 foot visibility triangles at driveway approaches. The applicant proposes to construct and/or maintain a structure and provide a 32 foot 9 inch front yard setback, which will require a 2 foot 3 inch variance to the front yard setback regulations, to construct and/or maintain a 9 foot 6 inch fence in a front, side, and/or rear yard which will require a 5' 6" special exception to the fence standards regulations for a fence in the front yard setback, and a 6" special exception to the fence standards regulations for a fence in the side and/or rear yard, and to locate and maintain items in required visibility triangles at a street intersection and at driveway approaches which will require special exceptions to the visual obstruction regulations.

LOCATION: 11534 Hillcrest Road

APPLICANT: James White III
Represented by Michael R. Coker Company

REQUESTS:

The following requests have been made on a site that is developed with a single-family home:

1. a variance to the front yard setback regulations of 2' 3" is made to maintain a single-family structure located 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback;
2. special exceptions to the fence standards regulations related to fence height of 5' 6" is made to maintain a fence higher than 4' in height in both front yard setbacks:
 - a) Along N. Janmar Drive: – a 8' solid wood fence, a 5' 6" to 6' decorative wrought iron fence with 6' high stone masonry columns, a portion of which sits atop a 0' to 3' retaining wall and a 7' 6' motorized wrought iron gate; and
 - b) Along Hillcrest Road: – a 5' 6" to 6' decorative wrought iron fence with 6' high stone masonry columns and a 7' 6' motorized wrought iron gate of which sits atop a 2' to 3' retaining wall.
3. special exceptions to the fence standards regulations related to fence height of 5" are made to maintain a 9' 5" in height solid wood fence in the required side yard setbacks; and
4. special exceptions to the visual obstruction regulations are made to maintain:
 - a) portions of a 6' high stone masonry column and landscape materials in the 45' visibility triangle at the intersection of Hillcrest Road and Janmar Drive;

- b) portions of a 6' high stone masonry columns that sit atop a 0' to 3' retaining wall in one of the two 20' visibility triangles located on the west side of the driveway into the site from N. Janmar Drive.
- c) portions of a 6' high stone masonry column and portion a retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road.
- d) portions of a retaining wall in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.

STANDARD FOR A VARIANCE:

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

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

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.

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d) (3) of the Dallas Development Code states that the board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (front yard variance):

Denial.

Rationale:

- Staff concluded that the applicant had not substantiated how the variance is necessary to permit development of the subject site that is slightly sloped, slightly irregular in shape but according to the submitted application is 0.816 acres (or approximately 38,150 square feet or twice the area found in most lots in this zoning district) where these features preclude it from being developed in a manner commensurate with the development upon other parcels of land with the same R-16(A) zoning district.

STAFF RECOMMENDATION (fence standards):

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.

STAFF RECOMMENDATION (45' visibility triangle at the intersection of Hillcrest Road and N. Janmar Drive):

Denial:

Rationale:

- The Sustainable Development Department Senior Engineer recommends that this request be denied.
- Staff concluded that request for special exception to the visual obstruction regulations should be denied because the applicant had not substantiated how the items to be maintained in the visibility triangle does not constitute a traffic hazard.

STAFF RECOMMENDATION (20' visibility triangles at the driveways):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that the request for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the item located in the visibility triangles do not constitute a traffic hazard.

BACKGROUND INFORMATION:

Zoning:

- Site: R-16 (A) (Single family district 16,000 square feet)
- North: R-16 (A) (Single family district 16,000 square feet)
- South: R-16 (A) (Single family district 16,000 square feet)
- East: R-16 (A) (Single family district 16,000 square feet)

West: R-16 (A) (Single family district 16,000 square feet)

Land Use:

The subject site is developed with a single family home. 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 (front yard variance):

- The request for a variance to the front yard setback regulations of 2' 3" focuses on maintaining a single-family structure located 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback.
- The subject site is zoned R-16 (A) which requires a 35' front yard setback.
- The subject site is located at the southeast corner of Hillcrest Road and N. Janmar Drive. Regardless of how the structure is proposed to be oriented to front Hillcrest Road, the subject site has a required 35' front yard setbacks along both street frontages.
- The submitted site plan indicates that the proposed home structure is located as close as 32' 9" from one of the site's two required front yards (N. Janmar Drive) or 2' 3" into this 35' front yard setback.
- DCAD records indicate the following improvements for property located at 11534 Hillcrest Road: "main improvement: a structure with 2,986 square feet of living area built in 1957", and "additional improvements; a 616 square foot attached garage, and a pool".
- On March 20, 2019, the applicant submitted a revised site plan (Attachment B) representing the streets, property line and a better depiction of the existing fence in the front yard setbacks and side yards.
- The subject site is slightly sloped, slightly irregular in shape and according to the submitted application is 0.816 acres (or approximately 38,150 square feet) in area. The site is zoned R-16 (A) where lots are typically 16,000 square feet in area.
- The applicant has the burden of proof in establishing the following:
 - That granting the variance to the front yard setback regulations will not be contrary to the public interest when owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the ordinance will be observed, and substantial justice done.
 - The variance is necessary to permit development of the subject site that differs from other parcels of land by being of such a restrictive area, shape, or slope, that the subject site cannot be developed in a manner commensurate with the development upon other parcels of land in districts with the same R-16(A) zoning classification

- The variance would not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor to permit any person a privilege in developing this parcel of land (the subject site) not permitted by this chapter to other parcels of land in districts with the same R-16(A) zoning classification.
- If the Board were to grant this request and impose the submitted revised site plan as a condition, the structure in the front yard setback would be limited to what is shown on this document– which is single family structure located 32’ 9” from one of the site’s two required front yards (N. Janmar Drive) or 2’ 3” into this 35’ front yard setback.

GENERAL FACTS/STAFF ANALYSIS (fence standards):

- The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on maintaining a fence higher than 4’ in the site’s two front yard setbacks:
 - 1) Along N. Janmar Drive: – a 8’ solid wood fence, a 5’ 6” to 6’ decorative wrought iron fence with 6’ high stone masonry columns, a portion of which sits atop a 0’ to 3’ retaining wall and a 7’ 6’ motorized wrought iron gate);
 - 2) Along Hillcrest Road: – a 5’ 6” to 6’ decorative wrought iron fence with 6’ high stone masonry columns and a 7’ 6’ motorized wrought iron gate of which sits atop a 2’ to 3’ retaining wall; and,
- The requests for special exceptions to the fence standards regulations on a site developed with a single-family home focus on maintaining a 9’ 5” in height solid wood fence in the site’s two side setbacks:
- The subject site is zoned R-16 (A) which requires a 35’ front yard setback and a 10’ side 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 Dallas Development Code states that a person shall not erect or maintain a fence in a required yard more than 9’ above grade.
- The subject site is located at the southeast corner of Hillcrest Road and N. Janmar Drive. Regardless of how the structure is proposed to be oriented to front Hillcrest Road, the subject site has a required 35’ front yard setbacks along both street frontages.
- The applicant submitted revised site plan and elevation representing the proposed fences in the front yard setbacks and in the side yard setbacks with notations indicating that the proposal reaches a maximum height of 9’ 6”.
- The following additional information was gleaned from the submitted revised site plan:
 - The proposal is represented as being approximately 150’ in length parallel to Janmar Drive and about 35’ perpendicular to the street on the east side of the site, and between 5’ - 20’ on the west side in this required front yard as the fence approaches the intersection with Hillcrest Road.
 - The proposal is represented as being approximately 180’ in length parallel to Hillcrest Road and about 35’ perpendicular to the street on the east side of the

- site, and between 5'- 20' on the west side in this required front yard as the fence approaches the intersection with Janmar Drive.
- The proposal is represented as being about 340' in length located on the south and east property lines in these required side yard setbacks.
 - The Sustainable Development and Construction Department Senior Planner conducted a field visit of the site and surrounding area and noted several other fences that appeared to be above 4' in height along Hill Crest Road and located in front yard setback. None of these existing fences have recorded BDA history.
 - The applicant has the burden of proof in establishing that the special exception to the fence standards regulations related to fence height of 5' 6" will not adversely affect neighboring property.
 - As of April 5th, 1 letter has been submitted in support and 1 letter in opposition to this request.
 - Granting these special exceptions with a condition imposed that the applicant complies with the submitted revised site plan and elevation would require the proposal exceeding 5' 6" in height located in the front yard setbacks and exceeding 9' in height in the side yard setbacks to be maintained in the locations and of the heights and materials as shown on these documents.

GENERAL FACTS/STAFF ANALYSIS (45' visibility triangle special exception):

- This request for special exception to the visual obstruction regulations focuses on maintaining portions of a 6' high stone masonry column and landscape materials in the 45' visibility triangle at the intersection of Hillcrest Road and Janmar Drive on a site that is currently developed with a single-family home.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The subject site is zoned R-16 (A) which requires a 45-foot visibility triangle at the intersection of two streets.
- A site plan and an elevation have been submitted indicating 6' high stone masonry column and landscape materials located in the 45' visibility triangle at the intersection of Hillcrest Road and Janmar Drive.
- The Sustainable Development Department Senior Engineer recommends denial of the proposed special exception to the visibility triangle at the intersection of Hillcrest Road and N. Janmar Drive (See Attachment C).
- The applicant has the burden of proof in establishing how granting this request to maintain 6' high stone masonry column and landscape materials located in the 45' visibility triangle at the intersection of Hillcrest Road and Janmar Drive does not constitute a traffic hazard.

- Granting this request with a condition imposed that the applicant complies with the submitted revised site plan and elevation would limit the item to be maintained in the 45' intersection visibility triangle to that what is shown on these documents – 6' high stone masonry column and landscape materials.

GENERAL FACTS/STAFF ANALYSIS (20' visibility triangle special exceptions):

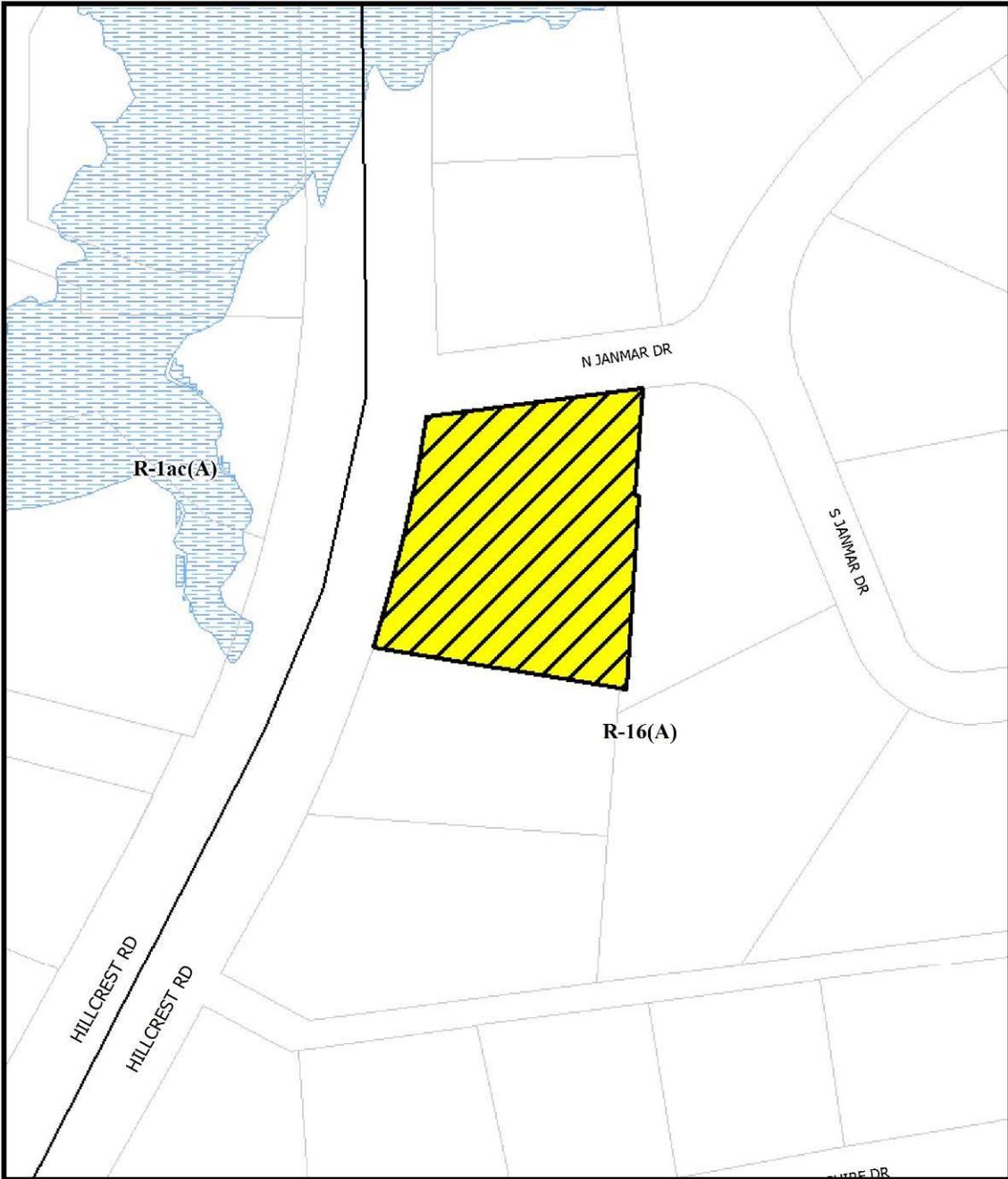
- The requests for special exceptions to the visual obstruction regulations on a site developed with a single-family home focus on:
 - 1) maintaining portions of a 6' high stone masonry column in one of the two 20' visibility triangles located on the east side of the driveway into the site from N. Janmar Drive;
 - 2) maintaining portions of a 6' high stone masonry column and portion a retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road; and
 - 3) maintaining portion of a retaining wall in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.
- The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections and 20-foot visibility triangles at drive approaches and at alleys on properties zoned single family); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted a revised site plan and elevation indicating portions of a 6' high stone masonry column in one of the 20' visibility triangle located on the east side of the driveway into the site from N. Janmar Drive, portions of a 6' high stone masonry column and portion a 3' high retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road, and portions of a 3' retaining wall and landscape materials in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections".
- The applicant has the burden of proof in establishing how granting the requests for special exceptions to the visual obstruction regulations, to maintain portions of a 6' high stone masonry column and portion a 3' high retaining wall in one of the two 20' visibility triangles located on the north side of the driveway into the site from Hillcrest Road, and portions of a 3' retaining wall and landscape materials in one of the two 20' visibility triangles located on the south side of the driveway into the site from Hillcrest Road do not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted revised site plan and elevation would limit the items required 20-foot visibility triangle located on the east side of the driveway into the site from N. Janmar Drive and to the visual obstruction regulations to the required two 20-foot visibility

triangle on both sides the driveway into the site from Hillcrest Road to that what is shown on these documents – portions of 6’ high columns, 3’ retaining walls and landscape materials.

Timeline:

- January 31, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.
- March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.
- March 13, 2019: The Sustainable Development and Construction Department Senior Planner emailed the applicant the following information:
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 5th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
 - the criteria/standards that the board will use in their decision to approve or deny the requests; and
 - the Board of Adjustment Working Rules of Procedure pertaining to documentary evidence.
- March 20, 2019: The Building Inspection Senior Plans Examiner/Development Code Specialist forwarded a revised Building Official’s report to the Board Administrator (see Attachment A).
- March 20, 2019: The applicant submitted additional information to staff beyond what was submitted with the original application (see Attachment B).
- April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.
- April 3, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “recommends denial of the proposed special exception to the visibility triangle at the

intersection of Hillcrest Road and N. Janmar Drive and has no objections to a special exception to the visibility triangles at the private driveways” (See Attachment C).

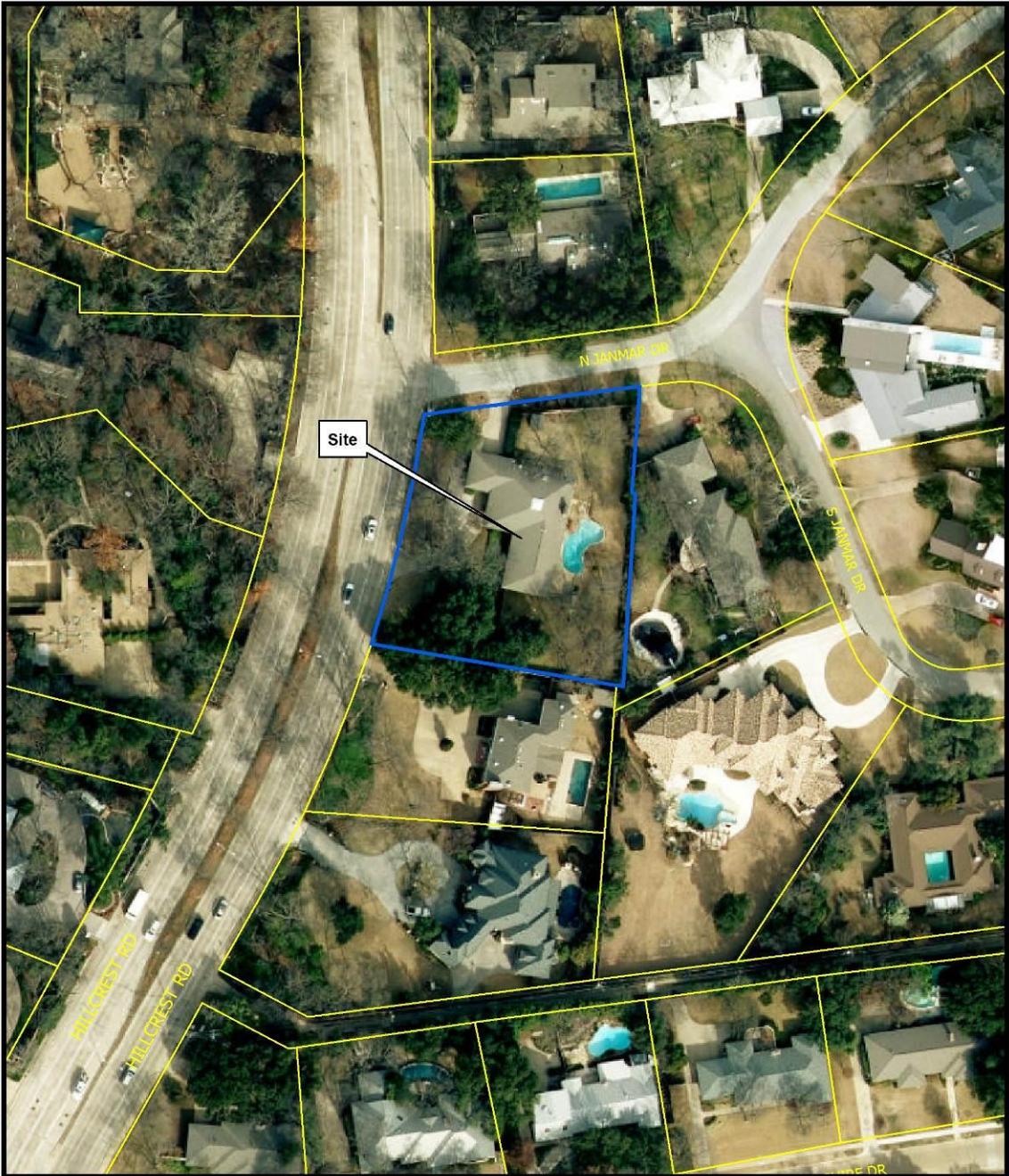


1:1,200

ZONING MAP

Case no: BDA189-038

Date: 3/22/2019



1:1,200

AERIAL MAP

Case no: BDA189-038

Date: 3/22/2019

MEMORANDUM OF ACTION TAKEN BY THE BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied _____

Remarks _____

Chairman

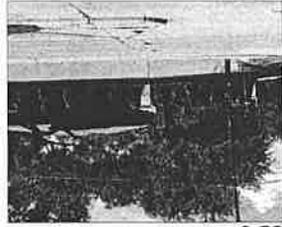
Building Official's Report

I hereby certify that James White III represented by Michael R Coker did submit a request for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, and for a variance to the front yard setback regulations, and for a special exception to the fence height regulations at 11534 Hillcrest Road

BDA189-038. Application of James White III represented by Michael R Coker for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, and for a variance to the front yard setback regulations, and for a special exception to the fence height regulations at 11534 HILLCREST RD. This property is more fully described as Lot 1 and PT LT 2 and 4, Block C/7494, and is zoned R-16(A), which limits the height of a fence in the front yard to 4 feet, and 9 feet in a required side or rear yard and requires a 20 foot visibility triangle at driveway approaches and requires a 4 foot visibility triangle at street intersections and requires a front yard setback of 35 feet. The applicant proposes to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential fence structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulation, and to construct a single family residential structure and provide a 32 foot 9 inch front yard setback, which will require a 2 foot 3 inch variance to the front yard setback regulations, and to construct an 9 foot 6 inch high fence in a front yard and 6 inches in a required side or rear yard, which will require a 5 foot 6 inch special exception to the fence regulations.

Sincerely,

Philip Sikes, Building Official



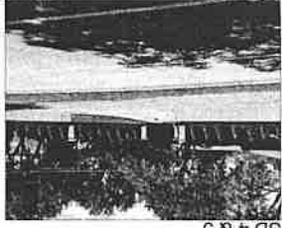
SD 5



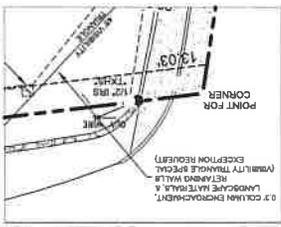
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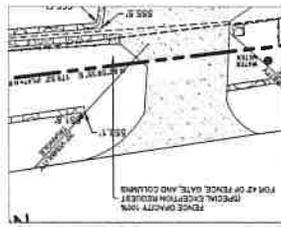
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SD 4 & 5



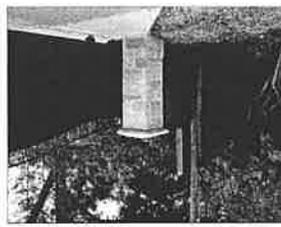
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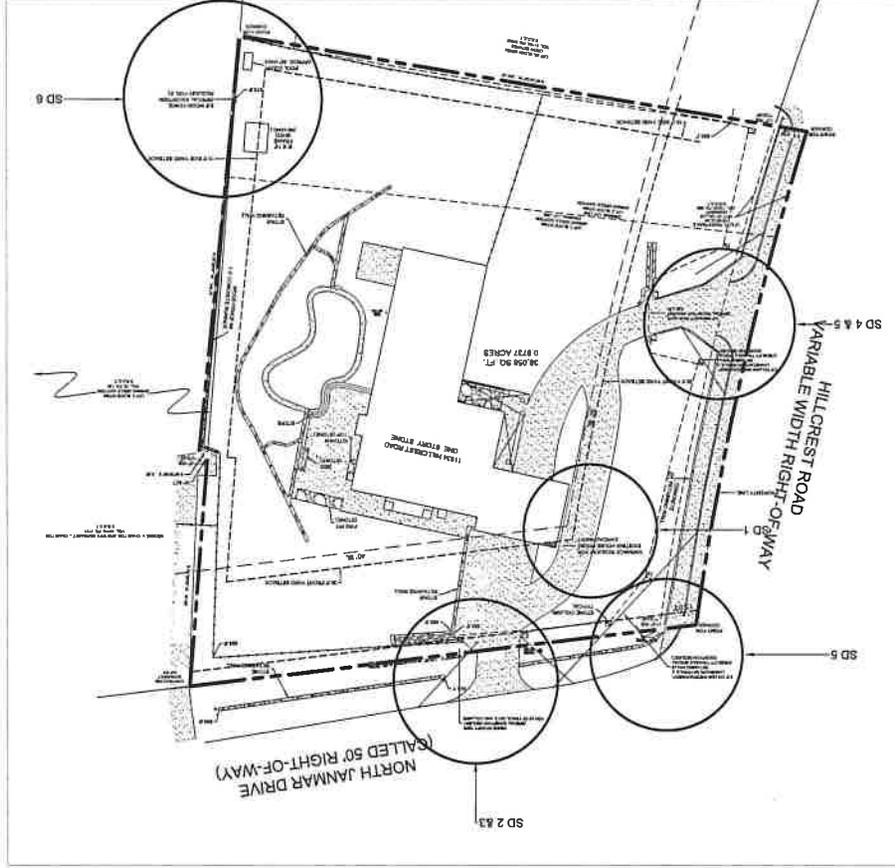
SD 3



SD 3



SD 2



SD 7

- 11534 Hillcrest Road - Board of Adjustment Requests
(Details on Site Plan correspond to this list)
- Variance to front yard setback (North Janmar Drive) to allow for a small corner of the existing main structure (house). This corner of the house encroaches in to the front setback 2.3 feet.
 - Special Exception of 5'-4" to fence height in front yard setback (North Janmar Drive).
 - Special Exception to fence opacity standards within five feet of property line. A small portion of the stone fence column and the solid wood fence along North Janmar Drive is 100% opaque for a length of 42 feet from the stone fence column on the west side of the gate to the east.
 - Special Exception of 3'-6" to fence height in front yard setback (Hillcrest Road).
 - Special Exception to Visibility Triangles at the Hillcrest Road driveway (20 feet) and at the intersection of Hillcrest Road and North Janmar Drive (45 feet) to show for existing landscape materials and retaining walls and small portion of a 6'-5" fence.
 - Special Exception of 0.5 foot to fence height in east side yard setback to allow for stone fence columns.

SITE PLAN & SITE DETAILS

Scale: 1"=10'

North Arrow

REVISIONS:

NO.	DATE	DESCRIPTION

11534 HILLCREST ROAD
DALLAS, TEXAS
JANMAR CIRCLE ADDITION

Michael R. COKER Company

ATTACHMENT B

BDA189-038

Attachment 1

REVIEW COMMENT SHEET
BOARD OF ADJUSTMENT
HEARING OF **APRIL 15, 2019 (C)**

Has no objections

Has no objections if certain conditions
are met (see comments below or attached)

Recommends denial
(see comments below or attached)

No comments

BDA 189-030 (OA)

BDA 189-033 (OA)

BDA 189-038 (OA)

BDA 189-045 (OA)

BDA 189-047 (OA)

BDA 189-048 (OA)

COMMENTS:

**1. Has no objections to a special
exception to the visibility triangles at
private driveways.**

**2. Recommends denial of the proposed
special exception to the visibility
triangle at the intersection of Hillcrest
Road at N Janmar Drive.**

David Nevarez, P.E., PTOE, SDC-Engineering

Name/Title/Department

April 3, 2019

Date

Please respond to each case and provide comments that justify or elaborate on your response. Dockets distributed to the Board will indicate those who have attended the review team meeting and who have responded in writing with comments.



City of Dallas

APPLICATION/APEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-038

Date: 1-31-19

Data Relative to Subject Property:

Location address: 11534 Hillcrest Road Zoning District: R-16(A)

Lt. 1 & Pt. Lts 2 & 4
Lot No.: _____ Block No.: C/7494 Acreage: 0.876 Census Tract: 0131.01

Street Frontage (in Feet): 1) Hillcrest: 178.73' 2) Janmar: 179.52' 3) _____ 4) _____ 5) _____

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): James L. White III and Kristy White

Applicant: James L. White III Telephone: 972-488-6500

Mailing Address: 11534 Hillcrest Road Zip Code: 75230

E-mail Address: bowwhite@prolawndallas.com

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

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

E-mail Address: mrcoker@cokercompany.com

Affirm that an appeal has been made for a Variance X, or Special Exception X, of front and side setback regulations for fence height and opacity, for visibility triangle encroachments, for structure encroachments. (See Attached Supplement Information)

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 fence, fence columns, gates, landscaping and retaining walls are commensurate with other properties adjacent to the site and throughout the surrounding neighborhood. The visibility triangle encroachments do not impact traffic operations or hinder visibility.

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

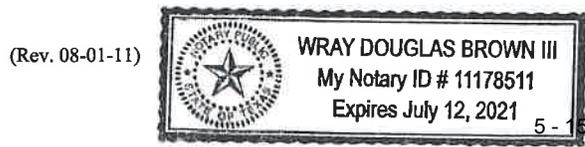
Before me the undersigned on this day personally appeared James White
(Affiant/Applicant's name printed)

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

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

Subscribed and sworn to before me this 11th day of December, 2018

[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 James White III
represented by Michael R Coker
did submit a request for a special exception to the visibility obstruction regulations, and for a
special exception to the visibility obstruction regulations, and for a variance
to the front yard setback regulations, and for a special exception to the
fence height regulations
at 11534 Hillcrest Road

BDA189-038. Application of James White III represented by Michael R Coker for a special
exception to the visibility obstruction regulations, and for a special exception to the visibility
obstruction regulations, and for a variance to the front yard setback regulations, and for a
special exception to the fence height regulations at 11534 HILLCREST RD. This property
is more fully described as Lot 1 and PT LT 2 and 4, Block C/7494, and is zoned R-16(A),
which limits the height of a fence in the front yard to 4 feet and requires a 20 foot visibility
triangle at driveway approaches and requires a 45 foot visibility triangle at street
intersections and requires a front yard setback of 35 feet. The applicant proposes to
construct a single family residential fence structure in a required visibility obstruction
triangle, which will require a special exception to the visibility obstruction regulation, and to
construct a single family residential fence structure in a required visibility obstruction
triangle, which will require a special exception to the visibility obstruction regulation, and to
construct a single family residential structure and provide a 32 foot 9 inch front yard
setback, which will require a 2 foot 3 inch variance to the front yard setback regulations,
and to construct an 9 foot 6 inch high fence in a required front yard, which will require a 5
foot 6 inch special exception to the fence regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official

11534 Hillcrest Road – Board of Adjustment Requests

(Details on Site Plan correspond to this list)

1. Variance to front yard setback (North Janmar Drive) to allow for a small corner of the existing main structure (house). This corner of the house encroaches in to the front setback 2.3 feet.
2. Special Exception of 5'-4" to fence height in front yard setback (North Janmar Drive).
3. Special Exception to fence opacity standards within five feet of property line. A small portion of the stone fence column and the solid wood fence along North Janmar Drive is 100% opaque for a length of 42 feet from the stone fence column on the west side of the gate to the east.
4. Special Exception of 3'-6" to fence height in front yard setback (Hillcrest Road).
5. Special Exception to Visibility Triangles at the Hillcrest Road driveway (20 feet) and at the intersection of Hillcrest Road and North Janmar Drive (45 feet) to allow for existing landscape materials and retaining walls and small portion of stone fence columns.
6. Special Exception of 0.5 foot to fence height in east side yard setback to allow for a 9.5' fence.



7468

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1500

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SOUTH

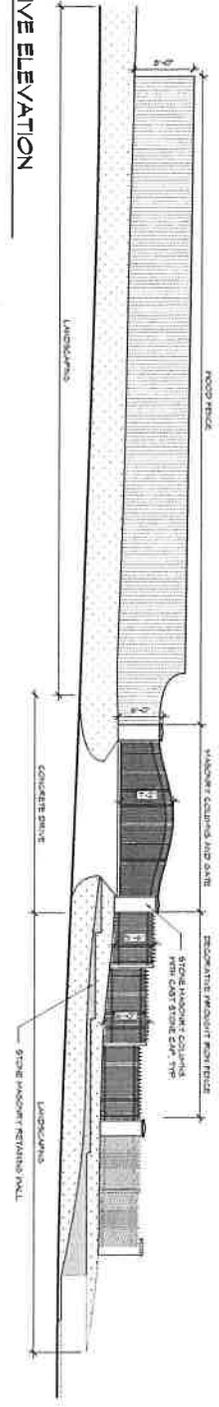
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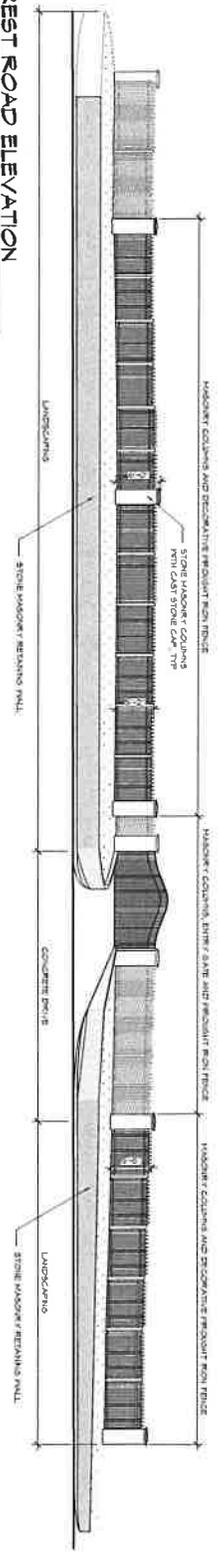
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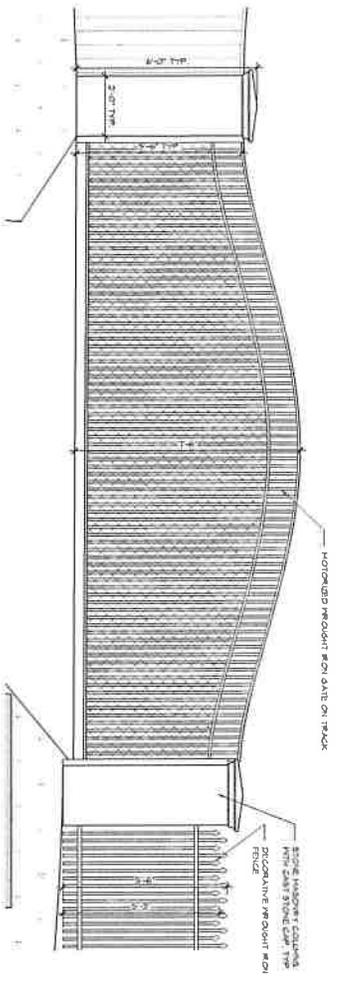
01 N. JANMAR DRIVE ELEVATION
SCALE: 1/8" = 1'-0"

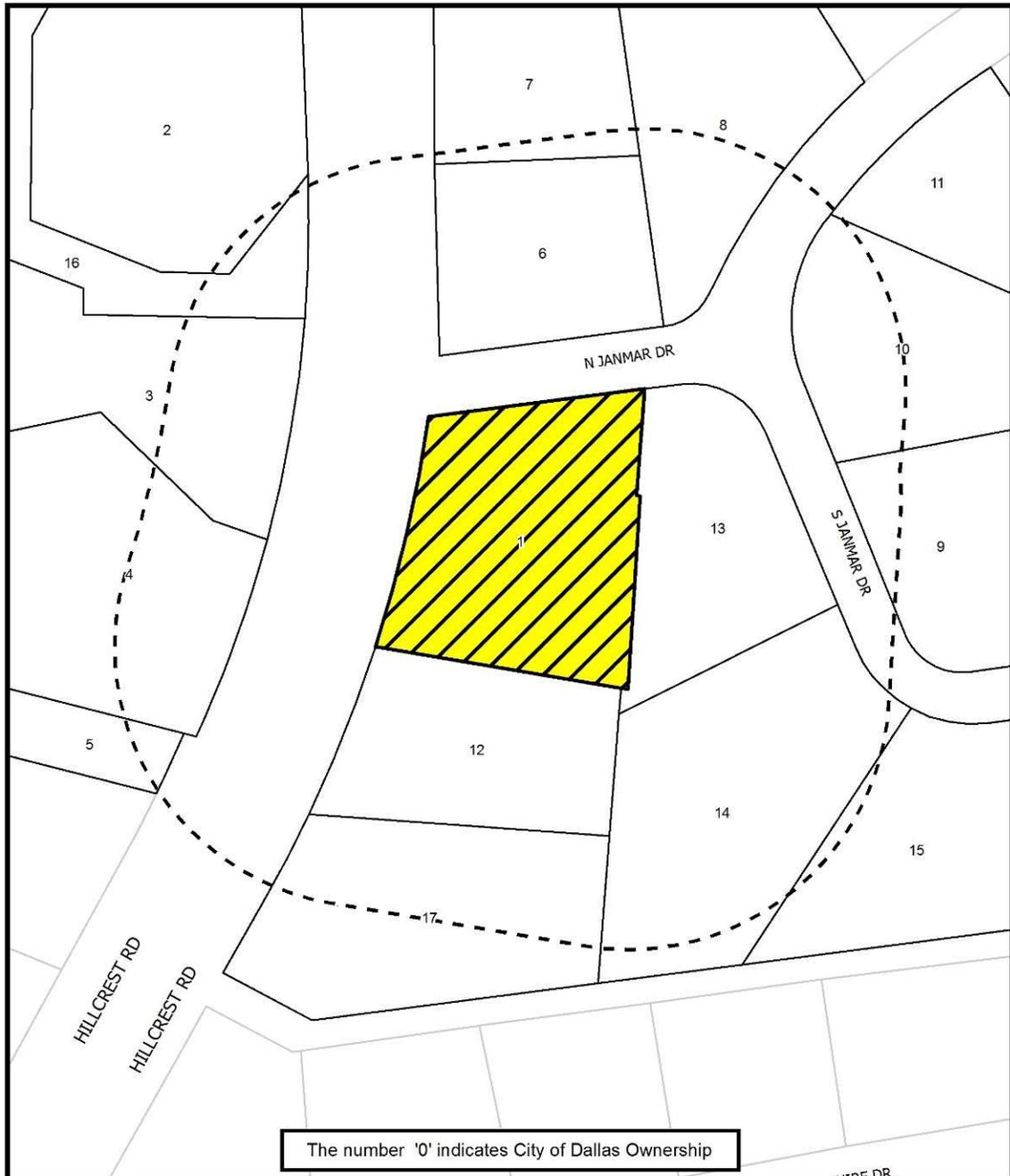


02 HILLCREST ROAD ELEVATION
SCALE: 1/8" = 1'-0"



03 ENLARGED GATE ELEVATION
SCALE: 1/2" = 1'-0"






 1:1,200

NOTIFICATION

200'	AREA OF NOTIFICATION
17	NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **BDA189-038**
 Date: **3/22/2019**

Notification List of Property Owners

BDA189-038

17 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	11534 HILLCREST RD	WHITE JAMES L III & KRISTY
2	11631 HILLCREST RD	HELMS JOHN D & THERESA L
3	11545 HILLCREST RD	CONARD SCOTT & SUSAN
4	11535 HILLCREST RD	KLEINMANN TAMMIE
5	11525 HILLCREST RD	LAZAR MARTIN L &
6	6919 N JANMAR DR	FARQUHARSON TYLER
7	11626 HILLCREST RD	GALINET DAVID BRUCE & TYLENE M
8	7011 N JANMAR DR	GRIFFITH CLARK W &
9	7027 S JANMAR DR	HENDERSON WILLIAM D ETAL
10	7006 N JANMAR DR	STAUB JAY & LYNN C
11	7014 N JANMAR DR	HOUGH SANDY
12	11524 HILLCREST RD	DURBIN DONNIE RAY &
13	7010 S JANMAR DR	TODD ANNE
14	7022 S JANMAR DR	PEREZ RICARDO TR LIF EST & PAMELA L TR LIFE EST
15	7030 S JANMAR DR	COHEN SANDRA
16	11616 WANDER LN	LJB SPRINGS LP
17	11514 HILLCREST RD	CHUANG ALEX & JEANIE

FILE NUMBER: BDA189-047(OA)

BUILDING OFFICIAL'S REPORT: Application of Michael Horowitz, represented by Kevin Plath, for special exceptions to the landscape and visual obstruction regulations at 4525 Lemmon Avenue. This property is more fully described as Pt of Lot 3, 4-7, Block C/2055, and is zoned PD 193 (O-2), which requires mandatory landscaping, a 45-foot visibility triangle at street intersections, and 20-foot visibility triangles at driveways and/or alley approaches. 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, and to locate and maintain items in required visibility triangles which will require special exceptions to the visual obstruction regulations.

LOCATION: 4525 Lemmon Avenue

APPLICANT: Michael Horowitz
Represented by Kevin Plath

REQUESTS:

The following requests have been made on a site that is developed with a three-story office structure/use:

1. a request for a special exception to the landscape regulations is made to remodel and add a four floor and to not fully meet the landscape regulations, more specifically, to not fully meet the required sidewalk dimensions and location, tree planting zones in the parkway, screening of off-street parking, landscape site area requirements, general planting, and special planting conditions;
2. a request for a special exception to the visual obstruction regulations is made to locate vehicles in parking spaces and to maintain portions of planting beds consisting of shrubs and seasonal colors in the 45' visibility triangle at the intersection of Lemmon Avenue and Hawthorne Avenue; and
3. a request for special exceptions to the visual obstruction regulations is made to maintain portions of a 6' high solid wood fence, locate vehicles in parking spaces, and maintain portions of planting beds consisting of shrubs and seasonal colors in the in the 20' visibility triangle at where the alley meets Hawthorne Avenue

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

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

STANDARD FOR A SPECIAL EXCEPTION TO THE VISUAL OBSTRUCTION REGULATIONS:

Section 51A-4.602(d) (3) of the Dallas Development Code states that the Board shall grant a special exception to the requirements of the visual obstruction regulations when, in the opinion of the Board, the item will not constitute a traffic hazard.

STAFF RECOMMENDATION (special exception to the landscape regulations):

Approval, subject to the following conditions:

1. Compliance with the submitted site plan is required.
2. The restoration of damaged or non-conforming sidewalks and infrastructure must be made to minimum city standards.
3. If any landscape element in the Hawthorne Avenue parkway is removed due to maintenance or death of a tree, the infrastructure must be restored to a safe condition.
4. Plant materials in approved locations that die over the course of time must be replaced with similar species as approved on this plan.

Rationale:

- The City of Dallas Chief Arborist recommends approval of the request with conditions listed above on the basis that any compliance efforts without a significant redesign of the parking conditions, and reduction of parking, would not be possible. The Chief Arborist states that the applicant has endeavored to provide the continuation of existing landscaping structure and plants along Hawthorne and to provide for new visual enhancement options to the Lemmon Avenue frontage not yet tried in the area, and that until conditions prevail for new development on this property and with an adjusted site layout, the Chief Arborist presumes the site does not compromise the spirit and intent of the ordinance where non-conforming sites for landscaping continue with long-standing authorized ground-level uses.

STAFF RECOMMENDATION (45' visibility triangle at the intersection of Lemmon Avenue and Hawthorne Avenue):

Approval, subject to the following condition:

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

Rationale:

- The Sustainable Development Department Senior Engineer has no objections to the requests.
- Staff concluded that requests for special exceptions to the visual obstruction regulations should be granted (with the suggested conditions imposed) because the items to be located in these visibility triangles do not constitute a traffic hazard.

STAFF RECOMMENDATION (20' visibility triangle at the alley and Hawthorne Avenue):

Denial:

Rationale:

- The Sustainable Development Department Senior Engineer recommends that this request be denied.
- Staff concluded that request for special exception to the visual obstruction regulations should be denied because the applicant had not substantiated how the items to be maintained in this visibility triangle does not constitute a traffic hazard.

BACKGROUND INFORMATION:

Site: PD 193 (O-2) (Planned Development, General Retail)
North: PD 193 (MF-2 & GR) (Planned Development, Multifamily & General Retail)
South: CD 16 (Conservation District)
East: PD 193 (GR) (Planned Development, General Retail)
West: PD 193 (MF-2) (Planned Development, Multifamily)

Land Use:

The following requests have been made on a site that is developed with a three-story office structure/use. The area to the north is developed with a public park and retail uses; the area to the west is developed with a public park; and the areas to the south and east are developed with retail uses and 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 (special exception to the landscape regulations):

- This request for a special exception to the landscape regulations focuses on remodeling and adding a four floor to an existing three-story structure on a site that is developed with an office structure/use, and not fully providing the required sidewalk dimensions and location, tree planting zones in the parkway, screening of off-street parking, landscape site area requirements, general planting, and special planting conditions.
- PD 193 states that the landscape, streetscape, screening, and fencing standards shall become applicable to uses (other than to single family and duplex uses in detached structures) on an individual lot when work is performed on the lot that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

- An alternate landscape plan has been submitted that does not fully meet landscape requirements including sidewalk dimensions and location, tree planting zones in the parkway, screening of off-street parking, and landscape site area requirements for 20% of the lot, including 60% of the required front yard.
- The City of Dallas Chief Arborist submitted a memo regarding the applicant's request (see Attachment A). The memo states how this request is triggered the enforcement of compliance with requirements of PD 193 zoning regulations.
- The Chief Arborist's memo states the following with regard to "request":
 - The applicant is requesting a special exception to the landscaping regulations of PD 193(O-2). In Part 1, Section 51P-193.126, landscaping requirements include sidewalk dimensions and location, tree planting zones in the parkway, screening of off-street parking, and landscape site area requirements for 20% of the lot, including 60% of the required front yard. General planting and special planting conditions also apply. The applicant must render evidence that the proposed alternate landscape plan does not compromise the spirit and intent of the ordinance.
- The Chief Arborist's memo states the following with regard to "provision":
 - The trigger for landscaping on the property in continued service since before PD 193 regulations is new story and height addition to the existing structure without expanding the horizontal lot coverage. The surface of the property is primarily used for vehicular parking and maneuvering with parking at grade beneath the main structure. The limited renovation and addition to the property will not allow the property to conform to basic landscape standards imposed by ordinance. Only a complete redesign of the property would likely provide the landscape space and parkway conditions to meet the basic PD 193 Part 1 requirements.
 - The new landscape plan will utilize existing landscaping along Hawthorne Avenue which is within the public right-of-way within an aging retaining wall structure and or at grade in a confined space adjacent to the property. Most screening provisions will be in the public right-of-way.
 - A primary visual element for the site will be a new perimeter fencing along Lemmon Avenue for security and visual enhancement. Evergreen shrubs and planting beds facing Lemmon Avenue will provide small areas of seasonal color, enhancement and screening.
 - The large oak tree at the corner at Hawthorne Avenue near Lemmon is requested to remain. The tree has the appearance of being healthy, but the tree is in a restricted space and is continuing to grow along and into the retaining wall. For the owner to retain the tree, they should attain affirmation by a professional arborist for the continued safe growth of the tree and determine whether the tree conflicts with safety concerns and code regulations for visual obstruction and height clearance above the street.
- The Chief Arborist's memo states the following with regard to deficiencies:
 - Under the proposed plan, the property will not comply with any provision of PD 193 Part 1 regulations, including sidewalks, tree planting zone and street trees, screening of off-street parking, and landscape site areas, with general planting or special planting areas.

- The Chief Arborist recommends conditional approval of the special exception on the basis that any compliance efforts without a significant redesign of the parking conditions, and reduction of parking, would not be possible. The Chief Arborist states that the applicant has endeavored to provide the continuation of existing landscaping structure and plants along Hawthorne and to provide for new visual enhancement options to the Lemmon Avenue frontage not yet tried in the area. Until conditions prevail for new development on this property and with an adjusted site layout, the Chief Arborist states he must presume the site does not compromise the spirit and intent of the ordinance where non-conforming sites for landscaping continue with long-standing authorized ground-level uses. The condition for the Chief Arborist’s support of this plan requires the following:
 - The restoration of damaged or non-conforming sidewalks and infrastructure must be made to minimum city standards. If any landscape element in the Hawthorne Avenue parkway is removed due to maintenance or death of a tree, the infrastructure must be restored to a safe condition. Plant materials in approved locations that die over the course of time must be replaced with similar species as approved on this plan.
- The applicant has the burden of proof in establishing the following:
 - The special exception (where the applicant seeks a special exception to the landscape requirements related to street trees, sidewalks, and irrigation) will not compromise the spirit and intent of Section 51P-193-126: Landscape, streetscape, screening, and fencing standards”.
- If the Board were to grant this request and impose the submitted alternate landscape plan as a condition, the site would be granted an exception from full compliance to the requirements of sidewalk dimensions and location, tree planting zones in the parkway, screening of off-street parking, landscape site area requirements, general planting, and special planting conditions of the PD 193 landscape ordinance. Additionally, the applicant would be held to the meeting the other conditions suggested by staff if the Board were to impose these conditions as part of this request.

GENERAL FACTS/STAFF ANALYSIS (45’ visibility triangle at the intersection of Lemmon Avenue and Hawthorne Avenue):

- This request for special exception to the visual obstruction regulations focuses on locating vehicles in parking spaces and maintaining portions of planting beds consisting of shrubs and seasonal colors in the 45’ visibility triangle at the intersection of Lemmon Avenue and Hawthorne Avenue on a site that is developed with a three-story office structure/use.
- Section 51A-4.602(d) of the Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20-foot visibility triangles at drive approaches and at alleys on properties zoned PD 193 (O-2)); and

- between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The subject site is zoned PD 193 (O-2) which requires a 45-foot visibility triangle at the intersection of two streets.
- A site plan and elevation have been submitted indicating portions of planting beds consisting of shrubs and seasonal colors, and portions of parking spaces located in the 45' visibility triangle at the intersection of Lemmon Avenue and Hawthorne Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "Has no objections to an exception to the visibility triangle at the intersection of Lemmon Avenue and Hawthorne; the request would effectively respect a 30 x 30 triangle".
- The applicant has the burden of proof in establishing how granting this request to maintain portions of parking spaces and placing and maintaining portions of planting beds consisting of shrubs and seasonal colors in the 45' visibility triangle at the intersection of Lemmon Avenue and Hawthorne Avenue does not constitute a traffic hazard.
- Granting this request with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the item to be maintained and located and maintain in the 45' intersection visibility triangle to that what is shown on this document –portions of planting beds consisting of shrubs and seasonal colors, and vehicles in parking spaces.

GENERAL FACTS/STAFF ANALYSIS (visual obstruction special exception alley):

- This request for special exceptions to the visual obstruction regulations focus on maintaining portions of a 6' high solid wood fence, portions of parking spaces, and to place and maintain, portions of planting beds consisting of shrubs and seasonal colors in the in the 20' visibility triangle at where the alley meets Hawthorne Avenue on a site that is developed with a three-story office structure/use.
- The Dallas Development Code states the following: a person shall not erect, place, or maintain a structure, berm, plant life or any other item on a lot if the item is:
 - in a visibility triangle as defined in the Code (45-foot visibility triangles at street intersections, and 20-foot visibility triangles at drive approaches and at alleys on properties zoned PD 193 (O-2)); and
 - between two and a half and eight feet in height measured from the top of the adjacent street curb (or the grade of the portion on the street adjacent to the visibility triangle).
- The applicant submitted site plan and elevation indicating portions of a 6' high solid wood fence portions of two parking spaces and portions of planting beds consisting of shrubs and seasonal colors located in the 20' visibility triangles at where the alley meets Hawthorne Avenue.
- The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked "recommends denial of the proposed exception to the visibility triangle at the intersection of Hawthorne with the public alley".

- The applicant has the burden of proof in establishing how granting this request for special exceptions to the visual obstruction regulations to maintain portions of a 6' high solid wood fence, portions of planting beds consisting of shrubs an seasonal colors, and portions of two parking spaces in the 20' visibility triangle at where the alley meets Hawthorne Avenue does not constitute a traffic hazard.
- Granting these requests with a condition imposed that the applicant complies with the submitted site plan and elevation would limit the items maintained and located and maintain in 20' visibility triangles at where the alley meets Hawthorne Avenue to that what is shown on this document – portions of a 6' high solid wood fence, portions of planting beds consisting of shrubs an seasonal colors, and vehicles in parking spaces.

Timeline:

February 22, 2019: The applicant submitted an “Application/Appeal to the Board of Adjustment” and related documents which have been included as part of this case report.

March 11, 2019: The Board of Adjustment Secretary randomly assigned this case to Board of Adjustment Panel C.

March 13, 2019: The Board Administrator emailed the applicant’s representative the following information:

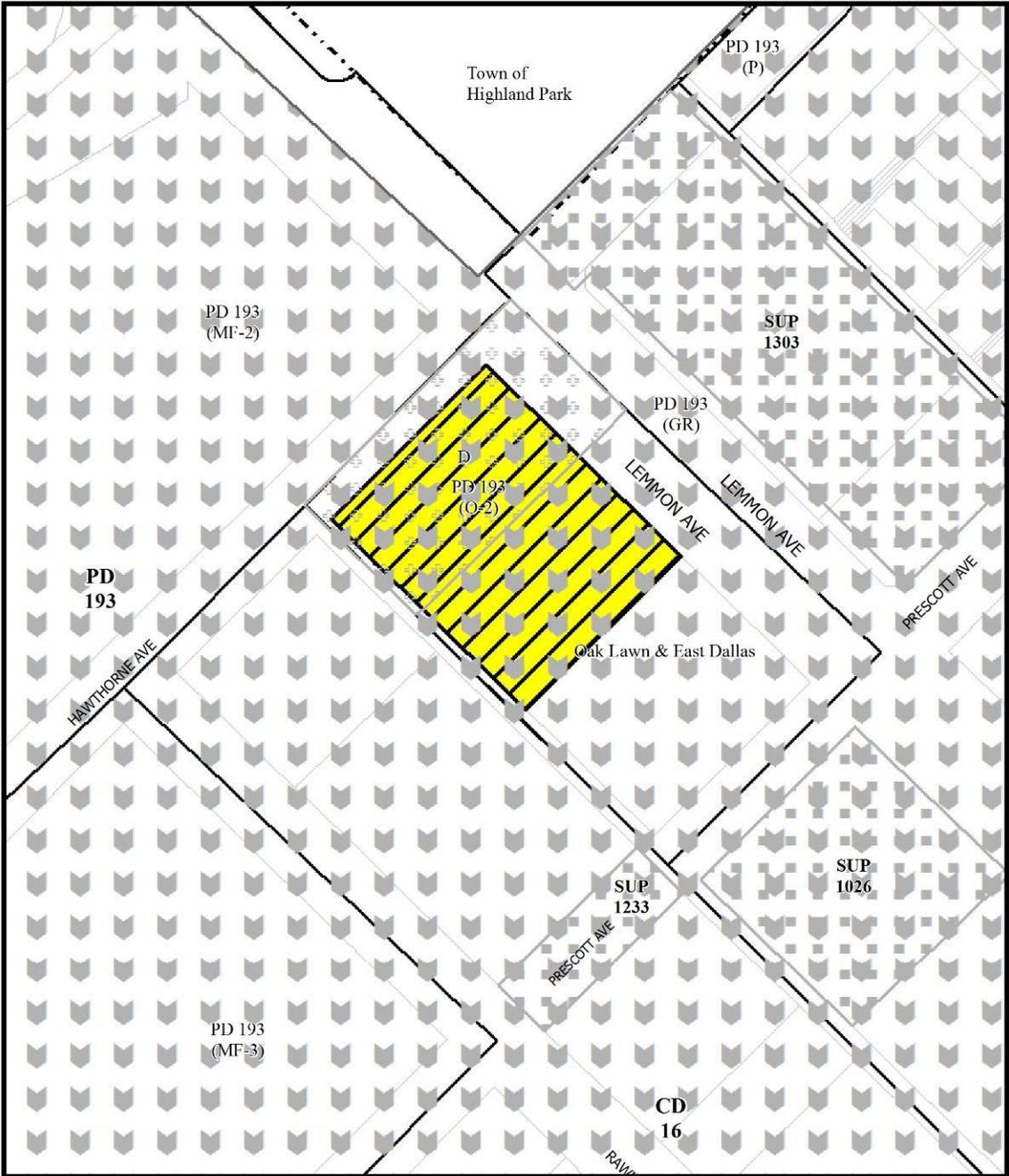
- an attachment that provided the public hearing date and panel that will consider the application; the March 27th deadline to submit additional evidence for staff to factor into their analysis; and the April 15th deadline to submit additional evidence to be incorporated into the Board’s docket materials;
- 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.

April 2, 2019: The Board of Adjustment staff review team meeting was held regarding this request and the others scheduled for the April public hearings. Review team members in attendance included: the Sustainable Development and Construction Assistant Director, the Building Official, the Assistant Building Official, the Board of Adjustment Chief Planner/Board Administrator, the Chief Arborist, the Building Inspection Senior Plans Examiner/Development Code Specialist, the Sustainable Development and Construction Senior Engineer, the Sustainable Development and Construction Department Board of Adjustment Senior Planner, and the Assistant City Attorney to the Board.

April 4, 2019: The Sustainable Development Department Senior Engineer has submitted a review comment sheet marked “Has no objections to an exception to the visibility triangle at the intersection of Lemmon

Avenue and Hawthorne; the request would effectively respect a 30 x 30 triangle and recommends denial of the proposed exception to the visibility triangle at the intersection of Hawthorne with the public alley”.

April 5, 2017: The City of Dallas Chief Arborist submitted a memo regarding this application (see Attachment A).

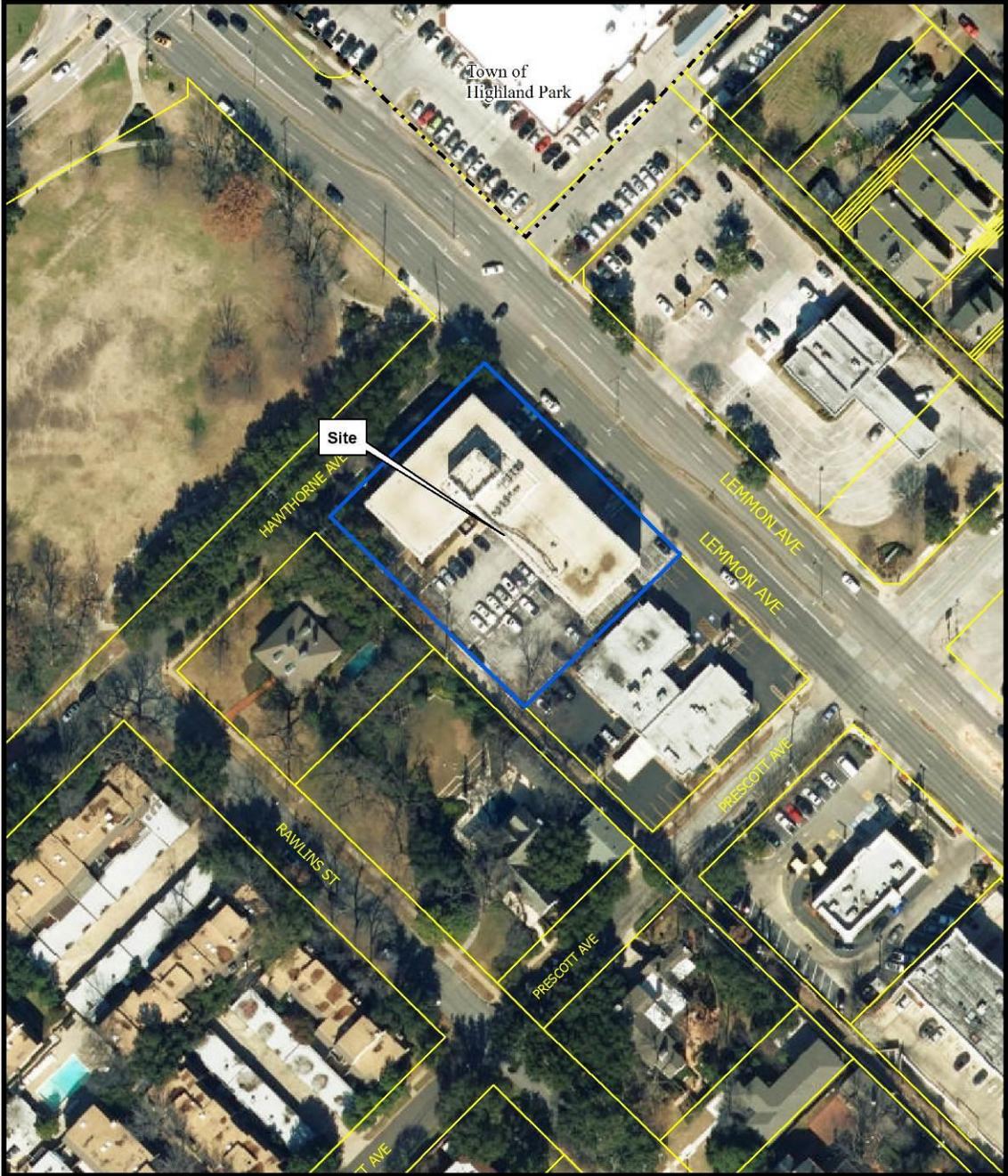


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ZONING MAP

Case no: BDA189-047

Date: 3/22/2019



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AERIAL MAP

Case no: BDA189-047

Date: 3/22/2019

Memorandum



Date April 5, 2019
To Oscar Aguilera, Board Administrator
Subject BDA #189-047 4525 Lemmon Avenue Arborist report

Request

The applicant is requesting a special exception to the landscaping regulations of PD 193(O-2). In Part 1, Section 51P-193.126, landscaping requirements include sidewalk dimensions and location, tree planting zones in the parkway, screening of off-street parking, and landscape site area requirements for 20% of the lot, including 60% of the required front yard. General planting and special planting conditions also apply. The applicant must render evidence that the proposed alternate landscape plan does not compromise the spirit and intent of the ordinance.

Provision

- The trigger for landscaping on the property in continued service since before PD 193 regulations is new story and height addition to the existing structure without expanding the horizontal lot coverage. The surface of the property is primarily used for vehicular parking and maneuvering with parking at grade beneath the main structure. The limited renovation and addition to the property will not allow the property to conform to basic landscape standards imposed by ordinance. Only a complete redesign of the property would likely provide the landscape space and parkway conditions to meet the basic PD 193 Part 1 requirements.
- The new landscape plan will utilize existing landscaping along Hawthorne Avenue which is within the public right-of-way within an aging retaining wall structure and or at grade in a confined space adjacent to the property. Most screening provisions will be in the public right-of-way.
- A primary visual element for the site will be a new perimeter fencing along Lemmon Avenue for security and visual enhancement. Evergreen shrubs and planting beds facing Lemmon Avenue will provide small areas of seasonal color, enhancement and screening.
- The large oak tree at the corner at Hawthorne Avenue near Lemmon is requested to remain. The tree has the appearance of being healthy, but the tree is in a restricted space and is continuing to grow along and into the retaining wall. For the owner to retain the tree, they should attain affirmation by a professional arborist for the continued safe growth of the tree and determine whether the tree conflicts with safety concerns and code regulations for visual obstruction and height clearance above the street.

Deficiency

- Under the proposed plan, the property will not comply with any provision of PD 193 Part 1 regulations, including sidewalks, tree planting zone and street trees, screening of off-street parking, and landscape site areas, with general planting or special planting areas.

Recommendation

The chief arborist recommends conditional approval of the special exception on the basis that any compliance efforts without a significant redesign of the parking conditions, and reduction of parking, would not be possible. The applicant has endeavored to provide the continuation of existing landscaping structure and plants along Hawthorne and to provide for new visual enhancement options to the Lemmon Avenue frontage not yet tried in the area. Until conditions prevail for new development on this property and with an adjusted site layout, I must presume the site does not compromise the spirit and intent of the ordinance where non-conforming sites for landscaping continue with long-standing authorized ground-level uses.

The condition for the arborist's support of this plan requires the following:

- The restoration of damaged or non-conforming sidewalks and infrastructure must be made to minimum city standards. If any landscape element in the Hawthorne Avenue parkway is removed due to maintenance or death of a tree, the infrastructure must be restored to a safe condition. Plant materials in approved locations that die over the course of time must be replaced with similar species as approved on this plan.

Philip Erwin
Chief Arborist
Building Inspection



City of Dallas

APPLICATION/APPEAL TO THE BOARD OF ADJUSTMENT

Case No.: BDA 189-047

Date: 2/22/19

Data Relative to Subject Property:

Location address: 4525 Lemmon Avenue, Dallas, TX 75219 Zoning District: PD-193, O-2 Subdistrict

Lot No.: 12.5 ft of Lot 3 & Lots 4-7 Block No.: C/2055 Acreage: 0.829 Census Tract: 6.03

Street Frontage (in Feet): 1) 212' - 7" 2) 170' - 0" 3) 4) 5) *KP 02/22/19*

To the Honorable Board of Adjustment :

Owner of Property (per Warranty Deed): Windward Partners VII LP

Applicant: Michael Horowitz Telephone: (214) 521-8323

Mailing Address: 2100 McKinney Ave, Ste 1450, Dallas, TX Zip Code: 75201

E-mail Address: mhorowitz@oxcapital.com

Represented by: Kevin Plath Telephone: (214) 283-8842

Mailing Address: 2218 Bryan St, Suite 200, Dallas, TX Zip Code: 75201

E-mail Address: kevin.plath@perkinswill.com

Affirm that an appeal has been made for a Variance ~~X~~, or Special Exception X, of
Landscape percentage and setback/buffer reduction, Sidewalk Location/Width, Parking Demand Reduction, Variance to
Off Street Parking Requirements, Visibility Triangle Obstruction/Reduction, Fence Height/Fence Material Exception. *KP 02/22/19*

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:

Existing building constructed in 1960's. Both Lemmon Ave and Hawthorne Ave added lanes, reducing sidewalk width/buffers between the street and our property line. ~~With existing conditions, the maximum achievable parking requires a 10% reduction for a total of 98 spaces (39,524 sq-ft at 1/366sf requires 108 spaces).~~ This also requires the landscape percentage/setbacks/buffers to be ~~waived, otherwise 34 total spaces will have to be removed from the site (32% reduction).~~ Variance is required for access from the existing alley and having parking located within 20' of the right-of-way. Exception to reduce visibility triangle at Hawthorne and Lemmon from 45' to 30'. Exception to reduce visibility triangle at Alley drive to 15'. ~~Exception for fence along property line at Lemmon Ave intended to provide site security (height, material, and open percentage for visual surveillance).~~ ~~Exception to remove visual barrier requirement at north most access drive from Alley.~~

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.

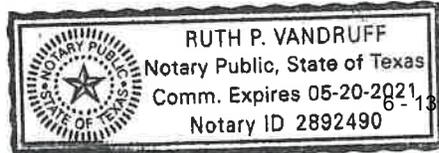
Affidavit

Before me the undersigned on this day personally appeared Michael R. Horowitz
(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 February, 2019



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

MEMORANDUM OF
ACTION TAKEN BY THE
BOARD OF ADJUSTMENT

Date of Hearing _____

Appeal was--Granted OR Denied

Remarks _____

Chairman

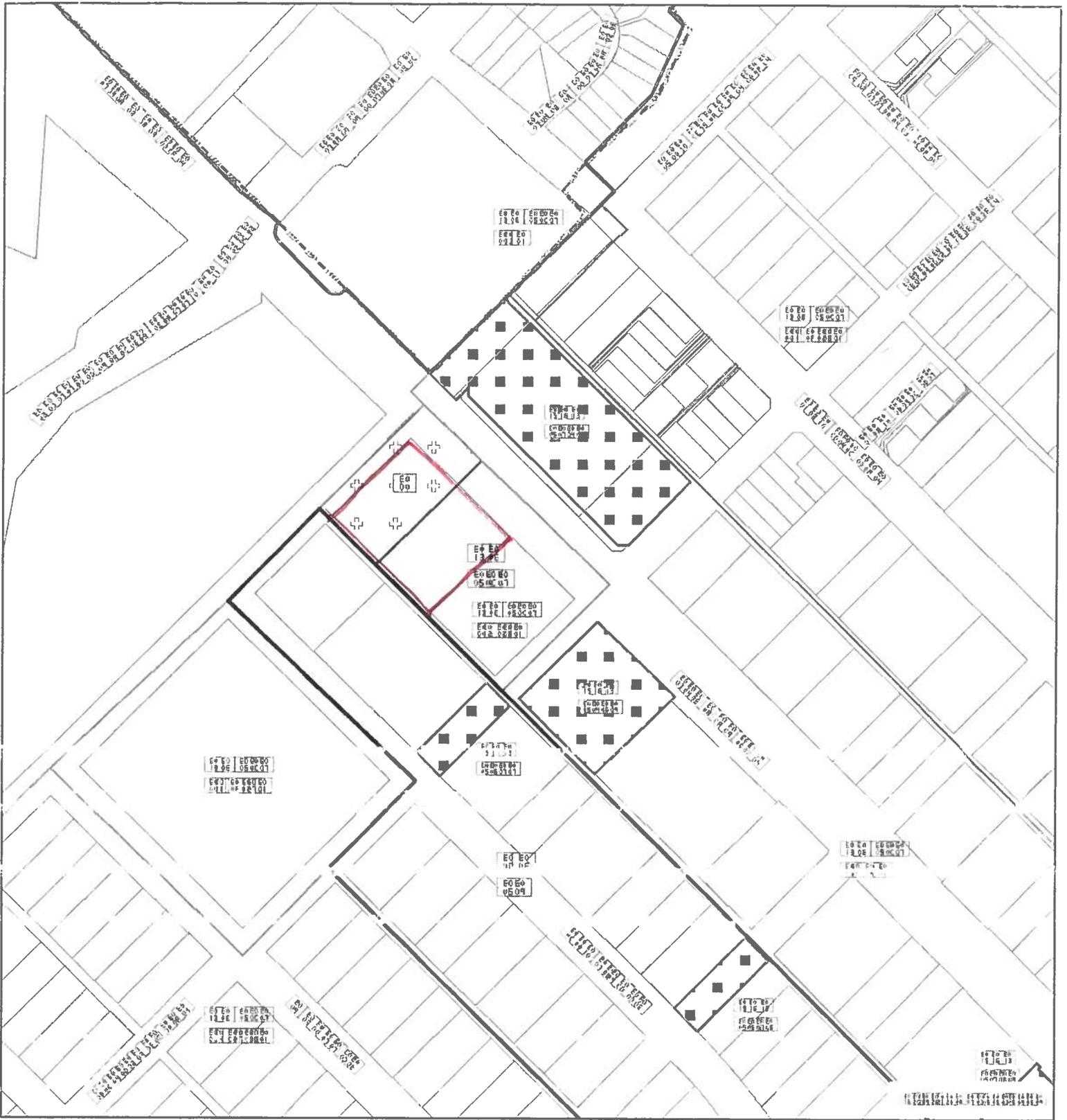
Building Official's Report

I hereby certify that Michael Horowitz
represented by Kevin Plath
did submit a request for a special exception to the landscaping regulations, and for a special
exception to the visibility obstruction regulations, and for a special exception
to the visibility obstruction regulations
at 4525 Lemmon Ave

BDA189-047. Application of Michael Horowitz represented by Kevin Plath for a special exception to the landscaping regulations, and for a special exception to the visibility obstruction regulations, and for a special exception to the visibility obstruction regulations, at 4525 LEMMON AVE. This property is more fully described as Pt of Lot 3,4-7, Block C/2055, and is zoned PD-193 (O-2), which requires a 20 foot visibility triangle at driveway and alley approaches and requires a 45 foot visibility triangle at street intersections and requires mandatory landscaping. The applicant proposes to construct and maintain a nonresidential structure and provide an alternate landscape plan, which will require a special exception to the landscape regulations, and to construct and maintain a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations, and to construct and maintain a nonresidential structure in a required visibility obstruction triangle, which will require a special exception to the visibility obstruction regulations.

Sincerely,

Philip Sikes
Philip Sikes, Building Official



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NO.	DESCRIPTION	UNIT	QTY	REMARKS
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PERRY HEIGHTS

PROPERTY OF PERRY HEIGHTS

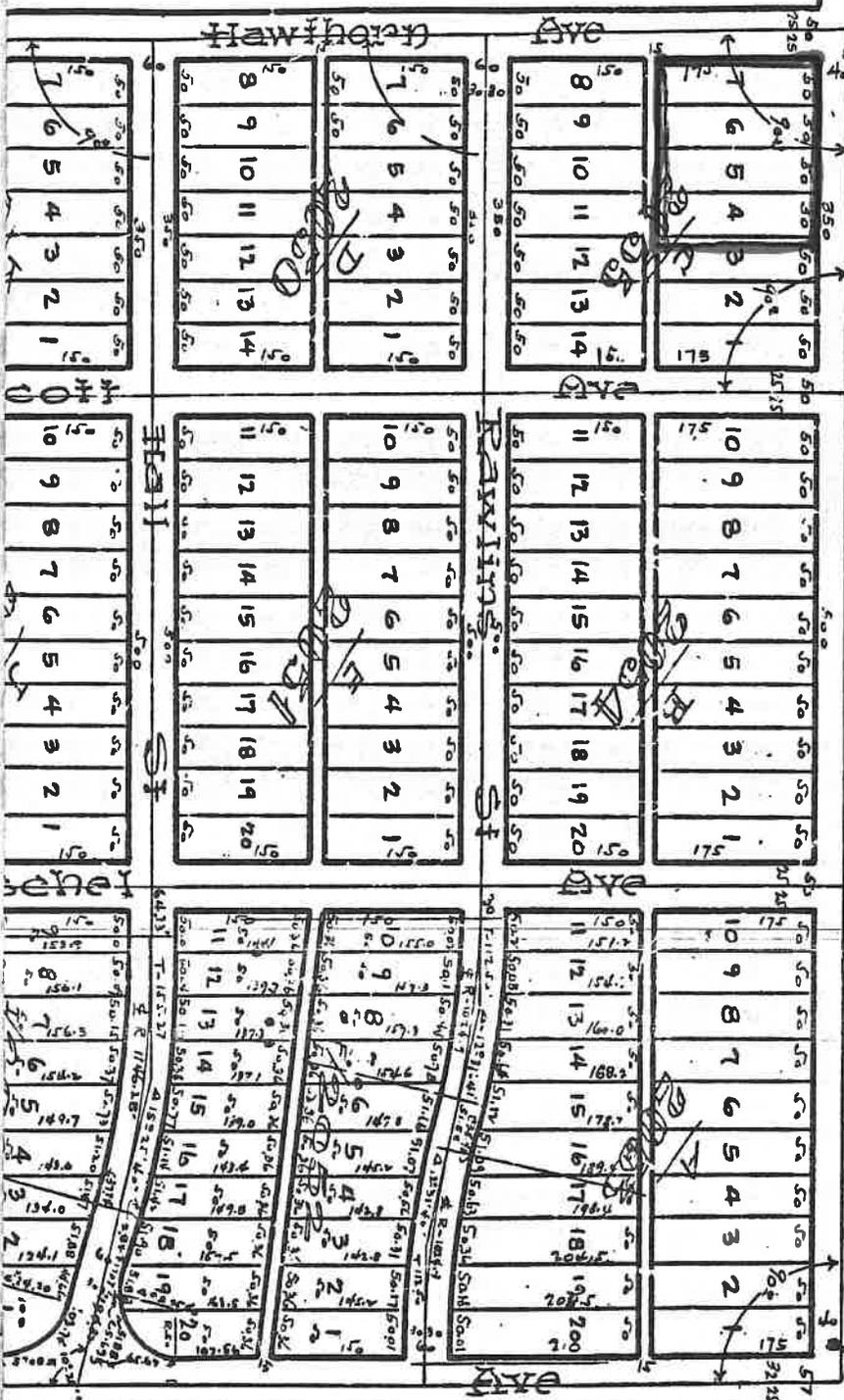
RECEIVED & DORES

EXCLUSIVE AGENTS

Scale 100ft-1 inch
June 21 1922

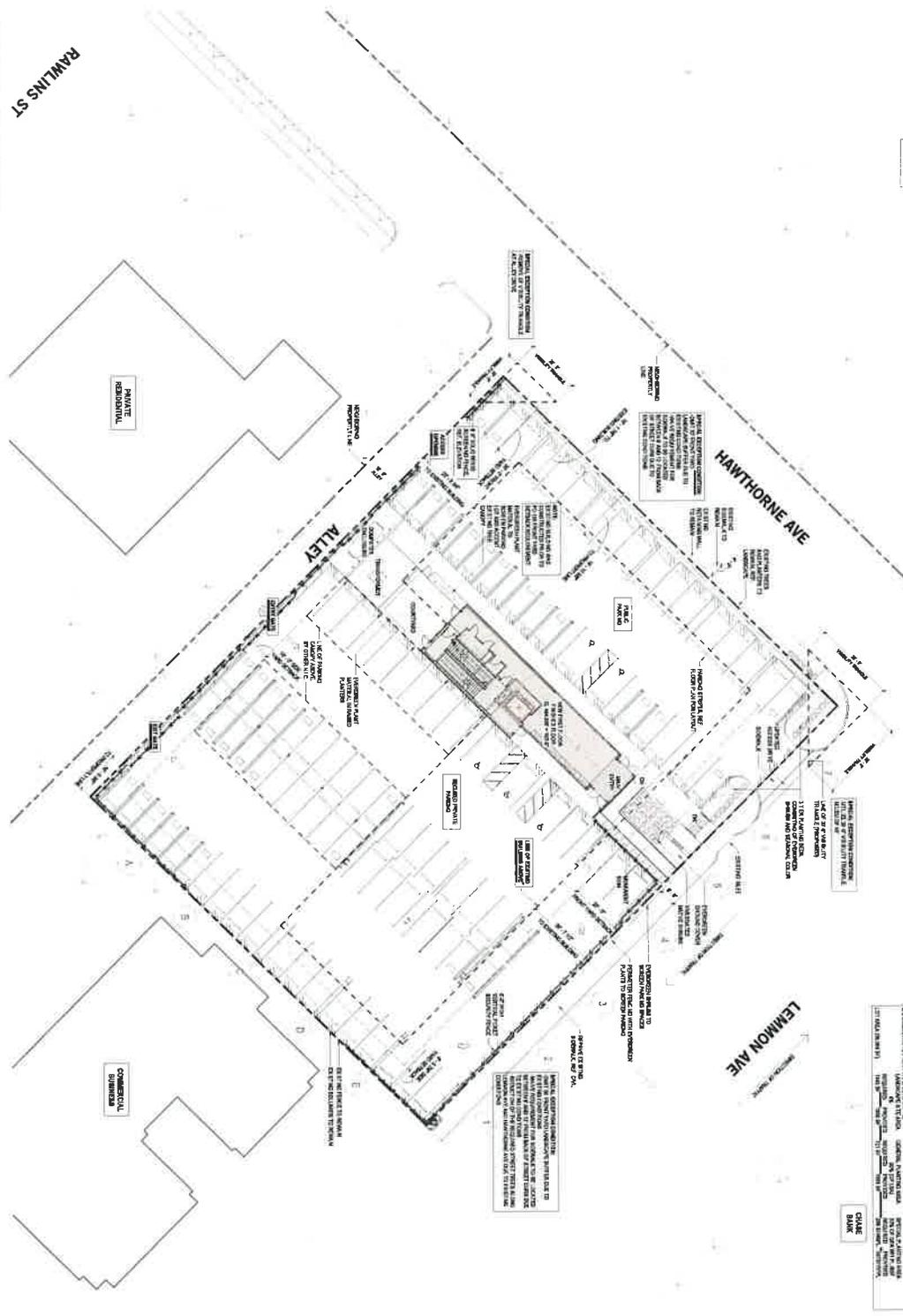
LEMMING

AVE



GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE (IPC).
 2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE LOCAL BUILDING DEPARTMENT.
 3. ALL UTILITIES SHALL BE LOCATED AND DEPTH NOTED PRIOR TO CONSTRUCTION.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE (IPC).
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 6. ALL UTILITIES SHALL BE LOCATED AND DEPTH NOTED PRIOR TO CONSTRUCTION.



1 ARCHITECTURAL SITE PLAN



ARCHITECTURAL SITE GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE (IPC).
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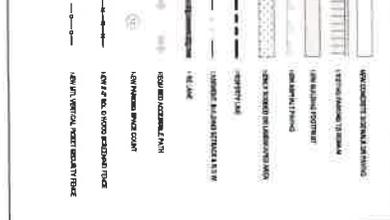
PARKING SPACES PROVIDED

TYPE	QUANTITY
STANDARD	100
COMPACT	50
TOTAL	150

PARKING SPACES REQUIRED

TYPE	QUANTITY
STANDARD	120
COMPACT	60
TOTAL	180

ARCHITECTURAL SITE PLAN LEGEND



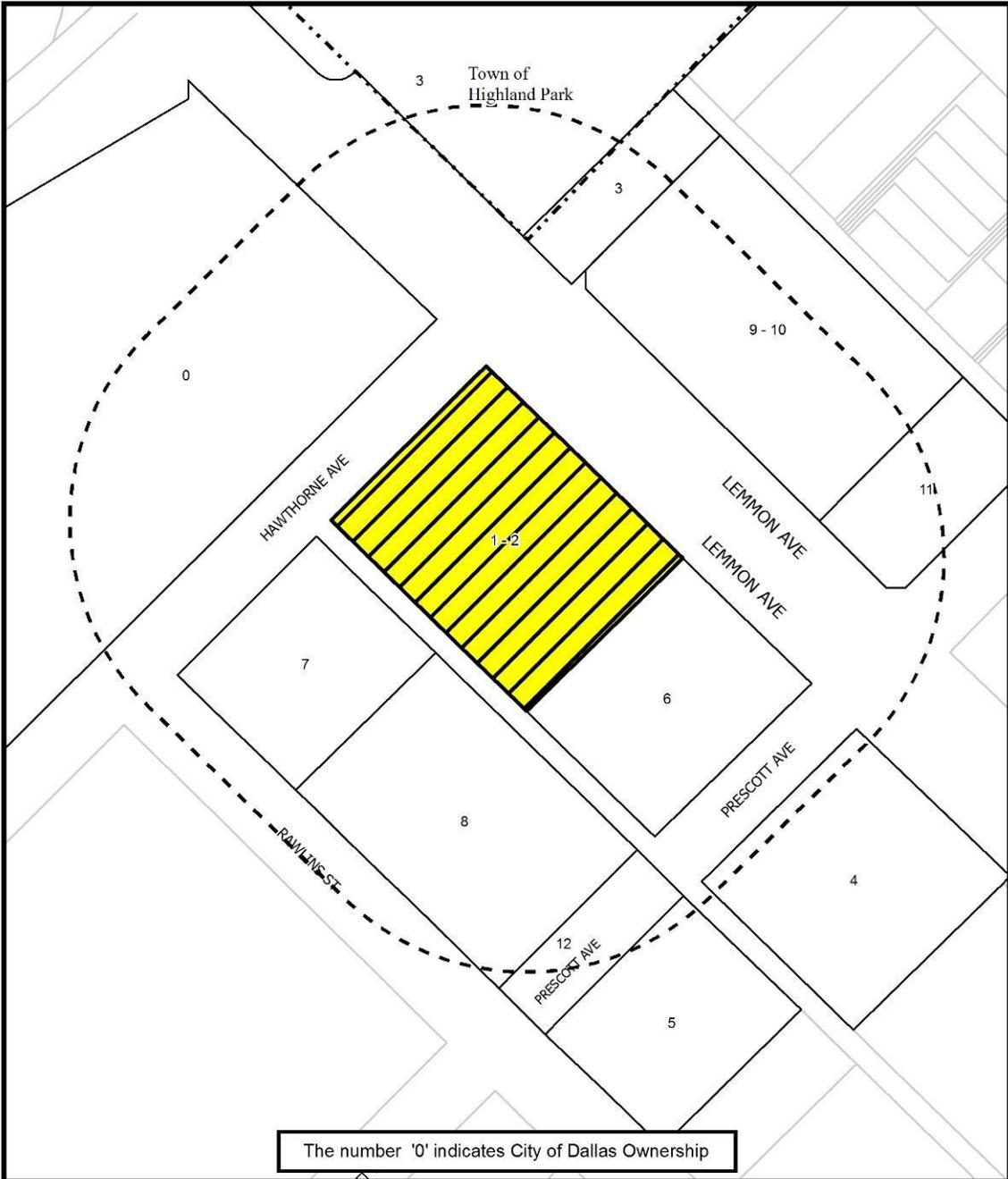
PERKINS + WILL
 100 N. LAKE ST. SUITE 2000
 CHICAGO, IL 60601
 TEL: 312.344.4000
 WWW.PWILL.COM

PROJECT
 4925 LEMMON AVENUE
 DALLAS, TX 75206

WINDWARD PARTNERS VIL, LP
 2100 MONROE AVE. SUITE 1800
 DALLAS, TX 75201

DATE CHART
 11/15/2018

ARCHITECTURAL SITE PLAN
 SHEET NUMBER
 A01-01



 1:1,200	NOTIFICATION	Case no: BDA189-047			
	<table border="1"> <tr> <td style="text-align: center;">200'</td> <td>AREA OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">12</td> <td>NUMBER OF PROPERTY OWNERS NOTIFIED</td> </tr> </table>	200'	AREA OF NOTIFICATION	12	NUMBER OF PROPERTY OWNERS NOTIFIED
200'	AREA OF NOTIFICATION				
12	NUMBER OF PROPERTY OWNERS NOTIFIED				

Notification List of Property Owners

BDA189-047

12 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4525 LEMMON AVE	WINDWARD PARTNERS VII LP
2	4525 LEMMON AVE	PASTORAL COUNSELING &
3	4532 LEMMON AVE	MEADOW LOMO ALTO PPTIES LP
4	4439 LEMMON AVE	FRANCHISE REALTY
5	4434 RAWLINS ST	SANDERS EMIL LEE
6	4501 LEMMON AVE	CATSEYE INVESTMENTS LP
7	4524 RAWLINS ST	NELSON LOUIS DANIEL JR &
8	4502 RAWLINS ST	WAGNER JAMES DAVID
9	4512 LEMMON AVE	MEADOW LOMO ALTO PPTIES LP
10	4512 LEMMON AVE	BANK ONE
11	4512 LEMMON AVE	PALMER ADELAIDE GRACE
12	4500 RAWLINS ST	PERRY HTS NEIGHBORHOOD